



AGENDA

Town Planning Committee Tuesday, 7 May 2024 at 6:30 PM

Disclaimer

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

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

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

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

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

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

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

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

A Deputation invited to attend a Council meeting:

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

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

Procedure for Presentations

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

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

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

Procedure for Public Question Time

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

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

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

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

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

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

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

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NOTICE OF MEETING

Elected Members

An Ordinary Meeting of the Town Planning Committee will be held on 7 May 2024 at 6:30 PM in the Council Chamber, 135 Canning Highway, East Fremantle and your attendance is requested.



Johnathan Throssell
Chief Executive Officer

1 May 2024

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 ANNOUNCEMENT TO GALLERY

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

4 RECORD OF ATTENDANCE

4.1 ATTENDANCE

Cr C Collinson	Presiding member
Mayor J O'Neill	
Cr A White	
Cr J Harrington	
Cr L Maywood	
Cr K Donovan	

A Malone	Executive Manager Regulatory Services
K Culkin	Minutes Secretary

4.2 APOLOGIES

Nil

4.3 APPROVED LEAVE

Nil

5 MEMORANDUM OF OUTSTANDING BUSINESS

Nil

6 DISCLOSURES OF INTEREST

6.1 FINANCIAL

Nil

6.2 PROXIMITY

Nil

6.3 IMPARTIALITY

Nil

7 7. PUBLIC QUESTION TIME

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

Nil

7.2 PUBLIC QUESTION TIME

Nil

8 PRESENTATIONS/DEPUTATIONS

8.1 PRESENTATIONS

Nil

8.2 DEPUTATIONS

Nil

9 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 TOWN PLANNING COMMITTEE (2 APRIL 2024)

9.1 OFFICER RECOMMENDATION

That the minutes of the Town Planning Committee meeting held on 2 April 2024 be confirmed as a true and correct record of proceedings.

10 ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil

11 REPORTS OF COMMITTEES

Nil

12 REPORTS OF OFFICERS (COMMITTEE DELEGATION)

Reports start on the next page

12.1 16 PIER STREET - NEW RESIDENCE

Owner	Kirk Tomlinson & Erin Bethel
Applicant	Averna Pty Ltd
Report Reference Number	TPR-1783
Planning Reference Code	P019/24
Prepared by	James Bannerman
Supervised by	Andrew Malone
Meeting date	Tuesday, 7 May 2024
Voting requirements	Simple majority
Documents tabled	Nil

Attachments

1. Location and advertising plan
2. Photos
3. Plans
4. Submission 1
5. Applicant Response to Submissions

PURPOSE

The purpose of this report is for Council to consider a development application for a new residence located at 16 Pier Street, East Fremantle.

EXECUTIVE SUMMARY

This development application proposes a new double storey dwelling with undercroft garage at 16 (Lot 234) Pier Street, East Fremantle. The elevated lot is currently vacant. The proposed dwelling has a triple garage, wine cellar and storeroom on the lower ground floor. The ground floor is comprised of a combined kitchen, dining, and living area, as well as a guest bedroom and entertaining room with alfresco area and pool. The top storey has a kitchenette, study, sitting room, three bedrooms, ensuite and bathroom. Given the size of the house it has a relatively small footprint on the lot with open space comprising 76% of the site. There are minimal variations being requested to the Residential Design Codes and the Residential Design Guidelines for this proposal including;

- Clause 3.7.17.4.1.3 – Residential Design Guidelines – Maximum Wall Height – 5.6m required, 7.98m provided
- Clause 3.7.17.4.1.3 – Residential Design Guidelines – Maximum Roof Height – 8.1m required, 8.9m provided
- Clause 5.3.2 – Residential Design Codes – Permeability of Front Yard – 50% required, 41.3% provided

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

BACKGROUND

Zoning	Residential R12.5
Site Area	890m ²
Heritage	N/A
Fremantle Port Buffer	N/A
Previous Decision of Town and/or History of Issue Onsite	P54/21 – approval granted for two storey and underground garage – 7 September 2021

CONSULTATION

The proposed development was advertised from 8 March to 25 March 2024. Five submissions were received and are included below.

Submission	Applicant Response	Town Response
<u>Submission 1</u> See Attachment 4	See Attachment 5	<p>The proposed height of the development is considered and commented on in the relevant section of the Comments section of this report.</p> <p>The proposed development achieves the deemed to comply clause 5.2.3 Street Surveillance of the Residential Design Codes. Although the main entry does not directly face the street there is adequate design cues which indicate that visitors should walk up the side path to the entry.</p> <p>No approval has been granted to remove the street tree for the crossover. Any change to verge trees are subject to an application being submitted and approval being granted by the Operations department of the Town. There is a single crossover and approval has not been granted for a second crossover to the second driveway as indicated by the design presented by the applicant.</p> <p>There were temporary changes to the site levels located in close proximity to the boundary between 4 Parker Street and 16 Pier Street to enable works to be undertaken on site at 4 Parker Street with the permission of the owner of 16 Pier Street. The site survey shows the current site levels. Changes in site levels after the demolition of the previous dwelling that was located on site cannot be verified.</p> <p>Changes in site levels of active unenclosed active habitable spaces cannot be verified other than by referring to the site plan submitted as part of the development application which shows the level of the rear northwest corner of the site at 42.5m above sea level and rising to a maximum height of 43m adjacent to the eastern neighbouring property. There is no visual privacy impact on the western, eastern, or northern properties from this change in level if there has been a change due to dividing fences and screening along the fences. It is noted that there were no objections to the development from the northern or western neighbouring properties and there is no requirement for screening where the visual privacy setback is more than 7.5m.</p> <p>The rear of the property with major openings is setback 12.645m from the northern boundary.</p> <p>The setback of the proposed development from the primary street is more than the average of the 2 adjoining properties. The proponents of this development have</p>

		<p>chosen to have a front setback that is more than the average of the neighbouring sites and has utilised the Residential Design Codes deemed to comply clause 5.1.2 C2.1 iii.</p> <p>Perspective images of the development were provided to the Town that show that the garage is not the dominant element of the proposed dwelling. It is a large garage however, it is considered to be in accordance with the acceptable development provisions of the Residential Design Guidelines for new dwellings.</p> <p>Overshadowing is not an issue in accordance with the assessment method prescribed by the Residential Design Codes. The proposed development overshadows the subject lot. The setbacks of the proposed development have been assessed and the relevant compliant setbacks have been included in the report.</p>
<p><u>Submission 2</u></p> <p>More off street parking needs to be considered in this planning decision. There is already congestion in this part of Pier Street, where cars from homes in Parker St and further DOWN Pier St often park for long periods in Pier St to the east of Parker St. One parked recently for 5 days before being shifted 50 metres. The verge at 16 Pier St is very steep and unsuitable for any parking and typically people only park on the south side of Pier Street. Residents are not looking forward to further construction. I have to often park on my front lawn and have also parked on my front lawn at times to allow builder's trucks to park.</p> <p>This property will, in my view, need to park at least three cars on the property to avoid the planning mess in Pier Street between Preston Point Road and Parker Street where buses have difficulty negotiating and the Pier Street has been closed off for hours because of house construction.</p> <p>This is the result of inadequate off-street parking in Council's planning.</p>	See Attachment 5	<p>There is adequate parking for this dwelling with 3 garage bays and additional parking possible in the main driveway and also the side driveway on the eastern side of the property. It is possible to park at least 7 cars in the garage and the driveway.</p> <p>Vehicles are permitted to park on public roads provided they comply with traffic laws and Town parking requirements.</p> <p>The slope of the driveway is required to comply with the requirements of the National Construction Code.</p> <p>The Town is not responsible for parking decisions made by vehicle owners.</p> <p>A parking management plan will be required as part of any development approval and building permit.</p> <p>Owners of properties are permitted to develop vacant lots in accordance with current planning and building regulations.</p> <p>There may be times when a road has to be closed for construction purposes, however, normally there are alternative paths that can be travelled to exit from a property and the road closure is temporary and for short periods of time.</p> <p>Parking in the street is not a matter for the development assessment and approval process given that sufficient parking is supplied by this proposed development.</p> <p>There is a significant parking supply along Pier Street for the temporary parking of vehicles associated with the construction of the proposed development.</p> <p>There is sufficient parking for residents onsite at 16 Pier Street.</p>
<p><u>Submission 3</u></p> <p>I write to express our objection and concerns to the proposed building plans for 16 Pier Street East Fremantle.</p>	See Attachment 5	<p>The proposed development is above the acceptable development heights as permitted by the Residential Design Guidelines. It is noted that it is lower than</p>

<p>In particular we are concerned at the sheer height of the proposed dwelling and the fact that it does not conform to any of the current setback distances of 7.5 meters for all existing properties including our own at 20, 22, 24, 26 and 28 Pier Street which are all setback as per local council guidelines at 7.5 meters.</p> <p>This is detailed on James Dornan's letter to you 18th March section 2.4 Local Planning Policy 3.7.7 Building setbacks and orientation.</p> <p>The excessive height of the front of the side wall of the proposed building at 16 Pier Street at 8 meters (top front corner) at only 6.0 meters as opposed to the council agreed 7.5 meters from the road will have a hugely detrimental effect on all current views of the port and ocean from all existing balconies and front upstairs windows forming part of the existing buildings of 20, 22, 24 and 26 and 28 Pier Street effectively part blocking out these existing views and having a negative effect on the character of the street.</p> <p>The building height and shortened setback to the road will also significantly block the view from the proposed balcony at 18 Pier Street which has been brought back to the same line in the approved new build for 18 Pier Street already approved by council in July 23 to comply with the existing setback (7.5 meters) of all other existing properties on Pier Street (20 -28).</p> <p>When we built our home at 20 Pier Street in 2016 we were initially rejected by council with concerns regarding the streetscape effect of our large home (for family of 6) and were required to walk members of the council down Pier Street towards the river to demonstrate that the height of OUR home roof would not adversely affect the natural drop down that exists for roofs of current houses when walking towards the river.</p> <p>The proposed dwelling at 16 Pier Street ignores this completely and will be stuck high above existing roof levels despite cutting into the rock hill to build a 3 storey residence This will have a very negative impact on streetscape for the whole street and is not consistent with local council planning guidelines of descending height down the street. This is outlined in James Dornan's letter 18 March Sections 2.5 Local planning policy 3.7.17.4 Building design Requirements and section 2.6 Local Planning Policy 3.7.17.3 Garages, Carports and outbuildings, also 3 Natural ground level- which appears to have been artificially increased in height from a previous survey in 2021 and must be taken into</p>		<p>the previously approved development at 16 Pier Street.</p> <p>The proposed development meets the minimum required setbacks in accordance with deemed to comply clause 5.1.2 C2.1 iii utilising a side offset area as permitted under this clause.</p> <p>Decisions made relating to previous developments are made on a case by case basis in accordance with the planning requirements at the time.</p> <p>Decisions relating to heights are based on the survey provided as part of the development application.</p> <p>The proposed design is contemporary and not dissimilar to other properties in the area which are also contemporary in style.</p> <p>Decisions relating to development at 20 Pier Street are a matter for the owners of 20 Pier Street.</p> <p>It is also noted that the current balcony at 18 Pier Street is located 6m from the front boundary.</p> <p>It is noted that the existing site levels at 16 Pier Street are well above the street levels and also site levels of properties further to the east.</p>
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<p>consideration by council when addressing the effect such a build would have on existing streetscape and character of Pier Street for existing properties 18,20,22,24,26 and 28.</p> <p>Our own home was required by council to be pushed a further 500 mm into the ground to conform to existing council rules on streetscape and the “look” of the roofline as one descends down Pier Street to the river. This we accepted and acted upon during our build. Clearly the proposed height of the property at 16 Pier Street massively exceeds the current guidelines regarding streetscape and effects on the character of the area.</p> <p>If this property at 16 Pier Street is allowed to progress unaltered then I believe that we would be within our rights to extend our current balcony forward 1.5 meters in line with the proposed 6 meter setback for the proposed build at 16 Pier Street. This would also apply to all existing balconies at 22,24,26 and 28 Pier Street. Then all properties would be at 6.0 meters not 7.5 meters from the road.</p> <p>In summary we agree and support James Dornan’s letter to council objecting to the proposed build at 16 Pier Street as it does not comply with residential codes and local planning policy and has a negative effect on the current streetscape, views and setbacks that have been rigidly adhered to by all property owners at 20,22,24,26 and 28 Pier Street and now James and Casey Dornan in their proposed new build for 18 Pier Street which has already been approved by council in July - which we had no objections to.</p> <p>We thus object to the proposed build at 16 Pier Street in its current form for reasons above.</p>		
<p>Submission 4</p> <p>I am writing about the planned development at 16 Pier Street, East Fremantle. My wife and I have viewed the plans and are very supportive of the application and are pleased to see the block be developed. The design is well suited to the area and we believe it will enhance the streetscape and the neighbourhood in general.</p> <p>The owners of 16 Pier Street kindly allowed us to access their property during our renovation to allow easier access for our trades during construction and to construct our pool at the rear of my property in the North East corner. The existing ground level was cut back in their NW corner to allow access down to our backyard as there was quite a large drop off.</p>	<p>Noted</p>	<p>Noted.</p> <p>An explanation is provided for the change in site levels in the north western corner of the subject vacant lot.</p>

As I had vehicles and heavy machinery going through their property, this would have impacted the natural soil levels in their NW corner which descended to my property's natural soil level. After completing our works, we installed the retaining wall to this corner and levelled their property back to its original height. Please let me know if you have any further questions.		
<u>Submission 5</u> I am writing to inform you that I have viewed the plans for 16 Pier Street and have no objection to the proposal.	Noted	Noted

External Consultation

Nil

Internal Consultation

1) Levels

- a. The levels at the street alignment including any driveways shall match the existing footpath levels.

2) Stormwater

- a. Internal accesses and paths to be designed in such a manner as to prevent onsite storm water entering the road, footpath, right of ways and neighbouring properties.
- b. An overland flow path is to be designed to ensure diversion of excess stormwater from the developments for rain events greater than those to which the drainage was designed. (extreme events)
- c. A 300mm wide (or similar suitable) trench grate to be installed across the driveway at the property boundary. This shall be located internally across the full width of the driveway, with all collected water retained on site. Must be trafficable to a suitable standard. (Durham galvanized 300 grate or similar standard)
- d. Backwash and drainage from domestic swimming pools and spas shall be retained on site. Backwash water is to be discharged to a grassed, vegetated or garden area, or a stone-filled trench either open to the surface or underground (similar to a septic tank absorption field). Any surface run-off resulting from the discharge should be contained within the property boundaries and not affect neighbouring properties. Disposal of backwash water into the Town's stormwater drainage system is prohibited as it can harm our rivers and coastal waters. Should this not be possible, water to be removed from site by means of a licensed liquid waste contractor. The disposal of backwash water into the Town's stormwater drainage system is prohibited as it can harm our rivers and coastal waters.
- e. Stormwater shall be retained on site and discharged into soak wells or by any other approved method on property. Soak wells including any for crossovers are to be installed within the applicant's property. Any ceded land (current or future) cannot be used for the installation of any soak wells, pipes, drainage infrastructure, etc.

3) Parking

- a. Car parking bays, internal driveways and vehicle manoeuvring areas to be designed in accordance with AS2890.1-2004 parking facilities Part 1: Off Street Parking. The 85 percentile car turning template standard can be used to design non-standard vehicle manoeuvres.
- b. All ramps are to meet Australian Standard AS/NZS 2890.1:2004 Section 2.5.
- c. Trade parking to follow the Road Traffic Code, Australian Standards and Local Laws and Policies as determined by the Town of East Fremantle.
- d. Garage Door height clearance to meet Australian Standard AS/NZS 2890.1:2004 Section 5.3.
- e. Garage width to meet Australian Standard AS/NZS 2890.1:2004 Section 5.4.

4) Gates and Fences

- a. Any hinged gates which are located or are to be located on property boundaries adjoining road reserves, Rights of Way, drainage reserves, recreation reserves or other land under Council control are to be constructed in such a manner so that the gates do not swing out on to the road reserve, Right of Way, drainage reserve, recreation reserve or other land under Council control.
- b. Provision of adequate site fencing and adequate facilities for pedestrians, including crossing points and lighting, during the construction works to the satisfaction of the Executive Manager Technical Services.

5) Roads

- a. Owner/applicant when carrying out works in the road reserve will be responsible for location and protection of public utility services within the road reserve and is to obtain details of service locations from relevant utility authorities prior to the commencement of any works within the road reserve.

6) Crossovers and access

- a. Maximum Vehicle Crossover Width to be 5m in accordance with the Town of East Fremantle Crossover Policy.
- b. Vehicle crossovers no longer connected with an internal driveway must be removed and the verge, path and kerb reinstated at the applicant's expense to the satisfaction of the Executive Manager Technical Services.
- c. The existing crossover is to be upgraded to comply with the current standard specified in the Town's Specification for crossovers. Application must be made to Technical Services for approval to construct a new crossover. Crossover location and construction must comply with the requirements of the Town's Specifications For Crossover Construction.
- d. Access onto the site shall be restricted to that shown on the approved plan.
- e. Access to properties immediately adjacent and surrounding the Development to remain accessible at all times.
- f. No Street Trees are to be removed/ pruned/ damaged. Crossovers are to be a minimum setback (2.0m) from any street tree (trunk) as required by the Towns Operations Department.

7) Traffic

- a. Should the operation cause a) a safety concern, b) undue pedestrian or traffic congestion, c) the applicant fails to follow the described work methods or adhere to the Traffic Management Plan (including Traffic Control Drawings), the Town reserves the right to withdraw its endorsement of any work currently underway and possibly close down the site to comply with accepted safety conditions.

8) Verges

- a. Where there is no footpath, a pedestrian has safe and clear access of a minimum width of 2m along that part of the verge immediately adjacent to the kerb. (Local Law 'Activities on Thoroughfares and Public Places' – Permissible Verge Treatments)
- b. All verges to be reinstated and any change must be approved by the Town.
- c. Street Trees are Council property and are not to be pruned, trimmed, relocated, damaged, or removed by the landowner, resident, builder, contractor, or any other person in preparation for construction or for the purpose of making access to the site easier or for any other reason. Any damage to street tree may result in prosecution. Any requests to trim street trees are to be referred to Technical Services.
- d. The verge tree/s are to be protected as per Australian Standards AS 4970-2009.

9) Additional Advice Notes

- a. Any of the following activities will need an Activities on a Road or Verge application to submitted and approved by the Town; Skip bin on Verge or Crossover, Sand/Mulch or Loose Materials, Cranes, 20ft/40ft Containers, Building Materials. This form is used is residents or companies are wishing to store or utilise the Town's verges, roads, or footpaths, for activities that they are not generally used for.
- b. If the applicant is requesting an asset belonging to the Town (sign post, bollard etc.) to be moved or adjusted, they are to contact the Towns Engineering Department a minimum 15 Working days prior to the work being undertaken. You are not permitted to modify any Town assets. Penalties including

infringements apply for modifications. The Town will conduct a site visit to determine the best outcome and if possible, relocate the asset.

- c. Any damage that occurs to the Town's assets for example but not limited to kerb, drainage, trees, footpaths, roads, signage etc is to be repaired to the satisfaction of the Town by the applicant at their cost.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

Built Environment

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

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

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

3.1.2 Plan for a mix of inclusive diversified housing options.

3.1.3 Plan for improved streetscapes.

3.2 Maintaining and enhancing the Town's character.

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

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

3.3.1 Continue to improve asset management within resource capabilities.

3.3.2 Plan and advocate for improved access and connectivity.

RISK IMPLICATIONS

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

SITE INSPECTION

A site inspection was undertaken.

COMMENT

Statutory Assessment

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

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

Legend	
A	Acceptable
D	Discretionary
N/A	Not applicable

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

Design Element	Required	Proposed	Status
Street front setback	7.5m	7.435m lower ground floor 6.03m ground floor 6.03m upper floor	A
Garage setback	Impact demonstrated	7.435m	A
Minor incursions			N/A
Lot Boundary Setbacks			
Western wall – alfresco – ground floor	1m	1.355m	A
Western wall – entertaining room – ground floor	1m	6.31m	A
Western wall – corridor – ground floor	1.5m	>1.5m	A
Northern wall – entertaining room, ensuite, guest bed – ground floor	6m	12.465m	A
Eastern wall – kitchen, stairs, entry, laundry, guest bed – ground floor	2.8m	4m	A
Western wall – study, sitting room – upper floor	3m	5.91m	A
Western wall – corridor, bed 2 – upper floor	3.9m	10.94m	A
Northern wall – bed 2 – upper floor	6m	>6m	A
Eastern wall -master bed upper floor	1.4m	4m	A
Eastern wall – WIR, ensuite – upper floor	1.7m	2.18m	A
Eastern wall – bed 3, bathroom, bed 2 – upper floor	1.5m	2.18m	A
Car Parking	2 car bays	>3 car bays	A
Open Space	55%	76.4%	A
Wall Height	5.6m	7.98m	D
Roof Height	8.1m	8.9m	D
Site Works			N/A
Visual Privacy			N/A
Overshadowing		Overshadows subject site	A
Garage width	Impact demonstrated	Impact demonstrated	A
Roof form and pitch	Impact demonstrated	Impact demonstrated	A
Materials and colours			A
Landscaping	2m x 2m 1 tree 50% permeability of front setback area	Shown on plans Shown on plans 41.3%	A A D
Front fence & gate			N/A
Sightlines			N/A
Footpaths and crossovers		Condition	
Drainage		Condition	
Wood Encouragement Policy		Timber roof framing to be utilised	

This development application proposes a new double storey dwelling with undercroft garage at 16 (Lot 234) Pier Street, East Fremantle.

A similar development was approved by the Planning Committee in September 2021, however because of the proposed redevelopment of 2 Parker Street, this proposal has been modified to ameliorate any impacts that development may have to view corridors. The proposal has been moved forward on the property, which has impacted on overall heights because of the fall on the property.

The elevated lot is currently vacant and current site levels are intended to be utilised. The proposed dwelling has a triple garage, wine cellar and store room on the lower ground floor. The ground floor is comprised of a combined kitchen, dining, and living area as well as a guest bedroom and entertaining room with alfresco area and pool. The top storey has a kitchenette, study, sitting room, 3 bedrooms, ensuite and bathroom. Given the size of the house it has a relatively small footprint on the lot with open space comprising 76% of the site.

Five submissions were received from the surrounding property owners; 3 opposed to the development and 2 in support of the development. Further explanation in relation to these submissions is provided in the submissions schedule.

There are variations being requested to the Residential Design Codes and the Residential Design Guidelines for this proposal including maximum wall height, maximum roof height and the percentage of the front yard that is permeable, however these are considered can be supported.

Maximum Wall Height

The Residential Design Guidelines acceptable development clause 3.7.17.4.1.3 A1.4 requires that the maximum height of the top of the wall is 5.6m. In this case the wall height is a maximum height of 7.98m. The increased height of the wall can be supported as it is not out of place in the Richmond Hill precinct. The building has been moved forward on the lot, and therefore is impacted by the slope on the lot.

The development is of a compatible form, bulk, and scale to traditional development in the immediate locality in accordance with performance criteria 3.7.17.4.1.2 P1. It is noted that there is a considerable setback of the main dwelling from the surrounding properties, and it is lower than the previously approved development on site. The over height section is at the front of the dwelling and is exacerbated by the difference in heights between the front of the lot (approximately 39m) and the upper level of the site (up to 43m) a difference of 4m in height where the majority of the dwelling is to be constructed. For these reasons the increased height can be supported.

Maximum Roof Height

The Residential Design Guidelines acceptable development clause 3.7.17.4.1.3 A1.4 requires that the maximum height of a pitched roof is 8.1m. In this case the roof is a maximum height of 8.9m. Noting the above discussion, the increased height of the roof can be supported as it is not out of place in the Richmond Hill precinct. The development is of a compatible form, bulk, and scale to traditional development in the immediate locality in accordance with performance criteria 3.7.17.4.1.2 P1. It is noted that there is a considerable setback of the main dwelling from the surrounding properties, and it is lower than the previously approved development on site. The over height section is at the front of the dwelling and is exacerbated by the difference in heights between the front of the lot (approximately 39m) and the upper level of the site (up to 43m) a difference of 4m in height where the majority of the dwelling is to be constructed. For these reasons the increased height is supported.

Permeability of Front Yard

The Residential Design Codes deemed to comply clause 5.3.2 C2.2 ii requires that no more than 50% of the street setback area consists of impervious surfaces. In this case it is reduced to 41.3%. Given that the lot is currently vacant, and the proposal includes planting of a significant amount of vegetation and drains are to be located along the edge of each driveway adjacent to the boundary the reduction is considered acceptable. In accordance with performance criteria 5.3.2 P2 the landscaping achieves a number of criteria;

- Contributes to the appearance and the amenity of the development for the residents,
- Contributes to the streetscape,
- Enhances security and safety for the residents,
- Contributes to positive local micro-climates, including provision of shade and solar access as appropriate and
- Provides new trees to maintain and enhance the tree canopy and local sense of place.

It is also noted that the proposed development will have a relatively small footprint on site so there is significant opportunity for stormwater to be absorbed into the ground elsewhere on site and also for additional planting of vegetation to help absorb additional ground moisture and mitigate microclimate impacts. For these reasons the increased level of impervious surfaces can be supported.

Removal of Verge Trees

It is noted that verge trees cannot be removed without the approval of the Operations Department of the Town. A condition has been included in the final recommendation that requires permission to be granted by the Town following the submission of an application to the Operations Department. Normally the Town is not supportive of removal of verge trees. Typically, the Town requires that additional trees are planted on the verge if and when approval is granted. Authority to remove the verge tree is not part of this development application.

Setback of the Dwelling

The dwelling meets the deemed to comply clause 5.1.2 C2.1 iii requirements of the Residential Design Codes for the setback of the dwelling. The dwelling could have been brought further forward by using the averaging method of the setback of the 2 adjacent properties (as per deemed to comply clause 5.1.2 C2.1 ii), however, the applicant and owners chose to be more restrained and utilise the ability to bring the development forward utilising the offset of the open space on the western and eastern sides of the dwelling. Claims made by opponents of the development that the development must be located 7.5m from the front boundary are based on one method of calculating permissible front boundary setbacks. There are multiple methods applicable within the R-Codes and the applicant and owner have chosen to utilise another method which is still compliant.

It is also noted that the neighbouring property at 18 Pier Street has submitted a development application that is currently being advertised for amendments to an existing development approval that includes a reduced front boundary setback. It is also noted that the current dwelling at 18 Pier Street has a balcony that is located 6m from the front boundary which has a similar setback from the street as the subject development application. The claims that the location of the development will result in a loss of views can be noted, however the setback of this development is greater than the setback of the existing development on the corner of the neighbouring site at 2 Parker Street which currently has a secondary street setback of less than 6m and at a higher level and therefore will likely have a greater impact to view corridors.

In addition, there are considerable number of trees located in the verge areas of the neighbouring properties which diminish views across the verges and front yards of the neighbouring properties to 16 Pier Street irrespective of any development. There are still considerable views from the neighbouring properties to 16 Pier Street despite the proposed development.

CONCLUSION

Based on the assessment the proposed development can be supported subject to conditions. The proposed development is similar in nature to many other developments within the Richmond Hill precinct. It is large and is above the acceptable development heights, however, on balance it is considered that the proposed development should be supported as it involves a minimal number of variations that have minimal impacts on the neighbouring properties. The site is high relative to the road and the proponents have attempted to utilise existing site levels.

OFFICER RECOMMENDATION / COMMITTEE RESOLUTION

OFFICER RECOMMENDATION

That development approval is granted under delegated authority and discretion is exercised / and Council exercises its discretion regarding the following;

- (i) Clause 3.7.17.4.1.3 – Residential Design Guidelines – Maximum Wall Height – 5.6m required, 7.98m provided
 - (ii) Clause 3.7.17.4.1.3 – Residential Design Guidelines – Maximum Roof Height – 8.1m required, 8.9m provided
 - (iii) Clause 5.3.2 – Residential Design Codes – Permeability of Front Yard – 50% required, 41.3% provided for a new double storey dwelling with undercroft garage at No. 16 (Lot 234) Pier Street, East Fremantle, in accordance with the plans submitted 15 March 2024, subject to the following conditions:
 - (1) Existing trees located within the verge are a Town asset and as such must be retained and not pruned, shaped, or modified except where otherwise approved for removal or modification by the Town.
 - (2) During construction the verge trees are to be protected with cages around the trunks to ensure that they are not damaged by surrounding works, vehicles, or materials.
 - (3) An application is to be submitted to the Operations Department of the Town for the removal of any verge trees. Verge trees are not to be removed without written approval from the Town.
 - (4) The footpath is to always remain accessible to pedestrians.
 - (5) Prior to the submission of a building permit application, a Construction Management Plan shall be prepared to the satisfaction of the Town. This plan is to address the following matters during the construction/development period:
 - (a) Noise, vibration, air, and dust management;
 - (b) Contact details of essential site personnel, construction periods and construction operating hours;
 - (c) Traffic management, including footpath closures and proposed signage;
 - (d) Parking management for all trades, contractors, and visitors to site;
 - (e) Public safety and amenity (traffic control and pedestrian management);
 - (f) Site access/egress management;
 - (g) Scaffolding management plan;
 - (h) Management plan for the loading and unloading of vehicles;
 - (i) Heavy construction machinery and deliveries;
 - (j) Bulk earthwork operations;
 - (k) Stormwater and sand/sediment control;
 - (l) Street tree management and protection;
 - (m) Protection of footpath;
 - (n) Details of all concrete pours and requirements relating to piling methods or associated works;
 - (o) Temporary fencing;
 - (p) Temporary toilets;
 - (q) Dilapidation of Town infrastructure and nearby properties;
 - (r) Hoardings and gantries; and
 - (s) Any other relevant matters.
- The requirements of this plan are to be observed at all times during the construction process.
- (6) The crossover widths are not to exceed the width of the crossovers indicated on the plans and to be in accordance with the Town of East Fremantle's (the Town) crossover policy, the Residential Design Guidelines and the Urban Streetscape and Public Realm Style Guide.
 - (7) The works are to be constructed in conformity with the drawings and written information accompanying the application for development approval other than where varied in compliance with the conditions of this development approval or with the Town's further approval.

- (8) The proposed works are not to be commenced until the Town has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this development approval unless otherwise amended by the Town.
- (9) With regards to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received development approval, without those changes being specifically marked for the Town's attention.
- (10) All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Town prior to the issue of a Building Permit.
- (11) If requested by the Town within the first two years following installation, the roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
- (12) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town.
- (13) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified, or relocated then such works must be approved by the Town and if approved, the total cost to be borne by the applicant. The Town must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (14) This development approval is to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *This decision does not include acknowledgement or approval of any unauthorised development which may be on site.*
- (b) *A copy of the approved plans as stamped by Town are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by the Town.*
- (c) *An application for a new crossover is to be submitted to the Operations Department of the Town and plans are to be included with the application that meets the requirements of the Town's crossover policy, the Residential Design Guidelines and the Urban Streetscape and Public Realm Style Guide. This application and relevant information are available at the following links;*

Crossover Specifications

https://www.eastfremantle.wa.gov.au/Profiles/eastfremantle/Assets/ClientData/Documents/works-reserves/Crossover_Specification_2017.pdf

Residential Design Guidelines

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

Urban Streetscape and Public Realm Style Guide

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

Application to Conduct Crossover Works

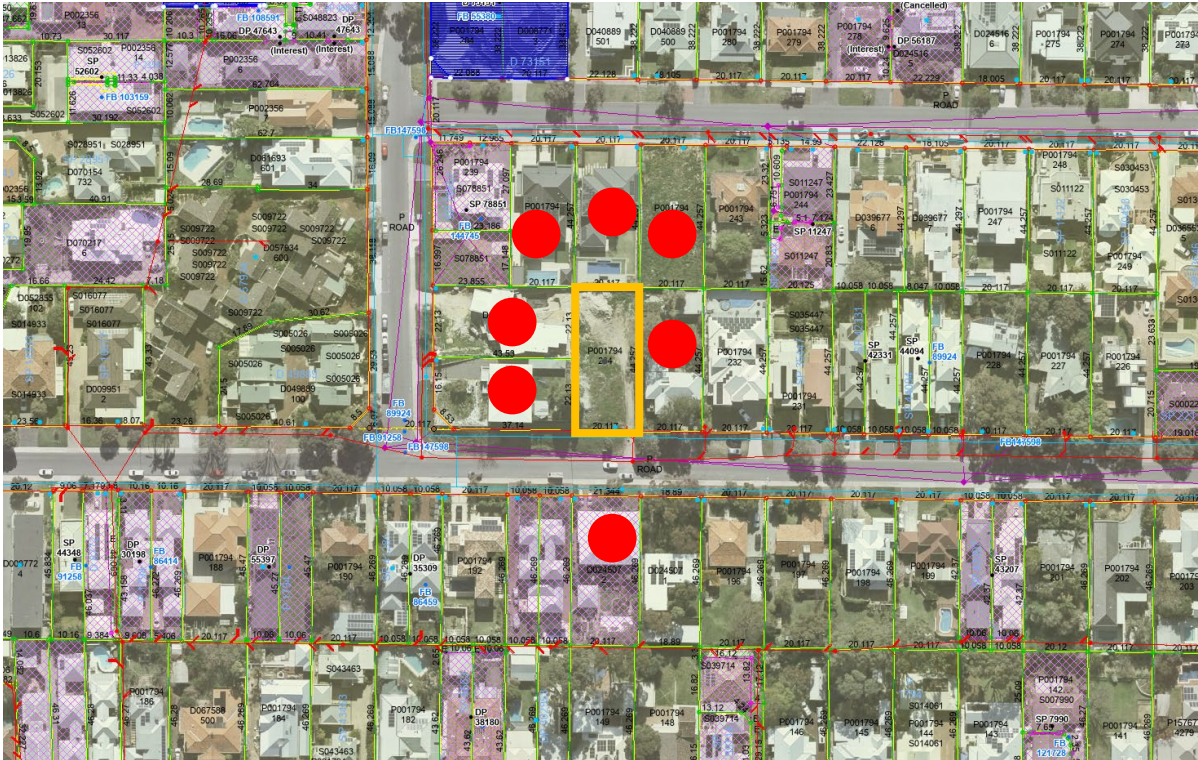
https://www.eastfremantle.wa.gov.au/Profiles/eastfremantle/Assets/ClientData/Documents/works-reserves/Application_to_conduct_crossover_works.pdf

- (d) *It is recommended that the applicant provides a structural engineer's dilapidation report, at the applicant/owner expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with the Town and one copy should be given to the owner of any affected property.***
- (e) *All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).***
- (f) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.***
- (g) *Trees on verges are the property of the Town. They are not to be damaged, pruned or removed. Any actions which harm verge trees will result in the Town acting against the owners/builders/contractors responsible. If there are concerns regarding trees owners/builders/contractors are asked to contact the Town to seek further advice.***
- (h) *Any damage to other Town assets including but not limited to the kerb, drainage, footpaths, roads, and signage will have to be repaired by the applicant/owners/contractors at their cost.***

REPORT ATTACHMENTS

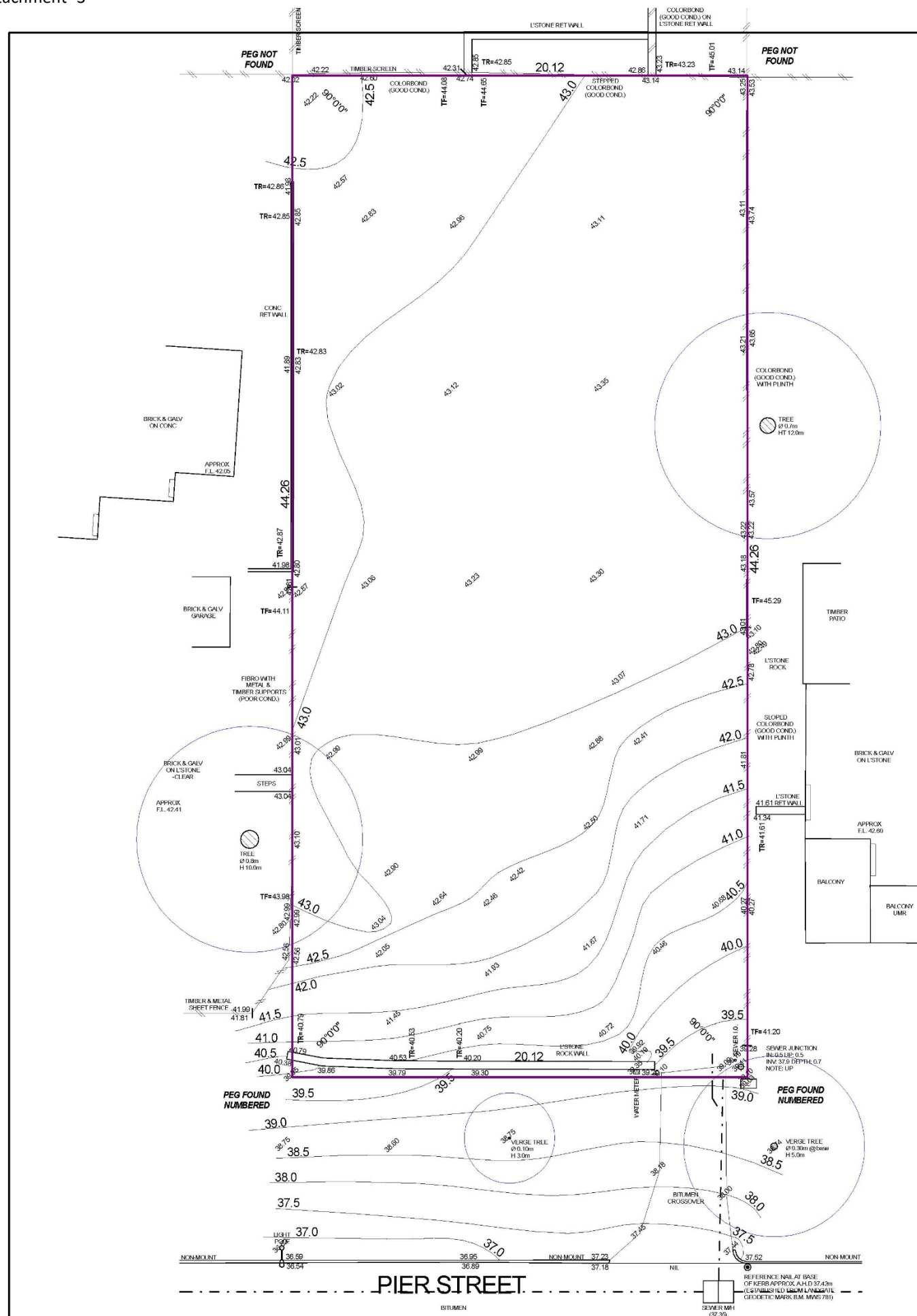
Attachments start on the next page

16 Pier Street – Location and Advertising Plan



Attachment -2
16 Pier Street – Photos









CONTOUR & FEATURE SURVEY

LOT	Lot 234 (Plan 1794)
ADDRESS	#16 Pier Street, East Fremantle
LGA	TOWN OF EAST FREMANTLE
CLIENT	Kirk Tomlinson & Erin Bethel

GPS Lat: -32.033372 Long: 115.767531

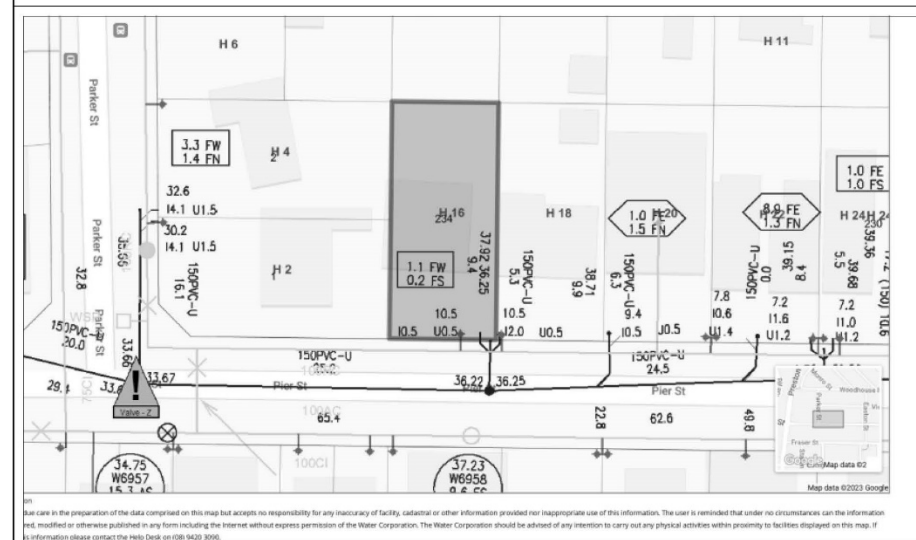
SSA	No	AREA	890m ²	VOL.	1092	FOL.	155
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LEGEND		POWER DOME
		POWER POLE
		PHONE PITS
		WATER CONDN.
	TP=10.00	TOP PILLAR/POST
	TV=10.00	TOP WALL
	TR=10.00	TOP RETAINING
	TF=10.00	TOP FENCE


239	240	241	242	243	244	DIA. 396
1072m ²	830m ²	890m ² ex	890m ² ex	890m ² ex	890m ² ex	890m ² ex
2384	2012	2012	2012	2012	2012	2012
DIA. 12566	12075	234	233	232	231	230
2012	2012	2012	2012	2012	2012	2012

PIER								
12	ea.	SS	20-12		20-12			
0	191	192	193	DIA. 24507	196	197	198	199
1m ²	ea.	(REPEGGED)	93/m ²	F.B.	18833	93/m ²		

ELEC.	U/Ground	SEWER	Yes	ROADS	Bitumen	COASTAL	400m To River <small>(approx. Only - Confirm With)</small>
GAS	Check Alinta	COMMS	Yes	PATH	Nil	SOIL	Sand
WATER	Yes	DRAINAGE	Good	KERBS	Non-Mount / Nil	VEG.	Refer to Survey



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

	87-89 Guthrie St Osborne Park WA 6017	PO Box 1611 Osborne Park BC WA 6917	P: (08) 9446 7361 E: perth@cottage.com.au W: www.cottage.com.au
	JOB: 547829	DATE: 30 May 23	DRAWN: J. Jee



Builders Registration No. 12340
Telephone - (08) 9373 3999
Suite 3, First Floor, 54 Belgrave Street, Belmont, W.A 6104
PO Box 398 Como W.A 6952

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This is one of the drawings referred to in the building contract.

