



AGENDA

Town Planning & Building Committee

Tuesday, 6 November 2018 at 6.30pm

Disclaimer

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

Whilst the Committee has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting.

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

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

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

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

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

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

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

A Deputation invited to attend a Council meeting:

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

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

Procedure for Presentations

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

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

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

Procedure for Public Question Time

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

Council (as required by the *Local Government Act 1995*) sets aside a period of 'Public Question Time' to enable a member of the public to put up to two (2) questions to Council. Questions should only relate to the business of Council and should not be a statement or personal opinion. Upon receipt of a question from a member of the public, the Mayor may either answer the question or direct it to a Councillor or an Officer to answer, or it will be taken on notice.

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

1. Public Questions Time will be limited to fifteen (15) minutes.
2. Public Question Time will be conducted at an Ordinary Meeting of Council immediately following "Responses to Previous Public Questions Taken on Notice".
3. Each member of the public asking a question will be limited to two (2) minutes to ask their question(s).
4. Questions will be limited to three (3) per person.
5. Please state your name and address, and then ask your question.
6. Questions should be submitted to the Chief Executive Officer in writing by 5pm on the day before the meeting and be signed by the author. This allows for an informed response to be given at the meeting.
7. Questions that have not been submitted in writing by 5pm on the day before the meeting will be responded to if they are straightforward.
8. If any question requires further research prior to an answer being given, the Presiding Member will indicate that the "question will be taken on notice" and a response will be forwarded to the member of the public following the necessary research being undertaken.
9. Where a member of the public provided written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
10. A summary of the question and the answer will be recorded in the minutes of the Council meeting at which the question was asked.

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

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

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

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NOTICE OF MEETING

Elected Members

An Ordinary Meeting of the Town Planning Committee will be held on Tuesday, 6 November 2018 at East Fremantle Town Hall, 135 Canning Highway, East Fremantle commencing at 6.30pm and your attendance is requested.

GARY TUFFIN
Chief Executive Officer

2 November 2018

AGENDA

1. DECLARATION OF OPENING OF MEETING/ANNOUNCEMENTS OF VISITORS

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. RECORD OF ATTENDANCE

3.1 Attendance

3.2 Apologies

3.3 Leave of Absence

4. MEMORANDUM OF OUTSTANDING BUSINESS

5. DISCLOSURES OF INTEREST

5.1 Financial

5.2 Proximity

5.3 Impartiality

6. PUBLIC QUESTION TIME

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

6.2 Public Question Time

7. PRESENTATIONS/DEPUTATIONS

7.1 Presentations

7.2 Deputations

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 Town Planning and Building Committee (2 October 2018)

8.1 OFFICER RECOMMENDATION

That the minutes of the Town Planning and Building Committee meeting held on Tuesday 2 October 2018 be confirmed as a true and correct record of proceedings.

9. ANNOUNCEMENTS BY THE PRESIDING MEMBER

10. REPORTS OF COMMITTEES

10.1 Community Design Advisory Committee

Prepared by: Andrew Malone Executive Manager Regulatory Services

Supervised by: Gary Tuffin, Chief Executive Officer

Authority/Discretion: Town Planning & Building Committee

Attachments:

1. Minutes of the Community Design Advisory Committee meeting held on 1 October 2018.
2. Minutes of the Community Design Advisory Committee meeting held on 22 October 2018

PURPOSE

To submit the minutes of the Community Design Advisory Committee meetings held in October for receipt by the Town Planning Committee.

EXECUTIVE SUMMARY

The Committee, at its meetings held on 1 October and 22 October 2018, provided comment on planning applications listed for consideration at the November Town Planning Committee meeting and other applications to be considered in the future. Comments relating to applications have been replicated and addressed in the individual reports.

There is no further action other than to receive the minutes.

10.1 OFFICER RECOMMENDATION

That the Minutes of the Community Design Advisory Committee meetings held on 1 October and 22 October 2018 be received.

1 October 2018

MINUTES

Minutes of a Community Design Advisory Committee Meeting, held at East Fremantle Town Hall, on Monday, 1 October 2018 commencing at 6:30pm.

1. OPENING OF MEETING

Cr White welcomed members of the Community Design Advisory Committee and made the following acknowledgement:

“On behalf of the Council I would like to acknowledge the Nyoongar people as the traditional custodians of the land on which this meeting is taking place and pay respects to the elders past and present.”

2. PRESENT

Cr Andrew White	Acting Presiding Member
Mr Clinton Matthews	
Mr David Tucker	
Mr Donald Whittington	
Dr Jonathan Dalitz	
Ms Alex Wilson	
Mr Andrew Malone	Executive Manager Regulatory Services

3. APOLOGIES

Cr Cliff Collinson

4. LEAVE OF ABSENCE

Nil.

5. DECLARATIONS OF INTEREST

6. CONFIRMATION OF MINUTES

Clinton Matthews moved, seconded David Tucker

Minutes of the Community Design Advisory Committee meeting held on 27 August 2018 were confirmed.

CARRIED

7. PRESENTATION

Nil

8. BUSINESS

8.1 **Woodhouse Road No. 7 (Lot 288) – O & D Charlesworth
(Application No. P072/18 – 8 August 2018)**

Alterations and Additions to Existing Residence.

(a) *The overall built form merits;*

- The Committee consider the plans do not provide sufficient information to be able to make an assessment of the application. Details and materials on the plans are lacking.

(b) *The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development.*

- The Committee consider the quality of architectural design is difficult to determine as there is insufficient detail and information to be able to undertake an assessment.

(c) *The relationship with and impact on the broader public realm and streetscape;*

- As above.

(d) *The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;*

- As above.

(e) *The extent to which the proposal is designed to be resource efficient, climatically appropriate, responsive to climate change and a contribution to environmental sustainability;*

- As above.

(f) *The demonstration of other qualities of best practice urban design including “Crime Prevention” Through Environmental Design performance, protection of important view corridors and lively civic places;*

- No comment

8.2 **Coolgardie Avenue No. 13 (Lot 22) – R McFarland & R Baker
(Application No. P073/18 – 10 August 2018)**

Alterations and Additions, Including Second Storey Extension.

(a) *The overall built form merits;*

- The Committee consider the design to possess acceptable built form merits and that the retention of the ground floor is a positive design outcome.

(b) *The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development;*

- The retention of the ground floor is a positive design outcome.

(c) *The relationship with and impact on the broader public realm and streetscape;*

- The Committee consider the development has an acceptable relationship with the streetscape.
- (d) *The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;*
 - The Committee determine the development has a positive impact on the immediate locality and is consistent with the surrounding area.
- (e) *The extent to which the proposal is designed to be resource efficient, climatically appropriate, responsive to climate change and a contribution to environmental sustainability;*
 - The Committee consider it is positive that the original dwelling is being retained; however the Panel mentions that the existing front fence is incongruent to the proposed development.
- (f) *The demonstration of other qualities of best practice urban design including "Crime Prevention" Through Environmental Design performance, protection of important view corridors and lively civic places.*
 - The Committee determine the passive surveillance from the development to the public realm is poor. This is due to the main living area being located to the rear of the dwelling, meaning interaction with the primary street is minimal and restrictive.

***8.3 Moss Street No. 39 (Lot 44) – Lantern Architecture
(Application No. P076/18 – 20 August 2018)**

Alterations and Additions to Existing Residence

- *Item removed from agenda as application was withdrawn.*

**8.4 Pier Street No. 52 (Lot 218) – John Chisholm Design
(Application No. P079/18 – 23 August 2018)**

Upper floor deck.

- (a) *The overall built form merits;*
 - No comment.
- (b) *The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development;*
 - No comment.
- (c) *The relationship with and impact on the broader public realm and streetscape;*
 - No comment.
- (d) *The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;*
 - No comment

- (e) *The extent to which the proposal is designed to be resource efficient, climatically appropriate, responsive to climate change and a contribution to environmental sustainability;*
- No comment.
- (f) *The demonstration of other qualities of best practice urban design including “Crime Prevention” Through Environmental Design performance, protection of important view corridors and lively civic places.*
- The Committee consider the deck improves the passive surveillance of the public realm.

**8.5 Dalgety Street No. 76 (Lot 94) – Red Lily Renovations
(Application No. P080/18 – 5 September 2018)**

Alterations and Additions, Including Carport.

- (a) *The overall built form merits;*
- The Committee consider the built form of the additions and alterations are congested and at odds with the design intent of the original building.
- (b) *The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development;*
- The Committee consider the development has a poor design response to the existing heritage building.
- (c) *The relationship with and impact on the broader public realm and streetscape;*
- The Committee consider the development has a negative relationship with the streetscape as the design reduces the visual depth of the lot.
- (d) *The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;*
- The Committee consider the development has a negative impact on the streetscape as the design of the front of the building is congested. The Panel also considers the design to be conflicted and does not speak to the design of the area.
- (e) *The extent to which the proposal is designed to be resource efficient, climatically appropriate, responsive to climate change and a contribution to environmental sustainability;*
- The Committee considers the proposal to be resource efficient, particularly in terms of the generation of passive light and other minor environmental positives.
- (f) *The demonstration of other qualities of best practice urban design including “Crime Prevention” Through Environmental Design performance, protection of important view corridors and lively civic places.*
- N/A - No opportunity for passive surveillance.

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**8.6 Locke Crescent No. 36 (Lot 4981) – Indian Ocean Homes
(Application No. P083/18 – 13 September 2018)**

Three Level Dwelling.

(a) *The overall built form merits;*

- The Committee considers the proposal to be positive in terms of built form merits, stating that the design is in keeping with the area and that the materials and general design allows for contrast, interest and articulation.

(b) *The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development;*

- The Committee consider the design is acceptable.

(c) *The relationship with and impact on the broader public realm and streetscape;*

- The Committee consider the development is consistent with the surrounding area.

(d) *The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;*

- As above.

(e) *The extent to which the proposal is designed to be resource efficient, climatically appropriate, responsive to climate change and a contribution to environmental sustainability;*

- The Committee consider the dwelling has been designed with good environmental practices; most notably passive solar light generation, landscaping, ventilation and the north facing angle of the development.

(f) *The demonstration of other qualities of best practice urban design including “Crime Prevention” Through Environmental Design performance, protection of important view corridors and lively civic places.*

- The Committee consider the passive surveillance to be of an acceptable standard.

**8.7 Parker Street No. 4 (Lot 2) – M & P Zoiti
(*Preliminary Comments Only)**

Alterations and Additions to Existing Residence.

- ***The Committee appreciated the early submission and ability to comment prior to submission.***

(a) *The overall built form merits;*

- The Committee consider the proposal to have positive built form merits, praising the following.
 - Internal courtyard of an interesting design and consistent with the 1950's design intent.
 - Excellent design response on a difficult lot.

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- Maintaining the character of the dwelling whilst clearly distinguishing the old and new.

(b) *The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development;*

- As above. The Committee do make comment that while the proposal is of a good design further information such as colours and materials would need to be provided upon lodgement to Council.

(c) *The relationship with and impact on the broader public realm and streetscape;*

- Unable to comment as no materials have yet been disclosed.

(d) *The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;*

- The Committee note more information is required.

(e) *The extent to which the proposal is designed to be resource efficient, climatically appropriate, responsive to climate change and a contribution to environmental sustainability;*

- As above

(f) *The demonstration of other qualities of best practice urban design including "Crime Prevention" Through Environmental Design performance, protection of important view corridors and lively civic places.*

- As above.

9. OTHER

9.1 The Committee request administration and Council review the standard and quality of plan provided by an applicant upon lodgement of a development application. The Committee will not accept for assessment drawings which are substandard in quality. If the required type of plans and drawings do not achieve the required quality and standard an application may not be assessed or may be required to be reassessed by the Committee. The Committee request the checklist for a development application be reviewed.

9.2 The Committee request the *Terms of Reference* are amended to delete in (b) reference to *architectural* as the term is considered to assume all applications are drafted by an architect and this is not the case.

10. BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING

Nil.

11. DATE & TIME OF NEXT MEETING

11.1 *Monday 22 October 2018, commencing at 6pm.*

Meeting closed at 7.58pm.

22 October 2018

MINUTES

Minutes of a Community Design Advisory Committee Meeting, held at East Fremantle Town Hall, on Monday, 22 October 2018 commencing at 6:30pm.

1. OPENING OF MEETING

Cr White welcomed members of the Community Design Advisory Committee and made the following acknowledgement:

“On behalf of the Council I would like to acknowledge the Nyoongar people as the traditional custodians of the land on which this meeting is taking place and pay respects to the elders past and present.”

2. PRESENT

Cr Cliff Collinson	Presiding Member
Mr Clinton Matthews	
Mr David Tucker	
Mr Donald Whittington	
Mr Andrew Malone	Executive Manager Regulatory Services

3. APOLOGIES

Ms Alex Wilson

4. LEAVE OF ABSENCE

Mr Donald Whittington – 19 November 2018

5. DECLARATIONS OF INTEREST

Nil

6. CONFIRMATION OF MINUTES

David Tucker moved, seconded Donald Whittington

Minutes of the Community Design Advisory Committee meeting held on 1 October 2018 were confirmed.

CARRIED

7. PRESENTATION

Nil

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8. BUSINESS

8.1 ***Bolton Street No. 10 (Lot 24) – John Chisholm Design
(Application No. P087/18 – 26 September 2018)***

Loft Renovation - Category 'A' on Heritage List.

The Committee consider insufficient information is provided on the submitted plans to enable an assessment of the plans to be undertaken.

(a) The overall built form merits;

- The Committee request more clarity is required regarding the submitted plans, including internal dimensions and specifications of the internal loft spacing.
- The Committee query the compliance of the internal specifications with regards the BCA requirements for habitable areas/ internal heights.
- The Committee wish to see more information in regards to the proposal.

(b) The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development.

- The Committee request that a heritage impact assessment be done on the property.

(c) The relationship with and impact on the broader public realm and streetscape;

- No further comment is provided at this time.

(d) The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;

- The Committee require justification to be provided for the development specifically the inclusion/ design of the new stairwell.

(e) The extent to which the proposal is designed to be resource efficient, climatically appropriate, responsive to climate change and a contribution to environmental sustainability;

- No further comment is provided at this time.

(f) The demonstration of other qualities of best practice urban design including "Crime Prevention" Through Environmental Design performance, protection of important view corridors and lively civic places;

- No further comment is provided at this time.

8.2 ***Silas Street No. 34 (Lot 605) – Patio Living
(Application No. P089/18 – 4 October 2018)***

Verandah & Garage - Category 'B' on Heritage List.

The Committee consider insufficient information is provided on the submitted plans to enable an assessment of the plans to be undertaken.

Additional information is requested.

- (a) *The overall built form merits;*
- The Committee consider the current plans have insufficient information.
 - Additional information required to undertake an assessment. Provision for existing and proposed plans to be provided.
 - The Committee believe the proposed garage once the firewall is built may not function as appropriately as a garage and applicant is to demonstrate adequate space for vehicular parking.
- (b) *The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development;*
- The Committee consider the development is not sympathetic with the heritage style of the building.
- (c) *The relationship with and impact on the broader public realm and streetscape;*
- No further comment is provided at this time.
- (d) *The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;*
- No further comment is provided at this time.
- (e) *The extent to which the proposal is designed to be resource efficient, climatically appropriate, responsive to climate change and a contribution to environmental sustainability;*
- No further comment is provided at this time.
- (f) *The demonstration of other qualities of best practice urban design including “Crime Prevention” Through Environmental Design performance, protection of important view corridors and lively civic places.*
- No comment.

**8.3 Bedford Street No. 14 (Lot 1) – N Jones
(Application No. P092/18 – 10 October 2018)**

Alterations and Additions to Existing Residence and Proposed Two Storey Dwelling (Pending Subdivision) - Category ‘B’ on Heritage List.

- (a) *The overall built form merits;*
- The Committee deem that the development has limited built form merits in regards to the following
 - The existing front fence increases the bulk and scale of the proposal to the streetscape. The Panel recommend that the existing front fence to be opened up to facilitate reduced bulk.
 - The garage does not integrate into the new dwelling. The Panel question the functionality of the garage and its design relating to the new dwelling.

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- The Committee recommend the design of the new dwelling be reviewed to better integrate the garage and the house into a integrated building.

(b) The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development;

- The Committee does not support the carport to the front heritage dwelling as the carport is located within the front setback, increasing the bulk and scale of the built form to Bedford Street.

(c) The relationship with and impact on the broader public realm and streetscape;

- The Committee consider the proposal does not make a positive contribution to the street resulting in a poor outcome. The existing fence, retention of existing garage and proposed carport also contributes to the overall bulk and scale to Bedford Street. This bulk should be reduced to Bedford Street.

(d) The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;

- No comment

(e) The extent to which the proposal is designed to be resource efficient, climatically appropriate, responsive to climate change and a contribution to environmental sustainability;

- No comment.

(f) The demonstration of other qualities of best practice urban design including "Crime Prevention" Through Environmental Design performance, protection of important view corridors and lively civic places.

- No comment.

9. OTHER

Nil.

10. BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING

Nil.

11. DATE & TIME OF NEXT MEETING

11.1 *Monday 19 November 2018, commencing at 6pm.*

Meeting closed at 7.00pm.

11. REPORTS OF OFFICERS (COMMITTEE DELEGATION)

11.1 Duke Street, No. 27A (Lot 1) – Additions and Alterations to Grouped Dwelling

Applicant	R White Architecture - White Noise Designs
Owner	M Wallis
File ref	P060/2018; P/DUK27A
Prepared by	Christine Catchpole, Senior Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	6 November 2018
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Location plan2. Place Record Form3. Photographs4. Plans date stamped 28 June and 27 September 2018

Purpose

This report considers a planning application for additions and alterations, including a garage and upper storey to the existing grouped dwelling at No. 27A Duke Street, East Fremantle.

Executive Summary

The additions to the house are mostly to the rear with the exception of the garage which is to be positioned alongside the dwelling and adjacent to the driveway to the rear strata lot. The additions involve an internal rearrangement of ground floor space, as well as a two storey addition. A pool, outdoor area and patio are also proposed.

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

- Lot boundary setback (R-Codes);
- Site works (R-Codes);
- Visual privacy setback (R-Codes); and
- Roof pitch (Residential Design Guidelines).

It is considered the variations will not have a significant impact on the amenity of adjoining sites and can be supported subject to conditions regarding parapet walls, visual privacy screening elements and construction materials and colours.

Background

Zoning: Residential R20

Site area: Strata lot of 340m²

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

Nil in relation to this application.

Consultation

Advertising

The application was advertised to the surrounding land owners from 6 to 23 July 2018. Two submissions have been received. One of the submissions was from the adjoining strata owner who has since indicated, in writing, no objection to the proposal after resolving visual privacy concerns with the applicant and owner. The adjoining owner to the north has also indicated concerns with visual privacy

which have been discussed, however, this matter needs to be addressed through conditions of planning approval.

Community Design Advisory Committee (CDAC)

This application was considered at the CDAC meeting of 30 July 2018. The following comments were made:

- (a) *The overall built form merits;*
- Limited built form merit. The Committee consider the design is awkward and does not fit with the existing building.
 - The Committee consider the design response of the addition overpowers the existing building.
- (b) *The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development;*
- Quality of the design is poor and considered to negatively impact the heritage dwelling.
- (c) *The relationship with and impact on the broader public realm and streetscape;*
- No comment.
- (d) *The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;*
- The Committee consider the design of the building not to be good. The design is considered cumbersome and minimises the heritage value of the heritage building to the front.
- (e) *The extent to which the proposal is designed to be resource efficient, climatically appropriate, responsive to climate change and a contribution to environmental sustainability;*
- Limited. Not enough information given.
- (f) *The demonstration of other qualities of best practice urban design including "Crime Prevention" Through Environmental Design performance, protection of important view corridors and lively civic places.*
- Poor. No passive surveillance to the streetscape.

The applicant's response is as follows:

1) *There are some points regarding the proposed extension clashing with the existing heritage building. I would like to note that additions to heritage buildings are generally preferred not to imitate, replicate or mimic historic architectural styles. This helps to delineate between the heritage build and the new addition. It is intended that the new development is clearly distinguishable from the adjacent heritage listed place.*

2) *The Committee indicates that the design 'minimises the heritage value of the heritage building to the front'. I would like to note that:*

a) *Most of the plan and front elevation of the heritage building is preserved. The new addition is built in the location of a more recent rear extension to the building.*

*b) The addition is set back 13.5m back from the street and 7.3m behind the front of the heritage building. As far back to the rear of the block as realistically possible.
It is visually recessive from the place's main frontage so that the scale of the heritage place is the dominant element in the streetscape.*

c) The existing front roof line of the existing heritage building has been retained, and that at its highest point, the new addition is only 1.35m above this ridge line. The bulk of the new build is concealed from the streetscape by the heritage build.

3) I am mindful that new openings in the principal facade visible from the street should be avoided, or if openings are visible, they are proportionally related to those of the heritage place, unless concealed from view from the principal street frontage. There is a new front facade opening to Bed 1, and we may consider that the original opening be retained in this case and made good in the existing heritage style.

4) It is indicated that there is no passive surveillance of the street. Given the location of the build to the rear of the site, a greater amount of windows in this extension facing the street would seem to counteract the principle of concealing it behind the heritage build and retaining the existing streetscape. All existing windows and the porch overlooking the street are to be retained.

