

MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 14 AUGUST 2007, COMMENCING AT 6.30PM.

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T82. BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING

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T83. CLOSURE OF MEETING

MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 14 AUGUST, COMMENCING AT 6.30PM.

T75. OPENING OF MEETING

T75.1

Present

Mayor James O'Neill
Cr Stefanie Dobro Presiding Member
Cr Jennifer Harrington from 6.39pm
Cr David Martin
Cr Richard Olson
Cr Alex Wilson from 6.35pm
Mr Chris Warrener Consultant Town Planner
Mrs Peta Cooper Minute Secretary

T76. WELCOME TO GALLERY

There were 8 members of the public in the gallery at the commencement of the meeting.

T77. APOLOGIES

An apology was submitted on behalf of Cr Alan Ferris.

T78. CONFIRMATION OF MINUTES

T78.1 *Town Planning & Building Committee (Private Domain) – 10 July 2007*

Cr Martin – Cr Olson

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

CARRIED

T79. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

Nil

T80. REPORTS OF OFFICERS

T80.1 *Receipt of Reports*

Cr Martin – Mayor O'Neill

That the Reports of Officers be received.

CARRIED

Cr Alex Wilson entered the meeting at 6.35pm.

T80.2 *Order of Business*

Cr Olson – Cr Martin

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

CARRIED

T80.3 *Preston Point Road No. 160 (Lot 1)*

Applicant & Owner: John King

Application No. P121/07

By Chris Warrener, Town Planner on 25 July 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for a 4.3m long X 2.2m wide X 2.3m high gable roofed garden shed adjacent to the east and south side boundaries at 160 Preston Point Road.

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 18 June 2007

Date Application Received

18 June 2007

Advertising

Adjoining land owners only

Date Advertised

20 June 2007

Close of Comment Period

3 July 2007

No. of Days Elapsed between Lodgement & Meeting Date

57 days

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

20 August 1990	Council refuses approval for a 1.8m high fence and advises the Applicant that he is entitled to erect a 1.5m high fence to the front boundary of Preston Point Road and the side boundary of Gordon Street with an 8.5m corner truncation;
18 September 1995	Council refuses an application for additions and an additional dwelling unit to the rear of 160 Preston Point Road;
16 October 1995	Council refuses an application for additions and an additional dwelling unit based on amended plans;
19 May 1996	Minister for Planning upholds an appeal against the Council decision of 16 Oct. 1995;
16 April 2002	Council refuses an application for extensions to the existing residence and a new residence;
16 April 2002	Council decides to advise the WAPC that it does not support a survey strata subdivision of 160 Preston Point Road into 2 lots;
24 June 2002	Council approves amended plans for additions plus a new residence;
9 October 2002	WAPC approves subdivision of 160 Preston Point Road into 2 survey strata lots creating 10 Gordon Street and 160 Preston Point Road;
14 March 2003	Building Licence 3378 issued for additions;
16 March 2003	Building Licence 3379 issued for 3 level 2-storey residence (10 Gordon Street);
18 December 2003	WAPC endorses for final approval the survey strata plan for the subdivision to create 160 Preston Point Road (454m ²), and 10 Gordon Street (593m ²);
16 November 2004	Council approves single storey alterations & additions to 160 Preston Point Road;
8 December 2004	Building Licence 175/3673 issued for alterations & additions;
21 December 2004	Council approves a below ground swimming pool in the front setback of 160 Preston Point Road;
11 April 2005	Building Licence 199/3721 issued;
17 May 2005	Council refuses an application for a carport;
16 August 2005	Council approves carport;
15 November 2005	Building Licence 05/47 issued for carport.

CONSULTATION

Public Submissions

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

Site Inspection

By Consultant Town Planner on 9 July 2007

REPORT

Issues

Boundary Setbacks

Secondary Street Being a corner lot development of 160 Preston Point Road is subject to the following requirements under LPP 142:

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

The recommended Primary Street setback under the RDC for 160 Preston Point Road is 7.5m, therefore the Secondary Street setback is 3.5m.

The proposed garden shed abuts a masonry boundary fence set back 0m from the secondary street.

Side (South) Common with 10 Gordon Street

The proposed garden shed is set back 0m from the south side boundary.

The RDC recommend a 1m setback.

Discussion

The garden shed is proposed to be built in materials and designed to match the existing house at 160 Preston Point Road.

The shed will be screened by an existing 1.8m high visually impermeable masonry fence, and therefore there will be little if any impact on the streetscape.

No submissions were received during the advertising period, the application is considered a relatively minor addition which will improve the amenity of the property at 160 Preston Point Road.

RECOMMENDATION

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

- (a) variation to the secondary street setback pursuant to Local Planning Policy 142 from 3m to 0m;
- (b) variation to the south side boundary setback pursuant to the Residential Design Codes from 1m to 0m;

for the construction of a 4.3m long X 2.2m wide X 2.3m high gable roofed garden shed at No. 160 (Lot 1) Preston Point Road, East Fremantle in accordance with the plans date stamp received on 18 June 2007 subject to the following conditions:

1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. the proposed garden shed is not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.

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

Footnote:

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

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

Mr John King (applicant) addressed the meeting.

Cr Jennifer Harrington entered the meeting at 6.39pm.

