



Additional documents

Planning Committee

Wednesday 3 August 2022 6pm



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**PC2208-4 NICHOLAS CRESCENT, NO. 56 (STRATA LOT 1) HILTON -
UNAUTHORISED PRIMARY FENCING TO EXISTING SINGLE
HOUSE (TG DA0460/21) 2**



PC2208-4 NICHOLAS CRESCENT, NO. 56 (STRATA LOT 1) HILTON - UNAUTHORISED PRIMARY FENCING TO EXISTING SINGLE HOUSE (TG DA0460/21)

Proposed Amendment by Cr Andrew Sullivan

OFFICER'S RECOMMENDATION

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Unauthorised Primary Street fencing to existing Single House at No. 56 (Strata lot 1) Nicholas Crescent, Hilton, subject to the following conditions:

1) This approval relates only to the development as indicated on the approved plans dated 22 June 2022. It does not relate to any other development on this lot.

~~**2) Notwithstanding condition 1 above, within 120 days of this determination notice, the fencing within the Primary Street setback area of the subject site (i.e the sections of fencing fronting Nicholas Crescent and the lot truncation at the corner of Nicholas Crescent and Doolya Street) shall be amended to be a maximum solid height of 0.9 metres with pillars extending to maximum of 1.8m and the infill be 85% visually permeable above 0.9 metres (900mm) above natural ground level as per clause 1.5.1 of the City of Fremantle's Local Planning Policy 3.7 – "Hilton Garden Suburb Precinct" Heritage Area Local Planning Policy, to the satisfaction of the City of Fremantle.**~~

2) Notwithstanding condition 1 above, within 120 days of this determination notice, the fencing shall be altered to:

- a. Reduce the solid brickwork infills on Nicholas Crescent, (including the truncation) and the first section of primary street fence on Doolya Road to a height to 600mm above ground level;**
- b. Reduce the infill panels and pillars to a max height of 1500mm above ground level; and**
- c. A minimum of 85% visual permeability for the new infill panelling.**

To the satisfaction of the City of Fremantle.



- 3) The pedestrian access and / or vehicle gate, as indicated on the approved plans dated 22 June 2022, shall swing into the subject site only when opening or closing and shall not impede the adjoining road reservation.
- 4) All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
- 5) The unauthorised pedestrian and vehicle access gate hereby approved shall be either removed or modified to include a reduced height of 1.5m, and increased visual permeability of 85% no later than ten (10) years from the date of approval, to the satisfaction of the City of Fremantle.
- 6) Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.

Advice Note:

- i) The applicant is advised to contact City of Fremantle Compliance services via compliance@fremantle.wa.gov.au or 9432 9999 to ensure that the current development compliance investigation is finalised in a timely manner. If a building approval certificate is required for the works hereby approved, the applicant is encouraged to make application to the City of Fremantle as soon as practicable to ensure that the compliance investigation can be closed.
- ii) With respect to conditions 2, these require that works are undertaken by the applicant to clear these conditions within 120 days of this approval. The applicant/landowner is advised to contact the City of Fremantle Compliance Services team via compliance@fremantle.wa.gov.au or 9432 9999 with photographic confirmation of these conditions having been cleared prior to the prescribed timeframe.
- iii) In regards to condition 2 'Visually permeable' is defined by the Residential Design Codes as:
 - In reference to a wall, gate, door or fence that the vertical surface has:



- **Continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area**
 - **Continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or**
 - **A surface offering equal or lesser obstruction to view;**
 - **As viewed directly from the primary street.**
- iv) The applicant is advised that a BA13 application will be required to be submitted to the City and approved in order to finalise the current compliance investigation.**
- v) A BA13 – Building Approval Certificate application form is required to be submitted for the unauthorised building works. A Certificate of Building Compliance (BA18) must be submitted with the application and signed and completed by a Registered Building Surveyor Contractor (private sector). [A list of Registered Building Surveyors can be obtained from the Department of Mines, Industry Regulation & Safety \(DMIRS\) website - Find a registered building surveyor | Department of Mines, Industry Regulation and Safety \(commerce.wa.gov.au\)](#)**

Reason for change:

To ensure the fence more closely meets the objectives of LPP 3.7 Hilton Heritage Area.