

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

PART I

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T50. **REFERRED BUSINESS (NOT INCLUDED ELSEWHERE)**

T51. **BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING**

T52. **CLOSURE OF MEETING**

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

T41. OPENING OF MEETING

T41.1 Present

Mayor James O'Neill
Cr Stefanie Dobro Presiding Member
Cr Alan Ferris
Cr Jennifer Harrington
Cr David Martin
Cr Alex Wilson
Ms Beryl Foster Acting Town Planner
Mr Chris Warrener Consultant Town Planner
Mrs Peta Cooper Minute Secretary

T42. WELCOME TO GALLERY

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

T43. APOLOGIES

An apology was submitted on behalf of Cr Richard Olson.

T44. PRESENTATIONS/DEPUTATIONS/PETITIONS

Nil.

T45. PUBLIC QUESTION TIME

Nil.

T46. CONFIRMATION OF MINUTES

T46.1 *Town Planning & Building Committee (Private Domain) – 10 April 2007*

Cr Ferris – Cr Martin

That the Town Planning & Building Committee (Private Domain) minutes dated 10 April 2007 as adopted at the Council meeting held on 17 April 2007 be confirmed.

CARRIED

T47. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

Nil

T48. REPORTS OF COMMITTEES

Nil

T49. REPORTS OF OFFICERS

T49.1 *Receipt of Reports*

Cr Ferris – Cr Martin

That the Reports of Officers be received.

CARRIED

T49.2 Order of Business

Cr Martin – Cr Harrington

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

T49.3 Windsor Road No. 34 (Lot 1)

Applicant: Evan Watts

Owner: Evan Watts & Catherine Barker

(Application No. P54/2007)

By Chris Warrener, Consultant Town Planner on 3 May 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for ground floor additions to the rear of the single storey house at 34 Windsor Road comprising 2 bedrooms and a bathroom.

Statutory Requirements

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

Local Planning Strategy - Richmond Precinct (LPS)

Residential Design Codes (RDC)

Relevant Council Policies

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

Documentation

Plans and relevant forms date stamp received on 19 March 2007

Date Application Received

19 March 2007

Advertising

Adjoining land owners only

Date Advertised

12 April 2007

Close of Comment Period

27 April 2007

No. of Days Elapsed between Lodgement & Meeting Date

50 days

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

10 December 1996 Council grants approval for a relaxation of standards for reduced north and south side boundary setbacks for the erection of 2-storey additions to the house at 34 Windsor Road;

18 March 2003 Council decides to advise the WAPC that it does not support the survey strata subdivision of 34 Windsor Road into 2 lots (1 X 419m², 1 X 458m²);

14 July 2003 WAPC decides to refuse the survey strata subdivision application;

18 November 2003 WAPC decides to consider a request for reconsideration and conditionally approves the subdivision;

22 January 2004 WAPC endorses a survey strata plan for the battle-axe subdivision of 34 Windsor Road into 3 lots (1 X 464m², 1 X 371m², 1 X common property 77m²), which results in the creation of 34 & 34A Windsor Road;

13 October 2004 CEO under delegated authority grants conditional approval for a steel patio with dome roof at the rear of 34 Windsor Road;

4 November 2004 Building Licence issued for steel dome roofed patio;

16 August 2005 Council grants conditional approval for a 2-storey dwelling at 34A Windsor Road with a reduced south side boundary setback, and increased wall length and height;

26 August 2005 Building Licence issued for a retaining wall & fence at 34A Windsor Road;

7 September 2005 Building Licence issued for a 2-storey house at 34A Windsor Road;

CONSULTATION
Development Control Unit
28 March 2007

Public Submissions

At the close of the comment period 1 submission was received.

Site Inspection

By Consultant Town Planner on 18 April 2007

REPORT

Issues

Boundary Setback

The application proposes to extend the boundary wall of the garage on the south side to accommodate two new bedrooms.

The boundary wall is next to a common property lot that provides access to the property at the rear 34A Windsor Road.

The existing garage boundary wall is 4.7m long and varies in height from 3.5m to 3.8m above natural ground level (NGL).

The extended boundary wall (including the garage wall) will be a total of 12.485m long, and vary in height from 3.5m to 5m above NGL.

LPP 142 allows a boundary wall along one side boundary no longer than 9m or higher than 3m therefore this application proposes a variation to Council policy for which its discretion is required to be exercised.

Overlooking/Privacy

The proposed wall for the bedrooms incorporates 2 window openings. The floor level of the bedrooms varies in height from 1.4m to 1.8m above NGL.

The RDC state:

“A1 Major openings to active habitable spaces or their equivalent which have a floor level more than 0.5m above natural ground level and positioned so as to overlook any part of any other residential property behind its street setback line, to comply with at least one of the following:

- (i) are set back, in direct line of sight within the cone of vision, from the boundary a minimum of:
- 4.5 metres in the case of bedrooms;”*

The common property driveway access is 3.26m wide therefore the proposed boundary wall will be this distance away from the adjoining potentially affected property at 32 Windsor Road.

The RDC recommend a 4.5m setback for upper floor bedrooms with major openings therefore the setback of the 'boundary' wall at 3.26m (from 32 Windsor Road) constitutes a variation for which Council discretion is required to be exercised.

Discussion

The area overlooked at 32 Windsor Road constitutes a side service access and is not an outdoor entertaining area or space considered to be affected by privacy issues.

