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MINUTES

PART II

View Terrace No. 26 (Lot 272) – Ralph Hoare Architect

(Application No. P253/2006)

By Chris Warrener Consultant Town Planner on 6 February 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for a 2 storey house incorporating loggias, with separate under-croft garage, workshop, and cellar, a swimming pool, a pool deck, and 2 patios over the garage at 26 View Terrace (corner Easton 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 2 January 2007

Date Application Received

2 January 2007

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Additional Information Received

10 January 2007: Open space calculation emailed from applicant

Advertising

Adjoining land owners & sign on site

Date Advertised

15 January 2007

Close of Comment Period

29 January 2007

No. of Days Elapsed between Lodgement & Meeting Date

42 days

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

19 October 1999 Council grants special approval for demolition of an existing timber patio, and erection of a new colorbond steel patio on a reduced west side boundary setback, and roof pitch of 7°;
1 November 1999 Building Licence issued for a colorbond patio.

CONSULTATION

Development Control Unit

9 January 2007

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 23 January 2007 and the following comments were made:

- concern re bulk and scale
- upper and lower loggias are not characteristic of area
- well considered design and amenity
- impacts on views

Public Submissions

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

Site Inspection

By Consultant Town Planner on 4 January 2006

STATISTICS	<i>Required</i>	<i>Proposed</i>
Land Area		769m ²
Zoning		R12.5
Open space		75.5%
<u>Setbacks:</u>		
Front (south)	<i>Ground</i>	
	<i>Theatre/Guest/Study</i>	7.50
		Acceptable
	<i>Upper</i>	
	<i>Bed 3</i>	7.50
		Acceptable
	<i>Balcony</i>	6.40
		Discretion Required
	<i>Bed 1</i>	7.50
		Acceptable

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Rear (north)	<i>Undercroft Garage & Workshop</i>	6.00		3.10 Discretion Required
	<i>Ground Family/Dining/ Kitchen</i>	6.00		17.60 Acceptable
	<i>Patios x 2</i>	6.00		2.75 Discretion Required
	<i>Upper Loggia</i>	7.50		14.50 Acceptable
	<i>Main Bedroom</i>	6.00		14.50 Acceptable
Side (west)	<i>Undercroft Workshop</i>	1.00		1.00 Acceptable
	<i>Ground Patio</i>	1.00		1.00 Acceptable
	<i>Kitchen</i>	1.00		2.00 Acceptable
	<i>Pantry</i>	1.00		3.00 Acceptable
	<i>Theatre</i>	1.50		2.00 Acceptable
	<i>Upper Main Bedroom</i>	1.20	(Wall height 6.10)	2.00 Discretion Required
	<i>Bath</i>	1.20	(Wall height 6.00)	3.00 Discretion Required
	<i>Bed 3</i>	1.20		2.00 Acceptable
Side (east)	<i>Undercroft Garage</i>	3.75	(LPP 142)	3.75 Acceptable
	<i>Ground Study</i>	3.75	(LPP 142)	3.75 Acceptable
	<i>Porch</i>	3.75	(LPP 142)	1.95 Discretion Required
	<i>Family</i>	3.75	(LPP 142)	3.75 Acceptable
	<i>Patio</i>	3.75	(LPP 142)	3.75 Acceptable
	<i>Upper Bed 1</i>	3.75		3.75 Acceptable
	<i>Terrace</i>	3.75	(Wall height 6.20)	1.95 Acceptable
	<i>Living</i>	3.75	(Wall height 6.00)	3.75 Acceptable
<u>Height:</u>				
Wall		5.60		6.20 Discretion Required
Ridge		8.10		8.10 Acceptable

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REPORT

Issues

Assessment

This application is for a 2-storey house on a corner lot therefore setbacks are based on the following statement in LPP 142:

“(b) Secondary Street – minimum setback 50% of Primary Street.”

In this case the primary street is considered to be View Terrace, and the secondary street is considered to be Easton Street. The setback to View Terrace is 7.5m therefore the setback to Easton Street is 3.75m.

Building Height

The subject land is in an area of East Fremantle where the building height limits recommended in LPP 142 apply.

West Side

The upper floor wall for a Main Bedroom is 6.1m, and for a Bathroom is 6m above natural ground level.

LPP 142 recommends a 5.6m wall height limit.

East Side

The upper floor wall for a Terrace is 6.2m, and for a Living Room is 6m above natural ground level.

LPP 142 recommends a 5.6m wall height limit.

Boundary Setbacks

Front (south side)

Common with View Terrace

An upper floor balcony off Bedroom 2 is set back 6.4m from the front boundary.

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

Rear (north side)

Common with 25 Woodhouse Road

A double garage and workshop are set back 3.1m, and two patios are set back 2.75m from the rear boundary.

The RDC recommend a 6m rear boundary setback for R12.5 coded property.

Side (east)

Common with Easton Street

A Porch is set back 1.95m, and an upper floor Terrace off Bedroom 1 and a Living Room are set back 1.95m from the east side boundary.

The east side boundary is adjacent to the secondary street (Easton Street) therefore under LPP 142 the recommended setback is 3.75m.

Discussion

Building Height

The application proposes variations to wall height on the east and west sides. Being a sloping site these variations are necessary to maintain floor and ceiling levels throughout the proposed house.

Roof height is under the limit recommended in LPP 142.

Boundary Setbacks

The wall height variations are considered minor, and do not impact negatively on any nearby property views.

Properties either side of the proposal, at 24 View Terrace, and at 25 Woodhouse Road, contain development, which encroaches the recommended setbacks. Similarly, the property diagonally opposite at 27 Woodhouse Road encroaches the recommended setback.

The proposed variations to setbacks in this application would not negatively impact on View Terrace or Easton Street streetscapes.

The attached Site Visit Photos illustrate this comment.

