



19 June 2012

MINUTES

MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 19 JUNE 2012 COMMENCING AT 6.35PM.

134. DECLARATION OF OPENING OF MEETING

The Deputy Mayor (Presiding Member) declared the meeting open.

134.1 Present

Cr A Wilson	Presiding Member
Cr C Collinson	
Cr B de Jong	
Cr B Lilleyman	
Cr S Martin	
Cr M Rico	
Mr S Wearne	Chief Executive Officer
Mr L Mainwaring	Executive Manager Finance & Admin
Mr J Douglas	Manager Planning Services (To 8.20pm)
Ms J May	Minute Secretary

135. ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member made the following acknowledgement:

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

136. WELCOME TO GALLERY AND INTRODUCTION OF ELECTED MEMBERS AND STAFF

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

137. RECORD OF APPROVED LEAVE OF ABSENCE

(It was noted Cr Wilson had previously been granted leave of absence for this meeting but was in attendance).

138. RECORD OF APOLOGIES

Mayor Ferris
Cr Nardi
Cr Olson would be arriving late to the meeting.

139. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

139.1 Review of Local Planning Strategy & Town Planning Scheme No 3

Mr Eugene Ferraro presented an overview of his progress to date in regard to the review of the Local Planning Strategy and Town Planning Scheme No 3.

140. PUBLIC QUESTION TIME

Nil.

141. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

142. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

142.1 Council Meeting – 5 June 2012

Cr Lilleyman – Cr Martin

That the Minutes of the Council Meeting held on 5 June 2012 be confirmed.

CARRIED

143. ANNOUNCEMENTS BY DEPUTY MAYOR WITHOUT DISCUSSION**143.1 G & S Keely**

The Deputy Mayor read the following email from Gina Keely:

On behalf of my son, Benjamin, who lives at 54 King Street, I would like to thank Dave and his team for their understanding and help during the recent upgrade to the footpaths in King Street. First of all, what a great job was done by all and what a difference the work has made! Not only do the paths look good, but as a power-chair user, Benjamin can now move about his immediate community much more comfortably and safely. The special efforts to keep us informed about the progress of the works and making sure that he had access to his home during the works was greatly appreciated, as were the finishing touches to Ben's driveway.

We are looking forward to the planting of his verge tree – a jacaranda – and also to the resealing of King Street, which I understand is scheduled for the new financial year.

Kind regards

Gina Keely

144. QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN WITHOUT DISCUSSION BY COUNCIL MEMBERS

Nil.

145. MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN BY COUNCIL MEMBERS

Nil.

146. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)**146.1 Allen Street No 80 (Lot 21)**

B Oxlade: Objecting to proposed 3.3m-3.6m wall on the solar pergola at 80 Allen Street which will impact on light currently enjoyed to laundry, kitchen, bathroom and one bedroom.

Cr Martin – Cr Lilleyman

That the correspondence from B Oxlade be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 148.3). CARRIED

146.2 Planning & Development Services – Status Report

P Nairn: Providing comments on Council's draft Residential Design Guidelines and in particular the omission of the Town Centre from these guidelines.

Cr Martin – Cr Lilleyman

That the correspondence from P Nairn be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 150.1). CARRIED

147. ORDER OF BUSINESS

Cr de Jong – Cr Lilleyman

That the order of business be changed to allow members of the public to address planning issues. CARRIED

148. REPORTS OF OFFICERS - STATUTORY PLANNING/DEVELOPMENT CONTROL

148.1 Canning Highway No. 1 (Lot 14) – Change of Use- Boat Sales and Hire

Applicant: Ron Doherty

Owner: Main Roads WA

Application No. P43/2012

By Jamie Douglas, Manager, Planning Services on 22 May 2012

PURPOSE OF THIS REPORT

This report considers an application for a change of use for a vacant (former Kennards Hire) property at 1 Canning Highway to allow the establishment of a Boat and Kayak Retail and Hire business and recommends conditional approval of the application.

BACKGROUND

Description of site

The subject site is:

- a 736m² corner lot
- zoned Residential R20 (additional use designation - Schedule 2)
- vacant
- located in the Plympton Precinct.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5

Relevant Council Policies

LPP- Town Centre Redevelopment Guidelines

Impact on Public Domain

Tree in verge : No impact

Light pole : No impact

Crossover : Existing crossover

Streetscape : The site is currently decadent its re-use will potentially enhance the streetscape.

Documentation

Plans and forms date stamp received on 27 March 2012 and further plans and information received on 12 April & 22 May 2012.

Date Application Received

27 March 2012

Site Inspection

By Manager, Planning Services on 22 May 2012

CONSULTATION

Agency Referral

The application was referred to Main Roads WA (who also own the site) since it fronts the Canning Highway. The agency advises that the proposal is acceptable subject to the following conditions being imposed:

1. *No stormwater drainage shall be discharged onto the Canning Highway.*
2. *No vehicle access shall be permitted onto the Canning Highway reserve.*

The site is accessed from East Street and existing drainage and on site developments will not be changed so there is no impediment to the imposition of these conditions of approval.

19 June 2012

MINUTES

Advertising

The application was advertised to surrounding neighbours for a two week period between the 19 April and 4 May 2012. At the close of advertising one submission were received from the owners of 2 East Street, which is detailed and responded to below:

Submission	Planning Response
<p>G & L Cary 2 East Street</p> <p>A potential concern relates to the possibility of fibreglass work or repairs being carried out at the premises. This sort of activity could potentially produce odours and dust that are undesirable in a residential setting. A greater potential for fire could also relate to this sort of work. We have no idea whether this sort of work is planned.</p> <p>Having said this, we feel sure that these matters can be dealt with, with relative ease and therefore wish the new venture every success.</p>	<p>The applicant has confirmed that the proposal only entails retail and hire of boats and equipment. No repair activities are proposed.</p> <p>The use will in any event be subject to the requirements of the Environmental Protection Act in respect to any generation of noise, odour or particle fallout affecting residential amenity.</p>

Town Planning Advisory Panel Comments

This application was not considered by the Town Planning Advisory Panel as no new works are proposed.

ASSESSMENT**Development Description**

The proposal is for a change of use to allow the establishment of a business selling and hiring trailer boats and kayaks and retailing boating accessories. The proposal does not incorporate any development and it is proposed to re-use existing buildings, fencing signage, lighting, hardstand areas and parking established for the previous equipment hire business. The property is to be leased from Main Roads WA and accordingly the Department will retain ultimate control over the site in respect to any future road widening requirements.

The proposed business will employ 3 full time employees and 1 part-time employee (although not all will be present at the same time as the business will be trading seven days a week) and six parking bays are provided on-site. The hours of operation will be 8:30am to 5:30pm. Monday to Saturday and 10am to 4pm on Sunday.

Land Use

The subject site is zoned 'Residential' but is also included in Schedule 2 : Additional Use Sites, where it is indicated that mixed use development would also be permitted. As stated the subject site has previously been used as an equipment hire depot however since it has been vacant in excess of six months, the associated 'non-conforming use rights' have lapsed pursuant with clause 4.11 of the Scheme. The proposed use is defined as 'motor vehicle boat and caravan sales' which is an unlisted 'discretionary use' within the Residential zone. Clause 4.4.2 of the Scheme refers to such uses as follows:

4.4.2 *If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within any use class in the Table, the local government may:*

- (a) *determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or*
- (b) *determine that the use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of clause 7.5 in considering an application for planning approval; or*
- (c) *determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.*

It is considered that the use is not inconsistent with the objectives and purpose of the zone and accordingly the provisions of Clause 4.4.2 (b) are applicable.

While the Scheme provides general objectives for the Residential zone, the subject land is also included in the LPP- Town Centre Redevelopment Guidelines which provide more specific direction for development. The lot is included in the 'Frame Precinct' which is intended as a transition between the commercial uses of the town centre and surrounding residential areas. The 'Frame Precinct' objectives focus on residential uses at appropriate complementary densities rather than intense commercial uses that may fragment or detract from the heart of the Town Centre.

The proposed boat sales yard use is a highly specific commercial activity that will not cater to 'everyday' commercial needs. Town Centres are typically anchored by 'everyday' businesses, particularly supermarkets that attract high visitation and become the hub of activity in the centre. The boat sales yard will not undermine the primacy of such uses in the Town Centre as it will not have the same intensity of activity or deflect customers from the centre. Notwithstanding this, the Guidelines provide that development in the 'Frame Precinct' should be predominantly residential. It must be acknowledged that achieving this land use objective will occur over the mid-term (in excess of 5 years) and a necessary transition period will occur as the town centre redevelopment achieves a critical mass. Further, the current land tenure situation for the subject site (owned by Main Roads) is not conducive to redevelopment. It is unlikely that Main Roads will seek to redevelop the site for residential purposes.

An interim use that utilises the existing commercial building may alleviate the potential negative impacts of a vacant building in a prominent location (streetscape, vandalism). The proposed boatyard will achieve this while having a minimal impact on adjoining dwellings. The business will not have extended or antisocial opening hours, will not attract visitor numbers likely to impact on adjoining residences, and does not generate noise or odour. In this regard the use can be considered a low-impact use that does not undermine the residential zone, in accordance with the objectives of the Scheme. To satisfy the objectives of the Town Centre Redevelopment Guidelines, it is recommended that any approval be considered on a temporary basis through the transition phase of redevelopment. A period of four years would be an appropriate period for redevelopment to gain momentum and also be consistent with the advice provided by Main Roads. At the conclusion of this period Council would have the option to reassess the use against any future Scheme/policy objectives and the progress of redevelopment, and approve or refuse as appropriate at that future time.

Car Parking

At a site visit it was confirmed that there are six marked bays currently on-site, and the car parking assessment has been undertaken on this basis. Schedule 11 of TPS No. 3 provides car parking requirements for different land uses including "boating sales premises". The following table outlines the car parking calculation for the proposed change of use.

Schedule 11	Car Parking Bays Required
1 space for every 100m ² display area	468.6m ² display area = 5 spaces
1 space for every employee	4 employees = 4 spaces
Minimum 4 spaces	>4 spaces
<i>TOTAL</i>	<i>9 spaces</i>
Provided	6 spaces
<i>Shortfall</i>	<i>3 spaces</i>

Based on the above, there is a car parking shortfall of 3 spaces for the proposed use. It is noted that the car parking on site serviced the previous approved use of a hire yard. While it has not been possible to ascertain if a shortfall was approved when this use was commenced, it is recognised that the previous use and proposed use are similar in the nature of the service they provide and likely visitation numbers. The car parking shortfall



19 June 2012

MINUTES

is unlikely to have a greater impact on the locality than vehicle traffic to previous approved uses has had. Further, if the use is to be approved for a finite period, Council can review the car parking situation in the future and require more car parking if this is needed at the time. It is recommended that the car parking shortfall be approved.

Signage

The applicant has advised that his intention is to use the existing signage on the site and replace the existing advertising content with his own business branding, and no additional signage is proposed. Schedule 5 of TPS No. 3 provides that signage for commercial buildings is exempt from requiring planning approval where the sign is painted or flush-mounted to the building and complies with several criteria. The existing signage on site includes flush-mounted signage but also a pylon sign that is not exempt from approval however, given it is only intended to change the content of these signs and not erect new signs, approval of the signage is not required.

CONCLUSION

The Scheme provisions allow for the consideration and approval of the proposal notwithstanding the Residential Zoning of the subject site. The reuse of an established commercial site will not materially impact upon surrounding residential amenity and will improve the streetscape impact of the currently decadent and un-used corner site.

No new development is proposed and existing access and car parking facilities are to be utilised. It is considered the proposal merits conditional approval for a specified period.

RECOMMENDATION

That Council exercise its discretion in varying the car parking requirements of the Town Planning Scheme No. 3 to temporarily permit on-site car parking provision of 6 bays and a car parking shortfall of 3 bays, for the period of validity of the approval, to allow a proposal for a change of use of Lot 14, Number 1 Canning Highway, East Fremantle as a boat and boating accessory retail and hire premises subject to the following conditions:

1. The approval is valid for a period of five years from the date of this approval. At the conclusion of this period the use is to be ceased and the site made good to the satisfaction of the Chief Executive Officer unless an application for renewal of the planning permit has been approved by Council.
2. No storm water drainage shall be discharged onto the Canning Highway.
3. No vehicle access shall be permitted onto the Canning Highway reserve.
4. A minimum of six on site car parking spaces shall be provided with at least four of these spaces available for customer parking at all times during trading hours.
5. The use shall not entail any activity constituting a 'nuisance' in respect to neighbouring residential properties pursuant with the Environmental Protection Act.
6. The proposed use is not to be commenced until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
7. Prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved by the Chief Executive Officer. (*footnote (d) refers*).

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.*
- (c) *all noise levels produced by the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to*

19 June 2012

MINUTES

\$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document–“An Installers Guide to Air Conditioner Noise”.

Mr Doherty (applicant) addressed the meeting in support of his proposal.

Cr Martin – Cr de Jong

That Council exercise its discretion in varying the car parking requirements of the Town Planning Scheme No. 3 to temporarily permit on-site car parking provision of 6 bays and a car parking shortfall of 3 bays, for the period of validity of the approval, to allow a proposal for a change of use of Lot 14, Number 1 Canning Highway, East Fremantle as a boat and boating accessory retail and hire premises subject to the following conditions:

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7. Prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved by the Chief Executive Officer. (*footnote (d) refers*).

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- (d) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document–“An Installers Guide to Air Conditioner Noise”.*

CARRIED

148.2

Dalgety Street No. 80 (Lot 92)**Applicant: Richard Gill****Owner: A & S house****Application No. P635/12**

By Jamie Douglas, Manager Planning Services, on 5 June 2012

PURPOSE OF THIS REPORT

This report recommends the conditional approval of a development application for demolition of an existing dwelling and construction a new single dwelling and swimming pool at 80 Dalgety Street, East Fremantle.



19 June 2012

MINUTES

BACKGROUND

Description of site

The subject site is:

- a 1012m² freehold lot
- zoned Residential 12.5
- located in the Woodside Precinct
- improved with a single dwelling

Statutory Considerations

Town Planning Scheme No. 3 – Residential R20
Residential Design Codes of Western Australia (RDC)

Relevant Council Policies

Local Planning Policy No. 066 : Roofing
Local Planning Policy No. 142 : Residential Development
Local Planning Policy No 143 : Local Laws Relating to Fencing
Local Planning Policy No 123 : Footpaths & Crossovers

Impact on Public Domain

Tree in verge : The proposal would result in the loss of a street tree
Light pole : No impact
Crossover : A double crossover proposed - apply standard condition
Footpath : Apply standard condition
Streetscape : Demolition of existing dwelling and development of new dwelling will significantly change the existing streetscape

Documentation

Application Plans and relevant forms date stamped received on 27 April 2012

Date Application Received

27 April 2012

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

No records on file

CONSULTATION

Advertising

The plans were advertised for public comment from 1 May to 15 May 2012. No submissions were received.

Town Planning Advisory Panel Comments

The application was considered by the Panel at its meeting of 22 May 2012. The Panel made the following comments:

- Panel recommends some photographic record of the existing residence and current floor plan be supplied for Council's archives to the satisfaction of the CEO.
- Gatehouse is not supported.
- Consider streetscape impact of double garage.
- Consider redesign of roof to reduce impact of double garage.
- Proposal should be fully compliant.
- Panel doesn't support double-crossover.
- Panel doesn't support the loss of the street tree.
- Further details and an explanation of proposed materials are required (Colour/texture/finish).

The issues raised by the Panel were responded to by the applicant's designer in a letter received on 30 May 2012. This submission is summarised and responded to below.

Issue	Response by Author
We will forward photographic records as requested	Noted and addressed by condition.
The Gate House is desired by applicants- there similar structures in the vicinity – will blend with streetscape.	The structure is not provided for under existing LPP. Site inspections reveal arbours constructed at front entrances to 28, 37 and 67 Dalgety – these are different in form and scale to the proposed ‘Porch Gate’. A similar feature exists at No. 19- Dalgety House however this is an established architectural feature which contributes to the heritage significance of the property and pre-dates current design guidelines.
Have amended plans to show double gable above the garage – also intend to provide a ‘traditional style garage panel lift door to complement the elevation.	The proposed changes will reduce dominance of the garage in the façade. The detail of the garage door should be subject to an approval condition.
Next door (No 78 Dalgety) has a double crossover and driveway and this sets a precedent – double drive will provide temporary guest parking, parking on street would add to congestion and also be dangerous.	The approval for No 78 was issued in May 1992 and pre-dates current cross-over policy which was adopted in 1994. Double crossovers reduce curb side parking and verge green space. It is a false expectation that visitors should be able to access off street parking. Curb side parking in local streets is quite safe, does not cause congestion and acts to reduce traffic speeds.
Street trees are not proposed to be removed.	Noted but double crossover and driveway would intrude substantially under the existing canopy.
Colour scheme submitted	This is acceptable.

Site Inspection

By - Manager Planning Services on 18 May 2012.

ASSESSMENT

The following table clarifies the proposal’s performance in respect to the R-Codes and Planning Policies.