The potentially affected landowner (Celenza) has endorsed a letter of support, which states:

"I, C. Celenza of 32 Windsor Road East Fremantle, have sighted the proposed extensions to 34 Windsor Road East Fremantle and have no objections."

Submission

The submission from the owner of the property at the rear (34A Windsor Road) states that *"I have no objections to the additions."*

It further requests that the windows that open onto the common drive and rear be in keeping with Council policy, eaves to be boxed, gate at rear to have a self closing mechanism.

The Applicant responded to the submission stating:

"Windows As attached with our application I have submitted a detailed letter outlining our justification for window height etc. I wish to also point out sash windows will not open out into common land.

Eaves The eaves on the proposed application will not be protruding into common land.

Gate Is irrelevant to this application and will not be addressed.

Vehicle Access During the building phase of the proposed addition, it would be expected that there will be interruptions on occasion to the rear neighbour's drive-way as our extension is building to the boundary which borders our rear neighbour's drive-way. We will advise our builder of our neighbour's concerns and request they do not park vehicles or equipment on the common drive-way after working hours and that interruptions be kept to the minimum."

While the setback of the proposed bedroom windows is less than recommended in the RDC they do not affect anyone's privacy, and the potentially affected property owner at 32 Windsor Road has no objections.

The eaves for the additions do not encroach the common property driveway.

The gate at the rear is not the subject of this application.

Conclusion(s)

Given that the overlooking is considered not to impact negatively on the privacy of the potentially affected property, the owner of which has endorsed support for the proposed extensions, this application is considered acceptable.

RECOMMENDATION

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

- (a) variation to the south side boundary setback for two bedrooms pursuant to the Residential Design Codes from 4.5m to 3.26m;

(b) variation to the length and height of a boundary wall pursuant to Local Planning Policy 142 from 9m to 12.485m long, and from 3m to 5m above natural ground level; for the construction of ground floor additions to the rear of the single storey house at 31A Windsor Road comprising 2 bedrooms and a bathroom in accordance with the plans date stamp received on 19 March 2007 subject to the following conditions:

1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. the proposed extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
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 of Council does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (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.*

Mr Evan Watts & Ms Catherine Barker (applicant/owners) addressed the meeting.

RECOMMENDATION TO COUNCIL

Cr Martin – Cr Ferris

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

- (a) **variation to the south side boundary setback for two bedrooms pursuant to the Residential Design Codes from 4.5m to 3.26m;**
- (b) **variation to the length and height of a boundary wall pursuant to Local Planning Policy 142 from 9m to 12.485m long, and from 3m to 5m above natural ground level;**

for the construction of ground floor additions to the rear of the single storey house at 31A Windsor Road comprising 2 bedrooms and a bathroom in accordance with the plans date stamp received on 19 March 2007 subject to the following conditions:

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

2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. the proposed extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
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 of Council does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.* CARRIED

T49.4

Pier Street No. 2A (Lot 8)

Applicant: Interface Architecture & Building

Owner: David & Lee Simes

(Application No. P55/2007)

By Chris Warrener, Consultant Town Planner on 2 May 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for additions to the 2-storey house at 2A Pier Street comprising:

- First floor master bedroom and balcony;
- Second floor deck and loft room.

Statutory Requirements

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

Local Planning Strategy - Riverside Precinct (LPS)

Residential Design Codes (RDC)

Relevant Council Policies

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

Documentation

Plans and relevant forms date stamp received on 27 March 2007

Date Application Received

27 March 2007

Advertising

Adjoining land owners only

Date Advertised

12 April 2007

Close of Comment Period

27 April 2007

No. of Days Elapsed between Lodgement & Meeting Date

49 days

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

15 September 1986 Council grants special approval for a single storey residence and a car-port on a reduced setback from 6m to 4.5m;

16 February 1987 Council refuses an application for the erection of a 2-storey residence with a reduced setback to a deck and 2 major openings;

24 June 1987 Building Licence issued for a brick & colour-bond residence;

15 February 1988 Council grants approval for the erection of a brick fence not exceeding 2m in height;

18 October 1988 Council approves landscaping of the verge;

29 January 1993 Building Licence issued for a brick & iron store/shed;

15 February 1993 Council refuses an application for a new car-port & deck, and approves new upper level bedroom, and bathroom addition including a balcony;

16 August 1993 Council grants approval for the installation of a swimming pool;

19 August 1993 Building Licence issued for a below ground swimming pool;

2 October 1993 Minister for Planning decides not to uphold the appeal against the 15 February 1993 Council decision;

21 March 1995 Approval granted under delegated authority for a toilet & shower area within the under-croft of the house at 2A Pier Street;

27 March 1995 Building Licence issued for toilet & shower;

15 July 1997 Council grants conditional approval for a third garage;

19 August 1997 Building Licence issued for third garage;

20 November 2001 Council grants conditional special approval for a balcony extension on reduced west side & front boundary setbacks for a balcony;

18 March 2002 Building Licence issued for balcony extension.

CONSULTATION

Development Control Unit

28 March 2007

Public Submissions

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

Site Inspection

By Consultant Town Planner on 3 April 2007

STATISTICS

Land Area

Required

Proposed

796m²

Existing

Zoning

R12.5

Heritage Listing

Not Listed

Setbacks:

Front (south)			
<i>Upper</i>	<i>Deck</i>	7.50	15.30 Acceptable
Rear (north)			
<i>Upper</i>	<i>Balcony</i>	7.50	9.20 Acceptable
	<i>Bed 1</i>	4.50	9.20 Acceptable
Side (west)			
<i>Upper</i>	<i>Balcony</i>	7.50	7.57 Acceptable
Side (east)			
<i>Upper</i>	<i>Bed 1</i>	1.10	1.56 Acceptable

Height:

Wall	5.60	5.60 Acceptable
Ridge	8.10	6.70 Acceptable

REPORT**Discussion**

This application is for upper floor additions, which do not involve any variations to permitted development under the RDC or LPP 142, and will not negatively impact on neighbouring property views.

