

2 February 2016

AGENDA

NOTICE OF MEETING

Elected Members

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

Dinner will be provided from 5.30pm

GARY CLARK
Acting Chief Executive Officer

25 January 2016

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1. **DECLARATION OF OPENING OF MEETING/ANNOUNCEMENT OF VISITORS**
2. **ACKNOWLEDGEMENT OF COUNTRY**
"On behalf of the Council I would like to acknowledge the Nyoongar people as the traditional custodians of the land on which this meeting is taking place."
3. **RECORD OF ATTENDANCE/APOLOGIES**
Cr Nicholson (Apology)
4. **PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS**
5. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
6. **PUBLIC QUESTION TIME**
7. **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
 - 7.1 *Minutes of Town Planning & Building Committee Meeting - 1 December 2015*
8. **DEPUTATIONS/PRESENTATIONS**
9. **DISCLOSURES OF INTEREST BY MEMBERS**
10. **LATE ITEMS NOTED**
11. **REPORTS OF COMMITTEES**

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REPORT NO. 12.1

RIVERSIDE ROAD LOT 7771 (RESERVE 27376) (SWAN YACHT CLUB)

WARD	Preston Point Precinct
RESPONSIBLE DIRECTOR	Jamie Douglas Manager of Planning Services
AUTHOR FILE NUMBER	Andrew Malone Senior Planning Officer
APPLICATION NUMBER	P134/2014
ATTACHMENT	1. Location Plan 2. Plans
AUTHORITY / DISCRETION	Town Planning and Building Committee

PURPOSE

This report considers an application for amended additions and alterations to the existing Swan Yacht Club located at Lot 7771 (Reserve 27376) Riverside Road, East Fremantle. Under the Swan and Canning Rivers Management Act, the Department of Parks and Wildlife is the determining authority in this instance.

However since the subject site is on land reserved for 'Parks and Recreation' and the facility operates under a lease issued by Council, the proponents and the Department of Parks and Wildlife acknowledge that Council should consider its position in respect to the application prior to determination by the Department of Parks and Wildlife.

EXECUTIVE SUMMARY

There are no outstanding issues/ concerns with regard to the proposed amendments to the previously approved development. Due to the extent of the previous approval, the Swan Yacht Club has split the proposal into phase 1 (Swan River side) and phase 2 (Riverside Road side). The proposed amended additions and alterations (phase 2) reduce the overall extent of the previous proposal, however maintain the overall intent of the previous proposal and is therefore recommended for approval subject to conditions. A building permit for phase 1 has been approved.

BACKGROUND

Suburb/Location	Riverside Road Lot 7771 (Reserve 27376) (Swan Yacht Club)
Applicant	Swan Yacht Club
Owner	Town of East Fremantle
Zoning	Reserve 27376 is vested for the purpose of 'Yacht Club and Club premises'. Reserve 27377 is vested for the purpose of 'Yacht Club and Free Public Pedestrian Access Way'.
Site area	N/A

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Structure plan N/A**Date Application Received**

9 December 2015

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

3 November 2015 That Council advise the Department of Parks and Wildlife that it supports the application by the Swan Yacht Club plans date stamp received on 26 September and 9 October 2014, for proposed additions to the existing clubhouse, located at Lot 7771 (Reserve 27376) Riverside Road, East Fremantle, to the Department of Parks and Wildlife subject to conditions.

Documentation

Relevant plans, forms and letter date stamp received on 9 December 2015.

DETAILSImpact on Public Domain

Tree in verge: No impact.
 Light pole: No impact.
 Crossover: No impact.
 Footpath: No impact.
 Streetscape: The clubhouse addition will also be visible from the street.

Issues and options consideredStatutory Assessment

- Part 5 of the Department of Parks and Wildlife Act
- Town of East Fremantle Planning Scheme No. 3
- Metropolitan Region Scheme
- State Planning Policy 2.6 Coastal Planning Policy
- Contaminated Sites Act 2003

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

Town Planning Scheme No. 3 Assessment

Scheme Provision	Status
4.2 Zone Objectives	A
4.3 Zoning Table	A

Legislation / Strategic Community Plan / Policy Implications**Legislation** Town Planning Scheme No. 3**Strategic Community Plan****Key Focus Area** Area 3 Built and Natural Environment

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Aspiration	Our Town is developing in harmony with our unique character within the fabric of the Region's built and natural environment.
Outcome	3.1 Facilitating sustainable growth whilst maintaining urban and natural character
Policy	N/A

Risk management considerations

There are no risk management considerations.

Financial / budget implications

There are no financial/budget implications.

Regional significance

There is no regional significance.

Sustainability implications

There are no sustainability implications.

ConsultationAdvertising

The application was not advertised to surrounding neighbours. The proposed amendments are considered minor in nature and reduce the overall extent of the development. The development application was previously advertised and a sign was erected on-site for a two week period between 13 October 2014 and 3 November 2014. A newspaper notice was also placed in a local newspaper publication. Council did not receive any submissions.

Town Planning Advisory Panel

This application was not considered by the Town Planning Advisory Panel.

COMMENT

The applicants have proposed to re-use the existing building to enable the additions and alterations to be undertaken to the club to provide improved services and facilities. Due to the cost associated with the previous development approval, the overall extent of the proposal has been reduced and split into phases, phase 1 (Swan River side) and phase 2 (Riverside Road side). The proposed amended additions and alterations (phase 2) reduce the overall extent of the previous proposal. A building permit for phase 1 has been approved. The overall extent of the additions has been reduced toward the Riverside Road. The development has been split into phases. The Swan River side (northern elevation) will proceed as previously approved. An application for a Building Permit has been submitted to Council.

The proposed Riverside Road side of the development is phase two and involves additions and alterations to the entrance of the building. The extent of the additions will be reduced. The design intent has been maintained.

In addition to the use of the existing building, the proposed works provide for the removal of asbestos to the roof and the connection of the building to deep sewerage as opposed to the current septic tank system.

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The application is to be determined by the Department of Parks and Wildlife.

Reserve – Parks and Recreation

The subject land is zoned Parks and Recreation under the Local Planning Scheme and under the Metropolitan Regional Scheme. Clause 3.2 Regional Reserves of TPS3 is relevant, which states:

3.2.1 The land shown as ‘Regional Reserves’ on the Scheme Map are lands reserved under the Metropolitan Region Scheme and are shown on the Scheme Map for the purposes of the Metropolitan Region Town Planning Scheme Act 1959/WA Planning Commission Act 1985. These lands are not reserved under the Scheme.

3.2.2 The approval of the local government under the Scheme is not required for the commencement or carrying out of any use or development on a Regional Reserve.

Note: The provisions of the Metropolitan Region Scheme continue to apply to such Reserves and approval is required under the Metropolitan Region Scheme from the Commission for the commencement or carrying out of any use or development on a Regional Reserve unless specifically excluded by the Region Scheme.

Council are a referral body only. The Department of Parks and Wildlife is the determining authority for this development application for the proposed additions and alterations to the club house.

Land use

The yacht club is defined as a ‘Club Premises’ under TPS No.3 however given the subject site is on land designated as a Local Reserve under the Scheme, this land use is not categorised within the Zoning Table. The amendments to the existing use should therefore be considered as an ‘unlisted discretionary use’ which is subject to Clause 3.4.2 of the Scheme which states as follows:

“3.4.2 In determining an application for planning approval the local government is to have due regard to -
(a) the matters set out in clause 10.2; and
(b) the ultimate purpose intended for the Reserve.”

The Swan Yacht Club is to remain as a club facility. The proposed use is not considered to be changing. The proposed additions and alterations are primarily to improve existing infrastructure such as kitchens, toilets and back office / administration area. The existing function / bar areas are not significantly increasing in area, however the usability of these areas will improve the functionality of the club.

Matters to be Considered by Local Government

There are no specific development requirements under the Scheme or Council Policies which relate to development of a non-residential nature on land zoned Reserve.

This proposal has been assessed against the provisions of Clause 10.2 of the Town Planning Scheme and the development, as proposed, is considered to comply with aims, objectives and proper planning of the area.

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The proposed application has been assessed as per the provisions of the Town of East Fremantle Town Planning Scheme No. 3 Clause 10.2 (a), (c), (g), (j), (o), (p) and (q).

- (a) *the aims, objectives and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area (including the Metropolitan Region Scheme);*
- (c) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;*
- (g) *any Local Planning Policy adopted by the local government under clause 2.4 or effective under clause 2.6, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;*
- (j) *the compatibility of a use or development with its setting;*
- (o) *the preservation of the amenity of the locality;*
- (p) *the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal; and*
- (q) *whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;*

It is considered the proposed development is consistent with the existing use of the land. There is no change of use required.

The previously approved development was for extensive ground floor and first floor additions located to the front (Riverside Road) section of the development. The current proposed development reduces the extent of the ground floor additions and significantly reduces the first floor modifications. The proposed first floor works are now internal works which do not require planning approval. The proposed extent of the additions and alterations to the ground floor has also been reduced, minimising the additions to the western and southern elevations.

The new external facades previously proposed will remain and will maintain the intent of the previously approved development. The remaining external bin storage area, boat / dinghy storage and access areas will remain unchanged. The previously approved reduction of two (2) car parking bays are maintained and are considered to have no detrimental impact on the surrounding locality. Minor modifications have also been made to the car parking layout, thereby facilitating the extension of the alfresco area in an eastwards direction. The overall extension to the external alfresco area/ garden is approximately 190sqm, including landscaping. This area is considered to improve the river walk/ club integration/ presentation. The revised layout does result in an additional car parking bay being deleted. The reduction of the car parking bay is considered not to impact on the area. 144 car parking bays are proposed. The car parking provided is considered acceptable.

There is no change to the height of the proposed development.

The proposed additions to the clubrooms are two storey (maximum height 6.4 metres) and have been designed to be complementary to the existing building (no additional height is proposed). All the proposed additions are associated with the existing yacht club uses. It is considered the overall amended design of the clubrooms is consistent with the design of the

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existing facilities and will not negatively impact on the locality. The facilities of the property will be upgraded, improving the overall usability of the club. The façade upgrade which was previously approved improves the visual appearance of the building.

