

9 October 2007

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**MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 9 OCTOBER 2007, COMMENCING AT 6.35 PM.**

**PART III**

**T104.5**     **Sewell Street No 38 (Lot 531)**  
**Applicant & Owner: Bruce Beattie**  
**Application No. P11/07**  
By Chris Warrener, Town Planner on 4 October 2007

**BACKGROUND**

**Description of Proposal**

An Application for Planning Approval for single storey additions to the property at 38 Sewell Street comprising 2 shops (one an extension to an existing corner shop), and a renovated weatherboard and iron cottage for residential use.

**Statutory Requirements**

Town Planning Scheme No. 3 – George Street Mixed Use zone  
Local Planning Strategy – Plympton Precinct (LPS)  
Residential Design Codes (RDC)

**Documentation**

Plans and relevant forms date stamp received on 28 August 2007

**Date Application Received**

28 August 2007

**Advertising**

Adjoining landowners and sign on site

**Date Advertised**

3 September 2007

**Close of Comment Period**

18 September 2007

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

42 days

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

1899 - 1922	Used as a draper's shop;
1922 – 1939	Used as a fruit shop;
1939 -	Vacant;
17 November 1975	Council decides to advise the owner that the property is zoned residential but "you will be permitted to continue the present occupation of Shoe Repair Shop as a non-conforming use";
21 September 1981	Council approves a change of use from 'bootmaker' to 'craft shop'
13 December 1982	Council approves the erection of two plywood signs over the shop windows facing George Street and Sewell Street;
21 April 1986	Council agrees to a second hand/bric-a-brac business under the authority of Amendment No. 4, TPS 2;
17 November 1986	Council receives letter from D. Mazarakis advising that " <i>the shop which was rented for second hand furniture dealing has now been vacated. The shop will now be rented for Craft Supply and Gift lines</i> ";

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21 July 1992	Council approves a change of non-conforming use from craft/gift shop to the display and sale of art works consisting of prints and paintings;
20 August 1992	Building Licence issued for awnings (canopies) above the door and two windows of the shop;
27 August 1992	Building Surveyor grants approval for a 130 X 130 wooden sign above the door entry;
20 April 1995	Council grants approval for a fashion design studio and showroom;
20 March 2007	Council defers its decision for a mixed use development to allow the applicant further opportunity to consider design matters and comments made by the Town Planning Advisory Panel;
16 May 2007	Licence 07/87 issued for scaffolding on the footpath to repair the baluster on the front and side elevation, restore parapets, facades and walls of existing dwelling & corner shop building.

**CONSULTATION**

**Town Planning Advisory Panel Comments**

This application was considered by the Town Planning Advisory Panel at its meeting held on 25 September 2007 and the following comments were made:

- looks good
- reinstate original verandah on corner facing intersection
- modest
- good use of George Street frontage
- clarification of roof pitch on new portion

**Other Agency**

Heritage Council of WA

**Public Submissions**

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

**Site Inspection**

By Town Planner on 31 August 2007

**REPORT**

**Issues**

*Land Use*

The application if implemented will result in the complete refurbishment of a small residential cottage (the exterior works to the cottage are complete), and extensions to the existing corner shop to enlarge its floor area, and to include an additional shop comprising net lettable areas of 49m<sup>2</sup>, and 68.7m<sup>2</sup>.

The property is in the George Street Mixed Use zone and the proposed redevelopment of the site is for uses that are allowed in the zone. The residential use of the small cottage is a "P" use and the shops are an "A" use, which *"means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4"*. (TPS 3)

*Car Parking*

The application proposes 4 tandem on-site car parking spaces, and there are 2 kerbside spaces in George Street adjacent to the property.

Under TPS 3 and the RDC 1 on-site space is required to be provided for the single bedroom cottage, and 8 spaces are required to be provided for the 2 shops.

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A total of 9 on-site parking spaces are required for this development therefore there is a shortfall of 5 spaces.

*Heritage*

38 Sewell Street is on the Heritage List under TPS 3, and has an A+ rating in the Draft MI.

**Discussion**

Land Use

The proposal is for development that is consistent with the objectives for development in the George Street Mixed Use zone.

