



# AGENDA

## Town Planning Committee

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Tuesday 1 September 2020 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.

Persons should be aware that the provisions of the Local Government Act 1995 (section 5.25 (e)) establish procedures for revocation or rescission of a Committee decision. No person should rely on the decisions made by the Committee until formal advice of the Committee decision is received by that person.

The Town of East Fremantle expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of the Committee, or any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the Committee meeting.

### Copyright

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## **Procedure for Deputations, Presentations and Public Question Time at Council Meetings**

Council thanks you for your participation in Council Meetings and trusts that your input will be beneficial to all parties. Council has a high regard for community input where possible, in its decision-making processes.

<p style="text-align: center;"><b>Deputations</b></p> <p>A formal process where members of the community request permission to address Council or Committee on an issue.</p>	<p style="text-align: center;"><b>Presentations</b></p> <p>An occasion where awards or gifts may be accepted by the Council on behalf of the community, when the Council makes a presentation to a worthy recipient or when agencies may present a proposal that will impact on the Local Government.</p>
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### **Procedures for Deputations**

The Council allows for members of the public to make a deputation to Council on an issue related to Local Government business.

Notice of deputations need to be received by 5pm on the day before the meeting and agreed to by the Presiding Member. Please contact Executive Support Services via telephone on 9339 9339 or email [admin@eastfremantle.wa.gov.au](mailto:admin@eastfremantle.wa.gov.au) to arrange your deputation.

Where a deputation has been agreed to, during the meeting the Presiding Member will call upon the relevant person(s) to come forward and address Council.

A Deputation invited to attend a Council meeting:

- (a) is not to exceed five (5) persons, only two (2) of whom may address the Council, although others may respond to specific questions from Members;
- (b) is not to address the Council for a period exceeding ten (10) minutes without the agreement of the Council; and
- (c) additional members of the deputation may be allowed to speak with the agreement of the Presiding Member.

Council is unlikely to take any action on the matter discussed during the deputation without first considering an officer's report on that subject in a later Council agenda.

### **Procedure for Presentations**

Notice of presentations being accepted by Council on behalf of the community, or agencies presenting a proposal, need to be received by 5pm on the day before the meeting and agreed to by the Presiding Member. Please contact Executive Support Services via telephone on 9339 9339 or email [admin@eastfremantle.wa.gov.au](mailto:admin@eastfremantle.wa.gov.au) to arrange your presentation.

Where the Council is making a presentation to a worthy recipient, the recipient will be advised in advance and asked to attend the Council meeting to receive the award.

All presentations will be received/awarded by the Mayor or an appropriate Councillor.

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### Procedure for Public Question Time

The Council extends a warm welcome to you in attending any meeting of the Council. Council is committed to involving the public in its decision-making processes whenever possible, and the ability to ask questions during 'Public Question Time' is of critical importance in pursuing this public participation objective.

Council (as required by the *Local Government Act 1995*) sets aside a period of 'Public Question Time' to enable a member of the public to put up to three (3) questions to Council. Questions should only relate to the business of Council and should not be a statement or personal opinion. Upon receipt of a question from a member of the public, the Mayor may either answer the question or direct it to a Councillor or an Officer to answer, or it will be taken on notice.

Having regard for the requirements and principles of Council, the following procedures will be applied in accordance with the *Town of East Fremantle Local Government (Council Meetings) Local Law 2016*:

1. Public Questions Time will be limited to ten (10) minutes.
2. Public Question Time will be conducted at an Ordinary Meeting of Council immediately following "Responses to Previous Public Questions Taken on Notice".
3. Each member of the public asking a question will be limited to two (2) minutes to ask their question(s).
4. Questions will be limited to three (3) per person.
5. Please state your name and address, and then ask your question.
6. Questions should be submitted to the Chief Executive Officer in writing by 5pm on the day before the meeting and be signed by the author. This allows for an informed response to be given at the meeting.
7. Questions that have not been submitted in writing by 5pm on the day before the meeting will be responded to if they are straightforward.
8. If any question requires further research prior to an answer being given, the Presiding Member will indicate that the "question will be taken on notice" and a response will be forwarded to the member of the public following the necessary research being undertaken.
9. Where a member of the public provided written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
10. A summary of the question and the answer will be recorded in the minutes of the Council meeting at which the question was asked.

**During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation.**

**Members of the public shall ensure that their mobile telephone and/or audible pager is not switched on or used during any meeting of the Council.**

**Members of the public are hereby advised that use of any electronic, visual or audio recording device or instrument to record proceedings of the Council is not permitted without the permission of the Presiding Member.**

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**CONTENTS**

<b>1.</b>	<b>DECLARATION OF OPENING OF MEETING/ANNOUNCEMENTS OF VISITORS</b>	<b>1</b>
<b>2.</b>	<b>ACKNOWLEDGEMENT OF COUNTRY</b>	<b>1</b>
<b>3.</b>	<b>RECORD OF ATTENDANCE</b>	<b>1</b>
3.1	Attendance	1
3.2	Apologies	1
3.3	Leave of Absence	1
<b>4.</b>	<b>MEMORANDUM OF OUTSTANDING BUSINESS</b>	<b>1</b>
<b>5.</b>	<b>DISCLOSURES OF INTEREST</b>	<b>1</b>
5.1	Financial	1
5.2	Proximity	1
5.3	Impartiality	1
<b>6.</b>	<b>PUBLIC QUESTION TIME</b>	<b>1</b>
6.1	Responses to previous questions from members of the public taken on notice	1
6.2	Public Question Time	1
<b>7.</b>	<b>PRESENTATIONS/DEPUTATIONS</b>	<b>1</b>
7.1	Presentations	1
7.2	Deputations	1
<b>8.</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETING</b>	<b>1</b>
8.1	Town Planning Committee (4 August 2020)	1
<b>9.</b>	<b>ANNOUNCEMENTS BY THE PRESIDING MEMBER</b>	<b>2</b>
<b>10.</b>	<b>REPORTS OF COMMITTEES</b>	<b>2</b>
<b>11.</b>	<b>REPORTS OF OFFICERS (COMMITTEE DELEGATION)</b>	<b>4</b>
11.1	Glyde Street No 87 (Lot 118) Proposed alterations and additions	4
11.2	George Street No 68 (Lot 2) Proposed alterations and additions	42
11.3	Gill Street No 36 (Lot 34) Proposed new residence	64
11.4	King Street No 30 (Lot 452) Proposed renovations	84
<b>12.</b>	<b>REPORTS OF OFFICERS (COUNCIL DECISION)</b>	<b>98</b>
12.1	State Planning Reforms, Response to COVID-19 and State Planning Policy 7.3 R-Codes Vol. 1 Interim Review	98
<b>13.</b>	<b>MATTERS BEHIND CLOSED DOORS</b>	<b>121</b>
<b>14.</b>	<b>CLOSURE OF MEETING</b>	<b>121</b>

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**NOTICE OF MEETING**

Elected Members

An Ordinary Meeting of the Town Planning Committee will be held on Tuesday, 1 September 2020 at East Fremantle Town Hall, 135 Canning Highway, East Fremantle commencing at 6.30 pm and your attendance is requested.

GARY TUFFIN  
Chief Executive Officer

27 August 2020

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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 Whadjuk Nyoongar people as the traditional custodians of the land on which this meeting is taking place and pay my respects to Elders past and present.”*

**3. RECORD OF ATTENDANCE**

**3.1 Attendance**

**3.2 Apologies**

**3.3 Leave of Absence**

**4. MEMORANDUM OF OUTSTANDING BUSINESS**

**5. DISCLOSURES OF INTEREST**

**5.1 Financial**

**5.2 Proximity**

**5.3 Impartiality**

**6. PUBLIC QUESTION TIME**

**6.1 Responses to previous questions from members of the public taken on notice**

**6.2 Public Question Time**

**7. PRESENTATIONS/DEPUTATIONS**

**7.1 Presentations**

**7.2 Deputations**

**8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**8.1 Town Planning Committee (4 August 2020)**

**8.1 OFFICER RECOMMENDATION**

**That the minutes of the Town Planning Committee meeting held on Tuesday 4 August 2020 be confirmed as a true and correct record of proceedings.**

**9. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

**10. REPORTS OF COMMITTEES**

Nil

## 11. REPORTS OF OFFICERS (COMMITTEE DELEGATION)

### 11.1 Glyde Street No 87 (Lot 118) Proposed alterations and additions

<b>Owner</b>	Paul Meara & Natarsha Rawlins
<b>Applicant</b>	Yu Nie Chong
<b>File ref</b>	P068/20
<b>Prepared by</b>	James Bannerman, Planning Officer
<b>Supervised by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Meeting date</b>	1 September 2020
<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. Site photos</li><li>3. Plans date stamped 6 August 2020</li><li>4. Submissions from advertising</li><li>5. Community consultation</li></ol>

#### **Purpose**

The purpose of this report is for Council to consider a planning application for proposed alterations and additions at No 87 (Lot 118) Glyde Street, East Fremantle.

#### **Executive Summary**

It is proposed to undertake alterations and additions to an existing dwelling. Existing walls on the boundaries, as well as the slab are being retained and a 5-bedroom, 2-bathroom double storey dwelling with undercroft garage is being proposed. Significant discussions have been held with the applicant in an attempt to moderate the design and achieve an outcome acceptable to the surrounding property owners and the Town to ensure the variations to the Residential Design Codes and Residential Design Guidelines are kept to a minimum. The property is not heritage listed.

The applicant is seeking Council approval for the following variations to the Residential Design Codes and the Residential Design Guidelines;

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks - Northern Boundary – Garage – wall on one boundary only required, wall on 2 boundaries (southern boundary wall existing, northern boundary wall existing)
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Upper floor – Northern Boundary – 3.5m required, 1.5m provided
- (iii) Clause 5.1.6 – Residential Design Codes – Wall Height – Bathroom 1 – North-Eastern Corner – 7m required, 7.9m provided
- (iv) Clause 5.4.1 – Residential Design Codes – Visual Privacy Setbacks – 7.5m required, 5.2m provided

It is considered that the above variations can be supported subject to conditions of planning approval being imposed.

#### **Background**

Zoning: Residential R20

Site area: 508m<sup>2</sup>

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

### **Consultation**

#### Advertising

The application was advertised to surrounding land owners from 8 to 23 July 2020. Four submissions were received. The submissions as well as applicant and Town officer responses have been included in a separate attachment.

#### Community Design Advisory Committee (CDAC)

The application was not referred to CDAC.

#### External Consultation

Nil

### **Statutory Environment**

*Planning and Development Act 2005*

*Residential Design Codes of WA*

*Town of East Fremantle Local Planning Scheme No. 3 (LPS No. 3)*

### **Policy Implications**

*Town of East Fremantle Residential Design Guidelines 2016 (as amended)*

### **Financial Implications**

Nil

### **Strategic Implications**

The Town of East Fremantle Strategic Community Plan 2017 – 2027 states as follows:

#### *Built Environment*

*Accessible, well planned built landscapes which are in balance with the Town's unique heritage and open spaces.*

- 3.1 Facilitate sustainable growth with housing options to meet future community needs.*
  - 3.1.1 Advocate for a desirable planning and community outcome for all major strategic development sites.*
  - 3.1.2 Plan for a mix of inclusive diversified housing options.*
- 3.2 Maintaining and enhancing the Town's character.*
  - 3.2.1 Ensure appropriate planning policies to protect the Town's existing built form.*
- 3.3 Plan and maintain the Town's assets to ensure they are accessible, inviting and well connected.*
  - 3.3.1 Continue to improve asset management practices.*
  - 3.3.2 Optimal management of assets within resource capabilities.*
  - 3.3.3 Plan and advocate for improved access and connectivity.*



Natural Environment

*Maintaining and enhancing our River foreshore and other green, open spaces with a focus on environmental sustainability and community amenity.*

4.1 *Conserve, maintain and enhance the Town’s open spaces.*

4.1.1 *Partner with Stakeholders to actively protect, conserve and maintain the Swan River foreshore.*

4.1.2 *Plan for improved streetscapes parks and reserves.*

4.2 *Enhance environmental values and sustainable natural resource use.*

4.2.1 *Reduce waste through sustainable waste management practices.*

4.3 *Acknowledge the change in our climate and understand the impact of those changes.*

4.3.1 *Improve systems and infrastructure standards to assist with mitigating climate change impacts.*

**Risk Implications**

A risk assessment was undertaken and the risk to the Town was deemed to be negligible.

**Site Inspection**

A site inspection was undertaken.

**Comment**

Statutory Assessment

The proposal has been assessed against the provisions of Local Planning Scheme No. 3 and the Town’s Local Planning Policies including the Residential Design Guidelines, as well as the Residential Design Codes. 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>
Street Front Setback			N/A
Secondary Street Setback			N/A
<b>Lot Boundary Setbacks</b>			
Southern boundary – ground floor – bed 2, 3, garden, bed 4, laundry, staircase		Existing wall	N/A
Southern boundary - pavilion	1m	1m	A
Western boundary - pool	1m	1.95m	A
Northern boundary – pool fence	1m	1m	A
Northern boundary - lounge 2, bed 5, bath2	1.5m	Part of wall is existing and on boundary while new part of wall is 1.5m from boundary	A
Northern boundary – staircase, toilet, study, terrace 4	2.6m	3.2m	A
<b>Northern boundary - garage</b>	<b>Wall built to boundary on 1 side only</b>	<b>Wall built to boundary on both sides</b>	<b>D</b>

Southern boundary – first floor – bed 1	1.2m	3.3m	A
Southern boundary – hallway, lounge 1, dining	1.5m	3.2m	A
Western boundary – feature wall	1m	1.95m	A
<b>Northern boundary – kitchen, pantry, void, bathroom</b>	<b>3.5m</b>	<b>1.5m</b>	<b>D</b>
Open Space	50%	52%	A
<b>Wall Height</b>	<b>7m</b>	<b>7.9m (north eastern corner of master bedroom)</b>	<b>D</b>
Roof Height	9m	8.4m (front) to 9m (rear)	A
Car Parking	0 car bays	1 car bay	A
Site Works	Excavation maximum of 0.5m except for vehicle access	Up to 1.45m excavation for vehicle access	A
Visual Privacy			
	Swimming pool deck	Screening added and additional height to boundary walls	A
<b>First floor rear terrace</b>	<b>7.5m</b>	<b>5.2m - overlooking patio roof built close to boundary of 8 Marmion Street</b>	<b>D</b>
Overshadowing	<25%	Marmion Street No 8 Lot 4 – 8% No 10 Lot 8 -19% No 12 Lot 9 - 25.5% - existing overshadowing No 14 Lot 6 – 26% - existing overshadowing Lot 801 – 24%	A
Drainage			To be conditioned

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	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
3.7.15.4.3.1 Fremantle Port Buffer Area	A
3.7.15.3.3 Garages and Carports	A

This development application proposes alterations and additions at No 87 (Lot 118) Glyde Street, East Fremantle. The proposed development is a contemporary design with skillion and flat roofs, open plan living areas and a combination of materials being used including 'customorb', face and painted brick, concrete and timber. The following changes to the existing dwelling are proposed;

- the addition of a second storey,
- the addition of a light well to break up the long parapet wall on the southern side of the property,
- the creation of an undercroft car park and storage area,
- significant changes to internal openings and rooms,
- a swimming pool with attached deck area, and
- rear pavilion.

The property is not heritage listed and significant portions of the building are proposed to be demolished. Existing features of the site including the significant height above surrounding properties and existing parts of the dwelling which do not comply with current planning regulations have been utilised as part of the alterations and additions. It is a narrow and long lot (12.251m and 41.481m respectively) and this creates constraints which have to be dealt with in the development application, including issues around setbacks, visual privacy and overlooking.

The garage is setback in alignment with the garage of the neighbouring property to the north at 85 Glyde Street. To maintain connection with the street and prevent the front of the garage being enclosed and becoming unwelcoming a visually permeable garage door is proposed to secure the garage.

The total height of the building is between 8.4m (top of front of dwelling) and 9m (top of rear of dwelling) and achieves the maximum height permitted by Table 3 of the Residential Design Codes. It is located on a limestone ridge, well above the rest of the street. This ridge, along with the existing residential dwelling, already limits the views of surrounding properties to the east, west and south that have significantly lower site elevations. There is no increase in overshadowing of those neighbouring properties to the south that already have overshadowing above 25% and only marginal increases in overshadowing for those properties with overshadowing less than 25%, and therefore does not require a request for a variation to overshadowing.

Visual privacy is maximised and overlooking reduced through the use of;

- Obscure glazing on major openings along the northern and southern sides of the dwelling,
- Fixed full height solid timber panels and solid walls on terrace 2 overlooking the northern neighbouring property,
- Fixed timber privacy screens on windows from the pantry, bathroom and bedroom windows, and
- Perforated metal screening with a height of 1.6m is to be added to the southern staircase from the ground level to the upper storey.

The rear terrace is set well back from the western boundary (in excess of 7.5m) so does not present privacy or overlooking issues.

A swimming pool and a deck area is proposed for the rear of the building. Privacy is maintained and overlooking reduced through the addition of extra height to the rear and side boundary fences. The additional height to be added to the rear and northern boundary fences is noted on the plans.

Sections of the roof are flat and will be able to support a garden. The rooftop has barriers that limit access by the residents to these spaces and it is not intended to become additional outdoor entertaining area.

Four variations are requested to the requirements of the Residential Design Codes in relation to:

- lot boundary setbacks;
- maximum wall height; and
- privacy setbacks.

These matters are discussed below.

#### Lot Boundary Setbacks - Northern Boundary - Garage

The garage wall is located along the northern boundary of the property. It is 12.15m long and on average less than 3m high. It has no major openings. Walls with a setback of 0m are permitted to one side boundary only for up to one third of the boundary length behind the front setback (13m). In this case there are walls built up to the boundary on both sides of the property. As such this wall does not meet the requirements of the deemed to comply requirements of the Residential Design Codes clause 5.1.3 C3.2 ii. However, the location of the wall along the boundary does meet the design principles clause 5.1.3 P3.2 for the following reasons;

- Makes more effective use of the space for enhanced privacy for the occupants,
- There is no impact on sunlight or ventilation to the building, open spaces on site or the adjoining properties,
- Improves privacy and reduces overlooking on adjoining properties,
- Does not have an adverse impact on the amenity of the adjoining property, and
- Direct sunlight to habitable rooms and outdoor living areas for adjoining properties is not restricted and it positively contributes to the prevailing and future development context and streetscape as outlined in the local planning framework.

For these reasons, the proposed garage wall on the northern boundary can be supported.

#### Lot Boundary Setback - Upper floor – Northern Boundary

The northern wall of the upper storey is approximately 25.6m long and 7.5m high with no major openings. According to the Residential Design Codes deemed to comply clause 5.1.3 C3.1 i a wall like this is required to be setback 3.5m from the lot boundary. In this case the design shows the wall setback 1.5m. However, the wall does achieve design principles clause 5.1.3 P3.1 for the following reasons;

- There is reduced impact of building bulk on adjoining properties,
- It does not impact on sunlight or ventilation to the building and open spaces on site and the adjoining properties, and
- It minimises the extent of overlooking and loss of privacy on adjoining properties.

It is noted that the subject property is to the south of the adjoining property that is affected and as such does not have an impact as a result of overshadowing. It is also noted that the adjoining property has a wall facing the subject property for the length of the building that is setback between 1m and 4.5m, has no major openings, but overshadows the subject property.

For these reasons the reduced lot boundary setback of the upper storey to the northern boundary can be supported.

#### Wall Height - Bathroom 1 - North-Eastern Corner of Proposed Dwelling

The wall height of bathroom 1 is approximately 7.9m from natural ground level directly below the corner of the eastern and northern walls on the upper storey. This is in excess of the maximum permissible wall height of 7m for the top of an external wall for a concealed roof as required by Category B heights of Table 3 and deemed to comply clause 5.1.6 C6 of the Residential Design Codes. In this case the slope of the lot at this point results in the dwelling being higher than the rest of the building anywhere along this wall. The

proposed increase in wall height is considered acceptable as it achieves the design principles for the following reasons;

- Adequate direct access to sunlight in to the building and open spaces,
- Adequate daylight into major openings of habitable rooms, and
- No impact on views of significance.

The height of this section of the wall does not result in a higher total roof height with the maximum height of the clerestory window and associated roof being between 8.4m and 9m for the full length of the building which is within the limits set by deemed to comply clause 5.1.6 Table 3 Category B of the Residential Design Codes.

For these reasons the increased height at this part of the proposed dwelling can be supported.

#### Privacy Setbacks

The rear balcony does not meet the 7.5m privacy setback that is required for outdoor living areas more than 0.5m above natural ground level by deemed to comply clause 5.4.1 of the Residential Design Codes for the rear of the property at 8 Marmion Street. The privacy setback is equal to 5.2m, however, the area being overlooked at 8 Marmion Street is fully covered by a patio roof and privacy is maintained by this roof. Overlooking does not reduce the level of privacy for this property so in accordance with design principles 5.4.1 P1.2 privacy is maintained through the roofing and as such can be supported. It is also noted that no submission was received from the owners of 8 Marmion Street in relation to the proposed development.

#### Response to Submissions

It is noted that there have been numerous phone conversations and face to face meetings with the applicant to address the concerns of surrounding residents and meet the Town's expectations regarding design. Following advertising and the submissions received from neighbouring properties the applicant, with the support of the owners, was willing to alter the design in response to concerns regarding height, privacy, overlooking, bulk and scale. A proactive approach was adopted by the applicant to achieve outcomes that addressed the issues highlighted by the Town, and following submissions received from neighbouring properties.

The following changes were made to the originally submitted plans;

1. The overall maximum height of the building was reduced such that the maximum height of the building at the front is 8.4m and at the rear it is 9m,
2. The pitch of the top roof above the clerestory windows was reduced to 31 degrees,
3. The front balcony (terrace 3) was removed completely from the design,
4. Examples of the colours and materials of the dwelling was included in the submitted plans,
5. A visually permeable garage door was added,
6. The landscaping plan was modified to show additional trees to be planted to act as supplementary privacy screening
7. Additional height was added to the rear fence to improve privacy and reduce overlooking between the subject property and 86 East Street,
8. Additional height was added to the northern dividing fence to improve privacy and reduce overlooking between the subject property and 85 Glyde Street,
9. Retention of face brick along the southern boundary wall, rather than the use of render and white paint
10. Additional visual privacy screening added to the southern staircase, and

11. Obscure glazing added to the pantry window and upper storey door leading onto the landing for the southern external staircase.

The changes addressed concerns from submitters regarding privacy and overlooking, scale, bulk, height, colour and materials. It is noted that an email was received from the owners of 85 Glyde Street supporting the latest amended plans. The changes have created a dwelling that is less imposing on the streetscape and will fit well with the neighbouring property to the north and other contemporary homes in the Plympton precinct.

#### Conclusion

Based on the assessment that has been completed for this development and the explanation provided in this report, the variations that have been proposed to the Residential Design Codes are considered acceptable. As such it is recommended that the proposed development be supported subject to planning conditions.

#### **11.1 OFFICER RECOMMENDATION:**

**That development approval is granted and Council exercises its discretion in regard to the following;**

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks - Northern Boundary – Garage – wall on one boundary only required, wall on 2 boundaries (southern boundary wall existing)**
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Upper floor – Northern Boundary – 3.0m required, 1.5m provided**
- (iii) Clause 5.16 – Residential Design Codes – Wall Height – Garage – North-Eastern Corner – 6m required, 6.4m provided**
- (iv) Clause 5.4.1 – Residential Design Codes – Privacy Setbacks – 7.5m required, 5.2m provided**

**for alterations and additions at No. 87 (Lot 118) Glyde Street, East Fremantle, in accordance with the plans date stamped received 6 August 2020, subject to the following conditions:**

- (1) The crossover widths are not to exceed the width of the crossovers indicated on the plans and to be in accordance with Council’s crossover policy (2017) and the Residential Design Guidelines.**
- (2) The garage door is to have visual permeability in excess of 60% and is to be installed prior to occupation of the residence.**
- (3) All privacy screens as marked on the plans submitted and received on 6 August 2020 are to be installed prior to occupation of the residence.**
- (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) 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.**

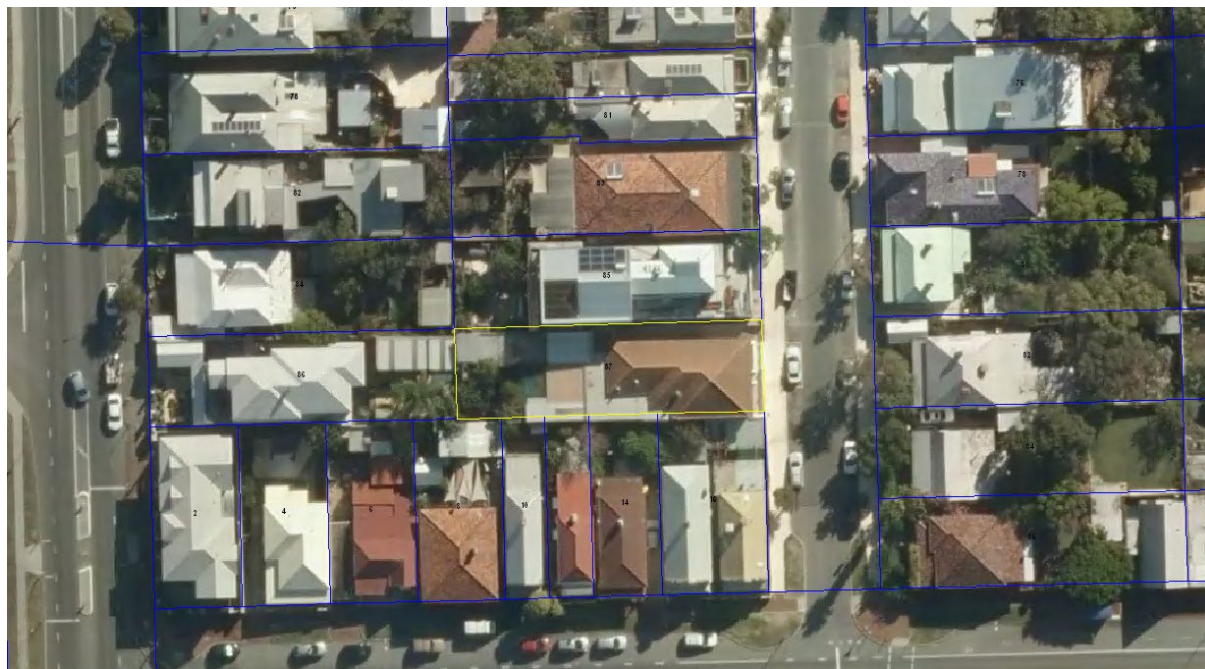
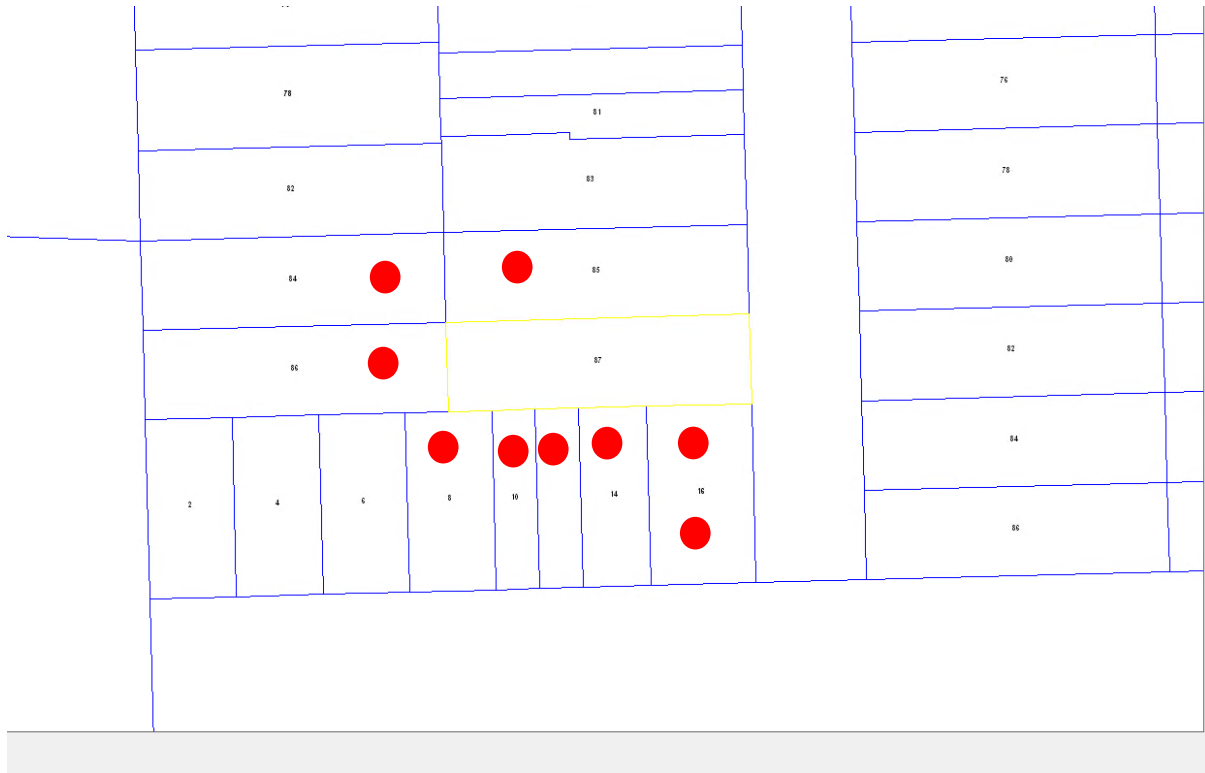
- (8) If requested by Council within the first two years following installation, the roofing is to be treated to reduce reflectivity. The treatment is to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
- (9) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
- (10) 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.
- (11) This planning approval is 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.*

87 Glyde Street – Map and Photo







**87 GLYDE STREET PROPOSED ALTERATION + ADDITION  
DEVELOPMENT APPLICATION DRAWINGS  
Amendment One**

6 AUGUST 2020

**NIE + CO ARCHITECTS**

CONTENT SCHEDULE

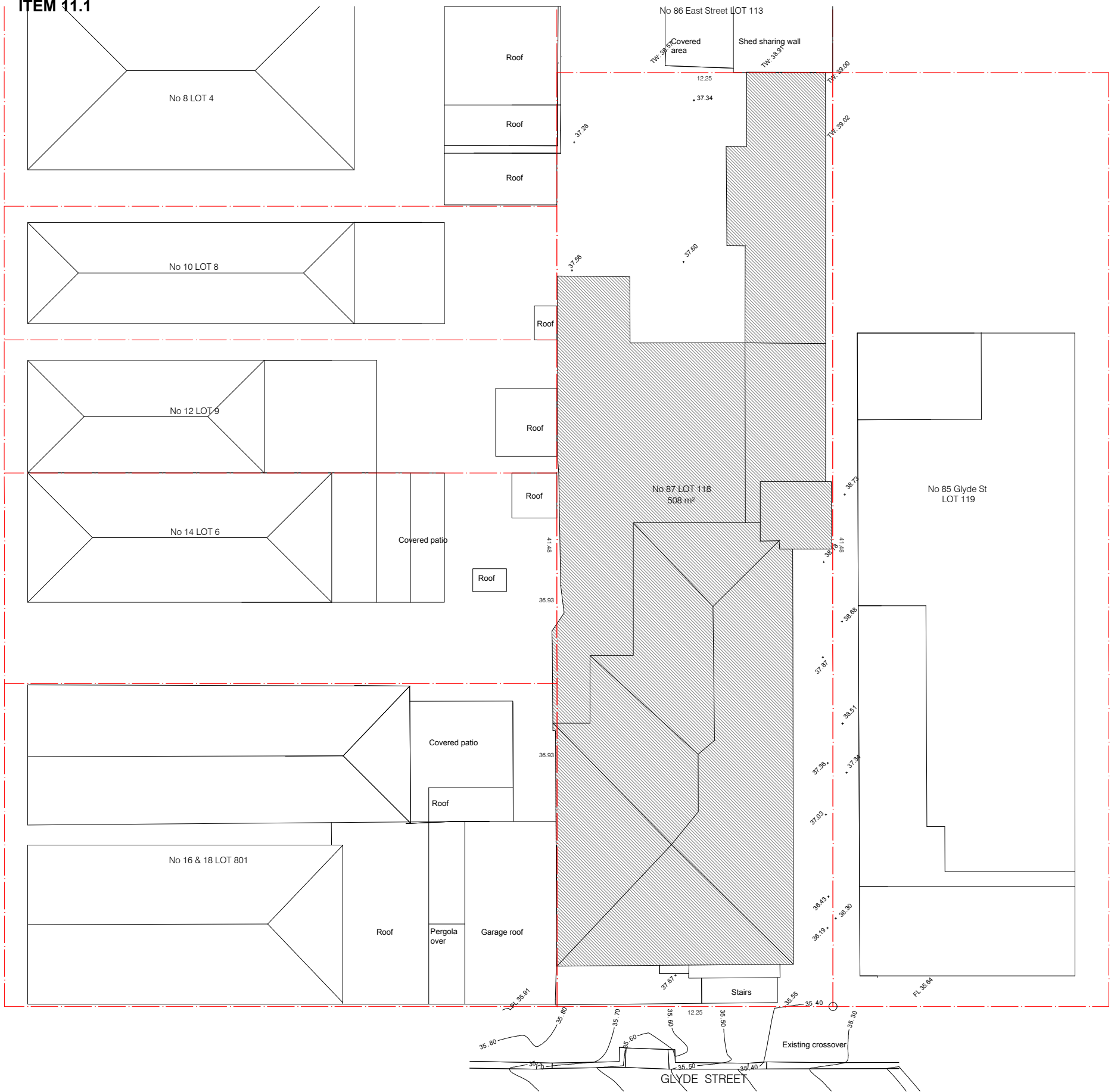
Page 1	COVER PAGE
Page 2	AERIAL PHOTO
Page 3	EXISTING SITE PLAN
Page 4	SITE PLAN
Page 5	DEMOLITION AND EXISTING GROUND FLOOR PLAN
Page 6	FLOOR PLANS
Page 7	LANDSCAPE PLANS
Page 8	VISUAL PRIVACY SCREENING
Page 9	ELEVATIONS
Page 10	VISUALLY PERMEABLE GARAGE DOOR DETAILS
Page 11	OVERSHADOW DIAGRAMS
Page 12	VIEW CORRIDOR PHOTOS
Page 13	STREETScape PHOTOMONTAGE
Page 14	BUILDING PERSPECTIVE IMAGES
Page 15	COLOUR AND MATERIAL PALETTE
Page 16	COLOUR AND MATERIAL PALETTE



