

**MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 10 APRIL, COMMENCING AT 6.30PM.**

**PART III**

**T37.2**      ***Marmion Street No. 154 (Unit 1) (Lot 225) – Malow Metals***  
***(Application No. P46/2007)***  
*By Chris Warrener, Consultant Town Planner on 27 March 2007*

**BACKGROUND**

**Description of Proposal**

An Application for Planning Approval for a patio in the front setback of Unit 1, 154 Marmion Street.

**Statutory Requirements**

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

**Relevant Council Policies**

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

**Documentation**

Plans and relevant forms date stamp received on 8 March 2007.

**Date Application Received**

8 March 2007

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

33 days

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

19 September 1983      Council grants conditional approval to erect 3 single storey town houses at 154 Marmion Street;  
31 October 1983      Building Licence issued for 3 single storey town houses;  
20 July 1984          Town Clerk endorses Strata Plan 12245 for a brick and tile residential complex of 3 units.

**Site Inspection**

By Consultant Town Planner on 27 February 2007.

**REPORT**

**Issues**

*Boundary Setbacks*      The proposed patio is set back 2.5m from the front boundary.  
  
The RDC recommend a 7.5m setback for R12.5 coded property.

**Discussion**

The patio will be set back 1.5m behind a 1.8m high non-visually permeable masonry fence, which is set back 0.9m from the front boundary.

The grouped dwelling on this property is set back 6m from the front boundary.

The subject site is part of a grouped dwelling development, and the only area available that is considered large enough and practicable for private entertaining/relaxing/outdoor living on the site is the land in the front setback.

Being well hidden behind a 1.8m high masonry wall the patio is considered not to have an adverse impact on streetscape and is supported.

## **RECOMMENDATION**

That Council exercise its discretion in granting approval for the following variation to the front boundary setback pursuant to the Residential Design Codes from 7.5m to 2.5m for the construction of a patio for Unit 1, 154 Marmion Street, East Fremantle in accordance with the plans date stamp received on 8 March 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 patio is not to be used 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. 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 of Council 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.*

## **RECOMMENDATION TO COUNCIL**

**That Council exercise its discretion in granting approval for the following variation to the front boundary setback pursuant to the Residential Design Codes from 7.5m to 2.5m for the construction of a patio for Unit 1, 154 Marmion Street, East Fremantle in accordance with the plans date stamp received on 8 March 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 patio is not to be used 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. 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 of Council 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.*

**(Application No. P49/2007)**

By Chris Warrener, Consultant Town Planner on 27 March 2007

**BACKGROUND**

**Description of Proposal**

An Application for Planning Approval for a 5m long X 2.47m wide X 2.4m high patio fixed to the rear of Unit 17, 27-29 Osborne Road.

**Statutory Requirements**

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)

**Documentation**

Plans and relevant forms date stamp received on 12 March 2007

**Date Application Received**

12 March 2007

**Advertising**

Adjoining land owners only

**Date Advertised**

19 March 2007

**Close of Comment Period**

2 April 2007

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

29 days

**CONSULTATION**

**Development Control Unit**

28 March 2007

**Public Submissions**

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

**Site Inspection**

By Consultant Town Planner on 27 March 2007

**REPORT**

**Issues**

*Boundary Setbacks*

The proposed patio is to be set back 0.75m from the west and east side boundaries common with Units 16 and 18 respectively, and set back 1.16m from the north side boundary common with 31 Osborne Road.

The RDC recommend a 1.5m setback.

## **Discussion**

Unit 17 is an attached grouped dwelling within a complex of 20 attached grouped dwellings.

A number of these units have patios attached at the rear similar to the proposal.

The variations to the side boundary setbacks do not impact the amenity of the potentially affected Units 16 and 18 because the rear courtyards of these units are separated by 2m high masonry boundary fences.

The potentially affected property to the north 31 Osborne Road is situated on higher ground and would if there was no vegetation screening (pencil pines) overlook the subject site.

The potentially affected land on the north side comprises a brick paved driveway.

Based on the circumstances applying to this application the patio variations are considered acceptable.

## **RECOMMENDATION**

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

- (a) variation to the east and west side boundary setbacks pursuant to the Residential Design Codes from 1.5m to 0.75m;
- (b) variation to the north side boundary setback pursuant to the Residential Design Codes from 1.5m to 1.16m;

for the construction of a 5m long X 2.47m wide X 2.4m high patio fixed to the rear of Unit 17, No. 27-29 Osborne Road, East Fremantle in accordance with the plans date stamp received on 12 March 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 patio is not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
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. 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 of Council 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**

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

- (a) variation to the east and west side boundary setbacks pursuant to the Residential Design Codes from 1.5m to 0.75m;
- (b) variation to the north side boundary setback pursuant to the Residential Design Codes from 1.5m to 1.16m;

for the construction of a 5m long X 2.47m wide X 2.4m high patio fixed to the rear of Unit 17, No. 27-29 Osborne Road, East Fremantle in accordance with the plans date stamp received on 12 March 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 patio is not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
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. 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 of Council 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).*

