

10 May 2011

MINUTES

MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 10 MAY, 2011 COMMENCING AT 6.30PM.

T39. OPENING OF MEETING

The Acting Chief Executive Officer, Mr David Vaughan, opened the meeting and advised that as Cr Wilson was an apology for this evening's meeting, nominations would be called for Presiding Member.

T39.1 Present

Mayor Alan Ferris	
Cr Barry de Jong	
Cr Cliff Collinson	
Cr Siân Martin	
Mr David Vaughan	Acting Chief Executive Officer
Mr Jamie Douglas	Manager – Planning Services
Ms Gemma Basley	Town Planner
Ms Janine May	Minute Secretary

T40. ELECTION OF PRESIDING MEMBER

The Acting Chief Executive Officer called for nominations for the position of Presiding Member in the absence of Cr Wilson.

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

Mayor Ferris assumed the chair.

T41. 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.”

T42. WELCOME TO GALLERY

There were 13 members of the public in the gallery at the commencement of the meeting.

T43. APOLOGIES

Cr Dean Nardi
Cr Alex Wilson
Cr Rob Lilleyman
Cr Maria Rico

T44. CONFIRMATION OF MINUTES

T44.1 Town Planning & Building Committee (Private Domain) – 12 April 2011

Cr de Jong – Cr Collinson

That the Town Planning & Building Committee (Private Domain) minutes dated 12 April 2011 as adopted at the Council meeting held on 19 April 2011 be **confirmed.**

CARRIED

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T45. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

T45.1 T9.16 Chauncy Street No 14 (Lot 5032)

Ms Julie Amor: Providing objections to the proposed development at 14 Chauncy Street. (It was noted this letter was not actually 'late correspondence' but had been omitted from agenda papers previously circulated.)

Cr de Jong – Cr Martin

That the correspondence be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 47.12).

CARRIED

T46. REPORTS OF COMMITTEES

T46.1 Town Planning Advisory Panel – 20 April 2011

Cr Martin – Cr Collinson

That the minutes of the Town Planning Advisory Panel meeting held on 20 April 2011 be received and each item considered when the relevant development application is being discussed.

CARRIED

T47. REPORTS OF OFFICERS – STATUTORY PLANNING/DEVELOPMENT CONTROL

T47.1 Receipt of Reports

Cr de Jong – Cr Collinson

That the Reports of Officers be received.

CARRIED

T47.2 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

**T47.3 Fortescue Street No. 45 (Lot 123)
Owner/Applicant: Steve & Amanda Poulson
Application P45/2011**

By Gemma Basley, Town Planner, 27 April 2011

BACKGROUND

Purpose of this Report

An Application for Planning Approval for additions to the rear of the residence at No. 45 Fortescue Street is the subject of this report. More specifically, the application proposes the following:

- Remove the rear asbestos sleep out;
- Construct a new room at the rear of the house to comprise a new kitchen, alfresco area and a laundry; and
- Increase the height of the rear fence from 1.8 metres to 2.1 metres.

The report recommends that Council approve the application conditionally.

Description of subject site

The subject site:

- 562m²
- is zoned Residential R12.5 but subject to Clause 5.3.3 of TPS No. 3
- is developed with a heritage residence that is included as a 'C' Management Category in the Municipal Heritage Inventory.
- located in the Woodside Precinct

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Statutory Considerations

Town Planning Scheme No. 3 (TPS3)
Local Planning Strategy – Woodside Precinct (LPS)
R12.5 Residential Design Codes (RDC)

Relevant Council Policies

Local Planning Policy 066 : Roofing (LPP 066)
Local Planning Policy No. 142 : Residential Development (LPP 142)
Local Planning Policy No. 143 : Fencing (LPP 143)

Impact on Public Domain

Tree in verge : No Impact
Light pole : No Impact
Crossover : No Impact
Footpath : No Impact
Streetscape : The additions will front Fletcher Street but will be in keeping with existing development and will be screened by the existing brick boundary fence.

Documentation

Plans and relevant forms date stamp received on 24 March 2011

Date Application Received

24 March 2011

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

Nil

CONSULTATION

Advertising

The application was advertised to adjoining land owners for two weeks between the 8 April and the 27 April 2011. During this period no objections or submissions were received.

Town Planning Advisory Panel

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

- Panel supports modest addition.
- Schedule of Materials and Finishes required.
- Fence Height is non compliant – consider alternatives to ameliorate overlooking issues.

Taking into consideration the predominantly supportive comments received from the Panel, the report is considered suitable for Council consideration.

STATISTICS

File	P/FOR45
Zoning	R12.5
Lot Area	523m ²
Heritage Listing	C on Municipal Heritage Inventory

Site:	Required	Proposed	Status
Open Space	50%	Greater than 50%	Acceptable Development
Overshadowing	>25%	Nil	Acceptable Development
Site Works	Less than 0.5 metre	Nil	Acceptable Development

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STATISTICS

Height:	Required	Proposed	Status
Wall	3.0	3.2	Discretion Required
Ridge	6.0	5.8	Acceptable Development
Roof type	Pitched and skillion		

Setbacks

The additions are proposed to have a setback of 1.0 metres to the Fletcher Street boundary, which is the secondary street frontage. The R-Codes require a 2.0 metre setback to the secondary street frontage for a R12.5 site however Clause 5.3.3 of TPS No. 3 enables this to be reduced to 1.5 metres consistent with the R20 secondary street setback provisions (refer to Assessment section below for explanation).

The proposed 1.0 metre setback to Fletcher Street requires a variation to the R-Codes however this is overridden by Part 3 of Local Planning Policy No. 142 which allows a wall to be situated closer to the boundary than permitted by the R-Codes subject to certain criteria being met. The proposed 1.0 metre setback between the laundry addition and Fletcher Street satisfies the criteria established under LPP No. 142 and is therefore deemed to be compliant and not requiring a discretion.

Overlooking

The application proposes to construct a kitchen with west facing windows which are only set back 1.03 metres from the rear boundary. The R-Codes require a 6 metre setback between a boundary and kitchen windows to prevent overlooking. The applicant proposes to increase the fence height to 2.1 metres to address the overlooking. **Discretion Required.**

The application also proposes to construct an Alfresco area at natural ground level. This alfresco area will be screened by the dividing fence and as such does not require any other form of screening to address overlooking.

ASSESSMENT

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

Building Height

The site contains an existing residence which was constructed in the inter war period and is afforded with high ceilings. The applicants propose to retain the same ceiling height in the additions and as such propose to construct a maximum wall height of 3.2 metres. The proposed wall height exceeds the maximum wall height requirements of the R-Codes for a single storey development. More specifically the R-Codes in Table 3 stipulate a maximum wall height of 3.0 metres for a single storey residence.

The Performance Criteria for Building Height as detailed in Section 6.7.1 of the R-Codes 2008 reads as follows:

"Building height consistent with the desired height of buildings in the locality, and to recognise the need to protect the amenities of adjoining properties, including, where appropriate:

- *adequate direct sun to buildings and appurtenant open spaces;*
- *adequate daylight to major openings to habitable rooms; and*
- *access to views of significance."*

In response to the above Performance Criteria it is considered that the subject application and the proposal to construct a wall with a height of 3.2 metres (in lieu of the 3.0 metre restriction) will ensure that the additions are consistent with the existing residence and will become an integral part of the residence. In addition the increased wall height will not impact on the amenity of the adjoining property 9 Fletcher Street by way of the following:

- The adjoining property is located to the west of the subject site and as such the increased wall height will not cause any overshadowing over the residence or the

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yard.

- The increased wall height will not affect the supply of light to habitable rooms or major openings because a garage has been developed up to the boundary of 9 Fletcher Street.
- The increased wall height will not impact on any views of significance because they do not exist in this area.

Accordingly it is considered the proposal meets the relevant Performance Criteria of the R-Codes and an exercise of discretion to allow a maximum wall height of 3.2 metres in lieu of the 3.0 metres required under the R-Codes is warranted.

Side Setback

The additions are proposed to have a setback of 1.0 metre to the Fletcher Street boundary, which is the secondary street frontage. The R-Codes require a 2.0 metre setback to the secondary street frontage for a R12.5 site. However Clause 5.3.3 of TPS No. 3 enables this to be reduced to 1.5 metres consistent with the R20 secondary street setback provisions as detailed below:

- 5.3.3 *Existing non-complying development: Where a lot contains an existing authorised development which exceeds the prescribed density coding, the local government may permit redevelopment of the lot up to the same density as the existing development, or of a different form than otherwise permitted, provided that:*
- (a) *in the opinion of the local government, the proposed development will contribute more positively to the scale and character of the streetscape, the improvement of the amenity of the area, and the objectives for the precinct than the existing building; and*
 - (b) *except where proposed development comprises minor alterations to the existing development which, in the opinion of the local government, do not have a significant adverse effect on the amenity of adjoining land, advertising of the proposed development has been undertaken in accordance with the provisions of clause 9.4.*

The proposed 1.0 metre setback to Fletcher Street requires a variation to the R-Codes however this is overridden by Part 3 of Local Planning Policy No. 142 which allows a wall to be situated closer to the boundary than permitted by the R-Codes as detailed below:

“A wall may be situated closer to an adjoining residential boundary than the standards prescribed in Tables 1, 2a or 2b of the Residential Design Codes where the following are observed:

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

The proposed 1.0 metre setback between the laundry addition and Fletcher Street satisfies the above criteria as follows:

- Whilst the wall is higher than 3.0 metres it only has a length of 3.84 metres;
- The proposed wall is at the rear and side of the residence;
- The increased wall height will not result in any overshadowing because of the north/south orientation of the lots; and
- The wall will be consistent with the existing residence and will match the development.

It is considered there is merit in an exercise of discretion to allow a setback of 1.0 metre

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in lieu of 1.5 metres required under the R-Codes 2008 for the secondary street setback (between the additions and Fletcher Street).

Privacy Requirements / Overlooking

The application proposes to construct a kitchen with west facing windows with a set back of 1.03 metres to the rear boundary. The R-Codes require a privacy setback of 6 metres in the case of kitchens.

The applicant proposes to increase the rear fence height to 2.1 metres in order to address the overlooking issues from the proposed kitchen however this is not considered to be a reasonable request. Overlooking is best treated at the source and accordingly a condition requiring the kitchen windows to be glazed using opaque glass (or alternative) will address the privacy requirements of the R-Codes and should be a condition of any approval.

The increased fence height is not supported and this will also be addressed via a proposed condition.

Streetscape

Part 2 of Council's Local Planning Policy No. 142 requires the following:

- "(i) Buildings are to be set back such a distance as is generally consistent with the building set back on adjoining land and in the immediate locality.*
- (ii) Notwithstanding (i) above, garages and/or carports are to be located at or behind the main building line of the house on the property.*
- (iii) The following street setbacks apply also to any upper storey:*
 - (a) Primary Street – minimum setback as prescribed by the Residential Design Codes – Table 1 – General Site Requirements, Column 8; and*
 - (b) Secondary Street – minimum setback 50% of Primary Street."*

The subject site is a corner lot with its secondary street frontage being Fletcher Street. As detailed above a setback of 1.0 metre is proposed between the laundry and the Fletcher Street boundary and will result in the residence extending 1.67 metres closer to the Fletcher Street boundary.

The streetscape of Fletcher Street comprises many side boundaries which have been fenced. This results in the streetscape of Fletcher Street being made up predominantly of solid fences. The lots that adjoin the subject site to the west and which front Fletcher Street each have solid fencing on the Fletcher Street boundary (No.'s 7 and 9 Fletcher Street) and as such the setback of the residences is not contributing to the streetscape in this particular area.

The rear of the property at No. 45 Fortescue Street is already fenced with a solid brick wall and this wall will be retained after the additions have been constructed. As such, the reduced setback to Fletcher Street will not impact on the streetscape.

CONCLUSION

The application is considered to have merit when assessed against the relevant LPP's and Scheme provisions relating to residential developments, as well as the requirements outlined within the Residential Design Codes 2008. Whilst the application does seek some minor variations to the R-Codes and LPP's these are considered minor in nature and to be acceptable, with the exception of the overlooking from the kitchen windows and the increase to the rear fence height.

In order to meet the criteria for approval under Clause 5.3.3 of TPS No. 3, which was referred to above, the Local Government is required to be of the opinion that the proposed development will contribute more positively to the scale and character of the streetscape, the improvement of the amenity of the area and the objectives for the precinct, than the existing building. It is considered that the application does accord with the above criteria and is therefore considered to be suitable for determination and is recommended for approval.

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RECOMMENDATION

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

- (a) a discretion to allow a maximum wall height of 3.2 metres in lieu of the 3.0 metres required under the R-Codes;
- (b) a discretion to allow a setback of 1.0 metres in lieu of 1.5 metres required under the R-Codes 2008 for the secondary street setback (between the additions and Fletcher Street);

for the construction of additions to the rear of the single storey residence at No. 45 Fortescue Street, East Fremantle in accordance with the plans date stamp received on the 24 March 2011 subject to the following conditions:

1. The west facing kitchen windows are to be opaque glass (or an alternative) to meet the privacy requirements of the R-Codes 2008.
2. The maximum rear fence height shall not exceed 1.8 metres.
3. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
4. The proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
5. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
6. All stormwater is to be disposed of on site, clear of all buildings and boundaries.
7. Any air conditioning plant is to be positioned so as to minimise impacts on the streetscape and neighbours' amenity, details of which are to be submitted as part of a building licence.
8. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

Mr Poulsen (owner) addressed the meeting seeking reconsideration of the proposed recommendation for opaque glass to the west facing kitchen windows given the impact this will have on natural light to this room.

RECOMMENDATION TO COUNCIL

Cr Martin – Cr Collinson

That the matter be deferred pending an assessment by the Town Planner in relation to the requirement for opaque glass to the west facing kitchen windows to meet privacy requirements of the R Codes. CARRIED

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T47.4 Glyde Street No. 48 (Lot 150)
Owner: Stephen Hille & Catherine Keogh
Applicant: John Chisholm Design
Application No. P34/11
By Gemma Claire Basley, Town Planner on 29 April 2011

BACKGROUND

Purpose of Report

An Application for Planning Approval for the construction of ancillary accommodation in the rear yard of No. 48 Glyde Street, East Fremantle is the subject of this report.

More specifically, the application proposes to construct a detached studio comprising a bedroom and a bathroom and a mezzanine area that will be used in association with the studio. The application proposes to construct the studio at the existing finished floor level and behind the existing residence and as such will not be visible from the street and will not alter the way the original residence is viewed. It is also proposed to replace the existing front fencing with a limestone and timber picket fence.

This report recommends conditional approval.

Statutory Considerations

Town Planning Scheme No. 3
Local Planning Strategy – Plympton Precinct (LPS)
R20 Residential Design Codes (RDC)
B Management Category on Municipal Heritage Inventory

Relevant Council Policies

LP Policy No. 142: Residential Development
LP Policy No. 143 Local Laws Relating to Fencing

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : No impact
Footpath : No impact
Streetscape : The existing fencing is old and the proposed fencing will not impact on the streetscape adversely

Documentation

Plans and relevant forms date stamp received on 29 March 2011

Date Application Received

10 March 2011

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

Nil

CONSULTATION

Advertising

The application was advertised to adjoining neighbours for a two week period between the 25 March 2011 and the 8 April 2011. During the advertising period no submissions or objections to the application were received.

Town Planning Advisory Panel

The subject application was considered by the Town Planning Advisory Panel (TPAP) at its meeting of the 22nd March 2011 wherein the following comments were made:

- Considering the sunken location of the house's footprint compared to the street, the panel requests that the height of the fence columns be lowered to accommodate a greater view of the heritage façade of the residence.
- Alternatively the applicant is encouraged to consider picket fencing the entire length of the front fence

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The applicant has submitted additional information which indicates that the fence in front of the sunken portion of the house (the southern side of the lot) has been designed to ensure that the residence is presented clearly to the street. More specifically, the maximum height of the fence does not exceed 1.214 metres where the house is sunken.

Site Inspection

By Town Planner on 13 April 2011

STATISTICS

File	P/GLY48
Zoning	R20
Lot Area	508m ²
Heritage Listing	B

Site:	Required	Proposed	Status
Site Works	Maximum 0.5m	Nil	Acceptable Development
Open Space	More than 50%	More than 50%	Acceptable Development
Overshadowing	Less than 25%	Less than 25%	Acceptable Development

Height:	Required	Proposed	Status
Wall	6.0 metres	3.959 metres	Acceptable Development
Ridge	9.0 metres	5.23 metres	Acceptable Development
Roof type	Skillion		

Privacy/Overlooking No overlooking will occur because the mezzanine floor windows are proposed to have obscure film applied to them to prevent overlooking.

Set-backs The minimum set-back to any lot boundary is 1.5 metres, which meets the requirements of the R-Codes (being a 1.0 metre setback).
Acceptable Development

ASSESSMENT

Proposed Detached Studio

Planning Approval is sought for the construction of a detached studio comprising a bedroom, a bathroom and a mezzanine area that will be used in association with the studio. The application proposes to construct the studio at the existing finished floor level and behind the existing residence and as such will not be visible from the street and will not alter the way the original residence is viewed.

The studio is to be used for ancillary accommodation and as such has been assessed against the R-Code requirements relating to ancillary accommodation. The applicants have indicated that the studio will only be utilised by their family and will not be leased for short stay accommodation. A condition is included in the recommendation to cover this. The studio does not exceed a maximum floor area of 60m² and is in fact considerably smaller than permitted. The site has sufficient area to accommodate the parking of an additional vehicle if required in the future.

Proposed Front Fencing

The application also proposes to replace the existing front fencing with a limestone and timber picket fence. The applicant proposes that portion of the fence will exceed 1.8 metres. The application also indicates that pier caps will be placed on top of the piers and that some of these could exceed 1.8 metres in height.

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LPP 143 establishes a maximum height of 1.8 metre for a fence and states the following:

“Council requires front fences and walls above 1.2m to be visually permeable defined as:

Continuous vertical gaps of at least 50mm width occupying not less than 60% of the face in aggregate of the entire surface that is at least 60% of the length of the wall must be open”

Approval is sought to construct a front fence that exceeds the maximum height requirements of LPP No. 143 and that only provides 50% visual permeability. The fence however does in aggregate provide for 60% visual permeability.

The Policy provides for special circumstances under which variations may be considered as follows:

“Part 4 – Council Approval Required

Under special circumstances including those listed below Council may approve a fence to be less visually permeable and or with a maximum height greater than 1.8 m:

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

It is considered that none of the above circumstances apply to the subject application. In addition and taking into account the Panels comments that the maximum height of this fence should not exceed 1.6 metres a height variation is not supported. A condition is included in the recommendation to restrict the height of the fence (pier caps included) to 1.8 metres.

Conclusion

Given that the proposal meets all of the relevant acceptable development provisions of the R-Codes and applicable provisions of TPS No. 3 and applicable Local Planning Policies the proposal is supported. Whilst the application did seek a minor variation to LPP No. 143 this has not been supported and is reflected in Condition No. 2 of the recommendation.

RECOMMENDATION

That Council grant approval for the construction of a detached studio with a mezzanine floor in the rear yard and the construction of a new front fence at No. 48 Glyde Street, East Fremantle in accordance with plans date stamp received on the 10 March 2011, subject to the following conditions:

1. the studio shall not be leased for short stay accommodation or as a rental property and can only be used by family members.
2. the maximum height of the fence (Pier caps included) is not to exceed 1.8 metres at any point.
3. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
4. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.

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

Footnote:

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

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

Mr Hille (owner) advised the meeting that he supported the officer's recommendation.

