

12 July 2011

MINUTES

**MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 12 JULY, 2011 COMMENCING AT 6.34PM.**

**T69. OPENING OF MEETING**

The Town Planner, Ms Gemma Basley, opened the meeting and advised that as Cr Wilson was an apology for this evening's meeting, nominations would be called for Presiding Member.

**T69.1 Present**

Cr Barry de Jong	Presiding Member
Cr Cliff Collinson	
Cr Rob Lilleyman	
Cr Siân Martin	
Cr Maria Rico	
Ms Gemma Basley	Town Planner
Mrs Peta Cooper	Minute Secretary

**T70. ELECTION OF PRESIDING MEMBER**

The Town Planner, Ms Gemma Basley, called for nominations for the position of Presiding Member in the absence of Cr Wilson.

Cr Collinson nominated Cr de Jong who accepted the nomination. The nomination was seconded by Cr Rico.

Cr de Jong assumed the chair.

**T71. ACKNOWLEDGEMENT OF COUNTRY**

The Presiding Member made the following acknowledgement:

*"On behalf of the Council I would like to acknowledge the Nyoongar people as the traditional custodians of the land on which this meeting is taking place."*

**T72. WELCOME TO GALLERY**

There were 8 members of the public in the gallery at the commencement of the meeting.

**T73. APOLOGIES**

Mayor Alan Ferris  
Cr Dean Nardi  
Cr Alex Wilson

**T74. CONFIRMATION OF MINUTES**

**T74.1 Town Planning & Building Committee (Private Domain) – 14 June 2011**

Cr Martin – Cr Collinson

That the Town Planning & Building Committee (Private Domain) minutes dated 14 June 2011 as adopted at the Council meeting held on 21 June 2011 be confirmed. CARRIED

**T75. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)**

**T75.1 Woodhouse Road No. 5 (Lot 2) – Alterations/Additions**

Email received from rear neighbour at 8 View Terrace advising of inability to attend the Committee meeting and raising concerns regarding the impact the proposed alterations/additions will have on views.

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Cr Martin – 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 T77.3).

CARRIED

**T75.2 Gill Street No. 34 (Lot 33) – Alterations/Additions**

Submission received from owner/applicant responding to content of the officer's report.

Cr Martin – 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 T77.6).

CARRIED

**T75.3 Pier Street No. 32 (Lot 226) – Internal Renovations & Open Roof Deck**

Submission received from adjoining neighbour at 25 View Terrace expressing concern regarding overlooking from the open roof deck.

Cr Martin – 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 T79.1).

CARRIED

**T76. REPORTS OF COMMITTEES**

**T76.1 Town Planning Advisory Panel – 28 June 2011**

Cr Rico – Cr Lilleyman

That the minutes of the Town Planning Advisory Panel meeting held on 28 June 2011 be received and each item considered when the relevant development application is being discussed.

CARRIED

**T77. REPORTS OF OFFICERS - STATUTORY PLANING/DEVELOPMENT CONTROL**

**T77.1 Receipt of Reports**

Cr Lilleyman – Cr Rico

That the Reports of Officers be received.

CARRIED

**T77.2 Order of Business**

Cr Lilleyman – Cr Rico

The order of business be altered to allow members of the public to speak to relevant agenda items and that the item pertaining to the Revitalisation of the Town Centre be considered at the conclusion of the Statutory items.

CARRIED

**T77.3 Woodhouse Road No 5 (Lot 2)**

**Applicant: Dave Delahunty**

**Owner: N Miller & S Gevers**

**Application No. P47/2011**

By Gemma Basley, Town Planner on 30 June 2011

**PURPOSE OF THIS REPORT**

This report considers an application for planning approval to construct additions to the residence at No. 5 Woodhouse Road, East Fremantle. The application seeks a variation to the maximum building height requirements of Local Planning Policy No. 142 and a variation to the side setback requirements of the Residential Design Codes.

This report recommends conditional approval.

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**BACKGROUND**

**Description of Proposal**

The application proposes the following:

- To extend the garage to the western boundary at the undercroft level to accommodate additional parking;
- to extend the ground floor deck forward (northwards) and to extend the residence southwards to accommodate a laundry and store area;
- to construct an upper floor addition to accommodate a studio living area, bedroom, ensuite and garden terrace.
- to construct the upper floor additions in a light weight material and with a flat roof.

**Statutory Considerations**

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

**Relevant Council Policies**

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

**Impact on Public Domain**

Tree in verge : No impact  
Light pole : No impact  
Crossover : No impact  
Footpath : No impact  
Streetscape : The alterations and additions will alter the way the residence is viewed from the street however not adversely. The design is well articulated and will complement the development in the immediate locality.

**Documentation**

Plans and relevant forms date stamp received on 2 May 2011

**Date Application Received**

29 March 2011

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

Nil

**CONSULTATION**

**Advertising**

The application was advertised to surrounding neighbours for a two week period between the 8 and the 29 April 2011. At the close of advertising one submission was received from the owners of No. 8 View Terrace, which will be detailed and responded to below:

Submission	Planning Response
Andrew Robertson of 8 View Terrace objects to the proposal on the basis that they estimate that 70% of the view from the balcony at 8 View Terrace will be lost as a result of the proposed additions.	The Town Planner has visited the property at No. 8 View Terrace which is not directly adjacent to the site and is located to the south east of the site and assesses that a peripheral view to the northwest may be lost as a result of the upper floor additions but that this does not equate to 70%.  The site visit confirms that a 180 degree view to the north, east and west is available from 8 View Terrace. The views available from 8 View Terrace consist of ocean views, river views, vegetation and existing roofs in the foreground.
The Robertsons have advised that they are disappointed that the applicants have not provided them with a copy of	This is not a requirement. The application has been advertised for public comment and the owners of No. 8

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Submission	Planning Response
plans to keep and have not made any amendments to the design in response to their objections.	View terrace have had the opportunity to view the plans at the Council offices.
Our neighbour at 6 has built a large house but stepped the roof height down at the rear to preserve <i>some</i> of our view to the west.	This is commended. The subject application proposes a small north-south oriented upper floor addition which only extends southwards (toward 8 View Terrace) by around 6.4 metres and for a width of 4.2 metres and retains a 9.5 metre setback between the proposed upper floor additions and the rear boundary. Views will still be achievable over the rear yard of 5 Woodhouse and over the existing residence in the western portion of the site where no upper floor addition is proposed.
We have only received a plan view sketch from the applicants showing the angle of vision from our veranda (which supports our 70% loss contention). No attempt was made to amend the proposed structure or show the true elevation impact of the development.	The plan view sketch provided by the applicant demonstrates that from the centre of the balcony the main view line will not be interrupted by the upper floor additions. The applicant advises that because the proposed upper floor additions at the rear of the site (objected to by the owners of No. 8 View terrace) are compliant in terms of building height and well within the setback requirements of the R-Codes and because the repositioning of the upper floor additions would have no benefit to the owners of No. 8 View Terrace that amendments were not undertaken.
When we recently built our patio and a new boundary wall between numbers 6 and 8 View Tce, we tried to limit our view into the rear of 5 Woodhouse Rd. Specifically, set the patio length and end screen wall to provide privacy. We also set the boundary wall height to provide 5 Woodhouse with privacy from overview from our back lawn. Whilst we didn't discuss this with the owners of 5 Woodhouse at the time, we are sure that the effect was obvious.	Noted
We are concerned that buildings are regulated in so many ways but vegetation is not. Before we moved into 8 View Tce, our rear neighbour at 7 Woodhouse Rd had planted large trees along the boundary between our houses. This is also adjacent to the old and small diameter sewer pipe. Apart from the visual impact, these trees have caused the usual root, limb and leaf problems and the new owners have thankfully removed/thinned them. Our pipes no longer block at sewer entry. We now see a line of fast growing trees planted at the rear of 5 Woodhouse Rd and it is easy to postulate sewer blockages and view disruption before too much longer.	Vegetation is acknowledged as having potential impacts on view corridors. A recent decision of the State Administrative Tribunal DR 500/2009 confirms this. The applicants have been advised of your concerns with regard to the potential impact of the trees in the rear yard of 5 Woodhouse Street.

**Town Planning Advisory Panel**

The subject application was assessed by the Town Planning Advisory Panel (TPAP) at its meeting of the 20 April 2011 wherein the following comments were made:

- Panel appreciates revised detail of current plans.
- Panel supports application.
- Query materials and finishes.
- Panel supports retention of original residence.

The applicants have since submitted a detailed schedule of materials and finishes, which indicates that the proposed additions will be constructed in timber and fibre cement sheet and will be p

\ainted white to match the existing residence which is to be retained.

**STATISTICS**

File P/W005

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**STATISTICS**

Zoning R12.5  
Lot Area 745m<sup>2</sup>  
Heritage Listing Not listed

**Site:** Required Proposed Status  
Open Space 55% 60+% Acceptable  
Site Works Less than **Query** Acceptable  
500mm

**Height:** Required Proposed Status  
Wall 6.5 **5.6-7.7** **Discretion**  
Ridge 8.1 7.9 max Acceptable

Roof type Pitched and concealed

**Other:** Issues Status  
Overshadowing N-S oriented lot (No impact) Acceptable  
Privacy/Overlooking **Middle floor deck not screened to Discretion**  
**eastern boundary**

**Setbacks:**

Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Actual Setback	Status
Front (north)							
<i>Undercroft</i>	<i>Whole</i>	3.1max	18.5	Yes	7.5	13.0	Acceptable
<i>Ground</i>	<i>Deck</i>	6.0max	15.3	Yes	7.5	7.5-11.5	Acceptable
<i>Upper</i>	<i>Studio</i>	7.4max	4.5	Max	7.5	8.2	Acceptable
Rear (south)							
<i>Undercroft</i>	<i>Whole</i>	2.5	18.5	No	6.0	14.0	Acceptable
<i>Ground</i>	<i>Whole</i>	3.2	2.6	No	6.0	14.0	Acceptable
	<i>Store</i>	3.2	12.7	Yes	6.0	9.5	Acceptable
<i>Upper</i>	<i>Terrace</i>	5.6	4.2	No	6.0	9.5	Acceptable
	<i>WIR</i>	5.6	4.8	No	6.0	14.0	Acceptable
Side (east)							
<i>Undercroft</i>	<i>Whole</i>	1.7max	9.5	No	1.0	1.5	Acceptable
<i>Ground</i>	<i>Whole</i>	<b>4.2</b>	<b>15.5</b>	<b>No</b>	<b>1.6</b>	<b>1.5</b>	<b>Discretion</b>
<i>Upper</i>	<i>Whole</i>	<b>5.2 to 7.4 max</b>	<b>19</b>	<b>No</b>	<b>2.0 to 2.4</b>	<b>1.5</b>	<b>Discretion</b>
Side (west)							
<i>Undercroft</i>	<i>Whole</i>	<b>2.7</b>	<b>13</b>	<b>No</b>	<b>1.0</b>	<b>Nil</b>	<b>Discretion</b>
<i>Ground</i>	<i>Whole</i>	5.3max	11	No	1.5	3.2	Acceptable
<i>Upper</i>	<i>Whole</i>	5.5 max	5	Yes	3.5	9.5	Acceptable

**Local Planning Policy No. 142**

**Building Heights** The upper floor additions exceed the building height requirements at the front of the site where the land is at its lowest.

**Streetscape** Buildings set back generally consistent with the buildings on adjoining lots. Garages to be located at or behind the main building line of the house.

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**Views** A height discretion is sought for the alterations at the front of the residence however it is determined that no impact on view corridors will occur as a result.

**ASSESSMENT**

Approval is sought for the construction of additions to the residence at No. 5 Woodhouse Road, East Fremantle. The additions are proposed on the ground and undercroft level but most significantly a new upper floor area is proposed.

The applicant has advised that the existing house is a 'modernist' house designed in 1957 and one of only a few remaining in East Fremantle and that the residence is in good condition however, is outdated for contemporary living standards in terms of size and spatial layout. The owners like the existing house and are seeking to retain as much of its architectural integrity as possible. As a result only a small addition is proposed:

- designed to have passive solar access to outdoor living areas and upper level room facing north;
- designed to have highly insulated western walls to reduce heat gain;
- designed to retain as much open space as possible for garden;
- designed to maximise cross ventilation across the addition from the southern windows, with the need for air-conditioning being minimised; and
- designed to only accommodate a moderate increase in floor area; and incorporating high level windows on the upper level where neighbours privacy is an issue.

The design of the proposal has largely been supported by the Town Planning Advisory Panel. The proposed additions comply with most of the quantitative provisions of the R-Codes, TPS No. 3 and Council Policies with the exception of building height and the setback to the eastern boundary. These will be discussed separately below.

**Boundary Setback**

The proposed upper floor additions require a setback of between 2 and 2.4 metres to the eastern boundary. The application only proposes to provide a 1.5 metre setback to the eastern boundary (side boundary) and therefore requires a variation to the setback requirements of the R-Codes.

The variation has been assessed against the Performance Criteria of the R-Codes and based on the following is considered to be acceptable development:

- The reduced setback will not restrict sunlight or ventilation to the existing residence.
- The reduced setback will not cast a shadow on the adjoining lots.
- The proposed setback follows the existing setback of the residence to the eastern boundary and proposes to construct the upper floor additions immediately above the eastern wall of the middle/ground floor.

It is considered there is merit in an exercise of discretion to allow a reduced setback to the eastern boundary predominately on the basis that the setback to the eastern boundary is governed by the position of the existing setback to the eastern boundary.

**Building Height**

Building height limits in this area of East Fremantle are controlled under LPP 142. The Policy establishes a maximum wall height of 6.5 metres for a flat/concealed roof. These building height restrictions are intended to help protect neighbouring property views.

With regard to the issue of views LPP 142 states:

***Part 4 – Views***

*Where Council is requested to exercise discretion under its Policies or the Performance Criteria of the Residential Design Codes, Sections 3.2 – Streetscape, 3.3 – Boundary Setbacks and 3.7 – Building Height, the Council will have regard for the impact a proposed building may have on views that owners of adjoining property(s) may enjoy.*

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The application proposes upper floor additions. The height of the additions in the rear section of the site comply with Council's building height requirements and propose a maximum height of 5.2 metres from natural ground level. The additions that are proposed to cantilever over the decking at the front of the site however exceed the maximum building height requirements of Council's LPP No. 142 and extend to a maximum wall height of 7.4 metres and decreases to 5.2 metres as the natural ground level rises.