Map data ©2020 , Map data ©2020 10 m

SATELLITE AERIAL PHOTO

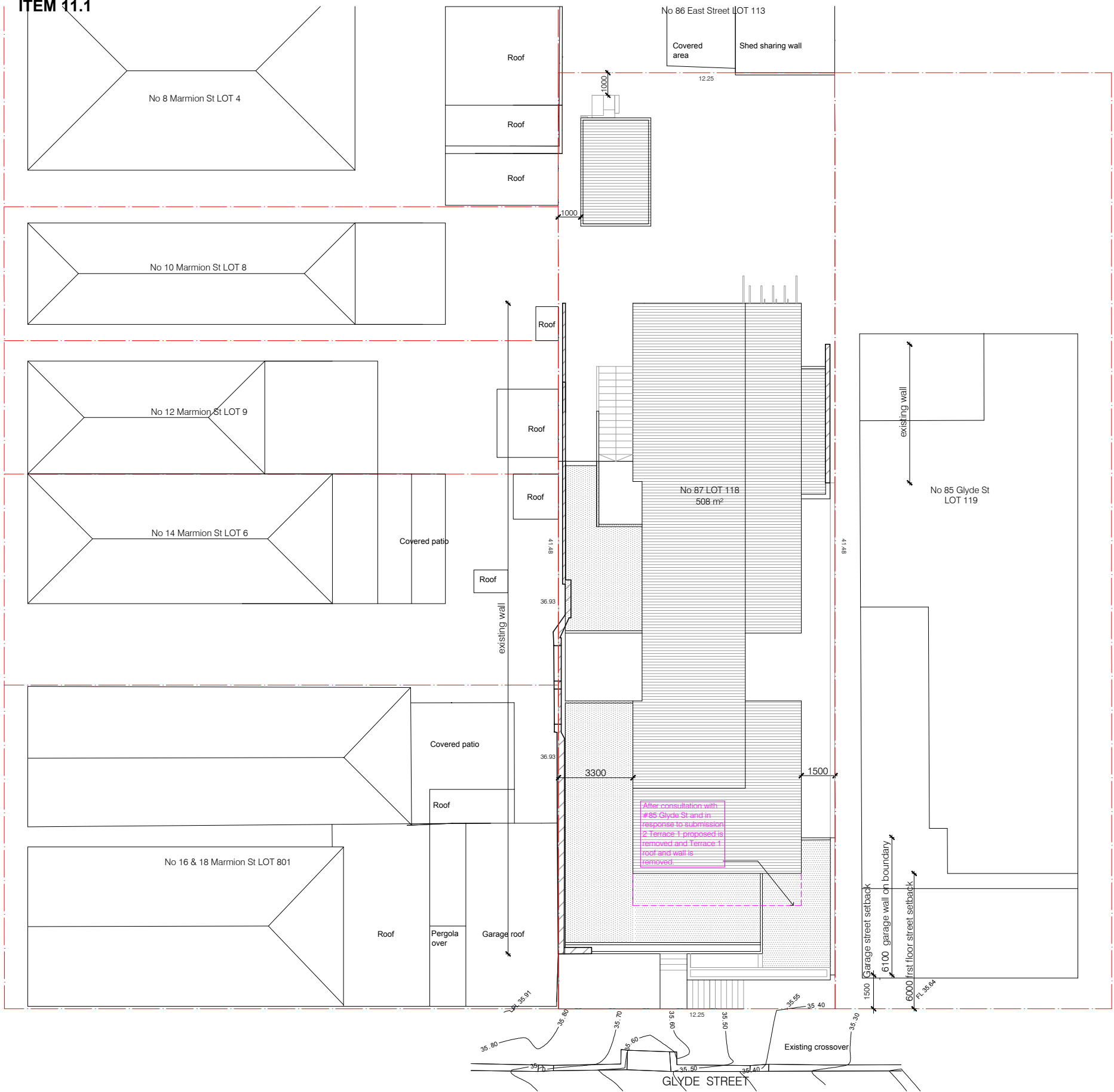
ITEM 11.1



EXISTING SITE PLAN 1:200



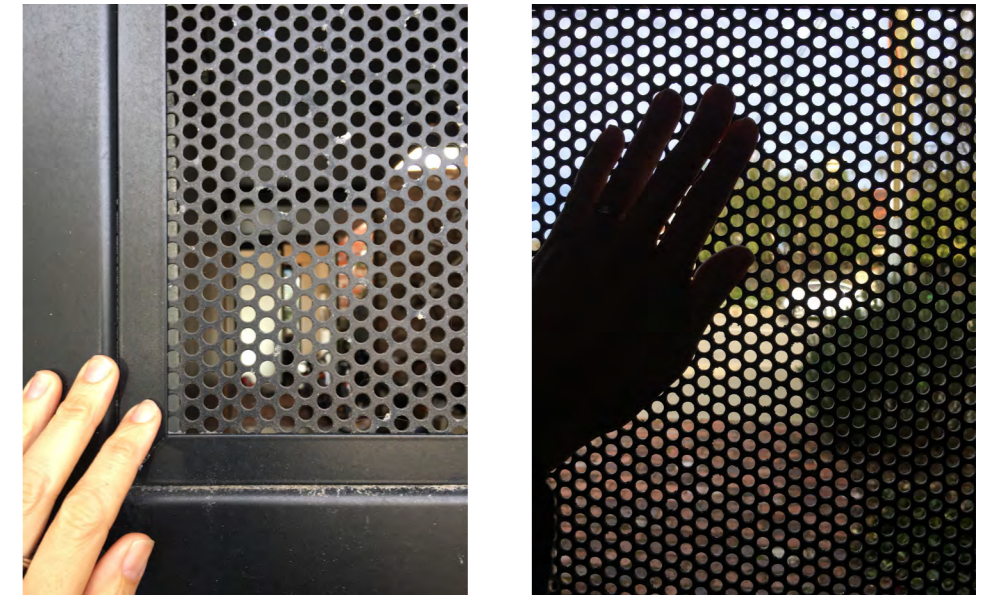
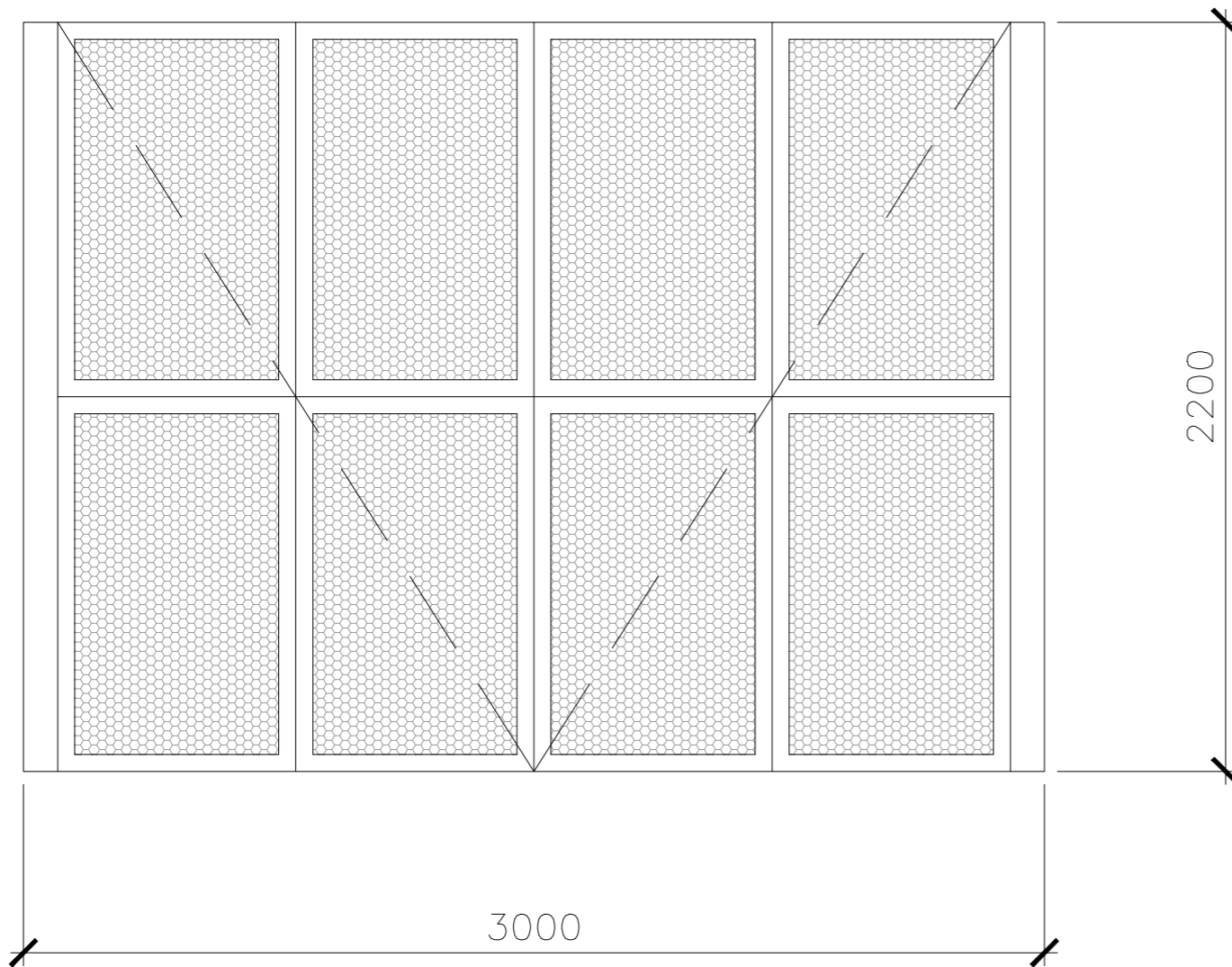
ITEM 11.1



SITE PLAN 1:200



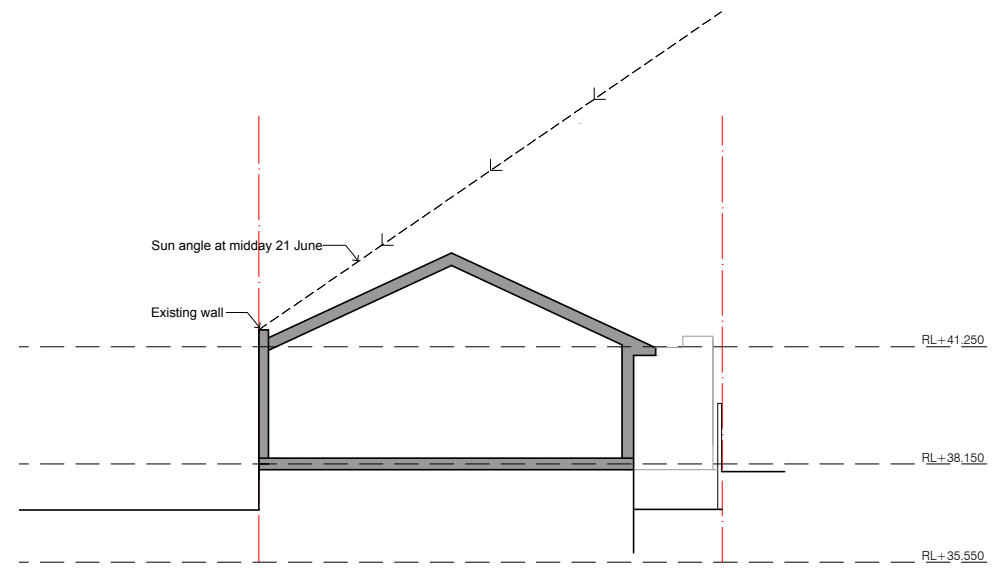
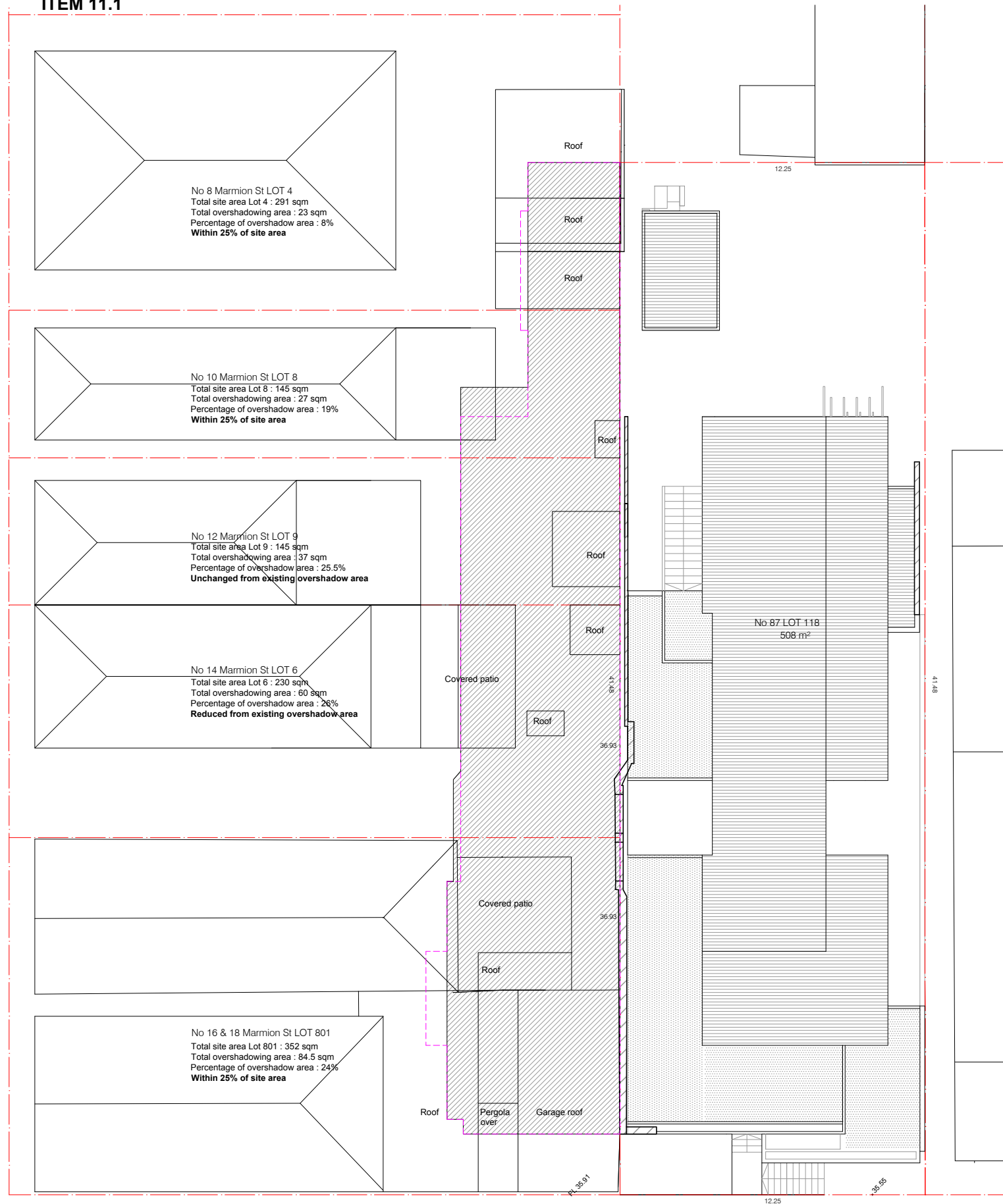
PERFORATED POWDERCOATED ALUMINIUM PANEL DOOR  
CUSTOM GARAGE DOOR WITH PERFORATED PANELS



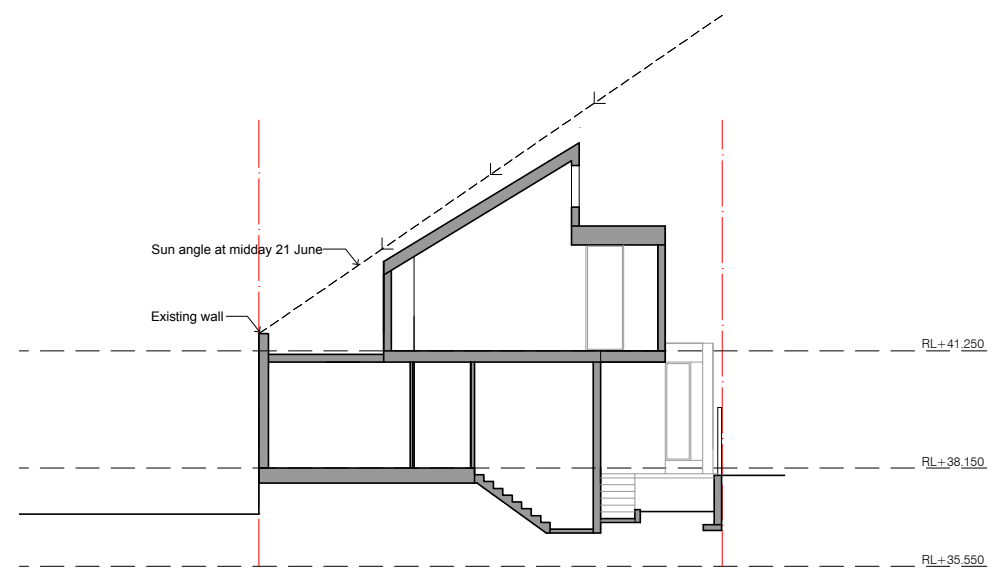
Example images of visually permeable garage door using similar perforated panels.

GARAGE DOOR IMAGES



ITEM 11.1



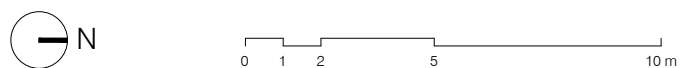
EXISTING OVERSHADOWING DIAGRAM 1:200



PROPOSED BUILDING OVERSHADOWING DIAGRAM 1:200

-  Overshadowing from proposed building
-  Overshadowing from existing dividing walls and proposed 1.8m high boundary fence

OVERSHADOWING DIAGRAM 1:200





As these photo demonstrate, there are no significant views through the site from surrounding locations.

VIEW CORRIDOR IMAGES





**STREET PHOTOMONTAGE**



**Building Perspectives**



Timber screen



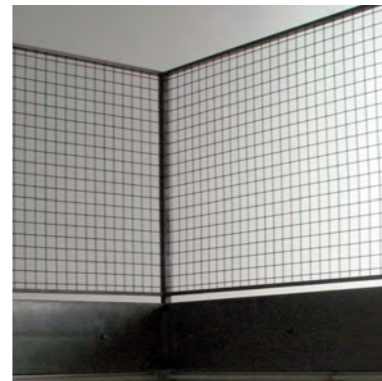
Grey wall cladding



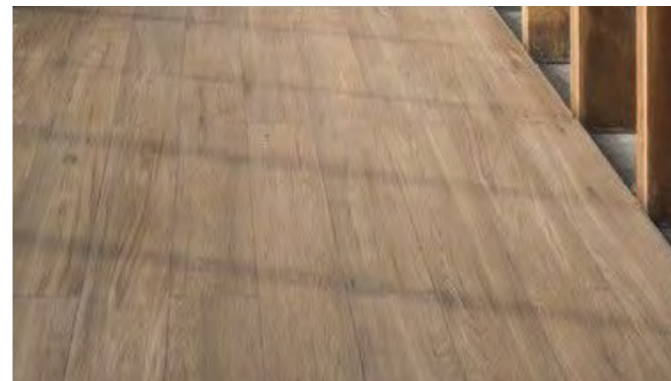
Matt grey colorbond metal roof



Timber cladding



Obscured glass



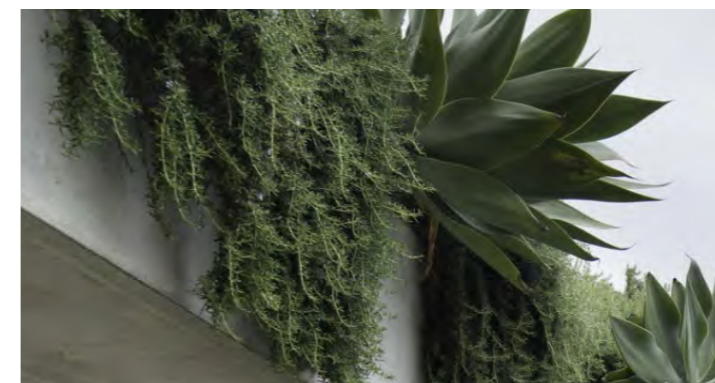
Timber floor



Gravel



Paving

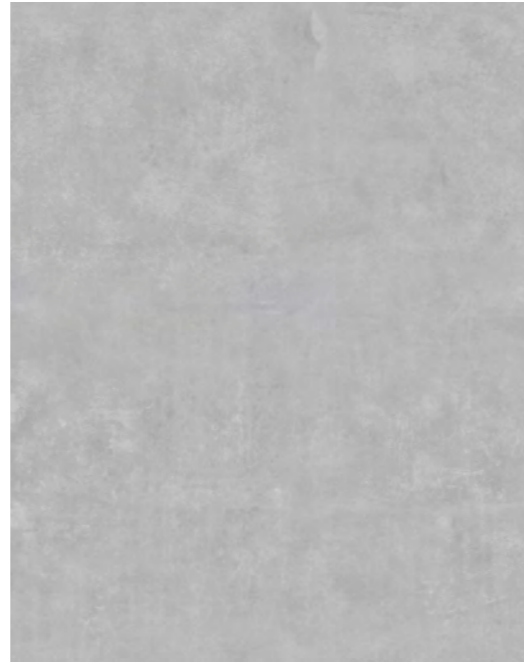


Cascading plants

COLOUR AND MATERIAL PALETTE



Recycled brick



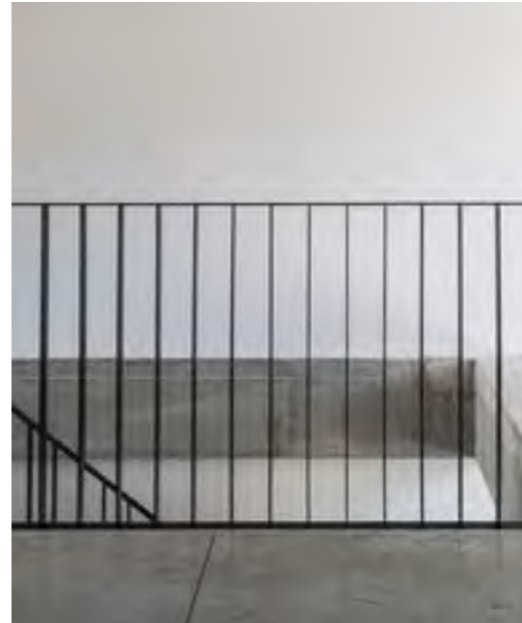
Concrete



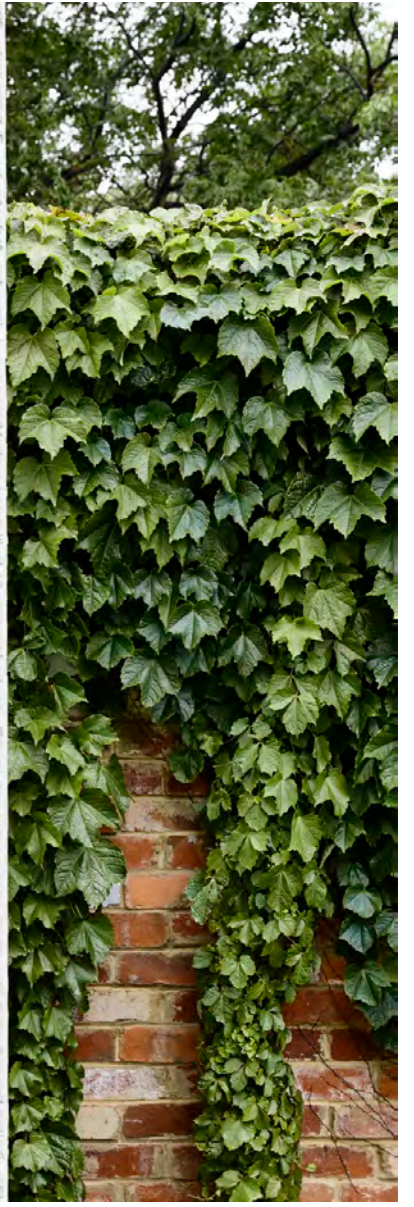
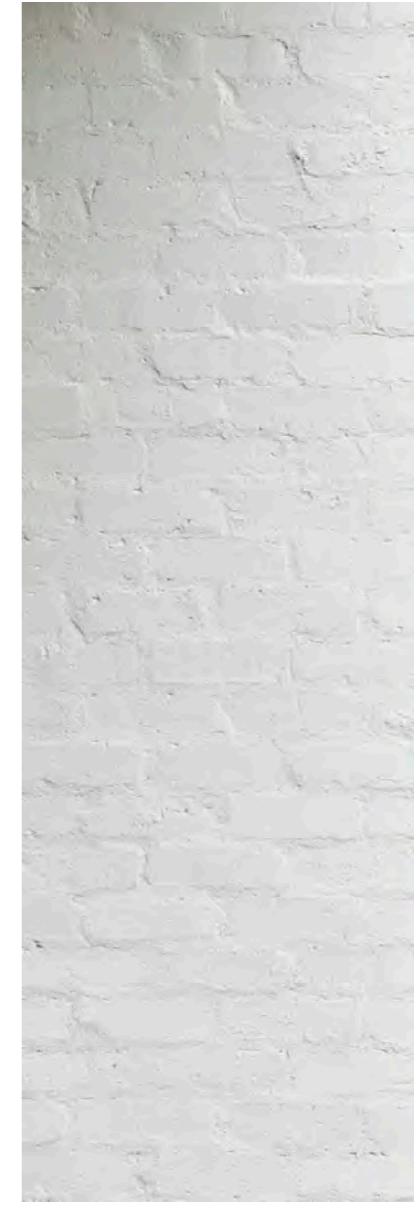
Timber decking



Timber panels



White painted brick



COLOUR AND MATERIAL PALETTE



### Community Engagement Checklist


## Development Application P068/20 - 87 Glyde Street

Project Name


<b>Objective of Engagement:</b>	Neighbour consultation		
<b>Lead Officer:</b>	Regulatory Services		
<b>Timeline:</b>	<b>Start Date:</b>	9/07/2020	<b>Outcomes By:</b> 23/07/2020
Stakeholders			
<b>Stakeholders to be considered.</b>  <i>Please highlight those to be targeted during engagement.</i>	Aged	<input type="checkbox"/>	Ratepayers (all / targeted) <input type="checkbox"/>
	Businesses	<input type="checkbox"/>	Residents (all / targeted) <input checked="" type="checkbox"/>
	Children (School / Playgroup)	<input type="checkbox"/>	Service Providers <input type="checkbox"/>
	Community Groups	<input type="checkbox"/>	Unemployed <input type="checkbox"/>
	Disabled People	<input type="checkbox"/>	Visitors <input type="checkbox"/>
	Environmental	<input type="checkbox"/>	Volunteers <input type="checkbox"/>
	Families	<input type="checkbox"/>	Workers <input type="checkbox"/>
	Govt. Bodies	<input type="checkbox"/>	Youth <input type="checkbox"/>
	Indigenous	<input type="checkbox"/>	<input type="checkbox"/>
	Neighbouring LGs	<input type="checkbox"/>	<input type="checkbox"/>
<b>Staff to be notified:</b>	Office of the CEO	<input type="checkbox"/>	Councillors <input type="checkbox"/>
	Corporate Services	<input type="checkbox"/>	Consultant/s <input type="checkbox"/>
	Development Services	<input type="checkbox"/>	<input type="checkbox"/>
	Operations (Parks/Works)	<input type="checkbox"/>	<input type="checkbox"/>
Community Engagement Plan			
Methods	Responsible	Date Due	Reference / Notes
1.1 E News	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.2 Email Notification ~	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
1.3 Website	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.4 Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.5 Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.6 Fact Sheet	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.7 Media Rel./Interview	<input type="checkbox"/> Communications		<input type="checkbox"/>
2.1 Information Stalls	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
2.2 Public Meeting/Forum	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
2.3 Survey/Questionnaire	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
3.1 Focus Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
3.2 Referendum/Ballot	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
3.3 Workshop	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
4.1 Council Committee	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
4.2 Working Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
* Statutory Consultation	<input checked="" type="checkbox"/> Relevant Officer	23/07/2020	<input checked="" type="checkbox"/> Advertised to 9 surrounding properties
# Heritage Consultation	<input type="checkbox"/> Regulatory Services		<input type="checkbox"/>
^ Mail out (note: timeliness)	<input type="checkbox"/> Communications		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>


Evaluation			
Summary of...		Date Due	Complete / Attached
Feedback / Results / Outcomes / Recommendations		23/07/2020	
Outcomes Shared			
Methods	Responsible	Date Due	Complete / Attached
E-Newsletter	<input type="checkbox"/> Communications		<input type="checkbox"/>
Email Notification	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
Website	<input type="checkbox"/> Communications		<input type="checkbox"/>
Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>
Media Release	<input type="checkbox"/> Communications		<input type="checkbox"/>
Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
Notes			

Submission	Applicant Response	Officer Response
<p><b>Submission 1</b></p> <p>Following our discussions with James Bannerman on 14 July, we would like to notify you of our concerns with the proposed development of the above property, which centre around the significant impact to our visual privacy and the structural integrity of the dividing wall.</p> <ul style="list-style-type: none"> <li>• <u>Visual Privacy</u>: We have recently repaired the dividing wall which was missing a substantial number of bricks on the upper courses, which meant people standing at ground level would look directly into our entire backyard and entertaining area. However, this additional height still does not prevent people looking directly into our yard from ground level. The proposed pool pavilion, surrounding decking and raised decking leading up to the above ground pool will enable people to look directly into our backyard, entertaining area, courtyard and through to our main indoor living area. The proposed height of the decking at the pool entry is only 65cm lower than the height of the proposed timber wall.</li> <li>• <u>Structural Integrity of Wall</u>: Due to the substantial difference in ground level between our property and 87 Glyde Street, the boundary retaining wall was cracking and pushing into our property, we have recently had it reinforced with steel bars and injected concrete. There are currently no significant structures at the rear of 87 Glyde Street and we are concerned that the addition of a pool pavilion, extensive raised decking and a large above ground pool may create additional loading and compromise the structural integrity of the wall. The boundary wall on our side is high (approx. 3m) and if it collapses into our entertainment area could have significant safety implications.</li> </ul> <p>The proposed upstairs living area on the main house will look directly into our bedrooms, however we understand that this is difficult to avoid. We would like to ensure the privacy of our backyard, courtyard and indoor living area. We request that an appropriately sized privacy screen be included in the design, or that the decking and pool be lowered. We also ask that that steps will be taken to mitigate any further impact on the structural integrity of the wall. Please find pictures attached to evidence wall repairs and visual aspects.</p>	<p>This letter has been prepared in support of the amended drawings submitted for the proposed house alterations and additions at 87 Glyde St, East Fremantle (Lot 118).</p> <p>It outlines the applicant’s response to submissions following advertising, the amendments made in response to the submissions, and the variations proposed.</p> <p>The project consists of alterations and additions to an existing house. The house alteration is designed to maximise open space and garden amenities; maximise winter solar access to the house and appurtenant open spaces; maximise natural ventilation and minimise impact on neighbouring properties.</p> <p>The house addition is well considered and overcomes the challenges of the narrow east west oriented site whilst minimising impact on neighbouring properties. The site of the house is within the Plympton Precinct.</p> <p><b>GENERALLY</b></p> <p>The following comments refer to the overall building design:</p> <p><b>Streetscape and Greenspace</b></p> <p>The development adds high quality housing design to the streetscape. The approach to its building form responds to the narrow east west orientated site and surrounds in a similar manner to the north adjacent lot. The street elevation of the building addresses the street, with facades generally parallel to the street and with clearly definable entry points visible and accessed</p>	<p>The applicant has agreed to raise the rear fence to ensure that visual privacy between the rear deck near the pool and the western neighbouring property are protected.</p> <p>An application for a building permit will be required to be made prior to construction works commencing. As part of this an engineer will have to sign off on the plans to verify that the proposed structures are safe and structurally sound.</p> <p>The location and setback of the upper storey balcony is compliant with the Residential Design Codes. The upper storey balcony achieves the minimum required visual privacy setback of 7.5m to the western boundary in accordance with the deemed to comply clause 5.4.1 C1.1i of the Residential Design Codes.</p>