Heritage

The application was referred to the Heritage Council for comment; it supports the application subject to *“the new shops being constructed in materials consistent with the material palette of George Street (ie stone, brick and render).”*

The application proposes to restore and retain the two heritage buildings on the site comprising the corner shop and the small cottage, and to construct single storey additions comprising an extension to the existing shop and an additional shop, associated amenities, and parking.

The applicant commissioned a Heritage Assessment including a Structural Engineer’s report dated March 2007, and submitted a Heritage Impact Statement with this application.

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The Heritage Assessment states:

*"10. Statement of Significance*

*38 Sewell Street East Fremantle is a single storied masonry walled iron roofed former shop with a single storey stud framed residence with a corrugated iron roof attached on the north side and two detached water closets, has significance for the following reasons;*

- *The place is important to the community for its aesthetic characteristics including the mouldings, the balustraded parapet and cornice with dentils, imparting the richness of the Federation Free Classical architectural style.*
- *The shop and residence are significant as part of the residential and commercial development of the historic precinct.*
- *The place is important for its association with the Pearse family who developed the precinct early in the Twentieth Century.*

*Not included in the assessment are the sheds and the outbuildings and the attached framed lean-to additions. It is recommended that a careful record of the brick toilets be made if their demolition is contemplated."*

The Heritage Impact Statement concludes:

*"Conclusion*

*The new development will not affect the heritage values of the place or the heritage precinct and will enhance the amenity of the area by providing new shops which are in harmony with the architecture and ambience of the precinct."*

Car Parking

There are 2 immediately adjacent kerb-side parking spaces.

In the past 12 months Council has determined applications for "Hubble's Yard", a Day Spa and Shop, and Consulting Rooms, which all suffered a shortfall of on-site car parking.

Council exercised discretion to approve the applications without the requirement for the requisite car parking.

More recently the applications for the Day Spa and Shop, and the Consulting Rooms attracted a condition requiring the provision of bicycle parking.

This was a consideration in light of TPS 3 clause 10.2 (u), which states:

*"10.2. Matters to be considered by local government*

*The local government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development the subject of the application —*

- (u) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);"*

While purpose built facilities are not presently provided for cyclists at 38 Sewell Street this report recommends their provision as a condition of approval.

Again, in this particular case there is a parking shortfall as the application does not provide parking in accordance with Schedule 11 therefore Council's discretion is required to be exercised to allow the development.

The following provision under TPS 3 empowers Council to permit a variation to a site or development standard subject to certain conditions:

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*"5.6 Variations to site and development standards and requirements*

- 5.6.1. *Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.*
- 5.6.2. *In considering an application for planning approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to —*
- (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 9.4; and*
  - (b) have regard to any expressed views prior to making its determination to grant the variation.*
- 5.6.3. *The power conferred by this clause may only be exercised if the local government is satisfied that —*
- (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and*
  - (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality."*

Being on Council's Heritage List the property is also able to be assessed having regard to clause 7.5, which states:

- 7.5. *Variations to Scheme provisions for a heritage place or heritage area*  
*Where desirable to —*
- (a) facilitate the conservation of a heritage place entered in the Register of Places under the Heritage of Western Australia Act 1990 or listed in the Heritage List under clause 7.1.1; or*
  - (b) enhance or preserve heritage values in a heritage area designated under clause 7.2.1, the local government may vary any site or development requirement specified in the Scheme or the Residential Design Codes by following the procedures set out in clause 5.6.2.*

In regard to sub-clauses 5.6.1 and 5.6.2 the identified parking shortfall was considered to potentially primarily impact on the adjoining properties, and the immediate locality, so the adjoining property owners were invited to comment, and a sign was placed on site.

There are no submissions.