The applicant has provided the following reasons for requesting a height variation at the front of the site:

- The north-south orientation of the upper level addition greatly reduces its impact on the rear neighbours. Using this orientation instead of an east-west orientation along the length of the house towards the rear (which would be allowed under current regulations with a pitched roof) is a much better outcome on view impact for all neighbours.
- The rear neighbour has an outdoor area orientated towards the north-west which takes the proposed addition further out of their normal view.
- The parapet style (concealed roof) is far more complementary to the existing architecture and streetscape qualities than a typical gable or hip roof.

It is considered appropriate to grant some discretion to the building height at No. 5 Woodhouse Road particularly in the lower areas of the site which will not result in a building height that substantially obscures existing view corridors. This is because the residences to the rear (View Terrace) are higher than the subject site and the top of the ridge of the proposed additions, which is proposed to be 46.7 metres above natural ground level, will be lower than the finished floor levels (upper floor) of the residences to the rear (No. 8 View Terrace estimated at 47 metres AHD).

Council is only being requested to exercise its discretion with regard to building height for the proposed upper floor studio addition at the front of the lot. The proposed upper floor addition which extends toward the rear boundary (and as objected to by the owners of No. 8 View Terrace) complies with the height requirements of LPP No. 142 and in fact proposes a height marginally less than is permitted under this Policy.

### Views

The proposed application is largely R Code compliant with the exception of the height and setback discretion which are being sought. The most significant issue is the impact on views. Under clause 10.2(p) of the Scheme, this issue must still be considered, regardless of R Code compliance.

It is important to note that it is not a sufficient ground to reject the application simply on the basis that there is *some* loss of neighbour's views. Whilst a subjective issue as to how "significant" and "significance" are to be measured, the usual tests involve firstly whether the views are *significant* or not (e.g. river views, views of ocean, harbour etc); secondly *where* the views are obtained or lost from (e.g. loss of a view from a living room would be more significant than a loss of a view from a laundry); thirdly the *extent* of the loss of views (e.g. minor, moderate, severe); and fourthly the *reasonableness* of the proposal that is causing the impact.

The applicant contends there is no major loss of significant views. This assessment is supported by the Town Planner based on a site visit, consideration of the plans and a view impact analysis being undertaken.

### View Impact

The submission received from the owners of No. 8 View Terrace suggests that 70% of their views will be lost as a result of the upper floor addition. An assessment of potential view impact has been undertaken as described below:

- Site level and finished floor level information has been collected from the approved plans for No. 6 and No. 8 View Terrace and has been interpolated to refer to the Australian Height Datum information available to the Council.

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- Based on the approved plans for 8 View Terrace and interpolation using 1 metre contour data from Landgate (2011), the finished floor level of the upper floor balcony at 8 View terrace is measured to be 46.02 metres AHD. In a standing position on the balcony, the owners of No. 8 View Terrace will look over the proposed upper floor additions.
- The proposed upper floor additions will not result in a loss of 70% of the rear neighbours view.
- There are numerous opportunities available to the owners of No. 8 View Terrace to increase their views including increasing the area of the small rear balcony in order to have direct access to the ocean and harbour views to the west and to increase the size of the west facing high light window to capture a larger view.

Based on the above, the application has been assessed as having only a minor impact on the existing views of No. 8 View Terrace.

**Privacy/Overlooking**

The applicant has addressed overlooking by the appropriate selection of windows and by screening the upper floor garden terrace.

Overlooking will however still occur eastwards from the proposed front deck extension, which is an unenclosed active habitable space located closer than 7.5 metres to a boundary. The application proposes to partially screen the eastern opening of the decking area to prevent overlooking however does not propose to screen the entire length of the eastern opening. This will enable some overlooking to occur, which could impact on the privacy of the adjoining residents

Whilst the Codes provides for variations to the privacy requirements subject to certain performance criteria being met, it is not considered appropriate to consider granting a discretion to the privacy requirements when it is clear that the entire length of this opening could be screened. In this regard a condition is included in the recommendation to require the provision of privacy screening along the entire length of the eastern opening of the deck. The applicants have advised that they will screen the entire length of the eastern opening as recommended.

**CONCLUSION**

The design is considered to be appropriate for the locality and to have maximised opportunities for passive solar design. The application proposes additions to only one side of the residence and running in a north south direction rather than occupying much of the width of the site. The use of a flat roof and the north-south orientation of the upper floor addition will assist in minimising the bulk and impact of the additions on the surrounding area.

The design of the proposal has been supported by the Town Planning Advisory Panel and has only received one objection from the public advertising period. The objections have not been upheld and the subject application is considered to be acceptable.

**RECOMMENDATION**

That Council exercise its discretion in granting approval for a variation to:

- allow a maximum wall height of 7.2 metres in lieu of the requirements of LPP No. 142;
- allow a 1.5 metre setback to the eastern boundary in lieu of the requirements of the R-Codes; and
- allow a nil setback to the western boundary to accommodate a boundary wall for the garage;

for the construction of alterations and additions to the residence at No. 5 (Lot 2) Woodhouse Road, East Fremantle in accordance with the plans date stamp received on 29 March 2011 subject to the following conditions:

1. the entire eastern opening of the proposed deck extension to be screened to comply with the requirements of the R-Codes with regard to privacy and overlooking.
2. 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.
3. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
  4. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
  5. the proposed additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
  6. all stormwater is to be disposed of on-site and clear of all boundaries.
  7. this planning approval to remain valid for a period of 24 months from date of this approval.

*Footnote:*

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

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

Correspondence referred from MB Ref T75.1 was tabled.

Mr Dave Delahunty (applicant) and Ms Nikki Miller (owner) addressed the meeting in support of the officer's recommendation.

**RECOMMENDATION TO COUNCIL**

**Cr Martin – Cr Lilleyman**

**That Council exercise its discretion in granting approval for a variation to:**

- **allow a maximum wall height of 7.2 metres in lieu of the requirements of LPP No. 142;**
- **allow a 1.5 metre setback to the eastern boundary in lieu of the requirements of the R-Codes; and**
- **allow a nil setback to the western boundary to accommodate a boundary wall for the garage;**

**for the construction of alterations and additions to the residence at No. 5 (Lot 2) Woodhouse Road, East Fremantle in accordance with the plans date stamp received on 29 March 2011 subject to the following conditions:**

- 1. the entire eastern opening of the proposed deck extension to be screened to comply with the requirements of the R-Codes with regard to privacy and overlooking.**
- 2. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- 3. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- 4. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**

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5. the proposed additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. all stormwater is to be disposed of on-site and clear of all boundaries.
7. this planning approval to remain valid for a period of 24 months from date of this approval.

**Footnote:**

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

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

CARRIED

**T77.4 Riverside Road No. 35 (Lot 900)**

**Applicant: Ross Griffin Homes**

**Owners: M & L Tonkin**

**Application No. P69/2011**

By Gemma Basley, Town Planner on 4 July 2011

**PURPOSE OF THIS REPORT**

This Report considers an application for Planning Approval to construct a new two storey residence with an undercroft at No. 35 Riverside Road, East Fremantle.

Council considered this application at the May round of Meetings and resolved the following:

*"That the application for the construction of a two storey residence with an undercroft at No. 35 (Lot 900) Riverside Road, East Fremantle be deferred to the July round of Committee/Council meetings pending the submission of a streetscape analysis (incorporating photo-montage or rendered 3D drawings or similar) showing the proposed development as it sits upon the site and its impact upon surrounding properties and streetscape."*

The applicants have submitted a streetscape analysis which is attached to this report. The report recommends that Council approve the application conditionally.

**BACKGROUND**

**Description of Proposal**

The application proposes the following:

- a residence comprising a double garage and store at the undercroft level, a family room, dining room, kitchen, laundry and balcony on the ground level and 4 bedrooms, a living room, ensuite and bathroom and a balcony on the upper floor.
- a 3 level residence at the front of the site and reducing to 1 level at the rear of the site where the natural ground level is considerably higher.
- a residence that maximises river views and minimises impacts on the existing view corridors of surrounding residents.

The application deals with a topographically challenging site and proposes a development that minimises site works and that is site responsive.

**Statutory Requirements**

Town Planning Scheme No 3 (TPS 3) – Residential R30

Local Planning Strategy – Riverside Precinct (LPS)

Residential Design Codes (RDC)

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**Relevant Council Policies**

Local Planning Policy 066 – Roofing (LPP 066)

Local Planning Policy 142 – Residential Development (LPP 142)

**Documentation**

Plans date stamp received on the 9 May 2011

**Date Application Received**

9 May 2011

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

18 July 2006 Western Australian Planning Commission grants approval to the amalgamation and re-subdivision of Lots 51 and 52 to create 34 and 35 Riverside Road.

**CONSULTATION**

**Advertising**

The application was advertised to adjoining neighbours for a two week period between the 19 May & 2 June 2011.

At the close of advertising no submissions or objections had been received.

**Town Planning Advisory Panel Comments**

The Panel viewed the proposal on 24 May 2011. The Panel's advice is set out and responded to below:

Advisory Panel Comments	Planning Response
Materials and finishes schedule required.	A schedule of materials and finishes has been submitted and proposes that the residence will be constructed in brick and rendered and painted white with Colorbond stone cladding and a cream Colorbond roof. This is acceptable.
Assess impact of overshadowing on adjoining lot to the south.	<p>The R-Codes allows up to 35% of an adjoining property to be overshadowed in areas coded R30. The subject application only results in 33.6% of the adjoining site being overshadowed and therefore is assessed to be acceptable development under the R-Codes.</p> <p>The adjoining lot to the south is currently vacant and a Planning Approval for the site has expired without construction occurring. In this regard it is difficult to estimate the impact of overshadowing. The site to the south however is significantly larger and has a 20.27 metre wide frontage and a design that avoids the shadow cast from the proposed development at No. 35 Riverside Road will be achievable.</p>
Design supported and considered appropriate for the site and the locality.	The proposed design is commended on the basis of the minimal site works required.

**Swan River Trust**

The Swan River Trust advised that the proposal will have no immediate impact upon the river environment and that the Trust have no objections to the proposal subject to the property being connected to the reticulated sewerage system prior to the residence being occupied. The Trust also requires that stormwater drainage be contained on site or connected to the local government system.

To address the requirements of the Trust two conditions have been included in the recommendation.

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**STATISTICS**

File	P/RIV35
Zoning	R30
Lot Area	347m <sup>2</sup>
Heritage Listing	Not listed

Site:	Required	Proposed	Status
Open Space	R30 (45%)	48.25	Acceptable
Site Works	Less than 500mm	2.0 metres	Discretion

Local Planning Policies:	Issues	Status
Policy 142	Height discretion Garage discretion	Discretion Discretion

Other:	Issues	Status
Overshadowing	No – (33.6% - Acceptable at R30)	Acceptable
Privacy/Overlooking	To North	Discretion

Height:	Required	Proposed	Status
Wall	5.6	9.2 max	Discretion
Ridge	8.1	9.9 max	Discretion
Roof type	Concealed Pitch @ 5°		

Setbacks:		Wall height	Wall length	Major opening	Required Setback	Actual Setback	Status
Orientation	Wall Type						
Front (west)							
Undercroft	Garage	2.82	6.2	No	4.0	5.5-5.8	Acceptable
Ground	Balcony	5.65	7.54	Yes	4.0	4.4-5.0	Acceptable
Upper	Balcony	8.57	7.2	Yes	4.0	5.2-6.0	Acceptable
Rear (east)							
Undercroft	Garage	-2.74	6.2	No	1.0	18.0+	Acceptable
Ground	Whole	-5.65	7.54	No	1.0	10.0+	Acceptable
Upper	Whole	1.2	7.2	Yes	1.5	3.5	Acceptable
Side (north)							
Undercroft	Garage	2.74	12.9	No	1.0	1.2	Acceptable
Ground	Laundry/Kitchen Stairs/Balcony	5.65	7.5	Yes	2.5	3.0	Acceptable
Upper	Bed 4-Bath Upper Living	3.1 3.1	8.2 6.78	No Yes	1.0 1.5	1.2 2.5	Acceptable Acceptable
Side (south)							
Undercroft	Garage	2.82	12.9	No	Nil	Nil	Acceptable (Policy 142)
Ground	Laundry/Dining	5.65	13.0	Yes	1.0	1.2	Acceptable
Upper	Bed 3 – Bed 2 Living WC-Balcony	5.2 7.4 8.0	9.2 4.0 9.7	No No No	1.2 1.1 1.5	1.5 1.5 1.5	Acceptable Acceptable Acceptable

**ASSESSMENT**

The design of the proposal has been supported by the Town Planning Advisory Panel and has received no objections from the public advertising period.

The subject application deals with a site which has an 8 metre fall from rear to front and with a narrow lot frontage comprising only 9.46 metres. The application proposes a residence that is site responsive and which minimises site works by stepping the

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residence. The residence is proposed to have a low pitch skillion roof @ 5 degrees, which will reduce the overall building height and impact on the surrounding properties.

The proposal accords with the provisions of TPS3, the R-Codes and the Town's Planning Policies with the exception of the following elements which will be assessed separately below.

**Discretions Sought by the Applicant**

Site Works

The application proposes to retain the side boundaries of the site in areas by up to 2.9 metres and requires a cut being made in to the site of up to 2 metres. The proposed cut and retaining provides for a consistent finished floor level for each level of the residence. The proposed site works do not contribute to the overall height of the building and rather reduces the overall building height, particularly at the rear of the site.

A variation to allow site works in excess of the 0.5 metres permitted under the R-Codes is supported.

Building Height

The application proposes significant sections of the residence at the front of the lot that exceed the maximum building height requirements of Council's LPP No. 142. The building exceeds the 6.5 metre wall height limit in a number of positions and extends as high as 8.6 metres from natural ground level in the front southern section of the building.

