



# AGENDA

## Town Planning & Building Committee

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Tuesday, 2 August 2016 at 6.30pm

### **Disclaimer**

The purpose of this Committee meeting is to discuss and, where possible, make resolutions about items appearing on the agenda.

Whilst the Committee has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting.

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**AGENDA FOR TOWN PLANNING & BUILDING MEETING  
TUESDAY, 2 AUGUST 2016**



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**NOTICE OF MEETING**

Elected Members

An Ordinary Meeting of the Town Planning & Building Committee will be held on **Tuesday, 2 August 2016** in the Council Chamber, 135 Canning Highway East Fremantle commencing at 6.30pm and your attendance is requested.

GARY TUFFIN  
Chief Executive Officer

26 July 2016

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**AGENDA**

**1. DECLARATION OF OPENING OF MEETING/ANNOUNCEMENTS OF VISITORS**

**2. ACKNOWLEDGEMENT OF COUNTRY**

*"On behalf of the Council I would like to acknowledge the Nyoongar people as the traditional custodians of the land on which this meeting is taking place."*

**3. RECORD OF ATTENDANCE**

**3.1 Attendance**

**3.2 Apologies**

**3.3 Leave of Absence**

**4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

None.

**5. PUBLIC QUESTION TIME**

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**6.1 Town Planning and Building Committee (5 July 2016)**

**6.1 OFFICER RECOMMENDATION**

That the minutes of the Town Planning and Building Committee meeting held on Tuesday 5 July 2016 be confirmed as a true and correct record of proceedings.

**7. PRESENTATIONS / DEPUTATIONS / PETITIONS**

**7.1 Presentations**

**7.2 Deputations**

**7.3 Petitions**

**8. DISCLOSURES OF INTEREST BY MEMBERS**

**9. LATE ITEMS NOTED**

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**10. REPORTS OF COMMITTEES**

**10.1 Community Design Advisory Committee – 18 July 2016**

**Prepared by:** Jamie Douglas Manager Planning Services

**Supervised by:** Gary Tuffin, Manager Planning Services

**Attachments:** 1. Community Design Advisory Committee Minutes

**Authority/Discretion:** Town Planning & Building Committee

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**PURPOSE**

To submit the minutes of the Community Design Advisory Committee for receipt by the Town Planning & Building Committee.

**EXECUTIVE SUMMARY**

The Committee, at its meeting on 18 July 2016, provided comment on planning applications listed for consideration at the August Town Planning Committee meeting and other applications to be considered in the future. Comments relating to applications contained within the August agenda have been replicated and addressed in the individual reports.

There is no further action other than to receive the minute.

**10.1 OFFICER RECOMMENDATION**

**That the Minutes of the Community Design Advisory Committee Meeting held on 18 July 2016 be received.**

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## 11. REPORTS OF OFFICERS (COMMITTEE DELEGATION)

### 11.1 Locke Crescent No 10 (Lot 4494) - Amendment to Previously Approved Plans

<b>Applicant</b>	Joe Gallipo
<b>File ref</b>	P/LOC10, P114/13
<b>Prepared by</b>	Andrew Malone, Senior Planning Officer
<b>Supervised by</b>	Jamie Douglas, Manager Planning Services
<b>Meeting date</b>	2 August 2016
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Location plan 2. Photo 3. Plans

#### Purpose

This report considers an application for an amendment (retrospective planning application) to a previously approved development application for partial demolition, renovations and extensions. A retrospective application has been submitted to Council for retention of balcony, privacy screen and steel roof frame to a dwelling at 10 (Lot 4494) Locke Crescent, East Fremantle.

#### Executive Summary

The proposal raises the following key issues with regard to the determination of the application:

- Retrospective development
- Building Height
- Overlooking

The application is recommended for approval subject to conditions.

#### Background

Zoning: Residential R12.5

Site area: 840m<sup>2</sup>

Date application received: 20 April 2016 (revised plans received for assessment under Section 31)

Documentation: Application form, amended plans dated 20 April 2016, amended plans dated 18 July 2016.

#### Previous Decisions of Council and/or History of an Issue or Site

- 5 November 2013 Council approve a development application for proposed additions and alterations to an existing dwelling.
- 8 July 2014 Approved under Delegated Authority: Amendment to a previously approved development application the partial demolition and extensions to a single dwelling at 10 (Lot 4494) Locke Crescent, East Fremantle, in accordance with the amended plans date stamp received on 23 June 2014
- 5 April 2016 Council refuse a retrospective application for retention of balcony, privacy screen and steel roof frame to a dwelling.

