



11 March 2008

MINUTES

MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 11 MARCH, 2008 COMMENCING AT 6.35 PM.

T14. OPENING OF MEETING

T14.1 Present

T15. WELCOME TO GALLERY

T16. APOLOGIES

T17. CONFIRMATION OF MINUTES

T17.1 Town Planning & Building Committee (Private Domain) – 12 February 2008

T18. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

T19. REPORTS OF COMMITTEES

T19.1 Town Planning Advisory Panel – 26 February 2008

T20. REPORTS OF OFFICERS

T20.1 Receipt of Reports

T20.2 Order of Business

*T20.3 Duke Street No. 51 (Lot 79)
Applicant & Owner: Jonnie & Janine Morton*

*T20.4 Pier Street No. 58 (Lot 3)
Applicant: Matthews Architecture
Owner: Craig Schwab*

*T20.5 Pier Street No. 58A (Lot 4)
Applicant: Matthews Architecture
Owner: Sally Mathews*

*T20.6 Reynolds Street No. 7 (Lot 35)
Applicant & Owner: Gary Archer*

*T20.7 Preston Point Road No. 58A (Lot 11)
Applicant: Tony Wilkie
Owner: Orlando & Susana Maria Andrade*

*T20.8 Canning Highway No. 83 (Lot 123)
Proposed Inclusion of Historic Buildings on Heritage List*

*T20.9 Canning Highway No. 83 (Lot 123)
Applicant: MacCormac Architects
Owner: Canning 83 Pty Ltd*

*T20.10 Sewell Street No. 41 (Lot 239)
Applicant & Owner: Patricia Glasgow*



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- T20.11** *Canning Highway No. 217-219 (Lot 1)*
Applicant & Owner: Olld Pty Ltd ATF Tella Trust
- T20.12** *Reynolds Street No. 5 (Lot 2)*
Applicant: Q3 Architecture
Owner: B & R Watson
- T20.13** *Moss Street No. 36 (Lot 2)*
Applicant/Owner: Adrian & Sylvia Tirli
- T21.** **REFERRED BUSINESS (NOT INCLUDED ELSEWHERE)**
- T22.** **BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING**
- T22.1** *State Administrative Tribunal – Information Sessions*
- T23.** **CLOSURE OF MEETING**



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MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 11 MARCH, 2008 COMMENCING AT 6.35PM.

T14. OPENING OF MEETING

The Presiding Member opened the meeting.

T14.1 Present

Mayor Alan Ferris	
Cr Stefanie Dobro	Presiding Member
Cr Barry de Jong	
Cr Alex Wilson	
Mr Chris Warrener	Consultant Town Planner
Mrs Peta Cooper	Minute Secretary
Cr Dean Nardi	Observer

T15. WELCOME TO GALLERY

There were 17 members of the public in the gallery at the commencement of the meeting.

T16. APOLOGIES

An apology was submitted on behalf of Cr Maria Rico and Cr Richard Olson.

T17. CONFIRMATION OF MINUTES

T17.1 Town Planning & Building Committee (Private Domain) – 12 February 2008

Mayor Ferris – Cr de Jong
That the Town Planning & Building Committee (Private Domain) minutes dated 12 February 2008 as adopted at the Council meeting held on 19 February 2008 be confirmed. CARRIED

T18. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

Nil

T19. REPORTS OF COMMITTEES

T19.1 Town Planning Advisory Panel – 26 February 2008

Cr Wilson – Cr Ferris
That the minutes of the Town Planning Advisory Panel meeting held on 26 February 2008 be received and each item considered when the relevant development application is being discussed. CARRIED

T20. REPORTS OF OFFICERS

T20.1 Receipt of Reports

Cr de Jong – Mayor Ferris
That the Reports of Officers be received. CARRIED

T20.2 Order of Business

Cr de Jong – Mayor Ferris
The order of business be altered to allow members of the public to speak to relevant agenda items. CARRIED

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Cr Dobro made the following impartiality declaration in the matter of 51 Duke Street: "As a consequence of my children's babysitter being the daughter of the adjoining neighbour at 49 Duke Street, 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.

T20.3 Duke Street No. 51 (Lot 79)
Applicant & Owner: Jonnie & Janine Morton
Application No. P16/2008
By Chris Warrener, Town Planner on 4 March 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval for 2 rainwater tanks for storing 5,000 litres of rainwater next to the north side boundary of 51 Duke Street.

Statutory Requirements

Town Planning Scheme No. 3 (TPS 3) – Residential R20
Local Planning Strategy - Plympton Precinct (LPS)
Residential Design Codes (RDC)

Relevant Council Policies

Local Planning Policy No. 142 – Residential Development (LPP 142)
Local Planning Policy No. 144 – Rainwater Tanks (LPP 144)

Documentation

Plans and relevant forms date stamp received on 15 January 2008

Date Application Received

15 January 2008

Advertising

Adjoining land owners only

Date Advertised

19 February 2008

Close of Comment Period

4 March 2008

No. of Days Elapsed between Lodgement & Meeting Date

56 days

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

18 May 1981	Council resolves to declare the premises at 51 Duke Street unfit for human habitation (Condemnation Order);
10 June 1981	Building Licence issued for single story weatherboard & iron house;
12 June 1981	Demolition Licence issued for weatherboard & iron house at 51 Duke Street;
19 October 1981	Council approves the construction of a fence/retaining wall with an average height of 1800 to be erected adjacent to the front boundary and measured from Council footpath;
9 June 1995	Council grants conditional special approval for the erection of additions incorporating a boundary wall to the south;
23 June 1995	Building Licence issued for additions;
4 November 2004	WAPC conditionally approves an adjustment to the common boundary between 49 & 51 Duke Street;



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19 June 2007 Council grants conditional approval for 2-storey additions to the rear of the single storey house at 51 Duke Street.

CONSULTATION

Public Submissions

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

Charles McLean Concerns raised regarding the distance shown on the plans between the carport and the fence, and the concrete base support for the tanks.
49 Duke Street

Site Inspection

By Consultant Town Planner on 13 February 2008.

REPORT

Issues

Boundary Setbacks

The proposed rainwater tanks will be installed between the carport, which is set back 0.75m and the fence along the north side boundary common with 49 Duke Street.

LPP 144 states:

“Providing that:

- (a) it does not exceed five thousand litres (5000 litre) capacity;*
 - (b) it is not located within the front setback or within one metre (1 metre) from any boundary;*
 - (c) any retaining wall supporting the tank has been approved;*
 - (d) it is constructed to comply with relevant contemporaneous Australian Standards;*
 - (e) the overflow from the rainwater tank is directed to a soak well within the property; and*
 - (f) the maximum effective height does not exceed 2.4 metres from the floor level of the dwelling;*
- does not need planning approval.”*

Being set back less than 1m from the property boundary planning approval is required.

Discussion

Except for the setback variation the proposed tanks will be installed to comply with all other aspects of LPP 144.

In regard to the concerns raised in the submission these technical aspects will be covered by the Building Licence requirements.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the north side boundary setback pursuant to Local Planning Policy 144 from 1m to 0m for the installation of 2 rainwater tanks for storing 5,000 litres of rainwater next to the north side boundary of No. 51 (Lot 79) Duke Street, East Fremantle in accordance with the plans date stamp received on 15 January 2008 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



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compliance with the conditions of this planning approval unless otherwise amended by Council.

3. the proposed rainwater tanks 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.
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 Jonnie Morton (applicant) addressed the meeting in support of his proposal.

RECOMMENDATION TO COUNCIL

Cr Wilson – Cr de Jong

That Council exercise its discretion in granting approval for a variation to the north side boundary setback pursuant to Local Planning Policy 144 from 1m to 0m for the installation of 2 rainwater tanks for storing 5,000 litres of rainwater next to the north side boundary of No. 51 (Lot 79) Duke Street, East Fremantle in accordance with the plans date stamp received on 15 January 2008 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 rainwater tanks 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.**
- 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.*



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- (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

T20.4

Pier Street No. 58 (Lot 3)

Applicant: Matthews Architecture

Owner: Craig Schwab

Application No. P239/2007

By Chris Warrener, Town Planner on 4 March 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval for renovations to the duplex half at 58 Pier Street to:

- enlarge the existing double garage with an entertaining room above it;
- renovate and extend the existing single storey grouped dwelling to comprise a terrace, lounge, entry, 3 bedrooms, 2 bathrooms, kitchen and dining room.

The resultant single house will be single storey.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5

Local Planning Strategy - Richmond Hill Precinct (LPS)

Residential Design Codes (RDC)

Relevant Council Policies

Local Planning Policy 066 – Roofing (LPP 066)

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

Documentation

Plans and relevant forms date stamp received on 20 December 2007

Date Application Received

20 December 2007

Advertising

Adjoining land owners only

Date Advertised

19 February 2008

Close of Comment Period

4 March 2008

No. of Days Elapsed between Lodgement & Meeting Date

88 days

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

27 October 1975 Town Clerk endorses Strata Plan 3473 for 58 & 58A Pier Street;

21 November 1975 Certificate of Title for Strata Plan 3473 registered;

22 September 1983 Building Permit 031/694 issued for an enclosed patio at 58A Pier Street.

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CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 26 February 2008 and the following comments were made:

- interesting re-use of existing residence
- positive to be working with the existing house/s
- improvement to streetscape by building over the garage
- details including colour scheme will dictate whether it is a success or not

Public Submissions

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

Site Inspection

By Town Planner on 4 March 2008

STATISTICS	Required	Proposed
Land Area		414m ² Existing
Open Space	55%	63.8% Acceptable
Zoning		R12.5
Setbacks:		
Front (south)		
<i>Ground</i> <i>Garage</i>	7.50	6.457 Discretion Required
<i>Upper</i> <i>Entertaining</i>	7.50	6.457 Discretion Required
Rear (north)		
<i>Ground</i> <i>Bedroom 2</i>	6.00	2.50 Discretion Required
<i>Kitchen</i>	6.00	10.50 Acceptable
Side (east)		
<i>Ground</i> <i>Garage</i>	Nil	Nil Acceptable
<i>Bedrooms 1 & 3 & Bathroom</i>	1.00	Nil Discretion Required
<i>Bedroom 2</i>	1.00	1.20 Acceptable
<i>Upper</i> <i>Entertaining</i>	1.20	Nil Discretion Required
Side (west)		
<i>Ground</i> <i>Bedroom 2</i>	1.50	4.80 Acceptable
<i>Kitchen, Dining & Lounge</i>	1.50	1.70 Acceptable
<i>Garage</i>	1.00	2.00 Acceptable
<i>Upper</i> <i>Entertaining</i>	1.20	2.00 Acceptable



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Height:		
Wall	6.00	5.40 Acceptable
Building/Ridge	9.00	5.50 Acceptable
Boundary Wall Height	3.00	3.50 to 5.60 Discretion Required

REPORT

Issues

Boundary Setbacks

Front (South Side) Boundary The proposed new double garage and entertaining room above are set back 6.457m from the front boundary (the existing double garage is set back 7.2m).

The RDC recommend a 7.5m front setback.

Rear (North Side) Boundary Bedroom 2 is set back 2.5m from the rear boundary common with 61 View Terrace.

The RDC recommend a 6m rear setback.

East Side Boundary – Common with 58A Pier Street The proposed renovations involve extending the parapet wall for the house along the common boundary, and enlarging the double garage at the front so that it will have a boundary wall along the same boundary. The renovations effectively mean the development will have 2 boundary walls.

The proposed double garage and entertaining room boundary wall is 6.4m long x 5.6m high.

The boundary wall for the house will be lengthened from 7.8m to 14.1m, and will be 3.5m above natural ground level (NGL).

LPP 142 allows a boundary wall that is no longer than 9m or higher than 3m along one side boundary.

Roof Pitch The renovations involve removal of the tiled roof pitched at 22°, and replacing it with a collarbone skillion roof pitched at 3°.