**T37.4** *Preston Point Road No. 4 (Lot 34) – Cross Roads Community  
(Application No. P170/2005)  
By Beryl Foster, Acting Town Planner on 15 March 2007*

## **BACKGROUND**

### **Description of Proposal**

Amended planning approval involving a garage structure to be modified by the removal of the garage door and for this structure to be converted into a meeting room

### **Statutory Requirements**

Town Planning Scheme No. 3 – Town Centre

### **Relevant Council Policies**

N/A

### **Documentation**

Plans received 2 March 2007 and relevant forms

### **Date Application Received**

2 March 2007

### **Additional Information Received**

Nil

### **Advertising**

Adjoining land owners

**Date Advertised**

8 March 2007

**Close of Comment Period**

23 March 2007

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

39 days

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

Council at its meeting held 20 December 2005 resolved the following:

*That Council approve the construction of a garage and meditation room on Lot 34 (No.4) Preston Point Road, East Fremantle, in accordance with plans stamp dated 27 September 2005, subject to the following conditions:*

1. *prior to the issue of a building licence, details shall be provided demonstrating measures that address noise amenity when gym activities are in progress, 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 consent other than where varied in compliance with the conditions of this planning consent or with Council's further consent.*
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 consent unless otherwise amended by Council.*
4. *the proposed buildings are not to be occupied until all conditions attached to this planning consent 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.*
6. *compliance with all relevant engineering, building and health requirements.*
7. *this planning consent to remain valid for a period of 24 months from date of this approval.*
8. *this proposal is subject to the conditions of planning approval granted by Council on 21 December 2004 in particular with regard to hours of operation.*

Footnote:

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

- (a) *this decision of Council does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *the owners of No. 6 and 4 Preston Point Road consider increasing the height of the dividing fence between these properties in accordance with the provisions of the Dividing Fences Act 1961 and Council's Policy on Local Laws Relating to Fencing (143).*

CARRIED

**CONSULTATION**

**Public Submissions**

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

**Site Inspection**

14 March 2007

**REPORT**

**Issues**

None

**Discussion**

Approval is sought for the approved garage structure to now be used as a meeting room and the garage doors deleted.

*Applicant Justification*

The original application was for a garage and meditation room, however the existing group room is inadequate as it forms part of a corridor in our main building.

Change the of use of this building will have no impact on parking requirements as we are simply moving our group room within our premises and does not involve any increase in client numbers.

Comment

The proposed use of the garage structure is considered not to have an undue adverse impact on the amenity of the area with regard to parking and intensity of use, and can be supported.

**Option(s)**

Conditional approval

**Conclusion(s)**

The proposal is considered acceptable, and can be supported subject to standard and appropriate conditions to reflect the above.

**RECOMMENDATION**

That:

1. Council approve the modifications to Planning Consent P170/2005 to modify the garage structure to be used as a meeting room.
2. Conditions for Planning Approval P170/2005 are applicable.

**RECOMMENDATION TO COUNCIL**

That:

1. **Council approve the modifications to Planning Consent P170/2005 to modify the garage structure to be used as a meeting room.**
2. **Conditions for Planning Approval P170/2005 are applicable.**

**T37.5**

***Bedford Street No. 22 (Lots 401 & 58) – Gerard McCann Architect  
(Application No. P35/2007)***

*By Beryl Foster, Acting Town Planner on 19 March 2007*

**BACKGROUND**

**Description of Proposal**

Proposed rear single storey alterations and additions to existing single storey dwelling

**Statutory Requirements**

Town Planning Scheme No. 3 - R12.5

Residential Design Codes

**Relevant Council Policies**

Local Planning Policy No. 142 – Residential Development

**Documentation**

Plans received 20 February 2007 and relevant forms

**Date Application Received**

20 February 2007

**Additional Information Received**

Nil

**Advertising**

Adjoining land owners only

**Date Advertised**

6 March 2007

**Close of Comment Period**

22 March 2007

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

49 days

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

Listed on the Draft Municipal Inventory.

**CONSULTATION****Development Control Unit**

1 March 2007

**Public Submissions**

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

**Site Inspection**

14 March 2007

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<b>STATISTICS</b>		<b>Required</b>		<b>Proposed</b>
Land Area				762m <sup>2</sup> Acceptable
Frontage				21m Acceptable
Open Space		55% (419m <sup>2</sup> )		61% (492m <sup>2</sup> ) Acceptable
<b><u>Setbacks:</u></b>				
Front (west)	<i>garage</i>	7.5m		18.00 Acceptable
Rear (east)		6m		7.30 & 9.20 Acceptable
Side (south)		1m		1.00 & 2.90 Acceptable
Side (north)		1.00/Nil	<i>Policy 142</i>	Nil Acceptable
<b><u>Access:</u></b>				
Car Parking		2		2
<b><u>Height:</u></b>				
Parapet Wall Height		3.00		3.00 Acceptable
Parapet Wall Length		9.00		9.00 Acceptable
<b><u>Privacy/Overlooking:</u></b>				
		Acceptable		
<b><u>Policies:</u></b>				

Roof	Acceptable
Solar Access & Shade	Acceptable
Drainage	Standard Condition
Views	Acceptable
Crossover	Existing
Trees	Existing

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## REPORT

### Issues

Structure across the boundary

### Discussion

Approval is sought for rear single storey alterations and additions to an existing dwelling and is in accordance with setbacks, open space, shadow and privacy.

