



MINUTES

Town Planning Committee Tuesday, 5 September 2023 at 6:30 PM

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MINUTES

1 DECLARATION OF OPENING OF MEETING/ANNOUNCEMENTS OF VISITORS

Presiding member opened the meeting at 6.30 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, present and emerging”

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 K Donovan	
A Malone	Acting, Chief Executive Officer
C Catchpole	Acting Executive Manager, Regulatory Services
K Culkin	Minutes Secretary

15 members of the public were present in the gallery.

4.2 APOLOGIES

Nil

4.3 APPROVED LEAVE

Cr A White

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

7.2.1 MS JANE STALLARD AND MR BEN KILLERBY – 130A GEORGE STREET – ITEM 12.5 - 128 & 128A GEORGE STREET

Ms Stallard submitted the following questions which have been responded to by the Acting Executive Manager of Regulatory Services

1. How is it considered the exceedance in wall height and overall height to three storeys is of negligible amenity impact to the immediate adjacent properties?

It is considered the wall height and overall height has negligible impacts on the amenity of the neighbouring property as the height does not impact on the access to sunlight for the neighbouring property at 12 noon on the winter solstice when the sun is at its lowest point as the neighbouring property is still able to access sunlight from the north. The plans indicate that 128A George Street will overshadow the footpath and the road and would not limit the adjoining property's access to sunlight at this time.

The wall height of 128A George Street is stepped down from the front boundary so the rear yard of 130A George Street is impacted less by the parapet wall height. The maximum height of 10.494m including the roof is 17.6m from the front boundary, dropping to 9.257m a maximum of 20.6m from the front boundary, then 6.428m no more than 25m from the front boundary. The remaining 10.7m of the rear yard is 4.5m or less above ground level. This section coincides with the rear yard of the neighbouring property and ensures that the rear yard of 130A George Street has less impact from the wall and roof height and ensures that a certain amount of openness is retained at the rear of the property.

It is noted that 130A George Street has a parapet wall that is 2 storeys high and a minimum of 6.5m from ground level (above permitted height) for the first 19.2m from the property boundary.

The lack of openings in the proposed side wall (eastern elevation) of 128A George Street contains noise and activity to within the building and limits its impact elsewhere. Visual privacy screening is proposed to be installed in the opening facing the neighbouring eastern property and this will be installed in accordance with the Residential Design Code Vol 1 deemed to comply requirements to maintain visual privacy.

Unlike the western side of the property there is no proposed access lane to the rear parking area so it is considered there will be minimal impact from moving vehicles on 130A George Street.

The proposed height will allow solar panels and air conditioning units and other external features to be more easily hidden from view of 130A George Street.

- 2. Plot ratio attributes to the bulk and scale of development. Accordingly, a variation from 0.5 to 1.05 Plot Ratio is excessive and is not justifiable by mentioning the development contains a home office component. How is the substantial exceedance in plot ratio justified?**

Although this is above the permissible plot ratio it is considered to be supportable for a development of this nature in a commercial area which encompasses a residential and home office component. In this case the additional floor space is not considered to result in a building of excessive bulk and scale, as adequate open space and landscaping is provided on the site.

The development is bulkier towards the front of the site but is stepped down towards the rear which reduces the direct impact on the neighbouring property which is 2 storeys (130A George Street) and also utilises parapet walls above the maximum allowable height on the boundary. Any increase in height while retaining a large footprint will result in an increase in plot ratio, therefore the above comments in relation to height also have relevance.

- 3. What is the exact specification in terms of the location of the screening; material; size; and permeability of the screening to the immediate adjacent residence at 130A George Street to the east?**

The screening will be as outlined on the plans (across the face of the opening) in the location indicated; a minimum of 1.6m from the finished floor level, 75% obscure, permanent, durable and limit viewing towards the neighbouring property, balcony, and yard. Provided the screening meets the aforementioned requirements the materials are at the discretion of the owner. This privacy treatment achieves the deemed to comply requirements of the Residential Design Codes Vol 1 and as a result no further changes are required to this opening or the privacy treatment.

If there are changes to the design then the Town is to be notified. A condition has been included in the final recommendation which states as follows:

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.

- 4. Will the parapet wall finish to the eastern boundary with the immediate adjacent residence at No.130A be of clean white brick face finish or rendered finish?**

The plans state that the wall will be white face brick.

Furthermore, the Officer's recommendation includes conditions of development approval which state that:

Prior to the submission of the building permit application, the applicant is to submit final details of the materials, colours and finishes of the exterior of the building, including a sample board, to the satisfaction of the Town.

And

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.

5. If the Council approves this development, will the Council impose a condition in relation to the air conditioning units that the development complies with the Environmental Protection (Noise) Regulations 1997?

A condition regarding air conditioning is not recommended to be imposed as air conditioning is not a planning framework factor applied in the assessment of the proposed development. Noise levels from the air conditioning units of a proposed development cannot be accurately calculated until the air conditioning is in place and operating. In addition, if the Town is advised of any concerns relating to air conditioning noise the matter will be investigated to determine if compliant or otherwise and, an advisory note is included in the final recommendation that states that noise produced from the air conditioning units shall comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).

Also, an additional condition is included in the Officer recommendation that states:

Any proposed external fixtures including, but not limited to television and radio antennae, satellite dishes, solar panels, air conditioners, hot water systems and the like shall be integrated into the design of the building and located or screened to minimise any visual and noise impact on the residents of the neighbouring properties and public realm, with details of the location and screening of such plant and services being submitted to and approved by the Town.

It is noted that the properties along George Street are within Area 2 of the Fremantle Port Buffer Zone, as well as within 200m of Stirling Highway. Combined with the fact that the area is a Mixed Use zone so commercial activities can be undertaken in the area alongside residential development this results in noise potentially impacting on residents and users of the area. Potential noise is not limited to this development alone and this is recognised in the final recommendation with conditions being included that require notification to be included on the property title relating to noise and activities from the port and vehicle traffic from the highway and measures having to be undertaken in the construction of the building that mitigate noise inside the development.

8 PRESENTATIONS/DEPUTATIONS

8.1 PRESENTATIONS

Nil

8.2 DEPUTATIONS

Deputations took place at the commencement of discussion of each item.

9 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 TOWN PLANNING COMMITTEE (4 JULY 2023)

9.1 OFFICER RECOMMENDATION

Moved Cr Nardi , seconded Cr Natale

That the minutes of the Town Planning Committee meeting held on 4 July 2023 be confirmed as a true and correct record of proceedings.

(CARRIED UNANIMOUSLY)

10 ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil

11 REPORTS OF COMMITTEES

Nil

12 REPORTS OF OFFICERS (COMMITTEE DELEGATION)

12.1 6 FRASER STREET - ALTERATIONS AND ADDITIONS TO EXISTING DWELLING

Owner	Tegan Fife
Applicant	Gerard McCann Architect
Report Reference Number	TPR-1604
Planning Reference Code	P029/23
Prepared by	James Bannerman, Planning Officer
Supervised by	Christine Catchpole, Acting Executive Manager Regulatory Services
Meeting date	Tuesday, 5 September 2023
Voting requirements	Simple majority
Documents tabled	Nil

Attachments

1. Location and advertising plan
2. Photos
3. Plans submitted 6 July 2023
4. Written deputation by applicant following Council Meeting 15 August 2023
5. Place Record Form – Category A – LPS 3 Heritage List
6. Community engagement checklist

PURPOSE

The purpose of this report is for the Council to consider a development application for alterations and additions to an existing heritage listed building at 6 (Lot 53) Fraser Street, East Fremantle.

EXECUTIVE SUMMARY

This development application proposes alterations and additions to an existing Category A heritage listed dwelling located at 6 (Lot 53) Fraser Street, East Fremantle. The works are predominantly related to the exterior of the building and in the side yard (along Staton Road). There are also some internal works that include a redesign of the existing bathroom and ensuite, replacement of windows and doors that were added in the 1960s and 1970s and ameliorating issues around deteriorating verandah materials.

A pool and covered outdoor area (patio) is proposed along with a new storage area under the patio in the location of the current parking bays. This area is to be significantly filled and elevated above the existing levels and a high limestone retaining wall is proposed for the Staton Road frontage. A clear glass pool barrier is to be installed on top of the retaining wall. The car parking area is to be relocated towards the south of the dwelling. A laundry is to be built under the existing roof of the south eastern section of the existing verandah. Existing windows under the verandah facing Staton Road are to be filled with limestone and a retaining wall added along the existing western wall. The western facing verandah is to be opened by removing the existing balustrading and adding two sets of steps from the verandah; one facing west leading to the proposed pool and patio and another on the south western corner leading down to the car bays. The front yard is to be enclosed with a new picket fence on the Fraser Street boundary. The existing truncation on the corner of the site is being reduced in length from ~7.3m to 3m and some new planting is to be undertaken.

There are four variations that are requested to the requirements of the Residential Design Codes and the Residential Design Guidelines. The following two variations can be supported:

- (i) Clause 5.2.4 – Residential Design Codes – Sightlines – 1.5m truncation or wall height reduced to 0.75m required, visually permeable gate and fence to 1.8m provided; and
- (ii) Clause 3.7.8.3- Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, less than 28 degrees provided.

The remaining two variations listed below cannot be supported for the reasons outlined in the report:

- (iii) Clause 5.3.7 – Residential Design Codes – Site Works –Retaining and fill to be in accordance with Table 4; 1.5m setback for retaining and fill proposed for a wall 20.5m long; 3.0m setback required; and
- (iv) Clause 3.7.3.3 – Residential Design Guidelines – Development of Existing Buildings (retaining and fill) – streetscape presence of heritage building to be retained.

Deferral of Determination at Council Meeting 15 August 2023

The development application was originally presented to the Ordinary Council Meeting of 15 August 2023 with a recommendation for approval subject to the plans being amended to indicate a 3.0m retaining wall setback from Staton Road. Council deferred its determination to the next Town Planning Committee meeting on 5 September 2023 to allow time for consideration of the concerns in relation to this setback raised in a deputation by the owner and architect (refer to Attachment 4). The applicant has disputed the Town’s interpretation of the R-Codes as applied to the assessment of the application and therefore the requirement for the 3m setback.

Given the applicant’s deputation, the Town sought clarification from the Reform, Design and State Assessment section of the Department of Planning; Lands and Heritage (DPLH). This section of the DPLH provides policy interpretation advice to local government with respect to State Planning Policy 7.3 – R-Codes Vol 1. A written response to the Town stated that the setbacks required under Table 1 (secondary street setback), as well as those in Table 4 were applicable to the assessment of the application, therefore the required setback is a total of the two setbacks, resulting in a 4.5m setback from the Staton Road boundary being required to meet the deemed to comply provisions.

Given the written advice of the DPLH in regard to the interpretation of the R-Codes, the Town maintains its view that the overall visual and physical impact of the scale and height of the retaining wall should be minimised as much as possible. Maintaining the openness of gardens and a streetscape presence for dwellings is considered important and therefore the 3m setback should apply where it is deemed required. However, the Town is prepared to consider the 3m setback be applied for a reduced length of the wall for a distance of at least 11.6m along the Staton Road frontage. That is from the southern edge of the retaining wall to the corner of the pool fencing on top of the retaining wall (i.e., to where the retaining wall is approximately 2m high and is setback 1.5m from the boundary). This will achieve some variation to the face of the wall, reduce its impact on the street and allow for landscaping. These matters are discussed in greater detail in the Comments section of the report.

The Town is trying to lessen the impact of the construction of a very high imposing blank wall with no articulation (with pool barrier fencing on top) along most of the Staton Road frontage on what is a prominent corner with a heritage listed dwelling. In light of the report’s comments, it is recommended Council support the application and require a 3m setback for the retaining wall (for a specific length of 11.6m) in addition to the other recommended conditions in the Officer’s report. However, if the Town Planning Committee is of the opinion that that retaining wall as indicated on the plans (i.e., a 1.5m setback) should be supported then it is recommended that the specific landscaping conditions listed in the Comment section of the report be imposed.

BACKGROUND

Zoning	Residential R17.5
Site Area	1,462m ²
Heritage	Category A
Fremantle Port Buffer	N/A
Previous Decision of Town and/or History of Issue Onsite	N/A

CONSULTATION

Advertising

The proposed development was advertised from 17 April to 8 May 2023. No submissions were received.

External Consultation

Nil

Internal Consultation

The development application was referred to the Operations Department of the Town. Relevant advice was included as conditions or advice notes in the final recommendation of this report.

STATUTORY ENVIRONMENT

Planning and Development Act 2005
 Residential Design Codes (Volume 1)
 Local Planning Scheme No. 3 (LPS 3)
 LPS 3 Heritage List – Category A

POLICY IMPLICATIONS

Local Planning Policy 3.1.1 – Residential Design Guidelines
 Local Planning Policy 3.1.8 – Wood Encouragement – General

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			N/A
Secondary street setback (Table 1)	1.5m	1.5m	A
Garage setback			N/A
Minor incursions			N/A
Lot Boundary Setbacks			
Southern wall – covered outdoor area	1m	>1m	A
Southern wall - storeroom	1m	>1m	A
Western wall – covered outdoor area	1.5m	>1.5m	A
Southern wall – laundry – inside existing verandah		Existing verandah in place - 3.2m from boundary	N/A
Car Parking	2 car bays	2 car bays	A
Maximum wall height	5.6m	<5.6m	A
Maximum roof height	8.1m	<8.1m	A
Open Space		No change	N/A
Site Works – retaining walls, fill & excavation	Retaining walls and fill setback in accordance with Table 4 below:		20.5m retaining wall is between 1m and 2.3m and setback 1.5m from the secondary street boundary
	Height of Site Works and/or Retaining Walls	Required Minimum Setback	
	<0.5m	0m	
	1m	1m	
	1.5m	1.5m	
	2m	2m	
2.5m	2.5m		
3m	3m		
Site Planning and Design - Streetscape	Impact on the broader amenity of the streetscape	Retaining walls and fill impact on streetscape	D Condition
Visual Privacy			
Outdoor living area	7.5m	>7.5m	A
Overshadowing		No change	A
Garage width			N/A
Roof form and pitch	28 – 36 degrees	<28 degrees	D
Materials and colours			A
Landscaping			A
Front fence & gate	60% visual permeability	>60% visual permeability	A
Sightlines	1.5m truncation or height reduction	High levels of visual permeability	D
Footpaths and crossovers	To be conditioned		
Drainage	To be conditioned		
Wood Encouragement Policy	Timber used extensively in development.		

This development application proposes alterations and additions to an existing heritage dwelling at 6 (Lot 53) Fraser Street. The property is a Category A heritage dwelling. The works are predominantly related to the exterior of the building and the side yard although there are internal works that include a redesign of the existing bathroom and ensuite, replacement of windows and doors that were added in the 1960s and 1970s and ameliorating issues around deteriorating verandah materials. A pool and covered outdoor area (patio) is proposed along with a new storage area under the patio. This area is to be filled and elevated above the existing levels. The car parking area is to be relocated towards the south of the dwelling.

A laundry is to be built under the existing roof of the south eastern section of the existing verandah. Existing windows under the verandah facing Staton Road are to be filled with limestone and a retaining wall added along the existing western wall. The verandah is to be opened up by removing the existing balustrading and adding 2 sets of steps from the verandah; one facing west leading to the pool and patio and another on the south western corner leading down to the car bays. The front yard is to be enclosed with a new picket fence on the Fraser Street boundary and face limestone retaining wall along the Staton Road frontage. The existing truncation on the corner of the site is being shortened in length from 7.3m to 3m. A clear glass pool barrier is to be installed on top of the retaining wall and new planting is to be undertaken.

Also, a separate application will have to be made with the Town to remove the existing tree on the verge to accommodate the wider crossover. A brief heritage impact assessment was submitted by the applicant which highlighted that the proposed works have negligible impact on the existing heritage dwelling and aim to rectify issues relating to the useability of the building and its ongoing protection recognising that some changes undertaken previously had not necessarily protected the dwelling in line with current expectations.

There are four variations that are requested to the requirements of the Residential Design Codes and the Residential Design Guidelines in relation to sightlines, roof pitch, site works and streetscape presence. These are discussed below.

Sightlines

The construction of the retaining wall along the Staton Road side of the property sees a reduced sightline being proposed. The Residential Design Codes deemed to comply clause 5.2.4 C5 requires a 1.5m truncation adjacent to the driveway and crossover or alternatively a wall reduced in height to 0.75m. In this case the wall is setback 1.5m from the boundary, however, planting is occurring close to the driveway and near the proposed retaining wall. It is noted that there is no footpath along the verge of 6 Fraser Street near the proposed driveway and despite there being a proposed fence and gate up to 1.8m high it has high levels of visual permeability. For this reason, the lack of a clear 1.5m truncation or reduction in the height of structures to 0.75m can be supported. In accordance with design principles 5.2.5 P5 an unobstructed sightline is provided. There are still satisfactory sightlines for reversing vehicles from the proposed driveway.

Roof Pitch

The Residential Design Guidelines acceptable development provisions 3.7.8.3 A4.1 requires that the roof pitch of proposed development is between 28 and 36 degrees. In this case a flat roof covered patio (described as an outdoor living shelter in the plans) is proposed. This structure with a flat roof pitch can be supported because the roof form complements the traditional form of the surrounding development in the immediate locality. There are many different roof pitches along both Fraser Street and Staton Road and the structure has been designed in such a way to minimise its impact on the heritage dwelling. The patio is positioned south of the heritage property and does not obscure the main part of the dwelling. For these reasons, the proposed reduced roof pitch can be supported.

Site Works - Retaining Walls and Fill

The Town cannot support the proposed site works. Discussions with the applicant and owner to resolve the non-compliance and the streetscape concerns have not resulted in an acceptable outcome for the Town. The property is a Category A heritage property albeit with some modifications which could be argued were not respectful of the heritage elements of the dwelling. Nonetheless, it retains a category A heritage classification and the Town must consider the heritage listing in LPS 3 and the heritage significance of the dwelling at a local level. As such any proposed changes must be carefully considered in terms of the site's heritage value and the impact of changes on the streetscape.

Previous changes to the property included subdivision of the lot. A large southern portion was excised to form a new lot and a two-storey dwelling constructed facing Staton Road. Changes also occurred which involved excavation to create a driveway and parking area midway along the length of the western boundary and the south western section of the subject lot became an open space area.

It is proposed that the existing ground level, along a portion of the Staton Road frontage, will be increased from 7.67m AHD to 10.34m AHD through fill and retaining wall, that is a 2.67m increase in ground level. The raised level will allow for the installation of a pool and patio at a level that is much closer to the existing verandah level.

The applicant states that as there is no overlooking or overshadowing from the proposed increased site levels, and therefore that Clause 5.3.7 (Site Works) of the R-Codes Vol 1 is no longer applicable, so clause 5.1.3 C3.1 (lot boundary setback) should be applied to the assessment of the site works and resultant retaining wall. Therefore, in relation to lot boundary setbacks, Tables 2a and 2b, rather than Table 4 should be applied when assessing the setback to the side street. Under this assessment a setback of 1.5m is compliant.

However, Table 2a and 2b refer to lot boundary setbacks for buildings, such as a storeroom, garage, or part of a dwelling. The site works (fill) are required so the pool and patio will be almost level with the dwelling. This is not possible without a retaining wall so in the Town's view Table 4 applies to the assessment. Therefore, Tables 2a and 2b do not apply to the assessment. The Town does not agree that the lot boundary setback provision is relevant to the situation because clause 5.3.7 C7.1 makes it clear that retaining walls, fill and excavation between the street boundary and the street setback should not be more than 0.5m above the natural ground level except where necessary to provide for pedestrian, universal access, drainage, or natural light to a dwelling. Where walls are greater than 0.5m in height, Table 4 in Clause C7.2 outlines the setback distance required according to the height of the fill.

The Town is not prepared to support the retaining wall setback as proposed. The increase in levels from the south western corner of the area being retained and filled is approximately 2.67m and as such the wall should be setback 3.0m. However, the plans indicate a retaining wall setback of 1.5m for a wall ~20.5m in length (almost the full wall length). This is not considered satisfactory. The wall should be set back the distance required under Table 4 to lessen the impact of what is considered to be a very high and long retaining wall. However, as Table 4 specifies incremental increases in setbacks based on wall height, it is possible for the proposal to indicate a retaining wall that has a reduced setback as the height decreases towards the corner of Fraser Street. If the wall was set back the required distance further landscaping in front of the wall would be possible which would assist in reducing the visual impact of the retaining wall. The applicant has demonstrated the required setbacks in accordance with Table 4 (dotted line on Plan PA04C).

The applicant presented plans that showed the impact of a solid fence along the Staton Street boundary to demonstrate a comparison with the retaining wall and fill (outlined in red on Plan PA08C). The retaining wall is higher than the fence. The wall will create a significantly raised area along the side of the dwelling facing Staton Road which will be much higher than the verge ground level and it is considered this will affect views from the street to the existing heritage dwelling. Although it would be partly screened by proposed landscaping it detracts from an open streetscape and restricts the view of the heritage dwelling. With the addition of the pool fencing (which is required by law) and the patio there are a number of structures which add to the bulk and scale of development in

this setback area. Therefore, it is recommended the fencing and retaining wall should not be approved closer to the boundary than what is permitted by the deemed to comply requirements of the R-Codes. Also, as previously mentioned there is an additional concern that the new ground levels which would be created through the substantial fill in this area would be the starting point for any potential future development along this side of the dwelling.

The Residential Design Guidelines has a desired outcome 3.7.3.2 “Streetscape presence of heritage buildings to be retained and not have their prominence reduced by additional works when viewed from the street...”. The condition requiring compliance with Table 4 of the R-Codes will ensure that performance criteria 3.7.3.3 P3 of the Residential Design Guidelines is achieved, so the streetscape presence of the heritage building is maintained as much as possible.

The heights and setback of any built structures dedicated to private landscaping, and access driveways all contribute to the open, landscaped suburban appearance. In order to enhance the streetscape, it is considered that retaining walls should be minimised and set back as much as possible; this is reflected in Table 4 with setbacks for retaining walls increasing as the level of the fill increases. There is an expectation that the built form is not the dominant feature of the streetscape. Street setback areas are an integral part of the streetscape and are fundamental to the amenity and particular characteristics of residential localities, particularly in areas where open landscaped surrounds are generally a feature of the suburb. The retaining wall as proposed (including the glass pool fencing) will reach a maximum height of 3.87m from the existing ground level. Even though this is the secondary street it is considered a wall of this height will have a significant visual and physical impact that will not contribute positively to the streetscape and its height and scale should be reduced as much as possible.

As a result, a condition will be included in the final recommendation that requires the setbacks and heights of the site works to be in accordance with the deemed to comply requirements of the Residential Design Codes. There has not been sufficient justification for the increase in height due to retaining and fill. Indeed, design principles 5.3.7 P7.1 states that development should consider and respond to the natural features of the site and require minimal excavation and fill. Clearly the increase in site levels from existing levels has not been minimised. Without the fill the rear yard would still be useable and the impacts of the significant retaining wall would be reduced.

Also, it is recommended an additional condition be imposed that requires the glass pool fencing on top of the proposed retaining wall to be visually permeable to ensure that the views of the heritage building are not diminished and the pool fence does not add to the visual scale and height of the retaining wall.

Deferral of Determination at Council Meeting 15 August 2023

The development application was originally presented to the Ordinary Council Meeting of 15 August 2023 with a recommendation for approval subject to the plans being amended to indicate a 3.0m retaining wall setback from Staton Road. Council deferred its determination to the next Town Planning Committee meeting on 5 September 2023 to allow time for consideration of the concerns in relation to this setback raised in a deputation by the owner and architect (refer to Attachment 4). The applicant has disputed the Town’s interpretation of the R-Codes as applied to the assessment of the application and therefore the requirement for the 3m setback.

Given the applicant’s deputation, the Town sought clarification from the Reform, Design and State Assessment section of the Department of Planning; Lands and Heritage (DPLH). This section of the DPLH provides policy interpretation advice to local government with respect to State Planning Policy 7.3 – R-Codes Vol 1. A written response to the Town stated that the setbacks required under Table 1 (secondary street setback), as well as those in Table 4 were applicable to the proposal, therefore the required setback is a total of the two setbacks, resulting in a 4.5m setback from the Staton Road boundary being required to meet the deemed to comply provisions. This is further explained in the table below.

R-Codes Vol 1 Provision	Applicant Deputation (summary)	DPLH Response
<p><u>Cl. 5.1.2 – Street setback (secondary)</u> Buildings, excluding carports, unenclosed porches, balconies, verandahs, or equivalent, setback from the secondary street boundary in accordance with Table 1.</p>	<p>The R-Codes state – <i>Where excavation/fill is necessary, all finished levels respecting the <u>natural ground level</u> at the <u>lot boundary</u> of the site and as viewed from the <u>street</u>.</i></p> <p>In relation to the above, the R-Codes define <u>'street'</u> as the principal frontage to a dwelling. Staton Road is not the principal frontage and therefore should be classified as the secondary street. So, secondary street provisions apply as specified in Table 1.</p> <p>Further, the retaining and fill along the secondary street frontage of Staton Road should be classified as a 'building' behind the street setback line and because the R-Codes state that excavation and fill behind the street setback line (be) limited by compliance with building height limits and building setback requirements it is therefore concluded that the definition of a building includes a retaining wall.</p> <p>Because the retaining wall is behind the setback line it should therefore be in compliance with building setback requirements of Table 1 and 2a.</p> <p>The setback required is therefore 1.5m and this setback provision should take precedence over the application of Table 4.</p>	<p>Regarding Cl. 5.3.7 – Site Works In this provision the reference to 'street setback' is <u>not</u> explicit to the type of street. <u>The provision therefore relates to primary streets and secondary streets.</u></p> <p>AND</p> <p>The deemed-to-comply setback of the retaining wall to the secondary street setback applies as specified in Table 1 (i.e., 1.5m of the secondary street setback for R17.5).</p>
<p><u>Cl. 5.3.7 – Site Works</u> Retaining walls, fill and excavation between the street boundary and the street setback should not be more than 0.5m above the natural ground level except where necessary to provide for pedestrian, universal access, drainage, or natural light to a dwelling. Where walls are greater than 0.5m in height, Table 4 outlines the setback distance required according to the height of the fill.</p>	<p>Table 4 refers to lot side boundary setbacks only, where a site abuts another residential lot and not to a corner lot where there is no adjoining residential lot.</p> <p>Therefore, the setback provisions relating to fill and retaining on a secondary street do not apply.</p>	<p><u>Table 4 applies in addition to Table 1.</u></p> <p>The deemed-to-comply setback of the retaining wall will be to the secondary street setback listed in Table 1 (i.e., 1.5m secondary street setback for R17.5) and then a further setback from that setback line in accordance with Table 4 is to be applied.</p> <p>Therefore, as the wall is 3m high (as rounded up per note 1 i) the deemed to comply setback of the retaining wall is 3m from the setback line.</p> <p>As such a total setback of 4.5m from the street is required. That is:</p> <p>1.5m (Table 1) + 3m (Table 4) = 4.5m (total).</p>

It should be noted that the advice provided by the DPLH is in relation to the deemed to comply provisions. The applicant can request Council approve a variation of the deemed to comply provisions and the application is then assessed as per the design principles, which are provided below:

- development that considers and responds to the natural features of the site and requires minimal excavation/fill.
- where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.
- retaining walls that result in land which 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)

The Town understands and does not disagree with the DPLH interpretation as the reasoning behind the application of both setbacks as a cumulative distance is in keeping with the aim of recent amendments to the R-Codes Vol 1 which introduced the stepped setback table with the intent of reducing the impact of high walls and fences on streetscapes and adjoining properties.

Given the written advice of the DPLH in regard to the interpretation of the R-Codes, the Town maintains its view that the overall visual and physical impact of the scale and height of the retaining wall should be minimised as much as possible. Maintaining the openness of gardens and a streetscape presence for dwellings is considered important and therefore the 3m setback should apply where it is deemed required. However, the Town is prepared to consider the 3m setback be applied for a reduced length of the wall for a distance of at least 11.6m along the Staton Road frontage. That is from the southern edge of the retaining wall to the corner of the pool fencing on top of the retaining wall (i.e., to where the retaining wall is approximately 2m high and is setback 1.5m from the boundary). This will achieve some variation to the face of the wall, reduce its impact on the street and allow for landscaping.

However, if the Town Planning Committee is of the opinion that that application as presented should be supported then it is recommended the conditions listed below be imposed to address the retaining wall height and scale issues. It is considered that softening the blank wall and providing some interest across the face of the wall by means of having plants growing across it will assist in reducing its scale and length. Considering these comments, the following conditions are recommended to be added to the existing conditions included in the final recommendation and the conditions relating to the recommended setback removed.

1. The planting of at least 10 climbing plants, evenly spaced at the base of the wall, and the installation of an appropriate framework permanently attached to the wall to which the plants can attach.
2. The climbing plants to be reticulated and maintained in a healthy condition for a period of two (2) years to the satisfaction of the Town or until they are established to the Town's satisfaction.
3. Should 1 or more of the climbing plants die within 2 years they are to be immediately replaced with the same species. There are to be no less than 10 plants installed at the base of the wall at any one time.

Other matters raised in the applicant's deputation were in relation to the discussion about 'streetscape presence' of the category A heritage dwelling. The Town maintains its opinion that this is a valid assessment as it goes toward the Town's argument for requiring the 3m setback with landscaping and not diminishing the streetscape presence of the category A heritage dwelling. Furthermore, it is noted that Cl. 3.7.3.3 of Local Planning Policy 3.1.1 - Residential Design Guidelines and the comment in the Council report refers to streetscape presence in relation to concerns about the retaining and fill. There is no mention of primary or principal frontage, or primary or secondary street. Streetscape presence can be determined from either the primary or the secondary street frontage. So, the comments made earlier in the report stand. Furthermore, the Town is of the view that the streetscape presence of the heritage dwelling would be impacted by a retaining wall of this scale as it will dominate the vista from the street.

The matter of an 'outdoor living area' to be provided was also raised to support the applicant's argument that an area of this type is required under the R-Codes and that it is to be provided; in accordance with Table 1, behind the street setback, directly accessible from a primary living space, meet specified dimension (4m x 4m) and have at least two thirds of the area without a permanent roof cover. It is noted that these are the deemed to comply requirements of the R-Codes and that an outdoor living area can be assessed under the design principles of the R-Codes where variations can be sought in relation to these provisions. The Town does not consider this matter to be relevant to the

consideration of the Officer recommendation regarding the Staton Road setback issue. The outdoor living area is supported in this location.

CONCLUSION

Notwithstanding the above advice in regard to the interpretation of the R-Codes and the applicant's arguments, the Town's viewpoint remains unchanged in that it considers the retaining wall component of the proposal should be setback 3m for at least 11.6m along the Staton Road frontage. While this setback does not meet the deemed to comply provision as confirmed by the DPLH, the Town is of the opinion that achieving a 3m setback for this distance, combined with landscaping, will assist in reducing the overall visual and physical impact of the scale and height of the retaining wall. It will allow for substantial landscaping to be planted in front of the wall and result in what will be perceived as a wider garden bed and verge area.

The Town is trying to lessen the impact of the construction of a very high imposing blank wall with no articulation (with pool barrier fencing on top) along most of the Staton Road frontage, on what is a prominent corner with a heritage listed dwelling. In light of the report's comments, it is recommended Council support the application and require a 3m setback for the retaining wall (for a specific length of 11.6m) in addition to the other recommended conditions in the Officer's report. However, if the Town Planning Committee is of the opinion that that retaining wall as indicated on the plans (i.e., a 1.5m setback) should be supported then it is recommended that the specific landscaping conditions listed in the Comment section of the report be imposed.

- Mr McCann (representing Ms Fife, owner) addressed the meeting, opposing the officer recommendation regarding the interpretation and application of the 'R Codes' and the 'Burra Charter', specifically related to the requirement for a 3m setback of the retaining wall along the Staton Road frontage.
- Ms Fife (owner) addressed the meeting, supporting the comments made by Mr McCann and the related the importance of her children's safety and privacy in respect to justification for the proposal.

OFFICER RECOMMENDATION

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

- (i) Clause 5.2.4 – Residential Design Codes – Sightlines – 1.5m truncation or wall height reduced to 0.75m required, visually permeable gate and fence to 1.8m provided; and
- (ii) Clause 3.7.8.3- Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, less than 28 degrees provided, and
- (iii) Clause 5.3.7 – Residential Design Codes – Site Works –Retaining and fill to be in accordance with Table 4; 1.5m setback for retaining and fill proposed for a wall 20.5m long; 3.0m setback required,

for alterations and additions to an existing dwelling at No. 6 (Lot 53) Fraser Street, East Fremantle, in accordance with the plans submitted on 6 July 2023, subject to the following conditions:

1. The plans submitted on 6 July 2023 being amended at building permit stage to indicate a 3m setback of the retaining wall along the Staton Road frontage for a length of 11.6m from the southern edge of the retaining wall to the corner of the pool fencing on top of the retaining wall (i.e., to where the retaining wall is approximately 2m high and is setback 1.5m from the boundary).
2. The submission of a landscaping plan for approval by the Town prior to the submission of a building permit application which is to indicate planting in front of the retaining wall to reduce the visual height and length of the wall along the Staton Road frontage.
3. The pool safety barrier (fencing) is to be clear glass as indicated on plans submitted on 6 July 2023 and is to be visually permeable and not opaque or obscure glass fencing for the full length and area of the fencing.
4. 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.
5. 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.

6. An application is to be submitted to the Operations Department of the Town for the removal of any verge trees. Verge trees are not removed without written approval from the Town.
7. 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 that are likely to impact on the surrounding properties.
8. The footpath is to always remain accessible to pedestrians.
9. The existing crossover is to be removed once the new crossover is completed. The verge and kerb in the location of the original crossover is to be repaired and reconstructed in consultation with the Operations Department to the satisfaction of the Town.
10. 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.
11. The proposed works are not to be commenced until the Town 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.
12. 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.
13. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan submitted to the satisfaction of the Town prior to the issue of a Building Permit.
14. 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.
15. 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.
16. This development approval is to remain valid for a period of 24 months from the date of this approval.

Footnote:

- (i) *The following are not conditions but notes of advice to the applicant/owner:*
- (ii) *This decision does not include acknowledgement or approval of any unauthorised development which may be on site.*
- (iii) *A copy of the approved plans as stamped by the Town is attached, and the application for a Building Permit is to conform with the approved plans unless otherwise approved by the Town.*

- (iv) *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
- (v) *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. Two copies of each dilapidation report should be lodged with the Town and one copy should be given to the owner of any affected property.*
- (vi) *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).*
- (vii) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (viii) *Trees on verges are the property of the Town. 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.*
- (ix) *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.*

Moved Cr Collinson

The adoption of the officer's recommendation.

MOTION LAPSED FOR WANT OF A SECONDER

AMENDED RECOMMENDATION/COMMITTEE RESOLUTION TP010923

Moved Mayor O'Neill, seconded Cr Donovan

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

- (i) Clause 5.2.4 – Residential Design Codes – Sightlines – 1.5m truncation or wall height reduced to 0.75m required, visually permeable gate and fence to 1.8m provided; and**
- (ii) Clause 3.7.8.3- Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, less than 28 degrees provided, and**
- (iii) Clause 5.3.7 – Residential Design Codes – Site Works –Retaining and fill to be in accordance with Table 4; 1.5m setback for retaining and fill proposed for a wall 20.5m long; 3.0m setback required, for alterations and additions to an existing dwelling at No. 6 (Lot 53) Fraser Street, East Fremantle, in accordance with the plans submitted on 6 July 2023, subject to the following conditions:**
 - 1. The submission of a landscaping plan for approval by the Town prior to the submission of a building permit application which is to indicate planting in front of the retaining wall to reduce the visual height and length of the wall along the Staton Road frontage.**
 - 2. The pool safety barrier (fencing) is to be clear glass as indicated on plans submitted on 6 July 2023 and is to be visually permeable and not opaque or obscure glass fencing for the full length and area of the fencing.**

3. 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.
 4. 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.
 5. An application is to be submitted to the Operations Department of the Town for the removal of any verge trees. Verge trees are not removed without written approval from the Town.
 6. 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:
 - h) How materials and equipment will be delivered and removed from the site.
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 - m) How risks of wind and/or waterborne erosion and sedimentation will be minimised during and after the works.
 - n) Other matters that are likely to impact on the surrounding properties.
 7. The footpath is to always remain accessible to pedestrians.
 8. The existing crossover is to be removed once the new crossover is completed. The verge and kerb in the location of the original crossover is to be repaired and reconstructed in consultation with the Operations Department to the satisfaction of the Town.
 9. 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.
 10. The proposed works are not to be commenced until the Town 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.
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 12. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan submitted to the satisfaction of the Town prior to the issue of a Building Permit.
 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 the date of this approval.
- Footnote:
- The following are not conditions but notes of advice to the applicant/owner:*
- (i) *This decision does not include acknowledgement or approval of any unauthorised development which may be on site.*
 - (ii) *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.*

- (iii) 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;**
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- 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
- (iv) 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. Two copies of each dilapidation report should be lodged with the Town and one copy should be given to the owner of any affected property.**
- (v) 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).**
- (vi) Matters relating to dividing fences are subject to the Dividing Fences Act 1961.**
- (vii) Trees on verges are the property of the Town. 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.**
- (viii) 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.**

(CARRIED 4:1)

Note: As the Report author agreed with the change to the officer recommendation and 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 16 May 2023, this application is deemed determined, on behalf of Council, under delegated authority.

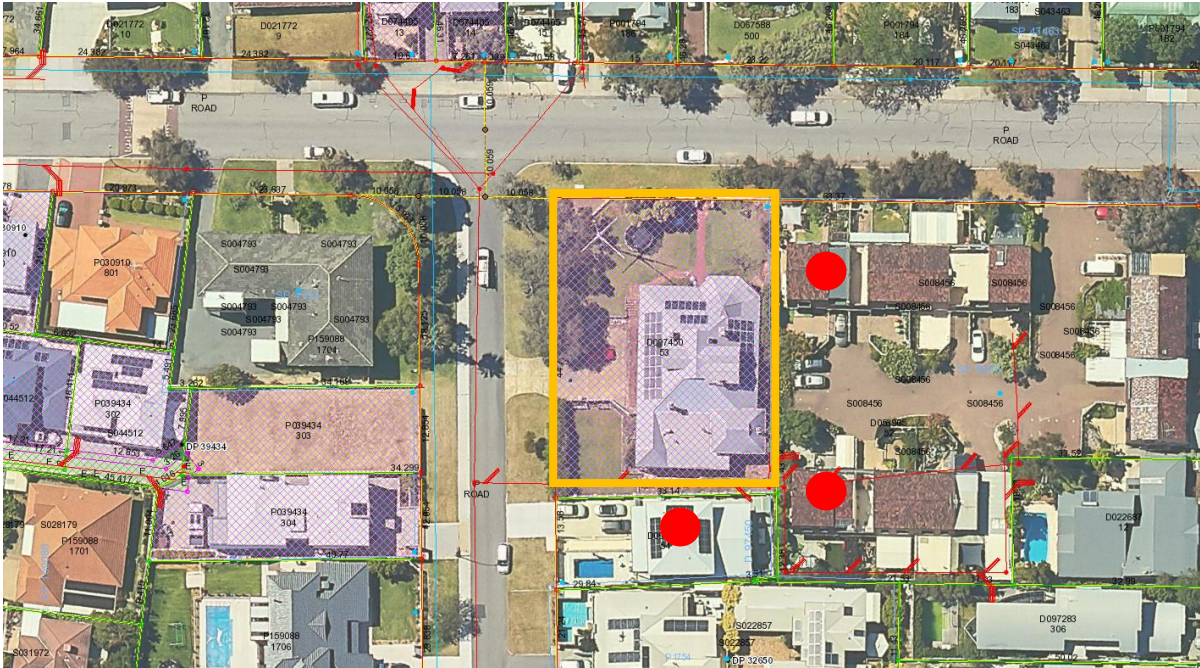
Reason for not supporting the officer's recommendation

The officer report is very thorough and did speak of a compromise, but Council supports the proposed fill and site works as it addresses the restoration and liveability of the dwelling. The secondary street vista may be more negatively impacted by a side boundary fence and other building designs that may be proposed. Fraser Street, the northern elevation and the restoration are of the most importance.

REPORT ATTACHMENTS

Attachments start on the next page

6 Fraser Street – Location and Advertising Plan



6 Fraser Street – Site Photos





4 JULY 2023

PLANNING APPROVAL DRAWINGS
Additions & Alterations
Version C (amended)

FIFE GODDARD

6 Fraser Street, East Fremantle

DRAWINGS

MD01	Plan - Ground Floor
MD02	Plan - Loft Room
MD03	Plan - Basement
FS01	FEATURE SURVEY
PA01C	SITE PLAN
PA02B	PLAN - GROUND FLOOR
PA03A	PLAN - LOWER GROUND FLOOR
PA04C	DETAIL WEST GARDEN
PA05A	ELEVATION - EAST
PA06B	ELEVATION - WEST
PA07C	ELEVATION - SOUTH
PA08C	ELEVATION - WEST AT BOUNDARY

Revision B

1. Amended for French doors to Verandah - 13.04.2023

Revision B amended

2. Amended for Boundary wall

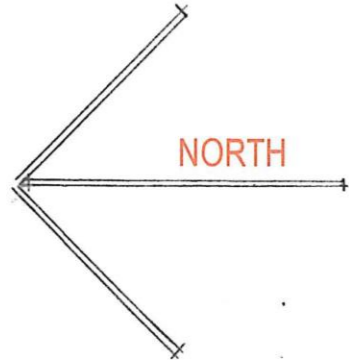
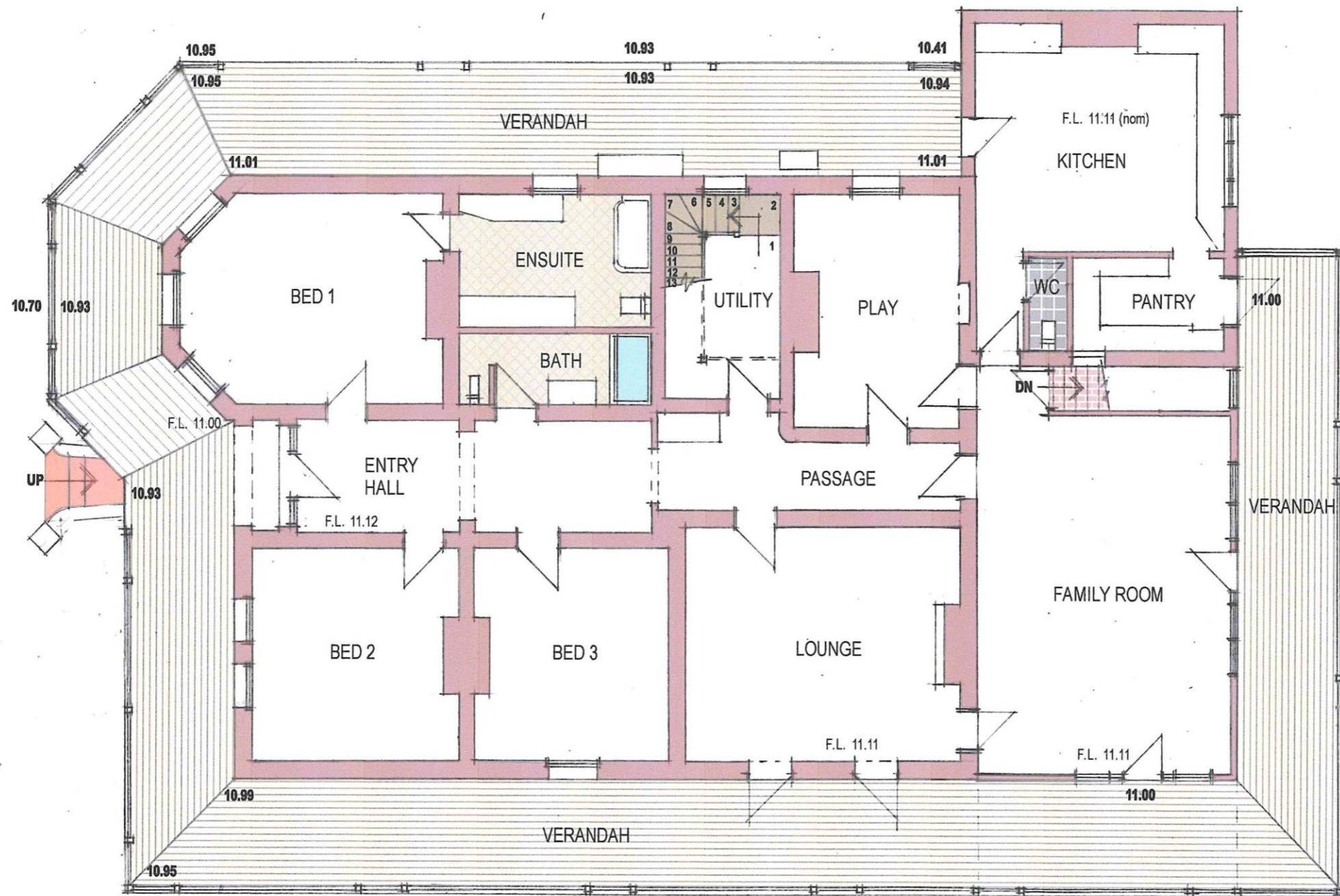
Revision C amended

3. Amended for Compliance

Job No. 21 747

GERARD McCANN ARCHITECT

301/21 FREEMAN LOOP NORTH FREMANTLE WA 6159 M : 0419 947 890 E : gmccann@inet.net.au



**PLAN
GROUND FLOOR 1:100**

GERARD McCANN ARCHITECT

301/21 FREEMAN LOOP NORTH FREMANTLE WA 6159 M: 0419 947 890 E: gmccann@inet.net.au

FIFE GODDARD

CLIENT

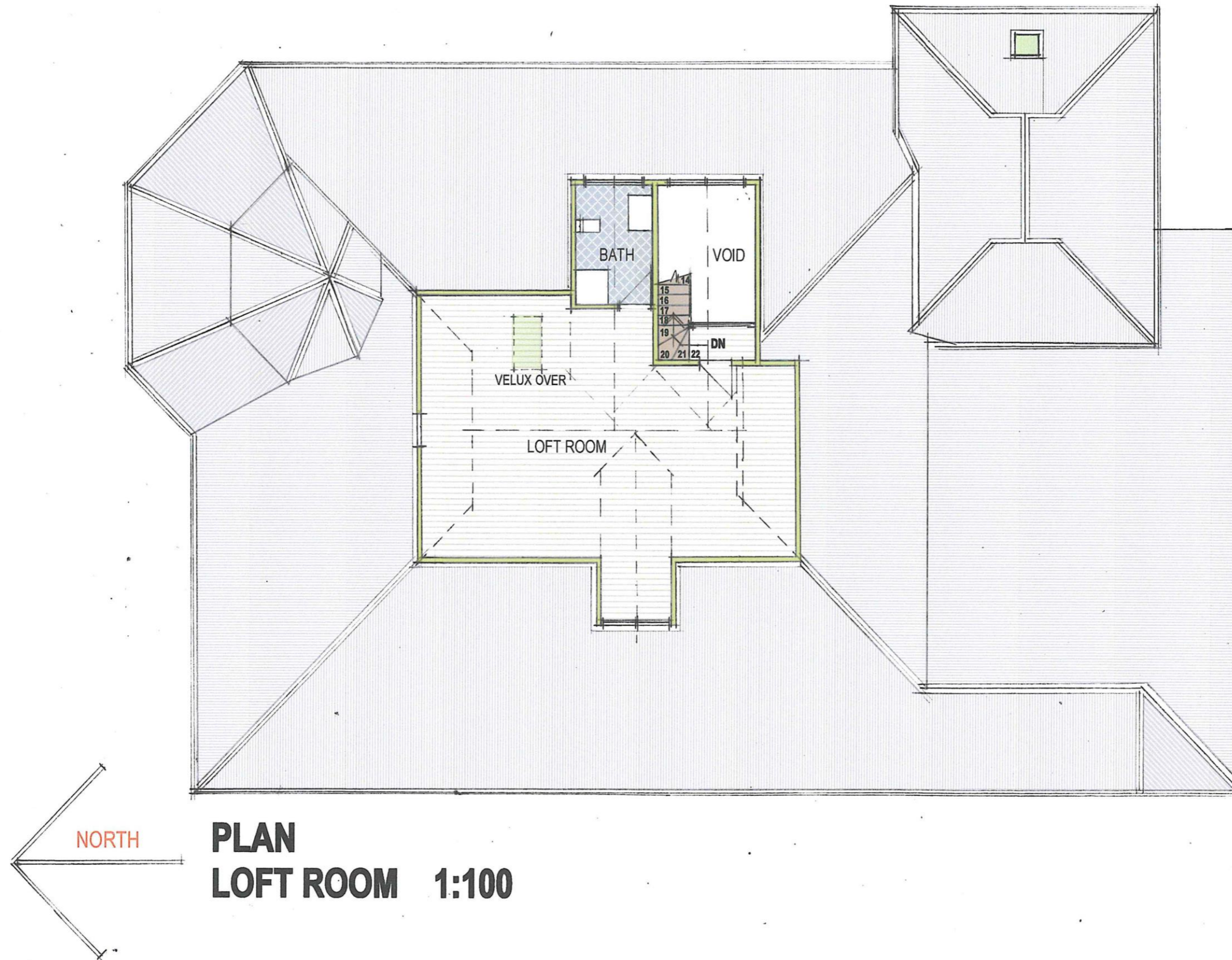
ADDITIONS &
ALTERATIONS
PROJECT

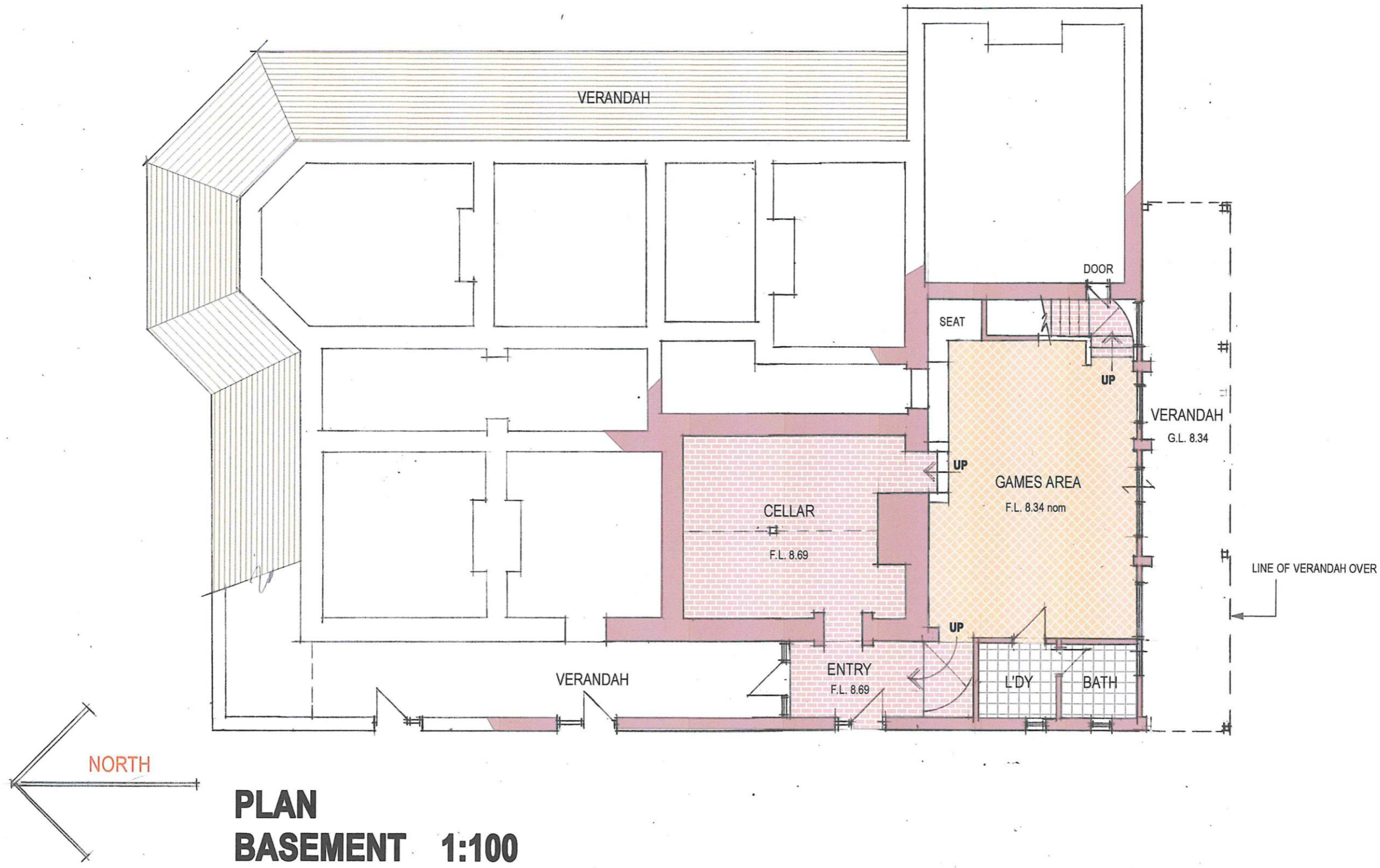
6 FRASER ST
EAST FREMANTLE
LOCATION

PLAN
GROUND FLOOR
DRAWING

SCALE 1:100 @A3
DATE 19 AUGUST 2021
DRAWN GMCC

21-747 MD01





GERARD McCANN ARCHITECT
301/21 FREEMAN LOOP NORTH FREMANTLE WA 6159 M: 0419 947 890 E: gmccann@inet.net.au

FIFE GODDARD
CLIENT

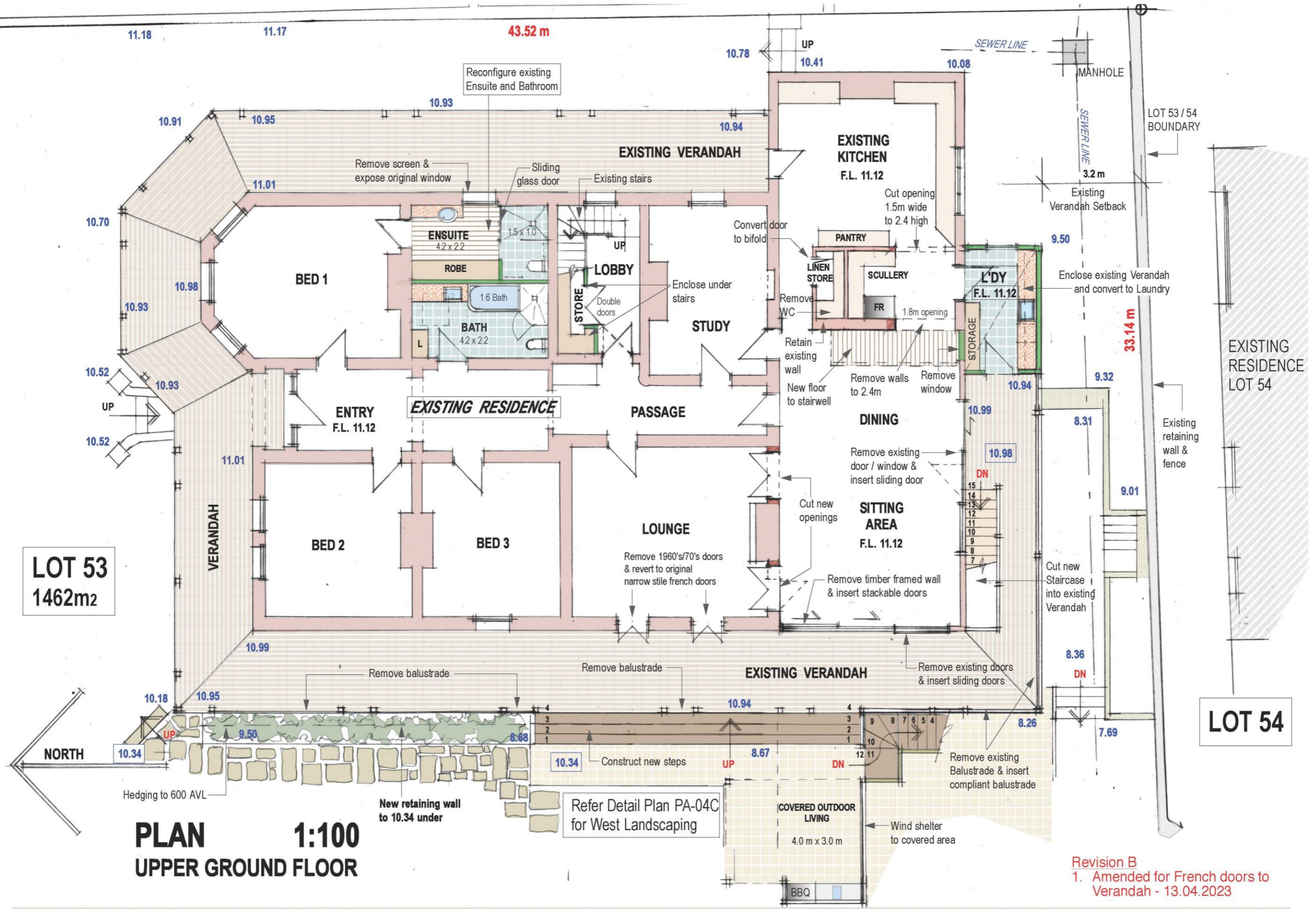
ADDITIONS &
ALTERATIONS
PROJECT

6 FRASER ST
EAST FREMANTLE
LOCATION

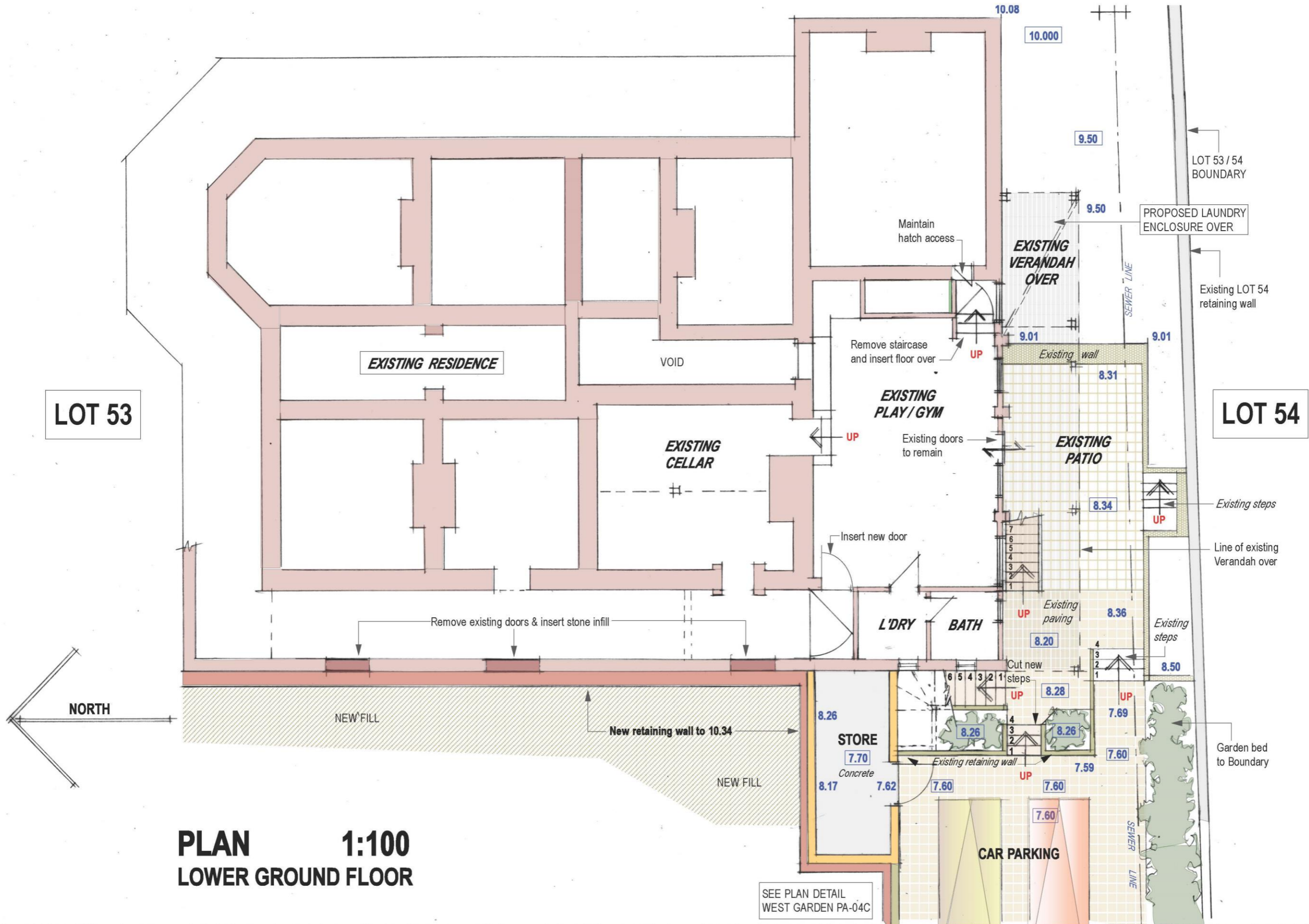
PLAN
BASEMENT
DRAWING

SCALE 1:100 @A3
DATE 19 AUGUST 2021
DRAWN GMCC

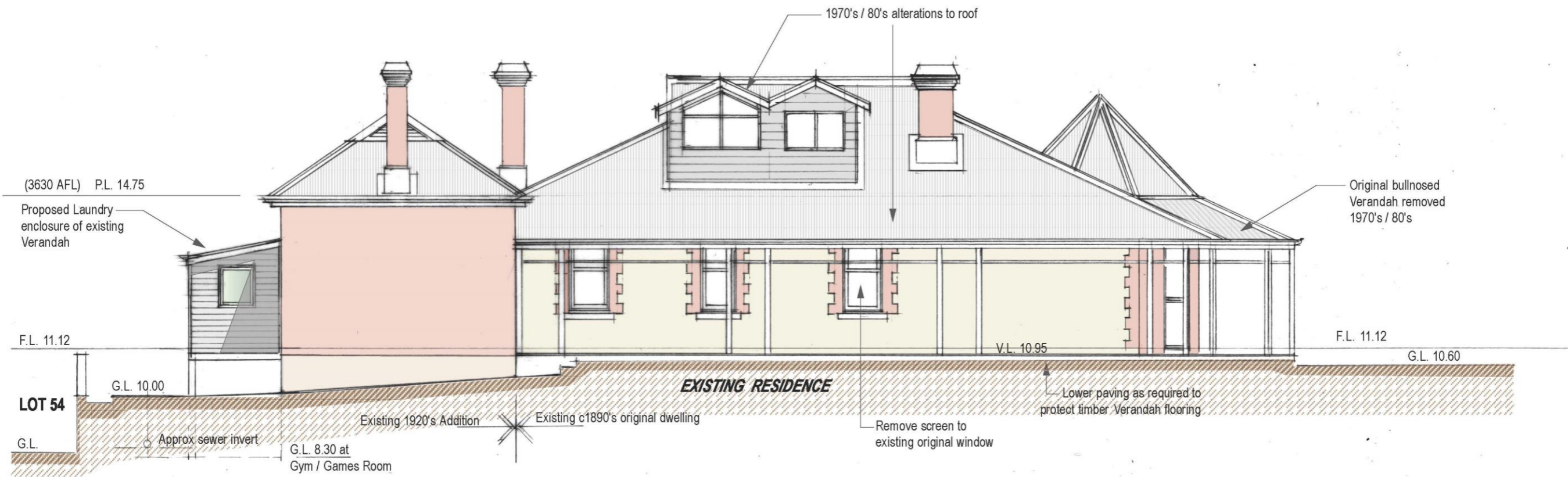
21-747 MD03



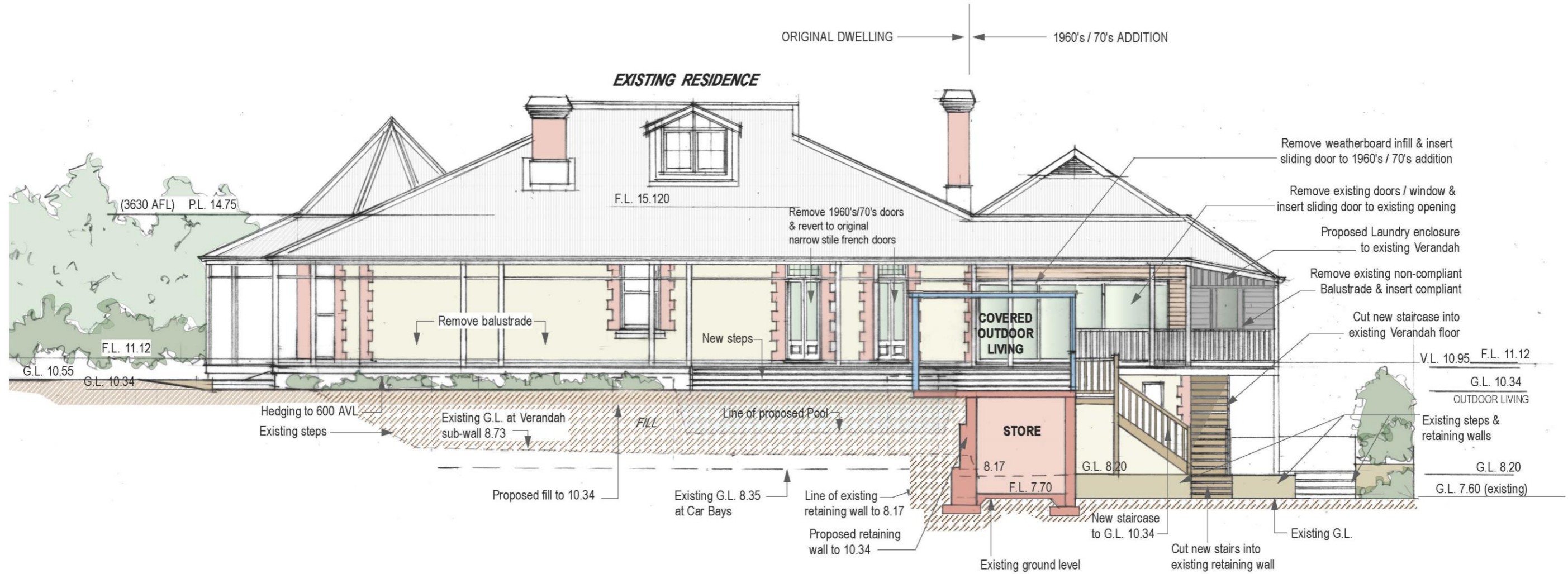
Revision B
 1. Amended for French doors to Verandah - 13.04.2023



PLAN 1:100
LOWER GROUND FLOOR

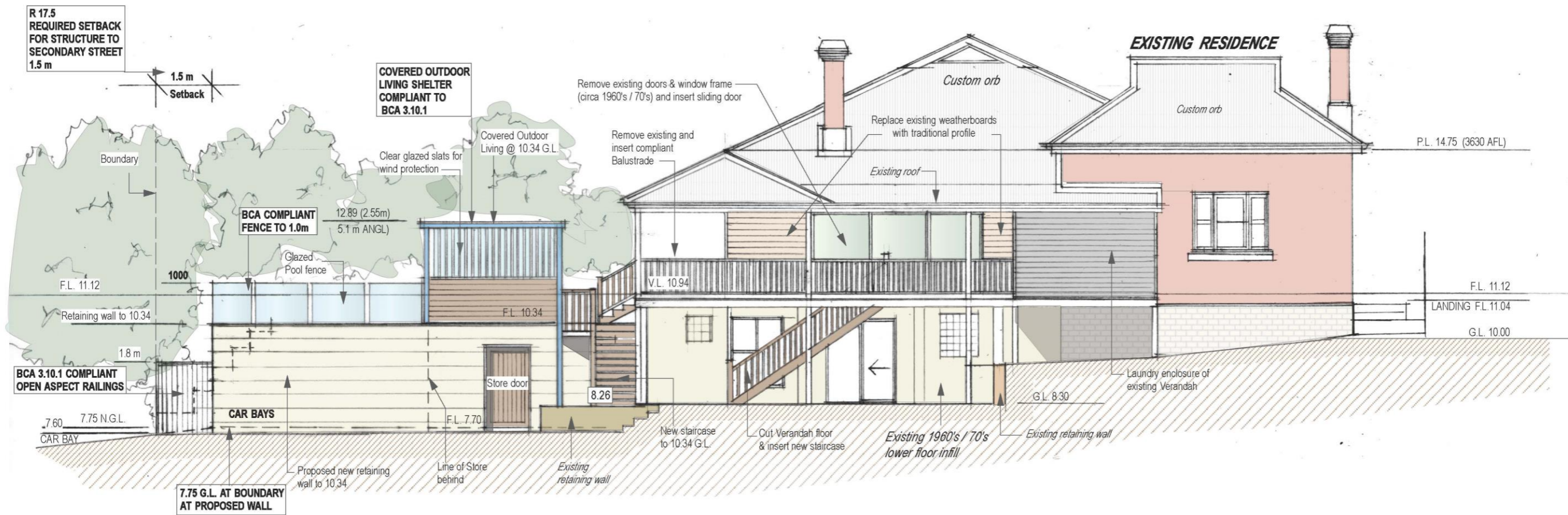


EAST ELEVATION 1:100



WEST ELEVATION 1:100 AT PROPOSED HOUSE ALIGNMENT

Revision B
1. Amended for French doors to Verandah - 13.04.2023



SOUTH ELEVATION 1:100

GERARD McCANN ARCHITECT

301/21 FREEMAN LOOP NORTH FREMANTLE WA 6159 M: 0419 947 890 E: gmccann@inet.net.au

FIFE GODDARD

CLIENT

ADDITIONS & ALTERATIONS

PROJECT

6 FRASER ST EAST FREMANTLE

LOCATION

ELEVATIONS - SOUTH

DRAWING

SCALE

DATE

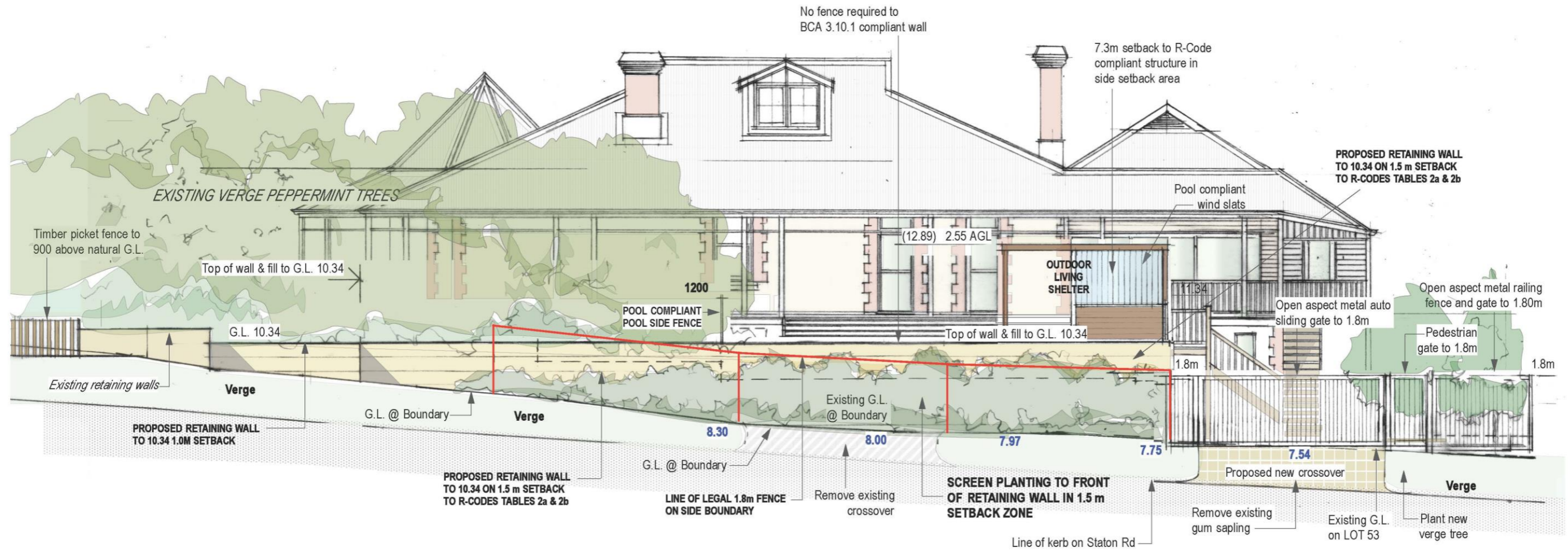
DRAWN

1:100 @A3

4 JULY 2023

GMCC

21-747 PA07C



WEST ELEVATION 1:100 AT BOUNDARY TO STATON RD

GERARD McCANN ARCHITECT

301/21 FREEMAN LOOP NORTH FREMANTLE WA 6159 M: 0419 947 890 E: gmccann@inet.net.au

FIFE GODDARD

CLIENT

ADDITIONS & ALTERATIONS PROJECT

6 FRASER ST EAST FREMANTLE LOCATION

ELEVATIONS WEST AT BOUNDARY DRAWING

SCALE DATE DRAWN

1:100 @A3 4 JULY 2023 GMCC

21-747 PA08C

GERARD McCANN ARCHITECT

301/21 FREEMAN LOOP, NORTH FREMANTLE WA 6159

M: 0419 947 890 E : gmccann@inet.net.au

17th August, 2023

Planning Department
East Fremantle Council,
P.O. Box 1097
Fremantle. 6959

Attention: James Bannerman

Re: Application for Planning Approval for Additions and Alterations to an Existing Residence, Proposed Site Works and Pool, Lot 53, 6 Fraser St, East Fremantle, for T. S. Fife

Following the deferment of the above application on the grounds that the architect's and client's submissions to the Council meeting were not listed, despite two separate and confirmed email requests to Katie Culkin, I respectfully wish to address some issues in the officer's report which I feel do not adequately describe the application.

Sub-clause (iii) in the Officer's report states that retaining and fill must comply with Table 4 rather than Clause 5.3.7. The R-Codes describe 5.3.7 'Site Works', sub-section P7.2 as: 'Where excavation/fill is necessary, all finished levels respecting the *natural ground level* at the *lot boundary* of the *site* and as viewed from the *street*.'

The R-Codes specifically describe 'street' as 'Any public road, communal street, private street, right-of-way or other shared access way that provides *the principal frontage to a dwelling* but does not include an access leg to a single battleaxe lot.'

Fraser Street is the primary street as it is the *principal frontage to the dwelling*, and this view is supported by the address, 6 Fraser St, and the front door, front steps all addressing Fraser St. The heritage listing itself affirms this. In other words, in every interpretation possible, the Fraser St elevation is the '*principal frontage*.' This is the standard interpretation of the Burra Charter for all heritage dwellings, and the heritage architect employed by the clients at the insistence of Council.

Staton Rd is a secondary street. **A secondary street is defined in the R-Codes as : '..a road that is not the primary street.'** And so, secondary street provisions apply to Staton Rd, as per Table 1 in the R-Codes.

Furthermore, under Clause 5.3.7, sub-section C7.2, it states that: '**Excavation or filling within a site and behind the street setback line (be) limited by compliance with *building height limits* and *building setback requirements*.'**

'Behind the street setback line' clearly refers to the '*principal street frontage*,' that is, the primary street.

'Building' is defined as '**Any structure whether fixed or movable... and the term includes dwellings and structures appurtenant to dwellings such as carports, verandahs, patios, outbuildings and *retaining walls*...**'

In other words, the proposed retaining wall and fill along the secondary street frontage to Staton Rd are classified as a **building**, and that these proposed works are occurring **BEHIND the street setback line**. **The provisions of Tables 1 and 2a of the R-Codes therefore apply**. This submission is compliant then with the **building length, height and setback requirements** of Tables 1 and 2a, that is, a 1.5 metres secondary street setback, a wall length less than 25 metres, and less than 3.5 metres in height.

The application of Table 4 refers to side boundary setbacks where a site abuts another residential lot, and the setback provisions of 5.3.7 C7.1 relating to fill and retaining walls in the primary street (principal frontage) do not apply to the secondary street. This is further clarified in the section 5.3.8 as stated below.

Under Clause 5.3.8 'Retaining walls' in the R-Codes, sub-section P8 says: **'Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect neighbouring properties and are designed, engineered and landscaped having due regard to Clauses 5.3.7 and 5.4.1 (Visual privacy)**.

Further, Clause C8.1 states: **'Retaining walls set back from lot boundaries in accordance with the setback provisions of Table 1'**.

In other words, 1.5 metres, as stated in Table 1, which this application is compliant with. The provisions of Cl. 5.3.8, C8.1 and Tables 1 and 2a clearly take precedence over the application of Table 4.