RECOMMENDATION TO COUNCIL

Mayor O'Neill – Cr Martin

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

- (a) **variation to the secondary street setback pursuant to Local Planning Policy 142 from 3m to 0m;**
- (b) **variation to the south side boundary setback pursuant to the Residential Design Codes from 1m to 0m;**

for the construction of a 4.3m long X 2.2m wide X 2.3m high gable roofed garden shed at No. 160 (Lot 1) Preston Point Road, East Fremantle in accordance with the plans date stamp received on 18 June 2007 subject to the following conditions:

1. **the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
2. **the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
3. **the proposed garden shed is not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
4. **all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.**
5. **this planning approval to remain valid for a period of 24 months from date of this approval.**

Footnote:

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

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

CARRIED

T80.4

Oakover Street No. 2 (Lot 19)

Applicant & Owner: Claire Metcalf

Application No. P139/07

By Chris Warrener, Town Planner on 27 July 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for:

- a 4.5m long X 3m wide X 3m high flat roofed patio;
- a 2m X 2m X 3m high gatehouse in the front setback;
- a 7m long X 3.5m wide below ground reinforced plastic swimming pool, and
- fencing that is 2.143m above natural ground level less visually permeable than recommended in Council's fence policy;
at 2 Oakover 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)

Local Planning Policy 143 - Fencing

Documentation

Plans and relevant forms date stamp received on 12 July 2007

Date Application Received

12 July 2007

Advertising

Adjoining land owners only

Date Advertised

16 July 2007

Close of Comment Period

30 July 2007

No. of Days Elapsed between Lodgement & Meeting Date

33 days

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

25 November 1999 WAPC endorses Diagram 99042 for the creation of 2, 4A & 4B Oakover Street;

20 December 2005 Council approves a 2-storey house on the rear battleaxe lot;

25 February 2005 Building Licence 06/292 issued for 2-storey house.

CONSULTATION

Public Submissions

At the close of the comment period 1 submission was received from 4A Oakover Street:

- *concerns regarding location of patio, pool, and pool pump location*

- no objection to the fence and gate house

Site Inspection

By Consultant Town Planner on 13 July 2007

REPORT

Issues

Boundary Setbacks

Front (West) The proposed gatehouse is set back 0m, and the proposed patio is setback 6m from the front boundary.

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

Side (South)

Common with 4A Oakover Street

The proposed patio is set back 0m from the south side boundary.

The RDC recommend a 1.5m setback.

Fencing

The proposed fence comprises a 0.7m high cement rendered wall with 2.143m high cement rendered piers set 2.5m apart between which it is proposed to fit horizontal timber infill.

LPP 143 states:

"Part 3 - Fence Design

Council requires front fences and walls above 1.2m to be visually permeable defined as continuous vertical gaps of at least 50mm width occupying not less than 60% of the face in aggregate of the entire surface that is at least 60% of the length of the wall must be open.
(Note: This differs from the 'R' Codes)

3.1 Maximum Height

The maximum height of any part of the fence is to be 1.8m."

The proposed fence will be higher than 1.8m, and not as visually permeable as recommended in LPP 143.

Submission

The submission from the owner of 4A Oakover Street objects to the location of the patio next to the common property boundary, and raises concerns regarding the structural integrity of the proposed swimming pool, and the location of the swimming pool pump.

In light of the comments made it is considered reasonable to require that the patio be set back in accordance with the RDC at 1.5m.

In regard to the structural integrity of the swimming pool that will be dealt with under the Building Licence and the regulations governing the construction of swimming pools.

Pool pumps can be noisy and in this regard a footnote is included in the recommendation that the pump be located as far away from the common property boundary as is practicable.

Discussion

The variation proposed to the front boundary setback for the gatehouse at 0m is not considered to have a negative impact on the local streetscape, on the contrary it will likely improve the appearance of the subject property. There are other examples of gate houses in the Woodside precinct and they are considered to positively contribute to streetscape amenity.

The patio at 6m is similarly not considered to unduly impact on street-scape. It is an open sided structure not having the impact on street-scape/boundary setbacks that a solid walled structure would.

However in light of the concerns expressed in the submission the patio should be set back from the boundary in accordance with the RDC.

In regard to the fence, the applicants/owners provided examples of other similar front fences nearby in an email received on 16 July 2007. Photographs of 4 of the 5 examples provided are attached. The 5th property at 34 Petra Street is in the City of Melville.

There are many examples of properties (more than 60) in the Woodside precinct with front fences that do not comply with LPP 123.

The main purpose of a front fence is to enhance security, and provide an aesthetically pleasing property frontage. While not strictly complying with the policy the proposed front fence is considered to achieve these objectives.

In regard to security the open front fence policy does not strictly apply to this property because the house being built at 2 Oakover Street will remain visible to the street being well set back at 28m from the front boundary, and prominently situated higher up slope (>2m) than the front boundary.

The proposed gatehouse is considered to provide a welcoming entry statement.

The minor fence height variation is required to ensure a height consistency with the fence around the neighbouring property 2A Oakover Street, and improve privacy between these properties.

The potentially affected property owners have not objected to these variations however the owner of 4A Oakover Street objects to the proximity of the proposed patio next to the south side boundary.

RECOMMENDATION

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

- (a) variation to the west side (front) boundary setback for a gatehouse and patio pursuant to the Residential Design Codes from 7.5m to 0m and 6m respectively;
- (b) variation to Local Planning Policy 143 for a front fence not visually permeable with piers up to 2.14m high;

for the construction of:

- a 4.5m long X 3m wide X 3m high flat roofed patio;
- a 2m X 2m X 3m high gatehouse in the front setback;
- a 7m long X 3.5m wide below ground reinforced plastic swimming pool, and
- fencing that is 2.143m above natural ground level less visually permeable than recommended in Council's fence policy;

at No.2 (Lot 19) Oakover Street, East Fremantle in accordance with the plans date stamp received on 12 July 2007 subject to the following conditions:

1. prior to the issue of a Building Licence the applicant is to submit amended plans for the patio to be set back 1.5m from the south side boundary;
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 gatehouse and patio are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
6. 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.

7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. pool contractor/builder is required to notify Council's Building Surveyor *immediately upon completion of all works* including fencing.
13. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision of Council does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *in regard to the pump for the swimming pool this should be located as far as possible away from the south side property boundary to minimise potential noise impacts on the neighbouring property (at 4A Oakover Street).*

Ms Claire Metcalf (applicant) addressed the meeting.

