

12 May 2009

MINUTES

MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 12 MAY, 2009 COMMENCING AT 6.30PM.

T32. OPENING OF MEETING

T32.1 Present

Cr Stefanie Dobro	Presiding Member
Mayor Alan Ferris	
Cr Barry de Jong	
Cr Maria Rico	from 6.35pm
Cr Alex Wilson	
Cr Dean Nardi	
Mr Chris Warrener	Town Planner
Mrs Peta Cooper	Minute Secretary

T33. WELCOME TO GALLERY

There were 9 members of the public in the gallery at the commencement of the meeting.

T34. APOLOGIES

An apology was submitted on behalf of Cr Richard Olson.

Cr Rico entered the meeting at 6.35pm.

T35. CONFIRMATION OF MINUTES

T35.1 Town Planning & Building Committee (Private Domain) – 14 April 2009

Mayor Ferris – Cr Nardi

That the Town Planning & Building Committee (Private Domain) minutes dated 14 April 2009 as adopted at the Council meeting held on 21 April 2008 be confirmed. CARRIED

T36. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

Nil.

T37. REPORTS OF COMMITTEES

T37.1 Town Planning Advisory Panel – 28 April 2009

Cr Rico – Mayor Ferris

That the minutes of the Town Planning Advisory Panel meeting held on 28 April 2009 be received and each item considered when the relevant development application is being discussed. CARRIED

T38. REPORTS OF OFFICERS

T38.1 Receipt of Reports

Cr de Jong – Cr Wilson

That the Reports of Officers be received. CARRIED

T38.2 Order of Business

Cr de Jong – Cr Wilson

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

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Cr Rico made the following impartiality declaration in the matter of 99 King Street: "As a consequence of the owner, Mrs Monte, being known to me, 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.

Cr Dobro made the following impartiality declaration in the matter of 99 King Street: "As a consequence of my residing in King Street, the owner, Mrs Monte, is known to me, therefore 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.

T38.3 King Street No. 99 (Lot 344)

Applicant: Laurie Maiolo

Owner: Mrs N Monte

Application No. P52/2009

By Chris Warrener, Town Planner on 28 April 2009

BACKGROUND

Description of Proposal

A request to amend Town Planning Scheme No 3 to permit 99 King Street to be used as an "Office".

Statutory Considerations

Town Planning Scheme No. 3 – Residential R20, Additional Use Site No 5
Local Planning Strategy - Plympton Precinct (LPS)

Impact on Public Domain

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

Date Application Received

31 March 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

13 December 1982 Council agrees not to terminate the "Non Conforming" use of 99 King Street as a delicatessen ("Monte's Deli") until 30 June 1983 to allow renovations to be carried out;

21 March 1983 Council approves a change of the "Non Conforming" use of 99 King Street as a delicatessen to its "Non Conforming" use as a nursery/general hardware store;

19 December 2000 Council decides to note No. 99 King Street has been placed on the State Government Graffiti Program in an endeavour to eliminate graffiti from the shop, & the proposed colour scheme for the painting of the building is to be to the satisfaction of the CEO;

20 March 2001 Council decides that the matter of property maintenance be reinvestigated and a report prepared with a view to encouraging the owner to adopt a reasonable standard of presentation of the premises reflective of its historical value

REPORT

Issues

Land use

99 King Street is listed in Schedule 2: Additional Use Sites and Requirements under TPS 3 as follows:

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No.	Description of Land	Additional Use and/or Development	Special Conditions
5	Lot 344 north west corner Marmion & King Streets	Consulting Rooms, Home Business and/or Shop: - subject to local government approval in accordance with procedures for 'A' uses (Clause 9.4)	(a) Floor area of non-residential activity not to exceed 100m ² . (b) Buildings to be reconstructed, restored and/or preserved to the satisfaction of the local government prior to any change of use. The extent of works required, will be based on assessment of the heritage value of the existing building, the extent to which the proposed additional use will affect any heritage value. Note: Any requirements for reconstruction, restoration and/or preservation will be imposed as conditions of planning approval.

The request from Mr Maiolo is for the property to be able to be used as an Office therefore the above-referred schedule will have to be modified to include this use in addition to the other uses that may be undertaken at 99 King Street.

The process involves amending TPS 3.

Temporary Arrangement

The applicant also requests that Council facilitate the provision of a *“temporary arrangement, permitting the corner shop to be used as a leased office until such time that such amendment can be processed.”*

Discussion

An office use of this property is considered to be a relatively low key use, which is likely to have less of an impact on the amenity of the adjoining neighbourhood than the currently permitted uses consulting rooms, home business and shop.

It would not be unreasonable for Council to support the initiation of an amendment to TPS 3 to permit Office use of the property.

It is noted that there is no on-site car parking available however kerbside parking is available adjacent to the property along Marmion Street.

In relation to the applicant’s request that Council facilitate a temporary arrangement TPS 3 does not include a provision that allows Council to implement this request.

Conclusion

Given the relatively low key nature of the proposed office use of 99 King Street in addition to the other uses permitted at the property it is considered reasonable for Council to support an amendment to TPS 3.

RECOMMENDATION

That Council advise the applicant that it is prepared to initiate an amendment to the Town of East Fremantle Town Planning Scheme No 3 by modifying Schedule 2 to permit the

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use "Office" at No. 99 (Lot 344) King Street, East Fremantle subject to the submission of the appropriate amendment documentation.

Mr Laurie Maiolo (relative) addressed the meeting on behalf of Mrs Monte.

RECOMMENDATION TO COUNCIL

Cr Wilson – Mayor Ferris

That Council advise the applicant that it is prepared to initiate an amendment to the Town of East Fremantle Town Planning Scheme No 3 by modifying Schedule 2 to permit the use "Office" at No. 99 (Lot 344) King Street, East Fremantle subject to the submission of the appropriate amendment documentation. CARRIED

T38.4

Petra Street No. 27B (Lot 9)

Applicant/ Owner: Ian & Sandra Kennedy

Application No. 43/2009

By Chris Warrener, Town Planner on 5 May 2009

BACKGROUND

Description of Proposal

An Application for Planning Approval for a single storey house at 27B Petra Street comprising verandah, porch, garage, study, 3 bedrooms, 2 bathrooms, lounge, kitchen, dining and family room, and roofed outdoor alfresco.

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)

Impact on Public Domain

Tree in verge : No impact

Light pole : No impact

Crossover : New crossover required

Footpath : Concrete slab path may need upgrading

Documentation

Plans and relevant forms date stamp received on 26 March 2009.

Date Application Received

26 March 2009

Additional information

6 May 2009 Amended plans received in response to the comments of the Town Planning Advisory Panel.

Advertising

Adjoining land owners only

Date Advertised

30 March 2009

Close of Comment Period

13 April 2009

No. of Days Elapsed between Lodgement & Meeting Date

46 days

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

17 February 2004	Council decides to advise the WAPC that it conditionally supports the subdivision of 27 Petra Street into 2 lots;
8 March 2004	WAPC grants conditional approval to subdivide 27 Petra Street into 2 lots;
1 June 2004	Demolition Licence issued for the single storey house at 27 Petra Street;
19 July 2005	Council conditionally approves a 2-storey house on reduced setbacks subject to garage being behind main building line;
16 October 2007	Council conditionally approves a 2-storey house with a carport forward of the main building line.