Key: A = Acceptable, D = Discretion

Site:	Required	Proposed	Status
Open Space	55%	59.8%	A
Site Works	Less than 500mm	Less than 500mm	A
Local Planning Policies:			
Policy 142	Issues		
Roof	Gable, hip, 28 degrees, tile		A
Solar Access & Shade	Living areas face north		A
Drainage	To be conditioned		A
Views	N/A		
Verge Trees	Proposal would remove 1 of 2 verge trees		D
Policy 143 Fences	Compliant		A
Policy 123 Crossovers	Double crossover proposed		D
Other:			
	Issues		Status
Overshadowing	18.6% over 82A Dalgety Street		A
Privacy/Overlooking	Nil		A
Height:			
	Required	Proposed	Status
Wall	6.0	3.7	A
Ridge	9.0	6.4	A
Roof type	Gable, hip		

Setbacks:							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
Front (west)							
<i>Ground</i>	Dwelling	N/A	N/A	N/A	Consistent with street	6.7	A
	Gatehouse	N/A	N/A	N/A	Consistent with street	0.8	D
	Garage	N/A	N/A	N/A	At or behind main building line	At or behind main building line	A
Rear (east)							
	Dwelling	N/A	N/A	N/A	6.0	11.7	A
Side (north)							
<i>Ground</i>	Garage	3.2	8.0	N	1.0	1.0	A
	Ensuite	3.2	3.5	N	1.0	1.35	A
	Dwelling	3.2	30.9	Y	1.5	4.1	A
Side (south)							
<i>Ground</i>	Dwelling	3.2	27.4	Y	1.5	1.1 (dining recess); 1.5 (balance)	D

* Wall length as calculated for assessment purposes

ASSESSMENT

Demolition

The existing dwelling is a rendered single storey bungalow circa 1950s which, although not significant from a heritage perspective, is nevertheless a representative example of a period from which existent dwellings are rapidly diminishing. The house appears in sound and habitable condition however its modest architecture and proportions and central location on a large 1012m² lot mitigate against its retention.

In light of the above, the TPAP’s recommendations that a comprehensive photographic record of the existing residence and current floor plan be undertaken prior to demolition and appropriately archived are supported.

Proposed Dwelling

The proposed design is substantially compliant with all R-Code and Residential Development Policy requirements except in respect to minor variations proposed to the side boundary setback and front setback provisions and the proposed double cross-over. The proposed double crossover would result in the loss of one of two street trees along the frontage.

The TPAP comments that the proposed dwelling should be amended so it is compliant in all respects. Given the size of the lot and proposed building this can be achieved with only minor redesign changes. Accordingly it is considered the proposed 5 metre wide driveway and 8 metre wide cross over should not be approved. The cross-over should be required to conform with the Policy’s standard crossover width of 3 metres. Both street trees at the lot frontage should also be retained without pruning.

The proposed ‘Gate House’ structure which is to be setback only 840mm of the front boundary does not comply with the front setback requirement of the Residential Development Policy. It is not considered to contribute to the streetscape and any variation of the Policy would set a detrimental precedent for other similar structures. It is considered the ‘Gate House’ should not be approved.

The proposal seeks a minor variation to the southern side boundary setback requirements from 1.5m to 1.14m for a 3m. long portion of the dining room wall. This wall has no windows facing the neighbouring property and an allowance of a variation would not impact visual privacy or overshadowing to the neighbour but would tend to provide some relief in an otherwise featureless. This variation is supported.

The proposed double garage is compliant with the setback provisions of the Residential Development Policy and is less than 50% of the total width of the proposed dwelling and therefore complies with the R-Code requirements. It nevertheless is a prominent feature in the front façade of the proposed building. It is considered the applicant's proposed amended elevation and door detail will sufficiently mitigate this prominence. However the final construction detail of the garage door will necessarily be the subject of a condition of planning approval.

The proposed swimming pool complies with relevant side and rear setback requirements however the location of the pool pump is not shown and this will be the subject of a condition of any approval.

CONCLUSION

The proposal to demolish the existing dwelling is supported subject to a comprehensive photographic record being undertaken of the existing structure. The proposed new dwelling is supported subject to the removal of the 'gate house' structure and the reduction in the cross-over width, the retention of the two street trees and amended front elevation in respect to the proposed double garage.

RECOMMENDATION

That Council approve the demolition of the existing dwelling and exercise its discretion in granting approval for a variation to the side setback requirements of the Residential Design Codes of Western Australia to permit a 1.14m setback from the dining room wall to the southern side boundary for the construction of single dwelling and swimming pool at No. 80 (Lot 92) Dalgety Street, East Fremantle, in accordance with the plans date stamped received on 27 April 2012, subsequent additional information and revised plan date stamp received on 30 May 2012 and subject to the following conditions:

1. Prior to the issue of a Demolition Permit a comprehensive photographic survey and written description of the existing structure and the compilation of relevant plans and information associated with the construction of the structure shall be compiled by a suitably qualified Heritage Consultant and approved to the satisfaction of the Chief Executive Officer.
2. Prior to the issue of a Building Permit, amended plans being submitted and approved which do not include the 'Gate House' and dual crossover and in all over respects demonstrate compliance with the Part 2 clause (iii) of the Local Planning Policy No. 142 Residential Development in relation to front setbacks and Local Planning Policy No 123 Council Policy for Footpaths & Crossovers in relation to the crossover and driveway width;
3. The existing two street trees located at the front of the subject property shall be retained and shall not be pruned or otherwise modified without the prior consent of Council.
4. Details of the proposed double garage doors are to be submitted and approved to the satisfaction of the Chief Executive Officer prior to the issue of a Building Permit.
5. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
6. The proposed works are not to be commenced unless there is a valid Demolition Permit and Building Permit and the Demolition Permit and Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
7. With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.

8. The proposed development is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
9. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building permit.
10. 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.
11. prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved to the satisfaction of the Chief Executive Officer. (*refer footnote (g) below*).
12. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
13. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
14. 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.
15. 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 permit has been granted.
16. 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.
17. Swimming pool is to be certified by a structural engineer and approved by Council's Building Surveyor.
18. Pool contractor/builder is required to notify Council's Building Surveyor *immediately upon completion of all works* including fencing.
19. 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 permit is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*



19 June 2012

MINUTES

- (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) with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.
- (f) matters relating to dividing fences are subject to the Dividing Fences Act 1961.
- (g) under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the **installer** of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air-Conditioner Noise".

Mr & Mrs House addressed the meeting requesting Council give consideration to the retention of the proposed Gate House, or a similar structure, and the double garage.

Cr Martin – Cr de Jong

That Council approve the demolition of the existing dwelling and exercise its discretion in granting approval for a variation to the side setback requirements of the Residential Design Codes of Western Australia to permit a 1.14m setback from the dining room wall to the southern side boundary for the construction of single dwelling and swimming pool at No. 80 (Lot 92) Dalgety Street, East Fremantle, in accordance with the plans date stamped received on 27 April 2012, subsequent additional information and revised plan date stamp received on 30 May 2012 and subject to the following conditions:

1. Prior to the issue of a Demolition Permit a comprehensive photographic survey and written description of the existing structure and the compilation of relevant plans and information associated with the construction of the structure shall be compiled by a suitably qualified Heritage Consultant and approved to the satisfaction of the Chief Executive Officer.
2. Prior to the issue of a Building Permit, amended plans being submitted and approved which do not include the 'Gate House' and dual crossover and in all over respects demonstrate compliance with the Part 2 clause (iii) of the Local Planning Policy No. 142 Residential Development in relation to front setbacks and Local Planning Policy No 123 Council Policy for Footpaths & Crossovers in relation to the crossover and driveway width;
3. The existing two street trees located at the front of the subject property shall be retained and shall not be pruned or otherwise modified without the prior consent of Council.
4. Details of the proposed double garage doors are to be submitted and approved to the satisfaction of the Chief Executive Officer prior to the issue of a Building Permit.
5. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
6. The proposed works are not to be commenced unless there is a valid Demolition Permit and Building Permit and the Demolition Permit and Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
7. With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
8. The proposed development is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
9. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief



19 June 2012

MINUTES

Executive Officer in consultation with the Building Surveyor prior to the issue of a building permit.

10. 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.
11. prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved to the satisfaction of the Chief Executive Officer. (*refer footnote (g) below*).
12. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
13. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
14. 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.
15. 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 permit has been granted.
16. 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.
17. Swimming pool is to be certified by a structural engineer and approved by Council's Building Surveyor.
18. Pool contractor/builder is required to notify Council's Building Surveyor immediately upon completion of all works including fencing.
19. 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 permit is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*

- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (f) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (g) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air-Conditioner Noise".*
- CARRIED

148.3

Allen Street No. 80 (Lot 21)**Applicant: IRW Design****Owner: Clinton Kessey and Elizabeth Cumming****Application No. P54/2012**

By Christine Catchpole, Town Planner, on 30 May 2012

PURPOSE OF THIS REPORT

This report recommends conditional approval of a Development Application for a two storey extension and construction of garage and games room, including partial demolition of the existing dwelling, garage, sheds and outbuildings at No. 80 Allen Street, East Fremantle.

BACKGROUND**Description of site**

The subject site is:

- a 1088m² freehold lot
- zoned Residential R12.5
- located in the Woodside Precinct

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5

Residential Design Codes of Western Australia (RDC)

Relevant Council Policies

Local Planning Policy No. 142 : Residential Development (LPP142)

Local Planning Policy No. 012 : Pergolas (LPP 012)

Impact on Public Domain

- Tree in verge : No impact
- Light pole : No impact
- Crossover : No impact
- Footpath : No impact
- Streetscape : Alterations to existing heritage dwelling

Documentation

Plans and relevant forms date stamped received on 7 May 2012

Water Corporation correspondence dated 23 April 2012

Submission in support of the Application date stamped received 7 May 2012

Additional Plans and Information (including Finishes Schedule) date stamped received 5 June 2012

Date Application Received

10 April 2012

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

The Water Corporation has advised that a 150VC sewer main up to 4.5 metres deep running on a 0.90 metre alignment is located inside the rear eastern boundary. The proposed building is to have minimum setbacks from the sewer main of 2.5 metres to be clear, or no closer than 1.0 metre with piles under the foundations to below the sewer main invert level. With a setback of 3.070 metres from the rear boundary piles will be required under the foundations.

The Water Corporation has specified that a condition of planning approval be imposed that requires official building approval by the Corporation prior to commencement of construction.

CONSULTATION

Advertising

The application was advertised to surrounding neighbours from 19 April to 4 May 2012. Two submissions were received during this period. One from the rear adjoining owner at 81 Dalgety Street and the other from the adjoining property at 78 Allen Street; both raised concerns about the proposal.

Neighbour Submission	Applicant Response	Planning Comments
<p>78 Allen Street (north) Northern boundary wall too imposing in terms of height and scale resulting in natural light being blocked to a bedroom, bathroom and laundry all of which have only one window facing the boundary.</p> <p>Infill is indicated in the northern boundary of more than 500mm and as such a boundary retaining wall is considered necessary to ensure no future issues with ground levels being altered by the proposal.</p> <p>Balcony on the northern side requires screening louvers or obscured glass as it faces a bedroom window and overlooks the property.</p>	<p>Pergola lowered by 900mm along the 7.2 metre length of the boundary to 3.1 metres.</p> <p>Assuming adjoining owner means excavation rather than fill – considered that the minor excavation in this area will pose very little risk to the neighbour, however, will consult with engineer in the construction drawing phase.</p> <p>As requested installation of fixed screening louvres along the northern face of the balcony.</p>	<p>Supported, however, it is noted amended plans (5.6.12) show an average wall height of ~3.5 metres. The proposed wall abuts a two storey extension on the adjoining lot and is not believed to reduce amenity of the lot, limit light, outlook or overshadow. Only non-habitable windows face the wall.</p> <p>This is an area of excavation for construction of the alfresco area and is only an area of minor excavation ~1.0 – 1.5 metres from the boundary. It is not considered to pose an issue.</p> <p>Condition of planning approval to be imposed to ensure installation of privacy screen.</p>
<p>81 Dalgety Street (east) Windows in the second storey would directly overlook the rear of the property - active outdoor space – including pool.</p> <p>Concern also that the proposed games room at the rear would also overlook the rear garden.</p>	<p>The 25 metre setback of the window complies with r-code requirements of 7.5 metres. Overlooking/privacy issues to be addressed through tree planting along eastern boundary – required to screen applicant's property and outdoor spaces as well.</p> <p>There is no overlooking into the adjoining owner's property as the games room is one storey with north facing windows.</p>	<p>Support applicant's comments. Proposal is considered to meet setback requirements for upper storey and location of bathroom will prevent overlooking from games room.</p>

Town Planning Advisory Panel Comments

The application was considered by the Town Planning Advisory Panel at its meeting of 24 April 2012. The Panel made the following comments in regard to the application and the applicant has responded.

Panel Comment	Applicant Response (summary)	Officer Assessment
Proposed additions are too closely abutting the existing dwelling, and need to allow for a transition space between the two architectural time periods, such as a void, small hallway or single storey element.	Considerations in regard to maintaining and enhancing the integrity of the original dwelling: <ul style="list-style-type: none"> - Dark grey brick obscured from street front; - Extension viewed as single storey addition; - Only a very small portion of grey building material is viewed from the street on the western elevation; and - A small balcony has been incorporated in the north west elevation; although this is mostly not visible from the street. 	Support the applicant's comments that the design elements and materials proposed will not dominate the streetscape or heritage dwelling. A condition of planning approval to be imposed to ensure council is satisfied with materials, colours and finishes in regard to heritage and streetscape.
Consider two-storey element to be moved further to the rear of the proposal so as not to overpower the existing residence.	The views of the second story are negligible and do not 'overpower' the residence: <ul style="list-style-type: none"> - The significant fall of the land emphasises the residence – almost obscuring the extension; - Floor area of the house has been reduced to maximise the garden; - The adjacent two storey residence dictates the position of the balcony to obtain harbour and ocean views; and - Significant cost already outlaid to restore original house in regard to heritage aspect. 	Support the applicant's comments as significant vegetation on adjoining site and in front setback reduces the visibility of the extension as do the position of existing dwellings. This combined with rise of land by ~2 metres from footpath to floor level will mean extension will be intermittently viewed depending on viewpoint on Allen street. Extensions are modest in regard to floor area.
Query the retention of chimneys.	The primary chimney of the original home is being retained. A secondary chimney attached to a subsequent addition will be removed in the demolition of the 'lean-to'.	Primary chimney has been retained in renovation work and whilst would be desirable for second chimney to be retained it is not considered a significant loss given it is not a dominant heritage element.

Site Inspection

By Town Planner on 5 June 2012

ASSESSMENT

The proposed development is consistent with the objectives for the Residential Zone. The plans incorporate a number of variations to the Town's LPP 142 - Residential Development, LLP 012 - Pergolas and the Residential Design Codes, as detailed below.

The existing house is to be retained and further renovated. Along with the ground floor extensions it will comprise the bedrooms, living, kitchen, dining, family and outdoor living spaces. The second storey will comprise a bedroom, ensuite and walk in robe with access to a balcony facing Allen Street. The rear of the house will be demolished to allow for the two storey extension.

The application comprises three skillion roof buildings. The building on the southern side is located immediately to the rear of the existing dwelling and will include the family room and an outdoor paved courtyard. This building is connected to the house and the building on the northern side by a passageway which will form a void to the second storey. This second building will comprise the kitchen, dining and living areas, including an alfresco area (~24m²). This area is covered by a solar pergola as is a garden area (~20m²) on the northern boundary accessed from the laundry. The third building is positioned in the south east corner of the property and houses a garage, games and bathroom (~100m²). A pool is also indicated on some of the drawings, however, is not included in this development application. This is also the case for solar panels indicated on the drawings.

Key: A = Acceptable, D = Discretion

Site:	Required	Proposed	Status
Open Space	55%	60.5%	A
Site Works	Less than 500mm	Less than 500mm	A
Local Planning Policies:			
Policy 142	Variations		D
Roof	Skillion – two roof sections		A
Solar Access & Shade	Alfresco and outdoor areas facing north		A
Drainage	to be conditioned		A
Views	No impact		A
Crossover	No impact		A
Trees	No impact		A
Other:			
Overshadowing	Less than 25%	≤25%	A
Privacy/Overlooking	Balcony		D
Policy 012	Ht of pergola ≤ 2.5m at its lowest pt		D
Pergola 1 (laundry area)	Subject to separate application		D
Pergola 2 (alfresco area)			A
Height:			
Wall - top of skillion (ridge)			
North	5.6 (8.1)	7.8	D/A
South	5.6 (8.1)	5.51	D/A
East	5.6 (8.1)	6.85	D/A
Extended (ridge of skillion)			
north	8.1	8.21	D
South	8.1	8.01	A
East	8.1	6.85	A
Roof type	skillion - 10°		

Setbacks:							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
Front (west)							
	Ground	Existing house			N/A		A
	Upper	N/A			7.5	21	A



19 June 2012

MINUTES

Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
Rear (east)							
garage wall /games		3.8	12.35	no	1.5	3.0	A
Lower		6.85	5.0	yes	3.3	20.5	A
Upper		6.85	14	yes	4.3	25.0	A
Side(north)							
Ground - new		4.0	13.5	yes	2.7	2.5	D
Existing + new		4.0	17.4	yes	3.4	2.5 min	D
Upper		7.4	7.8	yes	3.5	2.0 balc 2.5 wall	D
Garden wall	Set 150mm from boundary	3.1	7.2	yes	1.0	0.15	D
garage /games Northern		4.4	11.2	yes	2.8	Min 9.0	A
Side (south)							
Ground		5.51	10.2	no	2.9	3.2	A
garage wall/games		4.06	11.25	no	1.5	nil	D
Upper		8.01	12.7	no	1.9	7.2	A

Note: A sewer easement at the rear of the lot requires setback and/or construction of piles to below sewer depth of 4.5 metres.

Heritage

The existing dwelling on the subject site is a heritage property assigned the C⁺ Management Category in the Town's Heritage Survey 2006.

It receives moderate to moderately high ratings on all assessment elements and is of significance in regard to aesthetic and representative value. In summary, the Heritage Survey suggests the place has some significance at a local level and ideally should be retained and conserved, and further development should be within recognised guidelines.

The Town Planning Advisory Panel did not request a Heritage Impact Statement.