The larger of the two patios near the north side boundary to the rear is proposed to be screened therefore there will be no overlooking of the adjoining properties at 25 Woodhouse Road or at 24 View Terrace.

The smaller patio to the front (Easton Street) overlooks the public domain, the front setback area, and a portion of the 'rear' yard of 25 Woodhouse Road which comprises a vegetable garden not an outdoor living area.

"R-Codes Advice Note Part 3 Element 8 – Privacy", Volume 2 Issue 1 September 2003 states:

"Protection from overlooking generally is not necessary for extensive areas of garden which are well separated from the dwelling to which they relate."

Therefore overlooking is not considered a concern with this unscreened patio.

The front (View Terrace) setback of the adjoining property at 24 View Terrace is less than 7.5m, and a verandah appended to the house at 25 Woodhouse Street is set back less than 3.75m from Easton Street (the secondary street). The house at 27 Woodhouse Street is similarly closer to Easton Street (the secondary street) than recommended in LPP 142.

Given the presence of other properties nearby which have development that varies from the recommended setbacks, the proposed variations on the south and east sides of the subject site are considered minor not impacting negatively on the local streetscape or neighbouring properties, and are supported.

TPAP Comments

The comments regarding bulk and scale, and the loggias not being characteristic of the area are comments which could be equally applied to many of the 2, 3 and 4 level homes which have been built in this area of East Fremantle.

Nearby examples can be seen in front of the subject land at 25 Woodhouse Road, opposite at 27 Woodhouse

Road, all along Woodhouse Road, and along View Terrace.

While "loggias" may not have been a popular building element in the area up till now there are many other individual and unique design elements in this locality, which are considered to contribute to the contemporary modern character of the area, while giving each property its own unique identity.

RECOMMENDATION

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

- (a) variation to wall height on the west side for a Main Bedroom and Bathroom pursuant to Local Planning Policy 142 from 5.6m to 6.1m and 6m respectively;
- (b) variation to wall height on the east side for a Terrace and a Living Room pursuant to Local Planning Policy 142 from 5.6m to 6.2m and 6m respectively;
- (c) variation to the front boundary setback for an upper floor balcony off Bedroom 2 pursuant to the Residential Design Codes from 7.5m to 6.4m;
- (d) variation to the rear boundary setback for a double garage and workshop, and two patios pursuant to the Residential Design Codes from 6m to 3.1m, and 2.75m respectively;
- (e) variation to the east side boundary setback for a Porch and an upper floor Terrace pursuant to Local Planning Policy 142 from 3.75m to 1.95m;

for the construction of a 2 storey house and separate undercroft garage, workshop, and cellar, with a swimming pool, deck and patios over the garage at No. 26 (Lot 272) View Terrace (cnr Easton Street), East Fremantle in accordance with the plans date stamp received on 2 January 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.
8. 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.

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9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. pool contractor/builder is required to notify Council's Building Surveyor *immediately upon completion of all works* including fencing.
15. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision 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 Ralph Hoare (architect) addressed the meeting.

RECOMMENDATION TO COUNCIL

Cr Martin – Cr Ferris

That the application for the construction of a 2 storey house and separate undercroft garage, workshop, and cellar, with a swimming pool, deck and patios over the garage at No. 26 (Lot 272) View Terrace (cnr Easton Street), East Fremantle in accordance with the plans date stamp received on 2 January 2007 be deferred and the Chief Executive Officer in consultation with relevant officers prepare a more detailed report clarifying discretions required for the loggia element and its impact upon views. CARRIED

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T10.8 *Preston Point Road No. 19 (Lot 35) – G & J Archer*
(Application No. P223/2006)
By Chris Warrener, Consultant Town Planner on 6 February 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for a 3 level house, with front door to Reynolds Street, and a 2-storey building, comprising a double garage, and upper floor studio, with frontage to Preston Point Road.

Materials proposed include colorbond non-reflective roofing, rendered brickwork, textured blockwork, feature brickwork and timber or colorbond cladding.

(Note: the applicant requested deletion of the above ground swimming pool component from the application)

Statutory Requirements

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

Local Planning Strategy - Riverside Precinct (LPS)

Residential Design Codes (RDC)

Relevant Council Policies

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

Council Policy No. 066 – Roofing (CP 066)

Documentation

Plans and relevant forms date stamp received on 13 November 2006

Date Application Received

13 November 2006

Additional Information Received

17 November 2006	Overshadow calculations and explanation from applicant;
27 November 2006	Amended plans for the building next to Preston Point Road;
17 January 2007	Heritage Assessment prepared by Philip Griffiths;
22 January 2007	Letter from applicant describing extent of variations proposed, and plan illustrating roof height relationship to neighbouring properties.

Advertising

Adjoining land owners & sign on site

Date Advertised

9 November 2006

Close of Comment Period

22 November 2006

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

1990	Council conditionally approves an additional unit at the rear of 21 Preston Point Road (now 5 Reynolds Street) with increased building and ceiling heights;
23 February 1998	Council conditionally approves a 4-level house at the rear of 17 Preston Point Road (now 9 Reynolds Street) on reduced setbacks and increased building height;
30 March 1993	State Planning Commission certifies approval to subdivide 21 Preston Point Road into 2 strata lots (1 X 378m ² - 5 Reynolds Street, 1 X 524 ² - 21 Preston Point Road);

