

10 July 2007

MINUTES

MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 10 JULY 2007, COMMENCING AT 6.34PM.

T65. OPENING OF MEETING

T66. WELCOME TO GALLERY

T67. APOLOGIES

T68. CONFIRMATION OF MINUTES

T68.1 Town Planning & Building Committee (Private Domain) – 12 June 2007

T69. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

T70. REPORTS OF COMMITTEES

T70.1 Town Planning Advisory Panel – 26 June 2007

T71. REPORTS OF OFFICERS

T71.1 Receipt of Reports

T71.2 Order of Business

T71.3 Staton Road No. 73 (Lot 3)

T71.4 Chauncy Street No. 3 (Lot 5040)

T71.5 Oakover Street No. 73 (Lot 1)

T71.6 View Terrace No. 70 (Lot 1)

T71.7 Walter Street No. 30 (Lot 62)

T71.8 Salvado Road No. 1 (Lot 1)

T71.9 Fraser Street No. 2 (Lot 801)

T71.10 Preston Point Road No. 19 (Lot 35)

T71.11 Woodhouse Road No. 19 (Lot 294)

T72. REFERRED BUSINESS (NOT INCLUDED ELSEWHERE)

*T72.1 Town Planning Principles – Decreased Roof Pitch & Increased Wall Height
(MB Ref T63.1 – TP & BC Meeting of 12 June 2007)*

T73. BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING

T74. CLOSURE OF MEETING



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MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 10 JULY 2007, COMMENCING AT 6.34PM.

T65. OPENING OF MEETING

T65.1

Present

Mayor James O'Neill

Cr Stefanie Dobro Presiding Member

Cr Jennifer Harrington from 6.45pm

Cr David Martin

Cr Richard Olson From 6.45pm

Mr Chris Warrener Consultant Town Planner

Mrs Peta Cooper Minute Secretary

T66. WELCOME TO GALLERY

There were (7) members of the public in the gallery at the commencement of the meeting.

T67. APOLOGIES

An apology was submitted on behalf of Cr Alan Ferris and Cr Alex Wilson.

T68. CONFIRMATION OF MINUTES

T68.1 *Town Planning & Building Committee (Private Domain) – 12 June 2007*

Cr Martin – Mayor O'Neill

That the Town Planning & Building Committee (Private Domain) minutes dated 12 June 2007 as adopted at the Council meeting held on 19 June 2007 be confirmed. CARRIED

T69. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

Nil

T70. REPORTS OF COMMITTEES

T70.1 *Town Planning Advisory Panel – 26 June 2007*

Mayor O'Neill – Cr Martin

That the minutes of the Town Planning Advisory Panel meeting held on 26 June 2007 be received and each item considered when the relevant development application is being discussed. CARRIED

T71. REPORTS OF OFFICERS

T71.1 *Receipt of Reports*

Mayor O'Neill – Cr Martin

That the Reports of Officers be received. CARRIED

T71.2 *Order of Business*

Cr Martin – Mayor O'Neill

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

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T71.3 **Staton Road No. 73 (Lot 3)**
Applicant: Ralph Hoare
Owner: P Di Nunzio
Application No. P107/2007
By Chris Warrener, Consultant Town Planner on 22 June 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for a 3.1m high X 2.2m deep X 1.8m wide gate-house next to the south side boundary, and visually non-permeable north and south sides of the front fence at 73 Staton Road above 1.2m.

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 143 – Fencing (LPP 143)

Documentation

Plans and relevant forms date stamp received on 22 May 2007

Date Application Received

22 May 2007

Additional Information Received

24 May 2007 Explanation for fence variations emailed from Applicant

Advertising

Adjoining land owners only

Date Advertised

5 June 2007

Close of Comment Period

19 June 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

16 May 1961	Public Health approval for a Bacteriolytic Sewage Treatment Installation;
20 October 1987	Building Licence issued for timber floored upper storey addition;
17 July 2001	Council decides to advise the WAPC that it conditionally supports the subdivision/amalgamation of Lot 1702 (No 56 Preston Point Road) which will create new property 73 Staton Road;
16 August 2001	WAPC conditionally approves the subdivision/amalgamation;
18 March 2003	Council grants conditional approval for a 2-storey house;
18 March 2003	Council grants approval for demolition of existing residence;
11 March 2004	Demolition Licence issued for brick & timber framed residence;
18 February 2005	Building Licence issued for 2-storey house;
4 March 2007	Extension to Building Licence for 2-storey house granted to 4 September 2007.