RECOMMENDATION TO COUNCIL

Cr Martin – Cr de Jong

That Council grant approval for the construction of a detached studio with a mezzanine floor in the rear yard and the construction of a new front fence at No. 48 Glyde Street, East Fremantle in accordance with plans date stamp received on the 10 March 2011, subject to the following conditions:

1. **the studio shall not be leased for short stay accommodation or as a rental property and can only be used by family members.**
2. **the maximum height of the fence (Pier caps included) is not to exceed 1.8 metres at any point.**
3. **the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
4. **the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
5. **with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
6. **this planning approval to remain valid for a period of 24 months from date of this approval.**

Footnote:

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

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

CARRIED

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T47.5 **Preston Point Road No. 42A (Lot 2)**
Owner: Matthew McAlpine & Zoe Grose
Applicant: Switch Homes
Application P44/2011
By Gemma Basley, Town Planner, 2 May 2011

BACKGROUND

Purpose of this Report

An Application for Planning Approval for the construction of a new two storey residence at No. 42A Preston Point Road, East Fremantle is the subject of this report. More specifically, the application proposes the following:

- To undertake site works; and
- To construct a residence comprising 4 bedrooms, a kitchen, dining room, living room, alfresco, lounge and a double garage.

The report recommends that Council approve the application conditionally.

Description of subject site

The subject site:

- a 549m² rear battleaxe access lot
- is zoned Residential R12.5 but subject to Clause 5.3.3 of TPS No. 3 and will be assessed against the R17.5 provisions of the R-Codes.
- is a vacant undeveloped site.
- located in the Richmond Precinct

Statutory Considerations

Town Planning Scheme No. 3 (TPS3)
Local Planning Strategy – Richmond Precinct (LPS)
R17.5 Residential Design Codes (RDC)

Relevant Council Policies

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

Impact on Public Domain

Tree in verge : No Impact
Light pole : No Impact
Crossover : No Impact
Footpath : No Impact
Streetscape : The new residence will not be visible from Preston Point Road because it is being developed on a rear battleaxe lot.

Documentation

Plans and relevant forms date stamp received on 31st March 2011

Date Application Received

31 March 2011

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

21 February 1994 Council decides to advise the Committee for Statutory Procedures that it does not support the battleaxe subdivision of 42 Preston Point Road;
29 March 1994 Committee for Statutory Procedures approves the battleaxe subdivision of 42 Preston Point Road;
17 November 1998 Council refuses an extra width crossover;
21 August 2001 Council decides to recommend to the WAPC that it refuse the battleaxe subdivision (green title) of 42 Preston Point Road;
19 November 2001 WAPC conditionally approves the battleaxe subdivision (green title);

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- 18 June 2002 Council decides to recommend to the WAPC that it refuse the strata title subdivision of 42 Preston Point Road;
- 10 September 2002 WAPC conditionally approves the strata title subdivision (battleaxe) of 42 Preston Point Road;
- 26 August 2003 WAPC endorses Survey-Strata Plan for approval;
- 12 December 2003 Registrar of Titles registers Survey Strata Plan 43835 to create two new lots at 42 Preston Point Road;

CONSULTATION

Advertising

The application was advertised to adjoining land owners for two weeks between the 7 April and the 27 April 2011. During this period two submissions were received which will be tabled below:

Submission	Planning Comment
<p>Rosa & Peta Wright of No. 40 Preston Point Road, East Fremantle</p> <p>No objection to the application subject to appropriate underpinning of the boundary limestone fence and pool (using fine cement grouting/injection) or the like, and that any damage resulting will be repaired at the expense of the owners of No. 42A Preston Point Road. Request a Dilapidation Report.</p>	<p>These are not planning matters and relate to the Building Licence.</p> <p>There is no statutory requirement for a dilapidation report. A footnote has however been included in the recommendation to address this point.</p>
<p>Kathleen Powell of No. 59 Staton Road, East Fremantle</p> <p>The plans have been interpreted to read that the site is being filled by 2.5 metres. Objection to the artificial raising of the ground level. Increasing the ground level will impact on the views and outlook of the blocks behind the application area.</p>	<p>The plans have been misread and only small amounts of fill are proposed in the north western part of the site. Rather the application proposes to cut into and retain the site along the southern boundary and parallel to the eastern boundary.</p>

Town Planning Advisory Panel

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

Panel Comment	Planning Comment
Query overlooking from terrace.	The Terrace is set back 7.289 metres from the boundary, which does not meet the privacy requirements of the R-Codes 2008. Please refer to Assessment section of report for further discussion on this.
Query surveillance of access driveway.	<p>Part 6.2.4 of the R-Codes requires buildings be designed to provide for surveillance between the building and the street and to provide at least one habitable room window of the dwelling with a clear view of the street and the approach to the building.</p> <p>The upper floor terrace has a clear view of the street as well as the dining room and the upstairs lounge room which have partial views to the driveway.</p>
Query overshadowing impact-further detail required.	The applicant informs that the overshadowing assessment is correct and because the upper floor area is small and located to the north of the building, minimal overshadowing results.

The comments made by the Panel have been responded to above and will be further discussed under the Assessment section of this report.

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STATISTICS

File	P/PPT42A
Zoning	R12.5
Lot Area	549m ²
Heritage Listing	No

Site:	Required	Proposed	Status
Open Space	50%	55.8	Acceptable Development
Overshadowing	>25%	2.8%	Acceptable Development
Site Works	Less than 0.5 metre	1.5 metres	Discretion Required

Height:	Required	Proposed	Status
Wall	6.0	5.52	Acceptable Development
Ridge	9.0	7.6	Acceptable Development
Roof type	Pitched and skillion		

Setbacks:

Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Actual Setback	Status
Front (west) Ground	Garage/Store	2.74	11.01	No	1.0	1.174	Acceptable
Upper	Terrace/Void	5.52	8.06	Yes	7.5	7.289	Discretion Required
Rear (east) Ground	Whole	2.74	13.5	Yes	6.0	6.358	Acceptable
Upper	Whole	5.52	7.2	Yes	2.5	7.6	Acceptable
Side (north) Ground	Whole	2.74	19.89	Yes	1.5	1.5 +	Acceptable
Upper	Whole/Terrace	5.52	12.32	Yes	7.5	6.198	Discretion Required
Side (south) Ground	Store/Ldry/Bed2	2.74	6.8	No	1.0	1.0-1.5	
	Bed 2/Bed 3	2.74	7.1	Yes	1.5	1.58	Acceptable
	Bed 4	2.74	6.0	No	1.0	1.0	
Upper	Whole	5.52	12.32	No	3.2	7.2	Acceptable

Overlooking

The application proposes to construct an upper floor terrace without any privacy screening and to locate this closer than 7.5 metres to a lot boundary. This requires a discretion to the R-Codes and will be discussed in the Assessment section of this report. **Discretion Required.**

The application also proposes to construct an Alfresco area at natural ground level. This alfresco area will be screened by the dividing fence and as such does not require any other forma of screening to address overlooking.

ASSESSMENT

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

Site Works

The subject site has a fall of approximately 3.0 metres south east to north west. The application proposes to respond to the topographical constraints by cutting into the site at

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the lower level and at the front of the site and retaining the site along the southern boundary and parallel to the eastern boundary.

In order to retain the cut it is proposed to retain up to a height of 1.5 metres which exceeds the site works requirements of the R-Codes (being a maximum of 0.5 metres of cut/fill). The proposal to cut into and to retain the higher parts of the site as opposed to filling the site is commended and will ensure that the new residence will retain the visual impression of the natural level of the site as seen from the street and the properties to the rear, which currently enjoy views over parts of this site.

The proposed discretion to allow up to 1.5 metres of retaining satisfied the Performance Criteria of the R-Codes 2008 and is supported.

Privacy Requirements / Overlooking

The application proposes to construct an upper floor terrace with a set back of 7.289 metres to the western boundary and with a setback of 6.198 metres to the northern boundary. The application proposes not to screen the terrace (to prevent overlooking) and as such does not meet the privacy requirements of the R-Codes 2008.

More specifically the R-Codes requires that outdoor living areas raised more than 0.5 metres above natural ground level be setback a minimum of 7.5 metres (in direct line of sight within the cone of vision) from a boundary or be provided with permanent vertical screening to prevent overlooking.

The applicants have requested a dispensation be granted to allow the terrace to be setback less than 7.5 metres from the boundary and to be unscreened. The applicant puts forward that minimal overlooking will occur to the west from the upper floor terrace and will only overlook 160mm of the adjoining lot (at the rear of the site). The applicant also submits that whilst the terrace will overlook the northern boundary by 1.16 metres it will overlook an area which is covered with a shade sail and is 1.4 metres lower than the ground level of the application area and which will be further screened by the 1.8 metre dividing fence. In addition the applicant proposes to plant a row of tall trees (3 metres + in height) along the northern boundary which will provide screening.

Whilst it is acknowledged that overlooking is best treated at the source and accordingly the terrace should be screened, it is also acknowledged that the topographical differences between the sites will physically screen the small area that will be overlooked from the northern terrace opening (with the adjoining lot to the north being considerably lower than the subject site). In addition to this, the applicants propose to plant along this boundary to prevent further overlooking. To ensure this occurs, a condition is included in the recommendation to require the planting of mature trees on the northern boundary prior to completion of works.

Taking into account the minor extent of overlooking to the west (0.16 metres) and the acceptance of vegetation as an alternative screening method for the northern boundary, a condition will require the same treatment to the western boundary or alternatively to increase the setback of the terrace to the northern boundary to 7.5 metres.

CONCLUSION

The proposal is considered to have merit when assessed against the relevant LPP's and Scheme provisions relating to residential developments, as well as the requirements outlined within the Residential Design Codes 2008. Whilst the application does seek some minor variations to the R-Codes these are considered minor in nature and will be addressed through the requirement to plant mature trees on the northern and western boundary.

The application is considered to be suitable for determination and is recommended for approval.

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RECOMMENDATION

That Council exercise its discretion in granting approval to allow site works to exceed 0.5 metres as required under the R-Codes 2008 by 1.0 metre for the construction of a new two storey residence and double garage at No.42A Preston Point Road, East Fremantle in accordance with the plans date stamp received on the 31 March 2011 subject to the following conditions:

1. Prior to the dwelling being occupied mature trees (3 metres minimum height) are to be planted along the northern boundary of the site to prevent overlooking from the upper floor terrace to the north to the satisfaction of the Chief Executive Officer.
2. Prior to the dwelling being occupied mature trees (3 metres minimum height) are to be planted along the western boundary of the site to prevent overlooking from the upper floor terrace to the west to the satisfaction of the Chief Executive Officer. Alternatively, the upper floor terrace shall be setback a minimum of 7.5 metres from the northern boundary.
3. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
4. The proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
5. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
6. All stormwater is to be disposed of on site, clear of all buildings and boundaries.
7. Any air conditioning plant is to be positioned so as to minimise impacts on the streetscape and neighbours' amenity, details of which are to be submitted as part of a building licence.
8. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

Mr McAlpine & Ms Grose (owners) advised the meeting that they supported the officer's recommendation.

RECOMMENDATION TO COUNCIL

Cr de Jong – Cr Martin

That Council exercise its discretion in granting approval to allow site works to exceed 0.5 metres as required under the R-Codes 2008 by 1.0 metre for the construction of a new two storey residence and double garage at No.42A Preston Point Road, East Fremantle in accordance with the plans date stamp received on the 31 March 2011 subject to the following conditions:

- 1. Prior to the dwelling being occupied mature trees (3 metres minimum height) are to be planted along the northern boundary of the site to prevent overlooking from the upper floor terrace to the north to the satisfaction of the Chief Executive Officer.**
- 2. Prior to the dwelling being occupied mature trees (3 metres minimum height) are to be planted along the western boundary of the site to prevent**

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- overlooking from the upper floor terrace to the west to the satisfaction of the Chief Executive Officer. Alternatively, the upper floor terrace shall be setback a minimum of 7.5 metres from the northern boundary.
3. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
 4. The proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 5. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
 6. All stormwater is to be disposed of on site, clear of all buildings and boundaries.
 7. Any air conditioning plant is to be positioned so as to minimise impacts on the streetscape and neighbours' amenity, details of which are to be submitted as part of a building licence.
 8. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED

T47.6 Preston Point Road No. 37 (Unit 11)

Applicant/Owner: Ann Patrick

Application No. P208/2008

By Gemma Basley, Town Planner on 29 April 2011

BACKGROUND

Description of Proposal

An Application to permit the premises at 11/37 Preston Point Road to continue to be used for "Short Stay Accommodation" has been made.

This report recommends that conditional approval be granted.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R30

Residential Design Codes (RDC)

Riverside Precinct

Relevant Council Policies

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

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

16 March 2010 Council approved an application for Planning Approval to allow the premises at 11/37 Preston Point Road to be used for "Short Stay Accommodation".

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ASSESSMENT

This application seeks approval for the renewal of the use "short stay accommodation" at Unit No. 11 of No. 37 Preston Point Road, East Fremantle.

The previous planning approval for "short stay accommodation" at 11/37 Preston Point Road expired on 15 March 2011.

A condition of the short stay accommodation planning approval requires the applicant to seek Planning Approval every 12 months and states the following:

"The approval may be revoked by Council, prior to the expiration of the 12 months period referred to in (1) above, if any adverse impacts involving noise, antisocial behaviour or parking are unable to be controlled by the applicant or their representative in a timely and effective manner which is to Council's satisfaction."

In the past 12 months the Town has not received any complaints relating to any adverse impacts involving noise, antisocial behaviour or parking at Unit No. 11 of No. 37 Preston Point Road. It is therefore recommend that the application for renewal be approved for a further period of 12 months.

The applicant has a second short stay accommodation business operating from Unit No. 22 of No. 43 Preston Point Road and has requested that both applications for renewal be dealt with under the one application. A complaint however has been received in relation to the second short stay accommodation business at No. 43 Preston Point Road and as a result the applications are being dealt with separately.

RECOMMENDATION

That Council grant approval for the renewal of the use "short stay accommodation" at Unit No. 11 of No.37 Preston Point Road, East Fremantle subject to the following conditions:

1. Approval is for 12 months only.
2. Any continuation of the short stay accommodation use will require a new Council approval.
3. The written consent of the Strata Company to the use of the dwelling for short stay accommodation purposes must be provided.
4. Maximum accommodation is 4 persons (based on two bedrooms being provided)
5. Each short stay accommodation booking must be for a minimum stay of 3 consecutive nights.
6. A minimum of one on site parking bay for the exclusive use of one or more of the occupants must be provided.
7. A complaints management procedure, which is to be to the satisfaction of the Chief Executive Officer and which covers or includes the control of noise, antisocial behaviour, security, parking, residents' code of conduct is to be provided.
8. The owner or manager of the short stay dwelling must be contactable, using contact details provided to the Town, at any time of the day or night and the manager must respond, within 12 hours, to any contact relating to the short stay dwelling.
9. The approval may be revoked by Council, prior to the expiration of the 12 months period referred to in (1) above, if any adverse impacts involving noise, antisocial behaviour or parking are unable to be controlled by the applicant or their representative in a timely and effective manner which is to Council's satisfaction.
10. No on site signage is permitted with respect to the application.

Ms Patrick (owner) advised the meeting that she supported the officer's recommendation.

RECOMMENDATION TO COUNCIL

Cr de Jong – Cr Collinson

That Council grant approval for the renewal of the use "short stay accommodation" at Unit No. 11 of No.37 Preston Point Road, East Fremantle subject to the following conditions:

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1. Approval is for 12 months only.
2. Any continuation of the short stay accommodation use will require a new Council approval.
3. The written consent of the Strata Company to the use of the dwelling for short stay accommodation purposes must be provided.
4. Maximum accommodation is 4 persons (based on two bedrooms being provided)
5. Each short stay accommodation booking must be for a minimum stay of 3 consecutive nights.
6. A minimum of one on site parking bay for the exclusive use of one or more of the occupants must be provided.
7. A complaints management procedure, which is to be to the satisfaction of the Chief Executive Officer and which covers or includes the control of noise, antisocial behaviour, security, parking, residents' code of conduct is to be provided.
8. The owner or manager of the short stay dwelling must be contactable, using contact details provided to the Town, at any time of the day or night and the manager must respond, within 12 hours, to any contact relating to the short stay dwelling.
9. The approval may be revoked by Council, prior to the expiration of the 12 months period referred to in (1) above, if any adverse impacts involving noise, antisocial behaviour or parking are unable to be controlled by the applicant or their representative in a timely and effective manner which is to Council's satisfaction.
10. No on site signage is permitted with respect to the application. CARRIED

T47.7

Preston Point Road No. 43 (Unit 22)

Applicant/Owner: Ann Patrick

Application No. P33/2009

By Gemma Basley, Town Planner on 5 May 2011

BACKGROUND

Description of Proposal

An Application to permit the premises at 22/43 Preston Point Road to continue to be used for "Short Stay Accommodation" has been made and is the subject of this report.

This report recommends that conditional approval be granted.

Statutory Considerations

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

Relevant Council Policies

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

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

- | | |
|---------------|---|
| 21 April 2009 | Council approves an Application for Planning Approval to allow the premises at 22/43 Preston Point Road for "Short Stay Accommodation" |
| 16 March 2010 | Council approved an application for Planning Approval to allow the extended use of the premises at 22/43 Preston Point Road for "Short Stay Accommodation". |

ASSESSMENT

This application seeks approval for the renewal of the use "short stay accommodation" at Unit No. 22 of No. 43 Preston Point Road, East Fremantle.

The previous planning approval for "short stay accommodation" at 22/43 Preston Point Road expired on 16 March 2011.

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A condition of the short stay accommodation planning approval requires the applicant to seek Planning Approval every 12 months and states the following:

“The approval may be revoked by Council, prior to the expiration of the 12 months period referred to in (1) above, if any adverse impacts involving noise, antisocial behaviour or parking are unable to be controlled by the applicant or their representative in a timely and effective manner which is to Council’s satisfaction.”

Land Use

There are 3 buildings at 43 Preston Point Road containing 24 multiple dwelling units.

Units 1 to 12 comprise a 2-storey group of twelve multiple dwellings, Units 13 to 18 comprise a 3-storey group of six multiple dwellings, and Units 19 to 24 comprise a 2-storey group of six multiple dwellings at the front of the property.

Unit 22 is the grouped dwelling at the rear of the 2-storey building at the front.

43 Preston Point Road is next to a Parks and Recreation reserve that contains the “Niergarup Track” a man-made trail that provides users with panoramic river views and direct access via spur tracks containing stairs down to the river.

Short stay accommodation is not a use that is listed in the Zoning Table under TPS 3, nor is it considered to be a use that could reasonably be determined as falling within any use class in the Table.

TPS 3 states:

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

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

Noise Complaint

In the past 12 months the Town has received one noise complaint from the owner of Unit No. 19 of No. 43 Preston Point Road (which is directly below Unit No. 22). The noise complaint will be summarised below:

- The unit being used for short stay accommodation has wooden floors and being an upstairs unit I believe that this in itself is inadmissible.
- Has Unit No. 22 been approved by the East Fremantle Council for short stay accommodation.
- Over the years the short stay accommodation at Unit No. 22 has been occupied by a range of good, noisy and inconsiderate tenants and guidance is sought on how to deal with this matter.

The applicant/owner of the Unit has confirmed that the following noise complaints have been received from the owner of Unit No. 19 and that action has been taken each time to address the complaint as will be summarised below:

Noise Complaint from Unit 19	Action taken by owner of Unit 22 to address complaint
Noise transmitting from the living area into Unit 19.	Rugs were put on top of the floor boards in the living area to reduce noise.

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Children playing with toys on the floor	Toys with sharp edges have been removed from the unit and only soft toys are available for children to play with. Young children have only stayed 15 days in the last 11 months.
Furniture on balcony makes a noise when chairs are moved.	New chairs have been placed on the verandah which has stoppers on the legs to prevent noise transmitting below.
Noise from balcony generally.	A large rug has been placed on the balcony and occupies about 65% of the balcony area to assist in absorbing sound.
Phone calls made on balcony by overseas tenants.	A new rule has been included in the book provided to guests advising that calls from the balcony after 10pm are not to occur.

The owner of Unit No. 22 submits that the noise complaints are being received because the owner of Unit No. 19 has enclosed the outdoor living area (verandah) and now utilises this area as an indoor living area.