The natural slope of the site means the wall height is more significant as measured from the lower ground levels at the front of the site and this is where the building is over height. The topography of the site and the cut that is proposed into the rear of the site results in a reduced building height at the rear of the site where a maximum wall height of 2.7 a ridge height of 3.7 metres (above natural ground level ) is achieved.

The variation to the building height only applies to the front half of the residence. The subject walls are set back to the front and side boundaries as per the requirements of the R-Codes however the increased height will cause overshadowing on the property to the south. However the amount of overshadowing is within the acceptable development provisions of the R-Codes and as such this variation is considered acceptable.

It is considered that it is appropriate to grant discretions to the building height at No. 35 Riverside Road particularly in the lower areas of the site which will not result in a building height that obscures existing view corridors. This is because the residences to the rear are significantly higher than the subject site and the top of the ridge will be lower than the finished floor levels of the residences to the rear. The adjoining residences to the north and the south have uninterrupted views westwards to the river and these will not be affected by the increased building height.

Privacy/Overlooking

The application has addressed overlooking by the appropriate selection of windows and by screening some balcony openings. Overlooking will still occur to the north from the upper living area and this is not supported. To overcome this overlooking a condition is included in the recommendation to require the use of obscure glazing on these windows.

Overlooking will also occur to the north from both the balconies on the ground and upper floors. The overlooking whilst minimal is not supported. On this basis a condition is included in the recommendation to require the installation of permanently fixed privacy screens along the northern openings of the balcony on both the ground and upper floors.

Overlooking will also occur from the upper floor study to the east and from the upper floor lounge to the west. The extent of overlooking is very minimal and looks into the side setback and landscaped areas of adjoining residences.

Garage Position

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The application proposes to locate the front of the garage forward of the main building line. This does not entirely meet the requirements of Local Planning Policy No. 142, which requires that the garage be positioned at or behind the main building line of the house. There are two major issues to consider in assessing the position of the garage being the location of the garage forward of the main building line and the potential impact of this on the streetscape.

Local Planning Policy No. 142 states in Part 2 – Streetscape:

*(ii) Notwithstanding (i) above, garages and/or carports are to be located at or behind the main building line of the house on the property.*

The policy is not definitive in what constitutes the main building line however based on past assessments the policy has been interpreted to refer to the dominant wall of the front of the house. When applying this to the subject application, the main wall of the house is that which is behind the verandah.

The applicants submit that the narrow width of the lot restricts opportunities to site the garage to comply with the requirements of LPP No. 142. In an effort to reduce the visual impact of the garage position, the application proposes to cantilever the ground floor balcony over and forward of the garage. The Town Planner agrees with this and supports the current position of the garage. The upper floor balcony will protrude forward of the garage, which will assist in reducing the dominance of the garage. In addition the open nature of the front elevation of the residence and its presentation to the street will ensure that this dominates the appearance of the residence rather than the garage. In addition, the design of the house is articulated and will present attractively to the street.

The position of the garage is supported.

### **Streetscape Analysis**

As per the requirements of Council's resolution of the 21 June 2011 the applicants have submitted a streetscape analysis which demonstrates how the proposed residence will integrate with the existing streetscape of Riverside Road and its surrounds.

The streetscape analysis confirms that the proposed design is well articulated and will present well to the street.

### **CONCLUSION**

The application deals with a narrow site that is topographically constrained and which has a fall of 8.0 metres from front to rear. The design is considered to be appropriate for the site and for the locality and to have maximised opportunities for passive solar design with the use of a skillion roof system, raked ceilings and hi-lite glass windows.

The variations being sought particularly in relation to the building height will not impact on the existing view corridors of surrounding properties. This is considered to be a significant achievement on a topographically limited site with a narrow frontage of 10.08 metres.

The application is considered to have had due regard to the Town's requirements relating to residential developments, as well as the requirements outlined within the Residential Design Codes 2008. More so the application has been designed to reduce the building height at the rear of the property in order to enable views from adjoining lots to be retained.

The application is recommended for approval.

### **RECOMMENDATION**

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

- site works up to 0.6 metre at the rear of the site that exceed the R-Code requirements by 0.1 metre;

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- the front of the garage to be in line with the upper floor study wall in lieu of the requirements of Local Planning Policy No. 142;
  - the maximum wall height to extend to 9.2 metres at the front of the site in lieu of the 6.5 metres permitted under LPP No. 142; and
  - the maximum ridge height to extend to 9.9 metres at the front of the site in lieu of the 8.1 metres permitted under LPP No. 142;
- for the construction of a two storey residence with an undercroft at No. 35 (Lot 900) Riverside Road, East Fremantle in accordance with the plans date stamp received on 9 May 2011 subject to the following conditions:
1. the north facing upper floor living room windows are to be obscure glazed to satisfy the privacy requirements of the R-Codes to the satisfaction of the CEO.
  2. the north facing opening of the balcony on the ground and upper floors are to have permanently fixed privacy screening installed to a height of 1.65 metres to satisfy the privacy requirements of the R-Codes 2008 to the satisfaction of the CEO.
  3. the property is to be connected to reticulated sewerage prior to the residence being occupied.
  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. 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. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
  7. the proposed residence 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.
  8. all stormwater is to be disposed of on site and clear of all boundaries.
  9. any new crossovers which are constructed under this approval to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
  10. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

Mr Rod Druce & Mr Michael Franchina (Ross Griffin Homes) and Mrs Larissa Tonkin (owner) addressed the meeting in support of the officer's recommendation.

**RECOMMENDATION TO COUNCIL**

**Cr Lillleyman – Cr Rico**

**That the application for the construction of a two storey residence with an undercroft at No. 35 (Lot 900) Riverside Road, East Fremantle be deferred pending:**

- (a) clarification as to whether a discretion is required for the garage door width under Part 6.2.8 of the R-Codes; and**
- (b) a further condition pertaining to the finish of the garage door being to the satisfaction of both parties be inserted.**

CARRIED

*12 July 2011*

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**T77.5** **Oakover Street No. 22 (Lot 340)**  
**Owner/Applicant: Rod & Bindi Pavlovic**  
**Application No. P227/2010**  
By Gemma Basley Town Planner 5 July 2011

**BACKGROUND**

**Purpose of this Report**

This report considers an application for retrospective approval for the construction of a front and side boundary fence that does not comply with a Grant of Planning Approval and a Building Licence and that exceeds the approved 1.8 metre height limit.

This report recommends that retrospective approval be granted, subject to some modifications being made to the fence.

**Background to the Application**

Planning Approval was granted by Council on the 15 April 2008 for the construction of a two storey residence and associated boundary fencing at No. 22 Oakover Street. Council Approval required that fencing comply with the requirements of Local Planning Policy No. 143.

Following a query from the CEO during the course of construction, an inspection by Council staff identified that the fence has not been constructed in accordance with the approved plans. Council wrote to the owners on the 9<sup>th</sup> August 2010 to request a survey be undertaken and either the fence be brought into conformity with the approved plans or a retrospective planning application be made for any element of the fencing that did not accord with the approved plans. The applicants submitted the necessary survey and an Application for Retrospective Planning Approval in December 2010. Further correspondence has been submitted by the applicants in support of their application and the applicants are very keen to resolve this issue so they can complete the final works to the fence and remove all associated building materials from the verge.

**Description of the Proposal**

The application for retrospective approval acknowledges that the fence has been constructed higher than permitted under Council's Local Planning Policy No. 143. The application demonstrates that the height of the fence extends to a height of between 2.03 metres and 2.22 metres.

The Application for Retrospective Planning Approval therefore seeks Council's approval for the construction of a boundary fence with heights between 2.03 metres and 2.22 metres.

**Statutory Considerations**

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

**Relevant Council Policies**

Local Planning Policy No. 143 – Fencing (LPP 143)

**Date Application Received**

16 December 2010

**Documentation**

Plans and relevant forms date stamp received on 16 December 2010

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

17 August 2004 Council grants special approval for reduced front setback from 6m to 3.6m for a garage for the single storey house at 9 Millenden Street (adjoining property).

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- |                 |  |
|-----------------|--|
| 15 April 2008   | Council exercises its discretion and grants approval for the construction of a two storey house including boundary fencing at No. 22 Oakover Street. |
| 28 January 2009 | Council issues a Demolition Licence for the demolition of a single storey duplex half.   |
| 5 February 2009 | Council issues Building Licence B09/3 for the construction of a two storey residence and boundary fencing.   |

**CONSULTATION**

**Town Planning Advisory Panel Comments**

This application was considered by the Town Planning Advisory Panel at its meeting on the 28 January 2011 where the following comments were made:

- Retrospective approval is not recommended.
- Fence should be height compliant.
- Query retention of Oakover Street crossover.

The Panel's comments are noted however it appears the Panel was not fully aware of the applicant's explanation for the over-height fence when making this recommendation as some of this information had not been received at the time. With respect to the Oakover Street crossover (the former crossover) a condition of planning approval requires the removal.

**Applicant's Submission**

The applicants have submitted the following points in support of their application:

1. *Prior to construction of the residence it was brought to our attention by our plumber that we did not have sufficient fall from our internal toilets to the furthest point to the nearest sewerage connection (an estimated 30mm fall for every metre is required).*
2. *As our neighbour on Millenden Street (original lot prior to subdivision occurring) had completed construction of their new dwelling our options were completely limited as the sewerage connection runs from the eastern corner of our block, beneath and through our neighbours property. It was concluded that we would need to increase the Finished Floor Levels (FFL) of our proposed residence from 10.4 m to 10.65 m (an increase of 250mm) to provide the required fall for the sewerage.*
3. *To achieve this, our only option was to increase our block height and in doing this, we required further site works at an approx additional cost of \$5000 to us. (This should have been checked picked up at the time of subdivision but was not. We did not subdivide the site but purchased it as a subdivided site).*
4. *We obtained authorization from Council's Town Planner Chris Warrener on the 24th May 2009 who was very helpful and explained what we could increase our maximum site levels by 500mm without Council approval. Some quick calculations were made and we were satisfied that we would be compliant. We therefore started from scratch and had our site works re-done.*
5. *Retaining walls —as our block initially already had an incline from the Oakover Street entrance and additional fill was required on the site to provide the necessary fall for the sewerage, the site had to be retained by up to 500mm.*
6. *Fence pillars — Limestone pillars were then built on top of retaining wall.*
7. *In conclusion, prior to receiving Non-Compliant letter from East Fremantle Council we had not even realised that our boundary fence was non compliant. There seems to be some confusion on our part given the above explanation on increased floor levels. Now that this has been brought to our attention and on reviewing, it appears that we may have wrongly assumed where appropriate levels are measured from.*
8. *As requested by East Fremantle Council, we had our levels and fence heights resurveyed as it was brought to our attention that the overall fence height (retaining included) exceeded the height requirements of LPP No. 143.*
9. *Vegetation — We are very anxious to commence our landscaping (both west & north aspect) but have been hesitant to do until the fence approval is resolved. We have plans for a small vegetable garden including dwarf fruit trees. Garden will also consist of a lot of greenery, shady trees and hedging.*

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10. *Screening - Hedges will be planted on the inside of our boundary in front of wrought iron and pillars. They will be grown to a reasonable height and neatly hedged. Our main reason for this is that we have two small children who have access to play in all outside areas. As we are on a corner intersection, our first and most important priority is the safety, security and privacy for our family.*

With respect to (4) above, if that advice was in fact given by former Town Planner, Chris Warrener, then this was quite wrong. Maximum site levels cannot be increased by any amount beyond approved plans.

**Site Inspection**

By Town Planner on 5 July 2011

**RELEVANT PLANNING PROVISIONS**

Local Planning Policy 143 – Policy on Local Laws Relating to Fencing states:

*“Where the application does not conform to the Local laws and or this Policy the proposal is to be the subject of a Planning Consent and a report to Council. Council has discretion to approve an application for a fence or wall which does not conform to the Local Law or this Policy.”*

*Part 3 of LPP No. 143 specifies that the maximum height of any part of the fence is to be 1.8 m.”*

*Part 4 of LPP No. 143 states that under special circumstances including those listed below Council may approve a fence to be less visually permeable and or with a maximum height greater than 1.8 m:*

- 4.1 a higher fence/wall is required for noise attenuation.*
- 4.2 a less visually permeable fence would aid in reducing headlight glare from motor vehicles. This would apply more particularly where the subject property is opposite or adjacent to an intersection which could lead to intrusion of light into windows of habitable rooms.*
- 4.3 where the contours of the ground or the difference in levels between one side of the fence and the other side warrant consideration of a higher fence.*
- 4.4 where the applicant can demonstrate to Council that there is a need to provide visual screening to an outdoor living area. This may apply in situations where there is no alternative private living space other than in the front of the residence or for part of the secondary side boundary of a corner lot.”*

It is considered that 4.3 is applicable to the subject site and is therefore arguably appropriate grounds to vary Council’s LPP 143.

Council TPS No. 3 (Clause 10.2) lists matters to be considered by Council and includes the following relevant considerations:

- “(j) the compatibility of a use or development with its setting;*
- (o) the preservation of the amenity of the locality;*
- (p) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal,”*

**ASSESSMENT**

**Proposed Fence**

The application deals with a fence which has been constructed and which exceeds the height requirements of LPP No. 143.

The applicants have submitted that the site has always been raised above road level and that based on Council’s Planning Approval dated 15 April 2008 which approved a FFL of 10.4 metres (which is between 0.34 metres and 0.85 metres higher than the adjoining footpath, road pavement and the NGL of the site), retaining has been required on the boundary of the site, which has contributed to the increased height of the fencing.

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The residence addresses and has its primary street frontage to Oakover Street. The residence is a two storey limestone and brick construction with a high pitched roof. The fencing along Oakover Street and the truncation with Millenden Street is visually permeable above 1.2 metres however; the fence piers and portions of the wrought iron infill extend higher than 1.8 metres and up to a height of 2.22 metres (retaining wall included). The height and the scale of the fence accords with the scale of the house and does not look disproportionate. The fence does not conceal the doors or windows to the residence and still provides for surveillance of the street and ensures that the residence is not obscured by the fencing and addresses the street.

Other than the height of the fence all other elements of the fence fronting Oakover Street are in accordance with the approved plans.

