

10 November 2009

MINUTES

**MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 10 NOVEMBER, 2009 COMMENCING AT 6.35PM.**

**T95. OPENING OF MEETING**

The Chief Executive Officer opened the meeting.

**T95.1 Present**

Mayor Alan Ferris	
Cr Alex Wilson	Presiding Member
Cr Cliff Collinson	
Cr Barry de Jong	
Cr Rob Lilleyman	
Cr Siân Martin	
Cr Dean Nardi	
Cr Maria Rico	
Mr Stuart Wearne	Chief Executive Officer
Mr Rohan Doust	Acting Town Planner
Mrs Peta Cooper	Minute Secretary

**T96. ELECTION OF PRESIDING MEMBER**

The Chief Executive Officer sought nominations for the position of Presiding Member.

Mayor Ferris nominated Cr Wilson for the position.

Following a request from the Chief Executive Officer, Cr Wilson provided written confirmation of her acceptance of the nomination.

Given there were no further nominations, the Chief Executive Officer declared Cr Wilson elected as Presiding Member of the Town Planning & Building Committee (Private Domain) for a two year term.

Cr Wilson assumed the Chair.

**T97. WELCOME TO GALLERY**

Cr Wilson welcomed the 8 members of the public in the gallery and proceeded to introduce councillors and staff members.

Following introductions, Cr Wilson advised that at the last Council meeting, all councillors nominated to sit on the Town Planning & Building Committee (Public Domain) and called upon the Chief Executive Officer for clarification on the size of the committee.

In response the Chief Executive Officer advised that his research into the expanded size of the committee had indicated there was no statutory impediment to all elected members being a member of the committee, although it could be said that the intent of the Standing Orders, the relevant section of which stated: *“there shall be four standing committees appointed from among the councillors, namely...each of which shall consist of not less than five members; and if possible of one councillor from each Ward of the Municipality...”* was not being met. However, the Standing Orders had been formulated at the time of the 1960 Local Government Act, which limited the maximum size of committees to “less...than one half of the total number of members of the Council” (in the current circumstance this would have meant four members).

Further however, the 1995 Local Government Act contains no such limitation. In short, whilst the Standing Orders indicate a “preference” for standing committees to comprise one elected member from each ward plus either the Mayor or one other councillor, it is only a preference.

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In conclusion the CEO noted that if for any reason the size of the Committee appeared to be problematic, Council could always review the issue of membership at that time.

**T98. APOLOGIES**

An apology was submitted on behalf of Cr Richard Olson.

**T99. CONFIRMATION OF MINUTES**

*T99.1 Town Planning & Building Committee (Private Domain) – 13 October 2009*

**Mayor Ferris - Cr de Jong**

**That the Town Planning & Building Committee (Private Domain) minutes dated 11 March 2008 as adopted at the Council meeting held on 13 October 2009 be confirmed.** CARRIED

**T100. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)**

*T100.1 T102.8 Hubble Street No. 67 (Lot 184) – Front Fence & Shed*

Submission received from adjoining neighbour at 69 Hubble seeking either a reduction in size of the proposed shed or an increased setback to south boundary.

**Mayor Ferris – Cr Rico**

**That the correspondence be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref T102.8)**

CARRIED

*T100.2 T102.5 Locke Crescent No. 21 (Strata Lots 1 & 2) – Two New Residences*

Email from applicant, Mr Brent de Pledge, advising that he disagrees with the comment on proposed parapet walls on common boundary between both homes as both homes will have the same owner and that the common connection between the two homes is for the length of the garage wall on Strata Lot 2 only.

**Mayor Ferris – Cr Rico**

**That the correspondence be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref T102.5)**

CARRIED

**T101. REPORTS OF COMMITTEES**

*T101.1 Town Planning Advisory Panel – 27 October 2009*

**Mayor Ferris – Cr Rico**

**That the minutes of the Town Planning Advisory Panel meeting held on 27 October 2009 be received and each item considered when the relevant development application is being discussed.** CARRIED

**T102. REPORTS OF OFFICERS**

*T102.1 Receipt of Reports*

**Cr de Jong – Cr Martin**

**That the Reports of Officers be received.**

CARRIED

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**T102.2 Order of Business**

**Cr de Jong – Cr Martin**

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

**T102.3 Philip Street No. 13 (Lot 77)**

**Application No. P112/09**

**Owner: A Brims & L Jenke**

**Applicant: Highline Pty Ltd**

By Rohan Doust, Acting Town Planner, 4 November 2009

**BACKGROUND**

**Description of subject site**

The subject site is:

- zoned Residential R12.5;
- 1062m<sup>2</sup> in area; and
- developed with a single-storey single dwelling with undercroft and also a rear shed 24.8m<sup>2</sup> in area.

**Description of Proposal**

It is proposed to construct a second shed to the rear of the existing dwelling.

The shed is proposed to be:

- 60m<sup>2</sup> in area;
- 4.0m high at the walls and 4.6m high at the ridge;
- set back 2.4m and 2.6m from the side and rear boundaries respectively;
- provided with a roof pitched at 12°; and
- constructed from Custom Orb corrugated metal cladding.

**Statutory Considerations**

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

**Relevant Council Policies**

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

**Date Application Received**

24 August 2009

**Advertising**

Adjoining landowners

**Date Advertised**

27 August 2009

**Close of Comment Period**

20 October 2009

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

77 days

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

None

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**CONSULTATION**

**Principal Building Surveyor's Comment**

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

**Public Submissions**

One public submission was received from an adjoining landowner to the rear of the subject site.

The adjoining landowner's comments are addressed below.

**Site Inspection**

By Acting Town Planner on 5 November 2009.

**REPORT**

**Considerations**

Wall Height of Outbuilding

It's proposed that the outbuilding have 4.0m-high walls. The R-Codes limit the wall height of an outbuilding to 2.4m.

It is considered that the wall height of the shed should be reduced to 3.0m in order to reduce the perceived bulk and scale of the shed.

Such 3.0m-high walls would still exceed the requirements of the R-Codes by 0.6m, however. It is considered that a variation can be supported in this case as:

- The applicant has advised that there is a change in level of approximately 0.6m between the subject site and adjoining site to the rear. As a result the wall height of the shed when viewed from the neighbouring property would be approximately 2.4m as per the R-Codes.
- The applicant has provided overshadowing diagrams demonstrating that the shadow from the proposed shed will fall entirely on the dividing fence and not on the adjoining property to the rear.
- The walls of increased height are located to the rear of the subject property and would not generally be visible from the street.
- The applicant has advised that increased wall heights are required in order to ameliorate a loss of privacy associated with a new two-storey development to the rear of the subject site. Please refer to Attachment 4 for further details.
- Given the above it is considered that wall heights of 3.0m can be supported in lieu of the 2.4m wall height required by the R-Codes.

Ridge Height of Outbuilding

It is proposed that the outbuilding have a ridge height of 4.6m. The R-Codes limit ridge height of an outbuilding to 4.2m.

It is considered that a 0.4m variation to the required ridge height can be supported for the same reasons set out above in relation to wall height. It is noted that, due to the change in level between the subject site and the adjoining site to the rear, the ridge height when viewed from the property to the rear would be approximately 4.0m, which would accord with the provisions of the R-Codes.

Aggregate Area of Outbuildings

The site features an existing rear shed approximately 24.8m<sup>2</sup> in area. The proposed shed would be 60.0m<sup>2</sup> in area. Thus the aggregate floor area of outbuildings on the site would be 84.8m<sup>2</sup>.

The R-Codes limit the aggregate area of outbuildings to 60m<sup>2</sup>.

It is considered that a variation can be supported in this instance as:

- The proposal would not result in the site being overdeveloped, as the lot features approximately 66% open space in lieu of the 55% minimum open space requirement of the R-Codes.

- The proposed shed does not impact on the solar access of the adjoining site to the south (rear) as measured by the R-Codes.
- The increase in outbuilding floor area would generally not impact on the streetscape as the proposal is located to the rear of the subject site.
- The applicant has advised that the increased size of the shed is required to ameliorate a loss of privacy associated with a new two-storey development to the rear of the subject site. Please refer to Attachment 4 for further details.

Roof Pitch

The roof to shed is proposed to be pitched at 12°.

The Roofing Policy (LPP066) requires that 'dominant elements' of roofs be pitched at 28° or more.

The roof to shed isn't considered to be a dominant element since it would not be substantially be visible from the street.

It is therefore considered the proposal accords with the provisions of the Roofing Policy.

Neighbour Comments

A submission expressing concerns about the proposed shed was received from the adjoining landowner to the rear (see Attachment 3).

The adjoining landowners' comments are summarised and responded to below:

Neighbours' Comment	Response
The proposed shed will overshadow the back yard and ground floor of the respondent's property.	Overshadowing diagrams indicate that the shadow from the shed would fall entirely on the dividing fence and not on the neighbours' property.
Ensure that setbacks, height and roof pitch meet the requirements of the R-Codes and the Town's Planning Policies.	The proposal accords with setback and roof pitch requirements.  It is considered that a variation to the ridge height and wall height of the shed can be supported as detailed above.  It is noted that when viewed from the respondent's property, the shed would meet the ridge- and wall-height provisions of the R-Codes as there is a change in level between the two sites.
Can the shed be aligned north-south instead of east-west?	Given the proposal accords with overshadowing provisions, there are no further planning provisions that would require this.
The shed is considered much larger than would be required for two car parking and there are queries about its intended use and whether or not it would be used for industry-related purposes.	The applicant has advised that he shed is intended to be used to store a boat, camper trailer, kayaks and miscellaneous outdoor equipment.  Use of the shed for industrial purposes is not permitted under TPS3 and is not being applied for.