Client :
Date :
Client :
Date :
Builder :
Date :

Client Name :

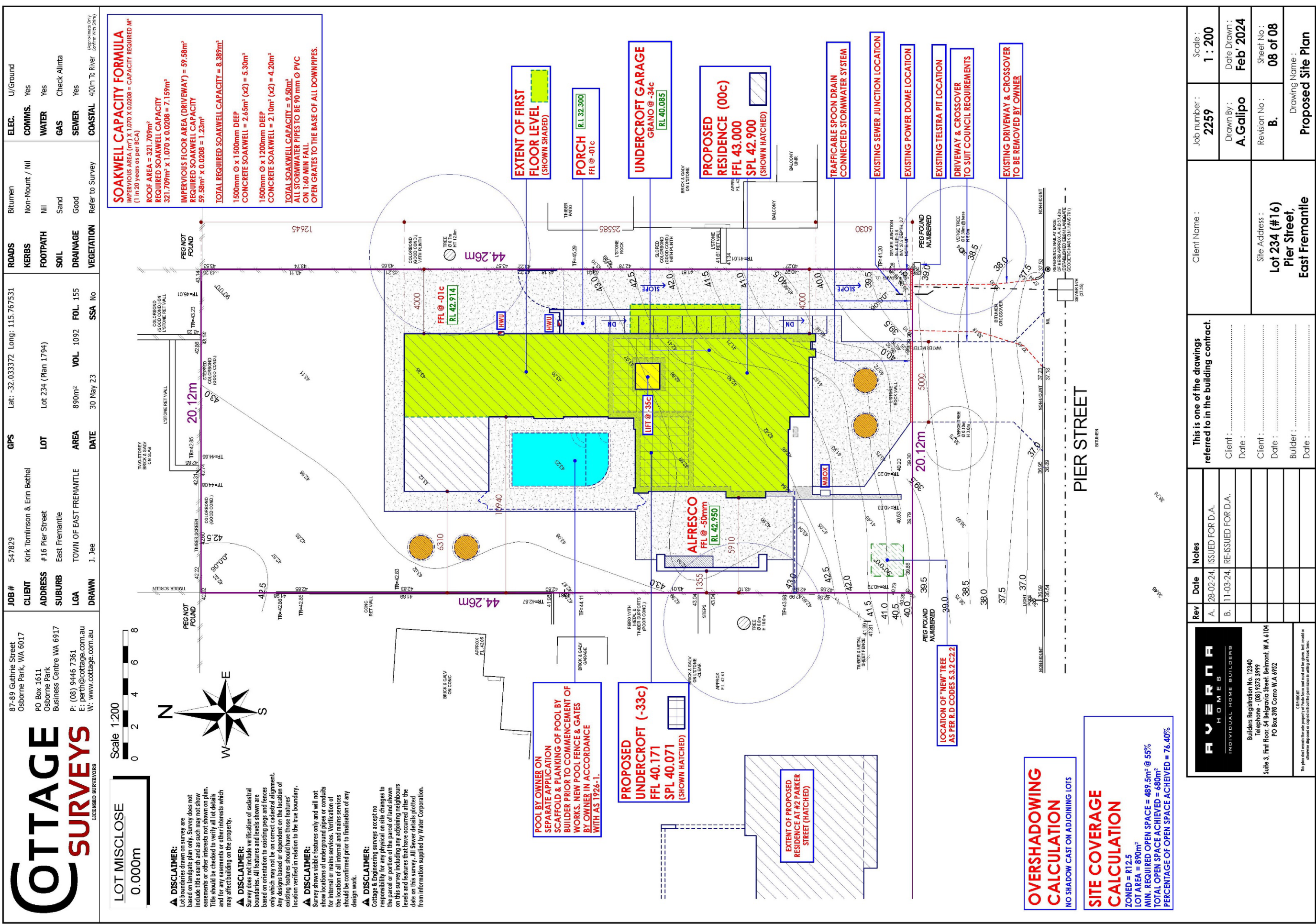
Site Address :
Lot 234 (#16)
Pier Street,
East Fremantle

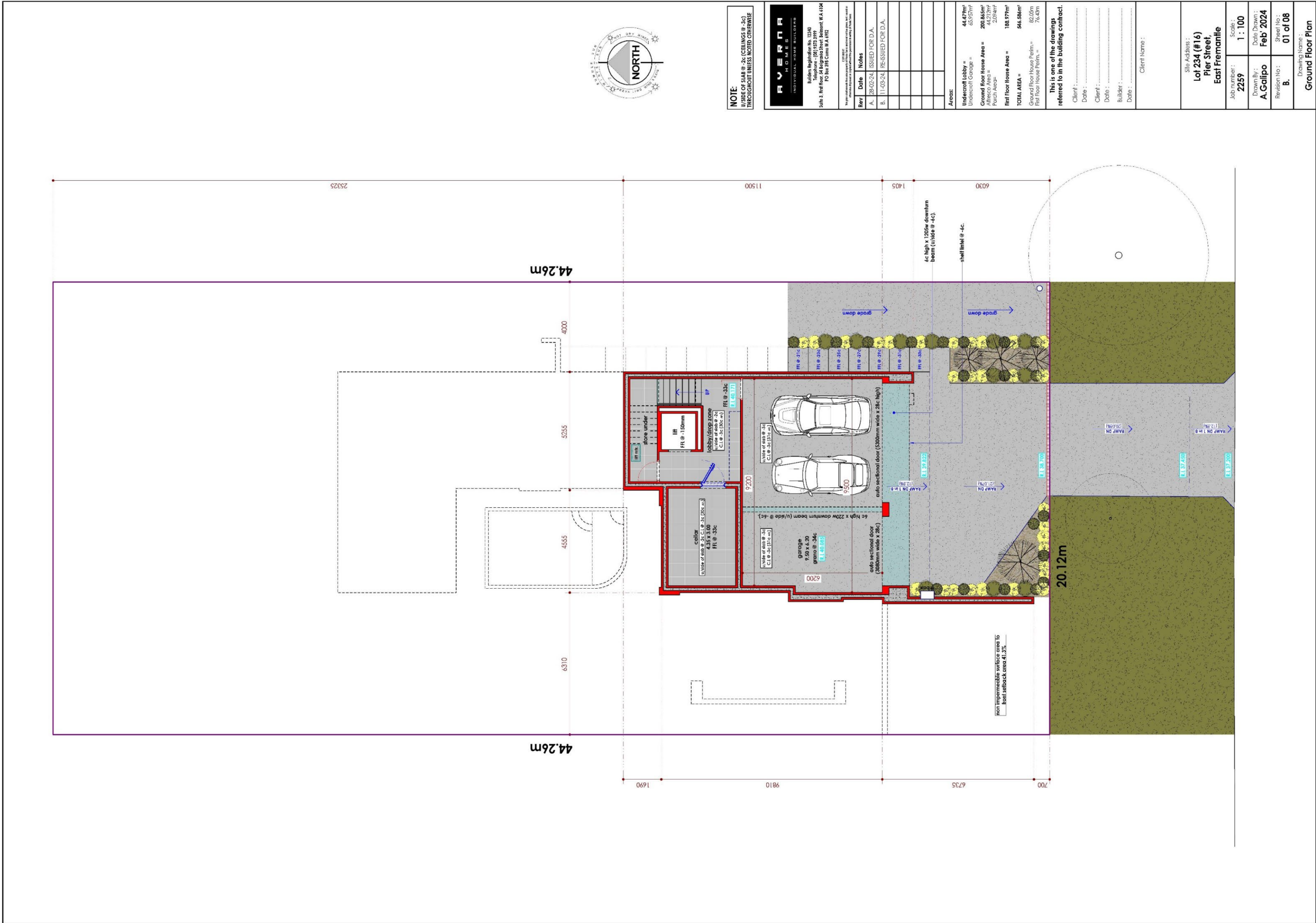
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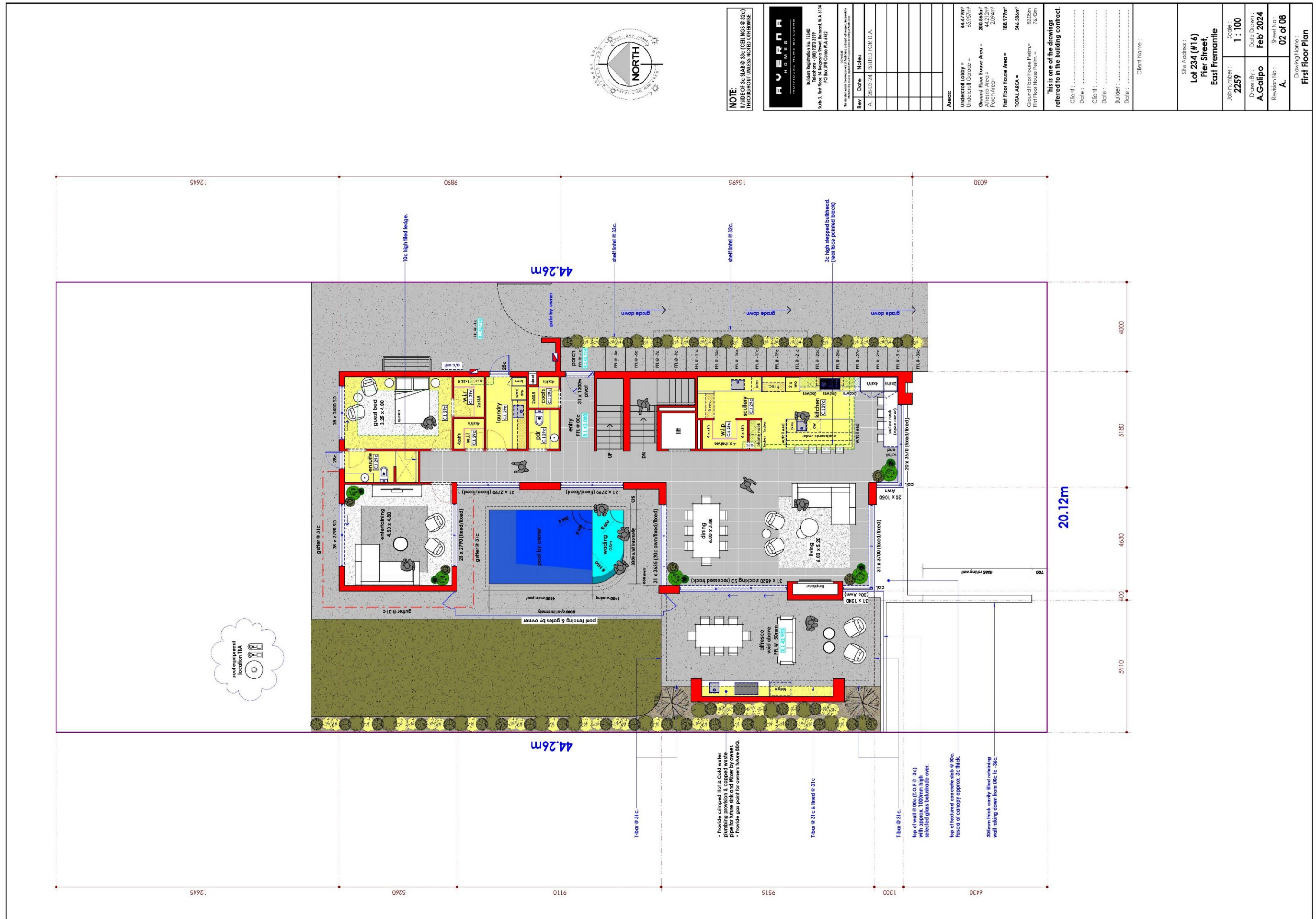
Drawn By : A.Galipo	Date Drawn : Feb' 2024
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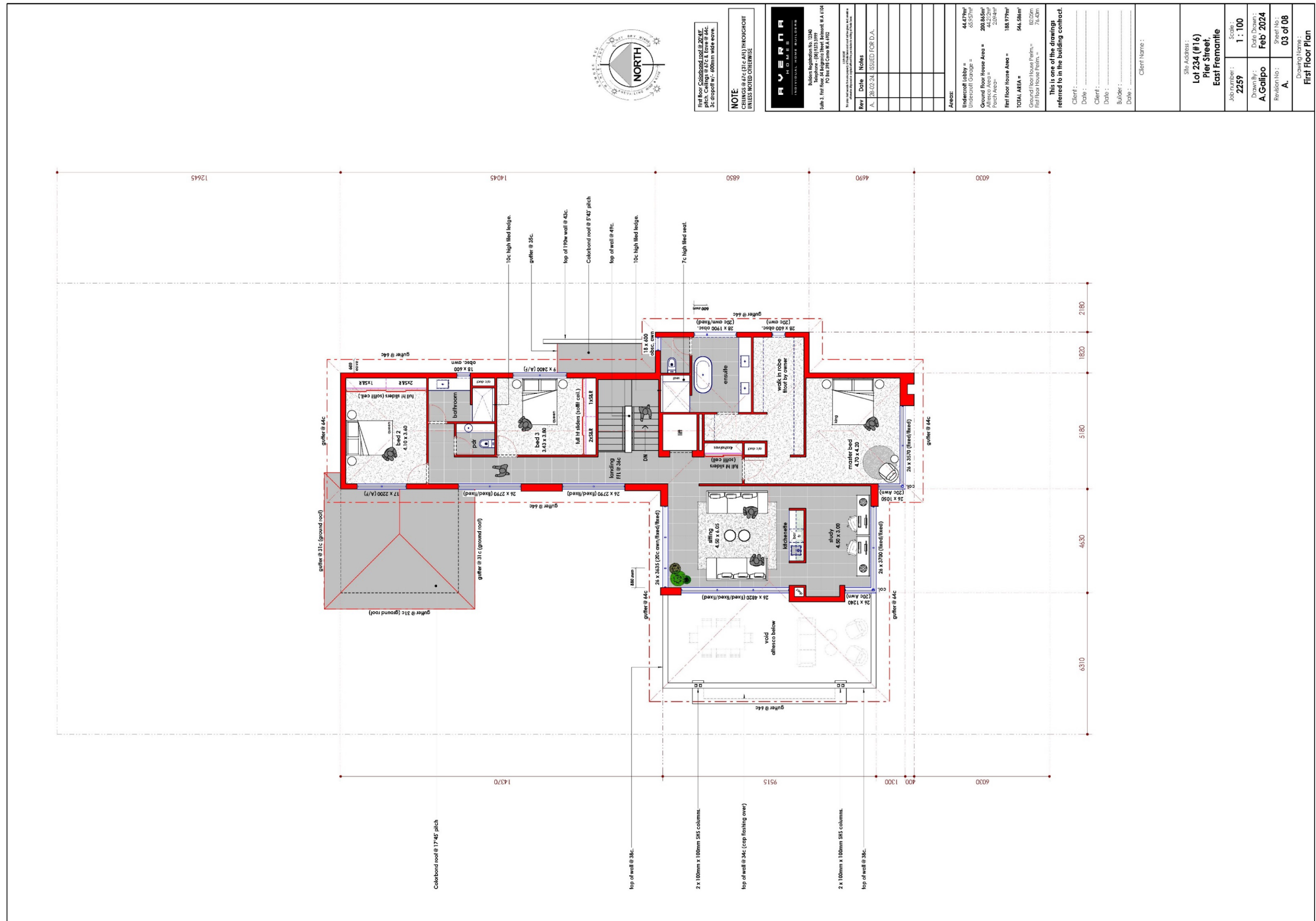
Revision No : A.	Sheet No : 07 of 08
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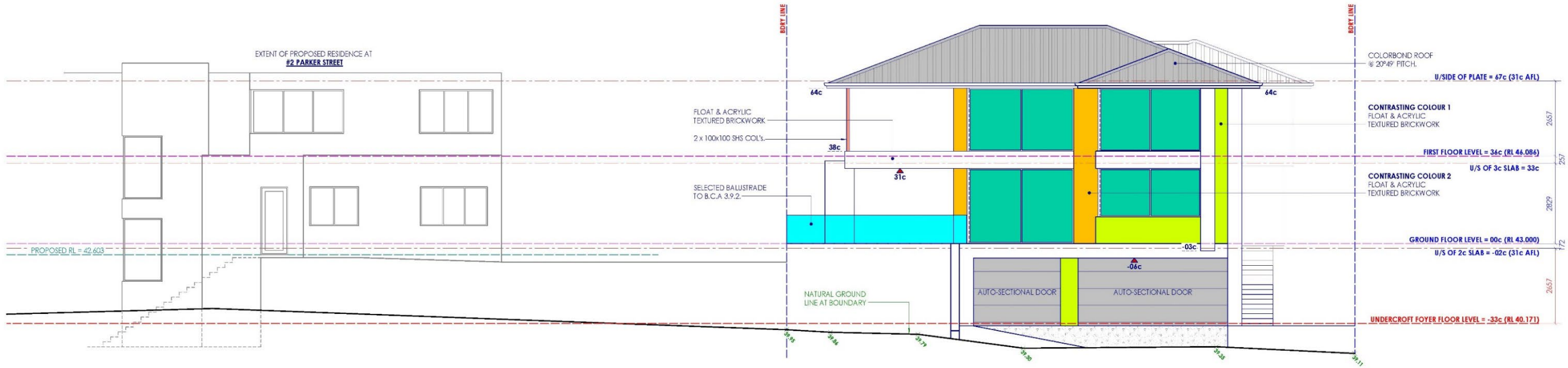
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Original Survey





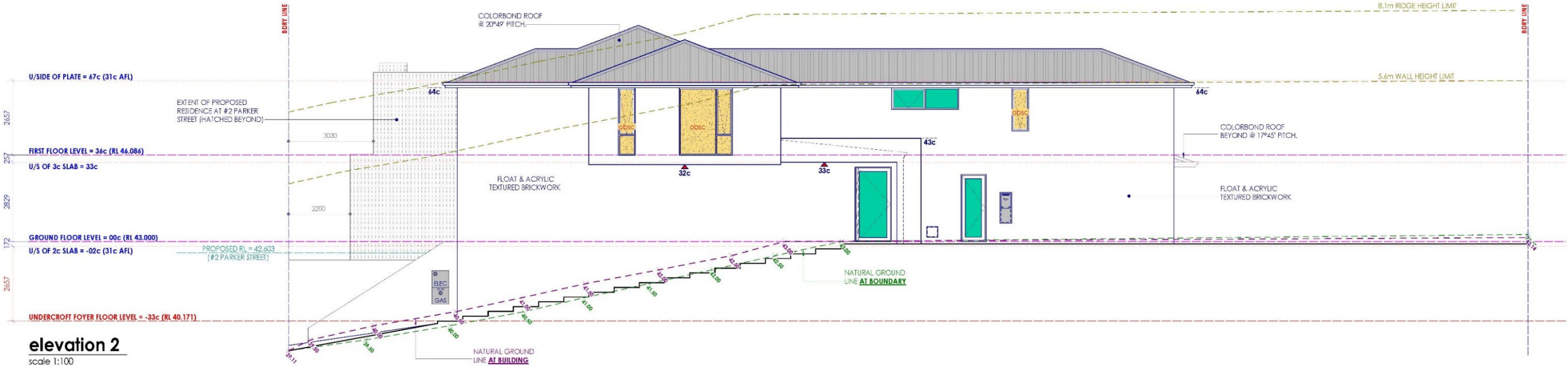






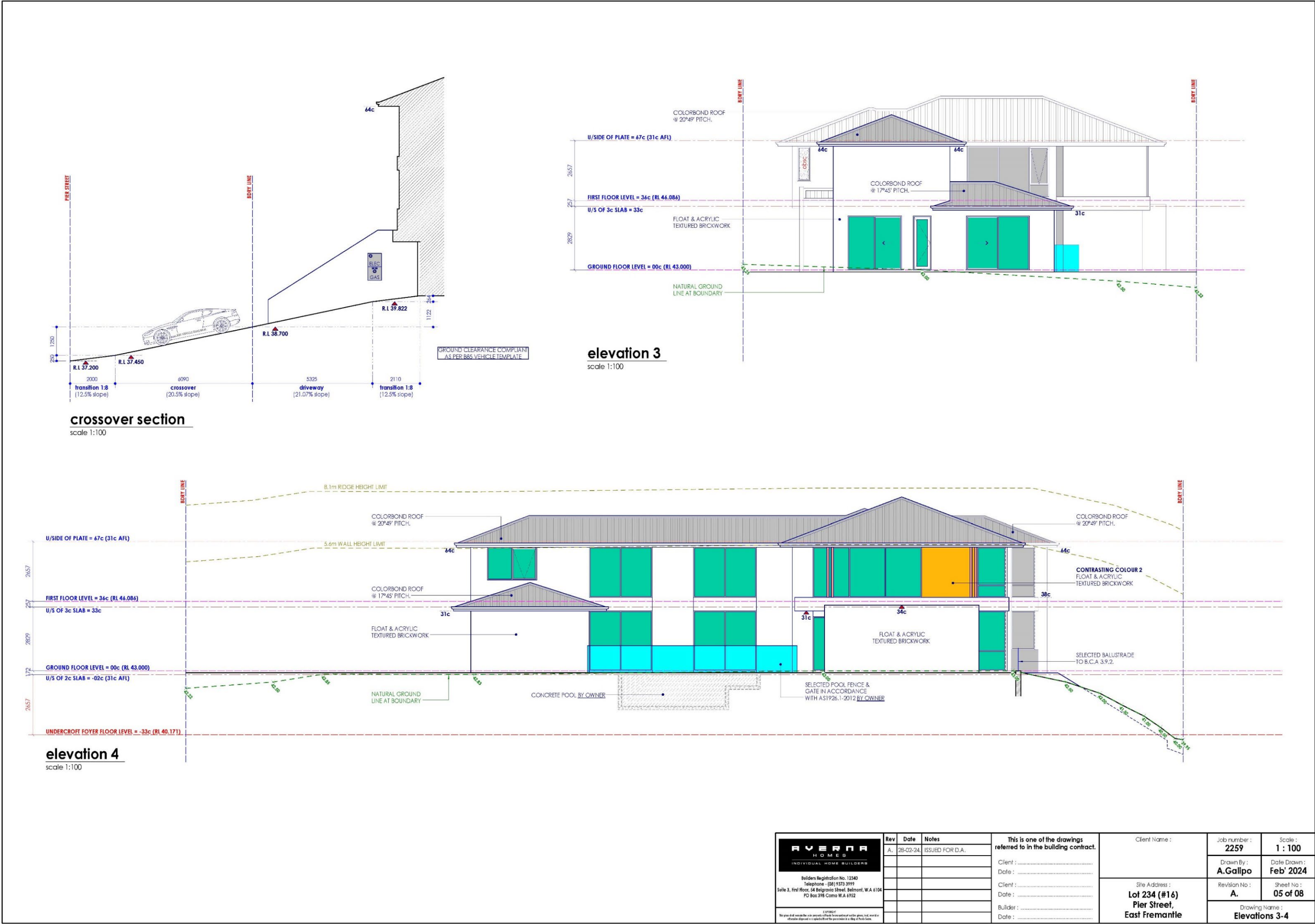
streetscape
scale 1:100

elevation 1
scale 1:100



elevation 2
scale 1:100

<div><div><div>AVERNA</div><div>HOMES</div><div>INDIVIDUAL HOME BUILDERS</div></div><div><div>Builders Registration No. 12340</div><div>Telephone : (08) 9373 9999</div><div>Suite 3, First Floor, 54 Belgrove Street, Belmont, W.A 6104</div><div>PO Box 396 Como W.A 6952</div></div><div><div><small>© COPYRIGHT</small></div><div><small>This plan and drawings are the sole property of AVERNA HOMES and shall not be used, copied or otherwise disclosed, or copied or used for any other purpose without the written consent of AVERNA HOMES.</small></div></div></div>	Rev	Date	Notes	<div>This is one of the drawings referred to in the building contract.</div> <div>Client :</div> <div>Date :</div> <div>Client :</div> <div>Date :</div> <div>Builder :</div> <div>Date :</div>	<div>Client Name :</div> <div>Site Address :</div> <div>Lot 234 (#16)</div> <div>Pier Street,</div> <div>East Fremantle</div>	Job number :	Scale :
	A.	28-02-24	ISSUED FOR D.A.			2259	1 : 100
						Drawn By :	Date Drawn :
						A.Galipo	Feb' 2024
						Revision No :	Sheet No :
			A.	04 of 08		Drawing Name :	
						Elevations 1-2	





3D Perspective
Not to scale



3D Perspective
Not to scale

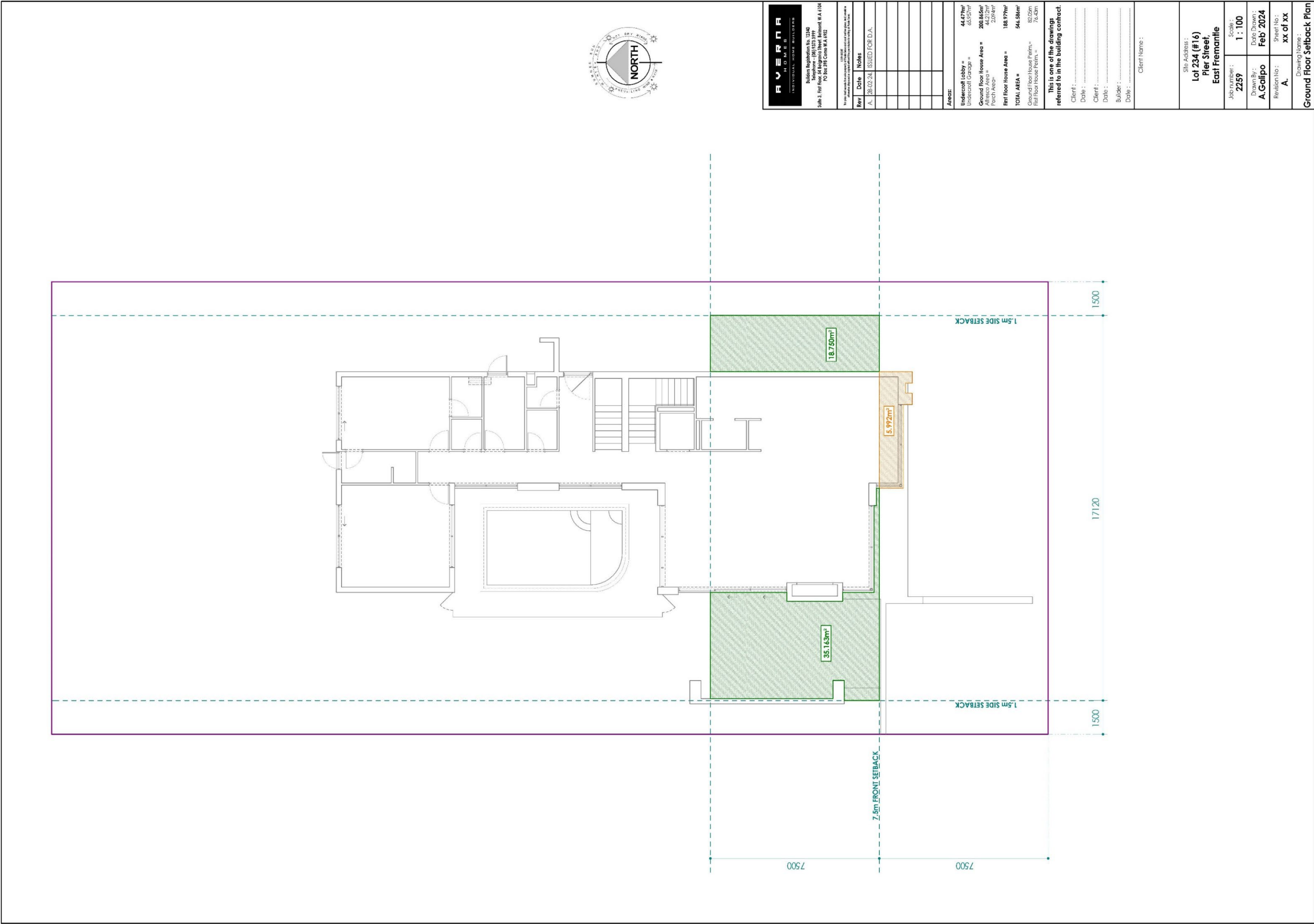


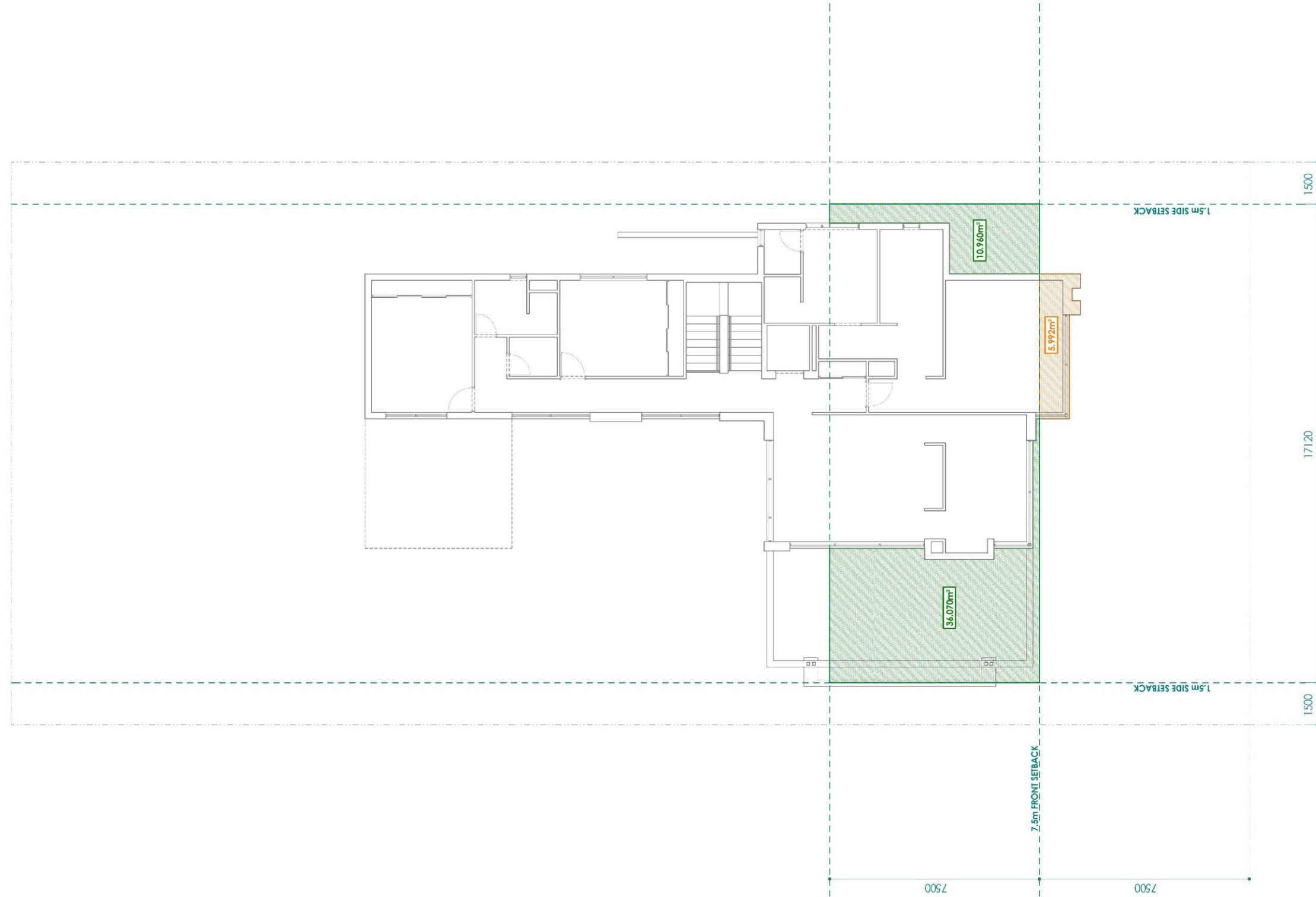
3D Perspective
Not to scale



3D Perspective
Not to scale

<div><div><div>AVERNA</div><div>HOMES</div><div>INDIVIDUAL HOME BUILDERS</div></div><div><div>Builders Registration No. 12340</div><div>Telephone - (08) 9373 3999</div><div>Suite 3, First Floor, 54 Belgavia Street, Belmont, W.A 6104</div><div>PO Box 318 Como W.A 6152</div></div></div>	Rev	Date	Notes	This is one of the drawings referred to in the building contract.		Client Name :	Job number :	Scale :
	A.	28-02-24	ISSUED FOR D.A.				2259	1 : 100
				Client :			Drawn By :	Date Drawn :
				Client :			A.Galipo	Feb' 2024
<div><div><div>AVERNA</div><div>HOMES</div><div>INDIVIDUAL HOME BUILDERS</div></div><div><div>Builders Registration No. 12340</div><div>Telephone - (08) 9373 3999</div><div>Suite 3, First Floor, 54 Belgavia Street, Belmont, W.A 6104</div><div>PO Box 318 Como W.A 6152</div></div></div>				Client :		Site Address :	Revision No :	Sheet No :
				Date :		Lot 234 (#16)	A.	06 of 08
				Builder :		Pier Street,	Drawing Name :	
				Date :		East Fremantle		





First floor Colorbond roof @ 20°49' pitch. Ceilings @ 67c & Eave @ 64c. 3c dropoff w/- 600mm wide eave.

CEILINGS @ 67c (31 c AFL) THROUGHOUT
UNLESS NOTED OTHERWISE



Builders Registration No. 12340
Telephone - (08) 9373 3999
Suite 3, First Floor, 54 Belgavia Street, Belmont, W.A. 6104
PO Box 318 Como W.A. 6952

[illegible]

Areas:	<p>44.479m² 65.957m²</p> <p>204.845m² 44.212m² 210.94m²</p> <p>188.979m² 54.588m²</p> <p>TOTAL AREA =</p> <p>Ground Floor House Perim. = 82.05m First Floor House Perim. = 76.43m</p>
	<p>Undercroft Lobby = Undercroft Garage =</p> <p>Ground Floor House Area =</p> <p>Alfrance Area = Porch Area =</p> <p>First Floor House Area =</p> <p>TOTAL AREA =</p> <p>Ground Floor House Perim. = First Floor House Perim. =</p>

This is one of the drawings referred to in the building contract.

Client: _____
Date: _____
Client: _____
Date: _____
Builder: _____
Date: _____

Client Name :

Site Address :
**Lot 234 (#16)
Pier Street,
East Fremantle**

Job number : 2259	Scale : 1 : 100
Drawn By : A.Galipo	Date Drawn : Feb' 2024
Revision No : A.	Sheet No : xx of xx

Drawing Name :
First Floor Setback Plan

18 March 2024
Your Ref: P019/24

Andrew Malone
Executive Manager Regulatory Services
Town of East Fremantle
PO Box 1097
Fremantle 6959

By Email: admin@eastfremantle.wa.gov.au

Dear Andrew,

Re: Submission Against - CTP019/24 - 16 Pier Street

The development application for a two storey dwelling at 16 Pier Street, East Fremantle should not be supported as it seeks variations against the Residential Design Codes (R-Codes) and Local Planning Policy 3.1.1 Residential Design Guidelines (the Local Planning Policy) which will result in a significantly detrimental impact on the character and amenity of the surrounding area and particularly on 18 Pier Street, and will set an undesirable precedent for development in the Richmond Hill Precinct area.

We therefore formally object to the proposal for the reasons detailed in the following sections.

1 Residential Design Codes (R-Codes)

1.1 Introduction

The following subsections identify areas where the development application does not meet the requirements of the R-Codes. There are a significant number of areas where the development application does not comply with the R-Codes, the majority of which could be resolved, or their impact significantly reduced, by setting the dwelling back and reducing its height.

1.2 R-Codes 5.1.6 – Building Height

Included below is an extract from the R-Codes, specifically Table 3 from Section 5.1.6, which include the maximum building heights.

Table 3: Maximum building heights

Building category	Maximum height of wall	Maximum total building height	
		Gable, skillion and concealed roof	Hipped and pitched roof
Category A	3.5m	5m	7m
Category B	7m	8m	10m
Category C	9m	10m	12m

- i. Category B will apply unless a **scheme**, the **relevant local planning policy**, **structure plan** or **local development plan** requires the application of category A (generally single level **development**) or category C (development on three levels) or **an alternative standard**.

As per provision i. above, Category B will apply **unless** a relevant local planning policy requires the application of an alternative standard. The Local Planning Policy provides for the building height requirements (an alternative standard) in the following circumstance:

A1.4 In localities where views are an important part of the amenity of the area and neighbours existing views to be affected, or the subject site is a 'battle axe' lot, then the maximum building heights are as follows: ..

- 8.1m to the top of a pitched roof
- 6.5m to the top of an external wall (concealed roof) ..
- 5.6m to the top of an external wall; and where the following apply.

As views are an important part of the amenity of the area, and the development is not in a location which would require the application of Category A or B, as outlined in the Local Planning Policy, the alternative standards stated above replace the deemed to comply requirements of the R-Codes.

Therefore, the proposed 8.0m wall and 8.7-8.8m roof height is not deemed to comply.

1.3 5.2.3 – Street surveillance

The street elevation(s) of the dwelling to address the street with clearly definable entry points visible and accessed from the street.

The entry point to the dwelling (accessed by a path up the side of the house and via a door located on the side of the dwelling) does not satisfy the above requirement of the R-Codes.

1.4 5.3.5 – Vehicular access

Driveway located so as to avoid street trees, or, where this is unavoidable, the street trees replaced at the applicant's expense or re-planting arrangements to be approved by the decision-maker;

A street tree will be removed, this is avoidable and therefore the proposed vehicular access is not deemed to comply.

Further to the above, the provided plans do not clearly show how the rear access will be utilised as it does not connect to the street (**Figure 1.1**) although this is the current crossover to the property. Further information is required from the applicant to allow assessment of this aspect of the development application.

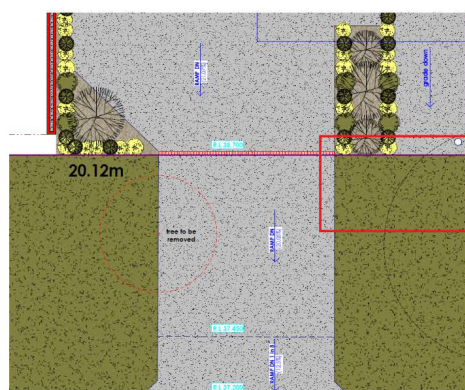


Figure 1.1 Screenshot from Under Croft Plan showing rear access ending short of the street (Red Square).

1.5 R-Codes – 5.3.7 – Site works requirements

Retaining walls, fill and excavation within the site and behind the required street setback to comply with:

Height of site works and/or retaining walls	Required minimum setback
0.5m or less	0m
1m	1m
1.5m	1.5m
2m	2m
2.5m	2.5m
3m	3m

Subject to subclause C7.2 above, all excavation or filling behind a street setback line and within 1m of a lot boundary, not more than 0.5m above the natural ground level at the lot boundary except where otherwise stated in the scheme, local planning policy, local structure plan or local development plan.

The maximum amount of fill at the rear of the site is approximately 0.75m with a nil setback to the north and west boundary and is therefore not deemed to comply.

1.6 R-Codes – 5.4.1 – Visual privacy

Major openings and unenclosed outdoor active habitable spaces, which have a floor level of more than 0.5m above natural ground level and overlook any part of any other residential property behind its street setback line are:

- i. *set back, in direct line of sight within the cone of vision, from the lot boundary, a minimum distance as prescribed in the table below (refer Figure Series 10):*

Types of habitable rooms/active habitable spaces	Location	
	Setback for areas coded R50 or lower	Setback for areas coded higher than R50
Major openings to bedrooms and studies	4.5m	3m
Major openings to habitable rooms other than bedrooms or studies	6m	4.5m
Unenclosed active habitable spaces	7.5m	6m

As the outdoor living area to the rear is elevated more than 0.5m above the natural ground level towards the north west corner of the site, visual privacy requirements are applicable. No screening is indicated on the plans and is therefore not deemed to comply.

- North:
 - Required (unenclosed active habitable space): 7.5m
 - Provided: Nil
- West:

- Required (unenclosed active habitable space): 7.5m
- Provided: Nil

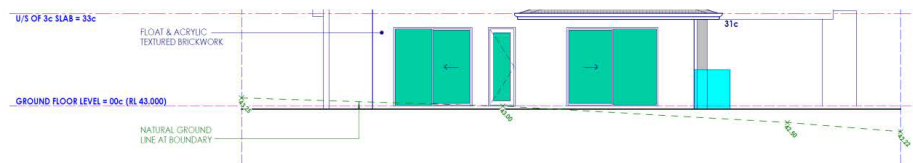


Figure 1.2 Screen shot of Elevation 3-4 showing floor level and natural ground level difference greater than 0.5m

2 Local Planning Policy

2.1 Introduction

The local government in considering an application for planning approval is to have due regard to any Local Planning Policy adopted by the local government. In this instance, the Local Planning Policy 3.1.1 Residential Design Guidelines (the Local Planning Policy) is applicable to the assessment of this application and must be given active and positive consideration.

It is noted that, Section 3.6 of the Local Planning Policy includes the following:

'With the exception of those aspects of development to which the Residential Design Codes apply (in respect to the Policies desired outcomes and performance criteria), the provisions of this Local Planning Policy apply to all development and/or use of land in the Policy Area (refer glossary) excluding the Town Centre Precinct where indicated as permitted or discretionary under the Zoning Table in the Scheme.'

The sections of the Local Planning Policy that are not satisfied by the proposed development are detailed in the following subsections.

2.2 Local Planning Policy – Section 3.3 Objectives of this Policy

- iv. *To guide new dwellings and additions/alterations to existing dwellings (particularly second storey additions), which are compatible with the character, form and scale of existing residential development in the locality, and harmonise with the existing streetscape; and,*

The proposed development does not satisfy the above objective (iv. of the Local Planning Policy) for the following reasons:

- The proposal is incompatible with the character, form and scale of the existing residential development in the locality and will not harmonise with the existing streetscape.
- The 8m wall setback 6.03m from the street boundary will result in a projecting element into the established streetscape. The alignment of the front walls of the adjoining dwellings to the east are setback consistently and illustrate a clear and legible built form.
- The 8m, two storey wall which extends into the street setback area on the subject site is inconsistent with the built form of the adjoining dwellings and should not be supported.

2.3 Local Planning Policy – Section 3.7.6 Construction of New Buildings

Section 3.7.6.3 Performance Criteria and Acceptable Development Provisions notes the following:

A1 Developments to comply with all design elements of this Local Planning Policy and are compatible with the context in terms of bulk, scale, materials and design.

A2 Relevant information demonstrating development compatibility with existing view sheds. This is to include a photo montage of the proposed development within the existing viewshed.

The development application does not comply with a significant number of the design elements contained in the Local Planning Policy as required by A1 and detailed in the following subsections. Further, no photo montage has been provided as part of the development application (**Section 4**), which would clearly demonstrate that A2 has not been met with regards to existing view sheds.