RECOMMENDATION

That Council grant Planning Approval for the construction of additions to the 2-storey house at 2A Pier Street comprising:

- First floor master bedroom and balcony;
- Second floor deck and loft room.

in accordance with the plans date stamp received on 27 March 2007 subject to the following conditions:

1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. the proposed extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. 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 of Council does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*

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

Ms Victoria Cole (applicant/architect) and Mr & Mrs David & Lee Simes (owners) addressed the meeting.

RECOMMENDATION TO COUNCIL

Mayor O'Neill – Cr Martin

That Council grant Planning Approval for the construction of additions to the 2-storey house at 2A Pier Street comprising:

- **First floor master bedroom and balcony;**
- **Second floor deck and loft room.**

in accordance with the plans date stamp received on 27 March 2007 subject to the following conditions:

- 1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- 2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- 3. the proposed extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
- 4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.**
- 5. 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 of Council does not include acknowledgement or approval of any unauthorised development which may be on the site.***
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.***
- (c) *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

T49.5

Canning Highway No. 91 (Lot 418)

Applicant: Red Hot Design

Owner: Robert Henry Turner

(Application No. 76/2007)

By Chris Warrener, Consultant Town Planner on 2 May 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for a commercial screen-printing, and wholesale clothing supply business in the building at 91 Canning Highway

Statutory Requirements

Town Planning Scheme No. 3 (TPS 3) – Canning Highway Mixed Use zone

Local Planning Strategy - Plympton Precinct (LPS)

Residential Design Codes (RDC)

Documentation

Plans and relevant forms date stamp received on 11 April 2007

Date Application Received

11 April 2007

Advertising

Adjoining land owners & sign on site

Date Advertised

13 April 2007

Close of Comment Period

30 April 2007

No. of Days Elapsed between Lodgement & Meeting Date

27 days

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

19 March 1973	Council decides it is not prepared to grant approval for automotive break & clutch repairs;
16 September 1974	Council grants approval for Hart's Garage to be used for the display and retail of furniture, and approval granted on a non-conforming right basis pursuant to part 6, clause 43 of Council's Town Planning Scheme Text (TPS 1); Council grants approval for Hart's Garage to be used as a restaurant and take away food bar and approval granted on a non-conforming right basis pursuant to part 6, clause 43 of Council's Town Planning Scheme Text;
30 January 1975	Council decides to refuse an application for an auto rust-proofing and polishing business from Lot 418 known as Hart's Service Station;
24 February 1975	Deputy Town Clerk advises W. Southern that permission has been granted to use premises at 91 Canning Highway as a Second Hand Furniture mart;
18 March 1975	Town Clerk advises Melville Motors that Council is not prepared to allow a new Motorcycle Showroom;
19 May 1975	Council agrees to rezone Lots 418 & 419 Canning Highway as business subject to Car yards not being permitted;
9 September 1975	Council resolves to initiate action to rezone the site from "Service Station" to "Special Use – Sale of Recreational Camping Vehicles and Maintenance Thereof Only";
21 November 1977	Council approves an application for a Commercial Display business for the construction and storage of display props & window dressing, ticket writing & related work;
21 November 1983	Council grants approval for a brake & clutch repair business;
19 February 2002	Council resolves that the use "vehicle suspension repairs" is less detrimental to the amenity of the area than the existing "sign makers" business and agrees that the non-conforming use can change to the "vehicle suspension repairs" use;
2 April 2004	Photograph of the premises signed as "Fremantle Brake & Clutch Repairs".

CONSULTATION**Public Submissions**

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

Site Inspection

By Consultant Town Planner on 19 April 2007

REPORT**Issues**

Land Use

The subject land is zoned "Mixed Use" under TPS 3.

The proposed use of the premises at 91 Canning Highway for screen printing and wholesale of clothing is considered to fall within the use category "industry – service", which means:

- "(a) an industry – light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or*
- (b) premises having a retail shop front and used as a depot for receiving goods to be serviced;"*

Under TPS 3 industry – service is classified an "A" use.

"'A' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4."

Council's Planning Department arranged for the application to be advertised by consulting surrounding landowners, and a sign placed on site.

Car Parking

TPS 3, Schedule 11 specifies the following parking requirement for industry – service:

"1 space for every 50m² floor area or open space used for such purposes, plus 1 space for each employee - Minimum 4 spaces per tenancy or unit"

"Red Hot Design" proposes to lease 339m² floor area, and the applicant advises that staff numbers vary between 7 – 9 people.

Therefore 14 car parking spaces are required based on the ratio specified in TPS 3.