*Structure Across the Boundary*      The subject site involves two lots of 99m<sup>2</sup> lot and 663m<sup>2</sup>.

The subject proposal will result in the garage being constructed across the northern lot boundary. As such, it is recommended that the lots be amalgamated and will be conditioned accordingly.

### Conclusion(s)

The proposal is considered acceptable, and can be supported subject to standard and appropriate conditions to reflect the above.

## RECOMMENDATION

That Council grant approval for the construction of rear single storey alterations and additions to existing dwelling on Lots 401 & 58 (No. 22) Bedford Street, East Fremantle in accordance with plans received 20 February 2007, subject to the following conditions:

1. Lots 401 & 58 shall be amalgamated prior to completion of garage/store structure.
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 building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. the proposed alterations and additions shall 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.
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. compliance with all relevant engineering, building and health requirements.
8. at the time of submitting an application for building licence the plans must accord with and be accompanied by appropriate documentation to satisfy the Energy Efficiency Provisions of the Building Code of Australia.
9. that within two years of construction Council may request that the zincalume roofing be treated to reduce reflectivity, at the applicant/s expense.
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 of Council 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 property.*
- (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.*

#### **RECOMMENDATION TO COUNCIL**

**That Council grant approval for the construction of rear single storey alterations and additions to existing dwelling on Lots 401 & 58 (No. 22) Bedford Street, East Fremantle in accordance with plans received 20 February 2007, subject to the following conditions:**

- 1. Lots 401 & 58 shall be amalgamated prior to completion of garage/store structure.**
- 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 building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- 4. the proposed alterations and additions shall 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.**
- 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. compliance with all relevant engineering, building and health requirements.**
- 8. at the time of submitting an application for building licence the plans must accord with and be accompanied by appropriate documentation to satisfy the Energy Efficiency Provisions of the Building Code of Australia.**
- 9. that within two years of construction Council may request that the zincalume roofing be treated to reduce reflectivity, at the applicant/s expense.**
- 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 of Council 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 property.***
- (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.*

**T37.6** **Walter Street No. 11 (Lot 412) – Bradley, Kelsall & Wu**  
**(Application No. P51/2007)**  
*By Chris Warrener, Consultant Town Planner on 23 March 2007*

**BACKGROUND**

**Description of Proposal**

An Application for Planning Approval for ground floor additions on the north side of the single storey house at 11 Walter Street comprising 2 bedrooms, a bathroom, and a passageway.

**Statutory Requirements**

Town Planning Scheme No. 3 (TPS 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)  
Local Planning Policy 066 – Roofing (LPP 066)

**Documentation**

Plans and relevant forms date stamp received on

**Date Application Received**

16 March 2007

**Additional Information Received**

Open space calculation provided by Applicant on 21 March 2007

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

25 days

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

23 November 1977	Colorbond steel patio approved;
5 December 1978	Steel carport approved;
5 May 1993	Building licence issued for a new living room and laundry;
23 August 2001	Building licence issued for a belowground fibre-glass swimming pool.

**CONSULTATION**

**Site Inspection**

By Consultant Town Planner on 18 January 2007

<b>STATISTICS</b>		<b>Required</b>	<b>Proposed</b>
Land Area			911m <sup>2</sup>
Zoning			R12.5
Heritage Listing			Draft MI
Landscaping		50%	78.5% Acceptable
<b><u>Setbacks:</u></b>			
Front (east)	<i>Bed 4</i>	7.50	8.576 Acceptable
Rear (west)	<i>Bed 3</i>	6.00	21.20 Acceptable
Side (north)	<i>Bed 3 &amp;4</i>	1.00	1.53 Acceptable
<b><u>Height:</u></b>			
Wall		6.00	3.10 Acceptable
Ridge		9.00	4.46 Acceptable

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## **REPORT**

### **Issues**

#### Heritage

While the property is not on the Heritage List under TPS 3, it is in the Draft MI with a Category B rating.

For property with a Category B rating the Draft MI states the following:

*“Considerable heritage significance at a local level; places generally considered worthy of high level of protection, to be retained and appropriately conserved; provide strong encouragement to owners under the Town of East Fremantle Planning Scheme to conserve the significance of the place. A Heritage Assessment / Impact Statement to be required as corollary to any development application. Incentives to promote heritage conservation may be considered where desirable conservation outcomes may be otherwise difficult to achieve.”*

*Roof Pitch*                      The roof pitch of the proposed additions is 21°, and can be seen from the street frontage.

LPP 066 states:

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

### **Discussion**

The application is for additions to the north side of the house which will be visible from Walter Street.

The submitted plans illustrate that it is proposed to build the additions to match the appearance of the existing house.