2.4 Local Planning Policy – Section 3.7.7 Building Setbacks and Orientation

Section 3.7.7.2 identifies the following Desired Development Outcomes relating to building setbacks and orientation:

- ii. *New developments are to be constructed with front and side setbacks to match the traditional setbacks of the streetscapes.*

The proposal has not taken into consideration the desired development outcomes for building setbacks and orientation. A consistent pattern and alignment has been achieved for the adjoining dwellings to the east, namely 20, 22, 24 and 26 Pier Street. It is noted that, the veranda on 18 Pier Street protrudes slightly further forwards, however, this has been addressed as part of Development Application PO32/23, which seeks to bring the dwelling into alignment with other dwellings and was approved on 4 July 2023. The proposed dwelling is inconsistent with this pattern as it will protrude into the area forward of the existing building alignments with an 8m, two storey wall which will result in detrimental impact to the character and amenity of the streetscape.

In addition to the above, the proposal does not satisfy the following performance criteria or acceptable development provisions under Section 3.7.7.3 of the Local Planning Policy for building setbacks and orientation.

Performance Criteria

P1.1 The primary street setback of new developments or additions to non-contributory buildings is to match the traditional setback of the immediate locality.

P3 Wall heights to reflect the immediate locality.

Acceptable Development Provisions

A1.1 New developments, additions and alterations are to match the existing front and side setbacks of the immediate locality.

A1.3 Where instances of front setbacks of adjacent residences vary, the front setback of the new development shall either:

- i. Match the front setback of one existing dwelling;
- or,
- ii. Be the average of the two setbacks

The proposal does not satisfy the abovementioned requirements for the following reasons:

- The 8m wall setback 6.03m from the street boundary will result in a projecting element into the established streetscape. The alignment of the front walls of the adjoining dwellings to the east are setback consistently and illustrate a clear and legible built form. The 8m, two storey wall which extends into the street setback area on the subject site is inconsistent with the existing built form of Pier Street.

- It appears that the applicant has considered the setback of the front balcony of 18 Pier Street, however, this is not sufficient justification for an 8m, two storey wall to extend to the front alignment of this balcony. Under the Residential Design Codes, balconies are not included in the street setback requirements of Table 1. Regardless, a balcony protruding forward of the building line has substantially less impact on the existing streetscape compared to an 8m, two storey wall. The front building setback of 18 Pier Street is in alignment with the adjoining dwellings to the east and it is considered that, at a minimum, the proposal at the subject site must be consistent with this existing building alignments at 18, 20, 22 and 24 Pier Street. Notwithstanding this, the approved Development Application PO32/23 seeks to bring the veranda of 18 Pier Street into alignment with the rest of Pier Street.
- The traditional streetscape of Pier Street, being of clear and legible built form and alignment, is not considered to be matched by the proposed development and must not be supported.

2.5 Local Planning Policy – Section 3.7.17.4 Building Design Requirements

Section 3.7.17.4.1 Building Height, Form, Scale and Bulk of the Local Planning Policy makes the following statement (Section 3.7.17.4.1.1):

‘Dwellings that contribute positively to the character and significance of the Richmond Hill Precinct are generally of similar form, bulk and scale. The prevailing form is substantial single and double storey residences orientated towards the river. Residences with river views are such a strong characteristic that the scale of new developments should reflect the scale of the immediate locality. Single and two storey dwellings are compatible in the Richmond Hill Precinct. Lot sizes and setbacks are also consistent throughout the Precinct. In any new development, the form, bulk and scale will need to be demonstrably compatible with the existing and surrounding residences.’

It is noted that, the current immediate locality consists of dwellings of substantially smaller form, bulk and scale than the development application.

Section 3.7.17.4.1.2 of the Local Planning Policy includes the following Desired Development Outcomes relating to building height, form, scale and bulk:

- New developments should reflect the prevailing form, bulk and scale of the immediate locality;*
- New developments shall respect and follow the predominant street pattern in terms of roof pitch, orientation and articulation; and,*
- The bulk of two storey developments and additions should be located towards the rear of the lot and not be visually dominant when viewed from the primary street.*

The proposal has not taken into consideration the desired development outcomes for building height, form, scale and bulk. The proposed development does not reflect the prevailing form bulk and scale of the immediate locality. The proposed dwelling will result in a significant impact on the streetscape resulting from building bulk and scale.

In addition to the above, the proposal does not satisfy the following performance criteria or acceptable development provisions under Section 3.7.17.4.1.3 of the Local Planning Policy for building height, form, scale and bulk –

Performance Criteria

P1 New developments, additions and alterations to be of a compatible form, bulk and scale to

Acceptable Development Provisions

A1.1 Developments to comply with all design elements of this Local Planning Policy.

traditional development in the immediate locality.

A1.4 In localities where views are an important part of the amenity of the area and neighbours existing views are to be affected, or the subject site is a 'battle axe' lot, then the maximum building heights are as follows:

.. 8.1m to the top of a pitched roof

.. 6.5m 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 the 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 Residential Design Codes – Element 9 – Design for Climate and Element 8 – Privacy being met.

The proposal does not satisfy the abovementioned requirements for the following reasons:

- The upper storeys of the development will be immediately visible from the streetscape and do not feature any additional setback to the upper storeys or building articulation. The impact of building bulk and scale on the streetscape will be significant.
- Pier Street is a locality where views are an important part of the amenity of the area. The proposed development will have a significantly detrimental impact on the views from 18 Pier Street, the building heights specified in this policy are therefore applicable and must be given due regard.
- The portions of building which exceed the required 5.6m wall and 8.1m roof height are highlighted in **Figure 2.1**. The extent of the over height wall and roof height will result in significant bulk and scale on the streetscape and will result in a significantly detrimental impact on the views from the adjoining property towards the river and ocean.
- The existing built form of Pier Street is evident in the building alignment which has been designed to maintain the views for occupants of these dwellings. The proposed development will contradict the objectives of this policy.
- The views from 18 Pier Street will be significantly impacted by this bulk and scale which has not been designed in consideration with the Local Planning Policy or the detrimental impacts it will have on adjoining landowners.
- The proposed development does not respond to adjacent development and will actively detract from the character and amenity of the streetscape and adjoining landowners.

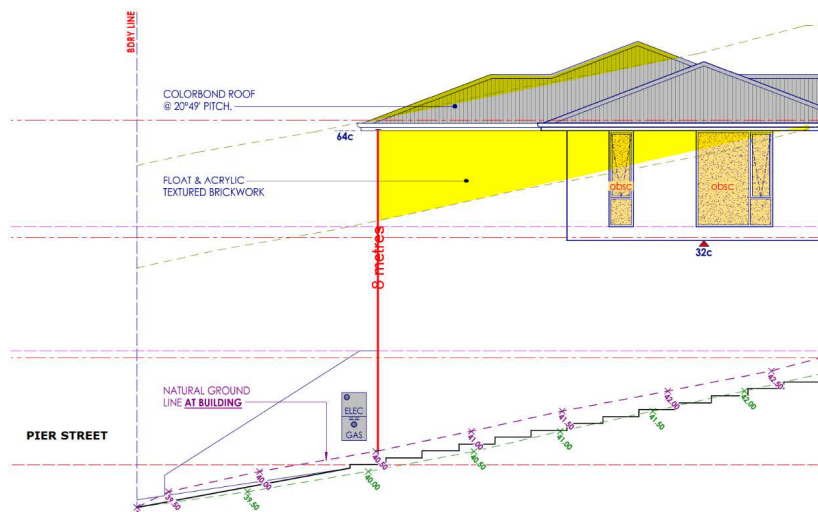


Figure 2.1 Over height portion of building shown in yellow

2.6 Local Planning Policy – 3.7.17.3 Garages, Carports and Outbuildings

Section 3.7.17.3.2 of the Local Planning Policy outlines the desired development outcomes for the Richmond Hill Precinct in regards to garages and carports. The Development Application does not meet the following aspects of that section:

- ii. *Garages and carports shall not visually dominate the dwelling as viewed from the street'*

The front of the building that is closest to eye level from the street consists of a three car garage (Under Croft Floor Plan), which could reasonably be considered to entirely dominate the ground floor and resultant view from the street as there are no other design elements incorporated into that part of the building and it is significantly raised from the street.

- *Figure 24 of the Local Planning Policy, which is reproduced below (Figure 2.2), specifies the garage width, for new dwellings, to be a maximum of 30% of the lot frontage. Lot 234 has a Lot frontage of 20,120mm, as shown on the Proposed Site Plan, giving a maximum garage width of 6,036mm. All though no measurements are shown on the provided drawings specifically for the garage width, it is estimated that it exceeds 8,380mm based on the combined width of the auto sectional doors, not including the pillar separating the two cross sectional doors.*

Given the above, the garage width significantly exceeds the maximum allowable and does not comply with this aspect of the Local Planning Policy.



Figure 24 - Plan illustrating compatible garage in new developments – Griffiths Architects 2002.

Figure 2.2 Figure 24 from the Local Planning Policy showing maximum 30% allowance for garage width

3 Natural Ground Level

The natural ground level provided in the Development Application varies significantly to a previous application on the same Lot. CTP54/21 was made available for consultation on the Town of East Fremantle's website (<https://www.eastfremantle.wa.gov.au/consultations/past/proposed-two-storey-residence-and-underground-garage-16-pier-street>) between 30 June and 15 July 2021, and was subsequently approved.

The Existing Site Plan and East Elevation Plan submitted as part of development application CTP54/21 vary materially from those submitted for P019/24, particularly at the front of the Lot where the natural ground level has increased in height. It appears that the natural ground level has been raised at the front of the Lot between the submission of CTP54/21 and the survey completed for P019/24. The modification of natural ground levels, regardless of how it occurs, cannot be accepted as it will result in detrimental planning outcomes and increased impact to adjoining dwellings.

4 Completeness of Development Application

The information provided on the Town of East Fremantle website (<https://www.eastfremantle.wa.gov.au/consultations/development-applications/16-pier-street-new-residence>), which was accessed between 8 and 17 March 2024, does not include the following information as required by the *Development Application Checklist*:

- 4.0 Other:
 - Overshadowing calculation expressed in percentages and square metres, including diagram showing extent of overshadowing on adjoining properties.
 - Setbacks to all boundaries from major openings in relation to the cone of vision.
 - Street montage (photo) showing proposed development and surrounding development.

The incomplete information provided has meant that developing a full understanding of the impacts of the development application has not been possible. It is requested that the additional information be provided, and the consultation period be extended, to allow a full and proper understanding of the development application to be obtained.

5 Summary

The development application does not comply with significant requirements of both the R-Codes and the Local Planning Policy, and as a result, should not be approved. There are many options available to the applicant that would significantly reduce the impact on the amenity of the local area and the impact on adjoining dwellings.

Further, it will result in a significant reduction in the views from 18 Pier Street and replace them with a dwelling that is incompatible with the form, bulk and scale of Richmond Hill and in particular the immediate locality.

The impact of the proposed development application could significantly be reduced by increasing the dwelling setback so that it is consistent with the existing streetscape of 18 Pier Street.

Yours sincerely,



James Dornan



Casey Dornan



15th April 2024

Our Ref: 2259

Attn: James Bannerman
Town Planner

Response to neighbour's comments:

For clarity, neighbour's comments are summarised in *blue italic text*.
Responses are in standard black text.

Neighbours comments received from James on 26/03/2024:

A1.4 In localities where views are an important part of the amenity of the area and neighbours existing views to be affected, or the subject site is a 'battle axe' lot, then the maximum building heights are as follows: ..

- *8.1m to the top of a pitched roof*
- *6.5m to the top of an external wall (concealed roof) ..*
- *5.6m to the top of an external wall; and where the following apply.*

As views are an important part of the amenity of the area, and the development is not in a location which would require the application of Category A or B, as outlined in the Local Planning Policy, the alternative standards stated above replace the deemed to comply requirements of the R-Codes.

Therefore, the proposed 8.0m wall and 8.7-8.8m roof height is not deemed to comply.

We believe the proposed development satisfies the design principles of the R-Codes outlined in our cover letter Dated 1st March 2024. Justification provided below.

Building Height (5.1.6 of R-Codes & Town of East Fremantle LPP):

We seek councils support with the Building height variation to the front portion of the lot:

We believe the proposed design complies with the design principles (P6) 5.1.6 of the R-Codes "Building Height".

Building height that creates no adverse impact on the amenity of adjoining properties or the streetscape, including road reserves and public open space reserves; and where appropriate maintains:

- *Adequate access to direct sun into buildings and appurtenant open spaces;*
- *Adequate daylight to major openings into habitable rooms; and*
- *Access to views of significance.*

As it is evident on the Contour Survey and Site plan that the levels have a significant drop-off on the eastern side of the lot, we request leniency when assessing this portion of the house. This side would appear to be worse than indicated on the elevations.

It is also worth noting that due to the level changes, we have endeavoured to maximise the Eastern setback as much as possible to minimise any impact on the neighbouring property. We have a 4m setback to the Eastern side to compensate for being over building height on that corner of the house.

Averna Pty Ltd T/As Averna Homes
Suite 3, First Floor, 54 Belgravia Street Belmont, WA 6104. PO Box 398 Como WA 6952
T: 08 9373 3999 F: 08 9479 6726 W: www.avernahomes.com.au
ABN 63 099 645 093

It is also clear that the building height is compliant on the Western Elevation (Elevation 4) but not compliant on the Eastern Elevation (Elevation 2) which highlights the variation in natural ground levels throughout the site.

We would also like to note that we have a Proposed Finished Floor Level of R.L - 43.00 on the Ground Floor. This is **400mm lower** than the previously approved plans for this site dated 7th September 2021. Our First-Floor Suspended slab is also **300mm lower** than the approved plans dated 7th September 2021.

That is a significant reduction in levels which correlates to a substantial reduction of impact to neighbouring properties.

As it is evident that the Building Height does not impact the adjoining site(s), we respectfully request that the City permit this minor variation in this instance.

The remainder of the proposed design fully complies with most Major design elements of the R-Codes (**Open Space, Solar Access-Overshadowing, Lot boundary setbacks, Outdoor Living Areas, Visual Privacy & Building Height (for the most part)**).

Considering the above we request that the city favourably considers & supports the proposed development application.

5.2.3 – Street surveillance

The street elevation(s) of the dwelling to address the street with clearly definable entry points visible and accessed from the street.

The entry point to the dwelling (accessed by a path up the side of the house and via a door located on the side of the dwelling) does not satisfy the above requirement of the R-Codes.

We disagree with the above statement. The pathway and steps leading up to the front Entry door are clearly definable entry points that are visible and accessed from the street.

The explanatory guidelines of the R-Codes state:

Providing individual pedestrian access points off the street to ground level dwellings can also assist in providing activity and surveillance. Pedestrian access should be appropriately designed to provide clear and secure access to the dwellings and should be the main focus of access to the site in preference to vehicle access.

The explanatory guidelines also go on to say:

Orientate development to maximise street frontage for balconies, living areas and common areas

Buildings with street frontages that employ balconies, living areas and common areas contribute to increased casual surveillance of the street. This increases both actual and perceived levels of safety for pedestrians. The treatment of building frontages will reduce opportunities for concealment and entrapment, through safety by design.

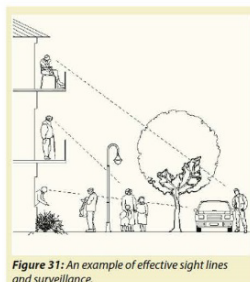


Figure 31: An example of effective sight lines and surveillance.

As the proposed design follows these guidelines it is therefore deemed-to-comply.

Driveway located so as to avoid street trees, or, where this is unavoidable, the street trees replaced at the applicant's expense or re-planting arrangements to be approved by the decision-maker;

A street tree will be removed, this is avoidable and therefore the proposed vehicular access is not deemed to comply.

Further to the above, the provided plans do not clearly show how the rear access will be utilised as it does not connect to the street (Figure 1.1) although this is the current crossover to the property. Further information is required from the applicant to allow assessment of this aspect of the development application.

The crossover has been amended. Refer amended plans.

Please note that the previously approved plans (dated 7/09/2021) had an approval to remove the verge tree.

The rear access will be utilised the same way that #18 will be utilising their lot. They have exactly the same side access for their property.

The maximum amount of fill at the rear of the site is approximately 0.75m with a nil setback to the north and west boundary and is therefore not deemed to comply.

This statement is incorrect. Please refer to letter from neighbours at #4 Parker Street who are supportive of the development & have explained why there was a temporary change in levels.

"The owners of 16 Pier Street kindly allowed us to access their property during our renovation to allow easier access for our trades during construction and to construct our pool at the rear of my property in the North East corner. The existing ground level was cut back in their NW corner to allow access down to our backyard as there was quite a large drop off. As I had vehicles and heavy machinery going through their property, this would have impacted the natural soil levels in their NW corner which descended to my property's natural soil level. After completing our works, we installed the retaining wall to this corner and levelled their property back to its original height."

Please also see photo evidence of this before and after.



Before – 17/03/2023



After – 13/04/2024

As the outdoor living area to the rear is elevated more than 0.5m above the natural ground level towards the north west corner of the site, visual privacy requirements are applicable. No screening is indicated on the plans and is therefore not deemed to comply.

North:

Required (unenclosed active habitable space): 7.5m

Provided: Nil

West:

Required (unenclosed active habitable space): 7.5m

Provided: Nil

As per previous response addressing the levels to the NW corner of the lot, this is completely incorrect. The land is level and flat in the NW corner and therefor deemed-to comply.

The proposed development does not satisfy the above objective (iv. of the Local Planning Policy) for the following reasons:

- The proposal is incompatible with the character, form and scale of the existing residential development in the locality and will not harmonise with the existing streetscape.*
- The 8m wall setback 6.03m from the street boundary will result in a projecting element into the established streetscape. The alignment of the front walls of the adjoining dwellings to the east are setback consistently and illustrate a clear and legible built form.*
- The 8m, two storey wall which extends into the street setback area on the subject site is inconsistent with the built form of the adjoining dwellings and should not be supported.*

With regards to the 3 statements made above, this is simply not true. As shown on the Site Plan, the proposed development is aligned with #18 Pier Street and setback 4m behind the existing residence at #2 Parker Street. Please refer to the Site Plan which clearly shows this.

New developments are to be constructed with front and side setbacks to match the traditional setbacks of the streetscapes.

The proposal has not taken into consideration the desired development outcomes for building setbacks and orientation. A consistent pattern and alignment has been achieved for the adjoining dwellings to the east, namely 20, 22, 24 and 26 Pier Street. It is noted that, the veranda on 18 Pier Street protrudes slightly further forwards, however, this has been addressed as part of Development Application PO32/23, which seeks to bring the dwelling into alignment with other dwellings and was approved on 4 July 2023. The proposed dwelling is inconsistent with this pattern as it will protrude into the area forward of the existing building alignments with an 8m, two storey wall which will result in detrimental impact to the character and amenity of the streetscape.

In addition to the above, the proposal does not satisfy the following performance criteria or acceptable development provisions under Section 3.7.7.3 of the Local Planning Policy for building setbacks and orientation.

The proposal does not satisfy the abovementioned requirements for the following reasons:

- The 8m wall setback 6.03m from the street boundary will result in a projecting element into the established streetscape. The alignment of the front walls of the adjoining dwellings to the east are setback consistently and illustrate a clear and legible built form. The 8m, two storey wall which extends into the street setback area on the subject site is inconsistent with the existing built form of Pier Street.*
- It appears that the applicant has considered the setback of the front balcony of 18 Pier Street, however, this is not sufficient justification for an 8m, two storey wall to extend to the front alignment of this balcony. Under the Residential Design Codes, balconies are not included in the street setback requirements of Table 1. Regardless, a balcony protruding forward of the building line has substantially less impact on the existing streetscape compared to an 8m, two storey wall. The front building setback of 18 Pier Street is in alignment with the adjoining dwellings to the east and it is considered that, at a minimum, the proposal at the subject site must be consistent with this existing building alignments at 18, 20, 22 and 24 Pier Street. Notwithstanding this, the approved Development Application PO32/23 seeks to bring the veranda of 18 Pier Street into alignment with the rest of Pier Street.*
- The traditional streetscape of Pier Street, being of clear and legible built form and alignment, is not considered to be matched by the proposed development and must not be supported.*

The proposed setback is **fully compliant** with the R-Codes and the Town of East Fremantle's *Local Planning Policy – Section 3.7.7 Building Setbacks and Orientation*.

For Clarification: We are not seeking a variation for Setbacks, therefore any objection to setbacks cannot be considered.

As stated in the **Acceptable Development Provisions:**

A1.1 New developments, additions and alterations are to match the existing front and side setbacks of the immediate locality.

A1.3 Where instances of front setbacks of adjacent residences vary, the front setback of the new development shall either:

Match the front setback of one existing dwelling;

or,

Be the average of the two setbacks

If we were to calculate the Average of the two setbacks, the proposed development could therefore have a setback as close as 4.75m from the street. This would still be compliant with the R-Codes setback requirements.

Please note! #18 Pier Street has submitted an application seeking approval for proposed amendment to application P032/23 - two storey residence – dated 12/04/2024.

It can be viewed on the Town of East Fremantle's website here:

<https://www.eastfremantle.wa.gov.au/consultations/development-applications/18-pier-street-amendments-to-approved-single-dwelling>

In this amendment, they are seeking to bring their house forward to 6m, which contradicts their objections made to our proposed development.

Local Planning Policy – Section 3.7.17.4 Building Design Requirements

The proposal does not satisfy the abovementioned requirements for the following reasons:

- *The upper storeys of the development will be immediately visible from the streetscape and do not feature any additional setback to the upper storeys or building articulation. The impact of building bulk and scale on the streetscape will be significant.*
- *Pier Street is a locality where views are an important part of the amenity of the area. The proposed development will have a significantly detrimental impact on the views from 18 Pier Street, the building heights specified in this policy are therefore applicable and must be given due regard.*
- *The portions of building which exceed the required 5.6m wall and 8.1m roof height are highlighted in Figure 2.1. The extent of the over height wall and roof height will result in significant bulk and scale on the streetscape and will result in a significantly detrimental impact on the views from the adjoining property towards the river and ocean.*
- *The existing built form of Pier Street is evident in the building alignment which has been designed to maintain the views for occupants of these dwellings. The proposed development will contradict the objectives of this policy.*
- *The views from 18 Pier Street will be significantly impacted by this bulk and scale which has not been designed in consideration with the Local Planning Policy or the detrimental impacts it will have on adjoining landowners.*
- *The proposed development does not respond to adjacent development and will actively detract from the character and amenity of the streetscape and adjoining landowners.*

The contour levels of #16 Pier Street are significantly higher within the Front Setback area compared to the contours of #18 Pier Street, so it is to be expected that the development would be higher than the neighbouring property. The levels of our site are aligned with #2 Parker Street, and there is consistency in the proposed developments where the topography allows. There is a 2.5m change in levels from the West side to the East side of our lot within the Front setback area.

Besides the steep level changes within the front setback area, the remainder of the site is relatively level and flat. We have based the proposed house design on level ground to

maximise the use of the land and to carefully minimise impact on all surrounding neighbouring properties. We propose to keep the levels unchanged along the Eastern boundary (abutting #18 Pier Street) and we endeavoured to setback the house as far away from #18 Pier Street as possible. We have a 4m setback to boundary of #18 Pier Street and we could have proposed a setback as close as 1.2m. This shows that we sacrificed valuable useable yard space to the western side of our property to help minimise any impact on #18 Pier Street.

There is a 6m rise in levels from the street verge to the front setback area of the lot. This is challenging to address. We explored various options and the most practical and responsible approach to dealing with the levels was to create an Undercroft garage. This is the only functional way of gaining vehicular access to the site. Even by having an Undercroft garage, we must amend the levels of the verge as they are steeper than permitted under the Australian standards for Driveway gradients.

The setback & more specifically the height of the proposed development will have Nil impact on the views from 18 Pier Street. The proposed development at #2 Parker Street has a setback of 2.2m from Pier Street – which is compliant with R-Codes & LPP. This house would obstruct any views that #18 believes they have, therefor our proposed development is inconsequential. This is shown on Elevation 2 of the plans. We have outlined the proposed development of #2 Parker Street in the location corresponding to our house.

Local Planning Policy – 3.7.17.3 Garages, Carports and Outbuildings

Figure 24 of the Local Planning Policy, which is reproduced below (Figure 2.2), specifies the garage width, for new dwellings, to be a maximum of 30% of the lot frontage. Lot 234 has a Lot frontage of 20,120mm, as shown on the Proposed Site Plan, giving a maximum garage width of 6,036mm. All though no measurements are shown on the provided drawings specifically for the garage width, it is estimated that it exceeds 8,380mm based on the combined width of the auto sectional doors, not including the pillar separating the two cross sectional doors. Given the above, the garage width significantly exceeds the maximum allowable and does not comply with this aspect of the Local Planning Policy.

As car parking spaces and off-street parking becomes more and more important & relevant, we have designed a 3rd car parking space to minimise any impact on street parking. It is evident that very few of the developments on Pier Street are compliant with this Policy. The proposed development is compliant with the R-Codes "5.2.2 Garage Width". With the increased requirements for car parking spaces on site, the Local Policy may need to be reviewed to help reduce the high amount of street parking within the Town of East Fremantle.

The Existing Site Plan and East Elevation Plan submitted as part of development application CTP54/21 vary materially from those submitted for P019/24, particularly at the front of the Lot where the natural ground level has increased in height. It appears that the natural ground level has been raised at the front of the Lot between the submission of CTP54/21 and the survey completed for P019/24. The modification of natural ground levels, regardless of how it occurs, cannot be accepted as it will result in detrimental planning outcomes and increased impact to adjoining dwellings.

This claim is incorrect. We had the levels surveyed professionally in 2023 & the levels on the eastern side of the lot are consistent with the previously approved plans dated 07/09/2021. We cannot see any difference between the two surveys on the eastern side. If there is any variance, it may be due the fact that our Survey was done after the old house was demolished.

Overshadowing calculation expressed in percentages and square metres, including diagram showing extent of overshadowing on adjoining properties.

Overshadowing is on the street verge and does not shadow any adjoining properties. It cannot be given as a calculation in percentages and square meters if it does not shadow a lot.

Setbacks to all boundaries from major openings in relation to the cone of vision.

All setbacks are provided and compliant with R-Codes.

Street montage (photo) showing proposed development and surrounding development.

Street elevation is provided with information available.

The development application does not comply with significant requirements of both the R-Codes and the Local Planning Policy, and as a result, should not be approved. There are many options available to the applicant that would significantly reduce the impact on the amenity of the local area and the impact on adjoining dwellings.

Further, it will result in a significant reduction in the views from 18 Pier Street and replace them with a dwelling that is incompatible with the form, bulk and scale of Richmond Hill and in particular the immediate locality.

The impact of the proposed development application could significantly be reduced by increasing the dwelling setback so that it is consistent with the existing streetscape of 18 Pier Street.

The proposed development is only asking for one variation to the R-Codes – which is building height. This is only to a small portion of the front of the house where the contours of the land significantly fall away. We believe the proposed design complies with the design principles for 5.1.6 Building Height, and our original justification for this is provided below.

Building Height (5.1.6 of R-Codes & Town of East Fremantle LPP):

We seek councils support with the Building height variation to the front corner of the lot:

We believe the proposed design complies with the design principles (P6) 5.1.6 of the R-Codes "Building Height".

Building height that creates no adverse impact on the amenity of adjoining properties or the streetscape, including road reserves and public open space reserves; and where appropriate maintains:

- Adequate access to direct sun into buildings and appurtenant open spaces;
- Adequate daylight to major openings into habitable rooms; and
- Access to views of significance.

As it is evident on the Contour Survey and Site plan that the levels have a significant drop-off on the eastern side of the lot, we request leniency when assessing this portion of the house. This side would appear to be worse than indicated on the elevations.

It is also worth noting that due to the level changes, we have endeavoured to maximise the Eastern setback as much as possible to minimise any impact on the neighbouring property. We have a 4m setback to the Eastern side to compensate for being over building height on that corner of the house.

It is also clear that the building height is compliant on the Western Elevation (Elevation 4) but not compliant on the Eastern Elevation (Elevation 2) which highlights the variation in natural ground levels throughout the site.

We would also like to note that we have a Proposed Finished Floor Level of R.L - 43.00 on the Ground Floor. This is **400mm lower** than the previously approved plans for this site dated 7th September 2021. Our First-Floor Suspended slab is also **300mm lower** than the approved plans dated 7th September 2021.

That is a significant reduction in levels which correlates to a substantial reduction of impact to neighbouring properties.

As it is evident that the Building Height does not impact the adjoining site(s), we respectfully request that the City permit this minor variation in this instance.

The remainder of the proposed design fully complies with most Major design elements of the R-Codes (**Open Space, Solar Access-Overshadowing, Lot boundary setbacks, Outdoor Living Areas, Visual Privacy & Building Height (for the most part).**

Considering the above we request that the city favourably considers & supports the proposed development application.

Neighbours comments received from James on 28/03/2024:

More off street parking needs to be considered in this planning decision.

There is already congestion in this part of Pier Street, where cars from homes in Parker St and further DOWN Pier St often park for long periods in Pier St to the east of Parker St. One parked recently for 5 days before being shifted 50 metres. The verge at 16 Pier St is very steep and unsuitable for any parking and typically people only park on the south side of Pier Street.

Residents are not looking forward to further construction. I have to often park on my front lawn and have also parked on my front lawn at times to allow builder's trucks to park.

This property will, in my view, need to park at least three cars on the property to avoid the planning mess in Pier Street between Preston Point Road and Parker Street where buses have difficulty negotiating and the Pier Street has been closed off for hours because of house construction.

This is the result of inadequate off-street parking in Council's planning.

We strongly agree with the neighbour's comments, and this further justifies why we have proposed to design the house with an allowance for 3 undercover parking spaces.

Neighbours comments received from James on 8/04/2024:

i write to express our objection and concerns to the proposed building plans for 16 Pier Street East Fremantle. In particular we are concerned at the sheer height of the proposed dwelling and the fact that it does not conform to any of the current setback distances of 7.5 meters for all existing properties including our own at 20, 22, 24, 26 and 28 Pier Street which are all setback as per local council guidelines at 7.5 meters. This is detailed on James Dorman's letter to you 18th March section 2.4 Local Planning Policy 3.7.7 Building setbacks and orientation.

The excessive height of the front of the side wall of the proposed building at 16 Pier Street at 8 meters (top front corner) at only 6.0 meters as opposed to the council agreed 7.5 meters from the road will have a hugely detrimental effect on all current views of the port and ocean from all existing balconies and front upstairs windows forming part of the existing buildings of 20, 22, 24 and 26 and 28 Pier Street effectively part blocking out these existing views and having a negative effect on the character of the street.

The building height and shortened setback to the road will also significantly block the view from the proposed balcony at 18 Pier Street which has been brought back to the same line in the approved new build for 18 Pier Street already approved by council in July 23 to comply with the existing setback (7.5 meters) of all other existing properties on Pier Street (20-28)

When we built our home at 20 Pier Street in 2016 we were initially rejected by council with concerns regarding the streetscape effect of our large home (for family of 6) and were required to walk members of the council down Pier Street towards the river to demonstrate

that the height of OUR home roof would not adversely affect the natural drop down that exists for roofs of current houses when walking towards the river.

The proposed dwelling at 16 Pier Street ignores this completely and will be stuck high above existing roof levels despite cutting into the rock hill to build a 3 storey residence. This will have a very negative impact on streetscape for the whole street and is not consistent with local council planning guidelines of descending height down the street. This is outlined in James Dorman's letter 18 March Sections 2.5 Local planning policy 3.7.17.4 Building design Requirements and section 2.6 Local Planning Policy 3.7.17.3 Garages, Carports and outbuildings, also 3 Natural ground level- which appears to have been artificially increased in height from a previous survey in 2021 and must be taken into consideration by council when addressing the effect such a build would have on existing streetscape and character of Pier Street for existing properties 18,20,22,24,26 and 28.

Our own home was required by council to be pushed a further 500 mm into the ground to conform to existing council rules on streetscape and the "look" of the roofline as one descends down Pier Street to the river. This we accepted and acted upon during our build. Clearly the proposed height of the property at 16 Pier Street massively exceeds the current guidelines regarding streetscape and effects on the character of the area.

If this property at 16 Pier Street is allowed to progress unaltered then I believe that we would be within our rights to extend our current balcony forward 1.5 meters in line with the proposed 6 meter setback for the proposed build at 16 Pier Street. This would also apply to all existing balconies at 22,24,26 and 28 Pier Street. Then all properties would be at 6.0 meters not 7.5 meters from the road.

In summary we agree and support James Dorman's letter to council objecting to the proposed build at 16 Pier Street as it does not comply with residential codes and local planning policy and has a negative effect on the current streetscape, views and setbacks that have been rigidly adhered to by all property owners at 20,22,24,26 and 28 Pier Street and now James and Casey Dorman in their proposed new build for 18 Pier Street which has already been approved by council in July - which we had no objections to.

We thus object to the proposed build at 16 Pier Street in its current form for reasons above.

All the comments made in this letter are mirroring the comments of #18 – where we have provided clear, concise responses.

To reiterate; The proposed setback is **fully compliant** with the R-Codes and the Town of East Fremantle's Local Planning Policy – Section 3.7.7 Building Setbacks and Orientation.

For Clarification: We are not seeking a variation for Setbacks, therefore any objection to setbacks cannot be considered.

The proposed design is a 2 Storey house with an Undercroft Garage that is complimentary of the topography of the site and council verge. It is to be expected that the house will be higher than #18, 20 and onwards as the levels of the site are considerably higher within the Front Setback area compared to all other properties on this side of the street (besides #2 Parker Street).

The proposed variation for building height is only to a small portion of the house where the land drops away significantly on the eastern side. The building height is compliant on the Western side (Elevation 3).

Considering all the above responses, we request that the city favourably considers & supports the proposed development application.

Please do not hesitate to contact the undersigned on 9373 3999 or at sean@avernahomes.com.au if you have any queries in relation to the information contained herein.

Kind regards,
Sean Brickwood
Building Designer
Averna Homes.

12.2 2 PARKER STREET - NEW RESIDENCE

Owner	Olaf Frederickson & Kelly Thompson
Applicant	Coastview Australia Pty Ltd (trading as Riverstone)
Report Reference Number	TPR-1781
Planning Reference Code	P018/24
Prepared by	James Bannerman
Supervised by	Andrew Malone
Meeting date	Tuesday, 7 May 2024
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	
	1. Location and advertising plan
	2. Photos
	3. Plans

PURPOSE

The purpose of this report is for Council to consider a development application for a new residence at 2 (Lot 1) Parker Street, East Fremantle.

EXECUTIVE SUMMARY

This development application proposes a new dwelling to be constructed at 2 (Lot 1) Parker Street, East Fremantle. The design shows a large dwelling with a double garage and guest room on the lower ground floor. On the ground floor there is a kitchen, alfresco, living, dining, laundry, bathroom, and bedroom, as well as large balcony. The upper storey has another living room, master bedroom and ensuite as well as a study, two minor bedrooms and a bathroom and another balcony.

Given the size of this development there are only four variations that are requested to the Residential Design Guidelines and the Residential Design Codes in relation to the following;

- (i) Clause 3.7.17.4.1.3 – Residential Design Guidelines – Maximum Concealed Wall Height – 6.5m required, 10.1m provided
- (ii) Clause 5.3.7 – Residential Design Codes – Retaining Walls – 0.5m maximum height from ground level required, 2.5m retaining wall height provided
- (iii) Clause 5.3.7 – Residential Design Codes – Fill – 0.5m maximum height required, greater than 0.5m of fill provided
- (iv) Clause 5.1.2 - Residential Design Codes – Secondary Street Setback – Stairs – 2m required, 1.86m provided

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

BACKGROUND

Zoning	Residential R12.5
Site Area	941m ²
Heritage	N/A
Fremantle Port Buffer	N/A

Previous Decision of Town and/or History of Issue

P108/22 – development approval granted for alterations and additions – 21 February 2023

CONSULTATION**Advertising**

The proposed development was advertised from 8 March to 25 March 2024. One submission was received and is included below.

Submission	Applicant Response	Town Response
<p>I have some concerns I wish to address.</p> <p>The Height of the proposed building by the addition of the 2nd floor level impacts Privacy to the East facing windows and courtyards of units 1 to 4 of number 10 Pier Street.</p> <p>This proposal does not consider the impacts on the amenity of these residences, therefore I object to height of the structure by addition of the second floor.</p> <p>In addition the glazing proposed to the entire frontage of both levels 1 & 2 will directly impact the residences units 1 - 4 with reflection of the sun as it lowers to the West and add significantly to that already experienced from number 4 Parker Street.</p> <p>The design has not considered the impact and should not proceed in its current form. Non reflective surfaces need to be considered to eliminate the impact on amenity to these residences.</p> <p>The design fails to meet the requirements of the LGA planning guidelines on both issues.</p>	<p>From the landowner, Oli Frederickson:</p> <p>I believe the floor height in the plan of the second storey (which would be the issue from an overlooking standpoint) is effectively the same as that which has already been approved. In addition, the structure is well and truly far enough away from the units across the road to be well within planning requirements with respect to overlooking. I find the second comment with regard to reflection to be somewhat hypocritical as the units have just replaced all of their roofing material from a dull green to a bright reflective white which at certain times of day (and year), creates extreme reflection to the east. I have already mentioned this matter to James at our last meeting to which he mentioned there was no recourse available to council.</p> <p>From the architect who designed the home, Justin Everitt:</p> <p>Height - We have purposefully kept the proposed height to the same as the previously approved scheme (in fact slightly lower in the critical dimension when protecting the Ocean views from Lots behind us). As you are aware, we have communicated this on previous emails, where we have overlaid the 2 schemes to demonstrate this.</p> <p>We are a considerable distance away from their units 1 and 4 courtyards, as they are located across Parker Street at a distance of approximately 30metres from our proposed. This, coupled with the fact that we have set our proposed home further back on our site than is required by R Code/local Policy front setback requirements, therefore means our proposals have no detrimental effect to these neighbours.</p> <p>Glazing - As you would imagine, the location and views available to our client, results in a design that should maximise these opportunities. As per all similar homes with such views, glazing is the predominant material used. We have purposefully designed the home to have large overhangs and eaves to shade from the Westerly sun. In the interest of our client we will be looking at further types of glass/ internal shading to overcome the strong western sun, which will cut down on the</p>	<p>The visual privacy requirements of the proposed dwelling towards the properties at 10 Pier Street are met in accordance with the Residential Design Guidelines. There is a minimum visual privacy setback of 7.5m from balconies and habitable rooms which is met by the proposed design. It is noted that the road reserve is equal to approximately 18m and there is an additional distance of 10.7m from the front boundary to the western edge of the ground floor balcony which gives a minimum separation distance of at least 28.7m which is well beyond the minimum required visual privacy setback distance.</p> <p>The reflection of light from buildings is not a planning consideration. There may be some reflection from windows particularly at certain times of the day when sunlight reflects off new surfaces. This reflection is temporary and cannot be completely controlled.</p> <p>The proposed development achieves the minimum required visual privacy setbacks to 10 Pier Street. Light reflection from surfaces in new development is temporary and varies from day to day depending upon the time of day and season. The design has endeavoured to maximise views while at the same time ensuring glazing is shaded by large eaves.</p> <p>The design has been presented to Town Planning Committee to seek development approval for the proposed development including the proposed variations to the Residential Design Codes and the Residential Design Guidelines in accordance with the requirements of the Planning and Development Act and associated regulations.</p>

	<p>reflectivity.(tbc at Building License stage). Again, we have set our proposed home back at a greater front setback distance, which should help the neighbours concern further. It is of course highly common for countless homes that face west in Perth, to make the most of the Ocean views when available, whilst trying to protect from the harshness of the sun, and our deep eaved proposal helps deal with this better than many examples. However, some reflectivity at certain times of day are unavoidable, and should not be deemed as a failure of any such planning guidelines, in this suburban context, as purported by this submission.</p>	
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Internal Consultation

1) Levels

- a. Should any work be required/ undertaken (being maintenance, repair, repointing, rendering or the likes) on the boundary wall now or in the future, it is to be realigned to match the property boundaries including the corner truncation.
- b. The levels at the street alignment including any driveways shall match the existing footpath levels.

2) Stormwater

- a. Internal accesses and paths to be designed in such a manner as to prevent onsite storm water entering the road, footpath, right of ways and neighbouring properties.
- b. An overland flow path is to be designed to ensure diversion of excess stormwater from the developments for rain events greater than those to which the drainage was designed. (extreme events)
- c. A 300mm wide (or similar suitable) trench grate to be installed across the driveway at the property boundary. This shall be located internally across the full width of the driveway, with all collected water retained on site. Must be trafficable to a suitable standard. (Durham galvanized 300 grate or similar standard)
- d. Backwash and drainage from domestic swimming pools and spas shall be retained on site. Backwash water is to be discharged to a grassed, vegetated or garden area, or a stone-filled trench either open to the surface or underground (similar to a septic tank absorption field). Any surface run-off resulting from the discharge should be contained within the property boundaries and not affect neighbouring properties. Disposal of backwash water into the Town's stormwater drainage system is prohibited as it can harm our rivers and coastal waters. Should this not be possible, water to be removed from site by means of a licensed liquid waste contractor. The disposal of backwash water into the Town's stormwater drainage system is prohibited as it can harm our rivers and coastal waters.
- e. Stormwater shall be retained on site and discharged into soak wells or by any other approved method on property. Soak wells including any for crossovers are to be installed within the applicant's property. Any ceded land (current or future) cannot be used for the installation of any soak wells, pipes, drainage infrastructure, etc.

3) Parking

- a. All ramps are to meet Australian Standard AS/NZS 2890.1:2004 Section 2.5.
- b. Car parking bays, internal driveways and vehicle manoeuvring areas to be designed in accordance with AS2890.1-2004 parking facilities Part 1: Off Street Parking. The 85 percentile car turning template standard can be used to design non-standard vehicle manoeuvres.
- c. Trade parking to follow the Road Traffic Code, Australian Standards and Local Laws and Policies as determined by the Town of East Fremantle.
- d. Garage Door height clearance to meet Australian Standard AS/NZS 2890.1:2004 Section 5.3.
- e. Garage width to meet Australian Standard AS/NZS 2890.1:2004 Section 5.4.

4) Gates and Fences

- a. Any hinged gates which are located or are to be located on property boundaries adjoining road reserves, Rights of Way, drainage reserves, recreation reserves or other land under Council control are to be constructed in such a manner so that the gates do not swing out on to the road reserve, Right of Way, drainage reserve, recreation reserve or other land under Council control.
- b. Provision of adequate site fencing and adequate facilities for pedestrians, including crossing points and lighting, during the construction works to the satisfaction of the Executive Manager Technical Services.

5) Roads

- a. Owner/applicant when carrying out works in the road reserve will be responsible for location and protection of public utility services within the road reserve and is to obtain details of service locations from relevant utility authorities prior to the commencement of any works within the road reserve.