The subject property accommodates 16 car spaces, and 10 of these are clearly marked on the concrete aprons on the north and west sides of the building.

Signage

The applicant has submitted a proposed signage plan/photo image, which comprises lettering printed on the fascia of the awning attached to the building at 91 Canning Highway.

The signage for the previous tenant WA Suspensions comprised raised letters fixed to this awning.

In regard to advertising TPS 3 Schedule 5 Advertisements Exempt from Planning Approval includes the following:

"Signs and advertisements painted or flush-mounted on the building provided no more than 5 metres above ground level.

No maximum size provided there is no extension to the building surface.

Information or display to relate to the business or activities on the site of the advertisement."

The applicant's proposed signage is considered to be an advertisement exempt from Planning Approval.

Discussion

The proposed use of the premises at 91 Canning Highway for a screen printing and clothing supply business is considered to be a use complementary to the uses recommended under TPS 3 for the Canning Highway Mixed Use zone.

There were no adverse comments received during advertising, and there is plenty of on-site parking available.

RECOMMENDATION

That Council grant Planning Approval to the use of the premises at No. 91 (Lot 418) Canning Highway, East Fremantle for a commercial screen-printing and wholesale clothing supply business in accordance with the plans date stamp received on 11 April 2007 subject to the following conditions:

1. hours of operation to be limited to 8:30am to 5pm Monday to Friday.
2. signage required in addition to that proposed in the application is subject to a further Application for Planning Approval and issue of a Sign Licence.
3. no direct access is permitted to Canning Highway unless approved by Main Roads;
4. prior to the business commencing operation the owner must submit a plan to the satisfaction of the Chief Executive Officer and associated staff demonstrating areas for adequate staff and customer parking together with refuse storage areas, access and egress points;
5. no materials, refuse and or other objects are to be stored or left outside the premises without Council approval;

Mr Mark Hallet (applicant) addressed the meeting.

RECOMMENDATION TO COUNCIL

Cr Martin – Mayor O’Neill

That Council grant Planning Approval to the use of the premises at No. 91 (Lot 418) Canning Highway, East Fremantle for a commercial screen-printing and wholesale clothing supply business in accordance with the plans date stamp received on 11 April 2007 subject to the following conditions:

1. hours of operation to be limited to 8:30am to 5pm Monday to Friday.
2. signage required in addition to that proposed in the application is subject to a further Application for Planning Approval and issue of a Sign Licence.
3. no direct access is permitted to Canning Highway unless approved by Main Roads.
4. prior to the business commencing operation the owner must submit a plan to the satisfaction of the Chief Executive Officer and associated staff demonstrating areas for adequate staff and customer parking together with refuse storage areas, access and egress points.
5. no materials, refuse and or other objects are to be stored or left outside the premises without Council approval.

CARRIED

T49.6

Pier Street No. 51A (Lot 210)

Applicant: Building Corporation WA Pty Ltd

Owner: Ms D McGrath

(Application No. P48/2007)

By Chris Warrener, Consultant Town Planner on 30 March 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for a two storey house incorporating:

Rear undercroft activity room

Ground floor double garage, entry, laundry, bathroom, kitchen, living, and dining rooms, and outdoor alfresco area;

First floor 4 bedrooms, 2 bathrooms, balcony, and store room.

Note that garage door width represents 49.7% of the property frontage.

Statutory Requirements

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

Local Planning Strategy – Richmond Hill Precinct (LPS)

Residential Design Codes (RDC)

Relevant Council Policies

Local Planning Policy 066 – Roof pitch

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

Documentation

Plans and relevant forms date stamp received on 12 March 2007

Date Application Received

12 March 2007

Advertising

Adjoining land owners & sign on site

Date Advertised

15 March 2007

Close of Comment Period

29 March 2007

No. of Days Elapsed between Lodgement & Meeting Date

29 days

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

- | | |
|------------------|--|
| 5 March 2003 | Western Australian Planning Commission (WAPC) conditionally approves the subdivision of 51 Pier Street into 2 survey strata lots comprising 51A and 51B Pier Street; |
| 21 December 2004 | Council decides to relax boundary setbacks, and conditionally approve the construction of a two-storey single house at 51B Pier Street (Owner – Mr B Mathews); |
| 20 March 2006 | Council conditionally approves reduced front, east & west side boundary setbacks, and increased wall height for a 2-storey house at 51A Pier Street (Owner - T & R Mascaro); |
| 18 July 2006 | Council conditionally approves reduced east and west side boundary setbacks for a 2-storey house at 51B Pier Street (Owner – Mr Stanley, Applicant - Lomma Homes). |

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 27 March 2007 and the following comments were made:

- does not address street, however due to simplicity will fit in
- front elevation could be softer

Public Submissions

At the close of the comment period 1 submission was received.