To reinforce the objectives of this submission, it must again be stated that this heritage house has been badly maintained and modified over the years, partly because it sits awkwardly on its site, making its use for indoor/outdoor living very difficult. The current owners are a young family prepared to invest in rectifying the essential problem with this house – that is, NO outdoor living areas. Until this is addressed, this house will languish as unusable and fall further into disarray. The issue of **OUTDOOR LIVING AREAS** must be addressed.

This application, once and for all, puts the car parking areas where they should be, away from the heritage dwelling and into the south-west corner, and returns the western side of the house fully for the residents' use. This essential factor is underpinned by Clause 5.3.1 of the R-Codes, **'Outdoor Living Areas'**.

Clause 5.3.1, P1.1 states:

Outdoor living areas which provide spaces: - capable of use in conjunction with a habitable room of the dwelling.

Clause C1.1 further defines this as:

An outdoor living area to be provided

- in accordance with Table 1 (see above);
- **behind the street setback area;**
- **directly accessible from a habitable room of the dwelling**
- **with a minimum length and width dimension of of 4 metres; and**
- **to have at least two-thirds of the required area without permanent roof cover.**

6 Fraser St does **NOT** comply with this provision, accepting that it was built 120 years ago. The east side is covered or less than 4.0 metres, the front is open to the street front setback area, and the rear and west sides of the lot are **not directly accessible to a habitable room**. What is more, for a young family, or indeed any person, prepared to invest and restore this house and ensure its effective use and survival, the outdoor play and living areas **MUST** be directly accessible to the kitchen and daytime living areas of the house, which in this case are at the back of the house. This application, again, once and for all, wishes to correct this fundamental flaw with this site. Using the front setback area as the playground for the children (as is currently the case) is an unacceptable practice for this heritage dwelling, and frankly, unacceptable for the dwelling to be used by families.

The Council's Officer in his report has raised the issue of maintaining the western streetscape view of the house from Staton Rd. Not only is this a misinterpretation of the definition of 'street' as stated above, but it implies that every heritage house on a corner in East Fremantle **MUST** allow the public to view the side of the house, even if it is **BEHIND the front setback line**. This is an absurd assertion. Every house would have its private garden areas open to the public. And as well, in the case of 6 Fraser St, not only would a 1.8 metre high legal fence on the Staton Rd street boundary negate the view being asserted here, it implies that the public have more rights to the back yard of a heritage dwelling than the owners. That this house has allowed the public to view its western façade for so many years is a quirk of the site and **NOT** a reason for its maintenance. It is an impost on the usability of the house, and its current use as a carpark cannot surely be said to be a preferable use of this otherwise useless land.

The Officer's report on page 150 states that the proposed retaining wall will:

- 'affect views from the street to the existing heritage dwelling'
- '... it detracts from an open streetscape and restricts the view of the heritage dwelling.'

As well, the Officer's recommendation cites R-Codes Clause 3.7.3.2, that:

'Streetscape presence of heritage buildings to be retained and not have their prominence reduced by additional works when viewed from the street...' so that '**...the streetscape presence of the heritage building is maintained as much as possible.**'

As is clearly defined in the R-Codes, and stated clearly above, **Staton Rd is a secondary street and NOT the principal frontage street** of the site. The heritage and streetscape provisions of the R-Codes and Council's policies proscribe that heights and setbacks for retaining walls, and the extent of fill and/or excavation and maintenance of the streetscape views etc relate to the **principal frontage of the dwelling**, that is, Fraser St. **Table 1 and Table 2a** are the relevant sections of the R-Codes proscribing the setbacks, heights and length to secondary street boundaries.

This submission is intended to rectify a fundamental flaw with 6 Fraser St. That is, the only usable outdoor living space is its front garden. This, quite naturally, is also much-viewed by the public. This might explain why owners of the house in recent times have tried a variety of ways to create outdoor play and living areas along the west side. The most reasonable is in the south-west corner, which is a whole storey below the main living areas, and virtually inaccessible for reasonable indoor/outdoor living.

Nevertheless, I am cognisant that this is a very lovely heritage dwelling, in spite of its roof and verandah having been significantly altered over time and now in a bad state of disrepair. To this end, I also attach 45° angled photos of the house from the corner of Staton Rd and Fraser St. This clearly shows that the western elevation of the house will still be visible to the public. This is of course until the owners wish to legally erect a privacy screen behind the front setback line, in order to comply with Clause C1.1 as shown above. The public would then be rightly occluded from the view.



This view of the west elevation of the dwelling will be maintained regardless of the works proposed in this application. The fill proposed is the level at the visible corner of the verandah, in fact the original ground level for half of the western elevation. Raising the ground level to make this side of the house livable and not for car parking, means the verandah balustrade can be removed, exposing more of the beautifully intact limestone and brick wall.



Much of the balustrade along this northern street front elevation is NOT original, and has been added in recent times when the verandah was incorrectly and badly rebuilt. The ground level at the right hand corner of the verandah is the proposed new ground level along the western side of the house, removing car-parking from public view. This will create a plinth or platform on which the house will sit and will in fact restore a semblance of 'solidity' to it for its principal street frontage.

Please contact me if you require further information, or if clarification of the submission is required.

Yours Faithfully,

A handwritten signature in blue ink, appearing to read "Gerard McCann", is centered on the page.

Gerard McCann

PLACE RECORD FORM

PRECINCT	Richmond
ADDRESS	6 Fraser Street
PROPERTY NAME	Halcyon
LOT NO	Lots 53 & 54
PLACE TYPE	Residence
CONSTRUCTION DATE	C 1895
ARCHITECTURAL STYLE	Federation Queen Anne
USE/S	Original Use: Residence/ Current Use: Residence
STATE REGISTER	N/A
OTHER LISTINGS	N/A
MANAGEMENT CATEGORY	Category A
PHYSICAL DESCRIPTION	<p>No 6 Fraser Street is a single storey house constructed in limestone and brick with a hipped and gable corrugated iron roof. The place is located on a corner lot and addresses both Fraser Street and Staton Road. It is a fine expression of the Federation Queen Anne style. It is asymmetrically composed with a conical roof over a polygonal shaped corner room on the east side of the house. The corner room is flanked by a part width return hip roofed verandah. The verandah is supported on timber posts with a simple timber frieze. There is a central door and hopper light flanked by sidelights and pairs of French double hung sash windows. The walls are limestone with brick quoins. The roofscape features render capped chimneys.</p>

The place retains its form and most of its details. The land falls away to the south. There is a lower storey that addresses Staton Road. An addition has been constructed to this section.

The lot has been subdivided and a new lot created to front Staton Road.

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 and brick

Roof – Corrugated iron sheeting

PHYSICAL SETTING

The residence is situated on a sloping site with a limestone wall and a timber picket fence on the lot boundary.

STATEMENT OF SIGNIFICANCE

No 6 Fraser Street is a single storey house constructed in limestone and brick with a corrugated iron roof. There is a lower storey to the rear. 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 exceptional aesthetic value as a Federation Queen Anne style house. The place retains a moderate to high degree of authenticity and a high degree of integrity.

The additions have no significance.

Attachment -5

AESTHETIC
SIGNIFICANCE

No 6 Fraser Street has exceptional aesthetic value as a Federation Queen Anne style house. It retains most of the characteristic features of a dwelling of the type and period.

HISTORIC
SIGNIFICANCE

No 6 Fraser Street has considerable 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 6 Fraser Street has considerable 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 6 Fraser Street is not rare in the immediate context, but Richmond has rarity value as a cohesive middle-class suburb.

CONDITION

No 6 Fraser Street is in good condition.

INTEGRITY

No 6 Fraser Street retains a high degree of integrity.

AUTHENTICITY

No 6 Fraser Street retains a moderate to high degree of authenticity.

MAIN SOURCES



Community Engagement Checklist

Development Application P029/23 – 6 Fraser Street

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 (<i>School / Playground</i>)	<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	8/05/2023	<input checked="" type="checkbox"/> Advertised to 3 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		8/05/2023		
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 7 PRESTON POINT ROAD - ALTERATIONS AND ADDITIONS TO EXISTING DWELLING

Owner	Claire & Phillip Williams
Applicant	Nexus Home Improvements
Report Reference Number	TPR-1514
Planning Reference Code	P051/23
Prepared by	James Bannerman, Planning Officer
Supervised by	Christine Catchpole, Acting Executive Manager Regulatory Services
Meeting date	Tuesday, 5 September 2023
Voting requirements	Simple majority
Documents tabled	Nil

Attachments

1. Location and Advertising Plan
2. Photos
3. Plans Submitted 11 August 2023
4. Place Record Form – Category B
5. Community Engagement Checklist

PURPOSE

The purpose of this report is for Council to consider a development application for alterations and additions to an existing Category B heritage dwelling at 7 (Lot 3) Preston Point Road, East Fremantle.

EXECUTIVE SUMMARY

This development application proposes alterations and additions to an existing dwelling located at 7 (Lot 3) Preston Point Road, East Fremantle. The dwelling is a Category B heritage listed property. The proposed works are proposed to be undertaken at the rear of the existing dwelling with the current ground floor being retained and the skillion roof at the rear being removed to allow for the upper storey addition. A new alfresco area is created from the overhang of the upper storey addition which comprises of a master suite, walk in robe, ensuite, retreat and study. There are 6 variations requested to the requirements of the Residential Design Codes and the Residential Design Guidelines. These variations are listed below.

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks - Southern Wall – Master Suite, Retreat – Upper Storey – 3.8m required, 2.507m provided,
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks - Northern Wall – Study, Stairs, Ensuite, WIR – Upper Storey – 1.3m required, 1.103m provided,
- (iii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks - Southern Wall – Verandah, Bed 3, Lounge, Kitchen and Alfresco – Ground Floor – 4.2m required, 2.477m provided,
- (iv) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks - Northern Wall – Alfresco – Ground Floor – 4.2m required, 1.028m provided,
- (v) Clause 3.7.18.4 – Residential Design Guidelines – Wall Height – 6.5m required, 7.9m provided, and
- (vi) Clause 5.4.2 – Residential Design Codes – Overshadowing – Maximum of 25% required, more than 25% provided.

It is recommended that the proposed development is supported by Council subject to the conditions included in the final recommendation.


BACKGROUND

Zoning	Residential R12.5
Site Area	640m ²
Heritage	Category B
Fremantle Port Buffer	Area 2
Previous Decision of Town and/or History of Issue Onsite	Nil

CONSULTATION

Advertising

The proposed development was advertised to surrounding property owners from 28 June to 14 July 2023. One submission was received and is included below.

Submission	Applicant Response	Town Response
<p>After the AGM for the apartments which are the north neighbour to #7 house, my submission is hoping to stop the plans for development (BLOCKING MY VIEW) at #7 Preston Point Road. I am an owner in the apartments neighbouring to the north from #7. I am a home owner with a XXX mortgage in XXX Preston Point Road. My concern is with blocking the view and exit. This causes me to hibernate for more than 6 years in XXX.</p> <p>I have views from my balcony where I can get out safely... with views to the Immaculate Conception Church and also to East Fremantle Oval.... #7 is going to take that experience and views away and cut me off from the beautiful East Fremantle views.</p> <p>I clean the church for 14 years at 3 Canning Hwy and get to go on the balcony occasionally at home and reflect on the view and church.</p> <p>I would like to attend the planning development meeting in September 2023. Photos attached from XXX.</p> 	<p>In regard to the neighbour’s submission. Our client has confirmed (see photo below) that the photos from the neighbour have been taken from an external access walkway, therefore under the definitions of the R-Codes this is not classed as an outdoor habitable living area. Further to this, the neighbour is on the northern side of 7 Preston Point Road, so the proposed addition has no impact on the solar access or natural ventilation of the property and we are of the view that it satisfies the design principles P1.1 of 5.3.1 Outdoor living areas of the R-Codes.</p> <p><u>South Facing Window</u> The south facing window has been rectified by providing obscure glazing to a minimum height of 1.6m above finished floor level, which now meets the deemed to comply requirements of 5.4.1 C1.2 of the R-Codes. Updated plans submitted to verify this response.</p> <p><u>Overshadowing</u> If the shadowing of the high boundary wall is included, (now noted in blue on page 2 of the drawings) 'plus' the shadowing from the dwelling, this exceeds the maximum 25% allowance of the neighbouring site area.</p>	<p>The submission is noted.</p> <p>The proposed development is concentrated to the rear and this minimises the impact on views although it does not preserve them completely. Views of the southern hinterland cannot be guaranteed from the access corridor. The variation sought in relation to height is discussed in the Officer’s report.</p> <p>Also, it is noted that the views mentioned in the submission are not from a private balcony but from an access corridor on the south side of the building. This is not a habitable room or a private active outdoor living area, but rather an area that is used to enter and exit the units within the apartment complex. Maintenance of views in this location from an access corridor are not part of the planning framework and assessment process.</p> <p>Also, it is noted the design has been amended to include visual privacy screening of the large window facing southwards that did not achieve the required visual privacy setback.</p> <p>Overshadowing to the southern property has been noted and discussed in the Officer’s report.</p>



External Consultation

Nil

Internal Consultation

The development application was referred to the Operations Department at the Town and relevant conditions were included in the final recommendation in response to this advice.

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Residential Design Codes (Volume 1)
Local Planning Scheme No. 3 (LPS 3)
LPS 3 Heritage List – Category B

POLICY IMPLICATIONS

Local Planning Policy 3.1.1 – Residential Design Guidelines
Local Planning Policy 3.1.8 – Wood Encouragement - General

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	7.5m - minimal streetscape impact	16m	A
Garage setback			N/A
Minor incursions			
Lot Boundary Setbacks			
Southern Wall – Master Suite, Retreat – Upper Storey	3.8m	2.507m	D
Western wall – retreat, study – upper storey	6m	31.095m	A
Northern Wall – Study, Stairs, Ensuite, WIR – Upper Storey	1.3m	1.103m	D
Southern Wall – Verandah, Bed 3, Lounge, Kitchen and Alfresco – Ground Floor	4.2m	2.477m	D
Western wall – alfresco – ground floor	6m	31.095m	A
Northern Wall – Verandah, Bed 2, Bed 4, Laundry, Bathroom and Alfresco	4.2m	1.028m	D
Car Parking			N/A

Maximum concealed wall height	6.5m	7.9m	D
Open Space	55%	67%	A
Site Works			N/A
Streetscape	Minimal impact	Minimal impact	A
Visual Privacy			
Retreat	6m	2.5m	D
Study	4.5m	4.6m	A
Overshadowing	25%	57% with existing development 62% with proposed development	D
Garage width			N/A
Roof form and pitch	Impact of roof to be demonstrated.	Impact of roof demonstrated	A
Outbuildings – wall height			N/A
Materials and colours			A
Landscaping			A
Front fence & gate			N/A
Sightlines			N/A
Footpaths and crossovers	Condition		
Drainage	Condition		
Wood Encouragement Policy	Timber to be utilised in the wall and roof frames		

This development application proposes alterations and additions to an existing dwelling located at 7 (Lot 3) Preston Point Road. The dwelling is a Category B heritage listed property. The proposed works are to be undertaken at the rear of the existing dwelling with the current ground floor being retained and the roof of the rear section of the dwelling being removed to allow for the upper storey addition. The proposed development does not impact on the original heritage dwelling as it is to the rear. The addition would sit atop the existing dwelling and it is considered would have minimal visibility from the street level. A new alfresco dining area is created from the overhang of the upper storey addition which comprises of a master suite, walk in robe, ensuite, retreat and study. It is noted that there are solar panels on the rear roof which will need to be removed as part of the proposed development. There is no intention to replace these immediately and to ensure that there are no future issues with regards to the potential addition of these structures to the roof, thus increasing its height, a condition has been included in the final recommendation requiring a development application to be submitted if solar panels are required to be installed on a framework which would elevate them above the height of the roof.

There are 5 variations requested to the requirements of the Residential Design Codes and 1 variation to the Residential Design Guidelines in relation to lot boundary setbacks (4 locations), overshadowing and wall height. These variations are outlined below.

Lot Boundary Setbacks - Southern Wall – Master Suite, Retreat – Upper Storey

The southern wall of the master suite and retreat is 8.71m long and 7.928m high with major openings and located 2.507m from the boundary. In accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 the wall should be situated at least 3.8m from the boundary. It is considered the reduced lot boundary setback can be supported in accordance with design principles 5.1.3 P3.2 for the following reasons:

- Minimal impacts of building bulk on the adjoining properties,
- Adequate sunlight and ventilation can be provided to the building and open spaces on site and to the adjoining properties, and
- Minimal overlooking and loss of privacy on adjoining properties.

The upper storey is partially built across the ground floor of the existing dwelling and has been used to create an alfresco dining area at the rear of the existing dwelling. The setback is such that air can circulate around the building and sunlight can penetrate into habitable rooms and outdoor living areas of the neighbouring property. It is considered there are minimal amenity impacts on the neighbouring property. The development is concentrated at

the rear of the property and there is minimal visibility from Preston Point Road. For these reasons the reduced lot boundary setback can be supported.

Lot Boundary Setbacks - Northern Wall – Study, Stairs, Ensuite, WIR – Upper Storey

The northern wall of the study, stairs, ensuite, and WIR is 8.71m long and 7.8m high without major openings and located 1.103m from the boundary. In accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 the wall should be situated at least 1.3m from the boundary. It is considered the reduced lot boundary setback can be supported in accordance with design principles 5.1.3 P3.2 for the following reasons:

- Minimal impacts of building bulk on the adjoining properties,
- Adequate sunlight and ventilation can be provided to the building and open spaces on site and to the adjoining properties, and
- Minimal overlooking and loss of privacy on adjoining properties.

As mentioned, the upper storey is partially built across the ground floor of the existing dwelling and has been used to create an alfresco dining area at the rear of the existing dwelling. The setback is such that air can circulate around the building and sunlight can penetrate into habitable rooms and outdoor living areas of the neighbouring property. It is considered there are minimal amenity impacts on the neighbouring property given that it is to the south of the northern neighbouring property and as a result does not reduce access to sunlight. The development is concentrated at the rear of the property and there is minimal visibility from Preston Point Road. For these reasons the reduced lot boundary setback can be supported.

Lot Boundary Setbacks - Southern Wall – Verandah, Bed 3, Lounge, Kitchen and Alfresco – Ground Floor

The southern wall of the verandah, bed 3, lounge, kitchen and alfresco dining area on the ground floor is 19.1m long and 4.9m high with major openings and located 2.477m from the boundary. In accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 the wall should be situated at least 4.2m from the boundary. It is considered the reduced lot boundary setback can be supported in accordance with design principles 5.1.3 P3.1 for the following reasons:

- Minimal impacts of building bulk on the adjoining properties,
- Adequate sunlight and ventilation can be provided to the building and open spaces on site and to the adjoining properties, and
- Minimal overlooking and loss of privacy on adjoining properties.

The setback is such that air can circulate around the building and sunlight can penetrate into habitable rooms and outdoor living areas of the neighbouring property. It is considered there are minimal amenity impacts on the neighbouring property given that it is to the south of the northern neighbouring property and as a result does not reduce access to sunlight. The development is concentrated at the rear of the property and has minimal visibility from Preston Point Road. For these reasons the reduced lot boundary setback can be supported.

Lot Boundary Setbacks - Northern Wall – Verandah, Bed 2, Bed 4, Laundry, Bathroom and Alfresco – Ground Floor

The northern wall of the verandah, bed 2, bed 4, laundry, bathroom and alfresco on the ground floor is 19.1m long and 4.9m high with major openings and located 1.028m from the boundary. In accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 the wall should be situated at least 4.2m from the boundary. It is considered the reduced lot boundary setback can be supported in accordance with design principles 5.1.3 P3.1 for the following reasons:

- Minimal impacts of building bulk on the adjoining properties,
- Adequate sunlight and ventilation can be provided to the building and open spaces on site and to the adjoining properties, and
- Minimal overlooking and loss of privacy on adjoining properties.

The setback is such that air can circulate around the building and sunlight can penetrate into habitable rooms and outdoor living areas of the neighbouring property. It is considered there are minimal amenity impacts on the neighbouring property given that it is to the south of the northern neighbouring property and as a result does not

reduce access to sunlight. The development is concentrated at the rear of the property and has minimal visibility from Preston Point Road. For these reasons the reduced lot boundary setback can be supported.

Maximum Wall Height

The Residential Design Guidelines acceptable development clause 3.7.18.4.1.3 A2.4 requires that the maximum height of the wall of a dwelling with a concealed roof is 6.5m. In this case the maximum height of the wall is 7.928m. It is noted that the subject dwelling is located on a sloping site which rises from Preston Point Road. The height is reflective of the topography and the development is concentrated so that most of the development is occurring above the existing development leaving much of the rear yard of the property unaffected by the development. Although some views will be impacted unlimited views of the southern hinterland cannot be guaranteed and the design limits the loss of views to a section that is 8.7m long from a boundary that is 56m long or approximately 15% of the boundary length. The concentration of the new development in the current location minimises the impact of the development on neighbouring properties to the north. For these reasons the increased wall height can be supported.

Overshadowing

The Residential Design Codes deemed to comply clause 5.4.2 C2.1 requires that development on lots with a density code of R12.5 only overshadow the neighbouring property by no more than 25%. In this case the dwelling with the proposed alterations and additions will overshadow the southern property to a level of 15% assuming that the neighbouring sites were level. There is already a very high level of overshadowing as a result of the topography of the site and this is difficult to avoid given how much higher the subject property is in relation to the southern neighbouring lot. The subject property is elevated between 3m and 6m above the southern property which creates significant overshadowing.

The overshadowing is currently 57% but as result of the proposed development will increase to 62%, thus increasing the overshadowing by 5%. It is noted that the proposed rear addition is located at the rear of the heritage dwelling and above an existing rear addition. It has been designed in a manner that attempts to minimise the impact on the rear yard of the southern property and mainly overshadows the main dwelling on site. In accordance with design principles of clause 5.4.2 development should be designed to minimise the impact on the outdoor living areas at the rear of the southern neighbouring property that is impacted by overshadowing. For this reason, the proposed increase in overshadowing above 25% can be supported.

Submission

There was one submission following advertising from an owner of a unit within the neighbouring four storey flats complex to the north of the subject property. Although it is recognised that there may be impacts from the development on the northern neighbouring property in terms of views of the southern hinterland being obstructed these views cannot be guaranteed given that development can be permitted on the lot subject to Council approval of the wall height provision. Also, it is noted that the views are obstructed from an access corridor on the exterior of the building and this is not considered an active outdoor habitable space where views might be considered relevant. There are also many trees in the rear yard of the subject property that also limit views to the south. Although the proposed development height is above the acceptable development requirements of the Residential Design Guidelines on balance the proposed development can be supported despite the reduction in views from the neighbouring submitter's property as the development is not considered to impact significantly on the amenity of the dwelling.

CONCLUSION

The proposed development at 7 (Lot 3) Preston Point Road, East Fremantle can be supported subject to the conditions included in the final recommendation. It is considered the proposed development will result in alterations and additions undertaken to a Category B heritage property that will not impact significantly on the existing streetscape. The development is double storey but to the rear of the subject property. It retains much of the existing

rear yard and it is considered there are minimal impacts on the existing heritage dwelling. The variations sought are considered supportable on the basis of the assessment under the performance criteria of the R-Codes in relation to overshadowing and setbacks and the Residential Design Guidelines in regard to impact on views.

- Mr Michael Merz (neighbour) spoke against the development, as he felt that it would interrupt his view of the Immaculate Conception Church and increase the feeling of being more enclosed.
- Mr Phillip Williams (owner) addressed the meeting and was in support of the officer recommendation.

12.2 OFFICER RECOMMENDATION / COMMITTEE RESOLUTION

OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP020923

Moved Cr Nardi, seconded Cr Natale

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

- Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks - Southern Wall – Master Suite, Retreat – Upper Storey – 3.8m required, 2.507m provided,
- Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks - Northern Wall – Study, Stairs, Ensuite, WIR – Upper Storey – 1.3m required, 1.103m provided,
- Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks - Southern Wall – Verandah, Bed 3, Lounge, Kitchen and Alfresco – Ground Floor – 4.2m required, 2.477m provided,
- Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks - Northern Wall – Alfresco – Ground Floor – 4.2m required, 1.028m provided,
- Clause 3.7.18.4 – Residential Design Guidelines – Wall Height – 6.5m required, 7.9m provided, and
- Clause 5.4.2 – Residential Design Codes – Overshadowing – Maximum of 25% required, more than 25% provided,

for alterations and additions to an existing dwelling at No. 7 (Lot 3) Preston Point Road, East Fremantle, in accordance with the plans submitted on 11 August 2023, subject to the following conditions:

- Any proposal to install new solar panels on the roof which requires a standalone structure or framework to support the panels attached to the roof will require the submission of a development application for the Council's consideration.
- All fencing within the street setback area is to be in compliance with the front fence provisions of Local Planning Policy 3.1.1 - Residential Design Guidelines. Any proposed new fencing or walls in the front setback area will require the submission of a development application for the Council's consideration.
- 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.
- 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.
- An application is to be submitted to the Operations Department of the Town for the removal of any verge trees. Verge trees are not be removed without written approval from the Town.
- 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:
 - How materials and equipment will be delivered and removed from the site.
 - How materials and equipment will be stored on site.
 - Parking arrangements for contractors.
 - Construction waste disposal strategy and location of waste disposal bins.
 - Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction.
 - How risks of wind and/or waterborne erosion and sedimentation will be minimised during and after the works.
 - Other matters that are likely to impact on the surrounding properties.

- (7) The footpath is to always remain accessible to pedestrians.
- (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 the Town 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 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.
- (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 Town are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by the Town.*
- (c) *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. Two copies of each dilapidation report should be lodged with the Town and one copy should be given to the owner of any affected property.*
- (d) *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).*
- (e) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (f) *Trees on verges are the property of the Town. 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.*
- (g) *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*

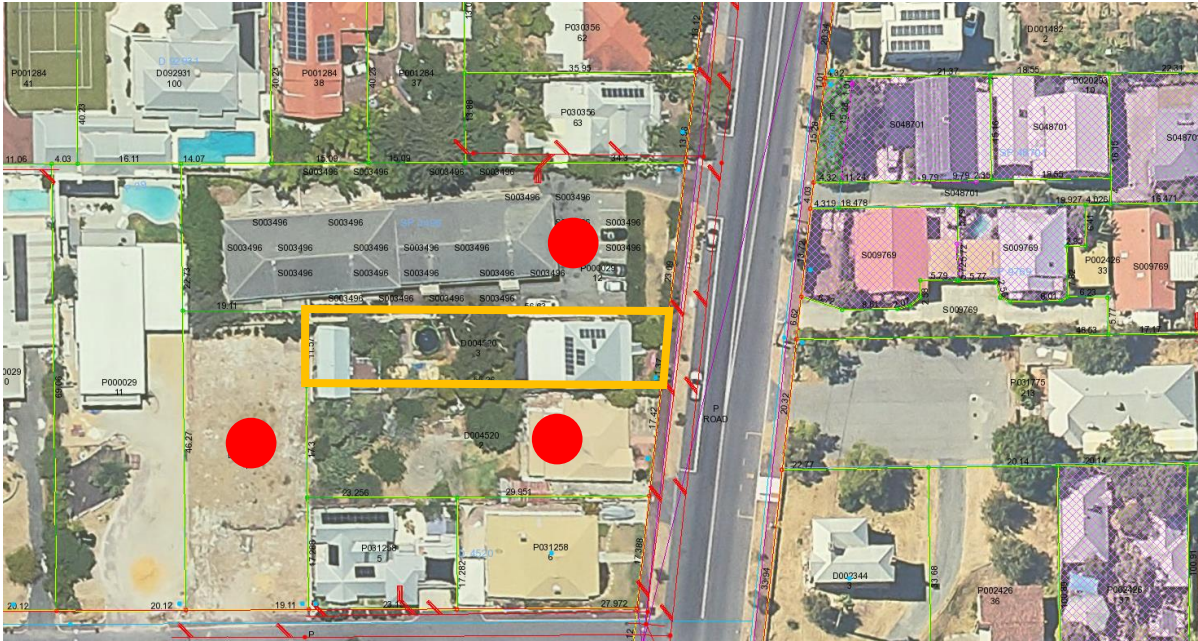
(CARRIED UNANIMOUSLY)

Note: As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 16 May 2023, this application is deemed determined, on behalf of Council, under delegated authority.

REPORT ATTACHMENTS

Attachments start on the next page.

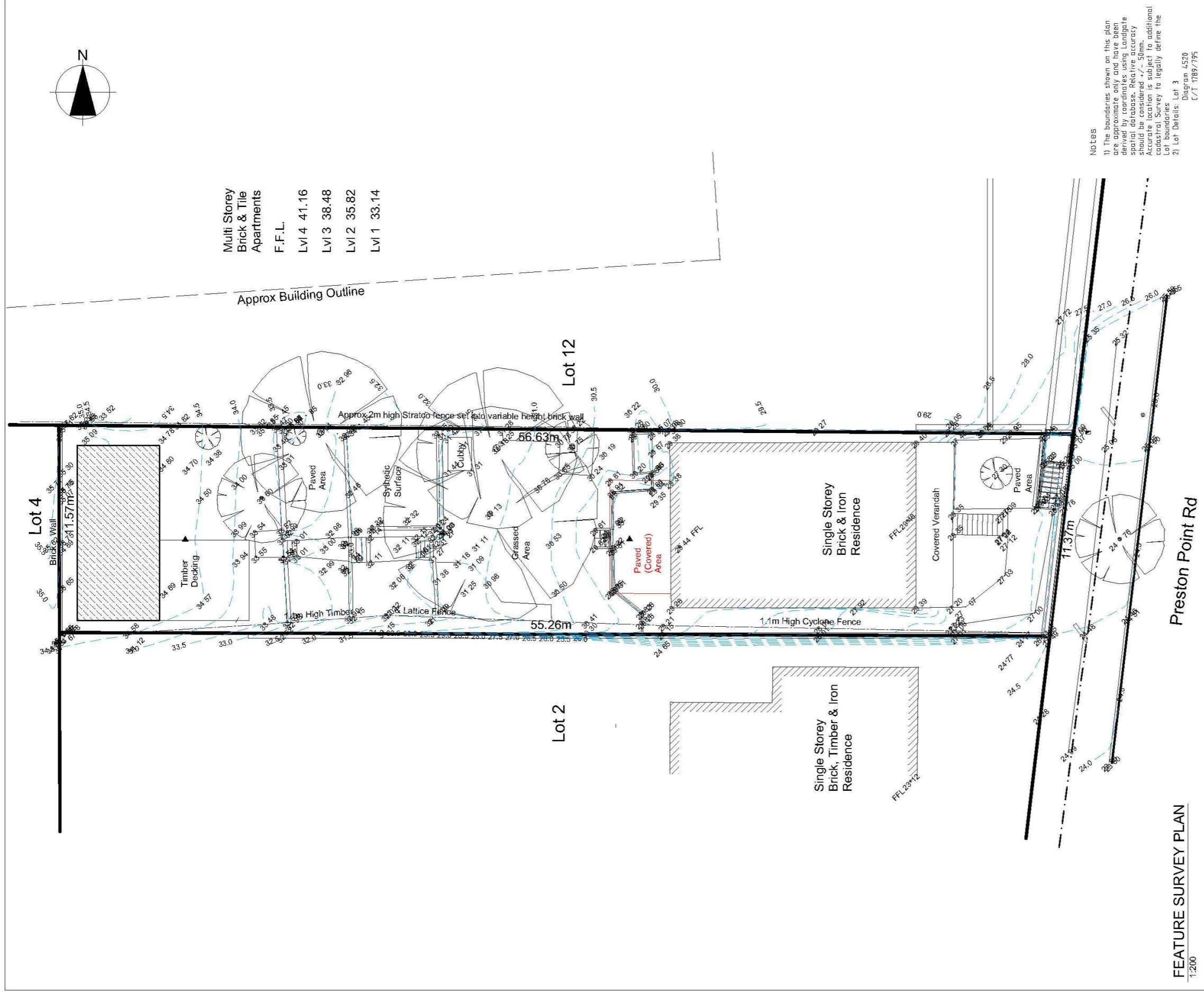
7 Preston Point Road – Location and Advertising Plan



Attachment -2
7 Preston Point Road – Photos







FEATURE SURVEY PLAN
1:200

Client	P&C Williams	Survey Date	July 2015	AHD Grid	PCG94
Job	7 Preston Pt Rd East Fremantle	Surveyor	PGF	FB	121
Title	Detail Survey - Lot 3	Checked	PGF	File	8708-01
		Rev	A	Approved	Peter French

DATE	09-06-23	REV	C	DESCRIPTION	CONTRACT
	22-06-23		D		BUILDER COPY MEASURE MARKUPS
	28-06-23		E		PLANNING PAGE NUMBER UPDATE
	04-07-23		F		VO 5898 CEILING HEIGHT UPDATE & BUILDER COPY
	08-08-23		H		COUNCIL PLANNING UPDATE - VO 6020

STAGE: PLANNING AND ENGINEERING
CLIENT: WILLIAMS CLAIRE & PHILLIP
 PROPOSED RESIDENCE AT:
 7 PRESTON POINT ROAD
 EAST FREMANTLE

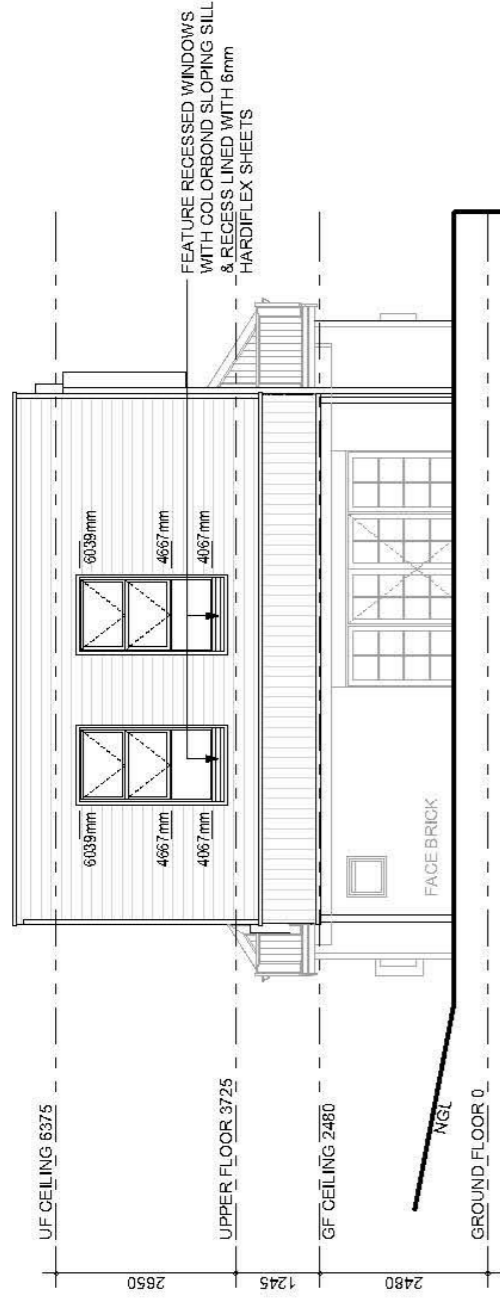


TRADE RANGER SURVEY CONSULTING
 145 FLINDERS ST. Mt Hawthorn 6016
 Tel (08) 9443 2062 Fax (08) 9443 2066

NEXUS HOME IMPROVEMENTS:
 P: 21 HAMMOND ROAD
 COCKBURN CENTRAL
 WA 6164
 T: 08 9414 1789
 ABN: 72162689326
 W: www.nexushomegroup.com.au
SCALE: A3 SHEET
NOTE: DO NOT SCALE FROM THESE DRAWINGS. ALL CONTRACTORS TO CHECK MEASUREMENTS ON SITE PRIOR TO FABRICATION. ANY DISCREPANCIES TO BE REPORTED TO SUPERVISOR IMMEDIATELY

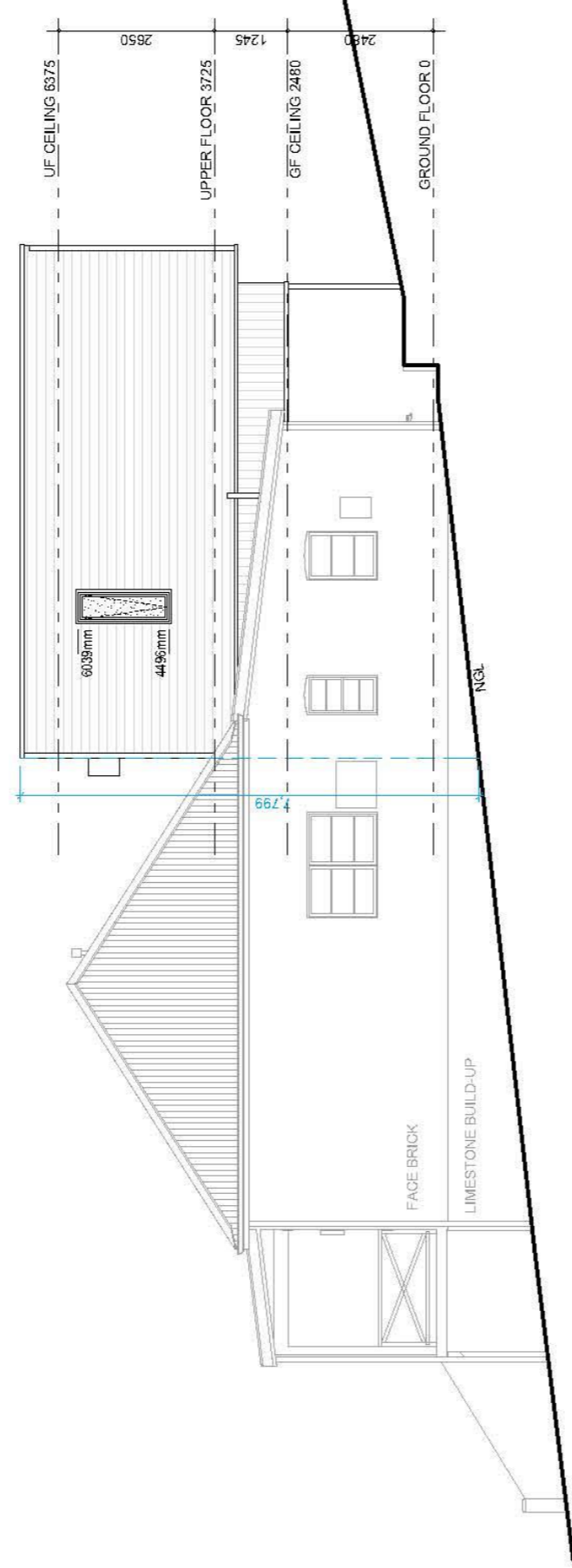
BY:	MS
	MS
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	ST

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	08-08-23		H		COUNCIL PLANNING UPDATE - VO 6020



E3 ELEVATION (WEST)

1:100



E4 ELEVATION (NORTH)

1:100



STREETVIEW EAST

1:200

STAGE: PLANNING AND ENGINEERING

CLIENT: WILLIAMS
CLAIRE & PHILLIP
PROPOSED RESIDENCE AT:
7 PRESTON POINT ROAD
EAST FREMANTLE



SHEET: ELEVATIONS 3 & 4

DATE:	REV:	DESCRIPTION:
09-06-23	C	CONTRACT
22-06-23	D	BUILDER COPY MEASURE MARKUPS
28-06-23	E	CEILING HEIGHTS
04-07-23	F	PLANNING PAGE NUMBER UPDATE
08-08-23	G	VO 5886 CEILING HEIGHT UPDATE & BUILDER COPY
08-08-23	H	COUNCIL PLANNING UPDATE - VO 6020

DATE PRINTED: 8/08/2023 VS CONTRACT CODE STRUCTURE PLACE WHERE APPROPRIATE

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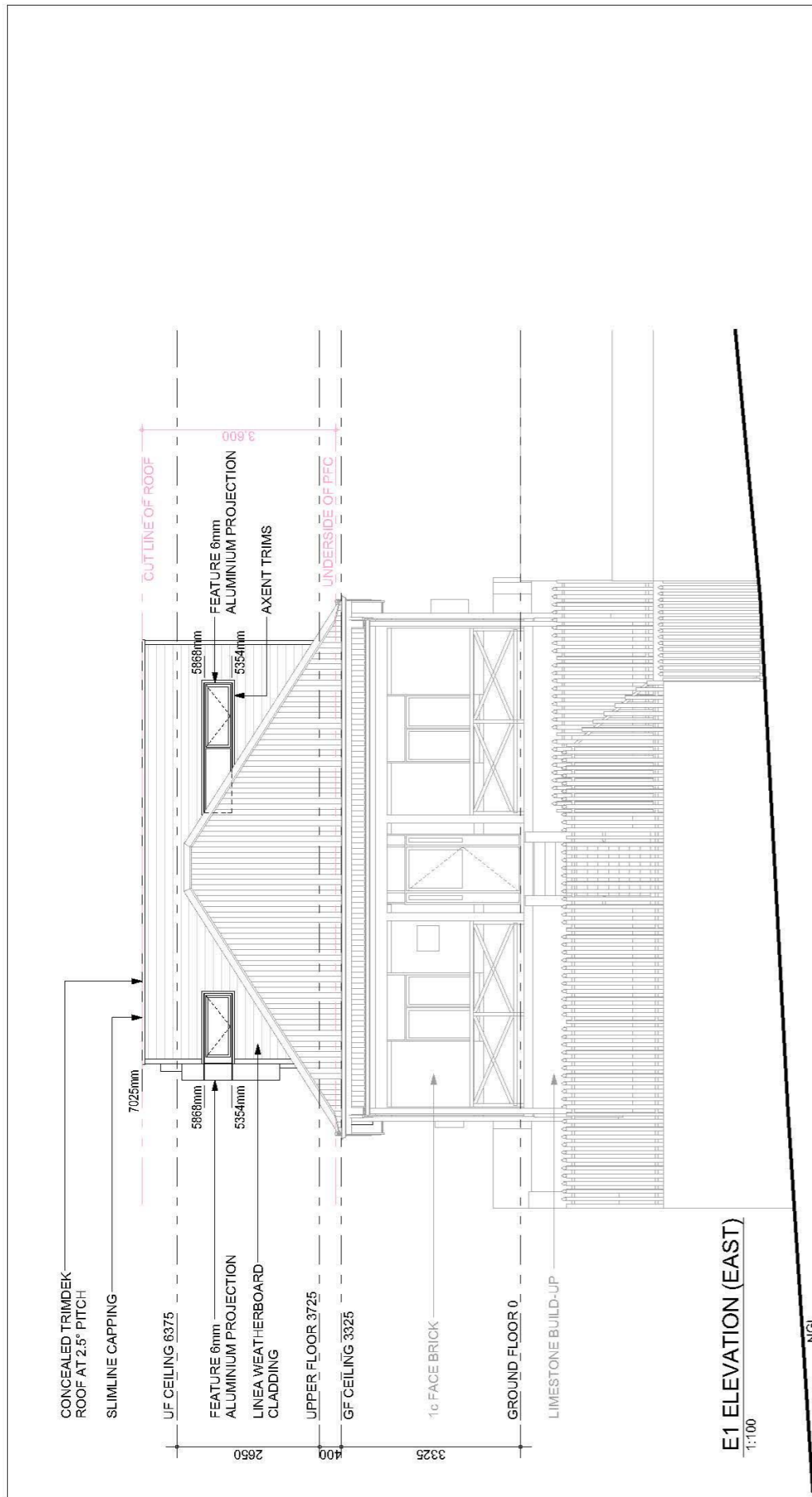
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W: www.nexushomegroup.com.au

SCALE: A3 SHEET

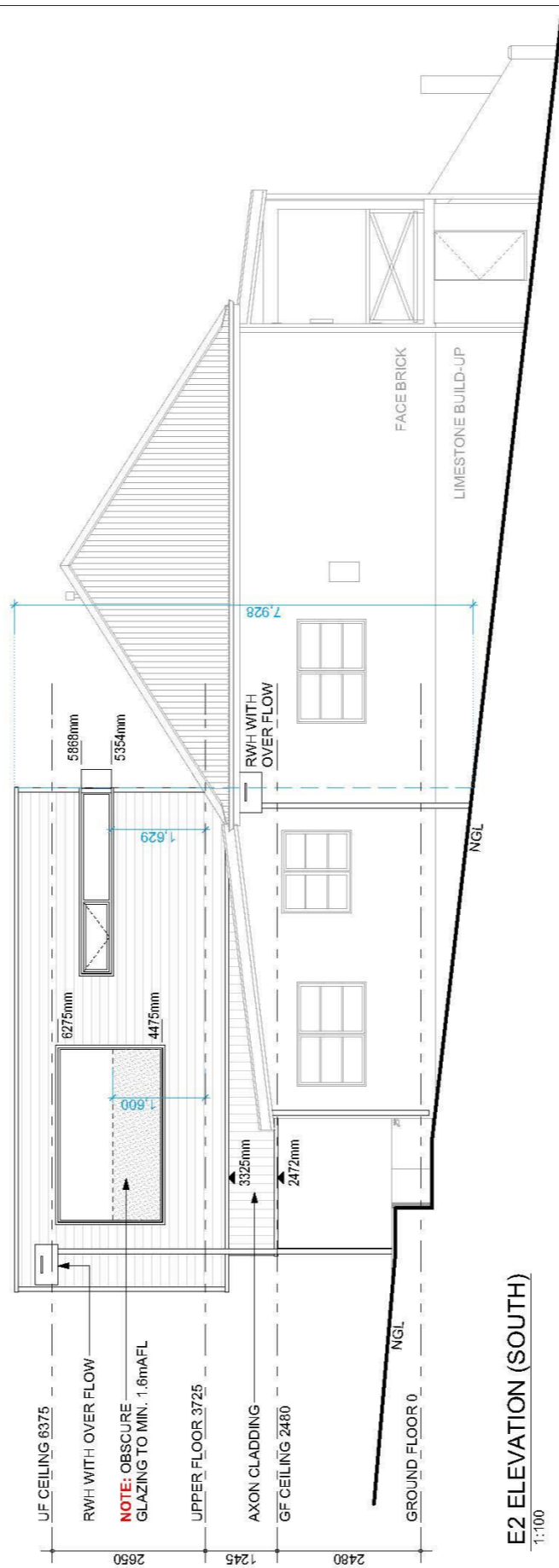
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SHEET NO:
7 OF 7

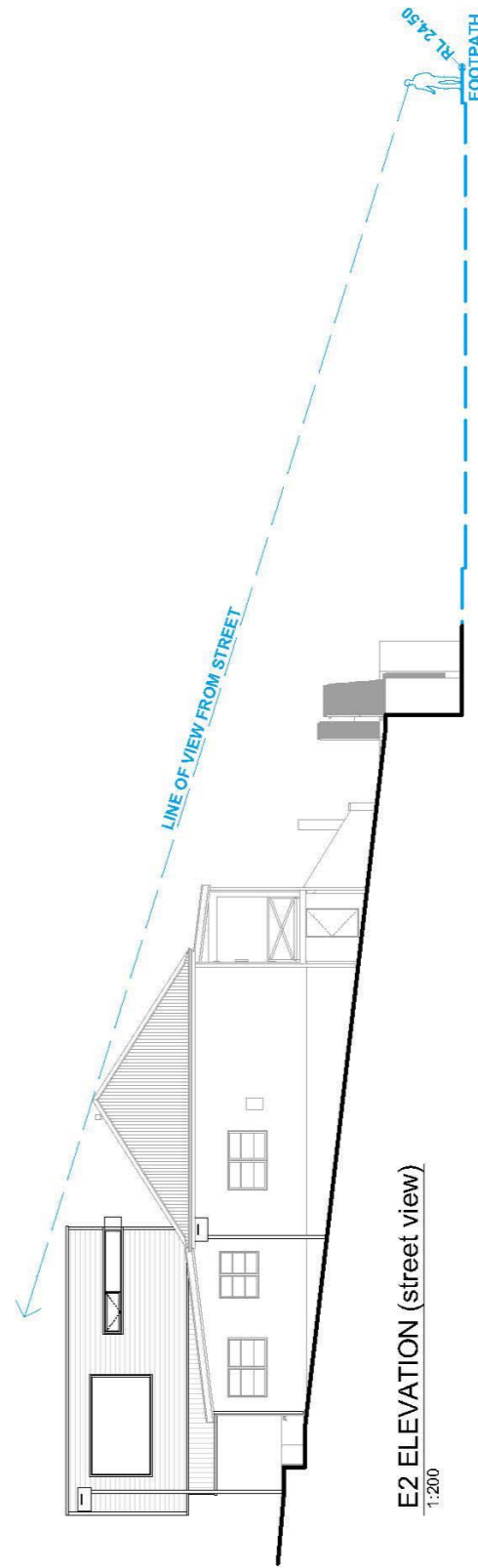
JOB NO:
2020



E1 ELEVATION (EAST)
1:100

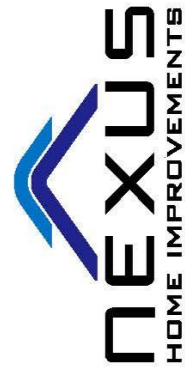


E2 ELEVATION (SOUTH)
1:100



E2 ELEVATION (street view)
1:200

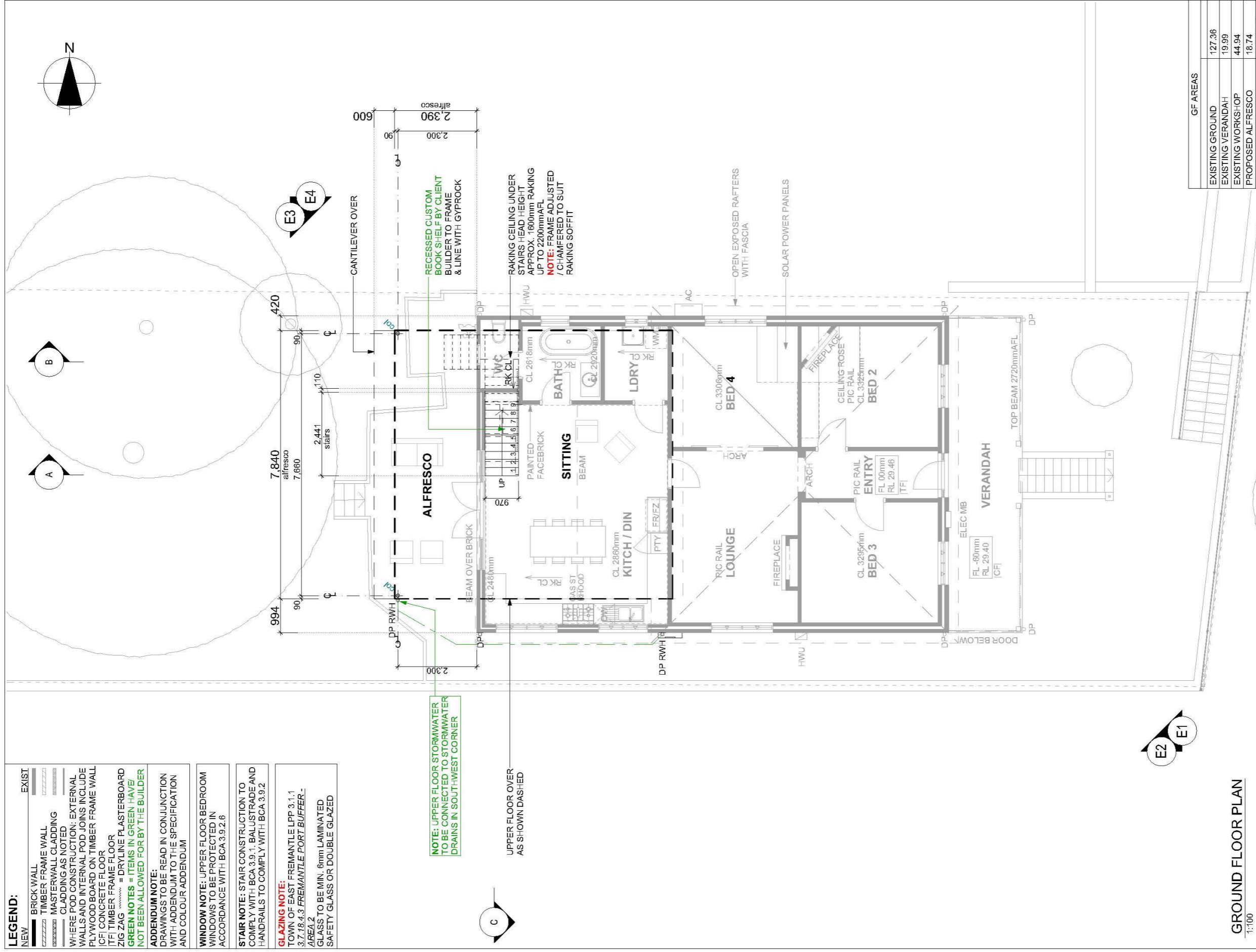
STAGE: PLANNING AND ENGINEERING
CLIENT: WILLIAMS CLAIRE & PHILLIP
 PROPOSED RESIDENCE AT:
 7 PRESTON POINT ROAD
 EAST FREMANTLE



SHEET: ELEVATIONS 1 & 2

DATE:	REV:	DESCRIPTION:	BY:
09-05-23	C	CONTRACT	MS
22-08-23	D	BUILDER COPY MEASURE MARKUPS	MS
28-08-23	E	PLANNING PAGE NUMBER UPDATE	MS
04-07-23	F	VO 5898 CEILING HEIGHT UPDATE & BUILDER COPY	MS
08-08-23	H	COUNCIL PLANNING UPDATE - VO 6020	ST

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- LEGEND:**
- NEW BRICK WALL
 - EXISTING BRICK WALL
 - NEW TIMBER FRAME WALL
 - EXISTING TIMBER FRAME WALL
 - NEW MASTERWALL CLADDING
 - EXISTING MASTERWALL CLADDING
 - WHERE POD CONSTRUCTION: EXTERNAL WALLS AND INTERNAL POD JOINS INCLUDE PLYWOOD BOARD ON TIMBER FRAME WALL
 - ICF CONCRETE FLOOR
 - TFI TIMBER FRAME FLOOR
 - ZIG ZAG = DRYLINE PLASTERBOARD
 - GREEN NOTES = ITEMS IN GREEN HAVE NOT BEEN ALLOWED FOR BY THE BUILDER
 - ADDENDUM NOTE: DRAWINGS TO BE READ IN CONJUNCTION WITH ADDENDUM TO THE SPECIFICATION AND COLOUR ADDENDUM
 - WINDOW NOTE: UPPER FLOOR BEDROOM WINDOWS TO BE PROTECTED IN ACCORDANCE WITH BCA 3.9.2.6
 - STAIR NOTE: STAIR CONSTRUCTION TO COMPLY WITH BCA 3.9.1. BALUSTRADE AND HANDRAILS TO COMPLY WITH BCA 3.9.2
 - GLAZING NOTE: TOWN OF EAST FREMANTLE LPP 3.1.1 3.7.18.4.3 FREMANTLE PORT BUFFER AREA 2 GLASS TO BE MIN. 6mm LAMINATED SAFETY GLASS OR DOUBLE GLAZED

NOTE: UPPER FLOOR STORMWATER TO BE CONNECTED TO STORMWATER DRAINS IN SOUTH-WEST CORNER

UPPER FLOOR OVER AS SHOWN DASHED

GF AREAS	
EXISTING GROUND	127.36
EXISTING VERANDAH	19.99
EXISTING WORKSHOP	44.94
PROPOSED ALFRESCO	18.74
TOTAL	211.03 m²

NEXUS HOME IMPROVEMENTS:
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4 OF 7
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2020
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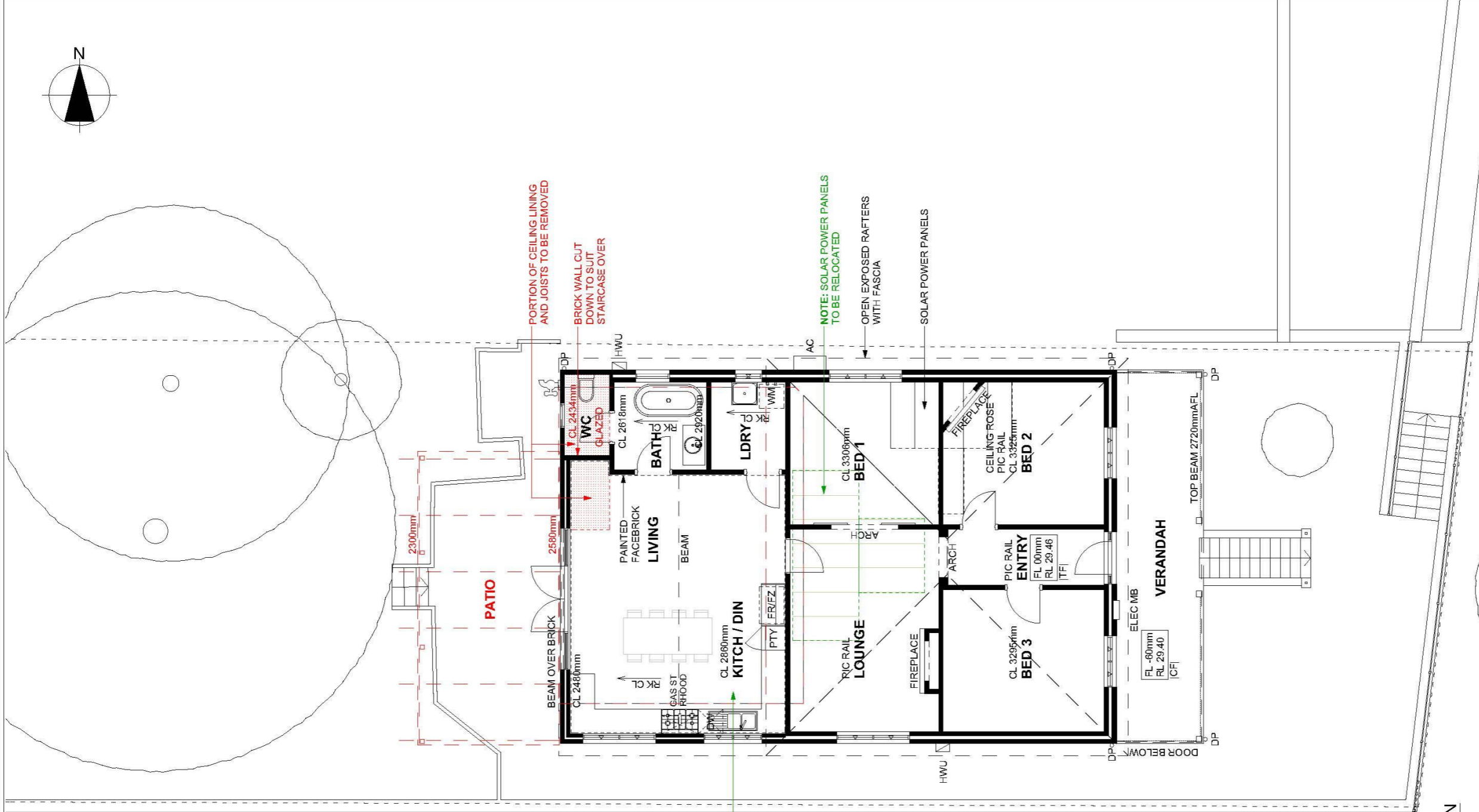
STAGE: **PLANNING AND ENGINEERING**
 CLIENT: **WILLIAMS CLAIRE & PHILLIP**
 PROPOSED RESIDENCE AT:
7 PRESTON POINT ROAD EAST FREMANTLE

NEXUS
 HOME IMPROVEMENTS

GROUND FLOOR PLAN
 1:100

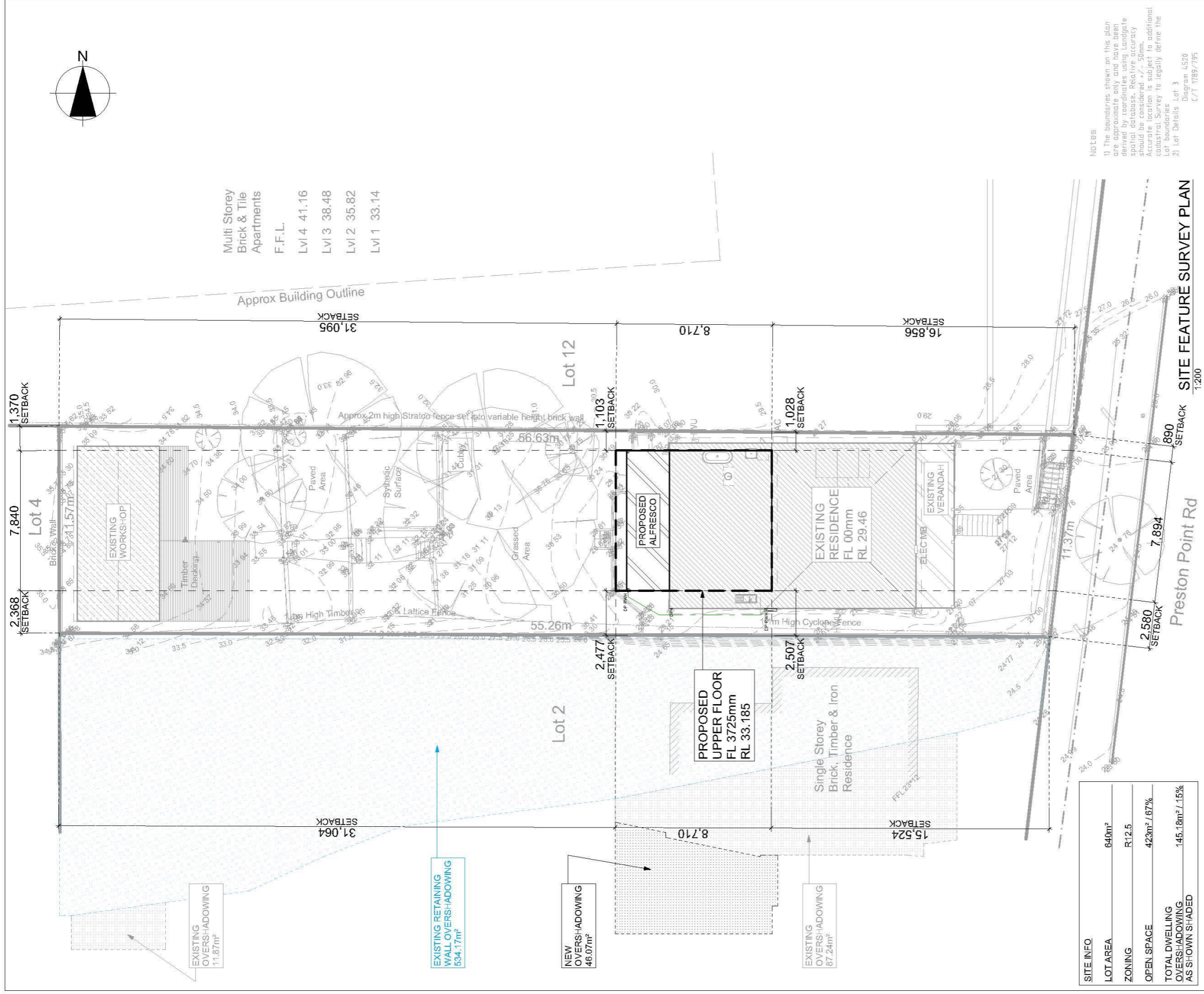
LEGEND:

NEW	BRICK WALL	EXIST
	TIMBER FRAME WALL	
	MASTERWALL CLADDING	
	CLADDING AS NOTED	
	WHERE POD CONSTRUCTION: EXTERNAL WALLS AND INTERNAL POD JOINS INCLUDE PLYWOOD BOARD ON TIMBER FRAME WALL	
	ICF CONCRETE FLOOR	
	ITF TIMBER FRAME FLOOR	
	ZIG ZAG = DRYLINE PLASTERBOARD	
	GREEN NOTES = ITEMS IN GREEN HAVE NOT BEEN ALLOWED FOR BY THE BUILDER	
	ADDENDUM NOTE:	
	DRAWINGS TO BE READ IN CONJUNCTION WITH ADDENDUM TO THE SPECIFICATION AND COLOUR ADDENDUM	



DEMOLITION GROUND FLOOR PLAN
1:100

	STAGE: PLANNING AND ENGINEERING CLIENT: WILLIAMS CLAIRE & PHILLIP PROPOSED RESIDENCE AT: 7 PRESTON POINT ROAD EAST FREMANTLE	SHEET: DEMOLITION GROUND FLOOR	NEXUS HOME IMPROVEMENTS: P: 21 HAMMOND ROAD COCKBURN CENTRAL WA 6164 T: 08 9414 1789 ABN: 72152689326 W: www.nexushomegroup.com.au NOTE: DO NOT SCALE FROM THESE DRAWINGS. ALL CONTRACTORS TO CHECK MEASURE ON SITE PRIOR TO FABRICATION. ANY DISCREPANCIES TO BE REPORTED TO SUPERVISOR IMMEDIATELY
	DATE: 09-05-23 REV: C DESCRIPTION: BUILDER COPY MEASURE MARKUPS DATE: 22-06-23 REV: D DESCRIPTION: BUILDER COPY MEASURE MARKUPS DATE: 28-06-23 REV: E DESCRIPTION: VO 5836 CEILING HEIGHT UPDATE & BUILDER COPY DATE: 04-07-23 REV: G DESCRIPTION: COUNCIL PLANNING UPDATE - VO 6020 DATE: 08-08-23 REV: H DESCRIPTION: COUNCIL PLANNING UPDATE - VO 6020	BY: MS DATE: 09-05-23 BY: MS DATE: 22-06-23 BY: MS DATE: 28-06-23 BY: MS DATE: 04-07-23 BY: ST DATE: 08-08-23	SHEET N°: 3 OF 7 JOB N°: 2020 SCALE: A3 SHEET



Multi Storey
Brick & Tile
Apartments
F.F.L.
LVI 4 41.16
LVI 3 38.48
LVI 2 35.82
LVI 1 33.14

SITE INFO	
LOT AREA	640m ²
ZONING	R12.5
OPEN SPACE	423m ² / 67%
TOTAL DWELLING OVERSHADOWING AS SHOWN SHADED	145.18m ² / 15%

Notes
1) The boundaries shown on this plan are approximate only and have been derived by coordinates using Landgate spatial database. Relative accuracy should be considered +/- 50mm. Accurate location is subject to additional cadastral survey to legally define the Lot boundaries.
2) Lot Details - Lot 3
Diagram 4520
C/T 11897/195

Client: P&C Williams		Survey Date: July 2015		Datum: AHD		Scale: 1:250	
Job: 7 Preston Pt Rd East Fremantle		Surveyor: RGF		Grid: FB 121		Scale: 1:250	
Title: Detail Survey - Lot 3		Checked: PGF		File: 8708-01		Scale: 1:250	
Dwg. No.: 870801-01		Rev: A		Approved: Peter French		Scale: 1:250	
STAGE: PLANNING AND ENGINEERING				SHEET: SITE FEATURE SURVEY PLAN			
CLIENT: WILLIAMS CLAIRE & PHILLIP				DATE: 09-05-23			
PROPOSED RESIDENCE AT: 7 PRESTON POINT ROAD EAST FREMANTLE				REVISION: C			
NEXUS HOME IMPROVEMENTS				DESCRIPTION: CONTRACT COPY MEASURE MARKUPS			
TRADE RANGER SURVEY CONSULTING				D			
115 FLINDERS ST. MT. HARTHORN 6016				E			
Tel: (08) 9443 2062 Fax: (08) 9443 2066				F			
ABN: 72152689326				G			
www.trade-ranger.com.au				H			
SCALE: A3 SHEET				DATE PRINTED: 8/08/2023			
NOTE: DO NOT SCALE FROM THESE DRAWINGS. ALL CONTRACTORS TO CHECK MEASUREMENTS ON SITE PRIOR TO FABRICATION. ANY DISCREPANCIES TO BE REPORTED TO SUPERVISOR IMMEDIATELY.				DATE PRINTED: 8/08/2023			
SHEET NO: 2 OF 7				JOB NO: 2020			

PLACE RECORD FORM



PRECINCT	Riverside
ADDRESS	7 Preston Point Road
PROPERTY NAME	N/A
LOT NO	Lot 3
PLACE TYPE	Residence
CONSTRUCTION DATE	C 1910
ARCHITECTURAL STYLE	Federation Bungalow
USE/S	Original Use: Residence/ Current Use: Residential
STATE REGISTER	N/A
OTHER LISTINGS	N/A
MANAGEMENT CATEGORY	Category B
PHYSICAL DESCRIPTION	<p>No 7 Preston Point Road is a single storey house constructed in limestone, brick and rendered brick with a hipped corrugated iron roof. It is a simple expression of the Federation Bungalow style. The place is highly elevated on its site which gives it some prominence. The front elevation is symmetrically planned with a full width skillion roofed verandah. The verandah is supported on timber posts with post brackets. A St Andrews Cross balustrade spans between the posts. The balustrade is a recent piece of restoration work. There is a central door and hopper light flanked by sidelights and casement windows with hopper lights. The place sits on limestone foundations. The walls are face brick with rendered string courses and sills. A set of stairs leads down to the garden from the verandah.</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

Riverside Precinct was once part of Location 64 (10 acres). In 1896 the Riverside Precinct was subdivided into 47 lots following the developments of Plympton in the 1890s. It was not until 1900 before all of the lots in Riverside were sold. A number of substantial homes were thereafter built in the area. Concurrently riverside related industries were developed along the base of the limestone scarp now fronted by Riverside Road.

More subdivisions to Riverside occurred in 1913 to Putney, Bellevue, Hillside, Surbiton and Hill Streets (Putney, Bellevue and Hill Streets no longer exist.). At the time a number of buildings were developed around Pier Street. Lot sizes were large in comparison to Plympton Precinct. By 1915 a dense group of houses was established in the Riverside Precinct. Large residences occupied the hilltop streets while smaller residences were developed along Preston Point Road and along the river bank. As a response to the topography of the precinct lots were irregular in shape and size.

Substantial residences were developed along the east side of Preston Point Road in the Richmond Precinct around this time. The developments on the west side of Preston Point Road, however, were of a much larger scale and in the late Victorian style which contrasts with the adjacent Precinct.

OWNERS

Unknown

HISTORIC THEME

Demographic Settlements - Residential Subdivision

CONSTRUCTION MATERIALS

Walls – Limestone, brick and rendered brick

Roof – Corrugated iron sheeting

PHYSICAL SETTING

The residence is situated on a steeply sloping lot with stairs leading down to the garden. There is a rendered brick wall and open picket fence on the lot boundary. The place is elevated above the street which gives the house visual prominence.

STATEMENT OF SIGNIFICANCE

No 7 Preston Point Road is a single storey house constructed in limestone, brick and rendered brick with a corrugated iron roof. It has historic and aesthetic value for its contribution to Riverside's small concentration of fine houses. The place contributes to the local community's sense of place.

The place has considerable aesthetic value as a simple Federation Bungalow. The place retains a moderate degree of authenticity and a high degree of integrity.

The additions to the rear have no significance.

AESTHETIC SIGNIFICANCE

No 7 Preston Point Road has considerable aesthetic value as a simple Federation Bungalow. It retains most of the characteristic features of a dwelling of the type and period.

HISTORIC SIGNIFICANCE

No 7 Preston Point Road 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 7 Preston Point Road 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.

Attachment -4

RARITY

No 7 Preston Point Road does not have qualities associated with the corresponding category.

CONDITION

No 7 Preston Point Road is in good condition.

INTEGRITY

No 7 Preston Point Road retains a high degree of integrity.

AUTHENTICITY

No 7 Preston Point Road retains a moderate degree of authenticity.

MAIN SOURCES



Community Engagement Checklist

Development Application P051/23 – 7 Preston Point Road

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	14/07/2023	<input checked="" type="checkbox"/> Advertised to 3 surrounding properties (one is a complex of 25 – Preston Heights)	
#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		14/07/2023		
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				

12.3 53 CANNING HIGHWAY - APPROVAL SUBSEQUENT TO DEVELOPMENT AND REMOVAL OF ENCROACHMENT

Owner	Mattias & Andrea Nordstrom
Applicant	John Chisholm Design
Report Reference Number	TPR-1423
Planning Reference Code	P046/23
Prepared by	James Bannerman, Planning Officer
Supervised by	Christine Catchpole, Acting Executive Manager Regulatory Services
Meeting date	Tuesday, 5 September 2023
Voting requirements	Simple majority
Documents tabled	Nil

Attachments

1. Location and advertising plan
2. Photos
3. Plans submitted on 9 August 2023
4. Place Record Form – Category B
5. Community engagement checklist

PURPOSE

The purpose of this report is for Council to consider a development application seeking approval subsequent to development for an ancillary dwelling and approval to remove an encroachment over the common boundary between 49 and 53 Canning Highway, East Fremantle.

EXECUTIVE SUMMARY

A development application has been submitted for 53 (Lot 2) Canning Highway, East Fremantle. This application is to seek approval subsequent to development for an existing ancillary dwelling on site and to remove the existing building encroachment over the western boundary to within the subject property’s boundaries.

There is currently a single residential dwelling on site with an ancillary dwelling (that is the subject of this development application), as well as a garage located at the rear with access from Hubble Street. The dwelling is a Category B property on the Town’s heritage list.

The property is located in an area that is zoned Mixed Use with an applicable density code of R40 and is subject to the requirements of the Local Planning Scheme No 3 (LPS 3), and the Residential Design Codes. The current long standing residential use is not changing. The proposal seeks to gain approval for the existing ancillary dwelling on site and to ensure that the building is within the boundaries of the subject property. There are no variations to the requirements of the Local Planning Scheme No 3 or the Residential Design Codes.

The application is recommended for approval subject to the conditions that are included in the final recommendation.

BACKGROUND

LPS 3 Zoning	Mixed Use (R40)
MRS	Property abuts 'Other Regional Road' Referral to MRWA was not undertaken as the ancillary dwelling structure is existing.
Site Area	433m ²
Heritage	Category B
Fremantle Port Buffer	Area 2
Previous Decision of Council and/or History of Issue Onsite	Nil

CONSULTATION

Advertising

The proposed development was advertised from 14 June to 30 June 2023. Two submissions were received from the same submitter and are included below.

Submission	Applicant Response	Town Response
<p>Submission 1</p> <p>We hold grave concerns for this proposal. Furthermore, we would need to be ensured that the listed builder on the BA20 form is solely responsible for all works, and that no un-authorized owner builder is building unsound structures adjacent to our property and jeopardising our property and safety. The current plans are incorrect and differ from our property survey. As per our independent survey, the most southern structure on 53 Canning Hwy still remains on our property. On the latest building plans, it still remains on our property. We are strongly objecting to this and given that we hold grave concerns for the structural integrity of this structure also, it needs to be removed from our land given the risk it poses to our property and our safety. The current proposed plans do not comply with regulations of the required setback from the boundary.</p> <p>As these structures are to be moved, a boundary fence/wall will need to be erected. We will not be paying for this.</p> <p>Whilst we warmly welcome the return of our land, we hold grave concerns for the inevitable damage to our property in the process. This area (and the whole property) has just been fully rebuilt and renovated, at huge expense (circa \$700k).</p> <p>If these works proceed, we are concerned for the subsequent monetary, inconvenience and unsafe conditions we will be faced with, as the bystanders of such.</p> <p>Whilst the land between the northmost aspect between our properties is returned, this too will be abutting our land. Again, we hold grave concerns for the integrity of this component of the residential dwelling and concerned it too in the future may pose a threat to our safety and our property. Before further renovation of this area, we need to be ensured via an independent report that the adjacent property is not to jeopardise ours or our safety due to poor owner build workmanship.</p> <p>The existing Canning Hwy side new limestone boundary fence at the front, was replaced by both</p>	<p>Noted.</p>	<p>The owner and the applicant are attempting to rectify the issues associated with both the building encroachment onto the neighbouring site and the lack of a formal development approval and building permit for the proposed ancillary dwelling on site.</p> <p>By undertaking a development application and seeking building approvals the existing works can be formalised to ensure that they comply with the Town’s requirements and minimise impacts on neighbouring properties.</p> <p>The proposed removal of the encroachment of the ‘studio’ must be undertaken in a manner that ensures that a dividing fence remains, and the structure is safe and is built in accordance with the National Construction Code. All works indicated on the plans provided by the applicant show movement of the structures to inside their boundary.</p> <p>It is not known how long the existing structures have encroached over the neighbouring property boundaries. If a property contains an original dwelling, the encroachment may only become apparent when owners undertake a site survey and clearly identify the site boundaries. Property boundaries can only be verified by way of a site survey being undertaken by property owners through licensed land surveyors.</p> <p>This development application is intended to rectify the encroachment and ensure that the existing building on site gains the required Council approvals. A private building surveyor is also required to issue a certificate of building compliance (BA18). The responsibility for ensuring that development occurs within the site boundaries is the responsibility of property owners and their appointed builders and contractors.</p> <p>Issues associated with encroachment and dividing fences and other structures being in the incorrect location require property owners to discuss the issues and hopefully arrive at solutions to which all parties can agree.</p>

parties (49 & 53) paid 50/50% in 2021/2020. The placement was based off the pre-existing location, and unfortunately at this time it was not surveyed again, as it was assumed to be correct, as we had only just purchased the property

It has also come to our attention that the owners of 53 Canning Highway had a SURVEY CONDUCTED IN 2017,(and reissued in 4/5/2023) showing that this boundary fence (AND buildings) at 53 were very clearly VIOLATING OUR BOUNDARY, however the new limestone fence construction proceeded regardless, in the wrong position, without revealing this information to us.

