



MINUTES

Town Planning Committee Tuesday, 5 July 2022 at 5:30 PM

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MINUTES

1 DECLARATION OF OPENING OF MEETING/ANNOUNCEMENTS OF VISITORS

Presiding member opened the meeting at 6.32 pm and welcomed members of the gallery.

2 ACKNOWLEDGEMENT OF COUNTRY

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

3 ANNOUNCEMENT TO GALLERY

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

4 RECORD OF ATTENDANCE

4.1 ATTENDANCE

The following members were in attendance:

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

The following staff were in attendance:

A Malone	Executive Manager Regulatory Services
K Culkin	Minutes Secretary

There were no members of the public in the gallery.

4.2 APOLOGIES

Nil

4.3 APPROVED LEAVE

Cr D Nardi
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

Nil

8 PRESENTATIONS/DEPUTATIONS

8.1 PRESENTATIONS

Nil

8.2 DEPUTATIONS

Nil

9 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 TOWN PLANNING COMMITTEE (7 JUNE 2022)

9.1 OFFICER RECOMMENDATION

Moved Cr Natale, seconded Mayor O'Neill

That the minutes of the Town Planning Committee meeting held on 7 June 2022 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 8 BAY PATCH STREET - NEW TWO STOREY DWELLING

Owner	Phooi Sie E
Applicant	ABN Residential Pty Ltd T/A Webb Brown Neaves
Report Reference Number	TPR-670
Planning Reference Code	P42/22
Prepared by	James Bannerman
Supervised by	Andrew Malone
Meeting date	Tuesday, 5 July 2022
Voting requirements	Simple majority
Documents tabled	Nil

Attachments

1. Location and advertising plan
2. Photos
3. Plans submitted 13 May 2022
4. Community consultation checklist

PURPOSE

The purpose of this report is for Council to consider a development application for a new two storey dwelling on a vacant lot at 8 (Lot 296) Bay Patch Street East Fremantle.

EXECUTIVE SUMMARY

This development application proposes a new 2 storey dwelling at 8 (Lot 296) Bay Patch Street, East Fremantle. It is proposed to construct a dwelling with 4 bedrooms, 3 bathrooms, study and alfresco area on a compact, vacant lot within the Richmond Raceway Precinct. Multiple variations are requested to the requirements of the Residential Design Codes and the Residential Design Guidelines related to lot boundary setbacks (3 locations), roof pitch and retaining walls and fill. The dwelling has a contemporary design style with a front fence and a 2 car, single width garage.

The following variations to the Residential Design Codes and the Residential Design Guidelines are requested;

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Ground Floor – Alfresco, Living, Laundry, Stairs, Powder Room, Guest Bedroom - Eastern Wall – 4.5m required, 1.01m provided
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Upper Floor – Main Bedroom, WIR, Ensuite, Bathroom, Bedroom 2 – Western Wall – 1.8m required, 1.6m provided
- (iii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Upper Floor – Sitting, Stairs, WC, Bedroom 3 – Eastern Wall – 1.7m required, 1.21m provided
- (iv) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, 12 degrees provided
- (v) Clause 5.3.7 – Residential Design Codes – Retaining Walls and Fill Behind a Street Setback Line – Setback for retaining 1m required, less than 1m provided

The proposed development is recommended for support subject to the conditions included in the final recommendation.

Zoning	Residential R30
Site Area	342m2
Heritage	N/A
Fremantle Port Buffer	Area 3
Previous Decisions of Council and/or History of Issue Onsite	Vacant lot

Advertising

The proposed development was advertised to surrounding property owners from 5 to 20 May 2022. One submission was received and is included below:

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Community Design Advisory Committee

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

External Consultation

The development application was referred to Main Roads Western Australia and the following response was received;

- (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.*
- (2) *Prior to occupation of the Development, a notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the Certificate 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."*

Internal Consultation

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Town of East Fremantle Residential Design Guidelines 2016

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

Residential Design Codes

Design Element	Required	Proposed	Status
Street Front Setback	4m	4m ground floor 3.3m upper floor - average of setback of neighbouring properties	A
Lot Boundary Setbacks			
Ground floor – garage – western wall	0m (for a max of 2/3 length of boundary behind front setback)	0m for 12.09m (approx. 52%)	A
Ground floor - kitchen, dining – western wall	1.5m	1.6m	A
Ground floor – dining, alfresco – northern wall	1.5m	3.34m	A
Ground floor – alfresco, living, laundry, stairs, powder room, guest bedroom - eastern wall	4.5m	1.01m	D
Upper floor – main bedroom, WIR, ensuite, bathroom, bedroom 2 – western wall	1.8m	1.6m	D
Upper floor – bedroom 2 & bedroom 3 – northern wall	3m	10.651m	A
Upper floor – sitting, stairs, WC, bedroom 3 – eastern wall	1.7m	1.21m	D
Open Space	45%	46%	A
Outdoor Living Area			A
Car Parking	At least 1 car bay	2 car bays	A
Site Works	Compliance with appropriate	Between 0.204m and	D

	height and setback requirements	0.724m around northern and eastern boundary – adjacent to dividing fence	
Sightlines	1.5m truncations	1.5m truncations	A
Visual Privacy			
Bed 2	4.5m	>4.5m	A
Bed 3	4.5m	>4.5m	A
Living	6m	<6m	A – screening from fence
Alfresco	7.5m	<7.5m	A – screening from fence
Overshadowing	25%		N/A
Landscaping	2m x 2m planting zone	2m x 2m planting zone	Condition
	1 tree	1 tree	Condition
Drainage	To be conditioned		

Residential Design Guidelines

Design Element	Required	Proposed	Status
Roof form and pitch	28 to 36 degrees	30 degrees 12 degrees	D
Materials and colours	Colours and materials shown	As per plans	A
Front fence	60% visual permeability` 1.8m maximum height	Greater than 60% visual permeability 1.8 maximum height	A A
Pergolas			N/A
Footpaths and crossovers	Advice notes		
Garages	Maximum width of 30%	30%	A

This development application proposes a new 2 storey dwelling at 8 (Lot 296) Bay Patch Street, East Fremantle. It is proposed to construct a dwelling with 4 bedrooms, 3 bathrooms, study and alfresco area on a compact, vacant lot within the Richmond Raceway Precinct. Multiple variations are requested to the requirements of the Residential Design Codes and the Residential Design Guidelines related to lot boundary setbacks (3 locations), roof pitch and retaining walls and fill. The dwelling has a contemporary design style with a front fence and a 2 car, single width garage.

Lot Boundary Setback - Ground Floor – Alfresco, Living, Laundry, Stairs, Powder Room, Guest Bedroom - Eastern Wall

The eastern wall on the ground floor is 20.59m long and 3.65m high with major openings. It is located 1.01m from the eastern boundary. In accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 the wall should be located 4.5m from the side boundary. In this case the reduced lot boundary can be supported in accordance with design principles 5.1.3 P3.1 for the following reasons;

- Minimal impact of building bulk on the adjoining property,
- Adequate sunlight and ventilation is provided to the building and open spaces on the site and the adjoining property, and
- Minimal overlooking and loss of privacy on the adjoining property.

There is a sufficient gap between the respective buildings to ensure adequate sunlight and ventilation can still reach the area between the buildings and open spaces on both sides of the boundary. Privacy is maintained between the properties because of the use of a dividing fence 1.8m high at a new higher ground level. The fence will act as sufficient privacy screening for the window from the living area and the other major openings are not connected to active habitable rooms (like the laundry for example which is not considered an active habitable space). The restricted area of the lot being 342sqm does cause issues in developing a dwelling on the lot, therefore subsequently there are setback variations requested. The proposal is considered to be an acceptable built form outcome considering the lot size. The reduced lot boundary setback can therefore be supported.

Lot Boundary Setback - Upper Floor – Main Bedroom, WIR, Ensuite, Bathroom, Bedroom 2 – Western Wall

The western wall on the ground floor is 14.59m long and less than 5.5m high without major openings. It is located 1.6m from the western boundary. In accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 the wall should be located 1.8m from the side boundary. In this case the reduced lot boundary can be supported in accordance with design principles 5.1.3 P3.1 for the following reasons;

- Minimal impact of building bulk on the adjoining property,
- Adequate sunlight and ventilation are provided to the building and open spaces on the site and the adjoining property, and
- Minimal overlooking and loss of privacy on the adjoining property.

There is only a minor variation of 0.2m with regards to the lot boundary setback. There is a sufficient gap between the respective buildings to ensure adequate sunlight and ventilation can still reach the area between the buildings and open spaces on both sides of the boundary. Privacy is maintained between the properties because the windows in the western upper storey wall are not major openings attached to bedrooms or living areas. The restricted area of the lot being 342sqm does cause issues in developing a dwelling on the lot, therefore subsequently there are setback variations requested. The reduced lot boundary setback can be supported.

Lot Boundary Setback - Upper Floor – Sitting, Stairs, WC, Bedroom 3 – Eastern Wall

The eastern wall on the upper floor is 12.99m long and 6.019m high without major openings. It is located 1.21m from the western boundary. In accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 the wall should be located 1.7m from the side boundary. In this case the reduced lot boundary can be supported in accordance with design principles 5.1.3 P3.1 for the following reasons;

- Minimal impact of building bulk on the adjoining property,
- Adequate sunlight and ventilation is provided to the building and open spaces on the site and the adjoining property, and
- Minimal overlooking and loss of privacy on the adjoining property.

There is only a minor variation of 0.49m with regards to the lot boundary setback. There is a sufficient gap between the respective buildings to ensure adequate sunlight and ventilation can still reach the area between the buildings and open spaces on both sides of the boundary. Privacy is maintained between the properties because the windows in the eastern upper storey wall are not major openings attached to bedrooms or living areas. The restricted area of the lot being 342sqm does cause issues in developing a

dwelling on the lot, therefore subsequently there are setback variations requested. The proposal is considered to be an acceptable built form outcome considering the lot size. The reduced lot boundary setback can be supported.

Roof Pitch

The roof pitch in the Richmond Raceway precinct is required to be between 28 and 36 degrees in accordance with the Residential Design Guidelines acceptable development provisions 3.7.8.3 A4.1. The front section of the proposed dwelling has a pitch of 30 degrees while the rear roof section of the ground floor has a pitch of 12 degrees. Whilst the rear roof with the roof pitch less than 28 degrees, it can be supported because it complements the traditional form of the surrounding development in the immediate locality. The roof is hidden behind the main part of the upper storey of this dwelling and as such cannot be seen from the street front. For these reasons the reduced roof pitch can be supported.

Retaining Walls and Fill Behind a Street Setback Line

In accordance with the Residential Design Codes deemed to comply clause 5.3.7 C7.2 retaining walls should be located an increasing distance from the boundary depending on their height. In this case the retaining walls are between 0.204m and 0.724m above natural ground level along the eastern and northern boundary. In accordance with Table 4 the retaining walls should be located a minimum of 1m from the boundary. In this case the retaining walls are located up to the boundary and are accompanied by fill to increase the level of the proposed dwelling along the eastern and northern boundary. The reduced setback of the retaining walls and the subsequent increased height can be supported in accordance with design principles 5.3.7 P7.3. The retaining walls 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 clause 5.3.7 and 5.4.1 of the Residential Design Codes. The retaining walls will allow for an increase in the height of the site but will also enable privacy between the subject site and the adjoining property, despite the increase in the height of the building above the natural ground level.

Submissions

Two submissions were received. One was supportive of the proposal and the other requested amendments to improve privacy between neighbouring dwellings. The latter submission requested that the bedroom windows at the rear of the dwelling be modified to highlight windows above 1.6m from the finished floor level of the second storey. Bedroom windows require a 4.5m visual privacy setback from the boundary in accordance with the Residential Design Guidelines deemed to comply clause 5.4.1 C1.1 i. In this case the windows easily achieve this to the northern boundary with a setback from the windows to the boundary of 10.651m. There is no requirement for the design of the dwelling to be modified in response to this submission.

Noise

Two conditions were required to be included in the final recommendation in accordance with Main Roads Western Australia advice received as part of standard referral to this organisation.

- (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.*
- (2) *Prior to occupation of the Development, a notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the Certificate 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."*

These conditions have been included in the final recommendation requiring the development to undertake noise mitigation measures in alignment with State Planning Policy 5.4 Road and Rail Noise and also make future byers aware of potential noise issues in the area.

CONCLUSION

The proposed development is recommended for support subject to the conditions included in the final recommendation. The proposed double storey dwelling is a relatively modest proposal that fits in well with the existing streetscape and the restrictive size of the lot and has minimal variations to the Residential Design Codes and the Residential Design Guidelines. It has limited impacts on the surrounding properties.

OFFICER RECOMMENDATION / COMMITTEE RESOLUTION

12.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION TP010722

Moved Cr Mascaro, seconded Cr Natale

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

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Ground Floor – Alfresco, Living, Laundry, Stairs, Powder Room, Guest Bedroom - Eastern Wall – 1.7m required, 1.01m provided**
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Upper Floor – Main Bedroom, WIR, Ensuite, Bathroom, Bedroom 2 – Western Wall – 1.8m required, 1.6m provided**
- (iii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Upper Floor – Sitting, Stairs, WC, Bedroom 3 – Eastern Wall – 1.7m required, 1.21m provided**
- (iv) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, 12 degrees provided**
- (v) Clause 5.3.7 – Residential Design Codes – Retaining Walls and Fill Behind a Street Setback Line – Setback for retaining 1m required, less than 1m provided**

for a new 2 storey dwelling at No. 8 (Lot 296) Bay Patch Street, East Fremantle, in accordance with the plans date submitted 27 May 2022, subject to the following conditions:

- (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.**
- (2) Prior to occupation of the Development, a notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the Certificate 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."**
- (3) The crossover widths are not to exceed the width of the crossovers indicated on the plans date stamped received and to be in accordance with Council's crossover policy, the Residential Design Guidelines and the Urban Streetscape and Public Realm Style Guide.**
- (4) All fencing within the street setback area is to be in compliance with the front fence provisions of the Residential Design Guidelines.**
- (5) 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 Council's further approval.**
- (6) The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this development approval unless otherwise amended by Council.**

- (7) With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received development approval, without those changes being specifically marked for Council's attention.
- (8) All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
- (9) If requested by Council within the first two years following installation, the roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
- (10) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
- (11) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (12) 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 Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- 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 Council'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

[crossover_specification_2017.pdf \(eastfremantle.wa.gov.au\)](#)

Residential Design Guidelines

[3_1_1_LPP_Residential_Design_Guidelines_Amended_17_May_2016.pdf \(eastfremantle.wa.gov.au\)](#)

Urban Streetscape and Public Realm Style Guide

[EFUSPR_Style_Guide_FINAL_210108.indd \(eastfremantle.wa.gov.au\)](#)

Application to Conduct Crossover Works

[Application_to_conduct_crossover_works.pdf \(eastfremantle.wa.gov.au\)](#)

- 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 Council and one copy should be given to the owner of any affected property.***
- e) *All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).***
- f) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.***

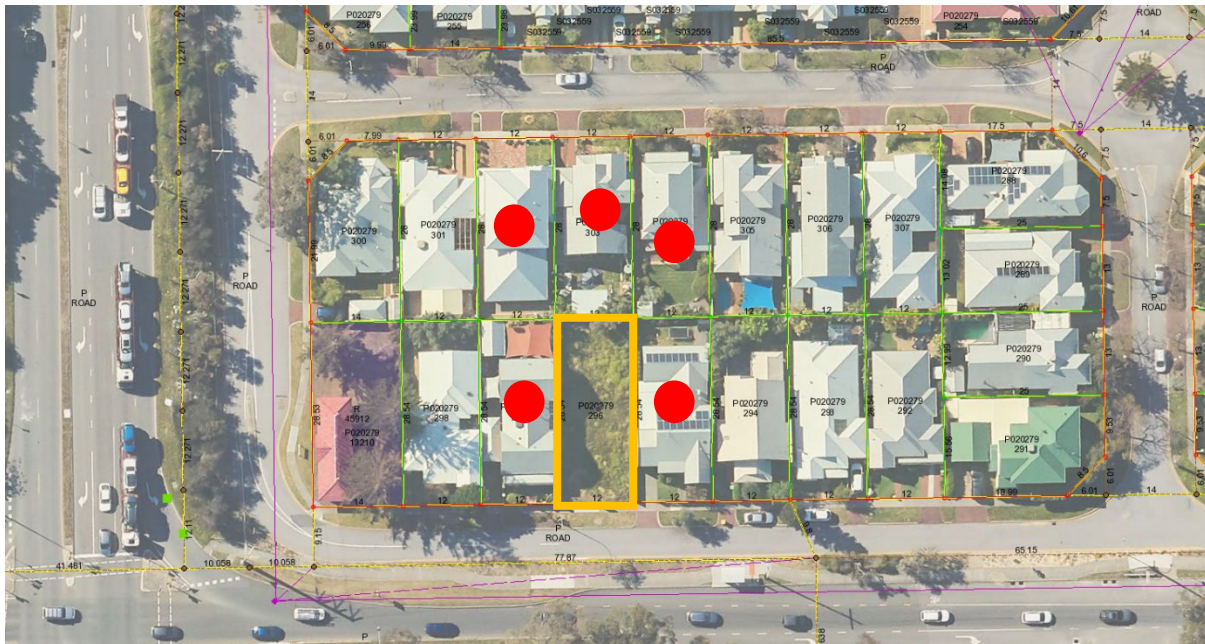
(CARRIED UNANIMOUSLY)

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 21 June 2022, this application is deemed determined, on behalf of Council, under delegated authority.