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The applicant has also provided correspondence addressing the neighbours' concerns. A copy is included at Attachment 4.

**RECOMMENDATION**

That Council exercise its discretion in granting planning approval for:

- outbuilding wall height being 4.0m in lieu of the 2.4m wall height required by the Acceptable Development provisions of the R-Codes;
- outbuilding overall height being 4.6m in lieu of the 4.2m overall height required by the Acceptable Development provisions of the R-Codes; and
- combined floor area of outbuildings being 84.8m<sup>2</sup> in lieu of the 60m<sup>2</sup> required by the Acceptable Development provisions of the R-Codes;

for a shed to the rear of the existing single-storey single house at Lot 77 (No. 13) Philip Street, East Fremantle, as shown on plans received 24 August 2009 and subject to the following conditions:

1. The wall height of the shed is to be reduced to 3.0m.
2. Details of the style and colour of the proposed garage door and corrugated metal cladding to the roof and walls of the shed are to be provided to, and endorsed by, provided to and endorsed by the Chief Executive Officer prior to issuance of a building licence.
3. That the corrugated metal roof cladding be treated to Council's satisfaction to reduce reflectivity if requested by Council in the first two years following installation, at the owner's expense.
4. All storm water resulting from the development is to be retained on site.
5. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
6. The proposed works are not to be commenced until Council has received an application for a 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.
7. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
8. The proposed shed is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
9. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
10. This planning approval to remain valid for a period of 24 months from date of this approval.

That the applicant be advised of the following:

- (a) *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.*

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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).*
- (e) *In regard to the condition relating to the finish of the neighbour's side of the rear boundary wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

Mr Alan Brims & Ms Liaane Jenke (applicants) addressed the meeting in support of their application, reiterating points raised in his letter of justification in particular, issues relating to overlooking and visual privacy as a result of the construction of a two storey residence at 64A View Terrace and his request for increased wall/ridge height. In response to question on the location of the shed and its configuration on the site, Mr Brims advised that he preferred the shed to run east/west rather than north/south so as to provide maximum privacy.

Ms Beth Colgate & Mr Tony Radaich (adjoining neighbours at 64A View Terrace) addressed the meeting on issues relating to overshadowing from the proposed structure, the reflective nature of custom orb and impact on views should the structure be approved with a 4.6m ridge height as this would be to the height of their balcony railings. Ms Colgate advised of the changes made to their development to reduce the impact of overlooking.

**RECOMMENDATION TO COUNCIL**

**Mayor Ferris – Cr de Jong**

**That Council exercise its discretion in granting planning approval for:**

- **outbuilding wall height being 4.0m in lieu of the 2.4m wall height required by the Acceptable Development provisions of the R-Codes;**
- **outbuilding overall height being 4.6m in lieu of the 4.2m overall height required by the Acceptable Development provisions of the R-Codes; and**
- **combined floor area of outbuildings being 84.8m<sup>2</sup> in lieu of the 60m<sup>2</sup> required by the Acceptable Development provisions of the R-Codes;**

**for a shed to the rear of the existing single-storey single house at Lot 77 (No. 13) Philip Street, East Fremantle, as shown on plans received 24 August 2009 and subject to the following conditions:**

- 1. The wall height of the shed is to be reduced to 3.0m.**
- 2. Details of the style and colour of the proposed garage door and corrugated metal cladding to the roof and walls of the shed are to be provided to, and endorsed by, provided to and endorsed by the Chief Executive Officer prior to issuance of a building licence.**
- 3. That the corrugated metal roof cladding be treated to Council's satisfaction to reduce reflectivity if requested by Council in the first two years following installation, at the owner's expense.**
- 4. All storm water resulting from the development is to be retained on site.**
- 5. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- 6. The proposed works are not to be commenced until Council has received an application for a 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.**
- 7. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
- 8. The proposed shed is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**

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9. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
10. This planning approval to remain valid for a period of 24 months from date of this approval.

That the applicant be advised of the following:

- (a) *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 rear boundary wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED ON THE CASTING VOTE OF THE PRESIDING MEMBER

**T102.4 Clayton Street No. 22 (Lot 17)**  
**Application No. P122/09**  
**Owner: M Nolan**  
**Applicant: Vernon Design Group**  
By Rohan Doust, Acting Town Planner, 4 November 2009

**BACKGROUND**

**Description of subject site**

The subject site is:

- zoned Residential R12.5;
- located in the Richmond Precinct
- 804m<sup>2</sup> in area; and
- developed with a single-storey brick-and-tile single dwelling constructed post-WW2; and;
- not included on the Town's Municipal Inventory.

**Description of Proposal**

It's proposed to construct a single-storey single dwelling with an undercroft garage.

The new house is proposed to:

- be 265m<sup>2</sup> in area (four bed and two bath);
- have walls up to 3.9m high and a ridge height up to 5.7m;
- be set back 7.5m from the front of the lot;
- be constructed from red face brick with grey corrugated metal roof sheeting over a gabled roof pitched at 25°; and
- be provided with a front- and side-verandah with white timber detailing and a roof pitched at 14°.

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The double garage undercroft is proposed to:

- be situated underneath and aligned flush with the front of the proposed dwelling;
- have a finished floor level approximately 1.3m below the level of the footpath at the front of the site;
- be approximately 70.6m<sup>2</sup> in area with a 6.5m wide frontage; and
- be provided with a white garage door.

It is also proposed to modify the existing front fence by removing a 4.3m long section and constructing a new freestanding pier at the pedestrian entry point.

It is noted that the proposal involves demolition of the existing house on the site. Demolition is not addressed during the planning process and that aspect of the development doesn't form part of the application.

**Statutory Considerations**

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

**Relevant Council Policies**

- Council Policy on Roofing (LPP066)
- Local Planning Policy – Residential Development (LPP142)
- Local Laws Relating to Fencing (LPP143) - It is noted that LPP143 replaces the provisions of the Residential Design Codes of WA with respect to front fences.
- Local Planning Policy – Rainwater Tanks (LPP144)

**Date Application Received**

29 September 2009

**Advertising**

Adjoining landowners

**Date Advertised**

28 October 2009

**Close of Comment Period**

11 November 2009.

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

41 days

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

17 October 2006 Council approved a two-storey single dwelling at the subject site.

**CONSULTATION**

**Principal Building Surveyor's Comment**

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

**Town Planning Advisory Panel**

The Panel viewed the proposal on 27 October 2009 and advised that:

- it had no comment to make on the proposed demolition of the existing dwelling;
- the design and architectural style of the proposed dwelling is supported;
- the proposed dwelling's single storey aspect is supported;
- the development can potentially accommodate a dual-width crossover given the size of the block; and that
- there were no further comments.



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**Public Submissions**

Public consultation for this proposal closes 11 November 2009.

As of 5 November no public submissions were received. Details of any submissions received after this date will be tabled at the Committee Meeting on 10 November and will form part of the Agenda for the Council Meeting on 17 November 2009.

**Site Inspection**

By Acting Town Planner on 5 November 2009.

**REPORT**

**Considerations**

Finished Floor Levels and the Streetscape

The finished floor level at the front of the proposed dwelling is approximately 1.1m above natural ground level. The combination of an undercroft parking area and a raised finished floor level to the dwelling has the potential to impact negatively on the streetscape.

It is noted that the subject site and adjoining lots feature changes in natural ground level, and that the adjoining houses also generally feature a podium-like arrangement where the finished floor level at the front of the dwelling is raised above natural ground level.

Given the change in site levels and the nature of the adjoining development, it is considered that the proposed undercroft and raised floor level at the front of the house is appropriate in this case from a streetscape point of view.

Roof Pitch

The proposal features a roof pitched at 25° with the verandah portion being pitched at 14°.

The Roofing Policy (LPP066) states that dominant elements of the roof are to be pitched at 28° or more. The proposal does not meet this provision of the policy.

It is considered that a variation can be supported as:

- the proposed roof pitch of 14-25° is considered to be well-matched to the design, form and size of the proposed dwelling;
- the proposed roof pitch is compatible with other development in the locality which is generally of the Interwar and post-WW2 periods.

Boundary Setback

The southern (side) elevation comprises a single-storey wall 28.3m in length which is intended to be set back between 1.0m and 2.1m from the southern (side) side boundary.

The Acceptable Development provisions of the R-Codes state that this wall is to be set back 1.7m.

It is considered that a variation to the required setback can be supported pursuant to the Performance Criteria of the Codes as:

- The proposal meets relevant overshadowing provisions (the proposed development would overshadow approximately 88m<sup>2</sup>, or 11% of the adjoining lot to the south – the R-Codes permit up to 25% overshadowing).
- Siting the proposed dwelling closer to the southern boundary maximises the subject site's access to northern sun.
- The southern elevation comprises six sections of wall with setbacks between 1.0m and 2.1m. This varying setback articulates the wall and assists in reducing the impact of building bulk associated with the southern elevation.
- The section of wall at reduced setback is not considered to impact unduly on the streetscape.

Visual Privacy

The front-facing verandah has a finished floor level greater than 0.5m above natural ground level, is set back less than 7.5m from the property boundary, and has the potential to impact on the visual privacy of the adjoining property to the south, in particular the portion of that property located behind the primary setback line.