6) Crossovers and access

- a. Maximum Vehicle Crossover Width to be 5m in accordance with the Town of East Fremantle Crossover Policy.
- b. Vehicle crossovers no longer connected with an internal driveway must be removed and the verge, path and kerb reinstated at the applicant's expense to the satisfaction of the Executive Manager Technical Services.
- c. A separate application must be made to Technical Services for approval to construct a new crossover. Crossover location is provisional only, Exact location and size to be determined by the Town. Crossover location and construction must comply with the requirements of the Town's Specifications For Crossover Construction.
- d. Access onto the site shall be restricted to that shown on the approved plan.
- e. Access to properties immediately adjacent and surrounding the Development to remain accessible at all times.
- f. Location of the proposed crossover to be compliant with AS2890.1 - including setback distances from tangent points on corner lots.
- g. No Street Trees are to be removed/ pruned/ damaged. Crossovers are to be a minimum setback from any street tree (trunk) as required by the Towns Operations Department.

7) Traffic

- a. Should the operation cause a) a safety concern, b) undue pedestrian or traffic congestion, c) the applicant fails to follow the described work methods or adhere to the Traffic Management Plan (including Traffic Control Drawings), the Town reserves the right to withdraw its endorsement of any work currently underway and possibly close down the site to comply with accepted safety conditions.

8) Verges

- a. All verges to be reinstated and any change must be approved by the Town.
- b. Street Trees are Council property and are not to be pruned, trimmed, relocated, damaged, or removed by the landowner, resident, builder, contractor, or any other person in preparation for construction or for the purpose of making access to the site easier or for any other reason. Any damage to street tree may result in prosecution. Any requests to trim street trees are to be referred to Technical Services.
- c. The footpath adjacent to the development shall be maintained clear of any obstructions and be trafficable at all times.
- d. The verge tree/s are to be protected as per Australian Standards AS 4970-2009.

9) Additional Advice Notes

- a. Any of the following activities will need an Activities on a Road or Verge application to submitted and approved by the Town; Skip bin on Verge or Crossover, Sand/Mulch or Loose Materials, Cranes, 20ft/40ft Containers, Building Materials. This form is used if residents or companies are wishing to store or utilise the Town's verges, roads, or footpaths, for activities that they are not generally used for.
- b. If the applicant is requesting an asset belonging to the Town (sign post, bollard etc.) to be moved or adjusted, they are to contact the Towns Engineering Department a minimum 15 Working days prior to the work being undertaken. You are not permitted to modify any Town assets. Penalties including infringements apply for modifications. The Town will conduct a site visit to determine the best outcome and if possible, relocate the asset.

- c. Any damage that occurs to the Town's assets for example but not limited to kerb, drainage, trees, footpaths, roads, signage etc is to be repaired to the satisfaction of the Town by the applicant at their cost.

External Referrals

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

Built Environment

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

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

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

3.1.2 Plan for a mix of inclusive diversified housing options.

3.1.3 Plan for improved streetscapes.

3.2 Maintaining and enhancing the Town's character.

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

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

3.3.1 Continue to improve asset management within resource capabilities.

3.3.2 Plan and advocate for improved access and connectivity.

RISK IMPLICATIONS

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

SITE INSPECTION

A site inspection was undertaken.

COMMENT

Statutory Assessment

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

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

Legend	
A	Acceptable
D	Discretionary
N/A	Not applicable

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

Design Element	Required	Proposed	Status
Street front setback - primary street	7.5m	>7.5m	A
Street front setback – secondary street			
Garage setback	Impact to be demonstrated	Impact demonstrated	A
Minor incursions			N/A
Lot Boundary Setbacks			
Northern wall – garage – lower ground floor	1m	3.1m	A
Eastern wall – below ground level			N/A
Northern wall – terrace, kitchen, scullery – ground floor	1.6m	2.75m	A
Northern wall – alfresco – ground floor	1.1m	6.49m	A
Northern wall – activity – ground floor	1.5m	>1.5m	A
Eastern wall – ground level	6m	>6m	A
Northern wall – master suite, ensuite - upper floor	1.4m	3.3m	A
Northern wall – corridor, bath 2 – upper floor	1.3m	>1.3m	A
Eastern wall – upper floor	6m	>6m	A
Southern wall - staircase	2m	1.86m	D
Car Parking	2 car bays	>2 car bays	A
Open Space	55%	73.16%	A
Wall Height (concealed roof)	6.5m	10.1m	D
Site Works - retaining walls	Maximum 0.5m height	>0.5m	D
Site works - fill	Maximum 0.5m height	>0.5m	D
Visual Privacy	7.5m from Terrace 1 required	Screening provided on north side of Terrace 1	A
Overshadowing			N/A
Garage width	Garage width (percentage of lot frontage)	Impact of garage demonstrated	A
Roof form and pitch	Impact of roof to be demonstrated	Impact of roof demonstrated	A
Materials and colours			A
Landscaping	Landscaping plan 2m x 2m deep planting zone Tree indicated on plans	Landscaping shown on plans 2m x 2m deep planting zone shown Shrubs/trees indicated on plans	A A A
Front fence & gate			N/A
Sightlines			N/A
Footpaths and crossovers		Condition	
Drainage		Condition	
Wood Encouragement Policy		No timber indicated	

This development application proposes that an existing dwelling is demolished and a new dwelling is constructed at 2 (Lot 1) Parker Street, East Fremantle. The design shows a large dwelling with a double garage and guest room on the lower ground floor. On the ground floor there is a kitchen, alfresco, living, dining, laundry, bathroom, and bedroom, as well as large balcony (shown as Terrace 1 on the plans). The upper storey has another living room, master bedroom and ensuite as well as a study, two minor bedrooms and a bathroom as well as another balcony (shown as Terrace 2 on the plans).

Although it is recognised that the new dwelling is large it is located on an already elevated corner lot and as a result has significant views of the river and ocean. The proposal was advertised for a minimum of 14 days to neighbouring property owners and one submission was received which has been included in the submissions table. The subject dwelling is not heritage listed and is not within the Fremantle Port Buffer Zone.

It is noted that this is the second development application that has been submitted for this site. The original development application for alterations and additions (P108/22) was approved by Town Planning Committee on 21 February 2023. This development had a larger footprint than the design that is the subject of this development application and involved the retention of parts of the existing dwelling rather than a completely new dwelling. The original outline of the previously approved development is shown in red on the plans (Attachment 3). Given that it is zoned Residential R12.5 and is on a relatively large corner lot with an area of 941m² the proposed dwelling has considerable setbacks to the front, side and rear lot boundaries and hence the development has minimal impacts on nearby properties despite its height, and the design has attempted to avoid impacting on neighbouring property views by minimising the footprint of the development.

Given the size of this development there are only three variations that are requested to the Residential Design Guidelines and the Residential Design Codes in relation to maximum wall height and site works (2 items in relation to this) and secondary street setback. These variations are discussed below.

Maximum Wall Height

The Residential Design Guidelines allows a maximum wall height of 6.5m for a concealed roof in accordance with acceptable development clause 3.7.17.4.1.3 A1.4. In this case the maximum wall height is 10.1m. It is noted that the development utilises the current levels on the site which sees certain sections being much lower than other parts of the site and in an effort to maintain constant levels across the building on each floor it results in significant increased heights for the wall. The proposed development is a similar height to the previous approved proposal although the roof was a skillion roof that was exposed and in view. In accordance with performance criteria 3.7.17.4.1.3 P1 new developments should be of a compatible form, bulk, and scale to traditional development in the immediate locality. This proposed development is of a compatible form, bulk, and scale to traditional development in the immediate locality. It is elevated well above the road but is of a similar scale to many dwellings in the area. The overall design and footprint have been reduced from the previous design in an attempt to improve view corridors, with heights consistent to previous approvals. For these reasons, the proposed development with increased wall height can be supported.

Site Works - Retaining Walls and Fill

It is proposed to construct a retaining wall along the southern boundary of the site that faces the Pier Street side of the property. The site has significant elevation difference and the existing retaining wall along the southern side of the site is not built up to the boundary. The proposed retaining wall is 2.5m high and runs along the southern boundary and part of the eastern boundary. It will also involve soil being used to backfill the area to the north of the retaining wall. The retaining and the accompanying fill does not meet the requirements of the Residential Design Codes deemed to comply clauses 5.3.7 C7.1 and 5.3.7 C7.3 as the retaining and fill are more than 0.5m above ground level.

In accordance with design principles 5.3.7 P7.3 it is considered that the retaining wall results in land that can be effectively used for the benefit of the residents and does not detrimentally affect the adjoining properties and are designed, engineered, and landscaped, having due regard to visual privacy. It is noted that there has only been one submission in opposition to this development (from a property to the west of the subject site). The wall and associated filled area is along the southern boundary and easily achieves the 7.5m visual privacy setback to all surrounding properties from this location and does not have any visual privacy impacts on the neighbouring property owners due to the large road reserve along Pier Street.

For these reasons, the proposed retaining walls and the associated fill can be supported.

Secondary Street Setback - Stairs

The proposed development is setback more than 2m from the secondary street except for the side entry stairs. These stairs should be located 2m from the secondary street boundary in accordance with the Residential Design Codes deemed to comply clause 5.1.2 C2.2 (Table B). In accordance with design principles 5.1.2 P2.1 the stairs are setback from the secondary street boundary an appropriate distance for the following reasons;

- Contributes to and is consistent with the established streetscape,
- Provides adequate privacy and open space for the dwelling,
- Accommodates site planning requirements such as parking, landscape, and utilities and
- Allows safety clearances for easements for essential service corridors.

The staircase is a minor intrusion into the setback area. It is significantly lower than the rest of the dwelling. It does not impact significantly on the open space and has no impact on privacy as it overlooks the secondary street (Pier Street). There is no impact on parking, landscaping, or utilities from the staircase nor any impact on easements. For these reasons the reduced setback of the staircase can be supported.

Advertising

The proposed development was advertised for a minimum of 14 days to all surrounding properties and only one submission was made. Responses relating to this were included in the submissions table earlier in this report. It is noted that there are no formal planning issues that are required to be addressed in relation to this development and the claimed impacts from the submitter.

CONCLUSION

The proposed development of the new residence at 2 (Lot 1) Parker Street is recommended for support subject to the conditions included in the final recommendation. The proposed development is a large development, however, it has a smaller footprint over the site than the previously approved development (DA P108/22). There are a minimal number of variations and although the concealed wall height is above the acceptable development requirements of the Residential Design Guidelines it is similar to the previous approval. There was only one submission in relation to this development and the submission that was made included matters that are not related to planning criteria used to assess the proposed development. The proposed development is a large dwelling, however, given its corner location and respect for lot boundary setbacks and visual privacy to the neighbouring properties it is considered that its impact on adjacent neighbouring properties are mitigated.

OFFICER RECOMMENDATION / COMMITTEE RESOLUTION

OFFICER RECOMMENDATION

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

- (i) Clause 3.7.17.4.1.3 – Residential Design Guidelines – Maximum Concealed Wall Height – 6.5m required, 10.1m provided**
- (ii) Clause 5.3.7 – Residential Design Codes – Retaining Walls – 0.5m maximum height from ground level required, 2.5m retaining wall height provided**
- (iii) Clause 5.3.7 – Residential Design Codes – Fill – 0.5m maximum height required, greater than 0.5m of fill provided**
- (iv) Clause 5.1.2 - Residential Design Codes – Secondary Street Setback – Stairs – 2m required, 1.86m provided**

for a new dwelling at No. 2 (Lot 1) Parker Street, East Fremantle, in accordance with the plans submitted 19 March 2024, subject to the following conditions:

- (1) Visual privacy screening is to be installed in accordance with the plans submitted 19 March 2024 that achieves the deemed to comply requirements of clause 5.4.1 C1.2 of the Residential Design Codes that is a minimum of 1.6m from the finished floor level, at least 75% obscure, permanently fixed, made of durable material, and restrict view in the direction of the overlooking.**
- (2) All fencing within the street setback area is to be in compliance with the front fence provisions of the Local Planning Policy 3.1.1 – Residential Design Guidelines. Any proposed new fencing or walls in the**

front setback area will require the submission of a development application for the consideration of the Council.

- (3) Should any work be required/ undertaken (being maintenance, repair, repointing, rendering or the likes) on the boundary wall now or in the future, it is to be realigned to match the property boundaries including the corner truncation.
- (4) Existing trees located within the verge are a Town asset and as such must be retained and not pruned, shaped, or modified except where otherwise approved for removal or modification by the Town.
- (5) During construction the verge trees are to be protected with cages around the trunks to ensure that they are not damaged by surrounding works, vehicles, or materials.
- (6) An application is to be submitted to the Operations Department of the Town for the removal of any verge trees. Verge trees are not to be removed without written approval from the Town.
- (7) The footpath is to always remain accessible to pedestrians.
- (8) Prior to the submission of a building permit application, a Construction Management Plan shall be prepared to the satisfaction of the Town. This plan is to address the following matters during the construction/development period:
 - (a) Noise, vibration, air, and dust management;
 - (b) Contact details of essential site personnel, construction periods and construction operating hours;
 - (c) Traffic management, including footpath closures and proposed signage;
 - (d) Parking management for all trades, contractors, and visitors to site;
 - (e) Public safety and amenity (traffic control and pedestrian management);
 - (f) Site access/egress management;
 - (g) Scaffolding management plan;
 - (h) Management plan for the loading and unloading of vehicles;
 - (i) Heavy construction machinery and deliveries;
 - (j) Bulk earthwork operations;
 - (k) Stormwater and sand/sediment control;
 - (l) Street tree management and protection;
 - (m) Protection of footpath;
 - (n) Details of all concrete pours and requirements relating to piling methods or associated works;
 - (o) Temporary fencing;
 - (p) Temporary toilets;
 - (q) Dilapidation of Town infrastructure and nearby properties;
 - (r) Hoardings and gantries; and
 - (s) Any other relevant matters.The requirements of this plan are to be observed at all times during the construction process.
- (9) The crossover widths are not to exceed the width of the crossovers indicated on the plans date submitted and to be in accordance with the Town of East Fremantle's (the Town) crossover policy, the Residential Design Guidelines and the Urban Streetscape and Public Realm Style Guide.
- (10) The works are to be constructed in conformity with the drawings and written information accompanying the application for development approval other than where varied in compliance with the conditions of this development approval or with the Town's further approval.
- (11) The proposed works are not to be commenced until the Town has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this development approval unless otherwise amended by the Town.
- (12) With regards to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received development approval, without those changes being specifically marked for the Town's attention.
- (13) All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Town prior to the issue of a Building Permit.

- (14) If requested by the Town within the first two years following installation, the roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
- (15) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town.
- (16) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified, or relocated then such works must be approved by the Town and if approved, the total cost to be borne by the applicant. The Town must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (17) This development approval is to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *This decision does not include acknowledgement or approval of any unauthorised development which may be on site.*
- (b) *A copy of the approved plans as stamped by Town are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by the Town.*
- (c) *An application for a new crossover is to be submitted to the Operations Department of the Town and plans are to be included with the application that meets the requirements of the Town's crossover policy, the Residential Design Guidelines and the Urban Streetscape and Public Realm Style Guide. This application and relevant information are available at the following links;*
Crossover Specifications
https://www.eastfremantle.wa.gov.au/Profiles/eastfremantle/Assets/ClientData/Documents/works-reserves/Crossover_Specification_2017.pdf

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

Urban Streetscape and Public Realm Style Guide
<https://www.eastfremantle.wa.gov.au/documents/914/urban-streetscape-and-public-realm-style-guide>

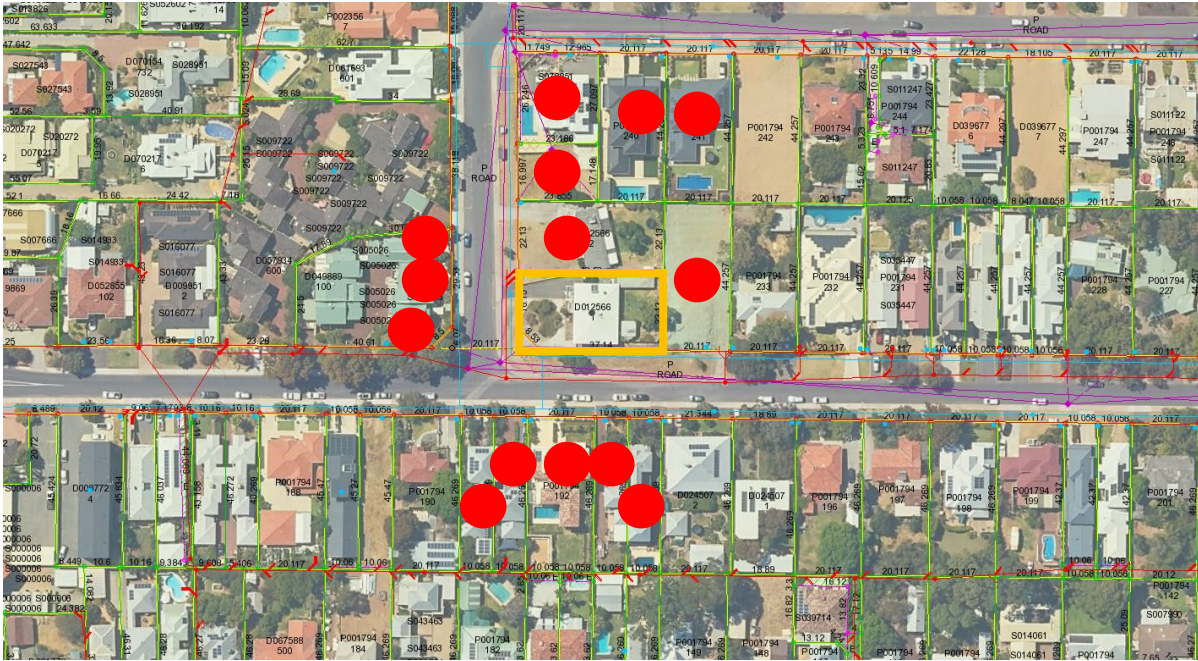
Application to Conduct Crossover Works
https://www.eastfremantle.wa.gov.au/Profiles/eastfremantle/Assets/ClientData/Documents/works-reserves/Application_to_conduct_crossover_works.pdf
- (d) *It is recommended that the applicant provides a structural engineer's dilapidation report, at the applicant/owner expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with the Town and one copy should be given to the owner of any affected property.*
- (e) *All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (f) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

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

REPORT ATTACHMENTS

Attachments start on the next page

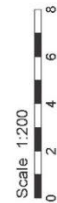
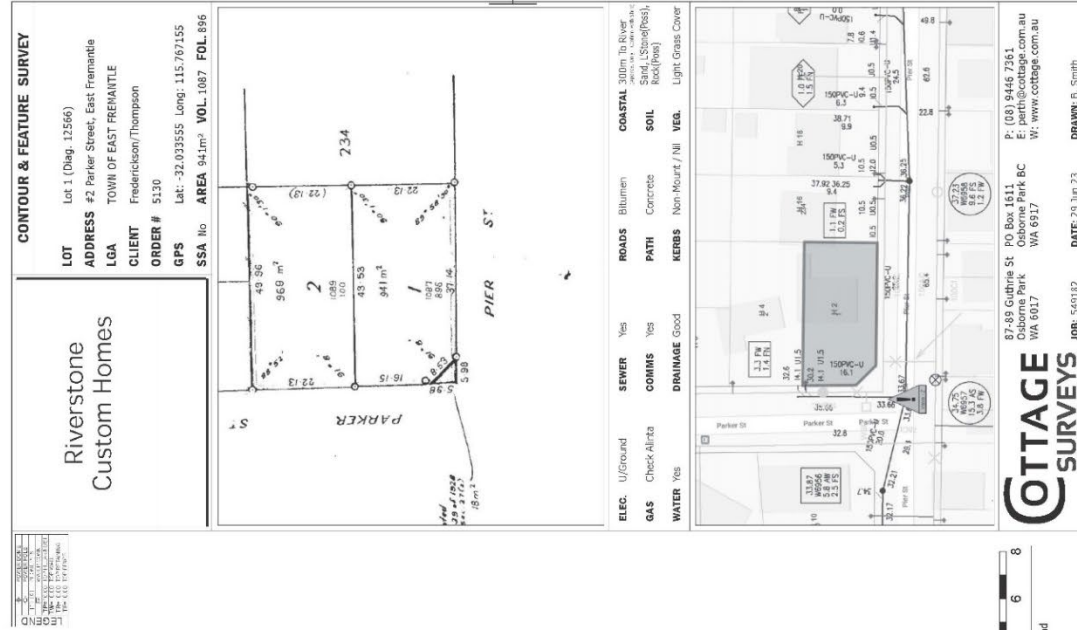
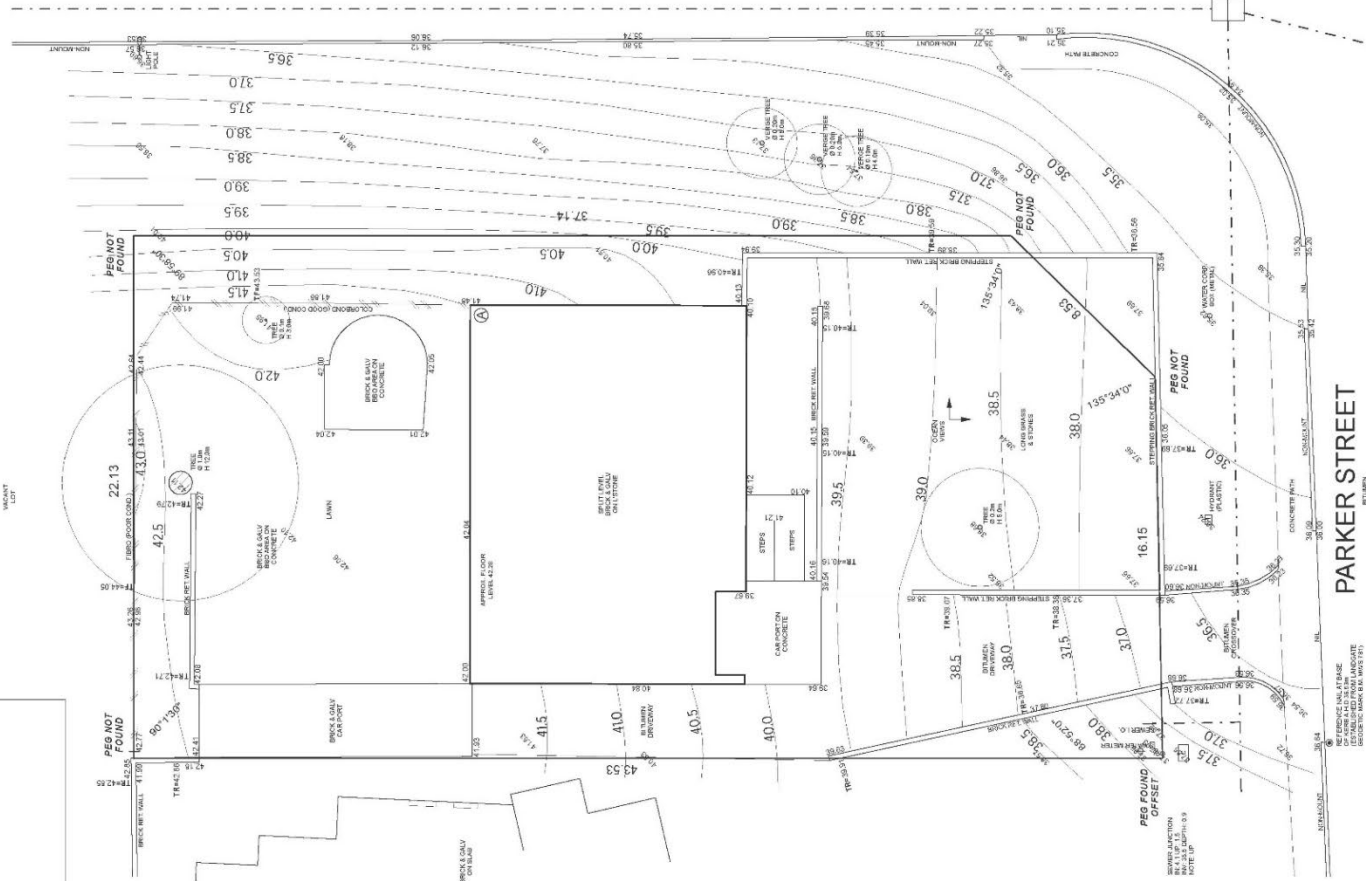
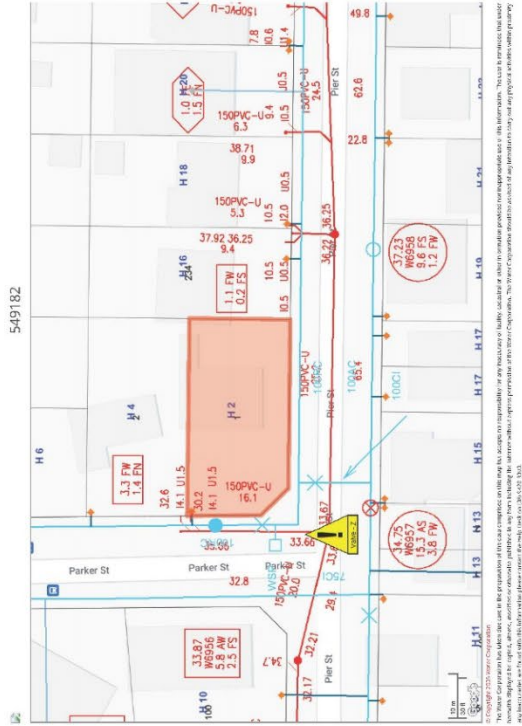
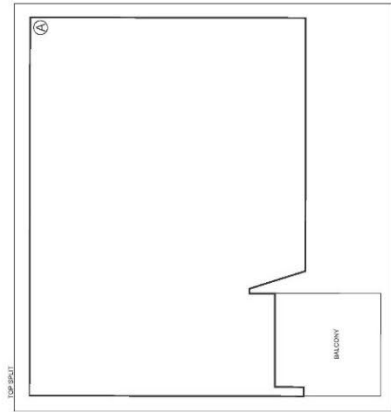
2 Parker Street – Location and Advertising Plan



2 Parker Street – Photos

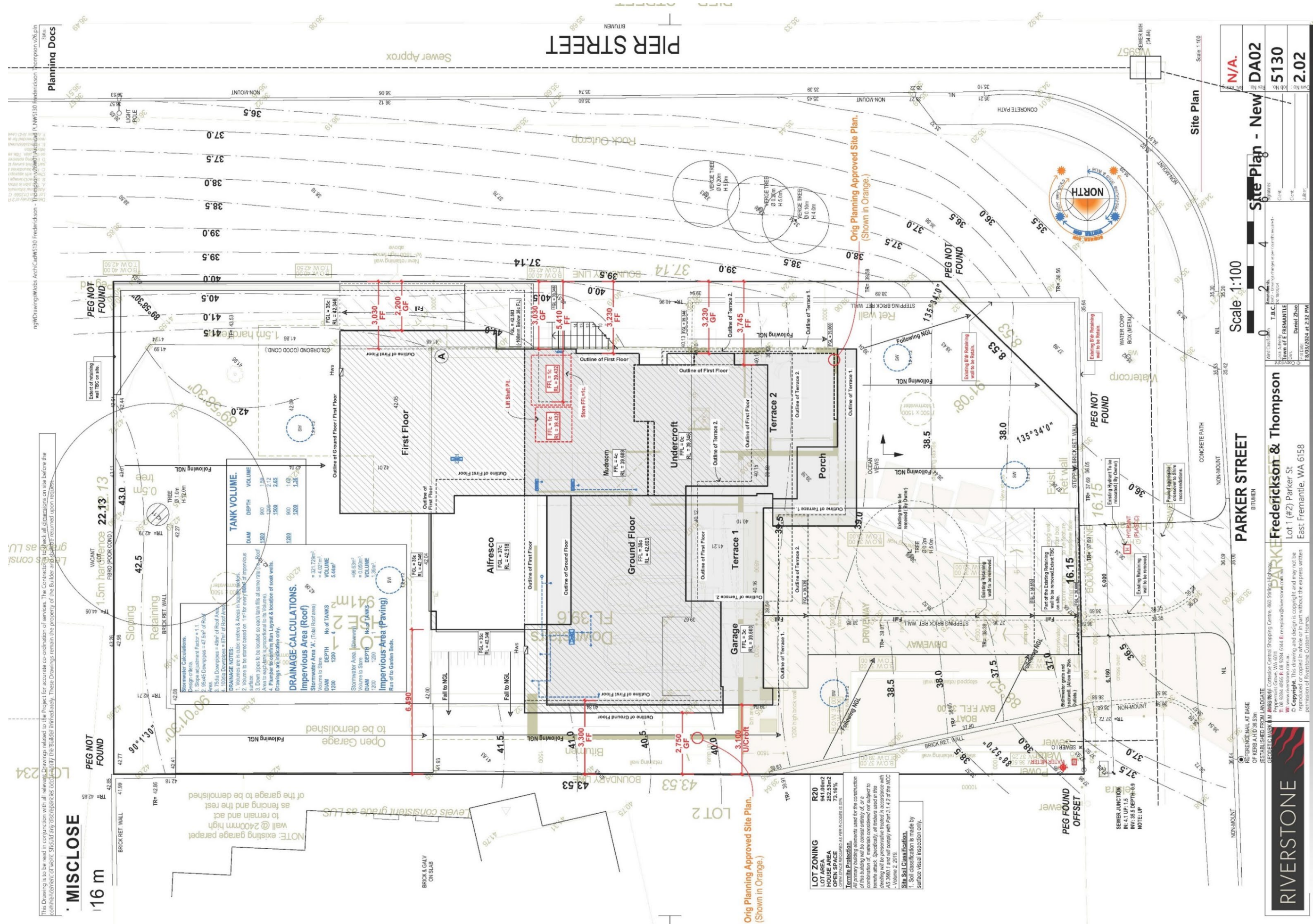


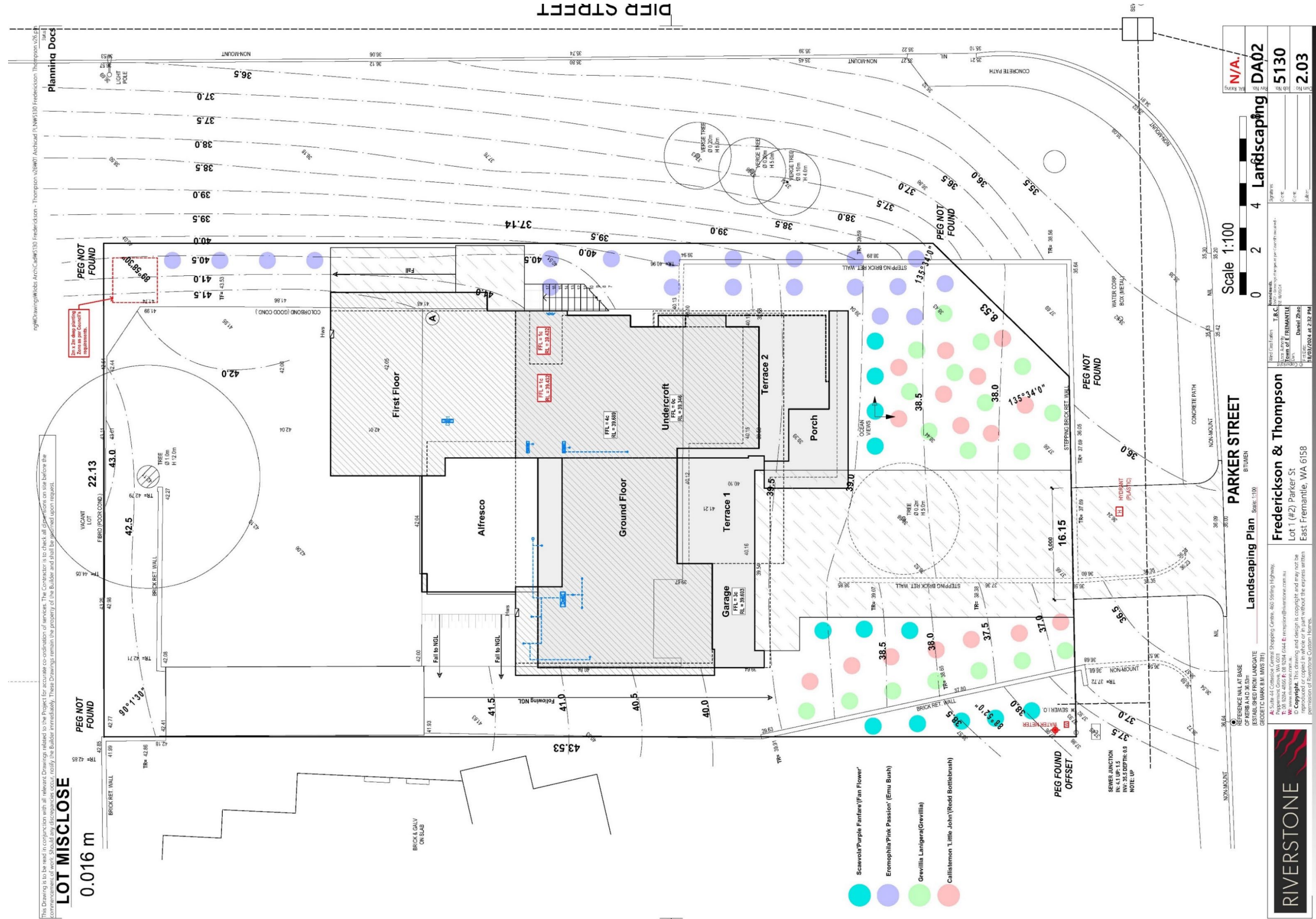


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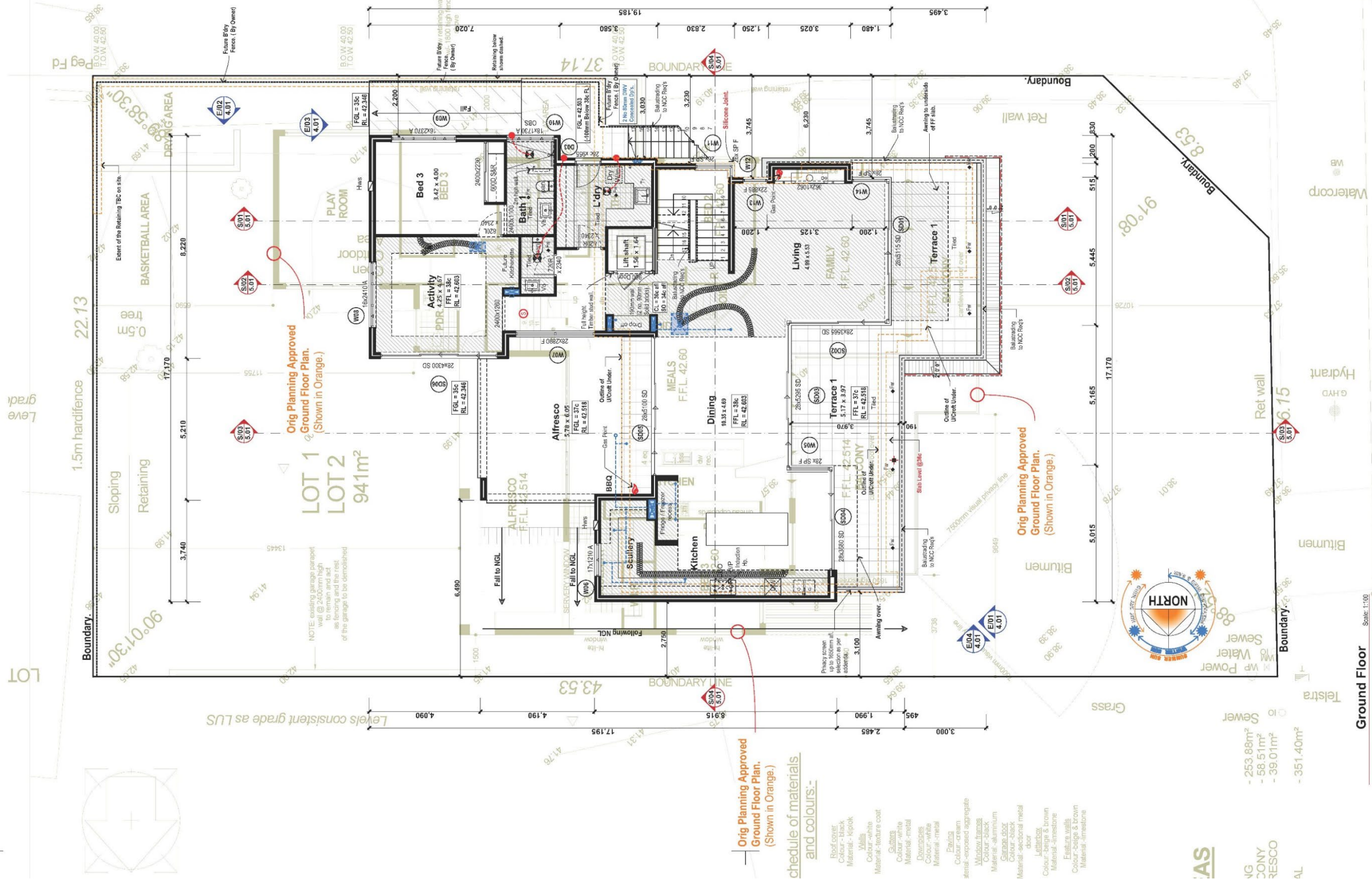
Existing Site Plan

 RIVERSTONE	<p>A Suite 44, Cottlesloe Central Shopping Centre, 460 Stirling Highway, Perpetimint Grove, WA 6011 T: 08 9334-4866 F: 08 9334 6144 E: reception@riverstone.com.au W: www.riverstone.com.au</p> <p>C Copyright: All design and design is copyright and may not be reproduced or copied in whole or in part without the express written permission of Riverstone Custom Homes.</p>		<p>Frederickson & Thompson Lot 1 (#2) Parker St East Fremantle, WA 6158</p>		<p>Site Plan - Existing</p>		<p>Key No. DA02</p>	<p>Key No. N/A.</p>
	<p>Permit Details:</p> <p>Work Description: T.B.C Date of Issue: 13/03/2024 Validity: 12 Months Conditions: 1. All works to be completed within 12 months of issue. 2. All works to be completed within 12 months of issue.</p>		<p>Client: Frederickson & Thompson</p>		<p>Client: 5130</p>		<p>Client: 2.01</p>	



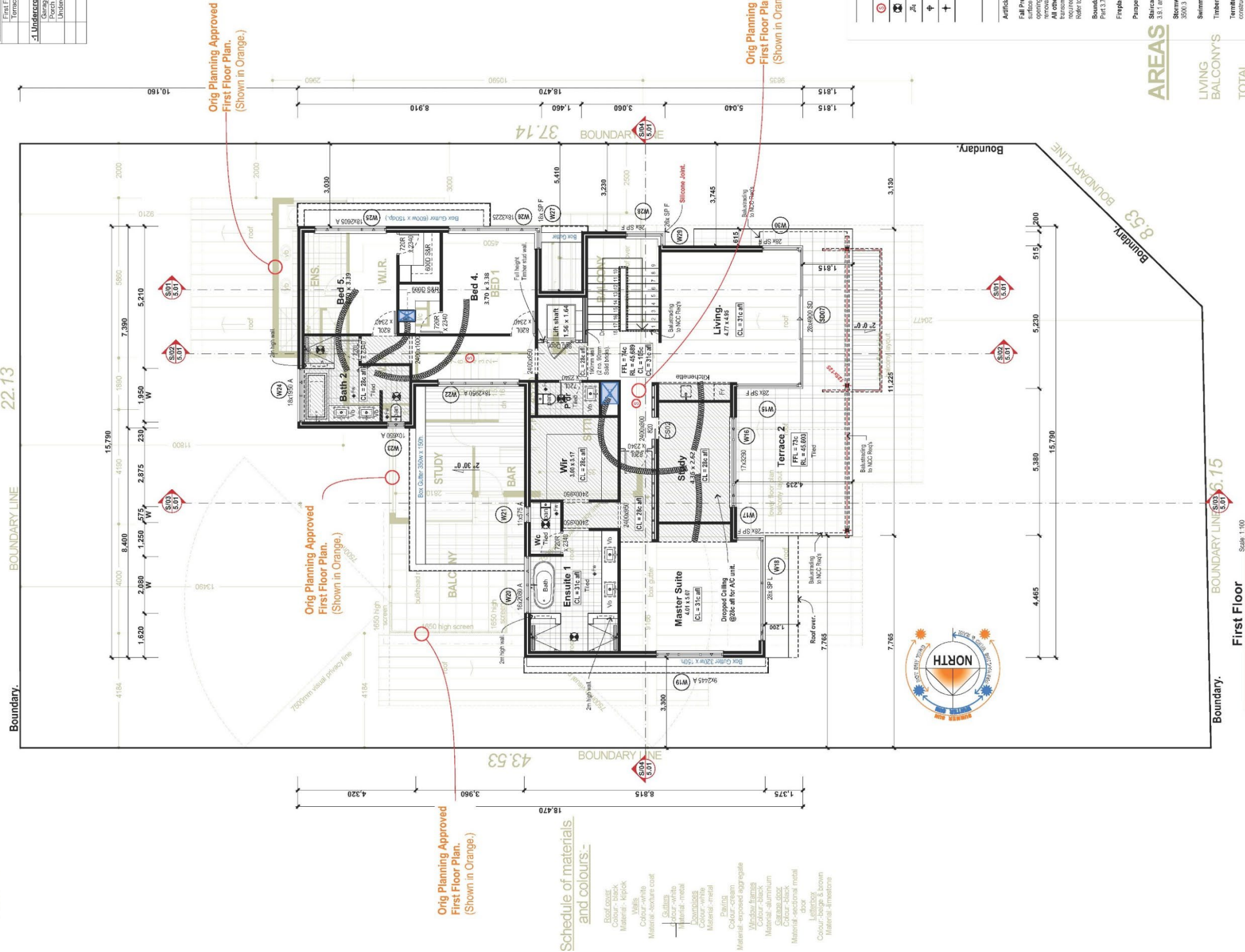


Area Calculations			
Name	Area	Perimeter	
0. Ground Floor			
Alfresco	36.4	24.890.0	
Ground Floor	189.7	482.070.4	
Terrace 1	162.270.4	482.070.4	
	298.3 m²	664.270.4 mm	
1 First Floor			
Bedroom	189.2	79.030.4	
Terrace 2	35.8	38.980.3	
	225.0 m²	116.920.7 mm	
1.1 Undercroft			
Garage	92.0	40.980.4	
Porch	14.8	23.430.0	
Undercroft	84.6	42.760.4	
	191.2 m²	106.270.6 mm	
	711.5 m²	393.461.9 mm	



