



AGENDA

Town Planning Committee Tuesday, 7 March 2023 at 6:30 PM

Disclaimer

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

Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting. Persons should be aware that the provisions of the Local Government Act 1995 (section 5.25 (e)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person.

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

Copyright

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

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

Deputations A formal process where members of the community request permission to address Council or Committee on an issue.	Presentations An occasion where awards or gifts may be accepted by the Council on behalf of the community, when the Council makes a presentation to a worthy recipient or when agencies may present a proposal that will impact on the Local Government.
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Procedures for Deputations

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

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

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

A Deputation invited to attend a Council meeting:

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

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

Procedure for Presentations

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

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

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

Procedure for Public Question Time

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

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

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

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

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

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

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

CONTENTS

1	DECLARATION OF OPENING OF MEETING/ANNOUNCEMENTS OF VISITORS	5
2	ACKNOWLEDGEMENT OF COUNTRY	5
3	ANNOUNCEMENT TO GALLERY	5
4	RECORD OF ATTENDANCE	5
4.1	Attendance	5
4.2	Apologies	5
4.3	Approved Leave	6
5	MEMORANDUM OF OUTSTANDING BUSINESS	6
6	DISCLOSURES OF INTEREST	6
6.1	Financial	6
6.2	Proximity	6
6.3	Impartiality	6
7	7. PUBLIC QUESTION TIME	6
7.1	Responses to previous questions from members of the public taken on notice	6
7.2	Public Question Time	6
8	PRESENTATIONS/DEPUTATIONS	6
8.1	Presentations	6
8.2	Deputations	6
9	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	6
9.1	Town Planning Committee (6 December 2022)	6
10	ANNOUNCEMENTS BY THE PRESIDING MEMBER	7
11	REPORTS OF COMMITTEES	7
12	REPORTS OF OFFICERS (COMMITTEE DELEGATION)	8
12.1	7 VIEW TERRACE - NEW DWELLING	8
12.2	21 WALTER STREET - SEEKING APPROVAL SUBSEQUENT TO DEVELOPMENT	32
13	MATTERS BEHIND CLOSED DOORS	45
14	CLOSURE OF MEETING	45

NOTICE OF MEETING

Elected Members

An Ordinary Meeting of the Town Planning Committee will be held on 7 March 2023 at 6:30 PM in the Council Chamber, 135 Canning Highway, East Fremantle and your attendance is requested.



GARY TUFFIN

Chief Executive Officer

1 March 2023

AGENDA

1 DECLARATION OF OPENING OF MEETING/ANNOUNCEMENTS OF VISITORS

Presiding member opened the meeting at pm and welcomed members of the gallery.

2 ACKNOWLEDGEMENT OF COUNTRY

"On behalf of the Council I would like to acknowledge the Whadjuk Nyoongar people as the traditional custodians of the land on which this meeting is taking place and pay my respects to Elders, past and present."

3 ANNOUNCEMENT TO GALLERY

"Members of the gallery are advised that no Council decision from tonight's meeting will be communicated or implemented until 12 noon on the first clear working day after this meeting, unless Council, by resolution carried at this meeting, requested the CEO to take immediate action to implement the decision."

4 RECORD OF ATTENDANCE

4.1 ATTENDANCE

Cr C Collinson	Presiding Member
Mayor J O'Neill	
Cr A Natale	
Cr D Nardi	
Cr A White	
Cr L Mascaro	

4.2 APOLOGIES

4.3 APPROVED LEAVE

Nil

5 MEMORANDUM OF OUTSTANDING BUSINESS

Nil

6 DISCLOSURES OF INTEREST

6.1 FINANCIAL

Nil

6.2 PROXIMITY

Nil

6.3 IMPARTIALITY

Nil

7 7. PUBLIC QUESTION TIME

7.1 RESPONSES TO PREVIOUS QUESTIONS FROM MEMBERS OF THE PUBLIC TAKEN ON NOTICE

Nil

7.2 PUBLIC QUESTION TIME

Nil

8 PRESENTATIONS/DEPUTATIONS

8.1 PRESENTATIONS

Nil

8.2 DEPUTATIONS

Nil

9 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 TOWN PLANNING COMMITTEE (6 DECEMBER 2022)

9.1 OFFICER RECOMMENDATION

That the minutes of the Town Planning Committee meeting held on 6 December 2022 be confirmed as a true and correct record of proceedings.

10 ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil

11 REPORTS OF COMMITTEES

Nil

12 REPORTS OF OFFICERS (COMMITTEE DELEGATION)

12.1 7 VIEW TERRACE - NEW DWELLING

Owner	Gina & Nicodema Carozza
Applicant	Design Better Buildings
Report Reference Number	TPR-1282
Planning Reference Code	P115/22
Prepared by	James Bannerman
Supervised by	Andrew Malone
Meeting date	Tuesday, 7 March 2023
Voting requirements	Simple majority
Documents tabled	Nil

Attachments

1. Location and advertising plan
2. Photos
3. Plans submitted 6 February 2023
4. Community engagement checklist

PURPOSE

The purpose of this report is for Council to consider a development application for a new dwelling at 7 (Lot 242) View Terrace, East Fremantle.

EXECUTIVE SUMMARY

This development application proposes a large double storey dwelling at 7 (Lot 242) View Terrace, East Fremantle. The proposed dwelling is comprised of 5 bedrooms, 4 bathrooms (& 6 toilets), office, gymnasium, bar, 2 dining rooms, living room, sitting room and kitchen along with alfresco, cabana, spa, swimming pool and 4 car garage. It has an area of 710m². The design has kept to the maximum height of 6.5m for a concealed roof and was assessed accordingly as required by the Town's Residential Design Guidelines. Retaining walls are proposed to be installed along the western and eastern boundaries. The site was previously occupied by a single dwelling which was demolished and the lot is currently sitting vacant.

Eight variations are requested to the requirements of the Residential Design Codes relating to lot boundary setbacks (5 locations), open space and site works (2 retaining walls). The variations are listed below;

- Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Eastern Wall- Garage – Ground Floor – 1m required, 0m provided,
- Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Eastern Wall – Kitchen, Scullery, Toilet – Ground Floor – 1.5m required, 1m provided,
- Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Western Wall – Ensuite 1, Robe, Store, Corridor, Store, Office – 1.5m required, 1.4m provided,
- Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Eastern Wall – Bed 2, Bed 3 – Upper Storey – 1.5m required, 1.4m provided,
- Clause 5.1.3 – Residential Design Codes – Western Wall – Dining, Sitting, Bar, Powder Room & Bed 4 – Upper Storey – 6.1m required, 2.85m provided,

- (vi) Clause 5.1.4 – Residential Design Codes – Open Space – 50% required, 48.35% provided,
- (vii) Clause 5.3.7 – Residential Design Codes – Site Works – Retaining Walls – Western Wall - 1m setback from boundary required, less than 1m provided, and
- (viii) Clause 5.3.7 – Residential Design Codes – Site Works – Retaining Walls – Eastern Wall - 1m setback from boundary required, less than 1m provided.

It is recommended that the proposed development with the listed variations be supported subject to the conditions included in the final recommendation.

BACKGROUND

Zoning	Residential R17.5
Site Area	890m ²
Heritage	N/A
Fremantle Port Buffer	N/A
Previous Decisions of Council and/or History of Issue Onsite	Demolition permit 2021118 - Existing dwelling demolished – approved 14 October 2021

CONSULTATION

Advertising

The proposed development was advertised from 21 December 2022 to 16 January 2023. Three submissions were received and are included in the table below.

Submission	Applicant Response	Town Response
Submission 1 I have some concerns I wish to address. Our only concerns are potential overlooking of our swimming pool / deck area and large living area at the rear of our home from South elevation upstairs windows of dining area / bedroom 2 and smaller window on south facing upper floors - we wish to know that these windows will not allow direct view into the rear of our home - the most used area of our house as if this was the case we object to this. Can you confirm there is no deck area on the upper back south elevation upstairs.	Overlooking won't be an issue as our setbacks are well and truly over what is required, and there won't be a deck area on southern part of the rear roof. Amended plans have been prepared in support of the application screening the staircase to the upper floor bar of the proposed new dwelling on the subject land to assist with addressing the comments made by the objector or the Town. Notwithstanding the above, it should be noted that a staircase is not a habitable space and that technically the R-Codes do not require screening of this structure. The landowner has elected to screen the stairs to address any concerns of the adjoining western landowner. The windows associated with the dining room, bedroom 2 and any other smaller windows (as outlined within the objection) comprise sufficient setbacks from the lot boundary and comply with the 'deemed to comply requirements' of Element 5.4.1. C1.1 ('Visual privacy') of the R-Codes. In light of the above, the windows do not require screening or altering. The application does not propose any roof decks. The stairs	Noted. Amended plans presented. The proposed development complies with the required visual privacy setback requirements. There is no upper storey outdoor terrace or deck or balcony on the southern side of the dwelling.

	illustrated on the plans will allow for access between the upper floor and the pool area and not a roof deck.	
Submission 2 I have some concerns I wish to address. We are disappointed that the scale of the proposed dwelling at 7 View Terrace is of such magnitude that there will be significant overshadowing of our property at 9 View Terrace. With provision for open space being less than 50% of the block this house will contribute to the urban heat island effect the Town is keen to avoid through its tree planting scheme. Specifically, we note that the setback of zero from our boundary for the new house's garage, plus the second story above it will place our front garden in shade in the afternoons, not to mention the blocking of our views to the ocean in the west. The setback from the road is at the very minimum allowed, which is unfortunately a great and unexpected impact to the amenity of our front verandah as the previous dwelling was setback by 7.5m.	The planning framework for this part of the East Fremantle locality allows for two storey dwellings to be constructed. Figures 1 & 2 below illustrate examples of two and three storey dwellings constructed within the immediate locality. As such, the bulk and scale of the proposed new dwelling on the subject land is not out of character with the existing built form character within the area and can therefore be approved. The height of the proposed new dwelling on the subject land is consistent with the heights of existing dwellings along View Terrace. Furthermore, the proposed height is consistent with the current planning framework. There are a number of two storey dwellings within the area and along View Terrace. Given this, it is concluded that the new dwelling on the subject land will not have an adverse impact on the local streetscape of the adjoining properties in terms of bulk and scale. The proposed new dwelling on Lot 242 meets the 'deemed to comply requirements' of Element 5.4.2 C2.1 ('Solar access for adjoining sites') of the R-Codes. In fact, the proposed new dwelling on the subject land does not cast a shadow over adjoining No.9 View Street at midday on 21 June (i.e. winter solstice). Unfortunately, other than the winter solstice calculation (i.e. midday), the R-Codes do not prescribe any need to calculate the shadow cast throughout the day (i.e. no requirement to calculate morning or afternoon shadow on 21 June). Given this, the application complies with the overshadowing provisions of the R-Codes and that the comment made by the adjoining owner should be dismissed. Amended plans have been prepared in support of the application to reduce the extent of site coverage. The variation be sought as part of the amended plans has reduced and is considered to be minor in nature. In addition, the Town has the discretion to consider the variation under the 'design principles criteria' of Element 5.1.4 of the R-Codes. Following a review of the proposal against the 'design principles criteria', it is concluded that the open space variation has merit and can be approved by the Town. The objector has not provided any details regarding the impacts of the heat	Noted. Overshadowing is assessed based on the sun's position at 12 noon on the winter solstice (June 21) when the sun is the lowest in the sky and the shadows are the longest. In this case the proposed dwelling does not overshadow the neighbouring property at this time. The dwelling is setback in accordance with the Residential Design Codes requirements for lots with a density code of R17.5. The minimum setback is required to be 6m and this dwelling is located 6.43m from the boundary.