The residence has its secondary frontage to Millenden Street. The fencing along Millenden Street is solid limestone and does not have any visual permeability. This is acceptable development under both the R-Codes and Council's LPP No. 143 for a secondary street frontage and has been approved as a solid fence up to a height of 1.8 metres by Council. The fence (retaining walls included) has been constructed to a maximum height of 2.13 metres along the Millenden Street frontage.

It is considered that whilst solid fencing to 1.8m is permitted on the Millenden Street boundary as a secondary street frontage that this section of the fence would present better if part of this fence could be made visually permeable above 1.2 metres (extending the theme from Oakover Street and the truncation into Millenden Street). This would assist in offsetting any streetscape impacts as a result of the fence being over height. This would require the owners to remove the extent of solid limestone wall between the first two piers on the Millenden Street boundary and to replace these with visually permeable metal infill panels (or similar). The masonry infill between the piers to be reduced to a maximum height of 1.8m.

### Conclusion

A fence has been constructed at No. 22 Oakover Street which exceeds the height requirements of LPP No. 143. The applicants have submitted arguments for the increased height being the raised FFL of the site and the additional fill which has been required to provide the necessary fall for connection to the sewerage mains. The applicant's arguments are partly supported.

The increased height of the fence accords with the scale of the house and does not adversely affect the streetscape and is considered to be compatible for the setting. The design and materials (limestone and wrought iron) of the fence on the Oakover Street frontage and along the truncation complements the residence and other development in the locality.

The wrought iron infill is hand made by the owner and the current features of the infill would be lost if the height of these had to be reduced.

Whilst the fence is over height it is not considered to be visually obtrusive and this is because it complements the residence and uses materials which are common in this area.

It is considered appropriate to grant Retrospective Planning Approval for the over height fence subject to portion of the solid fencing along Millenden Street being made visually permeable above 1.2 metres between the first two piers (western most) or subject to the masonry infill between piers to be reduced to 1.8m.

### RECOMMENDATION

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

- variation to Local Planning Policy 143 to allow the boundary fencing (which includes retaining walls) along Millenden Street to extend to a maximum height of 2.13m;

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- variation to LPP 143 to allow the piers associated with boundary fencing (which includes retaining walls) along Oakover Street to extend to a height of 2.2m; for the construction of a front fence at No. 22 (Lot 340) Oakover Street, East Fremantle in accordance with the plans date stamp received on 16 December 2011 subject to the following conditions:
  1. the fence to be made visually permeable above 1.2 metres between the western most two piers on Millenden Street or alternatively the height of the masonry infill between the fence piers to be reduced to a height of 1.8 metres along the Millenden Street boundary.
  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. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

Mr & Mrs Rod & Bindi Pavlovic addressed the meeting in support of the officer's recommendation.

**RECOMMENDATION TO COUNCIL**

**Cr Collinson – Cr Rico**

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

- **variation to Local Planning Policy 143 to allow the boundary fencing (which includes retaining walls) along Millenden Street to extend to a maximum height of 2.13m;**
- **variation to LPP 143 to allow the piers associated with boundary fencing (which includes retaining walls) along Oakover Street to extend to a height of 2.2m;** for the construction of a front fence at No. 22 (Lot 340) Oakover Street, East Fremantle in accordance with the plans date stamp received on 16 December 2011 subject to the following conditions:
  1. **the fence to be made visually permeable above 1.2 metres between the western most two piers on Millenden Street or alternatively the height of the masonry infill between the fence piers to be reduced to a height of 1.8 metres along the Millenden Street boundary.**
  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**

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

**Footnote:**

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

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

**CARRIED**

*Cr de Jong made the following impartiality declaration in the matter of 34 Gill Street: "As a consequence of the objector, Mrs Tracey Bence, being known to me due to her being a personal friend, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly".*

**T77.6**      **Gill Street No. 34 (Lot 33)**  
**Owner/Applicant: Patrick Mathews**  
**Application No. P74/2011**  
By Gemma Basley Town Planner on 7 July 2011

**PURPOSE OF THIS REPORT**

This report considers an application for planning approval to construct additions to the rear of the residence at No. 34 Gill Street, East Fremantle. The application seeks a variation to privacy requirements of Local Planning Policy No. 142 and a variation to the side setback requirements of the Residential Design Codes.

This report recommends conditional approval.

**BACKGROUND**

**Description of Proposal**

The application proposes the following:

- to extend the ground floor eastwards to accommodate a living room, which will open onto a verandah (which will be raised above natural ground level).
- to construct an undercroft on the lower level of the site underneath the ground floor extension.
- to construct the additions in materials and finishes to match the existing residence.
- to construct the additions in a light weight material and with a pitched roof.

**Statutory Considerations**

Town Planning Scheme No. 3 – Residential R12.5  
Local Planning Strategy - Richmond Precinct (LPS)  
Residential Design Codes (RDC)  
B Management Category on Municipal Heritage Inventory

**Relevant Council Policies**

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

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**Impact on Public Domain**

- Tree in verge : No impact
- Light pole : No impact
- Crossover : No impact
- Footpath : No impact
- Streetscape : The alterations and additions are at the rear of the residence and will not alter the way the residence is viewed from the street.

**Documentation**

Plans and relevant forms date stamp received on 24 May and 7 July 2011

**Date Application Received**

24 May 2011

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

21 September 2010 Council grants approval for a Home Occupation-Dog Grooming to occur from the premises at 34 Gill Street, East Fremantle.

**CONSULTATION**

**Advertising**

The application was advertised to surrounding neighbours for a two week period between the 8 and the 29 April 2011. At the close of advertising one submission was received from the owners of No. 23 Walter Street who live south east of the application area. The submission will be detailed and responded to below:

Submission	Planning Response
<p>Tracey Bence of 23 Walter Street, East Fremantle objects to the application for the following reasons:</p> <ul style="list-style-type: none"> <li>• the proposed height will reduce sunlight in our backyard which is to the south east.</li> <li>• The proposed top floor includes an elevated, large horizontal window positioned less than 3 metres from the rear boundary. This will reduce our privacy by overlooking our swimming pool.</li> <li>• The proposed top floor includes two tall vertical windows, one of which will also overlook our swimming pool and will reduce our privacy.</li> </ul>	<p>The property at No. 23 Walter Street is situated to the south east of the subject site and as such will not be the subject of an overshadowing which results from this development. Overshadowing will only occur to the immediate south and will be assessed in the Statistics section of this report.</p> <p>The applicant has submitted revised plans which provide obscure glazing to these windows which will prevent any overlooking in any direction.</p> <p>The applicant has submitted revised plans which provide obscure glazing to these windows which will prevent any overlooking in any direction.</p>

The revised plans which have been submitted have addressed all of the neighbours' concerns and the applicant is commended for his willingness to amend the drawings.

**Town Planning Advisory Panel**

The subject application was not referred to the Town Planning Advisory Panel because the proposed extension will not be visible to the street.

**STATISTICS**

File P/GIL34  
Zoning R12.5  
Lot Area 911m<sup>2</sup>  
Heritage Listing B

Site:	Required	Proposed	Status
Open Space	55%	61%	Acceptable

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**STATISTICS**

Site Works	Less than 500mm	Less than 500	Acceptable
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<b>Height:</b>	Required	Proposed	Status
Wall	6.0	5.8	Acceptable
Ridge	9.0	7.2 max	Acceptable
Roof type	Pitched		

<b>Other:</b>	Issues	Status
Overshadowing	e-w oriented lot but overshadowing will only impact the side setback area of the adjoining residence and 3 upper floor north facing windows (which are obscure glazed and tinted). The ground floor of development on the adjoining lot is already overshadowed by the dividing fence which exceeds 2.0 metres in height.	Acceptable
Privacy/Overlooking	All major openings which exceed a FFL of 500mm above natural ground level will be screened to prevent overlooking with the exception of the east and north facing verandah which is unscreened and which requires a discretion.	Acceptable <b>Discretion</b>

<b>Setbacks:</b>							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Actual Setback	Status
Rear (east)							
Undercroft	Whole	2.4	5.4	No	6.0	4.8 to 11.5	Acceptable when varied
Ground	Whole	5.8	5.4	No	6.0	4.8 to 11.5	Acceptable
Side (south)							
Undercroft	Whole	2.4	4.5	No	1.1	0.7	Acceptable
Ground	Whole	5.8	9	No	1.1	1.25	Acceptable
Side (north)							
Undercroft	Whole	2.4	7	Yes	2.1	10 m +	Acceptable
Ground	Whole	5.8	11	Yes	2.8	10 m +	Acceptable

**ASSESSMENT**

Approval is sought for the construction of additions to the rear of the residence at No. 34 Gill Street, East Fremantle. The site slopes away from the road and the application proposes to extend the ground floor eastwards and to construct an undercroft underneath this (where the site slopes away and is at its lowest).

The applicant has advised that the additions have been designed in order to maximize access to northern light and as such the application proposes to locate the additions as close to the southern boundary as possible. The setback to the south

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The proposal accords with the provisions of TPS3, the R-Codes and the Town's Planning Policies with the exception of the overlooking which will occur from the verandah. This will be assessed separately below.

**Privacy/Overlooking**

The applicant has addressed overlooking by the appropriate selection of windows on all major openings. The verandah which will extend northwards from the proposed upper floor living room addition is not however screened and overlooking will occur eastwards

Whilst the Codes provide for variations to the privacy requirements subject to certain performance criteria being met, it is not considered appropriate to consider granting a discretion to the privacy requirements when it is clear that the eastern opening could be screened without impacting on the overall design and use of the verandah area. In this regard a condition is included in the recommendation to require the provision of privacy screening along the entire length of the eastern opening of the upper floor verandah addition.

**CONCLUSION**

The design is considered to be appropriate for the locality and to have maximised opportunities for passive solar design. The application proposes additions to the rear and will not impact on the streetscape or the amenity of the locality. The application seeks a discretion on the privacy requirements of the R-Codes but this has not been supported and a Condition is included in the recommendation below to address this.

**RECOMMENDATION**

That Council grant approval for the construction of alterations and additions to the residence at No. 34 (Lot 33) Gill Street, East Fremantle in accordance with the plans date stamp received on 24 May and the 7 July 2011 subject to the following conditions:

1. the entire eastern opening of the proposed verandah extension to be screened to comply with the requirements of the R-Codes with regard to privacy and overlooking.
2. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. the proposed additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. all stormwater is to be disposed of on-site and clear of all boundaries.
7. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

Correspondence referred from MB Ref. T75.2 was tabled.

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Mr Patrick Matthews (applicant/owner) addressed the meeting in support of his development proposal and sought the deletion of Condition (1) of the officer's recommendation pertaining to the screening of the eastern opening of the verandah extension.

**RECOMMENDATION TO COUNCIL**

**Cr Lilleyman – Cr Rico**

**That Council grant approval for the construction of alterations and additions to the residence at No. 34 (Lot 33) Gill Street, East Fremantle in accordance with the plans date stamp received on 24 May and the 7 July 2011 subject to the following conditions:**

1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. the proposed additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. all stormwater is to be disposed of on-site and clear of all boundaries.
6. this planning approval to remain valid for a period of 24 months from date of this approval.

**Footnote:**

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

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

**CARRIED**

**T78. EN BLOC RECOMMENDATION TO COUNCIL**

**Cr Lilleyman – Cr Martin**

**That Council adopts en bloc the following recommendations of the Town Planning & Building Committee Meeting of 12 July 2011 in respect to Items MB Ref: T78.1 to T78.5.**

**CARRIED**

**T78.1 Fraser Street No. 36A (Lot 2)**

**Owner/Applicant: N & C James**

**Application No. P75/2011**

By Gemma Basley, Town Planner on 1 July 2011

**PURPOSE OF THIS REPORT**

This Report considers an application for Planning Approval to extend the carport at No. 36A Fraser Street, East Fremantle.

This report recommends conditional approval.

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**BACKGROUND**

**Description of Proposal**

The application is to construct an extension to the existing garage so that it can accommodate a boat and storage area. The application proposes to construct the garage extension by extending the existing parapet wall along the northern boundary and to construct an additional parapet wall on the western boundary also.

The carport extension will be constructed in brick and tiles to match the existing garage structure.

**Description of subject site**

The subject site:

- 597m<sup>2</sup> battleaxe lot.
- is zoned Residential R12.5 but subject to Clause 5.3.3 of TPS No. 3 and will be assessed against the R20 provisions of the R-Codes.
- is developed with an existing single storey residence.
- located in the Richmond Precinct

**Statutory Considerations**

Town Planning Scheme No. 3 (TPS3)

Local Planning Strategy – Richmond Precinct (LPS)

**Relevant Council Policies**

Local Planning Policy 066 : Roofing (LPP 066)

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

**Impact on Public Domain**

Tree in verge : No Impact

Light pole : No Impact

Crossover : No Impact

Footpath : No Impact

Streetscape : No impact

**Documentation**

Plans and relevant forms date stamp received on 25 May 2011

**Date Application Received**

25 May 2011

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

Nil

**CONSULTATION**

**Advertising**

The application was advertised to adjoining land owners for two weeks between the 26 May and the 10 June 2011. During this period no objections or submissions were received.

The adjoining neighbours (No. 38 Fraser Street) have submitted a letter with the application which confirms their support for the construction of a boundary wall on the shared boundary with No. 36A Fraser Street.

**Town Planning Advisory Panel**

The subject application was not referred to the Town Planning Advisory Panel because the proposed extension will not be visible to the street.

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**STATISTICS**

File	P/FRA36A
Zoning	R12.5 assessed at R20 as per Clause 5.3.1 of TPS No. 3
Lot Area	597m <sup>2</sup>
Heritage Listing	Not

<b>Site:</b>	Required	Proposed	Status
Open Space	50%	Greater than 50%	Acceptable Development
Overshadowing	>25%	N/A	Acceptable Development
Site Works	N/A	N/A	Acceptable Development

<b>Height:</b>	Required	Proposed	Status
Wall	3.0	2.8	Acceptable Development
Ridge	6.0	3.8	Acceptable Development
Roof type	Pitch		

**Setbacks:**

The garage extension is proposed to have a nil setback to the northern and to the eastern boundary and thereby proposes to construct two separate boundary walls.

