

13 September 2011

MINUTES

MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 13 SEPTEMBER, 2011 COMMENCING AT 6.30PM.

T96. OPENING OF MEETING

T96.1

Present

Cr Alex Wilson	Presiding Member
Mayor Alan Ferris	
Cr Cliff Collinson	
Cr Barry de Jong	
Cr Siân Martin	
Cr Dean Nardi	
Cr Maria Rico	
Mr Jamie Douglas	Manager Planning Services
Ms Gemma Basley	Town Planner (To 8.46pm)
Ms Janine May	Minute Secretary

T97. 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.”

T98. WELCOME TO GALLERY

There were 12 members of the public in the gallery at the commencement of the meeting.

T99. APOLOGIES

Cr Lilleyman.

T100. CONFIRMATION OF MINUTES

T100.1

Town Planning & Building Committee (Private Domain) – 9 August 2011

Mayor Ferris – Cr Nardi

That the Town Planning & Building Committee (Private Domain) minutes dated 9 August 2011 as adopted at the Council meeting held on 16 August 2011 be confirmed.

CARRIED

T101. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

T101.1

Inhouse Building Design

Requesting on behalf of clients, for the planning application for 5 Gordon Street to be deferred to the October meeting to allow consideration of the following items:

- Clarification of the fence heights, colorbond being 1870 above the limestone retaining wall (2300 top of brushwood)
- Review of the activity adjacent on 7 Gordon Street being other than primary open space
- Assessment of privacy/overlooking
- Satisfaction that brushwood @1640 provided adequate screening in compliance with the RD Code
- Structural adequacy of the boundary fence acting as a balustrade being a condition of building licence approval.

Cr Rico – Cr Collinson

That the correspondence from Inhouse Building Design be deferred until the relevant item on the agenda (MB Ref 103.11).

CARRIED

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T102. REPORTS OF COMMITTEES

T102.1 *Town Planning Advisory Panel – 23 August 2011*

Mayor Ferris – Cr Rico

That the minutes of the Town Planning Advisory Panel meeting held on 23 August 2011 be received and each item considered when the relevant development application is being discussed. CARRIED

T103. REPORTS OF OFFICERS - STATUTORY PLANNING/DEVELOPMENT CONTROL

T103.1 *Receipt of Reports*

Cr de Jong – Cr Martin

That the Reports of Officers be received. CARRIED

T103.2 *Order of Business*

Mayor Ferris – Cr de Jong

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

T103.3 *Oakover Street No. 65 (Lot 1)* *Applicant & Owner: Warwick Pointon* *Application No. P98/2011*

By Gemma Basley, Town Planner on 22 August 2011

PURPOSE OF THIS REPORT

This report considers an application for Planning Approval for the conversion of a garage into an activity room and for the construction of a garage and store area at the front of the residence at No. 65 Oakover Street, East Fremantle.

The application seeks a discretion to the requirements of Council's Local Planning Policy No. 142 and is presented to Council for determination.

This report recommends that conditional approval be granted.

BACKGROUND

Description of Proposal

The application proposes to convert an existing garage into an activity room which will be accessible from inside the house and also with a separate entry from outside the residence. The application also proposes to construct a store area and an open sided garage in front of the existing residence and to extend the front verandah of the residence.

The residence is developed on the front lot of a battleaxe development and is accessible via a common driveway on the northern side of the site.

Description of site

The subject site is:

- the front battleaxe lot with an area of 438m² lot
- developed with a single storey residence
- located in the Woodside Precinct

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5

Clause 5.3.3 of TPS No. 3 (application will be assessed as a R20 site).

Residential Design Codes (RDC)

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Relevant Council Policies

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

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : No impact
Footpath : No impact
Streetscape : The existing development currently presents poorly to the street with an enclosed garage as the front facade. An open sided garage will present better to the street than the existing garage.

Documentation

Forms date stamp received on 4 July and plans received on 4 July & 2 August 2011

Date Application Received

4 July 2011

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

There are scant records on file although what records there are indicate the existing dwellings were constructed in the early 1980's.

CONSULTATION

Advertising

The application was advertised to surrounding neighbours for a two week period between the 20 July and 3 August 2011. At the close of advertising no submissions or objections were received.

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 26 July 2011 and the following comments were made:

- Panel acknowledges that there is an existing garage structure that doesn't present well to the street.
- Panel supports application with improved landscaping to better address streetscape.

The applicant has responded to the comments made by the Panel and has acknowledged the need to improve the landscaping from the street view perspective. The applicant has further advised that the landscaping will be improved after the proposed works have been carried out.

To address this matter the recommendation includes a condition to require the submission of a landscaping plan prior to the issue of a Building Licence.

No. of Days Elapsed between Lodgement & Meeting Date

70 days

Site Inspection

By Town Planner on 19 August 2011

STATISTICS

File P/OAK65
Zoning R12.5 but assessed at R20 (Clause 5.3.3 TPS No. 3)
Lot Area 439m²
Heritage Listing Not listed

Site:	Required	Proposed	Status
Open Space	50%	62%	Acceptable
Site Works	Max 500mm	230mm	Acceptable
Height:	Required	Proposed	Status
Wall	3.0	2.4m	Acceptable
Ridge	8.1	6.7 max	Acceptable

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Roof type Pitched and tiled

Other:	Issues	Status
Overshadowing	No impacts from overshadowing	Acceptable
Privacy/Overlooking	No impacts on privacy	Acceptable

Setbacks:

The setback of the store to the southern boundary is proposed to be 2.27 metres and the setback to the front lot boundary is proposed to be 6.76 metres which are acceptable setbacks and which meet the requirements of the R-Codes. The adjoining residences are setback similarly.

REPORT

The existing residence at No. 65 Oakover Street presents poorly to the street. The front facade of the residence is a solid wall with no windows or openings and comprises the side wall of the existing fully enclosed garage. The front of the house (entry and verandah) is seen partially from Oakover Street however all that is visible is a garage door and a solid courtyard wall.

The applicant proposes to convert the existing garage into an activity room which would be accessible from inside the residence and from outside the residence. The application further proposes to construct a new open sided garage and an enclosed store at the front of the existing residence and to extend the verandah to line up with the end of the garage.

Planning Requirements

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

LPP 142 states:

Part 2 – Streetscape

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

The application proposes to construct a garage forward of the main building line and does not therefore accord with the requirements of Local Planning Policy No. 142. The policy is not definitive in what constitutes the main building line however based on past assessments it is accepted that the policy refers to the dominant wall of the house being 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 could be interpreted to be the wall behind the verandah however because this is not aligned parallel to the street it is considered that the side wall of the garage is the most visually dominant wall and as such is determined to be the main building line of the house.

Based on the discussion above, both the existing and the proposed location of the garage at No. 65 Oakover Street do not meet the requirements of Local Planning Policy No. 142. This aside, the application also proposes to extend the verandah to line up with the front of the new garage which will assist in ameliorating the current streetscape impacts.

The second issue is the impact of the proposed garage on the streetscape. The Residential Design Codes promotes open streetscapes which provide a visual setting for the dwelling and a transition zone between the public street and a private dwelling to provide for mutual surveillance and personal interaction without intrusion. As detailed above the residence does not currently have any windows which address the street other

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than an east facing window from Bedroom 1 (and this does not form part of the subject application).

The application proposes to construct a solid front wall for the storeroom and to construct a partially open sided garage by way of having two large openings that will present in a similar way to windows. It is assessed that the proposed design for the new garage will present better to the street than the existing garage as a result of the new brickwork, the new gabled roof and by providing some articulation to the facade of the residence.

In addition to the above, the adjoining residences at No. 63 and No. 67 Oakover Street have been constructed closer to the Oakover Street boundary. As such the proposed additions to No. 65 Oakover Street will have a setback distance which is generally consistent with the building set back on the adjoining lots.

CONCLUSION

The existing residence at No. 65A Oakover Street does not comply with the requirements of Local Planning Policy No. 142 because of the garage being at the front of the residence. In addition the existing development does not accord with the streetscape requirements of the Residential Design Codes because there is no visual interaction between the residence and the streetscape.

Whilst it is acknowledged that the current application also does not accord with the above planning requirements it is considered that the proposed additions could present better to the street than the existing development. On this basis a discretion could be considered appropriate subject to the applicant submitting revised plans which will improve the presentation of the proposed additions to the residence. More specifically it is recommended that a condition be included in the recommendation which would require the applicant to submit revised plans prior to the issue of a Building Licence to address the following:

- The front wall of the proposed storeroom and garage addition be clad with an alternate material or rendered to better articulate the additions; and/or
- The wall to the proposed activity room which is currently the front wall of the existing garage to include a window opening to enhance the appearance of the dwelling and to provide for surveillance between the dwelling and the street.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the requirements of Local Planning Policy No. 142 to allow a garage forward of the main building line for the construction of an open sided garage, a store area and the conversion of an enclosed garage into an activity room at No. 65A Oakover Street, East Fremantle in accordance with the plans date stamp received on 4 July 2011 and 2 August 2011 subject to the following conditions:

1. The retained garden area at the front of the property is to be landscaped to a high standard utilising shrubs/trees that will soften the appearance of the garage. In this regard a landscaping plan is to be submitted to the satisfaction of the Chief Executive Officer prior to the issue of a Building Licence.
2. The applicant to submit revised plans to the satisfaction of the Chief Executive Officer prior to the issue of a Building Licence that improve the visual interest of the residence as follows:
 - (a) the front wall of the proposed storeroom and garage addition be clad with an alternative material to the current face brickwork (such as a rendered finish); and/or
 - (b) the wall to the proposed activity room (currently the front wall of the existing garage) to include a window opening to enhance the appearance of the dwelling and to provide for surveillance between the dwelling and the street.
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.

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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. The proposed activity room is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
7. All stormwater is to be disposed of on site, clear of all buildings and boundaries.
8. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

Mr Pointon (owner) addressed the meeting:

- seeking approval to place the window in the storeroom rather than the activity room as proposed in condition 2
- requesting to match the bricks in the front wall with those of the existing residence rather than render the brickwork.

RECOMMENDATION TO COUNCIL

Cr de Jong – Cr Nardi

That Council exercise its discretion in granting approval for a variation to the requirements of Local Planning Policy No. 142 to allow a garage forward of the main building line for the construction of an open sided garage, a store area and the conversion of an enclosed garage into an activity room at No. 65A Oakover Street, East Fremantle in accordance with the plans date stamp received on 4 July 2011 and 2 August 2011 subject to the following conditions:

1. **The retained garden area at the front of the property is to be landscaped to a high standard utilising shrubs/trees that will soften the appearance of the garage. In this regard a landscaping plan is to be submitted to the satisfaction of the Chief Executive Officer prior to the issue of a Building Licence.**
2. **The applicant to submit revised plans to the satisfaction of the Chief Executive Officer prior to the issue of a Building Licence that improve the visual interest of the residence as follows:**
 - (a) **the wall to the proposed store room to include a window opening to enhance the appearance of the dwelling.**
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**

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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. The proposed activity room is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
7. All stormwater is to be disposed of on site, clear of all buildings and boundaries.
8. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

CARRIED

T103.4 Allen Street No. 59 (Reserve 24703) – EF Croquet Club

Applicant: East Fremantle Croquet Club (Inc)

Owner: Vested in Town of East Fremantle

Application No. P111/2011

By Jamie Douglas, Manager Planning Services on 12 August 2011

PURPOSE OF THIS REPORT

This report considers an application for the erection of light poles to illuminate the courts at East Fremantle Croquet Club on the corner of Allen and Fletcher Streets. The site is designated as a 'Reserve' on the Metropolitan Region Scheme, accordingly the Western Australian Planning Commission is the determining Planning Authority. It is recommended that Council advise the WAPC that it supports the application.

BACKGROUND

Description of Proposal

The application by the East Fremantle Croquet Club is for the erection of four 15 metre poles to flood light 2 croquet courts measuring 64 by 25.5 metres in total.

Description of site

The subject site is:

- zoned Reserve
- developed with the East Fremantle Croquet Club
- adjoins East Fremantle Bowling Club
- located in the Woodside Precinct

Statutory Considerations

Town Planning Scheme No. 3 – Parks & Recreation Reserve

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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 light poles and lights will be visible from the street and the courts will be flood lit at night

Documentation

Plans and relevant forms date stamp received on 29 July 2011

Date Application Received

29 July 2011

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

20 July 1981 Council grants approval for the erection of shelter on No. 2 Green
 20 August 1984 Council grants approval for the erection of a sign at the corner of Canning Highway and Allen Street, and a sign at the club.
 8 May 1990 building Licence No. 1682 for the construction of a 4m² steel shed.
 1998 Funding for works including Croquet lawns declined by Council; the Club was advised to seek funds elsewhere and raise funds themselves for maintenance.
 19 December 2006 Council grants approval for a 1.75m long x 1.1m wide post mounted sign next to the corner truncation of the boundary fence, and a 2m long x 0.4m wide roof mounted sign on the East Fremantle Croquet Clubrooms
 15 March 2011 Council supports the CSRFF grant application by the Club for \$60,000 for the installation of additional lighting.

CONSULTATION

Advertising

The application was advertised to surrounding neighbours for a two week period between the 5 and the 19 August 2011. At the close of advertising one submission was received which is assessed below.

Prior to lodgement of the application, members of the Club held a meeting and door knocked surrounding neighbours. No negative comments were received.

Summary of Comments	Response
<p>Heath & Patricia Tyrrell 41 Allen Street</p> <p>Our house is on the corner of Allen and Fletcher, as such poles will be very obvious to us. The light poles seem to be at odds with the streetscape. The Bowling Club has them but these are set back.</p> <p>Concerned about having such bright lights in close proximity to our bedroom which faces the croquet lawns – husband has early morning flights to catch – curtains not sun blocked - understands that lights will be pointing down and would be on only until 10pm – trusts this will remain the case.</p>	<p>The light poles are of galvanised metal construction of slender profile. The poles are to be located some 23 metres from Fletcher Street and 5 metres from Allen Street. The Bowling Club is adjacent to the subject site and also has flood lights. They are not assessed as having a detrimental impact upon the streetscape.</p> <p>The lights have been designed so that the level of illumination at the site boundary will not affect neighbouring residences. It is proposed to recommend that a condition of approval be applied restricting the operation times of the lights to 10pm. Any change in operating conditions or the design standards would require a new planning application.</p>

No. of Days Elapsed between Lodgement & Meeting Date

45 days

Town Planning Advisory Panel Comments

This application was not forwarded to the Town Planning Advisory Panel for comment because of its minor nature.

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Site Inspection

By Manager Planning Services on 12 August 2011

REPORT

The proposal is for four 15 metre high steel poles with two lights each to illuminate two croquet courts. The light spills at the site boundary have been designed to be well below the residential standard of 10 lux which means surrounding residences will be unaffected. It is intended the lights will only operate when games are in progress and until 10pm at the latest.

Club members conducted a 'door knock' of all surrounding residents during February to advise them of the plans and held an information evening on Monday 21 February 2011. There have been no negative comments received from surrounding neighbours.

CONCLUSION

The development proposal is minor in nature and will assist a community sporting club. The four poles are to be located within the boundaries of the subject site and will have no material impact on the streetscape or the amenity of surrounding residential properties.

RECOMMENDATION

It is recommended that Council advise the Western Australian Planning Commission that it supports the application for the erection of four light poles to illuminate the courts at East Fremantle Croquet Club on the corner of Allen and Fletcher Streets, East Fremantle subject to the hours of illumination being restricted to no later than 10pm on any night.

Mr Turner (President) EFCC addressed the meeting advising that he supported the officer's recommendation, however, wished it noted that the club's second lighting option had not been included in the report. This option proposed 12m poles with three lights each.

The Manager Planning Services acknowledged this however advised that the proposed recommendation covered both options.

RECOMMENDATION TO COUNCIL

Cr Nardi – Cr Martin

That Council advise the Western Australian Planning Commission that it supports the application for the erection of four light poles to illuminate the courts at East Fremantle Croquet Club on the corner of Allen and Fletcher Streets, East Fremantle subject to the hours of illumination being restricted to no later than 10pm on any night.

CARRIED

T103.5

View Terrace No. 68 (Lot 1)

Applicant: Webb & Brown-Neaves Pty Ltd

Owner: George Lim & Christine Hu

Application No. P97/2011

By Jamie Douglas, Manager Planning Services on 12 August 2011

PURPOSE OF THIS REPORT

This report considers an application for Planning Approval for the demolition of a single storey dwelling and the construction of a two storey dwelling at 68 View Terrace. The application is recommended for conditional approval.

BACKGROUND

Description of Proposal

The application for Planning Approval involves the demolition of an existing single dwelling which was included in the Heritage Survey in 2005. The survey designated a C+ management category for the property. Accordingly a Heritage Impact and Assessment Report was requested. This was prepared Phillip Griffiths and supports the application for demolition. A new double storey dwelling is proposed which, if approved,

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would require an exercise of discretion in respect to height, setbacks, overlooking and site coverage provisions.

Description of Site

The subject site is:

- a 519m² front lot of battleaxe block
- zoned Residential 12.5
- developed with a single storey dwelling
- located in the Richmond Hill Precinct.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5

Residential Design Codes (RDC)

C+ Management Category - Municipal Heritage Inventory

Relevant Council Policies

Local Planning Policy No. 066 : Roofing (LPP066)

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

Local Planning Policy No. 143 : Fencing (LPP143)

Impact on Public Domain

Tree in verge : No impact

Light pole : No impact

Crossover : No impact

Footpath : No impact

Streetscape : The demolition and replacement building will impact upon the existing streetscape.

Documentation

Plans and relevant forms date stamp received on 1 July 2011

Date Application Received

1 July 2011

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

3 March 2000 Subdivision Approval (WAPC Ref. 1442-99) granted and survey approved on 19 February 2002.

18 February 2003 Council refused an application for the erection of a double carport addition and an additional crossover

3 October 2003 Town Planning Appeal Tribunal dismissed appeal for Council refusal of carport in front setback

6 October 2010 Application for alterations/additions submitted by owner and subsequently withdrawn on 23 March 2011.

CONSULTATION

Advertising

The application was advertised to surrounding neighbours and a sign was placed on site for a two week period from 4 to 18 August 2011. At the close of advertising one submission was received from the owners of No. 68A View Terrace (the property to the rear of the site) which supported the application.

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 23 August 2011 and the following comments were made:

- Panel doesn't support demolition and prefers retention and development of existing residence.
- Panel notes that the proposed development would be a generic and unremarkable replacement.

The Panel's comments are noted and are addressed below.

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Site Inspection

By Manager - Planning Services on 10 August 2011

ASSESSMENT

This assessment deals firstly with the proposed demolition and then considers the merits of the replacement dwelling.

Demolition

The existing dwelling is a single storey painted brick and tiled roof residence on the front lot of a battleaxe subdivision. The dwelling is a post World War Two bungalow with passing references to "Arts and Crafts" motifs. The dwelling is assessed under the Heritage Survey as having relatively high aesthetic value while having moderate significance in terms of architectural merit, rarity value, group/precinct value. The Survey also notes the good condition and integrity of the building and allocates a C+ Management Category. The determinations in respect to this Management Category state:

"Some heritage significance at a local level; places to be ideally retained and conserved; endeavour to conserve the significance of the place through the standard provisions of the Town of East Fremantle Planning Scheme and associated design guidelines; a Heritage Assessment/ Impact Statement may be required as corollary to a development application, particularly in considering demolition of the place. Full documented record of places to be demolished shall be required..."