REPORT ATTACHMENTS

Attachments start on the next page

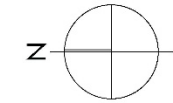
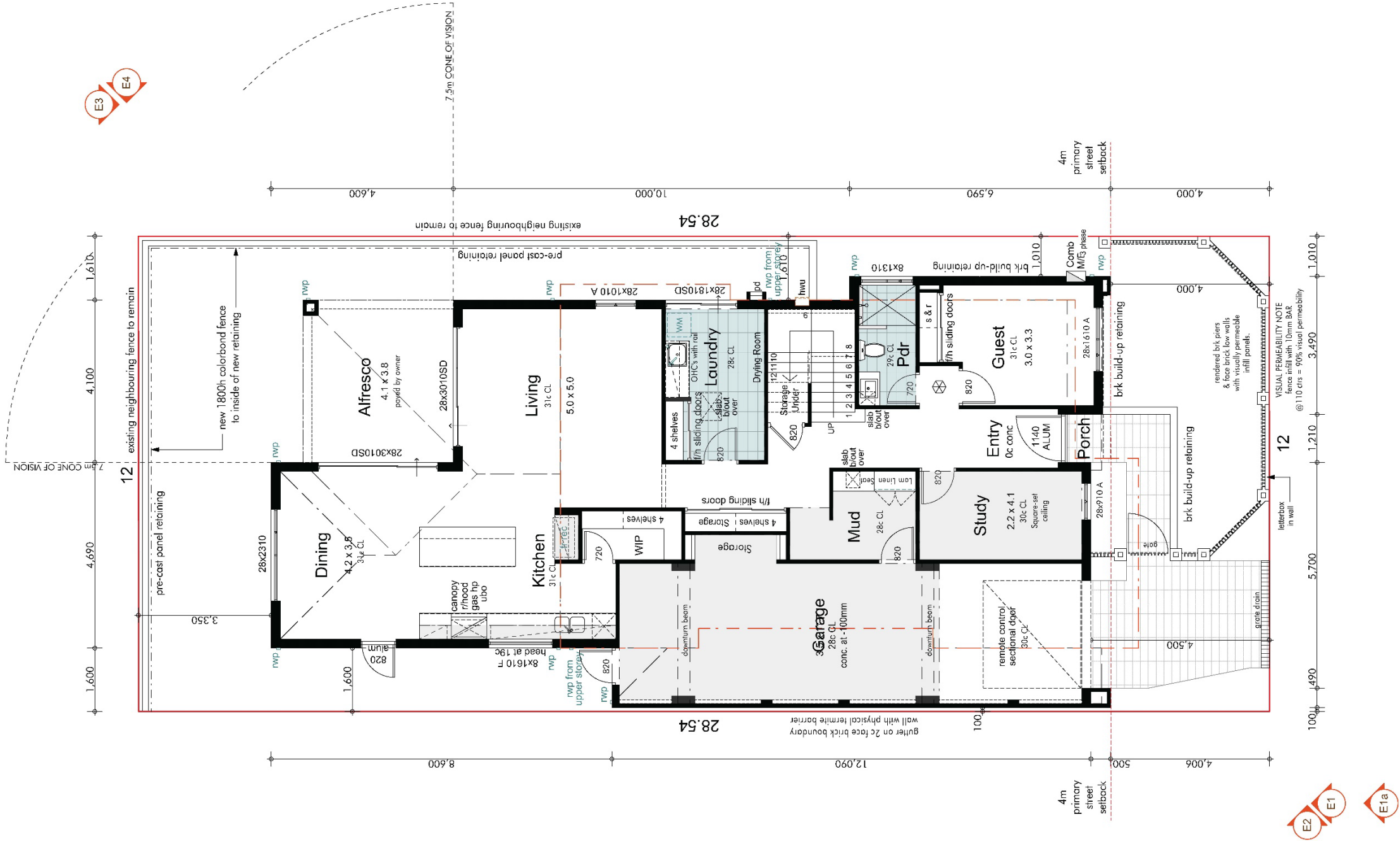
8 Bay Patch Street – Location and Advertising Plan



8 Bay Patch Street – Photos







AREAS	
Upper Floor	119.87 (56.838m)
Ground Floor	139.68 (63.400m)
Garage	45.44 (32.900m)
Alfresco	15.58
Porch	1.33
	321.90 m ²

GROUND FLOOR PLAN
SCALE: 1:100

DESIGN NOTES
ROOF 12°42' & 30°07' Roof Pitch
Metal ROOF
31c GROUND FLOOR
28c+PL UPPER FLOOR
RENDERED BWK TO FRONT ELEVATION
2c FACE BRICK TO REMAINDER
SITE REQUIREMENTS
ZONING - R30
SITE COVER % ALLOWED - 55%
SITE AREA - 342.5m²
PROPOSED SITE COVER - 185.3m²
SITE COVER % PROPOSED - 54%

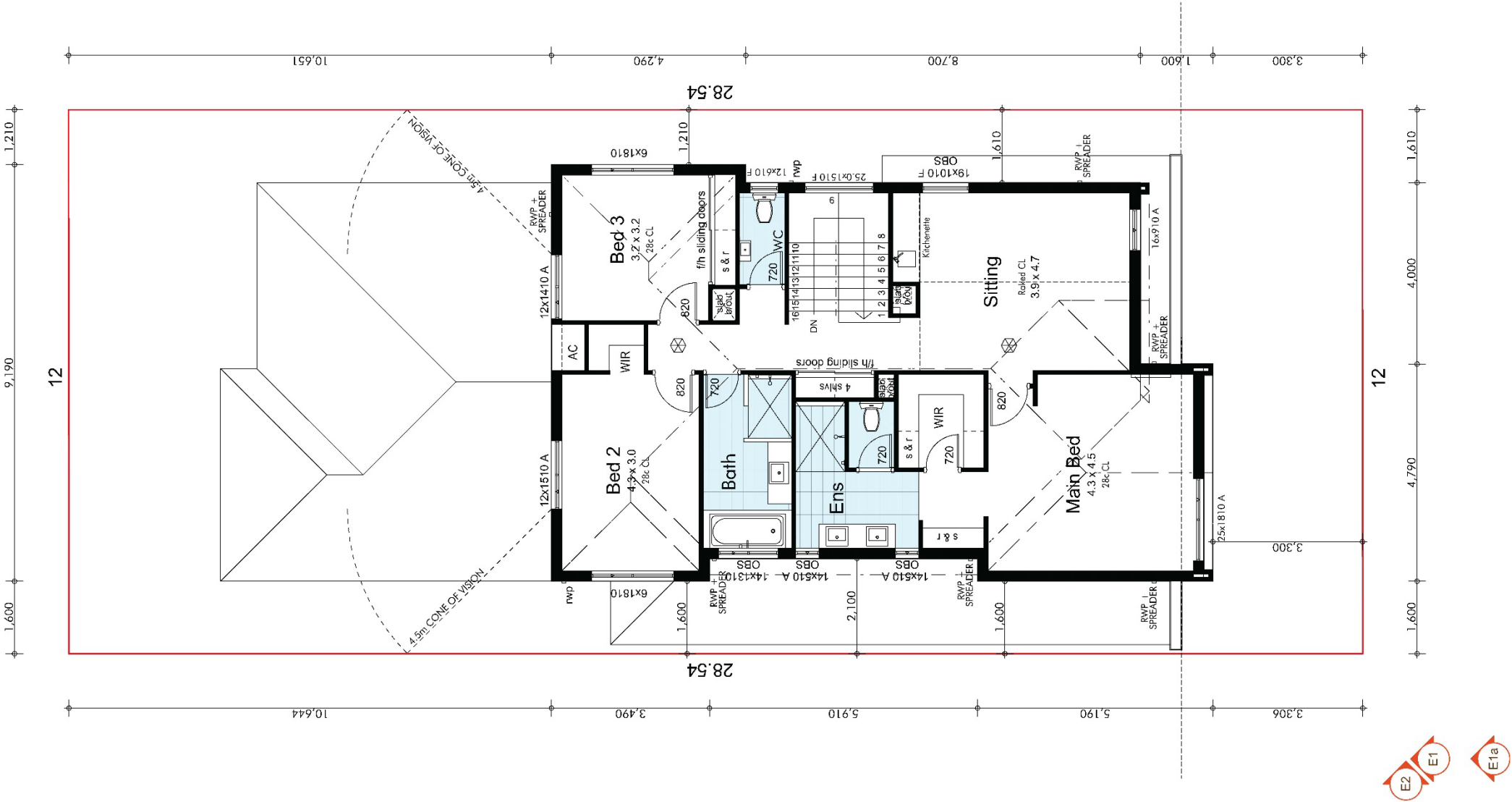
OWNER

OWNER

BUILDER

DATE

PROPOSED
E & Ng
RESIDENCE
8 Bay Patch Street
East Fremantle
DATE: PCV3 12/05/22
DRAWN: DD
REP: NM
JOB No: 17848 PLANNING
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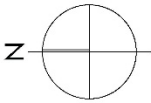


DESIGN NOTES
ROOF 12°42' & 30°07' Roof Pitch
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31c GROUND FLOOR
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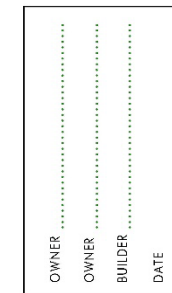
OWNER
OWNER
BUILDER
DATE

PROPOSED
E & Ng
RESIDENCE
8 Bay Patch Street
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DATE: PCV3 12/05/22
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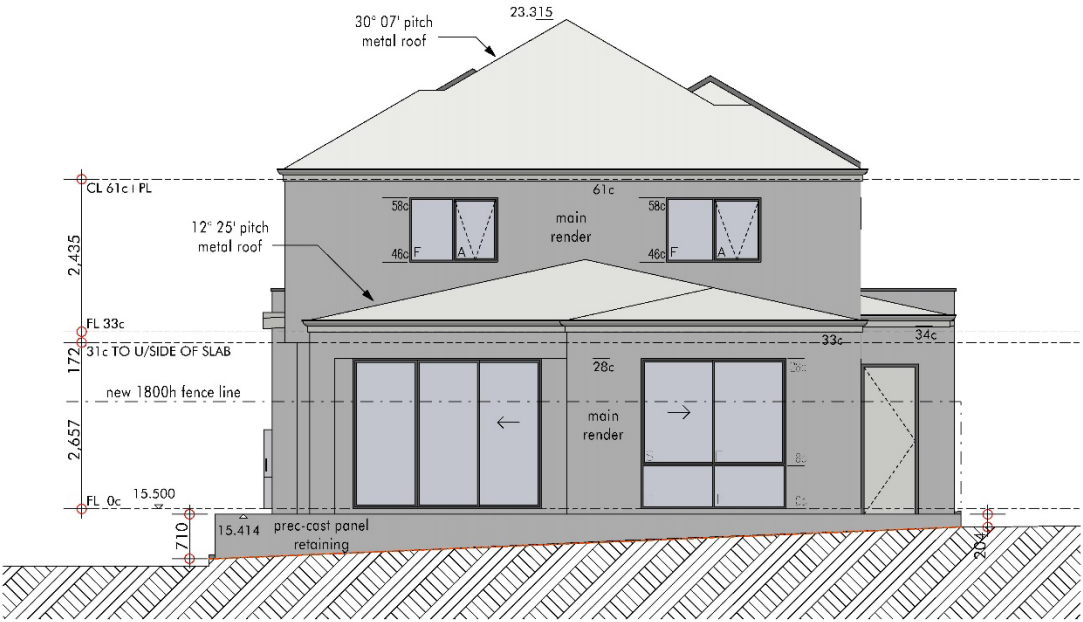
AREAS	
Upper Floor	119.87 (56.838m)
Ground Floor	139.68 (63.400m)
Garage	45.44 (32.900m)
AllresCo	15.58
Porch	1.33
	321.90 m ²



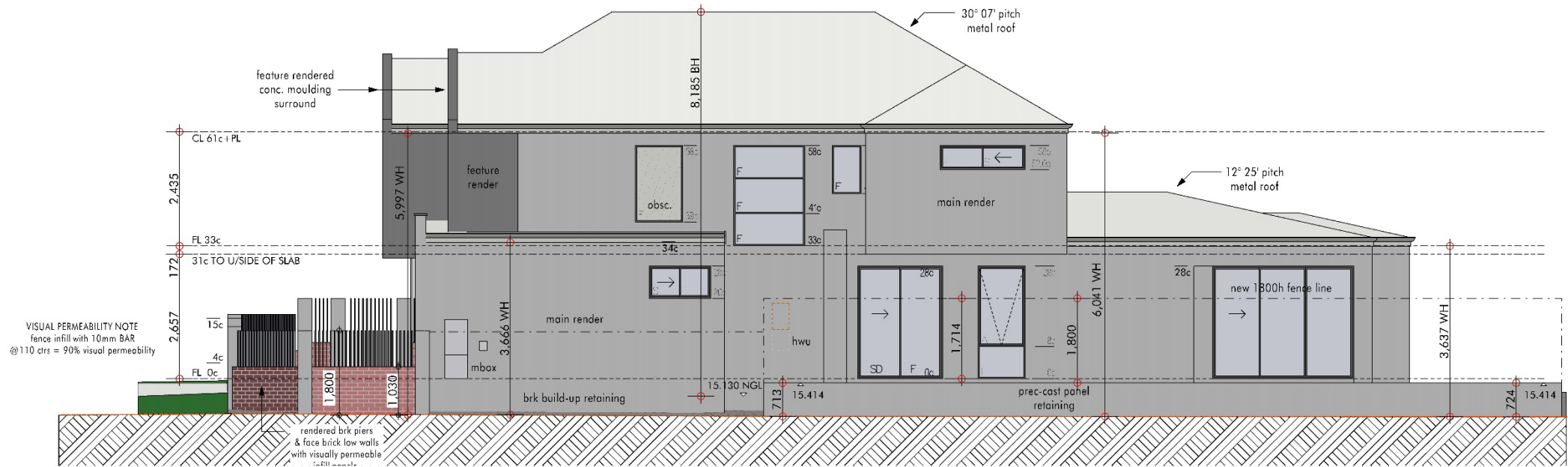
UPPER FLOOR PLAN
SCALE: 1:100



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ELEVATION 3 NORTH
1:100

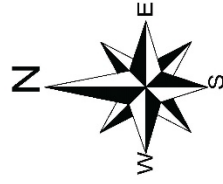


ELEVATION 4 EAST
1:100

ELEVATIONS 2
SCALE: 1:100

OWNER
OWNER
BUILDER
DATE

PROPOSED
E & Ng
RESIDENCE
8 Bay Patch Street
East Fremantle
DATE: PCV3 12/05/22
DRAWN: DD
REP: NM
JOB No: 17848 PLANNING
Avorio
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GREEN TITLE SITE / SURVEY STRATA SITE

DESIGN NOTES

DESIGN NOTES
ROOF 12°42' & 30°07' Roof Pitch
Metal ROOF

31c GROUND FLOOR
28c+PL UPPER FLOOR

RENDERED BWK TO FRONT ELEVATION
2c FACE BRICK TO REMAINDER

SITE REQUIREMENTS

ZONING - R30

SITE COVER % ALLOWED - 55%

SITE AREA - 342.5m2

PROPOSED SITE COVER - 185.3m²
SITE COVER % PROPOSED - 54%

OWNER

OWNER

BUILDER

DATE

PROPOSED

E & Ng

RESIDENCE

8 Bay Patch Street

East Fremantle
DATE: 12/05/22

DATE: PCV3 12/05/22
DRAWN: DD

DRAWN: DD
REP: NM

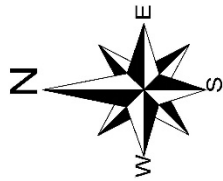
REF. 17848 PLANNING









Avorio

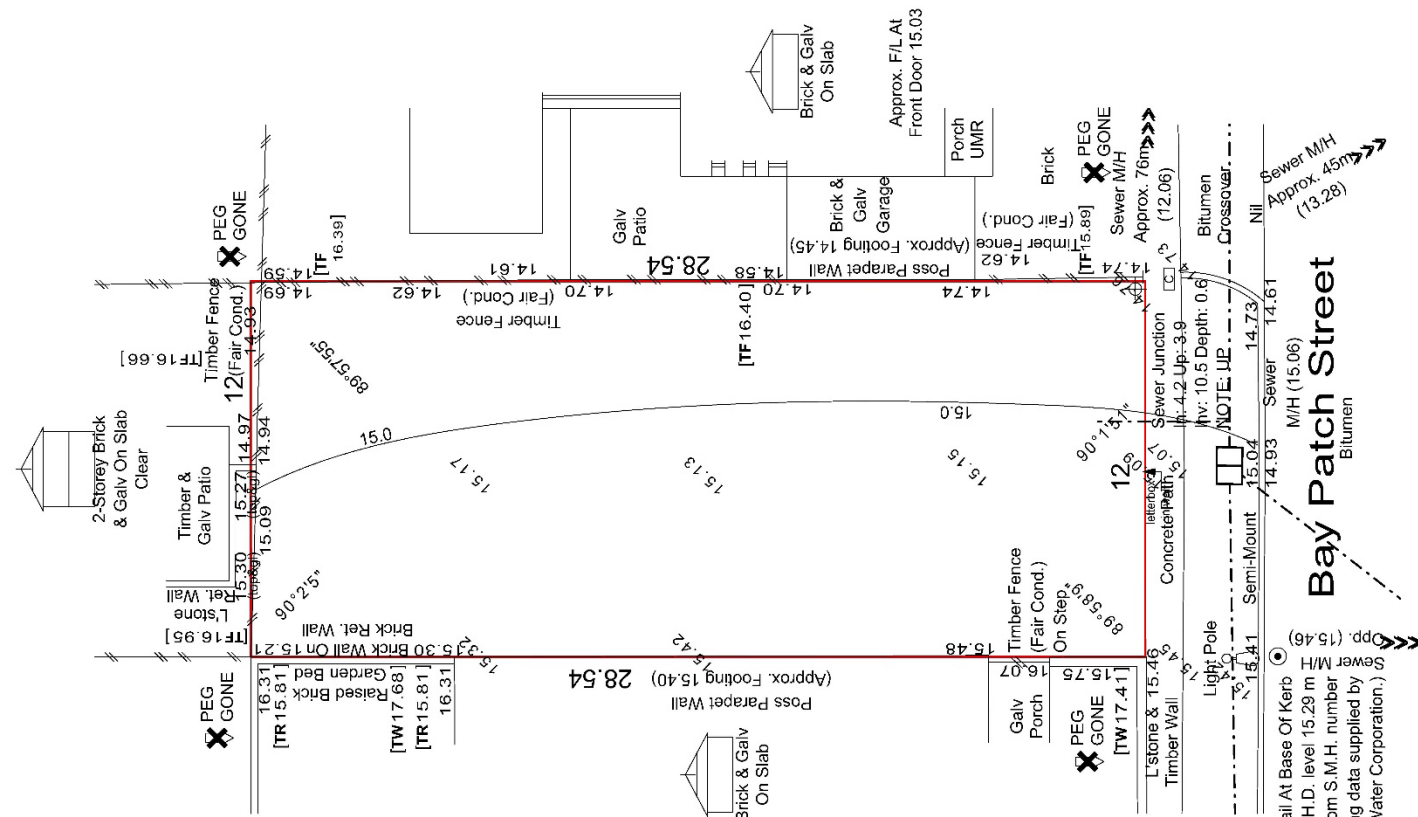
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PROPOSED SITE

SCALE: 1:200



	Power Dome
	Power Pole
	Phone Pits
	Water Conn.
	Top Pillar/Post
	Top Wall
	Top Retaining
	Top Fence



8 Bay Patch Street
East Fremantle
DATE: PCV3 12/05/22
DRAWN: DD
REP: NM
JOB No: 17848 PLANNING
Avorio

<u>LOT MISCLOSE</u>
0.001 m

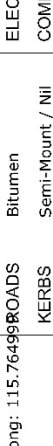
DISCLAIMER: Survey does not include verification of cadastral boundaries. All features and levels shown are based on orientation to existing pegs and fences only which may not be on correct cadastral alignment. Any designs based or dependent on the location of existing features should have those features'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

⚠DISCLAIMER:
Cottage & Engineering surveys accept no 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.

EXISTING SITE

SCALE: 1:200



<div>  </div>		<div> 87-89 Guthrie Street Osborne Park, WA 6017 PO Box 1611 Osborne Park Business Centre WA 6917 P: (08) 9446 7361 E: perth@cottage.com.au W: www.cottage.com.au </div>		<div> JOB # 521704 CLIENT Phool Sie E (Tracy) ADDRESS #8 Bay Patch Street SUBURB East Fremantle </div>	<div> GPS ORDER # 17848 LOT Lot 296 (Plan 20279) </div>	<div> Lat: -32.046872 Long: 115.76499 </div>	<div> Bitumen Semi-Mount / Nil Concrete Sand Good Light Grass Cover </div>	<div> ELEC. u/Ground COMMS. Yes WATER Yes GAS Check Alinta SEWER Yes COASTAL No </div>
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Community Engagement Checklist

Development Application P42/22 – 8 Bay Patch 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 (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	20/05/2022	<input checked="" type="checkbox"/> Advertised to 5 surrounding properties	
#Heritage Consultation	<input type="checkbox"/> Regulatory Services	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
^Mail Out (note: timelines)	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
	<input type="checkbox"/>	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
	<input type="checkbox"/>	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Evaluation				
Summary of...		Date Due	Completed / Attached	
Feedback / Results/ Outcomes / Recommendations		20/05/2022		
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 27A DUKE STREET - ALTERATIONS AND ADDITIONS

Owner	Melissa Wallis
Applicant	Wing Hong Chong
Report Reference Number	TPR-603
Planning Reference Code	P28/22
Prepared by	James Bannerman
Supervised by	Andrew Malone
Meeting date	Tuesday, 5 July 2022
Voting requirements	Simple majority
Documents tabled	Nil

Attachments

1. Location and advertising plan
2. Photos
3. Plans submitted 12 May & 17 May 2022
4. Place record form
5. Community consultation checklist

PURPOSE

The purpose of this report is for Council to consider a development application for proposed alterations and additions at 27A (Lot 1) Duke Street, East Fremantle.