It is still proposed to remove the dinghy storage area (located on the Swan River foreshore) and improve the access to the river and the public access thoroughfare through the lot. The dinghy storage area is being relocated to the south west corner of the lot, with suitable tractor access being provided to ensure suitable transport for the movement of dinghys. This will improve the foreshore by removing all dinghys from the foreshore to within the subject lot. A screened and suitable bin storage area is also being provided. Conditions of the previous approval relating to the dinghy and foreshore areas have been retained in the Officer's Recommendation for consistency.

Whilst there is an addition of the external function area, alfresco area, riverside garden/ landscaping and first floor deck, the proposed extensions are not considered to generate additional car parking. There is no increase to internal function facilities or bar areas. The proposed additions are to administration/ office areas and to facilities/ infrastructure to the building. The external function area / upper floor deck does not increase the accommodation requirements of the club. Notwithstanding this, 144 car parking bays are provided on-site, effectively meaning the club can facilitate 720 persons within the clubhouse. No additional car parking is considered to be required.

Landscaping previously proposed in conjunction with a reconfiguration of some of the car parking areas is maintained. The proposed landscaping to the front (southern elevation) and the new extended garden (northern river elevation) is considered to be sympathetic with the locality and will replace any vegetation that is proposed to be removed due to the reconfiguration of the car parking areas. The proposed landscaping is considered acceptable.

It is considered the proposed extension of the additions to the clubhouse (detailed above) as proposed/ amended comply with aims, objectives and proper planning of the area. The proposed works improve the subject lot and facilities provided for within the clubhouse. The proposed additions are considered to comply with the provisions of Clause 10.2 of TPS3 and therefore can be supported by Council.

Landscape Planning

Landscape provisions for the proposal are described in the application documentation and in the amended plans provided. The landscaping is proposed only to a limited extent and is incorporated in existing hardstand areas and surrounding the modifications to the club.

The existing boundaries of the lease area extend to the foreshore of John Tonkin Park, to the west of the club. Although this area is currently degraded from casual parking associated with the Club's activities, it is potentially a high value recreation area which would benefit the general public. The applicants have discussed plans to landscape and improve this area as part of their proposal, subject to appropriate species selection and approvals.

It would be undesirable if future activities such as boat and trailer storage and uncontrolled car parking associated with Club members were able to creep outside the leased area and alienate the general public use in John Tonkin Park. Accordingly, it is considered that any approval should be conditioned to restrict car parking, trailer and boat storage to the

hardstand area. The use of the overflow parking areas shall be restricted to special events parking where a Parking Management Plan has been approved by the CEO.

State Coastal Policy – Sea Level Rise

With respect to physical coastal processes, SPP2.6 contains guidance for development setbacks to reduce risks associated with the effects of coastal processes, such as storm surge, tidal movement and sea level change. The guidance for development setbacks also requires consideration of other factors such as ecological values and public access. The Policy indicates that development should be set back sufficient to achieve a 0.9m vertical separation to the existing High Water Mark.

The proposed additions and alterations to the rear (swan river side) of the existing club building are not changing. It is noted that the proposal is not for a demolition and full redevelopment of the subject site. The existing building and setbacks are significantly remaining as existing.

It is for the Department of Parks and Wildlife as the ‘approving authority’ in this instance to ultimately determine the applicability of the Coastal Policy provisions, however it is considered that any determination should address the possible future liabilities which may arise in consequence of a known risk.

Contaminated Sites Act

Pursuant to section 59 of the Act, memorials have been placed on titles associated with the subject site. The memorials record the site classification as ‘Possibly contaminated – investigation required’. It is understood that activities associated with the slips have given rise to concern regarding residual contaminants in the soil and marine sediment. The existing development is also un-sewered and serviced only by leach drains. It is proposed to connect the club to the sewer mains and to improve existing infrastructure.

In accordance with the Act, a “responsible authority” may not grant approval under a scheme for any proposed development of the land without seeking and taking into account, advice from the Department of Environment and Conservation as to the suitability of the proposed development.

Since the Department of Parks and Wildlife is the “responsible authority” in this instance, the Department of Parks and Wildlife will be required to undertake all necessary referrals and responses to the Department of Environment and Conservation.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council advise the Department of Parks and Wildlife that it supports the application by the Swan Yacht Club plans date stamp received on 9 December 2015, for proposed amended additions and alterations to the existing clubhouse, located at Lot 7771 (Reserve 27376) Riverside Road, East Fremantle, to the Department of Parks and Wildlife subject to the following conditions:

1. All dinghys to be removed from the foreshore and stored in the dinghy storage area as previously approved indicated on drawing A.01 date stamped received 9 October 2014.
2. The public access leg (1.5 metres in width) is to be kept free from obstructions.

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3. 144 car parking spaces to be provided on-site.
4. Pre-cast concrete panels screen print to front (south) elevation design concepts to be approved by Council prior to a Building Permit being submitted to Council to the satisfaction of the Chief Executive Officer in consultation with relevant staff.
5. The clubhouse building kept clean and free of graffiti and vandalism at all times and any such graffiti or vandalism to be remedied within 24 hours to the satisfaction of the Chief Executive Officer.
6. Activities associated with the Swan Yacht Club such as car parking, trailer and boat storage etc. are to be contained within the defined hardstand area of the car park.
7. The proposed development is to be only operated in whole and in part by the Swan Yacht Club to the satisfaction of the Town of East Fremantle.
8. The applicants acknowledge the development and its site may in the future be subject to the environmental consequences of sea level rise and contaminants associated with past activities and agree to indemnify the Town of East Fremantle and the Department of Parks and Wildlife from any liability arising from these consequences now and in the future to the satisfaction of these Authorities.
9. A detailed Landscape Plan incorporating bicycle parking provisions shall be submitted and approved by the Chief Executive Officer of the Town of East Fremantle prior to a Building Permit being submitted to be the Town.
10. No signage is approved under this change of use application. A separate planning application is required for any proposed signage. All signage to comply with the Town's Local Planning Policy Design Guidelines - Signage
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.

18. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) a copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- (c) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (e) Under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document–“An Installers Guide to Air Conditioner Noise”.*

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REPORT NO 12.2**ALLEN STREET, NO. 19 (LOT 305) – ADDITIONS AND ALTERATIONS TO EXISTING DWELLING**

AUTHOR	Christine Catchpole
RESPONSIBLE DIRECTOR	Planning Services Jamie Douglas
FILE NUMBER	P/ALL19
APPLICATION NUMBER	P145/15
ATTACHMENTS	1. Location map 2. Application 3. Plans
AUTHORITY / DISCRETION	Town Planning and Building Committee

PURPOSE

This report considers an application for two storey alterations and additions to the rear of the existing dwelling, comprising a lower level living room (with kitchen facilities) and a double bedroom (bedroom 2), kitchenette and ensuite bathroom on the upper level.

EXECUTIVE SUMMARY

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

- *Lot boundary setbacks:*
 - required rear setback of 6 metres; 800mm minimum proposed; and
 - required southern side setback of 2.5 metres; 2.4 metres minimum proposed (Residential Design Codes).
 - *Visual Privacy:*
 - Raised balconies (unenclosed active outdoor habitable space) which have a floor level above 0.5 metres require a minimum 7.5 metre setback from the lot boundary 1.8 metres to southern boundary proposed (Residential Design Codes).
 - Kitchenette (habitable room) which has a floor level above 0.5 metres requires a setback of 6 metres from the lot boundary; 2.4 metres proposed. (Residential Design Codes).
 - *Vehicular Access*
 - two way access required to allow vehicles to enter the street in forward gear if the distance from the car space to the street is greater than 15 metres; proposed 17.4 metres one way access (Residential Design Codes).
 - *Roof Pitch*
 - required 28°- 36°; provided 25° (Residential Design Guidelines).
-

These variations from the R-Codes and the Residential Design Guidelines can be supported and the application is recommended for conditional approval.

BACKGROUND

Description of site

The subject site is:

- a 780m² freehold battle-axe lot;
- zoned Residential R12.5;
- single heritage dwelling; and
- located in the Woodside Precinct.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5 (TPS 3)

Local Planning Strategy – Woodside Precinct (LPS)

Residential Design Codes of Western Australia (RDC)

TPS 3 – Heritage Listing – ‘Corrandulla’

- Municipal Heritage Inventory ‘B’ Management Category. The MI states:

High heritage significance at a local level, and having potential State Heritage significance; informed consideration should be given to nomination for State Register listing prior to or at the time of consideration for further development, and prior determination of any significant development application for the place. Places to be generally retained and conserved, are worthy of a high level of protection. Conservation Plans may be required depending on relative significance and apparent impact of development on the place; detailed Heritage Assessments otherwise required as corollary to any development application. Strong encouragement to the owner under the Town of East Fremantle Planning Scheme to conserve the significance of the dwelling. Incentives to promote heritage conservation should be considered where necessary to achieve desirable conservation outcomes in context of permissible development.

Relevant Council Policies

Residential Design Guidelines 2015 (as amended).

Impact on Public Domain

Tree in verge : No impact

Light pole : No impact

Crossover : No impact

Footpath : No impact

Streetscape Minimal impact as the addition is not fully visible from the street, being at the end of a 25 metres from the street boundary at the end of the driveway. Due to the slope of the land the roof top of the extension is below the existing roof level.

Note: A sewer pipe and connection lines extend approximately 1.2 metres in from the southern boundary of the property, therefore approval of the Water Corporation will be required.

Documentation

Plans and relevant forms date stamped received on 22 December 2015.

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Date Application Received

22 December 2015

Property History

16 November 2010 – Planning approval granted for decking, steps, retaining walls, a boundary fence and below ground swimming pool.