RECOMMENDATION TO COUNCIL

Cr Martin – Cr Olson

That this matter be deferred for consideration at the August meeting of Council pending the receipt of further information as to materials and specifications including degree of permeability of the fencing proposed for the Oakover Street frontage. CARRIED

Both Mayor O'Neill & Cr Martin made the following impartiality declaration in the matter of 130B George Street: "As a consequence of our having served on Council with the applicant, Mr John Kirkness, for a number of years, there may be a perception that our impartiality on the matter may be affected. We declare that we will consider this matter on its merits in terms of the benefit to the Town and vote accordingly.

Cr Dobro made the following impartiality declaration in the matter of 130B George Street: "As a consequence of my husband having served on Council with the applicant, Mr John Kirkness, and the fact that he is a personal friend, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly.

**T80.5 George Street No. 130B (Lot 2)
Applicant: John Kirkness
Owner: Wade Anderson**

Application No. P132/07

By Chris Warrener, Town Planner on 8 August 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for a change of use of the premises at 130B George Street from a Day Spa to a Day Spa and Shop, and alterations to the building to enclose the carport at the front, and relocate the entry from the south side wall (next to 130A George Street) to the east side wall (next to 130 George Street).

Statutory Requirements

Town Planning Scheme No. 3 (TPS 3) – George Street Mixed Use zone
Local Planning Strategy - Plympton Precinct (LPS)

Documentation

Plans and relevant forms date stamp received on 29 June 2007

Date Application Received

29 June 2007

Additional Information Received

4 July 2007

Plot ratio calculation provided by J. Kirkness;

7 August 2007

Email from J. Kirkness responding to matters raised by TPAP member Andrew Rogerson.

Advertising

Adjoining land owners & sign on site

Date Advertised

11 July 2007

Close of Comment Period

24 July 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

15 August 2000

Council decides on its conditions (Appeal upheld by Minister for Planning) for construction of a 2-storey house at 130A George Street;

17 September 2001

Building Licence issued for 2-storey house at 130A George Street;

17 September 2002

Council grants conditional special approval for reduced setbacks for a 2-storey house at 130B George Street;

28 October 2002

Building Licence issued for 2-storey house at 130B George Street;

17 April 2007

Council grants conditional approval for the use of the ground floor of the premises at 130B George Street as a Day Spa;

CONSULTATION

Town Planning Advisory Panel Comments

This application was referred to the Town Planning Advisory Panel (TPAP) and the following comments were made:

“This proposal should be supported as the addition of a shop at street level and fronting George Street should add life to the streetscape. In order to achieve this, however, the shop frontage must be transparent, i.e. there should not be any screening of the interior from the street. Ideally the shop should be accessed immediately from the street, although the solution proposed may be interesting if the entrance courtyard is well lit.

How is access to the residence at first floor to be gained? The drawings show this access to be blocked.

Is it possible to create the new carbay? It appears that the bay may overlap the adjacent crossover and not provide adequate sightlines”.

Public Submissions

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

Submission from owners of 130 George Street

- *Quite pleased with the improvements;*
- *Concerns about the safety of our telephone lines which are partially enclosed in a small grey Telstra box, attached to the west facing wall of our building.*

Site Inspection

By Consultant Town Planner on 11 July 2007

REPORT

Issues

Heritage

130B George Street is in the George Street Precinct therefore it is on the Heritage List under TPS 3, and the following relevant provision applies:

“7.4. Heritage assessment

Despite any existing assessment on record, the local government may require a heritage assessment to be carried out prior to the approval of any development proposed in a heritage area or in respect of a heritage place listed on the Heritage List.”

Change of Use

At its meeting held in April 2007 Council resolved: *“That Council grant Planning Approval to use the ground floor of the building at No. 130B (Lot 2) George Street, East Fremantle as a Day Spa incorporating a reception area and 2 therapy rooms in accordance with the plans and documentation date stamp received on 6 March 2007 subject to the following conditions:*

- 1. Council exercise its discretion in granting its approval for the parking requirement as per TPS3 Parking Standards being reduced from 4 car bays to (0) car bays.*
- 2. (1) on site staff bay being provided and available for this purpose during all trading hours.*
- 3. there shall be no wholesale or retail sales of any products used in association with the “Day Spa” at 130B George Street.*
- 4. operation limited to the treatment of one client at a time.*
- 5. operation limited to one staff member.*
- 6. any signage proposed for the business to be the subject of a separate application for Planning Approval and a Sign Licence.*
- 7. Hours of operation to be limited from 9:00am to 5:00pm, Monday to Saturday.*
- 8. compliance with Health Act 1911 (as amended) and Regulations made thereunder including the Code of Practice for Skin Penetration Procedures.*
- 9. planning approval to remain valid for a period of 24 months from date of this approval.”*

The issue is that Council approved the Day Spa conditional upon there being no wholesale or retail sale of products.

This application seeks approval to include a shop use at the premises to sell products incidental to the use of the day spa.

Parking

In approving the Day Spa Council exercised its discretion to permit a reduction in the amount of on-site parking required under TPS 3 (copy of relevant Council Minute attached).

However 2 on-site spaces were provided under the carport at the front, with one of these spaces for the upper floor residential use of the premises.

This application seeks to enclose the carport for use as a shop-front and entry therefore there will be no on-site parking.

Under TPS 3 the parking requirement for a Shop is:

Shop	1 space for every 20m ² net lettable area (5 spaces per 100m ² NLA) Minimum 4 spaces
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Under the RDC the requirement for the upper floor residential apartment is for 2 on-site parking spaces. However this can be reduced to one per dwelling where on-site parking required for other users is available outside normal business hours.