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|------------------|--|
| 17 April 2001 | Council grants special approval for a second storey deck and parapet wall additions to the house at 5 Reynolds Street; |
| 22 March 2002 | WAPC certifies approval to subdivide 17 Preston Point Road into 2 strata lots (1 X 217m ² - 9 Reynolds Street, 1 X 304 ² - 17 Preston Point Road); |
| 30 May 2006 | CEO under delegated authority conditionally approves an upper level deck addition to 5 Reynolds Street. |
| 19 December 2006 | <p>Council resolved:</p> <p><i>That the application for a 3 level house at No. 19 (Lot 35) Preston Point Road, East Fremantle be deferred pending:</i></p> <ol style="list-style-type: none"> 1. <i>the preparation of a heritage assessment by a suitably qualified Heritage Consultant.</i> 2. <i>the Chief Executive Officer in consultation with relevant officers and or consultants at the CEO's discretion, investigate the feasibility of relocating the house forward on that part of the lot fronting Preston Point Road.</i> 3. <i>the applicant to provide dimensional information ie roof height relationship in terms of proposed residence to that of the neighbouring properties.</i> |

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting on 28 November 2006 and the following comments were made:

- concern re height and bulk particularly from eastern elevation
- three stories dominant element to Preston Point Road
- more box like than adjoining dwelling to the south
- severe facades in particular to the north
- concern re massive box design
- hope Council look at existing dwelling and its preservation
- demolition if approved requires photographic record and heritage assessment
- consider moving existing dwelling forward in Preston Point Road
- facades need reconsideration, little shading for occupants
- severe privacy screens make appearance harsh

Public Submissions

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

Site Inspection

By Consultant Town Planner on 21 November 2006

STATISTICS	<i>Required</i>	<i>Proposed</i>
Land Area		539m ²
Zoning		R12.5
Open space		75%
		(30% onto 17 Preston Point Road)

Setbacks:

Front (east)	<i>(Preston Point Rd)</i>		
	<i>Ground</i>		
	<i>Carport & Garage</i>	7.50	1.425
			Discretion Required
	<i>Upper Balcony</i>	7.50	2.20
			Discretion Required

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	<i>Kitchen</i>	7.50	2.00
			Discretion Required
	<i>Sewing</i>	7.50	1.20
			Discretion Required
Rear (west)	<i>(Reynolds Street)</i>		
	<i>Ground</i>		
	<i>Parents' Retreat</i>	6.00	3.10
			Discretion Required
			Acceptable
	<i>Entry</i>	6.00	4.20
			Discretion Required
	<i>Study</i>	6.00	6.10
			Acceptable
	<i>Upper Deck</i>	6.00	3.00
			Discretion Required
	<i>Formal Living</i>	6.00	3.00
			Discretion Required
Side (south)	<i>Ground</i>		
	<i>Laundry/Bath/Bed 4</i>	1.00	1.00
			Acceptable
	<i>Music</i>	1.00	1.70
			Acceptable
	<i>Deck</i>	1.00	1.70
			Acceptable
	<i>Carport</i>	1.00	0
			Discretion Required
	<i>Upper 1</i>		
	<i>Study</i>	1.30	1.00
			Discretion Required
	<i>Master</i>	1.30	1.80
			Acceptable
	<i>Balcony</i>	1.40	1.80
			Acceptable
	<i>Studio</i>	1.10	1.00
			Discretion Required
	<i>Balcony</i>	7.50	1.00
			Discretion Required
	<i>Upper 2</i>		
	<i>Formal</i>	1.50	1.00
			Discretion Required
	<i>Balcony</i>	1.50	1.80
			Acceptable
Side (north)	<i>Ground</i>		
	<i>Balcony</i>	1.10	1.50
			Acceptable
	<i>Bed 2 & 3</i>	1.50	2.70
			Acceptable
	<i>Upper 1</i>		
	<i>Studio</i>	1.10	1.00
			Discretion Required

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	<i>Balcony</i>	7.50		1.00
			Discretion Required	
	<i>Deck</i>	7.50		1.50
			Discretion Required	
	<i>Master</i>	1.50		1.50
			Acceptable	
	<i>Parents Retreat</i>	1.30		1.50
			Acceptable	
	<i>Upper 2 Balcony</i>	1.50		1.50
			Acceptable	
	<i>Kitchen</i>	1.80		1.50
			Discretion Required	
	<i>BBQ</i>	1.50		2.70
			Acceptable	
<u>Height:</u>				
Wall	<i>South</i>	6.50		12.20
			Discretion Required	
	<i>North</i>	6.50		11.10
			Discretion Required	
Ridge	<i>South</i>	9.00		13.00
			Discretion Required	
	<i>North</i>	9.00		12.80
			Discretion Required	
<u>Overshadowing:</u>	52% onto 9 Reynolds Street and onto 17 Preston Point Road.			
<u>Roof Pitch:</u>	28°	<i>Policy 066</i>		5°
			Discretion Required	

REPORT

Issues

At its December meeting Council decided to defer making a decision on the application pending preparation of a Heritage Assessment, and feasibility of relocating the house forward, and the applicant providing dimensional information ie roof height relationship in terms of proposed residence to that of the neighbouring properties.

This additional information is attached.

Building Height

Wall height for the 3-level house along the south side elevation varies between 6.1m at Reynolds Street and 12.75m at the rear. Roof height varies from 6.5m at Reynolds Street up to 13.65m at the rear.

Wall height along the north side elevation varies from 12m at the rear to 6m at Reynolds Street. Roof height varies from 12.85 at the rear to 6.65m at Reynolds Street.

The RDC recommend a 6.5m wall height limit for a concealed (flat) roofed house, and a maximum roof height of 9m (Note: the subject land is not in an area where views from properties nearby could be affected and the 8.1m limit under LPP 142 does not apply).

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Boundary Setbacks
Front Boundary

(common with Preston Point Road)

The application proposes a double garage set back 5.8m, with an upper floor containing a sewing room set back 1.2m, a kitchenette set back 2m, and a balcony set back 2.2m from the front boundary.