LPP 066 states:
“dominant elements to be greater than 28°.”

Discussion

Boundary Setbacks The setback variation for the double garage and room above is relatively minor given the existing double garage setback, and given the predominance of similar building setbacks along Pier Street, is considered acceptable.

The rear setback variation is no different than the existing house, the potentially affected property owner has not objected, the variation is supported.



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Roof Pitch Roof pitch in the Richmond Hill precinct is quite variable skillion roofs have become quite fashionable, and are considered to make a positive contribution to the local streetscape. This variation is supported.

RECOMMENDATION

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

- (a) variation to the south side (front) boundary setback pursuant to the Residential Design Codes from 7.5m to 6.457m;
 - (b) variation to the north side (rear) boundary setback pursuant to the Residential Design Codes from 6m to 2.5m;
 - (c) variation to the height of a boundary wall for the entertaining room over the garage pursuant to Local Planning Policy 142 from 3m to 5.6m;
 - (d) variation to the height of a boundary wall for bedroom 1, 3 and the bathroom pursuant to Local Planning Policy 142 from 3m to 3.5m;
 - (e) variation to roof pitch pursuant to Local Planning Policy 066 from 28° to 3°;
- for the construction of renovations to the duplex half at No. 58 (Lot 3) Pier Street, East Fremantle to:

- enlarge the existing double garage and building an entertaining room over it;
 - renovate and extend the existing single storey grouped dwelling to comprise a terrace, lounge, entry, 3 bedrooms, 2 bathrooms, kitchen and dining room;
- in accordance with the plans date stamp received on 20 December 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 renovations 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 introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
6. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
7. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
8. any new crossovers which are constructed under this approval to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.



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9. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
10. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *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 owner.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*

Mr Clinton Matthews (architect) addressed the meeting in support of the proposal.

RECOMMENDATION TO COUNCIL

Cr de Jong – Cr Wilson

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

- (a) **variation to the south side (front) boundary setback pursuant to the Residential Design Codes from 7.5m to 6.457m;**
- (b) **variation to the north side (rear) boundary setback pursuant to the Residential Design Codes from 6m to 2.5m;**
- (c) **variation to the height of a boundary wall for the entertaining room over the garage pursuant to Local Planning Policy 142 from 3m to 5.6m;**
- (d) **variation to the height of a boundary wall for bedroom 1, 3 and the bathroom pursuant to Local Planning Policy 142 from 3m to 3.5m;**
- (e) **variation to roof pitch pursuant to Local Planning Policy 066 from 28° to 3°;**

for the construction of renovations to the duplex half at No. 58 (Lot 3) Pier Street, East Fremantle to:

- **enlarge the existing double garage and building an entertaining room over it;**
- **renovate and extend the existing single storey grouped dwelling to comprise a terrace, lounge, entry, 3 bedrooms, 2 bathrooms, kitchen and dining room;**

in accordance with the plans date stamp received on 20 December 2007 subject to the following conditions:

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



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2. the proposed works are not to be commenced until Council has received an application for a 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 renovations 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 introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
6. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
7. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
8. any new crossovers which are constructed under this approval to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
9. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
10. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *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 owner.*
- (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*



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- the neighbour to resolve a mutually agreed standard of finish.*
(f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.* CARRIED

T20.5 **Pier Street No. 58A (Lot 4)**
Applicant: Matthews Architecture
Owner: Sally Mathews
Application No. P5/2008
By Chris Warrener, Town Planner on 4 March 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval for renovations to the duplex half (grouped dwelling) at 58A Pier Street to:

- enlarge the existing double garage with a library and bathroom above it;
- renovate and convert the single storey grouped dwelling into a 2-storey grouped dwelling with entry, living room, kitchen, dining & laundry, 2 bedrooms and a bathroom on the ground floor, and 2 bedrooms, a bathroom and a living room on the first floor.

Statutory Considerations

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

Relevant Council Policies

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

Documentation

Plans and relevant forms date stamp received on 8 January 2008

Date Application Received

8 January 2008

Advertising

Adjoining land owners only

Date Advertised

19 February 2008

Close of Comment Period

4 March 2008

No. of Days Elapsed between Lodgement & Meeting Date

63 days

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

27 October 1975	Town Clerk endorses Strata Plan 3473 for 58 & 58A Pier Street;
21 November 1975	Certificate of Title for Strata Plan 3473 registered;
22 September 1983	Building Permit 031/694 issued for an enclosed patio at 58A Pier Street.

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 26 February 2008 and the following comments were made:

- moderations of height with No. 58 is good

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- interesting re-use of existing house – should be encouraged
- positive to be working with the existing house/s
- improvement to streetscape by building over the garage
- details including colour scheme will dictate whether it is a success or not

Public Submissions

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

Site Inspection

By Town Planner on 4 March 2008

STATISTICS		Required	Proposed
Land Area			410m ² Existing
Open Space		55%	55% Acceptable
Zoning			R12.5
Setbacks:			
Front (south)			
	<i>Ground</i>	<i>Garage & Stairs</i>	7.50 6.50 Discretion Required
	<i>Upper</i>	<i>Library</i>	7.50 6.50 Discretion Required
Rear (north)			
	<i>Ground</i>	<i>Bedroom 3</i>	6.00 6.50 Acceptable
		<i>Kitchen</i>	6.00 8.50 Acceptable
	<i>Upper</i>	<i>Bedroom 1</i>	6.00 8.50 Acceptable
Side (east)			
	<i>Ground</i>	<i>Garage</i>	Nil LPP 142 Nil Acceptable
		<i>Livingroom</i>	1.50 3.72 Acceptable
		<i>Bedrooms 2 & 3 & Bathroom</i>	1.00 1.295 Acceptable
	<i>Upper</i>	<i>Bathroom & Store</i>	1.20 1.20 Acceptable
		<i>Livingroom</i>	3.00 3.72 Acceptable
		<i>Bedrooms 1 & 4</i>	3.20 3.72 Acceptable
Side (west)			
	<i>Ground</i>	<i>Entry, Kitchen & Diningroom</i>	1.00 1.00 Nil Discretion Required
		<i>Garage</i>	1.00 2.50 Acceptable



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<i>Upper</i>	<i>Bedroom 1 & Stairs</i>	2.00	Nil
	<i>Library</i>	1.20	Discretion Required 2.50 Acceptable
Height:			
Wall		7.00	6.60 Acceptable
Parapet Wall Height		3.00	3.60 to 6.50 Acceptable

REPORT

Issues

Boundary Setbacks

Front (South Side) Boundary The proposed new double garage and library above are set back 6.5m from the front boundary (the existing double garage is set back 7.2m).

The RDC recommend a 7.5m front setback.

East Side Boundary – Common with 60 Pier Street The application proposes a library, bathroom and store above the double garage.

There is a void on the east side of this building with a wall along the east side boundary.

The RDC recommend a 1.2m setback.

Boundary Walls

On the east side the application proposes a 6.25m long X 5.9m high boundary wall for a bathroom and store in addition to a 'complying' height boundary wall for the garage.

On the west side the application proposes a 20.55m long X 3.6m high boundary wall for a kitchen, dining room and entry on the ground floor, and a 15m long X 6.5m high boundary wall for an upper floor bedroom 1 and a stairwell.

LPP 142 allows a boundary wall along one side boundary no longer than 9m or higher than 3m.

Roof Pitch

The renovations involve removal of the tiled roof pitched at 22°, and replacing it with a concealed/flat roof over the double garage and library, a colorbond skillion roof pitched at 12° over the upper floor living room, and a concealed/flat roof over the upper floor bedrooms and bathroom.

LPP 066 states:
"dominant elements to be greater than 28°."

Discussion

Boundary Setbacks

The setback variation for the double garage and room above is relatively minor given the existing double garage setback, and given the predominance of similar building setbacks along Pier Street, is considered



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acceptable.

The east side boundary setback variation is considered minor and does not negatively impact on the amenity of the potentially affected property at 60 Pier Street, and the potentially affected property owner has not objected, the variation is supported.

Roof Pitch

Roof pitch in the Richmond Hill precinct is quite variable skillion roofs have become quite fashionable, and are considered to make a positive contribution to the local streetscape. This variation is supported.

RECOMMENDATION

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

- (a) variation to the south side (front) boundary setback pursuant to the Residential Design Codes from 7.5m to 6.5m;
- (b) variation to wall height on the west side for a ground floor kitchen, dining room and entry pursuant to Local Planning Policy 142 from 3m to 3.6m;
- (c) variation to wall height on the west side for an upper floor bedroom 1, stairwell and a void pursuant to Local Planning Policy 142 from 3m to 6.5m;
- (d) variation to the west side setback for the ground floor kitchen, dining room and entry from 1m to 0m;
- (e) variation to the west side setback for upper floor bedroom 1, the stairwell, and void pursuant to the Residential Design Codes from 2m to 0m;
- (f) variation to roof pitch pursuant to Local Planning Policy 066 from 28° to 12°; for renovations to the duplex half (grouped dwelling) at No. 58A (Lot 4) Pier Street, East Fremantle to:

- enlarge the existing double garage with a library and bathroom above it;
- renovate and convert the single storey grouped dwelling into a 2-storey grouped dwelling with entry, living room, kitchen, dining & laundry, 2 bedrooms and a bathroom on the ground floor, and 2 bedrooms, a bathroom and a living room on the first floor.

in accordance with the plans date stamp received on 8 January 2008 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 renovations 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 introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
6. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.



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7. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
8. any new crossovers which are constructed under this approval to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
9. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
10. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *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 owner.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*

Mr Clinton Matthews (architect) addressed the meeting in support of the proposal.

RECOMMENDATION TO COUNCIL

Cr de Jong – Mayor Ferris

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

- (a) **variation to the south side (front) boundary setback pursuant to the Residential Design Codes from 7.5m to 6.5m;**
- (b) **variation to wall height on the west side for a ground floor kitchen, dining room and entry pursuant to Local Planning Policy 142 from 3m to 3.6m;**
- (c) **variation to wall height on the west side for an upper floor bedroom 1, stairwell and a void pursuant to Local Planning Policy 142 from 3m to 6.5m;**
- (d) **variation to the west side setback for the ground floor kitchen, dining room and entry from 1m to 0m;**
- (e) **variation to the west side setback for upper floor bedroom 1, the stairwell, and void pursuant to the Residential Design Codes from 2m to 0m;**



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- (f) variation to roof pitch pursuant to Local Planning Policy 066 from 28° to 12°;

for renovations to the duplex half (grouped dwelling) at No. 58A (Lot 4) Pier Street, East Fremantle to:

- enlarge the existing double garage with a library and bathroom above it;
- renovate and convert the single storey grouped dwelling into a 2-storey grouped dwelling with entry, living room, kitchen, dining & laundry, 2 bedrooms and a bathroom on the ground floor, and 2 bedrooms, a bathroom and a living room on the first floor.

in accordance with the plans date stamp received on 8 January 2008 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 renovations 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 introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
6. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
7. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
8. any new crossovers which are constructed under this approval to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
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10. this planning approval to remain valid for a period of 24 months from date of this approval.



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Footnote:

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

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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.*
- (f) with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*

CARRIED

T20.6

Reynolds Street No. 7 (Lot 35)

Applicant & Owner: Gary Archer

Application No. P131/2007

By Chris Warrener, Consultant Town Planner on 7 March 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval for amended plans for a 3-level house and 2-level garage & studio at 7 Reynolds Street

Statutory Considerations

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

Relevant Council Policies

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

Documentation

Plans and relevant forms date stamp received on 12 December 2007

Date Application Received

12 December 2007

Additional information

Amended plans date stamp received on 1 February 2008

No. of Days Elapsed between Lodgement & Meeting Date

90 days

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;



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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);
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	Council defers an application for a 3-level house;
20 February 2007	Council defers application pending a site inspection;
6 March 2007	Council refuses the application;
10 April 2007	Applicant appeals Council decision;
9 May 2007	SAT orders applicant to prepare and submit preliminary elevations for an amended house plan for Council comment;
19 June 2007	Council decides to advise SAT that it is prepared to grant in-principle approval to amended plans and requests the applicant to submit a formal application for planning approval, consistent with the new plans, for Council's detailed consideration and the formulation of appropriate conditions of approval;
22 June 2007	SAT Directions Hearing to hear outcome of Council meeting, and decide on action to progress the matter;
22 June 2007	SAT orders Directions Hearing for 23 July 2007;
17 July 2007	Council conditionally approves 3-level house and 2-level garage & studio;
19 February 2008	Council defers the matter to the next Town Planning and Building Committee meeting.