The R-Codes Acceptable Development provisions only provides for a boundary wall up to one side of the boundary. The construction of a second boundary wall requires Council to exercise its **discretion**.

**Overlooking**

No overlooking will occur into adjoining residential properties.

**ASSESSMENT**

The application proposes to construct the garage extension by extending the existing parapet wall along the northern boundary and to construct an additional parapet wall on the western boundary also. The site the subject of this application is a rear battleaxe lot and as such the garage extension will not be visible to the street. In addition to this the proposed parapet walls will integrate with the rear boundary fence shared with No. 36 Fraser Street and with the side fence shared with No. 38 Fraser Street.

The proposal accords with the provisions of TPS3, the R-Codes and the Town's Planning Policies with the exception of constructing two boundary walls. This will be assessed separately below.

**Building on the Boundary**

The R-Codes provides for the construction of one boundary wall on any lot within the R20 coded areas. Council's Local Planning Policy 142 however provides for the construction of residences with walls situated closer to the boundary than permitted by the R-Codes where the following can be observed:

- "(a) Walls are not higher than 3m and up to 9m in length up to one side boundary;*
- (b) Walls are behind the main dwelling;*
- (c) Subject to the overshadow provisions of the Residential Design Codes – Element 9;*
- (d) In the opinion of the Council, the wall would be consistent with the character of development in the immediate locality and not adversely affect the amenity of adjoining property(s) having regard for views; and*
- (e) Having regard to the above, where the wall abuts an existing or simultaneously constructed wall of similar or greater dimensions."*

The proposed nil setback to the northern and to the eastern boundary satisfies the above criteria partially as demonstrated below:

- The maximum height of the boundary wall on the northern and the southern boundary is 2.4 metres which is considerably lower than the maximum boundary wall height permitted;

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- The proposed boundary walls are in front of the residence and separate to the residence and will integrate with the boundary fencing;
- The extension to the garage will result in a small amount of overshadowing but this will only affect the roofed area of an outdoor living area associated with the site;
- The proposed boundary walls will not be visible from the street.

The variation has also be assessed against the Performance Criteria of the R-Codes and based on the following is considered to be acceptable development:

- The reduced setback will not restrict sunlight or ventilation to the existing residence.
- The reduced setback and extension to the garage will not cast a shadow on the adjoining lots.

It is considered there is merit in an exercise of discretion to allow two boundary walls on the subject site.

**CONCLUSION**

The application is considered to have merit when assessed against the relevant LPP's and Scheme provisions relating to residential developments, as well as the requirements outlined within the Residential Design Codes 2008. Whilst the application does seek a minor variation to the R-Codes and LPP No. 142 this is considered minor in nature and to be acceptable.

**RECOMMENDATION**

That Council exercise its discretion in granting approval for a discretion to allow two boundary walls on the northern and eastern boundary respectively for the construction of an extension to the garage at No. 36A (Lot 2) Fraser Street, East Fremantle in accordance with the plans date stamp received on the 25 May 2011 subject to the following conditions:

1. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. The proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. All stormwater is to be disposed of on site, clear of all buildings and boundaries.
5. This planning approval to remain valid for a period of 24 months from the date of this approval.

Footnote:

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

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

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**T78.2 Canning Highway No. 257 (Lot 2)**  
**Applicant: Signcraft P/L**  
**Owner: Hanny Properties**  
**Application No. P86/2011**  
By Jamie Douglas, Manager Planning Services on 4 July 2011

**BACKGROUND**

**Purpose of this Report**

At its meeting in April 2011 Council refused an application for signs and minor works at the Commonwealth Bank 257 Canning Highway. This report considers a revised application for signage and minor works. The proposal is recommended for approval.

**Statutory Considerations**

Town Planning Scheme No. 3

**Relevant Council Policies**

Draft Local Planning Policy – Design Guideline Signage

**Impact on Public Domain**

Tree in verge : No impact  
Light pole : No impact  
Crossover : No impact  
Footpath : No impact  
Streetscape : Proposed signs face the street and impact upon the streetscape

**Documentation**

Plans and relevant forms date stamp received on 7 June 2011

**Date Application Received**

7 June 2011

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

15 March 2011 Council endorsed the draft Local Planning Policy 'Design Guideline Signage' for the purpose of public advertising.  
19 April 2011 Council refused an application for signage and minor works.  
21 June 2011 Council adopted the Local Planning Policy Design Guideline Signage.

**Site Inspection**

By Manager Planning Services on 4 July 2011

**CONSULTATION**

The proposal was referred to the Town Planning Advisory Panel and Main Roads WA who advised as follows:

Town Planning Advisory Panel

The application was considered by the Panel at its meeting on 28 June 2011 and the Panel advised as follows:

*"Panel notes that the signage represents 'Palmyra' rather than East Fremantle."*

This matter has been previously raised with the Bank by the CEO however to no avail and the issue was once again raised with the Bank, requesting consideration to re-naming the branch. However no definitive response has been received and it is 'beyond power' from a planning perspective to require a corporation to identify its branch other than in the manner it chooses.

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Main Roads WA

The Department has advised its support for the proposal subject to its standard conditions which include that illumination should be to a low level not exceeding 300cd/m<sup>2</sup>. It is appropriate to apply this to any condition of planning approval.

**DESCRIPTION OF THE PROPOSAL**

The application is for the replacement of existing signage and minor works for the Commonwealth Bank as part of a national re-branding program. The proposal includes internal works and decorations and a range of external signage. The external signage is the subject of this consideration for planning approval. The following table compares the initial signage proposal to the current proposal:

Sign No. & Type	Former Proposal		Current Proposal	
	Size	Area	Size	Area
1. Awning Facia Sign - Non Illuminated	12000mm x 600mm	7.2 m <sup>2</sup>	Deleted	Deleted
2. Wall Sign - Non Illuminated	6800mm x 800mm	5.2 m <sup>2</sup>	4995mm x 800mm	3.996m <sup>2</sup>
3. Horizontal Projecting Wall Sign. Illuminated	1491mm x 1287mm	1.9 m <sup>2</sup>	695mm x 695mm	0.4m <sup>2</sup>
6. Wall Sign - Non Illuminated	750mm x 400mm	0.3 m <sup>2</sup>	500mm x 275mm	0.1m <sup>2</sup>
7. Wall sign. Illuminated	1287mm x 1287mm	1.9 m <sup>2</sup>	Deleted	Deleted
10. Wall Sign - ACM cladding with illuminated poster panels	3600mm x 2600mm	9.36m <sup>2</sup>	3600mm x 2600mm	9.36m <sup>2</sup>
<b>Total Area</b>		25.86m <sup>2</sup>		13.856m <sup>2</sup>

The full list of proposed signage and minor works and photomontages showing the various signs are attached to this report.

**RELEVANT PLANNING PROVISIONS**

Town Planning Scheme No. 3

The following clauses of the Scheme apply;

**5.9 Advertising Signs**

- 5.9.1 *Except as provided for in Schedule 5 of the Scheme, no advertising sign are to be erected or displayed without the approval of the local government.*
- 5.9.2 *Advertising signs are to be designed and constructed having due regard to any relevant local government Policy.*
- 5.9.3 *In its determination of any application for erection or display of an advertising sign for which planning approval is required, the local government is to take into consideration the likely impact of the proposal on the safety and amenity of the area.*

**10.2 Matters to be Considered by Local Government**

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

- (j) *the compatibility of a use or development with its setting;*
- (o) *the preservation of the amenity of the locality;*
- (p) *the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*

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Local Planning Policy – Design Guidelines- Signage.

Council adopted the Local Planning Policy – Design Guidelines- Signage (LPP) pursuant with clause 2.4 of TPS No 3. at it's meeting on 21 June 2011. The policy clarifies the range and extent of signage that is allowable, within the Town of Fremantle.

The proposed signs are assessed pursuant to the relevant provisions of the LPP as follows:

Proposed Sign 2 - Wall Sign - Non Illuminated

Performance Criteria for discretionary approval:

- *Multiple wall signs or wall signs exceeding the acceptable solution provisions shall only be considered as part of an approved signs regime.*
- *Signs must face a primary space.*
- *Maximum height equivalent to 10% of height of building wall or 2 metres, whichever is greater.*
- *Maximum length 5 metres.*

The proposal now forms part of a proposed signs regime for the building and has been reduced in size to comply with the maximum height and length dimensions under the performance criteria.

Proposed Sign 3 - Horizontal Projecting Wall Sign - Illuminated

Performance Criteria for discretionary approval:

- *Maximum depth 500 mm.*
- *Max width 300 mm.*
- *Maximum length 2700 mm.*
- *Limit of one such sign per building/site unless part of an approved signs regime.*

Shall not be approved if there is a vertical projecting wall sign on the same site.

The proposal now forms part of a proposed signs regime for the building and has been reduced in size. Although still marginally exceeding the maximum depth and length dimensions under the performance criteria, it is now only proposed to install new acrylic faces to the existing sign.

Proposed Sign 6 - Wall Sign - Non Illuminated

Performance Criteria for discretionary approval:

- *Multiple wall signs or wall signs exceeding the acceptable solution provisions shall only be considered as part of an approved signs regime.*
- *Signs must face a primary space.*
- *Maximum height equivalent to 10% of height of building wall or 2 metres, whichever is greater.*
- *Maximum length 5 metres.*

The proposal now forms part of a proposed signs regime for the building and has been reduced in size to comply with the maximum height and length dimensions under the performance criteria.

Proposed Sign 10 – Wall Sign with Illuminated Poster Boxes

Performance Criteria for discretionary approval:

- *Multiple wall signs or wall signs exceeding the acceptable solution provisions shall only be considered as part of an approved signs regime; and*
- *Signs must face a primary space;*
- *Maximum height equivalent to 10% of height of building wall or 2 metres, whichever is greater.*
- *Maximum length 5 metres.*

Although the wall sign in its entirety still exceeds the maximum dimensions allowable under the performance criteria it is noted that the majority of the sign is comprised of acrylic coloured panels affixed to the walls as cladding. These panels surround two

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illuminated poster boxes; these boxes easily comply with the maximum dimension requirements of the performance criteria. Within the context of the proposed signage regime and building colour scheme it is considered reasonable to accept that the acrylic coloured panels are part of the colour scheme of the building and as such do not constitute signage and accordingly, the proposed sign is in conformity with the performance criteria.

The LPP also contains 'General Requirements For Signage' to which all signs must comply; the following requirement is particularly relevant to this proposal.

*Signs shall be in harmony with the design, scale and character of the buildings which form their background.*

**CONSIDERATION**

Council determined that the initial proposal failed to meet the following objectives of the LPP and the relevant provisions of clause 10.2 of TPS No. 3 because the proposed proliferation and size of the proposed signs was considered to constitute an overdevelopment since they would obscure the fabric of the building:

- To promote and protect significant positive visual elements which contribute to East Fremantle's 'sense of place' and the visual amenity of the streetscape.
- Co-ordinate multiple signage on single buildings through the establishment of an approved signs regime for the site.
- Ensure the type and size of signs is appropriate for their location.
- Minimise the proliferation of advertisements.

The extent and proliferation of signage has now been substantially reduced so that it no longer dominates the building. The proposed signage regime for the building will still require an exercise of discretion in respect to some performance criteria under the LPP however it is considered to merit approval since the reduction in the extent of the proposed signage has reduced so that it will not dominate the building fabric or unreasonably impact upon the streetscape.

**CONCLUSION**

The proposed signage regime substantially conforms to the performance criteria of the LPP. The extent of signage on the building and the dimensions of individual signs have been reduced in comparison with the previous proposal. It is considered the revised proposal now conforms to the provisions of Clause 10.2 (j), (o), (p) since it will not unreasonably impact upon the visual amenity of the area and the streetscape.

In light of the above, it is considered the application should be approved.

**RECOMMENDATION**

It is recommended that Council exercise its discretion pursuant to the provisions of the Local Planning Policy 'Design Guideline Signage' and grant approval for the application for 'signage and minor works' at No. 257 (Lot 2) Canning Highway, East Fremantle in accordance with plans date stamp received on 7 June 2011 subject to the following conditions:

1. Where signs are to be illuminated, this must be of a low-level not exceeding 300cd/m<sup>2</sup> and not flash, pulsate or chase.
2. All signage shall be constructed and installed in accordance with the Local Planning Policy 'Design Guideline Signage' – Part 4 'General Requirements for Signage'.
3. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval date stamped 'Received 7 June 2011' 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 issued a building licence in compliance with the conditions of this planning approval unless otherwise amended by Council.

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

Footnote:

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

- (a) *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 to the approved plans unless otherwise approved by Council.*

**T78.3 Hubble Street No. 104 (Lot 290)**

**Applicant: Mario Schmack**

**Owner: Yvonne Haigh**

**Application No. P89/2011**

By Gemma Basley, Town Planner on 6 July 2011

**PURPOSE OF THIS REPORT**

This report considers an application for Planning Approval to construct a carport in the rear yard of No. 104 Hubble Street, East Fremantle.

The application seeks a discretion to the R-Codes to permit an additional boundary wall on the site. This report recommends conditional approval.

**BACKGROUND**

**Description of Proposal**

The application is to construct a carport in the rear yard of the site and with a boundary wall to the rear (eastern) boundary.

The carport will be constructed in steel and with a Colorbond skillion roof.

**Description of subject site**

The subject site:

- 508m<sup>2</sup> lot.
- is zoned Residential R20
- is developed with an existing single storey residence and a free standing studio
- located in the Plympton Precinct
- B<sup>A</sup> on Municipal Heritage Inventory

**Statutory Considerations**

Town Planning Scheme No. 3 (TPS3)

Local Planning Strategy – Plympton Precinct (LPS)

**Relevant Council Policies**

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

**Impact on Public Domain**

Tree in verge : No Impact  
Light pole : No Impact  
Crossover : No Impact  
Footpath : No Impact  
Streetscape : The carport will be partially visible to Marmion Street (secondary street frontage) however will not impact adversely on the streetscape or impact on the integrity of the residence.

**Documentation**

Plans and relevant forms date stamp received on the 15 and the 22 June 2011

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**Date Application Received**

15 June 2011

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

24 June 1998 Council resolved that approval be granted for the laundry conversion to a bathroom incorporating an existing weatherboard boundary wall.