In consideration of the above, staff requested a Heritage Assessment and Impact Statement from the applicant. Phillip Griffiths, Heritage Architect, prepared a report on behalf of the applicants which concluded as follows:

- *The degree of significance of the house at 68 View Terrace is limited and its streetscape value negligible. Council could reasonably consider and allow its demolition.*
- *If Council is prepared to allow demolition, an archive record should be prepared, with plans, photographs of each facade and each room as a condition of approval.*

Although the existing dwelling is in good condition and representative of its era, it is accepted that its contribution to the streetscape has diminished due to the contrasting contemporary development that has occurred around it. It is considered that given it has been identified as not a significantly rare example of its type and that within the current setting, the significance of the building in terms of its group/precinct value has been diminished, its demolition can be supported. The following extract from the Heritage Assessment and Impact Statement is relevant to this consideration:

"The existing house now contrasts sharply with the more recent housing stock and its prominence is much reduced by it being set deeper in the site in comparison to its neighbours and by the fact that the surrounding houses are predominately two storey. Coupled with this new context, the existing house is set down a slight slope. Considered in this context, the place makes little visual contribution to the streetscape."

Proposed Dwelling

The Panel's comments in respect to the proposed development being 'generic and unremarkable' are noted. However it is relevant that Project Home Builders designs are by nature, generic since replication of a standardised design and building practice is applied to attain cost efficiency. For the reasons explained below, while the design may well be 'unremarkable' it is not dissimilar to contemporary development which has been approved around it and it will not be a discordant element within the streetscape.

The subject site is 519m² and consistent with Council's determinations in respect to similar battleaxe subdivisions with lot sizes below the R12.5 density and with regard to

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Clause 5.3.3 of the Scheme, the R-Code provisions for R20 have been applied in this assessment.

The proposed dwelling is two storey with combined floor area of 339m². It is of rendered masonry construction with a 'Colorbond' roof pitched at 27 degrees. Living rooms and a roofed outdoor living area are located generally to the rear of the site where a future swimming pool is indicated on the plans. Also indicated on the plans (but not detailed) is a 'future gate and fencing by owners' which contains approximately 30% of the front setback area of the site. Given this front fence is subject to the requirements of LPP143 – Policy on Local Laws Relating to Fencing, it is considered this fence should be subject to a condition of planning approval requiring plans of the fence which demonstrate compliance with the Policy to be submitted and approved prior to the issue of a Building Licence. The proposed swimming pool should be subject to a separate planning application.

The proposal complies with relevant R-Code – 'Acceptable Development' standards and the LPP142 – Residential Development except as indicated below.

REQUIREMENT	PROPOSED	PLANNING OFFICER COMMENTS
<p>LPP142 - Residential Development</p> <p><u>Front Setback</u> 6m to Upper Storey</p>	5.31m (minimum)	Supported – The LPP also provides for setbacks to be generally consistent with the building setback on adjoining land. As stated neighbouring lots have been subdivided and redeveloped. The adjoining property at 70 Dalgety has a similar setback to that proposed and this is consistent with the prevailing property line in the vicinity.
<p><u>Side Boundary Setback</u></p> <p>Walls built to the boundary not higher than 3m and up to 9m in length</p>	Wall height for the alfresco wall on the boundary ranges between 3.05m - 3.3m.	Supported – This wall will adjoin an access way having a width of 3.0m and will not adversely impact neighbours.
<p><u>Height</u></p> <p>8.1m to top of Pitched Roof</p>	9.2m	Supported – The lot is on the 'low' side of View Terrace and falls from its frontage to the rear a height of 1.92m. The maximum height shown is therefore to the rear elevation. It is estimated the actual roof height relative to the road frontage approximates 8.1m. accordingly the building mass will not detrimentally impact the streetscape. The two storey component of the roof will not intrude into the established view corridor of the opposing dwelling on the 'topside' of the road (71 View Terrace).
<p>5.6m to top of External Wall</p>	6.5m	Supported – This variation also is a consequence of the site fall and will not impact on views, or contribute to overshadowing.
<p>R-Codes</p> <p><u>Side Boundary Setback</u> Upper Floor (East) - 2.1m</p>	1.9 m	Supported - The adjacent properties have no major openings to this elevation and the variation will not impact their privacy or create overshadowing.

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<p><u>Rear Boundary Setback</u> Lower Floor (North) - 6.0m</p>	<p>5.94m</p>	<p>Supported – A minor variation of only 0.006m is involved. The variation will not impact upon overshadowing, privacy or building mass when viewed from the streetscape.</p>
<p><u>Overlooking</u> Alfresco Area/Dining Room</p>	<p>The cone of vision from the alfresco area extends into the adjoining property at No. 68 to the West - a distance of 1.5m.</p> <p>The cone of vision from the dining room will result in overlooking to the east extending some 1.6m onto the property at 81A.</p>	<p>Supported - The intrusion extends substantially over a vehicle access way and hardstand area.</p> <p>Supported - The affected property is orientated to and has its major openings, to the north to capture the river views and northern sun. As noted there are no major openings on the affected western elevation.</p>

The subject site sits below the natural ground level of the road reserve and falls away to its rear which reduces the impact of the height and mass of the building when viewed from the street. The applicant has submitted a viewscape analysis that confirms the variation in the maximum height under the LPP142 from 8.2m to 9.1 m for the proposed dwelling will not impact upon views from the upper floor balconies of the three properties immediately opposite the subject site on the 'top' side of View Terrace. Properties to the side and rear of the subject site will not be materially affected in respect to views, privacy or overshadowing.

While air-conditioning plant is not indicated on the plans, it is reasonable to presume that this feature might be retro-fitted if not part of the initial build. It is therefore considered that any approval should contain a condition and advisory note that the installation of external air-conditioning plant will require prior planning approval by Council.

Noise emission from externally mounted machinery such as air-conditioning plant is becoming an increasing problem and cause for complaint due to the following factors:

- Larger houses requiring industrial scale machinery plants to run central air-conditioning are becoming more prevalent.
- With the advent of reverse cycle 'split' system air-conditioners for heating and cooling, the condenser plant can be sited away from the house (but in proximity to neighbours) to reduce the impact of noise for the occupants of the property where the air-conditioner is installed.
- The trend to increasing development density is reducing the separation distance between dwellings.

The Noise Regulations for air-conditioners under the Environmental Protection Act establish the basis for compliance activity by local governments. However it is often difficult and expensive to retrospectively address unreasonable noise emissions or to seek prosecution of installers especially where their legal entity and liability cannot be readily established. It is preferable that the design and installation of such machinery be considered at the planning stage of a development so that problems do not arise which cause a nuisance and neighbour complaints.

CONCLUSION

Proposed Demolition

Given the existing dwelling is not a significantly rare example of its type and that within the current setting, the significance of the building in terms of its group/precinct value has

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been diminished, demolition can be supported subject to prior documentation of the structure.

Proposed Dwelling

The subject site sits below the natural ground level of the road reserve and falls away to its rear. The physical qualities of the site therefore tend to ameliorate the impact of the height and mass of the building. The proposed design and detailing is sympathetic to the established vernacular within the immediate streetscape which predominately consists of contemporary double storey dwellings. It is therefore considered to relate well to the adjoining development and will sit well within the streetscape. Whilst a number of variations are required, they are not assessed as materially impacting upon neighbours. It is considered the proposal merits approval subject to conditions.

RECOMMENDATION

That Council:

1. approve the demolition of an existing dwelling at No. 68 (Lot 1) View Terrace, East Fremantle.
2. grants approval for the following discretions in granting approval for the following:
 - (i) variation to the front setback pursuant to the LPP142 - Residential Development from 6.0m to 5.31m.
 - (ii) variation in the maximum height requirements of the LPP142 - Residential Development in respect to:
 - maximum roof height from 8.1m to 9.2m;
 - a wall built to the boundary from 3.0m to 3.3m; and
 - maximum wall height of the dwelling from 5.6m to 6.5 m.
 - (iii) variation to the side and rear boundary setbacks pursuant to the R-Codes from 2.1m to 1.9m and from 6.0m to 5.94m respectively.
 - (iv) variation to the visual privacy requirements of the R-Codes to allow an intrusion in the 'cone of vision' of 1.5m to the adjacent property to the west and 1.6m to the adjacent property to the east.

for the construction of a single dwelling at No. 68 (Lot 1) View Terrace, East Fremantle in accordance with the plans date stamp received on 1 July 2011 subject to the following conditions:

1. Prior to the installation of any externally mounted air-conditioning plant, a development application is to be lodged and approved by Council which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997 (*refer footnote (i) below*).
2. Detailed plans for the front fence and gate which demonstrate compliance with the Local Planning Policy – Policy on Local Laws Relating to Fencing are to be submitted and approved prior to the issue of a Building Licence.
3. The proposed 'future pool' shown on the submitted plans does not form part of this approval. A separate application for Planning Approval is required in respect to any proposed swimming pool on the subject site.
4. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
5. Prior to any material change or demolition of the existing dwelling and prior to the issue of a demolition licence, an archive record shall be prepared and approved, with plans and colour photographs of each facade and each room to the satisfaction of the Chief Executive Officer.
6. 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.
7. 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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8. The proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
9. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
10. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
11. All parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
12. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
13. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
14. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
15. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (g) *the 'alfresco' area may not be enclosed without the prior written consent of Council.*
- (h) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

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

Mr George Lim (owner) & Mr Gavin Clinton-Burns (representing Webb & Brown-Neaves) were present however did not wish to address the meeting.

Discussion ensued, during which a number of elected members expressed concern regarding the proposed demolition of this residence.

Cr de Jong – Mayor Ferris

That Council:

1. *approve the demolition of an existing dwelling at No. 68 (Lot 1) View Terrace, East Fremantle.*
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 - *maximum roof height from 8.1m to 9.2m;*
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 - (iii) *variation to the side and rear boundary setbacks pursuant to the R-Codes from 2.1m to 1.9m and from 6.0m to 5.94m respectively.*
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for the construction of a single dwelling at No. 68 (Lot 1) View Terrace, East Fremantle in accordance with the plans date stamp received on 1 July 2011 subject to the following conditions:

1. *Prior to the installation of any externally mounted air-conditioning plant, a development application is to be lodged and approved by Council which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997 (refer footnote (i) below).*
2. *Detailed plans for the front fence and gate which demonstrate compliance with the Local Planning Policy – Policy on Local Laws Relating to Fencing are to be submitted and approved prior to the issue of a Building Licence.*
3. *The proposed 'future pool' shown on the submitted plans does not form part of this approval. A separate application for Planning Approval is required in respect to any proposed swimming pool on the subject site.*
4. *The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.*
5. *Prior to any material change or demolition of the existing dwelling and prior to the issue of a demolition licence, an archive record shall be prepared and approved, with plans and colour photographs of each facade and each room to the satisfaction of the Chief Executive Officer.*
6. *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.*
7. *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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9. *All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.*
10. *All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.*
11. *All parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.*
12. *Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.*
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15. *This planning approval to remain valid for a period of 24 months from date of this approval.*

Footnote:

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

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Mr Lim & Mr Clinton-Burns then requested permission to address the meeting.

Mr Lim advised that given this was a subdivided lot there was insufficient area at the rear of the lot to accommodate the improvements he required. Any addition to the front of the residence would alter the appearance of the residence. He also advised that a two storey extension he had earlier submitted to Council had not been supported by the Town Planning Advisory Panel. Following a request from the Presiding Members that this application could be revisited, Mr Lim advised that given the costs involved, he no longer wished to consider extensions to the existing residence.

RECOMMENDATION TO COUNCIL

Cr Wilson – Cr Rico

That the application be deferred to the Council Meeting on 20 September to allow the Manager Planning Services to provide the wording of an alternative recommendation. CARRED

T103.6 ***Canning Highway No. 231 & Irwin Street No. 5 (Lots 500 and 1852 respectively)
Proposed Eight Grouped Dwellings & Two Single Dwellings
Applicant: Paintessa Developments Pty Ltd
Owner: Peter Paino
Application No. P58/2011***

By Jamie Douglas, Manager Planning Services on 29 August 2011

PURPOSE OF THIS REPORT

This report considers an application for Planning Approval for eight two storey grouped dwellings and two, two storey single dwellings on a lot with frontage to 231 Canning Highway and a vacant lot at No. 5 Irwin Street. The application is recommended for refusal.

BACKGROUND

The proposal is for 8 grouped dwellings and two single dwellings to be developed on two conjoined lots with frontage to the Canning Highway and Irwin Street. The subject site contains a former car yard which has existing developments comprising a hardstand area and office/workshop building while the conjoined lot with frontage to Irwin Street is vacant.

It is proposed to amalgamate the two existing lots and then re-subdivide the property to create two green title lots and a road widening reserve. The larger lot with Canning Highway frontage would be strata titled and contain 8 grouped dwellings with access via a shared driveway from Irwin Street. These dwellings would be numbered Units 1 to 8 – No.5 Irwin Street. The remaining lot with frontage to Irwin Street would be divided into two strata lots each with a street front access and would be numbered 3A and 3B Irwin Street.

Following the initial lodgement of the application on 21 April 2011 the application was found to be incomplete and was deferred pending further information including an Audio Consultants Report, Landscape Plan and fencing/streetscape details. This was received and considered by the Town Planning Advisory Panel on 24 May 2011. Following further extensive consultation between planning staff and the applicant, the applicant submitted amended plans on 9 August 2011 which were subsequently readvertised to neighbours and reconsidered by the TPAP at its meeting on 23 August 2011.

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Description of site

The subject site is:

- a 2858m² block
- zoned Residential R12.5/ R 40
- vacant undeveloped lot
- located in the Woodside Precinct.

Statutory Considerations

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

Relevant Council Planning Policies

Residential Development LPP 142
Noise Attenuation LPP
Roof Pitch LPP 66
Front Fence LPP 143
Crossovers LPP 123

Impact on Public Domain

Tree in verge : Yes three trees to be felled and replanted on Irwin Street
Light pole : No impact
Crossover : Proposed new crossovers
Footpath : No impact
Streetscape : The proposal will impact the streetscape

Documentation

- Initial lodgement of plans and relevant forms date stamp received on 27 April 2011.
- In response to Council requests further information was lodged on 31 May 2011
- Revised plans were lodged on 9 August 2011.

Date Application Received

27 April 2011

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

Nil.

Site Inspection

By Manager Planning Services on 10 August 2011

CONSULTATION

Referral

Main Roads WA

The subject property is affected by a 5m Primary Regional Roads widening requirement for Canning Highway. The submitted plan indicates the PRR widening requirement has been addressed and the proposal will not have direct vehicular access onto the Canning Highway. Accordingly the DoT has no objections to the proposal subject to the applicant making good any damage to the existing verge vegetation.

Department of Planning

The Department has advised that the proposal to utilise the road widening reserve for public open space is not supported. The Department advises that should the Town approve the application, then a payment of money in lieu of land being set aside for open space should be a condition of any approval. The Department also advises it does not support the erection of any significant structures within the area marked for public open space on the submitted site plan.

Advertising

The application was advertised to surrounding neighbours for a two week period between the 9 and the 24 June 2011. In response to comments from neighbours and the TPAP,

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revised plans were submitted on 9 August 2011 and these were reconsidered by the TPAP at its meeting on 23 August 2011.

At the close of advertising (3) submissions were received, which are summarised and responded to below:

Submission	Planning Response
<p><u>Catherine O'Neill, 8 Irwin Street</u></p> <ul style="list-style-type: none"> • Entry and exit to the complex needs to include the current capacity for entry and exit from Canning Highway for at least half the complex. Instead, all traffic to and from the development will be diverted onto Irwin Street, given the high number of dwellings, its corner location, existing traffic pressures due to proximity of Irwin Street/ Canning Highway junction and the popularity of the park on the opposite corner, this will increase in traffic in this already dangerous location. • 3 new cross-overs from Irwin Street will require the existing Eucalyptus ficifolia on the verge to be felled and replaced by smaller plantings. These trees have taken many years to mature and should be retained. • The amount of area allocated to "open and green space" in the complex needs to be increased to allow for larger trees and the species to be planted should be native species to allow for birdlife and water efficiency. • There should be more space allocated to residents own 'open and green space'. • Buildings need to incorporate environmental best practice – energy use, water use and recycling, control of stormwater run -off etc. • The complex should be reduced in size to 8 dwellings only. 	<ul style="list-style-type: none"> • Objection supported in part. It is noted that it is a Scheme requirement that for consideration for split zoning, development shall be accessed by a sole accessway other than Canning Highway. However it is considered that the 3 accessways should be consolidated into one. • Supported. Consolidation of driveways access would reduce the need to remove these trees. • The proposal meets the absolute minimum requirements for open space under the R-Codes by the utilisation of the communal driveway (which is permissible under the Codes). It is considered that the road widening reserve should not be credited as communal open space as proposed by the applicants. • The proposal complies with the minimum area requirements of the R-Codes although some units outdoor areas do not meet the minimum dimension for outdoor areas. • Agreed however performance in respect to sustainability is addressed by the BCA. • Noted. The proposal has been designed to maximise development potential under R-40.
<p><u>Margi Shipley, 7 Irwin Street</u></p> <ul style="list-style-type: none"> • Seeks reassurance in respect to any damage to her property arising from construction activities – wants a dilapidation report of her property prepared 	<ul style="list-style-type: none"> • The applicants have agreed to undertake a dilapidation report.

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<p>by applicant prior to construction commencing.</p> <ul style="list-style-type: none"> • Common fencing should be replaced by applicant if it is damaged. • Verge should not be used for construction purposes. • Given existing traffic and parking issues in Irwin Street – queries effectiveness of electronic gate and how this will impact on useability of visitor parking • Objects to impact of roadside rubbish collection with impact of 20 additional bins on the verge. 	<ul style="list-style-type: none"> • The applicants have agreed to this • Noted • An intercom will be provided at the gate to allow visitor access. • It is agreed that this is undesirable. however the Town does not have an alternative means of waste collection that can be utilised. It is proposed to have rubbish collection from both road frontages reducing the number of bins on Irwin Street to 8.
<p><u>L. Tagliaferri & N. Lamb, 3/6 Irwin Street</u></p> <ul style="list-style-type: none"> • Ongoing stormwater drainage problem • Parking in Irwin Street – there is a scarcity of spaces because of the popularity of Lee Park. • Traffic in Irwin Street is quite congested due to proximity to the Highway junction, with the positioning of access for the extra dwellings it will become even more busy. 	<ul style="list-style-type: none"> • The existing stormwater problem would be resolved by the development. • Noted, see above comments, three crossovers should be reduced, visitor parking should be compliant. • Noted, addressed above.