		<p>from the street. The building form terraces back from the street and incorporates separation spaces such as courtyards to reduce the bulk and scale. The garage door is visually permeable, therefore extends the street view through to the open space and green planting beyond. The visually permeable garage door is similar to having a visually permeable front fence to enable surveillance and streetscape. Existing walls facing the southern adjacent neighbours are to be amended and repaired, improving upon the current setting. Landscaping to the front terraces, cascading plants to walls add vegetation for an attractive street setting. Landscaping to the courtyards and backyard provide much greenspace.</p> <p><b>AMENDMENTS</b></p> <p>The following amendments have been made in response to advertised submissions and neighbour consultation:</p> <ol style="list-style-type: none"> <li>1. Western boundary timber fence height proposed is increased to 1.6m above pool access stair landing.</li> <li>2. Northern boundary fence height proposed is increased to 1.8m above pool access stair landing.</li> <li>3. Northern boundary timber fence proposed is changed to masonry.</li> <li>4. Terrace 2 north facing visual privacy screen proposed is changed to solid and glazed portions to full height.</li> <li>5. Terrace 1 proposed is removed.</li> <li>6. Terrace 1 roof and wall proposed is removed.</li> <li>7. Overall building height proposed is reduced to 8.5m above natural ground level.</li> <li>8. Southern external stair and landing balustrade proposed is changed to 1.6m high screen facing south for the landing and upper portion of stair.</li> </ol> <p><b>Response to SUBMISSION 1</b></p> <p>In response to concern for visual privacy, the western boundary timber fence height as contained in the DA submission is proposed to be increased to 1.6m above</p>	
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	<p>pool access stair landing to address this concern. This is reflected in the amended plans attached.</p> <p>All other areas within the backyard are below the pool access stair landing level and have an increased boundary fence height relationship.</p> <p>It is worth noting that the pool access stair landing is not an active habitable space and visual privacy guidelines do not apply.</p> <p>The Terrace 2 setback contained in the DA submission is 10.2m from the western boundary and complies with the visual privacy requirements to the western boundary.</p>	
<p><b>Submission 2</b></p> <p>We live directly opposite 87 Glyde Street.</p> <p>We were surprised and concerned that we were not contacted by Council pertaining to this development application, only finding out through the grace of the immediate neighbours on that side of the street.</p> <p>The first observation that we make is about the height and bulk of the proposed development. We note the closeness to the street frontage which magnifies its size and appears overwhelming.</p> <p>Can you please confirm in writing to us that the street setbacks and heights comply with the relevant codes.</p> <p>Whilst we are happy that a redevelopment is occurring, a review of the plans reveals that there is a terrace on the first floor/top floor which will directly overlook our front yard (at █ Glyde), allowing for full visibility and affording us no privacy. It is disconcerting and uncomfortable when people look down on you like that, especially when our front yard is used extensively.</p> <p>This is a concern to us given the property in its existing form already has a verandah where the residents sit and is at an elevation that overlooks our property (this would correspond with the ground floor of the redevelopment). Therefore, a move to a higher level/elevation that allows even greater penetration of sight into our property is a development we are deeply uncomfortable with. In addition, it seems obvious to us, given this height, that we will be in shadow earlier as the sun goes down in the west.</p> <p>We note there may be some screening, but remain unconvinced about its effectiveness. Our wish is, that combined with the screening, the top floor and terrace is set back further from the street and further, we expect compliance with the codes (we await your confirmation of such).</p>	<p>The structural integrity of the boundary wall is to be certified by professional advice to ensure walls are structurally sound. The Boundary fence, adjacent decking and pool access stair contained in the DA submission are proposed to be light weight timber construction to minimise loading to boundary wall.</p> <p>In response to concern for visual privacy from Terrace 1, Terrace 1 contained in the DA submission is proposed to be removed. This is reflected in the amended plans attached.</p> <p>In response to concern for height and bulk; Terrace 1 roof and wall contained in the DA submission is proposed to be removed; the overall height of building contained in the DA submission is proposed to be reduced to 8.5m above natural ground level. This is reflected in the amended plans attached.</p> <p>Overshadowing requirements do not apply to lots located east of the proposed development.</p> <p>In response to submission 3 request, the north boundary divide height contained in the DA submission is proposed to be increased to 1.8m above the pool access stair landing for the extent of backyard. This is reflected in the amended plans attached.</p> <p>It is worth noting that the pool access stair landing is not an active habitable space and visual privacy</p>	<p>A decision was made to not advertise to properties on the other side of Glyde Street for a number of reasons.</p> <p>Firstly there is a 14m road reserve which is well beyond the visual privacy setback requirements of clause 5.4.1 of the Residential Design Codes. If this was a backyard there would be no argument that the setback of the building would be compliant as the building would easily achieve the minimum required setbacks of;</p> <ul style="list-style-type: none"> <li>• 4.5m for bedrooms and studies,</li> <li>• 6m for habitable rooms other than bedrooms and studies and</li> <li>• 7.5m for unenclosed outdoor active habitable spaces.</li> </ul> <p>Typically, the visual privacy setbacks are not applied for front balconies.</p> <p>Secondly there are no impacts from application of the Residential Design Codes on the properties over the road from the subject property.</p> <p>Thirdly the applicant/owners have agreed to amend the plans of the proposed dwelling to reduce the</p>

<p>We offered similar comments when a similar design was proposed to Council for the property at 85 Glyde Street some years ago. Consequently, the owners of that property were required to comply with a staggered set back of their top floor and terrace, and in fact, the terrace was not able to be used for recreational purposes, including sitting out (which is the case as no such thing occurs there). It is not unreasonable to expect consistency in this regard.</p> <p>Thus in summary, our concerns are:</p> <ul style="list-style-type: none"> <li>• height;</li> <li>• bulk;</li> <li>• top floor terrace;</li> <li>• setbacks;</li> <li>• the oversight into our front yard; &amp;</li> <li>• shadowing.</li> </ul> <p>We thank you for giving due regard to our response, and in particular our concern about the top floor and terrace positioning so close to the street and the implications of that for us.</p> <p>We also await your response in writing to the questions posed about compliance with codes.</p> <p>In addition, we expect to be kept directly informed by Council of progress of this application.</p> 	<p>guidelines do not apply. The increased boundary wall height is 2.8m above surrounding ground level.</p> <p>In response to submission 3 request for a masonry boundary divide, the timber fence contained in the DA submission is proposed to be changed to masonry wall. This is reflected in the amended plans attached.</p> <p>In response to submission 3 request for non-permeable north face to Terrace 2, the visual privacy screen contained in the DA submission is proposed to be changed to solid and glazed portions to full height. This is reflected in the amended plans attached.</p> <p>In response to submission 3 concern on bulk from streetscape, Terrace 1 roof and wall contained in the DA submission is proposed to be removed; the overall height of building is reduced to 8.5m above natural ground level. This is reflected in the amended plans attached.</p> <p>In response to submission 3 concern for overlooking to #87 front terrace, Terrace 1 contained in the DA submission is proposed to be removed. This is reflected in the amended plans attached.</p> <p>In response to submission 3 concern for 1.5m setback at Terrace 1/Ensuite wall; Terrace 1 wall contained in the DA submission is proposed to be removed; the Ensuite wall does not impact overshadowing to the adjacent lot; the Ensuite wall is cantilevered allowing further setback below at ground level; the Ensuite wall does not impact visual privacy to the adjacent lot.</p> <p>In response to submission 4 comment on over viewing, the external stair and landing south facing balustrade contained in the DA submission is proposed to be changed to 1.6m high screen for the upper portion of stair. This is reflected in the amended plans attached. It is worth noting that the external stair and landing is not a habitable space and visual privacy guidelines do not apply.</p>	<p>perceived impacts of the design on the neighbouring properties including;</p> <ul style="list-style-type: none"> <li>• Adding height to rear and side boundary fences to ensure adequate privacy and reduce overlooking into neighbouring properties.</li> <li>• Reducing the height of the clerestory window to 8.5m (below the maximum height of 9m that is permitted) along the top of the proposed building.</li> <li>• Removing the front terrace/balcony from design.</li> <li>• Adding visual and acoustic screening along the northern edge of the rear terrace/balcony.</li> <li>• Pavilion moved such that it is 1m from the southern boundary.</li> <li>• Pool fence is moved 1m from the western boundary.</li> <li>• The window in the pantry is obscure glazing to prevent overlooking.</li> <li>• The door leading onto the landing for the exterior steps is labelled as obscure glazing to reduce overlooking from the upper storey living areas.</li> <li>• Visual privacy screening has been clearly identified on the relevant windows and will be required to be in accordance with the Residential Design Codes screening requirements.</li> <li>• The timber screens on the windows of the master bedroom will be moveable as they are permitted to be to allow sunlight to enter the</li> </ul>
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	<p>It is also worth noting that existing non-compliant windows on the boundary are to be removed, improving upon the current visual privacy to adjacent south lot.</p> <p>The first floor south facing glazing is confirmed to be obscured glass, including the door at the top of the staircase. This is reflected in the amended plans attached.</p> <p>The existing walls are to be retained. The structural integrity of the existing structure and limestone base is to be certified by professional advice to ensure walls are structurally sound.</p> <p>In response to submission 4 request for existing red brick appearance to be retained, any amendments required for wall stability and infilling of existing window will be finished in keeping with the existing character.</p> <p><b>VARIATIONS</b></p> <p>The following are proposed variations and their justifications:</p> <p><b>Boundary setbacks</b></p> <p>A nil boundary setback of a single storey garage is proposed with the justification; it does not impact on the adjacent lot.</p> <p>A 1.5m street setback of a garage door is proposed with the justification; it is similar to the setback of neighbouring garage door; the garage door is visually permeable, therefore extends the street view through to the open space and green planting beyond; the visually permeable garage door is similar to a visually permeable front fence to enable surveillance and streetscape; it satisfies deemed to comply requirements for sight lines.</p> <p>A 200mm boundary setback of an existing wall and 700mm wall extension is proposed with the justification; it does not impact on the adjacent lot; the retaining of existing wall was requested by the adjacent lot and subsequently incorporated into the proposed house design.</p>	<p>room during the day and for privacy at night.</p> <ul style="list-style-type: none"> <li>• The garage door will be visually permeable.</li> <li>• Retain exposed brick on the southern facing existing side wall.</li> </ul> <p>The building has been aligned with the setback of the ground floor of the existing dwelling. In the interests of listening to criticisms from neighbouring properties the front terrace/balcony has been removed completely from the design such that the upper storey is now setback 6m from the front boundary in accordance with the front setback required of dwellings located with an area that have a density coding of R20. The total setback of the proposed upper storey of the dwelling is now equivalent to 20m.</p> <p>Overshadowing is calculated as of midday on June 21 (winter solstice) in accordance with clause 5.4.2 C2.1 of the Residential Design Codes. Overshadowing does not take into account the impact of overshadowing outside this time.</p> <p>The photograph that has been provided by the submitter is deceptive as it does not show the current wall that is located on site at the submitter's address which also does reflect the current requirements regarding walls along a front boundary. It is noted that it is not compliant with the Town's Residential Design Guidelines that requires a minimum of 60% visual permeability above 1.2m from natural ground level. Absolute privacy is not guaranteed in the front yard of dwellings in suburban areas</p>
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A 1.5m boundary setback to the north is proposed with the justification; it does not impact overshadowing to the adjacent lot; there is some wall separation to length of wall to respond to the narrow east west site allowing natural light and ventilation to the proposed building which inherits overshadowing from its north adjacent lot; the wall separation length is reduced to respond to neighbour's western extrusion; the east portion of wall is cantilevered allowing further setback below at ground level; there are no openings from adjacent lot directly facing the wall; it does not impact visual privacy to the adjacent lot.

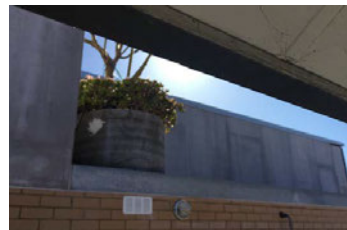


Image 1 and 2: adjacent lot walls directly facing wall.

**Wall Height**

A variation to wall height is proposed to Bath 1 with the justification; it does not impact overshadowing to the adjacent lot; the variation applies to a small portion of wall due to the sloping nature of the site; it is worth noting that the overall building height is 8.5m above natural ground level.

**Excavation**

and the Town encourages visually permeable front fences that are not enclosed and allow for engagement with the street and visual surveillance of the street and the property by the neighbouring properties. This has been an accepted urban planning practice for at least the last 2 decades.

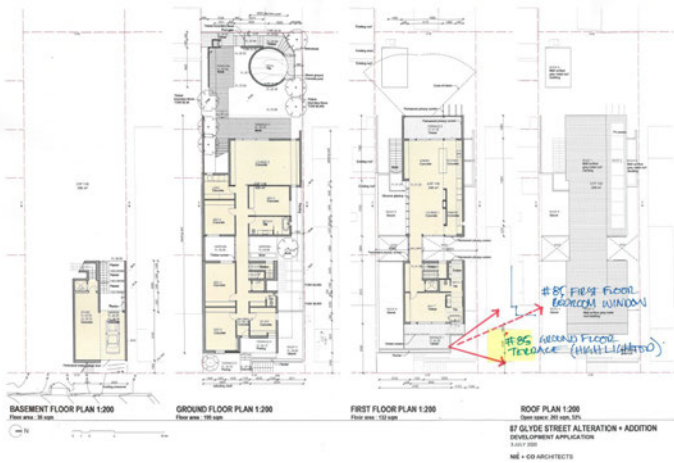
It is noted that the Plympton precinct is characterized by reduced front and side boundary setbacks. Contemporary planning requirements typified by the Residential Design Codes do not always fit well with existing typology of design within the area. For this reason the Residential Design Guidelines does allow for reduced front boundary setbacks that reflect the front boundary setbacks of neighbouring properties many of which have reduced front and side boundary setbacks.

The planning framework in Western Australia allows applicants and owners to submit development applications that permit variations to the deemed to comply clauses of the Residential Design Codes and the acceptable development provisions of the Residential Design Guidelines.

It is not a case of a development not meeting code- variations are permitted and if there is justification for the variations and achievement of the design principles and performance criteria of the R Codes and RDG respectively then the proposal can be presented for assessment and final approval by the Town. If the Town does not support a proposal based on assessment against the R codes and the

	<p>Excavation to the garage is proposed with the justification; it does not impact on adjacent lot; it provides off street parking.</p> <p><b>Conclusion</b> In conclusion, the proposed single house alteration and addition at 87 Glyde St, East Fremantle has been carefully planned, the building form carefully considered to provide a family home that; maximises winter solar access to the site and natural ventilation to rooms; maximises open area and garden amenity; minimises impact to neighbouring properties and adds an attractive setting to the streetscape.</p>	<p>RDG then it may be refused. In this case there are multiple variations to the Residential Design Codes and the Residential Design Guidelines which are to be considered by Committee in the attached report.</p> <p>Submitters will be notified that a matter will be presented to Town Planning Committee and are welcome to attend the Town Planning Committee meeting where the matter will be discussed and decided upon.</p>
<p><b>Submission 3</b></p> <ol style="list-style-type: none"> <li>We are in discussion with #87 architect and are confident we can resolve the following issues; <ul style="list-style-type: none"> <li>Heights and materiality of adjoining boundary wall (1.8m above the proposed pool access deck)</li> <li>Non permeable north face to Terrace 2</li> <li>Terrace 1 privacy screens where viewing cones project over #85 (RC Fig 10a) – see image attached (if terrace is approved)</li> </ul> </li> <li>Further to discussion this AM, we reviewed and had an assessment of the proposed project by a planner, with the following comments in relation to #85/#87 <ul style="list-style-type: none"> <li>When we proposed our own plans for #85, based on feedback from neighbours and planning assessment, our first floor level was adjusted back to achieve a 6.4m street setback, a terracing concept that reduces bulk when viewed from the streetscape, #85 heights were compliant (6.5m wall)</li> <li>#85 is higher on the hill yet the First Floor is set back further (6.4m), than First Floor Terrace currently proposed on #87</li> <li>#87 proposed street setback to First Floor exposed Terrace 1 is 2.4m, enclosed Terrace 1 screen setback 4.5m.</li> <li>#87 proposed First Floor Terrace/Ensuite north boundary setback 1.5m.</li> <li>There are no privacy screens shown on the enclosed or open terraces currently however as above I'm confident this can be included - if the terrace is approved.</li> <li>#87 is 8.0m above the driveway (historical natural ground) and the north and east setbacks rely on height discretions for approval.</li> <li>We are concerned about reduced street setbacks being sought for #87 First Floor, bulky impact on the streetscape and overlooking issues created by proposed Terrace 1, privacy screens will increase the bulk.</li> </ul> </li> </ol>	<p>There has been careful consideration given to the submissions presented through the advertising period of the Development Application. In some cases there has been further consultation with parties who have made submissions. As a result of this there are a number of amendments proposed to address the concerns raised in the submissions, and reasonable steps have been undertaken to modify the design to satisfy these concerns.</p>	<p>The adjoining boundary fence has been amended to be 1.8m above the proposed pool deck.</p> <p>A wall will be added to the north of the rear upper floor terrace to provide both visual and acoustic screening.</p> <p>The overall height of the building has been reduced to 8.5m for the length of the clerestory window at the top the building.</p> <p>The upper storey terrace has been completely removed from the building and the upper storey of the building is now setback 6m from the front boundary.</p> <p>As the building has varied heights over the whole site and the overall height of the building is less than 9m the height of the wall on the northern corner can be supported.</p> <p>As the proposed dwelling is located to the south of No 85 Glyde Street there is no overshadowing despite proximity. Now that the terrace has been removed from the design the impact of walls located closer to the boundary than permitted under the deemed to comply</p>

- We are concerned that proposed Terrace1/Ensuite wall is too close to the boundary at 1.5m setback and 8.0m above NGL.



**Submission 4**

We, the owners of [redacted] Street, East Fremantle have reviewed the plans of application P068/20 relating to the Proposed Alterations & Additions - No. 87 (Lot 118) Glyde Street, East Fremantle.

We are overall positive in regards to the planned alterations and believe that the property will compliment the area.

We do have some points that we are requesting clarification and further review. We believe to protect the amenity of the neighbouring properties on Marmion Street, the external stair case on the southern boundary in its planned format does not appear to provide adequate visible screening from the stair case. To protect the neighbouring properties privacy, we would like to see 1.6 metre high screen in place on the stair case and landing to protect from over viewing.

We would also like to confirm that all glazing to the first floor area comprising of the Lounge / Dining rooms on the southern boundary is in obscure glass including the door at the top of the stair case.

In regards to the southern boundary, the demolition plan shows a section of wall that is noted "To be retained and amended". The same section of wall noted on the Ground Floor Plan appears to be re-aligned. We would like confirmation if this section of wall is to be retained in its current format, or to be a newly constructed section. If it is a

requirements for the Residential Design Codes is relatively benign. The lack of major openings in the northern walls as well as the removal of the eastern terrace means that privacy between the properties is increased. The fact that the rooms located close to the boundary on the northeastern corner of the building is an ensuite means that there will be few issues with noise or privacy.

Privacy screening and obscure glazing will be added wherever required to increase privacy between dwellings and ensure that overlooking is reduced.

The external staircase and attached landing is not considered either a habitable room or unenclosed outdoor living area therefore does not have to have visual privacy screening requirements applied.

The glazing on the door leading onto the staircase landing will be obscure glazing as noted on the plans.

The wall is to be retained, however, changes may be necessary to the wall to ensure that it remains structurally sound in accordance with advice received as part of the building permit process.

The applicant/owner has agreed to retain the exposed red recycled brick appearance of the south facing wall rather than render and paint subject to;

<p>newly constructed wall, will this section of wall comply to the relevant R codes in terms of set back and height for parapet walls? This wall is externally supported by natural face limestone. How will this section of limestone be dealt with considering the above wall plan and access to that area?</p> <p>The southern elevation ground floor has a note of "Render and white paint applied to existing wall" which we feel does not fit with the period of home it is bordering. We would like for it to be considered that the existing red recycled brick appearance is to be retained.</p> <p>Thank you for your time and consideration.</p>		<ul style="list-style-type: none"> <li>• the wall being in a safe and structurally sound state that does not require additional external protection from render or paint and</li> <li>• in accordance with advice received as part of the building permit process.</li> </ul> <p>The wall was treated as an existing wall therefore the Residential Design Codes and Residential Design Guidelines are not applied to that wall.</p>
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## 11.2 George Street No 68 (Lot 2) Proposed alterations and additions

<b>Owner</b>	Margaret & Michael Coffey
<b>Applicant</b>	John Chisholm Design
<b>File ref</b>	P074/20
<b>Prepared by</b>	James Bannerman, Planning Officer
<b>Supervised by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Meeting date</b>	1 September 2020
<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. Site photos</li><li>3. Plans date stamped 28 July 2020</li><li>4. Community consultation</li></ol>

### Purpose

The purpose of this report is for Council to consider a planning application for proposed alterations and additions at No 68 (Lot 2) George Street, East Fremantle.

### Executive Summary

The proposed development includes the demolition of the existing studio and carport at the rear of the existing building and the construction of a new triple garage and ancillary dwelling (above the garage) in the same location, as well as an expanded dining room on the ground floor of the main dwelling and larger bedroom 1 and lounge on the upper storey.

The applicant is seeking Council approval for the following variations to the Residential Design Codes and Local Planning Scheme No 3;

- (i) Clause 5.1.3 – Residential Design Codes – Rear Boundary Wall – 1m required, 0m provided
- (ii) Clause 5.8.3 – Local Planning Scheme No 3 – Plot Ratio – 0.5:1 required, 0.58:1 provided

It is considered that the above variations can be supported subject to conditions of planning approval being imposed.

### Background

Zoning: Mixed Use R40

Site area: 330m<sup>2</sup>

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

Within the George Street Designated Heritage Area.

### Consultation

#### Advertising

The application was advertised to surrounding landowners from 4 to 18 August 2020. No submissions were received.

#### Community Design Advisory Committee (CDAC)

The application was not referred to CDAC.



External Consultation

Nil

**Statutory Environment**

*Planning and Development Act 2005*

*Residential Design Codes of WA*

*Town of East Fremantle Local Planning Scheme No. 3 (LPS No. 3)*

**Policy Implications**

*Town of East Fremantle Residential Design Guidelines 2016 (as amended)*

**Financial Implications**

Nil

**Strategic Implications**

The Town of East Fremantle Strategic Community Plan 2017 – 2027 states as follows:

Built Environment

*Accessible, well planned built landscapes which are in balance with the Town's unique heritage and open spaces.*

- 3.1 *Facilitate sustainable growth with housing options to meet future community needs.*
  - 3.1.1 *Advocate for a desirable planning and community outcome for all major strategic development sites.*
  - 3.1.2 *Plan for a mix of inclusive diversified housing options.*
- 3.2 *Maintaining and enhancing the Town's character.*
  - 3.2.1 *Ensure appropriate planning policies to protect the Town's existing built form.*
- 3.3 *Plan and maintain the Town's assets to ensure they are accessible, inviting and well connected.*
  - 3.3.1 *Continue to improve asset management practices.*
  - 3.3.2 *Optimal management of assets within resource capabilities.*
  - 3.3.3 *Plan and advocate for improved access and connectivity.*

Natural Environment

*Maintaining and enhancing our River foreshore and other green, open spaces with a focus on environmental sustainability and community amenity.*

- 4.1 *Conserve, maintain and enhance the Town's open spaces.*
  - 4.1.1 *Partner with Stakeholders to actively protect, conserve and maintain the Swan River foreshore.*
  - 4.1.2 *Plan for improved streetscapes parks and reserves.*
- 4.2 *Enhance environmental values and sustainable natural resource use.*
  - 4.2.1 *Reduce waste through sustainable waste management practices.*
- 4.3 *Acknowledge the change in our climate and understand the impact of those changes.*
  - 4.3.1 *Improve systems and infrastructure standards to assist with mitigating climate change impacts.*

**Risk Implications**

A risk assessment was undertaken and the risk to the Town was deemed to be negligible.

## Site Inspection

A site inspection was undertaken.

## Comment

### Statutory Assessment

The proposal has been assessed against the provisions of Local Planning Scheme No. 3 and the Town's Local Planning Policies including the Residential Design Guidelines, as well as the Residential Design Codes. 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 & Local Planning Scheme No3

Design Element	Required	Proposed	Status
Street Front Setback			N/A
Secondary Street Setback			N/A
Lot Boundary Setbacks			
Northern wall – boundary – garage – ground floor	1m	0m	D
Western wall – garage – ground floor	0m	0m	A
Eastern wall – boundary – garage – ground floor	0m	0m	A
Northern wall – bedroom & bathroom upper storey	1.2m	1.2m	A
Western wall – bathroom, kitchenette, living – upper storey	0m	0m	A
Eastern wall – bedroom, living – upper storey	0m	0m	A
Western wall – dining – ground floor	0m	0m	A
Western wall – bedroom 1 – upper storey	0m	0m	A
Open Space	45%	47%	A
Plot ratio	0.5:1	0.58:1	D
Wall height	5.5m	5.141m	A
Roof height	8m	7.602m	A
Setback of Carport			N/A
Car Parking	2	3	A
Site Works			N/A
Visual Privacy			A
Bedroom ancillary accommodation	4.5m	4.5m	A
Living ancillary accommodation	6m	6m	A
Balcony ancillary accommodation	7.5m	7.5m	A
Bed 1 main building	4.5m	4.5m	A
Overshadowing			N/A
Drainage			To be conditioned

Local Planning Policies Assessment

<b>LPP Residential Design Guidelines Provision</b>	<b>Status</b>
3.7.2 Additions and Alterations to Existing Buildings	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	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
3.7.15.4.3.1 Fremantle Port Buffer Area	A
3.7.15.3.3 Garages and Carports	A

This development application proposes alterations and additions to an existing dwelling at No 68 (Lot 2) George Street, East Fremantle. The proposed development includes the demolition of the existing studio and carport at the rear of the existing building and the construction of a new triple garage and ancillary dwelling (above the garage) in the same location, as well as an expanded dining room on the ground floor and larger bedroom 1 and lounge on the upper storey of the main dwelling.

One variation is requested to the requirements of the Residential Design Codes regarding the rear lot boundary setback and one variation is requested regarding the required plot ratio of the building on site in accordance with the Local Planning Scheme No 3.

Lot Boundary Setback – Rear Boundary Wall

The northern wall of the ancillary dwelling on the ground floor is 6.87m long and 3.091m high. In accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1i and Table 2a & b requires a lot boundary setback of 1m. In this case the wall is located on the boundary and achieves design principles clause 5.1.3 P3.2 for the following reasons;

- Makes more effective use of space for enhanced privacy for the occupants or outdoor living areas,
- Provides adequate sunlight and ventilation to the building and open spaces on the site and adjoining properties,
- Minimises the extent of overlooking and resultant loss of privacy on adjoining properties,
- Does not have an adverse impact on the amenity of the adjoining property,
- Ensures direct sunlight to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted, and
- Positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.

For these reasons the reduced lot boundary setback should be supported.

Plot Ratio

The development has a plot ratio of 0.58:1 which does not meet clause 5.8.3 of Local Planning Scheme No 3. Under LPS 3 mixed use zones are supposed to have a plot ratio of 0.5:1. In accordance with clause 5.8.3 the plot ratio may be varied by the local government. In this case the development of 240m<sup>2</sup> is occurring

on a 412m<sup>2</sup> site (including common property). The variation is marginally more than required and is supported for the following reasons;

- The development is not excessive for a mixed-use site,
- New development is concentrated to the rear of the site rather than the front of the site,
- The proposed additions is similar in context and intent to what is proposed to be demolished, and
- Height is not excessive and in alignment with other sites along George Street.

It is noted that if the Residential Design Codes open space requirements were applied to the same site then 45% of the site would have to be dedicated to open space in accordance with Table 1 of the Residential Design Codes. In this case 47% of the site is open space and the proposed development would meet clause 5.1.4 deemed to comply requirements of the Residential Design Codes.

#### Heritage

The subject site is within the George Street Designated Heritage Area as defined in the Town's Local Planning Policy 3.1.6. The building is not a heritage building and is not listed on the Municipal Heritage Inventory or the Town's heritage list. It is not considered a contributory building according to Local Planning Policy 3.1.6, so the following principles apply;

#### *Non- contributory Buildings – Additions and Alterations*

##### *General Principles*

- Additions and alterations to non-contributory buildings are to respect and complement the significance and character of the existing contributory buildings and their contribution to the character of the Heritage Area.*
- Additions and alterations to non-contributory buildings are to respect and complement the scale, setbacks, bulk and proportions of the streetscape.*
- Applications for full demolition of dwellings may be supported for non-contributing buildings, subject to a satisfactory proposal being submitted to the Town for Council's consideration.*

In each case the proposed alterations and additions respect and complement the significance and character of the existing contributory buildings. As the development is concentrated at the rear of the existing building it does not impact on the streetscape. The proposed demolition of the rear studio and carport do not impact on the heritage character of the surrounding contributory buildings and part of the new development is occurring in the same location as the structures to be demolished.

#### Conclusion

With the exception of the rear boundary setback and the plot ratio the proposed development is compliant with the Residential Design Codes, Residential Design Guidelines, Local Planning Scheme No 3 and the George Street Designated Heritage Area. Based on the assessment the proposed development can be supported.

#### **11.2 OFFICER RECOMMENDATION:**

**That development approval is granted and Council exercises its discretion in regard to the following;**

- Clause 5.1.3 – Residential Design Codes – Rear Boundary Wall – 1m required, 0m provided, and**
- Clause 5.8.3 – Local Planning Scheme No 3 – Plot Ratio – 0.5:1 required, 0.58:1 provided**

**for alterations and additions at No. 68 (Lot 2) George Street, East Fremantle, in accordance with the plans date stamped received 28 July 2020, subject to the following conditions:**

- (1) The ancillary accommodation located at the rear of the dwelling is not to be used for short term accommodation unless a development application has been submitted with the Town for the consideration of Council.
- (2) Approval is to be sought from the Water Corporation regarding connection to the sewerage prior to the submission of a building permit.
- (3) 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.
- (4) 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.
- (5) 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.
- (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 Permit.
- (7) If requested by Council within the first two years following installation, the 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 is to remain valid for a period of 24 months from date of this approval.