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 28 April 2009 and the following comments were made:

- street elevations should be redesigned to simplify the roof
- additional gable over the garage is unnecessary and should be removed
- bullnose verandah should be changed to a single pitch roof
- elevation (2) is a cleaner more contemporary solution
- refer to simplicity of street elevation of neighbouring property at 27A Petra Street
- rationale for opening of fence for driveway is unclear

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 30 March 2009

STATISTICS	Required	Proposed
Land Area		494m ² Existing
Open Space	55%	55% Acceptable
Zoning		R12.5
Setbacks:		
Front (east)		
<i>Veranda</i>	7.50	7.512 Acceptable
<i>Garage</i>	7.50	10.212 Acceptable
Rear (west)		
<i>Familyroom</i>	6.00	11.798 Acceptable
<i>Alfresco</i>	6.00	8.698 Acceptable
<i>Bedroom 1</i>	6.00	12.198 Acceptable

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Side (north)			
	<i>Porch</i>	1.50	3.40
			Acceptable
	<i>Garage</i>	1.50	Policy 142 Nil
			Discretion Required
	<i>Lounge</i>	1.00	1.03
			Acceptable
	<i>Kitchen / Dining</i>	1.50	1.53
	<i>Familyroom</i>	1.00	Acceptable
			1.03
	<i>Alfresco</i>	1.50	Acceptable
			1.53
			Acceptable
Side (south)			
	<i>Alfresco</i>	1.50	1.54
			Acceptable
	<i>Bedroom 1 / WIR & Ensuite</i>	1.00	1.04
			Acceptable
	<i>Bedroom 3 / WIL & Ensuite</i>	1.50	1.54
			Acceptable
	<i>Laundry & BIR</i>	1.00	1.04
			Acceptable
	<i>Bedroom 2 / Bathroom & Pdr</i>	1.50	1.54
			Acceptable
	<i>Study & BIR</i>	1.00	1.04
			Acceptable
	<i>Verandah</i>	1.50	1.54
			Acceptable
Height:			
Wall		6.00	3.90
			Acceptable
Building		9.00	5.15
			Acceptable
Parapet Wall Height		3.00	3.20
			Discretion Required
Parapet Wall Length		9.00	11.415
			Discretion Required
<u>Overshadowing:</u>		N/a	
<u>Privacy/Overlooking:</u>		N/a	

**REPORT
Issues**

Boundary Setbacks

Side (North) Boundary The application proposes a garage with an 11.415m long x up to 3.2m high wall along the north side boundary common with 29 Petra Street.

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

Based on the length of the boundary wall the RDC specify a 1.5m setback.



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Panel Comments

TPAP considered that the design of the proposed house should be simplified, and pointed to the elevation of the rear part of the proposed house as a better solution.

Discussion

The proposed variation involving the construction of a parapet wall for the garage along the north side is considered relatively minor as it does not impact on the amenity of the potentially affected property at 29 Petra Street, and is supported.

The owner has modified the plans in response to the comments of the TPAP, and these new plans are supported.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the north side boundary setback for a garage pursuant to the Residential Design Codes from 1.5m to 0m for the construction of a single storey house at No. 27B (Lot 9) Petra Street, East Fremantle comprising verandah, porch, garage, study, 3 bedrooms, 2 bathrooms, lounge, kitchen, dining and family room, and roofed outdoor alfresco in accordance with the floor plans date stamp received on 26 March 2009, and the elevations received on 6 May 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 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. 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.



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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 verandah and 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 Ian Kennedy (owner) addressed the meeting in support of his application.

RECOMMENDATION TO COUNCIL

Cr Nardi – Cr Wilson

That Council exercise its discretion in granting approval for a variation to the north side boundary setback for a garage pursuant to the Residential Design Codes from 1.5m to 0m for the construction of a single storey house at No. 27B (Lot 9) Petra Street, East Fremantle comprising verandah, porch, garage, study, 3 bedrooms, 2 bathrooms, lounge, kitchen, dining and family room, and roofed outdoor alfresco in accordance with the floor plans date stamp received on 26 March 2009, and the elevations received on 6 May 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 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**



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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. 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 verandah and 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

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T38.5 Fortescue Street No. 60 (Lot 157)
Applicant: William Clark Design
Owner: Alex Noye
Application No. P44/2009
By Chris Warrener, Town Planner on 7 May 2009

BACKGROUND

Description of Proposal

An Application for Planning Approval for 2-storey additions to the single storey house at 60 Fortescue Street comprising:

Ground floor: garage and store, laundry, kitchen, dining, sitting room, living room and alfresco;

First floor: 3 bedrooms, 2 bathrooms, and built-in-robe.

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

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : Existing bitumen crossover
Footpath : Existing red bitumen footpath

Documentation

Plans and relevant forms date stamp received on 27 March 2009

Date Application Received

27 March 2009

Additional information

Amended plans date stamp received on 14 April 2009.

Advertising

Adjoining land owners only

Date Advertised

31 March 2009

Close of Comment Period

29 April 2009

No. of Days Elapsed between Lodgement & Meeting Date

27 days (Revised)

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

21 August 1989 Council agrees to removal of tree in front of the premises and the replanting of an Agonis Flexuosa in its place;
3 November 1993 Building Surveyor approves relocation of an existing garage;
17 November 1998 Council grants approval for a Home Occupation – mobile seafood business;
9 April 1999 Building Surveyor grants approval for a timber deck/rear verandah & removal of an internal wall;

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21 April 1999 Building Licence 30/2825 approved for construction of timber deck.

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 28 April 2009 and the following comments were made:

- highly appropriate additions
- new additions respectfully linked to existing dwelling with a knuckle
- consider having a contemporary roof to the garage to match additions
- encourage verandah supports to be restored to original
- query chimney omitted from east, south and west elevations
- need to ensure that neighbours' privacy is not significantly compromised.

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 2 submissions were received.

Gavin Coppinger
56 & 58 Fortescue Street Concern at loss of privacy as removal of a shed has left a pool area substantially exposed to views from the proposed north facing windows on the second level.

Stella Tarrant
61A Irwin Street - request for upper storey windows to be fixed obscure glazed to prevent overlooking of backyard;
- roof height should be same as existing dwelling.

