



8 April 2008

MINUTES

**MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 8 APRIL, 2008 COMMENCING AT 6.30PM.**

**T24. OPENING OF MEETING**

*T24.1 Present*

**T25. ELECTION OF PRESIDING MEMBER**

**T26. WELCOME TO GALLERY**

**T27. APOLOGIES**

**T28. CONFIRMATION OF MINUTES**

*T28.1 Town Planning & Building Committee (Private Domain) – 11 March 2008*

**T29. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)**

*T29.1 Munro Street No. 18 – Alterations to Ground Floor*

**T30. REPORTS OF COMMITTEES**

*T30.1 Town Planning Advisory Panel – 25 March 2008*

**T31. REPORTS OF OFFICERS**

*T31.1 Receipt of Reports*

*T31.2 Order of Business*

*T31.3 Hubble Street No. 23 (Lot 63)  
Applicant & Owner: Brian & Tania Toole  
Application No. P210/07*

*T31.4 Munro Street No. 18 (Lot 5049)  
Applicant: DesignWise Concepts  
Owner: Bronwyn & Peter Christie  
Application No. P55/08*

*T31.5 Fortescue Street No. 42 (Lot 1)  
Applicant: Sophie Yesberg  
Owner: Desborough & Nancy Yesberg  
Application No. P37/08*

*T31.6 Oakover Street No. 22 (Lot 340)  
Applicant: Define Creations  
Owner: Rod & Bindi Pavlovich  
Application No. P141/08*

*T31.7 Hubble Street No. 82 (Lot 280)  
Applicant: In Vogue  
Owner: Romano, Maria & Paul Filippin  
Application No. P42/08*



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- T31.8**      *View Terrace No. 81 (Lot 1)*  
*Applicant: Ken Acton*  
*Owner: Chris King*  
*Application No. P13/2008*
- T31.9**      *View Terrace No. 16 (Lot 5)*  
*Applicant: Greg Rowe & Associates*  
*Owner: Mark Trupp & Jennifer McDonald*  
*Application No. P22/2008*
- T32.        EN BLOC RECOMMENDATION TO COUNCIL**
- T32.1**      *Osborne Road No. 27 (Unit 5)*  
*Applicant: Landscraft Construction*  
*Owner: Treena Vivian*  
*Application No. P35/08*
- T32.2**      *Fortescue Street No. 35 (Lot 1)*  
*Applicant: Gerard McCann Architect*  
*Owner: Phil Gleeson & Jacqui Sydes*  
*Application No. P33/08*
- T32.3**      *Angwin Street No. 27 (Lot 45)*  
*Applicant & Owner: Domenic Maddestra*  
*Application No. P51/07*
- T32.4**      *Oakover Street No. 78 (Lot 314)*  
*Applicant: Guy Mazzeo*  
*Owner: Mario Taranto*  
*Application No. P66/08*
- T33.        REFERRED BUSINESS (NOT INCLUDED ELSEWHERE)**
- T34.        BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING**
- T34.1**      *Vote of Appreciation*
- T35.        CLOSURE OF MEETING**



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**MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 8 APRIL, COMMENCING AT 6.30PM.**

**T24. OPENING OF MEETING**

The Town Planner, Chris Warrener, opened the meeting and advised that as Cr Dobro was an apology for this evening's meeting, nominations would be called for Presiding Member.

**T24.1 Present**

Mayor Alan Ferris	Presiding Member
Cr Barry de Jong	
Cr Richard Olson	
Cr Alex Wilson	
Mr Chris Warrener	Consultant Town Planner
Mrs Peta Cooper	Minute Secretary
Cr David Arnold	Observer
Cr Dean Nardi	Observer

**T25. ELECTION OF PRESIDING MEMBER**

The Town Planner called for nominations for the position of Presiding Member in the absence of Cr Dobro.

Cr de Jong nominated Mayor Ferris who accepted the nomination. The nomination was seconded by Cr Olson.

Mayor Ferris assumed the chair.

**T26. WELCOME TO GALLERY**

There were 16 members of the public in the gallery at the commencement of the meeting.

**T27. APOLOGIES**

An apology was submitted on behalf of Cr Stefanie Dobro & Cr Maria Rico.

**T28. CONFIRMATION OF MINUTES**

**T28.1 Town Planning & Building Committee (Private Domain) – 11 March 2008**

**Cr de Jong – Cr Wilson**

**That the Town Planning & Building Committee (Private Domain) minutes dated 11 March 2008 as adopted at the Council meeting held on 18 March 2008 be confirmed.**

CARRIED

**T29. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)**

**T29.1 Munro Street No. 18 – Alterations to Ground Floor**

Submission received from adjoining neighbour at 16 Munro Street seeking that all windows on south side of new residence be opaque and that the boundary wall be one course higher.

**Cr Olson – Cr de Jong**

**That the correspondence be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref T31.4)**

CARRIED



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## T30. REPORTS OF COMMITTEES

### T30.1 *Town Planning Advisory Panel – 25 March 2008*

Cr Olson – Cr Wilson

That the minutes of the Town Planning Advisory Panel meeting held on 25 March 2008 be received and each item considered when the relevant development application is being discussed. CARRIED

## T31. REPORTS OF OFFICERS

### T31.1 *Receipt of Reports*

Cr de Jong – Cr Wilson

That the Reports of Officers be received. CARRIED

### T31.2 *Order of Business*

Cr de Jong – Cr Wilson

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

### T31.3 *Hubble Street No. 23 (Lot 63)* *Applicant & Owner: Brian & Tania Toole* *Application No. P210/07*

By Chris Warrener, Consultant Town Planner on 31 March 2008

#### **BACKGROUND**

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

An Application for Planning Approval for 2-storey ancillary accommodation at the rear of the single storey house at 23 Hubble Street

The property when developed with the proposed ancillary accommodation will contain 65% open space.

##### **Statutory Considerations**

Town Planning Scheme No. 3 – Residential R20  
Local Planning Strategy - Plympton Precinct (LPS)  
Residential Design Codes (RDC)

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

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

##### **Documentation**

Amended plans date stamp received on 20 February 2008

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

30 October 2007

##### **Advertising**

Adjoining land owners only

##### **Date Advertised**

Original application: 7 November 2007

Amended Plans: 22 February 2008

##### **Close of Comment Period**

Original application: 21 November 2007

Amended plans: 4 March 2008



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

45 days

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

19 October 1999	Council approves a swimming pool;
15 February 2000	Building Licence 125/2919 issued for swimming pool;
20 June 2000	Council grants special approval for a setback relaxation for the erection of single storey additions;
30 August 2000	Building Licence 65/2978 issued for additions;
16 September 2003	Council grants special approval for setback variations for a carport, and shed/studio additions;
8 January 2004	Building Licence 123A/3526 issued for carport, and shed;
18 December 2007	Council defers an application for ancillary accommodation pending the submission of revised drawings.

**CONSULTATION**

**Public Submissions**

At the close of the comment period for the amended plans 1 submission was received.

*20 Glyde Street*

- *opposed to application;*
- *feel we are being "boxed in";*
- *setbacks for the west side walls should comply with the Residential Design Codes.*

**Site Inspection**

By Consultant Town Planner on 23 November 2007

**REPORT**

**Background**

At its meeting on 18 December 2007 Council considered an application for 2-storey ancillary accommodation at the rear of 23 Hubble Street, and decided:

*"Cr de Jong – Cr Arnold*

*The adoption of the Committee's recommendation which is as follows:*

*That the application be deferred pending the submission of revised drawings that conform with Local Planning Policy 142 in relation to wall height and parapet walls. CARRIED*

The applicant has submitted amended plans, which propose a reduction in the length and height of the wall along the west side boundary common with 20 Glyde Street, and setting the upper floor wall back off this boundary.

**Issues**

*Boundary Walls*

The application proposes to erect ancillary accommodation in the northwest corner of 23 Hubble Street.

The proposed building has a wall on two side boundaries.

LPP 142 allows a 9m long X 3m high boundary wall along one side boundary only.

The proposal increases the length of an existing wall on the north side boundary common with 21 Hubble Street from 4.13m to 11.525m, and proposes a 5.399m



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long x 3m high wall along the west side boundary common with 20 Glyde Street.

The upper floor wall next to the west side is now proposed to be set back 0.53m from this boundary.

The RDC recommend a 1.1m setback for this upper floor wall, and a 1m setback for the ground floor wall (Note, that the application is for two boundary walls, the wall on the west side boundary is assessed as the second boundary wall therefore it is subject to the setbacks recommended under the RDC).

*Submission*

The submission is from the property owners west of the subject property.

No 20 Glyde Street is immediately adjacent to the west side boundary.

The submission objects to the RDC variations that are proposed next to the common boundary.

**Discussion**

Boundary Walls

The proposed ancillary accommodation building in the northwest corner of 23 Hubble Street will be adjacent to a shed at the rear of 20 Glyde Street, and similar height ancillary accommodation at 21 Hubble Street.

The variation to the length and height of the boundary wall proposed along the north side is considered acceptable because it will not have any impact on the amenity of the adjoining property however the variations proposed along the west side boundary are considered to negatively impact on the amenity of 20 Glyde Street.

The plans could be amended to comply with the setbacks recommended under the RDC along the west side, and at the same time provide ancillary accommodation with sufficient practical internal living space.

**RECOMMENDATION**

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

- (a) variation to Local Planning Policy 142 for the height of a boundary wall along the north side from 3m to 5.748m;
- (b) variation to Local Planning Policy 142 for the length of a boundary wall along the north side from 9m to 11.525m;

for the construction of 2-storey ancillary accommodation at the rear of the single storey house at No. 23 (Lot 63) Hubble Street, East Fremantle in accordance with the plans date stamp received on 20 February 2008 subject to the following conditions:

- 1. prior to the issue of a building licence the applicant is to submit amended plans showing compliance with the Residential Design Codes regarding building setbacks along the west side boundary.
- 2. the ancillary accommodation is to be for the exclusive use of the members of the same family as the occupiers of the main dwelling;
- 3. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
- 4. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in



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compliance with the conditions of this planning approval unless otherwise amended by Council.

5. the proposed ancillary accommodation is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
7. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
8. 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.*

Adjoining neighbours, Greg & Patrizia Palmer of 20 Glyde Street, addressed the meeting, reiterating the comments contained in their submission and voicing their strong opposition to the west side boundary wall.

Brian & Tania Toole (applicants) addressed the meeting in support of their proposal, in particular the boundary walls as proposed as the recommended setbacks of 1.0m & 1.1m will impact on their design by significantly reducing the available floor area of the proposed ancillary accommodation.

