

10 April 2012

MINUTES

MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 10 APRIL, 2012 COMMENCING AT 6.30PM.

T20. OPENING OF MEETING

The Manager – Planning Services, Jamie Douglas, opened the meeting and advised that as Cr Wilson was an apology for this evening's meeting, nominations would be called for Presiding Member.

T20.1 Present

Cr Barry de Jong	Presiding Member
Cr Cliff Collinson	
Cr Siân Martin	
Cr Dean Nardi	
Mr Jamie Douglas	Manager Planning Services
Ms Carly Pidco	Town Planner
Mrs Peta Cooper	Minute Secretary

T21. ELECTION OF PRESIDING MEMBER

The Manager – Planning Services, Jamie Douglas, called for nominations for the position of Presiding Member in the absence of Cr Wilson.

Cr Martin nominated Cr de Jong who accepted the nomination. The nomination was seconded by Cr Nardi.

Cr de Jong assumed the chair.

T22. 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."

T23. WELCOME TO GALLERY

There were 15 members of the public in the gallery at the commencement of the meeting.

T24. APOLOGIES

Mayor Alan Ferris
Cr Alex Wilson
Cr Maria Rico

T25. CONFIRMATION OF MINUTES

T25.1 Town Planning & Building Committee (Private Domain) – 13 March 2012

Cr Collinson – Cr Nardi

That the Town Planning & Building Committee (Private Domain) minutes dated 13 March 2012 as adopted at the Council meeting held on 20 March 2012 be confirmed. CARRIED

T26. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

T26.1 Philip Street No. 19 (Lot 80)

Email received from Designer asking that the elected members be advised of plans to demolish existing blank screen wall on the eastern elevation as shown on 3D perspective and the area to be landscaped to soften the façade.

10 April 2012

MINUTES

Cr Nardi – Cr Collinson

That the correspondence be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref. T29.7).

CARRIED

T26.2 Pier Street No. 49B (Lot 2)

Email from adjoining neighbour at 51A Pier Street providing comment on amended plans as provided by Brad Ladyman, Architect, on 10 April 2012.

Cr Nardi – Cr Collinson

That the correspondence be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref. T29.8).

CARRIED

T26.3 Pier Street No. 49B (Lot 2)

Correspondence from adjoining neighbour at 51A Pier Street providing further comment on amended plans after having met with the owners and their architect.

Cr Nardi – Cr Collinson

That the correspondence be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref. T29.8).

CARRIED

T27. REPORTS OF COMMITTEES

T27.1 Town Planning Advisory Panel – 27 March 2012

Cr Martin – Cr Collinson

That the minutes of the Town Planning Advisory Panel meeting held on 27 March 2012 be received and each item considered when the relevant development application is being discussed.

CARRIED

T28. REPORTS OF OFFICERS – STRATEGIC PLANNING

T28.1 Planning & Development Services – Status Report

By Jamie Douglas, Manager Planning Services 3 April 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 and current planning department resources.

STRATEGIC PLANNING

Residential Design Guidelines

The following program of public consultation for the release of the draft Design Guidelines has been prepared by 'Bluebottle Consulting who will be project managing the consultation program.

Activity	Responsibility	Date
Bluebottle to meet with consultants	Bluebottle/TOEF/ Consultants	30 March
Prepare draft: – fact sheets – summary sheets – website information – media release – advertising	Bluebottle/TOEF	2–16 April

Activity	Responsibility	Date
Approval of material	TOEF	
Distribution of media release to local newspapers	Bluebottle	23 April
Advertising of RDG commences for two week period	TOEF	23 April –7 May
Preparation of information session material: – powerpoint presentation	TOEF/consultants	7–10 May
Review of information session material for branding, tone and style	Bluebottle	10–11 May
Information session	TOEF/consultants	16 May 4pm-7pm
Submission period	TOEF	16 May–6 June
Submissions received and report prepared by manager planning services to present at council	TOEF	25 June
Council adopts policy (incorporating submission feedback)	TOEF	3 July
Advertising announcing council adoption of policy	TOEF	10 July
Information session (if required) to advise residents and professionals of the outcome of the consultation and the amendments to the policy and what they mean	TOEF/consultants	12 July

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

The draft Local Planning Strategy document is the subject of a separate report in this agenda. Copy of the draft Strategy is distributed with this agenda for consideration by Elected Members in the May round of meetings.

Access and Parking Management Plan – George Street Precinct

A report on tender selection is and project program is the subject of a separate report in this agenda. Work on the project commenced 2 April 2012 and is due for completion in 13 weeks.

Amendment 9 – Demolitions and Exemptions

Draft Scheme Amendment 9 will make textural changes to the Scheme to require an application for planning approval for all demolitions and also to increase the extent of minor non-consequential works which are exempt from the need for planning approval. The Department of Planning has advised that it is now processing the draft amendment for submission to the Minister for Final Approval. However Department officers have advised they do not support the application of development control provisions for all demolitions. The Manager Planning Services has made a further written submission to the Department in this regard. Indications are that the proposed alternative to require development approval for properties listed on the Municipal Inventory may gain officer support.

10 April 2012

MINUTES

PROJECT MANAGEMENT

Conservation Works Former Police Station

Roof Replacement and Ancillary Works

The preferred contractor, the 'Roof and Wall Doctor' has advised it will commence the works in the second week of May 2012. The works are expected to take 2 to 3 weeks to complete. It is intended that additional works will take place after roof installation. These works will include preparation treatment and painting of all external exposed timbers.

Conservation Works Town Hall

Repair / Replace Fire Escape Stairs

The preferred contractor for these works, 'Living Iron Pty Ltd' has advised the manufacture of the stairs will commence in early April.

The works are expected to take 8 to 12 weeks to complete. It is intended that additional works will be required to repair the building facade after the existing stairs are removed and before installation of the new stairs. The remedial works required to repair and repaint the facade at the location of the new stairs will be undertaken on a day works basis.

Repair Works to Facade and Redecorate

A second quote has been sourced for this works package in accordance with Council's determination at its February meeting. The Operations Manager expects to receive the second quotation for this work package by the 13th April 2012.

Survey of Air-conditioning Loads

Assess roof elements associated with support of air conditioning plant. A second quotation and proposal is being sourced for the supply of structural engineering investigation and design to strengthen the structure of the upper roof section.

Rising Damp

'Anti-Damp' has been selected to undertake the work for a cost of \$7,500. Work commenced on 30 March and will take 2 weeks to complete.

RECOMMENDATION

That the report be received.

RECOMMENDATION TO COUNCIL

Cr Nardi – Cr Martin

That the report be received.

CARRIED

T28.2

Access and Parking Management Plan, George Street Precinct

By Jamie Douglas, Manager Planning Services 3 April 2012

Purpose of this Report

The purpose of this report is to advise of the appointment of Consultants GHD to undertake the Access and Management Plan for the George Street Precinct. A summary of the project program proposed by GHD is also included for information.

Background

The project comprises the preparation of a Plan to manage access and parking within the George Street Precinct and surrounding residential area.

The Plan will establish an efficient and sustainable response to access and parking requirements for existing and potential developments that will promote the development of a vibrant mixed use precinct while maintaining appropriate levels of residential amenity.

The preparation and implementation of the Plan is funded from developer contributions required in accordance with the Local Planning Policy – 'George Street Mixed Use Precinct New Development Contribution to the Management of Access and Parking'. These contributions are required at the rate of \$9,000 for each car space not provided on

site after onsite and adjacent on-street parking spaces have been deducted. The wine bar development at 48 George Street has committed to the payment of \$135,000, the majority of which has been received and is available for the cost of the consultancy.

Assessment of Tenders

A proposal from GHD for a lump sum fee of \$76,545 was selected from the six tender submissions. The CEO has endorsed the recommendation for appointment contained in the attached report and awarded the tender, pursuant to Delegation D12.

Project Program

The consultants commenced the project with an Inception Meeting and site visit with the Manager Planning Services on 2 April 2012. As can be seen in the following Project Timeline, it is anticipated the project will be completed in 13 weeks time.

Task	Weeks from date of Appointment												
	1	2	3	4	5	6	7	8	9	10	11	12	13
Inception Meeting	█												
Site visit during AM Peak	█												
Establishment of a local Community Working Group	█	█	█										
Survey		█	█										
First meeting of the CWG			█										
Parking survey	█												
Accident data review at Hubble St and Sewell St				█									
Assess the Town of East Fremantle Town Planning Scheme No 3				█	█	█	█						
Identify opportunities and determine 3 preferred sketch concepts in consultation with client				█	█	█	█						
KEY MILESTONE – issue progress report and Project-Manager meeting							█						
Second CWG workshop - up to 3 sketch concepts.								█					
Survey for those Community members who cannot attend Working Group sessions								█					
Decide on and draw up single option from the 3 sketch concepts									█	█			
KEY MILESTONE – issue progress report										█			
Implementation program including priority timeline, costings, roles and responsibilities											█		
KEY MILESTONE – issue progress report and Project-Manager meeting												█	
Submission of draft Access and Parking Management Plan to the Town, for review												█	
Submission of final version of the Access and Parking Management Plan													█

Figure 1 Timeline

The GHD program incorporates a high level of community consultation, options analysis, test and feedback. Accordingly a Community Working Group is to be formed comprising a representative cross section of residents and business operators to work with the Team on issues identification and options feedback. Advertising for membership of the CWG will be conducted by GHD and will occur shortly.

RECOMMENDATION

That the report on the preparation of the Access and Parking Management Plan, George Street Precinct be received.

RECOMMENDATION TO COUNCIL

Cr Martin – Cr Collinson

That the report on the preparation of the Access and Parking Management Plan, George Street Precinct be received. CARRIED

T28.3 **Review of – TPS No. 3 and Local Planning Strategy**
By Jamie Douglas, Manager Planning Services, on 3 April 2012

Purpose of this Report

This report advises of the progress in the review of the Local Planning Strategy and Town Planning Scheme No 3. and presents a draft Local Planning Strategy for the

10 April 2012

MINUTES

consideration of Elected Members. It is proposed that a determination in respect to the draft Strategy will be made by Council at its meeting in May 2012.

Background

At its meeting in July 2011, Council endorsed a recommended strategy for a general review of the Local Planning Strategy and an omnibus series of amendments to Town Planning Scheme No. 3. The proposed scheme amendments would change density, plot ratio and height provisions in certain areas.

Consultant Eugene Ferraro was appointed to undertake the review and has now completed an analysis of issues affecting the future planning for the Town and has prepared a draft Local Planning Strategy. The draft Strategy has been distributed to the Town Planning Advisory Panel for consideration at its May meeting.

Discussion

The consultant has completed a survey of the existing housing density and development pattern throughout the Town to inform revisions to the Planning Strategy and Scheme. A draft Local Planning Strategy has been prepared to replace the existing 2003 Town of East Fremantle Planning Strategy. Subject to Council approval, it is intended that this Strategy would be given effect by a series of amendments to TPS No3. It is intended that the revised Planning Strategy and Scheme changes would satisfy the requirements under the Planning and Development Act for periodic reviews of Planning Strategies and Planning Schemes required of Local Government.

The approach taken in the preparation of the draft Strategy was to build on the 2003 Strategy by undertaking a contemporary detailed analysis of the applicable regional planning objectives; residential densities; pattern of development and population forecasts. Opportunities for infill development were then explored on a precinct by precinct basis. In each instance, the subdivision and development pattern, heritage and built form characteristics were assessed to determine locations where infill could occur without prejudicing established heritage, amenity and streetscape values.

The draft Strategy proposes that potential infill development locations would be rezoned as dual R-coded areas where subdivision and development could be considered at the higher indicated density providing the proposals meet certain performance criteria. This approach will encourage housing diversity since not all lots in an area will be able to satisfy the criteria necessary for redevelopment and will protect heritage and streetscape values.

RECOMMENDATION

That the report be received and the accompanying Draft Local Planning Strategy 2012 be considered by Elected Members for endorsement at the May Council meeting following comments from the Town Planning Advisory Panel.

RECOMMENDATION TO COUNCIL

Cr Collinson – Cr Martin

That the report be received and the accompanying Draft Local Planning Strategy 2012 be considered by Elected Members for endorsement at the May Council meeting following comments from the Town Planning Advisory Panel. CARRIED

T29. REPORTS OF OFFICERS - STATUTORY PLANNING/DEVELOPMENT CONTROL

T29.1 *Receipt of Reports*

Cr Martin – Cr Collinson

That the Reports of Officers be received.

CARRIED

10 April 2012

MINUTES

T29.2 Order of Business

Cr Martin – Cr Collinson

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

T29.3 Oakover Street No. 14 (Lot 344)

Applicant: S & J Lawson

Owner: S & J Lawson

Application No. P26/12

By Carly Pidco, Town Planner, on 2 April 2012

PURPOSE OF THIS REPORT

This report recommends conditional approval of a Development Application for construction of extensions at 14 Oakover Street, East Fremantle.