The enclosure of the outdoor living area at Unit No. 19 was approved by the Council of Owners and a Building Licence was issued by Council in May 2005.

The owner of Unit No. 22 has advised that the indoor rugs can have a thicker rubber underlay installed to reduce noise transmitting from the living area to Unit No. 19. This is commended as with the other efforts to address the complaints.

The owner of Unit No. 22 puts forward the following points in support of the application:

- Short term accommodation has no greater impact than long term tenants.
- The occupancy rate is only 66% this financial year and the average age of guests is 54 years of age.
- Noise attenuation methods have been introduced into Unit No. 22 in an effort to address the complaints from Unit No. 19.
- All of the complaints received could just as easily apply to any long term tenant.

Discussion

This application is from the owner of a multiple dwelling at Unit 11, 37 Preston Point Road for which Council granted conditional approval for short stay accommodation use at its meeting in March 2010.

It is apparent that short stay accommodation is being operated in the Town without planning permission, and it seems far better for Council to attempt to have a degree of control of such activities in particular by seeking to minimise potential impacts associated with short stay accommodation through attempting to support applications, where deemed appropriate, by applicants who are seeking "to do the right thing" by seeking Council's approval (albeit in this case after the event).

The noise complaints are considered to be minor and largely a result of the outdoor living area of Unit 22 sitting directly above the indoor living area of Unit 19. The applicants have demonstrated a willingness to deal with the noise complaints and there is no reason why this would not continue in the event of any future noise complaints.

In accordance with the existing approval to use Unit 22 for short stay accommodation, it is recommended that the approval only be issued for a further 12 months to enable the use to be further monitored.

RECOMMENDATION

That Council grant approval for the renewal of the use "short stay accommodation" at Unit No. 22 of No. 43 Preston Point Road, East Fremantle subject to the following conditions:

1. Approval is for 12 months only.

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2. Any continuation of the short stay accommodation use will require a new Council approval.
3. The written consent of the Strata Company to the use of the dwelling for short stay accommodation purposes must be provided.
4. Maximum accommodation is 4 persons (based on two bedrooms being provided)
5. Each short stay accommodation booking must be for a minimum stay of 3 consecutive nights.
6. A minimum of one on site parking bay for the exclusive use of one or more of the occupants must be provided.
7. A complaints management procedure, which is to be to the satisfaction of the Chief Executive Officer and which covers or includes the control of noise, antisocial behaviour, security, parking, residents' code of conduct is to be provided.
8. The owner or manager of the short stay dwelling must be contactable, using contact details provided to the Town, at any time of the day or night and the manager must respond, within 12 hours, to any contact relating to the short stay dwelling.
9. The approval may be revoked by Council, prior to the expiration of the 12 months period referred to in (1) above, if any adverse impacts involving noise, antisocial behaviour or parking are unable to be controlled by the applicant or their representative in a timely and effective manner which is to Council's satisfaction.
10. No on site signage is permitted with respect to the application.

The Town Planner advised that an email had been received today from the owner of unit 19 who advised that this property was currently for sale and queried whether it was being marketed as being suitable for short stay accommodation.

Ms Patrick advised that this was not the case, the unit was being marketed purely as a residential unit. Ms Patrick detailed measures she had implemented to alleviate noise issues raised by the owner of unit 19.

Following a query from an elected member, the Manager Planning Services advised that the planning approval relates to the property and would transfer to any new owner. Ms Patrick advised that she currently had an offer on the property and if elected members preferred to defer a recommendation until the Council Meeting next week, she would be in a position at that time to advise whether the property had been sold.

Cr de Jong – Cr Martin

That the matter be deferred to the Council Meeting on 17 May 2011 pending further information from the owner in relation to the sale of the property. CARRIED

T47.8

Fortescue Street No. 14 (Lot 177)

Applicant: Harry Monaghan Architect

Owner: Kate Johnson

Application No. P226/2010

By Jamie Douglas, Manager Planning Services on 5 May 2011

BACKGROUND

Purpose of this Report

This report considers an application for retrospective approval of steel lattice driveway and front entry gates which have been erected on the front fence line at 14 Fortescue Street. The proposal is recommended for refusal.

Statutory Requirements

Town Planning Scheme No. 3

Local Planning Strategy – Woodside Precinct (LPS)

Residential – R 20 – TPS No. 3

Relevant Council Policies

Policy No. 143 Policy on Local Laws Relating to Fencing

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Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : No impact
Footpath : No impact
Streetscape : The gates are in front of the building line and accordingly impact upon the streetscape.

Documentation

Plans and relevant forms date stamp received on 14 December 2010.
Revised Plans date stamped received 16 March 2011

Date Application Received

14 December 2010

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

21 December 2010 Email from Peta Cooper to Harry Monaghan requesting – confirmation of natural ground level and dimensions of fencing/gates including height above NGL
16 March 2011 Amended plans received indicating ‘average height of walls and gates 1800mm above natural ground level’.

DESCRIPTION OF THE PROPOSAL

The proposal is for retrospective approval of steel lattice automatic security gates at the drive way entrance (measuring 4.75 metres in width and with a maximum height of 2.26 metres) and at the front entrance (measuring 1 metre in width with a maximum height of 2.1 metres). The gates are painted grey.

CONSULTATION

Town Planning Advisory Panel

The application was considered by the Panel at its meeting on Tuesday 25 January 2011. The Panel made the following comments:

- Panel does not support retrospective approval and would recommend replacement of gates with a material sympathetic to existing fence material.
- Gate and fence should be height compliant.

The applicant (Harry Monaghan Architect) responded to the Panel’s comments on 14 March 2011. This response is attached to this report and is summarized as follows:

- The existing piers on the upper side of the gates are approximately 1800 mm above the ground level.
- The gates at this point do not exceed the height of the adjacent pier
- The steel gates have an attractive pattern, are visually permeable and provide security needed for the owners children.
- The gates cost \$18,000 and improve the presentation of the property.

Site Inspection

By Manager Planning Services on 5 May 2011

RELEVANT PLANNING PROVISIONS

4.1 Local Planning Policy 143 – Policy on Local Laws Relating to Fencing.

The policy states:

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

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Part 3 – Fence Design

“3.1 Maximum Height

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

“5.2 *A person shall not without the written consent of the Building Surveyor erect a fence higher than 1.2m in the front setback of a residential lot which includes the front boundary.”*

Part 4 – Council Approval Required

Under special circumstances including those listed below Council may approve a fence to be less visually permeable and or with a maximum height greater than 1.8 m.

“4.1 *a higher fence/wall is required for noise attenuation.”*

“4.2 *a less visually permeable fence would aid in reducing headlight glare from motor vehicles. This would apply more particularly where the subject property is opposite or adjacent to an intersection which could lead to intrusion of light into windows of habitable rooms.”*

“4.3 *where the contours of the ground or the difference in levels between one side of the fence and the other side warrant consideration of a higher fence.”*

“4.4 *where the applicant can demonstrate to Council that there is a need to provide visual screening to an outdoor living area. This may apply in situations where there is no alternative private living space other than in front of the residence or for part of the secondary side boundary of a corner lot.”*

4.2 TPS No 3, Clause 1.6 (b) which states (inter alia) the aims of the Scheme are to: “*enhance the character and amenity of the Town....*”

Clause 4.2 Objectives of the zones

General - “*To recognise and respect the desired future character of each precinct and to ensure future development is sympathetic with that character*”.

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 existing built form*”.

4.3 TPS No.3 Clause 10.2 Matters To Be Considered By Local Government Clause 10.2 states:

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

The following sub-clauses are considered relevant to this assessment

“(j) *the compatibility of a use or development with its setting;*

“(o) *the preservation of the amenity of the locality;*

“(p) *the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal,*”

CONSIDERATION

The plans initially lodged with the application did not specify the vertical dimensions of the gates. The plans subsequently submitted in response to Councils request (for confirmation of natural ground level and dimensions of fencing/gates including height above NGL) are inaccurate. The heights shown on these plans are substantially less than those existing. When surveyed on site using a “Senshin digital reading measuring pole” the actual heights of the driveway gate range between 2.26m. at its highest point to 2.08m. The entry gate is 2.1m. high. The actual heights compared to those indicated on the plan are shown in Attachment 3.

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A retrospective approval of the gates would require that Council exercise discretion to vary the maximum fence height requirements of the LPP. Based upon site measurements, the extent of the variation required is .46 of a metre above the 1.8 metre height maximum specified in the LPP. The LPP provides for such variations to be considered within an application for planning consent subject to a number of criteria. The applicant's submission makes reference to a sloping ground level along the front boundary. The level datum requested by Council has not been provided however a site inspection confirmed that the extent of gradient would not in itself justify an over height front gate. This can also be assessed by reference to the photographs of the property frontage which accompany this report. The application fails to meet any other criteria for a variation in height listed in Part 4 of the Policy.

The applicant has submitted that the gates are required to provide 'the security the owners need for their children'. It should be noted however that a portion of the wall to the left of the driveway gate is only 3 courses high and at less than .5 metre is easily traversed. Further the lattice pattern of the gates also makes an excellent climbing structure. It is therefore considered difficult to sustain an argument that the gates are required to be of the height constructed to provide security for the site.

Clause 4.2 and Clause 10.2 of TPS No 3 also establish a number of criteria against which the merit of exercising a discretion to allow the proposal can be judged. These are assessed as follows;

- Compatibility of the development with its setting.
The gates design, scale and materials of the gates are incompatible with the sandstone and picket existing front fence and with other fences in the vicinity. To this end, The Town Planning Advisory Panel *recommended replacement of gates with a material sympathetic to existing fence material*. There are no similar examples of such gates which have been approved in the vicinity, accordingly it is considered the proposal is incompatible with its setting both in respect to the subject site and within the Fortescue Street streetscape in the vicinity.
- Preservation of the amenity of the locality and its relationship to adjoining development
The gates are visually obtrusive, because of their height, materials and design which are incompatible with the existing front fence on the subject site and those prevailing in the vicinity. Accordingly any approval would introduce a discordant element into the streetscape and would not preserve the visual amenity of the locality and its relationship with adjoining development.

CONCLUSION

The application is for a retrospective approval for existing gates which exceed the required height maximum of the relevant Local Planning Policy by a maximum of .46 of a metre. The proposal does not meet the criteria for an exercise of discretion to allow the gates above the maximum height provision of 1.8m. of the LPP. If approved, the proposal would introduce a discordant element into the streetscape and would detract from the visual amenity of the streetscape and could establish a precedent for similar height structures on other front property boundaries.

RECOMMENDATION

It is recommended that Council refuse the application for Retrospective Planning Approval for steel lattice driveway and front entry gates which have been erected on the front fence line at 14 Fortescue Street, East Fremantle for the following reasons:

1. The proposed gates exceed the maximum height requirements for front fences specified in Part 3.1 of Local Planning Policy 143 – Policy on Local Laws Relating to Fencing.
2. The application does not meet the; Objectives of the Town Planning Scheme No.3, Clause 4.2 and Clause 10.2 (j),(o),(p) of the Scheme since it would detract from the visual amenity of the area and is incompatible with the existing fence and those of

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surrounding properties and would be a discordant element which is not supported by the prevailing built form character in the vicinity.

Mr Monaghan (architect) and Mr Johnson (owner) addressed the meeting in support of the application. Mr Monaghan advised that he considered the comments regarding the aesthetics of the gates were subjective and did not believe their appearance was detrimental to the street. Mr Johnson advised that the construction of the gates without Council's approval was an honest mistake however believed there were a number of fences of similar height in the surrounding area.

RECOMMENDATION TO COUNCIL

Cr Collinson – Cr de Jong

It is recommended that Council refuse the application for Retrospective Planning Approval for steel lattice driveway and front entry gates which have been erected on the front fence line at 14 Fortescue Street, East Fremantle for the following reasons:

- 1. The proposed gates exceed the maximum height requirements for front fences specified in Part 3.1 of Local Planning Policy 143 – Policy on Local Laws Relating to Fencing.**
- 2. The application does not meet the; Objectives of the Town Planning Scheme No.3, Clause 4.2 and Clause 10.2 (j),(o),(p) of the Scheme since it would detract from the visual amenity of the area and is incompatible with the existing fence and those of surrounding properties and would be a discordant element which is not supported by the prevailing built form character in the vicinity.**

CARRIED

T47.9

Canning Highway No. 202 (Lot 29)

Applicant: Chris Mellor Architects

Owner: Andrew & Erin Grant

Application No. P26/2011

By Gemma Basley, Town Planner on 8 April 2011

BACKGROUND

Purpose of this Report

An Application for Planning Approval for alterations and additions at the rear of an existing single story heritage residence at No. 202 Canning Highway, East Fremantle is the subject of this report.

More specifically, the application proposes internal modifications to the kitchen and laundry and a rear extension to accommodate a ground floor sitting room and terrace area and an upper floor loft and deck area.

This report recommends conditional approval.

Description of site

The subject site is:

- a 1552m² block
- zoned Residential R12.5/40
- developed with a heritage residence
- with a rating of B+ on the Municipal Heritage Inventory

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5/40

Local Planning Strategy - Richmond Precinct (LPS)

R12.5/40 Residential Design Codes (RDC)

Relevant Council Policies

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

Local Planning Policy No. 66 Roofing Policy (LPP 66)

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Documentation

Plans and relevant forms date stamp received on 1 March 2011

Date Application Received

1 March 2011

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

15 October 2002 Council grants approval for a carport addition and provision of a new window to the dining room.

CONSULTATION

The subject application was advertised for a two week period to adjoining residents. During the advertising period 3 written submissions were received which raised concerns about the potential for noise emanating from the construction process and a request that building be restricted to weekdays and between the hours of 6.30 am and 5.00pm.

In response to the submissions, it is advised that the hours of operation allowed for a building site are controlled by the Health Act of Western Australia 1911, which allows building works to occur Monday to Saturday from 7am to 7pm.

The request made in the submissions is therefore not relevant to this planning consideration.

Town Planning Advisory Panel

The subject application was assessed by the Town Planning advisory Panel (TPAP) at its meeting of 22 March 2011. The Panel supported the application.

STATISTICS

File	P/CAN202
Zoning	R12.5/40
Lot Area	1553m ²
Heritage Listing	B+

Site:	Required	Proposed	Status
Site Works on boundary/street setback	Maximum 0.5m	0.7m	Discretion Required
Open Space	>50%	>50%	Acceptable Development
Overshadowing	>25%	>25%	Acceptable Development

Height:	Required	Proposed	Status
Wall	6.0 metres	4.85 metres	Acceptable Development
Ridge	8.0 metres	6.15 metres	Acceptable Development
Roof type	Pitch		

Privacy/Overlooking

No overlooking will occur from the ground or upper floor additions because of the significant separation between the subject building and surrounding neighbours. The only potential area for overlooking is to the east from the upper floor balcony however, the application proposes to screen this opening of the balcony to prevent any overlooking.

Setbacks – The minimum set back of the additions to any boundary is 3 metres and this meets the minimum setback requirements of the R-Codes.

ASSESSMENT

Planning Approval is sought for alterations and additions to the rear of the existing single storey residence. The additions will be constructed in materials to match the existing residence.

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The proposed additions are adequately set back from all lot boundaries and the necessary screening has been proposed to ensure that there is no impact on the privacy of adjoining residences by way of over looking.

The additions will not be visible from the front of the house and are therefore considered not to have an impact on the streetscape significance of this heritage residence. The property is heavily vegetated which will reinforce the minimal impact on neighbouring properties. In addition, a solid wall is constructed at the front of the property, which means that the subject residence and the proposed additions will not be visible to the street and will therefore not alter the streetscape.

The application requires that a minor variation be granted with respect to the proposed retaining wall which will extend to 0.7 metres in height and which will exceed the 0.5 metre requirement of the R-Codes. The proposed retaining wall has been assessed against the Performance Criteria of the R-Codes and the discretion is supported.

Given that the proposal meets the majority of the acceptable development provisions of TPS3, the R-Codes and applicable Local Planning Policies and only one minor discretionary decision is required by Council, the proposal is supported.

RECOMMENDATION

That Council exercise its discretion in respect to retaining wall and site works to exceed the R-Code requirement of 0.5 metres by 0.2 metres, approve the construction of alterations and additions to the rear of the residence at No. 202 Canning Highway, East Fremantle, in accordance with plans date stamp received on 1 March 2011 subject to the following conditions:

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

Footnote:

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

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

Mr Grant (owner) addressed the meeting disputing the requirement for a discretion for fill which he did not consider exceeded the 0.5 metre limit.

Although elected members were in support of the proposal, the Town Planner undertook to further investigate this matter.

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RECOMMENDATION TO COUNCIL

Cr Martin – Cr de Jong

That Council exercise its discretion in respect to retaining wall and site works to exceed the R-Code requirement of 0.5 metres by 0.2 metres, approve the construction of alterations and additions to the rear of the residence at No. 202 Canning Highway, East Fremantle, in accordance with plans date stamp received on 1 March 2011 subject to the following conditions:

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

Footnote:

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

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

CARRIED

T47.10 **Preston Point Road No. 138 (Lot 4953)**
Applicant: Signature Custom Homes
Owner: Giuseppe & Antonette Spirito
Application No. P48/2011
By Gemma Basley Town Planner 6 May 2011

BACKGROUND

Description of Proposal

An Application for Planning Approval to construct a front fence at No. 138 Preston Point Road, East Fremantle is the subject of this report. The application proposes a fence that does not fully comply with the requirements of Council's Local Planning Policy No. 143 – Local Laws Relating to Fencing and as such is presented to Council for determination.

This report recommends that conditional approval be granted.

Statutory Considerations

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

Relevant Council Policies

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

Date Application Received

30 March 2011

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Documentation

Plans and relevant forms date stamp received on 30 March 2011

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

- 17 February 2009 Council exercises its discretion and grants approval for a two storey house with a garage at the rear of the residence and a swimming pool within the front set back area. This approval included a variation to allow portions of the front fence to be visually impermeable up to 2 metres above natural ground level.
- 19 October 2010 Delegated Approval granted for a belowground swimming pool in a new position in the front set back area.

CONSULTATION

Advertising

The application was not advertised to adjoining neighbours because the proposal does not have any potential to impact on these adjoining properties and because Council previously granted planning approval for a similar variation to the requirements of Local Planning Policy No. 143.

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting on the 20 April 2011. The Panel did not support a relaxation of Council's fencing policy 142.

The Panel's comments are not supported by the Town Planner on the basis that Council has previously approved the design of the lot to be such that the pool is within the front set back area and that residents have a right to be afforded some privacy to a pool area. In addition, the Panel was not aware of Council's earlier approval for a variation to the fencing requirements and this may have resulted in a different recommendation from the Panel.

Site Inspection

By Town Planner on 19 April 2011

ASSESSMENT

Proposed Fence

The application proposes a front fence to provide the property with security and to provide the pool with some privacy. The application proposes a solid front fence that extends to a height of between 1.69 metres and 1.775 metres. The proposed fence is assessed below:

- Portions of the front fence above 1.2 metres are not visually permeable.
- The total area of fencing above 1.2 metres occupies a total area of 13.99m².
- The total area of solid fencing (without any visual permeability) above 1.2 metres is 8.67m².
- The total area of the metal infill panels (visually permeable) above 1.2 metres is 5.32m².
- Total visually permeable area of the fence above 1.2 metres is 34%.
- Variation of 26% to the visual permeability requirements of a front fence is sought.

The applicants have submitted that the shape and orientation of the block leads to the pool being positioned at the front of the property and the garage to the rear. The location of the pool and surrounding outdoor living area allows for a good northern aspect, while the garage to the rear ensures that this is not a dominant feature to the front streetscape. As a result of the pool position to the front and the subsequent desire for privacy to this area from the verge, the portion of the front fence adjacent to the pool area exceeds the Council requirement for front walls above 1.2m high to be visually permeable. Also due to the difference in levels between the verge and front outdoor living area the overall height of the wall is greater.

The applicant further puts forward that the proposed metal infill panels in the front fence have been designed to allow for maximum visual permeability. The infill panels provide approximately 90% permeability, which helps to offset the extent of the solid brick fence.

