

10 March 2009

MINUTES

MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 10 MARCH, 2009 COMMENCING AT 6.35PM.

T10. OPENING OF MEETING

T10.1 Present

Cr Stefanie Dobro	Presiding Member
Mayor Alan Ferris	
Cr Barry de Jong	from 7.30pm
Cr Dean Nardi	
Cr Alex Wilson	
Mr Stuart Wearne	Chief Executive Officer
Mr Chris Warrener	Town Planner
Mrs Peta Cooper	Minute Secretary

T11. WELCOME TO GALLERY

There were 5 members of the public in the gallery at the commencement of the meeting.

T12. APOLOGIES

Cr Barry de Jong (advised he would be arriving late for the meeting)
Cr Richard Olson
Cr Maria Rico

T13. CONFIRMATION OF MINUTES

T13.1 Town Planning & Building Committee (Private Domain) – 10 February 2009

Mayor Ferris – Cr Nardi

That the Town Planning & Building Committee (Private Domain) minutes dated 10 February 2009 as adopted at the Council meeting held on 17 February 2009 be confirmed. CARRIED

T14. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

Nil.

T15. REPORTS OF COMMITTEES

T15.1 Town Planning Advisory Panel – 24 February 2009

Mayor Ferris – Cr Wilson

That the minutes of the Town Planning Advisory Panel meeting held on 24 February 2009 be received and each item considered when the relevant development application is being discussed. CARRIED

T16. REPORTS OF OFFICERS

T16.1 Receipt of Reports

Mayor Ferris – Cr Nardi

That the Reports of Officers be received. CARRIED

T16.2 Order of Business

Mayor Ferris – Cr Nardi

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

10 March 2009

MINUTES

T16.3 Gill Street No. 32A (Lot 89)
Applicant & Owner: Robert & Judy Barkla
Application No. P5/2009
By Chris Warrener, Town Planner on 3 March 2009

BACKGROUND

Description of Proposal

An Application for Planning Approval for a 2-storey house at 32A Gill Street comprising:
Ground Floor: Double garage & store, portico, entry, study, laundry, powder room, hall,
kitchen, dining room, family room, activity room, and alfresco;
First Floor: 3 bedrooms, 2 bathrooms, and a linen press.

The garage door and its supporting structures occupy 57.2% of the width of the property frontage, and the development will result in there being 21.7% overshadow of the adjoining property at 30B Gill Street.

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

Impact on Public Domain

Tree in Verge : Tree to be removed
Light Pole : No impact
Crossover : To be constructed
Footpath : No footpath

Documentation

Plans date stamp received on 20 January 2009

Date Application Received

20 January 2009

Additional information

23 February 2009 Amended plans received which propose to drop the height of the proposed house.

Advertising

Adjoining land owners only

Date Advertised

27 January 2009

Close of Comment Period

12 February 2009

No. of Days Elapsed between Lodgement & Meeting Date

48 days

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

18 February 2003 Council decides to advise the WAPC that it does not support a 2-lot side by side subdivision of 32 Gill Street;
Council grants approval for the demolition of the existing house at 32 Gill Street;

10 March 2009

MINUTES

22 April 2003	WAPC grants conditional approval to subdivide 32 Gill Street into 2 lots;
10 November 2004	Demolition Licence issued for single residence at 32 Gill Street;
15 November 2005	Council grants Planning Approval for a 2-storey house at 30B Gill Street;
15 August 2006	Council approves setback and wall height variations for a 2-storey house at 32A Gill Street;
15 July 2008	Council decides to defer an application for a 2-storey house to address overshadow, streetscape, garage element, and wall height issues;
21 October 2008	Council refuses an application for a 2-storey house based on amended plans due to overshadow, streetscape, height and bulk issues.

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 24 February 2009 and the following comments were made:

- good contemporary design that fits the streetscape;
- good solar access;
- consider dropping floor level by one additional step next to the powder room (172mm);
- consider constraining the width of the crossover to reduce the impact of the double car garage.

Public Submissions

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

<i>Des Barbera</i>	- concerned about height of house at rear, and setback;
<i>23 Walter Street</i>	- imposing on our rear yard;
	- overlooking concerns.

Site Inspection

By Town Planner on 3 June 2008.

STATISTICS	Required	Proposed
Land Area		456m2 Existing
Open Space	55%	53.72% Discretion Required
Zoning		R12.5
Setbacks:		
Front (West)		
<i>Ground Portico</i>	7.5	7.5 Acceptable
<i>Garage</i>	7.5	7.5 Acceptable
<i>Upper Bed 3</i>	7.5	22.5 Acceptable
Rear (East)		
<i>Ground Family & Activity (setback)</i>	6.0	1.6 Discretion Required
<i>Upper Bed 1 & Ensuite (setback)</i>	6.0	2.15 Discretion Required

10 March 2009

MINUTES

STATISTICS		<i>Required</i>	<i>Proposed</i>
Side (North)			
<i>Ground</i>	<i>Activity</i>	1.0	1.13 Acceptable
	<i>Dining</i>	1.5	4.49 Acceptable
	<i>Hallway</i>	1.0	4.49 Acceptable
	<i>Entry</i>	1.5	2.45 Acceptable
<i>Upper</i>	<i>Stairs (setback)</i>	1.2	1.1 Discretion Required
	<i>Linen</i>	1.2	3.8 Acceptable
	<i>Bed 3</i>	4.5	4.5 Acceptable
Side (South)			
<i>Ground</i>	<i>Study</i>	1.5	1.02 Discretion Required
	<i>Laundry</i>	1.0	1.5 Acceptable
	<i>Kitchen</i>	1.0	1.02 Acceptable
	<i>Dining</i>	1.5	1.68 Acceptable
	<i>Family</i>	1.0	1.2 Acceptable
<i>Upper</i>	<i>Bed 3 & 2</i>	1.6	1.65 Acceptable
Height:			
	Wall	6.0	6.0 Acceptable
	Building	9.0	7.5 Acceptable

Overshadowing: (21.7% of adjoining property)

REPORT

Background

This property has been the subject of 2 recent applications for 2-storey development unfortunately Council was not prepared to support either of those applications because of their impacts on adjoining property, and the local streetscape.

The current application is for a completely different house design which achieves the living space desired by the owners' family at the same time with a much reduced impact on the adjoining property at 30B Gill Street (overshadow), and with what is considered to be a much improved streetscape appearance.

Issues

Streetscape

The application proposes a double garage door and supporting structures with a combined width of 6.1m.

The width of the property frontage is 10.66m.

The garage door and its supporting structures occupy



10 March 2009

MINUTES

57.2% of the width of the property frontage.

The relevant RDC acceptable development provision states:

“A8 Where a garage is located in front or within 1 m of the building, a garage door and its supporting structures (or garage wall where a garage is aligned parallel to the street) facing the primary street are not to occupy more than 50 per cent of the frontage at the setback line as viewed from the street. This may be increased to 60 per cent where an upper floor or balcony extends for the full width of the garage and the entrance to the dwelling is clearly visible from the primary street.” (RDC, 6.2 Streetscape requirements, 6.2.8 Garage doors, page 9)

The application does not propose a full width balcony over the garage therefore Council's discretion is required to be exercised for it.

Boundary Setbacks

Rear (East) Boundary

On the ground floor an activity room and family room are set back 1.6m from the rear boundary common with 23 Walter Street.

On the upper floor the wall for an en-suite and bedroom 1 is set back 2.15m from the rear boundary.

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

*Side (North) Boundary –
Common with 32B Gill
Street*

The wall for a stairwell is set back 1.1m from the north side boundary.

The RDC recommend a 1.2m setback.

*Side (South) Boundary –
Common with 30B Gill
Street*

On the ground floor the wall for a study is set back 1.02m from the south side boundary.

The RDC specify a 1.5m setback.

Site Works

The application involves the construction of retaining walls along portions of the north and south side boundaries, and for the full length of the east side (rear) boundary.

The applicant/owner has submitted amended plans which propose to reduce the height of the retaining walls however they continue to involve earthworks that exceed 0.5m above natural ground level therefore Council's discretion is required to be exercised to allow them.

Along the south side boundary the extent of retaining works involves a 25m long section of wall that varies up to 0.662m (original plans for 1.024m) above NGL.



10 March 2009

MINUTES

Along the north side boundary the extent of retaining works involves an 8.5m long section of wall that varies up to 0.834m (original plans for 1.02m) above NGL.

Along the rear boundary the extent of retaining works involves a 10.66m long section of wall that varies up to 0.662m (original plans for 0.852m) above NGL.

The relevant acceptable development provisions under the RDC state:

- A1.1 *Excavation or filling between the street alignment and building, or within 3 m of the street alignment, whichever is the lesser, not exceeding 0.5 m, except where necessary to provide access for pedestrians or vehicles, or natural light for a dwelling.*
- A1.2 *Excavation or filling within the perimeter of the external walls of a building, limited only by compliance with building height limits.*
- A1.3 *Excavation within a site and behind a street setback line shall have no limit.*
- A1.4 *Subject to A1.2, filling behind a street setback line and within 1 m of a common boundary not more than 0.5 m above the natural level at the boundary except where otherwise stated in a local planning policy or equivalent.*

Being more than 0.5m above NGL Council's discretion is required to be exercised for these retaining walls.

Submission

The owner of 23 Walter Street lodged a submission stating concerns regarding the height of the proposed house at the rear especially given the proposed rear setback, and overlooking concerns from the ground floor activity and family rooms.

Roof Pitch

The application proposes a tiled roof with an 18.5° pitch.

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

Open Space

The application proposes 53.72% open space whereas the RDC specify 55% open space for an R12.5 coded property.

Discussion
Streetscape

In relation to the width of the garage door and its supporting structures the relevant performance criteria under the RDC states:

"P8 The extent of frontage and building façade occupied by garages assessed against the need to maintain a desired streetscape not dominated by garage doors." (RDC, 6.2 Streetscape requirements, 6.2.8 Garage doors, page 9)

The proposed garage is considered not to negatively impact on the local streetscape, it is not forward of the



10 March 2009

MINUTES

main building line, and given the significant improvement in overall appearance, particularly the front façade, this application, based on the new plans is supported.

Boundary Setbacks

The proposed variation to the rear boundary setback is dealt with under the heading "Submission" below.

The ground floor boundary setbacks on the north side for the stairwell, and on the south side for the study are considered minor, they do not impact on the amenity of the adjoining properties and can be supported.

Site Works

The earthworks involving the construction of retaining walls at the rear of the property are needed to maintain a level building block for the proposed house.

The earthworks are not considered significant comprising less than 1m of fill, and are supported.

Submission

The Town Planner undertook a site visit in consultation with the owner of 23 Walter Street.

The boundary fence at the rear of Mr Barbera's property at 23 Walter Street is much lower than the permissible fence height limit of 1.8m. It is approximately 1.5m high on the side of 23 Walter Street, and 1.2m high on the side of the subject land at 32A Gill Street.

Overlooking by the proposed development is exacerbated by the fence at its current height.

It was suggested on-site that the plans for the proposed house might be able to be modified to lower the height of the proposed development to reduce the impact at the rear.

In this way retaining works on the boundaries could be reduced in height, and wall height lowered, and combined with a 1.8m high or approved higher rear boundary fence to overcome the privacy and overlooking issues associated with the submitted plans.