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 22 January 2008 and the following comments were made:

- roof edging deep and clumsy
- requires finesse to remove bulky nature of property
- building unattractive
- original butterfly roof is preferred – far more interesting (something about a box gutter)
- skillion roof should be really thin for it to work

REPORT

At its meeting held on 19 February 2008 Council considered an application for an amended Planning Approval for the development at 19 Preston Point Road/7 Reynolds Street.

Council resolved:

"Mayor Ferris – Cr Dobro

That the matter be deferred to the next Town Planning & Building Committee (Private Domain) meeting to allow further consideration of the amended application.

CARRIED

Following an appeal process involving mediation in July 2007 Council conditionally approved amended plans for a 3-level house with access to Reynolds Street, and a garage and studio with access to Preston Point Road.



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The development proposed a “butterfly” roof on the main house with access to Reynolds Street, and a skillion roof raked up to the east over the garage and studio with access to Preston Point Road.

In the process of working up the development for the purposes of obtaining a Building Licence the owner/applicant in consultation with the structural engineer determined that a number of elements of the development needed to be modified for aesthetic and practical purposes.

The modifications are largely cosmetic, and practical (structural support) and do not involve variations, which materially alter the previous planning approval.

Setbacks remain unchanged, and building height has been reduced on the south side of the main house to accommodate the proposed skillion roof.

Previously wall height on the south side varied up to 11.3m above natural ground level (NGL), the amended plans are for 10.4m. Roof height has been reduced from 11.7m to 10.7m above NGL. Building height on the north side remains unchanged.

Discussion at the February Committee and Council meetings focussed on the appearance of the proposed development particularly in light of the roof changes the applicant currently seeks.

In response the applicant has submitted a series of scale drawn perspectives to illustrate the appearance of the development (see Attachment).

Building Appearance

The appearance of the garage and studio next to Preston Point Road remains largely unchanged as it continues to have a skillion roof.

The additional window openings on the north side of the studio overlook the adjoining property driveway, its front setback, and the public domain. The setback of the wall for these openings does not entail a variation for which Council discretion is required to approve. These windows have been added to improve solar access for the studio.

The change in the orientation of the window openings on the south side of the main house, do not involve setback variations.

The skillion roof over the main house is considered to be an improvement on the previously approved butterfly roof and is supported.

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 6m to 10.4m;
- (b) variation to roof height on the south side pursuant to the Residential Design Codes from 9.0m to 10.7m;
- (c) variation to wall height on the north side pursuant to the Residential Design Codes from 6m to 11.3m;
- (d) variation to roof height on the north side pursuant to the Residential Design Codes from 9.0m to 11.7m;
- (e) variation to the east side (front) boundary setback for a garage and workshop pursuant to the Residential Design Codes from 7.5m to 6.7m and 2.765m respectively;
- (f) variation to the east side (front) boundary setback for an upper floor sewing room, kitchenette and balcony pursuant to the Residential Design Codes from 7.5m to 1.5m, 2.2m & 2.765m respectively;



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- (g) variation to the west side (rear) boundary setback for an under-croft bedroom 3 and bathroom, a ground level balcony and entry, and an upper floor family/dining room pursuant to the Residential Design Codes from 6.0m to 3m, 0m, 3.1m, 4.1m, and 3.1m respectively;
- (h) variation to the north side boundary setback (next to 5 Reynolds Street) for an upper floor living room pursuant to the Residential Design Codes from 2.4m to 1.8m;
- (i) variation to the south side boundary setback (next to 9 Reynolds Street) for an upper floor study pursuant to the Residential Design Codes from 4.3m to 2m;
- (j) variation to the percentage of overshadow onto 9 Reynolds Street and 17 Preston Point Road pursuant to the Residential Design Codes from 25% to 48% and 27.6% respectively;
- (k) variation to roof pitch pursuant to Council Policy 066 from 28° to 5°;
for the construction of a 3 level house at No. 7 (Lot 35) Reynolds Street, East Fremantle with front door to Reynolds Street, and a 2-storey building comprising, a garage, and upper floor studio with frontage to Preston Point Road in accordance with the amended plans date stamp received on 1 February 2008 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 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.
 - 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. 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.
 - 7. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision 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.*



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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.*

Mr Gary Archer (applicant) addressed the meeting in support of his proposal.

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr de Jong

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 6m to 10.4m;
- (b) variation to roof height on the south side pursuant to the Residential Design Codes from 9.0m to 10.7m;
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- (d) variation to roof height on the north side pursuant to the Residential Design Codes from 9.0m to 11.7m;
- (e) variation to the east side (front) boundary setback for a garage and workshop pursuant to the Residential Design Codes from 7.5m to 6.7m and 2.765m respectively;
- (f) variation to the east side (front) boundary setback for an upper floor sewing room, kitchenette and balcony pursuant to the Residential Design Codes from 7.5m to 1.5m, 2.2m & 2.765m respectively;
- (g) variation to the west side (rear) boundary setback for an under-croft bedroom 3 and bathroom, a ground level balcony and entry, and an upper floor family/dining room pursuant to the Residential Design Codes from 6.0m to 3m, 0m, 3.1m, 4.1m, and 3.1m respectively;
- (h) variation to the north side boundary setback (next to 5 Reynolds Street) for an upper floor living room pursuant to the Residential Design Codes from 2.4m to 1.8m;
- (i) variation to the south side boundary setback (next to 9 Reynolds Street) for an upper floor study pursuant to the Residential Design Codes from 4.3m to 2m;
- (j) variation to the percentage of overshadow onto 9 Reynolds Street and 17 Preston Point Road pursuant to the Residential Design Codes from 25% to 48% and 27.6% respectively;
- (k) variation to roof pitch pursuant to Council Policy 066 from 28° to 5°; for the construction of a 3 level house at No. 7 (Lot 35) Reynolds Street, East Fremantle with front door to Reynolds Street, and a 2-storey building comprising, a garage, and upper floor studio with frontage to Preston Point Road in accordance with the amended plans date stamp received on 1 February 2008 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 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.



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5. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
6. 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.
7. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

CARRIED ON THE CASTING VOTE OF THE PRESIDING MEMBER

T20.7 *Preston Point Road No. 58A (Lot 11)*

Applicant: Tony Wilkie

Owner: Orlando & Susana Maria Andrade

Application No. P27/2008

By Chris Warrener, Consultant Town Planner on 7 March 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval to redevelop 58A Preston Point Road by demolishing the gable roofed 6 multiple dwellings and replacing them with a flat/concealed roof over 6 new multiple dwellings comprising a basement parking area, 3 units on the first floor each with 2 bedrooms, living, dining, kitchen and study, and 3 units on the second floor each with 2 bedrooms, living, dining, kitchen and study.

Statutory Considerations

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

Relevant Council Policies

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

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Documentation

Plans and date stamp received on 20 February 2008

Date Application Received

1 February 2008

Advertising

Adjoining landowners, sign on site, and advertisement in local newspaper

Date Advertised

15 February 2008

Close of Comment Period

29 February 2008

No. of Days Elapsed between Lodgement & Meeting Date

39 days

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

21 June 1964	Plans & specifications submitted for 6 flats by L.W. Buckeridge;
26 October 1964	Council approves plans for flats;
5 July 1965	Public Health Department approves of a septic tank installation for the flats;
19 October 1981	Council conditionally agrees to strata titles for the 6 flats;
19 September 1983	Council considers the property unsuitable for strata titling;
16 December 1985	Council decides to seek the advice of the State Planning Commission on proposed Strata Titling of 6 units in view of the new Strata Titles Act 1985;
17 March 1986	Council refuses to agree to Strata Titling;
21 April 1986	Council decides that a fence must be brought into conformity otherwise legal proceedings will be instigated;

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting on 26 February 2008 and the following comments were made:

- need to reassess design
- detrimental to streetscape
- proportions not pleasing – no cohesion of proportions
- poor presentation
- bulky
- plans difficult to read

Public Submissions

At the close of the comment period 10 submissions were received.

<i>Louise Good</i> <i>2/60 Preston Pt</i>	- Objection - building height – impact on views
	- Proposed design appears to be an improvement
<i>Moreschini Nominees</i> <i>2/60 Preston Pt</i>	- Objection – height
	- Access will increase traffic hazards on Preston Point Road
	- Concerns raised regarding dust and structural damage during construction
<i>Cathryn Brown</i> <i>11/60 Preston Pt</i>	No objection to redevelopment of buildings to the current height

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- Andrew Wheeler*
3/60 Preston Pt
- Oppose any development that exceeds the height limit
 - My harbour views may be affected by the development
- Max Barton*
6/60 Preston Pt
- Disapprove and raise objection to plan
 - Building will curtail at least a third of my views
- Uliana Pullella*
4/60 Preston Pt
- Objection – would affect the view
- Martin Johnson*
8/60 Preston Pt
- Objects if the development is overheight
- Sue & John Moody*
1 Fraser Street
- Object-stand to lose substantial views
 - Ugly flat roof;
 - Encroaching our north and south facing views
- Amanda Thomas*
7/60 Preston Pt
- Do not agree because it will significantly block my river views
- Plan-It*
on behalf of
J & S Moody
- Concerns raised:
 - top of new building must not exceed height of existing ridge
 - setbacks to be more in keeping with existing streetscape
 - building is bland & unimaginative
 - roof must be concealed and in non-reflective material
 - there are to be no air-conditioners or other roof projections
 - there will not be a 'forest' of aerials & satellite dishes
 - Council to condition its approval to take into consideration the above concerns

Site Inspection

By Consultant Town Planner on 28 February 2008

STATISTICS	Required	Proposed
Land Area		852m ² Existing
Zoning		R12.5
Setbacks:		
Front (west)		
<i>Undercroft</i> <i>Carpark</i>	4.00	4.40 Acceptable
<i>Ground</i> <i>Balconies</i>	4.00	3.502 Discretion Required
<i>Upper</i> <i>Balconies</i>	4.00	3.502 Discretion Required
<i>Bedrooms</i>	4.00	4.40 Acceptable

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Rear (east)				
Ground	Bedrooms	1.50	4.30	Acceptable
Upper	Bedrooms	3.00	4.30	Acceptable
Side (north)				
Ground	Bedroom & Study	1.00	2.50	Acceptable
Upper	Bedroom & Study	2.00	2.50	Acceptable
Side (south)				
Undercroft	Carpark	1.00	4.20 to 4.60	Acceptable
Ground	Balcony	2.00	3.40	Acceptable
	Living	2.00	4.026 to 4.70	Acceptable
Upper	Balcony	2.00	3.40	Acceptable
	Living	2.00	4.026 to 4.70	Acceptable
Height:				
Wall		6.50	6.50 to 7.30	Discretion Required

REPORT

Background

Around the years 1964-65 the block of 6 flats named "Derna Court" was built.

The current application proposes to redevelop the site by demolishing "Derna Court" and building 6 attached multiple dwellings in its place.

The existing building is a rather "tired" looking 2-storey salmon brick and gable tiled roof structure, with car parking on an open hardstand area at the rear accessed via a driveway crossover to Fraser Street.

The proposed building is a 3-level (car parking to be provided at basement level accessed via a crossover to Preston Point Road, with 2 floors of multiple dwellings above) concealed/flat roofed structure.