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In consultation with the Town Planner and taking into account the comments from the Town Planning Advisory Panel, the applicant has reduced the extent of solid fencing. The application now proposes a wall that is stepped with the top of the main section lowered and the blade wall containing the letterbox has been reduced in length.

The modifications made by the applicant have reduced the portion of solid fencing and reduced the impact and extent of the fencing in the front setback area. The applicants consider that the streetscape is improved by not having the dominant feature of the garage and although this is offset by the higher solid sections of the front fence the overall impact to the front streetscape is minimal. This argument is supported by the Town Planner.

Planning Requirements

LPP 143 states:

Part 3 - Fence Design

"Council requires front fences and walls above 1.2m to be visually permeable defined as:

Continuous vertical gaps of at least 50mm width occupying not less than 60% of the face in aggregate of the entire surface that is at least 60% of the length of the wall must be open'

The Policy provides for special circumstances under which variations may be considered as follows:

"Part 4– Council Approval Required

Under special circumstances including those listed below Council may approve a fence to be less visually permeable and or with a maximum height greater than 1.8 m:

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

It is considered that 4.4 is applicable to the subject site and is therefore arguably appropriate grounds to vary Council's LPP 143.

As discussed above the front setback area is the dwelling's main outdoor living and entertaining area and comprises a pool. The reduced permeability of the fence is considered to assist in providing privacy and safety to the pool without impacting adversely on the streetscape.

In light of the above, the application seeking planning approval for a front fence with reduced visual permeability at 138 Preston Point Road is supported.

RECOMMENDATION

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

- (a) variation to the front fencing requirements of Local Planning Policy No. 143 to allow a fence that provides 34% visual permeability above 1.2 metres in lieu of the 60% required under Local Planning Policy No. 143;
- (b) variation to Local Planning Policy 143 to allow portions of the front fence to be visually impermeable up to 1.775 metres above natural ground level;

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for the construction of a front fence at No. 138 Preston Point Road in accordance with the plans date stamp received on 30 March 2011 subject to the following conditions:

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

Footnote:

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

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

Mr Spirito (owner) and Mr Beeck (Signature Homes) addressed the meeting in support of the officer's recommendation.

RECOMMENDATION TO COUNCIL

Cr de Jong – Mayor Ferris

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

- (a) **variation to the front fencing requirements of Local Planning Policy No. 143 to allow a fence that provides 34% visual permeability above 1.2 metres in lieu of the 60% required under Local Planning Policy No. 143;**
- (b) **variation to Local Planning Policy 143 to allow portions of the front fence to be visually impermeable up to 1.775 metres above natural ground level;**

for the construction of a front fence at No. 138 Preston Point Road in accordance with the plans date stamp received on 30 March 2011 subject to the following conditions:

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

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Footnote:

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

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

CARRIED ON THE CASTING VOTE OF THE PRESIDING MEMBER

T47.11

Angwin Street No. 25 (Lot 46)

Applicant/Owner: Alf Pelliccione & Gillian Meacock

Application No. P59/2011

By Jamie Douglas, Manager Planning services on 6 May 2011

PURPOSE OF THIS REPORT

This report assesses an application for Retrospective Planning Approval of a screen wall which complies with the relevant provisions of the R-Codes and Council's Local Planning and recommends approval.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5 (TPS 3)

Local Planning Strategy - Riverside Precinct (LPS)

Residential Design Codes (RDC)

Relevant Council Policies

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

Documentation

Plans date stamp received on 27 April 2011

Date Application Received

27 April 2011

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

- | | |
|-------------------|--|
| 20 June 2006 | Council decides to defer a decision on an application to demolish a 2-storey house and erect a 4-storey house to enable the applicant to submit amended plans to demonstrate height, roof pitch and privacy compliance; |
| 19 September 2006 | Council decides to advise SAT that it refuses a revised application due to the number of concessions sought in relation to wall height, privacy, setbacks and roof pitch; |
| 25 October 2006 | Council decides to advise SAT that it exercises its discretion in granting approval for the following: <ul style="list-style-type: none">(a) the building height be increased from 8.1m to 10.2m and wall height from 5.6m to 8.2m;(b) the roof pitch be reduced from 28° to 18°;(c) the southern boundary setback to the garage be reduced from 1m to nil;(d) the balconies on levels 2 and 3 on the northern elevation and the balcony on level 2 on the southern elevation be reduced from 7.5m to 1.4m; for the construction of a three storey house. |
| 21 October 2008 | Council decides to refuse an application for additions comprising a loft room over the garage and a bridge between the loft room over the garage and the service platform in the roof of the 3-level house; |
| 16 December 2008 | SAT site visit mediation. |

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- 3 February 2009: Council decides to refuse the application based on the amended plans received on 6 January 2009;
- 5 February 2009 SAT mediation conference held to discuss the Council decision;
- 10 February 2009 Town Planning & Building Committee in discussion with applicant requests the submission of revised drawings for Council's consideration.
- 24 July 2009 SAT approves plans for 'Proposed Loft over Approved Garage'

DESCRIPTION OF THE PROPOSAL

The application is for retrospective planning approval of a privacy wall of 1.86m high and approximately 5m in length which provides screening between the outdoor living areas at the rear of two dwellings. The wall is fully constructed and tiled and rendered on its respective elevations and provides privacy screening for a swimming pool. The wall is at the rear of the subject property and is unseen from the street frontage.

CONSIDERATION

Following discussions with the applicant concerning outcomes from the SAT determination of July 2009, the applicant has, at Council's request, submitted this application for retrospective planning approval for the constructed wall. While the wall is included on plans for which a Building Licence has been issued, it was not the subject of the Planning Application which was determined by the SAT on 24 July 2009. This application was for a 'Proposed Loft over Approved Garage'. It is therefore arguable as to whether the screening wall has received Planning Approval, notwithstanding that a Building Licence has been issued for the works. The application for retrospective approval enables an assessment of the wall's compliance with relevant planning provisions and an opportunity to confirm the status of the wall.

The subject site and the neighbouring property at 23 Angwin Street have been subject to substantial cut and fill over time and difficulty exists in accurately determining what is natural ground level. The Water Corp contours suggest the original natural ground level ranged from RL 19 to 20. If this were so, the wall height relative to natural ground level ranges from 1.86m to 2.86m. From the submitted plans and on site inspections it is evident that the top of the wall is at an RL of 21.860. Both 23 and 25 Angwin Street have created platforms where the ground level is RL 20 and 20.010 respectively. Therefore the wall height relative to existing ground levels is 1.86 m. The provisions of LPP – Residential Development, Part 1 (ii) set the maximum height for external walls at 5.6m.

The setback for the subject wall is determined by the R Codes (table 2a) which requires that the minimum setback for walls less than 9 metres long and 3.5 metres high is 1.0m. The subject wall is setback 1.4m from the side boundary and is accordingly well within the acceptable development provisions of the R-Codes. It is noted that Part 3 of the LPP – Residential development provide for lesser setbacks than specified by the R-Codes for walls less than 3 m high and 9m in length.

CONCLUSION

The wall is not visible from the public domain and is fully compliant with all relevant statutory provisions and accordingly the application is recommended for approval.

RECOMMENDATION

It is recommended that the application for retrospective planning approval of a swimming pool screen wall as detailed on plans date stamped received 27 April 2011 at 25 Angwin Street be approved.

Footnote:

The following is not a condition but a note 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.*

Mr Pelliccione (owner) addressed the meeting in support of his application.

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RECOMMENDATION TO COUNCIL

Cr Martin – Cr de Jong

That the application for retrospective planning approval of a swimming pool screen wall as detailed on plans date stamped received 27 April 2011 at 25 Angwin Street be approved.

Footnote:

The following is not a condition but a note 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. **CARRIED**

T47.12 **Chauncy Street No. 14 (Lot 5032)**
Applicant: Paul Meschiati and Associates
Owner: Shawn and Elina D'Cruz
Application No. P236/2010
By Gemma Basley Town Planner 5 May 2011

BACKGROUND

Purpose of this Report

An Application for Planning Approval for the construction of a new two storey residence at No 14 Chauncy Street is the subject of this report.

The application proposes to demolish the existing single storey residence, undertake site works and to construct a two storey residence comprising the following:

- double garage and store (room for 3 cars);
- foyer, kitchen, home theatre, living room, activity room and 2 bedrooms a bathroom and a laundry on the ground floor;
- kitchen, dining room, lounge room, study, gym, scullery, Master Bedroom and ensuite on the upper floor;
- a below ground swimming pool, 2 raised alfresco areas and balconies at the front and at the rear of the residence; and
- an undercroft storage area.

The report recommends that Council defer determination of the application.

Description of site

The subject site is:

- a 736m² block;
- zoned Residential R12.5;
- developed with a single storey dwelling on-site;
- adjoins a single storey residence and a double storey residence and is opposite predominantly double storey residences; and
- currently has restricted views to the river (restricted by the single storey level of development).

Statutory Considerations

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

Relevant Council Policies

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

Impact on Public Domain

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

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Streetscape : Demolition of the existing residence and construction of a two storey residence will alter the streetscape but this is consistent with other development along the street and therefore should not impact adversely on the streetscape.

Documentation

Plans and relevant forms date stamp received on 23 December 2010

Revised plans received on 16 February 2011

Revised plans received on 21 April 2011 and are the subject of this report.

Date Application Received

23 December 2010

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

Nil

CONSULTATION

Advertising

The subject application was advertised to adjoining landowners for a 2 week period from the 7 to the 24 January 2011. Two comments were received from the owners of No 17 Habgood Street and No 12 Chauncy Street objecting to the proposal as detailed below:

Julie Amor of 17 Habgood Street, East Fremantle objected to the original plans for the following reasons:

- The size of the proposed house looks daunting and will possibly dwarf surrounding properties as the house occupies much of the lot.
- The upstairs bedroom windows and balcony and outdoor living areas will overlook the rear yard of 17 Habgood Street (private space) and look into the rear doors of the residence. Request for these openings to be screened using opaque glass (or alternative).
- Concern for loss of amenity from nuisance of constant running water in a waterfall pool.

The objection from the owner of 17 Habgood Street has been assessed by the Town Planner and the following comments are made:

- The proposed residence does not exceed the site cover requirements of the R-Codes and provides the required amount of open space.
- There are no plot ratio controls for the low density codes such as R12.5.
- The upstairs bedroom windows, balcony and outdoor alfresco areas meet the privacy setback requirements in relation to the rear boundary.
- A condition will be included in the approval in relation to the location of pool equipment and potential for noise nuisance.

The Barbera family of 12 Chauncy Street objected to the proposal but did not submit any details of their objection.

The objections above combined with adverse comments from the Town Planning Advisory Panel (below) resulted in the applicants submitting revised plans on the 16 February 2011. The revised plans modified the position of the garage but did not modify anything else. The revised plans were re-advertised from the 29 March to the 12 April 2011. During this time no submissions were received. The owner of 17 Habgood Street objected to the revised plans (by way of a late submission which will not be detailed in this report).

The applicants have since submitted revised plans which address some of the objections raised in the original submissions. More specifically, the applicants have submitted plans which partially address the following:

- height compliance; and
- repositioning of the garage.

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Town Planning Advisory Panel

The Town Planning Advisory Panel viewed the proposal on the 25 January 2011 and made negative comments on the application which will be detailed below:

- Interesting Design
- Garage in front of building line non compliant re LPP No. 142;
- Front set-back non compliant; and
- Query height compliance with LPP No. 142;

The applicants prepared revised plans (received 16 February 2011) which addressed some of the panels' comments (front setback and garage position). The Panel viewed these plans at its meeting of the 22 February wherein the Panel commented that it was generally supportive of the design proposed.

The plans the subject of this report (received on the 21 April) have been modified further to the Panel meeting and the close of advertising. The subject plans include modifications which address the comments of Town Planning Advisory Panel (meeting of 16 February 2011) and concerns raised by the Town Planner in relation to building height compliance.

STATISTICS

File	P/CHA14
Zoning	R12.5
Lot Area	736m ²
Heritage Listing	Not listed

Site:	Required	Proposed	Status
Site Works	Less than 0.5 metre	1.0 metre	Discretion Required
Open Space	55%	65%	Acceptable Development
Overshadowing	25% max	20.7%	Acceptable Development

Height:	Required	Proposed	Status
Wall	6.5	7.9 max	Discretion Required
Ridge	up to 7.5	8.4 max	Discretion Required

Roof type Skillion and Flat roof

Setbacks:

Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Actual Setback	Status
Front							
<i>Ground</i>	<i>Garage</i>	3.9 max	6.5	n/a	7.5	7.5	Acceptable Development
	<i>Porch</i>	3.7	6.0	n/a	6.5	6.8	Acceptable Development
	<i>Kitchen</i>	4.2	3.5	Yes	7.5	10.95	Acceptable Development
<i>Upper</i>	<i>Study</i>	6.5	6.45	Yes	7.5	7.5	Acceptable Development
	<i>Balcony</i>	6.3	6.0	Yes	6.5 (minor incursion)	6.8	Acceptable Development
	<i>Lounge</i>	6.5	4.9	Yes	7.5	10.95	Acceptable Development
Rear							
<i>Ground</i>	<i>Bed 2 / Activity</i>	4.7	8.0	Yes	6.0	6.0	Acceptable Development
	<i>Alfresco</i>	5.3	3.8	Yes	6.0	10.8	Acceptable Development

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	<i>Upper</i>	<i>Bed 1/Ensuite</i>	7.7	7.8	Yes	6.0	6.0	Acceptable Development
		<i>Balcony / Alfresco</i>	7.6-7.9	9.2	Yes	7.5	7.5 to 14.5	Acceptable Development
Side (west)	<i>Ground</i>	<i>Whole</i>	4.4-4.8	14.6	No	1.6	1.61	Acceptable Development
	<i>Upper</i>	<i>Whole</i>	6.8-7.2	11.2	No	1.6	1.61	Acceptable Development
Side (east)	<i>Ground</i>	<i>Garage</i>	3.3-3.9	8.0	No	1.5	1.5	Acceptable Development
		<i>Bedrooms</i>	4.3-4.7	9.8	No	1.5	1.5	Acceptable Development
	<i>Upper</i>	<i>Study/Gym</i>	6.1	8.2	No	1.0	1.5	Acceptable Development
		<i>Scullery/WIR</i>	7.1	9.6	No	1.0	1.5	Acceptable Development

Privacy/Overlooking

Overlooking and the protection of the neighbours privacy has been addressed through the utilisation of highlight windows and through the provision of privacy screening to the alfresco area. Overlooking will however still occur to the west from the ground and upper floor alfresco areas.

**Discretion
Required**

Local Planning Policy No. 142

Building Heights The building heights exceed the maximum building height requirements.

**Discretion
Required**

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

Acceptable
Development
**Discretion
Required**

Views Impact of proposed building on views of adjoining properties if a discretion is sought to relax the building height requirements.

**Discretion
Required**

ASSESSMENT

Approval is sought for the construction of a new two storey residence at No 14 Chauncy Street, East Fremantle.

The design of the proposal has largely been supported by the Town Planning Advisory Panel. The plans however, are not considered by the Town Planner to have had due regard for the Town's requirements relating to residential developments particularly with reference to building height and the potential for impacts on the views of neighbouring properties.

Consultation has occurred with the applicants and the Town Planner has advised that a maximum wall height in the order of 6.5 metres (as measured from natural ground level) would enhance the merit of the proposal subject to the use of a flat/concealed roof or a low pitch skillion roof. The basis of this advice was that a flat/concealed or low pitch skillion roof would only increase the overall building height by a minor amount, thereby not impacting on the overall bulk and scale of the house in comparison to a pitched roof.

The subject plans still propose significant sections of wall that exceed a height of 6.5 metres. In addition, the plans propose a skillion roof with a 5 degree pitch and sections of flat roof that are up to 1 metre in depth and amounting to an overall building height that is estimated to average between 7.7 and 8.4 metres. As such the extent of height discretions sought by the applicant is considered major as will be assessed below.

Discretions Sought by the Applicant

Site Works

The application proposes to fill the site in areas by up to 1 metre however the fill is proposed within the perimeter of the external walls of the building which is permitted under the R-Codes. The proposed fill is not offset by equal cutting in to the site being undertaken. The applicants have advised that this is because the owners do not want to step the house at the rear and desire an un-stepped finished floor level.

The site works could contribute to the overall height of the building and should not be supported if this is the case. If however, the overall building height complies, then site fill can be supported. The applicants have addressed the height issue in the revised plans by changing the direction of the roof pitch and lowering the building height in the rear of the site. The applicants have also demonstrated that an alternative option to filling the rear of the site would be to design the ground floor level to be in the form of a 'suspended floor system' with the existing finished floor level remaining and natural ground level exposed underneath. This point is accepted by the Town Planner and on this basis the site works at the rear of the site (to exceed 0.5 metres) are supported but only on the basis that the overall height of the building in this area is reduced. This issue will be discussed in the following section of this report.

Building Height

The building exceeds the 6.5 metre wall height limit in a number of positions and extends as high as 7.9 metres from natural ground level. LPP No. 142 specifies that the maximum building height shall be 6.5 metres to the top of an external wall (concealed roof). In practice additional building height has been permitted to accommodate a flat roof or low pitch skillion roof.

The applicant submits that a number of existing residences in the locality, including No's 1, 5, 7, 13, 15, & 18 Chauncy Street, as well as others in adjacent streets, have been approved at 2 and 3 storeys and all with wall heights exceeding the maximum height requirements of Local Planning Policy No. 142.

The applicant further submits that the proposal is for a 2 storey construction, with a skillion (flat) roof, which significantly reduces the height of the building. The natural slope of the site means the wall height is more significant as measured from the lower ground levels of the site. The applicants have reduced the wall heights considerably in the revised plans and most significantly have changed the pitch of the roof to fall towards the boundary and in line with the natural ground level. The applicants request that Council exercise its discretion and grant approval for wall heights that exceed 6.5 metres at the side of the residence and discretion to allow a pitch to extend up to 8.4 metres above natural ground level.

The nature of the raking walls to support the skillion roof means that the pitch extends upwards and increases the overall building height considerably. It is considered another fundamental problem with the design is the decision of the owner not to respond to the natural gradient of the site but to introduce fill up to 1 metre in height, which contributes to the over height structure. A more site responsive approach would be preferred.

To address this issue of building height comprehensively it is recommended that the applicants submit a building envelope plan, which divides the lot and proposed residence into 3 sections (each relating to a section of roof and the topography of the site) and that the applicants submit a more site responsive design that more appropriately addresses site fall, building height and impacts upon neighbours view corridors.

It is considered that discretions to the building height could be granted particularly in the lower areas of the site and that subject to the submission of revised plans the following height criteria could be considered:

- a maximum building height (from natural ground level to the top of roof pitch) of 6.5 metres in the front third portion of the lot;
- a maximum building height of 7.0 metres in the central third portion of the lot;

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- a maximum building height of 7.5 metres in the rear third portion of the site;

It is therefore recommended that a revised plan be submitted which presents a more site responsive design that more appropriately addresses site fall and impacts upon neighbours view corridors.

Privacy/Overlooking

The application has addressed overlooking by providing the required privacy setbacks for all outdoor living areas and habitable rooms and by providing privacy screens to the ground and upper floor alfresco areas. Overlooking will still occur to the west from both the ground and upper floor alfresco areas. The overlooking whilst minimal is not supported. On this basis a condition is included in the recommendation to require the provision of permanently fixed privacy screens for a length of 1.5 metres along the rear facing alfresco openings on both the ground and upper floors.

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

Overlooking is generally not supported because of the resultant issues that arise in the form of complaints from affected neighbours. The proposed residence is substantial and occupies most of the permitted building area and because of the size of the residence all impacts, including overlooking should be addressed on site and should not impact on neighbouring properties.