The RDC recommend a 7.5m setback for R12.5 coded property and LPP 142 states:

“Part 2 – Streetscape

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

Rear Boundary

Common with Reynolds Street

The application proposes on the ground floor nearest Reynolds Street (assessed as the rear property boundary) a parents' retreat set back 3.1m, and an entry/porch set back 4.2m from the rear boundary.

On the upper floor nearest Reynolds Street a deck and a formal living room are set back 3m from the rear boundary.

The RDC recommend a 7.5m setback for decks and balconies, and a 6m rear boundary setback for R12.5 coded property.

Side (north) boundary

Common with 5 Reynolds Street & 21 Preston Point Road

An art studio is set back 1m from the north side boundary (21 Preston Point Road).

The RDC recommend a 1.1m setback.

An open balcony is set back 1m from the north side boundary adjacent to 21 Preston Point Road, and another open balcony is set back 1.5m adjacent to 5 Reynolds Street.

The RDC recommend a 7.5m setback for unscreened balconies.

Overshadowing

The application is for a development which will overshadow 9 Reynolds Street by 52% and 17 Preston Point Road by 30%.

The RDC state:

“A1 Notwithstanding the boundary setbacks in Element 3, development in Climatic Zones 4, 5 and 6 of the State shall be so designed that its shadow cast at midday, 21 June

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onto any other adjoining property does not exceed the following limits:

- on adjoining properties coded R25 and lower – 25% of the site area;”

Roof Pitch

The roofs over the two proposed buildings are proposed to be pitched at 5°.

CP 066 states:

dominant elements to be greater than 28°.

Discussion
Heritage Issue

The Heritage Assessment recommendations state:

“Asbestos cement poses a health and safety problem. Given the construction materials we could not support relocation or adaptation of the place in situ. Relocation carries significant problems and costs with it.

Given all the circumstances we would suggest that an archive record be prepared of the place and that Council might consider its demolition as a regrettable but reasonable outcome.”

Streetscape,
Setbacks & Building
Height

This application is for a property with two street frontages – Preston Point Road and Reynolds Street.

While the applicant advised that it is intended to apply to change the postal address of the property from 19 Preston Point Road to 7 Reynolds Street assessment of the application is based on the front boundary being Preston Point Road (primary street) and the rear boundary being Reynolds Street.

Under the RDC the Primary Street is defined:

“The sole or principal public road that provides access to a site.”

The application proposes two buildings separated by an internal yard proposed as the outdoor living area.

The application as submitted included an above ground swimming pool however in consultation with the owner this has been deleted because of concerns regarding levels and height, and will be considered in a fresh application at a later date.

The building closest to Preston Point Road, which contains a double garage, and upper floor studio with balcony has been purpose designed to provide a residential appearance to the street.

The main building is a 3-level house with its front door entry to this street. This building is proposed to have the appearance of a 2-storey house with a deck/barbeque area to obtain views down Reynolds Street to the river and ocean beyond.

The setbacks for the unscreened balcony and the deck (to Preston Point Road and to Reynolds Street) are acceptable because their overlooking is of the front setback areas and the public domain.

The topography of the site is such that it is virtually impossible to design a 2/3-level house with convenient access to Reynolds Street and comply with the height limits recommended in the RDC.

Council previously approved houses on the adjoining properties on reduced setbacks and increased building heights to take account of this topography.

The proposed house will blend between the adjoining houses, its height being lower than the house at 9 Reynolds Street, and slightly higher than the house at 5 Reynolds Street.

The proposed variations to the height limits are considered acceptable because there are no impacts on adjoining or nearby property views. The increase in height is necessary to build a practicable residence on a very steep property.

The height of the house viewed from Reynolds Street is lower than the recommended height limit (proposed wall height of 5.4m, and roof height of 6.6m), and similarly the garage/studio next to Preston Point Road is lower than the recommended limit.

The variations to the "rear" setback/Reynolds Street are required to provide practicable access to the proposed house. Similar access treatments and setbacks are present at the adjoining properties, 5 & 9 Reynolds Street.

The variations to the "front" setback/Preston Point Road are also considered acceptable because setbacks of other properties along this side of the street are similar to and in some cases, less than the setback proposed in this application. (Examples nearby can be found at 7, 13, 15 & 17 Preston Point Road and this variation is not considered to negatively impact on the local streetscape).

Overshadowing

The more significant of the proposed variations is the degree to which overshadow affects 9 Reynolds Street and 17 Preston Point Road.

The applicant has addressed this variation in the attached letter including a shadow diagram and aerial photograph.

In regard to this variation the following extract from the RDC is relevant:

"In terms of residential development, the three main aims of climate-sensitive design are to reduce energy consumption, optimise on-site solar access, and protect solar access for neighbouring properties."

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However, it is difficult to translate these aims into development provisions. This is not because the issues are subjective but because conditions vary greatly from one situation to another, making it difficult to establish universally valid rules.

To give an obvious example, a narrow east-west oriented lot on the south side of a development site, especially where the terrain slopes toward the south, is highly vulnerable to being overshadowed, even by a relatively low building set back from the common boundary.”

This application is an example of what the RDC refer to.

The properties south of the subject land are narrow east-west oriented lots with frontages of 12.65m and 12.57m. There is a significant level difference between the application land and the properties to the south, which are down to 3m lower.

In Element 9 – Design for Climate the RDC state:

“It is clear that the sites most vulnerable to overshadowing are narrow east-west orientated sites, on the south side of a development site, especially if they are also lower or on a south-facing slope.

In such cases, even a relatively low building may cast mid-winter shadow over a greater proportion of the site than allowed under 3.9.1.

In other cases a shadow cast by a proposed building may exceed the allowable limits in theory, but in practice may simply be casting a shadow onto a boundary wall or roof or both, with minimal adverse effect.

A shadow may not exceed the limit but may fall over the only available outdoor living area, or living room window, of an adjoining house.”