Site Inspection

By Town Planner on 16 April 2009

STATISTICS	Required	Proposed
Land Area		1012m ² Existing
Open Space	55%	73.5% Acceptable
Zoning		R12.5
Heritage Listing		Not Listed
Setbacks:		
Front (west)		
Garage	7.50	12.692 Acceptable
Rear (east)		
Ground Living & Sittingroom	6.00	12.00 Acceptable
Upper Bedroom 1 & Ensuite	6.00	12.00 Acceptable
Side (north)		
Ground Sittingroom & Diningroom	1.50	7.60 Acceptable

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	<i>Alfresco</i>	1.50		6.40
				Acceptable
	<i>Garage & Store</i>	Nil	<i>LPP 142</i>	Nil
<i>Upper</i>	<i>Bedroom 1</i>	4.50		Acceptable
				7.60
	<i>Corridor</i>	1.20		Acceptable
				10.70
				Acceptable
Side (south)				
<i>Ground</i>	<i>Laundry / Kitchen & Livingroom</i>	1.50		3.00
				Acceptable
<i>Upper</i>	<i>Bedrooms 2 & 3 / Bathroom & Ensuite</i>	1.60		3.00
				Acceptable
<u>Height:</u>				
	Wall	6.00		7.20
			Discretion Required	
	Building	9.00		7.60
				Acceptable
	Parapet Wall Height	3.00		3.00
				Acceptable
<u>Overshadowing:</u>				
		N/a		
<u>Privacy/Overlooking:</u>				
		N/a		

**REPORT
Issues**

<i>Building Height</i>	<p>The application proposes 2-storey additions at the rear with a skillion roof pitched at 10°.</p> <p>On the east side at the rear wall height varies between 5.3m up to 7.2m.</p> <p>On the north side wall height varies up to 7.2m for upper floor bedroom 1 and up to 6.2m for a corridor.</p> <p>The RDC specify a 6m wall height limit therefore Council's discretion is required to be exercised to permit these wall height variations.</p>
<i>Roof Pitch</i>	<p>The roof over the proposed additions is a "freezer panel" skillion that is pitched at 10°.</p> <p>LPP 066 states:</p> <p><i>"dominant elements to be greater than 28°."</i></p>
<i>Submissions</i>	<p>Both submissions are concerned regarding overlooking from the proposed additions, and one of the submissions requested a reduction in roof height.</p>
Discussion	
<i>Building Height & Roof Pitch</i>	<p>In relation to the proposed wall height variations these are necessary to accommodate a skillion roof design over the additions.</p>



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However the pitch of this roof could be reduced to reduce the height of the upper floor wall on the north and east sides, and ameliorate the impacts the development might have on neighbouring properties while still maintaining a practicable internal ceiling height, and positive roof drainage.

A roof pitch of 5° is suggested. This would result in wall height on the north and east sides varying up to 6.3m above NGL, instead of the proposed 7.2m above NGL, and is considered to reduce the (height & bulk) impacts the proposed development might have on adjoining properties.

It will also have the effect of further “hiding” the additions from Fortescue Street so that the single storey house at the front, while not on the Municipal Heritage Inventory or on the Heritage List is considered to have heritage and streetscape value, and its preservation is to be encouraged.

With regard to roof pitch not being at least 28°, the additions are at the rear, and are therefore not considered a dominant element of the property as viewed from the street and can be supported.

Submissions

Because of its height above a boundary fence, which normally provides an effective privacy screen between single storey houses on adjoining properties, overlooking is always an eventuality with 2-storey development.

In regard to the “loss of privacy” this is an unfortunate result of any 2-storey development where there are adjoining single storey properties.

The applicant has provided a response to the submissions clarifying the type of upper floor glazing, and refers to the set back from the rear at 14.5m.

The RDC specify a 6m setback; it is considered that the extent of overlooking to the rear of 61A Irwin Street is to a large degree ameliorated by the proposed setback.

In addition along the east side boundary of 60 Fortescue Street there are some existing trees which are considered to provide a good privacy screen.

The proposed setback of the upper floor bedrooms from the north side boundary common with 58 Fortescue Street is 7.6m.

The RDC specify a 4.5m setback therefore the proposal involves an upper floor setback that exceeds the setback specified in the R-Codes, and similarly as with the rear setback, the overlooking/privacy concerns are considered to be ameliorated by the increased setback, and are not considered a reasonable grounds for refusing the application or for requiring further setbacks or screening.



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The owner has recently planted mature screen trees next to the north side boundary in an effort to further reduce the impact of the development on 58 Fortescue Street.

RECOMMENDATION

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

- (a) variation wall height on the north and east sides pursuant to the Residential Design Codes from 6m to 6.3m;
 - (b) variation to roof pitch pursuant to Local Planning Policy 066 from 28° to 5°;
- for the construction of 2-storey additions to the single storey house at No. 60 (Lot 157) Fortescue Street, East Fremantle comprising:

Ground floor: garage and store, laundry, kitchen, dining, sitting room, living room and alfresco;

First floor: 3 bedrooms, 2 bathrooms, and built-in-robe;

in accordance with the plans date stamp received on 14 April 2009 subject to the following conditions:

1. prior to the issue of a building licence amended plans are to be submitted specifying the pitch of the skillion roof to be at 5°.
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 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.
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. 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.*



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- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *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 Bill Clark (William Clark Design) addressed the meeting in support of the proposed development application.

RECOMMENDATION TO COUNCIL

Cr de Jong – Mayor Ferris

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

(a) variation wall height on the north and east sides pursuant to the Residential Design Codes from 6m to 6.3m;

(b) variation to roof pitch pursuant to Local Planning Policy 066 from 28° to 5°; for the construction of 2-storey additions to the single storey house at No. 60 (Lot 157) Fortescue Street, East Fremantle comprising:

Ground floor: garage and store, laundry, kitchen, dining, sitting room, living room and alfresco;

First floor: 3 bedrooms, 2 bathrooms, and built-in-robe;

in accordance with the plans date stamp received on 14 April 2009 subject to the following conditions:

- 1. prior to the issue of a building licence amended plans are to be submitted specifying the pitch of the skillion roof at 5°.**
- 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 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.**
- 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. this planning approval to remain valid for a period of 24 months from date of this approval.**

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Footnote:

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

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

Cr Wilson having disclosed a financial (proximity) interest in the matter of 114 Preston Point Road as her property shares a common boundary with the subject property, left the meeting at 7.20pm.

T38.6 **Preston Point Road No. 114 (Lot 4965)**
Applicant: Steve Pritchard for Domination Homes
Owner: Linley Michelle Morris
Application No. P38/2009
By Chris Warrener, Town Planner on 7 May 2009

BACKGROUND

Description of Proposal

An Application for Planning Approval for a 2-storey house at 114 Preston Point Road comprising:

Ground floor: Alfresco, porch, entry, family room, 2 bedrooms, powder room, bathroom, laundry, verandah & double garage at the rear;
First floor: balcony, living, dining, kitchen, 2 bedrooms, 2 built-in-robos, en-suite & toilet.

Statutory Considerations

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

Relevant Council Policies

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

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : Existing bitumen crossover on east side of property frontage
Footpath : No footpath

Documentation

Plans and relevant forms date stamp received on 11 March 2009

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Date Application Received

11 March 2009

Additional information

15 April 2009 Amended plans received
5 May 2009 Applicant's explanation for increased wall heights at the front
7 May 2009 Plans illustrating view impacts received

Advertising

Adjoining landowners and sign on site

Date Advertised

15 April 2009

Close of Comment Period

30 April 2009

No. of Days Elapsed between Lodgement & Meeting Date

26 days (Revised)

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

19 November 2002 Council approves demolition of single storey house, and defers a 2-storey house pending building height clarification;
17 December 2002 Council approves a 2-storey house;
21 January 2003 Demolition Licence 418/2003 issued for single storey house;
25 March 2003 CEO grants approval under delegated authority for a below ground swimming pool;
2 April 2003 Building Licence 41/3394 issued for swimming pool;
14 May 2003 Building Licence 89/3419 issued for limestone retaining walls;
6 April 2004 Building Licence 41/3394 for swimming pool cancelled;
20 November 2007 Council approves a 2-storey house with a south side setback variation & reduced roof pitch;
19 August 2008 Council approves a 2-storey house with reduced roof pitch.