Garage Position

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

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

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

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

The applicants submit that the upper floor study wall could be interpreted to be the main building line and on reconsideration of this matter the Town Planner agrees with this and supports the current position of the garage. The ground floor porch and upper floor balcony will protrude forward of the garage and the upper floor study, which will assist in reducing the dominance of the garage and the open nature of the study and its presentation to the street will ensure that this dominates the appearance of the residence and not the garage. In addition, the design of the house is articulated and will present attractively to the street.

The applicants have put forward alternative options for the front elevation including extending the front of the house forward of the porch to line up with the garage or to cantilever the study forward of the garage. Both of these options whilst satisfying the requirements of Local Planning Policy No. 142 in relation to the position of the garage were seen to be counter-productive, as it would increase the size & bulk of the proposed residence, reduce the articulation of the front elevation and impact on the streetscape.

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The position of the garage is supported.

CONCLUSION

The application deals with a site that is topographically constrained and which has a fall of 3.5 metres from front to rear. The design is considered to be appropriate for the locality and to have maximised opportunities for passive solar design with the use of a skillion roof system, raked ceilings and hi-lite glass windows, which act as light wells and bring light into the centre of the residence.

The only concern with the application relates to the overall building height and the potential to impact on the views of surrounding properties. The Town Planner does not support the extent of building height discretion sought by the applicant however accepts that because of the topography of the site and the locality that some height discretion can be granted without impacting on the surrounding views but will require a substantial redesign and further assessment.

Given that the proposal will require a substantial redesign, if the proposed height criteria is supported by Council it is considered the application should be deferred and the applicant's be invited to re-submit an amended plan which addresses the recommended height criteria as follows:

- a maximum building height (from natural ground level to the top of roof pitch) of 6.5 metres in the front third portion of the lot;
- a maximum building height of 7.0 metres in the central third portion of the lot;
- a maximum building height of 7.5 metres in the rear third portion of the site.

RECOMMENDATION

That Council:

1. Defer the determination of the application for a two storey residence and undercroft area at No. 14 Chauncy Street, East Fremantle subject to the lodgement of revised plans that present a more site responsive design and that more appropriately address site fall and impacts upon neighbours view corridors and which do not exceed the following height criteria:
 - a maximum building height (from natural ground level to the top of roof pitch) of 6.5 metres in the front third portion of the lot;
 - a maximum building height of 7.0 metres in the central third portion of the lot;
 - a maximum building height of 7.5 metres in the rear third portion of the site.
2. Any amended plans will be the subject of a further report to Council. Alternatively should the applicants choose not to submit amended plans a recommendation for refusal of the proposal will be submitted to Council.

The correspondence from Ms Amor was tabled (MB Ref T45.1).

The following additional information was provided by the Town Planner:

The applicants for No. 14 Chauncy Street have met with the Town Planner this morning to discuss the recommendation to defer the application (pending the lodgement of revised plans that present a more site responsive design and that more appropriately address site fall and impacts upon neighbours view corridors).

The applicants have today submitted a set of plans which illustrate the current roof heights (as per the plans date stamped 21st April 2011) and which illustrate the proposed revised roof heights (based on the recommended height criteria). A preliminary assessment of the revised roof heights indicate that the height criteria can be met (by cutting into the site) without a redesign and that the necessary alterations are minimal.

The applicants request that Council approve the application subject to conditions rather than deferring determination of the application.

To address the applicant's request an alternative recommendation is put forward for I consideration (Option2):

It is recommended the Committee defer the determination of the application for a two storey residence and undercroft area at No. 14 Chauncy Street, East

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Fremantle subject to a revised report being presented at the Council meeting which assesses the revised plans against the recommended height criteria.

The above recommendation should be read in conjunction with the existing recommendation (Option 1).

The Town Planner advised that the architect for this project had advised that revised plans would be submitted shortly indicating the lowering of the residence with a reconfigured roof. The applicants were hoping to have the revised plan considered at the Council Meeting next week.

Ms Amor (neighbour) addressed the meeting objecting to:

- the bulk of the proposal
- the overlooking to her rear habitable space
- potential noise nuisance from waterfall pool

and asked whether she would have the opportunity to inspect the revised plan prior to Council consideration, although she believed the proposed changes would not address the issues she had raised.

Mr D'Cruz (owner) addressed the meeting advising that it was anticipated the revised plans would be submitted to Council by close of business tomorrow. Mr D'Cruz explained the changes proposed in the revised plan and his family's requirements for a residence of this design.

The Acting Chief Executive Officer advised that this was a complex development and there should not be an expectation on the owner's part that Council officers will have time to assess the amended plan and provide a further report for circulation with the Council agenda on Friday. Cr Martin also stated that it would be unfair to expect elected members to consider a late report, if the officer was unable to complete the report for the agenda delivery.

RECOMMENDATION TO COUNCIL

Cr Martin – Cr de Jong

That Council:

1. **Defer the determination of the application for a two storey residence and undercroft area at No. 14 Chauncy Street, East Fremantle subject to the lodgement of revised plans that present a more site responsive design and that more appropriately address site fall and impacts upon neighbours view corridors and which do not exceed the following height criteria:**
 - a maximum building height (from natural ground level to the top of roof pitch) of 6.5 metres in the front third portion of the lot;
 - a maximum building height of 7.0 metres in the central third portion of the lot;
 - a maximum building height of 7.5 metres in the rear third portion of the site.
2. **Any amended plans will be the subject of a further report to Council. Alternatively should the applicants choose not to submit amended plans a recommendation for refusal of the proposal will be submitted to Council.**

CARRIED

T48. ADJOURNMENT

Mayor Ferris – Cr Collinson

That the meeting be adjourned at 8.00pm.

CARRIED

T49. RESUMPTION

Cr Martin – Cr de Jong

That the meeting be resumed at 8.04pm with all those present at the adjournment in attendance.

CARRIED

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T50. REPORTS OF OFFICERS – STRATEGIC PLANNING

T50.1 *Proposed Local Planning Policy: George Street Mixed Use Precinct New Development Contribution to the Access and Parking Management Plan* By Jamie Douglas, Manager Planning Services on 2 May 2011

PURPOSE OF THIS REPORT

This report recommends that the proposed Local Planning Policy – George Street Mixed Use Precinct New Development Contribution to Access and Parking Management Plan be endorsed and that the procedures for ‘Making a Local Planning Policy’ specified in clause 2.4 of Town Planning Scheme No. 3 are implemented. **ATTACHMENT**

BACKGROUND

The George Street Precinct is developing as a vibrant mixed use precinct in accordance with the Town’s strategic and statutory planning objectives and such has been the rate of progress it is necessary to consider additional measures to the provisions of TPS No 3 if businesses are to thrive and residential amenity is to be protected in accordance with the Town’s planning objectives.

The existing amenity and streetscape character support the commercial and residential development potential and attractiveness of the Precinct. However because of the prevailing existing building stock and small lots, very limited on-site parking capacity is available to service commercial and residential uses. Parking and access provisions are required which will protect the existing streetscape character whilst facilitating the sustainable growth of a designated range of uses and protect the residential amenity in the Precinct and surrounding areas.

Contributions to the proposed plan have already been imposed as conditions of Planning Approval in respect to the proposed Wine Bar at 48 George Street and the Lauder and Howard site at 36-42 Duke Street. These contributions were provided at the rate of \$9,000 per space for each space not provided on site, after onsite and immediately adjacent on-street parking spaces had been deducted from the estimated parking space requirement. This sum compares with the cash-in-lieu requirement of \$22,500 per space that could otherwise be applied.

The application of the contribution to the proposed Management Plan has some benefits in comparison with cash- in- lieu payments as follows:

- Council has not identified a firm site for additional public car parking in the precinct that cash-in-lieu payments could be applied to.
- The Management Plan is seen as a flexible and comprehensive method of addressing parking and access requirements in the precinct and surrounding areas.
- The proposed rate of the contribution is significantly less per space than that of cash-in-lieu payments and as such is less of a potential barrier to new development, change of use and redevelopment proposals.
- Cash-in-lieu funds could only be expended on the provision of additional parking spaces in the precinct. This may not necessarily protect the existing streetscape character.

CONSIDERATION

The implementation of a Local Planning Policy to require all proposed developments within the George Street Mixed Use Precinct to contribute to the proposed Parking and Access Management Plan where parking demand cannot be wholly contained on site, is an equitable and practical way of effectively managing future access and parking demands in the Precinct to the benefit of commercial and residential land users.

The objectives of the proposed Policy are:

- Provide for the sustainable co-existence of a mix of land uses including residential, retail, recreational, commercial and entertainment uses.
- Establish a clear, consistent and equitable framework for the application of contributions from new development.

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- Contribute to the effective management of future access and parking demands in the Precinct to the benefit of commercial and residential land users.
Assist in the protection of the amenity of existing and future residents within (and near) the mixed-use Precinct.
- Facilitate the establishment of mixed use, commercial and residential developments where adequate on site parking provisions cannot be established.

The Policy provisions will require contributions at the rate of \$9,000¹ per space for each space not provided on site, after onsite and immediately adjacent on-street parking spaces (where it is determined that these can be attributed to meet the parking demand of the development) have been deducted from the estimated parking space requirement. The contribution will be required as a condition of planning approval and payment will be required prior to the grant of a building licence.

Contributions will be held in trust by the Town and used for the purposes of funding the Parking and Access Management Plan and the implementation of works and actions identified by the Plan. Contributions will be refunded in the event the Plan does not proceed.

Council may at its discretion vary the applicable rate of the Contribution in recognition of any site specific issues associated with a development proposal. In considering any variation in the applicable rate of Contribution, Council shall have regard to those matters contained in Clause 5.8, 7.5 and 10.2 of the Town Planning Scheme No.3.

STATUTORY PROCESS FOR THE ADOPTION OF A LOCAL PLANNING POLICY

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

CONCLUSION

The policy will provide a clear, consistent and equitable framework for the application of contributions from new development to the management of parking and access in and around the George Street Mixed Use Precinct. The establishment of a clear statutory basis for the assessment and application of parking contributions will guide developers and reduce potential disputation.

RECOMMENDATION

It is recommended that Council endorse the proposed Local Planning Policy – George Street Mixed Use Precinct New Development Contribution to the Access and Parking Management Plan for the purpose of public advertising, pursuant with Clause 2.4 of the Town of East Fremantle Town Planning Scheme No. 3, 3 December 2004.

General discussion took place on the definition of “Management Plan” and the Manager Planning Services undertook to provide a slightly amended Policy to the Council Meeting which provided further clarification.

RECOMMENDATION TO COUNCIL

Cr de Jong – Cr Martin

That Council endorse the proposed Local Planning Policy – George Street Mixed Use Precinct New Development Contribution to the Access and Parking Management Plan for the purpose of public advertising, pursuant with Clause 2.4 of

¹ The rate shall be subject to escalation at the annual rate of the C.P.I. for each year, or part there of, from the date of the adoption of this Policy until the date of planning approval.

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the Town of East Fremantle Town Planning Scheme No. 3, 3 December 2004 subject to the wording being amended to indicate that it includes implementation. CARRIED

T51. REPORTS OF OFFICERS – STATUTORY PLANNING/DEVELOPMENT CONTROL (CONTINUED)

T51.1 *Aldgate Place No. 7 (Lot 16)*
Owner/Applicant: Greg & Leonie Wallace
Application No. P51/2009
By Gemma Basley 27 April 2011

BACKGROUND

Purpose of the Report

An Application for an extension of a Planning Approval for additions to the single storey house at 7 Aldgate Place comprising:

Ground floor: new kitchen, casual lounge & pergola

First floor: lounge/dining room, finishing kitchen, study, bathroom & bedroom.

This report recommends that approval be granted.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5

Local Planning Strategy - Richmond Precinct (LPS)

Residential Design Codes (RDC)

Relevant Council Policies

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

Impact on Public Domain

Tree in verge : No impact;

Light pole : No impact;

Crossover : No impact;

Footpath : No impact.

Documentation

Approved Plans date stamp received on 31 March 2009 and approved 16th June 2009.

Correspondence from the applicant dated 15 April 2011

Date Application Received

15 April 2011

CONSULTATION

The request for an extension to the approval period has not been advertised to adjoining neighbours and has not been referred to the Town Planning Advisory Panel because of the minor nature of the request.

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

7 May 1979 National Trust Classification;

28 September 1982 Register of National Estate;

18 March 1996 Council grants special approval for a carport;

27 March 1996 Building Permit 06A/2388 approved for carport;

29 November 1996 Aldgate is listed on the interim registration for the Register of Heritage Places;

9 May 1997 Aldgate entered on the Register of Heritage Places;

18 April 2000 Council grants special approval for north side setback variation for pool house additions;

15 February 2005 Council defers mezzanine floor alterations and additions;

16 June 2009 Council grants approval for additions to the single storey residence.

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REPORT

Planning Approval

At its Ordinary Meeting held on 16 June 2009 Council considered an application for additions to the residence at No. 7 Aldgate Place, and resolved:

“That Council exercise its discretion in granting approval for a variation to the east side (rear) boundary setback pursuant to the Residential Design Codes from 6.0m to 5.965m for the construction of additions to the single storey house at 7 Aldgate Place comprising:

Ground floor: new kitchen, casual lounge & pergola;

First floor: lounge/dining room, finishing kitchen, study, bathroom & bedroom;

in accordance with the plans date stamp received on 31 March 2009 subject to the following conditions:

- 1. a report is to be submitted to the Heritage Council on completed conservation works within three months of the completion of works.*
- 2. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.*
- 3. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.*
- 4. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.*
- 5. the proposed additions are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.*
- 6. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.*
- 7. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.*
- 8. this planning approval to remain valid for a period of 24 months from date of this approval.*

Footnote:

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

- (a) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) the pergola may not be enclosed without the prior written consent of Council.*
- (e) the applicant is advised to consult with the Heritage Council of WA in regard to updating the 1995 Conservation Plan once works are completed.*

The above approval is due to expire on the 16 June 2011.

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Term of Planning Approval

Under TPS 3 the following relevant provisions apply to the term of a planning approval:

“10.5. Term of planning approval

10.5.1. *Where the local government grants planning approval for the development of land —*

- (a) *the development approved is to be substantially commenced within 2 years, or such other period as specified in the approval, after the date of the determination; and*
- (b) *the approval lapses if the development has not substantially commenced before the expiration of that period.*

10.5.2. *A written request may be made to the local government for an extension of the term of planning approval at any time prior to the expiry of the approval period in clause 10.5.1.”*

Council granted approval for the additions that are the subject of this request on 16 June 2009 and this approval expires imminently.

ASSESSMENT

In considering a request for an extension of the term of a planning approval it is relevant to consider whether or not there have been any legislative changes which might affect the approved development, such as an amendment to TPS 3 or a new local planning policy.

In this case there have been no amendments to the Scheme or local planning policy which affect the approved development.

The owners state that due to family circumstances they have not been in a position to undertake the approved development and subsequently have the property for sale and have a prospective purchaser who lives in England. The owners seek the extension to the Planning Approval to either allow the new purchaser to undertake the works and/or if the property does not sell, then the owners would need the extension to enable them to undertake the works.

There are no objections to an extension however the time period of this extension might have consequences in light of the fact that Council is due to conduct a review of its town planning scheme. In reviewing TPS 3 Council might decide that it wants to amend the Scheme, or commence preparation of an entirely new scheme, which includes provision/s, which might also incorporate a new local planning policy that could impact on the nature of the application the term for which is herein proposed to be extended.

Therefore it is considered prudent to only grant a 12 month extension to the term of this planning approval. This does not prevent the owners from submitting a fresh application for the same additions after the term expires.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the east side (rear) boundary setback pursuant to the Residential Design Codes from 6.0m to 5.965m for the construction of additions to the single storey house at 7 Aldgate Place comprising:
Ground floor: new kitchen, casual lounge & pergola;
First floor: lounge/dining room, finishing kitchen, study, bathroom & bedroom;
in accordance with the plans date stamp received on 31 March 2009 subject to the following conditions:

1. a report is to be submitted to the Heritage Council on completed conservation works within three months of the completion of works.
2. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.

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3. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. the proposed additions are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
7. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
8. this planning approval to remain valid for a period of 12 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *the pergola may not be enclosed without the prior written consent of Council.*
- (e) *the applicant is advised to consult with the Heritage Council of WA in regard to updating the 1995 Conservation Plan once works are completed.*

RECOMMENDATION TO COUNCIL

Cr de Jong – Mayor Ferris

That Council exercise its discretion in granting approval for a variation to the east side (rear) boundary setback pursuant to the Residential Design Codes from 6.0m to 5.965m for the construction of additions to the single storey house at 7 Aldgate Place comprising:

Ground floor: new kitchen, casual lounge & pergola;

First floor: lounge/dining room, finishing kitchen, study, bathroom & bedroom;
in accordance with the plans date stamp received on 31 March 2009 subject to the following conditions:

1. **a report is to be submitted to the Heritage Council on completed conservation works within three months of the completion of works.**
2. **the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
3. **the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
4. **with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**

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5. the proposed additions are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
7. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
8. this planning approval to remain valid for a period of 12 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *the pergola may not be enclosed without the prior written consent of Council.*
- (e) *the applicant is advised to consult with the Heritage Council of WA in regard to updating the 1995 Conservation Plan once works are completed. CARRIED*

T51.2 **George Street No. 133 (Pt Lot 2 of SP41827) - Pizza Palace**
Owner/Applicant: Enrico Dalessandro
Application P44/2011

Report written by Gemma Basley, Town Planner, 2 May 2011

BACKGROUND

Description of Proposal

Retrospective planning approval is sought for the unauthorised works that have recently occurred at No. 133 George Street, East Fremantle and is the subject of this report.

More specifically, new tenants of No. 133 George Street have repainted the external brick façade of the building that faces Duke Street a white colour; the external brick façade that faces George Street from green to white; the awning a white colour; and has repainted the freeze above the awning from white to red.

It is also understood that the tenants began to remove some of the original tiles on the facade of the building but that the tiles have been replaced.

The tenants also removed the existing signage and installed new signage on the awning facing George Street and on top of the roof. Signage has also been placed on the fence at the intersection of East Street and Canning Highway.

This report recommends that retrospective planning approval be granted for the paint works and recommends that retrospective approval be refused for the signage.

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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 (Pizza Palace);
- 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

Draft Local Planning Policy Design Guidelines Signage

Date Application Received

24 March 2011

CONSULTATION

The proposal was referred to the Heritage Council of Western Australia because the property is included on the Heritage List which forms part of Council's TPS No. 3.

The Heritage Council assessed the application in the context of the identified heritage significance of the Royal George Hotel. The Heritage Council advised that the signage, painting and tiling of the building is not considered to have a negative impact and as such no objection was made.

Town Planning Advisory Panel

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

- Exterior paint colour acceptable
- Panel doesn't support elevated signage attached to roof.
- Consider stencilling of signage on barge-board of awning and/or reinstatement of signage underneath awning.
- Reinstatement of original tiles is required and no further removal is supported.

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.

ASSESSMENT

The repainting of the building has resulted in it looking clean and bright and has lifted the appearance of the building considerably. The painting of the freeze in red has highlighted a significant architectural element of the building and has also made the building seem more prominent on its corner location.

The tiles that had been removed have been replaced and a condition is included in the recommendation to require that no tiles be removed from the external façade without making application to the Council.

The signage is assessed under Council's draft Local Planning Policy – Design Guidelines Signage as an 'above awning sign' and is not supported by the Panel. Part 4 of this draft policy lists the general requirements for signage and 4.12 reads as follows:

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“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.”

Part 8 of the Draft Local Planning Policy lists acceptable solutions and performance criteria for each sign type. The acceptable solution for Above Awning Signs is tabled below:

Acceptable Solution	Alternative Performance Criteria (Discretionary)
<ul style="list-style-type: none"> • single blade design. • Max height 450mm. • Max width 300mm. • Shall not project beyond the width of the awning or exceed 2700mm in length whichever is the shorter. • Shall not be approved if there is another Awning Sign or Horizontal Projecting Wall sign on the same site. 	<ul style="list-style-type: none"> • Maximum height 750mm. • Maximum width 300mm. • Shall not project beyond the width of the awning or exceed 2700mm in length whichever is the shorter. • Minimum distance between any other Above Awning Sign or Horizontal Projecting Wall Sign 2400mm. • Minimum distance from side boundary of the lot or site 1200mm.