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 24 May 2011 and the following comments were made:

- *Houses backing onto Canning Highway need to address the Canning Highway streetscape.*
- *These houses need to have individual pedestrian access to Canning Highway as well as a larger common access for all units (a total of 3 fronting Canning Highway.)*
- *Fence fronting Canning Highway is non-compliant and needs to be redesigned to meet the requirements of LPP143.*
- *Rubbish bins?*
- *Consider a 'lighter' choice of material and design for units so as to appear contemporary and distinct in comparison to existing heritage housing stock.*
- *Query open space calculation is compliant.*
- *Query energy efficiency.*
- *Use of road widening for Public Open Space offset not supported.*

The applicant provided revised plans and additional information in response to the Panel's comments. This was reconsidered by the Panel at its meeting on 23 August 2011.

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- Given the application is for a large increase in density bonus from R12.5 to R40, the panel considers that the applicant has not designed sensitively enough for the locale to deserve the density bonus applied for.
- Particularly the Panel notes, that previous comments requesting that the houses abutting Canning Hwy be located so that they present to Canning Hwy, appear to have been ignored.
- Given the minimal amount of on-street parking in the immediate area, it is not considered acceptable to implement 3 crossovers for this development and in so doing lose off-street parking bays. The panel recommends one crossover only to the development and more visitor parking bays be provided on-site.
- The Panel notes in particular the location of a community park opposite the development that would put further pressure on available parking.
- The Panel reiterates in general all previous comments.

STATISTICS

Because of the complexity of this assessment, the proposal has been considered as follows:

- R-Code provisions applicable to the entire site
- R-Code provisions applicable to each dwelling
- Compliance with Local Planning Policies

R-Code Provisions Applicable to the Entire Site

Total Site Area:	2858m ² (excludes Road Widening Reserve of 208m ²)
Primary Street Setback:	6.6metres which exceeds the requirements of the R-Codes (6 metres)
Secondary Street Setback:	Average of 4.5 metres which exceeds the requirements of the R-Codes (4 metres)
Surveillance of the Street:	Each unit has an upper floor window and ground floor windows which provide the necessary surveillance to the roads and to the communal driveway.
Landscaping Requirements:	Bin storage areas not provided - Discretion
Access and Parking:	2 bays provided for each dwelling 4 visitors bays provided (3 required) Visitor Bay adjoining Canning Highway and in proximity to Garage for Unit 5 will not meet vehicle manoeuvring requirements – Discretion Visitor spaces not located 'outside any security barrier' – Discretion
Site Works:	Cut and retain to 1 metre at the front of the site - Discretion
Building Height:	Complies with Table 3 of the R-Codes. Wall heights do not exceed 6m & top of pitch does not exceed 9m.
Privacy Requirements:	No overlooking will occur between each unit. No overlooking will occur to adjoining properties with all windows to habitable rooms being setback as per the requirements of the R-Codes.
Design for Climate:	Overshadowing does not exceed 35% of the site area and therefore complies with the R40 requirements of the R-Codes.
Essential Facilities:	Each Unit has a store area which meets the minimum requirements of the R-Codes being 4m ² . No communal storage area for rubbish bins - Discretion Adequate clothes drying areas provided for each unit except for Units 9 and 10 - Discretion
Communal Open Space:	Common driveway area only – complies with R-Code minimum requirements
Outdoor Living Areas:	Minimum width is less than 4 metres - Discretion

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R-Code Provisions Applicable to Each Dwelling

	Unit 1	Unit 2
Lot Area	236m ²	Lot area = 203m ²
Site Cover	140.20m ² (excludes alfresco and porch)	138.81m ² (excludes alfresco and porch)
Open Space	50.74% (includes alfresco and porch and proportionate share of Communal driveway)	44.84% (includes alfresco and porch and proportionate share of Communal driveway) Discretion
Communal Open Space	Communal driveway – proportionate share = 48.62m ²	Communal driveway – proportionate share = 48.62m ²
Outdoor Living	71.4m ²	71.4m ²
Boundary Setbacks	Compliant	Compliant
Boundary Walls	2 proposed (1 permitted up to 1 lot boundary only under R-Codes) Discretion required to approve second boundary wall	2 proposed (1 permitted up to 1 lot boundary only under R-Codes) Discretion required to approve second boundary wall
Garage Doors	Not visible to street	Not visible to street
Open Space	Calculations comply with R-Codes when assessed as one lot	Calculations comply with R-Codes when assessed as one lot

	Unit 3	Unit 4
Lot Area	203m ²	Lot area = 244m ²
Site Cover	138.00m ² (excludes alfresco and porch)	151.65m ² (excludes alfresco and porch)
Open Space	45.2% (includes alfresco and porch and proportionate share of Communal driveway)	48.2% (includes alfresco and porch and proportionate share of Communal driveway)
Communal Open Space	Communal driveway – proportionate share = 48.62m ²	Communal driveway – proportionate share = 48.62m ²
Outdoor Living	71.4m ²	71.4m ²
Boundary Setbacks	Compliant	Compliant
Boundary Walls	2 proposed (1 permitted up to 1 lot boundary only under R-Codes) Discretion required to approve second boundary wall	2 proposed (1 permitted up to 1 lot boundary only under R-Codes) Discretion required to approve second boundary wall
Garage Doors	Not visible to street	Not visible to street
Open Space	Calculations comply with R-Codes when assessed as one lot	Calculations comply with R-Codes when assessed as one lot

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	Unit 5	Unit 6
Lot Area	264m ²	203m ²
Site Cover	148.8m ² (excludes alfresco and porch)	138.81m ² (excludes alfresco and porch)
Open Space	52.41% (includes alfresco and porch and proportionate share of Communal driveway)	44.84% (includes alfresco and porch and proportionate share of Communal driveway)
Communal Open Space	Communal driveway – proportionate share = 48.62m ²	Communal driveway – proportionate share = 48.62m ²
Outdoor Living	71.4m ²	71.4m ²
Boundary Setbacks	Compliant	Compliant
Boundary Walls	2 proposed (1 permitted up to 1 lot boundary only under R-Codes) Discretion required to approve second boundary wall	2 proposed (1 permitted up to 1 lot boundary only under R-Codes) Discretion required to approve second boundary wall
Garage Doors	Not visible to street	Not visible to street
Open Space	Calculations comply with R-Codes when assessed as one lot	Calculations comply with R-Codes when assessed as one lot

	Unit 7	Unit 8
Lot Area	203m ²	205m ²
Site Cover	138.81m ² (excludes alfresco and porch)	138.81m ² (excludes alfresco and porch)
Open Space	44.84% (includes alfresco and porch and proportionate share of Communal driveway)	44.73% (includes alfresco and porch and proportionate share of Communal driveway)
Communal Open Space	Communal driveway – proportionate share = 48.62m ²	Communal driveway – proportionate share = 48.62m ²
Outdoor Living	71.4m ²	71.4m ²
Boundary Setbacks	Compliant	Compliant
Boundary Walls	2 proposed (1 permitted up to 1 lot boundary only under R-Codes) Discretion required to approve second boundary wall	2 proposed (1 permitted up to 1 lot boundary only under R-Codes) Discretion required to approve second boundary wall
Garage Doors	Not visible to street	Not visible to street
Open Space	Calculations comply with R-Codes when assessed as one lot	Calculations comply with R-Codes when assessed as one lot

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	Unit 9	Unit 10
Lot Area	Lot area = 200m ²	200m ² (subject to Clause 6.1.2 of R-Codes)
Site Cover	116.74m ² (excludes alfresco and porch)	116.3m ² (excludes alfresco and porch)
Open Space	42% (includes alfresco and porch)	42% (includes alfresco and porch)
Communal Open Space	Nil	Nil
Outdoor Living	71.4m ²	71.4m ²
Boundary Setbacks	Compliant	Compliant
Boundary Walls	2 proposed (1 permitted up to 1 lot boundary only under R-Codes) Discretion required to approve second boundary wall	2 proposed (1 permitted up to 1 lot boundary only under R-Codes) Discretion required to approve second boundary wall
Garage Doors	Not visible to street	Not visible to street
Open Space	Calculations comply with R-Codes when assessed as one lot	Calculations comply with R-Codes when assessed as one lot

Compliance with Local Planning Policies

- Roof Pitch LPP 66: Dominant elements less than 28 degrees and Discretion required
- Front Fence LPP 143: The fence fronting the Canning Highway exceeds the maximum height of 1.8 metres by 100mm and is not visually permeable above 1.2m – Discretion required under Part 4.
- Crossovers LPP 123: The policy specifies a standard width of 3 metres for crossovers (4m proposed and further requires only 1 crossover per lot (3 proposed) and no street trees removed unless approved by absolute majority of Council (proposal requires trees to be felled) –Discretions required
- Noise Attenuation LPP: The proposal is compliant with the Policy requirements

ASSESSMENT

This assessment considers the various issues which have been raised above, within the context of the statutory provisions of the Planning Scheme, R-Codes and Local Planning Policies.

Town Planning Scheme No. 3

The subject site has a density coding of R12.5/ R40 under the TPS No3 accordingly the following scheme provision is relevant.

5.3.2 *Highway frontage dual coding:*

In the case of those sites with frontage on to Canning Highway and which are designated with a dual density coding, development above the lower density coding is subject to the following requirements:

- (a) *Sole vehicular access to the site is to be via a street other than Canning Highway;*
- (b) *Noise attenuation measures are to be included in all dwellings, which will in the opinion of the local government, reduce traffic noise to an acceptable level within all habitable rooms;*
- (c) *Development is to be designed to face the frontage to Canning Highway, and any other street to which the site has frontage; and*

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(d) *The heritage value of any place included on the heritage list under clause 7.1 of the Scheme is to be maintained, to the satisfaction of the local government.*

Note: Development of land affected by the Primary Regional Road Reserve associated with Canning Highway is also subject to the requirements of the Metropolitan Region Scheme.

In response to the initial comments by the TPAP that the houses fronting Canning Highway need to address the street, the applicant responded with a number of design amendments affecting the detailing of the relevant two dwellings. The TPAP reviewed these changes and considered the amended design still did not meet the requirements in this regard. It is considered that the design changes are superficial and the relevant buildings remain orientated 'sideways' to the Canning Highway. It is considered that these dwellings need to be re-orientated to face the Canning Highway with major openings, a 'front door' and pedestrian access addressing this frontage in order to comply with sub-clause (c) of clause 5.3.2. and clause 10.2 (o) and (p) of TPS No 3.

The proposed development is to be serviced by three crossovers and vehicular access ways onto Irwin Street. The criteria for consideration for R 40 density under the Scheme requires that the development be serviced by a sole vehicular access which is other than the Canning Highway. The proposal accordingly does not meet the requirements of clause 5.3.2 (a) of TPS No 3 because it has multiple vehicle accesses. Objectors have also raised concerns regarding the loss of kerbside parking arising from the proposed multiple crossovers and the impact of traffic movements onto Irwin Street at this location which is opposite Lee Park and in close proximity to the Canning Highway junction. It is considered that these concerns are valid and are further exacerbated by the proposed security gate which would block casual access to visitor parking on site and is in conflict with the requirements of the R-Codes. Accordingly the proposal is not considered to meet the requirements of LPP 123 (as it requires multiple crossovers of 4 metres wide) and Clause 10.2 (g), (o), (p) and (q) of TPS No 3.

Vehicular access to the subject site should be by a single accessway from Irwin Street which would require the redesign of the proposed dwellings fronting that street.

At the request of staff, the applicants have submitted a report by audio consultants which incorporates necessary design requirements to meet Council's Noise Attenuation Planning Policy. The proposal is considered to be compliant with the requirements of this Policy.

The proposal seeks to maximise the development potential of the site under the R-Codes and in doing so it requires an exercise of discretion in regard to the 'acceptable development' standards in respect to some onsite provisions. This is reflected in the extent of hardstand areas (principally for the movement of vehicles). The only communal open space proposed is the communal driveway. There are no landscape areas for substantial trees to provide shade or for water permeability. The applicant had proposed that the area to be designated for 'road widening' would be designated as 'public open space' and would be landscaped. However the Department of Planning has advised that this proposal would not be acceptable as 'public open space' and that 'cash in lieu' should be required. In any event this area of 'road widening' would provide no long term amenity for occupants of the site or for the community in general when it is developed for its intended purpose. It is also noted that the proposal would require existing mature verge planting on Irwin Street to be removed and substituted with smaller planting within the reduced verge space. Accordingly it is considered that '*adequate provision for landscaping of the land*' has not been made as required by clause 10.2 (w) of TPS No 3.

As identified in the preceding statistical analysis of the proposal, any approval would require a variation in the R-Code 'acceptable development' requirements in respect to visitor parking, the amount of cut and fill to be undertaken, the lack of communal storage area for rubbish bins, lack of adequate clothes drying areas, the minimum dimension of outdoor living areas for the dwellings and boundary wall setbacks between the dwellings.

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The combination of the above is an indication of the poor level of design and overdevelopment of the site and as such it is considered the proposal does not merit an exercise of discretion in regard to these numerous issues. In addition the proposal does not meet the requirements of Council's Local Planning Policies in respect to roofing, Fences and crossovers.

CONCLUSION

The proposal has not been supported by the Town Planning Advisory Panel and is the subject of valid objections from neighbours. Council is required under clause 10.2 (a) and (z) of TPS No.3 to have regard to such submissions when determining an application for development.

The subject site has a density coding of R12.5/ R40 under the TPS No.3. It is a requirement of the Scheme that the criteria identified in Clause 5.3.2 must be met for consideration of development at R40 density. The proposal does not adequately address the Canning Highway frontage or provide a sole point of vehicular access from other than the Highway and accordingly fails to meet the criteria for R40 coding and it does not comply with the R12.5 coding of the Scheme. In particular, the multiplicity of proposed access points is considered to be undesirable at this location in Irwin Street given its proximity to a neighbourhood park and highway intersection.

The proposal is considered to be an overdevelopment of the site and as a consequence landscape provisions are inadequate and many of the necessary 'acceptable development' requirements of the R-Codes are not met, in relation to on site facilities (clothes drying and rubbish bin storage areas, visitor car parking, dimension of outdoor living areas) and setbacks.

The proposal does not conform to Council's Local Planning Policies in terms of the pitch of the roofs, the height and permeability of the fence on Canning Highway and the number and width of the proposed crossovers.

Notwithstanding attempts by staff to encourage the applicant to submit a proposal which achieved a higher level of design, the applicant has requested that the submitted proposal be determined.

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

RECOMMENDATION

It is recommended that the application for eight grouped dwellings at 231 Canning Highway and two, single dwellings at No. 5 Irwin Street, which was received on 9 August 2011, be refused for the following reasons:

1. It does not meet the requirements for R40 density development under clause 5.3.2 (a) and (c) of the Town of East Fremantle Town Planning Scheme No. 3, because it has multiple access points onto Irwin Street and dwellings with frontage to Canning Highway do not face the Highway.
2. It would conflict with the provisions of the Town of East Fremantle Town Planning Scheme No. 3, Clause 10.2 (j), (o), (p), (w) because it is incompatible with adjoining development and would detrimentally impact upon the visual amenity of the area and the streetscape and has inadequate landscaping provisions.
3. It does not comply with relevant R-Code provisions in respect to on site facilities (clothes drying and rubbish bin storage areas, visitor car parking, dimension of outdoor living areas) and boundary wall setbacks.
4. It does not comply with Council's Local Planning Policies (LLP 66 Roofs, LPP 143 Fences and LPP 123 Crossovers) in respect to the pitch of the roofs, the height and permeability of the fence on Canning highway and the number and width of the proposed crossovers.

Mr Peter Paino (applicant/owner) addressed the meeting outlining perceived inaccuracies in the officer's assessment of this proposal which included issues relating to:

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- Open space
- Communal open space
- Number of crossovers
- Clause 5.3.2 of the Scheme
- Visitor parking
- Outdoor living areas

The Manager Planning Services responded to the issues raised.

RECOMMENDATION TO COUNCIL

Cr Wilson – Cr Collinson

That the application for eight grouped dwellings at 231 Canning Highway and two, single dwellings at No. 5 Irwin Street, which was received on 9 August 2011, be refused for the following reasons:

1. **It does not meet the requirements for R40 density development under clause 5.3.2 (a) and (c) of the Town of East Fremantle Town Planning Scheme No. 3, because it is has multiple access points onto Irwin Street and dwellings with frontage to Canning Highway do not face the Highway.**
2. **It would conflict with the provisions of the Town of East Fremantle Town Planning Scheme No. 3, Clause 10.2 (j), (o), (p), (w) because it is incompatible with adjoining development and would detrimentally impact upon the visual amenity of the area and the streetscape and has inadequate landscaping provisions.**
3. **It does not comply with relevant R-Code provisions in respect to on site facilities (clothes drying and rubbish bin storage areas, visitor car parking, dimension of outdoor living areas) and boundary wall setbacks.**
4. **It does not comply with Council's Local Planning Policies (LLP 66 Roofs, LPP 143 Fences and LPP 123 Crossovers) in respect to the pitch of the roofs, the height and permeability of the fence on Canning highway and the number and width of the proposed crossovers.**

CARRIED

T103.7 Pier Street No. 3B (Lot 1) – Two Storey Dwelling

Applicant: Residential Attitudes

Owner: Andrew Blair & Jennifer Anderton

Application No. P100/2011

By Gemma Basley, Town Planner on 6 September 2011

PURPOSE OF THIS REPORT

This report considers an application for Planning Approval for the construction of a new two storey residence at No. 3B Pier Street, East Fremantle.

The application seeks discretions to the setback requirements of the Residential Design Codes and therefore requires Council Approval.

The report recommends that conditional approval be granted.

BACKGROUND

Description of Proposal

An Application for Planning Approval for a two storey residence consisting of:

- A ground floor with a double garage, portico, 2 bedrooms, activity room, sitting room, amenities and an alfresco area.
- An upper floor with a north and west facing balcony which opens into an open plan living area, kitchen, study and master suite.
- A rendered finish and Colorbond roof.

Description of site

The subject site is:

- a 510m² block
- zoned Residential R12.5

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- vacant
- located in the Richmond Hill Precinct.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5 and subject to Clause 5.3.3 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 construction of a new residence on a lot which is currently vacant will alter the streetscape but not in an adverse manner

Date Application Received

4 July 2011

Documentation

Plans date stamped received on 29 July 2011 and 9 August 2011

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

19 November 2002 Council approves a two storey brick and tile residence
19 September 2003 Copy of survey approved (WAPC Ref. 23-01).