**RECOMMENDATION TO COUNCIL**

**Mayor Ferris – Cr Olson**

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

- (a) **variation to Local Planning Policy 142 for the height of a boundary wall along the north side from 3m to 5.748m;**
- (b) **variation to Local Planning Policy 142 for the length of a boundary wall along the north side from 9m to 11.525m;**

**for the construction of 2-storey ancillary accommodation at the rear of the single storey house at No. 23 (Lot 63) Hubble Street, East Fremantle in accordance with the plans date stamp received on 20 February 2008 subject to the following conditions:**

1. **prior to the issue of a building licence the applicant is to submit amended plans showing compliance with the Residential Design Codes regarding building setbacks along the west side boundary.**



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2. the ancillary accommodation is to be for the exclusive use of the members of the same family as the occupiers of the main dwelling;
3. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
4. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
5. the proposed ancillary accommodation is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
7. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
8. 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.*

CARRIED

T31.4

**Munro Street No. 18 (Lot 5049)**

**Applicant: DesignWise Concepts**

**Owner: Bronwyn & Peter Christie**

**Application No. P55/08**

By Chris Warrener, Consultant Town Planner on 26 March 2008

**BACKGROUND**

**Description of Proposal**

An Application for Planning Approval for unauthorised works involving the relocation of a wall for a laundry and bathroom on the east side of the 3-level house under construction at 18 Munro Street



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**Statutory Considerations**

Town Planning Scheme No. 3 – Residential R12.5, clause 8.4  
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 13 March 2008

**Date Application Received**

13 March 2008

**Additional information**

Emailed letter dated 17 March 2008 from Applicant explaining reasons for the modifications.

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

23 days

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

15 February 2005	Council refuses an application for Planning Approval for a 3-level residence;
21 June 2006	State Administrative Tribunal dismisses an appeal against Council's decision to refuse the application;
21 November 2006	Council grants conditional approval for variations to wall height, setbacks, & 2 crossovers for the construction of a 3-level house;
13 June 2007	Building Licence 07/116 issued for 3-level residence and pool;
24 July 2007	Demolition Licence 07/167 issued for 2-storey house;
11 December 2007	Amended Building Licence issued for amended boundary retaining wall details.

**CONSULTATION**

The adjoining potentially affected property owner at 16 Munro Street was consulted regarding the changes to the east side wall. This neighbour requested that the laundry windows be opaque glazed.

**Site Inspection**

By the Town Planner on 26 March 2008

**REPORT**

**Issues**

Unauthorised Works

Since June 2007 works have been underway to build a 3-level house at 18 Munro Street.

On 11 March 2008 the owner of 16 Munro Street (Ms Jennifer Byrne) visited Council offices, and met with the Town Planner to express concerns regarding some 'apparent' modifications to building work being undertaken next to the common property boundary along the east side of 18 Munro Street.

By letter dated 13 March 2008 Ms Byrne explained her concerns, and described the works, which did not appear to correlate with the approved plans.



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With regard to the common boundary fence is built at complying height, its construction is not unauthorised development, and it is considered to provide an effective privacy screen between the properties.

However the modifications to the wall for the laundry and bathroom on the east side have been undertaken without approval, and constitute "unauthorised development" pursuant to TPS 3, which states:

*"8.4. Unauthorized existing developments*

*8.4.1. The local government may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.*

*8.4.2. Development which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except the granting of planning approval, and the continuation of the development unlawfully commenced is taken to be lawful upon the grant of planning approval.*

*Note: 1. Applications for approval to an existing development are made under Part 9.  
2. The approval by the local government of an existing development does not affect the power of the local government to take appropriate action for a breach of the Scheme or the Act in respect of the commencement or carrying out of development without planning approval."*

**Discussion**

The modifications to the east side wall do not incorporate any setback or other variations which would otherwise have required Council to exercise its discretion to approve.

The modifications are relatively minor, and the applicant/owner has offered to opaque glaze the laundry window to respond to the concerns raised by the neighbour. This window is not required to be obscured pursuant to the RDC.

**RECOMMENDATION**

That Council grant approval for the unauthorised existing development involving the relocation of a wall for a laundry and bathroom on the east side of the 3-level house under construction at 18 Munro Street in accordance with the plans date stamp received on 13 March 2008 subject to the following conditions:

1. the laundry window is to be opaque glazed to the specification and satisfaction of Council's Building Surveyor.
2. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

*The following is not a condition but a note of advice to the applicant/owner:  
A copy of the approved plans as stamped by Council are attached and the application for an amended building licence is to conform with the approved plans unless otherwise approved by Council.*

Correspondence from adjoining neighbour at 16 Munro Street was tabled (MB Ref T29.1).



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Mr Adrian de Lucia (Designwise) addressed the meeting and advised that his clients had no problem with the neighbour's request for opaque glass and an additional course of bricks on the boundary wall.

**RECOMMENDATION TO COUNCIL**

**Mayor Ferris – Cr Olson**

That Council exercise its discretion in granting approval for a variation to Local Planning Policy 143 "Fencing" for an overheight fence on the south side boundary from 1.8m to 1.97m and that approval be granted for the unauthorised existing development involving the relocation of a wall for a laundry and bathroom on the east side of the 3-level house under construction at 18 Munro Street in accordance with the plans date stamp received on 13 March 2008 subject to the following conditions:

1. the laundry window is to be opaque glazed to the specification and satisfaction of Council's Building Surveyor.
2. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. this planning approval to remain valid for a period of 24 months from date of this approval.

**Footnote:**

*The following is not a condition but a note of advice to the applicant/owner: A copy of the approved plans as stamped by Council are attached and the application for an amended building licence is to conform with the approved plans unless otherwise approved by Council.*

CARRIED

T31.5

**Fortescue Street No. 42 (Lot 1)**

**Applicant: Sophie Yesberg**

**Owner: Desborough & Nancy Yesberg**

**Application No. P37/08**

By Chris Warrener, Consultant Town Planner on 31 March 2008

**BACKGROUND**

**Description of Proposal**

An Application for Planning Approval for ground floor additions to the rear of the single storey house at 42 Fortescue Street comprising the enlargement of the guest bedroom and sunroom, and adding an 8.7m long x 2.3m wide x 2.44m high skillion roofed verandah.

**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. 142 – Residential Development (LPP 142)

**Documentation**

Plans and relevant forms date stamp received on 15 February 2008

**Date Application Received**

15 February 2008

**Advertising**

Adjoining land owners only



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**Date Advertised**

8 March 2008

**Close of Comment Period**

25 March 2008

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

52 days

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

17 October 2000	Council decides to advise the WAPC that it supports the battleaxe subdivision of 42 Fortescue Street into 2 survey strata lots (1 x 447m <sup>2</sup> , 1 x 565m <sup>2</sup> );
8 December 2000	WAPC conditionally approves the survey strata subdivision;
16 October 2001	Council refuses an application to demolish the single storey house at 42 Fortescue Street;
9 May 2002	WAPC endorses for final approval Strata Plan 41665 for the 2-lot subdivision;
21 May 2002	Council conditionally approves a 2-storey house on the rear/battleaxe lot with a parapet wall on the west side boundary;
17 September 2002	Council delegates to the CEO removal & replacement of the street tree;
19 October 2004	Council conditionally approves a Home Occupation – Homeopathy at 42 Fortescue Street.

**CONSULTATION**

**Public Submissions**

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

**REPORT**

**Issues**

Boundary Setbacks

The proposed additions to the guest room and sun room, and the proposed covered rear deck are set back 4.9m and 2.65m respectively from the east side (rear) boundary common with the rear battle axe lot at 42A Fortescue Street.

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

**Discussion**

The need for the proposed setback variations at the rear is largely a result of the property having been subdivided to create a rear/battleaxe block, and to confine the additions to the ground floor necessitates rear setback variations.

The potentially affected property owner has not objected to these variations, which are considered not to detrimentally impact on the amenity of the affected property, and are supported.

**RECOMMENDATION**

That Council exercise its discretion in granting approval for a variation to the east side (rear) boundary setback pursuant to the Residential Design Codes from 6m to 4.9m for the construction of ground floor additions to the rear of the single storey house at No. 42 (Lot 1) Fortescue Street, East Fremantle comprising the enlargement of the guest bedroom and sunroom, and adding an 8.7m long x 2.3m wide x 2.44m high skillion roofed verandah in accordance with the plans date stamp received on 15 February 2008 subject to the following conditions:



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1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. the proposed extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
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).*

Ms Sophie Yesberg (applicant) did not wish to address the meeting stating that she was satisfied with the officer's report.

**RECOMMENDATION TO COUNCIL**

**Cr Olson – Cr de Jong**

**That Council exercise its discretion in granting approval for a variation to the east side (rear) boundary setback pursuant to the Residential Design Codes from 6m to 4.9m for the construction of ground floor additions to the rear of the single storey house at No. 42 (Lot 1) Fortescue Street, East Fremantle comprising the enlargement of the guest bedroom and sunroom, and adding an 8.7m long x 2.3m wide x 2.44m high skillion roofed verandah in accordance with the plans date stamp received on 15 February 2008 subject to the following conditions:**

1. **the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
2. **the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
3. **the proposed extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the**



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satisfaction of the Chief Executive Officer in consultation with relevant officers.

4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
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:*

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

CARRIED

*Mayor Ferris made the following impartiality declaration in the matter of 22 Oakover Street: "As a consequence of the applicant being known to me due to our attendance at the same school, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly."*

**T31.6 Oakover Street No. 22 (Lot 340)**

**Applicant: Define Creations**

**Owner: Rod & Bindi Pavlovich**

**Application No. P141/08**

By Chris Warrener, Consultant Town Planner on 31 March 2008

**BACKGROUND**

**Description of Proposal**

An Application for Planning Approval for a 2 storey house at 22 Oakover Street comprising:

Ground Floor: Loggia entry, foyer, living, dining, kitchen, pantry, laundry, store, double garage, family room, master suite, en-suite, & built in robe;

First Floor: 2 bedrooms, games room, & bathroom.

**Statutory Considerations**

Town Planning Scheme No. 3 – Residential R12.5, sub-clause 5.3.1 Density Bonus for Corner Lots

Local Planning Strategy - Woodside 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)

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**Documentation**

Plans and relevant forms date stamp received on 20 February 2008

**Date Application Received**

20 February 2008

**Advertising**

Adjoining land owners only

**Date Advertised**

8 March 2008

**Close of Comment Period**

25 March 2008

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

47 days

**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).

**CONSULTATION**

**Town Planning Advisory Panel Comments**

This application was considered by the Town Planning Advisory Panel at its meeting held on 25 March 2008 and the following comments were made:

- two storey house is picking up the architecture of the opposite corner – 'Spanish' mission
- very interesting design – impressive
- favourable positioning of garage
- quality of detailing needs to be evident in final drawings – otherwise too busy

**Public Submissions**

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

**Site Inspection**

By Consultant Town Planner on 25 March 2008

**STATISTICS**

	<i>Required</i>	<i>Proposed</i>
Land Area		526m <sup>2</sup> Existing
Open Space	50%	54.167% Acceptable
Zoning		R20

**Setbacks:**

Front (west)			
<i>Ground</i>	<i>Living</i>	6.00	5.31
	<i>Foyer</i>	6.00	<b>Discretion Required</b> 8.71
	<i>WIR</i>	6.00	Acceptable 7.61
			Acceptable

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	WC	6.00	8.71
			Acceptable
Upper	Bathroom & Void	6.00	8.71
			Acceptable
	Bedroom 2	6.00	8.71
			Acceptable
Rear (east)			
Ground	Master Suite & Familyroom	1.50	6.80
			Acceptable
	Garage	Nil	LPP 142 Nil
			Acceptable
Upper	Bedroom 3 & Games	4.50	6.00
			Acceptable
Side (north)			
Ground	Garage & Kitchen	3.00	2.40
			<b>Discretion Required</b>
	Dining & Living	3.00	3.00
			Acceptable
Upper	Gamesroom	3.00	8.20
			Acceptable
	Bathroom	3.00	6.60
			Acceptable
Side (south)			
Ground	WIR	1.00	2.60
			Acceptable
	Ensuite	1.00	1.00
			Acceptable
	Master Bedroom	1.00	1.50
			Acceptable
Upper	Bedroom 2	1.20	1.89
			Acceptable
	Bedroom 3	1.00	4.10
			Acceptable
<b>Height:</b>			
Wall		6.00	5.60
			Acceptable
Building		9.00	8.10
			Acceptable
Parapet Wall Height		3.00	3.00
			Acceptable

**Overshadowing:** 7% of adjoining property

**REPORT**

**Assessment**

This application is for development of a corner block.