The owners have renovated the residence and extended the front verandah to the full width of the original. Multiple hipped roof lines have been consolidated and are now viewed from the street as a single ridge line. A wrought iron and masonry wall the length of the front boundary has also been constructed.

Demolition

The applicant proposes to demolish the original garage and other outbuildings comprising three sheds, a laundry and toilet on the site. These will be replaced with a new garage, games room and bathroom all contained within the one building structure. The rear of the existing house (kitchen and dining) is to be demolished to allow for the two storey extensions.

The applicant has submitted a planning report in respect of the application and in support of the proposal the applicant concludes the following:

"The proposal achieves a favourable outcome in its aesthetic form and design response in respect to the site context.

The proposal is complimentary to its Woodside Precinct Character Study and adjoining dwellings by way of its building massing and considered solar oriented siting and planning.

The proposed extension retains an older style dwelling and sympathetically creates an addition to ensure the lifespan of the original dwelling is increased by modernizing the property and ensuring modern amenities are now included on the site."

The existing garage is in fair to poor condition and has limited heritage value as do the other outbuildings/sheds on the property. Their demolition will not have any undue impact on the property or the streetscape and as such there are no objections to the demolitions proposed.

The dining and kitchen area to the rear of the existing house will also be demolished. The heritage significance of the property is for its collective value, more so than the inherent value of the dwelling. The house has been renovated and restored in keeping with its original architectural style and character and the Town Planning Advisory Panel did not express concern at the removal of these rooms. Notwithstanding one of the property's chimneys will be lost the more prominent chimney has been retained so this aspect of the demolition can be supported.

Building Setbacks

Dwelling extension – Northern Boundary

The applicant is proposing a reduced setback for the extension along the northern boundary to predominantly 2.5 metres with the balcony being setback 2.0 metres. The required setback under the R-Codes is 3.5 metres for the upper storey and 2.7 metres for the lower storey. The setback reduction to the northern side boundary is considered supportable because the building will not overshadow the adjoining site and abuts a large second storey addition with non-habitable openings facing the proposed extension. There are no open space living areas on this side of the adjoining property and the extension is not considered to impact in terms of bulk and scale on outlook or views.

Garden Wall – walls up to a boundary - Pergola Support

The proposed solar pergola is supported by a large garden wall to be constructed 150mm from the boundary. Initially this wall was 7 metres in length and 4 metres high. The adjoining neighbour expressed concern at the height and scale of the wall as it would restrict natural light to a bedroom, bathroom and laundry. This wall does not meet the setback requirements under the R-Codes as it is considered as a 'wall up to a boundary' and is not setback a minimum of 1.0 metre. The applicants have since revised the drawings to indicate a wall ranging in height from 3.35 to 3.61 metres. This is considered acceptable as the wall will not cast a shadow over the adjoining property and will not block light to the windows due to their location on the southern elevation. It may well be considered to improve privacy between the two properties as this area will be accessed from the proposed laundry.

Garage – southern boundary – Nil Setback

The setback for the garage wall under the R-Codes is 1.5 metres.

Part 3 of LPP 142 provides standards for assessing proposed boundary setback variations as detailed below.

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

Although the subject wall will exceed the height and length dimensions specified (~4 metres in height and ~11 metres in length) it is not considered a significant deviation and will only overshadow the adjoining property to a limited extent, being mostly in the location of an outbuilding and not impacting open space areas.

- (b) *Walls are behind the main dwelling;*

The wall will be visible from the main building line. However, it is set well back from the street frontage and the reduced setback will not impact on the streetscape.

- (c) *Subject to the overshadow provisions of the Residential Design Codes – Element 9; and*

The application complies.

- (d) *In the opinion of the Council, the wall would be consistent with the character of development in the immediate locality and not adversely affect the amenity of adjoining properties having regard for views.*

The wall is setback to the rear of the property and will not impact in terms of bulk and scale on the streetscape. It is not considered to disrupt the outlook of the house at 82A Allen Street as it will primarily abut an outbuilding adjacent to the house.

The adjoining neighbours have not objected to the wall and in light of the above comments the nil setback is supported.

Pergola

The proposed pergolas are described as solar pergolas which are substantial structures comprising aluminium louvres that are electrically or winder operated and usually mounted on timber or steel frames. The applicant has indicated that the solar pergola will be mounted within the existing roof structure for the alfresco area. This is considered to comprise part of the extension and the building setback is assessed accordingly.

However, the pergola on the northern boundary will be mounted on the garden wall (approximately 7 metres long and 3.5 metres high) and is considered a separate structure. Council LPP 012 requires that the height of pergolas not exceed 2.5 metres above natural ground level. The other area of non-compliance is with the supporting structure; in this case a wall. Council's policy specifies columns of varying material types. Although the pergola will not be supported by columns, but by the extended building and a wall within the setback area, it is considered acceptable as the applicant is attempting to take advantage of the northern aspect and access to this area from the laundry. The neighbour's concern with the wall has been addressed in regard to building setbacks.

Visual Privacy

The neighbour to the rear has commented that the major openings facing his garden will overlook the outdoor living and open space areas. The upper floor windows are to an ensuite bathroom and bedroom; the bedroom window being the smaller opening. This is not considered to be an issue as the openings are not floor to ceiling windows and are setback 20 to 25 metres from the rear boundary, further still from outdoor living areas, and far in excess of that required under the R-Codes. Also of concern to the rear neighbour is the games room opening which faces north. This window is screened from the rear boundary by the position of the bathroom. The potential for overlooking from this viewpoint is extremely unlikely.

The applicant has responded by stating that to offset overlooking from the property on Dalgety Street (also a two storey residence) the owner is intending to plant large trees along the subject site to screen their rear garden.

The neighbour to the north has commented on overlooking issues from the balcony. The applicant has addressed the issue of privacy by stating that they will install fixed screen louvres on the northern face, but have opted for a balcony in this position as they are able to gain views of the harbour and ocean.

Clause 6.8.1 of the R-Codes requires that these areas be setback between 4.0 and 7.5 metres and in this regard the proposal does not comply as the various elements are setback between 2.0 and 2.5 metres (to the bedroom window wall).

Given the balcony will predominantly overlook roof space and the front setback of the adjoining property the fixed screening device is believed to adequately address the neighbour's concern. The view from the upper storey bedroom window will marginally extend across the northern boundary, but the impact on privacy will be negligible as the outlook is to the wall of the second storey addition.

A condition of planning approval in regard to the balcony is considered necessary to ensure that privacy is maintained.

Building Height

The proposed extension exceeds the height requirements of LPP142 as measured from the north and east boundaries in regard to wall height (5.6 metres) but does not exceed the policy in regard to ridge height. The highest point on the second storey extension is 7.8 metres and the Policy height limit to a ridge is 8.1 metres.

The excess wall height is not considered to have an impact on the amenity of the neighbours as there is minimal overshadowing and the main view corridor is to the west overlooking Allen Street and East Fremantle Oval. Due to the rise of the land by approximately 2 metres from street level to the dwelling the bulk of the extension will not be viewed from street level and the new buildings will have a minimal impact on the streetscape. It is therefore recommended that the proposed variation to building height be approved.

Building Materials

The building materials chosen are somewhat distinct from the existing dwelling as the extension will be constructed using a variety of materials including face block work (dark grey), cladding, render and limestone with metal roofing. The existing dwelling comprises red brick work and cream render with a light grey/silver Colorbond roof.

Although the building materials do not match the existing there are a number of elements that are compatible and complementary. With regard to the single storey extension, viewed from the west and south west, the roofing material will match the existing in colour and type, and the limestone finish visible from the street will be complementary to the existing render.

The upper storey extension will comprise dark grey block work/cladding on the western elevation and the same will also be used for some of the southern elevation on the lower portion of the northern most building. A portion of this façade will be intermittently visible from the street depending on the viewpoint along the road/footpath. A considerable section of the northern elevation and part of the western wall will be rendered and the roofing colour and type will be in keeping with the existing roof.

A very large deciduous tree in the front setback, for the most part of the year, will obscure the upper storey façade and roof from the street. Furthermore, the views of the extensions from the street are also partly obscured by vegetation on the adjoining property and existing houses.

In the main the construction materials are considered acceptable, however, it is considered desirable to impose a condition of planning approval to ensure that the Town Planning Advisory comments are observed and that Council is satisfied that the final choice and combination of materials, colours and finishes do not disregard the heritage significance of the existing residence and the amenity of the surrounding area.

Solar Collectors and Swimming Pool

It is noted that the plans and supporting information indicate an area of the roof plane that will contain solar panels and also refer to the construction of a swimming pool.

Council will require a planning application(s) for the construction of a swimming pool and the installation of solar collectors. This has been noted as a condition of planning approval should these components of the application proceed.

CONCLUSION

The proposed development incorporates several variations to the Town's Local Planning Policies and Residential Design Codes. Variations being sought in relation to pergolas, building height, building setbacks and visual/privacy setback are unlikely to have an impact on heritage, the amenity of neighbouring properties or the streetscape and are supported.

The proposed variation to visual privacy requirements is not significant as the fixed screening louvres will only allow an outlook to the front setback area and to the street. The outdoor living areas are not raised and the outlook is towards a two storey extension on the adjoining property. Boundary walls of 1.8 metres high will also contribute to reducing overlooking.

The reduced building and wall setbacks are also considered supportable as the variations do not significantly impact adjoining properties in terms of bulk and scale and overshadowing and, subject to further evaluation, the construction materials are considered acceptable.

The applicant is considered to have satisfactorily addressed the concerns of the adjoining neighbours and it is recommended that the revised plans, subject to conditions, be approved.

RECOMMENDATION

That Council exercise its discretion in granting planning approval to:

- (a) vary the side setback requirements of the Residential Design Codes of Western Australia to permit a nil setback for the garage and games room wall on the southern boundary;
- (b) vary the side setback requirements of the Residential Design Codes of Western Australia to permit a 2.0 metre side setback for the balcony and a 2.5 metre setback from the northern boundary for the proposed extension;
- (c) vary the Residential Design Codes of Western Australia to permit a wall up to a boundary (150mm) for the garden wall on the northern boundary at ground level;
- (d) vary the building height requirements of Local Planning Policy 142 – Residential Development to permit a maximum wall height of RL 20.31 for the proposed extension;
- (e) vary Clause 6.8.1 of the Residential Design Codes of Western Australia in regard to visual privacy to permit the cone of vision from the upper floor bedroom window and balcony to intrude over the northern boundary; and
- (f) vary Local Planning Policy 012 to permit a maximum height of the pergola to exceed a height of 2.5 metres above natural ground and for the pergola support to be a wall up to a boundary of the dimensions indicated on drawings date stamped received 5 June 2012;

for a two storey extension and construction of pergola, garage and games room, including partial demolition of the existing dwelling, garage, sheds and outbuildings at No 80 (Lot 21) Allen Street, East Fremantle, in accordance with the plans date stamped received on 7 May 2012 and additional information and plans date stamped received 5 June 2012 subject to the following conditions:

1. A separate application for a Planning Approval is required in respect to the proposed swimming pool on the subject site as indicated in information submitted with the application date stamped received 7 May and 5 June 2012.
2. A separate application for Planning Approval is required for the installation of solar collectors on the subject site as indicated on the plans date stamped received 7 May 2012.
3. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where

- varied in compliance with the conditions of this planning approval or with Council's further approval.
4. With regard to the plans submitted with respect to the building permit application, changes are not to be made in respect of the plans which received planning approval, without those changes being specifically marked for Council's attention.
 5. 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.
 6. All stormwater is to be disposed of on site, clear of all buildings and boundaries.
 7. 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.
 8. prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved to the satisfaction of the Chief Executive Officer. (*refer footnote (f) below*)
 9. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
 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.
 12. The zincalume roofing if requested by Council within the first two years following installation to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
 13. Official building approval by the Water Corporation prior to commencement of construction.
 14. All parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
 15. Installation of fixed screen louvres on the northern aspect of the balcony to ensure privacy for the adjoining owner to the satisfaction of the Chief Executive Officer and in consultation with relevant officers.
 16. The garage/games room is not to be occupied for residential purposes.
 17. All materials, colours, and finishes for the extensions, garden wall (wall up to a boundary) on the northern boundary and the garage/games building to be to the satisfaction of the Chief Executive Officer and in consultation with relevant officers.

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 permit is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition*

- of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.
- (d) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).
 - (e) matters relating to dividing fences are subject to the Dividing Fences Act 1961.
 - (f) under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the **installer** of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document – “An Installers Guide to Air-Conditioner Noise”.
 - (g) the pergolas may not be enclosed without the prior written consent of Council.

The correspondence from Belinda Oxlade, referred from Correspondence (MB Ref 146.1) was tabled.

Ms Hodgson (IRW Design) addressed the meeting advising that she supported the officer’s recommendation and making comment on the adjoining neighbour’s objection to the proposal.

Cr de Jong – Cr Rico

That Council exercise its discretion in granting planning approval to:

- (a) vary the side setback requirements of the Residential Design Codes of Western Australia to permit a nil setback for the garage and games room wall on the southern boundary;
- (b) vary the side setback requirements of the Residential Design Codes of Western Australia to permit a 2.0 metre side setback for the balcony and a 2.5 metre setback from the northern boundary for the proposed extension;
- (c) vary the Residential Design Codes of Western Australia to permit a wall up to a boundary (150mm) for the garden wall on the northern boundary at ground level;
- (d) vary the building height requirements of Local Planning Policy 142 – Residential Development to permit a maximum wall height of RL 20.31 for the proposed extension;
- (e) vary Clause 6.8.1 of the Residential Design Codes of Western Australia in regard to visual privacy to permit the cone of vision from the upper floor bedroom window and balcony to intrude over the northern boundary; and
- (f) vary Local Planning Policy 012 to permit a maximum height of the pergola to exceed a height of 2.5 metres above natural ground to a maximum height of 3.6m and for the pergola support to be a wall up to a boundary of the dimensions indicated on drawings date stamped received 5 June 2012;

for a two storey extension and construction of pergola, garage and games room, including partial demolition of the existing dwelling, garage, sheds and outbuildings at No 80 (Lot 21) Allen Street, East Fremantle, in accordance with the plans date stamped received on 7 May 2012 and additional information and plans date stamped received 5 June 2012 subject to the following conditions:

1. A separate application for a Planning Approval is required in respect to the proposed swimming pool on the subject site as indicated in information submitted with the application date stamped received 7 May and 5 June 2012.
2. A separate application for Planning Approval is required for the installation of solar collectors on the subject site as indicated on the plans date stamped received 7 May 2012.
3. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council’s further approval.
4. With regard to the plans submitted with respect to the building permit application, changes are not to be made in respect of the plans which received

- planning approval, without those changes being specifically marked for Council's attention.
5. 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.
 6. All stormwater is to be disposed of on site, clear of all buildings and boundaries.
 7. 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.
 8. prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved to the satisfaction of the Chief Executive Officer. *(refer footnote (f) below)*
 9. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
 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.
 12. The zincalume roofing if requested by Council within the first two years following installation to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
 13. Official building approval by the Water Corporation prior to commencement of construction.
 14. All parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
 15. Installation of fixed screen louvres on the northern aspect of the balcony to ensure privacy for the adjoining owner to the satisfaction of the Chief Executive Officer and in consultation with relevant officers.
 16. The garage/games room is not to be occupied for residential purposes.
 17. All materials, colours, and finishes for the extensions, garden wall (wall up to a boundary) on the northern boundary and the garage/games building to be to the satisfaction of the Chief Executive Officer and in consultation with relevant officers.

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 permit 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***



19 June 2012

MINUTES

of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.

- (d) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (f) under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document–“An Installers Guide to Air-Conditioner Noise”.*
- (g) the pergolas may not be enclosed without the prior written consent of Council.*

CARRIED

148.4

Glyde Street No. 76 (Lot 164)**Applicant: Ralph Hoare Architect****Owner: Peter and Jacklyn Bengtsson****Application No. P55/2012**

By Carly Pidco & Christine Catchpole, Town Planners, 30 May 2012

PURPOSE OF THIS REPORT

This report recommends conditional approval of a Development Application for alterations and renovations to the original residence and construction of extensions, including the installation of a swimming pool at No. 76 Glyde Street, East Fremantle.

BACKGROUND**Description of site**

The subject site is:

- a 508m² freehold lot
- zoned Residential R20
- located in the Plympton Precinct
- existing single storey timber and iron house substantially demolished – framed shell remaining
- assigned C^A Management Category in the Town's Heritage Survey 2006.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R20

Residential Design Codes of Western Australia (RDC)

Relevant Council Policies

Local Planning Policy No. 066: Roofing (LPP066)

Local Planning Policy No. 142: Residential Development (LPP142)

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

Impact on Public Domain

Tree in verge : No impact
 Light pole : No impact
 Crossover : No impact
 Footpath : No impact
 Streetscape : Alterations to existing heritage dwelling

Documentation

Plans and relevant forms date stamped received 13 April 2012

Licensed Surveyors signed Identification Survey date stamped received 22 May 2012

Copy of Certificate of Title (including sketch) date stamped received 22 May 2012

Materials, colours and finishes date stamped received 28 May 2012

Additional plans and information date stamped received on 29 May 2012

Date Application Received

13 April 2012

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

A Stop Work Notice was issued on 22 December 2011 as demolition works at the property had occurred without the Town’s approval. Removal of most of the wall cladding both internally and externally from the external walls, removal of cladding to the internal walls, as well as the removal of some flooring has occurred. The owner was advised that a planning approval was required for the works on the site.

Property Boundaries

It has emerged from the plans submitted and comments from the adjoining owner that the location of the southern boundary is in dispute. The owners of Lot 164 the subject of this application are of the opinion that the boundary fence between Lot 165 to the north and Lot 164 to the south is not in its correct alignment and should be reconstructed 200mm further south at the street frontage extending to a distance of 800mm at the rear boundary.