In response to the concerns raised by the neighbour the applicant/owner submitted amended plans to lower the height of the retaining walls at the rear and reduce the overall height of the proposed house.

Roof Pitch

Roof pitch in the Richmond precinct is variable as the development of the contemporary homes next door, nearby, and in the immediate locality demonstrate.

This particular element of building design is considered not to have a detrimental impact on the local streetscape or general character of housing in this area of East Fremantle, and is supported.

Open Space

The variation proposed to the percentage of open space amounts to 1.28% which is considered very minor, and given that the block size is more suited to an R20 code



10 March 2009

MINUTES

where 50% open space is allowed, this variation is supported

Conclusion

The new plans for this house are considered to be a significant improvement on previous application plans with a reduced impact on adjoining property, and a better outlook to the local streetscape, and are supported.

The applicant/owner has responded to the concerns raised by the neighbour at the rear by further amending the plans to reduce the overall height of the development.

The owner has stated that it is intended to construct a 1.8m high masonry fence on top of the retaining wall, which will further assist in ameliorating any overlooking impacts.

RECOMMENDATION

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

- (a) variation to the east side (rear) boundary setback for a ground floor family room, & activity room, and upper floor bedroom & en-suite pursuant to the Residential Design Codes from 6m to 1.6m and 2.15m respectively;
- (b) variation to the north side boundary setback for a stairwell pursuant to the Residential Design Codes from 1.2m to 1.1m;
- (c) variation to the south side boundary setback for a study pursuant to the Residential Design Codes from 1.5m to 1.02m;
- (d) variation to the extent of earthworks required for a 25m long retaining wall along the south side boundary pursuant to the Residential Design Codes from 0.5m up to 0.662m;
- (e) variation to the extent of earthworks required for an 8.5m long retaining wall along the north side boundary pursuant to the Residential Design Codes from 0.5m up to 0.834m;
- (f) variation to the extent of earthworks required for a 10.66m long retaining wall along the east side (rear) boundary pursuant to the Residential Design Codes from 0.5m up to 0.662m;
- (g) variation to the width of a garage door and its supporting structures pursuant to the Residential Design Codes from 50% to 57.2% of the width of the property frontage;
- (h) variation to the amount of open space pursuant to the Residential Design Codes from 55% to 53.72%;

for the construction of a 2-storey house at No. 32A (Lot 89) Gill Street, East Fremantle comprising:

Ground Floor: Double garage & store, portico, entry, study, laundry, powder room, hall, kitchen, dining room, family room, activity room, and alfresco;

First Floor: 3 bedrooms, 2 bathrooms, and a linen press;

in accordance with the plans date stamp received on 23 February 2009 subject to the following conditions:

- 1. the works are 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. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
- 4. the proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
- 5. all stormwater is 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



10 March 2009

MINUTES

- Officer in consultation with the Building Surveyor prior to the issue of a building licence.
6. 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.
 7. all parapet walls are 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.
 8. 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. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
 9. any new crossovers which are constructed under this approval are 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.
 10. 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.
 11. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (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.*
- (g) *the alfresco may not be enclosed without the prior written consent of Council.*
- (h) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

Mr Rob Barkla (applicant) addressed the meeting and whilst satisfied with the officer's recommendation advised that the application also included a swimming pool.

10 March 2009

MINUTES

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr Nardi

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

- (a) variation to the east side (rear) boundary setback for a ground floor family room, & activity room, and upper floor bedroom & en-suite pursuant to the Residential Design Codes from 6m to 1.6m and 2.15m respectively;**
- (b) variation to the north side boundary setback for a stairwell pursuant to the Residential Design Codes from 1.2m to 1.1m;**
- (c) variation to the south side boundary setback for a study pursuant to the Residential Design Codes from 1.5m to 1.02m;**
- (d) variation to the extent of earthworks required for a 25m long retaining wall along the south side boundary pursuant to the Residential Design Codes from 0.5m up to 0.662m;**
- (e) variation to the extent of earthworks required for an 8.5m long retaining wall along the north side boundary pursuant to the Residential Design Codes from 0.5m up to 0.834m;**
- (f) variation to the extent of earthworks required for a 10.66m long retaining wall along the east side (rear) boundary pursuant to the Residential Design Codes from 0.5m up to 0.662m;**
- (g) variation to the width of a garage door and its supporting structures pursuant to the Residential Design Codes from 50% to 57.2% of the width of the property frontage;**
- (h) variation to the amount of open space pursuant to the Residential Design Codes from 55% to 53.72%;**

for the construction of a 2-storey house and swimming pool at No. 32A (Lot 89) Gill Street, East Fremantle comprising:

Ground Floor: Double garage & store, portico, entry, study, laundry, powder room, hall, kitchen, dining room, family room, activity room, alfresco and swimming pool;

First Floor: 3 bedrooms, 2 bathrooms and linen press;

in accordance with the plans date stamp received on 23 February 2009 subject to the following conditions:

- 1. the works are 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. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
- 4. the proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
- 5. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.**
- 6. all 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.**



10 March 2009

MINUTES

7. all parapet walls are 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.
8. 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. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
9. any new crossovers which are constructed under this approval are 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.
10. 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.
11. this planning approval to remain valid for a period of 24 months from date of this approval.

Swimming Pool

12. the proposed works are not to be commenced until approval from the Water Corporation has been obtained and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
13. protective barriers to be erected and maintained around excavation and any accumulated materials until such time as permanent fencing has been erected in accordance with the legal requirements.
14. pool installer and/or property owner to whom this licence is issued are jointly responsible for all works to existing fencing, the repairs and resetting thereof as well as the provision of any retaining walls that are deemed required. All costs associated or implied by this condition are to be borne by the property owner to whom the building licence has been granted.
15. pool filter and pump equipment to be located away from boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.
16. swimming pool is to be sited a distance equal to the depth of the pool from the boundary, building and/or easement, or be certified by a structural engineer and approved by Council's Building Surveyor.
17. prior to the issue of a building licence the applicant is to submit a report from a suitably qualified practising structural engineer describing the manner by which the excavation is to be undertaken and how any structure or property closer than one and half times the depth of the pool will be protected from potential damage caused by the excavation/and or the pool construction.
18. pool contractor/builder is required to notify Council's Building Surveyor **immediately upon completion of all works** including fencing.

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*

10 March 2009

MINUTES

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.*
- (g) the alfresco may not be enclosed without the prior written consent of Council.*
- (h) matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED

T16.4 Clayton Street No. 20 (Lot 15)

Applicant: BGC Residential

Owner: Russell & Sally Brown

Application No. P15/2009

By Chris Warrener, Town Planner on 4 March 2009

BACKGROUND

Description of Proposal

An Application for Planning Approval for a brick & colorbond roofed single storey house at 20 Clayton Street comprising a double carport, double garage, office, verandah, theatre, 3 bedrooms, 2 bathrooms, cellar, kitchen, living & dining room, laundry and alfresco.

The garage and its supporting structures occupy 27.6% of the width of the property frontage.

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 066 – Roofing (LPP 066)
Local Planning Policy 123 – Footpaths and Crossovers (LPP 123)
Local Planning Policy No. 142 – Residential Development (LPP 142)

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : Existing crossover on south side to be removed
Footpath : Bitumen footpath along the property frontage needs sweeping

Documentation

Plans and relevant forms date stamp received on 2 February 2009

Date Application Received

2 February 2009

Advertising

Adjoining land owners only

Date Advertised

2 February 2009

10 March 2009

MINUTES

Close of Comment Period

16 February 2009

No. of Days Elapsed between Lodgement & Meeting Date

36 days

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

27 October 2008 Demolition Licence 08/230 issued for a single storey residence.

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 24 February 2009 and the following comments were made:

- characterless replica home;
- devoid of any character;
- dominance of the garage ought to be tempered in the design;
- bland design;
- carport is forward of the main building line and should be deleted or made to comply with Council's Policy LPP142;
- doesn't contribute anything to the streetscape.

Principal Building Surveyor's Comment

Preliminary assessment has not identified any building matters that may impact upon the outcome of the planning approval.

Public Submissions

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

Site Inspection

By Town Planner on 22 January 2009

STATISTICS	Required	Proposed
Land Area		804 ² Existing
Open Space	55%	63.31% Acceptable
Zoning		R12.5
Setbacks:		
Front (West)		
<i>Ground Carport</i>	7.5	6.0 Discretion Required
Office	7.5	11.016 Acceptable
Verandah	7.5	11.4 Acceptable
Theatre	7.5	11.016 Acceptable
Rear (East)		
<i>Ground Bed 2 & 3, Alfresco</i>	6.0	3.214 Discretion Required
Side (North)		
<i>Ground Alfresco, Dining, Living, Cellar</i>	1.5	7.83 Acceptable

10 March 2009

MINUTES

STATISTICS	Required	Proposed
Garage, Carport	1.5	1.97 Acceptable
Side (South) Ground Theatre, Bed 1, Ensuite, Sewing, Bathroom, Bed 2	1.5	1.5 Acceptable
Height:		
Wall	6.0	2.8 Acceptable
Building	9.0	5.6 Acceptable

REPORT

Issues

Boundary Setbacks

Front (West) Boundary

The application proposes a carport that is forward of the main building line set back 6m from the front boundary.

LPP 142 states:

"Part 2 – Streetscape

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

Under the RDC the specified front setback for an R12.5 coded property is 7.5m.

Rear (East) Boundary

The application proposes bedrooms 2, 3 and a roofed alfresco set back 3.214m from the rear boundary common with 125 Petra Street.

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

Roof Pitch

The application proposes a single storey house with a colorbond roof on a 25° pitch.

LPP 066 states:

"dominant elements to be greater than 28°."

Discussion

Given the appearance of the houses at 18, 22 and 24 Clayton Street the design of the proposed house is not considered to be out of character with nor would it detract from the local streetscape.



10 March 2009

MINUTES

The carport should not be permitted forward of the main building line.

The proposed rear setback variation is not considered to detrimentally impact on the amenity of the potentially affected adjoining property at 125 Petra Street, and the potentially affected property owner has not objected to the application.

An increased north side boundary setback is proposed to take advantage of the north facing solar access, and being single storey it has been necessary to seek a setback variation at the rear to accommodate the space requirements for a contemporary lifestyle.

Roof pitch is quite variable in this part of East Fremantle; the proposed reduction to 25° is not considered to 'upset' the rhythm of development in the immediate locality, and can be supported.

RECOMMENDATION

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

- (a) variation to the east side boundary setback pursuant to the Residential Design Codes from 6m to 3.214m;
- (b) variation to roof pitch pursuant to Local Planning Policy 066 – Roofing from 28° to 25°;

for the construction of a brick and colorbond roofed single storey house at No. 20 (Lot 15) Clayton Street, East Fremantle comprising a double garage, office, verandah, theatre, 3 bedrooms, 2 bathrooms, cellar, kitchen, living & dining room, laundry and alfresco in accordance with the plans date stamp received on 2 February 2009 subject to the following conditions:

1. this approval does not include approval for the carport as shown on submitted documentation.
2. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. 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.
6. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
7. 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.
8. 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. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.