22 December 2008 Building Licence B08/256 issued for front fence.

21 July 2009 Council exercises its discretion and approves a two storey studio in the rear yard of No. 104 Hubble Street.

**CONSULTATION**

**Advertising**

The application was advertised to adjoining land owners for two weeks between the 26<sup>th</sup> May and the 24 June & 8 July 2011. At the time of writing this report no submissions had been received.

**Town Planning Advisory Panel**

The subject application was not referred to the Town Planning Advisory Panel because the proposed carport will not impact adversely on the streetscape.

**STATISTICS**

File P/HUB104  
Zoning R20  
Lot Area 508m<sup>2</sup>  
Heritage Listing B<sup>^</sup>

<b>Site:</b>	Required	Proposed	Status
Open Space	50%	Greater than 50%	Acceptable Development
Overshadowing	N/A	N/A	N/A
Site Works	N/A	N/A	N/A

<b>Height:</b>	Required	Proposed	Status
Wall	3.0	2.7	Acceptable Development
Ridge	6.0	3.0	Acceptable Development
Roof type	Pitch		

**Setbacks:**

The carport is proposed to have a nil setback to the rear (eastern) boundary and requires a **discretion** to allow a third boundary wall. The setback to the northern and southern boundary is Acceptable.

**ASSESSMENT**

No. 104 Hubble Street is a corner lot with frontage to Hubble Street and with its secondary frontage to Marmion Street. The site is currently accessed via a crossover extending from Marmion Street. The application proposes to construct a carport in the rear yard and with a nil setback to the rear boundary. As such the application proposes the construction of a boundary wall for the carport. This will be the third boundary wall on the site and Council's discretion is required to approve this.

This will be assessed separately below.

**Building on the Boundary**

The R-Codes provides for the construction of one boundary wall on any lot within the R20 coded areas. Council's Local Planning Policy No. 142 however provides for the construction of residences with walls situated closer to the boundary than permitted by the R-Codes where the following can be observed:

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- “(a) Walls are not higher than 3m and up to 9m in length up to one side boundary;*
- (b) Walls are behind the main dwelling;*
- (c) Subject to the overshadow provisions of the Residential Design Codes – Element 9;*
- (d) In the opinion of the Council, the wall would be consistent with the character of development in the immediate locality and not adversely affect the amenity of adjoining property(s) having regard for views; and*
- (e) Having regard to the above, where the wall abuts an existing or simultaneously constructed wall of similar or greater dimensions.”*

The proposed nil setback to the eastern boundary satisfies the above criteria as demonstrated below:

- The maximum height of the carport wall is 2.7 metres which is lower than the maximum boundary wall height permitted.
- The proposed additional boundary wall is at the rear of the residence and will integrate with the boundary fencing.
- The construction of the boundary wall will not result in any overshadowing impacts to the adjoining neighbor.
- The proposed boundary walls will not be visible from the street.

The variation has also been assessed against the Performance Criteria of the R-Codes and based on the following is considered to be acceptable development:

- The reduced setback will not restrict sunlight or ventilation to the existing residence.
- The reduced setback and extension to the garage will not cast a shadow on the adjoining lots.

It is considered there is merit in an exercise of discretion to allow a third boundary wall on the subject site.

### CONCLUSION

The application is considered to have merit when assessed against the relevant LPP's and Scheme provisions relating to residential developments, as well as the requirements outlined within the Residential Design Codes. Whilst the application does seek a minor variation to the R-Codes this is considered minor in nature and to be acceptable.

### RECOMMENDATION

That Council exercise its discretion in granting approval for a discretion to allow an additional boundary wall on the eastern boundary for the construction of a skillion roofed carport in the rear yard of No. 104 (Lot 290) Hubble Street, East Fremantle in accordance with the plans date stamp received on the 15 & 22 June 2011 subject to the following conditions:

1. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. The proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. All stormwater is to be disposed of on site, clear of all buildings and boundaries.
5. This planning approval to remain valid for a period of 24 months from the date of this approval.
6. There are to be no changes to the existing crossover arrangements without Council approval.

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Footnote:

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

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

**T78.4 East Street No. 24 (Lot 38)**  
**Applicant: Minchin & Sims Builders**  
**Owner: Jeremy Bird & Jennifer Cockle**  
**Application No. P80/2011**

By Jamie Douglas, Manager - Planning Services on 7th July 2011

**BACKGROUND**

**Purpose of this Report**

This report considers an application including demolition, renovations and extensions of an existing dwelling at 24 East Street and recommends approval subject to conditions.

**Description of site**

The subject site is:

- zoned Residential R20
- developed with a single storey residence
- B ^ on Municipal Inventory
- located in the Plympton Precinct.

**Statutory Considerations**

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

**Relevant Council Policies**

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

**Impact on Public Domain**

Tree in verge : No impact  
Light pole : No impact  
Crossover : No impact  
Streetscape : The proposed works will impact upon the streetscape

**Documentation**

Plans and relevant forms date stamp received on 31 May 2011

**Date Application Received**

31 May 2011

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

22 June 2010 Building licence (2010117) issued for roof replacement from tile & asbestos to colorbond.

**Site Inspection**

By Manager, Planning Services on 7 July 2011

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**CONSULTATION**

**Advertising**

The application was advertised to surrounding neighbours for a two week period between the 2 & 17 June 2011. At the close of advertising one submission was received from the owners of No.26 East Street, which is summarised and responded to below:

Submission	Planning Response
Peter & Carol Ferguson - 26 East Street Generally support the application and suggest the proposed fibre cement infill wall on the southern boundary be replaced by a rendered masonry wall.	The applicants have responded that they will amend the plans to continue a rendered brick fence 2 metres high between the existing house and the proposed parapet. This will achieve the submitter's objective of having a continuous masonry wall behind their existing barbecue area.

**Town Planning Advisory Panel Comments**

This application was considered by the Town Planning Advisory Panel at its meeting held on 28 June 2011 and the following comments were made:

- Panel appreciates modest and compatible extension.
- Panel recommends retention of fireplaces and chimneys.
- Panel recommends that the verandah be restored (condition to require restoration to be to the CEO's satisfaction).
- Fence detracts from streetscape and should comply with LPP.

The applicants have responded to the Panel's comments as follows:

- *We are happy to retain the fireplace and chimney to the lounge/kitchen area, but the chimney to bed1/bed2 area has already been removed which renders the fireplace inoperable. We would prefer to remove the old fire place to make way for the new Ensuite and Robe.*
- *We are very happy to restore the new verandah to the council's satisfaction. Would the council be able to provide us with guidelines to work within?*
- *We are happy to amend the limestone wall to comply with council, recommendations. Again, would the council be able to provide the details of LPP143.*

**STATISTICS**

File	P/EAS/24
Zoning	R20
Lot Area	511m <sup>2</sup>
Heritage Listing	Not listed

<b>Site:</b>	Required	Proposed	Status
Open Space	50%	57%	Acceptable
Site Works	Less than 500mm	Less than 500mm	Acceptable

<b>Height:</b>	Required	Proposed	Status
Wall	3.0	2.6 to 3.49	Discretion
Ridge	6.0	3.8	Acceptable
Roof type	Skillion		

<b>Other:</b>	Issues	Status
Overshadowing	E-W oriented lot 26% of adjoining lot overshadowed	Discretion
Privacy/Overlooking	Ground floor development which is screened by the dividing fence	Acceptable

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**STATISTICS**

<b>Setbacks:</b>								
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Actual Setback	Status	
Side (north)								
	Ground	Whole	3.49	13.0	Yes	2.5	2.5 to 3.4	Acceptable
Rear (east)								
	Ground	Whole	2.6-3.49	8.7	Yes	1.8	7.0	Acceptable
Side (west)								
	Ground	Dining	2.6	5.9	No	1.0	1.25	Acceptable
		Laundry/Alfresco	2.8	8.9	No	1.0	Nil	Discretion

**ASSESSMENT**

The existing house is a Late Victorian/Early Federation cottage rated category B<sup>^</sup> on the Municipal Heritage Inventory. The current proposal presents an opportunity to restore the heritage significance of the property while providing for its sustainable future residential use.

Generally, the proposed plans provide for the sympathetic restoration and extension of the property. The proposal is considered to merit an exercise of discretion in respect to the following:

*Wall Height* 3.5m in lieu of 3m to enable integration of the proposed new works with the existing structure.

*Nil Side Boundary Setback* In lieu of 1m required setback for the proposed laundry/alfresco area given that these new works will replace existing sheds and toilet which are currently located in this area and are to be demolished.

*Overshadowing* The proposal marginally exceeds the R-Codes 'acceptable development' standard of 25% overshadowing by 1% - this has not been objected to by the affected neighbour.

Notwithstanding the above, the following issues have also been identified:

*Retention of Fireplaces & Chimneys* Had the chimney serving the fireplaces in bedrooms 1 and 2 still been in situ, the retention of these fireplaces would have been considered justified. However, given the chimney has been removed their retention is not considered justified given it would not contribute to the external appearance of the built form and would impact upon the proposed floor plan. The applicant's agreement to retain the fireplace and chimney to the lounge/kitchen area is welcome and this should form a condition of any approval.

*Verandah Restoration* The applicants advise they are happy to restore the verandah but seek guidelines from Council for the work. No such Guidelines exist at this time and a site responsive design outcome is necessary. It is considered the applicants would be best advised to seek input from a heritage architect in respect to the demolition and reinstatement of the building fabric. Staff will liaise with

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the applicant in this regard and the requirement for amended plans incorporating the reinstatement of the verandah should form a condition of any approval.

*Front Fence*

The proposed solid 1.8m high limestone front boundary wall is unacceptable and does not comply with the Local Planning Policy No. 143 - Relating to Fencing which requires front fences and walls above 1.2m. to be visually permeable. The applicants advise they are happy to amend the limestone wall to comply with the LPP and seek details of the Policy. The Policy is available on Council's website and compliance with the Policy should form a condition of any approval.

**CONCLUSION**

Generally, the proposed plans provide for the sympathetic restoration and extension of the property. The applicants have advised their intention to address issues arising from this assessment and from the consultation undertaken.

It is considered that the issues identified can be satisfactorily addressed within a conditional approval of the proposal.

**RECOMMENDATION**

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

- variation to the maximum wall height pursuant to the R- Codes from 3m to 3.5 m;
- variation to the south side boundary setback pursuant to the R- Codes from 1.m to nil;
- variation to the R-Codes 'acceptable development' standard of 25% overshadowing by 1% maximum;

for works involving demolition, renovation and extensions at No. 24 (Lot 38) East Street, East Fremantle in accordance with the plans date stamp received on 31 May 2011 subject to the following conditions:

1. That prior to application for a building licence, revised plans be submitted and approved to the satisfaction of the CEO, to include:
  - (a) the retention of the chimney and fireplace in the proposed kitchen/dining area;
  - (b) a 2m high rendered side boundary wall between the dwelling and the proposed new southern parapet wall;
  - (c) a front wall in compliance with Local Planning Policy 143; and
  - (d) the restoration of the verandah in accordance with the written advice of a recognised heritage architect.
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 extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
7. All 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.

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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) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (e) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (f) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

**T78.5**

**Preston Point Road No. 170 (Lot 8)**

**Owner:/Applicant: Jocelyn Bolland – D & J Investment Trust**

**Application No. P66/2011**

By Gemma Basley, Town Planner on 6 July 2011

**PURPOSE OF THIS REPORT**

This report considers an application for planning approval to construct additions to the rear of the residence at No. 170 Preston Point Road, East Fremantle. The application seeks a discretion to allow the construction of a boundary wall on a R12.5 coded site.

This report recommends conditional approval.

**BACKGROUND**

**Description of Proposal**

The application proposes the following:

- to extend the rear bedroom southwards to increase the floor area of this room;
- to construct a master bedroom and ensuite on the eastern boundary, which will be separated from the residence by an internal courtyard but accessed from the residence by a glass corridor, which will also provide access to the internal courtyard; and
- to construct the additions in materials and finishes to match the existing residence.

**Description of site**

The subject site is:

- 1012m<sup>2</sup> lot area.

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- zoned Residential R12.5.
- developed with a single storey residence with an undercroft at the front.
- located in the Richmond Hill Precinct.

**Statutory Considerations**

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

**Relevant Council Policies**

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

**Impact on Public Domain**

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

**Documentation**

Plans and relevant forms date stamp received on 3 May 2011

**Date Application Received**

3 May 2011

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

18 July 1989 Building Licence No. 109/89 issued for verandah extension.

**CONSULTATION**

**Advertising**

The application was advertised to surrounding neighbours for a two week period between the 12 & 26 May 2011. At the close of advertising no submissions were received.

**Town Planning Advisory Panel**

The subject application was not referred to the Town Planning Advisory Panel because the proposed extension will not be visible to the street.

**Site Inspection**

By Town Planner on 5 July 2011

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**STATISTICS**

File P/PPT170  
Zoning R12.5  
Lot Area 1012m<sup>2</sup>  
Heritage Listing Not listed

<b>Site:</b>	Required	Proposed	Status
Open Space	55%	63%	Acceptable
Site Works	Less than 500mm	Nil	Acceptable

<b>Height:</b>	Required	Proposed	Status
Wall	3.0	2.657	Acceptable
Ridge	6.0	4.6	Acceptable
Roof type	Pitched		

<b>Other:</b>	Issues	Status
Overshadowing	N-S oriented lot (No impact)	Acceptable

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Privacy/Overlooking Additions are at the rear ad at ground level so will be screened by the dividing fence. Acceptable

**Setbacks:**

Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Actual Setback	Status
Rear (south)							
Ground	Master Bed	2.657	7.165	Yes	6.0	9.8	Acceptable
	Bed Addition	2.657	5.61	Yes	6.0	15.0	Acceptable
Side (east)							
Ground	Master Bed	2.657	7.14	No	1.0	Nil	Discretion
	Passageway	2.657	5.0	No	1.0	5.1	Acceptable
Side (west)							
Ground	Whole	2.657	4.8	No	1.0	1.1	Acceptable

**ASSESSMENT**

The proposal accords with the provisions of TPS3, the R-Codes and the Town's Planning Policies with the exception of the proposal to construct a boundary wall. This will be assessed separately below.