EXECUTIVE SUMMARY

This development application proposes alterations and additions at 27A (Lot 1) Duke Street, East Fremantle. The property is on the Town's heritage survey and categorised as Category C. The owners have chosen to retain the existing building with significant changes being undertaken at the rear and sides of the dwelling. There are 2 variations to the Residential Design Codes and the Residential Design Guidelines that are proposed including lot boundary setback, and roof pitch.

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Southern Wall – Garage, Laundry, Bathroom – 1m required, 0m provided, and
- (ii) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, less than 28 degrees provided.

The proposed development application is recommended for approval subject to the conditions included in the final recommendation.

BACKGROUND

Zoning	Residential R20
Site Area	340m ²
Heritage	Category C
Fremantle Port Buffer	Area 2
Previous Decisions of Council and/or History of Issue Onsite	Nil

CONSULTATION

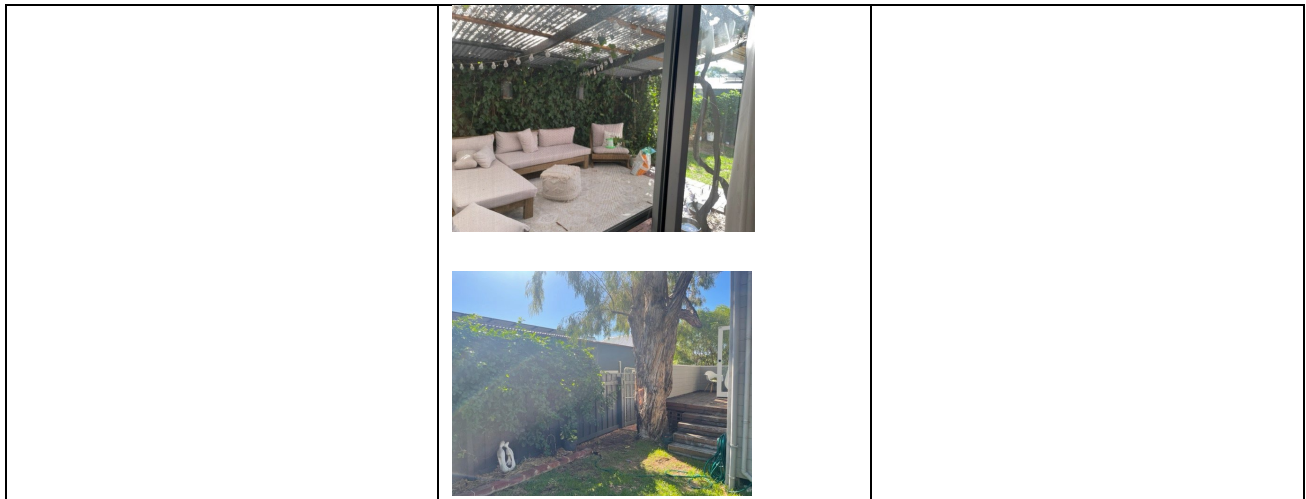
Advertising

The proposed development was advertised from 28 March to 13 April 2022. One submission was received.

Submission	Applicant Response	Officer Response
<p>Submission 1</p> <p>My concerns with the development are</p> <p>1) The pool pump working 8 hours 1 meter from my bedroom</p> <p>2) any windows looking over into my bedrooms and toilet. For example, W5.AW1.SD1.WF2 or any window facing my windows.</p> <p>3) The height of the decking When people standing on that can look through all my windows.</p> <p>My immediate concerns are all bedrooms run down the side of the house. Due to the elevation of 27A duke street, a standard fence height will not prevent 27a directly looking into our bedrooms invading our privacy.</p>	<p>1. The pool will be installed as per WA standards. The following steps will be taken to ensure minimal disturbance.</p> <ul style="list-style-type: none"> Pool pump will operate during the day Pool motor will be a quiet air-cooled model We will install flexible coupling secured by jubilee clips on the inlet side of the motor to isolate the motor and prevent noise transmission There will be an enclosure over the pool pump which will be lined with rubber acoustic lining. Location of the pump will be considered when installing. <p>2. We are a bit unsure about this objection as there are less windows overlooking the property in our proposed plans, than currently.</p> <ul style="list-style-type: none"> W5 - has been removed from plan however this is an existing window – see attached image 1 AW1 – unsure how this overlooks bedrooms as it is on other side of the house and it a kitchen servery window? There is currently a glass sliding door here. See image 2 SD1 – Again unsure how this overlooks bedrooms, being at the rear of the property – it is a sliding door into the back patio – a door is currently in this exact spot. See image 3 WF2 – Again, this is at the rear of the property and a window is currently in this exact position. See attached image 4 There are no windows facing the north side of the property or overlooking bedrooms as they are being removed. Currently there are 3 windows which overlook the property. All of these are being removed therefore we are uncertain as to how these plans could possibly be infringing on privacy. <p>3. The height of the decking will not change to what is already there. Further to this we erected a privacy screen and planted a vine 2 years ago to provide further privacy. If they would like a higher privacy screen added, we are</p>	<p>Pools and pool pumps are not subject to the development application in accordance with the Planning and Development Regulations, however as stated in the applicant's response attempts will be made to mitigate the effects of noise and vibration from the pool pump and filter.</p> <p>North facing windows have been removed from the proposed design to increase privacy between dwellings. Visual privacy screening will be located along the boundary fence to limit overlooking into the neighbouring property.</p> <p>A condition will be included in the final recommendation to ensure that privacy screening is installed in accordance with the requirements of the Residential Design Codes. Absolute privacy cannot be guaranteed in residential areas where there are a mix of housing types and dwellings that do not meet contemporary planning requirements or have design features that limit the ability to gain greater levels of privacy. Privacy requirements typically cannot be imposed unless development is proposed that is subject to a development application and as part of the assessment overlooking is identified and can be rectified through privacy measures such as screening or changes in window location and design.</p>

happy to comply if the shire is happy with the fence being that high. Unfortunately, the placement of their bedrooms is not something we can avoid. As stated above all north facing window have been removed therefore there will be no windows looking into bedrooms – however at the moment, we have 3. We have specifically added skylights to the ensuite and WIR opposed to putting windows in for this exact reason.





Community Design Advisory Committee

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

External Consultation

Nil

Internal Consultation

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Town of East Fremantle Residential Design Guidelines 2016

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

Residential Design Codes

Design Element	Required	Proposed	Status
Street Front Setback			N/A
Minor incursions			N/A
Lot Boundary Setbacks			
Southern wall – garage, laundry, bathroom, bathroom	1m	0m	D
Western wall – alfresco, pool deck	1m	1.4m	A
Northern wall – alfresco, living	1m	3.2m	A
Northern wall – sauna, ensuite, WIR	1m	1.145m	A
Open Space	50%	53%	A
Car Parking	2 car bays	2 car bays	A
Maximum roof height	10m	6.55m	A
Maximum wall height	7m	3.67m	A
Site Works			N/A
Visual Privacy			
Alfresco	7.5m	Screening to be provided	A
Living area	6m	Screening to be provided	A
Overshadowing	<25%	5%	A
Drainage	To be conditioned		

Residential Design Guidelines

Design Element	Required	Proposed	Status
Roof form and pitch	28 to 36 degrees	<28 degrees	D
Materials and colours	Colours and materials shown		A

Landscaping	2m x 2m planting zone and tree	Shown on plans - condition	A
Front fence – fence is existing			N/A
Pergolas			N/A
Footpaths and crossovers – no change	N/A		
Garages and carport	30% maximum lot width	<30%	A

This development application proposes alterations and additions at 27A (Lot 1) Duke Street, East Fremantle. The property is designated as heritage Category C (on the heritage survey but not on the heritage list). The owners have chosen to retain the existing building with significant changes being undertaken at the rear and sides of the dwelling. There are two variations to the Residential Design Codes and the Residential Design Guidelines that are proposed including lot boundary setbacks (1 location), and roof pitch.

Lot Boundary Setback - Southern wall – Garage, Laundry, Bathroom

The southern wall is 13.713m long and 3.5m high (mean height) with no major openings. In accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 the wall should be located a minimum of 1m from the boundary. In this case the wall is located along the boundary. This can be supported in accordance with design principles clause 5.1.3 P3.2 for the following reasons;

- More effective use is made of the space for enhanced privacy of the occupants and neighbouring properties,
- There is minimal impact of building bulk on adjoining properties,
- Adequate direct sunlight and ventilation is provided to the building and open spaces on site and the adjoining properties,
- Minimal overlooking and loss of privacy on adjoining properties,
- Does not have an adverse impact on the adjoining property,
- Direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted, and
- Positively contributes to prevailing and future development context and streetscape as outlined in the local planning framework.

The wall abuts the side access lane for the rear strata property so has minimal impact on the southern neighbouring property in terms of impacts to sunlight, privacy or bulk to the adjoining neighbour. There are no windows in the wall, so privacy is not compromised. The proposal is single storey and has no significant bulk impacts to the neighbours or the streetscape. For these reasons the proposed wall with the reduced lot boundary setback can be supported.

Roof Pitch

The roof pitch of dwellings in Plympton is supposed to be between 28 to 36 degrees in accordance with the Residential Design Guidelines acceptable development provisions 3.7.8.3 A4.1. In this case the new roof at the rear of the dwelling has a roof pitch that is either 3 degrees and 26 degrees. The proposed roof form can be supported because it complements the traditional form of surrounding development in the immediate locality in accordance with the performance criteria 3.7.8.3 P4.

Submission Following Advertising

There was one submission in relation to this development application. Although there are often concerns about noise and privacy around developments within the Plympton precinct it must be recognised that the Plympton precinct was settled in the 1890s well before the adoption of the latest versions of the Residential Design Codes (2021) and the Residential Design Guidelines (as amended 2016). As such many existing dwellings do not strictly comply with the requirements of the Residential Design Codes or the Residential Design Guidelines and when this is combined with new development concerns may arise. Where possible

and in accordance with the current planning regulations the Town will typically impose requirements on developments that ensure a significant level of privacy but cannot eliminate noise brought on by normal residential activity.

In this case visual privacy screening was included in the proposed plans and the design was changed to remove windows from the side of the dwelling that was of concern to the submitter. As with all development a certain level of compromise has to be reached from all parties to produce a satisfactory outcome. Absolute privacy cannot be guaranteed in residential neighbourhoods and the use of outdoor living areas which is a normal residential behaviour cannot be removed.

It should also be noted that the elements of the built environment within the Plympton precinct that often cause concerns are the same reasons that people are attracted to the area; heritage properties, reduced front and side boundary setbacks, and eclectic dwellings. These design elements are often missing from newer suburbs and give Plympton precinct the character that the Town of East Fremantle is renowned for.

CONCLUSION

Based on the preceding assessment the proposed development at 27A Duke Street can be supported, subject to the conditions included in the final recommendation. The proposed variations to the Residential Design Codes and the Residential Design Guidelines are relatively minor, and changes have been included in the amended plans which addressed issues that were highlighted by the submission received following advertising. For these reasons the proposed development should be supported.

OFFICER RECOMMENDATION / COMMITTEE RESOLUTION

OFFICER RECOMMENDATION/COUNCIL RESOLUTION TP020722

Moved Mayor O'Neill, seconded Cr Mascaro

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

- (i) Clause 5.1.3 – Residential Design Codes – Southern Wall – Garage, Laundry, Bathroom – 1m required, 0m provided**
- (ii) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, less than 28 degrees provided**

for alterations and additions at No. 27A (Lot 1) Duke Street, East Fremantle, in accordance with the plans submitted 12 & 17 May 2022, subject to the following conditions:

- (1) Visual privacy screening is to be installed along the inside of the rear and side boundary fence as indicated on the plans. This visual privacy screening is to be permanently fixed, durable, restrict view in the direction of overlooking, at least 75% obscure, and a minimum of 0.5m above the southern, western, and northern boundary fence as indicated on the plans.**
- (2) A 2m by 2m planting zone is to be created and at least 1 tree is to be planted in this area in the front yard.**
- (3) 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 Council's further approval.**
- (4) The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this development approval unless otherwise amended by Council.**
- (5) Regarding 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 Council's attention.**

- (6) All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
- (7) If requested by Council within the first two years following installation, the roofing to be treated to reduce reflectivity. The treatment is to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
- (8) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
- (9) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified, or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (10) This 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 Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- 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 Council'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

[crossover_specification_2017.pdf \(eastfremantle.wa.gov.au\)](#)

Residential Design Guidelines

[3_1_1_LPP_Residential_Design_Guidelines_Amended_17_May_2016.pdf \(eastfremantle.wa.gov.au\)](#)

Urban Streetscape and Public Realm Style Guide

[EFUSPR_Style_Guide_FINAL_210108.indd \(eastfremantle.wa.gov.au\)](#)

Application to Conduct Crossover Works

[Application_to_conduct_crossover_works.pdf \(eastfremantle.wa.gov.au\)](#)

- 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 Council and one copy should be given to the owner of any affected property.

e) All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).

f) Matters relating to dividing fences are subject to the Dividing Fences Act 1961.

(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 21 June 2022, this application is deemed determined, on behalf of Council, under delegated authority.

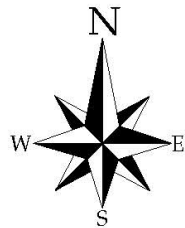
REPORT ATTACHMENTS

Attachments start on the next page



27A Duke Street – Photos





Φ	Power Dome
⊙	Power Pole
□	Water Box
□	Water Conn
TP 10.00	Top Pillar Post
TR 10.00	Top Retaining
TF 10.00	Top Fence

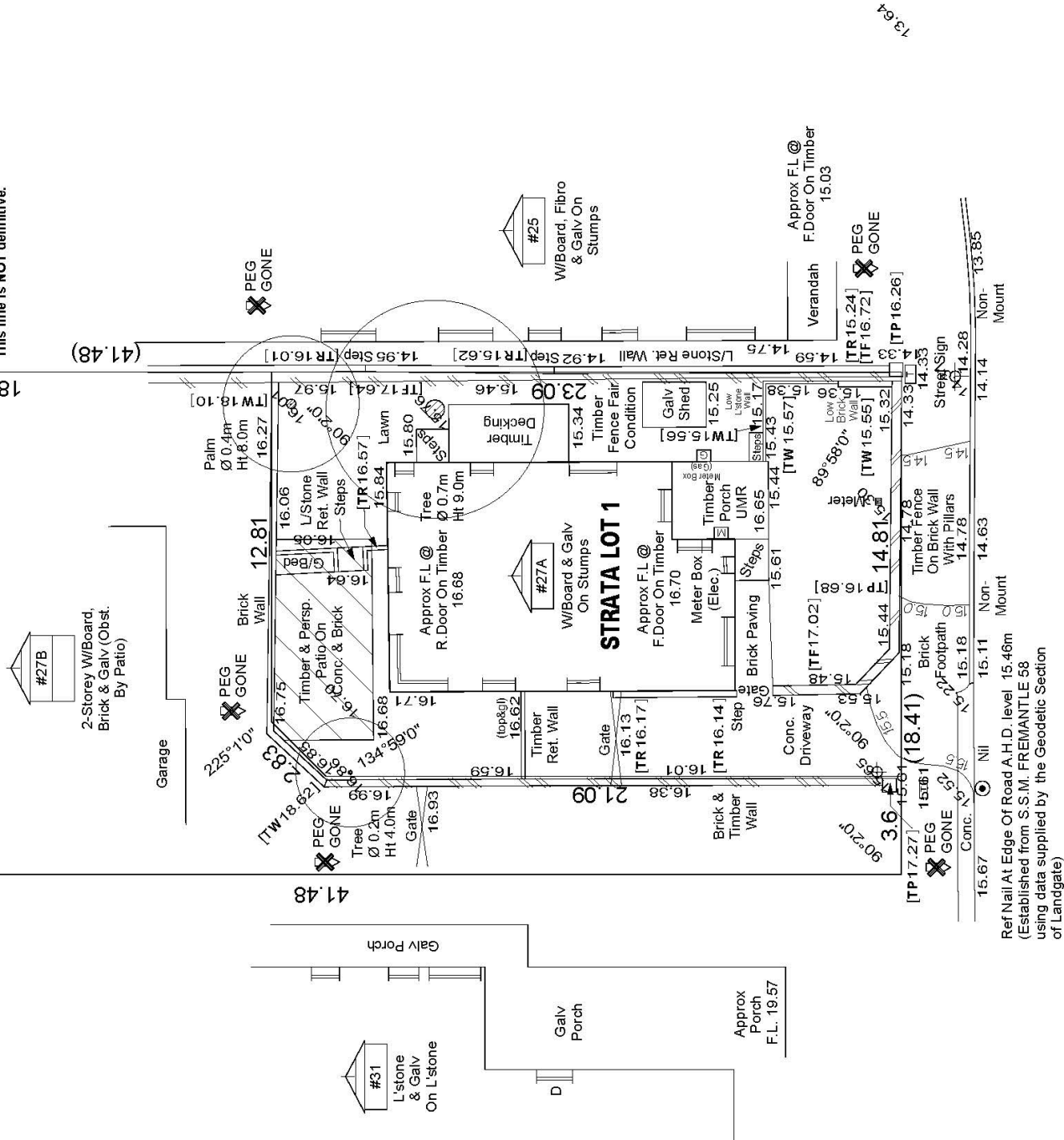
▲ NOTE: Unable to Calculate Sewer Junction Depth Due to Lack of Information on Water Corporation E-Plan. Verify Junction Invert, Depth & Details With Water Corporation. **BUILDER and PLUMBER check GRADE**

18.41

▲ NOTE: Unable to Calculate Sewer Junction Depth Due to Lack of Information on Water Corporation E-Plan. Verify Junction Invert, Depth & Details With Water Corporation. **BUILDER and PLUMBER check GRADE**

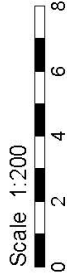
18.39

▲ NOTE: Approx. Sewer Clearance Line (This line is NOT an easement) Setbacks **MUST** be confirmed by Water Corp. before any design work is undertaken. This line is **NOT** definitive.



Duke Street

Bitumen



LOT MISCLOSE
0.000m

▲ WARNING:
Check developer/strata company regarding possible future/existing internal service run-ins, positions & details. Check for possible private sewer lines & easements. Beware of 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-peagled and line pegs placed.

▲ DISCLAIMER:
Due to lack of survey marks/pegs, all building offset dimensions & features are approximate only and are not to be used for legal purposes. Beware of 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-peagled 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 affect building on 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 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.