10 March 2009

MINUTES

9. any new crossovers which are constructed under this approval are 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.
10. 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.
11. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (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) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (f) *the alfresco may not be enclosed without the prior written consent of Council.*
- (g) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

Mr Russell Brown (applicant) addressed the meeting advising that amended plans will be submitted showing deletion of the carport and the house brought forward on the block.

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr Wilson

That the application for the construction of a brick and colorbond roofed single storey house at No. 20 (Lot 15) Clayton Street, East Fremantle be deferred pending the submission of revised plans showing deletion of the carport element and a 7.5m front setback for the proposed residence. CARRIED

T16.5

Council Place No. 4 (Lot 3)

Applicant: Brian Klopper Architect

Owner: Alan Field

Application No. P2/2009

By Chris Warrener, Town Planner on 3 March 2009

BACKGROUND

Description of Proposal

An Application for Planning Approval for two, 2-storey single bedroom grouped dwellings located at the rear, a verandah extension, and a double carport with tiled roof to match the existing house located at the front of 4 Council Place.

The site density of the two grouped dwellings at the rear equates to an R-IC code (Residential – Inner City) where the minimum site area per dwelling is 125m².

The single storey house at the front is proposed to be contained on a site with an area of 306m², which equates to an R30 density code.

10 March 2009

MINUTES

Statutory Considerations

Town Planning Scheme No. 3 – Town Centre
Local Planning Strategy – Town Centre 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 9 January 2009

Date Application Received

9 January 2009

Additional information

Plan defining site areas received on 21 January 2009

Advertising

Adjoining land owners only

Date Advertised

12 January 2009

Close of Comment Period

28 January 2009

No. of Days Elapsed between Lodgement & Meeting Date

60 days

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 24 February 2009 and the following comments were made:

- carport in this position okay as it fills the streetscape in – materials should match the house;
- clever use of space in Town Centre;
- innovative design;
- materials should be defined;
- query '5m easement probably required by Water Corporation'.

Principal Building Surveyor's Comment

No comment – Fire separation to be dealt with at building approval stage.

Public Submissions

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

Site Inspection

By Town Planner on 20 January 2009

STATISTICS	<u>UNIT (1)</u>	<i>Required</i>	<i>Proposed</i>
Land Area			680m ² Existing
Open Space		35%	33.33% Discretion Required
Zoning			Town Centre

10 March 2009

MINUTES

STATISTICS	UNIT (1)	Required	Proposed
Setbacks:			
Side (West)			
Ground	Lounge, Dining, Kitchen	1.5	4.5 Acceptable
Upper	Balcony	7.5	5.1 Discretion Required
	Bedroom	1.2	4.5 Acceptable
	Balcony	7.5	3.7 Discretion Required
	Lounge	1.2	4.5 Acceptable
Side (East)			
Ground	Kitchen Dining	Nil LPP142	Nil Acceptable
	Stairs, Bathroom	Nil LPP142	Nil Acceptable
Upper	Lounge	1.2	Nil Discretion Required
	Stairs, Bathroom	1.2	Nil Discretion Required
	Balcony	7.5	2.8 Discretion Required
Side (South)			
Ground	Kitchen	1.0	4.2 Acceptable
Upper	Lounge	2.8	4.2 Acceptable
Side (North)			
Ground	Bathroom	1.0	5.5 Acceptable
	Lounge	1.5	3.5 Acceptable
Upper	Bathroom	1.2	5.5 Acceptable
	Balcony	7.5	2.3 Discretion Required
Height:			
Wall		6.0	6.0 Acceptable
Building		9.0	7.8 Acceptable

Privacy/Overlooking: Upper floor balcony setback 2.3m from North side.

STATISTICS	UNIT (2)	Required	Proposed
Land Area			680m ² Existing
Open Space		35%	37% Acceptable

10 March 2009

MINUTES

STATISTICS	UNIT (2)	Required	Proposed
Zoning			Town Centre
Setbacks:			
Side (West)			
Ground	Lounge	Nil LPP142	Nil
	Stairs, Bathroom	Nil LPP142	Acceptable
	Kitchen	1.0	18.3
Upper	Balcony	7.5	0.7
	Lounge	1.2	Discretion Required
	Stairs	1.2	Discretion Required
	Balcony	7.5	Discretion Required
			17.5
			Acceptable
Side (East)			
Ground	Kitchen Dining Lounge	1.5	1.7
			Acceptable
Upper	Bedroom	1.2	1.7
	Balcony	7.5	0.9
	Lounge	1.2	Discretion Required
	Balcony	7.5	1.7
			Acceptable
			2.5
			Discretion Required
Side (South)			
Ground	Bathroom	1.0	4.6
	Kitchen	1.5	3.0
			Acceptable
Upper	Bathroom	1.1	4.6
	Balcony	7.5	3.1
	Bedroom	4.5	3.0
			Discretion Required
Side (North)			
Ground	Lounge	1.5	5.4
			Acceptable
Upper	Balcony	7.5	4.3
			Discretion Required
Height:			
Wall		6.0	6.0
			Acceptable
Building		9.0	7.8
			Acceptable



10 March 2009

MINUTES

**REPORT
Issues**

Land Use

This application proposes the development of two 2-storey attached grouped dwellings behind the single storey house at 4 Council Place, accessed via a driveway along the south side boundary of the property.

Under TPS 3 this property is in the Town Centre zone, and in this zone a Grouped Dwelling is classified as an "A" use, which *"means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4."*

4 Council Place comprises 680m².

TPS 3 allows for residential development in the Town Centre zone; it states:

"5.3.5 Residential Development in the Town Centre Zone: Notwithstanding the provisions of clause 5.3.4, the local government may approve residential development at a density in excess of R40 in the Town Centre Zone, where it is satisfied that the resultant design and mix of development will be consistent with the planning proposals contained in the Local Planning Strategy and accord with any approved development plan for the centre."

The proposed residential density of the two attached grouped dwellings at the rear equates to the R-IC code, which is a higher density code than R40.

The LPS states with regard to land use in the Town Centre Precinct:

"Land Use

It is the Council's intention to achieve consolidated attractive development, which includes retail, office, community and residential uses around a central square. Shops and businesses would be encouraged at ground level and offices and residential development at upper levels except on the perimeter of the precinct where residential would be appropriate on all levels."

Being on the perimeter of the town centre precinct, this application for residential development conforms to Council's intent for land use under the LPS.

Existing Single Storey House

Boundary Setbacks

The application proposes to extend the front verandah, and construct a double carport with tiled roof to match the existing house at the front of 4 Council Place.

The proposed carport will be set back 1.5m from the front boundary.



10 March 2009

MINUTES

LPP 142 states:

"Part 2 – Streetscape

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

Being forward of the main building line and set back less than the specified front setback of 4m under the RDC for an R30 coded property, Council's discretion is required to be exercised to permit the carport.

Open Space

The proposed residential density of the property for the existing single storey house at the front is 60%. The RDC specify 45% open space for an R30 coded property therefore Council's discretion is not required to be exercised for this particular aspect of the development.

Unit (1) – Middle Grouped Dwelling Unit

Balconies

The application proposes 4 setback variations for upper floor balconies for Unit 1.

The upper floor west side contains two balconies, one which faces north accessed from a bedroom with its open side also facing west, and the other facing west accessed from a lounge room.

The balcony off the bedroom is set back 5.1m, and the balcony off the lounge is setback 3.7m from the west side boundary common with the proposed new property which will contain the single storey house at the front of 4 Council Place.

The RDC specify a 7.5m setback for a balcony therefore Council's discretion is required to be exercised for the setback variations for these balconies on the west side.

The upper floor balcony off the bedroom is set back 2.3m from the north side boundary common with 2B Council Place; the RDC specify a 7.5m setback therefore Council's discretion is required to be exercised to permit this setback variation.

This bedroom balcony is set back 2.8 m from the east side boundary common with the property proposed for Unit 2. Again, the specified setback under the RDC is 7.5m.

Common Wall

The application proposes two attached 2-storey grouped dwellings.

The dividing wall between the two dwelling units is on



10 March 2009

MINUTES

two levels and Council's discretion is required to be exercised to permit a 0m setback on the upper floor level east side for the lounge, stairwell and bathroom of Unit 1

(Note that the dividing wall on the ground level is less than 3m high and 9m long, and pursuant to LPP 142 this wall constitutes permitted development for which Council's discretion is not required to be exercised to allow).

Open Space

Being a proposed R-IC coded property the RDC specify 35% open space.

The proposal results in the property that contains Unit 1 providing 33.33% open space therefore Council's discretion is required to be exercised for this aspect of the development.

Unit (2) – Rearmost Grouped Dwelling Unit

Balconies

Unit 2 also contains balconies similar to Unit 1, though Unit 2 contains a 3rd balcony to an upper floor bedroom, which looks down the driveway that provides access to the two grouped dwellings.

On the upper floor east side there are two balconies off a lounge-room. The balcony, which is fixed to the north side wall of the lounge, and is open to the east, is set back 2.5m from the east side boundary. The balcony that is fixed to the east side wall is set back 0.9 m from this east side boundary common with 147 Canning Highway and 5 Silas Street.

The second balcony off the lounge-room is set back 4.3m from the north side boundary common with 2A Council Place.

This balcony is set back 0.7m from the west side boundary common with the property for proposed Unit 1.

The third balcony off the bedroom, which overlooks the proposed driveway access, is set back 3.1m from the south side boundary common with 6 Council Place.

The RDC specify a 7.5m setback for balconies.

Common Wall

As with Unit 1, Unit 2 also shares a dividing wall.

Again, the ground floor element of this wall complies with LPP 142 however the upper floor element of this wall requires the exercise of Council discretion to allow it.

Discretion is required to permit a 0m setback on the upper floor west side for the bathroom, stairwell, and a lounge-room for Unit 2.

Open Space

The proposal results in the provision of 37.5% open space for Unit 2. The RDC specify 35% open space therefore Council's discretion is not required to be



10 March 2009

MINUTES

exercised for this aspect of the development.

Discussion

Land Use

The application will, if approved and implemented, result in the development of 3 dwelling units.

The two attached single bedroom grouped dwellings at the rear are situated on properties each with an area of 120m².

Under the RDC this grouped dwelling development at the rear equates to an "R-IC" density code (Residential - Inner City).

The house at the front is proposed to occupy a site area of 306m², which equates to an "R30" density code.

The proposed mixed density at this property is considered to meet the objectives for land use under the LPS, and provides a mix of housing types incorporating the retention of an existing house to meet the objective for development in the residential zone under TPS 3, which states:

"To provide for a range and variety of housing to meet the social and economic needs of the community, while recognising the limitations on re-development necessary to protect local character."

Local character will not be changed by this proposed development in a way which could be considered to be detrimental to the area.

Quite the opposite is envisaged by the potential injection of new life into the area.

Boundary Setbacks

Carport

The setback of the proposed carport for the single storey house at the front will closely match the setback of a garage at 2 Council Place.

The carport is proposed to be situated next to this garage, and for this reason the streetscape is not considered to be detrimentally affected, and the setback variation supported.

Balconies

The RDC specify a 7.5m setback for a balcony to minimise overlooking of adjoining property.