Note: that this relaxation does not apply because no on-site parking is provided.

Therefore the application seeks a variation to the car parking requirement for the Day Spa, Shop and Residence from 6 on site spaces to 0.

If approved this application will result in the removal of all on site parking in favour of adjacent kerbside parking,

In the covering letter the applicant states in relation to Council's exercise of discretion for car parking with the Day Spa application:

"The present application does not seek Council support to increase this relaxation, although does seek to retain the extent of that relaxation granted relative to the increased floor area and use now being proposed."

The applicant is under the misapprehension that the parking requirement for the current application is also 4 spaces, not 6. However the previous application was based on there being at least 1 on-site parking space available for the upper floor residential use, and 1 space for the Day Spa with a shortfall of 4 on-site parking spaces for the Day Spa.

Effectively this application for the Day Spa and Shop use of the property seeks a relaxation for the loss of the parking spaces for the upper floor residential use in addition to the 4 on site spaces required for the Day Spa & Shop, a total of 6 on-site spaces.

Plot Ratio

The plot ratio of the development which results from enclosing the carport amounts to 0.73. It is currently 0.65.

TPS 3 states the maximum plot ratio for a Mixed Use development as 0.5.

Submissions

The concern regarding the Telstra box on the west facing wall of the building at 130 George Street is noted; this is something that the builder of the additions proposed at 130B George Street will have to be mindful of during construction, and is included as a footnote to the applicant in the recommendation to Council.

Discussion

Heritage

While being situated in the George Street Precinct the subject premises was built in 2002-2003, and because of its recent construction it is not considered necessary to require the preparation of a "heritage assessment" pursuant to TPS 3, clause 7.4.

Aesthetics/Appearance

The building at 130B George Street is not considered to provide an attractive and inviting appearance due to its darkened entry and double carport façade.

The application if approved and implemented is considered to greatly improve the appearance of the property, and will make a positive contribution to the local streetscape.

Change of Use

The application seeks to permit the sale of product incidental to the day spa.

The applicant advised the Town Planner that she intends to sell moisturisers, body creams and soaps to her day spa clients for ongoing use at home.

The sale of these products is unlikely to generate a significant increase in the number of people attracted to the property apart from Day Spa clients, and is considered to improve the amenity of the day spa business for the benefit of its clients.

Parking

The proposed alterations to the building façade will provide the opportunity to improve the amount and availability of adjacent kerbside parking.

While there will be no on-site parking available, particularly for the upper floor residence, this is considered to be a positive incentive for the occupant not to own a motor vehicle, and promote alternative, sustainable transport use.

To promote alternative transport use, and as an offset for the shortfall of on-site parking it is considered reasonable to require the applicant to pay for the cost of bicycle parking near the premises.

This is recommended to be in the form of 6 stainless steel “U” rails cemented in the pavement in George Street. The Town of East Fremantle would be responsible for installation, and the applicant to pay for this work.

In addition the applicant/owner should be required to pay for all works to re-instate kerbing and line mark 2 kerbside parking bays in front of the premises.

Plot Ratio

Plot ratio has generally been used as a method of gauging building bulk and scale.

In this case, the increase proposed is considered relatively minor and does not result in any increase to the area of the building’s footprint, and is considered not to impact on the amenity of the property.

It is considered that given the relative compatibility of orientation, bulk and scale with the adjoining property to the west, the proposed plot ratio will not have an undue adverse impact on the amenity of the George Street Mixed Use zone, and can be supported.

TPAP Comments

Architect for the applicant (Mr John Kirkness) provided the following comments in response to the matters raised by TPAP member Andrew Rogerson:

“I looked at all access types for the shop front but owing to the narrowness of the shop front and desirability of a decent window display, went for the side access option. This also minimised any adverse impact on the western residential neighbour and makes use of the side courtyard that has to be there anyway. Also fitted the existing proportions of the building better in aesthetic terms.

The upstairs unit has its own stairway access from the rear. The way to that area is down the eastern side through gates at the northern end of the side courtyard. An external stairway goes up to the landing and entry is off this into the unit. It is completely separate from the commercial tenancy below. The former internal stair space has been used for laundry / storage space for the unit and commercial tenancy, to take best advantage of the small scale of the place.

Yes, it is possible to create the new carbay, in fact with room to spare before the front of the driveway to the residential premises at 130a, and generally as shown in the plan. This is accurately measured out in the plan (did it myself!).”

Conclusion(s)

While this application is for a change of use to permit the Day Spa proprietor to sell products associated with this business, it is considered to be a relatively “low key” activity not impacting in a negative way on the amenity of George Street.

In fact quite the reverse is considered to be the case, in that the application if approved and implemented will result in substantial improvements to the appearance of the property with consequent positive outcomes for the local streetscape, and improved amenity for the general community.

RECOMMENDATION

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

- (a) variation to car parking pursuant to Schedule 11 of Town Planning Scheme No 3 and the Residential Design Codes to permit a reduction from 6 on-site spaces to 0;
- (b) variation to plot ratio pursuant to Town Planning Scheme No 3 for a Mixed Use development from 0.5 to 0.73;

for a change of use of the premises at No. 130B (Lot 2) George Street, East Fremantle from a Day Spa and Residential use to a Day Spa, a Shop selling products associated with the Day Spa, Residential use, and the construction of alterations to the building to enclose the carport at the front, and relocate the entry from the south side wall (next to 130A George Street) to the east side wall (next to 130 George Street) in accordance with the plans date stamp received on 29 June 2007 subject to the following conditions:

1. the applicant is to pay for works to the adjacent road reserve to replace semi-mountable kerbing with barrier kerbing, re-pave the footpath as required, line mark the road pavement to provide 2 adjacent kerbside parking spaces, and any associated signage.
2. the applicant is to pay for the purchase and installation of 6 stainless steel bicycle parking "U" rails
3. 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.
4. the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
5. the proposed building alterations are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. 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.
7. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
8. this planning approval (for the building works) to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision of Council does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *the applicant/builder is advised that there is a small grey Telstra box on the west facing wall of the building at 130 George Street which must be protected from damage during the construction of the proposed additions/alterations.*

Mr John Kirkness (applicant) and Mr Wade Anderson (owner) addressed the meeting.