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It is considered that a variation to the Acceptable Development provisions of the R-Codes can be supported as:

- the portion of the adjoining property which is proposed to be overlooked is simply the side of a garage; and
- the provision of privacy screening to the front verandah may detract from the design of the dwelling and impact negatively on the streetscape.

Water Tank

The proposal includes a water tank to the side of the dwelling. It is recommended that any development approval include a condition requiring the water tank accord with the provisions of the Rainwater Tanks Policy (LPP144).

**RECOMMENDATION**

Subject to consideration of any public submissions received on or between 6 and 11 November 2009, Council exercise its discretion in granting approval for:

- the southern elevation being set back between 1.0m and 2.1m from the southern boundary in lieu of the 1.7m setback required by the Acceptable Development provisions of the Residential Design Codes of WA
- the front-facing verandah being set back 1.5m from the side boundary in lieu of the 7.5m privacy setback required by the Acceptable Development provisions of the R-Codes

for a single-storey single dwelling with undercroft on Lot 17 (No. 22) Clayton Street, East Fremantle, as shown on plans received 29 September 2009 and 20 October 2009 and subject to the following conditions:

1. The rainwater water tank is to meet the provisions of the Rainwater Tanks Local Planning Policy (LPP144), details of which are to be provided to and endorsed by the Chief Executive Officer prior to issuance of a building licence.
2. Details of the materials and finish of the garage door are to be provided to and endorsed by the Chief Executive Officer prior to issuance of a building licence.
3. The external face of the rear boundary wall is to be finished to the same standard as the rest of the development, details of which are to be provided to and endorsed by the Chief Executive Officer prior to issuance of a building licence.
4. All storm water resulting from the development is to be retained on site.
5. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
6. The proposed works are not to be commenced until Council has received an application for a 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.
7. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
8. The proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
9. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
10. This planning approval to remain valid for a period of 24 months from date of this approval.

That the applicant be advised of the following:

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



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- (b) A copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.
- (c) 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 rear boundary wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.
- (f) Matters relating to dividing fences are subject to the Dividing Fences Act 1961.

Mr Mike Nolan (owner) & Mr Richard Vernon (designer) advised that they were satisfied with the officer's report and addressed the meeting in support of the proposed new residence.

**RECOMMENDATION TO COUNCIL**

**Cr de Jong – Cr Martin**

**Subject to consideration of any public submissions received on or between 6 and 11 November 2009, Council exercise its discretion in granting approval for:**

- the southern elevation being set back between 1.0m and 2.1m from the southern boundary in lieu of the 1.7m setback required by the Acceptable Development provisions of the Residential Design Codes of WA
- the front-facing verandah being set back 1.5m from the side boundary in lieu of the 7.5m privacy setback required by the Acceptable Development provisions of the R-Codes

**for a single-storey single dwelling with undercroft Lot 17 (No. 22) Clayton Street, East Fremantle, as shown on plans received 29 September 2009 and 20 October 2009 and subject to the following conditions:**

1. The rainwater tank is to meet the provisions of the Rainwater Tanks Local Planning Policy (LPP144), details of which are to be provided to and endorsed by the Chief Executive Officer prior to issuance of a building licence.
2. Details of the materials and finish of garage door are to be provided to and endorsed by the Chief Executive Officer prior to issuance of a building licence.
3. The external face of the rear boundary wall is to be finished to the same standard as the rest of the development, details of which are to be provided to and endorsed by the Chief Executive Officer prior to issuance of a building licence.
4. All storm water resulting from the development is to be retained on site.
5. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
6. The proposed works are not to be commenced until Council has received an application for a 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.
7. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.

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8. The proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
9. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
10. This planning approval to remain valid for a period of 24 months from date of this approval.

That the applicant be advised of the following:

- (a) *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 rear boundary wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
  - (f) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- CARRIED

**T102.5 (a) Locke Crescent No. 21 (Survey Strata Lot 1)**

**Applicant: De Pledge Design**

**Owner: Pietro & Rosanna Pietroniro**

**Application No. P60/2009**

By Chris Warrener & Rohan Doust, Town Planners, on 3 September and 4 November 2009

**BACKGROUND**

**Description of Proposal**

An Application for Planning Approval for a 2-storey house with brick screen walls and wrought iron infill at 21 Locke Crescent (proposed Survey-strata Lot 1, cnr Habgood Street) comprising:

Ground floor: 4-car garage & store, portico, 3 bedrooms, bathroom, laundry, activity room, powder room, computer nook, foyer and alfresco;

First floor: master suite with balcony & en-suite, built-in-robe, powder room, living dining room, kitchen, pantry, study and cellar.

The house is proposed with cement rendered brick-work, and a mix of concealed and pitched roof forms; the pitched roof is proposed to be tiled and pitched at 28°.

It is proposed to construct a brick screen wall/front fence with wrought iron infill, a section of this wall along Locke Crescent is solid varying up to 1.8m above natural ground level.

The following report should be considered in conjunction with the report on "House No 2" on proposed Survey-strata Lot 2.

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**Statutory Considerations**

Town Planning Scheme No. 3 – Residential R12.5, sub-Clause 5.3.1 Density bonus for corner lots

Local Planning Strategy - Richmond Hill Precinct (LPS)  
Residential Design Codes (RDC)

**Relevant Council Policies**

Local Planning Policy 066 : Roofing (LPP 066)  
Local Planning Policy 142 : Residential Development (LPP 142)  
Local Planning Policy 143 : Fencing (LPP 143)

**Impact on Public Domain**

Tree in verge : No impact;  
Light pole : No impact;  
Crossover : Existing 12m wide and 6m wide bitumen crossovers in need of repair;  
Footpath : Concrete slab path abutting kerb in reasonable condition.

**Documentation**

Re-submitted plans date stamp received on 24 July 2009

**Date Application Received**

22 April 2009

**Advertising**

Adjoining landowners, sign on site, and advertisement in local newspaper

**Date Advertised**

Original application : 23 April 2009  
Re-submitted plans : 24 July 2009

**Close of Comment Period**

Original application : 8 May 2009  
Re-submitted plans : 14 August 2009

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

87 days (Revised)

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

15 January 1974 Additions comprising a bedroom, family room, and garage approved;

2 September 1974 Approval for a patio;

5 December 2008 CEO acting under delegated authority advises the WAPC that subdivision of 21 Locke Crescent into 2-lots is supported subject to 3 conditions;

14 January 2008 WAPC grants conditional approval for the subdivision of 21 Locke Crescent into 2 survey-strata lots (1 x 440m<sup>2</sup>, 1 x 511m<sup>2</sup>;

16 June 2009 Council decides to defer an application for two 2-storey houses at 21 Locke Crescent to allow the applicant to consider a redesign.

8 September 2009 The Town Planning and Building Committee decided to defer an application for two 2-storey houses at 21 Locke Crescent "to allow the applicant the opportunity to produce a 3D model as a final attempt to persuade elected members that the concerns in relation to bulk and scale have been addressed".

15 September 2009 An application for two 2-storey houses at 21 Locke Crescent was withdrawn from the Agenda for the Council Meeting on this date so that the applicant could compile perspective drawings as requested by the Town Planning and Building Committee.

13 October 2009 The Town Planning and Building Committee viewed a perspective drawing of the proposed development on Lots 1 & 2 Locke

Crescent. The Committee noted that the proposal would again be considered during the next available meeting round.

## CONSULTATION

### Town Planning Advisory Panel Comments

The re-submitted plans were considered by the Town Planning Advisory Panel at its meeting on 25 August 2009 and the following comments were made:

- large garage on smaller house is too prominent and should be minimised;
- need to increase the prominence of the front door;
- large house is a mixture of design styles;
- style should be simplified to make it more appropriate to the amenity of the locale;
- ultimately the developments will not be an improvement to the overall amenity of the street in accordance with the provisions in the scheme;
- the proponent's planner correctly asserts that the precinct is changing with larger dwellings replacing the existing stock. However, this does not excuse a poor outcome. The dwelling on Strata Lot 1 is significantly larger than the dwelling on Strata Lot 2, which in itself is not a problem, however, it is emphasised by being constructed boundary to boundary. The effect on the streetscape will be that the smaller dwelling appears to be cramped and of a lesser scale. The opportunity to alter this is now. The dwelling on Lot 1 could be moved away from the shared boundary to give space to Lot 2.
- Panel members' comments from 26 May 2009 (refer below) were reiterated:
  - .. *the dwelling proposed for Lot 1 appears as a grand house with an aesthetic that is relatively contrary to the surrounding building stock. By contrast the dwelling proposed for Lot 2 is of a much lower quality. I believe the two dwellings should at least carry similar styling references and these should be contextually appropriate. I find the physical expression of both dwellings inappropriate to the context;*
  - .. *the design of the dwelling for Lot 1 does maximise the potential for good solar access to many rooms. Similarly the other dwelling addresses solar access to the living spaces;*
  - .. *the open space requirements of the lots should not be permitted to exceed the mandated 50%;*
  - .. *the windows to Bed 4 of the dwelling on Lot 2 are very small. Will this comply? Even if the design does comply Beds 3 and 4 will not be pleasant spaces;*
  - .. *overall, I don't believe either dwelling adds anything worthwhile to the streetscape and in fact will create more examples of unfortunate design.*

### Principal Building Surveyor's Comment

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

### Public Submissions

At the close of the comment period on the re-submitted plans no submissions were received.