Overlooking is a particular issue if the area overlooked comprises an outdoor living space for a barbeque, swimming pool or back yard entertaining area, or an opening to a habitable room such as a living room, dining room, kitchen or a bedroom.

In the case of the proposed setback variations for the balconies on the grouped dwellings at the rear of 4



10 March 2009

MINUTES

Council Place the areas overlooked comprise a car-park, rear, and side access ways, and driveways. There are no incidences of any outdoor living areas or habitable rooms being overlooked by the proposed balconies, and for this reason their setback variations are supported.

Boundary Wall

The boundary wall that is common to Units 1 and 2 does not detrimentally impact on property amenity, and makes efficient use of space for the development of two additional dwelling units in the Town Centre zone; the setback variations for the upper floor rooms either side of this wall are supported.

Open Space

The variation proposed to the provision of open space for proposed Unit 1 is considered relatively minor representing only a 1.77% reduction, and can be supported.

RECOMMENDATION

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

- (a) variation to the west side (front) boundary setback pursuant to Local Planning Policy 142 and the Residential Design Codes for a carport forward of the main building line from 4m to 1.5m;
- (b) variation to the west side boundary setback for two upper floor balconies to Unit 1 pursuant to the Residential Design Codes from 7.5m to 5.1m and 3.7m;
- (c) variation to the north side boundary setback for an upper floor balcony to Unit 1 pursuant to the Residential Design Codes from 7.5m to 2.3m;
- (d) variation to the east side boundary setback for an upper floor balcony to Unit 1 pursuant to the Residential Design Codes from 7.5m to 2.8m;
- (e) variation to the east side boundary setback for an upper floor lounge, stairs & bathroom to Unit 1 pursuant to the Residential Design Codes from 1.2m to Nil;
- (f) variation to the west side boundary setback for an upper floor balcony to Unit 2 pursuant to the Residential Design Codes from 7.5m to 0.7m;
- (g) variation to the west side boundary setback for an upper floor lounge & stairs to Unit 2 pursuant to the Residential Design Codes from 1.2m to Nil;
- (h) variation to the east side boundary setback for two upper floor balconies to Unit 2 pursuant to the Residential Design Codes from 7.5m to 2.5m and 0.9m;
- (i) variation to the south side boundary setback for an upper floor balcony to Unit 2 pursuant to the Residential Design Codes from 7.5m to 3.1m;
- (j) variation to the south side boundary setback for an upper floor bedroom to Unit 2 pursuant to the Residential Design Codes from 4.5m to 3.0m;
- (k) variation to the provision of open space for proposed Unit 1 pursuant to the Residential Design Codes from 35% to 33.33%;

for the construction of two x 2-storey single bedroom grouped dwellings at the rear, a verandah extension at the front, and a double carport with tiled roof to match the existing house located at the front of No. 4 (Lot 3) Council Place, East Fremantle in accordance with the plans date stamp received on 9 January 2009 and 21 January 2009 subject to the following conditions:

1. the works are 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. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.



10 March 2009

MINUTES

4. the proposed grouped dwellings, carport and verandah extension 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.
5. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
6. all 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.
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. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
8. any new crossovers which are constructed under this approval are 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. that the zincalume roofing be treated to Council's satisfaction to reduce reflectivity if requested by Council in the first two years following installation, at the owner's expense.
11. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (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) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (f) *the balconies may not be enclosed without the prior written consent of Council.*
- (g) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

Mr Brian Klopper (architect) and Mr Alan Field (owner) addressed the meeting in support of the officer's recommendation.

10 March 2009

MINUTES

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr Nardi

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

- (a) variation to the west side (front) boundary setback pursuant to Local Planning Policy 142 and the Residential Design Codes for a carport forward of the main building line from 4m to 1.5m;
- (b) variation to the west side boundary setback for two upper floor balconies to Unit 1 pursuant to the Residential Design Codes from 7.5m to 5.1m and 3.7m;
- (c) variation to the north side boundary setback for an upper floor balcony to Unit 1 pursuant to the Residential Design Codes from 7.5m to 2.3m;
- (d) variation to the east side boundary setback for an upper floor balcony to Unit 1 pursuant to the Residential Design Codes from 7.5m to 2.8m;
- (e) variation to the east side boundary setback for an upper floor lounge, stairs & bathroom to Unit 1 pursuant to the Residential Design Codes from 1.2m to Nil;
- (f) variation to the west side boundary setback for an upper floor balcony to Unit 2 pursuant to the Residential Design Codes from 7.5m to 0.7m;
- (g) variation to the west side boundary setback for an upper floor lounge & stairs to Unit 2 pursuant to the Residential Design Codes from 1.2m to Nil;
- (h) variation to the east side boundary setback for two upper floor balconies to Unit 2 pursuant to the Residential Design Codes from 7.5m to 2.5m and 0.9m;
- (i) variation to the south side boundary setback for an upper floor balcony to Unit 2 pursuant to the Residential Design Codes from 7.5m to 3.1m;
- (j) variation to the south side boundary setback for an upper floor bedroom to Unit 2 pursuant to the Residential Design Codes from 4.5m to 3.0m;
- (k) variation to the provision of open space for proposed Unit 1 pursuant to the Residential Design Codes from 35% to 33.33%;

for the construction of two x 2-storey single bedroom grouped dwellings at the rear, a verandah extension at the front, and a double carport with tiled roof to match the existing house located at the front of No. 4 (Lot 3) Council Place, East Fremantle in accordance with the plans date stamp received on 9 January 2009 and 21 January 2009 subject to the following conditions:

1. the works are 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. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. the proposed grouped dwellings, carport and verandah extension 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.
5. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
6. all 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.
7. where this development requires that any facility or service within a street

10 March 2009

MINUTES

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. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.

8. any new crossovers which are constructed under this approval are 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. that the zincalume roofing be treated to Council's satisfaction to reduce reflectivity if requested by Council in the first two years following installation, at the owner's expense.
11. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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- (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) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (f) *the balconies may not be enclosed without the prior written consent of Council.*
- (g) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED

Mayor Ferris made the following impartiality declaration in the matter of 30 Bay Patch Street: "As a consequence of my friendship with the applicants, Brad & Germana Ritchie, 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.

T16.6 **Bay Patch Street No. 30 (Lot 273)**
Applicant & Owner: Brad & Germana Ritchie
Application No. P4/2009
By Chris Warrener, Town Planner on 4 March 2009

BACKGROUND

Description of Proposal

An Application for Planning Approval for upper floor additions to the 2-storey house at 30 Bay Patch Street comprising a bedroom, and a balcony at the front.

10 March 2009

MINUTES

Statutory Considerations

Town Planning Scheme No. 3 – Residential R30
Local Planning Strategy - Raceway Precinct (LPS)
Residential Design Codes (RDC)

Relevant Council Policies

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

Documentation

Plans and relevant forms date stamp received on 14 January 2009

Date Application Received

14 January 2009

Advertising

Adjoining land owners only

Date Advertised

19 January 2009

Close of Comment Period

2 February 2009

No. of Days Elapsed between Lodgement & Meeting Date

55 days

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

26 November 1996	Council considers an application for a house and double garage and resolves to request a revised application to comply with the Richmond Raceway Design Guidelines Policy in particular a single width garage, separate pedestrian access and letterbox, spacing of verandah posts, crossover width, driveway, drainage plan, & landscape plan;
22 May 1997	Minister for Planning upholds appeal to approve house and double garage;
6 June 1997	Building Licence 162A/2535 approved for new single storey residence;
17 June 1997	Council determines appropriate conditions for single storey house and garage approved on appeal by the Minister for Planning;
21 July 1998	Council approves a concrete double crossover;
21 January 2003	Building Licence 237/3353 approved for upper level additions;
22 January 2003	CEO acting under delegated authority grants conditional approval for upper level additions comprising 2 bedrooms, an entertainment room & a bathroom;
20 July 2004	Council decides to advise the owner to install temporary light weight screens to upper floor windows.

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 24 February 2009 and the following comments were made:

- concern re overlooking of neighbours;
- windows should be obscured or opaque;
- Panel questions the double gable on the second storey east side as drawings do not represent the built form.

Principal Building Surveyor's Comment

Preliminary assessment has not identified any building matters that may impact upon the outcome of the planning approval.

10 March 2009

MINUTES

Public Submissions

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

Site Inspection

By Town Planner on 19 January 2009

STATISTICS	Required	Proposed
Land Area		368m ² Existing
Zoning		R30
<u>Setbacks:</u>		
Front (South)		
<i>Upper Balcony</i>	4.0	4.2 Acceptable
Rear (North)		
<i>Upper Bedroom</i>	4.5	9.0 Acceptable
<i>Hall</i>	1.2	3.6 Acceptable
<i>Stairs</i>	1.2	1.4 Acceptable
Side (East)		
<i>Upper Bedroom</i>	7.5	10.0 Acceptable
Side (West)		
<i>Upper Bedroom</i>	4.5	1.5m Discretion Required
<u>Height:</u>		
Wall	6.0	5.0 Acceptable
Building	7.3	6.7 Acceptable
<u>Privacy/Overlooking:</u>		
	On the west side the bedroom window should be obscure glazed.	

REPORT

Issues

Boundary Setbacks

This application is for the addition of a bedroom, and a balcony to the front on the upper floor of the 2-storey house at 30 Bay Patch Street.

This bedroom contains a major opening (window) on the west side setback 12.4m from the front boundary.

The wall for the bedroom is set back 1.5m from the west side boundary common with 28 Bay Patch Street. The RDC specify a 4.5m setback for an upper floor bedroom that contains a major opening.

The balcony overlooks the front setback and public domain so there is no necessity for it to be screened.



10 March 2009

MINUTES

Discussion

The issue of upper floor screening of windows was raised in January 2003 when upper floor additions comprising 2 bedrooms, an entertainment room, and a bathroom were approved.

A condition of that approval stated:

“7. screening to rear north upper level windows to remain in place permanently.”

There are no objections to the additional upper floor bedroom subject to the window on the west side being obscure glazed.

The submitted plans do not accurately show the east side elevation.

This anomaly was discussed with the owner and it was agreed that as the anomaly does not affect the application herein proposed amended plans which accurately show this elevation need to be submitted before a building licence can be issued.

RECOMMENDATION

That Council grants approval for the construction of upper floor additions to the 2-storey house at No. 30 (Lot 273) Bay Patch Street, East Fremantle comprising a bedroom and a balcony in accordance with the plans date stamp received on 9 March 2009 subject to the following conditions:

1. prior to the issue of a building licence amended plans are to be submitted specifying that the window on the west side for the proposed upper floor bedroom is obscure glazed;
2. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. the proposed bedroom 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.
6. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
7. 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 balcony is not to be enclosed unless with the prior written approval of Council.*

10 March 2009

MINUTES

Mr Brad Ritchie (applicant) addressed the meeting in support of the officer's recommendation.