This is not a matter Council is obliged to resolve and the application has been assessed based on the boundaries provided in the identification survey and cross referenced with the dimensions on the copy of the Certificate of Title.

CONSULTATION

Advertising:

The application was advertised to surrounding neighbours from 2 to 16 May 2012. One late submission was received date stamped 17 May from the owner of 78 Glyde Street which abuts the southern boundary of the subject lot. The submission was concerned with a number of issues as outlined below:

Neighbour Submission	Applicant Response	Planning Comments
<p>Boundary Dispute</p> <p>The adjoining owner claims to have commissioned a survey in 2009 that indicated a different alignment of the boundary; being 220mm to the north where the current dividing fence is located. He states that plans are developed for No. 78 that will eventually utilise the area around the garage as the primary outdoor courtyard. This area is impacted by the boundary dispute.</p>	<p>None</p>	<p>The adjoining owner has not submitted an identification survey in support of his claim. The proposal has been assessed based on the dimensions indicated on the Certificate of Title and the signed Licensed Surveyors Identification Survey.</p> <p>See comment below in regard to boundary fence.</p>
<p>Overlooking</p> <p>Potential overlooking of the area (now occupied by the garage) from the upper floor bedroom windows and master bedroom ensuite. It is intended that this area will be redeveloped as the primary outdoor courtyard. The setback of the extension is not of concern; however, overshadowing of the planned courtyard is.</p> <p>Would like the opportunity to address the issue of overlooking with the applicant.</p>	<p>None</p>	<p>The view from the bedroom windows will be of the garage wall and restricted due to a 1.8m high boundary fence. The bathroom window is not considered to present an overlooking issue as it is not considered a habitable room under the R-Codes.</p> <p>Comment must be considered in regard to existing and adjoining site circumstances. Speculation on what may eventuate in terms of redevelopment of the site is not feasible or appropriate.</p> <p>The applicant has indicated he will not be formally responding to the adjoining owner’s comments.</p>

<p>Boundary Fence The owner has also requested information in regard to the construction, form, scale and material intended for the northern boundary fence east of the existing garage at No. 78 Glyde Street.</p>	<p>None</p>	<p>Matters relating to dividing fences are subject to the Dividing Fences Act 1961 and as such Council is not obliged to resolve this, or enter into discussions regarding this matter.</p>
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Town Planning Advisory Panel Comments

The application was considered by the Town Planning Advisory Panel at its meeting of 22 May 2012. The Panel made the following comments:

Panel Comment	Applicant Response	Officer Assessment
<p>Panel commented on the loss of original weatherboards and floorboard as regrettable.</p>	<p>Proposed to install recycled jarrah floorboards if possible otherwise new jarrah floorboards will be installed.</p>	<p>The heritage assessment noted that the 'Baltic pine' floorboards are stacked in the rear of the lot. It is not clear how many of the original floorboards can be salvaged. Additional boards should be sourced to reinstate the flooring.</p>
<p>Panel strongly recommended that the applicants reinstate jarrah weatherboards to exterior of the existing heritage cottage.</p>	<p>Proposed to install recycled jarrah weatherboards if possible otherwise new jarrah weatherboards are proposed.</p>	<p>The heritage assessment also noted that the building should be re-clad in the original weatherboard – still apparent on the front walls. It is mentioned that this will 'now only be available in LOSP pine.' Note: the works performed to date have had no impact on the heritage integrity of the cottage and have improved much of the post 1960's detrimental works – the cottage can be rebuilt in a more 'honest' manner – guided by other similar properties in the street.</p>
<p>Panel requested window awning to northern elevation also be reinstated.</p>	<p>Applicant will install appropriate window awning to the northern elevation.</p>	<p>This feature is not indicated on the plans; however, the awning can be addressed as a condition of planning approval as recommended in the heritage assessment. The original double hung windows are reinstated in their original position on the front elevation and matching windows to the north and south walls with the exception of one window to the south having been replaced by a door.</p>

Site Inspection

By Town Planner on 29 May 2012. An inspection of the site is difficult as the site is barricaded due to a stop work notice and other occupational health and safety issues.

ASSESSMENT

The proposed development is consistent with the objectives of the Residential Zone. Variations to building height, side setbacks, and privacy/overlooking requirements are being sought, as detailed below.

Site:	Required	Proposed	Status
Open Space	50%	55.7%	A
Site Works	Less than 500mm	Less than 500mm	A

Local Planning Policies:		Issues					
Policy 142		Building height & boundary setback variations				D	
Roof		Skillion				A	
Solar Access & Shade		Verandah faces north				A	
Drainage		To be conditioned				A	
Views		No significant impact				A	
Crossover		To be conditioned				A	
Trees		Condition to retain				A	
Other:							
		Required		Proposed		Status	
Overshadowing		Not to exceed 25%		24.8%		A	
Privacy/Overlooking		<ul style="list-style-type: none"> - Northern window to study intrudes 1.9m over northern boundary - Northern window to studio intrudes 1.9m over northern boundary - Northern opening to verandah intrudes 2.4m over northern boundary - Eastern opening to verandah intrudes 3.2m over northern boundary and 5.5m over southern boundary - Southern opening to verandah intrudes 5.9m over southern boundary - Southern windows to bedrooms intrudes 3.0m over southern boundary - Southern window to studio intrudes 4.5m over southern boundary 				D	
		Proposed		Required			
		N	S	N	S		
Clause 7.4.1 FFL 0.5m above NGL 0 major opening to active habitable spaces		1	2.3	4.5	4.5 B'rm	D	
		1	2.3	6.0	6.0	D	
		1	2.3	7.5	7.5 balcony	D	
Height:							
		Required		Proposed		Status	
Wall		5.6		6.9 (north); 5.8 (south)		D	
Wall (concealed roof)		6.5		6.356 (north); 6.5 (south)		A	
Ridge		8.1		6.9 (north); 7.06 (south)		A	
Roof type		Skillion - 7°					
Setbacks:							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
Front (west)							
	Dwelling	No change to existing					A
Lower	Dwelling	Behind existing					A
Rear (east)							
Ground	Dwelling	6.5	8.4	Y	3.0	13.5	A
Lower	Dwelling	4.0	8.4	Y	1.8	13.5	A
	Swimming pool	1.0m glass	6.4	N	1.0	3.4	A
Side (north)							
Ground	Carport	2.7	8.0	N	1.0	Nil	D
	Rear Verandah	5.0	4.5*	Y	2.3	13.5	A
	Studio/Study	4.2	26.2	Y	4.8	2.5	D
	Rear Balcony	7.06	26.2	Y	7.0	2.5	D
	Dwelling	6.3	26.2	N	2.7	2.5	D

Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
<i>Lower</i>	Dwelling	2.2	17.4	N	1.5	2.5	A
	Swimming pool	1.0m glass	5.2	N	1.0	1.5 – 2.3	A
<i>Side (south)</i>							
<i>Ground</i>	Rear Verandah	4.5	4.5*	Y	2.0	1.0	D
	Bedrooms	4.3	8.0*	Y	2.0	1.0	D
	Front Verandah / Studio	3.8	26.2	Y	4.5	1.0	D
	Rear Balcony	7.06	26.2	Y	7.0	1.0	D
	Dwelling	4.5	26.2	N	1.8	1.0	D
<i>Lower</i>	Dwelling	2.9	16.7	Y	1.5	1.0	D
	Swimming pool	1.0 glass	4.1	N	1.0	4.3	A

Heritage

The existing dwelling on the subject site is a heritage property assigned the C^A Management Category in the Town’s Heritage Survey. The weatherboard cottage dates from the late 1890’s to early 1900’s. It receives moderate tending to low ratings on all assessment elements. In summary, the Heritage Survey suggests the place has some significance at a local level and ideally should be retained and conserved, and further development should be within recognised guidelines.

On 22 December 2011 a Notice to Stop Unlawful Work was issued for:

- the removal of most of the wall cladding, internally and externally for the external walls;
- the removal of most of the cladding to the internal walls; and
- the removal of large sections of flooring.

The building has had works carried out in contravention of section 374(1) of the Local Government (Miscellaneous Provisions) Act 1960 because the Town has not issued a Demolition or Building permit in relation to the works prior to them being carried out. The notice required all works on site to cease.

The Heritage Impact Assessment notes that on 9 January 2012 the cottage was just a framed shell with some floors and the roof intact with all linings removed. The original cottage was a four roomed timber framed structure with a skillion verandah at the front and possibly at the back. The two front rooms have a hipped roof and the rear two rooms have a skillion roof.

Previously the original verandah was removed and it was widened and enclosed and used as accommodation. The double hung front windows have been removed. The original front door and frame remain intact, but the highlight sash has been removed. It is also noted that the awning has been removed from the window on the northern elevation of the existing house and an additional window further to the rear has been indicated on the plans.

The cottage has been reroofed and insulated relatively recently, and appears in sound condition.

In regard to the proposed renovations the recent works on site appear to have had no detrimental effect on most of the original building fabric with only the internal partition walls being removed and compromised, however, these rooms are sufficiently intact to be restored to their original form and the roof and ceiling are in good condition and can remain as is. The flooring is the only section which has suffered a loss of integrity.

The heritage assessment recommends that the verandah structure should be removed and rebuilt to its original dimensions and detailing using the adjacent cottage as a template. The original double hung windows should now be reinstated in their original position on the front elevation and it is recommended that matching windows to the north and south walls of the front two rooms be incorporated in the renovation.

Summary

The existing cottage is to be retained and renovated in keeping with the existing design elements and the works performed to date have had no impact on the heritage integrity of the property and in fact have allowed the applicants to restore the cottage more in keeping with its original state. The new additions will be to the rear of the dwelling and as such will not impact on the streetscape, or on the way the existing residence is viewed from the street. The proposed additions are sympathetic to the original house and rather than detract from the heritage significance of the place will contribute significantly to restoring its original character.

In order to ensure the comments of the Town Planning Advisory Panel and the Heritage Impact Assessment are taken into account it is considered appropriate that a condition of planning approval be imposed that requires awnings be constructed over the windows on the northern elevation.

Building Setbacks

Side Setbacks – Southern Boundary – Lower Level

The development proposes a lower floor undercroft extension comprising a kitchen, dining and living area. This wall contains only one opening to the dining area and it is less than one square metre in area. The setback proposed along the length of this wall is one metre whereas the R-Codes specify that the setback should be 1.5 metres. Part 3 of LPP 142 provides standards for assessing proposed boundary setback variations. The variation complies with criteria b (walls behind main dwelling), c (overshadowing) and d (consistent with existing development and no adverse impact on amenity of adjoining properties). The finished floor level is well below that of the dwelling on the adjoining property and as such will have a negligible impact in regard to building bulk and overshadowing and as such is supported.

Side Setbacks – Southern Boundary – Upper Level

The upper level bedrooms, bathroom and studio windows are setback one metre as is the front verandah and the rear balcony. The R-Codes require that these walls be setback between 2 and 4.5 metres. The bedroom and studio windows face a garage and carport on the adjoining property and the reduced setback in this instance is not considered to be an issue in regard to building bulk or overshadowing (complies with R-Codes). The extension to the property appears as a single storey building due to the fall of the land from the street to the rear of the lot and will not be seen above the existing roof line from the street.

The upper floor verandah/balcony however is considered to pose a potential overlooking and privacy concern and the applicant has addressed this issue by indicating a 1.65m high 75% lattice screen to extend the width of the balcony as it faces the adjoining property. With placement of the screen a lesser portion of the adjoining property will be overlooked.

Side Setbacks – Northern Boundary – Lower Level

The lower level of the extensions on the northern boundary comprise the living areas and there is only one opening of less than one square metre. The setback required under the R-Codes is 1.9 and 2.5 is provided, therefore the proposal complies.

Side Setbacks – Northern Boundary – Upper Level

The setback of the building along the northern boundary is 2.5 metres with major openings to the studio and study (original dwelling), the front verandah and the rear balcony thereby requiring a setback of between 2.7 and 4.8 metres. This variation from the setback requirements is not considered to be significant as there are no undue

impacts on the adjoining property in regard to building bulk and overshadowing. Furthermore, there are no privacy issues as all windows are either existing or indicated as highlight windows and a new boundary fence 1.8m high is also planned.

As mentioned in regard to the southern boundary the upper floor balcony will be screened and this is considered to sufficiently address the overlooking issues, as only a very small portion of the adjoining site along the fence line is overlooked.

Building Height

The proposed dwelling exceeds Council's height requirements marginally in regard to wall height on the southern boundary as 5.8 metres is proposed and LPP 142 specifies a wall height of 5.6 metres. In this case the building height is not considered to have an undue impact on the streetscape or the neighbouring property. The wall only marginally exceeds the height controls and is well within the limit of 8.1 metres applying to ridge height. The highest point of the skillion roof line faces the northern boundary and has less of an impact on the adjoining residential property to the south. The height of the extension will not exceed the limits imposed by the R-Codes in regard to overshadowing and the finished floor level is lower than that of the adjoining property. It is therefore recommended that the proposed variations to building height be supported.

Visual Privacy

It is noted that the adjoining owner has made comments in regard to potential overlooking from the bedroom windows on the southern wall, however, this is based on the potential future redevelopment of the site and the possibility that this area could be utilised as the main outdoor living area. It is not appropriate or feasible to comment on what might be developed on the site and plans for redevelopment of the property at No. 78 Glyde Street have not been submitted to Council. The application has been assessed on the site boundaries and the existing site circumstances.

Screening as indicated on the additional plans at both ends of the balcony will restrict overlooking of the adjoining rear gardens.

The front verandah will now be restored to its original design and will not present any overlooking or privacy concerns as it is within the front setback area.

Carport

The applicant proposes to construct a carport wall on the northern boundary. Council's Local Planning Policy 142 provides for the construction of walls situated closer to the boundary than permitted by the R-Codes where the following can be observed:

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

The proposed nil setback to the carport satisfies the majority of the above criteria as the northern boundary wall:

- has a maximum height of 2.7 metres which is lower than the wall height permitted;
- has a maximum length of 8 metres;
- is at the side of the residence and is not forward of the main residence; and
- the construction of the wall will not result in any overshadowing of the adjoining property.

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

- the reduced setback will not restrict sunlight or ventilation to the existing residence;
- the reduced setback complies with the overshadowing requirements of the R- Codes; and
- the reduced setback will not have any significant adverse effect on the adjoining property.

The boundary wall on the subject site is therefore supported.

Front Fencing

Properties in Glyde Street generally have either no fences, or picket fences or low masonry/brick fences. The proposed front fencing is a masonry wall no higher than one metre with small piers no greater than 1.2m, and will extend along the front boundary with a central gate. This fence will replace an existing masonry fence of approximately the same height. The fencing will comply with Local Planning Policy 143 and in this case the fence is considered to be consistent with the streetscape and heritage criteria of the Scheme. The materials and design of the proposed fence are considered sympathetic to the character of the precinct and will not adversely impact on the recognised heritage value of the dwelling.

CONCLUSION

The proposed renovations and extensions incorporate several variations to the Town's requirements in relation to a proposed carport wall on the northern boundary, building height, side setback variations and visual privacy/overlooking variations.

The proposed variations will not have an undue impact on the neighbouring properties or streetscape, and are not considered to undermine the heritage value of the existing dwelling, however, it is recommended that a number of conditions of planning approval be applied to ensure that the privacy of the adjoining neighbours is retained, solar access for the adjoining property as specified in the R-Codes is maintained, and heritage considerations are taken into account.

It is recommended that the application be supported subject to conditions.

RECOMMENDATION

That Council exercise its discretion in granting approval:

- (a) to vary the side setback requirements of the Residential Design Codes of Western Australia to permit a 1.0 metre side setback from the southern boundary;
 - (b) to vary the side setback requirements of the Residential Design Codes of Western Australia to permit a nil setback for the carport wall and a 2.5 metre side setback from the northern boundary for the building wall;
 - (c) to vary the visual privacy requirements of the Residential Design Codes of Western Australia to permit a 1.0 metre side setback from the southern side of the rear balcony, front verandah and bedrooms and a 2.5 metre setback from the northern side of the rear balcony and the front verandah; and
 - (d) to vary the building height requirements of Local Planning Policy 142
 - (e) to permit a maximum wall height of RL 38.70 for the northern wall and a maximum wall height of RL 37.70 for the southern wall of the proposed extension,
- for the renovations and extensions to the original residence, including the installation of a swimming pool at No. 76 (Lot 164) Glyde Street, East Fremantle, in accordance with the plans date stamped received on 13 April 2012 and additional plans date stamped received on 28 and 29 May 2012 subject to the following conditions:
1. The zincalume roofing within the first two years following installation if requested by Council to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
 2. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where

- varied in compliance with the conditions of this planning approval or with Council's further approval.
3. With regard to the plans submitted with respect to the building permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
 4. All stormwater is to be disposed of on site, clear of all buildings and boundaries.
 5. 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. Prior to the installation of any externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved to the satisfaction of the Chief Executive Officer. (*refer footnote (g) below*)
 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. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
 8. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
 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.
 11. A separate application for a Building Permit is required in respect to the proposed swimming pool on the subject site as indicated on the plans date stamped received 13 April and 29 May 2012.
 12. All parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
 13. The reinstatement of jarrah weatherboards on the existing dwelling to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 14. The installation of awnings for the windows on the northern elevation of the existing dwelling to the satisfaction of the Chief Executive Officer in consultation with relevant officers.

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 permit is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*



19 June 2012

MINUTES

- (e) *with regard to construction of the crossover the applicant/buildier is to contact Council's Works Supervisor.*
- (f) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (g) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the **installer** of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air-Conditioner Noise".*
- (h) *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.*

Mr Hoare (architect) addressed the meeting apologising on behalf of the owners for the illegal works previously carried out to the building as they had not been aware of the approval process. He also explained the current situation in relation to the boundary alignment discrepancy involving the adjoining property at 78 Glyde Street.