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<b>STATISTICS</b>	<b>Required</b>	<b>Proposed</b>
Land Area		511m <sup>2</sup> Existing
Open Space	50%	48.65% <b>Discretion Required</b>
Zoning		R12.5
Heritage Listing		Not listed

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STATISTICS		<i>Required</i>	<i>Proposed</i>
<b>Setbacks:</b>			
Front (North)			
<i>Ground</i>	<i>Garage</i>	6.0	6.5 Acceptable
	<i>Portico (setback)</i>	6.0	5.007 <b>Discretion Required</b> (Minor intrusion)
	<i>Bed 2, Activity, Alfresco</i>	6.0	6.0 Acceptable
<i>Upper</i>	<i>Master</i>	6.0	6.5 Acceptable
	<i>Balcony (setback)</i>	6.0	5.01 <b>Discretion Required</b>
	<i>Living, Alfresco</i>	6.0	6.0 Acceptable
Rear S/East)			
<i>Ground</i>	<i>Garage, (setback)</i>	<i>Store</i> 1.5	Nil <b>Discretion Required</b>
	<i>Ensuite, Study (setback)</i>	<i>Cellar,</i> 1.8	Nil <b>Discretion Required</b>
Side (East)			
<i>Ground</i>	<i>Garage</i>	Nil	Nil Acceptable
<i>Upper</i>	<i>Master Ensuite</i>	<i>Suite,</i> 1.2	1.020 <b>Discretion Required</b>
Side (S/West)			
<i>Ground</i>	<i>Alfresco</i>	1.5	2.5 Acceptable
	<i>Laundry, Bed 3, Bath, Bed 4</i>	1.5	1.5 Acceptable
<i>Upper</i>	<i>Alfresco, Dining, Kitchen (setback)</i>	2.8	3.0 Acceptable
	<i>Study</i>	2.3	3.35 Acceptable
<b>Height:</b>			
Wall		5.6 & 6.5	5.6 & 6.5 Acceptable
Building		8.1	8.0 Acceptable
<b>Overshadowing:</b>		N/a	
<b>Privacy/Overlooking:</b>		N/a	

**REPORT**

**Background**

In June 2009 Council considered an application for two 2-storey houses on 2 strata lots at 21 Locke Crescent.

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The Town Planning and Building Committee recommended approval of house number 1 subject to the following condition:

- “1. *prior to the issue of a building licence revised drawings be submitted showing:*
  - (a) *simplification of the design including removal of the turrets; and*
  - (b) *compliance with the open space requirements pursuant to the Residential Design Codes;**to the satisfaction of the Chief Executive Officer in consultation with relevant officers.”*

The applicant prepared and submitted plans amended to comply with the above-stated condition.

The Committee recommended approval of house number 2 subject to standard conditions.

The Council considered the application for the two houses and decided:

*“That the application be deferred to allow the applicant to consider a redesign of the proposed development, particularly on proposed Lot 1, taking into account the expressed concerns.”*

In response to this decision the applicant has now resubmitted the original plans.

The following report is extracted from the officer’s original report to Council on the originally submitted plans which are identical to the re-submitted plans.

**Assessment**

The property on which this 2-storey house is proposed is situated at the corner of Locke Crescent and Habgood Street; the property is proposed Survey-strata Lot 1, and is the subject of a WAPC subdivision approval granted on 14 January 2008.

The WAPC subdivision approval included the following condition:

1. *Prior to the commencement of subdivision works to satisfy the conditions of this approval, Planning Approval shall be obtained from the Town of East Fremantle pursuant to the provisions of the Town of East Fremantle’s Local Planning Scheme No. 3 (specifically sub clause 5.3.1) for the construction of a single house on each of the proposed lots. (Local Government)*

The subdivision was supported because it was proposed for a corner lot for which the following TPS 3 provision applies:

- “5.3.1 *Density Bonus for Corner Lots:* In areas with a density coding of R12.5, the local government may approve development up to a density of R20 on corner lots where the dwellings are designed to face each of the two street frontages, and in the opinion of local government, there will be an improvement in the overall amenity of the streets as a result of the development.”

The house proposed to be built on Survey-strata Lot 1 (the subject house) is designed to face Locke Crescent, and the house proposed to be built on Survey-strata Lot 2 is designed to face Habgood Street.

If Council decides that it is prepared to approve this application, then it needs to be of the opinion that the overall development (i.e. of both lots 1 & 2) will result in an improvement in the overall amenity of Locke Crescent and Habgood Street.



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If Council is not of that opinion then in a very real sense that is effectively the end of the matter as this would mean the R12.5 density applied and the proposed development is simply not approvable under R12.5.

It is the view of the town planner that notwithstanding the comments of TPAP the application for the two 2-storey houses is considered to improve the visual amenity of Habgood Street and Locke Crescent, and is of the opinion that there will be an improvement in the overall amenity of the two streets.

The following assessment is for the house with its frontage to Locke Crescent (Survey-strata Lot 1), and is based on a density of R20 pursuant to TPS 3, sub-CI. 5.3.1.

**Issues**

Boundary Setbacks

*Front (North Side) Boundary* The application proposes a portico set back 5.007m and an upper floor balcony set back 5.01m from the front boundary.

The specified setback under the RDC is 6m.

In regard to the portico and balcony incursions into the front setback the relevant acceptable development provisions under the RDC state:

- "A2 i *In accordance with figure 1b, a porch, balcony, verandah, chimney, or the equivalent may (subject to the Building Code of Australia) project not more than 1m into the street setback area, provided that the total of such projections does not exceed 20 per cent of the frontage at any level.*
- ii *Any eaves not forming part of a porch, balcony or verandah to project not more than 1m into the street setback area for the full width of the building."* (RDC, 6.2 Streetscape requirements, 6.1.2 Minor incursions into street setback area.)

Both incursions project no more than 1m into the street setback, and their total width amounts to 7.8m. The frontage of proposed Survey-strata Lot 1 amounts to 27.3m therefore the total of the two projections amounts to 28.57% of the frontage.

Council's discretion is required to be exercised for a variation to the extent of the incursion into the front setback comprising 8.57%.

*Side (Southeast) Boundary Common with Proposed Lot 2* A 4-car garage has a 14.7m long wall that varies up to 2.5m high along the southeast boundary.

LPP 142 allows a boundary wall along one side boundary no higher than 3m or longer than 9m.

Being more than 9m long Council's discretion is required to be exercised for the garage wall. Under the RDC the specified setback is 1.5m.

The upper floor wall for an en-suite, cellar and study, which is situated directly above the garage, and is



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similarly along the southeast boundary, is 13.9m long.

The RDC specify a 1.8m setback.

*Side (East) Boundary  
Common with Proposed  
Lot 2*

The upper floor wall for a master suite and en-suite is set back 1.020 m from the east side boundary; the RDC specify a 1.2m setback.

Front Fence

The plans accompanying the application include a front fence which contains a solid section that varies up to 1.8m above NGL.

LPP 143 states:

"Part 3 - Fence Design  
Council requires front fences and walls above 1.2m to be visually permeable defined as:

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

Open Space

This application if approved and implemented will result in the proposed property containing 48.65% open space. The RDC specify 50% therefore Council is required to exercise its discretion for a 1.35% open space variation.

TPAP Comments

The panel reiterated its previous comments on the application not to support the application as originally submitted along with some additional comments regarding the dominance of the garage and appearance of the proposed development not being in keeping with the character of the locality.

**Discussion**

Boundary Setbacks

*Front (North Side)  
Boundary*

In regard to the front setback incursions the relevant performance criteria under the RDC states:

*"P2 Minor incursions and projections not to detract from the character of the streetscape."*

The proposed variation is not considered significant given the wide frontage of the proposed property. The incursions are less than 1m and are not considered to have a detrimental impact on the local streetscape and can be supported.

*Side (Southeast) Boundary  
Common with Proposed  
Lot 2*

In regard to the variation proposed for the boundary wall for the garage this is not considered to be an issue because this wall will provide an effective privacy screen between the two proposed properties.

*Side (East) Boundary  
Common with Proposed  
Lot 2*

The setback variation for the wall for the proposed master suite at 0.78m is not considered significant, and it will provide an effective solar and wind barrier from the

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hot summer sun and prevailing westerly winds.

Front Fence

The fence along Habgood Street is solid up to 1.2m high, and complies with LPP 143.

A 13m section of the fence along Locke Crescent is solid up to 1.5m high, and a 6m section next to the corner truncation is solid varying from 1.2m up to 1.8m high.

This fence is not considered to have a detrimental impact on the local streetscape given the design and appearance of fences to the east along Locke Crescent.

The proposed house is designed to take advantage of and make maximum use of solar access from the north therefore its primary indoor and outdoor living areas are situated on the north side.

Being a corner lot with an unusual triangular shape and sloping topography the property has no "back yard"; the proposed fence is designed to provide the property with some outdoor living area privacy at the front.

Open Space

At 1.35% the proposed open space variation is considered relatively minor and can be supported.

TPAP Comments

The owner and town planning consultant Peter Webb have provided a response to the comments made by the panel (see attachment).

**Conclusion**

The Town Planning & Building Committee, when it considered the originally submitted application, recommended deferral pending the submission of amended plans, which addressed the following:

- (a) *simplification of the design including removal of the turrets; and*
- (b) *compliance with the open space requirements pursuant to the Residential Design Codes.*

These points apply to proposed House No. 1.

The applicant prepared and submitted amended plans which addressed the above-stated matters.