TPS 3, sub-clause 5.3.1 states:

*“5.3.1 Density Bonus for Corner Lots  
In areas with a density coding of R12.5, the local government may approve development up to a density of R20 on corner lots where the dwellings are designed to face each of the two street frontages, and in*





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*the opinion of local government, there will be an improvement in the overall amenity of the streets as a result of the development."*

22 Oakover Street was subdivided to create 9 Millenden Street and 22 Oakover Street.

9 Millenden Street has been developed with a single storey house on reduced front and west side boundary setbacks.

This application for 22 Oakover Street has been assessed on the basis that the primary Street is Oakover Street, and the secondary street is Millenden Street.

Setbacks have been assessed having regard to the RDC recommendations for R20 coded property.

**Issues**

Boundary Setbacks

*Front (west side)  
Boundary*

A proposed ground floor living room is set back 5.31m from the front boundary.

The RDC recommend a 6m setback.

*North (side) Boundary*

A proposed double garage, pantry, and kitchen are set back 2.4m from the north side (secondary street) boundary.

Under LPP 142 the setback for the secondary street is specified as 50% of the primary street setback (6m) therefore the recommended setback is 3m.

Front Fence

The application proposes a front fence which does not incorporate a corner truncation.

LPP 143 states:

*"3.4 Truncations on Corner Lots*

*A person shall not erect any fence/wall or structure within a 6m truncation of intersecting road reserves (or their prolongation where a truncation has already been set aside) to a height greater than .75m unless the special approval of Council has been obtained in writing. (Refer to Town Planning and Development Act 1928, Town Planning (Height of Obstructions at Corners, amendment gazetted 5 August 1983.)"*

**Discussion**

*Boundary Setbacks*

The proposed variations to the primary and secondary street setbacks are considered relatively minor, they do not impact on the local streetscape, and given the reduced setbacks of adjoining properties can be supported.

*Front Fence*

The matter of the "non-complying" front fence has been discussed with the applicant (Mr David Wright for Define Creations) who has agreed with the suggestion



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by the Town Planner to accept a condition of approval that the front fence must comply with LPP 143.

**RECOMMENDATION**

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

- (a) variation to the north side boundary setback pursuant to Local Planning Policy 142 from 3m to 2.4m;
- (b) variation to the front (west side) boundary setback pursuant to the Residential Design Codes from 6m to 5.31m;

for the construction of a 2 storey house at No. 22 (Lot 340) Oakover Street, East Fremantle comprising:

Ground Floor: Loggia entry, foyer, living, dining, kitchen, pantry, laundry, store, double garage, family room, master suite, en-suite, & built in robe;

First Floor: 2 bedrooms, games room, & bathroom;

in accordance with the plans date stamp received on 20 February 2008 subject to the following conditions:

1. prior to the issue of a building licence the applicant is to submit amended plans incorporating a front fence with a corner truncation, which complies with Local Planning Policy 143 – Fencing to the satisfaction of the CEO in consultation with the Town Planner and Building Surveyor.
2. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. the proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
6. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
7. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
8. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
9. any new crossovers which are constructed under this approval to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
10. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to



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the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.

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

Footnote:

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

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

Mrs Bindi Pavlovich (applicant) did not wish to address the meeting stating that she was satisfied with the officer's report.

**RECOMMENDATION TO COUNCIL**

**Cr de Jong – Cr Olson**

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

- (a) **variation to the north side boundary setback pursuant to Local Planning Policy 142 from 3m to 2.4m;**
- (b) **variation to the front (west side) boundary setback pursuant to the Residential Design Codes from 6m to 5.31m;**

**for the construction of a 2 storey house at No. 22 (Lot 340) Oakover Street, East Fremantle comprising:**

**Ground Floor: Loggia entry, foyer, living, dining, kitchen, pantry, laundry, store, double garage, family room, master suite, en-suite, & built in robe;**

**First Floor: 2 bedrooms, games room, & bathroom;**

**in accordance with the plans date stamp received on 20 February 2008 subject to the following conditions:**

1. **prior to the issue of a building licence the applicant is to submit amended plans incorporating a front fence with a corner truncation, which complies with Local Planning Policy 143 – Fencing to the satisfaction of the CEO in consultation with the Town Planner and Building Surveyor.**
2. **the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
3. **the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**



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4. the proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
6. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
7. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
8. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
9. any new crossovers which are constructed under this approval to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
10. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
11. this planning approval to remain valid for a period of 24 months from date of this approval.

**Footnote:**

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

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

CARRIED



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Mayor Ferris made the following impartiality declaration in the matter of 82 Hubble Street: "As a consequence of the applicant being known to me due to my having worked with him for a number of years, 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."

**T31.7 Hubble Street No. 82 (Lot 280)**  
**Applicant: In Vogue**  
**Owner: Romano, Maria & Paul Filippin**  
**Application No. P42/08**

By Chris Warrener, Consultant Town Planner on 31 March 2008

#### **BACKGROUND**

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

An Application for Planning Approval for a 2-storey house at 82 Hubble Street comprising:

Ground floor: double garage, entry, study, master suite with en-suite, store, theatre room, kitchen, dining and living room, laundry and alfresco;

First floor: 3 bedrooms, bathroom, activity room, and balcony.

##### **Statutory Considerations**

Town Planning Scheme No. 3 – Residential R20  
Local Planning Strategy - Plympton Precinct (LPS)  
Residential Design Codes (RDC)

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

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

##### **Documentation**

Plans and relevant forms date stamp received on 20 February 2008

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

20 February 2008

##### **Additional information**

Letter dated 26 March 2008 from Applicant explaining support for garage.

##### **Advertising**

Adjoining land owners only

##### **Date Advertised**

8 March 2008

##### **Close of Comment Period**

25 March 2008

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

47 days

#### **CONSULTATION**

##### **Town Planning Advisory Panel Comments**

This application was considered by the Town Planning Advisory Panel at its meeting held on 25 March 2008 and the following comments were made:

- very ordinary replacement of current cottage – proposal 'below average'
- prefer retention and restoration or original front cottage with development pushed back – similar to 94 Hubble Street
- unfortunate that surrounding properties have been 'botched' with regards to

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- original architecture
- double garage set forward of the remainder of the house should be significantly altered – applicant should be encouraged to provide a more contextually appropriate solution whereby the house addresses the street

**Public Submissions**

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

- Jane Larsson & Shane McGorlick` – U3, 84-86 Hubble* - object to front corner window of activity room on 2<sup>nd</sup> floor due to overlooking into bedroom windows and living areas & vice versa.

**Site Inspection**

By Consultant Town Planner on 27 March 2008.

<b>STATISTICS</b>		<b>Required</b>	<b>Proposed</b>
Land Area			508m <sup>2</sup> Existing
Open Space		50%	60.82% Acceptable
Zoning			R20
<b>Setbacks:</b>			
Front (west)			
<i>Ground</i>	<i>Study</i>	6.00	7.40 Acceptable
	<i>Porch</i>	6.00	7.40 Acceptable
	<i>Garage</i>	6.00	LPP 142 6.00 <b>Discretion Required</b>
<i>Upper</i>	<i>Balcony</i>	6.00	7.40 Acceptable
	<i>Activity</i>	6.00	7.40 Acceptable
Rear (east)			
<i>Ground</i>	<i>Laundry &amp; Dining</i>	1.50	13.10 Acceptable
	<i>Alfresco</i>	1.50	13.10 Acceptable
<i>Upper</i>	<i>Bedroom 3 &amp; 4</i>	4.50	21.40 Acceptable
Side (north)			
<i>Ground</i>	<i>Alfresco</i>	1.50	1.70 Acceptable
	<i>Living</i>	1.50	1.70 Acceptable
	<i>Master Bedroom</i>	1.50	1.20 <b>Discretion Required</b>
	<i>Study</i>	1.50	1.70 Acceptable
<i>Upper</i>	<i>Bedroom 2 &amp; 3 &amp; Balcony</i>	2.90	1.70 <b>Discretion Required</b>

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Side (south)				
Ground	Garage	Nil	LPP 142	Nil
	Theatre	1.50		Acceptable
	Kitchen	1.00		1.57
				Acceptable
			LPP 142	Nil
				<b>Discretion Required</b>
Upper	Activity & Bedroom 4	1.50		1.57
				Acceptable
<b>Height:</b>				
	Wall	6.00		6.00
				Acceptable
	Building	9.00		9.00
				Acceptable
	Parapet Wall Height	3.00		2.50 & 2.70
				Acceptable

**REPORT**

**Issues**

*Streetscape*

The application proposes a double garage that is forward of the main building line.

LPP 142 states:

*"Part 2 – Streetscape*

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

The proposed double garage is forward of the main building line by 1.4m and therefore does not comply with LPP142 (and thus also the R-Codes, given LPP142 varies the R-Codes in this regard).

*Boundary Walls*

The application proposes a double garage, and a kitchen and laundry with 2 walls along the south side boundary common with 84 Hubble Street.

LPP 142 states:

- "(a) Walls are not higher than 3m and up to 9m in length up to one side boundary;"*

The application proposes two walls ie one more than allowed under the Policy.

*Setbacks*

The ground floor wall for the master suite, which has major openings, is set back 1.2m from the north side boundary common with 80 Hubble Street.

The RDC recommend a 1.5m setback for walls with major openings



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The upper floor wall for bedrooms 2 and 3, a bathroom, toilet and a balcony is set back 1.7m from the north side boundary.

The RDC recommend a 2.9m setback.

**Discussion**

Streetscape

There are 84 properties which front Hubble Street.

Three properties (No's 54, and 84 & 86) contain eleven 2-storey grouped dwellings.

16 properties contain 2-storey houses. Of these 10 contain the original single storey element at the front with 2-storey additions at the rear.

There are 65 single storey houses along Hubble Street, and the vast majority are the original "worker cottage" housing stock with reduced frontages and verandahs that were built between 1890 and 1915.

Of the total 84 properties 75 contain the original housing stock or at least contain significant elements of that stock (10 contain additions at the rear).

This application proposes to demolish one of the 'old cottages' and replace it with a 2-storey brick and iron house with a double garage set 1.4m forward of the main building line. The 2-storey element of this house is brought forward to occupy the front portion of the property.

There is only one other 2-storey house in Hubble Street with a double garage forward of the main building line at No 96 Hubble Street.