- | | |
|-------------------------|--|
| <i>55 Fraser Street</i> | - In the past has experienced drainage problems from this lot and the adjoining lot on its west side; |
| | - Give serious consideration to problem and enforce strict drainage requirements for the proposed new residence. |

Site Inspection

By Consultant Town Planner on 14 March 2007

STATISTICS

Land Area

Required

Proposed

465m²

Existing

Open Space	55%	61.7%
		Acceptable

Zoning		R12.5
--------	--	-------

Setbacks:

Front (north)			
<i>Ground</i>	<i>Store</i>	7.50	6.00
			Discretion Required
	<i>Garage</i>	7.50	7.50
			Acceptable
<i>Upper</i>	<i>Balcony</i>	7.50	6.00
			Discretion Required
Rear (south)			
<i>Undercroft</i>	<i>Activity</i>	6.00	13.92
			Acceptable
<i>Ground</i>	<i>Living</i>	6.00	18.00
			Acceptable
	<i>Dining</i>	6.00	13.92
			Acceptable
<i>Upper</i>	<i>Bed 1</i>	6.00	13.92
			Acceptable
	<i>Store</i>	6.00	18.92
			Acceptable

Side (east)			
<i>Ground</i>	<i>Dining/Kitchen</i>	1.00	Nil
			Discretion Required
	<i>Stairs</i>	1.00	2.40
			Acceptable
	<i>Laundry/Store</i>	1.00	Nil
			Discretion Required
<i>Upper</i>	<i>Bed 1</i>	1.50	4.20
			Acceptable
	<i>Stairs</i>	1.20	2.30
			Acceptable
	<i>Bed 2&3</i>	1.50	Nil
			Discretion Required

Side (west)			
<i>Ground</i>	<i>Garage</i>	1.00	2.20
			Acceptable
	<i>Entry</i>	1.50	3.00
			Acceptable
	<i>Activity</i>	1.00	1.20
			Acceptable
	<i>Dining</i>	1.50	5.40
			Acceptable
<i>Upper</i>	<i>Balcony</i>	7.50	3.00
			Discretion Required
	<i>Bed 4</i>	1.20	2.50
			Acceptable
	<i>Stairs</i>	1.20	4.40
			Acceptable
	<i>Bed 1</i>	1.50	1.20
			Discretion Required

Height:

Wall	6.00	7.20
		Discretion Required
Ridge	9.00	9.00
		Acceptable

Privacy:

Upper floor balcony overlooks the front setback and public domain.

REPORT

Issues

Building Height

South Side (Rear) Common with 55 Fraser Street

Wall height for upper floor bedroom 1 varies up to 7.2m above natural ground level (NGL).

East Side Common with 51B Pier Street

Wall height for upper floor bedroom 1 varies up to 7m above NGL.

Wall height for upper floor bedrooms 2 and 3 varies up to 6.4m above NGL.

West Side Common with 49B Pier Street

Wall height for upper floor bedroom 1 varies up to 7.2m above NGL.

The RDC recommend a 6m wall height limit.

Boundary Setbacks

North Side (Front) Boundary

A proposed ground floor store wall and an upper floor balcony are set back 6m from the front boundary.

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

East Side Boundary Common with 51B Pier Street

This application proposes 2 walls longer than 9m with one of these higher than 3m along the east side boundary.

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

A 12m long wall for a ground floor dining room and kitchen, and a 10.2m long wall for a ground floor laundry and store are set back 0m from the east side boundary.

The RDC recommend a 1m setback.

A 10.2m long wall for upper floor bedrooms 2 and 3 is set back 0m from the east side boundary.

The RDC recommend a 1.5m setback.

West Side Boundary Common with 49B Pier Street

An upper floor balcony is set back 3m from the west side boundary.

The RDC recommend a 7.5m setback for unscreened balconies.

An upper floor wall for bedroom 1 is setback 1.2m from the west side boundary.

The RDC recommend a 1.5m setback.

Discussion

Building Height

The subject land slopes reasonably steeply down from Pier Street to the rear. The height variations sought are for walls at the rear and are wall heights similar to the variations Council approved for the development of 49A and the adjoining property 51B Pier Street.

Roof height “complies” with the limit of 9m, and roof pitch at 30° “complies” with LPP 066.

The variation to wall height is considered not to affect the appearance of the property from Pier Street, it does not adversely affect neighbouring property and is supported.

Boundary Setbacks

The parapet walls on the east side boundary about the parapet

wall on the east side boundary of the 2-storey house being built at 51B Pier Street. The setback variations along this boundary are considered not to adversely affect the amenity of the potentially affected property, and no submissions were received objecting to these variations.

The proposed variation to the west side setback for an upper floor balcony is not considered to impact on amenity because the potential overlooking is of the front setback area and the public domain.

While the front setback variation does not apply to adjacent property development it does apply to many other houses nearby in Pier Street. The bulk of the building is proposed to be at the recommended RDC setback, and the encroachments could be considered minor intrusions which will contribute to the articulation of the front façade (“breaking” the appearance of the front façade on a narrow lot).

It is considered that this variation will not adversely affect the local streetscape or the amenity of adjoining property.

Submissions

55 Fraser Street is downhill (to the south) of the subject property, and there is evidence of runoff from the subject property, and the adjoining property 51B Pier Street.

Presently there is no on-site containment of drainage at 51A Pier Street however as a condition of the proposed 2-storey house the following drainage containment measure is required:

4. *all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.*

TPAP Comments

There was consensus at the panel meeting that the proposed house design is acceptable, not unlike a large number of 2-storey houses built, and under construction nearby.