However Council did not support the amended plans.

While there are no residential design guidelines which specify development style and/or "what not to do" in the Richmond Hill precinct it is considered that the amended plans that were received on 11 June would result in a more attractive development than the plans which propose roof turrets on House No. 1.

If Council is of a view to reconsider the application, and its preference is for the 11 June amended plans, then an alternative recommendation is herein submitted.

In regard to the open space variation this is considered to be so minor (comprising a shortfall of 1.35%) as to be of no consequence, and the open space variation is herein supported in relation to the previously submitted amended plans.



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**RECOMMENDATION FOR APPROVAL (Roof Turret Plans)**

With respect to Lot 1, that Council exercise its discretion in granting approval for the following:

- (a) variation to the north side boundary setback for a portico and upper floor balcony pursuant to the Residential Design Codes from 6m to 5.007m and 5.01m respectively;
- (b) variation to the southeast side boundary setback for a ground floor garage and an upper floor wall for an en-suite, cellar and study pursuant to the Residential Design Codes from 1.5m and 1.8m to 0m;
- (c) variation to the east side boundary setback for a master suite and en-suite pursuant to the Residential Design Codes from 1.2m to 1.020m;
- (d) variation to Local Planning Policy 143 to permit sections of a front fence to be solid up to 1.8m high;
- (e) variation to the amount of open space pursuant to the Residential Design Codes from 50% to 48.65%;

for the construction of a 2-storey house with brick screen walls and wrought iron infill at No. 21 (proposed Survey Strata Lot 1) Locke Crescent, East Fremantle comprising:

Ground floor: 4-car garage & store, portico, 3 bedrooms, bathroom, laundry, activity room, powder room, computer nook, foyer and alfresco;

First floor: master suite with balcony & en-suite, built-in-robe, powder room, living dining room, kitchen, pantry, study and cellar.

in accordance with the plans date stamp received on 24 July 2009 subject to the following conditions:

1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a 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.
3. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. the proposed 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 storm water is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
6. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
7. all parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
8. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
9. any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the



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

**ALTERNATIVE RECOMMENDATION FOR APPROVAL (Amended Plans)**

With respect to Lot 1, that Council exercise its discretion in granting approval for the following:

- (a) variation to the north side boundary setback for a portico and upper floor balcony pursuant to the Residential Design Codes from 6m to 5.007m and 5.01m respectively;
- (b) variation to the southeast side boundary setback for a ground floor garage and an upper floor wall for an en-suite, cellar and study pursuant to the Residential Design Codes from 1.5m and 1.8m to 0m;
- (c) variation to the east side boundary setback for a master suite and en-suite pursuant to the Residential Design Codes from 1.2m to 1.020m;
- (d) variation to Local Planning Policy 143 to permit sections of a front fence to be solid up to 1.8m high;
- (e) variation to the amount of open space pursuant to the Residential Design Codes from 50% to 48.65%

for the construction of a 2-storey house with brick screen walls and wrought iron infill at 21 Locke Crescent (Survey-strata Lot 1) comprising:

Ground floor: 4-car garage & store, portico, 3 bedrooms, bathroom, laundry, activity room, powder room, computer nook, foyer and alfresco;

First floor: master suite with balcony & en-suite, built-in-robe, powder room, living dining room, kitchen, pantry, study and cellar;

in accordance with the amended plans date stamp received on 11 June 2009 subject to the following conditions:

1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where



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- 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 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.
  3. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
  4. the proposed 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 storm water is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
  6. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
  7. all parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
  8. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
  9. any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
  10. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
  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).*

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

**(b) Locke Crescent No. 21 (Survey Strata Lot 2)**

**Applicant: De Pledge Design**

**Owner: Pietro & Rosanna Pietroniro**

**Application No. P60/2009**

By Chris Warrener, Town Planner on 1 September 2009

**BACKGROUND**

**Description of Proposal**

An Application for Planning Approval for a 2-storey house with brick screen walls and wrought iron infill at 20 Habgood Street (Survey-strata Lot 2) comprising:

Ground Floor: double garage, portico, entry, lobby, study, activity room, 3 bedrooms, bathroom, powder room laundry, store and linen area, and alfresco;  
First Floor: bedroom, en-suite, built-in-robe, powder room, study, kitchen, meals and living room, & alfresco.

The house is proposed with cement rendered brick-work and a conventional colorbond roof with its dominant element facing Habgood Street pitched at 28°.

The following report should be considered in conjunction with the report on 'House No. 1' on proposed Survey Strata Lot 1.

**Statutory Considerations**

Town Planning Scheme No. 3 - Residential R12.5, sub-Clause 5.3.1 Density bonus for corner lots

Local Planning Strategy - Richmond Hill Precinct (LPS)

Residential Design Codes (RDC)

**Relevant Council Policies**

Local Planning Policy 066 : Roofing (LPP 066)

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

**Impact on Public Domain**

Tree in verge : No impact

Light pole : No impact

Crossover : No existing crossover

Footpath : Cast-in-situ concrete path adjacent to kerb in new condition

**Documentation**

Re-submitted plans date stamp received on 24 July 2009

**Date Application Received**

22 April 2009

**Advertising**

Adjoining landowners, sign on site, and advertisement in local newspaper

**Date Advertised**

Original application : 23 April 2009;

Re-submitted plans : 24 July 2009

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**Close of Comment Period**

Original application : 8 May 2009  
Re-submitted plans : 14 August 2009

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

87 days (Revised)

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

15 January 1974 Additions comprising a bedroom, family room, and garage approved;

2 September 1974 Approval for a patio;

5 December 2008 CEO acting under delegated authority advises the WAPC that subdivision of 21 Locke Crescent into 2-lots is supported subject to 3 conditions;

14 January 2008 WAPC grants conditional approval for the subdivision of 21 Locke Crescent into 2 survey-strata lots (1 x 440m<sup>2</sup>, 1 x 511m<sup>2</sup>;

16 June 2009 Council decides to defer an application for two 2-storey houses at 21 Locke Crescent to allow the applicant to consider a redesign.

8 September 2009 The Town Planning and Building Committee decided to defer an application for two 2-storey houses at 21 Locke Crescent "to allow the applicant the opportunity to produce a 3D model as a final attempt to persuade elected members that the concerns in relation to bulk and scale have been addressed".

15 September 2009 An application for two 2-storey houses at 21 Locke Crescent was withdrawn from the Agenda for the Council Meeting on this date so that the applicant could compile perspective drawings as requested by the Town Planning and Building Committee.

13 October 2009 The Town Planning and Building Committee viewed a perspective drawing of the proposed development on Lots 1 & 2 Locke Crescent. The Committee noted that the proposal would again be considered during the next available meeting round.

**CONSULTATION**

**Town Planning Advisory Panel Comments**

The re-submitted plans were considered by the Town Planning Advisory Panel at its meeting on 25 August 2009 and the following comments were made:

- large garage on smaller house is too prominent and should be minimised;
- need to increase the prominence of the front door;
- large house is a mixture of design styles;
- style should be simplified to make it more appropriate to the amenity of the locale;
- ultimately the developments will not be an improvement to the overall amenity of the street in accordance with the provisions in the scheme;
- the proponent's planner correctly asserts that the precinct is changing with larger dwellings replacing the existing stock. However, this does not excuse a poor outcome. The dwelling on Strata Lot 1 is significantly larger than the dwelling on Strata Lot 2, which in itself is not a problem, however, it is emphasised by being constructed boundary to boundary. The effect on the streetscape will be that the smaller dwelling appears to be cramped and of a lesser scale. The opportunity to alter this is now. The dwelling on Lot 1 could be moved away from the shared boundary to give space to Lot 2.
- Panel members' comments from 26 May 2009 (refer below) were reiterated:
  - .. *the dwelling proposed for Lot 1 appears as a grand house with an aesthetic that is relatively contrary to the surrounding building stock. By contrast the dwelling proposed for Lot 2 is of a much lower quality. I believe the two dwellings should at least carry similar styling references and these should be contextually appropriate. I find the physical expression of both dwellings inappropriate to the context;*
  - .. *the design of the dwelling for Lot 1 does maximise the potential for good solar access to many rooms. Similarly the other dwelling addresses solar access to the living spaces;*

- .. the open space requirements of the lots should not be permitted to exceed the mandated 50%;
- .. the windows to Bed 4 of the dwelling on Lot 2 are very small. Will this comply? Even if the design does comply Beds 3 and 4 will not be pleasant spaces;
- .. overall, I don't believe either dwelling adds anything worthwhile to the streetscape and in fact will create more examples of unfortunate design.

**Principal Building Surveyor's Comment**

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

**Public Submissions**

At the close of the comment period on the re-submitted plans no submissions were received.