The style and type of house proposed to be built at 82 Hubble Street will detrimentally impact on the character and amenity of housing, and the local streetscape of Hubble Street, and contribute to a deterioration in the character and amenity of the housing stock in the Plympton precinct.

While there are no adopted Residential Design Guidelines for Plympton the following extract from Council's Local Planning Strategy is relevant:

*"Design - New development throughout the precinct is to be generally small scale and sympathetic to the character (form, mass and materials) of existing development."*

This application if implemented is considered not to be small scale or sympathetic to the character (form, mass and materials) of existing development, and is not supported.

**CONCLUSION**

The proposed development is in conflict with the front setback requirements of the R-Codes, as varied by LPP142, which aims to maintain existing streetscape character and visual amenity by maintaining the setbacks specified in the Policy.

The application also does not accord with LPP142 (and hence the R-Codes as varied by that Policy) with respect to boundary walls and nor the setback provisions of the R-Codes.

Due to the above consideration the proposal is also considered in breach of clauses 10.2(a), 10.2(b), 10.2(g), 10.2(o) and 10.2(p) of TPS No. 3.





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**RECOMMENDATION**

That Council refuses to grant approval for the construction of a 2-storey house at No. 82 (Lot 280) Hubble Street, East Fremantle comprising:

Ground floor: double garage, entry, study, master suite with en-suite, store, theatre room, kitchen, dining and living room, laundry and alfresco;

First floor: 3 bedrooms, bathroom, activity room, and balcony;

in accordance with the plans date stamp received on 20 February 2008 on the following grounds:

1. the double garage being forward of the main building line conflicts with "Local Planning Policy No. 142 – Part 2 – Streetscape" (and hence the R-Codes as varied by the Policy) which states:
  - (i) *Buildings are to be set back such a distance as is generally consistent with the building set back on adjoining land and in the immediate locality.*
  - (ii) *Notwithstanding (i) above, garages and carports located at or behind the main building line for primary and secondary streets and in accordance with Table 1 – Minimum Setbacks of the Residential Design Codes."*
2. The proposed development contravenes the Local Planning Strategy because it is not small scale, nor is it sympathetic to the character (form, mass, and materials) of existing development in Hubble Street, and the Plympton precinct.
3. The style and type of house proposed to be built will detrimentally impact on the local streetscape.
4. the proposed development is inconsistent with the objective of Clauses 10.2(a), 10.2(b), 10.2(g), 10.2(o) and 10.2(p) of TPS No. 3.

Mr Paul Filippin (applicant) addressed the meeting in support of his application and advised that he was unaware of some of the issues pertaining to his proposal.

**RECOMMENDATION TO COUNCIL**

**Mayor Ferris – Cr de Jong**

**That the application for the construction of a 2-storey house at No. 82 (Lot 280) Hubble Street, East Fremantle comprising:**

**Ground floor: double garage, entry, study, master suite with en-suite, store, theatre room, kitchen, dining and living room, laundry and alfresco;**

**First floor: 3 bedrooms, bathroom, activity room, and balcony;**

**be deferred pending the submission of revised plans that address the following issues:**

1. the double garage being forward of the main building line which conflicts with "Local Planning Policy No. 142 – Part 2 – Streetscape" (and hence the R-Codes as varied by the Policy) and states:
  - (i) *Buildings are to be set back such a distance as is generally consistent with the building set back on adjoining land and in the immediate locality.*
  - (ii) *Notwithstanding (i) above, garages and carports located at or behind the main building line for primary and secondary streets and in accordance with Table 1 – Minimum Setbacks of the Residential Design Codes."*
2. non-compliance with the Local Planning Strategy as the proposed development is not small scale, nor is it sympathetic to the character (form, mass, and materials) of existing development in Hubble Street, and the Plympton precinct.
3. the detrimental impact on the local streetscape due to the style and type of house proposed to be built.

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4. the proposed development is inconsistent with the objective of Clauses 10.2(a), 10.2(b), 10.2(g), 10.2(o) and 10.2(p) of TPS No. 3.

CARRIED

**T31.8 View Terrace No. 81 (Lot 1)**

**Applicant: Ken Acton**

**Owner: Chris King**

**Application No. P13/2008**

By Chris Warrener, Town Planner on 31 March 2008

**BACKGROUND**

**Description of Proposal**

An Application for Planning Approval for second storey additions to the single storey house at 81 View Terrace comprising a bedroom, sitting room, en-suite, and balcony.

**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)

**Documentation**

Plans and relevant forms date stamp received on 11 January 2008

**Date Application Received**

11 January 2008

**Advertising**

Adjoining landowners and sign on site

**Date Advertised**

19 February 2008

**Close of Comment Period**

4 March 2008

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

87 days

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

15 February 1988	Council decides to advise the State Planning Commission (SPC) that it supports the subdivision of 81 View Terrace into 2 lots (1 x 461m <sup>2</sup> , 1 x 450m <sup>2</sup> );
29 February 1988	SPC conditionally approves subdivision of 81 View Terrace;
16 May 1988	Council grants special approval for the erection of two separate dwellings at 81 View Terrace;
10 June 1988	Building Permit 176/1426 issued for duplex units;
18 July 1988	Council approves the raising of floor levels to the two dwellings by 750mm to provide adequate falls to the Hon Minister Sewer;
17 October 1989	Town Clerk endorses Strata Plan for 2 lots;
12 December 1990	Building Permit 195/1759 issued for a pergola;

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17 December 1990 Council grants special approval for a 2.2m high brick fence.

**CONSULTATION**

**Town Planning Advisory Panel Comments**

This application was considered by the Town Planning Advisory Panel at its meeting held on 26 February 2008 and the following comments were made:

- improvement on existing residence
- clarification of front setback required

**Public Submissions**

At the close of the comment period 3 submissions were received.

*Wendy & Jerome Wisniewski*  
*79A & B View Terrace*

- strong objection
- impact on amenity of properties at 79A & 79B View Terrace, and at 157 Petra Street
- example at 163 Petra Street

*Fred & Patricia Murdoch*  
*157 Petra Street*

- impact on solar hot water system, made useless as a result of building height;
- dramatically reduce any breeze and wind and make it extremely and uncomfortably hot;
- affect on rear lawn and trees

*Patricia Murdoch*  
*157 Petra Street*

- strong objection
- impact on amenity of properties at 79A & 79B View Terrace, and at 157 Petra Street;
- example at 163 Petra Street

**Site Inspection**

By Consultant Town Planner on 15 February 2008

STATISTICS		<i>Required</i>	<i>Proposed</i>
Land Area			450m <sup>2</sup> Existing
Zoning			R12.5
<b>Setbacks:</b>			
Front (north)			
	<i>Upper Balcony</i>	6.00	4.40
	<i>Bedroom 1</i>	6.00	<b>Discretion Required</b> 8.20
			Acceptable
Rear (south)			
	<i>Upper Bathroom</i>	1.50	4.00
	<i>Sittingroom</i>	1.20	Acceptable 5.80
			Acceptable
Side (east)			
	<i>Upper Sittingroom &amp; Balcony</i>	3.00	3.00
			Acceptable
Side (west)			
	<i>Upper Bedroom 1 &amp; Bathroom</i>	1.20	5.40
			Acceptable



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**Height:**

Wall	5.60	5.60 Acceptable
Building/Ridge	8.10	7.50 Acceptable

**REPORT**

**Issues**

*Streetscape*

The subject property is a corner lot, which was created following a subdivision approval granted in February 1988. Pursuant to TPS 3, sub-Clause 5.3.1 corner lot development may be assessed using the standards under the RDC for R20 density where the lot is proposed to be or has been subdivided.

In this case assessment of development at 81 View Terrace is based on the R20 density code.

The proposed upper floor balcony projects into the front setback. It is 7.19m long X 1.8m wide.

The existing house is set back 6m, and the proposed balcony is set back 4.4m from the front boundary.

The RDC allow for minor incursions into the street setback. The acceptable development criteria for a minor incursion is:

*"A2 (i) A porch, balcony, verandah, chimney, or the equivalent may (subject to the Building Code of Australia) project not more than one metre into the building setback area, provided that the total of such projections does not exceed 20% of the frontage at any level."*

The proposed balcony projects 1.6m into the building setback area, and it comprises 31.74% of the property frontage therefore Council is required to exercise its discretion to approve this variation.

*Roof Pitch*

The application proposes upper floor additions with a roof pitched at 22°.

LPP 066 states:

*"dominant elements to be greater than 28°."*

*Submissions*

Two of the submissions are identical one is signed by one of the owners of 157 Petra Street, the other is signed by the owners of 79A & 79B View Terrace.

These submissions object to the application on the grounds of amenity loss and views, and refer to an example of an application Council considered for upper floor additions at 163 Petra Street, which was refused by Council on amenity grounds.

The third submission is concerned at the impact of the upper floor addition on a roof mounted solar hot water



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system, and on cooling breezes, and on lawns and trees along the north side of the house at 157 Petra Street

**Discussion**  
*Streetscape*

The incursion and extent of the balcony are considered not to detract from the character of the streetscape and do not impact on any adjoining or nearby property views, and this variation is supported because it is an element that is considered to improve the appearance of the existing house.

*Roof Pitch*

Roof pitch in the Richmond Hill precinct of East Fremantle is quite varied, the subject property and neighbouring properties all contain houses that do not have roofs pitched greater than 28°, the variation to roof pitch proposed in this application is acceptable.

*Submissions*

The applicant has responded to the submissions stating that the *"addition complies with all relevant regulations."*

Two of the submissions refer to a decision Council made *"to decline an application for a second storey a nearby property at 163 Petra Street, in consideration of similar respect for the existing amenity for residential properties to the south and west."*

At its meeting held on 18 April 1994 Council considered an application to erect an additional storey atop an existing residence as well as erect an additional unit in a two storey configuration at the rear of 163 Petra Street.

Council resolved to refuse that application for the following reasons:

- "1. Non compliance with Town Planning Scheme No 2 in respect to the Development Table.*
- 2. Non compliance with Council's Policy on the Conversion of Class 1 to Class 1A Residences (copy attached).*
- 3. Non compliance with Council's Densification Policy (copy attached).*
- 4. The proposal is considered to be out of context and injurious to the amenity of the surrounding area."*

The applicant subsequently submitted an application for a single storey dwelling to the rear and upper level additions to the house at the front. Council resolved as follows:

*"Upper Storey Additions*

*Council may be prepared to accept a further application that relocates the proposed garage behind the existing residence deleting the requirement for a boundary wall to the south, the removal of the street tree and the requirement for a second driveway.*

*Additional Dwelling Unit*

*The application be refused on the grounds as contained in the attached Appendix II Refusal of Planning Consent."*



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On 10 February 1995 on appeal the then Minister for Planning advised that the *“appeal has not been upheld but without prejudice to a revised design being submitted to the Council involving modest second storey additions to the existing dwelling on the appeal site and the erection of a single storey dwelling to the rear of that building.”*

At its meeting on 16 September 1997 Council refused an application to erect an additional storey over the existing residence as well as construction of an additional dwelling unit (granny flat) at the rear, in addition to a three bay garage.

At its meeting on 21 July 1998 Council granted special approval for single storey additions to the house at 163 Petra Street.