#### Consultation

##### Advertising

The amended plans were not advertised surrounding to residents. The SAT, Council members and Council staff met with the affected neighbour and discussed their concerns with regards the subject property. Mr Lerner made his objections and concerns known at the time of the meeting. Council also

previously received written correspondence objecting to the development from Mr Larner. (Please be aware Mr. Larner has subsequently sold the property and has moved from the neighbouring property).

Town Planning Advisory Panel

The application was not referred to the Panel due to the minor nature of the amended application from the plans previously approved by Council.

**Statutory Environment**

Planning and Development Act 2005  
Residential Design Codes of WA  
Town of East Fremantle Town Planning Scheme No. 3

**Policy Implications**

Town of East Fremantle Residential Design Guidelines 2015

**Financial Implications**

Nil

**Strategic Implications**

Nil

**Site Inspection**

Site inspection undertaken: Yes

Detailed internal and external inspection of the property was undertaken with the applicant in relation to the SAT mediation. All facets of the proposal were discussed. Subsequent discussions resulted in amended plans being submitted to Council.

**Triple Bottom Line Assessment**

Economic implications

There are no known significant economic implications associated with this proposal.

Social implications

There are no known significant social implications associated with this proposal.

Environmental implications

There are no known significant environmental implications associated with this proposal.

**Comment**

Statutory Assessment

The proposal has been assessed against the provisions of Town Planning Scheme No. 3 and the Town's Local Planning Policies. A summary of the assessment is provided in the following tables.

<b>Legend</b> <i>(refer to tables below)</i>	
A	Acceptable
D	Discretionary
N/A	Not Applicable



Residential Design Codes Assessment

Design Element	Required	Proposed	Status
Open Space	50%	69.5%	A
Outdoor Living	30sqm	>40sqm	A
Car Parking	2	2	A
Site Works	Less than 500mm	Less than 500mm Fill	A
Overshadowing	25%	As previously approved	A
Drainage	On-site	On-site	A

Local Planning Policies Assessment

LPP Residential Design Guidelines Provision	Status
3.7.2 Additions and Alterations to Existing Buildings	N/A
3.7.3 Development of Existing Buildings	N/A
3.7.4 Site Works	N/A
3.7.5 Demolition	N/A
3.7.6 Construction of New Buildings	A
3.7.7 Building Setbacks and Orientation	A
3.7.8 Roof Form and Pitch	A
3.7.9 Materials and Colours	A
3.7.10 Landscaping	A
3.7.11 Front Fences	N/A
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	N/A
3.7.18.3 Garages, Carports and Outbuildings	N/A
<b>3.7.15-20 Precinct Requirements</b>	<b>D</b>

Background

In April 2016 Council refused an application for a retrospective planning application for an amendment to a previously approved development application for partial demolition, renovations and extensions. The application concerned six areas of the development that were proposed to be amended or had been amended/ constructed and these included:

- Extended rear balcony 3.2 metres in length towards rear boundary (northern elevation). A rear concrete roof (previously approved) has been raised 0.25 metres from the concrete roof for a length of 3.2 metres to connect the previously approved rear balcony area. This is 6.2 metres from natural ground level.
- Extended privacy screen to rear balcony on western elevation for a length of 3.2 metres and to a height of 1.8 metres to cover extent of new balcony. Maximum height of privacy screen 7.7 metres from natural ground level.
- Additional 0.2 metre privacy screen over previously approved 1.6 metres privacy screen on western boundary. Maximum height of privacy screen 7.7 metres from natural ground level.
- Open slatted roof (partially visually permeable) over previously approved balcony to a height of approximately 2.9 metres from Floor Level 32449 AHD. Maximum height of the steel structure with wire infill over the balcony is 8.5 metres from natural ground level.
- Additional 0.157 metre height to steel frame above spa area (no roof cover proposed (visually permeable): Steel frame only). Maximum height of steel frame over the spa is 8.2 metres from natural ground level.
- Revised location for access to spa.

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The applicant appealed Council's decision to the State Administration Tribunal. Mediation was undertaken on-site on 30 May 2016 and included the applicant and his representatives, the adjoining rear and side neighbours, the Senior Planning Officer, the Mayor and Councillor Collinson.

The applicant has submitted amended plans to Council for reconsideration under a Section 31 Notice.