CONSULTATION

Advertising

The application was advertised to surrounding neighbours for a two week period between the 19 July and the 8 August 2011. At the close of advertising 2 submissions were received from the owners of No. 5A Pier Street and 3A Pier Street respectively, which will be detailed and responded to below:

Submission	Planning Response
<p>M Toyn of No. 5A Pier Street objects to the proposal for the following reasons:</p> <ol style="list-style-type: none"> 1. We would like the owners to comply with the original plans and build in a line identical to 3A that is their balcony and plant box be exactly at the same level as 3A and no further forward. 2. Full height windows overlooking our courtyard, and all windows along the "living" side of our house We agree to these windows so long as they are "privacy glass". 3. The existing low brick wall, and asbestos fence, which runs the whole length of the property is to remain as the boundary line. Any removal or change to the fencing is to be discussed with us prior to any decisions. 	<ol style="list-style-type: none"> 1. The earlier approval for 3B Pier Street has expired and the property has changed hands. This application will be assessed on its merits not based on what has been approved previously. 2. The applicants have submitted amended plans which have obscure glazed the windows associated with the stairwell to prevent overlooking. All other windows on this wall have a sill height that is higher than 1.65 metres and therefore meets the privacy requirements of the R-Codes. 3. Noted

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S & B Enright of 3A Pier Street objects to the proposal based on the front setback being forward of the residence at no. 5A Pier Street and that this will block views from the balcony up the street (eastwards up Pier Street).	Noted. The setback of No. 3A Pier Street was determined based on the gradient required for the undercroft parking area and as such the residence is setback further from the street than surrounding houses.
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Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 26 July 2011 and the following comments were made:

Panel Comments	Planning Response
Query compliance of garage width.	<p>The garage occupies 56% of the frontage of the lot. The R-Codes allow the garage to occupy 60% of the sites frontage because of the upper floor balcony which cantilevers forward of the garage. This will be detailed in the Assessment section of this report.</p> <p>The applicants submit that because the frontage of the property is 11.06m the garage overall width falls well within the 60% allowance (6.63m). It has been designed to fit two average sized vehicles and consideration was given to lower its impact through the rear located store area which ensures it wasn't widened further.</p>
Garage component too dominant and out of proportion to scale of house.	<p>The applicants submit that the facade of the house has been designed to take emphasis away from the garage component through a number of elements.</p> <ul style="list-style-type: none"> • The balcony being cantilevered over the garage & stretching across the entire width of the front elevation. • The balcony has been highlighted with a contrasting colour to break the line of sight further. • The garage door height is at a minimum to fit an average family sized vehicle. • The upper floor ceiling height and glazing on the front facade has been raised • A clearly defined entry portico and double entry doors have been used. <p>The applicants design response is supported by the Planner and the garage width complies with the R-Code requirements.</p>

The Panel reviewed the plans and the applicant's submission at its meeting of the 23 August 2011 and made the following comment:

- "Panel supports a compliant garage form", which was understood to mean the Panel considered the garage acceptable.

Site Inspection

By Town Planner on 18 August 2011

STATISTICS

Site:	Required	Proposed	Status
Open Space	50%	68.5%	Acceptable
Site Works	Less than 500mm	Less than 500 mm	Acceptable
Local Planning Policies:	Issues		
Policy 142	Garage forward of building line but this is offset by the upper floor balcony that cantilevers forward of the garage		Acceptable
Roof	Pitched to 25 degrees		Acceptable
Solar Access & Shade	North facing block		Acceptable
Drainage	Condition of Planning Approval		Acceptable
Views	No perceived impact on views		Acceptable
Crossover	4.0 metre proposed		Discretion
Trees	Site has been cleared		Acceptable

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Other:		Issues			Status			
Overshadowing		North-south oriented lot so there are no overshadowing impacts			Acceptable			
Privacy/Overlooking		No impacts on privacy			Acceptable			
Height:		Required	Proposed	Status				
Wall		5.6	5.5	Acceptable				
Ridge		8.1	7.3	Acceptable				
Roof type		Pitched						
Setbacks:								
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status	
Front (north)								
	<i>Ground</i>	<i>Garage</i>	2.657	6.0	No	6.0	7.26	Acceptable
		<i>Portico</i>	2.657	2.3	No	6.0	10.0	Acceptable
	<i>Upper</i>	<i>Balcony</i>	5.5	6.2	Yes	6.0	6.3	Acceptable
Rear (south)								
	<i>Ground</i>	<i>Alfresco</i>	2.657	3.0	Yes	1.5	16.0	Acceptable
		<i>Bed 2</i>	2.657	3.7	Yes	1.5	15.0	Acceptable
	<i>Upper</i>	<i>Whole</i>	5.5	6.7	Yes	2.5	16.5	Acceptable
Side (east)								
	<i>Ground</i>	<i>Portico/Entry</i>	2.567	9.6	No	1.0	2.23	Acceptable
		<i>Foyer</i>	2.567	2.7	No	1.0	3.5	Acceptable
		<i>Activity/Alfresco</i>	2.657	9.5	Yes	1.5	2.2	Acceptable
	<i>Upper</i>	<i>Void/Balcony</i>	5.5	10.5	No	1.5	2.5	Acceptable
		<i>Master/Suite/Study</i>	5.5	9.5	No	1.5	2.5	Acceptable
Side (west)								
	<i>Ground</i>	<i>Garage</i>	2.567	8.3	No	Nil	Nil	Acceptable
		<i>Sitting/Bed 3</i>	2.567	7.2	Yes	1.5	1.62	Acceptable
		<i>WIR/Bath/Bed 2</i>	2.567	7.4	No	1.0	1.0	Acceptable
	<i>Upper</i>	<i>Balcony/Living</i>	5.5	16.0	Yes	3.7	1.5	Discretion
		<i>Ensuite</i>	5.5	6.5	No	1.2	1.0	Discretion

ASSESSMENT

The proposal complies with most of the quantitative provisions of the Residential Design Codes, TPS No. 3 and Council Policies with the exception of several elements which will be discussed separately below. The setback to the street whilst compliant has been objected to by the adjoining neighbours and will also be discussed below.

Street Setback

The street setback is guided by the Residential Design Codes and Council's Local Planning Policy No. 142. The R-Codes requires a setback of 7.5 metre to the street for a lot coded R12.5 however when assessing the application against the R20 provisions (as per Clause 5.3.3 of TPS No. 3) this setback can be reduced to 6 metres.

Council's LPP No. 142 requires buildings to be setback such a distance as is generally consistent with the building set back on adjoining land and in the immediate locality. The adjoining properties are setback as follows:

Property Address	Street Setback
No.1 Pier Street	8.5metres approximately
No.3A Pier Street	9.0 metres (approved)
No 3B Pier Street (proposed)	6.26 metres to front of upper floor balcony 7.26 metres to garage
No.5A & 5B Pier Street	6.5 metres to front of balcony and porch 8.0 metres to sitting room wall etc

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As detailed in the Consultation section of this report both neighbours have objected to the proposed front setback and request that a greater setback be required. Subject to the front setback being increased to 7.5 metres to the garage and 6.5 metres to the balcony to ensure that there is no view impact on the residences at No. 5A and 5B Pier Street) the submitted setback is supported on the following grounds:

- the R-Codes only requires a 7.5 metre setback for land coded R12.5 such as the subject site and there is no justification to require any greater setback;
- the R-Codes allows a 1 metre incursion into this street setback area for balconies, porticos etc;
- the design of No. 3A Pier Street has already been limited by the extensive two storey parapet wall which forms the eastern boundary with No. 3A Pier Street; and
- The residence at No. 3B Pier Street would lose access to river views if a 9 metre setback was enforced and this is not necessary.

A condition is included in the Recommendation section to require the front setback be increased to 7.5 metres and 6.5 metres, respectively.

Garage Position

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

The applicants submit that the narrow width of the lot restricts opportunities to site the garage to comply with the requirements of LPP No. 142. In an effort to reduce the visual impact of the garage position, the application proposes to cantilever the upper floor balcony over and forward of the garage. Based on this the proposed position of the garage is supported by the Town Planner.

Garage Width

The Town Planning Advisory Panel queried the compliance and dominance of the garage. The R-Codes specifies the following requirements in relation to the width of a garage:

Performance Criteria	Acceptable Development
P8 The extent of frontage and building façade occupied by garages assessed against the need to maintain a desired streetscape not dominated by garage doors.	A8 Where a garage is located in front or within 1 m of the building, a garage door and its supporting structures (or garage wall where a garage is aligned parallel to the street) facing the primary street is not to occupy more than 50 per cent of the frontage at the setback line as viewed from the street. This may be increased to 60 per cent where an upper floor or balcony extends for the full width of the garage and the entrance to the dwelling is clearly visible from the primary street.

The subject application proposes a garage with a width of 6.63 metres on a lot with an 11.06 metre frontage. The application also proposes to cantilever a balcony forward of the garage and as such enables the garage to occupy 60% of the sites frontage. The width of the proposed garage occupies 56% of the sites frontage and therefore complies with the R-Codes.

Boundary Setbacks

As identified in the Statistics section of this report the application seeks a boundary setback discretion. More specifically, the application proposes a 1.0 metre setback to the western boundary for the upper floor ensuite in lieu of the 1.2 metres which is required under the R-Codes. The application also proposes to set back the west facing balcony

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1.62 metres from the western boundary in lieu of the requirement to set this back 3.3 metres from the boundary.

The applicants have justified the reduced setback based on the adjoining property to the east having a two storey parapet wall which extends for 21 metres along the length of the boundary.

The Performance Criteria for boundary setbacks is listed below:

- provide adequate direct sun and ventilation to the building;
- ensure adequate direct sun and ventilation being available to adjoining properties;
- provide adequate direct sun to the building and appurtenant open spaces;
- assist with protection of access to direct sun for adjoining properties;
- assist in ameliorating the impacts of building bulk on adjoining properties; and
- assist in protecting privacy between adjoining properties.

The proposed reduced setbacks satisfy the above criteria because of the presence of the two storey parapet wall which will ensure there are no impacts on the neighbouring properties privacy or amenity.

The setback reductions to the western boundary are therefore supported.

Crossovers

The application proposes a 4 metre wide crossover to the site.

Crossovers are controlled via Local Planning Policy No. 123 – Council Policy for Footpaths and Crossovers which lists the following requirements for a crossover below:

- 3.1 *Standard crossover width will be 3 metres.*
- 3.2 *Chief Executive Officer has delegated authority to determine requests for variations to the Policy in relation to crossovers.*
- 3.3 *Council may give consideration to wider crossovers at the crest of hills to facilitate access and egress.*
- 3.4 *No street trees will be removed for a crossover unless otherwise agreed by an absolute majority of Council.*
- 3.5 *There will be only 1 crossover per lot unless otherwise agreed by an absolute majority of Council.*
- 3.6 *Existing redundant crossovers to be removed when new crossover location is approved.*
- 3.7 *Crossovers to stop at footpaths and preserve footpath continuity and pedestrian priority. And this to be delineated via an expansion joint and level change.*
- 3.8 *Minor maintenance (small potholes etc) of approved bitumen or concrete crossovers will be at Council's expense, unless liability for damage is otherwise established, and will be undertaken by Council.*
- 3.9 *Maintenance of non-standard or non-approved crossovers will be at the property owner's expense.*
- 3.10 *Installation of crossovers and removal of redundant crossovers be carried out as and when required, after consultation with the owner of the property. Redundant crossovers to be removed prior to the issue of a building licence for the relevant property at the applicant's cost.*
- 3.11 *Crossover to have concrete edge on sides and abutting the footpath."*

Clause 3.1 of the above Policy relates to the subject Planning Application and requires that the crossover width be 3 metres. On this basis a discretion to allow a crossover with a width of 4.0 metres is not considered to be acceptable and is not supported. A condition is included in the recommendation to require that the maximum width of the new crossover not exceed 3 metres.

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Landscaping

Council's Local Planning Policy No. 86 requires the submission of a landscaping plan prior to the issue of a building permit. A condition is included in the recommendation to require the landscaping of the area between the pool and the proposed residence.

Conclusion

The application is considered to have had due regard for the Town's requirements relating to residential developments, as well as the requirements outlined within the R-Codes. The application has been supported by the Town Planning Advisory Panel.

Whilst the application does seek some minor variations to the R-Codes these are considered to be very minor in nature and to be acceptable. In response to the neighbour submissions a small increase to the front setbacks is required and a condition is included in the Recommendation to reflect this.

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

RECOMMENDATION

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

- (a) variation to the setback requirements to allow a 1.0 and 1.62 metre setback for the upper floor ensuite and balcony in lieu of the R-Code requirements of 1.2m and 3.2 metres, respectively

for the construction of a two storey residence at No. 3B Pier Street in accordance with the plans date stamp received on 9 August 2011 and the 29 July 2011 (streetscape elevation) subject to the following conditions:

1. Prior to the issue of a Building Licence amended plans are to be submitted which increase the setback to the street from 6.26 metres to 6.5 metres and from 7.26 metres to 7.5 metres.
2. Prior to the installation of an externally mounted air-conditioning plant, a development application which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997 is to be lodged and approved by Council.
3. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
4. A landscaping plan which demonstrates how the front setback area will be landscaped is to be submitted to the satisfaction of the Chief Executive Officer prior to the issue of a Building Licence.
5. Development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer.
6. 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.
7. 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.
8. 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.
9. The proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
10. All stormwater is to be disposed of on site and clear of all boundaries.
11. 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

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- 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.
12. All parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
 13. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
 14. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (g) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

Ms Jennie & Andrew Blair (owners) & Mr Marek Ronciewicz (applicant) were in the gallery however did not wish to address the meeting.

Mayor Ferris – Cr Nardi

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

- (a) *variation to the setback requirements to allow a 1.0 and 1.62 metre setback for the upper floor ensuite and balcony in lieu of the R-Code requirements of 1.2m and 3.2 metres, respectively*

for the construction of a two storey residence at No. 3B Pier Street in accordance with the plans date stamp received on 9 August 2011 and the 29 July 2011 (streetscape elevation) subject to the following conditions:

1. *Prior to the issue of a Building Licence amended plans are to be submitted which increase the setback to the street from 6.26 metres to 6.5 metres and from 7.26 metres to 7.5 metres.*
2. *Prior to the installation of an externally mounted air-conditioning plant, a development application which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997 is to be lodged and approved by Council.*
3. *Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.*

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4. A landscaping plan which demonstrates how the front setback area will be landscaped is to be submitted to the satisfaction of the Chief Executive Officer prior to the issue of a Building Licence.
5. Development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer.
6. 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.
7. 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.
8. 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.
9. The proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
10. All stormwater is to be disposed of on site and clear of all boundaries.
11. 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.
12. All parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
13. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
14. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.
- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.
- (c) it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.
- (d) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).
- (e) in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.
- (f) with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.
- (g) matters relating to dividing fences are subject to the Dividing Fences Act 1961.

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RECOMMENDATION TO COUNCIL

Cr Wilson – Cr Rico

That the application be deferred to allow the applicants to address the dominance of the garage to the streetscape and compliance with Council's LPP No 142.

CARRIED

T103.8 Angwin Street No. 15 (Lot 105) – Three Storey Dwelling

Applicant: Gary Keen Building Design

Owner: Denise Peggs

Application No. P108/2011

By Gemma Basley, Town Planner on 7 September 2011

PURPOSE OF THIS REPORT

This report considers an application for Planning Approval for the construction of a three storey residence on a vacant lot at No. 15 Angwin Street, East Fremantle.

The application seeks numerous discretions to the R-Codes and Council's Local Planning Policies and as such is presented to Council for determination.

The report recommends that conditional approval be granted.

BACKGROUND

Description of Proposal

The application proposes to construct a 3 storey residence on the vacant site at No. 15 Angwin Street, East Fremantle. No. 15 Angwin Street is a prominent and iconic site being visible from the Swan River and from the Stirling Highway Bridge and has extensive river, harbour and ocean views. No. 15 Angwin Street is the only vacant and undeveloped site on Angwin Street. The application proposes the following:

- a 3 level residence at the front of the site and reducing to 1 level at street level where the natural ground level is considerably higher;
- a residence that maximises river views and minimises impacts on the existing view corridors of surrounding residents;

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

Description of site

The subject site is:

- a 794m² vacant lot
- zoned Residential 12.5
- located in the Riverside Precinct.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5

Residential Design Codes (RDC)

Relevant Council Policies

Local Planning Policy No. 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

Documentation

Plans and relevant forms date stamp received on 26 July 2011 and 9 August 2011

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Date Application Received

26 July 2011

No. of Days Elapsed between Lodgement & Meeting Date

48 days

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

15 June 2009 Subdivision Approval (WAPC Ref. 136195) granted 23 January 2008 and survey approved on 15 June 2009.

CONSULTATION

Advertising

The application was advertised to surrounding neighbours, a sign was placed on site and the application was advertised in the local newspaper for a two week period between the 13 and the 26 August 2011. At the close of advertising 2 submissions were received which will be detailed and responded to below:

Submission	Planning Response
<p>SB and JW Booth of 13 Angwin Street, East Fremantle thank Council for advising of the proposed development at No. 15. The Booth family advise that they have discussed the proposal with the applicants and support the application and recommend it for approval.</p>	<p>Noted</p>
<p>Les Archibald of 14 Angwin Street, East Fremantle (located opposite the site) objects to the application for following reasons:</p> <p>The cubic form flat roof streetscape elevation of the proposed residence will dominate and detract from the character of the existing streetscape, which is characterised by predominantly pitched roof dwellings that are largely located below street level. A pitched roof to the dwelling would be more in keeping with the streetscape and although would have an overall height greater than the flat roof, it would be less dominant than the flat roof of the dwelling.</p> <p>The bulk of the roof will not allow any vistas towards the river that would be created from a pitched roof design.</p> <p>The dwelling has not been designed to complement the streetscape but rather to just maximise building floor area with little respect to the character and scale of the existing built form.</p>	<p>Council's Local Planning Policy No. 66 and No. 142 provide for the construction of residences using a flat/concealed roof.</p> <p>The architectural design of the residence has been supported by Council's Town Planning Advisory Panel.</p> <p>The applicants have advised that a low flat roof was partially employed as an architectural technique to create a visually recessive built form and to minimise impacts on the views from the dwellings on the east side of Angwin St. The roof will have a white pebble infill creating a visually interesting, inoffensive and soft looking roof form.</p> <p>With regard to the setbacks of the building, the proposal is heavily articulated on all sides with major setbacks to the rear of the site and the overall buildings site coverage is comparable with surrounding dwellings.</p>

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 23 August 2011 and the following comments were made:

- Panel appreciates quality of plans presented and supports application.
- Query compliance to LPP 143.
- Concerns regarding overshadowing.

In response to the Panel comments the Planner advises that the applicants have submitted revised plans for the front fence which have increased its visual permeability. In addition to this the owner of No. 13 Angwin Street which will be subject to overshadowing from the proposed residence has submitted a letter of support for the

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proposed dwelling and the application in its current form. The landowner is aware that the property will be subject to overshadowing but has no objection to this.

Based on the Panel's overall support for the proposal, the application is presented to Council for determination.

Swan River Trust Comments

The application was referred to the Swan River Trust for comment. The Trust has advised that the proposal will have no immediate impact upon the river environment. The Trust has recommended that several conditions be imposed on the approval in relation to wastewater and stormwater collection. These conditions have been included in the Recommendation.