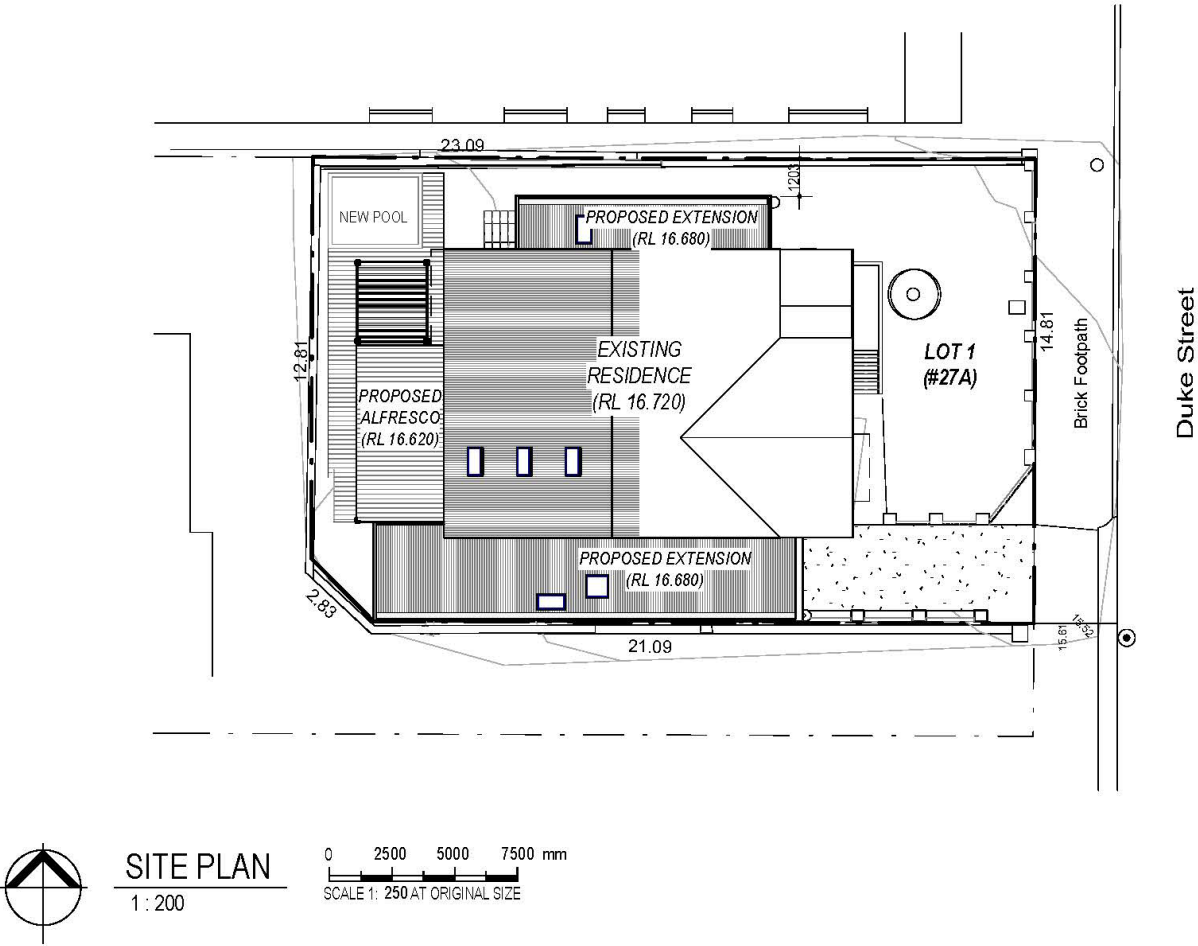
COTTAGE
SURVEYS
LICENSED SURVEYORS

87-89 Guthrie Street
Osborne Park, WA 6017
PO Box 1611
Osborne Park
Business Centre WA 6917
P: (08) 9446 7361
E: perth@cottage.com.au
W: www.cottage.com.au

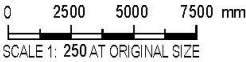
JOB # 524033
CLIENT Wallis, Melissa
ADDRESS #27a Duke Street
SUBURB East Fremantle
LGA TOWN OF EAST FREMANTLE
DRAWN J. Jee

GPS Lat: -32.043383 Long: 115.763078
LOT Strata Lot 1 (SP 20848)
AREA 764m² VOL 1895 FOL 317
DATE 29 Apr 22 SSA No

ELEC.	U/Ground
COMMS.	Yes
WATER	Yes
GAS	Check Alinta
SEWER	Yes
COASTAL	400m To Ocean (Approximate Only. Confirm with Shire)



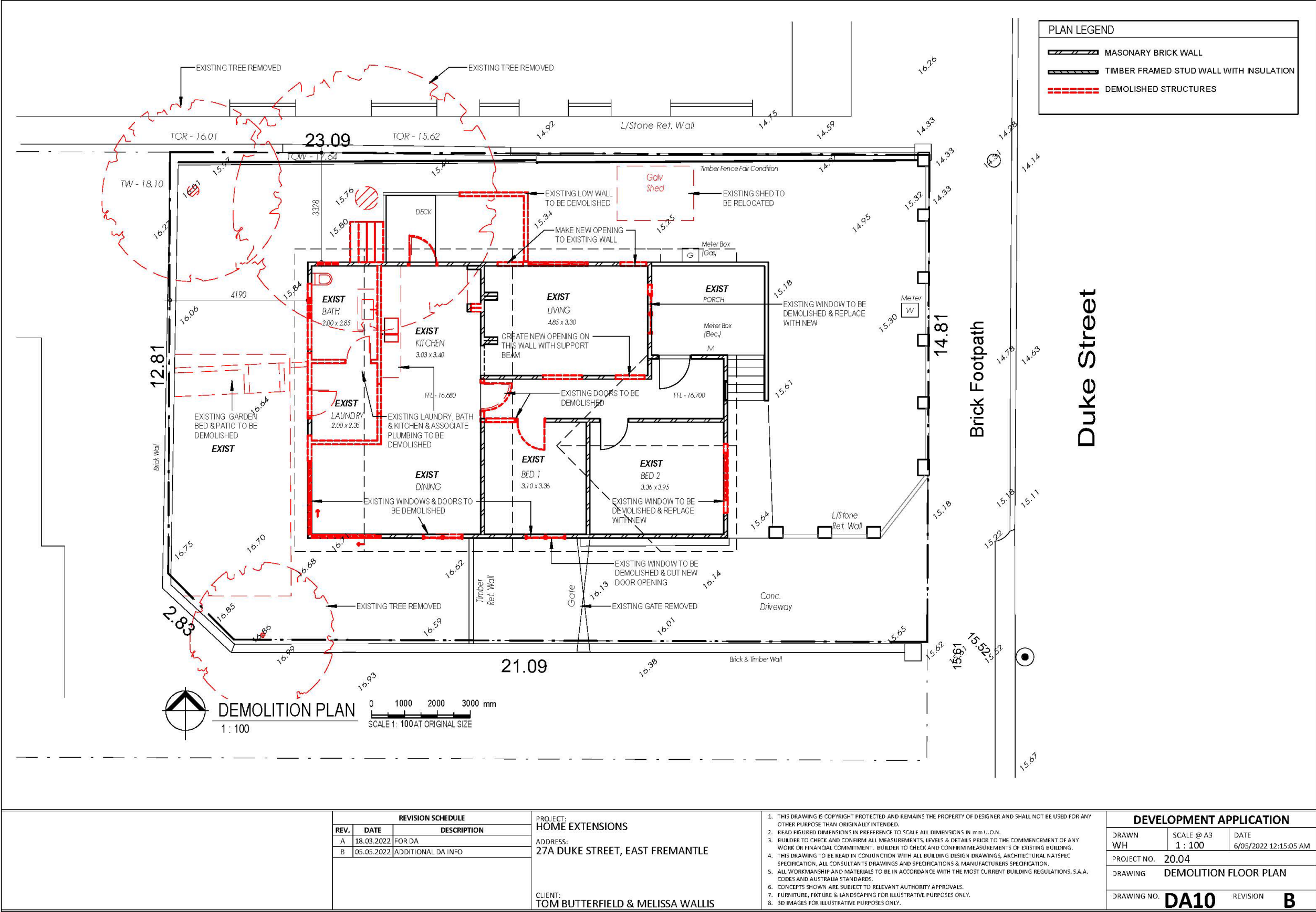
SITE PLAN
1 : 200

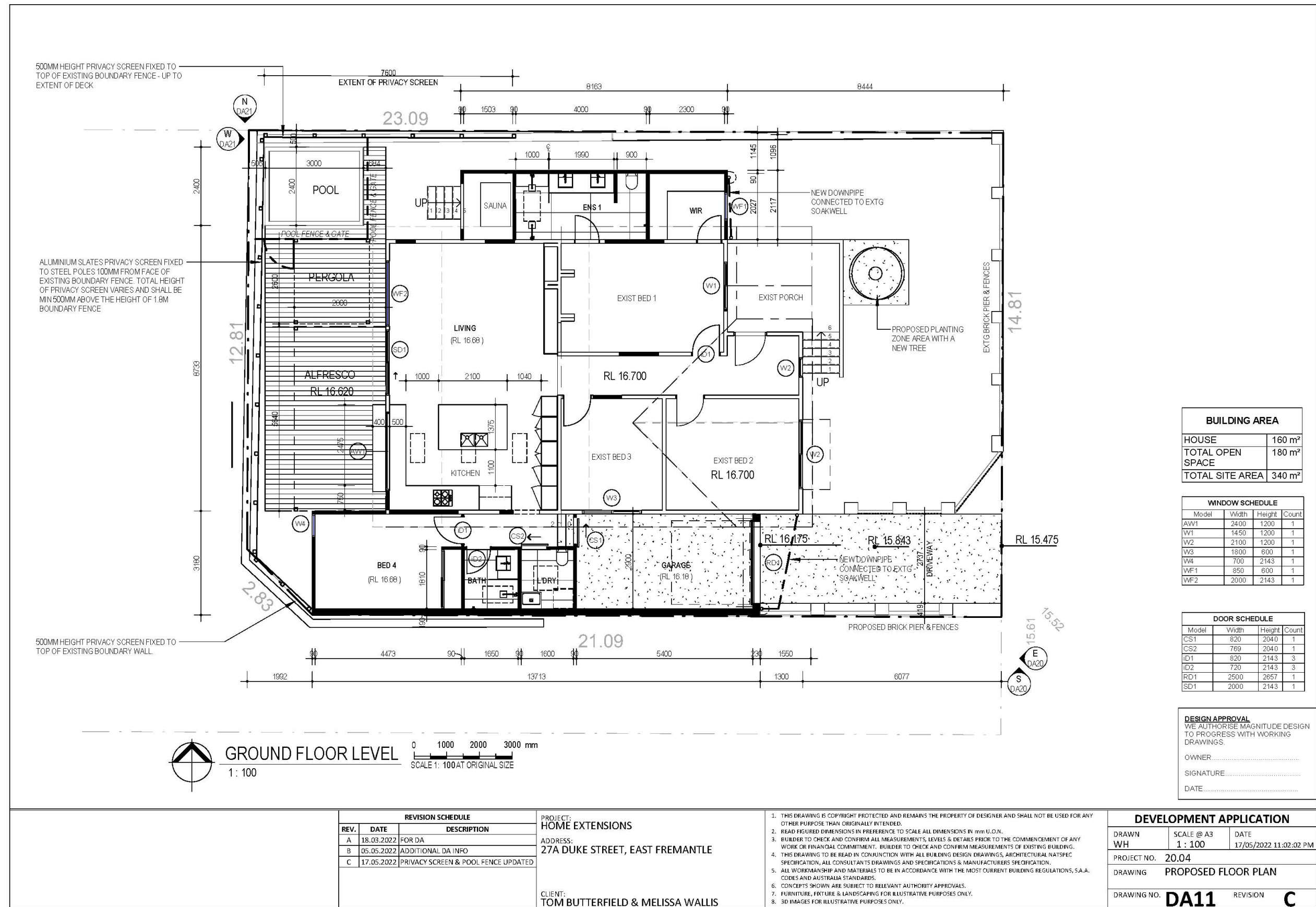


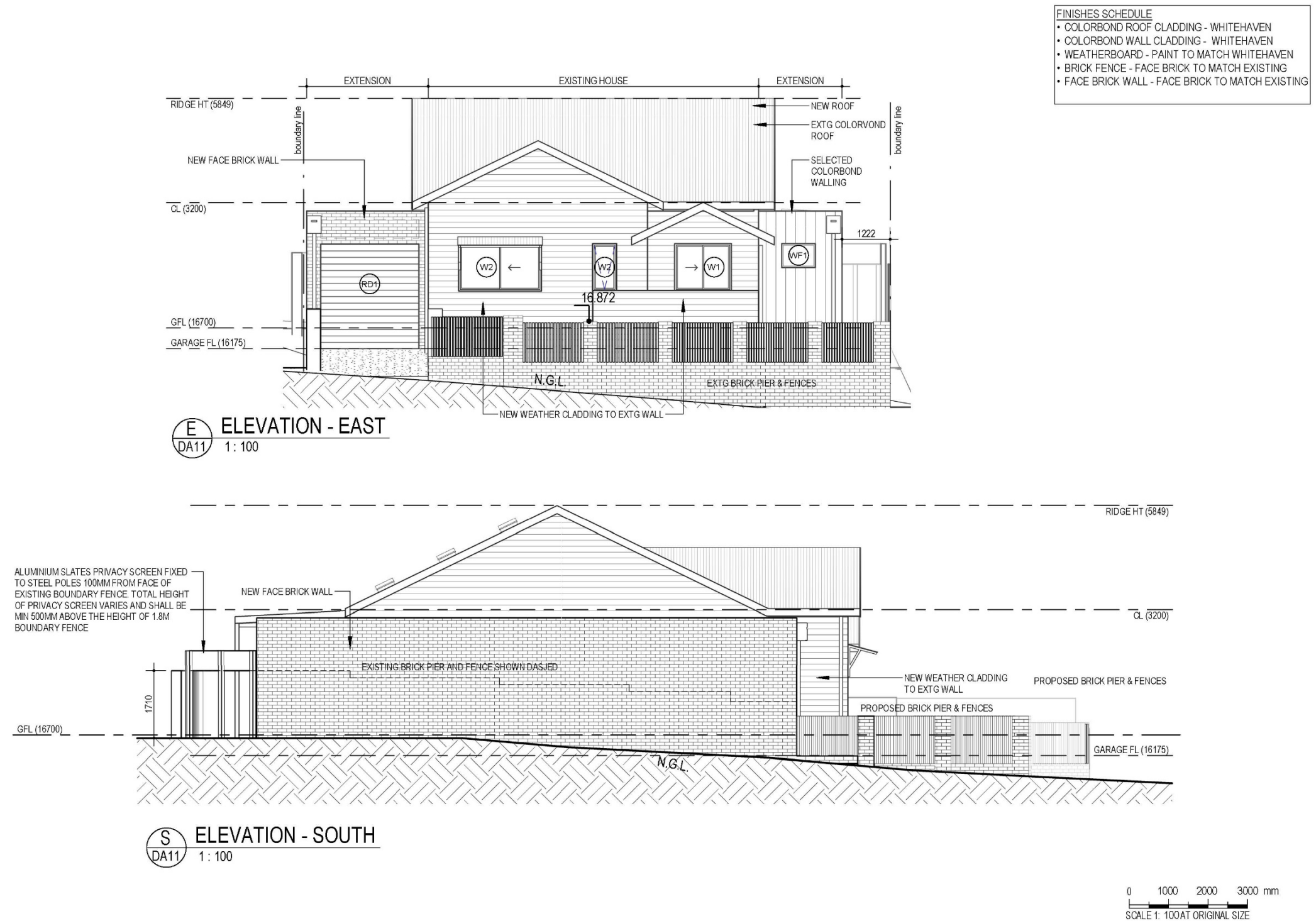
OPEN SPACE CALCULATION		
TOTAL SITE AREA	340 m ²	100%
TOTAL OPEN SPACE	180 m ²	53%

BUILDING AREA	
HOUSE	160 m ²
TOTAL OPEN SPACE	180 m ²
TOTAL SITE AREA	340 m ²

			REVISION SCHEDULE		PROJECT: HOME EXTENSIONS ADDRESS: 27A DUKE STREET, EAST FREMANTLE CLIENT: TOM BUTTERFIELD & MELISSA WALLIS	1. THIS DRAWING IS COPYRIGHT PROTECTED AND REMAINS THE PROPERTY OF DESIGNER AND SHALL NOT BE USED FOR ANY OTHER PURPOSE THAN ORIGINALLY INTENDED. 2. READ FIGURED DIMENSIONS IN PREFERENCE TO SCALE ALL DIMENSIONS IN mm U.O.N. 3. BUILDER TO CHECK AND CONFIRM ALL MEASUREMENTS, LEVELS & DETAILS PRIOR TO THE COMMENCEMENT OF ANY WORK OR FINANCIAL COMMITMENT. BUILDER TO CHECK AND CONFIRM MEASUREMENTS OF EXISTING BUILDING. 4. THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL BUILDING DESIGN DRAWINGS, ARCHITECTURAL NATSPEC SPECIFICATION, ALL CONSULTANTS DRAWINGS AND SPECIFICATIONS & MANUFACTURERS SPECIFICATION. 5. ALL WORKMANSHIP AND MATERIALS TO BE IN ACCORDANCE WITH THE MOST CURRENT BUILDING REGULATIONS, S.A.A. CODES AND AUSTRALIA STANDARDS. 6. CONCEPTS SHOWN ARE SUBJECT TO RELEVANT AUTHORITY APPROVALS. 7. FURNITURE, FIXTURE & LANDSCAPING FOR ILLUSTRATIVE PURPOSES ONLY. 8. 3D IMAGES FOR ILLUSTRATIVE PURPOSES ONLY.	DEVELOPMENT APPLICATION		
REV.	DATE	DESCRIPTION	DRAWN	SCALE @ A3			DATE		
A	24.04.2020	FOR REVIEW	WH	1 : 200			6/05/2022 12:14:48 AM		
B	05.05.2022	ADDITIONAL DA INFO	PROJECT NO. 20.04						
			DRAWING	SITE PLAN					
			DRAWING NO.	DA01	REVISION B				







REVISION SCHEDULE		
REV.	DATE	DESCRIPTION
A	18.03.2022	FOR DA
B	05.05.2022	ADDITIONAL DA INFO
C	17.05.2022	PRIVACY SCREEN & POOL FENCE UPDATED