	LOT RATIO		PROPOSED GROUND FLOOR PLAN		Frederickson & Thompson Lot 1 (#2) Parker St East Fremantle, WA 6158		HSE #2 PARKED STREET		CLIENT: QLAIF SVEN		DATE: 19/05/2024 at 2:32 PM		HSE #2 PARKED STREET		SCALE: 1:100		DATE: 13-07-22 (NEW)		PHONE: (08) 9207 2700 FAX: (08) 9207 2500	
	TOTAL LOT AREA: 0.4422 HA		TOTAL GARAGE AREA: 0.0000 HA		TOTAL LOT AREA: 0.4422 HA		TOTAL GARAGE AREA: 0.0000 HA		TOTAL LOT AREA: 0.4422 HA		TOTAL GARAGE AREA: 0.0000 HA		TOTAL LOT AREA: 0.4422 HA		TOTAL GARAGE AREA: 0.0000 HA		TOTAL LOT AREA: 0.4422 HA		TOTAL GARAGE AREA: 0.0000 HA	

Area Calculations		
Name	Area	Perimeter
<u>0</u> Ground Floor		
Alfresco	36.4	24,580.0
Ground Floor	189.2	82,870.4
Terace 1	60.7	56,820.0
	295.3 m²	164,270.4 mm
<u>1</u> First Floor		
First Floor	189.2	78,030.4
Terace 2	35.8	39,890.3
	225.0 m²	116,920.7 mm
<u>-1</u> Undercroft		
Garage	92.0	40,060.4
Porch	14.6	23,430.0
Undercroft	84.6	42,760.4
	191.2 m²	106,270.8 mm
	711.5 m²	387,461.9 mm



LOT RATIO

TOTAL SITE AREA	= 941 m ²
TOTAL BUILDING AREA (FLOOR & GF LEVEL)	= 273.82 m ²
TOTAL SITE COVERAGE	= 29.1%

RIVERSTONE

[illegible]

Frederickson & Thompson
Lot 1 (#2) Parker St
East Fremantle, WA 6158

[illegible]

LEGEND	
Ⓢ	Smoke Alarm - Hard Wired, interlinked, and to AS 3786:2014
Ⓢ	Exhaust fan - fanned to external air and not into the roof space
Ⓐ	Well mounted and water 'nose' up
Ⓐ	Water supply for fridge
+	Gas bayonet point
COMPLIANCE NOTES	
Artificial Lighting To comply with NCC Vol 2 Part 3.7.5.5	
<p>Fall Prevention Bedroom windows - when floor is 2m or more than surface beneath unless opening is less than 1700mm AFL</p> <p>Glazing - unless safety glazing required to comply with a non-removable roccol screen</p> <p>All other windows - where the sill height is 4m or greater must have a transom above 855mm and a sill height less than 150mm - No restriction is required to opening</p> <p>Refer to NCC V2 Part 3.2.6 and 3.0.2.7</p>	
Boundary Walls To Provide Fire Suppression To comply with NCC Vol 2 Part 3.7.4.2	

AREAS

LIVING
BALCONY'S
TOTAL

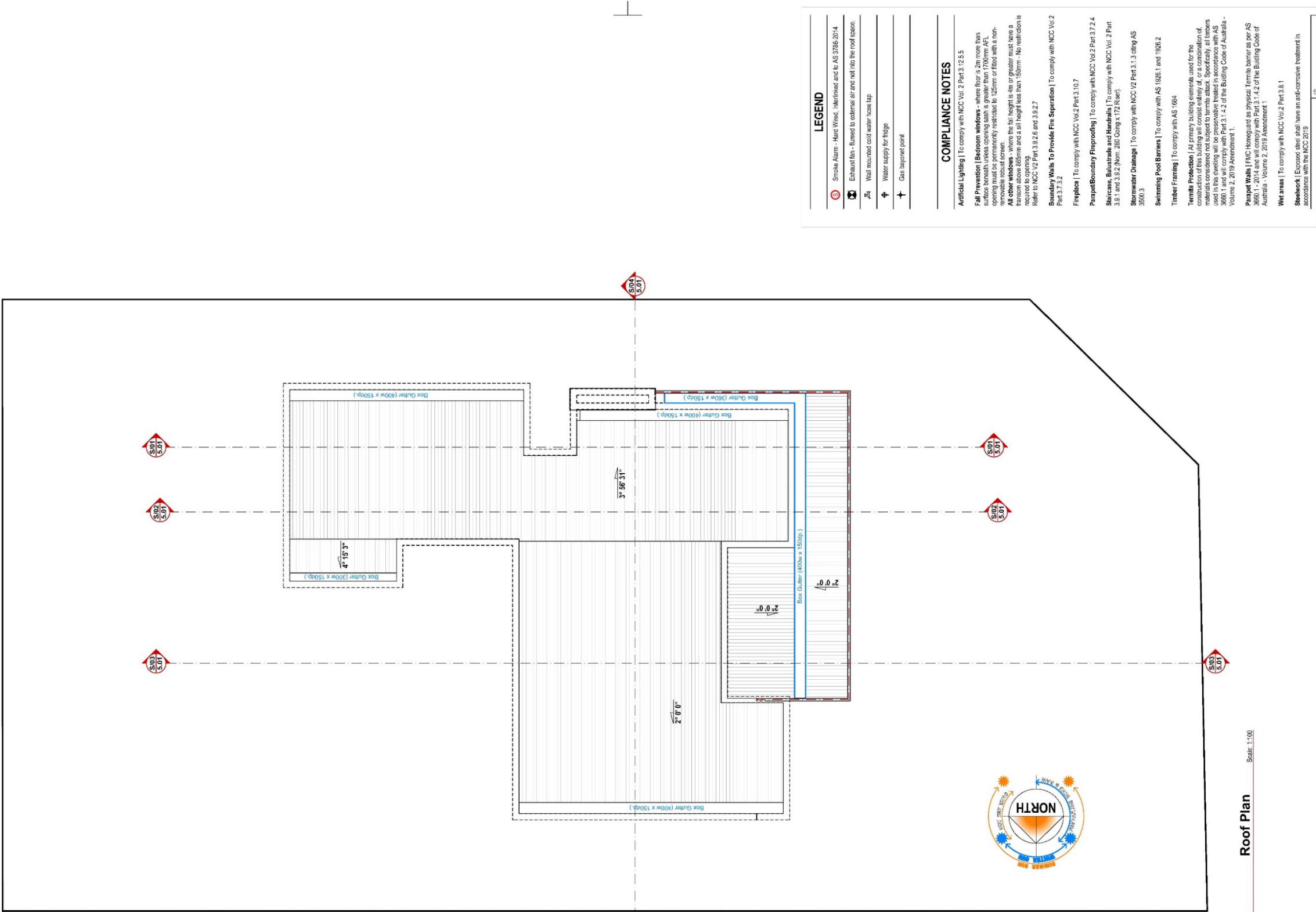
Swimming Pool Barrier [Comply with AS 1926.1 and 1926.2](#)

Timber Framing [Comply with AS 1684](#)

Termite Protection [At primary building elements used for the construction of this building or the total entirety of, or a combination of, materials considered not subject to termite attack. Specifically, all timbers used in this dwelling will be preservative treated in accordance with AS 3601.1 and will comply with Part 3.1.2 of the Building Code of Australia - Volume 2, 2019 Amendment 1.](#)

PROPOSED FIRST FLOOR PLAN 1:100

This Drawing is to be read in conjunction with all relevant Drawings related to the Project for accurate co-ordination of services. The Contractor is to check all dimensions on site before the commencement of work. Should any discrepancies occur, notify the Builder immediately. These Drawings remain the property of the Builder and shall be returned upon request.



Roof Plan Scale: 1:100

LEGEND	
	Smoke Alarm - Hard Wired, Interlinked and to AS 3786-2014
	Exhaust fan - fitted to external air and not into the roof space.
	Water supply for fridge
	Gas beyond point
COMPLIANCE NOTES	
Artificial Lighting To comply with NCC Vol 2 Part 3.12.5.5	
Fall Prevention Bedroom windows - where floor is 2m more than surface beneath unless opening sash is greater than 1700mm AFL, opening must be permanently restricted to 125mm or fitted with a non-removable robust screen.	
All other windows - where the sill height is 4m or greater must have a minimum clear opening of 100mm and a sill height less than 150mm - No ventilation is required to opening. Refer to NCC Vol 2 Part 3.9.2.6 and 3.9.2.7	
Boundary Walls To Provide Fire Separation To comply with NCC Vol 2 Part 3.7.3.2	
Fireplace To comply with NCC Vol 2 Part 3.10.7	
Parapet/Boundary Fireproofing To comply with NCC Vol 2 Part 3.7.2.4	
Staircase, Balustrade and Handrails To comply with NCC Vol 2 Part 3.8.1 and 3.8.2 (Non-200 Gating x 1/2 Rise)	
Stormwater Drainage To comply with NCC Vol 2 Part 3.1.3 citing AS 3500.3	
Swimming Pool Barriers To comply with AS 1925.1 and 1925.2	
Timber Framing To comply with AS 1684	
Termite Protection All primary building elements used for the construction of this building will consist entirely of, or a combination of, materials considered not subject to termite attack. Specifically, all floors used for habitation will be constructed of concrete or masonry to AS 3600.1 and will comply with Part 3.1.4.2 of the Building Code of Australia - Volume 2, 2019 Amendment 1.	
Parapet Walls FMC Homeguard as physical Termite barrier as per AS 3600.1 and in accordance with Part 3.1.4.2 of the Building Code of Australia - Volume 2, 2019 Amendment 1	
Wet areas To comply with NCC Vol 2 Part 3.8.1	
Steelwork Encased steel shall have an anti-corrosive treatment in accordance with the NCC 2.8.15	

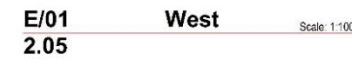
Roof Plan		N/A.	
Rev	No	Rev	No
DA02		5130	
2.07		2.07	

Diagram as:		Revised as:	
C.C.E.		C.C.E.	
C.C.E.		C.C.E.	
J.B.E.		J.B.E.	

West Coast Region		Remediation	
1.B.C.		1.B.C.	
Town of Fremantle		Town of Fremantle	
Daniel Zhao		Daniel Zhao	
18/03/2024 at 2:32 PM		18/03/2024 at 2:32 PM	

RIVERSTONE		Frederickson & Thompson	
AS Suite 44 Cottlesloe Central Shopping Centre, 460 Stirling Highway, Peppermint Grove, WA 6001		Lot 1 (#2) Parker St	
P 08 9284 4862 F 08 9284 6144 E ven@riverstone.com.au		East Fremantle, WA 6158	
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RIVERSTONE

12.3 83 DALGETY STREET - ALTERATIONS AND ADDITIONS

Owner	Sarah Ashe
Applicant	Sarah Ashe
Report Reference Number	TPR-1785
Planning Reference Code	P021/24
Prepared by	James Bannerman
Supervised by	Andrew Malone
Meeting date	Tuesday, 7 May 2024
Voting requirements	Simple majority
Documents tabled	Nil

Attachments

1. Location and advertising plan
2. Photos
3. Plans

PURPOSE

The purpose of this report is for Council to consider a development application for alterations and additions at 83 (Lot 84) Dalgety Street, East Fremantle.

EXECUTIVE SUMMARY

This development application proposes that alterations and additions are undertaken to an existing dwelling at 83 (Lot 84) Dalgety Street, East Fremantle. The double storey dwelling is having both internal and external changes undertaken to modernise the look and the design of the existing dwelling. It will go from having an Italianate facade with Doric pillars and multiple arches typical of such designs from the 1970s and 1980s to more contemporary styling.

On the ground floor the existing living room at the front of the house is being increased in length and the rear family room is being expanded. The kitchen is being expanded considerably and a current television room is being made into a study and laundry. A new outdoor barbeque area is being installed at the rear of the kitchen. On the upper storey an additional bathroom is being added to bedroom 2, the south balcony is becoming a studio and the existing north balcony is becoming part of the master bedroom. The existing ensuite is also being expanded. A sauna and spiral staircase is being added to the south western corner of the rear balcony. which is being reduced in size to accommodate larger minor bedrooms. A new balcony and roof top garden is being added to the northern, southern, and eastern edges of the upper storey. A new fence is to be installed along the front boundary.

There are six variations that are requested relating to the following;

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Northern Wall – Laundry, Scullery, Kitchen, Outdoor Kitchen – Ground Floor – 1.5m required, 1.03m provided
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Northern Wall – Bed 1, Ensuite, Bath, Toilet, and Bed 4 - Upper Floor – 3.9m required, 2.5m provided
- (iii) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, 22 degrees provided
- (iv) Clause 5.2.5 – Residential Design Codes – Sightlines – 1.5m truncation or 0.75m wall height required, wide gate opening and visually permeable fence provided
- (v) Clause 5.4.1 – Residential Design Codes – Visual Privacy – Northern Balcony - 7.5m required, less than 7.5m provided

- (vi) Clause 5.4.1 – Residential Design Codes – Visual Privacy – Southern Balcony – 7.5m required, less than 7.5m provided

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

BACKGROUND

Zoning	Residential R12.5
Site Area	1088m ²
Heritage	N/A
Fremantle Port Buffer	N/A
Previous Decision of Town and/or History of Issue Onsite	P44/22 – standalone outdoor patio – pavilion approved – 10 June 2022

CONSULTATION

Advertising

The proposed development was advertised from 8 March to 25 March 2024. Two submissions in support of the proposal were received.

Submission	Applicant Response	Town Response
<u>Submission 1</u> We support the proposal	Noted	Noted
<u>Submission 2</u> I support the proposal. My house is on the Western boundary of the property at 83 Dalgety Street. I have reviewed the plans and spoken with Mr Frank Ashe, about the proposal. I fully support this proposal, understanding that there will be some noise associated with the works over a considerable period. I'm fine with this.	Noted	Noted

Internal Consultation

1) Levels

- The levels at the street alignment including any driveways shall match the existing footpath levels.
- The levels at the street alignment including any driveways shall match the verge levels.

2) Stormwater

- Internal accesses and paths to be designed in such a manner as to prevent onsite storm water entering the road, footpath, right of ways and neighbouring properties.
- Internal accesses and paths to be designed in such a manner as to prevent onsite storm water entering the road, footpath, right of ways and neighbouring properties.
- An overland flow path is to be designed to ensure diversion of excess stormwater from the developments for rain events greater than those to which the drainage was designed. (extreme events)
- Backwash and drainage from domestic swimming pools and spas shall be retained on site. Backwash water is to be discharged to a grassed, vegetated or garden area, or a stone-filled trench either open to the surface or underground (similar to a septic tank absorption field). Any surface run-off resulting from the discharge should be contained within the property boundaries and not affect neighbouring properties. Disposal of backwash water into the Town's stormwater drainage system is prohibited as it can harm our rivers and coastal waters. Should this not be possible, water to be removed from site by means of a licensed liquid waste contractor. The disposal of backwash water into the Town's stormwater drainage system is prohibited as it can harm our rivers and coastal waters.
- Stormwater shall be retained on site and discharged into soak wells or by any other approved method on property. Soak wells including any for crossovers are to be installed within the applicant's property. Any ceded land (current or future) cannot be used for the installation of any soak wells, pipes, drainage infrastructure, etc.

3) Parking

- a. Car parking bays, internal driveways and vehicle manoeuvring areas to be designed in accordance with AS2890.1-2004 parking facilities Part 1: Off Street Parking. The 85 percentile car turning template standard can be used to design non-standard vehicle manoeuvres.
- b. Trade parking to follow the Road Traffic Code, Australian Standards and Local Laws and Policies as determined by the Town of East Fremantle.
- c. Garage Door height clearance to meet Australian Standard AS/NZS 2890.1:2004 Section 5.3.
- d. Garage width to meet Australian Standard AS/NZS 2890.1:2004 Section 5.4.

4) Gates and Fences

- a. Any hinged gates which are located or are to be located on property boundaries adjoining road reserves, Rights of Way, drainage reserves, recreation reserves or other land under Council control are to be constructed in such a manner so that the gates do not swing out on to the road reserve, Right of Way, drainage reserve, recreation reserve or other land under Council control.
- b. Provision of adequate site fencing and adequate facilities for pedestrians, including crossing points and lighting, during the construction works to the satisfaction of the Executive Manager Technical Services.

5) Roads

- a. Owner/applicant when carrying out works in the road reserve will be responsible for location and protection of public utility services within the road reserve and is to obtain details of service locations from relevant utility authorities prior to the commencement of any works within the road reserve.

6) Crossovers and access

- a. Maximum Vehicle Crossover Width to be 5m in accordance with the Town of East Fremantle Crossover Policy.
- b. Vehicle crossovers no longer connected with an internal driveway must be removed and the verge, path and kerb reinstated at the applicant's expense to the satisfaction of the Executive Manager Technical Services.
- c. The existing crossover is to be upgraded to comply with the current standard specified in the Town's Specification for crossovers. Application must be made to Technical Services for approval to construct a new crossover. Crossover location and construction must comply with the requirements of the Town's Specifications For Crossover Construction.
- d. Access onto the site shall be restricted to that shown on the approved plan.
- e. Access to properties immediately adjacent and surrounding the Development to remain accessible at all times.
- f. No Street Trees are to be removed/ pruned/ damaged. Crossovers are to be a minimum setback from any street tree (trunk) as required by the Towns Operations Department.

7) Traffic

- a. Should the operation cause a) a safety concern, b) undue pedestrian or traffic congestion, c) the applicant fails to follow the described work methods or adhere to the Traffic Management Plan (including Traffic Control Drawings), the Town reserves the right to withdraw its endorsement of any work currently underway and possibly close down the site to comply with accepted safety conditions.

8) Verges

- a. All verges to be reinstated and any change must be approved by the Town.
- b. Street Trees are Council property and are not to be pruned, trimmed, relocated, damaged, or removed by the landowner, resident, builder, contractor, or any other person in preparation for construction or for the purpose of making access to the site easier or for any other reason. Any damage to street tree may result in prosecution. Any requests to trim street trees are to be referred to Technical Services.
- c. The footpath adjacent to the development shall be maintained clear of any obstructions and be trafficable at all times.
- d. The verge tree/s are to be protected as per Australian Standards AS 4970-2009.

9) Additional Advice Notes

- a. Any of the following activities will need an Activities on a Road or Verge application to submitted and approved by the Town; Skip bin on Verge or Crossover, Sand/Mulch or Loose Materials, Cranes, 20ft/40ft Containers, Building Materials. This form is used is residents or companies are wishing to store or utilise the Town's verges, roads, or footpaths, for activities that they are not generally used for.
- b. If the applicant is requesting an asset belonging to the Town (sign post, bollard etc.) to be moved or adjusted, they are to contact the Towns Engineering Department a minimum 15 Working days prior to the work being undertaken. You are not permitted to modify any Town assets. Penalties including infringements apply for modifications. The Town will conduct a site visit to determine the best outcome and if possible, relocate the asset.
- c. Any damage that occurs to the Towns assets for example but not limited to kerb, drainage, trees, footpaths, roads, signage etc is to be repaired to the satisfaction of the Town by the applicant at their cost.

External Consultation

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

Built Environment

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

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

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

3.1.2 Plan for a mix of inclusive diversified housing options.

3.1.3 Plan for improved streetscapes.

3.2 Maintaining and enhancing the Town's character.

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

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

3.3.1 Continue to improve asset management within resource capabilities.

3.3.2 Plan and advocate for improved access and connectivity.

RISK IMPLICATIONS

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

SITE INSPECTION

A site inspection was undertaken.

COMMENT

Statutory Assessment

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

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

Legend	
A	Acceptable
D	Discretionary
N/A	Not applicable

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

Design Element	Required	Proposed	Status
Street front setback	7.5m	7.451m – compensating area behind 7.5m	A
Garage setback			N/A - no change to existing
Minor incursions			N/A
Lot Boundary Setbacks			
Northern wall – laundry, scullery, kitchen, outdoor kitchen – ground floor	1.5m	1.03m	D
Northern wall – bed 1, ensuite, bath, wc, bed 4 – upper floor	3.9m	1.5m	D
Western wall – guest bed, family, outdoor kitchen – ground floor	6m	>6m	A
Western wall – sauna, west balcony, bed 4	6m	>6m	A
Southern wall – garage			A
Southern wall – bath, guest bed, stairs – ground floor	1.1m	3.8m	A
Southern wall – studio, bed 2, bath, sauna, stairs – upper storey	2.2m	2.3m	A
Car Parking	2 car bays	>2 car bays	A
Open Space	55%	64.8% applicant provided	A
Wall Height	7m	6m	A
Roof Height	10m	9.1m	A
Site Works			N/A – no change to existing
Visual Privacy			
Northern balcony	7.5m	<7.5m	D - condition
Southern balcony	7.5m	<7.5m	D – condition
Eastern balcony	Facing street	Permitted	A
Western balcony	7.5m	<7.5m	A – screening
Northern wall – kitchen - ground floor	6m	<6m	A – obscure glazing
Overshadowing	25% maximum	11.65%	A
Garage width	No change to existing	Permitted	N/A
Roof form and pitch	28 to 36 degrees	22 degrees	D
Materials and colours			A
Landscaping			N/A
Front fence & gate			A
Sightlines	1.5m truncation or 0.75m wall height required	wide gate opening and visually permeable fence provided	D
Footpaths and crossovers		Condition	
Drainage		Condition	
Wood Encouragement Policy		Decorative timber framework is to be installed along the street front facade	

This development application proposes that alterations and additions are undertaken to an existing dwelling at 83 (Lot 84) Dalgety Street, East Fremantle. The double storey dwelling is having both internal and external changes undertaken to modernise the look and the design of the existing dwelling. It will go from having an Italianate facade

with Doric pillars and multiple arches typical of such designs from the 1970s and 1980s to more contemporary styling.

On the ground floor the existing living room at the front of the house is being increased in length and the rear family room is being expanded. The kitchen is being expanded considerably and a current television room is being made into a study and laundry. A new outdoor barbeque area is being installed at the rear of the kitchen. On the upper storey an additional bathroom is being added to bedroom 2, the south balcony is becoming a studio and the existing north balcony is becoming part of the master bedroom. The existing ensuite is also being expanded. A sauna and spiral staircase is being added to the south western corner of the rear balcony. which is being reduced in size to accommodate larger minor bedrooms. A new balcony and roof top garden is being added to the northern, southern, and eastern edges of the upper storey. A new fence is to be installed along the front boundary.

There are six variations that are requested relating to lot boundary setbacks (2 locations), roof pitch, sightlines and visual privacy (2 locations).

Lot Boundary Setback - Northern Wall – Laundry, Scullery, Kitchen, Outdoor Kitchen – Ground Floor

The northern wall of the laundry, scullery, kitchen, and outdoor kitchen on the ground floor is 20.04m long and 3.27m high with major openings. The wall should be located 1.5m from the boundary in accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1. In this case the wall is located 1.03m from the boundary. The reduced lot boundary setback can be supported in accordance with design principles 5.1.3 P3.1 for the following reasons;

- There is minimal impact from building bulk on the adjoining properties,
- Adequate sunlight and ventilation will be provided to the building and the open space on the site and the adjoining properties,
- There will be minimal overlooking and loss of privacy on adjoining properties.

It is noted that much of the wall is already existing although major opening locations have changed. The reduced lot boundary setback can be supported because there is no significant increase in building bulk, there is still space between neighbouring properties for ventilation and sunlight and there will be no significant loss of privacy to the neighbours from the reduced setback of the wall.

Lot Boundary Setback - Northern Wall –

The northern wall of bed 1, ensuite, bath, toilet, and bed 4 on the upper floor is 17m long and 5.5m high with major openings. The wall should be located 3.9m from the boundary in accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1. In this case the wall is located 2.5m from the boundary. The reduced lot boundary setback can be supported in accordance with design principles 5.1.3 P3.1 for the following reasons;

- There is minimal impact from building bulk on the adjoining properties,
- Adequate sunlight and ventilation will be provided to the building and the open space on the site and the adjoining properties,
- There will be minimal overlooking and loss of privacy on adjoining properties.

It is noted that much of the wall is already existing although major opening locations have changed. The reduced lot boundary setback can be supported because there is no significant increase in building bulk, there is still space between neighbouring properties for ventilation and sunlight and there will be no significant loss of privacy to the neighbours from the reduced setback of the wall.

Roof Pitch

The current roof in the Woodside precinct the Residential Design Guidelines acceptable development provisions 3.7.8.3 A4.1 requires that the roof pitch of dwellings in the Woodside precinct is between 28 and 36 degrees. In this case the roof pitch of the new roof is 22 degrees. The reduced roof pitch can be supported as the roof complements the traditional form of the surrounding development.

Front Fence - Sightlines

The new fence that is proposed along the front boundary does not see a reduction in the wall height to 0.75m or have a 1.5m truncation that allows for high quality sightlines in accordance with Residential Design Codes deemed to

comply clause 5.2.5 C5. In this case there is a wide gate opening that gives significant opportunity for good quality sightlines for reversing vehicles in accordance with design principles 5.2.5 P5. For this reason the proposed fence and gate design can be supported.

Visual Privacy - Balconies

There is extensive use of balconies around the perimeter of the upper floor of the dwelling. Following discussions with the applicant and owner the design was modified to reduce the size of the balcony and incorporate a rooftop garden in front of the balcony. Nonetheless the Residential Design Codes do still require visual privacy screening to be installed where outdoor living areas are more than 0.5m above the ground level. Currently there is an issue in relation to visual privacy towards the southern and northern neighbouring properties. Although the adjoining rooms have incorporated obscure glazing there are still major openings onto the balcony and in accordance with the Residential Design Codes deemed to comply clause 5.4.1 C1.1 requires that there are setbacks of 7.5m from balconies to the neighbouring properties for visual privacy purposes. A condition has been included in the final recommendation requiring visual privacy screening that meets the requirements of deemed to comply clause 5.4.1 C1.2. Visual privacy screening will have to be installed along the northern and southern edge of the balcony to ensure that visual privacy is maintained, and overlooking is minimised. This screening is to be a minimum of 1.6m high from the finished floor level of the balcony, 75% obscure, permanently fixed in place, durable, and restricts views in the direction of the overlooking.

Visual Privacy -Major Openings from Northern and Southern Walls

As a result of a significant number of major openings on the southern and northern walls requiring obscure glazing or to be more than 1.6m above the finished floor level to ensure visual privacy requirements are met in accordance with the Residential Design Codes deemed to comply clause 5.4.1 C1.2 an additional condition has been included in the final recommendation to ensure that the Town has a means to control the elements of the development in relation to this matter and limit any issues with visual privacy to neighbouring property owners.

CONCLUSION

The proposed development at 83 (Lot 84) Dalgety Street involves alterations and additions to an existing development located in the Woodside precinct which is not heritage listed. It is a relatively large dwelling that does present some issues particularly in relation to visual privacy but it is considered that these issues can be addressed through the conditions included in the final recommendation. The proposed alterations and additions do help to modernise the ageing house and make a positive contribution to the streetscape. Based on the assessment the proposed development can be supported subject to conditions.

OFFICER RECOMMENDATION

That development approval is granted under delegated authority and Council exercises its discretion regarding the following;

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Northern Wall – Laundry, Scullery, Kitchen, Outdoor Kitchen – Ground Floor – 1.5m required, 1.03m provided
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Northern Wall – Bed 1, Ensuite, Bath, Toilet, and Bed 4 - Upper Floor – 3.9m required, 2.5m provided
- (iii) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, 22 degrees provided
- (iv) Clause 5.2.5 – Residential Design Codes – Sightlines – 1.5m truncation or 0.75m wall height required, wide gate opening, and visually permeable fence provided
- (v) Clause 5.4.1 – Residential Design Codes – Visual Privacy – Northern Balcony - 7.5m required, less than 7.5m provided
- (vi) Clause 5.4.1 – Residential Design Codes – Visual Privacy – Southern Balcony – 7.5m required, less than 7.5m provided

for alterations and additions at No. 83 (Lot 84) Dalgety Street, East Fremantle, in accordance with the plans submitted 18 March 2024, subject to the following conditions:

- (1) Visual privacy screening is to be installed along the southern and northern edge of the balconies in accordance with the plans submitted 18 March 2024 that achieves the deemed to comply requirements of clause 5.4.1 C1.2 of the Residential Design Codes and is a minimum of 1.6m from the finished floor level, at least 75% obscure, permanently fixed, made of durable material, and restrict view in the direction of the overlooking.
- (2) All major openings on the southern and northern side of the dwelling that do not achieve the deemed to comply requirements of clause 5.4.1 C1.2 of the Residential Design Codes are required to have obscure glazing or be more than 1.6m above the finished floor level of the respective room.
- (3) All fencing within the street setback area is to be in compliance with the front fence provisions of the Local Planning Policy 3.1.1 – Residential Design Guidelines.
- (4) Existing trees located within the verge are a Town asset and as such must be retained and not pruned, shaped, or modified except where otherwise approved for removal or modification by the Town.
- (5) During construction the verge trees are to be protected with cages around the trunks to ensure that they are not damaged by surrounding works, vehicles, or materials.
- (6) An application is to be submitted to the Operations Department of the Town for the removal of any verge trees. Verge trees are not to be removed without written approval from the Town.
- (7) The footpath is to always remain accessible to pedestrians.
- (8) Prior to the submission of a building permit application, a Construction Management Plan shall be prepared to the satisfaction of the Town. This plan is to address the following matters during the construction/development period:
 - (a) Noise, vibration, air, and dust management;
 - (b) Contact details of essential site personnel, construction periods and construction operating hours;
 - (c) Traffic management, including footpath closures and proposed signage;
 - (d) Parking management for all trades, contractors, and visitors to site;
 - (e) Public safety and amenity (traffic control and pedestrian management);
 - (f) Site access/egress management;
 - (g) Scaffolding management plan;
 - (h) Management plan for the loading and unloading of vehicles;
 - (i) Heavy construction machinery and deliveries;
 - (j) Bulk earthwork operations;
 - (k) Stormwater and sand/sediment control;
 - (l) Street tree management and protection;
 - (m) Protection of footpath;

- (n) Details of all concrete pours and requirements relating to piling methods or associated works;
- (o) Temporary fencing;
- (p) Temporary toilets;
- (q) Dilapidation of Town infrastructure and nearby properties;
- (r) Hoardings and gantries; and
- (s) Any other relevant matters.

The requirements of this plan are to be observed at all times during the construction process.

- (9) The crossover widths are not to exceed the width of the crossovers indicated on the plans date submitted and to be in accordance with the Town of East Fremantle's (the Town) crossover policy, the Residential Design Guidelines and the Urban Streetscape and Public Realm Style Guide.
- (10) The works are to be constructed in conformity with the drawings and written information accompanying the application for development approval other than where varied in compliance with the conditions of this development approval or with the Town's further approval.
- (11) The proposed works are not to be commenced until the Town has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this development approval unless otherwise amended by the Town.
- (12) With regards to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received development approval, without those changes being specifically marked for the Town's attention.
- (13) All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Town prior to the issue of a Building Permit.
- (14) If requested by the Town within the first two years following installation, the roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
- (15) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town.
- (16) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified, or relocated then such works must be approved by the Town and if approved, the total cost to be borne by the applicant. The Town must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (17) This development approval is to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *This decision does not include acknowledgement or approval of any unauthorised development which may be on site.*
- (b) *A copy of the approved plans as stamped by Town are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by the Town.*
- (c) *An application for a new crossover is to be submitted to the Operations Department of the Town and plans are to be included with the application that meets the requirements of the Town's crossover policy, the Residential Design Guidelines and the Urban Streetscape and Public Realm Style Guide. This application and relevant information are available at the following links;
Crossover Specifications
https://www.eastfremantle.wa.gov.au/Profiles/eastfremantle/Assets/ClientData/Documents/works-reserves/Crossover_Specification_2017.pdf*

Residential Design Guidelines

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

Urban Streetscape and Public Realm Style Guide

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

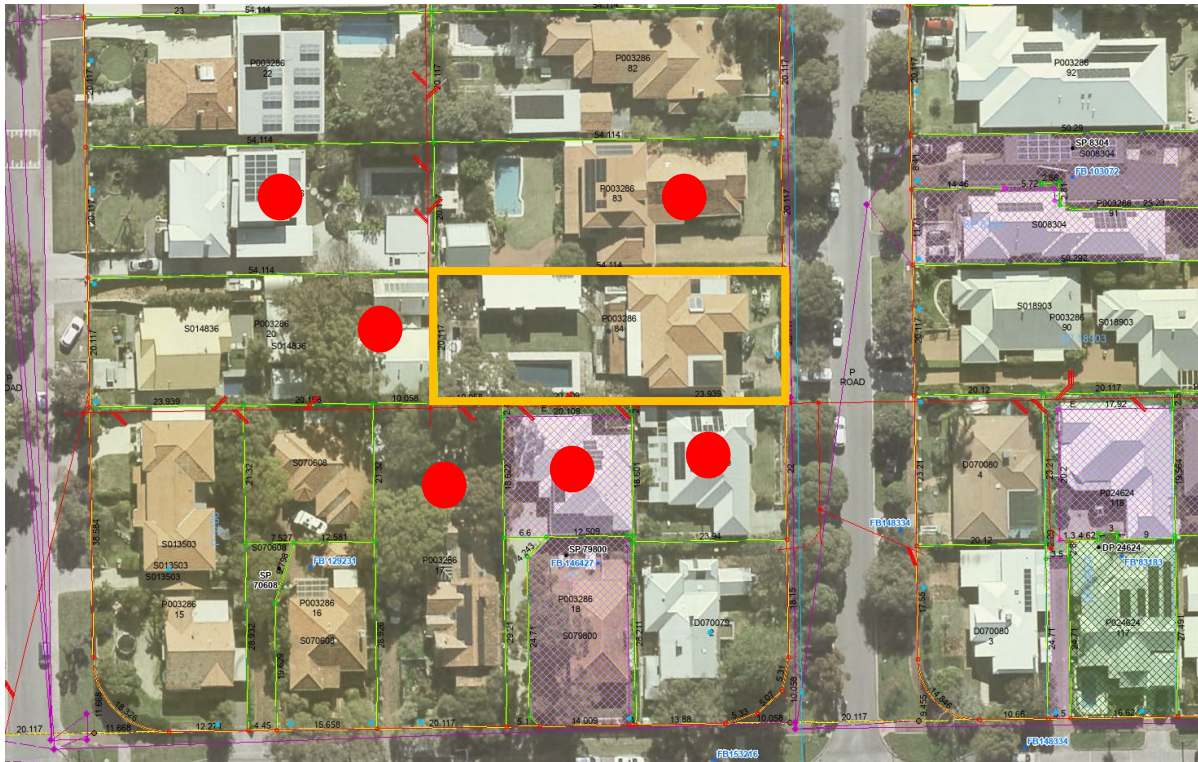
Application to Conduct Crossover Works

https://www.eastfremantle.wa.gov.au/Profiles/eastfremantle/Assets/ClientData/Documents/works-reserves/Application_to_conduct_crossover_works.pdf

- (d) All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).**
- (e) Matters relating to dividing fences are subject to the Dividing Fences Act 1961.**
- (f) Trees on verges are the property of the Town. They are not to be damaged, pruned or removed. Any actions which harm verge trees will result in the Town acting against the owners/builders/contractors responsible. If there are concerns regarding trees owners/builders/contractors are asked to contact the Town to seek further advice.**
- (g) Any damage to other Town assets including but not limited to the kerb, drainage, footpaths, roads, and signage will have to be repaired by the applicant/owners/contractors at their cost.**

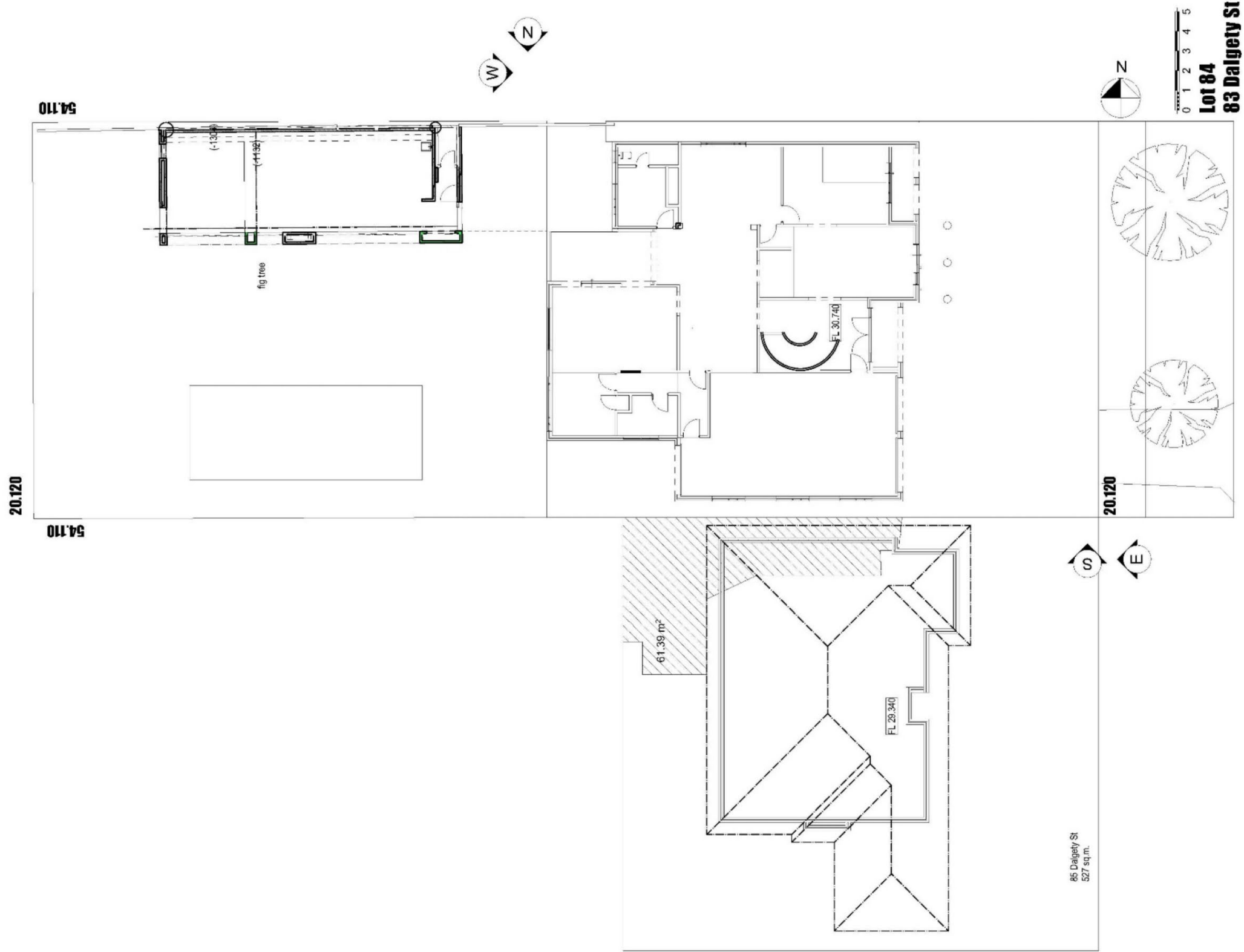
REPORT ATTACHMENTS

Attachments start on the next page



83 Dalgety Street – Photos





Existing Site Plan
NOT SET:200

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PAGE 833 399

heritage
P:08 833 399

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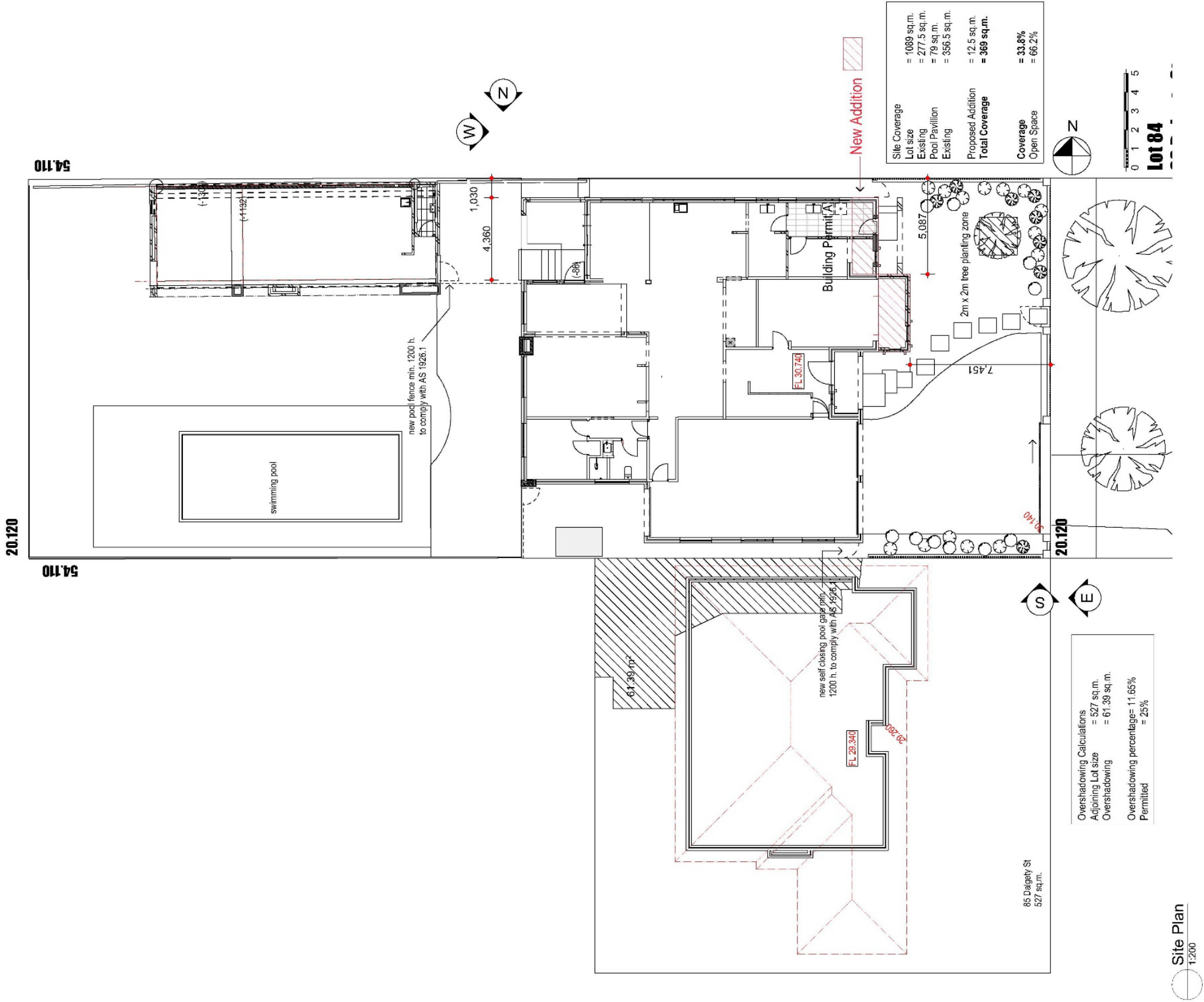
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Drawing:
Existing Site Plan

Date:	18/03/2024	Drawn:	JC
Job No:	2207	Dwg No:	EX100
Rev:	3	Rev:	3

REV.	AMENDMENT	DATE	REV.	AMENDMENT	DATE
3	plan'ing	17/3/2024			
2	plan'ing	5/3/2024			
1	building permit	27/2/2024			

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



John
Chisholm design
environmental
0408 833 399
jc@jchisholm.com

heritage
jc@jchisholm.com

contemporary
jchisholm.com

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**Alterations
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East Fremantle**

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Drawing:
Site Plan

Date:
18/03/2024

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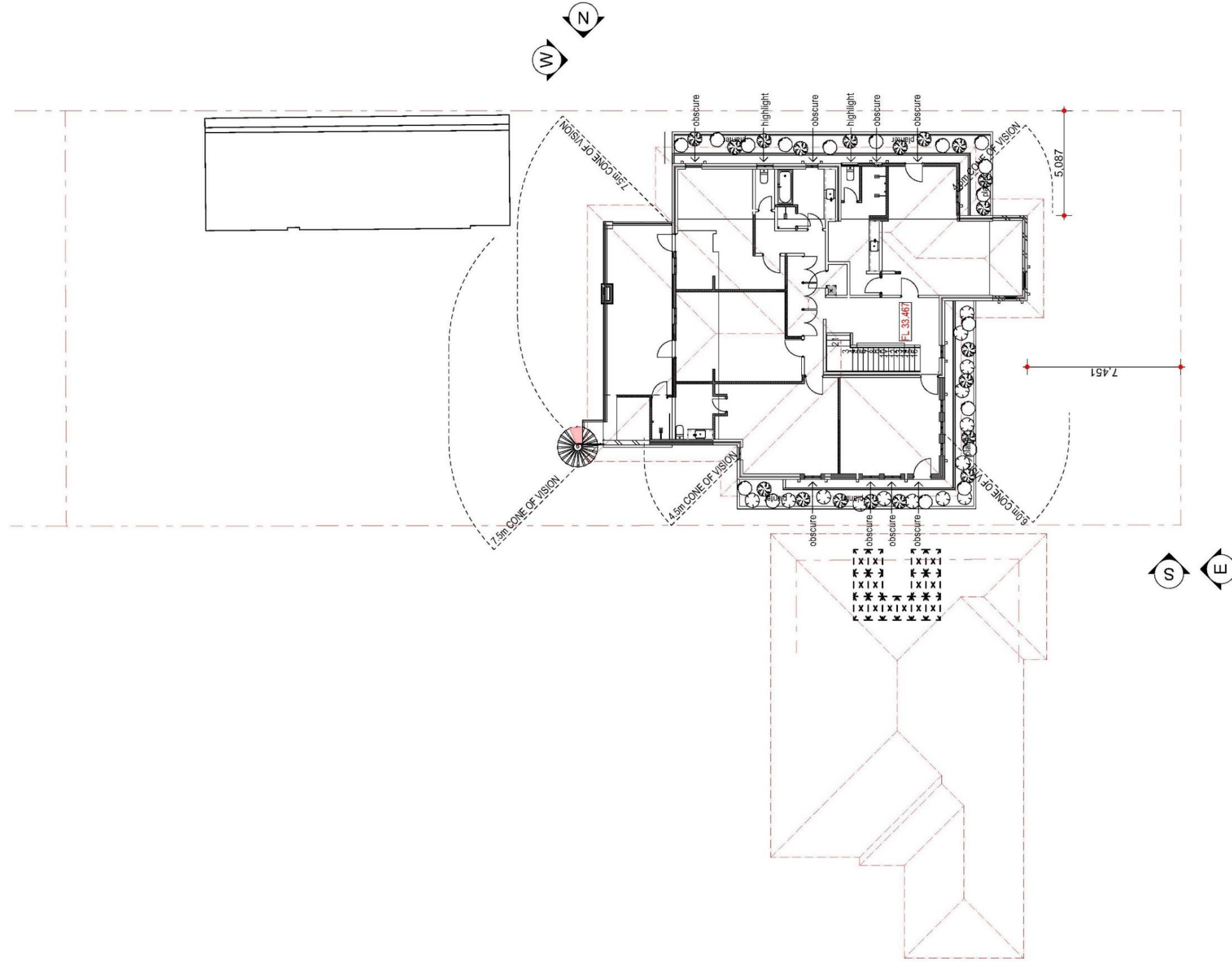
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The builder must verify all dimensions on site
before commencing any work or shop dwgs.