Site Inspection

By Town Planner on 2 September 2011

STATISTICS

Site:	Required	Proposed	Status				
Open Space	55%	58.3%	Acceptable				
Site Works	Less than 500mm	2.5m	Discretion				
Local Planning Policies:	Issues						
Policy 142	Garage forward of building line		Discretion				
Roof	Concealed roof with gravel infill		Acceptable				
Solar Access & Shade	Impact on property to the south		Discretion				
Drainage	Condition included to require on-site drainage		Acceptable				
Views	No impact on surrounding views		Acceptable				
Crossover	7.5 metre wide crossover proposed		Discretion				
Trees	Site is cleared of all vegetation		Acceptable				
Other:	Issues		Status				
Overshadowing	Overshadowing of No. 13 Angwin Street exceeds the R-Code requirements		Discretion				
Privacy/Overlooking	No overlooking impacts		Acceptable				
Height:	Required	Proposed	Status				
Wall	6.5	3.35 to 9.8 metres	Discretion				
Ridge	6.5	3.35 to 9.8 metres	Discretion				
Roof type	Concealed						
Setbacks:							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
Front (east)							
Street Level	Study	3.35 to 5.8	12.2	Yes	7.5	13.5	Acceptable
Street Level	Garage	3.35 to 5.8	12.2	Yes	7.5	4.4	Discretion
Mid Level	Courtyard/Study	3.3 to 5.8	11.8	No	7.5	15 +	Acceptable
Lower Ground	Foyer/Gym	1.6 to 3.6	10.5	No	7.5	20+	Acceptable
Rear (west)							
Street Level	Balcony	9.9	11.0	Yes	6.0	15+	Acceptable
Mid Level	Balcony	5.8	11.0	Yes	6.0	15+	Acceptable
Ground	Entertainment	1.6 to 3.6	6.7	Yes	6.0	15+	Acceptable
	Guest Bed	1.6 to 3.6	4.5	Yes	6.0	15+	Acceptable
Side (north)							
Street Level	Study	5.8	6.46	No	1.2	0.35	Discretion
Street Level	Entry	5.5 to 6.8	5.79	Yes	3.0	3.76	Acceptable
Street Level	Lounge/Balcony	8.0 to 9.5	17	No	2.8	0.75 to 1.5	Discretion
Mid Level	Whole	3.7 to 6.1	18	No	2.1	0.75 to 1.5	Discretion
Ground	Whole	1.5 to 3.5	15	No	1.5	1.5	Acceptable

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Side (south)							
Street Level	Garage	3.35 to 5	9.0	No	1.0	Nil	Discretion
	Powder	5.5 max	2.0	No	1.0	3.0	Acceptable
	Balcony-kitchen	7.0 to 9.8	20.5	No	2.6	1.5	Discretion
Mid Level	Whole	3.5 to 6.2	24	No	2.4	1.5 to 2.8	Discretion
Ground	Whole	2.2 to 1	15	No	1.0	1.5	Acceptable

ASSESSMENT

The subject application deals with a site which has a 10.5 metre fall from front to rear and with a narrow lot frontage comprising only 15.8 metres. The application proposes a residence that is site responsive and which minimises site works by stepping the residence.

The residence is proposed on the western side of Angwin Street where there is a predominance of 3 level residences which maximise the views to the west and north. The application proposes a single storey residence at the street level and for this residence to step down to a middle level and a ground level toward the rear of the site. The application also proposes a flat concealed roof utilising a white gravel infill. The applicants advise that this has been selected to provide a respectful aesthetic response to the residents on the higher side of Angwin Street who will look over this residence. The applicants have further advised that the flat roof with a gravel infill will reduce the possible height and visual impact of a pitched roof.

The applicants have given due regard to designing for energy efficiency and have designed a 2 storey courtyard/void down into the mid level floor to allow northern light to flood down into the house and not create a dark stagnant area that would be otherwise less inhabitable. The applicants also submit that because of the architectural significance of the site that they have selected a contemporary architectural style using concrete bands capturing a limestone appearance which will relate to other developments in the East Fremantle area.

The applicant has made the following statement, which is supported by the Town Planner:

“The modern style with its refined lines exemplifies architectural merit as much as the Federation residence does next door (of the era). They enhance each other through contrast.”

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 application proposes significant sections of the residence at the front of the lot that exceed the maximum building height requirements of Council’s LPP No. 142. The building exceeds the 6.5 metre wall height limit in a number of positions and extends as high as 9.9 metres from natural ground level in the front western section of the proposed residence.

The natural slope of the site means the wall height is more significant as measured from the lower ground levels at the front of the site and this is where the building is over height. The topography of the site and the cut that is proposed into the rear of the site results in a reduced building height at the rear of the site where a maximum wall height of 3.3 metres (above natural ground level) is proposed.

The variation to the building height only applies to the western half of the residence. Given the topography and distinctive nature of this location, and that the existing dwellings on the escarpment facing the river generally are substantial in terms of bulk and scale, there is argument for relaxing the height standard. It is considered that it is

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appropriate to grant discretions to the building height at No. 15 Angwin Street particularly in the lower areas of the site which will not result in a building height that obscures existing view corridors or impacts on the Angwin Street streetscape. This is because the residences to the east are significantly higher than the subject site.

Garage Position and Street Setback

The application proposes to locate the front of the garage forward of the main building line. 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.

A number of existing developments on the western side of Angwin Street have been approved with the garage forwards of the residence. These have been supported based on the topographical constraints of the sites, the narrow lot frontages and the need for the residences to front and present to the west (where the residences are highly visible to the river environs and the Stirling Highway Bridge). Based on the existing streetscape of Angwin Street, the proposed garage position is supported.

Boundary Setbacks and Overshadowing

As identified in the Statistics section of this report the application seeks boundary setback discretions to the northern and the southern side boundaries. The applicants have justified the reduced setbacks based on the narrowness of the site and the topographical constraints. The R-Code Performance Criteria for boundary setbacks is listed below:

- provide adequate direct sun and ventilation to the building;
- ensure adequate direct sun and ventilation being available to adjoining properties;
- provide adequate direct sun to the building and appurtenant open spaces;
- assist with protection of access to direct sun for adjoining properties;
- assist in ameliorating the impacts of building bulk on adjoining properties; and
- assist in protecting privacy between adjoining properties.

The proposed reduced setbacks partially satisfy the above criteria with the exception of the impact on the southern neighbour who will be subject to overshadowing as a result of the reduced setback and overall building height. The neighbours to the south however have lodged a submission in support of the application including the proposed overshadowing.

The setback reductions to the southern and northern boundaries are therefore supported.

Front Fencing

The application seeks a discretion to allow a portion of the front fence to be visually impermeable above 1.2 metres and up to a height of 1.75 metres. The front fence extends north of the driveway and is not proposed to extend across the whole frontage of the site. The solid section of fence will be offset by a section of the fence (45% of the fence length) that will be visually permeable infill.

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. (Note: This differs from the ‘R’ Codes)

“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 1.8m:

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- 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 off the secondary side boundary of a corner lot.”

The applicant/owner submits that the reason for the proposed front fence is to provide privacy to the front courtyard area.

Whilst the applicant's pursuit of privacy is understood, the applicant's justifications for the variations to LPP 143 are not supported.

It is considered that increasing the height of the fence above 1.2 metres and providing no visual permeability would have a detrimental impact on the local streetscape and would predominantly remove the front elevation of the residence from the streetscape and obscure the transition zone between the house and the street of which would otherwise provide for mutual surveillance.

The proposal to increase the height of the fence above 1.2 metres and to not provide visual permeability is therefore not supported.

Streetscape Analysis

The applicants have submitted a streetscape analysis from the Stirling Highway Bridge which demonstrates that the proposed residence will integrate with the existing streetscape of Angwin Street and its surrounds.

The streetscape analysis confirms that the proposed design is well articulated and will present well to the west. The streetscape analysis also identifies that there is no identifiable streetscape element along Angwin Street and that the proposed residence will not compromise the existing streetscape.

CONCLUSION

The application deals with a narrow site that is topographically constrained. The design is considered to be appropriate for the site and for the locality. The variations being sought particularly in relation to the building height will not impact on the existing view corridors of surrounding properties and is consistent with other developments on the western side of Angwin Street.

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

The application is recommended for approval.

RECOMMENDATION

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

- the garage to be set back 4.4 metres from the road in lieu of the 7.5 metres requirement of the R-Codes;
- the garage to be forward of the residence in lieu of the requirements under LPP No. 142;
- overshadowing to exceed 25% by 6.1%;
- reduced setback to the southern and northern boundary;

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- the maximum wall height to extend to 9.9 metres at the front of the site in lieu of the 6.5 metres permitted under LPP No. 142; and
- for the construction of a new 3 storey residence and a swimming pool at No. 15 Angwin Street in accordance with the plans date stamp received on 26 July and 9 August 2011 subject to the following conditions:
1. The development shall be connected to the reticulated sewerage system prior to occupation.
 2. Stormwater drainage shall be contained on site, or connected to the local government stormwater drainage system, to the satisfaction of the Town of East Fremantle on advice from the Swan River Trust.
 3. Any fence to be constructed along the boundary of the Parks Recreation reserve shall be open view with a maximum height of no more than 1.8 metres.
 4. Front fencing to comply with the requirements of Local Planning Policy No. 143.
 5. Prior to the installation of any externally mounted air-conditioning plant, a development application which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997 is to be lodged and approved by Council.
 6. A landscaping plan which demonstrates how the front setback area will be landscaped is to be submitted to the satisfaction of the Chief Executive Officer prior to the issue of a Building Licence.
 7. 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.
 8. 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.
 9. 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.
 10. The proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 11. 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.
 12. 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.
 13. All parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
 14. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
 15. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
 16. Development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer.

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

Footnote:

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

- (a) The applicant should be aware that the placement of a pool in the front garden area is not a justification for a variation to Local Planning Policy No. 143 and accordingly there should not be any expectation that privacy screening associated with a pool would be approved.*
- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (d) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (g) the patio may not be enclosed without the prior written consent of Council.*
- (h) matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (i) The applicant is advised that it is an offence under the Swan and Canning Rivers Management Regulations 2007 to destroy, pull up, cut back or injure any tree, shrub, aquatic plant or other perennial plant that is in the Riverpark or the Swan River Trust Development Control Area, except with the approval of the Trust.*
- (j) The applicant is advised that the selected building materials and colour scheme for the development should be of a low reflective standard, and harmonise with the river environment.*

Mr Kris Keen (architect) & Mr Craig Peverall (representing Signature Homes) addressed the meeting advising that they supported the officer's recommendation. Mr Keen submitted a landscaping plan as per Condition 6 of proposed motion.

RECOMMENDATION TO COUNCIL

Cr de Jong – Cr Nardi

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

- **the garage to be set back 4.4 metres from the road in lieu of the 7.5 metres requirement of the R-Codes;**
- **the garage to be forward of the residence in lieu of the requirements under LPP No. 142;**
- **overshadowing to exceed 25% by 6.1%;**
- **reduced setback to the southern and northern boundary;**
- **the maximum wall height to extend to 9.9 metres at the front of the site in lieu of the 6.5 metres permitted under LPP No. 142; and**

for the construction of a new 3 storey residence and a swimming pool at No. 15 Angwin Street in accordance with the plans date stamp received on 26 July and 9 August 2011 subject to the following conditions:

- 1. The development shall be connected to the reticulated sewerage system prior to occupation.**
- 2. Stormwater drainage shall be contained on site, or connected to the local government stormwater drainage system, to the satisfaction of the Town of East Fremantle on advice from the Swan River Trust.**
- 3. Any fence to be constructed along the boundary of the Parks Recreation reserve shall be open view with a maximum height of no more than 1.8 metres.**

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4. Front fencing to comply with the requirements of Local Planning Policy No. 143.
5. Prior to the installation of any externally mounted air-conditioning plant, a development application which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997 is to be lodged and approved by Council.
6. A landscaping plan which demonstrates how the front setback area will be landscaped is to be submitted to the satisfaction of the Chief Executive Officer prior to the issue of a Building Licence.
7. 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.
8. 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.
9. 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.
10. The proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
11. 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.
12. 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.
13. All parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
14. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
15. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
16. Development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer.
17. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *The applicant should be aware that the placement of a pool in the front garden area is not a justification for a variation to Local Planning Policy No. 143 and*

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- accordingly there should not be any expectation that privacy screening associated with a pool would be approved.*
- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
 - (c) it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
 - (d) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
 - (e) in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
 - (f) with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
 - (g) the patio may not be enclosed without the prior written consent of Council.*
 - (h) matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
 - (i) The applicant is advised that it is an offence under the Swan and Canning Rivers Management Regulations 2007 to destroy, pull up, cut back or injure any tree, shrub, aquatic plant or other perennial plant that is in the Riverpark or the Swan River Trust Development Control Area, except with the approval of the Trust.*
 - (j) The applicant is advised that the selected building materials and colour scheme for the development should be of a low reflective standard, and harmonise with the river environment. CARRIED*

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

Mayor Ferris, Crs Martin, de Jong, Nardi and Wilson voted in favour of the recommendation with Crs Rico and Collinson having voted against the motion.

T103.9 *Millenden Street No. 2 (Lot 2)*
Owner: Ian & Asha Wright
Applicant: In-House Building Design
Application No. 107/2011

By Gemma Basley, Town Planner on 23 August 2011

PURPOSE OF THIS REPORT

This report considers an application for Planning Approval for additions and improvements to the residence located at No 2 Millenden Street, East Fremantle.

The application seeks a variation to the Residential Design Codes to allow a minor incursion into the street setback area and to allow a non truncated vehicle access point and is presented to Council for determination.

This report recommends that conditional approval be granted.

BACKGROUND

Description of Proposal

The application proposes to construct additions and improvements to the existing two storey residence at No 2 Millenden Street, East Fremantle which comprise the following works:

- construction of a new fence along the front boundary;
- construction of a new landing and a new gate on the front boundary;

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- construction of a bin enclosure on the eastern side of the driveway;
- construction of a decking area at the front of the residence incorporating a portico area at the entry to the residence; and
- construction of a water feature in front of the proposed decked area.

Description of site

The subject site is:

- a 404m² survey strata block
- zoned Residential R12.5
- developed with a two storey dwelling

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5

Subject to Clause 5.3.3 of TPS No. 3 and site will be assessed at the R20 density

Woodside Precinct Local Planning Strategy

Residential Design Codes (RDC)

Relevant Council Policies

Local Planning Policy No. 066 : Roofing (LPP 066)

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

Local Planning Policy No. 143 : Fencing Policy

Impact on Public Domain

Tree in verge : No impact

Light pole : No impact

Crossover : No impact

Footpath : No impact

Streetscape : Proposed works will alter the way the residence is viewed from the street but not in an adverse manner.

Documentation

Plans date stamp received 25 July 2011

Date Application Received

25 July 2011

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

18 July 1985 Council approves an application to erect a Class 1 dwelling with garage attached.

22 November 2000 Council grants special approval for a two storey house with a reduced setback to balcony and new carport wall.

25 May 2001 Council grants special approval for a zero setback for the carport parapet wall on the east side boundary for amended plans for the erection of a two storey house.

28 February 2002 Council grants special approval for reduced setbacks and increased wall height for a further set of amended plans for an additional two storey house.

18 August 2009 Council grants special approval for alterations to the residence at 2 Millenden.

No. of Days Elapsed between Lodgement & Meeting Date

49 days

CONSULTATION

Advertising

The application was advertised to adjoining neighbours for a two week period between 17 August 2011 and 1 September 2011. At the close of advertising no submissions or objections were received.

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Town Planning Advisory Panel Comments

This application was referred to the Town Planning Advisory Panel meeting on 23 August 2011 wherein the following comments were made:

- Panel supports application.

Site Inspection

By Town Planner on 23 August 2011

STATISTICS

File	P/MIL2
Zoning	R12.5 but assessed at R20 (Clause 5.3.3 of TPS No. 3)
Lot Area	404m ²
Heritage Listing	Not listed

Site:	Required	Proposed	Status
Open Space	N/A	N/A	N/A
Site Works	N/A	N/A	N/A

Fence Height:	Required	Proposed	Status
Front	1.8 max (1.2 max solid)	1.5m (solid to 600mm)	Acceptable

Roof type			Status
	Pitch		Acceptable

Other:	Issues	Status
Overshadowing	N-S oriented lot (No impact)	Acceptable

Setbacks:

The setback of the portico to the front boundary is 2.5 metres and a **discretion** is required to approve this.

ASSESSMENT

A two storey residence is developed at No 2 Millenden Street, East Fremantle. The owners seek Council's approval to undertake alterations at the front of the residence and the construction of additions within the front setback area comprising a new front fence, decking, a bin enclosure and a new portico.

The proposal complies with most of the quantitative provisions of the Residential Design Codes, TPS No 3 and Council Policies with the exception of two streetscape requirements of the R-Codes which will be discussed separately below.

Minor Incursions into the Street Setback Area

The R-Codes require that minor incursions into the street setback area do not detract from the character of the streetscape. The Acceptable Development provision of the R-Codes for this element is quoted below:

A2 In accordance with figure 1b, a porch, balcony, verandah, chimney, or the equivalent may (subject to the Building Code of Australia) project not more than 1 metre into the street setback area, provided that the total of such projections does not exceed 20% of the frontage at any level.

The application proposes to construct a portico which will extend 2.01 metres forward of the residence and into the front setback area which exceeds the requirements of the R-Codes by 1.01 metres. The width of the portico is only 3.6 metres and occupies 19.3% of the sites frontage. It is considered that this additional incursion into the front setback area is acceptable because of it occupying less than 20% of the frontage and because of the street setbacks on the adjoining lot to the west which are significantly closer to the road. In this regard the discretion to allow the portico to encroach by 2.10m into the front setback area is supported.

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Sight Lines at Vehicle Access Points

The R-Codes require that walls or fences to primary or secondary streets be designed so that adequate sight lines are provided at vehicle access points. The Acceptable Development provision of the R-Codes for this element is quoted below:

A6 Walls and fences truncated or reduced to no higher than 0.75 metres within 1.5 metres of where walls and fences adjoin vehicle access points where a driveway meets a public street and where two streets intersect.

The applicant has justified the discretion to the above on the basis that the service pillar constructed on the eastern side of the driveway already exists and extends to a height of 1.8 metres. The application proposes to construct a fence along the front boundary with a gate which will attach to the service pillar. The fence will also include a letter box pillar which will extend to a height of 1.5 metres.

The non truncated vehicle entry is considered to be acceptable based on the fact that the service pillar already exists and on the basis that the verge area in front of No 2 Millenden Street is 7 metres wide and does not contain a footpath and as such sight lines are not considered to be as necessary at No 2 Millenden Street. In addition, the verge area does not contain any vegetation or structures which interfere with the vehicle sightlines.

A discretion to allow a non truncated vehicle access point at No 2 Millenden Street is supported based on the above discussion.

CONCLUSION

The application requires Council to exercise its discretion and grant approval for the construction of porch that has a 2.01 metre incursion into the front setback area and for the construction of a non-truncated vehicle access point.

It is considered the exercise of discretions will have no adverse impact on the streetscape or on neighbouring properties. The application will result in a residence that presents better to the street and therefore the discretions and the application are considered to be suitable for Council approval.

RECOMMENDATION

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

- variation to the streetscape requirements of the Residential Design Codes to allow the portico to project more than 2 metres into the street setback area in lieu of the 1m incursion restriction;
- variation to the sight lines at vehicle access points to allow a non truncated access point;

for the construction of alterations and additions to the front of the residence at No. 2 Millenden Street, East Fremantle in accordance with the plans date stamp received on 25 July 2011 subject to the following conditions:

1. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. The proposed works are not to be commenced until Council has received an application for a 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 and clear of all boundaries.
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

Cr Nardi – Cr de Jong

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

- **variation to the streetscape requirements of the Residential Design Codes to allow the portico to project more than 2 metres into the street setback area in lieu of the 1m incursion restriction;**
- **variation to the sight lines at vehicle access points to allow a non truncated access point;**

for the construction of alterations and additions to the front of the residence at No. 2 Millenden Street, East Fremantle in accordance with the plans date stamp received on 25 July 2011 subject to the following conditions:

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

T103.10

Locke Crescent No. 19 (Lot 5008)

Applicant: Design Better Buildings

Owner: Travis French & Katherine Bailey

Application No. P91/2011

By Gemma Basley, Town Planner on 1 September 2011

PURPOSE OF THIS REPORT

This report considers an application for Planning Approval for the construction of a new two storey residence at No. 19 Locke Crescent, East Fremantle.