The previously approved development (first application) was for partial demolition and first floor extension to the existing dwelling. The development was substantially compliant with the 'deemed to comply' standards of the R-Codes and the Town's Residential Design Guidelines as outlined in the original report presented to the Town Planning and Building Committee. The Officer's report raised streetscape, height and side setback variations as requiring Council discretion. The proposal was approved by the Town Planning and Building Committee.

The applicant in June 2014 submitted plans requesting a modification to the overall height of the building. This was to facilitate structural engineering requirements, air conditionings and plumbing in the building. An overall increase in height of 0.5 metres to the Finished Floor Level of the first floor and an overall height increase of 0.65 metres to top of a concealed roof were requested. These modifications were considered minor and approved under delegated authority.

The original approval and the amended height approval is a consequence of the steeply sloping lot (3.0 metre fall). The original approval required a variation to the 'Acceptable Development Criteria' height standards of the RDG at the rear of the building (from 6.5m to 8.5m). The proposed amendment required a further discretion as the maximum height proposed was 9.15 metres (2.65 metres discretion to a concealed roof) at the rear of the lot and 6.7 metres at the front (streetscape of the lot). The proposed building modifications required a 0.2 metre height variation to the front elevation (streetscape elevation 6.7 metres proposed). The proposed height variation at the time was considered not to have a significant negative impact to the streetscape or adjoining neighbour. Both side adjoining neighbours signed a copy of the plans approving of the proposed height discretion. It was considered the proposed height did not impact on surrounding neighbours with regard to viewing vistas and sightlines.

#### Retrospective Planning

As previously discussed the applicant sought modifications to the building height in June 2014. In November 2014 a Certified Building Permit was submitted to Council. A certified building application is where an owner engages a registered building surveyor to complete a Certificate of Design Compliance (CDC) before the application for a building permit is submitted to Council. If all other required approvals have been obtained, the permit authority has ten business days to approve or reject the application. A CDC can be signed by any registered building surveyor with appropriate qualifications and as such the private building surveyor undertakes to replace Council's service. In such instances the private building surveyor is responsible for ensuring the permit complies with the requirements of the planning approval.

The owner/ builder of the development was building in accordance with the approved Building Permit.

The planning approval and building plans do not correspond therefore the building is non-compliant with the planning approval but does adhere to the building licence.

The applicant has submitted revised drawings with the following modifications:

- Amended extended rear balcony 3.2 metres in length towards rear boundary (northern elevation), over a rear concrete roof (previously approved). The slab has been raised

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0.25 metres from the concrete roof for a length of 3.2 metres to connect the previously approved rear balcony area. This is 6.2 metres from natural ground level.

- Amended balcony design to comply with the intent of the original design of the balcony. No wall/ privacy screen is proposed. A slab has been laid over the location of a void. The slab is proposed to be retained as it is a structural support (beam over void) for the whole first floor slab. The slab area is to be roofed to stop access to the north west (see plan).
- Amended privacy screen to rear balcony on western elevation to accommodate amended rear balcony. Increased setback from western boundary with reduced visual bulk.
- Deletion of open slatted roof (partially visually permeable) over previously approved balcony to a height of approximately 2.9 metres from Floor Level 32449 AHD.

The applicant has made modifications to the previously refused application. These will be assessed and discussed below.

#### Building Height

The application has been modified to delete the open slatted roof structure.

The balcony constructed over the void (slab to remain) is 6.2 metres in height and is consistent with the previously approved height of the roof that adjoined the void. Whilst the slab has been proposed to be retained, it is considered the slab has limited negative impact. The wall / privacy screen located on the external edge of the balcony has been deleted from the previous proposal. A new opaque privacy screen is located to be stepped into the balcony (2.0 metres from the edge of the balcony and 3.7 metres from the boundary). The screen is obscure glass and does reduce any perceived bulk and scale. The deletion of the privacy wall from directly on the balcony edge improves views through the property and minimises the bulk to the neighbour. It is noted that at the SAT mediation meeting on site, the western neighbour did request screening on the western boundary to be included in any revised design.

The proposed amended plans do not significantly modify the height of the development. The overall height to the opaque screen is 7.6 metres from natural ground level, however the screen wall is setback 3.7 metres from the boundary, therefore there is minimal impact to bulk and height and scale. Under the Town's Residential Design Guidelines a flat roof is required to be 6.5 metres in height from natural ground level. The original approval required an 8.2 metre high variation reducing to 7.1 metres for the existing (approved) screen wall. The proposed screen wall will not be seen from the street and has been requested by the neighbour. The proposed height variation of 1.1 metres to the top of the screen, from a maximum height of 6.5 for a flat roof, results from the fall in the lot (a fall of 3m from front to the rear of the lot). The approved additions and alterations required a variation in the 'deemed to comply' height standards of the RDG at the rear of the building (from 6.5m to 8.5m). As stated previously in the original development application the building was height compliant at the front elevation and the proposed height variation therefore did not significantly impact upon the streetscape. The proposed amendments and setbacks ensure that this is maintained. The steel pergola structure and privacy screens have been deleted and amended to maintain view corridors and improve privacy to adjoining neighbours, whilst not impacting on the streetscape.