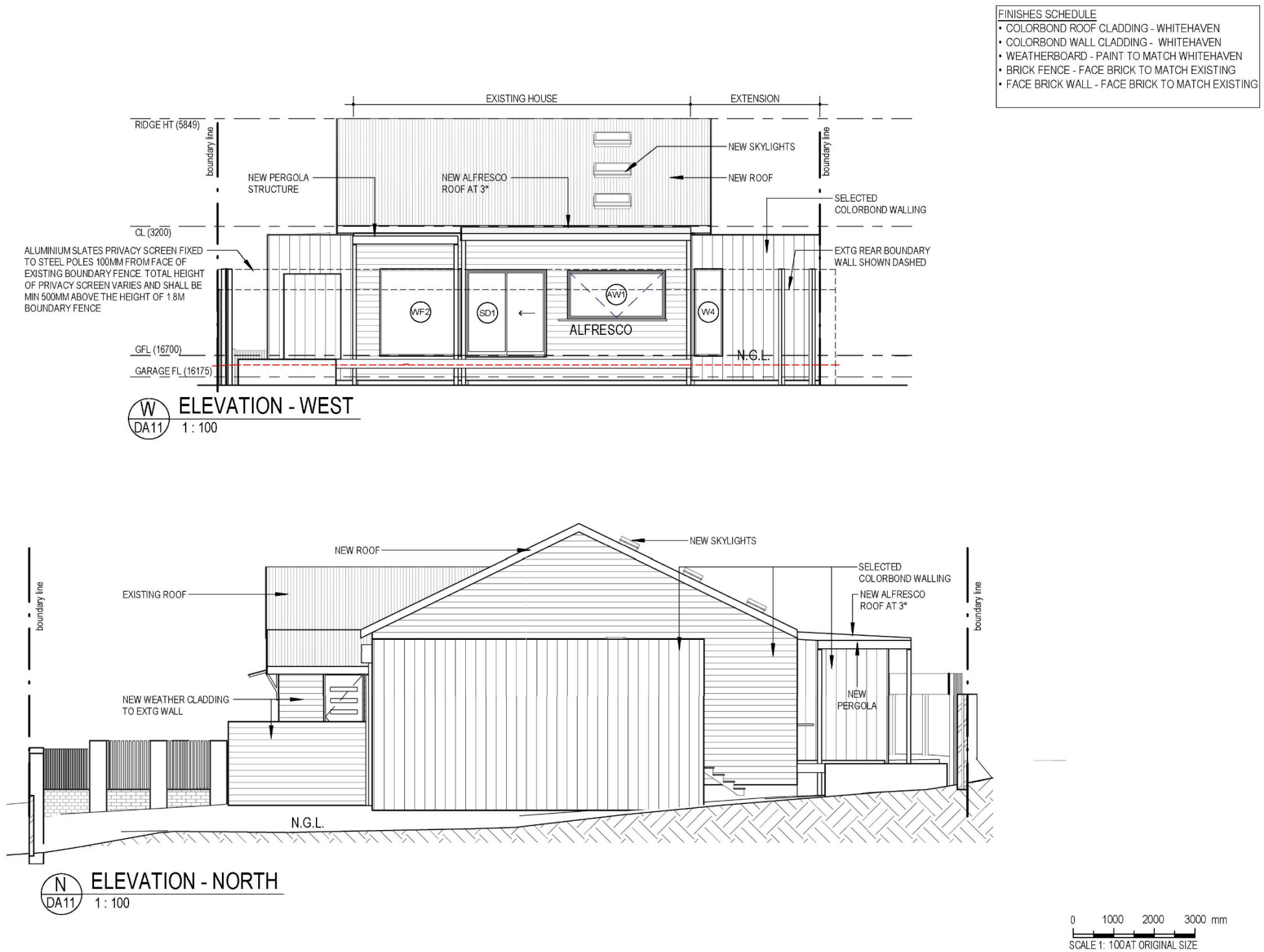
PROJECT:
HOME EXTENSIONS

ADDRESS:
27A DUKE STREET, EAST FREMANTLE

CLIENT:
TOM BUTTERFIELD & MELISSA WALLIS

1. THIS DRAWING IS COPYRIGHT PROTECTED AND REMAINS THE PROPERTY OF DESIGNER AND SHALL NOT BE USED FOR ANY OTHER PURPOSE THAN ORIGINALLY INTENDED.
2. READ FIGURED DIMENSIONS IN PREFERENCE TO SCALE ALL DIMENSIONS IN mm u.O.N.
3. BUILDER TO CHECK AND CONFIRM ALL MEASUREMENTS, LEVELS & DETAILS PRIOR TO THE COMMENCEMENT OF ANY WORK OR FINANCIAL COMMITMENT. BUILDER TO CHECK AND CONFIRM MEASUREMENTS OF EXISTING BUILDING.
4. DRAWING TO BE USED IN CONJUNCTION WITH ALL OTHER DRAWINGS, ARCHITECTURAL MATSPEC SPECIFICATION, ALL CONSULTANTS DRAWINGS AND SPECIFICATIONS & MANUFACTURERS SPECIFICATION.
5. ALL WORKSHIPMANSHIP AND MATERIALS TO BE IN ACCORDANCE WITH THE MOST CURRENT BUILDING REGULATIONS, S.A.A. CODES AND AUSTRALIAN STANDARDS.
6. CONCEPTS SHOWN ARE SUBJECT TO RELEVANT AUTHORITY APPROVALS.
7. FURNITURE, FIXTURE & LANDSCAPING FOR ILLUSTRATIVE PURPOSES ONLY.
8. 3D IMAGES FOR ILLUSTRATIVE PURPOSES ONLY.

DEVELOPMENT APPLICATION		
DRAWN WH	SCALE @ A3 As indicated	DATE 17/05/2022 11:09:57 PM
PROJECT NO. 20.04		
DRAWING ELEVATIONS		
DRAWING NO. DA20		REVISION C



REVISION SCHEDULE		
REV.	DATE	DESCRIPTION
A	05.05.2022	ADDITIONAL DA INFO
B	17.05.2022	PRIVACY SCREEN & POOL FENCE UPDATED

PROJECT:
HOME EXTENSIONS

ADDRESS:
27A DUKE STREET, EAST FREMANTLE

CLIENT:
TOM BUTTERFIELD & MELISSA WALLIS

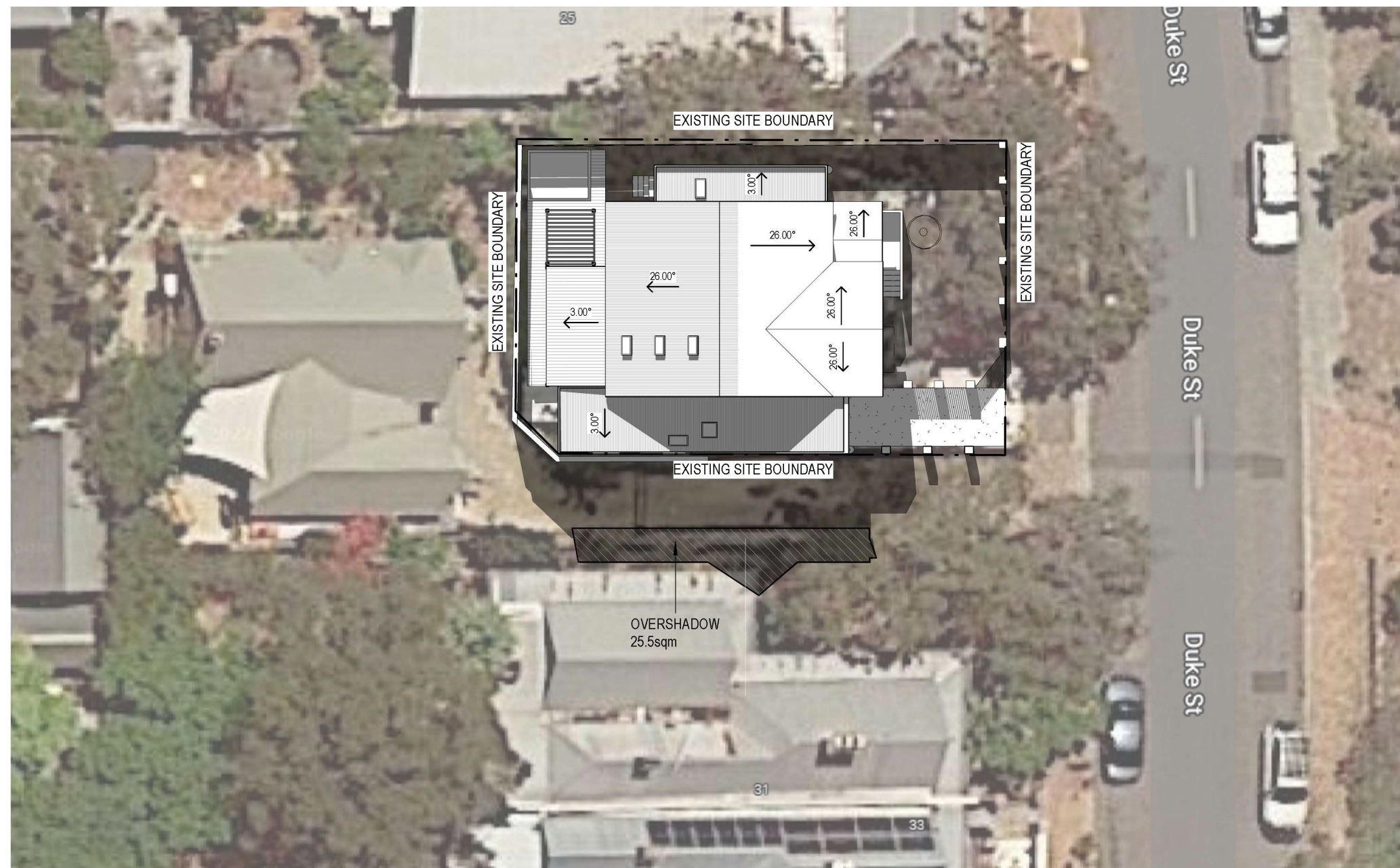
1. THIS DRAWING IS COPYRIGHT PROTECTED AND REMAINS THE PROPERTY OF DESIGNER AND SHALL NOT BE USED FOR ANY OTHER PURPOSE THAN ORIGINALLY INTENDED.
2. READ FIGURED DIMENSIONS IN PREFERENCE TO SCALE ALL DIMENSIONS IN mm U.O.N.
3. BUILDER TO CHECK AND CONFIRM ALL MEASUREMENTS, LEVELS & DETAILS PRIOR TO THE COMMENCEMENT OF ANY WORK OR FINANCIAL COMMITMENT. BUILDER TO CHECK AND CONFIRM MEASUREMENTS OF EXISTING BUILDING.
4. THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL BUILDING DESIGN DRAWINGS, ARCHITECTURAL NATSPEC SPECIFICATION, ALL CONSULTANTS DRAWINGS AND SPECIFICATIONS & MANUFACTURERS SPECIFICATION.
5. ALL WORKMANSHIP AND MATERIALS TO BE IN ACCORDANCE WITH THE MOST CURRENT BUILDING REGULATIONS, S.A.A. CODES AND AUSTRALIA STANDARDS.
6. CONCEPTS SHOWN ARE SUBJECT TO RELEVANT AUTHORITY APPROVALS.
7. FURNITURE, FIXTURE & LANDSCAPING FOR ILLUSTRATIVE PURPOSES ONLY.
8. 3D IMAGES FOR ILLUSTRATIVE PURPOSES ONLY.

DEVELOPMENT APPLICATION		
DRAWN Author	SCALE @ A3 As indicated	DATE 17/05/2022 11:10:42 PM
PROJECT NO.	20.04	
DRAWING	ELEVATIONS	
DRAWING NO.	DA21	REVISION B



DUKE STREET - STREETSCAPE 1

REVISION SCHEDULE			PROJECT: HOME EXTENSIONS	1. THE DRAWING COPYRIGHT RESIDES AND REMAINS THE PROPERTY OF DESIGN AND SHALL NOT BE USED FOR ANY OTHER PURPOSES WITHOUT WRITTEN PERMISSION. 2. READ TO GIVE DIMENSIONS IN PREFERENCE TO SCALE AND DIMENSIONS IN WHOLE METERS. 3. NOT BE USED TO CONSTRUCT ANY BUILDING OR WORKS, UNLESS IT IS FIRST APPROVED BY THE COMPETENT AUTHORITY OF ANY WORKS OR ENGINEERING DEPARTMENT. BUILDING TO BE CONSTRUCTED MUST BE IN ACCORDANCE WITH THE BUILDING ACT. 4. THE DRAWING TO BE USED IN CONJUNCTION WITH ALL BUILDING DESIGN DRAWINGS, ARCHITECTURAL AND STRUCTURAL DRAWINGS AND SPECIFICATIONS & MANUFACTURING SPECIFICATIONS. 5. ALL WORKMANSHIP AND MATERIALS TO BE IN ACCORDANCE WITH THE MOST CURRENT BUILDING REGULATIONS, S.A.A. CODES AND STANDARDS (AS APPLICABLE). 6. CORRECTIONS AND AMENDMENTS TO BE MADE BY THE DESIGNER. 7. TURN KEY, FULLY FINISHED LANDSCAPING FOR ILLUSTRATION PURPOSES ONLY. 8. 3D IMAGES TO ILLUSTRATE PURPOSES ONLY.	DEVELOPMENT APPLICATION		
REV.	DATE	DESCRIPTION			DRAWN WH	SCALE @ A3	DATE 6/05/2022 12:19:40 AM
A	05.05.2022	ADDITIONAL DA INFO	ADDRESS: 27A DUKE STREET, EAST FREMANTLE			PROJECT NO. 20.04	
			CLIENT: TOM BUTTERFIELD & MELISSA WALLIS			DRAWING STREETSCAPE VIEWS	
						DRAWING NO. DA31 REVISION A	



OVERSHADOW DIAGRAM @ 21 JUN 1pm
1 : 200

	REVISION SCHEDULE			PROJECT: HOME EXTENSIONS ADDRESS: 27A DUKE STREET, EAST FREMANTLE CLIENT: TOM BUTTERFIELD & MELISSA WALLIS	1. THIS DRAWING IS COPYRIGHT PROTECTED AND REMAINS THE PROPERTY OF DESIGNER AND SHALL NOT BE USED FOR ANY OTHER PURPOSE THAN ORIGINALLY INTENDED. 2. READ FIGURED DIMENSIONS IN PREFERENCE TO SCALE ALL DIMENSIONS IN mm U.O.N. 3. BUILDER TO CHECK AND CONFIRM ALL MEASUREMENTS, LEVELS & DETAILS PRIOR TO THE COMMENCEMENT OF ANY WORK OR FINANCIAL COMMITMENT. BUILDER TO CHECK AND CONFIRM MEASUREMENTS OF EXISTING BUILDING. 4. THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL BUILDING DESIGN DRAWINGS, ARCHITECTURAL NATSPEC SPECIFICATION, ALL CONSULTANTS DRAWINGS AND SPECIFICATIONS & MANUFACTURERS SPECIFICATION. 5. ALL WORKMANSHIP AND MATERIALS TO BE IN ACCORDANCE WITH THE MOST CURRENT BUILDING REGULATIONS, S.A.A. CODES AND AUSTRALIA STANDARDS. 6. CONCEPTS SHOWN ARE SUBJECT TO RELEVANT AUTHORITY APPROVALS. 7. FURNITURE, FIXTURE & LANDSCAPING FOR ILLUSTRATIVE PURPOSES ONLY. 8. 3D IMAGES FOR ILLUSTRATIVE PURPOSES ONLY.	DEVELOPMENT APPLICATION		
	REV.	DATE	DESCRIPTION			DRAWN WH	SCALE @ A3 1 : 200	DATE 6/05/2022 12:20:59 AM
	A	18.03.2022	FOR DA			PROJECT NO. 20.04		
	B	05.05.2022	ADDITIONAL DA INFO			DRAWING	SHADOW DIAGRAM	
						DRAWING NO. DA40	REVISION	B

PLACE RECORD FORM

PRECINCT	Plympton
ADDRESS	27A Duke Street
PROPERTY NAME	N/A
LOT NO	Lot 1
PLACE TYPE	Residence
CONSTRUCTION DATE	1920s
ARCHITECTURAL STYLE	Inter-War Bungalow
USE/S	Original Use: Residence/ Current Use: Residence
STATE REGISTER	N/A
OTHER LISTINGS	N/A
MANAGEMENT CATEGORY	Category C
PHYSICAL DESCRIPTION	<p>No 27A Duke Street is a single storey house of timber framing and jarrah weatherboard cladding with a hipped and gabled corrugated iron roof. The rear of the lot has been subdivided and a further residence constructed. It is an uncommon expression of the Inter-War Bungalow style with later modifications. The front elevation is asymmetrically planned with a small gabled roof verandah supported on turned timber posts with post brackets resting on a timber floor.</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.
HISTORICAL NOTES	Plympton is a cohesive precinct where most of the places were constructed in the late nineteenth century and the first quarter of the twentieth century. It is comprised primarily of homes for workers and their families with a high concentration of small lots with timber, brick and stone cottages.
OWNERS	Unknown
HISTORIC THEME	Demographic Settlements - Residential Subdivision
CONSTRUCTION MATERIALS	Walls – Timber frame and jarrah weatherboards Roof - Corrugated roof sheeting
PHYSICAL SETTING	The residence is situated on a sloping site with a picket fence at the front of the lot.
STATEMENT OF SIGNIFICANCE	<p>No 27A Duke Street is a single storey house constructed of timber framing with jarrah weatherboard cladding and a hipped corrugated iron roof. The place has historic and aesthetic value for its contribution to Plympton's high concentration of worker's cottages and associated buildings and contributes to the local community's sense of place.</p> <p>The place has some heritage value for its intrinsic aesthetic value as an Inter-War Bungalow and it retains a moderate degree of authenticity and a high degree of integrity.</p> <p>The rear house has no significance.</p>
AESTHETIC SIGNIFICANCE	No 27A Duke Street has some aesthetic value as an uncommon expression of an Inter-War Bungalow. It retains all the characteristic features of a dwelling of the type and period.
HISTORIC SIGNIFICANCE	No 27A Duke Street has some historic value. It was part of the suburban residential development associated with the expansion of East Fremantle during the Goldrush period of the 1880s and 1890s.
SCIENTIFIC SIGNIFICANCE	N/A
SOCIAL SIGNIFICANCE	No 27A Duke Street has some social value. It is associated with a significant area of worker's cottages which contributes to the community's sense of place.
RARITY	No 27A Duke Street is not rare in the immediate context but Plympton has rarity value as a working-class suburb.
CONDITION	No 27A Duke Street is in good condition.
INTEGRITY	No 27A Duke Street retains a high degree of integrity.
AUTHENTICITY	No 27A Duke Street retains a moderate degree of authenticity.
MAIN SOURCES	



Community Engagement Checklist

Development Application P28/22 - 27A Duke Street

Project Name

Objective of Engagement:	Neighbour consultation			
Lead Officer:	Regulatory Services			
Timeline:	Start Date:	29/03/2022	Outcomes By: 13/04/2022	
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 / Playgroup)	<input type="checkbox"/>	Service Providers	<input type="checkbox"/>
	Community Groups	<input type="checkbox"/>	Unemployed	<input type="checkbox"/>
	Disabled People	<input type="checkbox"/>	Visitors	<input type="checkbox"/>
	Environmental	<input type="checkbox"/>	Volunteers	<input type="checkbox"/>
	Families	<input type="checkbox"/>	Workers	<input type="checkbox"/>
	Govt. Bodies	<input type="checkbox"/>	Youth	<input type="checkbox"/>
	Indigenous	<input type="checkbox"/>		<input type="checkbox"/>
	Neighbouring LGs	<input type="checkbox"/>		<input type="checkbox"/>
Staff to be notified:	Office of the CEO	<input type="checkbox"/>	Councillors	<input type="checkbox"/>
	Corporate Services	<input type="checkbox"/>	Consultant/s	<input type="checkbox"/>
	Development Services	<input type="checkbox"/>		<input type="checkbox"/>
	Operations (Parks/Works)	<input type="checkbox"/>		<input type="checkbox"/>
Community Engagement Plan				
Methods	Responsible	Date Due	Reference / Notes	
1.1 E News	<input type="checkbox"/> Communications		<input type="checkbox"/>	
1.2 Email Notification ~	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>	
1.3 Website	<input type="checkbox"/> Communications		<input type="checkbox"/>	
1.4 Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>	
1.5 Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>	
1.6 Fact Sheet	<input type="checkbox"/> Communications		<input type="checkbox"/>	
1.7 Media Rel./Interview	<input type="checkbox"/> Communications		<input type="checkbox"/>	
2.1 Information Stalls	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>	
2.2 Public Meeting/Forum	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>	
2.3 Survey/Questionnaire	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>	
3.1 Focus Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>	
3.2 Referendum/Ballot	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>	
3.3 Workshop	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>	
4.1 Council Committee	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>	
4.2 Working Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>	
* Statutory Consultation	<input checked="" type="checkbox"/> Relevant Officer	13/4/2022	<input checked="" type="checkbox"/> Advertised to 4 surrounding properties	
# Heritage Consultation	<input type="checkbox"/> Regulatory Services		<input type="checkbox"/>	
^ Mail out (note: timeliness)	<input type="checkbox"/> Communications		<input type="checkbox"/>	
	<input type="checkbox"/>		<input type="checkbox"/>	
	<input type="checkbox"/>		<input type="checkbox"/>	

Y:\Regulatory\DCU PLANS\Duke 27A P28-22 (advertised) - TPC 7 June 2022\Advertising\ToEF_CommunityEngagementChecklist.doc

Evaluation			
Summary of...		Date Due	Complete / Attached
Feedback / Results / Outcomes / Recommendations		13/04/2022	
Outcomes Shared			
Methods	Responsible	Date Due	Complete / Attached
E-Newsletter	<input type="checkbox"/> Communications		<input type="checkbox"/>
Email Notification	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
Website	<input type="checkbox"/> Communications		<input type="checkbox"/>
Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>
Media Release	<input type="checkbox"/> Communications		<input type="checkbox"/>
Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
Notes			

12.3 28 PIER STREET - NEW DWELLING

Owner	Phillip & Jessica Zoiti
Applicant	Studio Origami
Report Reference Number	TPR-677
Planning Reference Code	P39/22
Prepared by	James Bannerman
Supervised by	Andrew Malone
Meeting date	Tuesday, 5 July 2022
Voting requirements	Simple majority
Documents tabled	Nil

Attachments

1. Location and advertising plan
2. Photos
3. Plans submitted 28 April 2022
4. Community consultation checklist

PURPOSE

The purpose of this report is to present to Council a development application for a new dwelling located at 28 (Lot 228) Pier Street, East Fremantle.