The report recommends that conditional approval be granted.

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BACKGROUND

Description of Proposal

It is proposed to construct a new two storey residence on the western side of the property at No. 19 Locke Crescent. The application also proposes to demolish the existing residence but to keep the existing below ground swimming pool and the retained garden areas in the eastern part of the site. The application proposes the following:

- a contemporary design incorporating significant north facing openings to maximise the river views and northern light;
- a concealed flat roof which reduces the overall height and bulk of the proposed residence;
- to construct the residence out of brick and to render this white.

The report recommends that Council approve the application conditionally.

Description of Site

The subject site is:

- a 1131m² block with a 65metre wide frontage to Locke Crescent
- zoned Residential R12.5
- developed with a two storey dwelling (existing residence to be demolished)
- located in the Richmond Hill Precinct

Statutory Considerations

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

Relevant Council Policies

Local Planning Policy 066 : Roofing (LPP 066)
Local Planning Policy 086 : Landscaping
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 alter the streetscape but it is considered that it will be in keeping with existing development

Documentation

Forms date stamp received on 31 August 2011

Date Application Received

22 June 2011

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

18 April 2006 Council defers an application for two storey alterations and additions to the residence at No. 19 Locke Crescent

CONSULTATION

Advertising

The application was advertised to surrounding neighbours and a sign was placed on site for a two week period between the 4 & 18 August 2011.

At the close of advertising 1 submission was received from the owners of No. 16 Habgood Street. This submission objects to any elements which are outside of the statutory planning and building regulations particularly in regard to the rear setback (which abuts No. 16 Habgood Street). The submission also objected to the overshadowing impact of the proposed development on their property particularly its impact on the swimming pool and the rear yard.

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In response to this submission the Town Planner advises that the R-Code requirements will be assessed and detailed in the Assessment section of this report but that there are not any non-compliant impacts of overshadowing.

No. of Days Elapsed between Lodgement & Meeting Date

52 days

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 26 July 2011 and the following comments were made:

- Panel requires further detail regarding the use of the entire lot.
- Advice from planners as to appropriateness of applying Clause 5.3.1 density bonus to the lot.

Amended plans were received on 16 August 2011 addressing the Panel comments. The Panel considered this information at its meeting on 23 August 2011 as well as advice from the Town Planner that Clause 5.3.1 of the Scheme did not apply to this site because it was not a corner block. The Panel made the following comment:

- Panel supports the application.

Site Inspection

By Town Planner on 22 August 2011

STATISTICS

File	P/LOC19
Zoning	R12.5
Lot Area	1131m ²
Heritage Listing	Not listed

Site:	Required	Proposed	Status
Open Space	55%	70+%	Acceptable
Site Works	Less than 500mm	Up to 850mm	Discretion

Height:	Required	Proposed	Status
Wall	6.5	5.607	Acceptable
Ridge	6.5	7.0 max	Discretion
Roof type	Concealed		

Other:	Issues	Status
Overshadowing	up to 25% of adjoining lot allowed to be overshadowed. Application will not overshadow adjoining lot greater than 12%	Acceptable
Privacy/Overlooking	All windows and outdoor living areas are appropriately setback or screened to comply with the [privacy requirements of the R-Codes.	Acceptable
Garage Position	The proposed garage is forward of the main building line	Discretion
Crossovers	Two 6 metre wide crossovers proposed in lieu of one 3 metre wide crossover	Discretion

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Setbacks:

Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Actual Setback	Status	
Front (North)								
Ground	Whole	2.743	24.5	Yes	7.5	9.0+	Acceptable	
	Upper	Whole	5.607	21	Yes	7.5	9.0+	Acceptable
Rear (South)								
Ground	Garage/Store/Bath room	2.743	9.2	No	1.0	1.0	Acceptable	
	Laundry/Family	2.743	2.8	No	1.0	1-3	Acceptable	
	WIR	2.743	3.8	No	1.0	1-3	Acceptable	
	Guest Bed	2.743	4.5	Yes	1.5	1.6	Acceptable	
Upper	Terrace	5.607	4.2	No	6.0	9.5	Acceptable	
	WIR	5.607	4.8	No	6.0	14.0	Acceptable	
Side (South East)								
Ground	Family	2.743	6.8	Yes	1.5	9.0+	Acceptable	
	Meals	2.743	6.4	Yes	1.5	9.0+	Acceptable	
	Alfresco	2.743	5.4	Yes	1.5	9.0+	Acceptable	
Upper	Bed4/Bed3	5.607	6.8	Yes	2.8	9.0+	Acceptable	
			5.0	Yes	2.8	9.0+	Acceptable	
			6.7	Yes	2.8	9.0+	Acceptable	
Side (South West)								
Ground	Store	2.743	2.6	No	1.0	1.0+	Acceptable	
Upper	Bed 1	5.607	5.0	No	1.2	4.0	Acceptable	
	Balcony	5.607	1.2	Yes	7.5	8.0	Acceptable	

ASSESSMENT

This is a visually prominent site with a wide frontage. The design is hard edged and modernistic incorporating industrial motifs (former Fremantle Power Station). The adjoining site at No. 21 Locke Crescent is currently being redeveloped to accommodate two 2-storey grouped dwellings which will be constructed to face both Locke Crescent and Habgood Street. The proposed residence is sympathetic to the adjoining development at No. 21 Locke Crescent and in the general locality.

The proposed residence at No. 19 Locke Crescent will be constructed in the western part of the site closest to the residence at No. 21 Locke Crescent. The setback for No.21 Locke Crescent has been approved to range from 5.01 metres to 7.0 metres. The residence at No. 17 Locke Street has an existing setback to Locke Crescent in the order of 12 metres. The frontage of the site at No.19 Locke Crescent is such that the proposed setback to the street will not relate at all to the existing setback at No. 17 Locke Crescent and only to the setback of No.21.

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 below.

Site Works

The site has a 2.0 metre fall from south to north and the application proposes retaining at the front of the residence to address this. The proposed retaining in this section will extend to a maximum height of 850mm and will provide for a non stepped ground floor. The R-Codes allows for up to 500mm of fill on a site and as such the proposed fill requires a discretion.

The additional fill at the front of the site will not contribute to the overall height of the building exceeding the height requirements with the exception of the stair well walls at

the front of the residence. This will be discussed in the following sub section of this report. The proposed fill will not impact on the views of surrounding properties. In addition the proposed fill will assist in retaining the visual impression of the natural level of the site.

The retaining at the front of the site will not impact on the view corridors of surrounding properties because it will not be any higher than the rear area of the proposed house. The application also proposes to cut into the rear of the site to reduce the extent of retaining required at the front and to reduce the overall height of the development. The discretion to allow up to 850mm of fill and retaining at the front of the residence is considered to be acceptable and is supported.

Building Height

The application proposes a maximum wall height of 5.607 metres which equates to a maximum wall height of 6.45 metres (where fill is proposed at the front of the residence). This meets the requirements of LPP No. 142 which allow a maximum wall height of 6.5 metres in areas where views are available.

The application proposes a wall extending to a height of 7.0 metres for the stair well at the front of the house. This requires a discretion to LPP No. 142 to allow the wall height to exceed 6.5 metres. This discretion is supported on the basis that the section of wall which exceeds the requirements is very small (width of 3.2 metres and a depth of 1.2 metres) and will not impact on the surrounding views. In addition it is considered that this architectural element provides some articulation to the front of the residence and will present better to the street.

The discretion to allow the wall of the stairwell to exceed the 6.5 metre height limit is considered to be acceptable and is supported.

Garage Position

LPP 142 states:

Part 2 – Streetscape

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

The application proposes to construct a garage forward of the main building line and does not therefore accord with the requirements of Local Planning Policy No. 142. The policy is not definitive in what constitutes the main building line however based on past assessments it is accepted that the policy refers to the dominant wall of the house being 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 could be interpreted to be the stair well wall.

The proposed garage protrudes marginally forward of the stair well wall on the ground floor. The upper floor bedroom and balcony however also extend forward with the garage and this reduces the dominance of the garage considerably. A condition is included in the recommendation to require that the front of the garage be pulled back to be in line with the stair wells.

Crossovers

The application proposes two crossovers to the site. More specifically the application proposes to retain the existing crossover toward the eastern boundary of the site and to construct a new crossover toward the western end of the site. Both crossovers are identified as having a width of 6.0 metres.

Crossovers are controlled via Local Planning Policy No. 123 – Council Policy for Footpaths and Crossovers which lists the following requirements for a crossover below:

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- 3.1 *Standard crossover width will be 3 metres.*
- 3.2 *Chief Executive Officer has delegated authority to determine requests for variations to the Policy in relation to crossovers.*
- 3.3 *Council may give consideration to wider crossovers at the crest of hills to facilitate access and egress.*
- 3.4 *No street trees will be removed for a crossover unless otherwise agreed by an absolute majority of Council.*
- 3.5 *There will be only 1 crossover per lot unless otherwise agreed by an absolute majority of Council.*
- 3.6 *Existing redundant crossovers to be removed when new crossover location is approved.*
- 3.7 *Crossovers to stop at footpaths and preserve footpath continuity and pedestrian priority. And this to be delineated via an expansion joint and level change.*
- 3.8 *Minor maintenance (small potholes etc) of approved bitumen or concrete crossovers will be at Council's expense, unless liability for damage is otherwise established, and will be undertaken by Council.*
- 3.9 *Maintenance of non-standard or non-approved crossovers will be at the property owner's expense.*
- 3.10 *Installation of crossovers and removal of redundant crossovers be carried out as and when required, after consultation with the owner of the property. Redundant crossovers to be removed prior to the issue of a building licence for the relevant property at the applicant's cost.*
- 3.11 *Crossover to have concrete edge on sides and abutting the footpath.*

Clause 3.1, 3.5 and 3.6 of LPP No. 123 relate to the subject Planning Application and require that only one crossover is approved for each lot and that the crossover width be 3.0m. On this basis the discretion to allow two crossovers with a width of 6.0m each is not considered to be acceptable and is not supported. A condition is included in the recommendation to require that the existing crossover be removed and the verge reinstated and that the maximum width of the new crossover not exceed 3.0m.

Landscaping

Council's Local Planning Policy No. 86 requires the submission of a landscaping plan prior to the issue of a building permit. A condition is included in the recommendation to require the landscaping of the area between the pool and the proposed residence.

Conclusion

The application is considered to have had due regard for the Town's requirements relating to residential developments, as well as the requirements outlined within the R-Codes. The application has been supported by the Town Planning Advisory Panel.

Whilst the application does seek some minor variations to the R-Codes and LPP No. 142 these are considered to be very minor in nature and to be acceptable (with the exception of the proposed additional crossover). The application is therefore considered to be suitable for determination and is recommended for approval.

RECOMMENDATION

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

- 850mm fill and retaining at the front of the residence in lieu of the 500mm permitted under the R-Codes.
- the stair well wall at the front of the residence to extend to a height of 7.0 metres in lieu of the 6.5 metre height limit required under LPP no. 142.

for the construction of a new two storey dwelling at No. 19 Locke Crescent, East Fremantle in accordance with the plans date stamp received on 31 August 2011 subject to the following conditions:

1. Prior to the issue of a building licence, amended plans be submitted to increase the setback to the garage and for the front of the garage to be in line with the stair well wall, to the satisfaction of the Chief Executive Officer.
2. The existing crossover to be removed and the verge re-instated prior to the dwelling being occupied.

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3. a detailed schedule of materials and finishes to be submitted to the satisfaction of the Chief Executive Officer prior to the issue of a Building Licence.
4. Prior to the installation of any externally mounted air-conditioning plant, a development application is to be lodged and approved by Council which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997.
5. 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.
6. The area between the proposed residence and the swimming pool is to be landscaped to a high standard and this landscaping shall be maintained. In this regard a landscaping plan is to be submitted to the satisfaction of the Chief Executive Officer prior to the issue of a Building Licence.
7. 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.
8. The proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
9. All stormwater is to be disposed of on-site and clear of all boundaries.
10. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
11. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
12. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
13. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the **installer** of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air-Conditioner Noise".*

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- (f) with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.
- (g) matters relating to dividing fences are subject to the Dividing Fences Act 1961.

The following additional information from the Town Planner was considered:

"Agenda Item No. 9.5 deals with an application for a new two storey residence at 19 Locke Crescent. Condition No. 1 requires that amended plans be submitted to increase the setback to the garage and for the front of the garage to be in line with the stair well wall.

The intent of Condition No. 1 is to reduce the dominance of the garage by aligning it with the widest section of the main wall of the residence, being the stair well.

The applicants have requested that Council consider an alternative condition to require the stair well wall to be pulled forward to align with the front of the garage. This request is supported and a rewording of Condition No. 1 to read as follows is recommended:

1. *Prior to the issue of a building licence, amended plans that reduce the visual dominance of the garage by aligning the front of the garage with the front wall of the stairwell to accord with the requirements of Local Planning Policy No. 142 are to be submitted to the satisfaction of the Chief Executive Officer."*

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr de Jong

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

- 850mm fill and retaining at the front of the residence in lieu of the 500mm permitted under the R-Codes.
- the stair well wall at the front of the residence to extend to a height of 7.0 metres in lieu of the 6.5 metre height limit required under LPP no. 142.

for the construction of a new two storey dwelling at No. 19 Locke Crescent, East Fremantle in accordance with the plans date stamp received on 31 August 2011 subject to the following conditions:

1. **Prior to the issue of a building licence, amended plans that reduce the visual dominance of the garage by aligning the front of the garage with the front wall of the stairwell to accord with the requirements of Local Planning Policy No. 142 are to be submitted to the satisfaction of the Chief Executive Officer.**
2. **The existing crossover to be removed and the verge re-instated prior to the dwelling being occupied.**
3. **a detailed schedule of materials and finishes to be submitted to the satisfaction of the Chief Executive Officer prior to the issue of a Building Licence.**
4. **Prior to the installation of any externally mounted air-conditioning plant, a development application is to be lodged and approved by Council which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997.**
5. **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.**
6. **The area between the proposed residence and the swimming pool is to be landscaped to a high standard and this landscaping shall be maintained. In this regard a landscaping plan is to be submitted to the satisfaction of the Chief Executive Officer prior to the issue of a Building Licence.**
7. **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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8. The proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
9. All stormwater is to be disposed of on-site and clear of all boundaries.
10. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
11. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
12. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
13. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air-Conditioner Noise".*
- (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (g) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED

T103.11 **Gordon Street No. 5 (Lot 2 - SP1794)**
Applicant: In House Building Design
Application No. P116/2011
By Gemma Basley, Town Planner on 25 August 2011

PURPOSE OF THIS REPORT

This report considers an application for retrospective Planning Approval for the construction of a deck that has been constructed up to the rear boundary of the site and that does not comply with Grant of Planning Approval and Building Licence.

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The application seeks a minor discretion to the privacy requirements of the Residential Design Codes.

This report recommends that Council approve the application conditionally.

BACKGROUND

Delegated Planning Approval was granted on the 10 February 2010 for the construction of single storey additions to the residence at No. 5 Gordon Street, East Fremantle. The approved plans identified the proposed deck area (to the east of the residence) as having a setback of 1.91 metres to the northern/rear boundary.

Following a query from an adjoining neighbour, an inspection by Council staff identified that the deck had not been constructed in accordance with the approved plans and that the deck had been built up to the rear boundary. Council wrote to the owners on the 17 March 2011 and requested the unauthorised works be removed.

The applicants met with Council's Building Surveyor and Town Planner and it was resolved that an application for retrospective Planning Approval would be submitted for the unauthorised decking. The applicants subsequently submitted an Application for Retrospective Planning Approval which proposes the following:

- cutback the bearer overhang of the deck parallel to the rear boundary;
- install modak board to bond to trimmer;
- install 0.6mm high trimmer with a zincalume capping to the top edge of the deck; and
- to retain the brushwood fencing which has been installed on the inside of the colorbond fence.

Description of Site

The subject site is:

- a 504m² survey strata lot with frontage and access to Gordon Street
- zoned Residential R12.5
- developed with a single storey dwelling
- located in the Richmond Hill Precinct.

Statutory Considerations

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

Relevant Council Policies

Local Planning Policy 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 : Bitumen crossover in good condition;
Footpath : Red bitumen path within verge in good condition.
Streetscape : The brushwood fencing installed on the inside of the fence at No. 5 Gordon Street extends higher than the colorbond dividing fence and looks untidy and irregular.

Documentation

Plans and relevant forms date stamp received on 5 August 2011

Date Application Received

5 August 2011

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

23 May 1987	Building Licence 1273 issued for a timber deck with pergola over.
2004	Amendment to Survey Strata Plan 5322 submitted (formally part of 52 View Terrace).
13 February 2007	Council advises owner that single leaf brick wall across front/western boundary and side/northern boundary between 5 Gordon St (formerly 52A View Terrace) and 7 Gordon Street) to be removed and made safe.
14 February 2007	Building Licence 07/53 issued for replacing unapproved dangerous retaining wall/boundary screen walls.
10 February 2010	Council grants planning approval under delegated authority for single storey alterations and additions to the grouped dwelling.
9 April 2010	Demolition Licence 2010 161 issued for partial demolition of single storey.
28 April 2010	Building Licence 2010 147 issued for alterations/additions to single storey residence.
22 June 2010	Amendment to Building Licence – Change of works from additions to new build.
5 August 2011	Application for Planning Approval received for unauthorised deck.

No. of Days Elapsed between Lodgement & Meeting Date

40 days

CONSULTATION

Advertising

The application was advertised to adjoining land owners for two weeks between the 10 August and the 24 August 2011. During this period the Town Planner liaised with the neighbours at No. 7 Gordon Street and their architect who advised that there was no objection to the constructed decking subject to the following issues being addressed:

- the deck being constructed to meet the BCA fire safety and fire separation requirements;
- the decking being constructed to meet the BCA requirements for safe movement and access and a balustrade be installed on the northern edge of the decking; and
- the rear fence height being constructed to meet the privacy requirements of the R-Codes.

The neighbour concerns are considered to be significant in the determination of this application and will be considered in the following section of the report.

ASSESSMENT

Retrospective Planning Approval is sought for a raised decking area that has been constructed to the rear boundary of the property at No. 5 Gordon Street in lieu of the approved 1.91 metre setback. The decking has also been constructed to extend around the rear of the house and now has a nil setback between the outdoor living of No. 5 Gordon Street and the rear boundary shared with No. 7 Gordon Street. The site levels between No. 5 and No. 7 Gordon Street differ considerably. More specifically, the rear yard and the rear boundary of No. 5 Gordon Street has been retained and has a finished floor level that is in the order of 2.5 metres higher than the finished floor of neighbouring No. 7 Gordon Street. A Colorbond dividing fence has been constructed on top of the retaining wall and extends to a height of 1.55 metres. The applicants have in addition, installed a brushwood screen fence on the inside of the dividing fence and this extends to a height of 1.64 metres from the top of the retaining wall.