In regard to sub-clause 5.6.3 the further criteria listed under clause 10.2 considered relevant to this application are:

- (a) the aims, objectives and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area (including the Metropolitan Region Scheme);

*The property is in the George Street Mixed Use zone and the application is for mixed use development consistent with the aims, objectives and provisions of the Scheme.*

- (j) the compatibility of a use or development with its setting;

*and*

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- (o) the preservation of the amenity of the locality;

*Presently the major portion of the property at the rear next to George Street is in an unkempt, and untidy state, and with barrier fencing adjacent to George Street is considered very unattractive.*

*The proposal is for development considered to substantially improve the appearance of the property with positive impacts on the general amenity of George Street.*

*The additions will result in development that is compatible with the setting of the subject property and property nearby in the George Street Mixed Use zone, and the adjacent Residential zone.*

- (q) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;

*There is immediately adjacent on street parking available, and the application proposes 4 on-site car spaces for the residence, and for the shops.*

- (r) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;

*The shops and residence will not generate any more traffic than would otherwise be generated by uses nearby in George Street.*

- (s) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;

*The subject property is situated walking distance from the nearest bus stop on Canning Highway.*

- (zb) any other planning consideration the local government considers relevant;

See "Options" below.

**Options**

In lieu of the 5 space parking shortfall it is recommended that Council consider the following options, noting that (a), (c) & (d) (b is a variation of a) are exactly as provided for in the relevant TPS No. 3 provisions.

- (a) Accept the shortfall;

*TPS 3 sub-clause 5.8.7 states:*

*5.8.7 On-Street Parking: The local government may accept immediately adjacent on-street car parking as satisfying part or all of the car parking requirements for development, provided such allocation does not prejudice adjacent development or adversely affect the safety or amenity of the locality.*

*As noted in the officer's report above there are 2 immediately adjacent on-street parking spaces.*

- (b) Accept the shortfall subject to the applicant providing bicycle parking;

*This option recognises the need for parking to be provided for all vehicle users not just motor vehicles.*

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- (c) Require that the owner arrange to Council's satisfaction an off-site parking alternative;

*For example there are other properties in the immediate area where arrangements may be made with the owner of that property. In the event such an arrangement (if this was Council's decision) proved impossible to obtain, the matter could be reconsidered.*

- (d) Require Cash-in-Lieu;

*TPS 3 sub-clause 5.8.8 states:*

*5.8.8 Cash-in-lieu of Parking: The local government may accept or require cash-in-lieu of all or a proportion of required car parking, based on the estimated cost of providing the requisite parking, including any associated access and manoeuvre facilities. Cash-in-lieu of parking shall be paid into a trust fund and used to provide public parking in the vicinity of the development site(s) in relation to which any cash-in-lieu contributions have been received.*

**Conclusion**

This application is considered to significantly contribute to the heritage value and character of the George Street precinct.

TPS 3 specifies the requirement for 9 on-site parking spaces.

Up to this point the shortfall has been calculated as 5 spaces, because the application proposes 4 on-site.

Given that there are 2 immediately adjacent on-street spaces, and based on the application of sub-clause 5.8.7 the shortfall could reasonably be accepted as 3 spaces.

In an effort to promote sustainable transport alternatives in the George Street Mixed Use zone it is considered reasonable to require the provision of bike parking in lieu of the car parking shortfall, and in light of TPS 3 sub-clause 10.2 (u), and recent decisions by Council to require it.

The recommended facility is the "U" rail. The cost of a stainless steel "U" rail is \$342.00 plus GST, plus \$150.00 installation (prices obtained from Forpark). The rails are cemented into the ground.

The application is for ground floor additions which are considered to be sympathetic to and complimentary with the character of the existing buildings on the property, and with development in the George Street precinct.

The parking shortfall is not considered to seriously impact on the amenity of the area, and the shortfall is considered to be a positive incentive to use alternative transport, hence the recommendation for the provision of bicycle parking.