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 28 April 2009 and the following comments were made:

- wall and roof heights should comply with Local Planning Policy No. 142
- reducing ceiling heights and excavating additional 200mm will bring structure into compliance
- roof pitch as shown is supported
- blank wall on western elevation is queried – should be broken up

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 28 April 2009

STATISTICS

Land Area

Required

Proposed

744m²
Existing

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Open Space		55%		74%
				Acceptable
Zoning				R12.5
Setbacks:				
Front (north)				
Ground	Porch	10.00		11.50
				Acceptable
	Alfresco	10.00		10.00
				Acceptable
Upper	Balcony	7.50		10.00
				Acceptable
				Acceptable
Rear (south)				
Ground	Verandah	6.00		8.00
				Acceptable
	Garage	6.00		4.11
				Discretion Required
Upper	Master Bedroom & Ensuite	6.00		7.90
				Acceptable
Side (east)				
Ground	Garage	1.00		7.80
				Acceptable
	Bedroom 3 & 4	1.50		7.60
				Acceptable
	Void	1.00		6.60
				Acceptable
	Porch	1.50		4.62
				Acceptable
	Alfresco	6.00		7.70
				Acceptable
Upper	Master Bedroom & Kitchen	6.00		7.70
	Fireplace	1.20		6.60
				Acceptable
	Diningroom	6.00		7.70
				Acceptable
	Balcony	7.50		7.70
				Acceptable
Side (west)				
Ground	Familyroom	1.50		2.50
				Acceptable
	Bathroom & Pdr	1.50		2.50
				Acceptable
	Laundry	1.50		2.50
				Acceptable
	Verandah	1.50		2.50
				Acceptable
Upper	Livingroom	2.40		2.50
				Acceptable
	Bedroom 2 & Ensuite	2.40		2.50
				Acceptable

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<u>Height:</u>		
Wall	5.60 & 6.50	up to 7.20
		Discretion Required
Building	8.10	8.00
		Acceptable
<u>Overshadowing:</u>	N/a	
<u>Privacy/Overlooking:</u>	N/a	

**REPORT
Issues**

Roof Pitch The application proposes a metal deck roof pitched at 15°, with a concealed roof at the front and along portions of the east and west sides.

LPP 066 states:

“dominant elements to be greater than 28°.”

Building Height On the upper floor east side wall height varies up to 6.7m above natural ground level for a dining room with a concealed roof.

LPP 142 specifies a 6.5m height limit for a concealed/flat roof.

On the west side at the front the upper floor wall for a living room, bedroom 2 and an en-suite varies between 4.8m up to 7.2m above NGL.

The section of wall that is above 6.5m has a concealed/flat roof that is 9.53m long.

LPP 142 specifies a 6.5m height limit for a concealed/flat roof.

Boundary Setbacks The application proposes a double garage at the rear that is set back 4.11m from the south side boundary common with 46 Locke Crescent.

The RDC specify a 6m setback.

Discussion

Roof Pitch Roof pitch in the Richmond Hill area of East Fremantle is quite variable; the proposed roof is not considered to have a negative impact on the character of the locality, the local streetscape, or the neighbourhood in general, and this variation is supported

Building Height The applicant has provided an explanation for the variations to wall height at the front.

In addition the applicant submitted elevations and a site plan to illustrate the impact of the proposed development on views from the property at the rear, 46 Locke



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Crescent.

The variations are proposed in response to the topography of the property in an effort to ameliorate the potential view impacts of a wider design with complying wall heights.

The applicant's explanation is supported as are the minor wall height variations.

Boundary Setbacks

The variation to the rear setback for the proposed garage is not considered to negatively impact on the potentially affected property at 46 Locke Crescent, the potentially affected property owner has not objected to the application; the proposed setback variation is supported.

TPAP Comments

In relation to the blank wall on the west side the applicant has advised that this wall results in a better environmental outcome in terms of the energy efficiency of the building.

RECOMMENDATION

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

- (a) variation to the south side (rear) boundary setback for a garage pursuant to the Residential Design Codes from 6m to 4.11m;
- (b) variation to roof pitch pursuant to Local Planning Policy 066 from 28° to 15°;
- (c) variation to wall height on the east side towards the front for a concealed roof pursuant to Local Planning Policy 142 from 6.5m to 6.7m;
- (d) variation to wall height on the west side towards the front for a concealed roof pursuant to Local Planning Policy 142 from 6.5m to 7.2m;

for the construction of a 2-storey house at No. 114 (Lot 4965) Preston Point Road, East Fremantle comprising:

Ground floor: alfresco, porch, entry, family room, 2 bedrooms, powder room, bathroom, laundry, verandah & double garage at the rear;

First floor: balcony, living, dining, kitchen, 2 bedrooms, 2 built-in-robos, en-suite & toilet;

in accordance with the plans date stamp received on 15 April 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



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- 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.*
- (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 Daniel Patterson (designer) addressed the meeting in support of the proposed development.

RECOMMENDATION TO COUNCIL

Cr Dobro – Cr de Jong

That the application for a two storey residence at No. 114 (Lot 4965) Preston Point Road, East Fremantle be deferred to enable the applicant to address the wall height issue particularly in relation to the northern wall and to provide the opportunity to look at the blank wall on western side.

CARRIED

Cr Wilson returned to the meeting at 7.38pm and it should be noted that she neither spoke nor voted on the foregoing item

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T38.7 **Allen Street No. 66 (Lot 1)**
Applicant: Maurice Ford - Architect
Owner: Todd Andersen
Application No. P45/2009
By Chris Warrener, Town Planner on 7 May 2009

BACKGROUND

Description of Proposal

An Application for Planning Approval for additions and alterations to the single storey house at 66 Allen Street comprising:

- demolish an old added lean to at the rear containing a bedroom, an en-suite, laundry, family room and bathroom;
- construct new additions comprising a new kitchen, meals, and living room, a new bathroom, laundry, 2 bedrooms, outdoor entertaining area, carport and new verandah;
- restoring the ceiling height of the original house.

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)

Impact on Public Domain

Tree in verge : new crossover may impact on verge tree
Light pole : no impact
Crossover : new crossover required
Footpath : existing footpath in good condition

Documentation

Plans and relevant forms date stamp received on 30 March 2009

Date Application Received

30 March 2009

Advertising

Adjoining land owners only

Date Advertised

2 April 2009

Close of Comment Period

16 April 2009

No. of Days Elapsed between Lodgement & Meeting Date

42 days

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

14 September 1984	Building Permit 039/907 approved for a below ground fibreglass swimming pool;
17 November 1986	Council refuses an application for a brick and tile double carport on a reduced front setback from 6m to 5m;
1 April 1987	Minister for Education and Planning advises that appeal is not upheld;
17 August 1987	Council grants approval for an isolated games room;
1 September 1987	Building Permit 026/1312 approved for isolated games room;

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21 March 1988	Council orders compliance with the Uniform Private Swimming Pool By-Laws;
19 February 2002	Council decides to request that the WAPC refuse the battleaxe subdivision of 66 Allen Street into 2 lots (1 X 509m ² , 1 X 450m ²), & a 130m ² common property battleaxe access leg;
28 March 2002	WAPC grants conditional approval to the battleaxe subdivision of 66 Allen Street into 2 lots;
29 July 2002	WAPC approves survey-strata plan to create 66 Allen Street comprising 510m ² , & 66A Allen Street comprising 579m ² , and a vehicle access easement along the south side;
21 September 2004	Council conditionally approves a 2-storey house on the rear/battleaxe block at 66A Allen Street;
22 December 2004	Building Licence 136/3681 approved for 2-storey house at 66A Allen Street.