BACKGROUND

Description of site

The subject site is:

- a 983m² freehold lot
- zoned Residential 12.5
- located in the Woodside Precinct
- improved with a single-storey single dwelling
- assigned C+[^] Management Category in the Town's Heritage Survey 2006

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5

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 : To be relocated
Footpath : Crossover to be removed and relocated
Streetscape : Alterations to existing heritage dwelling

Documentation

Plans and relevant forms date stamped received on 21 February 2012

Date Application Received

21 February 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 16 March 2012 to 20 March 2012. No submissions were received during this period.

In addition, the landowner has provided letters of support from the side adjoining neighbours at 12 and 16 Oakover Street and the rear adjoining neighbours at 79, 81 and 83B Petra Street.

10 April 2012

MINUTES

Town Planning Advisory Panel Comments

The application was considered by the Town Planning Advisory Panel at its meeting of 27 March 2012. The Panel's comments and officer's assessment are detailed below.

- *Panel appreciates the quality of plans submitted and the 3D concept plans.*
- *Panel recommends a simplification of the upper floor level stair void / dressing room extension as this presents and over-complicated development of the second storey.*

The landowner has provided the following written submission in support of the subject gable roof element:

- the design is intended to tie the upper storey into the lower, to avoid if possible the appearance of an obvious "add-on", and replicates the gable and awning over the ground floor front bedroom;
- we wish to avoid the upper storey resembling a box - i.e. we are hoping to achieve a look which develops and enhances the character of the existing home;
- from the front of the house, we believe that the visual impact of this will be minimal. The gable is set back approximately 15m from the front boundary, and over 8m back from the front of the existing house. This, coupled with the slope of the block from back to front means that, even at street level on the footpath at the front of the house, the actual visible portion of the second storey will be minimal. The 3D images go some way to demonstrating this point, and it should be noted that the elevation drawings do not take into account perspective, meaning that the dominance of the upper storey appears overstated;
- this part of the extension is also set back between (approx) 7.5m and 9m from side boundaries, and overshadowing is absolutely minimal;
- with the two existing gables downstairs, and the gambrel over the car port, it is important to ensure the design of the upper storey is balanced with the ground floor, and the removal of this gable (and potentially pushing the upper storey development further back) would have the result of reducing rather than enhancing the street appeal, in our opinion;
- we have had nothing but positive feedback from surrounding neighbours with respect to the design, including those living opposite the house, and many have commented specifically on the second storey front elevation as being particularly attractive and in keeping with the existing residence;
- in summary, we have been careful to maintain the existing character of the house from a heritage perspective, and believe that the design of the stair void / dressing room extension upstairs is key to achieving a result in keeping with the existing home, whilst also maintaining the amenity of the upper storey.

The design intent of a sympathetic extension to the existing heritage facade is supported, however, it should be noted that Article 22 of the Burra Charter provides that "*new work such as additions to the place may be acceptable where it does not distort or obscure the cultural significance of the place, or detract from its interpretation and appreciation*" and "*new work should be readily identifiable as such*". Mimicry of heritage features is therefore generally discouraged, as it can fragment the original facade and make it difficult to distinguish between old and new. Notwithstanding this, the landowner's submission that the gable element sits significantly behind the original facade thus differentiating it from the original dwelling is supported, and the 3D drawings support the assertion that the existing feature gables (porch and bedroom) remain the dominant elements of the facade. The 3D drawings and elevations also show the upstairs gable element having a different but harmonious finish to the original dwelling ('Linea' Weatherboards), which would further satisfy the principles of the Burra Charter.

Site Inspection

By Town Planner on.30 January 2012

ASSESSMENT

The proposed development is consistent with the objectives of the Residential Zone. A number of variations are being sought to the Town's LPP 142 Residential Development and the Residential Design Codes, as detailed below. Note that setbacks to the proposed

10 April 2012

MINUTES

pool house are not included in the assessment as the structure is existing and the setback requirements have not changed.

Key: A = Acceptable, D = Discretion

Site:	Required	Proposed	Status				
Open Space	55%	65.9%	A				
Site Works	Less than 500mm	Less than 500mm	A				
Local Planning Policies:							
Policy 142	Variations to height and setbacks		D				
Roof	Zincalume – apply standard condition. Dominant roof pitch 27 degrees.		D				
Solar Access & Shade	Alfresco and activity room have access to northern sun.		A				
Drainage	To be conditioned		A				
Views	No impact		A				
Crossover	To be conditioned		A				
Trees	Verge tree to be retained - condition		A				
Other:							
Issues			Status				
Overshadowing	9.8% over No. 16 Oakover		A				
Privacy/Overlooking	Sitting room: North window 0.3m over Northern boundary		D				
Height:							
Required	Proposed	Status					
Wall	6.0	7.53 (North); 8.22 (West); 7.9 (South)	D				
Ridge	9.0	9.30m (North); 9.85m (West); 9.1 (South)	D				
Roof type	Hip / Dutch Gable						
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	6.9m, consistent	A
	Carport	N/A	N/A	N/A	At or behind main building line	8.8m, 1.2m forward of main building line	D
Upper	Dwelling	N/A	N/A	N/A	7.5m	14.6m	A
Rear (east)							
Ground	Dwelling	N/A	N/A	N/A	6.0m	19.0m	A
	Pool House	N/A	N/A	N/A	6.0m	15.8m	A
Upper	Dwelling	N/A	N/A	N/A	6.0m	20.0m	A
Side (south)							
Ground	Carport	3.13	7.85	N	1.0	Nil	D
	Dwelling	3.17	23.1	Y	1.5	3.8	A
Upper	Dressing	7.33	14.2*	N	2.2	9.2	A
	Dwelling	6.17	13	N	1.7	4.8	A
Side (north)							
Ground	Dwelling	3.9	24.8*	Y	1.7	3.5	A
Upper	Sitting MO	6.7	4.2*	Y	3.3	4.2	A
	Sitting/Store	6.7	4.8	N	1.2	4.2	A
	Dwelling	7.5	14.2	Y	4.7	7.7	A

* Wall length as calculated for assessment purposes

Roof Form

The Local Planning Policy 66 provides that dominant roof elements are to have a minimum pitch of 28 degrees, and the proposed development achieves a 27 degrees roof pitch. This ties in with the existing roof forms to create a sympathetic upper storey. The variation will not be perceptible at street level and is supported.

Privacy

The cone of vision from the major opening to the northern wall of the upstairs sitting room intrudes 0.3m over the boundary. The impact of this intrusion is minor, however, as it overlooks the side setback area of the neighbouring property, which would see little use as a habitable space by virtue of its dimensions. The landowner has provided a letter of support for the development from the affected neighbour. The variation is therefore supported.

Building Height

The development exceeds the maximum permitted building heights as measured from the north, south and west boundaries. This is primarily due to the scale of the existing dwelling, with a finished floor level significantly higher than NGL and an internal ceiling height of 3.34m. The original filling was done to achieve a continuous finished floor level over a sloping block, which results in building height being measured as significantly above requirements at the front (lower) part of the site and compliant at the rear (higher) part of the site. The proposed extension is not considered to be excessive in scale when compared to the existing dwelling. Proposed ceiling heights are 2.57m and the 27 degree roof pitch results in a slightly lower roof ridge than a compliant pitched roof would achieve. The facade as viewed from the street maintains the high pitched roof of the original dwelling with the extension sitting unobtrusively behind.

It would be difficult to achieve a height compliant second storey extension given the scale of the existing dwelling, and it is appropriate to consider variations to requirements where this aids the retention of a heritage property. This is supported by the Heritage Survey 2006, which states that "Incentives should be considered where the condition or relative significance of the individual place is marginal but where a collective significance is served through retention and conservation". The dwelling is located in a portion of Oakover Street that displays a high quality heritage streetscape, and retention of the dwelling should be encouraged.

The second storey extension complies with overshadowing and setback requirements, limiting any undue impact of its scale upon neighbours. The minor variation to privacy requirements is by virtue of the design of the major opening rather than the height of the dwelling. The site is located south of Canning Highway on a gently sloping street and will not obscure access to views. Letters of support have been received from all adjoining neighbours. In consideration of these factors and the desire to retain the original dwelling, the building height variations are supported.

Building Setbacks

Front Setbacks - Carport

The proposed carport sits forward of the main building line of the house, but behind the porch and projecting bedroom wall. The impact of the carport on the dwelling facade and streetscape is minimal as it is dominated by the forward gable elements. In particular, the original porch is wide and central to the facade, drawing the eye. The setback of the carport is not considered to have an undue impact on the streetscape or the heritage fabric of the property and is therefore supported.

Side Setbacks - Carport

The development proposes a single-storey parapet wall garage. Part 3 of the LPP 142 provides standards for assessing proposed boundary setback variations. The variation complies with criteria 'a' and 'c' (relating to

10 April 2012

MINUTES

height, length, and overshadowing) and is consistent with the intent of criteria 'd' (relating to impact on amenity and views). Criteria 'b' states that the subject wall should be located behind the main dwelling, and while it does not, the location of the carport is supported for the reasons outlined above. Criteria e states "where the wall abuts an existing or simultaneously constructed wall of similar or greater dimensions". The carport abuts the neighbouring property's driveway. Although not a building wall, the underlying principle of the criteria is considered upheld as the driveway is not a sensitive area affected by building bulk.

Heritage

The existing dwelling on the subject site is a heritage property of assigned the C+^ Management Category in the Town's Heritage Survey. It is of high condition and integrity and significantly contributes to the locality. The assessment of Building Height discusses the key design elements in relation to retention of the existing dwelling. The proposed extension is set back from the heritage facade, maintaining its visual dominance and leaving the original roof elements nearly intact. The development is considered to achieve a sound balance between retention of the old dwelling and expansion of the property to a modern home.

CONCLUSION

The proposed development incorporates several variations to the Town's Policies and Residential Design Codes in relation to building height, visual privacy, roof form and building setbacks. The variations being sought are supported as they have limited impact on the amenity of neighbouring properties and the streetscape, and letters of support have been submitted from all adjoining properties. The development will maintain the key elements of the heritage dwelling, including the porch, gables with timber struts, and high main roof. The modern addition has been set significantly behind the original facade to reduce its impact on the street. It is recommended that the application be supported subject to conditions.

RECOMMENDATION

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

- (a) Vary the roof form requirements of the Local Planning Policy 66 Council Policy on Roofing to permit a dominant roof pitch of 27°;
- (b) Vary the front setback requirements of the Local Planning Policy 142 Residential Development to permit the location of the carport 1.2m forward of the main building line;
- (c) Vary the side setback requirements of the Residential Design Codes of Western Australia to permit a nil side setback from the southern wall of the carport to the southern boundary;
- (d) Vary the building height requirements of the Local Planning Policy 142 Residential Development to permit maximum wall height of 8.22m and maximum ridge height of 9.85m as depicted on the approved plans; and
- (e) Vary the visual privacy requirements of the Residential Design Codes of Western Australia to permit the cone of vision from the major opening to the northern wall of the Sitting Room to intrude 0.3m over the northern boundary

for the construction of extensions at No. 14 (Lot 344) Oakover Street, East Fremantle, in accordance with the plans date stamped received on 21 February 2012 subject to the following conditions:

1. The carport is to remain open-faced at all times.
2. 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.
- 3.. That the zincalume roofing be treated to Council's satisfaction to reduce reflectivity in the first two years following installation, at the owner's expense.
4. The works are to be constructed in conformity with the drawings and written

10 April 2012

MINUTES

- 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.
5. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
 6. The proposed 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.
 7. All stormwater is to be disposed of on site, clear of all buildings and boundaries.
 8. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
 9. 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 (i) below*)
 10. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
 11. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
 12. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
 13. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected 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) *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.*
- (g) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

10 April 2012

MINUTES

- (h) *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 Joe Lawson (owner) addressed the meeting in support of the officer's recommendation.

RECOMMENDATION TO COUNCIL

Cr Martin – Cr Nardi

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

- (a) Vary the roof form requirements of the Local Planning Policy 66 Council Policy on Roofing to permit a dominant roof pitch of 27 degrees;**
- (b) Vary the front setback requirements of the Local Planning Policy 142 Residential Development to permit the location of the carport 1.2m forward of the main building line;**
- (c) Vary the side setback requirements of the Residential Design Codes of Western Australia to permit a nil side setback from the southern wall of the carport to the southern boundary;**
- (d) Vary the building height requirements of the Local Planning Policy 142 Residential Development to permit maximum wall height of 8.2m and maximum ridge height of 9.85m as depicted on the approved plans; and**
- (e) Vary the visual privacy requirements of the Residential Design Codes of Western Australia to permit the cone of vision from the major opening to the northern wall of the Sitting Room to intrude 0.3mm over the northern boundary**

for the construction of extensions at No. 14 (Lot 344) Oakover Street, East Fremantle, in accordance with the plans date stamped received on 21 February 2012 subject to the following conditions:

- 1. The carport is to remain open-faced at all times.**
- 2. 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.**
- 3. That the zincalume roofing be treated to Council's satisfaction to reduce reflectivity in the first two years following installation, at the owner's expense.**
- 4. 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.**
- 5. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
- 6. The proposed 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.**
- 7. All stormwater is to be disposed of on site, clear of all buildings and boundaries.**
- 8. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.**
- 9. 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**

10 April 2012

MINUTES

- be lodged and approved by Council. (refer footnote (i) below)
10. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
 11. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
 12. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
 13. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected 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) *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.*
- (g) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (h) *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

T29.4 **Staton Road No. 46A (Lot 2 on CT 1149/606) – Proposed Boundary Wall**
Applicant/Owner: Aaron & Melissa Titelius
Application No. P22/2012

By Pina Mastrodomenico, Town Planner & Carly Pidco, Town Planner on 30 March 2012

PURPOSE OF THIS REPORT

This report recommends refusal of an application for Planning Approval for a building wall addition to an existing two-storey residence at No. 46A Staton Road.