RECOMMENDATION TO COUNCIL

Cr Martin – Mayor O’Neill

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

- (a) variation to car parking pursuant to Schedule 11 of Town Planning Scheme No 3 and the Residential Design Codes to permit a reduction from 6 on-site spaces to 0;**
- (b) variation to plot ratio pursuant to Town Planning Scheme No 3 for a Mixed Use development from 0.5 to 0.73;**

for a change of use of the premises at No. 130B (Lot 2) George Street, East Fremantle from a Day Spa and Residential use to a Day Spa, a Shop selling products associated with the Day Spa, Residential use, and the construction of alterations to the building to enclose the carport at the front, and relocate the entry from the south side wall (next to 130A George Street) to the east side wall (next to 130 George Street) in accordance with the plans date stamp received on 29 June 2007 subject to the following conditions:

- 1. the applicant is to pay for works to the adjacent road reserve to replace semi-mountable kerbing with barrier kerbing, re-pave the footpath as required, line mark the road pavement to provide 2 adjacent kerbside parking spaces, and any associated signage.**
- 2. the applicant is to pay for the purchase and installation of 6 stainless steel bicycle parking “U” rails**
- 3. 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.**
- 4. the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- 5. the proposed building alterations are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
- 6. 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.**
- 7. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.**
- 8. this planning approval (for the building works) to remain valid for a period of 24 months from date of this approval.**

Footnote:

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

- (a) this decision of Council does not include acknowledgement or approval of any unauthorised development which may be on the site.***
- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.***
- (c) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).***
- (d) the applicant/builder is advised that there is a small grey Telstra box on the west facing wall of the building at 130 George Street which must be protected from damage during the construction of the proposed additions/alterations.***

CARRIED

T80.6

Oakover Street No. 28 (Lot 337)

Applicant & Owner: Chris Knight

Application No P125/07

By Chris Warrener, Town Planner on 10 August 2007

BACKGROUND

Description of Proposal

An application for Council approval for a second crossover at 28 Oakover Street.

Statutory Requirements

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

Local Planning Strategy - Woodside Precinct (LPS)

Residential Design Codes (RDC)

Relevant Council Policies

Local Planning Policy 123 – Footpaths and Crossovers (LPP 123)

Documentation

Cover letter plus dimensioned 1:100 Scale plans date stamp received on 26 June 2007.

Date Application Received

26 June 2007

No. of Days Elapsed between Lodgement & Meeting Date

49 days

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

19 December 1988	Council grants special approval for a garage with a floor area of 63m ² ;
20 December 1993	Council grants approval for a brick & colourbond garage at the rear of 28 Oakover Street;
4 February 1994	Building Licence issued for brick & steel garage;
10 December 1996	Approval granted under delegated authority for a fibreglass swimming pool;
12 December 1996	Building Licence issued for swimming pool;
16 May 2000	Council grants special approval for variations to wall height and car manoeuvring dimensions for 2-storey additions at the rear of the single storey house at 28 Oakover Street;
19 September 2000	Council grants special approval for a further increase in wall height to the previously approved 2-storey additions;

CONSULTATION

Site Inspection

By Consultant Town Planner on 29 June 2007

REPORT

Issues

This application is for a second crossover 3m wide to be constructed in red bitumen, and for the existing black bitumen crossover to be reconstructed in red bitumen.

LPP 123 states:

3.5 *There will be only 1 crossover per lot unless otherwise agreed by an absolute majority of Council.*

Further, the policy specifies the following construction material for the Woodside precinct:

4.6 **Woodside/Braemar**
Black asphalt crossovers

Discussion

In a covering letter the applicant/owner provides a number of reasons in support of the second crossover. The following discussion addresses the applicant's stated reasons.

"The northern driveway allows for off street parking and as the front boundary is quite wide it utilizes this space without detriment to the overall streetscape."

28 Oakover Street has a frontage width of 20m similar to the majority of properties in the Woodside precinct.

In regard to allowing for off street parking the existing driveway to the rear is approximately 36m long. This would permit off street parking for 7 motor vehicles, with another 2 vehicles able to be parked in the double garage at the rear a combined off street parking potential for 9 motor vehicles.

The applicant further states:

“This follows in the manner of other properties in this street with two crossovers including: 27 Oakover Street (directly opposite; 23 Oakover Street (constructed recently); also numbers 6, 7, 16, 42; plus residences with rear blocks and two crossovers within the width of a standard block of which there are at least 13 examples.”

The examples cited by the applicant were investigated.

At 6, 16, and 27 Oakover Street the crossovers pre-date Council's policy.

At 7 and 42 Oakover Street additions to both properties were approved by Council conditional upon the existing crossovers being removed and the verge reinstated. Whilst the respective property improvements have been completed the work to remove the crossovers has not been undertaken. Administrative action with respect to the non compliance will now be taken.

The additional crossover at 23 Oakover Street was approved by Council based on a specialized landscaping plan which results in a symmetrical frontage to that property. It might be noted the resulting appearance of the property, following the second crossover and related works, has been subject to criticism by several residents of Oakover Street, who consider the outcome has been detrimental to the streetscape.

In any case the current application is for an asymmetrical landscape plan with letterbox and gate on the north side.