CONSULTATION

Public Submissions

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



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Site Inspection

By Consultant Town Planner on 23 May 2007

REPORT

Issues

Boundary Setbacks The proposed gate-house is set back 0m from the front boundary.

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

Front Fence The application proposes that sections of the north and south sides of the boundary fence within the front setback will be visually non-permeable above 1.2m.

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)"

Discussion

At its meeting in March 2003 Council granted conditional approval for a 2-storey house at 73 Staton Road; the house included plans for a masonry and iron boundary fence conforming to LPP 143.

This application proposes a variation to the front fence to:

1. *incorporate a gate-house within the recommended front boundary setback;*
2. *construct the north and south sides solid varying up to 2.2m high above natural ground level.*

The applicant states in an email received on 24 May 2007:

"The main change to the previously approved front fence drawings is the front pedestrian gate is now proposed to have a gatehouse structure constructed from limestone blocks with a recessed glazed roof to match the glazed roof over the main entry to the house. The purpose of the gatehouse is to provide shelter to visitors outside the security perimeter of the front fence while they wait to be let in. The letter box will also be located in the gatehouse.

The remainder of the front fence has also been modified by lowering the height of the solid limestone portion of the fence coupled with a corresponding increase in the height of the open railings thereby increasing the visual permeability of the front fence to the street.

The side boundary portions of the front fence in front of the building setback have been redesigned so that they taper from the height of the front fence to the standard side boundary height behind the building setback line. Because the site naturally slopes steeply down from the road towards the house, the top of the side fences will be level. The visual permeability impact of the side fences in front of the building setback line on the streetscape is therefore minimal and an appropriate design solution in the context of a steeply sloping site away from the road. The front of the house and the front yard will be highly visible to the street thereby promoting interaction between the house and the street and thereby making it difficult for any unwanted intruders to hide from view."



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Given the nature of the topography of the subject land (slopes downwards away from Staton Road), the overlooking of the property by the multiple dwelling development at 4 Fraser Street, the fact that the fence facing the street is visually permeable, the proposed fence variations are not considered to negatively impact on the local streetscape, or on the amenity of adjoining property.

The potentially affected adjoining landowner has endorsed support for this application.

A Building Licence for the 2-storey house and fence expires in September 2007; the applicant requests that the gatehouse be included as a variation to the current building licence.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the front boundary setback pursuant to the Residential Design Codes from 7.5m to 0m for the construction of a 3.1m high X 2.2m deep X 1.8m wide gate-house next to the south side boundary, and visually non-permeable north and south sides of the front fence at No. 73 (Lot 3) Staton Road, East Fremantle above 1.2m in accordance with the plans date stamp received on 22 May 2007 and included as a variation to Building Licence No. 234/3700 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 gate-house is not to be used until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
3. 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.
4. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision 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).*

Mr Ralph Hoare (architect) addressed the meeting.

Cr Jennifer Harrington & Cr Richard Olson entered the meeting at 6.45pm.

RECOMMENDATION TO COUNCIL

Mayor O'Neill – Cr Dobro

That Council exercise its discretion in granting approval for a variation to the front boundary setback pursuant to the Residential Design Codes from 7.5m to 0m for the construction of a 3.1m high X 2.2m deep X 1.8m wide gate-house next to the south side boundary, and visually non-permeable north and south sides of the front fence at No. 73 (Lot 3) Staton Road, East Fremantle above 1.2m in accordance with the plans date stamp received on 22 May 2007 and included as a variation to Building Licence No. 234/3700 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



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- where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed gate-house is not to be used until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 3. 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.
 4. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision 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

Cr Martin having declared an interest in the following item as his property abuts the subject property, left the meeting at 6.50pm.