Issues

Zoning & Density

The subject land comprises 852m², and it is zoned Residential R12.5 under TPS 3.

Under the R12.5 density code the property can accommodate a single dwelling.

The existing block of 6 multiple dwellings comprises development that equates with a density code of R70.

The use "Multiple Dwelling" is an 'X' use in the Residential zone in areas with a density coding of less than R40.

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On the above basis this application could not be considered or approved however TPS 3 includes the following special provision:

“5.3.3 Existing Non-Complying Development

Where a lot contains an existing authorised development which exceeds the prescribed density coding, the local government may permit redevelopment of the lot up to the same density as the existing development, or of a different form than otherwise permitted, provided that:

- (a) in the opinion of the local government, the proposed development will contribute more positively to the scale and character of the streetscape, the improvement of the amenity of the area, and the objectives for the precinct than the existing building; and*
- (b) except where proposed development comprises minor alterations to the existing development which, in the opinion of the local government, do not have a significant adverse effect on the amenity of adjoining land, advertising of the proposed development has been undertaken in accordance with the provisions of clause 9.4.”*

This application has been assessed as complying pursuant to this provision based on the development being at a density of R70.

Building Height

The upper floor wall in the south west corner of the building for the living room for Unit 6 varies up to 7.3m above Natural Ground Level (NGL).

LPP 142 recommends a height limit of 6.5m for a concealed/flat roofed development in this area of East Fremantle.

Submissions

The submissions from the multiple dwellings at 60 Preston Point Road object to the application because in their opinion the height of the proposed building will interfere with or block their views. 3 of these submissions advise that they have no objections if the building complies with the height limits.

The submission from 1 Fraser Street similarly objects to the application because the proposed building will interfere with their north and south facing views.

A town planning consultant acting for the owners of 1 Fraser Street advises that the application would be supported provided Council applies conditions on the development which address building height, setbacks, appearance, roof material and colour, and roof projections.

Discussion
Building Height

Most of the proposed building is within the height limit specified in LPP 142. The applicant's plans illustrate



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that the proposed building will be no higher than the roof ridge of the existing building.

A portion of the proposed building along its west side (facing Preston Point Road) and in the southwest corner is "over-height", varying up to 7.3m above natural ground level (NGL).

This portion of the building will have some impact on views from properties at the rear, namely 60 Preston Point Road ("Panorama Views"), and the single house at 1 Fraser Street.

However the building could be redesigned to bring it into total height "compliance", thereby negating a number of the objections in regard to this aspect of the application.

Conclusion

The subject site is in a very prominent location of East Fremantle and its redevelopment should be carefully undertaken to provide the most aesthetically pleasing result.

The TPAP comments in general are not very positive in regard to the design of the building, and its impact on streetscape. The plans submitted do not include colour perspectives or artist's impressions including streetscape views to provide a clearer picture of the appearance of this building.

On this basis the applicant should be requested to submit additional information to support the application.

RECOMMENDATION

That Council defers its decision on the application for the redevelopment of No. 58A (Lot 11) Preston Point Road, East Fremantle by demolishing the gable roofed 6 multiple dwellings and replacing them with a flat/concealed roof over 6 new multiple dwellings comprising a basement parking area, 3 units on the first floor each with 2 bedrooms, living, dining, kitchen and study, and 3 units on the second floor each with 2 bedrooms, living, dining, kitchen and study in accordance with the plans date stamp received on 20 February 2008 pending the submission of additional information including colour perspectives of the development, and plans illustrating the context of the building in respect to the streetscape of Preston Point Road and Fraser Street, and design modifications to bring the whole of the proposed building into compliance with the height limits specified in LPP 142.

Mr Max Barton, resident at 'Panorama Views', 60 Preston Point Road, addressed the meeting objecting to the height of the proposed development and its impact on views.

RECOMMENDATION TO COUNCIL

Cr de Jong – Cr Wilson

That Council defers its decision on the application for the redevelopment of No. 58A (Lot 11) Preston Point Road, East Fremantle by demolishing the gable roofed 6 multiple dwellings and replacing them with a flat/concealed roof over 6 new multiple dwellings comprising a basement parking area, 3 units on the first floor each with 2 bedrooms, living, dining, kitchen and study, and 3 units on the second floor each with 2 bedrooms, living, dining, kitchen and study in accordance with the plans date stamp received on 20 February 2008 pending the submission of additional information including colour perspectives of the development, and plans illustrating



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the context of the building in respect to the streetscape of Preston Point Road and Fraser Street, and design modifications to bring the whole of the proposed building into compliance with the height limits specified in LPP 142. CARRIED

T20.8 Canning Highway No. 83 (Lot 123) - Proposed Inclusion of Historic Buildings on Heritage List

By Stuart Wearne, Chief Executive Officer, on 11 March 2008

PURPOSE

The purpose of this report is to facilitate the inclusion of the abovementioned buildings on Council's Heritage List.

BACKGROUND

The existing historical buildings (circa 1900) at 83 Canning Highway represent one of the few remaining premises which constituted the original commercial precinct (and town centre) situated on the former Richmond Road (later Canning Road and subsequently Canning Highway). The buildings comprise three shops in front with attached residential quarters behind.

The buildings have been subject to three previous heritage reports:

- (i) report by John Kirkness pursuant to development application July 2003
 - (ii) report by John Kirkness pursuant to compilation of Municipal Heritage Inventory 2006.
 - (iii) report by Ronald Bodycoat pursuant to development application May 2007
- all of which effectively concluded the buildings should be included on Council's Heritage List (or its original equivalent).

REPORT

With respect to (i) John Kirkness has written the following comments under "Statement of Significance"

"79-83 Canning Highway East Fremantle, a single storey composite limestone, brick and iron, multi-tenanted commercial/residential building, constructed in a Federation Free Classical style to the main streetfront corner and Rustic Colonial style to the rear, has cultural heritage significance for the following reasons:

- *the place is an important remnant building of the former town centre of East Fremantle, spread along the Canning Road and established in the years immediately before and after gazettal of the Town, where this once contiguous precinct has been fragmented through previous demolition and redevelopment, and where an appreciation of this precinct contributes to both the local and wider community's sense of place;*
- *the place has considerable aesthetic value as a well considered Federation era building in a prominent siting, and also as an integral part of the streetscapes of the historic Plympton precinct, highly valued by the local community for their historic character and aesthetic qualities;*
- *the place retains a high level of authenticity and integrity despite the loss of original shopfront joinery and parapet ornament, with sufficient evidence to otherwise facilitate the effective conservation of the place;*
- *the place represents an increasingly rare building type located on prominent inner city thoroughfares, with rear residential portions largely intact;*



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- *the place is associated with the continuous local supply of a whole range of goods and services, and especially with regard to non-mainstream supply of liquor, over the life of the building.*

With respect to (ii) above Mr Kirkness designated a B↑ Management Category and gave the highest possible listings to “Architectural Merit”, “Rarity Value” and “Group/Precinct” value.

With respect to (iii) above whilst Mr Bodycoat’s report is far less complimentary with regard to the assessed level of cultural heritage significance, compared to Mr Kirkness’ assessments, Mr Bodycoat still wrote “Retention of the remnant original fabric of the shops and residences is sound and reasonable”.

DISCUSSION

It is regrettable, particularly in view of the above reports, “heritage listing” has not previously occurred.

This does not however have any reflection on Council’s assessment of the heritage attributes of the property – rather it reflects the difficulties Council has had in concluding its Municipal Inventory and Heritage Listing reviews in their totality.

Having said this it is noted that John Kirkness has suggested a factor in the above outcome may have been the aspect of “hidden” heritage. In this regard Mr Kirkness has written:

“The existing historic commercial building has been effectively hidden under hoardings and insensitive shopfront adaptation for many years and has therefore gone unrecognised for its considerable heritage significance and aesthetic quality. Whilst representative of a now largely demolished series of terrace shopfront buildings that once comprised East Fremantle’s main commercial strip along the Richmond and later Canning Road, the premises is not listed in the Town’s Municipal Heritage Inventory, nor recognised in the draft Inventory No 2, and represents a major oversight in this regard.”

“This oversight has however fortuitously resulted in its near wholly intact survival behind the deteriorated facades. The building is in fact a composite tuck-pointed brick and quoined limestone structure comprising three terraced shop-houses, constructed in 1900-01. Whilst some cutting of internal openings and adaptation of shopfronts has occurred, the detailing and legibility of the premises remains clear. The physical condition varies from fair to extremely deteriorated and fragile, and very considerable conservation and restoration will be required to properly conserve the building.”

It is not clear how the oversight Mr Kirkness describes has contributed to the survival of the buildings, one would have thought the opposite would be the case.

However the situation does help explain why the building was not included in Council’s Schedule of Places of Heritage Value when Town Planning Scheme 2 was adopted in 1982.

There seems little argument that the buildings merit inclusion on Council’s Heritage List.

In this regard the relevant Scheme requirements have been carried out.

The Chief Executive Officer recently notified in writing the owner and occupier of the place that consideration was being given to including the place on the

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Heritage List and providing them with a copy of the description proposed to be used and the reasons for the proposed entry. Submissions on the proposal from both the owner and the occupier were invited within 21 days.

Both the owner and occupier subsequently replied, in each case supporting the proposed listing.

CONCLUSION

In consideration of the three abovementioned heritage reports and noting both the owner and occupier endorse such listing, it is recommended that the existing historical buildings at 83 Canning Highway be included on the Heritage List pursuant to Town of East Fremantle Local Planning Scheme No 3.

RECOMMENDATION

That the existing historical buildings at 83 Canning Highway be included on the Heritage List pursuant to Town of East Fremantle Local Planning Scheme No 3, under the following description:

Name of Place	Location	Description
Shops and Quarters	Lot 123, Street No 83 Canning Highway	Three single storey brick, limestone and iron terraced shops with rear residential quarters and brick walls with parapet concealing corrugated iron roof and with a Federation Free Classical style façade to its Canning Highway frontage and street corner presentation. Circa 1900.

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr de Jong

That the existing historical buildings at 83 Canning Highway be included on the Heritage List pursuant to Town of East Fremantle Local Planning Scheme No 3, under the following description:

Name of Place	Location	Description
Shops and Quarters	Lot 123, Street No 83 Canning Highway	Three single storey brick, limestone and iron terraced shops with rear residential quarters and brick walls with parapet concealing corrugated iron roof and with a Federation Free Classical style façade to its Canning Highway frontage and street corner presentation. Circa 1900.

CARRIED

T20.9

Canning Highway No. 83 (Lot 123)

Applicant: MacCormac Architects

Owner: Canning 83 Pty Ltd

Application No. P98/2007

By Chris Warrener Town Planner on 6 March 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval for a 4-storey Mixed Use development comprising an existing ground floor commercial building divided into 3 shops,

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with new development comprising 4 offices, and two 2-bedroom residential apartments on 3 upper levels.

The two apartments are on the top/fourth level.

16 on site car parking spaces are proposed.

Statutory Considerations

Town Planning Scheme No. 3 (TPS 3) – Canning Highway Mixed Use zone
Metropolitan Region Scheme Reserve for Primary Regional Roads for Canning Highway
Western Australian Planning Commission Act 1985 Delegation
State Administrative Tribunal Act 2004
Local Planning Strategy - Plympton Precinct (LPS)
Residential Design Codes (RDC)

Relevant Council Policies

Local Planning Policy No. 140 – Port Buffer Development (LPP 140)

Documentation

Plans and relevant forms date stamp received on 4 May 2007

Date Application Received

4 May 2007

Additional Information Received

16 May 2007 Amended plans and cover letter received;
25 May 2007 Heritage Report (Ronald Bodycoat) received;
2 July 2007 Photo image of proposed development in existing built context;
4 July 2007 Additional heritage advice in response to Town Planning Advisory Panel comments.