10 April 2012

MINUTES

BACKGROUND

Description of Proposal

The proposed development is a masonry wall to be erected abutting a portion of the existing northern boundary fence at 46A Staton Road. The wall is to be 2.85m in height and 9.6m in length.

Description of Site

The subject site is:

- a 562m² lot
- zoned Residential R12.5
- developed with a two storey dwelling
- located in the Richmond Precinct.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5 (to be assessed as R20 in accordance with TPS No. 3)

Local Planning Strategy – Richmond Precinct (LPS)

Residential Design Codes (RDC)

Relevant Council Policies

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

Impact on Public Domain

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

Documentation

Plans and relevant forms date stamp received on 3 February 2012

Date Application Received

3 February 2012

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

1 June 2011 A building Licence is issued for the construction of a retaining wall at No.1 Parry Avenue.

CONSULTATION

Advertising

The application was advertised to the neighbouring property for a one week period between the 20 and the 27 March 2012.

At the close of advertising one submission was received from the owners of No. 1 Parry Avenue (attached). The submission, alongside the applicant's response and officer's comment, is outlined below:

Neighbour Submission	Applicant Response	Officer Comment
The existing fence adequately provides for the safety and privacy of both properties.	The boundary wall is to provide privacy to our ground floor / outdoor areas. We ask for our right to have a sufficient fence height of 1.8m above the higher ground level of the boundary.	The dwelling No. 1 Parry Avenue was constructed in the 1980s and the major openings existed prior to the construction of No. 46A Staton Road. Council has little ability to require privacy screening at this stage. Matters relating to a sufficient fence are covered by the Dividing Fence Act and Council's planning

10 April 2012

MINUTES

		department has no role in the administration of this Act.
Our views will be lost	Neighbours want to protect views at all cost with a complete disregard to our loss of privacy.	The addition of a boundary wall up to a height on 2.85 metres will partially obscure the views that are enjoyed by the owners of 1 Parry Avenue.

The applicant has submitted a further written response presenting the view that the proposed wall is necessary for the adjoining property at No. 1 Parry Avenue to comply with the privacy provisions of the R-Codes. The applicant's argument and officer's response is summarised below.

Applicant Comments	Officer Comments
The height difference between our main courtyard and the neighbours courtyard is in the order of 1.2m	Noted
The height difference between our main courtyard and the neighbours landing to the large doorway opening (to their main living area) is about 1.7m	Noted
The R-Codes deals with the resulting issue of privacy in such a situation with the presumption that the boundary fence will provide screening: <i>"Overlooking from areas that are at or close to NGL is not subject to control in terms of performance criterion 6.8.1. This applies equally to outdoor living areas and habitable rooms which are less than 0.5m above NGL. The basis for this is that the view shed from such areas can be readily limited by a standard boundary wall or fence, and while this may not restrict sight lines in an upward direction, the impact of overlooking major openings to habitable rooms or balconies situated above NGL would be limited"</i> .	It should be noted that the proposed development is considered a <i>building wall</i> , not a <i>boundary fence</i> . The excerpt refers to the reasoning for privacy requirements being imposed at 0.5m height difference or greater. It reasons that height differences less than 0.5m place occupants at a similar level, and a standard boundary fence will provide adequate screening. It goes on to state that a standard boundary fence may not provide adequate privacy where height difference is greater than 0.5m, and the Acceptable Development standards outline other solutions including setbacks, screening of major openings, and minimum sill heights. The excerpt should not be interpreted as implying that boundary fencing to ameliorate privacy issues is a given, and certainly this position is not reflected in the applicable Acceptable Development standards.
In fact the R-Codes actually suggest increased heights of fences to prevent overlooking into neighbouring main living areas when there is a height difference of 500mm or more. Refer Figure 20 of R-Codes Explanatory Guidelines.	The explanatory guidelines show that boundary fencing <i>may</i> be used as a form of screening. This would need to be assessed on the merits of the proposal and in relation to the Performance Criteria of the R-Codes. Further, consent from both owners would be required prior to approval being issued.

Town Planning Advisory Panel Comments

The application does not impact on any heritage properties or the streetscape and referral to the Panel is not necessary.

Site Inspection

By Town Planner on 30 March 2012

ASSESSMENT

The proposed development incorporates several variations to the Residential Design Codes and the Town's LPP 142, outlined in the following table.

Key: A = Acceptable, D = Discretion

Site:	Required	Proposed	Status				
Open Space	No change to existing		N/A				
Site Works	No change to existing		N/A				
Local Planning Policies:							
Policy 142	Boundary wall		D				
Solar Access & Shade	No impacts		A				
Drainage	No impacts		A				
Views	Impact on adjoining property		D				
Crossover	No impacts						
Trees	No impacts						
Other:							
Privacy/Overlooking	No impacts		D				
Height:							
	Required	Proposed	Status				
Wall (concealed roof)	6.5	2.85	A				
Setbacks:							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
Side (North)	Wall	2.85	9.6	N	1.5	Nil	D

Side Boundary Setbacks

The proposed wall is to be built abutting the dividing fence and is considered a building on the boundary. A building wall of the proposed dimensions would usually require a minimum boundary setback of 1.5m in accordance with the R-Codes. The Town's Local Planning Policy 142 provides criteria by which to assess proposed variations to building setback requirements, addressed below.

- (a) *Walls are not higher than 3m and up to 9m in length up to one side boundary*
The proposed wall complies with the maximum height but exceeds the maximum acceptable length.
- (b) *Walls are behind the main dwelling*
The wall is located at the rear of the main dwelling and will not be visible from the street.
- (c) *Subject to the overshadow provisions of the Residential Design Codes – Element 9*
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 property(s) having regard for views*
The neighbouring property currently enjoys views to the Royal George Hotel and Fremantle. The proposed wall would sit at a height of approximately 1.8m above the NGL of No. 1 Parry Avenue, effectively obscuring these views.
- (e) *Having regard to the above, where the wall abuts an existing or simultaneously constructed wall of similar or greater dimensions*
The wall abuts an existing retaining wall that retains No. 1 Parry Avenue. This is not considered to satisfy the intent of this criteria, however, as the retaining wall is not located in the line of sight of occupants of No. 1 Parry Avenue.

Views

The LPP 142 provides that Council, in exercising discretion in relation to boundary setbacks, has regard for the impact a proposed building may have on views of adjoining properties. The proposed wall will obscure views from No. 1 Parry Avenue to the Royal George Hotel and Fremantle. The wall is to be located in the only portion of the boundary

10 April 2012

MINUTES

where the view corridor has been maintained around the two-storey dwelling at 46A Staton Road. It is considered unreasonable to obscure all views south from the neighbouring property.

Dividing Fences

The proposed development must be considered as a building wall for assessment purposes. However, its intended function is to act as a dividing fence between the owners of No. 46A Staton Road and No. 1 Parry Avenue. Having regard to information provided by both landowners through the assessment process, it appears that the proposal has come about as a result of a dispute in relation to the existing dividing fence. It is inappropriate for Council to act as a de facto mediator on this matter, particularly when considering there is no third-party appeal process in this State and one or the other landowner will have no legal recourse to a Council decision. The affected landowners should be urged to seek the remedies available to them under the Dividing Fences Act.

Conclusion

The proposed wall does not comply with the requirements of the Residential Design Codes and the Town's Local Planning Policy 142 in relation to building setbacks. The building wall will impact on the views and residential amenity of the affected neighbour at No. 1 Parry Avenue. The underlying intention for the wall to act as a dividing fence is of concern and the proposal does not have sufficient merit for discretions to be granted. It is recommended that the proposal be refused.

RECOMMENDATION

That Council refuse the application for the construction of a building wall at No. 46A (Lot 2 on CT 1149/606) Staton Road, East Fremantle, as described on the plans date stamped received 3 February 2012 for the following reasons:

1. The proposed development does not comply with Design Element 6.3 Boundary set-back requirements of the Residential Design Codes of Western Australia (Clause 5.2.2 refers).
2. The proposed development does not comply with Part 3 – Side and Rear Boundary Setback Variations of the Local Planning Policy 142 Residential Development (Clause 10.2(g) also refers).
3. The proposed development does not comply with Part 4 – Views of the Local Planning Policy 142 Residential Development (Clauses 10.2(g), (j), (o) & (p) also refer).
4. The proposed development is not in keeping with the ordered and proper planning of the area (Clause 10.2(c) refers).

Ms Robyn Broadhurst, Cris Broadhurst & Jon Crowe (owners of 1 Parry Avenue) addressed the meeting in support of their submission regarding the proposed wall and stated that the applicant's privacy is adequately maintained with the existing fence at its current height.

Mr & Mrs Aaron & Melissa Titelius (applicants) addressed the meeting in support of the proposed wall, adding that its purpose was to maintain their privacy by avoiding overlooking from the neighbouring property.

In support of her recommendation, Town Planner, Carly Pidco, stated that the proposed wall was a defacto dividing fence with not enough merit to stand on its own as a development.

RECOMMENDATION TO COUNCIL

Cr Nardi – Cr Martin

That Council refuse the application for the construction of a building wall at No. 46A (Lot 2 on CT 1149/606) Staton Road, East Fremantle, as described on the plans date stamped received 3 February 2012 for the following reasons:

- 1. The proposed development does not comply with Design Element 6.3 Boundary set-back requirements of the Residential Design Codes of Western Australia (Clause 5.2.2 refers).**

10 April 2012

MINUTES

2. The proposed development does not comply with Part 3 – Side and Rear Boundary Setback Variations of the Local Planning Policy 142 Residential Development (Clause 10.2(g) also refers).
3. The proposed development does not comply with Part 4 – Views of the Local Planning Policy 142 Residential Development (Clauses 10.2(g), (j), (o) & (p) also refer.
4. The proposed development is not in keeping with the ordered and proper planning of the area (Clause 10.2(c) refers). CARRIED

T29.5 Fraser Street No. 36 (Lot 1 on Strata Plan 61319)

Applicant: D & S Cornwell

Owner: D & S Cornwell

Application No. P27/12

By Carly Pidco, Town Planner, on 3 April 2012

PURPOSE OF THIS REPORT

This report recommends refusal of a Development Application for construction of extensions at 36 Fraser Street, East Fremantle.

BACKGROUND

Description of site

The subject site is:

- a 484m² strata lot
- zoned Residential 12.5
- located in the Woodside Precinct
- improved with a single-storey single dwelling
- assigned C+ Management Category in the Town's Heritage Survey 2006

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5
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 : Alterations to existing dwelling

Documentation

Plans and relevant forms date stamped received on 22 February 2012
Amended plans date stamped received on 27 March 2012

Date Application Received

22 February 2012

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

18 July 1988 Council resolved to grant an extension to a previous approval for construction of grouped dwelling at No. 36 Fraser Street
2 December 2010 Strata Plan 61319 registered, creating No. 36 and No. 36A

CONSULTATION

Advertising

The application was advertised to surrounding neighbours from 20 March 2012 to 3 April 2012. No submissions were received during this period.

10 April 2012

MINUTES

Town Planning Advisory Panel Comments

The application was considered by the Town Planning Advisory Panel at its meeting of 27 March 2012. The Panel's comments and applicant's and officer's responses are detailed below.

Panel Comment	Applicant Response	Officer Assessment
<p>Panel doesn't support material choice and design from a sympathetic streetscape perspective</p>	<ul style="list-style-type: none"> - Wish to remove the asbestos cladding, which poses a risk to our health. - The overall desired look of our house will be an original style East Fremantle home. We have taken inspiration from houses that have weatherboard cladding which are not only in our street but all across East Fremantle. 	<ul style="list-style-type: none"> - Note that several dwellings on Fraser Street are weatherboard cottages and this material choice, finished appropriately, has potential to be sympathetic to these dwellings. Also note that Fraser Street is somewhat fragmented, and the proposed cladding is unlikely to detract from its integrity. - Of greater concern is the unbroken line of the building facade. The development demonstrates limited articulation and fenestration over the two storeys and any material choice may appear overbearing in consideration of the design.
<p>Carport in the front setback of the proposal is not supported</p>	<ul style="list-style-type: none"> - Wish to gain as much use of the land as possible. There is nowhere else to put 2 car bays. - We live 25m from a busy school and during 8:30am-9:15am and 2pm-3:30pm it is impossible to park on the street. - It is also a very busy road with sometimes very fast traffic and with two small children it is another safety issue. - Our western neighbour has a 1.8m high brick wall built on the front boundary of his property, obstructing any continuing building line of the streetscape. Our idea is to erect an open and airy carport which will match the exterior of the house. 	<ul style="list-style-type: none"> - The applicant is proposing a design which means "there is nowhere else to put two carbays, however it is considered other design options were available. - Car parking bays do not need to be covered to comply with requirements of the R-Codes, and uncovered bays in the front setback could be supported. Uncovered bays would address the concerns relating to peak period parking and children's safety in much the same way as a carport. - The property to the west is townhouse development constructed in 1980, prior to the adoption of the current TPS No. 3 and associated LPPs. It is unlikely a similar fence would be approved under current requirements and the No. 34 streetscape is not considered to set precedent for development at No. 36. Furthermore, the carport is significantly higher than the front fence, increasing its impact on the street.