While the percentage of overshadow exceeds the limit recommended in the RDC it is largely unavoidable and does not negatively impact on the amenity of the adjoining properties (overshadow of 117 Preston Point Road is of a driveway).

Roof Pitch

The building to the south which is used for a picture framer has a concealed/flat roof.

The house to the north at 5 Reynolds Street has concealed/flat roofed sections and low pitched sections. Nearby houses at 3 Reynolds Street and 2 Surbiton Road have low pitched roofs.

Given the existence of other nearby properties containing houses with flat and low pitched roofs the variation to roof pitch is considered acceptable and will not negatively impact on local streetscape.

TPAP Comments

The following is the applicant's response to the comments made by TPAP:

1. *Concern re height and bulk particularly from eastern elevation:*

The proposed new house is only 14.1m long and the rear wall of the main house is set back approximately 25.5m from Preston Point Road. Note that the new residence is sitting on the same building platform as the existing house and the front and back facade is in line with the adjoining neighbour on No 9 Reynolds Street. Our new residence matches the scale and height of the adjoining neighbours and will not look out of place. Please refer to the accompanying artist's impressions of both Reynolds Road and Preston Point Street elevations.

2. *Three stories dominant element to Preston Point Road:*

As stated in item 1 above, the new house is well set backed and the more prominent elevation is the art studio which addresses the Preston Point Road streetscape. We would argue that some of the more dominant elements on Preston Point Road are some of the existing garages which are on zero setbacks. The proposed new residence has a two storey façade on Reynolds Road which matches the adjoining houses on the street.

3. *More box like than adjoining dwelling to south:*

Whilst the proposed new residence may appear box like, the house is in actual fact made up of two skillion roofs meeting in the middle. There are deep eaves and balcony overhangs which will provide sun shading to East and West facades. The bedrooms which face north have upper floor overhang which provide sun shading. We feel that this is an opportunity to create an Australian architecture that celebrates our unique lifestyle that encompasses the outdoors hence the provision of outdoor areas at every level of the house. Windows can be left open to capture the breezes and be protected from the elements. The main residence on Reynolds Street has a varied architectural streetscape. There are houses with Tuscan, Contemporary Australian, Federation, 70's style. The same applies for Preston Point Road.

4. *Severe facades in particular to the north:*

The elevations are deceptive in the sense that they do not illustrate the shadows that are created by the numerous roof overhangs nor does it demonstrate the textures created by the different external finishes. We are happy to revisit the North elevation to break up the wall expanse with the use of different wall claddings and horizontal bandings. Natural material eg timber battens will be used in the privacy screens. Note too that the North façade will not be really seen as the adjoining neighbour i.e. No: 5 Reynolds Road will be building a new upper floor terrace with face brick screening above floor level on their South Elevation. The West Elevation has the living room set back with a generous balcony; the varied textures and blockwork, coloured obscure glass and the solid timber entry door proposed do not create a severe façade at all. The use of Skillion roof in fact diminishes the overall height of the building in comparison to a house with a steeply pitched roof.

5. *Concern re massive box design:*

The only elevations which look box-like are the North and South elevations and these are the least prominent elevations which will not be seen from the streets. It is hardly a massive house as the proposed new house is basically 2-3 rooms or 14.1m deep and well set back from Preston Point Road which is a busy road with unit developments etc at this end of the road near Canning Highway.

6. *Hope Council look at existing dwelling and its preservation:*

My client consulted Council to check on the Heritage status of the existing house prior to making an offer to purchase the existing house. There was no listing of the existing house. There are numerous finer examples of this existing style. Furthermore, the existing house poses a health risk with part of the roof and most walls containing asbestos. The Reynolds Road streetscape with the existing house is very unattractive as all the adjoining neighbours are double storeyed on Reynolds Road whilst all that can be seen from our existing house is the roof top. Furthermore, the existing topography of the council verge with the existing low set house poses a safety hazard (Refer to existing site photos sent to Council previously.)

7. *Demolition if approved requires photographic record and heritage assessment:*

We are happy to comply with the East Fremantle Council's requirements to provide a photographic record of the existing house and organise for a heritage assessment to be done on the existing house prior to the demolition and construction of the proposed new residence. We understand from discussions with you that the heritage assessment will not affect the construction of the new residence.

8. *Consider moving existing dwelling forward in Preston Point Road:*

This exercise will not be practical considering the health risk involved. Furthermore, the proposed garages are located on Preston Point Road. If the existing house is moved forward with garages below, this would destroy the architectural integrity of the existing house and the northern neighbour will have their South-East views blocked. The design of the existing art studio has been revised to take into account the discussions we have had with the owners of 121 Preston Point Road. They are happy with the revised studio design with the low scale massing and the minimal impact the studio will have on their house. Moving the existing house forward, retaining it and addressing the concerns of our northern Preston Point Road neighbour will mean that my client will lose the centre useful backyard for the young family.

9. *Facades need reconsideration, little shading for occupants:*

Main Residence

North Façade

There are three 0.6mH highlight windows just under the eaves for extra natural light for the dining room. These do not pose a solar problem as they are minor openings which act to bring in additional light into the middle of the house. Other major openings on the north façade are the bedroom windows and these are protected by a 1.2m overhang from the floor above.

South Façade

The study has windows on the south façade but only the top glazing is clear glass. Glazing below 1.65m is obscure glass. Other major south façade windows are the windows to the guest bedroom 4 on the basement floor.

East Façade

All windows and doors look onto a rear balcony or deck which has a 2m deep roof or overhang above.

West Façade

On Reynolds Street level, the proposed entry and study is set back from the upper floor slab which provides a 1.1m and 3.1m sun shading overhang respectively. There isn't any sun shading overhang proposed for the secondary Parents retreat but we will add an additional 1m deep horizontal sun louvre similar to the living room above.

