

11 September 2007

MINUTES

MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 11 SEPTEMBER 2007, COMMENCING AT 6.30PM.

PART III

T90.8

Allen Street No. 50 (Lot 305)

Applicant: Donna Hunt

Owner: John & Donna Hunt

Application No. P164/07

By Chris Warrener, Town Planner on 31 August 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for a Home Occupation – production of baked goods (biscuits, slices, cakes) at 50 Allen Street.

Statutory Requirements

Town Planning Scheme No. 3 – Residential R12.5

Local Planning Strategy - Woodside Precinct (LPS)

Documentation

Plans and relevant forms date stamp received on 27 August 2007

Date Application Received

27 August 2007

No. of Days Elapsed between Lodgement & Meeting Date

15 days

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

18 April 2000	Council decides to advise the WAPC that it does not support the subdivision of 50 Allen Street into 2 lots (1 X 638m ² , 1 X 450m ²);
23 August 2000	WAPC conditionally approves the subdivision;
11 May 2001	WAPC endorses for final approval Deposited Plan 26431 to create 50 Allen Street (1 X 647m ²), and 2A Fletcher Street (1 X 442m ²);
3 August 2001	Building Licence 114A/3095 issued for a new verandah on the north and west elevations of the house at 50 Allen Street;
20 November 2001	Council approves a double garage on a zero setback on the north side boundary;
21 May 2002	Building Licence 114/3222 issued for additions including a retaining wall;
16 July 2002	Council approves a 4.8m wide crossover;

Site Inspection

By Consultant Town Planner on 2 March 2007

REPORT

Issues

This application is for a Home Occupation from a property zoned Residential.

A Home Occupation is a “D” use in the Residential zone, which “means that the use is not permitted unless the local government has exercised its discretion by granting planning approval.”

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Discussion

The applicant proposes to produce and sell baked goods including biscuits, slices and cakes. The activity will be undertaken in the home kitchen at 50 Allen Street
Hours of operation will be variable as required to satisfy demand, and undertaken during business hours.

If required food deliveries of bulk ingredients may be made.

The activity (cooking/baking) is considered to be fairly innocuous, and apart from the sale of the baked goods, is an every day activity that is carried on in most homes.

RECOMMENDATION

That Council exercise its discretion in granting approval for a Home Occupation – Production of baked goods at No. 50 (Lot 305) Allen Street, East Fremantle in accordance with the documentation date stamp received on 27 August 2007 subject to the following conditions:

1. compliance with the Health (Food Hygiene) Regulations 1993
2. compliance with the Food Safety Standards which comprise Chapter 3 of the Australia New Zealand Food Standards Code.
3. premises will be subject to routine health inspections by Councils Principal Environmental Health Officer
4. this planning approval to remain valid for a period of 12 months from the date of this approval, unless the annual renewal fee is received prior to the expiry date.

Footnote:

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

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

RECOMMENDATION TO COUNCIL

Mayor – O’Neill – Cr Ferris

That Council exercise its discretion in granting approval for a Home Occupation – Production of baked goods at No. 50 (Lot 305) Allen Street, East Fremantle in accordance with the documentation date stamp received on 27 August 2007 subject to the following conditions:

1. **compliance with the Health (Food Hygiene) Regulations 1993**
2. **compliance with the Food Safety Standards which comprise Chapter 3 of the Australia New Zealand Food Standards Code.**
3. **premises will be subject to routine health inspections by Councils Principal Environmental Health Officer**
4. **this planning approval to remain valid for a period of 12 months from the date of this approval, unless the annual renewal fee is received prior to the expiry date.**

Footnote:

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

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

CARRIED

T90.9

Alexandra Road No. 40 (Unit 8)

Applicant & Owner: Sally Smith

Application No. P147/07

By Chris Warrener, Town Planner on 20 August 2007

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BACKGROUND

Description of Proposal

An Application for Planning Approval for a 7.1m long X 1.6m wide upper floor timber deck including a spiral staircase on the north side of Unit 8, 40 Alexandra Road.