In addition it is proposed to replace a number of aluminium windows, which were retro-fitted to the master bedroom at the front, and the kitchen on the south side, with timber framed windows having the appearance of the windows fitted when the house was

originally built.

It is clear that the intent of this application is to retain and enhance the appearance of the existing house and match its appearance with the design of the proposed additions.

Apart from window replacements it is not proposed to alter/change any other built element of the existing house, exposed to roadside views.

While roof pitch is at variance with LPP 066 the roof on the existing house is pitched at the same angle of 21° proposed for the additions.

### **RECOMMENDATION**

That Council exercise its discretion in granting approval for a variation to roof pitch pursuant to Local Planning Policy 066 from 28° to 21° for the construction of ground floor additions on the north side of the single storey house at No. 11 Walter Street (Lot 412), East Fremantle comprising 2 bedrooms, a bathroom, and a passageway in accordance with the plans date stamp received on 16 March 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 extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
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. that within two years of construction Council may request that the zincalume roofing be treated to reduce reflectivity, at the applicant/s expense.
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 of Council 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 property.*
- (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 roof pitch pursuant to Local Planning Policy 066 from 28° to 21° for the construction of ground floor additions on the north side of the single storey house at No. 11 Walter Street (Lot 412), East Fremantle comprising 2 bedrooms, a bathroom, and a passageway in accordance with the plans date stamp received on 16 March 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 extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
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. that within two years of construction Council may request that the zincalume roofing be treated to reduce reflectivity, at the applicant/s expense.
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 of Council 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 property.*
- (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.*

**T37.7**

***Irwin Street No. 71 (Lot 216) – Tirreno Architectural Builders  
(Application No. P52/2007)***

*By Chris Warrener, Consultant Town Planner on 27 March 2007*

**BACKGROUND**

**Description of Proposal**

An Application for Planning Approval for ground floor additions to the single storey house at 71 Irwin Street comprising:

- a 5m long X 3m wide X 4.3m high store incorporating a 3.3m high boundary wall at the rear;
- a 3m long X 2m wide extension to an existing meals area and veranda;
- a 5.13m long X 3m wide en-suite and built in robe, and
- a 1m long X 0.5m wide vanity addition to an existing toilet.

**Statutory Requirements**

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

Local Planning Strategy - Woodside Precinct (LPS)

Residential Design Codes (RDC)

**Relevant Council Policies**

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

**Documentation**

Plans and relevant forms date stamp received on 19 March 2007

**Date Application Received**

19 March 2007

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

22 days

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

11 August 1986	Building Licence issued for additions including a veranda;
19 March 1990	Council grants special approval for the erection of a garage incorporating a wall on the north side boundary;
29 March 1990	Building Licence issued for garage;
10 December 1991	Building Licence issued for an outbuilding;

**CONSULTATION**

**Submissions**

Plans signed by adjoining neighbour at 73 Irwin Street

**Site Inspection**

By Consultant Town Planner on 8 February 2007.

**REPORT**

**Issues**

*Boundary Wall Height*                      The proposed store at the rear incorporates a 5m long X 3.3m high wall on the south side boundary common with 73 Irwin Street.

LPP 142 allows a wall on one side boundary no longer than 9m or higher than 3m therefore the proposal is at variance with this policy.

**Discussion**

The increase in height for the proposed boundary wall for the store is considered a very minor variation being only 300mm, and does not negatively impact on the amenity of the adjoining property 73 Irwin Street.

The potentially affected property owner has endorsed one of the applicant's submitted plans:

*"I have viewed these plans and have no objection to the proposal"....Gay Meehan.*

The additions are purpose designed to be in keeping with the character and appearance of the existing house and are supported.

**RECOMMENDATION**

That Council exercise its discretion in granting approval for a variation to wall height on the south side boundary pursuant to Local Planning Policy 142 from 3m to 3.3m for the construction of ground floor additions to the single storey house at No. 71 Irwin Street (Lot 216) comprising:

- a 5m long X 3m wide X 4.3m high store incorporating a 3.3m high boundary wall at the rear;
- a 3m long X 2m wide extension to an existing meals area and veranda;
- a 5.13m long X 3m wide en-suite and built in robe, and
- a 1m long X 0.5m wide vanity addition to an existing toilet.

in accordance with the plans date stamp received on 19 March 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 store, vanity, meals extension, verandah, en-suite, and built in robe are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
  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 boundary 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. 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 of Council does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *in regard to the condition relating to the finish of the neighbour's side of the boundary wall for the store it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*

**RECOMMENDATION TO COUNCIL**

**That Council exercise its discretion in granting approval for a variation to wall height on the south side boundary pursuant to Local Planning Policy 142 from 3m to 3.3m for the construction of ground floor additions to the single storey house at No. 71 Irwin Street (Lot 216) comprising:**

- a 5m long X 3m wide X 4.3m high store incorporating a 3.3m high boundary wall at the rear;
- a 3m long X 2m wide extension to an existing meals area and veranda;
- a 5.13m long X 3m wide en-suite and built in robe, and
- a 1m long X 0.5m wide vanity addition to an existing toilet.