18 March 1997 – WAPC approval of subdivision – street front and battle-axe lot.

19 January 1988 – Building Licence issued for the carport

DETAILS

The details of the proposed additions and alterations are as follows:

- Lower level living room (pool room) with bi-fold door access to the swimming pool. This level also has kitchen facilities;
- Upper level double bedroom (bedroom 2) with ensuite bathroom and kitchenette and balcony facing north overlooking the pool ;
- Modifications to the existing laundry to accommodate the additions and provide access to extensions; and
- Extension of an existing raised rear balcony / deck overlooking the pool.

The additions comprise an area of approximately 76m² (including the bedroom balcony) and the additional floor space is connected at both levels to the existing house.

Town Planning Scheme No. 3 Assessment

Scheme Provision	Status
4.2 Zone Objectives	A
4.3 Zoning Table	A

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
Open Space	55%	>60%	A
Outdoor Living	30sqm	As existing	A
Car Parking	2	As existing	A
Site Works	Less than 500mm	As existing	A
Visual Privacy	7.5m	1.8m	D
Overshadowing	25%	<25%	A
Drainage	On-site	On-site	A
Vehicular Access	Two way access >15m	One-way access >15m	D

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	N/A
3.7.5 Demolition	N/A
3.7.6 Construction of New Buildings	A
3.7.7 Building Setbacks and Orientation	D
3.7.8 Roof Form and Pitch	D
3.7.9 Materials and Colours	A
3.7.10 Landscaping	A

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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
3.7.15-20 Precinct Requirements	A

5.1.3 - LOT BOUNDARY SETBACK

		Required	Provided	Complies ?	Comments			
Residential Design Guidelines	Buildings setback from the boundary							
		Length	Height	Major openings	Setback required	Setback proposed	Complies	
Residential Design Guidelines R-Codes C3.1	Southern boundary (side)							
	Ground level	4.5m	2.4m	No	1.0m	2.7m	Yes	Openings can be fixed and obscure glazing installed
	Level 1	5.2m	5.1m	Yes	2.5m	2.4m	No	
	Western boundary (rear)							
	Ground level	7.1m	2.4m	No	6.0m	1.1m	No	Rear setback
	Level 1	7.7m	5.1m	Yes	6.0m	800mm	No	

5.1.4 – OPEN SPACE

		Required	Provided	Complies?
R-Codes C4	Open space provision			
	Minimum total (% of site)	55%	61%	Yes

5.1.6 – BUILDING HEIGHT

		Required	Provided	Complies?	Comments
Residential Design Guidelines R-Codes C6 – does not apply	Hipped and/or gabled roof				
	Maximum wall height top of wall from NGL	(to 5.6 m	5.1m	Yes	
	Maximum roof height top of roof from NGL	(to 8.1m	6.8m	Yes	

PART 5.2 - STREETScape REQUIREMENTS**5.2.1 - SETBACK OF CARPORT**

		Required	Provided	Complies?	Comments
Residential Design Guidelines	CARPORT				
	Primary street setback	8.7m (min)	~17.5m	Yes	
	Secondary street setback	N/A	N/A		

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ROOF PITCH AND COLOUR					
		Required	Provided	Complies?	Comments
Residential Design Guidelines	Pitch	28° - 36°	25°	No	25° to match existing dwelling
	Colour	Not specified	Terracotta	Yes	Condition required to match existing heritage dwelling

PART 5.3 - SITE PLANNING AND DESIGN

5.3.1 - OUTDOOR LIVING AREAS						
		Required	Provided	Complies	Comments	
R-Codes C1.1	Minimum area (m ²)	No minimum for R12.5	~154m ²	Yes		
	Minimum length and width	4 m	~11m x 14m	Yes	Rear garden	
	Behind the street setback area					yes
	Directly accessible from a habitable room					yes
	2/3 of the required area without a permanent roof cover					yes

5.3.3 - PARKING					
		Required	Provided	Complies?	
R-Codes C3.1	Single dwelling	2	2	Yes Carport and driveway parking available as existing	

PART 5.4 - BUILDING DESIGN

5.4.1 - VISUAL PRIVACY						
	Room	Required	Proposed	Overlooking to...	Complies	Comments
R-Codes C1.1-C1.2 No finished floor level is greater than 500mm above the existing natural ground level therefore there are no visual privacy issues.	Bedroom 2	4.5m	800mm	Rear lot Front entry and driveway	No	Conditions to be applied regarding Screening of balcony, highlight windows and obscure glazing and non-opening windows to upper floor facing rear and southern boundaries

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	Kitchenette	6.0m	2.4m	Rear garden	No	
	Bathroom	4.5m	2.4m	Rear garden	No	
	Bedroom balcony	7.5m	1.2m	Rear lot Front entry and driveway	No	

5.4.2 - SOLAR ACCESS FOR ADJOINING SITES

		Required	Provided	Complies	Comments
R-Codes C2.1- C2.2	Maximum shadow cast on adjoining property (% of site)	≤R25: 25%	Overshadowing to occur on area of adjoining lot with large trees	Yes	
	Shadow cast on existing solar collector and north facing major openings to habitable rooms	Max 50%	N/A	Yes	

Legislation / Strategic Community Plan / policy implications**Legislation**

Town Planning Scheme No. 3 (TPS 3)
Local Planning Strategy (LPS)
Residential Design Codes of WA (RDC)

Strategic Community Plan

Strategic Community Plan 2015 - 2025

Key Focus Area

Area 3 Built and Natural Environment

Aspiration

Our Town is developing in harmony with our unique character within the fabric of the Region's built and natural environment.

Outcome

3.1 Facilitating sustainable growth whilst maintaining urban and natural character

Policy

Residential Design Guidelines (as amended) 2015 (RDG)

Risk management considerations

There are no risk management considerations.

Financial / budget implications

There are no financial/budget implications.

Regional significance

There is no regional significance.

Sustainability implications

There are no sustainability implications.

ConsultationAdvertising

The application was advertised to all adjoining landowners from 7 to 21 January 2016. No submissions were received.

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Town Planning Advisory Panel Comments

The application was not referred to the Panel as the proposal has no impact on the streetscape.

Site Inspection

By Planning Officer on 19 January 2016

COMMENT**Visual privacy**

The visual privacy issues outlined in the above table need to be addressed as there are impacts for the battle-axe lot to the rear and the lot to the south at 21 Allen Street. There are four matters of concern:

- the upper level windows facing the rear battle-axe lot;
- the bedroom balcony;
- the upper level kitchenette window facing the rear garden of the lot to the south; and
- ensuite bathroom window facing lot to the south.

The rear deck/balcony is not considered an issue because a deck area already exists and although it is being relocated and made slightly larger to accommodate the additions, it is setback the required distance from the rear lot boundary.

Upper level windows on rear elevation

Although these windows face a garage and driveway area, they also face directly towards the front door and outdoor living space of the dwelling to the rear. It is therefore considered necessary to require the windows (openings) to be fixed and installed with obscure glazing. There are other light and ventilation sources to this room.

Bedroom 2 balcony

Likewise the western and northern corner of the bedroom balcony should be screened to prevent direct overlooking of the rear lot. The plans indicate a form of screening for the full width of the western end of the balcony, but it appears transparent and insufficient in respect to providing some privacy for the entry to the dwelling. It is therefore considered necessary to require the screening be a solid material and to return for 1 metre along the northern section of the balcony to provide additional privacy protection. This will still provide an outlook over the pool area but will restrict the view further to the north to the driveway area. The screen will be required to be permanently fixed in place and to meet the RDC requirements in respect to the height of the screen. While the screen cannot strictly meet the visual privacy requirements of the R-Codes in that a small portion of the balcony will still look over the rear lot, it is considered the measures required through the extended screening will address the issue sufficiently.

Upper level kitchenette

The upper level kitchenette is considered a habitable room and the south facing window is a major opening facing the rear yard of the adjoining lot. It is therefore considered appropriate for a highlight window, with a minimum sill height of 1.6 metres above finished floor level to be installed in this space to increase privacy for the neighbour to the south. There is another window provided over the sink area in this space.

Ensuite bathroom

Likewise the ensuite bathroom window should also be installed with obscure glazing as it is a window greater than 1m² in area and also faces the rear garden of the lot to the south. This type of glazing has not been indicated on the plans, but is likely to be installed to provide privacy for the owners in any case.

Conditions of planning approval have been imposed to address the concerns outlined above.

Lot boundary setbacks

While the setbacks proposed do not strictly comply with the RDC, they are considered acceptable on the basis that the 'Design Principles' of the RDC can be addressed. The setback shortfall applies to the upper level only and amounts to 100mm. The required setback is 2.5 metres and a setback of 2.4 metres is proposed. This is considered a minor shortfall with adequate sunlight and ventilation being maintained for the adjoining lot, so the minor shortfall can be supported.

The non-compliance with the rear setback of 6 metres (applying to lots with an R12.5 density code) is also considered justifiable in that the original lot, to which the 6 metre setback would have applied, was subdivided reducing the lot area and making it more difficult to meet the 6 metre setback. The amount of open space on-site still exceeds the minimum 55% required. The reduced setback is considered acceptable as the increased building bulk on this boundary is somewhat offset by the area of open space created by the driveway and manoeuvring area of the rear lot, that is, some space is maintained between the buildings.

The position of the sewer pipe will require the additions compliance with Water Corporation building regulations in respect to the side boundary setbacks. Water Corporation approval has also been imposed as a condition of approval.

Roof pitch and materials

The proposed roof pitch, whilst not in compliance with the RDG is acceptable. The 25° pitch is intended to match the existing dwelling and therefore meets the 'Performance Criteria' of the RDG in that the roof form of the new building complements the traditional form of surrounding development in the immediate locality. From a design perspective a roof pitch which complements the existing dwelling is considered suitable. This roof form is in keeping with the predominant roof form in the street.

Driveway length

The length of the driveway is approximately 17.5 metres and exceeds the 15 metres maximum length allowed where only one-way access is provided. In this circumstance it is considered the one way access can be supported over this distance as the owner is currently reversing this distance from the existing carport.