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Statutory Requirements

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

Relevant Council Policies

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

Documentation

Plans and relevant forms date stamp received on 26 July 2007

Date Application Received

26 July 2006

Advertising

Adjoining land owners only

Date Advertised

30 July 2007

Close of Comment Period

14 August 2007

No. of Days Elapsed between Lodgement & Meeting Date

47 days

CONSULTATION

Public Submissions

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

Site Inspection

By Consultant Town Planner on 27 August 2007.

REPORT

Issues

Boundary Setbacks

The proposed upper floor deck is set back 4m from the north side boundary common with the driveway access for 42, 42A & 42B Alexandra Road.

The RDC recommend a 7.5m setback for unscreened upper floor balconies/decks.

The application proposes 1.65m high screens on the east and west sides of the deck.

Discussion

The north side boundary facing Unit 8 is defined by an approximately 5m high wall, the bottom portion of which is a retaining wall between 40 and 42 Alexandra Road.

The multiple dwelling unit development at 40 Alexandra Road was built with significant earthworks in cut, and is much lower than 42 Alexandra Road.

The proposed deck will not overlook the adjoining property because of the existence of the high boundary wall. In any event the land which might have been overlooked comprises the driveway access for the houses at 42, 42A & 42B Alexandra Road.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the north side boundary setback pursuant to the Residential Design Codes from 7.5m to 4m for the construction of for a 7.1m long X 1.6m wide upper floor timber deck including a spiral

staircase on the north side of Unit 8, No. 40 Alexandra Road, East Fremantle in accordance with the plans date stamp received on 26 July 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 deck 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.
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 does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*

RECOMMENDATION TO COUNCIL

Mayor O'Neill – Cr Olson

That Council exercise its discretion in granting approval for a variation to the north side boundary setback pursuant to the Residential Design Codes from 7.5m to 4m for the construction of for a 7.1m long X 1.6m wide upper floor timber deck including a spiral staircase on the north side of Unit 8, No. 40 Alexandra Road, East Fremantle in accordance with the plans date stamp received on 26 July 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 deck 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.**
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.**

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Footnote:

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

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

CARRIED

T91. EN BLOC RECOMMENDATION TO COUNCIL

Cr Martin – Cr Ferris

That Council adopts en bloc the following recommendations of the Town Planning & Building Committee meeting of 11 September 2007 in respect to Items MB Ref: T91.1 to T91.3.

CARRIED

T91.1

Fletcher Street No. 4 (Lot 122)

Applicant & Owner: Martin Senzio

Application No. P163/07

By Chris Warrener, Town Planner on 29 August 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for a 11.3m long X 2.05m wide X 2.5m high flat roofed patio fixed to the rear (south side) of the single storey house at 4 Fletcher Street (cnr Dalgety Street).

Statutory Requirements

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

Relevant Council Policies

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

Documentation

Plans and relevant forms date stamp received on 27 August 2007

Date Application Received

27 August 2007

Advertising

No advertising because applicant owns the affected property.

No. of Days Elapsed between Lodgement & Meeting Date

15 days

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

21 August 2001	Council decides to advise the WAPC that it refuses an application to subdivide 4 Fletcher Street into 2 lots, 1 X 450m ² , 1 X 639m ² ;
21 November 2001	WAPC conditionally approves the subdivision;
18 May 2004	Council decides to advise the WAPC that it does not support the green title subdivision of 4 Fletcher Street into 2 lots, 1 X 422 ² , 1 X 667 ² ;
17 July 2004	WAPC conditionally approves the subdivision;

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- | | |
|-------------------|--|
| 22 May 2006 | WAPC approves a revised plan for 2 lots, 1 X 450 ² and 1 X 639 ² ; |
| 19 September 2006 | Council decides to defer making a decision on a double carport on the lot at the corner of Fletcher and Dalgety Streets; |
| 19 December 2006 | Council decides to advise SAT that it conditionally approves the double carport; |
| 20 February 2007 | Council conditionally approves a 2-storey house. |

Site Inspection

By Town Planner on 15 May 2007.