T71.4 **Chauncy Street No. 3 (Lot 5040)**
Applicant: Andrew Mitchell
Owner: Lizabella Pty Ltd
Application No. P117/2007
By Chris Warrener, Consultant Town Planner on 28 June 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for a 4.5m long X 3.7m wide X 3.2m high skillion roofed garage and store, and a 4.2m long X 4m wide below ground swimming pool at the rear of 3 Chauncy Street.

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 No. 142 – Residential Development (LPP 142)

Documentation

Plans and relevant forms date stamp received on 13 June 2007

Date Application Received

13 June 2007

Advertising

Adjoining land owners only

Date Advertised

15 June 2007



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Close of Comment Period

28 June 2007

No. of Days Elapsed between Lodgement & Meeting Date

26 days

CONSULTATION

Public Submissions

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

Site Inspection

By Consultant Town Planner on 26 June 2007

REPORT

Issues

Boundary Walls

The application proposes a garage and store with walls that abut two side boundaries.

The wall along the southeast boundary common with 1 Chauncy Street is proposed to be 9.2m long, and varies in height from 1.558m to 2.349m above Natural Ground Level (NGL).

The wall along the southwest boundary common with 2 Munro Street is proposed to be 8m long, and varies in height from 1.721m to 2.835m above NGL.

LPP 142 states:

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

Submission

The submission from 5 Chauncy Street is concerned that the boundary wall along the south side does not encroach their property.

Discussion

The proposed variation is considered relatively minor and does not negatively impact on the amenity of the two adjoining properties, and the potentially affected property owners have not lodged submissions opposing the application.

In regard to the submission dividing fences are a matter for negotiation between affected property owners, unless the proposed fence differs from Council policy. It is noted that in the case of the works to construct the retaining wall for the development at 5 Chauncy Street the developer excavated land which is a part of 3 Chauncy Street, and encroached that property to its detriment.

This particular dividing fence is not the subject of this application, and in any event complies with Local Planning Policy 143.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to Local Planning Policy 142 to allow a boundary wall along more than one side boundary for the construction of a 4.5m long X 3.7m wide X 3.2m high skillion roofed garage and store, and a 4.2m long X 4m wide below ground swimming pool, at the rear of No. 3 (Lot 5040) Chauncy Street, East Fremantle in accordance with the plans date stamp received on 13 June 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.

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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 garage, store and swimming pool are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. 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.
6. 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.
7. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
8. 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.
9. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
10. the proposed works for the swimming pool are not to be commenced until approval from the Water Corporation has been obtained and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
11. protective barriers to be erected and maintained around excavation and any accumulated materials until such time as permanent fencing has been erected in accordance with the legal requirements.
12. pool installer and/or property owner to whom this licence is issued are jointly responsible for all works to existing fencing, the repairs and resetting thereof as well as the provision of any retaining walls that are deemed required. All costs associated or implied by this condition are to be borne by the property owner to whom the building licence has been granted.
13. pool filter and pump equipment to be located away from boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.
14. swimming pool is to be sited a distance equal to the depth of the pool from the boundary, building and/or easement, or be certified by a structural engineer and approved by Council's Building Surveyor.
15. prior to the issue of a building licence the applicant is to submit a report from a suitably qualified practising structural engineer describing the manner by which the excavation is to be undertaken and how any structure or property closer than one and half times the depth of the pool will be protected from potential damage caused by the excavation/and or the pool construction.
16. pool contractor/builder is required to notify Council's Building Surveyor *immediately upon completion of all works* including fencing.
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 additional crossover shown on the applicant's plans is not part of this Planning Approval and is to be the subject of a separate application to Council;*
- (b) *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) 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.
- (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.

Mr Andrew Mitchell (owner) addressed the meeting.