On the upper floor, the dining room is set back 4.2m under the balcony roof.

The formal living has a 1m deep horizontal sun louvre. The glazing panels are a mixture of clear and coloured obscure glass to reduce the impact of the western sun.

Art Studio

North Façade

Only major opening is the kitchenette window which is under the balcony roof.

South Façade

No major opening.

East Façade

Major opening into the main studio space is protected by the balcony roof overhang of 2.7m. Other windows into the kitchenette, sewing room and workshop do not pose a problem.

West Façade

There are no windows or openings that would affect any of the proposed accommodation.

10. *Severe privacy screens make appearance harsh:*

Timber battens are to be used within a steel framework as privacy screens and the use of natural material would soften the rendered brickwork side facades. The design of the privacy steel framework echoes the skillion roof design with the angled support adding an interesting design element to the rendered brickwork. We would think that our privacy screens will look less harsh than the solid face brick screening that has been approved on the south elevation of no5 Reynolds Road. Again, we are happy to work with council in the documentation of our screen design to come to a satisfactory solution.

In summary, we have a unique site with four adjoining neighbours, two major street frontages with a steep site which has a 10m fall. We have resolved the one comment regarding our proposed house design with our neighbour on 21 Preston Point Road. We have no other negative responses from any of our surrounding neighbours. Our proposed residence and garage/studio addresses the two major streetscapes and we believe that it will be a positive addition to the East Fremantle precinct.

Conclusion

This application is for development on the only residential zoned property in East Fremantle with two effective street "frontages" which is not a corner lot.

Development of the site is constrained by its unique topography, hence the necessity for variations to build a house which can be accessed from Reynolds Street, and at the same time present a residential appearance to Preston Point Road, which is sympathetic to the local streetscape.

In a letter received on 22 January the applicant addresses each of the proposed variations and concludes:

"In summary, we would like to emphasise that of 12 variations required, 5 variations are related to the difficult site topography, 4 variations are related to our reduced street setback design which matches our neighbours, 2 variations are related to our front open balconies which do not affect our neighbours and the last variation is related to our reduced roof pitch which are found on two of our neighbours."

Adjoining and nearby properties “suffer” similar topographic constraints and have been developed with similar variations.

The applicant has made every endeavour to ensure that the appearance of the development viewed from both streets is in keeping with local streetscape character, and is a unique design, which is considered not to negatively impact on the appearance or amenity of neighbouring properties.

It is worth noting that no submissions were received in response to this application, which is a very rare event for a housing development with 2 or more stories in East Fremantle, particularly on such a prominent site next to a major thoroughfare.

TPAP expressed concerns regarding the “bulk” of the development.

The applicant has demonstrated that TPAP’s perceptions are not necessarily an accurate representation of the proposed “finished product”.

The applicant’s artist’s rendered impressions of the completed development, and descriptions of materials and finishes indicate that the proposal will be attractive in appearance, complement adjoining and nearby property development, and is considered to make a positive contribution to the local streetscape.

The Heritage Assessment recommends that an archive record of the asbestos house on the site be prepared, and Council consider its demolition as a preferred outcome.

An “archive record” comprises a site plan, plans illustrating the elevations of the existing house, photographs of each elevation, and photographs of each room.

RECOMMENDATION

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

- (a) variation to wall height on the south side pursuant to the Residential Design Codes from 6.5m to 12.2m;
- (b) variation to roof height on the south side pursuant to the Residential Design Codes from 9.0m to 13m;
- (c) variation to wall height on the north side pursuant to the Residential Design Codes from 6.5m to 11.1m;
- (d) variation to roof height on the north side pursuant to the Residential Design Codes from 9.0m to 12.8m;
- (e) variation to the east side (front) boundary setback for a carport and garage pursuant to the Residential Design Codes from 7.5m to 1.425m;
- (f) variation to the east side (front) boundary setback for a balcony, kitchen and sewing room pursuant to the Residential Design Codes from 7.5m to 2.2m, 2.0m & 1.2m respectively;
- (g) variation to the west side (rear) boundary setback for a parents’ retreat and entry pursuant to the Residential Design Codes from 6.0m to 3.1m and 4.2m respectively;
- (h) variation to the west side (rear) boundary setback for a formal living room and a deck pursuant to the Residential Design Codes from 6.0m to 3.0m;
- (i) variation to the north side boundary setback (next to 21 Preston Point Road) for an art studio, open balcony and deck pursuant to the Residential Design Codes from 1.1m to 1.0m and 7.5m to 1.0m & 1.50m respectively;
- (j) variation to the north side boundary setback (next to 5 Reynolds Street) for an open balcony pursuant to the Residential Design Codes from 7.5m to 1.503m;
- (k) variation to the north side boundary setback for a kitchen pursuant to the Residential Design Codes from 1.8m to 1.5m;
- (l) variation to the south side boundary setback for a carport pursuant to the Residential Design Codes from 1.0m to Nil;
- (m) variation to the south side boundary setback for a study, studio and balcony pursuant to the Residential Design Codes from 1.3m to 1.0m, 1.1m to 1.0m & 7.5m to 1.0m respectively;

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- (n) variation to the south side boundary setback for a formal lounge pursuant to the Residential Design Codes from 1.5m to 1.0m;
- (o) variation to the percentage of overshadow onto 9 Reynolds Street and 17 Preston Point Road pursuant to the Residential Design Codes from 25% to 52% and 30% respectively;
- (p) variation to roof pitch pursuant to Council Policy 066 from 28° to 5°;
- for the construction of a 3 level house at No. 19 (Lot 35) Preston Point Road, East Fremantle with front door to Reynolds Street, and a 2-storey building comprising, a garage, carport and upper floor studio with frontage to Preston Point Road in accordance with the plans date stamp received on 6, 13, 16 & 30 November 2006 subject to the following conditions:
1. prior to the issue of a building licence the applicant is to submit an archive record of the asbestos house located on the site.
 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 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.
 4. 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.
 5. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
 6. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
 7. 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) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*

Mr Gary Archer (applicant) addressed the meeting.