As such the proposed changes improve the amenity for the western neighbour (screening provided) whilst maintaining the view corridors through the property. The slab is being retained, however it is being roofed, but does not significantly restrict viewing corridors.

Overall the proposed amendments are considered an acceptable outcome to protect the amenity of adjoining neighbours. Whilst there are variations proposed, these are considered minor and are significantly obscured by the approved overall height of the dwelling. The development is considered to comply with the Performance Criteria requirements of the RDG for the building height and therefore can be supported.

#### Overlooking

The 'Deemed to comply' provisions for Element 5.4.1 Visual privacy of the R-Codes requires major openings which have their floor level more than 0.5 metre above natural ground level, and positioned so as not to overlook any part of any other residential property behind its street setback line, to comply with the following:

- 4.5 metres in the case of bedrooms and studies;
- 6.0 metres in the case of habitable rooms, other than bedrooms and studies; and
- 7.5 metres in the case of unenclosed outdoor active habitable spaces.

The balcony has been screened so as to prevent any direct overlooking to the western neighbour. The neighbour has requested a 1.6 metre high wall to ensure the protection of their amenity and privacy. The applicant has agreed to the 1.6 metre high screening, however the neighbour's property still falls within the cone of vision from the balcony, essentially meaning the neighbour's property is still overlooked to the rear north eastern corner of the lot. The privacy screen is located to a maximum height of 7.6 metres above the natural ground level, due to the overall height of the balcony.

The 'Design Provisions' of 5.4.1 allows for:

- 1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:
  - building layout, location;
  - design of major openings;
  - landscape screening of outdoor active habitable spaces; and/or
  - location of screening devices.
- 2 Maximum visual privacy to side and rear boundaries through measures such as:
  - offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;
    - building to the boundary where appropriate;
    - setting back the first floor from the side boundary;
    - providing higher or opaque and fixed windows; and/or
  - screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).

The proposed balcony screening does protect the privacy of the neighbour, primarily into the outdoor area and swimming pool area of the lot. The overlooking is at an opaque angle and any remaining overlooking is over vegetation to the north eastern corner of the lot. There is no direct overlooking of habitable areas. The proposed amended screening is considered appropriate to protect the amenity of the neighbour and has been proposed in consultation with the neighbour.

Notwithstanding the in principle agreement, the areas overlooked are considered to be non-habitable. The proposal is therefore considered to comply with the Design Principles of Element 5.4.1 Visual Privacy of the R-Codes and therefore can be supported.

### Conclusion

Notwithstanding the variations that are required, the applicant has reduced the development proposal to approximately the same as the original application (apart from the increase in the balcony over an existing roof, which does not significantly add to the height or bulk of the development. The additional height derives from the opaque glass screen (requested by the neighbour) setback 3.7 metres from the boundary. The screen is setback so as not to be seen from the street and is opaque, which reduces the bulk and scale of the development.

The modifications made by the application significantly return the development back to the original development proposal. The minor variations are to improve the amenity of the western neighbours, however it is noted that the screen will not impact on the viewing vistas of the neighbour across the road. The steel frame roof structure has been removed.

In conclusion, the proposal is considered a mediated outcome between the applicant, neighbours and Council. Whilst some discretions still apply, these are considered minor and do not significantly modify the development from the original approval.

### **11.1 OFFICER RECOMMENDATION**

**That Council approve the proposal for a retrospective planning application comprising balcony and privacy screen to a dwelling at 10 (Lot 4494) Locke Crescent, East Fremantle, as described on the plans date, in accordance with the plans date stamped received 18 July 2016, subject to the following conditions:**

- (1) All conditions as previously recommended and approved by Council are to be complied with, unless otherwise amended by Council or by this planning approval.**
- (2) All screening as indicated on the plans to the balcony (eastern screen wall) to be provided to a height of 1.6 metres, to be designed to be compliant with the design requirements of the 'Deemed to Comply' provisions of the R-Codes, to the satisfaction of the Chief Executive Officer.**
- (3) All stormwater is to be disposed of on site. Suitable roof details to be designed to ensure stormwater collection from the roof terrace/ deck is to be suitably disposed on site. A drainage plan is to be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.**
- (4) 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.**
- (5) The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- (6) With regard to the plans submitted with respect to the Building Permit 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.**
- (7) If requested by Council within the first two years following installation, the Colourbond roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.**
- (8) 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.**