**in accordance with the plans date stamp received on 19 March 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 store, vanity, meals extension, verandah, en-suite, and built in robe are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
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 boundary 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. 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 of Council does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) in regard to the condition relating to the finish of the neighbour's side of the boundary wall for the store it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*

**T37.8**

***View Terrace No. 49 (Lot 302) – Manor Home Builders Pty Ltd  
(Application No. P37/2007)***

*By Chris Warrener, Consultant Town Planner on 30 March 2007*

**BACKGROUND**

**Description of Proposal**

An Application for Planning Approval for modifications to 49 View Terrace comprising:

- Enclose the main entry and convert it to a family room;
- Replace raised pool area in the front setback with an undercroft double garage with out door deck and pool above, with associated retaining and siteworks.

Note: It is not proposed to change the levels of the walls and the swimming pool in the front setback.

**Statutory Requirements**

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

Local Planning Strategy – Richmond Hill Precinct (LPS)

Residential Design Codes (RDC)

**Relevant Council Policies**

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

**Documentation**

Plans and relevant forms date stamp received on 20 February 2007

**Date Application Received**

20 February 2007

**Advertising**

Adjoining land owners

**Date Advertised**

6 March 2007

**Close of Comment Period**

22 March 2007

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

49 days

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

16 December 2003 Council grants special conditional approval for a 2-storey house with an elevated pool in the front setback;

15 March 2005 Council grants approval for air-conditioning units on the roof.

**CONSULTATION**  
**Development Control Unit**  
1 March 2007

**Town Planning Advisory Panel Comments**

This application was considered by the Town Planning Advisory Panel at its meeting held on 27 March 2007 and the following comments were made:

- like limestone outcrop to be retained and remove landscaping
- retention of limestone outcrop reduces dominance of house and wall. All agreed that limestone outcrop should not be removed
- support for the design on basis it does not impact upon streetscape
- concern about resultant levels of driveway
- Panel does not support a double garage facing the street if applied for at a later date

**Public Submissions**

At the close of the comment period no submissions were received, however a late submission was accepted on 28 March 2007:

- 47 View Terrace*
1. Dilapidation report required;
  2. Boundary wall was erected by my builder during construction;
  3. Builder to coordinate all trades;
  4. Suggests a list of conditions to apply to the boundary wall.

**Site Inspection**

By Consultant Town Planner on 9 March 2007

**REPORT**  
**Issues**

*Boundary Setbacks* The proposed under-croft double garage is set back 0.965m from the front boundary.

The RDC recommend a 7.5m setback for R12.5 coded property, and LPP 142 states:

*“Part 2 – Streetscape*

- (i) *Buildings are to be set back such a distance as is generally consistent with the building set back on adjoining land and in the immediate locality.*
- (ii) *Notwithstanding (i) above, garages and carports located at or behind the main building line for primary and secondary streets and in accordance with Table 1 – Minimum Setbacks of the Residential Design Codes.”*

*Verge Works* The application seeks to landscape the verge involving removing and levelling a limestone outcrop.

This aspect of the application should be dealt with separately by way of a written request to the Chief Executive Officer (CEO); the applicant was contacted on 9 March 2007 and advised of this procedure.

**Discussion**

The changes proposed to the 2-storey house involve enclosing its main entry to create an enlarged family room with a vaulted (2-storey high) ceiling.

This modification does not involve any variations which require the exercise of Council discretion, and the appearance of the house remains unchanged viewed from View Terrace.

The proposed under-croft double garage is situated within the front setback.

In December 2003 Council approved the house and works in the front setback to install a swimming pool elevated up to 2m above natural ground level. The house was built during 2004.

This application proposes to remove the works in the front setback, excavate the site for an under-croft garage, and put back a swimming pool and deck above the garage. Additional landscaping to complement this work is also proposed.

It is not proposed to alter the existing levels defined by the stepped down retaining walls and "water wall".

The alterations will improve amenity for the property by providing additional undercover car parking.

*TPAP Comments*      The panel supported the proposed works to construct the double under-croft garage, re-install the swimming pool, and enclose the front entry room.

However the panel did not support the works proposed in the verge area, which is the subject of a separate request for approval by the Chief Executive Officer, and will be dealt with by him.

*Submission*              The main content of the submission regards the technical details applying to the proposed works under construction, and are not a matter for this planning application, but are for the application for a Building Licence. Council's Building Surveyor will attend to these matters based on a Structural Engineer's report, which must accompany an Application for a Building Licence.

A dilapidation report is recommended in the footnotes to the officer's recommendation.

### **RECOMMENDATION**

That Council exercise its discretion in granting approval for a variation to the front setback pursuant to the Residential Design Codes from 7.5m to 0.965m for the construction of an enclosed family room, double undercroft garage, with deck and swimming pool above at No. 49 (Lot 302) View Terrace, East Fremantle in accordance with the plans date stamp received on 20 February 2007 subject to the following conditions:

1. the works are to be confined to the private property and do not include any works to the verge area;
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. the proposed extensions, garage and swimming pool are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
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. the proposed works for the swimming pool are not to be commenced until approval from the Water Corporation has been obtained and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
7. 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.
8. 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.
9. pool filter and pump equipment to be located away from boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.
10. 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.
11. 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.
12. pool contractor/builder is required to notify Council's Building Surveyor *immediately upon completion of all works* including fencing.
13. this planning approval to remain valid for a period of 24 months from date of this approval.