**Building on the Boundary**

The application proposes to construct a Master Bedroom with a boundary wall on the eastern boundary. The site is coded R12.5 and as such the R-Codes only permit the construction of a boundary wall where it abuts an adjacent boundary wall. The proposed boundary wall will not adjoin an existing wall and as such a discretion is required.

Council's Local Planning Policy No. 142 however provides for the construction of residences with walls situated closer to the boundary than permitted by the R-Codes where the following can be observed:

- "(a) Walls are not higher than 3m and up to 9m in length up to one side boundary;*
- (b) Walls are behind the main dwelling;*
- (c) Subject to the overshadow provisions of the Residential Design Codes – Element 9;*
- (d) In the opinion of the Council, the wall would be consistent with the character of development in the immediate locality and not adversely affect the amenity of adjoining property(s) having regard for views; and*
- (e) Having regard to the above, where the wall abuts an existing or simultaneously constructed wall of similar or greater dimensions."*

The proposal to construct a boundary wall with nil setback to the eastern boundary satisfies the above criteria as demonstrated below:

- The maximum height of the boundary wall on the eastern boundary is 2.657 metres which is lower than the average and maximum boundary wall height permitted.
- The proposed boundary walls are at the rear of the residence and separate to the residence and will integrate with the boundary fencing.
- The construction of a boundary wall will not result in any overshadowing of the adjoining or subject property. The proposed boundary walls will not be visible from the street.

The variation has also be assessed against the Performance Criteria of the R-Codes and based on the following is considered to be acceptable development:

- The reduced setback will not restrict sunlight or ventilation to the existing residence.
- The reduced setback and extension to the garage will not cast a shadow on the adjoining lots.

It is considered there is merit in an exercise of discretion to allow the construction of a boundary wall on the subject site.

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**CONCLUSION**

The application proposes minor single storey additions to the rear of the residence which are considered to be modest, in keeping with the existing character of the residence and in keeping with the locality. The application requires Council to exercise its discretion and grant approval for the construction of a boundary wall on a R12.5 coded site. The construction of a boundary wall on the site has been assessed against the performance criteria of Council's LPP No. 142 and the R-Codes and will not have any adverse impacts on the streetscape or the amenity of surrounding residents.

As such the application is considered to have merit when assessed against the relevant LPP's and Scheme provisions relating to residential developments, as well as the requirements outlined within the Residential Design Codes 2008. Whilst the application does seek a variation to the R-Codes this is considered minor in nature and to be acceptable.

**RECOMMENDATION**

That Council exercise its discretion in granting approval for a discretion to allow the construction of a boundary wall on the eastern boundary in a R12.5 coded area for the construction of additions to the rear of the residence at No.170 (Lot 8) Preston Point Road, East Fremantle in accordance with the plans date stamp received on 3 May 2011 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 extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. All stormwater is to be disposed of on site, and clear of all boundaries.
6. All parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
7. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

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(f) matters relating to dividing fences are subject to the Dividing Fences Act 1961.

**T79. REPORTS OF OFFICERS – STATUTORY PLANNING/DEVELOPMENT CONTROL (Cont)**

**T79.1 Pier Street No. 32 (Lot 226)**

**Applicant: ADM Group**

**Owner: Mr F Loutsky & Ms Alison Lyons**

**Application No. P79/2011**

By Jamie Douglas, Manager - Planning Services on 5 July 2011

**BACKGROUND**

**Purpose of this Report**

This report considers an application for Planning Approval for internal renovations and an open roof deck on top of the existing three-storey single house at 32 Pier Street. The proposal is recommended for approval subject to conditions.

**Description of the Proposal**

The subject of this planning assessment is the proposed 33 m<sup>2</sup> roof top deck, the 1.65m high glass walling around its perimeter (this has been erected), a non-permeable privacy screen on the right hand side elevation relevant to 34 Pier Street and an external spiral staircase leading from a proposed first floor balcony to the deck. The proposed internal works do not raise any planning issues.

**Statutory Considerations**

Town Planning Scheme No. 3 – Residential R12.5

Local Planning Strategy – Richmond Hill Precinct (LPS)

Residential Design Codes (RDC)

**Relevant Council Policies**

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

**Documentation**

Plans and relevant forms date stamp received on 30 May 2011

**Date Application Received**

30 May 2011

**Advertising**

Adjoining landowners

**Date Advertised**

2 June 2011

**Close of Comment Period**

16 June 2011

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

11 December 1978 Building Permit 020/354 approved for earthworks & construction of building with concrete floors, combined blockwork & steel framed walls, & metal decking on steel frame roof.

21 March 1988 Council refuses special approval for the erection of balconies.

25 May 1988 Building permit 184A/1464 issued for 2 balconies.

24 October 1988 Building permit 67/1486 approved for a concrete pool.

21 November 1988 Council grants special approval for a reduced setback from 5m to 4.7m for the erection of 2 balconies.

Building Permit 74/1499 approved for 2 balconies.

21 August 2001 Council approves decking & a shade sail.

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**Site Inspection**

By Manager Planning Services on 5 July 2011

**CONSULTATION**

**Town Planning Advisory Panel Comments**

This application was considered by the Town Planning Advisory Panel at its meeting held on 28 June 2011 and the following comments were made:

- Roof Terrace & Spiral Staircase
- Query Privacy impacts
- Query Overlooking
- Fence Screening detail required

**Public Submissions**

At the close of the comment period 2 submissions were received.

- |  |   |
|--|---|
| <i>G &amp; E Teague</i><br>33 Pier Street  | <ul style="list-style-type: none"><li>- No objection;</li><li>- Consider Addition would enhance the appearance of the house.</li></ul>  |
| <i>Janet Hornbuckle</i><br>25 View Terrace | <ul style="list-style-type: none"><li>- Thought approval had already been given;</li><li>- Have concerns regarding privacy of rear yard entertaining area and more importantly bedroom and living areas in my home;</li><li>- Believes the rooftop terrace would exceed current height restrictions and that it will impact on my privacy and prefer it not be there.</li></ul> |

The applicants Architect has responded to the above comments as follows:

*"The deck and balcony exceeds all minimum setback requirements of the R-Codes. The owner has spoken to the neighbour at 34(36) Pier Street and has agreed to screen the roof terrace to that side to a height of 1650mm above finished floor level."*

NB: This screening will also restrict over viewing to 25 View Terrace. Details of this screening are yet to be determined but this can be subject to a condition of any approval.

**CONSIDERATION**

Building Height

LPP 142 states:

***"Part 1 - Maximum Building Heights***

- (i) *The general intention is for buildings to retain the predominant bulk and scale of the locality/precinct.*
- (ii) *Category 'B' provisions as set out within Table 3 – Maximum Building Heights of the Residential Design Codes are applicable as the 'Acceptable Development' standards, except in localities where views are an important part of the amenity of the area then the maximum building height are as follows:*
  - *8.1m to the top of the pitched roof;*
  - *5.6m to the top of the external wall; and*
  - *6.5m to the top of an external wall (concealed roof)."*

32 Pier Street is in a locality where views are considered to be an important part of the amenity of the area therefore the above-stated building height limits apply.

The proposed deck will be constructed on top of the upper level of the house, which has a flat/concealed roof. For the purposes of calculating building height the glass balustrade around the deck is assessed as a wall with heights as follows;

- On the west side wall height of the proposed balustrade is 7.2m above natural ground level (NGL).

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- On the east side wall height of the proposed balustrade varies from 8.2m to 9.6m above NGL.
- On the north side (rear) wall height of the proposed balustrade is 7.2m above natural ground level (NGL).
- On the south side (front) wall height of the proposed balustrade is 10.7m above natural ground level (NGL).

As specified under LPP 142 wall height is limited to 6.5m therefore this application proposes a deck addition, which on all 4 sides exceeds these height limits. However the proposed glazed balustrade and privacy screening is not considered to substantially impact upon the relative height and mass of the existing building. Because these works are centralized on the site, the setback of the proposed balustrade from the front of the block is in excess of 22.5 metres it will therefore not unreasonably impact upon the streetscape.

The proposal will not cause overshadowing of neighbouring properties or impact upon their current views. Accordingly it is considered there is merit in exercising discretion to approve the proposal at variance to the height requirements of the LPP.

Privacy/Overlooking

With a structure so high it would be reasonable to assume it would be a source of overlooking and would impact adversely on the privacy of properties next door and nearby. In fact the opposite is the case as inspection revealed that it overlooks mainly roof tops and trees, and the only outdoor living area significantly overlooked (swimming pool) at rear of 25 View Terrace is already overlooked by the rooms on the second level of the existing house. Rooms at the rear upper level of the house at 25 View Terrace similarly overlook the subject property. Notwithstanding this, the applicant has proposed to erect non-permeable privacy screen to a height of 1.65m along the relevant elevation to provide screening to this property and to 36 Pier Street. It is considered that similar screening should also be provided along the same elevation of the proposed first floor deck to provide added privacy to these properties.

**CONCLUSION**

The proposed works will not materially impact upon the streetscape and subject to adequate screening, will not unreasonably impact upon the privacy of neighbours. The existing views from neighbouring houses will not be affected and accordingly it is considered the proposal merits approval subject to a condition in respect to privacy screening.

**RECOMMENDATION**

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

- variation to wall height on the west side pursuant to Local Planning Policy 142 from 5.6m to 7.2m;
- variation to wall height on the east side pursuant to Local Planning Policy 142 from 5.6m to 9.6m;
- variation to wall height on the north side pursuant to Local Planning Policy 142 from 5.6m to 7.2m;
- variation to wall height on the south side pursuant to Local Planning Policy 142 from 5.6m to 10.7m;

for the construction of an upper deck, staircase, balcony and minor works at No. 32 (Lot 226) Pier Street, East Fremantle in accordance with the plans date stamp received on 30 May 2011 subject to the following conditions:

1. prior to the issue of a Building Licence amended plans are to be submitted specifying the dimensions, detailed finishes and materials for privacy screenings to be erected on the balustrades of the proposed roof deck and first floor balcony for 'Elevation 3' as shown on the proposal plans.
2. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.

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3. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. the proposed upper level roof top deck is not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *the upper level roof top deck may not be enclosed without the prior written consent of Council.*

Correspondence referred from MB Ref. T75.3 was tabled.

**RECOMMENDATION TO COUNCIL**

**Cr de Jong – Cr Martin**

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

- **variation to wall height on the west side pursuant to Local Planning Policy 142 from 5.6m to 7.2m;**
- **variation to wall height on the east side pursuant to Local Planning Policy 142 from 5.6m to 9.6m;**
- **variation to wall height on the north side pursuant to Local Planning Policy 142 from 5.6m to 7.2m;**
- **variation to wall height on the south side pursuant to Local Planning Policy 142 from 5.6m to 10.7m;**

**for the construction of an upper deck, staircase, balcony and minor works at No. 32 (Lot 226) Pier Street, East Fremantle in accordance with the plans date stamp received on 30 May 2011 subject to the following conditions:**

1. **prior to the issue of a Building Licence amended plans are to be submitted specifying the dimensions, detailed finishes and materials for privacy screenings to be erected on the balustrades of the proposed roof deck and first floor balcony for 'Elevation 3' as shown on the proposal plans.**
2. **the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
3. **the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
4. **with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
5. **the proposed upper level roof top deck is not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**

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

**Footnote (1):**

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

- (a) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) the upper level roof top deck may not be enclosed without the prior written consent of Council.*

**Footnote (2):**

*In the meantime the Manager – Planning Services to provide clarification on the requirement for screening to the northern side in accordance with the R-Codes.*

CARRIED

## **T80. REPORTS OF OFFICERS – STRATEGIC PLANNING**

### **T80.1 *Planning for the Revitalisation of the Town Centre***

By Jamie Douglas, Manager - Planning Services on 11 May 2011

#### **PURPOSE OF THIS REPORT**

At its meeting on 17 May 2011 Council considered a report on the community consultation exercise for redevelopment of the Town Centre and a Draft Planning Policy and adopted the following resolution:

*It is recommended that this report be received and that:*

- 1. Council endorse the release of the draft Planning Policy – Town Centre Redevelopment Guidelines to the proponents of the town centre redevelopment project, strategic landowners and Community Reference Group participants on a ‘without prejudice’ basis.*
- 2. The revised Draft Summary Outcomes Report to be tabled at the next meeting of the Town Planning & Building Committee with proposals for public release.*

**REFER ATTACHMENT**

#### **This Report:**

- Advises of the submissions received from the Community Reference Group (CRG) in respect to the draft Planning Policy;
- Includes as an attachment the revised Draft Summary Outcomes Report;  
**REFER CONFIDENTIAL ATTACHMENT – CIRCULATED SEPARATELY**
- Recommends the public release of the Draft Planning Policy and proposes a Community Information Forum be held as part of the advertising processes.

#### **OUTCOMES FROM CRG CONSULTATION**

The following is an extract from a report prepared by Warren Giddens on the consultation with CRG members.

*The 55 members of the CRG were given a two-week opportunity to make comment on the Draft Policy.*

*Five submissions were received.*

*Given the number of comments received it is difficult to resolve all issues as the lack of submissions may reflect general acceptance of the Draft Policy by the CRG. This can be*

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tested through a proposed Community Forum to be undertaken during the advertising period of the Draft Policy.

While varied comments were received in relation to the Draft Policy from submitters, key comments centred on car parking and building height as follows:

- There appears to be confusion in understanding the car-parking requirements of the town centre and the 20% reduction, as such further clarification of this issue is warranted.
- In relation to building height, most comments were supportive of the proposed provisions, however one submitter expressed concerns that the building height maximum was excessive, particularly where 8 stories are allowable. However, if read in context, the intent of the submission is that height should be limited along Canning Highway to ensue light penetration and maximise the north facing aspect of the Town Centre. Respect of the significance of the Town Hall needs to be recognised and protected from excessive surrounding height and those areas on the periphery of the Town Centre.
- Further clarification needs to be provided as to how solar passive aspects will be resolved and implemented across the Town Centre.