EXECUTIVE SUMMARY

This development application proposes the demolition of the existing dwelling located on this steeply sloping elevated site at 28 Pier Street, East Fremantle. The existing dwelling is not heritage listed. It is proposed to construct a new dwelling that is to be built over 3 levels. An undercroft garage is to be built on the lowest level. On the second level there will be 3 bedrooms, a bathroom and lounge, kitchen, and dining room along with a multipurpose room and southern and northern alfresco areas. The top floor is to have a master bedroom, lounge, study and additional bathroom and balcony. The variations to the requirements of the Residential Design Codes and the Residential Design Guidelines include the following;

- (i) Clause 3.7.17.4.1.3 – Residential Design Guidelines – Maximum Wall Height – 5.6m required, greater than 5.6m provided,
- (ii) Clause 3.7.17.4.1.3 – Residential Design Guidelines – Maximum Roof Height – 8.1 required, greater than 8.1m provided, and
- (iii) Clause 5.3.7 - Site Works – Residential Design Codes – Retaining Walls – no more than 0.5m required, greater than 0.5m and setback less than 2m from boundary provided

The proposed development application is recommended for approval subject to the conditions included in the final recommendation.

BACKGROUND

Zoning	Residential R12.5
Site Area	890m2
Heritage	N/A
Fremantle Port Buffer	N/A
Previous Decisions of Council and/or History of Issue Onsite	N/A

CONSULTATION

Advertising

The proposed development was advertised to surrounding property owners from 2 to 17 May 2022. No submissions were received.

Community Design Advisory Committee

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

External Consultation

Nil

Internal Consultation

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Town of East Fremantle Residential Design Guidelines 2016

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

Residential Design Codes

Design Element	Required	Proposed	Status
Street Front Setback	7.5m	>7.5m	A
Lot Boundary Setbacks			
Eastern wall - ground floor – multi room, bed 2, bath, bed 3, bed 4, laundry	1.5m	1.6m	A
Eastern wall – ground floor -staircase	1m	3.53m	A
Eastern wall – ground floor – lounge	1m	2.34m	A
Eastern wall – upper storey	1.6m	2.34m	A
Northern wall - upper storey	6m	>8.3m	A
Northern wall – ground floor	6m	7.5m	A
Western wall - carport	1m	5.5m	A
Western wall – ground floor – multi room, passage	3.3m	13.192m	A
Western wall – ground floor – alfresco west, scullery, dining	1.2m	6.2m	A
Western wall – upper storey	4.5m	7.5m	A
Open Space	55%	81%	A
Outdoor Living Area			A
Car Parking	At least 1 car bay	2 car bays	A
Site Works	Compliance with appropriate height and setback requirements	Greater than 0.5m	D
Sightlines			N/A
Visual Privacy			
Pool deck	7.5m	Less than 7.5m	A - Privacy screening to be

			provided and conditioned
Landing and part of staircase overlooking pool	Privacy requirements do not apply		N/A
Overshadowing			N/A
Landscaping			A
Drainage	To be conditioned		

Residential Design Guidelines

Design Element	Required	Proposed	Status
Roof height	8.1m	Greater than 8.1m	D
Wall height	5.6m	Greater than 5.6m	D
Roof form and pitch	Plans show roof form	1 degree	A
Materials and colours			A
Front fence			N/A
Pergolas			N/A
Footpaths and crossovers	To be included as advice notes		
Garages			N/A

This development application proposes the demolition of the existing dwelling located on this steeply sloping elevated site at 28 Pier Street, East Fremantle. The existing dwelling is not heritage listed. It is proposed to construct a new dwelling that is to be built over 3 levels. An undercroft garage is to be built on the lowest level. On the second level there will be 3 bedrooms, a bathroom and lounge, kitchen, and dining room along with a multipurpose room and southern and northern alfresco areas. The top floor is to have a master bedroom, lounge, study and additional bathroom and balcony.

Three variations are requested to the requirements of the Residential Design Codes and the Residential Design Guidelines regarding maximum wall height, maximum roof height, and site works.

Maximum Wall Height

The acceptable development provisions of the Residential Design Guidelines requires that wall heights are limited to 5.6m in accordance with clause 3.7.17.4.1.3 A1.4. In this case the wall height of this proposed dwelling exceeds 5.6m but is no more than 8.1m. In accordance with performance criteria 3.7.17.4.1.2 P1 it is considered that the additional height above 5.6m can be supported because the proposed development is of a compatible form, bulk, and scale to traditional development in the immediate locality. The proposal will maintain significant vegetation to the front of the property. The property is located so as to exceed all setback requirements. The overall development is considered to have no/ minimal impact to adjoining properties and the street. The overall wall height is recommended for support.

Maximum Roof Height

The acceptable development provisions of the Residential Design Guidelines requires that the maximum roof height should not exceed 8.1m in accordance with clause 3.7.17.4.1.3 A 1.4. The roof of the building is above 8.1m at the north-western end of the dwelling however, this is by less than 0.5m. It is considered the majority of the roof form significantly complies with the maximum height requirements. The roof of the dwelling has been designed in such a manner that the roof height is kept below 8.1m by utilising a skillion roof that aims to minimise the impact of height. In accordance with performance criteria 3.7.17.4.1.2 P1 it is considered that the additional height above 8.1m in one location towards the north-western corner of the dwelling can be supported because the proposed development is of a compatible form, bulk, and scale to traditional

development in the immediate locality. The overall development is considered to have no/ minimal impact to adjoining properties and the street. The overall roof height is recommended for support.

Site Works – Retaining Walls

It is proposed to excavate the ground levels adjacent to the western boundary of the house towards the rear of the lot/ house to create a turning circle for vehicles exiting the garage. Retaining walls are proposed to be constructed on the edge of this area in the north-western corner of the property in response to this. These retaining walls are between 0.79m and 1.09m high from the ground level created by the vehicle turning area and are built up to the northern boundary. In accordance with the Residential Design Codes a retaining wall that is over 0.5m in height should be located at least 1m from the boundary. In this case the setback is not unreasonable. The retaining walls 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 and 5.4.1. For this reason, the location of the retaining walls can be supported.

Visual Privacy

The pool deck area requires visual privacy screening to be installed along the northern edge of the pool. This privacy screening has been shown on the submitted plans. A condition will be imposed in the final recommendation that reinforces the requirement for this.

The steps directly to the north of the dwelling do not require visual privacy screening as they will require the ground level to be lowered rather than raised.

CONCLUSION

The proposed development is recommended for support subject to the conditions included in the final recommendation. It is noted that no submissions were received following advertising. The proposed development has minimal variations to the Residential Design Codes and the Residential Design Guidelines and is considered to have minimal impacts on surrounding properties.

OFFICER RECOMMENDATION / COMMITTEE RESOLUTION

OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP030722

Moved Cr Natale, seconded Cr Mascaro

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

- (i) Clause 3.7.17.4.1.3 – Residential Design Guidelines – Maximum Wall Height – 5.6m required, greater than 5.6m provided,**
- (ii) Clause 3.7.17.4.1.3 – Residential Design Guidelines – Maximum Roof Height – 8.1 required, greater than 8.1m provided, and**
- (iii) Clause 5.3.7 - Site Works – Residential Design Codes – Retaining Walls – no more than 0.5m required, greater than 0.5m and setback less than 2m from boundary provided**

for a new dwelling at No. 28 (Lot 228) Pier Street, East Fremantle, in accordance with the plans submitted 28 April 2022, subject to the following conditions:

- (1) Visual privacy screening is to be installed along the pool edge as indicated on the plans. This visual privacy screening is to be permanently fixed, durable, restrict view in the direction of overlooking, at least 75% obscure, and a minimum of 1.6m above the pool level.**
- (2) The crossover widths are not to exceed the width indicated on the plans date submitted 28 April 2022 and to be in accordance with Council's crossover policy, the Residential Design Guidelines and the Urban Streetscape and Public Realm Style Guide.**
- (3) All fencing within the street setback area is to be in compliance with the front fence provisions of the Residential Design Guidelines.**

- (4) 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 Council's further approval.
- (5) The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this development approval unless otherwise amended by Council.
- (6) Regarding 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 Council's attention.
- (7) All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
- (8) If requested by Council within the first two years following installation, the roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
- (9) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
- (10) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified, or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (11) This 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 Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- 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 Council'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

[crossover_specification_2017.pdf \(eastfremantle.wa.gov.au\)](#)

Residential Design Guidelines

[3_1_1_LPP_Residential_Design_Guidelines_Amended_17_May_2016.pdf \(eastfremantle.wa.gov.au\)](#)

***Urban Streetscape and Public Realm Style Guide
EFUSPR_Style Guide FINAL 210108.indd (eastfremantle.wa.gov.au)***

Application to Conduct Crossover Works

Application_to_conduct_crossover_works.pdf (eastfremantle.wa.gov.au)

- 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 Council and one copy should be given to the owner of any affected property.***
- e) All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).***
- f) Matters relating to dividing fences are subject to the Dividing Fences Act 1961.***
- g) Trees on verges are the property of the Town of East Fremantle. They are not to be damaged, pruned or removed. Any actions which harm verge trees will result in the Town taking action against the owners/builders/contractors responsible for such actions. If there are concerns regarding trees owners/builders/contractors are asked to contact the Town to seek further advice.***

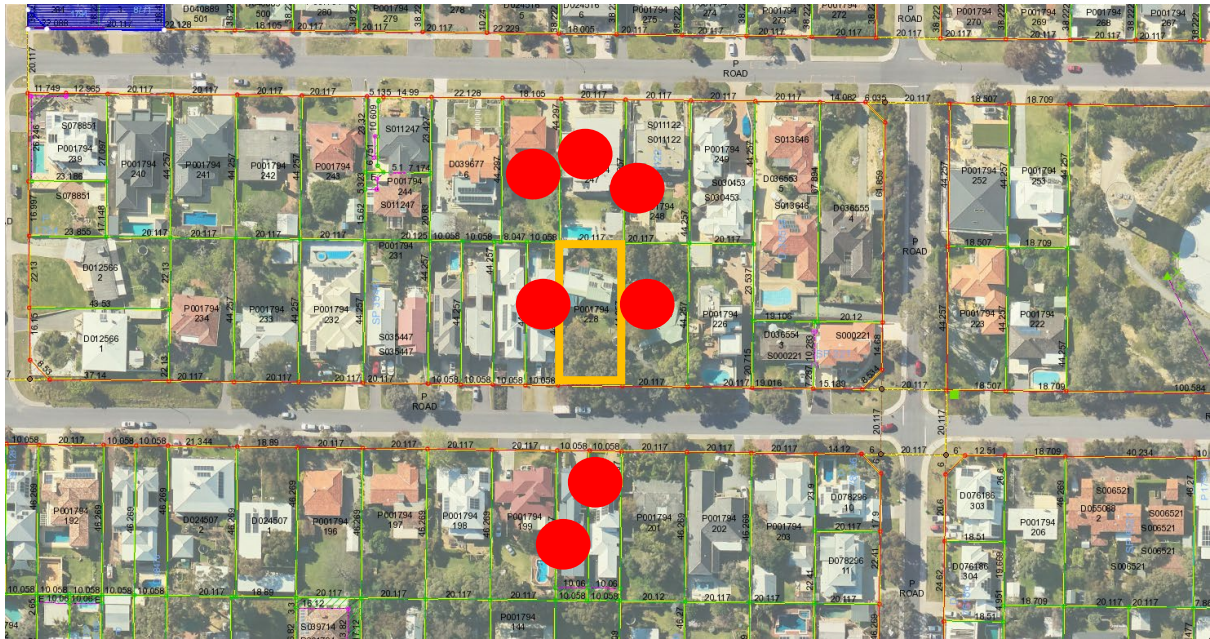
(CARRIED UNANIMOUSLY)

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 21 June 2022, this application is deemed determined, on behalf of Council, under delegated authority.

REPORT ATTACHMENTS

Attachments start on the next page

28 Pier Street – Location and Advertising Plan



28 Pier Street – Photos





17 OXLEY RD DARLINGTON WA 6070
ADMIN@STUDIOORIGAMIARCHITECTS.COM
WWW.STUDIOORIGAMIARCHITECTS.COM
04 3366 8025 - 04 2968 5928

DESIGN STAGE

DEVELOPMENT APPROVAL (DA)

REV. DESCRIPTION & DATE

ISSUE FOR DA
28/04/2022

PROJECT NUMBER

2113

PROJECT NAME

THE TREE HOUSE

PROJECT ADDRESS

28 PIER STREET, EAST FREMANTLE

CLIENT

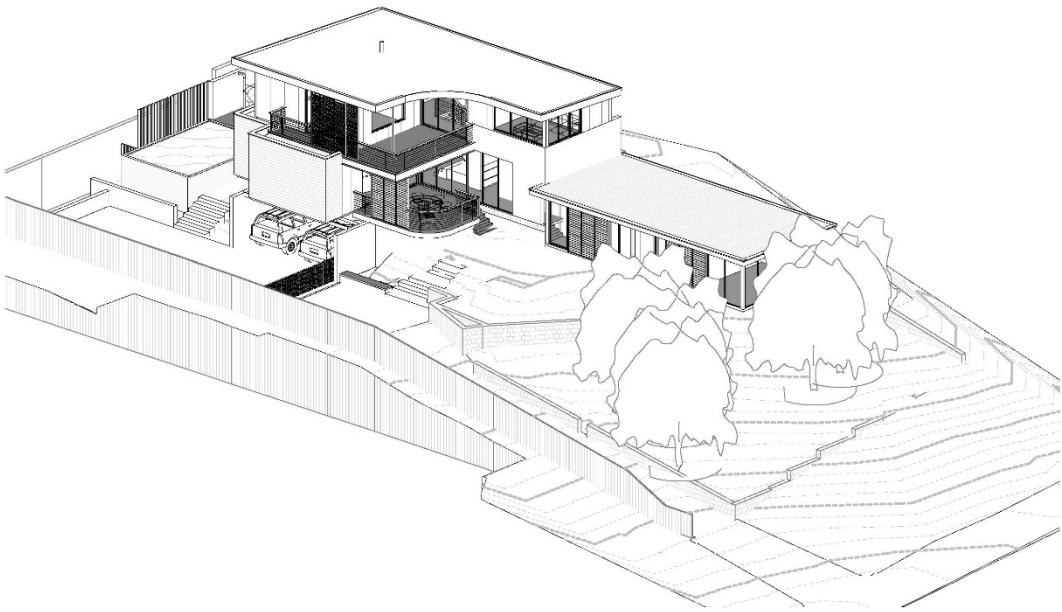
JESS & PHIL ZOITI

SHEET INDEX

A00(0)	COVER PAGE	DA-5
A00(1)3D	ILLUSTRATION - New	DA-5
A00(2)3D	ILLUSTRATION - New	DA-5
A10(1)	SITE PLAN VIEW - EXISTING	DA-5
A12(2)ST	SITE PLAN VIEW - SITE VIEW - New	DA-5
A12(5)OS	SITE PLAN VIEW - OVERSHADOWS - New	DA-5
A22(2)L(1)@C	FLOOR PLAN VIEW - CARPORT - New	DA-5
A22(3)L0@H	FLOOR PLAN - GROUND @ HOME - New	DA-5
A22(4)L1@H	FLOOR PLAN - LEVEL 1 @ HOME - New	DA-5
A32(1)@H	ELEVATION @ HOME - New	DA-5
A32(2)@H	ELEVATION @ HOME - New	DA-5
A42(1)@H	SECTIONS OVERALL @ HOME - New	DA-5
A42(2)@H	SECTIONS @ HOME - New	DA-5

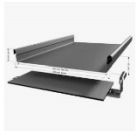
EXTERNAL MATERIAL SCHEDULE

CODE	DESCRIPTION	FINISH
ROOF		
ST(1)	SEAM PROFILE STEEL CLADDING	DARK FINISH
WALL		
BK(1)	EXPOSED LIGHT COLOUR BRICK	NATURAL FINISH
BL(1)	EXPOSED CONCRETE BLCOK	NATURAL FINISH
CN(1)	EXPOSED REINFORCED CONCRETE	NATURAL FINISH
RN(1)	CEMENT RENDER	LIGHT PAINT FINISH
ST(1)	STEEL CLADDIN, SEAM PROFILE	DARK FINISH
ST(2)	STEEL CLADDING, CORRUGATED PROFILE	DARK FINISH
TM(1)	TIMBER BOARD CLADDING	NATURAL FINISH



PRELIMINARY EXTERNAL MATERIAL SELECTIONS

ST(1)



RN(1)



ST(2)



TM(1)



BK(1)



CN(1)



BL(1)





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28 PIER STREET, EAST FREMANTLE | THE TREE HOUSE

DRAWING TITLE
ILLUSTRATION - New

PHASE
DEVELOPMENT APPROVAL (DA)

DATE
28/04/2022

DRAWING NUMBER
A00(1)3D

REV
DA-5

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28/04/2022 1:24:27 PM



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28 PIER STREET, EAST FREMANTLE THE TREE HOUSE