Use of the additions

The alterations and additions comprise what could be considered self-contained living quarters and potentially used as an ancillary dwelling. The application was not advertised to adjoining owners on this basis and an ancillary dwelling is a discretionary use in this zone under Scheme provisions. So it is considered reasonable that if the use of this section of the house for such a purpose is contemplated in the future, then a further application for Council's consideration will be required. A condition has been imposed which does not

permit this use without further Council approval. The applicant and owners provided written confirmation that the additions were not required for this purpose.

Heritage

The dwelling is included on the Planning Scheme Heritage List with a 'B' Management Category rating. The proposed works will not impact the original dwelling and do not alter the scale or architectural details of the residence as viewed from the street, despite a small portion of the addition being visible at the end of the driveway. The proposed works are all to the rear have no bearing on the streetscape view of the property. Given the above it is not considered necessary to require a heritage impact assessment as is stipulated for 'B' Management Category places.

CONCLUSION

The proposed development incorporates several variations to the RDC and the RDG. The variations being sought are in relation to lot boundary setbacks (rear and side), visual privacy, and vehicle access. The impact on the residential amenity of the neighbouring properties can be addressed through conditions of planning approval and as such the application is recommended for conditional support.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

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

- (i) Clause 5.1.3 – Lot Boundary Setback of the Residential Design Codes of WA to permit a rear lot boundary setback of less than 6.0 metres from the western boundary and a southern lot boundary setback of less than 2.5 metres;
- (ii) Clause 5.3.3 – Vehicular Access of the Residential Design Codes of WA to permit the distance from a car space to the street to be greater than 15 metres without two-way access for vehicles;
- (iii) Clause 5.4.1 – Visual Privacy of the Residential Design Codes of WA to allow a setback of less than 7.5 metres for the unenclosed outdoor active habitable space (bedroom balcony); and
- (iv) Clause 3.7.8.3 – Roof Pitch of the Residential Design Guidelines 2015 (as amended) to allow a roof pitch of less than 28°,

for additions and alterations to the existing dwelling at No. 19 (Lot 305) Allen Street, East Fremantle, in accordance with the plans date stamped received on 22 December 2015 subject to the following conditions:

1. The additions and alterations to the house as indicated on the plans date stamped received 22 December 2015 are not to be used for, or converted to, ancillary accommodation without prior approval of the Council.
2. The roof materials to match the existing dwelling, to the satisfaction of the Chief Executive Officer, the details of which are to be provided at Building Permit application stage.
3. The western facing windows of 'Bedroom 2', as noted on the plans, to be installed with obscure glazing and to be fixed panels of glass which are not openable to the satisfaction of the Chief Executive Officer, in consultation with relevant officers and the details to be submitted at Building Permit application stage.
4. The south facing window of the upper level kitchenette to be a highlight window with a minimum sill height of 1.6 metres above finished floor level to the satisfaction of the

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- Chief Executive Officer, in consultation with relevant officers and the details to be submitted at Building Permit application stage..
5. The ensuite bathroom window to be installed with obscure glazing to the satisfaction of the Chief Executive Officer, in consultation with relevant officers and the details to be submitted at Building Permit application stage.
 6. Permanently installed screening on the western side of the balcony to Bedroom 2 for the full width of the balcony and along the northern side of the balcony for a distance of 1.0 metre. The privacy screen is to be visually non-permeable and is required to comply with clause 5.4.1 of the Residential Design Codes of WA in respect to the "Deemed to Comply" requirement C1.1 (ii) and be to the satisfaction of the Chief Executive Officer, the details to be submitted at Building Permit application stage.
 7. The proposed works are not to be commenced until approval from the Water Corporation has been obtained and the building permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 8. 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.
 9. With regard to the plans submitted with respect to the building application, changes are not to be made in respect of the plans which received planning approval, without those changes being specifically marked for Council's attention.
 10. The proposed alterations and additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 11. All storm water is to be disposed of on site, clear of all buildings and boundaries.
 12. 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.
 13. 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.
 14. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) with regard to condition 1, a further planning application for Council's consideration will be required if use of the alterations and additions as ancillary accommodation purposes is contemplated.*
 - (b) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
 - (c) 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.*
-

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- (d) *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.*
- (e) *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).*
- (f) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (g) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the **installer** of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air-Conditioner Noise"*

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AGENDA

REPORT NO 12.3

LOCKE CRESCENT NO. 21 (LOT 1) CROSSOVER

RESPONSIBLE DIRECTOR Jamie Douglas Manager of Planning Services

AUTHOR Andrew Malone Senior Planning Officer

FILE NUMBER P/LOC21

APPLICATION NUMBER P139/2015

ATTACHMENT

1. Location Plan
2. Submission
3. Plans

AUTHORITY / DISCRETION Town Planning and Building Committee

PURPOSE

This report considers an application for an amended crossover at 21 (Lot 1) Locke Crescent, East Fremantle.

EXECUTIVE SUMMARY

This application is to be assessed in conjunction with the proposed amendments to the Residential Design Guidelines Element 3.7.14 Footpaths and Crossover A 2.2., 2.3 and 2.4.

The proposed crossover does not comply with Council's current crossover requirements.

The proposal is recommended for conditional approval.

BACKGROUND

Suburb/Location	21 (Lot 1) Locke Crescent, East Fremantle
Applicant	P & R Pietroniro
Owner	P & R Pietroniro
Zoning	Residential 12.5
Site area	511m ²
Structure plan	N/A

Date Application Received

10 December 2015

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

15 January 1974	Additions comprising a bedroom, family room, and garage approved;
2 September 1974	Approval for a patio;
5 December 2008	CEO acting under delegated authority advises the WAPC that subdivision of 21 Locke Crescent into 2-lots is supported subject to 3 conditions;

- 14 January 2008 WAPC grants conditional approval for the subdivision of 21 Locke Crescent into 2 survey-strata lots (1 x 440m², 1 x 511m²;
- 16 June 2009 Council decides to defer an application for two 2-storey houses at 21 Locke Crescent to allow the applicant to consider a redesign.
- 8 September 2009 The Town Planning and Building Committee decided to defer an application for two 2-storey houses at 21 Locke Crescent “to allow the applicant the opportunity to produce a 3D model as a final attempt to persuade elected members that the concerns in relation to bulk and scale have been addressed”.
- 15 September 2009 An application for two 2-storey houses at 21 Locke Crescent was withdrawn from the Agenda for the Council Meeting on this date so that the applicant could compile perspective drawings as requested by the Town Planning and Building Committee.
- 13 October 2009 The Town Planning and Building Committee viewed a perspective drawing of the proposed development on Lots 1 & 2 Locke Crescent. The Committee noted that the proposal would again be considered during the next available meeting round.
- 17 November 2011 That Council exercise its discretion in granting approval for two 2-storey houses at 21 Locke Crescent, East Fremantle, subject to conditions.

Documentation

Relevant plans, forms and letter date stamp received on 10 December 2015

DETAILS

Impact on Public Domain

- Tree in verge: No impact.
- Light pole: No impact.
- Crossover: New crossover proposed. The existing crossover is to be removed/ modified.
- Footpath: No impact.
- Streetscape: No impact

Issues and options considered

Statutory Assessment

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

Town Planning Scheme No. 3 Assessment

Scheme Provision	Status
4.2 Zone Objectives	A
4.3 Zoning Table	A

Legislation / Strategic Community Plan / Policy Implications

Legislation

Town Planning Scheme No. 3
Policy - Residential Design Guidelines

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AGENDA

Strategic Community Plan

Key Focus Area	Area 3 Built and Natural Environment
Aspiration	Our Town is developing in harmony with our unique character within the fabric of the Region's built and natural environment.
Outcome	3.2 Maintain a safe and healthy built and natural environment.
Policy	N/A

Risk management considerations

There are no risk management considerations.

Financial / budget implications

There are no financial/budget implications.

Regional significance

There is no regional significance.

Sustainability implications

There are no sustainability implications.

ConsultationAdvertising

The application was not advertised to surrounding neighbours. The proposed amendments are considered minor in nature and will be assessed against the existing and proposed policy amendments.

There is no impact to surrounding neighbours.

Town Planning Advisory Panel

This application was not considered by the Town Planning Advisory Panel.

COMMENT

The Town Planning and Building Committee on 10 November 2009 resolved:

9. *any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.*
10. *in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.*

An amended plan was submitted to Council on 10 December 2011 for a 4.5 metre crossover to the subject lot located within close proximity to the junction of Habgood Street and Locke Crescent.

The footpath must remain to Council's specifications/ requirements.

The applicant has provided the following justification in support of the crossover:

We require double width driveway and crossover

- *As a family of 5, we all require individual cars for working purposes. With our house situated in close proximity to the intersection of Locke Crescent and Habgood Street there is only room for two cars to park safely on the verge.*
- *There is no street parking majority of the time - On Saturday and Sundays the road parking is completely taken up by patrons from adjoining sporting clubs, this is when we require parking the most.*
- *Our driveway is very close to a sweeping four way intersection (Locke Crescent and Habgood Street)*
- *We would also like to apply to use the same texture (finish) in crossover to match the planned driveway (Aggregate finish)*

The amended proposal has altered the width of the crossover to 4.5 metres. The existing path is to remain to Council's specifications only and must continue uninterrupted through the crossover. A condition to require the footpath to be constructed as per Council specifications has been included in the Officer's Recommendation.

The current Policy Clause requires that only one crossover is approved for each lot and that the crossover be a maximum width of 3.0m. On that basis the discretion to allow a crossover with a width of 4.5 metres in width must be considered by Council. The Town's RDG specifically addresses this issue under clause 3.7.14 where the RDG state the following as being the desired outcomes for the Precinct:

- *new footpaths and crossovers to match existing streetscapes;*
- *maintenance of existing footpaths and crossovers;*
- *maximum of one crossover per lot; and*
- *street trees to be conserved or replaced where a new crossover requires their removal.*

The overall length of the frontage to the lot is approximately 26 metres. In light of the proposed amended crossover requirements, the proposed crossover would be considered acceptable.

The proposed recommendation states:

A2.2 **Amended Policy** - The following outlines the prescribed maximum crossover widths:

- For lots 12 metres in width or less the maximum width is 3.0 metres and
- For lots 12 metres or more the maximum width is 30 % of the lot frontage up to a maximum width of 5.0 metres. No crossovers are to be constructed over the maximum width of 5.0 metres.