Therefore 53 can rebuild the wall in the correct position, and modify our brand-new sandstone planter boxes, to a PERFECT condition, as they are at present. Attached is a copy of the 2017 survey (found on council's website), and a photo of the 2020/2021 new sandstone wall that we paid 50% for.

We are also unsure of the build date of a corrugated wall/ building at the rear, that is also on our property (it certainly doesn't look very old !)

These photos indicate our newly renovated wall at the rear (it was in a very poor condition, and you could see a very poorly poured newish concrete slab adjoining underneath it) which actually should have been approximately 350mm further towards 53, i.e., over our boundary.

This incorrect position of this newly repaired and rendered wall should also have been made known to us by 53 Canning Highway, after all, they had a recent survey of the boundaries, and could clearly see we were totally rebuilding and rectifying all the faults in the property.


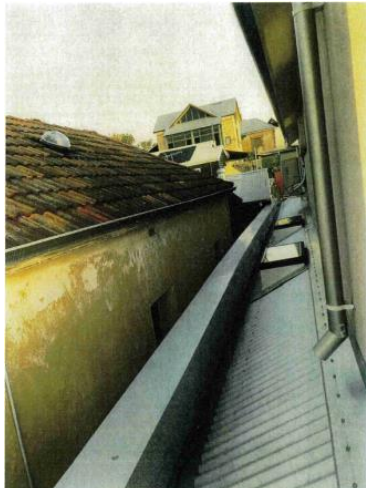
Again, as mentioned in previous submissions to The Town of East Fremantle, we also strongly believe that the area is not suitable for Air BnB either, given the extreme lack of parking availability etc ..



We have attached some photos and surveys/ plans that demonstrate differences and discrepancies, for Council's perusal.



Note: This development application does not seek approval for short term accommodation. Should a change of use for that purpose be contemplated then a fresh development application will be required to be submitted for the Council's consideration. An application of that nature would be required to be advertised to adjoining property owners.

The Town has formally requested the owners cease use of the site for this purpose.

 <p>In light of all the above mentioned, we hereby strongly object to any further development works at 53 Canning Highway, and furthermore, if the boundaries are to be restored by both 53 Canning Hwy AND our other neighbour at the rear east side, WE will not be spending another dollar, the onus will be entirely on the owners who are encroaching on our land, including temporary accommodation (we have pets, and just came out of enforced rental for 16 months due to the rectifications of faulty building works and rebuild.)</p>		
<p>Submission 2 We hereby wish to add to our submission (sent 30 June 2023). We have just discovered another major incursion over our boundary from our neighbours at 53 Canning Hwy. The attachments show that, not only are buildings over our boundary by some 600mm, but a roof gable is actually on top of OUR wall! We are uncertain when this building was built, but it doesn't look super old. This could not possibly have been Council approved, and one would imagine that a licensed builder would know better than to build OVER someone else's boundary ! Clearly, this, and other structures that are on our property need to be moved away before Council could entertain any possible future "developments".</p> 		<p>See comments above.</p> <p>The date of the structures cannot be verified as Town records are incomplete.</p> <p>Proposed development in the future is a matter for the owners of a property and each development application is assessed on a case by case basis. The Council will act as decision maker in accordance with the requirements of the local planning framework and any other planning and building laws, regulations, and policies relevant to potential future development applications.</p>

External Consultation

Nil

Internal Consultation

Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Residential Design Codes (Volume 1)
Local Planning Scheme No. 3 (LPS 3)
LPS 3 Heritage Listed – Category B

POLICY IMPLICATIONS

Nil

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 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, and the Residential Design Codes.

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

Clause	Scheme Requirement	Variation/Comment	Status
5.3.4	Residential Development in Non-Residential Zones: R40 development	Ancillary dwelling at rear of 433m ² lot	A
5.6.1	Non-compliance	Approve non-compliance and/or condition accordingly	N/A
5.6.2	Advertising	14 days to surrounding properties	A
5.8.1	Building setbacks: Except as otherwise required or permitted by the local government buildings in the Commercial Zones are to be aligned with the front property boundary and are to be built up to any side boundary	Built up to boundary on western and southern boundary	A
5.8.2	Building Height: Mixed use: Walls – 5.5m, Overall 8.0m	4.5m to top of gable of wall facing 49 Canning Highway Roof height less than 8.0m	A A
5.8.3	Plot Ratio: 0.5	0.48	A
5.8.4	Design and Landscaping	Existing yard	A
5.8.5	Car Parking and Vehicular Access (nil required for ancillary dwelling under R-Codes)	1 existing car bay on site	A
5.8.6	Location of Car Parking	On site	A
5.8.10	Development in the Mixed-Use Zone	No change from existing residential use	A

Residential Design Codes Vol 1

Design Element	Required	Proposed	Status
Ancillary Dwelling			
Lot Area	Not less than 350m ²	433m ²	A
Area	Maximum plot ratio area of 70m ²	34m ²	A
Parking	Nil - no additional car bays are required as lot is within Location A – 250m of high frequency bus route	Nil	A
Location	Behind street setback line	Behind street setback line	A
Compatible with existing dwelling	Compatible	Compatible	A
Open Space and outdoor living area	Outdoor area provided	Outdoor area provided	A
Visual Privacy			N/A
Overshadowing	<35%	13%	A
Footpaths and crossovers			To be conditioned
Stormwater drainage			To be conditioned

A development application has been submitted for 53 (Lot 2) Canning Highway. This development application proposes to deal with two matters. Firstly, to seek approval for an ancillary dwelling subsequent to development and secondly to gain approval for changes to the same ancillary dwelling to bring the structure within the lot boundaries of 53 Canning Highway.

There is currently a single residential dwelling on site with an ancillary dwelling (that is the subject of this development application), as well as a garage located at the rear with access from Hubble Street. The dwelling is a Category B property on the Town's Heritage List.

The property is located in an area that is subject to the requirements of LPS 3 clause 5.3.4 which states "where residential development is provided for in non-residential zones, a maximum density of R40 shall apply, although the local government may vary the requirements relating to bulk, form and setbacks so as to facilitate coordinated development, having regard to the local government's objectives for the Precinct"-and the Residential Design Codes, in particular the elements relating to ancillary dwellings. It is zoned Mixed Use, but the current long standing residential use is not changing and the ancillary dwelling structure has already been constructed.

The ancillary dwelling was previously used as short-term accommodation without formal approval from the Council. The Town has formally requested the use cease and has been advised by the owner that the short-term accommodation has ceased operating and is not being advertised for rent on the accommodation websites. Should the owner contemplate using the site for this purpose into the future a further development application will be required to be submitted and advertised to surrounding land owners. A condition will be included in the final recommendation requiring the submission of a development application for Council's consideration should the owner contemplate using the ancillary accommodation for this purpose as it is considered a change of use under LPS 3 and requires further approvals from the Council and the Town. The Town will continue to monitor the situation regarding use of the property for this purpose.

The Town's records do not indicate any approvals for the structure itself, although the owners have provided a plumbing plan that was approved by the Town many years ago. This plan showed a much smaller ancillary dwelling than the one that is currently on site. A search of the Town's records failed to provide any further documentation relating to the structure. There are structures attached to the rear of the ancillary dwelling which were never approved by the Town and appear to have been added at some stage, although exact timing cannot be verified.

A site survey carried out by the owners and submitted as part of the development application revealed that the ancillary dwelling encroaches over the boundary into the neighbouring property at 49 Canning Highway. A site survey undertaken by the owners of 49 Canning Highway confirmed the same. The latest site surveys provided by the applicant and the neighbouring property owners clearly show that there is an encroachment along the western boundary. The survey compiled on 21 June 2023 and provided by the applicant/owner shows encroachment of between 0.22m towards the rear of the structure's wall and up to 0.44m at the front of the structure. The neighbouring property owners site survey completed on 27 April 2023 shows encroachment of between 0.25m up to 0.38m. In this case the neighbouring property owners are wanting to rectify the situation as is evident from their submissions.

Previous Development Application

A development application was submitted earlier this year for an additional two storey ancillary dwelling located at the rear of the property. After the encroachment was confirmed and opposition from neighbouring property owners to the proposed development was received, the original development application was withdrawn on advice from the Town. This development application is aimed at rectifying the encroachment of the existing ancillary dwelling and also to ensure that the existing ancillary dwelling gains appropriate Council approvals.

The existing main dwelling on site is a Category B heritage property and as such any development on site requires a development application. The existing ancillary dwelling is separate from the main dwelling and does not impact on the heritage dwelling.

Existing Ancillary Dwelling

The ancillary dwelling comprises a bedroom, small living area, kitchenette, bathroom, and toilet. Openings face towards the backyard of 53 Canning Highway. It is single storey and has no major openings facing outwards into neighbouring properties so there are no visual privacy issues. It is the intention of the owners of 53 Canning Highway to remove the parts of the ancillary dwelling that encroach into the neighbouring property at 49 Canning Highway and have the wall and roof changed such that it is inside the boundary and the structure is compliant with the National Construction Code requirements (with a survey to be carried out by a private building surveyor). It is also proposed to move the western wall eastwards so the new wall of the ancillary dwelling is inside the boundary. The same building will be retained on site, with the structure inside the boundary so it does not encroach onto the neighbour's site. The owners have engaged a land surveyor to indicate the location of the boundary and also an engineer to advise as to how the changes to the western wall, including wall relocation and roof changes can be undertaken safely and to avoid property damage.

Advertising

Following advertising two submissions were received from the same neighbouring property owners. The submitters were not supportive of the original development application that proposed a new double storey garage and ancillary dwelling (and later a single storey ancillary dwelling following amendment of the original plans) towards the rear of the property. As mentioned, this application was withdrawn following advertising and significant opposition from surrounding property owners. As a result of this opposition and a review of the plans and several site surveys being conducted by licensed land surveyors it was revealed that the existing structures on the western side of the property had been constructed over the western boundary that is shared with 49 Canning Highway. The encroachment is complicated by the fact that works were undertaken at 49 Canning Highway that utilises a wall which is the side wall of the structure that is the subject of this application and also acts as a side fence.

Site Visit

Town Officers visited the site to inspect the ancillary dwelling and gain a better understanding of the structures on site and to investigate the structural encroachment. There appeared to have been changes incorporated into the building over time and there was some concern that the structure may not have met National Construction Code

requirements, although this could only be verified through inspection and assessment by a qualified building surveyor.

Building Permit Requirements

This development application cannot deal with matters relating to the building permit requirements for the existing structure. It is intended to seek Council approval for the structure subsequent to development and rectify the existing situation with regards to encroachment so this is no longer a problem. The owner will have to make an application for a building approval certificate (BA13) and submission of a certificate of building compliance (BA18) completed by a private building surveyor. This has been included as a condition of approval within the final recommendation of this report as the existing structure is required to be certified by a private building surveyor in accordance with the Building Act requirements.

Previous Use of Existing Ancillary Dwelling for Short Term Accommodation

As previously discussed, the owners of the property were requested to cease utilising the building for this purpose. Any future potential proposal for an application of this type, or for any further ancillary / short term accommodation on the site would require advertising to surrounding owners and it is unlikely that the Town would consider recommending approval for more than one ancillary dwelling to be established on the subject site. Also, it is noted that the owner of the property has stated that the intention is to use the ancillary dwelling to accommodate a family member and as stated previously a condition will be imposed that requires the owners to submit a fresh development application for short term accommodation for Council's consideration prior to such a use being permitted to operate on the site.

Criteria for Assessment

The proposed development is in accordance with LPS 3 and the Residential Design Codes. The proposed change of the wall location makes no other relevant changes to the structure that impact on compliance with the LPS 3 or the R-Codes Vol 1.

The maximum height of the wall to be constructed on the western side of the ancillary dwelling will be 11.5m long and a maximum of 4.5m high. In accordance with LPS 3 Cl. 5.8.1 it achieves the requirement for walls to be built up to the boundary. Similarly, it is compliant with the wall and roof height requirements of the LPS 3 being a maximum height of 4.5m where the maximum wall and roof heights are 5.5m and 8m respectively in a Mixed-Use zone. In terms of plot ratio all structures on site do not exceed the required LPS 3 plot ratio of 0.5. The length of this wall is 0.6m or less from the southern boundary which according to the R-Codes is considered to be built up to the boundary.

It is noted that the subject property is heritage listed under LPS 3 (Category B). The proposed ancillary dwelling does not have any impact on the heritage listed single storey dwelling at the front of the property. It is of a small scale, located to the rear and separated from the existing dwelling and does not mimic the style of the original heritage dwelling. The applicant provided a heritage impact assessment for the proposal which highlighted that the existing front dwelling is the only significant heritage structure and the ancillary dwelling that is the subject of this report does not have any heritage significance.

As the property is in Location A (within 250m of a high frequency bus service), deemed to comply clause 5.3.3 C3.1 of the Residential Design Codes Vol 1 applies. This clause states that no additional car bays are required to be provided for parking for the ancillary dwelling.

It is also noted that as the development involves alterations to an existing development and the area of the existing dwelling is being reduced in size from its current floor area, the Fremantle Port Buffer requirements are not required to be implemented as part of the approval.

CONCLUSION

Based on the assessment of the existing development and the proposed removal of structures which encroach over the boundary between 49 and 53 Canning Highway it is recommended this application is supported. It is therefore recommended that Council approves the ancillary dwelling subsequent to development and also supports the realignment of the wall and other parts of the structure so that the encroachment is removed and all structures associated with the structure are located inside the boundary of 53 Canning Highway.

Ms Katie Gould (neighbour) provided a history of the building issues experienced since buying the property (49 Canning Highway) in 2019 and raised concerns about the need for fencing to be removed if the proposed works were approved. She indicated it would be necessary move out of her home to enable works to take place at the adjoining property (53 Canning Highway). While welcoming the return of the land after the encroachment is removed, she expressed concerns about the quality of the workmanship required to be undertaken as part of this development.

- Ms Katie Gould (neighbour) provided a history of the building issues experienced since buying the property (49 Canning Highway) in 2019 and raised concerns about the need for fencing to be removed if the proposed works were approved. She indicated it would be necessary move out of her home to enable works to take place at the adjoining property (53 Canning Highway). While welcoming the return of the land after the encroachment is removed, she expressed concerns about the quality of the workmanship required to be undertaken as part of this development.
- Mr Chisholm (architect representing owner) stated that the proposed development was designed to rectify previous issues of encroachment and with the requirement for a construction management plan, which would also be provided to the adjoining neighbour (Ms Gould and family), it would address the concerns raised related to adherence to building codes. Mr Chisholm also stated that there would be no need for Ms Gould and her pets to vacate the premises.
- Mrs Nordstrom (owner) supported the comments stated by Mr Chisholm.

12.3 OFFICER RECOMMENDATION / COMMITTEE RESOLUTION

OFFICER RECOMMENDATION/COMMITTEE RESOLUTION 030923

Moved Cr Nardi, seconded Mayor O'Neill

That Council grant approval subsequent to development for an ancillary dwelling and approval for the removal of an encroachment and realignment of a parapet wall to within the boundary of the subject site at No. 53 (Lot 2) Canning Highway, East Fremantle, in accordance with the plans submitted on 9 August 2023, subject to the following conditions:

- (1) The ancillary dwelling is not to be used for short term accommodation or any other commercial use unless the further approval of the Council is obtained. If any other use is contemplated a fresh development application must be submitted for the Council's consideration.**
- (2) A development application is to be submitted for the consideration of the Council for any proposed new structures, or modifications to existing structures on the site.**
- (3) An application for a building approval certificate (BA13) and certificate of building compliance (BA18) prepared by a private building surveyor is to be submitted by the owner for the existing ancillary dwelling on site.**
- (4) The applicant is to provide 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.**

- (5) Prior to the submission of a building permit application, a Construction Management Plan shall be prepared to the satisfaction of the Town. This plan is to address the following matters during the construction/development period:
- (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) 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.
- (8) The proposed works are not to be commenced until the Town 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.
- (9) 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.
- (10) All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan submitted to the satisfaction of the Town prior to the issue of a Building Permit.
- (11) If requested by the Town within the first two years following installation, the roofing is 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.
- (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.
- (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 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.
- (14) This development approval is to remain valid for a period of 24 months from the date of this approval.

Footnote:

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

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

copies of each dilapidation report should be lodged with the Town and one copy should be given to the owner of any affected property.

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

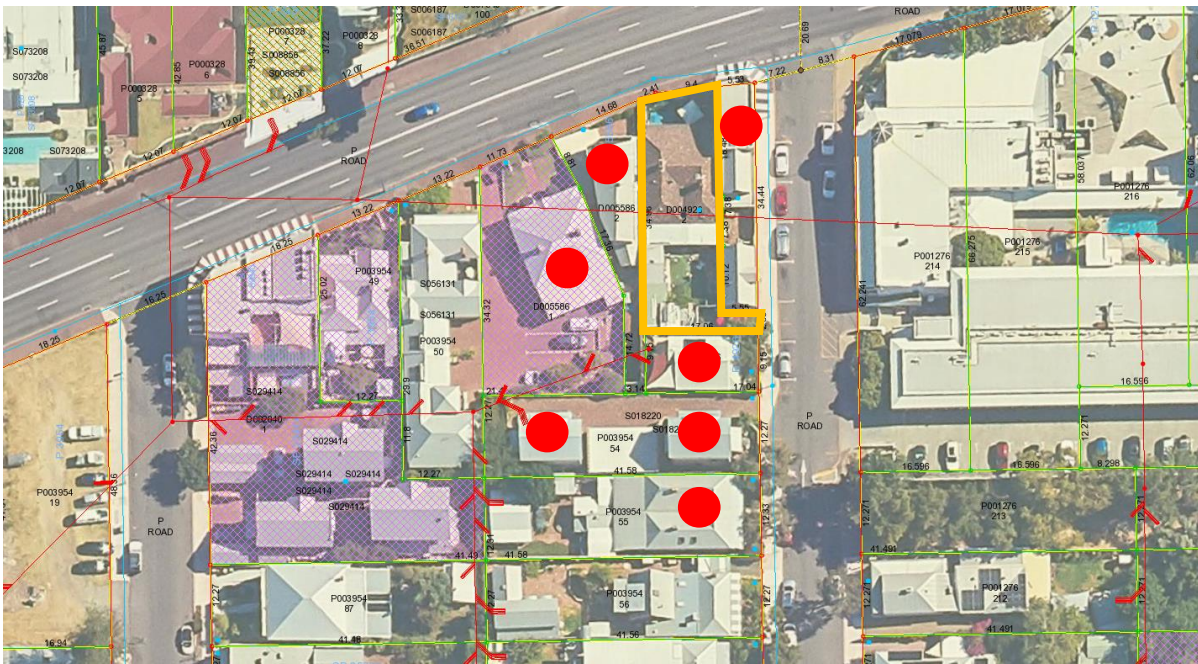
(CARRIED UNANIMOUSLY)

Note: As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 16 May 2023, this application is deemed determined, on behalf of Council, under delegated authority.

REPORT ATTACHMENTS

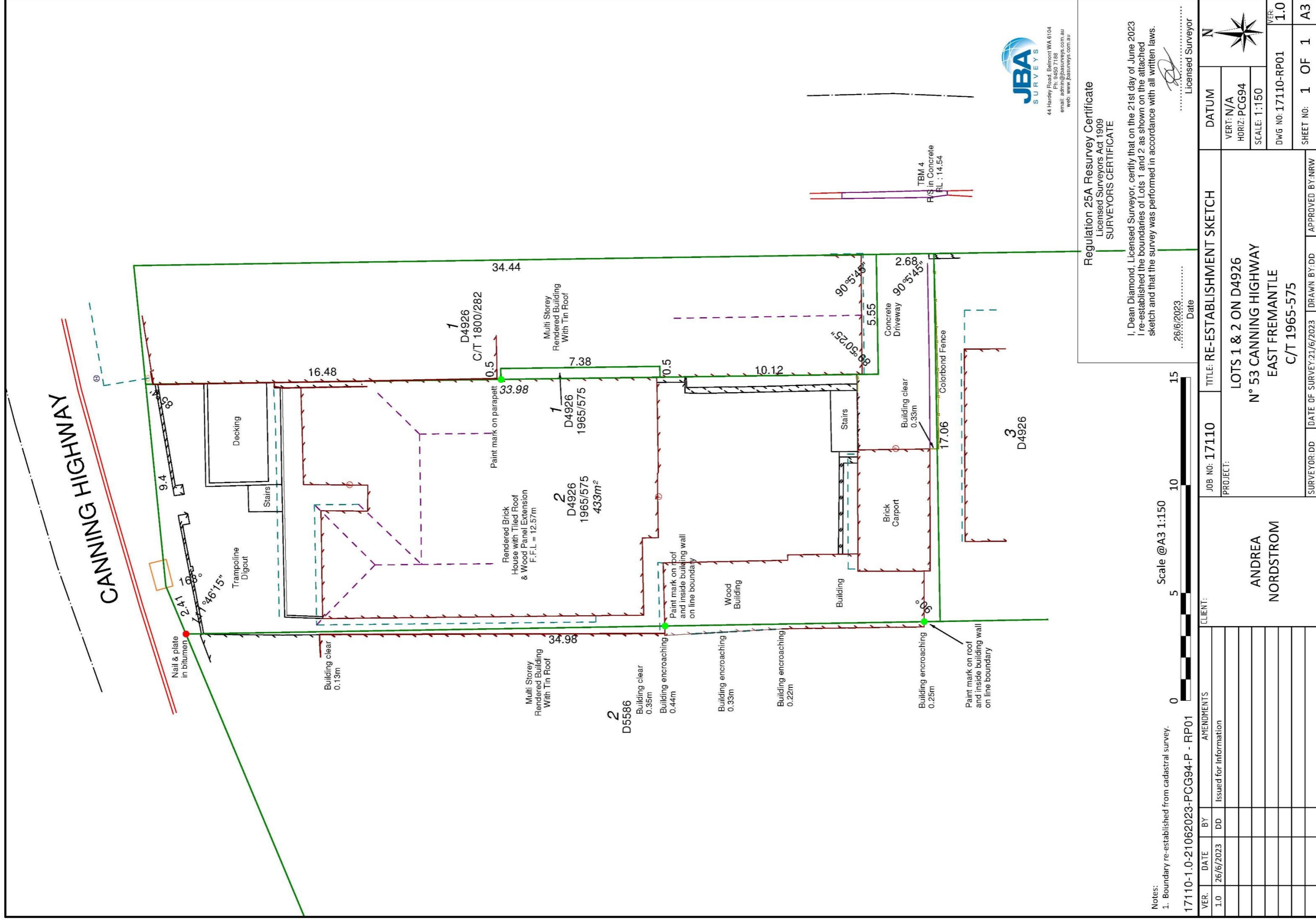
Attachments start on the next page.

53 Canning Highway – Location and Advertising Plan



53 Canning Highway – Photos





Regulation 25A Resurvey Certificate
Licensed Surveyors Act 1909
SURVEYORS CERTIFICATE

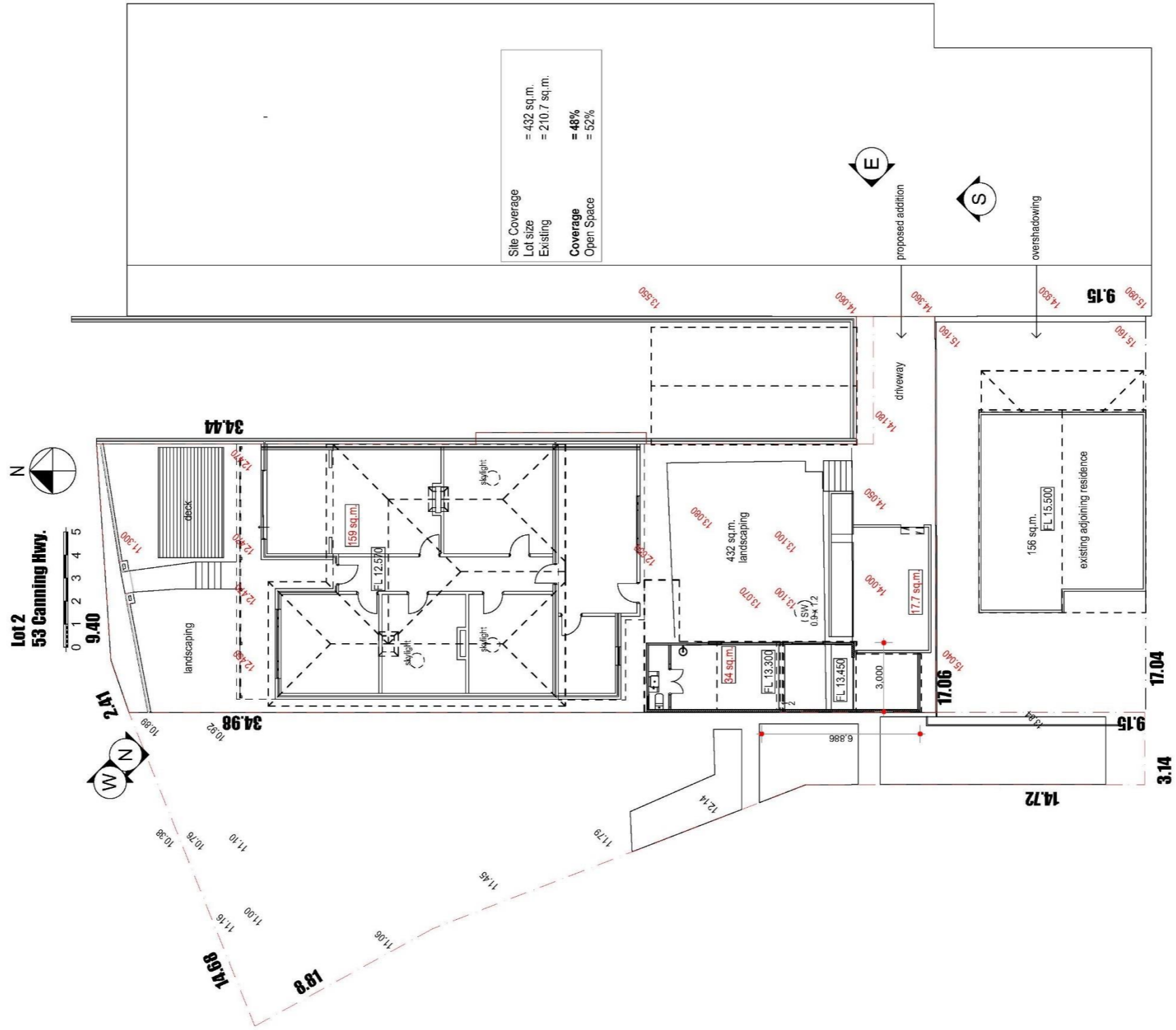
I, Dean Diamond, Licensed Surveyor, certify that on the 21st day of June 2023 I re-established the boundaries of Lots 1 and 2 as shown on the attached sketch and that the survey was performed in accordance with all written laws.

26/6/2023 Date
Licensed Surveyor



VER: 1.0		DATE: 26/6/2023		BY: DD		AMENDMENTS: Issued for Information		JOB NO: 17110		TITLE: RE-ESTABLISHMENT SKETCH		DATUM: VERT: N/A HORIZ: PCG94		SCALE: 1:150		DWG NO: 17110-RP01		VER: 1.0									
CLIENT: ANDREA NORDSTROM										PROJECT: LOTS 1 & 2 ON D4926 EAST FREMANTLE C/T 1965-575																	
SURVEYOR: DD										DATE OF SURVEY: 21/6/2023										DRAWN BY: DD		APPROVED BY: NRW		SHEET NO: 1 OF 1		A3	

planning



Site Plan
1:200

John
Chisholm design
environmental
0408 833 399
#@chisholm.com

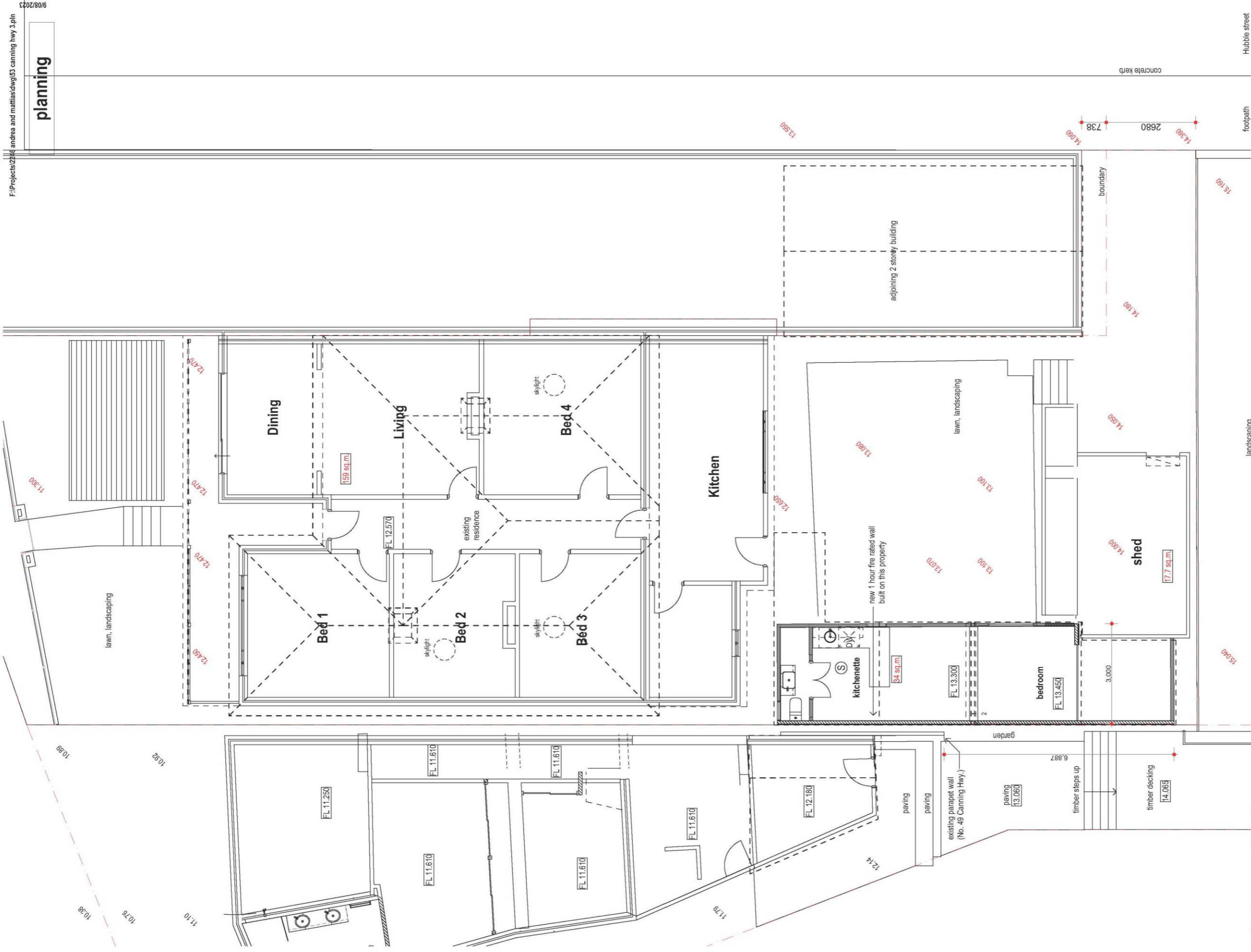
Drawing:
Site Plan
nabdb
NATIONAL ASSOCIATION OF BUILDING DESIGNERS OF WESTERN AUSTRALIA INC.

Project:
**Boundary Amendment
53 Canning Hwy. East
Fremantle**

Date:	9/08/2023	Drawn:	JC
Job No:	2246	Dwg No.:	A100
REV.	AMENDMENT	DATE	REV.
3	planning	9/08/2023	Rev
2	planning	26/6/2023	3
1	planning	7/6/2023	

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

© Copyright



Proposed Floor Plan
1:100

John
Chisholm design
environmental
0408 833 399
j@chisholm.com

Drawing:
Proposed Floor Plan
NATIONAL ASSOCIATION OF BUILDING DESIGNERS OF WESTERN AUSTRALIA INC.

Project:
Boundary Amendment
53 Canning Hwy. East
Fremantle

REV.	AMENDMENT	DATE	REV.	AMENDMENT	DATE
3	planning	9/16/2023	3	planning	9/08/2023
2	planning	26/6/2023	2	planning	2246
1	planning	7/16/2023	1	planning	2246

The builder must verify all dimensions on site before commencing any work @ Shop dwgs.

Date: 9/08/2023
Drawn: JC
Dwg No.: A202
Rev: 3

© Copyright

F:\Projects\2146 andrea and mattias\dwg\53 canning hwy 3.dwg
9/08/2023
planning

planning

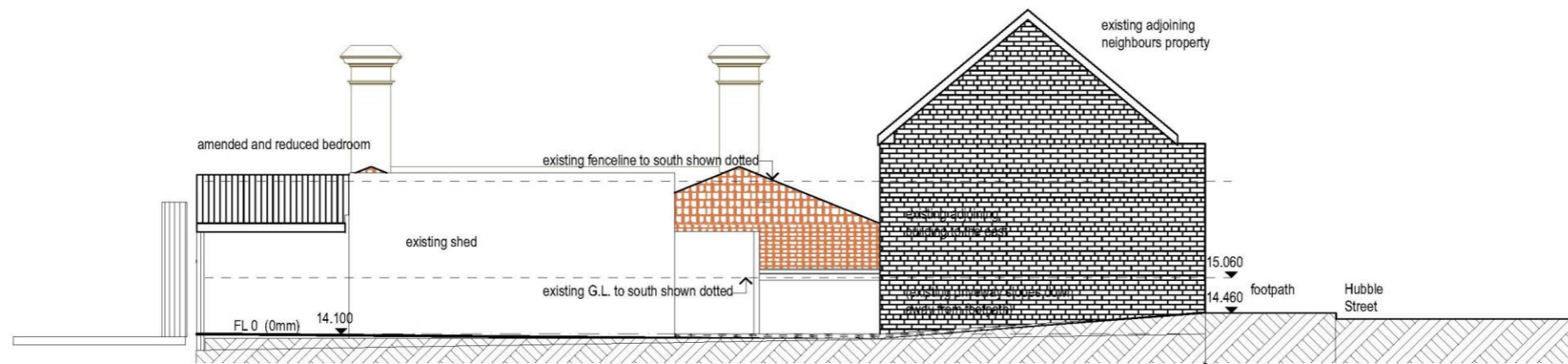
9/08/2023



2 north
NOT SET 1:100

53 Canning Highway

355



1 south
NOT SET 1:100

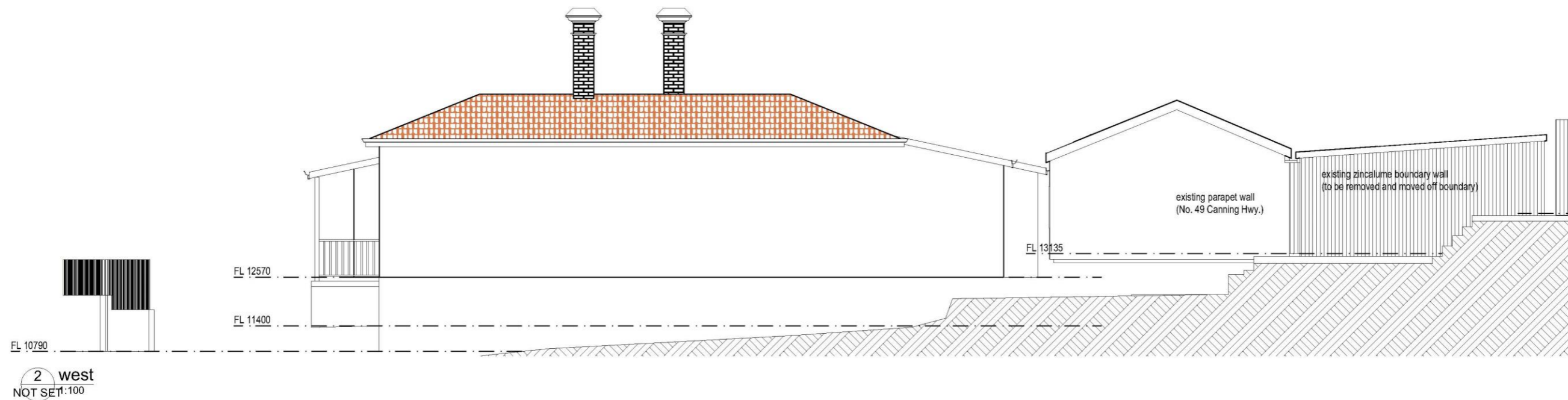
3	planning	9/8/2023
2	planning	26/6/2023
1	issued for planning	7/6/2023
REV.	AMENDMENT	1:100 DATE

planning

9/08/2023



east elevation of home is obstructed by 55 Canning Highway - street image supplied in lieu of elevation



2 west
NOT SET:100

john
Chisholm design
environmental heritage contemporary
0408 833 399 jc@jonchisholm.com jonchisholm.com

nabd
NATIONAL ASSOCIATION OF BUILDING DESIGNERS OF WESTERN AUSTRALIA INC.
© Copyright

Project:
**Boundary Amendment
53 Canning Hwy.
East Fremantle**

Drawing:
ELEVATIONS

REV.	AMENDMENT	DATE
3	planning	9/8/2023
2	planning	26/6/2023
1	issued for planning	7/6/2023

Date:	9/08/2023	Drwn:	JC
Job No:	2246	Dwg No.:	A302
		Rev	3

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

PLACE RECORD FORM

PRECINCT	Plympton
ADDRESS	53 Canning Highway
PROPERTY NAME	N/A
LOT NO	Lot 532
PLACE TYPE	Residence
CONSTRUCTION DATE	C 1898
ARCHITECTURAL STYLE	Federation Bungalow
USE/S	Original Use: Residence/ Current Use: Residence
STATE REGISTER	N/A
OTHER LISTINGS	N/A
MANAGEMENT CATEGORY	Category B
PHYSICAL DESCRIPTION	<p>No 53 Canning Highway is a single storey house in rendered masonry with a hipped tiled roof. It is a much-modified expression of the Federation Bungalow style. The front elevation is asymmetrically planned with a full width hipped roofed verandah on timber posts over a concrete floor. Steps lead down to the garden. A centrally placed front door is flanked by large 'picture' windows. A thrust bay has been introduced to the west side of the elevation with a hipped roof over it.</p> <p>The place has been modified but retains its basic form.</p> <p>The place is consistent with the pattern of development in Plympton and plays an important role in the pattern of development of a working-class suburb.</p>

HISTORICAL NOTES	Plympton is a cohesive precinct where most of the places were constructed in the late nineteenth century and the first quarter of the twentieth century. It is comprised primarily of homes for workers and their families with a high concentration of small lots with timber, brick and stone cottages.
OWNERS	Unknown
HISTORIC THEME	Demographic Settlements - Residential Subdivision
CONSTRUCTION MATERIALS	Walls – Rendered masonry Roof – Tiles
PHYSICAL SETTING	The residence is situated on a retained site and a brick and picket fence is located at the street boundary.
STATEMENT OF SIGNIFICANCE	No 53 Canning Highway is a single storey house constructed of rendered masonry with a tiled roof. The place has historic and aesthetic value for its contribution to Plympton with its high concentration of worker's cottages and associated buildings. It contributes to the local community's sense of place. The place has some heritage value for its intrinsic aesthetic value as a Federation Bungalow. The place retains a low degree of authenticity and a high degree of integrity.
AESTHETIC SIGNIFICANCE	No 53 Canning Highway has considerable aesthetic value as a typical Federation Bungalow. It retains some of the characteristic features of a dwelling of the type and period.
HISTORIC SIGNIFICANCE	No 53 Canning Highway has some historic value. It was part of the suburban residential development associated with the expansion of East Fremantle during the Goldrush period of the 1880s and 1890s.
SCIENTIFIC SIGNIFICANCE	N/A
SOCIAL SIGNIFICANCE	No 53 Canning Highway has some social value. It is associated with a significant area of worker's cottages which contributes to the community's sense of place.
RARITY	No 53 Canning Highway is not rare in the immediate context but Plympton has rarity value as a working-class suburb.
CONDITION	No 53 Canning Highway is in fair condition.
INTEGRITY	No 53 Canning Highway retains a high degree of integrity.
AUTHENTICITY	No 53 Canning Highway retains a low degree of authenticity.
MAIN SOURCES	



Community Engagement Checklist

Development Application P046/23 – 53 Canning Highway

Objective of Engagement	Community 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 (<i>School / Playground</i>)	<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	30/06/2023	Advertised to 7 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		30/06/2023		
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				

12.4 14A PHILIP STREET - NEW TWO STOREY DWELLING

Owner	Craig & Sonja Katnich
Applicant	Pinnacle Planning
Report Reference Number	TPR-1480
Planning Reference Code	P045/23
Prepared by	James Bannerman, Planning Officer
Supervised by	Christine Catchpole, Acting Executive Manager Regulatory Services
Meeting date	Tuesday, 5 September 2023
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	
	<ol style="list-style-type: none"> 1. Location and advertising plan 2. Photos 3. Plans submitted 31 July 2023 4. Community engagement checklist

PURPOSE

The purpose of this report is for Council to consider a development application for a new two storey dwelling at 14A (Lot 2) Philip Street, East Fremantle.

EXECUTIVE SUMMARY

This development application proposes a new two storey dwelling on a rear battle-axe survey strata lot at 14A (Lot 2) Philip Street, East Fremantle. The lot is currently vacant. The proposed dwelling is comprised of a double garage, 3 bedrooms, 2 bathrooms, laundry, activity room, alfresco area, and swimming pool on the ground floor. On the upper storey there is a master bedroom, ensuite, combined family room, dining area, and kitchen with scullery, and a balcony overlooking the pool and rear yard. There is an internal lift and staircase, as well as an exterior staircase leading to the balcony from the rear yard.

This lot is reasonably constrained. It was subdivided prior to the change in density coding under Local Planning Scheme No. 3 (LPS 3) and does not achieve the current minimum site area requirements for a R17.5 density coding. It slopes steeply from the street with the elevation falling from 34.7m AHD (highest point) down to 29.9m AHD (lowest point) at the rear of the subject lot.

Several variations are requested to the requirements of the Residential Design Codes and the Residential Design Guidelines as listed below:

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Southern Wall - Garage – 1.5m required, 0m provided,
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Northern Wall – Ground Floor - Alfresco, Stairs, Bath, Bed 3 - 3.2m required, 1.87m provided,
- (iii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Southern Wall – Upper Storey - Bathroom, WIR, Powder Room - 1.6m required, 1.4m provided,
- (iv) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Northern Wall – Upper Storey - Balcony, Kitchen - 5.2m required, 2.96m provided,

- (v) Clause 3.7.17.4.1.3 – Residential Design Guidelines – Wall Height – 5.6m required, 8.312m provided,
- (vi) Clause 3.7.17.4.1.3 – Residential Design Guidelines – Concealed Roof Height – 6.5m required, 8.689m provided,
- (vii) Clause 5.3.7 – Residential Design Codes - Site Works – Retaining Walls - 0.6m high – 1m setback required, 0m setback provided,
- (viii) Clause 5.3.7 – Residential Design Codes - Site Works – Retaining Walls - 1.303m high – 1.5m setback required, 0m setback provided,
- (ix) Clause 5.4.1 – Residential Design Codes – Visual Privacy - Balcony – Western Wall - 7.5m required, 5.9m provided,
- (x) Clause 5.4.1 – Residential Design Codes – Visual Privacy - Balcony – Northern Wall of Balcony – 7.5m required, 3.86m provided, and
- (xi) Clause 5.4.1 – Residential Design Codes – Visual Privacy - Kitchen – North Window – 6m required, 5m provided.

The proposed development application with the associated variations to the Residential Design Codes and the Residential Design Guidelines is recommended for approval subject to the conditions included in the final recommendation.

BACKGROUND

Zoning	R17.5
Site Area	445m ² (vacant survey strata battle-axe lot)
Heritage	N/A
Fremantle Port Buffer	N/A
Previous Decision of Town and/or History of Issue Onsite	N/A

CONSULTATION

Advertising

The development application was advertised to surrounding properties from 7 to 23 June 2023. There was one submission which is outlined below.

Submission	Applicant Response	Town Response
<p>I live adjacent to the subject site to the east.</p> <p>My main concern is the proposed height which is above the recommended height. This would impact us – not only for views but in the overall size of the building which already is large in relation to the plot size.</p> <p>I note too that the back balcony is very close to the northern fence line (not the submitter's property) - at 1.5m – and that the balcony could well overlook our garden. Is screening an option?</p> <p>In relation to the new build on the other boundary – Council insisted that screening was added to the back verandah so not to overlook neighbours.</p>	Changes made to plans in response.	<p>The variation in wall and roof height (view impact), lot boundary setbacks and visual privacy setbacks are considered in detail in the comment section of this report. However, the following comments are made in response.</p> <p>In accordance with the Residential Design Guidelines the roof form of the development was assessed as a concealed roof which is 2.189m above the acceptable height of 6.5m. The excess building height in this situation is considered supportable for the following reasons in relation to the submitter's comments concerning potential impact on views:</p> <ul style="list-style-type: none"> the considerable slope of the land downhill – the subject lot is lower, at an average natural ground level of ~31m AHD, than the ground floor level of the adjoining dwelling which is recorded at ~34.4m AHD on the approved plans;



		<ul style="list-style-type: none"> • the adjoining lot to the east contains a two storey dwelling with the kitchen, living, dining and balcony on the second level. The second level is at a height of 38.2m AHD (as indicated on approved plans) and has been designed with large glass windows, doors and balustrade extending across the northern facade. The height of the proposed dwelling on the subject site, due to the slope of the land, ranges from ~38.9m AHD to ~39.2m AHD (at tip of skillion roof). Therefore, the upper floor level of the adjoining dwelling from which views are available, is, for the most part, just lower than the highest point of the roof of the proposed dwelling. On this basis it is considered views would be maintained over the top of the dwelling to the west and north west; • the adjoining dwelling would maintain unimpeded views directly northwards to the river. Also, the principal views of the river are considered to be eastwards toward the Perth CBD skyline and a more expansive view of the river looking upstream and this development is to the west; • the proposed low pitched skillion roof (i.e., 2°) will result in less of an impact on views with its graduated height across the site, as opposed to a pitched roof of the same height across the site; and • the views impeded by the proposed dwelling westwards are mostly of existing dwellings and rooftops. The long range view across the river will be maintained. <p>The visual privacy impacts are considered negligible. The kitchen window looks across a very small portion of the north western (back) corner of the neighbouring property, but the design of the upper storey is such that views cannot be achieved looking back into the rear yard of the neighbouring property. The upper storey balcony does not overlook the eastern property.</p>
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External Consultation

The development application was referred to the Water Corporation and the following advice was provided:

The proposed development does not appear to affect Water Corporation assets. If assets are affected, the developer may be required to fund new works, or the upgrading of existing works and protection of all works associated with the Water Corporation. This proposal will require approval by our Building Services section prior to the

commencement of works. Infrastructure Contributions and fees may be required to be paid prior to approval being issued.

Internal Consultation

The development application was referred to the Town's Operations department and relevant planning advice that was received was incorporated into the conditions and advice notes in the final recommendation.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Local Planning Policy 3.1.1 – Residential Design Guidelines
Local Planning Policy 3.1.8 – Wood Encouragement Policy - General

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 Local Planning Policy 3.1.1 – 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	>6m	A
Carport/garage setback	4.5m	>4.5m	A
Minor incursions			N/A
Lot Boundary Setbacks			
Southern wall - garage	1.5m	0m	D
Western wall - laundry, ensuite, bed 4 – ground floor	1.5m	1.578m	A
Western wall – activity, alfresco – ground floor	2.8m	5.068m	A
Northern wall – alfresco, stairs, bath, bed 3 – ground floor	3.2m	1.87m	D
Eastern wall – bed 3, bed 2 – ground floor	1.5m	1.52m	A
Eastern wall – entry, stairs, garage – ground floor	1.5m	7.019m	A
Southern wall – bathroom, WIR, powder room – upper storey	1.6m	1.4m	D
Western wall – bathroom, main suite, roof garden – upper storey	1.7m	1.578m	A
Western wall – family, balcony – upper storey	4.3m	5.068m	A
Northern wall – balcony, kitchen – upper storey	5.2m	2.96m	D
Eastern wall – kitchen, scullery – upper storey	1.7m	1.72m	A
Eastern wall – stairs, powder room – upper storey	1.3m	>1.3m	A
Car Parking	2 car bays	2 car bays	A
Maximum wall height (LPP 3.1.1)	5.6m	8.312m	D
Maximum roof height (LPP 3.1.1 - concealed roof)	6.5m	8.689m	D
Site Works			
0.6m retaining – eastern boundary	1m setback	0m setback	D
1.303m retaining – western boundary	1.5m setback	0m setback	D
Visual Privacy Setbacks			
Family room – western window	6m	<6m – obscure glazing provided	A
Balcony – western wall and part of northern wall	7.5m	<7.5m	D
Balcony – northern wall of balcony	7.5m	<7.5m	D
Kitchen – north window	6m	<6m	D
Overshadowing	<25%	15.27%	A
Roof form and pitch	Impact of roof to be demonstrated	Impact of roof demonstrated	A
Materials and colours	Colours and materials shown on plans	Colours and materials shown on plans	A
Open Space	50%	58%	A
Landscaping	2m x 2m deep planting zone required with tree	Provided	A
Front fence			N/A
Footpaths and crossovers	To be conditioned		
Drainage	To be conditioned		
Wood Encouragement Policy	Feature timber is utilised on the front façade.		

This development application proposes a new two storey dwelling on a rear survey strata lot at 14A (Lot 2) Philip Street. The lot is currently vacant and there is a vehicle/pedestrian accessway that is common property for the adjoining survey strata lots. This site is reasonably constrained. It was subdivided prior to the change in density coding with gazettal of LPS 3 and does not achieve the current minimum site area requirements for a R17.5 density coding. It slopes steeply from the street with the elevation falling from 34.7m AHD down to 29.9m AHD at the rear of the subject lot.

It is proposed to construct a two-storey dwelling comprising a double garage, 3 bedrooms, 2 bathrooms, laundry, activity room, alfresco area, and swimming pool on the ground floor. On the upper storey there is the master bedroom, ensuite, combined family room, dining area, and kitchen with scullery, and a balcony overlooking the pool and rear yard. There is an internal lift and staircase, as well as an exterior staircase leading to the balcony from the rear yard.

The slope of the site has resulted in the ground floor being stepped slightly to account for the differences in ground elevation. However, the unevenness of the levels at the rear of the lot results in a building that has over height walls and roof for the length of the development.

The proposed development has several variations to the Residential Design Codes and the Residential Design Guidelines in relation to lot boundary setbacks (4 locations), wall and roof height, site works (retaining walls) and visual privacy (3 locations) with some considered to be minor variations. All variations are discussed below.

Lot Boundary Setback - Southern Wall - Garage

The southern wall of the garage is 13.12m long and 3.6m high without major openings and located along the boundary. In accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 the wall should be situated at least 1.5m from the boundary. It is considered the reduced lot boundary setback can be supported in accordance with design principles 5.1.3 P3.2 for the following reasons:

- Makes more effective use of space for enhanced privacy for the occupants and/or outdoor living areas,
- Minimal impacts of building bulk on the adjoining properties,
- Adequate sunlight and ventilation can be provided to the building and open spaces on site and to the adjoining properties,
- Minimal overlooking and loss of privacy on adjoining properties,
- Does not have an adverse impact on the amenity of the adjoining property, and
- Ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted.

The construction of the garage wall up to the boundary ensures that privacy is maintained between the front and rear strata properties. There is an area where there is no development on the neighbouring strata site which ensures that circulation of air and access to sunlight is still possible. As the wall is hidden behind the existing front strata dwelling there is no impact on the streetscape. For these reasons, the reduced setback of the garage wall can be supported.

Lot Boundary Setback - Northern Wall – Alfresco, Stairs, Bath, Bed 3 – Ground Floor

The northern wall of the alfresco, stairs, bathroom, and bedroom 3 on the ground floor of the proposed dwelling is 13.53m long and 4.886m high with major openings and is located 1.87m from the boundary (the staircase). In accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 the wall should be a minimum of 3.2m. It is noted that there is considerable articulation in this wall with the balcony and bedroom 3 set back further than this (2.96m and 2.5m respectively). The reduced setback can be supported in accordance with design principles 5.1.3 P3.2 for the following reasons:

- Minimal impacts of building bulk on the adjoining properties,
- Adequate sunlight and ventilation can be provided to the building and open spaces on site and to the adjoining properties, and
- Minimal overlooking and loss of privacy on adjoining properties.

Although the lot boundary setback is reduced there are a number of mitigating factors for support of the reduced setback. The lot has been subdivided so is smaller than many of the surrounding lots. Signed support for the proposal was received from the northern neighbouring property owners. There is a very large shed located in front of the subject site on the northern neighbouring lot, as well as an unused garden area between the shed and the subject property. It is considered the bulk and scale of the development is mitigated by the large shed/garage on the

neighbouring lot. There is adequate space around the building to allow both sunlight to penetrate and air to circulate. Again because of the shed and vegetation on the northern neighbouring lot there is also sufficient privacy between the properties. For these reasons, the reduced lot boundary setback can be supported.

Lot Boundary Setback - Southern Wall – Bathroom, WIR, Powder Room – Upper Storey

The southern wall of the bathroom, WIR, powder room of the upper storey of the proposed dwelling is 11.08m long and 7m high without major openings and is located 1.4m from the boundary. In accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 the wall should be a minimum of 1.6m. It is considered the reduced setback can be supported in accordance with design principles 5.1.3 P3.2 for the following reasons:

- Minimal impacts of building bulk on the adjoining properties,
- Adequate sunlight and ventilation can be provided to the building and open spaces on site and to the adjoining properties, and
- Minimal overlooking and loss of privacy on adjoining properties.

All the rooms facing the southern boundary are non-habitable and without major openings looking into the southern neighbouring property. There is no loss of privacy as a result. There is still sufficient gap between the neighbouring properties to allow sunlight to penetrate and air to circulate. The setback of the upper storey also reduces the bulk and scale of development. For these reasons, the reduced lot boundary setback can be supported.

Lot Boundary Setback - Northern Wall – Balcony, Kitchen– Upper Storey

The northern wall of the balcony and kitchen of the upper storey of the proposed dwelling is 11.08m long and 7m high with major openings and is located 2.96m from the boundary. In accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 the wall should be set back a minimum of 5.2m. It is considered the reduced setback can be supported in accordance with design principles 5.1.3 P3.2 for the following reasons:

- Minimal impacts of building bulk on the adjoining properties,
- Adequate sunlight and ventilation can be provided to the building and open spaces on site and to the adjoining properties, and
- Minimal overlooking and loss of privacy on adjoining properties.

Although the lot boundary setback is reduced it is considered it can be supported. The lot has been subdivided so is smaller than many of the surrounding lots. Signed support for the proposal was received from the northern neighbouring property owners. As stated previously there is a very large shed/ garage located at the rear of the property immediately to the north, as well as what appears to be an unused garden area between the shed and the subject property (i.e. the outdoor active habitable area appears to be in the front garden). The bulk and scale of the development is mitigated by the shed on the neighbouring lot and space between the shed and the dwelling on the northern lot. There is adequate space around the building to allow both sunlight to penetrate and air to circulate. Again because of the shed and vegetation on the northern neighbouring lot it is considered there is also sufficient privacy between the properties. For these reasons, the reduced lot boundary setback can be supported.

Wall Height

The proposed development has a maximum wall height of 8.312m. In accordance with the Residential Design Guidelines acceptable development clause 3.7.17.4.1.3 A1.4 the maximum wall height is 5.6m. The increased height is as a result of utilising a skillion rather than a pitched roof. It is considered the increased height can be supported because the development is of a compatible, bulk, form, and scale to development in the immediate locality in alignment with performance criteria 3.7.17.4.1.3 P1. There is a notable change in the site levels from the front to the rear of the lot (i.e., 4.8m) which makes it difficult to maintain an unchanging floor level across the building without increasing the wall height. The applicant has attempted to reduce the height by stepping the ground floor of the dwelling down the lot.

Building Height

The R-Codes Vol 1 provisions in respect to building height are substituted by the height control under Local Planning Policy 3.1.1 - Residential Design Guidelines acceptable development clause 3.7.17.4.1.3 which specifies a building height limit of 6.5 metres to the top of an external wall (concealed roof). These height limits which are lower than the height limits of the R-Codes come into play where views are considered an important part of the amenity of the area. While the proposed dwelling height exceeds that for a concealed roof it is considered the increased height can be supported because the development is considered of a compatible, bulk, form, and scale to development in the immediate locality in alignment with performance criteria 3.7.17.4.1.3 P1.

In accordance with the Residential Design Guidelines the roof form of the development was assessed as a concealed roof which is 2.189m above the acceptable height of 6.5m. The excess building height in this situation is considered supportable for the following reasons in relation to the submitter's comments concerning potential impact on views:

- the considerable slope of the land downhill – the subject lot is lower, at an average natural ground level of ~31m AHD, than the ground floor level of the adjoining dwelling which is recorded at ~34.4m AHD on the approved plans;
- the adjoining lot to the east contains a two storey dwelling with the kitchen, living, dining and balcony on the second level. The second level is at a height of 38.2m AHD (as indicated on approved plans) and has been designed with large glass windows, doors and balustrade extending across the northern facade. The height of the proposed dwelling on the subject site, due to the slope of the land, ranges from ~38.9m AHD to ~39.2m AHD (at tip of skillion roof). Therefore, the upper floor level of the adjoining dwelling from which views are available, is, for the most part, just lower than the highest point of the roof of the proposed dwelling. On this basis it is considered views would be maintained over the top of the dwelling to the west and north west;
- the adjoining dwelling would maintain unimpeded views directly northwards to the river. Also, the principal views of the river are considered to be eastwards toward the Perth CBD skyline and a more expansive view of the river looking upstream and this development is to the west;
- the proposed low pitched skillion roof (i.e., 2°) will result in less of an impact on views with its graduated height across the site, as opposed to a pitched roof of the same height across the site; and
- the views impeded by the proposed dwelling westwards are mostly of existing dwellings and rooftops. The long range view across the river will be maintained.

Site Works – Retaining Walls – Western and Eastern Boundary

Retaining walls up to 0.6m high are to be installed along the eastern boundary and up to 1.303 m high on the western boundary. These retaining walls are setback from the boundary less than is required by the Residential Design Codes deemed to comply clause 5.3.7 C7.2. The eastern retaining wall should be setback 1m and the western retaining wall should be setback 1.5m. The retaining walls achieve design principles 5.3.7 P7.3 as they result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are design engineered and landscaped having due regard to clauses 5.3.2.7 and 5.4.1. It is considered there are no visual privacy issues from the retaining walls as they are located in areas that are to be used as access ways down the side of the property. Given the change in the site levels from the front to the rear and the desire of the owners to try to maintain consistent floor levels throughout the dwelling, retaining walls become essential along the eastern and western boundaries of the property and are therefore supported.

Visual Privacy - Balcony - Western Wall

The western edge of the upper storey balcony is required to provide a 7.5m setback from the western boundary in accordance with the Residential Design Codes deemed to comply clause 5.4.1 C1.1. It is considered the reduction in

visual privacy setbacks to approximately 5.9m can be supported in accordance with design principles 5.4.1 P1.1. There is a small reduction in the setback and the western neighbouring property owners have provided signed support for the proposed development. Vegetation is proposed to be planted along the western boundary wall of the subject property. For these reasons, the reduced lot boundary setback can be supported.

Visual Privacy - Balcony - Northern Wall of Balcony

The northern edge of the upper storey balcony is required to provide a 7.5m setback from the northern boundary in accordance with the Residential Design Codes deemed to comply clause 5.4.1 C1.1. It is considered the reduction in visual privacy setbacks to approximately 3.86m can be supported in accordance with design principles 5.4.1 P1.1. The reduction in the setback can be supported as the rear yard of the property to the north does not appear to be used as the primary outdoor active habitable area and because the northern neighbouring property owners have provided signed support for the proposed development. It is noted that there is a stepped retaining wall which includes landscaping along the boundary of the northern neighbouring property and the large shed which provides some privacy screening for the neighbours. It appears the front garden is the primary private recreation area rather than the rear yard as the outlook is toward the sporting grounds and the river. For these reasons, the reduced lot boundary setback can be supported.

Visual Privacy - Kitchen – North Window

The western edge of the upper storey balcony is required to provide a 6m setback from the western boundary in accordance with the Residential Design Codes deemed to comply clause 5.4.1 C1.1. It is considered the reduction in visual privacy setback to approximately 5m can be supported in accordance with design principles 5.4.1 P1.1. There is a small reduction in the setback that impacts the north western most corner of the lot to the east and the south western corner of the north eastern lot. Due to the design of the kitchen wall restricting sight lines, it is not possible to have any significant visual privacy impacts on the eastern or north eastern properties. For this reason, the reduced visual privacy setback is supported.

CONCLUSION

The proposed development at 14A Philip Street, East Fremantle is recommended for support subject to the conditions included in the final recommendation. The subject lot is constrained and smaller than what would be permitted if the lot was subdivided today given the current density coding of R17.5 so there are several variations to the Residential Design Codes and Residential Design Guidelines. The applicant and owner have worked with the Town to reduce the potential impacts on the neighbouring property owners and the plans have been amended in response to matters raised by the Town.

Although the development is above the permitted building height the increase is recommended to be supported as it is considered compatible with the bulk, form, and scale of development in the immediate locality and that there will be minimal impact on views for the adjoining property owner. The applicant submitted amended plans to reduce the height and locate the dwelling further back from the northern boundary to reduce the impact of the proposed development on adjoining sites. Also, signed support from the western and northern property owners who are potentially impacted the most from the proposed development has been received. It is considered the proposed development is in keeping with similar residences in the Richmond Hill precinct and there are many comparable dwellings along Philip Street and the surrounding area. As such the proposed development is recommended for approval with conditions outlined in the Officer recommendation.

- Mr Carter (Town Planner representing the owner) addressed the meeting and acknowledged a positive report. He noted that he and the owner acknowledged concerns raised by neighbours in the development of the plans for this residence, resulting in lowering of the height of the structure and locating the house further from the northern neighbour.

12.4 OFFICER RECOMMENDATION / COMMITTEE RESOLUTION

OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP0409023

Moved Cr Nardi, seconded Mayor O'Neill

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

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Southern Wall - Garage – 1.5m required, 0m provided,**
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Northern Wall – Alfresco, Stairs, Bath, Bed 3 – Ground Floor – 3.2m required, 1.87m provided,**
- (iii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Southern Wall – Bathroom, WIR, Powder Room – Upper Storey – 1.6m required, 1.4m provided,**
- (iv) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Northern Wall – Balcony, Kitchen– Upper Storey – 5.2m required, 2.96m provided,**
- (v) Clause 3.7.17.4.1.3 – Residential Design Guidelines – Wall Height – 5.6m required, 8.312m provided,**
- (vi) Clause 3.7.17.4.1.3 – Residential Design Guidelines – Concealed Roof Height – 6.5m required, 8.689m provided,**
- (vii) Clause 5.3.7 – Residential Design Codes - Site Works – Retaining Walls - 0.6m high – 1m setback required, 0m setback provided,**
- (viii) Clause 5.3.7 – Residential Design Codes - Site Works – Retaining Walls - 1.303m high – 1.5m setback required, 0m setback provided,**
- (ix) Clause 5.4.1 – Residential Design Codes – Visual Privacy - Balcony – Western Wall -7.5m required, 5.9m provided,**
- (x) Clause 5.4.1 – Residential Design Codes – Visual Privacy - Balcony – Northern Wall of Balcony – 7.5m required, 3.86m provided, and**
- (xi) Clause 5.4.1 – Residential Design Codes – Visual Privacy - Kitchen – North Window – 6m required, 5m provided,**

for a new two storey dwelling at No. 14A (Lot 2) Philip Street, East Fremantle, in accordance with the plans submitted on 31 July 2023, subject to the following conditions:

- (1) Visual privacy screening is to be installed on the south facing main suite bedroom window in accordance with the notation on the plans. The visual privacy screening is to be a minimum of 1.6m high from the finished floor level, a minimum of 75% obscure, fixed, permanent, durable and restrict viewing in the direction of overlooking.**
- (2) No fixtures, equipment, antennae, frameworks or the like are to be installed on the roof without the submission of a development application for the further consideration of the Council.**
- (3) The dwelling is not to exceed the floor and roof height relative levels indicated on the plans date stamped received on 31 July 2023.**
- (4) 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.**
- (5) 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.**
- (6) 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.**
- (7) 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 that are likely to impact on the surrounding properties.
- (8) The footpath is to always remain accessible to pedestrians.
- (9) The crossover widths are not to exceed the width of the crossovers indicated on the plans date submitted 31 July 2023 and to be in accordance with the Town of East Fremantle’s (the Town) crossover policy, the Residential Design Guidelines and the Urban Streetscape and Public Realm Style Guide.
- (10) 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.
- (11) The proposed works are not to be commenced until the Town 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.
- (12) 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.
- (13) 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.
- (14) If requested by the Town 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.
- (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.
- (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 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.
- (17) 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 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-](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)

[policies/3_1_1_LPP_Residential_Design_Guidelines_Amended_17_May_2016.pdf](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/Profiles/eastfremantle/Assets/ClientData/Document-Centre/local-planning-policies/3_1_1_LPP_Residential_Design_Guidelines_Amended_17_May_2016.pdf)

<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/documents/914/urban-streetscape-and-public-realm-style-guide)

[https://www.eastfremantle.wa.gov.au/Profiles/eastfremantle/Assets/ClientData/Documents/works-reserves/Application to conduct crossover works.pdf](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. Two copies of each 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. 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.***

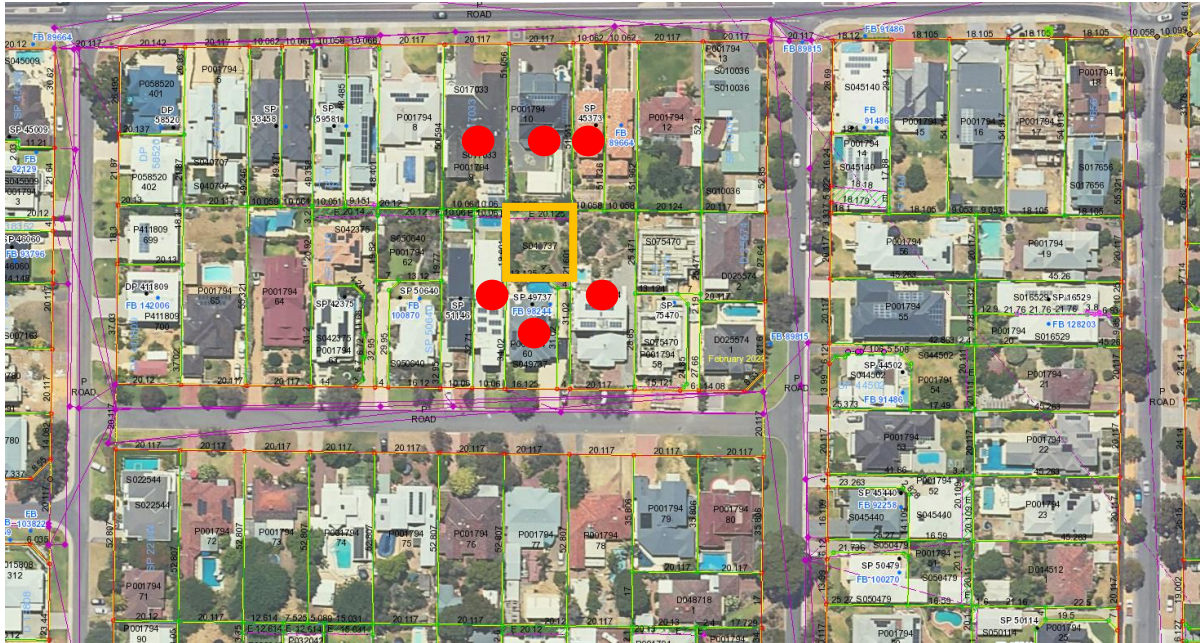
(CARRIED UNANIMOUSLY)

Note: As 4 Committee members voted in favour of the Reporting Officer’s recommendation, pursuant to Council’s decision regarding delegated decision making made on 16 May 2023, this application is deemed determined, on behalf of Council, under delegated authority.

REPORT ATTACHMENTS

Attachments start on the next page.

14A Philip Street – Location and Advertising Plan

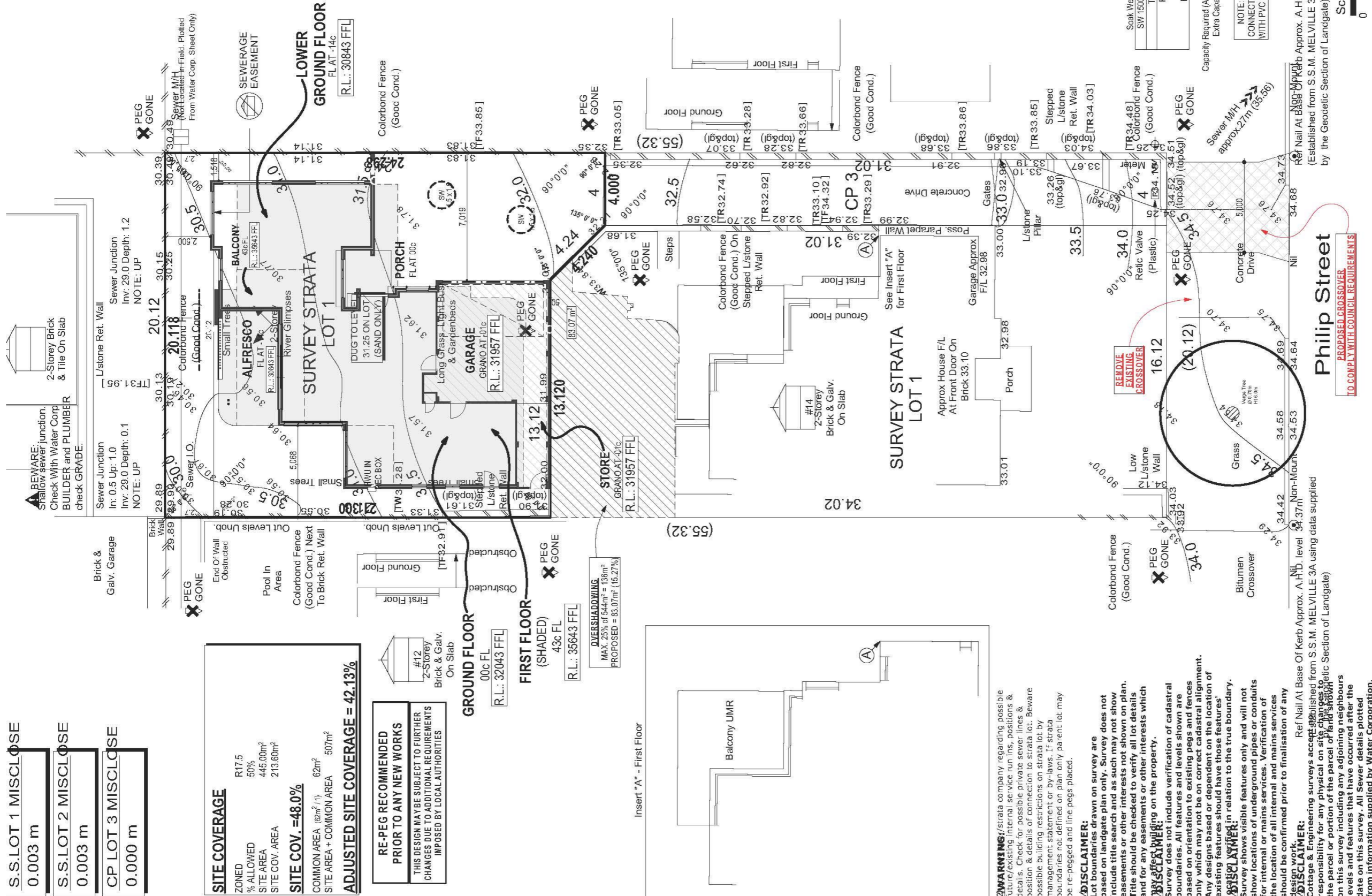
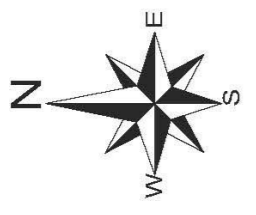


Attachment -2
14A Philip Street – Photos





LEGEND	
	Power Pole
	Water Conn.
	Top Retaining Wall
	Top of Floor
	Top of Slab
	Top of Post
	Top of Wall
	Top of Fence



S.S.LOT 1 MISCLOSE
0.003 m

S.S.LOT 2 MISCLOSE
0.003 m

CP LOT 3 MISCLOSE
0.000 m

SITE COVERAGE

ZONED R17.5
% ALLOWED 50%
SITE AREA 445.00m²
SITE COV. AREA 213.60m²

SITE COV. =48.0%

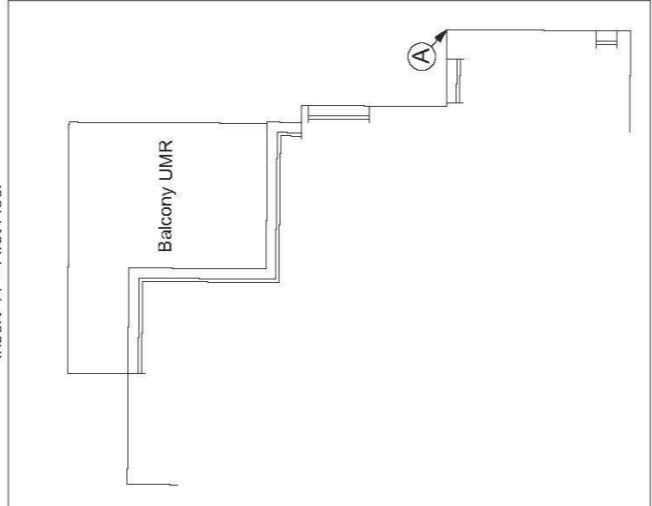
COMMON AREA (62m² / 1) 62m²
SITE AREA + COMMON AREA 507m²

ADJUSTED SITE COVERAGE = 42.13%

RE-PEG RECOMMENDED PRIOR TO ANY NEW WORKS

THIS DESIGN MAY BE SUBJECT TO FURTHER CHANGES DUE TO ADDITIONAL REQUIREMENTS IMPOSED BY LOCAL AUTHORITIES

OVERSHADOWING
MAX. 25% of 644m² = 161m²
PROPOSED = 83.07m² (15.27%)



WARNING: strata company regarding possible future/existing internal service run lines, positions & details. Check for possible private sewer lines & position & details of connection to strata lot. Beware possible building restrictions on strata lot by management statement or by-laws. If strata boundaries not defined on plan only parent lot may be re-pegged and line pegs placed.

DISCLAIMER: Lot boundaries drawn on survey are based on landgate plan only. Survey does not include title search and as such may not show easements or other interests not shown on plan. Title should be checked to verify all lot details and for any easements or other interests which may be affecting the property.

DISCLAIMER: Survey does not include verification of cadastral boundaries. All features and levels shown are based on orientation to existing pegs and fences only which may not be on correct cadastral alignment. Any designs based or dependent on the location of existing features should have those features' location verified in relation to the true boundary.

DISCLAIMER: Survey shows visible features only and will not show locations of underground pipes or conduits for internal or mains services. Verification of the location of all internal and mains services should be confirmed prior to finalisation of any design work.

DISCLAIMER: Cottage & Engineering surveys accept no liability for responsibility for any physical on site changes to the parcel or portion of the parcel of land shown on this survey including any adjoining neighbours levels and features that have occurred after the date on this survey. All Sewer details plotted from information supplied by Water Corporation.

NAME: _____
ADDRESS: _____
DATE: _____

I have viewed the plans dated JUL/2023 revision "0" and have no objections to the proposed variations relating to building height, setbacks and visual privacy.