Statutory Environment

Planning and Development Act 2005

Residential Design Codes of WA

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

Policy Implications

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

Municipal Heritage Inventory - 'C' Category – Inter-War Bungalow

Fremantle Port Buffer Zone - Area 2

Financial Implications

Nil

Strategic Implications

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

Built Environment

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

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

Natural Environment

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

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

Site Inspection

October 2018

Comment

Statutory Assessment

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

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

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
Street Front Setback	6.0m	6.1m	A
Lot Boundary Setback			
South	1.6m	1.05m	D
Garage	1.5m	Nil	D
Patio	1.0m	685mm	D
Open Space	50%	56.5%	A
Outdoor Living	30m ²	50m ²	A
Car Parking	2	As existing	A
Site Works	Less than 500mm	Up to 700mm	D
Visual privacy setback	Living areas and raised outdoor habitable living spaces >0.5m above NGL – 6.0m	Varying setbacks <6.0m	D
Overshadowing	≤25%	≤25%	A
Drainage	On-site	To be conditioned	A

Local Planning Policies Assessment

LPP Residential Design Guidelines Provision	Status
3.7.2 Additions and Alterations to Existing Buildings	A
3.7.3 Development of Existing Buildings	A
3.7.4 Site Works	D
3.7.5 Demolition	A
3.7.6 Construction of New Buildings	N/A

3.7.7 Building Setbacks and Orientation	D
3.7.8 Roof Form and Pitch	D
3.7.9 Materials and Colours	A
3.7.10 Landscaping	A
3.7.11 Front Fences	N/A
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	N/A
3.7.18.3 Garages and Carports	A
3.7.15-20 Precinct Requirements	A

Building Height (R-Codes)	Required	Proposed	Status
Wall height (R-Code)	6.0m	5.8m	A
Ridge height (R-Code)	9.0m	8.1m	A

The additions and alterations will be to the rear of the cottage and provide a living, dining, kitchen, pantry, bathroom and laundry. The upper storey will contain a master bedroom suite and sitting area. The garage will be positioned along the side of the cottage adjacent to the access driveway to the rear strata lot; the existing driveway to the rear will remain as is. A pool, outdoor area and patio are also proposed to the rear.

Lot boundary setbacks

The northern and western lot boundary setbacks meet the 'Deemed to Comply' provisions of the R-Codes (required: 1.3m and 3.8m; provided: 1.6m and 4.1m respectively). The southern boundary, however, seeks a 550mm variation to the 'Deemed to Comply' provisions (setback required 1.6m: 1.05m proposed) for the main building and a 1.5m variation for the garage wall (garage wall to be built up to the boundary). Similarly, the western setback for the dwelling is compliant, however, the patio is setback 685mm whereas a 1.0 metre setback is required. Compliance with the 'Design Principles' of the R-Codes, however, is considered satisfied in this instance as the proposed setbacks do not unduly contribute to building bulk on the adjoining lots, or impact greatly on light and ventilation to open spaces. Greater than 50% open space can be achieved on-site and overshadowing is less than the permitted percentage under the R-Codes.

Site works

The proposed fill (up to ~700mm) in the north western corner of the lot is outside the parameters of the R-Codes. Some fill is required on this side of the lot so the outdoor area and pool are level with the finished floor level of the dwelling. This is considered to improve the amenity of the site and therefore fill to this level is supported. The extent of the fill, however results in non-compliance with the visual privacy provisions of the R-Codes as discussed in the following section of the report. The 'Design Principles' are considered satisfied in that the fill will not substantially change the natural ground level at the lot boundary of the site as viewed from the street and retaining walls are already established. No further retaining is indicated on the plan.

Visual privacy

The 'Deemed to Comply' provisions for Element 5.4.1 Visual Privacy of the R-Codes requires major openings which have their floor level more than 0.5 metres above natural ground level and positioned so as to overlook any part of any other residential property behind its setback line, to comply with the following:

- 4.5 metres in the case of bedrooms and studies;
- 6.0 metres in the case of habitable rooms, other than bedrooms and studies; and
- 7.5 metres in the case of unenclosed outdoor active habitable spaces.

The proposed development does not comply with the 'Deemed to Comply' provisions of the R-Codes for the living room windows at the rear and side on the ground level and the unenclosed outdoor habitable living area to the rear, however, the 'Design Principles' of 5.4.1 allows for:

P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through: building layout, location; design of major openings; landscape screening of outdoor active habitable spaces; and/or location of screening devices.

P1.2 Maximum visual privacy to side and rear boundaries through measures such as: offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; building to the boundary where appropriate; setting back the first floor from the side boundary; providing higher or opaque and fixed windows; and/or screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).

The application is not compliant in respect to the visual privacy provisions of the R-Codes. The neighbours to the rear and north both made submissions in respect to this matter at the outset of the assessment process. The applicant and owner have resolved the matter as far as the other strata lot owner to the rear is concerned. This owner has endorsed the development application. However, the northern neighbour's rear garden (including pool area) and dwelling are visible from the proposed pool and outdoor area of the subject lot and the windows of the living area. The applicant sought to remedy the concerns of the northern neighbour by proposing the installation of screening by vegetation being planted along the western and northern boundaries.

This is considered the preferred alternative and solution to the privacy issues for all neighbours and as such a condition of planning approval is recommended which requires the planting to be installed as discussed between adjoining owners and indicated on the plans. However, it is very difficult to enforce a condition of planning approval of this nature. The correct size and number of plants must be installed and maintained to achieve an adequate level of screening. It is therefore considered necessary to apply another condition related to screening that Council can enforce if the planting is considered not to be successful. This condition requires that a permanent visually impermeable screening structure is to be installed if the Chief Executive Officer determines that the planting is not providing adequate screening to the standard required under the R-Codes.

Roof pitch

The roof pitch is non-compliant with the Residential Design Guidelines, however, in this circumstance the preference is for the design of the additions to be distinct from and not replicate the design elements of the original dwelling so the roof design and pitch variations are supported. The minimal roof pitch minimises the upper storey addition as viewed from the street and reduces the impact on the strata lot to the rear.

Heritage

The site is classified category 'C' under the Municipal Heritage Inventory. With due regard to the CDAC comments the Town's assessment of the proposal supports the applicant's response to the CDAC comments. The heritage frontage is preserved and the new addition is to be constructed in the same location as a more recent rear extension to the residence. The addition is setback 13.5 metres from the

street and 7.3 metres behind the front of the dwelling and is as far back to the rear of the block as possible, while still providing an area of private open space. The scale of the original dwelling is the dominant element in the streetscape. The existing front roof line of the dwelling has been retained and at its highest point, the new addition is only 1.35 metres above this ridge line. The majority of the proposed addition is concealed from the streetscape by the existing residence.

Conclusion

The application is supported, notwithstanding the variations, on the basis that the applicant has retained the cottage and minimised the impact of the second storey addition. The cottage will still maintain a low scale presence in the streetscape and the addition is considered to respect the heritage character of the area. The application is therefore recommended for approval subject to conditions relating to construction materials and colours, visual privacy, parapet walls and other standard planning conditions.

11.1 OFFICER RECOMMENDATION

That Council grant development approval and exercise its discretion in regard to the following:

- (i) Clause 5.1.3 - Lot Boundary Setback of the Residential Design Codes of WA to permit a rear boundary setback of less than 1.0 metre for the patio and a southern boundary setback of less than 1.5 metres for the garage and 1.6 metres for the dwelling;**
- (ii) Clause 5.3.7 - Site Works of the Residential Design Codes of WA to allow fill greater than 0.5 metres behind a street setback line and within 1.0 metre of a lot boundary;**
- (iii) Clause 5.4.1 – Visual Privacy of the Residential Design Codes of WA to permit a visual privacy setback for the unenclosed outdoor active habitable space and living room of less than 7.5 and 6.0 metres to the western and northern boundaries; and**
- (iv) Clause 3.7.8.3 of the Residential Design Guidelines 2016 to permit a roof pitch and form of less than 28°,**

for additions and alterations to a grouped dwelling, including an upper storey and garage at No. 27A (Lot 1) Duke Street, East Fremantle, in accordance with the plans date stamped received 28 June and 27 September 2018, subject to the following conditions:

- (1) The details of construction materials, colours and finishes to be used to be to the satisfaction of the Chief Executive Officer and to be submitted at Building Permit application stage.**
- (2) All parapet walls are to be of a suitable material to the adjacent strata lot property face (southern boundary) by way of agreement between the property owners and at the applicant's expense.**
- (3) The installation of landscaping as indicated on the landscaping plan date stamped received 27 September 2018. The planting to provide solid visually impermeable screening for the distances along the northern and western boundaries as indicated on the landscaping plan, date stamped received 27 September 2018, and maintained to the satisfaction of the Chief Executive Officer.**
- (4) If it is determined that condition 3 above has not been satisfied to the satisfaction of the Chief Executive Officer then permanent privacy screening in accordance with Clause 5.4.1 C1.2 of the Residential Design Codes of WA is to be installed along a portion of the northern and western lot boundaries to the satisfaction of the Chief Executive Officer.**
- (5) If requested by Council within the first two years following installation, the metal roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.**
- (6) The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance**

- with the conditions of this planning approval or with Council's further approval.
- (7) The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 - (8) The proposed alterations and additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 - (9) With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
 - (10) All storm water 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.
 - (11) 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.
 - (12) 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.
 - (13) This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (i) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (ii) *a copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- (iii) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (iv) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (v) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (vi) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document – "An Installers Guide to Air Conditioner Noise".*

**NO. 27A (LOT 1) DUKE STREET – P060/18- ALTERATIONS & ADDITIONS INCLUDING SECOND STOREY
(CATEGORY C)**







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> <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</p>

	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	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. 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. The rear house has no significance.
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	

DISCLAIMER:
 Let boundaries shown on survey are based on landscape plus 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 celestial boundaries. All features and levels shown are based on information to existing pegs and fences only which may not be on correct celestial alignment. Any designs based on dependent on the location of existing features should have those features location verified in relation to the true boundary.

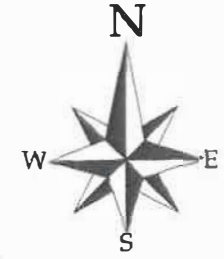
DISCLAIMER:
 Survey shows visible features only and will not show features of underground pipes or conduits for internal or mains services. Verification of the location of all internal and mains services should be confirmed prior to finalisation of any design work.

DISCLAIMER:
 Cottage & Engineering survey 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.

DISCLAIMER:
 Due to lack of survey marks/pegs, all building offset dimensions & features are approximate only and positioned from existing pegs/fences and walls which may not be on the correct alignment and are to be verified when repegged. Any design that involves additions to any structures shown or portion of structures remaining after any demolition has taken place requires boundaries to be repegged and exact offsets provided to your designer/architect before any plans are produced and before any work is started on site.

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

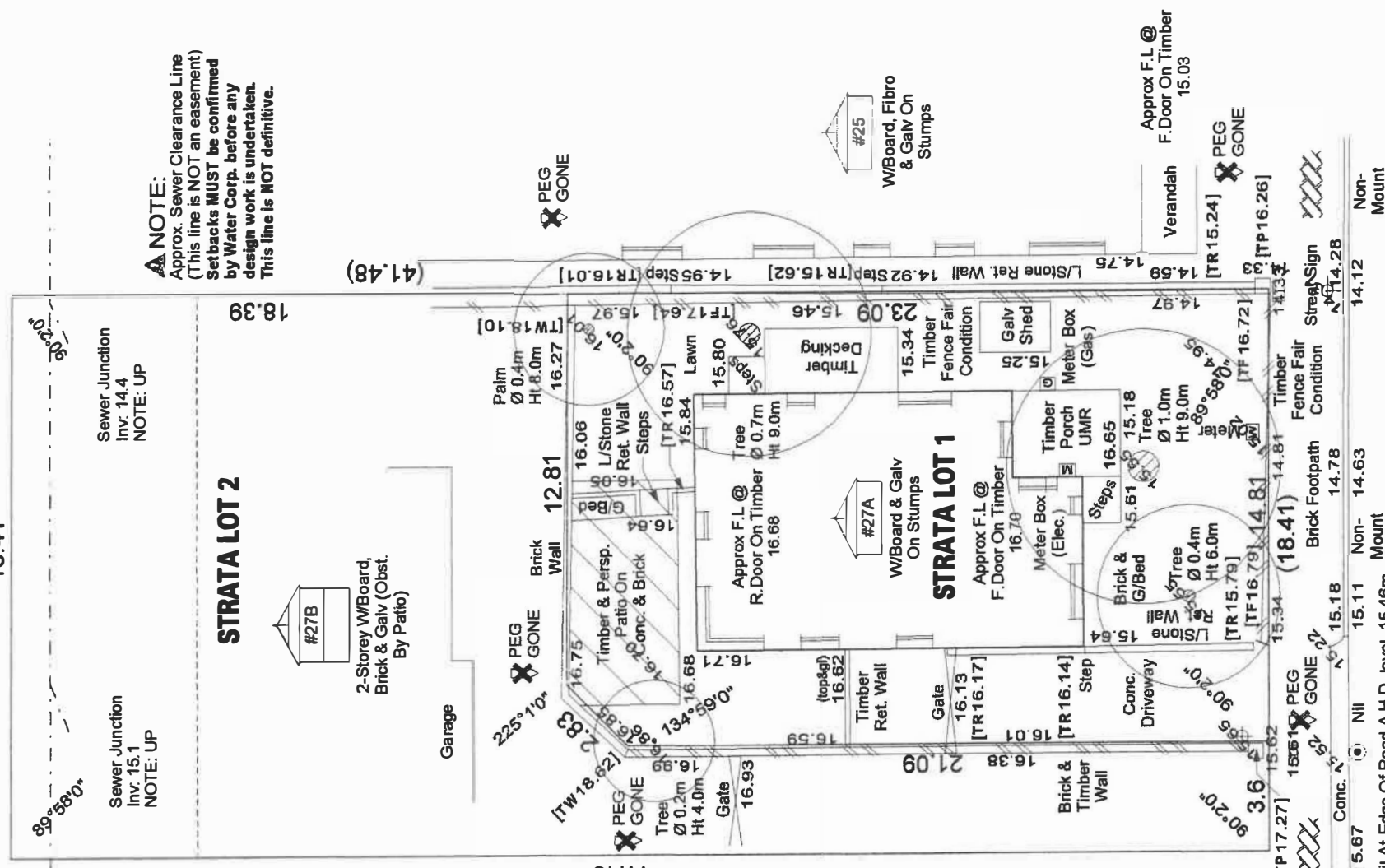
LOT MISCLOSE	0.000 m
SOIL DESCRIPTION	S and S Refer to Survey



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

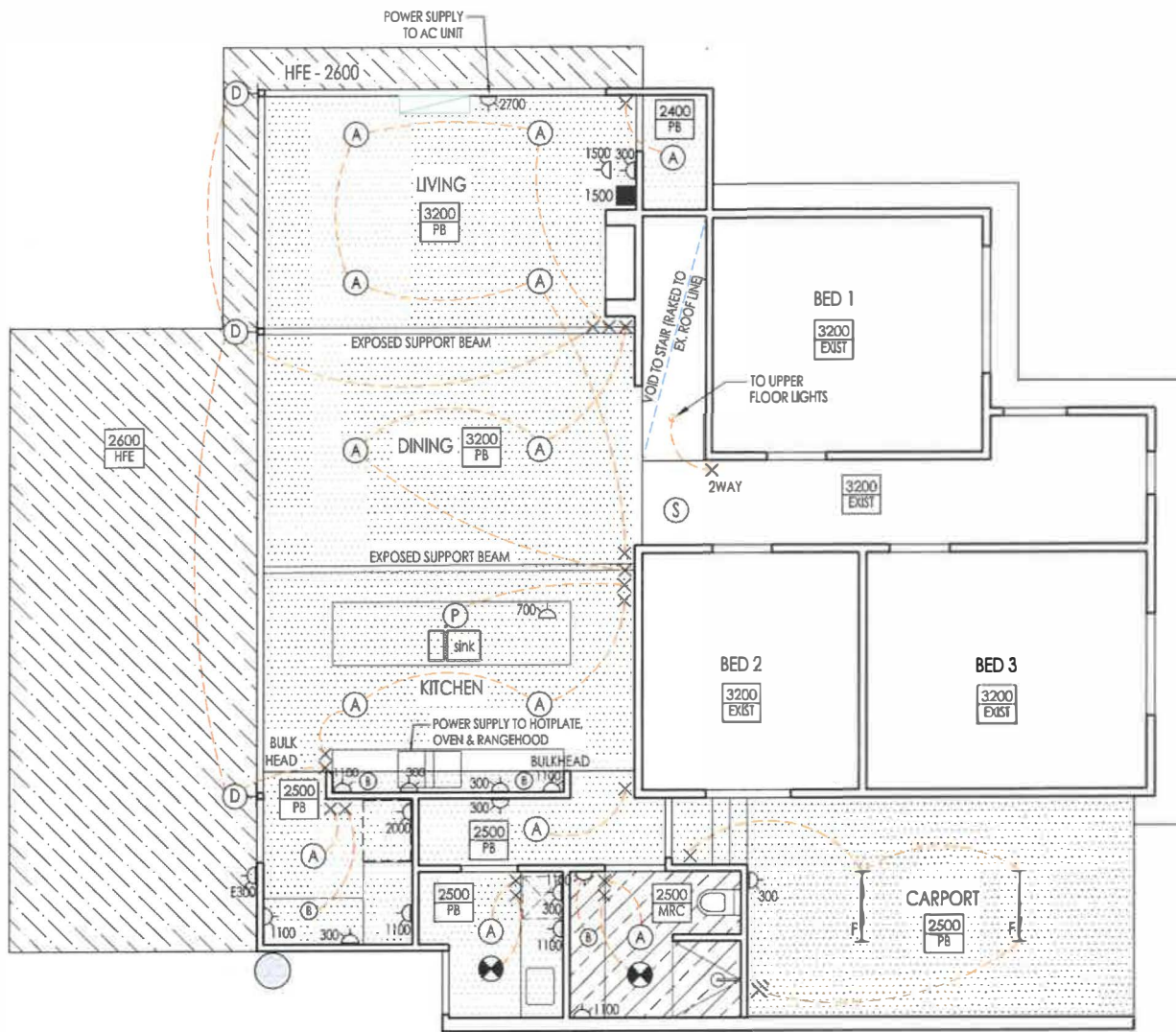
NOTE: Unable to Calculate Sewer Junction Depth Due to Lack of Information on Water Corporation E-Plan. Verify Junction Invert, Depth & Details With Water Corporation.
BUILDER and PLUMBER check GRADE

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.



Ref Nail At Edge Of Road A.H.D. level 15.46m
 (Established from S.S.M. FREMANTLE 58
 using data supplied by the Geodetic Section
 of Landgate)

TOWN OF EAST FREMANTLE
 PLANNING APPLICATION
 28 JUN 2018 P 060 - 18
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CEILING LEGEND

- INDICATES UNDER SIDE OF CEILING ABOVE FINISHED FLOOR LEVEL.
- INDICATES CEILING FINISHES.
- ACCESS PANEL PROVIDED IN CEILING LINING. RONDO PANTHER ACCESS PANEL SIZE AS SELECTED.
- SUSPENDED PLASTERBOARD CEILING PAINT FINISH TO MOISTURE RESISTANT SUSPENDED PLASTERBOARD CEILING. RONDO-P50 SHADOWLINE TRIM TO CORNICE. INSULATION AS SPECIFIED.
- RAKED PLASTERBOARD CEILING PAINT FINISH TO MOISTURE RESISTANT SUSPENDED PLASTERBOARD CEILING. RONDO-P50 SHADOWLINE TRIM TO CORNICE. INSULATION AS SPECIFIED.
- PAINT FINISH TO MOISTURE RESISTANT SUSPENDED PLASTERBOARD CEILING. RONDO-P50 SHADOWLINE TRIM TO CORNICE. INSULATION AS SPECIFIED.
- HARDIFLEX EAVE LINING

ELECTRICAL LEGEND

- DOUBLE GPO WITH HEIGHT ABOVE FLOOR LEVEL AS INDICATED.
- EXTERNAL DOUBLE GPO WITH HEIGHT ABOVE FLOOR LEVEL AS INDICATED.
- TT MIXFLOW INLINE FAN (150MM DIA SYSTEM).
- HARDWIRED SMOKE DETECTOR.
- DATA, CABLE TV, FTA, TELEPHONE AND INTERCOM CONNECTION. HEIGHT ABOVE FLOOR LEVEL AS INDICATED.
- TELEPHONE AND DATA POINT
- CEILING FAN AS SELECTED.
- HOT WATER SYSTEM. TO BE SPECIFIED BY CLIENT
- SPLIT SYSTEM AC OUTLET TO BE SPECIFIED BY CLIENT

LIGHTING LEGEND

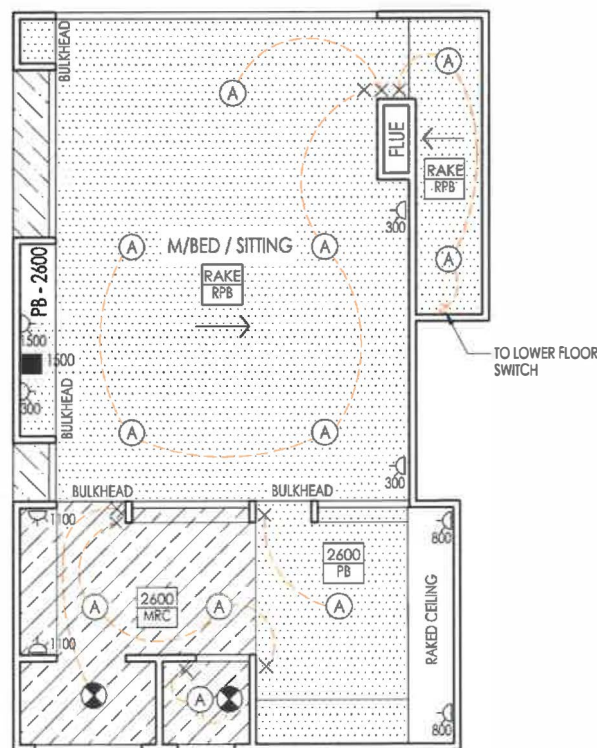
- SENSOR BY ELECTRICIAN.
- SWITCHES BY ELECTRICIAN.
- SWITCHING GROUPS.
- 2WAY** TWO WAY SWITCH.
- D** DIMMER SWITCH.
- TYPE A RECESSED LED DOWNLIGHT. TBA
- TYPE B LED CABINET DOWNLIGHT
- TYPE D WALL MOUNTED LIGHT FITTING. WEATHER PROOFED
- WEATHERPROOFED RECESSED DOWNLIGHT
- TYPE F LINEAR LED
- PENDANT LIGHT

NOTE: ENSURE ALL GPO'S ARE APPROPRIATE DISTANCE FROM HYDRAULIC FIXTURES AS PER AUSTRALIAN STANDARDS.