#### Footnote:

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

- (a) *this decision of Council 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 property.*

- (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).*

#### **RECOMMENDATION TO COUNCIL**

**That Council exercise its discretion in granting approval for a variation to the front setback pursuant to the Residential Design Codes from 7.5m to 0.965m for the construction of an enclosed family room, double undercroft garage, with deck and swimming pool above at No. 49 (Lot 302) View Terrace, East Fremantle in accordance with the plans date stamp received on 20 February 2007 subject to the following conditions:**

- 1. the works are to be confined to the private property and do not include any works to the verge area;**
- 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. the proposed extensions, garage and swimming pool are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
- 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. the proposed works for the swimming pool are not to be commenced until approval from the Water Corporation has been obtained and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- 7. 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.**
- 8. 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.**
- 9. pool filter and pump equipment to be located away from boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.**
- 10. 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.**
- 11. 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.**
- 12. pool contractor/builder is required to notify Council's Building Surveyor immediately upon completion of all works including fencing.**
- 13. this planning approval to remain valid for a period of 24 months from date of this approval.**

#### **Footnote:**

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

- (a) *this decision of Council 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 property.*
- (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).*

**T37.9** *Bay Patch Street No. 20 (Lot 278) – D Strambolini  
(Application No. P34/07)  
By Chris Warrener, Consultant Town Planner on 2 April 2007*

**BACKGROUND**

**Description of Proposal**

An Application for Planning Approval for a front fence that is 1.8m high not visually permeable.

The proposed fence will be built in front of 2 windows and the main entry door of the house, the remainder of the property frontage containing a lawn area will remain exposed to street views.

**Statutory Requirements**

Town Planning Scheme No. 3 (TPS 3) – Residential R30  
Local Planning Strategy - Raceway Precinct (LPS)  
Residential Design Codes (RDC)

**Relevant Council Policies**

Local Planning Policy 064 Richmond Raceway Area 7 Design Guidelines Policy and Policy Plan (LPP 064)  
Council Policy 143 – Fencing (CP 143)

**Documentation**

Plans and relevant forms date stamp received on 20 February 2007.

**Date Application Received**

20 February 2007

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

20 days

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

20 February 2001 Council grants special approval for reduced landscaping and a reduced rear setback for a single storey residence;  
25 May 2001 Building Licence issued for a single storey residence;  
31 January 2006 Building Licence issued for a front fence;  
20 March 2007 Council deferred consideration of the application pending the receipt of more detailed drawings.

### **CONSULTATION**

#### **Site Inspection**

By Consultant Town Planner on 21 February 2007.

### **REPORT**

#### **Issues**

The proposed front fence is 1.8m high solid (visually impermeable) rendered.

CP 143 states: "Council requires front fences and walls above 1.2m to be visually permeable defined as:

*Continuous vertical gaps of at least 50mm width occupying not less than 60% of the face in aggregate of the entire surface that is at least 60% of the length of the wall must be open.* (Note: This differs from the 'R' Codes)"

The subject land is in the "Raceway" precinct, and is the subject of Local Planning Policy 064, which states in relation to fencing:

*"Fences: In front of setback line a height of 750mm maximum for solid walls, and 1800mm for open timber or iron grilling."*

#### **Discussion**

In response to the Council decision made at the March 2007 meeting the applicant has submitted amended plans more clearly illustrating the proposed front fence at scale.

On 31 January 2006 a Building Licence was issued for a masonry and picket-panelled front fence on the front boundary of 20 Bay Patch Street. This licence expired on 31 January 2007.

The owner/applicant has decided not to build the approved front fence, and proposes to build a section of fence, which does not comply with CP 143, or with the fencing style recommended in LPP 064.

The two fence sections comprise:

- an 8.5m long X 1.8m high non-visually permeable masonry fence, which will replace an existing 1.8m high non-visually permeable timber fence next to the west side boundary common with Colburn Way;
- an 8.5m long X 1.8m high non-visually permeable masonry fence next to the front boundary common with Bay Patch Street and Marmion Street.

The section of fence along Colburn Way simply replaces an existing fence built in accordance with the Building Licence issued on 31 January 2006, and does not require Planning Approval.

However the section next to Bay Patch Street is a new section of fence requiring the exercise of Council discretion to allow it to be built.

Notwithstanding the proposed "non-compliance" LPP 064 states:

*"Council may vary the requirements of the Design Guidelines Policy and Policy Plan where particular requirements of the lot illustrate that amenity consideration would be improved if concessions were made."*

The applicant states:

*“Our reasons for these changes are mainly to reduce the increasing traffic noise from Marmion Street and provide for privacy and security also.*

*The main change is that we now request a solid wall in front of the master bedroom and front door so it is fully enclosed at the same height of 1800mm.”*

20 Bay Patch Street is situated at the north corner of Colburn Way and Bay Patch Street.

Opposite the front of the property adjacent to the reserve for Bay Patch Street is Marmion Street, a relatively busy distributor road, which provides access between Fremantle and Melville.