RECOMMENDATION TO COUNCIL

Cr Olson – Cr Harrington

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

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- (g) variation to the west side (rear) boundary setback for a parents' retreat and entry pursuant to the Residential Design Codes from 6.0m to 3.1m and 4.2m respectively;
- (h) variation to the west side (rear) boundary setback for a formal living room and a deck pursuant to the Residential Design Codes from 6.0m to 3.0m;
- (i) variation to the north side boundary setback (next to 21 Preston Point Road) for an art studio, open balcony and deck pursuant to the Residential Design Codes from 1.1m to 1.0m and 7.5m to 1.0m & 1.50m respectively;
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- (m) variation to the south side boundary setback for a study, studio and balcony pursuant to the Residential Design Codes from 1.3m to 1.0m, 1.1m to 1.0m & 7.5m to 1.0m respectively;
- (n) variation to the south side boundary setback for a formal lounge pursuant to the Residential Design Codes from 1.5m to 1.0m;
- (o) variation to the percentage of overshadow onto 9 Reynolds Street and 17 Preston Point Road pursuant to the Residential Design Codes from 25% to 52% and 30% respectively;
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 3. 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.
 4. 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.

5. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
6. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
7. 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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- (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.*

LOST

Reason for not Supporting Officer's Recommendation

The Committee were of the view that given the number and magnitude of discretions sought, size, bulk and scale, comments of the Town Planning Advisory Panel and the treatment of both the Reynolds Street and Preston Point Road frontages, the application for the construction of a 3 level house at No. 19 (Lot 35) Preston Point Road, East Fremantle with front door to Reynolds Street, and a 2-storey building comprising, a garage, carport and upper floor studio with frontage to Preston Point Road in accordance with the plans date stamp received on 6, 13, 16 & 30 November 2006, could not be supported.

T10.9 *Surbiton Road No. 8 (Lot 31) – A Quagliola
(Application No. P258/2006)
By Beryl Foster, Acting Town Planner on 7 February 2007*

BACKGROUND

Description of Proposal
Proposed two storey dwelling

Statutory Requirements
Town Planning Scheme No. 3 – R12.5
Local Planning Strategy – Riverside Precinct
Residential Design Codes

Relevant Council Policies

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Local Planning Policy No. 142 – Residential Development
Council Policy No. 066 – Roofing
Council Policy No. 123 – Footpaths & Crossovers

Documentation
Plans received 4 January 2007 and relevant forms

Date Application Received
4 January 2007

Additional Information Received
19 January 2007

Advertising
Adjoining land owners & sign on site

Date Advertised
15 January 2007

Close of Comment Period
29 January 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
Demolition Licence for existing dwelling issued 1 December 2006

CONSULTATION
Development Control Unit
8 January 2007

Town Planning Advisory Panel Comments
This application was considered by the Town Planning Advisory Panel at its meeting held on 23 January 2007 and the following comments were made:

- appears to have solved site problems
- appears to have addressed issues of views
- appreciate detail, work and effort

Public Submissions

At the close of the comment period 2 written submissions were received and the main issues relating to the proposal are summarised as follows:

- 4 Surbiton Road*
- Although the front setback is 6.5m we would prefer a setback of 7.5m as our property is 7.5m.
 - We prefer height compliance as our views to the west will be impacted.
 - We are concerned that upper floor deck screening will impact on views.
 - We request boundary fence details.

- 6 Bolton Street*
- Raise privacy concerns and for this reason do not support any relaxations to building height.

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Applicant Comment The main comments made by the applicant are summarised as follows:

- Comments appear to be made because relaxations are sought. These comments seem to underestimate what could actually be done without any relaxations. This proposal is respectful of views, amenity and privacy.
- Small relaxations are sought in order to achieve a dwelling that is better for neighbours in terms of views, privacy and amenities.
- R Codes privacy requirements have been met regarding the property at the north-east corner of the site and the small height relaxation sought does not impact on the privacy of No. 6 Bolton Street.
- With regard to precedent, planning applications should be assessed on merit.
- The R Codes and the Town Planning Scheme provide for relaxations in order to achieve a design which is more sustainable and more beneficial to neighbours if compared to what could be built to regulation. We believe this to be our case (see attached drawings and explanatory notes).

Site Inspection
11 January 2007

STATISTICS		<i>Required</i>	<i>Proposed</i>
Land Area			655m ²
Zoning			R12.5
Open space		55% (360.25m ²)	65% (426.24m ²) Acceptable
<u>Setbacks:</u>			
Front (south)	<i>Ground</i>	7.50	6.50 Discretion Required
	<i>Upper</i>	7.50	6.50 Discretion Required
Rear (north)	<i>Ground Deck</i>	7.50	9.40 Acceptable
	<i>Upper Balcony</i>	7.50	10.55 Acceptable
Side (west)	<i>Ground</i>	1.80	1.05 to 1.20 Discretion Required
	<i>Upper</i>	3.00	3.55 Acceptable
		1.50	1.05 Discretion Required
	<i>Front Balcony</i>	7.50	1.05 Acceptable*
	<i>Rear Balcony</i>	7.50	7.50 Acceptable

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Side (east)	<i>Ground</i>	1.50	1.85
			Acceptable
	<i>Privacy Screen</i>	1.00	0.90
			Discretion Required
	<i>Upper</i>	2.00	2.00
			Acceptable
	<i>(Screened Balcony)</i>	7.50	1.85
			Acceptable
<u>Height:</u>			
Concealed Roof		6.50	6.50, 7.00
			Discretion Required
<u>Privacy/Overlooking:</u>			Front balcony acceptable in front setback area.
<u>Policies:</u>			
Roof		Acceptable	
Solar Access & Shade		Acceptable	
Drainage		Standard Condition	
Views		as discussed	
Crossover		as discussed	

REPORT
Issues
Setbacks
Height
Crossover

Discussion

Approval is sought for the construction of a two storey dwelling on the subject site and is in accordance with planning provisions for open space, overshadowing and privacy.