**RECOMMENDATION**

That Council exercise its discretion in granting approval for a variation to the parking shortfall pursuant to Town Planning Scheme No 3 from 9 on site spaces to 3 for the construction of single storey additions to the property at No. 38 (Lot 531) Sewell Street, East Fremantle comprising 2 shops (one an extension to an existing corner shop), and a renovated weatherboard and iron cottage for residential use in accordance with the plans date stamp received on 28 August 2007 subject to the following conditions:

1. prior to the issue of the Building Licence the applicant is to submit plans for the reinstatement of the original verandah on the corner facing intersection to the satisfaction of the CEO in consultation with Council officers;

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2. in lieu of the shortfall for 3 on-site car parking spaces the applicant is to pay the cost of purchase and installation of 3 stainless steel "U-rail" bicycle parking racks in front of, and near the premises;
3. 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.
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. the proposed additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. 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.
7. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
8. 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.
9. 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.
10. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
11. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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



**RECOMMENDATION TO COUNCIL**

That Council exercise its discretion in granting approval for a variation to the parking shortfall pursuant to Town Planning Scheme No 3 from 9 on site spaces to 3 for the construction of single storey additions to the property at No. 38 (Lot 531) Sewell Street, East Fremantle comprising 2 shops (one an extension to an existing corner shop), and a renovated weatherboard and iron cottage for residential use in accordance with the plans date stamp received on 28 August 2007 subject to the following conditions:

1. prior to the issue of the Building Licence the applicant is to submit plans for the reinstatement of the original verandah on the corner facing intersection to the satisfaction of the CEO in consultation with Council officers;
2. in lieu of the shortfall for 3 on-site car parking spaces the applicant is to pay the cost of purchase and installation of 3 stainless steel "U-rail" bicycle parking racks in front of, and near the premises;
3. 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.
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. the proposed additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. 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.
7. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
8. 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.
9. 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.
10. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
11. this planning approval to remain valid for a period of 24 months from date of this approval.

**Footnote:**

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

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

*adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*

- (d) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*

## T105. REPORT'S OF OFFICERS (Cont)

### T105.1 *Petra Street No. 67 (Lot 365)*

*Applicant & Owner: A Lomma*

*Application No. P178/07*

By Chris Warrener, Town Planner on 4 October 2007

#### **BACKGROUND**

##### **Description of Proposal**

An Application for Planning Approval for a single storey house with a double garage, 3 bedrooms, 2 bathrooms, kitchen/dining/living room, laundry, study, and theatre at 67 Petra Street.

##### **Statutory Considerations**

Town Planning Scheme No. 3 – Residential R12.5

Local Planning Strategy - Woodside Precinct (LPS)

Residential Design Codes (RDC)

##### **Relevant Council Policies**

Local Planning Policy 066 – Roofing (LPP 066)

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

##### **Documentation**

Plans and relevant forms date stamp received on 14 September 2007

##### **Date Application Received**

14 September 2007

##### **Advertising**

The potentially affected adjoining land owner to the south endorsed the form from the RDC Appendix 3 "Adjoining property owner comment on proposed variation to the Residential Design Codes" in support of the application, and the potentially affected property owner at the rear is the owner of the subject land is the applicant. Therefore it was determined that advertising was not required.

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

25 days

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

16 March 1984	CEO grants approval for a second crossover;
19 October 1984	CEO grants approval for owner to cover verge with gravel, brick paving and ground cover natives;
17 December 1984	Council grants approval for an additional outbuilding with a maximum floor area of 69m <sup>2</sup> ;
6 June 1985	Building Licence 078/990 issued for outbuilding;

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19 August 1996	Council refuses an application for an additional dwelling unit to the rear;
8 January 1997	Minister for Planning dismisses appeal;
27 May 1997	Council refuses an application for additions to the existing house and an additional dwelling unit;
9 October 1997	Minister upholds appeal to allow additions and an additional dwelling unit; Building Licence 196/2594 issued for additions and additional dwelling unit;
12 March 2007	Demolition Licence 07/74 issued for house at the front.