A2.3 Precinct materials: **Proposed to be deleted.**

A2.4 **Amended Policy** - All crossover materials will be at the discretion of the Chief Executive Officer.

In this instance with a lot frontage of approximately 26 metres an overall maximum width of 5.0 metres would be permissible. In this instance the location of the lot is considered problematic for access and street parking. Locke Crescent is 5.4 metres in width. Only one car (as illustrated in the applicant's photograph) can park along the street. The manoeuvrability along the street when vehicles are parked on street is also restricted. The applicant has stated the additional crossover width will provide additional area for off street car parking. An adjoining property at 19 Locke Crescent recently was approved an additional width crossover (through mediation at SAT), however precedence is not an argument for approval. Locke Crescent is however a street that has many existing crossovers that exceed Council's current and proposed policy requirements for crossovers. In this instance the proposed crossover at 4.5 metres would not significantly impact on the streetscape. The additional width would assist in off street car parking. The width is also considered consistent with other crossovers on the street. The location of the dwelling does not facilitate on street car parking. The junction of Habgood Street and Locke Crescent is considered to be busy and unsuitably parked cars on the road therefore do cause traffic/ sight line implication / safety concerns. To minimise the extent of on-street parking, given the location of the lot is considered to be a benefit for the area. The safety issues with the lot location and on-street parking are considered sufficient for Council to use its discretion with permitting an over width crossover (current regulations).

Design of the Crossover

Discussions have been undertaken with the Works Department. It is recommended that the crossover to remain constant at 4.5 metres through the entire width of the crossover (footpath to remain uninterrupted). The conditioned design of the crossover is considered to be appropriate with respect to the existing kerb and the proposed conditions have been supported by the Works Department.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

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

- (a) variation to 3.7.14 Footpath and Crossovers of the Residential Design Guidelines; for proposed amended crossover at 21 (Lot 1) Locke Crescent, East Fremantle, in accordance with the plans date stamp received on 10 December 2015 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 crossover to be a maximum width of 4.5 metres. The crossover should not taper in design. The overall length of the crossover should remain straight and the overall width at 4.5 metres should remain constant.
 3. The applicant is required to remove the existing (old/ second crossover) crossover if required and make good the footpath to Council's specifications and requirements in consultation with the Works Department and to the Satisfaction of the Chief Executive Officer.
 4. The footpath to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's RDG Policy and with the prevailing footpath material in the precinct, all to the satisfaction of the Chief Executive Officer in consultation with relevant officers.

5. All cost associated with the removal and replacement of the crossover and footpath to Council's specifications and requirements are to be borne by the applicant / owner.
6. The proposed works are not to be commenced until Council has received detailed specifications including all widths and proposed materials as required to be amended to the satisfaction of the Chief Executive Officer in consultation with the Operations Manager and consent to commence works has been received from the Town.
7. All stormwater associated with the property is to be disposed of on site, an interceptor channel installed if required at the boundary of the property/ driveway and a drainage plan (if required) be submitted to the satisfaction of the Chief Executive Officer in consultation with the Operations Manager.
8. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- (c) *applicant to liaise with the Operations Manager with regard to any construction of new crossover and footpath.*

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AGENDA

REPORT NO 12.4

WALTER STREET NO. 16 (LOT 55) CROSSOVER

RESPONSIBLE DIRECTOR Jamie Douglas Manager of Planning Services

AUTHOR FILE NUMBER Andrew Malone Senior Planning Officer

APPLICATION NUMBER P134/2015

ATTACHMENT

1. Location Plan
2. Submission
3. Plan

AUTHORITY / DISCRETION Town Planning and Building Committee

PURPOSE

This report considers an application for an amended crossover at 16 (Lot 55) Walter Street, East Fremantle.

EXECUTIVE SUMMARY

This application is to be assessed in conjunction with the proposed amendments to the Residential Design Guidelines Element 3.7.14 Footpaths and Crossover A 2.2., 2.3 and 2.4.

The proposed crossover does not comply with Council's current crossover requirements.

The proposal is recommended for conditional approval.

BACKGROUND

Suburb/Location	16 (Lot 55) Walter Street, East Fremantle
Applicant	Christopher Brown
Owner	Christopher Brown
Zoning	Residential 12.5
Site area	911m ²
Structure plan	N/A

Date Application Received

25 November 2015

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

3 February 2014 That Council exercise its discretion in granting approval for demolition of existing single storey dwelling and proposed new two storey single dwelling at 16 (Lot 55) Walter Street, East Fremantle, in accordance with the plans date stamp received on 3 February 2014 subject to conditions.

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AGENDA

Documentation

Relevant plans, forms and letter date stamp received on 25 November 2015

DETAILSImpact on Public Domain

Tree in verge: No impact.
 Light pole: No impact.
 Crossover: New crossover proposed. The existing crossover is to be removed.
 Footpath: No impact.
 Streetscape: No impact

Issues and options consideredStatutory Assessment

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

Town Planning Scheme No. 3 Assessment

Scheme Provision	Status
4.2 Zone Objectives	A
4.3 Zoning Table	A

Legislation / Strategic Community Plan / Policy Implications**Legislation**

Town Planning Scheme No. 3
 Policy - Residential Design Guidelines

Strategic Community Plan**Key Focus Area**

Area 3 Built and Natural Environment

Aspiration

Our Town is developing in harmony with our unique character within the fabric of the Region's built and natural environment.

Outcome

3.2 Maintain a safe and healthy built and natural environment.

Policy

N/A

Risk management considerations

There are no risk management considerations.

Financial / budget implications

There are no financial/budget implications.

Regional significance

There is no regional significance

Sustainability implications

There are no sustainability implications.

ConsultationAdvertising

The application was not advertised to surrounding neighbours. The proposed amendments are considered minor in nature and will be assessed against the existing and proposed policy amendments.

There is no impact to surrounding neighbours.

Town Planning Advisory Panel

This application was not considered by the Town Planning Advisory Panel.

COMMENT

The Town Planning and Building Committee on 3 February 2014 resolved:

3. *Any new crossovers which is constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.*

An amended plan was submitted to Council for a 4.5 metre crossover extending to 5.0 metres at the footpath/ point of entry onto the lot. The plan has been amended to taper from 5.0 metres in width at the property boundary down to 4.5m, extending again where the crossover abuts the road. The footpath must remain to Council's specifications/ requirements.

The applicant has provided the following justification in support of the crossover:

I am looking to increase the width of my crossover from the approved 3m width to 4.5m width at the boundary and increasing to 5.0m near the footpath if possible. The key driver for this is a safety measure in that I need a 5m wide crossover at this point in order to reverse my boat safely into the boat garage without having to cross-over onto the other side of the Road into oncoming traffic

I am looking to install the crossover as exposed aggregate or bitumen in lieu of standard black bitumen as per current regulations

The amended proposal has altered the width of the crossover to between 4.5 metres to 5.0 metres at the property boundary. A new footpath to Council's specifications is also proposed. The applicant has been in discussions with the Works Department. A condition to require the footpath to be constructed as per Council specifications has been included in the Officer's Recommendation. The current Policy Clause requires that only one crossover is approved for each lot and that the crossover be a maximum width of 3.0m. On that basis the discretion to allow a crossover with a width of 5.0m can be considered by Council. The Town's RDG specifically addresses this issue under clause 3.7.14 where the RDG state the following as being the desired outcomes for the Precinct:

- *new footpaths and crossovers to match existing streetscapes;*

- *maintenance of existing footpaths and crossovers;*
- *maximum of one crossover per lot; and*
- *street trees to be conserved or replaced where a new crossover requires their removal.*

The overall width of the frontage to the lot is approximately 21 metres. In light of the proposed amended crossover requirements, the proposed crossover would be considered acceptable. The proposed recommendation states:

A2.2 **Amended Policy** - The following outlines the prescribed maximum crossover widths:

- For lots 12 metres in width or less the maximum width is 3.0 metres and
- For lots 12 metres or more the maximum width is 30 % of the lot frontage up to a maximum width of 5.0 metres. No crossovers are to be constructed over the maximum width of 5.0 metres.

A2.3 Precinct materials: **Proposed to be deleted.**

A2.4 **Amended Policy** - All crossover materials will be at the discretion of the Chief Executive Officer.

In this instance with a lot frontage of approximately 21 metres an overall maximum width of 5.0 metres would be permissible. The width and tapered redesign of the crossover will reduce any design issues with regard to the scale of the crossover. The applicant has indicated the need to sufficiently manoeuvre a boat effectively off the road and onto the lot/ garage. A 3.0 metre wide crossover would be considered difficult and facilitate the safe access of the lot with a boat.

The additional width lot would also facilitate off street parking.

A 3.0 metre wide crossover may create difficulty in vehicle manoeuvring, specifically as mentioned by the applicant. A tapered solution submitted by the applicant is discussed below, however in terms of the overall width proposed the crossover is considered a solution in achieving the intent of the Policy requirements, whilst also providing for safe access and egress of the lot.