RECOMMENDATION TO COUNCIL

Mayor O'Neill – Cr Dobro

That Council exercise its discretion in granting approval for a variation to Local Planning Policy 142 to allow a boundary wall along more than one side boundary for the construction of a 4.5m long X 3.7m wide X 3.2m high skillion roofed garage and store, and a 4.2m long X 4m wide below ground swimming pool, at the rear of No. 3 (Lot 5040) Chauncy Street, East Fremantle in accordance with the plans date stamp received on 13 June 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 garage, store and swimming pool are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. 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.
6. 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.
7. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
8. 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.
9. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
10. the proposed works for the swimming pool are not to be commenced until approval from the Water Corporation has been obtained and the building licence issued in compliance with the conditions of this planning approval

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- unless otherwise amended by Council.
11. protective barriers to be erected and maintained around excavation and any accumulated materials until such time as permanent fencing has been erected in accordance with the legal requirements.
 12. pool installer and/or property owner to whom this licence is issued are jointly responsible for all works to existing fencing, the repairs and resetting thereof as well as the provision of any retaining walls that are deemed required. All costs associated or implied by this condition are to be borne by the property owner to whom the building licence has been granted.
 13. pool filter and pump equipment to be located away from boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.
 14. swimming pool is to be sited a distance equal to the depth of the pool from the boundary, building and/or easement, or be certified by a structural engineer and approved by Council's Building Surveyor.
 15. prior to the issue of a building licence the applicant is to submit a report from a suitably qualified practising structural engineer describing the manner by which the excavation is to be undertaken and how any structure or property closer than one and half times the depth of the pool will be protected from potential damage caused by the excavation/and or the pool construction.
 16. pool contractor/builder is required to notify Council's Building Surveyor immediately upon completion of all works including fencing.
 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 additional crossover shown on the applicant's plans is not part of this Planning Approval and is to be the subject of a separate application to Council;*
- (b) *this decision of Council does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (c) *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.*
- (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

Cr Martin returned to the meeting at 6.54pm and it should be noted that he neither spoke nor voted on the foregoing item.

T71.5 **Oakover Street No. 73 (Lot 1)**
Applicant & Owner: Rolf Peacey & Mary Cameron
Application No. P110/2007
By Chris Warrener, Consultant Town Planner on 22 June 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for ground floor alterations to the single storey house at 73 Oakover Street comprising:

- remove weatherboard verandah and deck at rear, and rebuild a bathroom, laundry, kitchen & family room;
- replace a small verandah in the front southeast corner with an en-suite to Bedroom 1.

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Statutory Requirements

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

Relevant Council Policies

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

Documentation

Plans and relevant forms date stamp received on 28 May 2007

Date Application Received

28 May 2007

Advertising

Adjoining land owners only

Date Advertised

1 June 2007

Close of Comment Period

19 June 2007

No. of Days Elapsed between Lodgement & Meeting Date

43 days

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

6 November 1989 State Planning Commission endorses Certificate of Approval to a Strata Plan;
19 March 1990 Council grants approval for an additional dwelling unit at the rear of 73 Oakover Street;
25 March 1991 Town Clerk extends Planning Approval to erect additional dwelling unit a further 9 months;
7 May 1991 Building Licence issued for a steel framed carport;
8 August 1991 Town Clerk endorses Certificate of Local Authority for the strata subdivision of 73 Oakover Street.

CONSULTATION

Public Submissions

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

Site Inspection

By Consultant Town Planner on 24 April 2006.

STATISTICS	Required	Proposed
Land Area		456m ² Existing
Open Space	55%	62.8% Acceptable
Zoning		R12.5
Heritage Listing		Draft MI

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Setbacks:

Front			
	<i>Ensuite</i>	7.50	7.60 Acceptable
Rear			
	<i>Family / Kitchen</i>	6.00	6.40 Acceptable
	<i>Bathroom</i>	6.00	6.40 Acceptable
Side (north)			
	<i>Family</i>	1.50	1.62 Acceptable
Side (south)			
	<i>Bathroom / Laundry</i>	1.00	Nil Discretion Required
<u>Height:</u>			
	Wall	6.00	3.50 Acceptable
	Ridge	9.00	6.40 Acceptable

REPORT

Issues

Boundary Wall

The application proposes a 7.1m long boundary wall varying between 3m and 3.5m high for a bathroom and laundry along the south side next to 75 Oakover Street.

A section of this wall that is approximately 5.3m long contains the wall that is between 3m and 3.5m above NGL.

LPP 142 states:

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

Heritage

The house at 73 Oakover Street is in the Draft MI classified in a “B Management Category”.

The Draft MI states the following with respect to B-rated property:

*“Category B
Places of Considerable Local Heritage Significance*

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



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Discussion

Boundary Wall

The variation in height sought for the proposed boundary wall is for a relatively short section of wall made necessary by the sloping nature of the site.