GF RCP & ELECTRICAL

1: 100



UF RCP & ELECTRICAL

1: 100

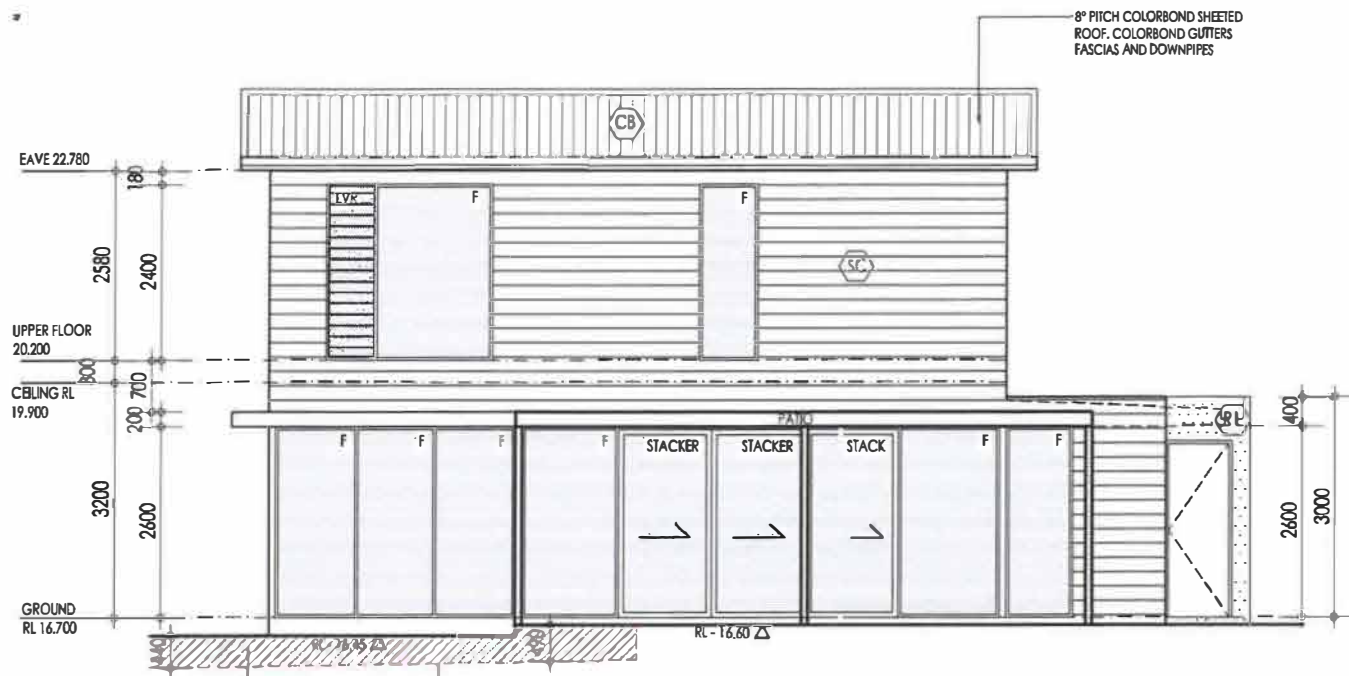


No.	REVISION	DATE
5	DA SUBMISSION SET	25/06/2018
2	CLIENT MEETING DWGS	17/05/2018
1	SCHEMATIC DESIGN	23/03/2018

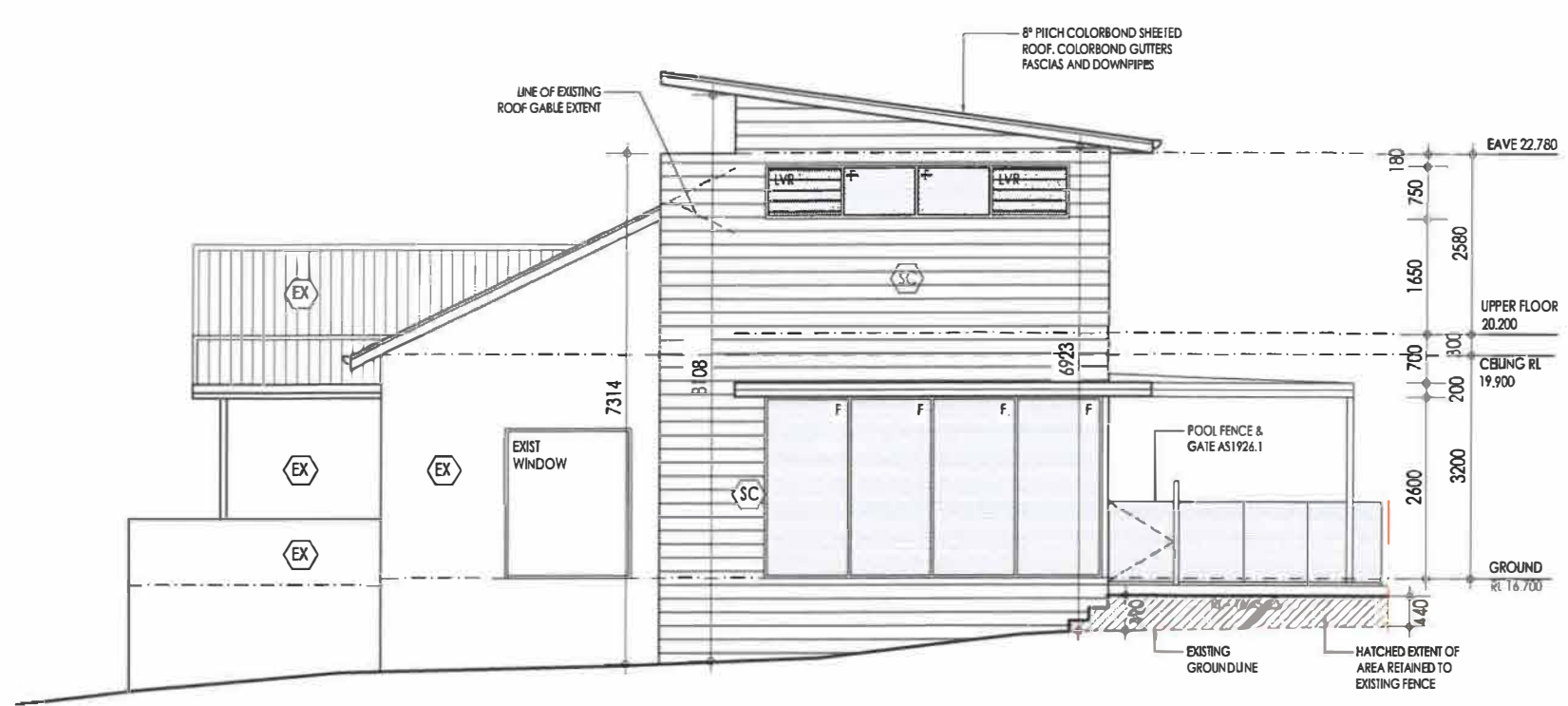
CLIENT
MELISSA WALLIS
PROJECT DESCRIPTION
27A DUKE ST EAST FREMANTLE

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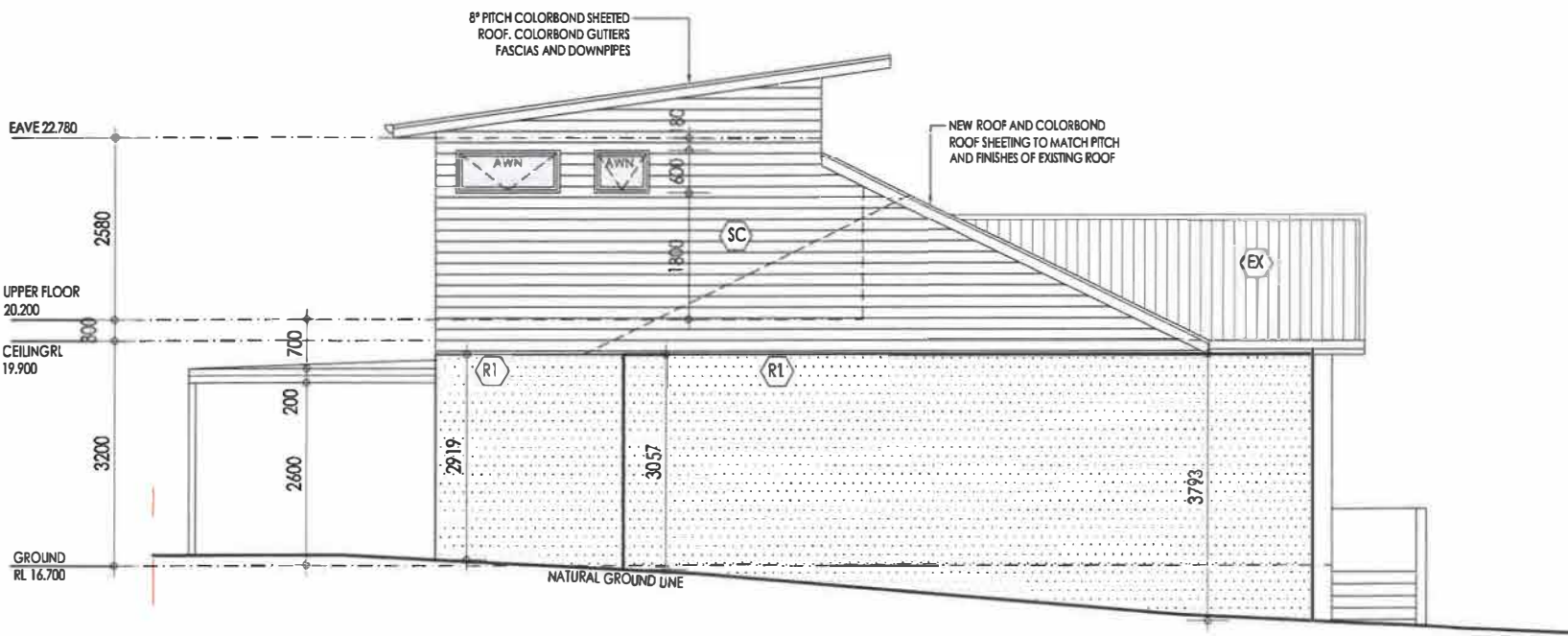
DRAWING TITLE		
RCP, ELECTRICAL & ROOF PLAN		
JOB NO.	REVISION	DRAWING
DRAWN	RW	325
SCALE	SHOWN	A.04



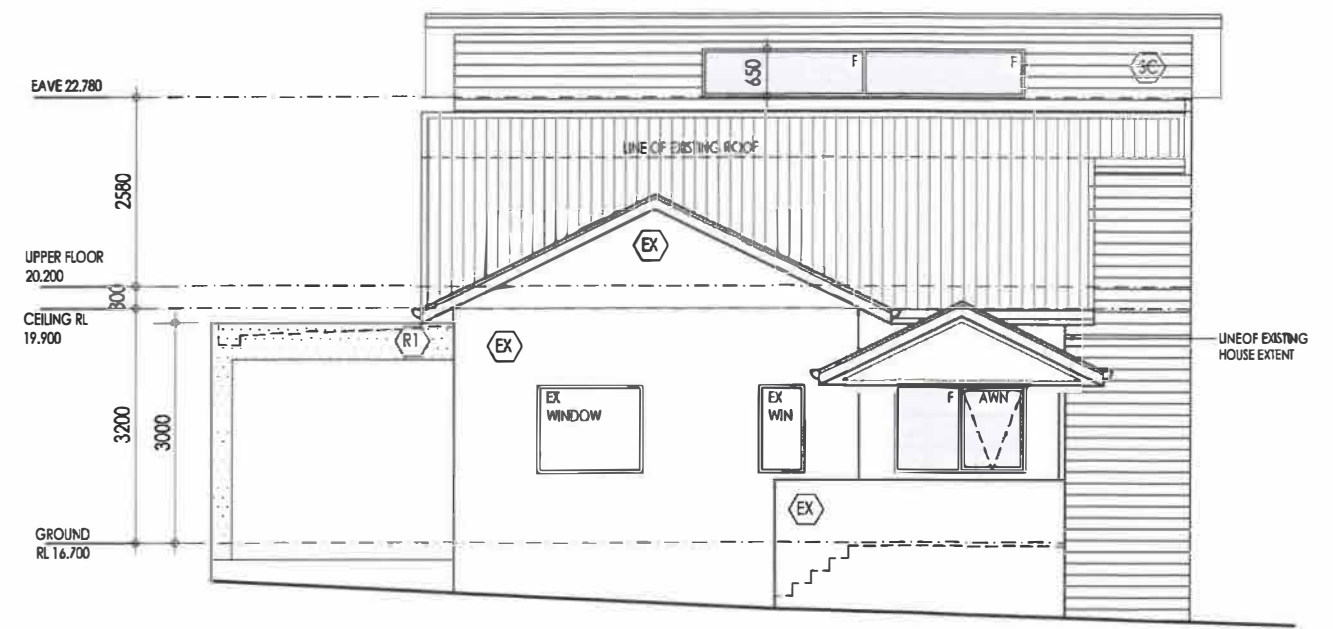
WEST ELEVATION
1: 100



NORTH ELEVATION
1: 100



SOUTH ELEVATION
1: 100



EAST (STREET) ELEVATION
1: 100

Town of East Fremantle
27 SEP 2018
RECEIVED

FINISHES SCHEDULE

- (R1) TEXTURE COAT RENDER FINISH TO MASONRY WALL
- (SC) SCYON LINEA WALL CLADDING TO STUD WALL
- (EX) EXIST. FINISH TO BE RETAINED
- (CB) NEW COLORBOND ROOF SHEETING, COLORBOND GUTTERS FASCIAS AND DOWNPIPES.



No.	REVISION	DATE
5	DA SUBMISSION SET	25/06/2018
2	CLIENT MEETING DWGS	17/05/2018
1	SCHEMATIC DESIGN	23/03/2018

CLIENT
MELISSA WALLIS
PROJECT DESCRIPTION
27A DUKE ST EAST FREMANTLE

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DRAWING TITLE			
ELEVATIONS			
JOB NO.	REVISION	DRAWING	
SCALE	SHOWN	305	A.05

11.2 Woodhouse Road No. 7 (Lot 288) – Additions and Alterations (including second storey) to Existing Dwelling

Owner/Applicant	D & O Charlesworth
File ref	P/WOO7; P072/18
Prepared by	Christine Catchpole, Senior Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	6 November 2018
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Location plan 2. Site photographs 3. Plans date stamped received 8 August and 3 October 2018 4. Applicant's response to submission date stamped received 8 October 2018

Purpose

This report considers a development approval application for additions and alterations to the existing dwelling, including a second storey at No. 7 Woodhouse Road, East Fremantle.

Executive Summary

The application involves additions and alterations, to an existing single storey dwelling which has an undercroft garage. The existing dwelling is to be retained, renovated and extended to the rear and into the western side setback area. The addition of the second storey, will result in the living, kitchen, dining area and balcony being constructed directly above the existing ground level floor space. Additional bedrooms and a spa deck will be located at the rear of the upper level. The rear addition to the lower level will comprise additional bedrooms, amenities, living and alfresco areas. A swimming pool is also proposed.

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

- Building height - over height - north east portion of the proposed dwelling;
- Views - loss of part of the existing view;
- Lot boundary setbacks – reduced on the eastern and western elevations;
- Site works – required for rear addition, landscaping and pool;
- Retaining walls – required for landscaping and pool; and
- Visual privacy setbacks – cone of vision extends over side lot boundary at rear of lot.

Four submissions were received. Three in support and one which commented on the planning considerations of building height, views, setbacks and scale and bulk of the proposed dwelling. Other concerns were expressed which relate to building matters which will be assessed through the Building Permit application assessment process. In response to the adjoining land owners comments an amended set of plans was subsequently submitted which provides a more articulated eastern elevation with a greater section of the wall further set back from the eastern boundary. Other matters the subject of the submission have been assessed as variations to the R-Codes and the Residential Design Guidelines. It is recommended the variations be supported subject to conditions of approval in regard to front fencing, crossover width, external roof fixtures and pool pump equipment.

Background

Nil in regard to this application.

Consultation

Advertising

The proposed application was advertised to surrounding land owners from 4 to 21 September 2018. Four (4) submissions were received; three in support of the application and one supporting redevelopment of the property but objecting to various aspects of the proposal. The latter submission is outlined below in italics. The applicant has provided a very detailed response to the neighbour's concerns which can be read in Attachment 4. The matters raised in the submission are discussed in the 'Comment' section of the report.

Submission

"General Comments

We have concerns with the bulk and scale of the proposed additions. The proposed design has no articulation on the front and side facades. The side setbacks are non-compliant as is the roof height.

The set of plans available for review are hand drawn and not very well detailed. There is no finishes schedule made available for review, nor a landscaping plan.

We have concerns over the proposed pool to the rear of the property, and how it will be constructed. There is no detail as to the engineering of the design. The excavation angle of repose would potentially damage our property.

The existing dwelling is a fine example of art deco architecture, with curved glass frontage and pitched roof. Whilst there is no heritage listing on the existing dwelling, we note that the proposed additions do not seem to be keeping with the existing style of architecture – as required by the Local Planning Policy.

Setbacks

As per State Planning Policy 3.1 and the Town of East Fremantle Residential Design Guidelines, the side setbacks are not compliant.

By our calculations, the proposed wall dimensions along the eastern façade are over 20m long and over 6m high with no major openings (one window with obscured glass). The wall has no articulation, and the proposed second storey is not setback.

As per the SPP 3.1, the required building side setback for a wall of those dimensions is at least 2.2m. The proposed additions are between 1m to 1.4m setback.

Our concerns are that we will have a 20m x 6.5m blank wall along our Western boundary. We have several major openings that will be directly affected. It will also represent a decreased level of amenity, looking out onto a 120m² blank wall.

The proposed second storey front balcony also has a solid wall on the Eastern façade. This will directly block views from our master bedroom window, and also our front balcony.

Should the second storey addition be set back in accordance with the local and State planning policy, we suggest that this will reduce the detrimental impact on our amenity.

Building Height

We note that the street level falls between 37.24m and 38.76m RL. The proposed building has a Top of Wall height of 47.3m RL. This exceeds the max allowable height of 6.5m (concealed roof).

Community Design Advisory Committee (CDAC)

This application was referred to the CDAC meeting of 1 October 2018. The Committee made the following comments.

- (a) *The overall built form merits;*
- The Committee consider the plans do not provide sufficient information to be able to make an assessment of the application. Details and materials on the plans are lacking.
- (b) *The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development.*
- The Committee consider the quality of architectural design is difficult to determine as there is insufficient detail and information to be able to undertake an assessment.
- (c) *The relationship with and impact on the broader public realm and streetscape;*
- As above.
- (d) *The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;*
- As above.
- (e) *The extent to which the proposal is designed to be resource efficient, climatically appropriate, responsive to climate change and a contribution to environmental sustainability;*
- As above.
- (f) *The demonstration of other qualities of best practice urban design including "Crime Prevention" Through Environmental Design performance, protection of important view corridors and lively civic places;*
- No comment

Applicant response

As noted in detail in Attachment 4 the applicant believes the set of plans provides all the required information and are drawn to scale. External wall finishes and colours are noted and the extent of all landscaping, retaining walls and levels are provided.

Officer response

For the purposes of the planning assessment no further detail or amended plans are required.

Statutory Environment

Planning and Development Act 2005

Residential Design Codes of WA

Town of East Fremantle 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 2017 – 2027 states as follows:

Built Environment

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

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

Natural Environment

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

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

Site Inspection

October 2018

Comment

LPS 3 Zoning: Residential R17.5

Site area: 748m²

Statutory Assessment

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

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

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
Street Front Setback	6.0m	8.2m	A
Lot Boundary Setback			
East			
GF:	1.5m	1.4m	D
UF:	2.7m (assessed on total wall length)	2.3m	D
Section 1 (indent)		1.4m	A
Section 2		1.4m	D
Section 3			
West			
GF	1.6m	1.1m	D
UF:	1.5m	1.1-1.2m	D
Section 1			A
Section 2	1.2m	5.2m	
Open Space	50%	70% (applicant's calculations)	A
Outdoor Living	36 ² m	≥200m ²	A
Car Parking	2	2+	A
Site Works	Excavation or fill behind a street setback line: • within 1.0m of lot boundary	Retaining garden beds ≥ 500mm up to lot boundary	D
Retaining Walls	Retaining walls set back from lot boundaries in accordance with Table 1 – i.e. 1.0m Retaining walls up to or within 1.0 metre of a lot boundary for landscaping - <0.5m high	Retaining garden beds ≥ 500mm	D
Visual privacy setback (floor level >500mm above NGL)	7.5m balcony	3.2m	D
Overshadowing	25%	≤25%	A
Drainage	On-site	On-site	A

Local Planning Policies Assessment

LPP Residential Design Guidelines Provision	Status
3.7.2 Additions and Alterations to Existing Buildings	A
3.7.3 Development of Existing Buildings	A
3.7.4 Site Works	D
3.7.5 Demolition	A
3.7.6 Construction of New Buildings	A
3.7.7 Building Setbacks and Orientation	D
3.7.8 Roof Form and Pitch	A
3.7.9 Materials and Colours	A
3.7.10 Landscaping	A
3.7.11 Front Fences	A
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	A
3.7.18.3 Garages, Carports and Outbuildings	A
3.7.15-20 Precinct Requirements	A

Building Height Requirement	Required	Proposed	Status
Building Height (RDG) (top of an external wall concealed roof)	6.5m	North eastern - 6.84m	D
		North western - 8.14m	D
		South eastern - 5.09m	A
		South western - 5.09m	A

The applicant is seeking Council discretion with regard to a number of provisions of the R-Codes and the Town's Residential Design Guidelines. These matters are discussed below.

Lot boundary setbacks

The lot boundary setbacks of the dwelling are not fully compliant with the R-Codes as outlined in the above table (varies mostly between 100mm – 500mm) on the eastern and western lot boundaries.

Eastern boundary

The eastern boundary setback is mostly compliant when each section of the wall is assessed independently (as is applicable under the R-Codes in this case). It is not compliant where the indented section of the wall is assessed based on the total length of the wall (as is required under the R-Codes). The required setback for this section of the upper storey is 2.3 metres, however, the required setback is 2.7 metres. Similarly one section of wall on the upper level is required to be setback 1.5 metres and it is proposed to be setback 1.4 metres. The ground level complies with the required setbacks under the R-Codes.