Page 89 of 151

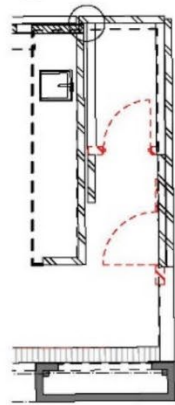


Site Plan First Floor
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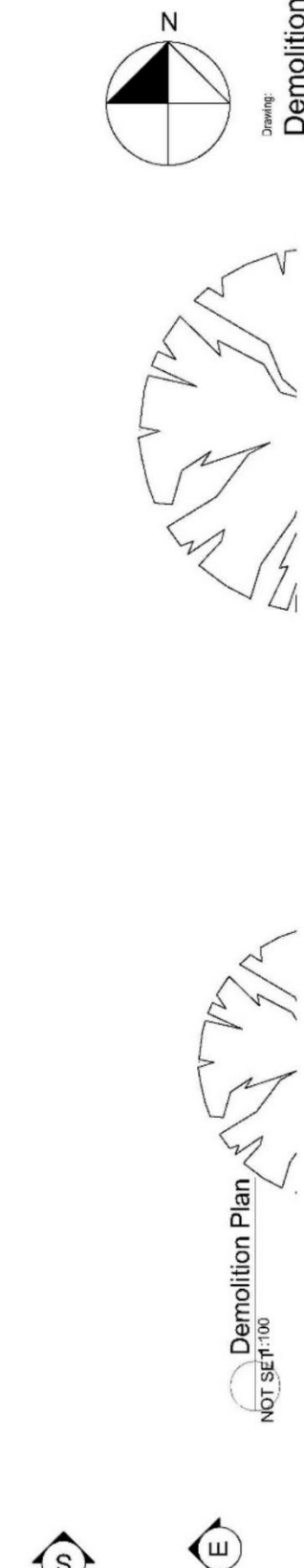
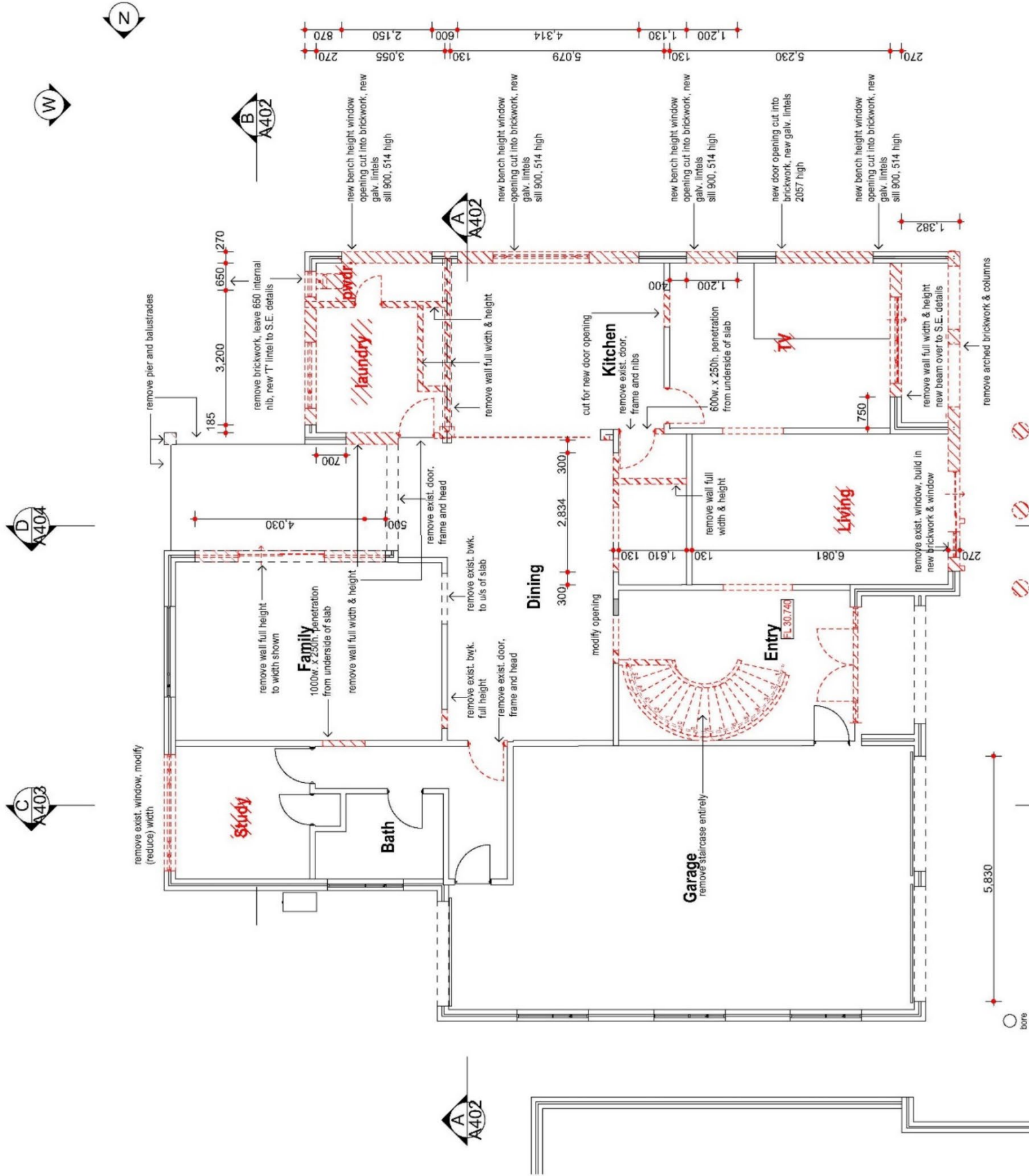
Drawing:
Site Plan First Floor

<div><div><div>john</div><div>Chisholm design</div></div><div><div>environmental</div><div>heritage</div><div>contemporary</div></div><div><div>0438 833 899</div><div>j@chisholm.com</div><div>jchisholm.com</div></div></div> <div><div><div><div><div>47</div><div>Design Matters</div><div>National</div></div><div><div>©</div><div>Copyright</div></div></div><div><div><div>the seal body for the</div><div>national copyright foundation</div><div>member</div></div></div></div></div>	<div><div>Project</div><div>Alterations</div><div>83 Dalgety St.</div><div>East Fremantle</div></div>							Date:	18/03/2024	Drawn:	JC		
										Job No.:		Rev	
								3	planning	17/3/2024			
								2	planning	5/3/2024			
								1	building permit	27/2/2024			
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The builder must verify all dimensions on site before commencing any work or shop dwgs.													

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17/03/2024



Planning



Project: Alterations 83 Dalgety St. East Fremantle		Drawing: Demolition Plan	
Date: 18/03/2024		Drawn: JC	
3	planning	17/03/2024	Job No. 2207
2	planning	5/03/2024	Dwg No. A200
1	building permit	27/02/2024	Rev. 3
The builder must verify all dimensions on site before commencing any work or shop dwgs.			

John

Chisholm design

environmental

0800 833 399

heritage

contemporary

jc@jochisholm.com

jochisholm.com

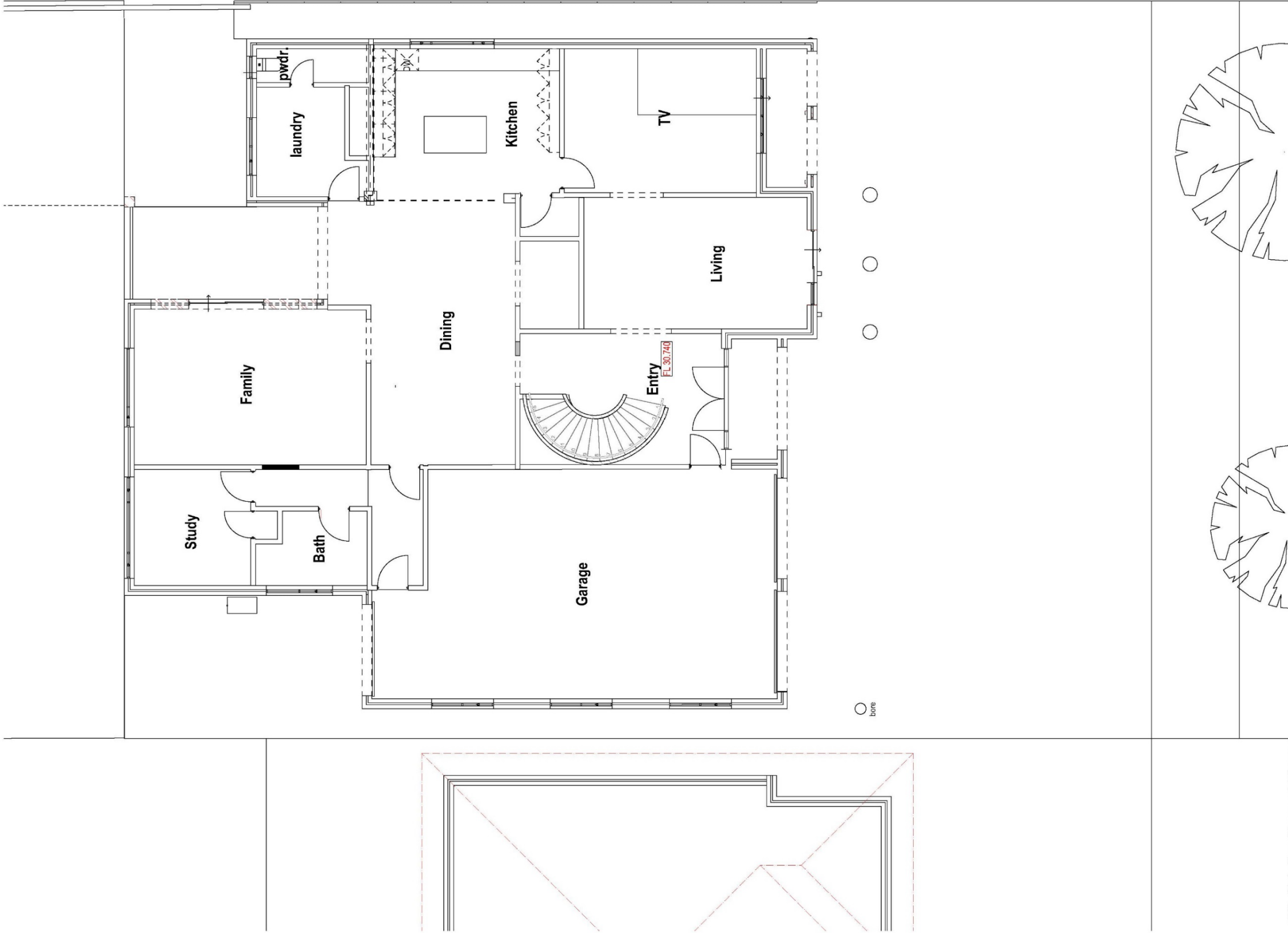
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17/03/2024
Planning



Existing Ground Floor
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john
Chisholm design
environmental 0428 833 899
heritage
contemporary
jchisholm@chisholm.com.au
jchisholm.com



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East Fremantle**

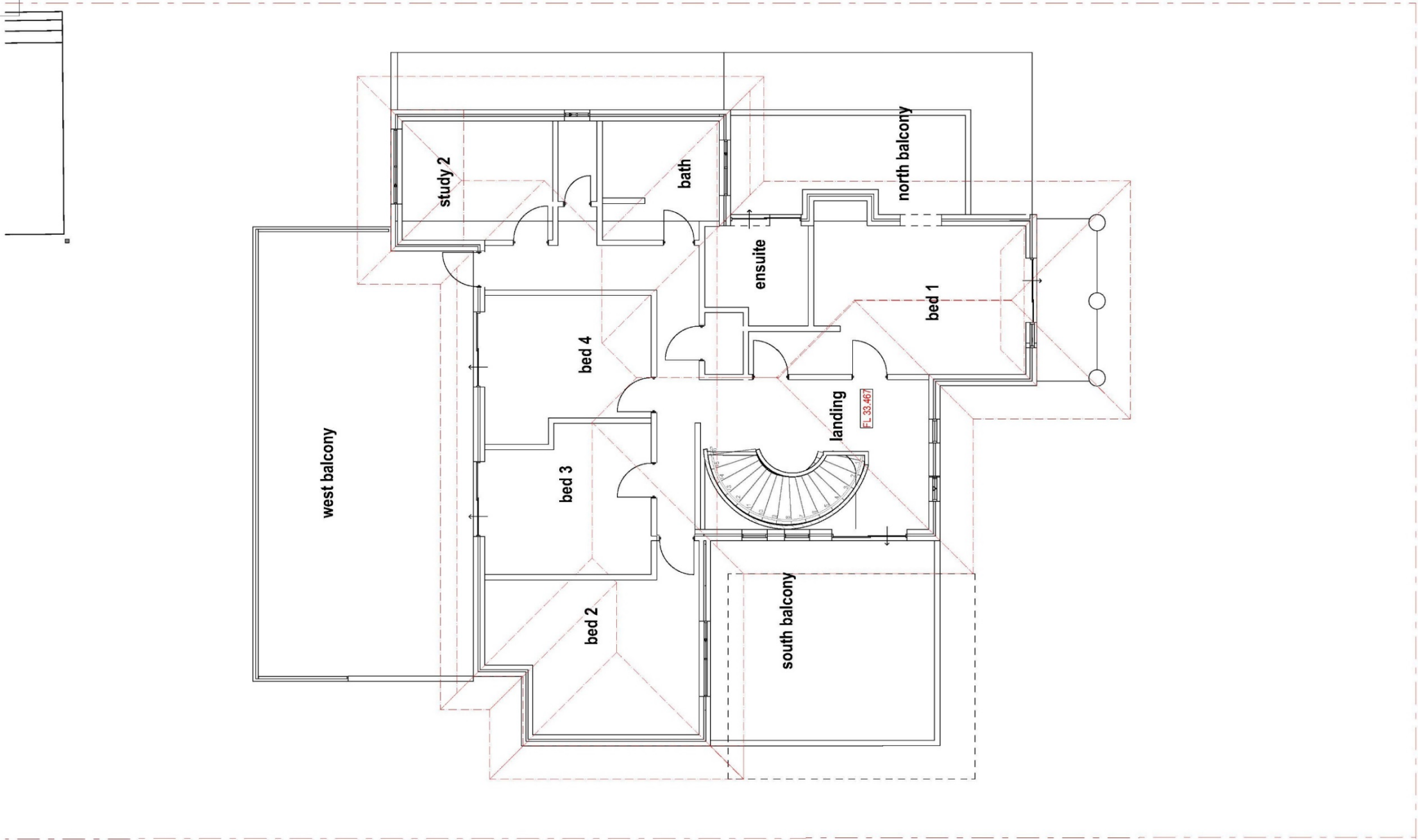
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2	planning	5/3/2024			
1	building permit	27/2/2024			

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Date:	18/03/2024	Dwnr:	JC
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17/03/2024
Planning



Existing First Floor
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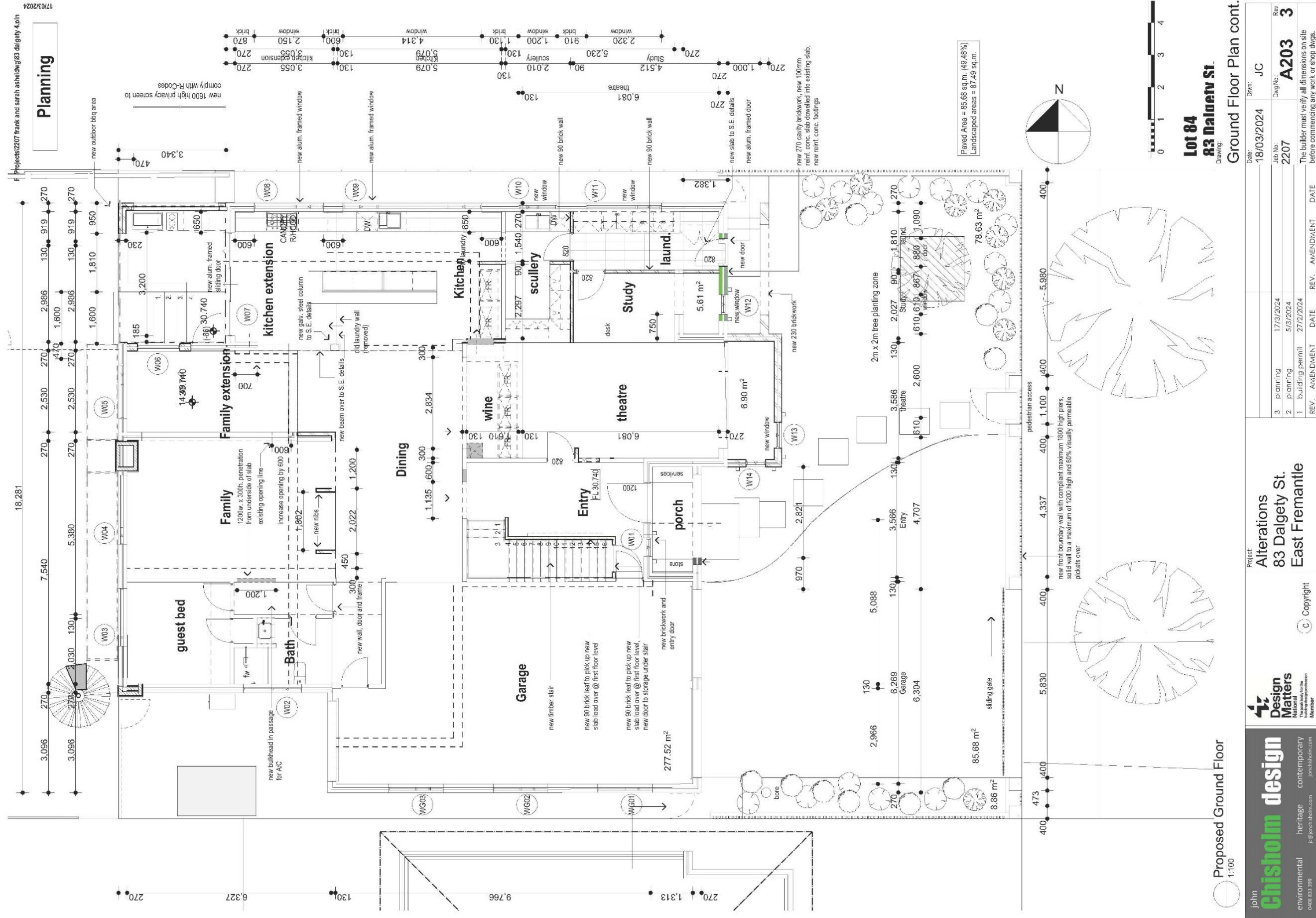
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83 Dalgety St.
East Fremantle

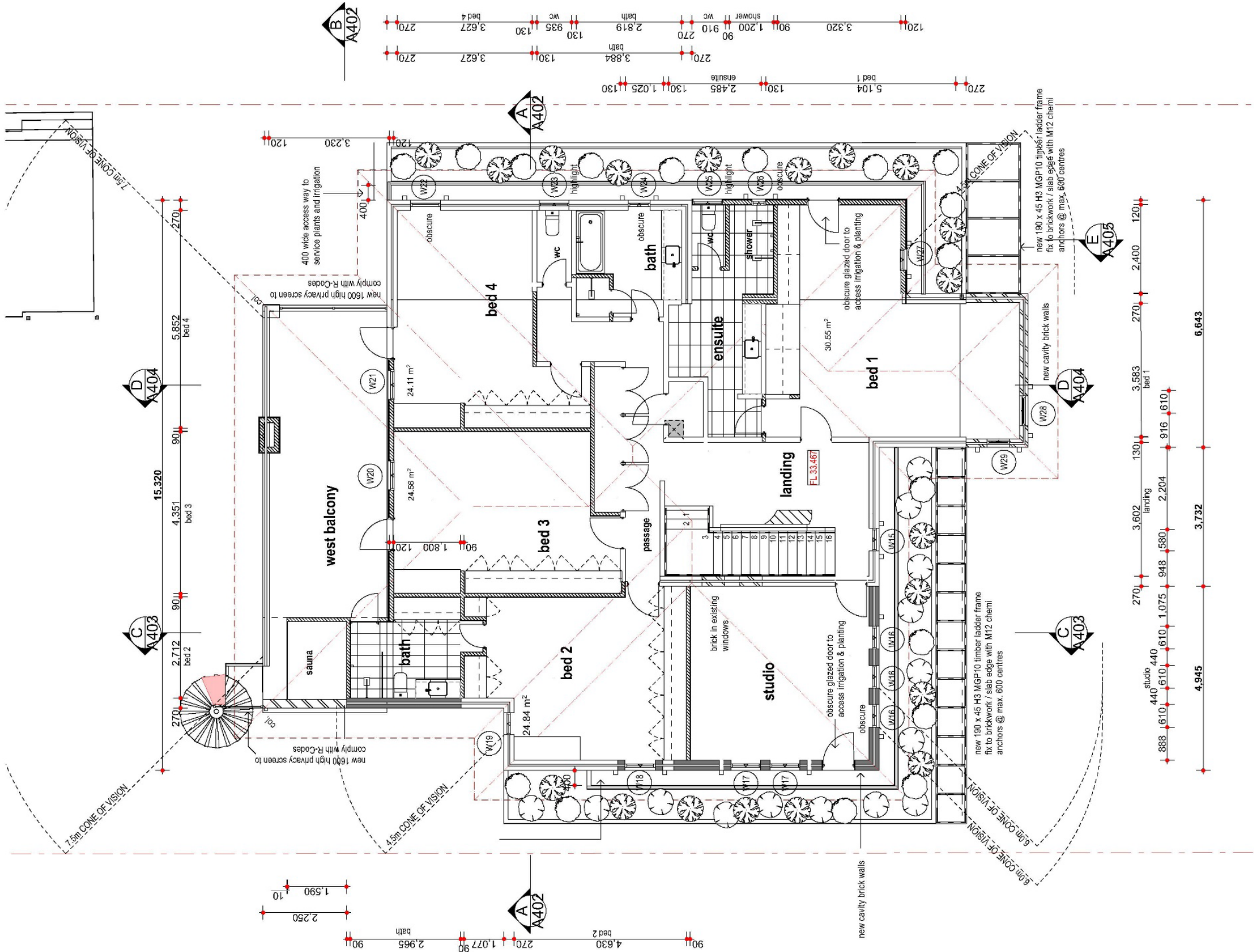
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1	building permit	27/2/2024			

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First Floor

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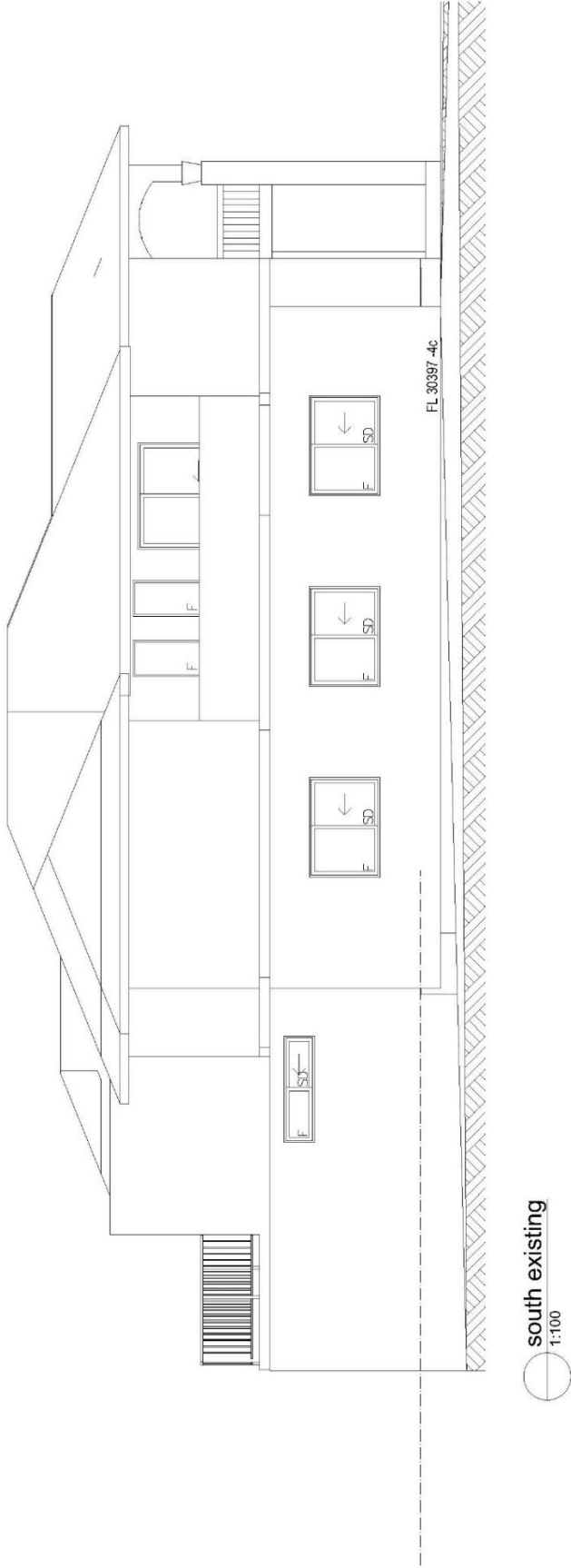
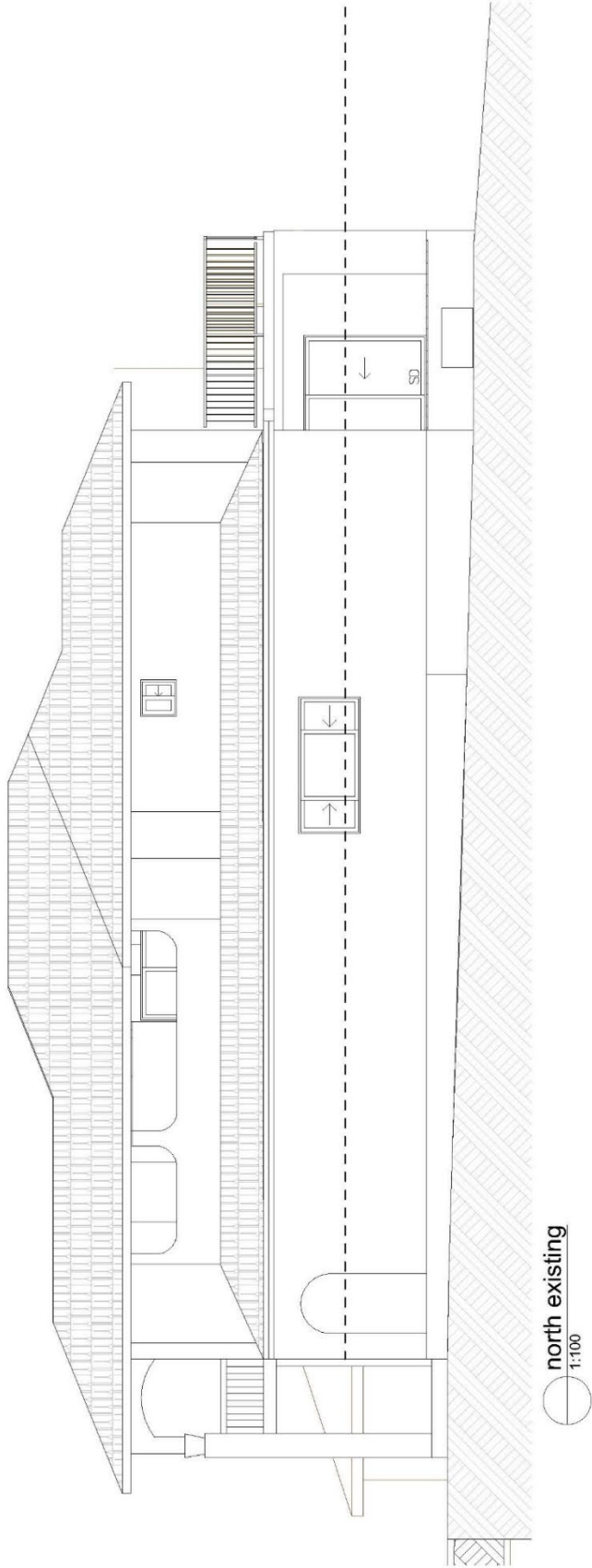
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A210



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3	planning	17/03/2024			
2	planning	5/3/2024			
1	building permit	27/2/2024			

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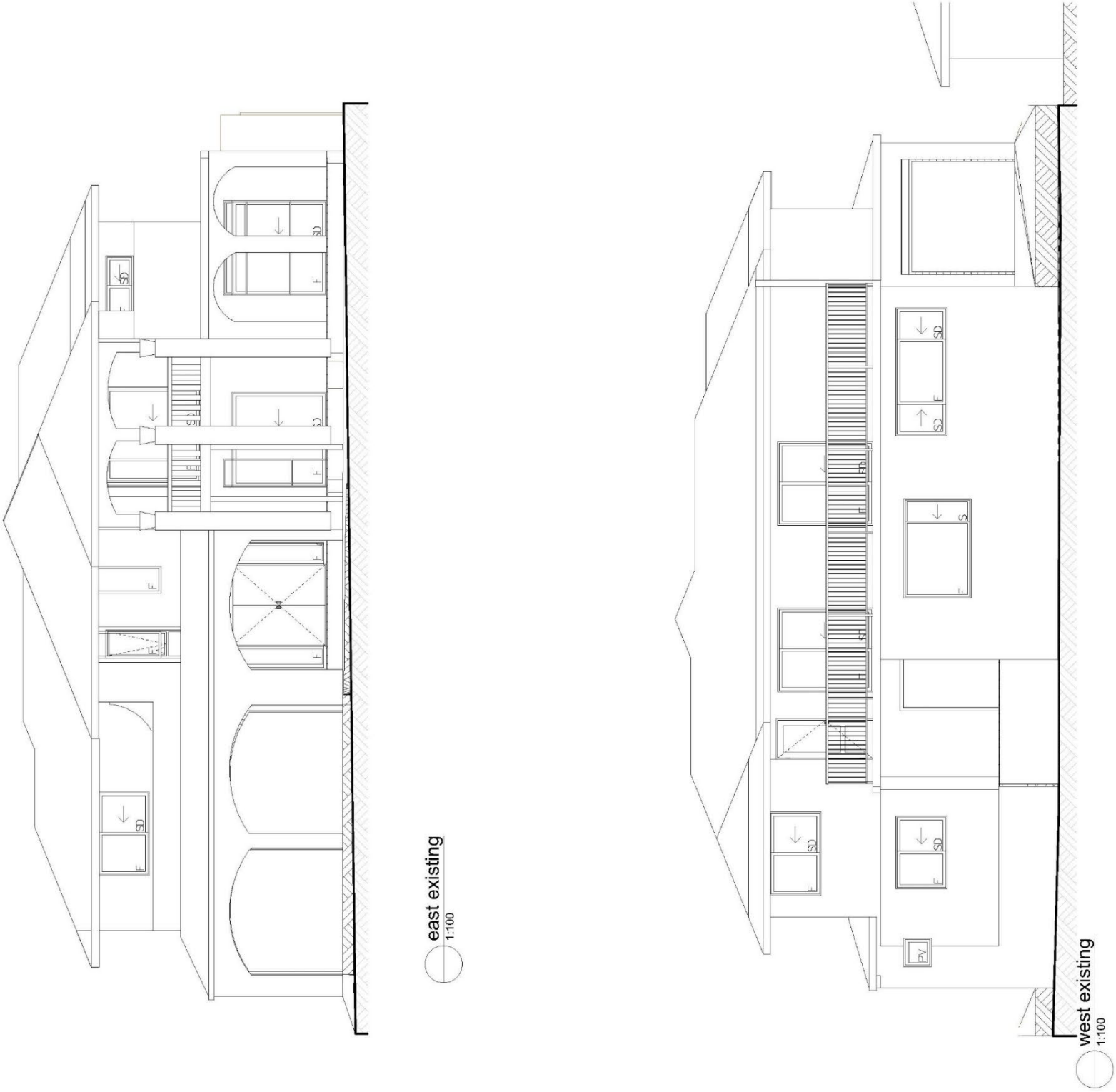
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Drawing: Existing Elevations

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Page 96 of 151



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3	planning	17/03/2024			
2	planning	5/3/2024			
1	building permit	27/2/2024			

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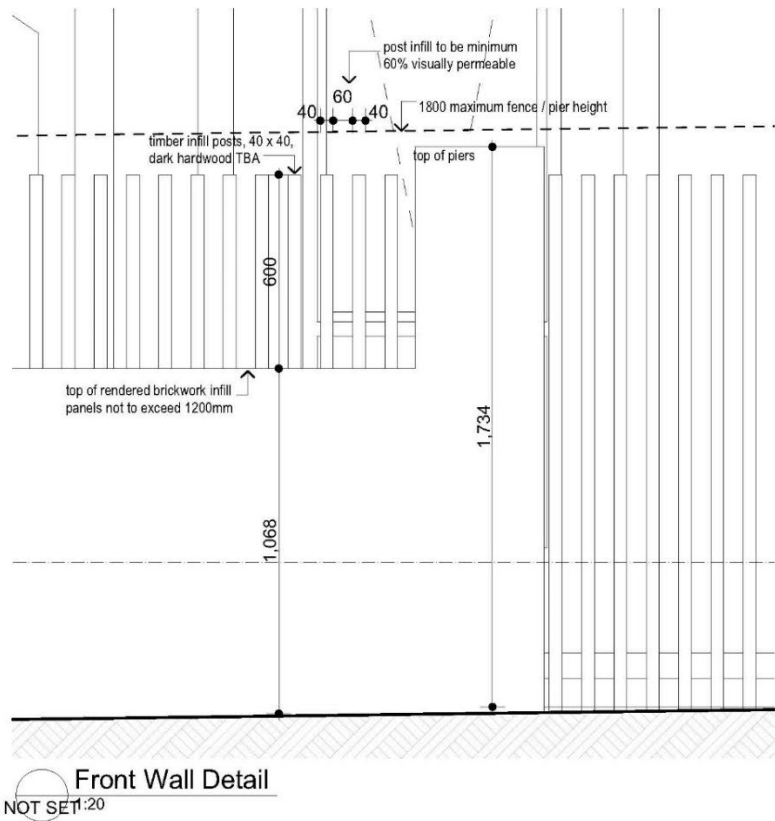
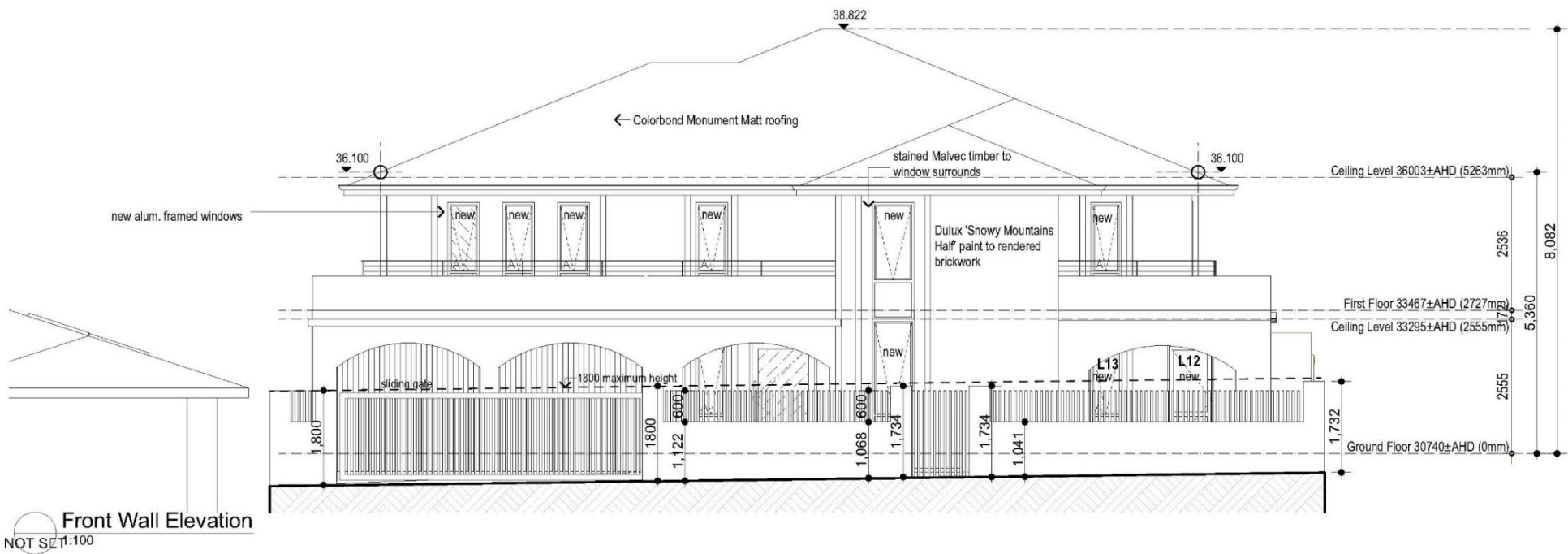
The builder must verify all dimensions on site before commencing any work or shop dwgs.