	<p>island effect on the area or environment that will be caused by the new dwelling. The subject land does not have any existing trees or vegetation and is vacant. The proposed new dwelling will allow for a large area of landscaping within the front setback area and the planting of a new tree to allow for improved canopy coverage and will in fact reduce heat. As such, the proposal is a far better outcome for the land than the current situation.</p> <p>Amended plans have been prepared reducing the length of the parapet wall along the eastern side boundary to reduce any impact on the adjoining property. In addition, the floor level of the garage on the subject land is lower than the level on adjoining No.9 View Street, with the garage floor level being approximately 2 metres lower than the floor level of the existing dwelling on the adjoining property. Given this, the parapet wall will have minimal impact on the existing dwelling on adjoining No.9 View Terrace.</p> <p>A review of the existing dwelling on adjoining No.9 View Terrace has identified that there is no garden abutting the parapet wall (as outlined by the objector) and that the parapet wall will abut the side setback area of the existing dwelling on that property. In addition, the eaves of the existing dwelling on that property already casts a shadow over the side setback area (see Figure 3). Furthermore, refer to the comments above in regard to the overshadowing calculations required for the new dwelling under the current planning framework (i.e. the shadow calculation for the new dwelling complies).</p> <p>The proposed front setback of the new dwelling complies with the minimum required front setback prescribed within the planning framework. In addition, it is noted that some dwellings along View Terrace comprise a lesser front setback of 6.5 metres, whereas the new dwelling on the subject land will comprise a 7-metre front setback. Given this, the proposed front setback of the new dwelling on the subject land matches the existing front setbacks of dwellings within the immediate area as required by the Town's Local Planning Policy.</p> <p>It is noted that the existing dwelling on adjoining No.9 View Terrace is setback further on the lot which reflects the previous planning framework for the area (the setback is greater than the</p>	
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	<p>minimum allowable setback for the R17.5 density coding).</p> <p>A number of dwellings along View Street comprise a front setback less than the existing dwelling on No.9 View Terrace (see Figure 3).</p> <p>It should be noted that the verandah for the existing dwelling on adjoining No.9 View Street comprises a level greater than 500mm above NGL. According to the current planning framework, this verandah overlooks Lot 242 and does not comply with Element 5.4.1 C1.1 ('Visual privacy') of the R Codes.</p> <p>Given this, the western side of the verandah would normally require screening to protect the amenity of Lot 242 and would limit/obstruct any views down the street to the ocean.</p> <p>Notwithstanding this, the new dwelling on the subject land will comprise a sufficient front setback to allow the existing dwelling on adjoining No.9 View Street to maintain an outlook over the street.</p> <p>In light of the above responses, it is concluded that the comments made by the objector are unsubstantiated and should be dismissed.</p>	
<p>Submission 3</p> <p>I have some concerns I wish to address. The proposed building bulk / mass & scale of the proposed dwelling appears too large in context of the size of the lot, causing adverse impacts to the amenity of the surrounding lots.</p>	<p>Refer to the responses provided for Submission No.1 above in regarding to building bulk and scale of the new dwelling in context with the immediate locality. As outlined, the proposed new dwelling on the subject land is consistent in terms of bulk, scale, height and appearance of the existing and with the emerging built form within the immediate locality (in particular along View Terrace).</p> <p>In addition to the above response and those outlined for Submission No.1, the proposed new dwelling reflects the allowed built form prescribed within the current planning framework.</p> <p>In light of the above responses, it is concluded that the comments made by the objector are unsubstantiated and should be dismissed.</p>	<p>Noted. The proposed development has several variations to the Residential Design Codes. These variations can be proposed as part of the development application. It is ultimately up to the elected members to consider whether the proposed variations are reasonable based on the information provided in this report. Although there are 7 variations</p>

Community Design Advisory Committee

This application was not provided to the Community Design Advisory Committee (CDAC) as administration has determined at this time it is not appropriate to undertake the CDAC meeting because of restrictions and risks associated with the Covid virus.

External Consultation

Nil

Internal Consultation

The development application was referred to the Town's Operations department and the following advice was received;

- 1) Stormwater
 - a. Stormwater to be retained on site,
 - b. Stormwater design to be shown on plans,
 - c. Stormwater calculations to be shown on plans,
 - d. Water to be contained within property and not be directed towards adjoining properties or road reserve.
- 2) Adjoining Properties
 - a. Access to surround properties to remain accessible at all times.
- 3) Footpath
 - a. Pedestrian access along the footpath to remain accessible at all times.
- 4) Crossover
 - a. Crossover application required,
 - b. Crossover to be maximum 5m wide,
 - c. Wings to be a maximum of 1m x 1m,
 - d. Crossover to tie into existing footpath.
- 5) Street Trees
 - a. Street / verge trees to be protected at all times by TPZ,
 - b. No unauthorised pruning, trimming or damage to street trees is to occur as a result of the development.
- 6) Damage to Towns assets
 - a. Any damage that occurs to the Town's assets for example but not limited to kerb, drainage, trees, footpaths, roads, signage etc is to be repaired by the applicant at their cost.
- 7) CMP
 - a. Construction management plan to show, for example but not limited to:
 - i. traffic management, contractor parking, materials storage, construction method, etc.

Standard conditions relating to the protection of verge trees and the requirement to prepare a construction management plan were included in the final recommendation to minimise any issues relating to parking, materials storage, or verge trees along the street.

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Residential Design Codes (Volume 1)
Local Planning Scheme No 3

POLICY IMPLICATIONS

Residential Design Guidelines

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The Town of East Fremantle Strategic Community Plan 2020-2030 states as follows;

Built Environment

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

3.1 Facilitates sustainable growth with housing options to meet future community needs.

3.1.1 Advocate for a desirable planning and community outcome for all major strategic development sites.

3.1.2 Plan for a mix of inclusive diversified housing options.

3.1.3 Plan for improved streetscapes.

3.2 Maintaining and enhancing the Town's character.

3.2.1 Ensure appropriate planning policies to protect the Town's existing built form.

3.3 Plan and maintain the Town's assets to ensure they are accessible, inviting and well connected.

3.3.1 Continue to improve asset management within resource capabilities.

3.3.2 Plan and advocate for improved access and connectivity.

RISK IMPLICATIONS

A risk assessment was undertaken and the risk to the Town in determining this application was deemed to be negligible.

SITE INSPECTION

A site inspection was undertaken.

COMMENT

Statutory Assessment

This development application was assessed against the Town's Local Planning Scheme No 3, the Residential Design Codes and the Residential Design Guidelines.

A summary of the assessment is included in the following tables.

Legend	
A	Acceptable
D	Discretionary
N/A	Not applicable

Local Planning Scheme No 3/Residential Design Guidelines/Residential Design Codes

Design Element	Required	Proposed	Status
Street Front Setback	6m	6.43m	A
Garage Setback	Plans demonstrate impact	5.9m	A
Minor incursions			N/A
Lot Boundary Setbacks			
Eastern wall – laundry, living – ground floor	1.5m	1.5m	A
Eastern wall- garage – ground floor	1m	0m	D
Eastern wall – Kitchen, scullery, toilet – ground floor	1.5m	1m	D
Southern wall – bathroom, gym, alfresco – ground floor	1m	1m	A
Southern wall – cabana	1m	>1m	A
Western wall - cabana	1m	>1m	A
Western wall – ensuite 1, robe, store, corridor, store, office – ground floor	1.5m	1.4m	D
Eastern wall – bed 2, bed 3 – upper storey	1.5m	1.4m	D
Eastern wall – dining, sitting, void, shower - upper storey	1.8m	>1.8m	A
Southern wall – dining – upper storey	2.8m	>2.8m	A
Western wall – dining, sitting, bar, powder, bed 4 – upper storey	6.1m	1.4m	D
Car Parking	2 car bays	4 car bays	A

Maximum concealed roof height	6.5m	6.5m	A
Open Space	50%	48.35%	D
Site Works			
Western retaining wall	Retaining walls setback 1m from boundary	<1m setback from boundary	D
Eastern retaining wall	Retaining walls setback 1m from boundary	<1m setback from boundary	D
Visual Privacy			N/A
Overshadowing	<25%	12.65%	A
Roof form and pitch	Impact of roof to be demonstrated	Impact of roof is demonstrated	A
Garage width	Plans demonstrate impact	Impact demonstrated	A
Materials and colours			A
Landscaping			A
Front fence			N/A
Footpaths and crossovers	To be conditioned		
Drainage	To be conditioned		

This development application proposes a double storey dwelling at 7 (Lot 242) View Terrace, East Fremantle. The proposed dwelling is comprised of 5 bedrooms, 4 bathrooms (& 6 toilets), office, gymnasium, bar, 2 dining rooms, living room, sitting room and kitchen along with alfresco, cabana, spa, swimming pool and 4 car garage. It has an area of 710m². A concealed roof has been utilised. The design has kept to the maximum height of 6.5m for a concealed roof and was assessed accordingly as required by the Town's Residential Design Guidelines. Retaining walls are proposed to be installed along the western and eastern boundary. The site was previously occupied by a single dwelling which was demolished and the lot is currently vacant.

Eight variations are requested to the requirements of the Residential Design Codes relating to lot boundary setbacks (5 locations), open space and site works (2 retaining walls). Amended plans were submitted in response to feedback from advertising. Minor modifications were made to the design to reduce the impact of the scale and bulk of development to neighbouring properties.

Lot Boundary Setback - Eastern Wall- Garage – Ground Floor

The garage has a wall length on the eastern side of the dwelling 12.5m long and less than 3.5m high without major openings. Approximately 40% of this length is located up to the boundary and the remaining wall length is 1m from the boundary. The Residential Design Codes deemed to comply clause 5.1.3 C3.1 requires that the wall is located 1m from the boundary. The reduced lot boundary setback can be supported in accordance with design principles 5.1.3 P3.2 for the following reasons;

- It makes more effective use of the space for the enhanced privacy of the occupants,
- There are minimal impacts from building bulk on the adjoining properties as only 40% of the wall is located on the boundary,
- Adequate sunlight and ventilation will be provided to the building and the open spaces on the site and adjoining properties,
- Minimal overlooking or loss of privacy on adjoining properties,
- Does not have an adverse impact on the amenity of the adjoining property,

- The lot is north/ south facing and the design ensures that sun to major openings to habitable and outdoor living areas is not restricted,
- Positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.