RECOMMENDATION

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

- (a) variation to wall height on the south side for upper floor bedroom 1 pursuant to the Residential Design Codes from 6m to 7.2m;
- (b) variation to wall height on the east side for upper floor bedroom 1 pursuant to the Residential Design Codes from 6m to 7m;
- (c) variation to wall height on the east side for upper floor bedrooms 2 and 3 pursuant to the Residential Design Codes from 6m to 6.4m;
- (d) variation to wall height on the west side for upper floor bedroom 1 pursuant to the Residential Design Codes from 6m to 7.2m;
- (e) variation to the north side (front) boundary setback for a ground floor store wall and an upper floor balcony pursuant to the Residential Design Codes from 7.5m to 6m;
- (f) variation to the east side boundary setback for a dining room, kitchen, laundry and store pursuant to the Residential Design Codes from 1m to 0m;
- (g) variation to the east side boundary setback for an upper floor wall for bedrooms 2 and 3 pursuant to the Residential Design Codes from 1.5m to 0m;
- (h) variation to the west side boundary setback for an upper floor balcony pursuant to the Residential Design Codes from 7.5m to 3m;
- (i) variation to the west side boundary setback for upper floor bedroom 1 wall pursuant to the Residential Design Codes from 1.5m to 1.2m;

for the construction of a two storey house incorporating:

Rear Undercroft ... Activity room

Ground floor ... Double garage, entry, laundry, bathroom, kitchen, living, and dining rooms, and outdoor alfresco area;

First Floor ... 4 bedrooms, 2 bathrooms, balcony, and store room.

at No. 51A (Lot 210) Pier Street, East Fremantle in accordance with the plans date stamp received on 12 March 2007 subject to the following conditions:

1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. the proposed 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.
4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
6. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
7. any new crossovers which are constructed under this approval to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
8. 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.
9. 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 of Council does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (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.*

Ms Athena Illiadis (representing the owner) and Ms Danielle McGrath (owner) addressed the meeting.

RECOMMENDATION TO COUNCIL

Mayor O'Neill – Cr Ferris

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

- (a) variation to wall height on the south side for upper floor bedroom 1 pursuant to the Residential Design Codes from 6m to 7.2m;**
- (b) variation to wall height on the east side for upper floor bedroom 1 pursuant to the Residential Design Codes from 6m to 7m;**
- (c) variation to wall height on the east side for upper floor bedrooms 2 and 3 pursuant to the Residential Design Codes from 6m to 6.4m;**
- (d) variation to wall height on the west side for upper floor bedroom 1 pursuant to the Residential Design Codes from 6m to 7.2m;**
- (e) variation to the north side (front) boundary setback for a ground floor store wall and an upper floor balcony pursuant to the Residential Design Codes from 7.5m to 6m;**
- (f) variation to the east side boundary setback for a dining room, kitchen, laundry and store pursuant to the Residential Design Codes from 1m to 0m;**
- (g) variation to the east side boundary setback for an upper floor wall for bedrooms 2 and 3 pursuant to the Residential Design Codes from 1.5m to 0m;**
- (h) variation to the west side boundary setback for an upper floor balcony pursuant to the Residential Design Codes from 7.5m to 3m;**
- (i) variation to the west side boundary setback for upper floor bedroom 1 wall pursuant to the Residential Design Codes from 1.5m to 1.2m;**

for the construction of a two storey house incorporating:

Rear Undercroft ... Activity room

Ground floor ... Double garage, entry, laundry, bathroom, kitchen, living, and dining rooms, and outdoor alfresco area;

First Floor ... 4 bedrooms, 2 bathrooms, balcony, and store room.

at No. 51A (Lot 210) Pier Street, East Fremantle in accordance with the plans date stamp received on 12 March 2007 subject to the following conditions:

- 1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- 2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- 3. the proposed 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.**
- 4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.**
- 5. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.**
- 6. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.**
- 7. any new crossovers which are constructed under this approval to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.**
- 8. 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.**

9. 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 of Council does not include acknowledgement or approval of any unauthorised development which may be on the site.*
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- (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.*

CARRIED

T49.7

Preston Point Road No. 12 (Lot 210)

Applicant: Greg Rowe & Associates

Owner: Mark & Tamara Zammit

(Application No. P57/2007)

By Chris Warrener Consultant Town Planner on 3 May 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for a rendered brick with colour-bond roof, 2-storey house at 12 Preston Point Road comprising 3 bedrooms, 2 bathrooms, games room, office, and double garage.

Statutory Requirements

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

Local Planning Strategy - Richmond Precinct (LPS)

Residential Design Codes (RDC)