The applicant further states:

“The southern, existing driveway, has limitations due to the space between the house and southern boundary being quite narrow (less than 2.5m) in places. It can be difficult to back a vehicle or any sort of trailer with such tight margins either side and entry or exit from a vehicle is likewise very difficult unless parked at the very rear or front of the property.

The addition of another drive would alleviate these difficulties as there is greater space on the northern side and it would also allow vehicles to be kept within the property boundary and not on the verge or street while still maintaining an attractive garden space.”

The additional crossover does not alleviate the limitations associated with the existing driveway, which this application proposes to retain. It is noted these limitations were not raised by the applicant when seeking approval for the 2 storey additions at the rear of the house, in May 2000, in respect of which the plans submitted to Council sought a relaxation of car manoeuvring requirements.

The additional crossover and driveway/hardstand area will result in a significant reduction of garden space (approximately 55m²).

As already discussed there is currently driveway, hardstand and double garage space to accommodate at least 9 motor vehicles.

The minimum requirement for on-site parking for a single residence under the RDC is 2 spaces therefore this particular property already provides way in excess of the requirement.

Further, with respect to crossovers the RDC state:

“Where driveways to the street occur they should, where possible, be located so as to maximise the number of kerbside parking spaces, by aiming for the spaces between driveways to be multiples of car parking bays.

There are two other constraints on driveways. The first relates to the visual quality of the street, particularly the proportion of frontage taken up by driveways and potential loss of street trees. The second relates to safety, including proximity to obstructions, such as street signs and trees, and the ability to manoeuvre safely into the street.”

If approved this application would result in the removal of 1 kerbside parking space, and the almost certain removal of an attractive verge tree, at odds with the stated aims of the RDC.

Based on LPP 123 and the RDC additional crossovers should be discouraged, and unless there are extenuating circumstances relating to a particular property Council should not be allowing them. An example would be a corner property with sight distance constraints.

The subject property is not on a corner nor are there any sight distance constraints to safe access and egress from it, and this application is therefore not supported.

Finally, although it is not clear from LPP 123 what the basis of Council's general opposition to dual (and wider) crossovers is, it is understood from research by the Chief Executive Officer there are seven primary reasons and these have, in earlier deliberations, been implicitly endorsed by Council.

The seven reasons, as extracted from a previous report of the Chief Executive Officer, are:

"Firstly, hard stand crossovers, regardless of material, arguably rarely enhance the aesthetics of the planted verge streetscapes Council attempts to achieve through its street tree planting and verge maintenance programs and, generally speaking, the larger the crossover, the more adverse the impact.

Secondly, the additional stormwater run-off a wider crossover causes, like any hard stand area, increases the demand on Council's drainage system.

Thirdly, hard stand crossovers contribute to the generation of heat, causing increased watering demands on verges.

Fourth, crossovers give rise to construction and maintenance costs for Council and the greater the size of the crossover, the greater the potential cost.

Fifth, crossovers, are effectively private facilities, which compromise the priority and safety of pedestrian movement for public footpath users, therefore Council seeks to limit their number and size.

Sixth, crossovers compromise options for street tree plantings and have the potential to adversely impact the installation and maintenance of various public utilities.

Seven, a wider crossover reduces the available street parking."

For all of the above reasons it was not the inclination of the author of this report to recommend approval of a second crossover.

In subsequently speaking with the applicant with regard to the author's concerns, the applicant advised that notwithstanding the statements made in the applicant's letter, the real reason for the request is for a boat parking area for the owner's boat.

Currently the boat concerned is parked off site. The owner would like to park the boat on this property.

With increasing levels of private boat ownership and decreasing availability of river mooring pens, the issue is worth future consideration by Council at a policy level. This view is reinforced by the fact that in the Town of East Fremantle (as with most, if not all, other local governments) it is unlawful to park a trailer (unless attached to a vehicle) on a road verge. In other words, boats on trailers which are not attached to vehicles, which are currently being parked on Council verges are being parked unlawfully and liable for penalty. However, pending such consideration of a Council policy on the matter, should Council agree to such consideration, the reporting officer does not believe the intent of Policy 123 should meanwhile be compromised and therefore in respect of this application does not recommend a second crossover.

RECOMMENDATION

That:

1. Council refuse to grant approval for an additional crossover to 28 Oakover Street for the reasons given in this report.
2. the existing crossover is sufficient for vehicular access to the property, which is the purpose of a crossover.

Mr Chris Knight (applicant) addressed the meeting in response to comments contained within the officer's report and drew comparisons with the approval for No. 23 Oakover Street and in the interest of fairness and consistency, sought the Committee's support with his application for a second crossover.

RECOMMENDATION TO COUNCIL

Mayor O'Neill – Cr Harrington

That:

1. **Council refuse to grant approval for an additional crossover to 28 Oakover Street for the reasons given in this report.**
2. **the existing crossover is sufficient for vehicular access to the property, which is the purpose of a crossover.**

CARRIED

T80.7

Stratford Street No. 32 (Lot 89)

Applicant: Belvista Homes

Owner: Dartbay Holdings Pty Ltd

Application No. P119/07

By Chris Warrener, Town Planner on 27 July 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for two 2-storey houses at 32 Stratford Street each comprising:

- Ground floor: double garage, store, study, deck, lounge, kitchen/meals/family room, and alfresco;
- Upper floor: 4 bedrooms and 2 bathrooms.

The proposed double garage doors occupy 46.9% of each property frontage.