There are a number of issues that must be considered before the application can be determined and these are listed below:

- boundary setback;
- visual privacy;
- fencing requirements; and
- BCA compliance.

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These issues will be assessed separately below:

Boundary Setback

The setback to the rear boundary is controlled under the R-Codes. Clause 6.3.1 (A1) requires that unenclosed balconies, terraces, verandahs, and other areas accessible for use as outdoor living areas (roofed or not), if elevated more than 0.5 of a metre above natural ground level area to be setback as though they were major openings to habitable rooms. This would require a setback of 1.5 metres between the deck and the rear boundary. The application does not provide this setback and rather proposes a setback of 150mm between the deck area and the dividing fence.

The Performance Criteria for boundary setbacks will be assessed against the application as follows:

- the reduced setback will not restrict the supply of sunlight or ventilation to the subject site or to the neighbouring property (No. 7 Gordon Street);
- the reduced setback will not impact on building bulk/scale of the development at No. 5 Gordon Street because the decking cannot be seen from outside the property (screened by fences);
- the reduced setback of the deck will not assist in protecting privacy between the adjoining properties because the fence which adjoins the deck is less than 1.65 metres in height and as such does not meet the privacy requirements of the R-Codes.

Based on the above it is evident that the setback of the deck only partially satisfies the Performance Criteria of the R-Codes with the exception being the impact on visual privacy. The application will therefore be assessed against the privacy requirements of the R-Codes below:

Visual Privacy

The rear fence to No. 5 Gordon Street is a Colorbond fence which extends to a height of 1.55 metres. The applicants have installed a brushwood fence on the inside of the Colorbond fence which extends to a height of 1.64 metres.

The R-Codes requires that unenclosed outdoor active habitable spaces (balconies, verandahs, terraces or other outdoor living areas) which have a floor level more than 0.5 m above natural ground level and which overlook any part of any other residential property behind its street setback line are to comply with the following:

- are setback, in direct line of sight within the cone of vision, from the boundary a minimum of: 7.5 m in the case of unenclosed outdoor active habitable spaces;
- or are provided with permanent vertical screening to restrict views within the cone of vision from any major opening of an active habitable space; or are provided with permanent vertical screening or equivalent, preventing direct overlooking; and
- permanent vertical screening to have a minimum height of 1.65 metres.

The rear fence does not comply with the screening requirements of the R-Codes. The impact of this overlooking is considered to be significant because it will impact on a covered alfresco area on the adjoining lot. In addition because of the northerly views to the river it is considered that there would be a tendency for people to look north toward the view and this would impact on the neighbour's privacy. Based on this it is considered necessary for the minimum screening requirements of the R-Codes to be met on the subject site.

In this regard the applicants request for a discretion to the privacy requirements of the R-Codes to allow a 1.64 metre high privacy screen in lieu of the 1.65 metre requirement is not supported.

Council's Fencing Requirements

Fencing is controlled under Council's Local Planning Policy No. 143 and Council's Fencing Local Law. The First Schedule of Council's Fencing Laws lists the specifications

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for a sufficient fence on a residential lot, which involves a corrugated fibre type of fence as follows:

- “B. A fence constructed of corrugated fibre reinforced pressed cement or steel sheeting which satisfies the following specifications:*
- (a) a minimum in-ground length of 25 per cent of the total length of the sheet, but in any case shall have a minimum in-ground depth of 600mm;*
 - (b) the total height and depth of the fence to consist of a single continuous fibre reinforced cement or steel sheet;*
 - (c) the sheets to be lapped and capped with extruded “snap-fit” type capping in accordance with the manufacturers written instructions; and*
 - (d) the height of the fence to be 1800mm except with respect to the front setback area for which there is no minimum height but which is subject to clause 7.”*

The fence that has been constructed on the rear boundary of No. 5 Gordon Street does not satisfy the requirements for a sufficient fence because of the following:

- the total height of the fence consists of two materials being the Colorbond sheeting and the brushwood screening which projects above this; and
- the height of the fence is only 1.55 to 1.65 metres and has not been constructed to 1.8metres as required.

Safety

There is a 2.5 metre fall from the finished floor level of the deck at No. 5 Gordon Street to the finished floor level of the adjoining property at No. 7 Gordon Street. A raised decking area is proposed to have a nil setback to the boundary except for fire separation purposes and only being 150mm. As discussed above there are river views to the north and the concern of the Town Planner is that people using the deck area could lean on the rear fence in an effort to obtain the views and whether the Colorbond fence provides a suitable safety barrier.

The Building Code of Australia requires that any level that is more than 1 metre above ground level as is the subject deck should be provided with a 1.0 metre high safety balustrade.

The applicants advise that the brushwood fencing that has been installed on the inside of the dividing fence inside a self contained steel frame which is bolted directly into the decking (where it abuts) and also into the Colorbond fence so that it is now strengthening and reinforcing the Colorbond fence which was previously unsupported. The recent northerly and north/westerly gale force winds to which the fence has been subjected without any movement or problems and proves its strength and integrity.

It is considered that the safety of the fencing and the need for a balustrade should be assessed as part of the Application for Building Certificate. As such a condition is included in the recommendation to require that the applicant demonstrate that the fencing satisfies the BCA safety requirements prior to the issue of an Application for Building Certificate.

CONCLUSION

Retrospective Planning Approval is sought for a raised decking area that has been constructed to extend around the rear of the house and now provides a nil setback between the outdoor living area of No. 5 Gordon Street and the rear boundary shared with No. 7 Gordon Street. The assessment above has identified the following conclusions and shortfalls of the application:

- the nil boundary setback to the decking is acceptable as long as the privacy requirements of the R-Codes can be achieved;
- the overlooking from the decking area is considered to be significant;
- the dividing fence and brushwood screening does not satisfy the minimum requirements of the R-Codes because it does not provide visual screening up to a height of 1.65 metres;

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- the dividing fence does not satisfy the requirements of the Fencing Local Laws because the fence has not been constructed to a height of 1.8 metres and is constructed of two materials; and
- the potential safety impacts on the dividing fence

It is considered the only way to consider the retrospective application favourably is to impose conditions which will result in the above concerns being addressed.

RECOMMENDATION

That Council grant Retrospective Planning Approval for the construction of a raised deck with a nil setback to the rear boundary at No. 5 Gordon Street, East Fremantle in accordance with the plans date stamp received on 5 August 2011 subject to the following conditions:

1. The rear fence to be removed and a fence constructed to satisfy the requirements of Councils Fencing Local Laws and constructed to a height of 1.8 metres;
2. The brushwood fencing not being visible to the street and to the neighbouring property;
3. Prior to issue of Building Licence a balustrade or alternative safety device to be installed on the northern edge of the deck if required to satisfy the BCA requirements;
4. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
5. The proposed works are not to be commenced until Council has received an application for a Building Approval Certificate in compliance with the conditions of this planning approval unless otherwise amended by Council.
6. With regard to the plans submitted with respect to the Building Approval Certificate application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
7. 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).*

The email from Inhouse Building Design, referred from Correspondence (MB Ref 101.1) was tabled.

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr de Jong

That the planning application relating to 5 Gordon Street be deferred as per the applicant's request. CARRIED

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T103.12 Alexandra Road No. 31 (Lot 44) – Deck/Verandah Extension & Minor Works

Applicant: Gerard McCann Architect

Owner: Yalena Pty Ltd

Application No. P110/2011

By Gemma Basley, Town Planner on 30 August 2011

PURPOSE OF THIS REPORT

This report considers an application for Planning Approval for modifications to the existing Planning Approval for additions and alterations to the rear of the existing dwelling at No. 31 Alexandra Road, East Fremantle.

This report recommends that conditional approval be granted.

BACKGROUND

Description of Proposal

No. 31 Alexandra Road is a significant heritage property with an area of 2023m². The property addresses the Alexandra Road frontage and enjoys a dual road frontage to Staton Road.

On 16 November 2011 Council approved a Planning Application for an integrated development and strata subdivision over the subject site which included the restoration and some alterations to the existing residence.

The application proposes the following works to the existing heritage residence located at No. 31 Alexandra Road:

- deletion of the carport from the previous approval;
- extension of the approved verandah and deck at the rear of the existing house out to the southern wall alignment and raising its approved floor level by 90mm;
- deletion of the open roofed pergola from the previous rear deck and replacement with a covered pergola;
- removal of an original but redundant stone wall under the rear verandah, and rebuilding an enclosed store under the southern verandah, western end;
- inclusion of stairs from the lower ground level to the upper level deck/verandah; and
- lowering of the ground level at the rear of the existing residence to allow the parking of vehicles under the rear deck.

Description of site

The subject site is:

- a 2023m² block that fronts both Staton & Alexandra Roads
- zoned Residential R12.5
- developed with a single storey dwelling
- located in the Richmond Precinct.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5

Local Planning Strategy - Richmond Precinct (LPS)

Residential Design Codes (RDC)

B+ Management Category - Municipal Heritage Inventory

Listed on the Heritage List under Town Planning Scheme No. 3;

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

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Streetscape : The proposed deck area addition is proposed at the rear of the house and will not impact on the streetscape value of the residence.

Documentation

Plans and relevant forms date stamp received on 28 July 2011

Date Application Received

28 July 2011

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

8 November 2010 Notice of inclusion on the Heritage List under Town Planning Scheme No. 3;

16 November 2011 Council resolves to grant approval for the restoration and extension of an existing dwelling and the development of three additional grouped dwellings; and

1 June 2011 Building Licence 2011072 approved for retaining walls.

No. of Days Elapsed between Lodgement & Meeting Date

46 days

CONSULTATION

Advertising

The application was advertised to surrounding neighbours for a two week period between the 5 and the 19 August 2011. At the close of advertising no submissions or objections had been received.

CONSULTATION

Town Planning Advisory Panel Comments

This application was not forwarded to the Town Planning Advisory Panel for comment because the proposed works constituted relatively minor amendments of an existing approval and further the changes involved will not be visible to the street and will not impact on the amenity of the site or the locality or on the streetscape value of the property.

Site Inspection

By Town Planner on 23 July 2011

STATISTICS

File P/ALE31
Zoning R12.5
Lot Area 2023m²
Heritage Listing B+[^]

Site:	Required	Proposed	Status
Open Space	55%	55%+	Acceptable
Site Works	500mm max	200mm	Acceptable
Height:	Required	Proposed	Status
Wall	6.0m	4.7m	Acceptable
Ridge	9.0m	5.0m	Acceptable
Roof type	Skillion		
Other:	Issues	Status	
Overshadowing	Overshadowing is reduced as a result of the carport being deleted	Acceptable	
Privacy/Overlooking	Upper floor deck not fully screened	Discretion	

Setbacks:

The setback of the deck to the southern boundary is 3.6 metres and to the existing lot boundary is approximately 63 metres. The setback of the deck to the proposed subdivision boundary will be 8.5 metres which is an acceptable setback.

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REPORT

This report considers an application for amendments to an existing Council Planning Approval for additions and alterations to the rear of the existing dwelling at No. 31 Alexandra Road, East Fremantle. The subject application proposes to amend the existing approved plans by way of the following works:

deletion of the carport from the previous approval;

- extension of the approved verandah and deck at the rear of the existing house out to the southern wall alignment;
- deletion of the open roofed pergola from the previous rear deck and replacement with a covered pergola;
- removal of an original but redundant stone wall under the rear verandah, and rebuilding an enclosed store under the southern verandah, western end;
- inclusion of stairs from the lower ground level to the upper level deck/verandah; and
- lowering of the ground level at the rear of the existing residence to allow the parking of vehicles under the rear deck.

The proposed additions comply with most of the quantitative provisions of the R-Codes, TPS No. 3 and Council Policies with the exception of visual privacy which will be discussed separately below.

Visual Privacy

The applicant's seek a small discretion to the visual privacy requirements of the R-Codes in relation to the western opening of the deck area (south of the proposed portico). The application proposes to extend the upper floor deck area toward the rear/western boundary and to provide a setback in the order of 10 metres to this boundary.

The R-Codes require that unenclosed outdoor active habitable spaces such as a deck area which have a floor area more than 0.5 metre above natural ground level and which overlook any part of any other residential property be setback 7.5 metres from a lot boundary. The proposed deck area will have a setback of 3.6 metres to the southern boundary as was approved in the earlier application.

The application proposes to install 1.65 metre high privacy screens along the southern side of the deck which will screen this opening appropriately. The application also proposes to extend the privacy screening around to the west facing opening of the proposed deck area and to screen the first 1.5 metres of this in lieu of the R-Codes which would require in the order of 2.5 metres of the western opening of the deck area to be screened for visual privacy.

Council previously approved the deck area at the rear of the residence to be entirely unscreened to the south and the west boundary. The current application whilst not fully compliant with the screening requirements of the R-Codes is considered to provide adequate screening. The 1 metre width of the west facing deck opening that is not proposed to be screened would only provide an angled side view to the neighbour's property. The neighboring property to the south has not raised any concerns and as such this discretion is supported.

Heritage Impact

There is one minor change to the heritage assessment submitted with the previously approved application being to dismantle the rubble stone wall under the rear verandah/kitchen/scullery and rebuild it underneath the western end of the southern verandah. The applicant advises that this wall has no structural purpose and its relocation will allow redundant space under the southern verandah and decked area to be available as covered storage area and for vehicle parking. The applicant further advises that the rubble wall will be rebuilt in the manner of the existing rubble walls with pure lime mortar.

Based on the applicants advice above it is assessed that the proposed alterations to the earlier approval and the extension of the decked area toward the rear boundary will not have an adverse impact on the heritage significance of the property.

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CONCLUSION

The application proposes minor changes to an already approved Application for Planning Approval in order to accommodate a larger decked area at the rear of the residence and to replace the previously approved carport with undercroft parking under the decked area. The application requires a small exercise of discretion in relation to the visual privacy requirements of the R-Codes to allow a 1 metre section of the west facing deck opening to be unscreened. As discussed above this discretion is considered very minor and to be acceptable.

RECOMMENDATION

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

- (a) variation to the privacy requirements of the R-Codes to require only 1.5 metres of the west facing deck to be screened in lieu of the requirement to screen 2.5 metres; for the construction of alterations and a deck addition to the residence at No. 31 Alexandra Road, East Fremantle in accordance with the plans date stamp received on 28 July 2011 subject to the following conditions:
1. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
 2. The proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 3. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
 4. The proposed alterations/additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 5. All stormwater is to be disposed of on site, clear of all buildings and boundaries.
 6. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

RECOMMENDATION TO COUNCIL

Cr Nardi – Mayor Ferris

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

- (a) **variation to the privacy requirements of the R-Codes to require only 1.5 metres of the west facing deck to be screened in lieu of the requirement to screen 2.5 metres;** for the construction of alterations and a deck addition to the residence at No. 31 Alexandra Road, East Fremantle in accordance with the plans date stamp received on 28 July 2011 subject to the following conditions:
1. **The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
 2. **The proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building**

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

3. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. The proposed alterations/additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. All stormwater is to be disposed of on site, clear of all buildings and boundaries.
6. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

CARRIED

Cr Martin declared a proximity interest in the following item as she owns the property located opposite at 31 May Street and left the meeting at 8.41pm.

T103.13 May Street No. 32 (Lot 71) – Alterations and Additions

Applicant: Sandtracks Design

Owner: Melanie Withers

Application No. P109/2011

By Gemma Basley, Town Planner on 1 September 2011

PURPOSE OF THIS REPORT

This report considers an application for Planning Approval for the construction of single storey alterations and additions to the rear of an existing residence at No. 32 May Street, East Fremantle.

The application seeks discretions to the R-Codes and Council's Local Planning Policy No. 142 in relation to a boundary wall on the southern and the eastern boundary.

The report recommends that conditional approval be granted.

BACKGROUND

Description of Proposal

The subject application proposes single storey alterations and additions to the rear of an existing heritage residence. The alterations and additions are described below:

- construction of a laundry in line with the existing side wall and to include a doorway opening to the south;
- construction of an activity room (with kitchen facilities) and a large bedroom (with an ensuite and walk in robe) which opens onto a north facing verandah/retained courtyard; and
- minor excavation in the rear area of the lot to create a sunken paved and lawn area including the construction of retaining walls along the rear and northern side boundary.

Description of site

The subject site is:

- a 663m² lot

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- zoned Residential 12.5
- developed with a single storey dwelling
- located in the Woodside Precinct.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5 but assessed at R20 as per clause 5.3.3

Residential Design Codes (RDC)

B Management Category - Municipal Heritage Inventory

Relevant Council Policies

Local Planning Policy No. 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 : Proposed additions are at the rear of the residence and will only be minimally visible to the street and are considered to have a negligible impact.

Documentation

Plans and relevant forms date stamp received on 27 July 2011

Date Application Received

27 July 2011

No. of Days Elapsed between Lodgement & Meeting Date

56 days

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

25 September 1991 Council approval for a dining room addition and internal alterations

CONSULTATION

Advertising

The application was advertised to surrounding neighbours & sign on site for a two week period between the 5 and the 19 August 2011. At the close of advertising 1 submission was received from the owners of No. 34 May Street, which will be detailed and responded to below:

Submission	Planning Response
<p>Janice England, of 34 May St East Fremantle, would like to place an objection to the proposed additions to the neighbouring property at No.32 May St East Fremantle.</p> <p>On Wednesday 17th August I met with Gemma, Town Planner East Fremantle, at my property of 34 May St East Fremantle, to discuss the impact the proposed additions to No. 32 May Street would have on my property.</p> <ol style="list-style-type: none"> 1. I consider 700mm distance from my boundary fence to be too close. 2. Northern light to my property would be substantially reduced, affecting my garden, outdoor living and light into the house. 	<ol style="list-style-type: none"> 1. The applicant submits that the minor incursion into the minimum setback area is negligible, given that it is only encroaching by a maximum of 276mm. The Town Planner does not accept this view and considers that for a site such as No. 34 May Street which has an open and undeveloped rear yard a reduced side setback would have an impact. 2. The applicant submits that overshadowing on the adjacent property, from the combined existing and proposed structures, is less than half the permissible area for such a zoned property under the R-codes. The Town Planner accepts this view however overshadowing is only one of the matters to be considered in the assessment of the reduced setback to the southern boundary. 3. The applicant submits that to alter their proposed

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<p>3. The value of my property may be reduced by having a dwelling so close to the boundary.</p> <p>4. The proposed additions may also be over the existing sewer line, which may be against Water Authority building codes.</p> <p>5. A neighbour's plan to take advantage of the northern light should not be at the expense of residents living on the southern side of the property. Alternative plans should be drawn to maximize their requirements and have less impact on the neighbours.</p>	<p>design to comply with the 1metre setback would severely impact on the energy efficiency of the proposed addition (west facing window in Activity room would have to be removed preventing cross ventilation through the additions). This view is not accepted by the Town Planner. The west facing window could still be retained if the setback to the southern boundary was made compliant.</p> <p>4. Water Corporation advises that this property is not affected by a sewer easement.</p> <p>5. Noted.</p>
---	---

The Town Planning response to the submission and the applicant's response are listed below and will be detailed in the assessment section of this report:

- The required setback to each boundary for the proposed addition is 1 metre and the discretion sought is between 0.27 metre to 0.76 metre for an 8.9 metre length of wall.
- The Finished Floor Level of the proposed additions will be lower than natural ground level and will reduce the impact of the wall on the boundaries.
- The additions will result in overshadowing greater than that which already exists however the overshadowing is well within the acceptable requirements of the R-Codes.
- Energy efficiency design appreciated but it is considered that this could still be achieved with a 1 metre setback to the southern boundary.