NAME: _____
ADDRESS: _____
DATE: _____

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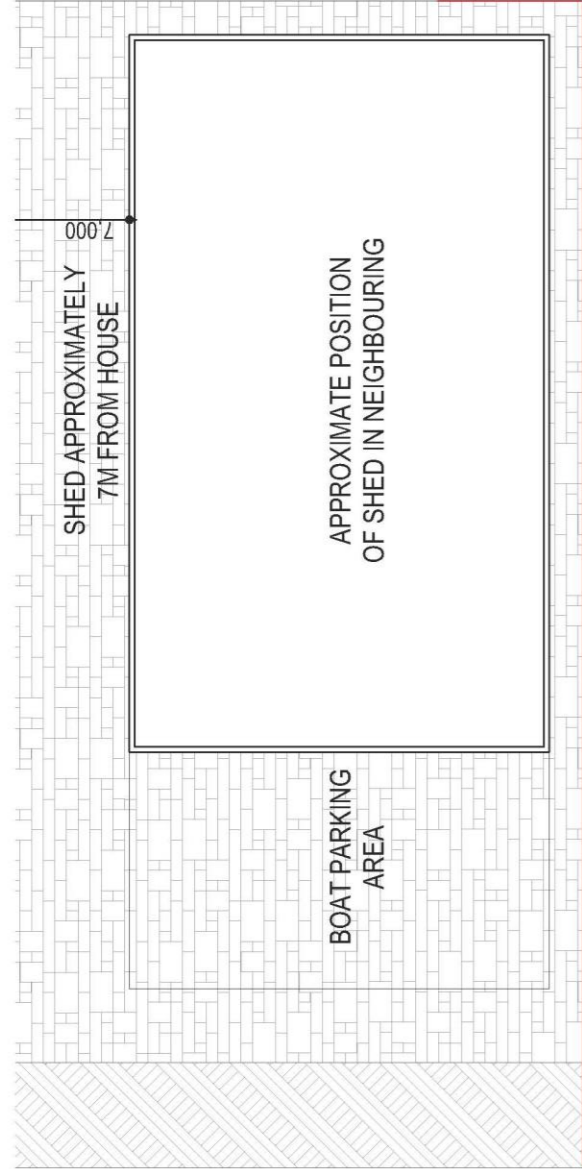
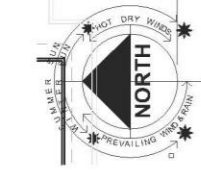
Soak Well Type	No.
SW 1500x1500	2
Total Capacity	5.3 m ³
Roof Area GF	22.0 m ²
Paved Area	120.0 m ²
Roof Area UF	250.0 m ²
Total Area	392.0 m ²
Capacity Required (Area x 0.0125)	4.9 m ³
Extra Capacity Provided	0.4 m ³

NOTE: ALL DOWNPIPES CONNECTED TO SOAKWELLS WITH PVC STORMWATER PIPE

Scale 1:200

JOB #	CLIENT	ADDRESS	SUBURB	LGA	DATE	SSA No	VEGETATION	DRAINAGE	SOIL	FOOTPATH	KERBS	ROADS	Bitumen	Non-Mount / Nil	COMMS. ---	ELEC.	U/Ground
87-89 Guthrie Street	Craig Katnich	#14A Philip Street	East Fremantle	TOWN OF EAST FREMANTLE	18 Nov 21		Refer to Survey	Good	Sand	Nil	Non-Mount / Nil	115.77411	Bitumen	Non-Mount / Nil	---	---	U/Ground
Osborne Park, WA 6017		Business Centre WA 6917	East Fremantle					Good	Sand	Nil	Non-Mount / Nil	115.77411	Bitumen	Non-Mount / Nil	---	---	U/Ground
PO Box 1611		Business Centre WA 6917	East Fremantle					Good	Sand	Nil	Non-Mount / Nil	115.77411	Bitumen	Non-Mount / Nil	---	---	U/Ground
P: (08) 9446 7361		Business Centre WA 6917	East Fremantle					Good	Sand	Nil	Non-Mount / Nil	115.77411	Bitumen	Non-Mount / Nil	---	---	U/Ground
E: perth@cottage.com.au		Business Centre WA 6917	East Fremantle					Good	Sand	Nil	Non-Mount / Nil	115.77411	Bitumen	Non-Mount / Nil	---	---	U/Ground
W: www.cottage.com.au		Business Centre WA 6917	East Fremantle					Good	Sand	Nil	Non-Mount / Nil	115.77411	Bitumen	Non-Mount / Nil	---	---	U/Ground

COTTAGE SURVEYS



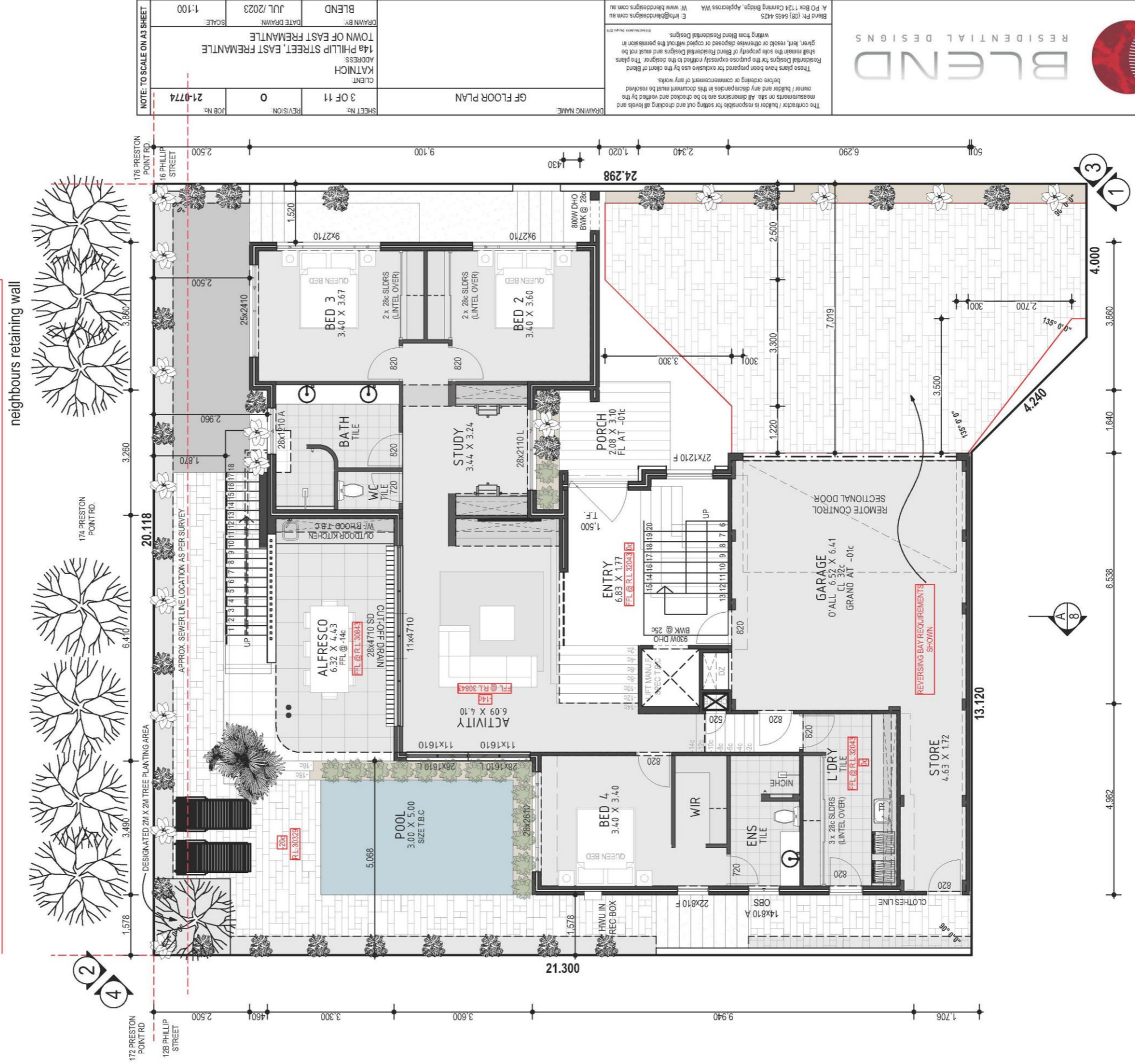
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NAME DATE

ADDRESS SIGNATURE
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NAME DATE

ADDRESS SIGNATURE
I have viewed the plans dated JUL/2023 revision "O" and have no objections to the proposed variations relating to building height, setbacks and visual privacy.



ID	AREA	M ²	PERIM.
01	GROUND FLOOR	156.65	75.55
02	GARAGE	44.03	27.66
03	STORE	8.97	13.24
04	PORCH	7.59	12.30
05	ALFRESCO	20.67	18.83
06	FF PLANTER	237.91	147.60
07	FIRST FLOOR	162.79	65.10
08	BALCONY	32.32	24.74
09	FF PLANTER	7.54	16.86
10	FF PLANTER	9.63	12.50
11	FF PLANTER	212.28	119.20

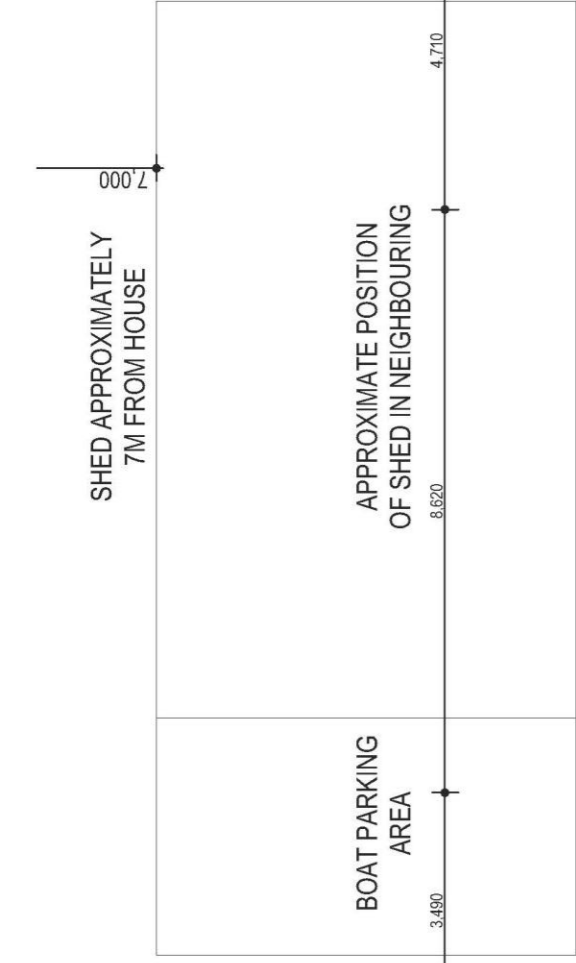
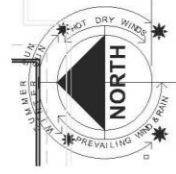
BLEND RESIDENTIAL DESIGNS

Blend Pty (2015) 6425
A PO Box 1724 Caring Bridge, Applecross WA
E: info@blenddesigns.com.au
W: www.blenddesigns.com.au

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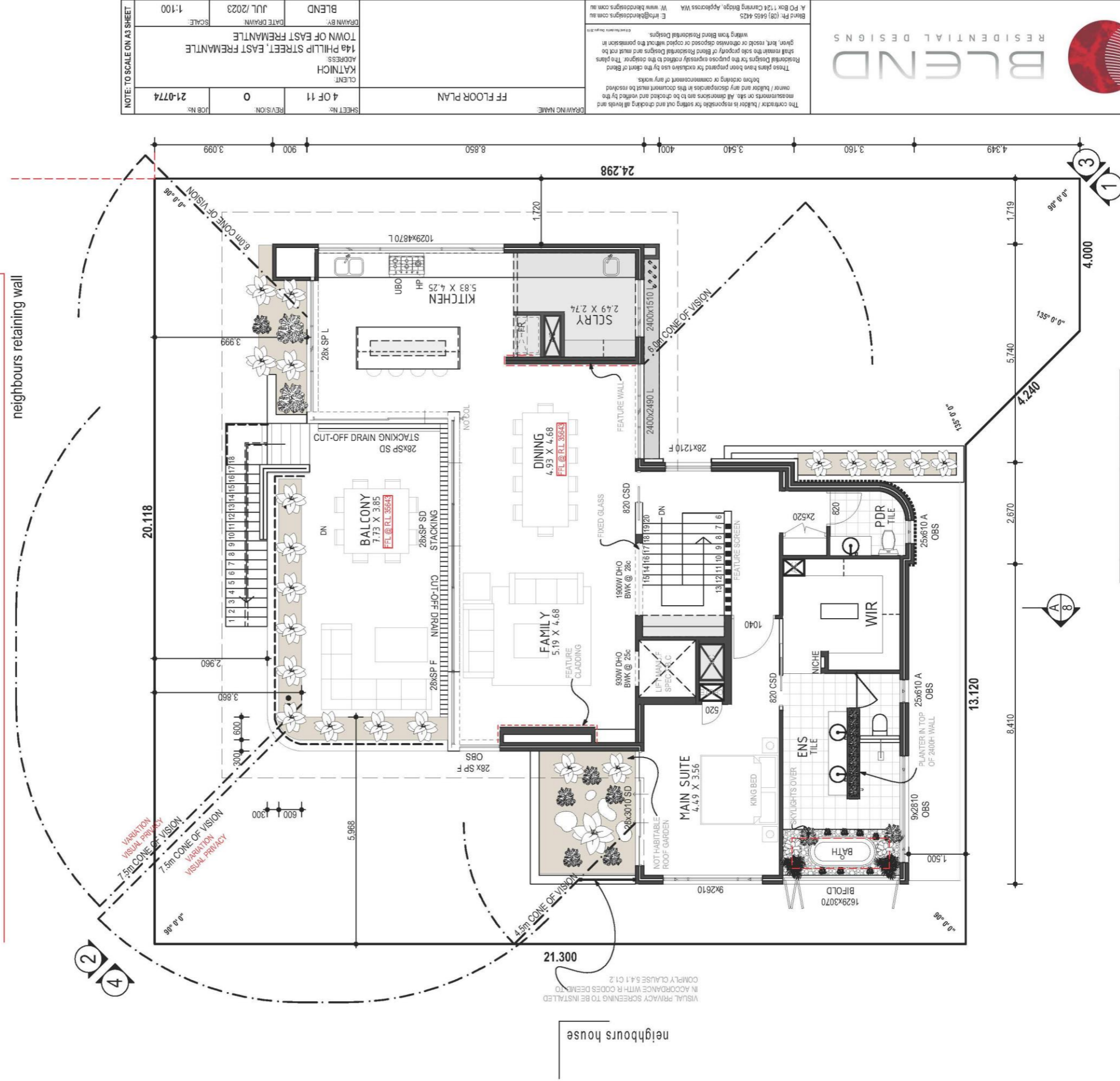
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NAME DATE
 ADDRESS
 SIGNATURE
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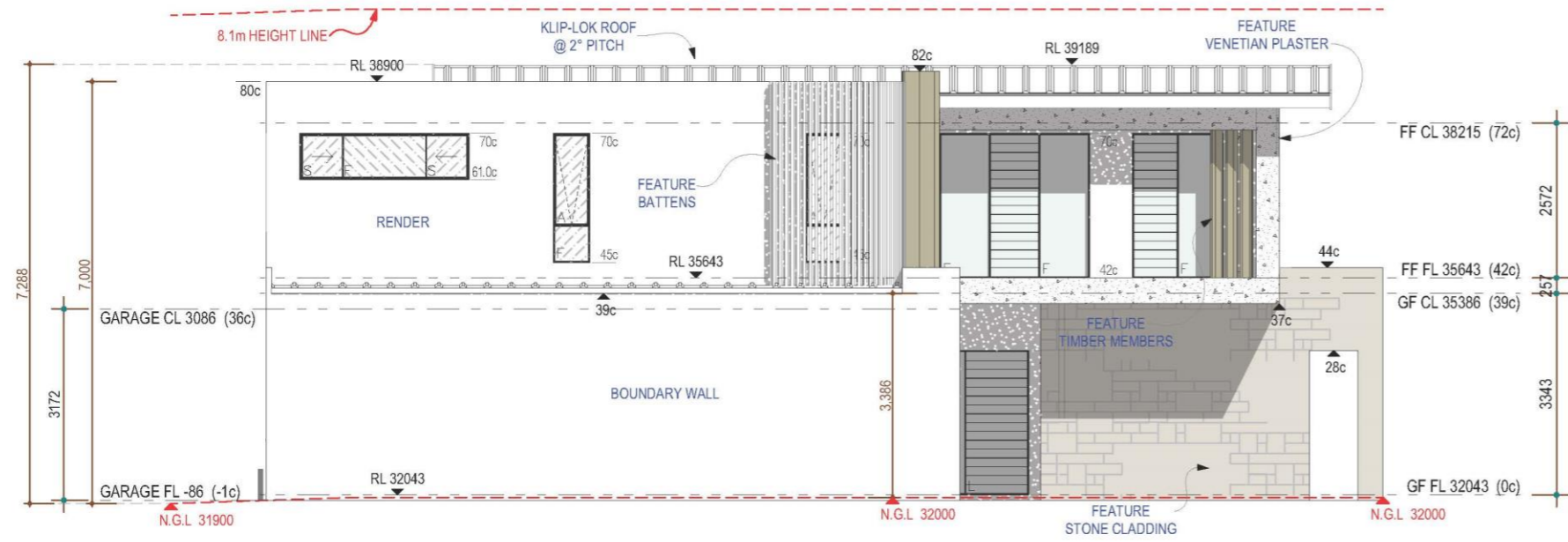


ID	AREA	MF	PERIM.
01	GROUND FLOOR	156.65	75.55
02	GARAGE	44.03	27.68
02	STORE	8.97	13.24
03	PORCH	7.59	12.30
04	ALFRESCO	20.67	18.83
		237.91 m²	147.60 m
05	FIRST FLOOR	162.79	65.10
06	BALCONY	32.32	24.74
06	FF PLANTER	7.54	16.86
06	FF PLANTER	9.63	12.50
		212.28 m²	119.20 m

DRAWING NAME: FF FLOOR PLAN		CLIENT: KATNICH	ADDRESS: 14a PHILLIP STREET, EAST FREMANTLE	DATE DRAWN: JUL/2023	SCALE: 1:100
SHEET NO: 4 OF 11	REVISION: 0	JOB NO: 21-0774	NOTE: TO SCALE ON A3 SHEET		
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neighbours house



ELEVATION 1
1:100

NAME

ADDRESS

SIGNATURE DATE

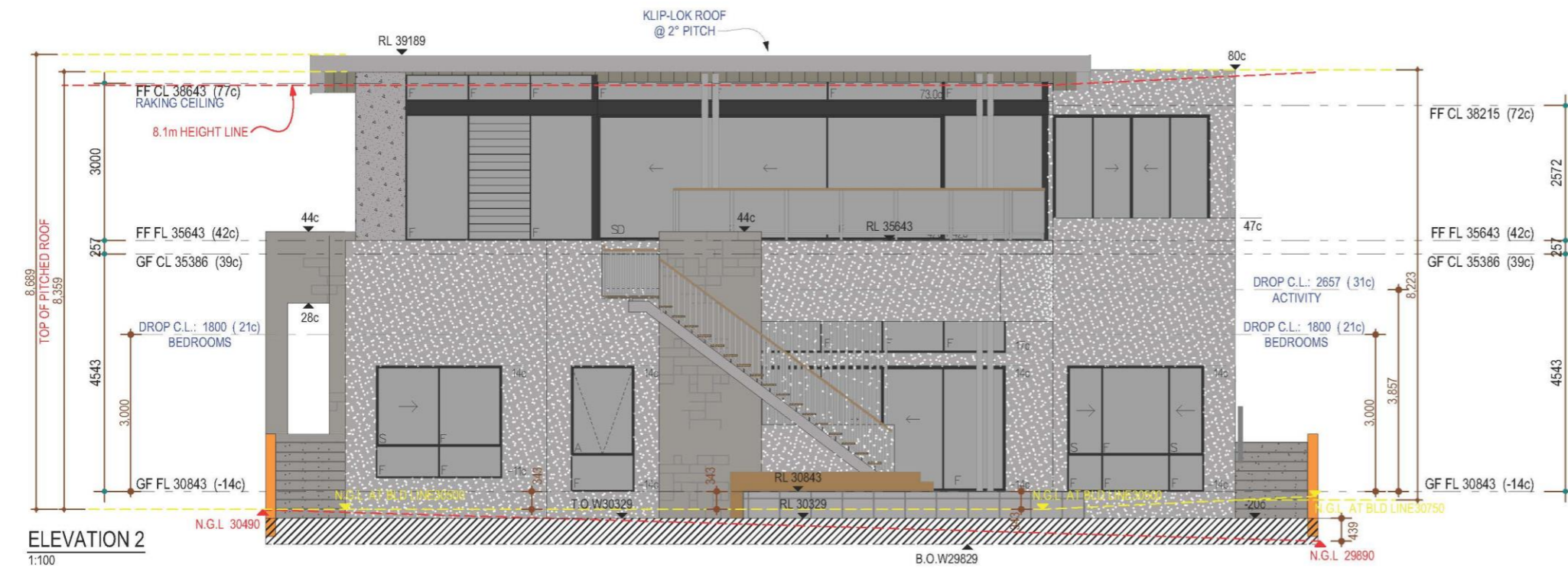
I have viewed the plans dated JUL/2023 revision "O" and have no objections to the proposed variations relating to building height, setbacks and visual privacy.

NAME

ADDRESS

SIGNATURE DATE

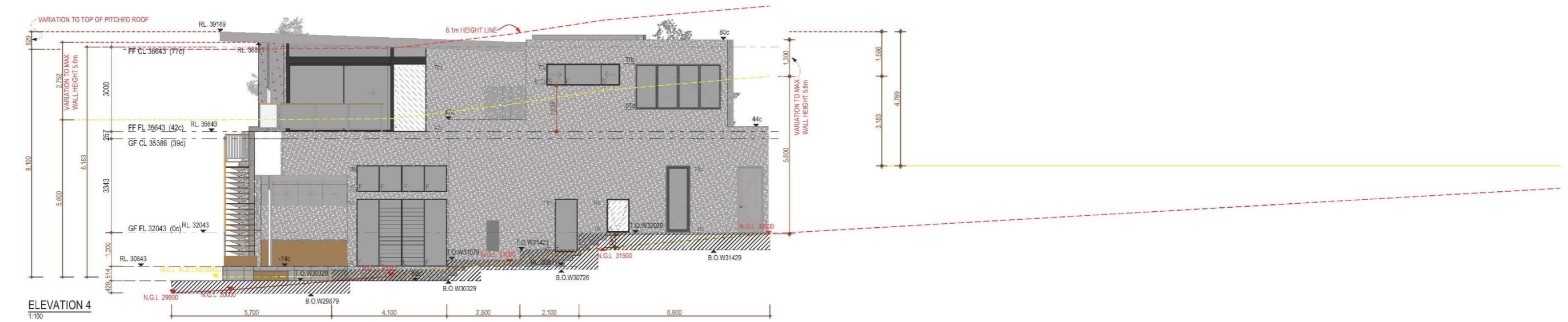
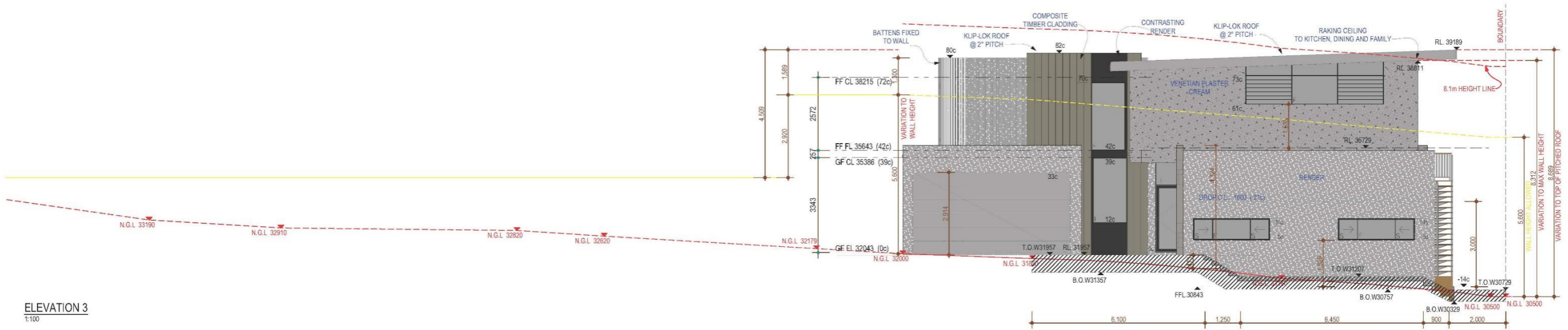
I have viewed the plans dated JUL/2023 revision "O" and have no objections to the proposed variations relating to building height, setbacks and visual privacy.



ELEVATION 2
1:100



<p>The contractor / builder is responsible for setting out and checking all levels and measurements on site. All dimensions are to be checked and verified by the owner / builder and any discrepancies in this document must be resolved before ordering or commencement of any works.</p> <p>These plans have been prepared for exclusive use by the client of Blend Residential Designs for the purpose expressly notified to the designer. The plans shall remain the sole property of Blend Residential Designs and must not be given, lent, resold or otherwise disposed or copied without the permission in writing from Blend Residential Designs.</p> <p><small>© Blend Residential Designs 2013</small></p> <p>Blend Ph: (08) 9465 4425 E: info@blendresidentialdesigns.com.au A: PO Box 1124 Canning Bridge, Applecross WA W: www.blendresidentialdesigns.com.au</p>	<p>DRAWING NAME:</p> <p>ELEVATIONS 1</p>	<p>SHEET No:</p> <p>5 OF 11</p>	<p>REVISION:</p> <p>O</p>	<p>JOB No:</p> <p>21-0774</p>	<p>NOTE: TO SCALE ON A3 SHEET</p>
	<p>CLIENT:</p> <p>KATNICH</p> <p>ADDRESS:</p> <p>14a PHILLIP STREET, EAST FREMANTLE</p> <p>TOWN OF EAST FREMANTLE</p>	<p>DRAWN BY:</p> <p>BLEND</p>	<p>DATE DRAWN:</p> <p>JUL /2023</p>	<p>SCALE:</p> <p>1:100</p>	



NAME	
ADDRESS	
SIGNATURE DATE	
I have viewed the plans dated JUL/2023 revision "O" and have no objections to the proposed variations relating to building height, setbacks and visual privacy.	
NAME	
ADDRESS	
SIGNATURE DATE	
I have viewed the plans dated JUL/2023 revision "O" and have no objections to the proposed variations relating to building height, setbacks and visual privacy.	



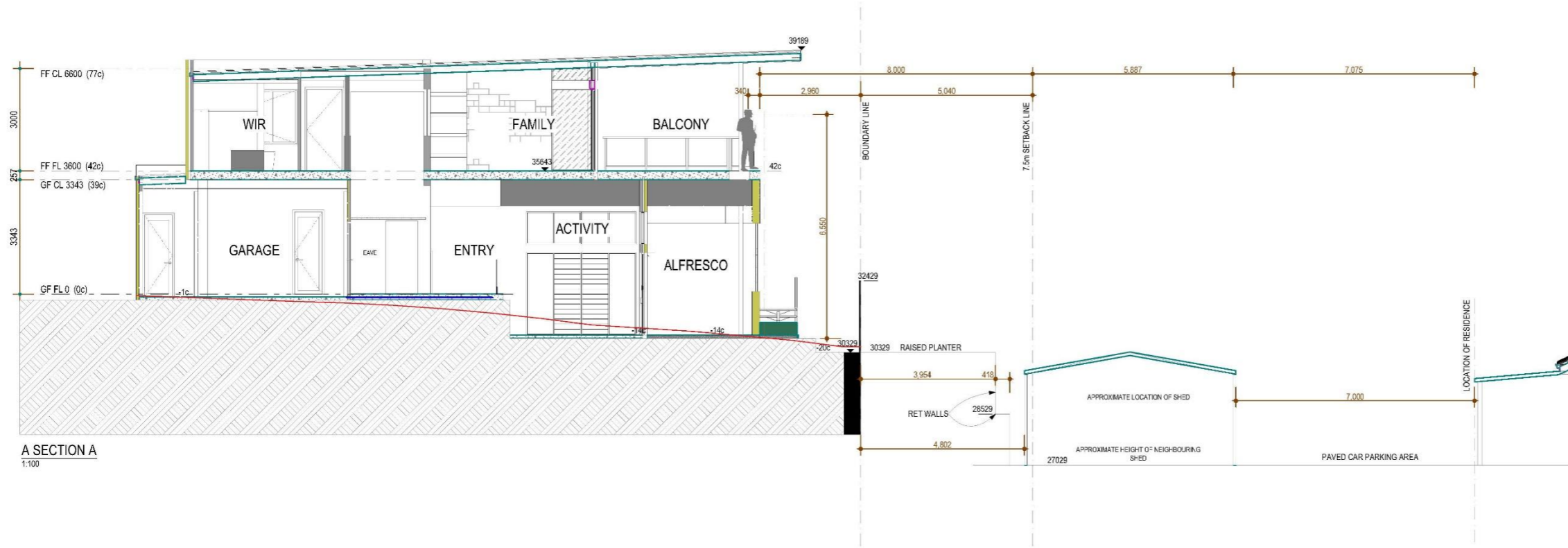
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A: PO Box 124 Cannary Ridge, Queensland WA W: www.blenddesigns.com.au

PROJECT NAME: ELEVATIONS 2	PROJECT No: 6 OF 11	REVISION: O	DWG No: 21-0774
CLIENT: KATNICH ADDRESS: 14a PHILLIP STREET, EAST FREMANTLE TOWN OF EAST FREMANTLE			
DRAWN BY: BLEND	DATE DRAWN: JUL / 2023	SCALE: 1:100	

NOTE: TO SCALE ON A2 SHEET



A SECTION A
1:100

NAME	
ADDRESS	
SIGNATURE DATE	
I have viewed the plans dated JUL/2023 revision "O" and have no objections to the proposed variations relating to building height, setbacks and visual privacy.	
NAME	
ADDRESS	
SIGNATURE DATE	
I have viewed the plans dated JUL/2023 revision "O" and have no objections to the proposed variations relating to building height, setbacks and visual privacy.	



The contractor / builder is responsible for setting out and checking all levels and measurements on site. All dimensions are to be checked and verified by the owner / builder and any discrepancies in this document must be resolved before starting or commencing any work.

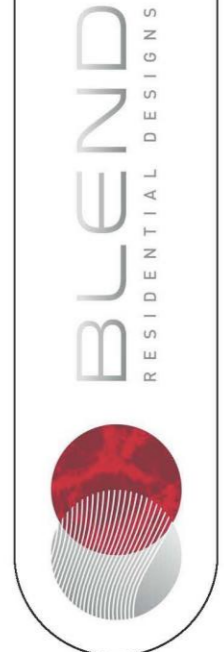
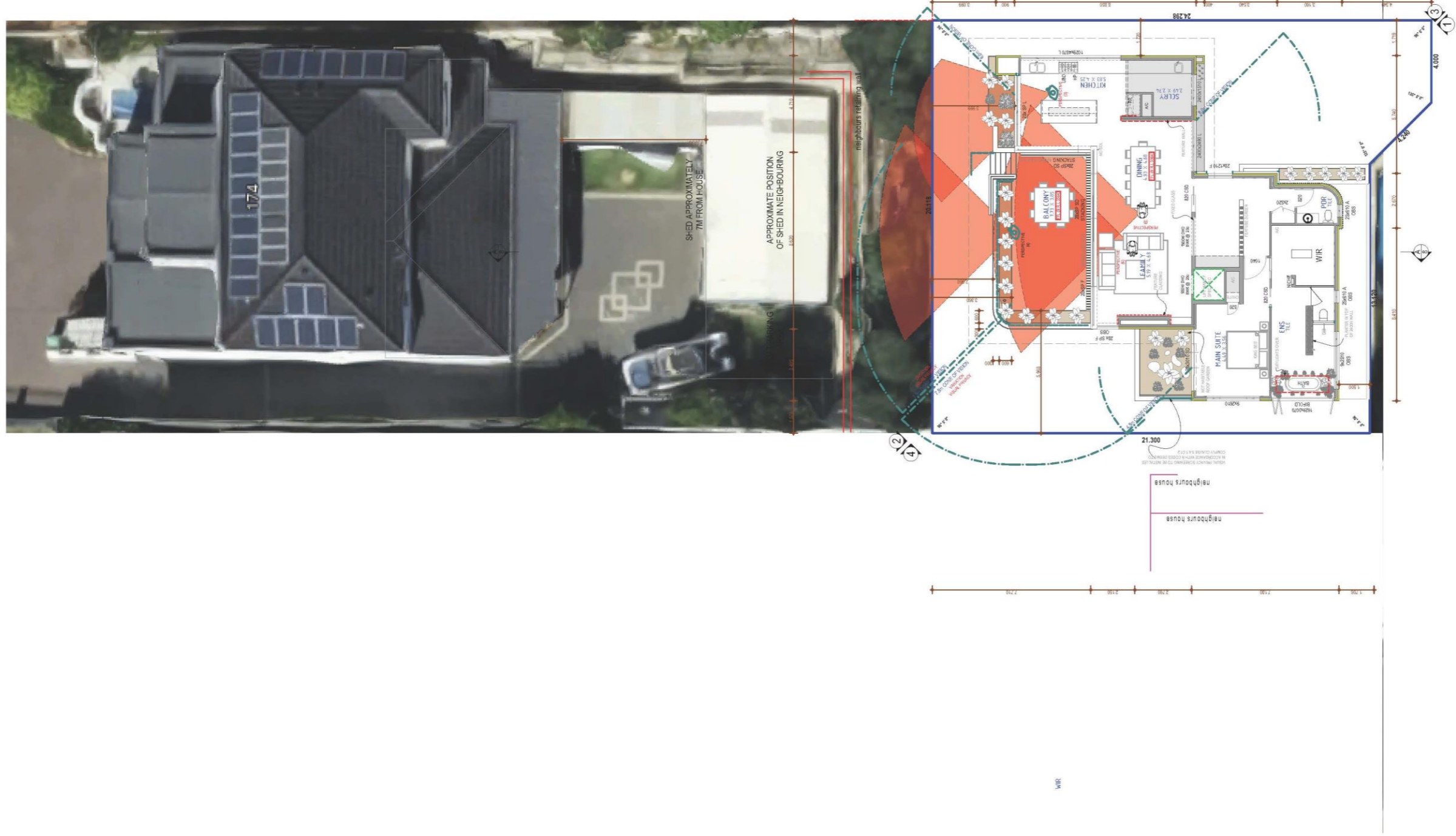
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A: PO Box 124 Camberg Bldg, Applecross WA W: www.blenddesigns.com.au

PROJECT NAME:	SECTION A	DRAWING NO:	7 OF 11	REVISION:	O	JOB NO:	21-0774
CLIENT:	KATNICH 14a PHILLIP STREET, EAST FREMANTLE TOWN OF EAST FREMANTLE						
DRAWN BY:	BLEND	DATE DRAWN:	JUL / 2023	SCALE:	1:100		

NOTE: TO SCALE ON A2 SHEET

NAME	DATE
ADDRESS	
SIGNATURE	DATE
I have viewed the plans dated JUL/2023 revision "0" and have no objections to the proposed variations relating to building height, setbacks and visual privacy.	
NAME	DATE
ADDRESS	
SIGNATURE	DATE
I have viewed the plans dated JUL/2023 revision "0" and have no objections to the proposed variations relating to building height, setbacks and visual privacy.	



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 E: info@blendresidential.com.au
 W: www.blendresidential.com.au

DRAWING NAME	FF SATELLITE IMAGERY
SHEET No:	8 OF 11
REVISION	0
JOB No:	21-0774
CLIENT:	KATNICH
ADDRESS:	14a PHILLIP STREET, EAST FREMANTLE
TOWN OF:	EAST FREMANTLE
DRAWN BY:	BLEND
DATE DRAWN:	JUL /2023
SCALE:	1:200

NOTE: TO SCALE ON A3 SHEET



PERSPECTIVE 1



PERSPECTIVE 2

NAME
 ADDRESS
 SIGNATURE DATE

I have viewed the plans dated JUL/2023 revision "0" and have no objections to the proposed variations relating to building height, setbacks and visual privacy.

NAME
 ADDRESS
 SIGNATURE DATE

I have viewed the plans dated JUL/2023 revision "0" and have no objections to the proposed variations relating to building height, setbacks and visual privacy.



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 A / PO Box 1124 Canning Bridge, Applecross WA
 E: info@blendresidentialdesigns.com.au
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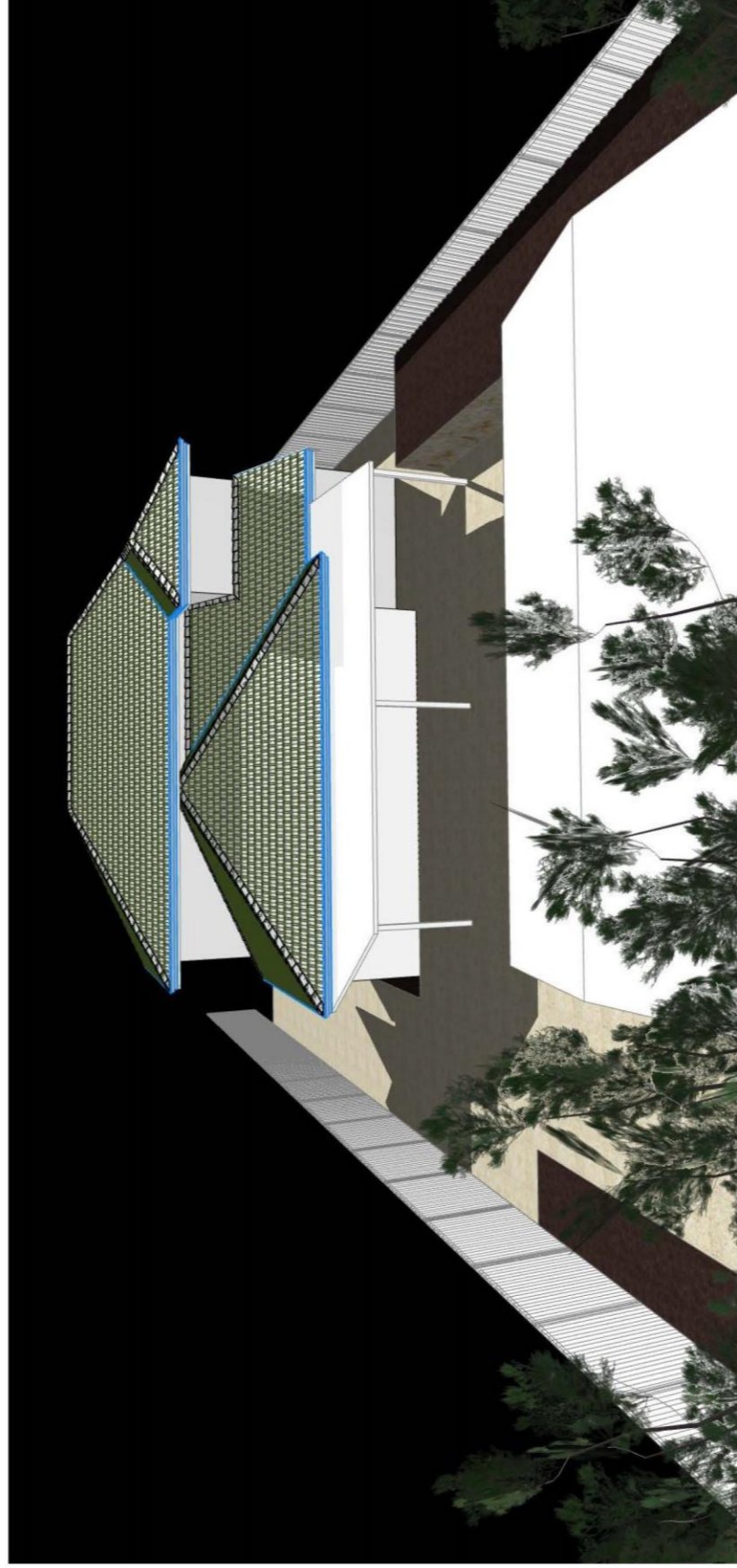
DRAWING NAME
PERSPECTIVES 1

SHEET No:	9 OF 11	REVISION	0	JOB No:	21-0774
CLIENT:	KATNICH				
ADDRESS:	14a PHILLIP STREET, EAST FREMANTLE				
TOWN OF:	EAST FREMANTLE				
DRAWN BY:	BLEND	DATE DRAWN:	JUL / 2023	SCALE:	

NOTE: TO SCALE ON A3 SHEET




PERSPECTIVE 3
1:250



PERSPECTIVE 4
1:250

NAME	NAME
ADDRESS	ADDRESS
SIGNATURE	SIGNATURE
DATE	DATE
I have viewed the plans dated JUL/2023 revision "0" and have no objections to the proposed variations relating to building height, setbacks and visual privacy.	



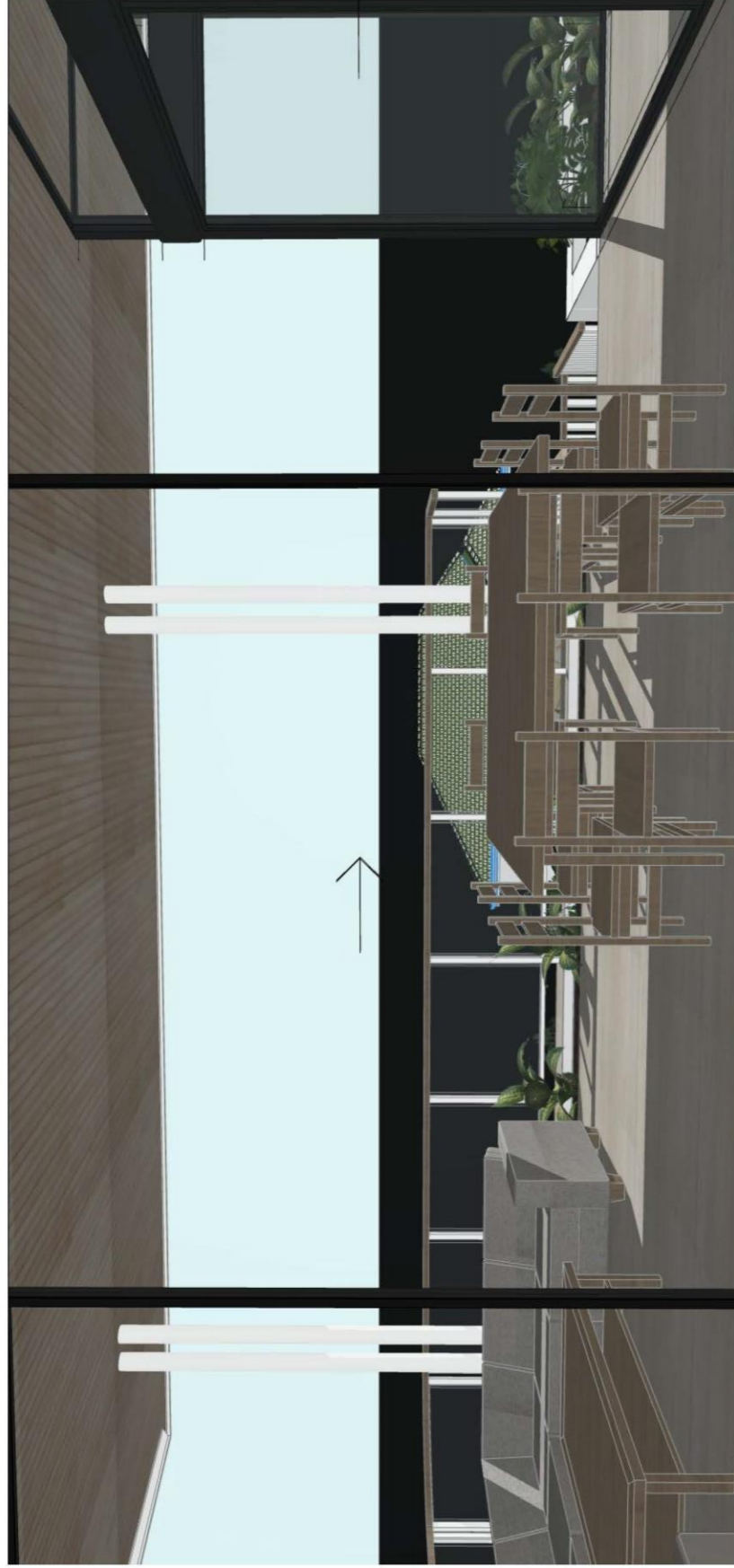
BLEND
RESIDENTIAL DESIGNS

PERSPECTIVES 2

NOTE: TO SCALE ON A3 SHEET

SHEET No:	10 OF 11	REVISION:	0	JOB No:	21-0774
CLIENT:	KATNICH				
ADDRESS:	14a PHILLIP STREET, EAST FREMANTLE				
TOWN:	TOWN OF EAST FREMANTLE				
DRAWN BY:	BLEND	DATE DRAWN:	JUL /2023	SCALE:	1:250

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 A / PO Box 1124 Cannington Bluffs, Applecross WA W: www.blendresidentialdesigns.com.au



PERSPECTIVE 5
1:250



PERSPECTIVE 6
1:250

NAME
ADDRESS
SIGNATURE DATE

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NAME
ADDRESS
SIGNATURE DATE

I have viewed the plans dated JUL/2023 revision "0" and have no objections to the proposed variations relating to building height, setbacks and visual privacy.



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E: info@blendresidentialdesigns.com.au
W: www.blendresidentialdesigns.com.au

DRAWING NAME PERSPECTIVES 3		SHEET No: 11 OF 11	REVISION 0	JOB No: 21-0774
CLIENT KATNICH		DATE DRAWN JUL /2023		
ADDRESS 14a PHILLIP STREET, EAST FREMANTLE		SCALE 1:250		
DRAWN BY BLEND		NOTE: TO SCALE ON A3 SHEET		



Community Engagement Checklist

Development Application P045/23 – 14A Philip Street

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 (<i>School / Playground</i>)	<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	23/06/2023	<input checked="" type="checkbox"/> Advertised to 6 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		7/06/2023		
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				

12.5 128 & 128A GEORGE STREET - TWO SINGLE HOUSES WITH HOME OFFICES AND ANCILLARY DWELLING

Owner	Concept Property Solutions Pty Ltd
Applicant	Wright Feldhusen Architects
Report Reference Number	TPR-1484
Planning Reference Code	P044/23
Prepared by	James Bannerman, Planning Officer
Supervised by	Christine Catchpole, Acting Executive Manager Regulatory Services
Meeting date	Tuesday, 5 September 2023
Voting requirements	Simple majority
Documents tabled	Nil

Attachments

1. Location and advertising plan
2. Photos
3. Plans submitted on 10 August 2023
4. Community engagement checklist

PURPOSE

The purpose of this report is for the Council to consider a development application for two single houses with home offices and a single ancillary dwelling at 128 (Lot 5) and 128A (Lot 10) George Street, East Fremantle.

EXECUTIVE SUMMARY

A development application has been submitted for 128 (Lot 5) and 128A (Lot 10) George Street, East Fremantle. This application is for two single houses (as defined under the R-Codes Vol 1), each with a home office and one with an ancillary dwelling (to be located at the rear of 128 George Street). The proposed lots will remain adjacent to each other but will be re-subdivided so that the boundaries of the new lots align with the proposed development. Also, it is intended an easement(s) will be created across the two sites to enable access by residents and visitors to each respective site.

The following variations are considered and discussed in the report.

For No. 128 (Lot 5) George Street, East Fremantle,

- Clause 5.8.2 - Local Planning Scheme No. 3 - Wall height – 5.5m required, 9.347m provided,
- Clause 5.8.2 - Local Planning Scheme No. 3 - Overall height – 8m required, 10.904m provided,
- Clause 5.8.3 - Local Planning Scheme No. 3 - Plot ratio – 0.5 required, 0.85 provided,
- Clause 8 All Properties Height ii - Local Planning Policy 3.1.6 - George Street Designated Heritage Area – Bulk and Scale – consistency required, significant separation distance provided,
- Clause 8 All Properties Height iii - Local Planning Policy 3.1.6 – George Street Designated Heritage Area – Additional Storey Setback - upper storey is required to be setback, upper storey built to boundary,
- Clause 5.3.1 - Residential Design Codes – Outdoor Living Area – accessible from primary living space, 20m² and 4m x 4m required, second outdoor living area - covered roof terrace of 42m² provided,
- Clause 5.1.3 – Residential Design Codes - Lot Boundary Setback – Northern Wall - Pergola – East – 1m required, 0m provided, and

No. 128A (Lot 10) George Street, East Fremantle,

- (i) Clause 5.8.2 - Local Planning Scheme No 3 - Wall height – 5.5m required, 9.797m provided,
- (ii) Clause 5.8.2 - Local Planning Scheme No 3 - Overall height – 8m required, 10.494m provided,
- (iii) Clause 5.8.3 - Local Planning Scheme No 3 - Plot ratio – 0.5 required, 1.02 provided,
- (iv) Clause 8 All Properties Height ii - Local Planning Policy 3.1.6 – George Street Designated Heritage Area – Bulk and Scale – consistency required, significant separation distance provided,
- (v) Clause 8 All Properties Height iii - Local Planning Policy 3.1.6 – George Street Designated Heritage Area – Additional Storey Setback - upper storey setback required; nil setback to upper storey provided,
- (vi) Clause 5.3.1 - Residential Design Codes – Outdoor Living Area – accessible from primary living space, 20m² and 4m x 4m required, second outdoor living area - covered roof terrace of 42m² provided.

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

BACKGROUND

Zoning	Mixed Use (R40)
Site Area	<p><u>Existing</u> 128 George Street -448m² 128A George Street - 225m²</p> <p><u>Proposed</u> 128 George Street – 371.5m² 128A George – 301.2m²</p>
Heritage	Local Planning Policy 3.1.6 - George Street Designated Heritage Area
Fremantle Port Buffer	Area 2
Previous Decisions of Council and/or History of Issue Onsite	The Town previously owned the sites and sold both lots in 2022

CONSULTATION

Advertising

The proposed development was advertised from 15 June to 14 July 2023. The three submissions received are outlined below. Two are opposed and one is in support of the application.

Submission	Applicant/Owner Response	Town Response
<p><u>Submission 1</u> I object to the proposal. LACK OF MERIT. George Street is a particularly unique street of well-preserved historical buildings with some newer additions to the streetscape. Broadly, the streetscape is a coherent whole that should be respected. Therefore, when the opportunity for a new building is proposed, then it is incumbent on the developer/ designer to appreciate and embrace the unique opportunity to add to George Street's built environment. On review of the proposal for 128 and 128A, sadly, this opportunity has been desperately missed. The street elevation is the aspect of most significant importance to the community. It is disappointing that such a derivative design is proposed, which appears to lack a clear architectural idea. To make matters worse, it seems to take its inspiration from some of East</p>	<p>The objection is subjective, however I would like to make the following points:</p> <ol style="list-style-type: none"> 1. We did not introduce arches to replicate the small neighbouring unit, the reasons for arches are; <ul style="list-style-type: none"> - Softens the nil set back by opening the building to the streetscape. - There a several buildings that feature arches along George Street, (including the arches in the verandah of the Royal George Hotel). 2. I acknowledge the unique streetscape that is George Street and resisted a multi-level apartment complex, I wanted to create something unexpected within the eclectic mix of buildings whilst acknowledging some of the materials featured on George Street. 	<p>The arches are a design element chosen by the owner. The architectural detail is a matter of personal taste. The provisions relevant to the assessment of this application are those of LPS 3, the R-Codes Vol 1 and LPP 3.1.6 – George Street Designated Heritage Area.</p> <p>The views expressed by the submitter are subjective and not the subject of the provisions of the planning framework which applies to this application.</p> <p>Proponents are at liberty to select a building designer of their choice. This is not a matter for assessment in regard to the development application.</p>



<p>Fremantle's most disappointing examples of 'design' in recent history: Richmond Quarter and the townhouses on St Peters Road. The heavy arch device mimics the property two doors down and is a trendy design device, which, when blended with the cacophony of other design ideas and motifs, creates a structure that does not add any value to the streetscape but diminishes it. Indeed, this is an opportunity to add architectural merit to the street rather than a building that has tried to compress into its façade every trending design device possible rather than offer an architectural structure with excellence. It is mind-blowing to me that when Fremantle is home to many of the State's best architects with a deep understanding of our built environment, we still have developers looking outside the city for designers to fill these briefs, which leads to these mediocre outcomes.</p>	<p>3. I do not agree with the last paragraph suggesting that architects based in Fremantle are needed in order to understand the built environment, Wright Feldhusen architects are a well-respected architectural firm with experience in East Fremantle.</p>	
<p><u>Submission 2</u> I am writing to confirm that as the owner of a nearby property I also received the relevant Council documentation emailed to me regarding the proposed development of the George Street properties which share a common boundary.</p> <p>I have no objection to the current plans and have been assured by the owner that I will be kept personally informed of the projects progress and that I will be maintained with relevant communication in relation to any issues that may affect the amenity of my property. In its current form I unreservedly support the design and proposed development.</p>	<p>Noted.</p>	<p>Noted.</p>
<p><u>Submission 3</u> I would like the Town Planning Committee to be notified of the following: My building at 130A George St, ends 18 metres north from George Street.</p> <p>The atrium on 128/128A George St, is proposed to start at 18 metres north from George Street, continuing to 21 metres. This allows the atrium to have a direct line of sight onto my balcony and master bedroom on the second floor. I believe this will have privacy implications.</p> <p>I wish to raise a concern about any external fixtures; the likes of air conditioning units that may affect my amenity in terms of being visually intrusive and noisy. In this regard, could you please advise where the air-conditioning units will be located and whether the emission of noise levels will comply with noise level limits for a residential environment?</p>	<p>The plans have been amended to show visual privacy screening added to the opening facing west and east to ensure visual privacy requirements are met in accordance with the R-Codes Vol 1.</p>	<p>The plans indicate the proposed opening adjacent to the neighbouring property has visual privacy screening to ensure there is compliance with the visual privacy requirements of the R-Codes. A design solution has been incorporated into the proposal which is considered to adequately address this submission and this will be enforced through a condition of development approval.</p> <p>The air conditioning units are located on the roof and the ground floor but may change if required. Potential noise from air conditioning can only be assessed when the units are in operation and can be monitored in accordance with State noise regulations, that is the <i>Environmental Protection (Noise) Regulations 1997 (as amended)</i>. If the Town is advised of any concerns relating to air conditioning noise the matter will be investigated to determine if compliant or otherwise.</p>

Internal Consultation

Nil

External Consultation

Main Roads

The following advice was received from Main Roads WA regarding the need to address potential noise issues. These comments will be included as conditions of development approval.

1. *This noise-sensitive development adjacent to a major transport corridor must implement measures to ameliorate the impact of transport noise. The development is to comply with WAPC State Planning Policy 5.4 Road and Rail Noise and implement Noise Insulation "Deemed to Comply" packages for this residential development.*

Justification for Condition: To ensure the acoustic requirements are implemented in accordance with State Planning Policy 5.4 – Road and Rail Noise.

2. *A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the Certificate(s) of Title of the proposed development. The notification is to state: "The lots are situated in the vicinity of a transport corridor and are currently affected or may in the future be affected by transport noise."*

STATUTORY ENVIRONMENT

Planning and Development Act, 2005
Residential Design Codes (R-Codes Vol 1)
Local Planning Scheme No. 3 (LPS 3)

POLICY IMPLICATIONS

Local Planning Policy 3.1.6 – George Street Designated Heritage Area
Local Planning Policy 3.1.8 – Wood Encouragement – General

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 Volume 1 and Local Planning Policy 3.1.6 – George Street Designated Heritage Area.

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

Legend	
A	Acceptable
D	Discretionary
N/A	Not applicable

128 George Street

Clause	Scheme Requirement	Variation/Comment	Status
5.3.4	Residential Development in Non-Residential Zones: R40 development	R40 density code	A
5.8.1	Building setbacks: Except as otherwise required or permitted by the local government buildings in the Commercial Zones are to be aligned with the front property boundary and are to be built up to any side boundary.	Ancillary dwelling setbacks determined by the R Codes setbacks in accordance with R20 density (adjoining site)	A
5.8.2	Building Height: Mixed use: Walls – 5.5m, Overall 8.0m	9.797m wall height 10.904m overall height	D D
5.8.3	Plot Ratio: 0.5	0.85	D
5.8.4	Design and Landscaping	Existing vegetation at rear retained	A
5.8.5	Car Parking and Vehicular Access – 2 car bay required for dwelling a 1 car bay required for ancillary dwelling for a total of 3 car bays	4 car bays provided	A
5.8.6	Location of Car Parking	At rear of building	A
5.8.10	Development in the Mixed-Use Zone	Single houses (dwelling), home office and ancillary dwelling are 'P' uses (i.e., permitted)	A

Local Planning Policy 3.1.6 – George Street Designated Heritage Area

Clause	Variation/Comment	Status
New Buildings	Reflect & complement existing buildings and streetscape	A
Site Works	Minimal cut and fill required	A
Building Setbacks	Refer to LPS 3 requirements	A
Roof Form & Pitch	Roof setback and hidden from street front boundary	A
Height		
i	New buildings are to address the street and be consistent with bulk and scale of adjacent buildings	D
iii	Additional storeys are to be setback to maintain rhythm of the streetscape	D
Materials and Colours	Colour and materials as per plans	A
Landscape Guidelines	Landscape plan provided	A
Street Surveillance	Passive surveillance to and from street	A
Fencing	No front fence proposed	N/A
Access and Parking	Provided at rear	A
Garages and Carports	Provided at rear	A
Footpaths and Crossovers	Approval required from Operations for any changes to crossover	Condition
Advertising Signs	Application required if signage considered	Condition
Incidental Development	As shown on plans	A



Fremantle Port Buffer	Condition included in final recommendation	Condition
Notification and Memorials on Title	Condition included in final recommendation	Condition

Residential Design Codes Vol 1

Design Element	Required	Proposed	Status
Lot Boundary Setbacks			
Northern wall – ancillary dwelling	1.5m	1.8m	A
Northern wall – pergola east	1m	0m	D
Northern wall - pergola west	0m	0m	A
Open Space	45%	84%	A
Site Works			N/A
Visual Privacy (Atrium)	7.5m	Visual privacy screening added	A
Visual Privacy (Games)	6m	Obscure glazing	A
Overshadowing	<35%	Overshadows the verge and the road	N/A
Outdoor living area	20m²	17.9m²	D
	4m x 4m	<4m x 4m	D
Sightlines	Clear sightlines required	Mirrors to be installed	A
Drainage			Condition

Ancillary Dwelling

Lot Area	Not less than 350m ²	448m ²	A
Area	Maximum plot ratio area of 70m ²	38.8m ²	A
Parking	1 additional car bay	1 bay	A
Location	Behind street setback line	Behind street setback	A
Compatible with existing dwelling	Compatible	Compatible	A
Outdoor living area	Provided	Pergola area	A
Wood Encouragement Policy	Timber is to be utilised for screening on the front ground floor windows and the front doors		

128A George Street

Clause	Scheme Requirement	Variation/Comment	Status
5.3.4	Residential Development in Non-Residential Zones: R40 development	R40 density code	A
5.8.1	Building setbacks: Except as otherwise required or permitted by the local government buildings in the Commercial Zones are to be aligned with the front property boundary and are to be built up to any side boundary	Complies with LPS 3 requirements	A
5.8.2	Building Height: Mixed use: Walls – 5.5m, Overall 8.0m	9.327m wall height, 10.724m overall height	D
5.8.3	Plot Ratio: 0.5	1.02	D
5.8.4	Design and Landscaping	New garden at rear on eastern side of lot	A
5.8.5	Car Parking and Vehicular Access – 2 car bays required	4 car bays provided	A
5.8.6	Location of Car Parking	At rear of building	A
5.8.10	Development in the Mixed-Use Zone	Single house (dwelling) permitted	A

Local Planning Policy 3.1.6 – George Street Designated Heritage Area

Clause	Variation/Comment	Status
New Buildings	Reflect & complement existing buildings and streetscape	A
Site Works	Minimal cut and fill required	A
Building Setbacks	Refer to LPS 3 requirements	A
Roof Form & Pitch	Roof setback and hidden from street front boundary	A
Height		
i	New buildings are to address the street and be consistent with bulk and scale of adjacent buildings	D
iii	Additional storeys are to be setback to maintain rhythm of the streetscape	D
Materials and Colours	Colour and materials as per plans	A
Landscape Guidelines	Landscape plan provided	A
Street Surveillance	Passive surveillance to and from street	A
Fencing	No front fence proposed	N/A

Access and Parking	Provided at rear	A
Garages and Carports	Provided at rear	A
Footpaths and Crossovers	Approval required from Operations for any changes to crossover	Condition
Advertising Signs	Application required if signage considered	Condition
Incidental Development	As shown on plans	A
Fremantle Port Buffer	Condition included in final recommendation	Condition
Notification and Memorials on Title	Condition included in final recommendation	Condition

Residential Design Codes

Design Element	Required	Proposed	Status
Open Space	45%	75%	A
Site Works	N/A	N/A	N/A
Visual Privacy (Atrium)	7.5m	Visual privacy screening added	A
Visual Privacy (Games)	6m	Obscure glazing	A
Overshadowing	<35%	Overshadows the verge and the road	N/A
Outdoor living area	Accessible from primary living space 20m² 4m by 4m	Bedroom 16.1m² <4m by 4m	D D D
Sightlines	Clear sightlines	Utilises laneway from 128 George Street – convex mirror conditioned	Condition
Drainage			Condition
Wood Encouragement Policy	Timber is to be utilised for screening on the front ground floor windows and the front doors		

A development application has been submitted for 128 and 128A George Street. This application is for two single houses (as defined under the R-Codes Vol 1), each with a home office, and one with an ancillary dwelling (to be located at the rear of 128 George Street). The proposed lots will remain adjacent to each other but will be re-subdivided so that the new boundaries align with the proposed development. An easement(s) will also be created across the two sites to enable access by residents and visitors to parking and the access corridor between the two dwellings on the two sites. A condition of development approval is recommended to ensure amalgamation/resubdivision of the lots occurs in accordance with the proposed development and the easement(s) is/are recorded on the titles.

A single house (dwelling), home office and ancillary dwelling are all classified as 'P' (permitted) uses under the Zoning Table in LPS 3, so the Town is supportive of a development of this type in the George Street Mixed Use zone. The proposed development was referred to Main Roads WA for its advice as the site is within 200m of Stirling Highway. Advice was received which has been included in the final recommendation in relation to addressing potential noise amenity matters by requiring a notification on the certificate of title. The development site is also within the Fremantle Port Buffer Area and the George Street Designated Heritage Area. Clause 9 of the Fremantle Ports Buffer Policy requires that conditions are imposed that address matters relating to the Port operations. Again, these are required conditions for sites within the Policy area have therefore been included in the final recommendation.

No. 128 George Street is a 2 bedroom, 3 bathroom dwelling with a large living room and kitchen, outdoor terrace as well as an atrium on the first floor, a large home office on the ground floor and an ancillary dwelling at the rear. There are four (4) car bays allocated to the dwelling. No. 128A George Street is similar in design with the addition of a workshop/store attached at the rear of the dwelling. It also has four (4) car bays located at the rear of the dwelling. There is an access corridor between the two dwellings on the ground floor which provides entry to the dwellings. An easement will be created over this corridor to ensure access to both properties as required. Access to the rear car park for both dwellings is via a gated access way to the west of No. 128 George Street. An easement will also be required to allow reciprocal rights of access to the parking bays for each property.

The individual assessment of the two single houses and the relevant variations are discussed separately. In the case of No. 128 George Street there are 7 variations to the LPS 3, George Street Designated Heritage Area Policy, and the Residential Design Codes Vol 1 in relation to wall and overall building height, plot ratio, bulk and scale, setback of upper storeys, outdoor living surface areas and dimensions, and setback from the northern boundary of the pergola attached to the ancillary dwelling. No. 128A George Street has 6 variations related to wall and overall height, plot ratio, bulk and scale, setback of upper storeys and outdoor living surface area and dimensions. These matters are discussed below.

128 George Street

Building Height – Walls and Overall

LPS 3 clause 5.8.2 (c) requires that walls are a maximum height of 5.5m and overall building height does not exceed 8m for sites within the Mixed Use zones such as No. 128 George Street. In this case the wall height is a maximum of 9.797m at the front boundary and drops to 9.237m at the northern most (and rear) section of the top storey of the building. This wall extends at this height for 20.7m. The roof which is setback 5m from the street front is 10.904m high and extends towards the rear of the building for 12.7m.

While the building does exceed the height limit it is considered it is not out of context with other new developments in the George Street precinct. It is lower in height than 96 George Street, the Royal George Hotel, as well as the Brush Factory development. The Town is of the view it sits comfortably with the range of heights of the other buildings along George Street. The development is designed to accommodate a large home office on the ground floor, as well as a 2 bedroom, 3 bathroom residence in the storey above with the master bedroom located on a mezzanine floor. This ensures that there is adequate living and outdoor areas. Although it is above the maximum heights for both wall and a building overall, it presents as a 2 storey dwelling from the street with an outdoor terrace at the front of the property. It is considered there are negligible amenity impacts from the increase in wall and overall building height. The accessway to the rear of 46-52 King Street which is ~4m wide is adjacent to subject site and provides an 'open space' buffer which is considered to reduce the impact of the height and scale of the proposed development on the neighbouring properties. As the building is located on a site that is aligned north south there are no direct overshadowing issues on the neighbouring site to the west and there are no visual privacy issues as this wall has no major openings that look out towards these properties. Privacy is maintained from the atrium that faces west through the use of visual privacy screening in the opening to this area. The bulk of the western façade is also reduced as a result of the design. The upper storey is supported by widely spaced columns rather than a solid parapet wall along this boundary, as well as by the retention of the existing trees at the rear of the site. It is noted that there were no submissions from the neighbouring properties to the west of the development.

Under the provisions of LPS 3 Council has the ability to vary the development standards for matters such as wall and overall building height in accordance with clause 5.6 (Variations to site and development standards and requirements). It is therefore recommended that the proposed increase in wall and overall building height is supported.

Plot Ratio

LPS 3 clause 5.8.3 (c) requires that the plot ratio of development within the Mixed Use zone is 0.5. In this case the plot ratio has been calculated as 0.85. Although this is above the permissible floor space ratio it is considered to be supportable for a development of this nature in a commercial area which encompasses a residential and home office component. In this case the additional floor space is not considered to result in a building of excessive bulk and scale, as adequate open space and landscaping is maintained on the site. Again, Council has the discretion to vary the development standards for the proposed development the under the provisions of Clause 5.6 so it is recommended the proposed plot ratio for this development is supported.

Bulk and Scale of Development (LPP 3.1.6 – George Street Designated Heritage Area)

The proposed development has been built up to the street front boundary for the full height of the development in accordance with the requirements of LPS 3. The George Street Designated Heritage Area Policy, clause 8 Height i states that all new development should address the street and development is to be consistent with the bulk and scale of adjacent dwellings. The proposed development faces George Street on both the ground floor and the upper storeys with good quality surveillance and connection with the street. The consistency of the bulk and scale of development with the adjacent properties has been discussed above, however, in further support of the proposal it can be added that the ~4m wide accessway between the subject site and the buildings to the west provides a reasonable degree of separation and even though the development at 52 King Street (also fronting George Street) is ~6m in height, the separation space between the buildings and the architectural design is considered to lessen the height and scale difference. For this reason, it is considered the variation to the George Street Heritage Area Policy requirement can be supported.

Additional Storey Setback

LPP 3.1.6 clause 8 Height iii requires that additional storeys are setback sufficiently to be in keeping with the rhythm of the streetscape. In accordance with the Scheme the upper storey has been built up to the street. An upper storey terrace that provides a covered outdoor area at the front of the building is in the area that would normally be setback from the street. The terrace area will be open at the front and allow residents to connect with street and provide surveillance of the footpath below and the street ahead. It is noted that neither of the neighbouring property designs have their upper storey setback from the street. No. 52 King Street has no openings facing George Street on the upper storey addition at the rear of this property. Likewise, the neighbouring property to the east at No. 130A George Street has a small opening facing George Street and no balcony or large opening that enables similar benefits to No. 128 George Street. The current setback of the upper storey is similar to the neighbouring properties so is maintaining the current rhythm of the streetscape. For this reason, it is recommended that Council support the variation to the George Street Heritage Area Policy requirement in terms of a reduced setback for the upper storey of the proposed development.

Outdoor Living Area

In accordance with the Residential Design Codes deemed to comply clause 5.3.1 C1.1 residential dwellings (zoned R40) are required to have outdoor living areas that meet the following criteria:

- minimum area of 20m²;
- behind the street setback area;
- directly accessible from the primary living space;
- a minimum length and width of 4m; and
- with at least 2/3 of the area without permanent roof cover.

In this case the dwelling has 2 outdoor areas, however, they do not meet the standard requirements. There is an atrium without a roof covering on the mezzanine level and opening from a bedroom. The minimum dimensions are not met with this area measuring 5.98m x 2.9m and with a total area of 17.9m², however it does allow for sunlight and ventilation. The second outdoor area is an outdoor terrace of 42m² that is fully covered with a roof and is enclosable and highly useable as it provides year round weather protection. It is considered a large area which is directly accessible from the living, dining, and kitchen area. In accordance with design principles 5.3.1 P1.1 the combination of the 2 areas provides sufficient space for entertaining, leisure and connection to the outdoors that is:

- of sufficient size and dimension to be functional and usable;
- capable of use in conjunction with the primary living space of the dwelling;
- sufficient in uncovered area to allow for winter sun and natural ventilation into the dwelling;
- sufficient in uncovered area to provide for landscaping, including the planting of trees; and
- optimises use of the northern aspects of the site.

It is recommended that Council support the variations relating to the outdoor living areas. The areas provided in the design adequately address the outdoor living requirements but in a different format than the typical response provided for single dwellings. Adequate amenity for residents is therefore considered to be provided.

Lot Boundary Setback – Northern Wall - Pergola - East

It is proposed to construct a pergola up to the northern lot boundary and adjacent to the ancillary dwelling located at No. 128 George Street. It is a requirement of LPS 3 that any development in commercial zones and adjacent to properties that are located within the Residential zone is required to utilise setbacks in accordance with the lower density code. In this case the adjacent property has a density code of R20. The pergola is 3.8m long and 3.267m high and is built up to the boundary so the required setback in accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 is 1m. It is considered the reduced lot boundary setback can be supported in accordance with the design principles 5.1.3 P3.2 for the following reasons:

- makes more effective use of the available space for outdoor living space;
- there is minimal impact from building bulk on the adjoining property;
- adequate sunlight and ventilation will reach the building and open spaces on the site and the adjoining properties;
- minimal overlooking and loss of privacy on adjoining properties;
- does not have an adverse impact on the amenity of the adjoining property; and
- ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted.

The pergola is to the south of the northern neighbouring property so has no impact on access to sunlight and as it is an open structure there is negligible bulk and adequate access to air for ventilation purposes. It is a lightweight structure which it is considered will have negligible amenity impacts on the northern property.

128A George Street

Building Height – Walls and Overall

LPS 3 clause 5.8.2 (c) requires that walls are a maximum height of 5.5m and overall building height does not exceed 8m for sites within Mixed Use zones such as No. 128A George Street. In this case the wall height is a maximum of 9.347m at the top storey of the building. This wall extends at this height for 20.7m. The roof which is setback 5m from the street front is 10.494m high and extends towards the rear of the building for 12.7m.

As stated above, while the building does exceed the height limit it is considered it is not out of context with other new developments in the George Street precinct. It is lower in height than 96 George Street, the Royal George Hotel, as well as the Brush Factory development. The Town is of the view it sits comfortably with the range of heights of the other buildings along George Street.

It is designed to accommodate a large home office on the ground floor, as well as a 2 bedroom, 3 bathroom residence in the storey above with the master bedroom located on a mezzanine floor and this ensures that there is adequate living and outdoor areas for the residents. Although it is above the maximum heights for both wall and overall height it presents as a 2 storey dwelling from the street with an outdoor terrace at the front of the property. It is considered there are negligible amenity impacts from the increase in wall and overall height. As the building is located on a site that is aligned north – south. There are no direct overshadowing issues on the neighbouring site to the east and there are no visual privacy issues as this wall has no major openings that look out towards the eastern property. Privacy is maintained from the atrium that faces east through the use of visual privacy screening across the opening for this area. The bulk of the wall is also reduced as a result of reductions in the wall height towards the rear of the site which coincides with the start of the neighbouring property's rear yard.

Under the provisions of LPS 3 Council has the ability to vary the development standards for matters such as wall and overall building height in accordance with clause 5.6 (Variations to site and development standards and requirements). It is therefore recommended that the proposed increase in wall and overall building height is supported.

Plot Ratio

Under the provisions of LPS 3, Clause 5.8.3 (c) requires that the plot ratio of development within the Mixed Use zone is 0.5. In this case the plot ratio has been calculated as 1.02. Although this is above the permissible floor space ratio it is considered to be supportable for a development of this nature in a commercial area which encompasses a residential and home office component. In this case the additional floor space is not considered to result in a building of excessive bulk and scale, as adequate open space and landscaping is maintained on the site. Again, Council has the discretion to vary the development standards for the proposed development the under the provisions of Clause 5.6 so it is recommended the proposed plot ratio for this development is supported.

Bulk and Scale of Development (LPP 3.1.6 – George Street Designated Heritage Area)

The proposed development has been built up to the street front boundary in accordance with the requirements of LPS 3 for the full height of the development. The George Street Designated Heritage Area Policy clause 8 All Properties Height ii requires that new development addresses the street and development is consistent with the bulk and scale of adjacent dwellings. The proposed development faces George Street on both the ground floor and the upper storeys with good quality surveillance and visual connection with the street being possible. In terms of the consistency of the bulk and scale of development the adjacent property at No. 130A George Street to the east is ~2.5m lower than the proposed development. However, even with the increased height of the development it is considered it still 'reads' as a double storey building in its design and therefore is considered in alignment with the maximum number of floors that is prescribed under the Heritage Area policy. For this reason, it is recommended Council support the variation to the George Street Designated Heritage Area Policy requirement.

Additional Storey Setback

The George Street Designated Heritage Area Policy clause 8 All Properties Height iii requires that additional storeys are setback sufficiently to be in keeping with the rhythm of the streetscape. In accordance with LPS 3 the upper storey has been built up to the street. An upper storey terrace that provides a covered outdoor area at the front of the building is located in the area that would normally be setback from the street. The terrace area will be open at the front and allow residents to visually connect with the street and provide surveillance of the footpath below and the street ahead. It is noted that neither of the neighbouring property designs have their upper storey setback from the street. The current setback of the upper storey is similar to the neighbouring properties, so it is considered to maintain the current rhythm of the streetscape. For this reason, it is recommended Council support the variation to the George Street Designated Heritage Area Policy requirement in terms of supporting a reduced setback for the upper storey of the proposed development.

Outdoor Living Area

In accordance with the Residential Design Codes deemed to comply clause 5.3.1 C1.1 residential dwellings (zoned R40) are required to have outdoor living areas that meet the following criteria:

- minimum area of 20m²;
- behind the street setback area;
- directly accessible form the primary living space;
- a minimum length and width of 4m; and
- with at least 2/3 of the area without permanent roof cover.

In this case the dwelling (like No. 128 George Street) has 2 outdoor areas that do not meet the standard requirements. There is an atrium without a roof covering on the mezzanine level and opening from a bedroom. The minimum dimensions are not met with this area measuring 5.34m x 2.9m and with a total area of 16.1m², however it

does allow for sunlight and access to air. The second outdoor area is an outdoor terrace of 42m² that is fully covered with a roof and enclosable. It is considered highly useable as it provides year round weather protection and is considered large and directly accessible from the living, dining, and kitchen area. In accordance with design principles 5.3.1 P1.1 the combination of the 2 areas is considered to provide sufficient space for entertaining, leisure and connection to the outdoors that is:

- of sufficient size and dimension to be functional and usable;
- capable of use in conjunction with the primary living space of the dwelling;
- sufficient in uncovered area to allow for winter sun and natural ventilation into the dwelling;
- sufficient in uncovered area to provide for landscaping, including the planting of trees; and
- optimise use of the northern aspects of the site.

It is recommended that Council support the variations relating to the outdoor living areas. The proposed areas indicated in the design adequately address the outdoor living requirements, but in a different format than the typical response provided for single dwellings. It is considered that resident amenity will be adequately addressed by the outdoor living areas provided.

CONCLUSION

The proposed development at No. 128 and No. 128A George Street is considered to be appropriate for the subject sites. Although there are a number of variations outlined in this report it is considered the variations are a result of the design of a development for these sites having to take into account the Mixed Use zoning development standards under LPS 3 as well as those of LPP 3.1.6 relating to the George Street Designated Heritage Area and the R-Codes Vol 1.