The property effectively has two streets opposite its front door. The closest Marmion Street carriageway is less than 10m away.

### **Conclusion(s)**

Based on the particular amenity circumstances confronting the subject land, the fact that a major proportion of the property frontage will not be fenced, and hence will be “open” to the street, this application is supported.

### **RECOMMENDATION**

That Council exercise its discretion in granting approval for a variation to the design of a front fence pursuant to Council Policy 143 – Fencing, and Local Planning Policy 064 Richmond Raceway Area 7 Design Guidelines Policy & Policy Plan for the construction of a 1800mm high fence at No. 20 (Lot 278) Bay Patch Street, East Fremantle in accordance with the plans date stamp received on 20 February 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 fence is not to be used 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. 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 of Council 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**

That Council exercise its discretion in granting approval for a variation to the design of a front fence pursuant to Council Policy 143 – Fencing, and Local Planning Policy 064 Richmond Raceway Area 7 Design Guidelines Policy & Policy Plan for the construction of a 1800mm high fence at No. 20 (Lot 278) Bay Patch Street, East Fremantle in accordance with the plans date stamp received on 20 February 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 fence is not to be used 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. 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 of Council 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).*

**T37.10**

***Glyde Street No. 26 (Lot 77) – Ashley Richards Architect  
(Application No. P33/2007)***

*By Chris Warrener, Consultant Town Planner on 26 March 2007*

## **BACKGROUND**

### **Description of Proposal**

An Application for Planning Approval for 2-storey additions to the rear of the single storey house at 26 Glyde Street, East Fremantle, comprising:-

- Ground floor family, living room with cellar underneath, and dining room;
- 11.5m long X 2m wide swimming pool, a terrace, and a deck;
- Upstairs bedroom, en-suite, study, and balcony.

### **Statutory Requirements**

Town Planning Scheme No. 3 (TPS 3) – Residential R20

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)

### **Documentation**

Plans and relevant forms date stamp received on 20 February 2007

### **Date Application Received**

20 February 2007

### **Additional Information Received**

Plans for the additions endorsed by the owners of 24 & 28 Glyde Street received on 21 March 2007

**Advertising**

Adjoining land owners only

**Date Advertised**

6 March 2007

**Close of Comment Period**

22 March 2007

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

49 days

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

20 July 1981 Council approves a Home Occupation – export business;  
 16 May 1983 Council approves additions to the rear involving a relaxation to the north side boundary setback;  
 18 May 1983 Building Permit issued for additions;  
 16 March 1987 Council grants special approval for an addition incorporating the extension of a boundary wall;  
 19 June 1987 Building Permit issued for addition & boundary wall extension;

**CONSULTATION****Development Control Unit**

1 March 2007

**Public Submissions**

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

**Site Inspection**

By Consultant Town Planner on 30 October 2006

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<b>STATISTICS</b>	<b>Required</b>	<b>Proposed</b>
Land Area		508m <sup>2</sup> Existing
Open Space	50%	55.5% Acceptable
Zoning		R20
Heritage Listing		Draft MI
<b>Setbacks:</b>		
Rear (east)		
<i>Ground</i> <i>Family</i>	1.50	9.60 Acceptable
<i>Deck</i>	1.50	8.00 Acceptable
<i>Upper</i> <i>Bed 1</i>	4.50	9.60 Acceptable
<i>Balcony</i>	7.50	16.40 Acceptable

Rear (north)				
Ground	Family & Living	1.50	5.70	Acceptable
	Dining	1.50	4.50	Acceptable
Upper	Bed 1	4.50	5.70	Acceptable
	Balcony	7.50	4.20	<b>Discretion Required</b>
Rear (south)				
Ground	Dining	1.50	2.50	Acceptable
	Living	1.00	1.00	Acceptable
	Family	1.00	2.20	Acceptable
Upper	Study	1.20	1.00	<b>Discretion Required</b>
	Bed 1	1.20	2.20	Acceptable
<b>Height:</b>				
Wall		6.00	7.00	<b>Discretion Required</b>
Ridge		9.00	7.50	Acceptable

## REPORT Issues

### *Building Height*

The proposed additions incorporate a colorbond skillion roof therefore recommended wall height under the RDC is 6m.

The north side wall height for a proposed upper floor bedroom and balcony varies between 6.5m and 7m above natural ground level (NGL).

The east side wall height for the proposed upper floor bedroom varies between 6m and 6.2m above NGL.

Maximum roof height of the 2-storey additions is 7.5m (RDC recommend 9m therefore it is well 'under height').

### *Roof Pitch*

The proposed skillion roof will be pitched at 10°.

LPP 066 states:

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

### *Setbacks*

#### North Side Boundary Common with 24 Glyde Street

A proposed upper floor balcony accessed by a study is set back 4.2m from the north side boundary.