**CONSULTATION**

**Town Planning Advisory Panel Comments**

This application was considered by the Town Planning Advisory Panel at its meeting on 25 September 2007 and the following comments were made:

- adds nothing to the quality of housing in East Fremantle
- very bland and displays no creativity

**Site Inspection**

By Town Planner on 17 September 2007

<b>STATISTICS</b>	<b>Required</b>	<b>Proposed</b>
Land Area		434m <sup>2</sup> Existing
Open Space	55%	49% <b>Discretion Required</b>
Zoning		R12.5
<b>Setbacks:</b>		
Front (east)		
<i>Garage</i>	7.50	6.50 <b>Discretion Required</b>
<i>Entry</i>	7.50	6.50 <b>Discretion Required</b>
<i>Study</i>	7.50	7.30 <b>Discretion Required</b>
<i>Theatre</i>	7.50	6.50 <b>Discretion Required</b>
Rear (west)		
<i>Bedroom (3)</i>	6.00	1.00 <b>Discretion Required</b>
<i>Bedroom (2)</i>	6.00	3.30 <b>Discretion Required</b>
Side (north)		
<i>Theatre</i>	1.00	1.00 Acceptable
<i>Living</i>	1.50	4.00 Acceptable
<i>Dining</i>	1.50	3.00 Acceptable
<i>Bedroom (3)</i>	1.50	4.00 Acceptable
Side (south)		
<i>Bedroom (2)</i>	1.50	1.50 Acceptable

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<i>Ensuite</i>	1.00		1.00
			Acceptable
<i>Bedroom (1)</i>	1.50		1.50
			Acceptable
<i>Garage</i>	Nil	<i>LPP 142</i>	Nil
			Acceptable
<b>Height:</b>			
Wall	6.00		3.20
			Acceptable
Building	9.00		5.80
			Acceptable
Parapet Wall Height / Length	3.00 / 9.00		3.00 / 6.50
			Acceptable

**REPORT**

**Issues**

*Boundary Setbacks*

Front (east side) Boundary

A proposed double garage, entry and theatre are set back 6.5m, and a study is set back 7.3m from the front boundary.

The RDC recommend a 7.5m setback for R12.5 coded property.

*Rear (west side) boundary*

The application proposes a laundry, bathroom and bedroom 3 set back 1m from the west side boundary.

Bedroom 2 is set back 3.3m from the west side boundary.

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

*Open Space*

The application proposes development which results in there being 49% open space.

The RDC recommend the provision of 55% open space on R12.5 coded property.

*Roof Pitch*

The application proposes a single storey house with a colorbond custom orb roof pitched at 25°.

LPP 066 states:

*“dominant elements to be greater than 28°.”*

*TPAP Comments*

TPAP considered the proposed house to be fairly bland and uncreative.

**Discussion**

Boundary Setbacks

*Front*

Prior to December 2004 the prevailing Town Planning Scheme No 2 specified a 6m front setback for property in Area 3, which coincides with the eastern portion of the Woodside precinct, and includes the subject land.

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Many of the properties in this precinct, particularly those along Petra Street, have been subdivided to create battleaxe lots, with development on front lots on a reduced setback.

Examples can be found at No's 9, 11, 13, 15, 17, 21, 25A, 29, 31, 37, 51, 55, 57, 63, 65, and 81.

The house that has now been demolished at 67 Petra Street was built at a 6m setback.

While the application proposes a setback at variance with the RDC, it is greater than the setback of the existing house, and is proposed to match the setback of the house on the adjoining property at 69 Petra Street.

Due to the proliferation of houses along Petra Street at a 6m or lesser setback, the application proposes a front setback that will not have a detrimental impact on the prevailing streetscape, and can be supported.

*Rear*

To maximise the outdoor living area the rear setback has been reduced to increase the space available on the north side.

The potentially affected property at the rear has a double garage built with a parapet wall along the common boundary, and the proposed reduced rear setback does not negatively impact on the amenity of this property.

Open Space

While the provision of open space is less than recommended in the RDC it equates closely to the amount recommended for R20 coded property. The subject land comprises an area suited to the R20 code, as are many of the properties along Petra Street.

Being a single storey house the development footprint is bigger than the footprint of a 2-storey house with the same floor area.

Single storey development is considered to have a lower overall environmental impact than a 2-storey development.

A shortfall of 6% is not considered to negatively impact on the amenity of the property and can be supported.

Roof Pitch

Of the 48 properties on the west side of Petra Street between Marmion Street and Canning Highway, 17 have houses with their roofs pitched at less than 28°.

At 25° the application proposes a roof that is considered not to detrimentally impact on the streetscape or the appearance of property generally along Petra Street.