Statutory Requirements

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

Local Planning Strategy - Richmond Precinct (LPS)

Residential Design Codes (RDC)

Relevant Council Policies

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

Documentation

Plans and relevant forms date stamp received on 14 June 2007

Date Application Received

14 June 2007

Additional Information Received

Amended plans received on 4 July 2007

Advertising

Adjoining land owners only

Date Advertised

15 June 2007

Amended plans - 5 July 2007

Close of Comment Period

28 June 2007

19 July 2007

No. of Days Elapsed between Lodgement & Meeting Date

40 days

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

28 December 1989	Building Licence issued for a below ground fibreglass swimming pool;
6 December 1990	Building Licence issued for additions to residence;
19 October 2004	Council decides to advise the WAPC that it does not support the subdivision of 30 and 32 Stratford Street into 4 lots (2 X 455m ² , 2 X 455m ²);
27 October 2004	WAPC conditionally approves the subdivision of 30 and 32 Stratford Street into 4 lots.

CONSULTATION

Town Planning Advisory Panel Comments

The original application was referred to the Town Planning Advisory Panel held on 26 June 2007 and the following comments were made:

- setback too small – not consistent with existing setbacks in street or R-Codes
- need plans to show dwellings side by side
- dominance of double garage doors that abut each other ie 4 car garage

The amended plans were referred to panel members and the following comments were made:

This pair of proposed dwellings will appear as a fairly well proportioned duo if constructed as drawn, but the design is not sensitive to various aspects that are seen to be important within the streetscape. I am concerned that the design adopts little cognisance of northern orientation. The dwelling proposed for Lot 891 has very few windows to the north although these would be possible. Consequently passive solar design potential is minimal.

Both dwellings have a prominent garage element which should be moved rearwards, so as not to dominate the streetscape. The design should be reconsidered to address these issues.

Public Submissions

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

Site Inspection

By Consultant Town Planner on 26 June 2007

STATISTICS		Required	Proposed
<u>UNIT (1) - NORTH</u>			
Land Area			456m ² Existing
Open Space		55%	53.91% Discretion Required
Zoning			R12.5
<u>Setbacks:</u>			
Front (west)			
	Ground	Study	7.50
			10.40 Acceptable
		Garage	7.50
			Acceptable
	Upper	Ensuite	7.50
			10.40 Acceptable
		Balcony	7.50
			Acceptable
Rear (east)			

	<i>Ground</i>	<i>Alfresco</i>	6.00	3.95
				Discretion Required
	<i>Upper</i>	<i>Bedroom (3) & (4)</i>	6.00	13.30
				Acceptable
Side (north)	<i>Ground</i>	<i>Alfresco</i>	1.50	3.10
				Acceptable
		<i>Meals</i>	1.50	1.554
				Acceptable
		<i>Entry</i>	1.50	3.30
				Acceptable
		<i>Study</i>	1.00	1.314
				Acceptable
	<i>Upper</i>	<i>Bedroom (4)</i>	1.10	1.554
				Acceptable
		<i>Hall</i>	1.10	4.50
				Acceptable
		<i>Void</i>	1.10	3.30
				Acceptable
		<i>Ensuite</i>	1.20	2.50
				Acceptable
Side (south)	<i>Ground</i>	<i>Garage</i>	Nil	Nil
				Discretion Required
		<i>Stair</i>	1.00	1.70
				Acceptable
		<i>Lounge</i>	1.00	Nil
				Discretion Required
		<i>Powder</i>	1.00	2.60
				Acceptable
		<i>Family</i>	1.00	1.00
				Acceptable
		<i>Alfresco</i>	1.50	2.80
				Acceptable
	<i>Upper</i>	<i>Master Bedroom</i>	1.10	1.20
				Acceptable
		<i>Bedroom (2)</i>	1.10	1.20
				Acceptable
		<i>Bedroom (3)</i>	1.10	2.50
				Acceptable

Height:		
Wall	6.00	5.90 Acceptable
Building	9.00	7.20 Complies
Parapet Wall Height	3.00	3.429 & 3.943 Discretion Required

UNIT (2) - SOUTH

Land Area		456m ² Existing
Open Space	55%	53.91% Discretion Required

Zoning		R12.5
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Setbacks:

Front (west)			
<i>Ground</i>	<i>Garage</i>	7.50	7.50 Acceptable
	<i>Study</i>	7.50	10.38 Acceptable
<i>Upper</i>	<i>Balcony</i>	7.50	7.50 Acceptable
	<i>Ensuite</i>	7.50	10.38 Acceptable
Rear (east)			
<i>Ground</i>	<i>Alfresco</i>	6.00	3.95 Discretion Required
<i>Upper</i>	<i>Bedroom (3) & (4)</i>	6.00	13.30 Acceptable
Side (north)			
<i>Ground</i>	<i>Alfresco</i>	1.50	2.80 Acceptable
	<i>Family</i>	1.00	1.00 Acceptable
	<i>Powder</i>	1.00	2.60 Acceptable
	<i>Lounge</i>	1.00	Nil Discretion Required
	<i>Stair</i>	1.00	1.70 Acceptable
	<i>Garage</i>	Nil	Nil Discretion Required
<i>Upper</i>	<i>Bedroom (3)</i>	1.10	2.60 Acceptable
	<i>Bedroom (2)</i>	1.10	1.10 Acceptable
	<i>Master Bedroom</i>	1.10	1.10 Acceptable
Side (south)			
<i>Ground</i>	<i>Garage</i>	Nil	Nil Discretion Required
	<i>Study</i>	1.00	1.314 Acceptable
	<i>Entry</i>	1.50	3.20 Acceptable
	<i>Hall</i>	1.00	4.554 Acceptable
	<i>Meals</i>	1.50	1.554 Acceptable

	<i>Alfresco</i>	1.50	3.10
<i>Upper</i>	<i>Master Bedroom</i>	1.10	Acceptable 4.40
	<i>Ensuite</i>	1.20	Acceptable 2.40
	<i>Void</i>	1.10	Acceptable 3.20
	<i>Hall</i>	1.10	Acceptable 4.50
	<i>Bedroom (4)</i>	1.10	Acceptable 1.50 Acceptable
Height:			
Wall	6.00	5.90	Acceptable
Building	9.00	7.20	Complies
Parapet Wall Height	3.00	3.43, 3.50 & 9.40	Discretion Required
<u>Overshadowing:</u>		14.36%	

REPORT

This application is for two separate 2-storey houses, which are identically designed, and share a side boundary with adjoining parapet walls.