The potentially affected adjoining property owner has not objected to this variation, which is considered minor and does not impact negatively on its amenity.

Heritage

The application proposes additions to the rear of what is described in Council's Draft MI as an interwar bungalow with arts and crafts influences.

The additions will not be visible to Oakover Street, and the applicants intend to construct them in the same style and material as the retained brick and tile structure.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the height of a wall along the south side boundary pursuant to Local Planning Policy 142 from 3m to 3.5m for the construction of ground floor alterations to the single storey house at No. 73 (Lot 1) Oakover Street, East Fremantle comprising:

- remove weatherboard verandah and deck at rear, and rebuild a bathroom, laundry, kitchen & family room;
- replace a small verandah in the front southeast corner with an en-suite to Bedroom 1; in accordance with the plans date stamp received on 28 May 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) *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.*



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Mr Rolf Peacey & Ms Mary Cameron addressed the meeting.

RECOMMENDATION TO COUNCIL

Cr Dobro – Cr Martin

That Council exercise its discretion in granting approval for a variation to the height of a wall along the south side boundary pursuant to Local Planning Policy 142 from 3m to 3.5m for the construction of ground floor alterations to the single storey house at No. 73 (Lot 1) Oakover Street, East Fremantle comprising the removal of a weatherboard verandah and deck at rear, and rebuilding of a bathroom, laundry, kitchen & family room in accordance with the plans date stamp received on 28 May 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) *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

10 July 2007

MINUTES

Cr Olson made the following impartiality declaration in the matter of No. 70 View Terrace Street: "As a consequence of my having worked in the past with Ms Lisa Engelbrecht who submitted comment on the proposal on behalf of Webb & Brown-Neaves there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly.

T71.6 View Terrace No. 70 (Lot 1)
Applicant: Webb & Brown-Neaves
Owner: Stefan & Angela Frodsham
Application No. P118/2007
By Chris Warrener Consultant Town Planner on 28 June 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for a 2-storey house comprising:

- Ground Floor double garage, 3 bedrooms, 2 bathrooms, laundry and alfresco;
- Upper floor home theatre, bedroom, en-suite, powder room, kitchen, dining, and living room, study, and balcony

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

Documentation

Plans and relevant forms date stamp received on 14 June 2007

Date Application Received

14 June 2007

Additional Information Received

29 June 2007 Plans received which more clearly identify Natural Ground Level (NGL).

Advertising

Adjoining land owners only

Date Advertised

15 June 2007

Close of Comment Period

28 June 2007

No. of Days Elapsed between Lodgement & Meeting Date

26 days

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

17 June 2003 Council decides to advise the WAPC that it supports the subdivision of 70 View Terrace into 2 strata lots (1 X 617m², 1 X 445m²);
22 July 2003 WAPC conditionally approves subdivision of 70 View Terrace into 2 survey strata lots;
19 April 2005 WAPC endorses for final approval Survey Strata Plan 47256, creating 70 View Terrace and 51A Clayton Street;

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 26 June 2007 and the following comments were made:

- *front setback is an issue – well forward of other front setbacks*
- *consider screening to alfresco area/balcony*
- *design bulky – box like and inelegant*
- *home theatre turns its back on the street and has small windows*
- *overall façade heavy on the street*

Public Submissions

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

Site Inspection

By Consultant Town Planner on 26 June 2007

STATISTICS	Required	Proposed
Land Area		617m ² Existing
Open Space	55%	59.5% Acceptable
Zoning		R12.5
Heritage Listing		Not Listed

Setbacks:

Front (south) View Terrace		
<i>Ground Floor</i>		
<i>Garage</i>	6.00	5.31 Discretion Required
<i>Porch</i>	6.00	6.00 Acceptable
<i>Study /Bed 4</i>	6.00	5.76 Discretion Required
<i>Upper Floor</i>		
<i>Home Theatre</i>	6.00	4.50 Discretion Required
<i>Void</i>	6.00	8.60 Acceptable
<i>Study</i>	6.00	5.76 Discretion Required
Rear (north)		
<i>Ground Floor</i>		
<i>Bed 2</i>	1.50	10.20 Acceptable
<i>Alfresco</i>	1.50	6.69 Acceptable
<i>Guest Bed</i>	1.50	9.00 Acceptable
<i>Upper Floor</i>		
<i>Dining</i>	3.30	10.20 Acceptable
<i>Balcony</i>	7.50	6.69 Discretion Required