RECOMMENDATION TO COUNCIL

Cr Dobro – Cr Nardi

That Council grants approval for the construction of upper floor additions to the 2-storey house at No. 30 (Lot 273) Bay Patch Street, East Fremantle comprising a bedroom and a balcony in accordance with the plans date stamp received on 9 March 2009 subject to the following conditions:

1. prior to the issue of a building licence amended plans are to be submitted specifying that the window on the west side for the proposed upper floor bedroom is obscure glazed;
2. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. the proposed bedroom 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.
6. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
7. 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 balcony is not to be enclosed unless with the prior written approval of Council.*

CARRIED

T16.7

Allen Street No. 68 (Lot 27)

Applicant & Owner: Rex & Honor Lovis

Application No. P14/2009

By Chris Warrener, Town Planner on 3 March 2009

BACKGROUND

Description of Proposal

An Application for Planning Approval for a section of the north side boundary fence (colorbond) in the front setback of 68 Allen Street to be visually impermeable varying in height from 1.2m up to 1.8m.

10 March 2009

MINUTES

Statutory Considerations

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

Relevant Council Policies

Local Planning Policy No. 143 – Fencing (LPP 143)

Impact on Public Domain

Tree in Verge : No impact
Light Pole : No impact
Crossover : No impact
Footpath : No impact

Documentation

Plans and relevant forms date stamp received on 2 February 2009

Date Application Received

2 February 2009

Advertising

Adjoining land owners only

Date Advertised

2 February 2009

Close of Comment Period

16 February 2009

No. of Days Elapsed between Lodgement & Meeting Date

36 days

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

15 June 1981	Council approves the conduct of a Home Occupation – Ceramic Glazing;
21 May 1982	Building Permit 157/594 approved for brick & iron roofed additions to kitchen;
3 August 1988	Building Permit 213/1443 approved for a fibreglass swimming pool;
21 July 1998	Council grants special approval for a garage on a reduced south side setback;
28 July 1998	Building Licence 88A/2806 approved for garage.

CONSULTATION

Principal Building Surveyor's Comment

Building licence required for all fencing above 1.2m within the front setback.

Public Submissions

At the close of the comment period 2 submissions were received.

Jacqueline Burns
66A Allen Street

- Opposes change of height for full 16.8m and requests retention of 1.2m height limit to ensure the streetscape is not affected negatively;
- Alternative option proposed: extend the current 1.8m high fence an additional 2 panels to bring it in line with the front of the dwelling at 68 Allen Street, remove the pool fence to be replaced with 1.2m high colorbonds to match existing green colorbond already in place.



10 March 2009

MINUTES

Todd Andersen
66 Allen Street

This submission is identical to the submission from
Jacqueline Burns.

Site Inspection

By Town Planner on 10 February 2009

REPORT

Issues

Council's Fence Policy

This application proposes the installation of colorbond
fence panels along the north side boundary in the front
setback of 68 Allen Street.

It is proposed that these fence panels "step down" in
height from 1.8m to 1.2m. A total of 6 x 2.4m wide panels
are proposed. 5 panels will be up to 1.8m high, 1 panel at
1.5m high and 1 panel at 1.2m high.

LPP 143 states:

*"Council requires front fences and walls above 1.2m to
be visually permeable"*

The front setback of the subject land specified in the
RDC is 7.5m therefore pursuant to LPP 143 fencing
within this area is to be visually permeable above 1.2m.

Excluding the 2.4m long X 1.2m high panel at the front a
5.1m length of fence in the front setback varies in height
from 1.5m to 1.8m. It is this 5.1m length of fence for
which Council's discretion is required to be exercised to
allow.

Submissions

The two submissions are identical in content, the main
objection relates to the perceived negative impact on the
streetscape.

Discussion

The north side boundary of 68 Allen Street is next to the driveway which provides access
to 66A Allen Street, the property at the rear of 66 Allen Street.

There is an existing colorbond fence along a section of this boundary towards the rear,
and this application proposes to continue this fence to the front boundary.

The applicant/owner advised verbally that the reason for requesting the fence is to
enhance privacy.

This is not considered a valid reason given that the main outdoor living area is at the
rear, and the area proposed to be fenced is in the front setback visible to the public
domain.

RECOMMENDATION

That Council refuses to grant approval for a 6.3m long section of fence (colorbond) in the
front setback along the north side boundary of No. 68 (Lot 27) Allen Street, East
Fremantle to be visually impermeable varying in height from 1.2m up to 1.8m in
accordance with the plans date stamp received on 2 February 2009 as it does not
comply with Local Planning Policy 143 – Fencing.

10 March 2009

MINUTES

RECOMMENDATION TO COUNCIL

Cr Dobro – Cr Wilson

That Council refuses to grant approval for a 6.3m long section of fence (colorbond) in the front setback along the north side boundary of No. 68 (Lot 27) Allen Street, East Fremantle to be visually impermeable varying in height from 1.2m up to 1.8m in accordance with the plans date stamp received on 2 February 2009 as it does not comply with Local Planning Policy 143 – Fencing. CARRIED

T16.8

Glyde Street No. 26 (Lot 77)

Applicant & Owner: Adrian & Jenny Montagu

Application No. P33/2007

By Chris Warrener, Town Planner on 4 March 2009

BACKGROUND

Description of Proposal

An Application for an extension of a Planning Approval for 2-storey additions to the rear of the single storey house at 26 Glyde Street, East Fremantle, comprising:

- ground floor family, living room with cellar underneath, and dining room;
- 11.5m long x 2m wide swimming pool, a terrace, and a deck;
- upstairs bedroom, en-suite, study, and balcony.

Statutory Considerations

Town Planning Scheme No. 3 – Clause 10.5 Term of Planning Approval

Local Planning Strategy - Plympton Precinct (LPS)

Residential Design Codes (RDC)

Documentation

Letter request from Owners date stamp received on 27 January 2009

Date Application Received

20 February 2007

No. of Days Elapsed between Lodgement & Meeting Date

18 days

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

20 July 1981	Council approves a Home Occupation – export business;
16 May 1983	Council approves additions to the rear involving a relaxation to the north side boundary setback;
18 May 1983	Building Permit issued for additions;
16 March 1987	Council grants special approval for an addition incorporating the extension of a boundary wall;
19 June 1987	Building Permit issued for addition & boundary wall extension;
18 April 2007	Council grants approval for setback, wall height and roof pitch variations for 2-storey additions at the rear.

REPORT

Issues

Term of Planning Approval

Under TPS 3 the following relevant provisions apply to the term of a planning approval:

“10.5. *Term of Planning Approval*

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

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

10 March 2009

MINUTES

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

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

Council granted approval for the additions that are the subject of this request on 18 April 2007. The approval expires on 18 April 2009.

Discussion

In considering a request for an extension of the term of a planning approval it is relevant to consider whether or not there have been any legislative changes which might affect the approved development, such as an amendment to TPS 3 or a new local planning policy.

In this case there have been no amendments to the Scheme or local planning policy which affect the approved development.

The owners state that they have not been in a position to undertake the approved development for financial and personal reasons, and have requested a 2 year extension.

There are no objections to an extension however the time period of this extension might have consequences in light of the fact that in December 2009 Council is required to conduct a review of its town planning scheme.

In reviewing TPS 3 Council might decide that it wants to amend the Scheme, or commence preparation of an entirely new scheme, which includes provision/s, which might also incorporate a new local planning policy that could impact on the nature of the application the term for which is herein proposed to be extended.

Therefore it is considered prudent to only grant a 12month extension to the term of this planning approval. This does not prevent the owners from submitting a fresh application for the same additions after the term expires.

RECOMMENDATION

That Council advises Adrian and Jenny Montagu, pursuant to the Town of East Fremantle Town Planning Scheme No 3 sub-Clause 10.5.2, that it is prepared to grant an extension to the term of the planning approval for the construction of 2-storey additions to the rear of the single storey house at No. 26 (Lot 77) Glyde Street, East Fremantle, comprising:

- ground floor family, living room with cellar underneath, and dining room;
- 11.5m long x 2m wide swimming pool, terrace, and deck;
- upstairs bedroom, en-suite, study, and balcony;

in accordance with the plans date stamp received on 20 February 2007 for a further term of 12 months 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. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. 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.
5. all stormwater to be disposed of on site, an interceptor channel installed if required

10 March 2009

MINUTES

- and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
6. the proposed works for the swimming pool are not to be commenced until approval from the Water Corporation has been obtained and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 7. protective barriers to be erected and maintained around excavation and any accumulated materials until such time as permanent fencing has been erected in accordance with the legal requirements.
 8. pool installer and/or property owner to whom this licence is issued are jointly responsible for all works to existing fencing, the repairs and resetting thereof as well as the provision of any retaining walls that are deemed required. All costs associated or implied by this condition are to be borne by the property owner to whom the building licence has been granted.
 9. pool filter and pump equipment to be located away from boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.
 10. swimming pool is to be sited a distance equal to the depth of the pool from the boundary, building and/or easement, or be certified by a structural engineer and approved by Council's Building Surveyor.
 11. prior to the issue of a building licence the applicant is to submit a report from a suitably qualified practising structural engineer describing the manner by which the excavation is to be undertaken and how any structure or property closer than one and half times the depth of the pool will be protected from potential damage caused by the excavation/and or the pool construction.
 12. pool contractor/builder is required to notify Council's Building Surveyor *immediately upon completion of all works* including fencing.
 13. this planning approval to remain valid for a period of 12 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).*

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr Nardi

That Council advises Adrian and Jenny Montagu, pursuant to the Town of East Fremantle Town Planning Scheme No 3 sub-Clause 10.5.2, that it is prepared to grant an extension to the term of the planning approval for the construction of 2-storey additions to the rear of the single storey house at No. 26 (Lot 77) Glyde Street, East Fremantle, comprising:

- **ground floor family, living room with cellar underneath, and dining room;**
- **11.5m long x 2m wide swimming pool, terrace, and deck;**
- **upstairs bedroom, en-suite, study, and balcony;**

in accordance with the plans date stamp received on 20 February 2007 for a further term of 12 months 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**

10 March 2009

MINUTES

- 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. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
 4. 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.
 5. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
 6. the proposed works for the swimming pool are not to be commenced until approval from the Water Corporation has been obtained and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 7. protective barriers to be erected and maintained around excavation and any accumulated materials until such time as permanent fencing has been erected in accordance with the legal requirements.
 8. pool installer and/or property owner to whom this licence is issued are jointly responsible for all works to existing fencing, the repairs and resetting thereof as well as the provision of any retaining walls that are deemed required. All costs associated or implied by this condition are to be borne by the property owner to whom the building licence has been granted.
 9. pool filter and pump equipment to be located away from boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.
 10. swimming pool is to be sited a distance equal to the depth of the pool from the boundary, building and/or easement, or be certified by a structural engineer and approved by Council's Building Surveyor.
 11. prior to the issue of a building licence the applicant is to submit a report from a suitably qualified practising structural engineer describing the manner by which the excavation is to be undertaken and how any structure or property closer than one and half times the depth of the pool will be protected from potential damage caused by the excavation/and or the pool construction.
 12. pool contractor/builder is required to notify Council's Building Surveyor *immediately upon completion of all works* including fencing.
 13. this planning approval to remain valid for a period of 12 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*

10 March 2009

MINUTES

comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended). **CARRIED**

T16.9 **Irwin Street No. 23A (St Lot 1)**
Applicant: Mr Wayne Whitehead
Owner: Gavin Mooney & Delys Weston
Application No. P7/2009
By Chris Warrener, Town Planner on 3 March 2009

BACKGROUND

Description of Proposal

An Application for Planning Approval for a 2.9m long x 3.2m wide x 2.13m high timber framed pergola at the front of 23A Irwin Street.