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 28 April 2009 and the following comments were made:

- proposed changes fundamentally alter the original character of the home and will detrimentally impact on the streetscape and the original character of the home
- carport should comply with Local Planning Policy No. 142
- porch should retain original Californian bungalow roof pitch and fabric
- loss of chimney is not supported
- original fabric of the roof and building should be retained.

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 7 May 2009

STATISTICS	Required	Proposed
Land Area		463.45m ² Existing
Open Space	55%	53.8% Discretion Required
Zoning		R12.5
Heritage Listing		Municipal Inventory ('C')
Setbacks:		
Front (west)		
<i>Carport</i>	7.50	7.50 Acceptable
<i>Verandah</i>	7.50	7.50 Acceptable
Rear (east)		
<i>Livingroom</i>	6.00	1.00 Discretion Required

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	<i>Outdoor Ent.</i>	6.00		1.00
				Discretion Required
	<i>Bedroom</i>	6.00		1.00
				Discretion Required
Side (north)				
	<i>Storeroom</i>	1.00		1.00
				Acceptable
	<i>Carport</i>	1.00	<i>Policy 142</i>	Nil
				Acceptable
Side (south)				
	<i>Kitchen / Livingroom</i>	1.00		1.00
				Acceptable
Height:				
	Wall	6.00		3.20
				Acceptable
	Building	9.00		4.70
				Acceptable
	Parapet Wall Height	3.00		3.60
				Discretion Required
<u>Overshadowing:</u>		N/a		
<u>Privacy/Overlooking:</u>		N/a		

**REPORT
Issues**

Streetscape

This application proposes a carport that will be forward of the building line for the single storey house at 66 Allen Street.

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."*

Boundary Setbacks

Additions to Rear

The application proposes the replacement of some old "lean to" additions at the rear with more modern conveniences which include a living room, roofed outdoor entertaining area and a bedroom set back 1m from the east side (rear) boundary common with 66A Allen Street.

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

Carport

The application proposes a carport at the front which incorporates a 5.85m long x 3.6m high boundary wall.



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

Under the RDC the specified setback is 1m therefore Council's discretion is required to be exercised to permit the boundary wall for the carport.

Open Space

The application if approved and implemented will result in there being 53.8% open space on the property.

The RDC specify 55% for R12.5 coded property.

TPAP Comments

The panel considered that it would not be appropriate to modify the front façade of the existing house with the introduction of an enlarged front porch/verandah and a carport in front of the main building line.

The panel were also concerned regarding the apparent loss of a chimney.

Discussion

Streetscape

The proposed carport appears to be designed to be sympathetic to the appearance of the existing house, and will have the effect of directing motor vehicles to a distinct parking location at the property rather than is the case presently where vehicles are parked in an uncontrolled manner at the front of the house.

It is this uncontrolled parking situation which is considered to contribute to a generally "untidy" appearance of this property.

Being situated next to the north side boundary and away from the main entry the carport is considered not to detract from the general appearance of the property, and can be supported.

However the modification proposed to the front verandah is not supported because it results in quite significant changes to the house to the detriment of its character and its contribution to the local streetscape.

The change of the roof from tiles to 'tin' is also not considered desirable because of the significant change to the character of what is presently a fairly authentic 1950's style home that contributes to local character.

Building Setbacks

The proposed boundary setback variation for the additions at the rear is not considered detrimental to the amenity of the potentially affected property at the rear; the potentially affected property owner has not objected to the application.

In any event the new additions result in what is a fairly minor change to the existing setback from the "lean to" additions, which are 1.9m from the rear boundary.

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<i>Open Space</i>	The open space variation at 1.2% is considered very minor and can be supported.
<i>TPAP Comments</i>	The concerns of the panel in the main are supported however it is considered that the carport as proposed in its simple form is acceptable and is supported, subject to its roof being tiled in a similar manner as the house.

RECOMMENDATION

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

- (a) variation to Local Planning Policy 142 for a carport that is forward of the main building line;
- (b) variation to the east side (rear) boundary setback for a living room, entertaining area and bedroom pursuant to the Residential Design Codes from 6m to 1m;
- (c) variation to the north side boundary setback for a parapet wall for the carport pursuant to the Residential Design Codes from 1m to 0m;
- (d) variation to the amount of open space pursuant to the Residential Design Codes from 55% to 53.8%;

for the construction of additions and alterations to the single storey house at No. 66 (Lot 1) Allen Street, East Fremantle comprising:

- demolition of an old added lean to at the rear containing a bedroom, an en-suite, laundry, family room and bathroom;
- construction of new additions comprising a new kitchen, meals, and living room, a new bathroom, laundry, 2 bedrooms, outdoor entertaining area, and a carport;
- restoring the ceiling height of the original house;

in accordance with the plans date stamp received on 30 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 roof of the existing house is to be tiled with similar tiles as existing, the front verandah including steps is to remain as existing, and the carport roof is to be tiled similarly as the house.
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.
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 and alterations 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. 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.



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

Mr Maurice Ford (architect) addressed the meeting in support of the development application.

RECOMMENDATION TO COUNCIL

Cr de Jong – Cr Nardi

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

- (a) **variation to the east side (rear) boundary setback for a living room, entertaining area and bedroom pursuant to the Residential Design Codes from 6m to 1m;**
- (b) **variation to the amount of open space pursuant to the Residential Design Codes from 55% to 53.8%;**

for the construction of additions and alterations to the single storey house at No. 66 (Lot 1) Allen Street, East Fremantle comprising:

- **demolition of an old added lean to at the rear containing a bedroom, an ensuite, laundry, family room and bathroom;**
- **construction of new additions comprising a new kitchen, meals, and living room, a new bathroom, laundry, 2 bedrooms and outdoor entertaining area;**
- **restoring the ceiling height of the original house;**

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in accordance with the plans date stamp received on 30 March 2009 subject to the following conditions:

1. prior to the issue of a building licence amended plans are to be submitted specifying:
 - (a) deletion of the carport element which does not form part of this planning approval; and
 - (b) that the roof of the existing house is to be tiled with similar tiles as existing and the front verandah including steps is to remain as existing.
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 additions and alterations 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.
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.

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Footnote:

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

- (a) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) 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) matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (h) the street tree to be retained as part of new works proposed for the crossover.*

CARRIED

T38.8

Silas Street No. 12 (Lot 594)

Applicant: John Kirkness

Owner: Desert Storm Pty Ltd

Application No. P53/2009

By Chris Warrener, Town Planner on 8 May 2009.

BACKGROUND

Description of Proposal

An Application for Planning Approval for alterations and additions to the medical practice offices at 12 Silas Street comprising:

- Enclose front verandah and convert the space into an enlarged waiting room;
- Construct a 6.25m² office at the front for the practice manager.

There will be no increase in present staffing arrangements.