By locating the garage against the boundary without major openings it ensures that privacy is increased. Bulk against the boundary has been reduced by having a section of the garage wall setback 1m from the boundary and provides articulation to the design. At the same time there will be minimal movement of people along the boundary as the front section of the garage is built to the boundary. For these reasons the reduced lot boundary setback can be supported.

Lot Boundary Setback - Eastern Wall – Kitchen, Scullery, Toilet – Ground Floor

The eastern wall of the kitchen, scullery and toilet has a wall length of 15.5m and less than 3.5m high without major openings. The Residential Design Codes deemed to comply clause 5.1.3 C3.1 requires that the wall is located 1.5m from the boundary. In this case the wall is located between 1m and 1.5m from the boundary. The reduced lot boundary setback can be supported in accordance with design principles 5.1.3 P3.1 for the following reasons;

- There are minimal impacts from building bulk on the adjoining properties,
- Adequate sunlight and ventilation will be provided to the building and the open spaces on the site and adjoining properties,
- Minimal overlooking or loss of privacy on adjoining properties,

A small section of the wall is located 1.5m from the boundary so meets the deemed to comply requirements. Given that the wall has no major openings privacy between the properties is maintained. The setback still allows sunlight and air to reach the area. There is some articulation which reduces the bulk of the development near the boundary. For these reasons the reduced lot boundary setback can be supported.

Lot Boundary Setback - Western Wall – Stairs, Ensuite 1, Robe, Store, Corridor, Store, Office – Ground Floor

The western wall of ensuite 1, robe, store, corridor, store, and office have a wall length of 22.06m and heights of less than 3.5m and is without major openings. The Residential Design Codes deemed to comply clause 5.1.3 C3.1 requires that the wall is located 1.5m from the boundary. In this case the wall which includes the external staircase is located 1.4m from the boundary. The reduced lot boundary setback can be supported in accordance with design principles 5.1.3 P3.1 for the following reasons;

- There are minimal impacts from building bulk on the adjoining property,
- Adequate sunlight and ventilation will be provided to the building and the open spaces on the site and adjoining properties,
- Minimal overlooking or loss of privacy on adjoining properties,

Given that the wall has no major openings privacy between the properties is maintained. The setback still allows sunlight and air to reach the area. There is some articulation which reduces the bulk of the development near the boundary. The variation of 0.1m or 10cm is considered negligible. For these reasons the reduced lot boundary setback can be supported. It is noted that the staircase does not represent a habitable space and does not require visual privacy screening although the amended plans show screening to 1.8m high being fitted to the western edge of these steps to increase privacy between the neighbouring dwellings.

Lot Boundary Setback - Eastern Wall – Bed 2, Bed 3 – Upper Storey

The eastern wall of bed 2 and bed 3 on the upper storey has a wall length of 10.3m and height of 5.7m without major openings. The Residential Design Codes deemed to comply clause 5.1.3 C3.1 requires that the wall is located 1.5m from the boundary. In this case the wall is located between 1.4m and 3.34m from the boundary. The reduced lot boundary setback can be supported in accordance with design principles 5.1.3 P3.1 for the following reasons;

- There are minimal impacts from building bulk on the adjoining properties,

- Adequate sunlight and ventilation will be provided to the building and the open spaces on the site and adjoining properties,
- Minimal overlooking or loss of privacy on adjoining properties,

Given that the wall has no major openings privacy between the properties is maintained. The setback still allows sunlight and air to reach the area. There is some articulation which reduces the bulk of the development near the boundary. The variation is equal to 0.1m or 10cm which is considered negligible. For these reasons the reduced lot boundary setback can be supported.

Western Wall – Dining, Sitting, Bar, Powder Room & Bed 4 – Upper Storey

The western wall of the dining, sitting room, bar, powder room, and bed 4 has a wall length of 20.4m and is 6.3m high with major openings. The Residential Design Codes deemed to comply clause 5.1.3 C3.1 requires that the wall is located 6.1m from the boundary. In this case the wall is located a minimum of 1.4m from the boundary. However, this is for a 6.2m long staircase. There is also a 4.8m long section that is 3.82m from the boundary, 6.5m section that is between 2.85m and 2.95m from the boundary and a 2.6m long section that is 6m from the boundary. For assessment purposes the lowest setback must be used for the full length of the wall. There is significant articulation in the wall that sees the setbacks to the western boundary increase as this wall extends towards the rear of the lot. The reduced lot boundary setback can be supported in accordance with design principles 5.1.3 P3.1 for the following reasons;

- There are minimal impacts from building bulk on the adjoining properties,
- Adequate sunlight and ventilation will be provided to the building and the open spaces on the site and adjoining properties,
- Minimal overlooking or loss of privacy on adjoining properties,

Although the wall has major openings privacy between the properties is maintained because the visual privacy setback of 6m is maintained for the sitting room with major openings. The setback still allows sunlight and air to reach the area. There is some articulation which reduces the bulk and scale of the development near the boundary. Screening that is 1.8m high is also being added to the western edge of the staircase to improve privacy between the subject property and the western neighbour, although it is not required because the staircase is not a habitable space and people tend not to spend large amounts of time in the area.

Open Space

The proposed development is a very large dwelling and does not achieve the Residential Design Codes deemed to comply clause 5.1.4 C4 which requires 50% of the site area to be dedicated to open space. In this case 48.35% of the site is open space. In accordance with design principles 5.1.4 P4 suitable open space for the site is provided that it;

- Reflects the existing and desired streetscape character,
- Provides access to natural sunlight for the dwelling,
- Reduces building bulk on the site, consistent with the expectations of the density code,
- Provides an attractive setting for the buildings, landscape, vegetation, and streetscape,
- Provides opportunities for the residents to use the space external to the dwelling for outdoor pursuits and access within and around the site, and
- Provides space for external fixtures and essential facilities.

Although there is a reduction in the amount of open space it is not a significant reduction that will overall reduce the amenity experienced by the occupants or adjoining landowners and as such can be supported.

Site Works – Western & Eastern Retaining Walls

It is proposed to build a retaining wall up to the western and eastern boundaries of the property. In sections this retaining wall is greater than 0.5m but less than 1m high. Given that the lot has been cleared and the old house demolished it is not unusual to have retaining walls built along the boundary to ensure there is no movement of soil between properties if they are at different levels. In accordance with the Residential Design Codes deemed to

comply clause 5.3.7 C7.2 a retaining wall that is between 0.5m and 1m high should be setback 1m from the boundary. In this case the reduced setback of the retaining wall can be supported because in accordance with design principles 5.3.7 P7.3 the retaining walls result in land that can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 (site works) and 5.4.1 (visual privacy). There are no visual privacy impacts from the retaining wall as the area between the retaining walls and the boundary is minimal and unlikely to result in loss of privacy for the neighbouring property owners.

There are no visual privacy issues from the upper storey of this dwelling. All required visual privacy setbacks have been met with the design.

Standard conditions have been included in the final recommendation for development approval. These conditions include a requirement to protect the verge tree, ensure that pedestrians can still use the footpath and a construction management plan is prepared and submitted as part of the building permit application to ensure that impacts on the street and neighbouring properties are minimised.

CONCLUSION

Based on the preceding assessment the proposed development can be supported subject to the conditions that have been included in the final recommendation. Although there are 7 variations to the Residential Design Codes, they are relatively minor variations. The proposed design is of a style of architecture that is not out of place in the Richmond Hill precinct.

OFFICER RECOMMENDATION / COMMITTEE RESOLUTION

12.1 OFFICER RECOMMENDATION

That development approval is granted, and Council exercises its discretion regarding the following;

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Eastern Wall- Garage – Ground Floor – 1m required, 0m provided**
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Eastern Wall – Kitchen, Scullery, Toilet – Ground Floor – 1.5m required, 1m provided**
- (iii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Western Wall – Ensuite 1, Robe, Store, Corridor, Store, Office – 1.5m required, 1.4m provided**
- (iv) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Eastern Wall – Bed 2, Bed 3 – Upper Storey – 1.5m required, 1.4m provided**
- (v) Clause 5.1.3 – Residential Design Codes – Western Wall – Dining, Sitting, Bar, Powder Room & Bed 4 – Upper Storey – 6.1m required, 2.85m provided**
- (vi) Clause 5.1.4 – Residential Design Codes – Open Space – 50% required, 48.35% provided**
- (vii) Clause 5.3.7 – Residential Design Codes – Site Works – Retaining Walls – Western Wall– 1m setback from boundary required, less than 1m provided**
- (viii) Clause 5.3.7 – Residential Design Codes – Site Works – Retaining Walls – Eastern Wall– 1m setback from boundary required, less than 1m provided**

for a new dwelling at No. 7 (Lot 242) View Terrace, East Fremantle, in accordance with the plans submitted 6 February 2023, subject to the following conditions:

- (1) Visual privacy screening is to be installed on the western side of the external staircase as shown on the plans.**
- (2) Existing trees located within the verge are a Town asset and as such must be retained and not pruned, shaped, or modified except where otherwise approved for removal or modification by the Town.**
- (3) During construction the verge trees are to be protected with cages around the trunks to ensure that they are not damaged by surrounding works, vehicles, or materials.**

- (4) An application is to be submitted to the Operations Department of the Town for the removal of any verge trees. Verge trees are not to be removed without written approval from the Town.
- (5) Prior to lodging an application for a building permit, the applicant must submit and have approved by the Town, and thereafter implement to the satisfaction of the Town, a construction management plan addressing the following matters:
 - a) How materials and equipment will be delivered and removed from the site.
 - b) How materials and equipment will be stored on site.
 - c) Parking arrangements for contractors.
 - d) Construction waste disposal strategy and location of waste disposal bins.
 - e) Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction.
 - f) How risks of wind and/or waterborne erosion and sedimentation will be minimised during and after the works.
 - g) Other matters likely to impact on the surrounding properties.
- (6) The footpath is to always remain accessible to pedestrians.
- (7) Any proposed new fencing or walls in the front setback area will require the submission of a development application for the consideration of the Town. All fencing and gates within the street setback area is to be in compliance with the front fence provisions of the Residential Design Guidelines.
- (8) The works are to be constructed in conformity with the drawings and written information accompanying the application for development approval other than where varied in compliance with the conditions of this development approval or with the Town's further approval.
- (9) 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 development approval unless otherwise amended by the Town.
- (10) With regards 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 development approval, without those changes being specifically marked for the Town's attention.
- (11) 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 Town prior to the issue of a Building Permit.
- (12) If requested by the Town within the first two years following installation, the roofing is to be treated to reduce reflectivity. The treatment is to be to the satisfaction of the Town and all associated costs to be borne by the owner.
- (13) 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.
- (14) 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 the Town and if approved, the total cost to be borne by the applicant. The Town 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.
- (15) This development approval is to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *This decision does not include acknowledgement or approval of any unauthorised development which may be on site.*