The adjoining land owner made a number of comments in respect to the eastern elevation and its lack of articulation, openings and reduced setback. They believe this will impact general outlook and views currently available from the side elevation windows of 9 Woodhouse Road over the roof top of 7 Woodhouse Road. However, the amended plans for the most part address the setback issues in that the indented section of the wall (~7m in length) is now setback a greater distance of 2.3 metres (required 2.7m) and in the main the setback of the eastern elevation complies. It is the height of the wall, (i.e. the second storey addition) not the setback as such, that will impact on views. Nevertheless, second storey development is permitted; any second storey addition regardless of setback will impact on views. The issue of views in relation to the height of the dwelling is the relevant issue and will be discussed further on in the report.

Western boundary

The western boundary does not comply on the lower level as the proposed setback is 1.1 metres and the required setback is 1.6 metres. This is a result of the additions on this elevation following the existing building line of the house and extending into an existing clothes drying and open space area at the rear. The impact on the amenity of the lot to the west is not considered to be significantly impacted from the point of building bulk and overlooking/privacy matters are not an issue. The adjoining land owner was invited to comment and has supported the proposal.

Whilst the 'Deemed to Comply' setback provisions are not met the 'Design Principles' of the R-Codes are considered satisfied in regard to both boundary setbacks, in that the building does not unnecessarily contribute to building bulk on the adjoining lot given two storey development is permitted in the locality. With the exception of what are considered to be minor setback variations it is considered the proposed dwelling will be constructed with sufficient setback from the side and street boundaries. Adequate sun and ventilation will be provided to the adjoining property and open spaces and overshadowing is not a consideration.

The western side of the adjoining dwelling at 9 Woodhouse Road has two bedroom windows and a bathroom window on the lower floor which face the side wall of the existing dwelling, so this outlook will not alter. The upper floor has a smaller bedroom window on the western elevation and a main bedroom window facing the balcony. The smaller bedroom window will face the side wall of the proposed dwelling and the outlook from that window will be obstructed by the construction of a second storey regardless of setback variations. The outlook west from this window, in respect to a long range westward view toward the river and ocean, has already been obstructed by the construction of two storey dwelling at 5 Woodhouse Road and existing trees on a property on Parker Street. Views to the west and north will remain unobstructed. The proposed setbacks are therefore supported.

Site works and retaining walls

Site works

The relevant 'Deemed to Comply' provision of the R-Codes is Clause 5.3.7 C7.2 which states as follows:

"C7.2 Excavation or filling within a site and behind a street setback line limited by compliance with building height limits and building setback requirements."

Excavation is required to facilitate construction of a pool and landscaped area at the rear of the lot. In the south eastern section of the site, the excavation is greater than the 'Deemed to Comply' provisions, that is, greater than 500mm below natural ground level. The ground level will be excavated by up to 1.0 metre. This will lower the level at the rear of the lot. This is considered acceptable in that it does not impact on the bulk and scale or height of the building.

This level of excavation is considered to satisfy the 'Design Principles' of the R-Code. The R-Codes state as follows in respect to the 'Design Principles'.

"P7.1 Development that considers and responds to the natural features of the site and requires minimal excavation/fill."

P7.2 Where excavation/fill is necessary, all finished levels respecting the natural ground level at the boundary of the site and the adjoining properties and as viewed from the street."

Retaining walls

Proposed retaining walls on the site do not comply with the R-Code requirements as outlined in the above table. Various retaining walls are required along the eastern and southern lot boundaries. The walls will be constructed up to the lot boundaries and will be greater than 0.5 metres in height so land can be retained for landscaping and the pool area.

This is considered to meet the 'Design Principles' of the R-Codes in that the walls are for the purpose of benefitting the residents and do not detrimentally impact on adjoining properties. The finished levels will respect the natural ground level at the boundaries of the site and as viewed from the street and are therefore supported.

Visual privacy

The 'Deemed to Comply' provisions for Element 5.4.1 Visual Privacy of the R-Codes requires major openings which have their floor level more than 0.5 metres above natural ground level, and positioned so as to overlook any part of any other residential property behind its setback line, to comply with the following:

- 4.5 metres in the case of bedrooms and studies;
- 6.0 metres in the case of habitable rooms, other than bedrooms and studies; and
- 7.5 metres in the case of unenclosed outdoor active habitable spaces.

The proposed development does not comply with the 'Deemed to Comply' provisions of the R-Codes, however, the 'Design Provisions' of 5.4.1 allows for:

P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through: building layout, location; design of major openings; landscape screening of outdoor active habitable spaces; and/or location of screening devices.

P1.2 Maximum visual privacy to side and rear boundaries through measures such as: offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; building to the boundary where appropriate; setting back the first floor from the side boundary; providing higher or opaque and fixed windows; and/or screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).

The raised spa deck at the rear of the site is positioned to overlook the pool area. The cone of vision extends over the eastern lot boundary. However, the overlooking is to the very rear corner of the lot and it is considered this does not raise any privacy issues. It is also noted that the adjoining owner did not comment on this aspect of the proposal. The eastern edge of the upper deck is screened to the roof and this full height screening returns along the southern edge of the deck for a distance of 1 metre. This is considered adequate to prevent any overlooking issues and as such the variations from the R-Code in this respect is considered supportable and a condition of approval is not considered necessary.

The adjoining owner has also commented on the privacy screening on the balcony in the respect that it will obstruct their outlook. Whilst this may be the case, this wall is set back further than is required under the R-Codes and it is considered it is necessary to protect the privacy of the balcony and pool area on the adjacent lot to the east. The applicant is also trying to increase privacy for the owners as the two balcony areas are adjacent.

Overall building height – concealed roof

The R-Code provisions in respect to building height are substituted by the height control under the Residential Design Guidelines. Clause 3.7.17.4.1.3 states that:

Where views are an important part of the amenity of the area and neighbours' existing views are to be affected the maximum building heights are as follows:

- 8.1 metres to the top of a pitched roof; and
 - 6.5 metres to the top of an external wall (concealed roof);
 - 5.6m to the top of an external wall; and where the following apply.
- (i) the proposal demonstrates design, bulk and scale that responds to adjacent development and established character of the area or other site specific circumstances;*
 - (ii) the provision of a landscaping plan demonstrating a minimum of 50% of the effective lot area being landscaped and ;*
 - (iii) subject to the 'Acceptable Development' standards of the R-Codes – Element 9 – Design for Climate and Element 8 – Privacy being met.*

The amended plans do not fully comply with the height limit as demonstrated in the above table. That is, the north eastern and the north western section of the dwelling does not comply (street frontage).

In respect to non-compliance with the 'Acceptable development provisions' and the 'Performance criteria' the following points are made:

Bulk and Scale of Dwelling

The proposed dwelling does not sit entirely within the 'building envelope' as determined by the R-Codes and the Residential Design Guidelines. Whilst the street setback is greater than the required 6.0 metres at 8.2 metres and ~70% open space is achieved (50% required), the side lot boundary setbacks do not comply. Following the submission of amended plans, a greater compliance with side setbacks has been achieved and the bulk and scale of the dwelling is considered to be in keeping with other single residences in the area.

Loss of Views

Clause 3.7.17.4.1.3 states that *where views are an important part of the amenity of the area and neighbours' existing views are to be affected, amongst other things, the following matters are to be considered:*

- (i) the proposal demonstrates design, bulk and scale that responds to adjacent development and established character of the area or other site specific circumstances;*
- (ii) the provision of a landscaping plan demonstrating a minimum of 50% of the effective lot area being landscaped and;*
- (iii) subject to the 'Acceptable Development' standards of the R-Codes – Element 9 – Design for Climate and Element 8 – Privacy being met.*

The proposal is considered to satisfy Points (ii) and (iii) in this instance. In relation to point (i) the following comments are made.

The portion of the dwelling most likely to impact views is the north eastern portion of the building. As noted there has been a submission, from an adjacent land owner, commenting on loss of an aspect of their view. The views impacted are westward to the river and ocean. As noted above, the western side of the adjoining dwelling has two bedroom windows and a bathroom window on the lower floor which face the side wall of the existing dwelling and do not have views. The upper floor has a smaller bedroom window on the western elevation to the front of the house and a main bedroom window facing the balcony. The smaller bedroom window will face the side wall of the proposed dwelling and the outlook from the window will be obstructed by the construction of a second storey regardless of the setback or height of a second storey. The existing outlook to the west from this window, in respect to a long range view toward the river and ocean, has already been obstructed by the construction of two storey dwelling at 5 Woodhouse Road and existing trees on a property on the corner of Parker Street and Woodhouse Road. Any two storey construction on the adjoining site regardless of the height will obstruct views from this window. Partial views looking north will still be available from this window.

The main existing views are from the balcony and the bedroom window opening onto the balcony in a north westerly, northerly and north easterly direction. Views to the ocean are already blocked by the dwelling at 5 Woodhouse Road which is positioned slightly further forward than the dwelling at 9 Woodhouse Road. Views from the balcony and bedroom window will still be available as the second level of the proposed dwelling will be no further forward of the existing dwelling's setback at 8.2 metres. The applicant has argued that by retaining the dwelling and adding a second storey, rather

than demolishing and rebuilding on this site, more of the view has been retained because a new dwelling could be constructed a distance of 6 metres, two metres closer to the front boundary.

The additional height of the dwelling is therefore not considered to have a significant impact on views or bulk and scale. Each application needs to be assessed on its merits and in respect to the current residential development policy. The provision in the Residential Design Guidelines which addresses the issue of views specifically states that where views are to be affected then the issue of building height is a consideration. Compliance with the heights is required but an additional 'Acceptable development provision' is that the development proposal must demonstrate design, bulk and scale that responds to adjacent development and the established character of the area. It is accepted that the outlook from the property will not remain the same with the construction of an additional level to the dwelling. However, two storey residential development is permitted in the area. The scale and bulk of this development will be no greater than other modern two to three level homes in the precinct and the long range access to views to the west, north and east remains uninterrupted. It is considered there is no further reduction in views to the west because the upper storey additions to 5 Woodhouse Road, setback at ~7.0 metres, and existing trees already blocks this view, so loss of views has already occurred. As such the additional height of the building above that specified in the Residential Design Guidelines is supported.

Conclusion

The Richmond Hill Precinct comprises dwellings of various scales and built forms. Many are two to three storey and comprise large family homes. Properties in the area are characterised by the dwellings oriented to obtain river views. This development approval application is no different in that it is proposed to renovate the existing dwelling and extend the house by adding another level. This also maximises views from the site.

The application proposes a number of variations of the R-Codes and the Residential Design Guidelines. The variations are supportable following the submission of amended plans which addressed setback concerns on the eastern boundary, effectively increasing the setback and articulation. The other matters raised in the submission were either not considered to be relevant planning considerations in the assessment of the proposal or were matters to be assessed at the Building Permit application stage. Furthermore, the view corridor of the most impacted adjoining land owner has been reduced to what is considered to be a minimal extent, with no additional loss of significant views. The application is therefore recommended for approval subject to development conditions in respect to front fencing, crossover width, external fixtures on the roof, and pool pump equipment.

11.2 OFFICER RECOMMENDATION

That Council grant development approval and exercise its discretion in regard to the following:

- (i) Clause 1.3 - Lot Boundary Setback of the Residential Design Codes of WA to permit a lot boundary setback on the:**
 - a) eastern boundary of less than 2.7 metres (indented section of wall) and less than 1.5 metres for a remaining section of the wall; and**
 - b) western boundary of less than 1.2 to 1.6 metres for various sections of the wall;**
- (ii) Clause 5.3.7 - Site Works of the Residential Design Codes of WA to allow excavation greater than 0.5 metres behind a street setback line and within 1.0 metre of a lot boundary;**
- (iii) Clause 5.3.8 – Retaining Walls of the Residential Design Codes of WA to permit a retaining wall greater than 0.5 metres in height less than 1.0 metre from the lot boundaries;**
- (iv) Clause 5.4.1 – Visual Privacy of the Residential Design Codes of WA to permit a visual privacy setback of less than 7.5 metres for a raised deck/balcony from the eastern lot boundary;**

(v) Clause 3.7.17.4.1.3 – Building Height, Form, Scale and Bulk of the Residential Design Guidelines to allow the top of an external wall (concealed roof) to exceed 6.5 metres in height,

for additions and alterations, including an upper storey to an existing dwelling at No. 7 (Lot 288) Woodhouse Road, East Fremantle, in accordance with the plans date stamped received on 8 August and 3 October 2018, subject to the following conditions:

1. No external fixtures, fittings, masts, satellite dishes, telecommunication devices, solar collectors, solar hot water systems or appliances or the like to be installed on the roof of the dwelling without further Council approval.
2. The crossover widths not to exceed the width of the crossovers indicated on plans date stamped received on 8 August and 3 October 2018 and to be in accordance with Council's crossover policy as set out in the Residential Design Guidelines 2016 (refer to Footnote 1).
3. All fencing within the street setback area to be in compliance with the front fence provisions of the Residential Design Guidelines 2016. The details to be to the satisfaction of the Chief Executive Officer and indicated on the Building Permit application plans.
4. Pool filter and pump equipment is not to be located on the eastern boundary of the lot and is to be located a minimum distance of 1.0 metre away from all other boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.
5. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
6. The proposed works are not to be commenced until Council has received an application for a Demolition Permit and a Building Permit and the Building Permit issued in compliance with the conditions of this planning 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 planning approval, without those changes being specifically marked for Council's attention.
8. All storm water 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. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
- 10 Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
11. This planning approval to remain valid for a period of 24 months from date of this approval.

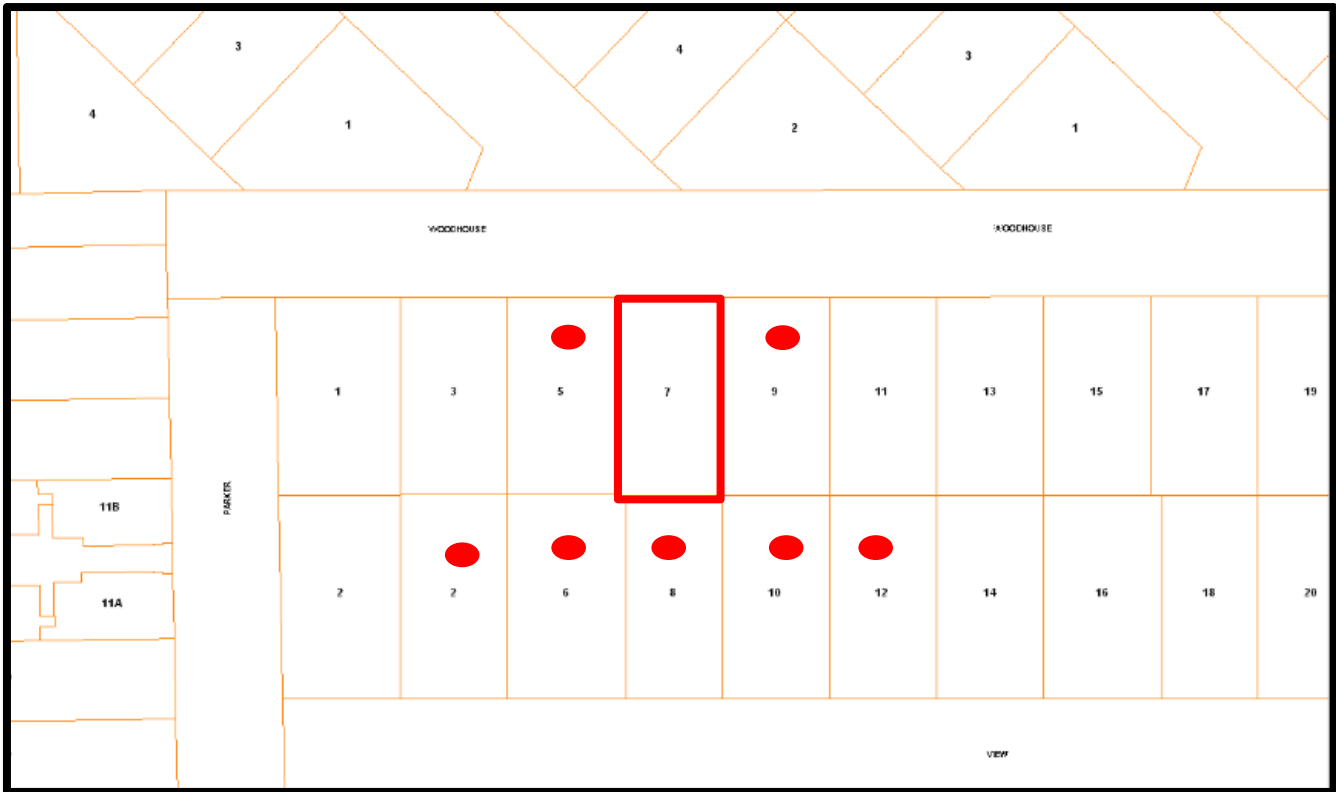
Footnote:

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

- (i) *if any changes to the existing crossovers to the site are contemplated Council approval is to be obtained.*
- (ii) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*

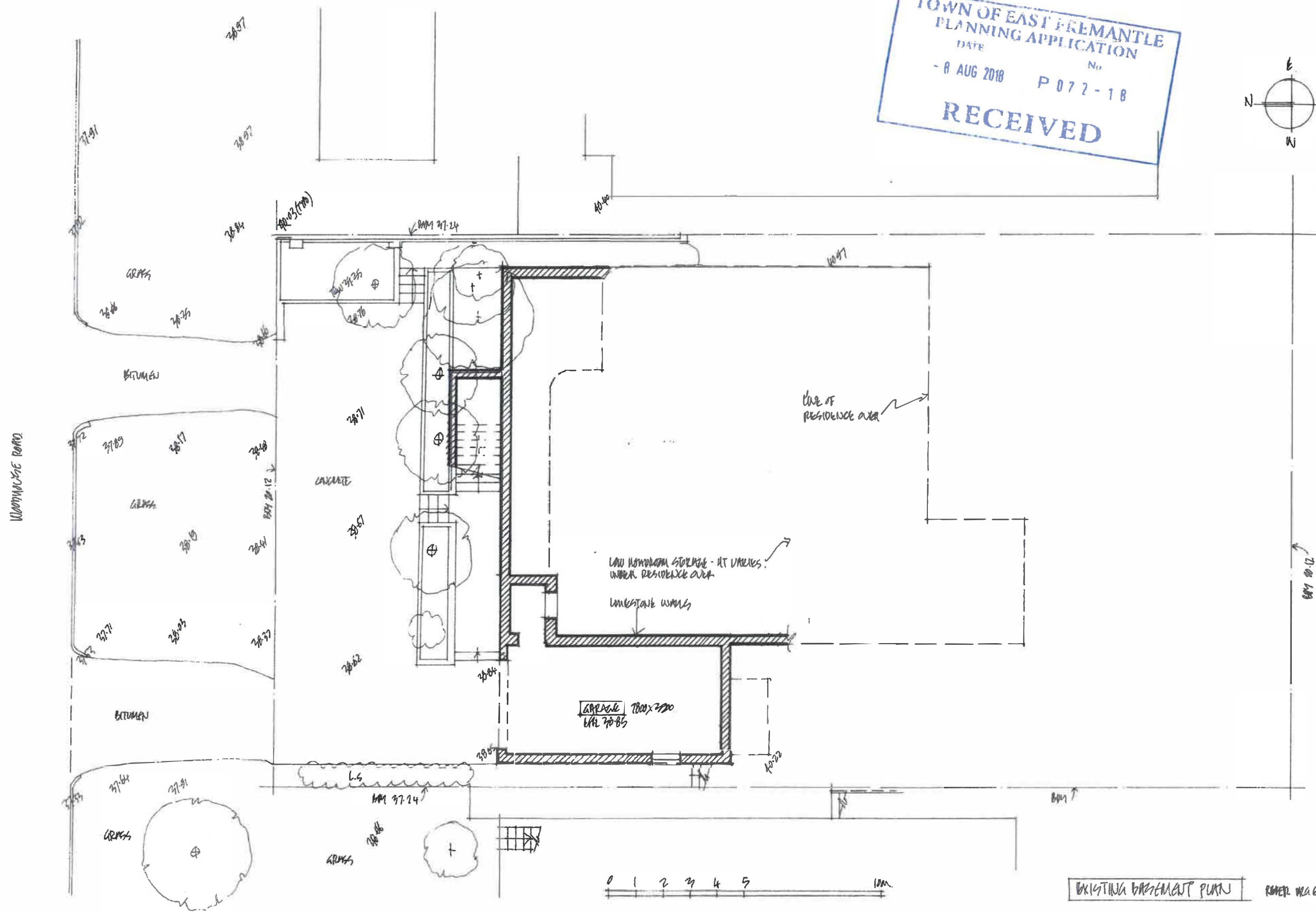
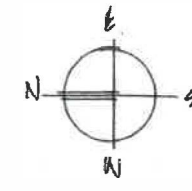
- (iii) a copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- (iv) it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (v) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (vi) matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (vii) under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document – "An Installers Guide to Air Conditioner Noise".*