Statutory Considerations

Town Planning Scheme No. 3 – Town Centre

Local Planning Strategy – Town Centre Precinct (LPS)

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 1 April 2009

Date Application Received

1 April 2009

Additional information

8 May 2009

Applicant's email response to panel comments

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No. of Days Elapsed between Lodgement & Meeting Date

40 days

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

27 November 1979	Council requests Main Roads Department demolish the premises as a new Shopping Area has been completed and the old building detracts from the area;
Late 1979 – 1996	Main Roads WA leases property to the south of the river Potters Club;
21 July 1980	Council approves erection of an activity room at the rear;
17 August 1980	MRPA approves activity room at rear;
25 September 1980	Building Permit 025 approved for activity room at rear;
21 June 1982	Council refuses an application from the Potters' Club to erect an enclosure between a clubroom and residence;
3 November 1982	Minister for Local Government upholds an appeal to allow the enclosure/outbuilding;
19 August 1991	Building Surveyor advises DPUD that Council supports an application to erect a small outbuilding at the rear (kiln shed);
13 September 1991	Building Permit 112/1863 approved for steel shed with concrete floor;
12 December 1991	DPUD advises the Potters' Club that 12 Silas Street is no longer required for road works and has been deleted from the MRS;
20 September 1993	Council supports relocation of a 2.5m long X 0.5m high sign on the front boundary of the lot supported on 2 steel columns with a maximum sign height of 0.9m;
26 October 1996	Property transferred from WAPC to Desert Storm Pty Ltd;
18 February 1998	Council grants special approval for use of 12 Silas Street for a medical clinic with a relaxation of parking requirements from 8 to 7 bays;
19 April 2005	Council grants conditional approval for an extension of the existing medical centre comprising a two storey addition to the east, and an additional four residential units of 3 levels to the east of the medical centre;
2 May 2006	WAPC conditionally approves the amalgamation of Lots 594 and 621 (12 Silas Street & 25 May Street);
11 December 2007	Town Planning & Building Committee recommends that an application to amend the parking requirement be deferred to allow a report to be prepared in respect to the correspondence received from J Kirkness dated 10 December 2007;
19 December 2007	Council adopts the Town Planning & Building Committee recommendation regarding the application to amend the planning requirement in relation to the condition requiring car parking, which states: <i>"Cr Dobro – Mayor Ferris That the matter be deferred to allow a report to be prepared in respect to the correspondence received from J Kirkness dated 10 December 2007."</i>
6 March 2008	Owner requests deferral of parking matter.

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel (TPAP) at its meeting held on 28 April 2009 and the following comments were made:

- enclosure of the verandah will create a better presentation to the street
- new office appears small - unusable
- may be worth retaining the form of the proposed office structure but enlarging it slightly
- not clear whether a new consulting room or storage space is being created in the north western corner of the building.



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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 21 April 2009

**REPORT
Issues**

Plot Ratio

The additions to the medical centre increase its plot ratio from 0.597 to 0.617.

The property comprises 508.57m²; the existing buildings cover 303.25m², and the additions increase the building coverage to 314m².

TPS 3 states:

"5.8.3 *Plot Ratio*
Except as otherwise permitted by the local government, the maximum plot ratio in the Commercial Zones are to be as follows:
(a) *Town Centre: 0.5:1*"

Council's discretion is required to be exercised for the plot ratio to be increased from 0.5:1 to 0.617:1.

Car Parking

Based on the applicant's statement that the proposed office is for an existing practice manager, the proposal does not give rise to increased parking requirements.

However it is noted there remains an issue with the existing parking provision in terms of an earlier approval, which still requires resolution.

*Building Appearance/
Streetscape*

Whilst it is noted the Advisory Panel did not object to the proposed new office and walkway in streetscape terms, in discussion with the CEO it is considered the building of the office and walkway, forward of the current building line, will arguably, be out of harmony with the existing heritage building.

In that regard it should be noted that this simple 1920's bungalow has a B- rating in the Municipal Heritage Inventory prepared by Mr Kirkness and subsequently adopted by Council, with "architectural merit", "rarity value", "condition" and "integrity" all receiving the second highest rating.

CONCLUSION

It is considered the application should be held over to allow a site visit by elected members and that, meanwhile, the applicant be asked to provide an independent heritage impact statement on the proposal, from a consultant registered with the Heritage Council.

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RECOMMENDATION

That:

1. the application be held over to allow a site visit by elected members.
2. the applicant be requested to provide an independent heritage impact statement on the proposal, which is to Council's satisfaction, and obtained from an appropriate consultant who is registered with the Heritage Council.

The following memo prepared by the Town Planner, Chris Warrener, was circulated to members of the committee.

"In regard to the application by John Kirkness for modifications to the medical clinic at 12 Silas Street and the suggested need for a Heritage Impact Statement to be prepared prior to the application being determined, the following extract from the Municipal Heritage Inventory (MI) is relevant:

"CATEGORY B

State Register of Heritage Places	Town Planning Scheme No. 3 Heritage List	Heritage Survey / Municipal Inventory	Town Planning Scheme No. 3 Provisions
No	Yes	Yes	Yes

*Considerable heritage significance at a local level; places generally considered worthy of high level of protection, to be retained and appropriately conserved; provide strong encouragement to owners under the Town of East Fremantle Planning Scheme to conserve the significance of the place. **A Heritage Assessment / Impact Statement to be required as corollary to any development application.** Incentives to promote heritage conservation may be considered where desirable conservation outcomes may be otherwise difficult to achieve."*

The subject property is a Category B rated property in the MI therefore in consultation with the CEO it was considered prudent in light of the MI to require that a Heritage Impact Statement in regard to the proposed additions be prepared prior to determining the application."

Mr John Kirkness (applicant) and Dr Hilary Fine (owner) addressed the meeting in support of the proposed development.

T39. ADJOURNMENT

Cr Dobro – Cr de Jong
That the meeting be adjourned at 8.29pm.

CARRIED

T40. RESUMPTION

Mayor Ferris – Cr de Jong
That the meeting be resumed at 8.35pm with all those present at the adjournment in attendance.

CARRIED

T41. REPORT'S OF OFFICERS (Cont)

T41.1 Silas Street No. 12 (Lot 594)

RECOMMENDATION TO COUNCIL

Cr de Jong – Mayor Ferris

That the applicant be requested to provide an independent Heritage Impact Statement on the proposal, which is to Council's satisfaction, and obtained from an appropriate consultant who is registered with the Heritage Council.

CARRIED

12 May 2009

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- T41.2** **Marine Education Boatshed (Reserve 48325)**
Applicant: Marine Safety, Department for Planning & Infrastructure
Owner: The Crown
By Chris Warrener, Town Planner on 30 April 2009

BACKGROUND

Description of Proposal

A referral for Council comment and advice from the Swan River Trust of an application for jetty reinforcement and installation of a marine crane at the Marine Education Boatshed.

Statutory Considerations

Town Planning Scheme No. 3 – Metropolitan Region Scheme Reserve - Waterways
Local Planning Strategy - Riverside Precinct (LPS)

Impact on Public Domain

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

Documentation

Referral letter and photo images stamp received on 29 April 2009

Date Application Received

29 April 2009

No. of Days Elapsed between Lodgement & Meeting Date

13 days

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

23 September 2008 Council decides to advise the Swan River Trust that it has no objections to the removal of a finger jetty and installation of two floating pontoons at the Marine Education Boatshed.