TPAP Comments

The comments on the appearance of the proposed house are not considered valid given that the house is not built and it is considered unreasonable to judge the appearance of a house based on 2-dimensional uncoloured plans submitted for planning approval.

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The front façade incorporates a feature stone clad portico, which is considered to “break-up” the purported “bland” appearance of the development.

Appearance is a very subjective issue and TPAP’s comment might equally apply to a number of houses already built along Petra Street. On this basis the application is for a house that can be said to “fit in” with the local streetscape.

**RECOMMENDATION**

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

- (a) variation to the west side (rear) boundary setback pursuant to the Residential Design Codes from 6m to 1m for bedroom 3, a laundry, toilet, and bathroom, and to 3.3m for bedroom 2;
  - (b) variation to the east side (front) boundary setback pursuant to the Residential Design Codes from 7.5m to 6.5m for a double garage, entry, and theatre room, and to 7.3m for a study;
  - (c) variation to the provision of open space pursuant to the Residential Design Codes from 55% to 49%;
  - (d) variation to roof pitch pursuant to Local Planning Policy 066 from 28° to 25°;
- for the construction of a single storey house comprising a double garage, 3 bedrooms, 2 bathrooms, kitchen/dining/living room, laundry, study, and theatre at No. 67 (Lot 365) Petra Street, East Fremantle in accordance with the plans date stamp received on 14 September 2007 subject to the following conditions:
1. 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.
  2. the proposed works are not to be commenced until Council has received an application a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
  3. the proposed 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.
  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. all parapet walls 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.
  6. 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.
  7. any new crossovers which are constructed under this approval to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council’s Policy on Footpaths & Crossovers.
  8. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant’s expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
  9. this planning approval to remain valid for a period of 24 months from date of this approval.

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Footnote:

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

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

**RECOMMENDATION TO COUNCIL**

**Cr Martin – Cr Ferris**

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

- (a) variation to the west side (rear) boundary setback pursuant to the Residential Design Codes from 6m to 1m for bedroom 3, a laundry, toilet, and bathroom, and to 3.3m for bedroom 2;**
- (b) variation to the east side (front) boundary setback pursuant to the Residential Design Codes from 7.5m to 6.5m for a double garage, entry, and theatre room, and to 7.3m for a study;**
- (c) variation to roof pitch pursuant to Local Planning Policy 066 from 28° to 25°; for the construction of a single storey house comprising a double garage, 3 bedrooms, 2 bathrooms, kitchen/dining/living room, laundry, study, and theatre at No. 67 (Lot 365) Petra Street, East Fremantle in accordance with the plans date stamp received on 14 September 2007 subject to the following conditions:**
  - 1. prior to the issue of a building licence amended plans be submitted showing compliance with the open space requirement of 55% pursuant to the Residential Design Codes.**
  - 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 a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
  - 4. the proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
  - 5. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.**
  - 6. all parapet walls 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. 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**

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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.

8. 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.
9. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
10. this planning approval to remain valid for a period of 24 months from date of this approval.

**Footnote:**

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

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

CARRIED

T105.2

**Gill Street No. 22 (Lot 301)**

**Applicant & Owner: Todd Grierson**

**Application No. P160/07**

By Chris Warrener, Town Planner on 27 September 2007

**BACKGROUND**

**Description of Proposal**

An Application for Planning Approval for a single storey house at 22 Gill Street comprising 3 bedrooms, 2 bathrooms, laundry, double garage, office, porch, foyer, living and meals area.

The double garage door occupies 46.9% of the width of the property frontage.

**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 066 – Roofing (LPP 066)

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



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**Documentation**

Plans and relevant forms date stamp received on 17 August 2007

**Date Application Received**

17 August 2007

**Additional information**

Amended plans date stamp received on 28 August 2007, submitted to ensure that the double garage is set back behind the main building line.