STATISTICS	Required	Proposed
Land Area		440m <sup>2</sup>
Open Space	50%	Existing 64.75
Zoning		R12.5
Heritage Listing		N/a

**Setbacks:**

Front (S/West)				
	<i>Undercroft</i>	<i>Drying, laundry, &amp; store</i>	6.0	12.2 Acceptable
	<i>Ground (mid-floor)</i>	<i>Garage</i>	6.0	6.2 Acceptable
		<i>Portico</i>	6.0	6.8 Acceptable
	<i>Upper</i>	<i>Bed 1</i>	6.0	6.0 Acceptable
		<i>WIR</i>	6.0	9.1 Acceptable
Rear (North)				
	<i>Undercroft</i>	<i>Alfresco, Bed 2</i>	1.5	5.3 Acceptable
	<i>Ground (mid-floor)</i>	<i>Alfresco</i>	2.5	5.3 Acceptable
	<i>Upper</i>	<i>N/a</i>		
Side (S/East)				
	<i>Undercroft &amp; Ground</i>	<i>Linen</i>	1.0	1.2 Acceptable
		<i>Bath, Pwdr, Bar</i>	1.0	1.0 Acceptable
		<i>Activity</i>	1.0	1.5 Acceptable
		<i>Alfresco</i>	1.5	2.1 Acceptable
	<i>Upper</i>	<i>Portico</i>	1.0	1.2 Acceptable
		<i>Entry</i>	1.0	1.2 Acceptable

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STATISTICS		<i>Required</i>	<i>Proposed</i>
	<i>Kitchen</i>	1.1	1.5 Acceptable
	<i>Living</i>	1.2	2.1 Acceptable
Side (N/West)			
	<i>Undercroft Bed 4</i>	1.0	1.0 Acceptable
	<i>Laundry</i>	1.0	2.0 Acceptable
	<i>Ground Meals, Study</i>	1.0	1.0 Acceptable
	<i>Garage(setback)</i>	1.0	Nil <b>Discretion Required</b>
	<i>Upper Ensuite, Bed 1 (wall height) (Between houses no impact on views)</i>	5.6 & 6.5	5.3 to 5.8 <b>Discretion Required</b>
Side (West)			
	<i>Ground Bed 2 &amp; 3</i>	1.5	1.5 Acceptable
	<i>Upper Alfresco</i>	1.5	1.5 Acceptable
	<i>Living</i>	1.5	1.5 Acceptable
<b>Height:</b>			
	Wall	5.6 & 6.5	5.8 Acceptable
	Building	8.1	8.0 Acceptable
<b>Overshadowing:</b>		N/a	
<b>Privacy/Overlooking:</b>		N/a	

**REPORT**

**Background**

In June 2009 Council considered an application for two 2-storey houses on 2 strata lots at 21 Locke Crescent.

The Town Planning and Building Committee recommended approval of house number 1 subject to the following condition:

- “1. prior to the issue of a building licence revised drawings be submitted showing:
- (a) simplification of the design including removal of the turrets; and
  - (b) compliance with the open space requirements pursuant to the Residential Design Codes;
- to the satisfaction of the Chief Executive Officer in consultation with relevant officers.”

The applicant prepared and submitted plans amended to comply with the above-stated condition.

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The Committee recommended approval of house number 2 subject to standard conditions.

The Council considered the application for the two houses and decided:

*"That the application be deferred to allow the applicant to consider a redesign of the proposed development, particularly on proposed Lot 1, taking into account the expressed concerns."*

In response to this decision the applicant has now resubmitted the original plans.

The following report is extracted from the officer's original report to Council on the originally submitted plans which are identical to the re-submitted plans.

**Assessment**

The property at which this 2-storey house is proposed has two street frontages, its primary street frontage is to Habgood Street; the property is proposed as Survey-strata Lot 2, and is the subject of a WAPC subdivision approval dated 14 January 2008.

The WAPC subdivision approval included the following condition:

1. *Prior to the commencement of subdivision works to satisfy the conditions of this approval, Planning Approval shall be obtained from the Town of East Fremantle pursuant to the provisions of the Town of East Fremantle's Local Planning Scheme No. 3 (specifically sub clause 5.3.1) for the construction of a single house on each of the proposed lots. (Local Government)*

The subdivision was supported because it was proposed for a corner lot for which the following TPS 3 provision applies:

*"5.3.1 Density Bonus for Corner Lots  
In areas with a density coding of R12.5, the local government may approve development up to a density of R20 on corner lots where the dwellings are designed to face each of the two street frontages, and in the opinion of local government, there will be an improvement in the overall amenity of the streets as a result of the development."*

The house proposed to be built on survey-strata Lot 1 is designed to face Locke Crescent, and the house proposed to be built on survey-strata Lot 2 (the subject house) is designed to face Habgood Street.

If Council decides that it is prepared to approve this application, then it needs to be of the opinion that the overall development (i.e. of both lots 1 & 2) will result in an improvement in the overall amenity of Locke Crescent and Habgood Street.

It is the view of the town planner that notwithstanding the comments of TPAP the application for the two 2-storey houses is considered to improve the visual amenity of Habgood Street and Locke Crescent, and is of the opinion that there will be an improvement in the overall amenity of the two streets.

The following assessment is for the house with its frontage to Locke Crescent (Survey-strata Lot 1), and is based on a density of R20 pursuant to TPS 3, sub-Cl. 5.3.1.

**Issues**

*Building Height*

An upper floor wall on the northwest side for bedroom 1 and an en-suite varies up to 5.8m above natural ground level.

LPP 142 specifies a 5.6m wall height limit.



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*Side (Northwest) Boundary Common with Proposed Lot 1* The application proposes a double garage with a 6.3m long x up to 3.9m high wall that is set back 0m from the northwest side boundary.

LPP 142 allows a wall along one side boundary that is no higher than 3m or longer than 9m therefore Council's discretion is required to be exercised for the height of this wall.

The RDC specify a 1m setback.

*TPAP Comments* The panel reiterated its previous comments on the application not to support the application as originally submitted along with some additional comments regarding the dominance of the garage and appearance of the proposed development not being in keeping with the character of the locality.

**Discussion**

*Building Height* The proposed wall height variation is considered minor and as it abuts a wall for the proposed adjoining house, which complies with LPP 142, can be supported.

*Boundary Setbacks* The proposed double garage wall abuts the wall for the proposed adjoining house and can be supported.

*TPAP Comments* The owner and town planning consultant Peter Webb have provided a response to the comments made by the panel (see attachment).

**Conclusion**

The Town Planning & Building Committee, when it considered the originally submitted application, recommended deferral pending the submission of amended plans, which addressed the following:

- (a) *simplification of the design including removal of the turrets; and*
- (b) *compliance with the open space requirements pursuant to the Residential Design Codes.*

These points apply to proposed House No. 1. The Committee did not consider that there was any need to modify the plans for House No 2.

The applicant prepared and submitted amended plans which addressed the above-stated matters.

However Full Council did not support the amended plans.

While there are no residential design guidelines which specify development style and/or "what not to do" in the Richmond Hill precinct it is considered that the amended plans that were received on 11 June would result in a more attractive development than the plans which propose roof turrets on House No. 1.

If Council is of a view to reconsider the application, and its preference is for the 11 June amended plans, then an alternative recommendation is herein submitted.



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**RECOMMENDATION**

With respect to Lot 2, that Council exercise its discretion in granting approval for the following:

- (a) variation to building height for a wall for a bedroom and en-suite on the northwest side pursuant to Local Planning Policy 142 from 5.6m to 5.8m;
- (b) variation to the height of a boundary wall for a double garage pursuant to Local Planning Policy 142 from 3m to 3.9m;

for the construction of a 2-storey house with brick screen walls and wrought iron infill at No. 20 (proposed Survey Strata Lot 2) Habgood Street, East Fremantle comprising:

Ground floor: double garage, portico, entry, lobby, study, activity room, 3 bedrooms, bathroom, powder room laundry, store and linen area, and alfresco;

First floor: bedroom, en-suite, built-in-robe, powder room, study, kitchen, meals and living room, & alfresco;

in accordance with the plans date stamp received on 11 June 2009 subject to the following conditions:

1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a 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.
3. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. the proposed 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 storm water is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
6. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
7. all parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
8. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
9. any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
10. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
11. 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.
- (g) the alfrescos may not be enclosed without the prior written consent of Council.
- (h) matters relating to dividing fences are subject to the Dividing Fences Act 1961.

Correspondence referred from MB Ref: 101.2 was tabled.

Mr Peter Webb (Town Planning Consultant) and Mr Brent de Pledge (Designer) addressed the meeting in support of the proposal.

Amendment to Lot 1

Mayor Ferris – Cr Rico

That the following additional conditions be inserted:

1. The front fence which represents the Locke Crescent elevation to be constructed in accordance with perspective received on 5 November 2009 subject to compliance with LPP No. 143 Relating to Fencing.
2. Prior to the issue of a building licence details of materials and finishes in accordance with perspective received on 5 November 2009 be provided to the satisfaction of the Chief Executive Officer in consultation with relevant officers. **CARRIED**

**RECOMMENDATION TO COUNCIL**

Mayor Ferris – Cr Rico

With respect to Lot 1, that Council exercise its discretion in granting approval for the following:

- (a) variation to the north side boundary setback for a portico and upper floor balcony pursuant to the Residential Design Codes from 6m to 5.007m and 5.01m respectively;
- (b) variation to the southeast side boundary setback for a ground floor garage and an upper floor wall for an en-suite, cellar and study pursuant to the Residential Design Codes from 1.5m and 1.8m to 0m;
- (c) variation to the east side boundary setback for a master suite and en-suite pursuant to the Residential Design Codes from 1.2m to 1.020m;
- (d) variation to Local Planning Policy 143 to permit sections of a front fence to be solid up to 1.8m high;
- (e) variation to the amount of open space pursuant to the Residential Design Codes from 50% to 48.65%

for the construction of a 2-storey house with brick screen walls and wrought iron infill at 21 Locke Crescent (Survey-strata Lot 1) comprising:

Ground floor: 4-car garage & store, portico, 3 bedrooms, bathroom, laundry, activity room, powder room, computer nook, foyer and alfresco;