REPORT

Issues

Boundary Setbacks

The proposed patio is set back 0m from the south side boundary common with a proposed new lot/title for which Council approved a 2-storey house in February 2007.

The RDC recommend a 1.5m setback.

Discussion

The proposed patio will be erected between the existing house and a boundary wall that will be built along the common boundary of the two properties.

Both properties are owned by the applicant for the patio, who intends to live in the new 2-storey house.

It is considered that the amenity of the new property will not be compromised by the patio because of the existence of the masonry boundary wall.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the south side boundary setback pursuant to the Residential Design Codes from 1.5m to 0m for the construction of a 11.3m long X 2.05m wide X 2.5m high flat roofed patio fixed to the rear (south side) of the single storey house at No. 4 (Lot 122) Fletcher Street (cnr Dalgety Street) in accordance with the plans date stamp received on 27 August 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 patio 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. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

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

RECOMMENDATION TO COUNCIL

That Council exercise its discretion in granting approval for a variation to the south side boundary setback pursuant to the Residential Design Codes from 1.5m to 0m for the construction of a 11.3m long X 2.05m wide X 2.5m high flat roofed patio fixed to the rear (south side) of the single storey house at No. 4 (Lot 122) Fletcher Street (cnr Dalgety Street) in accordance with the plans date stamp received on 27 August 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 patio 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. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

T91.2

Glyde Street No. 45 (Lot 136)

Applicant: Solar Dwellings

Owner: Esther Cole

Application No. P150/2007

By Chris Warrener, Town Planner on 21 August 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for ancillary accommodation incorporating a verandah, an upstairs mezzanine bedroom and en-suite at the rear of 45 Glyde Street

Statutory Requirements

Town Planning Scheme No. 3 – Residential R20

Local Planning Strategy - Plympton Precinct (LPS)

Residential Design Codes (RDC)

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Relevant Council Policies

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

Documentation

Plans and relevant forms date stamp received on 27 July 2007

Date Application Received

27 July 2007

Advertising

Adjoining land owners only

Date Advertised

30 July 2007

Close of Comment Period

14 August 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

24 October 1980 Town Clerk certifies the Strata Plan for 45 and 47 Glyde Street;

CONSULTATION

Public Submissions

At the close of the comment period no submissions were received however a late submission was received via email on 20 August 2007 from the owner of 47 Glyde Street.

- 47 Glyde Street
- blocking of winter sun
 - noise
 - it drops the price of my property due to the nearness of the construction.

Site Inspection

By Consultant Town Planner on 1 August 2006

STATISTICS	Required	Proposed
Land Area		253.6m ² Existing
Open Space	50%	51% Acceptable
Zoning		R20
Heritage Listing		Draft MI
Setbacks:		
Front (east)		
<i>Ground Living</i>	1.00	2.10 Acceptable
<i>Upper Kitchenette & Ensuite</i>	1.10	2.10 Acceptable

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Rear (west)					
		<i>Not Applicable – Building is setback behind the primary residence & setbacks do not apply.</i>			
Side (south)					
Ground	Living	1.00		1.00	Acceptable
Upper	Bedroom	1.00		1.00	Acceptable
Side (north)					
Ground	Living	1.00	LPP 142	Nil	Acceptable
Upper	Stairwell	1.10	LPP142	Nil	Acceptable
Height:					
Building		9.00		5.00	Acceptable
Parapet Wall Height		3.00		3.85	Discretion Required
<u>Overshadowing:</u>		15.7% (RDC allow 25%)			

REPORT

Issues

Use Class

Ancillary accommodation is defined in the RDC as follows:

“Self-contained living accommodation on the same lot as a Single House that may be attached or detached from the Single House occupied by members of the same family as the occupiers of the main dwelling.”

The proposed ancillary accommodation comprises 54m² floor area (the RDC limits the size of ancillary accommodation to 60²).

Under TPS 3 Ancillary Accommodation is an ‘A’ use in the Residential zone, which *“means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4.”*

In accordance with clause 9.4 this application was referred to adjoining landowners for comment and no submissions were received.