**Footnote:**

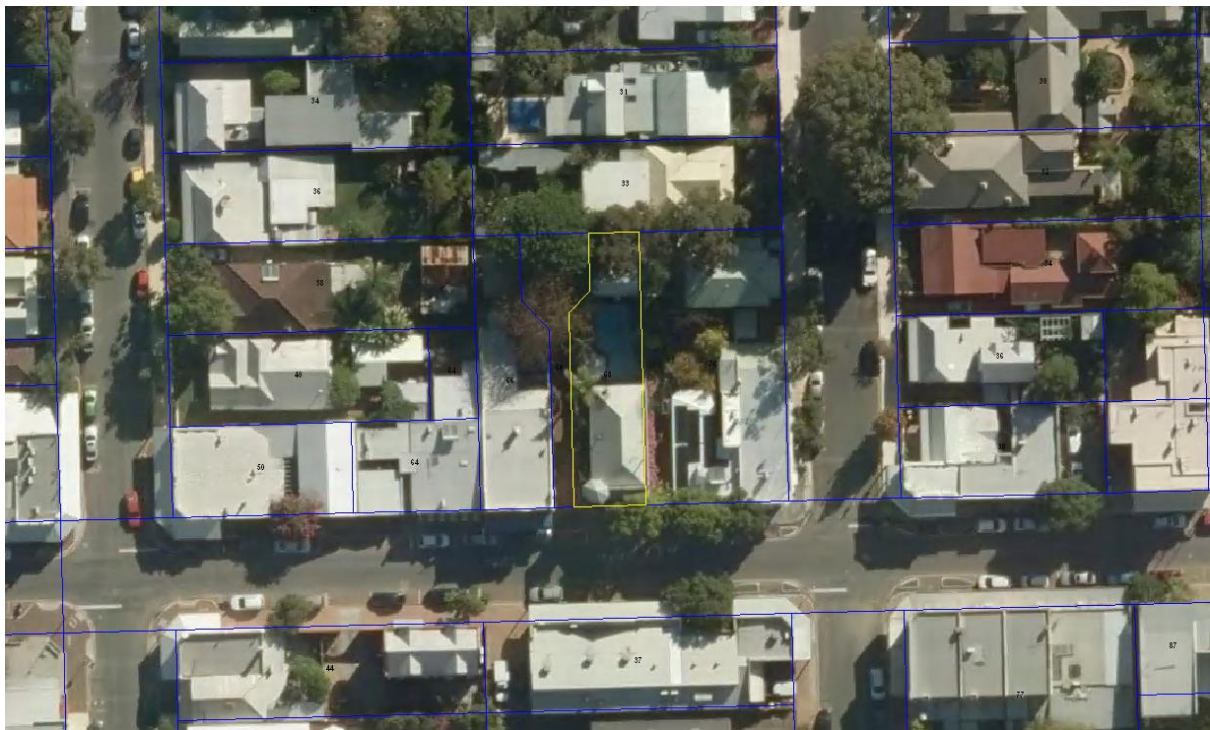
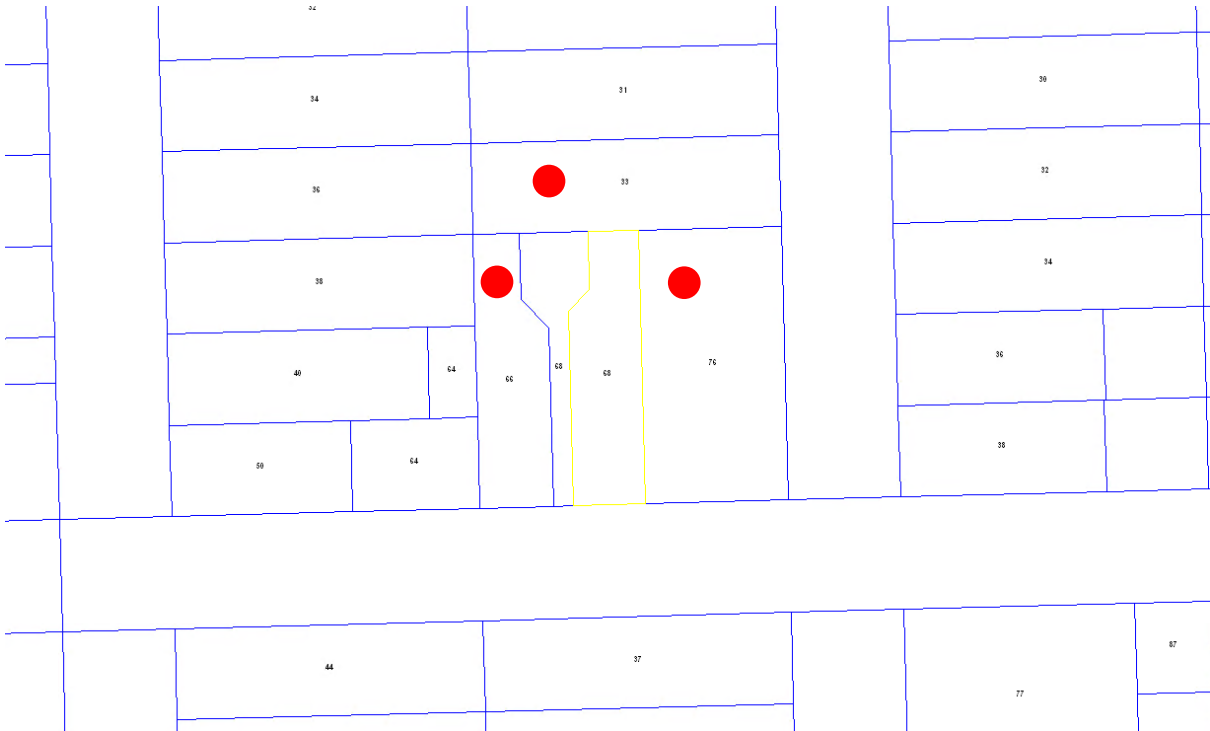
*The following are not conditions but notes of advice to the applicant/owner:*

- (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.*

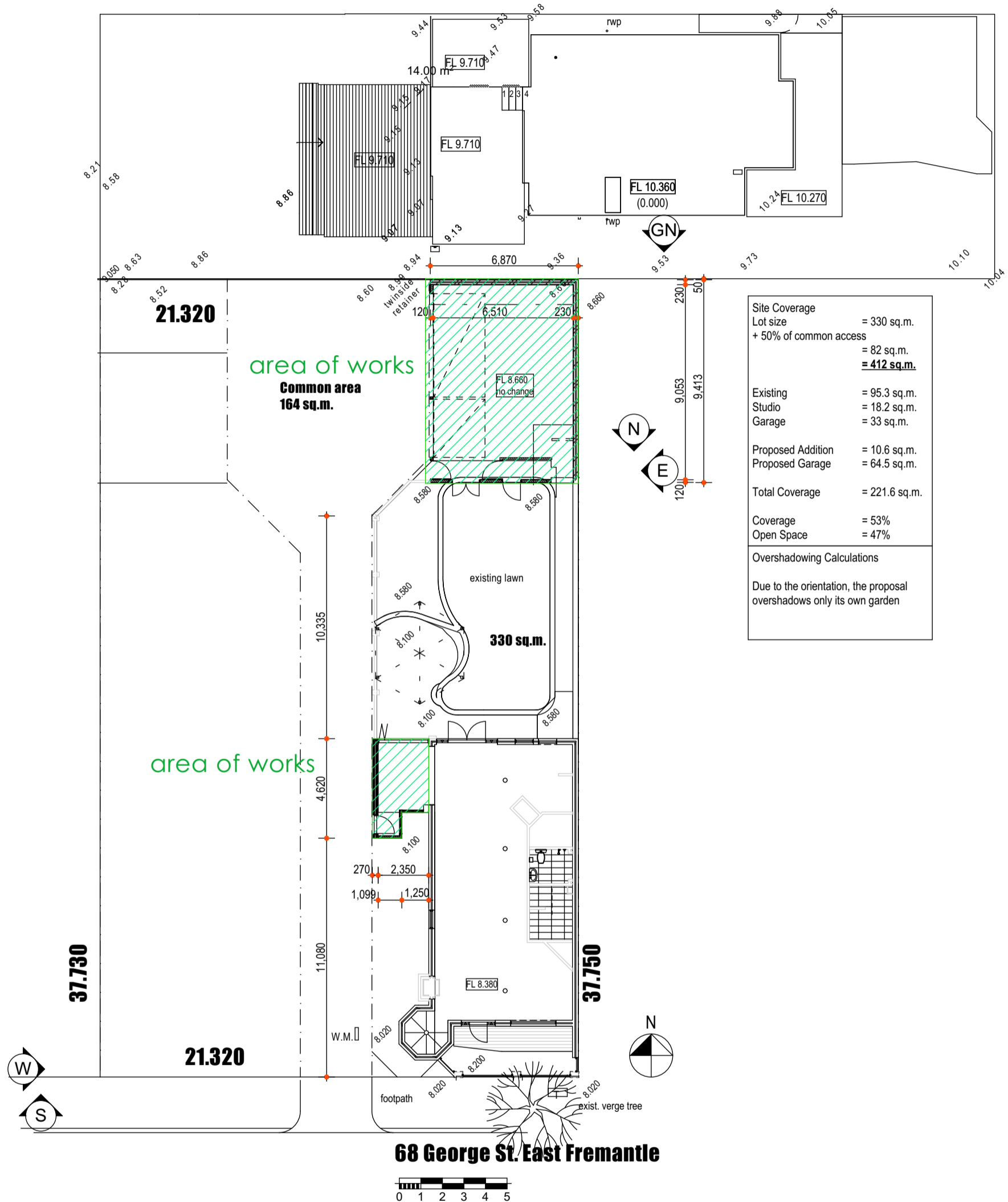
- (iv) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (v) matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

68 George Street – Map and Photo









SITE PLAN  
1:200

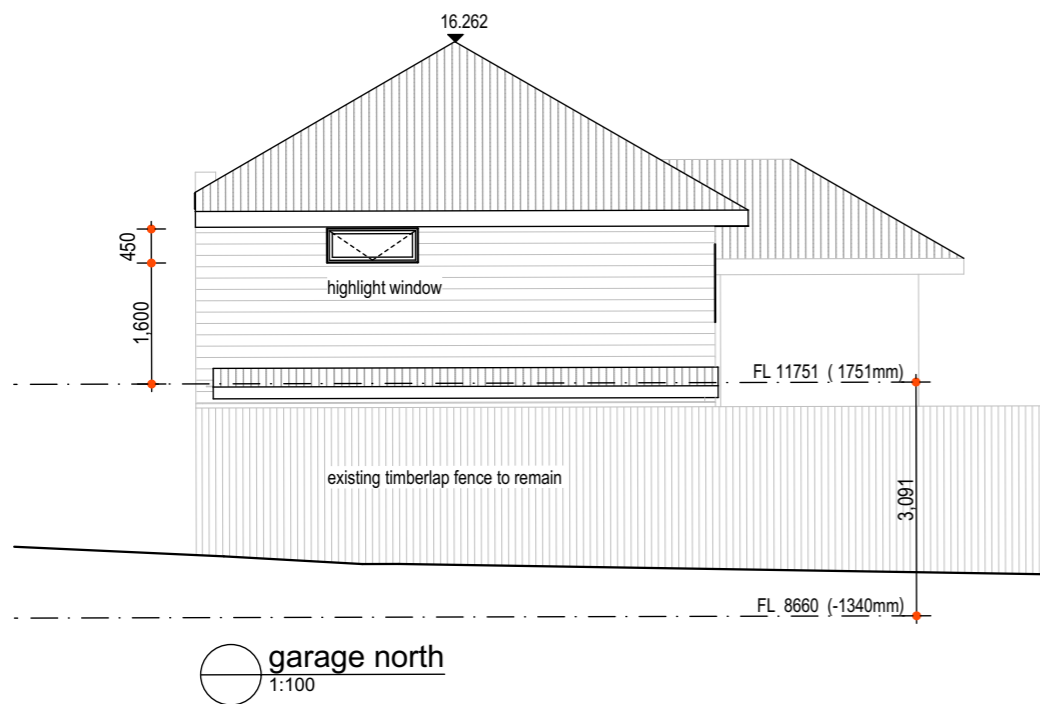
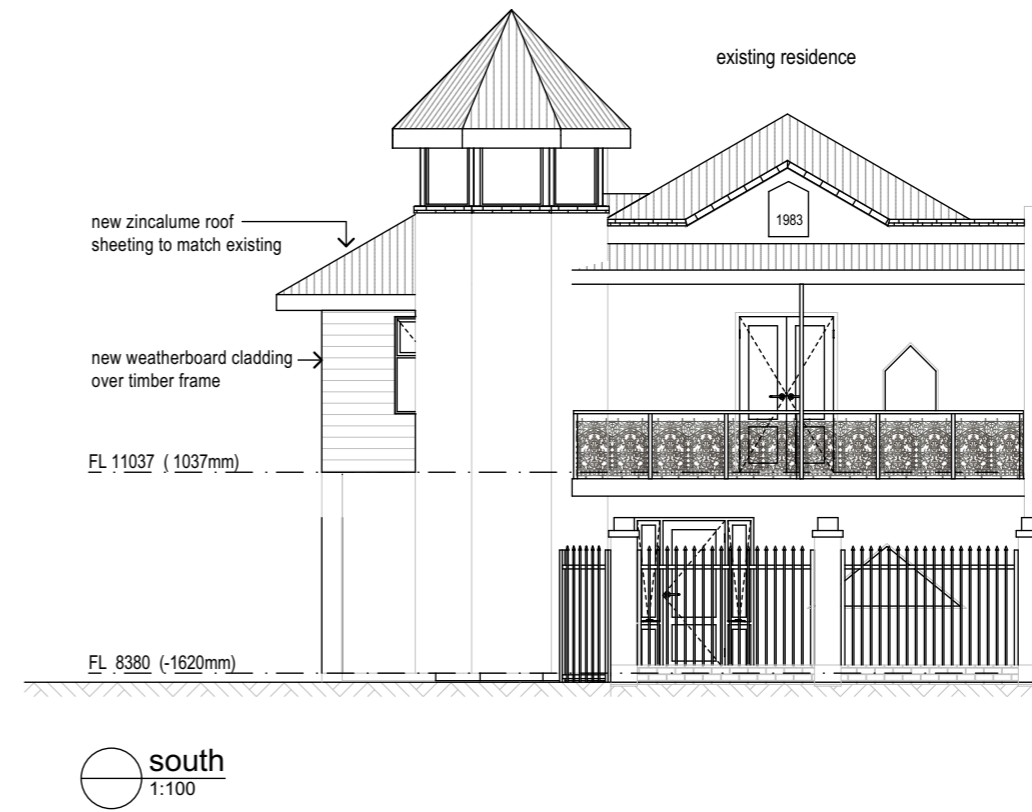
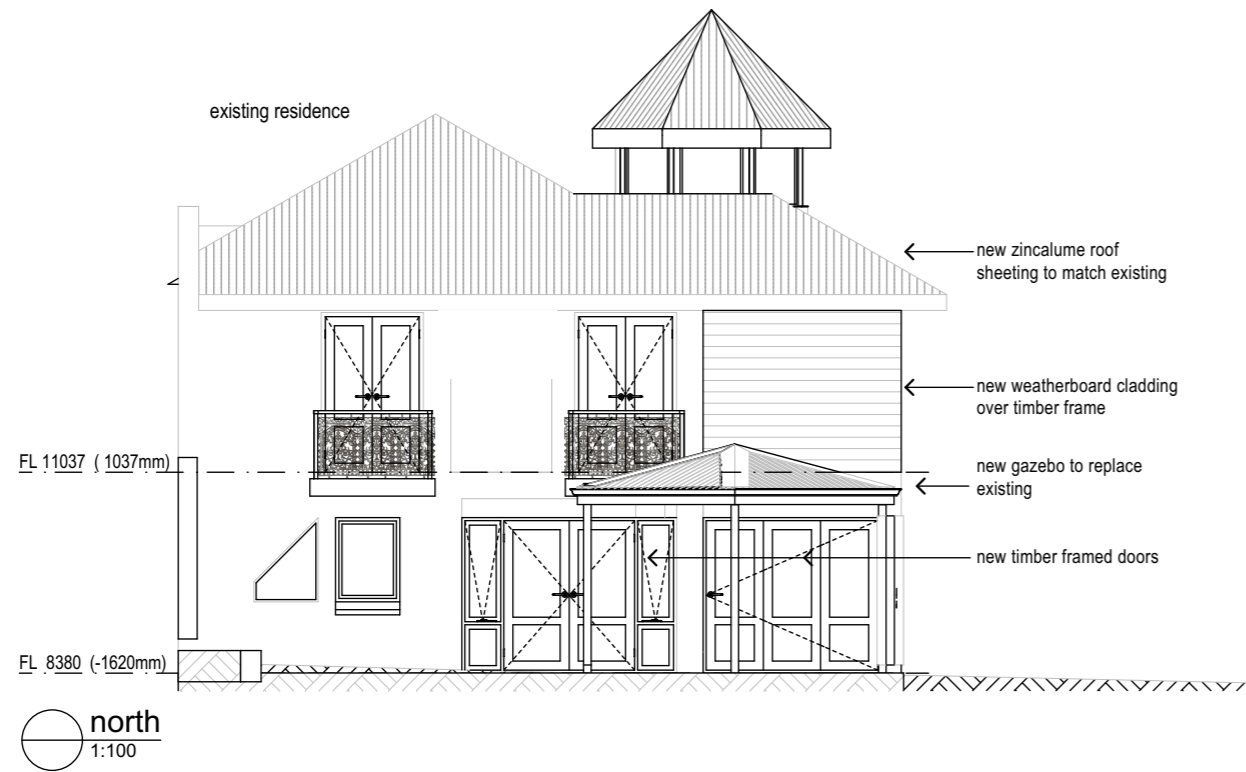
john chisholm design  
BUILDING DESIGN & VISUALISATION  
t. 9339 2999 m. 0408 833 399  
jc@jonchisholm.com www.jonchisholm.com

Project:  
**Additions**  
**68 George St.**  
**East Fremantle**

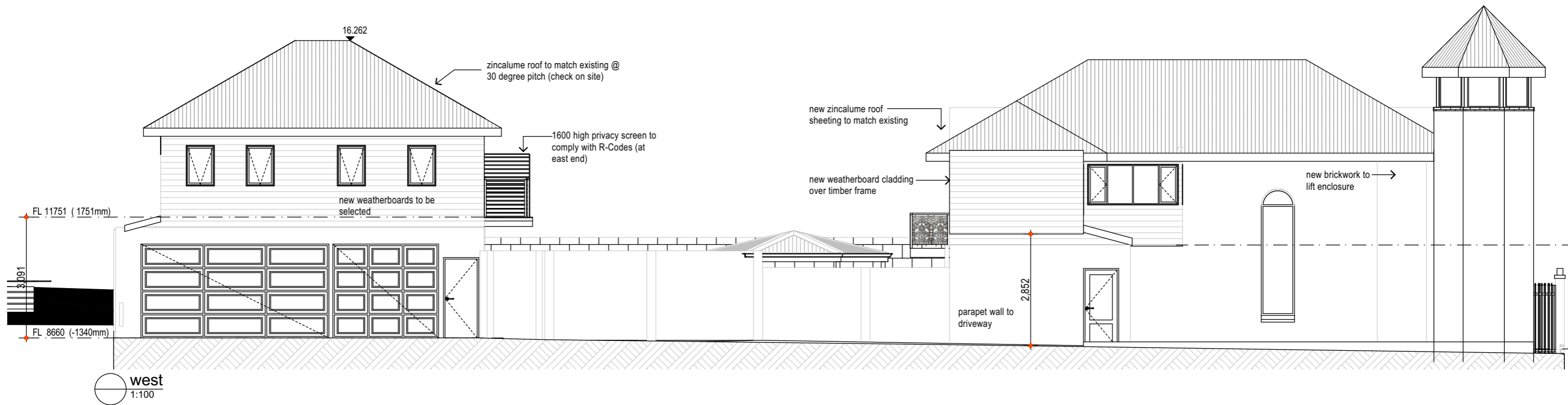
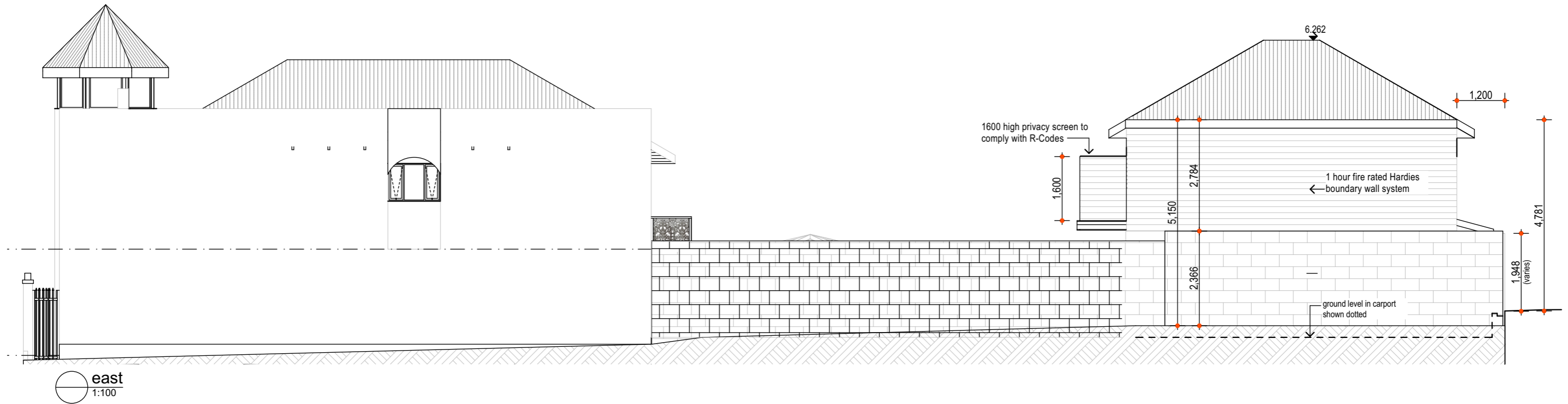
Drawing:  
**Site Plan**  
BDAMA nabd NATIONAL ASSOCIATION BUILDING DESIGNERS  
BUILDING DESIGNERS ASSOCIATION OF WESTERN AUSTRALIA INC.

1	planning	16/7/2020	REV.	AMENDMENT	DATE
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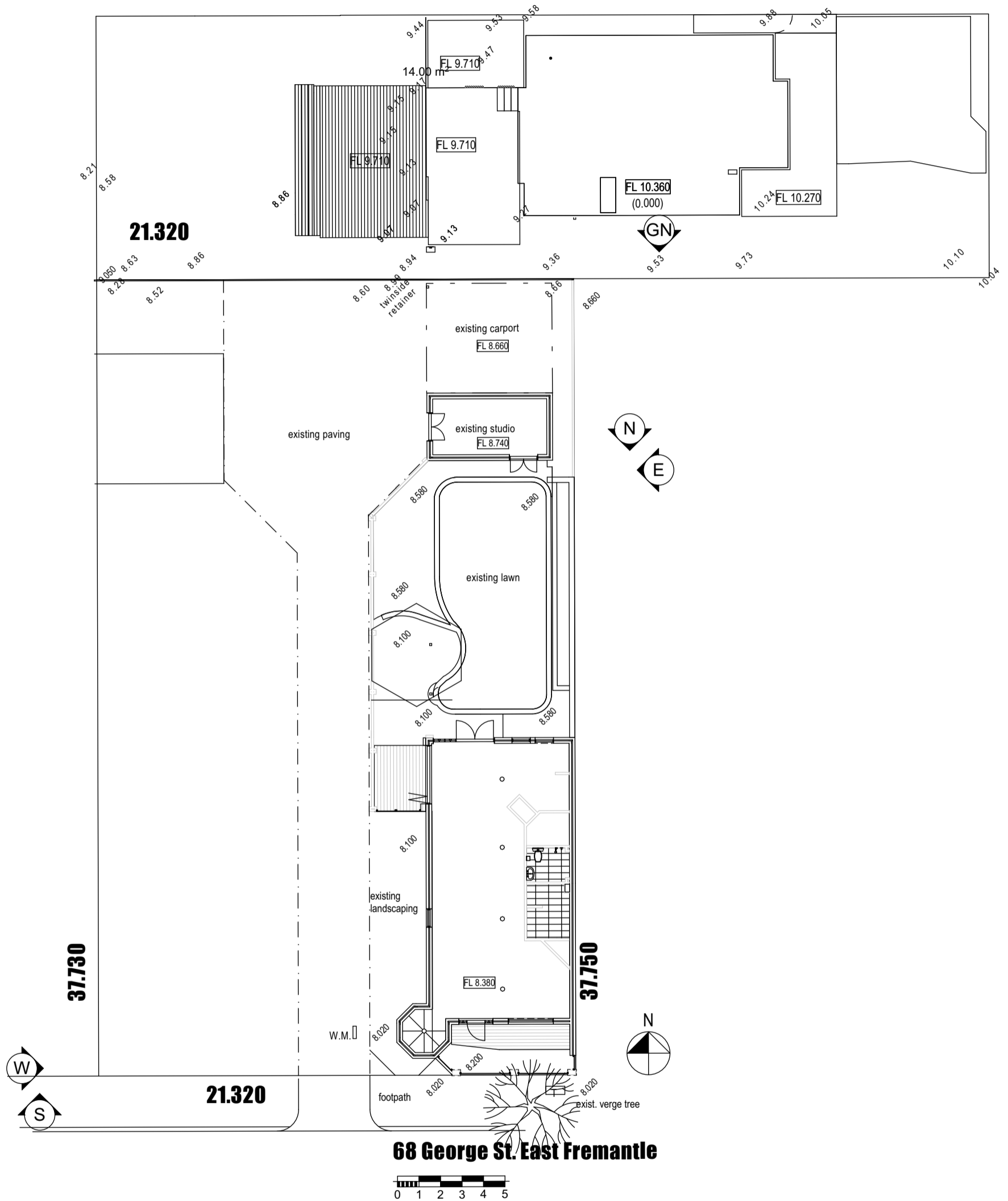
Date:	16/07/2020	Drwn:	JC
Job No:	2009	Dwg No.:	<b>A101</b>
The builder must verify all dimensions on site before commencing any work on shop dwgs.			



<p>john chisholm design BUILDING DESIGN &amp; VISUALISATION t. 9339 2999 m. 0408 833 399 jc@jonchisholm.com www.jonchisholm.com</p>	<p>NATIONAL ASSOCIATION OF BUILDING DESIGNERS BDWA BUILDING DESIGNERS ASSOCIATION OF WESTERN AUSTRALIA INC.</p>	<p>Project: <b>Additions 68 George St. East Fremantle</b></p>	<p>Drawing: <b>Elevations</b></p>	<table border="1"> <tr> <td>1</td> <td>issued for planning</td> <td>-/4/2020</td> </tr> <tr> <td>REV.</td> <td>AMENDMENT</td> <td>DATE</td> </tr> </table>	1	issued for planning	-/4/2020	REV.	AMENDMENT	DATE	<p>Date: 16/07/2020</p>	<p>Drwn: JC</p>
					1	issued for planning	-/4/2020					
REV.	AMENDMENT	DATE										
				<p>Job No: 2009</p>	<p>Dwg No.: <b>A301</b></p>	<p>Rev -</p>						
<p>The builder must verify all dimensions on site before commencing any work or shop dwgs.</p>												



<p>john chisholm design BUILDING DESIGN &amp; VISUALISATION t. 9339 2999 m. 0408 833 399 jc@jonchisholm.com www.jonchisholm.com</p>	<p>NATIONAL ASSOCIATION OF BUILDING DESIGNERS BDWA BUILDING DESIGNERS ASSOCIATION OF WESTERN AUSTRALIA INC.</p>	<p>Project: <b>Additions 68 George St. East Fremantle</b></p>	<p>Drawing: <b>Elevations</b></p>	<p>Date: 16/07/2020</p>	<p>Drwn: JC</p>
				<p>Job No: 2009</p>	<p>Dwg No.: <b>A302</b></p>
<p>1 issued for planning -/4/2020</p>				<p>The builder must verify all dimensions on site before commencing any work or shop dwgs.</p>	
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Existing Site Plan  
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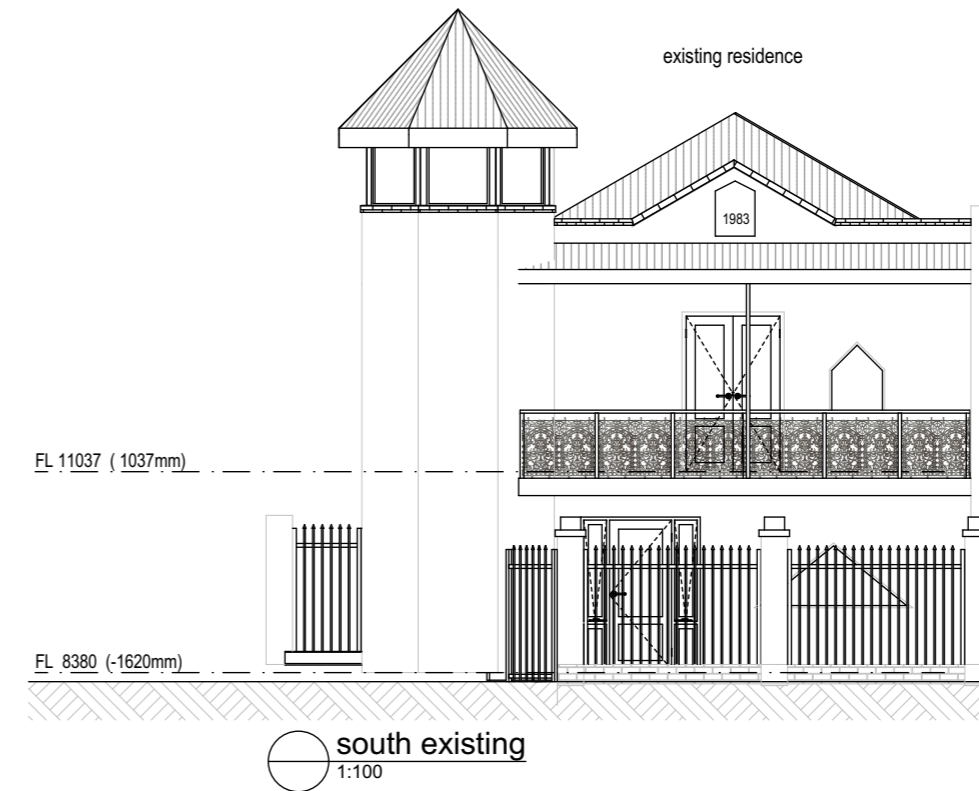
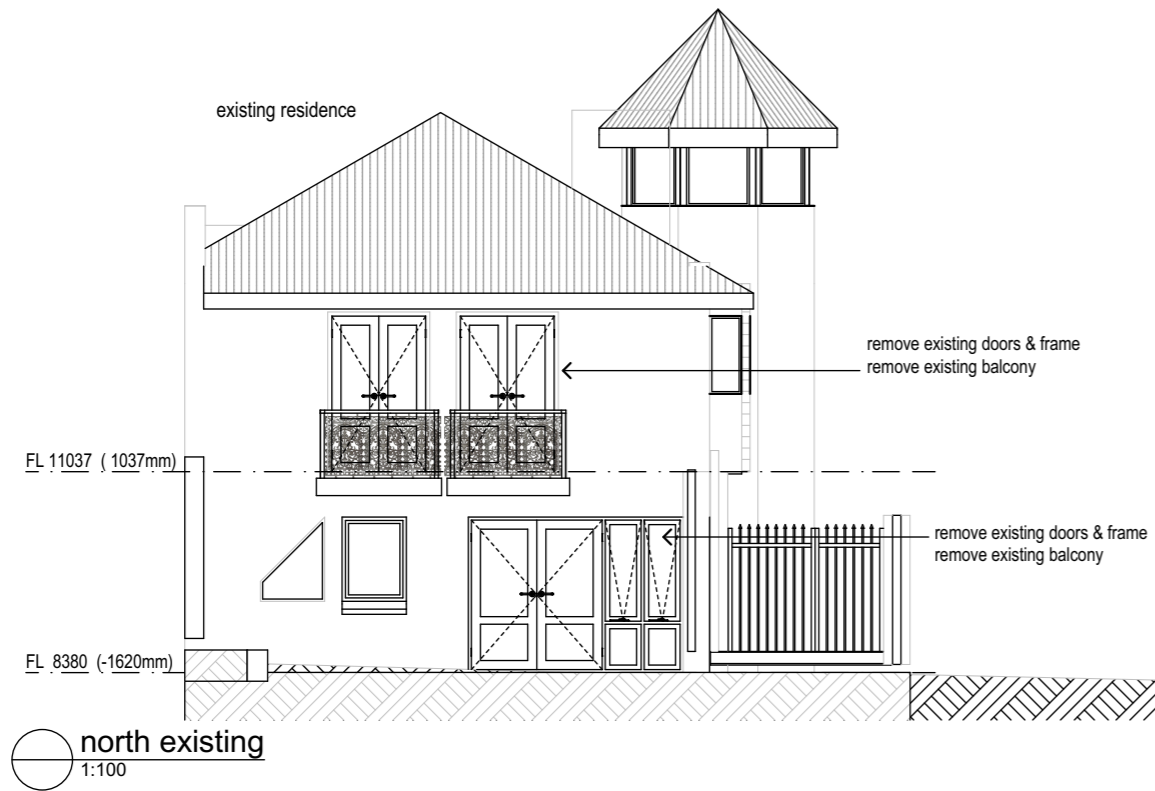
**john chisholm design**  
BUILDING DESIGN & VISUALISATION  
t. 9339 2999 m. 0408 833 399  
jc@jonchisholm.com www.jonchisholm.com

Project:  
**Additions**  
**68 George St.**  
**East Fremantle**

Drawing:  
**Site Plan**  
BDAWA nabd NATIONAL ASSOCIATION BUILDING DESIGNERS  
BUILDING DESIGNERS ASSOCIATION OF WESTERN AUSTRALIA INC.