The reference by the submissions to the application for additions to the house at 163 Petra Street as being an example of where Council refused second storey additions on amenity grounds is only relevant to the extent that both applications are for second storey additions.

However the current application is for additions to a house on a corner lot whereas 163 Petra Street is not a corner lot.

The primary/first reason for Council's refusal of the second storey additions at 163 Petra Street was based on its non-compliance with TPS 2.

The current application has been assessed having regard to TPS 3, and except for 2 minor variations, which do not affect the amenity of adjoining or nearby properties, complies with the current Scheme.

The submission from 157 Petra Street refers to the impact of the additions on its solar hot water system, and breezes.

These impacts are non-existent because the roof mounted solar hot water system at 157 Petra Street is not affected in any way by the additions. Prevailing winds/breezes are from the south and southwest, the subject property is north of 157 Petra Street therefore the additions will have no impact on breezes and winds.

*View Amenity*

In response to the submissions and potential impacts of the proposed additions on their views the Town Planner conducted a digital photographic assessment of the impact of the additions on views from 79B View Terrace and 157 Petra Street.

Views north from both properties were filmed to assess the potential impact of the additions on views.



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79 View Terrace

Views north from the upper floor balcony of 79B View Terrace were filmed. The proposed additions are considered to have a very minor impact on views.

157 Petra Street

Photographs from the living room, kitchen, and corner balcony at 157 Petra Street were taken. It is apparent that there will be no impact on existing views of the river and the city by the additions however there will be a "loss of sky" views, and potential impacts on ambient lighting inside the front (north facing) rooms.

**Conclusion**

The proposed second storey additions to the single storey house at 81 View Terrace are considered to be very modest and do not propose any variations to building height.

The additions at 7.5m are 0.6m lower than the allowable building height limit pursuant to LPP 142.

There will be minimal impact (a very small part of the existing view of the river from the upper floor master bedroom at 79B View Terrace will be obscured) on the existing river and city views from the objectors' properties

The extent of the balcony intrusion is not considered significant, it does not affect any adjoining or nearby property views, and is considered not to have any detrimental impact on the local streetscape, and is supported.

**RECOMMENDATION**

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

- (a) variation to the incursion by and extent of a balcony pursuant to the Residential Design Codes from 1m and 20% to 1.6m and 31.74%;
- (b) variation to roof pitch pursuant to Local Planning Policy 066 from 28° to 22°; for the construction of second storey additions to the single storey house at No. 81 (Lot 1) View Terrace, East Fremantle comprising a bedroom, sitting room, ensuite, and balcony in accordance with the plans date stamp received on 11 January 2008 subject to the following conditions:
  1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
  2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
  3. the proposed 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.
  4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
  5. this planning approval to remain valid for a period of 24 months from date of this approval.

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Footnote:

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

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

Mr Ken Acton (designer) addressed the meeting in support of the proposal.

**RECOMMENDATION TO COUNCIL**

**Cr de Jong – Cr Wilson**

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

- (a) variation to the incursion by and extent of a balcony pursuant to the Residential Design Codes from 1m and 20% to 1.6m and 31.74%;**
- (b) variation to roof pitch pursuant to Local Planning Policy 066 from 28° to 22°;**

**for the construction of second storey additions to the single store house at No. 81 (Lot 1) View Terrace, East Fremantle comprising a bedroom, sitting room, en-suite, and balcony in accordance with the plans date stamp received on 11 January 2008 subject to the following conditions:**

- 1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- 2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- 3. the proposed 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.**
- 4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.**
- 5. this planning approval to remain valid for a period of 24 months from date of this approval.**

Footnote:

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

- (a) this decision 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*





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*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).* CARRIED

*Cr Olson made the following impartiality declaration in the matter of 16 View Terrace: "As a consequence of Mr Simon Bain of SJB Town Planning & Urban Design who is representing a number of adjoining neighbours opposing the proposed development being known to me due to my having worked with him previously, 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."*

**T31.9 View Terrace No. 16 (Lot 5)**  
**Applicant: Greg Rowe & Associates**  
**Owner: Mark Trupp & Jennifer McDonald**  
**Application No. P22/2008**

By Chris Warrener, Consultant Town Planner on 4 April 2008

#### **BACKGROUND**

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

An Application for Planning Approval for additions to the 2-level house at 16 View Terrace comprising a new kitchen on the ground floor with upper floor additions comprising a master bedroom, en-suite, library, living area, and balcony under a metal clad gable 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)

##### **Documentation**

Plans date stamp received on 18 February 2008

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

29 January 2008

##### **Advertising**

Surrounding landowners as per attached location map, sign on site, and advertisement in local newspaper

##### **Date Advertised**

16 February 2008

##### **Close of Comment Period**

29 February 2008

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

42 days

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

19 June 1976                      Belowground concrete swimming pool registered;



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- |                  |   |
|------------------|---|
| 19 November 2002 | Council decides to advise the WAPC that it supports the subdivision of 14 & 16 View Terrace for the purposes of adjusting the common property boundary; |
| 13 December 2002 | WAPC conditionally approves the boundary adjustment subdivision;  |
| 20 November 2007 | Council defers making a decision on an application for additions at the rear pending a site visit;  |
| 18 December 2007 | Matter withdrawn from agenda at the applicant's request.  |

**CONSULTATION**

**Town Planning Advisory Panel Comments**

This application was considered by the Town Planning Advisory Panel at its meeting held on 26 February 2008 and the following comments were made:

- materials and colours are critical to the effect – requires a very clever colour scheme and use of materials
- aesthetically confronting but responsible design
- rather like it
- interesting
- acceptable

**Public Submissions**

At the close of the comment period 7 submissions were received, one submission was received after the advertising period closed (Ms Evelyn Tuba).

The content and typeface format of two of the submissions are identical, one is an email received from Ms J. Gorey, the other is a letter received from Mr Simon Bain.

- |  |  |
|--|--|
| <i>Travis French</i><br><i>19 View Tce</i>   | Strongly object to application – loss of view amenity  |
| <i>Cynthia Gregory</i><br><i>31 View Tce</i>   | <ul style="list-style-type: none"><li>- Design not in keeping with the objectives of the Residential zone</li><li>- Design of additions do not fit in with original house;</li></ul>   |
| <i>Pam &amp; Peter Thomson</i><br><i>15 View Tce</i>   | <ul style="list-style-type: none"><li>- Impact on streetscape</li><li>- Urge Council reconsider the original design</li></ul>  |
| <i>Robert &amp; Therese Seminara</i><br><i>Trevor Lowenhoff &amp; Martine Seminara</i><br><i>23 &amp; 23A View Tce</i> | <ul style="list-style-type: none"><li>- Wall height is over the limit by up to 2.5m</li><li>- Detrimental impact on views</li><li>- Not in keeping with art deco frontage of existing property</li><li>- Adverse visual effects of large zinc-alum wall</li><li>- Non compliant, will spoil the character and amenity of the locality</li></ul>  |
| <i>Joanne Gorey</i><br><i>21A View Tce</i>   | <ul style="list-style-type: none"><li>- Development will be up to 2.5m above the specified height limit</li><li>- Development does not propose a pitched roof</li><li>- Impact on amenity - obliterates a substantial portion of the narrow band of high interest of the total aspect of each view</li><li>- Contrary to RDC 3.7.1 P1 regarding height limits and view impacts</li><li>- Contrary to TPS 3, Cl. 1.6, LPP 142, TPS 3 Cl 4.2 second dot point, Cl 10.2 (a), (b), (g), (k), (o), (p), (z)</li><li>- Precedent</li></ul> |



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- Contrary to Local Planning Strategy
  - Height measurement is questionable
  - Plans deficient in terms of levels
- SJB Town Planners  
(Simon Bain)*
- Development will be up to 2.5m above the specified height limit
  - Development does not propose a pitched roof
  - Impact on amenity - obliterates a substantial portion of the narrow band of high interest of the total aspect of each view
  - Contrary to RDC 3.7.1 P1 regarding height limits and view impacts
  - Contrary to TPS 3, Clause 1.6, LPP 142, TPS 3 Cl 4.2 second dot point, Clause 10.2 (a), (b), (g), (k), (o), (p), (z)
  - Precedent
  - Contrary to Local Planning Strategy
  - Height measurement is questionable
  - Plans deficient in terms of levels
- Dr Janet Hornbuckle  
25 View Tce*
- Exceeds maximum allowable wall height
  - Precedent
  - Significant effect on property value
- Evelyn-Lilly Tuba on  
behalf of Albert  
Thomas Tuba  
21B View Tce*
- Exceeds current maximum allowable wall height
  - The Mansard roof is a concealed roof not a pitched roof
  - Impacts on view amenity
  - Impact on streetscape – excessive height and bulk and scale
  - Precedent

**Site Inspection**

By Consultant Town Planner on 26 February 2008

<b>STATISTICS</b>	<b>Required</b>	<b>Proposed</b>
Land Area		850m <sup>2</sup> Existing
Zoning		R12.5
<b>Setbacks:</b>		
Front (south)		
<i>Upper Ensuite</i>	7.50	10.20 Acceptable
<i>Library &amp; Livingroom</i>	7.50	10.20 Acceptable
Rear (north)		
<i>Ground Kitchen</i>	6.00	16.50 Acceptable
<i>Upper Void</i>	6.00	19.80 Acceptable
<i>Deck</i>	7.50	22.00 Acceptable
<i>Master Bedroom</i>	6.00	19.50 Acceptable



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Side (east)			
<i>Ground</i>	<i>Kitchen</i>	2.00	3.20 Acceptable
<i>Upper</i>	<i>Livingroom</i>	1.10	2.50 Acceptable
Side (west)			
<i>Ground</i>	<i>Kitchen</i>	2.00	8.00 Acceptable
<i>Upper</i>	<i>Master Bedroom</i>	1.10	2.60 Acceptable
<b>Height:</b>			
Wall		5.60	5.60 Acceptable
Building/Ridge		8.10	8.10 Acceptable

**REPORT**

**Background**

At its meeting on 18 December 2007 Council acceded to a request from the owner to withdraw an application for 2<sup>nd</sup> storey additions at the rear of the house at 16 View Terrace.

That application proposed concealed/flat roofed additions at the rear, which incorporated wall heights that exceeded the height limit specified in LPP 142.

If approved and implemented that application would have resulted in the property having the appearance of a single storey house seen from View Terrace (with additions at the rear).

The current application is for 2nd storey additions with a pitched metal clad roof that will replace the existing tiled roof.

If approved and implemented this application results in the property having the appearance of a 2-storey house seen from View Terrace.

**Assessment**

The application is for additions to a house built on a sloping site. The site was originally excavated to build an extensive basement area for the house, which appears as a single storey 1950's "Art Deco" style development, from View Terrace.

The RDC allow for a "deemed natural ground level" (DNGL) in lieu of natural ground level (NGL) where the terrain is irregular, in this case the irregularity is a combination of a steeply sloping site, and the excavation works for the basement.

The applicant has therefore based building height on the application of DNGL or as the applicant's plans notate: "average ground line".

This is an acceptable method for determining building height and was the method applied to the assessment of heights for the adjoining property at 18 View Terrace (a similar sloping block, with excavation for a basement), for which Council conditionally approved in October 2006 (following SAT mediation) extensions to the rear with wall height increased from 5.6m to 7.6m and building height increased from 8.1m to 8.86m.