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**First floor: master suite with balcony & en-suite, built-in-robe, powder room, living dining room, kitchen, pantry, study and cellar;**

**in accordance with the amended plans date stamp received on 11 June 2009 subject to the following conditions:**

- 1. the front fence which represents the Locke Crescent elevation to be constructed in accordance with perspective received on 5 November 2009 subject to compliance with LPP No. 143 Relating to Fencing.**
- 2. prior to the issue of a building licence details of materials and finishes in accordance with perspective received on 5 November 2009 be provided to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
- 3. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- 4. the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- 5. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
- 6. the proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
- 7. all storm water is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.**
- 8. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.**
- 9. all parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.**
- 10. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.**
- 11. any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.**
- 12. 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.**
- 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 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) the alfrescos and balcony may not be enclosed without the prior written consent of Council.***
- (h) matters relating to dividing fences are subject to the Dividing Fences Act 1961.***

LOST ON THE CASTING VOTE OF THE PRESIDING MEMBER

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

The Committee were of the view that the officer's recommendation could not be supported for the following reasons:

- the proposed development is not seen to be contributing to the streetscape of both Locke Crescent or Habgood Street;
- the proposed development is not in keeping with the character of the immediate locality;
- the contiguous construction of both buildings;
- no division of view corridor between the two lots;
- the imposing nature on the streetscape from the double garages proposed for both lots; and
- the bulk and scale represents overdevelopment of the site.

**RECOMMENDATION TO COUNCIL**

**Cr Wilson – Mayor Ferris**

**That The Chief Executive Officer prepare advice in relation to the matter of 21 Locke Crescent clarifying the wording of a recommendation for either an approval or refusal for consideration at the November meeting of Council.**

CARRIED

**T102.6**

***Glyde Street No. 68 (Lot 160)***

***Application No. P108/09***

***Owner/Applicant: J Fitzpatrick & S Gill***

***By Rohan Doust, Acting Town Planner, 4 October 2009***

**BACKGROUND**

**Description of subject site**

The subject site is:

- zoned Residential R20;
- 508m<sup>2</sup> in area;
- developed with a two-storey single house; and
- included on the Town's Municipal Inventory (management category of C+).

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### Description of Proposal

Retrospective planning approval is sought for an existing front fence.

The fence is:

- located along the length of the front boundary with an additional section along the northern side of the front setback area;
- of timber picket construction;
- up to 1.5m in height; and
- 17% visually permeable (ie 75mm-wide pickets and 15mm-wide gaps).

### Statutory Considerations

Town Planning Scheme No. 3

### Relevant Council Policies

- Local Laws Relating to Fencing (LPP143)  
It is noted that LPP143 replaces the provisions of the Residential Design Codes of WA with respect to front fences.

### Date Application Received

17 August 2009

### Advertising

Adjoining land owners

### Date Advertised

27 October 2009

### Close of Comment Period

11 November 2009

### No. of Days Elapsed between Lodgement and Meeting Date

84 days

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

- |               |  |
|---------------|--|
| 14 March 2006 | Building licence for alterations and additions to the existing dwelling (application no. BL05/55). |
| 21 June 2005  | Planning approval for alterations and additions to the existing dwelling (application no. 66/05).  |

### CONSULTATION

#### Principal Building Surveyor's Comment

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

#### Town Planning Advisory Panel

The Panel viewed the proposal on 22 September 2009 and advised that:

- Given topography of the site, fence height and permeability should comply LPP 143.
- No justification for higher fence given home is lower than street level and home is not on a main road.

#### Public Submissions

Public consultation for this proposal closes 11 November 2009.

As of 5 November 2009 no public submissions were received. Any submissions received after this date will be tabled at the Committee Meeting on 10 November or at the Council Meeting on 17 November 2009.

#### Site Inspection

By Acting Town Planner on 12 October 2009.

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## REPORT

### Considerations

#### Visual Permeability

The Town's Fencing Policy (LPP143) states that:

*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.*

The existing fence does not meet this requirement, as:

- 15mm gaps have been provided in lieu of the required 60mm gaps; and
- 17% visual permeability has been provided in lieu of the 60% requirement.

It is considered that a variation to the visual permeability standards of LPP143 may be supported in this instance for the following reasons:

- Given that the overall height of the fence is no more than 1.5m, the section of fence which has reduced visual permeability (ie that portion above 1.2m in height) is relatively minor and does not exceed 30cm in height.
- The lack of visual permeability above 1.2m in height is offset by the fact that below 1.2m the fence is somewhat visually permeable (it is noted that LPP143 permits the lower section of the fence to be of solid construction).
- The existing front fence replaces an earlier fence which was constructed of visually impermeable fibre-cement corrugated panels approximately 1.2m high. Whilst the replacement fence does not meet relevant visual permeability requirements, it does result in an improved streetscape outcome over the previous fence.

It is noted that the Town Planning Advisory Panel stated that the existing fence should meet the visual permeability requirements of the Fencing Policy (LPP143). As outlined above, it is considered that a variation to the Policy's visual permeability requirements can be supported in this case.

## RECOMMENDATION

Subject to consideration of any public submissions received on or between 6 and 11 November 2009, Council exercise its discretion in granting retrospective planning approval for:

- *visual permeability being 17% in lieu of the 60% required by the Local Laws Relating to Fencing (LPP143)*

for an existing front fence at Lot 160 (No. 68) Glyde Street, East Fremantle, as shown on plans received 15 September 2009.

That the applicant be advised of the following:

- (a) *This decision does not include acknowledgement or approval of any additional unauthorised development which may be on the site.*
- (b) *A copy of the approved plans as stamped by Council are attached*
- (c) *The existing fence may require further approval from the Town's Principal Building Surveyor. Please contact the Town in this regard.*
- (d) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

## RECOMMENDATION TO COUNCIL

### Mayor Ferris – Cr Rico

Subject to consideration of any public submissions received on or between 6 and 11 November 2009, Council exercise its discretion in granting retrospective planning approval for:

- *visual permeability being 17% in lieu of the 60% required by the Local Laws Relating to Fencing (LPP143)*

for an existing front fence at Lot 160 (No. 68) Glyde Street, East Fremantle, as shown on plans received 15 September 2009.

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- (b) *A copy of the approved plans as stamped by Council are attached*
- (c) *The existing fence may require further approval from the Town's Principal Building Surveyor. Please contact the Town in this regard.*
- (d) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED

**T102.7** *Munro Street No. 8 (Lot 5054)*

*Application No. P122/09*

*Owner/Applicant: J Wallis*

By Rohan Doust, Acting Town Planner, 5 November 2009

**BACKGROUND**

**Description of subject site**

The subject site is:

- zoned Residential R12.5;
- 736m<sup>2</sup> in area; and
- developed with a contemporary two-storey single dwelling.

**Description of Proposal**

It is proposed to construct an extension and alfresco area and enclose an existing rear verandah.

The extension is proposed to be:

- single-storey and situated to the side of the existing house;
- 37.1m<sup>2</sup> in area;
- set back 1.0m from the side boundary;
- provided with a skillion roof pitched at 5°; and
- constructed from rendered brick with a Colorbond roof.

The alfresco area is proposed to be:

- single storey and attached to the rear of the proposed extension;
- 26.5m<sup>2</sup> in size;
- set back 1.0m from the side boundary;
- open on two sides; and
- of the same roof form and materials as the proposed extension.

To the rear of the house is an existing 'L' shaped verandah 24.6m<sup>2</sup> in size. It's proposed to:

- enclose the rear-facing section of the verandah with glazing; and;
- have the side-facing section of verandah abut and connect with the proposed extension.

A privacy screen is also to be installed to an existing side-facing patio.

It is noted that the plans depict some internal modifications to the dwelling. These works don't require planning approval and therefore aren't part of the application.

**Statutory Considerations**

Town Planning Scheme No. 3 (TPS3)

TPS3 Local Planning Strategy

Residential Design Codes of WA (the R-Codes)

**Relevant Council Policies**

Council Policy on Roofing (LPP066)

Local Planning Policy – Residential Development (LPP142)

10 November 2009

MINUTES

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**Date Application Received**

9 September 2009

**Advertising**

Adjoining landowners

**Date Advertised**

26 October 2009

**Close of Comment Period**

11 November 2009

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

61 days

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

11 January 2002 Council approves a two-storey residence at the subject site.

**CONSULTATION**

**Principal Building Surveyor's Comment**

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

**Town Planning Advisory Panel**

The Panel viewed the proposal on 27 October 2009 and made no comment.

**Public Submissions**

Public consultation for this proposal closes 11 November 2009.

As of 5 November no public submissions were received. Details of any submissions received after this date will be tabled at the Committee Meeting on 10 November and will form part of the Agenda for the Council Meeting on 17 November 2009.

**Site Inspection**

By Acting Town Planner on 4 November 2009.

**REPORT**

**Considerations**

Roof Pitch

The roof to the extension and alfresco area is proposed to be pitched at 5°. The Roofing Policy (LPP066) requires that 'dominant elements' of roofs be pitched at 28° or more.

The roof to the extension and alfresco area isn't considered to be a dominant element since it would not generally be visible from the street.

It's therefore considered the proposal accords with the provisions of the Roofing Policy.

Boundary Setback

The extension and alfresco area share a 11.6m-long wall that is proposed to be set back 1.0m from the north-western side boundary. The R-Codes require this wall be set back 1.5m.