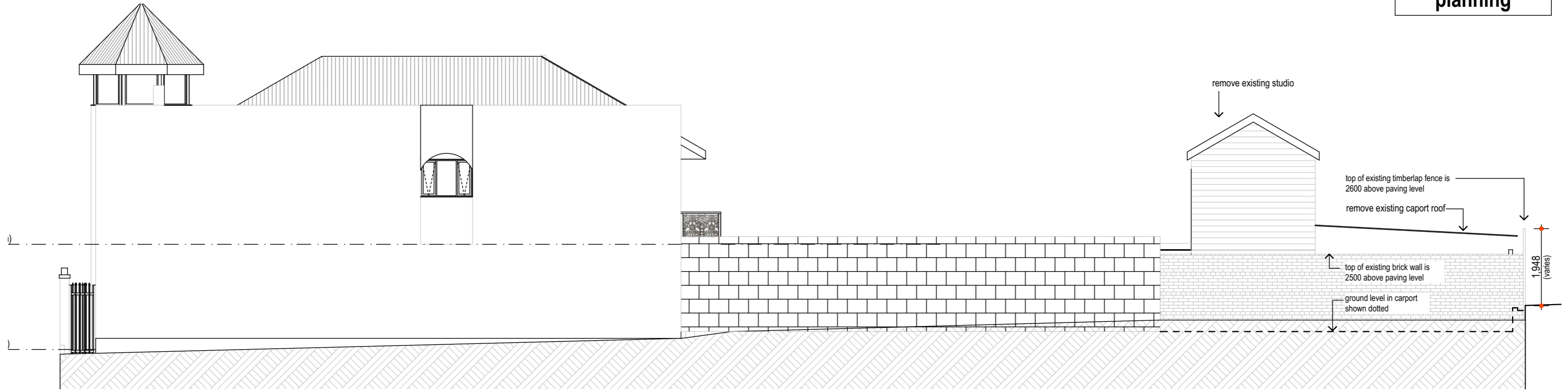
1	planning	16/7/2020		
REV.	AMENDMENT	DATE	REV.	AMENDMENT DATE

Date:	16/07/2020	Drwn:	JC
Job No:	2009	Dwg No.:	<b>EX100</b>
The builder must verify all dimensions on site before commencing any work of shop dwgs.			

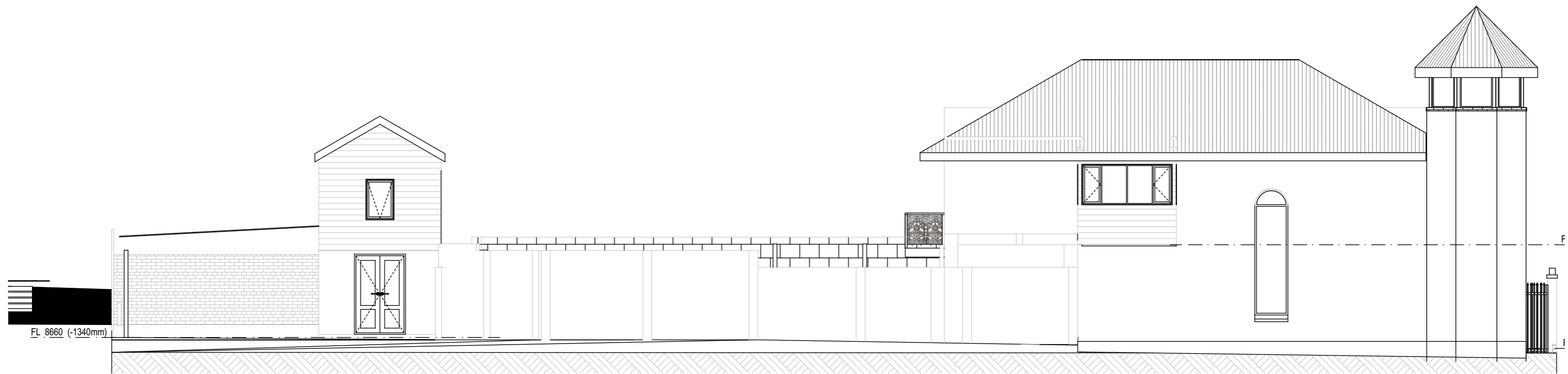


<p>john chisholm design BUILDING DESIGN &amp; VISUALISATION t. 9339 2999 m. 0408 833 399 jc@jonchisholm.com www.jonchisholm.com</p>	<p>NATIONAL ASSOCIATION OF BUILDING DESIGNERS BDAWA BUILDING DESIGNERS ASSOCIATION OF WESTERN AUSTRALIA INC.</p>	<p>Project: <b>Additions 68 George St. East Fremantle</b></p>	<p>Drawing: <b>Existing Elevations</b></p>	<table border="1"> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td>1</td> <td>issued for planning -/4/2020</td> </tr> <tr> <td>REV.</td> <td>AMENDMENT DATE</td> </tr> </table>					1	issued for planning -/4/2020	REV.	AMENDMENT DATE	<p>Date: 16/07/2020</p>	<p>Drwn: JC</p>
1	issued for planning -/4/2020													
REV.	AMENDMENT DATE													
<p>© Copyright</p>				<p>Job No: 2009</p>	<p>Dwg No.: <b>EX301</b></p>	<p>Rev -</p>								

The builder must verify all dimensions on site before commencing any work or shop dwgs.



east existing  
1:100



west existing  
1:100

<p>john chisholm design BUILDING DESIGN &amp; VISUALISATION t. 9339 2999 m. 0408 833 399 jc@jonchisholm.com www.jonchisholm.com</p>	<p>NATIONAL ASSOCIATION OF BUILDING DESIGNERS BDWA BUILDING DESIGNERS ASSOCIATION OF WESTERN AUSTRALIA INC.</p>	<p>Project: <b>Additions 68 George St. East Fremantle</b></p>	<p>Drawing: <b>Existing Elevations</b></p>	Date: 16/07/2020	Drwn: JC
				Job No: 2009	Dwg No.: <b>EX302</b>
<p>1 issued for planning -/4/2020</p> <p>REV. AMENDMENT DATE</p>				<p>The builder must verify all dimensions on site before commencing any work or shop dwgs.</p>	



## Community Engagement Checklist

### Development Application P074/20 - 68 George Street, East Fremantle

Project Name

<b>Objective of Engagement:</b>	Neighbour consultation		
<b>Lead Officer:</b>	Regulatory Services		
<b>Timeline:</b>	<b>Start Date:</b>	4/8/2020	<b>Outcomes By:</b> 18/08/2020
Stakeholders			
<b>Stakeholders to be considered.</b>  <i>Please highlight those to be targeted during engagement.</i>	Aged	<input type="checkbox"/>	Ratepayers (all / targeted) <input type="checkbox"/>
	Businesses	<input type="checkbox"/>	Residents (all / targeted) <input checked="" type="checkbox"/>
	Children (School / Playgroup)	<input type="checkbox"/>	Service Providers <input type="checkbox"/>
	Community Groups	<input type="checkbox"/>	Unemployed <input type="checkbox"/>
	Disabled People	<input type="checkbox"/>	Visitors <input type="checkbox"/>
	Environmental	<input type="checkbox"/>	Volunteers <input type="checkbox"/>
	Families	<input type="checkbox"/>	Workers <input type="checkbox"/>
	Govt. Bodies	<input type="checkbox"/>	Youth <input type="checkbox"/>
	Indigenous	<input type="checkbox"/>	<input type="checkbox"/>
	Neighbouring LGs	<input type="checkbox"/>	<input type="checkbox"/>
<b>Staff to be notified:</b>	Office of the CEO	<input type="checkbox"/>	Councillors <input type="checkbox"/>
	Corporate Services	<input type="checkbox"/>	Consultant/s <input type="checkbox"/>
	Development Services	<input type="checkbox"/>	<input type="checkbox"/>
	Operations (Parks/Works)	<input type="checkbox"/>	<input type="checkbox"/>
Community Engagement Plan			
Methods	Responsible	Date Due	Reference / Notes
1.1 E News	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.2 Email Notification ~	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
1.3 Website	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.4 Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.5 Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.6 Fact Sheet	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.7 Media Rel./Interview	<input type="checkbox"/> Communications		<input type="checkbox"/>
2.1 Information Stalls	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
2.2 Public Meeting/Forum	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
2.3 Survey/Questionnaire	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
3.1 Focus Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
3.2 Referendum/Ballot	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
3.3 Workshop	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
4.1 Council Committee	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
4.2 Working Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
* Statutory Consultation	<input checked="" type="checkbox"/> Relevant Officer	18/08/2020	<input checked="" type="checkbox"/> Advertised to 3 surrounding properties
# Heritage Consultation	<input type="checkbox"/> Regulatory Services		<input type="checkbox"/>
^ Mail out (note: timeliness)	<input type="checkbox"/> Communications		<input type="checkbox"/>

	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
Evaluation			
Summary of...		Date Due	Complete / Attached
Feedback / Results / Outcomes / Recommendations		18/08/2020	
Outcomes Shared			
Methods	Responsible	Date Due	Complete / Attached
E-Newsletter	<input checked="" type="checkbox"/> Communications		<input type="checkbox"/>
Email Notification	<input checked="" type="checkbox"/> Relevant Officer		<input type="checkbox"/>
Website	<input checked="" type="checkbox"/> Communications		<input type="checkbox"/>
Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>
Media Release	<input type="checkbox"/> Communications		<input type="checkbox"/>
Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
Notes			



### 11.3 Gill Street No 36 (Lot 34) Proposed new residence

<b>Owner</b>	Mark (Rhys) & Louise Davies
<b>Applicant</b>	John Chisholm Design
<b>File ref</b>	P077/20
<b>Prepared by</b>	James Bannerman Planning Officer
<b>Supervised by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Meeting date</b>	1 September 2020
<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. Site photos</li><li>3. Plans date stamped</li><li>4. Community consultation</li></ol>

#### **Purpose**

The purpose of this report is for Council to consider a planning application for a proposed new residence at No 36 (Lot 34) Gill Street, East Fremantle.

#### **Executive Summary**

This development application proposes a new residence at 36 Gill Street, East Fremantle. The proposed dwelling is double storey with fibre cement weatherboard walls and a 'customorb' roof. The main dwelling comprises a double garage, study and 3 bedrooms and 3 bathrooms. The dwelling also has an ancillary dwelling that is integrated into the dwelling. The applicant and owner have both stated that the parents of one of the owners will be residing in the ancillary accommodation. A low white picket fence has been included along the front boundary. The lot that the dwelling is to be constructed on is currently vacant and generous in size with the proposed building easily achieving the required outdoor living area and minimum open space requirements. The applicant is seeking Council approval for the following variations to the Residential Design Codes and the Residential Design Guidelines;

- Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Garage - 1m required, 0m provided,
- Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Southern Wall – Upper Storey - 3.1m required, 1.65m provided,
- Clause 5.1.6 – Residential Design Codes – Wall Height – 6m required, 6.8m provided,
- Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch - 28 to 36 degrees required, 27 degrees provided, and
- Clause 5.5.1 – Residential Design Codes – Ancillary Dwelling – Plot Ratio – maximum of 70m<sup>2</sup> required, 103m<sup>2</sup> provided
- Clause 5.3.7 – Residential Design Codes - Retaining Walls – maximum 0.5m required, greater than 0.5m provided

It is considered that the above variations can be supported subject to conditions of planning approval being imposed.

#### **Background**

Zoning: Residential R17.5

Site area: 910m<sup>2</sup>

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

### **Consultation**

#### Advertising

The application was advertised to surrounding landowners from 4 to 18 August 2020. No submissions were received. However, plans were signed by the neighbours at 34, 35 & 37A Gill Street supporting the proposed development.

#### Community Design Advisory Committee (CDAC)

The application was not referred to CDAC.

#### External Consultation

Nil

### **Statutory Environment**

*Planning and Development Act 2005*

*Residential Design Codes of WA*

*Town of East Fremantle Local Planning Scheme No. 3 (LPS No. 3)*

### **Policy Implications**

*Town of East Fremantle Residential Design Guidelines 2016 (as amended)*

### **Financial Implications**

Nil

### **Strategic Implications**

The Town of East Fremantle Strategic Community Plan 2017 – 2027 states as follows:

#### *Built Environment*

*Accessible, well planned built landscapes which are in balance with the Town's unique heritage and open spaces.*

- 3.1 Facilitate sustainable growth with housing options to meet future community needs.*
  - 3.1.1 Advocate for a desirable planning and community outcome for all major strategic development sites.*
  - 3.1.2 Plan for a mix of inclusive diversified housing options.*
- 3.2 Maintaining and enhancing the Town's character.*
  - 3.2.1 Ensure appropriate planning policies to protect the Town's existing built form.*
- 3.3 Plan and maintain the Town's assets to ensure they are accessible, inviting and well connected.*
  - 3.3.1 Continue to improve asset management practices.*
  - 3.3.2 Optimal management of assets within resource capabilities.*
  - 3.3.3 Plan and advocate for improved access and connectivity.*

Natural Environment

*Maintaining and enhancing our River foreshore and other green, open spaces with a focus on environmental sustainability and community amenity.*

4.1 *Conserve, maintain and enhance the Town's open spaces.*

4.1.1 *Partner with Stakeholders to actively protect, conserve and maintain the Swan River foreshore.*

4.1.2 *Plan for improved streetscapes parks and reserves.*

4.2 *Enhance environmental values and sustainable natural resource use.*

4.2.1 *Reduce waste through sustainable waste management practices.*

4.3 *Acknowledge the change in our climate and understand the impact of those changes.*

4.3.1 *Improve systems and infrastructure standards to assist with mitigating climate change impacts.*

**Risk Implications**

A risk assessment was undertaken and the risk to the Town was deemed to be negligible.

**Site Inspection**

A site inspection was undertaken.

**Comment**

Statutory Assessment

The proposal has been assessed against the provisions of Local Planning Scheme No. 3 and the Town's Local Planning Policies including the Residential Design Guidelines, as well as the Residential Design Codes. 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>
Street Front Setback	6m	6m	A
Secondary Street Setback			N/A
<b>Lot Boundary Setbacks</b>			
Northern wall – bathroom, kitchen living, alfresco- ground floor	1.5m	3.005m	A
Northern wall – living, alfresco – ground floor	1.5m	8.6m	A
Eastern wall – alfresco north – ground floor	1m	16.3m	A
Eastern wall – alfresco south – ground floor	1.5m	6.2m	A
<b>Southern wall - garage</b>	<b>1m</b>	<b>0m</b>	<b>D</b>
<b>Southern wall – bathroom, laundry, pantry, kitchen, alfresco – upper storey</b>	<b>3.1m</b>	<b>1.65m</b>	<b>D</b>

Northern wall – store, bathroom, parent’s bedroom – upper storey	1.2m	3m	A
Eastern wall – parent’s bedroom – upper storey	2.8m	23.2m	A
Eastern wall – bedroom 3, ensuite – upper storey	3m	20.48m	A
Southern wall – bedroom, WIR, robe, ensuite – upper storey	1.3m	1.7m	A
Open Space	50%	65.2%	A
<b>Wall Height</b>	<b>6m</b>	<b>6.8m</b>	<b>D</b>
Roof Height	9m	8.414m	A
Setback of Garage	1.2m behind building line	1.2m behind building line	A
Car Parking	2 + 1	3	A
Site Works			N/A
Visual Privacy			
Parent’s bedroom	4.5m	4.5m	A
Bedroom 3	4.5m	4.5m	A
Overshadowing	25%	12.3%	A
Drainage			To be conditioned

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
<b>3.7.7 Building Setbacks and Orientation</b>	<b>D</b>
<b>3.7.8 Roof Form and Pitch</b>	<b>D</b>
3.7.9 Materials and Colours	A
3.7.10 Landscaping	A
3.7.11 Front Fences	A
3.7.12 Pergolas	A
3.7.13 Incidental Development Requirements	A
3.7.14 Footpaths and Crossovers	A
3.7.15.4.3.1 Fremantle Port Buffer Area	N/A
3.7.15.3.3 Garages and Carports	A

This development application proposes a new residence at 36 Gill Street, East Fremantle. The proposed dwelling is double storey with fibre cement weatherboard walls and a ‘customorb’ roof. The main dwelling comprises a double garage, study and 3 bedrooms and 3 bathrooms. The dwelling also has an ancillary dwelling that is integrated into the dwelling. The applicant and owner have both stated that the parents of one of the owners will be residing in the ancillary accommodation. A low white picket fence has been included along the front boundary. The lot that the dwelling is to be constructed on is currently vacant and generous in size with the proposed building easily achieving the required outdoor living area and minimum open space requirements. A number of variations are requested to the requirements of the Residential Design Codes and the Residential Design Guidelines including lot boundary setbacks, maximum wall heights, roof pitch and plot ratio for the ancillary accommodation.

#### Lot Boundary – Southern Wall - Garage

The southern wall of the garage is 6.12m long and 3.35m high without major openings. In accordance with deemed to comply clause 5.1.3 C3.1 and Tables 2a of the Residential Design Codes the wall is supposed to be 1m from the boundary. In this case it is located against the boundary (nil setback). However, the proposed wall location achieves design principles clause 5.1.3 P3.2 for the following reasons;

- It makes more effective use of space for enhanced privacy for the occupants,
- It reduces the impact of building bulk on the adjoining properties,
- Adequate sunlight and ventilation is provided to the building and open spaces on site and adjoining properties,
- Minimises the extent of overlooking and loss of privacy on adjoining properties,
- Does not have an adverse impact on the amenity of the adjoining property,
- Does not restrict sunlight to major openings of habitable rooms and outdoor living areas for adjoining properties, and
- Positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.

For these reasons, the reduced lot boundary setback can be supported.

#### Lot Boundary – Southern Wall – Upper Storey

The southern wall of the upper storey is 16.3m long and 3.85m high with major openings. In accordance with deemed to comply clause 5.1.3 C3.1 and Tables 2a of the Residential Design Codes the wall is supposed to be 3.1m from the boundary. In this case it is located 1.65m from the boundary. However, the proposed wall location achieves design principles clause 5.1.3 P3.1 for the following reasons;

- It reduces the impact of building bulk on the adjoining properties,
- Adequate sunlight and ventilation are provided to the building and open spaces on site and adjoining properties, and
- Minimises the extent of overlooking and loss of privacy on adjoining properties,

For these reasons, the reduced lot boundary setback can be supported.

#### Wall Height

The highest section of wall on the proposed dwelling is 6.8m which exceeds the maximum permissible wall height of 6m in accordance with Category B of Table 3 as required by deemed to comply clause 5.1.6 of the Residential Design Codes. This increased wall height can be supported because there are minimal amenity impacts on adjoining properties. There is;

- Adequate access to direct sun into buildings and open spaces,
- Adequate daylight into major openings into habitable rooms,
- The bulk and scale of the building is considered acceptable, and
- No impact on access to views of significance

It is noted that despite the wall height being above what is permissible under Category B height requirements the roof above is well below the maximum roof height of 9m. It is for these reasons that the increased wall height can be supported.

#### Roof Pitch

The Residential Design Guidelines acceptable development provision 3.7.8.3 A4.1 requires that the roof pitch is between 28 and 36 degrees. In this case the proposed dwelling has a roof pitch of 27 degrees which

achieves performance criteria 3.7.8.3 P4 that requires roof forms of new buildings to complement the traditional form of surrounding development in the immediate locality. The roof form adheres to the design intent of the immediate area. For this reason, the proposed roof pitch can be supported.

#### Ancillary Dwelling – Plot Ratio

The proposed dwelling has an ancillary dwelling integrated into the design. The ancillary dwelling meets all the deemed to comply requirements of clause 5.5.1 C1 except for the plot ratio area requirement of 70m<sup>2</sup>. The proposed ancillary dwelling has an area of 103m<sup>2</sup> which is carried over 2 floors. The owners have stated that the one of the owner's parents are to be residing in the dwelling. This increase in area of the ancillary dwelling can be supported on the basis that in accordance with design principles 5.5.1 P1 the development does not compromise the amenity of the surrounding properties. There is not excessive development on site (site coverage of the proposed dwelling is only 34.8%), adequate parking is provided for the residents of both the main dwelling and ancillary dwelling, as the development and the ancillary dwelling is compliant on a range of other criteria in terms of heights, setbacks, and privacy.

#### Retaining Walls

Retaining walls are indicated on the plans on the southern side of the lot. These walls are in excess of 0.5m for parts of the wall and as such do not meet the deemed to comply requirements of clause 5.3.8 C8 of the Residential Design Codes. However, the retaining walls meet design principles clause 5.3.8 P8 as the walls allow the land to be effectively used for the benefit of residents and do not detrimentally affect adjoining properties. There is minimal excavation or fill applied to the rest of the site. For these reasons the proposed retaining walls can be supported.

#### Conclusion

Based on the assessment that has been completed for this development and the explanation provided in this report, the variations that have been proposed to the Residential Design Codes and the Residential Development Guidelines are considered acceptable. The proposed development has an ancillary dwelling fully integrated into the design of the house that does not detract from the streetscape or impact on the amenity of surrounding properties. It is relatively large as an ancillary dwelling but does not reduce the open space or outdoor living provision on the lot owing to the double storey nature of the dwelling and the large lot size. It is a good example of how intergenerational living can be integrated into low density residential development, and although not formally included as increased density it does help the Town demonstrate increased population density without increasing dwelling density. The other proposed variations to the Residential Design Codes and Residential Design Guidelines are not unique and are considered relatively minor. As such it is recommended that the proposed development be supported subject to planning conditions.

#### **11.3 OFFICER RECOMMENDATION:**

**That development approval is granted and Council exercises its discretion in regard to the following;**

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Garage - 1m required, 0m provided**
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Southern Wall – Upper Storey - 3.1m required, 1.65m provided**
- (iii) Clause 5.1.6 – Residential Design Codes – Wall Height – 6m required, 6.8m provided**
- (iv) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch - 28 to 36 degrees required, 27 degrees provided**

- (v) Clause 5.5.1 – Residential Design Codes – Ancillary Dwelling – Plot Ratio – maximum of 70m<sup>2</sup> required, 103m<sup>2</sup> provided
- (vi) Clause 5.3.7 – Residential Design Codes - Retaining Walls – maximum 0.5m required, greater than 0.5m provided

for a new residence at No. 36 (Lot 34) Gill Street, East Fremantle, in accordance with the plans date stamped received 17 August 2020, subject to the following conditions:

- (1) The ancillary dwelling is not be used for short term accommodation. Any proposal for short term accommodation is to be submitted to the Town in the form of a development application for the consideration of Council.
- (2) The crossover widths are not to exceed the width of the crossovers indicated on the plans date stamped received 17 August 2020 and to be in accordance with Council’s crossover policy as set out in the Residential Design Guidelines (2016).
- (3) The verge tree on Gill Street is to be protected during construction works to the satisfaction of the Chief Executive Officer and no pruning or removal of branches of the tree is to be undertaken during or at the completion of construction works.
- (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) 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.
- (8) If requested by Council within the first two years following installation, the 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.
- (9) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
- (10) 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.
- (11) This planning approval is to remain valid for a period of 24 months from date of this approval.

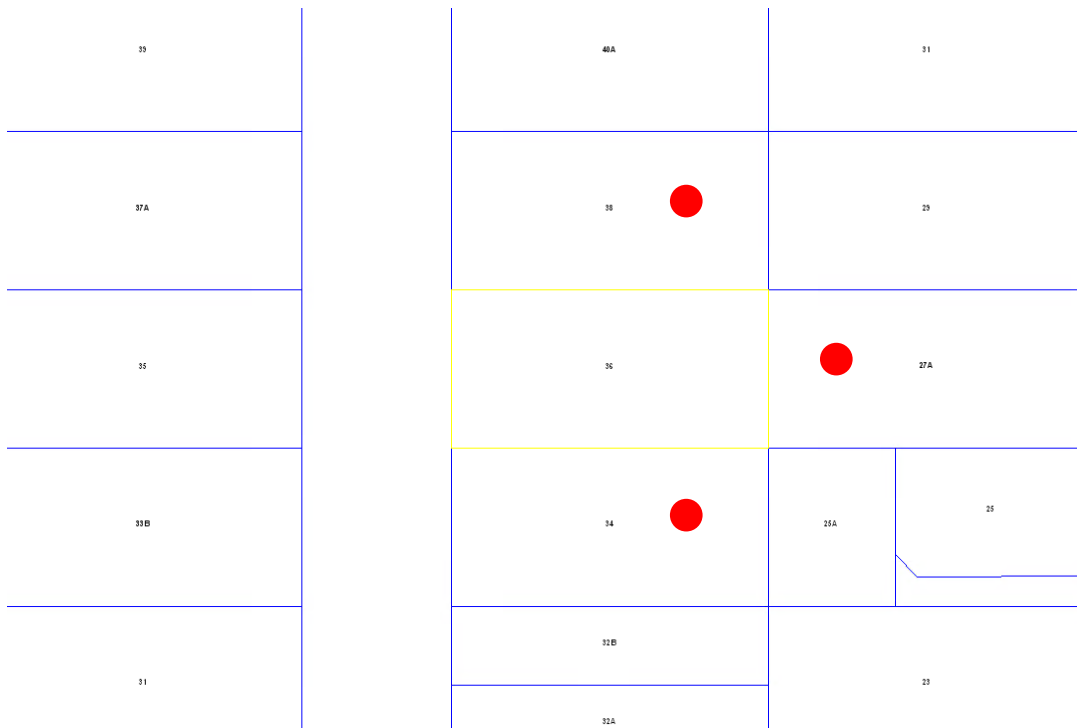
**Footnote:**

*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.*



36 Gill Street – Map and Photo

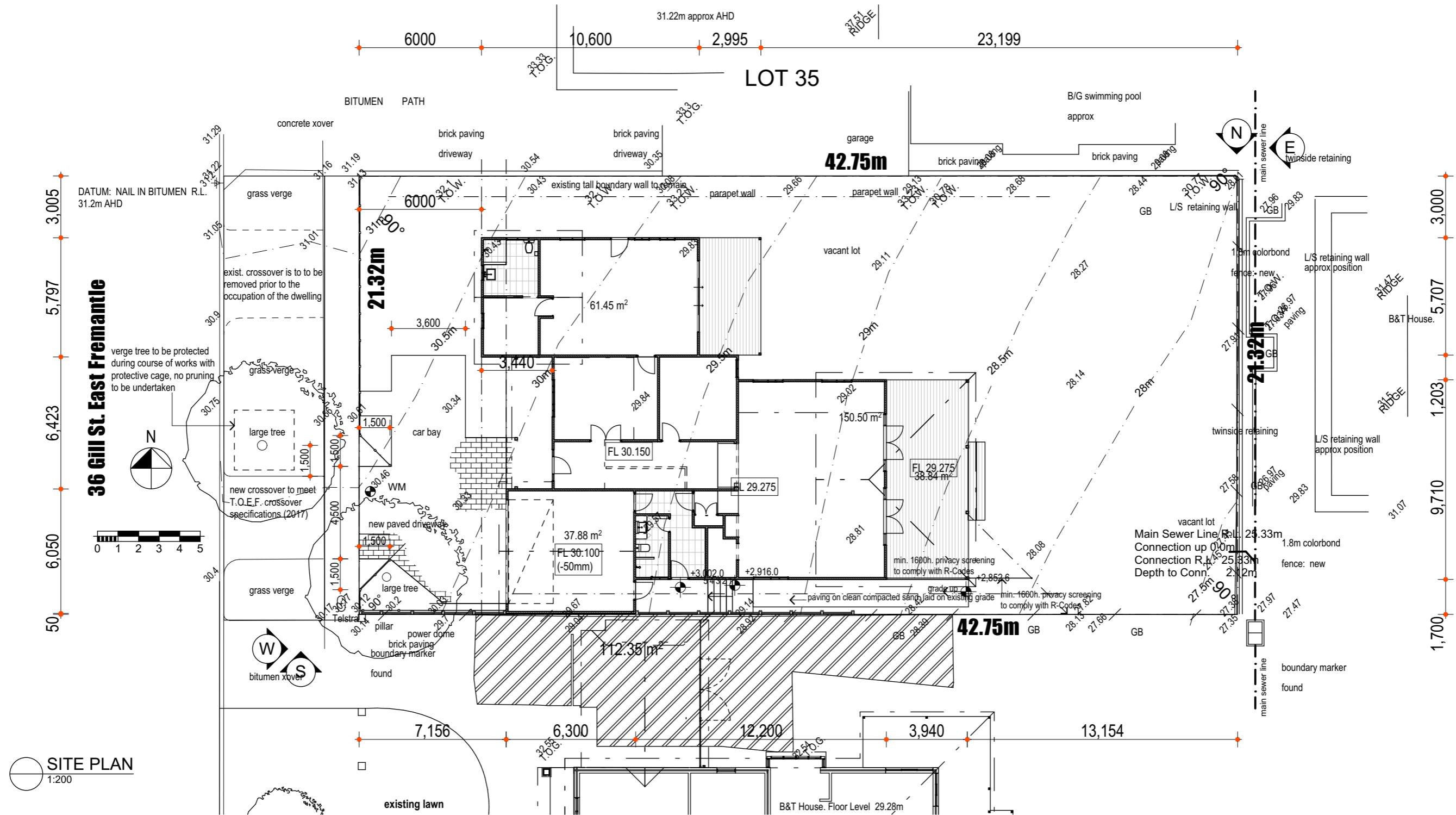




**planning**  
**ATTACHMENT 3**

ITEM 11.3

Site Coverage	= 911.4 sq.m.	Overshadowing Calculations	= 911 sq.m.
Lot size	= 911.4 sq.m.	Adjoining Lot size	= 112.35 sq.m.
Proposed Residence	= 212 sq.m.	Overshadowing	= 112.35 sq.m.
Garage	= 38 sq.m.		
<b>Total Coverage</b>	<b>= 250 sq.m.</b>	<b>Overshadowing percentage Permitted</b>	<b>= 12.3%</b>
Coverage	= 27.5%		
Open Space	= 72.5%		



**SITE PLAN**  
1:200

2	issued for planning	11/8/2020
1	issued for planning	27/7/2020
REV.	AMENDMENT	DATE

Date:	17/08/2020	Drwn:	JC
Job No:	2029	Dwg No.:	<b>A101</b>
The builder must verify all dimensions on site before commencing any work or shop dwgs.			
			Rev <b>2</b>

planning

ATTACHMENT 3

ITEM 11.3

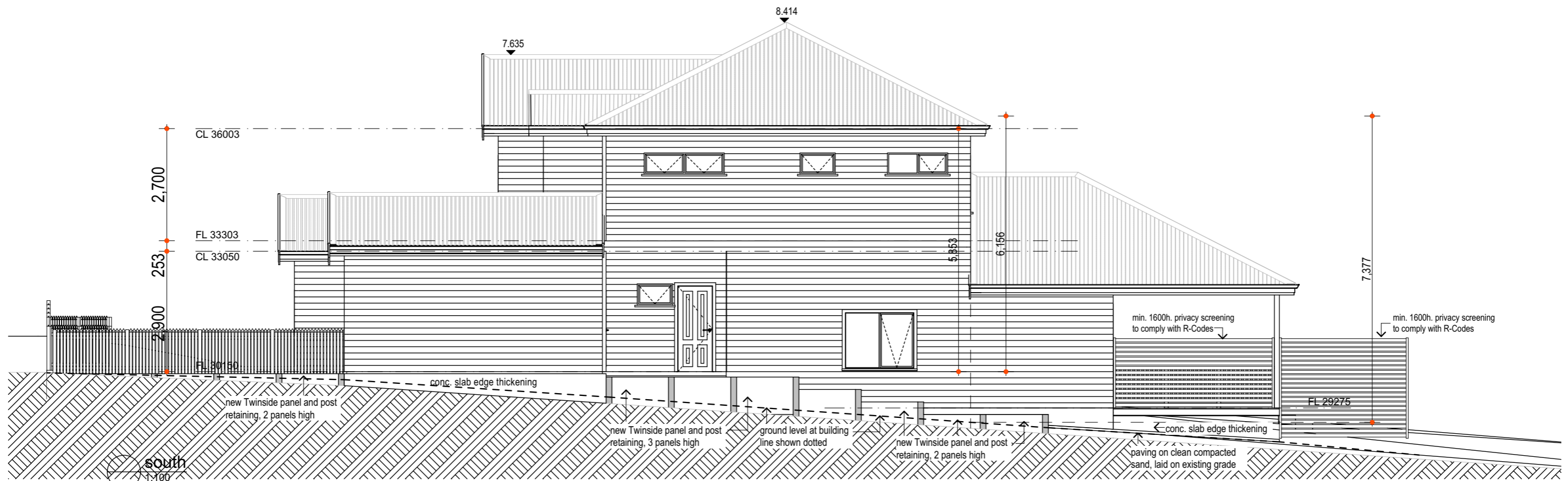
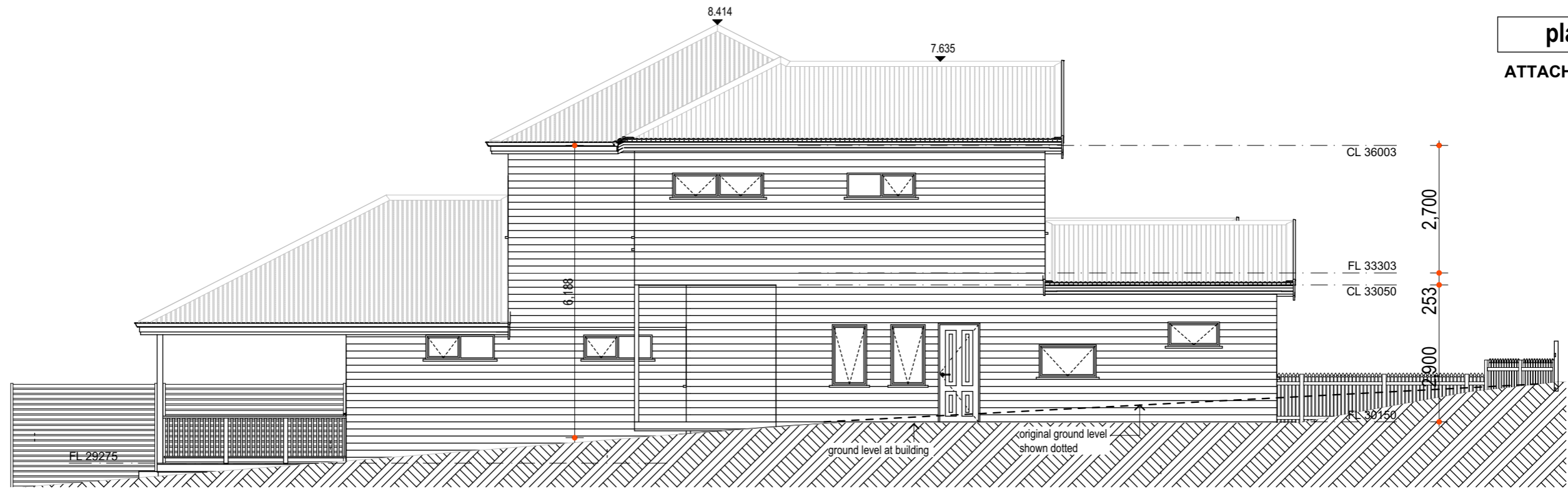