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<i>Bed 1</i>	4.50	9.10 Acceptable
Side (west)		
<i>Ground Floor</i>		
<i>Guest</i>	1.50	2.459 Acceptable
<i>Laundry</i>	1.00	1.959 Acceptable
<i>Store</i>	1.00	1.00 Acceptable
<i>Upper Floor</i>		
<i>Bed 1</i>	1.50	2.459 Acceptable
<i>Powder</i>	1.10	3.70 Acceptable
<i>Home Theatre</i>	1.10	3.20 Acceptable
Side (east)		
<i>Undercroft</i>		
<i>Bed 4 / Study</i>	3.00	3.84 Acceptable
<i>Ground Floor</i>		
<i>Bed 2</i>	3.00	3.00 Acceptable
<i>Upper Floor</i>		
<i>Study</i>	3.00	3.84 Acceptable
<i>Kitchen / Dining</i>	3.00	3.00 Acceptable
<i>Balcony</i>	3.00	3.80 Acceptable
<u>Height:</u>		
Wall	5.60	5.60 & 6.50 Discretion Required
Ridge	8.10	8.30 Discretion Required
<u>Roof Pitch:</u>		
	28°	23.45° Discretion Required

REPORT

Issues

70 View Terrace is a corner lot therefore the following provision pursuant to TPS 3 applies:

"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."

Assessment of this application has been undertaken based on the application of the R20 code formula under the RDC.

In addition the following requirements pursuant to LPP 142 apply:

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- (ii) Category 'B' provisions as set out within Table 3 – Maximum Building Heights of the Residential Design Codes are applicable as the 'Acceptable Development' standards, except in localities where views are an important part of the amenity of the area then the maximum building height are as follows:
- 8.1m to the top of the pitched roof;
 - 5.6m to the top of the external wall; and
 - 6.5m to the top of an external wall (concealed roof).
- (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.”

Building Height

Roof height at the uppermost ridgeline is 8.3m.

LPP 142 limits roof height to 8.1m.

Wall height on the north side (rear) varies up to 6.1m for bedroom 1.

LPP 142 limits wall height to 5.6m.

Boundary Setbacks

South Side (front)

Common with View Terrace

A double garage is set back 5.31m, and a study/bedroom 4 is set back 5.76m from the south side boundary.

On the upper floor a home theatre is set back 4.5m and a study set back 5.76m from the south side boundary.

Pursuant to LPP 142 the RDC recommend a 6m setback for R20 coded property.

North Side (rear)

Common with 51A Clayton Street

An upper floor balcony is set back 6.69m from the north side boundary.

The RDC recommend a 7.5m setback for unscreened balconies.

Discussion

Building Height

The proposed variation to roof height is very minor at only 0.2m and applies to the apex of the roof. Because the variation occurs at the centre of the site it does not impact on any adjoining or surrounding property views.

This variation is considered to be reasonable and support for it will ensure that the roof of the house is aesthetically pleasing contributing to the overall appearance of the proposed development.

The wall height variation for bedroom 1 is considered relatively minor (comprising a variation of 0.5m) and allows for level floor and ceiling heights across the building site.

Neighbouring property views are not affected by this variation.



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In addition the applicant advised in an email to the Consultant town Planner that *“an average cut & fill scenario has been used so that the front of the residence is below the footpath level and the rear is built up. Floor to ceiling levels provide for a quality development in keeping with other built form in East Fremantle, and the additional wall height does not produce setback variations affecting adjoining properties.”*

The variations to building height are considered relatively minor, they do not impact on the view amenity of adjoining and nearby property, and are therefore supported.

Boundary Setbacks

In regard to the proposed setback variations the applicant states in the cover letter:

“The proposed design incorporates the garage setback at 5.3m and the house setback a minimum of 4.7m, with the bulk of the building back at more than 6.5m. The first floor home theatre room is designed to overhang the garage for the entire length to reduce the dominance of the parking structure on the streetscape. Furthermore, the finished floor level of the home is 0.65m lower than the street verge level, reducing the dominance of the overall building on the streetscape.”