- (b) A copy of the approved plans as stamped by the Town are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by the Town.**
- (c) An application for a new crossover is to be submitted to the Operations Department of the Town and plans are to be included with the application that meets the requirements of the Town's crossover policy, the Residential Design Guidelines and the Urban Streetscape and Public Realm Style Guide. This application and relevant information are available at the following links;**

Crossover Specifications

<https://www.eastfremantle.wa.gov.au/Profiles/eastfremantle/Assets/ClientData/Documents/works-reserves/Crossover Specification 2017.pdf>

Residential Design Guidelines

https://www.eastfremantle.wa.gov.au/Profiles/eastfremantle/Assets/ClientData/Document-Centre/local-planning-policies/3_1_1_LPP_Residential_Design_Guidelines_Amended_17_May_2016.pdf

Urban Streetscape and Public Realm Style Guide

<https://www.eastfremantle.wa.gov.au/documents/914/urban-streetscape-and-public-realm-style-guide>

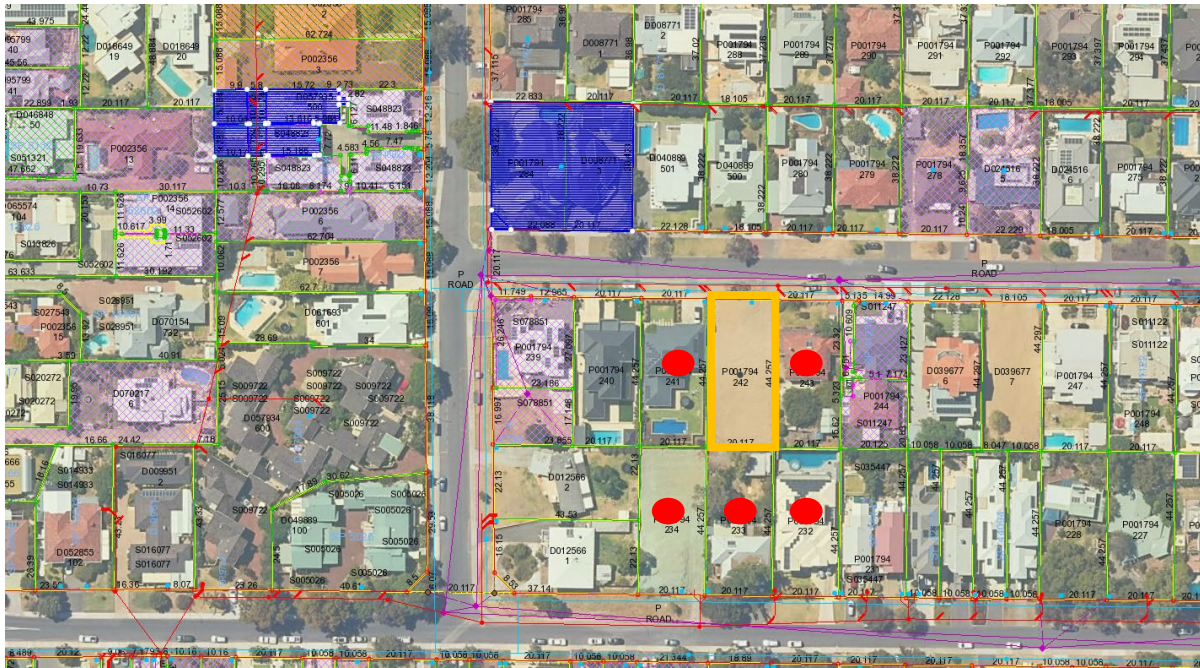
Application to Conduct Crossover Works

<https://www.eastfremantle.wa.gov.au/Profiles/eastfremantle/Assets/ClientData/Documents/works-reserves/Application to conduct crossover works.pdf>

- (d) It is recommended that the applicant provides a structural engineer's dilapidation report, at the applicant/owner 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. A copy of the dilapidation report should be lodged with the Town 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) Trees on verges are the property of the Town of East Fremantle. They are not to be damaged, pruned or removed. Any actions which harm verge trees will result in the Town acting against the owners/builders/contractors responsible. If there are concerns regarding trees owners/builders/contractors are asked to contact the Town to seek further advice.**
- (h) Any damage to other Town assets including but not limited to the kerb, drainage, footpaths, roads, and signage will have to be repaired by the applicant/owners/contractors at their cost.**
- (i) A construction management plan will have to be prepared and submitted as part of the building permit application to show traffic management, contractor parking and materials storage.**

REPORT ATTACHMENTS


Attachments start on the next page



Photos - 7 View Terrace

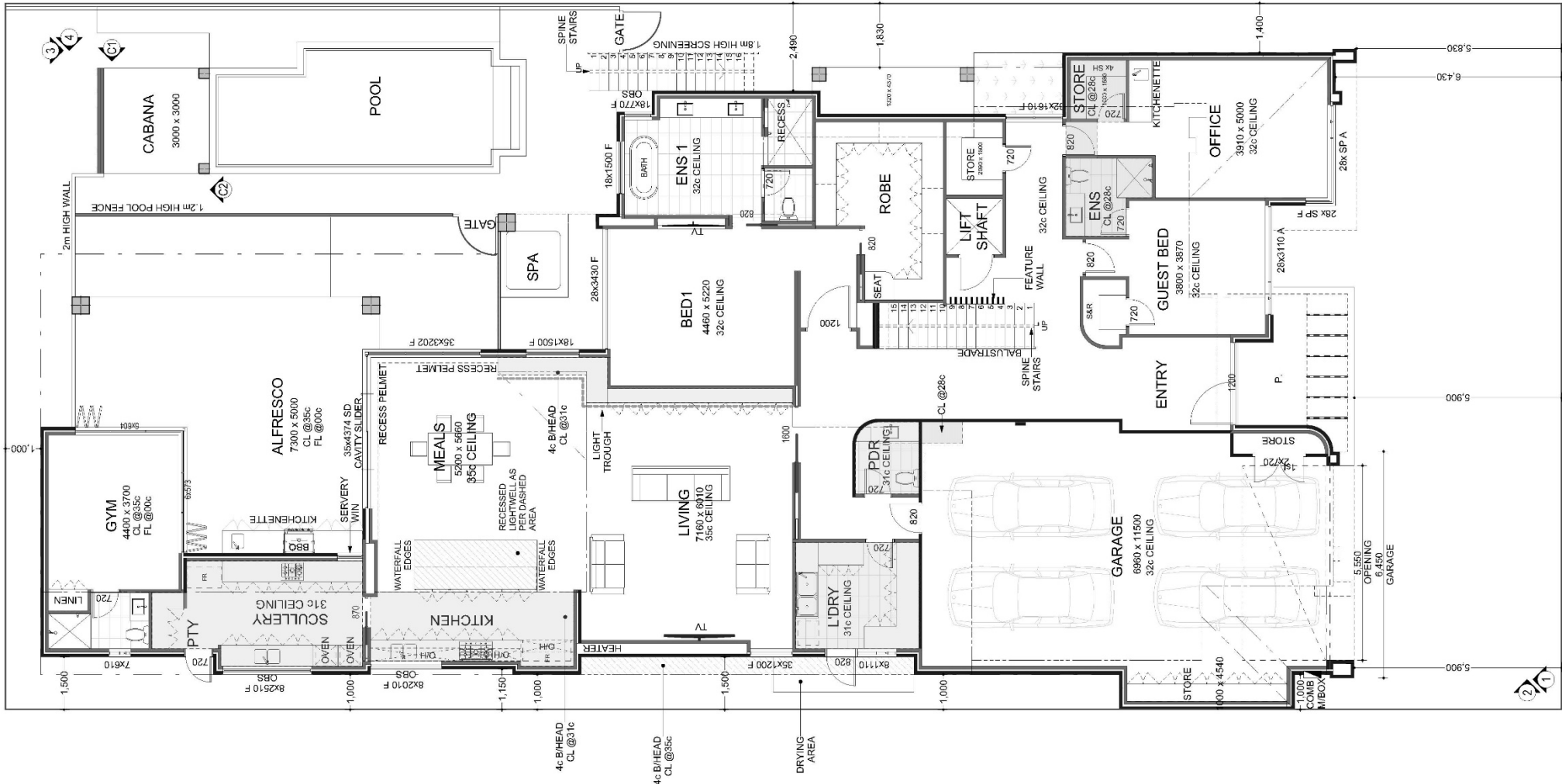
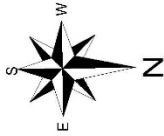




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					DATE: 06-Feb-23 DRAWN: PS SCALE: 1:100 PRINTED DATE: SHEET 5 of 8	

BUILDING AREA	
GROUND FLOOR	327.56
UPPER FLOOR	210.29
GARAGE	89.20
ALFRESCO	46.29
GYM	24.94
BALCONY	9.54
TOTAL	710.82 m²

OPEN SPACE CALC.	
GROUND FLOOR	327.56 m²
GARAGE	89.20 m²
ENC. ALF. AREA	17.95 m²
GYM	24.94 m²
TOTAL	890.00 m²
SITE AREA	890.00 m²
SITE COVER	51.65%



GROUND FLOOR PLAN
1:100



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JOB NO: 9665

DATE: 06-Feb-23

DRAWN: PS

SCALE: 1:100

PRINTED DATE:

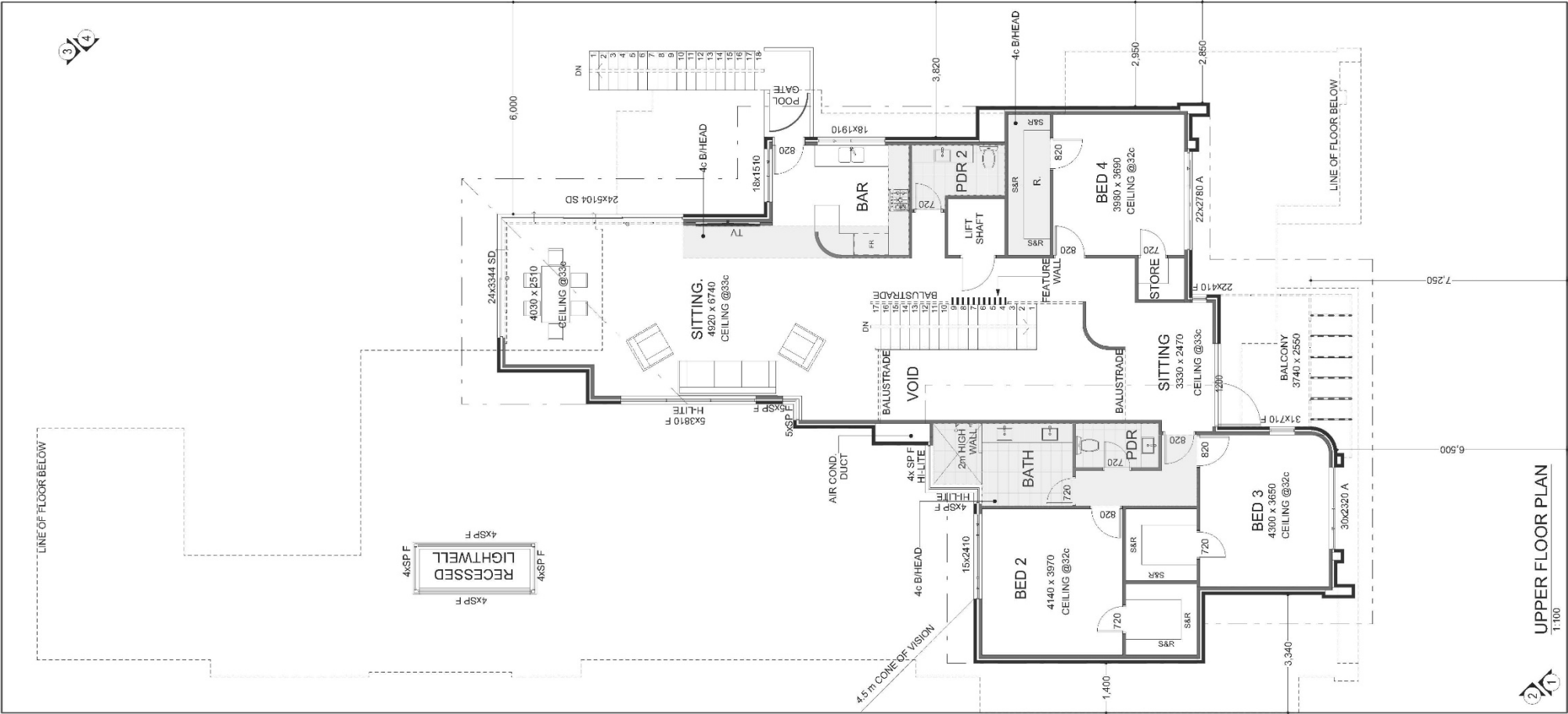
SHEET 1 of 8

PROPOSED DEVELOPMENT ON
7 VIEW TERRACE
EAST FREMANTLE

FOR CLIENT: CAROZZA

BUILDING AREA	
GROUND FLOOR	327.56
UPPER FLOOR	210.29
GARAGE	88.20
ALFRESCO	48.29
GYM	24.94
BALCONY	9.54
TOTAL	710.82 m²

OPEN SPACE CALC.	
GROUND FLOOR	327.56 m²
GARAGE	88.20 m²
ENC. ALF. AREA	17.95 m²
GYM	24.94 m²
TOTAL	890.00 m²
SITE AREA	890.00 m²
SITE COVER	51.65%





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DATE

AMENDMENTS

DWG

JOB NO: 9665

DATE: 06-Feb-23

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PRINTED DATE:

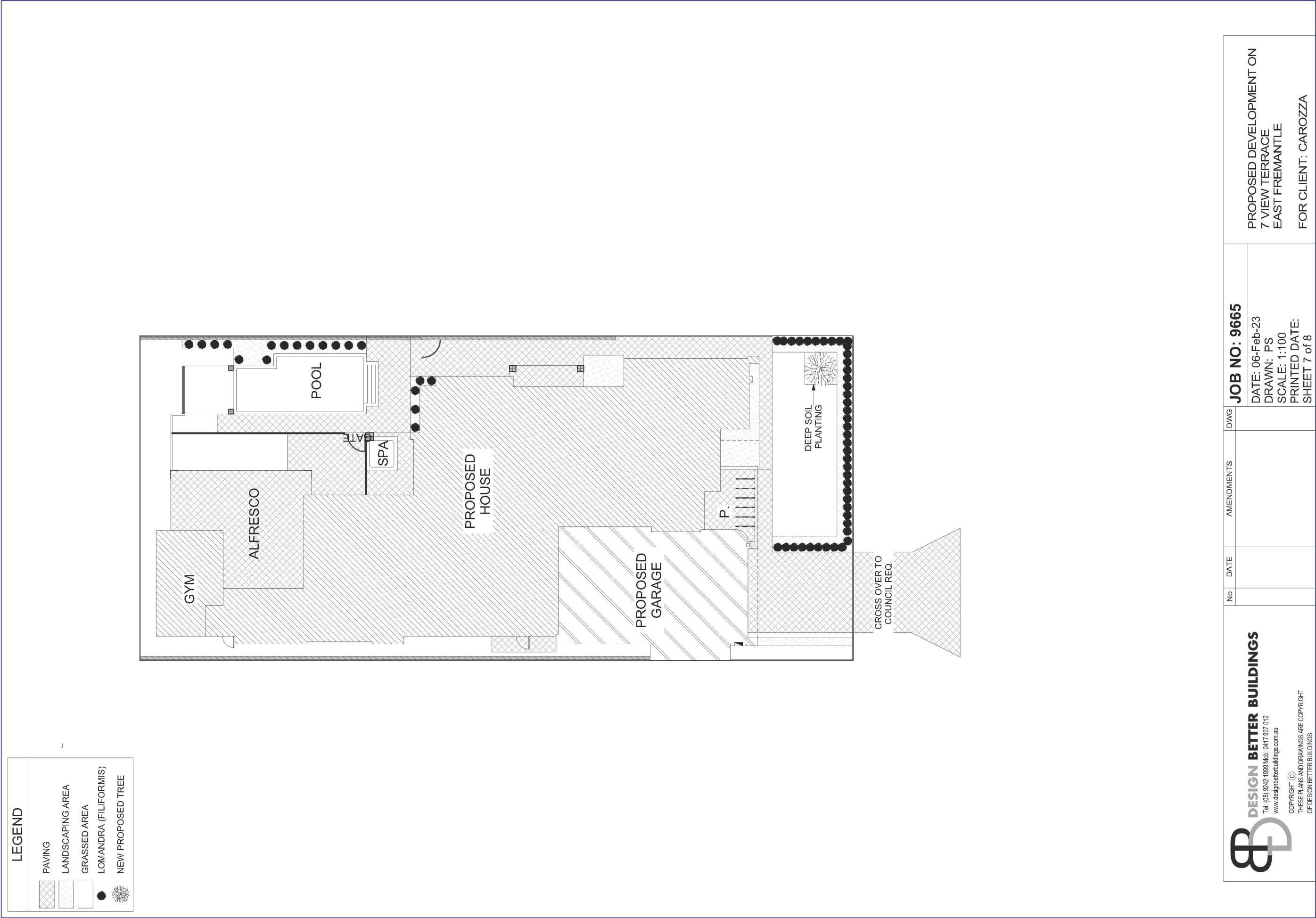
SHEET 2 of 8

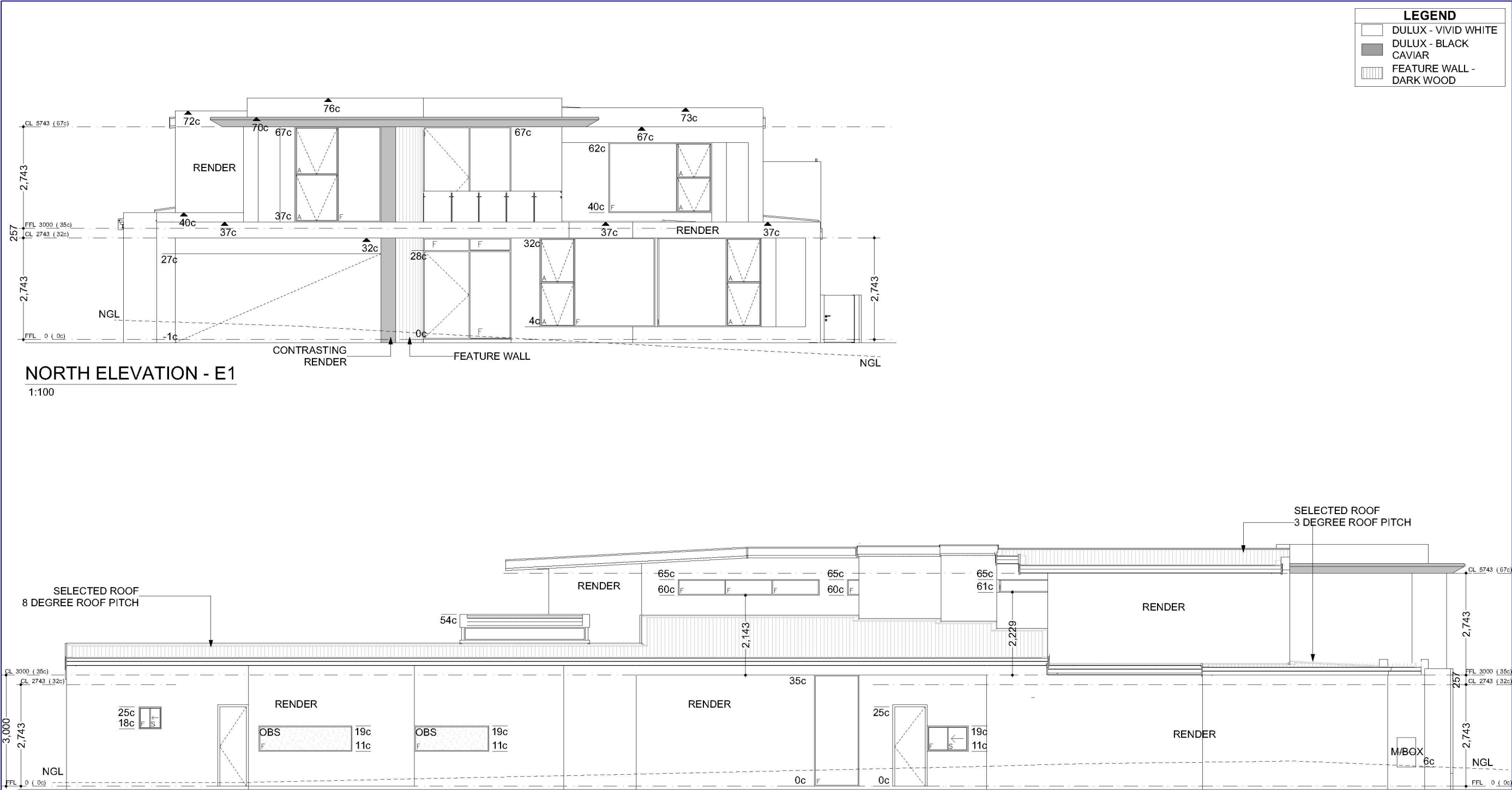
PROPOSED DEVELOPMENT ON

7 VIEW TERRACE

EAST FREMANTLE

FOR CLIENT: CAROZZA





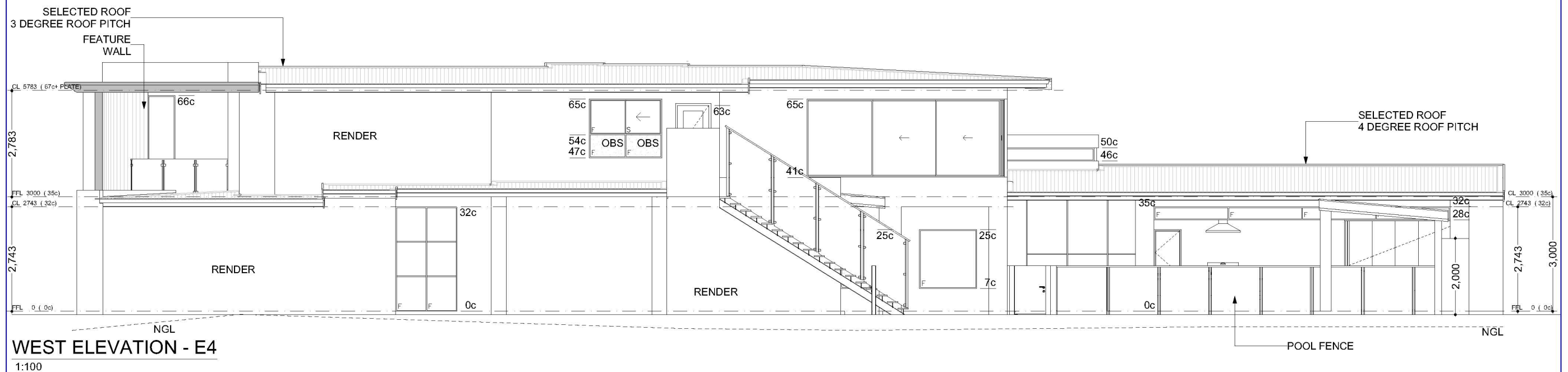
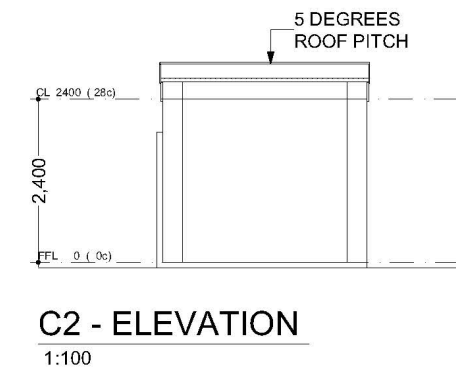
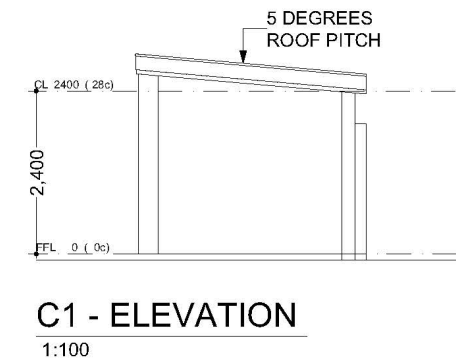
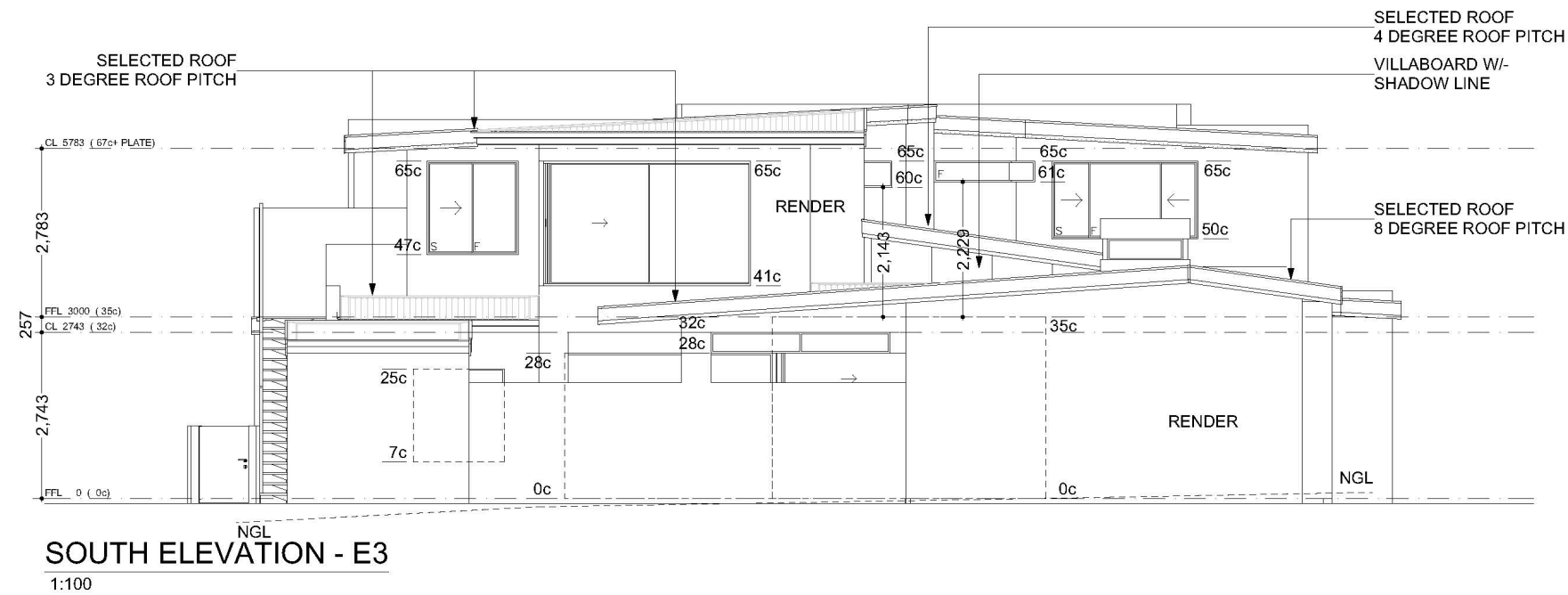
EAST ELEVATION - E2
1:100

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PRINTED DATE:
SHEET 3 of 8

PROPOSED DEVELOPMENT ON
7 VIEW TERRACE
EAST FREMANTLE
FOR CLIENT: CAROZZA



Attachment – 4



Community Engagement Checklist

Development Application P115/22 – 7 View Terrace

Objective of Engagement	Neighbour Consultation			
Lead Officer:	Regulatory Services			
Stakeholders				
Stakeholders to be Considered <i>Please highlight those to be targeted during engagement</i>	Aged	<input type="checkbox"/>	Ratepayers (all / targeted)	<input type="checkbox"/>
	Businesses	<input type="checkbox"/>	Residents (all / targeted)	<input checked="" type="checkbox"/>
	Children (School / Playground)	<input type="checkbox"/>	Service Providers	<input type="checkbox"/>
	Community Groups	<input type="checkbox"/>	Unemployed	<input type="checkbox"/>
	Disabled People	<input type="checkbox"/>	Visitors	<input type="checkbox"/>
	Environmental	<input type="checkbox"/>	Volunteers	<input type="checkbox"/>
	Families	<input type="checkbox"/>	Workers	<input type="checkbox"/>
	Govt. Bodies	<input type="checkbox"/>	Youth	<input type="checkbox"/>
	Indigenous	<input type="checkbox"/>		<input type="checkbox"/>
	Neighbouring LGs	<input type="checkbox"/>		<input type="checkbox"/>
Staff to be notified:	Office of the CEO	<input type="checkbox"/>	Councillors	<input type="checkbox"/>
	Corporate Services	<input type="checkbox"/>	Consultants	<input type="checkbox"/>
	Development Services	<input type="checkbox"/>		<input type="checkbox"/>
	Operational (Parks/Works)	<input type="checkbox"/>		<input type="checkbox"/>
Community Engagement Plan				
Methods	Responsible	Date Due	Reference / Notes	
1.1 E News	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.2 Email Notification	<input type="checkbox"/> Relevant Officer	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.3 Website	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.4 Facebook	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.5 Advert – Newspaper	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.6 Fact Sheet	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.7 Media Rel/Interview	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
2.1 Information Stalls	<input type="checkbox"/> Relevant Officer	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
2.2 Public Meeting/Forum	<input type="checkbox"/> Executive Direction	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
2.3 Survey/Questionnaire	<input type="checkbox"/> Relevant Officer	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
3.1 Focus Groups	<input type="checkbox"/> Executive Direction	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
3.2 Referendum/Ballot	<input type="checkbox"/> Executive Direction	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
3.3 Workshop	<input type="checkbox"/> Relevant Officer	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
4.1 Council Committee	<input type="checkbox"/> Executive Direction	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
4.2 Working Group	<input type="checkbox"/> Executive Direction	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
*Statutory Consultation	<input checked="" type="checkbox"/> Relevant Officer	16/01/2023	<input checked="" type="checkbox"/> Advertised to 5 surrounding properties	
#Heritage Consultation	<input type="checkbox"/> Regulatory Services	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
^Mail Out (note: timelines)	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
	<input type="checkbox"/>	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
	<input type="checkbox"/>	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Evaluation				
Summary of...		Date Due	Completed / Attached	
Feedback / Results/ Outcomes / Recommendations		16/01/2023		
Outcomes Shared				
Methods	Responsible	Date Due	Reference / Notes	
E-Newsletter	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Email Notification	<input type="checkbox"/> Relevant Officer	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Website	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Facebook	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Media Release	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Advert – Newspaper	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
	<input type="checkbox"/>			
	<input type="checkbox"/>			
Notes				

12.2 21 WALTER STREET - SEEKING APPROVAL SUBSEQUENT TO DEVELOPMENT

Owner	Jared & Claire Hopley
Applicant	Claire Hopley
Report Reference Number	TPR-1169
Planning Reference Code	P97/22
Prepared by	James Bannerman
Supervised by	Andrew Malone
Meeting date	Tuesday, 7 March 2023
Voting requirements	Simple majority
Documents tabled	Nil

Attachments

1. Location and advertising plan
2. Photos
3. Place record form

PURPOSE

The purpose of this development application is for Council to consider a development application for an approval subsequent to development for alterations to architectural pillars located in a Category B heritage property at 21 (Lot 48) Walter Street, East Fremantle.

EXECUTIVE SUMMARY

A development application was received by the Town seeking development approval for the removal and replacement of the verandah pillars at 21 Walter Street East Fremantle. The property is a Category B heritage listed property. The approval was sought *after* the works had been carried out.

This application was considered by Town Planning Committee in December 2022 and it was resolved to defer the determination of the application to enable the applicant to provide a Heritage Impact Assessment.

It is recommended the application is refused.

BACKGROUND

Zoning	Residential R17.5
Site Area	911m ²
Heritage	Category B
Fremantle Port Buffer	N/A
Previous Decisions of Council and/or History of Issue Onsite	Nil

CONSULTATION

The proposed development was not advertised as it has no direct impact on the neighbouring property owners or dwellings

Community Design Advisory Committee

This application was not provided to the Community Design Advisory Committee (CDAC) as administration has determined at this time it is not appropriate to undertake the CDAC meeting because of restrictions and risks associated with the Covid virus.