NO. 7 (LOT 288) WOODHOUSE ROAD – P072/18 – ALTERATIONS & ADDITIONS



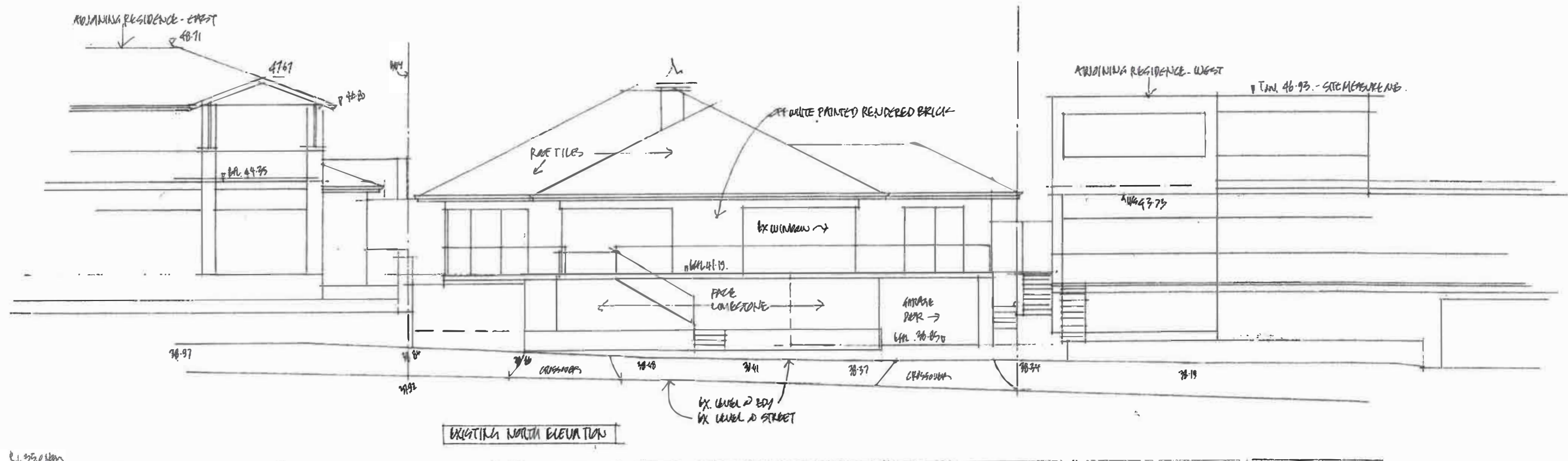
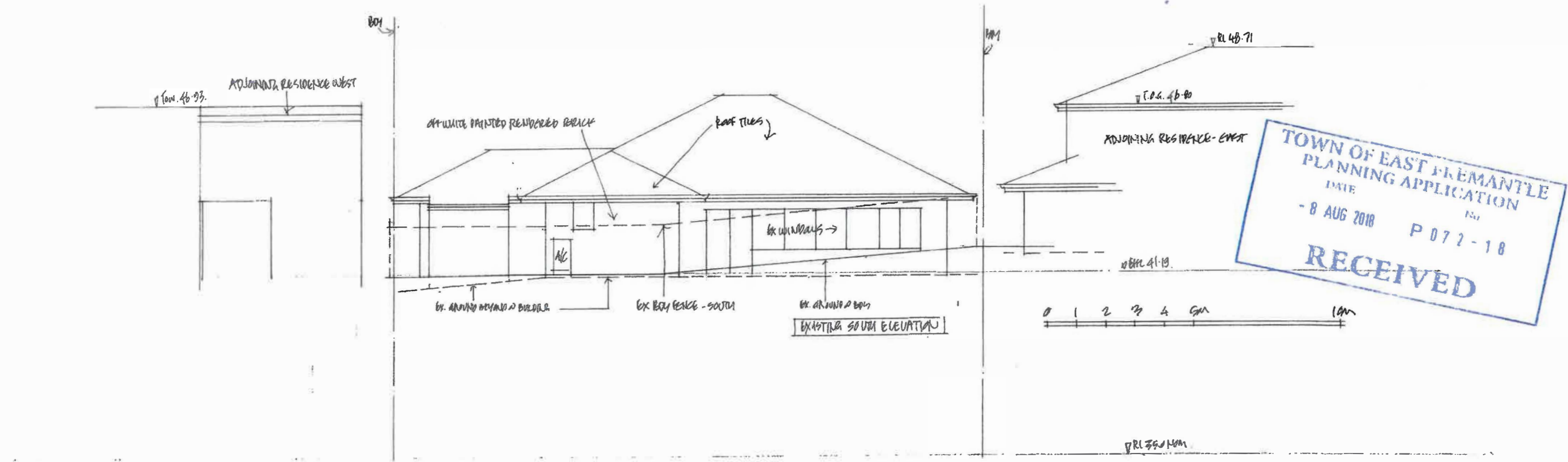


TOWN OF EAST FREMANTLE
 PLANNING APPLICATION
 DATE - 8 AUG 2018 No P 072-18
RECEIVED



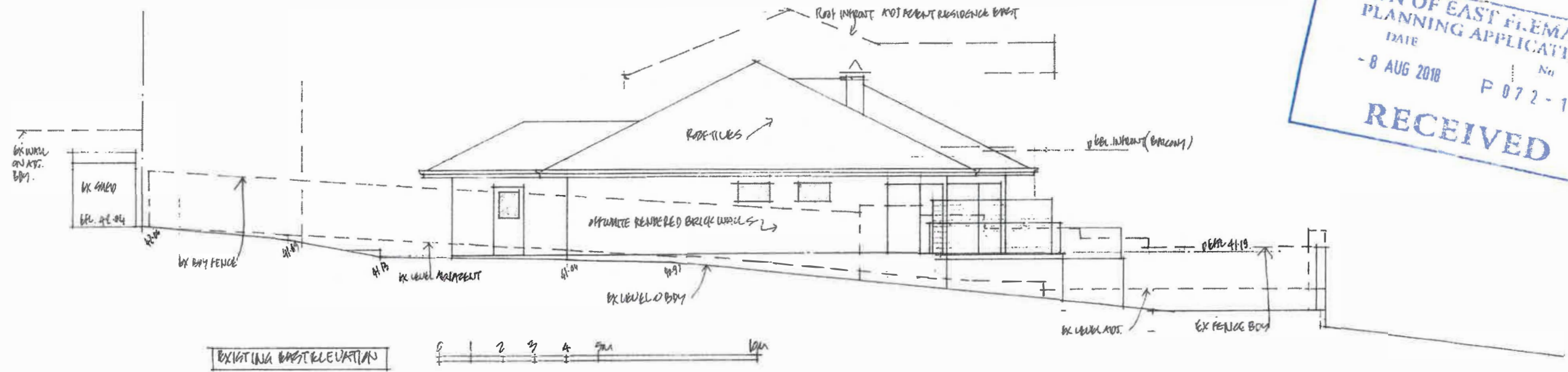
EXISTING BASEMENT PLAN REFER PAGE 1

PROPOSED ALTERATIONS + ADDITIONS - LOT 200-N7 WOODHOUSE ROAD EAST FREMANTLE,
 FOR D+D. CUNICUSURIA BY EQUUSIAN HOMES PTY. LTD. © 06.05.19. 1:1000 A2. DRG NO E2/A.
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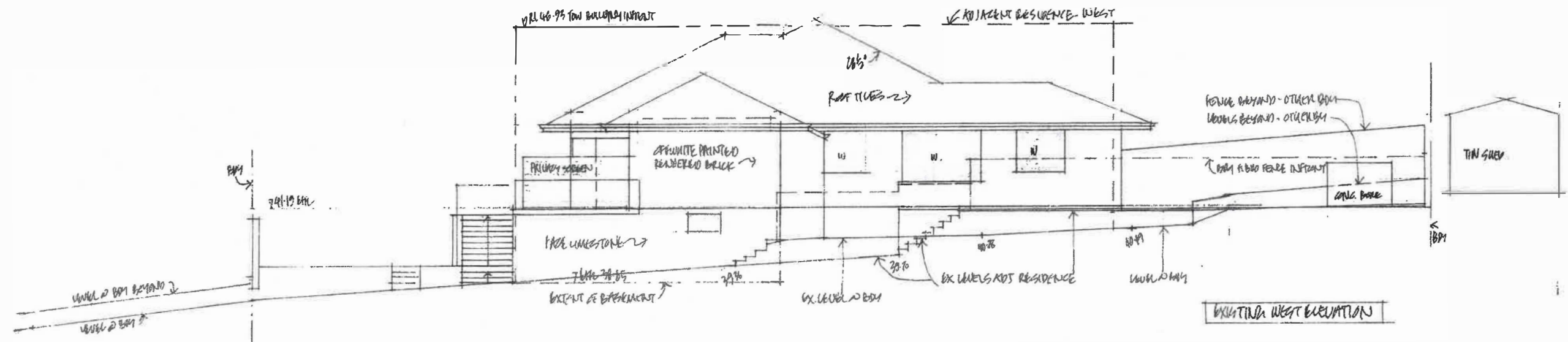
R.L. 25/08/18

PROPOSED ALTERATIONS + ADDITIONS - LOT 288 #7 WARDHOUSE ROAD EAST FREMANTLE
 FOR P.O. CHARLES WORTH BY ECAUSION HOMES © JULY 2018 1:100 A2 06.08.18 DRAWN BY/A



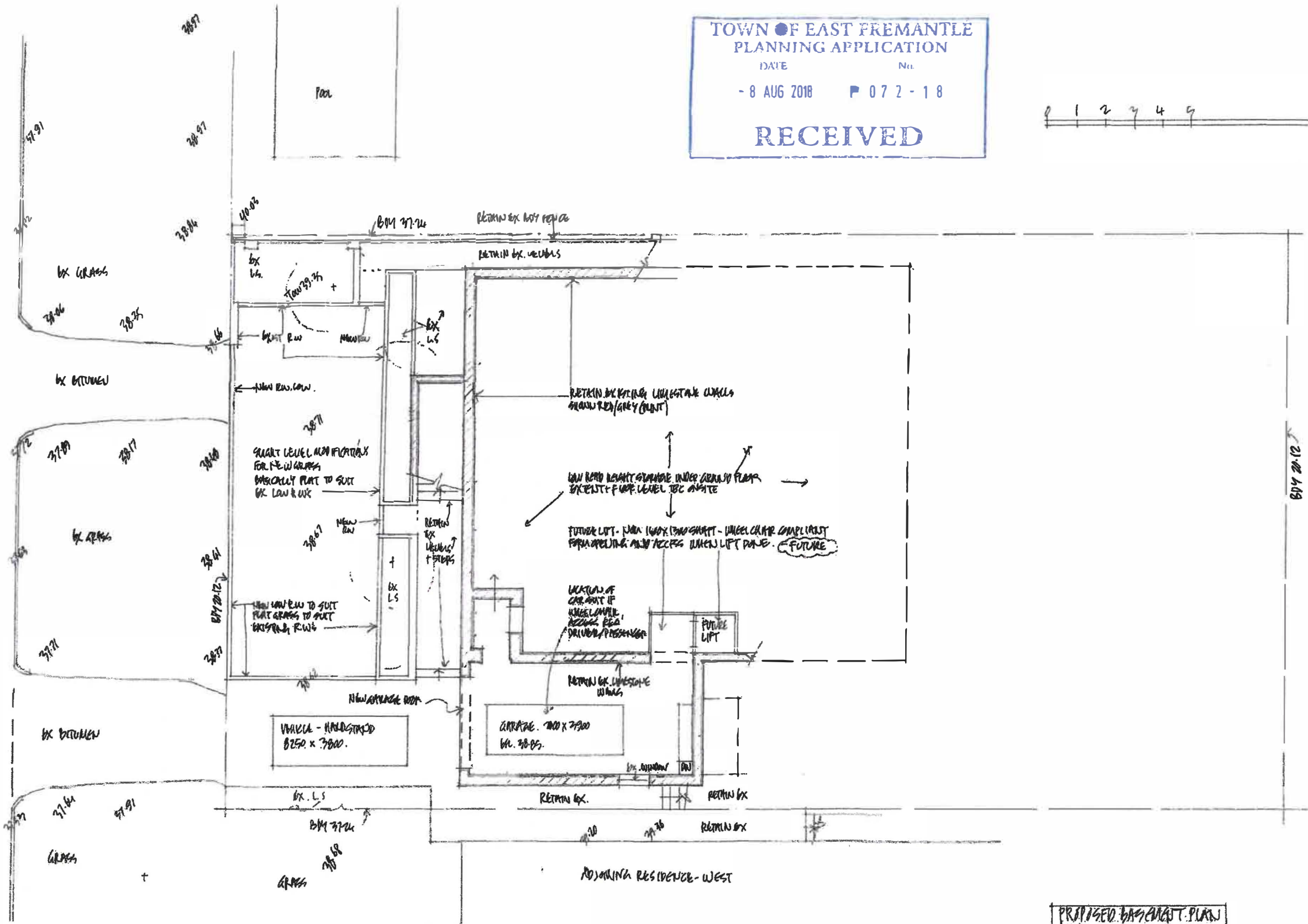
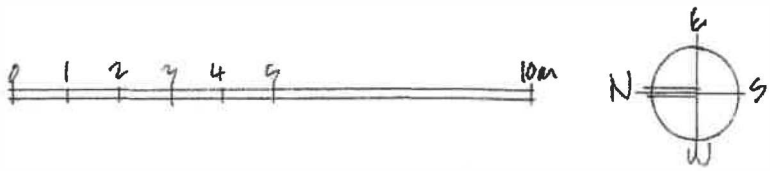
TOWN OF EAST FREMANTLE
 PLANNING APPLICATION
 DATE - 8 AUG 2018
 No P 072-18
RECEIVED

KL 3309



PROPOSED ALTERATIONS + ADDITIONS - LOT 288 N7 WOODHOUSE ROAD EAST FREMANTLE
 FOR P+D. CURRICULUM BY ECOSYSTEM HOMES © DRN-MUB 06.08.18 1:100 @ A2 DLG - 62/A

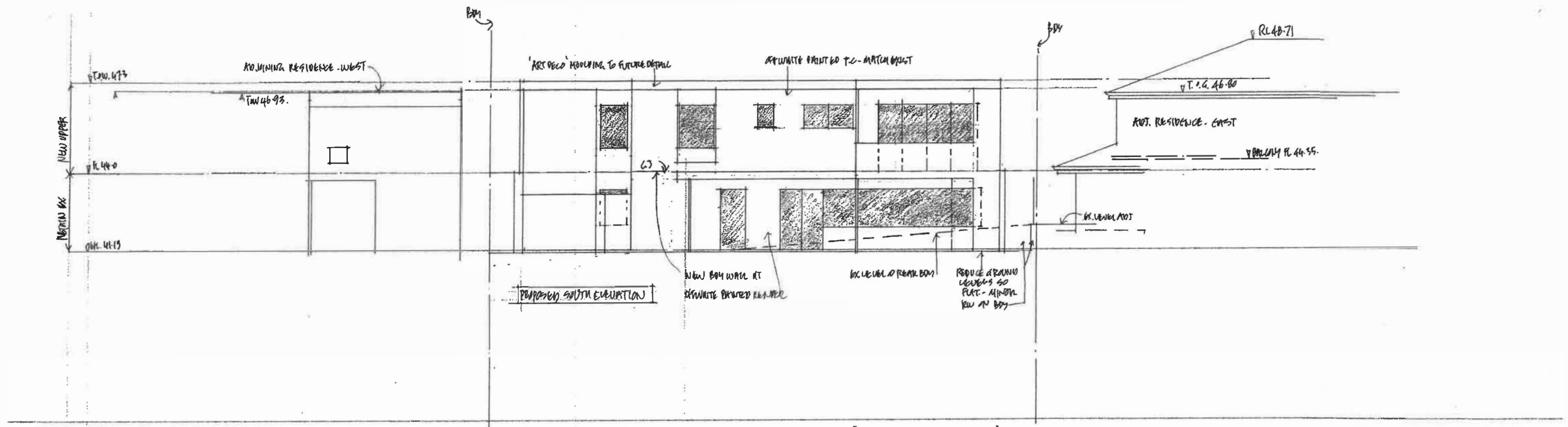
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 PLANNING APPLICATION
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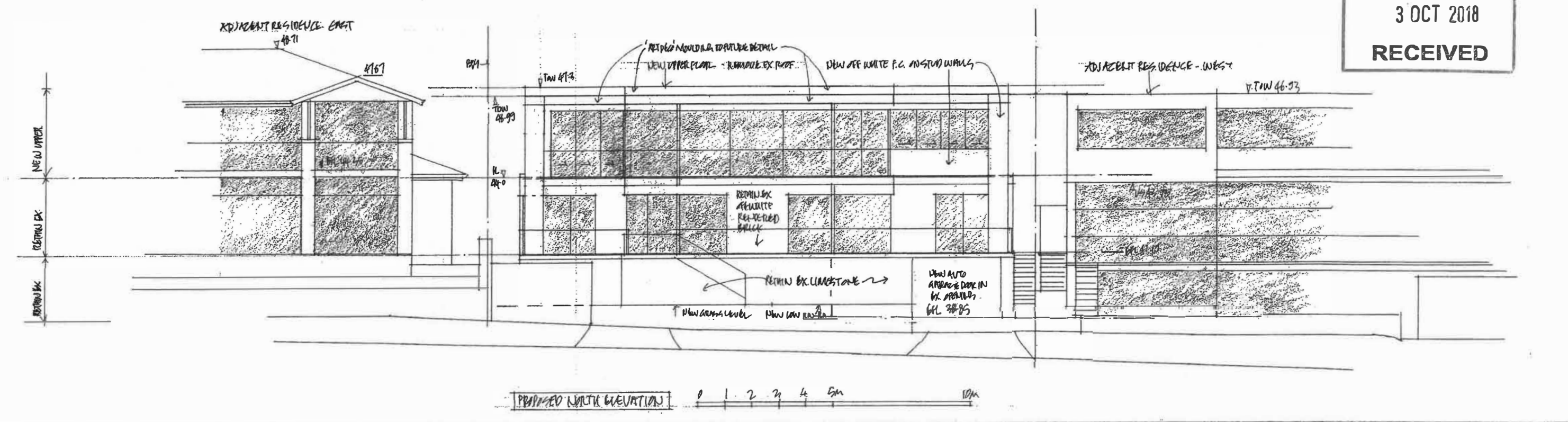
PROPOSED BASEMENT PLAN

Site 2

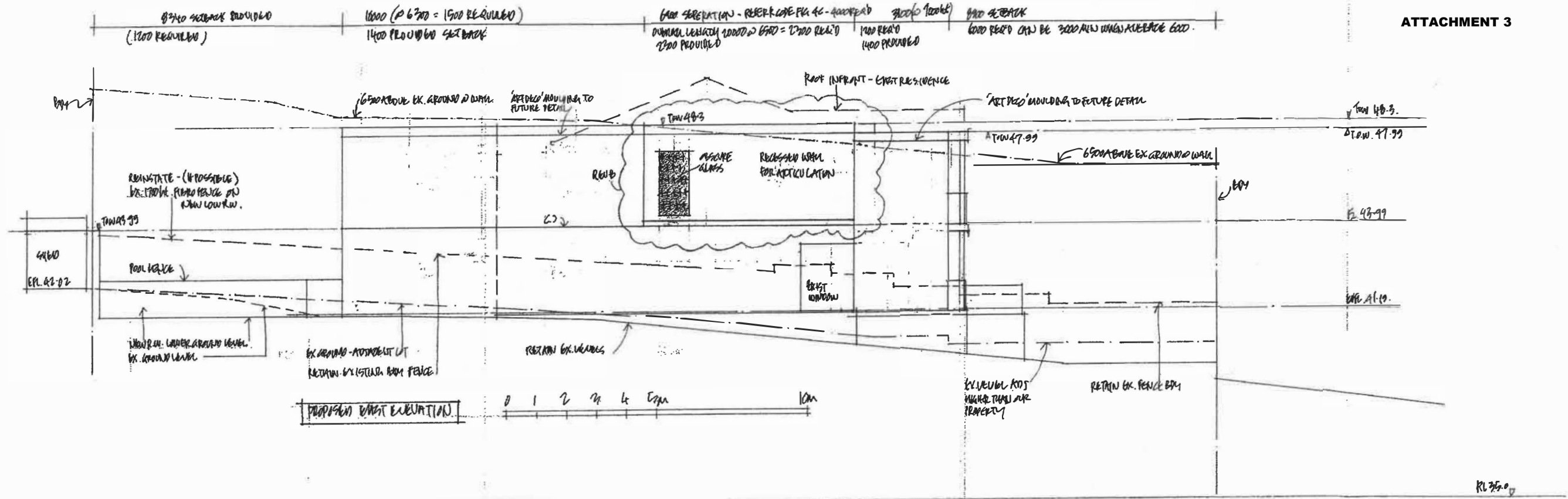
PROPOSED ALTERATIONS + ADDITIONS - LOT 208 N/2 WOODHOUSE ROAD EAST FREMANTLE FOR P.D. ZAKRZEWSKI BY EQUUSION HOMES @ 11:00 AM 06-08-18 1:00 PM 07/12/18
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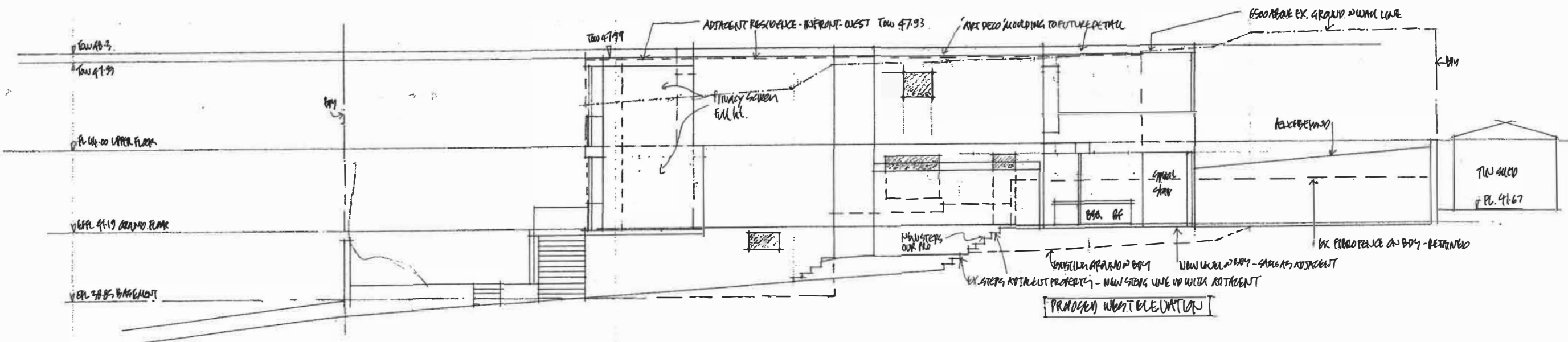
Town of East Fremantle
 3 OCT 2018
 RECEIVED



PROPOSED ALTERATIONS + ADDITIONS 107 288 N7 WOODHOUSE ROAD, EAST FREMANTLE.
 FOR ST. CHARLES WORTH BY EVISION HOMES. © TRW:MR. 1:100 A2 060818 DRG 30/B



Town of East Fremantle
 3 OCT 2018
 RECEIVED



PROPOSED ALTERATIONS & ADDITIONS LOT 208-107 WOODHOUSE ROAD - EAST FREMANTLE
 FOR M. D. CAMPBELL-WORTH BY EDWINSON HOMES © DRN. MB 06/08/18 1:00 @ K2 SK/21B

Proposed Alterations and Additions No. 7 (Lot 4981) Woodhouse Road, East Fremantle

CTP 072/18

Response to objection made by owners of No. 9 Woodhouse Road

Thank you for forwarding the submission received from the owner/s of the existing adjacent residence-east (No 9 Woodhouse Road) and the opportunity to respond.