10 April 2012

MINUTES

Panel Comment	Applicant Response	Officer Assessment
Panel does not support any side setback relaxations	<ul style="list-style-type: none"> - Whilst the plans did not show that the west elevation of the property would be constructed using FFL fire rated construction methods to BCA standards, this will be the case. - There is a 2.4m laneway that separates us from the nearest property boundary with an existing home. We feel that restrictions could be relaxed due to the separation in between us. - We have no view of the western neighbour if you allow us to build straight up on top of the existing structure, and will be creating two bedrooms, one with a forward facing window and the other with a rear facing window to avoid overlooking the neighbour. The alternative is to have one room but we will need to have a window for ventilation that will need to face west. Imposing this setback will not give our family the room we require. 	Support the assertion that the battleaxe driveway reduces the impact of the parapet wall on the amenity of the neighbouring dwelling. However, the reduced side setback to the second storey is not considered consistent with the criteria outlined in the LPP 142 (discussed in the assessment section of this report).
Removal of chimneys is not supported	The existing property has two chimneys. We are removing just one. The one to be removed is located in the kitchen which we have been told is structurally unsecure. We plan to remove this and add a doorway which will eventually lead in to the main family room. The second chimney is located in the front of the house and this will be staying.	Noted. Retention of the chimney in front of the house, which was not clearly indicated on the plans, is considered reasonable
Query solar energy performance of proposal	We have decided that we hadn't researched enough into solar energy and what would be best to suit our family and our needs. For this reason, we kept it off the plans and once we were more educated would make a decision.	Noted. The plans submitted at Building Licence must comply with the energy efficiency requirements of the new Building Act.

Site Inspection

By Town Planner on 27 March 2012

ASSESSMENT

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

10 April 2012

MINUTES

Key: A = Acceptable, D = Discretion

Site:	Required	Proposed	Status
Open Space	50%	50.5%	A
Site Works	Less than 500mm	Less than 500mm	A
Local Planning Policies:			
Policy 142	Variations to building height, boundary setbacks		D
Roof	Colorbond. 26 degrees dominant pitch.		D
Solar Access & Shade	Outdoor living will receive some northern light		A
Drainage	To be conditioned		A
Views	Exceeds maximum wall height		D
Crossover	To be conditioned		A
Trees	To be conditioned		A
Other:			
Overshadowing	Revised plans required		
Privacy/Overlooking	Complies		A
Height:			
Wall	5.6	6.6 (West)	D
Ridge	8.1	7.8 (West)	A
Roof type	Hip		

Setbacks:							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
Front (north)							
<i>Ground</i>	Dwelling	N/A	N/A	N/A	Consistent with street	6.5, consistent	A
	Carport	N/A	N/A	N/A	At or behind main building line	1.0, in front of dwelling	D
<i>Upper</i>	Dwelling	N/A	N/A	N/A	6.0	6.5	A
Rear (south)							
Ground	Alfresco	3.4	6.0	N	1.0	Nil	D
	Veranda	2.4	7.8	Y	1.5	3.1	A
<i>Upper</i>	Dwelling	5.6	11.2	Y	3.3	14.2	A
<i>Side (west)</i>							
Ground	Porch / Bed 1 / WIR	3.6	8.7	Y	1.1	Nil	D
	Laundry	3.2	10.9*	N	1.5	3.6	A
	Dwelling	2.4	29.1	Y	1.5	4.7	A
Upper	Bed 2 / Bed 3	6.6	8.7	N	3.3	Nil	D
<i>Side (east)</i>							
Ground	Dwelling	3.6	29.1	Y	4.5	1.0	D
<i>Upper</i>	Bed 1 / Bed 4	5.5	8.7	N	1.2	2.5	A

* Wall length as calculated for assessment purposes

Overshadowing

The applicant has provided an overshadowing diagram as part of the development application, however, the angle of the cast shadow is incorrect. It is unlikely that the development will exceed the maximum overshadowing permitted by the R-Codes given the building orientation and limited extent of the upper storey. This should be confirmed through revised plans prior to issuing any approval for the development.

Roof Form

The Local Planning Policy 66 provides that dominant roof elements are to have a minimum pitch of 28 degrees, and the proposed development achieves a 26 degrees roof pitch. Variations to this requirement are generally only supported where a development seeks to retain the existing roof form of an older dwelling or where a feature roof element is to be provided. The proposed development completely removes the existing roof and the proposed roof form is a standard colorbond hipped roof. In the absence of any justification for dispensation, the variation to roof pitch requirements is not supported.

Building Height

The development exceeds the maximum permitted wall height as measured from the western boundary. This is primarily due to the height of the existing ground level, which has been designed to maintain a continuous finished floor level over the sloping block. It is noted that the proposed upper level is of modest proportions, with a minimal ceiling height of 2.4m. The height variation is minor and occurs only at the lower level of the block. The variation will not have an undue impact on neighbouring properties or the streetscape and is therefore supported.

Building Setbacks

Front Setbacks - Carport

The proposed carport sits entirely forward of the main building line of the house and only 1.0m from the boundary. This minimal setback will make the carport the dominant feature of the property as perceived from the street. It does not incorporate any significant architectural features to increase its street appeal. The carport will mask the major openings to the lower storey (living room feature windows), reducing interaction between the dwelling and the street and limiting solar access to a habitable room.

Although a varied streetscape, Fraser Street has few substantial front fences or covered carparking bays to the front of dwellings. This creates an open streetscape with intimacy between public and private realms and sound views of heritage facades. The proposed carport will not sit harmoniously with the existing streetscape and could misleadingly be interpreted as a precedent for future carports and garages in the front setback area.

Side Setbacks - Dwelling

The proposed development incorporates a two-storey parapet wall to the side (western) boundary. The LPP 142 provides criteria by which to assess proposed variations to setback requirements, as follows:

- (a) *Walls are not higher than 3m and up to 9m in length up to one side boundary.*
The proposed wall is 6.6m in height at the highest point and 8m in length. The intent of this criteria is to limit any undue impact on neighbours. The parapet wall will not have an undue impact on the solar access (subject to confirmation in revised plans), views, privacy or amenity of the neighbouring dwelling. The wall abuts a battleaxe leg which is not a sensitive living area where an impact on amenity may be felt.
- (b) *Walls are behind the main dwelling.*
The wall is located at the front of the dwelling and will be clearly visible from the street. While the adjoining battleaxe leg provides the illusion of separation between properties, it also allows a wider view of the parapet wall from the street. Location of the wall at the front of the dwelling exacerbates its negative impact on the street as outlined under criteria d.
- (c) *Subject to the overshadow provisions of the Residential Design Codes – Element 9.*
Require revised plans confirming compliance.

10 April 2012

MINUTES

- (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.*

Fraser Street is a predominantly single-storey streetscape and the bulky design of the front portion of the dwelling is not consistent with surrounding development. The parapet wall exacerbates the impression of bulk by virtue of its flat facade and lack of design features. At a site inspection, it was observed that no dwellings in the block surrounding Fraser Street incorporate parapet walls. Further, four two-storey homes are located in this block and all of these demonstrate setbacks and articulation and/or fenestration to the upper storey to minimise the impression of bulk. The proposed parapet wall is not consistent with the character of the locality and its location at the front of the dwelling increases its impact on the streetscape.

It is also of concern that the finish of the wall will detract from the appeal of the dwelling. The sharp transition from weatherboard to flat sheeting creates a disjointed facade and may be visually jarring.

- (e) *Having regard to the above, where the wall abuts an existing or simultaneously constructed wall of similar or greater dimensions.*

The parapet wall does not abut a similar wall. It is located against a battleaxe driveway which creates an open view corridor from the street. The neighbouring property at No. 34 includes second-storey development, however, this is significantly set back from the side boundaries and the bulk of the building wall is disturbed by roof elements over multiple levels and fenestration. There is no pattern of similar development in the immediate surrounds and the wall is not consistent with the immediate streetscape.

Rear Setbacks – Alfresco

The proposed alfresco incorporates a nil setback to the southern side boundary. The reduced setback is consistent with criteria b, c (subject to confirmation of overshadowing), d and e. It exceeds the maximum height outlined in criteria a by 0.4m, however, this is not considered to result in an undue impact on the solar access, privacy or amenity of the affected neighbour and is therefore supported.

Objectives of the Residential Zone

Part 4 of the TPS No. 3 outlines the objectives of each zone. The proposed development is not considered to be consistent with the following objectives of the residential zone:

To safeguard and enhance the amenity of residential areas and ensure that new housing development is sympathetic with the character and scale of the existing built form.

The proposed carport and parapet wall are not consistent with the scale and built form of the immediate locality, as discussed under the boundary setback section of this assessment.

CONCLUSION

The proposed development incorporates several variations to the Town's Policies and Residential Design Codes in relation to building height, roof form and building setbacks. The dwelling is not sympathetic to the character of the locality, particularly the proposed carport and two-storey parapet wall. While the variation to building height is considered supportable, other proposed variations will likely have an undue impact on the streetscape and cannot be supported. It is recommended that the application be refused.

RECOMMENDATION

That Council refuse the application for the construction of additions and extensions at No. 36 (Lot 1 on Strata Plan 61319) Fraser Street, East Fremantle, as described on the plans date stamped received 27 March 2012 for the following reasons:

1. The proposed development is not consistent with the objectives of the residential zone as provided in clause 4.2 of the Town Planning Scheme No. 3.

10 April 2012

MINUTES

2. The proposed development does not comply with Design Element 6.3 Boundary set-back requirements of the Residential Design Codes of Western Australia.
3. The proposed development does not comply with Part 3 – Side and Rear Boundary Setback Variations of the Local Planning Policy 142 Residential Development.
4. The proposed development does not comply with Part 2 – Streetscape of the Local Planning Policy 142 Residential Development.
5. The proposed development does not comply with Local Planning Policy 66 Council Policy on Roofing.
6. The proposed development is inconsistent with Clauses 1.6(a) and (b) of the Scheme (Clause 10.2(a) refers).
7. The proposed development is in conflict with LPP 142 (Clause 10.2(g) refers).
8. The proposed development is in conflict with Clause 10.2(o) of the Scheme.
9. The proposed development is in conflict with Clause 10.2(p) of the Scheme by virtue of its bulk, scale and appearance.

Mr & Mrs Stevie & Danny Cornwell (applicants) addressed the meeting in support of their application.

Amendment

Cr Collinson – Cr Martin

That the application be deferred to allow the applicants to work with the Town Planner with a view to developing new plans that will be more acceptable to Council.

LOST ON THE CASTING VOTE OF THE PRESIDING MEMBER

RECOMMENDATION TO COUNCIL

Cr Nardi – Cr de Jong

That Council refuse the application for the construction of additions and extensions at No. 36 (Lot 1 on Strata Plan 61319) Fraser Street, East Fremantle, as described on the plans date stamped received 27 March 2012 for the following reasons:

1. **The proposed development is not consistent with the objectives of the residential zone as provided in clause 4.2 of the Town Planning Scheme No. 3.**
2. **The proposed development does not comply with Design Element 6.3 Boundary set-back requirements of the Residential Design Codes of Western Australia.**
3. **The proposed development does not comply with Part 3 – Side and Rear Boundary Setback Variations of the Local Planning Policy 142 Residential Development.**
4. **The proposed development does not comply with Part 2 – Streetscape of the Local Planning Policy 142 Residential Development.**
5. **The proposed development does not comply with Local Planning Policy 66 Council Policy on Roofing.**
6. **The proposed development is inconsistent with Clauses 1.6(a) and (b) of the Scheme (Clause 10.2(a) refers).**
7. **The proposed development is in conflict with LPP 142 (Clause 10.2(g) refers).**
8. **The proposed development is in conflict with Clause 10.2(o) of the Scheme.**
9. **The proposed development is in conflict with Clause 10.2(p) of the Scheme by virtue of its bulk, scale and appearance.**

CARRIED

T29.6

Woodhouse Road No. 5 (Lot 2)

Applicant: D Delahunty

Owner: N Miller & S Gevers

Application No. P47/2011

By Carly Pidco, Town Planner, on 3 March 2012

PURPOSE OF THIS REPORT

This report recommends conditional approval of amended plans for additions to an existing dwelling at No. 5 Woodhouse Road, East Fremantle.

10 April 2012

MINUTES

BACKGROUND

Description of site

The subject site is:

- a 744m² green title lot
- zoned Residential R12.5
- located in the Richmond Hill Precinct
- improved with a 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 142 Residential Development

Impact on Public Domain

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

Documentation

Amended Plans date stamped received 16 January 2012

Date Application Received

16 January 2012

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

19 July 2011 Council approved development application for additions to the existing residence (P47/11)
16 January 2012 Council received Building Licence application for the approved additions

CONSULTATION

Advertising

The amended plans were advertised to surrounding neighbours from 20 March to 3 April 2012. No submissions were received during this period.