A survey of the existing homes in the locality has indicated there are a number of properties with front setbacks less than the requirement: Nos 5, 7, 34, 36, 38, 58 and 60 View Terrace and Nos 46, 48 and 50 Clayton Street. In addition, Nos 34, 36 and 38 View Terrace have garages forward of the setback line, dominating the streetscape.”

To a large degree the impact of the double garage is reduced by the existence of an overhanging upper floor home theatre.

Given that the site slopes reasonably steeply downwards away from View Terrace, the impact of the reduced setbacks is ameliorated, and is considered not to have an adverse impact on the streetscape or on the amenity of adjoining and nearby property.

The examples of other somewhat similar situations provided by the applicant have been examined and are considered also not to have an adverse impact on streetscape or on the amenity of adjoining and nearby property.

In regard to the proposed setback variation for the upper floor balcony at the rear the applicant states:

Application of the visual privacy cone has identified a variation from the first floor rear balcony, affecting the adjoining strata lot to the north. The variation is considered minor as it extends less than 1.0m into the neighbouring property.

The adjoining site is currently vacant, however the area affected by overlooking is a side setback as that home will be oriented towards Clayton Street and to the North, where view to the river are possible. Therefore, no private rear gardens will be affected and no major openings will be affected, if the setbacks are compliant with the Codes.



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Furthermore, the rear balcony faces north to take advantage of passive solar design. Screening to prevent overlooking will also reduce the access to northern sunlight to habitable spaces such as the living and dining room.

It is considered acceptable to support the proposed variations, which are considered relatively minor, and will not negatively impact on the local streetscape or on the amenity of adjoining and nearby properties.

RECOMMENDATION

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

- (a) variation to roof height for a 0.5m² section comprising the apex of the roof pursuant to Local Planning Policy 142 from 8.1m to 8.3m;
- (b) variation to wall height for an upper floor bedroom on the north side pursuant to Local Planning Policy 142 from 5.6m to 6.1m;
- (c) variation to the north side boundary setback for an upper floor balcony from 7.5m to 6.69m;
- (d) variation to the south side boundary setback for a garage and study/bedroom 4 on the ground floor pursuant to Local Planning Policy 142 from 6m to 5.31m and 5.76m respectively;
- (e) variation to the south side boundary setback for an upper floor home theatre and a study pursuant to Local Planning Policy 142 from 6m to 4.5m and 5.76m respectively;

for the construction of a 2-storey house comprising:

- Ground Floor double garage, 3 bedrooms, 2 bathrooms, laundry and alfresco;
- Upper floor home theatre, bedroom, en-suite, powder room, kitchen, dining, and living room, study, and balcony;

at No. 70 (Lot 1) View Terrace, East Fremantle in accordance with the plans date stamp received on 29 June 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 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. 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.



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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.*

Mr Jeff Hitchens (Home Building Consultant) addressed the meeting.

RECOMMENDATION TO COUNCIL

Cr Martin – Cr Harrington

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

- (a) **variation to roof pitch pursuant to Local Planning Policy 066 from 28° to 23.45°;**
- (b) **variation to wall height for an upper floor bedroom on the north side pursuant to Local Planning Policy 142 from 5.6m to 6.1m;**
- (c) **variation to the north side boundary setback for an upper floor balcony from 7.5m to 6.69m;**
- (d) **variation to the south side boundary setback for a garage and study/bedroom 4 on the ground floor pursuant to Local Planning Policy 142 from 6m to 5.31m and 5.76m respectively;**
- (e) **variation to the south side boundary setback for an upper floor home theatre and a study pursuant to Local Planning Policy 142 from 6m to 4.5m and 5.76m respectively;**

for the construction of a 2-storey house comprising:

- **Ground Floor double garage, 3 bedrooms, 2 bathrooms, laundry and alfresco;**
- **Upper floor home theatre, bedroom, en-suite, powder room, kitchen, dining, and living room, study, and balcony;**

at No. 70 (Lot 1) View Terrace, East Fremantle in accordance with the plans date stamp received on 29 June 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 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. **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.**

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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

T71.7

Walter Street No. 30 (Lot 62)

Applicant & Owner: Brendan & Julie Grant

Application No. P111/07

By Chris Warrener, Consultant Town Planner on 28 June 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for an unauthorised existing development comprising a 4.1m long X 3.4m wide X 2.1m high colorbond shed at the rear of 30 Walter Street.