Design of the Crossover

Discussions have been undertaken with the Works Department. The design of the crossover cannot be supported by the Works Departments and it does not match any of the design specifications of the Crossover Specifications document. It has therefore been recommended that the crossover to remain constant at 4.5 metres through the entire width of the crossover. In addition to this the truncated/ tapered design is not supported and it is proposed to have a straight crossover in length and width. The Works Department recently constructed a new mountable curb. The conditioned design of the crossover is considered to be appropriate with respect to the existing mountable curb and the proposed conditions have been supported by the Works Department.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

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

(a) variation to 3.7.14 Footpath and Crossovers of the Residential Design Guidelines; for proposed amended crossover at 16 (Lot 55) Walter Street, East Fremantle, in accordance with the plans date stamp received on 25 November 2015 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 crossover to be a maximum width of 4.5 metres. The crossover should not taper in design. The overall length of the crossover should remain straight and the overall width at 4.5 metres should remain constant.
3. The applicant is required to remove the existing (old/ second crossover) crossover if required and make good the footpath to Council's specifications and requirements in consultation with the Works Department and to the Satisfaction of the Chief Executive Officer.
4. The footpath to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's RDG Policy and with the prevailing footpath material in the precinct, all to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. All cost associated with the removal and replacement of the crossover and footpath to Council's specifications and requirements are to be borne by the applicant / owner.
6. The proposed works are not to be commenced until Council has received detailed specifications including all widths and proposed materials as required to be amended to the satisfaction of the Chief Executive Officer in consultation with the Operations Manager and consent to commence works has been received from the Town.
7. All stormwater associated with the property is to be disposed of on site, an interceptor channel installed if required at the boundary of the property/ driveway and a drainage plan (if required) be submitted to the satisfaction of the Chief Executive Officer in consultation with the Operations Manager.
8. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- (c) *applicant to liaise with the Operations Manager with regard to any construction of new crossover and footpath.*

REPORT NO 13.1

REVIEW OF MUNICIPAL HERITAGE INVENTORY AND HERITAGE LIST

RESPONSIBLE DIRECTOR	Jamie Douglas Manager Planning Services
FILE NUMBER	B/HHC2, P/PET173 & P/WAL15
ATTACHMENT	1. Owner Submission – 173 Petra Street 2. Place Record Form – 173 Petra Street 3. Owner Submission – 15 Walter Street 4. Place Record Form – 15 Walter Street
AUTHORITY / DISCRETION	Council Determination

PURPOSE

This report will complete the review of the Municipal Inventory and Scheme Heritage List in respect to all A and B categorised properties on the Municipal Inventory and recommends the status in respect to the final two properties be now determined.

EXECUTIVE SUMMARY

The purpose of this report is to resolve whether 173 Petra Street and 15 Walter Street are to be included on the Municipal Inventory as Management Category 'B' and included on the Scheme's Heritage List. These properties have been deferred from earlier determinations regarding the Heritage Review at the request of the owners.

The owners of 15 Walter Street object to the 'B' categorisation of their property and its inclusion on the Heritage List, because it is submitted that it has been subject to recent alterations and is not authentic. The owners of 173 Petra Street have advised they now do not oppose the 'B' categorisation and Listing of their property.

It is recommended that both properties be categorised as 'B' on the Municipal Inventory and included on the Scheme's Heritage List.

BACKGROUND

At its 4 December 2014 meeting Council resolved that owners and occupiers of properties categorised as 'A' and 'B' on the revised draft Municipal Inventory be given written advice of their revised assessments and of the intention to consider these properties for inclusion on the 'Heritage List' under the Scheme. There are 85 properties categorised 'A' and 595 categorised 'B'. The notification period for A and B category properties has closed and the status of all properties except those which are the subject of this report, have been determined by Council.

Owners of the properties subject of this report requested that consideration of their properties be delayed so that they could seek further advice and/or make further written submissions.

DETAILS

Over the course of the Heritage Review, Council has considered many hundreds of submissions. Some general statements recur in the submissions and are addressed as follows:

- **Competency of the Consultants and the Validity of the Assessment Process —**
While it is reasonably predictable that such comments will be made, it is unfortunate where they are made by professionals engaged by property owners and at best may be described as an unfortunate blurring between professional opinion and advocacy. The consultants were engaged following a competitive tender process and are recognised as one of the leading Practices in Heritage Conservation in this State. As already stated, the process applied and the basis for the assessments is consistent with the statutory prescribed process and ‘best practice’ examples applicable within other municipalities. The level of detail in the heritage assessments is appropriate for the management function for which it is designed. Where more detailed assessment is necessary, this is required at the time of development application as part of a Heritage Impact Statement.
- **The Heritage Significance of Properties Should Not Be Recognised As It Will Cause Financial Disadvantage —**

In some instances there has been confusion between listing under the State Heritage Act and the Heritage List included in the Planning Scheme. The processes are distinctly different and the level of significance required for inclusion in the MI and the Scheme’s Heritage List is less than listing at state level. The planning impacts for properties included in the Scheme Heritage List are explained in section 3 of this report. In most instances the current status quo in respect to classifications on the MI are recommended for retention under this review and hence planning provisions will be unaffected. Development proposals for the extension and adaption of properties on the MI and the Heritage List will be considered by the Town, as before.

Some submitters cited real estate advice that substantial financial disadvantage could be attributed to any inclusion on the MI or Heritage List. In this regard, it is interesting to note the following statements by real estate agent Mr. Hayden Groves in a recent article in the Herald Newspaper dated 21 February 2014:

“But acting out of fear or ignorance is fraught and I am reminded that as a Real Estate Agent, buyers will often ask the question “is it heritage listed?” which is code for “will I have all sorts of problems with relevant authorities if I want to renovate and/or demolish the building?”. The reality is, an appearance on a council register is not usually a particularly onerous encumbrance.”

Mr Groves is the REIWA Deputy President and an East Fremantle resident who owns a heritage property subject to this Review and who is knowledgeable of the local market.

While planning provisions in respect to land use, development density, height, setback etc. all have significant impact upon property value, it is generally only those relating to heritage conservation which are argued against on the basis of their perceived impact upon property value and unreasonable curtailment of property rights. There is no reasonable premise for this distinction. Indeed the financial impacts of not conserving heritage and streetscape character will have substantial financial dis-benefits for the community. It is the attributes of visual amenity, streetscape character, unique heritage and ambience that are the underlying elements to the property values currently enjoyed in the Town. It is these elements which in large part attract buyers into the

community. As a consequence, where there is loss of heritage significance, streetscape character and amenity due to inappropriate development, it is reasonable to expect that neighbouring properties will experience some loss of value.

Consistency in decision making and defined statutory planning provisions from which future residential amenity and development outcomes can be predicted, are essential components in stimulating investment.

Issues and options considered

The Council has the option to accept or reject the proposal for the inclusion of the subject properties as 'B' category on the MI and include them on the Scheme Heritage List.

Legislation / Strategic Community Plan / policy implications

Legislation

The following provisions of the Town Planning Scheme prescribe the procedure for the preparation of a Heritage List:

7.1 Heritage List

7.1.1. *The local government is to establish and maintain a Heritage List to identify those places within the Scheme area which are of cultural heritage significance and worthy of conservation under the provisions of the Scheme, together with a description of each place and the reasons for its entry.*

7.1.2. *In the preparation of the Heritage List the local government is to —*

- (a) *have regard to the municipal inventory prepared by the local government under section 45 of the Heritage of Western Australia Act 1990; and*
- (b) *include on the Heritage List such of the entries on the municipal inventory as it considers to be appropriate.*

7.1.3. *In considering a proposal to include a place on the Heritage List the local government is to —*

- (a) *notify in writing the owner and occupier of the place and provide them with a copy of the description proposed to be used under clause 7.1.1 and the reasons for the proposed entry;*
- (b) *invite submissions on the proposal from the owner and occupier of the place within 21 days of the day the notice is served;*
- (c) *carry out such other consultations as it thinks fit; and*
- (d) *consider any submissions made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after consideration of the submissions.*

7.1.4. *Where a place is included on the Heritage List, the local*

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government is to give notice of the inclusion to the Commission, the Heritage Council of Western Australia and to the owner and occupier of the place.

7.1.5. *The local government is to keep a copy of the Heritage List with the Scheme documents for public inspection.*

Strategic Community Plan**Key Focus Area**

Area 3 Built and Natural Environment

Aspiration

Our town is developing in harmony with our unique character within the fabric of the region's built and natural environment

Outcome

Heritage Protection

Risk management considerations

There are no identified risks to Council.

Financial / budget implications

It is considered the recommendation has no financial or budget implications for Council.

Regional significance

The matter under consideration does not have regional significance.

Sustainability implications

The proposed listings will encourage the continued utilisation of existing built assets.

The proposal will enhance the social wellbeing of the community by protecting and enhancing the Town's 'sense of place'.

Consultation

A summary of the submissions, a response and recommended action follows for each property. The submissions in full and the relevant Heritage Assessments are attached.

Property Address	Owner Submission	Response	Recommended Action
15 Walter Street	<p>Objection to inclusion of property on the Town's Heritage List on the following grounds:</p> <ol style="list-style-type: none"> 1. Modifications to original building fabric include internal alterations and rear additions. Roof covering has been replaced, gutters and roof line reconstructed and changed completely, screen doors added. The property is therefore not authentic. 2. Town has allowed changes without regard to heritage issues in the past. 3. The property is of little, cultural heritage significance. There is no discovered social or historic 	<ol style="list-style-type: none"> 1. Modern introductions don't impact the significant fabric. The original authentic built form is readily discernible from the streetscape. The extension is noted in the draft Place Record Form and does not impact upon the significance of the principal building. 2. Adaption and extension of significant places is facilitated by the Town's planning scheme and is consistent with current conservation practice. 3. Modifications are sympathetic to the original built form and don't 	<p>Maintain Management Category B .</p> <p>Include property on Heritage List.</p>

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Property Address	Owner Submission	Response	Recommended Action
	relevance to this property. To assess this property as suitable for the MI constitutes a seriously flawed and improperly researched assessment.	impact the significant fabric.	
173 Petra Street	The submission does not oppose the MI categorisation or Listing of the property	Noted	Maintain Management Category B. Include property on Heritage List.

COMMENT

In regard to the statutory requirements which are described above, it is considered relevant to note the following planning implications for properties included on the MI and Scheme Heritage List.

- The above scheme provisions are requirements of the WAPC 'Model Scheme Text' and are therefore consistent with those applied in the majority of municipalities in Western Australia.
- The Town is required to undertake periodic reviews of the MI and to include on the Heritage List properties which it determines are appropriate.
- The process for consultation and determination in respect to listings is prescribed by the Scheme. This process has been adhered to.
- The principal planning provisions relating to properties included on the Heritage List and the MI can be summarised as follows:
 - Demolition – currently under the Scheme all properties included on the Heritage List require the prior planning approval of Council for a demolition permit.
 - Properties categorised 'A' or 'B' on the MI will generally be required to replace roofing materials with similar materials although the ability to vary this exists under the Residential Design Guidelines.
 - Properties on the Heritage List are advantaged by the provisions of clause 7.5 of the Scheme which allows Council to set aside any site or development requirement where it will facilitate the conservation of the heritage place. All other properties are subject to the normal provisions of the Scheme.
 - There is nothing in the scheme which requires the reinstatement of the heritage built form should it be destroyed by fire.