The signage that has been installed at No. 133 George Street and that is the subject of this application has a dimension of 1800mm by 2866mm and does not satisfy the acceptable solution requirements or the alternative performance criteria above. In addition to this the elevated nature of the sign above a heritage building is considered to potentially impact on the heritage significance of the building. Finally, 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. To address this, the recommendation requires that the ‘above awning signage’ be removed and reinstalled either on the awning or underneath the awning (similar to the previous sign), albeit with Council approval still being required. ‘Banner Signage’ installed at the corner of East Street and Canning Highway will be required to be removed also.

The proposal predominantly accords with the provisions of TPS3 and the Town’s Planning Policies. The ‘above awning signage’ however is not considered appropriate for the subject building and it is considered that the installation of signage on the awning instead will assist in promoting and protecting the positive visual elements of the building which contribute to the sense of place in the George Street Precinct and the visual amenity of the streetscape.

RECOMMENDATION

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’ and ‘banner 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.

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Footnote:

The following is not a condition but a note of advice to the applicant/owner:

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

RECOMMENDATION TO COUNCIL

Cr de Jong – Cr Martin

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.**

Footnote:

The following is not a condition but a note of advice to the applicant/owner:

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

Mayor Ferris made the following impartiality declaration in the matter of No. 37 Hubble Street: “As a consequence of the applicant being a personal friend, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly”.

Cr Collinson made the following impartiality declaration in the matter of No. 37 Hubble Street: “As a consequence of the owner being known to me, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly”.

T51.3 Hubble Street No. 37 (Lot 2)
Owner: Cynthia Innes
Applicant: John Chisholm Design
Application No. P33/11

By Gemma Claire Basley, Town Planner on 19 April 2011

BACKGROUND

Purpose of Report

An Application for Planning Approval for extensions to the rear of the existing residence at No. 37 Hubble Street, East Fremantle is the subject of this report.

More specifically, the application proposes to construct a conservatory, which is accessible from the existing dining room and also from the rear yard of the property. The application proposes to construct the conservatory at the existing finished floor level and under a separate skillion roof. The conservatory will not be visible from the street and will not alter the original residence in any way.

This report recommends conditional approval.

Statutory Considerations

Town Planning Scheme No. 3

Local Planning Strategy – Plympton Precinct (LPS)

R20 Residential Design Codes (RDC)

B+ Management Category on Municipal Heritage Inventory

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Relevant Council Policies

LP Policy No. 142: Residential Development

Impact on Public Domain

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

Documentation

Plans and relevant forms date stamp received on 10 March 2011

Date Application Received

10 March 2011

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

Nil

CONSULTATION

Advertising

The application was advertised to adjoining neighbours for a two week period between the 25 March 2011 and 8 April 2011. During the advertising period no submissions or objections to the application were received.

Town Planning Advisory Panel

The subject application was not assessed by the Town Planning Advisory Panel (TPAP) because of the minor nature of the proposal and because it does not impact the streetscape.

Site Inspection

By Town Planner on 13th April 2011

STATISTICS

File P/HUB37
Zoning R20
Lot Area 254m²
Heritage Listing B+

Site:	Required	Proposed	Status
Site Works	Maximum 0.5m	Nil	Acceptable Development
Open Space	More than 50%	More than 50%	Acceptable Development
Overshadowing	Less than 25%	Nil	Acceptable Development

Height:	Required	Proposed	Status
Wall	6.0 metres	2.29 metres	Acceptable Development
Ridge	9.0 metres	2.75 metres	Acceptable Development
Roof type	Skillion		

Privacy/Overlooking No overlooking will occur because the conservatory will be screened by the dividing fence.

Set-backs The minimum set-back to any lot boundary is 0.965 metres, which does not meet the requirements of the R-Codes (being a 1.0 metre setback).
Discretion Required

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ASSESSMENT

Planning Approval is sought for the construction of a small addition at the rear of the residence at No. 37 Hubble Street, East Fremantle. The addition will accommodate a conservatory with a floor area in the order of 10.698m². The conservatory will be accessible from the existing dining room and from the back yard. The finished floor level will be at natural ground level and will not result in any overlooking or impact on the neighbour's privacy.

The application proposes to provide a setback of 0.986 metres to the southern boundary in lieu of the 1.0 metres required by the R-Codes and requires a minor variation to be granted. The southern boundary of 37 Hubble Street abuts a parapet wall and as such the reduced setback of the conservatory wall will not have any impact on the adjoining property in terms of loss of sunlight or ventilation. The reduced setback therefore meets the Performance Criteria of the R-Codes in relation to boundary setbacks and the variation can be supported.

The application does not propose to alter the front of the house and will not impact on the streetscape in any way.

Given that the proposal meets the majority of the relevant acceptable development provisions of the R-Codes and applicable provisions of TPS No. 3 and applicable Local Planning Policies the proposal is supported. Whilst the application does seek one minor variation to the R-Codes, being a reduced setback to the southern boundary, this is considered to be acceptable and will not impact on the amenity of the neighbours.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the southern boundary setback requirements of the R-Codes to allow a 0.986 metre setback in lieu of the 1 metre setback requirement for the construction of additions to the rear of the residence at No. 37 Hubble Street, East Fremantle, in accordance with plans date stamp received on the 10 March 2011, subject to the following conditions:

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

Footnote:

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

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

RECOMMENDATION TO COUNCIL

Cr de Jong – Cr Martin

That Council exercise its discretion in granting approval for a variation to the southern boundary setback requirements of the R-Codes to allow a 0.986 metre setback in lieu of the 1 metre setback requirement for the construction of

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additions to the rear of the residence at No. 37 Hubble Street, East Fremantle, in accordance with plans date stamp received on the 10 March 2011, subject to the following conditions:

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

Footnote:

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

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

Mayor Ferris made the following impartiality declaration in the matter of No. 51 King Street: "As a consequence of the applicant being a personal friend, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly".

T51.4 King Street No. 51 (Lot 320)
Owner: Garry Van der Veen & Fiona Goulding
Applicant: John Chisholm Design
Application No. P35/11
By Gemma Claire Basley, Town Planner on 2 May 2011

BACKGROUND

Purpose of Report

An Application for Planning Approval for the construction of a new kitchen, dining room, living room, bathroom and deck area at the rear of the existing residence at No. 51 King Street, East Fremantle is the subject of this report.

More specifically, the application proposes to demolish the existing kitchen, bathroom and deck area at the rear of the house and to replace this with a new and larger kitchen, dining room, living area, bathroom and deck area. The application proposes to construct the additions at the same finished floor level as the existing residence and behind the existing residence. As such the new construction will not be highly visible from the street and will not alter the way the original residence is viewed.

This report recommends conditional approval.

Statutory Considerations

Town Planning Scheme No. 3
Local Planning Strategy – Plympton Precinct (LPS)
R20 Residential Design Codes (RDC)
'B Management Category' on Municipal Heritage Inventory

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Relevant Council Policies

LP Policy No. 142: Residential Development

Impact on Public Domain

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

Documentation

Plans and relevant forms date stamp received on 17 March 2011
Revised Plans received on 29 March 2011

Date Application Received

10 March 2011

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

15 November 2005 Council resolved to defer an application for single storey additions pending the submission of revised plans to address LPP No. 142.
21 February 2006 Council resolved to exercise its discretion and grant approval for the construction of single storey additions
10 August 2006 Building Licence BL06/169 issued for additions to the existing dwelling.

CONSULTATION

Advertising

The application was advertised to adjoining neighbours for a two week period between the 25 March 2011 and the 8 April 2011. During the advertising period no submissions or objections to the application were received.

Town Planning Advisory Panel

The subject application was considered by the Town Planning Advisory Panel (TPAP) at its meeting of the 22 March 2011 wherein the following comments were made:

Panel Comment	Applicant Response
Minimal solar access to northern elevation – windows could be enlarged to address this.	The original design I had undertaken did make use of considerably more North glazing, this was reduced by the client. With the TPAP comments in hand, I've been able to reinforce my original position relating to North light and solar access, the client now agrees to more glass along with increased ventilation to the north side of the addition. The use of obscure glazing and highlights preserves privacy for both the client and neighbours.
Query rationale of over-height single storey wall to extension.	The South side of the addition springs off at the same wall plate height as the existing building, a moderate 2.7m. With the 0.7m step down, the addition gains from a sense of volume internally. I have now articulated the building by taking the proposed weatherboard lining to the same level as the existing gutter fascia height. Above this level the cladding will be horizontal custom orb which visually reduces the bulk and scale of the addition. I am now encouraging an increased roof zone thickness in some of my designs, in an effort to create a better performing skillion structure. Although it's not evident in the external elevations, the internal space has a raking ceiling nearly 300mm lower than the underside of the rafter with a suspended ceiling. There is no impact on the external appearance of the building, rather a decreased ceiling height internally. This suspended

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Panel Comment	Applicant Response
	ceiling zone acts as a thermal conduit, positively encouraging summer airflow through the roof space and venting at the top of the wall through wall vents. This assists in reducing the summer heat build up which is so typical in skillion roof structures. By utilising R3 / R3.5 insulation at ceiling level, there is relatively little heat loss in winter. The well ventilated roof zone also assists in reducing condensation build up in winter.
Query window locations and size regarding solar access.	Refer to Point 1 above
Query streetscape presentation of proposed window on East elevation.	Part 6.2.4 , "Buildings designed to provide for surveillance between the buildings and the street". A4.1 At least one habitable room window of the dwelling has a clear view of the street and the approach to the building." The window located on the east wall of the kitchen gives a strong visual access link to the main point of entry. As one of the most frequently used areas of the home, it offers an excellent opportunity to view the approach to the home. It also provides good quality morning sun into the kitchen and assists in cross ventilation through the space.

The applicant has submitted revised plans date stamped the 29 March 2011. The plans respond to the Panels comments and incorporate highlight windows in the south elevation for better south light and cross ventilation.

The revised plans are considered to be suitable for Council consideration.

Site Inspection

By Town Planner on 22nd March 2011

STATISTICS

File P/KIN51
Zoning R20
Lot Area 508m²
Heritage Listing B

<u>Site:</u>	Required	Proposed	Status
Site Works	Maximum 0.5m	Maximum 0.7m	Discretion Required
Open Space	More than 50%	More than 63%	Acceptable Development
Overshadowing	Less than 25%	21%	Acceptable Development

<u>Height:</u>	Required	Proposed	Status
Wall	3.0 metres	4.1 metres	Discretion Required
Ridge	6.0 metres	5.0 metres	Acceptable Development
Roof type	Skillion		

Privacy/Overlooking No overlooking will occur from the south because the windows are proposed to have a sill height above 1.6 metres or to be glazed with opaque glass. This will prevent overlooking.

The northern elevation proposes to use a series of low light and high light windows or to obscure glaze the full length windows to prevent overlooking occurring from these.

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The northern deck opening is also proposed to be screened with a timber screen to prevent overlooking.

Setbacks

The minimum set-back to any lot boundary is 1.0 metres, which does not meet the requirements of the R-Codes (being a 1.1 metre setback).

Discretion Required

ASSESSMENT

Planning Approval is sought for the construction of a new kitchen, dining room, living room, bathroom and deck area at No. 51 King Street, East Fremantle. The proposal accords with the provisions of TPS3, the R-Codes and the Town's Planning Policies with the exception of the following elements which will be assessed separately.

Site Works

The subject site has a fall of approximately 1.2 metres from east to west. The existing residence is constructed on the high part of the site and the additions are proposed over the lower parts of the site. To address the varying site levels, it is proposed to construct the additions on low stilts (0.7 metres) as an alternative to filling and retaining this area of the site.

The use of stilts and the raising of the rear additions ensures that the development retains the visual impression of the natural level of the site as seen from the street.

Building Height

The site contains an existing residence which was constructed in the inter war period and is afforded with high ceilings. The applicants propose to retain the same ceiling height in the additions and as such propose to construct a maximum wall height of 3.4 metres. The proposed wall height exceeds the maximum wall height requirements of the R-Codes for a single storey development. More specifically the R-Codes in Table 3 stipulate a maximum wall height of 3.0 metres for a single storey residence.

The Performance Criteria for Building Height as detailed in Section 6.7.1 of the R-Codes 2008 reads as follows:

"Building height consistent with the desired height of buildings in the locality, and to recognise the need to protect the amenities of adjoining properties, including, where appropriate:

- *adequate direct sun to buildings and appurtenant open spaces;*
- *adequate daylight to major openings to habitable rooms; and*
- *access to views of significance."*

In response to the above Performance Criteria it is considered that the subject application and the proposal to construct a wall with a height of 3.4 metres (in lieu of the 3.0 metre restriction) will ensure that the additions are consistent with the existing residence and will become an integral part of the residence. In addition the increased wall height will not impact on the amenity of the adjoining property 53 King Street by way of the following:

- The adjoining property is located to the south of the subject site and as such the increased wall height will cause some additional overshadowing over the residence but not to the extent of restricting the neighbouring properties access to sunlight or ventilation.
- The increased wall height will not impact on any views of significance because they do not exist in this area.

Accordingly it is considered the proposal meets the relevant Performance Criteria of the R-Codes and an exercise of discretion to allow a maximum wall height of 3.4 metres in lieu of the 3.0 metres required under the R-Codes is warranted.

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Side Setback

The additions are proposed to have a setback of 1.0 metre to the southern boundary however the R-Codes require a 1.1 metre setback to this boundary. The proposed 1.0 metre setback to the southern boundary requires a variation to the R-Codes however this is overridden by Part 3 of Local Planning Policy No. 142 which allows a wall to be situated closer to the boundary than permitted by the R-Codes as detailed below:

“A wall may be situated closer to an adjoining residential boundary than the standards prescribed in Tables 1, 2a or 2b of the Residential Design Codes where the following are observed:

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

The proposed 1.0 metre setback between the additions and the southern boundary satisfies the above criteria as follows:

- Whilst the wall is higher than 3.0 metres it only has a length of 10 metres;
- The proposed wall is at the rear and side of the residence;
- The increased wall height will result in some additional overshadowing but within the acceptable parameters of the R-Codes 2008; and.
- The wall will be consistent with the existing residence and will match the development.

It is considered there is merit in an exercise of discretion to allow a setback of 1.0 metre in lieu of 1.1 metres required under the R-Codes 2008 for the setback to the southern boundary.

CONCLUSION

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

It is considered that the application is suitable for determination and is recommended for approval.

RECOMMENDATION

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

- (a) a discretion to allow a maximum wall height of 3.4 metres in lieu of the 3.0 metres required under the R-Codes;
 - (b) a discretion to allow a setback of 1.0 metres in lieu of 1.1 metres required under the R-Codes 2008 for the setback between the additions and the southern boundary;
- for the construction of additions to the rear of the single storey residence at No. 51 King Street, East Fremantle in accordance with the plans date stamp received on the 29 March 2011 subject to the following conditions:
1. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
 2. The proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence

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

3. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. All stormwater is to be disposed of on site, clear of all buildings and boundaries.
5. Any air conditioning plant is to be positioned so as to minimise impacts on the streetscape and neighbours' amenity, details of which are to be submitted as part of a building licence.
6. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

RECOMMENDATION TO COUNCIL

Cr de Jong – Cr Martin

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

- (a) **a discretion to allow a maximum wall height of 3.4 metres in lieu of the 3.0 metres required under the R-Codes;**
- (b) **a discretion to allow a setback of 1.0 metres in lieu of 1.1 metres required under the R-Codes 2008 for the setback between the additions and the southern boundary;**

for the construction of additions to the rear of the single storey residence at No. 51 King Street, East Fremantle in accordance with the plans date stamp received on the 29 March 2011 subject to the following conditions:

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

Footnote:

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

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

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- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.
- (c) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended). CARRIED

T51.5 Canning Highway No. 257 (Lot 2101)

Applicant: Signcraft P/L

Owner: Hanny Properties

Application No. P30/2011

By Jamie Douglas, Manager Planning Services on 5 April 2011

BACKGROUND

Purpose of this Report

This report considers an application for signage and minor works at the Commonwealth Bank 257 Canning Highway. The proposal is recommended for refusal.

Statutory Considerations

Town Planning Scheme No. 3

Relevant Council Policies

Draft Local Planning Policy – Design Guideline Signage

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : No impact
Footpath : No impact
Streetscape : The proposed signs address the street and accordingly impact upon the streetscape.

Documentation

Plans and relevant forms date stamp received on 8 March 2011.

Date Application Received

8 March 2011

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

At its meeting on 15 March 2011 Council endorsed the draft Local Planning Policy 'Design Guideline Signage' for the purpose of public advertising.

Site Inspection

By Manager Planning Services on 6 April 2011

DESCRIPTION OF THE PROPOSAL

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

Proposed sign No	Size	M ²	Type (as defined by LPP)& description
1	12000mmx600mm	7.2	Awning fascia sign. Non illuminated
2	6800mmx800mm	5.2	Wall sign. Non illuminated
3	1491mm x 1287mm	1.9	Horizontal projecting wall sign. Illuminated
6	750mm x 400mm	0.3	Wall sign. Non illuminated

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Proposed sign No	Size	M ²	Type (as defined by LPP)& description
7	1287mm x 1287mm	1.9	Wall sign. Illuminated
10	3600 mm x 2600 mm	9.36	Wall sign. ACM cladding with illuminated poster panels

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

RELEVANT PLANNING PROVISIONS

1. Town Planning Scheme No 3

The following clauses of the Scheme apply;

5.9 Advertising Signs

5.9.1 *Except as provided for in Schedule 5 of the Scheme, no advertising sign are to be erected or displayed without the approval of the local government.*

5.9.2 *Advertising signs are to be designed and constructed having due regard to any relevant local government Policy.*

5.9.3 *In its determination of any application for erection or display of an advertising sign for which planning approval is required, the local government is to take into consideration the likely impact of the proposal on the safety and amenity of the area.*

10.2 Matters to be considered by local government

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

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

2. Local Planning Policy – Design Guidelines- Signage

Council endorsed the draft LPP for the purposes of public advertising pursuant with clause 2.4 of TPS No 3 at its meeting on 15 March 2011. The policy clarifies the range and extent of signage that is allowable, within the Town of Fremantle. Although it is yet to be finally adopted by Council following the close of public advertising, it is reasonable to apply the draft policy as an elaboration of Council's 'requirements for orderly and proper planning' pursuant with Clause 10.2 of TPS No 3.

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

Proposed Sign 1 - Awning Facia Sign

Performance Criteria for discretionary approval

- *Shall not project beyond the fascia line of an approved or existing awning.*
- *Maximum height of 500mm.*

The proposed sign would protrude below the fascia line of the existing awning and accordingly does not comply with the criteria.

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Proposed Sign 2 - Wall Sign. Non illuminated

Performance Criteria for discretionary approval

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

The proposal does not form part of an approved signs regime and exceeds the maximum dimensions under the criteria and accordingly does not comply with the criteria.

Proposed Sign 3 - Horizontal Projecting Wall Sign - Illuminated

Performance Criteria for discretionary approval

- *Maximum depth 500mm.*
- *Max width 300mm.*
- *Maximum length 2700mm.*
- *Limit of one such sign per building/site unless part of an approved signs regime.*
- *Shall not be approved if there is a vertical projecting wall sign on the same site.*

The proposal exceeds the maximum dimensions under the criteria and accordingly does not comply with the criteria.

Proposed Sign 6 - Wall Sign. Non illuminated

Performance Criteria for discretionary approval

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

The proposal does not form part of an approved signs regime and accordingly does not comply with the criteria.

Proposed Sign 7 - Wall sign. Illuminated

Performance Criteria for discretionary approval

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

The proposal does not form part of an approved signs regime and accordingly does not comply with the criteria.