Drawing:

Existing Elevations

Planning

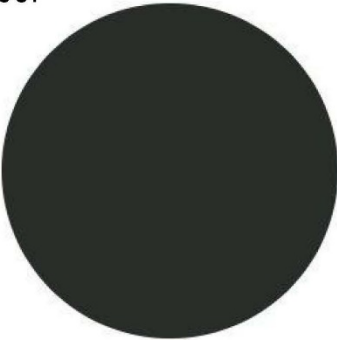
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			Job No: 2207		Dwg No.: A303	
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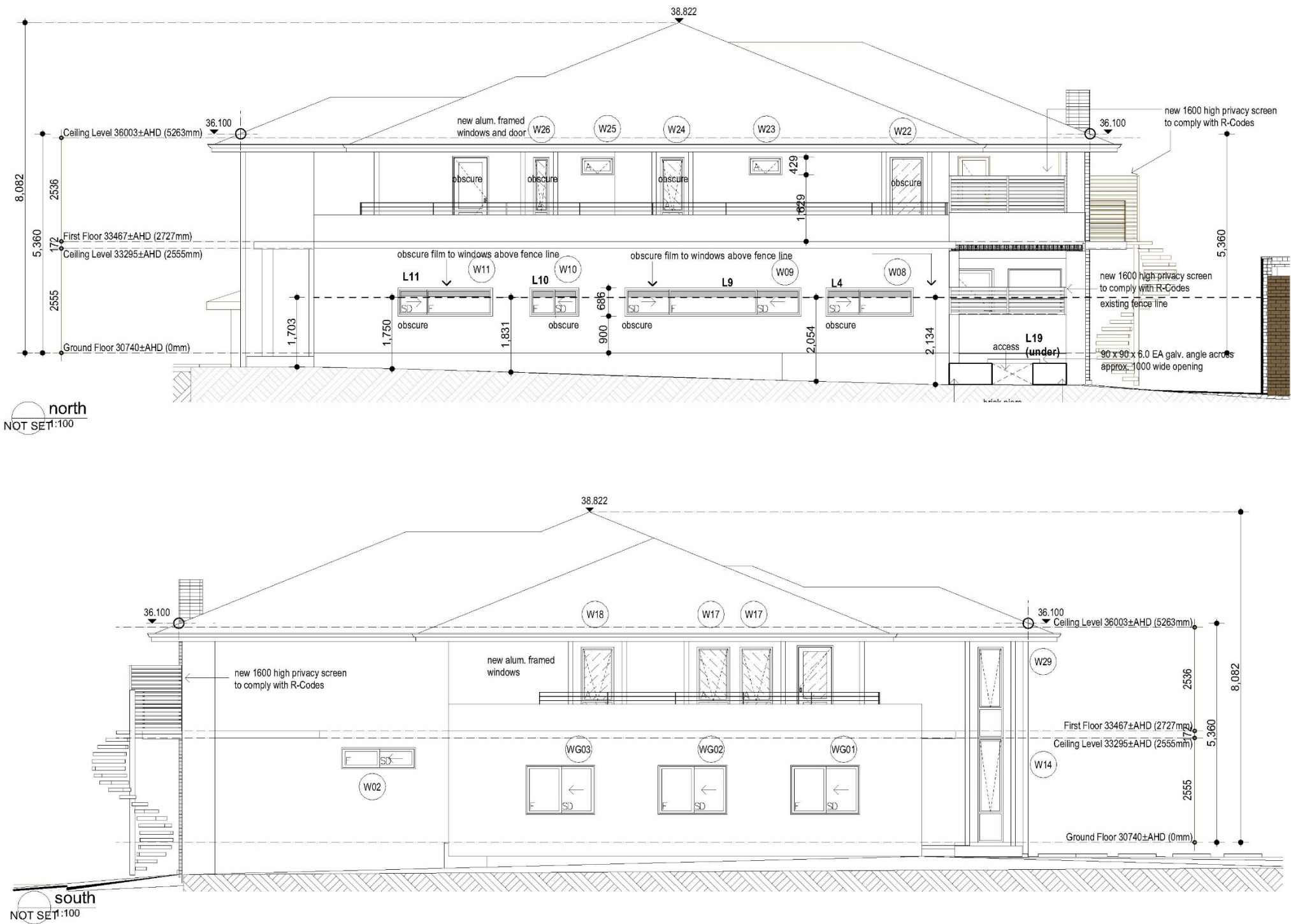
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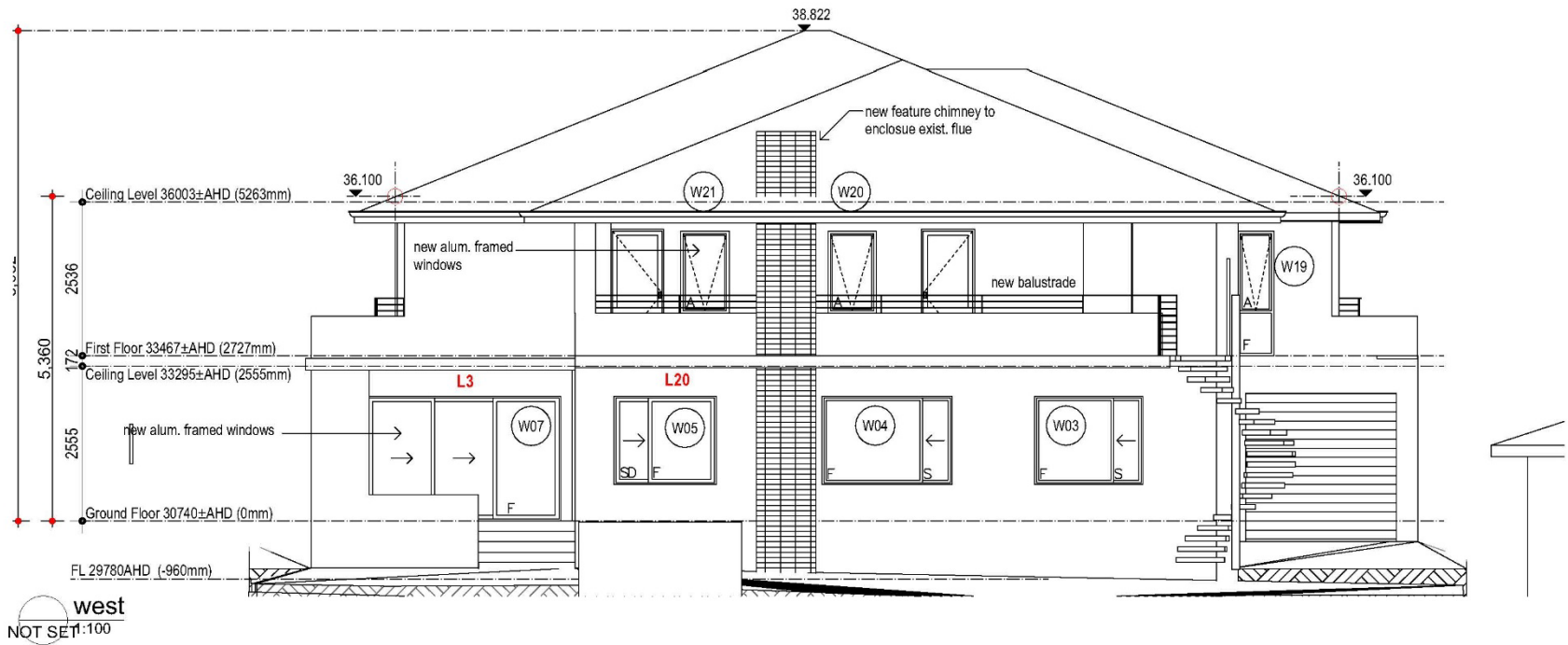
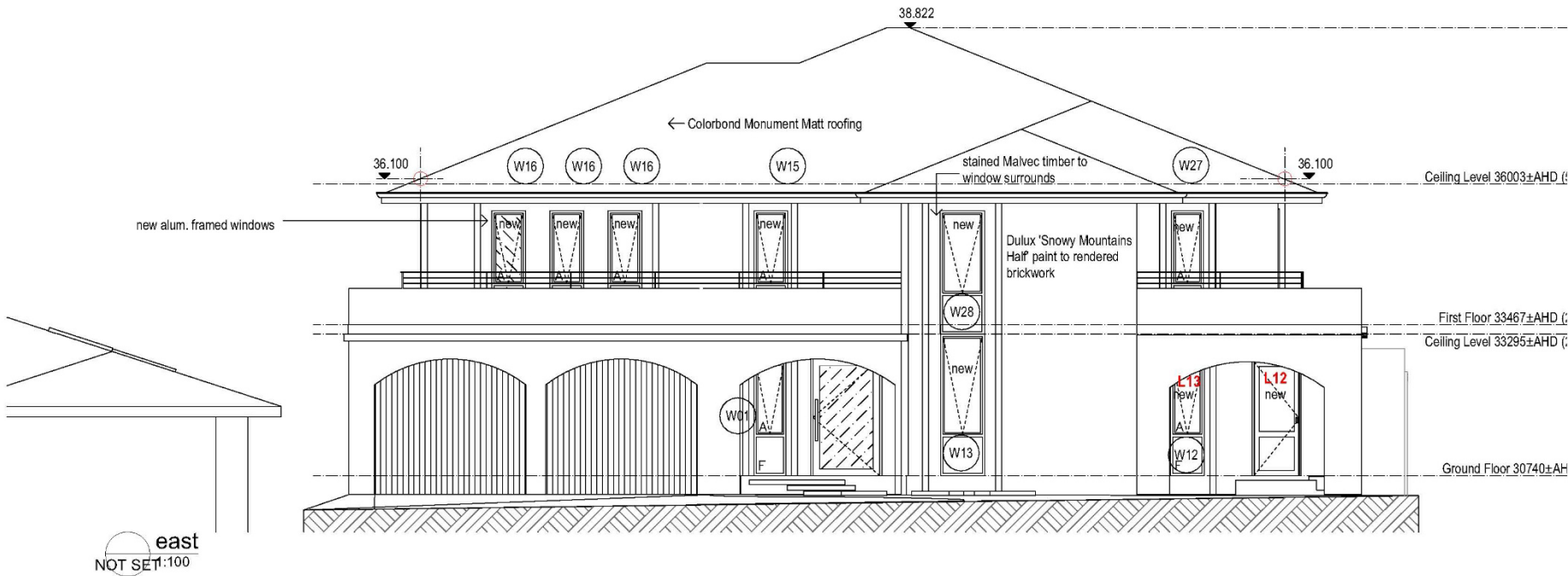


Window Surrounds



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chisholm design
environmental heritage contemporary
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2	planning	5/3/2024
1	building permit	27/2/2024

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Drawn:
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Job No:
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			3	planning	17/3/2024		Job No: 2207	Dwg No.: A306	Rev 3
			2	planning	5/3/2024		The builder must verify all dimensions on site before commencing any work or shop dwgs.		
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						Job No: 2207	Dwg No.: A307	Rev 3
		3 planning 17/3/2024						
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			3	planning	17/3/2024	Job No: 2207
			2	planning	5/3/2024	Dwg No.: A308
			1	building permit	27/2/2024	Rev 3
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12.4 30 VIEW TERRACE - ALTERATIONS AND ADDITIONS - AMENDED PLANS

Owner	James Turnbull
Applicant	Modern Ark Layout
Report Reference Number	TPR-1763
Planning Reference Code	P011/24
Prepared by	James Bannerman
Supervised by	Andrew Malone
Meeting date	Tuesday, 7 May 2024
Voting requirements	Simple majority
Documents tabled	Nil

Attachments

1. Location and advertising plan
2. Photos
3. Plans

PURPOSE

The purpose of this report is for Council to consider a development application for proposed alterations and additions at 30 (Lot 269) View Terrace, East Fremantle.

EXECUTIVE SUMMARY

This development application proposes alterations and additions to an existing dwelling at 30 (Lot 269) View Terrace, East Fremantle. This dwelling is not heritage listed and this development application represents the fifth application that has been submitted for the property since 2020. There have been substantial changes since the original development application such that a completely new development application was requested. There are elements of this proposal which are similar to previous proposals.

The proposed development is located on a site that slopes down steeply from View Terrace with a fall of 4.9m from the front to the rear boundary. Although the dwelling is relatively large there is expansion of both the surface area and height of the building. An upper storey above the existing dwelling with a home office, sitting area and guest bedroom and bathroom is proposed. The ground floor will have the master bedroom, two ensuites, expanded double garage, kitchen, meals and sitting room along with a larger balcony and external stairs from the balcony to the rear yard. On the lower ground floor there is a new basement level games room being added at the front of the dwelling and two bedrooms, living room bathroom and laundry being located within the existing lower ground floor. An expansive alfresco area is at the rear of the lower ground floor that opens out to the swimming pool. There is also an open pergola structure adjacent to the pool. A sunken garden area is located at the rear of the backyard. A small shed is to be located in the north eastern corner of the lot. There are numerous internal changes proposed which have no planning impact.

There are multiple variations requested to the Residential Design Codes and the Residential Design Guidelines as listed below.

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Eastern Wall – Balcony, Sitting Area, Bathroom – Second Floor – 2.1m required, 1.5m provided,
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Eastern Wall – Garage, Store, Scullery, Kitchen, Balcony – Mid and Upper Level – 2.4m required, 1m provided,
- (iii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Western Wall – Master Bed, Ensuite, Toilet, Sitting – Mid and Upper Level – 2.8m required, 1.524m provided,

- (iv) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Eastern Wall – Bed 4, Activity/Living - Lower Ground Floor – 1.5m required, 1.435m provided,
- (v) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback- Western Wall – Games, Store, Laundry, WIR, Ensuite – Lower Ground Floor – 1.7m required, 1.524m provided,
- (vi) Clause 3.7.17.4.1.3 – Residential Design Guidelines – Maximum Wall Height – 5.6m required, 9.5m provided,
- (vii) Clause 3.7.17.4.1.3 – Residential Design Guidelines – Maximum Roof Height – 8.1m required, 9.5m provided,
- (viii) Clause 3.7.17.3.3 – Residential Design Guidelines – Garage Width – 30% required, 31.4% provided
- (ix) Clause 5.2.5 – Residential Design Codes – Sightlines – 1.5m truncation or wall height reduced to 0.75m required, visually permeable fencing provided,
- (x) Clause 5.3.7 – Residential Design Codes – Site Works – retaining wall should be setback 1.5m from boundary required, retaining wall built to boundary,
- (xi) Clause 5.4.1 – Residential Design Codes – Visual Privacy - Eastern Wall -Second Floor Balcony – 7.5m visual privacy setback required, less than 7.5m visual privacy setback provided,
- (xii) Clause 5.4.1 – Residential Design Codes – Visual Privacy - Eastern Wall – Balcony - Mid and Upper Level – 7.5m visual privacy setback required, less than 7.5m visual privacy setback provided.

It is recommended that Council support the proposed development with the included variations and subject to the recommended conditions.

BACKGROUND

Zoning	Residential R17.5
Site Area	769m ²
Heritage	N/A
Fremantle Port Buffer	N/A
Previous Decision of Town and/or History of Issue Onsite	DA P047/20 – alterations and additions - approved 7 July 2020 DA P59/21 – amendment to P047/20 – alterations and additions - approved 2 August 2021 DA P91/22 – amendments to P59/21 – alterations and additions - approved 6 December 2022 DA P022/23 – amendments to P91/22 – alterations and additions - approved 20 June 2023

CONSULTATION

The proposed development was advertised from 14 February to 1 March 2024. No submissions were received.

Internal Consultation

Nil

External Consultation

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

Built Environment

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

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

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

3.1.2 Plan for a mix of inclusive diversified housing options.

3.1.3 Plan for improved streetscapes.

3.2 Maintaining and enhancing the Town's character.

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

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

3.3.1 Continue to improve asset management within resource capabilities.

3.3.2 Plan and advocate for improved access and connectivity.

RISK IMPLICATIONS

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

SITE INSPECTION

A site inspection was undertaken.

COMMENT

Statutory Assessment

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

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

Legend	
A	Acceptable
D	Discretionary
N/A	Not applicable

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

Design Element	Required	Proposed	Status
Street front setback	6m	6m	A
Garage setback	1.2m behind existing dwelling	In same position as existing carport	A
Minor incursions			N/A
Lot Boundary Setbacks			
Eastern wall – balcony, sitting area, bathroom – second floor	2.1m	1.5m	D
Western wall – guest bed, home office, balcony – second floor	5.4m	8.8m	A
Northern wall – alfresco – second floor	5.2m	19.2m	A
Eastern wall – garage, store, scullery, kitchen, balcony – mid and upper level	2.4m	1m	D
Western wall – master bed, ensuite, toilet, sitting – mid and upper level	2.8m	1.524m	D
Northern wall – balcony – mid and upper level	4.4m	8.36m	A
Northern wall – stairs – mid and upper level	2.8m	8.36m	A
Eastern wall – bed 4, activity/living lower ground floor	1.5m	1.435m	D

Western wall – games, store, laundry, WIR, ensuite – lower ground floor	1.8m	1.524m	D
Northern wall – alfresco – lower ground floor	3.1m	8.36m	A
Northern wall – stairs – lower ground level	2.5m	8.36m	A
Car Parking	2 car bays	>2 car bays	A
Open Space	50%	53%	A
Wall Height	5.6m	9.5m	D
Roof Height	8.1m	9.5m	D
Site Works	Retaining wall setback 1.5m from boundary	Retaining wall setback 0m	D
Visual Privacy			
Western paved area	7.5m	0m	A - screening to be installed
Eastern wall -second floor balcony	7.5m	<7.5m	D - screening to be installed on eastern edge of balcony
Sitting room – mid and upper level	6m	<6m	A - eexisting opening – solid wall along boundary in line with overlooking, additional wall being constructed along the north western corner of dwelling for privacy – neighbours have supported following discussions
Eastern wall – balcony - mid and upper level	7.5m	<7.5m	D - screening installed on eastern edge of the balcony
Overshadowing			N/A
Garage width	30%	31.4%	D
Roof form and pitch	Impact of roof to be demonstrated	Impact of roof demonstrated	A
Materials and colours			A
Landscaping	2m x 2m deep planting zone	Shown on plans	A
	1 tree	Shown on plans	A
Front fence & gate			A
Sightlines	1.5m truncation or reduced wall height to 0.75m	Visually permeable fence infill panels	D
Footpaths and crossovers	Condition		
Drainage	Condition		
Wood Encouragement Policy	Timber utilised in existing dwelling		

This development application proposes alterations and additions to an existing dwelling at 30 (Lot 269) View Terrace, East Fremantle. This dwelling is not heritage listed and the development application represents the fifth that has been submitted for the property since 2020. There have been substantial changes since the original development application such that a completely new development application was requested. There are elements of this proposal which are similar to previous proposals.

The proposed development is located on a site that slopes down steeply from View Terrace with a fall of 4.9m from the front to the rear boundary. Although the dwelling is relatively large there is expansion of both the surface area and height of the building. An upper storey above the existing dwelling with a home office, sitting area and guest bedroom and bathroom is proposed. The ground floor will have the master bedroom, two ensuites, expanded double garage, kitchen, meals and sitting room along with a larger balcony and external stairs from the balcony to the rear yard. On the lower ground floor there is a new basement level games room being added at the front of the dwelling and two bedrooms, living room bathroom and laundry being located within the existing lower ground floor. An expansive alfresco area is at the rear of the lower ground floor that opens out to the swimming pool. There is also an open pergola structure adjacent to the pool. A sunken garden area is located at the rear of the backyard. A small shed is to be located in the north eastern corner of the lot. There are numerous internal changes proposed which have no planning impact.

The proposed development was advertised to the surrounding property owners and no submissions were received. Discussions were held between the proponents and the neighbouring property owners to the west and amendments were made to the design to improve the levels of privacy between the dwellings.

There are multiple variations requested to the Residential Design Codes and the Residential Design Guidelines in relation to lot boundary setbacks (5 locations), wall and roof height, garage width, front fence sightlines, site works, and visual privacy (3 locations). These variations are discussed below.

Lot Boundary Setback - Eastern Wall – Balcony, Sitting Area, Bathroom – Second Floor

The eastern wall of the balcony, sitting area, and bathroom on the upper floor is proposed to be 13.284m long and 7.1m high without major openings. Based on the Residential Design Codes deemed to comply clause 5.1.3 C3.1 the wall should be located 2.1m from the boundary but in this case is 1.5m from the boundary. The reduced setback of 0.6m can be supported in accordance with design principles 5.1.3 P3.1 for the following reasons;

- Minimal impacts of building on adjoining properties,
- Adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties,
- Minimal overlooking and loss of privacy on adjoining properties.

The proposed development is two storey but there have been no submissions or complaints from the eastern neighbouring property (the eastern property is higher than the proposed development). There is a gap between the neighbouring properties which still allows sunlight and air to penetrate. There are no windows in the wall that create privacy issues. View corridors are not impacted For these reasons the reduced setback can be supported.

Lot Boundary Setback - Eastern Wall – Garage, Store, Scullery, Kitchen, Balcony – Mid and Upper Level

The eastern wall of the garage, store, scullery, kitchen, and balcony on the mid and upper level of the dwelling is proposed to be 23.36m long and 6m high without major openings. Based on the Residential Design Codes deemed to comply clause 5.1.3 C3.1 the wall should be located 2.4m from the boundary but in this case is 1m from the boundary. The reduced setback (1.4m difference) can be supported in accordance with design principles 5.1.3 P3.1 for the following reasons;

- Minimal impacts of building on adjoining properties,
- Adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties,
- Minimal overlooking and loss of privacy on adjoining properties.

The proposed development is two storey, however the bulk is considered appropriate. The adjoining eastern property is higher than the proposal, therefore the overall impact is considered minimal. There have been no submissions or complaints from the eastern neighbouring property. There is a gap between the neighbouring properties which still allows sunlight and air to penetrate. There are no windows in the wall that create privacy issues. For these reasons the reduced setback can be supported.

Lot Boundary Setback - Western Wall – Master Bed, Ensuite, Toilet, Sitting – Mid and Upper Level

The western wall of the master bed, ensuite, toilet, and sitting room of the mid and upper level of the dwelling is proposed to be 21.4m long and 7m high without major openings. Based on the Residential Design Codes deemed to comply clause 5.1.3 C3.1 the wall should be located 2.8m from the boundary but in this case is 1.524m from the boundary. The reduced setback (1.276m difference) can be supported in accordance with design principles 5.1.3 P3.1 for the following reasons;

- Minimal impacts of building on adjoining properties,
- Adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties,
- Minimal overlooking and loss of privacy on adjoining properties.

There is a gap between the neighbouring properties which allows sunlight and air to penetrate through the properties. The overall setback is closer than the current wall, however the difference is negligible. The overall heights are consistent. There are no windows in the wall that create privacy issues. Much of this wall is already in place. The narrowest section with the smallest setback is an existing wall. The new master bedroom wall is setback further than the existing wall, so attempts have been made to reduce the impact of the development on the neighbouring property. For these reasons the reduced setback can be supported.

Lot Boundary Setback - Eastern Wall – Bed 4, Activity/Living - Lower Ground Floor

The eastern wall of bedroom 4, and the activity/living area on the lower ground floor of the dwelling is proposed to be 9.15m long and 3.5m high without major openings. Based on the Residential Design Codes deemed to comply clause 5.1.3 C3.1 the wall should be located 1.5m from the boundary but in this case is 1.435m from the boundary. The reduced setback (0.065m difference) can be supported in accordance with design principles 5.1.3 P3.1 for the following reasons;

- Minimal impacts of building on adjoining properties,
- Adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties,
- Minimal overlooking and loss of privacy on adjoining properties.

The variation is extremely marginal and there have been no submissions or complaints from the eastern neighbouring property. There is a gap between the neighbouring properties which still allows sunlight and air to penetrate. There are no windows in the wall that create privacy issues. For these reasons the reduced setback can be supported.

Lot Boundary Setback- Western Wall – Games, Store, Laundry, WIR, Ensuite – Lower Ground Floor

The western wall of the games, store, laundry, WIR, and ensuite of the lower ground floor of the dwelling is proposed to be 17.6m long and 4.2m high without major openings. Based on the Residential Design Codes deemed to comply clause 5.1.3 C3.1 the wall should be located 1.7m from the boundary but in this case is 1.524m from the boundary. The reduced setback (0.176m difference) can be supported in accordance with design principles 5.1.3 P3.1 for the following reasons;

- Minimal impacts of building on adjoining properties,
- Adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties,
- Minimal overlooking and loss of privacy on adjoining properties.

There is a gap between the neighbouring properties which still allows sunlight and air to penetrate. There are no windows in the wall that create privacy issues. Much of this wall is already in place. The narrowest section with the smallest setback is existing wall. The new games room wall is setback further than the existing wall, so attempts have been made to reduce the impact of the development on the neighbouring property. For these reasons the reduced setback can be supported.

Maximum Wall Height

The Residential Design Guidelines acceptable development provision 3.7.17.4.1.3 A1.4 requires that the maximum wall height for a pitched roof is 5.6m. In this case the maximum height from existing site levels is 9.5m. The proposed increased wall height can be supported in accordance with performance criteria 3.7.17.4.1.3 P1 because additions and alterations are of a compatible form, bulk, and scale to traditional development in the immediate locality. The slope of the skillion roof across the development has meant that walls will tend to be higher than if a pitched roof is utilised. The design, although large, is less imposing from the street front and the considerable slope of the site has been used to allow for increases in building height. Note that similar heights were previously granted approval by Council in the previous development applications.

Maximum Roof Height

The Residential Design Guidelines acceptable development provision 3.7.17.4.1.3 A1.4 requires that the maximum roof height for a pitched roof is 8.1m. In this case the maximum height from existing site levels is 9.5m. The proposed increased wall height can be supported in accordance with performance criteria 3.7.17.4.1.3 P1 because additions and alterations are of a compatible form, bulk, and scale to traditional development in the immediate locality. The design, although large, is less imposing from the street front and the considerable slope of the site has been used to allow for increases in roof height. The additional upper storey presents as a second storey from the street front but is three storeys at the rear of the lot. It is not out of place in the Richmond precinct where large dwellings are the norm rather than the exception. Note that similar heights were previously granted approval by Council in the previous development applications.

Garage Width

In accordance with the Residential Design Guidelines acceptable development clause 3.7.17.3.3 A3 the garage should be no more than 30% of the width of the lot. In this case the garage is 31.4% of the lot width. The increased lot width can be supported in accordance with performance criteria 3.7.17.3.3 P1 as the garage does not visually detract from the streetscape. It is a minor variation and does not dominate the street front elevation of the property.

Sightlines

It is proposed to utilise the existing wall and pillars of the front fence but add a new gate. It is noted that the wall does not have a 1.5m corner truncation or drop in front fence height to 0.75m adjacent to the driveway to ensure that good sightlines are created for reversing vehicles in accordance with the Residential Design Codes deemed to comply clause 5.2.5 C5. In this case the front fence will meet the requirements of design principles 5.2.5 P5. Unobstructed sight lines will be provided at the vehicle access point as a result of utilising a highly permeable fence infill. As a result, this variation is supported.

Site Works

A retaining wall is proposed to be built around the pool and along the edge of the sunken garden that is up to 1.32m high from ground level. Based on the Residential Design Codes deemed to comply clause 5.3.7 C7.2 the wall should be a minimum of 1.5m from the boundary. In this case there is also fill proposed that is more than 0.5m above ground level. The height of the retaining and the reduced setback to the boundary can be supported in accordance with design principles 5.3.7 P7.3. The retaining walls that are proposed allow the surrounding land to be used for the benefit of the residents and do not detrimentally affect adjoining properties. To counter any issues associated with the increased height of the land and potential for overlooking visual privacy screening is proposed to be installed along the western and eastern dividing fences to ensure privacy is maintained. The retaining walls and the privacy screening associated with this is supported. A condition will be included in the final recommendation requiring the screening.

Visual Privacy - Eastern Wall -Second Floor Balcony

There is currently visual privacy screening indicated on the plans along the eastern edge of the second storey balcony that provides privacy towards the eastern neighbouring property. The required minimum 7.5m setback is not achieved looking in a north easterly direction in accordance with the Residential Design Codes deemed to comply clause 5.4.1 C1.1, however, as the view is oblique towards wall of the existing building on the neighbouring property there is minimal direct overlooking of active habitable spaces and outdoor living areas in accordance with design principles 5.4.1 P1.1. For this reason, the reduced visual privacy setback is supported. It is also noted that no submissions or criticism of the design was received from the eastern neighbouring property owners. Previously they have supported similar proposals as they gained similar consideration of a balcony at the neighbouring property which was supported by the owners of 30 View Terrace.

Visual Privacy - Eastern Wall – Balcony - Mid and Upper Level

There is currently visual privacy screening indicated on the plans along the eastern edge of the mid and upper level balcony that provides privacy towards the eastern neighbouring property. The required minimum 7.5m setback is not achieved looking in a north easterly direction in accordance with the Residential Design Codes deemed to comply clause 5.4.1 C1.1, however, as the view is oblique and towards the rear of the back yard of the neighbouring property there is minimal direct overlooking of active habitable spaces and outdoor living areas in accordance with design principles 5.4.1 P1.1. For this reason, the reduced visual privacy setback is supported. As stated previously no submissions or criticism of the design was received from the eastern neighbouring property owners and similar consideration of a balcony at the neighbouring property was supported by the owners of 30 View Terrace.

CONCLUSION

This proposal has requested multiple variations to the Residential Design Codes and the Residential Design Guidelines which are not dissimilar to previous development applications that have been submitted relating to the

property. The proposal will see an older development modernised and renewed. Over time the design has evolved such that an additional storey has been added to the dwelling and the outdoor areas have grown in size although the design utilises significant elements of the existing dwelling. The proponents have met with neighbouring property owners to the west to settle issues regarding visual privacy and no submissions were received following advertising of the development. It is recommended that the proposed development with the requested variations and recommended conditions are supported.

OFFICER RECOMMENDATION / COMMITTEE RESOLUTION

OFFICER RECOMMENDATION

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

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Eastern Wall – Balcony, Sitting Area, Bathroom – Second Floor – 2.1m required, 1.5m provided,**
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Eastern Wall – Garage, Store, Scullery, Kitchen, Balcony – Mid and Upper Level – 2.4m required, 1m provided,**
- (iii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Western Wall – Master Bed, Ensuite, Toilet, Sitting – Mid and Upper Level – 2.8m required, 1.524m provided,**
- (iv) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Eastern Wall – Bed 4, Activity/Living - Lower Ground Floor – 1.5m required, 1.435m provided,**
- (v) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback- Western Wall – Games, Store, Laundry, WIR, Ensuite – Lower Ground Floor – 1.7m required, 1.524m provided,**
- (vi) Clause 3.7.17.4.1.3 – Residential Design Guidelines – Maximum Wall Height – 5.6m required, 9.5m provided,**
- (vii) Clause 3.7.17.4.1.3 – Residential Design Guidelines – Maximum Roof Height – 8.1m required, 9.5m provided,**
- (viii) Clause 3.7.17.3.3 – Residential Design Guidelines – Garage Width – 30% required, 31.4% provided**
- (ix) Clause 5.2.5 – Residential Design Codes – Sightlines – 1.5m truncation or wall height reduced to 0.75m required, visually permeable fencing provided,**
- (x) Clause 5.3.7 – Residential Design Codes – Site Works – retaining wall should be setback 1.5m from boundary required, retaining wall built to boundary,**
- (xi) Clause 5.4.1 – Residential Design Codes – Visual Privacy - Eastern Wall -Second Floor Balcony – 7.5m visual privacy setback required, less than 7.5m visual privacy setback provided,**
- (xii) Clause 5.4.1 – Residential Design Codes – Visual Privacy - Eastern Wall – Balcony - Mid and Upper Level – 7.5m visual privacy setback required, less than 7.5m visual privacy setback provided,**

for alterations and additions at No. 30 (Lot 269) View Terrace, East Fremantle, in accordance with the plans submitted 14 March 2024, subject to the following conditions:

- (1) Visual privacy screening is to be installed in accordance with the plans submitted 14 March 2024 that achieves the deemed to comply requirements of clause 5.4.1 C1.2 of the Residential Design Codes that it is a minimum of 1.6m from the finished floor level, at least 75% obscure, permanently fixed, made of durable material, and restrict view in the direction of the overlooking.**
- (2) All fencing within the street setback area is to comply with the front fence provisions of the Local Planning Policy 3.1.1 – Residential Design Guidelines.**
- (3) Existing trees located within the verge are a Town asset and as such must be retained and not pruned, shaped, or modified except where otherwise approved for removal or modification by the Town.**
- (4) During construction the verge trees are to be protected with cages around the trunks to ensure that they are not damaged by surrounding works, vehicles, or materials.**

- (5) An application is to be submitted to the Operations Department of the Town for the removal of any verge trees. Verge trees are not to be removed without written approval from the Town.
- (6) The footpath is to always remain accessible to pedestrians.
- (7) Prior to the submission of a building permit application, a Construction Management Plan shall be prepared to the satisfaction of the Town. This plan is to address the following matters during the construction/development period:

 - (a) Noise, vibration, air, and dust management;
 - (b) Contact details of essential site personnel, construction periods and construction operating hours;
 - (c) Traffic management, including footpath closures and proposed signage;
 - (d) Parking management for all trades, contractors, and visitors to site;
 - (e) Public safety and amenity (traffic control and pedestrian management);
 - (f) Site access/egress management;
 - (g) Scaffolding management plan;
 - (h) Management plan for the loading and unloading of vehicles;
 - (i) Heavy construction machinery and deliveries;
 - (j) Bulk earthwork operations;
 - (k) Stormwater and sand/sediment control;
 - (l) Street tree management and protection;
 - (m) Protection of footpath and pedestrian underpass;
 - (n) Details of all concrete pours and requirements relating to piling methods or associated works;
 - (o) Temporary fencing;
 - (p) Temporary toilets;
 - (q) Dilapidation of Town infrastructure and nearby properties;
 - (r) Hoardings and gantries; and
 - (s) Any other relevant matters.

The requirements of this plan are to be observed at all times during the construction process.
- (8) The works are to be constructed in conformity with the drawings and written information accompanying the application for development approval other than where varied in compliance with the conditions of this development approval or with the Town's further approval.
- (9) The proposed works are not to be commenced until the Town has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this development approval unless otherwise amended by the Town.
- (10) With regards to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received development approval, without those changes being specifically marked for the Town's attention.
- (11) All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Town prior to the issue of a Building Permit.
- (12) If requested by the Town within the first two years following installation, the roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
- (13) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town.
- (14) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified, or relocated then such works must be approved by the Town and if approved, the total cost to be borne by the applicant. The Town must act reasonably and not refuse any reasonable proposal

for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.

- (15) This development approval is to remain valid for a period of 24 months from date of this approval.

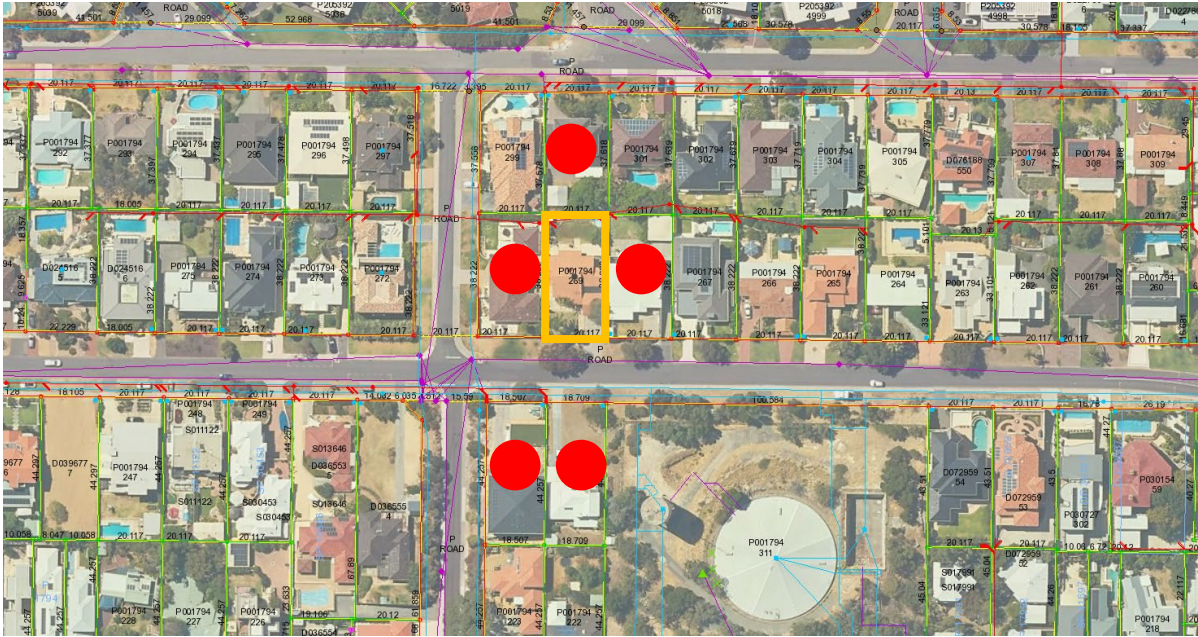
Footnote:

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

- (a) *This decision does not include acknowledgement or approval of any unauthorised development which may be on site.*
- (b) *A copy of the approved plans as stamped by Town are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by the Town.*
- (c) *It is recommended that the applicant provides a structural engineer's dilapidation report, at the applicant/owner expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with the Town and one copy should be given to the owner of any affected property.*
- (d) *All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (f) *Trees on verges are the property of the Town. They are not to be damaged, pruned or removed. Any actions which harm verge trees will result in the Town acting against the owners/builders/contractors responsible. If there are concerns regarding trees owners/builders/contractors are asked to contact the Town to seek further advice.*
- (g) *Any damage to other Town assets including but not limited to the kerb, drainage, footpaths, roads, and signage will have to be repaired by the applicant/owners/contractors at their cost.*

REPORT ATTACHMENTS

Attachments start on the next page



30 View Terrace – Photos



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

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

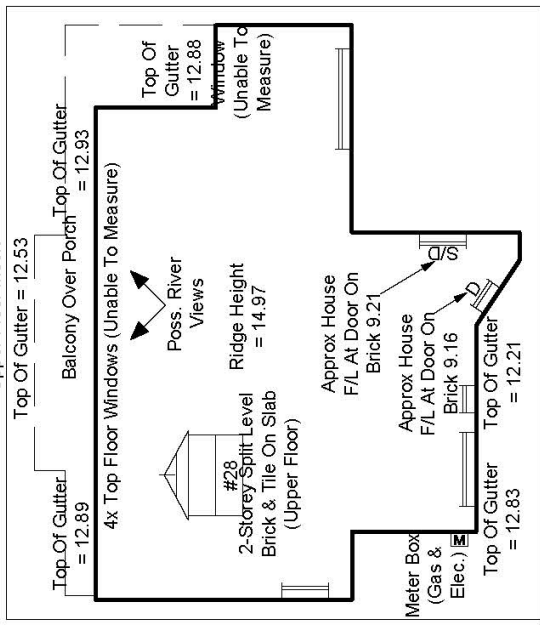
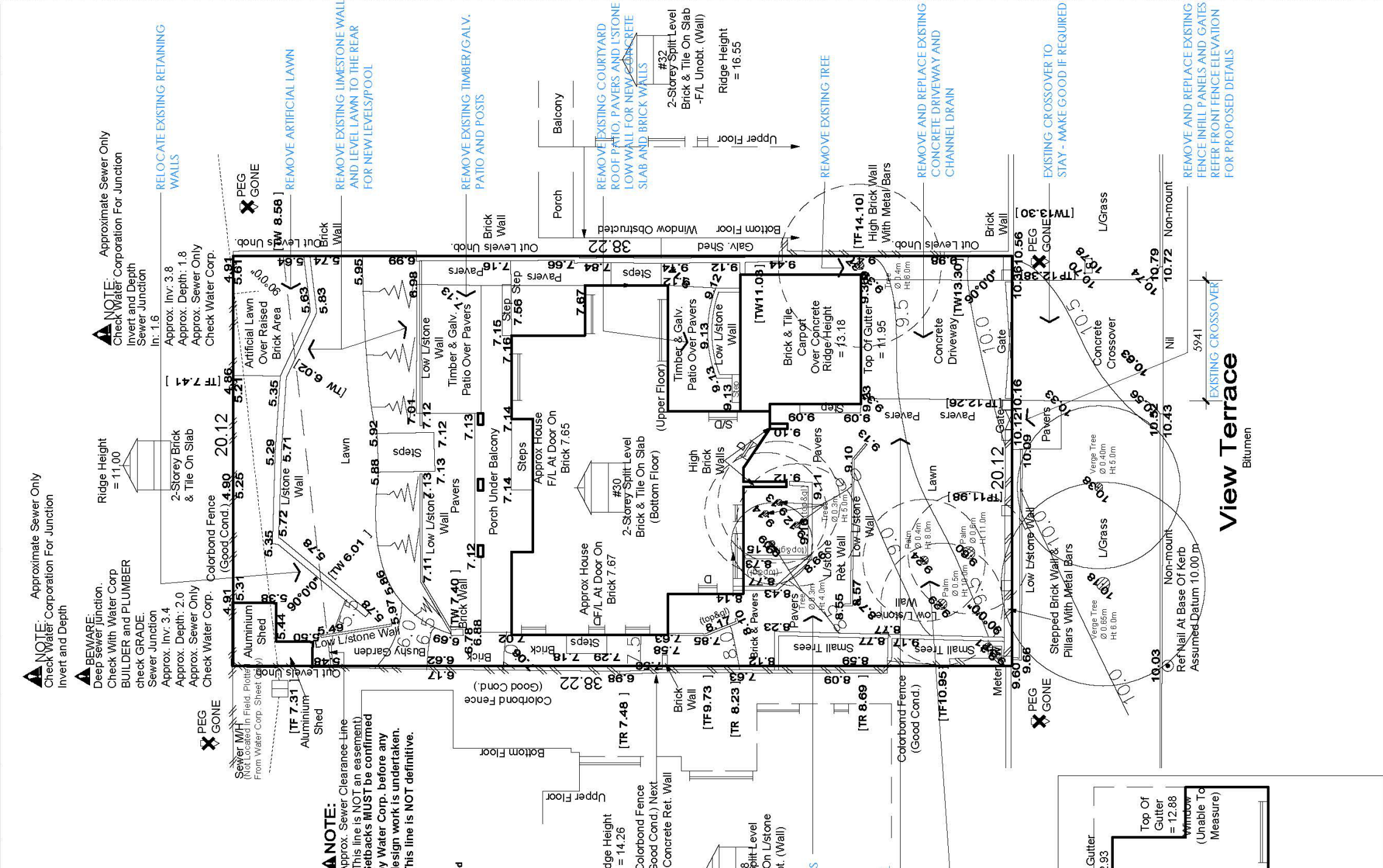
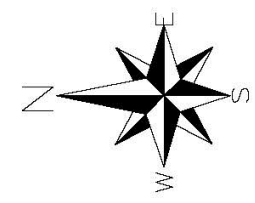
DISCLAIMER:
Survey shows visible features only and will not show locations of underground pipes or conduits for internal or mains services. Verification of the location of all internal and mains services should be confirmed prior to finalisation of any design work.

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

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 remaining to any structures shown or portion of structures 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.