The submission in respect to 15 Walter Street states;

"(15 Walter Street) does not have any authenticity and if it is claimed to do so it is based on incorrect information being provided".

The draft Place Record Form notes – *"No 15 Walter Street has considerable aesthetic value as an Inter- War California Bungalow. It retains most of the Characteristic features of a dwelling of this type and period."* The additions to the rear are noted.'

Adaption and extension of significant places is facilitated by the Town's planning scheme and is consistent with current conservation practice. The majority of places on the MI have

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been altered over time. In this instance the modifications are sympathetic to the original built form and don't impact the significant fabric.

The owner of 173 Petra Street, initially objected to the proposed listing of his property however upon considering the requirements and benefits of the planning provisions which are explained above, has since advised they do not oppose the listing.

It is therefore considered that both properties should be confirmed as category 'B' rating on the MI and included on the Heritage List of the Scheme.

VOTING REQUIREMENTS

A simple majority of Council is required.

RECOMMENDATION

It is recommended that:

- (a) 15 Walter Street and 173 Petra Street should be confirmed as Category 'B' on the revised MI and included on the Scheme's Heritage List pursuant with Cl 7.1.3 (d) of Town Planning Scheme No. 3.
- (b) Notification in respect of all places to be included on the Scheme's Heritage List be undertaken in accordance with the provisions of Cl.7.1.4 of Town Planning Scheme No. 3.

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REPORT NO 13.2

PROPOSED AMENDMENT TO THE RESIDENTIAL DESIGN GUIDELINES – CROSSOVERS

RESPONSIBLE DIRECTOR Jamie Douglas – Manager of Planning Service

AUTHOR PLANNING ASSISTANT Andrew Malone Senior Planning Officer
Liam Wallis Student Planner

AUTHORITY / DISCRETION Council

PURPOSE

This report considers proposed amendments to the Residential Design Guidelines to ensure a best practice approach for the development requirements of crossovers within the town.

EXECUTIVE SUMMARY

This report details proposed amendments to the Town of East Fremantle Local Planning Policy Residential Design Guidelines. The proposed amendments are a response to a number of compliance issues/ matters within the town in relation to crossovers and as a general ongoing review of Council's strategy with regard to the development of the Town.

Given the extent of development within the Town and the nature of the development, access to properties via a 3.0 metre wide crossover is not considered appropriate across the whole Town. Recently there have been an increase in the number of requests for wider crossovers and crossover compliance has become a significant statutory planning matter.

The intention of this report is to ensure a consistent, best practice approach is taken by the council in regards to the development requirements of crossovers. It is therefore recommended that Council amend Element 3.7.14 Footpaths and Crossover A 2.2., 2.3 and 2.4 of the Residential Design Guidelines. The amendments would require lots 12 metres in width or less to have a maximum crossover width of 3 metres. For lots 12 metres or more the maximum width would be 30% of the lot frontage up to a maximum 5.0 metres. No crossovers would be allowed to exceed 5.0 metres in width. It is also proposed that any materials will be determined at discretion of the Chief Executive Officer in consultation with the Works Department of the Town and for the purposes of the Policy the Town Planning and Building Committee does not need to be considered / determine crossover material.

Suburb/Location	Town of East Fremantle
Applicant	NA
Owner	NA
Zoning	N/A
Site area	NA
Structure plan	NA

BACKGROUND

Council on 21 October 2014 resolved:

The adoption of the Committee's recommendation which is as follows:

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That the current delegation to the CEO - Delegation No. 26 - be removed and the authority to approve variations to the Local Planning Policy – Residential Design Guidelines in respect to Crossovers (s3.7.14 – Footpaths & Crossovers) be delegated to the Town Planning & Building Committee. CARRIED ABSOLUTE MAJORITY

Reason for not Supporting Officer's Recommendation

Council was of the view that the officer's recommendation could not be supported due to the contentious nature of crossovers and given that the Town Planning & Building Committee now has delegated decision making powers, requests for policy variations in relation to crossovers, can be dealt with in a timely manner.

Currently all crossover variations are required to be presented to the Town Planning and Building Committee for approval.

At its meeting on 7 July 2015 the Town Planning and Building Committee resolved as follows:

It is recommended that Council approve:

- *A full review of Council's crossover requirements to be undertaken which gives due regard to the policies of other local governments to ensure the Town is applying best practice to the construction of crossovers. At the conclusion of the review of the Policy a report to be present to the Town Planning and Building Committee recommending amendments to the Policy where appropriate.*
- *A letter is drafted to the owners of the 4 non-compliant properties advising that Council is undertaking a review the Local Planning Policy: Footpaths and Crossover and their non-compliance proceedings are to be placed on hold pending the outcome of the review.*

Further, at its meeting on 5 May 2015 the Town Planning and Building Committee resolved as follows:

A. It is recommended that the application for retrospective planning approval for an increased crossover width located at 19 (Lot 5008) Locke Crescent, East Fremantle, as described on the plans date stamped received 10 March 2015 be refused for the following reasons:

1. *The proposed development does not comply with the requirements of the Acceptable Development Criteria or Performance Criteria of the Local Planning Policy Residential Design Guidelines with regard to:*
 - *3.7.14 Footpaths and Crossovers*
2. *The proposed development does not comply with the following requirements of the Town Planning Scheme No.3:*
 - *The proposed development conflicts with Clause 1.6 Aims of the Scheme.*
 - *The proposed development conflicts with Clause 4.2 Objectives of the Zones Residential Objectives.*
 - *The proposed development conflicts with the provisions of the Town of East Fremantle Town Planning Scheme No. 3 Clause 10.2 (a), (c), (o), (p) and (q) because it is incompatible with adjoining development and would detrimentally impact upon the amenity of the area.*
3. *The proposed development does not comply with the orderly and proper planning of the area.*

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- B. *It is further recommended that the applicant be required to remove the existing crossover and make good the footpath to Council's specifications and requirements within twenty eight (28) days of this determination. Any new crossover which is constructed is to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's RDG Policy all to the satisfaction of the Chief Executive Officer in consultation with relevant officers. All cost associated with the removal and replacement of the crossover to Council's specifications and requirements are to be borne by the applicant.*

Of the 40 properties previously reviewed by the Planning Department, there are a significant number of properties that have crossovers greater than the current Acceptable Development Criteria requirement of 3.0 metres maximum width and are constructed of the material other than that identified within the Policy.

A full assessment has not been undertaken of all crossovers within the Town, however it is clear some of the many variations to crossover design, are old crossovers which have not been altered but were either constructed prior to the adoption of the current Local Planning Policy – Residential Design Guidelines or the Local Planning Policy 123 'Footpaths and Crossover', which has since been revoked. Others were approved under delegation by the Chief Executive Officer. It is noted that several were also appealed to the Minister for approval. However these established crossovers do direct the presentation of the streetscape. Increasingly new dwellings want larger crossovers. This will be discussed in greater detail later in this report.

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

As noted in the Background section of this report.

Documentation

Nil

DETAILS

A review of the Local Planning Policy – Residential Design Guidelines Crossover requirements and a recommendation to amend the Policy to facilitate the orderly and proper planning of the Town.

Issues and options considered

Legislation / Strategic Community Plan / policy implications

STATUTORY PROCESS FOR AMENDING A LOCAL PLANNING POLICY

Local planning policies are amended under Part 2, Clause 2.4 of TPS No. 3 – 'Procedures for Making and Amending a Local Planning Policy' which requires that a proposed policy amendment be advertised for 2 consecutive weeks in a local newspaper and that submissions may be made during a period of not less than 21 days.

Subsequent to the closure of the submission period, Council is then required to review the proposed amendment in light of any submissions made and resolve whether or not to adopt the amended Policy with or without modification. Should the amended Policy be adopted, notice of the Policy is to be published once in a newspaper circulating in the Scheme area and the Policy has effect upon publication of this notice.

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Legislation Town Planning Scheme No. 3
Local Planning Policy – Residential Design Guidelines

Strategic Community Plan

Key Focus Area Area 4 Governance and Leadership

Aspiration The community is served by a leading and listening local government.

Outcome 4.4 Clear policies and procedures to guide the planning and operations of the Council.

Policy Amend the Local Planning Policy – Residential Design Guidelines – Crossover Requirements

Risk management considerations

There are no risk management considerations.

Financial / budget implications

There are no financial/budget implications.

Regional significance

There is no regional significance.

Sustainability implications

There are no sustainability implications.

Consultation

As noted above, local planning policies are advertised for 2 consecutive weeks in a local newspaper and that submissions may be made during a period of not less than 21 days, after Council has resolved to support the proposed amendment.

Should the amended Policy be adopted, notice of the Policy is to be published once in a newspaper circulating in the Scheme area and the Policy has effect upon publication of this notice. This is the bare minimum requirement for engaging the local community about such a significant policy change. It is proposed to include the proposed notifications of the change to the Policy also on the Town's website and Facebook page to promote community engagements and the new policy.

COMMENT

Flexibility in determining wider crossovers is important. Wider crossovers facilitate off-street car parking, reducing curb side parking, facilitating safe access/ egress to a lot and improving the street presentation. Larger lots can facilitate the design of a wider crossover without the crossover impacting on the streetscape or dominating the lot frontage. Crossovers are generally designed to align with the driveway of the dwelling, therefore a crossover of a similar dimension maintains the symmetry of the overall access way design.

Given the extent of non-compliant crossovers and the need to apply 'best practice' to governance of the Town's Policies, a review of the Council's crossover requirements in the Local Planning Policy – Residential Design Guidelines was undertaken. This involved

extensive investigations of practices employed by other Council's and a review of the existing compliance matters the Town's administration regularly addresses. It would appear that crossover compliance has become a significant statutory planning matter for the council. Such matters are taking up a significant amount of administration's time and resources.