Setbacks

Front (south)

Discretion is sought for the front setback be reduced from 7.5m to 6.5m to both the ground and upper floors.

Applicant Justification

The main applicant justification is summarised as follows:

- The proposed setback allows sun penetration and provides access to views which will be lost with a 7.5m setback.
 - Existing views from neighbouring properties are not impacted.
 - At present the adjoining eastern property No. 4 Surbiton Road does not access views to the south west and redevelopment of this site is anticipated some time in the future. If so it is assumed a two storey would be proposed which would look over and beyond the subject proposed dwelling (which will be lower than the existing). The natural ground level at No. 4 Surbiton Road is 3m higher than the subject site.
 - A fully compliant dwelling on the subject site will have a greater impact on the reduction of view corridors than the subject proposal.
-

Comment

In response to comment made by the owner of No. 4 Surbiton Road, there is argument for front setback compliance as this would remove the potential of views being reduced some time in the future.

There is argument also for the reality being that the proposed dwelling will be lower than the existing dwelling, be in the same location as the existing dwelling and currently the view potential is not realised at No. 4 Surbiton Road.

On balance, given the topography, it is considered that opportunity exists for the view potential at No. 4 Surbiton Road to increase dramatically with good design, and the current view amenity will remain unchanged with the subject proposal.

Given the mix of dwelling design, setbacks and topography of the area, it is considered that the proposed setback will not have an undue adverse impact on the amenity of the adjoining eastern property and streetscape, and can be supported.

Side (west)

Discretion is sought for the western side setback to the ground floor be reduced from 1.8m to 1.05m to 1.2m and the upper floor setback be reduced from 1.5m to 1.05m.

Applicant Justification

The main applicant justification is summarised as follows:

- The wider north aspect increases energy efficiency to main living areas.
- The western setback is not a light source for both the subject dwelling and adjoining dwelling.

Comment

Given that the orientation of the adjoining dwelling is towards the west and includes a boundary wall on the common boundary, it is considered that the proposed setbacks will not have an undue adverse impact on the amenity of the adjoining property, and can be supported.

Height

Discretion is sought for the height of a portion of the roof at the north-west of the dwelling be increased from 6.5m to 7m.

Applicant Justification

The main applicant justification is summarised as follows:

- To access west and north-west views.
- To facilitate access to the garage at an appropriate angle given the site falls steeply from the road
- Steps between the dwelling and garage are not appropriate to the age of the owner.

Comment

Given the site falls some 5m from south-east to the north-west and the location of the portion of dwelling

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over the required height is not within a view corridor, the proposal is considered not to have an undue adverse impact on the amenity of the area with respect to views, bulk and scale, and can be supported.

Crossover

Discretion is sought for the crossover width be increased from 3m to 7m.

Given the topography, there is argument for an increased crossover width in terms of safety and accessibility. As such it is considered acceptable for the crossover width be increased to a maximum of 6m.

Option(s)

1. Conditional approval; or
2. Approve subject to compliance with Scheme requirements.

Conclusion(s)

The proposal is considered acceptable, and can be supported subject to standard and appropriate conditions to reflect the above.

RECOMMENDATION

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

- (a) the front setback be reduced from 7.5m to 6.5m to both the ground and upper floors;
- (b) the western side setback to the ground floor be reduced from 1.8m to 1.05m to 1.2m;
- (c) the western side setback to the upper floor be reduced from 1.5m to 1.05m;
- (d) the roof height be increased from 6.5m to 7m at the north-western portion of the dwelling;

for the construction of a two storey dwelling on Lot 31 (No. 8) Surbiton Road, East Fremantle, in accordance with plans received 4 January 2007 subject to the following conditions:

1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. the proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
6. any new crossovers which are constructed under this approval to be a maximum width of 6.0m, 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. compliance with all relevant engineering, building and health requirements.
9. at the time of submitting an application for building licence the plans must accord with and be accompanied by appropriate documentation to satisfy the Energy Efficiency Provisions of the Building Code of Australia.
10. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision 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) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

Mr Phil Nolan (owner of 4 Surbiton Road) addressed the meeting and outlined his concerns.

Mr Andrea Quagliola (architect) addressed the meeting and outlined his development proposal for the subject site.

Mayor O'Neill – Cr Harrington

That the officer's report be adopted.

LOST

RECOMMENDATION TO COUNCIL

Cr Martin – Cr Ferris

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

- (a) the western side setback to the ground floor be reduced from 1.8m to 1.05m to 1.2m;
- (b) the western side setback to the upper floor be reduced from 1.5m to 1.05m;
- (c) the roof height be increased from 6.5m to 7m at the north-western portion of the dwelling;

for the construction of a two storey dwelling on Lot 31 (No. 8) Surbiton Road, East Fremantle, in accordance with plans received 4 January 2007 subject to the following conditions:

1. prior to the issue of a building licence amended plans to be submitted showing compliance with LPP142 with regard to the front set back.
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 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.
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.

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6. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
7. any new crossovers which are constructed under this approval to be a maximum width of 6.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
8. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
9. compliance with all relevant engineering, building and health requirements.
10. at the time of submitting an application for building licence the plans must accord with and be accompanied by appropriate documentation to satisfy the Energy Efficiency Provisions of the Building Code of Australia.
11. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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- (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) *matters relating to dividing fences are subject to the Dividing Fences Act 1961. CARRIED*