Cr Martin – Cr Lilleyman

That Council exercise its discretion in granting approval:

- (a) **to vary the side setback requirements of the Residential Design Codes of Western Australia to permit a 1.0 metre side setback from the southern boundary;**
- (b) **to vary the side setback requirements of the Residential Design Codes of Western Australia to permit a nil setback for the carport wall and a 2.5 metre side setback from the northern boundary for the building wall;**
- (c) **to vary the visual privacy requirements of the Residential Design Codes of Western Australia to permit a 1.0 metre side setback from the southern side of the rear balcony, front verandah and bedrooms and a 2.5 metre setback from the northern side of the rear balcony and the front verandah; and**
- (d) **to vary the building height requirements of Local Planning Policy 142 from 5.6m to 5.8m**
- (e) **to permit a maximum wall height of RL 38.70 for the northern wall and a maximum wall height of RL 37.70 for the southern wall of the proposed extension,**

for the renovations and extensions to the original residence, including the installation of a swimming pool at No. 76 (Lot 164) Glyde Street, East Fremantle, in accordance with the plans date stamped received on 13 April 2012 and additional plans date stamped received on 28 and 29 May 2012 subject to the following conditions:

- 1. The zincalume roofing within the first two years following installation if requested by Council to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.**
- 2. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- 3. With regard to the plans submitted with respect to the building permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
- 4. All stormwater is to be disposed of on site, clear of all buildings and boundaries.**
- 5. 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. Prior to the installation of any externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved to the satisfaction of the Chief Executive Officer. *(refer footnote (g) below)*
 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. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
 8. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
 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.
 11. A separate application for a Building Permit is required in respect to the proposed swimming pool on the subject site as indicated on the plans date stamped received 13 April and 29 May 2012.
 12. All parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
 13. The reinstatement of jarrah weatherboards on the existing dwelling to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 14. The installation of awnings for the windows on the northern elevation of the existing dwelling to the satisfaction of the Chief Executive Officer in consultation with relevant officers.

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 permit is to conform with the approved plans unless otherwise approved by Council.*
- (c) it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (d) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (f) matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (g) under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the*

19 June 2012

MINUTES

Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document–“An Installers Guide to Air-Conditioner Noise”.

- (h) **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

Cr Collinson made the following impartiality declaration in the matter of 32 King Street: “As a consequence of the owners being known to me as neighbours, 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”.

148.5 King Street No. 32 (Lot 11)

Applicant: Tangent Nominees P/L

Owner: Paul and Margaret Taylor

Application No. P66/12

By Christine Catchpole, Town Planner, on 31 May 2012

PURPOSE OF THIS REPORT

This report recommends conditional approval of a Planning Application for construction of extensions to the rear of a single residence at 32 King Street, East Fremantle.

BACKGROUND

Description of site

The subject site is:

- a 483m² freehold lot.
- zoned Residential R20.
- located in the Plympton Precinct.
- occupied by a single house.
- Municipal Inventory – Management Category B-^

Statutory Considerations

Town Planning Scheme No. 3 – Residential R20

Residential Design Codes of Western Australia (RDC)

Relevant Council Policies

Local Planning Policy No. 066 : Roofing (LPP066)

Local Planning Policy No. 142 : Residential Development (LPP142)

Local Planning Policy No. 023 : Roofing (LPP 023)

Impact on Public Domain

Tree in verge : No impact

Light pole : No impact

Crossover : No impact

Footpath : No impact

Streetscape : No impact

Documentation

Plans and relevant forms date stamped received on 2 May 2012.

Additional plans and supporting information date stamped received 30 May 2012.

Date Application Received

2 May 2012

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

27 January 2012 Conditional Planning approval granted for the re-cladding of the existing dwelling with weatherboard to replace asbestos sheeting.

3 September 2007 WAPC conditional approval for a subdivision application for two lots; creating Lot 11 King Street and Lot 12 St Peters Road.

CONSULTATION

Advertising

The application was advertised to adjoining neighbours from 8 to 24 May 2012. No submissions were received during this period.

Town Planning Advisory Panel Comments

This application was not referred to the Town Planning Advisory Panel, primarily on the basis that it did not involve streetscape issues.

Site Inspection

By Town Planner on 5 June 2012

STATISTICS

Key: A = Acceptable, D = Discretion

Site:	Required	Proposed	Status				
Open Space	50%	63.8%	A				
Site Works	Less than 500mm	< 500mm	A				
Local Planning Policies:	Issues						
Policy 142	Non-compliance						
Roof	Existing house gable hip 40°		A				
Solar Access & Shade	Major openings facing north		A				
Drainage	To be conditioned		A				
Views	No impact		A				
Crossover	No impact		A				
Trees	No Impact		A				
Other:	Issues						
Overshadowing	Shadow will be cast on applicant's property - ≤25%		A				
Height:	Required	Proposed					
Wall (east)	5.6	3.1	A				
Wall (north)	5.6	4.3	A				
Wall (south)	5.6	2.9	A				
Ridge (east)	8.1	5.2	A				
Ridge north	8.1	4.3	A				
Ridge (south)	8.1	3.9	A				
Roof type	Skillion - 8° Zinalume Custom-orb		A				
Privacy/Overlooking	Variations under Policy 142 met. FFL ≥ 0.5m surrounding NGL's		D				
Clause 6.8.1 FFL 0.5m above NGL major opening to active hab spaces	Required	Proposed					
	4.5m from bedrooms	N/A	N/A				
	6.0m other hab rms	5.4m - family room	D				
7.5m unenclosed outdoor active hab (eg balcony)	2.2 – 5.4 – outdoor open space		D				
Setbacks:							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
Front (west)							
Ground	Dwelling	N/A			6.0	existing	A
Rear (east)							
Ground	Dwelling	5.2	6.5	yes	2.5	5.5 – 6.7 angled rear bndy	A

Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
<i>Side (north)</i>							
<i>Ground-extension</i>	Dwelling	4.3	9.5	yes	2.2	min 3.0 max 5.0	A
<i>Side (south)</i>							
Ground - extension	Dwelling	2.9	9	no	1.0	450mm – ‘up to a boundary’	D

ASSESSMENT

The applicant is proposing an extension to an existing single storey residence of approximately 66 square metres. The extension will be on the ground level only at a lower floor level than the existing residence and to the rear of the site. It comprises a meals, family room and kitchen. The existing kitchen will be converted to an ensuite and laundry and a small portion of the extension along the driveway will become a shed with external access. An outbuilding containing a laundry and storeroom will also be demolished.

The additions will be constructed in double brick and timber frame with a rendered surface to be painted by the owners. The roof will be zincalume Custom-orb in keeping with the same roof colour and material as the existing residence; however the roof form is skillion at an angle of 8°.

Heritage Considerations

The existing dwelling is a heritage property assigned the B[^] Management Category in the Town’s Heritage Survey 2006. In summary, the Inventory states that the place has considerable heritage significance at a local level and that it is generally considered worthy of a high level of protection, to be retained and appropriately conserved.

The existing renovated residence has been given approval for re-cladding with weatherboards which will serve to enhance the heritage significance of the dwelling. The proposed addition is solely contained to the rear of the house and whilst not in keeping with the architectural style of the original residence will not impact the streetscape or the way the existing residence is viewed from the street due to the slope of the land away from the road.

Building Setbacks

The proposed development is consistent with the objectives of the Residential Zone; however variations are being sought in regard to ‘walls up to a boundary’ as defined in the R-Codes. The proposed northern boundary wall is setback 450mm so as not to interfere with a boundary retaining wall during construction. The wall of the addition will be connected to a parapet wall of the existing dwelling and must also be assessed under Council’s LLP 142 – Part 3 in regard to the following:

- permitted length (≤ 9m) and height of wall (≤ 3m);
- overshadowing of adjoining property (complies at 19%); and
- behind the main dwelling and not detrimental to the adjoining property or locality’s amenity.

The reduced setback satisfies the above criteria of the Policy and furthermore the bulk and scale of the wall will be reduced as the adjoining property is positioned at a higher ground level due to the fall of the land to the north east. It is also noted the adjoining owner has not objected and therefore the reduced setback is supported.

Open Space

Under the R-Codes 50% of the site is to be maintained as open space. The additional floor area of approximately 66 square metres reduces open space on the site to approximately 64% and as such the application still complies with the R-Code requirement.

Privacy

The impact of this extension is limited in regard to overlooking of the adjoining site to the north. The finished floor level of the extension is 350 - 500mm higher than the natural ground level at the boundary and as such the R-Codes specify that the setback to the major opening of the family room should be 6.0 metres and any outdoor living space 7.5 metres.

The proposed 5.4 metre building setback is considered acceptable however as a parapet wall extends, for a considerable length, along the boundary and the family room opening will face this wall. This wall screens a small decked area to the side of the adjoining dwelling and due to the significant fall of the land and solid screening by mature olive trees along the boundary it is very unlikely that any use of the outdoor space will intrude upon privacy even more so as the useable open space is at the rear. In addition, the neighbour has not expressed any objection to the proposal.

Roofing Material

The roofing material is zincalume custom orb and so to comply with LPP Policy 023 a condition of planning approval will be required ensuring the zincalume will be painted upon request by Council within a period of two years after construction.

Building Height

The development does not exceed the maximum permitted building heights as detailed under the R-Codes and Council LPP 142.

CONCLUSION

The proposed development incorporates only two minor variations to the Residential Design Codes. The variations being sought in regard to setback can be supported as it has very limited impact on the amenity of the neighbouring property and to an even lesser extent on the streetscape.

The impact on visual privacy of the adjoining residence is also considered to be minimal as the outlook for the most part is onto a blank parapet wall. The usable open space of the adjoining lot is primarily to the rear of the dwelling.

The extension does not significantly undermine the heritage value of the existing residence with regard to the design or use of a render, as the extension will not be visible from the street.

It is therefore recommended that the application be supported subject to conditions.

RECOMMENDATION

That Council exercise its discretion in granting approval to:

- (a) vary the side setback requirements of the Residential Design Codes of Western Australia to permit a wall up to a boundary (450mm) on the southern boundary at ground level; and
- (b) vary Clause 6.8.1 of the Residential Design Codes of Western Australia in regard to visual privacy to permit the cone of vision from the outdoor living area and active habitable spaces to intrude over the proposed northern boundary;

for the proposed construction of extensions to a single residence at No. 32 (Lot 11) King Street, East Fremantle, in accordance with the plans date stamped received on 2 and 30 May 2012 subject to the following conditions:

1. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. With regard to the plans submitted with respect to the building permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.

19 June 2012

MINUTES

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 is to be disposed of on site, clear of all buildings and boundaries.
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. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
7. This planning approval to remain valid for a period of 24 months from date of this approval.
8. The zincalume roofing if requested by Council within the first two years following installation, to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
9. Prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved by Council. (*refer footnote (f) below*)

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 permit is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (f) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the **installer** of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air-Conditioner Noise".*

Cr Martin – Cr Lilleyman

That Council exercise its discretion in granting approval to:

- (a) **vary the side setback requirements of the Residential Design Codes of Western Australia to permit a wall up to a boundary (450mm) on the southern boundary at ground level; and**
- (b) **vary Clause 6.8.1 of the Residential Design Codes of Western Australia in regard to visual privacy to permit the cone of vision from the outdoor living area and active habitable spaces to intrude over the proposed northern boundary;**

for the proposed construction of extensions to a single residence at No. 32 (Lot 11) King Street, East Fremantle, in accordance with the plans date stamped received on 2 and 30 May 2012 subject to the following conditions:

1. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. With regard to the plans submitted with respect to the building permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
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 is to be disposed of on site, clear of all buildings and boundaries.
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. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
7. This planning approval to remain valid for a period of 24 months from date of this approval.
8. The zincalume roofing if requested by Council within the first two years following installation, to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
9. Prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved by Council. (refer footnote (f) below)

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 permit is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (f) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The*



19 June 2012

MINUTES

Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document–“An Installers Guide to Air-Conditioner Noise”.

CARRIED

149. EN BLOC RECOMMENDATION

Cr Martin – Cr Rico

That Council adopts en bloc the following recommendations in respect to Items MB Ref 149.1 to 149.5

CARRIED

149.1 Preston Point Road No. 37 (Unit 14)
Applicant/Owner: J & K Towers-Hammond
Application No. P68/2012

By Jamie Douglas, Manager Planning Services on 21 May 2012

PURPOSE OF THIS REPORT

This report considers an application for a proposed change of use for a townhouse at 14/37 Preston Point Road to be used for “Short Stay Accommodation”. The report recommends conditional approval.

BACKGROUND**Statutory Considerations**

Town Planning Scheme No. 3 – Residential R30
 Residential Design Codes (RDC)
 Riverside Precinct

Relevant Council Policies

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

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

16 March 2010	Council approved an application for Planning Approval to allow the premises at 11/37 Preston Point Road to be used for “Short Stay Accommodation”.(neighbouring unit in same complex)
19 May 2011	Council approved an application for renewal of the planning permit to allow the “short stay accommodation” at 11/37 Preston Point Road

ASSESSMENT

This application seeks approval for a change of use to enable a two bedroom ‘grouped dwelling’ to be used as “short stay accommodation” at Unit No. 14 of No. 37 Preston Point Road, East Fremantle. It is proposed that the maximum number of people to be accommodated would be four. There is both a front and rear courtyard and a double garage for the use of occupants. The two existing onsite car spaces in the garage are adequate for the proposed use.

As noted, Council has previously approved the use of unit number 11 in the complex for “short stay accommodation”. This use has operated without complaint and the permit was approved for renewal after the initial 12 month operating period.

The applicants are both experienced operators of motels and bed and breakfast accommodation. They reside in the next door unit and will therefore be able to closely supervise the operation (although it should be noted the approval rests with the land and this situation cannot be guaranteed over the long term).

The application states that the approval of the strata company will be obtained following any planning approval. Accordingly it is considered that any planning approval should be conditional upon the approval of the Strata Company being obtained and submitted to the Town prior to occupation of the premises as ‘short stay accommodation’. It is also

considered that approval should be subject to renewal after an initial 12 month period to confirm that the operation can function without disruption to neighbours.

CONCLUSION

It is considered that the application should be recommended for approval subject to similar conditions which apply to unit no 11 within the same grouped dwelling development at 37 Preston Point Road.

RECOMMENDATION

That Council grant approval for the change of the use from dwelling to "short stay accommodation" at Unit No. 14 of No. 37 Preston Point Road, East Fremantle subject to the following conditions:

1. Initial approval is for a temporary period of 12 months only from the date of this approval.
2. Any continuation of the short stay accommodation use after the initial 12 month period will require a new Council approval for permanent use as "short stay accommodation".
3. The written consent of the Strata Company to the use of the dwelling for "short stay accommodation" purposes must be provided to council prior to occupation as "short stay accommodation".
4. Maximum accommodation is 4 persons (based on two bedrooms being provided).
5. A minimum of two on- site parking bays for the exclusive use of the occupants of the "short stay accommodation" must be provided.
6. The owner or manager of the short stay dwelling must be contactable, using the contact details provided to the Town, at any time of the day or night and the manager must respond, within 12 hours, to any contact relating to the "short stay accommodation".
7. The approval may be revoked by Council, prior to the expiration of the 12 months period referred to in (1) above, if any adverse impacts involving noise, antisocial behaviour or parking are unable to be controlled by the applicant or their representative in a timely and effective manner which is to Council's satisfaction.
8. No on site signage is permitted with respect to the application.

149.2

Canning Highway No. 251 (Lot 17)

Applicant: John Monaghan

Owner: Jason Hirst

Application No. P61/12

By Jamie Douglas, Manager Planning Services on 22 May 2012

PURPOSE OF THIS REPORT

The report considers an application for planning approval for demolition of a garage and its replacement by an additional room to the residence to be used as a study at 251 Canning Highway. The application is recommended for approval.

Statutory Considerations

Town Planning Scheme No. 3 -
R12.5 Residential Design Codes (RDC)

Relevant Council Policies

LP Policy No. 142:-Residential Development

Impact on Public Domain

Tree in verge	:	No impact
Light pole	:	No impact
Crossover	:	No impact
Footpath	:	No impact
Streetscape	:	The replacement of the existing garage will have a positive impact upon the streetscape.

Documentation

Plans and relevant forms date stamp received on 26 April 2012

Date Application Received

26 April 2012

CONSULTATION

Advertising

Consultation did not occur since the proposal is for minor works which will not impact upon neighbours.

Town Planning Advisory Panel

The application was considered by the TPAP at its meeting on 22 May 2012 and it commented as follows:

- *Consider retention of 1930's parapet to existing garage.*
- *Panel recommends that the property maintain compliance with R-code onsite parking requirements for a single dwelling.*

The above issues are addressed in the body of this report.

Site Inspection

By Manager, Planning Services on 10 April 2012.

REPORT

It is proposed to demolish an existing garage which is constructed between a two storey high side parapet wall of the adjacent property and the subject house and to construct a room addition of similar size and dimensions in the same location. The proposed addition will be set on the side boundary and is compliant with the R-Codes setback requirements since it abuts an existing parapet boundary wall. The proposed new room will be aligned with the Canning Highway main building line of the existing dwelling.

The proposed new room will be setback some 8.05 metres from the Canning Highway frontage and it is proposed to retain the existing crossover and driveway entrance so that the area in front of the proposed room may still be utilised for parking if required. It should be noted that the subject site has dual road frontage and its principal vehicle access is via a fee simple access strip from Oakover Street.