To this effect I provide this response as it pertains to the single submission received from the owner/s of the existing adjacent Residence-east (No 9)

Response in Arial Narrow -Blue colour following the text of submission.

I note that four letters of support from adjoining owners were provided to council. I will not continually refer to the support of adjoining owners

- *Whilst we are in support of the Applicant proceeding with redeveloping their property, we cannot support the proposed design in its existing format. We hope that the Applicant can take on board our comments and concerns in a constructive manner, and potentially address them by altering some components of the design.*

We have taken on board the comments and have revised the design. I refer you to the revised drawings submitted to Council – SK10B, SK11B, SK20B, SK21B Note revisions described in title block

General Note –response is based on the revised drawings issued to council.
The design –refers to the proposed alterations and additions design

1. General Comments

- *We have concerns with the bulk and scale of the proposed additions. The proposed design has no articulation on the front and side facades. The side setbacks are non compliant as is the roof height.*

I refer you to Town of East Fremantle Residential Design Guidelines –TOEF-RDG clause 3.7.17.4.1.3-P1

“New developments, additions and alterations to be a compatible form, bulk and scale to traditional development in the immediate locality”

- The design of the proposed alterations and additions was to specifically be compatible with the bulk and scale of the existing residences adjacent and within the immediate locality-the height, articulation with balconies, street setbacks etc are all very comparable.
The proposed alterations and additions are not large within the immediate locality and provide 70% open space-well in excess of the 50% required
- The design provides articulation to the front façade-
Ground Floor-
External stairs and pathway articulate the terrace
Study and Entry are in front of bed 3 and bed 4
The terraces provide articulation of the massing to the external walls
Upper Floor-
Balconies west and east are setback from balcony
Curved roof over at setback to balcony east and west

Meals and Living are in front of Bar and Kitchen
The Balconies provide articulation of massing to the external walls

- The design provides articulation to the East façade –the revised drawings incorporate a significant setback to the external wall of the bar and stair. This breaks this wall into 3 sections of wall There is also a 200mm setback at existing ground to upper floor external walls
- The revised design setbacks for east boundary upper wall are fundamentally compliant with R Codes
Balcony East 1200 required -1400 provided is more than required
Bar + Stair 2300 required -2300 provided –compliant
Bed 1 + Spa Deck 1500 required -1400 provided –only very minor reduction requested-the 100mm reduction has no real impact on amenity of neighbour
All reductions sought are very minor and there are many examples of precedents adjacent and within immediate locality and all comply with performance criteria and design principles
- The top of wall/roof heights proposed are comparable with existing residences adjacent and within immediate locality.
Our proposed top of wall/roof height is 46.99 –this is basically the same height as the top of wall on existing adjacent residence east (No 9) and much lower than their existing ridge at 48.71
Our proposed top of wall/roof height is 46.99 –this is basically the same height as the top of wall on existing adjacent residence west (No 5) 46.93. The existing levels fall down to the west and means our existing levels are higher-which means our wall theoretically can be higher than property to west
- *The set of plans available for review are hand drawn and not very well detailed. There is no finishes schedule made available for review, nor a landscaping plan.*

The set of plans provide all required information and are drawn to scale by a registered architect
External wall finishes and colours are noted
Extent of all landscaping, retaining walls and levels to all are provided.

- *We have concerns over the proposed pool to the rear of the property, and how it will be constructed. There is no detail as to the engineering of the design. The excavation angle of repose would potentially damage our property.*

The pool has more than adequate setback to boundaries.
The engineering details will be provided at Building Licence stage

- *The existing dwelling is a fine example of art deco architecture, with curved glass frontage and pitched roof. Whilst there is no heritage listing on the existing dwelling, we note that the proposed additions do not seem to be keeping with the existing style of architecture – as required by the Local Planning Policy.*

The existing residence is not heritage listed and could be demolished.
Notwithstanding this the owner has decided to retain the majority of the existing external walls etc.
The few existing art deco features /elements will be retained
The majority of Art Deco Residences have flat roof and parapet wall design
The proposed design incorporates Art Deco design/elements such as –but not limited to
-Flat Roof and Parapet wall with Art Deco Moulding at top
-Articulation of Balcony and curved fascia at setback to east and west balcony
-Curve glass to Meals and Living
-Awning roof with curve fascia at pool terrace
-Curved screen wall to balcony east and west
-East Window to stair in art deco frosting etc tbc

2. Setbacks

- *As per State Planning Policy 3.1 and the Town of East Fremantle Residential Design Guidelines, the side setbacks are not compliant.*
- The revised design setbacks for east boundary upper wall are fundamentally compliant with R Codes
Balcony East 1200 required -1400 provided is more than required
Bar + Stair 2300 required -2300 provided –compliant
Bed 1 + Spa Deck 1500 required -1400 provided –only very minor reduction requested-the 100mm reduction has no real impact on amenity of neighbour
All reductions sought are very minor and there are many examples of precedents adjacent and within immediate locality and all comply with performance criteria and design principles
- *By our calculations, the proposed wall dimensions along the Eastern façade are over 20m long and over 6m high with no major openings (one window with obscured glass). The wall has no articulation, and the proposed second storey is not setback.*
- The revised design setbacks for east boundary upper wall are fundamentally compliant with R Codes
Balcony East 1200 required -1400 provided is more than required
Bar + Stair 2300 required -2300 provided –compliant
Bed 1 + Spa Deck 1500 required -1400 provided –only very minor reduction requested-the 100mm reduction has no real impact on amenity of neighbour
All reductions sought are very minor and there are many examples of precedents adjacent and within immediate locality and all comply with performance criteria and design principles
- The revised drawings incorporate a significant setback to the external wall of the bar and stair. There is also a 200mm setback at existing ground to upper floor external walls
- *As per the SPP 3.1, the required building side setback for a wall of those dimensions is at least 2.2m. The proposed additions are between 1m to 1.4m setback.*
- The revised design setbacks for east boundary upper wall are fundamentally compliant with R Codes
Balcony East 1200 required -1400 provided is more than required
Bar + Stair 2300 required -2300 provided –compliant
Bed 1 + Spa Deck 1500 required -1400 provided –only very minor reduction requested-the 100mm reduction has no real impact on amenity of neighbour
All reductions sought are very minor and there are many examples of precedents adjacent and within immediate locality and all comply with performance criteria and design principles
- *Our concerns are that we will have a 20m x 6.5m blank wall along our Western boundary. We have several major openings that will be directly affected. It will also represent a decreased level of amenity, looking out onto a 120m² blank wall.*
- The setbacks are fundamentally R Code Compliant –refer previous comments
The revised design incorporates a large setback to the central section of external wall to the bar and stair and there is a 200mm setback at ground floor to upper floor–which provide articulation
The existing adjacent residence east (No 9) - the side setback area is not an outdoor living space –they are narrow side circulation with boundary fencing and eave over.
- *The main area of concern is that the western outlook towards the coast from our master bedroom window and bathroom window will be blocked entirely. Amenity and solar access to our main bedroom and bathroom will be detrimentally impacted. The vision lines towards the coast and river will be blocked.*

The Bathroom is not classified as a habitable space
 The major opening to the master bedroom is on the front elevation looking n/e to n/w
 The R Code cone of vision is for 45 degree in plan
 The proposed wall has no impact on this cone of vision
 The setback proposed for our Balcony East is 8900 –much larger than required
 The R Codes permit this wall to have a setback of 3000-this would be far worse for the adjoining owner
 The amenity and solar access is very good.

- *The proposed second storey front balcony also has a solid wall on the Eastern façade. This will directly block views from our master bedroom window, and also our front balcony.*

-I refer you to the previous response re-master bedroom
 -The solid wall is proposed so as to improve the visual and acoustic privacy to and from our property and existing adjoining residence east (No 9)
 The setback to proposed balcony east is more than required

-For existing adjacent residence east (No 9) Balcony–
 The existing view corridor from the front n/w corner of the existing adjacent balcony (No 9) is currently contained by the existing adjacent residence west.(No 5) The proposed balcony east wall is setback further than existing adjacent residence west (No 5) and has no impact –no reduction in view corridor
 The existing view corridor from the middle of the existing adjacent balcony (No 9) is currently contained by the existing adjacent residence west. (No 5) and is 176 degrees-(view corridor forward and sides)
 The view corridor from the middle of the existing adjacent balcony (No 9) with our proposed wall to balcony east is 172 degrees
 This is a very minor reduction in the view corridor and 172 degree is a massive view corridor basically unaffected by our proposed design

The setback proposed for our Balcony East is 8900 –much larger than required
 The R Codes permit this wall to have a setback of 3000-this would be far worse for the adjoining owner

- *Should the second storey addition be set back in accordance with the local and State planning policy, we suggest that this will reduce the detrimental impact on our amenity.*

- The revised design has increased the setbacks to the east wall
 The revised design setbacks for east boundary upper wall are fundamentally compliant with R Codes
 Balcony East 1200 required -1400 provided is more than required
 Bar + Stair 2300 required -2300 provided –compliant
 Bed 1 + Spa Deck 1500 required -1400 provided –only very minor reduction requested-the 100mm reduction has no real impact on amenity of neighbour
 All reductions sought are very minor and there are many examples of precedents adjacent and within immediate locality and all comply with performance criteria and design principles

3. **Building Height**

- *We note that the street level falls between 37.24m and 38.76m RL. The proposed building has a Top of Wall height of 47.3m RL. This exceeds the max allowable height of 6.5m (concealed roof).*

I think the 37.24 is the boundary dimension –not a RL reduced level note –refer to drawings for levels
 The site is not level and falls south down to north and east down to west
 Existing levels at corner of site –N/W 38.32, N/E 38.84, S/E 42.06, S/E 41.15
 The top of wall/roof at proposed balcony east is 46.99
 The existing paving on existing adjacent residence east (No 9) at the proposed balcony east is 40.40
 The proposed balcony east wall is 6.59 above the existing adjacent residence paving (no 9)
 The TOEF-RDG deemed to comply is 6.5m-our proposed wall is only 90mm above existing adjacent paving (No 9)-a very minor variation that can be approved by complying with the performance criteria

Our proposed wall/roof height of 46.99 is basically the same as the plate height on the existing adjacent residence east (No 9) and lower than their existing ridge of 48.71

Our proposed wall/roof height of 46.99 is basically the same as the existing adjacent residence west (No 5) wall/roof height of 46.93. There is a fall down to the west so existing levels for existing adjacent residence west (No 5) are lower-meaning we should be permitted to be correspondingly higher-our wall/roof is basically the same height.

I have proposed street setbacks as existing or larger and compatible or larger than existing adjacent

I have tried very hard to keep the height of wall/roof down and to be very compatible with existing residences adjacent and within the immediate locality

Town of East Fremantle Residential Design Guidelines

3.7.2.2 Desired Development Outcomes

- (i) Additions and alteration should take into account the significance and character of the existing building and its contribution to the character of the Precinct;
- (ii) Additions and alterations should be well designed with minimal interference to the existing building;
- (iii) Single storey additions and second storey additions and alterations to existing dwellings are acceptable. Second storey additions shall be supported but are required to:
 - a) Be constructed within the existing roof space, or towards the rear of the dwelling and must not impact upon significant fabric of the dwelling; and,
 - b) Not be dominant from the primary street.
- (iv) Additions and alterations should visually contrast to a contributory dwelling. Differentiation may be major or subtle; and,
- (v) Additions and alterations should always respect scale, bulk and proportions of the existing dwelling.

I refer you to TOEF-RDG

Our property is within the Richmond Hill Precinct

Section 3.7.17 is specific to the Richmond Hill Precinct

Within the specific section for the Richmond Hill Precinct there are images representing desired development outcomes that show very similar projects to our proposed design-I would argue that I have kept heights lower than some of the similar projects Section 3.7.17 takes precedent over Section 3.7.2.2 for our site

I have elected not to copy text from Section 3.7.17

I believe our design complies with the Acceptable Development Provisions and/or the Performance Criteria of the TOEF-RDG and the R Codes Deemed to comply and/or design principles

- *In our opinion, the proposed design does not meet these outcomes, for the reasons previously noted.*

In our opinion the revised design submitted does meet these outcomes, for the reasons outlined in our response.

Mark Bradley Architect

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Fremantle

WA 6160

t. 9336 1775

m. 0400 394 930

<http://www.markbradleyarchitect.com.au/>

8 October 2018

11.3 Coolgardie Avenue No. 13 (Lot 22) – Alterations and Additions Including Second Storey Extension

Owner / Applicant	R McFarland & R Baker
File ref	P073/2018; P/COO13
Prepared by	Andrew Malone, Executive Manager Regulatory Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting date	6 November 2018
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Location plan 2. Photographs 3. Place Record Form 4. Plans date stamped 10 August 2018

Purpose

This report considers a planning application for alterations and additions including a second storey extension at No. 13 Coolgardie Avenue, East Fremantle.

Executive Summary

The additions and alterations the subject of this application comprise of a second storey, internal alterations and a new carport. The applicant is seeking Council approval for the following variations:

- (i) Clause 5.2.2 – Garage Width of the Residential Design Codes – 30% required, 35% provided; and
- (ii) Building height- Concealed roof 6.5 metres required. 6.9 metres provided;
- (iii) Clause 5.4.1 – Visual Privacy of the Residential Design Codes – bedroom 3 overlooking eastern neighbour

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

Background

Zoning: Residential R17.5
Site area: 814m²

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

No previous approvals have been granted for the site.

Consultation

Advertising

The application was advertised to surrounding land owners from 30 August to 21 September 2018. Two (2) submissions were received. The submissions noted the following comments and the applicant and officer responses are provided below:

Submission 1

- Our neighbours approached us with the plans and I have signed the form saying we are ok with it overall, but I still have concerns on the west elevation showing large clear windows that overlook our property.

- I want to make sure there is no overlooking issues into our property and that they are building within the code. My concern is that they are floor to ceiling windows that look directly into our back yard.
- My understanding when we built 5 years ago that they had to be frosted?

Submission 2

We object to the plans at 13 Coolgardie Avenue application Number CTP073/18 on the following grounds:

- The full length windows on the west elevation on the 2nd story impact our privacy and amenity.
- The elevation of the site and height of the 2nd story permits the bank of windows (major openings) to have direct line of sight into our main living area (i.e. active habitable space) and outdoor living / pool area.
- It is unlikely that vegetation screening would ameliorate the overlook effectively.
- The upper story windows should be reduced in size and have opaque glass fitted to restrict viewing into adjoining properties. We consider that this does not meet the R codes.

Applicant's response

"The 2 submissions seem to be written by the one neighbour as they address the same points in each. The submissions are mainly concerned with the windows not meeting the R-Codes. Clause 5.4.1 of the Residential Design Codes state that for areas coded R50 or less the setback for a window from a bedroom or study to the boundary is 4.5m. Please see an excerpt of Clause 5.4.1 below. Our proposal has a setback of 4.546m from the glazing of the master bedroom and guest bedroom to the boundary. As such it would appear as though the glazing that the neighbour is concerned about does comply with the R-Codes and therefore they do not need to be frosted. The applicant is primarily concerned with achieving views of the ocean after the only views that 13 Coolgardie Street did have were built out by the neighbour to the west. The views were a major reason for purchasing the property. The bedrooms will generally be occupied during the morning and at night and will pose less of an issue in terms of privacy as the neighbours outdoor living areas will be primarily used during the day. The applicant is willing to plant some vegetation along the boundary line that in time will further help minimise any possible overlooking."

Officer response

The objection letters and applicant's submissions are acknowledged and are addressed in the Comment section of this report. However, in the main the proposal is compliant with the R-Codes and the Residential Design Guidelines. No changes to the plans are required.

Community Design Advisory Committee (CDAC)

This application was considered at the CDAC meeting of 30 July 2018 and the Committee made the following comments. The applicant's response is provided in italics below the Committee's comments.

(a) The overall built form merits;

- The Committee consider the design to possess acceptable built form merits and that the retention of the ground floor is a positive design outcome.

(b) The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development;

- The retention of the ground floor is a positive design outcome.

- (c) *The relationship with and impact on the broader public realm and streetscape;*
- The Committee consider the development has an acceptable relationship with the streetscape.
- (d) *The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;*
- The Committee determine the development has a positive impact on the immediate locality and is consistent with the surrounding area.
- (e) *The extent to which the proposal is designed to be resource efficient, climatically appropriate, responsive to climate change and a contribution to environmental sustainability;*
- The Committee consider it is positive that the original dwelling is being retained; however the Panel mentions that the existing front fence is incongruent to the proposed development.
- (f) *The demonstration of other qualities of best practice urban design including “Crime Prevention” Through Environmental Design performance, protection of important view corridors and lively civic places.*
- The Committee determine the passive surveillance from the development to the public realm is poor. This is due to the main living area being located to the rear of the dwelling, meaning interaction with the primary street is minimal and restrictive.

Applicant response

- As per response e) *The Committee consider it is positive that the original dwelling is being retained; however the Panel mentions that the existing front fence is incongruent to the proposed development.*
- We do intend to change the front fence to an electric sliding gate. However due to budget constraints this will happen after the build.
- As per response f) *the Committee determine the passive surveillance from the development to the public realm is poor. This is due to the main living area being located to the rear of the dwelling, meaning interaction with the primary street is minimal and restrictive.*
- As we are trying to keep cost down, we are keeping the original living room as per existing dwelling.

Officer’s response

The CDAC comment and applicant’s submissions are noted.

Statutory Environment

Planning and Development Act 2005

Residential Design Codes of WA

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

Policy Implications

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

Financial Implications

Nil

Strategic Implications

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

Built Environment

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

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

Natural Environment

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

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

Site Inspection

August 2018

Comment

Statutory Assessment

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

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

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
Street Front Setback	7.5m	13.7m	A

Secondary Street Setback	-	-	A
Lot boundary setbacks			
<u>East</u>	1.5m	1.57m	A
<u>West</u>	1.5m - 3.4m	3.6m	A
<u>South</u>	1.5m - 3.8m	18.3m	A
Open Space	55%	64%	A
Outdoor Living	30m ²	91m ²	A
Car Parking	2	2	A
Site Works	Less than 500mm	Less than 500mm	A
Visual privacy setback			
East	4.5m	> 4.5m	D
Overshadowing	≤25%	≤25%	A
Drainage	On-site	To be conditioned	A

Local Planning Policies Assessment

LPP Residential Design Guidelines Provision	Status
3.7.2 Additions and Alterations to Existing Buildings	A
3.7.3 Development of Existing Buildings	A
3.7.4 Site Works	N/A
3.7.5 Demolition	N/A
3.7.6 Construction of New Buildings (studio and patio)	A
3.7.7 Building Setbacks and Orientation	A
3.7.8 Roof Form and Pitch	A
3.7.9 Materials and Colours	A
3.7.10 Landscaping	N/A
3.7.11 Front Fences	N/A
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	N/A
3.7.18.3 Garages and Carports	D
3.7.15-20 Precinct Requirements	D

Building height

The R-Code provisions in respect to building height are substituted by the height control under the Residential Design Guidelines. Clause 3.7.15.4.1.3 states that:

Where views are an important part of the amenity of the area and neighbours' existing views are to be affected the maximum building heights are as follows:

- 8.1 metres to the top of a pitched roof;
 - 6.5 metres to the top of an external wall (concealed roof); and
 - 5.6 metres to the top of an external wall and where the following apply.
- (i) the proposal demonstrates design, bulk and scale that responds to adjacent development and established character of the area or other site specific circumstances;
- (ii) the provision of a landscaping plan demonstrating a minimum of 50% of the effective lot area being landscaped and ;

- (iii) *subject to the 'Acceptable Development' standards of the R-Codes – Element 9 – Design for Climate and |Element 8 – Privacy being met.*

Although the dwelling exceeds the maximum allowable wall and roof height on the western side of the property in accordance with the Residential Design Guidelines, it does not breach the maximum heights for Category B of the R Codes. The proposed wall/ roof height is 6.9 metres, a 0.4 metre variation to the required 6.5 metre maximum height under the Residential Design Guidelines. The location of the dwelling is located in an area considered to be sensitive to view, however in this instance the actual location of the dwelling does not directly impact on any view corridors to adjoining neighbours.

The renovations are contemporary in nature and utilise the existing levels of the site and setbacks are considered to be generous.

In this circumstance non-compliance with the Acceptable Development provisions with the height limit must be assessed in respect to the 'Performance Criteria' of the Residential Design Guidelines. For the most part, the proposal significantly demonstrates a design, bulk and scale that responds to the locality. The CDAC also noted their support for the proposal. The increased front setback is also considered to mitigate bulk and scale impacts.

Visual privacy

The 'Deemed to Comply' provisions for Element 5.4.1 Visual Privacy of the R-Codes requires major openings which have their floor level more than 0.5 metres above natural ground level, and positioned so as to overlook any part of any other residential property behind its setback line (i.e. the first 7.5m in R12.5), to comply with the following:

- *4.5 metres in the case of bedrooms and studies;*
- *6.0 metres in the case of habitable rooms, other than bedrooms and studies; and*
- *7.5 metres in the case of unenclosed outdoor active habitable spaces.*

The western neighbour has submitted an objection to this proposal based on overlooking. Clause 5.4.1 of the R Codes state that for a bedroom window the required setback is 4.5 metres to the boundary. The subject proposal has a setback of 4.546m from the glazing of the master bedroom and guest bedroom to the western boundary and therefore complies with the "Deemed to Comply" provisions to the western neighbour.

Whilst the proposal does not technically comply with the 'Deemed to Comply' privacy provisions of the R-Codes to the eastern neighbour, it is considered the proposal can be supported. The development is considered to overlook the adjoining property (bedroom 3) to the east. This overlooking is into the front garden, however it also exceeds overlooking into the front setback area, therefore into area considered as private space. Battens are proposed to be utilised as an aesthetic feature of the design (cladding). These battens cover the window and therefore minimises direct viewing to the neighbours property. As the battens screen the window and only oblique views are available, it is considered the overlooking can be supported. The area overlooked is a driveway that can be readily seen from the street and does not form any recreational/ habitable area. The overlooking is supported.