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**Issues**

*Submissions*

All of the objections are from owners of properties on the south side of View Terrace. The main issues are view impacts, opinions that the application is contrary to the Local Planning Strategy (LPS), opinions regarding a number of the matters listed under Part 10 of the TPS, and the RDC, and assertions that the proposed roof is a concealed roof not a pitched roof and is therefore subject to the wall height limits for a concealed roofed development pursuant to LPP 142.

The submission from the owner of 15 View Terrace considers that the previously withdrawn application is a better option because it results in the retention of the single storey façade of the art deco house, which is considered a better outcome for the local streetscape.

**Discussion**

The applicant has provided a response (as attached) to the content of the objecting submissions, the contents of which are agreed with.

In addition to the response to the points raised in the submissions by the Applicant the following information is submitted for Council's consideration:

1. The application proposes gable-roofed additions, which conform with the building height limits specified in LPP 142 for this area of East Fremantle.
2. Building height limits in this area of East Fremantle are controlled under LPP 142. It limits wall height to 5.6m, and roof height to 8.1m for a conventionally roofed house, and 6.5m for a flat/concealed roof house. These building height limits are intended to help protect neighbouring property views.

The application is for pitched/gable roof additions that have been assessed as complying with the height limits specified under TPS 3 pursuant to LPP 142 for a conventionally roofed house, which is considered the applicable definition.

3. 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."*

There were no submissions received from adjoining properties regarding the impact of the proposed additions on views.

Council is not being 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, therefore in respect of LPP 142 and the RDC it does not need to have regard for the impact a proposed building may have on views that owners of adjoining property(s) may enjoy.

All of the submissions which objected to the application on the basis of view impacts are from the owners of properties, which do not adjoin the subject land, 3 of the submissions are from properties which do not view or which



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have an extremely distant view of the subject property (notably the submissions from 23A, 25 & 31 View Terrace).

4. Notwithstanding that the view objectors are not adjoining property owners, TPS 3 includes the following provision which requires it to consider an application having regard for the following:

*"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 —*

- (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;"*

This application has been carefully considered having regard to the above stated matters.

In light of the submissions opposing the application on the basis of its impacts on property views Council invited the objectors to notify the Town Planner to visit their properties and conduct an assessment of view impacts.

Three of the objectors took advantage of this invitation – No.'s 23, 21B & 19 View Terrace.

The Town Planner took photographs, and digital movie footage from each of these properties looking in a 180° arc from the respective front living rooms and balconies to assess the impact of the upper floor additions at 16 View Terrace on their views.

The following is a summary of the findings:

*23 View Terrace*

At 23 View Terrace there is a 3-level home with a kitchen, living room and corner balcony on the upper floor, which have west, north, & northeast views of the ocean, the river, and buildings in the Perth Central Business District.

16 View Terrace cannot be seen from the kitchen or the living room however close to and from against the east side of the living room window a person can obtain views of the subject property, and panoramic views in the distance of the city of Perth, the Swan River and Blackwall Reach, and the Indian Ocean.

The views of 16 View Terrace comprise a very small portion of the overall north facing view.

The proposed additions to 16 View Terrace will result in a small portion of the ocean view from the east side of the living room window being obstructed.

There is an upper level balcony in the northeast corner of the house, and 16 View Terrace is visible from the front of this balcony.

A very small portion of the view northwest from this balcony will be obstructed by the proposed additions to



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16 View Terrace.

*19 View Terrace*

At 19 View Terrace is a 2-storey house with expansive upper level balcony and large enclosed living areas behind, and for which Council granted approval at its meeting in March 2008 for additions to the rear.

This property is situated immediately behind/south of 16 View Terrace, and any additions thereto will be very visible to 19 View Terrace.

However the digital film footage shows the view of 16 View Terrace as a very small component of the overall view, and this view is considered to be the lesser rated of all the views, which are commanded from the balcony of 19 View Terrace.

*21B View Terrace*

21B View Terrace is an attached grouped dwelling built on 3 levels – garage, and 2 upper floor living areas. On the top level are a kitchen, living room and balcony which have northern views across the top of the houses on the north side of View Terrace.

Views from the balcony are reasonably panoramic taking in the Indian Ocean, river and buildings in the Perth Central Business District.

16 View Terrace accounts for a small portion of the overall views from the upper floor balcony and living room, and the proposed additions will obstruct a small portion of the views across to Mosman Park and the Indian Ocean beyond.

With regard to those objectors who, whilst having made a written submission on the views issue, did not subsequently respond to Council's request to visit their property in order to help assess the potential impact in this regard, the following comments are made (notwithstanding the difficulty of making an assessment when the property owner declined to invite the reporting officer to conduct a site visit):

*23A View Tce*

16 View Terrace cannot be seen from the house on this property, and this will continue to be the case;

*21A View Tce*

16 View Terrace is an extremely minor portion of the peripheral view from this property;

*31 View Tce*

16 View Terrace is almost invisible to views from this property;

*15 View Tce*

16 View Terrace is a very minor portion of the view from this property;

*25 View Tce*

16 View Terrace cannot be seen from the house on this property, and this will continue to be the case.

**Conclusion**

The impact on property views by the upper floor additions varies depending on where views are obtained. Nevertheless in no case was it considered that there was a significant loss of significant views.

Opinions may be varied in regard to the appearance of the development however the positive views expressed by the members of TPAP are noted and it is concluded that it would be unreasonable to reject the application on purely



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aesthetic grounds, or on the basis that it will detrimentally affect amenity and the local streetscape.

**RECOMMENDATION**

That Council grant approval for the construction of additions to the single house at No. 16 (Lot 5) View Terrace, East Fremantle comprising a new kitchen on the ground floor with upper floor additions comprising a master bedroom, en-suite, library, living area, and balcony in accordance with the plans date stamp received on 18 February 2008 subject to the following conditions:

1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. the proposed 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.
4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*

Ms Martine Seminara speaking on behalf of her parents who reside at 23 View Terrace addressed the meeting on the significant impact on views this proposal will have in addition to the considerable impact already imposed on views by Council having previously approved the redevelopment of 18 & 26 View Terrace.

Mr Simon Bain (SJB Town Planning & Urban Design) and Mr Travis French of 19 View Terrace addressed the meeting reiterating comments made previously on the proposal and were of the view that the roof structure as proposed was a concealed roof.

Mr Mark Trupp (owner), Mr Andrea Vecchia-Scavalli (Matthews Architecture) and Mr Aaron Lohman (Greg Rowe & Associates) addressed the meeting in support of the proposal stating that the design is compliant having taken into account all relevant issues and adding that the roof structure as proposed was not a concealed roof.





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**RECOMMENDATION TO COUNCIL**

Cr de Jong – Cr Wilson

That Council grant approval for the construction of additions to the single house at No. 16 (Lot 5) View Terrace, East Fremantle comprising a new kitchen on the ground floor with upper floor additions comprising a master bedroom, en-suite, library, living area, and balcony in accordance with the plans date stamp received on 18 February 2008 subject to the following conditions:

1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. the proposed 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.
4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. this planning approval to remain valid for a period of 24 months from date of this approval.

**Footnote:**

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*

CARRIED

**T32. EN BLOC RECOMMENDATION TO COUNCIL**

Cr de Jong – Cr Olson

That Council adopts en bloc the following recommendations of the Town Planning & Building Committee Meeting of 8 April 2008 in respect to Items MB Ref: T32.1 to T32.4. CARRIED

**T32.1** *Osborne Road No. 27 (Unit 5)*  
*Applicant: Landscraft Construction*  
*Owner: Treena Vivian*  
*Application No. P35/08*

By Chris Warrener, Consultant Town Planner on 31 March 2008

**BACKGROUND**

**Description of Proposal**

An Application for Planning Approval for a 3.7m long x 2.7m wide x 3m high gable roofed patio fixed to the south side of Unit 5, 27-29 Osborne Road.

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**Statutory Considerations**

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

**Relevant Council Policies**

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

**Documentation**

Plans and relevant forms date stamp received on 7 February 2008

**Date Application Received**

7 February 2008

**Advertising**

Adjoining land owners only

**Date Advertised**

8 March 2008

**Close of Comment Period**

25 March 2008

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

60 days

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

1971	Strata Plan No. 521 registered for Units 1-24;
22 April 1974	Building Licence 96-97 approved for a roofed patio at the rear of Unit 19;
18 January 1983	Building Licence 094/608 approved for pergola at Unit 9;
16 March 1984	Building Licence 098/851 issued for a timber framed pergola at Unit 21;
30 March 1984	Building Licence 109/857 approved for a timber pergola at Unit 1;
21 May 2002	Council approves a Home Occupation – writing & editing service from Unit 14;
14 June 2004	CEO advises the owner of Unit 14 that the dividing wall between Unit 14 & Unit 15 is unstable;
17 April 2007	Council conditionally approves a patio to the rear of Unit 17;
26 June 2007	Building Licence 07/85 issued for flat roofed patio at Unit 17.

**CONSULTATION**

**Public Submissions**

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

**REPORT**

**Issues**

Boundary Setbacks

The proposed patio is set back 0.8m from the south side boundary common with 25 Osborne Road.

The RDC recommend a 1m setback.



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**Discussion**

The affected property owner has not objected, and the patio is not considered to have any detrimental impact on the amenity of 25 Osborne Road

**RECOMMENDATION**

That Council exercise its discretion in granting approval for a variation to the south side boundary setback pursuant to the Residential Design Codes from 1m to 0.8m for the construction of a 3.7m long x 2.7m wide x 3m high gable roofed patio fixed to the south side of Unit 5, 27-29 Osborne Road, East Fremantle in accordance with the plans date stamp received on 7 February 2008 subject to the following conditions:

1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. the proposed patio is not to be used until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
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 patio may not be enclosed without the prior written consent of Council.*

**RECOMMENDATION TO COUNCIL**

**That Council exercise its discretion in granting approval for a variation to the south side boundary setback pursuant to the Residential Design Codes from 1m to 0.8m for the construction of a 3.7m long x 2.7m wide x 3m high gable roofed patio fixed to the south side of Unit 5, 27-29 Osborne Road, East Fremantle in accordance with the plans date stamp received on 7 February 2008 subject to the following conditions:**

- 1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**



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2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. the proposed patio is not to be used until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
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 patio may not be enclosed without the prior written consent of Council.*

**T32.2**

**Fortescue Street No. 35 (Lot 1)**

**Applicant: Gerard McCann Architect**

**Owner: Phil Gleeson & Jacqui Sydes**

**Application No. P33/08**

By Chris Warrener, Consultant Town Planner on 31 March 2008

**BACKGROUND**

**Description of Proposal**

An Application for Planning Approval for ground floor additions to the rear of the single storey house at 35 Fortescue Street comprising a bedroom with en-suite, a bathroom, a laundry, family room and dining area, a shed with parapet walls on 2 side boundaries, a 0.57m high retaining wall along the south side boundary and an open aspect arbour structure in the front setback.