Relevant Council Policies

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

Documentation

Plans and relevant forms date stamp received on 23 March 2007

Date Application Received

23 March 2007

Advertising

Adjoining land owners only

Date Advertised

12 April 2007

Close of Comment Period

27 April 2007

No. of Days Elapsed between Lodgement & Meeting Date

46 days

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

12 September 1983	Building Permit issued for ground floor extensions to the west and south sides of the house at 12 Preston Point Road comprising a dining room, kitchen, laundry, bathroom and 2 bedrooms;
6 August 2001	Building Licence issued for 2 shade sails over the driveway off Preston Point Road;
4 June 2003	Change of address approved from 12 Preston Point Road to 3 Alcester Street;
21 October 2003	Planning Consent granted under delegated authority for an isolated double carport to the southwest corner of the house;
21 October 2003	Council resolves to advise the WAPC that it does not support a 2-lot strata subdivision to create a 646m ² lot and a 335m ² lot;
11 November 2003	Building Licence issued for carport;
11 December 2003	WAPC conditionally approves the 2-lot strata subdivision;
8 January 2004	Applicant for subdivision requests that the WAPC reconsider its decision and delete Condition 7 which states: <i>“A residential dwelling being constructed to plate height on the proposed vacant lot in accordance with a planning approval/building licence issued by the Town of East Fremantle prior to the lodgement of the survey document. (LG)”</i> ;
18 February 2004	Council advises the WAPC that it does not support deletion of Condition 7;
13 April 2004	WAPC advises that it resolved to retain Condition 7;
12 November 2004	Council receives a WAPC referral for an application to survey strata subdivide 3 Alcester St into a 631m ² lot and a 350m ² lot;
22 December 2004	Council advises the WAPC that it does not support the subdivision;
7 February 2005	WAPC conditionally approves the 2-lot survey strata subdivision (see Attachment) with a reworded Condition 7: <i>“The subdivider making arrangements satisfactory to the WAPC to ensure that the prospective purchasers of the proposed lots will be advised to seek development approval from the Town of East Fremantle for the development of a new dwelling on the proposed 350m² lot.”</i>
20 June 2006	Council grants conditional approval for a 3-car garage with cellar, store, and workshop on a reduced front setback at 3 Alcester Street (the parent lot).

CONSULTATION

Development Control Unit

28 March 2007

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel which made no comments.

Public Submissions

At the close of the comment period 1 submission was received.

Site Inspection

By Consultant Town Planner on 27 April 2007

STATISTICS

Land Area

Required

Proposed

350m²

Existing

Open Space	50%	56.0%
		Acceptable

Zoning		R12.5/R20
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Setbacks:

Front (west)			
Ground	Games	6.00	2.70 to 3.40
			Discretion Required
	Garage	6.00	5.40 to 6.20
			Discretion Required
Upper	Porch	6.00	3.40 to 3.60
			Discretion Required
	Family	6.00	2.90 to 3.40
			Discretion Required
Rear (east)			
Ground	Bed 2 &3 & Bath	1.50	1.50
			Acceptable
Upper	Master & Kitchen	1.90	1.50
			Discretion Required
Side (north)			
Ground	Bed 2	3.00	4.642
			Acceptable
	Office	3.00	5.80
			Acceptable
	Games	3.00	7.30
			Acceptable
Upper	Alfresco	7.50	3.10
			Discretion Required
Side (south)			
Ground	Garage & Bed 3	1.50	1.61
			Acceptable
Upper	Family	1.10	7.00
			Acceptable
	Master Suite	1.10	1.00
			Discretion Required

Height:

Wall	6.00	5.10
		Acceptable
Ridge	9.00	7.70
		Acceptable

Overshadowing: N/a

Privacy/Overlooking: The upper floor alfresco overlooks the public Domain and 1m² of the North West corner of 3 Alcester Street.

REPORT

Issues

Being a corner lot this application has been assessed based on sub-clause 5.3.1 under TPS 3, which states:

5.3.1 *Density Bonus for Corner Lots: In areas with a density coding of R12.5, the local government may approve development up to a density of R20 on corner lots where the dwellings are designed to face each of the two street frontages, and in the opinion of local government, there will be an improvement in the overall amenity of the streets as a result of the development.*

Boundary Setbacks

<i>Front (west) Side Boundary</i>	<p>On the ground floor a games room varies in distance from the front boundary between 2.7m and 3.4m, and the double garage varies from 5.4m to 6.2m.</p> <p>On the upper floor a porch varies in distance from the front boundary between 3.4m and 3.6m, and a family room varies from 2.9m to 3.4m.</p> <p>The RDC recommend a 6m front boundary setback for R20 coded property.</p>
<i>Rear (east) Side Boundary</i>	<p><u>Common with 3 Alcester Street</u></p> <p>The upper floor master suite and kitchen are setback 1.5m from the east side boundary.</p> <p>The RDC recommend a 1.9m setback.</p>
<i>North Side Boundary</i>	<p>An upper floor alfresco area is setback 3.1m from the north side boundary (Alcester Street).</p> <p>The RDC recommend a 7.5m setback.</p>
<i>South Side Boundary</i>	<p><u>Common with 10 Preston Point Road</u></p> <p>The upper floor master suite is set back 1m from the south side boundary.</p> <p>The RDC recommend a 1.1m setback.</p>

Discussion

12 Preston Point Road is a property which will be created when titles issue for the subdivided lots granted conditional approval by the WAPC on 7 February 2005.

Condition 7 of the WAPC approval states:

“The subdivider making arrangements satisfactory to the WAPC to ensure that the prospective purchasers of the proposed lots will be advised to seek development approval from the Town of East Fremantle for the development of a new dwelling on the proposed 350m² lot.”

This application is submitted to satisfy Condition 7.

12 Preston Point Road will result out of the subdivision of the corner lot 3 Alcester Street, and it will be the new corner lot therefore this application has been assessed having regard to TPS 3, sub-clause 5.3.1, and the following statements made in LPP 142:

“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.

- (iii) *The following street setbacks apply also to any upper storey:*

- (a) *Primary Street – minimum setback as prescribed by the Residential Design Codes – Table 1 – General Site Requirements, Column 8; and*
- (b) *Secondary Street – minimum setback 50% of Primary Street.”*

Therefore the recommended setback from Preston Point Road is 6m, and from Alcester Street it is 3m.