Statutory Considerations

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

Relevant Council Policies

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

Documentation

Plans and relevant forms date stamp received on 20 January 2009

Date Application Received

20 January 2009

Advertising

Adjoining land owners only

Date Advertised

28 January 2009

Close of Comment Period

12 February 2009

No. of Days Elapsed between Lodgement & Meeting Date

41 days

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

18 April 1983	Council approves the conversion of an existing single residence to a Class 1A duplex conversion;
28 May 1983	Building Permit 156/666 approved for a new duplex unit;
8 November 1983	Town Clerk endorses Strata Plan No 11836 for a single storey brick & tile duplex;
5 December 1983	Building Permit 069/824 approved for a timber pergola;
27 May 1991	Council decides to refuse an application for a carport within the front setback;
16 December 1991	Council approves an extension of a carport into the front setback;
22 October 1992	Building Permit 153A/1996 approved for a carport extension.

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 24 February 2009 and the following comments were made:

- support in principle as a garden structure;
- simple design;
- top of structure should match the height of the verandah gutter.

10 March 2009

MINUTES

Principal Building Surveyor's Comment

No comment

Public Submissions

At the close of the comment period 2 submissions were received.

A Olowski No objection to free-standing pergola
23B Irwin Street

J & S Russell No objection to free-standing pergola
25 Irwin Street

Site Inspection

By Town Planner on 17 February 2009

REPORT

Issues

Streetscape

Being situated within the front setback area the proposed pergola has the potential to detract from the local streetscape to the detriment of adjoining properties.

TPS 3 Part 10 includes a list of matters which Council is to have due regard in considering an application for planning approval. The following matters are considered relevant to this application:

- “(j) the compatibility of a use or development with its setting;*
- (o) the preservation of the amenity of the locality;*
- (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;*
- (z) any relevant submissions received on the application;”*

The pergola will be set back 2.2m from the front boundary.

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

Discussion

Being an unroofed open-framed structure this pergola is not considered to negatively impact on the local streetscape, it is considered to be an attractive landscape addition to the property, and the street setback area remains open, enabling a clear view of the house from the street.

The pergola is considered to be development that is compatible with its setting, the amenity of the locality is preserved, there is no effect on adjoining or nearby property, and the submissions received support it.

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 7.5m to 2.2m for the construction of a 2.9m long x 3.2m wide x 2.13m high timber framed pergola at the front of 23A Irwin Street in accordance with the plans date stamp received on 20 January 2009 subject to the following conditions:

1. the works are 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.

10 March 2009

MINUTES

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. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. the proposed pergola is not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
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) *the pergola may not be enclosed without the prior written consent of Council.*

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr Wilson

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 7.5m to 2.2m for the construction of a 2.9m long x 3.2m wide x 2.13m high timber framed pergola at the front of 23A Irwin Street in accordance with the plans date stamp received on 20 January 2009 subject to the following conditions:

1. **the works are 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. **with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
4. **the proposed pergola is not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
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) *the pergola may not be enclosed without the prior written consent of Council.*

CARRIED

Cr Barry de Jong entered the meeting at 7.30pm.

10 March 2009

MINUTES

T16.10 **Staton Road No.35 (Lot 209)**
Applicant: Dave McLoughlin Architect
Owner: John & Veronica McLoughlin
Application No. P160/2008
By Chris Warrener, Town Planner on 3 March 2009.

BACKGROUND

Description of Proposal

An Application for Planning Approval for amended plans for a 5m long x 3.56m wide x 2.6m high studio attached to a 6.16m long x 4.07m wide x 3m high garage at No. 35 (Lot 209) Staton Road, East Fremantle.

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)

Documentation

Amended plans and request letter date stamp received on 5 February 2009

Date Original Application Received

25 August 2008

Advertising

Adjoining land owners only

No. of Days Elapsed between Lodgement & Meeting Date

33 days

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

22 August 2001 Council carries out remedial works to the kerbing, footpath and drainage to rectify the problem of water eroding the verge areas;
21 October 2008 Council grants approval for a south side boundary setback variation for a garage and workshop.

CONSULTATION

Principal Building Surveyor's Comment

No comment

Public Submissions

The applicant consulted with the potentially affected adjoining property owners who have endorsed no objection to the amended plans.

REPORT

Issues

The amended plans propose to relocate the already approved garage and workshop further to the rear of the subject land along the same south side boundary.

Boundary Setbacks

The wall for the proposed garage and workshop is proposed to have a nil setback from the south side boundary common with 33 Staton Road, and a nil setback from the west side boundary common with 7A Alcester Street..

LPP 142 States:

"Part 3 – Side and Rear Boundary Setback Variations

A wall may be situated closer to an adjoining residential boundary than the standards



10 March 2009

MINUTES

prescribed in Tables 1, 2a or 2b of the Residential Design Codes where the following are observed:

- (a) Walls are not higher than 3m and up to 9m in length up to one side boundary;
- (b) Walls are behind the main dwelling;
- (c) Subject to the overshadow provisions of the Residential Design Codes – Element 9;
- (d) In the opinion of the Council, the wall would be consistent with the character of development in the immediate locality and not adversely affect the amenity of adjoining property(s) having regard for views; and
- (e) Having regard to the above, where the wall abuts an existing or simultaneously constructed wall of similar or greater dimensions.”

The wall along the south side boundary is 11.99m long, and the wall along the west side boundary is 4.8m long.

Council’s discretion is therefore required to be exercised to allow the two boundary walls, and the length of the wall along the south side increased from 9m to 11.99m.

Discussion

The property owners potentially affected by the south and west side boundary wall variations have endorsed the amended plans.

The variations are considered relatively minor, and result in less of an impact on the local streetscape than the original application, and are supported.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to Local Planning Policy 142 to allow two boundary walls, with one of the walls being longer than 9m for the construction of a 5m long x 3.56m wide x 2.6m high studio attached to a 6.16m long x 4.07m wide x 3m high garage at No. 35 (Lot 209) Staton Road, East Fremantle in accordance with the amended plans date stamp received on 5 February 2009 subject to the following conditions:

1. the studio may not be used for the purposes of residential accommodation;
2. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council’s further approval.
3. the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council’s attention.
5. the proposed garage and workshop addition is not be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
7. 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.
8. all parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the



10 March 2009

MINUTES

- applicant's expense.
9. 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. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
 10. any new crossovers which are constructed under this approval are 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.
 11. 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.
 12. 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.*

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr Wilson

That Council exercise its discretion in granting approval for a variation to Local Planning Policy 142 to allow two boundary walls, with one of the walls being longer than 9m for the construction of a 5m long x 3.56m wide x 2.6m high studio attached to a 6.16m long x 4.07m wide x 3m high garage at No. 35 (Lot 209) Staton Road, East Fremantle in accordance with the amended plans date stamp received on 5 February 2009 subject to the following conditions:

- 1. the studio may not be used for the purposes of residential accommodation;**
- 2. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- 3. the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- 4. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have**



10 March 2009

MINUTES

- received planning approval, without those changes being specifically marked for Council's attention.
5. the proposed garage and workshop addition is not be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 6. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
 7. 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.
 8. all parapet walls are 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.
 9. 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. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
 10. any new crossovers which are constructed under this approval are 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.
 11. 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.
 12. 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.*

10 March 2009

MINUTES

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

T16.11 *View Terrace No. 8 (Lot 500)*
Applicant & Owner: Andrew & Julie Robertson
Application No. P20/2009
By Chris Warrener, Town Planner on 4 March 2009

BACKGROUND

Description of Proposal

An Application for Planning Approval for an 11.3m long x 4.632m wide x 3.2m high partially enclosed gable roofed patio next to the west side boundary of 8 View Terrace.

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 No. 142 – Residential Development (LPP 142)

Impact on Public Domain

Tree in Verge : No impact
Light Pole : No impact
Crossover : No impact
Footpath : No impact

Documentation

Plans and relevant forms date stamp received on 9 February 2009

Date Application Received

9 February 2009

Advertising

The potentially affected adjoining property owner has endorsed support for the application so it was not considered necessary to undertake further neighbour consultation.

No. of Days Elapsed between Lodgement & Meeting Date

29 days

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

15 May 1989	Council grants special approval for above height (0.4m) second storey additions at the rear;
9 October 1989	Building Permit 161/1611 approved for additions to residence;
20 November 1989	Council grants special approval for a 3m front setback for a carport;
4 December 1989	Building Permit 184/1625 approved for an isolated carport.

CONSULTATION

Principal Building Surveyor's Comment

Preliminary assessment has not identified any building matters that may impact upon the outcome of the planning approval.

Site Inspection

By Town Planner on 11 February 2009



10 March 2009

MINUTES

REPORT

Issues

The proposed patio is 11.3m long with an eave (in lieu of wall) height of 2.4m set back 0m from the west side boundary common with 6 View Terrace. The structure will abut a brick boundary wall.

LPP 142 states:

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

- (a) Walls are not higher than 3m and up to 9m in length up to one side boundary;*
- (b) Walls are behind the main dwelling;*
- (c) Subject to the overshadow provisions of the Residential Design Codes – Element 9;*
- (d) In the opinion of the Council, the wall would be consistent with the character of development in the immediate locality and not adversely affect the amenity of adjoining property(s) having regard for views; and*
- (e) Having regard to the above, where the wall abuts an existing or simultaneously constructed wall of similar or greater dimensions."*

Being longer than 9m Council's discretion is required to be exercised to allow the patio.

Discussion

The variation is considered relatively minor and does not detrimentally affect the potentially affected adjoining property; the owner of the potentially affected property has endorsed support for the application.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the length of a boundary wall pursuant to Local Planning Policy 142 from 9m to 11.3m for the construction of a partially enclosed gable roofed patio along the west side boundary of No. 8 (Lot 500) View Terrace, East Fremantle in accordance with the plans date stamp received on 9 February 2009 subject to the following conditions:

1. the works are 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. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. the proposed patio is not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
6. 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*

10 March 2009

MINUTES

- 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 patio may not be fully enclosed without the prior written consent of Council.*

RECOMMENDATION TO COUNCIL

Cr Wilson – Cr Nardi

That Council exercise its discretion in granting approval for a variation to the length of a boundary wall pursuant to Local Planning Policy 142 from 9m to 11.3m for the construction of a partially enclosed gable roofed patio along the west side boundary of No. 8 (Lot 500) View Terrace, East Fremantle in accordance with the plans date stamp received on 9 February 2009 subject to the following conditions:

1. the works are 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. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. the proposed patio is not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
6. 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 patio may not be fully enclosed without the prior written consent of Council.*

CARRIED

Cr Dobro made the following impartiality declaration in the matter of 56 Sewell Street: "As a consequence of my friendship with the applicant 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.

T16.12 Sewell Street No. 56 (Lot 309)

Applicant: Wendy Pol

Owner: Andrew & Patricia Green

Application No. P10/2009

By Chris Warrener, Town Planner on 4 March 2009

10 March 2009

MINUTES

BACKGROUND

Description of Proposal

An Application for Planning Approval for ground floor additions at the rear of the single storey house at 56 Sewell Street comprising a bedroom, hall, and deck extension, and a 3.35m long x 2.6m wide x 2.3m high store attached to an existing freestanding shed in the southeast corner of the property.