Town Planning Advisory Panel Comments

The proposed development was considered by the Town Planning Advisory Panel as part of the initial development approval process. The amended plans do not incorporate any significant alterations to the appearance of the dwelling or impact on the streetscape and further referral was not necessary.

Site Inspection

By Town Planner on 4 April 2012

ASSESSMENT

The proposed extensions to the existing dwelling are essentially the same as those previously approved by Council at its meeting of 19 July 2011. The applicant is seeking approval of the amended plans to rectify an error in the site plan submitted and approved as part of the original application. The approved site plan shows a side setback of 1.5m from the eastern boundary, with the upper storey extensions sitting directly above the existing building wall. Since gaining approval for the development, the applicant has resurveyed the site and found that the existing building wall is actually located 1.0m from the eastern boundary. The applicant is now seeking approval for the upper storey extensions to be setback 1.0m from the boundary. The layout of the upper storey has not changed and the eastern building wall will remain directly above the existing dwelling.

10 April 2012

MINUTES

The officer's assessment of the proposed extensions against the Town's requirements is summarised in the following table.

Key: A = Acceptable, D = Discretion

Site:	Required	Proposed	Status
Open Space	55%	67.6%	A
Site Works	Less than 500mm	Max 800mm excavation for garage and stairs on western boundary	D
Local Planning Policies:			
Issues			
Policy 142			
Roof	Concealed roof		D
Solar Access & Shade	Major openings to north		A
Drainage	To be conditioned		A
Views	Exceeds maximum building height		D
Crossover	To be conditioned		A
Trees	No impact		A
Other:			
Issues			
Overshadowing	Complies		A
Privacy/Overlooking	Complies		A
Height:			
Required	Proposed	Status	
Wall (concealed roof)	6.5	8.5 (north), 7.7 (east)	D
Roof type	Concealed Roof		

Setbacks:							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
Front (north)							
<i>Ground</i>	Dwelling	No change to existing					N/A
<i>Middle</i>	Dwelling	N/A	N/A	N/A	7.5	7.5	A
<i>Upper</i>	Dwelling	N/A	N/A	N/A	7.5	7.5	A
Rear (south)							
<i>Ground</i>	Dwelling	N/A	N/A	N/A	6.0	10.0	A
<i>Middle</i>	Dwelling	N/A	N/A	N/A	6.0	10.0	A
<i>Upper</i>	Dwelling	N/A	N/A	N/A	6.0	14.3	A
Side (east)							
<i>Ground</i>	Dwelling	No change to existing					N/A
<i>Middle</i>	Dwelling	4.5	19.5	N	1.7	1.0	D
<i>Upper</i>	Dwelling	7.7	18.7	N	2.6	1.0	D
Side (west)							
Ground	Garage	3.0	6.7	N	1.0	Nil	D
	Dwelling	No change to existing					N/A
<i>Middle</i>	Dwelling	No change to existing					N/A
<i>Upper</i>	Bed 3/Meditation	7.7	5.9	Y	3.8	9.9	A
	Dwelling	8.2	18.7	Y	6.1	14.0	A

As the proposed discretions (with the exception of the eastern setback) have previously been considered and approved by Council, and no changes to Council policy have occurred since this approval, a detailed assessment is not included in this report.

Side (East) Boundary Setback

The LPP 142 provides criteria by which to assess proposed variations to setback requirements, as follows:

10 April 2012

MINUTES

- (a) *Walls are not higher than 3m and up to 9m in length up to one side boundary.*
The proposed wall exceeds the height and length criteria on both the middle and upper levels. The wall does not have an undue impact on the adjoining neighbour as there is no overshadowing or overlooking, and the eastern facade incorporates articulation and varied materials which will limit the visual impact. It is noted that the proposed garage also incorporates a boundary setback variation. In this instance, variations to two side boundaries are supported as the house displays varying heights to the street, reducing visual impact, and a parapet wall is included on only one boundary, maintaining the impression of separation between dwellings.
- (b) *Walls are behind the main dwelling.*
The wall is located at the main building line of the dwelling. It has limited visual impact on the streetscape, however, due to facade incorporating varied finishes and articulation.
- (c) *Subject to the overshadow provisions of the Residential Design Codes – Element 9.*
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 property(s) having regard for views.*
Woodhouse Road has a varied streetscape with several large, modern homes and no dwellings entered on the MHI. The proposed extensions and wide building frontage are in character with modern homes being built along this street. The reduced boundary setback will not unreasonably obscure views from neighbouring properties.
- (e) *Having regard to the above, where the wall abuts an existing or simultaneously constructed wall of similar or greater dimensions.*
The eastern wall does not abut a wall of similar dimensions. However, the wall on the adjoining property does not include major openings that will be impacted by the scale of the wall. The reduced setback is not considered to have an undue impact on the highly varied streetscape.

CONCLUSION

The proposed extensions are essentially the same as those previously approved by Council at its meeting of July 2011. The 1.0m setback to the eastern boundary is supported as it will not result in any overlooking, overshadowing or visual impact on the adjoining property. The upper storey building wall will be located directly above the existing dwelling, as proposed in the previously approved plans, and a setback allowing pedestrian access and providing visual separation between properties is maintained. It is recommended that the amended plans be approved subject to appropriate conditions.

RECOMMENDATION

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

- (a) Vary the site works requirements of the Residential Design Codes of Western Australia to permit excavation to a maximum of 0.8m within 1.0m of the side (west) boundary;
- (b) Vary the form requirements of the Local Planning Policy 66 Roofing to permit a concealed roof form;
- (c) Vary the maximum height requirements of the Local Planning Policy 142 Residential Development to permit a maximum wall height (concealed roof) of 8.5m, as depicted in the plans date stamped received 16 January 2012; and
- (d) Vary the side setback requirements of the Residential Design Codes of Western Australia to permit a nil side setback at the garage on the western boundary, and a 1.0m side setback to the dwelling on the eastern boundary.

for the construction of additions to an existing dwelling at No. 5 (Lot 2) Woodhouse Road, East Fremantle, in accordance with the plans date stamped received on 16 January 2012 subject to the following conditions:

10 April 2012

MINUTES

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 licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
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 by Council. (*refer footnote (i) 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.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected 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) *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.*
- (g) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

10 April 2012

MINUTES

- (h) *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”*

Ms Nicole Miller (owner) addressed the meeting in support of the officer's recommendation.

RECOMMENDATION TO COUNCIL

Cr de Jong – Cr Nardi

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

- (a) Vary the site works requirements of the Residential Design Codes of Western Australia to permit excavation to a maximum of 0.8m within 1.0m of the side (west) boundary;**
- (b) Vary the form requirements of the Local Planning Policy 66 Roofing to permit a concealed roof form;**
- (c) Vary the maximum height requirements of the Local Planning Policy 142 Residential Development to permit a maximum wall height (concealed roof) of 8.5m, as depicted in the plans date stamped received 16 January 2012; and**
- (d) Vary the side setback requirements of the Residential Design Codes of Western Australia to permit a nil side setback at the garage on the western boundary, and a 1.0m side setback to the dwelling on the eastern boundary.**

for the construction of additions to an existing dwelling at No.5 (Lot 2) Woodhouse Road, East Fremantle, in accordance with the plans date stamped received on 16 January 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 licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
- 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 by Council. (refer footnote (i) 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.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected 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) *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.*
- (g) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (h) *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

T29.7 **Philip Street No. 19 (Lot 80)**
Applicant: Savvy Construction Pty Ltd
Owner: Robert & Karen Walker
Application No. P190/11
By Carly Pidco, Town Planner, on 28 March 2012

PURPOSE OF THIS REPORT

This report recommends conditional approval of a Development Application for construction of extensions at 19 Philip Street, East Fremantle.

BACKGROUND

Description of site

The subject site is:

- a 723m² freehold lot with dual frontage (Philip Street & Clayton Street)
- zoned Residential 12.5
- located in the Richmond Hill Precinct
- improved with a single-storey single dwelling
- assigned A- Management Category in the Town's Heritage Survey 2006

10 April 2012

MINUTES

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5
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 : Alterations to existing heritage dwelling

Documentation

Plans and relevant forms date stamped received on 12 December 2011
Revised Plans date stamped received on 30 January 2012
Heritage Assessment date stamped received 12 December 2011
View Impact Statement date stamped received 10 January 2012
3D Perspective Drawings date stamped received 28 March 2012

Date Application Received

12 December 2011

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

19 October 2010 Council resolved to approve alterations and additions at 19 Philip Street
16 November 2010 Council resolved to approve front fencing at 19 Philip Street
21 February 2012 Council resolved to defer application for alterations and additions at 19 Philip Street

CONSULTATION

Advertising

The application was advertised to surrounding neighbours from 21 December 2011 to 13 January 2012. One submission was received from the owners of 51 Clayton Street, which abuts the southern boundary of the subject lot. The submission was primarily concerned with the building height and setback to Clayton Street, and the impact these may have on views. Full details of the submission were presented in a previous report to Council at its meeting of 21 February 2012. Following the consultation period, the applicant met with the submitter to resolve the issues and, as a result, the setback to Clayton Street was increased to comply with requirements and reduce the impact on the neighbour's view corridor.

Town Planning Advisory Panel Comments

The application was considered by the Town Planning Advisory Panel at its meeting of 31 January 2012. The Panel's comments, and applicant's and officer's response, were presented in a previous report to Council at its meeting of 21 February 2012.

Site Inspection

By Town Planner on 30 January 2012

ASSESSMENT

The proposed development incorporates a number of variations to the Town's LPP 142 Residential Development and the Residential Design Codes, summarised in the following table.

10 April 2012

MINUTES

Key: A = Acceptable, D = Discretion

Site:	Required	Proposed	Status
Open Space	55%	59%	A
Site Works	Less than 500mm	Exceeds 500mm	D
Local Planning Policies:			
Policy 142	Front setbacks; boundary setbacks; building height		D
Roof	Gable; Roof pitch not provided, ~32 degrees		A
Solar Access & Shade	Orientated to maximise solar access		A
Drainage	To be conditioned		A
Views	Exceeds maximum height		D
Crossover	To be retained		A
Trees	To be retained		A
Other:			
Overshadowing	Contained within subject lot		A
Privacy/Overlooking	Porch (West): 3m into the cone of vision		D
Height:			
Wall	Required	Proposed	Status
Wall	5.6	7.3	D
Wall (Concealed Roof)	6.5	8.1	D
Ridge	8.1	10.1	D
Roof type	Gable		

Setbacks:							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
Front (north)							
Ground	Dwelling (Porch)	N/A	N/A	N/A	7.5	7.2	D
Upper	Dwelling (Balcony)	N/A	N/A	N/A	7.5	7.2	D
Rear (south)							
Ground	Dwelling (Store)	N/A	N/A	N/A	6	1	D
	<i>Alfresco</i>	N/A	N/A	N/A	6	6.8	A
Upper	Dwelling	N/A	N/A	N/A	6	12.5	A
Side (east)							
Ground	Dwelling (Store, porch)	N/A	N/A	N/A	3.75	3.9	A
Upper	Dwelling	N/A	N/A	N/A	3.75	3.9	A
Side (west)							
Ground	Dwelling (Alfresco)	3.5	16.1*	N	1.5	Nil	D
Upper	Dwelling	6.7	12.2	N	4.1	5.6	A

* as calculated for assessment purposes

A detailed assessment of the proposed development was considered by Council at its meeting of 21 February 2012. The officer's report recommended approving the proposed variations as they principally occur as a consequence of maintaining the existing dwelling and finished floor level, and do not have an undue impact on the views, privacy, solar access or amenity of neighbouring properties.

At this meeting, the Council resolved to defer determination of the application, on advice of the Committee and at the request of the landowner. The reasons for deferral and applicant's actions to address these are discussed in detail below.

10 April 2012

MINUTES

1. **Submission of 3D drawings for the Philip and Clayton Street Elevations.**

The applicant has prepared 3D drawings of the proposed development as viewed from the north-west (Philip Street), south-east (Clayton Street) and north-east (corner of Philip Street & Clayton Street).

It can be observed that the elevation to Clayton Street incorporates a significant length of blank wall, comprising solid boundary fencing and a garage door. This development is existing and the current proposal will not alter it. The proposed upper storey will add fenestration and articulation to the Clayton Street frontage, improving its appearance from the street. The verge planting indicated in the 3D images is also considered important to 'soften' the visual impact of the boundary wall. Accordingly, a landscape plan requiring mature planting adjacent to the boundary wall is required as a condition of approval.

2. **Further information from the applicants to allow a better understanding of the justification for the discretions requested and the impact on the existing heritage fabric.**

The applicant has provided the following information regarding the owners' intent:

"The owners Mr and Mrs Walker love the house and the facade but need more space for a growing family. They also have panoramic views of the Swan River to the front and would like to take advantage of the location as have most of the other houses in the near vicinity. The original dwelling would have taken advantage of these views at street level but that is now lost due to the construction of new 2-storey houses directly across the road and down the street towards the river.