Proposed Sign 7 - Wall Sign. Illuminated

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

The proposal exceeds the maximum dimensions under the criteria and does not form part of an approved signs regime and accordingly does not comply with the criteria.

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

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

CONSIDERATION

The draft LPP has been established to achieve a number of objectives; the following are relevant to the consideration of this proposal.

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

It is considered the proposal fails to meet the above objectives of the LPP and the relevant provisions of clause 10.2 of TPS No. 3. The proposed proliferation and size of the proposed signs is considered to constitute an overdevelopment since they will obscure the fabric of the building. The extent and proliferation of signage will substantially dominate the building and will in essence convert the building into an advertising hoarding.

The Council and community have consistently pursued high standards of urban design which supports the 'sense of place' of the town. It would be contrary to this planning objective and to the requirements of clause 10.2 of the scheme to allow for the established built fabric to become subservient to corporate advertising as proposed in this instance. To this end, the proposal will also conflict with the following 'General Requirement For Signage' in the draft LPP since the signs will dominate and obscure the building which forms their background;

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

In addition to the above, none of the proposed signs meet the performance criteria necessary for consideration for their approval under the draft LPP. Accordingly it is considered the proposal should be refused and the applicant invited to submit a 'sign regime' for the building incorporating signage which adheres to the performance criteria of the draft LPP.

CONCLUSION

The proposed signage would conflict with the provisions of Clause 10.2 (j), (o), (p) since it is considered it would have a detrimental impact upon the visual amenity of the area and the streetscape. The proposed sign also does not meet the draft Local Planning Policy – Design Guidelines Signage performance criteria for the various sign types.

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

RECOMMENDATION

It is recommended that the application received on 8 March 2011 for signage and minor works at No. 257 (Lot 2101) Canning Highway, 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 No3, Clause 10.2 (j), (o), (p) because it is incompatible with adjoining development (signage) and would detrimentally impact upon the visual amenity of the area and the streetscape.
2. The proposed signage does not meet the draft Local Planning Policy – Design Guidelines Signage performance criteria for the various sign types and requirement for an approved 'signs regime' for the building.

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3. The proposed signs do not meet the 'General Requirement For Signage' in the draft Local Planning Policy – Design Guidelines Signage since they will dominate and obscure the building which forms their background.

Note: The applicant is invited to submit a 'signs regime' for the building incorporating signs which accord with the performance criteria of the draft Local Planning Policy – Design Guidelines Signage.

RECOMMENDATION TO COUNCIL

Cr Collinson – Cr Martin

That the application received on 8 March 2011 for signage and minor works at No. 257 (Lot 2101) Canning Highway, 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 No3, Clause 10.2 (j), (o), (p) because it is incompatible with adjoining development (signage) and would detrimentally impact upon the visual amenity of the area and the streetscape.
2. The proposed signage does not meet the draft Local Planning Policy – Design Guidelines Signage performance criteria for the various sign types and requirement for an approved 'signs regime' for the building.
3. The proposed signs do not meet the 'General Requirement For Signage' in the draft Local Planning Policy – Design Guidelines Signage since they will dominate and obscure the building which forms their background.

Note: The applicant is invited to submit a 'signs regime' for the building incorporating signs which accord with the performance criteria of the draft Local Planning Policy – Design Guidelines Signage.

CARRIED

T51.6

Fraser Street No. 10 (Units 2 & 6)

Applicant/Owner: J & D Letizia (Unit 2) & James Turnbull (Unit 6)

Application No. 212/2010 & P7/2011

By Gemma Claire Basley, Town Planner on 29 April 2011

BACKGROUND

Purpose of Report

Two applications for Retrospective Planning Approval has been received for Units No. 2 and No. 6 respectively, within the complex at No. 10 Fraser Street. The unit owners are seeking retrospective planning approval for works that have been carried out without the necessary approvals. More specifically the garages at Unit No. 2 and No. 6 have been enclosed and are being utilised for storage purposes.

There are a number of issues associated with these applications but most significant is a legal matter relating to the application having not been signed and/or supported by the Council of Owners.

This report recommends that retrospective planning approval be granted subject to the applicants obtaining the authorisation of the Council of Owners.

Statutory Considerations

Town Planning Scheme No. 3

Local Planning Strategy – Richmond Precinct (LPS)

R12.5 Residential Design Codes (RDC)

Relevant Council Policies

LP Policy No. 142: Policy on Residential Development

Impact on Public Domain

Tree in verge : No impact

Light pole : No impact

Crossover : No impact

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Footpath : No impact
Streetscape : No impact

Date Application Received and Documentation

Plans and relevant forms date stamp received on 18 November 2010 (Unit 2) and the 9th February 2011 (Unit 6).

Additional information has been submitted by the Council of Owners date stamped 3 March 2011 and is attached to this report.

ADVERTISING

The application was not advertised for public comment however consultation has occurred with the Council of Owners, which will be discussed later in this report.

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

20 December 2010 Delegated Planning Approval granted for unauthorised works at Unit 10 including patios, spas and a sunroom enclosure of No. 10b Fraser Street.

15 February 2011 Grants Retrospective Planning for unauthorised works including the construction of patios and a sunroom at Units No. 4, 7 and 9 at 10 Fraser Street.

Site Inspection

By Town Planner on 10 August 2010

STATISTICS

File P/FRA10,U2 & 6
Zoning R12.5
Lot Area 3432m²
Heritage Listing No

<u>Site:</u>	Required	Proposed	Status
Site Works	Maximum 0.5m	n/a	n/a
Open Space	n/a	n/a	n/a
Overshadowing	n/a	n/a	n/a

<u>Height:</u>	Required	Proposed	Status
Wall	3.0	Less than 3.0	Acceptable Development
Ridge	6.0	Less than 6.0	Acceptable Development

Setbacks Boundary setbacks not been assessed as they relate to internal strata boundaries.

Car Parking Bays / Unit (exclusive use)	Unit	No.	Use
	1	2	Exclusive use Parking Bays
	2	1	Exclusive use Parking Bays
	3	2	Exclusive use Parking Bays
	4	2	Exclusive use Parking Bays
	5	2	Exclusive use Parking Bays
	6	1	Exclusive use Parking Bays
	7	2	Exclusive use Parking Bays
	8	2	Exclusive use Parking Bays
	9	2	Exclusive use Parking Bays

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Further on this issue, conditioning any approval such as to require the Council of Owners Approval, as has been recommended in this case (see below) provides a further safeguard.

Council of Owners Approval

Clause 8.1 of Council's TPS No. 3 requires that an application for planning approval be obtained prior to the commencement of any development. Clause 9.1 of TPS No. 3 requires that an application is to be made in the form prescribed in Schedule 6 and is to be signed by the owner and accompanied by such plans and other information as is required under the Scheme. Schedule 6 – Application for Planning Approval Form reads (under 'Owner Details') *"The signature of the land owner(s) is required on all applications."*

Pursuant to the above and based on legal advice, in relation to Strata Titles it has become the practise of Council to require that Schedule 6 be signed by the individual unit owner the subject of the application and the Body Corporate/Council of Owners. Alternatively, a signed authorisation in the form of a letter or in the form of Council of Owners Minutes acknowledging the application and supporting the works is accepted by Council.

The subject applications for Retrospective Planning Approval have not been signed by the Council of Owners. Correspondence from the Council of Owners indicates that this is because the application for the enclosure of the garage at Unit 2 was only conditionally supported by the Council of Owners at its meeting of the 24th November 2008 (attached). More specifically, the owner of Unit No 2, after carrying out the unauthorised works associated with enclosing the garage, made application to the Council of Owners for approval to the unauthorised works. The decision of the Council of owners was as follows:

"The Council of Owners requested Jacea provide written approval from East Fremantle Council to remove the roller door, replace with wood and glass double external opening door and use the garage for personal use other than a garage. Jacea will be required to follow strata title process for building alteration and gain approval from each unit owner without dissent. If approved without dissent these changes can be added to the register of Building Alteration."

The enclosure of the garage at Unit No. 6 occurred by a previous owner and there are no records of this obtaining the approval of the Council of Owners.

Council Approval

The owners of Unit No. 2 submit that they have obtained advice from Council indicating that planning approval and a subsequent Building Licence for the garage enclosure was not required. The correspondence referred to by the applicant is attached to this report and is a hand written letter to the Planning Officer East Fremantle Council explaining the garage enclosure and seeking advice as to whether a planning approval was required for this. The subject hand written correspondence has been signed by the former Town Planner and Building Surveyor advising that Planning Approval and a Building Licence was not required.

It is of interest to note that whereas the applicant's letter to the Town Planner of 25 November 2008 commenced *"I have approval from the strata council to remove an existing roller door and enclose the opening with windows and a door to the above property"* a letter from the Chair of the Council of Owners dated 2 March 2011 (also attached) states, in part:

"Without approval by elected Council of Owners or by all owners with no dissent Ms Letizia has removed an existing roller door to her Unit 2 garage and replaced it with glass/timber door.

The Fraser Court Council of Owners seek immediate rectification by Town of East Fremantle Planning and Building Departments to revoke Ms Letizia's building

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alteration by requesting her to remove the glass/timber garage door and to reinstate a roller door as is consistent across the complex.”

Regardless of any understanding of the former Town Planner, a Planning Approval is required for the garage enclosure. The owners of Unit No. 2 have acknowledged this requirement and subsequently lodged the subject Application for Retrospective Planning Approval, which is commendable. It should be noted a Certificate of Building Approval will also be required.

As discussed above however, without the application being signed by the Council of Owners (owner/s) in accordance with Clause 9.1.1 of TPS No. 3 and in the form prescribed in Schedule 6, the application cannot be approved. To address this matter approval to the subject garage enclosures will not be issued until the receipt of the formal consent from the Council of Owners of 10 Fraser Street is obtained.

Conclusion

Given that the applications for the unauthorised enclosure of the garage at Unit 2 and Unit No. 6 have not been signed by the Council of Owners it is concluded the application does not meet the requirements of Clause 9.1.1 of Council's TPS No.3 and therefore the applications for retrospective planning approval can only be supported subject to obtaining the authorisation of the Council of Owners.

RECOMMENDATION

That Council exercise its discretion in granting Retrospective Planning Approval to enclose the garages at Unit No. 2 and No. 6 of No 10 Fraser Street, East Fremantle in accordance with the car parking plan date stamped 18 November 2011 subject to the receipt of the formal consent from the Council of Owners of No. 10 Fraser Street, East Fremantle and subject to an Application for a Certificate of Building Approval being made for each garage enclosure.

RECOMMENDATION TO COUNCIL

Cr Collinson – Cr Martin

That Council exercise its discretion in granting Retrospective Planning Approval to enclose the garages at Unit No. 2 and No. 6 of No 10 Fraser Street, East Fremantle in accordance with the car parking plan date stamped 18 November 2011 subject to the receipt of the formal consent from the Council of Owners of No. 10 Fraser Street, East Fremantle and subject to an Application for a Certificate of Building Approval being made for each garage enclosure.

CARRIED

T52. EN BLOC RECOMMENDATION TO COUNCIL

Cr Martin – Cr Collinson

That Council adopts en bloc the following recommendations of the Town Planning & Building Committee Meeting of 10 May 2011 in respect to Items MB Ref: T52.1 to T52.4.

CARRIED

**T52.1 Parker Street No. 3B (Lot 9)
Owner & Applicant: Julie Swaney
Application No. P51/2011**

Gemma Basley Town Planner on 18 April 2011

BACKGROUND

Purpose of this Report

An Application for Planning Approval for a Home Occupation cake decorating business at No. 3b Parker Street, East Fremantle is the subject of this report. More specifically, the application proposes to utilise the kitchen of the existing unit for cake decorating.

This report recommends conditional approval.

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Statutory Considerations

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

Relevant Council Policies

LP Policy No. 143 : Residential Development

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 30 March 2011

Date Application Received

30 March 2011

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

Nil

CONSULTATION

The application proposes to operate a cake decorating business in a unit that forms part of a strata complex. The application has not been advertised for public comment however, the applicants have been requested to obtain the written approval of the Body Corporate.

Approval will not be issued before this consent is received from the Body Corporate.

ASSESSMENT

Issues

Home Occupation

The applicant is seeking approval for a Home Occupation – Cake Decorating. The following information outlines the maximum proposed use and hours of operation of the home occupation:

- The hours of operation proposed are:
9.00am to 2.00pm - Monday to Friday
9.00am to 2.00pm – Saturdays and Sundays
- A 20m² area of the kitchen is the only room that will be utilised for the cake decorating; and
- Sufficient parking is provided on site (driveway and visitors parking area).

Home Occupation is a “D” use in the Residential zone, which means:

“that the use is not permitted unless the local government has exercised its discretion by granting planning approval.” (TPS 3, sub-clause 5.3.2)

The following table provides compliance details in relation to Home Occupation use under Town Planning Scheme No.3:

Home Occupation - Required	Comment
Does not employ any person not a member of the occupier's household.	Owner is only employee
Will not cause injury to or adversely affect the amenity of the neighbourhood.	No Impact on neighbourhood

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Home Occupation - Required	Comment
Does not occupy an area greater than 20m ²	Kitchen (20m ² area) to be used
Does not display a sign exceeding 0.2 square metres.	Condition applied
Does not involve the retail sale, display or hire of goods of any nature.	Condition applied
In relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles.	There is ample parking on site
Does not involve the use of an essential service of greater capacity than normally required in the zone.	Complies

Discussion

The proposal is considered to be a relatively low key activity, which will have a minimal impact (if any) on the amenity of adjoining or nearby properties or on the neighbourhood generally.

The Home Occupation will be monitored over the next 12 months to see if there is any impact on the amenity of the surrounding residential area in terms of noise and/or vehicle movements. If it is evident that the business is operating in accordance with this approval then it would be acceptable to renew the home occupation approval.

Given that the proposal meets all relevant acceptable development provisions and no discretionary decisions are required by Council, the home occupation is supported subject to the applicant submitting the written approval of the Body Corporate.

RECOMMENDATION

That approval be granted for a Home Occupation (Food Preparation) at No. 3b Parker Street, East Fremantle, in accordance with correspondence received on 30 March 2011, subject to the following conditions:

1. This approval shall not take effect until the written consent of the Body Corporate is received.
2. The hours of operation are limited from 9:00am until 4:00pm, Monday to Sunday;
3. Only one client may attend at a time and only one client vehicle may be parked on the premises at any one time.
4. All parking associated with the home occupation to be accommodated within the subject property only. On-street parking is not permitted.
5. No signage shall be displayed that is exceeding 0.2m²;
6. The home occupation shall not involve the retail sale, display of hire of goods of any natures;
7. The home occupation shall not employ any person who is not a member of the occupier's household;
8. The Town of East Fremantle requires all food businesses to complete a mandatory notification form in accordance with the Food Act 2008; and to notify the Town of any changes to the food business.
9. The food business is to comply with the Food Act 2008 at all times.
10. The proprietor of the food business is to ensure that the premises and practices comply with Chapter 3 of the Australia New Zealand Food Standards Code including Standard 3.1.1, Standard 3.2.2 and Standard 3.2.3. (Copy attached)
11. The food business will be subject to annual inspections conducted by Council's Principal Environmental Health Officer.
12. The home occupation approval is valid for 12 months only from the date of the "Approval to Commence Development" and the applicant is required to seek

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renewals thereafter to enable continuance of the home occupation. During the review of the renewal process, assessment of car parking, noise and safety will be undertaken.

Footnote:

The following is not a condition but a note of advice to the applicant/owner:

- (a) *an Annual Renewal Fee for this Home Occupation is required to be paid to enable continuation of the practice.*
- (b) *the applicant be advised that failure to comply with the above conditions of this approval or if the activity causes a nuisance or annoyance to owners or occupiers of land in the neighbourhood, Council may revoke its approval of the home occupation.*

RECOMMENDATION TO COUNCIL

That approval be granted for a Home Occupation (Food Preparation) at No. 3b Parker Street, East Fremantle, in accordance with correspondence received on 30 March 2011, subject to the following conditions:

1. **This approval shall not take effect until the written consent of the Body Corporate is received.**
2. **The hours of operation are limited from 9:00am until 4:00pm, Monday to Sunday;**
3. **Only one client may attend at a time and only one client vehicle may be parked on the premises at any one time.**
4. **All parking associated with the home occupation to be accommodated within the subject property only. On-street parking is not permitted.**
5. **No signage shall be displayed that is exceeding 0.2m²;**
6. **The home occupation shall not involve the retail sale, display of hire of goods of any natures;**
7. **The home occupation shall not employ any person who is not a member of the occupier's household;**
8. **The Town of East Fremantle requires all food businesses to complete a mandatory notification form in accordance with the Food Act 2008; and to notify the Town of any changes to the food business.**
9. **The food business is to comply with the Food Act 2008 at all times.**
10. **The proprietor of the food business is to ensure that the premises and practices comply with Chapter 3 of the Australia New Zealand Food Standards Code including Standard 3.1.1, Standard 3.2.2 and Standard 3.2.3. (Copy attached)**
11. **The food business will be subject to annual inspections conducted by Council's Principal Environmental Health Officer.**
12. **The home occupation approval is valid for 12 months only from the date of the "Approval to Commence Development" and the applicant is required to seek renewals thereafter to enable continuance of the home occupation. During the review of the renewal process, assessment of car parking, noise and safety will be undertaken.**

Footnote:

The following is not a condition but a note of advice to the applicant/owner:

- (a) *an Annual Renewal Fee for this Home Occupation is required to be paid to enable continuation of the practice.*
- (b) *the applicant be advised that failure to comply with the above conditions of this approval or if the activity causes a nuisance or annoyance to owners or occupiers of land in the neighbourhood, Council may revoke its approval of the home occupation.*

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T52.2 **Fletcher Street No. 14**
Owner: Stephen & Julie Dark
Applicant: Leisure Pools
Application No. P49/2011
By Gemma Basley, Town Planner on 15 April 2011

BACKGROUND

Description of Proposal

An Application for Planning Approval for a swimming pool in the front yard of No. 14 Fletcher Street, East Fremantle is the subject of this report.

This report recommends conditional approval.

Statutory Considerations

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

Relevant Council Policies

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

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 4 April 2011

Date Application Received

4 April 2011

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

25 February 2008 Council exercised its discretion and grants approval for a patio at the front of the residence at 14 Fletcher Street.
17 August 2010 Council exercised its discretion and grants approval for a front wall and fence at 14 Fletcher Street.

Site Inspection

By Town Planner on 13 April 2011

ASSESSMENT

Approval is sought for the construction of a swimming pool in the front yard of No. 14 Fletcher Street, East Fremantle. The subject property is small in area (490m²) and is the result of a subdivision of a previous corner lot. Subsequently the house at No. 14 Fletcher Street has been positioned in the rear and the centre of the lot and the only outdoor living area is at the front of the site within the front setback area.

The pool is proposed to have a dimension of 6.8 metres x 2.3 metres and to have a minimum set back of 1.3 metres to the closest boundary, which is the front/northern boundary. The location of the swimming pool is considered acceptable given its north facing location and being located in the outdoor living area. The property is fenced ensuring that the pool is separated from the public realm and ensuring that there is no impact on the streetscape if Fletcher Street.

The application also proposes the installation of pool safety fencing. A condition has been included in the recommendation to ensure this is constructed in accordance with the requirements of AS 1926/1/1993.

10 May 2011

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Given that the proposal meets all relevant performance criteria provisions and no discretionary decisions are required by Council, the proposal is supported.

RECOMMENDATION

That approval be granted for the construction of a belowground swimming pool in the front yard of No. 14 Fletcher Street, East Fremantle, in accordance with plans date stamp received 4 April 2011, subject to the following conditions:

1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the special approvals, conditions of this planning consent or with Council's further consent.
2. this planning approval to remain valid for a period of 24 months from date of this approval.
3. the proposed works are not to be commenced until approval from the Water Corporation has been obtained and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. protective barriers to be erected and maintained around excavation and any accumulated materials until such time as permanent fencing has been erected in accordance with the legal requirements.
6. pool installer and/or property owner to whom this licence is issued are jointly responsible for all works to existing fencing, the repairs and resetting thereof as well as the provision of any retaining walls that are deemed required. All costs associated or implied by this condition are to be borne by the property owner to whom the building licence has been granted.
7. pool filter and pump equipment to be located away from boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.
8. pool contractor/builder is required to notify Council's Building Surveyor *immediately upon completion of all works* including fencing.