Site Plan First Floor  
1:200

<p>john chisholm design BUILDING DESIGN &amp; VISUALISATION t. 9339 2999 m. 0408 833 399 jc@jonchisholm.com www.jonchisholm.com</p>	<p>BDABA BUILDING DESIGNERS ASSOCIATION OF WESTERN AUSTRALIA INC.</p>	<p>NATIONAL ASSOCIATION BUILDING DESIGNERS DESIGNERS</p>	Project:	Date:	Drwn:									
			<p>New Residence 36 Gill St. East Fremantle</p>	<p>17/08/2020</p>	<p>JC</p>									
			Drawing:	Job No:	Dwg No.:									
			<p>Site Plan First Floor</p>	<p>2029</p>	<p>A102</p>									
			<table border="1"> <thead> <tr> <th>REV.</th> <th>AMENDMENT</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>2</td> <td>issued for planning</td> <td>11/8/2020</td> </tr> <tr> <td>1</td> <td>issued for planning</td> <td>27/7/2020</td> </tr> </tbody> </table>	REV.	AMENDMENT	DATE	2	issued for planning	11/8/2020	1	issued for planning	27/7/2020	<p>The builder must verify all dimensions on site before commencing any work or shop dwgs.</p>	
REV.	AMENDMENT	DATE												
2	issued for planning	11/8/2020												
1	issued for planning	27/7/2020												
					<p>Rev <b>2</b></p>									

**planning**  
**ATTACHMENT 3**

ITEM 11.3

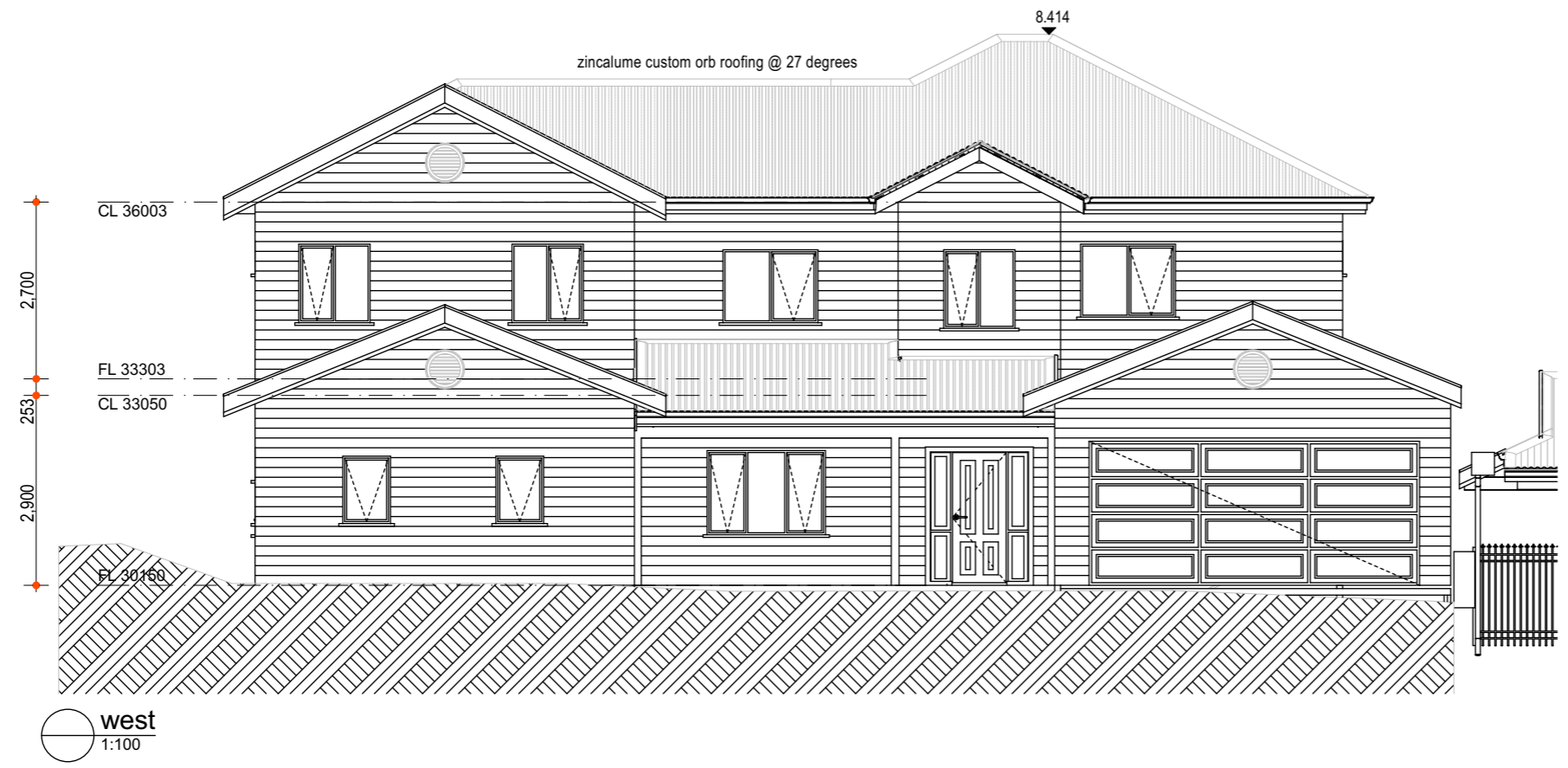
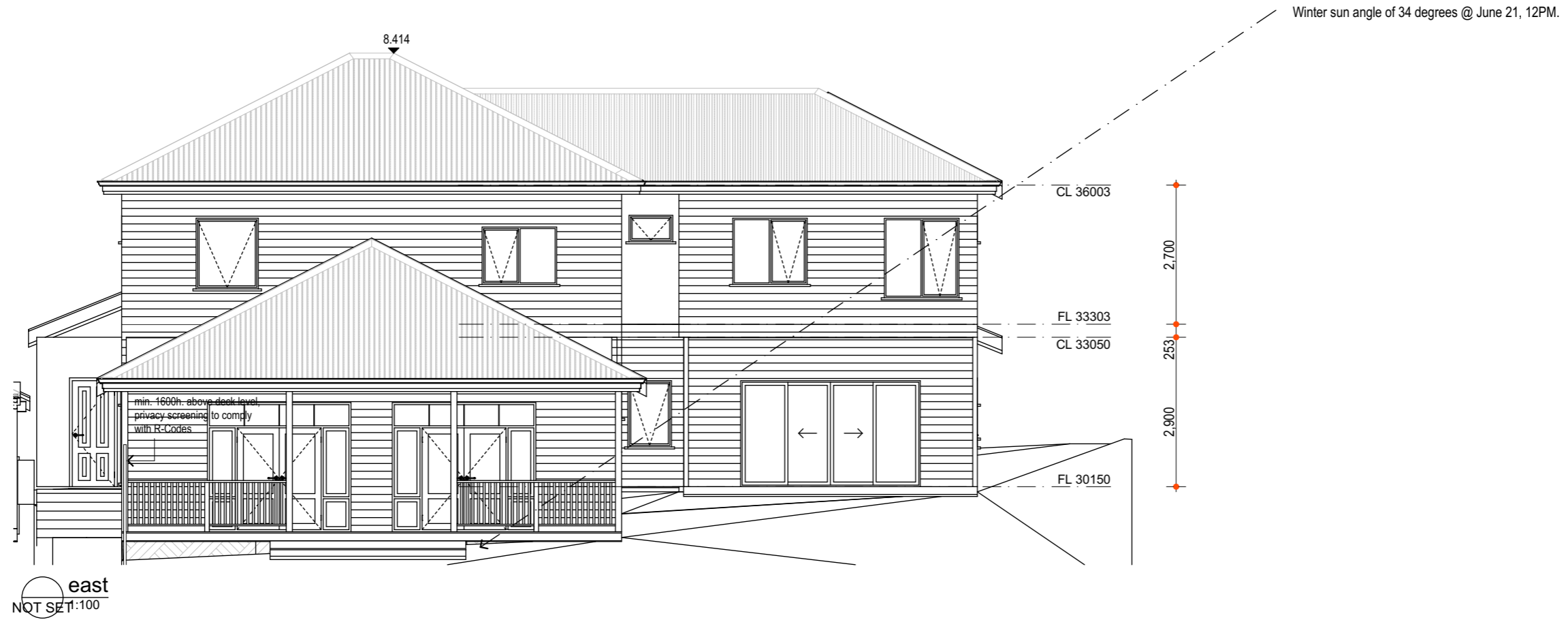


REV.	AMENDMENT	DATE
2	issued for planning	11/8/2020
1	issued for planning	27/7/2020

Date:	17/08/2020	Drwn:	JC
Job No:	2029	Dwg No.:	<b>A301</b>
		Rev	<b>2</b>
The builder must verify all dimensions on site before commencing any work or shop dwgs.			

ITEM 11.3

planning  
ATTACHMENT 3



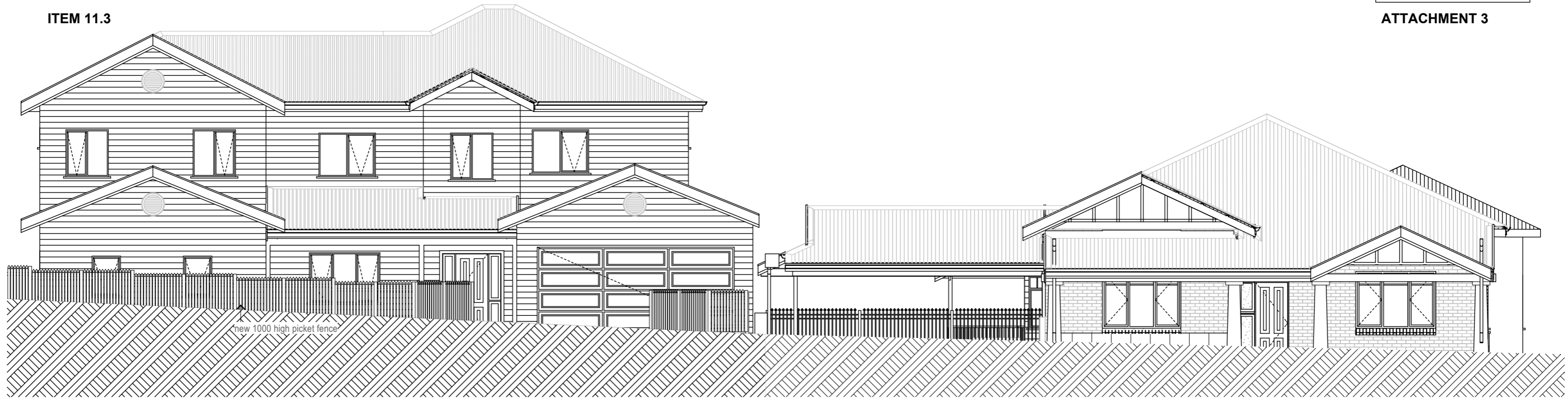
67

<p>john chisholm design BUILDING DESIGN &amp; VISUALISATION t. 9339 2999 m. 0408 833 399 jc@jonchisholm.com www.jonchisholm.com</p>	<p>NATIONAL ASSOCIATION OF BUILDING DESIGNERS BDAWA nabd BUILDING DESIGNERS ASSOCIATION OF WESTERN AUSTRALIA INC.</p>	<p>Project: <b>New Residence 36 Gill St. East Fremantle</b></p>	<p>Drawing: <b>Elevations</b></p>	<table border="1"> <tr> <td>2</td> <td>issued for planning</td> <td>11/8/2020</td> </tr> <tr> <td>1</td> <td>issued for planning</td> <td>27/7/2020</td> </tr> <tr> <td>REV.</td> <td>AMENDMENT</td> <td>DATE</td> </tr> </table>	2	issued for planning	11/8/2020	1	issued for planning	27/7/2020	REV.	AMENDMENT	DATE	<p>Date: 17/08/2020</p>	<p>Drwn: JC</p>
					2	issued for planning	11/8/2020								
1	issued for planning	27/7/2020													
REV.	AMENDMENT	DATE													
				<p>Job No: 2029</p>	<p>Dwg No.: <b>A302</b></p>	<p>Rev <b>2</b></p>									
<p>The builder must verify all dimensions on site before commencing any work or shop dwgs.</p>															

planning

ATTACHMENT 3

ITEM 11.3





street elevation  
1:100

<p>john chisholm design BUILDING DESIGN &amp; VISUALISATION t. 9339 2999 m. 0408 833 399 jc@jonchisholm.com www.jonchisholm.com</p>	<p>NATIONAL ASSOCIATION BUILDING DESIGNERS nabd BUILDING DESIGNERS ASSOCIATION OF WESTERN AUSTRALIA INC.</p>	<p>Project: <b>New Residence 36 Gill St. East Fremantle</b></p>	<p>Drawing: <b>Elevations</b></p>	<table border="1"> <tr> <td>2</td> <td>issued for planning</td> <td>11/8/2020</td> </tr> <tr> <td>1</td> <td>issued for planning</td> <td>27/7/2020</td> </tr> <tr> <td>REV.</td> <td>AMENDMENT</td> <td>DATE</td> </tr> </table>	2	issued for planning	11/8/2020	1	issued for planning	27/7/2020	REV.	AMENDMENT	DATE	<p>Date: 17/08/2020</p>	<p>Drwn: JC</p>
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REV.	AMENDMENT	DATE													
				<p>Job No: 2029</p>	<p>Dwg No.: <b>A303</b></p>	<p>Rev <b>2</b></p>									
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ITEM 11.3

ATTACHMENT 3



 BUILDING DESIGN & VISUALISATION t. 9339 2999 m. 0408 833 399 jc@jonchisholm.com www.jonchisholm.com	 NATIONAL ASSOCIATION OF BUILDING DESIGNERS BUILDING DESIGNERS ASSOCIATION OF WESTERN AUSTRALIA INC.	Project:	Drawing:		Date:	Drwn:	
		New Residence 36 Gill St. East Fremantle	Street Presentation		17/08/2020	JC	
					Job No:	Dwg No.:	Rev
					2029	P1	2
					The builder must verify all dimensions on site before commencing any work or shop dwgs.		
				2 issued for planning 11/8/2020 1 issued for planning 27/7/2020			
				REV. AMENDMENT DATE			





## Community Engagement Checklist

# Development Application P077/20 - 36 Gill Street, East Fremantle

Project Name

<b>Objective of Engagement:</b>	Neighbour consultation		
<b>Lead Officer:</b>	Regulatory Services		
<b>Timeline:</b>	<b>Start Date:</b>	4/8/2020	<b>Outcomes By:</b> 18/08/2020
Stakeholders			
<b>Stakeholders to be considered.</b>  <i>Please highlight those to be targeted during engagement.</i>	Aged	<input type="checkbox"/>	Ratepayers (all / targeted) <input type="checkbox"/>
	Businesses	<input type="checkbox"/>	Residents (all / targeted) <input checked="" type="checkbox"/>
	Children (School / Playgroup)	<input type="checkbox"/>	Service Providers <input type="checkbox"/>
	Community Groups	<input type="checkbox"/>	Unemployed <input type="checkbox"/>
	Disabled People	<input type="checkbox"/>	Visitors <input type="checkbox"/>
	Environmental	<input type="checkbox"/>	Volunteers <input type="checkbox"/>
	Families	<input type="checkbox"/>	Workers <input type="checkbox"/>
	Govt. Bodies	<input type="checkbox"/>	Youth <input type="checkbox"/>
	Indigenous	<input type="checkbox"/>	<input type="checkbox"/>
	Neighbouring LGs	<input type="checkbox"/>	<input type="checkbox"/>
<b>Staff to be notified:</b>	Office of the CEO	<input type="checkbox"/>	Councillors <input type="checkbox"/>
	Corporate Services	<input type="checkbox"/>	Consultant/s <input type="checkbox"/>
	Development Services	<input type="checkbox"/>	<input type="checkbox"/>
	Operations (Parks/Works)	<input type="checkbox"/>	<input type="checkbox"/>
Community Engagement Plan			
Methods	Responsible	Date Due	Reference / Notes
1.1 E News	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.2 Email Notification ~	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
1.3 Website	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.4 Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.5 Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.6 Fact Sheet	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.7 Media Rel./Interview	<input type="checkbox"/> Communications		<input type="checkbox"/>
2.1 Information Stalls	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
2.2 Public Meeting/Forum	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
2.3 Survey/Questionnaire	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
3.1 Focus Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
3.2 Referendum/Ballot	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
3.3 Workshop	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
4.1 Council Committee	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
4.2 Working Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
* Statutory Consultation	<input checked="" type="checkbox"/> Relevant Officer	18/08/2020	<input checked="" type="checkbox"/> Advertised to 8 surrounding properties
# Heritage Consultation	<input type="checkbox"/> Regulatory Services		<input type="checkbox"/>
^ Mail out (note: timeliness)	<input type="checkbox"/> Communications		<input type="checkbox"/>

	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
Evaluation			
Summary of...		Date Due	Complete / Attached
Feedback / Results / Outcomes / Recommendations		18/08/2020	
Outcomes Shared			
Methods	Responsible	Date Due	Complete / Attached
E-Newsletter	<input checked="" type="checkbox"/> Communications		<input type="checkbox"/>
Email Notification	<input checked="" type="checkbox"/> Relevant Officer		<input type="checkbox"/>
Website	<input checked="" type="checkbox"/> Communications		<input type="checkbox"/>
Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>
Media Release	<input type="checkbox"/> Communications		<input type="checkbox"/>
Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
Notes			

#### 11.4 King Street No 30 (Lot 452) Proposed renovations

<b>Owner</b>	Christopher & Jennifer Macgregor McGrath
<b>Applicant</b>	Kensington Design
<b>File ref</b>	P080/20
<b>Prepared by</b>	James Bannerman, Planning Officer
<b>Supervised by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Meeting date</b>	1 September 2020
<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. Site photos</li><li>3. Place record form</li><li>4. Plans date stamped 3 August 2020</li></ol>

#### Purpose

The purpose of this report is for Council to consider a planning application for proposed renovations at No 30 (Lot 452) King Street, East Fremantle.

#### Executive Summary

This development application proposes renovations to an existing heritage building (Category B on the Heritage List) at 30 King Street, East Fremantle. An existing extension at the rear of the dwelling is to be demolished and replaced with a double storey extension that utilises the existing natural ground levels. The existing weatherboard and zincalume cottage will be left unchanged by the renovations. There are minimal streetscape impacts as the new additions at the rear are hidden by the existing dwelling and the use of the sloping site.

The applicant is seeking Council approval for the following variations to the Residential Design Codes and the Residential Design Guidelines;

- (i) Clause 5.1.3 – Residential Design Codes– Lot Boundary Setbacks – Southern Wall – Ground Floor – 2.7m required, 1.2m provided
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Northern Wall – Upper Storey – 2.8m required, 2.2m provided
- (iii) Clause 5.4.1 – Residential Design Codes – Visual Privacy Setbacks – 6m required, 2.3 m provided
- (iv) Clause 3.7.8.3 - Residential Design Guidelines - Roof Pitch – required to match roof pitch of existing dwelling– roof pitch of 26 degrees provided

It is considered that the above variations can be supported subject to conditions of planning approval being imposed.

#### Background

Zoning: Residential R20  
Site area: 508m<sup>2</sup>

Previous Decisions of Council and/or History of an Issue or Site  
P208/2006 – gable roofed patio – approved 20 October 2006

## Consultation

### Advertising

The applicant gained the signed support of the neighbouring property owners to the north and south of the subject property (28 & 32 King Street). No further advertising was considered necessary as the proposed variations to the Residential Design Codes and the Residential Design Guidelines only impact on the northern and southern neighbouring properties.

### Community Design Advisory Committee (CDAC)

The application was not referred to CDAC as there are negligible streetscape impacts.

### External Consultation

Nil

## Statutory Environment

*Planning and Development Act 2005*

*Residential Design Codes of WA*

*Town of East Fremantle Local Planning Scheme No. 3 (LPS No. 3)*

## Policy Implications

*Town of East Fremantle Residential Design Guidelines 2016 (as amended)*

## Financial Implications

Nil

## Strategic Implications

The Town of East Fremantle Strategic Community Plan 2017 – 2027 states as follows:

### Built Environment

*Accessible, well planned built landscapes which are in balance with the Town's unique heritage and open spaces.*

- 3.1 *Facilitate sustainable growth with housing options to meet future community needs.*
  - 3.1.1 *Advocate for a desirable planning and community outcome for all major strategic development sites.*
  - 3.1.2 *Plan for a mix of inclusive diversified housing options.*
- 3.2 *Maintaining and enhancing the Town's character.*
  - 3.2.1 *Ensure appropriate planning policies to protect the Town's existing built form.*
- 3.3 *Plan and maintain the Town's assets to ensure they are accessible, inviting and well connected.*
  - 3.3.1 *Continue to improve asset management practices.*
  - 3.3.2 *Optimal management of assets within resource capabilities.*
  - 3.3.3 *Plan and advocate for improved access and connectivity.*

### Natural Environment

*Maintaining and enhancing our River foreshore and other green, open spaces with a focus on environmental sustainability and community amenity.*

- 4.1 *Conserve, maintain and enhance the Town's open spaces.*
  - 4.1.1 *Partner with Stakeholders to actively protect, conserve and maintain the Swan River foreshore.*

4.1.2 Plan for improved streetscapes parks and reserves.

4.2 Enhance environmental values and sustainable natural resource use.

4.2.1 Reduce waste through sustainable waste management practices.

4.3 Acknowledge the change in our climate and understand the impact of those changes.

4.3.1 Improve systems and infrastructure standards to assist with mitigating climate change impacts.

### Risk Implications

A risk assessment was undertaken and the risk to the Town was deemed to be negligible.

### Site Inspection

A site inspection was undertaken.

### Comment

#### Statutory Assessment

The proposal has been assessed against the provisions of Local Planning Scheme No. 3 and the Town's Local Planning Policies including the Residential Design Guidelines, as well as the Residential Design Codes. A summary of the assessment is provided in the following tables.

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

#### Residential Design Codes Assessment

Design Element	Required	Proposed	Status
Street Front Setback			N/A
Secondary Street Setback			N/A
Lot Boundary Setbacks			
Eastern wall – dining room – ground floor	1.5m	8.3m	A
Northern wall – ground floor	1.5m	2.2m	A
<b>Southern wall – ground floor</b>	<b>2.7m</b>	<b>1.2m</b>	<b>D</b>
Eastern wall – bed 3, landing, bathroom – upper storey	2.8m	15.5m	A
Northern wall – upper storey	2.8m	2.2m	A
Southern wall – upper storey	1.2m	1.2m	A
Open Space	50%	63%	A
Wall height	6m	6m	A
Setback of Carport	9m	<9m	A
Car Parking			N/A
Site Works			N/A
Visual Privacy			
<b>Dining room</b>	<b>6m</b>	<b>&lt;6m</b>	<b>D</b>
Overshadowing	<25%	21.5%	A
Drainage			To be conditioned

Local Planning Policies Assessment

<b>LPP Residential Design Guidelines Provision</b>	<b>Status</b>
3.7.2 Additions and Alterations to Existing Buildings	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	A
3.7.7 Building Setbacks and Orientation	A
<b>3.7.8 Roof Form and Pitch</b>	<b>D</b>
3.7.9 Materials and Colours	A
3.7.10 Landscaping	A
3.7.11 Front Fences	N/A
3.7.12 Pergolas	A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	N/A
3.7.16.3 Garages and Carports	N/A
3.7.16.4.3 Fremantle Port Buffer Area	A

This development application proposes renovations to an existing heritage building (Category B on the Heritage List) at 30 King Street, East Fremantle. An existing extension at the rear of the dwelling is to be demolished and replaced with a double storey extension that utilises the existing natural ground levels. The existing weatherboard and zincalume cottage will be left unchanged by the renovations. There are minimal streetscape impacts as the new additions at the rear are hidden by the existing dwelling and the use of the slope of the site. The extensions are also well below the maximum roof height of 9m and privacy between the subject property and northern neighbouring property is maintained through the use of glazing of upper storey windows, existing high boundary walls and visual privacy screening along parts of the existing dividing fence. Similar materials to the existing dwelling are to be utilised on the proposed extension including zincalume roof and fibre cement weatherboard.

Four variations are requested to the requirements of the Residential Design Codes related to lot boundary setbacks and visual privacy screening. One variation is requested to the Residential Design Guidelines related to roof pitch. These variations are discussed below.

Lot Boundary Setbacks – Southern Wall – Ground Floor

The southern wall on the ground floor of the proposed addition is 13.8m long and 3.68m high with major openings. In accordance with clause 5.1.3 C3.1i and Table 2b the wall is required to be located 2.7m from the side boundary. In this case it is 1.2m from the side boundary, however, it can be supported in accordance with design principles clause 5.1.3 P3.1 for the following reasons;

- Reduced impacts of building bulk on adjoining properties,
- Provides adequate sunlight and ventilation to the building and open spaces on site and adjoining properties, and
- Minimal overlooking and loss of privacy on adjoining properties.

The reduced lot boundary setback for the southern wall on the ground floor can be supported.

Lot Boundary Setbacks – Northern Wall – Upper Storey

The northern wall on the upper storey of the proposed addition is 7.8m long and 6m high with major openings. In accordance with clause 5.1.3 C3.1i and Table 2b the wall is required to be located 2.8m from

the side boundary. In this case it is 2.2m from the side boundary, however, it can be supported in accordance with design principles clause 5.1.3 P3.1 for the following reasons;

- Reduced impacts of building bulk on adjoining properties,
- Provides adequate sunlight and ventilation to the building and open spaces on site and adjoining properties, and
- Minimal overlooking and loss of privacy on adjoining properties.

The reduced lot boundary setback for the northern wall on the upper storey can be supported.

#### Visual Privacy

The dining room of the dwelling is required to have a visual privacy setback of 6m in accordance with clause 5.4.1 of the Residential Design Codes. In this case there is a privacy setback of 2.83m. The dining room has a view towards the east and looks diagonally across the rear yard of the southern neighbouring property. There is dense vegetation (mature olive trees) located along the southern boundary on the side of the neighbouring property which will act as privacy screening. At the same time the subject site is lower than the property to the south with more than 0.5m difference in ground levels so the combination of landscaping and existing dividing fence heights means that privacy between the dwellings is maintained. The southern neighbouring property owners have provided signed support for the proposed development so it is felt that that the reduced visual privacy setback can be supported in accordance with design principles clause 5.4.1 P1.1 and P1.2. Landscape screening combined with the dividing fence and the lower height of the subject property is an acceptable solution to the privacy screening issue. For these reasons the reduced visual privacy setback can be supported.

#### Roof Pitch

The Residential Design Guidelines acceptable development provision 3.7.8.3 A1 requires that the roof pitch of alterations and additions of contributory buildings are to match the original roof pitch. In this case the roof pitch of the addition is approximately 26 degrees whereas the roof pitch of the original heritage dwelling is 40 degrees. The variation is acceptable in accordance with performance criteria 3.7.8.3 P1 because the roof pitch of the new additions will contribute positively to the existing dwelling. It is noted that the proposed extensions are longer, but lower than the existing rear extension and this is partly as a result of the lower roof pitch being utilised. For these reasons the proposed roof pitch of 26 degrees can be supported.

#### Conclusion

Based on the assessment that has been completed for this development and the explanation provided in this report, the variations that have been proposed to the Residential Design Codes and the Residential Development Guidelines are considered acceptable. It is noted that the proposed development is proposed on an area of the site where there is already an existing addition from an earlier period and is well below the maximum roof height of 9m. As such it is recommended that the proposed development be supported subject to planning conditions.

#### **11.4 OFFICER RECOMMENDATION:**

**That development approval is granted and Council exercises its discretion in regard to the following;**

- (i) Clause 5.1.3 – Residential Design Codes– Lot Boundary Setbacks – Southern Wall – Ground Floor – 2.7m required, 1.2m provided**

- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Northern Wall – Upper Storey – 2.8m required, 2.2m provided
- (iii) Clause 5.4.1 – Residential Design Codes – Visual Privacy Setbacks – 6m required, 2.3 m provided
- (iv) Clause 3.7.8.3 - Residential Design Guidelines - Roof Pitch – required to match roof pitch of existing dwelling– roof pitch of 26 degrees provided

for renovations at No. 30 (Lot 452) King Street, East Fremantle, in accordance with the plans date stamped received 3 August 2020, 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 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) If requested by Council within the first two years following installation, the 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.
- (6) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
- (7) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (8) This planning approval is to remain valid for a period of 24 months from date of this approval.