- (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) 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:*

- (i) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (ii) *a copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- (iii) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (iv) *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).*
- (v) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (vi) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document – "An Installers Guide to Air Conditioner Noise".*
- (vii) *all smoke and pollution levels produced by external fire and chimney stack are to comply with the provisions of the Environmental Protection Regulations. Should the Council receive complaint from adjoining matters relating to nuisance Council will investigate the matter. Should the fireplace and chimney not comply with the relevant regulations, Council may request the fireplace and chimney be decommissioned.*

## 11.2 King Street, No. 52 (Lot 4) – Alterations & Additions to Existing Residence

<b>Applicant</b>	Robeson Architects
<b>File ref</b>	PKIN52, P047/16, A14930
<b>Prepared by</b>	Jamie Douglas, Manager Planning Services
<b>Meeting date</b>	5 July 2016
<b>Voting requirements</b>	Simple Majority or Absolute Majority
<b>Documents tabled</b>	Listed or Nil
<b>Attachments</b>	Nil or
	1. Location Map
	2. Copy of Certificate of Title
	3. Heritage Impact Statement dated April 2016
	4. Justification Letter dated 27 April 2016
	5. Referral Response from State Heritage Office dated 11 May 2016
	6. Plans date stamped received 24 June 2016

### Purpose

The proposal is for internal alterations and minor demolition of an existing heritage dwelling at 52 King Street including additions to the rear fronting George Street and a garage off a rear laneway. It is recommended the application be approved subject to conditions.

### Executive Summary

It is considered the proposal is a well designed adaption to an existing heritage dwelling which will compliment the existing streetscape character in George Street and will not detrimentally impact upon the heritage significance of the subject property or its neighbours. A variation in respect to open space is supported as the property will retain sufficient outdoor living areas.

Accordingly the proposal is recommended for approval subject to conditions.

### Background

Zoning: Mixed Use  
Site area: 112 sqm<sup>2</sup>  
Date application received: 2 May 2016  
Documentation: Application form and plans

### Consultation

#### Advertising

The proposed application was advertised to surrounding landowners for a two-week period between 5 May and 3 June 2016. No submissions were received.

#### Town Planning Advisory Panel

This application was considered by the Town Planning Advisory Panel at its meeting on 23 May 2016. The Panels comments and applicants responses area as follows:

Panels Comments	Applicants Response
<i>(a) Panel supports the application.</i>	<i>(a)Noted</i>
<i>(b) Panel does not support replacement of timber with concrete at the front.</i>	<i>(b) Please clarify this point – we propose no changes to the front of the house.</i>

(c) Panel would encourage the addition of an awning to the commercial section to further integrate with the George Street streetscape.	(c) The commercial tenancy has been deleted and the façade amended accordingly.
(d) Panel requires more detail of the privacy screening.	(d) A powder coated black perforated mesh screening, with 25% visual permeability / to comply with codes, to 1.65m in height.
(e) Panel requests more detail of the materials to be removed.	(e) Please clarify. The outhouse to be removed to the rear of the property is single brick and tin roof. Please refer to notes on the drawings in regards to the support of the neighbouring outhouse.

### **State Heritage Office**

Given the subject properties' ' A' classification on the Scheme's Heritage List, the proposal was referred to the State Heritage Council, which advised,

*"The Heritage Council's Register Committee previously identified Terrace Houses, 46-52 King Street as a place warranting assessment for possible entry in the State Register; however a full assessment of its cultural heritage significance has not yet been undertaken.*

*The additions have been detailed in a contemporary manner that clearly distinguishes these elements as new."*

### **Statutory Environment**

Planning and Development Act 2005  
Residential Design Codes of WA  
Town of East Fremantle Town Planning Scheme No. 3

### **Policy Implications**

Town of East Fremantle Residential Design Guidelines 2015  
Heritage List Municipal Heritage Inventory listed Category 'A'  
Fremantle Port Buffer Zone Area 2

### **Financial Implications**

Development cost proposed to be \$400,000.

### **Strategic Implications**

Nil

### **Site Inspection**

Site inspection undertaken: Manager Planning Services on 14 June 2016

### **Triple Bottom Line Assessment**

#### Economic implications

There are no known significant economic implications associated with this proposal.