Advertising

Adjoining land owners & sign on site

Date Advertised

Original application 1 June 2007
Post SAT mediation 10 January 2008

Close of Comment Period

Original application 19 June 2007
Post SAT mediation 25 January 2008

Site Inspection

A site inspection was conducted on Tuesday 26 February 2008 and attended by councillors, members of the Town Planning Advisory Panel, Town Planner, applicant/s and members of the public.

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

17 August 2004 Council decides to defer consideration of an application for a Mixed Use development comprising commercial use on the ground floor with 4 residential units on 3 upper levels pending:

- "1. receipt of:
(a) additional visual details that would assist councillors to address issues such as appearance, bulk and scale, setbacks and impact of proposal; and



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- (b) *additional information on the car parking to be provided in particular the issue of entry and egress.*
2. *the Chief Executive Officer in consultation with relevant officers clarifying issues relating to the relaxation of plot ratio in respect of Town Planning Scheme No 2 and No 3 for Mixed Use/Residential and any other relevant matters.*
3. *receipt of a satisfactory Conservation Plan and accompanying Heritage Impact Statement regarding the proposed development, with such plan and impact statement to be prepared at the applicant's expense by an experienced consultant listed in the current Heritage Council of WA Directory of Consultants.*

Footnote

The applicant be encouraged to address some of the issues of non compliance in the new development eg building height, bulk and scale, parking and building design."

Following this decision there was no further communication with the applicant.

Ownership of the property subsequently changed.

- | | |
|-------------------|---|
| 21 August 2007 | Council decides to refuse an application for a 4-level mixed use development; |
| 18 September 2007 | State Administrative Tribunal (SAT) receives an application for a review of the Council decision; |
| 28 September 2007 | SAT Directions Hearing; |
| 19 October 2007 | SAT Directions Hearing; |
| 9 November 2007 | SAT Mediation; |
| 3 December 2007 | SAT Mediation; |
| 18 December 2007 | Council resolved:
<i>"Mayor Ferris – Cr de Jong
That the application be held over pending public advertising in accordance with Section 9.4.3(b) of the Town Planning Scheme No.3.</i> |
| | <u>CARRIED</u> |
| 19 February 2008 | Council resolved:
<i>"Mayor Ferris – Cr Dobro
That the application be held over to allow the applicants to demonstrate the height and visual impact of this proposal, particularly in relation to Sewell Street.</i> |
| | <u>CARRIED</u> |

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 26 February 2008 and the following comments were made:

The Panel queried why the Municipal Inventory is yet to be adopted. This is a very significant building and the Panel would like to see this property included on the Heritage List and building retained.

The following comments were made on the proposed redevelopment:

- *application should be refused*
- *relaxations too significant*
- *heritage trade-off is not evident*
- *no reason for this measure of height relaxations*
- *hard edge to Sewell Street – too severe. Too severe on residents also*
- *needs to be stepped in to reduce the harshness on Sewell Street*
- *there does need to be modulation of height but this is too high*
- *8.5m in Scheme as compared to 12.9m proposed – 4.9m overheight*
- *one floor to be removed*
- *detail of proposal insufficient*



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- *streetscape elevations required*
- no documentary evidence to support proposed restoration including archival evidence

The following comments were made in relation to design details:

- *should not mimic limestone wall beyond original*
- *style of shop should stop at end of original shop*
- *verandahs should change between old and new*

Referral to Other Authorities

Department for Planning & Infrastructure (DPI) & Main Roads WA (MRWA)

Public Submissions

At the close of the comment period in January 2008 5 submissions were received.

Fremantle Port Authority No objections subject to requirements of the "Fremantle Port Buffer Area Guidelines". The property is in Area 2 of the Fremantle Buffer Area.

Tradewinds Hotel (Diedre Johnson) 1st Submission:
Not against development, concerned with the impact the modern building will have on the Tradewinds Hotel eg height, visual impact, signage, design, parking, traffic and residential building adjoining a commercial property.

2nd Submission:
Agree with site being improved but strongly object to development in its current form as it fails to meet local town planning & building guidelines on a number of key issues:

- height exceeds recommended wall height limit by 8.5;
- plot ratio exceeds limit by 0.89;
- shortfall of 10 car bays;
- impact on the heritage aspects of Tradewinds Hotel and local area;
- visual impact of solid wall height on Sewell Street by building not being set back;
- traffic and car parking impact on existing facilities;
- residential apartments adjoining established licensed entertainment venue;
- visual impact on Tradewinds Hotel main guest entrance and to overall directional signage.

L & P New 7 Hubble Street - will severely increase parking;
- overall size & scale appears to be excessive;
- exceeds plot ratio limit;
- pressure to approve more oversized developments.

S Martin & G Foster 16 Sewell Street - objection;
- over-height, out of keeping with neighbouring commercial properties;
- no setback on Sewell Street;
- parking shortfall.

M Williams 27 Sewell Street Prefer development be strictly kept at a maximum of two levels.



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- R Turner*
91 Canning Hwy
- In support of the proposal and such development is to be encouraged:
- the general precinct along this part of Canning Highway is principally commercial in nature and the proposal captures the character of East Fremantle by retention of the existing building and introduces a modern efficient design that is a welcome addition to the streetscape;
 - such a development will only add to the character of the area;
 - the height aligns well with the existing, adjoining Tradewinds Hotel and from a distant or river perspective is very low profile when taking into account the existing terrain;
 - given its location it is an 'entry statement' to the greater Fremantle area and will raise the profile of the area.
- Simon Melville*
Roofing 2000
93 Canning Hwy
- No objections to the proposed development as it adds to the streetscape whilst retaining the heritage building and do not believe it will negatively affect local residential dwellings.

REPORT

Background

In 2004 Council considered a similar application for development, which was deferred pending the submission of additional information. This information was never provided and that application lapsed.

The 2004 application proposed a bigger development in terms of built area than the current application, with fewer on-site parking spaces. Plan elevations for the previous application are attached.

The current application is for a 'smaller' development, and it has been submitted with additional information regarding the matters raised in the decision that Council made in response to the 2004 application.

At its meeting on 21 August 2007 Council decided to refuse the current application based on advice it received from MRWA and DPI that a portion of the property (corner truncation) is reserved for Primary Regional Roads under the Metropolitan Region Scheme (MRS)

Council decided:

"Mayor O'Neill – Cr Dobro

That:

1. *Council refuses to grant approval for the construction of a 4-storey Mixed Use development comprising an existing ground floor commercial building divided into 3 shops, with new development comprising 4 offices, and two 2-bedroom residential apartments on 3 upper levels on Lot 123 (No. 83) Canning Highway, East Fremantle in accordance with the plans date stamp received on 17 May 2007 on the grounds that the proposal does not accord with the purpose for which the land is reserved.*
2. *Given the property's B^A rating in the Draft Town of East Fremantle Municipal Inventory the Chief Executive Officer in consultation with relevant officers, enter into negotiations with Main Roads WA and the Department for Planning & Infrastructure.*

Footnote:

Council does want this building restored and retained and would support some redevelopment of the site with retention and restoration of the existing building as an CARRIED



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The applicant applied to SAT for a review of this decision.

Following two Directions Hearings and a Mediation held on 9 November 2007 DPI advised that it would now be prepared to support the development as submitted subject to a condition that:

"The landowner entering into a Deed of Agreement with the Western Australian Planning Commission (WAPC) and Main Roads Western Australia that upon the construction/upgrading of Canning Highway the applicant shall not seek compensation fro that portion of the building subject to the Primary Regional Road (PRR) reservation in the Metropolitan Region Scheme (MRS).

Advice Notes:

- 1. Upon acquisition of the land for any future Canning Highway construction works, the construction authority shall be responsible for modification of the building to provide for Canning Highway/Sewell Street corner truncation at the construction authority's cost. The landowner shall be paid compensation for the land only.*
- 2. DPI needs to review the PRR reservation for Canning Highway recognising its status as part of the Auslink network, and this will include truncation requirements, intersection design and carriageway plans. At this stage it would be premature to speculate on any potential changes to the current PRR reservation."*

At SAT Mediation held on 3 December 2007 it was agreed that the wording of this condition should be improved to refer to the current MRS reserve, and the reworded advice should be provided by the WAPC, (which is the authority responsible for the administration and implementation of the MRS) to Council.

Pursuant to the SAT Mediation on 3 December 2007 the following Order was made:

- 1. The applicant is to provide the respondent and the Western Australian Planning Commission with a revised condition in respect of the use of the reserved land at 79-83 Canning Highway, by 7 December 2007.*
- 2. The respondent is to endeavour to deal with this matter at its next meeting.*
- 3. The matter is adjourned to further mediation at 2pm Wednesday 19 December 2007.*

The applicant subsequently forwarded the following revised condition:

"The Department will support the development of 79-83 Canning Highway, East Fremantle ("the Land"), shown in the development plans dated May 2007, subject to the land owner ("the Owner") entering into a Deed of Agreement with the Western Australian Planning Commission ("WAPC") which provides that if part of the Land, the subject of the primary regional road reserve ("Relevant Land"), shown in the Metropolitan Region Scheme as at 3 December 2007 and in the attached plan, is required to be taken by a statutory or public authority, then the Owner shall be entitled to exercise its rights and remedies at law, in equity or under statute to seek and obtain compensation (save and except that any increase in the value of that part of the existing buildings on the Relevant Land as at 3 December 2007, resulting from Canning 83 Pty Ltd carrying out the proposed development, will not be taken into account in determining the amount of compensation payable to the Owner) and which contains such other terms and conditions agreed to by the parties."

The wording of this condition has been approved by DPI/WAPC.

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In light of this further development Council was invited by SAT to "endeavour to deal with this matter at its next meeting" (Order No 2 of SAT mediation held on 3 December 2007).

At its meeting held in December 2007 Council decided that the application should be re-advertised by way of a direct mail-out to residents in the immediate locality, a sign on site, and an advertisement published in the local press.

A plan defining the extent of the mail-out is attached.

At the end of this advertising period 5 submissions were received.

On 26 February 2008 the members of the Town Planning Advisory Panel and Councillors conducted a site visit to gauge the impact of the proposed development based on scaffolding that had been erected by the applicant/owner to illustrate its position and height.

The applicant submitted a revised computer image (see Attachment) for changes to the building based on the comments that had been raised in discussion at the February 2008 Committee and Council meetings.

The proposed changes include extending the veranda awning down the length of the building along Sewell Street, and lowering building height by removing the upper level parapets above the proposed ceiling height of the building.

The now proposed building height is 12.8m.

Issues

Building Height

Roof height is up to 12.8m above NGL.

TPS 3 sub-clause 5.8.2 states:

"5.8.2 *Building Height*
Except as otherwise permitted by the local government, the maximum height of buildings in the Commercial Zones are to be as follows:

(a) <i>Town Centre</i>	<i>Walls: 8.0 metres</i>	<i>Overall: 10.5 metres</i>
(b) <i>Special Business</i>	<i>Walls: 8.0 metres</i>	<i>Overall: 10.5 metres</i>
(c) <i>Mixed Use</i>	<i>Walls: 5.5 metres</i>	<i>Overall: 8.0 metres</i>

The subject land is in the Canning Highway Mixed Use zone therefore the proposed development exceeds the recommended overall height by 4.8m.

Plot Ratio

The plot ratio of the proposed development (excluding wet areas) is 1.39:1.

TPS 3 sub-clause 5.8.3 states:

"5.8.3 *Plot Ratio*
Except as otherwise permitted by the local government, the maximum plot ratio in the Commercial Zones are to be as follows:

(a) <i>Town Centre</i>	<i>0.5:1</i>
(b) <i>Special Business</i>	<i>0.5:1</i>
(c) <i>Mixed Use</i>	<i>0.5:1</i>

The subject land is in the Canning Highway Mixed Use zone therefore the proposed development exceeds the plot ratio limit by 0.89.

Car Parking

The application proposes 16 on-site car parking spaces.