**Footnote:**

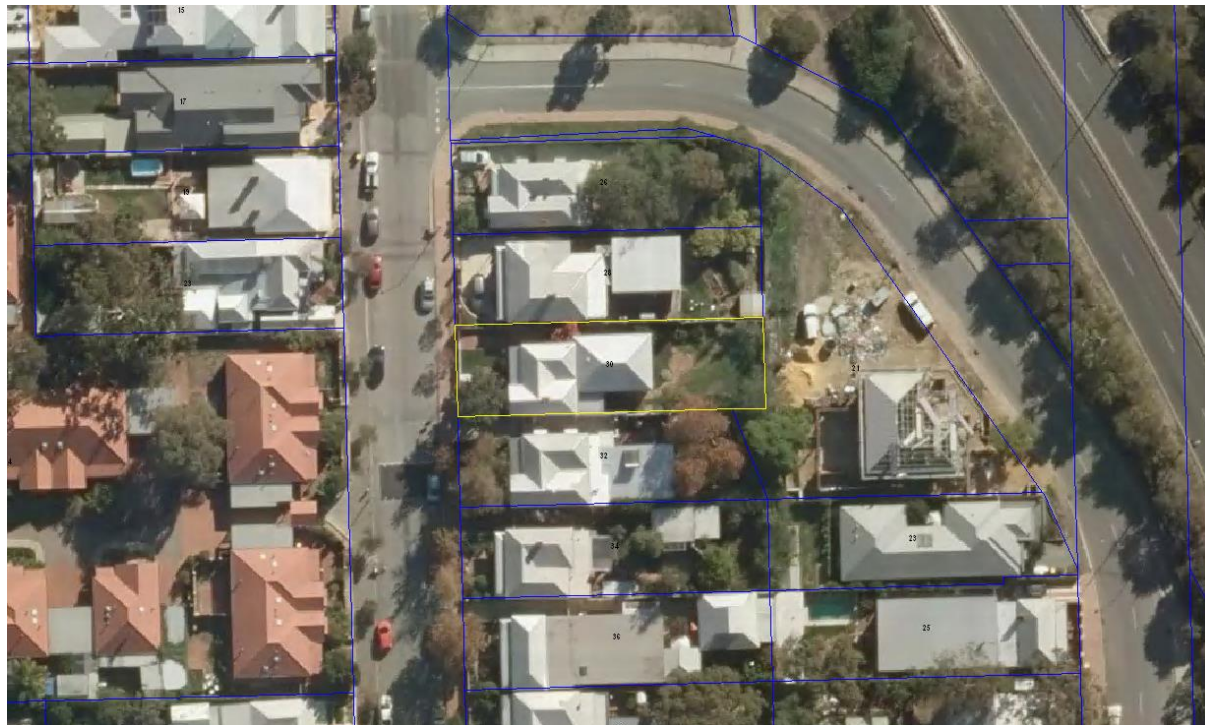
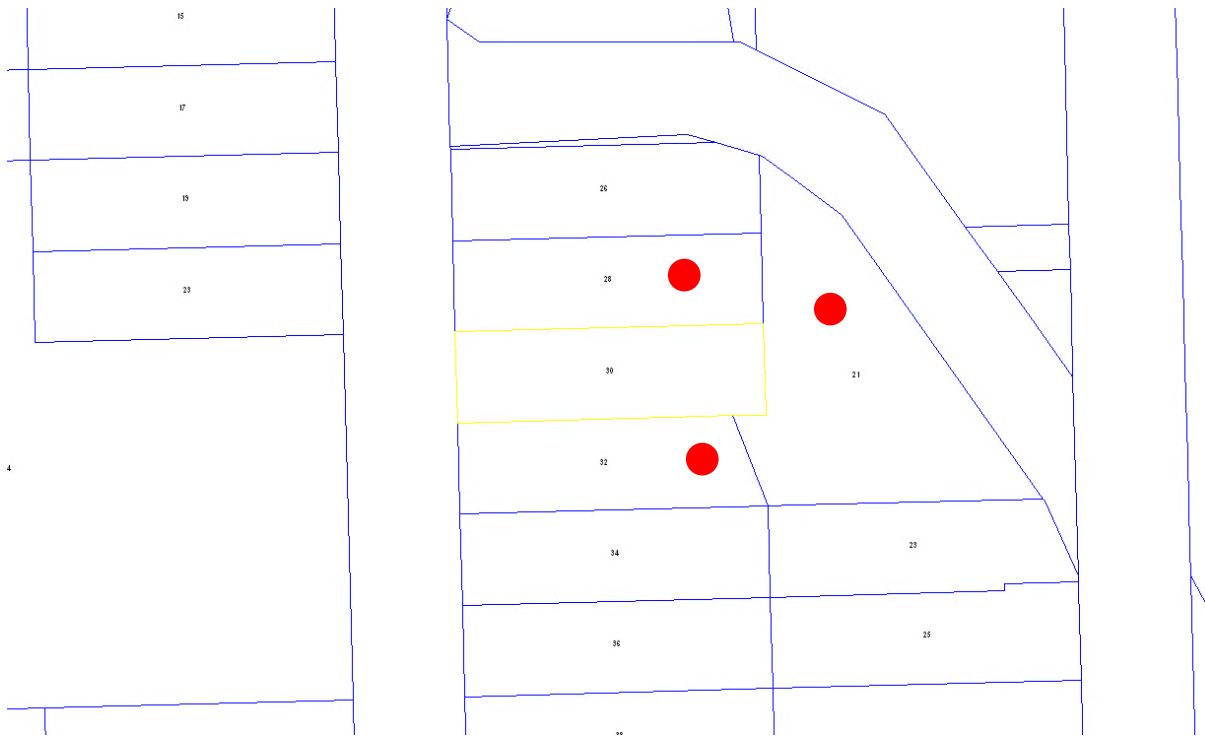
*The following are not conditions but notes of advice to the applicant/owner:*

- (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.**

30 King Street – Map and Photo



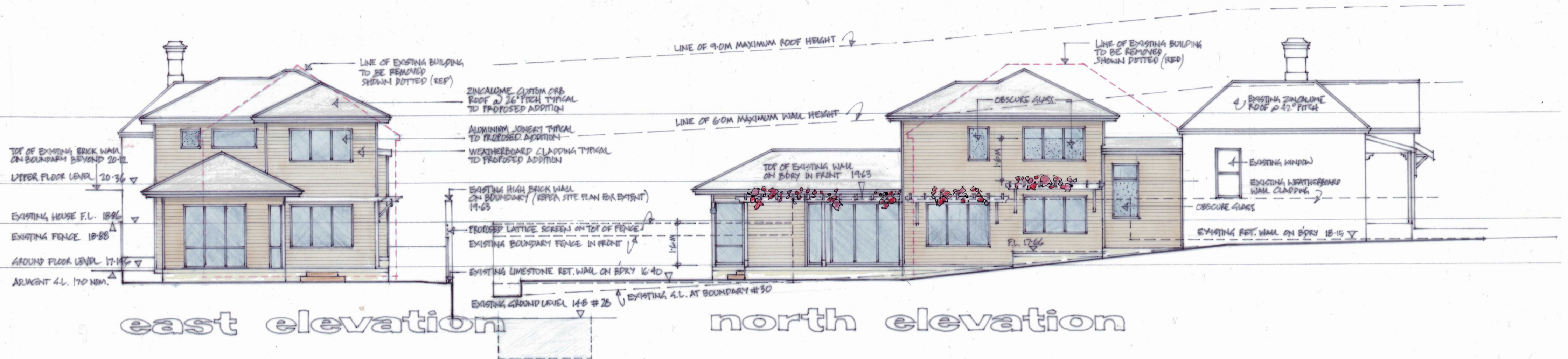


**PLACE RECORD FORM**



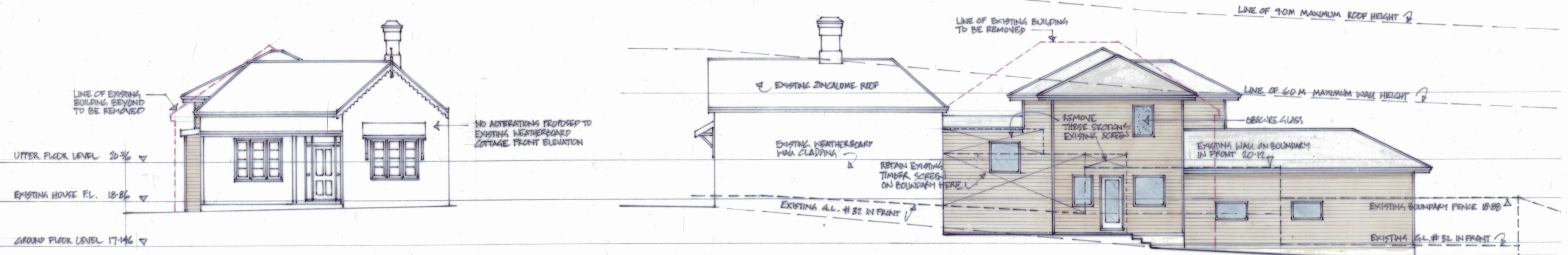
PRECINCT	Plympton
ADDRESS	30 King Street
PROPERTY NAME	N/A
LOT NO	Lot 452
PLACE TYPE	Residence
CONSTRUCTION DATE	C 1906
ARCHITECTURAL STYLE	Federation Bungalow
USE/S	Original Use: Residence/ Current Use: Residence
STATE REGISTER	N/A
OTHER LISTINGS	N/A
MANAGEMENT CATEGORY	Category B
PHYSICAL DESCRIPTION	No 30 King Street is a single storey cottage constructed in timber framing and jarrah weatherboard cladding with a hipped and gabled corrugated iron roof. It is a simple expression of the Federation Bungalow style. The front elevation is asymmetrically planned with a thrust gable bay and part width skillion verandah. The verandah is supported on timber posts. A vertical timber balustrade spans between the timber posts. There is a central door and hopper light flanked by three multi pane casement windows. The thrust gable bay features the same window under a sunhood.

	There are additions to the rear.
	The place is consistent with the pattern of development in Plympton and plays an important role in the pattern of development of a working class suburb.
HISTORICAL NOTES	Plympton is a cohesive precinct where most of the places were constructed in the late nineteenth century and the first quarter of the twentieth century. It is comprised primarily of homes for workers and their families with a high concentration of small lots with timber, brick and stone cottages.
OWNERS	Unknown
HISTORIC THEME	Demographic Settlements - Residential Subdivision
CONSTRUCTION MATERIALS	Walls – Timber framing and jarrah weatherboards Roof - Corrugated roof sheeting
PHYSICAL SETTING	The residence is situated on a relatively flat site with a timber picket fence on the lot boundary.
STATEMENT OF SIGNIFICANCE	No 30 King Street is a single storey house constructed in timber framing and weatherboard cladding with a corrugated iron roof. The place has historic and aesthetic value with its contribution to Plympton's high concentration of worker's cottages and associated buildings. It contributes to the local community's sense of place.  The place has some heritage value for its intrinsic aesthetic value as a Federation Bungalow and it retains a moderate to high degree of authenticity and a high degree of integrity.  The additions to the rear have no significance.
AESTHETIC SIGNIFICANCE	No 30 King Street has considerable aesthetic value as a typical Federation Bungalow. It retains all the characteristics of the period.
HISTORIC SIGNIFICANCE	No 30 King Street has some historic value. It was part of the suburban residential development associated with the expansion of East Fremantle during the Goldrush period of the 1880s and 1890s.
SCIENTIFIC SIGNIFICANCE	N/A
SOCIAL SIGNIFICANCE	No 30 King Street has some social value. It is associated with a significant area of worker's cottages which contributes to the community's sense of place.
RARITY	No 30 King Street is not rare in the immediate context but Plympton has rarity value as a working class suburb.
CONDITION	No 30 King Street is in good condition.
INTEGRITY	No 30 King Street retains a high degree of integrity.
AUTHENTICITY	No 30 King Street retains a moderate to high degree of authenticity.
MAIN SOURCES	



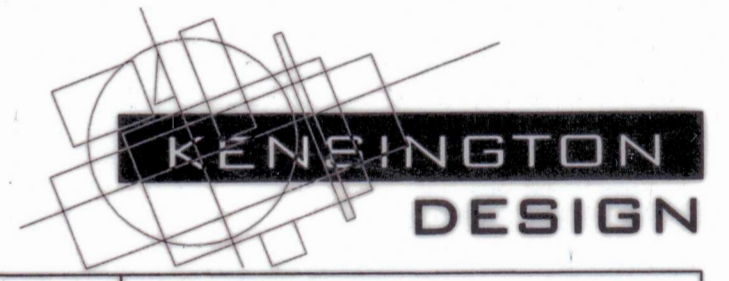
east elevation

north elevation



west elevation  
scale 1:100

south elevation



# McGRATH HOUSE Sk2

24 May Street, East Fremantle WA 6158  
 Phone: 9438 3288 Fax: 9438 3299  
 E-mail: kd@kensingtondesign.com.au

Date: 27 JULY 2020 Job: LOT 452 #30 KING ST E. FREMANTLE

## 12. REPORTS OF OFFICERS (COUNCIL DECISION)

### 12.1 State Planning Reforms, Response to COVID-19 and State Planning Policy 7.3 R-Codes Vol. 1 – Interim Review

<b>Applicant</b>	Town of East Fremantle
<b>File ref</b>	B/MPL1
<b>Prepared by</b>	Christine Catchpole, Senior Planning Officer
<b>Supervised by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Meeting Date:</b>	1 September 2020
<b>Voting requirements:</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Summary Table of Proposed Modifications to R-Codes Vol. 1 Interim Review - Town's Response

#### Purpose

The purpose of this report is to:

- outline the planning initiatives the State Government is implementing to reform the planning system and assist with the COVID-19 economic recovery;
- explain proposed changes to the Residential Design Codes Vol. 1 – Interim Review (R-Codes Review); and
- provide comments on the proposed R-Codes changes (for Council endorsement) which will form the basis of a submission to the Department of Planning.

#### Executive Summary

To implement the planning system changes and assist with COVID-19 recovery initiatives the State Government is reforming the *Planning and Development Act, 2005, Planning and Development (Local Planning Schemes) Regulations 2015* and State planning policies. The Government believes this will create a more flexible, responsive and contemporary planning system that can support WA's economic recovery. Expanded powers will temporarily be given to the WAPC to determine projects of major significance and/or those in strategic locations. This is aimed at stimulating the economy and creating business and employment opportunities.

The State planning reforms in respect to the R-Codes Review is now being integrated with the State Government's planning reforms to support Western Australia's economic recovery. Proposed changes are stated as being aimed at streamlining the approvals process for new home builds and renovations, thereby making it easier for homebuyers, local governments and developers. The Review is aimed at simplifying the R-Codes for easier interpretation, as well as streamlining the approvals process for single houses, grouped dwellings, multiple dwellings (coded less than R40), and smaller structures such as patios, pergolas, carports, decks and sheds. Another key objective of the review is to make it easier for local governments to deem more applications compliant, allowing applicants to proceed straight to a building permit whilst ensuring that residential design outcomes are not compromised by the proposed changes. In the longer term the R-Codes will be subject to more extensive review as part of the finalisation of the Design WA Medium and Low-Density Policy initiatives.

The proposed R-Code amendments have been circulated to all local government authorities and other stakeholders seeking their comments on proposed changes. Several proposed R-Codes changes are not supported by the Town due to the expected amenity, streetscape and environmental impacts, as well as undesirable built form outcomes. The Officer report outlines matters with which the Town has concerns;

these relate to residential amenity, heritage, streetscapes, the environment and design outcomes. The specific R-Code provisions of concern deal with exemption from planning approval for compliant houses on lots under 260m<sup>2</sup> and deemed-to-comply single house additions, ancillary dwellings, outbuildings (sheds), patios/pergolas, front fences, carports and retaining walls. Reductions in carport setbacks, open space, lot boundary setbacks, building height, visual privacy setbacks and landscaping are also of concern. Notwithstanding the concerns outlined in the report, Local Planning Policy 3.1.1 - Residential Design Guidelines (RDG) will continue to apply. In the case of most development applications it is expected that variations to the RDG and the R-Codes will be sought, requiring applicants to submit a development application for Council's consideration.

It is recommended the comments in Attachment 1 form the basis of a submission on the Interim Review of the R-Codes Vol. 1 to the Department of Planning. The Department of Planning intends to consider submissions in September and report to the WAPC in October with the aim of gazettal of the amendments by November 2020.

### Background

In August 2019 the State government launched a document entitled *Action Plan for Planning Reform*. This was the result of an independent review by planner Evan Jones who was engaged by the Minister for Planning in 2017 to undertake an independent review of the Western Australian planning system. The primary recommendations of the review were to elevate the importance of strategic planning and make the planning system more efficient, transparent and understandable to everyone. The consultant planner prepared a Green Paper outlining ideas for reform of the planning system which was released by the Minister for public consultation in May 2018.

Following public consultation, the Action Plan identified three goals for reform of the planning system and 19 reform initiatives to achieve the goals. The Minister also determined that instead of preparing a White Paper, the Department of Planning would collaborate with stakeholders to develop and implement the detail of many of the 19 reform initiatives to deliver the reform Action Plan.

With the onset of impacts of the Coronavirus pandemic in early 2020 the State Government has brought forward a number of measures within the *Action Plan for Planning Reform* as part of the COVID-19 economic recovery plans, together with a proposal to establish a new development application process for significant projects.

A program of major legislative, regulatory and policy changes will be progressively implemented to support WA's COVID-19 economic recovery plans. The following information is a summary of the initiatives and reforms. Full details of the legislation changes and reforms is available on the Department of Planning, Lands and Heritage website at <https://www.dplh.wa.gov.au/projects-and-initiatives/planning-reform/covid-19-planning-reforms>.

### State Planning Reforms and Initiatives

The *Planning and Development (Amendment) Bill 2020* was passed by Parliament on 24 June 2020. The purpose of the Bill is described as amending the *Planning and Development Act* and other related Acts with two broad aims to:

- *Provide an urgent response to the COVID-19 pandemic by:*
  - facilitating significant development projects;
  - removing regulatory roadblocks and reducing red tape;
  - strategically refocusing what is considered important in urban and regional planning;



- enhancing how development contribution funds are utilised for community benefit; and
- providing for a higher degree of professionalism and enforcement capability; and
- *Implement a comprehensive series of public, stakeholder and specialist reviews of the planning system in order to create a better planning system, which:*
  - creates great places for people;
  - is easier to understand and navigate; and
  - is consistent and efficient.

These aims will be implemented in two stages of legislation. The Bill passed in June was the first stage which will implement the aspects of planning reform with the most immediate impact on the planning framework, as a prioritised COVID-19 related response. The second stage will be facilitated by another follow-up Bill in the near future. The second Bill will include reforms with less immediate effect and therefore less urgency. The second Bill relates to reforms that will require new or amended regulations be drafted in order to commence and clarifies aspects of the current planning system in order to create a more legible and understood system.

#### R-Codes Interim Review

The R-Codes Review is now being integrated with the State Government's planning reforms to support Western Australia's economic recovery. Proposed changes are stated as being aimed at streamlining the approvals process and reducing red tape, thereby making it easier for first home builders, local governments and developers.

The Review is aimed at simplifying the R-Codes for easier interpretation, as well as streamlining the approvals process for single houses, grouped dwellings, multiple dwellings (coded less than R40), and smaller structures such as patios, pergolas, carports, decks and sheds. A key objective of the Review is to remove the need for a development approval if single houses, ancillary buildings, outbuildings and some additions/renovations comply with the 'deemed-to-comply' provisions. Another key objective of the Review is to make it easier for local governments to deem more applications compliant, allowing applicants to proceed straight to a building permit.

#### **Consultation**

The closing date for comments on the R-Codes Interim Review is 11 September 2020. The Department of Planning has stated that submissions will be considered and used to inform the final version of the R-Codes which is expected to be in effect by the end of 2020.

The Department of Planning has also allowed for Officer submissions to be made by the due date with a follow-up confirmation and endorsement of the submission subsequent to Council resolutions made at Council meetings held later in September.

#### **Statutory Environment**

*Planning and Development Act, 2005*

*Planning and Development Amendment Bill 2020*

*Planning and Development (Local Planning Schemes) Regulations, 2015*

*Local Planning Scheme No. 3 (LPS 3)*

#### **Policy Implications**

*State Planning Policy 7.3 – Residential Design Codes Vol. 1*

*Local Planning Policy 3.1.1 - Residential Design Guidelines 2012 (as amended)*

**Financial Implications**

Nil

**Strategic Implications**

The Town of East Fremantle Strategic Community Plan 2017 – 2027 states as follows:

Built Environment

*Accessible, well planned built landscapes which are in balance with the Town’s unique heritage and open spaces.*

- 3.1 *Facilitate sustainable growth with housing options to meet future community needs.*
  - 3.1.1 *Advocate for a desirable planning and community outcome for all major strategic development sites.*
  - 3.1.2 *Plan for a mix of inclusive diversified housing options.*
- 3.2 *Maintaining and enhancing the Town’s character.*
  - 3.2.1 *Ensure appropriate planning policies to protect the Town’s existing built form.*
- 3.3 *Plan and maintain the Town’s assets to ensure they are accessible, inviting and well connected.*
  - 3.3.1 *Continue to improve asset management practices.*
  - 3.3.2 *Optimal management of assets within resource capabilities.*
  - 3.3.3 *Plan and advocate for improved access and connectivity.*

Natural Environment

*Maintaining and enhancing our River foreshore and other green, open spaces with a focus on environmental sustainability and community amenity.*

- 4.1 *Conserve, maintain and enhance the Town’s open spaces.*
  - 4.1.1 *Partner with Stakeholders to actively protect, conserve and maintain the Swan River foreshore.*
  - 4.1.2 *Plan for improved streetscapes parks and reserves.*
- 4.2 *Enhance environmental values and sustainable natural resource use.*
  - 4.2.1 *Reduce waste through sustainable waste management practices.*
- 4.3 *Acknowledge the change in our climate and understand the impact of those changes.*
  - 4.3.1 *Improve systems and infrastructure standards to assist with mitigating climate change impacts.*

**Risk Implications**

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact /Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not adopt the proposed Recommendation and a submission expressing the Town’s view’s is not	Unlikely (2)	Moderate (3)	Moderate (5-9)	COMPLIANCE Statutory impact of non-compliance with State planning request for comments in respect	Accept Officer Recommendation

forwarded to the Department of Planning, Lands and Heritage.				to the Interim Review of the R-Codes Vol. 1 (SPP 7.3).	
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**Risk Matrix**

Consequence		Insignificant	Minor	Moderate	Major	Extreme
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

Risk Rating	6
Does this item need to be added to the Town’s Risk Register	No
Is a Risk Treatment Plan Required	No

**Site Inspection**

N/A

**Details**

State Planning Reforms - Response to COVID-19

The State Government has brought forward several measures within the *Action Plan for Planning Reform* as part of the COVID-19 economic recovery plans, together with a proposal to establish a new development application process for significant projects. A program of major legislative, regulatory and policy changes will be progressively implemented to support WA’s COVID-19 economic recovery plans. The following is a summary of the major reform initiatives. Further consultation with local governments will occur in relation to some of these initiatives. A summary of the initial reforms is provided below.

**Streamline Significant Developments**

Expanded approval powers will temporarily be given to the WAPC to determine proposals for certain sites, locations and projects which present opportunities for broad community value. This is a short-term initiative intended to stimulate the economy and to create new employment and business opportunities.

**Key Reforms**

- WAPC will be established as the new decision-making authority for all development proposals of State significance for a fixed 18-month period. This period has commenced.
- Under the new legislation, significant proposals must have an estimated cost of:
  - \$20 million or more in the metropolitan area; or
  - \$5 million outside the metropolitan region.
- The Premier, on recommendation of the Minister for Planning, can also refer proposals to the

WAPC.

- Direct referral of the proposals to Planning Department, service authorities and government agencies.
- Department of Planning will undertake administrative and assessment processes and prepare report.
- WAPC responsible for clearance of conditions, enforcement and compliance.
- Consultation undertaken with local government and due regard to submissions.
- The WAPC will consider non-planning related matters that it considers are in the public interest.
- No other authority can make a decision that is inconsistent with the decision of the WAPC.
- Right of appeal through the State Administrative Tribunal will apply as normal.
- Governor can amend or cancel a WAPC approval.

### ***Special Matters DAPs***

Certain sites, locations or opportunities can deem a proposed development to be of broad community value. In the future these proposals will be determined by a new Special Matters Development Assessment Panel (SMDAP).

### ***Key Reforms***

- Government has already reduced the number of DAPs from 9 to 5, and it is intended to further reduce them to 3 panels.
- SMDAP's will be established to consider complex proposals e.g. proposals located in areas with significant tourism, unique aesthetic qualities or other unique features.
- New regulatory amendments, including criteria for developments will be prepared over the next 12 months.
- Proposals will be lodged directly with State Planning with referral to agencies and recommendations to SMDAP.
- Local government representative and the Government Architect will also sit on the SMDAP.

### ***Cutting Red Tape***

The State government believes the reforms will significantly cut red tape for users of the planning system and remove barriers to enable development, create jobs and support business. Greater clarity and consistency across the system and a reduction in the administrative burden on local governments is expected to save time and money.

### ***Key Reforms***

The Department of Planning believes the amendments will ensure local planning is easier to navigate and understand, provide greater consistency in how planning provisions are applied and improve efficiency. Consultation is currently being undertaken with local government on the proposed regulatory changes, in the first instance with a review of the R-Codes. The following comprises the reforms considered of most significance to the Town:

- Introduce refined streams for MRS scheme amendments, reducing timelines for minor amendments.
- Provide the Minister with capacity to withdraw a MRS or planning scheme amendment during the process.
- Clarify and expand public works exemptions for State development projects.
- Introduce a new 10-year review for all State and local government planning documents.
- Provide for more streamlined approvals for the construction of roads and waterways.
- The EPA and State Planning will determine which proposals require environmental assessment.

- Reduce unnecessary holdups in the referral process - enable a development if response timeframes not met.
- Clarify 'stop the clock' mechanisms, including setting a maximum number of days or set circumstances.
- Enable online publication of planning documents, removing the requirement for hard copies.
- ***Deemed approval*** if an application is not dealt with in the statutory timeframe.
- ***Change of use applications will be abolished for several different uses*** to support small businesses wishing to establish or change their operations. This would include several uses which are well suited and anticipated in town centres, commercial areas, activity corridors, mixed use areas: including cafes, restaurants, consulting rooms, retail shops, small offices etc.
- ***Provision of car parking to be more flexible and consistent*** across the State. Update cash-in-lieu framework and waive shortfalls up to 10 bays.

### ***Small Business***

The State government's planning reforms are aimed at reducing red tape, streamlining approvals and removing barriers so business owners can focus on business operations and not paperwork.

### ***Key Reforms***

Three streams of planning reform – legislative, regulatory and policy – are being progressed. Changes to the *Planning and Development (Local Planning Schemes) Regulations 2015* propose a range of measures, including:

- A wider range of small residential projects becoming exempt from planning approval.
- Revised R-Code deemed-to-comply provisions expanded and simplified (also the subject of this report), enabling planning exemptions for more single residential dwellings.
- Change of use applications not required for several different uses.
- For example, uses in town centres, commercial areas, activity corridors and mixed-use areas including cafes, restaurants, consulting rooms, retail shops and small offices.
- An updated cash-in-lieu for parking framework and waiver for shortfalls up to 10 bays.

### ***Improving Community Engagement***

The aim of this suite of reforms is to ensure the planning framework, including planning schemes have been developed in early consultation with the community and are guided by a local planning strategy.

### ***Key Reforms***

There are three key components in improving community engagement and consultation:

### **Local Planning Strategies**

Community consultation and engagement is viewed as integral to alleviating confusion and ensuring expectations are met about the types of development that can occur. Planning reform measures will:

- Ensure local planning strategies align with the State's planning framework;
- Give local planning strategies the highest level of importance in community planning and development;
- Give local communities a greater say in setting the future vision, early in the planning process;
- ***Extend the minimum period of community consultation from 21 to 35 days;***
- Reinforce the need to take a more strategic approach to the development of communities; and
- Provide meaningful opportunities for people to have their say.

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Consistent and Transparent Consultation Practices

- Onsite signage displaying an image of the proposed built form, for all developments over a prescribed construction value.
- Introducing State-wide consultation processes, including mandating a radius model for major development applications and scheme amendments.
- Enabling access to on-line planning documents.
- Community engagement toolkit for all planning authorities to provide consistent and best practice guidance on how and when to engage during the planning process.
- Measures to streamline the planning document review process to ensure currency and reflect local aspirations and priorities.
- Planning schemes to provide greater clarity and more consistency in how land can be used, and what can and cannot be built.

Ensure Actual Community Benefits Flow from Major Developments

- Lack of guidance from State Government on what should be achieved under a community benefit, as a result, many communities have seen no real community benefits delivered.
- Provide a clear definition of community benefit in planning schemes.
- New State-wide, consistent guidelines for community infrastructure, and how development contributions are collected, held and used, including cash-in-lieu provisions for parks, recreation and public open space.

***Good Design***

The State government has based these reforms on the view that well-designed buildings and public spaces are essential to creating communities and places in which people want to live and visit.

***Key Reforms***

So far, a State Design Review Panel and an increased number of local design review panels have been established. Also, the first stage of Design WA policies for apartments is now in operation (R-Codes Vol. 2 – Apartments).

Policy reforms to be delivered over the next six-twelve months will support the implementation of legislative and regulatory changes. These policies include:

- Finalise policy for medium density – which includes multi-unit, two and three storey complexes.
- Finalise new benchmarks and policy to guide Precinct Design.
- Review the single house development requirements of the R-Codes Vol. 1 (has commenced).
- Bring forward reviews of State planning policies for activity centres and liveable neighbourhoods.
- Continue reviewing State planning policies, such as hazard management, bushfires and coastal erosion.
- State Planning Policy 4.2 – Activity Centres will be reviewed to provide guidance to deliver contemporary outcomes when planning major centres.
- A revised Liveable Neighbourhoods policy to create suburbs which are sustainable, connected, self-sufficient and have healthy communities.

### ***Residential Design Codes Vol. 1 Review***

Following on from the State planning reforms launch in mid-July the State government released the review of the Residential Design Codes Vol. 1 (R-Codes Review) and invited community-wide comment on the proposed changes. The key changes are briefly noted below and outlined in more detail in Attachment 1.

#### *Key Changes*

- To allow a wider range of smaller residential projects such as patios, decks and extensions to be exempt from development (planning) approval.
- Changes are proposed for open space, building setbacks, wall heights and visual privacy setbacks.
- Simplified language to improve both the understanding and usability of the R-Codes.
- Increase in the size of outdoor living areas and to provide for a tree to be planted for each dwelling.
- Carport and ancillary dwelling designs should complement the main dwelling.

These changes do not remove the requirement for a development proposal to comply with the Town's RDG where the provisions differ.

### **Summary of the Proposed Modifications to R-Codes Vol. 1 – Interim Review**

The proposed changes to the R-Codes, the Department's rationale for the changes and the Town's response are explained in Attachment 1. The full details of the proposed changes can be found on the Department of Planning website at <https://www.dplh.wa.gov.au/planning-reform>.

The comments contained in the 'Town's Response' column will form the basis of the Council's submission to the Department of the Planning.

### **Comment**

#### **State Planning Reforms – Response to COVID-19**

The general view of the Planning sector in WA is that the amendments to the *Planning and Development Act, 2005* are the most significant changes to the statutory framework since the Act commenced and most certainly since the 2010 amendments that facilitated the establishment of Development Assessment Panels (DAPs). Some viewpoints suggest these reforms will shift more of the development assessment role from local governments to the State Planning level.

A new assessment pathway has been endorsed to allow the State Government, through the WAPC, to assess and approve certain development applications over \$20 million in the Perth Metro area and \$5 million in regional areas for the next 18 months. An additional proposal will see the establishment of a 'Special Matters' DAP (SMDAP), which will only have a representative from the local government sector and not a local government Elected Member as in the current DAP system. Planners have noted that the scope for the current planning framework and associated controls to potentially be completely overridden is a possibility under the amendments.

Furthermore, while some of the proposals have a fixed term date, linked to the COVID-19 recovery period, it has been foreshadowed that it is intended for the new process for significant developments at the State level to be retained but with the decision-making power to transition from the WAPC to the SMDAP thereafter. The amendments to the Act that establish the SMDAP also provide for this transition to be effected through subsequent subsidiary legislation.

The Planning sector has expressed some disappointment with the introduction of the *Planning and Development Bill 2020* in June, as there was little consultation on much of the detail contained within the Bill despite claims that it was premised on more than seven years of consultation and reviews. A main concern with the proposed legislation was with the potential for community feedback and concerns to be overlooked with no provision to ensure community input be considered in the decision-making process. It was not clear to what extent community input would occur and how the consultation would be undertaken; this is yet to be tested.

One of the most significant matters to note is that the 'Significant Development' process will allow the WAPC to grant development approvals for 'Significant Developments' in contravention of a local planning scheme. The legislation states that the WAPC is to have "*have due regard to*" the purpose and intent of any planning scheme that has effect in the locality to which the development application relates but "*is not limited to planning considerations...*".

While a State government response associated with the repercussions with COVID-19 is understood, reforms that provide for development approvals to be granted in contravention of local planning schemes is very significant, particularly so if the views of local communities are not taken into consideration or reduced in importance. The potential significance of the proposals likely to be considered by a SMDAP are likely to have far reaching consequences, so it would be appropriate that they be subject to high level assessment and meaningful input from local government. It is not clear whether there will be a review after the "recovery period" to inform any proposal to continue the planning process via the SMDAP.

As the COVID-19 state of emergency progressed a few practical support measures provided exemptions to delivery hours for supermarkets and service stations, provided flexibility for restaurants forced to only offer takeaways, and allowed greater flexibility in home business operations. The State government worked with the Planning sector and formally endorsed these approaches through the Minister's *Notice of Exemption*. This document provided additional clarity for many temporary variations to planning controls due to the exceptional circumstances. Since the introduction of the *Notice of Exemption* the Town has not been requested to consider exemptions from development approval or non-compliance with conditions of development approval.

The Town is expecting the submission of major development applications in the near future. The construction value of these applications would qualify them for consideration as a 'Significant Development'. They meet the criteria to qualify for a DAP application and may also meet the criteria to qualify for consideration by a SMDAP. The Council may therefore not have a decision-making role and may have a significantly reduced assessment and reporting roles in relation to the development process depending on the assessment path taken.

#### R-Codes Vol. 1 Interim Review – Town's Response

The purpose of the changes is to streamline the decision-making process for new home builds and renovations. The aim being to simplify the R-Codes, so they are easier to interpret, as well as streamline the approvals process for single houses, grouped dwellings, multiple dwellings (coded less than R40), and smaller structures such as patios, carports, decks and sheds. The desired outcome is that the changes will reduce a range of common triggers for single house development approval applications (including additions), simplify rules by streamlining assessments, while requiring design improvements for more efficient building design and better outdoor spaces. It is believed this will reduce the application costs for home owners and help alleviate the administrative and regulatory burden on local governments.



Whilst it is understood reviewing the R-Codes to remove triggers for development applications may reduce the number of applications received by local government and quicken the approval process, the degree to which this assists or alleviates the regulatory burden depends on each local governments' specific circumstances and planning priorities. The land use, heritage, environmental and design outcomes sought by each local government can vary markedly. The local planning frameworks and local planning policies adopted by the Town of East Fremantle have been specifically drafted to address local land use, character, environmental, heritage and amenity considerations. It is not the intention of the R-Codes Review to override these policies and the local planning policies will still prevail over the R-Codes where there is a variation. However, there are some circumstances and developments where the provisions of the Town's local planning policies will not apply to all forms of development and where this is the case the development controls of R-Codes are applicable.

Notwithstanding the above, the Town expects that development applications will continue to be required for a significant proportion of proposals due to the implementation of the RDG. Full compliance with the Deemed-to-Comply provisions of the R-Codes and the Acceptable Development Provisions of the RDG will be difficult to achieve. In many cases the development site will be a heritage listed property (requiring a development approval) and variations to lot boundary setbacks, open space and visual privacy setbacks less than the minimum required by the R-Codes will trigger a development application.

The Town's RDG will remain as the primary planning instrument in the assessment of development applications, however the reduced standards proposed under the R-Codes will also apply to residential development in the Town. Concerns arise when planning principles and development controls are lessened to facilitate development without appropriate checks and balances, particularly in a setting where variations and relaxation of standards is frequently sought. If the R-Codes are weakened whereby amenity is eroded a community backlash is the likely outcome and this is usually borne by local government.