There are no listed heritage properties on the sites and it is considered the development does not negatively impact on any surrounding heritage properties. The overall design is considered to sit comfortably within the range of old and new buildings along the eclectic mix of building types that comprise the George Street commercial strip. The existing vegetation at the rear of the development is being retained, adequate parking is provided for residents and visitors at the rear of the site, and the amenity of the neighbouring properties is considered addressed through the use of visual privacy screening and parapet walls that enclose the property on the western and eastern boundaries. Conditions have been included in the final recommendation which are intended to address any potential amenity impacts on the neighbouring properties and ensure compliance with both Main Roads WA requirements and the Fremantle Ports Buffer Policy requirements. Given the above comments it is recommended that Council support the proposed development subject to the conditions included in the final recommendation.

- Ms Jane Stallard (neighbour) addressed the meeting and reiterated her concerns raised in her written deputation, as recorded in section 7.2.1. Responses to Ms Stallard's concerns were addressed in the Town's reply to concerns in 7.2.1.
- Mr Ben Killerby (representing Ms Stallard) stated the same concerns as Ms Stallard.
- Mr Russell Quinn (owner) and Ms Rachel Feldhusen (architect) addressed the meeting and were in support of the officer recommendation.

12.5 OFFICER RECOMMENDATION / COMMITTEE RESOLUTION

OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP050923

Moved Mayor O'Neill, seconded Cr Nardi

That Council:

- A. In accordance with the provisions of Local Planning Scheme No. 3 grants development approval, and exercises its discretion in regard to the following for No. 128 (Lot 5) George Street, East Fremantle,**
- (i) Clause 5.8.2 - Local Planning Scheme No. 3 - Wall height – 5.5m required, 9.347m provided,**
 - (ii) Clause 5.8.2 - Local Planning Scheme No. 3 - Overall height – 8m required, 10.904m provided,**
 - (iii) Clause 5.8.3 - Local Planning Scheme No. 3 - Plot ratio – 0.5 required, 0.85 provided,**
 - (iv) Clause 8 All Properties Height ii - Local Planning Policy 3.1.6 - George Street Designated Heritage Area – Bulk and Scale – consistency required, significant separation distance provided,**
 - (v) Clause 8 All Properties Height iii - Local Planning Policy 3.1.6 – George Street Designated Heritage Area – Additional Storey Setback - upper storey is required to be setback, upper storey built to boundary,**
 - (vi) Clause 5.3.1 - Residential Design Codes – Outdoor Living Area – accessible from primary living space, 20m² and 4m x 4m required, second outdoor living area - covered roof terrace of 42m² provided,**
 - (vii) Clause 5.1.3 – Residential Design Codes - Lot Boundary Setback – Northern Wall - Pergola – East – 1m required, 0m provided,**
- and for No. 128A (Lot 10) George Street, East Fremantle,**
- (i) Clause 5.8.2 - Local Planning Scheme No 3 - Wall height – 5.5m required, 9.797m provided,**
 - (ii) Clause 5.8.2 - Local Planning Scheme No 3 - Overall height – 8m required, 10.494m provided,**
 - (iii) Clause 5.8.3 - Local Planning Scheme No 3 - Plot ratio – 0.5 required, 1.02 provided,**
 - (iv) Clause 8 All Properties Height ii - Local Planning Policy 3.1.6 – George Street Designated Heritage Area – Bulk and Scale – consistency required, significant separation distance provided,**
 - (v) Clause 8 All Properties Height iii - Local Planning Policy 3.1.6 – George Street Designated Heritage Area – Additional Storey Setback - upper storey setback required; nil setback to upper storey provided,**
 - (vi) Clause 5.3.1 - Residential Design Codes – Outdoor Living Area – accessible from primary living space, 20m² and 4m x 4m required, second outdoor living area - covered roof terrace of 42m² provided,**
- for two single houses with home offices and an ancillary dwelling (128 George Street) at No. 128 (Lot 5) and No. 128A (Lot 10) George Street, East Fremantle, in accordance with the plans submitted on 10 August 2023, subject to the following conditions:**
- 1. Prior to the issue of the Occupancy Permit, arrangements are to be made for Lot 5 and Lot 10 George Street, East Fremantle to be legally amalgamated on one certificate of title, and then resubdivided to reflect the approved development of two single houses with appropriate easements registered on the certificates of title to ensure reciprocal rights of access for vehicles and pedestrians to gain access to No. 128 George Street and No. 128A George Street, at the expense of the owner/applicant, to the satisfaction of the Town of East Fremantle (the Town).**
 - 2. The ancillary dwelling at the rear of No. 128 (Lot 5) George Street is not to be used for short term accommodation or any other commercial purpose without the submission of a development application, where required under relevant planning legislation, for the consideration of Council.**
 - 3. A development application being submitted for a change of use for all or part of No. 128 and No. 128A George Street, where required under relevant planning legislation, for the consideration of Council.**
 - 4. The parking allocation for each single house and the ancillary dwelling to be indicated on the plans submitted with the building permit application.**
 - 5. Convex mirrors are to be installed within the lot boundary and near the vehicle accessway entrance onto George Street as indicated on the plans submitted on 10 August 2023 prior to the issue of an**

- occupancy permit, to the satisfaction of the Town to ensure adequate visibility of the road and footpath for vehicles and pedestrians.
6. Any proposed external fixtures including, but not limited to television and radio antennae, satellite dishes, solar panels, air conditioners, hot water systems and the like shall be integrated into the design of the building and located or screened to minimise any visual and noise impact on the residents of the neighbouring properties and public realm, with details of the location and screening of such plant and services being submitted to and approved by the Town.
 7. Prior to the submission of the building permit application, the applicant is to submit final details of the materials, colours and finishes of the exterior of the building, including a sample board, to the satisfaction of the Town.
 8. The development shall achieve the following Fremantle Port Buffer Area 2 built form requirements:
 - a) Windows and opening requirements:
 - (i) Any glass used for windows or other openings shall be laminated safety glass of minimum thickness of 6mm or “double glazed” utilising laminated or toughened safety glass of a minimum thickness of 3mm; and
 - (ii) All safety glass shall be manufactured and installed to an appropriate Australian Standard.
 - b) Air Conditioning Requirements:
 - (i) Multiple systems to have internally centrally located shut down point and associated procedures for emergency use; and
 - (ii) Preference for split “refrigerative” systems.
 - c) Construction requirements:
 - (i) Adopt the general principles of quiet house design for residential developments; and
 - (ii) All developments shall incorporate roof insulation.
 9. Prior to the submission of a building permit application, a Construction Management Plan shall be prepared to the satisfaction of the Town. This plan is to address the following matters during the construction/development period:
 - (a) Noise, vibration, air, and dust management;
 - (b) Contact details of essential site personnel, construction periods and construction operating hours;
 - (c) Traffic management, including footpath closures and proposed signage;
 - (d) Parking management for all trades, contractors and visitors to site;
 - (e) Public safety and amenity (traffic control and pedestrian management);
 - (f) Site access/egress management;
 - (g) Scaffolding management plan;
 - (h) Management plan for the loading and unloading of vehicles;
 - (i) Heavy construction machinery and deliveries;
 - (j) Bulk earthwork operations;
 - (k) Stormwater and sand/sediment control;
 - (l) Street tree management and protection;
 - (m) Protection of footpath and pedestrian underpass;
 - (n) Details of all concrete pours and requirements relating to piling methods or associated works;
 - (o) Temporary fencing;
 - (p) Temporary toilets;
 - (q) Dilapidation of Town infrastructure and nearby properties;
 - (r) Hoardings and gantries; and
 - (s) Any other relevant matters.

The requirements of this plan are to be observed at all times during the construction process.
 10. The development is to comply with WAPC State Planning Policy 5.4 Road and Rail Noise and implement Noise Insulation "Deemed to Comply" packages for the residential component of the development.

- Confirmation of achievement of the requirements of this condition is to be included with the building permit application.
11. Prior to the notice of completion, notification pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the Certificate(s) of Title of the proposed development. The notification is to state: "This lot is in the vicinity of a transport corridor and is affected, or may in the future be affected, by road and rail transport noise. Road and rail transport levels may rise or fall over time depending on the type and volume of traffic."
 12. Prior to the notice of completion, notification pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the Certificate(s) of Title of the proposed development. The notification is to state: "The lot is situated in close proximity to Fremantle Harbour and within a commercial / mixed use zone which may be currently affected or may in the future be affected by noise, odour, traffic, light spill, disturbance and disruption due to harbour operations or commercial activities and other factors that may arise from living in this location."
 13. A detailed landscaping plan including details of the irrigation of all garden beds and planter boxes is to be submitted for approval by the Town prior to the submission of a Building Permit application and the landscaping is to be maintained to the satisfaction of the Town for a period of two years.
 14. Any proposed signage for the home offices will require the submission of a development application for the consideration of the Council.
 15. The crossover width is not to exceed the width of the crossover indicated on the plans submitted on 10 August 2023 and to be in accordance with the Town of East Fremantle's (the Town) crossover policy, the Residential Design Guidelines and the Urban Streetscape and Public Realm Style Guide.
 16. 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.
 17. The proposed works are not to be commenced until the Town 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.
 18. 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.
 19. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan submitted to the satisfaction of the Town prior to the issue of a Building Permit.
 20. If requested by the Town 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.
 21. 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.
 22. 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.
 23. This development approval is to remain valid for a period of 24 months from the date of this approval.

- B. Authorise the Chief Executive Officer and the Mayor to sign and affix the Common Seal in relation to the Notifications under Section 70A of the Transfer of Land Act 1893 (as amended) relating to any relevant documents pertaining to Section 70 Notifications.**

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 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
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. Two copies of each 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. 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) *Any proposed air conditioning shall comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*

(CARRIED UNANIMOUSLY)

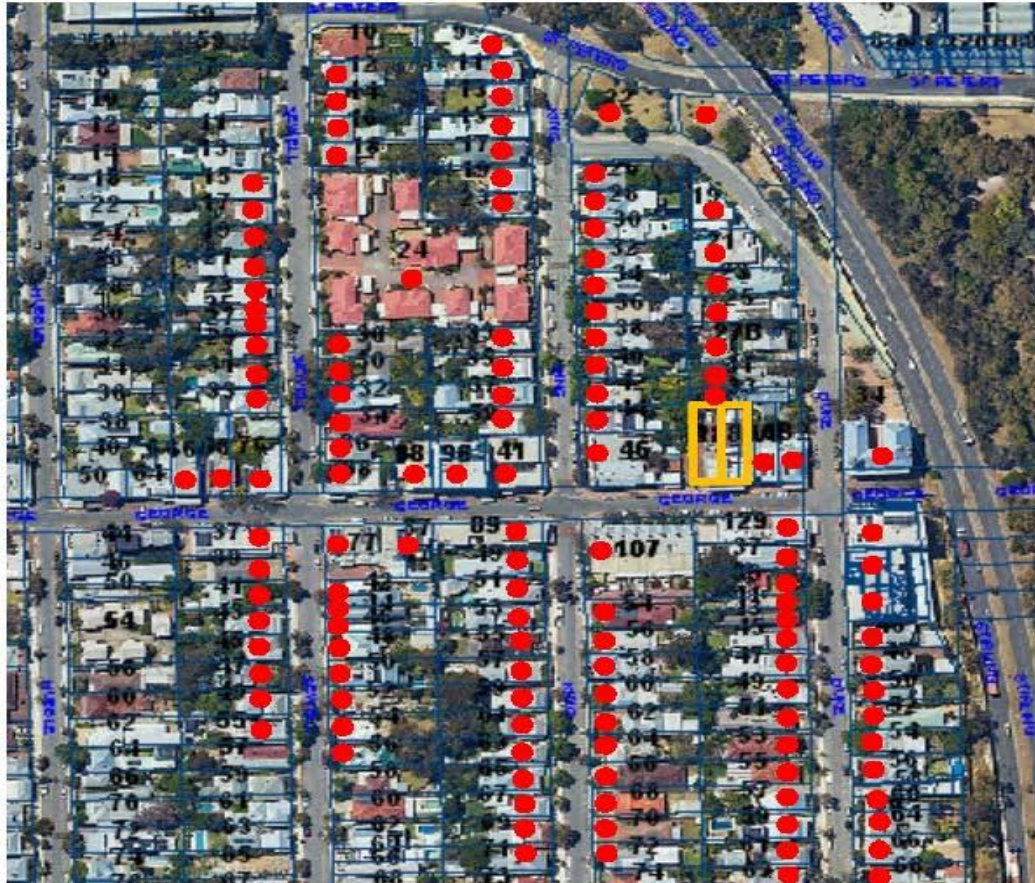
Note: As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 16 May 2023, this application is deemed determined, on behalf of Council, under delegated authority.

REPORT ATTACHMENTS

Attachments start on the next page.

128 and 128A George Street - Location and Advertising Plan

128 and 128A George Street - Location and Advertising Plan



Attachment -2
128 & 128A George Street – Photos





FEATURE TERRACOTTA BRICKWORK.
 TERRACOTTA PAVING TO WALKWAYS.
 WHITE FACE BRICKWORK AND CONCRETE STAIRS.
 INTERIOR WHITE FACE BRICKWORK AND WHITE GREY CONCRETE FLOOR.
 WHITE WEATHERBOARD CLADDING WITH FEATURE PAINTED TERRACOTTA REVEALS, TO ANCILLARY AREAS.
 WHITE BRICK OR BLOCK WORK EXTERIOR WALLS. TERRACOTTA PAVING TO WALKWAYS.
 FEATURE ENTRY DOOR AND TAMER SCREENS. FEATURE PLANTING TO ATRIUMS AND GARDEN BEDS.
 LIGHT WEIGHT EXTERIOR CLADDING. TERRACOTTA PAVING TO WALKWAYS. POSSIBLE CONCEPT TO CREATE NATURAL DAYLIGHT WITH ARTIFICIAL LIGHT THROUGH ENTRY WALKWAY. LIGHT WEIGHT ENTRY GATE WITH INTERMITTENT PLANTING HOOKS TO WALKWAYS.
 FRONT BALCONIES AND ARCHWAYS TO CREATE AN OUTDOOR LIVING SPACE. BRINGING THE OUTSIDE IN.
 FEATURE BESSER BLOCKS WITH PLANTING.
 FEATURE BESSER BLOCKS.

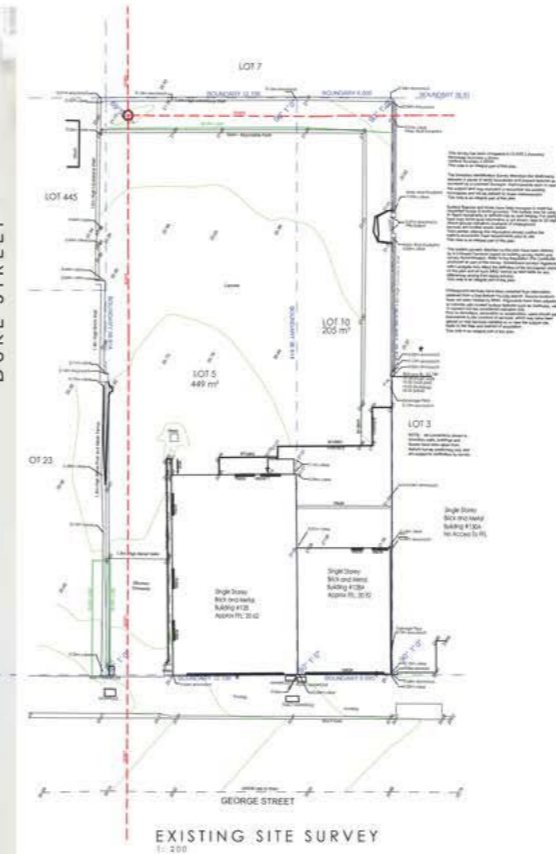
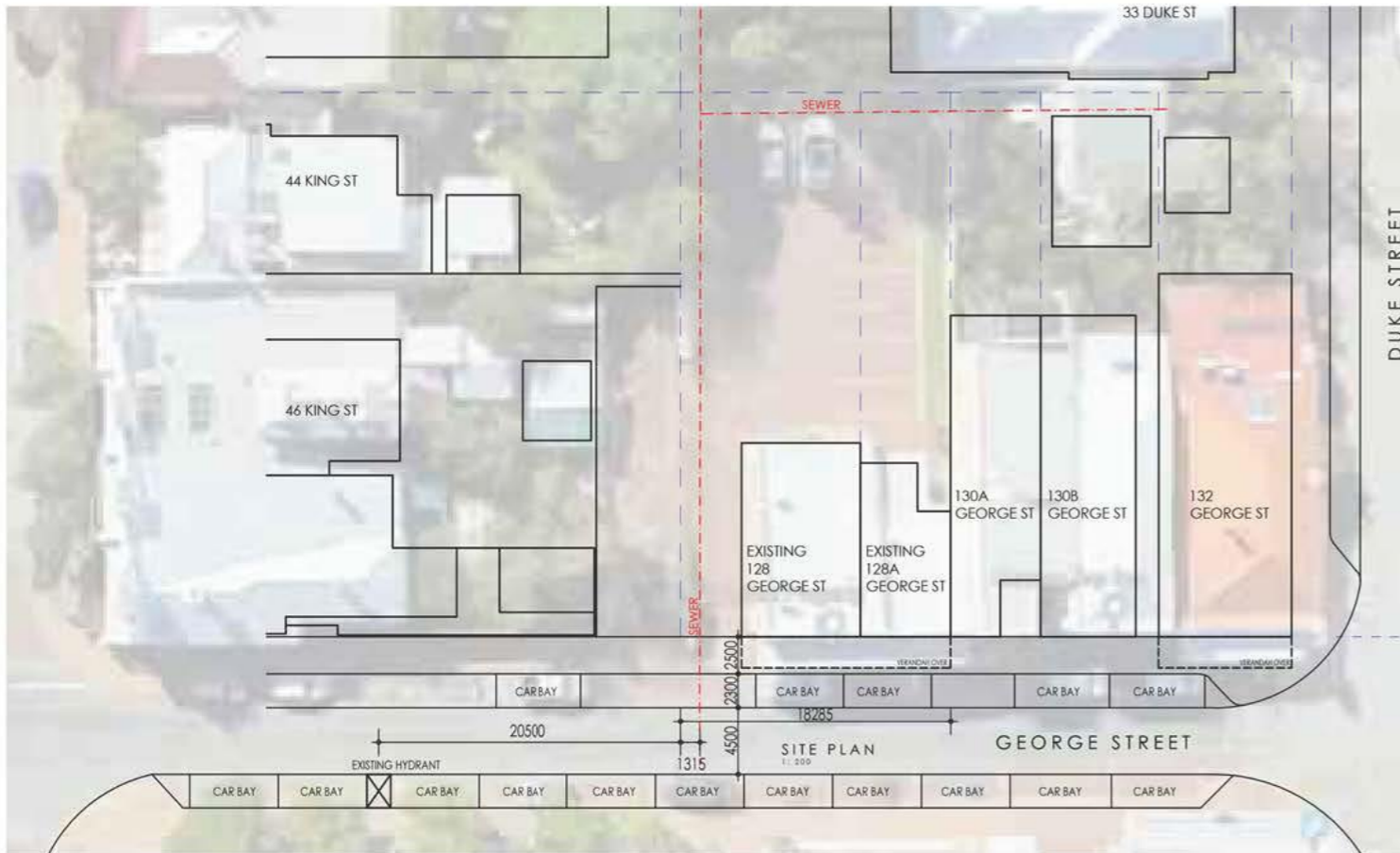
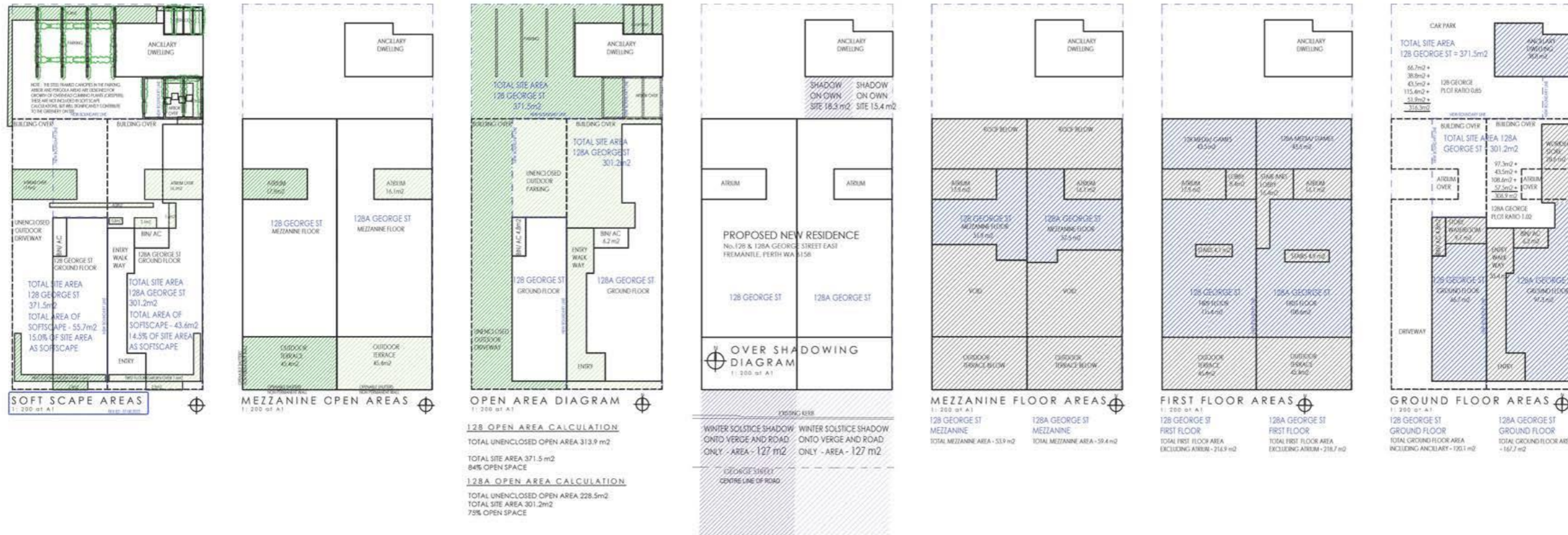
wright feldhusen
 215 Barker Road SUBRACO
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 e info@wrightfeldhusen.com.au

PROPOSED RESIDENCES
 LOT 5 & 10
 No. 128 & 128A GEORGE STREET
 EAST FREMANTLE, PERTH WA 6158

PROPOSED FLOOR PLAN

JOB NO.	2301	DATE	09.26.2023
SCALE	1:100 of A1 1:200 of A3	REVISION	B 2 A.101

NOT FOR CONSTRUCTION



B1	REVISIONS AS CLOUSED FOR DEVELOPMENT APPLICATION	09/08/2023
B1	RE-ISSUE FOR DEVELOPMENT APPLICATION	09/04/2023
B0	ISSUE FOR DEVELOPMENT APPLICATION	26/05/2023
	REVISION DETAILS	DD MM YY

wright feldhusen

215 Barker Road SUBIACO
WESTERN AUSTRALIA 6008

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e info@wfdh.com.au

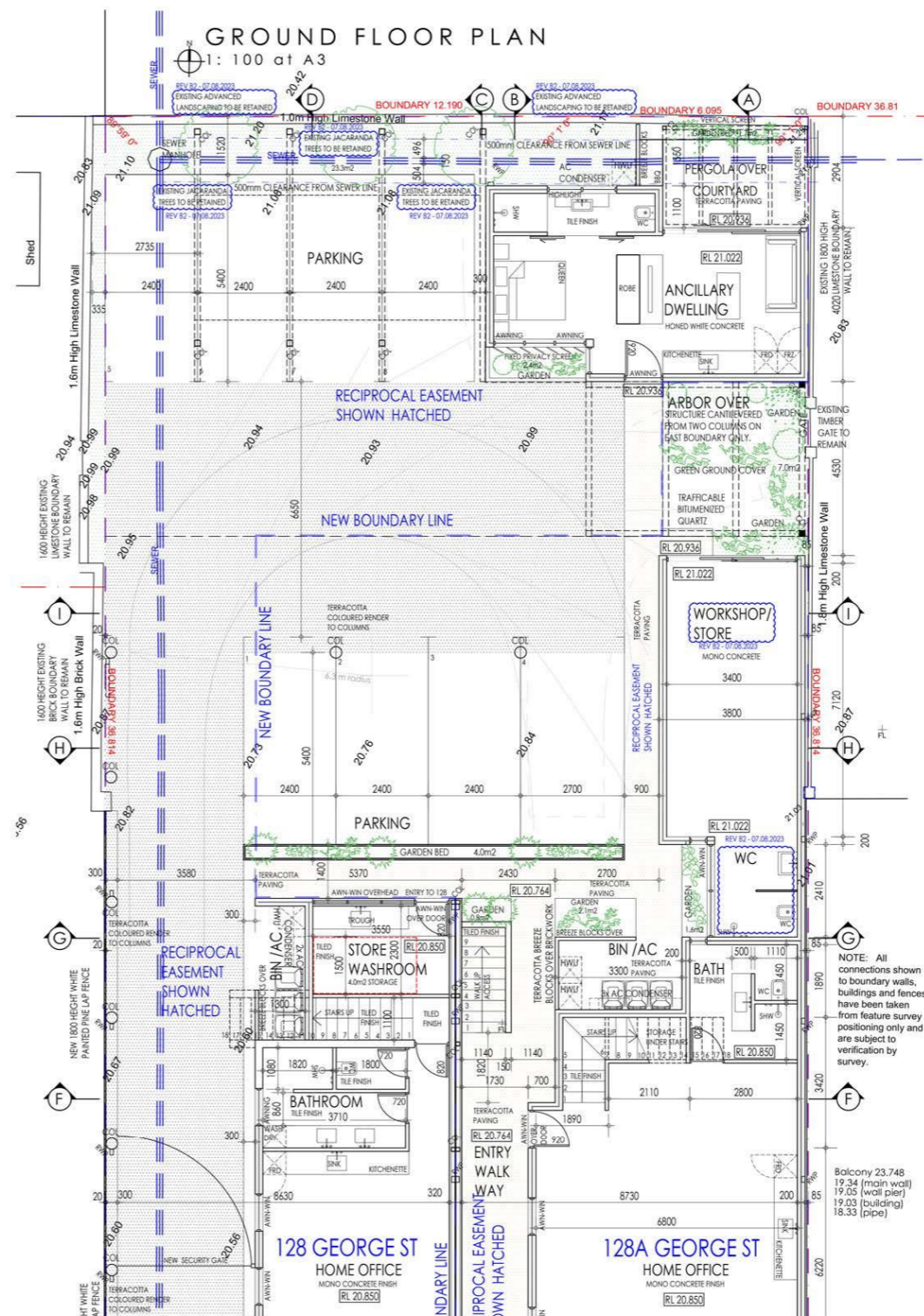
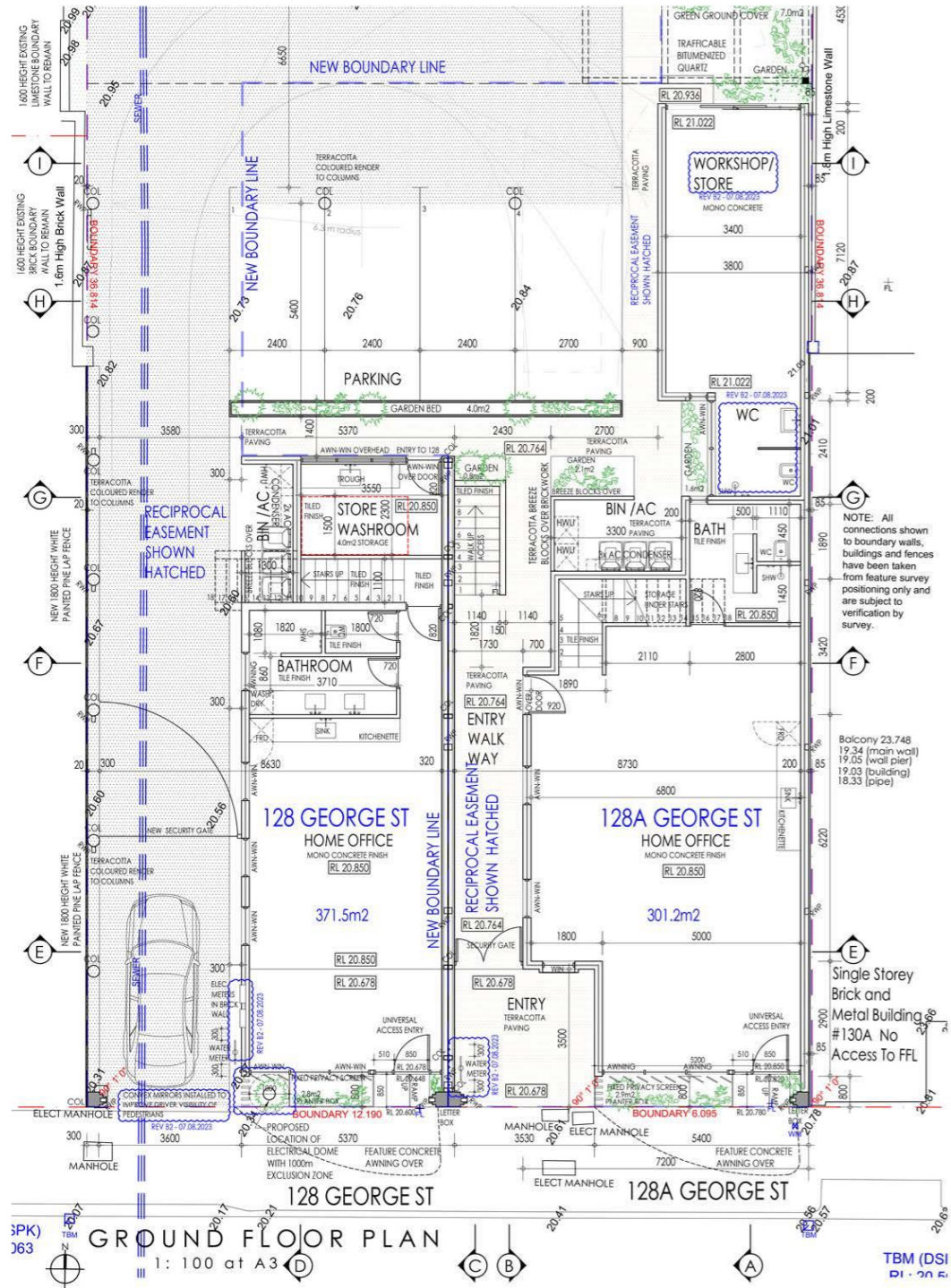
PROPOSED RESIDENCES
LOT 5 & 10
No. 128 & 128A GEORGE STREET
EAST FREMANTLE, PERTH WA 6158

SITE PLAN AND AREA DIAGRAMS

JOB NO.	2301	ISSUE	REVISION	DRAWING
SCALE	1:200 (SP A1)			
TOTALS	44/10/10/10/20/20			
DATE	09/08/2023			

B 2 A.102

NOT FOR CONSTRUCTION



B2	REVISIONS AS CLOUDED FOR DEVELOPMENT APPLICATION	09.08.2023
B1	RE-ISSUE DEVELOPMENT APPLICATION	09.06.2023
B0	ISSUE FOR DEVELOPMENT APPLICATION	26.05.2023
	REVISION DETAILS	DD.MM.YY

GROUND FLOOR PLAN			
JOB NO.	2301	ISSUE	REVISION
DRAWN	RF		DRAWING
SCALE	1:100 at A3	B	2
DATE	09.08.2023	A.103	

PROPOSED RESIDENCES
LOT 5&10 No.128 & 128A
GEORGE STREET
EAST FREMANTLE, WA 6158

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NOT FOR CONSTRUCTION

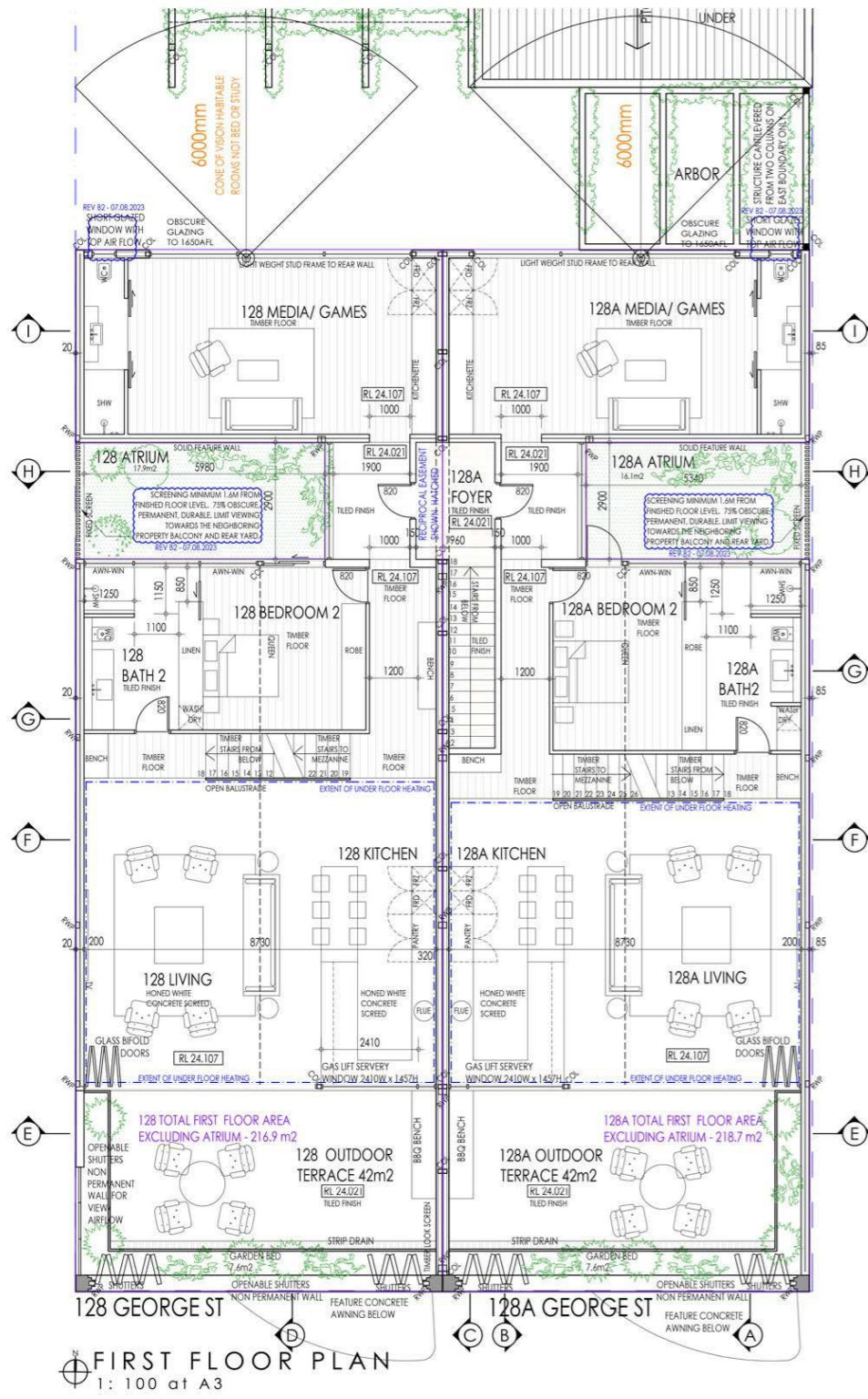
B2	REVISIONS AS CLOUDED FOR DEVELOPMENT APPLICATION	09.08.2023
B1	RE-ISSUE DEVELOPMENT APPLICATION	09.06.2023
B0	ISSUE FOR DEVELOPMENT APPLICATION	26.05.2023
	REVISION DETAILS	DD.MM.YY

GROUND FLOOR PLAN			
JOB NO.	2301	ISSUE	REVISION
DRAWN	RF		DRAWING
SCALE	1:100 at A3	B	2
DATE	09.08.2023	A.104	

PROPOSED RESIDENCES
LOT 5&10 No.128 & 128A
GEORGE STREET
EAST FREMANTLE, WA 6158

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e rachel_feldhusen@wrightfeldhusen.com.au

NOT FOR CONSTRUCTION



NO	REVISIONS AS CLOUDED FOR DEVELOPMENT APPLICATION	DATE
B2	REVISIONS AS CLOUDED FOR DEVELOPMENT APPLICATION	09.08.2023
B1	RE-ISSUE DEVELOPMENT APPLICATION	09.04.2023
B0	ISSUE FOR DEVELOPMENT APPLICATION	26.05.2023
	REVISION DETAILS	DD.MM.YY

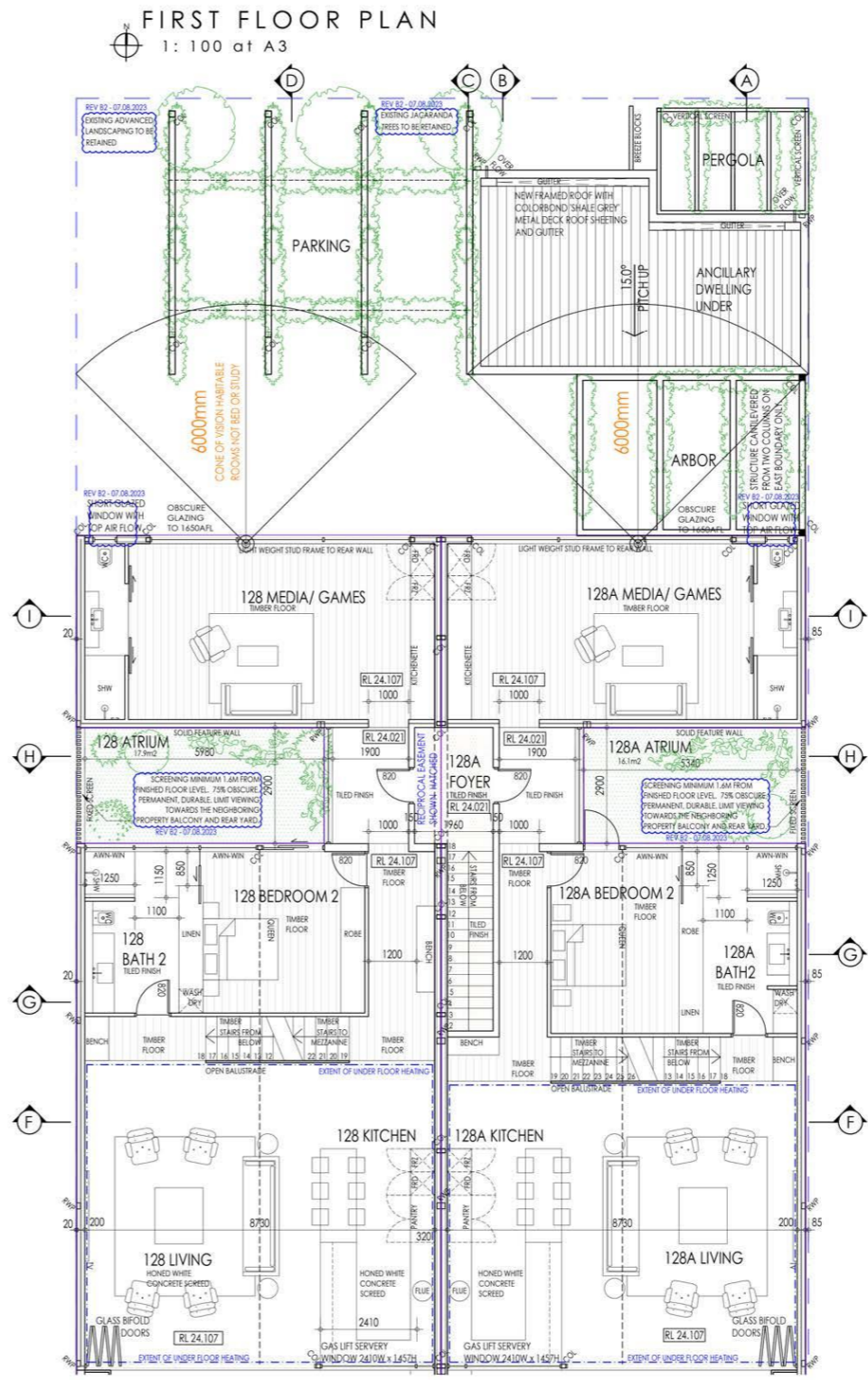
JOB NO.	ISSUE	REVISION	DRAWING
2301	B	2	A.105

wright feldhusen

PROPOSED RESIDENCES
LOT 5&10 No.128 & 128A
GEORGE STREET
EAST FREMANTLE, WA 6158

215 barker road SUBIACO, WESTERN AUSTRALIA 6008
t 08 6143 9778 m 0402 205 247
e rachel_feldhusen@wrightfeldhusen.com.au

NOT FOR CONSTRUCTION



NO	REVISIONS AS CLOUDED FOR DEVELOPMENT APPLICATION	DATE
B2	REVISIONS AS CLOUDED FOR DEVELOPMENT APPLICATION	09.08.2023
B1	RE-ISSUE DEVELOPMENT APPLICATION	09.04.2023
B0	ISSUE FOR DEVELOPMENT APPLICATION	26.05.2023
	REVISION DETAILS	DD.MM.YY

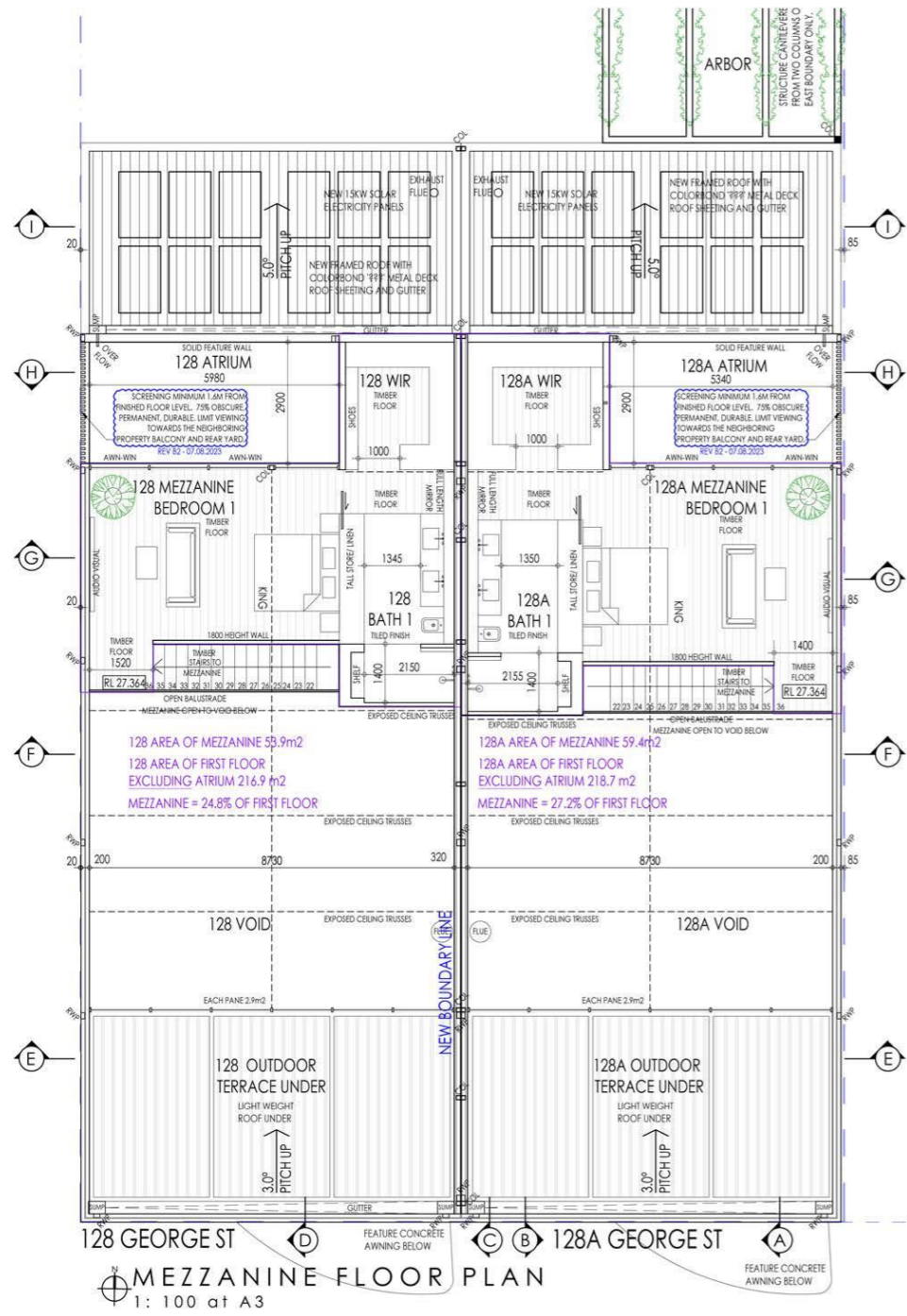
JOB NO.	ISSUE	REVISION	DRAWING
2301	B	2	A.106

wright feldhusen

PROPOSED RESIDENCES
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t 08 6143 9778 m 0402 205 247
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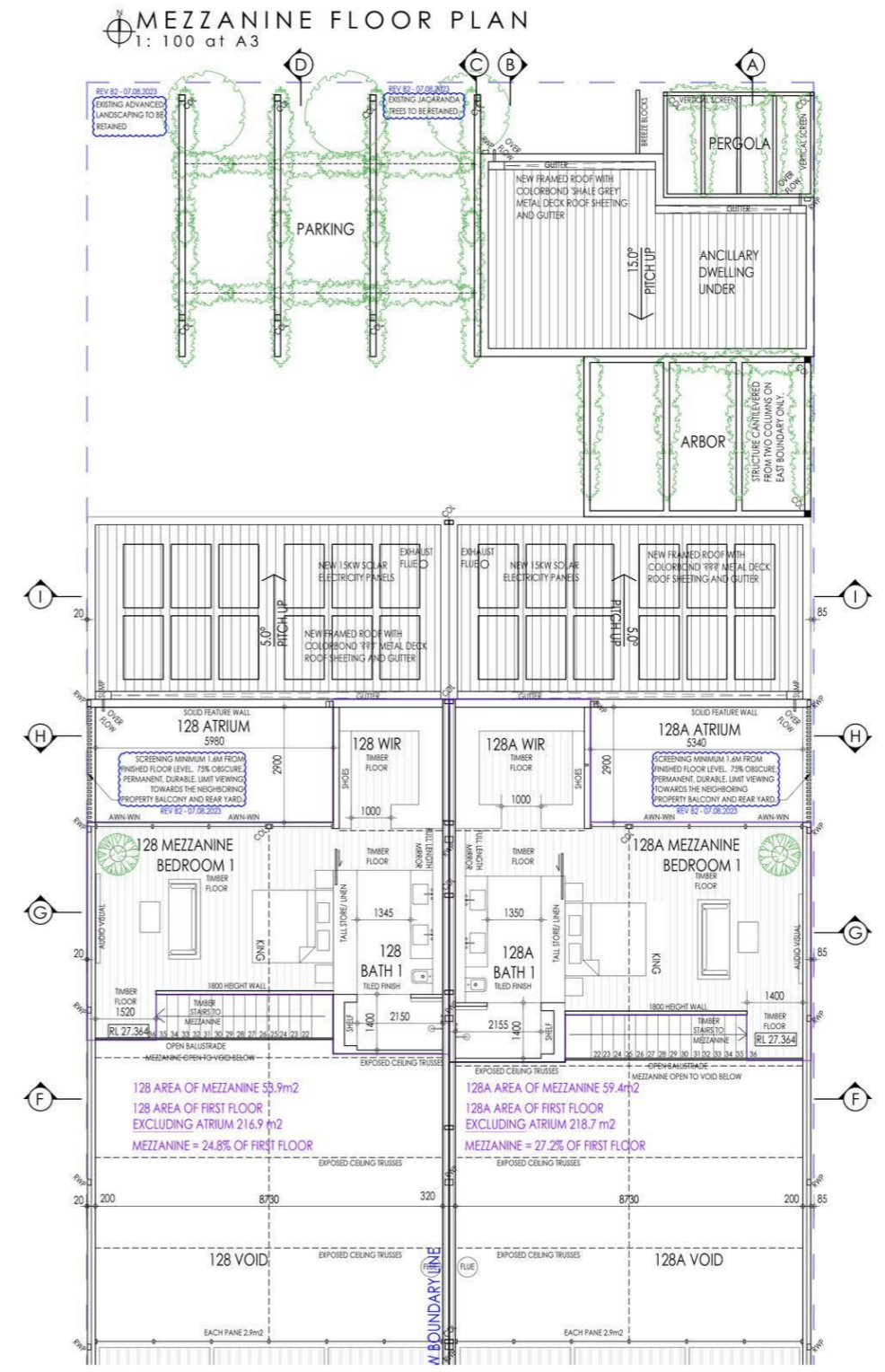
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B1	RE-ISSUE DEVELOPMENT APPLICATION	09.04.2023
B0	ISSUE FOR DEVELOPMENT APPLICATION	26.05.2023
	REVISION DETAILS	DD.MM.YY

MEZZANINE FLOOR PLAN			
JOB NO.	2301	ISSUE	REVISION
DRAWN	RF		
SCALE	1:100 of A3		
DATE	09.08.2023		
		B 2	A.107

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215 barker road SUBIACO, WESTERN AUSTRALIA 6008
 t 08 6143 9778 m 0402 205 247
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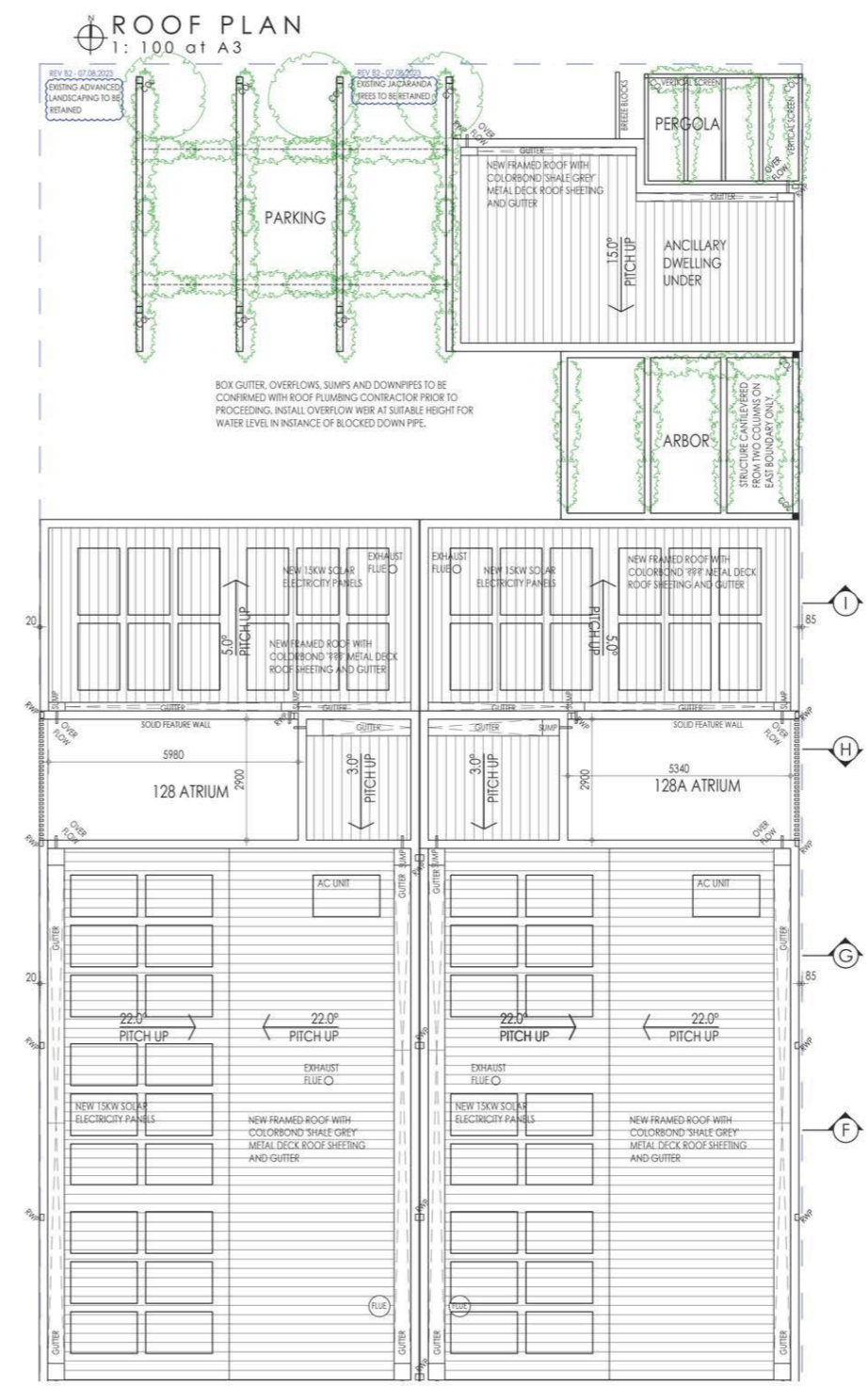
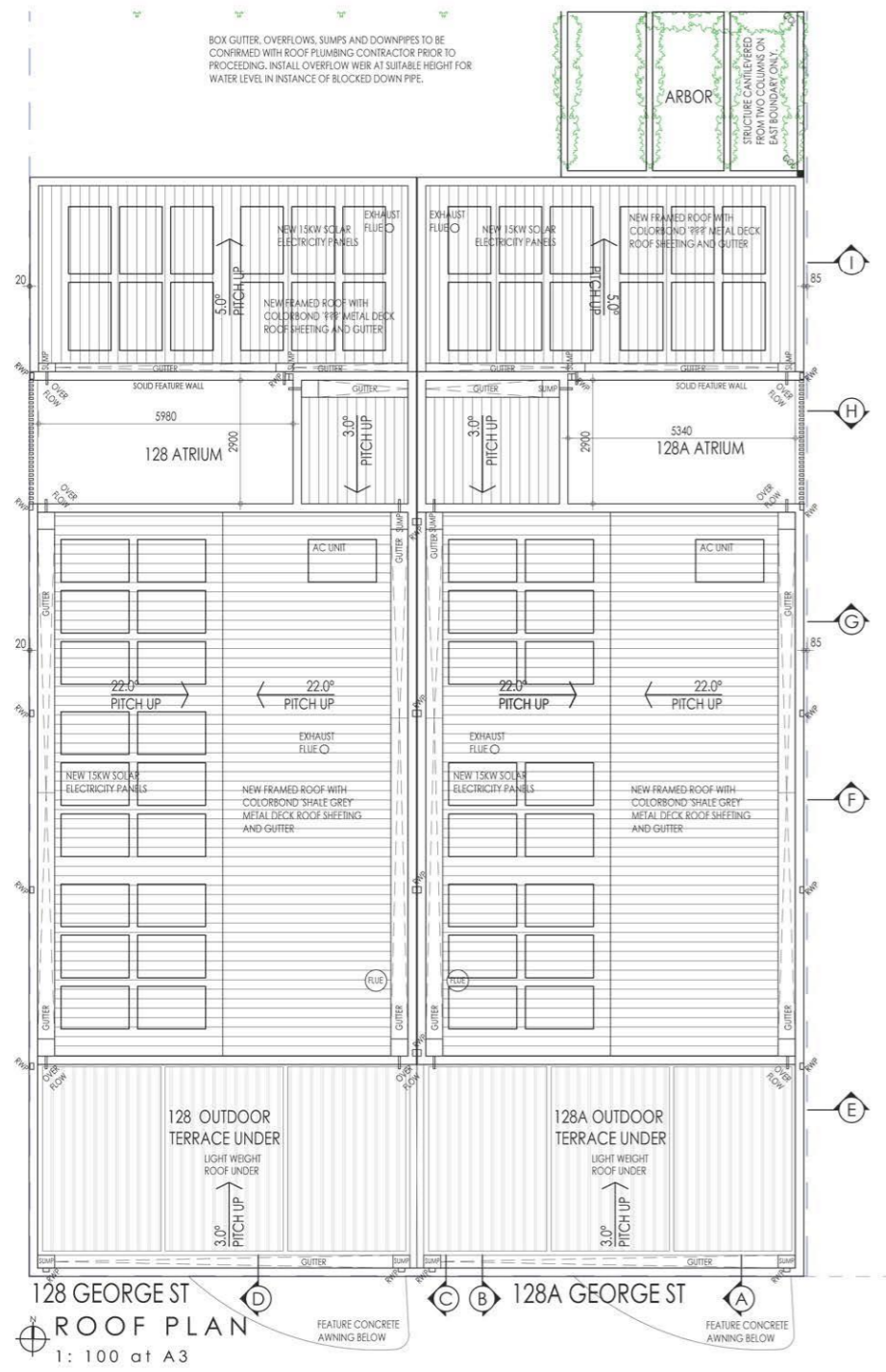
B2	REVISIONS AS CLOUDED FOR DEVELOPMENT APPLICATION	09.08.2023
B1	RE-ISSUE DEVELOPMENT APPLICATION	09.04.2023
B0	ISSUE FOR DEVELOPMENT APPLICATION	26.05.2023
	REVISION DETAILS	DD.MM.YY

MEZZANINE FLOOR PLAN			
JOB NO.	2301	ISSUE	REVISION
DRAWN	RF		
SCALE	1:100 of A3		
DATE	09.08.2023		
		B 2	A.108

NOT FOR CONSTRUCTION

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B2	REVISIONS AS CLOUDED FOR DEVELOPMENT APPLICATION	09.08.2023
B1	RE-ISSUE DEVELOPMENT APPLICATION	09.06.2023
B0	ISSUE FOR DEVELOPMENT APPLICATION	26.05.2023
	REVISION DETAILS	DD.MM.YY

ROOF PLAN			
JOB NO.	2301	ISSUE	REVISION
DRAWN	RF		
SCALE	1:100 of A3		
DATE	09.08.2023		

PROPOSED RESIDENCES
LOT 5&10 No.128 & 128A
GEORGE STREET
EAST FREMANTLE, WA 6158

wright feldhusen

215 barker road SUBIACO, WESTERN AUSTRALIA 6008
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NOT FOR CONSTRUCTION

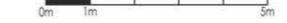
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B1	RE-ISSUE DEVELOPMENT APPLICATION	09.06.2023
B0	ISSUE FOR DEVELOPMENT APPLICATION	26.05.2023
	REVISION DETAILS	DD.MM.YY

ROOF PLAN			
JOB NO.	2301	ISSUE	REVISION
DRAWN	RF		
SCALE	1:100 of A3		
DATE	09.08.2023		

PROPOSED RESIDENCES
LOT 5&10 No.128 & 128A
GEORGE STREET
EAST FREMANTLE, WA 6158

wright feldhusen

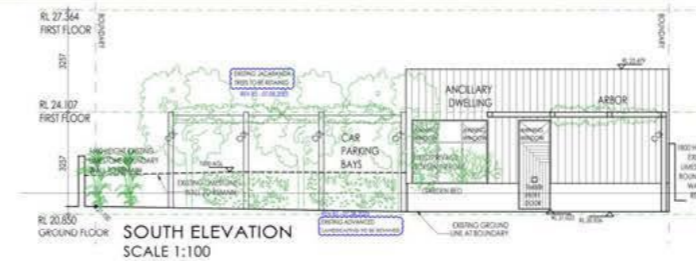
215 barker road SUBIACO, WESTERN AUSTRALIA 6008
t 08 6143 9778 m 0402 205 247
e rachel_feldhusen@wrightfeldhusen.com.au



NOT FOR CONSTRUCTION



SOUTH ELEVATION
1:100



SOUTH ELEVATION
SCALE 1:100

Potential Risk and Amenity Considerations

Consideration is to be given to the following potential impacts:

- i. Impact of noise in the event of an incident within the Part.
- ii. Disturbance or loss of view as a consequence of construction within the Part.
- iii. Noise transmission emanating from the Part. Mitigation in the order of 20dB(A) is required, and
- iv. Other.

Built Form Requirements

The following built form requirements shall apply to all residential development other than alterations and additions to existing dwellings, and all non-residential development other than replacement/redevelopment that involving a net increase in floor area in existing buildings and non-residential change of use proposals.

Windows and Openings

- 1. Any glass used for windows or other openings shall be limited to safety glass of minimum thickness of 6mm or 'safety glass' safety laminated or toughened safety glass of a minimum thickness of 8mm, and
- 2. All safety glass shall be manufactured and installed to an appropriate Australian Standard.

Air Conditioning Systems

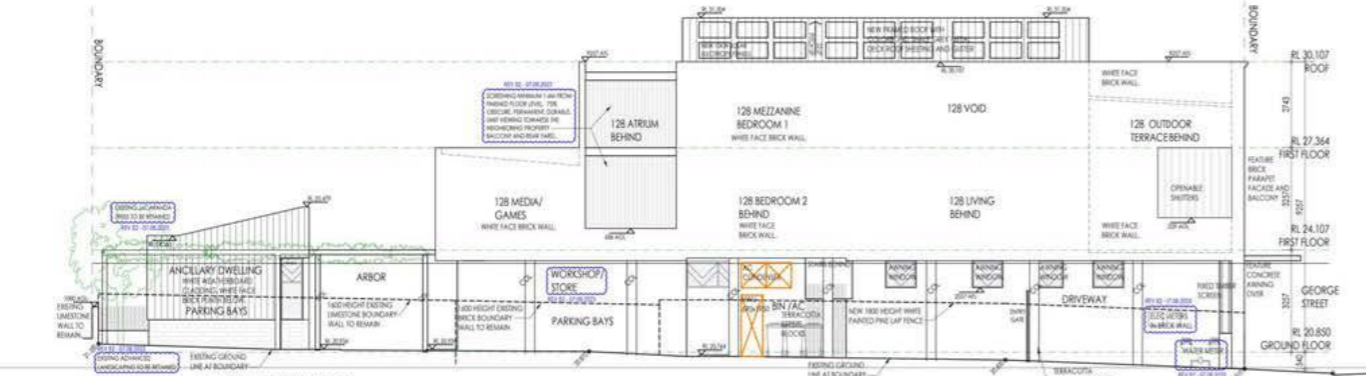
- 1. All multiple air conditioning systems shall incorporate internal controls located that allow panel and associated provisions for emergency use.
- 2. Suit refrigeration air conditioning systems are required.

Construction

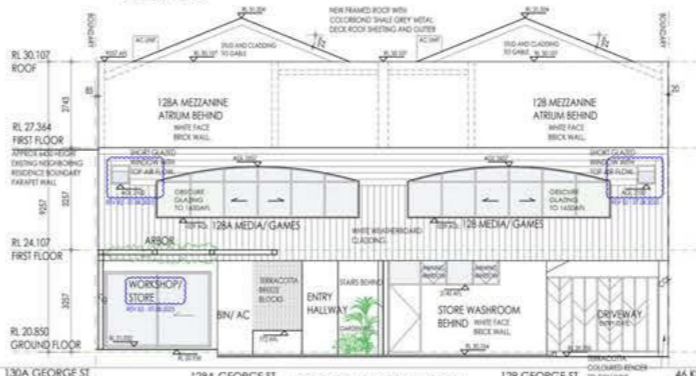
- 1. Adopt the general principles of quiet hours design for residential developments.
- 2. All developments shall incorporate roof insulation.

Notification and Mitigation on Title

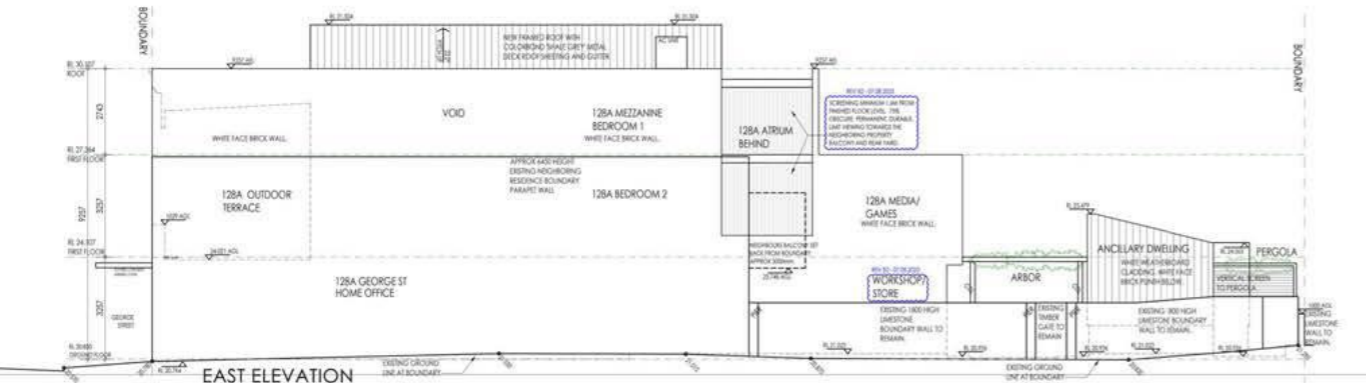
- 1. All residential development approvals shall be conditioned in order to require a notification to be placed on the title advising of the potential amenity impacts associated with living in proximity of the Part.
- 2. In the case of all residential subdivisions, the Town of East Fremantle and Fremantle Ports shall request the Western Australian Planning Commission to support the placing of a notification on new titles advising of the potential amenity impacts associated with living in proximity of the Part.
- 3. Notification and material statements shall be as per the standard wording contained in Appendix 6 of the George Street Designated Heritage Area Local Planning Policy.



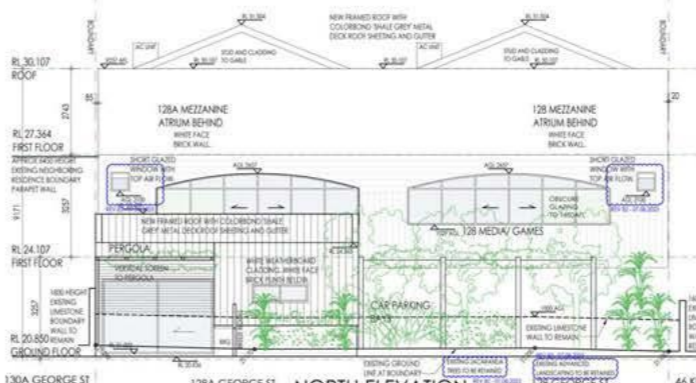
EAST ELEVATION
SCALE 1:100



NORTH ELEVATION
SCALE 1:100



EAST ELEVATION
SCALE 1:100



NORTH ELEVATION
SCALE 1:100

B2	REVISED AS CLOUDED FOR DEVELOPMENT APPLICATION	09.08.2023
B1	RE-ISSUE FOR DEVELOPMENT APPLICATION	09.06.2023
B0	ISSUE FOR DEVELOPMENT APPLICATION	26.05.2023
REVISION DETAILS		
DD MAL/YY		

wright feldhusen

275 Sussex Road SUBIACO
WESTERN AUSTRALIA 6008

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E victor.feldhusen@wrightfeldhusen.com.au

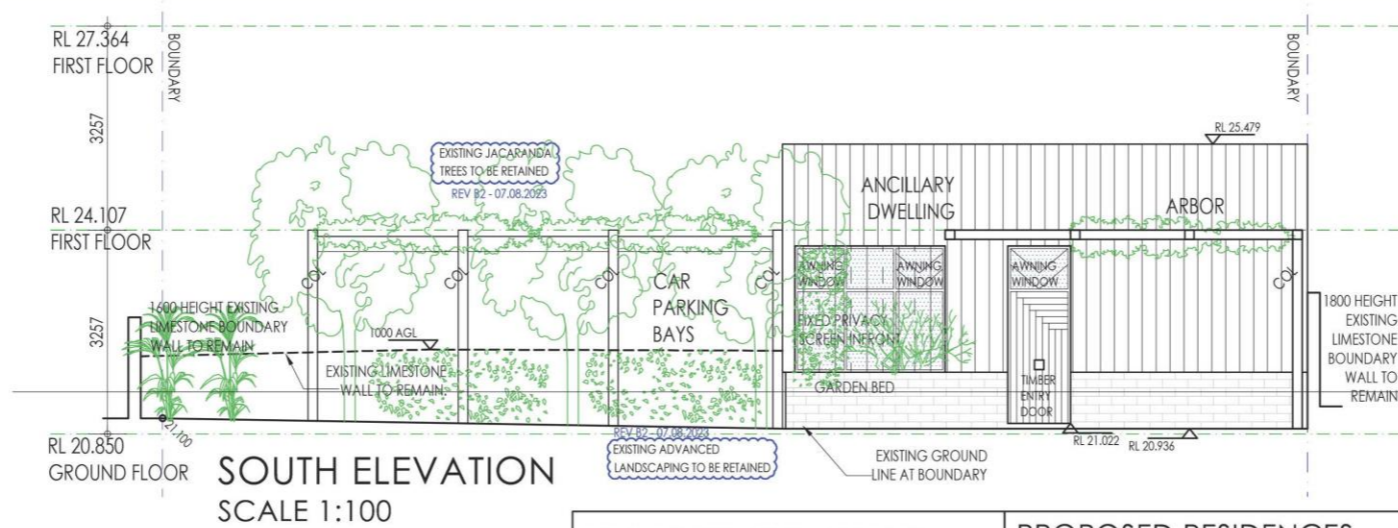
PROPOSED RESIDENCES
LOT 5&10
NO.128 & 128A GEORGE STREET
EAST FREMANTLE, PERTH WA 6158

PROPOSED ELEVATIONS

JOB NO.	2301	DATE	REVISION	DRAWING
SCALE	1:100 OF A1			
SCALE	1:200 OF A3			
DATE	09.08.2023			

0m 1m 2m 5m

NOT FOR CONSTRUCTION



B2	REVISIONS AS CLOUDED FOR DEVELOPMENT APPLICATION	09.08.2023
B1	RE-ISSUE DEVELOPMENT APPLICATION	09.06.2023
B0	ISSUE FOR DEVELOPMENT APPLICATION	26.05.2023
	REVISION DETAILS	DD.MM.YY

PROPOSED ELEVATIONS			
JOB NO.	2301	ISSUE	REVISION
DRAWN	RF		
SCALE	1:100 at A3		
DATE	09.08.2023		

PROPOSED RESIDENCES
 LOT 5 & 10 No.128 & 128A
 GEORGE STREET
 EAST FREMANTLE, WA 6158

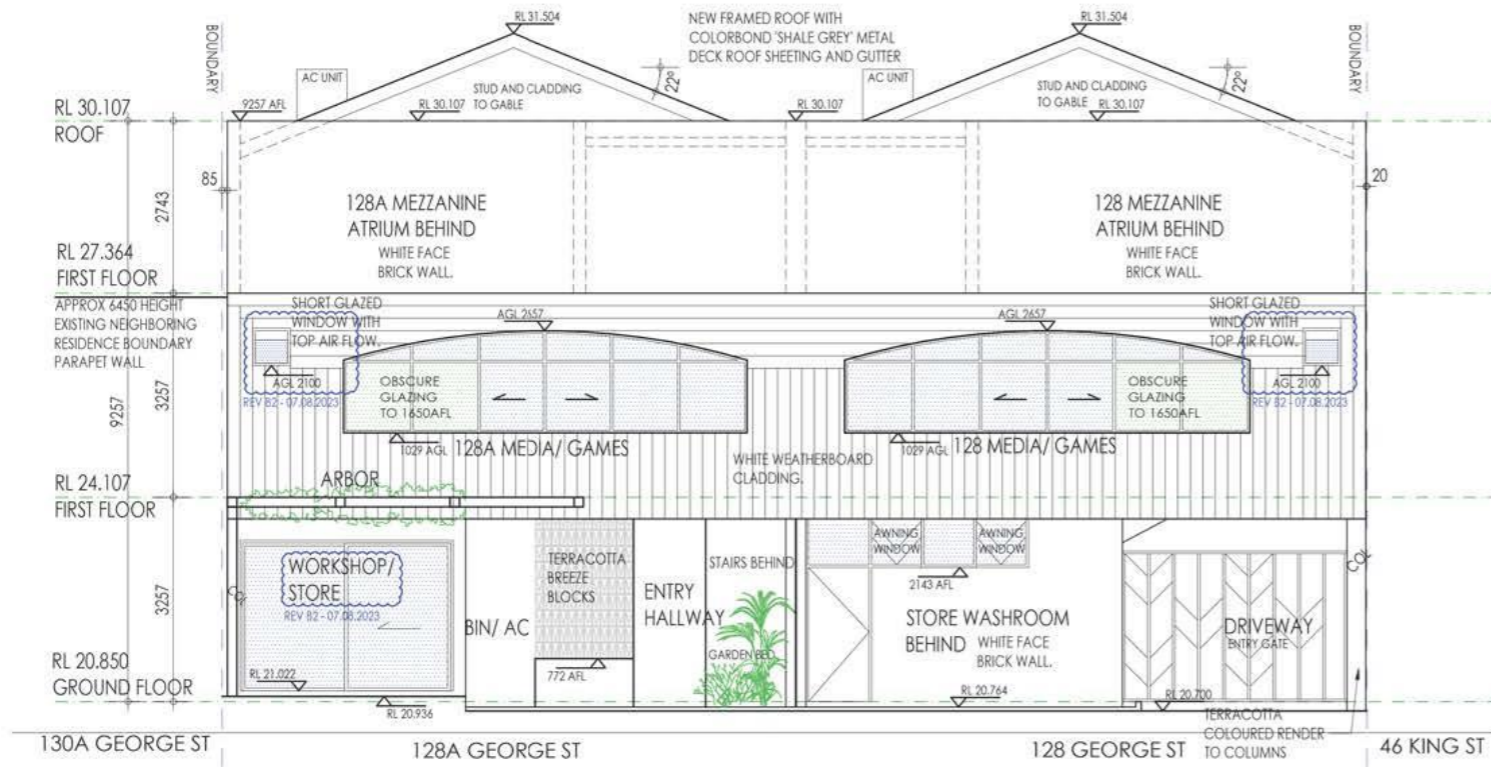
wright feldhusen

215 barker road SUBIACO, WESTERN AUSTRALIA 6008
 t 08 6143 9778 m 0402 205 247
 e rachel_feldhusen@wrightfeldhusen.com.au

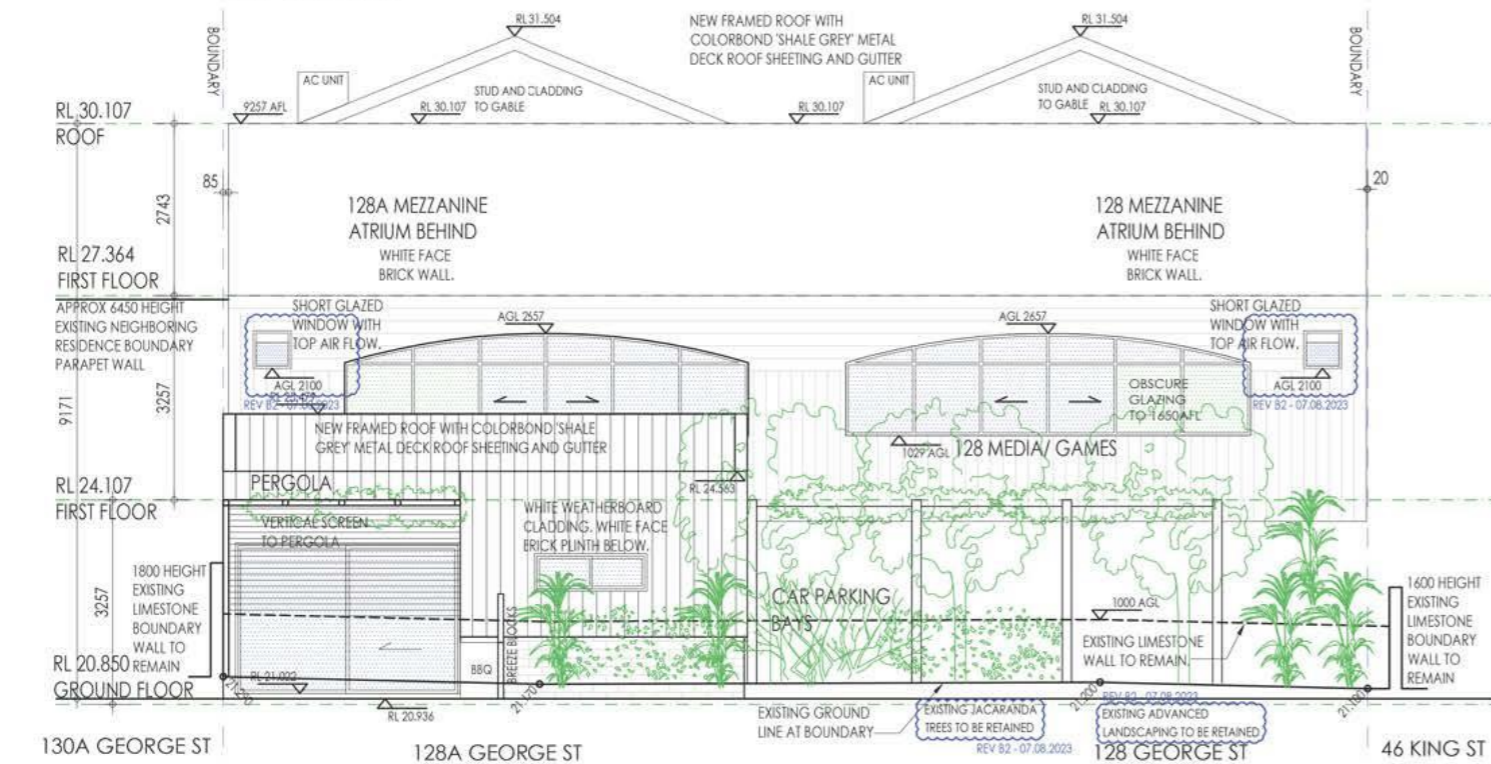


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NORTH ELEVATION
SCALE 1:100



NORTH ELEVATION
SCALE 1:100

Potential Risk and Amenity Considerations

Consideration is to be given to the following potential impacts:

- i. Ingress of toxic gases in the event of an incident within the Port;
- ii. Shattering or flying glass as a consequence of explosion within the Port;
- iii. Noise transmission emanating from the Port (attenuation in the order of 30dB(A) is required; and
- iv. Odour.