**Statutory Considerations**

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

**Relevant Council Policies**

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

**Documentation**

Plans and relevant forms date stamp received on 6 February 2008



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**Date Application Received**

6 February 2008

**Advertising**

Adjoining land owners only

**Date Advertised**

8 March 2008

**Close of Comment Period**

25 March 2008

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

61 days

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

31 January 1989	Building Licence approved for a custom orb roofed carport;
20 February 1989	Council grants conditional approval for the erection of an additional unit to the rear of 35 Fortescue Street;
3 May 1989	Town Clerk endorses Certificate of Local Authority for Strata Plan 17564;
16 May 1989	State Planning Commission certifies approval to Strata Plan No 17564;
1 May 1991	Building Licence 069/1809 approved for a bathroom addition.

**CONSULTATION**

**Town Planning Advisory Panel Comments**

This application was considered by the Town Planning Advisory Panel at its meeting held on 25 March 2008 and the following comments were made:

- a pleasant addition
- re-roof original house in zincalume
- tuckpointing of original house recommended

**Public Submissions**

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

**REPORT**

**Issues**

*Boundary Walls*

The proposed 2.7m long x 2.2m wide x 3.2m high flat roofed shed has 2 boundary walls, one on the north side boundary common with 33 Fortescue Street, and the other on the west side boundary common with 35A Fortescue Street.

Proposed Bedroom 1 has a 4.6m long x 5.7m high wall on the west side boundary, and the bathroom and ensuite have a 5.1m long x 4.4m high wall on the south side boundary common with the access leg to 35A Fortescue Street.

LPP 142 states:

*“(a) Walls are not higher than 3m and up to 9m in length up to one side boundary;”*



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*Boundary Setbacks* The shed and bedroom 1 are set back 0m, and the proposed family room and laundry are set back 1.5m from the west side (rear) boundary common with 35A Fortescue Street.

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

*Site Works* The application proposes a retaining wall along the south side boundary in the front setback that varies up to 0.65m above natural ground level.

The RDC state under Element 6 – Site Works:

*“A1.1 Excavation or filling between the street alignment and building, or within three metres of the street alignment, whichever is the lesser, not exceeding 0.5m, except where necessary to provide access for pedestrians or vehicles, or natural light for a dwelling.*

and

*“A1.4 Filling behind a street setback line and within one metre of a common boundary:*

- *not more than 0.5m above the natural level at the boundary; or*
- *retained in accordance with A2.”*

and

*“A2 Retaining walls set back from common boundaries in accordance with the setback provisions of Table 1, Table 2 and Figure 3.”*

The setback recommended under the RDC for the proposed retaining wall is 1m.

*Streetscape* The application proposes an “arbour” or pergola that is set back 3.5m from the front boundary.

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

**Discussion**

The strata titling of the subject land into 2 lots, one a rear battleaxe lot has left the property at 35 Fortescue Street with little area left at the rear to build additions, unless the additions were for an upper floor.

Upper floor additions could detract from the heritage value of the existing single storey house, which is described in Council’s MI as an interwar bungalow with federation influences, and it has a B- management category rating.

The MI states for a B-rated property:

*“Category B*

*Places of Considerable Local Heritage Significance*

*Considerable heritage significance at a local level; places generally considered worthy of high level of protection, to be retained and appropriately conserved; provide strong encouragement to owners under the Town of East Fremantle*



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*Planning Scheme to conserve the significance of the place. A Heritage Assessment / Impact Statement to be required as corollary to any development application. Incentives to promote heritage conservation may be considered where desirable conservation outcomes may be otherwise difficult to achieve."*

This application does not propose additions that could be considered to alter the appearance of the property viewed from Fortescue Street, except for the "arbour", and this particular element is considered to contribute to the attractive appearance of the property.

*Boundary Walls* The boundary walls are required to make efficient use of the limited space at the rear of the property for the proposed additions, they do not negatively impact on the amenity of any adjoining or nearby property and are supported.

The potentially affected property owners have not objected to these variations.

*Boundary Setbacks* The proposed reduced rear setback is largely unavoidable if the additions are to be confined to the ground floor.

This variation does not impact on the amenity of the potentially affected property and do not involve any major openings which could give rise to overlooking and/or privacy concerns, and are supported.

*Site Works* The retaining works to the front are proposed to level the front garden area to make it a more practical and useable space, and will, it is considered, make a positive contribution to the appearance of the property, and are therefore supported.

*Streetscape* Removal of the carport and its 'replacement' with the proposed "arbor" is considered to similarly make a positive contribution to the appearance of the property, and will be of some practical benefit in providing shelter for motor vehicles on site.

**RECOMMENDATION**

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

- (a) variation to Local Planning Policy 142 for walls along 4 side boundaries;
- (b) variation to the west side (rear) boundary setback pursuant to the Residential Design Codes from 6m to Nil and 1.5m for bedroom 1 and a shed, and a family room and laundry respectively;
- (c) variation to the front boundary setback pursuant to the Residential Design Codes for an arbor from 7.5m to 3.5m;
- (d) variation to the extent of site works in the front setback pursuant to the Residential Design Codes for a retaining wall along the south side boundary from 0.5m to 0.58m;

for the construction of additions to the rear of the single storey house at No. 35 (Lot 1) Fortescue Street, East Fremantle comprising a bedroom with en-suite, a bathroom, a laundry, family room and dining area, a shed with parapet walls on 2 side boundaries, a 0.58m high retaining wall along the south side boundary and an open aspect arbour structure in the front setback in accordance with the plans date stamp received on 6 February 2008 subject to the following conditions:

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



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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. the proposed additions are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
6. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
7. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
8. any new crossovers which are constructed under this approval to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
9. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
10. that the zincalume roofing be treated to Council's satisfaction to reduce reflectivity if requested by Council in the first two years following installation, at the owner's expense.
11. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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





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

**RECOMMENDATION TO COUNCIL**

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

- (a) **variation to Local Planning Policy 142 for walls along 4 side boundaries;**
- (b) **variation to the west side (rear) boundary setback pursuant to the Residential Design Codes from 6m to Nil and 1.5m for bedroom 1 and a shed, and a family room and laundry respectively;**
- (c) **variation to the front boundary setback pursuant to the Residential Design Codes for an arbor from 7.5m to 3.5m;**
- (d) **variation to the extent of site works in the front setback pursuant to the Residential Design Codes for a retaining wall along the south side boundary from 0.5m to 0.58m;**

**for the construction of additions to the rear of the single storey house at No. 35 (Lot 1) Fortescue Street, East Fremantle comprising a bedroom with en-suite, a bathroom, a laundry, family room and dining area, a shed with parapet walls on 2 side boundaries, a 0.58m high retaining wall along the south side boundary and an open aspect arbour structure in the front setback in accordance with the plans date stamp received on 6 February 2008 subject to the following conditions:**

1. **the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
2. **the proposed works are not to be commenced until Council has received an application for a 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. **the proposed additions are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
4. **all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.**
5. **all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.**
6. **all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.**
7. **where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.**



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8. any new crossovers which are constructed under this approval to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
9. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
10. that the zincalume roofing be treated to Council's satisfaction to reduce reflectivity if requested by Council in the first two years following installation, at the owner's expense.
11. this planning approval to remain valid for a period of 24 months from date of this approval.

**Footnote:**

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

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

T32.3

**Angwin Street No. 27 (Lot 45)**

**Applicant & Owner: Domenic Maddestra**

**Application No. P51/07**

By Chris Warrener, Consultant Town Planner on 31 March 2008

**BACKGROUND**

**Description of Proposal**

An Application for Planning Approval for a 9.2m long x 6.4m wide x 3m high double garage, a 9.5m long x 9.2m wide L-shaped swimming pool, a 3.7m long x 1.3m wide x 2.7m high toilet & shower room, and a 4.81m long x 4.4m wide x 4.5m high pitched roof pavilion.

**Statutory Considerations**

Town Planning Scheme No. 3 – Residential R12.5

Local Planning Strategy - Riverside 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 10 March 2008



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**Date Application Received**

10 March 2008

**Advertising**

Advertising was not undertaken because the proposal remains largely unchanged since the previously approved application, and the variations now sought especially in regard to the pavilion are considered to have less impact on adjoining properties.

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

28 days

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

- |                   |  |
|-------------------|--|
| 31 May 1985       | Closure of Richmond Street road reserve from north of Lot 8 (No 21) Angwin Street to Surbiton Road;  |
| 22 October 1986   | Easement registered to provide a right of carriageway over portion of Reserve 41519 (previously Richmond Street) for the purposes of providing vehicle access to 23 Angwin Street;   |
| 17 November 1986  | Easement registered to provide a right of carriageway over portion of Reserve 41519 (previously Richmond Street) for the purposes of providing vehicle access to 21 Angwin Street;   |
| 20 June 1994      | Council grants Planning Consent for a relaxation of setbacks for a bedroom and balcony additions at 27 Angwin Street;  |
| 19 September 1994 | Council refuses to grant Planning Consent for a laundry, garage and studio addition within front setback;  |
| April 1995        | Council resolves:<br>“(a) Council will not be responsible for the capital cost and maintenance cost of Surbiton Road on the northern boundary of Lot 45 nor the easement at the rear of lots 45, 46 and 47, as Council maintains Angwin Street, thus providing access to all properties, that is lots 45, 46, 47 and 8.<br>(b) that the road and easement as described in (a) be used for access only, and not for parking of any type of vehicle.<br>(c) any improvements to the road and easement be subject to Council's approval, and any other public authority.<br>Council's Town Planner is of the opinion that:<br>- a landscape plan for road and barrier fencing/parks & recreation plan needs to be adopted prior to converting a single dwelling access into a four dwelling access.<br>- Council may require a fee for the granting of any easement.” |
| 26 May 1995       | Council refuses to grant Planning Consent for a laundry, garage and studio addition within the front setback at 27 Angwin Street;  |
| 21 August 1995    | Council grants special approval for zero setbacks to the east and south boundaries and a relaxation of standards for a reduced setback for a secondary street for erection of a laundry, garage and studio at 27 Angwin Street;  |



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- 16 October 1995 Building Permit issued for the laundry, garage and studio;
- 15 February 2005 Council grants conditional approval for construction of a garage with access to Surbiton Road via Reserve 41519 and a rooftop garden to the rear/western boundary at 27 Angwin Street;
- 17 October 2006 Council conditionally approves a garage, store, swimming pool, WC & shower, pavilion, and boundary walls with setback and wall height variations.

**REPORT**

**Issues**

Boundary Walls

The application proposes the construction of a pavilion on the north side, and a toilet and shower on the south side each with boundary walls.

The pavilion boundary wall varies between 3.2m and 4m above natural ground level (NGL).

LPP 142 states:

*“(a) Walls are not higher than 3m and up to 9m in length up to one side boundary;”*

*South Side Boundary (common with 25 Angwin Street)*

The application proposes to replace the south side boundary fence with a boundary wall 17m long varying in height above natural ground level from 2.1m to 4.3m.

LPP 142 allows boundary walls which do not exceed 9m in length or 3m in height.

The proposed wall will overshadow 25 Angwin Street 11.25%.

*West Side Boundary (common with Reserve 41519)*

The existing masonry retaining wall and boundary fence on the west side boundary is proposed to be replaced with a boundary wall 13.2m long varying up to 4m high above natural ground level.

LPP 142 allows boundary walls which do not exceed 9m in length or 3m in height.