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The application is for a mixed use development comprising 3 retail shops, 4 offices, and 2 residential apartments/dwelling units.

TPS 3 Schedule 11: Car Parking Standards specifies for a Shop, and Office use:

Shop 1 space for every 20m² net lettable area (5 spaces per 100m² NLA) - Minimum 4 spaces.

There are 3 shops with a total net lettable area of 156m² therefore 12 spaces are required.

Office (excluding Bank, Building Society, Post Office or other such uses) 1 space for every 30m² net lettable area; Minimum 3 spaces per tenancy or office unit. (N.B. Offices with intensively used public areas require additional parking. Refer Banks, etc.)

There are 4 offices therefore 12 spaces are required.

Pursuant to the RDC for a mixed use development of the type proposed 2 spaces are required for the 2 top floor apartments.

A total of 26 spaces are required for the proposed development, the application proposes 16 on-site spaces via a mechanical stacking device therefore assuming such an approach is acceptable to Council there is a shortfall of 10 spaces.

Heritage

The premises are currently used as the "Port Liquor Store", and "Mon Computers".

The building is included on Council's Heritage List and listed in the Municipal Inventory adopted by Council with a B+ Management Category.

It is described as being from the "Federation" period in a "Free Classical" style.

Refer CEO's report dated 11 March 2008 regarding Heritage Listing of this property.

The applicant has submitted a Heritage Report, and proposes to restore and conserve the existing building.

Submissions

4 of the 5 submissions object to the application mainly because of its height, and its impact on parking and traffic.

Discussion

In regard to the variations proposed by this application TPS 3 allows variations to site and development standards and requirements subject to certain conditions.

The following provisions apply:

"5.6 Variations to site and development standards and requirements

5.6.1. Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.



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5.6.2. *In considering an application for planning approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to —*

- (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 9.4; and*
- (b) have regard to any expressed views prior to making its determination to grant the variation.*

5.6.3. *The power conferred by this clause may only be exercised if the local government is satisfied that —*

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and*
- (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.”*

Pursuant to 5.6.2 (a) this application was advertised by way of a sign on site, surrounding landowners were invited to lodge submissions, and an advertisement was published in the local press.

Pursuant to 5.6.3 (a) the following criteria listed in clause 10.2 are relevant:

- (a) the aims, objectives and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area (including the Metropolitan Region Scheme);*

Being a mixture of residential and commercial uses the development is considered to satisfy the objective for development in the Mixed Use zone.

- (b) the provisions of the Local Planning Strategy, including the aims and objectives, the strategy for the relevant sector and any planning proposals for the particular precinct;*

The Local Planning Strategy (LPS) states for land use in the mixed use zone along Canning Highway:

“The Mixed Use area situated on Canning Highway currently includes the Trade Winds Hotel (which incorporates the historic Plympton Hotel) and land to its east could sustain development of a similar intensity preferably with a large residential component. Properties west of the Trade Winds should remain occupied by low scale activities and buildings and retention of the existing buildings would generally be encouraged.” (LPS page 27)

The application site is east of the Trade Winds, it proposes to retain the existing heritage value building, and proposes residential use as well as commercial use therefore the application is considered to comply with the spirit and intent of the LPS.

In relation to building design the LPS states:

“The Mixed Use zone on Canning Highway requires development standards to reflect existing building design patterns. A description of the desired building style may be appropriate, and this matter will also be addressed though the application of design guidelines.”

While there are no design guidelines for development in the Canning Highway Mixed Use zone, the proposal is considered to be a pleasing aesthetic design



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complementary to the Trade Winds development, and presents a more attractive façade to the secondary street than current.

(j) *the compatibility of a use or development with its setting;*

The application is for a mixed use development in keeping with the objectives for development in the Mixed Use zone under TPS 3, which state:

- *To provide for a limited range of commercial, civic and community facilities to meet the day to day needs of the community, but which will not prejudice the amenities of the neighbourhood;*
- *To ensure future development within each of the Mixed Use Zones is sympathetic with the desired future character of each area, and that a significant residential component is retained as part of any new development;*
- *To promote the coordination of development within each of the Mixed Use zones and to facilitate the safe and convenient movement of pedestrians to and within the area;*
- *To ensure the location and design of vehicular access and parking facilities do not detract from the amenities of the area or the integrity of the streetscape.*

(k) *any social issues that have an effect on the amenity of the locality;*

The application proposes to redevelop a property which is next to a hotel and short stay residential development. The mix of uses proposed in the application and the modern contemporary building design are considered to make a positive contribution to the immediate locality and the community in general.

(p) *the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*

The application is for a new building well set back from Canning Highway, with a more attractive façade to Sewell Street than current.

The appearance of the development is considered to provide a more attractive built element and streetscape presentation, which is largely due to the increased setback of the proposed development, and the simple, contemporary upper floor apartment design.

The development is considered to be an attractive addition to the corner of Sewell Street and Canning Highway complementing the Tradewinds.

Building Height

4 of the 5 submissions object to the application because it proposes development that is "over-height", not because of its impact on views but more because of its perceived impact on the local streetscape.

However if the development is built along the same lines and at the same height as Tradewinds it is considered that this would result in a less attractive streetscape than if heights are varied as proposed to provide interest and articulation.

The effect of building to the same height as Tradewinds is considered to increase the bulky appearance of property between Hubble Street and Sewell Street, and along Sewell Street, and would result in an uninteresting/"boring" streetscape.

The applicant states that while the development will be one floor higher than the Tradewinds, it *"will provide a book end to the block and create an appropriate*



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point of emphasis to the western corner of the Canning Highway and Sewell Street."

The proposed "new" building will be well set back between 9m and 12m from Canning Highway, behind the Tradewinds development, and well behind the existing heritage value building on site, and is considered to present a more "friendly" appearance to Sewell Street than the subject property does currently.

Setting the new building back will contribute to the ongoing heritage value of the existing liquor store building.

Combined these elements of the proposal are considered to have a positive impact on the amenity of the area and the local streetscape.

Parking

Further to 5.6.3 (a) the following comments in response to criteria 10.2(q) are relevant:

"(q) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;"

The application proposes 16 on-site parking spaces. There is a preliminary shortfall of 10 spaces, assuming the mechanical stacking device arrangement is considered acceptable.

TPS 3, Clause 5.6 allows for relaxation of the applicable Parking Standard.

The power conferred in this clause can only be exercised if:

- (i) Council is satisfied the non compliance will not have an adverse effect upon the occupiers and users of the development, the inhabitants of the locality or the likely future development of the locality.
 - (ii) Council is satisfied the relaxation would be appropriate having regard to the criteria set out in clause 10.2
- and
- (iii) If, in the opinion of Council, the relaxation is likely to affect any owners or occupiers in the general locality or adjoining the site, the Council is to consult the affected parties, as per the provisions of clause 9.4 and have regard to any expressed views prior to making its determination to grant the relaxation.

With regard to the above provisions, car parking issues related to the Tradewinds are already causing problems in the area.

It is also envisaged that redevelopment of other mixed use sites nearby, notably 59, 91, and 93 Canning Highway will give rise to further pressures on parking in the future.

TPS 3 provides 4 means for providing car parking when there is a shortfall:

- (i) on-site (TPS 3, sub-clause 5.8.6 refers)
- (ii) immediately adjacent on-street car parking pursuant to TPS 3, sub-clause 5.8.7 which states:

5.8.7 On-Street Parking: The local government may accept immediately adjacent on-street car parking as satisfying part or all of the car parking requirements for development, provided such allocation



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does not prejudice adjacent development or adversely affect the safety or amenity of the locality.

- (iii) off-site pursuant to TPS 3, sub-clause 5.8.6 which states, in part:

5.8.6 Location of Car Parking ... subject to the local government's approval, off-site in the immediate vicinity of the development site. In considering a proposal for off-site parking, applicants will need to demonstrate to the satisfaction of the local government that any off-site parking areas will continue to be available for use in conjunction with the development at such times as it might reasonably be required.

- (iv) cash-in-lieu pursuant to TPS 3, sub-clause 5.8.8 which states:

5.8.8 Cash-in-lieu of Parking: The local government may accept or require cash-in-lieu of all or a proportion of required car parking, based on the estimated cost of providing the requisite parking, including any associated access and manoeuvre facilities. Cash-in-lieu of parking shall be paid into a trust fund and used to provide public parking in the vicinity of the development site(s) in relation to which any cash-in-lieu contributions have been received.

In respect to the above the following comments are made:

- *In relation to (i), the application proposes on-site parking for 16 vehicles. Assuming the mechanical stacking device arrangement is considered acceptable this leaves a shortfall of 10 spaces.*
- *In relation to (ii), 3 immediately adjacent on-street car parking spaces are available. It is considered reasonable to apply these on street spaces to the shortfall.*
- *In relation to (iii), no off site parking is being proposed by the applicants.*
- *In relation to (iv), it is considered appropriate to require a cash-in-lieu contribution which could then be used to develop additional public parking facilities nearby. It is open to elected members to determine a cash-in-lieu payment in respect of all or part of the identified 7 space shortfall (7 spaces assuming elected members support the "in lieu of" application of the 3 adjacent on-street car parking spaces referred to above).*

Heritage

The application proposes to restore and conserve the "old" liquor store building at the corner of Sewell Street and Canning Highway. It is understood that this building has operated as a liquor store since 1925. Its continued use is seen to contribute quite significantly to the cultural heritage of the place.

The subject property is included on the Heritage List under TPS No. 3.

It is therefore considered appropriate for Council to apply the following further TPS 3 provision in considering the variations proposed:

- "7.5. Variations to Scheme Provisions for a Heritage Place or Heritage Area
Where desirable to —*
- (a) facilitate the conservation of a heritage place entered in the Register of Places under the Heritage of Western Australia Act 1990 or listed in the Heritage List under clause 7.1.1; or*
 - (b) enhance or preserve heritage values in a heritage area designated under clause 7.2.1,*
- the local government may vary any site or development requirement specified in the Scheme or the Residential Design Codes by following the procedures set out in clause 5.6.2."*



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The principle of retaining the existing historic building, and redevelopment at the rear of 83 Canning Highway is similar to a recent application Council supported at 22 May Street, which involved retention of an “old” weatherboard and iron house with grouped dwelling development at the rear.

The applicant/owner advised at Mediation on 3 December 2007 that he was prepared to agree to the “old” building being included on the Heritage List under TPS 3 which has now occurred, and to arrange for a “Restrictive Covenant” to be registered against the title to protect the building in the future.

Building Height

While a portion of the proposed development is higher than the adjacent Tradewinds development the higher component is well set back from Canning Highway and is considered to provide an attractive “architectural foil” for the built environment between Sewell Street and Hubble Street next to Canning Highway.

Plot Ratio

Discretion is sought for the plot ratio to be increased from 0.5 to 1.39.

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

In this case, the proposed development has an east–west orientation, abutting a larger development to the south and west (which also has its building bulk orientation east-west). The northern elevation has a mix of building heights.

These factors ameliorate the overall impact of the development.

Given the relative compatibility of orientation, bulk and scale with the adjoining property to the south and west, the proposed plot ratio will not have an undue adverse impact on the amenity of the Canning Highway Mixed Use zone, and can be supported.