Built Form Requirements

The following built form requirements shall apply to all residential development other than alterations and additions to existing dwellings; and all non-residential development other than refurbishment/renovations (not involving a nett increase in floor area) to existing buildings and non-residential change of use proposals:

Windows and Openings

- i. Any glass used for windows or other openings shall be laminated safety glass of minimum thickness of 6mm or "double glazed" utilising laminated or toughened safety glass of a minimum thickness of 3mm; and
- ii. All safety glass shall be manufactured and installed to an appropriate Australian Standard.

Air conditioning Systems

- i. All multiple air conditioning systems shall incorporate internal centrally located shut down point and associated procedures for emergency use.
- ii. Split refrigeration air conditioning systems are preferred.

Construction

- i. Adopt the general principles of quiet house design for residential developments.
- ii. All developments shall incorporate roof insulation.

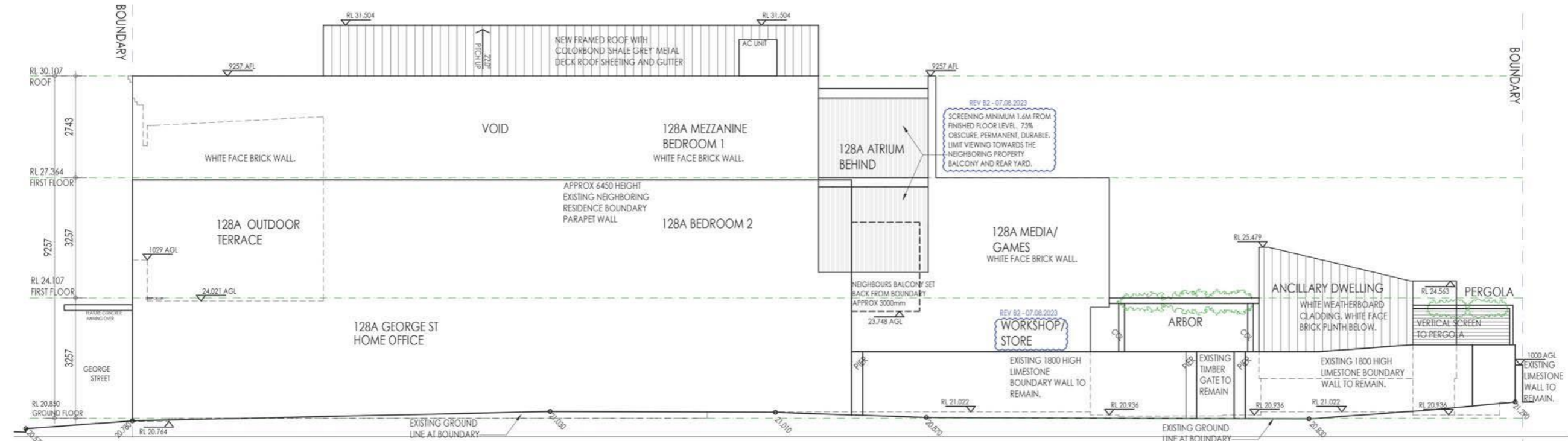
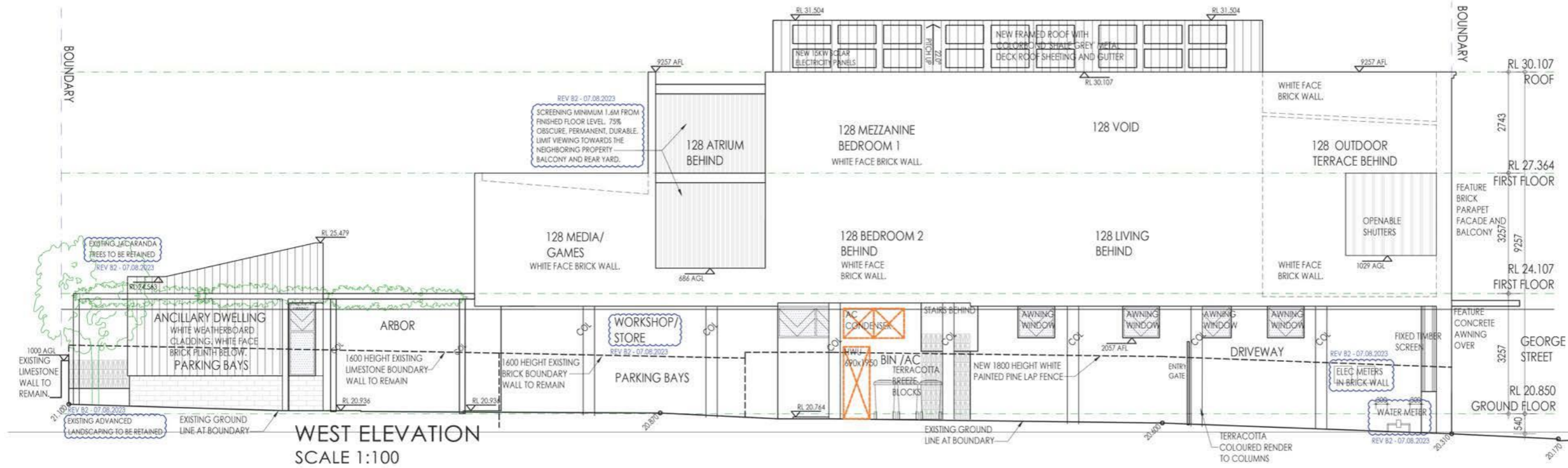
Notification and Memorials on Title

- i. All residential development approvals shall be conditioned in order to require a notification to be placed on the title advising of the potential amenity impacts associated with living / working in proximity of the Port.
- ii. In the case of all residential subdivision, the Town of East Fremantle and Fremantle Ports shall request the Western Australian Planning Commission to support the placing of memorials on new titles advising of the potential amenity impacts associated with living in proximity of the Port.
- iii. Notification and memorial statements shall be as per the standard wording contained in Appendix 6 of the George Street Designated Heritage Area Local Planning Policy.

0m 1m 5m		PROPOSED ELEVATIONS					
B2	REVISIONS AS CLOUDED FOR DEVELOPMENT APPLICATION	09.08.2023	JOB NO.	2301	ISSUE	REVISION	DRAWING
B1	RE-ISSUE DEVELOPMENT APPLICATION	09.06.2023	DRAWN	RF	B 2 A.203		
B0	ISSUE FOR DEVELOPMENT APPLICATION	26.05.2023	SCALE	1:100 at A3			
REVISION DETAILS		DD.MM.YY	DATE	09.08.2023			
PROPOSED RESIDENCES LOT 5&10 No.128 & 128A GEORGE STREET EAST FREMANTLE, WA 6158			wright feldhusen				
			215 barker road SUBIACO, WESTERN AUSTRALIA 6008 t 08 6143 9778 m 0402 205 247 e rachel_feldhusen@wrightfeldhusen.com.au				

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EAST ELEVATION
SCALE 1:100

B2	REVISIONS AS CLOUDED FOR DEVELOPMENT APPLICATION	09.08.2023	PROPOSED ELEVATIONS				PROPOSED RESIDENCES LOT 5&10 No.128 & 128A GEORGE STREET EAST FREMANTLE, WA 6158		wright feldhusen 215 barker road SUBIACO, WESTERN AUSTRALIA 6008 t 08 6143 9778 m 0402 205 247 e rachel_feldhusen@wrightfeldhusen.com.au
B1	RE-ISSUE DEVELOPMENT APPLICATION	09.06.2023	JOB NO.	2301	ISSUE	REVISION	DRAWING		
B0	ISSUE FOR DEVELOPMENT APPLICATION	26.05.2023	DRAWN	RF	B	2	A.204		
	REVISION DETAILS	DD.MM.YY	SCALE	1:100 at A3	DATE	09.08.2023			



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Community Engagement Checklist

Development Application P044/23 – 128 and 128A George Street

Objective of Engagement	Community 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 (<i>School / Playground</i>)	<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	14/07/2023	Advertised to 145 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		14/07/2023		
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				

12.6 14 SILAS STREET - MIXED USE DEVELOPMENT

Owner	Luke Beumont Barrett
Applicant	Luke Beumont Barrett
Report Reference Number	TPR-1606
Planning Reference Code	P027/23
Prepared by	James Bannerman
Supervised by	Christine Catchpole
Meeting date	Tuesday, 5 September 2023
Voting requirements	Simple majority
Documents tabled	Nil

Attachments

1. Location and advertising plan
2. Photos
3. Plans submitted 30 June 2023
4. Streetscape perspectives submitted 30 June 2023
5. Submission details
6. Response to submissions
7. Written deputations by and on behalf of adjoining owner as presented at Council Meeting 15 August 2023
8. Community engagement checklist

PURPOSE

The purpose of this report is for the Council to consider a development application for a mixed use development (office and apartment) at 14 (Lot 350) Silas Street, East Fremantle.

EXECUTIVE SUMMARY

It is proposed to develop a 3 storey mixed use (office and apartment) building with a basement at 14 (Lot 350) Silas Street, East Fremantle. The proposed building comprises the following:

- Basement – car stacker and storage area.
- Ground floor – office tenancy and carport with additional residential parking bay.
- 2nd and 3rd floor – residential apartment.
- Roof top - garden terrace and vergola (patio with adjustable louvre roof).

The bin enclosure is indicated at the eastern end of the lot and a bike rack is to be located outside the entrance to the apartment on St Peters Road. The mature tree at the eastern end of the site is proposed to be retained and access to the 3 car bays is via the existing crossover.

The proposal was assessed against the provisions of Local Planning Scheme No. 3 (LPS 3), Local Planning Policy 3.1.3. – Town Centre Redevelopment Guidelines (TCRG) and the Residential Design Codes - Volume 2 – Apartments (R-Codes Vol 2).

With regard to LPS 3, the proposal does not meet the building height (cl. 5.8.2), plot ratio (cl. 5.8.3) and car parking (cl 5.8.5) requirements of LPS 3, however discretion may be exercised under cl. 5.6 to vary these (variations to site and development standards and requirements). The TCRG provides guidance to Council within the policy area where

discretion may be exercised in accordance with cl. 5.6. In doing so, Cl. 5.6.3 requires Council to have due regard to the orderly and proper planning criteria listed in cl. 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to the extent that, in the Council's opinion, those matters are relevant to the development application.

In addition to the variations to the building height and plot ratio requirement of LPS 3, the applicant is seeking approval for variations to elements of the TCRG and the R-Codes Vol 2 as outlined below:

- (i) Element 6: Pedestrian Amenity – Local Planning Policy 3.1.3 - Town Centre Redevelopment Guidelines - Minimum width of awning over footpath 2.4m required, 1.5m provided,
- (ii) Element 8: Vehicle Parking – Local Planning Policy 3.1.3 - Town Centre Redevelopment Guidelines - 3 commercial car bays required, 2 commercial car bays provided, and
- (iii) Element 2.6: Building Depth – Residential Design Codes - Volume 2 - Apartments – 20m maximum, 20.425m provided.

The proposal was advertised from 17 April to 15 May 2023 and 12 submissions objecting to the proposal were received (refer to Attachment 5). The objections were based on several planning matters including overshadowing; building form; height and scale; heritage and character; parking; plot ratio; setbacks; privacy; land use; dwelling density; loss of vegetation; sustainability; waste management, pedestrian safety and impact of construction. Not all matters raised are considered valid planning considerations, however all concerns raised are addressed in the report and a detailed response is provided in the Response to Submissions (refer to Attachment 6).

The concerns relating to development on a small site are noted and it is acknowledged that a design solution presents a considerable challenge on this constrained site, however, a mixed use development is considered an appropriate outcome for the location. The commercial tenancy will activate the street, provide for more pedestrian activity in the Town Centre and the addition of another dwelling adds to the Town Centre population. It is considered this development will meet the objectives of the Town Centre zone and the Local Planning Strategy 2022. It is also considered to achieve the urban design objectives of the Town Centre Redevelopment Guidelines in relation to encouraging mixed uses, renewal of the Town Centre with a character that is sympathetic to, but not a continuation of, the surrounding suburban neighbourhoods.

The proposal is not considered to be an over development of the lot given it comprises a small office and modest apartment. In the Town's assessment the proposed development does not exceed the permitted height and is not of excessive scale. It is in keeping with the building form of recent developments in the Town Centre and is considered positively contribute to the streetscape through high quality design and the proposed construction materials.

There are no heritage listed properties adjoining the site therefore the proposed development does not require a formal heritage consideration. The Town is of the view that new development should consider both the existing and intended future streetscape as is occurring in the Town Centre where there are examples of more modern and contemporary designs along Silas Street and in the immediate vicinity.

In the main, this proposal meets the requirements of the TCRG and the R-Codes Vol 2 except for the minor variations in relation to awning width, car parking and building depth. The proposal to develop this corner site with a building comprising high quality construction materials, well-articulated street front facades, and the retention of a significant tree is not considered to impact the amenity of surrounding sites and is viewed as a positive outcome for the Town Centre.

The applicant and owner have worked to produce a design that in the Town's view responds to potential impacts on surrounding properties. Some discretion is being sought with regard to some provisions of LPS 3 which are supported and the proposal complies with the majority of the development standards of the TCRG and the R-Codes Vol 2. It is therefore recommended that the Council supports the proposed mixed use development subject to the conditions listed in the final recommendation.

Deferral of Determination – Council Meeting 15 August 2023

The development application was originally presented to the Ordinary Council Meeting of 15 August 2023 with a recommendation for approval subject to conditions. Council deferred its determination to the next Town Planning Committee meeting on 5 September 2023 to allow time for further discussion/consideration of the concerns of submitters as outlined in the Officer's report.

Following the meeting the adjoining owner and her representative submitted the written deputations presented at the Council Meeting of 15 August 2023 (refer to Attachment 7). Also, the applicant has submitted amended plans for the Town's consideration. The Town has also been advised that the applicant has arranged a meeting with the adjoining owner for 29 August 2023 to discuss the issues raised in the submissions and deputations. The outcome of that meeting may result in further amended plans being submitted to the Town for Council's consideration.

Due to the date of the meeting with the adjoining owner there is insufficient time to prepare an Officer's report on the outcome of the meeting, potential amended plans and subsequent amendments to meet the Agenda deadline for the upcoming Town Planning Committee meeting. The applicant has agreed to the deferral of the item to the September full Council meeting.

It is therefore recommended that the matter be deferred to the full Council meeting on 18 September 2023 to allow for additional time for the applicant and adjoining owner to meet and for the meeting outcome and amended plans to be considered by the Town.

BACKGROUND

Zoning	Town Centre
Site Area	211m ²
Heritage	N/A
Fremantle Port Buffer	Area 3 - The TCRG does not require referral to the Fremantle Port Authority for development where there are less than 5 dwelling units. In this case there is one residential dwelling unit proposed and therefore referral to Fremantle Ports is not required.
Previous Decision of Town and/or History of Issue Onsite	N/A

Historical aerial photography and other Town records indicate the lot was created in 1989 due to changes to the local road network when Stirling Highway was extended from Canning Highway through to High Street, establishing the St Peters Road link between Sewell Street and May Street. Lot 350 was the portion of land remaining at the newly created intersection of St Peters Road and Silas Street.

This lot remained in the ownership of Main Roads WA (MRWA) who agreed to the land being used for car parking for the adjacent medical centre for many years under a commercial licence agreement. There was no requirement (under the planning approval) for the parking bays to be retained on this lot for use by the medical centre should the lot be sold. The car park for the medical centre is located at the rear of 12 Silas Street with access via May and Silas Streets.

The land was sold by MRWA on the open market to the current owner in 2019. The owner had several discussions with the Town regarding development of the land, however, a formal proposal was not progressed through the COVID-19 period.

CONSULTATION

Advertising

The proposal was advertised to adjoining and nearby property owners as shown on the location and advertising plan (refer to Attachment 1) and the plans were made available on the Town's website from the 17 April to 15 May 2023.

Twelve (12) submissions were received all opposing the development, however it is noted that two submissions refer to the same property. The submissions are provided in detail in Attachment 5. The Town's and applicant's response to each submission are noted in the 'Response to Submissions' in Attachment 6. The concerns raised in submission are summarised below:

- Overshadowing – the proposed development will result in excessive overshadowing to the adjoining and surrounding properties;
- Impact on land value – the proposed development will depreciate land values;
- Land use permissibility – the 'Single Residential' land use is an 'X' use within the Town Centre Zone and is, therefore, not permitted at the site;
- Height, Building Form and scale – the proposed development exceeds the permitted height and is of excessive height and scale;
- Plot ratio – the proposed development exceeds the permitted plot ratio;
- Setback – nil setbacks are not consistent with the character of the locality;
- Density – the proposal exceeds the permitted density;
- Privacy – concerns about overlooking;
- Character and heritage considerations – the proposed development does not respond to the character of the adjoining development;
- Loss of vegetation – the proposed development will result in a loss of vegetation, specifically trees at the site;
- Sustainability - concerns about matters of sustainability;
- Pedestrian safety – the proposed development will encroach into the pedestrian footpath impacting pedestrian safety;
- Impacts of construction works on neighbouring sites – the site is currently being used for parking by the medical centre. The proposed development will impact the availability of parking for patients and doctors; and
- Waste management - The bin store will be intrusive to amenity, will impede access and make collection dangerous.

Also, a petition has been received by the Town. The principal petitioner is an adjoining land owner who circulated the petition, to the Town's knowledge, from the start of the advertising period on 17 April until it was submitted to the Town on 8 August 2023 (i.e., ~114 days). The petition states as follows and contains 453 signatures:

Petition Summary and Background

The proposed building on this small block is too large, too high and has physical and amenity impacts on both the heritage building of the medical centre and nearby properties together with removal of native landscaping and mature trees.

Action petitioned for

We, the undersigned are concerned citizens who urge the Planning Committee and Council Members of the Town of East Fremantle to maintain 14 Silas St as medical centre parking and a landscaped amenity for the East Fremantle Community.

Petitions received in response to a development application being advertised are considered in the same manner as a submission.

External Referral

The following referral advice relevant to the application was received from the Water Corporation.

Water Corporation

The proposed development does not appear to affect Water Corporation assets. If our assets are affected, the developer may be required to fund new works, or the upgrading of existing works and protection of all works associated with the Water Corporation. Water and wastewater services are available in the area for the development to connect to. Any extensions required for connection are to be done at the cost of the developer. This proposal will require approval by our Building Services section prior to the commencement of works.

Internal Referral

Advice was received from the Town's Operations Department and provided to the applicant. Conditions and advice notes will be included that reflect this advice.

STATUTORY ENVIRONMENT

Planning and Development Act, 2005

Local Planning Scheme No. 3 (LPS 3)

POLICY IMPLICATIONS

Local Planning Policy 3.1.3 – Town Centre Redevelopment Guidelines (TCRG)

Local Planning Policy 3.1.8 – Wood Encouragement – General

Local Planning Strategy 2022

FINANCIAL IMPLICATIONS

See risk implications below.

STRATEGIC IMPLICATIONS

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

Economic

Sustainable "locally" focused and easy to do business with.

- 2.1 *Actively support new business activity and existing local businesses.*
 - 2.1.1 *Ensure a "local" focus through supporting and promoting opportunities for local business.*
 - 2.1.2 *Facilitate opportunities/ forums where local business people can meet and share ideas.*
- 2.2 *Continue to develop and revitalise local business activity centres.*
 - 2.2.1 *Facilitate local small business access through planning and activation to support community and business growth.*

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. Should Council refuse the application, the owner/applicant has a right of Review (appeal) to the State Administrative Tribunal (SAT). As the Town's Officers have recommended approval, Council will be required to obtain the services of a consultant to represent and defend the Council's resolution at the SAT. This may have financial implications for the Town.

SITE INSPECTION

A site inspection was undertaken.

COMMENT

Mixed Use Development Proposal

It is proposed to develop a 3 storey mixed use (office and apartment) building with a basement. The application comprises an office tenancy on the ground floor, an apartment on the second and third levels with a roof top garden terrace and vergola on the fourth level. The residential apartment has 2 bedrooms, 2 bathrooms, and a combined kitchen, living, and dining area. There is a balcony on the western end of the building facing Silas Street.

The basement will comprise a storage area and a car stacker (for 2 commercial parking bays). There is also a carport with an additional parking bay for the residential apartment. Another awning fronts the carport at the rear of the building. Planter boxes are located above the awnings to add landscaping to the façade. The bin enclosure is located at the eastern end of the lot and a bike rack is located outside the entrance to the apartment on St Peters Road. The mature tree at the eastern end of the site is proposed to be retained and access to the car bays is via the existing crossover. The building is proposed to be constructed of a mix of materials including glass, metal, timber, and concrete.

Site Context

The subject lot is 211m² in area and located on the north eastern corner of Silas Street and St Peters Road. The primary frontage is Silas Street, and the secondary frontage is St Peters Road. It has a slight upwards slope heading east towards the top of St Peters Road with the elevation increasing by approximately 1.57m from west to east. The site survey shows that the lot has a northern boundary that is approximately 44.4m long and a southern boundary facing St Peters Road that is 38.59m long. The lot is widest at the Silas Street (western) end having a width of 3.3m facing Silas Street but a total width of 11.75m (including truncation) and tapers to a point at the eastern end of the site. There is a small road verge which mostly abuts the roundabout.

There are 2 mature trees located at each end of the site. The tree at the eastern end is proposed to be retained. There are currently 4 car parking bays located on site, as well as a footpath crossing from the neighbouring medical centre to the north joining the Town's footpath at the south eastern end of the lot.

Statutory Assessment

The proposal is required to be assessed under the following planning documents:

- Local Planning Scheme No. 3 (LPS 3);
- Local Planning Policy 3.1.3 – Town Centre Redevelopment Guidelines (TCRG - revised and adopted by Council on 16 May 2023); and
- Residential Design Codes Volume 2 – Apartments (R-Codes Vol 2).

The TCRG provides guidance to designers and decision makers with regard to development in the Residential, Mixed Use and Town Centre zones within the policy area where discretion may be exercised under cl. 5.3.4 (residential development in non-residential zones) and cl. 5.3.5 (residential development in the Town Centre) of the LPS 3; and where discretion may be exercised for development under cl. 5.6 (variation of site development standards and requirements) for cl. 5.8 (Town Centre development standards).

LPS 3 specifies that the development of land for any residential purposes dealt with by the R-Codes is to conform to those Codes. The TCRGs also refer to some requirements of State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments (R-Codes Vol. 2). Therefore, the TCRGs together with parts of the R-Codes (Vol. 2) have been used for the assessment of this planning application. The R-Codes Vol 2 states that applications for development approval for multiple dwellings in areas coded R40 and above are to have due regard to the policy objectives of the R-Codes Vol 2; Element Objectives of Parts 2, 3 and 4; and objectives provided within the Town’s local planning framework. This includes the dwelling components of mixed-use development.

So, while the provisions of LPS 3 provide the underlying planning controls for assessment and discretionary powers, both the TCRG and the R-Codes Vol 2 apply the overlying planning framework and further quantitative assessment provisions applicable to the application. Where there is conflict between the documents the TCRG becomes the prevailing document over the R-Codes Vol 2.

The Town’s assessment is guided by the planning and urban design Objectives, Element Objectives and Acceptable Outcomes for each element of the TCRG. As the lot is located within the Town Centre zone, the ‘Frame Precinct’ criteria specified in the TCRG are also pertinent when undertaking an assessment of the proposal.

While the proposal does not meet the building height (cl. 5.8.2), plot ratio (cl. 5.8.3) and car parking (cl 5.8.5) requirements of LPS 3, discretion may be exercised under cl. 5.6 (variations to site and development standards and requirements). The TCRG provides guidance to Council where discretion may be exercised within the policy area.

In applying discretion under cl. 5.6 and in accordance with cl. 5.6.3 of LPS 3 Council must have due regard to the planning, criteria listed in cl. 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. These criteria refer to orderly and proper planning matters such as compatibility of the development within its setting, its relationship to other land and the likely effect of height, bulk, scale, orientation and appearance, the amenity of the locality, landscaping, parking, access, traffic, history of the site and any submissions.

The relevant provisions for the assessment of the application are outlined in the tables below.

Legend	
A	Acceptable
D	Discretionary
N/A	Not applicable

Local Planning Scheme No. 3

Clause	Scheme Requirement	Variation/Comment	Status
5.8.1	Setbacks: Commercial Zones - Aligned with the front property boundary built up to any side boundary, other than a boundary which abuts the Residential Zone.	Nil setback to front and side boundaries	A
5.8.2	Building Height – Overall 10.5m	12.6m to top of stairwell enclosure – can be varied, refer to TCRGs for guidance when exercising discretion (Note 10.457m to top of main roof)	D
5.8.3	Plot ratio – 0.5:1	1.59:1 – can be varied, refer to TCRGs for guidance when exercising discretion	D
5.8.4	Design and Landscaping: Commercial Zones – Landscape plan required.	Landscaping plan provided	A
5.8.6	Location of Car Parking: Parking to be provided on site, or off-site in the immediate vicinity of the development.	On-site bays provided	A

Local Planning Policy 3.1.3 – Town Centre Redevelopment Guidelines

Element	Acceptable Outcome	Variation/Comment	Status
Element 1: Urban Structure	Complies	None	A
Element 2: Land Use	Fremantle Port Buffer Requirements (Area 3)	No requirements	A
Element 3: Building Form, Scale & Height	Maximum plot ratio: 2.0	1.59	A
	Height limit of 3 storeys / up to 15m (R-Codes Vol 2 indicative heights)	3 storeys (10.457m)	A
Element 4: Occupant Amenity	Address R-Codes Vol 2 – Apartments Address State Planning Policy 5.4	See separate table below on R Codes Vol 2 – Apartments Condition	A
Element 5: Street Interface	Complies	None	A
Element 6: Pedestrian Amenity	Minimum width of awning over footpath 2.4m	1.5m wide awning	D
Element 7: Vehicle Movement & Access	Complies	None	A
Element 8: Vehicle Parking	3 commercial car bays required (as per Schedule 10 of LPS 3) 1 residential car bay required (as per R-Codes Vol 2) Bike parking in suitable location	3 car bays required (1 car bay per 30m² for 68.87m² commercial space) 2 commercial car bays provided and 1 residential provided. Deficit of 1 car bay for the commercial unit Bicycle parking provided	D
Element 9: Landscape & Public Spaces	Complies	None	A
Element 10: Resource Conservation	Energy, water, and water management requirements in accordance with R-Codes	Condition	A
Element 11: Signage & Services	Signage	Condition	A
	Solar panels and air conditioning to be shown on plans	Condition	A
	Waste management plan	Condition	A

Residential Design Codes Volume 2 - Apartments

Element	Variation/Comment	Status
Element 2.3 - Street Setbacks	None	A
Element 2.6 – Building Depth	8.2m wide 20.425m deep – excluding 3m of parapet wall	A D
Element 2.7 – Building Separation	Refer to LPS 3 requirement	A
Element 3.2 – Orientation (overshadowing)	10.65m ² /287.46m ² x 100 = 3.7% <25% for R20 for 16 Silas Street	A
Element 3.3 – Tree Canopy & Deep Soil Areas	None	A
Element 3.5 – Visual Privacy	Due to 1.6m setback of roof terrace direct overlooking to the northern site is limited to area above the building	A
Element 3.6 – Public Domain Interface	None	A
Element 3.7 – Pedestrian Access & Entries	None	A
Element 3.8 – Vehicle Access	None	A
Element 3.9 – Car & Bicycle Parking	None	A
Element 4.1 – Solar & Daylight Access (dwelling)	None	A
Element 4.2 – Natural Ventilation	None	A
Element 4.3 – Size and Layout of Dwellings	This development >78m ² Total living area 292.69m ²	A
Element 4.4 – Private Open Space & Balconies	Roof top terrace 44.52m ² & 4.2m deep Balcony 8.42m ² and 1.8m depth Total private open space >10m ² & >2.4m deep	A
Element 4.6 – Storage	138.03m ² provided in basement storage area >1.5m deep 3.2m high	A
Element 4.7 – Managing the Impact of Noise	Condition	A
Element 4.10 – Façade Design	None	A
Element 4.11 – Roof Design	None	A
Element 4.12 – Landscape Design	None	A
Element 4.14 – Mixed Use	None	A

Element 4.15 – Energy Efficiency	Sustainability report provided	A
Element 4.16 – Water Management and Conservation	Condition NCC requirements	A
Element 4.17 – Waste Management	Condition	A
Element 4.18 – Utilities	None	A

Wood Encouragement	The building is proposed to be constructed of glass, metal, and concrete with timber cladding shown as a façade design detail. The timber product is described as burnt ash cladding.
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Variations to Local Planning Scheme No. 3

There are two aspects of the development that are variations to LPS 3. These are building height and plot ratio. Cl. 5.6 of LPS 3 allows Council to consider variations to these standards. To assist Council in exercising discretion under this clause for development within the Town Centre Redevelopment Area, Council adopted LPP 3.1.3 – Town Centre Redevelopment Guidelines. The TCRG promotes the use of Council discretion to allow for greater building height and plot ratio in order to encourage redevelopment that is more suited to a town centre environment. Therefore, in regard to building height and plot ratio, this proposal is also assessed under the TCRG.

Variations to Local Planning Policy 3.1.3 – TCRG and the R-Codes Vol 2

There are two aspects of the development that are considered variations to the acceptable outcomes of the TCRG. These are pedestrian amenity and car parking. There is one element of the R-Codes Vol 2 that does not achieve an acceptable outcome and requires assessment under the design guidance criteria and this variation is in relation to building depth. The following discussion addresses the variations to the statutory provisions.

Pedestrian Amenity

The TCRG Element 6 requires that awnings with a minimum width of 2.4m are provided at the front of proposed development. In this case the awnings are no more than 1.5m in width from the building. It is recommended that the proposed reduced awning width be supported on the basis that it is in proportion to the scale of the building and the width of the lot frontage and provides further articulation to the façade of the building. It also provides a level of amenity, in that it will offer some shelter for pedestrians and visitors to the building. It is therefore recommended the reduced depth of the awnings be supported. Nonetheless, this is a policy provision and while the inclusion of an awning in the proposal is considered a positive outcome an awning is not a mandatory requirement.

Car Parking

Element 8 of the TCRG requires parking be assessed under the requirements of LPS 3 which sets out the minimum car parking requirement for commercial uses (i.e., offices) and the R-Codes Vol 2 for residential apartments. In this case 2 commercial car bays are provided (with a car stacker) and 1 residential car bay is provided. The minimum required amount of parking for a 2-bedroom residential apartment is 1 car bay and this is supplied in accordance with the acceptable outcomes of the R-Codes Vol 2.

Cl. 5.8.5 and Schedule 10 of LPS 3 states that an office requires 3 car bays based on the floor space of the tenancy. The area of the tenancy is 68.87m² and as such 3 car bays are required for the office (i.e., 1 car bay per 30m²). It is considered the parking shortfall for the office can be supported as the proposed development is within proximity to public transport options, that is within 210m of a high frequency bus stop with services to Fremantle and 250m to the stop for bus services to Canning Bridge train station or further to the Perth CBD. In addition, there are short term car bays available in Silas Street and the Richmond Quarter. While not specifically allocated to any one business the Richmond Quarter car park is fully allocated to the businesses (with a 20% reduction at time of approval), or residential premises and as such are available to the public. A bicycle rack is provided for bike parking adjacent to the proposed entry to the residential apartment.

While the car parking arrangement is supported because a car stacker is proposed it is recommended a Parking Management Plan is to be submitted with the building permit application which outlines management measures for

the operation of the car stacker to ensure ongoing maintenance of the car stacker and that it is operational, readily available to use and safe at all times to the satisfaction of the Town.

Draft Interim Guidance for Non-Residential Car Parking Requirements

The Department of Planning, Lands and Heritage (DPLH) recently concluded consultation on the *Draft Interim Guidance – Non-residential car Parking Requirements* document. This document aims to provide consistent car parking requirements for non-residential land uses in Perth and Peel and to support local governments in an immediate review of car parking rates under their local planning frameworks. It is expected that the DPLH will direct local government to adopt the guidance document in the form of a local planning policy which will apply new car parking rates to replace those in existing planning schemes.

The guidance document provides minimum and maximum car parking rates that are to be applied within activity centres which includes development in mixed use zones, such as the Town Centre. While the draft document is not directly relevant to the assessment of this application it is worthwhile noting that if the WAPC require local governments to adopt the new car parking requirements under the new method of calculating parking it is likely the revised standards would require only 1 bay to be provided for an office of this size.

Building Depth

Acceptable Outcome A2.6.1 of Element 2.6 of the R-Codes Vol 2 requires that a building is no deeper than 20m. In this case the proposed building is 8.2m wide in a north-south direction which is acceptable, but 20.425m deep along the east-west axis, not including an additional 3m of a parapet wall (315mm width) that is proposed to be built along the northern boundary between the subject lot and the neighbouring medical centre. The additional length is only marginally longer than required and it should be noted that this requirement is related more to the amenity of the occupant than the aesthetics of the building. In which case, the development is considered to comply with Planning Guidance 2.6.4 of the R-Codes as the major openings along the western, southern, and eastern edges to the bedrooms, living rooms and bathrooms allow for high quality ventilation of the building as well as access to sunlight. The slight increase in building depth is not considered to be detrimental to the amenity of the occupants and is recommended to be supported.

Submissions

A detailed response to the submissions is provided in Attachment 6. The following provides further comments regarding the submissions.

Overshadowing

Element 3.2 of the R-Codes Vol 2 requires an overshadowing calculation to be completed for nearby properties to the south of the development. In this case overshadowing at midday on June 21 from the proposed development has been calculated as 3.7% of the site located across the road to the south at 16 Silas Street. This site is zoned residential R20 and is most affected by the proposed development. It has a maximum permissible overshadowing level of 25% in accordance with the R-Codes Vol 1. In this case it is well below this level. It is also noted that the overshadowing occurs on the driveway of the dwelling so does not impact directly on the dwelling itself or the outdoor living areas of the residence. As a result, there are negligible impacts from overshadowing on this property.

Therefore, in summary the proposal complies with solar and daylight access requirements and while it would result in some overshadowing to the south, these properties are separated from the subject site by a 20m road reserve so they are not impacted. The recommendation is that the objections raised in the submissions based on overshadowing and loss of light are not supported as the proposal complies with solar and daylight access requirements.

Impact on Land Value

Impact on land value is not relevant a planning consideration and as such does not form part of the assessment of the application.

Land Use Permissibility

Submissions claiming that the proposed residential part of the mixed-use development should be defined as a 'Single Dwelling' are not supported. The Town is confident that the residential component of the proposal is classified as a 'Multiple Dwelling' based on the following details.

Multiple Dwelling

A multiple dwelling is defined as:

a dwelling in a group of more than one dwelling on a lot where any part of the plot ratio area of a dwelling is vertically above any part of the plot ratio area of any other but: - does not include a grouped dwelling and – includes any dwellings above the ground floor in a mixed use development.

Note: 'any' is defined as 'referring to one or some of a thing or number of things, no matter how much or how many'.

Mixed Use Development

The proposed development is classified as a mixed use development for the following reasons.

The R-Codes Vol 2 - Apartments defines mixed use developments as:

buildings that contain commercial and other non-residential uses in conjunction with residential dwellings in a multiple dwelling configuration.

The multiple dwelling definition provides for a mixed use development to have a dwelling unit above a ground floor office tenancy, as is the case with this development application.

An apartment (multiple dwelling) is classified as an 'A' use (i.e., local government to exercise discretion in granting approval after advertising) and an office is classified as a 'P' use (permitted by LPS 3) in the Town Centre zone.

LPS 3 states that the R-Codes will apply to the residential component of development and in this case, reference must be made to Vol 2 – Apartments, as the proposal is for a mixed use development with a commercial area on the ground floor and a residential dwelling on the floors above.

Single House

The proposal is not assessed under Vol 1 of the R-Codes as the design criteria applies to single houses and grouped dwellings. This proposal is not classified as either of these dwelling types under the definitions of the R-Codes. A single house defined as:

a dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property.

The Town's assessment of the proposal according to the relevant planning framework is therefore as a mixed use development and not as a single house. Therefore, the recommendation is that the objection raised in the submissions based on land use is not supported.

Height, Building Form and Scale

The submissions state that the proposed development exceeds the permitted height and is of excessive height and scale.

Height

LPS 3 specifies that, except as otherwise permitted by the local government, the maximum height of a building wall is 8.0m and the overall height is 10.5m (this may be varied under cl. 5.6). Element 3 of the TCRG specifies a maximum height limit of 3 storeys within the 'Frame Precinct' of the Town Centre redevelopment Area.

As the TCRG do not provide a definition for a storey, the Town considers it appropriate to refer to the R-Codes Vol 2 for a definition, which is as follows:

...the portion of a building which is situated between the top of any floor and the top of the floor next above it and if there is no floor above, that portion between the top of the floor and the ceiling above it but does not include a:

- *basement;*
- *space that contains only a lift shaft, stairway, or meter room;*
- *mezzanine; and*
- *loft.*

In accordance with this definition the proposed building is classified as 3 storeys because the stair enclosure, vergola and basement are excluded. (It is noted however, that development within the ‘Town Centre Core’ and ‘Canning Highway Precincts’ of the Town Centre Redevelopment Area considers a storey slightly differently and in those areas the stair enclosure and the vergola would be considered as a storey if they occupy in excess of 20% of the roof area).

While the TCRG specifies building height in respect to 3 storeys it does not express this height in metres. It is considered reasonable to use the R-Codes Vol. 2 indicative storey/heights in metres for residential developments as a guide for the consideration of appropriate height limits in the Town Centre. The R-Codes Vol 2 provides indicative heights of 12-15m for a 3 storey development and 15-20m for a 4 storey development.

Based on these figures, the proposed development at a 3 storey height of 10.457m is under the indicative height for a 3 storey residential development as determined by the R-Codes. As the maximum height requirement for development in the Frame Precinct under the TCRG is 3 storeys, the proposal complies with the height requirements of the TCRG.

In the event that the proposed development was assessed as a 4 storey building at 12.6m, it would still be well within the indicative overall building height of 15m permitted under the R-Codes Vol 2.

To assist, the height assessment discussed above is summarised in the following table:

	LPP 3.1.3 - TCRG Maximum height for Frame Precinct	R-Codes Vol 2		14 Silas Street Proposed
Definition of Storey	Silent on definition so look to R-Codes.	<i>Storey - the portion of a building which is situated between the top of any floor and the top of the floor next above it and if there is no floor above it, that portion between the top of the floor and the ceiling above it but does not include: —a basement — a space that contains only a lift shaft, stairway or meter room —a mezzanine —a loft. Double height floors greater than 5m floor to ceiling are counted as two floors.</i>		The vergola and stair enclosure are not defined as part of a storey under the R-Codes definition.
Storeys	3 storeys	3 storeys	4 storeys	3 storeys
Height in metres	Silent on measurement so look to R-Codes.	<ul style="list-style-type: none"> – Indicative overall building height 12m. – May be up to 15m if supported by LG planning framework. 	<ul style="list-style-type: none"> – Indicative overall building height 15m – May be up to 20m if supported by LG planning framework. 	<ul style="list-style-type: none"> – 10.457m to top of main wall. – 12.247m to top of vergola (not defined as a storey). – 12.6m to top of stair enclosure (not defined as a storey).

The TCRG also states that development should not exceed 3 storeys if it is within 12 metres of existing adjacent residences. The proposed development achieves this as the proposed building is 12.2m at the closest point from 16

Silas Street (boundary to boundary across St Peters Road) and 20m from 9 Silas Street, the two nearest residential properties.

Notwithstanding the above comments, given that the vergola is ~2.4m in height, well set back from the edge of the building (4.9m from Silas Street and 3.6m from St Peters Road) and is a simple lightweight structure it is considered it will have limited visibility from the street and from surrounding residences. It is not considered to add excessive visible height to the overall building envelope and may therefore be supported. In addition, the roof top terrace is an acceptable design solution to the provision of open space within a development of this type. The vergola adds to the useability, and amenity of the roof top terrace as an outdoor space for the residents of the building.

Building Form

In addition to the above and taking all factors relevant to the site into consideration, the Town considers the building form and envelope proposed responds to the constraints of the site.

If the building envelope was lower in height and the permitted floor space (i.e., plot ratio of 2:1) was 'spread' across the extent of the site then both trees would be removed and in theory a 2 to 3 storey building could potentially occupy the full frontage of Silas Street and St Peters Road with nil setbacks. In the Town's opinion this would have a greater impact on the amenity of the medical centre and the dwelling directly opposite on Silas Street and result in a building with a nil setback for the length of the boundary with the medical centre. The amenity benefits of retaining the existing tree, in softening the façade and height of the medical centre and the proposed development would be lost. To retain the tree and maintain as much open space on the site while still achieving the remaining R-Code development standards, the applicant is proposing to build on 65% of the site leaving 35% as open space. By reducing the height of the development, the site coverage would increase and consequently the open space would be significantly reduced. Given the amount of open space on-site is a discretionary provision and the site is heavily constrained, the alternate building envelope could potentially be approved.

The applicant has proposed to position the building as much as possible towards the Silas Street end of the site (occupying ~46% of the length of the lot), thereby retaining the mature tree and only encroaching ~1.5m across the frontage of the medical centre. While it is acknowledged that the Silas Street frontage of the medical centre will sit between two taller buildings this is not uncommon in commercial and mixed use zones, where overtime, the original buildings are replaced by newer development which is greater in height. In many situations the original dwelling sits aside a higher parapet wall as is the case with 12 Silas Street where the building to the north of the medical centre has a parapet wall ~19.5m long and ~7.8m high. Often, as is the case with 12 Silas Street there are existing side boundary setbacks which retain a degree of open space between buildings. In this case a ~3m setback to the north and 0.5m – 1.8m setbacks to the south will be maintained. Allowing for physical separation and access between the existing and proposed building.

Furthermore, the height of surrounding buildings is not dissimilar. The adjacent medical centre is a helpful reference point in considering and comparing building heights in the Town Centre and potential effects on the amenity of the area. The newer part of the medical centre is 2 storeys in height but has a high-pitched skillion roof (~16°) with clerestory windows resulting in a total height of nearly 8m (i.e., equivalent to at least 2.5 storeys). Also, there are other 2 and 2.5 storey buildings in Silas Street and adjoining the Richmond Quarter car park. Just beyond the medical centre is the 4 storey May Street apartment building. The Richmond Quarter complex is 4 to 8 storeys in height and there is also a 2-storey residential dwelling on the opposite side of St Peters Road.

Scale

Also, of relevance to the consideration of building scale in the Town Centre is the transition to increased building heights in the Town Centre over the past decade. As mentioned, the Richmond Quarter building is 8 storeys, the May Street apartments are 4 storeys and the nearby medical centre and mixed use developments are between 2 and 2.5 storeys (the latter ranging in height from 6.5m to 9.43m). In 2005 the Council granted approval for the two storey medical centre consulting rooms addition (i.e., 7.78m in height) and although not constructed approval was also

granted for an additional four residential dwellings, in a 3 level building, to the rear of the medical centre at 12 Silas Street. The height of the proposed building at 3 storeys (i.e., 10.457m) is considered appropriate as part of the transitional height progression and in keeping with surrounding development.

The proposal is not considered to be of excessive scale given it comprises a small office and modest apartment. It is a development that in the main meets the requirements of the TCRG apart from the minor variations (discussed in detail above). It is reasonable to assume that if any other site was proposed for redevelopment in the Town Centre that heights of 3 or more storeys would be considered acceptable. The rooftop terrace and structures have been sensitively positioned to minimise impacts on the surrounding residents being positioned as far back from the edge of the building as possible.

In conclusion, the Town is of the view that the proposed development does not exceed the permitted height and is not of excessive height, scale or bulk. It is considered the building will contribute positively to the streetscape through high quality design and the proposed construction materials. The retention of the existing tree is considered important to maintain the existing streetscape and reduce the scale of the building and the same can be said for the large existing street tree on Silas Street. The proposal to develop this corner site with a well-articulated building of high quality construction materials is viewed as a positive outcome for the Town Centre. It is considered the day to day operations of the premises at 12 Silas Street and amenity for staff and visitors to that premises will not be impacted by the development of the proposed building.

Therefore, the concerns raised in the submissions based on height, scale and building form are not supported as the proposal is considered to be a three-storey building and compliant with the Acceptable Outcomes of Element 3: Building Form, Scale and Height of the TCRGs in this regard.

Plot Ratio

LPS 3 states that, except as otherwise permitted by the local government, the maximum plot ratio for all commercial zones, is 0.5:1. However, the TCRG specifies a maximum plot ratio of 2:1. The development has a plot ratio of 1.59 which is less than the maximum permitted by the TCRG. It is noted that by proposing a design with 3 storeys positioned toward the western end of the site the building footprint over the site is decreased and the eastern end of the site remains open allowing for the retention of the mature tree. The bulk of the building being concentrated at the western end of the site is supported by the Town as a taller, more slender building in this situation is considered a better design response to the constraints of the site. The applicant has tried to design the building so that the parapet wall is not constructed across the front of the medical centre building. Therefore, the recommendation is that the objection raised in the submissions based on plot ratio is not supported.

Setbacks

The LPS 3 provisions and the TCRG specify nil setbacks and therefore the proposal complies with the requirements of the TCRGs. Notwithstanding, the vergola is well set back from the edge of the building on Silas Street by 4.9m and from St Peters Road by 3.6m, and it is a simple lightweight patio structure and screened from the public realm. It is not considered to add bulk and scale to the overall building envelope.

Also, the medical centre immediately adjacent is set back from the northern boundary at various distances (the closest being ~0.5m to its furthest being ~1.8m. This enables separation between the parapet wall proposed for the northern boundary and the medical centre so access, ventilation and light is still possible along this boundary of the property. Therefore, the recommendation is that the objection raised in the submissions based on setbacks is not supported.

Density

The dwelling density of the proposed development is in accord with R40 development. The land area of the subject site is 211m² which is greater than the minimum site area per dwelling for R40 which is 180m².

There is no minimum site area for apartments and LPS 3 allows for a residential density in excess of R40 in the Town Centre Zone where Council is satisfied that the design and mix of development will be consistent with the planning

proposals contained in the Local Planning Strategy and accord with any approved development plan for the centre. The TCRGs comprises of an approved development plan for the centre and this supports multiple dwellings and grouped dwellings in the Frame Precinct and small-scale commercial uses incorporated as a mixed-use development. The TCRGs do not place an upper limit on density in the Town Centre Zone.

One of the submissions states that the proposal has an effective density of R50 relevant to the R-Codes Vol 1. It is noted that the R-Codes Vol 1 does not apply to this proposal however, notwithstanding this argument density has no relevance to this proposal.

Residential density does not apply to mixed-use development under the R-Codes. In any event, the proposal comprises of a small mixed-use development of one multiple dwelling above a commercial use. This could not be described as excessive.

Another submission states that the proposal is inconsistent with the density of existing buildings in the street. This is not supported as there are numerous mixed-use developments and stand-alone higher density residential developments within the Town Centre Zone.

Given the above comments the objections raised in the submissions are not supported as density is not a consideration for mixed use developments within the Town Centre Zone.

Privacy

Element 3.5 – Visual Privacy of the R-Codes Vol 2 is considered to meet the acceptable outcomes A3.5.4. There is a distance of at least 7.5m from all rooms facing both Silas Street and St Peters Road. Design solutions such as an increased setback are an acceptable means to satisfy this Element Objective of the R-Codes Vol 2.

While the roof top terrace does not achieve 7.5m visual privacy setback from the medical centre, it has been designed to limit the ability to overlook the neighbouring northern property as it is set back from the edge of the building by approximately 1.7m. There is no overlooking from any part of the building to any residential properties to the west, south or east of the proposed building as stated above and due to the setback of the roof terrace direct overlooking to the northern property which is a medical centre (and as such does not have any habitable rooms or outdoor living areas) is limited to the area above the building. There will be no direct viewing from the roof terrace into rooms at the northern property as a result of the limited angle of viewing.

The objections raised in the submissions based on overlooking and privacy are not supported as the proposal complies with the visual privacy requirements of the R-Codes Vol 2.

Character and Heritage Considerations

At the outset it should be noted that the Council adopted the TCRG as a local planning policy in order to encourage the evolution of the Town Centre into a robust, vibrant, mixed-use urban 'village' with enough residents, jobs and services to sustain and meet the needs of the existing community and future generations to come.

In response to the comment that the proposed development does not respond to the character of the adjoining development at 12 Silas Street the following comments are made.

Heritage

The Medical Centre at 12 Silas Street is not listed in the Town's Heritage List or Local Heritage Survey (LHS). The property was removed from the LHS as part of a previous review completed by Council in 2014-2015 due to intrusive alterations. The neighbouring property is not heritage listed and there are examples of more modern and contemporary designs along Silas and May Street. It is considered that new development should consider both the existing and intended future streetscape. The TCRG aim to *encourage and stimulate renewal of the Town Centre and transform it into a desirable urban village that is the focal point for the local community.*

That the concerns raised in the submissions be not upheld as the adjoining property at 12 Silas Street is not listed in the Town's Heritage List or LHS and there is no other heritage listed buildings adjoining the site.

Character

Since establishment of the medical centre the owner has sought renovations and additions to the original building, including a significant 2.5 storey building to the rear, all of which were centred on modernization, improvements, and expansion of the medical centre. This involved substantial changes to the original building on the site. The heritage impact assessment prepared at the time of the planning approval for the extensions noted that it would be unlikely for changes to the building fabric to be returned to the original form.

The proposal will not obstruct the outlook of the medical centre building. There is no impact on any heritage listed properties and there is a wide mix of architectural styles within the Town Centre. The proposed design is contemporary in style and is considered to be complementary to other developments in the Town Centre. The proposed construction materials are also considered to be of high quality and appropriate to the Town Centre. Therefore, the recommendation is that the objection raised in the submissions based on character and heritage is not supported.

Notwithstanding the above, it is considered new development should consider both the existing and intended future streetscape. Conditions of approval are recommended to ensure the construction materials proposed are used in the development should it be approved and that the landscaping indicated in the streetscape perspectives and the landscaping plan are realised. These matters are all covered by recommended conditions of approval.

Loss of Vegetation

One tree is proposed to be retained and the landscaping provided is in accordance with the R-Codes Vol 2. The development meets Element 4.12 of the R Codes Vol 2 in that 7% of the site is dedicated to a deep planting zone where a mature tree is preserved. It is also noted that there is significant landscaping on the site with 71m² or 33.8% of the site dedicated to some form of landscaping whether it be retention of the existing tree and associated deep planting zone, garden beds around the front of the ground floor of the building (owner to landscape road verge), or garden beds around the edges of the upper storeys of the development. A variety of plants has been selected that suit the environment and are designed to utilise drip irrigation. Planting across the site is considered to complement the design and is aimed at softening the façade of the building. The landscape plan has been amended following advice from the Town's Operations department and a condition of planning approval is recommended which would require the submission of a detailed landscaping plan for approval by the Town prior to the submission of a building permit.

The retention of the existing tree at the western end of the site is not possible given the proposed development and the retention of the tree to the east. The Town does not have any formal controls over tree preservation on private land. Therefore, the recommendation is that the objection raised in the submissions based on loss of vegetation is not supported.

Sustainability

The proposed development achieves the requirements of Element 4.15 Energy Efficiency and Element 4.16 Water Management and Conservation. An energy and water efficiency report is presented as part of the development application which stated that the building aimed to achieve a 20% reduction in operational energy use compared to a residential building compliant with the National Construction Code's (NCC) requirements. Likewise, the commercial office unit is aimed at getting a 10% reduction in energy used compared to NCC requirements. In terms of water consumption, a 20% reduction in water consumption for the residential unit and a 30% reduction in water consumption for the commercial unit was targeted.

A range of measures are to be implemented to achieve these targets including the use of electricity only within the building, provision of a 5kW solar array, use of a heat pump hot water system, digital metering and monitoring, the

use of an electric induction cooktop, the provision of water efficient appliances and equipment, the planting of Waterwise Plants and the installation of drip irrigation.

The proposed development will exceed the energy and water sustainability requirements in the National Construction Code according to information prepared by the applicant. The objections raised in the submissions on this matter are therefore not supported.

Pedestrian Safety

No change is proposed to the current footpath access adjacent to the subject development. A footpath will still be in place after development and sufficient sightlines are already in place in the area around the roundabout and intersection of Silas Street and St Peters Road.

A condition of approval in relation to construction management is recommended so pedestrian safety and access is a consideration during the construction period should the development be approved. This matter will be addressed in the construction management plan. Further comments in this regard are provided below.

The vegetation in planter boxes of the proposed building will not restrict driver sightlines.

Considering the above comments, it is recommended that the objections raised in the submissions concerning pedestrian safety are not supported.

Impact During Construction

The issue of disruption to surrounding businesses and the potential impact of construction on surrounding properties is considered the subject of dilapidation reports and construction management plans. It is common practice with development applications of this type that dilapidation reports (usually prepared at the expense of the applicant) are not undertaken until a development approval is granted and construction methods determined.

Also, it is commonplace for the Council to request a condition be imposed on a development approval which requires dilapidation reports to be prepared prior to the submission of a Building Permit application. The applicant would then be required to arrange for the dilapidation reports to be prepared before the issue of a Building Permit. Any damage done to adjoining/ nearby structures because of construction of the development is the responsibility and liability of the nominated builder. Individual owners are not precluded from engaging a professional to undertake a dilapidation report of their property at any time.

There have been a few development sites within the Town over past years and some disruption and inconvenience will occur as with any new development. A construction management plan (including construction parking management) will be required to be submitted for the Town's approval prior to the submission of a building permit.

A condition of development approval which requires the applicant to undertake a dilapidation report, at their cost, for properties that are considered to be potentially impacted by construction is recommended. The properties concerned are listed in the conditions of approval. A condition requiring a comprehensive construction management plan is also recommended.

Therefore, it is recommended the submissions regarding impact during construction be noted but not supported.

Impact on Medical Centre Parking

The following points are noted in response to the submission comments where relevant to the assessment of the development application.

- It is noted that the medical centre owner previously leased the subject lot for car parking from Main Roads WA and that owner was unsuccessful in negotiating to purchase the subject land. Irrespective of land ownership the proposed development application is required to be assessed and considered by the Town and determined by Council.

- The proposal will result in the one less car bay than currently exists on the site (3 instead of 4) therefore slightly reducing the number of vehicle movements to and from the site. No changes are proposed in the number of crossovers, parking, or footpath locations therefore impact on vehicular traffic for Silas Street or St Peters Road is not likely to be significant.
- The proposed development will not impact on the sightlines of vehicles along Silas Street or St Peters Road.
- The proposal shows that rubbish bins will be stored in a location screened from the street in accordance with TCRG requirements. Maintenance of the bin enclosure area is addressed through a condition of development approval and a waste management plan will be required for this development.
- There is public parking available along May Street, Silas Street and in the car park to the rear of Richmond Quarter.

In the Town's view there is no impact on medical centre parking. As previously stated, the retention of this parking was not specified as a condition of planning approval and parking on this land was considered as only one option of meeting the required parking when Council granted approval for extension of the medical centre. In fact, there is a condition of planning approval which stipulates that only six consulting rooms (to treat patients) can be in operation at any one time. This was to ensure that the parking provided on-site met the requirements for the number of consulting rooms. The conditions related to parking did not stipulate that parking on the subject site was to remain in perpetuity and neither could it, as the land was not in the same ownership as the medical centre and MRWA had not agreed to that arrangement.

The extension of the licence agreement for parking was at the discretion of MRWA and was terminated when the land was sold. It was a commercial arrangement between MRWA and the owner of the medical centre. This arrangement came to an end when MRWA resolved to sell the land. Parking for the medical centre is available at the rear of 12 Silas Street accessible from both Silas Street and May Street and signs are in place which direct patients to these bays. The bays on the subject lot were an additional parking benefit afforded by MRWA through the licence agreement to use the land.

Furthermore, the Town's records indicate that over the time the medical centre has been in operation the owner of the land has requested a reduction in the parking requirements, so that additional consulting rooms, other facilities and amenities could be developed on the site. The Town's records indicate that the medical centre owner/operator was to be responsible for addressing any future shortfall in on-site parking. The Minutes of the Meeting of 8 November 2011 state that:

In the event this area was ever lost for parking purposes, this would effectively constitute a breach of the planning approval and the owner would need to make satisfactory equivalent parking arrangements.

The Town considers that there is sufficient parking on the medical centre site provided the medical centre operates in accordance with the development (planning) approval. Therefore, the recommendation is that the objection raised in the submissions based on medical centre parking is not supported.

Waste Management

Comments have been made that suggest the bin store will be intrusive to amenity, will impede access and make collection dangerous. The Town does not consider this to be the case. In accordance with Element 4.17 Waste Management the requirements of the R-Codes Vol 2 will be met.

A waste management plan was submitted and following internal advice, conditions and advice notes have been added to the final recommendation and conditions. An amended waste management plan will be required to be submitted that addresses these conditions and advice notes prior to the submission of a building permit application to ensure that a water and sewer connection is added to the bin storage area to allow bins to be cleaned. In addition, the users of the building will be required to have their bins located adjacent to the bin storage area on collection days, but not on the footpath to alleviate any issues with access for pedestrians. Users of the building will be encouraged to utilise the FOGO bin as well as requesting that a 3-bin system is incorporated into the kitchen

areas of the building for both the residential and commercial components. The occupants will be subject to the same FOGO collection dates as other residents. These matters will be addressed under the relevant condition. Therefore, the recommendation is that the objection raised in the submissions based on waste management are only supported in part. The aesthetic appearance of the bin enclosure will be covered under recommended conditions which address the design of the building and the construction materials being in accordance with the plans submitted and to the satisfaction of the Town.

Petition

To the Town's knowledge the petition was circulated in the community for ~114 days. It is noted that of the 453 signatories 160 have East Fremantle addresses. The remainder of the signatories are from other suburbs, some quite remote from East Fremantle. Nine (9) signatories did not provide an address. Further, the Town is not certain if the signatories had access to the plans and/or the specific details of the development proposal on which they were providing comment.

Furthermore, the action petitioned for, that Council *maintains 14 Silas Street as medical centre parking and a landscaped amenity for the East Fremantle community* is an outcome that is not within the power of the Council to bring into effect. The subject land is not owned by the principal petitioner nor the Town of East Fremantle therefore the Council cannot determine the land be used for the purposes proposed in the petition.

Other matters

A number of other comments made in the submissions are matters the subject of a building permit application or would be matters addressed through a construction management plan or other standard conditions of development approval should Council determine to approve the application.

CONCLUSION

The proposed development seeks approval for variations to the TCRG and the R-Codes Vol 2 and as noted previously the Council has the discretionary power to vary the provisions under cl. 5.6.1 of LPS 3. In accordance with cl. 5.6.3 the Town considers the variation to awning width, car parking and building depth are not considered to have a significant impact on the surrounding businesses and residents of the area and the future development of the locality. A response to the planning issues and concerns raised in the submissions has been provided in detail in the Response to Submissions (refer to Attachment 5). The Town considers the concerns raised have been sufficiently addressed by the applicant.

The concerns expressed in the submissions in relation to development on a small site in this location are noted. However, this lot was formally created by the WAPC (and then sold to the current owner by the State government) and the new owner has the right to seek approval for the development of the land under the planning requirements that apply to the Town Centre and which can be approved by Council. It is acknowledged that a design solution presents a considerable challenge on this constrained site, however, a mixed use development is considered an appropriate outcome for the location and is similar in nature and scale to existing developments in the Town Centre.

The objectives of the TCRG are to establish a more sustainable Town Centre by ensuring that there is a variety of housing types that appeal to a broad range of future residents and to develop building stock that can adapt to changes of use over time in response to the needs of the existing community and future generations. This Policy also responds to State government higher order planning policy which encourages commercial centres to provide dwellings. The 'frame' area is identified as providing a medium-density residential transition between the Town Centre and the surrounding suburban residential areas. It is envisaged that this transitional area would consist of more urban forms of development such as multiple dwellings. This type of development has already occurred in the Town Centre.

The commercial tenancy will activate the street and provide for more pedestrian activity in the Town Centre and the addition of another dwelling in the Town Centre not only adds to the Town's dwelling target and resident population

but also activates the Town Centre. It is considered this development will meet the objectives of the Town Centre zone under LPS 3 and the Local Planning Strategy 2022 and achieve the aims of the Town Centre Redevelopment Guidelines.

The proposal to develop this corner site with a well-articulated and designed building using high quality construction materials that retains a significant tree and minimises the impact of the development on surrounding sites is viewed as a positive outcome for the Town Centre. The applicant and owner have worked to produce a design that in the Town's view considers the potential impacts on surrounding properties.

It is recommended that the Council supports the proposed mixed use development (office tenancy and apartment) subject to the conditions listed in the final recommendation. In the main, this proposal meets the requirements of the TCRG and the R-Codes Vol 2 apart from car parking, awning width and building depth. The variations proposed are considered relatively minor and on balance the proposed development is considered to be a positive design outcome for a constrained site and within the development parameters outlined for the Town Centre.

Deferral of Determination – Council Meeting 15 August 2023

The development application was originally presented to the Ordinary Council Meeting of 15 August 2023 with a recommendation for approval subject to conditions. Council deferred its determination to the next Town Planning Committee meeting on 5 September 2023 to allow time for further discussion/consideration of the concerns of submitters as outlined in the Officer's report.

Following the meeting the adjoining owner and her representative submitted the written deputations presented at the Council Meeting of 15 August 2023 (refer to Attachment 7). Also, the applicant has submitted amended plans for the Town's consideration. The Town has also been advised that the applicant has arranged a meeting with the adjoining owner for 29 August 2023 to discuss the issues raised in the submissions and deputations. The outcome of that meeting may result in further amended plans being submitted to the Town for Council's consideration.

Due to the date of the meeting with the adjoining owner there is insufficient time to prepare an Officer's report on the outcome of the meeting, potential amended plans and subsequent amendments to meet the Agenda deadline for the upcoming Town Planning Committee meeting. The applicant has agreed to the deferral of the item to the September full Council meeting.

It is therefore recommended that the matter be deferred to the full Council meeting on 18 September 2023 to allow for additional time for the applicant and adjoining owner to meet and for the meeting outcome and amended plans to be considered by the Town.

- Mr John Kirkness (representing Dr Fine, neighbour), requested that the recommendation for deferment to the Ordinary Council meeting to be held on 19 September 2023 be changed to a deferment to the 3 October 2023 Town Planning Committee meeting and for the Officer recommendation to also state that a revised Officer report would be provided.

12.6 OFFICER RECOMMENDATION / COMMITTEE RESOLUTION

OFFICER RECOMMENDATION TP060923

Moved Mayor O'Neill, seconded Cr Natale

That the consideration of the development application for a mixed-use development at No 14 (Lot 350) Silas Street, East Fremantle in accordance with the plans submitted on 30 June 2023, be deferred to the Ordinary Council meeting to be held on 19 September 2023 to allow time for further discussion/consideration of the concerns of submitters as outlined in the Officer's report.

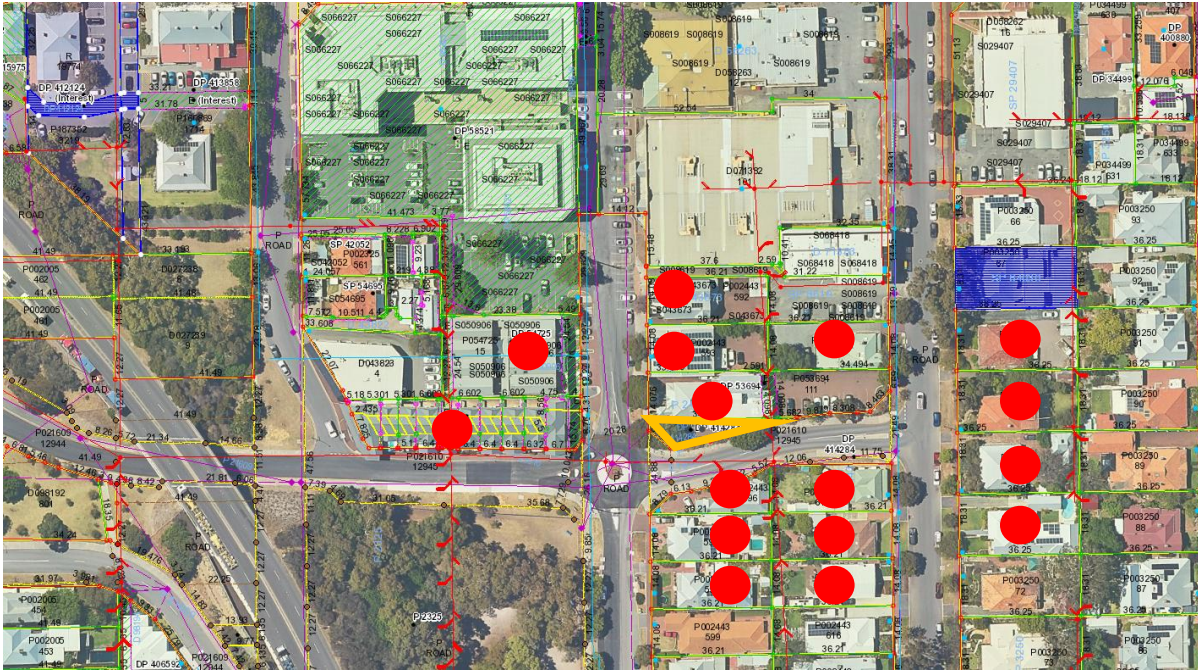
(CARRIED UNANIMOUSLY)

Note: As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 16 May 2023, this application is deemed determined, on behalf of Council, under delegated authority.

REPORT ATTACHMENTS

Attachments start on the next page

14 Silas Street – Location and Advertising Plan



14 Silas Street – Photos



PROPOSED FOUR STOREY MIXED USE

FINAL DESIGN - ISSUED FOR DA
for
LUKE BEUMONT BARRETT
at
Lot 595 (#14) SILAS, STREET

- A00 - COVER SHEET & GENERAL NOTES
- A01 - EXISTING SURVEY PLAN - 1:200
- A02 - PROPOSED SITE PLAN - 1:100
- A03 - PROPOSED TRAFFIC MOVEMENT PLAN - 1:100
- A04 - BASEMENT FLOOR PLAN - 1:100
- A05 - GROUND FLOOR PLAN - 1:100
- A06 - FIRST FLOOR PLAN - 1:100
- A07 - SECOND FLOOR PLAN - 1:100
- A08 - ROOF TOP TERRACE PLAN - 1:100
- A09 - ELEVATIONS - 1:100
- A10 - ELEVATIONS CONT. - 1:100
- A11 - SECTION A-A - 1:50
- A12 - -3Ds
- A13 - -3Ds
- A14 - -3Ds

NOTES

- 1 GENERAL**
 - 1.01.01 STANDARDS ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION CODE USE REFERENCED AUSTRALIAN OR OTHER STANDARDS (INCLUDING AMENDMENTS) WHICH ARE CURRENT ONE MONTH BEFORE THE DATE OF THE CONTRACT EXCEPT WHERE OTHER EDITIONS OR AMENDMENTS ARE REQUIRED.
 - 1.01.02 VERIFICATION THE OWNER/BUILDER SUBCONTRACTOR SHALL VERIFY ALL DIMENSIONS, LEVELS, SETBACKS AND SPECIFICATIONS PRIOR TO COMMENCING WORKS OR ORDERING MATERIALS. THE OWNER/BUILDER SHALL BE RESPONSIBLE FOR ENSURING THAT ALL BUILDING WORKS CONFORM TO THE BUILDING CODE OF AUSTRALIA, CURRENT AUSTRALIAN STANDARDS, BUILDING REGULATIONS AND TOWN PLANNING REQUIREMENTS. RESPONSIBILITY
 - 1.01.03 THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE STRUCTURE DURING ERECTION AND SHALL PROVIDE ADEQUATE PROPPING AND SUPPORT. KEEP THE SITE IN A CLEAN AND TIDY CONDITION THROUGHOUT CONSTRUCTION & AT THE COMPLETION OF WORK REMOVE ALL LITTER & DEBRIS TO THE SATISFACTION OF THE PRINCIPAL.
 - 1.01.04 READING THESE PLANS SHALL BE READ IN CONJUNCTION WITH ANY OTHER CONSULTANTS REFERRED TO WITHIN INCLUDING STRUCTURAL AND CIVIL ENGINEERING SPECIFICATIONS AND DRAWINGS
 - 1.01.05 CONSULTANTS ENGINEERS OR RELEVANT SUB-CONSULTANT DRAWINGS AND SPECIFICATIONS SHALL PRECEED THESE DRAWINGS. REPORT ANY DISCREPANCIES TO THIS OFFICE.
 - 1.02.01 TERMITE MANAGEMENT SYSTEM A TERMITE MANAGEMENT SYSTEMS TO BE INSTALLED IN ACCORDANCE WITH AS3680.1
 - 1.02.04 CERTIFICATION PROVIDE CERTIFICATION ON COMPLETION AND INSTALL A DURABLE SIGN IN THE METER BOX.
- 2 SITE PREPARATION**
 - 2.01.01 COMPLIANCE ALL GROUNDWORKS FOR SLABS AND FOOTINGS SHALL COMPLY WITH AS 3788 & AS 2870.
 - 2.04.01 ENVIRONMENTAL PROTECTION PROVIDE EROSION, CONTAMINATION, AND SEDIMENTATION PROTECTION OF THE SITE, SURROUNDING AREAS, AND DRAINAGE SYSTEMS. KEEP THE SITE FREE OF WATER AND PREVENT WATER FLOW OVER NEW WORK.
 - 2.07.01 SURFACE PREPARATION BEFORE PLACING FILL, COMPACT THE GROUND TO ACHIEVE THE REQUIRED DENSITY.

- 2.08.01 SAND BED LAYER UNDER SLABS NOMINALLY 50MM THICK ONCE COMPACTED, WET DOWN BEFORE LAYING VAPOUR BARRIER.
- 3 CONCRETE CONSTRUCTION**
 - 3.01.01 STANDARDS ALL SLABS AND FOOTINGS SHALL BE CONSTRUCTED TO COMPLY WITH THE REQUIREMENTS OF AS 2870 - 2011
 - 3.01.02 CONCRETE SHALL BE IN ACCORDANCE WITH AS 3800, GRADE M20/01, MAINTAIN SLAB THICKNESS & FOOTING DEPTH AT SETDOWNS-REFER ENGINEERS DETAILS
 - 3.01.06 COMPACTED FILL SHALL NOT EXCEED 400MM IN DEPTH
 - 3.01.07 SLAB CONCRETE COVER INTERNAL - 30MM EXTERNAL - 40MM
- 4 TIMBER & STEEL CONSTRUCTION**
 - 4.01.01 STANDARDS ALL STRUCTURAL STEELWORK SHALL BE CARRIED OUT IN ACCORDANCE WITH AS 4100 - SSA STEEL STRUCTURAL CODE AND ASSOCIATED AUSTRALIAN STANDARDS. TIMBER FRAMING TO BE IN ACCORDANCE WITH AS 1684 TIMBER FRAMING CONSTRUCTION.
 - 4.01.04 TIMBER STRUCTURAL TIMBER SHALL BE MINIMUM MP 10 (F10) IN ACCORDANCE WITH AS 1720 CORROSION PROTECTION OF STEEL MEMBERS CORROSION PROTECTION OF STEEL IN MASONRY CONSTRUCTION TO BE IN ACCORDANCE WITH AS 3700 & AS 4773 CORROSION PROTECTION OF STEEL IN CONTACT WITH CONCRETE TO BE IN ACCORDANCE WITH AS 4100, AS 4600 & NASH.
 - 4.07.01 TIMBER ROOF TRUSSES INSTALLED IN ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS AND AS 1720/5
 - 4.08.01 LINTEL BEAM PROVIDE SUITABLE LINTELS OVER OPENINGS AS PER ENGINEERS DOCUMENTATION. ALL EXTERNAL STEEL LINTELS TO BE HOT DIPPED GALVANISED.
- 5 BRICK CONSTRUCTION**
 - 5.01.01 MASONRY & ACCESSORIES WORKS TO COMPLY WITH AS 3700 MASONRY STRUCTURES OR AS 4773 MASONRY FOR SMALL BUILDINGS PARTS 1 & 2.
 - 5.02.01 MASONRY USE GP GRADE BRICKS WHERE SURF COAST IS MORE THAN 1M AND EXP. GRADE WHERE SURF COAST IS WITHIN 1KM OR SITE IS SUSCEPTIBLE TO HIGH SALT CONDITIONS.
- 8 DOORS & WINDOWS**
 - 8.01.01 STANDARDS ALL WINDOW AND SLIDING DOOR FRAMES, GLAZING, FIXINGS AND INSTALLATION TO BE DESIGNED AND

- 8.01.02 CERTIFIED BY THE MANUFACTURER AS COMPLYING WITH AS 1288 & AS 2047 DIMENSIONS DIMENSIONS SHOWN NOMINAL SIZE THE FABRICATOR SHALL ALLOW FOR TOLERANCES TO THE DOOR AND WINDOW FRAMES.
- 8.01.03 DOORS AND WINDOWS AS SCHEDULED COMPONENTS AND FINISHES AS LISTED.
- 16 PLUMBING & DRAINAGE**
 - 16.01.01 STANDARDS ALL SERVICES TO BE INSTALLED IN ACCORDANCE WITH THE NATIONAL PLUMBING AND DRAINAGE CODE AS / NZS 3500, THE CONTRACT DOCUMENTS, THE SPECIFICATION, SAA MFS2 AND THE STANDARD DRAWINGS OF THE WATER CORPORATION.
 - 16.01.03 CONNECTION POINT CONTRACTOR SHALL LIAISE WITH THE WATER CORPORATION FOR CONNECTIONS TO MAINS SERVICES PRIOR TO COMMENCEMENT OF WORK. CONTRACTOR SHALL DETERMINE EXACT LOCATION OF EXISTING SERVICE & ESTABLISH DEPTH OF DRAINAGE CONNECTION POINT TO ENSURE ADEQUATE DEPTH IS AVAILABLE PRIOR TO ANY EXCAVATION OR INSTALLATION OF PIPES.
 - 16.01.06 SITE DRAINAGE GROUND ADJACENT TO BUILDING SHALL BE GRADED AWAY TO FALL AT LEAST 30MM OVER 1 METRE WIDTH TO SATISFY BCA CLAUSE 3.12.3 - SURFACE WATER DRAINAGE. NOTE HEIGHT REQUIREMENTS FOR GROUND LOWEST PLUMBING FIXTURE, I.E SHOWER OR FLOORWASTE.
 - 16.04.01 MAINS CONNECTION SHALL NOT BE MADE TO EXISTING SEWER UNTIL THE WHOLE OF THE NEW WORKS HAS BEEN INSPECTED, TESTED TO WATER CORPORATION REQUIREMENTS.

CLIENT APPROVAL FORM

PLEASE COMPLETE AND RETURN SIGNED COPY TO [ADMIN@CBDARCHITECTS.COM.AU](mailto:admin@cbdarchitects.com.au) OR IN PERSON, WITHIN A TIMELY MANNER.

ONCE COMPLETED, THIS FORM CERTIFIES THE PERSON/ PERSONS BELOW HAVE REVIEWED THIS SET OF ARCHITECTURAL PLANS IN FULL, AND AGREE TO PROGRESS TO THE NEXT STAGE.

CBD ARCHITECTS PTY LTD REQUEST THAT ALL PAGES ARE CAREFULLY REVIEWED, AS RE-WORK MAY INCUR ADDITIONAL FEES.