In response to the Panel's comments the owner has advised that he will incorporate the 1930's wall detail on the existing parapet to the new wall and confirms that there exists parking for four vehicles onsite in addition to the existing garage and driveway which is the subject of this application.

RECOMMENDATION:

That the application for planning approval for demolition of a garage and its replacement by an additional room to the residence at 251 Canning Highway, East Fremantle in accordance with the plans date stamped received on 26 April 2012, be approved subject to the following conditions:

1. amended plans be submitted and approved prior to the issue of a building permit which incorporate a similar detail to the top of the wall on the northern elevation to that on the existing parapet, to the satisfaction of the Chief Executive Officer.
2. the works are to be constructed in conformity with the written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. the proposed works are not to be commenced until Council has received an application for a building permit and the building permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. this planning approval to remain valid for a period of 24 months from date of this approval.



19 June 2012

MINUTES

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 permit 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).

149.3 Fraser Street No.80 (Lot 2 on Strata Plan 20262)**Applicant: Great Aussie Patios****Owner: S Thorpe****Application No. P36/12**

By Pina Mastrodomenico, Town Planner, on 24 May 2012

PURPOSE OF THIS REPORT

This report recommends approval for a pitched roof patio and refusal for a flat roof patio at 80 Fraser Street, East Fremantle.

BACKGROUND**Description of site**

The subject site is:

- a 392m² strata lot
- zoned Residential 12.5
- located in the Woodside Precinct
- improved with a single-storey single dwelling

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5

Residential Design Codes of Western Australia (RDC)

Relevant Council Policies

Local Planning Policy No. 142: Residential Development (LPP142)

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : No impact
Footpath : No impact
Streetscape : Patio addition in front setback impacts on streetscape

Documentation

Plans and relevant forms date stamped received on 9 March 2012

Amended plans date stamped received on 22 and 28 March 2012

Date Application Received

9 March 2012

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

Nil

CONSULTATION**Advertising**

The application was advertised to surrounding neighbours from 19 April 2012 to 4 May 2012. No submissions were received during this period.



19 June 2012

MINUTES

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 24 April 2012 and the following comments were made:

- *Difficulty to assess without a streetscape elevation and floor plans.*

The applicant has provided an elevation plan depicting the location of the proposed patios. A site inspection has been undertaken to determine if there is any impact on the existing streetscape. This will be outlined under the assessment section of this report.

Site Inspection

By Town Planner on 24 May 2012

ASSESSMENT

The proposed development incorporates a number of variations that are being sought to the Town's LPP 142 Residential Development and the Residential Design Codes, as detailed below.

Key: A = Acceptable, D = Discretion

Site:	Required	Proposed	Status				
Open Space	55%	55%+	A				
Site Works	Less than 500mm	Less than 500mm	A				
Local Planning Policies:		Issues					
Policy 142	Structure in front setback area		D				
Solar Access & Shade	No impacts		A				
Drainage	No impacts		N/A				
Views	No impacts		N/A				
Crossover	No impacts		N/A				
Trees	No impacts		N/A				
Setbacks:							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
Flat roof patio Front setback (north)	Patio	2.4	6.7	N/A	6.0	2.0	D
Flat roof patio Side setback (west)	Patio	2.4	8.4	N/A	1.0	2.5	A
Pitched roof Patio Side setback (east)	Patio	2.4	7.6	N/A	1.0	2.0	A
Pitched roof Patio Side setback (south)	Patio	2.4	3.1	N/A	1.0	0.5	D

Setbacks*Flat roof Patio*

The application proposes to construct a flat roof patio in front of the existing residence and completely forward of the main building line. The existing dwelling has a setback of 5.3 metres and the patio proposed would have a setback of 2.0 metres.

There are two major issues to address in this application being the location of the patio forward of the main building line and the potential impact of this on the streetscape.

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

- (i) *Buildings are to be set back such a distance as is generally consistent with the building setback on adjoining land and in the immediate vicinity.*

The patio is set well forward of the main building line of the house and neighbouring properties, it is therefore inconsistent with the prevailing building line in the immediate vicinity.

The location of the patio does not therefore accord with the requirements of Local Planning Policy No. 142.

The Residential Design Codes Clause 6.2.1 states:

“buildings setback from street boundaries an appropriate distance to ensure they contribute to the desired streetscape.

In this instance the patio seeks a 4.0 metre variation from the required 6.0 metres and this reduced setback will make the patio the dominant feature of the property as perceived from the street. Although a varied streetscape, Fraser Street has few substantial patios or covered car parking bays located in the front setback area of existing dwellings. The proposed patio will negatively impact on the existing streetscape and could misleadingly be interpreted as a precedent for future patios to be located in the front setback area.

Pitched Roof Patio

The application proposes to construct a pitched roof patio in the rear yard of the existing residence.

The patio structure is not visible from the street, will be at ground level and will be screened by the dividing fences, thus will not result in any overlooking or impacts on the privacy of the adjoining residences. The patio fully complies with the setback requirements of the Residential design codes with the exception of the rear setback of 0.5 metre. The neighbouring property owner to the rear has no objection to the reduced setback of 0.5 metre.

CONCLUSION

The proposed flat roof patio in the front setback area is not sympathetic to the existing streetscape of the dwelling and will likely have an undue impact on the streetscape and cannot be supported. It is recommended that flat roof patio be refused.

The proposed pitched roof patio to the rear of the dwelling will not impact on the existing streetscape of the locality and is therefore recommended for approval.

RECOMMENDATION

That Council:

1. refuse the application for a flat roof patio in the front setback at No. 80 (Lot 2 on Strata Plan 20262) Fraser Street, East Fremantle, as described on the plans date stamped received 9 March 2012 and amended plans stamped received 22 and 28 March 2012 for the following reasons:
 - (i) The proposed development does not comply with Design Element 6.2.1 Setback of Buildings requirements of the Residential Design Codes of Western Australia;
 - (ii) The proposed development does not comply with Part 2 – Streetscape of the Local Planning Policy 142 Residential Development; and
 - (iii) Incompatibility of the proposed development with its setting and the amenity of the locality (Clause 10.2(j), (o) & (p) refers).
2. grant approval for a gable roof patio to the residence at No. 80 (Lot 2 on Strata Plan 20262) in accordance with the plans date stamp received on 9 March 2012 and

amended plans stamped received 22 and 28 March 2012, subject to the following conditions:

- (i) the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
- (ii) the proposed works are not to be commenced until Council has received an application for a building permit and the building permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
- (iii) with regard to the plans submitted with respect to the building permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
- (iv) all stormwater is to be disposed of on site and clear of all boundaries.
- (v) where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (vi) 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 permit 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) *matters relating to dividing fences are subject to the Dividing Fences Act 1961*

149.4

Sewell Street No. 30 (Lot 404)

Applicant: Tangent Nominees P/L

Owner: Chris Tolcan

Application No. P64/12

By Christine Catchpole, Town Planner, on 30 May 2012

PURPOSE OF THIS REPORT

This report recommends conditional approval of a Planning Application for construction of extensions and alterations to the rear of a single residence at 30 Sewell Street, East Fremantle.

BACKGROUND

Description of Site

The subject site is:

- a 508m² freehold lot.
- zoned Residential R20.
- located in the Plympton Precinct.
- currently occupied by a single house.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R20

Residential Design Codes of Western Australia (RDC)

Relevant Council Policies

Local Planning Policy No. 066 : Roofing (LPP066)
Local Planning Policy No. 142 : Residential Development (LPP142)

Impact on Public Domain

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

Documentation

Plans and relevant forms date stamped received on 30 April 2012.

Date Application Received

30 April 2012

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

The alterations are proposed for Lot 404 only. It is noted that car parking for the site extends over Lot 403 Sewell Street. Lots 404, 403 and 402 are noted on the one Certificate of Title. The extensions are wholly within Lot 404.

CONSULTATION

Advertising

The application was advertised to surrounding neighbours from 2 to 16 May 2012. No submissions were received during this period.

Town Planning Advisory Panel Comments

The application was not considered by the Town Planning Advisory Panel.

Site Inspection

By Town Planner on 29 May 2012

STATISTICS

Key: A = Acceptable, D = Discretion

Site:	Required	Proposed	Status
Open Space	50%	58.4%	A
Site Works	Less than 500mm	< 500mm	A
Local Planning Policies:	Issues		
Policy 142	Non-compliance with roof pitch		D
Roof	Colorbond custom-orb to match existing		A
Solar Access & Shade	Bedroom highlight window and sliding door to lobby facing north		A
Drainage	To be conditioned		A
Views	No impact		A
Crossover	No change		A
Trees	Rear of the site appears clear of substantial trees		A
Other:	Issues		Status
Overshadowing	Shadow will be cast on applicant's property		A
Privacy/Overlooking	All setback requirements under R-Codes & Policy 142 met. FFL < surrounding NGL's		A
Height:	Required	Proposed	Status
Wall	5.6	1.8	A
Ridge	8.1	3.0	A
Roof type	Gable hip - pitch - 21° - to match existing – open eaves		D

Setbacks:							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
Front (west)							
<i>Ground</i>	Dwelling	3.0	7.5	no	1.0	2.7	A
<i>Upper</i>	Dwelling	N/A	N/A	N/A	N/A	N/A	N/A
Rear (east)							
<i>Ground</i>	Dwelling	N/A					N/A
<i>Upper</i>	Dwelling	N/A					N/A
Side (north)							
<i>Ground</i>	Dwelling	3.0	>30	Yes	1.5	2.55	A
Side (south)							
<i>Ground</i>	Dwelling	3.0	>30	No	1.5	2.0 – 4.2	A

* Wall length as calculated for assessment purposes

ASSESSMENT

The applicant is proposing an extension to an existing partial two storey residence of approximately 55 square metres. The extension will be on the ground level only at the rear of the site and comprises a lobby and master bedroom with ensuite and walk in robe. The additions will be constructed in brick with a textured acrylic coating on a rendered surface. The roof will be Colorbond in keeping with the same roof colour and type as the existing residence.

Building Setbacks

The proposed development is consistent with the objectives of the Residential Zone. No variations are being sought in regard to the R-Codes or to the Town’s LPP 142 - Residential Development.

Roof Form

LPP 066 provides, amongst other things, that dominant roof elements are to have a minimum pitch of 28 degrees; the proposed development achieves 21 degrees. The proposed pitch, however, will marry with the existing residence to provide a sympathetic extension to the property and as it is to the rear of the site and not perceptible from the street it is supported. The proposal complies with all other provisions of LPP 066.

Open Space

Under the R-Codes 50% of the site is to be maintained as open space. The additional floor area of approximately 55m² reduces open space on the site to 58.4% and as such the application still complies with the R-Code requirement.

Privacy

The impact of this extension is negligible in regard to overlooking of adjoining sites as the property is at a lower natural ground level than the adjoining properties in the east and to the north and the extension has no major openings impacting on adjoining houses. Furthermore, no objections to the proposal were received from adjacent owners.

Building Height

The development does not exceed the maximum permitted building heights as permitted under the R-Codes and Council LPP 142.

CONCLUSION

The proposed development incorporates only one minor variation to the Town’s LPP 066 - Roofing. The variation being sought in regard to roof pitch is supported as it has very limited impact on the amenity of neighbouring properties and to an even lesser extent on the streetscape. The extension will be in keeping with the existing residence with regard to the proposed roof pitch and the use of a render, rather than face brick, is considered suitable as this building material is not visible from the street and is more suitable than

the use of non-matching brickwork. It is therefore recommended that the application be supported subject to conditions.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation in the roof pitch requirement of Local Planning Policy 066 - Council Policy on Roofing to permit a roof pitch of 21 degrees for the proposed extension and alterations at No. 30 (Lot 404) Sewell Street, East Fremantle, in accordance with the plans date stamped received on 30 April 2012 subject to the following conditions:

1. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. With regard to the plans submitted with respect to the building permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
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 is to be disposed of on site, clear of all buildings and boundaries.
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. prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved to the satisfaction of the Chief Executive Officer. (*footnote (f) refers*)
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. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
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 permit is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (f) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to*

\$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document–“An Installers Guide to Air-Conditioner Noise”.

149.5 Hubble Street No.104 (Lot 290)
Applicant: Nigel Denny Architect
Owner: Yvonne Haigh
Application No. P56/2012

By Carly Pidco & Christine Catchpole, Town Planners, on 29 May 2012

PURPOSE OF THIS REPORT

This report recommends conditional approval of a Development Application for a two storey extension and renovation of an existing residence, including a pergola and walkway linking the proposed upper storey to the existing artist's studio at 104 Hubble Street, East Fremantle.

BACKGROUND

Description of site

The subject site is:

- a 506m² freehold lot
- zoned Residential R20
- located in the Plympton Precinct

Statutory Considerations

Town Planning Scheme No. 3 – Residential R20
 Residential Design Codes of Western Australia (RDC)

Relevant Council Policies

Local Planning Policy No. 142: Residential Development (LPP142)
 Local Planning Policy No. 012: Pergolas (LPP012)
 Local Planning Policy No. 023: Use of Reflective Metal Roofing Material (LPP023)

Impact on Public Domain

Tree in verge : No impact
 Light pole : No impact
 Crossover : No impact
 Footpath : No impact
 Streetscape : Alterations to existing dwelling visible from two street frontages

Documentation

Plans and relevant forms date stamped received on 16 April 2012.
 Schedule of materials, colours and finishes including walls and roof date stamped received on 24 May 2012.

Date Application Received

16 April 2012

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

21 July 2008 Conditional planning approval for a two storey artist's studio with nil setback to Marmion Street; comprising a lower storey limestone wall and a weatherboard clad upper storey with shuttered windows.
 9 June 1998 Planning approval granted for laundry conversion to a bathroom subject to the weather clad timber framed boundary wall being retained and the laundry being located within the existing house.
 19 July 2011 Conditional Planning approval for a carport; this has been constructed.

CONSULTATION

Advertising

The application was advertised to surrounding neighbours from 1 to 15 May 2012. No submissions were received during this period.



19 June 2012

MINUTES

Town Planning Advisory Panel Comments

The application was considered by the Town Planning Advisory Panel at its meeting of 22 May 2012. The Panel supported the application.

Site Inspection

By Town Planner on 29 May 2012.

ASSESSMENT

It is proposed to undertake a two storey extension to the existing residence comprising a ground floor living area, kitchen, bathroom, laundry and outdoor terrace. The upper storey comprises a sitting and office area connected at first floor level to an existing artist's studio by an open air raised walkway.

The plans incorporate a number of variations to the Town's LPP 142 - Residential Development and the Residential Design Codes, as detailed below.

Key: A = Acceptable, D = Discretion

Site:	Required	Proposed	Status
Open Space	50%	46.6%	D
Site Works	Less than 500mm	≤ 500mm	A
Local Planning Policies:			
Policy 142	Building height & boundary setback variations		D
Roof	Skillion, 5°, zinalume		A
Solar Access & Shade	Terrace faces north		A
Drainage	To be conditioned		A
Views	Exceeds building height (wall only)		D
Crossover	No impact		A
Trees	Condition to retain – front setback Hubble Street		A
Other:			
Overshadowing	Overshadows street & subject property		A
Privacy / Overlooking	Required 4.5m from bedrooms	Proposed N/A	N/A
Clause 7.4.1 FFL 0.5m above NGL with major opening to active habitable spaces	6.0m other hab rooms	2.3 – living (lower) 2.3 – sitting (upper)	D
	7.5m unenclosed outdoor active hab (eg balcony)	2.9 - Terrace 4.0 - Walkway	D
	<ul style="list-style-type: none"> .. Northern opening to terrace intrudes 4.6m over northern boundary .. Northern opening to living room intrudes 3.7m over northern boundary .. Northern opening to walkway (>1m dimension therefore open living area) intrudes 3.5m over northern boundary .. Northern opening to sitting room intrudes 3.7 over northern boundary 		D
Height:	Required	Proposed	Status
Wall	5.6	6.4 (north); N/A (south)	D
Ridge	8.1	6.9 (north); 6.7 (south)	A
Pergola	≤ 2.5m at lowest pt.	3.5	D
Roof type	Gable, hip or skillion	Skillion - 5 °	A



Setbacks:							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
Front (west)							
Ground	Dwelling	N/A	N/A	N/A	Consistent with street	Behind existing	A
Upper	Dwelling	N/A	N/A	N/A	6.0	15.0	A
Rear (east)							
Ground	Dwelling	Behind existing			1.5	14.8	A
Upper	Dwelling	Behind existing			3.5	11.2	A
Side (north)							
Ground	Terrace	0.5	5.0	Y	1.5	2.9	A
	Dwelling lower	4.36	18.4	Y	4.0	2.3	D
Upper	Walkway	3.91	11.5	Y	2.4	4.0	A
	Dwelling upper	6.4	6.8*	N	1.2	2.3	A
Side (south)							
Ground	Dwelling	N/A	N/A	N/A	1.5	Nil – 3.6	D
Upper	Dwelling	N/A	N/A	N/A	3.0	3.6	A

* Wall length as calculated for assessment

Heritage

The existing dwelling is a heritage property assigned the B^ Management Category in the Town’s Heritage Survey 2006.

In summary, the Inventory states that the place has considerable heritage significance at a local level and that it is generally considered worthy of a high level of protection, to be retained and appropriately conserved. Strong encouragement should be provided to owners under the Scheme to conserve the significance of the place.

The Town Planning Advisory Panel did not request a Heritage Impact Statement; however it is noted that renovations and improvements to the existing dwelling will be in keeping with the architectural style, building materials and colours of the existing cottage and undertaken as the extensions are completed.

The proposed addition is solely contained to the rear of the existing dwelling and will not impact the streetscape or the way the existing residence is viewed from the street.