Statutory Considerations

Town Planning Scheme No. 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)

Impact on Public Domain

Tree in verge : No impact;
Light pole : No impact;
Crossover : No impact;
Footpath : No impact.

Documentation

Plans and relevant forms date stamp received on 23 January 2009

Date Application Received

23 January 2009

Advertising

Adjoining land owners only

Date Advertised

3 February 2009

Close of Comment Period

17 February 2009

No. of Days Elapsed between Lodgement & Meeting Date

46 days

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

17 November 1975	Council approves a small cabinet-making workshop;
21 February 1979	Aluminium and vinyl swimming pool registered;
4 March 1986	Building Permit 140/1092 approved for a domestic garage/workshop;
17 August 1992	Council grants special approval for additions comprising a family room, meals area, and study to the rear incorporating a 4.5m high boundary wall;
21 September 1992	Building Permit 098/2185 approved for additions;
18 Nov. 2003	Council grants special approval for 2-storey alterations and additions.

CONSULTATION

Principal Building Surveyor's Comment

Preliminary assessment has not identified any building matters that may impact upon the outcome of the planning approval.

Site Inspection

By Town Planner on 4 March 2009

10 March 2009

MINUTES

REPORT

Issues

Boundary Setbacks

The proposed bedroom extension is set back 0.97m from the south side boundary common with 58 Sewell Street.

The RDC specify a 1m setback.

Discussion

The proposed setback variation is considered extremely minor not considered to impact on the amenity of the potentially affected adjoining property; the potentially affected property owner has not objected to the application.

The following table provides compliance details:

	Required	Proposed	Acceptable Development
Setbacks			
<u>West</u> No applicable			
<u>East</u> Bedroom & deck	1.5m	15.2m	Yes
<u>North</u> Store	1m	8.4m	Yes
Deck	1m	2.6m	Yes
<u>South</u> Bedroom	1m	0.97m	No
Store	1m	1m	Yes
Height			
Ridge	9m	4.4m	Yes
Wall	6m	3m	Yes
Boundary Wall	3m	3m	Yes
Privacy	Setbacks/screening	Setbacks/screening	Yes
Overshadowing	Less than 25%	Less than 25%	Yes
Open Space	50%	50%	Yes

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the south side boundary setback pursuant to the Residential Design Codes from 1m to 0.97m for the construction of ground floor additions at the rear of the single storey house at No. 56 (Lot 309) Sewell Street, East Fremantle comprising a bedroom, hall, and deck extension, and a 3.35m long x 2.6m wide x 2.3m high store attached to an existing freestanding shed in the southeast corner of the property in accordance with the plans date stamp received on 23 January 2009 subject to the following conditions:

1. the works are 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



10 March 2009

MINUTES

- the conditions of this planning approval unless otherwise amended by Council.
3. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
 4. the proposed additions are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 5. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
 6. all 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.
 7. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *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) *the deck extension may not be enclosed without the prior written consent of Council.*

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr Nardi

That Council exercise its discretion in granting approval for a variation to the south side boundary setback pursuant to the Residential Design Codes from 1m to 0.97m for the construction of ground floor additions at the rear of the single storey house at No. 56 (Lot 309) Sewell Street, East Fremantle comprising a bedroom, hall, and deck extension, and a 3.35m long x 2.6m wide x 2.3m high store attached to an existing freestanding shed in the southeast corner of the property in accordance with the plans date stamp received on 23 January 2009 subject to the following conditions:

- 1. the works are 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. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**

10 March 2009

MINUTES

4. the proposed additions are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
6. all 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.
7. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *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) *the deck extension may not be enclosed without the prior written consent of Council.*

CARRIED

T16.13 **Woodhouse Road No. 9 (Lot 289)**
Applicant: Hollis Constructions 1987 Pty Ltd
Owner: James & Christine Holmes
Application No. P24/2009

By Chris Warrener, Town Planner on 3 March 2009

BACKGROUND

Description of Proposal

An Application for Planning Approval for a flat roofed carport and an additional upper floor roof gable at 9 Woodhouse Road.

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 No. 142 – Residential Development (LPP 142)

Impact on Public Domain

Tree in Verge : No impact
Light Pole : No impact
Crossover : No impact

10 March 2009

MINUTES

Footpath : No impact

Documentation

Plans and relevant forms date stamp received on 16 February 2009

Date Application Received

16 February 2009

Advertising

Adjoining land owner only

Date Advertised

17 February 2009

Close of Comment Period

3 March 2009

No. of Days Elapsed between Lodgement & Meeting Date

21 days

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

18 June 2002	Council approves a swimming pool, over-height front fence & a retaining wall;
17 July 2002	Building Permit 100A/3254 approved for swimming pool, fence & retaining wall;
17 December 2002	Council grants special approval for setback and wall height variations for a double garage and a 2-storey addition;
5 February 2003	Building Licence 213/3358 approved for additions;
1 November 2006	Building Licence 06/281 approved for retaining wall; balustrade; storage locker (PA220/2006).

CONSULTATION

Principal Building Surveyor's Comment

Preliminary assessment has not identified any building matters that may impact upon the outcome of the planning approval.

Site Inspection

By Town Planner on 17 February 2009

REPORT

Issues

Boundary Wall

The application proposes a carport that will be set back 0.75m from the east side boundary common with 11 Woodhouse Road.

The subject property contains a double garage at the rear southeast corner with walls along the east and south side boundaries.

LPP 142 allows a wall along one side boundary therefore Council's discretion is required to be exercised for the carport.

The specified setback under the RDC is 1m.

Discussion

The proposed upper floor roof gable is intended as an aesthetic device to provide symmetry for the existing roof over the 2-storey house. There is a gable on the west side and it is proposed to mimic this gable on the east side of the roof.



10 March 2009

MINUTES

The carport is considered to be a very simple structure set back approximately 15.2m from the street front, and approximately 7.5m behind the front verandah of the house.

It is considered not to impact on the local streetscape and will provide shelter for vehicles, which are presently subjected to leaf matter, tree sap and bird droppings from the rather large trees next to the east side boundary fence.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the east side boundary setback pursuant to the Residential Design Codes from 1m to 0.75m for the construction of a flat roofed carport and an additional upper floor roof gable at No. 9 (Lot 289) Woodhouse Road, East Fremantle in accordance with the plans date stamp received on 16 February 2009 subject to the following conditions:

1. the works are 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. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. the proposed carport and roof gable are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
6. 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 carport may not be enclosed without the prior written consent of Council.*

RECOMMENDATION TO COUNCIL

Cr Nardi – Cr de Jong

That Council exercise its discretion in granting approval for a variation to the east side boundary setback pursuant to the Residential Design Codes from 1m to 0.75m for the construction of a flat roofed carport and an additional upper floor roof gable at No. 9 (Lot 289) Woodhouse Road, East Fremantle in accordance with the plans date stamp received on 16 February 2009 subject to the following conditions:

1. the works are 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

10 March 2009

MINUTES

- compliance with the conditions of this planning approval unless otherwise amended by Council.
3. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
 4. the proposed carport and roof gable are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 5. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
 6. 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 carport may not be enclosed without the prior written consent of Council.*

CARRIED

T16.14 Petra Street No. 55 (Lot 1)

Applicant: Paul Johnson

Owner: Paul & Karene Johnson

Application No. P6/2009

By Chris Warrener, Town Planner on 3 March 2009

BACKGROUND

Description of Proposal

An Application for Planning Approval for ground floor additions to the single storey house at 55 Petra Street comprising:

- enlarge dining room at rear;
- new L-shaped pergola at rear;
- new bathroom on south side;
- new carport.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5

Local Planning Strategy - Woodside Precinct (LPS)

Residential Design Codes (RDC)

Relevant Council Policies

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

Documentation

Plans and relevant forms date stamp received on 20 January 2009

Date Application Received

20 January 2009

10 March 2009

MINUTES

Advertising

The potentially affected adjoining property owners have endorsed their agreement with the proposed plans.

No. of Days Elapsed between Lodgement & Meeting Date

49 days

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

16 May 1977	Council approves a second driveway crossover;
2 December 1982	Metal framed plastic liner swimming pool registered;
17 November 1986	Council grants special approval for the erection of an additional unit (duplex);
8 July 1987	Building Permit 182/1295 approved for renovations to existing dwelling;
23 November 1987	Council advises the State Planning Commission that the property is suitable for "Vacant Strata Titling", and approval has been granted for another dwelling at the rear;
8 December 1987	State Planning Commission approves Certificate of Approval to a Strata Plan to create two strata lots;
14 December 1987	Council grants an extension of the planning approval to erect a second unit to the rear from 17 November 1987 to 17 November 1988;
28 March 1988	Building Permit 170/1401 approved for a steel framed carport;
18 May 1988	Town Clerk certifies that the building is of a sufficient standard and suitable to be divided into two lots pursuant to the Strata Titles Act 1985;
20 June 1988	Council grants approval for the erection of an additional 2-storey brick & iron dwelling;
21 November 1988	Council grants special approval for an additional single storey duplex unit at the rear of 55 Petra Street;
18 December 1989	Council refuses its special approval to allow construction of an additional dwelling unit based on a new design particularly in respect to the roof and fenestration at the rear of 55 Petra Street;
19 February 1990	Council grants approval for a new design for the additional dwelling unit at the rear of 55 Petra Street as the new drawings were not enclosed when first submitted and the roof pitch and fenestration were now acceptable;
16 March 2004	Council grants approval for Home Occupation – Network Marketing of Nutritional Products at 55 Petra Street;
20 October 2008	Council grants approval for a patio;
27 October 2008	Building Licence 08/205 approved for a patio.

Site Inspection

By Town Planner on 30 January 2009

CONSULTATION

This application was considered by the Town Planning Advisory Panel at its meeting held on 24 February 2009 and the following comments were made:

- Panel supports desire to expand and enhance existing house;
- drawings somewhat naïve and doesn't reflect the structure that they will need for a fire rated wall along the southern boundary;
- toilet should not be flush with the front of the house – should be recessed from front wall of home;
- design, materials and construction cannot work;
- roof pitch of bathroom needs to be reconsidered;
- lounge appears to be on the boundary.

10 March 2009

MINUTES

Principal Building Surveyor's Comment

No works appear to be proposed to existing "lounge". If "lounge" is to be altered then boundary wall to comply with fire separation requirements in BCA.

STATISTICS	<i>Required</i>	<i>Proposed</i>
Land Area		455.7m ² Existing
Open Space:	55%	66% Acceptable
Zoning		R12.5
Heritage Listing		Draft MI
<u>Setbacks:</u>		
Front (East)		
<i>Ground Bathroom</i>	7.5	9.5 Acceptable
<i>Carport</i>	7.5	7.5 Acceptable
Rear (West)		
<i>Ground Dining Room</i>	6.0	5.8 Discretion Required
<i>Bathroom</i>	6.0	13.5 Acceptable
Side (South)		
<i>Ground Bathroom</i>	1.0	Nil Discretion Required
Side (North)		
<i>Ground Carport</i>	1.0	0.5 Discretion Required
<u>Height:</u>		
Wall	6.0	3.4 Acceptable
Building	9.0	4.1 Acceptable

REPORT

Issues

Boundary Setbacks

- West Side (Rear)* The proposed dining room extension brings the building to within 5.8m of the rear boundary common with 55A Petra Street.
- The RDC specify a 6m rear setback for R12.5 coded property.
- Note: The pergola structure at the rear is not subject to this setback requirement because it is an open roofed structure for which the applicable RDC setback is 1m.
- South Side* A proposed bathroom is set back 0m from the south side boundary common with the driveway for 55A Petra Street.