External Consultation

Nil

Internal Consultation

Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Residential Design Codes (Volume 1)
Local Planning Scheme No 3

POLICY IMPLICATIONS

Residential Design Guidelines

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The Town of East Fremantle Strategic Community Plan 2020-2030 states as follows;

Built Environment

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

3.1 Facilitates sustainable growth with housing options to meet future community needs.

3.1.1 Advocate for a desirable planning and community outcome for all major strategic development sites.

3.1.2 Plan for a mix of inclusive diversified housing options.

3.1.3 Plan for improved streetscapes.

3.2 Maintaining and enhancing the Town's character.

3.2.1 Ensure appropriate planning policies to protect the Town's existing built form.

3.3 Plan and maintain the Town's assets to ensure they are accessible, inviting and well connected.

3.3.1 Continue to improve asset management within resource capabilities.

3.3.2 Plan and advocate for improved access and connectivity.

RISK IMPLICATIONS

A risk assessment was undertaken and the risk to the Town in determining this application was deemed to be negligible.

SITE INSPECTION

A site inspection was undertaken.

COMMENT

Statutory Assessment

A development application was received by the Town seeking development approval for the removal and replacement of the verandah pillars at 21 Walter Street, East Fremantle. The approval was sought after the works

had been carried out. The property is a Category B heritage listed property. The application was considered by the Town Planning Committee in December 2022 and deferred to allow the applicant to engage a consultant to provide a Heritage Impact Assessment.

In November 2021 a meeting was held with the applicant regarding concerns about the lack of safety fencing around a swimming pool at 21 Walter Street. In the process of departing the property, it was noted that works appeared to have been commenced around the dwelling which is a Category B heritage listed dwelling. Under the Planning and Development (Local Planning Schemes) Regulations 2015 (as amended) it is a requirement that all dwellings that are heritage protected due to their inclusion on the Town's heritage list, are required to have a development application submitted for proposed works. The applicant was advised of the requirements for a development application to be submitted.

A meeting was subsequently held at the Council offices with the applicant to explain the requirements for a development application and also a building permit for all works undertaken on heritage listed properties.

Numerous letters and emails were subsequently sent to the applicant/owners informing them of the requirement to submit a development application for all works being undertaken on site. Despite extensive attempts with the applicant to emphasise the requirement to follow due process and ensure that approvals for development were in place prior to works being undertaken, as well as requests for further information, the applicant failed to respond in a timely manner and provide requested information. The applicant has displayed a blatant disregard for responding to Council advice and protection of the heritage elements of the subject dwelling by ignoring the advice given.

It is noted that the owners were notified of the heritage listing of the property via the orders and requisitions letter (dated 6 December 2019) that was requested by the settlement agents as part of the property settlement. The document clearly stated that the property was a Category B heritage listed property and the Place Record Form was included with the correspondence.

When people purchase properties in East Fremantle it is for a range of reasons including the prevalence of heritage properties and traditional streetscapes. In this case the dwelling is located in Richmond precinct which has numerous heritage properties. The Town actively tries to protect existing listed heritage properties and the streetscapes. At the same time the Town's officers work with owners and developers to allow heritage properties to be renovated and modernised to ensure that the dwellings are more liveable, but still demonstrate heritage characteristics. The Town is happy to consider design proposals which allow people to develop a heritage dwelling to allow it to be brought into the 21st century and ensure that heritage elements are retained and contemporary housing features are added.

However, the changes that have been undertaken by the applicant/owners are considered completely unacceptable. The works were undertaken without formal approval and it has changed the aesthetics of the dwelling. The modification to the front verandah is not acceptable as it is a fundamental element of the design which sets it apart from other Federation, Edwardian and interwar heritage buildings in the surrounding streets. The barley twist verandah posts were rare in the street and a key characteristic of the Interwar Spanish Mission style house that is 21 Walter Street. The place record clearly states:

No 21 Walter Street is a single storey house constructed in limestone, brick and rendered brick with a hipped tiled roof. It is a very fine expression of the Inter-War Spanish Mission style. It is asymmetrically composed with a part width arcaded porch. The porch sits proud of the house and is supported on barley twist columns. There is a pair of front doors flanked by sets of casement windows. There is a sunhood over the northern set of windows. The place sits on limestone foundations. The lower walls to the front facade are face brick and rendered above sill height. A soldier course header divides the face brick and rendered sections. The side elevations are rendered. The roofscape features a rendered chimney.

The Statement of Significance continues:

The place retains its form and most of its details. There are additions to the rear.

The place is consistent with the building pattern in the Precinct. The place plays an important role in the pattern of development of a middle-class suburb.

The place has considerable aesthetic value as a fine Inter-War Spanish Mission style house. The place retains a moderate to high degree of authenticity and a high degree of integrity.

From the point of view of aesthetics, the Place Record states:

No 21 Walter Street has considerable aesthetic value as a fine Inter-War Spanish Mission style house. It retains most of the characteristic features of a dwelling of the type and period.

It goes on to say that:

No 21 Walter Street has some social value. It is associated with a significant area of middle class Federation and Inter-War period development which contributes to the community's sense of place.

The Place Record clearly states:

No 21 Walter Street is in good condition.

No 21 Walter Street retains a high degree of integrity.

And

No 21 Walter Street retains a moderate to high degree of authenticity.

The changes that have been undertaken by the applicant/owner clearly degrade the integrity and the authenticity of the heritage elements of the dwelling.

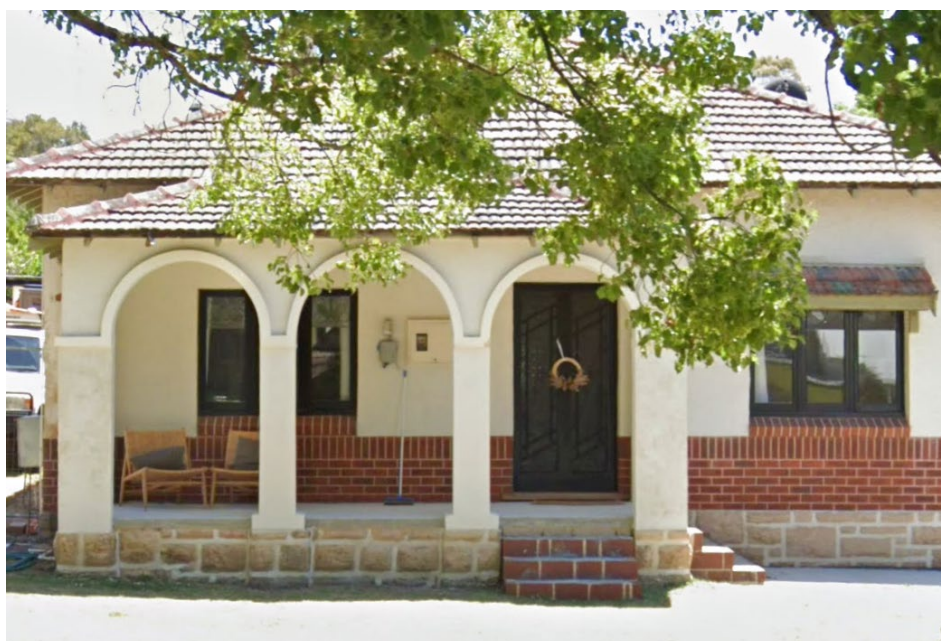
The works that have been undertaken are clearly visible from the street. The barley twist verandah supports are no longer in place or have been hidden and have been replaced with plastered columns. The aesthetic look of the barley twist columns characterises the Inter-war Spanish Mission style dwellings and without them this is lost forever. Even if the owners do not appreciate the look of the Spanish mission style dwelling it is a responsibility and requirement that the verandah supports were retained. The Town typically does not support changes to the front façade of heritage dwellings and the Residential Design Guidelines requires that additions and alterations are completed to the rear of existing dwellings and have minimal impact to the dwelling and the streetscape.

Photos have been included from Google Streetview that show the changes that have been undertaken to the front verandah. Subsequent photos taken on 9 November 2022 and included within the attachments show that there have been further changes undertaken to the property including the addition of new steps off the front verandah. The Town cannot verify whether any other changes have been made to the property externally or internally.

Before Development – April 2021



After Development – December 2021



Ms Hopley at the Town Planning Committee Meeting in December indicated that the verandah pillars were still intact and only clad and rendered. In this instance reinstatement of the pillars and verandah would be an easy exercise.

Since the Town Planning Committee Meeting in December 2022, the applicant has not contacted the Town to discuss the matter further. It is disappointing that the applicant/owner has taken so long to respond to repeated requests to engage with the Town prior to and after the Committee meeting and respond appropriately with issues regarding 21 Walter Street. If the posts were in poor condition at no stage has evidence been provided of problems with the posts in terms of their structural integrity.

Given that the applicant/owners have changed a fundamental feature of the Category B heritage dwelling it is recommended that the proposed development application subsequent to development be refused and the Town instructs the applicant/owners to have a full heritage impact assessment undertaken and reinstate the original pillars to remediate the works that has already been done to the heritage dwelling.

It is noted that despite a request to have the applicant/owner provide plans and building/ engineering information of the works that have been undertaken, no plans or information were submitted as part of the development application or subsequent to the Committee's deferral. No justification for the works has been provided. Indeed, with the exception of the application, the applicant has not liaised with the Town nor demonstrated any remorse for the works undertaken. It is suggested the only reason an application was submitted was because the Town had indicated that further action would be undertaken should a development application not be submitted.

It is also noted that the applicant/owners have submitted 12 letters from surrounding property owners that support the change to the verandah pillars. Although this is the case, the Town cannot allow owners to undertake changes to heritage listed properties without following due process and seeking the formal approval of the Town. Alterations and additions to existing heritage listed dwellings require the approval of the Town, irrespective of whether the neighbouring property owners support the changes or not. The works undertaken have no amenity impact to adjoining neighbours. However, as stated previously, the works that have been undertaken have removed the key and distinctive Spanish mission style verandah posts.

The photographs also show that stairs have been added to the front of the verandah which were never approved and is considered to detract from the original verandah. As a result, a requirement has been included in the final recommendation that the new stairs are to be removed. This is commensurate with the concern that the Town has that all significant works undertaken on a heritage listed property are considered and ultimately approved by the Town before they are undertaken.

At the Town Planning Meeting on 6 December, the Committee resolved:

That the matter be deferred until the March 2023 meeting to allow the applicant the time to seek a Heritage Impact Assessment.

It is noted that an email was received from the applicant/owner on 15 February 2023 stating that they were not in a financial position to have a Heritage Impact Assessment prepared and that in their view the house still remained an example of an Inter-War Spanish style building.