CLIENT CONSENT:

I HEREBY AGREE TO THE NEXT STAGE REQUEST AND ACKNOWLEDGE ANY ADDITIONAL FEES THAT MAY OCCUR DUE TO RE-WORK REQUIREMENTS:

NAME: _____

DATE: _____

SIGNATURE: _____



NOTE: ANY AND ALL 3D IMAGES ARE NOT TO INFORM CONSTRUCTION. FOR ILLUSTRATION PURPOSES ONLY.

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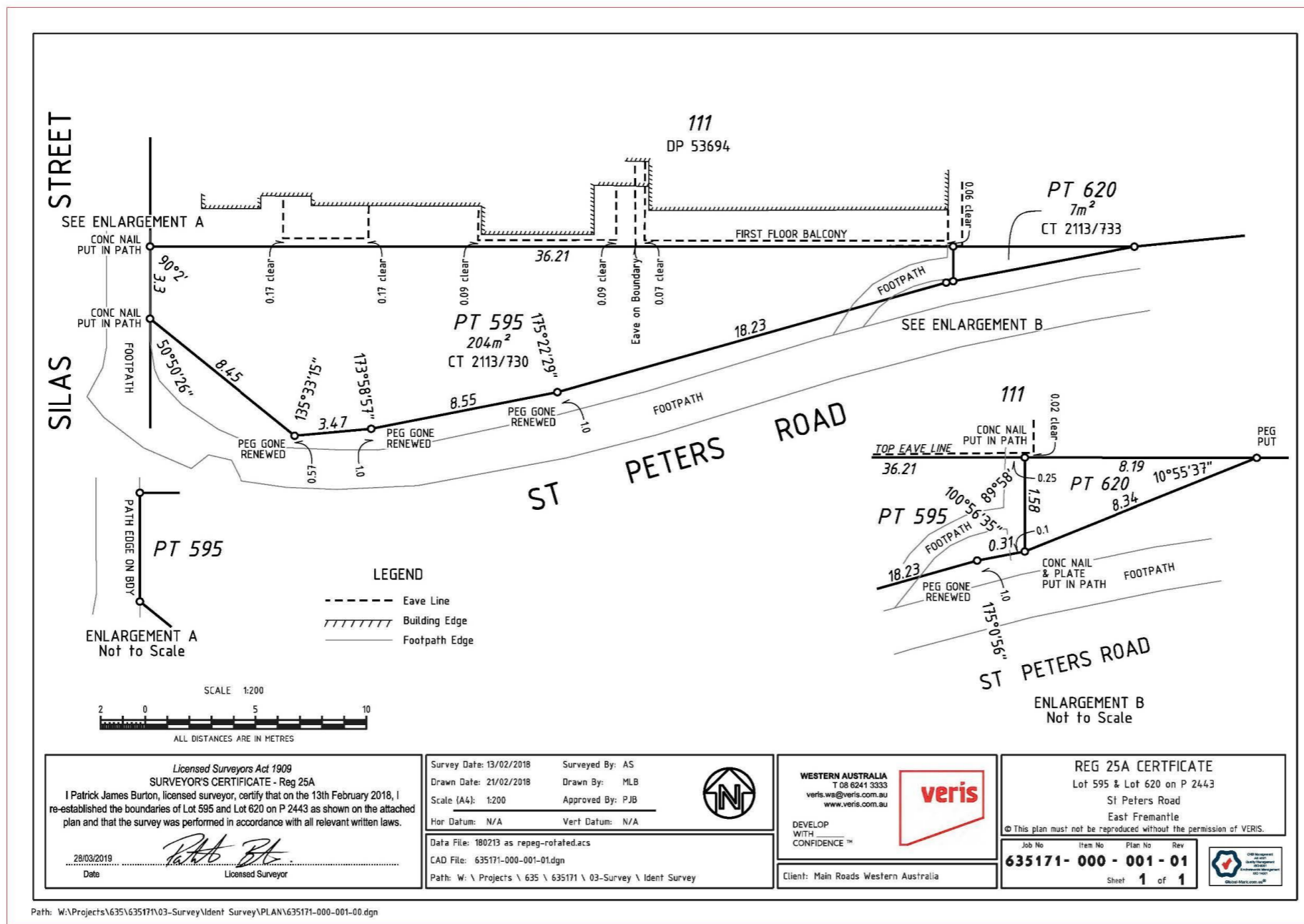
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Project:
PROPOSED FOUR STOREY
MIXED USE
Client:
LUKE BEUMONT
BARRETT

Address:
Lot 595 (#14) SILAS,
STREET

CLIENT INITIALS:
INITIALS:



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EXISTING FEATURE SURVEY BY OTHERS (NOT TO SCALE)

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 NL

Date:
 29/6/2023

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A01 of A 14

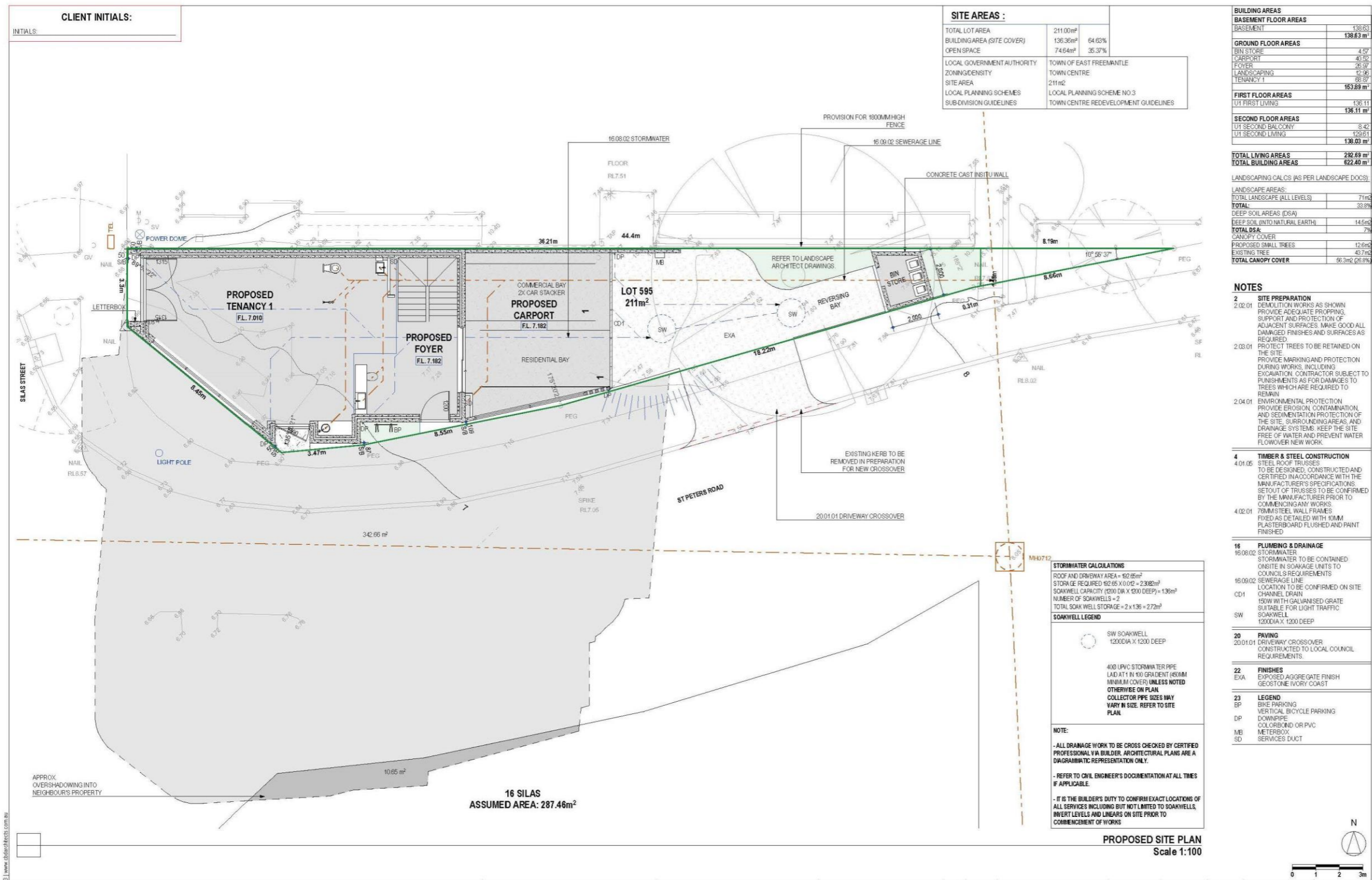
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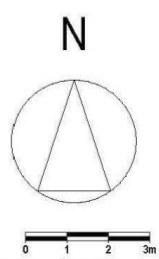


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		FD-E 29/08/23 RE-ISSUED FOR DA COUNCIL Checked: XX Scale: AS SHOWN	Stage / Revision: FD-E	



BUILDING AREAS	
BASEMENT FLOOR AREAS	
BASEMENT	138.83
GROUND FLOOR AREAS	138.83 m²
BIN STORE	4.00
CARPOR	40.92
FOYER	28.92
TENANCY 1	68.97
FIRST FLOOR AREAS	140.36 m²
U1 FIRST LIVING	136.11
SECOND FLOOR AREAS	136.11 m²
U1 SECOND BALCONY	8.42
U1 SECOND LIVING	127.61
TOTAL LIVING AREAS	282.69 m²
TOTAL BUILDING AREAS	608.87 m²

- NOTES**
- 2 SITE PREPARATION
 - 2.02.01 DEMOLITION WORKS AS SHOWN PROVIDE ADEQUATE PROPPING SUPPORT AND PROTECTION OF ADJACENT SURFACES. MAKE GOOD ALL DAMAGED FINISHES AND SURFACES AS REQUIRED.
 - 2.03.01 PROTECT TREES TO BE RETAINED ON THE SITE. PROVIDE MARKING AND PROTECTION DURING WORKS, INCLUDING EXCAVATION. CONTRACTOR SUBJECT TO PUNISHMENTS AS FOR DAMAGES TO TREES WHICH ARE REQUIRED TO REMAIN.
 - 2.04.01 ENVIRONMENTAL PROTECTION. PROVIDE EROSION, CONTAMINATION, AND SEDIMENTATION PROTECTION OF THE SITE, SURROUNDING AREAS, AND DRAINAGE SYSTEMS. KEEP THE SITE FREE OF WATER AND PREVENT WATER FLOW OVER NEW WORK.
 - 4 TIMBER & STEEL CONSTRUCTION
 - 4.01.05 STEEL ROOF TRUSSES TO BE DESIGNED, CONSTRUCTED AND CERTIFIED IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS. SETOUT OF TRUSSES TO BE CONFIRMED BY THE MANUFACTURER PRIOR TO COMMENCING ANY WORKS.
 - 4.02.01 70MM STEEL WALL FRAMES FIXED AS DETAILED WITH 10MM PLASTERBOARD FLUSHED AND PAINT FINISHED.
 - 16 PLUMBING & DRAINAGE
 - 16.08.02 STORMWATER. STORMWATER TO BE CONTAINED ON SITE IN SOAKAGE UNITS TO COUNCIL'S REQUIREMENTS.
 - 16.09.02 SEWERAGE LINE. LOCATION TO BE CONFIRMED ON SITE.
 - CD1 CHANNEL DRAIN 150W WITH GALVANISED GRATE SUITABLE FOR LIGHT TRAFFIC.
 - SW SOAKWELL 1200DIA X 1200 DEEP.
 - 20 PAVING
 - 20.01.01 DRIVEWAY CROSSOVER CONSTRUCTED TO LOCAL COUNCIL REQUIREMENTS.
 - 22 FINISHES
 - EXA EXPOSED AGGREGATE FINISH GEOSTONE IVORY COAST.
 - 23 LEGEND
 - BP BIKE PARKING
 - VP VERTICAL BICYCLE PARKING
 - DP DOWNPIPE
 - CO COLOR BAND OR PVC
 - MB METERBOX
 - SD SERVICES DUCT



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Project: PROPOSED FOUR STOREY MIXED USE
 Client: LUKE BEUMONT BARRETT

Address: Lot 595 (#14) SILAS STREET

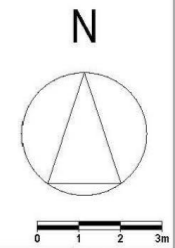
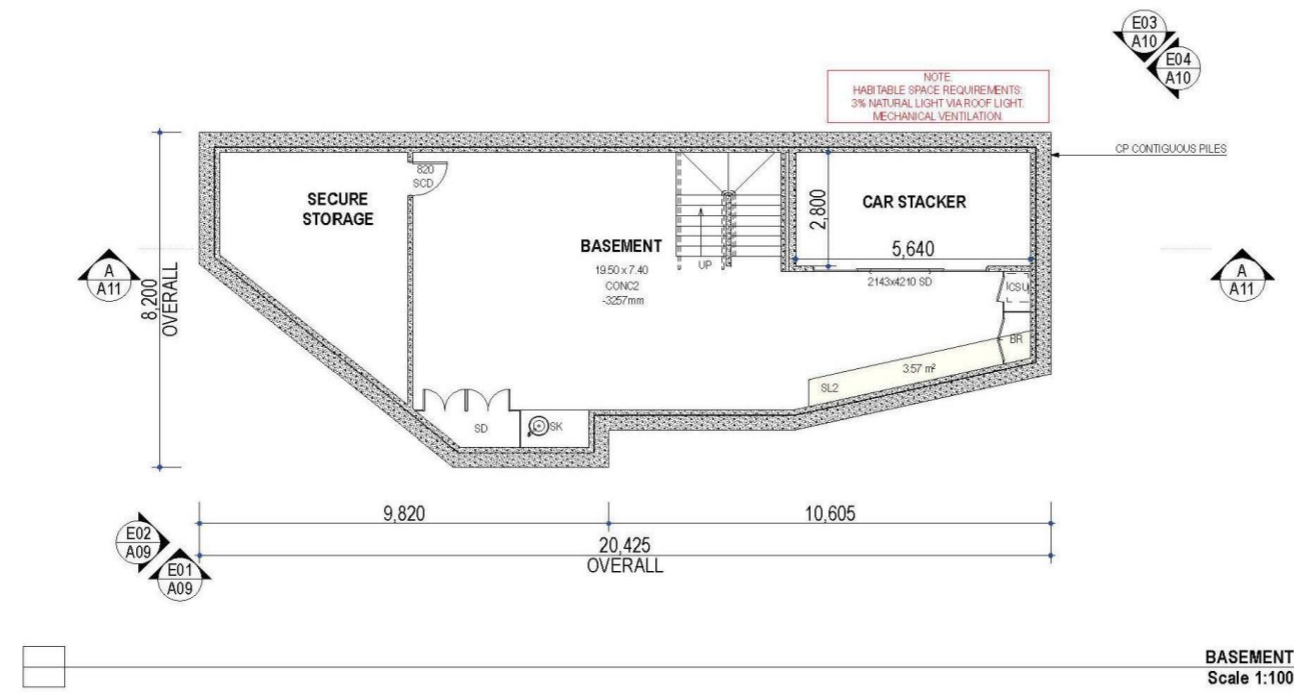
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NOTES

3	CONCRETE CONSTRUCTION
CP	CONTIGUOUS PILES 30MM AT 40MM CENTRES +/- 50MM TOLERANCE RING BEAM FOUNDATION WITH CAPPING BEAM AND 125MM INTERNAL CONCRETE WALL. CONFIRM WITH ENGINEER.
16	PLUMBING & DRAINAGE
SK1	SINK 1 SINGLE BOWL
22	FINISHES
CONC2	BURNISHED CONCRETE
23	LEGEND
BR	BROOM CURBOARD
CS	CAR STACKER PROVISION FOR HERCULES HCP, TPT-2-2300D-2800W SINGLE WIDTH, DOUBLE HEIGHT STACKER SYSTEM. CONFIRMATION OF SYSTEM DETAILS WITH CLIENT AND SUPPLIER PRIOR TO CONSTRUCTION.
CSU	CAR STACKER UNIT HYDRAULIC CONTROL BOX AND PUMP UNIT 75MM DIAMETER CORE HOLE BY BUILDER REQUIRED THROUGH ADJACENT WALL. CONFIRMATION OF SYSTEM DETAILS WITH CLIENT AND SUPPLIER PRIOR TO CONSTRUCTION.
SCD	SECRET DOOR
SD	SERVICES DUCT
SL2	SKYLIGHT STRUCTURAL ROOF WINDOW



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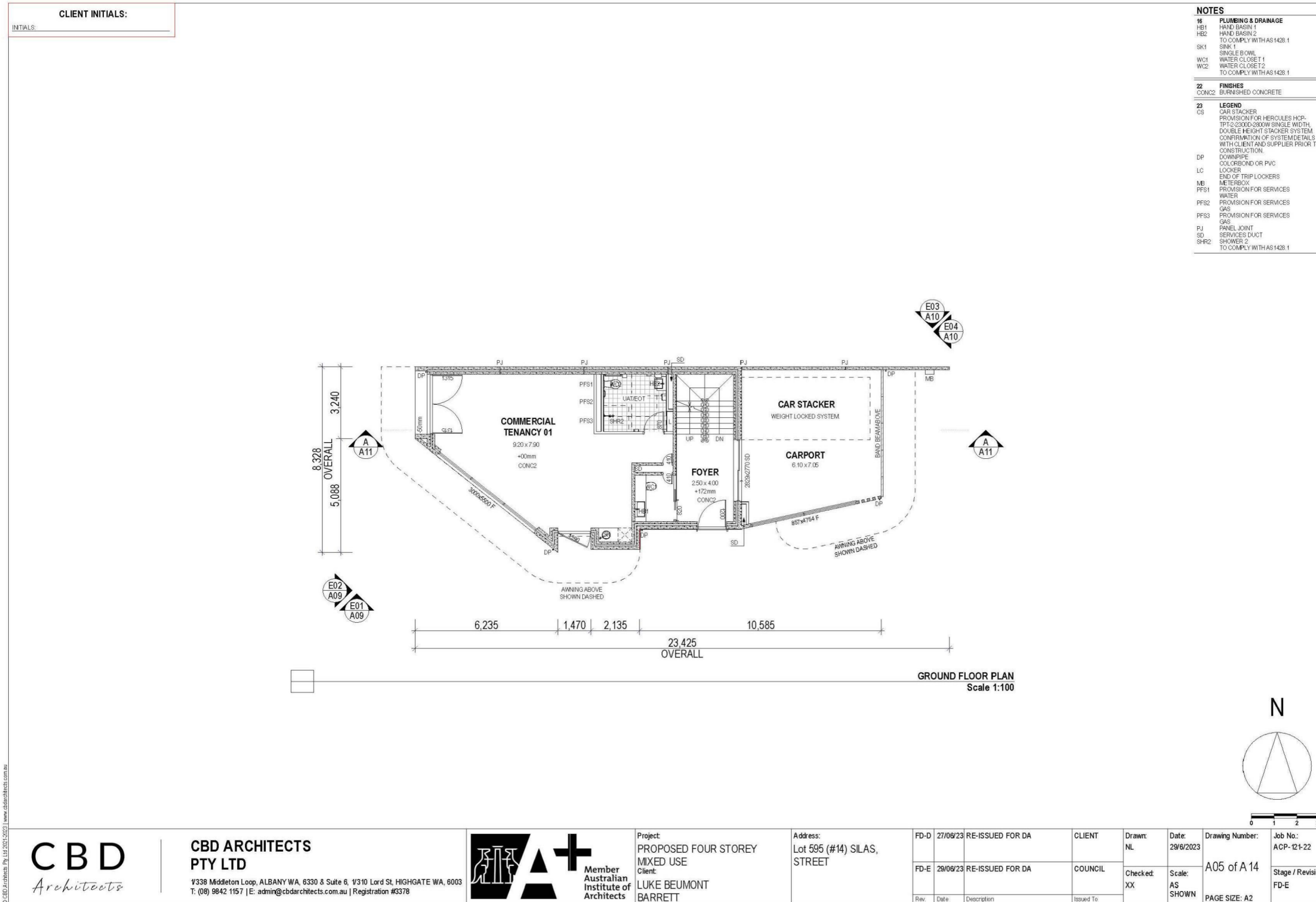
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NOTES	
16 PLUMBING & DRAINAGE	
HB1	HAND BASIN 1
HB2	HAND BASIN 2
SK1	SINK 1
WC1	WATER CLOSET 1
WC2	WATER CLOSET 2
TO COMPLY WITH AS 1428.1	
22 FINISHES	
CONC2	BURNISHED CONCRETE
23 LEGEND	
CS	CAR STACKER
	PROVISION FOR HERCULES HCP-TP12-23000-2300W SINGLE WIDTH DOUBLE HEIGHT STACKER SYSTEM. CONFIRMATION OF SYSTEM DETAILS WITH CLIENT AND SUPPLIER PRIOR TO CONSTRUCTION.
DP	DOWNPIPE
	COLORBOND OR PVC LOCKER
LC	LOCKER
	END OF TRIP LOCKERS
MB	METERBOX
PFS1	PROVISION FOR SERVICES WATER
PFS2	PROVISION FOR SERVICES GAS
PFS3	PROVISION FOR SERVICES GAS
PJ	PANEL JOINT
SD	SERVICES DUCT
SHR2	SHOWER 2
	TO COMPLY WITH AS 1428.1

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Project:
PROPOSED FOUR STOREY MIXED USE
 Client:
LUKE BEUMONT BARRETT

Address:
Lot 595 (#14) SILAS, STREET

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NOTES

16	PLUMBING & DRAINAGE
HB1	HAND BASIN 1
HCK	HOSECOCK
WC1	WATER CLOSET 1
22	FINISHES
CONC2	BURNISHED CONCRETE
CONC3	XBOND
	TBC WITH CLIENT
23	LEGEND
EPB	ELMCH PLANTER BOX VERSIGRAIN 60MM WITH 250MM LIGHTWEIGHT TOP SOIL TO MANUFACTURES DETAIL PROVISION FOR 300KG/M ² + LANDSCAPING SELECTIONS BY LANDSCAPE ARCHITECT
FP	FIRE PLACE AS SELECTED BY CLIENT
LN	LINEN CUPBOARD
PJ	PANEL JOINT
SD	SERVICES DUCT
SHR1	SHOWER 1

FIRST FLOOR PLAN
Scale 1:100

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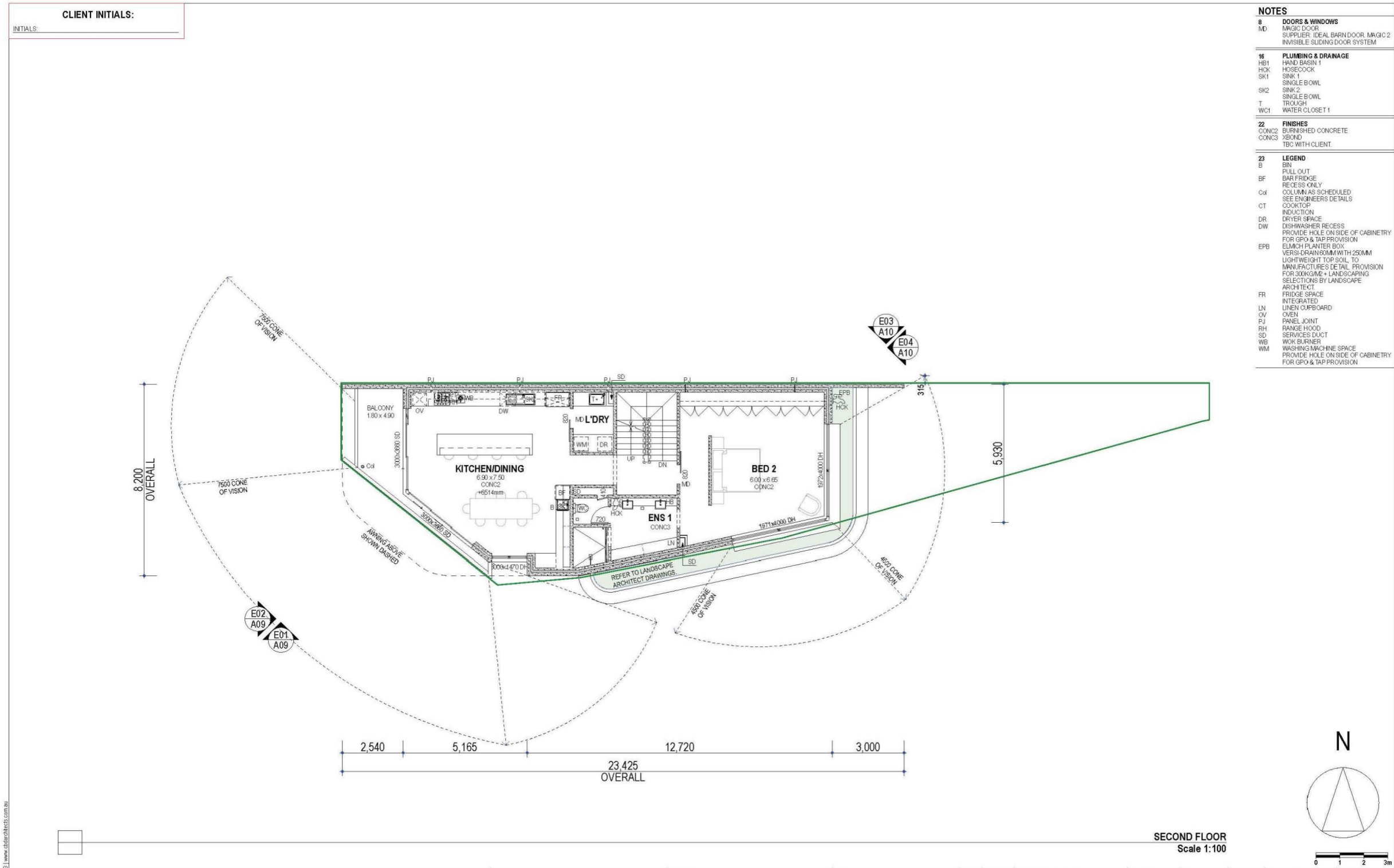
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NOTES

8 DOORS & WINDOWS
 MD MAGIC DOOR
 SUPPLIER: IDEAL BARN DOOR 1M/GC2
 INVISIBLE SLIDING DOOR SYSTEM

16 PLUMBING & DRAINAGE
 HB1 HAND BASIN 1
 HCK HOSECOCK
 SK1 SINK 1
 SINGLE BOWL
 SK2 SINK 2
 SINGLE BOWL
 T TROUGH
 WC1 WATER CLOSET 1

22 FINISHES
 CONC2 BURNISHED CONCRETE
 CONC3 XBOND
 TBC WITH CLIENT

23 LEGEND
 B BIN
 PULL OUT
 BF BAR FRIDGE
 RECESS ONLY
 Col COLUMN AS SCHEDULED
 SEE ENGINEERS DETAILS
 CT COOKTOP
 INDUCTION
 DR DRYER SPACE
 DW DISHWASHER RECESS
 PROVIDE HOLE ON SIDE OF CABINERY
 FOR GPO & TAP PROVISION
 EPB ELMCH PLANTER BOX
 VERSI-DRAIN 60MM WITH 250MM
 LIGHTWEIGHT TOP SOIL TO
 MANUFACTURES DETAIL PROVISION
 FOR 300KG/M2 + LANDSCAPING
 SELECTIONS BY LANDSCAPE
 ARCHITECT
 FR FRIDGE SPACE
 INTEGRATED
 LN LINEN CUPBOARD
 OV OVEN
 PJ PANEL JOINT
 RH RANGE HOOD
 SD SERVICES DUCT
 WB WOK BURNER
 WM WASHING MACHINE SPACE
 PROVIDE HOLE ON SIDE OF CABINERY
 FOR GPO & TAP PROVISION

SECOND FLOOR
 Scale 1:100

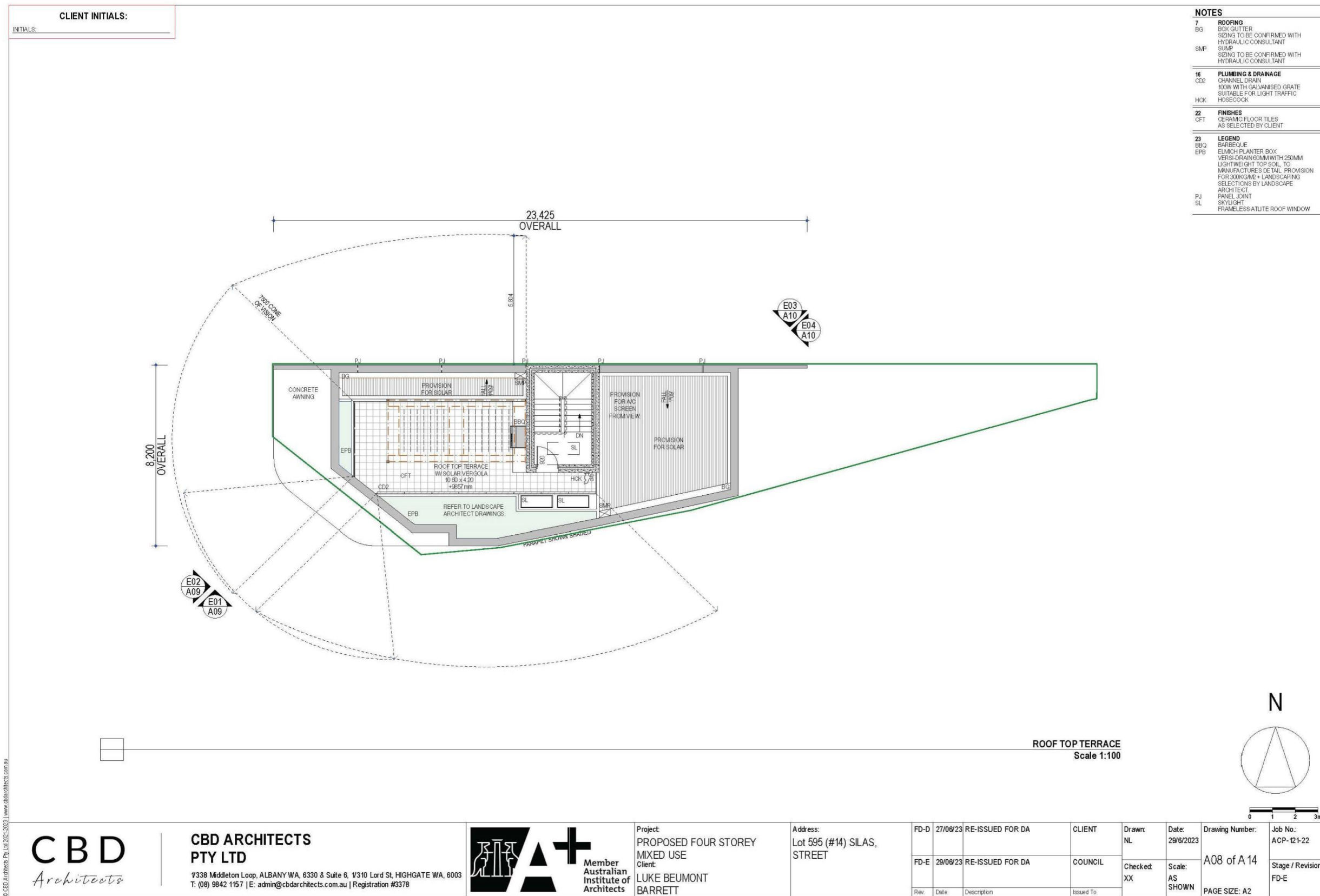
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NOTES

7 ROOFING
7.07.02 COLORBOND FLASHINGS
PROVIDE PRESSED STEEL FLASHINGS - MONUMENT FINISH

8 DOORS & WINDOWS
A FINISH
DH DOUBLE HUNG
F FIXED GLASS
L LOUVER
SLD SLIDING DOOR
TH TOP HUNG

9 CLADDING & LINING
9.01.03 ECO-TIMBER
SHOU SUGI BAN, INSTALLED AS PER MANUFACTURER'S INSTRUCTIONS AS PER CLIENT SELECTION OR SIMILAR APPROVED.

12 JOINERY & FIXTURES
12.12.03 GLASS BALUSTRADING
FIXED AS DETAILED, DESIGNED AND INSTALLED TO BCA REQUIREMENTS AND MANUFACTURER'S SPECIFICATIONS. PROVIDE HANDRAIL AS SELECTED.

17 ELECTRICAL INSTALLATIONS
17.11.09 RECESSED STRIP LIGHT

22 FINISHES
AF ALUMINIUM FRAMES
POWDER COAT - MONUMENT
EF1 EXTERNAL FINISH 1 - BURNT ASH FINISH
EF2 EXTERNAL FINISH 2 - NATURAL CONCRETE FINISH
EF3 EXTERNAL FINISH 3 - CAST INSITU FINISH
EF4 EXTERNAL FINISH 4 - MONUMENT PAINT FINISH

NOTE: GLAZING TO HAVE A LIGHT TRANSMITTANCE VALUE OF 0.85 OR HIGHER.

E01

ELEVATION - SOUTH
Scale 1:100

E02

ELEVATION - WEST
Scale 1:100

SCHEDULE OF FINISHES

- MONUMENT FINISH
- CONCRETE - CAST INSITU FINISH
- GLASS
- TIMBER CLADDING - BURNT ASH FINISH
- CONCRETE - NATURAL FINISH

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ELEVATION - NORTH
Scale 1:100

ELEVATION - EAST
Scale 1:100

NOTES

8 DOORS & WINDOWS
F FIXED GLASS
SLD SLIDING DOOR
TH TOP HUNG

12 JOINERY & FIXTURES
12.12.03 GLASS BALUSTRADING
FIXED AS DETAILED, DESIGNED AND
INSTALLED TO BCA REQUIREMENTS
AND MANUFACTURER'S
SPECIFICATIONS. PROVIDE HANDRAIL
AS SELECTED.

16 PLUMBING & DRAINAGE
HCK HOSECOCK

22 FINISHES
AF ALUMINIUM FRAMES
POWDER COAT - MONUMENT
CONC3 NATURAL CONCRETE FINISH
EF1 EXTERNAL FINISH 1 - BURNT ASH FINISH
EF4 EXTERNAL FINISH 4 - MONUMENT PAINT
FINISH
RS ROOF SHEETING
COLORBOND - MONUMENT

23 LEGEND
PJ PANEL JOINT

NOTE: GLAZING TO HAVE A LIGHT
TRANSMITTANCE VALUE OF 0.65 OR HIGHER.

SCHEDULE OF FINISHES

	MONUMENT FINISH
	CONCRETE - CAST INSITU FINISH
	GLASS
	TIMBER CLADDING - BURNT ASH FINISH
	CONCRETE - NATURAL FINISH

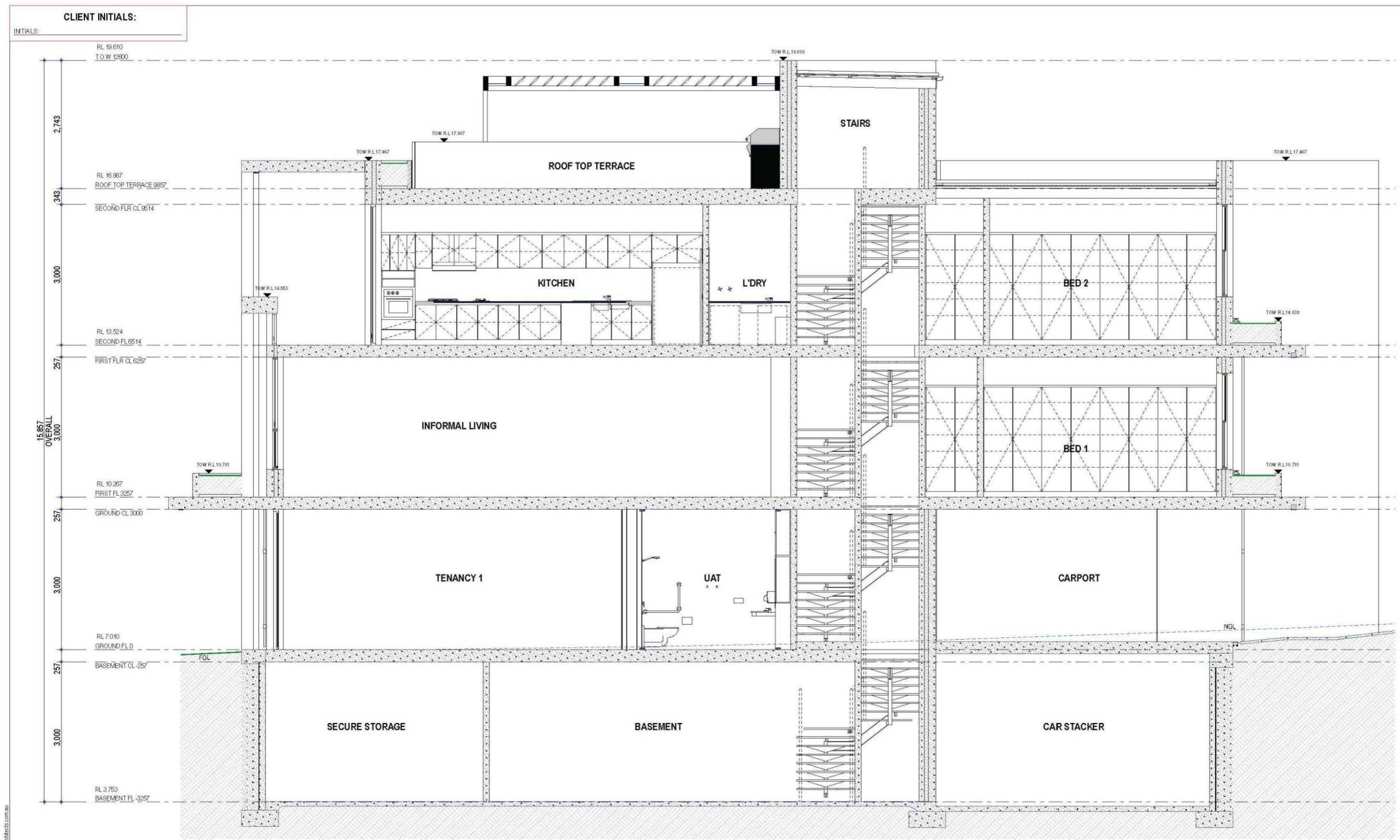
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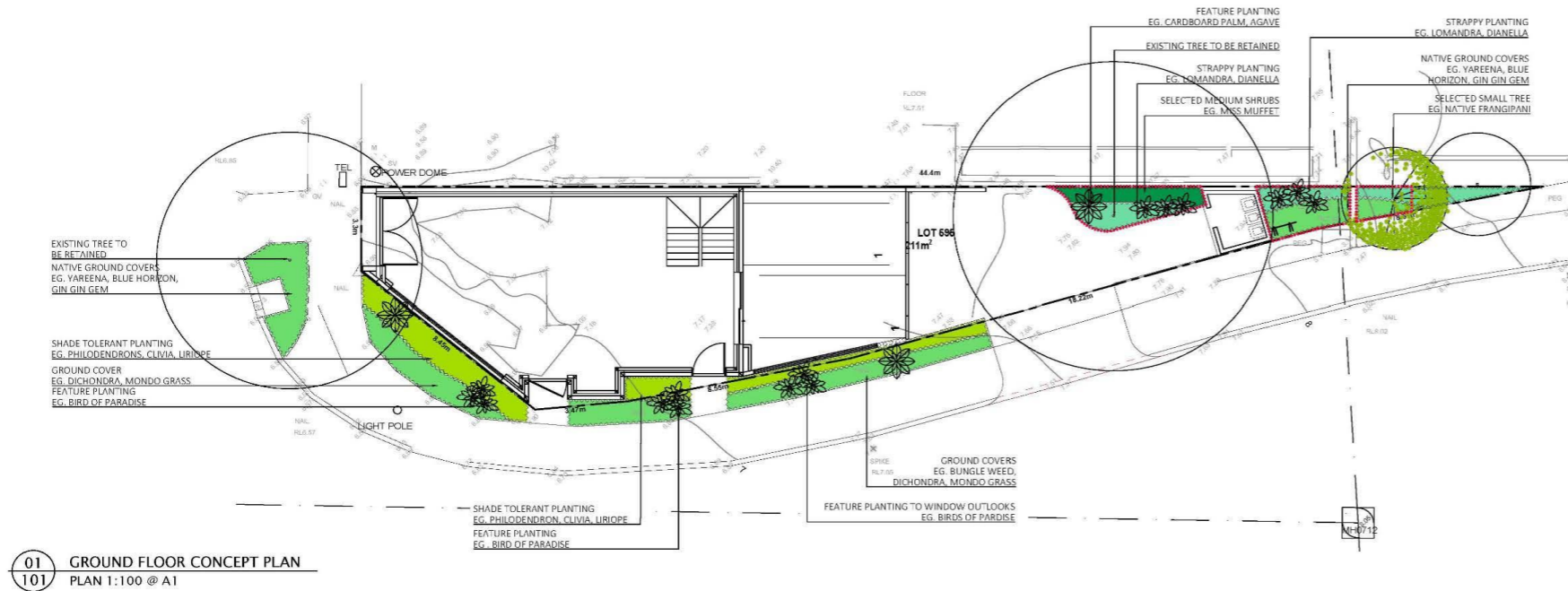


A-A **SECTION A-A**
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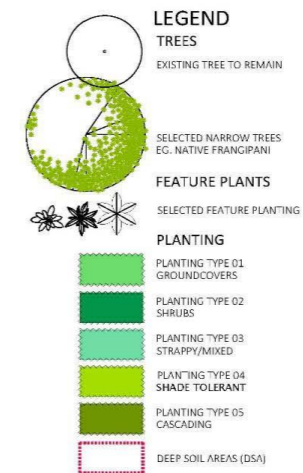
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REVISIONS
 1. FOR CONSULT PLAN ONLY
 2. ALL DIMENSIONS SUBJECT TO SURVEYING
 3. ALL DIMENSIONS TO FACE UNLESS
 OTHERWISE NOTED

REV	DATE	DWN	APP	DESCRIPTION
A	28.04.23	AC	KD	LANDSCAPE CONCEPT PLAN
B	07.06.23	KD	KD	UPDATED CONCEPT PLAN

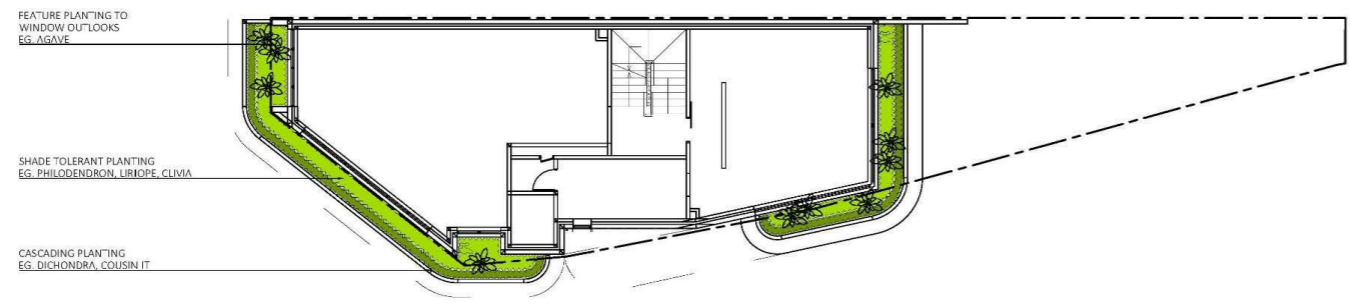


01 GROUND FLOOR CONCEPT PLAN
 PLAN 1:100 @ A1



LANDSCAPE AREA CALCULATIONS
 LANDSCAPE AREAS
 Total Landscape Areas (ca. 100%) = 71m² (18.8% of site)
 DEEP SOIL AREAS (DSA)
 Ground Floor (into natural earth) = 14.5m²
 Total = 14.5m² (17% of site)
 CANOPY COVER
 Proposed Small Trees (4m canopy) x 1 = 13.6m²
 Existing Tree (w/ 4m boundary) x 3 = 43.7m²
 Total Canopy Cover = 57.3m² (76.8% of site)

- NOTES
- GENERAL
 - DRAINAGE FROM TI IF RAISED PLANTER AREAS AND POTS TO BE PROVIDED BY BUILDER
 - ALL SCAFFS ARE AS NOTED AND TO SUIT A1 PAPER SFF
 - ALL DIMENSIONS ARE IN MILLIMETERS, UNLESS OTHERWISE NOTED
 - FOR ALL FINISH LEVELS, PLANTER HEIGHTS, DRAINAGE DESIGN AND WATER CONNECTION POINTS REFER TO ASSOCIATED PROJECT DOCUMENTATION (BY OTHERS)
 - PLANTING SETOUT SHOULD BE CHECKED BY SUPERINTENDENT BEFORE INSTALLATION BEGINS.
 - SOIL PREPARATION
 - ALL AREAS ARE TO BE FINE GRADED EVENLY TO CONFORM TO KERB LEVELS AND SURROUNDING FINISHES.
 - SURFACES SHALL BE FREE FROM DEPRESSIONS, IRREGULARITIES AND NOTICEABLE CHANGES IN GRADE. GENERALLY, GRADES SHALL DEVIATE BY LEVEL NO GREATER THAN 20mm IN ONE LINEAR METRE.
 - PLANTED AREAS SHALL BE SPREAD WITH MIN. 50mm OF APPROVED STANDARD SOIL CONDITIONER THAT SHALL BE RIPPED INTO EXISTING SOIL TO A MIN. DEPTH OF 200mm.
 - RAISED PLANTER AREAS AND POTS SHALL BE INSTALLED WITH APPROPRIATE DRAINAGE CELL, AGGREGATE AND GEOTEXTILE MEMBRANE BELOW SOIL.
 - SOIL TO RAISED PLANTER AREAS AND POTS TO BE APPROVED HIGH QUALITY LANDSCAPE MIX.
 - PLANTER AREA SOIL PROFILES TO BE PREPARED AS SPECIFIED AND REVIEWED BY SUPERINTENDENT BEFORE PLANTING AND CONNECTING IRRIGATION.
 - ALL SITE AND IMPORTED SOILS, POTTING MIX, SOIL CONDITIONERS AND MULCHES TO BE IN ACCORDANCE TO RELEVANT AUSTRALIAN STANDARDS.
 - PLANTING
 - PLANTED AREAS SHALL BE MULCHED WITH AN ORGANIC MULCH UNLESS OTHERWISE STATED TO A MINIMUM DEPTH OF 75mm.
 - ADVANCED TREES SHALL BE STAKED W/ 50x50mm DIA HARDWOOD POSTS. POSTS SHALL BE PAINTED BLACK AND INSTALLED TO A MIN DEPTH OF 500mm. TREES SHALL BE SECURED TO POLES W/ RUBBER TIES IN FIGURE 8.
 - TREES PLANTED WITH IN 1000mm OF BOUNDARY WALLS AND/OR PARKING AREAS SHALL BE INSTALLED WITH IN 600mm DEPTH WIND ROOT BARRIER MEMBRANE. MEMBRANE SHALL BE INSTALLED AS PER MANUFACTURERS RECOMMENDATIONS.
 - REFER TO PLANTING PALETTE FOR SPECIES AND SIZES THAT WILL FORM THE FINAL PLANTING SCHEDULE.
 - PLANTS TO BE SET OUT IN EVEN SPACING TO FILL THE DESIGNATED AREAS.
 - IN AREAS OF RAISED PLANTING, SPECIES TO BE SPREAD OUT AT RANDOM, IN GROUPS OF 2 OR 3.
 - PLANTS SHALL BE SUPPLIED FROM AN INDUSTRY ACCREDITED WHOLESALE NURSERY. PLANTS SHALL BE IN APPROPRIATE SIZE FOR THE LISTED POT SIZE AND IN GOOD HEALTH.
 - IF SPECIES ARE UNAVAILABLE (OR IN SIZES SPECIFIED), SUBSTITUTES MUST BE APPROVED BY SUPERINTENDENT BEFORE DELIVERY AND INSTALLATION.
 - IRRIGATION
 - PLANTING TO GROUND LEVEL TO BE IRRIGATED VIA A FULLY AUTOMATIC SYSTEM FROM MAINS.
 - WATER PRESSURE TO HAVE A MINIMUM FLOW RATE OF 300l/hr AT 3000PA FROM THE WATER CONNECTION POINT (OR AS STIPULATED).
 - PLANTING ON ALL UPPER LEVELS TO BE IRRIGATED VIA BATTERY OPERATED VALVE (CONNECTION POINTS TO BE PROVIDED TO EACH LEVEL).
 - CONTROLLER TO BE LOCATED IN SERVICE ROOM (OR AS SHOWN ON IRRIGATION DETAILS).
 - SLEEVES BENEATH PAVED SURFACES AND TO RAISED PLANTING AREAS TO BE PROVIDED BY OTHERS.
 - IRRIGATION TO GARDEN BEDS TO BE NETFIRM TECHNIQUE, SUBSURFACE IRRIGATION, INSTALLED TO MANUFACTURERS SPECIFICATION. IRRIGATION TO TREES TO BE RUBBERS, TONG FLOOD RUBBERS OR SIMILAR.
 - ASCON DRAWINGS, MANUALS AND 12 MONTH WARRANTY SHALL BE SUPPLIED BY THE IRRIGATION CONTRACTOR TO THE CLIENT UPON PRACTICAL COMPLETION.



02 FIRST FLOOR CONCEPT PLAN
 PLAN 1:100 @ A1

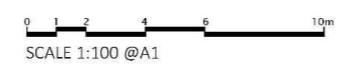
REFER TO PAGE 102 FOR PLANTING PALETTE AND IMAGES



DEVELOPMENT APPROVAL

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 email: kelsie@kdla.com.au

JOB No. 0303 PAGE 101 REV B

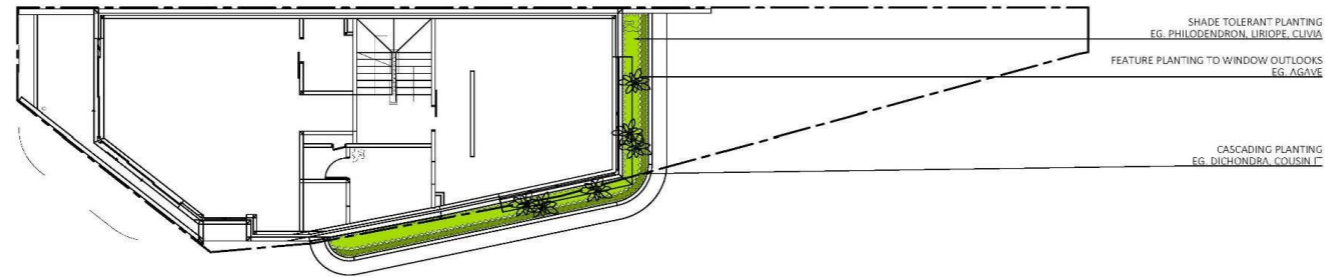


SILAS STREET DEVELOPMENT
 LANDSCAPE CONCEPT PLAN

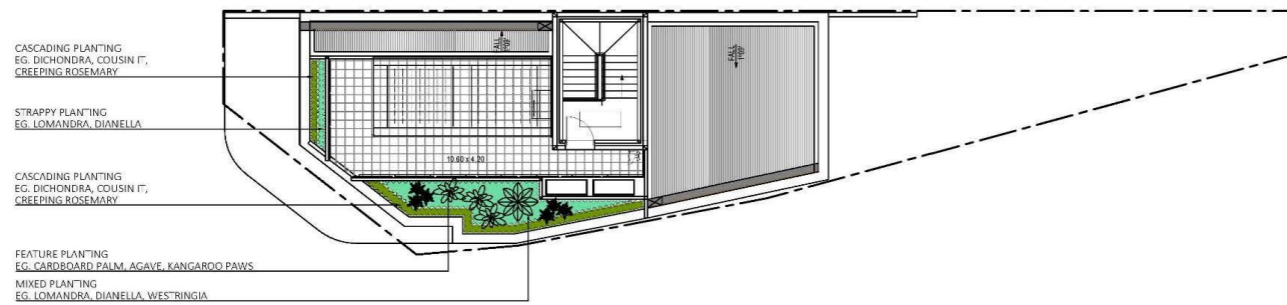
CBD ARCHITECTS
 14 SILAS STREET, EAST FREMANTLE

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 H:\shared drives\KDLA Design\0303 Silas Street, Fremantle_CBD\01. CAD Design\0303-SIL-LR_B.dwg

GENERAL NOTES
 1. REFER TO CONCEPT PLAN SHEET
 2. ALL PLANTING SUBJECT TO OBTAINING
 RELEVANT APPROVALS
 3. ALL MEASUREMENTS TO FACE UNLESS
 OTHERWISE NOTED



01 SECOND FLOOR CONCEPT PLAN
 PLAN 1:100 @ A1



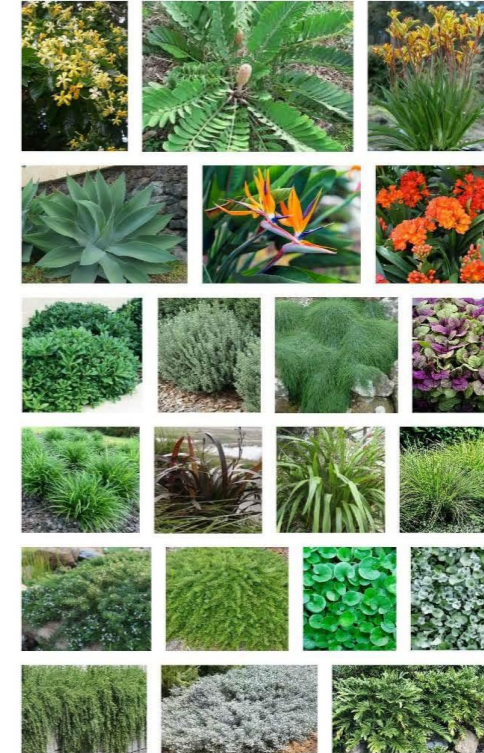
02 ROOF TERRACE CONCEPT PLAN
 PLAN 1:100 @ A1

REV	DATE	DWN	APP	DESCRIPTION
A	28.04.23	AC	KD	LANDSCAPE CONCEPT PLAN PG.102
B	07.06.23	KD	KD	UPDATED CONCEPT PLAN

PLANTING PALETTE

Symbol	Species	Common Name	Quantities	Size
Trees				
HYMa	Hymenoporum faurum	Native Frangipani	As Shown	100L
Shrubs and Groundcovers				
AJLwp	Azalea reginae	Bungle weed	3m2	140mm
CAScsp	Casuarina glauca 'Cousin It'	Cousin It	3m2	140mm
CLImn	Clivia miniata	Clivia	3m2	200mm
DIEme	Dianella tasmanica 'Emerald Arch'	Emerald Arch	3m2	140mm
DIAla	Dianella tasmanica 'Blaze'	Blaze	3m2	140mm
DIChp	Dichroa repens	Kidney Weed	3m2	140mm
DIChl	Dichroa Silver Falls	Silver Falls	3m2	140mm
ERERu	Eriophora 'Blue Horizon'	Blue Horizon	3m2	140mm
GRIGn	Grevillea 'Gin Gin Gem'	Gin Gin Gem	2m2	140mm
LIJus	Ligustrum Just Right	Just Right	3m2	140mm
LOMtan	Lomandra Tankia	Tankia	3m2	200mm
PHkan	Pholidocarpus canidus	Kanadu	3m2	200mm
PIFms	Pitcairnia tobica 'Miss Muffet'	Miss Muffet	3m2	140mm
MURhp	Murphya Trip High	Tri High	2m2	200mm
MYOpe	Myosorum perfoliatum 'Yareena'	Yareena	3m2	140mm
WESge	Westringia Grey Box	Grey Box	3m2	140mm
ROSof	Rosemarinus officinalis Prostrata	Creeper Rosemary	3m2	140mm
Feature Plants:				
AGLam	Agave attenuata	Portulac	As Shown	12L
AKita	Antyocathos fraxidus	Kangaroo Paw	As Shown	12L
STRig	Strelitzia reginae	Bird of Paradise	As Shown	12L
ZAMur	Zamia furfuracea	Cardboard Palm	As Shown	12L

PLANTING IMAGES



REFER TO PAGE 101 FOR PLANTING NOTES AND LEGEND

SILAS STREET DEVELOPMENT
 LANDSCAPE CONCEPT PLAN

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JOB No. 0303

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DEVELOPMENT APPROVAL



SCALE 1:100 @A1



Streetscape Perspectives



Streetscape Perspectives



Streetscape Perspectives



14 (Lot 350) Silas Street – Proposed Mixed Use Development

Submissions Details

No.	Submission (verbatim)
<u>1</u>	<p>I have some concerns I wish to address.</p> <p>We live in XX Silas St this building will not only block our light we will have no privacy as our outside living area will be totally overlooked.</p> <p>All our windows will be overlooked.</p>
<u>2</u>	<p>I object to the proposal.</p> <p>I don't understand why this development is being proposed where the medical centre is. The building is adequate as it is. This appears to be a way to make money instead of looking at what is best for the community.</p>
<u>3</u>	<p>We're strongly against the proposed development of 14 Silas Street for the following reasons:</p> <ul style="list-style-type: none"> • It will block sunlight in our unit, possibly depreciate the value of our unit and also affect our lifestyle. • The tenants above the main floor will have a full view into our lofted unit, bedroom and also patio. We've purchased our unit for its personal/intimate space we currently have. • This building would not fit with the current sad set-up of Silas Street, with few empty businesses. A luxury apartment building like this wouldn't fit and clearly has been designed to provide some specific owner to have a view towards Fremantle and provide the biggest surface for the land purchased. • This will not facilitate an adequate footpath by the looks of it, next to a medical clinic. • The Town of East Fremantle should at least consider a main grocery store and further residents parking areas, which is highly deficient around Silas Street. This should at least be completed before thinking of building new infrastructure, such as this one.
<u>4</u>	<p>I object to the proposal.</p> <p>I would like to express my objection to the proposed development at 14 Silas Street, East Fremantle.</p> <p>I feel the proposed four storey development is excessive in both height and scale in comparison to the surrounding commercial and residential properties. I feel this development will have a major detrimental effect on the health and wellbeing of the local residents as well as the staff, medical patients, pathology users (in particular of the adjoining East Fremantle Medical Centre but also the surrounding medical related businesses) and of patrons of the other local businesses.</p> <p>I am disappointed that the renders for illustration purposes do not show the true impact the development will have on the East Fremantle Medical Centre immediately next door (they only show visuals from the roundabout).</p> <p>I am very concerned that the development is right on the northern boundary and there are absolutely no setbacks on that boundary. When the lot was sold by Yard Property in 2019 it was advertised with a building envelope of 143m² (with a setback on the northern boundary). Why has the building envelope changed and why is there no setback? I am extremely concerned regarding the height of the development and the loss of natural light to the East Fremantle Medical Centre.</p> <p>Another concern is the excavation required for the proposed development's basement and potential structural damage to adjacent buildings.</p> <p>Loss of vegetation and green canopy (existing large trees will be removed) which Council normally prides itself on is also a concern. The development shows very little space for landscaping.</p> <p>St Peters Road and the roundabout are busy traffic thoroughfares, and I am concerned for the impact the development (and in particular the new crossover) will have on existing vehicular traffic as well as to the safety of pedestrian traffic along the footpath (many elderly residents, families with young children, dog owners going to the park etc.).</p> <p>I strongly ask that Council please consider my concerns and work with the developer to achieve a more sensible and sympathetic development for the size of the lot and for the local residents and surrounding businesses. Thank you.</p>
<u>5</u>	<p>I am writing in concern regarding the above proposal for 14 Silas St. I have always regarded Fremantle and East Fremantle in High Esteem as for so many of its Beautiful preserved Historic Buildings and is always the talk of so many visitors from overseas. It is not like Applecross, Ardress with High rises shooting up every six months so was surprised to view the plan for 14 Silas St. Myself and my Family have attended Fremantle Medical Centre for 30 years and always loved this Historic Cottage that is over 100 years old, so why would this application be even considered on such a very small block of land that would overshadow all the natural light from the Medical practise next door ? Plus, the removal of the beautiful trees. It would look extremely out of place for this area of Fremantle. I would like to think this plan could be reconsidered for a much more suitable building that would blend with this heritage area of Fremantle, plus the Major disruption for the Medical Centre would be enormous !! and for a lot of their elderly patients.</p>
<u>6</u>	<p>Thank you for the opportunity to provide public comment on the above development application. I write on behalf of XXXX, long-term owner of the East Fremantle Medical Centre located adjacent to the subject site at No.12 (Lot 111) Silas Street, East Fremantle and within the subject Town Centre Redevelopment Area. I also write on my own behalf, where I have been professionally involved with the development of the Medical Centre and adjacent sites (including the site the subject of this development application) over more than 20 years, and as a former long-term resident and Elected Member of the Town.</p> <p><u>Generally</u></p> <p>It is acknowledged at the outset that the subject site is presently a privately owned free-hold lot and therefore nominally open to development subject to all relevant statutory planning controls. The site is nevertheless highly unusual given its small size, irregular plan form and location in close proximity to both the street corner and neighbouring Medical Centre development. This results from it comprising a former remnant land portion following the insertion of St. Peter's Road, set out in a diagonal relationship to former constituent and surrounding rectilinear sites.</p> <p>This land has for long existed as a visually effective and de-facto part of the street verge, owned by the State Government and leased to the neighbouring Medical Centre for minor parking and landscaping purposes, wholly open to the street corner at the primary</p>

No.	Submission (verbatim)
	<p>entry into the Town Centre. It has also served to allow a full appreciation of the adapted heritage dwelling and significant additions comprising the East Fremantle Medical Centre, which strongly address the surrounding streetscapes. This particular conservation approach and streetscape presentation has formed a significant and requisite part of previous development approvals for that site. Any development of the subject corner site must inevitably have a very significant visual and amenity impact on this otherwise 'complete' urban setting, both in terms of bulk and scale in proximity to the corner and surrounding residential precincts, and in terms of the streetscape presentation of the Medical Centre.</p> <p>Existing development and streetscape contexts are ordinarily and appropriately of considerable importance in any development application assessment, with various development controls generally provided to achieve consistency and protection of neighbour / precinct amenity. In this particular case, where these impacts are so inevitable and significant, it is expected that those considerations and protections be fully considered and applied by Council in relation to any development of this this remnant lot portion.</p> <p>The particular impacts of the subject development application are clearly at the extreme end, with the site is being sought to be developed to its maximum potential (and beyond) and having little apparent regard for its location within an existing and well-developed urban context. Conversely, it seeks to maximise its bulk, scale, floor area and consequent visual impact on the corner, taking as a basis the generic provisions of Council's Town Center Design Guidelines LPP3.1.1 (hereafter TCDGs), however without regard to the context of those Guidelines in relation to the Town's Local Planning Scheme No.3 (hereafter LPS3) or applicable RD Codes, in particular their specific provisions regarding any exercise of discretion required for development approval.</p> <p>The unusual setting, form, history and notional 'value' of the subject site should not justify a somehow 'lesser' approach to exercise of applicable, responsive and protective development controls. Neither can the generic guidance contained in the TCDGs override or simply ignore the highly developed existing urban fabric in this location.</p> <p>The following comments are provided in response to the clearly significant adverse impacts of the proposal and its actual or potential non-compliance with relevant statutory controls. While set out under separate headings, all the following matters are interrelated and cumulative in terms of the physical and statutory impacts of the design proposal.</p> <p><u>Land Use</u></p> <p>The proposed development is presented as 'Office with Residential Dwelling Above'. Use is controlled under Pt.4 of LPS3, with permitted uses listed in the Zoning Table. While "Office" is a permitted (P) use in the Town Center Zone, a "Single Residence" is an 'X' use that is not permitted by the Scheme, further to Cl.4.3.2. It is critical to note that the proposed dwelling is a 'single dwelling' and not a 'multiple dwelling', notwithstanding its setting above the proposed office. The RD Code definition of Multiple Dwelling pertains where it states;</p> <p>"A dwelling in a group of more than one dwelling on a lot...(and)...includes any dwellings above the ground floor in a mixed-use development."</p> <p>Clearly as a single dwelling, the proposed dwelling is not part of a group of more than one dwelling. Neither is the proposed development a "Mixed Use Development" further to the applicable definition of mixed-use development under the RD Codes, which states;</p> <p>"Buildings that contain commercial and other non-residential uses in conjunction with residential dwellings in a multiple dwelling configuration"</p> <p>Again, the proposed development does not include residential dwellings (plural), nor an arrangement in multiple dwelling configuration where there is no 'multiple dwelling' to start with.</p> <p>Single residential use is simply not permitted in the Town Center zone under the Scheme and precludes the exercise of discretion to otherwise allow this (where the use would be otherwise listed as an 'A' or 'D' use). It is acknowledged that Council may consider supporting 'single residence' as an 'Additional Use' under Cl.4.5, however this would require a Scheme Amendment to enter the subject site (with any relevant conditions) onto Schedule 2 of LPS3, as a prior process to any further consideration of a single dwelling on the subject site.</p> <p>In light of the above and further to Cl.5.1.1 which requires that... "any development of land is to comply with the provisions of the Scheme", the present application cannot be approved on the basis of its non-compliant use.</p> <p><u>Relevant Development Standards</u></p> <p>The subject site falls within the Town Center Zone and specifically within the Frame Precinct within that zone per the TCDGs. Consequently, the specific provisions of Pt.5.8 "Commercial Zones (Town Center, Special Business and Mixed Use)" of LPS3 pertain, along with Pt.5.6 "Variations to Site and Development Standards and Requirements" where exercise of discretion by Council to vary any base standards is required.</p> <p>The TCDGs are also directly relevant, however as a policy are subservient to specific requirements of the Scheme, which provisions apply in the event of discrepancy between the Scheme and Policy. Whilst framed up in a format of "Acceptable Development" and "Performance Criteria" provisions, they presently can only act as guidance for Council in the assessment of development applications where exercise of discretion further to specific Scheme provisions is required. The currently underway review of the Policy notes that it can only act in this way, as an interim measure until a more wholistic statutory approach can be established under the LPS. Most importantly, TCDGs provisions contained under the "Acceptable Development" headings are not a default approval standard, as for the similarly formatted RD Code development standards (where the RD Codes are specifically adopted as the development standards of the Scheme unless otherwise varied).</p> <p>In this context, the proposed development must be assessed in the first instance against any specific development control provisions contained in the Scheme, with any exercise of discretion further to the generic guidance of the TCDG applied having regard to Pt.5.6 of LPS3. Most specifically, while Cl.5.6.1 provides for the exercise of discretion, Cl.5.6.3 requires that;</p> <p>"the powers conferred by this clause may only be exercised if the local government is satisfied that-...;</p> <p>(a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2, and...</p>

No.	Submission (verbatim)
	<p>(b) Non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.</p> <p>The particular parts of Cl.10.2 most relevant to considering the impacts of the subject development application are as follows;</p> <p>(i) The conservation of any place that...is included in the Heritage List under clause 7.1 and the effect of the proposal on the character or appearance of a heritage area;</p> <p>(j) the compatibility of a use or development with its setting;</p> <p>(o) the preservation of the amenity of the locality;</p> <p>(p) the relationship of the proposal to the 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;</p> <p>(u) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved; and</p> <p>(y) the potential loss of any community service or benefit resulting from the planning approval.</p> <p>Further to the applicable single residential Land Use already discussed and particularly regarding the fact that the proposal is neither a Mixed Use nor Multiple Housing (Apartment) development, the relevant Residential Design Code provisions for this application are those contained under the RD Codes Vol.1 and not the provisions of the RD Codes Vol.2. This is particularly important where the provisions of Vol.1 are generally more restrictive than Vol.2 and where the underlying precepts for many of the generic provisions of the TCDGs have been otherwise based on Vol.2. This is not surprising, where single residential development is not permitted in the Town Center zone and where a higher density of multiple housing on sites otherwise able to accommodate such development generally prevail across the Town Center. The subject site is a significant anomaly in this context and the generic provisions of the TCDGs clearly problematic in relation to it as a result.</p> <p>Differences between some of the provisions of the TCDGs and the RD Codes Vol.2 might also be noted, particularly where these remove some of the amenity protections otherwise built-in to the RD Codes having regard to general building envelopes and bulk and scale impacts.</p> <p><u>Specific Issues</u></p> <p>Further to the multi-layered statutory framework applicable to the subject development, comments regarding specific statutory compliance issues is provided as follows. It is reiterated that all these elements are interrelated in terms of their cumulative bulk and scale impacts, particularly having regard to the extant and well-developed urban form in which the proposed development is located.</p> <p><u>Plot Ratio</u></p> <p>Cl.5.8.3 of LPS3 provides for a base plot ratio for the Town Center zone of 0.5: 1. Any increase beyond this requires the exercise of discretion subject to the provisions of Cl.5.6.3 of LPS3. It is acknowledged that the base plot ratio contained in the Scheme is reflective of a form of desired Town Centre development predating at least in part the present TCDGs vision, however it remains the statutorily applicable base standard from which variation must be determined and provides a measure of control to Council in appropriately considering unusual or particular development arrangements not reflective of the predominant actual or desired Town Center built form or lot pattern (as clearly in this case).</p> <p>Element 3: "Building Form, Scale and Height" of the TCDGs provides guidance for consideration of plot ratio for the Frame Precinct up to a maximum of 2.0 : 1. The subject development application has a floor area for plot ratio purposes per the definition contained in the RD Codes Vol.1 (applicable to single dwellings) of 402m² over a site area of 211m², providing a plot ratio of 1.9 :1. Note that this includes the stairwell and bin store(where these serve only a single dwelling) but not the carparking area to the ground level, basement or verandahs and roof deck.</p> <p>The proposed development is therefore right at the higher limit of maximum possible development, with its bulk and scale maximized relative to the small, irregular and narrow site on which it is located. It particularly necessitates a third / fourth level and the use of nil setbacks to boundaries carried up to the full building height. While excluded from floor area for plot ratio purposes, the various verandah and overhang awning elements at each level, including a significant, partially enclosed awning at the third level facing the street further increase the perceived building mass and envelope.</p> <p>In the context of the small, irregular site with its visual and physical relationships to the adjacent Medical Center and well established surrounding streetscapes, it is argued that discretionary variation to the plot ratio standards to the extent sought is wholly inappropriate and unable to satisfy the requirements of Cl.5.6 of LPS3 to avoid significant adverse impacts. To the contrary, the design proposal clearly maximises these significant impacts to effect its desired scale of development, with possible assumption that such maximized scale of development exists 'as a right' under the "Acceptable Development Standards" format of the TCDGs.</p> <p>It might also be noted that while the TCDGs provide a plot ratio of up to 2.0: 1 in the Frame Precinct, the provisions of the RD Code Vol.2 at Table 2.1 allow for a plot ratio of only 1.3 : 1 for areas coded R100. The subject Frame Precinct is Coded up to R100 under the Acceptable Development Standards of Element 2: "Land Use" of the TCDGs. Where plot ratio is a major control element for bulk and scale under the RD Codes Vol.2, this more restricted scale of development might be seen as appropriate, particularly where the general building form of the East Fremantle Town Center, comprising contiguous multi-level buildings generally constructed up to boundaries is not relevant in this particular site context.</p> <p><u>Building Height</u></p> <p>Cl.5.8.2 of LPS3 provides for a maximum building height of 10.5m and maximum wall height of 8.0m in the Town Centre zone. Again, while these limits predate the TCDGs they remain the applicable base development standards beyond which any exercise of discretion must be considered and consequently in light of the obligatory amenity protections of Cl.5.6.3 of LPS3.</p> <p>The TCDGs at Element 3: "Building Form, Scale and Height", Acceptable Development Standards provides guidance for building height up to a maximum of 3 storeys in the Frame Precinct. Neither the TCDGs nor RD Codes Vol.2 specify exact dimension heights corresponding to "storeys", however where this is single residential development the provisions of Table 3 of the RD Codes Vol.1 apply. In strict terms, the area remains (by default) Category B, with height limits the same as those contained in LPS3, however</p>

No.	Submission (verbatim)
	<p>applying some relevance to the TCDGs could see this more realistically reflecting Category C, providing for maximum wall heights of 9.0m and 10.0m for flat roofed buildings.</p> <p>The proposed development has a maximum building height for its predominant three storey form of 10.5m and 12.0-12.5m for its fourth level. The proposal is therefore non-compliant with regard to the applicable RD Code provision (re Category C) and should be refused on this substantive basis.</p> <p>Notwithstanding the above, the proposed development also has four storeys as defined by the TCDGs, where the structures on the roof deck, including a stairwell and substantial ‘vergola’ structure form more than 20% of the roof deck area, and where the Acceptable Development Standards of Element 3 provides that...;</p> <p>“Height maximum is inclusive of plant and external structures that occupy in excess of 20% of the roof area”.</p> <p>As a four storey development, it is non-compliant even with the potentially greater height provisions of the TCDGs and cannot be supported.</p> <p>In this context, any variation to permissible building / wall heights cannot meet the amenity protection provisions of Cl.5.6.3 of LPS3, having regard to both the neighbouring Medical Center premises and the street / townscape generally. The proposed building is extremely tall relative to its width as seen from the street and inherently disproportionate as a result. The design seeks to mitigate this visual effect through the addition of awnings and planter decks to the sides of the building facing the streets, projecting beyond the site boundaries into the road reserve and making the building even bigger and more visually intrusive within the established urban setting as a result. There is no justification in terms of public amenity or traditional streetscape form for the projection of private building elements contiguous with the main dwelling beyond its lot boundaries.</p> <p>Achieving a consistent scale of urban development across the Town Center generally and, more specifically, within and between precincts is a principal aim of the TCDGs. Where the existing built form to this portion of Silas Street, along St. Peter’s Road within the Frame Precinct and in the adjacent residential area to the south is already fully established at single and two storey levels, it is very difficult to see how the intent of the TCDGs could be met with the insertion of a three to four storey building on this threshold corner site.</p> <p><u>Building Setbacks</u></p> <p>The proposed development is consistent with the base setback requirements of Cl.5.8.1 of LPS3 in regard to development in Commercial zones of the Town. This provides for nil setbacks to front and side boundaries, reflecting an intent to achieve consistent and continuous building forms to streetscapes within the Town Center zone. While generally applicable and understandable in achieving this, the subject site is located adjacent to a former (now adapted) heritage dwelling with traditional setbacks. This building has been highly developed as an integral part of the Medical Centre, fully in compliance with the heritage and streetscape requirements of the Council stemming from its inclusion on the Town’s Heritage List across its various planning approvals. As a completed and well considered building, it is neither intended nor likely that this building will be demolished and replaced with a boundary to boundary multi-level structure.</p> <p>In this context, the unity of urban form sought by the generically based TCDGs will not be achieved through nil boundary setbacks for the proposed development. Conversely, the proposed development would sit as a highly anomalous and isolated building form within the immediate locality, in the context of surrounding single and two storey development to St. Peter’s Road and with the clear and appropriate setting of the Medical Center similarly ‘deteriorated’ though ‘enclosure by surrounding development. A resultant large, blank multi-level northern boundary wall would be highly visible and incongruous as seen looking down Silas Street from within the Town Center precinct.</p> <p>Similarly, a nil front setback to the proposed development would sit incongruously with the existing small setback to the Medical Center, stepping back towards the corner and open landscaping as it does from the appropriate nil setback to its northern neighbour. The inappropriateness of nil side boundary setbacks should also be considered in the context of the maximum wall heights proposed, which necessarily exacerbate overbearing impacts. It is appropriate to note that the setback requirements for multi-level development in R100 zones otherwise provided under the RD Codes Vol.2 at Table 2.1 limits the extent of side boundary walls in terms both length and height, particularly limiting them to 2 storeys as means to protect the amenity of neighbouring premises and particularly where different scales of development are involved.</p> <p>Where the intent of the TCDGs will clearly not be met by the present development application, careful consideration of more appropriate setbacks in relation to the adjacent site should be encouraged and supported (see also comment under “Heritage Considerations” heading below).</p> <p><u>Density</u></p> <p>Notwithstanding its non-permitted use as a single dwelling, the proposal has an effective density equating with an R50 coding per the RD Codes Vol.1 Table 1. Cl.5.3.4 of LPS3 allows for a density of up to R40 for residential development in non-residential zones within the Town, however Cl.5.3.4 provides for Council to exercise discretion in allowing density greater than R40 in the Town Center zone. This is again subject to the amenity provisions of Cl.5.6.3 of LPS3, however an increase to R50 may be seen as reasonable in principle. Conversely, facilitating alternative development of multiple housing on the subject site (requiring two dwellings) would require an increased density approaching or possibly exceeding R100, the maximum possible density referred to under the Acceptable Development Standards of Element 2: “Land Use” of the TCDGs. Such an increase in density would necessarily exacerbate significant adverse impacts on the neighbouring premises and locality and be inherently inconsistent with the amenity protection requirements of Cl.5.6.3 of LPS3. In this context, it is hard to see how such alternative multiple housing or mixed-use development could be practically or statutorily embraced on the subject site.</p> <p><u>Heritage Considerations</u></p> <p>The existing urban form of the Medical Center adjacent to the subject site has been developed wholly cognizant of and in requisite response to the heritage significance of the site. This reflects the requirement to retain and respect the heritage significance of the place where No.12 Silas Street was contained on the Town’s Heritage List through its various stages of adaptive development,</p>