The outcome of the investigation into the existing requirements for crossovers was:

- Council's either had a maximum crossover width of 6.0 metres or
- Council's requiring crossovers to be a percentage of the overall frontage of the property.

The following provisions of the RDG guide the assessment of crossovers.

Desired Outcomes

- i. New footpaths and crossovers to match existing streetscapes;*
- ii. Maintenance of existing footpaths and crossovers;*
- iii. Maximum of one crossover per lot or subdivided lot; and,*
- iv. Street trees to be conserved or replaced where a new crossover requires their removal.*

Acceptable Development Provisions

- A1 Crossovers to stop at footpaths and preserve footpath continuity and pedestrian priority.*
- A2.1 Footpaths to be between 1.2m and 2m wide. Footpaths are to have a clearly defined edge.*
- A2.2 Crossovers to be maximum 3m wide. Wider crossovers shall be considered to facilitate access and egress on sloping sites. Crossovers to have a concrete edge when abutting the footpath.*
- A2.3 Precinct Materials:*
- *Plympton (with the exception of George Street)
Two coat laterite seal paths;
Laterite bitumen crossovers; and
Grass verges to be reinstated.*
 - *Woodside, Richmond & Riverside
Concrete paths; and,
Black asphalt crossovers.*
 - *Richmond Raceway
Two coat laterite seal paths outside Richmond Raceway area;
Concrete paths within Richmond Raceway area;
Black asphalt crossovers outside Richmond Raceway area; and,
Laterite bitumen crossovers within Richmond Raceway area.*
 - *Richmond Hill
Concrete paths; and,
Black asphalt or brick paved crossovers.*
- A2.4 Any other materials will be at the discretion of the Council.*
- A3 All crossovers, ramps and footpaths shall be to Australian Standards.*
- A4 Retain existing trees or replace existing tree where required.*
- A5.1 Maximum of one crossover per lot or subdivided lot unless approved by the council.*
- A5.2 Relevant drawings indicating location of existing and proposed crossover where required. This is to include existing and proposed site plans.*

Performance Criteria

- P1 Pedestrian walk ways will take priority over vehicular access. Re-kerbing is to be done wherever footpaths are replaced.*
- P2 Footpaths and crossovers to match the existing relevant Precincts.*
- P3 All crossovers, ramps and footpaths to the requirement of Australian Standards.*
- P4 No street trees will be removed for a crossover unless approved by the Council and an approved replacement tree is planted.*
- P5 Installation of crossovers and removal of redundant crossovers to be carried out after consultation with the owner of the property. Redundant crossovers to be removed, at the applicants cost, prior to the issue of a building permit for the relevant property.*

Crossover requirements are incorporated within the Residential Design Guidelines. The above provisions specify a maximum of one (1) crossover per lot under the 'Acceptable Development Provisions'. ADP, A2.2 states that crossover width shall be a maximum of 3.0 metres but does provide for wider crossovers for sloping sites, at Council's discretion.

Upon analysis of other similar policies of other Councils, it is considered that it would not be desirable to have a 'one shoe size fits all' policy requirement, such as limiting crossovers to a maximum of 3.0 metres. Crossovers wider than 3.0 metres may sometimes be necessary for safety, access, egress, or design reasons.

Often the need for wider crossovers does not become apparent until after Planning Approval has been issued for a developing including the assessment/ approval of the crossover, however the owner then revises the proposed crossover when the development has been nearly finalised as they are seeking a larger crossover than the permitted 3.0 metre wide crossover. Alternatively crossovers are notated on the plans as 'constructed to Council specifications'. When the proposed crossover is being constructed the applicant then seeks to vary Council's specifications either due to proposed width or material. Applications for amended crossovers are not uncommon. Such width variations raise few planning/ aesthetic issues however they do require an exercise of discretion by Council. The approval process for an application seeking Council discretion for a crossover can often be 4-8 weeks depending on Town Planning and Building Committee meeting dates, therefore extending significantly the finalisation of developments. It is considered the proposed amendments to the Policy requirements and the Town's crossover specifications can streamline this process to the benefit of the Town and ratepayers.

Crossover provisions/ requirements have resulted in unreasonable delays in the development approval process and increase the demands upon staff and Committee members, both in planning and in the Works Department.

The proposed changes are as follows:

- A2.2 Current Policy - Crossovers to be a maximum 3m wide. Wider crossovers shall be considered to facilitate access and egress on sloping sites. Crossovers to have a concrete edge when abutting the footpath
- A 2.2 **Amended Policy** - The following outlines the prescribed maximum crossover widths:
- For lots 12 metres in width or less the maximum width is 3.0 metres; and

- For lots 12 metres or more the maximum width is 30 % of the lot frontage up to a maximum width of 5.0 metres. No crossovers are to be constructed over the maximum width of 5.0 metres.

A2.3 Precinct materials: Proposed to be deleted.

A2.4 Current policy - Any other materials will be at the discretion of the council

A2.4 **Amended Policy** - All crossover materials will be at the discretion of the Chief Executive Officer. Crossovers are to be constructed as per Council's Crossover Specification requirements.

No changes are proposed to the Performance Criteria of the Guidelines. Pedestrian footpaths will still take priority over vehicle access ways.

The proposed changes to the policy would facilitate a variety of crossover widths, depending on the lot width and would provide for a variety of material, so long as the footpath (where one exists) continues uninterrupted across the width of the site. Council currently has to determine applications for crossovers where they do not conform with Council's crossover policy requirements. Crossover material is primarily an operational issue which should be managed internally by administration. New materials such as exposed aggregate are frequently being utilised in development applications, however such materials are currently required to be presented to the Town Planning and Building Committee for consideration.

The Town does not restrict the use of material to a dwelling, nor does it restrict colour, however with respect to crossover, Council has requirements for only certain materials to be utilised. This in some instances is not practical. For example, many new dwellings being constructed are built in concrete or pale renders. However the policy requires only red asphalt to be utilised in some precincts. The red asphalt does not match the pastels of the dwelling and therefore highlights the crossover, instead of the crossover integrating with the dwelling and the street, minimising the impact of the crossover on the street. It is therefore considered Council should not restrict the use of crossover material and colours in precincts. Council administration should be able to determine the impact of a crossover material as an operational issue to the satisfaction of the Chief Executive Officer in consultation with relevant staff.

The assessment of policy requirements of other Council's is done at an administration level. Lot sizes/ widths vary throughout the Town and vary depending on the precinct they are located in. The proposed changes recognise the differences throughout the town and allow for varying crossover widths dependant on the lot width. For example a lot in the Richmond Hill Precinct with a frontage of 20 metres would be allowed a crossover width of 6.0 metres (30% of 20 metres), however the maximum width permitted would be 5.0 metres as per the amended policy. The existing frontage would be able to facilitate a 5.0 metre crossover without the crossover dominating the lot. A lot in the Plympton Precinct measuring 11 metres would be permitted a maximum width of 3.0 metres (30% of 11 metres is 3.3 metres, however maximum width for lots under 12 metres is 3.0 metres maximum width). The proposed amendments to the policy would provide for a greater degree of flexibility. Where an applicant/ owner wants a crossover of over 30% of the frontage (maximum of 5 metre) then an application to Council would be required to be submitted to Council for determination.

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The proposed amendment provides for a variety of options for the owner and the flexibility to have a crossover width that matches the driveway/ access leg width. There are many examples of driveways being 5-6 metres in width only for the crossover to reduce to 3.0 metres, impacting on the overall symmetry of the verge/ crossover/ driveway. This at times can look unusual.

The proposed amendments provides for flexibility of design and material, whilst still recognising the precinct differences throughout the Town.

There are no changes proposed to:

A4 Retain existing trees or replace existing tree where required.

Or

P4 No street trees will be removed for a crossover unless approved by the Council and an approved replacement tree is planted.

Council has and continues to ensure that trees are and will be protected. The proposed changes to this Policy does not impact on the preservation tree canopy, as applicants as a requirement of this Policy still require Council approval to remove a verge tree. Additionally any proposed tree removal is assessed and reviewed during the planning assessment process of a development application and is generally discussed with the applicant/ owner. The design of a dwelling and the location of the driveway should ensure that the need to remove a tree is a rare occurrence.

Pursuant to clause 2.4.3 of the Town of East Fremantle Town Planning Scheme No. 3, Council will be required to publish notice of the Policy amendments (if adopted) in a newspaper circulating in the Scheme area, however Council as noted previously, Council will notify the local residents via alternative means also.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

1. Council endorse the proposed amendments to the 'Local Planning Policy - Residential Design Guidelines 3.7.14 Footpaths and Crossovers Performance Criteria and Acceptable Development Provisions A2.2, A2.3, A2.4 as outlined:

A2.2 **Amended Policy** - The following outlines the prescribed maximum crossover widths:

- For lots 12 metres in width or less the maximum width is 3.0 metres and
- For lots 12 metres or more the maximum width is 30 % of the lot frontage up to a maximum width of 5.0 metres. No crossovers are to be constructed over the maximum width of 5.0 metres.

A2.3 Precinct materials: **Proposed to be deleted.**

A2.4 **Amended Policy** - All crossover materials will be at the discretion of the Chief Executive Officer. Crossovers are to be constructed as per Council's Crossover Specification requirements.

2 February 2016

AGENDA

All other Policy requirements relating to the Local Planning Policy - Residential Design Guidelines 3.7.14 Footpaths and Crossovers are to remain the same. Policy numbers to be amended and modified as required.

2. Pursuant to Clause 2.4 of the Town of East Fremantle Town Planning Scheme No. 3, Council resolves to publicly advertise the proposed amendments to the 'Local Planning Policy - Residential Design Guidelines - September 2012'.
3. The Town of East Fremantle to amend as required Council's Crossover Specification requirements to align with the Local Planning Policy - Residential Design Guidelines 3.7.14 Footpaths and Crossovers Performance Criteria and Acceptable Development Provisions.