Titles for the new lots have not yet issued.

Assessment of the application involved an examination of each house.

House No 1 is on the proposed northern lot adjacent to 34 Stratford Street, and House No 2 is on the proposed southern lot adjacent to 30 Stratford Street.

The plans originally submitted proposed garages set back 4.5m from the front boundary in front of "the main building line".

The applicant was advised that this would not be acceptable and has submitted amended plans proposing the double garages at the recommended 7.5m front setback with balconies above.

Issues – House No 1

East Side (Rear) Boundary Setback Common with 27B Clayton Street

An alfresco area is set back 3.95m from the east side boundary.

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

South Side Boundary Wall Common with House No 2

The application proposes two boundary walls, one for a garage with an 8.3m long X 3.943m high wall, and the other a lounge room with a 5.6m long X 3.429m high wall both along the south side boundary.

LPP 142 states:

“A wall may be situated closer to an adjoining residential boundary than the standards prescribed in Tables 1, 2a or 2b of the Residential Design Codes where the following are observed:

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

Open Space

The application is for a 2-storey house which proposes there be 53.91% open space.

The RDC recommend 55% open space for R12.5 coded property.

Issues – House No 2

East Side (Rear) Boundary Setback Common with 27B Clayton Street

An alfresco area is set back 3.95m from the east side boundary.

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

North Side Boundary Wall Common with House No 1

The application proposes two boundary walls, one for a garage with an 8.3m long X 3.94m high wall, and the other a lounge room with a 5.6m long X 3.43m high wall both along the north side boundary.

LPP 142 states:

“A wall may be situated closer to an adjoining residential boundary than the standards prescribed in Tables 1, 2a or 2b of the Residential Design Codes where the following are observed:

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

Open Space

The application is for a 2-storey house which proposes there be 53.91% open space.

The RDC recommend 55% open space for R12.5 coded property.

Discussion

Boundary Setbacks

The alfresco areas which are less than the recommended setback are roofed open structures, which are considered not to have a negative impact on the potentially affected property at 27B Clayton Street. The main body of both houses is setback 6.22m from this boundary.

The potentially affected property owner has not objected to the application.

Boundary Walls

The boundary walls proposed in each application abut, and do not affect the amenity of the subject properties or any adjoining property. They will not be visible from Stratford Street and are therefore considered not to have any impact on the local streetscape or on property amenity.

Open Space

The subject land was subdivided to create lots which comprise land areas more suited to an R20 density code.

The RDC recommend a minimum 50% open space for property coded R20.

Given that the application proposes 53.91% open space for each house, which is more than R20 recommends, and only 1.19% less than R12.5 it is considered acceptable to support what is considered to be a very minor variation.

TPAP Comments

In an email the applicant/owner provided the following response to the concerns raised:

- *With regard to advisory panel comments an amended plan will show new "high level Glazing " on the northern elevations as suggested.*
- *Would also like to point out that due to the Sewer easement on the northern lot and our desire not to put any parapet walls on external boundaries our only option was to put the garages side by side. Varying colours of the render between the two houses will help to address the dominance of the two garages.*

Conclusion(s)

The design of the two houses is rather unique because their front doors do not face the street, and entry is via the north and south sides. However there are other examples in the street, where front doors and entries are not readily identifiable from the street.

The applicant has amended the plans in response to the concern raised by the TPAP member regarding northern orientation.

The double garages with balconies above is a design feature common to much of the new development that has occurred along Pier Street, and elsewhere in East Fremantle, is considered to be a reasonably aesthetically pleasing aspect, and provides interaction between the houses and the street.

Varying the finishes and colours of the two houses as proposed will further contribute to their streetscape appeal.

RECOMMENDATION

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

- (a) variation to the east side (rear) boundary setback pursuant to the Residential Design Codes for two alfresco areas from 6m to 3.95m;
- (b) Variation to open space pursuant to the Residential Design Codes from 55% to 53.91%;
- (c) Variation to wall height for boundary walls for the two houses pursuant to Local Planning Policy 142 from 3m to 3.43m and 3.94m;

For the construction of two xs 2-storey houses at No. 32 (Lot 89) Stratford Street, East Fremantle each comprising:

- Ground floor: double garage, store, study, deck, lounge, kitchen/meals/family room, and alfresco;
- Upper floor: 4 bedrooms and 2 bathrooms.

In accordance with the plans date stamp received on 14 June 2007 subject to the following conditions:

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

width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.

8. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
9. that within two years of construction Council may request that the zincalume roofing be treated to reduce reflectivity, at the applicant/s expense.
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) *with regard to construction of the crossovers the applicant/builder is to contact Council's Works Supervisor.*

Mr Robert Carcione (applicant) addressed the meeting stating that he was satisfied with the officer's report.

Mayor O'Neill – Cr Olson

That the officer's report be adopted subject to discretion (a) being amended to read 4.95m in lieu of 3.95m. LOST

Reason for Not Supporting Officer's Recommendation

The Committee were of the view that the proposal for two x two storey residences at No. 32 (Lot 89) Stratford Street, East Fremantle could not be supported due to the development's non existent relationship with the streetscape ie no entry statement facing Stratford Street and the dominance of the two double garages.

RECOMMENDATION TO COUNCIL

Cr Dobro – Cr Harrington

That the matter be deferred pending the submission of revised drawings that address the issues raised by the Committee ie garage dominance and interaction with the existing streetscape. CARRIED