Boundary Setbacks

Front

The applicant's cover letter addresses the proposed front boundary (Preston Point Road) setback variation stating:

“The reduced setback is not deemed to be inconsistent with the existing streetscape with many dwellings on both Preston Point Road and Alcester Street being located within the front setback area. Further, the development has addressed both streets in such a way that reduces the building bulk and contributes to the aesthetics of the streetscape.

The proposed site works to be undertaken at the subject site, assists in ameliorating the building bulk on the Preston Point Road frontage given the setback of the garage and the proposed ground level differences.”

With the exception of 10 & 12 Alcester Street every other property along this street is set back closer to the front boundary than recommended in the RDC, many are built right up to the front boundary.

Of the 23 properties along Preston Point Road in the immediate locality of the subject land, between Canning Highway and Bolton Street, 13 contain development which is on a 'reduced' front boundary setback.

A number of these properties on the west side of Preston Point Road are built right up to the front boundary.

The subject land is on the “low” side of the road and the nature of its topography is considered to negate the impact of the reduced front setback on the streetscape.

The proposed house will not appear as imposing as a 2-storey house situated on a flat level block on a “normal” setback, and its design is considered to make a positive contribution to the streetscape.

For the above reasons the variations proposed to the front setback are supported.

Rear

The variation to the east side boundary setback for an upper floor master bedroom and kitchen being 0.4m less than the recommended setback is considered relatively minor.

The potentially affected property is owned by the owner of the subject land who “obviously” does not object to this variation.

South Side

The land affected by the proposed variation of 0.1m to the south side boundary setback for an upper floor master bedroom comprises the driveway access to the rear of 10 Preston Point Road.

The potentially affected property owner has not objected to this variation, which is considered minor not impacting negatively on the amenity of 10 Preston Point Road.

North Side

The subject land is at the corner of Alcester Street and Preston Point Road. Alcester Street abuts the north side boundary of the property.

The alfresco area overlooks this north side setback and public domain therefore the overlooking is not considered to impact on the amenity of any adjoining property and can be supported.

Submission

The owner of 10 Preston Point Road lodged a submission which states:

"There is currently an embankment on No 12 and fence of No 10 Preston Point Road.

This is at the lower end of the driveway, adequate retaining walls would have to be constructed to prevent earth subsiding on to our land at these points."

The Applicant responded to the submission stating:

"The proposed boundary levels along the dividing boundary between No's.10 and 12 is not proposed to be significantly altered and therefore no new retaining walls are proposed.

The owners anticipate that they will replace the existing boundary fence in consultation with the adjoining owner. This process however will be undertaken through the Dividing Fence Act 1962 and at the completion of the building works."

Additionally, the Owner advised at a brief site meeting with the Consultant Town Planner on 27 April 2007 that this matter had been discussed with the neighbour, and the owner of the subject land had agreed to ensure that any required retaining works would be undertaken.

RECOMMENDATION

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

- (a) variation to the west side (front) boundary setback pursuant to the Residential Design Codes for a games room from 6m to 2.7m, for a double garage from 6m to 5.4m, for an upper floor porch from 6m to 3.4m, and an upper floor family room from 6m to 2.9m
- (b) variation to the east side (rear) boundary setback for an upper floor kitchen and master bedroom pursuant to the Residential Design Codes from 1.9m to 1.5m;
- (c) variation to the south side boundary setback for an upper floor master bedroom pursuant to the Residential Design Codes from 1.1m to 1m;
- (d) variation to the north side boundary setback for an upper floor alfresco area pursuant to the Residential Design Codes from 7.5m to 3.1m;

for the construction of a rendered brick with colour-bond roof, 2-storey house at No. 12 (Lot 210) Preston Point Road comprising 3 bedrooms, 2 bathrooms, games room, office, and double garage in accordance with the plans date stamp received on 23 March 2007 subject to the following conditions:

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

4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
6. any new crossovers which are constructed under this approval to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
7. 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.
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 of Council does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
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- (d) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*

Mr Matt Turnbull (Greg Rowe & Associates) and Mr Mark Zammit (owner) addressed the meeting.

RECOMMENDATION TO COUNCIL

Cr Martin – Mayor O'Neill

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

- (a) variation to the west side (front) boundary setback pursuant to the Residential Design Codes for a games room from 6m to 2.7m, for a double garage from 6m to 5.4m, for an upper floor porch from 6m to 3.4m, and an upper floor family room from 6m to 2.9m**
- (b) variation to the east side (rear) boundary setback for an upper floor kitchen and master bedroom pursuant to the Residential Design Codes from 1.9m to 1.5m;**
- (c) variation to the south side boundary setback for an upper floor master bedroom pursuant to the Residential Design Codes from 1.1m to 1m;**
- (d) variation to the north side boundary setback for an upper floor alfresco area pursuant to the Residential Design Codes from 7.5m to 3.1m;**

for the construction of a rendered brick with colour-bond roof, 2-storey house at No. 12 (Lot 210) Preston Point Road comprising 3 bedrooms, 2 bathrooms, games room, office, and double garage in accordance with the plans date stamp received on 23 March 2007 subject to the following conditions:

- 1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- 2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- 3. the proposed 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.**
- 4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.**
- 5. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.**
- 6. any new crossovers which are constructed under this approval to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed**

in material and design to comply with Council's Policy on Footpaths & Crossovers.

7. 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.
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 of Council does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*

CARRIED