#### Social implications

There are no known significant social implications associated with this proposal.



Environmental implications

There are no known significant environmental implications associated with this proposal.

**Statutory Assessment**

The proposal has been assessed against the provisions of Town Planning Scheme No. 3 and the Town's Local Planning Policies. A summary of the assessment is provided in the following tables.

Legend <i>(refer to tables below)</i>	
A	Acceptable
D	Discretionary
N/A	Not Applicable

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
Street Front Setback	0m	0m	A
Open Space	50%	20%	D
Outdoor Living	30sqm	48sqm	A
Car Parking	2	2	A
Site Works	Less than 500mm	Less than 500m	A
Overshadowing	25%	<25%	A
Drainage	On-site	On-site	A

Local Planning Policies Assessment

LPP Residential Design Guidelines Provision	Status
3.7.2 Additions and Alterations to Existing Buildings	A
3.7.3 Development of Existing Buildings	A
3.7.4 Site Works	A
3.7.5 Demolition	A
3.7.6 Construction of New Buildings	N/A
3.7.7 Building Setbacks and Orientation	A
3.7.8 Roof Form and Pitch	A
3.7.9 Materials and Colours	A
3.7.10 Landscaping	A
3.7.11 Front Fences	N/A
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	A
3.7.18.3 Garages, Carports and Outbuildings	A
3.7.15-20 Precinct Requirements	A

Building Height Requirement	Required	Proposed	Status
Building Height (wall) (R-Codes)	7m	5.67m	A
Building Height (roof) (R-Codes)	7m	5.67m	D

**Comment**

Development Description

"Daylesford" is one of four terrace houses in the Plympton Precinct. 52 King Street is on one of the end terraces and has both a George and King Street frontage. The house is listed as a 'category A' on the Municipal Heritage Inventory and is zoned residential mixed-use R40. Given the lot has a mixed use zoning; a commercial tenancy on the ground floor facing George Street was initially proposed as part of the development.

The proposal comprises the retention of the original front three rooms and corridor, changes to the present kitchen and bathroom, the demolition of the laundry and outside toilet and construction of a single and two storey addition to the rear that will be visible from King Street. The initial proposal (commented upon by the TPAP) has subsequently been amended to change the use of the commercial tenancy that was to be developed at the rear facing George Street, to a residential study and associated design changes to the George Street facade

#### Streetscape

The scale of the kitchen extension allows the existing house to be dominant, with the eaves of the existing home at a similar height to the top of wall heights of the new kitchen. The two storey rear building relates and is in harmony with the scale of its George Street commercial neighbours to the east. The proposed additions are hidden behind the façade of the original house when viewed from King Street. The dark coloured first floor addition is set-back from both boundaries to lessen the bulk and height and read as recessive / in the background, accordingly it will not unduly impact upon the King Street neighbours in terms of scale and bulk.

The additions are contemporary to the original house materials, but interpreted in a contemporary way. For example, the use of glazed and matte red face bricks will be used for the external walls of the proposed study, which is in sympathy with the many red traditional bricks in the area. The proposed brick walls will be textural and patterned and will pick up the tuck-pointing of the original home. The mix of vertically ribbed metal cladding, flush finish panels, and textural face brickwork helps provide articulation to the facades.

Pursuant with Cl 5.8.1 and 5.8.2 of TPS No3, buildings in the 'mixed use zone' are to be aligned with the front property boundary. The proposal is compliant with these provisions.

#### Heritage

The application included a Heritage Impact Statement prepared by Phillip Griffiths, Heritage Architect which concluded as follows;

*"As this impact statement demonstrates, there is no significant impact on the heritage values of Dalesford. The changes that are being made to the rear of the existing house may be reversed at some future date if that outcome becomes desirable and the remaining evidence, together with the photographic record taken as part of the present work, would allow this to be done reasonably simply."*

#### Parking and access

The proposal will establish a single car garage to be accessed off a rear laneway which is shared by the adjoining semi-detached dwellings in King Street. The adjoining owners have consented to a right-of-carriageway for this access.

#### Open Space

The proposed additions will reduce the available open space on the lot below the 50% 'deemed to comply' requirements of the R-Codes. However an outdoor courtyard and garden area will provide adequate outdoor living areas and it is considered an exercise in discretion in this regard is warranted.