Garage width and crossover

Despite the carport exceeding the maximum 30% of lot width because it is a carport rather than a solid garage it is visually permeable and open which means it does not have the same bulk as a traditional garage. The carport is integrated into the design of the dwelling and adds to the overall design merit of the proposal. The additional width to the carport is supported subject to conditions.

Conclusion

The variations as stated above are considered acceptable and the development application is recommended for approval subject to conditions.

11.3 OFFICER RECOMMENDATION:

That development approval is granted under delegated authority and discretion exercised in regard to the following:

- (i) Clause 5.2.2 – Garage Width of the Residential Design Codes – 30% required, 35% provided; and
- (ii) Building height- Concealed roof 6.5 metres required. 6.9 metres provided;
- (iii) Clause 5.4.1 – Visual Privacy of the Residential Design Codes – bedroom 3 overlooking eastern neighbour

for additions and alterations (2 storey addition) to an existing single storey dwelling at No. 13 (Lot 22) Coolgardie Avenue, East Fremantle, in accordance with the plans date stamped received 10 August 2018, subject to the following conditions:

1. No enclosure of the carport is permitted without the submission of a development approval application for Council's consideration.
2. The proposed battens to bedroom 3 are required to be installed. In the absence of the battens being installed, the applicant is to comply with the 'Deemed to Comply' requirements of Clause 5.4.1 – Visual Privacy of the Residential Design Codes.
3. 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.
4. No modification to the front crossover is permitted. Any new crossovers which are constructed are to be a maximum width of 5.0 metres and the crossover to be constructed in compliance with Council's Residential Design Guidelines 2016.
5. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
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 planning 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 planning 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. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
10. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be

borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.

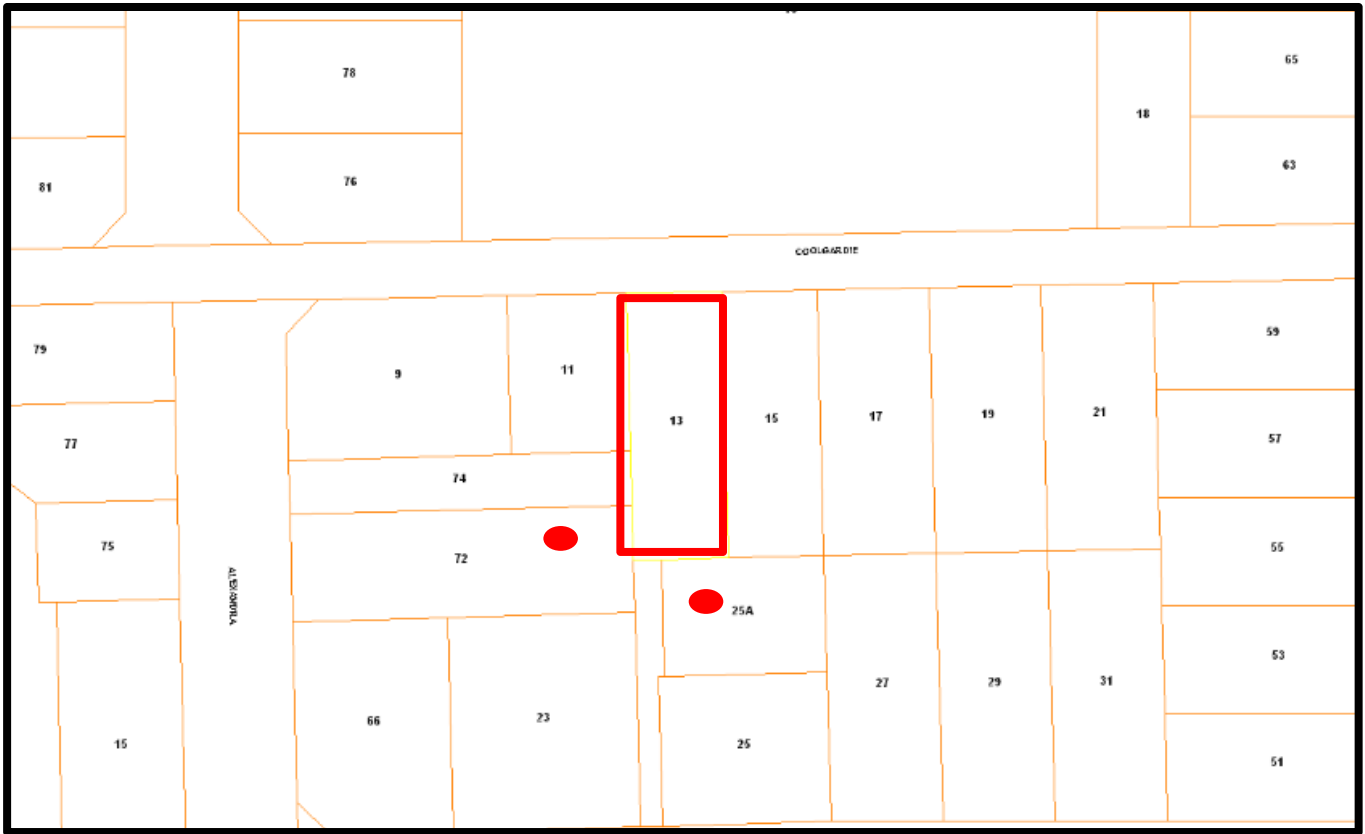
11. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (i) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (ii) a copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- (iii) it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (iv) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (v) matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (vi) under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document – "An Installers Guide to Air Conditioner Noise".*

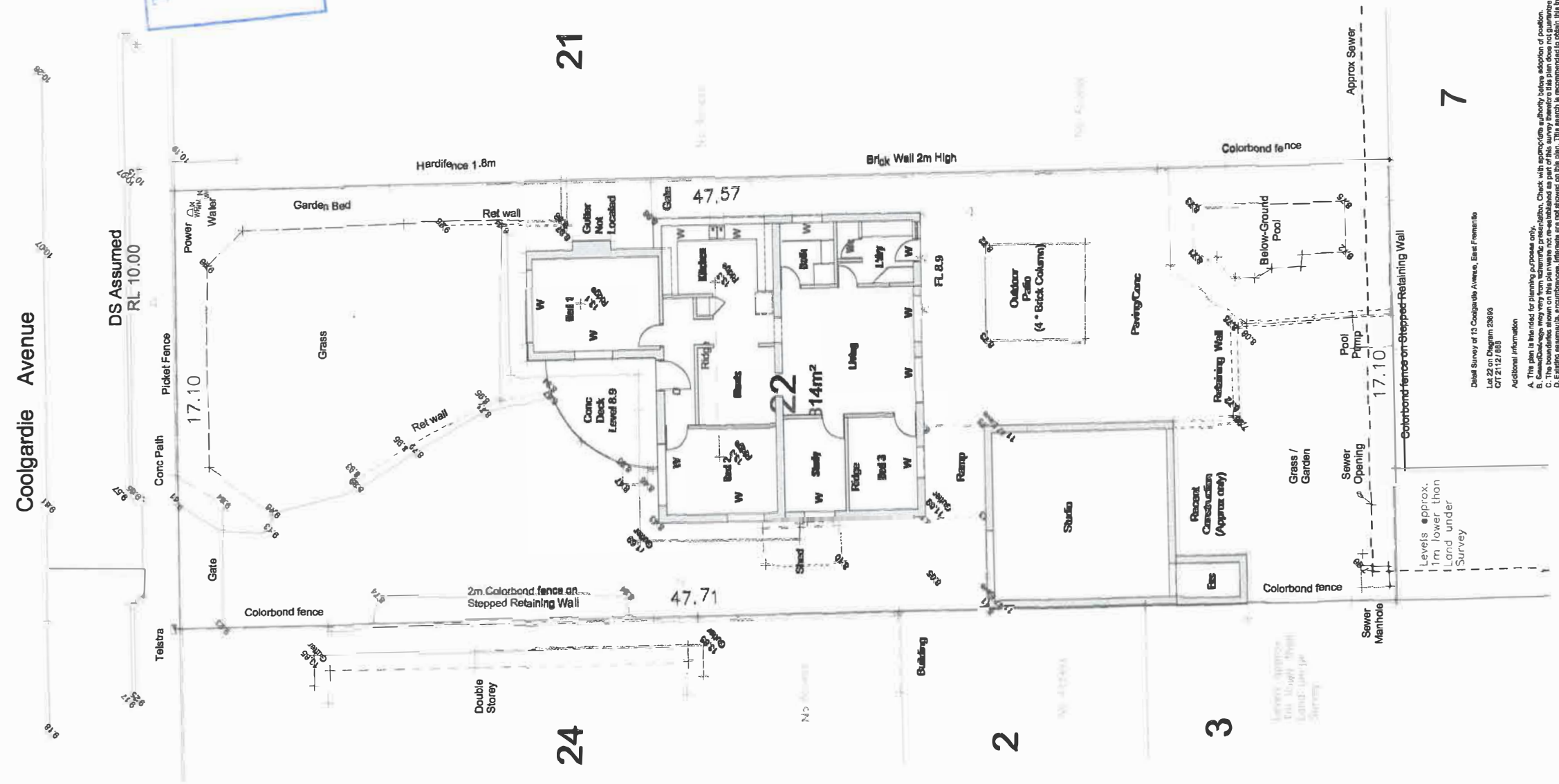
NO. 13 (LOT 22) COOLGARDIE AVENUE – P073/18 – ALTERATIONS & ADDITIONS INCLUDING SECOND STOREY EXTENSION





ALL PLANS SUBJECT TO COUNCIL APPROVAL

TOWN OF EAST FRINGEMANTLE
PLANNING APPLICATION
10 AUG 2018 P 073-18
RECEIVED



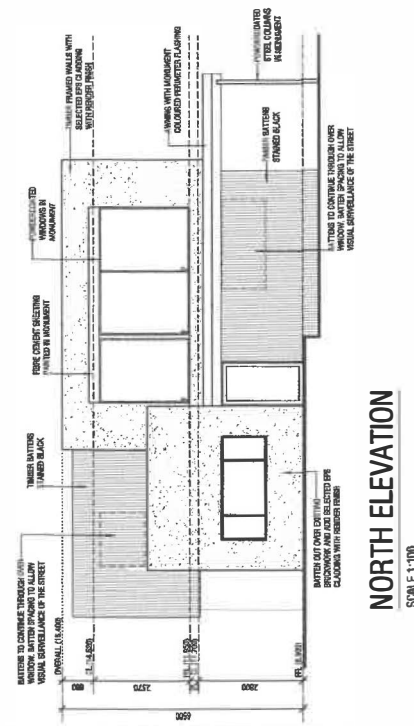
Additional Information
 A. The plan is intended for planning purposes only.
 B. Some changes may vary from the site plan.
 C. The boundaries shown on this plan were not re-established as part of this survey. Therefore, the plan does not guarantee their accuracy.
 D. It is recommended that the boundaries be re-established on the ground.
 E. It is recommended that the boundaries be re-established on the ground.
 F. All trees located were approx 0.3 diameter, 6m high.

Site Survey of 13 Coolgardie Avenue, East Fremantle
 Lot 22 on Diagram 23694
 CP 2112/188

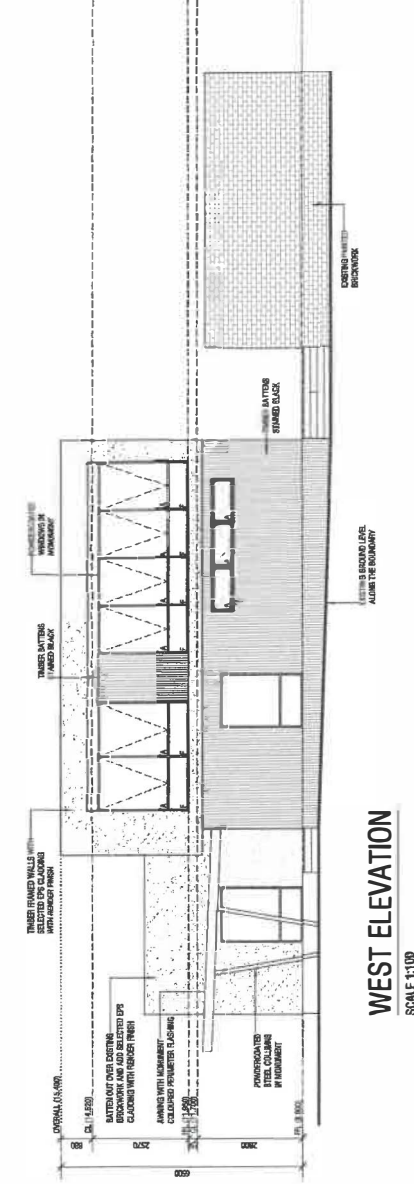
A. 36 TOWNSHIPS ROAD, SUBDIVISION 1000 P. 100 1002 4017 Z. 4017 (RESIDENTIAL)	
CLIENT:	RHYS MCFARLAND
JOB ADDRESS:	13 COOLGARDIE STREET EAST FRINGEMANTLE
EXISTING SURVEY	
DATE:	11/06/11
DRAWN BY:	M. BUCKLEY
CHECKED BY:	J. W. 768
DATE:	MAY 2018
SCALE:	1:100 (A1)
SHEET NO.:	1 OF 4

SITE SURVEY PLAN
SCALE 1:100

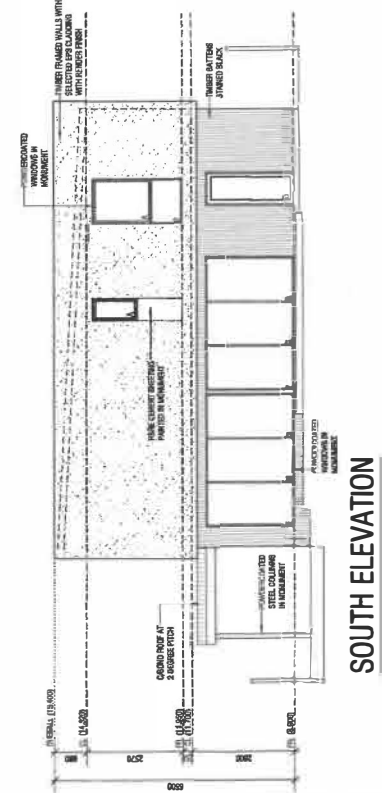
ALL PLANS SUBJECT TO COUNCIL APPROVAL



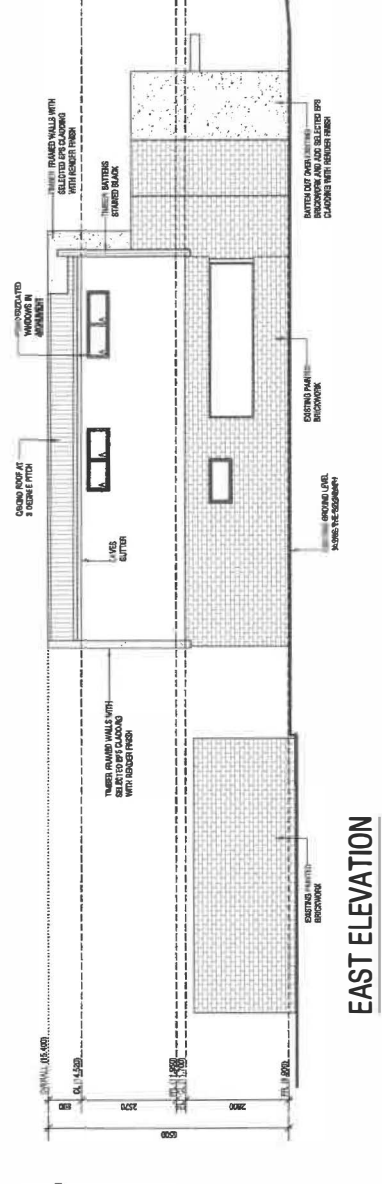
NORTH ELEVATION SCALE 1:100



WEST ELEVATION SCALE 1:100



SOUTH ELEVATION SCALE 1:100



EAST ELEVATION SCALE 1:100

TOWN OF
PLANNING
DATE: 10 AUG 2019 17:18
R

<p>THESE PLANS AND THE INFORMATION CONTAINED THEREON ARE THE PROPERTY OF THE ENGINEER AND SHALL NOT BE LOANED, REPRODUCED, COPIED, OR IN ANY MANNER BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER.</p> <p>NO. 11.3 - 2019 - 08 - 10 PROJECT: 11.3 - 2019 - 08 - 10 DRAWN BY: M. BRUCKLEY CHECKED BY: R. MC FARLAND DATE: 10 AUG 2019</p>		
<p>A. 38 TOMMERS ROAD, CHERRYVALE, VIC 3086 M. BRUCKLEY F. (03) 9522 4517 E. MATT@MATTBROUCCLENSONS.COM.AU</p>		
<p>JOB ADDRESS: 13 OODGARDIE STREET EAST FREMANTLE</p>		
<p>ELEVATIONS</p>		
<p>NO. 11.3 - 2019 - 08 - 10</p>	<p>SCALE: 1:100 (A1)</p>	<p>PLANNING</p>
<p>DATE: 10 AUG 2019</p>	<p>JOB NO. 746</p>	<p>SHEET OF 4</p>

11.4 View Terrace, No. 65B (Lot 1) – Reconsideration of Conditions of Planning Approval and Installation of Shade Structure for Screening Purposes

Applicant/Owner	S and J Hlevnjak
File ref	P/VIE65B; P082/18
Prepared by	Christine Catchpole, Senior Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Voting requirements	Simple Majority
Meeting date	6 November 2018
Documents tabled	Nil
Attachments	1. Location Plan 2. Site Photographs 3. Plans date stamped received 13 September 2018

Purpose

This report considers the reconsideration of conditions of development approval requiring the installation of visual privacy screening on the eastern elevation of the dwelling and the balcony to satisfy the requirements of the R-Codes. The applicant is requesting the conditions be amended (condition 3) and deleted (condition 4) and the matter of visual privacy addressed by the installation of a shade structure in the side setback area at No. 65B (Lot 1) View Terrace, East Fremantle.

Executive Summary

This report concerns a reconsideration of conditions of development approval and a development application for a shade structure in the side setback area. Following approval of the two storey dwelling and partial construction of the residence the owners realised that in satisfying conditions 3 and 4 substantial views from the balcony and the upper storey windows of the living and dining areas would be obscured. The applicant requested the Town's officers inspect the site and review the degree of overlooking to the adjacent property to the east (triplex development) to determine whether the conditions could be deleted and amended.

A site inspection revealed that the balcony and one of the living room window screening treatments were not necessary, as first thought, as these areas overlooked the front setback area of the adjoining site. This area is already visible from the street. Therefore, condition 4 is recommended to be deleted. However, it was determined that the remaining windows in the dining and living areas on the upper level did overlook the side setback and open space areas of the adjoining triplex and that compliance with the R-Codes as per condition 3 would be required, unless a suitable alternative screening device was proposed.

The owner requested that the overlooking be addressed through the installation of a shade structure which obstructed the view downwards into the side setback area. The shade structure was considered adequate by the Town and the applicant informed that a development application was required for the shade structure. The adjoining owners were also satisfied and endorsed the plans the subject of this application. In light of the above it is recommended condition 3 be amended to remove the requirement for screening as per the R-Code requirements for upper level windows on the eastern elevation and condition 4, requiring screening of the balcony, be deleted. The shade structure is recommended for approval subject to conditions to ensure privacy is maintained and compatibility with the finish of the dwelling.

Background

6 September 2016 – Council granted development approval for construction of a two storey dwelling subject to conditions. Two of which read as follows:

“(3) All major openings to lower (subject to the height of the boundary fence not reaching 1.6 metres above the altered ground level) and upper floor habitable rooms on the eastern and western elevations where the visual privacy setback of the R-Codes is not met to comply with clause 5.4.1 C1.2 of the Residential Design Codes of WA and indicated on the Building Permit application plans to the satisfaction of the Chief Executive Officer and installed prior to occupation of the dwelling.

“(4) Permanently fixed visually impermeable screening on the eastern elevation of the balcony to comply with clause 5.4.1 C1.2 of the Residential Design Codes of WA prior to occupation of the dwelling.”

DETAILS

LPS 3 Zoning: Residential R17.5
Site area: 445m² (strata lot)

Consultation

Advertising

The adjoining owners at No. 63 View Terrace (triplex development) were consulted by the applicant/owner in respect to the shade structure proposed to address the visual privacy issues and replace the need for obscure glazing on the upper level windows. All adjoining land owners have endorsed the proposal. Advertising was therefore not required to be undertaken by the Town.

Community Design Advisory Committee (CDAC)

It was not considered necessary to refer this matter to the CDAC as the structure is considered to have minimal impact on the streetscape.

Statutory Environment

*Planning and Development Act 2005
Residential Design Codes of WA
Town of East Fremantle Local Planning Scheme No. 3*

Policy Implications

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

Financial Implications

Nil

Strategic Implications

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

Built Environment

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

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

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

3.1.2 *Plan for a mix of inclusive diversified housing options.*

3.2 *Maintaining and enhancing the Town's character.*

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

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

3.3.1 *Continue to improve asset management practices.*

3.3.2 *Optimal management of assets within resource capabilities.*

3.3.3 *Plan and advocate for improved access and connectivity.*

Natural Environment

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

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

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

4.1.2 *Plan for improved streetscapes parks and reserves.*

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

4.2.1 *Reduce waste through sustainable waste management practices.*

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

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

Site Inspection

October 2018

Comment

Visual privacy

The 'Deemed to Comply' provisions for Element 5.4.1 Visual Privacy of the R-Codes requires major openings which have their floor level more than 0.5 metres above natural ground level, and positioned so as to overlook any part of any other residential property behind its setback line, to comply with the following:

- 4.5 metres in the case of bedrooms and studies;
- 6.0 metres in the case of habitable rooms, other than bedrooms and studies; and
- 7.5 metres in the case of unenclosed outdoor active habitable spaces (balconies, decks etc.)

The original development did not comply with the 'Deemed to Comply' provisions of the R-Codes for the lower and upper levels, however, the 'Design Provisions' of 5.4.1 allow for:

P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through: building layout, location; design of major openings; landscape screening of outdoor active habitable spaces; and/or location of screening devices; and

P1.2 Maximum visual privacy to side and rear boundaries through measures such as: offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; building to the boundary where appropriate; setting back the first floor from the side boundary; providing higher or opaque and fixed windows; and/or screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).