Carport and Existing Studio

Planning Approval was granted by Council on 19 July 2011 for a skillion roof carport comprising an additional wall on the eastern boundary. A Building permit has also been issued and the carport subsequently constructed. An artist’s studio has also been approved and constructed to the rear of the property with a boundary wall on the Marmion Street frontage.

Building Setbacks

Side Setbacks Dwelling (south) – Marmion Street

The development proposes a single-storey parapet wall along the southern boundary which will form the wall of the renovated and extended bathroom. This wall comprises a three metre extension of the existing parapet wall of the house. Part 3 of the LPP 142

provides standards for assessing proposed boundary setback variations as detailed below.

A wall may be situated closer to an adjoining residential boundary than the standards set out in the R-Codes where, amongst other things, the following are observed:

- (a) Walls are not higher than 3m and up to 9m in length up to one side boundary;*
- (b) Having regard to the above, where the wall abuts an existing or simultaneously constructed wall of similar or greater dimensions.*

The proposed wall does not significantly exceed 3m in height (skillion roof section at rear of the house 2.8m – 3.5m) and is for the most part an existing parapet wall. Although the length of the wall is greater than 9m, this section of the house is existing and the new wall will allow for bathroom renovations in keeping with the heritage requirements. The reduced setback is unlikely to have an impact on residential amenity. The wall will not result in any overshadowing of the neighbouring property, nor will it obscure views.

In regard to the two storey section of the extension facing Marmion Street the required setback is 3.0m and that proposed is 3.6m on both the ground and upper storey. The greater setback for the upper storey extension is considered to have an even lesser impact on the streetscape and complies with the R-Codes.

Side Setbacks (north) – Dwelling Lower Level

The development proposes a reduction in the required setback to the northern side boundary in regard to the lower level of the extension. As outlined above LPP 142 provides criteria by which to assess proposed variations to setback requirements:

- (a) Walls are behind the main dwelling; and*
- (b) The wall would be consistent with the character of the development in the immediate locality and not adversely affect amenity of adjoining properties having regard for views.*

The proposed wall height is 6.4m and the total length of the wall (including the existing house) is 18.4m with major openings, specifying a required setback of 4.0m, whereas 2.3m is proposed for the extension. This setback variation is not considered to have a significant impact as the extension comprises approximately one third of the total length of the building and is a relatively modest second storey of approximately 40 square metres with a wall length of 6.8m. This is not significant in terms of building bulk and will not result in any significant impact on the adjoining property in regard to overshadowing, privacy or views.

Visual Privacy

The privacy and overlooking issues relate to the pergola covered terrace, the raised second level walkway (connecting the artist's studio to the upper level extension) the ground floor living room and the upper level sitting area. Clause 7.4.1 of the R-Codes requires that these areas be setback between 6.0m and 7.5m and in this regard the proposal does not comply as the various elements are setback between 2.3 and 4.0m.

These variations however are considered supportable as the outlook from the building is over roof space and the primary outdoor living areas of the adjoining properties are located on the opposite side and to the rear of the adjoining sites. Furthermore, the adjoining owners have not expressed any concern in regard to the proposal.

Building Height

The proposed dwelling exceeds Council's height requirements in regard to wall height on both the northern and southern boundaries as 6.4 metres is proposed and LPP 142 specifies a wall height of 5.6 metres. In this case the building height is not considered to have an undue impact on the streetscape or the neighbouring properties. The extension is behind the existing dwelling and only marginally exceeds the height controls of LPP142 in regard to wall height being well within the 8.1 metre ridge height limit.

The highest point of the skillion roof line faces Marmion Street and does not impact on adjoining residential properties in regard to overshadowing or views and existing street trees will serve to lessen the impact on the streetscape. It is therefore recommended that the proposed variations to building height be supported.

Open Space

The proposal does not meet the minimum open space requirements as specified in the R-Codes; 46.6% is provided whereas 50% is required. This is not considered to be significant in this case given the proposal improves and enhances the outdoor living areas of the site and contributes to improving the overall amenity of the property. The recent addition of the carport has contributed to a reduction in open space on the site.

Pergola

The proposed pergola complies with Council's LPP 012 with the exception of the height from natural ground level. The policy specifies that a height of 2.5m (at its lowest point measured from natural ground level) is not to be exceeded and the proposed height is 3.5m. This height is required to marry with the finished floor level of the house extension and with the overhead walkway linking the two buildings. It is not considered to have a detrimental impact on the adjoining residential properties as the primary open space areas are at the rear of each of the properties to the north and north east.

Roofing Material

The roofing material is zincalume custom orb and so to comply with LPP Policy 023 a condition of planning approval will be required ensuring the zincalume will be painted upon request by Council within a period of two years after construction.

CONCLUSION

The proposed development incorporates several variations to the Town's requirements in relation to open space, building height, building setbacks, visual privacy and pergola height.

The variations where they relate to neighbouring properties are unlikely to result in any loss of residential amenity due to building bulk, overshadowing or substantial change to existing views, and the proposed privacy/overlooking variation is not considered to have a practical impact given the location of the open space areas on the adjoining properties. The applicant has worked to minimise the impact of the extensions on the streetscapes of Hubble and Marmion by setting the second storey predominantly behind the main building line and the materials, colour and finishes to be used are in keeping with the existing heritage inventory listed building which is also being renovated and improved.

The Advisory Panel has indicated that it supports the application and no objections have been received from neighbours. It is therefore recommended that the plans be approved subject to the following conditions.

RECOMMENDATION

That Council exercise its discretion in granting planning approval to:

- (a) vary the side setback requirements of the Residential Design Codes of Western Australia to permit a nil side setback for the extended wall of the existing house on the southern boundary at ground level;
- (b) vary the side setback requirements of the Residential Design Codes of Western Australia to permit a 2.3m side setback for the northern wall of the proposed extension;
- (c) vary the building height requirements of Local Planning Policy 142 – Residential Development to permit a maximum wall height of RL 36.990 for the proposed extension;
- (d) vary Clause 7.4.1 of the Residential Design Codes of Western Australia in regard to visual privacy to permit the cone of vision from the outdoor living areas and active habitable spaces to intrude over the proposed northern boundary;
- (e) vary the open space requirements as specified in Table 1 of the Residential Design Codes of Western Australia to permit open space of 46.6%; and

- (f) vary Local Planning Policy 012 to permit a maximum height of the pergola to exceed a height of 2.5 metres above natural ground, for a two storey extension and renovation of an existing residence, including a pergola and walkway linking the proposed upper storey to the existing artist's studio at No 104 (Lot 290) Hubble Street, East Fremantle, in accordance with the plans date stamped received on 16 April 2012 subject to the following conditions:
1. The parapet wall on the Marmion Street frontage is to match the existing parapet walls to the satisfaction of the Chief Executive Officer.
 2. The existing trees on the site to be retained.
 3. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
 4. With regard to the plans submitted with respect to the building permit application, changes are not to be made in respect of the plans which received planning approval, without those changes being specifically marked for Council's attention.
 5. 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.
 6. All stormwater is to be disposed of on site, clear of all buildings and boundaries.
 7. 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.
 8. Prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved to the satisfaction of the Chief Executive Officer. (*refer footnote (f) below*)
 9. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
 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.
 12. if requested by Council within the first two years following installation, the zincalume roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
 13. The artist's studio is not to be occupied for residential purposes.

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 permit is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition*

- of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.
- (d) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).
 - (e) matters relating to dividing fences are subject to the Dividing Fences Act 1961.
 - (f) under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the **installer** of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air-Conditioner Noise".
 - (g) the patio may not be enclosed without the prior written consent of Council.

150. REPORTS OF OFFICERS – STRATEGIC PLANNING

150.1 **Planning & Development Services – Status Report** By Jamie Douglas, Manager Planning Services on 6 June 2012

Purpose of This Report

This report provides elected members with information on the progress of the various strategic planning and development projects currently identified within the planning program.

STRATEGIC PLANNING

1. Residential Design Guidelines

The program of public consultation for the release of the draft Design Guidelines forms attachment 1 to this report. The information session and public submission period have now been completed. A total of seven persons attended the information session including Cr Rico. Notwithstanding the lack of numbers good feedback was attained from three Architects who provided input over a two hour period. These comments have been assessed and have resulted in a number of minor changes to the content and format of the Guidelines document. Notwithstanding the proposed minor changes there was however general support expressed for the document by all those attending.

Accordingly it is now recommended that Council adopt the draft Guidelines as a Local Planning Policy for the purposes of public advertising in accordance with the Scheme's provisions.

Local Planning Policies are adopted under the Part 2 of TPS No. 3. Clause 2.4 of the Scheme requires that a proposed Policy is advertised for 2 consecutive weeks in a local newspaper and that submissions may be made during a period of not less than 21 days. Subsequent to the closure of the submission period, Council is then required to review the proposed Policy in the light of any submissions made and resolve whether or not to adopt the Policy with or without modification. If the Policy is adopted, a notice of the Policy must be advertised once in a local paper and it comes into force on the date of this advertisement.

2. Review of Local Planning Strategy and Town Planning Scheme No.3

A copy of the draft Strategy was distributed to Elected Members with the April agenda.

The draft Strategy was presented to the Town Planning Advisory Panel at its meeting on 24 April 2012.

A presentation on the draft Strategy will be made to the Council at the 19 June meeting.

3. Access and Parking Management Plan – George Street Precinct

Work on the project commenced 2 April 2012 and is due for completion in 13 weeks from that date.

The two Community Working Group meetings have now been completed and the Consultants are preparing a draft report to be considered by the Manager Planning Services over the coming week. It is anticipated the draft report will be submitted for consideration by elected members in the July round of meetings.

4. Amendment 9 – Demolitions and Exemptions/ Resource Problems Department of Planning

As previously advised, the Draft Scheme Amendment 9 will not be submitted by the Department of Planning to the Minister for Final Approval until this month. This represents a delay in excess of twelve months. Unfortunately this is symptomatic of delays in the planning process being experienced by Local Governments in general, due to a lack of resourcing by the State Government for the Department of Planning. Attachment 2 is a list of responses from Local Governments which itemises delays which each is experiencing due to the Department of Planning's inability to respond to the current statutory planning workload. The President of WALGA is making a representation to the Minister for Planning regarding this.

It is relevant to note within the context of the current amalgamation debate the need for the State Government to get "its own house in order" to address inefficiencies in planning for future growth and development.

5. Heritage List

It is proposed to commence the translation of properties from the Municipal List onto an expanded Heritage List under TPS No 3 in June.

COMPLIANCE**State Administrative Tribunal – 20 Allen Street**

An appeal has been lodged with the SAT in respect to Council's refusal to allow a carport in front of the building line of 20 Allen Street. The Manager Planning Services attended an on-site mediation hearing on 22 May 2012. Arising from this mediation, the proponents have lodged amended plans for consideration by the Town Planning Advisory Panel and Council in the July round of meetings.

PROJECT PLANNING**1. Town Hall / Police Station Redevelopment**

Conservation works are progressing in accordance with the program indicated in previous reports. Re-roofing of the former Police Station was completed 8 June 2012.

2. East Fremantle Football Oval

Manager Planning Services is reviewing previous consultant output to draft a 'position paper' for consideration by elected members. It is intended this Paper will provide a basis for elected members to resolve a 'Desired Future Outcome' for the site. From this a Project Plan will be drafted to establish the process for implementation.

RECOMMENDATION:

It is recommended that:

1. the Planning & Development Services – Status Report be received.
2. Council endorse the proposed Local Planning Policy – Residential Design Guidelines for the purpose of public advertising, pursuant with Clause 2.4 of the Town of East Fremantle Town Planning Scheme No. 3, 3 December 2004.

The letter from Ms P Nairn, referred from Correspondence (MB Ref 146.2) was tabled.

19 June 2012

MINUTES

Cr Martin – Cr de Jong**That:**

1. the Planning & Development Services – Status Report be received.
2. Council endorse the proposed Local Planning Policy – Residential Design Guidelines for the purpose of public advertising, pursuant with Clause 2.4 of the Town of East Fremantle Town Planning Scheme No. 3, 3 December 2004.

CARRIED*The Manager Planning Services left the meeting at 8.20pm.***151. FINANCE****151.1 Accounts for Payment – May 2012***By Les Mainwaring, Executive Manager Finance & Administration on 6 June 2012***PURPOSE**

To endorse the list of payments for the period 1 May to 31 May 2012.

BACKGROUND

It is a requirement of the Financial Management Regulations that the monthly Accounts for Payment are endorsed by the Council. The List of Accounts is attached.

ATTACHMENT**REPORT****Comments/Discussion**

The List of Accounts for the period beginning 1 May to 31 May 2012 require endorsement by the Council.

RECOMMENDATION TO COUNCIL

That the List of Accounts for the period beginning 1 May and ending 31 May 2012 be received, as per the following tables:

<i>May 2012</i>		
Voucher Nos	Account	Amount
4359 – 4370	Municipal (Cheques)	\$14,803.67
EFT 15616 – EFT 15727	Electronic Transfer Funds	\$505,178.71
Payroll	Electronic Transfer Funds	\$211,993.49
	Municipal Total Payments	\$731,975.87

The CEO recommended that EFT 15652 and EFT 15659 be held over pending clarification of some matters in relation to these contracts.

Cr de Jong – Cr Collinson**That the List of Accounts for the period beginning 1 May and ending 31 May 2012 be received with the exception of EFT15652 and EFT15659, which are to be held over, pending clarification of some matters in relation to these contracts. CARRIED****151.2 Monthly Financial Activity Statement for Period Ending 31 May 2012***By Les Mainwaring Executive Manager Finance & Administration on 15 June 2012***PURPOSE**

To provide financial information to Elected Members. This statement outlines operating and capital revenues and expenditures in accordance with statutory requirements.

BACKGROUND

The monthly Financial Activity Statement for the period ending 31 May 2012 is appended and includes the following:

- Financial Activity Statement
- Notes to the Financial Activity Statement including schedules of investments and rating information.
- Capital expenditure Report

ATTACHMENT

The attached Financial Activity Statement is prepared in accordance with the amended Local Government (Financial Management) Regulations 1996; with additional material to provide Council with easy to understand financial information on Council activities undertaken during the financial year.

REPORT**Introduction/Comments**

The following is summary information on the attached financial reports:

Revised Budget Forecast

The Financial Activity Statement for the period ended 31 May 2012 indicates a Revised Budget Forecast of \$6,419 to 30 June 2012 after the half yearly review adjustments. The following analysis compares year to date variations against the revised forecast.

Operating YTD Actuals

Operating Revenue 101%; is \$82,000 more than the YTD budget. (Favourable)

Operating Expenditure 101%; is \$70,000 more than the YTD budget. (Unfavourable)

After non-cash adjustments, the total operating cash forecast is \$207,000 more than the YTD budget (Favourable). Note however that this figure is indicative only and subject to end of accruals and restricted cash adjustments.

Capital Programs YTD Progress

Land & Buildings 16% expended

Infrastructure Assets 43% expended

Plant & Equipment 76% expended

Capital expenditure is \$1,869,000 less than the YTD budget (Favourable). The report provides details on works that will be carried over and any unspent capital funds will be transferred to reserve as at 30 June 2012.

Statutory Requirements

Local Government Act 1995 (As amended)

Local Government (Financial Management) Regulations 1996 (As amended)

Relevant Council Policies

Significant accounting policies are adopted by Council on a periodic basis. These policies are used in the preparation of the statutory reports submitted to Council.

Strategic Plan Implications

Nil

Financial/Resource/Budget Implications

The May 2012 Financial Activity Statement shows variances in income and expenditure when compared with budget estimates.

Conclusion

The attached Financial Activity Statement for the period 1 July 2011 to 31 May 2012 is presented to the Council for information.

RECOMMENDATION

That the Financial Activity Statement for the period ending 31 May 2012 be received.

Cr Collinson – Cr de Jong

That the Financial Activity Statement for the period ending 31 May 2012 be received. CARRIED

152. REPORTS OF ELECTED MEMBERS**152.1 Cr Rico – Fremantle Library Advisory Committee**

Cr Rico presented a report on library activities for 2011/12.

ATTACHMENT

152.2 Cr Collinson – SMRC

Cr Collinson provided a brief update on SMRC matters including:

- The rebuilding of the multi waste recycling plant which should be operational by 5 August 2012
- The withdrawal of the City of Rockingham
- Conditions associated with licence renewal.

153. REPORTS OF THE CHIEF EXECUTIVE OFFICER**153.1 Meeting Schedule 2012/2013**

By Stuart Wearne, Chief Executive Officer, on 19 June 2012

PURPOSE

The purpose of this report is to facilitate a decision by Council on the meeting schedule for 2012/13.

Council is required, under Section 12 of the Local Government (Administration) Regulations 1996, to advertise its meeting schedule for the next twelve months, at least once a year. The previous schedule was to 30 June 2012 thus the meeting schedule for 2012/2013 will need to be resolved and advertised prior to July 1 2012.

BACKGROUND

At the Council Meeting of 21 June 2011, Council resolved as follows:

That:

1. *a Council meeting be scheduled for the 3rd Tuesday of the month (except during the month of December 2011 when the meeting is held on the 2nd Tuesday) to consider mainly Town Planning & Building Committee (Private Domain) and Finance matters and any other items of an urgent nature, including urgent Health or Town Planning/Public Domain matters.*
2. *a Council meeting be scheduled for the 1st Tuesday of the month (except December 2011) to consider mainly Works & Health matters and items of an urgent nature including Town Planning*
3. *a Town Planning & Building Committee (Private Domain) meeting be scheduled for the 2nd Tuesday of the month (except during the month of December 2011 when it will be scheduled for the first Tuesday of the month).*
4. *meetings of the Finance Committee be scheduled for the 26 July and 25 October 2011 and the 28 February and 29 May 2012.*

19 June 2012

MINUTES

5. *Special Meetings of any of the standing committees to be called if such meetings are required.*
6. *the above arrangements not to apply for January 2012 and the Chief Executive Officer be delegated authority to deal with, in consultation with the Mayor, any items of an urgent nature which cannot be held over to the round of meetings in February 2012.*
7. *the Chief Executive Officer be delegated the authority to establish the actual dates for the above meetings and to carry out the required advertising.*

Names of Committees

The issue of the names being used for Standing Committees was recently raised by an elected member. The Chief Executive Officer advises that the names currently being used are as per a Council decision of 1999/2000 which was made in respect of organisational changes which were adopted at the time.