#### **Conclusion**

It is considered the proposal is a well designed adaption to an existing heritage dwelling which will compliment the existing streetscape character in George Street and will not detrimentally impact upon the heritage significance of the subject property or its neighbours. A variation in respect to open space is supported as the property will retain sufficient outdoor living areas.

## 11.2 OFFICER RECOMMENDATION

That Council exercise its discretion in granting planning approval to vary:

- (a) Clause 5.1.4 – Open Space of the Residential Design Codes of WA to permit open space of less than 50%;

for alterations, demolition and additions at No. 52 (Lot 4/SP6861) King Street, East Fremantle, in accordance with the plans date stamped received 24 June 2016, 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 Permit and a Building Permit and the Building Permit 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 Permit 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. 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 Permit.
5. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. 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.
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 Permit is to conform with the approved plans unless otherwise approved by Council.*
- (c) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (d) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air Conditioner Noise".*

### 11.3 No. 18 (Lot 1 & 2) Angwin Street, East Fremantle – Demolition of Additions

<b>Applicant</b>	Tom Roberts
<b>File ref</b>	P/ANG18, P064/16
<b>Prepared by</b>	Andrew Malone, Senior Planning Officer
<b>Supervised by</b>	Jamie Douglas, Manager Planning Services
<b>Meeting date</b>	2 August 2016
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Location plan</li><li>2. Photo</li><li>3. Place record form MHI Review 2016</li><li>4. Development Impact Assessment (Griffith Architects and Mr Gerard McCann Architect</li><li>5. Plans</li></ol>

#### **Purpose**

This report considers an application for partial demolition of an existing dwelling (category A on the Heritage List) at 18 (Lot 1 & 2) Angwin Street, East Fremantle.

#### **Executive Summary**

The following issues are relevant to the determination of this application:

- Heritage/ Demolition

It is considered the proposed demolition can be supported, therefore, the application is recommended for conditional approval.

#### **Background**

Zoning: Residential R12.5

Site area: 1065m<sup>2</sup> (Lot 1 769m<sup>2</sup> and Lot 2 296m<sup>2</sup>)

Date application received: 10 June 2016

Documentation: Application form, plans and heritage impact statement dated 10 June 2016

Heritage Assessment (Griffiths Architects)

#### Previous Decisions of Council and/or History of an Issue or Site

As documented in the Heritage Impact Statement – additions and alterations constructed in 1978 and 2001.

#### **Consultation**

##### Advertising

The proposed application was advertised to surrounding landowners for a two week period between 28 June 2016 and 13 July 2016. No submissions were received.

##### Town Planning Advisory Panel

This application was considered by the Town Planning Advisory Panel at its meeting on 20 June 2016. The Panels comments were recorded as follows:

- Whilst the Panel supports the application, it regrets the loss of a good quality addition.

**Statutory Environment**

Planning and Development Act 2005  
Residential Design Codes of WA  
Town of East Fremantle Town Planning Scheme No. 3

**Policy Implications**

Town of East Fremantle Residential Design Guidelines 2015  
Fremantle Port Buffer Zone Area 2

**Financial Implications**

Nil

**Strategic Implications**

Nil

**Site Inspection**

Site inspection undertaken: Yes  
Detailed internal and external inspection of the property was undertaken by Griffiths Architects and comment has been provided.

**Triple Bottom Line Assessment**

Economic implications

There are no known significant economic implications associated with this proposal.

Social implications

There are no known significant social implications associated with this proposal.

Environmental implications

There are no known significant environmental implications associated with this proposal.

**Comment**

Statutory Assessment

The proposal has been assessed against the provisions of Town Planning Scheme No. 3 and the Town's Local Planning Policies. A summary of the assessment is provided in the following tables.

<b>Legend</b> <i>(refer to tables below)</i>	
A	Acceptable
D	Discretionary
N/A	Not Applicable

Residential Design Codes Assessment

<b>Design Element</b>	<b>Required</b>	<b>Proposed</b>	<b>Status</b>
Open Space	50%	-	N/A
Outdoor Living	30sqm	-	N/A
Car Parking	2	As existing	N/A
Site Works	Less than 500mm	-	N/A
Overshadowing	25%	-	N/A
Drainage	On-site	On-site	N/A

Local Planning Policies Assessment

<b>LPP Residential Design Guidelines Provision</b>	<b>Status</b>
3.7.2 Additions and Alterations to Existing Buildings	N/A
3.7.3 Development of Existing Buildings	A
3.7.4 Site Works	N/A
3.7.5 Demolition	A
3.7.6 Construction of New Buildings	N/A
3.7.7 Building Setbacks and Orientation	N/A
3.7.8 Roof Form and Pitch	N/A
3.7.9 Materials and Colours	N/A
3.7.10 Landscaping	N/A
3.7.11 Front Fences	N/A
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	N/A
3.7.18.3 Garages, Carports and Outbuildings	N/A
3.7.15-20 Precinct Requirements	N/A