Another reason for extending towards the front is the orientation to north and with the emphasis on energy efficient housing it is logical to locate living room and outdoor living areas towards the north for winter sun.... By designing the upstairs living to the front also allows passive surveillance of the front yard."

The applicant has provided discussion on the impact of the proposal on heritage in both a Heritage Impact Assessment and their own written submissions. Key points of note in support of the extensions include:

- It is possible that the original house was constructed with a Californian Bungalow style which was later altered to have an Art Deco appearance. Inconsistencies in the construction of the front bay windows suggest that these and the curved front porch may have been a late addition.
- The proposed additions and alterations have been designed to embrace the design intent of the art deco facade. The proposal seeks to retain the building as a sculptural element within a grassed setting.
- The proposed additions, whilst altering the facade, bulk and scale of the building would site appropriately within the surrounding new two storey development.
- The balcony is the only section that will project forward of the existing facade and the original bay window underneath will remain in its existing state. The right hand side of the facade will be unchanged as will the left hand side parapet.
- The brickwork, limestone, leadlighting and render will be original as will the awnings. Any new works will slightly differ from the original so that there is a contrast between the old and the new.
- Some feedback from heritage consultants suggested the additions should be behind the existing ridge line of the roof, but this would defeat the purpose of capturing the spectacular views on offer. The ability to capture northern sunlight is also diminished as the windows would be smaller hi-lite types and the purpose of the additions is to make the house brighter and warmer.

10 April 2012

MINUTES

CONCLUSION

The proposed development incorporates several variations to the Town's Policies and Residential Design Codes in relation to building height, site works, visual privacy and building setbacks. The variations being sought are supported as they have limited impact on the amenity of neighbouring properties and the streetscape. The proposed extensions will significantly alter the appearance of the existing dwelling, which displays considerable heritage merit and is assigned the A- Management Category in the Heritage Survey. Notwithstanding this, the extensions have been designed in sympathy with the original design intent of the dwelling (incorporating Art Deco elements to a California Bungalow) and many of the original features will be retained. It is recommended that the application be supported subject to conditions.

RECOMMENDATION

That the applicant be advised that Council has determined that the application for alterations and extensions at No. 19 (Lot 80) Philip Street, East Fremantle, in accordance with the plans date stamped received on 30 January 2012, shall be approved after satisfaction of the following conditions:

1. The Heritage Assessment being resubmitted to address errors and image quality, to the satisfaction of the Chief Executive Officer;
2. A detailed schedule of external materials and finishings (including paint colours) to be submitted and accepted, to the satisfaction of the Chief Executive Officer;
3. A landscape plan incorporating mature plantings to mitigate the impact of the development on the Clayton Street streetscape;

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

- (a) Vary the rear setback requirements of the Residential Design Codes of Western Australia to permit a setback of 1.0m to the Store at the southern boundary;
- (b) Vary the front setback requirements of the Residential Design Codes of Western Australia to permit a setback of 7.2m to the Porch and Balcony at the northern boundary;
- (c) Vary the building height requirements of the Local Planning Policy 142 to permit maximum wall height of 7.3m, maximum wall height (concealed roof) of 8.1m and maximum ridge height of 10.1m as depicted on the approved plans;
- (d) Vary the site works requirements of the Residential Design Codes of Western Australia to permit fill greater than 500mm above Natural Ground Level as depicted on the approved plans; and
- (e) Vary the visual privacy requirements of the Residential Design Codes of Western Australia to permit the cone of vision from the major opening to the western wall of the Porch to intrude 3.0m over the western boundary;

for the construction of extensions at No. 19 (Lot 80) Philip Street, East Fremantle, in accordance with the plans date stamped received on 30 January 2012 subject to the following conditions:

1. 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.
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 licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. The proposed extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. All stormwater is to be disposed of on site, 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.
6. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to

10 April 2012

MINUTES

- encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
7. 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 (i) below*).
 8. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
 9. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
 10. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
 11. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected 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) *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.*
- (g) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (h) *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"*

Correspondence referred from MB Ref. T26.1 was tabled.

Mr Ryan Cole (builder) and Mr & Mrs Walker addressed the meeting in support of the officer's recommendation.

10 April 2012

MINUTES

RECOMMENDATION TO COUNCIL

Cr Nardi – Cr Martin

That the applicant be advised that Council has determined that the application for alterations and extensions at No. 19 (Lot 80) Philip Street, East Fremantle, in accordance with the plans date stamped received on 30 January 2012, shall be approved after satisfaction of the following conditions:

1. The Heritage Assessment being resubmitted to address errors and image quality, to the satisfaction of the Chief Executive Officer;
2. A detailed schedule of external materials and finishings (including paint colours) to be submitted and accepted, to the satisfaction of the Chief Executive Officer;
3. A landscape plan incorporating mature plantings to mitigate the impact of the development on the Clayton Street streetscape;

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

- (a) Vary the rear setback requirements of the Residential Design Codes of Western Australia to permit a setback of 1.0m to the Store at the southern boundary;
- (b) Vary the front setback requirements of the Residential Design Codes of Western Australia to permit a setback of 7.2m to the Porch and Balcony at the northern boundary;
- (c) Vary the building height requirements of the Local Planning Policy 142 to permit maximum wall height of 7.3m, maximum wall height (concealed roof) of 8.1m and maximum ridge height of 10.1m as depicted on the approved plans;
- (d) Vary the site works requirements of the Residential Design Codes of Western Australia to permit fill greater than 500mm above Natural Ground Level as depicted on the approved plans; and
- (e) Vary the visual privacy requirements of the Residential Design Codes of Western Australia to permit the cone of vision from the major opening to the western wall of the Porch to intrude 3.0m over the western boundary;

for the construction of extensions at No. 19 (Lot 80) Philip Street, East Fremantle, in accordance with the plans date stamped received on 30 January 2012 subject to the following conditions:

1. 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.
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 licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. The proposed extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. All stormwater is to be disposed of on site, 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.
6. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
7. 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 (i) below*).

10 April 2012

MINUTES

8. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
9. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
10. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
11. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected 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) *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.*
- (g) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (h) *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

T29.8 **Pier Street No. 49B (Lot 2 on Strata Plan 40181)**
Applicant: Brad Ladyman Architects
Owner: A & S Farfan
Application No. P4/12
By Carly Pidco, Town Planner, on 4 April 2012

PURPOSE OF THIS REPORT

This report recommends conditional approval of a Development Application for a two-storey plus undercroft single dwelling at No. 49B Pier Street, East Fremantle.

10 April 2012

MINUTES

BACKGROUND

Description of site

The subject site is:

- a 518m² vacant freehold lot
- zoned Residential 12.5
- located in the Richmond Hill 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. 066 : Roofing (LPP066)
Local Planning Policy No. 142 : Residential Development (LPP142)

Impact on Public Domain

Tree in verge : Condition to retain
Light pole : No impact
Crossover : No impact
Footpath : No impact
Streetscape : New dwelling

Documentation

Plans and relevant forms date stamped received on 6 January 2012
View Impact Study and Streetscape Analysis received on 13 February 2012
Overshadowing diagram received on 29 February 2012
Revised plans and 3D drawings received 22 March 2012

Date Application Received

6 January 2012

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

18 May 2004 Council grants approval for construction of a single dwelling at No. 49B Pier Street (not constructed)

CONSULTATION

Advertising

The application was advertised for public comment from 22 February to 7 March 2012. Three submissions were received during this period. The issues raised and officer's comment are summarised in the table below.

Submission	Officer Comment
<p>A Lowth & S Levalds 53A Fraser Street</p> <p>Development will have a significant impact overshadowing our home for at least 6 months a year, over the family and kitchen areas and the main entertainment area on our patio. Concerned overshadowing of garden will impact our ability to maintain planted areas. Overshadowing will impact on our solar panels and cause a loss of revenue generated from the solar panels.</p> <p>Concern noise generated from the outdoor living area / bar / pool will be unacceptable on our young family.</p>	<p>The application is compliant with the overshadowing provisions of the R-Codes. Further, the wall facing the patio complies with boundary setback requirements. It is unfortunate that the solar panels may be impacted by this proposal, however, Council has very limited statutory grounds to refuse the development on the basis of this aspect.</p> <p>The pool is surrounded by screening and buffered from the rear neighbour by the pool bar area. A condition of approval to ensure that the window to the bar is non-openable may assist in this structure operating as a noise barrier. The pool is required to</p>

10 April 2012

MINUTES

Submission	Officer Comment
<p>Concern as to the engineering and retaining requirements for the proposed development and whether this will place our tiered retaining at risk.</p>	<p>comply with relevant environmental health legislation.</p> <p>The applicant is required to construct all retaining walls in keeping with the BCA and achieve endorsement from a structural engineer.</p>
<p>D Lee 51A Pier Street</p> <p>The swimming pool and bar will be built at significantly above NGL. The pool deck will be above the height of the side boundary fence. This means that from my back garden, the proposed swimming pool and privacy screen will be some 2.4m above the boundary fence height.</p> <p>I am concerned that the bulk of this construction may overshadow my garden and swimming pool.</p> <p>Concerned about potential noise from this area as the boundary walls will not provide any acoustic protection.</p> <p>Concerned about privacy in my garden, entertaining area and pool because the proposed pool and bar will look down on my home.</p> <p>Concerned the development will impact on the view/aspect from my home. Currently we look to open space. This would be taken away as it appears that almost all of the block at 49B Pier Street will be built up.</p> <p>I think that my concerns would be largely addressed if the height of the pool / bar were stepped down so that the boundary fence serves a purpose.</p> <p>Concerned that the building is taller than my house and will block access to the western sun and views west towards Garden Island.</p> <p>The proposed entry adjoins my property but it is not clear to me how visitors get from the street to the front door. It appears that the entry is above the boundary fence line, which means visitors to 49B will be looking down into my house and my front entry, which gives me great concern as to privacy and security.</p> <p>If the pond runs along the side of the property, does this mean that the side of the property will be built up, which would have an impact on overlooking to my block?</p> <p>How do people move around 49B and what are the levels on the side elevation as it relates to my property?</p>	<p>The applicant has met with the submitter and prepared revised plans addressing their concerns. The applicant has stated that the neighbour will submit a letter of support for the revised plans, prior to the Committee meeting. If the latter is not received prior to the Committee meeting, it is recommended the application be deferred. This is reflected in the recommended conditions of approval.</p>

10 April 2012

MINUTES

Submission	Officer Comment
<p>M & R Rees 46A Pier Street</p> <p>Concerned development appears to tower over adjacent buildings. It is also our understanding that the development exceeds height limits.</p> <p>Has the potential to block our view to Fremantle.</p>	<p>The development exceeds maximum height limits, however, it is similar in height to adjacent development at 51A and 49A Pier Street. It will demonstrate a consistent building scale along the street and is unlikely to dominate the streetscape. Height discretions sought generally occur at the rear of the lot which slopes downward.</p> <p>The proposed development exceeds the maximum permissible height by 0.1m at the Pier Street frontage. This will be barely perceptible at street level and will not substantially increase any obstruction of views. The building then steps down as the block slopes down toward Fremantle.</p>

Town Planning Advisory Panel Comments

The proposed development was considered by the Panel at its meeting of 28 February 2012. The Panel made the following comment:

- *Query height compliance*

The proposed development incorporates variations to the building height requirements specified in the LPP 142. These are discussed in detail in the assessment section of this report.

Site Inspection

By Town Planner on 2 March 2012.

ASSESSMENT

The proposed development is a two-storey plus basement single dwelling and swimming pool. The development is of brick and colorbond construction. The proposal as originally submitted incorporated a two-storey parapet wall along most of the eastern boundary. In response to comments received during the submission period and discussions with the assessing officer, the applicant has revised this design to step the parapet wall down to follow the natural slope. This assessment considers the revised plans.

The proposal incorporates several variations to the Town's policies and the Residential Design Codes, as detailed below.