Boundary Setbacks

South Side Boundary

Common with 47 Glyde Street

The upper floor bedroom wall is set back 0m from the north side boundary. This wall is 3.85m above Natural Ground Level.

LPP 142 states:

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

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Being more than 3m high this wall requires the exercise of Council discretion to approve it.

The percentage of overshadow of the adjoining property comprises 15.7% (the RDC recommend a 25% limit).

Discussion

Roof height of the proposed ancillary accommodation building is 5m above natural ground level.

The building is a simple and relatively "low key" design.

Submission Concerns

In regard to the concerns raised in the submission the following comments are made:

Blocking of Winter Sun

The proposed ancillary accommodation will cast some shadow (15.7%) onto the adjoining property 47 Glyde Street.

The RDC recommend a 25% limit on overshadow of adjoining property therefore the application is well within the limits under the RDC.

Most of the properties in the Plympton precinct of East Fremantle are narrow and oriented east-west, and overshadow is a prevalent problem in the area.

Noise

The submission does not explain in any detail what this concern is about, in any event noise emanating from a construction site or from the activities undertaken at a site is controlled under the Noise Abatement Regulations administered by the Environmental Protection Authority. Council's Environmental Health Officer undertakes any monitoring required in response to a noise complaint.

It drops the price of my property due to the nearness of the construction

The claim that the value of the property will be detrimentally affected by the ancillary accommodation is unsubstantiated, and there is no quantitative evidence that this occurs anywhere in East Fremantle or elsewhere. It is contended that the reverse would be the case in that the ancillary accommodation is a property improvement that will increase the value of 45 Glyde Street with consequent positive impacts on the value of 47 Glyde Street.

Applicant / Designer's Response

"The studio is to be used as short term accommodation for extended family members as well as a place for storage. We would anticipate the sound level to be similar to that of the main household.

We recognise that the overshadowing on the neighbouring property is 39.82 m² at noon on the 21st of June. At present this portion of the neighbouring site is substantially shadowed by the existing 1800 high fence and existing trees. Although we have not undertaken any specific modelling, in our opinion the provision of the studio and subsequent removal of two of these trees will not significantly increase the extent of present overshadowing of the neighbouring property.

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It is our understanding the proposed setbacks comply with the residential development codes.

While we can appreciate the neighbours concerns regarding noise, overshadowing and setbacks from the boundaries of the proposed studio we do not consider them to be pertinent to assessment of this proposal."

Owner's Response

"Winter Sun - The modelling of the proposed development was able to ascertain that any shadowing of Richard's property is well within the guidelines.

Noise - Notwithstanding that the proposed development is on the furthest point from Richard's property, I believe that there are adequate controls for neighbourhood noise through state legislation and council regulations and my partner and I are and will continue to be long term law abiding residents of East Fremantle

Value of Richard's Property - I would argue that with work I have, am currently undertaking and planning on my own property (including the ancillary accommodation) will in effect see Richard's property increase in value significantly. I enjoyed the same benefit when Richard completed his renovations 4 or so years ago."

Conclusion

It is considered that the amenity of the property at 47 Glyde Street will not be adversely affected by the ancillary accommodation at 45 Glyde Street.

The potentially affected property owner at 43 Glyde Street has not objected to the boundary wall.

During advertising the town planner met with the owner and his son to discuss the application and the implications for him, and it was agreed that the proposal would not negatively impact on the amenity of 43 Glyde Street rather it would afford his property more privacy.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the north side for the height of a boundary wall pursuant to Local Planning Policy 142 from 3m to 3.85m for the construction of ancillary accommodation incorporating a verandah, an upstairs mezzanine bedroom and en-suite at the rear of No. 45 (Lot 136) Glyde Street, East Fremantle in accordance with the plans date stamp received on 27 July 2007 subject to the following conditions:

1. the proposed ancillary accommodation is only to be used and/or occupied by members of the owner's family.
2. 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.
3. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. the proposed ancillary accommodation 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.