CONSULTATION

Site Inspection

By Town Planner on 30 April 2009

REPORT

Discussion

Pursuant to the Swan and Canning Rivers Management Act 2006, Part 5, Section 73 the Swan River Trust is required to seek the comment and/or advice of the relevant local government on applications for use and/or development of land within its Management Area, in this case the Marine Education Boatshed reserve next to Riverside Road.

It is proposed to install a marine crane for boat and marine flotsam retrieval on the western most jetty, and reinforce this jetty to accommodate the proposed crane.

This development has no implications for the use and/or management of the adjacent foreshore which is managed by the Town of East Fremantle; there are no objections to the application.

RECOMMENDATION

That Council advise the Swan River Trust that it raises no objections to the application for approval for jetty reinforcement and installation of a marine crane at the Marine Education Boatshed (Reserve No. 48325) adjacent to Riverside Road.

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RECOMMENDATION TO COUNCIL

Cr Wilson – Cr de Jong

That Council advise the Swan River Trust that it raises no objections to the application for approval for jetty reinforcement and installation of a marine crane at the Marine Education Boatshed (Reserve No. 48325) adjacent to Riverside Road.

CARRIED

T41.3

Glyde Street No. 14 (Lot 83)

Applicant & Owner: Jill Birt

Application No. P50/2009

By Chris Warrener, Town Planner on 28 April 2009

BACKGROUND

Description of Proposal

An Application for Planning Approval for a laundry addition at the rear of the 2-level house at 14 Glyde Street.

The submitted plans also include a pergola over an existing deck at the rear, however as this structure is not proposed to be in the front setback planning approval for it is not required. A building licence will be required for the pergola.

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 31 March 2009

Date Application Received

31 March 2009

Additional information

Open space calculation supplied by applicant/owner

Advertising

Adjoining land owners only

Date Advertised

2 April 2009

Close of Comment Period

16 April 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

12 January 1983 Building Permit 096/603 approved for a brick and tile games room;
16 October 2001 Council grants approval for 2-storey additions at the rear;

3 July 2003 Building Licence 140/3439 approved for additions to residence.

CONSULTATION

Principal Building Surveyor's Comment

Laundry addition shall not take structural support from dividing fence.

Public Submissions

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

REPORT

Issues

Boundary Setbacks

This application is for a laundry that is set back 0m from the south side boundary common with 16 Glyde Street.

The boundary wall for the laundry will be 4.6m long x 2.253m high.

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

At 14 Glyde Street the existing house contains walls that are set back less than 1m from 2 side boundaries therefore Council's discretion is required to be exercised for the laundry. Under the RDC the specified setback is 1m.

Discussion

The proposed setback variation for the laundry is considered relatively minor and does not impact on the amenity of the potentially affected property.

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

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the south side boundary setback for a laundry pursuant to the Residential Design Codes from 1m to 0m for the construction of a laundry addition at the rear of the 2-level house at No. 14 (Lot 83) Glyde Street, East Fremantle in accordance with the plans date stamp received on 31 March 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 laundry addition 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. 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.

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7. the proposed laundry is not to be occupied for residential purposes.
8. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision 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).*

RECOMMENDATION TO COUNCIL

Cr de Jong – Cr Nardi

That Council exercise its discretion in granting approval for a variation to the south side boundary setback for a laundry pursuant to the Residential Design Codes from 1m to 0m

for the construction of a laundry addition at the rear of the 2-level house at No. 14 (Lot 83) Glyde Street, East Fremantle in accordance with the plans date stamp received on 31 March 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 laundry addition 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. **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. **the proposed laundry is not to be occupied for residential purposes.**
8. **this planning approval to remain valid for a period of 24 months from date of this approval.**

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Footnote:

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

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

CARRIED

T41.4

Preston Point Road No. 4 (Lot 213)

Applicant: Assetbuild Developers & Builders Pty Ltd

Owner: Roman Catholic Archbishop of Perth

Application No. P46/2009

By Chris Warrener, Town Planner on 7 May 2009

BACKGROUND

Description of Proposal

An Application for Planning Approval for an 18m long x 5.5m wide x 3.511m high gable roofed shed at the rear, and a 0.8m high retaining wall along a portion of the south side boundary at the rear of 4 Preston Point Road.

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)

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 31 March 2009

Date Application Received

31 March 2009

Additional information

Site plan date stamp received on 15 April 2009

Advertising

The property owner potentially affected by the retaining wall is also the owner of the subject land and signatory to the application, so the application was not referred for comment.

No. of Days Elapsed between Lodgement & Meeting Date

59 days

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

- 21 December 2004 Council conditionally approves the use of 4 Preston Point Road for counselling and wellness programs;
- 20 December 2005 Council approves a garage & a meditation room;
- 19 December 2006 Council grants approval for the ongoing use of the premises at 4 Preston Point Road for the purposes of counselling and wellness programs, workshops and retreats, yoga, meditation, painting, sculpture and ceramics, movement therapy, and excluding any use or activity in the category of "amusement" or entertainment;
- 17 April 2007 Council approves the conversion of the garage for use as a meeting room.

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 16 April 2009

REPORT

Issues

Site Works

This application proposes the construction of a 0.8m high retaining wall along a portion of the south side boundary at the rear of 4 Preston Point Road.

Under the RDC the relevant acceptable development provisions 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 higher than 0.5m Council's discretion is required to be exercised to approve the retaining wall.

Outbuildings

Pursuant to the RDC a shed is an outbuilding.

The relevant acceptable development provisions state:

- "A1 Outbuildings that:
- i are not attached to a dwelling;
 - ii are non-habitable;
 - iii collectively do not exceed 60 sq m in area or 10 per cent in aggregate of the site area, whichever is the



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- lesser;
- iv do not exceed a wall height of 2.4 m;
 - v do not exceed ridge height of 4.2 m;
 - vi are not within the primary street setback area;
 - vii do not reduce the amount of open space required in table 1; and
 - viii comply with the siting and design requirements for the dwelling, but do not need to meet rear setback requirements of table 1."

The proposed shed has 2.4m high walls, and roof height is 3.511m.

It comprises an area of 99m² therefore Council's discretion is required to be exercised to allow it.

Discussion

The proposed shed will be used as a mediation and recreation room, and will contain gym equipment for the use of Crossroads consultants and 'clients'.

The retaining wall is proposed to match an existing retaining wall with limestone fence on top that exists along the rear, and portions of the south and north side boundaries.

The height of the proposed retaining wall is not considered excessive nor does it affect the amenity of the potentially affected adjoining property and is supported because it will effectively "finish off"/complete retaining works to support the south side of the property at the rear of 4 Preston Point Road.

Currently a timber picket fence is providing the only support structure along a portion of the south side boundary; the application proposes to replace the picket fence with the proposed limestone retaining wall with 1.8m high limestone fence on top.

With regard to the size of the proposed shed the relevant performance criteria under the RDC states:

"P1 Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties."

It is not within the primary street setback area, and the amount of open space left on the property amounts to 87.32%.