Key: A = Acceptable, D = Discretion

Site:	Required	Proposed	Status
Open Space	50%	63.7%	A
Site Works	Less than 500mm	Less than 500mm	A
Local Planning Policies:	Issues		
Policy 142	Variations to boundary setbacks and building height		D
Roof	Concealed roof form		D
Solar Access & Shade	Some major openings to North but most living areas south (North facing narrow lot)		A
Drainage	To be conditioned		A
Views	View Impact Study submitted		A
Crossover	"To Council Requirements" – condition to comply		A
Trees	No impact		A

10 April 2012

MINUTES

Other:	Issues	Status	
Overshadowing	~11.0% of 53A Fraser Street (~14.8% of effective lot area)	A	
Privacy/Overlooking	East: Dining room 2.3m intrusion over eastern boundary	D	
Height:	Required	Proposed	Status
Wall	5.6	11.0	D
Wall (Concealed Roof)	6.5	9.4	D
Roof	8.1	11.3	D
Roof type	Concealed Roof		

Setbacks:							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
Front (south)							
<i>Ground</i>	Dwelling	N/A	N/A	N/A	Consistent with street	9.8, consistent	A
<i>Upper</i>	Dwelling	N/A	N/A	N/A	6.0	7.7	A
Rear (north)							
<i>Ground</i>	Bar	6.5	6.6	N	1.2	2.0	A
<i>Side (west)</i>							
<i>Undercroft</i>	Undercroft	Max 3.6	21.6	N	1.7	Nil	D
	Gym	2.6	6.3	N	1.0	1.5	D
<i>Ground</i>	Lounge / Kitchen / Drying / BBQ	Max 6.2	22.7	N	2.7	Nil	D
	Study	3.7	36.8*	N	1.8	3.9	A
	Bar / Pool Deck	5.5	36.8*	N	2.5	1.5	D
<i>Upper</i>	Bedrooms / Balcony	Max 8.1	22.7	N	3.3	Nil	D
	Ensuite	7.7	27.7*	N	3.1	3.4	A
<i>Side (east)</i>							
<i>Undercroft</i>	Undercroft	4.2	30.5	N	2.0	1.2	D
<i>Ground</i>	Dwelling	6.9	35.4*	N	3.3	2.3	D
	Boundary Wall	6.1	34.8	N	3.0	Nil	D
<i>Upper</i>	Void	8.6	20.1	N	3.6	2.3	D
	Ensuite	7.0	24.3*	N	2.8	3.6	A

* Wall length as calculated for assessment purposes

Roof Form

The LPP No. 66 specifies gable, hip or skillion roof forms with dominant elements greater than 28 degrees in pitch. The proposed concealed roof is not consistent with these provisions, although it does complement the distinct style of the dwelling. The intent of the LPP is to "maintain the traditional historic character of the Town". However, the dwelling is adjoined on each side by contemporary dwellings and a number of different dwelling styles are found along Pier Street. The area surrounding the proposed dwelling does not display significant intact historic character and the proposed concealed roof will not detract from the character of the area.

Privacy/Overlooking

The revised plans have lowered the parapet wall along the eastern boundary, partially revealing fenestration to the main living areas of the dwelling. This results in the cone of vision from these major openings intruding up to 2.3m over the eastern boundary. It should be noted that the main overlooking window abuts the internal staircase and this will limit the practical ability of residents in the dining/living areas to overlook, or to open the windows. Furthermore, there are few major openings to the neighbouring property and the area directly overlooked will be solid wall. The variation is supported as it will have limited impact on the amenity of the affected neighbour.

Building Height

The proposed development incorporates significant variations to building height requirements. These occur primarily as a consequence of the significant natural slope of the lot. The front of the dwelling complies with height requirements as viewed from the northern and western boundaries. The highest point of the building wall exceeds maximum height limits by 0.1m as viewed from the eastern boundary, however, this will not be perceptible at street level and does not result in any undue impact on neighbour's solar access or amenity.

The rear of the main dwelling (middle of the site) is where the main height discretions occur, as viewed from the western, eastern and southern boundaries. The main building walls have been sloped down the block to follow the natural topography and create the impression that the building flows along the site. The highest points of the roof run down the centre of the site where there is minimal visual impact on neighbours. In particular, it is worth noting that the very highest points (11.0m to the wall and 11.3m to the roof on the southern boundary) are set back 13m from the southern boundary. The generous setbacks from the highest points to the adjoining properties mitigate any undue visual impact. The rear pool and bar area also provides separation between neighbours and the highest point of the dwelling.

The height discretions are supported as it is considered these will not result in an undue impact on the streetscape or solar access, views or amenity of neighbouring properties.

Setbacks: Western Boundary

The proposed development incorporates a parapet wall along most of the development to the side (western) boundary, and reduced setbacks to the Bar / Pool Deck and Study. The LPP 142 provides criteria by which to assess proposed variations to setback requirements. The proposed development is consistent with criteria (b) through (e) in relation to the western boundary, but does not accord with criteria (a). This states that "*walls are not higher than 3m and up to 9m in length up to one side boundary*". The intent of this criteria is to ensure that walls are not designed so as to overshadow, overlook or dominate the views of adjoining properties. None of these will occur, however, as the development will abut an existing two-storey high parapet wall. The variation is supported as it will have no undue impact on neighbours and is consistent with the appearance of the adjoining dwelling from the street.

Setbacks: Eastern Boundary

The proposed development includes a parapet wall set on the boundary but separate from the main dwelling. The parapet wall is considered against the criteria of LPP 142 as follows:

- (a) *Walls are not higher than 3m and up to 9m in length up to one side boundary.*
The proposed parapet wall greatly exceeds these dimensions. The design intent is to provide screening to major openings in the proposed dwelling and is a response to the narrow width of the lot. The boundary wall is approximately 1.6m high as measured from NGL at the street, limiting its visual impact on the streetscape. The separation of the wall from the dwelling also gives the illusion of a boundary fence rather than a building wall at street level. It follows the natural slope of the land to the rear of the dwelling then steps up to provide screening to the outdoor pool and

10 April 2012

MINUTES

bar area, providing visual relief to the affected neighbours while maintaining the underlying design principle.

- (b) *Walls are behind the main dwelling.*
The parapet wall is located slightly behind the main building line of the dwelling.
- (c) *Subject to the overshadow provisions of the Residential Design Codes – Element 9.*
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 property(s) having regard for views.*
The parapet wall will be visible from the street and separate from the two adjacent dwellings. It will present as a boundary fence which is typical of development in the area. The location of the wall between several substantial developments (51A Pier, 49A Pier, 49B Pier) will limit the impression of its scale as viewed from the street.
- (e) *Having regard to the above, where the wall abuts an existing or simultaneously constructed wall of similar or greater dimensions.*
The parapet wall does not abut a similar wall. However, there are few major openings to the adjacent building and the visual impact will be limited. The wall has been stepped down along the lot in response to the natural slope and location of sensitive living areas.

The wall is not considered to have an undue impact on the streetscape. Its impact on the affected neighbor is limited and subject to the neighbor confirming they do not object to the development, the wall is supported.

CONCLUSION

The proposed development is consistent with the objectives of the Residential Zone and will complement the trend of contemporary development along Pier Street. The development incorporates several variations to the Town's requirements in relation to height, privacy, roof form and setbacks, however, these mostly occur as a result of the design response to the narrow lot width and do not have an undue impact on neighbouring properties or the streetscape. The proposed parapet wall to the eastern boundary has been designed to limit visual impact on No. 51A Pier Street, however, its scale is still substantial and confirmation of no objection from the affected neighbour should be received prior to issuing an approval.

RECOMMENDATION

That the applicant be advised that Council has determined that the application for a single dwelling at No. 49B (Lot 2092) Pier Street, East Fremantle, in accordance with the plans date stamped received on 6 January 2012 and amended plans date stamped received on 22 March 2012, shall be approved after satisfaction of the following conditions:

1. Two copies of the amended plans date stamped received 22 March 2012 printed at A2 and to scale being submitted.
2. A detailed schedule of external materials and finishings (including paint colours) to be submitted and accepted, to the satisfaction of the Chief Executive Officer.
3. A written submission from the owner of No. 51A Pier Street, East Fremantle, being received prior to the Committee meeting, confirming that there is no objection to the proposed development as depicted in the amended plans date stamped received 22 March 2012.

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

- (a) Vary the roof form requirements of the Local Planning Policy 66 Council Policy on Roofing to permit a concealed roof form;
- (b) Vary the visual privacy requirements of the Residential Design Codes of Western Australia to permit the cone of vision from the major opening to the eastern wall of the Dining / Living to intrude 2.3m over the eastern boundary

10 April 2012

MINUTES

- (c) Vary the building height requirements of the Local Planning Policy 142 to permit maximum wall height of 11.0m, maximum wall height (concealed roof) of 9.4m and maximum ridge height of 11.3m as depicted on the approved plans;
- (d) Vary the side setback requirements of the Residential Design Codes of Western Australia to permit a nil setback to the dwelling at the western boundary; 1.5m setback to the gym, bar and pool deck at the western boundary; a nil setback to the parapet wall at the eastern boundary; 1.2m setback to the undercroft at the eastern boundary; and 2.3m setback to the dwelling at the eastern boundary;
- for the construction of single dwelling at No. 49B (Lot 2092) Pier Street, East Fremantle, in accordance with the plans date stamped received on 6 January 2012 and amended plans date stamped received 22 March 2012 subject to the following conditions:
1. 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.
 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 licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
 4. The proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 5. All stormwater is to be disposed of on site, clear of all buildings and boundaries.
 6. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
 7. 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 (i) below*)
 8. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
 9. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
 10. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
 11. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*

10 April 2012

MINUTES

- (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) *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.*
- (g) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (h) *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"*

Correspondence referred from MB Ref. T26.2 & T26.3 was tabled.

Ms Danielle Lee (adjoining neighbour) in addressing the meeting re-iterated her concerns with the proposed development, in particular the matter of the proposed boundary wall and its subsequent finish.

RECOMMENDATION TO COUNCIL

Cr Martin – Mr Nardi

That the application for a new residence at No. 49B Pier Street, East Fremantle be deferred pending the receipt of additional plans which also include clarification in relation to the provision of a rendered wall to the neighbouring property at 51A Pier Street. CARRIED

T30. EN BLOC RECOMMENDATION TO COUNCIL

Cr Nardi – Cr Collinson

That Council adopts en bloc the following recommendations of the Town Planning & Building Committee Meeting of 10 April 2012 in respect to Items MB Ref: T30.1 to T30.2. CARRIED

T30.1

Hillside Road No. 8 (Lot 4)

Applicant: Jennifer Mullen

Owner: Jennifer Mullen (Administrator for the Estate of Michael Johnson)

Application No. P15/12

By Carly Pidco, Town Planner, on 30 March 2012

PURPOSE OF THIS REPORT

This report recommends conditional approval of a Development Application for demolition of an existing dwelling and carport at 8 Hillside Road, East Fremantle.

BACKGROUND

Description of site

The subject site is:

- a 883m² green title lot
- zoned Residential R12.5
- located in the Riverside Precinct
- improved with a single dwelling

10 April 2012

MINUTES

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5
Residential Design Codes of Western Australia (RDC)

Relevant Council Policies

Nil

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : No impact
Footpath : No impact
Streetscape : Demolition of existing dwelling

Documentation

Relevant forms date stamped received on 27 January 2012
Plans date stamped received on 22 February 2012

Date Application Received

27 January 2012

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

8 January 1985	Building Permit issued for construction of carport
16 January 1987	Building Permit issued for additions to existing porch
1 May 1990	Building Permit issued for internal spa pool
18 March 1996	Council resolved not to approve a relaxation of standards in order to subdivide the lot

CONSULTATION

Advertising

The application does not impact on the amenity of adjoining neighbours and public consultation is not required.

Town Planning Advisory Panel Comments

The application was considered by the Town Planning Advisory Panel at its meeting of 27 March 2012. The Panel made the following comments:

- Panel recommends a photo survey and historical record be made of the existing residence prior to demolition.
- Panel encourages an inquiry into the history and significance of the building.

The dwelling is not entered on the Town's Municipal Heritage Inventory or the Heritage List under the Scheme, and there is no requirement under the Scheme for a heritage record to be made. Notwithstanding this, the Town Planner has liaised with the applicant and prepared a basic photo survey for the Town's records (attached).

Site Inspection

By Town Planner on 27 March 2012 and 30 March 2012

ASSESSMENT

The application is for demolition of the existing dwelling at 8 Hillside Road. The applicant has applied to demolish the dwelling on advice from a real estate agent prior to selling the property.

The existing dwelling is of timber and asbestos construction. It is a single storey in height and octagonal in shape, with rooms arranged around a central covered courtyard. The dwelling is in fair to poor condition.

The dwelling is not listed in the Heritage Survey 2006. Although the design of the dwelling is interesting and unique, it is not considered to hold great heritage value for the

10 April 2012

MINUTES

Town. The record prepared by the Town's staff includes a photo survey and brief history of the man who built the property.

The property does not greatly contribute to the Hillside Road streetscape. The front setback area of the dwelling is in poor condition and the building itself is mostly obscured by trees and retaining walls. Surrounding properties on the northern side of Hillside Road are of more recent construction or have benefited from significant improvements, greatly improving the streetscape. Demolition of the existing dwelling will allow for construction of a building in character with the evolving Hillside Road streetscape. Demolition of the retaining wall in particular will improve the streetscape, removing the blank facade and creating a view corridor from the street to any new dwelling.

CONCLUSION

The existing dwelling is of fair to poor condition and has limited heritage value. Its demolition will not have an undue impact on the streetscape or the heritage assets of the Town. The Town has prepared a brief record of the dwelling which will be filed for future reference. It is recommended that the application for demolition be approved.

RECOMMENDATION

That Council approves the demolition of the existing dwelling and carport at No. 8 (Lot 4) Hillside Road, East Fremantle, 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. All waste is to be removed from the site and the site is to be continuously maintained to the satisfaction of the Chief Executive Officer.
3. 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.
4. 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.
5. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which 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.*

10 April 2012

MINUTES

T30.2 George Street No. 133 (Pt Lot 2 of SP41827) – Georgio's Pizza

Owner/Applicant: Enrico Dalessandro

Application P44/2011

By Jamie Douglas, Manager - Planning Services, on 4 April 2012

PURPOSE OF THIS REPORT

This report considers an application for the installation of a roof sign at Georgio's Pizza, 133 George Street and recommends refusal.