Heritage Demolition

The proposed works as per the Development Application are summarised as follows:

- Demolish southern sections of the building. Demolish sections include a living room, bedroom and ensuite, playroom, bathroom and laundry;
- Modify the internal layout of the building to create two bedrooms with ensuites and walk in robes;
- Install new external windows to the new ensuites;
- Install new highlight window to the northern bedroom; and
- Brick up former opening to south bedroom.

The dwelling is located at 18 Angwin Street, over two lots (Lot 1 on Plan 2490, and Lot 2 on Plan 2490). A heritage statement has been undertaken by Gerard McCann. The Heritage Impact Statement indicates the southern additions do form a well-designed addition to the heritage dwelling, which is in keeping with the character of the dwelling, however the additions do not warrant retention and have little to no heritage value.

A detailed inspection of the property has also been previously been undertaken by Mr Philip Griffiths of Griffiths Architects, when the property was recommended for inclusion in the Heritage List as an A listed property. A review of the Record Place Form states:

*“The place has a somewhat modified form and retains some of its details. There are masonry additions to the east and south of the place. The original corrugated iron sheeting has been replaced. The render is a later modification.*

*The place is consistent with the building pattern in the Precinct.”*

Mr McCann’s heritage impact statement notes the additions constructed in 1978 and 2001 will be removed and it is further proposed to substantially reinstate the original footprint of the house in its six-roomed form. Mr McCann concludes

*“The proposal to remove the 1978 and 2001 additions to the south of the original six-roomed house can be supported on heritage grounds as these sections do not have any heritage significance. The remaining fabric represents the footprint of the original six-roomed house, albeit having undergone significant and permanent alterations to its interior and exterior. The*

*proposed changes to the original house as it currently stands are benign and do not represent any loss of authenticity or material fabric, such little that remains from the considerable alterations over time."*

The Heritage Impact Statement has concluded that the existing fabric of the additions and alterations do not have any significant Heritage or Cultural Significance. The later additions, whilst adding to the overall character of the dwelling and streetscape, do not form any heritage significance. Their removal will not impact on the original six-roomed building. The proposal will however re-establish two individual lots without any structure over the boundary. The lot sizes will be Lot 1 769m<sup>2</sup> and Lot 2 296m<sup>2</sup>. Should Council receive an application for the redevelopment of either lot, it will be considered on its merits, including the protection of streetscape and the heritage character of the property and locality.

Griffiths Architects has stated the following with regard the proposal:

*"The heritage report has documentation of the original roof form to the place. Following the demolition of the additions the original roof form is proposed to be reinstated. Restoration of the roof form will have a positive effect on the significance of the place. These works will also have a minor positive impact on the streetscape.*

*The works to the south of the building include new windows and infill of former openings. The south elevation is not the primary elevation and the works are not visually intrusive. These works represent no loss of significance.*

*The proposed development is in keeping with design guidelines in terms of scale, bulk and height. Further, the development is visually compatible in heritage conservation terms. There is no impact on public views, vistas, landmarks and landscape features.*

*In summary, the values in the table above are not negatively impacted by the proposed development. The restoration of the original roof form is a positive outcome."*

It is considered the proposed partial demolition of the existing dwelling (later additions) with proposed minor works to the building, based on the advice of Mr. Griffiths and Mr McCann can therefore be supported by Council.

### **11.3 OFFICER RECOMMENDATION**

**That Council approve a development application for proposed demolition of the existing dwelling and remediation works to southern elevation at 19 (Lot 1 & 2) Angwin Street, East Fremantle, in accordance with the plans date stamped received 10 June 2016, 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) With regard to the plans submitted with respect to the Building Permit 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.**
- (3) All storm water 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 Permit.**
- (4) 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.

- (5) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. 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.
- (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:*

- (i) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (ii) *a copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- (iii) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (iv) *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).*
- (v) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (vi) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document – "An Installers Guide to Air Conditioner Noise".*



- 12. REPORTS OF OFFICERS (COUNCIL DECISION)**  
Nil
- 13. CONFIDENTIAL BUSINESS**
- 14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING – ELECTED MEMBERS, OFFICERS**
- 15. CLOSURE OF MEETING**