Being situated behind a 1.8m high limestone block wall along the rear, south and north side boundaries, and given that the subject land is higher than any potentially affected property at the rear, the proposed shed is not considered to have any visual impact on adjoining properties; the potentially affected adjoining property owners have not objected to the application.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the height of a retaining wall pursuant to the Residential Design Codes from 0.5m to 0.8m for the construction of an 18m long x 5.5m wide x 3.511m high gable roofed shed at the rear, and a 0.8m high retaining wall along the south side boundary of No. 4 (Lot 213) Preston Point Road, East Fremantle in accordance with the plans date stamp received on 31 March and 15 April 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.



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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 retaining wall and shed 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) *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) *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 the height of a retaining wall pursuant to the Residential Design Codes from 0.5m to 0.8m for the construction of an 18m long x 5.5m wide x 3.511m high gable roofed shed at the rear, and a 0.8m high retaining wall along the south side boundary of No. 4 (Lot 213) Preston Point Road, East Fremantle in accordance with the plans date stamp received on 31 March and 15 April 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 retaining wall and shed 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.**

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

CARRIED

T41.5

Bedford Street No. 19 (Lot 93)

Applicant: Gerard McCann

Owner: Deborah Gail Wilson

Application No. P42/2009

By Chris Warrener, Town Planner on 28 April 2009

BACKGROUND

Description of Proposal

An Application for Planning Approval for alterations and additions at the rear of the 2-level house at 19 Bedford Street comprising:

Lower level: convert an undercroft area into a bedroom suite with a porch, lobby, & stairs;

Upper level: add a roofed deck to the north side verandah, enclose a rear terrace and convert it to living areas comprising a kitchen and sitting room.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R20

Local Planning Strategy - Woodside 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 19 March 2009

Date Application Received

19 March 2009

12 May 2009

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Advertising

Adjoining land owners only

Date Advertised

23 March 2009

Close of Comment Period

7 April 2009

No. of Days Elapsed between Lodgement & Meeting Date

53 days

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

- 16 December 1997 Council grants special approval for reduced north and south side setbacks to enclose a rear patio and convert a garage into a studio;
- 16 March 1999 Council grants special approval for setback variations for rear additions;
- 16 December 1999 Building Licence 023/2903 approved for extensions to residence and alteration to studio.

STATISTICS	Required	Proposed
Land Area		663m ²
Open Space	50%	Existing 50% Acceptable
Zoning		R20
Heritage Listing		Not listed
<u>Setbacks:</u>		
Rear (West)		
<i>Ground Bedroom, Porch</i>	1.5	12.5 Acceptable
<i>Upper Kitchen, Dining</i>	6.0	11.2 Acceptable
Side (South)		
<i>Ground Stairs, Ensuite</i>	1.0	1.05 Acceptable
<i>Upper Stairs, Bathroom</i>	1.1	1.05 Discretion Required
Side (North)		
<i>Ground No change to existing</i>		
<i>Upper Deck</i>	7.5	2.1 Discretion Required
<u>Height:</u>		
Wall	6.0	4.7 Acceptable
Building	9.0	7.0 Acceptable
<u>Overshadowing:</u>	N/a – 4%	



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Privacy/Overlooking:

N/a – use of obscure glazed windows on south side and on north side area overlooked is not an outdoor living area.

CONSULTATION

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 7 May 2009

REPORT

Issues

Boundary Setbacks

*Side (North) Boundary
Common with 17 Bedford*

The application proposes an unenclosed upper level deck attached to an existing verandah that is set back 2.1m from the north side boundary.

Under the RDC the relevant acceptable development provision states:

"A1 Major openings and unenclosed outdoor active habitable spaces (balconies, verandahs, terraces or other outdoor living areas) which have a floor level more than 0.5 m above natural ground level and which overlook any part of any other residential property behind its street setback line, to comply with the following:

- i Are setback, in direct line of sight within the cone of vision, from the boundary a minimum of:
 - 4.5 m in the case of bedrooms and studies;
 - 6 m in the case of habitable rooms other than bedrooms and studies; and
 - 7.5 m in the case of unenclosed outdoor active habitable spaces; or*
- ii Are provided with permanent vertical screening to restrict views within the cone of vision from any major opening of an active habitable space; or*
- iii Are provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining property if closer than 25 m to the opening or equivalent." (RDC, 6.8.1 Visual privacy, Page 21)*

The specified setback for the proposed deck is 7.5m therefore Council's discretion is required to be exercised to allow it.

*Side (South) Boundary
Common with 21 Bedford*

The application proposes an upper level bathroom and stairwell set back 1.05m from the south side boundary.

The RDC specify a 1.1m setback.



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Discussion

Boundary Setbacks

*Side (North) Boundary
Common with 17 Bedford*

In regard to the proposed upper level deck on the north side the relevant performance criteria under the RDC state:

"P1 Direct overlooking of active habitable spaces and outdoor living areas of other dwellings is minimised by building layout, location and design of major openings and outdoor active habitable spaces, screening devices and landscape, or remoteness.

Effective location of major openings and outdoor active habitable spaces to avoid overlooking is preferred to the use of screening devices or obscured glass.

Where these are used, they should be integrated with the building design and have minimal impact on residents' or neighbours' amenity.

*Where opposite windows are offset from the edge of one window to the edge of another, the distance of the offset should be sufficient to limit views into adjacent windows.
(RDC, 6.8.1 Visual privacy, page 21)*

The proposed deck does not directly overlook any active habitable spaces or outdoor living areas at 17 Bedford Street rather the structure overlooks a house roof and a side access area, which contains dense shrubbery and a palm tree.

The applicant states, and it is specified on the submitted plans, that a lattice trellis and creeper will be erected on the north side boundary to a height that equates to 1.6m above the finished floor level of the proposed deck.

Based on the additional screening proposed and the position of the deck in relation to the potentially affected property overlooking is not considered to be a concern and the setback variation can be supported.

*Side (South) Boundary
Common with 21 Bedford*

The proposed upper floor setback variation on the south side comprises 0.05m, which is considered an extremely minor variation, and does not detrimentally impact on the amenity of 21 Bedford Street.

RECOMMENDATION

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

- (a) variation to the north side boundary setback for an upper level deck pursuant to the Residential Design Codes from 7.5m to 2.1m;
- (b) variation to the south side boundary setback for a bathroom and stairwell pursuant to the Residential Design Codes from 1.1m to 1.05m;

for the construction of alterations and additions at the rear of the 2-level house at No. 19 (Lot 93) Bedford Street, East Fremantle comprising:

Lower level: convert an undercroft area into a bedroom suite with a porch, lobby, & stairs;

Upper level: add a roofed deck to the north side verandah, enclose a rear terrace and convert it to living areas comprising a kitchen and sitting room;

in accordance with the plans date stamp received on 19 March 2009 subject to the following conditions:

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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 alterations and additions 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. 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 on the north side may not be enclosed without the prior written consent of Council.*

RECOMMENDATION TO COUNCIL

Cr de Jong – Mayor Ferris

That the application for alterations/additions to the residence at No. 19 (Lot 93) Bedford Street, East Fremantle be deferred to allow councillors the opportunity to attend a site visit with particular reference to the upper level deck to be located on the north side.

CARRIED

T42. BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING

Nil.

T43. CLOSURE OF MEETING

There being no further business the meeting closed at 9.20pm.

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*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 **12 May 2009**, Minute Book reference **T32 to T43** were confirmed at the meeting of the Committee on*

.....

Presiding Member