Notwithstanding the financial position of the applicant, no attempt to discuss the matter or concerns of administration were made regarding the proposal since the matter was deferred. Given that significant time has now passed since actions were taken by the applicant/owner to undertake works that were never approved and there does not appear to be any attempt to remedy the works, it is recommended that the Town pursues the existing recommendation as provided.

CONCLUSION

The Town of East Fremantle takes its responsibilities with regards to heritage protection seriously and it is without doubt why the Town is a sought after locality for property purchasers. The Town is supportive of renovation of heritage properties and additions that are completed in accordance with both the Burra Charter and the Hercon requirements. In this case, no formal discussions regarding changes to the dwelling were held before the works were undertaken and the works were completed irrespective of the Town's requirements and requests to submit a development application for any works.

Therefore, the development application to gain approval for the change to the front verandah pillars is recommended for refusal and a further recommendation is made to have the original or replica posts reinstalled

to return the Category B heritage dwelling at 21 Walter Street East Fremantle as close as possible to its original verandah form. Photographic evidence must be presented to the Town that demonstrates that the work is completed. In addition, the owners are requested to have a heritage impact assessment of the whole dwelling completed to verify the state of the dwelling and ensure that the current state of the dwelling is on record with the Town. The heritage assessment is also requested to ensure the works are reinstalled as per heritage best practice. Failure to complete the required works and additional requirements will result in the Town undertaking legal action against the property owners. The Town requires that all property owners abide by the requirements set out in the Planning and Development Act 2005 and associated regulations.

OFFICER RECOMMENDATION / COMMITTEE RESOLUTION

12.2 OFFICER RECOMMENDATION

That Council:

1. **Refuse the proposed approval subsequent to development (removal of original barley twist verandah posts and replacement with plastered piers) at 21 (Lot 48) Walter Street, East Fremantle in accordance with the application submitted 1 October 2022 for the following reasons;**
In the opinion of the Town the proposed development conflicts with provisions of Clause 67 of the Planning and Development (Local Planning Scheme) Regulation 2015:
 - (a) the aims and provisions of this Scheme;
 - (b) the requirements of orderly and proper planning;
 - (g) any local planning policy for the Scheme area;
 - (k) the built heritage conservation of any place that is of cultural significance;
 - (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
 - (m) the compatibility of the development with its setting, including —
 - (i) the compatibility of the development with the desired future character of its setting;
 - (n) the amenity of the locality including the following —
 - (ii) the character of the locality;
 - (zb) any other planning consideration the local government considers appropriate.
2. **Requires the applicant/ owner to engage a qualified heritage consultant or heritage architect to complete a heritage impact assessment of the whole dwelling. The heritage consultant is to provide advice in the heritage impact assessment regarding best practice heritage processes for the restoration of the pillars. A copy of the heritage impact assessment is to be submitted to the Town within the next 90 days.**
3. **Requires the applicant/ owner to remove the current plastered verandah pillars and reinstate/restore the original verandah pillars within the next 120 days.**
4. **Requires the applicant/owner to remove the current stairs located at the front of the verandah and restore the limestone footings directly behind these stairs within 120 days.**
5. **Provide written and photographic evidence of completion of remediation works to the Town within 7 days after completion of the restoration of the verandah pillars.**
6. **An application for a BA13 (application for building approval certificate) and BA18 (certificate of building compliance) is to be completed by a private building surveyor appointed by the property owners and submitted to the Town for works to be completed.**

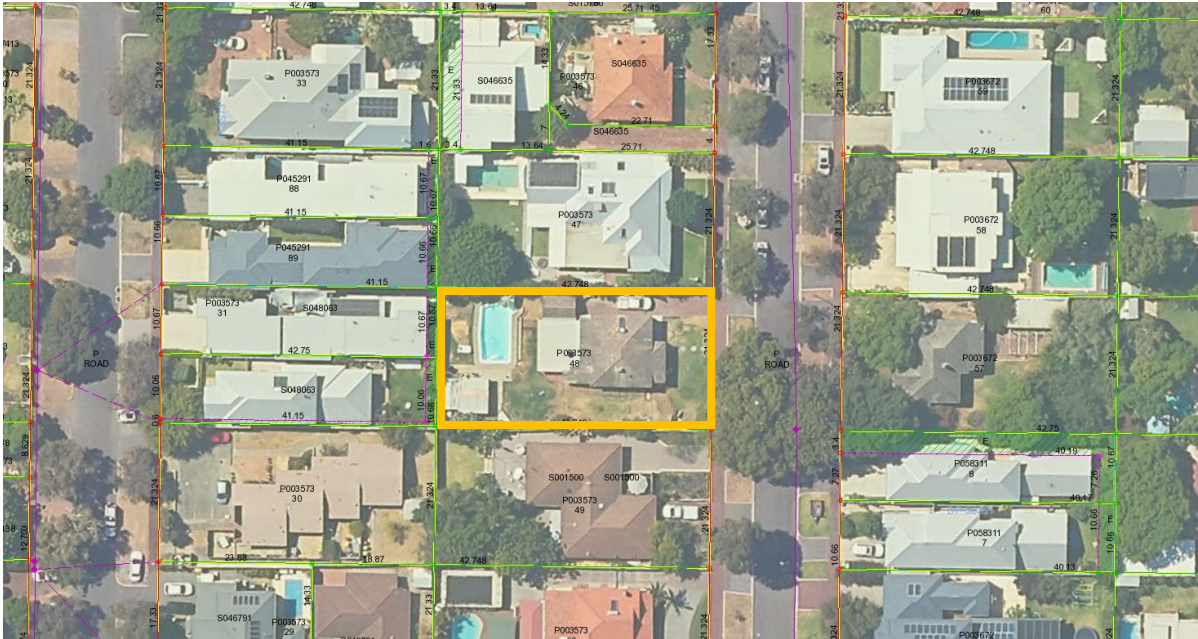
Advice note:

1. ***Failure to complete 2 and 3 above will require the Town to undertake additional actions which may include legal proceedings against the owners in accordance with section 222 of the Planning and Development Act (2005).***

REPORT ATTACHMENTS

Attachments start on the next page

21 Walter Street – Location Plan



21 Walter Street – Photos



PLACE RECORD FORM

PRECINCT	Richmond
ADDRESS	21 Walter Street
PROPERTY NAME	N/A
LOT NO	Lot 48
PLACE TYPE	Residence
CONSTRUCTION DATE	C 1937
ARCHITECTURAL STYLE	Inter-War Spanish Mission
USE/S	Original Use: Residence/ Current Use: Residence
STATE REGISTER	N/A
OTHER LISTINGS	N/A
MANAGEMENT CATEGORY	Category B
PHYSICAL DESCRIPTION	<p>No 21 Walter Street is a single storey house constructed in limestone, brick and rendered brick with a hipped tiled roof. It is a very fine expression of the Inter-War Spanish Mission style. It is asymmetrically composed with a part width arcaded porch. The porch sits proud of the house and is supported on barley twist columns. There is a pair of front doors flanked by sets of casement windows. There is a sunhood over the northern set of windows. The place sits on limestone foundations. The lower walls to the front facade are face brick and rendered above sill height. A soldier course header divides the face brick and rendered sections. The side elevations are rendered. The roofscape features a rendered chimney.</p>

The place retains its form and most of its details. There are additions to the rear.

The place is consistent with the building pattern in the Precinct. The place plays an important role in the pattern of development of a middle-class suburb.

HISTORICAL NOTES

In September 1883 Stephen Henry Parker and James Morrison of Perth commenced subdivision of 65 acres of land to the north of Canning Road. The subdivision occurred at Swan Locations 63, 176, 219 and the south - western portion of Swan Location 306. The subdivision included Preston Point Road, Alcester Gardens, Wolsely Gardens, Victoria Road, Alexandra Road, Parry Avenue, and Salvado Avenue.

The Richmond Precinct was owned by Walter Easton and was named after the town of Richmond where Easton lived in England. In 1901 Easton's sons subdivided Windsor Estate. New streets to the subdivision of the Windsor Estate were named after various members of the Easton family; Walter, Gill, Stratford and Morgan (later Osborne Road).

Initially lot sizes were generous but sold at a slow rate. The initial development of the Richmond Precinct occurred at Canning Highway and Preston Point Road. Substantial residences were developed on these streets giving precedence to the future development of Richmond. The distinct architecture of Canning Highway and Preston Point Road distinguish Richmond from the surrounding area.

By 1913 there were approximately 40 residences in the area between Preston Point Road and Alexandra Road. Osborne Road, Windsor Road and Gill Street had several buildings apiece by 1913. By 1931 approximately half the lots were developed. In 1921 Richmond Primary School was developed between Windsor and Osborne Road and several Inter-War residences were developed in the immediate area. In the 1930s the Workers' Homes' Board developed a number of weatherboard, asbestos, brick and tiled residences. Inter-War style front porches were preferred over Federation style full width verandahs.

Redevelopments have occurred throughout the Richmond Precinct. Large lot sizes have allowed Richmond to be subject to the redevelopment of group and multiple housing. However, significant clusters of heritage dwellings remain throughout.

OWNERS

Unknown

HISTORIC THEME

Demographic Settlements - Residential Subdivision

CONSTRUCTION MATERIALS

Walls – Limestone, brick and rendered brick

Roof – Tiles

PHYSICAL SETTING

The residence is situated on a gently sloping site with lawned gardens. There is a concrete kerb to the lot boundary.

STATEMENT OF SIGNIFICANCE

No 21 Walter Street is a single storey house constructed in limestone, brick and rendered brick with a tiled roof. It has historic and aesthetic value for its contribution to Richmond's high concentration of predominantly Federation and Inter-War period houses and associated buildings. The place contributes to the local community's sense of place.

The place has considerable aesthetic value as a fine Inter-War Spanish Mission style house. The place retains a moderate to high degree of authenticity and a high degree of integrity.

The additions to the rear have no significance.

AESTHETIC SIGNIFICANCE

No 21 Walter Street has considerable aesthetic value as a fine Inter-War Spanish Mission style house. It retains most of the characteristic features of a dwelling of the type and period.

Attachment -2

HISTORIC
SIGNIFICANCE

No 21 Walter Street has some historic value. It was part of the suburban residential development associated with the expansion of East Fremantle and the subdivision of Walter Easton's Estate from 1901.

SCIENTIFIC
SIGNIFICANCE

N/A

SOCIAL
SIGNIFICANCE

No 21 Walter Street has some social value. It is associated with a significant area of middle-class Federation and Inter-War period development which contributes to the community's sense of place.

RARITY

No 21 Walter Street is not rare in the immediate context but Richmond has rarity value as a cohesive middle-class suburb.

CONDITION

No 21 Walter Street is in good condition.

INTEGRITY

No 21 Walter Street retains a high degree of integrity.

AUTHENTICITY

No 21 Walter Street retains a moderate to high degree of authenticity.

MAIN SOURCES

13 MATTERS BEHIND CLOSED DOORS

Nil

14 CLOSURE OF MEETING

There being no further business, the Presiding member declared the meeting closed at pm