It is considered that some of the changes being proposed could be viewed as a means of assisting the development industry and circumventing the need for planning approval. The Town does not hold the view that by allowing more relaxed rules around design and construction of housing that better design outcomes will result. If poor planning outcomes result it is the community that has to endure the impacts of overdevelopment and the local government that needs to find solutions to the problems created by weakened regulations. The development application assessment process should be focused on mitigating the consequences of development on residents and ratepayers and in promoting sustainability and liveability. Facilitating an increased ability to build more, on increasingly smaller lots, should not be prioritised over good design and amenity outcomes.

The proposed changes to the R-Codes have therefore been considered in light of the potential for impact on amenity and good design from the Town's perspective. A summary of the changes and the Town's response is provided in Attachment 1. These responses and the general comments outlined in this report will form the basis of the Town's submission to the Department of Planning.

If the proposed changes to the R-Codes proceeds as is intended, the Town will continue to monitor Building Permit applications in order to ensure planning approval and community consultation is not required. It is expected that some development will occur that does not receive planning approval and will therefore not be subject to community consultation. Monitoring of the potential impact on residential amenity and poor design outcomes will also occur. This may lead to future changes to local planning policy.

It is recommended that Council resolve to note the changes to planning legislation brought about by the *Action Plan for Planning Reform* and the COVID-19 emergency, as well as the Town's response to the Schedule of Proposed Modifications to the R-Codes Vol. 1 – Interim Review. A submission to the Department of Planning based on the comments contained in this report and the Town's response to R-Code changes, as outlined in Attachment 1, is intended following Council's endorsement.

It is hoped the Department of Planning will take the Town's comments into consideration in finalising the R-Codes document. Submissions will be considered in September with a view to reporting to the WAPC in October and gazettal of the amendments by November 2020.

**12.1 OFFICER RECOMMENDATION**

**That the State Planning Reforms, Response to COVID-19 and the draft Schedule of Proposed Modifications R-Codes Vol. 1 – Interim Review 2020 be noted and a submission to the Department of Planning, Lands and Heritage in relation to the R-Codes Vol. 1 Interim Review 2020 be made based on the comments contained in the Officer Report and in Attachment 1.**

Attachment 1 - Summary of Proposed Modifications to R-Codes Vol. 1 - Town’s Response

	DESIGN ELEMENT	PROPOSED CHANGES	RATIONALE (Dept of Planning, Lands & Heritage)	TOWN’S RESPONSE
<p>Common triggers for development approvals</p>	<p>Approval process</p>	<ul style="list-style-type: none"> <li>All residential development is to comply with the requirements of the R-Codes Vol. 1.</li> <li>A development application (DA) is required if:                             <ul style="list-style-type: none"> <li>the proposed residential development does not satisfy the deemed-to-comply provisions and proposes to address one or more design principles of Part 5 of R-Codes Vol. 1; or</li> <li>development approval is required under a Scheme.</li> </ul> </li> </ul> <p><b><u>No development approval required for compliant DAs.</u></b></p>	<p>Residential development (single house) will include:</p> <ul style="list-style-type: none"> <li>erection of single house</li> <li>extension to single house</li> <li>ancillary dwelling</li> <li>outbuilding</li> <li>external fixture</li> <li>boundary wall</li> <li>front wall</li> <li>patio</li> <li>verandah</li> <li>garage</li> <li>carport</li> </ul> <p>Removes need for approval.</p>	<p><b>Not supported. Further relaxation/reduction of the deemed-to-comply provisions to enable an easier path to approval is not considered best planning practice.</b></p> <ul style="list-style-type: none"> <li>Locations with significant heritage value and open landscaped streetscapes and/or on constrained lots require detailed assessment to ensure a high standard of heritage conservation, amenity and design outcomes. Consistent desirable outcomes are unlikely if reduced/relaxed standards facilitate exemption from planning approval.</li> <li>Neighbour consultation provides valuable insight into impact on matters such as amenity, overshadowing and privacy. This will not occur if planning approval exemption permitted.</li> <li>Exemptions under reduced standards for additions/alterations (especially upper storey), outbuildings, boundary walls, garages and carports in established suburban areas, particularly on smaller lots with narrow frontages will cause community upset and backlash for real and perceived amenity loss. Local government to mitigate subsequent issues.</li> </ul>
	<p>Single house approval</p>	<p>No development approval required for <b><u>compliant single houses on lots less than 260m<sup>2</sup></u></b> where the development meets the deemed-to-comply provisions.</p>	<p>Revised wording simplified for ease of use and updated to remove need for DA.</p>	<p><b>Not supported. Require DAs for all lots less than 260m<sup>2</sup>.</b></p> <ul style="list-style-type: none"> <li>The arbitrary lot size of 260m<sup>2</sup> was introduced as part of a previous update of the R-Codes. Lots less 260m<sup>2</sup> are more constrained, as such require the oversight of planning in established areas to ensure that reasonable outcomes are achieved in terms of design streetscape</li> </ul>

				<p>impacts, parking, overshadowing, fencing, privacy, overlooking and outdoor living areas.</p> <ul style="list-style-type: none"> <li>• Smaller lots with shorter boundaries and greater proximity to neighbouring properties and their residents means that care must be taken when dealing with development that has an impact on privacy and overlooking, and bulk and scale of development.</li> <li>• The lack of connection between the Building Act and the Planning and Development Act means that builders will submit proposals that may comply with the Australian Building Code but do not necessarily meet the planning requirements of the Town causing additional assessment work.</li> </ul>
	<b>Amendments to existing approvals</b>	No development approval required if minor and no further departure from deemed-to-comply provisions.	Removes need for approval.	<p><b>Noted.</b></p> <ul style="list-style-type: none"> <li>• Decision delegated to Officer level. A DA may be deemed necessary and can be requested.</li> </ul>
	<b>Street setback averaging</b>	<ul style="list-style-type: none"> <li>• Amended to delete clause requiring setback to correspond to the average of the setback of existing dwellings on each adjacent property fronting the same street.</li> <li>• Excludes carports, front fences, retaining walls and siteworks.</li> </ul>	<ul style="list-style-type: none"> <li>• Exempts carports from contributing to the front setback average and therefore needing to be offset by a compensating area.</li> <li>• Provides a minimum carport setback requirement of 2.5m or 1.5m to a porch, verandah, balcony or equivalent.</li> <li>• To support streetscape activation by encouraging appropriate encroachments that activate the street and are already being encouraged.</li> </ul>	<p><b>Supported in part. The pattern of setback is critical to the character of each Precinct in the Town. While there are some variations between streets, there is little opportunity for development within the street setback area</b></p> <ul style="list-style-type: none"> <li>• RDG provide specific provisions in relation to setback patterns. Setbacks differ in each precinct but are predominantly consistent.</li> </ul>
	<b>Minor projections</b>	Unenclosed porch, balcony, verandah or equivalent can project up to half the primary street setback - <b><i>not subject to compensating area behind setback.</i></b>	<ul style="list-style-type: none"> <li>• To support streetscape activation by encouraging appropriate encroachments that activate the street and are already being encouraged.</li> </ul>	<p><b>Not supported. New developments/additions should match traditional and/or existing setbacks.</b></p> <ul style="list-style-type: none"> <li>• Minor projections should be discretionary not deemed-to-comply.</li> </ul>

				<ul style="list-style-type: none"> <li>Impact on existing streetscapes requires planning level assessment. Exemption from planning approval will prevent assessment.</li> </ul>
	<p><b>Boundary walls</b></p>	<p>Remove average wall height calculations to simplify assessment:</p> <ul style="list-style-type: none"> <li>R20 and R25 - walls not higher than 3.5m, up to a max of 9m for 1/3 of the boundary to one side boundary only; or</li> <li>R30 and higher, walls not higher than 3.5m, for 2/3 of the lot boundary to one side boundary only.</li> </ul>	<ul style="list-style-type: none"> <li>Removing averaging simplifies calculations and reduces the number of DAs.</li> <li>Modified for clarity and so there is unity between local governments regarding calculations and interpretation.</li> </ul>	<p><b>Noted.</b></p> <ul style="list-style-type: none"> <li>RDG provision applies and would require changes to align with proposed new R-Codes.</li> <li>No intention to revise RDG to align with amended R-Codes.</li> </ul>
	<p><b>Visual privacy</b></p>	<p>Apply reduced privacy setbacks in R30 and above, instead of R50 and above:</p> <ul style="list-style-type: none"> <li>Setback for bedrooms and studies <b>3m not 4m;</b></li> <li>Kitchen, dining, living etc. <b>4.5m not 6m; and</b></li> <li>Balconies and raised outdoor areas <b>6m not 7.5m</b></li> </ul>	<p>Visual privacy setbacks reduced for R30 or above, accounting for smaller lot sizes and likelihood of minor visual privacy discretions.</p>	<p><b>Concern noted. Department of Planning education program required regarding planning changes.</b></p> <ul style="list-style-type: none"> <li>Concern with reduced setbacks at R30. Community feedback from DA consultation suggests that existing visual privacy setbacks are not considered acceptable.</li> <li>Reductions in visual privacy setbacks will see a potential increase in complaints from neighbouring properties as people live closer to each other and will be required to accept reduced expectations of visual privacy.</li> </ul>
	<p><b>Building heights</b></p>	<p><b>Increase height limits for two-storey dwellings by 1m</b> to allow for improved design.</p> <p>Buildings which comply with the maximum building heights set out in Table 5 are deemed-to-comply except where stated otherwise in a planning scheme, local planning policy, structure plan or local development plan.</p>	<ul style="list-style-type: none"> <li>Revised table and deletion of clauses provides simpler approach for calculation of wall heights for gable and skillion roofs.</li> <li>Avoids inconsistent calculation methods between local governments.</li> <li>Accounts for increased floor to ceiling heights (to accommodate services) in modern building standards.</li> </ul>	<p><b>Not Supported. Current R-Code maximum building height provisions to remain as is. Local governments to modify as required.</b></p> <ul style="list-style-type: none"> <li>The relaxation in height in Table 5 will become the accepted standard height. Taller, bulkier homes will likely be the result.</li> <li>Will likely facilitate three storey single dwellings.</li> <li>Combined with reduced privacy and lot boundary setbacks this is likely to result in perceived and real loss of amenity for</li> </ul>

	<p><b>Table 5: Maximum Building Height</b></p> <table border="1"> <tr> <th colspan="2">Maximum building heights</th> <th>Now</th> <th>New</th> </tr> <tr> <td>i</td> <td>Building height</td> <td>6m</td> <td>7m</td> </tr> <tr> <td>ii</td> <td>Building height including gable, skillion and concealed roof</td> <td>7m</td> <td>8m</td> </tr> <tr> <td>iii</td> <td>Building height including pitched roof</td> <td>9m</td> <td>10m</td> </tr> </table> <p><b>New definition: Height, wall</b>  <i>This is the distance between the point where the base of the wall meets the natural ground level at the boundary immediately adjacent to the wall to the underside of the eave, top of a parapet, or roof (where there is no eave or parapet) or at any point in accordance with Figure Series 3 and 5.</i></p>	Maximum building heights		Now	New	i	Building height	6m	7m	ii	Building height including gable, skillion and concealed roof	7m	8m	iii	Building height including pitched roof	9m	10m	<ul style="list-style-type: none"> <li>Category A and C building heights are relocated in R-Codes as some local planning policies refer to only the category title of 'A or 'C'. This ensures that local planning policy height requirements are retained.</li> </ul>	<p>adjoining owners.</p> <ul style="list-style-type: none"> <li>Increases building scale and bulk in heritage precincts. Will not align with other development controls in the RDG and building height will be contrary the bulk and scale context of the surrounding area.</li> </ul> <p><u>Note:</u></p> <ul style="list-style-type: none"> <li>The Town of East Fremantle has maximum height requirements that are less than Table 5 but more than Table 6 Category A. This results in creative solutions to roof form and house design that has not been detrimental to the built form.</li> <li>RDG reduced height limits will apply in areas where significant water views from neighbouring properties are affected.</li> </ul>										
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<p><b>Open space</b></p> <p>Open space requirement decreased by 5%.</p> <p><b>Table 1 (extract) – Open Space</b></p> <table border="1"> <thead> <tr> <th>R-Code</th> <th>Previous %</th> <th>New %</th> </tr> </thead> <tbody> <tr> <td>R20</td> <td>50</td> <td>45</td> </tr> <tr> <td>R25</td> <td>50</td> <td>45</td> </tr> <tr> <td>R30</td> <td>45</td> <td>40</td> </tr> <tr> <td>R35</td> <td>45</td> <td>40</td> </tr> <tr> <td>R40</td> <td>45</td> <td>40</td> </tr> <tr> <td>R50</td> <td>40</td> <td>35</td> </tr> <tr> <td>R60</td> <td>40</td> <td>35</td> </tr> <tr> <td>R80</td> <td>30</td> <td>30</td> </tr> </tbody> </table>	R-Code	Previous %	New %	R20	50	45	R25	50	45	R30	45	40	R35	45	40	R40	45	40	R50	40	35	R60	40	35	R80	30	30	<ul style="list-style-type: none"> <li>Contingent on compliance with new Outdoor Living Area (OLA) requirements (i.e. 32m<sup>2</sup>).</li> <li>Designed to ensure that every dwelling is provided with enough, consolidated outdoor area for natural light, ventilation, landscape and lifestyle, and that overdevelopment of sites does not occur.</li> </ul>	<p><b>Not supported. Open space provisions to remain as is.</b></p> <ul style="list-style-type: none"> <li>Open space is provided to minimise building bulk, provide space between dwellings and allow for planting.</li> <li>The automatic reduction in open space requirements will potentially result in larger dwellings and less open space.</li> <li>Applicants frequently request a variation reduction of the 50% open space requirement to 45%. This change will likely result in even further reductions to requests for 40% open space and then utilise the additional 5% for floorspace.</li> <li>Likely to lead to overdevelopment of lots – bigger buildings on smaller lots not larger outdoor living areas.</li> <li>Perth has growing problem with the urban heat island effect and needs to reduce the</li> </ul>
R-Code	Previous %	New %																											
R20	50	45																											
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R60	40	35																											
R80	30	30																											

				<p>amount of built-on surfaces and increase the planting of large canopied trees.</p> <ul style="list-style-type: none"> <li>• Opportunity to reduce open space will threaten mature vegetation in established older areas. Do not encourage destruction of the urban forest by reducing the need for open space.</li> <li>• Unlikely that increase in OLA with planting zone for a tree will occur without enforcement. Enforcement is problematic and will be local government burden.</li> </ul>
	<b>Front fences</b>	Allow visual permeable front fencing with 1.8m piers as deemed-to-comply.	<ul style="list-style-type: none"> <li>• Updated to clarify visual permeability calculations for where fencing is proposed above 1.2m in height.</li> <li>• Also clarifies that the height of the front fence is measured from the ground level at the primary street boundary.</li> </ul>	<p><b>Noted.</b></p> <ul style="list-style-type: none"> <li>• Town’s RDG contains front fence requirements which replace provisions in the R-Codes.</li> <li>• RDG contain similar standards regarding visual permeability.</li> </ul>
<b>Simplified for streamlined assessment</b>	<b>Street setback (primary)</b>	Minimum setbacks for R20/R25 primary street setback reduced from 6m to 5m.	<ul style="list-style-type: none"> <li>• Allows for a slightly reduced minimum primary street setback.</li> <li>• Distinguishes between R15 to R17.5 (6m) and R30 (4m) to provide a more graduated setback reduction.</li> </ul>	<p><b>Supported. The reduction in street setback for R20 and R25 is acceptable. As lots get smaller there is an expectation that the setback will also be reduced.</b></p> <ul style="list-style-type: none"> <li>• If the front setback area of the lot is smaller than the rear yard can potentially be larger with an increased area for private outdoor living area.</li> <li>• Plympton, Raceway and some sections of Woodside Precinct and Canning Hwy are coded R20. Reduced setbacks, often less than 5m, are often supported due to alignment with original street setback pattern being 5m or less.</li> </ul>
	<b>Lot boundary setbacks</b>	<ul style="list-style-type: none"> <li>• Nil for patios, verandahs (L 10m &amp; H 2.7m) behind primary street setback and where roof setback is 0.5m from boundary.</li> </ul>	<ul style="list-style-type: none"> <li>• Reduced setbacks maximise outdoor living area which is highly valued.</li> <li>• Meets BCA requirements.</li> </ul>	<p><b>Not supported. Separation between built structures for the purpose of visual relief, providing greater airflow and light and maintaining privacy will be diminished.</b></p>

				<ul style="list-style-type: none"> <li>• Reducing setbacks reduces planting and green spaces between buildings. Greater building bulk occurs and increases likelihood that lots will be overdeveloped.</li> <li>• Will not automatically result in better design outcomes.</li> <li>• Council and Officer discretion considered best practice approach to determining lot boundary setbacks where nil - 1m setback is proposed.</li> <li>• Neighbour comment considered important. Development approval exemption will eliminate consultation.</li> </ul>														
115	<p><b>Setbacks based on wall height</b></p>	<ul style="list-style-type: none"> <li>• Simpler table – no differentiation between wall with major opening or blank wall.</li> <li>• Reduced from 1.5m to 1.2m for wall with major opening.</li> </ul> <p style="text-align: center;"><b>Table 2 – Building setbacks based on wall height</b></p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Wall height (m)</th> <th>Setback (m)</th> </tr> </thead> <tbody> <tr> <td>3.5 or less</td> <td>1.2</td> </tr> <tr> <td>4</td> <td>1.5</td> </tr> <tr> <td>6</td> <td>2</td> </tr> <tr> <td>8</td> <td>2.5</td> </tr> <tr> <td>9</td> <td>3</td> </tr> <tr> <td>10</td> <td>3.5</td> </tr> </tbody> </table> <p style="text-align: center;"><b>Note: Visual privacy provisions still apply</b></p>	Wall height (m)	Setback (m)	3.5 or less	1.2	4	1.5	6	2	8	2.5	9	3	10	3.5	<ul style="list-style-type: none"> <li>• New Table 2 provides simpler method for calculating wall heights. Setbacks are proportionate to increased bulk and scale.</li> <li>• Tables 2a and 2b, and Fig Series 4 have been removed due to:             <ul style="list-style-type: none"> <li>- remove interpretation issues with Fig Series 4 and inconsistent calculation methods.</li> <li>- Differentiation of walls with/without major openings incentivises highlight/small windows creating poor internal amenity outcomes.</li> <li>- Fig Series 4 incentivises “articulations” resulting in inefficient floor plans, complex roof lines and wasted spaces internally, with unlikely positive design</li> </ul> </li> </ul>	<p><b>Not supported. Differentiate between walls with and without major openings and nominate setbacks that take into account major openings and provide a greater setback.</b></p> <ul style="list-style-type: none"> <li>• Acknowledged that existing Table 2a and 2b are complex and wall length and height calculation is complicated.</li> <li>• However, this is an extreme simplification based on wall height only <b>not length</b>. Articulation will not occur. Long blank walls likely to result.</li> <li>• Purpose of providing separation between buildings is for visual relief, providing greater airflow and light and maintaining privacy.</li> <li>• Reducing setbacks diminishes planting and green spaces between buildings. Greater building bulk occurs and increases likelihood that lots will be overdeveloped.</li> <li>• Will not automatically result in better design outcomes.</li> <li>• Not supportive of reduced setback for walls with major openings.</li> </ul>
Wall height (m)	Setback (m)																	
3.5 or less	1.2																	
4	1.5																	
6	2																	
8	2.5																	
9	3																	
10	3.5																	



			<p>outcome.</p> <ul style="list-style-type: none"> <li>- Visual privacy, overshadowing and open space (in lower codes work to regulate bulk and scale.</li> <li>• Reduced setbacks maximise outdoor living areas - regular exercise of discretion. The provision aligns with the BCA and is limited to a height and dimension.</li> </ul>	<ul style="list-style-type: none"> <li>• Openings are dealt with by privacy setbacks which have also been reduced.</li> <li>• Concern that very long, high walls with no articulation will result. Articulation ensures buildings are more interesting and helps achieve the desired setback from the site boundary.</li> <li>• Design of windows that allow for lighting and ventilation but maintain privacy can still be achieved with current setbacks.</li> <li>• Highlight windows ameliorate the impact of walls in dwellings with windows close to boundaries; provides privacy but allows for light and ventilation.</li> </ul>
	<p><b>Carport setbacks</b></p>	<ul style="list-style-type: none"> <li>• Carports exempted from contributing to averaging the front setback – no need to offset by compensating area behind the front setback line.</li> <li>• Set back may be reduced by up to 50% of the minimum setback where:             <ul style="list-style-type: none"> <li>- roof pitch, colours and materials complement the dwelling; and</li> <li>- width does not exceed 50% of the frontage at the building line; and</li> <li>- construction allows an unobstructed view between the dwelling and the street or equivalent.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Carports have less bulk and scale impact compared to garages, and allow for passive surveillance, natural light and ventilation. So, setback need not be as far as garages.</li> <li>• Promotes good design compatible with the dwelling façade.</li> </ul>	<p><b>Not supported. Carports are considered an intrusive element in the front setback area and generally detract from streetscape appeal by limiting the view of the dwelling from the street and resulting in vegetation loss.</b></p> <ul style="list-style-type: none"> <li>• Often DAs are submitted converting carports to garages.</li> <li>• RDG require carports to be setback behind the building line and be less than 30% of the lot frontage.</li> </ul>
	<p><b>Site works and retaining walls</b></p>	<ul style="list-style-type: none"> <li>• Nil setback for retaining walls, fill and excavation between the street alignment and the street setback where less than 0.5m in height</li> <li>• Permits site works and retaining walls less than 0.5m to be located up to a side boundary within the front setback area.</li> </ul>	<ul style="list-style-type: none"> <li>• Site works and retaining are now a combined assessment. Previously different setbacks applied.</li> <li>• Provisions simplified to one clause allowing for straightforward height and</li> </ul>	<p><b>Supported. Site works and retaining walls to remain part of planning assessment under R-Codes.</b></p> <ul style="list-style-type: none"> <li>• Site works and retaining walls can be contentious issues and should remain part of the R-Codes assessment process.</li> <li>• Deemed-to-comply up to 0.5m in height seems</li> </ul>

			<p>setback calculations.</p> <ul style="list-style-type: none"> <li>• Minor variations to setback provisions for site works, however clarity of assessment will outweigh potential number of additional DAs.</li> </ul>	<p>a reasonable approach.</p>
<p>Development Exemptions</p>	<p>Ancillary dwellings</p>	<p><b><u>No development approval required for compliant outbuildings.</u></b>                  Ancillary dwelling:</p> <ul style="list-style-type: none"> <li>• lot is not less than 350m<sup>2</sup>;</li> <li>• maximum plot ratio is 70m<sup>2</sup>;</li> <li>• parking as per R-Codes;</li> <li>• located behind the street setback;</li> <li>• designed to complement the colour, roof pitch and materials of main dwelling;</li> <li>• main dwelling meets minimum outdoor living area;</li> <li>• complies with all other R-Code provisions, except for site area, street surveillance and outdoor living area.</li> </ul>	<ul style="list-style-type: none"> <li>• Community and local government support for alternate/smaller dwellings on lots less than 350m<sup>2</sup> (was 450m<sup>2</sup>).</li> <li>• Appearance requirements provides ability to assess built form outcome, which does not currently exist resulting in poor designs.</li> <li>• Amended to support design principle assessment of revised deemed-to-comply.</li> </ul>	<p><b>Not supported. If DA meets deemed-to-comply will not require planning approval.</b></p> <ul style="list-style-type: none"> <li>• Impact on open space, removal of vegetation and privacy setbacks not assessable.</li> <li>• Neighbour consultation will not be required if deemed-to-comply.</li> <li>• Use of ancillary dwelling not clarified/confirmed on DA application form. May result in use as short-term accommodation or business without approval or appropriate conditions.</li> </ul>
	<p>Small &amp; large outbuildings</p>	<ul style="list-style-type: none"> <li>• <b><u>No development approval required for compliant outbuildings.</u></b></li> <li>• Distinction between development standards for small and large outbuildings.</li> <li>• Small outbuildings provisions same as BCA and permitted as of right in the rear corner of lot and not easily visible from the street.</li> <li>• Due to the minimal size and height of outbuildings it is recommended that small outbuildings do not contribute to the boundary wall provisions.</li> </ul>	<ul style="list-style-type: none"> <li>• Address common triggers for development approvals in line with community expectations.</li> <li>• Provisions reduce ‘red tape’ making it easier for landowners to install small sheds.</li> <li>• Modifications distinguish between smaller and larger outbuildings</li> <li>• Column B aligns with BCA - allows small outbuildings permitted as of right when in rear corner and not easily visible from the street.</li> <li>• Minimal size and height of</li> </ul>	<p><b>Not supported. Will potentially result in outbuildings replacing mature vegetation and removal of mature trees.</b></p> <ul style="list-style-type: none"> <li>• Local government cannot monitor location of position of outbuildings and/or intention to remove mature trees with submission of DA.</li> <li>• Reduced open space on-site.</li> <li>• Greater impact on amenity in terms of bulk and scale /overdevelopment of sites.</li> <li>• Corner sites / secondary streetscapes impacted by inappropriate location of and more than one outbuilding.</li> </ul>

			<p>outbuildings (Col B) - small outbuildings do not contribute to boundary wall provisions.</p> <ul style="list-style-type: none"> <li>• Reduces ‘red tape’ making it easier to install small sheds.</li> </ul>	
	<p><b>Swimming pools and pergolas</b></p>	<p>Swimming pools and pergolas exempt from development approval if deemed-to-comply provisions are met.</p> <p><b>New Definition – Pergola:</b> An open-framed structure covered in water permeable material, <b>or operable louvred roofing</b>, which may or may not be attached to a dwelling.</p>	<p>Clarify that no development approval is required.</p> <p>Reflects previous State Administrative Tribunal decision in relation to unfixed louvred roofing.</p>	<p><b>Noted.</b></p> <ul style="list-style-type: none"> <li>• No change unless raised pool level triggers DA under privacy setback.</li> <li>• DA approval required for erection of pergola in front setback area under the RDG.</li> </ul> <p><b>Not supported. Pergolas must be permeable. Any ability to change the roof from permeable to impermeable makes the structure a verandah or patio and must be assessed as such. Applicants will likely seek exemption from DA approval for a patio with operable louvred roofing.</b></p>
<p><b>Design and liveability improvements</b></p>	<p><b>Outdoor living area</b></p>	<ul style="list-style-type: none"> <li>• <b><u>Increase outdoor living area (OLA) requirements (i.e. 32m<sup>2</sup> for R20 – R80)</u></b>, including minimum dimensions and area behind street setback.</li> <li>• Outdoor area must be directly accessible from a habitable room <b>primary living space</b> of the dwelling.</li> <li>• Minimum length and width of 4m for all OLAs.</li> <li>• At least 2/3 of the area without permanent roof cover.</li> <li>• No more than 50% with permanent roof cover.</li> </ul> <p><b>New definition – primary living space:</b> <i>The area within a dwelling that is the focus of life and activity and usually the largest room.</i></p>	<ul style="list-style-type: none"> <li>• OLA dimensions sufficient for entertaining, leisure and landscaping.</li> <li>• OLA covered component increased to 50%, from current 33%, to enable improved amenity.</li> <li>• Increase in overall OLA ensures covered space does not reduce natural light and ventilation access.</li> <li>• Introduction of primary living space ensures that OLA is provided from spaces that are ‘connected’ and frequently used, rather than rooms such as sewing rooms or studies.</li> </ul>	<p><b>Supported in part. Change to OLAs acceptable but do not allow OLA in street (front) setback area.</b></p> <ul style="list-style-type: none"> <li>• Recognition that areas under eaves along the side boundaries of dwellings are mostly not suitable outdoor living areas and should not be included in the outdoor living area calculation.</li> <li>• If OLA is within front setback area, then high front fences may result as a means of providing privacy.</li> <li>• Restriction in terms of percentage of front fence which can be above 1.2m for solid element is required.</li> <li>• If front setback is used for OLA then potential for overdevelopment of rear of site with only poor landscaping at front of lot. Deemed-to-comply should not allow OLA at front of lot.</li> </ul>

		<i>This area is connected with the outdoor living area or balcony, and includes the following room types: living room, lounge room, games room, family room, or an integrated living area that has one of these room types together with a kitchen or dining area.</i>		
	<b>Landscaping</b>	<ul style="list-style-type: none"> <li>Require one tree per dwelling and landscaping within the front setback for single houses, grouped and multiple dwellings.</li> <li>Landscaping between each two consecutive uncovered parking spaces to include shade trees.</li> <li>Unroofed visitors' parking spaces to do not need to be screened from street.</li> </ul>	<ul style="list-style-type: none"> <li>Consistent with the wider R-Code review.</li> <li>Removed screening for unroofed as encourages roofed parking - unroofed parking would have less impact on street.</li> </ul>	<p><b>Supported in part. Enforcement is problematic if tree not planted, is removed or dies.</b></p> <ul style="list-style-type: none"> <li>Supportive in principle but believe it may become another good planning intention that fails to achieve the intended objective.</li> <li>Difficult to ensure compliance of landscaping because plants are not fixed and gardens are often dynamic spaces reliant on owner's/resident's interest in gardening, weather and water restrictions.</li> <li>RDG do not permit car parking bays or parking space in front setback area.</li> </ul>
	<b>Ancillary dwellings and carports</b>	Introduce simple design standards to improve design outcomes.	<ul style="list-style-type: none"> <li>Inclusion of appearance requirements provides the ability to assess the built form outcome – currently not applicable so resulting in poor designs affecting the locality.</li> </ul>	<p><b>Supported in part.</b></p> <ul style="list-style-type: none"> <li>Difficulty to ensure deemed-to-comply if applicant the assessor as to whether colour, roof pitch and materials complement that of the single house.</li> <li>Proposal to be scrutinised at building permit stage adding to local government workload.</li> </ul>
	<b>Walls built up to boundary</b>	<ul style="list-style-type: none"> <li>'Up to a boundary' means a wall, on or less than 600mm from any side boundary (green title or survey strata lot).</li> <li>Pillars and posts with a horizontal dimension of 450mm by 450mm do not constitute a wall built up to a site boundary.</li> </ul>	<ul style="list-style-type: none"> <li>Removing averaging calculations simplify boundary wall calculations - will reduce number of DAs and ensure consistency between local governments.</li> <li>Terminology clarified to simplify understanding and interpretation.</li> </ul>	<p><b>Not supported. Walls or structures built within setback area should require neighbour consultation.</b></p> <ul style="list-style-type: none"> <li>Reduced standards may have impact on amenity, light, ventilation and heritage elements. Will not be assessed by planners.</li> </ul>

	<p><b>Overshadowing</b></p>	<ul style="list-style-type: none"> <li>• Dividing fences and buildings with a wall height of 3.5 metres do not contribute to overshadowing.</li> <li>• Site area refers to the surface of the adjoining lot and is measured without regard to any building.</li> </ul>	<ul style="list-style-type: none"> <li>• Modification proposes that walls up to 3.5m in height do not contribute to overshadowing calculations due to the decreasing lot dimensions</li> <li>• This can result in single storey dwellings being unable to comply with overshadowing calculations.</li> </ul>	<p><b>Supported. Agree existing overshadowing from dividing fences should not contribute to calculation.</b></p>														
	<p><b>Parking</b></p>	<ul style="list-style-type: none"> <li>• 1 parking bay required for single and ancillary dwellings where within 250m of a high frequency bus route, or multiple bus routes that if combined have timed stops every 15 minutes during weekday peak periods (7 – 9am and 5 – 7pm).</li> <li>• Measured in a straight line from along any part of the bus route to any part of the lot.</li> <li>• No requirement for visitor parking until the number of dwellings exceeds 3 and then 1 visitor bay is required to be provided for every 4 dwellings served by a common access area.</li> </ul> <table border="1" data-bbox="660 1023 1057 1251"> <thead> <tr> <th>Dwellings</th> <th>Visitor Bays</th> </tr> </thead> <tbody> <tr> <td>0-3</td> <td>0</td> </tr> <tr> <td>4</td> <td>1</td> </tr> <tr> <td>5-8</td> <td>2</td> </tr> <tr> <td>9-12</td> <td>3</td> </tr> <tr> <td>13-16</td> <td>4</td> </tr> <tr> <td>17-20</td> <td>5</td> </tr> </tbody> </table>	Dwellings	Visitor Bays	0-3	0	4	1	5-8	2	9-12	3	13-16	4	17-20	5	<ul style="list-style-type: none"> <li>• Some areas are heavily frequented by bus services operating along multiple routes within these periods, but the singular ‘route’ timing is not 15 minutes.</li> <li>• Allows for a combination of routes to encourage a reduction in car use and simplify the approval process where public transport is adequate.</li> <li>• 1 visitor bay now required for four dwellings or more. Text is relocated from the explanatory guidelines and simplified.</li> </ul>	<p><b>Supported. Changes to the measurement of the distance between lot and bus route and change to definition of high frequency bus schedules attempts to encourage greater use of buses as a substitute for private vehicles.</b></p> <p><b>Supported. Confirmation and clarification on the specific requirement for visitors’ bays and inclusion in the R-Codes is considered appropriate.</b></p>
Dwellings	Visitor Bays																	
0-3	0																	
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**13. MATTERS BEHIND CLOSED DOORS**

**14. CLOSURE OF MEETING**