10 March 2009

MINUTES

This would normally be considered acceptable development pursuant to LPP 142, which allows a 9m long X 3m high wall along one side boundary, however the property already contains a boundary wall for a lounge on the north side therefore Council's discretion is required to be exercised for the additional wall for the bathroom on the south side.

North Side

The application proposes a new carport set back 0.5m from the north side boundary common with 57 Petra Street.

The RDC specify a 1m setback.

Discussion

The landowner potentially affected by the variation to the rear and south side boundary setbacks for the dining room extension and the bathroom has endorsed support for the application.

The proposed carport on the north side will replace a rather simple unattractive carport structure next to the driveway access to the rear adjoining property at 57A Petra Street and considered not to negatively impact on property amenity.

In regard to fire separation, under the Building Code of Australia a single leaf brick wall is considered adequate.

The additions are supported as they are considered to compliment the appearance and integrity of the existing house.

RECOMMENDATION

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

- (a) variation to the south side boundary setback for a bathroom pursuant to the Residential Design Codes from 1.0m to 0m;
- (b) variation to the north side boundary setback for a carport pursuant to the Residential Design Codes from 1m to 0.5m;
- (c) variation to the west side (rear) boundary setback for a dining room extension pursuant to the Residential Design Codes from 6m to 5.8m;

for the construction of ground floor additions to the single storey house at No. 55 (Lot 1) Petra Street, East Fremantle comprising:

- enlarge dining room at rear;
- new L-shaped pergola at rear;
- new bathroom on south side;
- new carport;

in accordance with the plans date stamp received on 20 January 2009 subject to the following conditions:

1. the works are 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. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. the proposed additions including the carport and pergola are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. all stormwater is 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

10 March 2009

MINUTES

- licence.
6. 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.
 7. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

RECOMMENDATION TO COUNCIL

Cr de Jong – Cr Nardi

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

- (a) **variation to the south side boundary setback for a bathroom pursuant to the Residential Design Codes from 1.0m to 0m;**
- (b) **variation to the north side boundary setback for a carport pursuant to the Residential Design Codes from 1m to 0.5m;**
- (c) **variation to the west side (rear) boundary setback for a dining room extension pursuant to the Residential Design Codes from 6m to 5.8m;**

for the construction of ground floor additions to the single storey house at No. 55 (Lot 1) Petra Street, East Fremantle comprising:

- **enlarge dining room at rear;**
- **new L-shaped pergola at rear;**
- **new bathroom on south side;**
- **new carport;**

in accordance with the plans date stamp received on 20 January 2009 subject to the following conditions:

1. **the works are 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. **with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
4. **the proposed additions including the carport and pergola are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
5. **all stormwater is 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**

10 March 2009

MINUTES

- of a building licence.
6. 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.
 7. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

CARRIED

T16.15

George Street No. 153 (Lot 224)

Applicant: Peter Stannard Homes

Owner: Peter Cattalini

Application No. P13/2009

By Chris Warrener, Town Planner on 3 March 2009

BACKGROUND

Description of Proposal

An Application for Planning Approval for a single storey house at 153 George Street comprising a double garage, verandah, entry hall, study, living room, 3 bedrooms, 2 bathrooms, kitchen, dining and entertaining room, and roofed alfresco.

The garage door and its supporting structures occupy 32.1% of the width of the property frontage.

Statutory Considerations

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

Relevant Council Policies

Local Planning Policy 064 – Richmond Raceway Design Guidelines (LPP 064)
Local Planning Policy No. 142 – Residential Development (LPP 142)

Documentation

Plans and relevant forms date stamp received on 30 January 2009

Date Application Received

30 January 2009

Additional information

Amended plans received on 13 February 2009 relocating the garage to be in line with the verandah, and setback 6.33m from the front boundary.

10 March 2009

MINUTES

Advertising

Adjoining land owners only

Date Advertised

2 February 2009

Close of Comment Period

16 February 2009

No. of Days Elapsed between Lodgement & Meeting Date

39 days

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

Nil

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel (TPAP) at its meeting held on 24 February 2009 and the following comments were made:

- Building should comply with Richmond Raceway Design Guidelines including:
 - .. garage should be at or behind the front wall of the house;
 - .. pitching plate height of 3m in front rooms;
 - .. roof pitch should be 28°.

Principal Building Surveyor's Comment

Preliminary assessment has not identified any building matters that may impact upon the outcome of the planning approval.

Public Submissions

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

STATISTICS	Required	Proposed
Land Area		570m ² Existing
Open Space	50%	52.8% Acceptable
Zoning		R20
Setbacks:		
Front (North)		
<i>Ground</i> <i>Garage</i>	6.0	6.33 Acceptable
<i>Verandah</i>	6.0	6.33 Acceptable
Rear (South)		
<i>Ground</i> <i>Entertainment</i>	1.5	4.5 Acceptable
<i>Bed 1 & Ensuite</i>	1.0	1.0 Acceptable
Side (East)		
<i>Ground</i> <i>Ensuite</i>	1.0	1.4 Acceptable
<i>Laundry, Bed 2, Bath, Bed 3</i>	1.5	2.1 Acceptable

10 March 2009

MINUTES

STATISTICS		Required	Proposed
	Garage	Nil	0.511 Acceptable
Side (West)			
	Ground Verandah	1.5	4.572 Acceptable
	Living, Kitchen	1.5	4.572 Acceptable
	Alfresco	1.0	1.274 Acceptable
	Entertain	1.5	4.59 Acceptable
	Bed 1	1.5	8.2 Acceptable
Height:			
	Wall	6.0	3.6 Acceptable
	Building	7.3	6.3 Acceptable

REPORT

Raceway Design Guidelines

On 21 March 1994 Council adopted a local planning policy for the area/precinct known as "Raceway" (LPP 64).

The subject land is situated in the Raceway Precinct therefore this application is subject to LPP 64.

This policy specifies the development guidelines for housing in the area including, roof pitch, roof materials and colours, solar access, boundary setbacks, overlooking and privacy, landscaping, tree planting species, pedestrian and vehicle access, garages and carports, and building height.

Apart from roof pitch the proposed house at 153 George Street is considered to comply with the development guidelines of LPP 64.

Issues

Roof Pitch

The application proposes a single storey house with a custom orb roof pitched at 27°38'. The plans do not provide any detail regarding roof colour.

LPP 64 states:

"Roof Pitch: For main roofs the roof pitch shall be at an angle of between 28°5' and 36°5' except that the Council may approve a flat roof where the roof is enclosed by parapets and is only a minor proportion of the total roof area. A minor skillion roof may be of any angle.

Roof Material: All roofing materials shall be Marseille pattern orange terracotta tiles or sheeting with a custom orb profile (colours: Caulfield green, heritage red, birch grey, off white or zincalume)."

Discussion

TPAP considered that the proposed garage should be at or behind the main house wall.

There is a divergence of opinion as to what constitutes the 'main building line' pursuant to LPP 142, which states in regard to this issue:



10 March 2009

MINUTES

"Part 2 – Streetscape

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

The main building line is not defined in TPS 3 or in LPP 142.

In the building industry the main building line would be accepted as being the front of the verandah proposed in this application because it extends for the full width of the front of the house, and is not simply a minor structure or intrusion in the front setback.

The application is therefore considered acceptable in terms of its compliance with LPP 142 in relation to this issue.

The reduction in roof pitch is considered relatively minor, being less than a 1° variation from the standard, and can be supported

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to roof pitch pursuant to Local Planning Policy 66 from 28° to 27°28' for the construction of a single storey house at No. 153 (Lot 224) George Street, East Fremantle comprising a double garage, verandah, entry hall, study, living room, 3 bedrooms, 2 bathrooms, kitchen, dining and entertaining room, and roofed alfresco in accordance with the plans date stamp received on 30 January 2009 subject to the following conditions:

1. the works are 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. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. the proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
6. all 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.
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. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
8. any new crossovers which are constructed under this approval are 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

10 March 2009

MINUTES

- 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) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (f) *the alfresco may not be enclosed without the prior written consent of Council.*
- (g) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr Nardi

That Council exercise its discretion in granting approval for a variation to roof pitch pursuant to Local Planning Policy 66 from 28° to 27°28' for the construction of a single storey house at No. 153 (Lot 224) George Street, East Fremantle comprising a double garage, verandah, entry hall, study, living room, 3 bedrooms, 2 bathrooms, kitchen, dining and entertaining room, and roofed alfresco in accordance with the plans date stamp received on 30 January 2009 subject to the following conditions:

- 1. the works are 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. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
- 4. the proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
- 5. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.**
- 6. all 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**

10 March 2009

MINUTES

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.

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. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
8. any new crossovers which are constructed under this approval are 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) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (f) *the alfresco may not be enclosed without the prior written consent of Council.*
- (g) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED

T17. CONFIDENTIAL BUSINESS

Mr Stuart Wearne, Chief Executive Officer, entered the meeting at 7.50pm.

Cr Dobro made the following impartiality declaration in the matter of 61 Glyde Street: "As a consequence my daughter's friendship with the applicant's daughter, 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.

T17.1 Glyde Street No. 61 (Lot 130)
Applicant: Arc Seven.1
Owner: F & D Penheiro
Application No. P134/2008

10 March 2009

MINUTES

Mayor Ferris – Cr Nardi

That the order of business be altered to bring forward the matter of 61 Glyde Street for discussion and this part of the meeting be closed to members of the public in accordance with Section 5.23(2)(d) of the Local Government Act 1995. CARRIED

Councillors had before them a report prepared by the Chief Executive Officer on 10 March 2009 and labelled "Confidential". CONFIDENTIAL ATTACHMENT

RECOMMENDATION TO COUNCIL

Cr Nardi – Cr Wilson

That Council refuse the construction of a 5m long x 4m wide x 2.4m high carport at the front of the single storey house at No. 61 (Lot 130) Glyde Street, East Fremantle in accordance with the submitted plans date stamp received on 11 July 2008 on the following grounds:

- (a) non compliance with Local Planning Policy 142 'Residential Development' Part 2(i) & (ii); and
- (b) the significantly adverse impact upon the streetscape by having the proposed carport constructed within the front setback, noting the prevailing streetscape at this location is one of garages (where they exist) being located behind the property line (Part 10.2(p) of TPS3 refers). CARRIED

T18. OPENING OF MEETING TO PUBLIC

Mayor Ferris – Cr Nardi

That the meeting be reopened to members of the public at 8.20pm. CARRIED

T19. BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING

Nil.

T20. CLOSURE OF MEETING

There being no further business the meeting closed at 8.20pm.

*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 **10 March 2009**, Minute Book reference **T10. to T20.** were confirmed at the meeting of the Committee on*

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Presiding Member