BACKGROUND

At its meeting in May 2011, Council considered an application for retrospective planning approval for modifications (painting) to the building facia and signage and resolved as follows:

That Council grant retrospective planning approval for the external painting of the building and awning at No. 133 George Street, East Fremantle in accordance with the application submitted on the 24 March 2011 subject to the following conditions:

- 1. no tiles are to be removed from the external façade of the building without the prior approval of the Council.*
- 2. the 'above awning signage' is to be removed and its installation should be the subject of a revised application which conforms with the provisions of the Local Planning Policy – Signage Design Guidelines.*
- 3. an application for a Certificate of Building Approval for any unauthorised works the subject of this approval.*

The applicant failed to comply with the conditions of the retrospective approval and accordingly on 1 February 2012 the property owner was issued with a 'Direction' under section 214 of the Planning and Development Act to remove the above awning signage. This subsequently occurred and the applicant has now applied for an alternative 'roof sign' to be installed.

Description of subject site

The subject site:

- comprises Part Lot 2 on Strata Plan 41827;
- is zoned Mixed Use;
- is developed with a single-storey commercial building at the corner of George and Duke Street and which is used as a restaurant/take away (Georgio's Pizza);
- is included in the Town's Municipal Inventory (management Category of B+); and
- is located within the George Street Heritage Precinct. The George Street Precinct is listed in the Town Planning Scheme 3 Heritage List.

Statutory Considerations

Town Planning Scheme 3 (TPS3)

Local Planning Strategy – Plympton Precinct (LPS)

Relevant Council Policies

Local Planning Policy Design Guidelines - Signage

Date Application Received

21 February 2012

CONSULTATION

Town Planning Advisory Panel

The subject application was assessed by the Town Planning Advisory Panel (TPAP) at its meeting on 28 February 2012. The Panel made the following comments:

- Panel does not support application as the signage does not comply with the Towns Signage Policy for size and location.
- Consider smaller scale or use of the facia of the building.

The comments made by the Panel have not been responded to by the applicant and will be further discussed under the Assessment section of this report.

Any Relevant Previous Decisions of Council

- 21 September 2010 Council exercised its discretion and granted planning approval for a new toilet at the rear of the residence to service the pizza outlet.
- 17 May 2011 Council grants retrospective approval for the external painting of the building subject to the 'above awning signage' being removed. The installation of any replacement signage is to be subject to a revised application which conforms with the LPP – Signage Policy.
- 1 February 2012 the property owner was issued with a 'Direction' under section 214 of the Planning and Development Act to remove the above awning signage.

ASSESSMENT

The revised proposed sign is similar in dimension and design to the previously erected sign but it is proposed to now locate it on a bracket affixed to the front wall of the building above the awning (instead of being attached to the awning fascia as previously proposed). The sign would be located on the corner of the building facing George and Duke Streets and would be illuminated by a spot light so that it would be easily visible from the Stirling Highway.

The signage is defined under Council's Local Planning Policy – Design Guidelines Signage as being a 'roof sign'. Part 4 of the Policy lists the general requirements for signage and 4.12 reads as follows:

- 4.12 Signs affixed to a building contained on the Municipal Inventory' or Heritage List' shall not detract from the heritage value of the building, or materially alter the appearance or condition of the buildings structure once removed from that structure.*

The proposed sign would extend above the height of the top of the parapet wall of the shop. As such it is considered to be a discordant visual element which would diminish the heritage significance of the building which is included in the Town's Municipal Inventory (management Category of B+). In addition, the location of the signage above the awning obscures the heritage signage associated with the Lauder and Howard Building when viewing the building from George Street (west of the subject site). The Lauder & Howard Building and its associated signage are considered to be an integral part of the George Street precinct and every effort should be made to not obscure this from public view. This view is supported by the comments of the Town Planning Advisory Panel which did not support the size and location of the proposed sign

Part 8 of the Local Planning Policy lists acceptable solutions and performance criteria for each sign type. The acceptable solution for 'roof signs' is tabled below:

Roof Signs	To be considered under Alternative Performance Criteria	<ul style="list-style-type: none"> .. Maximum distance between bottom of sign and roof or parapet 300mm. .. Maximum depth 750mm. .. Maximum length 4500mm. .. Message may be on a maximum of two faces. .. Limit of one Roof Sign per site. .. May not be illuminated.
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The proposed signage does not satisfy the above alternative performance criteria in respect to its dimensions and illumination.

It is relevant to note that in addition to the proposed sign the business has existing signage consisting of two walls signs and an awning sign.

10 April 2012

MINUTES

CONCLUSION

The proposed sign:

- would be located higher on the building and would be more prominent than the previously refused signage.
- does not meet the general requirements and performance criteria of the LPP – Signs Guideline.
- would have a detrimental impact upon the heritage significance of the subject site and other buildings in the vicinity.

Any approval would conflict with Council's previous determination that any revised application should conform with the provisions of the Local Planning Policy – Signage Design Guidelines.

RECOMMENDATION

It is recommended that the application received on 21 February 2012 for signage at No. 133 George Street, East Fremantle be refused for the following reasons:

1. The proposed signage would conflict with the provisions of the Town of East Fremantle Town Planning Scheme No. 3, Clause 10.2 (a), (i), (j), (o), (p) as it is:
 - *incompatible with adjoining development*
 - *detrimental to the heritage significance of the site*
 - *detrimental to the visual amenity of the area and the streetscape*
2. The proposed signage does not meet the Local Planning Policy – Design Guidelines Signage performance criteria for a 'roof sign'.
3. The proposed sign does not meet the 'General Requirement For Signage' (4.12) in the Local Planning Policy – Design Guidelines Signage since it will detract from the heritage value of the building which is contained on the Municipal Inventory and Heritage List.

T31. REPORT'S OF OFFICERS (Cont)

T31.1 Canning Highway No. 91 (Lot 418) - Application for Removal of 91 Canning Highway from the Municipal Inventory

By Jamie Douglas, Manager - Planning Services, on 30 March 2012

PURPOSE OF THIS REPORT

This report considers a request for the removal of a former motor garage at 91 Canning Highway from the Municipal Heritage Inventory. The report recommends that the site not be removed from the Municipal Heritage Inventory but that it's 'Management Category' attributed to the site be amended from Category 'B' to Category 'C'.

Introduction

The property owner, Mr Rob Turner has requested that Council remove the subject property from the Municipal Heritage List. The applicant states: "*Delisting is sought as a clear direction is required to brief the architect regarding future development*". A Heritage Assessment prepared by Hocking Heritage Studio is submitted in support of the application.

The subject property is designated with a Management Category 'B'- under the Heritage Survey 2006 and is significant for its 'Rarity Value' and 'Group/Precinct Value'. 'Management Category 'B' is described in the Heritage Survey as follows:

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

10 April 2012

MINUTES

PROPERTY DESCRIPTION

91 Canning Highway is a single storey brick, iron and asbestos commercial property originally built as a motor garage in 1926. The building was added to in 1929 and in 1963 the original shop front and canopy were removed and a new front façade was constructed. In 1965, the pump islands were relocated and the apron of the garage was altered to allow access through the adjacent property at 93 Canning Highway. A brick and asbestos shop was built at the rear of the property in 1955 and this was occupied by a TAB for a period. In 2002, new hoarding was installed on the front canopy. This appears to have been only a cosmetic change with no structural change to the canopy.

Former uses on the site associated with the motor industry have now ceased. The shop front and front portion of the site is currently occupied by 'Redhot Design' a screen printing business while several shipping containers occupy the former open space to the rear of the site and these appear to be linked with a storage functions in the buildings at the rear.

The current buildings and structures are not visually attractive and are in a poor state of repair. In particular the canopy and shop front detracts from the adjacent significant heritage property at 93 Canning Highway.

HERITAGE ASSESSMENT REPORT

The report prepared by 'Hocking Heritage Studio, dated June 2011 (see Attachment 1) assesses the heritage significance of the site in accordance with the principles of the Burra Charter. The report draws no conclusions and makes no recommendations in respect to whether the delisting of the property is justified or whether the existing management provisions described in the Heritage Survey are appropriate. The report does however state (in part):

"...The removal of the original awning over the apron of Garage (FMR), 91 Canning Highway has diminished its heritage value particularly when compared to better examples of the type."

91 Canning Highway –

"has value to the community as a demonstration of former practices in the provision of fuel and motor mechanical services. The layout of the building in relation to the road is an example of former practices".

"does not demonstrate any rarity value as the property no longer functions as a garage nor reflects its original architectural presentation as a garage".

"demonstrates a low level of integrity (and authenticity). The place no longer functions in its original capacity of a garage and much of its original fabric has been lost".

CONSIDERATION

The existing structures on the subject site are generally in poor condition and do not contribute positively to the streetscape, in particular the front façade and canopy detracts from the adjacent significant heritage property at 93 Canning Highway. The heritage significance of the site was substantially diminished when the original shop front and canopy and the pumps and apron were removed and a new front façade was constructed. The site no longer reflects its former function which was integral to its heritage significance.

The site is subject to the recently adopted Town Centre Redevelopment Guidelines which allow a development to 5 storeys in height overall and 3 storeys high at the 'street wall'. It is considered that appropriate re-development of the site should be encouraged however the process of re-development should necessarily have regard to the past significance of the site and those elements of the built form which support it. It is not however considered that preservation of the buildings need necessarily be required.

10 April 2012

MINUTES

It is proposed that while Council should encourage appropriate redevelopment it should maintain a level of control in respect to the heritage significance of the site, notwithstanding the evidence that this significance is not now consistent with its management category in the Heritage Survey. Accordingly it is proposed that the management category for the site be modified from B to C. The requirements for Category C are as follows:

“Some heritage significance at a local level; places to be ideally retained and conserved; endeavour to conserve the significance of the place through the standard provisions of the Planning Scheme and associated design guidelines; a Heritage Assessment/ Impact Statement may be required as corollary to a development application, particularly in considering demolition of the place. Full documented record of places to be demolished shall be required. Further development needs to be within recognised design guidelines. Incentives should be considered where the condition or relative significance of the individual place is marginal but where a collective significance is served through retention and conservation.”

CONCLUSION

It is apparent that the heritage significance associated with the subject site does not now justify the application of Management Category B as identified in the Heritage Survey. Nevertheless conservation and recording of the elements which have constituted the sites heritage significance are desirable. The application of Management Category C requirements would be more appropriately applied in respect to any re-development proposal. These requirements would allow for partial or complete demolition of the existing buildings subject to certain conditions.

RECOMMENDATION

It is recommended that Council;

1. not support the application to remove 91 Canning Highway from the Municipal Heritage List.
2. modify the Management Category attributed to the subject site (and described in the Heritage Survey 2006) from Category ‘B’ to Category ‘C’.
3. advise the applicant that Council is supportive of appropriate redevelopment of the subject site and will apply the following provisions of Management Category ‘C’ (refer below and described in the Heritage Survey 2006) in respect to the impact on the site’s heritage significance in the determination of any development proposal.

“Some heritage significance at a local level; places to be ideally retained and conserved; endeavour to conserve the significance of the place through the standard provisions of the Planning Scheme and associated design guidelines; a Heritage Assessment/ Impact Statement may be required as corollary to a development application, particularly in considering demolition of the place. Full documented record of places to be demolished shall be required. Further development needs to be within recognised design guidelines. Incentives should be considered where the condition or relative significance of the individual place is marginal but where a collective significance is served through retention and conservation.”

RECOMMENDATION TO COUNCIL

Cr de Jong – Cr Nardi

That Council:

1. **not support the application to remove 91 Canning Highway from the Municipal Heritage List.**
2. **modify the Management Category attributed to the subject site (and described in the Heritage Survey 2006) from Category ‘B’ to Category ‘C’.**
3. **advise the applicant that Council is supportive of appropriate redevelopment of the subject site and will apply the following provisions of Management Category ‘C’ (refer below and described in the Heritage Survey 2006) in respect to the impact on the site’s heritage significance in the determination of any development proposal.**

10 April 2012

MINUTES

“Some heritage significance at a local level; places to be ideally retained and conserved; endeavour to conserve the significance of the place through the standard provisions of the Planning Scheme and associated design guidelines; a Heritage Assessment/ Impact Statement may be required as corollary to a development application, particularly in considering demolition of the place. Full documented record of places to be demolished shall be required. Further development needs to be within recognised design guidelines. Incentives should be considered where the condition or relative significance of the individual place is marginal but where a collective significance is served through retention and conservation.” CARRIED

Under s.5.21(4)(b) of the Local Government Act 1995, Cr Martin requested that the voting of Council members be recorded.

Crs de Jong, Nardi & Collinson voted in favour of the recommendation with Cr Martin having voted against the motion.

T32. CONFIDENTIAL BUSINESS

Nil.

T33. URGENT BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING

Nil.

T34. CLOSURE OF MEETING

There being no further business the meeting closed at 8.33pm.

*I hereby certify that the Minutes of the meeting of the **Town Planning & Building Committee (Private Domain)** of the Town of East Fremantle, held on **10 April 2012**, Minute Book reference **T20. to T34.** were confirmed at the meeting of the Committee on*

.....

Presiding Member