*North Side Boundary (common with Surbiton Road)*

The masonry fence on the north side boundary will be replaced by a boundary wall 16m long varying up to 4m high above natural ground level.

LPP 142 allows boundary walls which do not exceed 9m in length or 3m in height.

Local Planning Policy  
No. 143 - Fencing

The development that is the subject of the current application contains significantly fewer variations than were proposed in the application Council



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refused in March 2007.

LPP 143 states:

*The maximum height of any part of the fence is to be 1.8m.*

The proposed boundary walls on the north, south and west side boundaries are higher than 1.8m.

Boundary Setbacks

*Rear Boundary*

The proposed garage abuts the rear property boundary.

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

**Discussion**

Background

At its meeting held on 17 October 2006 Council granted conditional approval for variations to setbacks and building heights for a garage, store, swimming pool, WC & shower, pavilion, and boundary walls.

The approved plans are attached.

Due to being unable to reach agreement with DPI regarding access to the double garage from the reserved land adjacent to the west side boundary the current application is for similar facilities with access to the double garage from Surbiton Road on the north side.

The swimming pool has been reduced in size, and is no longer above the garage as it was in the previous plan, and the proposed pavilion (4.8m long x 4.4m wide x 4.5m high) is smaller than the approved pavilion (7.2m long x 4.2m wide x 4.7m high).

The length and height of the proposed boundary walls along the north, south and west sides remain unchanged since the previous application.

**RECOMMENDATION**

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

- (a) variation to the north side boundary for a parapet wall for a pavilion pursuant to Local Planning Policy 142 from 9m long x 3m high to 16m long varying up to 4m high;
- (b) variation to the west side/rear boundary setback pursuant to the Residential Design Codes for a garage from 6m to 0m;
- (c) variation to Local Planning Policy 143 – Fencing for a boundary fence higher than 1.8m on the south, west and north side boundaries;
- (d) variation to Local Planning Policy 142 for 2 boundary walls for a toilet and shower on the south side, and a pavilion on the north side;
- (e) variation to Local Planning Policy 143 for fencing higher than 1.8m on the north, south, and west sides;

for the construction of a 9.2m long x 6.4m wide x 3m high double garage, a 9.5m long x 9.2m wide L-shaped swimming pool, a 3.7m long x 1.3m wide x 2.7m high toilet & shower room, and a 4.81m long x 4.4m wide x 4.5m high pitched roof pavilion at No. 27 (Lot 45) Angwin Street, East Fremantle in accordance with the plans date stamp received on 10 March 2008 subject to the following conditions:

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



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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. the proposed garage, pavilion, swimming pool, toilet and shower are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
6. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
7. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
8. any new crossovers which are constructed under this approval to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
9. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
10. the proposed works are not to be commenced until approval from the Water Corporation has been obtained and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
11. protective barriers to be erected and maintained around excavation and any accumulated materials until such time as permanent fencing has been erected in accordance with the legal requirements.
12. pool installer and/or property owner to whom this licence is issued are jointly responsible for all works to existing fencing, the repairs and resetting thereof as well as the provision of any retaining walls that are deemed required. All costs associated or implied by this condition are to be borne by the property owner to whom the building licence has been granted.
13. pool filter and pump equipment to be located away from boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.
14. swimming pool is to be sited a distance equal to the depth of the pool from the boundary, building and/or easement, or be certified by a structural engineer and approved by Council's Building Surveyor.
15. prior to the issue of a building licence the applicant is to submit a report from a suitably qualified practising structural engineer describing the manner by



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which the excavation is to be undertaken and how any structure or property closer than one and half times the depth of the pool will be protected from potential damage caused by the excavation/and or the pool construction.

16. pool contractor/builder is required to notify Council's Building Surveyor immediately upon completion of all works including fencing.
17. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

**RECOMMENDATION TO COUNCIL**

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

- (a) **variation to the north side boundary for a parapet wall for a pavilion pursuant to Local Planning Policy 142 from 9m long x 3m high to 16m long varying up to 4m high;**
- (b) **variation to the west side/rear boundary setback pursuant to the Residential Design Codes for a garage from 6m to 0m;**
- (c) **variation to Local Planning Policy 143 – Fencing for a boundary fence higher than 1.8m on the south, west and north side boundaries;**
- (d) **variation to Local Planning Policy 142 for 2 boundary walls for a toilet and shower on the south side, and a pavilion on the north side;**
- (e) **variation to Local Planning Policy 143 for fencing higher than 1.8m on the north, south, and west sides;**

**for the construction of a 9.2m long x 6.4m wide x 3m high double garage, a 9.5m long x 9.2m wide L-shaped swimming pool, a 3.7m long x 1.3m wide x 2.7m high toilet & shower room, and a 4.81m long x 4.4m wide x 4.5m high pitched roof pavilion at No. 27 (Lot 45) Angwin Street, East Fremantle in accordance with the plans date stamp received on 10 March 2008 subject to the following conditions:**

- 1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- 2. the proposed works are not to be commenced until Council has received an application for a 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. the proposed garage, pavilion, swimming pool, toilet and shower are not to be utilised until all conditions attached to this planning approval**



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have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.

4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
6. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
7. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
8. any new crossovers which are constructed under this approval to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
9. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
10. the proposed works are not to be commenced until approval from the Water Corporation has been obtained and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
11. protective barriers to be erected and maintained around excavation and any accumulated materials until such time as permanent fencing has been erected in accordance with the legal requirements.
12. pool installer and/or property owner to whom this licence is issued are jointly responsible for all works to existing fencing, the repairs and resetting thereof as well as the provision of any retaining walls that are deemed required. All costs associated or implied by this condition are to be borne by the property owner to whom the building licence has been granted.
13. pool filter and pump equipment to be located away from boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.
14. swimming pool is to be sited a distance equal to the depth of the pool from the boundary, building and/or easement, or be certified by a structural engineer and approved by Council's Building Surveyor.
15. prior to the issue of a building licence the applicant is to submit a report from a suitably qualified practising structural engineer describing the manner by which the excavation is to be undertaken and how any structure or property closer than one and half times the depth of the pool will be protected from potential damage caused by the excavation/and or the pool construction.
16. pool contractor/builder is required to notify Council's Building Surveyor ***immediately upon completion of all works*** including fencing.





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

**Footnote:**

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

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

**T32.4 Oakover Street No. 78 (Lot 314)**

**Applicant:** Guy Mazzeo

**Owner:** Mario Taranto

**Application No.** P66/08

By Chris Warrener, Consultant Town Planner on 31 March 2008

**BACKGROUND**

**Description of Proposal**

An Application for Planning Approval for ground floor additions to the single storey house at 78 Oakover Street comprising a double garage, hall, pantry, kitchen, meals, family room, master bedroom with en-suite, laundry and 2 verandahs.

**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. 142 – Residential Development (LPP 142)

**Documentation**

Plans and relevant forms date stamp received on 19 February 2008

**Date Application Received**

19 February 2008

**Additional information**

Open space calculation provided by the applicant on 27 March 2008.

**Advertising**

The applicant provided plans signed by the potentially affected property owners stating 'no objections'.

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

48 days

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

15 June 1982: Building Licence 175/717 issued for a steel framed and clad garage;  
18 October 1993 Council grants special approval to erect additions including a parapet wall for a garage;  
21 March 2006 Council grants approval for a variation to wall height for 2-storey additions to the single storey house at 78 Oakover Street.

**CONSULTATION**

**Site Inspection**

By Consultant Town Planner on 24 April 2006

<b>STATISTICS</b>	<b>Required</b>	<b>Proposed</b>
Land Area		981m <sup>2</sup> Existing
Open Space	55%	64% Acceptable
Zoning		R12.5
<b>Setbacks:</b>		
Front (west)		
Garage	7.50	11.00 Acceptable
Rear (east)		
Ensuite	6.00	8.73 Acceptable
Master Bedroom & Verandah	6.00	10.00 Acceptable
Side (north)		
Verandah	1.50	7.70 Acceptable
Hall	1.00	10.10 Acceptable
Verandah	1.50	8.30 Acceptable
Meals	1.50	7.20 Acceptable
Garage	Nil	LPP 142 Nil Acceptable
Side (south)		
Pantry	1.00	3.10 Acceptable
Conservatory	1.50	1.06 <b>Discretion Required</b>
Laundry	1.00	3.10 Acceptable
WIR & Ensuite	1.00	1.80 Acceptable



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<b>Height:</b>		
Wall	6.00	4.00 Acceptable
Building	9.00	6.20 Acceptable
Parapet Wall Height	3.00	3.00 Acceptable

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**REPORT**

**Issues**

Boundary Setbacks

The wall for a proposed conservatory is set back 1.06m from the south side boundary common with 80 Oakover Street.

The RDC recommend a 1.5m setback.

**Discussion**

This application is for single storey additions to the house at 78 Oakover Street for which Council had on 21 March 2006 approved 2-storey additions.

The current proposal is not dissimilar from the previous application in regard to the north and south side boundary setbacks, and in particular the south side boundary setback variation which Council previously supported (the potentially affected adjoining property owner has not objected to this variation).

The application if implemented will result in the restoration and retention of the existing single storey house to the front and the local streetscape will be retained.

This type of development is supported because it retains the existing housing stock, which contributes to the character and amenity of the Woodside precinct.

**RECOMMENDATION**

That Council exercise its discretion in granting approval for a variation to the south side boundary setback pursuant to the Residential Design Codes from 1.5m to 1.06m for the construction of ground floor additions to the single storey house at No. 78 (Lot 314) Oakover Street, East Fremantle comprising a double garage, hall, pantry, kitchen, meals, family room, master bedroom with en-suite, laundry and 2 verandahs in accordance with the plans date stamp received on 19 February 2008 subject to the following conditions:

1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. the proposed extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of



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fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.

6. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
7. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
8. any new crossovers which are constructed under this approval to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
9. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
10. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
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- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*

**RECOMMENDATION TO COUNCIL**

**That Council exercise its discretion in granting approval for a variation to the south side boundary setback pursuant to the Residential Design Codes from 1.5m to 1.06m for the construction of ground floor additions to the single storey house at No. 78 (Lot 314) Oakover Street, East Fremantle comprising a double garage, hall, pantry, kitchen, meals, family room, master bedroom with en-suite, laundry and 2 verandahs in accordance with the plans date stamp received on 19 February 2008 subject to the following conditions:**

1. **the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**



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2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. the proposed extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
6. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
7. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
8. any new crossovers which are constructed under this approval to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
9. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
10. this planning approval to remain valid for a period of 24 months from date of this approval.

**Footnote:**

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

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(e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*

**T33. REFERRED BUSINESS (NOT INCLUDED ELSEWHERE)**

Nil.

**T34. BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING**

**T34.1 Vote of Appreciation**

Cr de Jong – Mayor Ferris

That the Town Planner, Chris Warrener, be complimented on the excellent and diligent work he has undertaken recently, particularly with respect to some very challenging applications that have been before Council.

CARRIED

**T35. CLOSURE OF MEETING**

There being no further business the meeting closed at 8.00pm.

*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 **8 April 2008**, Minute Book reference **T24. to T35.** were confirmed at the meeting of the Committee on*

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**Presiding Member**