**Advertising**

Adjoining land owners only

**Date Advertised**

3 September 2007

**Close of Comment Period**

18 September 2007

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

42 days (revised)

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

15 April 2003	Council decides to advise the WAPC that it does not support the green title subdivision of 22 Gill Street, and advises of its required conditions should the WAPC approve the application;
12 June 2003	WAPC grants conditional approval to subdivide 22 Gill Street into 2 X 455m <sup>2</sup> lots;
15 June 2004	Council grants approval for the demolition of the house at 22 Gill Street;
15 July 2005	Demolition Licence issued;
8 November 2005	WAPC grants final approval to the subdivision;
18 April 2006	Council grants special approval for a 2-storey house on reduced front rear and side boundary setbacks at 22A Gill Street;
11 July 2006	Building Licence issued for 2-storey house at 22A Gill Street;
17 October 2006	Council grants conditional approval for setback variations for a 2-storey house at 22 Gill Street.

**CONSULTATION**

**Town Planning Advisory Panel Comments**

This application was considered by the Town Planning Advisory Panel at its meeting held on 28 August 2007 and the following comments were made:

- appearance of overbearing garage door
- not much amenity to the street concerning front entrance
- little interaction with the street

**Public Submissions**

At the close of the comment period 1 submission was received.

- |                       |   |
|-----------------------|---|
| <i>20 Gill Street</i> | <ul style="list-style-type: none"><li>- Prefers current application over previous approved plans (2006);</li><li>- Concern regarding retaining walls next to the common boundary.</li></ul> |
|-----------------------|---|

**Site Inspection**

By Town Planner on 22 August 2007

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<b>STATISTICS</b>	<b>Required</b>	<b>Proposed</b>
Land Area		456m <sup>2</sup> Existing
Open Space	55%	49.8% <b>Discretion Required</b>
Zoning		R12.5
<b><u>Setbacks:</u></b>		
Front (west)		
<i>Office</i>	7.50	6.00 <b>Discretion Required</b>
<i>Garage</i>	7.50	6.36 <b>Discretion Required</b>
Rear (east)		
<i>Bedroom (3)</i>	6.00	4.05 <b>Discretion Required</b>
<i>Meals</i>	6.00	15.00 Acceptable
Side (north)		
<i>Bedroom (3)</i>	1.50	4.80 Acceptable
<i>Passage</i>	1.00	4.00 Acceptable
<i>Meals</i>	1.50	1.50 Acceptable
<i>Passage</i>	1.00	1.50 Acceptable
<i>Foyer</i>	1.00	2.70 Acceptable
<i>Porch</i>	1.50	1.30 <b>Discretion Required</b>
<i>Office</i>	1.00	1.30 Acceptable
Side (south)		
<i>Garage</i>	Nil	<i>Policy 142</i> Nil Acceptable
<i>Shower</i>	1.00	1.14 Acceptable
<i>Master Bedroom</i>	1.50	1.50 Acceptable
<i>Kitchen</i>	1.00	1.02 Acceptable
<i>Bedroom (2)</i>	1.50	1.50 Acceptable
<i>Laundry &amp; Bedroom (3)</i>	1.00	1.02 Acceptable
<b><u>Height:</u></b>		
Wall	6.00	3.40 Acceptable
Building	9.00	5.10 Acceptable

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**REPORT**

**Issues**

Boundary Setbacks

*Front (west)*

An office is set back 6m, and a double garage is set back 6.36m from the front boundary.

The RDC recommend a 7.5m front setback for R12.5 coded property.

*Rear (east)*

Common with 13 Walter Street

Bedroom 3 is set back 4.05m from the rear boundary.

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

*Side (north)*

Common with 22A Gill Street

A porch is set back 1.3m from the north side boundary.

The RDC recommend a 1.5m setback.

Open Space

The application proposes development which will result in there being 49.8% open space on the property.

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

Roof Pitch

The application is for a single storey house with a colorbond roof pitched at 25°.

LPP 066 states:

*“dominant elements to be greater than 28°.”*

Submission

The submission is concerned that there will not be sufficient retaining works alongside the common property boundary. The submission has not explained why this is the case.

This is a matter that will be attended to at the Building Licence stage, and is noted in a footnote to the officer's recommendation.