Submissions

With respect to the submission received from the Fremantle Port Authority the following extract from LPP 140 is relevant:

“Buffer Area 2:

Potential Risk and Amenity Considerations

Consideration is given to the following potential impacts:

- (a) Ingress of toxic gases in the event of an incident within the Port,*
- (b) Shattering or flying glass as a consequence of explosion within the Port,*
- (c) Noise transmission emanating from the Port (attenuation in the order of 30dB(A) is required, and*
- (d) Odour.*

Built Form Requirements

The following built form requirements shall apply to the following categories of development:

- 1. All residential development other than alterations and additions to existing dwellings.*
- 2. All non-residential development other than refurbishment/renovations (not involving a nett increase in floor area) to existing buildings and non-residential change of use proposals.*

Within Buffer Area 2, buildings shall be designed to incorporate all of the design and construction features outlined below:



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Windows and Openings

- (a) *Any glass used for windows or other openings shall be laminated safety glass of minimum thickness of 6mm or "double glazed" utilising laminated or toughened safety glass of a minimum thickness of 3mm.*
- (b) *All safety glass shall be manufactured and installed to an appropriate Australian Standard.*

Air conditioning Systems

- (a) *All air conditioning systems shall incorporate the following features:*
 - i) *multiple systems to have internally centrally located shut down point and associated procedures for emergency use,*
 - ii) *preference for split "refrigerative" systems.*

Construction

- (a) *Adopt the general principles of quiet house design for residential developments.*
- (b) *All developments shall incorporate roof insulation.*

Note:

Council recognises that these requirements may not be possible to achieve in the case of the proposals involving some buildings of conservation and heritage significance.

Council may accept alternative built form treatments subject to the applicant satisfactorily demonstrating fulfilment of the potential risk and amenity considerations outlined above. Alternative treatments shall be justified to Council through submission of professionally prepared and certified reports.

Notification and Memorials on Title

- (a) *All residential development approvals shall be conditioned in order to require a notification to be placed on title advising of the potential amenity impacts associated with living / working in proximity of the Port.*
- (b) *In the case of all residential subdivision, Council and Fremantle Ports shall request the Western Australian Planning Commission to support the placing of memorials on new titles advising of the potential amenity impacts associated with living in proximity of the Port.*
- (c) *Notification and memorial statements shall be as per the standard wording contained in Appendix B."*

To satisfy the requirements of the Fremantle Port Authority and in recognition of the location of the property within "Area 2 the recommendation below includes a condition (Condition No 6) to ensure that the development complies with the FPA requirements.

The Owner has provided the attached response to the submissions.

Conclusion(s)

Based on the retention and restoration of the existing building on the site, the positive contribution to streetscape that the new building is considered to make, its compatibility with the adjoining Tradewinds development, and the general "tidying up" of what is presently an unattractive street corner the application with variations is supported.

RECOMMENDATION

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

- (a) variation to roof height pursuant to Town Planning Scheme No 3, sub-clause 5.8.2 from 8m to 12.8m;
- (b) variation to plot ratio for development in the Mixed Use zone pursuant to Town Planning Scheme No 3 from 0.5:1 to 1.39:1;



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for the construction of a 4-storey Mixed Use development comprising an existing ground floor commercial building divided into 3 shops, with new development comprising 4 offices, and two 2-bedroom residential apartments on 3 upper levels at No. 83 (Lot 123) Canning Highway, East Fremantle in accordance with the plans date stamp received on 4 May 2007 subject to the following conditions:

1. prior to the issue of a building licence the applicant is to submit amended plans for the changes to building height and the Sewell Street elevation in accordance with the photo image received on 26 February 2008.
2. the proposed mechanical vehicle stacker is to be approved by the CEO in consultation with the Town Planner and Principal Building Surveyor. If the stacker is not approved as appropriate prior to the issue of a Building Licence the equivalent cash-in-lieu payment of on-site car parking spaces must be included in condition 3 below.
3. prior to the issue of a building licence the applicant is to pay for the valuation of, and pay the equivalent cash-in-lieu for the identified shortfall of on-site car parking spaces, with such identification of the shortfall to the satisfaction of the CEO.
4. prior to the issue of a building licence to ensure the heritage values of the existing building (the "liquor store") at 83 Canning Highway are not adversely impacted upon at any time in the future; that the owners agree to the implementation of a Restrictive Covenant, the costs of which are to be met by the owners, and which will be between themselves, Council and the National Trust and which is to Council's satisfaction and designed to ensure that any proposed action which impacts on the heritage values of the property, including any development or demolition of all or part of the property, will require Council's express approval before that proposed action can be implemented.
5. prior to the issue of a building licence, to ensure the heritage values of the existing building are protected, a Conservation Plan for the conservation and restoration works, which is to be to Council's satisfaction, to be produced.
6. prior to the issue of a building licence the land owner ("the Owner") entering into a Deed of Agreement with the Western Australian Planning Commission ("WAPC") which provides that if part of the Land, the subject of the primary regional road reserve ("Relevant Land"), shown in the Metropolitan Region Scheme as at 3 December 2007 and in the attached plan, is required to be taken by a statutory or public authority, then the Owner shall be entitled to exercise its rights and remedies at law, in equity or under statute to seek and obtain compensation (save and except that any increase in the value of that part of the existing buildings on the Relevant Land as at 3 December 2007, resulting from Canning 83 Pty Ltd carrying out the proposed development, will not be taken into account in determining the amount of compensation payable to the Owner) and which contains such other terms and conditions agreed to by the parties."
7. development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer;
8. 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.
9. 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.
10. the proposed development 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.
11. 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



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Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.

12. 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.
13. 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.
14. 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.
15. 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.
16. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

Ms Deidre Johnson, General Manager of Tradewinds Hotel and Mr Groves of 15 Sewell Street addressed the meeting objecting to the proposal in its present form. Mr Greg Foster of 16 Sewell Street also addressed the meeting and spoke on behalf of Mr & Mrs Doonan of 18 Sewell Street and Mr & Mrs Hickson of 12 Sewell Street. Mr Foster also objected to the proposal with regard to its impact on amenity in particular the Sewell Street streetscape and the availability of parking bays. He also suggested that only one dwelling unit be provided in lieu of the two proposed and its floor area be increased thus allowing the balcony to extend along Sewell Street.

Mr Jack Fazio (owner) addressed the meeting expressing his desire to restore the building.

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Mayor Ferris – Cr de Jong`

That the officer's recommendation be adopted.

LOST ON THE CASTING VOTE OF THE PRESIDING MEMBER

Under s.5.21(4)(b) of the Local Government Act 1995, Cr Wilson requested that the voting of Council members be recorded.

Mayor Ferris and Cr de Jong voted in favour of the recommendation with Crs Dobro and Wilson having voted against the motion.

Reasons for not Supporting Officer's Recommendation

The Committee were of the view that as this development will set the tone for the Town, the application could not be supported in its present form due to its bulk and scale, height (there is no reason for this building to extend above the Tradewinds Hotel) and the fact that parking issues do not appear to have been adequately addressed. It was also noted that heritage renovation comes at a cost and the trade-offs appear insufficient.

RECOMMENDATION TO COUNCIL

Cr Dobro – Cr Wilson

That the application for redevelopment of No. 83 Canning Highway (Lot 123), East Fremantle be deferred pending the submission of revised drawings that reduce the bulk and scale to the Sewell Street elevation and bring the wall height closer to compliance.

CARRIED ON THE CASTING VOTE OF THE PRESIDING MEMBER

T20.10

Sewell Street No. 41 (Lot 239)

Applicant & Owner: Patricia Glasgow

Application No. P18/2008

By Chris Warrener, Town Planner on 4 March 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval for a 4.3m long X 3.8m wide X 2.4m high timber pergola in the front setback of 41 Sewell Street.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R20
Local Planning Strategy - Plympton Precinct (LPS)
Residential Design Codes (RDC)

Documentation

Plans and relevant forms date stamp received on 17 January 2008

Date Application Received

17 January 2008

Advertising

Adjoining land owner south

Date Advertised

19 February 2008

Close of Comment Period

4 March 2008

No. of Days Elapsed between Lodgement & Meeting Date

54 days



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

10 June 1985	Building Permit 168/993 approved for additions/alterations to residence;
6 October 1986	Building Permit 37/1190 approved for an isolated laundry/store;
17 November 1998	Council approves a Home Occupation – Psychotherapy practice;
22 December 1999	Council approves renewal of Home Occupation – Psychotherapy practice.

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 26 February 2008 and the following comments were made:

- carports in front of houses not normally supported but open nature of the structure means a clear view of the house is maintained
- fine as timber structure is kept very simple

Public Submissions

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

Site Inspection

By Town Planner on 16 January 2007

REPORT

Issues

Boundary Setbacks

The proposed pergola is set back 3m from the front boundary.

The RDC recommend a 6m front setback for R20 coded property.

Discussion

The house at 41 Sewell Street is set back more than 13m from the front boundary.

The houses next door at 43 and 45 Sewell Street are set back 3m from the front boundary. The house opposite at 42 Sewell Street is set back 2.8m, the house at 44 Sewell Street is set back 2.5m and the house at 46 Sewell Street is set back 2.6m from the front boundary.

The TPAP considered that the pergola over-which the owner/applicant intends to grow vines will be an acceptable structure in the front setback, and based on the prevalence of other significant structures nearby, which are at or closer to the front boundary than the proposed pergola this application is supported.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the east side (front) boundary setback pursuant to the Residential Design Codes from 6m to 3m for the construction of a 4.3m long x 3.8m wide x 2.4m high timber pergola in the front setback of No. 41 (Lot 239) Sewell Street, East Fremantle in accordance with the plans date stamp received on 17 January 2008 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



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compliance with the conditions of this planning approval unless otherwise amended by Council.

3. the proposed pergola is not to be used until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *the pergola may not be enclosed without the prior written consent of Council.*

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr de Jong

That Council exercise its discretion in granting approval for a variation to the east side (front) boundary setback pursuant to the Residential Design Codes from 6m to 3m for the construction of a 4.3m long x 3.8m wide x 2.4m high timber pergola in the front setback of No. 41 (Lot 239) Sewell Street, East Fremantle in accordance with the plans date stamp received on 17 January 2008 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 pergola is not to be used until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
4. **this planning approval to remain valid for a period of 24 months from date of this approval.**

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *the pergola may not be enclosed without the prior written consent of Council.*

CARRIED



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T20.11 **Canning Highway No. 217-219 (Lot 1)**
Applicant & Owner: Olld Pty Ltd ATF Tella Trust
Application No. P21/2008
By Chris Warrener, Town Planner on 5 March 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval for a change of use of the premises at 217-219 Canning Highway from "Offices and Consulting Rooms" to "Offices, Consulting Rooms, and Antique Shop".

Statutory Requirements

Town Planning Scheme No. 3 – Metropolitan Region Scheme (MRS) Reserve
Primary Regional Road
Local Planning Strategy - Woodside Precinct (LPS)

Documentation

Plans and relevant forms date stamp received on 29 January 2008

Date Application Received

29 January 2008

Advertising

Adjoining land owners only

Date Advertised

19 February 2008

Close of Comment Period

4 March 2008

No. of Days Elapsed between Lodgement & Meeting Date

42 days

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

1933-1997	Building at 217-219 Canning Highway built and used as the East Fremantle Masonic Lodge;
23 February 1997	Council grants special approval for the use of the former Masonic Hall by the Kids Open Learning School;
18 September 2007	Council grants conditional approval for a change of use of the premises at No's. 217-219 (Lot 1) Canning Highway, East Fremantle from "Kids Open Learning School" to "Offices and Consulting Rooms", and works to the property including enlarging upper floor windows on the north, south and west elevations, works to restore the building (replacing gutters & down-pipes, painting), landscaping and car-parking improvements.
30 October 2007	Building Licence 07/238 issued for refurbishment, car-parking & landscaping.

CONSULTATION

Other agency/authority

Department for Planning & Infrastructure

Public Submissions

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

Site Inspection

By Consultant Town Planner on 15 February 2008.

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REPORT

Issues

Zoning/Land Use

Under TPS 3 the subject land is reserved in the MRS as a "Primary Regional Road".

If the regional road reserve is removed from the property it does not have any underlying zoning.

The proposed use of the building is for offices, consulting rooms, and antique shop.

TPS 3 does not list the uses which may or may not be undertaken within land reserved for a Primary Regional Road, however pursuant to the "Delegation" notice published on 20 September 2002 Council has the authority to determine the application for the proposed use and/or any works to the property.

Being a "Category 3" Primary Regional Road this application was referred to DPI for comment, as was the previous application for which Council conditionally approved the uses offices and consulting rooms.