Setback variations can be considered where the Performance Criteria of the Codes are met. The applicant has provided correspondence addressing the relevant Performance Criteria (see Attachment 3).

Having regard to the applicant's comments it is considered that a setback of 1.0m in lieu of the required 1.5m can be supported.

### RECOMMENDATION

Subject to consideration of any public submissions received on or between 6 & 11 November 2009, Council exercise its discretion in granting planning approval for:

- *a wall being set back 1.0m from the north-western boundary in lieu of the 1.5m setback required by the Acceptable Development provisions of the Residential Design Codes of WA*

for works comprising a verandah enclosure, a single storey extension and an alfresco area to the side and rear of the existing two-storey single house at Lot 5054 (No. 8) Munro Street, East Fremantle, as shown on plans received 26 October 2009, subject to the following conditions:

1. All storm water resulting from the development is to be retained on site.
2. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. The proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. The proposed extension is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
7. This planning approval to remain valid for a period of 24 months from date of this approval.

That the applicant be advised of the following:

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

### RECOMMENDATION TO COUNCIL

**Cr Lilleyman – Cr Rico**

**Subject to consideration of any public submissions received on or between 6 & 11 November 2009, Council exercise its discretion in granting planning approval for:**

- ***a wall being set back 1.0m from the north-western boundary in lieu of the 1.5m setback required by the Acceptable Development provisions of the Residential Design Codes of WA***

**for works comprising a verandah enclosure, a single storey extension and an alfresco area to the side and rear of the existing two-storey single house at Lot**



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5054 (No. 8) Munro Street, East Fremantle, as shown on plans received 26 October 2009, subject to the following conditions:

1. All storm water resulting from the development is to be retained on site.
2. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. The proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. The proposed extension is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
7. This planning approval to remain valid for a period of 24 months from date of this approval.

That the applicant be advised of the following:

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

CARRIED

**T102.8 Hubble Street No. 67 (Lot 184)**

**Application No. P134/09**

**Owner/applicant: BM Wilde**

By Rohan Doust, Acting Town Planner, 4 November 2009

**BACKGROUND**

**Description of subject site**

The subject site is:

- zoned Residential R20;
  - 508m<sup>2</sup> in area; and
  - developed with a single-storey single dwelling; and
- included on the Town's Municipal Inventory (management category of B-).



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**Description of Proposal**

It's proposed to construct a fence to the front and a shed to the rear of an existing dwelling.

The fence is proposed to:

- be located on the front boundary of the property;
- extend for a length of 9.5m (the front boundary itself is 12.2m in length);
- be constructed of recycled face bricks up to 1.1m in height and topped with a visually permeable timber picket section with an overall height up to 2.0m.

The shed is proposed to be:

- located in the south-west corner of the site abutting the side and rear boundaries;
- 48m<sup>2</sup> in area;
- provided with 3.0m-high walls and a ridge height of 4.7m; and
- constructed of recycled face brick with a zinalume roof pitched at 28°.

**Statutory Considerations**

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

**Relevant Council Policies**

Local Planning Policy – Residential Development (LPP142)  
Local Laws Relating to Fencing (LPP143) - It is noted that LPP143 replaces the provisions of the Residential Design Codes of WA with respect to front fences.

**Date Application Received**

23 September 2009

**Advertising**

Adjoining landowners

**Date Advertised**

28 October 2009

**Close of Comment Period**

11 November 2009.

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

47 days

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

None

**CONSULTATION**

**Principal Building Surveyor's Comment**

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

**Public Submissions**

Public consultation for this proposal closes 11 November 2009.

As of 5 November no public submissions were received. Details of any submissions received after this date will be tabled at the Committee Meeting on 10 November and will form part of the Agenda for the Council Meeting on 17 November 2009.

**Site Inspection**

By Acting Town Planner on 5 November 2009.

## REPORT

### Considerations

#### Wall Height of Outbuilding

It's proposed that the shed have 3.0m-high walls. The R-Codes limit the wall height of an outbuilding to 2.4m.

The applicant has provided justification for the increased wall height (see Attachment 3). Of note is the fact that the natural ground level of the subject site is 0.6m less than that of the adjoining sites to the side and rear. As a result, the proposed shed would have a wall height of 2.4m when viewed from neighbouring properties and so would meet the provisions of the R-Codes.

In light of the applicant's advice, and given that the proposal meets the overshadowing provisions of the R-Codes, it is considered that a variation to the required wall height can be supported.

#### Ridge Height of Outbuilding

It is proposed that the outbuilding have a ridge height of 4.7m. The R-Codes limit ridge height of an outbuilding to 4.2m.

The applicant has provided justification for the 0.5m variation to the required ridge height (see Attachment 3). It is again noted that due to a level change between the subject site and adjoining sites, the ridge height as viewed from neighbouring properties would be 4.1m which would accord with the provisions of the R-Codes.

In light of the applicant's advice, and given that the proposal meets the overshadowing provisions of the R-Codes, it is considered that a variation to the required ridge height can be supported.

#### Number of Boundary Walls

The shed is proposed to be located in the south-west corner of the site, abutting the side and rear boundaries.

The site already features two existing boundary walls (associated with the house and an existing shed).

The proposed shed would result in a third and fourth boundary wall on the site. The Residential Development Policy (LPP142) limits the number of boundary walls on a site to one.

The applicant has provided justification for the proposed third and fourth boundary walls on the site (see Attachment 3). It is noted that:

- the proposal meets the overshadowing provisions of the R-Codes;
- the proposed boundary walls are not located adjacent to any major openings or outdoor living areas on the adjoining properties;
- the proposed boundary walls are of a relatively high-quality material (recycled face brick);
- siting the shed against the side and rear boundaries maximises the subject site's useable open space area; and
- any effect on the streetscape would be marginal as the shed is proposed to be located at the rear of the subject site.

Given the above it is considered that a variation to the maximum permitted number of boundary walls on the site can be supported in this instance.

#### Overall Height of Front Fence

The front fence is proposed to have an overall height between 1.6m and 2.0m.

The Fencing Policy (LPP143) states that front fences are not to exceed 1.8m in height.



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The applicant has provided justification for the proposed height of the fence (see Attachment 3).

In light of the applicant's advice, and given that the requested discretion is relatively minor, it is considered that a variation to the maximum height of the front fence can be supported.

Visual Permeability of Front Fence

It is noted that the applicant's report (Attachment 3) requests a variation to the relevant visual permeability requirements of the front fence.

Given that the plans have been annotated to show that the front fence is to be visually permeable as per the requirements of the Fencing Policy (LPP143), the applicant's request to vary the visual permeability requirements does not need to be addressed.

**RECOMMENDATION**

Pending any public submissions received on or between 6 and 11 November 2009, Council exercise its discretion in granting planning approval for:

- outbuilding wall height being 3.0m in lieu of the 2.4m wall height required by the Acceptable Development provisions of the R-Codes;
- outbuilding overall height being 4.7m in lieu of the 4.2m overall height required by the Acceptable Development provisions of the R-Codes; and
- a third and fourth boundary wall on the site in lieu of the single boundary wall permitted by Local Planning Policy – Residential Development (LPP142);

for a fence to the front and a shed to the rear of the existing single-storey single house at Lot 184 ( No. 67) Hubble Street, East Fremantle, as shown on plans received 29 October 2009 and subject to the following conditions:

1. External faces of boundary walls are to be finished to the same standard as the rest of the development, details of which are to be provided to, and endorsed by, the Town prior to issuance of a Building Licence.
2. Details of the garage door are to be provided to, and endorsed by, the Town prior to issuance of a Building Licence.
3. The zincalume roof be treated to Council's satisfaction to reduce reflectivity if requested by Council in the first two years following installation, at the owner's expense.
4. All storm water resulting from the development is to be retained on site.
5. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
6. The proposed works are not to be commenced until Council has received an application for a 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.
7. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
8. The proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
9. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
10. This planning approval to remain valid for a period of 24 months from date of this approval.



10 November 2009

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That the applicant be advised of the following:

- (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 boundary walls it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

Correspondence referred from MB Ref: 101.1 was tabled.

**RECOMMENDATION TO COUNCIL**

**Mayor Ferris – Cr Rico**

**That the application for a fence to the front and a shed to the rear of the existing single-storey single house at Lot 184 (No. 67) Hubble Street, East Fremantle be deferred pending a further report to Council in view of the late correspondence from the adjoining neighbour at No. 69 Hubble Street.** CARRIED

**T103. BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING**

**T103.1 Design Guidelines**

**Cr Wilson – Mayor Ferris**

**That the Chief Executive Officer provide a verbal report on the status of the Design Guidelines at the November meeting of Council.** CARRIED

**T103.2 A Guide to Meeting Procedure Brochure**

Cr Wilson sought advice on the status of the brochure entitled 'A Guide to Meeting Procedure' following a resolution by Council in February 2009 to adopt the brochure for distribution to the public subject to changes being undertaken.

The Chief Executive Officer advised that he had not received the revised brochure.

**T103.3 Chairperson – Town Planning Advisory Panel**

Cr Wilson suggested that the 'chairmanship' of the Town Planning Advisory Panel could be rotated amongst Council members.

The Chief Executive Officer undertook to look into the matter.

**T104. CLOSURE OF MEETING**

There being no further business the meeting closed at 9.05pm.

10 November 2009

MINUTES

*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 **11 November 2009**, Minute Book reference **T95. to T104.** were confirmed at the meeting of the Committee on*

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