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 23 August 2011 and the following comments were made:

- 'Panel supports application.'

Site Inspection

By Town Planner on 17 August 2011

STATISTICS			
File	P/MAY32		
Zoning	R12.5 but assessed at the R20 density as per Clause 5.3.3 of TPS No. 4		
Lot Area	663m ²		
Heritage Listing	B Management Category on the MI		
Site:	Required	Proposed	Status
Open Space	55%	58%	Acceptable
Site Works	Less than 500mm	Less than 500mm	Acceptable
Height:	Required	Proposed	Status
Wall	3.0	3.2	Discretion
Ridge	6.0	4.6	Acceptable
Roof type	Pitched		
Other:	Issues		Status
Overshadowing	E-W oriented lot overshadows No. 34 May Street by 12.36%		Acceptable
Privacy/Overlooking	Additions are at the rear are at ground level so will be screened by the dividing fence.		Acceptable

Setbacks:							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Actual Setback	Status
Front (west)							
Ground	Activity	3.2	1.0	Yes	7.5	26	Acceptable
Rear (east)							
Ground	Whole	3.2	7.31	No	1.0	0.941	Discretion
Side (north)							
Ground	Bed 4	3.2	5.2	Yes	1.5	10.3	Acceptable
	Verandah/Activity/Laundry	3.2	6.9	Yes	1.5	12.8	Acceptable
Side (south)							
Ground	Laundry	3.2	2.9	No	1.0	1.49	Acceptable
	Activity/WIR/Ensuite	3.2	8.99	No	1.0	0.724 to 0.773	Discretion

ASSESSMENT

The proposed additions at No. 32 May Street are designed to maximise access to northern light for energy efficiency reasons and as such a minimal setback to the southern boundary is proposed. The proposed additions will not impact on the streetscape presentation of the heritage residence because they are at the rear of the house and somewhat removed from streetscape view.

The proposal accords with the provisions of TPS3, the R-Codes and the Town's Planning Policies with the exception of the setback to the rear and to the south boundary which will be assessed below.

Building on the Boundary

The application proposes to construct two boundary walls along the rear and southern (side) boundary, respectively. The site is coded R12.5 however based on its lot area being below the minimum requirements for an R12.5 coded site, is being assessed at the R20 density pursuant to clause 5.33 of TPS3. As such the R-Codes only permit the following in relation to boundary walls:

- "i Where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension; or*
- ii In areas coded R20 and R25, walls not higher than 3 m with an average of 2.7 m up to 9 m in length up to one side boundary only;"*

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

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

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

- the maximum height of the boundary wall on the eastern boundary is 2.657 metres which is lower than the average and maximum boundary wall height permitted;
- the proposed boundary wall is at the rear of the residence and is separate to the residence;

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- the construction of a boundary wall on the eastern boundary will not result in any overshadowing of the adjoining or subject property; and
- the proposed boundary wall on the eastern boundary will not be visible from the street.

The discretion to allow a boundary wall on the eastern boundary has also be assessed against the Performance Criteria of the R-Codes and based on the following is considered to be acceptable development:

- The proposed eastern boundary wall will not restrict sunlight or ventilation to the existing residence.
- The proposed eastern boundary wall will not cast a shadow on the adjoining lot to the east.

The proposed nil setback to the side (southern) boundary is not considered to satisfy the above criteria for the following reasons:

- the proposed boundary wall is at the side of the residence and is not considered to be separate to the residence;
- the proposed boundary wall would be the second boundary wall for the property;
- the construction of a boundary wall on the southern boundary will result in additional overshadowing of the adjoining property (No. 34 May Street); and
- the proposed boundary wall on the southern boundary will be visible from the street because it will protrude beyond the existing side wall of the residence.

The applicants submit that the southern side boundary wall is required for energy efficiency and to achieve cross ventilation through the proposed addition. This justification for the southern boundary wall is not entirely supported by the Town Planner on the basis that this could also be achieved if the wall were setback in accordance with the R-Codes, being a minimum of 1 metre.

Based on the above discussion and taking into account the objection for the southern neighbour the discretion to allow a boundary wall along the southern boundary is not supported.

CONCLUSION

The application proposes a single storey addition to the rear of the residence at No. 32 May Street, East Fremantle. The application requires Council to exercise its discretion and grant approval for the construction of two boundary walls on the eastern and southern boundaries, respectively. As assessed above, the rear boundary wall is supported however the southern side boundary wall is not supported and this is reflected in the recommendation below.

RECOMMENDATION

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

- (a) a discretion to allow the construction of a boundary wall on the rear (eastern) boundary in a R12.5 coded area;

for the construction of single storey additions at No. 32 May Street, East Fremantle in accordance with the plans date stamp received on 27 July 2011 subject to the following conditions:

1. prior to the issue of a building licence amended plans to be submitted to show a compliant setback to the southern boundary.
2. prior to the installation of an externally mounted air-conditioning plant, a development application which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997 is to be lodged and approved by Council.
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.

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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. the proposed extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
7. all stormwater is to be disposed of on-site and clear of all boundaries.
8. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
9. any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
10. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (d) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the **installer** of a noisy air conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air Conditioner Noise"*
- (e) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr de Jong

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

- (a) **a discretion to allow the construction of a boundary wall on the rear (eastern) boundary in a R12.5 coded area;**

for the construction of single storey additions at No. 32 May Street, East Fremantle in accordance with the plans date stamp received on 27 July 2011 subject to the following conditions:

1. **prior to the issue of a building licence amended plans to be submitted to show a compliant setback to the southern boundary.**
2. **prior to the installation of an externally mounted air-conditioning plant, a development application which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997 is to be lodged and approved by Council.**
3. **the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than**

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where varied in compliance with the conditions of this planning approval or with Council's further approval.

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. the proposed extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
7. all stormwater is to be disposed of on-site and clear of all boundaries.
8. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
9. any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
10. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (d) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air Conditioner Noise"*
- (e) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED

Cr Martin returned to the meeting at 8.42pm and it was noted she had neither spoken nor voted on the previous motion.

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T103.14 Preston Point Road No. 188 (Lot 17)

Applicant: Carrie Hood

Owner: Dominic Ward

Application No. P109/2011

By Gemma Basley Town Planner on 6 September 2011

PURPOSE OF THIS REPORT

This report considers an application for Planning Approval for modifications to an existing Planning Approval for additions and alterations to the existing dwelling at No. 188 Preston Point Road, East Fremantle.

This report recommends that conditional approval be granted.

BACKGROUND

Description of Proposal

No. 188 Preston Point Road, East Fremantle contains a three storey residence that is arguably dated and presents poorly to the street. On 20 July 2010 Council approved a Planning Application for substantial alterations and additions to the existing three storey dwelling to create a more modern, functional and attractive residence. The earlier approval included the following:

- Update and upgrade internal and external finishes to contemporary standards;
- Rationalize use of interior spaces;
- Addition of pergola over existing terrace at the front of the property to provide sun protection and maximize potential for outdoor entertaining and river views;
- Addition of a pool at front of property with safety fencing at first floor level; and
- Provision of a double garage.

The subject application proposes to amend the existing Planning Approval as follows:

- Convert the previously approved 2 car garage to a 3 car garage.
- Enclose the existing open roofed courtyard at the rear of residence.
- Relocate new access stairs to the western boundary (previously approved next to the pool).
- Increase height of brick wall/dividing fence on the western boundary to 1.8 metres and along the western boundary of the proposed entry stairs.
- To construct a portico entry east of the proposed stairs and to construct a boundary wall as the western boundary to the portico to provide privacy between the subject site and the neighbouring No. 186 Preston Point Road.
- To enclose the western opening of the pergola on the first floor.

Description of site

The subject site is:

- a 991m² block,
- zoned Residential R12.5;
- developed with an existing three-storey dwelling on site, not listed on the MI
- located in the Richmond Hill Precinct.

Statutory Considerations

- Town Planning Scheme No. 3 (TPS3)
- TPS3 Local Planning Strategy
- Residential Design Codes of WA (the R-Codes)

Relevant Council Policies

- Local Planning Policy – Fencing Local Laws (LPP143)

Date Application Received

8 August 2011

No. of Days Elapsed between Lodgement & Meeting Date

36 days

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

20 July 2010 Council exercises its discretion and approves alterations and additions to the residence.

CONSULTATION

Advertising

The subject application was advertised to adjoining landowners for 2 weeks between the 12 and the 26 August 2011. During the advertising period no submissions or objections were received by Council.

Town Planning Advisory Panel

The Panel viewed the proposal on the 23 August 2011 however declined to make comment on the proposed amendments, based on the Panel's support for the earlier application and the fact the changes were relatively minor.

STATISTICS

File P/PPT188
Zoning R12.5
Lot Area 991m²
Heritage Listing N/A

Site:	Required	Proposed	Status
Open Space	55%	55%+	Acceptable
Site Works	n/a	n/a	n/a
Height:	Required	Proposed	Status
Wall	5.6m	4.0 m	Acceptable
Ridge	9.0m	4.2m	Acceptable
Roof type	Skillion		

Other:	Issues	Status
Overshadowing	Overshadowing is reduced as a result of the carport being deleted	Acceptable
Privacy/Overlooking	No privacy impacts	Acceptable

Setbacks:

The setback of the portico to the western side boundary is nil and requires a **Discretion**.

REPORT

This report considers and application for amendments to an existing Council Planning Approval for additions and alterations to the existing 3 storey residence at No. 188 Preston Point Road, East Fremantle. The subject application proposes to amend the existing approved plans by way of the following works:

- Convert the previously approved 2 car garage to a 3 car garage.
- Enclose the existing open roofed courtyard at the rear of residence.
- Relocate new access stairs to the western boundary (previously approved next to the pool).
- Increase height of brick wall/dividing fence on the western boundary to 1.8 metres and along the western boundary of the proposed entry stairs.
- To construct a portico entry east of the proposed stairs and to construct a boundary wall as the western boundary to the portico to provide privacy between the subject site and the neighbouring No. 186 Preston Point Road.
- To enclose the western opening of the pergola on the first floor.

The proposed additions comply with most of the quantitative provisions of the R-Codes, TPS No. 3 and Council Policies with the exception of the following matters which will be discussed separately below.

Minor Incursions into the Street Setback Area

The R-Codes require that minor incursions into the street setback area do not detract from the character of the streetscape. The Acceptable Development provision of the R-Codes for this element is quoted below:

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"A2 In accordance with figure 1b, a porch, balcony, verandah, chimney, or the equivalent may (subject to the Building Code of Australia) project not more than 1 metre into the street setback area, provided that the total of such projections does not exceed 20% of the frontage at any level."

The application proposes to construct new stairs along the western boundary to provide access to the first floor of the residence. In order to get the stairs to the first floor within the existing side setback area it is necessary to commence the steps within the front setback area. More specifically, the proposed steps will encroach by up to 1.9 metres into the front setback area. It is considered that this additional incursion into the front setback area is acceptable because of it being stairs and because they occupy less than 20% of the frontage. This minor incursion will not detract from the streetscape.

Building on the Boundary

The application proposes to construct a portico entry on the first floor and proposes that this have a boundary wall along the western (side) boundary. The site is coded R12.5 and such the R-Codes only permit the following in relation to boundary walls:

"i Where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension;"

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

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

The proposed nil setback to the side (western) boundary partially satisfies the above criteria as demonstrated below:

- the maximum height of the boundary wall from first floor ground level is 3 metres which is an acceptable boundary wall height;
- the proposed boundary wall is at the side of the residence and is separate to the residence (forming part of a new portico entry);
- the construction of a boundary wall on the western boundary will not result in any overshadowing of the adjoining or subject property; and
- the proposed boundary wall on the western boundary will be visible from the street but it is not considered that this will have an adverse streetscape impact.

The discretion to allow a boundary wall on the eastern boundary has also be assessed against the Performance Criteria of the R-Codes and based on the following is considered to be acceptable development:

- The proposed western boundary wall will not restrict sunlight or ventilation to the existing residence.
- The proposed western boundary wall will not cast a shadow on the adjoining lot to the east.

The discretion to allow a boundary wall in a R12.5 coded area is supported.

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CONCLUSION

The subject application proposes to retain and retro fit a substantial 3 storey residence on Preston Point Road. The retention of the dwelling and the proposed retrofit is commended.

The proposed modifications to the approved plans are considered minor and will assist in facilitating the refurbishment, alterations and additions to a house that currently has low street appeal. As such the variations sought by the proposal are considered minor and furthermore seen to pose no adverse impact on the adjoining property owners or on the Preston Point Road streetscape; but rather seen to enhance the aesthetics of the area.

Given the above, the application is considered to be acceptable and is recommended for Approval.

RECOMMENDATION

Council exercise its discretion in granting approval for:

- the minor incursion into the front setback area of 1.9 metres metre in lieu of the 1.0 metre requirement as per the R-Codes.
- a boundary wall on a R12.5 coded site and not adjoining a similar wall as per the R-Codes.

for a three-storey single house at No. 188 (Lot 17) Preston point Road, East Fremantle as shown on plans received 8 August 2011 subject to the following conditions:

1. All parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
2. All storm water resulting from the development is to be retained on site and clear of all boundaries.
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:

That the applicant be advised of the following:

- (a) *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.*
- (b) *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).*
- (c) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (d) *The applicant should be aware that the placement of a pool in the front garden area is not a justification for a variation to Local Planning Policy No. 143 and accordingly there should not be any expectation that privacy screening associated with a pool would be approved.*

RECOMMENDATION TO COUNCIL

Cr de Jong – Cr Nardi

Council exercise its discretion in granting approval for:

- the minor incursion into the front setback area of 1.9 metres metre in lieu of the 1.0 metre requirement as per the R-Codes.

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- a boundary wall on a R12.5 coded site and not adjoining a similar wall as per the R-Codes.

for a three-storey single house at No. 188 (Lot 17) Preston point Road, East Fremantle as shown on plans received 8 August 2011 subject to the following conditions:

1. All parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
2. All storm water resulting from the development is to be retained on site and clear of all boundaries.
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:

That the applicant be advised of the following:

- (a) *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.*
- (b) *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).*
- (c) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (d) *The applicant should be aware that the placement of a pool in the front garden area is not a justification for a variation to Local Planning Policy No. 143 and accordingly there should not be any expectation that privacy screening associated with a pool would be approved.*

CARRIED

The Town Planner left the meeting at 8.46pm.

T104. CONFIDENTIAL BUSINESS

T104.1. Tender Assessment – Preparation of Design Guidelines for Residential Development

Cr de Jong – Cr Nardi

That this matter be considered under Confidential Business in accordance with Section 5.23(2)(c) of the Local Government Act 1995 as it deals with a contract.

CARRIED

Councillors had before them a report prepared by the Manager Planning Services on 26 August 2011 and marked "Confidential".

RECOMMENDATION TO COUNCIL

Cr de Jong – Cr Rico

That Council endorse the tender by Griffiths Architects for a lump sum fee of \$52,976 (GST inclusive) as the preferred tenderer to undertake the preparation of Residential Design Guidelines.

CARRIED

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Elected members expressed appreciation to the Manager Planning Services for his clear and detailed report.

T105. OPENING OF MEETING TO PUBLIC

Cr Nardi – Cr Rico

That the meeting be reopened to the public at 8.55pm.

CARRIED

T106. REPORTS OF OFFICER - OTHER

T106.1 Strategic Projects and Resources

The following memo prepared by the CEO and Manager Planning Services was considered:

“The following is comment on outstanding Strategic Projects for the Town and in some cases associated resource issues.

This memorandum is comprised of a combination of advice from the Chief Executive Officer and Manager Planning Services.

PROJECT	BUDGET ALLOCATION	STATUS/COMMENT
Residential Design Guidelines	E10258 \$50,000	<ul style="list-style-type: none"> Tender Assessment Complete Preferred tender selection report for Council endorsement 20/9/2011 Target Completion by February 2011
Review of Planning Strategy, Infill survey and Scheme density provisions	E10239 \$30,000 E10216 \$30,000 (part)	<ul style="list-style-type: none"> Council endorsed tendering of project 6 /9/2011 Target Completion – not yet determined
Municipal Inventory & Review of Heritage List	E10238 \$50,000	<ul style="list-style-type: none"> Pending
George Street Parking & Access Management Plan	No allocation – developer funded	<ul style="list-style-type: none"> Planning Policy for developer contributions Final Approval by Council August 2011 Tender Documents for consultants to undertake Plan prepared July 2011- awaiting developer contributions to begin tendering process. Target Completion – not yet determined
Town Centre Revitalisation- Local Planning Policy- Design Guidelines	E10239 \$12,000 E10216 \$30,000 (part)	<ul style="list-style-type: none"> Draft LPP endorsed for advertising July 2011. Public consultation period ends 23 /9/2011 Report to November Council for Final Approval Target Completion- November 2011
Amendment 9 – Demolitions and Exemptions	No allocation	<ul style="list-style-type: none"> Submitted to Minister for Final Approval July 2011 Target Completion – November 2011
East Fremantle Oval – Master Plan	E11246 \$50,000	<ul style="list-style-type: none"> Council endorsed preparation of revised Master Plan July 2011 Discussions held with WA Football Commission and DSR representatives. Project underway
Town Hall Conservation & Restoration Works	E04604 \$100,000 +\$189,000 carried forward <u>\$289,000</u>	<ul style="list-style-type: none"> Heritage Council approval for priority works was received recently. Works are currently in planning stage with some investigations taking place eg cause of rising damp. Management and staff resources may be an issue – currently under review. Former Principal Building Surveyor, Paul Busby has agreed to assist if required. In addition the recently appointed contract engineer is another potential additional resource.

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Old Police Station Conservation & Restoration Works	Carried forward \$100,000	<ul style="list-style-type: none"> See above comments.
Old Post Office (and MRWA residual land parcels)	Loan allocation for purchase \$1,200,000	<ul style="list-style-type: none"> Preliminary discussions held with MRWA in November 2010. Could form part of an agreement with MRWA in respect to land use and zoning for residual MRWA land parcels – there is potential for strategic parking to be established on some of the land. Chief Executive Officer seeking further meeting with MRWA re both land use issue and purchase of Old Post Office.

Mayor Ferris – Cr de Jong
That the memo be received.

CARRIED

T107. URGENT BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING

Nil.

T108. CLOSURE OF MEETING

There being no further business the meeting closed at 9.00pm.

*I hereby certify that the Minutes of the meeting of the **Town Planning & Building Committee (Private Domain)** of the Town of East Fremantle, held on **13 September 2011**, Minute Book reference **T96. to T108.** were confirmed at the meeting of the Committee on*

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Presiding Member