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	<p>established under Pt.7 of LPS3. This development approach was challenging and relatively costly, however wholly appropriate and effective in providing necessary facilities to the front portion of the Medical Centre.</p> <p>It is of considerable concern to find, in responding to the present development application, that No.12 Silas Street appears to have been at some stage removed from the Town’s Heritage List. Neither the owner of the premises, nor myself with whom the owner liaises on all planning matters regarding the Medical Center are aware of any previous process to effect such removal. A full examination of all correspondence received from the Town has been undertaken and while all other relevant correspondence and documentation is held (including notification of the elevation of the premises to the Heritage List in 2012), no received notification of any de-listing process has been sourced.</p> <p>Needless to say, any move to effect de-listing would not have been supported by the owner, particularly where the premises had already been carefully developed cognizant of its heritage significance and listing and where there is clearly no intention to further redevelop the site contrary to this work. Conversely, the heritage listing positively supports the protection of the presentation and amenity of the site and would be clearly be desired to be maintained by the owner.</p> <p>The premises may have been removed from the list further to consideration by the Town’s consultants (with regard to both the Heritage List and TCDGs), where the smaller-scaled heritage form of the building might contradict the desired contiguous multi-level built form generically embraced by the TCDGs. Such basis for removal would be wholly inappropriate in any heritage assessment terms. Moreover, the adaptive development of the front of the premises was undertaken with the input and consent of Council’s planning and heritage staff as an approach acceptable and appropriate to the protection of heritage significance. The building retains its very clear and distinct heritage form and substantive fabric and its adaption therefore no basis for removal from the List.</p> <p>Cl.7.1.3 & 6 of LPS3 contain very specific requirements for the removal of any place from the heritage list, including to;</p> <ul style="list-style-type: none"> (a) Notify the in writing the owner and occupier of the place and provide them with a copy of the description proposed (removal)... (b) Invite submissions on the proposal from the owner and occupier of the place... (c) Carry out such other consultations as it thinks fit; and (d) Consider any submissions made and resolve to (remove) the place (from) the Heritage List...or reject the proposal after consideration of the submissions. <p>To the best of recollection, the owner has no record of receiving such notification and therefore believes this de-listing process may well have not been undertaken in the manner statutorily required. We believe the place should be properly retained and contained on the Heritage List, with all the attendant considerations and protections flowing from this listing having regard to the impact of the present development application.</p> <p>Specifically, this must relate to the massively overbearing impact of the proposed development on the heritage premises in its prominent threshold streetscape setting, having regard to setbacks, height, building bulk and form. Specifically, Cl.5.8.1 of LPS3 “Building Setbacks” in the Town Center zone specifically requires that;</p> <p>“In the case of a site included on the Heritage List referred to in Pt.7 of the Scheme, the local government may require the in any particular case additional setbacks in order to protect the heritage value of the site.”</p> <p>Similarly, Element 3 “Building Form, Scale and Height” of the TCDGs provides for the protection of the scale and setting of heritage sites further to the generic provisions of the Policy. The present amendments to that Policy increase that consideration and protection.</p> <p><u>Conclusions</u></p> <p>The proposed development is clearly far from statutorily compliant with the raft of development standards and guidelines pertinent to the site and its locality. This includes both elements not open to variation and those able to be varied, however requiring mandatory regard to the amenity protections of the Scheme in the exercise of discretion in any approval. In this context, it is difficult to see how this development application can be supported in its present form. Similarly, it is difficult to see how an increase in density to otherwise facilitate an alternative multiple housing / mixed use development could be justified, where this would necessarily exacerbate the significant adverse impacts on neighbouring premises and the locality already arising from the application as presently submitted.</p> <p>The difficulties in developing this site in a compliant, respectful and viable manner are essentially inherent due to its unique size, form and location within an already substantially complete urban setting. These practical and statutory difficulties cannot be simply overlooked in considering proposed development of the site, nor significant adverse impacts be expected to be borne by adjacent premises or the locality generally as a consequence. The generic nature of the TCDGs must be viewed in the greater statutory planning context of the Local Planning Scheme and RD Codes, and with due regard to the specific urban context of the subject site and its surrounds.</p> <p>I trust this information will assist your further consideration of the proposed development application. These comments are provided in good faith and intended to assist the enhancement and reasonable future development of the Town Centre. We recognize the desirability and requirement for consolidated and coordinated future development of the area, however within a context of continuing to protect the amenity of existing occupants and premises and acknowledging the reality of an extant urban form developed over time in compliance with Council planning controls.</p>
Z	<p>Thank you for giving me the opportunity to respond to the above application. Please note that this letter has been written in consultation with XXXX who, like yourselves, has expert knowledge of this site and the range of requirements under the Town Planning schemes and relevant associated policies.</p> <p>XXXX will be providing a more technical assessment on my behalf.</p> <p>It also sits together with a letter written to you on December 16th, 2020, which detailed concerns about the sale of what was previously Pt. lot 595 and its potential for any development other than landscaping and parking for the Medical Centre located on the adjoining lot which I own. (Appendix 1). Some items are specifically referenced below.</p> <p>I provide a summary of the areas covered in this response as follows.</p> <ol style="list-style-type: none"> 1.The scale of the building in relation to overall plot ratio

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	<p>2.The scale of the building in relation to height, setbacks and number of storeys</p> <p>3.The building, an office with residential dwelling above in relation to the Residential Design Codes Volume 1</p> <p>4. The physical impact on the adjacent heritage property, 12 Silas Street</p> <p>5. The amenity impact on the adjacent heritage property for patients and both clinical and administration staff.</p> <p>6. The amenity impact for adjacent neighbours who surround the Frame Zone Precinct of Town Centre Development proposed</p> <p>7.Resource conservation in relation to past and future development of the Town Centre.</p> <p>8. Green Policy issues in protecting the canopy provided by existing trees and Native Garden planting to encourage a healthy ecosystem</p> <p>9. Disability Access to the Town Centre Amenities</p> <p>10. Excavating and Earthworks as they impact on integrity of adjacent heritage building</p> <p>I now provide a detailed expansion on the items above having had access to the following documents</p> <ul style="list-style-type: none"> • Town Planning Scheme 3 (TPS3) • Town Centre Development Guidelines (currently draft ,TCDG) • Residential Design Codes Volume 1 and 2 (RDC Vol 1 and 2) <p>I also draw your attention to the response to the draft Town Development Guidelines (Appendix 2) provided to Council on 24th April 2023.</p> <p>1.The scale of the building in relation to overall plot ratio LPS3 at Pt.5.8 provides the specific statutory requirements for development in Commercial Zones, including the Town Centre. Most particularly, Cl.5.8.3 provides a maximum plot ratio in the Town Centre of 0.5:1. Where the subject site has an area of some 211m2 this provides for a building of no more than 105.5m2 as a right under the Scheme within the definition of building area for plot ratio purposes.</p> <p>This proposal has an overall building area of 608.87m2 and even with discretionary allowance, give a building scale which is totally out of proportion to the size and odd shape of the site.</p> <p>The actual building area to be considered is complicated and somewhat dependent on which document it is referenced to as there are different requirements. Please refer to the accompanying submission prepared by XXXX in this regard. In addition, inclusions in the building area such as stairwells and roof gardens as living areas need assessment for their actual impacts, beyond formal inclusion in plot ratio calculations.</p> <p>Cl.5.8.3 does allow for a plot ratio “as otherwise permitted by the local government”, effecting a variation to site and development standards provided under Pt.5.6 of the Scheme, however Cl.5.6.3 specifically limits any exercise of discretion in this way where it states;</p> <p>“the power conferred by this clause may only be exercised if the local government is satisfied that-</p> <ol style="list-style-type: none"> a) Approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and b) The non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality, or the likely future development of the locality.” <p>Use of the terms “may only” and “will not” within the clause set an objectively high bar for Council in considering adverse impacts and consequently “appropriate” proposed development.</p> <p>With regard to (b), it is hard to see how any increased plot ratio could not have an adverse effect on the locality and particularly the neighbouring premises in this very particular and unusual site arrangement.</p> <p>The corner will become congested with sight lines undoubtedly compromising road safety. This will be due to reduced visibility at this road junction entrance to what is hoped to be a vibrant Town Centre in the future.</p> <p>In addition, this particular corner, due to its gradient, is prone to flooding in heavy rains.</p> <p>The proposed building can exacerbate drainage issues. In heavy rains, there is the added concern that run off from a 12metre concrete wall will dump a huge amount of water in the space between the proposed building and the heritage property leading to potential major water damage issues there and excess onto the street itself.</p> <p>Whilst the architectural design may have merit elsewhere, particularly where landscaping and road verge exists alongside, on this block it is fundamentally flawed in its scale and visual impact.</p> <p>2.The scale of the building in relation to height and number of storeys</p> <p>The overall height of this building is 12.5 metres and annotated as four storeys.</p> <p>Height and Storeys are referred to in detail in the previous submission responding to Town Centre Development Guidelines draft (Appendix 2 Pages 3,4,5) with interrogation into the variation in method itself of assessing building height. However, I note that this building, as a single residential dwelling with a home office should anyway be assessed under RD code Vol 1 and not Vol. 2 in relation to building height.</p> <p>In addition, this building has a proposed basement and a roof garden.</p> <p>The intention of the Frame Zone Precinct, on which this land sits, was to have a mediating relationship with surrounding lower scaled residential areas. In particular it is envisaged that a gradual reduction of scale of building would be achieved from the centre of the town out to the residential areas, which makes clear sense. Clearly, a four-storey building up to the footpath next to a heritage cottage frontage nestled beside it does not achieve this. It then asks the question whether approval of poorly considered development proposals puts pressure on neighbouring properties to develop upwards and forwards. This may not only be unaffordable but also compromise heritage preservation within the town centre, as is the case with my premises.</p> <p>If there is a loss of exposure afforded to the Medical Centre by its currently sensitively designed corner position, its commercial value is also of very real concern.</p>

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	<p>I support the that currently the Frame Zone Precinct has considerable level of well-considered development already contained within it at a generally medium / smaller scale.</p> <p>I emphasise that this proposed building completely defies a desired outcome for a transition in scale. The intention of the Town Centre Design Guidelines, as I understand it, is the greater scale of development in the Town Centre Core Zone to lesser scale in the Frame Zone Precinct and then harmoniously to transition surrounding residential zones.</p> <p>3. The building, a home office with residential dwelling above in relation to Design Codes Volume 1.</p> <p>The development proposal is described as four storey mixed use. This is in fact not a multiple dwelling or more importantly, mixed-use development under the statutory requirements, but rather a single dwelling with a home office. The site is anomalous and at 211m² far smaller than anything else in the Town Centre and therefore precludes a multiple dwelling, which must have at least two dwellings on the lot set, over each other.</p> <p>This building therefore needs to be assessed where the RD Codes Vol.1 apply and not Vol.2.</p> <p>Advice was previously given verbally by a planning officer at the council which was then translated into the written valuation report provided by Main Roads WA for sale of their land comprising lot 595 and was as follows;</p> <p>"A 'single' house is not permitted in the Town Centre but a home office is. A development on the site as a two-storey development may be able to have an office space below and an "additional use" of a residential above as long as the residential use is related to the business operations on the ground floor"</p> <p>The advice suggesting a "home office" approach as means to achieving a 'de-facto' single residence connected to and above a commercial use seems illogical. The definition of "home office" necessarily appends it to a dwelling, and not the other way round as a dwelling appended to an office, as the advice purports</p> <p>As the adjacent landowner who was the obvious candidate for purchase of this land, I spent considerable time and cost in negotiations with Main Roads WA. They provided me with what was an unrealistic inflated valuation (in comparison to my independently obtained sworn valuation). Their valuation was based on verbal information that the block could be developed on the scale of a building footprint of approximately 140m² over two levels(current proposal is conservatively 608.7 m²) where for my purpose and my valuation it could only be used as landscaping and 4 car parking bays.</p> <p>In fact, the only approved use for the site at the time of sale was parking for the Medical Centre, which does question the advice provided by Council's officers to Main Roads WA in relation to this sale. We responded with a detailed submission regarding what could be properly considered as allowable development at that time, however this appears to have been disregarded. Those concerns are now relevant to the permissibility or otherwise of the present development application.</p> <p>4. The physical impact on the adjacent heritage property , 12 Silas Street</p> <p>I sensitively renovated and restored the building at 12 Silas Street in 1997 to protect its heritage. It was originally a Workers Homes Board Residence constructed shortly after the First World War in 1922 for the War Service Homes Commission.</p> <p>On Sept 12th, 2012, the CEO of Town of East Fremantle wrote to me to say that the Town wanted to better reflect the cultural heritage status of my property with inclusion not just on the Municipal Heritage Inventory but also the Town's Heritage List. A copy of that letter is attached (Appendix 3).</p> <p>The proposed new building fails to provide a sensitive transition to the close proximity of this heritage property. The worry for this particular impact is of the greatest concern. The façade and parts of this proposed building will be highly visible from the streetscape, dwarfing sites like mine on which the existing building is of smaller scale and greater setback as discussed above. On the first page of the plans submitted the artist impression from the street corner emphasizes that No. 12 Silas St will be invisible.</p> <p>A community celebration of 101 years of the building and 30 years of the East Fremantle medical Centre is planned for July 2023.</p> <p>5. The amenity impact on the adjacent heritage property for patients and both clinical and administration staff.</p> <p>The proposed building has a solid concrete wall up to 12.5m high with no setbacks immediately to the south of 12 Silas Street, shown dramatically in the south elevation in the drawings provided in the submission. No consideration has been given to the impact of this proposed building on this lovely neighbouring property. This concrete wall will block out all light to the front and side of the Silas St façade of the medical centre building and effectively "imprison" that building, dungeon style and the occupants within. There are windows on the medical centre building which will be unable to access any light whatsoever.</p> <p>In addition, as mentioned above, the heavy winter rains run off from a 12-metre wall into a small separation between the two buildings will likely lead to water damage to the heritage property and associated consequences to the Medical Centre's daily operations with potential loss of power and services.</p> <p>Whilst the rear of the medical centre will still have its light amenity intact, it is clear that there was no option to build to the rear of this irregular triangle shape lot of 1.85metres width, particularly where the plot ratio has been fully used up in the four-storey portion.</p> <p>A sample of an ongoing petition from people in the neighbourhood and patients who attend the Medical Centre, supporting these concerns is attached to this submission (Appendix 4), with the full completed petition provided to Council prior to its consideration at its Planning Committee / Full Council meetings.</p> <p>6. The amenity impact for adjacent neighbours who surround the Frame Zone Precinct of Town Centre Development proposed</p> <p>The proposed building does not conform to the principle to provide a sensitive transition to heritage properties and residential properties of lesser density capacity. This is also discussed in detail above.</p> <p>The proposed building will impact greatly on the outlook and amenity of residents opposite, across Silas Street and St. Peter's Road. The location of the bin store will also be intrusive to surrounding resident amenity. It is also of concern that the proposed position of the bin storage access to the rear of the block will make collection extremely difficult and bin vehicle stopping extremely dangerous.</p> <p>7.Resource conservation in relation to past and future development of the Town Centre.</p> <p>As stated in our previous submission referring to TCDG draft, (appendix 2) it is recognised that an increased scale of development may be appropriate as a longer-term outcome, however the reality of an existing diverse urban fabric in the Town Centre cannot be</p>

No.	Submission (verbatim)
	<p>ignored. It would be wrong to assume all existing smaller buildings like mine will or should simply disappear as a result of development pressure over time.</p> <p>I have long admired that a hallmark of town planning control in the Town of East Fremantle has been to carefully assess the impacts of development on neighbours and the protection of existing amenity, particularly including heritage protection. The recent award for the Town of East Fremantle as Gold Waterwise Council also demonstrates a recognition for conservation. It follows that protection of the amenity of existing buildings and premises is essential in meeting "Resource Conservation", specifically the need..."to encourage the reuse of buildings (and) enable the retention and adaptive reuse of existing structures, where appropriate, to reduce the consumption of additional building materials and the energy used to manufacture them."</p> <p>This building proposal does not relate respectfully with existing structures that are otherwise very adequate, commercially viable and contributory to the built environment. Permitting this development will not assist adjacent buildings' appropriate ongoing use or encourage their retention and in particular preclude their effective integration into a cohesive urban form.</p> <p>East Fremantle Medical Centre buildings were designed to integrate all of the sensitivities in retaining the heritage building and expanding the amenity for the community of a Primary Health Care hub whilst still addressing the streetscape and the corner entrance to Silas St. Where considerable building infrastructure at a generally smaller scale than that potentially allowed already exists and will likely continue to do so over the longer term, this visual impact should be respected. This building proposal completely negates this.</p> <p>8. Green Policy Issues in protecting the canopy provided by existing trees and Native Garden planting to encourage a healthy ecosystem.</p> <p>I understand that Japanese Pepper trees are not considered a species endorsed by the Town of East Fremantle. However, this old mature tree which would be removed, provides essential canopy to the area. In cooler seasons it also assists run off of rivers of water which have already been identified as a problem in heavy winter rains where floods at the roundabout are an issue. I have managed and maintained this tree over many years, with the cooperation of Council.</p> <p>It is an environmental all season green credit for the neighbourhood and such a consideration should reasonably override what species the tree is. Removal of trees tend to engender significant outcry in a community and I am aware that there are two beautiful trees which exist on the block proposed for development.</p> <p>9. Disability Access to the Town Centre Amenities</p> <p>At the rear of the subject site, which was Pt. lots 595 and 620, I have provided for disability access to the Medical Centre from my larger parking area behind the Medical Centre. In so doing there is also disability access to the Town Centre itself and Silas St through the pathway provided, and a landscaped verge. Consideration for the needs of people with disabilities is a priority and may be impacted by this proposed development where a three-bin storage facility and separate letterbox is proposed to the rear part of the amalgamated lot, partially obscuring the disability access presently provided.</p> <p>10. Excavating and Earthworks as they impact on integrity of adjacent heritage building</p> <p>Whilst I make this point last in this submission, it probably is one of the scariest propositions in the building application for me as an adjacent landowner. Land excavated for development effects the integrity of adjacent buildings, in particular those built 101 years ago. White ant activity is activated (the heritage building is on wooden footings and has previously suffered damage from adjacent building works, creating further potential damage. In addition, the main structure of the building can be severely compromised. This building proposal includes a large, excavated basement area located right up to the boundary, with likely disruption to essential services such as water, electricity, gas and NBN cables which would greatly affect patient care at East Fremantle Medical Centre. Required neighbour permission to do this work which may well involve accessing and impacting directly my site would be likely and quite reasonably withheld.</p> <p>I note that potential access to 14 Silas St is limited and any work previously needed on the St Peters Road access, even for a few hours to prune trees, involves early morning traffic management and road closures. The disruption to the Town Centre is hard to comprehend if this block was allowed to be developed in anything like the manner and scale proposed, including substantial excavation. Parking in the area is already at a premium and whilst small vehicle may in the term find bays available, large construction vehicles and machinery would cause mayhem. Simply assuming this can be somehow achieved after any planning approval would be naïve and should form part of any consideration of what is appropriate development for this site.</p> <p>As said previously the proposed building itself, in a different setting and on a larger block has thoughtful and architecturally considered design features. On this particular block, I have tried to set out the reasons it should be opposed and given suggestions for its continued use as a beautifully landscaped and publicly accessible area, with some discreetly located parking.</p> <p>I had previously thought that I would invite Council to consider that this would be an ideal site to erect to the front on Silas Street a war memorial like the Fallen Soldiers Memorial in North Fremantle and conduct a community service on Anzac Day.</p> <p>In concluding this submission, I would like to once again reiterate the background to this lot (previously Pt. Lot 595) and my attachment to its preservation as land which should not be built on other than in sensitive and close relation to the existing Medical Centre adjacent. Since 2004, the previous owner Main Roads WA gave me as owner of the Medical Centre a lease so it could provide additional parking for staff and patients. All improvements made on this land including a crossover and sensitive native garden planting were done at my expense under East Fremantle Town Council guidance and approval. We have enjoyed an excellent relationship in maintaining this amenity and I am grateful for this.</p> <p>Under the same conditions, the Medical Centre would be willing to discuss releasing the land from the current owner for parking. In that way it could be returned to its previously Council approved use. There may processes in which this piece of land might be returned to original public ownership to become road verge or purchased by the adjacent landowner for similar purpose. In such event, I would be very happy to discuss the mechanism of these options further down the line with all parties. I emphasise again that the sale of this amalgamated land by Main Roads WA, leading to the present development application was based in part on qualified advice from the Planning Department at the Town of East Fremantle regarding its development potential.</p>

No.	Submission (verbatim)
	<p>I appreciate your time in considering the issues raised and expanded upon in this submission to oppose building plans considered for Lot 350. I look forward to Council's constructive response to this submission. Please feel free to contact me on XXXX or by email at XXXX should you have any queries or wish to discuss these concerns directly. Please also refer to the submission provided separately by XXXX on my behalf. I would also welcome a meeting at any time prior to the matter being discussed at the proposed Planning Meeting in July or after, however strongly feel the need to oppose this development application through all available avenues.</p>
8	<p>Thank you for the opportunity to comment on this application.</p> <p>The Clinical and Administration staff at East Fremantle Medical Centre are not supportive of this building application. The block adjacent to the medical centre was leased for many years from Main Roads to provide four additional parking bays. The owner of the premises where we work, was unsuccessful in negotiating to buy the block to keep it as parking and landscaped road verge.</p> <p>The scale of this building is extremely large for this small unusually shaped block and will impact on the carefully designed building where we work, in particular blocking all light to the heritage building at the front. There is both a physical impact and amenity impact long term.</p> <p>Major construction and excavations would be needed to build on this site which has no areas for work vehicles to park or traffic to be diverted if roads were closed to enable construction. Patients and Staff would be impacted.</p> <p>East Fremantle Medical Centre staff value the canopy provided by the two major trees on this block. This development involves loss of one of those trees.</p> <p>Our hope is that the planning Committee and Council members will oppose building on this small unusual, shaped block and will recommend it be returned to the parking amenity that they advised when the Medical Centre was built.</p>
9	<p>I write to provide comment on the proposed development at 14 Silas Street, East Fremantle. I am both a resident of East Fremantle and a patient of the medical practice at 12 Silas Street. The latter is an example of a long-established community based medical practice and its heritage listing reflects the reasons why people live in East Fremantle. Their expectations are for quiet roads and amenity and preservation of both the streetscape context for buildings such as 12 Silas Street and a recognition of the architectural past.</p> <p>The four-storey proposed building is quite out of keeping with what has occurred in that locality to date. It bulk and scale is overwhelming and there must be significant doubt as to whether safe sightlines for traffic are preserved with the lack of setbacks proposed in the development. Whilst Silas Street is largely given over to low intensity commercial development (excepting what is on Canning Highway), this building will be located on a small footprint on the corner facing residential development. The present tasteful mix of residential and commercial reflects the low intensity expectations of residents. There can be no doubt but that a building such as this will have a high amenity impact. I leave it to the planning officers to comment on overshadowing and privacy aspects of the proposed development.</p> <p>In addition, it is located in a low spot which must raise questions with regard to drainage. Twelve metre walls are capable of creating substantial run-off and that is a consequence which will be suffered by the adjoining land given the lack of setbacks in which drains may be located. At the very least the Town should be requiring staggered setbacks at every storey to mitigate these effects. In short this is a building which should not be approved in its present format. Please accept this email as an objection to the development.</p>
10	<p>I refer to the proposal to construct a four storey mixed use building ("Proposed Building") at the property known as 14 Silas Street, East Fremantle ("Subject Property").</p> <p>IPN objects to the proposal to construct the Proposed Building.</p> <p>1. Scale of the Proposed Building</p> <p>(a) Our IPN Premises, whose front façade appears as only a single storey building, will be completely dwarfed from both sides with an existing two storey building on one side and a three storey building (the Proposed Building) on the other. Our medical centre will lose its exposure to passing traffic due to its much smaller size and greater setback from the street compared to the existing two storey building and Proposed Building.</p> <p>(b) The Proposed Building to be constructed is disproportionate and too large compared to the size of the lot which is quite small. It is also inconsistent with the density of buildings already existing on this street. There is limited benefit to the community of building a small mixed use building such as the one proposed, and as there is other vacant land in the general vicinity of the Subject Property (across the other side of the roundabout), it does not seem either necessary nor reasonable to build a building of this size and scale on such a small lot in a location that is overlooking a busy roundabout and intersection. People come from afar to East Fremantle to enjoy the greenery and spaciousness of the town centre, not to see another high density central business district.</p> <p>2. Overshadowing</p> <p>The two storey building located at 10 Silas Street, East Fremantle (directly adjacent to the IPN Premises) already significantly overshadows the medical centre located at the IPN Premises.</p> <p>IPN's medical clinic currently enjoys a reasonable amount of natural light during business hours. If the Proposed Building is constructed, during business hours IPN is not likely to have much, if any, sunlight or natural light. Our medical centre will be almost wholly dependent on artificial lighting. This will be detrimental to the health of our doctors, nurses and staff, who must work long hours without natural light as well as increase IPN's energy consumption and costs. Also, a fair number of patients with mental health issues who are affected by visiting places without much natural lighting may avoid attending our clinic at the IPN Premises or have their issues exacerbated each occasion they attend our clinic. General amenity of the IPN Premises is lost by the Proposed Building.</p> <p>3. Reduced tree coverage and greenery</p> <p>There is a native garden and several large mature trees on the Subject Property of which the whole of the native garden and at least one large old tree will need to be removed to enable the Proposed Building to be constructed. This tree is slow-growing, graceful, its berries are attractive to native birds and an ideal shade tree that does well in the climate of East Fremantle.</p>

No.	Submission (verbatim)
	<p>Our patients and staff currently enjoy the view, shade, greenery and birds that visit the tree canopies and native garden. As urban heat islands grow across Australia, particularly of concern in the dry arid climate of Western Australia, increasing tree coverage is of particular importance.</p> <p>Approving the proposed development would be inconsistent with council tree management guidelines which have been updated to take into account environmental concerns, particularly global warming. The proposed light vegetation to be grown on the Proposed Building will not annul the negative environmental effects of removing the existing large mature tree(s) and native garden shrubbery.</p> <p>4. Overlooking/loss of privacy.</p> <p>There is a balcony upstairs in the IPN Premises where there are four consulting rooms used by our doctors, staff and patients. Due to size constraints of the Subject Property, one wall of the Proposed Building will be too close to the balcony space blocking the currently enjoyable view of the outside tree canopy and street and replacing this view with a solid brick wall.</p> <p>5. Pedestrian safety:</p> <p>The Proposed Building is too crowded on the lot and whilst the artist's impression included in the plans accompanying the proposed development shows there will still be a footpath, we draw your attention to the following problems:</p> <p>(a) There would be decreased visibility of pedestrians from motor vehicles using the roundabout and busy four-way intersection due to the location of the Proposed Building having insufficient setback from the roundabout. This affects the line of sight of pedestrians using the footpath adjacent to the roundabout and pedestrian crossing in front of the Proposed Building. The chance of an accident occurring is increased because both the medical centre and Proposed Building will have higher foot traffic (patients and customers) needing to use the footpath compared to say, in front of 9 Silas Street – in other words, it is not a footpath that will seldom be used. At present there are no visibility problems experienced by traffic turning onto Silas Street because there is no building close to the roundabout and the native garden shrubbery is low with no effect on the line of sight of passing motorists.</p> <p>(b) It is reasonably foreseeable that the Proposed Building will encroach upon the pedestrian footpath facilities such that a footpath of sufficient width will no longer be available after the proposed immense 3-storey building has been constructed. A pedestrian footpath access that is too narrow would be dangerous given there is a four-way intersection and roundabout at this intersection. Further, the pedestrian footpath should be made wider than a usual footpath, given the Proposed Building will have limited setback from the roundabout.</p> <p>(c) The proposed hanging vegetation to be grown on the Proposed Building will also reduce visibility of pedestrians from motor vehicles using the roundabout and intersection.</p> <p>(d) During the period of construction of the Proposed Building, there will be either no or limited parking available for trucks, heavy vehicles and equipment required for excavation and construction of the Proposed Building. The safety of our patients, staff and doctors who need to use the pedestrian crossing or footpath will be compromised, made all the worse by the location of the Proposed Building being so close to the roundabout and intersection.</p> <p>6. Noise and disruption</p> <p>(a) The noise emanating from construction of the Proposed Building, including but not limited to demolition works, earthworks, drilling, hammering and concrete-breaking will affect the operations of our medical centre and potentially the viability of our business for the period of the construction. Our doctors cannot see patients when it is too noisy and have been known to refuse working at these times, or alternatively patients have left/avoided the medical practice during periods of construction reducing income for our doctors and medical centre. It is already quite difficult procuring doctors to service our medical practices in regional areas without the added pressure on IPN of retaining doctors who want to leave because of noisy construction next door.</p> <p>(b) There is always a disruption to essential services (water, electricity and internet cable connections) used by neighbouring properties during construction works of the kind proposed. The limited benefit to the community of construction of the Proposed Building is far outweighed by the temporary and permanent disruptions to the local community, adjacent neighbouring properties and the IPN medical centre.</p> <p>7. Limited on-street parking</p> <p>(a) IPN is currently using the Subject Property for car parking for elderly, sick or disabled patients and was advised when the medical centre was built that this property could be used for its current amenities. IPN would have reconsidered its investment in this location had it known that a building of the size and scale as the Proposed Building would eventually be constructed on the Subject Property removing IPN's use of the additional car parking spaces.</p> <p>(b) There is currently limited on-street parking, so the reduction in car parking spaces is not a minor issue particularly when there is limited parking in the general vicinity of the IPN Premises. Patients who are elderly, sick or disabled will have additional competition from the occupants, customers and visitors of the Proposed Building.</p> <p>(c) Further, there will be either no or limited parking available for trucks, heavy vehicles and equipment required for excavation and construction of the Proposed Building. During the period of construction of the Proposed Building, IPN's staff patients and doctors will have difficulties finding car parking spaces when there is already limited car parking available.</p> <p>8. Streetscape</p> <p>East Fremantle is known for its many heritage homes, gardens and streetscapes iconic to the area. Approval of the proposal to construct the Proposed Building is inconsistent with Council's planning policies for the overall appearance of the suburb and level of building density usually applicable in the area.</p> <p>We ask that Council refuse consent to the proposal to construct the Proposed Building. The facilities that are to be provided by this new building are limited yet will cause considerable temporary and long-term disruption to the community and our medical centre at a time when many regional areas, including East Fremantle are facing doctor shortages and community access to general medical care.</p> <p>The party with most to benefit from the development is the owner of the Subject Property and long after the profits from the proposed development have been spent, the negative impacts of the construction of the Proposed Building will still be felt by our medical centre, its doctors, staff and patients as well as other adjacent properties and local community.</p>

Attachment -5

No.	Submission (verbatim)
<u>11</u>	I object to the proposal. This development will be a blight on the aesthetic of the area.
<u>12</u>	<p>My wife, XXXX is a GP that works at East Fremantle Medical Centre. I am an Architect. I am writing this letter to express our concerns at the proposed development noted above.</p> <p>Notwithstanding my in-principal support for any landowner to develop on their land, provided the development conforms to planning controls and an appreciation of the architectural design intent of this proposal, it is my opinion that the proposed redevelopment represents a gross overdevelopment of this lot. It is a development that might be more appropriate in a highly urbanised area of Perth or in Tokyo for that matter. but not in this location which is effectively a transitional zone from the East Fremantle Town Centre zone to single dwelling residential areas further south.</p> <p>In my view any development above 2 storeys is highly inappropriate in this location. This proposal has no regard for contextual fit with the adjacent single level medical practice or other buildings opposite or adjacent, diminishing the amenity of the area (noting that no contextual reference was included in the elevation drawings submitted, as it would have highlighted this incompatibility). The proposed basement is also high risk and in practice would likely be highly disruptive to construct, causing significant disturbance to the adjacent medical practice. In fact close consideration of construction methodologies should be carefully considered at the planning stage given the highly constrained site and building use adjacent. Modular prefabrication building strategies may be the only acceptable construction technique in this location. This should be clarified at the planning stage for such a constrained site</p> <p>We trust that Planning officers will recommend refusal of this Development Application.</p>
<u>13</u>	<p>Petition (453 signatories).</p> <p><u>Petition Summary and Background</u></p> <p>The proposed building on this small block is too large, too high and has physical and amenity impacts on both the heritage building of the medical centre and nearby properties together with removal of native landscaping and mature trees.</p> <p><u>Action petitioned for</u></p> <p>We, the undersigned are concerned citizens who urge the Planning Committee and Council Members of the Town of East Fremantle to maintain 14 Silas St as medical centre parking and a landscaped amenity for the East Fremantle Community.</p>

Applicant and Officer Response to Submissions – Proposed Mixed Use Development - 14 (Lot 350) Silas Stret, East Fremantle

Concern raised	Summary of Concern	Applicant's Response	Officer's Response and Recommendation																
Overshadowing	The proposed development will result in excessive overshadowing to the adjoining and surrounding properties.	<ul style="list-style-type: none"> Submissions raised concern with the extent of shadow which will be cast by the development. An overshadowing plan was included in the architectural submission (refer Plan 'A02') which depicts the extent of overshadowing at midday on 21 June. We note that the overshadowing plan shows the maximum extent of shadow created, consistent with the approach taken by the R-Codes. As shown in the overshadowing diagram, the shadow cast by the development predominantly impacts the adjacent road reserve. The shadow extends south into No. 16 Silas Street, however, the maximum shadow cast into the property is 10.7m² or 3.8% of lot area. It is noted that the permitted overshadowing within the R20 density code (which applies to 16 Silas Street) is 25% of lot area. It is noted that the shadow is cast over 16 Silas Street impacts the driveway, only and does not impact any outdoor living areas or major openings. As such, the shadowing cast by the development will not have any meaningful or perceivable impact on the amenity of 16 Silas Street. Notwithstanding the zoning of the Site and contemplated development outcome within the Local Centre zone, the proposed development is respectful of the adjoining R20 properties located south and appropriately manages off-site amenity impacts. Further to the above, we note the request for additional overshadowing diagrams 8:00am to 4:00pm on 21 June. It is our view that the diagram provided within the Application is sufficient to assess the Application consistent with the R-Codes Volume 2. 	<ul style="list-style-type: none"> The proposal complies with solar and daylight access requirements. The proposed development creates minimal overshadowing to the south as the properties to the south are separated from the subject site by a 20m road reserve, therefore they are not impacted. <p><u>Recommendation:</u> That the concerns raised in the submissions based on overshadowing and loss of light be not upheld as the proposal complies with the Acceptable Outcomes of Element 3.2 – Orientation of the R-Codes Vol. 2 in relation to solar and daylight access.</p>																
Impact on Land Value	The proposed development will depreciate land values.	<ul style="list-style-type: none"> Potential impact to land value is not a relevant planning consideration. 	<ul style="list-style-type: none"> Agree that impact on land value is not a relevant planning consideration. <p><u>Recommendation:</u> That the concerns raised in the submissions based on impact on land values be not upheld as this is not relevant a planning consideration.</p>																
Land Use Permissibility	The 'Single Residential' land use is an 'X' use within the Town Centre Zone and is, therefore, not permitted at the Site.	<ul style="list-style-type: none"> The Application proposes a Mixed-Use building, comprising a ground floor 'Office' and upper level 'Multiple Dwelling'. In accordance with the Zoning Table contained within the Town's Local Planning Scheme No. 3 ('LPS 3'), 'Office' is identified as a 'P' (Permitted) use and Multiple Dwelling is identified as an 'A' (Advertising Required) use within the Town Centre zone. As such, both uses are capable of approval at the Site. Submissions were received which states that the proposed multiple dwelling is appropriately defined as a 'Single House' and is, therefore, not permitted at the Site. Having regard to the submissions received, we note that 'Multiple Dwelling' is defined as follows (underlining for emphasis): A dwelling in a group of more than one dwelling on a lot where any part of the plot ratio area of a dwelling is vertically above any part of the plot ratio area of any other but: <ul style="list-style-type: none"> Does not include a grouped dwelling; and Includes any dwellings above the ground floor in a mixed-use development. As set out within the Application, the development comprises a ground level commercial land use in conjunction with a residential dwelling in a multiple dwelling configuration. The dwelling proposed is contained within a mixed-use development in a multiple dwelling configuration, and is, therefore, appropriately defined as a 'Multiple Dwelling' for the purpose of determining land use permissibility. Accordingly, all land uses proposed by the Application are capable of approval at the Site. 	<ul style="list-style-type: none"> Submissions claiming that the proposed residential part of the mixed-use development should be defined as a 'Single Dwelling' are not supported. The Town's planning officers consider that the residential component of the proposal is classified as 'Multiple Dwelling'. This use may be approved within the Town Centre Zone and the application has been assessed accordingly. <p><u>Recommendation:</u> That the concerns raised in the submissions based on the residential component of the application being defined as a "Single Dwelling" be not upheld as it is considered to be defined as a "Multiple Dwelling" which is a use that may be permitted within the Town Centre Zone under the provisions of LPS 3.</p>																
Height, Building Form and Scale	The proposed development exceeds the permitted height and is of excessive height and scale.	<ul style="list-style-type: none"> Concern was raised with the overall scale of the development, particularly with respect to height, setbacks, and the resultant plot ratio. The scale of development contemplated for the Site is set out within LPS 3 and the Town Centre Redevelopment Guidelines Local Planning Policy ('TCRG'). As set out within the planning framework, LPS 3 contains the 'nominal' development standards for the Town Centre zone, and the TCRG (recently amended) provide guidance on the appropriate scale of development within the Town Centre zone where discretion is sought. We have included at the table below an assessment of the proposed development against of the nominal development standards contained within LPS 3 and the development standards of the TCRG: <table border="1"> <thead> <tr> <th>Development Standard</th> <th>LPS3 Provision</th> <th>TCRG Provision</th> <th>Proposed</th> </tr> </thead> <tbody> <tr> <td>Building Height</td> <td>Walls: 8m Overall: 10.5m (3 storeys)</td> <td>Overall: 3 storeys</td> <td>Overall: 10.5m (3 storeys)</td> </tr> <tr> <td>Plot Ratio</td> <td>0.5:1</td> <td>2.0:1</td> <td>1.59:1</td> </tr> <tr> <td>Setbacks</td> <td>Primary: Nil Side: Nil</td> <td>-</td> <td>Primary: Nil Side: Nil</td> </tr> </tbody> </table>	Development Standard	LPS3 Provision	TCRG Provision	Proposed	Building Height	Walls: 8m Overall: 10.5m (3 storeys)	Overall: 3 storeys	Overall: 10.5m (3 storeys)	Plot Ratio	0.5:1	2.0:1	1.59:1	Setbacks	Primary: Nil Side: Nil	-	Primary: Nil Side: Nil	<ul style="list-style-type: none"> Council adopted the Town Centre Redevelopment Guidelines as a local planning policy in order to encourage the evolution of the Town Centre into a robust, vibrant, mixed-use urban village with enough residents, jobs and services to sustain and meet the needs of the existing community and future generations to come. This is to be used to guide developers and Council (in decision making) when seeking variations to LPS 3 for development within the Town Centre area. The TCRGs also refer to some requirements of State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments (R-Codes Vol. 2). Therefore, the TCRGs together with parts of the R-Codes (Vol. 2) have been used for the assessment of this planning application. The TCRGs allow for a building height of three storeys in the Frame Precinct (where at least 12m from a residential property). Neither the TCDG nor LPS 3 define "storey". Therefore, it is appropriate to use the definition of storey as contained within the R-Codes Vol. 2. This development proposal includes a building height of three storeys (10.5m) for the main wall with a rooftop patio/vergola (overall 12.257m) and stair overrun (overall 12.6m). A number of submissions state that the proposal is a four storey building which exceeds the height requirements of the TCRGs. Based on the definition of a storey under the R-Codes Vol. 2, a storey does not include (amongst other things) the top of a floor that has no ceiling above it (e.g., rooftop patio/vergola) and does not include the space that contains only a lift shaft, stairway of meter room (e.g., stair overrun). Therefore, the applicant's response that the proposal comprises of three storeys is supported and the proposal has been assessed as a three storey development accordingly.
Development Standard	LPS3 Provision	TCRG Provision	Proposed																
Building Height	Walls: 8m Overall: 10.5m (3 storeys)	Overall: 3 storeys	Overall: 10.5m (3 storeys)																
Plot Ratio	0.5:1	2.0:1	1.59:1																
Setbacks	Primary: Nil Side: Nil	-	Primary: Nil Side: Nil																
Plot Ratio	The proposed development exceeds the permitted plot ratio.																		
Setbacks	Nil setbacks are not consistent with the character of the locality.																		

Concern raised	Summary of Concern	Applicant's Response	Officer's Response and Recommendation
		<ul style="list-style-type: none"> As demonstrated above, the proposed development is consistent with the building height, setback and plot ratio guidance contained within LPS 3 and the TCRG. With respect to building height, we note that the Application proposes a three (3) storey built form to a total height of 10.5m above Natural Ground Level. Minor projections above the 10.5m height comprise stair overrun and a lightweight pergola. The minor projections have a total height of 2.4m above the roof level and have been set back from the Silas Street and St Peter Road frontages so as to be screened from the public realm, reducing perceived height. Overall built form has been comprehensively articulated through awnings, cascading landscaping, window elements and materiality, which work together to break up the extent of built form and perceived bulk. It is our view that the scale of development proposed on a constrained development site within the East Fremantle town centre is appropriate, having regard to the planning framework, surrounding development, management of offsite impacts and the positive amenity impact the development will have on the streetscape. 	<ul style="list-style-type: none"> The R-Codes Vol 2 provides indicative heights for development. It is noted that the indicative height within the R-Codes Vol 2 is up to 12m for 3 storeys and up to 15m for 4 storeys. However, a three storey building assessed under the R-Codes Vol. 2 could be allowed up to 3m higher (15m) if appropriately supported by the local planning framework. In this instance, the proposal has a total height of 12.6m. The rooftop structures are relatively minor in size and bulk and have been set back to minimise view from Silas Street and St Peters Road. It is also noted that the height of the rooftop patio/vergola is less than the height of the stair overrun. The proposal fully complies with the plot ratio requirements of the TCRGs. There is no set "building envelope" for this site. The proposal fully complies with the setback requirements of the TCRGs. References made in some submissions to the R-Codes Vol 1 requirements are incorrect as the development has been defined by Officers as a 'multiple dwelling' and the R-Codes Vol. 2 apply for some requirements. <p><u>Recommendation:</u></p> <ul style="list-style-type: none"> That the concerns raised in the submissions based on height, scale and plot ratio be not upheld as the proposal is considered to be a three storey building and it complies with the Acceptable Outcomes of Element 3: Building Form, Scale and Height of the TCRGs in this regard. That the concerns relating to setbacks be not upheld as the proposal complies with the requirements of LPS 3.
Density	The proposal exceeds permitted density.	<ul style="list-style-type: none"> No further comment. 	<ul style="list-style-type: none"> LPS 3 allows for a residential density in excess of R40 in the Town Centre Zone where Council is satisfied that the design and mix of development will be consistent with the planning proposals contained in the Local Planning Strategy and accord with any approved development plan for the centre. The Local Planning Strategy promotes a vision that the Town Centre will evolve over time to become part of a neighbourhood activity centre which accommodates further medium and high density mixed use development to improve economic viability and is commensurate with a small town centre. The TCDG comprises of an approved development plan for the centre and this supports multiple dwellings and grouped dwellings in the Frame Precinct and small scale commercial uses incorporated as a mixed use development. The TCRGs do not place an upper limit on density in the Town Centre Zone. One of the submissions states that the proposal has an effective density of R50 relevant to the R-Codes Vol. 1. It is noted that the R-Codes Vol. 1 does not apply to this proposal, however notwithstanding this, an argument relating to density has no relevance to this proposal. Residential density does not apply to mixed-use development under the R-Codes. In any event, the proposal comprises of a small mixed-use development of one multiple dwelling above a commercial use. This could not be described as excessive. One of the submissions states that the proposal is inconsistent with the density of existing buildings in the street. This is not supported as there are numerous mixed-use developments and stand-alone higher density residential developments within the Town Centre Zone. <p><u>Recommendation:</u> That the concerns raised in the submissions be not upheld as density is not a consideration for mixed-use developments within the Town Centre Zone.</p>
Privacy	Concerns about overlooking.	<ul style="list-style-type: none"> No further comment. 	<ul style="list-style-type: none"> The proposed development achieves the minimum visual privacy setback required under the R-Codes Vol 2. There is a distance of at least 7.5m from all rooms facing both Silas Street and St Peters Road. The roof top terrace does not achieve a 7.5m visual privacy setback however, it has been designed to limit the ability to overlook the neighbouring northern property as it is set back from the edge of the building by approximately 1.7m. Design solutions such as an increased setback are an acceptable means to satisfy this Element Objective of the R-Codes Vol 2. <p><u>Recommendation:</u> That the concerns raised in the submissions based on overlooking and privacy be not upheld as the proposal complies with the Acceptable Outcomes of Element 3.5 – Visual Privacy of the R-Codes Vol. 2.</p>
Character and Heritage Considerations	The proposed development does not respond to the character of the adjoining development.	<ul style="list-style-type: none"> With respect to the broader character and heritage of the locality, materiality and finishes of the elevations have been selected by the project architect having regard to the prevailing built form present within the locality (i.e., timber cladding and natural finished concrete). It also noted that the adjoining development at 12 Silas Street, East Fremantle is not listed on the Town's Municipal Heritage Inventory nor recognised as a State Significant Place. As such, 12 Silas Street, East Fremantle is capable of being developed to a similar scale of to the proposed development and does not represent a formal heritage consideration. Having regard to the likely future character and amenity of the 	<ul style="list-style-type: none"> The Medical Centre is not listed in the Town's Heritage List or Local Heritage Survey (LHS). The property was removed from the LHS as part of a previous review completed by Council in 2014-2015 due to intrusive alterations. New development should consider both the existing and intended future streetscape. The neighbouring property is not heritage listed and there are multiple examples of more modern and contemporary designs along Silas Street. <p><u>Recommendation:</u></p>

Concern raised	Summary of Concern	Applicant's Response	Officer's Response and Recommendation
		locality, the proposed development responds to the Town's intended character for the Town Centre Frame Precinct as established within the TCRG.	That the concerns raised in the submissions be not upheld as the adjoining property at 12 Silas Street is not listed in the Town's Heritage List or LHS.
Loss of Vegetation	The proposed development will result in a loss of vegetation, specifically trees at the Site.	<ul style="list-style-type: none"> The project team recognises the value of the existing vegetation to the streetscape, where the proposed development has been consciously designed to minimise the loss of significant vegetation whilst also achieving a high-quality built form outcome which activates both street frontages. It is proposed to include 71m² of landscaping across the development (including on-structure planting), as well as prioritising the retention of an existing mature tree in the eastern portion of the site. As demonstrated within the landscaping plan prepared by KDLA, extensive ground cover is also proposed to be planted within the verge areas and cascading plants within the balcony areas to soften the built form. In consideration of the constrained lot shape and size, the proposed landscaping concept appropriately respond to the locality and contributes to the future character of the area. 	<ul style="list-style-type: none"> Two trees exist on the subject site. One tree is to be removed whilst the other is to be retained as part of the proposed development. The Town does not have any formal controls over tree preservation on private land. A landscaping plan submitted with the proposal shows innovative additional planting and greening and meets the acceptable outcomes of the R-Codes Vol. 2. <p><u>Recommendation:</u> That the concerns raised in the submissions be not upheld as the proposal complies with the Acceptable Outcomes of Element 3.3 – Tree Canopy and Deep Soil Areas of the R-Codes Vol. 2, Element 9: Landscape and Public Spaces of the TCRG; and LPS 3.</p>
Sustainability	Concerns about matters of sustainability.	<ul style="list-style-type: none"> No further comment. 	<ul style="list-style-type: none"> The proposed development will exceed the energy and water sustainability requirements in the National Construction Code according to information prepared by the applicant. <p><u>Recommendation:</u> That the concerns raised in the submissions be noted and that a condition be imposed on any development approval to ensure that the development complies with the requirements of Element 10: Resource Conservation of the TCRG (as they apply in the R-Codes Vol. 2).</p>
Pedestrian Safety	The proposed development will encroach into the pedestrian footpath impacting pedestrian safety.	<ul style="list-style-type: none"> A submission was received which commented on potential impacts on pedestrian safety in respect of nil setbacks to the primary and secondary streets. As shown on the architectural set (refer Plan 'A02'), the development does not encroach into the pedestrian pathway adjoining the Site and does not present any potential impact to pedestrian movement. As outlined above, the setback standards for the Site are specified by the Town's planning framework which require development within the Town Centre to have a nil setback to street frontages. A nil setback in the Town Centre context facilitates increased passive surveillance, ground plane activation and interaction between the private and public realm. The architectural plans included a swept path analysis for the rear parking area, which demonstrated that vehicles will enter and exit the Site in forward gear. The design of vehicle parking, combined with the activation of the Site at the ground and upper levels provides for an improved pedestrian environment within which safety is increased. 	<ul style="list-style-type: none"> No change is proposed to the current footpath access adjacent to the subject development. A footpath will still be in place after development and sufficient sightlines are already in place in the area around the roundabout and intersection of Silas Street and St Peters Road. The vegetation in planter boxes of the proposed building will not restrict driver sightlines. The proposal will result in the one less car bay than currently exists on the site (3 instead of 4) therefore slightly reducing the number of vehicle movements to and from the site. No changes are proposed in the number of crossovers, parking, or footpath locations. <p><u>Recommendation:</u> That the concerns raised in the submissions be not upheld as the proposal does not alter the position of the existing footpath access or sightlines.</p>
Impact during construction	The proposed development will create undue impacts on the adjoining building and there is limited area for heavy vehicles to park during construction.	<ul style="list-style-type: none"> A submission was received which commented on noise, earth working and traffic management during construction. We appreciate that construction activities need to be closely managed to ensure that nuisance is minimised. We would welcome a condition of planning approval which requires the preparation of a Construction Management Plan ('CMP') prior to the commencement of onsite works. The CMP will ensure that construction activities at the Site are appropriately managed to minimise the amenity impact on surrounding landowners and occupiers, address relevant environmental considerations, set out a clear communication pathway and establish a complaints management process throughout construction. 	<ul style="list-style-type: none"> Noise during construction is controlled through the Environmental Protection (Noise) Regulations 1997. The construction methodologies for the site are a matter for consideration by the owner in accordance with the conditions of any subsequent development approval and in accordance with the building permit which is required to meet criteria set by the National Construction Code. The proposed development will not impact on the sightlines of vehicles along Silas Street or St Peters Road. A construction management plan will be required to be prepared as part of the building permit application to ensure matters such as contractor parking and materials storage is planned for prior to works commencing on site. A dilapidation report of adjoining properties will be required to be conducted by the applicant prior to works being undertaken. The Medical Centre will continue to be able to operate during the construction period. <p><u>Recommendation:</u> That the concerns raised in the submissions be noted and that a condition be imposed on any development approval to submit:</p> <ul style="list-style-type: none"> A Construction Management Plan for approval to address a number of matters including noise; traffic management; parking management for trade, contractors and visitors to the site; and bulk earthworks operations. A Dilapidation report for 12 and 16 Silas Street and external paved areas.
Impact on Medical Centre Parking	The Site is currently being used for parking by the Medical Centre. The proposed development will impact the availability of parking for patients and doctors.	<ul style="list-style-type: none"> A submission was received which commented that the use or development of the Site for any purpose other than free-of-charge vehicle parking for the medical centre is inappropriate. We note that the Medical Centre site incorporates 11 dedicated vehicle parking bays accessible via May Street. We are instructed that the use of the Site as overflow parking was formalised by way of lease agreement between the Medical Centre and the previous owner (Main Roads WA). The lease agreement was terminated in June 2019, prior to the sale of the Site from Main Roads WA to our Client. In that time, the use of the Site for overflow vehicle parking associated with the Medical Centre has been without approval of the landowner. 	<ul style="list-style-type: none"> Dealings with Main Roads in relation to the sale and development of 14 Silas Street are not relevant to this development application. It is noted that the Medical Centre owner previously had a licence agreement to lease the subject lot for car parking from Main Roads WA and that owner was unsuccessful in negotiating to purchase the subject land. Irrespective of ownership the proposed development application is required to be assessed and considered by the Town and determined by the Council. The retention of this parking was not specified as a condition of planning approval and parking on this land was considered as only one option of meeting the required parking when Council granted approval for extension of the medical centre. In fact, there is a condition of planning approval which stipulates that only six consulting rooms (to

Concern raised	Summary of Concern	Applicant's Response	Officer's Response and Recommendation
		<ul style="list-style-type: none"> We reiterate that the northern landowner and operator of the Medical Centre are aware the lease permitting the use of the Site for overflow parking was terminated several years ago. In our view, it is unconscionable for the northern landowner to now submit that the Site should continue to be made available for their exclusive use. As the Town is aware, it is incumbent on the northern landowner to ensure that sufficient parking is provided for the Medical Centre use. We are of the view that it is not appropriate or consistent with orderly and proper planning to frustrate the genuine redevelopment aspirations of a landowner within the Town Centre in favour of overflow parking for the benefit of an adjoining landowner. In our view, the use of the Site for overflow parking would be inconsistent with the Town's strategic planning framework and built form aspirations of the Town Centre, representing a considerable lost opportunity for the locality. 	<p>treat patients) can be in operation at any one time. This was to ensure that the parking provided on-site met the requirements for the number of consulting rooms.</p> <ul style="list-style-type: none"> The Town's records indicate that over the time the medical centre has been in operation, the owner of the land has requested a reduction in the parking requirements, so that additional consulting rooms, other facilities and amenities could be developed on the site. The Town's records indicate that the medical centre operator was to be responsible for addressing any future shortfall in on-site parking. Parking for the Medical Centre has no relevance to this application. It is also noted that there is public parking available along May Street, Silas Street and in the car park to the rear of Richmond Quarter. <p><u>Recommendation:</u> That the concerns raised in the submissions be not upheld as the parking for the adjoining Medical Centre use has no relevance to this application.</p>
Waste management	The bin store will be intrusive to amenity, will impede access and make collection dangerous.	<ul style="list-style-type: none"> No further comment. 	<ul style="list-style-type: none"> The proposal complies with the Acceptable Outcomes of Element 4.17 – Waste Management of the R-Codes Vol. 2. The proposal shows that rubbish bins will be stored in a location screened from the street in accordance with the Acceptable Outcomes of Element 11: Signage and Services of the TCRG. Bins are required to be located adjacent to the bin storage area on collection days however, not on the footpath to ensure that pedestrian access is maintained. A Waste Management Plan will be required for this development. <p><u>Recommendation:</u> That the concerns raised in the submissions be not upheld as the proposal complies with the Acceptable Outcomes of Element 4.17 – Waste Management of the R-Codes Vol. 2 and Element 11: Signage and Services of the TCRG regarding waste and bin storage and that a condition be imposed on any development approval to submit a Waste Management Plan for approval.</p>
Petition 453 signatories	<p>Concerns regarding building height, bulk, removal of vegetation and amenity of the medical centre.</p> <p>Signatories request Council maintain the Site as medical centre parking and a landscaped amenity for the community.</p>	<ul style="list-style-type: none"> N/A. The petition was received by the Town following the close of the advertising period. 	<ul style="list-style-type: none"> The action petitioned for, that Council maintains 14 Silas Street as medical centre parking and a landscaped amenity for the community is an outcome that is not within the power of the Council to bring into effect. The subject land is not owned by the principal petitioner nor the Town of East Fremantle therefore the Council cannot determine the land be used for the purposes proposed in the petition. <p><u>Recommendation:</u> That the action requested in the petition be not upheld as Council does not have the power to bring the proposed action into effect .</p>

Written deputations by and on behalf of adjoining owner as presented at Council Meeting 15 August 2023

Thank you for the opportunity to speak to this over-development which has a groundswell of opposition in the community.

The outcome I am seeking from council is twofold.

Primarily the opportunity to mediate with the applicant to reach a fair compromise between no building at all versus a 5 level building.

Secondly, agreement as to whether this application will be assessed as a multiple dwelling, otherwise needing a separate apartment on each level under the Residential Design Codes which apply in Town Planning Scheme, or as a single two-storey residence with an office or commercial premises at the ground level.

I understand that discretion can be applied in both scenarios and the Town Centre Strategy and Guidelines are also a consideration but we have been assured in a council meeting two months ago that these do not override the Local Planning Scheme.

I also understand that a single dwelling is not a permitted use under the Scheme and would require a Scheme amendment before approval could be given for this.

I am asking for common sense to prevail and that council will defer this subject to acceptable modification and revised plans

As a very brief background, I opened East Fremantle Medical Centre in 1993 and will take some credit for the Town Centre subsequently becoming a community medical hub of not just GPs but Physios, Dentists, Radiologists and many other specialty health professionals.

As mentioned in the Planners' Report I have also done my fair share of building development and was asked and required by East Fremantle at the time to address the corner block as the entrance way to the Town Centre. I did so with respect for my 101-year-old building being on the Municipal Heritage Register (curiously it has now been removed without me being informed of such.) My commitment to all the building I have ever done relied strongly on Architect John Kirkness' enormous creative talent and respect for the Scheme.

The planning report is cleverly written and hugely disappointing mainly in that it indiscriminately chooses from whichever statutory controls or guidelines might appear to support individual issues in the building submission.

I will leave it to John to outline these in greater detail. He also has sensible proposals to make it workable within the scheme

I understand the practicality that developers speak with a town planner prior to a submission but believe strongly that the application should not then be assessed by that same planner. It is not a level playing field and may be interpreted as conflict of interest regarding fairness and transparency to other ratepayers like myself, the 14 other submissions by those opposing this development and the clearly expressed broader concern in the submitted Petition.

Pictures tell a 1000 words and the proposed development streetscape images attached which, incidentally were not the ones with the original submission, have had the building proportions completely altered. I can understand how people can look at these and say that it looks like an ok building.

The Medical Centre has been enlarged disproportionately behind the diminished building at 14 Silas St. The separation between the two buildings is vastly enlarged as an artist impression. In short, they are entirely misleading.

Also there is of course no image to represent the view looking down Silas St towards St Peters Road This will be a solid 10.5 metre high concrete wall jutting out to the road reserve. It could be a billboard advertising the Medical Centre!

I indicate my willingness to sit down with the applicant and architect and am optimistic there are design modifications and compromises by all parties to enable the right building on this small block utilising the appropriate volumes envisaged and appropriately applied under the Scheme and related documents. It is not this building.

In closing, my only regret is that I did not suggest to Main Roads that this land be offered to the Town of East Fremantle. I believe they did this with other small remnant parcels of land. That way it could have been retained as verge or even, as I suggested in my submission, for a dedicated East Fremantle War Memorial to be placed on the site.

Thank you for listening

RESPONSE TO PLANNING OFFICERS' REPORT:**DEVELOPMENT APPLICATION FOR "PROPOSED OFFICE WITH RESIDENTIAL DWELLING ABOVE: 14 SILAS STREET, EAST FREMANTLE": CTP027/23**

Thank you for the opportunity to respond to the content and recommendations contained in the above planning officers' report.

It is very disappointing to have such limited time to respond to such a complex and adversely impacting development proposal, with the cancellation of the normal Planning Committee process and fast-tracking of the application directly to the August Council meeting for consideration / determination. It is hard to imagine an application more needing of detailed scrutiny at the Planning Committee level, with the opportunity for constructive dialogue between Elected Members and affected parties for which the Town is well known.

The following response is provided in good faith and intended to be constructive in achieving a reasonable outcome that takes proper account of the highly unique nature of this site in the context of the full suite of statutory controls and advisory guidelines, and not just those that might be seen to otherwise justify this development proposal.

For brevity, bullet point form is used in the following response.

*

Generally

- The content and direction of the officers' report reflected in the recommendation for support of the application in its current form is extremely disappointing.
- The report reads as more as a 'justification' for the application rather than any sort of objective assessment, with virtually no discussion or consideration of adverse amenity impacts.
- While large and partly referenced to the statutory matters raised our submissions, the report fails to adequately address them, instead 'cherry-picking' only those parts of the four layers of statutory controls that might be seen to more easily support the application while ignoring those parts that intentionally and reasonably constrain and control over-development.
- The report summary and concluding general discussion clearly views the proposed development as a high-quality architectural solution that reflects the intent of the Town Center Design Guidelines (TCDGs) and therefore Council's vision for the place.
- It particularly views the application as justifiable in response to the generic content of the TCDGs and that its discretionary variations relative to these are small and therefore straightforward.
- This approach takes no account of the specific nature of this completely unique site, particularly its small size, highly irregular shape and proximity to much smaller scaled surrounding buildings. The highly generic TCDGs

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are clearly structured around regular shaped, larger sized lots without any real constraints from the scale and form of adjacent premises.

- Consequently, the planners' report views the integration of this isolated and tall proposed structure, with its massive north boundary wall into a unified townscape as otherwise intended by the TCDGs appropriately dependent on the redevelopment of No.12 Silas Street and specifically the front portion of the East Fremantle Medical Center (EFMC).
- This assumption is completely unacceptable, where that building has been developed at very considerable expense and in full compliance with Council's planning and heritage requirements over many years. It forms a significant element in the present townscape and should not have its ongoing amenity simply ignored on an assumption of future redevelopment.
- The provisions of LPS3 and the associated requirements of the Town Planning and Development Regulations 2015 require that Council cannot relax any development standards where these result in significant adverse amenity impacts on neighbouring premises or the locality.
- The strong and considered objections of the most affected neighbour (EFMC) and other proximate commercial and residential premises clearly demonstrate that these adverse impacts are very significant.
- The clear implication in the officers' report that these impacts are either irrelevant or don't exist because of the generic content of the TCDGs regarding possible future development is falsely based.
- The necessary exercise of discretion by Elected Members to necessarily vary development standards to allow this development rests primarily on this consideration. Specifically, is the existing scale of surrounding development, both immediately and more broadly across the greater 'Frame Precinct' of relevance where a necessarily isolated, large three / four-storey building might tick some of the generic TCDGs boxes?

Statutory Controls

- The site falls under the control of the Town's LPS3, also with reference to the requirements of the RD Codes (Vol.1 or 2 depending on interpretation of the proposed dwelling as either 'single' or 'multiple') and the TP&D Regulations 2015. The TCDGs exist to provide guidance for the exercise of discretion relative to these three controlling documents, however does not constitute any sort of mandatory or deemed-to-comply development standards.
- Recent Council consideration of minor amendments to the TCDGs highlighted these limitations and the need for comprehensive future consideration of the content of the TCDGs, where they were developed well before the RD Codes Vol.2 and contain clear inconsistencies with both that State level planning control and LPS3.
- It is of course acknowledged that the TCDGs have relevance in considering the application, however their intent to provide a cohesive townscape, generic form and clear shortcomings having regard to sites such as this one must be taken into account when informing the exercise of discretion. We believe this has not occurred in the planning officers' report.

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- All four layers of planning control contain both opportunities and constraints for determining the scale and form of appropriate development. While strongly supportive of the 'opportunities' for relatively large scales of development contained in the statutory documents, the planning officers' report pays scant if any attention to the matching 'constraints' that all four statutory controls also contain.

Specific Concerns

- The submitted application strongly relies on the 3D computer graphics demonstrating the impact / appearance of the proposed building in the street. These have been significantly distorted to show more acceptable and reduced impacts on the EFMC and streetscape.
- Specifically, in the Silas Street front view the EFMC is both inaccurately drawn and greatly widened relative to the proposed development. The gap between the two buildings is very greatly exaggerated relative to the image of the proposed building. This separation is a major point of adverse impact concern. The proportional scale of the proposed building in the surrounding townscape is also significantly diminished.
- The diagonal view across the intersection similarly enlarges the EFMC to give the appearance of less obscured view lines.
- The St Peter's Road side view significantly foreshortens the proposed building (by approx. 20%), most particularly indicating an open view to the middle and rear portions of the EFMC. This is highly misleading and again of considerable significance.
- Were the proposed building actually scaled as indicated in the 3D images, the proposal might well be considered more acceptable; unfortunately, it is not.
- Real reduction in scale of the proposed development to more closely reflect such apparent impacts would be highly appropriate. Amended graphics that do show these real impacts should be prepared by the applicant to allow an informed consideration of the application.
- The proposal is assessed in the officers' report as a 'modest' scale of development, particularly regarding the apartment dwelling. With a floor area (for plot ratio purposes) in excess of 300m², it is absurd to consider this as a modestly scaled apartment, particularly when the lot's small size, irregular form and isolation is considered.
- The inclusion of balconies and roof deck structures further increases the real scale of the apartment.
- The officers' report discretely references the applicable plot ratio as 1.52: 1.0. Calculating the plot ratio having correct regard to RD Code definitions indicates a building of some 382m² for plot ratio purposes over a lot size of 211m², creating an applicable plot ratio of 1.81: 1.0.
- The report make no reference to the maximum plot ratio requirement of the RD Codes Vol.2 for Mixed Use development in R100 zones (as for the Frame Precinct under the TCDGs) of 1.3: 1.0. The proposed development is vastly in excess of this allowance.
- The RD Codes Vol.2 are certainly not anti-development, however do contain these real constraints to prevent overdevelopment.
- The proposed development contains a massive blank boundary wall some 23.5m long with minimum height 10.5m wall to the north side of the lot. This is carried right forward to the front lot boundary and back past the leading corner of the EFMC rear portion.
- This proposed wall length requires significant variation of the RD Code permitted 20m wall length. This is both inappropriate and unnecessary where a blade wall extends 3m to the rear end of the building simply to effect easy fire separation associated with rear walls and large east-facing picture windows to the bedrooms in particular.
- The boundary wall is well in excess of the wall height allowed under LPS3, nevertheless happily taking the allowance for nil boundary walls to three lots sides otherwise provided under the Scheme, without applying the corresponding statutory height constraints.
- The proposed boundary wall is also contrary to the requirement under the RD Codes Vol.2 for boundary walls in R100 zones, to be strictly limited in height to two storeys. The intent to protect the amenity of neighbouring sites is clearly articulated in the RD Codes in this specific regard and is obviously relevant in this case. The planning officers' report makes no reference to this statutory requirement.
- In conjunction with a two-storey limit to the boundary wall, the third level of the building should be necessarily setback in accordance with Code requirements. This might reasonably equate with the setback to the roof deck at the fourth level at 1.5m approx.
- A boundary setback above the second storey would potentially allow a 'green roof' to this building portion that could soften the stark north wall as seen from the EFMC and Town Center beyond.
- The adverse impact of the north boundary wall could be further mitigated by pulling back the proposed dwelling to a front setback line aligned to the forward office portion of the EFMC (approx.2.6m). This would recognise the reality of an established setback, minorly stepping back towards the corner and open up the vista to the EFMC, also limiting the claustrophobic impact of the boundary wall in the street.
- The proposed 'top-hat' awning at the third level is very heavy and intrusive beyond the boundaries of the lot, exacerbating adverse bulk and scale impacts. Reference to this in the officers' report as an awning over the footpath for pedestrian amenity purposes is wholly inconsistent with the intent of such structures under the TCDGs and RD Codes (clearly indicated in diagrams contained within those documents).
- The proposed roof structures to the dwelling are in excess of 20% of the roof area and therefore are counted in measuring the height of the building per the TCDGs (and effecting a 'storey' as a result). The report simply references the RD Codes where these exclude roof structures, rather than also addressing the requirements of the TCDGs.

- The planning officers' report references the non-specific measurement of storey heights contained in the RD Codes Vol.2 and it is acknowledged that these can theoretically embrace storeys up to 5m in height (which the report of course references). Where provision for three-storey development in the 'Frame Precinct' is contained in the TCDGs, it is appropriate to consider this in terms of the envisaged scale of development under those Guidelines, prepared well before the RD Codes Vol.2 and which are quite clearly for approx. 3m storey heights per the diagrams contained in those Guidelines.
- It is impossible to imagine how a 15 tall building could possibly achieve the intent of mediating between the desired scale of the Town Center and surrounding residential development. It would also be wholly inconsistent with the existing 'Frame Precinct', already substantially constructed at regular 2-2.5 storey height.
- The discretions sought regarding height are substantial and not inconsequential relative to a supposed 15m allowance as referenced in the officers' report.
- The location of the large northern wall right on the lot boundary provides no means to contain the significant amount of driven stormwater that would be captured by the large boundary wall. This will be necessarily shed onto the site of No.12, with the ground grouting necessary to effect the proposed full length / depth basement further exacerbating adverse drainage impacts.
- The historic stumped / limestone footing structure of the 101year old heritage building at No12 will be likely significantly compromised.
- In this context, any condition/s of planning consent requiring meaningful capture and disposal of stormwater on the applicant's site cannot be met with a nil setback boundary wall and should be addressed at this point where inherently problematic with the development as proposed.
- The large and highly visible boundary wall, even with consideration of mitigation measures described above will present a large blank face to the EFMC at its frontage and to the Town Center as seen progressing down Silas Street. There is no proposed means to deal with this visual obtrusion, other than to wait for redevelopment of No.12 to a similar scale at some time in the future, as implied in the planning officers' report.
- Proper consideration and conditioning of appropriate treatments / artwork to the satisfaction of the Town and neighbour should be provided for, including a significant \$ amount to achieve a reasonable outcome in this regard.
- The proposed development involves a single dwelling set over a commercial portion. This does not constitute a 'Multiple Dwelling' under the RD Code definitions, that specifically require more than one dwelling to be contained on the site. This is relevant where a 'Single Dwelling' is an 'X' use (ie not permitted) LPS3 within the Town Center.
- Otherwise allowing the development is not subject to exercise of discretion (this would be an 'A' or 'D' use) without the single residential use being provided for as an "Additional Use" for this specific site under LPS3, with all appropriate conditions and requiring a minor Scheme amendment before any approval could be granted.

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- This was the explicit advice previously provided in writing by the same planning officers for the Town, in response to questions of possible development by Main Roads WA and its valuers prior to disposal of the land.
- Contrary to that previous advice, the current planning officers' report has 'cherry-picked' one phrase within the Multiple Dwelling / Mixed Use definitions, separated from their clear overriding multiple dwelling requirement (consistent with the term 'multiple) and implying that the commercial unit at the ground level can somehow act in lieu of a requisite second dwelling.
- In this context the report argues that the development is permitted under LPS3 as a single 'multiple dwelling'. Moreover, this is used to justify the development as "mixed use", thereby applying the RD Codes Vol.2, rather than the less permissive RD Codes Vol. 1 for single dwellings.

Desired Outcomes

Generally

- In light of the range of inconsistencies and omissions presently contained in the planning officers' report, the application should be deferred to allow further consideration of these matters and their consistent applicability having regard to all the statutory controls and guidelines.
- Further to these considerations, the application should be deferred to allow the applicant to better consider the adverse impacts of the proposed development and to reduce the scale of proposed development, better reflecting the statutory and real constraints of the site.
- Council staff to meaningfully liaise with the affected neighbour / representatives regarding their concerns, in further consultation with the applicant to seek common ground in progressing an acceptable form and scale of development.
- Further to the above, a revised application be considered through the Town Planning Committee process and thereafter Council as appropriate or required.
- As part of this consideration, 3D graphic images of the amended development be prepared that more accurately demonstrate the relationship between the proposed development, its northern neighbour and the townscape generally.

Specific Design Amendments

- The proposed development to be generally reduced in scale to achieve a building with a plot ratio more closely approaching the 1.3: 1.0 per RD Code Vol.2 requirements, rather than the 1.8 : 1.0 presently proposed.
- The northern boundary wall to be reduced to two-storey height in accordance with the RD Code Vol.2 requirement, with the third storey set in appropriately relative to this.

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- Consideration be given to the setting back of the front elevation of the proposed development to align with the setback of the forward office portion of the EFMC (2.5m).
- The 3 m. length of boundary wall at the eastern end of the building to be removed from the proposal, with alternative means to achieve Building Code fire separation applied to the rear face of the building. This will likely include the setting back of the rear-facing picture windows to the upper level bedrooms away from the boundary line, with appropriate vertical screening to prevent overlooking into EFMC consulting rooms.
- The heavy 'top hat' awning presently proposed to the upper level of the building at the Silas Street frontage be removed and any alternative awning structure being of lightweight construction and contained within the lot boundaries.
- The entire boundary wall structure be set back or alternatively dealt with to provide for capture of stormwater hitting the proposed boundary wall surface and otherwise discharging onto the neighbouring lot, to be disposed of on the applicant's own site in accordance with conditions.
- Consideration be given to the real impact of groundwater run-off down the hill to the north where captured by the full length basement boundary wall (particularly in the context of extensive grouting to the ground under No.12 to effect excavation). Is the proposed basement viable in this context?
- Provision to be made for high quality artistic / material treatment of the obtrusive north boundary wall where highly visible as approached down Silas Street and from the front of the EFMC. This should be conditioned and bonded as part of any approval, to the satisfaction of the Town, in consultation with the significantly affected neighbour.
- Consideration being given to the provision of a 'green roof' above the two-storey boundary wall portion (as amended), to beautify the appearance of the building in a sustainable way for the benefit of the neighbour and Town Center generally.

Conclusions

- The proposed development is clearly incongruous with the scale and form of its surrounds, and would act as a stand-alone development, contrary to the intent of the TCDGs to achieve unified streetscapes and a mediating scale of development between the 'Frame Precinct' and surrounding residential areas.
- The proposed scale of development is significantly inconsistent with the substantially established development of the Frame Precinct.
- The stated compatibility of the proposed development with the content of the TCDGs and intended vision for the Town center would only be achieved with redevelopment to similar scale on No.12 Silas Street adjacent. This is not going to happen as a matter of course, where that site has been thoroughly and sensitively developed through retention and adaptation of the 101 year old building, fully in compliance with Council's requirements for the site during its various stages of development, particularly having regard

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- to its former heritage listing (now removed without any transparency or consultation and contrary to previously received written Council advice).
- Reliance on future demolition (particularly where neither envisaged nor desired) to effect harmonious Town Center development does not represent orderly and proper planning. Neither does it respect the mandatory protections for neighbour and townscape amenity built into the LPS3 and TP&D Regulations 2015 with regard to variation of development standards.
- Notwithstanding the inherent difficulties in developing such an isolated, comparatively small and irregular site, nor the unsatisfactory circumstances leading to the previous sale of this site as a development lot, it is acknowledged that a titled and zoned site presently exists.
- The relative 'cleverness' of the proposed development is also noted, squeezing a very substantial building onto this site and which also has its own architectural merits. Nevertheless, it relies on very substantial adverse impacts to effect its building form and scale, with the price to be paid primarily by the northern neighbour.
- It is also acknowledged that the proposed development has been set generally forward of the rear two-storey portion of the EFMC, and this consideration is appreciated and acknowledged. It also results in the retention of the magnificent 'twinned' ficus tree towards the rear of the site.
- Conversely, an alternative design approach extending a lower building back in front of the EFMC rear portion would only exacerbate significant adverse impacts. The present plot ratio effectively precludes such approach in any combination with a three-storey structure to the front portion of the subject lot, which can be supported subject to design amendment.
- While it would clearly be most desirable to see the land retained as landscaped open space at the entrance to the town center (as it has effectively operated for nearly 40 years), the above proposals to consider a reasonable reduction in scale of proposed development are provided in good faith. They remain generous having regard to the whole suite of statutory controls and guidelines applicable to this site and could still effect a dwelling of very considerable scale and arguably improved amenity and appearance.
- An open and consultative approach to further development and consideration of an amended design proposal may assist the achievement of a quality proposal more acceptable to all parties.

John W. Kirkness
B.A.(Hist.), B.Arch.

for

Dr. Hilary Fine;
Owner, 12 Silas Street

14th August, 2023

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Community Engagement Checklist

Development Application P027/23 –14 Silas Street

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 (<i>School / Playground</i>)	<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	15/05/2023	<input checked="" type="checkbox"/> Advertised to 39 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		15/05/2023		
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.	
Notes				

MINUTES OF TOWN PLANNING MEETING TUESDAY, 5 SEPTEMBER 2023



13 MATTERS BEHIND CLOSED DOORS

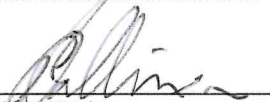
Nil

14 CLOSURE OF MEETING

There being no further business, the Presiding member declared the meeting closed at 8.04 pm

*I hereby certify that the Minutes of the ordinary meeting of the Town Planning Committee of the Town of East Fremantle, held on **5 September 2023**, Minute Book reference 1 to 14 were confirmed at the meeting of the Committee on:*

7 NOVEMBER 2023


Presiding Member