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 25 May 2007



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Date Application Received

25 May 2007

Additional Information Received

1 June 2007 Owner contacts Consultant Town Planner to advise that the shed surrounds the swimming pool pump and filter assembly, and can not be conveniently relocated to comply with the boundary setbacks recommended in the RDC.

Advertising

Adjoining land owners only

Date Advertised

11 June 2007

Close of Comment Period

25 June 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

11 October 1990	Building Licence 146/1739 issued for additions to the existing residence;
8 February 2005	Demolition Licence issued for the house at 30 Walter Street;
16 August 2005	Council delegates to the CEO authority to consider & determine the construction of a single storey house at 30 Walter Street;
5 September 2005	Building Licence 05/23 issued for single storey residence;
31 October 2006	CEO grants Planning Approval under delegated authority for a belowground fibreglass swimming pool;
27 November 2006	Building Licence 06/273 issued for swimming pool;
7 May 2007	Owner directed to seek & obtain Planning Approval or remove the shed;

CONSULTATION

Public Submissions

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

Site Inspection

By Consultant Town Planner on 7 May 2007

REPORT

Issues

Unauthorised Development

Council received a telephone complaint regarding the existence of a shed at the rear of 30 Walter Street. The complainant did not identify him/herself.

In response the Consultant Town Planner inspected the rear of the subject property from the "pocket park" off Stratford Street, and subsequently researched, and determined that the structure existed without Planning Approval or a Building Licence.

The owner was requested to apply for Planning Approval or remove the shed.

Not wishing to remove the shed the owner applied for Planning Approval.



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Boundary Setbacks

The shed is set back 0.5m from the east side boundary common with 29 Stratford Street, and set back 0.1m from the south side boundary common with 28 Walter Street.

The RDC recommend a 1m setback.

Discussion

Notwithstanding that the shed has been erected without approval TPS 3, sub-clause 8.4.1 states:

“8.4.1. The local government may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.”

The setbacks for the shed are less than recommended in the RDC therefore the proposal incorporates variations for which Council is obliged to consult potentially affected landowners pursuant to the RDC, prior to considering the application.

Owners of the adjoining properties to the east and south were invited to comment on the application.

Option(s)

Council can either refuse the application and order the removal of the shed, or grant approval pursuant to TPS 3, sub-clause 8.4.1.

Conclusion(s)

At the expiry of advertising there were no submissions received.

The shed is constructed in the same colour and type of colorbond as the boundary fence it is next to, and is considered to be relatively unobtrusive, not impacting negatively on the amenity of neighbouring properties.

RECOMMENDATION

That Council pursuant to sub-clause 8.4.1 of Town Planning Scheme No 3 grant Planning Approval for the erection of a 4.1m long X 3.4m wide X 2.1m high colorbond shed at the rear of No. 30 (Lot 62) Walter Street, East Fremantle in accordance with the plans date stamp received on 25 May 2007 subject to the applicant seeking a retrospective acknowledgement from Council's Building Surveyor to ensure that the shed is structurally sound and complies with the relevant regulations.

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 retrospective acknowledgement is to conform with the approved plans unless otherwise approved by Council.*

RECOMMENDATION TO COUNCIL

Mr Martin – Mayor O'Neill

That Council pursuant to sub-clause 8.4.1 of Town Planning Scheme No 3 grant Planning Approval for the erection of a 4.1m long X 3.4m wide X 2.1m high colorbond shed at the rear of No. 30 (Lot 62) Walter Street, East Fremantle in accordance with the plans date stamp received on 25 May 2007 subject to the applicant seeking a retrospective acknowledgement from Council's Building Surveyor to ensure that the shed is structurally sound and complies with the relevant regulations.



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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 retrospective acknowledgement is to conform with the approved plans unless otherwise approved by Council.*

CARRIED