DRAWING TITLE
ILLUSTRATION - New

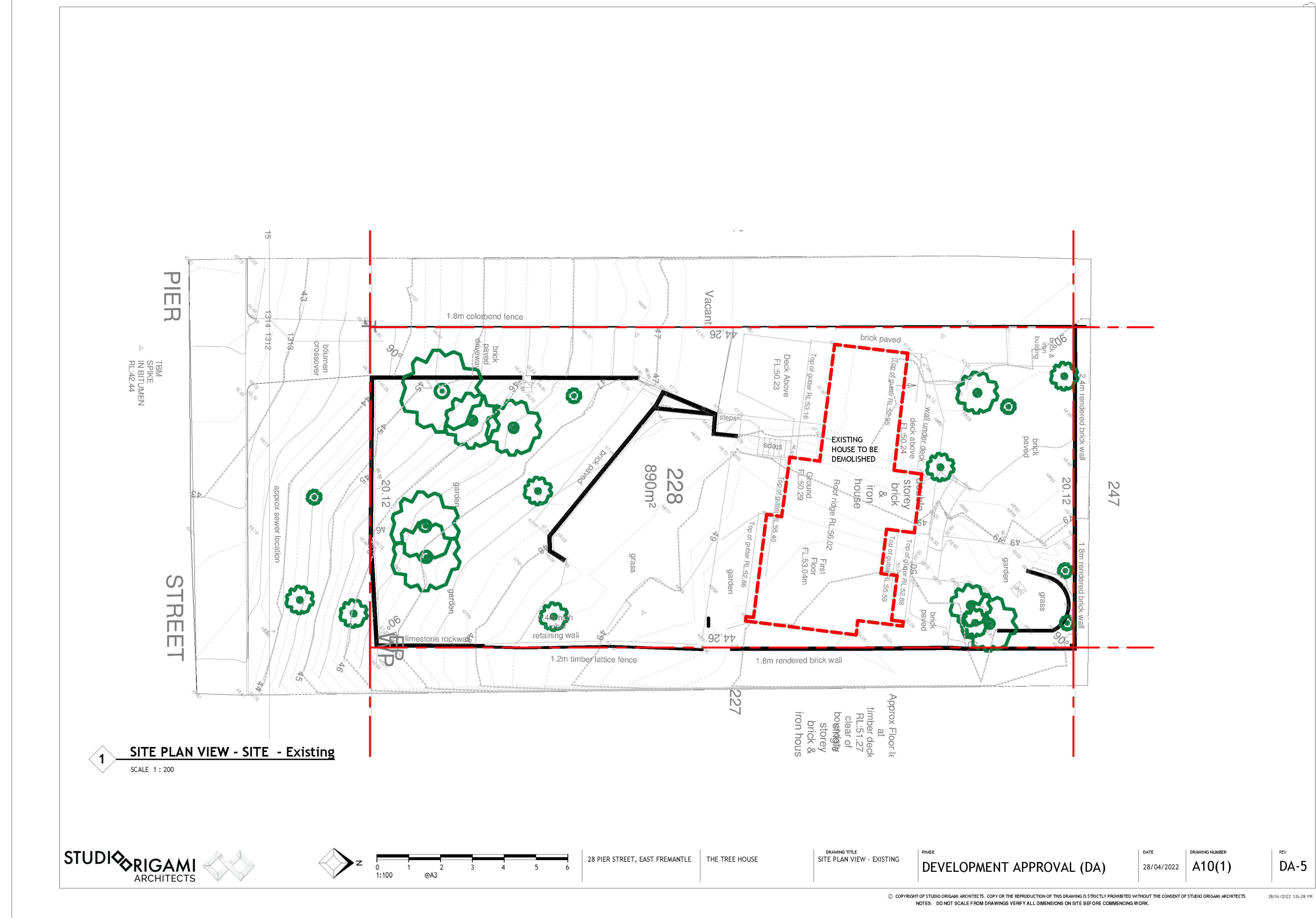
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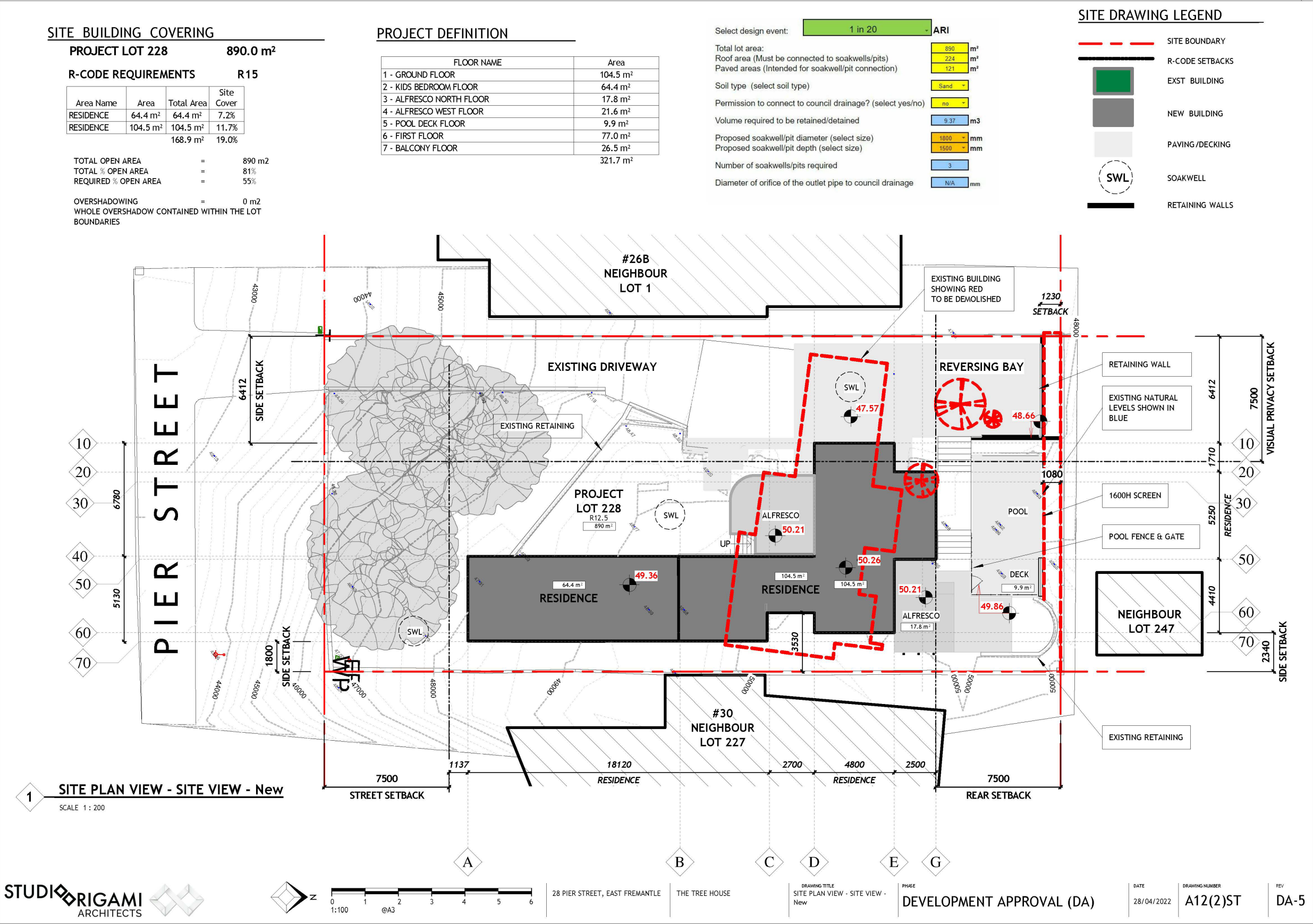
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DRAWING NUMBER
A00(2)3D

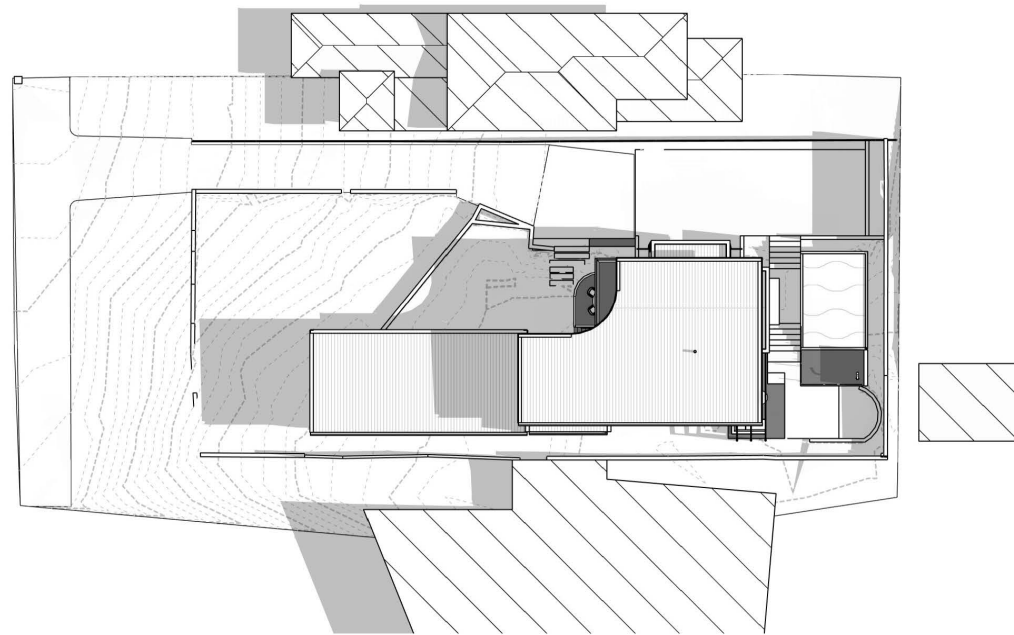
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1 SITE PLAN VIEW - OVERSHADOWS - New
SCALE



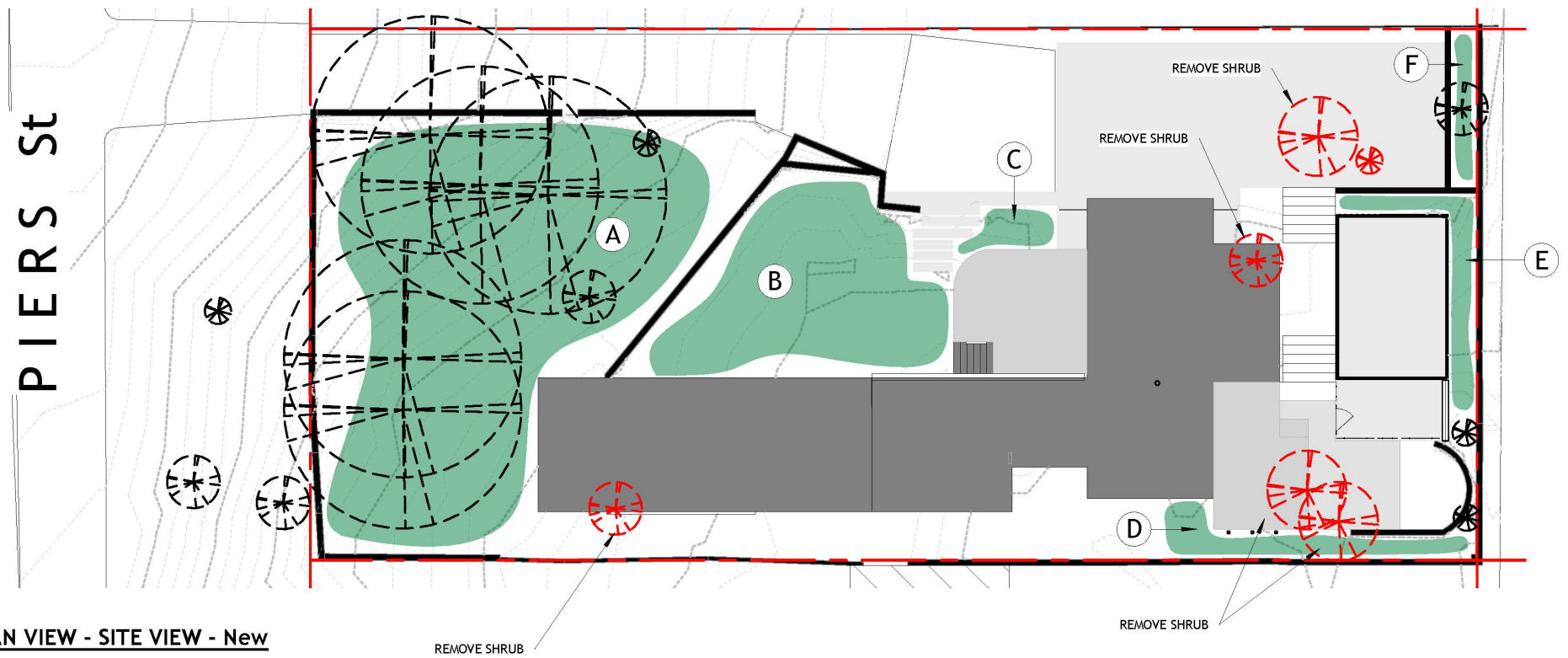
SOLAR ACCESS TO ADJOINING
PROPERTY

• PROPOSED DEVELOPMENT, 0% CAST MIDDAY,
21st OF JUNE ONTO ADJOINING PROPERTY. THE
PROPOSED DEVELOPMENT DOES NOT EXCEED
THE LIMITS ACCORDING TO CLAUSE 5.4.2 SOLAR
ACCESS FOR ADJOINING SITES

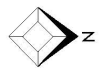
LANDSCAPE ZONING

A	EXISTING SIGNIFICANT TREES
B	EXISTING LAWN, NEW LAWN
C	ENTRY STATEMENT, 700mm HEIGHT PLANTS
D	CLIMING PLANTS & SHRUBS
F	CLIMING PLANTS & SHRUBS
E	CLIMING PLANTS & SHRUBS

2 SITE PLAN VIEW - SITE VIEW - New
SCALE 1 : 200



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0 1 2 3 4 5 6
1:100 @A3

28 PIER STREET, EAST FREMANTLE

THE TREE HOUSE

DRAWING TITLE
SITE PLAN VIEW -
OVERSHADOWS - New

PHASE
DESIGN CONCEPT (DC)

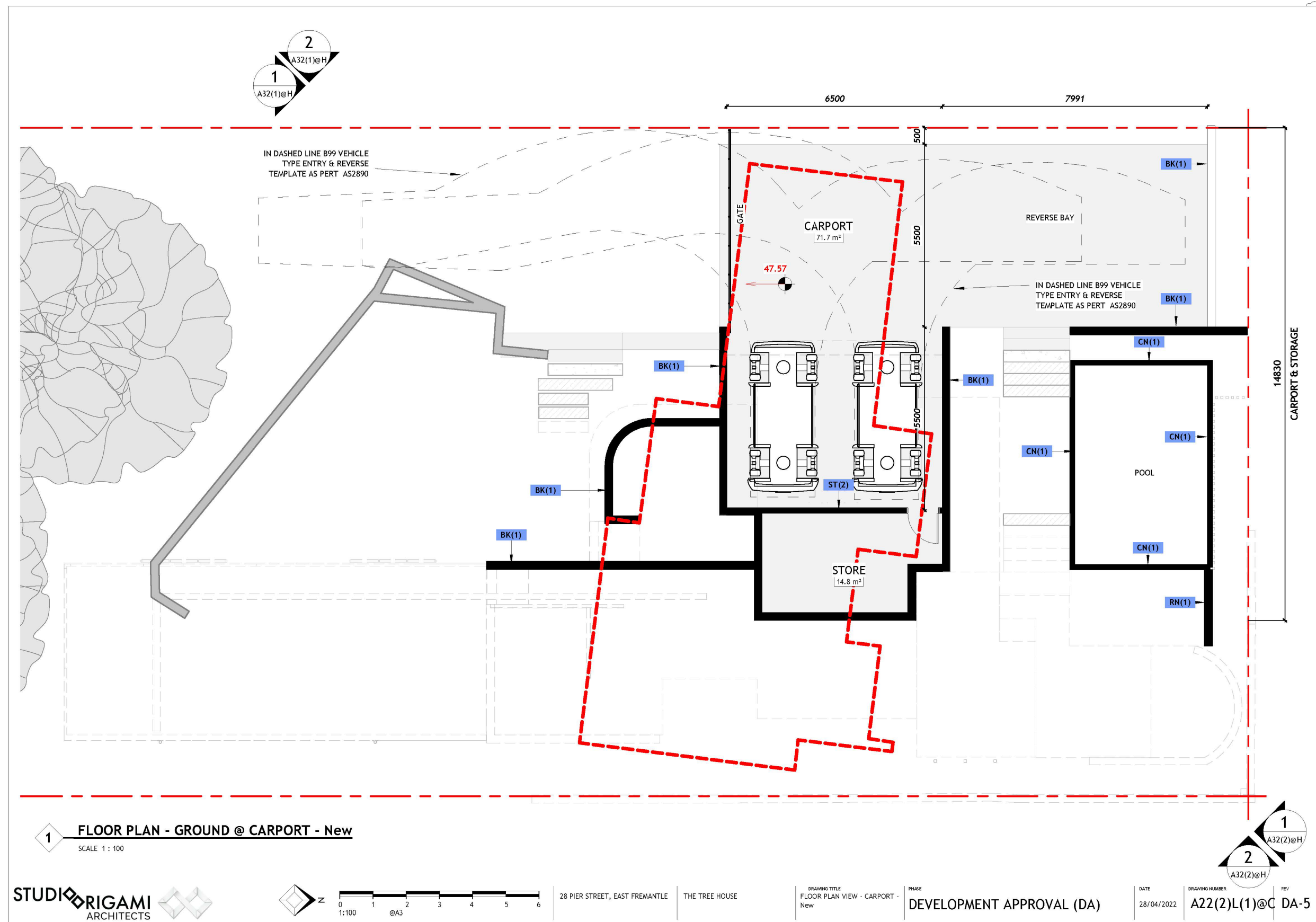
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28/04/2022