The CEO considers the situation has changed since then and recommends the Committee names given in the Standing Orders be used, as previously occurred.

Thus the recommended Standing Committee names are:

- Finance Committee (abbreviation "Finance")
- Works & Reserves Committee (abbreviation "Works")
- Health & General Purposes Committee (abbreviation "Health")
- Town Planning & Building Committee (abbreviation "Town Planning")

Council Meetings

It had been considered the provision of meetings for the 1st and 3rd Tuesday of each month, the first dealing with mainly "works", and "health" issues (where there were such issues to discuss) and the second, mainly "planning" and "finance" matters, had provided a flexible and efficient means of having matters considered by Council.

Where there have been no, or insufficient items, to warrant a "1st Tuesday" meeting, the meeting has been cancelled, under the adopted delegated authority processes, which involved consultation between the Mayor and the CEO.

It has recently been understood that any cancellation of the 1st Tuesday meeting has been perceived by some elected members in a negative light, notwithstanding the question of why a meeting would be held when there are insufficient items to justify the meeting (noting also the financial cost involved – generally a minimum of \$500) and notwithstanding there was never an intent to hold this meeting regardless of the prevailing agenda item situation. It should also be noted that the "two meeting" approach is a relatively new approach, which was effectively being trialled, and prior to this, for approximately 110 years since the founding of the Town, there was only one ordinary Council meeting a month.

"1st Tuesday" meetings are not always cancelled due to agenda item issues. For example the November meeting was primarily cancelled because of concerns there would not be a quorum.

In December and January, 1st Tuesday meetings had not been scheduled, pursuant to an earlier decision by elected members.

1st Tuesday meetings were held in February and in March (where the meeting took the form of a presentation by Cynthia Williamson).

In April there was a lack of agenda items and some other relevant issues, in particular disruption at the Town Hall due to internal building maintenance works.

19 June 2012

MINUTES

In May a meeting had been planned however the meeting did not proceed because the Chief Executive Officer was away on urgent family business during the week when the agenda would need to have been prepared.

Notwithstanding the above, as discussed at Council's meeting of 15 May 2012, if the periodic cancellation of 1st Tuesday meetings is a concern for any elected member, an alternative model would be to call the 1st Tuesday meetings (assuming they remain as "1st Tuesday meetings) as *Special Council Meetings* which means they would only be advertised and held when required and thus there would be no issue of a cancellation. (Because 1st Tuesday meetings are currently designated as ordinary Council Meetings they must be advertised for the following year and then, by definition, if any of those meetings are not held, they are deemed cancelled.

When this matter was discussed at Council's meeting of 15 May 2012, some elected members indicated a preference for the Special Council Meeting option, to the point where there appeared a consensus view that a revised report, containing this option, be prepared.

In fact, since then, representations have been received from several elected members, in particular the Mayor, with regard to the need for the ongoing scheduling of two ordinary Council meetings per month and related issues.

As a result a further review has taken place and in addition to the two options given in the earlier report, a third option is now proposed.

Option 1

This represents the status quo.

Option 2

This represents the status quo, with the exception that the 1st Tuesday meeting, if called, would be called as a Special Council Meeting, rather than an ordinary Council Meeting.

Option 3

This option, which is primarily a result of the elected member representations referred to above, involves the following:

- (i) The Town Planning & Building Committee being held on the 1st Tuesday of the month. Even if the Town Planning & Building Committee assumes a delegated authority to deal with most planning matters, it is highly likely matters will periodically be held over to full Council, which remains on the 3rd Tuesday – however there would now be two weeks rather than one week to deal with any issues arising from the Committee.
- (ii) The Town Planning Advisory Panel meeting on the 2nd Tuesday. All Panel members who have responded on the issue in the last two days are in support. This will allow at least three weeks between the Panel meeting and the Town Planning & Building Committee meeting, in which to consider/address any Panel comments. This will be more than sufficient.
- (iii) If there is a need for a second Council Meeting in a month this could be held (as a Special Meeting):
 - (a) on the 4th Tuesday (or 5th Tuesday where it is a "5 Tuesday" month)
 - (b) on the 2nd Tuesday if there were not particular issues with the Presiding Member of the Town Planning Advisory Panel (generally Cr Wilson) not being in attendance.
 - (c) other days by agreement.

Based on discussion with the Mayor who in turn has been in discussion with other elected members and planning staff, option 3 is now considered the preferred option.

Town Planning & Building Committee (Private Domain)

The current monthly meeting system (including the role of the TPAP) is working well and I am pleased with the operation of this Committee.

19 June 2012

MINUTES

One of the suggestions made at the meeting of 15 May 2012 was for this Committee to be given a degree of delegated authority in planning matters – which could be a full delegated authority or could be a partial delegation, for example referring matters which had not resulted in a unanimous decision, to full Council.

The Chief Executive Officer believes this issue should be discussed further, at both a Committee and Council level.

It is not an issue which needs to be considered further for the purposes of this report however could be usefully discussed at this meeting.

Finance Committee

This Committee, which meets quarterly, has also been working well.

The following timetable is proposed for the 2012/2013 budget deliberations and the adoption of the financial statements for 2011/12.

2012/2013 Budget

7 August 2012 *Council Meeting to Adopt 2012/2013 Budget.*

2011/2012 Financial Statements

31 August 2012	<i>Completion of 2011/2012 Financial Statements including Pensioner Rebate, ESL, HACC and Roads to Recovery returns.</i>
4-7 September 2012	<i>Annual Audit of 2011/2012 Financial Statements by council auditor.</i>
15 October 2012	<i>Audit sign-off of 2011/2012 Financial Statements by council auditor.</i>
30 October 2012	<i>Annual Financial Statements Report to Audit Committee. Representation by External Auditor.</i>
6 November 2012	<i>Annual Financial Statements Report to Council for Adoption.</i>

It is proposed to hold the following ordinary Finance Committee Meetings during the 2012/13 year:

- 31 July 2012
- 30 October 2012
- 26 February 2013
- 28 May 2013

Town Planning/Public Domain, Works & Reserves Committee and Health & General Purposes Committee

It has not been necessary to call any meetings of these committees as the relevant items have been dealt with at the full Council Meetings, consistent with point (2) of Council's 21 June 2011 decision above.

If it is considered more appropriate for a particular issue to be dealt with at committee level, in the first instance, a special meeting of the relevant committee can be called.

December and January Meetings

Given the difficulty of completing correspondence from the December "planning" Council meeting, processing licences and finalising other tasks associated with this time of the year prior to the normal Christmas closure, it is again proposed to forgo the 1st Council Meeting in December (if this system is continued – see below) and bring forward the Town Planning & Building (Private Domain) and 2nd Council Meeting by one week. This would mean the Committee meeting would be held on Tuesday, 4 December and the Council Meeting on 11 December 2012.



19 June 2012

MINUTES

As per normal practice, no meetings have been scheduled for January 2013, however, should any urgent business arise which needs to be considered during this recess, a special Council meeting can be convened.

CONCLUSION

In consideration of the overall circumstances the following options are proposed.

OPTION 1

That:

1. the Standing Committees henceforth be referred to as:
 - Finance Committee
 - Town Planning & Building Committee
 - Works & Reserves Committee
 - Health & General Purposes Committee
2. a Council meeting be scheduled for the 3rd Tuesday of the month (except during the month of December 2012 when the meeting is held on the 2nd Tuesday) to consider mainly Town Planning & Building and Finance matters and any other items of an urgent nature, including urgent Health & General Purposes or Works & Reserves matters.
3. a Council meeting be scheduled for the 1st Tuesday of the month (except during the month of December 2012) albeit the holding of which to be subject to there being sufficient items to warrant holding the meeting.
4. a Town Planning & Building Committee meeting be scheduled for the 2nd Tuesday of the month (except during the month of December 2012 when it will be scheduled for the 1st Tuesday of the month).
5. meetings of the Finance Committee be scheduled for the 31 July and 30 October 2012 and the 26 February and 28 May 2013.
6. Special Meetings of any of the standing committees to be called if such meetings are required.
7. the above arrangements not to apply for January 2013 and the Chief Executive Officer be delegated authority to deal, in consultation with the Mayor, with any items of an urgent nature which cannot reasonably be held over to the round of meetings in February 2013.
8. the Chief Executive Officer be delegated the authority to call and convene the above meetings and to carry out the required advertising.

Absolute Majority Resolution Required

OPTION 2 (involving a change to point 3 above, only)

That:

1. the Standing Committees henceforth be referred to as:
 - Finance Committee
 - Town Planning & Building Committee
 - Works & Reserves Committee
 - Health & General Purposes Committee
2. a Council meeting be scheduled for the 3rd Tuesday of the month (except during the month of December 2012 when the meeting is held on the 2nd Tuesday) to consider mainly Town Planning & Building and Finance matters and any other items of an urgent nature, including urgent Health & General Purposes or Works & Reserves matters.
3. *a Special Council Meeting be held, preferably on the 1st Tuesday of the month (except during the month of December 2012) subject to there being sufficient items to warrant holding the meeting.*
4. a Town Planning & Building Committee meeting be scheduled for the 2nd Tuesday of the month (except during the month of December 2012 when it will be scheduled for the 1st Tuesday of the month).
5. meetings of the Finance Committee be scheduled for the 31 July and 30 October 2012 and the 26 February and 28 May 2013.
6. Special Meetings of any of the standing committees to be called if such meetings are required.



19 June 2012

MINUTES

7. the above arrangements not to apply for January 2013 and the Chief Executive Officer be delegated authority to deal, in consultation with the Mayor, with any items of an urgent nature which cannot reasonably be held over to the round of meetings in February 2013.
8. the Chief Executive Officer be delegated the authority to call and convene the above meetings and to carry out the required advertising.

Absolute Majority Resolution Required

OPTION 3 (PREFERRED OPTION & OFFICER'S RECOMMENDATION)

That:

1. the Standing Committees henceforth be referred to as:
 - Finance Committee
 - Town Planning & Building Committee
 - Works & Reserves Committee
 - Health & General Purposes Committee
2. a Council meeting be scheduled for the 3rd Tuesday of the month (except in December 2012 when the meeting will be held on the 2nd Tuesday).
3. a Town Planning & Building Committee meeting be scheduled for the 1st Tuesday of the month.
4. a Town Planning Advisory Panel Meeting be scheduled for the 2nd Tuesday of the month (except during December 2012 when no meeting will be held and January 2013 when the meeting will be scheduled for the 3rd Tuesday given there will be no other scheduled meetings).
5. Special Meetings of any of the standing committees to be called if such meetings are required.
6. Special Council Meetings be called where necessary, preferably on the 4th Tuesday of the month (except during the month of December 2012).
7. meetings of the Finance Committee be scheduled for the 31 July and 30 October 2012 and the 26 February and 28 May 2013.
8. the above arrangements not to apply for January 2013 and the Chief Executive Officer be delegated authority to deal, in consultation with the Mayor, with any items of an urgent nature which cannot reasonably be held over to the round of meetings in February 2013.
9. the Chief Executive Officer be delegated the authority to call and convene the above meetings and to carry out the required advertising.

Absolute Majority Resolution Required

Cr de Jong – Cr Lilleyman

That:

1. *the Standing Committees henceforth be referred to as:*
 - *Finance Committee*
 - *Town Planning & Building Committee*
 - *Works & Reserves Committee*
 - *Health & General Purposes Committee*
2. *a Council meeting be scheduled for the 3rd Tuesday of the month (except in December 2012 when the meeting will be held on the 2nd Tuesday).*
3. *a Town Planning & Building Committee meeting be scheduled for the 1st Tuesday of the month.*
4. *a Town Planning Advisory Panel Meeting be scheduled for the 2nd Tuesday of the month (except during December 2012 when no meeting will be held and January 2013 when the meeting will be scheduled for the 3rd Tuesday given there will be no other scheduled meetings).*
5. *Special Meetings of any of the standing committees to be called if such meetings are required.*
6. *Special Council Meetings be called where necessary, preferably on the 4th Tuesday of the month (except during the month of December 2012).*
7. *meetings of the Finance Committee be scheduled for the 31 July and 30 October 2012 and the 26 February and 28 May 2013.*

19 June 2012

MINUTES

8. *the above arrangements not to apply for January 2013 and the Chief Executive Officer be delegated authority to deal, in consultation with the Mayor, with any items of an urgent nature which cannot reasonably be held over to the round of meetings in February 2013.*
9. *the Chief Executive Officer be delegated the authority to call and convene the above meetings and to carry out the required advertising.*

Amendment

Cr Martin – Cr Wilson

That the following become Condition 10 of the motion:

10. **a report be prepared for consideration by the Town Planning & Building Committee at its July meeting regarding options for changes to delegations for the Town Planning & Building Committee.** CARRIED

Amendment

Cr Collinson – Cr Rico

That:

- *Condition 6 be deleted.*
- *The following words be added after the words “3rd Tuesday” in Condition 2 “and 4th Tuesday” .* LOST

The motion, as amended, was put.

Cr de Jong – Cr Lilleyman

That:

1. *the Standing Committees henceforth be referred to as:*
 - *Finance Committee*
 - *Town Planning & Building Committee*
 - *Works & Reserves Committee*
 - *Health & General Purposes Committee*
2. *a Council meeting be scheduled for the 3rd Tuesday of the month (except in December 2012 when the meeting will be held on the 2nd Tuesday).*
3. *a Town Planning & Building Committee meeting be scheduled for the 1st Tuesday of the month.*
4. *a Town Planning Advisory Panel Meeting be scheduled for the 2nd Tuesday of the month (except during December 2012 when no meeting will be held and January 2013 when the meeting will be scheduled for the 3rd Tuesday given there will be no other scheduled meetings).*
5. *Special Meetings of any of the standing committees to be called if such meetings are required.*
6. *Special Council Meetings be called where necessary, preferably on the 4th Tuesday of the month (except during the month of December 2012).*
7. *meetings of the Finance Committee be scheduled for the 31 July and 30 October 2012 and the 26 February and 28 May 2013.*
8. *the above arrangements not to apply for January 2013 and the Chief Executive Officer be delegated authority to deal, in consultation with the Mayor, with any items of an urgent nature which cannot reasonably be held over to the round of meetings in February 2013.*
9. *the Chief Executive Officer be delegated the authority to call and convene the above meetings and to carry out the required advertising.*
10. *a report be prepared for consideration by the Town Planning & Building Committee at its July meeting regarding options for changes to delegations for the Town Planning & Building Committee.* LOST

NO ABSOLUTE MAJORITY ACHIEVED



19 June 2012

MINUTES

Cr de Jong – Cr Lilleyman

That:

1. the Standing Committees henceforth be referred to as:
 - Finance Committee
 - Town Planning & Building Committee
 - Works & Reserves Committee
 - Health & General Purposes Committee
2. a Council meeting be scheduled for the 3rd Tuesday of the month (except in December 2012 when the meeting will be held on the 2nd Tuesday).
3. a Town Planning & Building Committee meeting be scheduled for the 1st Tuesday of the month.
4. a Town Planning Advisory Panel Meeting be scheduled for the 2nd Tuesday of the month (except during December 2012 when no meeting will be held and January 2013 when the meeting will be scheduled for the 3rd Tuesday given there will be no other scheduled meetings).
5. Special Meetings of any of the standing committees to be called if such meetings are required.
6. Special Council Meetings be called where necessary, preferably on the 4th Tuesday of the month (except during the month of December 2012).
7. meetings of the Finance Committee be scheduled for the 31 July and 30 October 2012 and the 26 February and 28 May 2013.
8. the above arrangements not to apply for January 2013.
9. a report be prepared for consideration by the Town Planning & Building Committee at its July meeting regarding options for changes to delegations for the Town Planning & Building Committee. CARRIED

153.2 Richmond Primary School

The CEO reported that on 8 June he had attended the opening of the new art room and library additions at Richmond Primary School officiated by Melissa Parke MP, which had been funded through the Federal Government Building the Education Revolution Funding Program.

153.3 Dual Use Path – Riverside Road

Following an earlier query from an elected member, the CEO confirmed that the footpath along Riverside Road was, in fact, a dual use path.

Elected members requested consideration be given to some intermittent stencilling being installed on the path, with the aim of reminding users to consider other path users.

154. CONFIDENTIAL BUSINESS

154.1 SMRC – Withdrawal Arrangements for a Project Participant (City of Canning)

Cr Collinson – Cr Rico

That this matter be dealt with on a confidential basis, in accordance with Section 5.23(2)(c) of the Local Government Act. CARRIED

The CEO circulated a confidential report regarding the above for elected members to read over the next few days with a view to a Special Council Meeting being convened to deal with this matter, as soon as this can be arranged. Elected members were asked, meanwhile, to refer any queries on the report, to the CEO, as soon as possible.

CONFIDENTIAL ATTACHMENT

155. NOTICES OF MOTION BY ELECTED MEMBERS FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil.

19 June 2012

MINUTES

156. MOTIONS WITHOUT NOTICE OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Nil.

157. CLOSURE OF MEETING

There being no further business, the meeting closed at 9.40pm

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **19 June 2012**, Minute Book reference **134. to 157.** were confirmed at the meeting of the Council on*

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Presiding Member