Car Parking

It is intended that the building be let either for office use, consulting rooms or as an antique shop.

The building accommodates a ground floor comprising 141m², and upper floor comprising 192m². The total lettable area comprises 333m².

Schedule 11 to TPS 3 recommends the following car parking requirements:

Consulting Rooms	2 spaces for every consulting room, plus 1 space for every staff member.
Office (excluding Bank, Building Society, Post Office or other such uses)	1 space for every 30m ² net lettable area, Minimum 3 spaces per tenancy or office unit. (N.B. Offices with intensively used public areas require additional parking. Refer Banks, etc.)
Shop	1 space for every 20m ² net lettable area (5 spaces per 100m ² NLA) - Minimum 4 spaces

11 on site parking spaces are required for office use of the building, and 7 on site parking spaces are required for antique shop use of the building (the upstairs floor is proposed as storage area not for customers therefore the parking required for an antique shop is calculated based on the area of the ground floor shop use).

There are 15 on site car spaces therefore the site can accommodate the proposed uses, which might be made of the premises.

Discussion

In September 2007 Council conditionally approved an application to renovate and use the subject property for offices and consulting rooms.

Subsequent to that decision works have been commenced to renovate the building and the site to improve its appearance, restore its heritage value, and make general property improvements for the purposes of making the building re-usable.



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The owner has determined, based on enquiries from prospective tenants, that an antique shop would also be an appropriate use.

Zoning/Land Use

The building once used as the East Fremantle Masonic Lodge, subsequently Kids Open Learning has the appearance of a commercial building not a residence.

It would therefore be reasonable to assume that commercial activity/use of the building is an appropriate use, a use that would reasonably be expected at the property.

DPI Comment

In response the September 2007 application to renovate and use the building for offices and consulting rooms DPI advised that it has no objection to the application subject to the following conditions:

1. The proposed development/improvements within the land reserved for the Canning Hwy PRR under the MRS (as per attached extract of MRWA Drawing No. 9021-28-3) to be approved on a temporary basis only.
2. The landowner entering into a Deed of Agreement with the Western Australian Planning Commission (WAPC) that provides, upon the acquisition of the reserved land required for the upgrading of Canning Hwy, that the improvements within the MRS reserved land, which are the subject of this Development Application shall not be taken into consideration in determining any land acquisition cost or compensation that may be payable by Council or the WA Planning Commission in the future.
The above agreement is to be registered as a Caveat on the Certificate of Title.
3. The proposed temporary car parking bays (No.'s 1, 2, 11 & 12) should be surplus to Council's Town Planning Scheme requirements for car parking provisions.

Council conditionally approved the application subject to the following relevant conditions:

- "2. the proposed development/improvements within the land reserved for the Canning Highway PRR under the MRS (as per the attached extract of MRWA Drawing No. 9021-28-3) is permitted up until the land is required for the upgrading of Canning Highway.*
- 3. the landowner entering into a Deed of Agreement with the Western Australian Planning Commission (WAPC) that provides, upon the acquisition of the reserved land required for the upgrading of Canning Highway, that the improvements within the MRS land, which are the subject of this Development Application shall not be taken into consideration in determining any land acquisition cost or compensation that may be payable by Council or the WA Planning Commission in the future.
The above agreement is to be registered as a Caveat on the Certificate of Title."*

These conditions apply to the works that are underway to improve the building to make it ready for use but are not applicable to the uses proposed

Conclusion

An antique shop is considered to be an appropriate use of the building given its size and its heritage, and this use is supported in addition to the uses previously permitted by Council.



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RECOMMENDATION

That Council exercise its discretion in granting approval for a change of use of the premises at No. 217-219 (Lot 1) Canning Highway, East Fremantle from "Offices and Consulting Rooms" to "Offices, Consulting Rooms, and Antique Shop" in accordance with the application date stamp received on 29 January 2008 subject to the following conditions:

1. any works required to the interior of the building that are different to the works for which Building Licence 07/238 applies are not to be commenced until Council has received an application for an amended building licence.
2. the building 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.

Footnote:

*The following is not a condition but a note of advice to the applicant/owner:
This decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*

RECOMMENDATION TO COUNCIL

Cr de Jong – Mayor Ferris

That Council exercise its discretion in granting approval for a change of use of the premises at No. 217-219 (Lot 1) Canning Highway, East Fremantle from "Offices and Consulting Rooms" to "Offices, Consulting Rooms, and Antique Shop" in accordance with the application date stamp received on 29 January 2008 subject to the following conditions:

1. any works required to the interior of the building that are different to the works for which Building Licence 07/238 applies are not to be commenced until Council has received an application for an amended building licence.
2. the building 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.

Footnote:

*The following is not a condition but a note of advice to the applicant/owner:
This decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*

CARRIED

T20.12 Reynolds Street No. 5 (Lot 2)

Applicant: Q3 Architecture

Owner: B & R Watson

Application No. P23/2008

By Chris Warrener, Consultant Town Planner on 6 March 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval for an elevator to service the north side of the 3-level house at 5 Reynolds Street

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5

Local Planning Strategy - Riverside Precinct (LPS)

Residential Design Codes (RDC)

Relevant Council Policies

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

Documentation

Plans and relevant forms date stamp received on 30 January 2008



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Date Application Received

30 January 2008

Additional information

Plan, elevations and lift access diagram received on 6 March 2008 to address queries raised by TPAP

Advertising

Adjoining land owners only

Date Advertised

19 February 2008

Close of Comment Period

4 March 2008

No. of Days Elapsed between Lodgement & Meeting Date

41 days

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

30 March 1993	State Planning Commission endorses Certificate of Approval for Strata Plan 24167 for the subdivision of 17 Preston Point Road into 2 lots (1 X 488m ² - 5 Reynolds Street, 1 X 524m ² - 17 Preston Point Road);
End 1993-1994	Completion of dwelling unit on rear strata lot at 5 Reynolds Street;
17 April 2001	Council grants special approval for 2nd storey additions;
25 February 2003	Building Licence 17/3381 issued for extension to the residence;
11 April 2003	CEO grants approval under delegated authority to extend the planning approval for the erection of 2 nd storey additions;
2 December 2004	Building Licence 230/3670 issued for a vergola enclosure on the north side;
3 July 2006	CEO grants approval under delegated authority for a screened upper level deck on the south side;
21 September 2006	Building Licence 06/236 approved for an above roof deck.

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 26 February 2008 and the following comments were made:

- insufficient information
- not clear which floors are to be serviced by lift
- glass should be obscured on north side
- concern that height of elevator shaft not correctly shown
- more information required

Public Submissions

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

Site Inspection

By Consultant Town Planner on 22 November 2006

REPORT

Discussion

The proposed elevator shaft is 1.45m long X 1.275m wide X 6.7m high.



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It is set back 3.45m from the north side boundary common with 6 Reynolds Street. The RDC recommend a 1.2m setback.

The application does not propose any variations for which Council is required to exercise its discretion to approve.

The applicant submitted additional plan information to address the concerns raised by TPAP, and the owner's doctor has provided a letter stating why it is necessary for his patient the owner to have a lift fitted to the house at 5 Reynolds Street.

RECOMMENDATION

That Council grants approval for the installation of an elevator to service the north side of the 3-level house at No. 5 (Lot 2) Reynolds Street, East Fremantle in accordance with the plans date stamp received on 30 January 2008 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 elevator is not to be used until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

RECOMMENDATION TO COUNCIL

Cr de Jong – Mayor Ferris

That the application for the installation of an elevator at No. 5 (Lot 2) Reynolds Street, East Fremantle be deferred pending the submission of additional information on the location of the machinery housing.

CARRIED

T20.13

Moss Street No. 36 (Lot 2)

Applicant/Owner: Adrian & Sylvia Tirli

(Application No. P32/2008)

By Town Planner, Chris Warrener on 4 March 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval for ground floor additions comprising a new



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laundry and alfresco area to the rear of the single house at 36 Moss Street.

Statutory Requirements

Town Planning Scheme No 3 (TPS 3) – Residential R20
Local Planning Strategy – Woodside Precinct (LPS)
Residential Design Codes (RDC)

Relevant Council Policies

Local Planning Policy 142 – Residential Development (LPP 142)

Documentation

Plans date stamp received on 5 February 2008 and relevant forms

Date Application Received

5 February 2008

Advertising

The adjoining landowner has endorsed the applicant's plans agreeing to the proposed extensions therefore formal advertising was not required.

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 November 1995	Council grants special approval for additions incorporating a boundary wall to the south;
8 June 2006	Chief Executive Officer conditionally approves an outdoor al fresco area and bed/sitting room under delegated authority;
19 September 2006	Council grants conditional approval for an outdoor al fresco area and bed/sitting room with a boundary wall extension;
8 June 2007	At the applicants' request Building Licence 06/263 for the outdoor al fresco area and bed/sitting room is cancelled

REPORT

Issues

Boundary Setbacks

*South Side Boundary -
Common with 38 Moss
Street*

The application proposes to extend the parapet wall on the boundary to accommodate the new laundry.

The existing boundary wall is 8.795m long X 3.086m high. The extension will result in this wall being 12.1m long.

LPP 142 states:

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

Discussion

This application is similar to the application that was approved by Council in September 2006 for an outdoor al fresco area 5.2m long X 4.36m wide, and a bed/sitting room 4.95m long X 4.19m with a parapet wall along the boundary common with 38 Moss Street.

A Building Licence was issued for the project however it was subsequently cancelled at the applicants' request.



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The owners have now applied for additions comprising a new laundry and alfresco area.

The landowner potentially affected by the boundary wall has endorsed approval for the proposed additions.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the south side boundary for an extended parapet wall for a proposed laundry pursuant to LPP 142 from 9m long x 3m high to 12.1m long x 3.086m high for the construction of ground floor additions at the rear of the single house at No. 36 (Lot 2) Moss Street, East Fremantle in accordance with the plans date stamp received on 5 February 2008 subject to the following conditions:

1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. the proposed extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
6. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision of Council does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*

RECOMMENDATION TO COUNCIL

Cr Dobro – Cr Wilson

That Council exercise its discretion in granting approval for a variation to the south side boundary for an extended parapet wall for a proposed laundry pursuant to LPP 142 from 9m long x 3m high to 12.1m long x 3.086m high for the construction of ground floor additions at the rear of the single house at No. 36 (Lot 2) Moss Street, East Fremantle in accordance with the plans date stamp received on 5 February 2008 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**



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- this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 3. the proposed extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
 5. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
 6. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision of Council does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*

CARRIED

T21. REFERRED BUSINESS (NOT INCLUDED ELSEWHERE)

Nil.

T22. BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING

T22.1 State Administrative Tribunal – Information Sessions

Mayor Ferris reported on his recent attendance at the Development and Resources Stream Metropolitan Local Government Information Sessions. The sessions were presented by Deputy President Judge John Chaney SC and full-time members of the DR stream and covered the following topics:

- overview of SAT
- the work of the DR stream
- the role of directions hearings and use of standard orders
- mediations and compulsory conferences
- identification of issues in dispute
- hearings and decisions on the papers
- obtaining access to SAT's decisions
- legal costs
- appeals from SAT
- questions and general discussion

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RECOMMENDATION TO COUNCIL

1. **Mayor Ferris – Cr Dobro**
That the Chief Executive Officer investigate the availability of SAT Training Sessions and councillors be encouraged to attend. CARRIED

2. **Mayor Ferris – Cr de Jong**
That councillors be kept informed of any SAT hearings/mediation sessions involving the Town. CARRIED

T23. CLOSURE OF MEETING

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

*I hereby certify that the Minutes of the meeting of the **Town Planning & Building Committee (Private Domain)** of the Town of East Fremantle, held on **11 March 2008**, Minute Book reference **T14. to T23.** were confirmed at the meeting of the Committee on*

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Presiding Member