Other comments related to sustainability, housing affordability, vibrancy and activation and how these can be addressed and incorporated in the Draft Policy. It is suggested that further thought be given to these issues as both are of growing concern with East Fremantle CRG residents. In addition the anchoring of the Town Centre around a health hub or similar, may warrant further investigations given the ageing population of the area and the mix of boutique medical facilities already occurring within the Town Centre.

**CONSIDERATION OF SUBMISSIONS**

The various submissions are included in the following table. Comments are provided in response to each submission. Comments in red are the Consultant responses and comments in blue are made by the author.

SUBMISSION	COMMENTS
Russell Quinn	Supportive of Policy
Angela Shine; Kerri Breen; Steph Palleschi	Supportive of Policy
Corinne Gepp	<p><b>2. BACKGROUND</b></p> <p>"Higher order" planning issues and state planning policies and documents were not particularly well discussed in CRG considering the weight given to them in this section of the document. It seems to be a foregone conclusion that these policies are desirable and that the Town of East Fremantle will comply with them.</p> <p>According to the CRG notes, the additional 600 dwellings desired under state planning policies were to be located in the East Fremantle local government area, not necessarily in the town centre. I would like this to be clarified.</p> <p>How many more residents would be expected in 600 dwellings? About 1500 - 1800?</p> <p><b>Facilitator note:</b>  <b>Assuming 2.5 persons per dwelling a population of approximately 1500 can be anticipated.</b></p> <p>The 600 infill dwellings referred to in the Directions 2031 Planning document were to be located in municipality as a whole.</p> <p><b>3. EXTENT OF THE EAST FREMANTLE TOWN CENTRE DETAILED AREA PLAN</b></p> <p>Again reference to state planning policies not discussed at CRG.</p>

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SUBMISSION	COMMENTS
	<p><b>Facilitator Note:</b> <i>The State Planning Police 4.2: Activity Centres Policy for Perth and Peel Regions was discussed at the first CRG meeting.</i></p> <p>5. DETAILED URBAN DESIGN GUIDELINES</p> <p><u>Element 1 Urban Structure</u></p> <p>Acceptable Development Standards</p> <p>Of the 11 pedestrian connections identified on Plans 3 and 4, six already exist. What would the developer be required to do in those six cases?</p> <p><b>Facilitator Note:</b> <b>Council comment requested.</b></p> <p>External pedestrian connections are shown to guide internal movement corridors in developments within the Town Centre. It is necessary that internal movement provisions link to these external connections.</p> <p>Is the public space provision the standard rate for this type of development?</p> <p><b>Facilitator Note:</b> <b>Council comment requested.</b></p> <p>The requirement for 'public spaces' within activity centres is a generally applied planning principle. It is applied in this instance (along with public art and public facilities requirements) on the basis that there are density offsets being provided, the centre benefits from existing public infrastructure and these facilities will attract and support customers and residents of the proposed developments as well as the wider community. There is no common ratio of publicly accessible open spaces to NLA, the ratio adopted in this instance will achieve a satisfactory level of publicly accessible spaces whilst achieving an economic component of NLA.</p> <p>See also Element 7 Acceptable Development Standards - presumably these two standards will work together.</p> <p><u>Element 2 Land Use</u></p> <p>Performance Criteria</p> <p>Increasing residential density by up to 60% seems very high. If it is a simple maths exercise, R100 (Frame) becomes R160 and R160 (Canning) becomes R256. Is this even feasible?</p> <p><b>Facilitator Note:</b> <b>Council comment requested.</b></p> <p>The indicated densities are consistent with an Activity Centre and for example compare with similar Activity Centres in Mosman Park, Claremont and Cottesloe. These are upper limit densities and may not be achievable for all sites however this development intensity does facilitate one bedroom apartments and affordable housing options.</p> <p>It is noted that the proposed Policy indicates a density of R-AC 2 for the Town Centre Precinct (refer Element 2). To be consistent with the recently amended multiple dwelling provisions this should be altered to R-AC 2 which has a plot ratio of 2.5 which is appropriate for an 8 storey upper height limit.</p> <p>Affordable housing was not discussed at either CRG meeting. We were not asked to include this issue when recording our preferences and values. Why is affordable housing part of the performance criteria?</p> <p><b>Facilitator Note:</b> <b>Affordable housing was an issue that each group was open to address as an opportunity at the CRG #1 if considered appropriate by the group.</b></p>

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SUBMISSION	COMMENTS
	<p>See comments above. It is not reasonable for Council to require low cost housing however it is appropriate to establish planning provisions which facilitate low cost dwelling units should the market and developers support inclusion of smaller (single bed) and therefore lower priced dwellings.</p> <p>See Element 8 - 20% car parking discounts. Will this work?</p> <p><b>Facilitator Note:</b> <b>Council comment requested.</b></p> <p>The 20% discount is appropriate in mixed use activity centres because the capacity to 'share' parking bays between differing land uses and because the proportion of car ownership for inner city residents is less.</p> <p><b>Element 3 Building Form, Scale and Height</b></p> <p>Policy Objectives</p> <p>What is the sufficient mass of building? How many people and activities generate "liveliness"? How and when will Council know?</p> <p><b>Facilitator Note:</b> <b>Council comment requested.</b></p> <p>'Sufficient mass of building' is associated with development density. The Policy objective is to encourage an intensity of use that will support a vibrant mixed use activity centre. There is no hard and fast rule here, but it is axiomatic that a successful and 'vibrant' commercial centre is reliant upon a relatively high density of residents within the immediate catchment.</p> <p>Acceptable Development Standards</p> <p>The height limits are as preferred by the CRG and make sense in the context.</p> <p>The standards are all about the buildings. There are no standards to encourage "liveliness". Is that even possible?</p> <p><b>Facilitator Note:</b> <b>Vibrancy and activation is a matter that needs further consideration and how to achieve both elements in a Town Centre and may be the subject of a separate brief.</b></p> <p>Are the plot ratios standard for this type of development or are they necessary to generate the sufficient mass of building?</p> <p><b>Facilitator Note:</b> <b>Council comment requested.</b></p> <p>This matter is addressed in the above comments.</p> <p><b>Element 4 Occupant Amenity</b></p> <p>Acceptable Development Standards</p> <p>How will "clearly incompatible" activities be kept separate? Businesses and activities will come and go.</p> <p><b>Facilitator Note:</b> <b>Council comment requested.</b></p> <p>Land use compatibility is controlled by clause 3.4 of TPS 3. The Policy provides a finer level of detail in respect to preferences for 'discretionary' uses.</p> <p><b>Element 7 Vehicle Movement and Access</b></p> <p>Performance Criteria</p> <p>Define the "safe use" of alternative transport modes. Road rules are road rules. Keep scooters and bikes OFF the footpaths.</p> <p>Acceptable Development Standards</p>

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SUBMISSION	COMMENTS
	<p>Why not incorporate measures to raise pedestrian awareness of other road users as well?</p> <p>See also Element 1 Acceptable Development Standards - presumably these two standards will work together.</p> <p>Safety of access ways is a matter addressed by Australian Standards and therefore it is not addressed within the proposed Policy.</p> <p><b>Element 8 Vehicle Parking</b></p> <p>Performance Criteria</p> <p>What does "on-grade" mean?</p> <p><b>Facilitator Note:</b> <b>On-grade or at-grade car parking means car parking provided at street level as opposed to basement or multi level car parking.</b></p> <p>Acceptable Development Standards</p> <p>See Element 2. Developments are to be 60/40 commercial/accommodation. Does this mean that all the mixed-use developments will have a 20% car parking discount? Will there be enough parking for the mass of building, job density and residents?</p> <p><b>Facilitator Note:</b> <b>Council comment requested.</b></p> <p>The 20% discount is appropriate in mixed use activity centres because the capacity to 'share' parking bays between differing land uses and because the proportion of car ownership for inner city residents is generally less than suburban residential development to which the Scheme's parking standards apply .</p> <p><b>Element 9 Landscape and Public Spaces</b></p> <p>Performance Criteria</p> <p>I am completely sceptical of concept of public art produced under a policy mandate.</p> <p>Acceptable Development Standards</p> <p>Spare us the compulsory public art unless there's a good reason for it besides some arbitrary formula. What development is there going to be for under \$2m with building costs as they are? We won't be able to move for all the public art.</p> <p><b>Facilitator Note:</b> <b>Council comment requested.</b></p> <p>Public Art requirements are common place within Activity Centre planning provisions and have not been objected to by landowners in the Centre. It is envisaged the public contingency will support the visual amenity and vibrancy of the Town Centre.</p> <p><b>Element 10 Resource Conservation</b></p> <p>Performance Criteria</p> <p>Will Council not be providing waste and recycling bins for the new developments?</p> <p><b>Facilitator Note:</b> <b>Council comment requested.</b></p> <p>Normal suburban waste collection is not appropriate for the planned density of development as it would lead to literally hundreds of bins left within the public domain for collection. A waste management plan will be a condition of any planning approval.</p>
Cheryl Pech	<p>1. Retail businesses that would attract the community to the town centre are a local supermarket and Post Office, as described in point 4.1, and a newsagent, pharmacy and gourmet deli.</p>

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SUBMISSION	COMMENTS
	<p>2. Eight storeys are too high for the town; the only place for high buildings is along Canning Highway and these should be restricted to the height of the Town Hall. The Town Hall is an iconic building; buildings that dwarf the Town Hall would detract from the town centre. Furthermore, buildings over five storeys on the south side of Canning Highway would shadow anything to the south, thus making it difficult to address the preference for sustainable building technology using solar passive principles.</p> <p>3. Environmentally sound design is not sufficiently emphasized. The buildings currently comprising the Silas Street retail precinct are only about 30 years old and are now viewed as inadequate and unattractive. Future buildings should last 100 years so both the building process and the design is sustainable.</p> <p>4. A maximum of three storey's should apply for the street wall on the town centre side of May Street and St Peters Road. Buildings on the boundary of the policy area (shown on Plan 2) that back onto suburban residential properties should be restricted to two storeys.</p> <p>Development on sites adjacent to the town hall are limited to the parapet height of the town hall with levels above set back or treated architecturally to minimize visual intrusion. The eight storey height maximum is restricted to the central mass of any development with the 'street wall' in the town core district limited to 5 storeys and in the frame district to 3 storeys as shown on Plan 6. Given the topography and existing built form of the study area, these height limits are considered to be appropriate.</p>
Hilary Fine	<p>1. Generally supportive.</p> <p>2. Page 6 of draft policy - no mention of key strengths relating to health Hub (e.g. Drs, specialists, dentists, pharmacists, physios) Neither is this mentioned in the document CRG workshop notes both of which were distinctly mentioned and indicated on butcher paper notes and open comments from tables 3 and 5. In policy document 4.1, dot point 7; it does mention strengths of local supermarket and importance of other attractors (e.g. Medical).</p> <p><b>Facilitator Note:</b> <b>Health Hub requirements have been noted.</b></p> <p>3. Parking-element 2 and 8; TPS parking requirements reduce by 20%. Problem with too much area dedicated to parking will remain I believe, if the requirements in TPS are kept the same EVEN with a 20% reduction.</p> <p>Refer comments above in respect to car parking.</p>

**PROPOSED CHANGES TO THE DRAFT PLANNING POLICY**

It is considered the submissions made do not require changes to the Draft Planning Policy. However the following minor changes to the Draft Planning Policy will remove current ambiguity in the application of height and plot ratio provisions for the various precincts within the planning area:-

- Where R-Code standards are referred to it is proposed to add the following note –
- *“\*unless otherwise varied by this Planning Policy.”*
  - *The reference to R-AC in Elements 4 & 5 shall be changed to R-AC 2.*

**DRAFT SUMMARY OUTCOMES REPORT**

At its 17 May 2011 meeting, Council resolved that the revised CRG Summary Outcomes Report should be tabled at the next meeting of the Town Planning & Building Committee with proposals for public release. This did not occur due to the extra work load arising from the SAT requirement for Council to re-consider the Royal George Hotel. Accordingly the revised report is attached for information. It is intended that the Public Forum proposed in the Report should be held during the advertising period of the draft Local Planning Policy.

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**CONCLUSION**

It is reasonable to conclude that the vast majority of the fifty five CRG members are content with the draft Planning Policy. Of the five submissions received, two were supportive while the points raised in the other three are not considered to require changes to the draft Planning Policy.

It is considered the draft Planning Policy should now be publicly advertised and that a Public Forum, facilitated by consultant Warren Giddens should be held during this period to provide information on the Policy.

**RECOMMENDATION**

It is recommended that:

1. Council endorse the proposed Local Planning Policy – Town Centre Redevelopment Guidelines for the purpose of public advertising, pursuant with Clause 2.4 of the Town of East Fremantle Town Planning Scheme No. 3, 3 December 2004.
2. A Public Forum to explain the Draft Planning Policy be held during the above advertising period.

**RECOMMENDATION TO COUNCIL**

Cr Rico – Cr Collinson

It is recommended that:

1. Council endorse the proposed Local Planning Policy – Town Centre Redevelopment Guidelines for the purpose of public advertising, pursuant with Clause 2.4 of the Town of East Fremantle Town Planning Scheme No. 3, 3 December 2004.
2. A Public Forum to explain the Draft Planning Policy be held during the above advertising period. CARRIED

**T81. CONFIDENTIAL BUSINESS**

**T81.1 Residential Design Guidelines - Review**

Elected members had before them a report prepared by the Manager – Planning Services on 30 June 2011 and labelled “Confidential”. **CONFIDENTIAL ATTACHMENT**

**RECOMMENDATION TO COUNCIL**

Cr Collinson – Cr Rico

That Council:

1. Receives the report, Residential Design Guidelines – Review and endorses the letting of a tender for the preparation of Residential Development Guidelines on the basis of the attached Project Brief.
2. Determines to progress planning provisions requiring the installation of rain water tanks and a ‘rainbank’ system for new residential development (comprising substantial works in excess of a nominated amount). CARRIED

**T82. URGENT BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING**

Nil.

**T83. CLOSURE OF MEETING**

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

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*I hereby certify that the Minutes of the meeting of the **Town Planning & Building Committee (Private Domain)** of the Town of East Fremantle, held on **12 July 2011**, Minute Book reference **T69. to T83.** were confirmed at the meeting of the Committee on*

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*Presiding Member*