Footnote:

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

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

RECOMMENDATION TO COUNCIL

That approval be granted for the construction of a belowground swimming pool in the front yard of No. 14 Fletcher Street, East Fremantle, in accordance with plans date stamp received 4 April 2011, subject to the following conditions:

1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the special approvals, conditions of this planning consent or with Council's further consent.
2. this planning approval to remain valid for a period of 24 months from date of this approval.
3. the proposed works are not to be commenced until approval from the Water Corporation has been obtained and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.

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5. protective barriers to be erected and maintained around excavation and any accumulated materials until such time as permanent fencing has been erected in accordance with the legal requirements.
6. pool installer and/or property owner to whom this licence is issued are jointly responsible for all works to existing fencing, the repairs and resetting thereof as well as the provision of any retaining walls that are deemed required. All costs associated or implied by this condition are to be borne by the property owner to whom the building licence has been granted.
7. pool filter and pump equipment to be located away from boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.
8. pool contractor/builder is required to notify Council's Building Surveyor immediately upon completion of all works including fencing.

Footnote:

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

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

T52.3

Glyde Street No 46 (Lot 149)

Owner/Applicant: Jason & Giacinta Parish

Application No. P42/2011

Gemma Basley Town Planner on 18 April 2011

BACKGROUND

Purpose of this Report

An Application for Planning Approval for the installation of solar panels on the north facing roof of the existing heritage residence at No. 46 Glyde Street, East Fremantle is the subject of this report. More specifically the application proposes to install 30 x 1.1kw panels in three blocks on the north facing roof of the property.

The subject property contains a residence which is included on Council's Municipal Heritage Inventory. As such the application has been assessed taking into account the streetscape impact of solar panels being placed on a heritage residence.

This report recommends conditional approval.

Statutory Requirements

Town Planning Scheme No. 3 – Residential R20 (TPS 3)

Local Planning Strategy - Plympton (LPS)

Residential Design Codes (RDC)

'C-A' Management Category on Municipal Heritage Inventory

Relevant Council Policies

Local Planning Policy for Solar Collectors

Impact on Public Domain

Tree in verge : No impact

Light pole : No impact

Crossover : No impact

Footpath : No impact

Streetscape : Solar Panels on the north facing roof will be partially visible from Glyde Street but being positioned behind the front ridge will not impact on the streetscape.

10 May 2011

MINUTES

Documentation

Plans and relevant forms date stamp received on 15 April 2011

Date Application Received

16 March 2011

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

- 15 July 2008 Council exercises its discretion and grants conditional approval for alterations and additions including a second storey.
- 16 November 2010 Council exercises its discretion and grants conditional approval for the replacement of the skillion verandah with a bull nose verandah.

CONSULTATION

Advertising

The application was advertised to the adjoining neighbours for a two week period between the 11 & 25 April 2011. One submission was received which did not object to the installation of the solar panels but requested that they result in no additional overshadowing of the adjoining property at No. 48 Glyde Street and that they do not impact on the visual amenity of the site.

Town Planning Advisory Panel

The subject application was considered by the Town Planning Advisory Panel (TPAP) at its meeting of the 22 March wherein the Panel made the following comments:

- Panel applauds restoration of residence to date.
- Overkill of solar panels to existing heritage residence.
- Solar panels will overwhelm the authentic restoration to this modest residence.
- Consider adding panels to the flat roofed addition at the rear.

In response to the Panels comments and after consultation with Council staff, the applicant has submitted revised plans which do not propose any panels on the front roof plane but rather proposes to install all of these on the side roof plane.

ASSESSMENT

The application proposes the installation of 30 solar panels on the north facing roof of the residence at No. 46 Glyde Street, East Fremantle. The panels will be partially visible from the street (side view).

The placement of solar panels is controlled via the R-Codes 2008 and Council's Local Planning Policy – Guidelines for Solar Collectors. The Policy identifies that an application is required if the property is included on the Municipal Heritage Inventory as is the subject property.

The Guidelines list the following Criteria for Determination of Planning Applications:

POLICY CRITERIA	ASSESSMENT AGAINST APPLICATION
Unless it can be successfully integrated into the design of the building, every effort should be made to minimise the visibility of a solar collector from the street or public recreational reserve and limit its impact on significant heritage properties (properties included on the Municipal Inventory and/or State Heritage Register).	The proposed solar panels will only be partially visible from the street. The property is included on the MI.
Solar collectors located on the main frontal roof plane addressing a public place are to be avoided where practical siting alternatives exist.	Not applicable

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POLICY CRITERIA	ASSESSMENT AGAINST APPLICATION
Wherever practical, opportunities for concealment of solar collectors shall be utilised –such as ‘hiding’ them in roof valleys (refer appendix for an explanation of terms), on rear roof planes or behind parapets. Alternatives to solar hot water systems, such as solar heat pumps, should also be considered where necessary.	The solar panels will be positioned on the north facing roof behind a hip, which will predominantly conceal them from street view.
The historic fabric of a building should not be unnecessarily disturbed or destroyed, in line with minimum intervention and reversibility principles – i.e. When a system is removed the building should be able to be fully restored.	Not applicable.
Solar panels tanks and other infrastructure should not display any form of private advertising or branding, visible from street level.	Not applicable
Avoid placing the system on or near the property boundary without first obtaining consent from the adjoining owner(s).	Not applicable
To ensure operational effectiveness, all panels should be positioned to avoid existing shadows cast from nearby buildings, structures and trees.	No overshadowing will impact on the panels.
In order for units to be subservient to the building fabric, the extent of roofing material to be covered with solar collectors shall not exceed 20% for a visible roof plane.	The north facing roof is not fully visible to the street.

The application does not propose any structural alterations to the front of the residence or any other development that would detract from the residential character and amenity of the surrounding area or impact on the streetscape.

Given that the proposal meets all of the relevant acceptable development provisions of TPS3, the R-Codes and Council's Local Planning Policy-Guidelines for Solar Collectors and no discretionary decision is required by Council, the proposal is supported under delegated authority.

RECOMMENDATION

That Council exercise its discretion in granting approval for the installation of 30 x 1.1kw solar panels at No. 46 Glyde Street, East Fremantle, in accordance with plans date stamp received on 14 April 2011, subject to the following conditions:

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

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Footnote:

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

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

RECOMMENDATION TO COUNCIL

That Council exercise its discretion in granting approval for the installation of 30 x 1.1kw solar panels at No. 46 Glyde Street, East Fremantle, in accordance with plans date stamp received on 14 April 2011, subject to the following conditions:

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

Footnote:

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

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

T52.4

Duke Street No. 27B (Lot 2)

Owner: Bruce & Fiona Winfield

Applicant: Maunder Builders

Application No. P68/11

By Gemma Claire Basley, Town Planner on 9 May 2011

BACKGROUND

Purpose of Report

An Application for Planning Approval for alterations, additions and structural repairs following fire damage to the residence at No. 27B Duke Street, East Fremantle is the subject of this report.

On Friday 19 November 2010 the residence at 27B Duke Street was extremely damaged by fire. The majority of the damage occurred to the upper floor additions which were constructed in 2005.

10 May 2011

MINUTES

This report recommends conditional approval.

Statutory Considerations

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

Relevant Council Policies

LP Policy No. 142: Residential Development
LP Policy No. 66 Roofing Policy

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : No impact
Footpath : No impact
Streetscape : The repair to the damage on the ground floor and the reconstruction of the upper floor will significantly improve the appearance of the residence to the streetscape

Documentation

Plans and relevant forms date stamp received on 3 May 2011

Date Application Received

3 May 2011

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

20 July 2004 Council exercises its discretion in granting approval for: an increased plot ratio to a maximum of 0.525; a reduction in west side boundary setback from 7.5m to 6.0m to the addition and from 7.5m to 4.9m to the balcony; reduction in the south side upper level of the residence from 4.0m to 1.593m; for the construction of additions (including upper floor) to the existing residence at 27B Duke Street.

22 September 2004 Building Licence No. 3637 issued for additions to the residence at 27B Duke Street.

14 December 2010 Council grants the CEO delegated authority under Section 5.42 of the Local Government Act to make decisions with respect to any planning application received in relation to the rebuilding of the residence at 27B Duke Street, subject to the works essentially comprising reconstruction of the existing structure and internal alterations, in accordance with the previously approved plans and subject to consultation with the Manager, Planning Services.

CONSULTATION

The subject application has not been advertised for public comment or referred to the Town Planning Advisory Panel. The reason for this is that the structure has previously been approved by Council (and public consultation occurred as part of that process) and because of the need to fast track this application so that the owners can commence works required as a result of fire damage.

Site Inspection

By Town Planner on 9 April 2011

STATISTICS

File	P/DUL27B
Zoning	R20
Lot Area	424m ²
Heritage Listing	Not listed

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STATISTICS

<u>Site:</u>	Required	Proposed	Status
Open Space	50%	33.5%	Acceptable Development
Overshadowing	Less than 25%	Less than 25%	Acceptable Development

<u>Height:</u>	Required	Proposed	Status
Wall	6.0	5.6	Acceptable Development
Ridge	9.0	8.1	Acceptable Development
Roof type	Pitched		

Setbacks:

Wall Orientation	Wall Type	Wall Height	Wall Length	Major Opening	Required Setback	Actual Setback	Status
Front (East)							
	<i>Ground Carport</i>	3.2	6.0	No	6.0	6.0 +	Acceptable Development
	<i>Bed 2/Entry</i>	3.2	7.0	Yes	1.5	3.5	Acceptable Development
	<i>Upper Whole</i>	5.6	7.0	Yes	4.0 (LPP 143)	3.5	Discretion Required
Rear (West)							
	<i>Ground Whole</i>	3.2	7.0	Yes	1.5	3.0	Acceptable Development
	<i>Upper Whole</i>	5.6	7.0	Yes	4.0 (LPP 143)	3.0	Discretion Required
Side (South)							
	<i>Ground Carport</i>	3.2	6.0	No	1.0	0.613	Discretion Required
	<i>Upper Whole</i>	5.6	4.0	Yes	4.0 (LPP 143)	6.5	Acceptable Development
Side North)							
	<i>Ground Whole</i>	3.2	11.55	Yes	1.5	5.5	Acceptable Development
	<i>Upper Whole</i>	5.6	11.55	Yes	4.0	5.5	Acceptable Development

ASSESSMENT

An Application for Planning Approval for alterations, additions and structural repairs following fire damage to the residence at No. 27B Duke Street, East Fremantle is the subject of this report. The application is required as a result of a fire occurring at the property, which caused extensive damage to the original residence. The application seeks approval to repair the damage to the original residence (ground floor) and to reconstruct the upper floor which was completely destroyed in the fire.

Council considered a report at its meeting of the 14 December 2011 which assessed what practical assistance the Council could provide to expedite any required planning and building approvals. At this meeting Council resolved the following:

“That the Chief Executive Officer be granted delegated authority under Section 5.42 of the Local Government Act to make decisions with respect to any planning application received in relation to the rebuilding of the residence at 27B Duke Street, subject to the works essentially comprising reconstruction of the existing structure and internal alterations, in accordance with previously approved plans and subject to consultation with the Manager, Planning Services.”

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The application proposes the same works that were the subject of Council Approval on the 20 July 2004 and as assessed in the Statistics table above. In terms of the original approval, under the proposed plans, there will be no changes to the external appearance of the building and with all other works constituting internal changes.

The subject application was received on the 3rd May 2011 and whilst the CEO (who is currently on annual leave) has been granted delegated authority to approve the application, an opportunity to obtain approval from Council in the May round of meetings has presented itself.

Given that the application is for the reinstatement of works which have previously been approved by Council and in an effort to provide practical assistance to the owners it is recommended the proposal be approved incorporating discretions granted in the original approval.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to allow the upper floor to be set back between 3.0 metres and 3.5 metres from the western, eastern and southern boundaries in lieu of the 4.0 metre setback required for any upper floor on a battleaxe lot (Local Planning Policy No. 142) for the construction of additions to the existing residence at 27B Duke Street subject to the following conditions:

1. the roof ridge line of the additions to be no higher than the ridge height as shown in the plans date stamped 15 July 2004.
2. the works to be constructed in conformity with the drawings and written information accompanying the application for planning consent other than where varied in compliance with the special approvals, conditions of this planning consent or with Council's further consent.
3. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning consent unless otherwise amended by Council.
4. the proposed extensions are not to be occupied until all conditions attached to this planning consent have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. all stormwater to be disposed of on site and clear of all boundaries.
6. this planning consent to remain valid for a period of 36 months from date of this approval.

Footnote:

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

- (a) *this decision of Council 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).*

RECOMMENDATION TO COUNCIL

That Council exercise its discretion in granting approval for a variation to allow the upper floor to be set back between 3.0 metres and 3.5 metres from the western, eastern and southern boundaries in lieu of the 4.0 metre setback required for any upper floor on a battleaxe lot (Local Planning Policy No. 142) for the construction of additions to the existing residence at 27B Duke Street subject to the following conditions:

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1. the roof ridge line of the additions to be no higher than the ridge height as shown in the plans date stamped 15 July 2004.
2. the works to be constructed in conformity with the drawings and written information accompanying the application for planning consent other than where varied in compliance with the special approvals, conditions of this planning consent or with Council's further consent.
3. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning consent unless otherwise amended by Council.
4. the proposed extensions are not to be occupied until all conditions attached to this planning consent have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. all stormwater to be disposed of on site and clear of all boundaries.
6. this planning consent to remain valid for a period of 36 months from date of this approval.

Footnote:

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

- (a) *this decision of Council 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).*

T53. REPORTS OF OFFICERS – STATUTORY PLANNING/DEVELOPMENT CONTROL (CONTINUED)

T53.1 *Duke Street No. 36-42 (Lot 601 & 602)*
Applicant/Owner: Manotel Pty Ltd
Application No. P8/2010
By Gemma Basley Town Planner 28 April 2011

BACKGROUND

Purpose of Report

An Application for Planning Approval for an extension to the term of approval for music and dance lessons at No. 36-42 Duke Street, East Fremantle is the subject of this report.

More specifically, the application requests that the temporary approval to use portions of the building for dance and music lessons be granted a 12 month extension.

This report recommends conditional approval.

The subject site is:

- 1541m² combined lot area;
- Zoned Mixed Business;
- Located in the Plympton Precinct; and
- Developed with the Lauder & Howard Heritage building that is included in the 'A+' Management Category of the Municipal Inventory

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Statutory Considerations

Town Planning Scheme No. 3 – Mixed Business
Local Planning Strategy – Plympton Precinct (LPS)
Heritage Council of Western Australia (HCWA)

Relevant Council Policies

Residential Development Policy (LPP 142)

Date Application Received

23 March 2011

CONSULTATION

Public Advertising

The Application was advertised extensively (32 landowners notified) for Public Comment for a period of 14 days from the 12 April 2011 to the 19 April 2011. During the advertising period no submissions or objections were received.

Heritage Council of WA

The referral of applications to the Heritage Council is at Council's discretion.

The application was not referred to the Heritage Council for comment because there are no internal or external changes proposed to the buildings as part of this application and because it is a temporary use.

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

Numerous decisions have been made in relation to the site. The most recent decision was made by Council at its meeting of the 15 March 2011 where an Application for a Change of Use (from Furniture Showrooms/Workshop to Mixed Use and Residential) was supported.

The approval to redevelop the site has not yet been implemented and until such a time as works commence the owners seeks an extension to the temporary use of the site for dance and music classes.

ASSESSMENT

The properties at 36 and 42 Duke Street are zoned "Mixed Use" under TPS 3.

Their current use of the building and associated buildings is for dance and music classes, which are uses determined as falling within the use classes 'private recreation' under TPS No. 3.

'Private recreation' is classified as an "A" use in the George Street "Mixed Use" zone, which *'means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with Clause 9.4.'*

The proposal does not include any internal or external changes to the building and proposes to use two areas that are directly accessible to a building exit. This will ensure that students have immediate access to a fire escape route. Any use of additional rooms would require a new application.

As discussed earlier, the application proposes to extend the use of the building for dance and music lessons until redevelopment of the site in accordance with Council Approval of 15 March 2011 commences.

Car Parking

The application indicates that the proposed dance and music lessons will have a duration of one hour and will occur only in the afternoons, evenings and on weekends. The classes will hold between 3 and 10 students.

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The lessons will be primarily attended by school age students who will be dropped off and picked up from each lesson. Older students may drive to the venue for lessons.

This demand can be met by the existing parking that is provided on site and on the street. More specifically, the site has 5 parking bays, which will be available for use by the students attending dance or guitar lessons. In addition to this, street parking is available in Duke Street and in the George Street car park.

Noise

The original application proposed to conduct music lessons on Mondays from 3.00pm to 9.00pm. A recent noise complaint revealed that the premises had been utilised for band practice and that this had extended beyond the hours of 9.00pm.

This noise complaint has now been resolved and the applicants are aware of the requirements of the Environmental Protection (Noise) Regulations 1997.

CONCLUSION

The proposal to utilise the building at No. 36-42 Duke Street for 'private recreation' is a temporary use. The ultimate proposal for this strategic site is a mixed-use redevelopment, which has previously been approved by Council.

The proposed use of the buildings for 'private recreation' is considered to be in keeping with the locality and is not considered to be a land use that will result in increased vehicle movements and car parking requirements.

Given that the proposal meets all relevant acceptable development provisions and no discretionary decisions are required by Council, the proposal is supported under delegated authority.

RECOMMENDATION

That approval be granted for a Temporary Change of Use to utilise the buildings at 36-42 Duke Street for 'private recreation' in accordance with the application received on 23 March 2011 subject to the following conditions:

1. Approval is for 12 months only.
2. Any continuation of the private recreation use will require a new Council approval
3. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
4. Direct access is to be provided from the 'private recreation' areas to a fire escape access and/or to Duke Street. Any deviation from this would require the lodgement of a new Application for Planning Approval.
5. No onsite signage is permitted with respect to this application.

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) *the approval may be revoked by Council, prior to the expiration of the 12 month period referred to in (1) above, if any adverse impacts involving noise, antisocial behaviour or parking are unable to be controlled by the applicant or their representative in a timely and effective manner which is to Council's satisfaction.*

RECOMMENDATION TO COUNCIL

Cr Martin – Cr Collinson

That approval be granted for a Temporary Change of Use to utilise the buildings at 36-42 Duke Street for 'private recreation' in accordance with the application received on 23 March 2011 subject to the following conditions:

- 1. Approval is for 12 months only.**

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2. Any continuation of the private recreation use will require a new Council approval
3. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
4. Direct access is to be provided from the 'private recreation' areas to a fire escape access and/or to Duke Street. Any deviation from this would require the lodgement of a new Application for Planning Approval.
5. No onsite signage is permitted with respect to this application.

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) *the approval may be revoked by Council, prior to the expiration of the 12 month period referred to in (1) above, if any adverse impacts involving noise, antisocial behaviour or parking are unable to be controlled by the applicant or their representative in a timely and effective manner which is to Council's satisfaction.*

CARRIED

T53.2 Habgood Street No. 7 (Lot 5022)

Owner & Applicant: Chris Brooks & Amanda Truscott

Application No. P53/2011

As Cr de Jong indicated that he would be required to declare a financial interest in this application and consequently leave the room, given this would result in there being no quorum, this development application was referred to the Council Meeting on 17 May 2011 for a determination.

T54. URGENT BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING

Nil.

T55. CLOSURE OF MEETING

There being no further business the meeting closed at 8.35pm.

*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 May 2011**, Minute Book reference **T39** to **T55** were confirmed at the meeting of the Committee on*

.....

Presiding Member