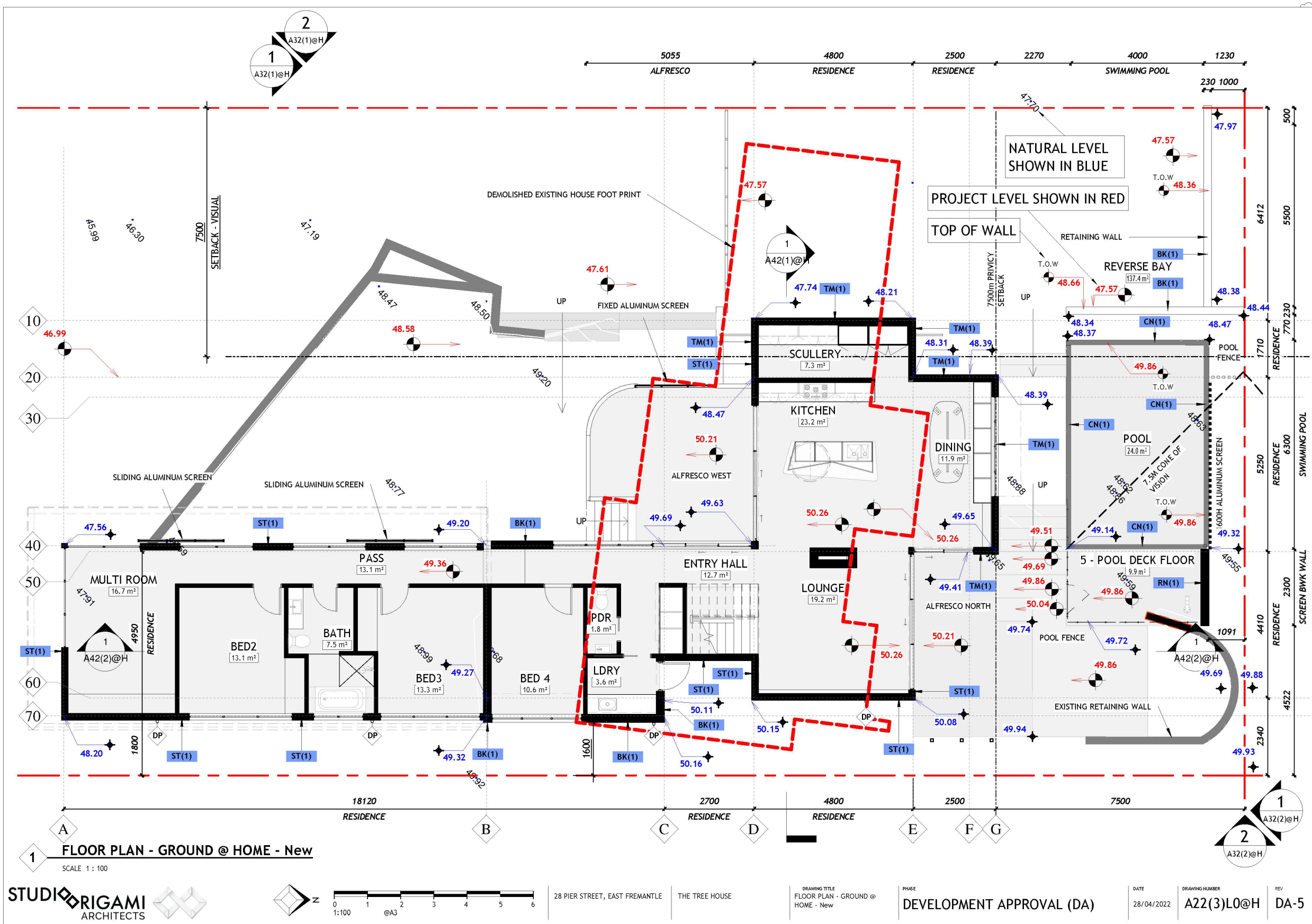
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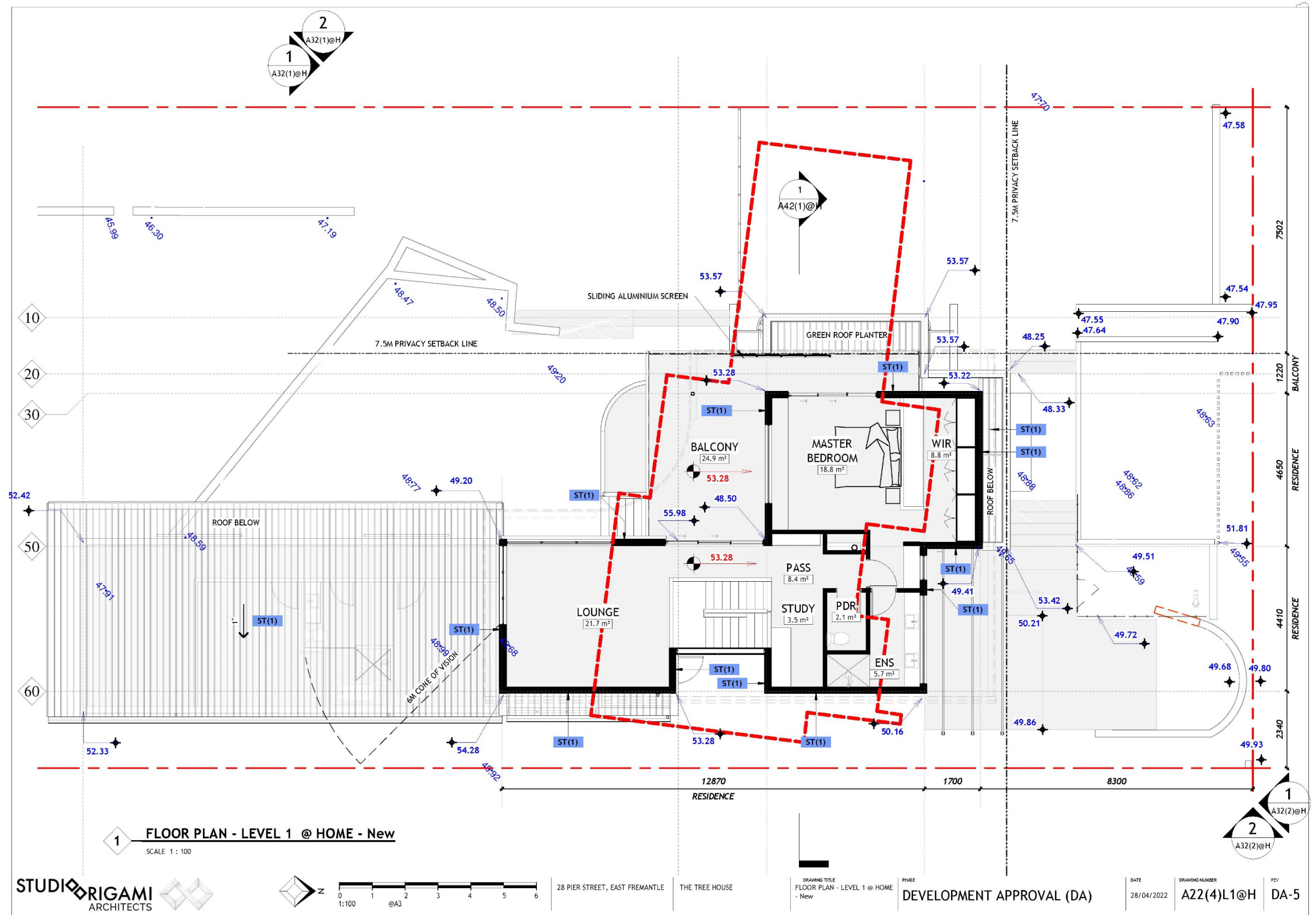
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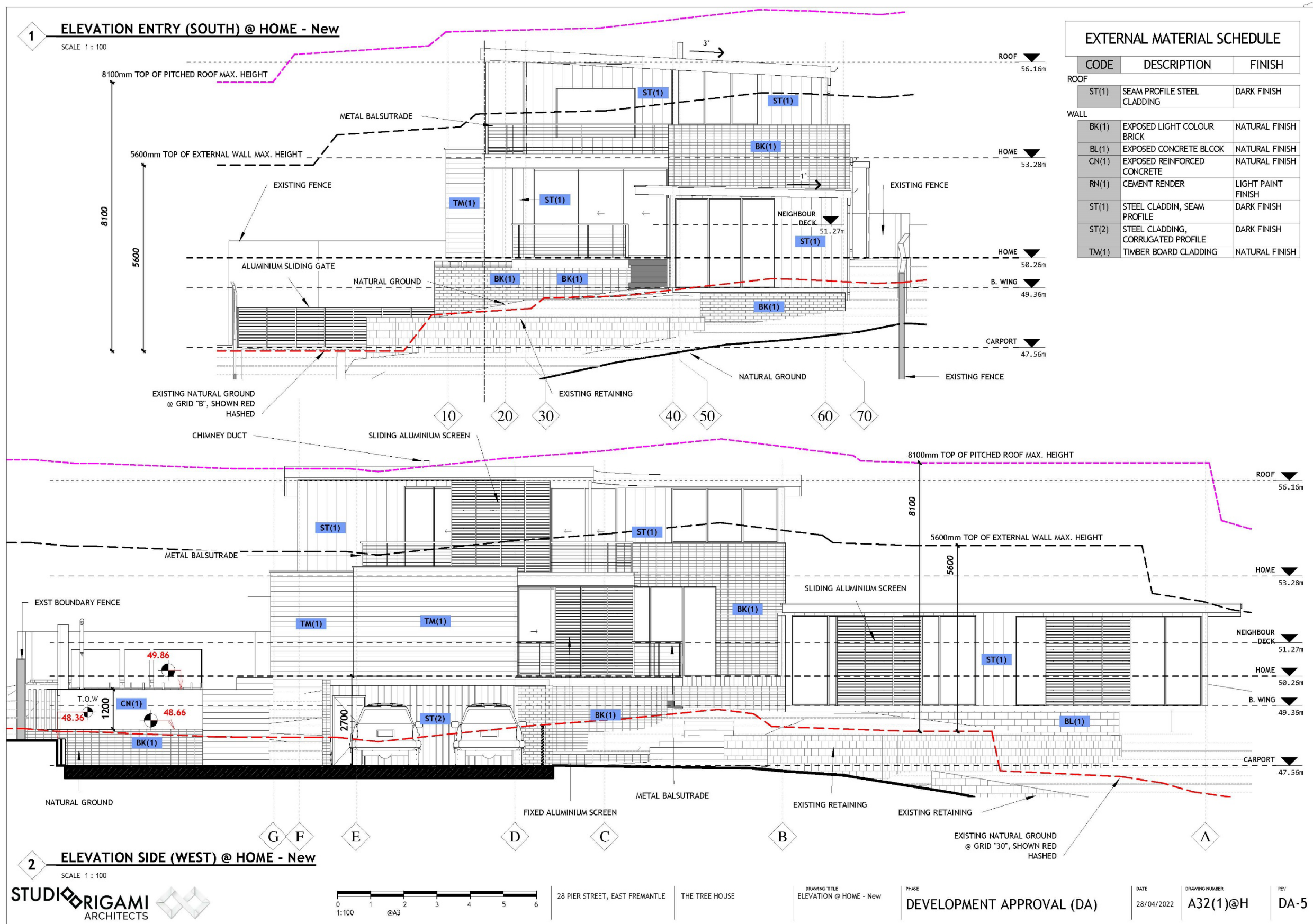
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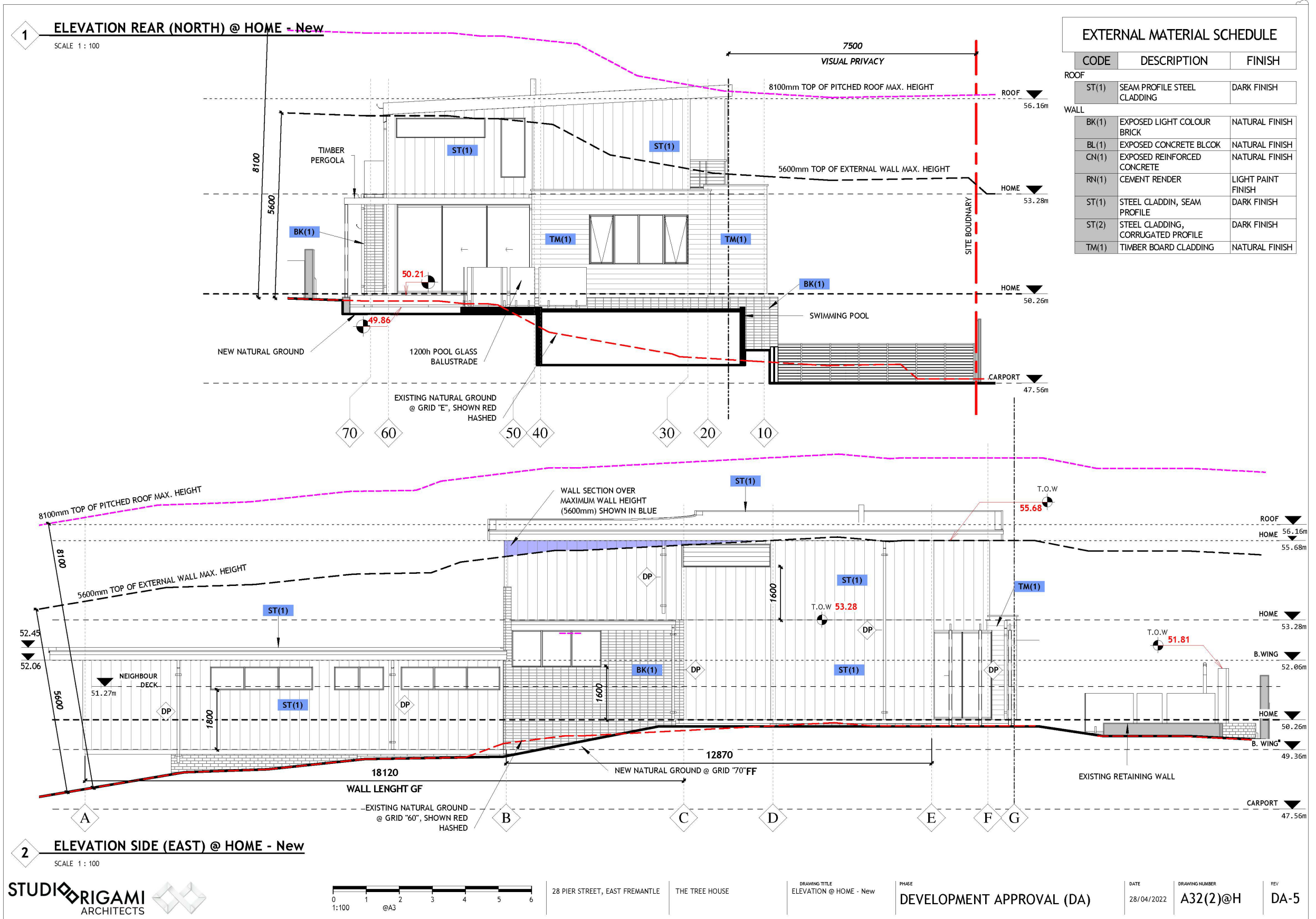






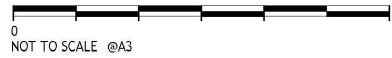
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28 PIER STREET, EAST FREMANTLE

THE TREE HOUSE

DRAWING TITLE
STREET ELEVATION @ HOME -
New

PHASE

DEVELOPMENT APPROVAL (DA)

DATE

28/04/2022

DRAWING NUMBER

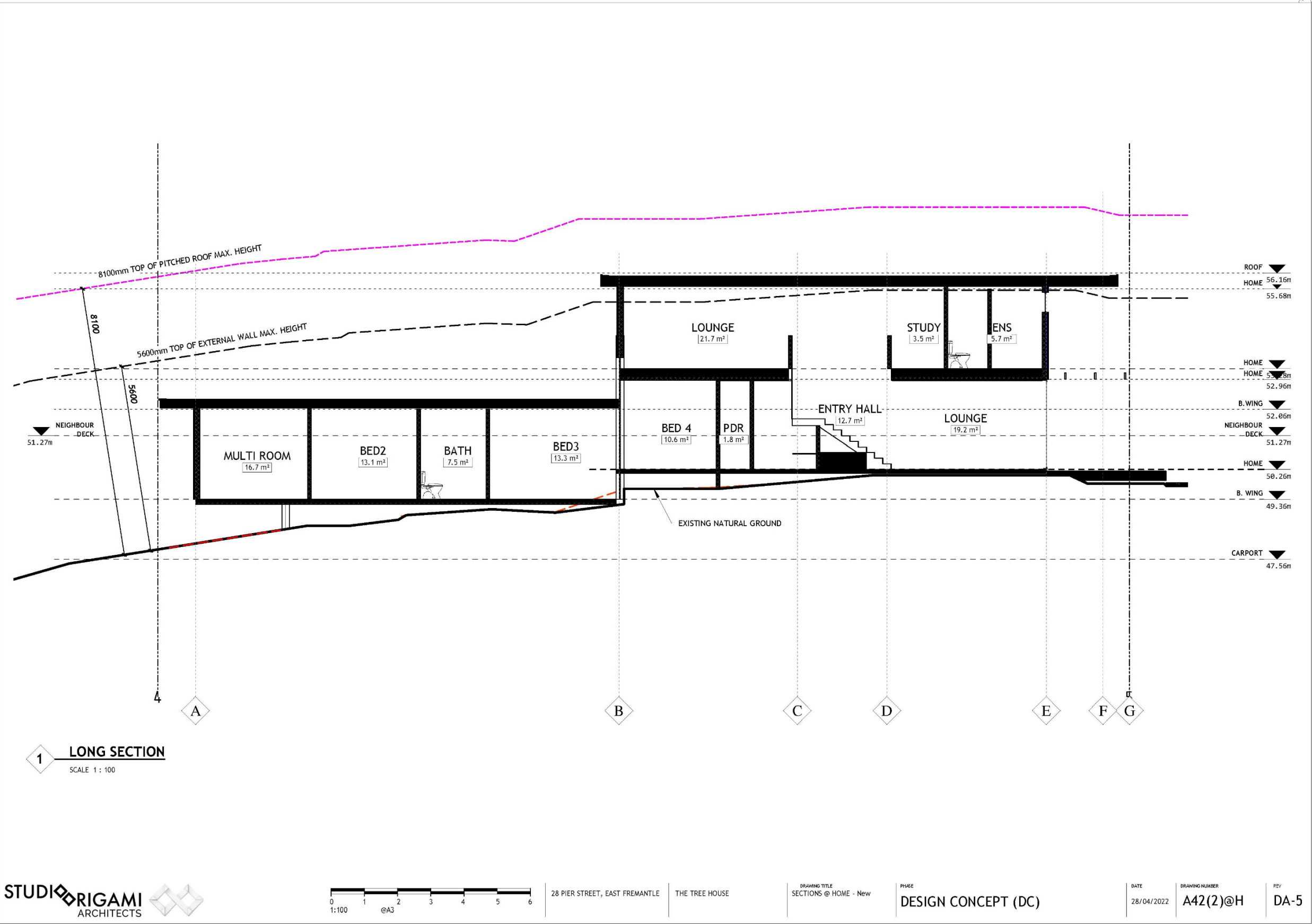
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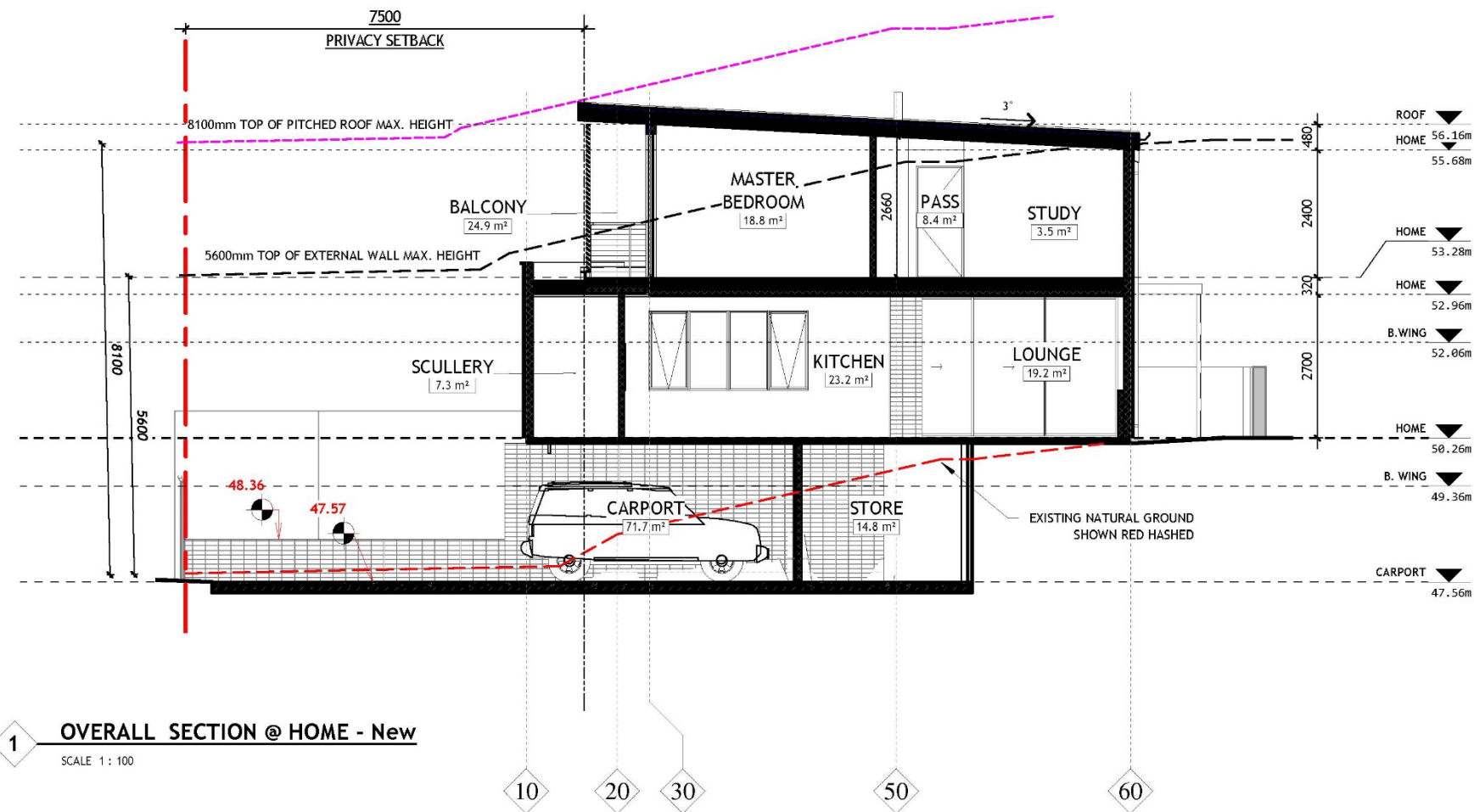
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28 PIER STREET, EAST FREMANTLE THE TREE HOUSE

DRAWING TITLE
SECTIONS OVERALL @ HOME -
New

PHASE
DEVELOPMENT APPROVAL (DA)

DATE
28/04/2022

DRAWING NUMBER
A42(1)@H

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Community Engagement Checklist

Development Application P39/22 – 28 Pier 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 (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	17/05/2022	<input checked="" type="checkbox"/> 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		17/05/2022		
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				

13 MATTERS BEHIND CLOSED DOORS

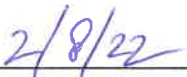
Nil

14 CLOSURE OF MEETING

There being no further business the Presiding member declared the meeting closed at 6.46 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 July 2022**, Minute Book reference **1. to 14.** were confirmed at the meeting of the Committee on:*


.....



Presiding Member