**Discussion**

*Boundary Setbacks & Streetscape*

The housing stock along this section of Gill Street is quite variable, and a number of properties have been subdivided, and their resultant lot areas more suited to an R20 density code. They include the subject land and 22A Gill Street, numbers 24A, 24B, 26, 26A, 30A, 30B, 32A & 32B Gill Street.

The houses built and under construction on these properties reflect rather unique contemporary design approaches (see especially 22A and 30A Gill Street), and all have by necessity been approved with discretions which reflect the constraints on developing R20 size lots in an R12.5 coded precinct. The subject land has similar constraints yet only proposes single storey development, which is considered to have a lesser impact than a 2-storey development.

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While the proposed front setback at 6m is less than the recommended setback under the RDC there are recently approved houses nearby on a similar setback.

Next door the house at 22A Gill Street with a double garage forward of the main building line is at 6m.

The proposed variation to the rear setback is required to accommodate the building footprint of a single storey development, and allow for a more generous setback on the north side for an outdoor living area which takes advantage of the northern exposure.

The proposed variation to the north side boundary setback for a Porch from 1.5m to 1.3m is considered relatively minor not impacting on the amenity of the potentially affected property at 22A Gill Street. The potentially affected property owner has not objected to this variation.

*Open Space*

As discussed above the subject land comprises an area more suited to an R20 code. The RDC recommend the provision of 50% open space for R20 coded property.

The proposal is for 49.8%.

Being a single storey house the resultant building footprint is bigger than a 2-storey development with the equivalent floor space (which would probably comply with the RDC for open space).

However a single storey development is considered to be a better built form in terms of its impact on the streetscape, lifestyle of the occupants, and in terms of its impact on the environment generally.

The variation is considered relatively minor, comprising a shortfall of 5.2%, and can be supported.

*Roof Pitch*

Roof pitch of houses nearby varies from the recommended pitch of 28°. Reduced roof pitch can be found at 22A, 24, 28, 30A, and 30B Gill Street.

At 25° this variation is not considered to compromise the prevailing local streetscape, and can be supported.

**RECOMMENDATION**

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

- (a) variation to the west side (front) boundary setback for an office and a double garage pursuant to the Residential Design Codes from 7.5m to 6m and 6.36m respectively;
- (b) variation to the east side (rear) boundary setback for bedroom 3 pursuant to the Residential Design Codes from 6m to 4.05m;
- (c) variation to the north side boundary setback for a porch pursuant to the Residential Design Codes from 1.5m to 1.3;
- (d) variation to the provision of open space pursuant to the Residential Design Codes from 55% to 49.8%;
- (e) variation to roof pitch pursuant to Local Planning Policy 066 from 28° to 25°; for the construction of a single storey house at No. 22 (Lot 301) Gill Street, East Fremantle comprising 3 bedrooms, 2 bathrooms, laundry, double garage, office, porch,

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foyer, living and meals area in accordance with the plans date stamp received on 28 August 2007 subject to the following conditions:

1. 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.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. the proposed 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.
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. all parapet walls 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.
6. 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.
7. any new crossovers which are constructed under this approval to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
8. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
9. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (g) *in regard to retaining works along the south side boundary next to 20 Gill Street the builder is to ensure that all works are undertaken to maintain the right of support to the adjoining p property.*

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**RECOMMENDATION TO COUNCIL**

**Cr Ferris – Cr Wilson**

That the application for a single storey residence on Lot 301 (No. 22) Gill Street be deferred to allow the applicant the opportunity to submit revised plans showing compliance with the open space requirement of 55% pursuant to the Residential Design Codes and to address the following issues raised by the Town Planning Advisory Panel:

- appearance of overbearing garage door
- not much amenity to the street concerning front entrance
- little interaction with the street.

CARRIED

**T106. REFERRED BUSINESS (NOT INCLUDED ELSEWHERE)**

Nil.

**T107. BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING**

Nil.

**T108. CLOSURE OF MEETING**

There being no further business the meeting closed at 8.26pm.

*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 **9 October 2007**, Minute Book reference **T95. to T108.** were confirmed at the meeting of the Committee on*

.....

\_\_\_\_\_  
**Presiding Member**