However, the original plans the subject of the development application indicated screening on the balcony and the upper level windows, so conditions were imposed to ensure compliance with the R-Codes and prevent overlooking. Once the residence was under construction it became clear substantial views to the river would be obscured if the screening measures were installed and that for some of the openings the screening was unnecessary, despite it being shown on the original plans.

Where the Town determined the screening was still required the applicant/owner requested that Council consider an alternative to screening the windows. A shade structure was proposed to be constructed along a portion of the eastern side setback area which is adjacent to the windows and the open space areas of the triplex development. A structure of this kind would require a 1.0 metre set back from the boundary. It is proposed to construct the three supporting columns on the boundary and these will support the shade cloth framework. The structure will extend in height to just below the upper window sills and will cover the entire setback area for a length of 8.7 metres. The shade cloth will be fixed to a frame so it will remain permanently in place. The structure will be positioned at a slight upwards angle away from the house and toward the lot boundary. Its position directly under the two windows is considered to adequately restrict overlooking into the rear open space areas for each of the triplex units.

For privacy reasons it is important for the shade cloth material to be of a high density (i.e. 90%) so it is not visually permeable and for this material to be replaced when it deteriorates. Conditions of approval are therefore recommended in this regard. It is also recommended that a condition of approval which requires the colour of the poles and shade cloth to be of a colour that is compatible with the wall finishes of the dwelling so that it is less visually obvious be applied.

Reconsideration of conditions

Given the visual privacy issues are considered satisfied it is recommended that condition 4 (as noted above) be deleted and condition 3 be amended to delete reference to the major openings to habitable windows on the eastern elevation. The condition will therefore read as follows:

(3) All major openings to lower (subject to the height of the boundary fence not reaching 1.6 metres above the altered ground level) and upper floor habitable rooms on the western elevation where the visual privacy setback of the R-Codes is not met to comply with clause 5.4.1 C1.2 of the Residential Design Codes of WA and indicated on the Building Permit application plans to the satisfaction of the Chief Executive Officer and installed prior to occupation of the dwelling.

Conclusion

The reconsideration of conditions result in condition 3 being amended to remove reference to the major openings to habitable rooms on the eastern elevation and condition 4, requiring balcony screening, being deleted. The shade structure screening device is recommended for approval subject to conditions regarding the visual permeability (i.e. density of the shade cloth) and colour of construction materials being compatible with the wall finish of the dwelling. It is also recommended the structure be installed before occupation of the dwelling.

11.4 OFFICER RECOMMENDATION

That Council:

- A. Approve the request for deletion of condition 4 and amendment of condition 3 (as outlined below) in relation to the Development Approval dated 6 September 2016 for No. 65B View Terrace (Lot 1), East Fremantle with reference to plans dated 3 August 2016.

(3) All major openings to lower (subject to the height of the boundary fence not reaching 1.6 metres above the altered ground level) and upper floor habitable rooms on the western elevation where the visual privacy setback of the R-Codes is not met to comply with clause 5.4.1 C1.2 of the Residential Design Codes of WA and indicated on the Building Permit application plans to the satisfaction of the Chief Executive Officer and installed prior to occupation of the dwelling.

- B. Grant development approval and exercise its discretion in regard to the following:

- (i) Clause 5.1.3 – Lot Boundary Setback of the Residential Design Codes of WA to permit a lot boundary setback of less than 1.0 metre from the eastern lot boundary,

for a shade structure for screening purposes at No. 65B (Lot 1) View Terrace, East Fremantle, in accordance with the plans date stamped received on 13 September 2018, subject to the following conditions:

1. Installation of the shade structure as indicated on plans date stamped received 13 September 2018 prior to the occupation of the dwelling.
2. The shade structure to be installed with 90% density shade cloth material or alternative to the satisfaction of the Chief Executive Officer (refer to Footnote (i)).
3. The shade cloth material to be replaced, at the owner's expense and in accordance with condition 2, if it is determined by the Chief Executive Officer that the material is no longer functioning as a privacy screening device and requires replacement.
4. The materials and colours to be used in the construction of the shade structure to be to the satisfaction of the Chief Executive Officer. The details to be submitted with the Building Permit application plans.
5. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
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 planning 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 planning approval, without those changes being specifically marked for Council's attention.
8. All storm water 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. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
10. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to

be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.

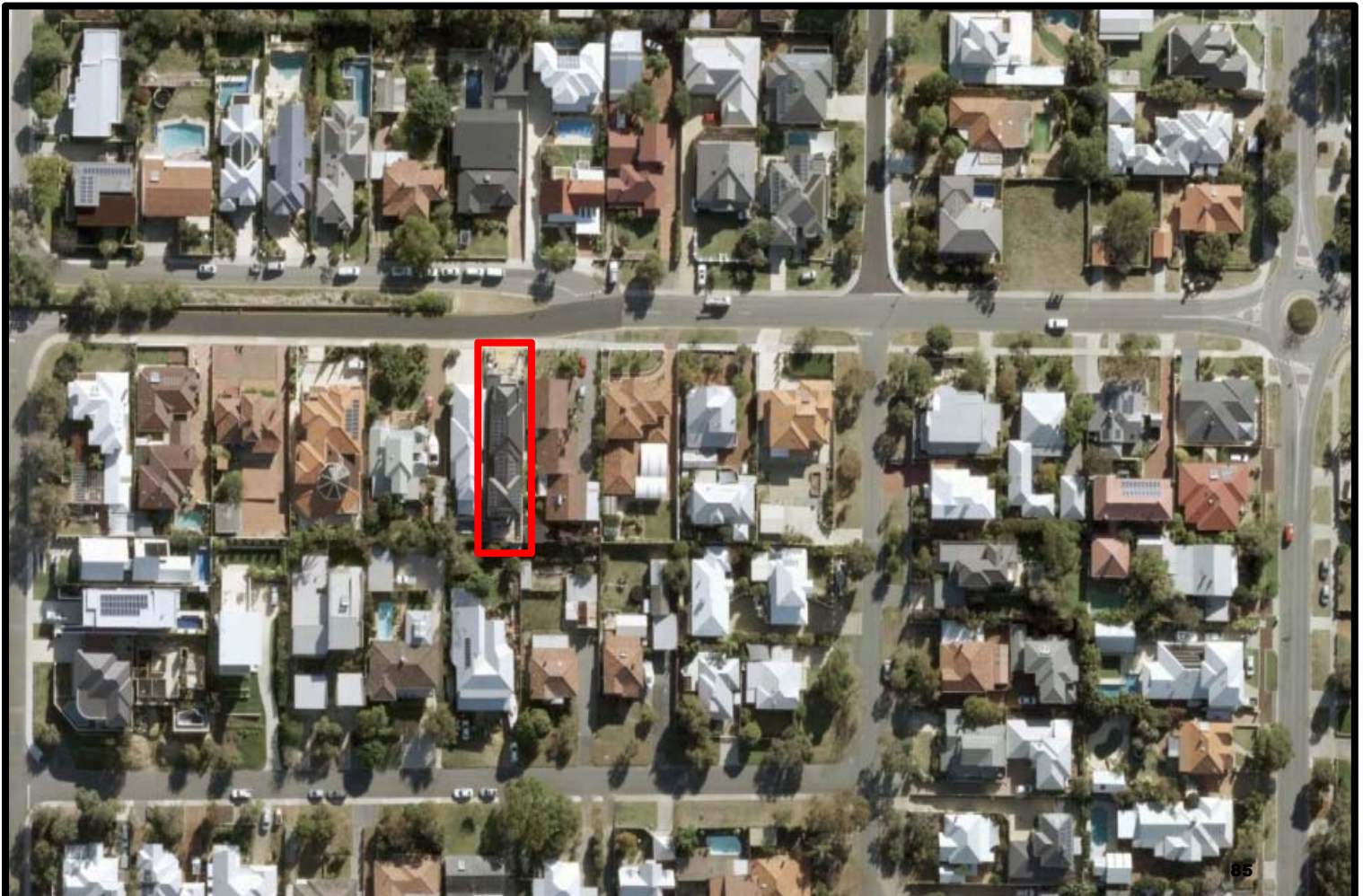
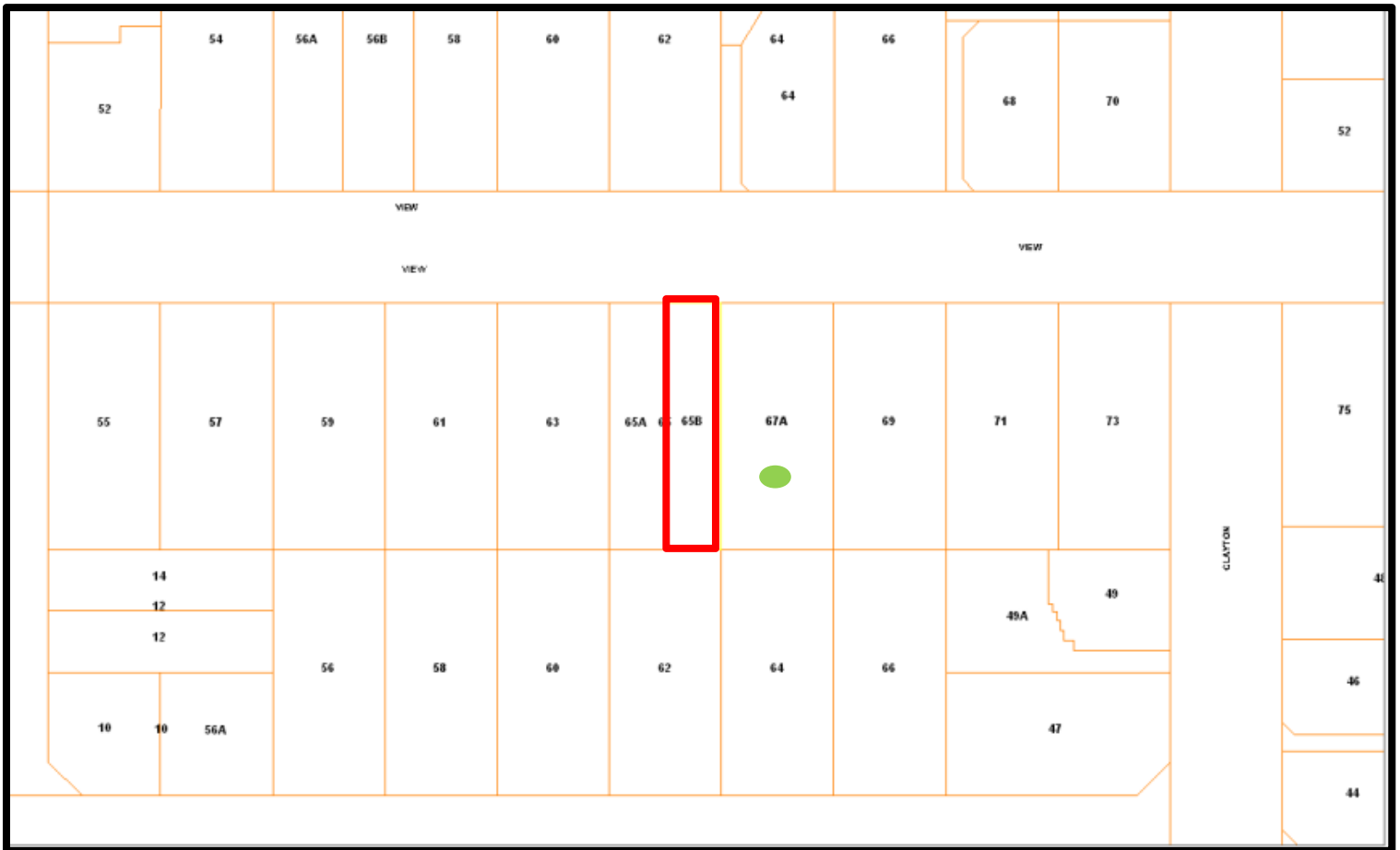
11. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (i) in regard to condition 2, if an alternative material is to be proposed it must be approved by the Chief Executive Officer.*
- (ii) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (iii) 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.*
- (iv) it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (v) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (vi) matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

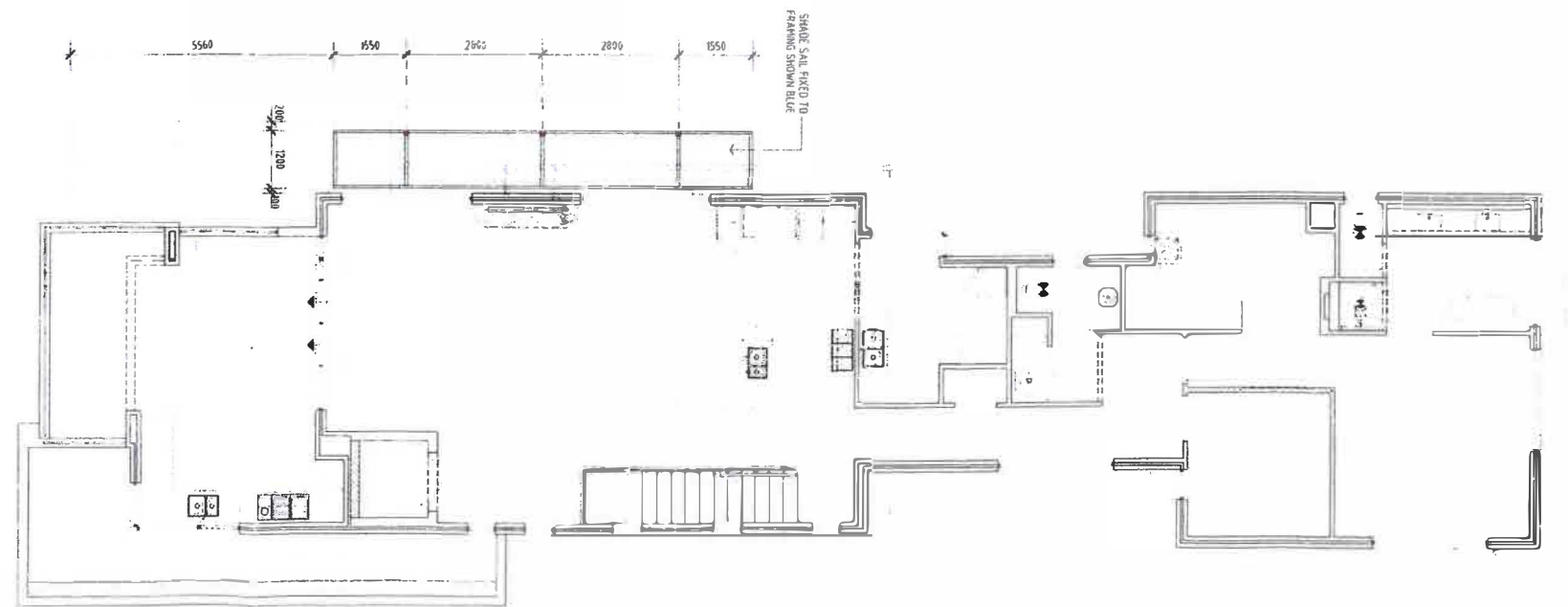
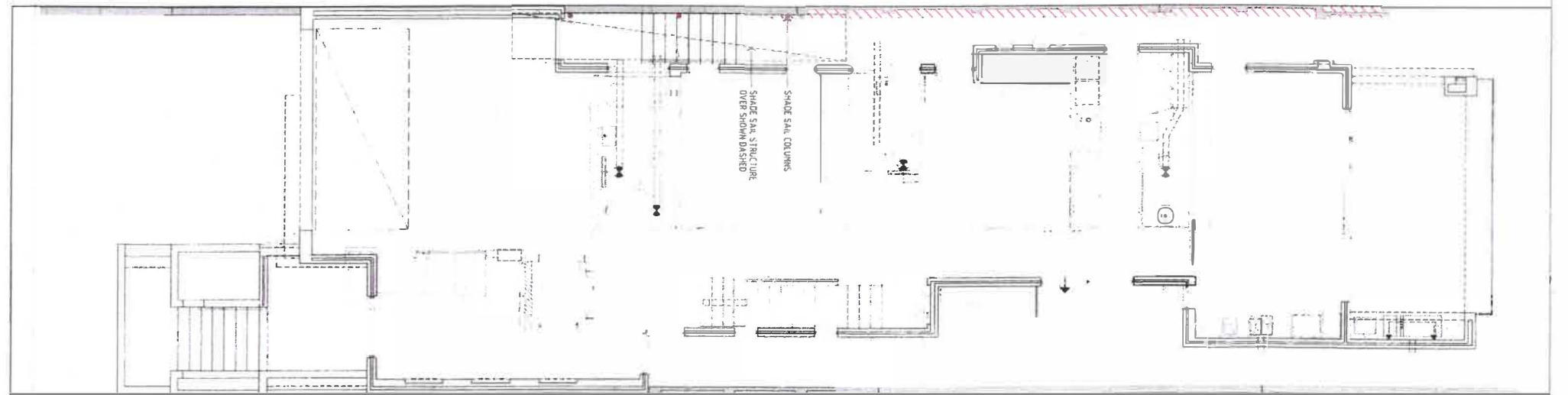
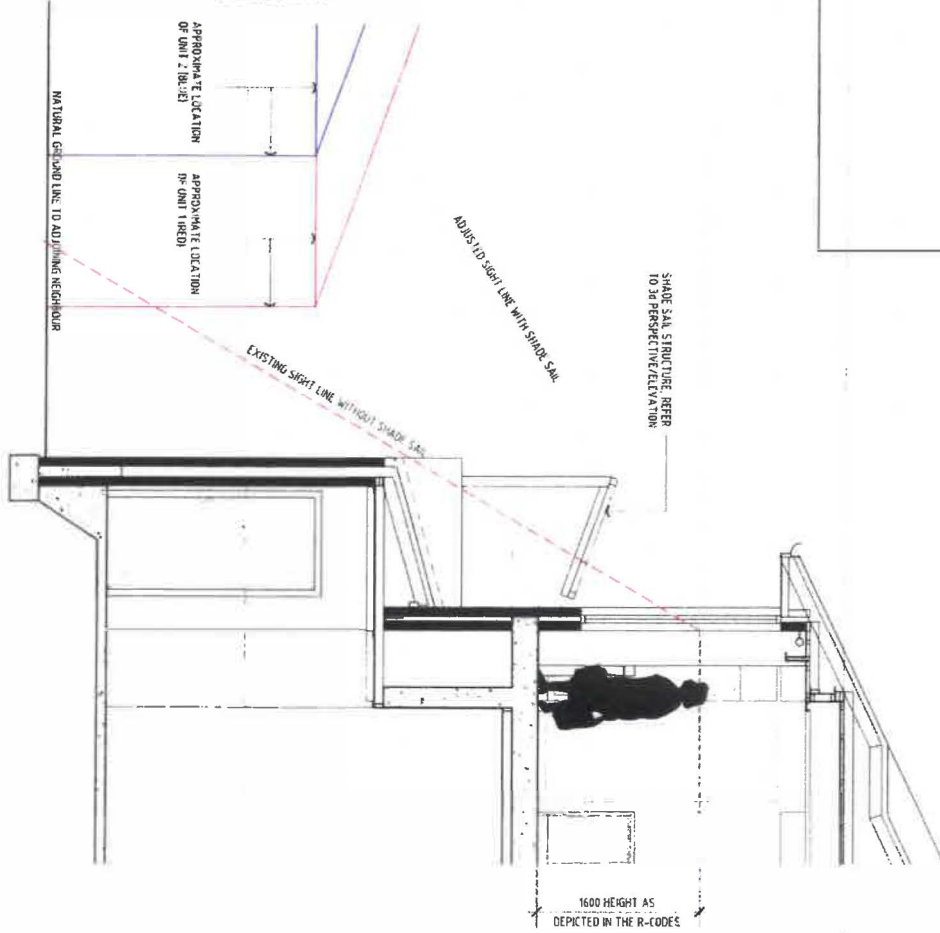
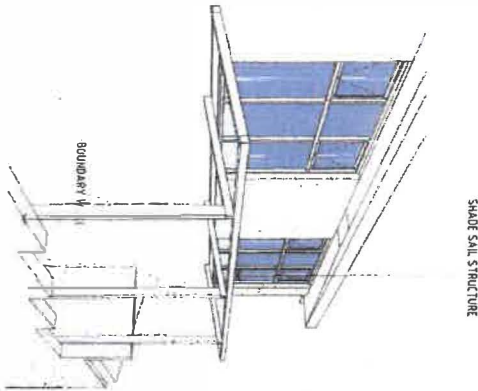
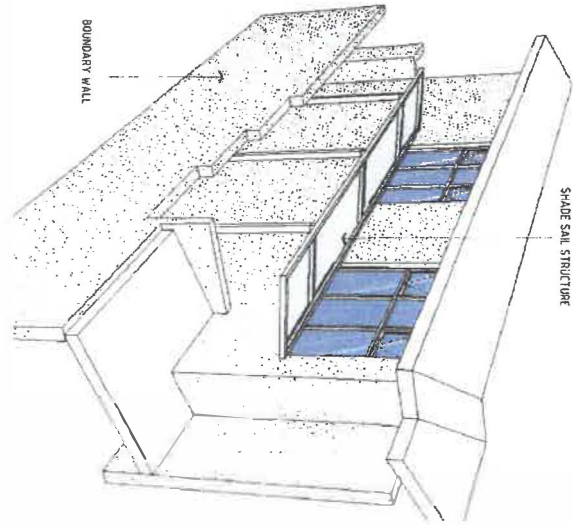
NO. 65B (LOT 1) VIEW TERRACE- P082/18 – SHADE SAIL



● -Plans Signed (All strata owners)



SHADE SAIL PROPOSAL



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SHELFORD
QUALITY HOMES

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www.shelford.com.au

PROJECT:
PROPOSED RESIDENCE

CLIENT/ADDRESS:
**Mr S. & Mrs S. HLEVNJAK
LOT 1 (No. 65b) VIEW TERRACE,
EAST FREMANTLE**

DATE:	REV:	DRN:	AMENDMENTS:

SHADE SAIL PROPOSAL

DRAWN: **AO** DATE: **10.08.18**

SHEET No: **1 OF 1**

JOB No: **1-VIE** REV: **-**

12. REPORTS OF OFFICERS (COUNCIL DECISION)

Nil.

13. MATTERS BEHIND CLOSED DOORS

Nil.

14. CLOSURE OF MEETING