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

Footnote:

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

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

RECOMMENDATION TO COUNCIL

That Council exercise its discretion in granting approval for a variation to the north side for the height of a boundary wall pursuant to Local Planning Policy 142 from 3m to 3.85m for the construction of ancillary accommodation incorporating a verandah, an upstairs mezzanine bedroom and en-suite at the rear of No. 45 (Lot 136) Glyde Street, East Fremantle in accordance with the plans date stamp received on 27 July 2007 subject to the following conditions:

1. **the proposed ancillary accommodation is only to be used and/or occupied by members of the owner's family.**
2. **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.**
3. **the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
4. **the proposed ancillary accommodation is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
5. **all stormwater 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. **this planning approval to remain valid for a period of 24 months from date of this approval.**

Footnote:

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

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

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

T91.3

Wolsely Road No. 27 (Lot 18)

Applicant & Owner: Martin Whitely

Application No. 138/2005

By Chris Warrener, Town Planner on 4 September 2007

BACKGROUND

Description of Proposal

A request to extend the Planning Approval for alterations comprising upper floor additions and a studio at the rear of the single storey house at 27 Wolsely Road.

Statutory Requirements

Town Planning Scheme No. 3 – Clause 10.5

Local Planning Strategy - Richmond Precinct (LPS)

Residential Design Codes (RDC)

Documentation

Request letter date stamp received on 4 September 2007

Date Application Received

23 August 2005

No. of Days Elapsed between Lodgement & Meeting Date

7 days

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

20 September 2005

Council endorses the action of the Chief Executive Officer in approving an application under delegated authority for the construction of upper floor additions to the existing single storey dwelling and a studio to the rear of the site.

REPORT

Issues

Extension of Planning Approval

The owner of 27 Wolsely Road has requested an extension of time to undertake the works for which Planning Approval were granted by Council on 20 September 2005.

This approval expires on 20 September 2007.

Discussion

Clause 10.5 of TPS 3 states:

“10.5 Term of planning approval

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

- (a) the development approved is to be substantially commenced within 2 years, or such other period as specified in the approval, after the date of the determination; and

- (b) the approval lapses if the development has not substantially commenced before the expiration of that period.

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

The applicant/owner stated in a telephone discussion with the Town Planner that his reason for not having substantially commenced the project is that he was simply too busy. He advised that his intention was for him to be an owner/builder.

RECOMMENDATION

That Council pursuant to Town Planning Scheme No. 3 sub-clause 10.5.2 grant a 12 - month extension for alterations and additions at No. 27 (Lot 18) Wolsely Road in accordance with and subject to the same conditions applied to the Planning Approval granted on 20 September 2005.

RECOMMENDATION TO COUNCIL

That Council pursuant to Town Planning Scheme No. 3 sub-clause 10.5.2 grant a 12 - month extension for alterations and additions at No. 27 (Lot 18) Wolsely Road in accordance with and subject to the same conditions applied to the Planning Approval granted on 20 September 2005.

T92. REFERRED BUSINESS (NOT INCLUDED ELSEWHERE)

Nil.

T93. BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING

T93.1 Residential Design Guidelines

Cr Martin raised the issued of the Residential Design Guidelines and the current process involving Masterplan.

Mr Chris Warrener, Town Planner, advised that this matter had not progressed as only Cr Martin had submitted the requested dot points.

T93.2 Illegal Demolition

Correspondence from the Mayor of the Town of Claremont seeking Council's support in encouraging the Minister for Planning and Infrastructure to review the Planning and Development Act penalty provisions was tabled (MB Ref: T88.2).

Mayor O'Neill – Cr Dobro

That Council supports the Town of Claremont in requesting that the Minister for Planning and Infrastructure initiate a review of the penalty provisions of the Planning and Development Act as a matter of urgency given the recent illegal demolition of a residence within the Town of Claremont. CARRIED UNANIMOUSLY

T94. CLOSURE OF MEETING

There being no further business the meeting closed at 8.30pm.

I hereby certify that the Minutes of the meeting of the Town Planning & Building Committee (Private Domain) of the Town of East Fremantle, held on 11 September 2007, Minute Book reference T84. to T94. were confirmed at the meeting of the Committee on

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Presiding Member