The RDC recommend a 7.5m setback for unscreened balconies.

South Side Boundary Common with 28 Glyde Street

An upper floor wall for a proposed study is set back 1m from the south side boundary.

The RD recommend a 1.2m setback.

**Discussion**

*Building Height*

The existing single storey house at 26 Glyde Street is described in the Draft MI as being built during the 'Federation' period with 'Queen Anne Influences'.

It incorporates the high ceilings and a steeply pitched roof line associated with buildings of this era.

The proposed additions at the rear of the house are situated on lower ground as a result the variation to wall height will not detract from or materially alter the appearance of the property viewed from Glyde Street.

*Roof Pitch*

While the additions incorporate a skillion roof pitched lower than recommended in LPP 066, this roof will not be a dominant element viewed from Glyde Street, rather the 30° pitched gable roof of the existing house is the most visible feature of the property.

*Setbacks*

The balcony on the north side that is closer to the boundary than recommended in the RDC will overlook the roof of single storey additions at the rear of 24 Glyde Street approved on a reduced boundary setback by Council in February 2003.

The balcony overlooking will not affect the privacy of the potentially affected property.

In regard to the setback for the study, this is considered minor, being a variation of only 200mm, and will not affect the amenity of the potentially affected property.

The applicant submitted copies of the plans for the proposed additions which are endorsed by the owners of the potentially affected properties 24 Glyde Street and 28 Glyde Street:

*"Sighted and accepted."*

**RECOMMENDATION**

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

- (a) variation to wall height on the north side for a bedroom and balcony pursuant to the Residential Design Codes from 6m to 6.5m and 7m respectively;
- (b) variation to wall height on the east side for a bedroom pursuant to the Residential Design Codes from 6m to 6.2m;
- (c) variation to the north side boundary setback for a balcony pursuant to the Residential Design Codes from 7.5m to 4.2m;
- (d) variation to the south side boundary setback for a study pursuant to the Residential Design Codes from 1.2m to 1m;
- (e) variation to roof pitch for a skillion roof pursuant to Local Planning Policy 066 from 28° to 10°;

for the construction of 2-storey additions to the rear of the single storey house at No. 26 (Lot 77) Glyde Street, East Fremantle, comprising:

- ground floor family, living room with cellar underneath, and dining room;
- 11.5m long X 2m wide swimming pool, terrace, and deck;
- upstairs bedroom. En-suite, study, and balcony;

in accordance with the plans date stamp received on 20 February 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 extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
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. the proposed works for the swimming pool are not to be commenced until approval from the Water Corporation has been obtained and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
6. 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.
7. 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.
8. pool filter and pump equipment to be located away from boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.
9. 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.
10. 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.
11. pool contractor/builder is required to notify Council's Building Surveyor *immediately upon completion of all works* including fencing.
12. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
13. that within two years of construction Council may request that the zincalume roofing be treated to reduce reflectivity, at the applicant/s expense.
14. 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 of Council 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 property.*
- (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).

#### **RECOMMENDATION TO COUNCIL**

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

- (a) variation to wall height on the north side for a bedroom and balcony pursuant to the Residential Design Codes from 6m to 6.5m and 7m respectively;
- (b) variation to wall height on the east side for a bedroom pursuant to the Residential Design Codes from 6m to 6.2m;
- (c) variation to the north side boundary setback for a balcony pursuant to the Residential Design Codes from 7.5m to 4.2m;
- (d) variation to the south side boundary setback for a study pursuant to the Residential Design Codes from 1.2m to 1m;
- (e) variation to roof pitch for a skillion roof pursuant to Local Planning Policy 066 from 28° to 10°;

for the construction of 2-storey additions to the rear of the single storey house at No. 26 (Lot 77) Glyde Street, East Fremantle, comprising:

- ground floor family, living room with cellar underneath, and dining room;
- 11.5m long X 2m wide swimming pool, terrace, and deck;
- upstairs bedroom. En-suite, study, and balcony;

in accordance with the plans date stamp received on 20 February 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 extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
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. the proposed works for the swimming pool are not to be commenced until approval from the Water Corporation has been obtained and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
6. 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.
7. 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.
8. pool filter and pump equipment to be located away from boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.
9. 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.
10. 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.
11. pool contractor/builder is required to notify Council's Building Surveyor immediately upon completion of all works including fencing.
12. where this development requires that any facility or service within a street

verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.

13. that within two years of construction Council may request that the zincalume roofing be treated to reduce reflectivity, at the applicant/s expense.
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**Footnote:**

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

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- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*

**T38. REFERRED BUSINESS (NOT INCLUDED ELSEWHERE)**  
Nil.

**T39. BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING**  
Nil.

**T40. CLOSURE OF MEETING**  
There being no further business the meeting closed at 8.38pm.

*I hereby certify that the Minutes of the meeting of the **Town Planning & Building Committee (Private Domain)** of the Town of East Fremantle, held on **10 April 2007**, Minute Book reference **T27. to T40.** were confirmed at the meeting of the Committee on*

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*Presiding Member*