LOT MISCLOSE
0.000 m

SOIL DESCRIPTION
Sand
Refer to Survey



Scale 1:200
0 2 4 6 8

SHEET: **A02**
PROJECT ADDRESS: **No 30 VIEW TCE** | EAST FREMANTLE | **WA 6158**

MODERN ARK PROJECTS
BUILDING DESIGN + DRAFTING + MANAGEMENT - NEW HOMES + RENOVATIONS + ADDITIONS
M 0401 062 718
E mail@modernarkprojects.com.au
W www.modernarkprojects.com.au

REVISION: **R47** STAGE: **ST03 DA**
P.TYPE: **PROPOSED RESIDENTIAL ALTERATIONS + ADDITIONS**

REV NO	DATE	AMENDMENT
47	13.03.2024	WEST STAIRCASE WALL FOR PRIVACY
46	21.02.2024	UP DATES AFTER MEETING WITH PLANNER JAMES B.
45	20.02.2024	UP DATES AFTER MEETING WITH PLANNER JAMES B.
44	12.02.2024	UP DATES FOR NEW DA

COTTAGE & ENGINEERING SURVEYS

— Licensed Surveyors — ©

87-89 Guthrie Street, Osborne Park, Western Australia
 Telephone: (08) 9448 7361 Facsimile: (08) 9445 2998
 Email: perth@cottage.com.au Website: www.cottage.com.au

BUILDER : _____

CLIENT : Turnbull

LOT 269 **#**30 View Terrace, East Fremantle

LEGEND	
(OLD AREA)	SEC Dame
≡	Power Pole
□	Phone Pits
W	Water Conn.
TP 10.00	Top Pillar/Post
TW 10.00	Top Wall
TR 10.00	Top Retaining
TF 10.00	Top Fence

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

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

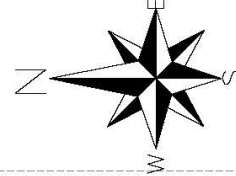
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A DISCLAIMER: Due to lack of survey marks/poins, all building offset dimensions & features are approximate only and positioned from existing poins/fences and walls which may not be on the correct alignment and are to be verified when repossessed. Any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

LOT MISCLOSE
0.000 m

SOIL DESCRIPTION
Sand Refer to Survey



138sqm EXISTING MID/UPPER FLOOR
TO BE RENOVATED FFL 10.393

136sqm LOWER GROUND FLOOR
TO BE RENOVATED
FFL 7.65

7sqm ADDITION TO STORE AND
7sqm MASTER BED ADDITION ABOVE

305sqm SITE COVER
SHOWN SHADED

2-STOREY SPLIT LEVEL
Brick & Tile On / Stone
-F/L Unobst. (Wall)

Ridge Height
= 14.26

Colorbond Fence
(Good Cond.) Next
To Concrete Ret. Wall

138sqm EXISTING MID/UPPER FLOOR
TO BE RENOVATED FFL 10.393

136sqm LOWER GROUND FLOOR
TO BE RENOVATED
FFL 7.65

7sqm ADDITION TO STORE AND
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Ridge Height
= 14.26

Colorbond Fence
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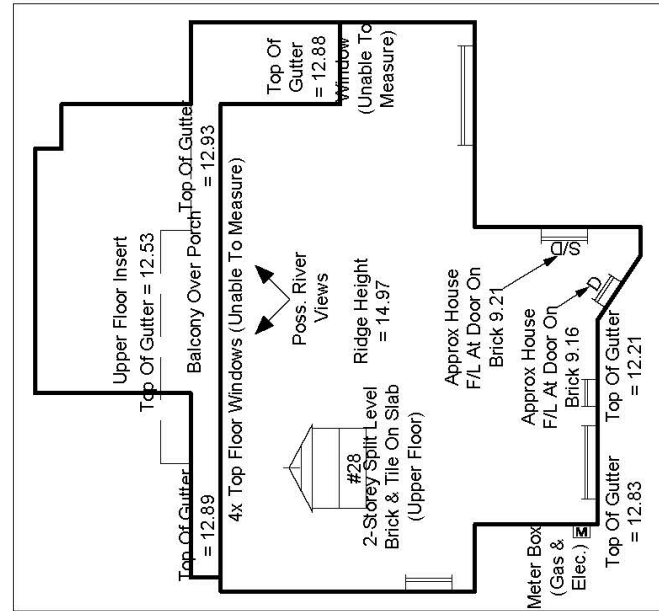
7sqm ENTRY SLAB ADDITION

56sqm GAMES ROOM ADDITION

17sqm PORCH PERGOLA ADDITION

STRUCTURAL ENGINEER

TO DO A SITE INSPECTION
BEFORE CONSTRUCTION TO
DETERMINE CONDITION OF EXISTING
RETAINING WALLS ALONG THE WEST



Scale 1:200

A03
SHEET: **PROPOSED SITE PLAN**

PROJECT ADDRESS: No 30 VIEW TCE | EAST FREMANTLE | WA 6158

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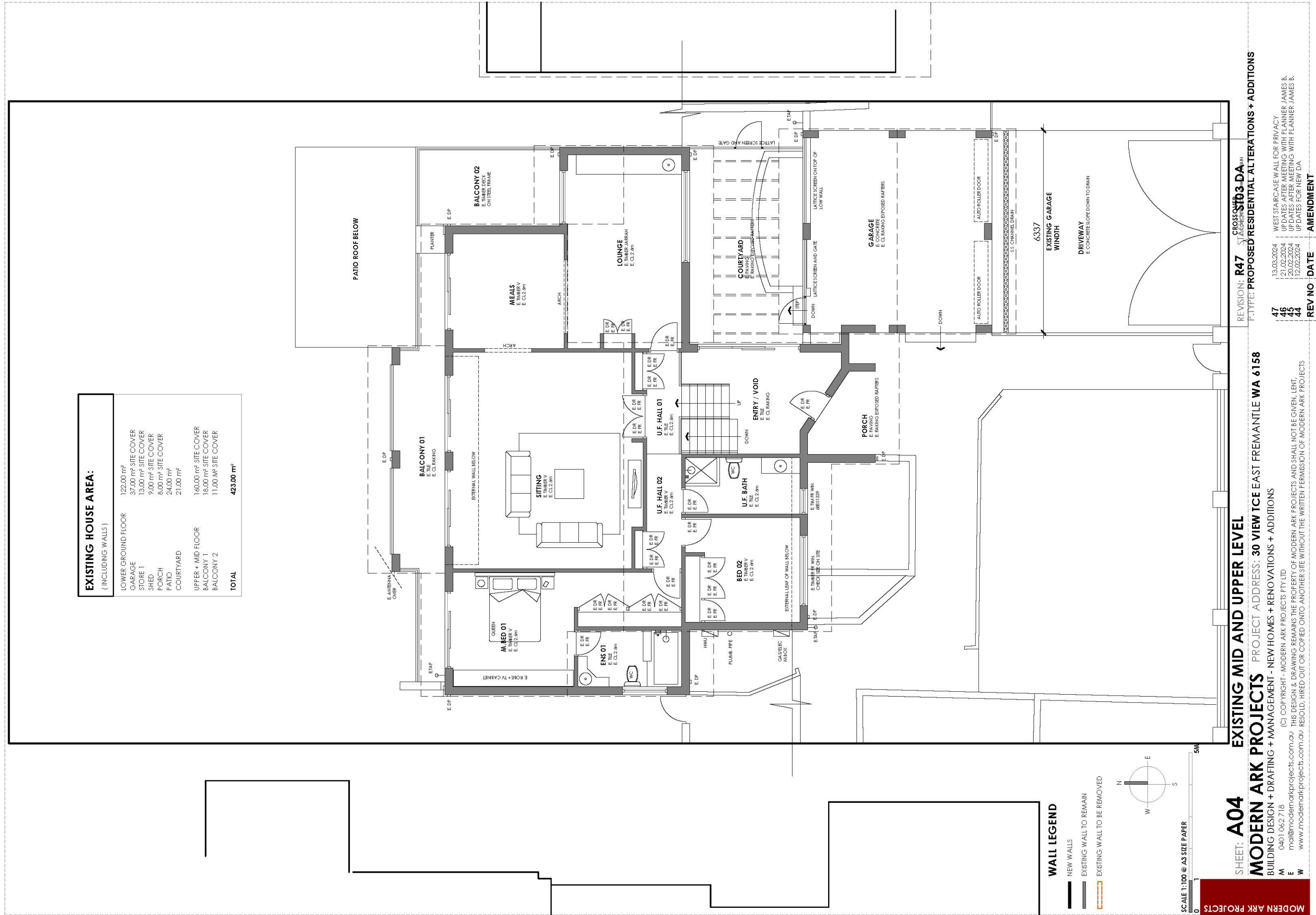
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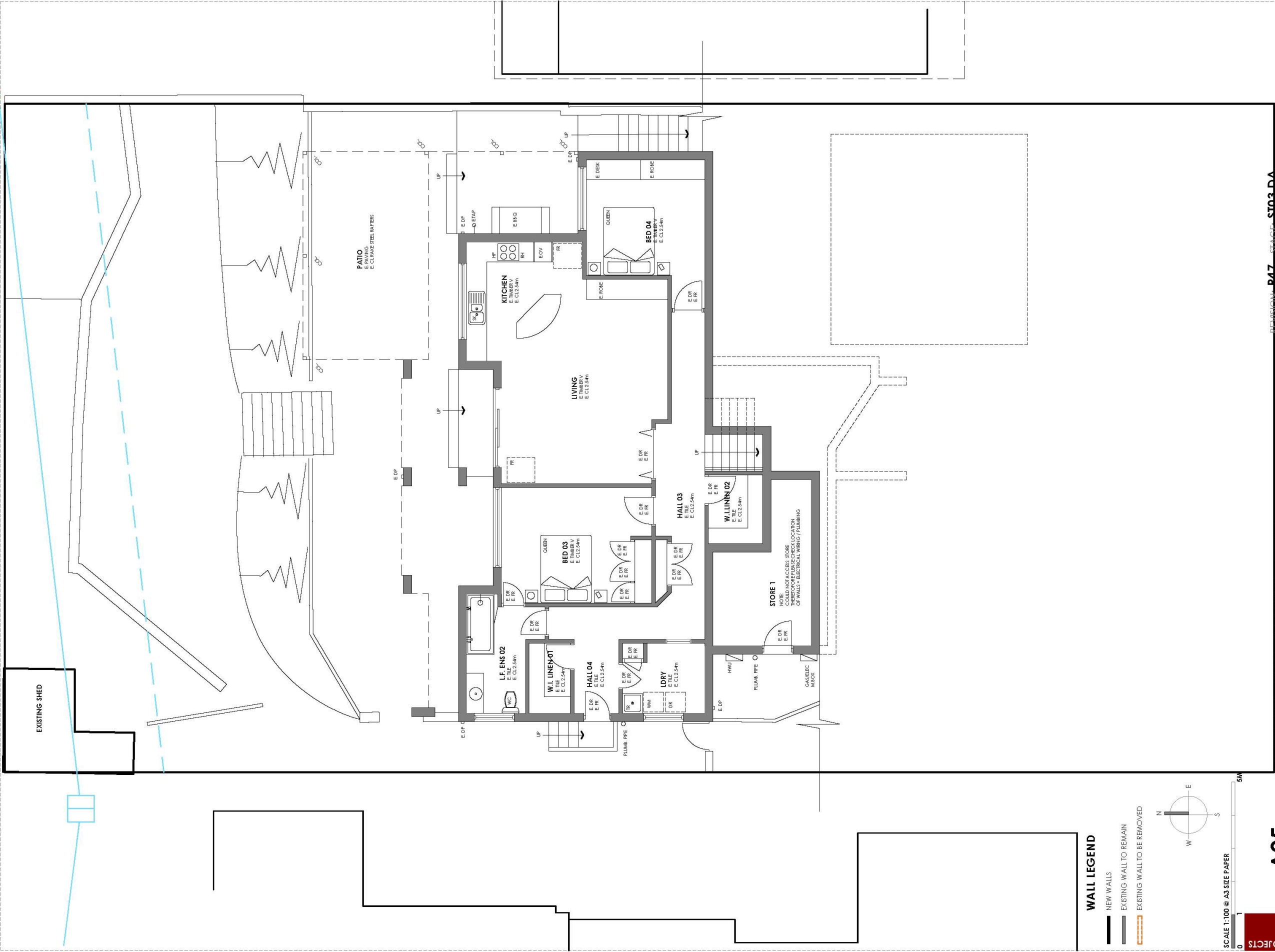
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REVISION: **R47** STAGE: **ST03 DA**
P.TYPE: **PROPOSED RESIDENTIAL ALTERATIONS + ADDITIONS**

REV	NO	DATE	AMENDMENT
47		13.03.2024	WEST STAIRCASE WALL FOR PRIVACY
46		21.02.2024	UPDATES AFTER MEETING WITH PLANNER JAMES B.
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44		12.02.2024	UPDATES FOR NEW DA





REVISION R47 - 13.03.2024 - WEST STAIRCASE WALL FOR PRIVACY

P.TYPE: PROPOSED RESIDENTIAL ALTERATIONS + ADDITIONS

47 13.03.2024 WEST STAIRCASE WALL FOR PRIVACY

46 21.02.2024 UPDATES AFTER MEETING WITH PLANNER JAMES B.

45 20.02.2024 UPDATES AFTER MEETING WITH PLANNER JAMES B.

44 12.02.2024 UPDATES FOR NEW DA

REV NO DATE

AMENDMENT

EXISTING LOWER GROUND FLOOR

PROJECT ADDRESS: 30 VIEW TCE EAST FREMANTLE WA 6158

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BUILDING DESIGN + DRAFTING + MANAGEMENT - NEW HOMES + RENOVATIONS + ADDITIONS

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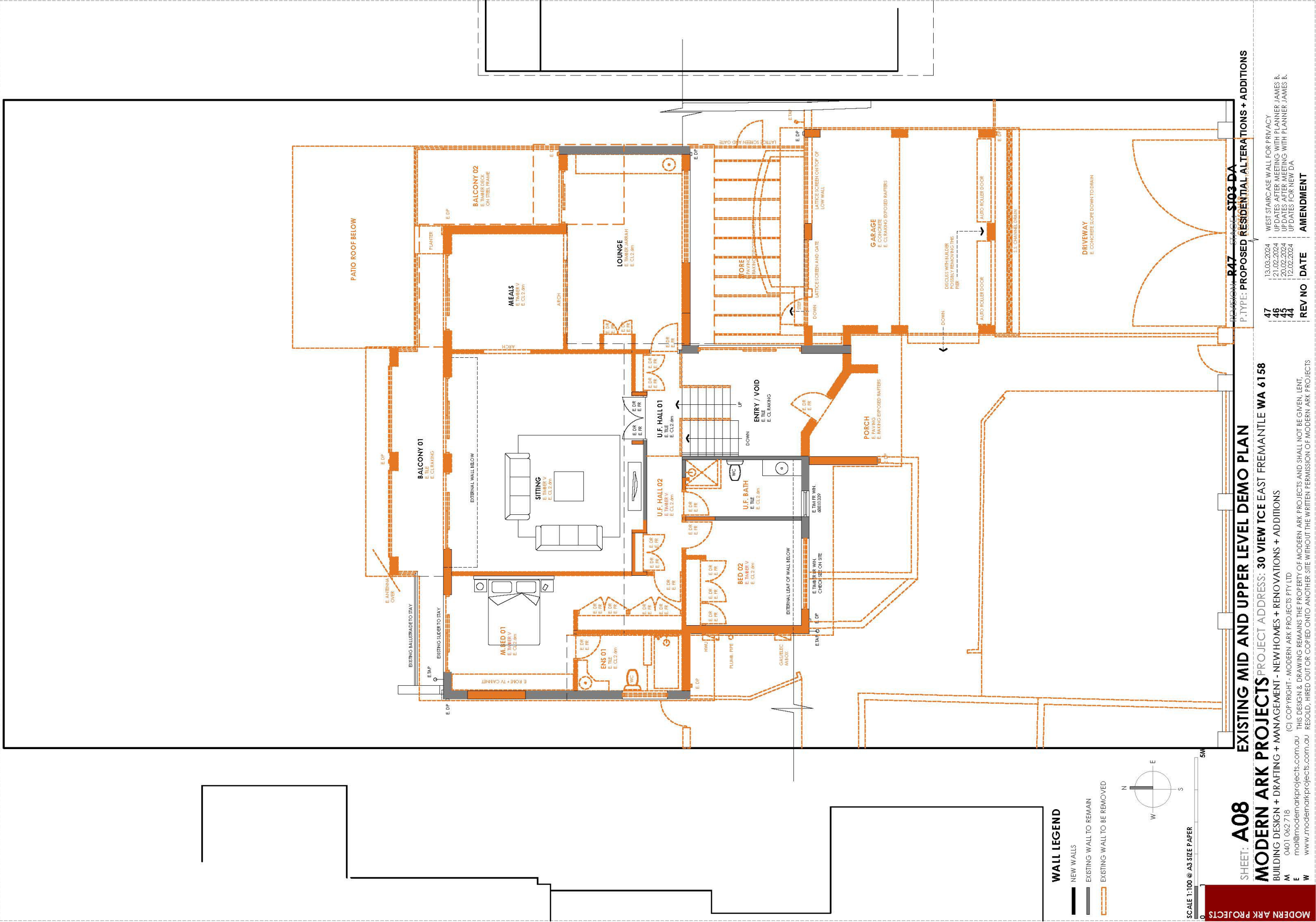
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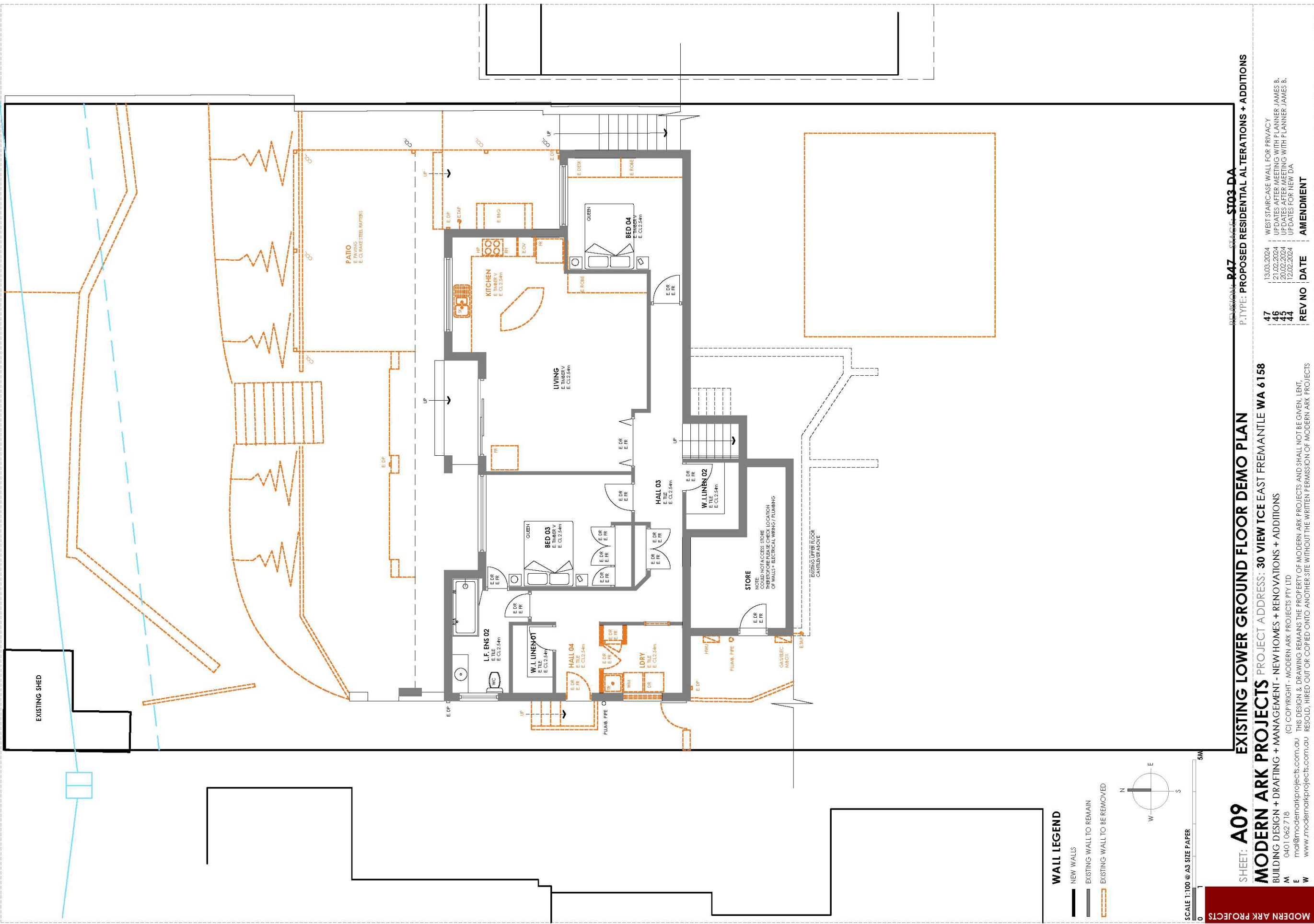
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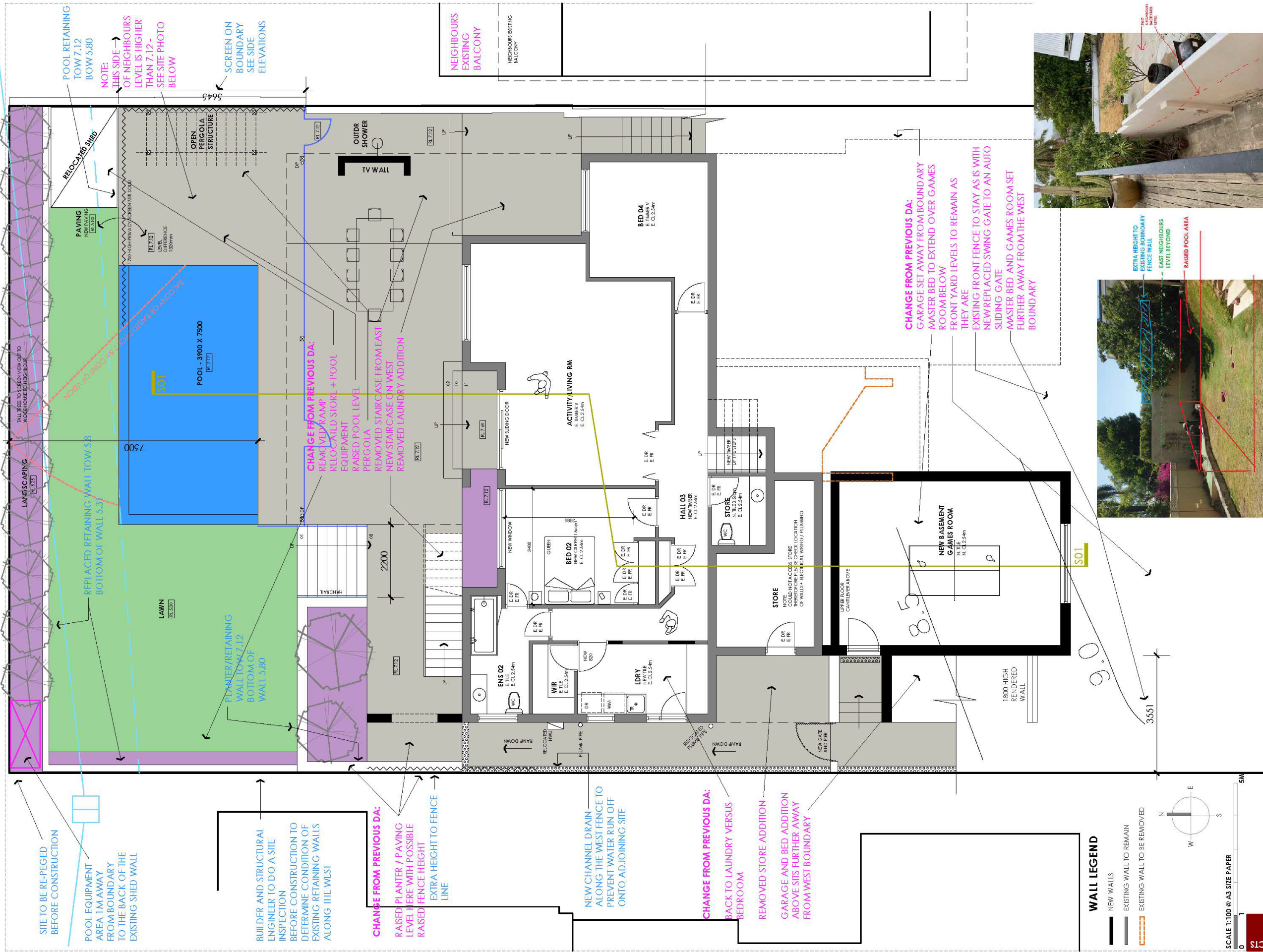
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REVISION: R47 - STAGE: S103 DA
P.TYPE: PROPOSED RESIDENTIAL ALTERATIONS + ADDITIONS

47

13.03.2024
WEST STAIRCASE WALL FOR PRIVACY
UP DATES AFTER MEETING WITH PLANNER JAMES B.
21.02.2024
UP DATES AFTER MEETING WITH PLANNER JAMES B.
20.02.2024
UP DATES FOR NEW DA
12.02.2024

REV NO

DATE

AMENDMENT

SHEET: A10

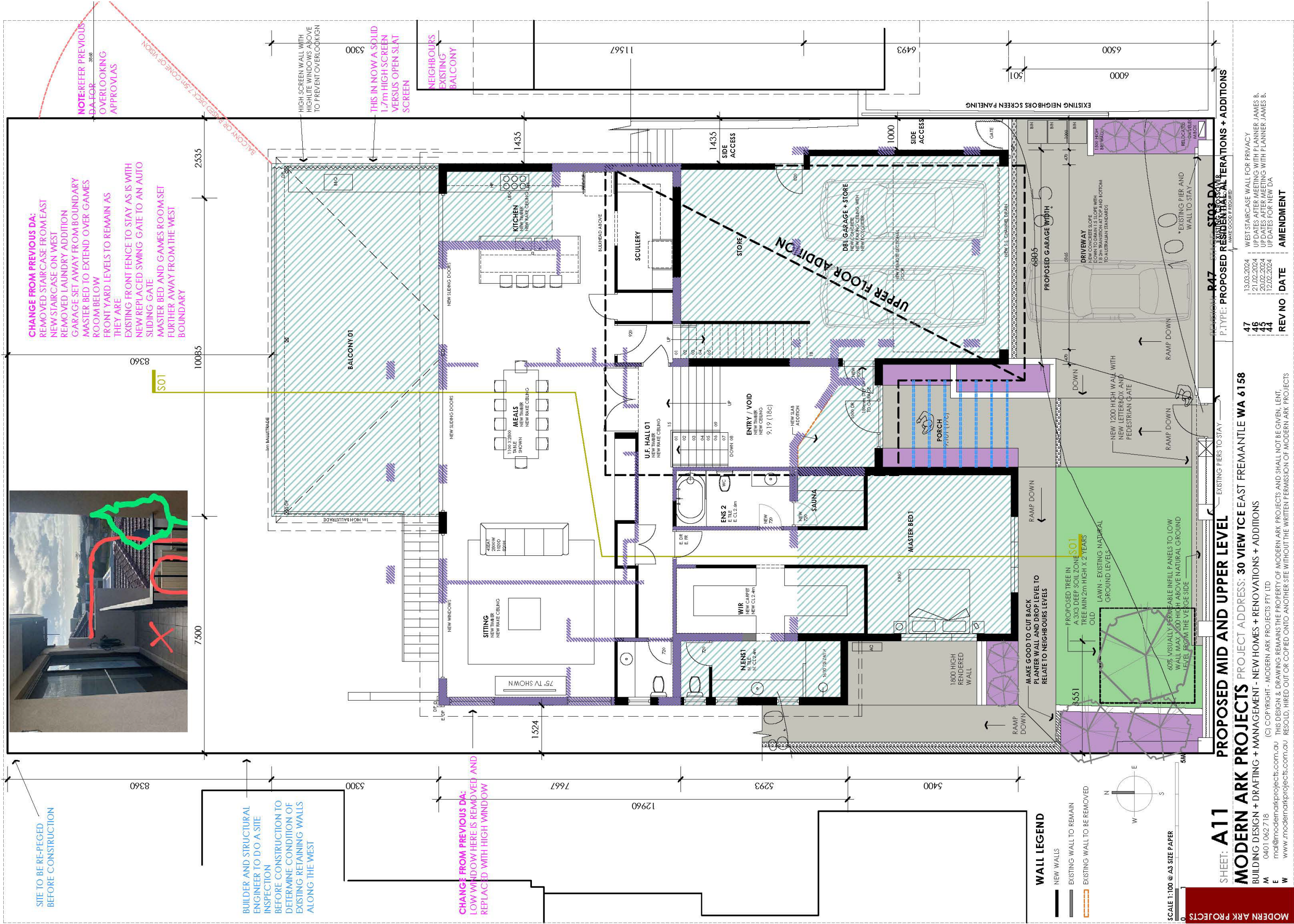
PROPOSED LOWER GROUND FLOOR

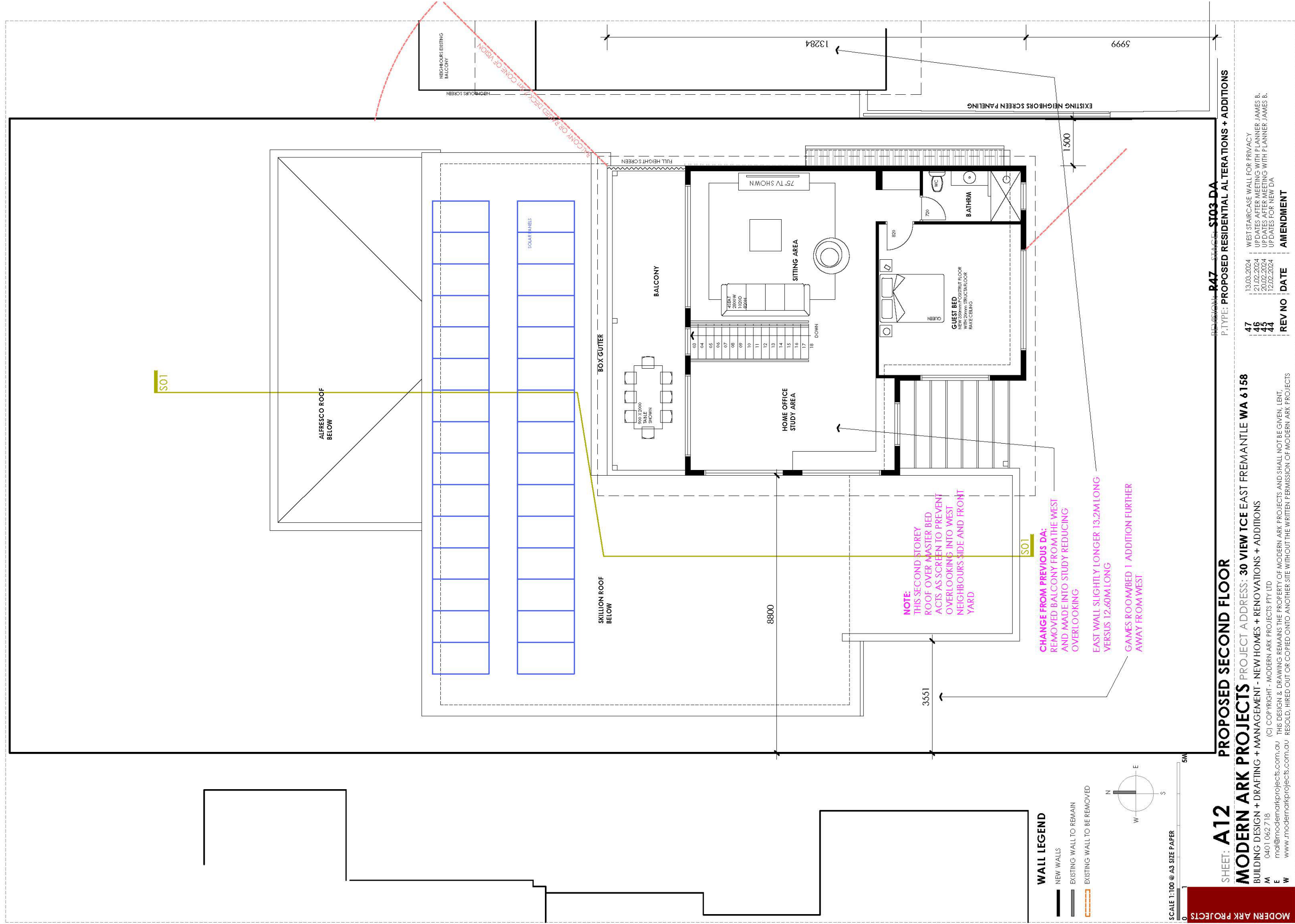
MODERN ARK PROJECTS PROJECT ADDRESS: 30 VIEW TCE EAST FREMANTLE WA 6158

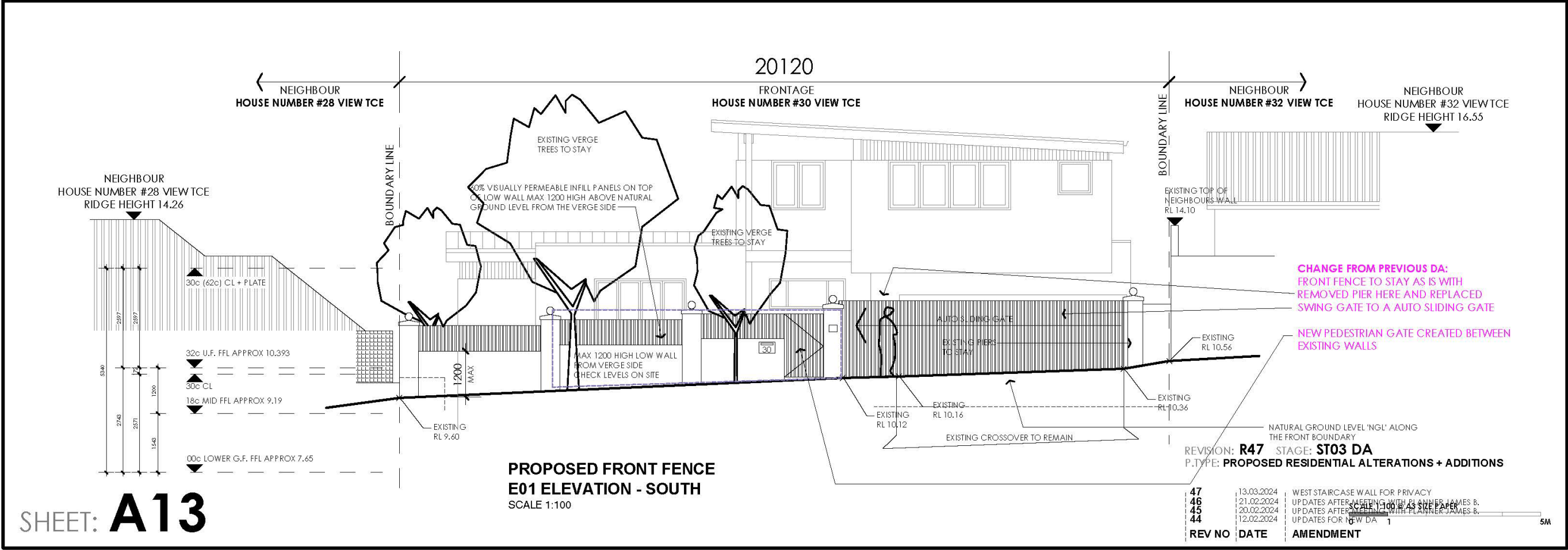
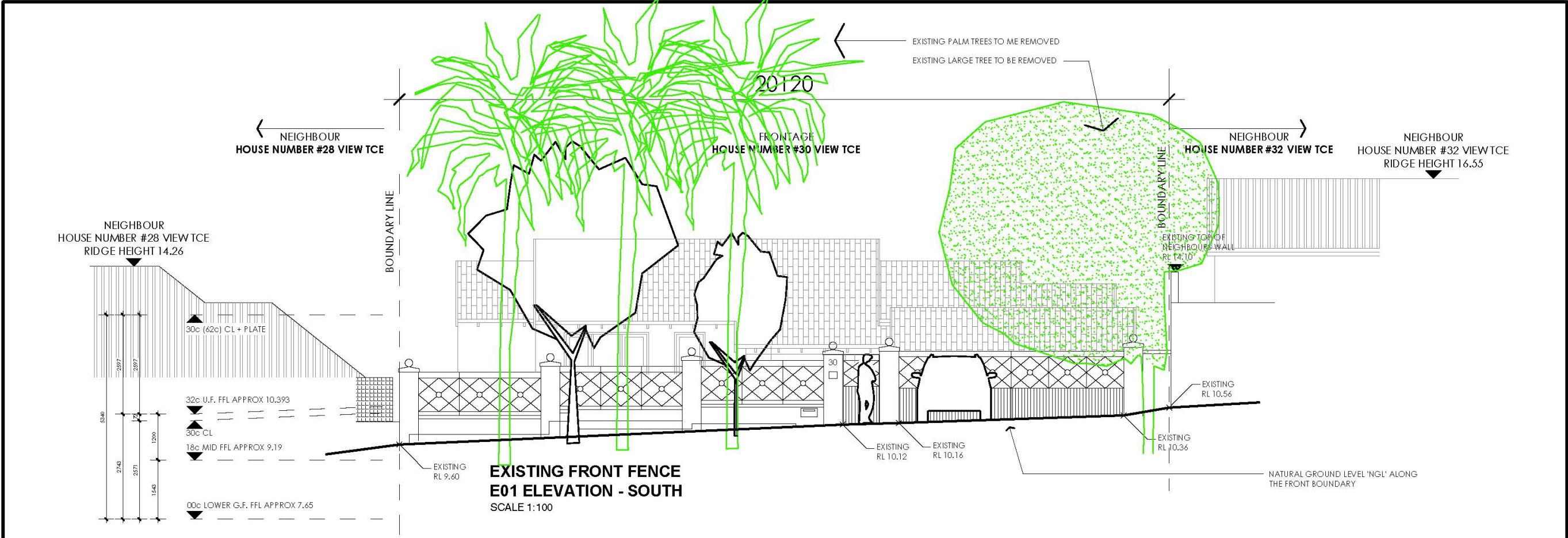
BUILDING DESIGN + DRAFTING + MANAGEMENT - NEW HOMES + RENOVATIONS + ADDITIONS

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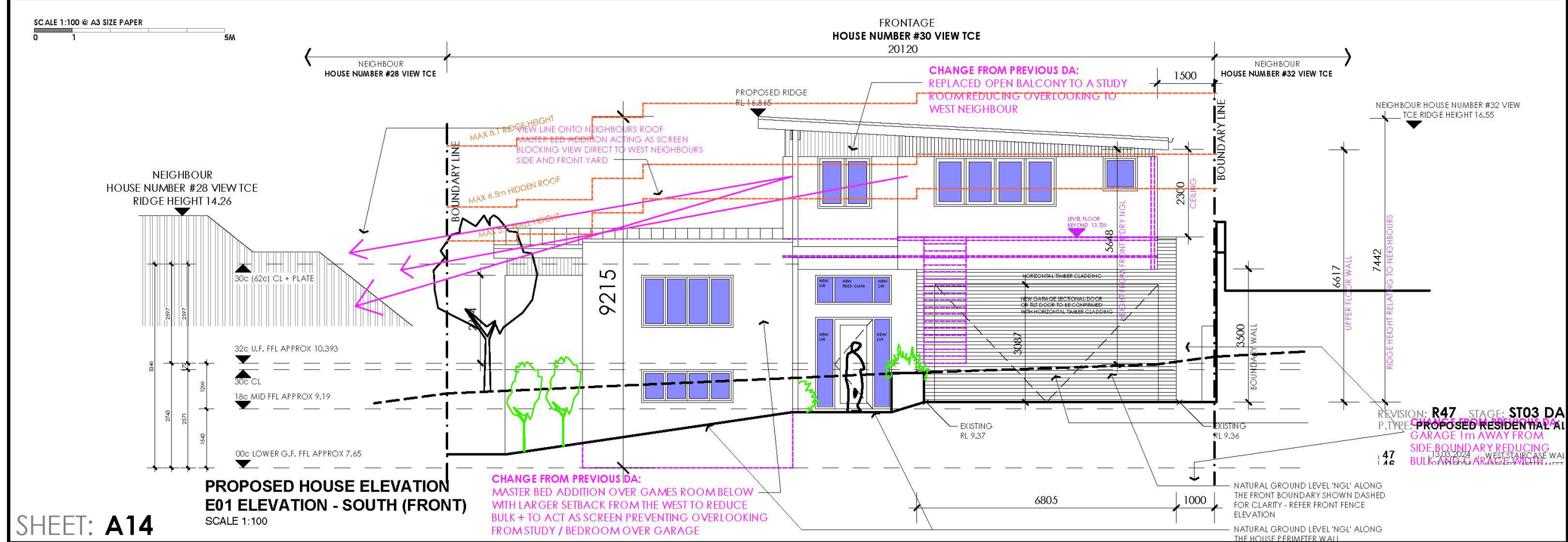
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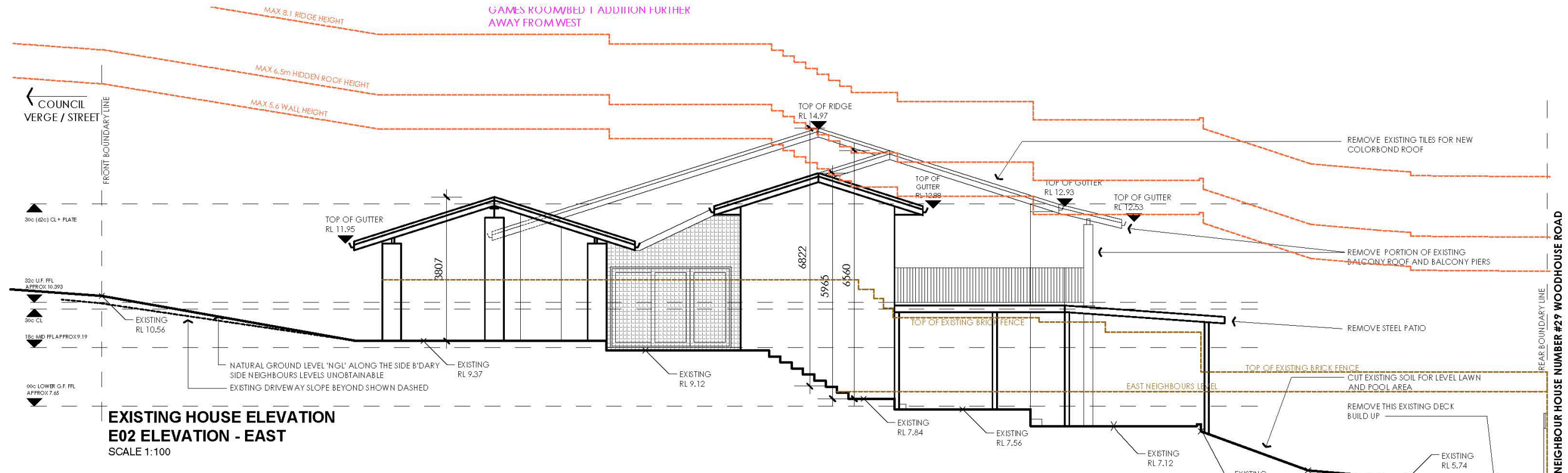






SHEET: A13





CHANGE FROM PREVIOUS DA:

EAST WALL SLIGHTLY LONGER 13.2M LONG
VERSUS 12.60M LONG

GARAGE 1m AWAY FROM SIDE B'DARY
REDUCING BULK AND GARAGE WIDTH

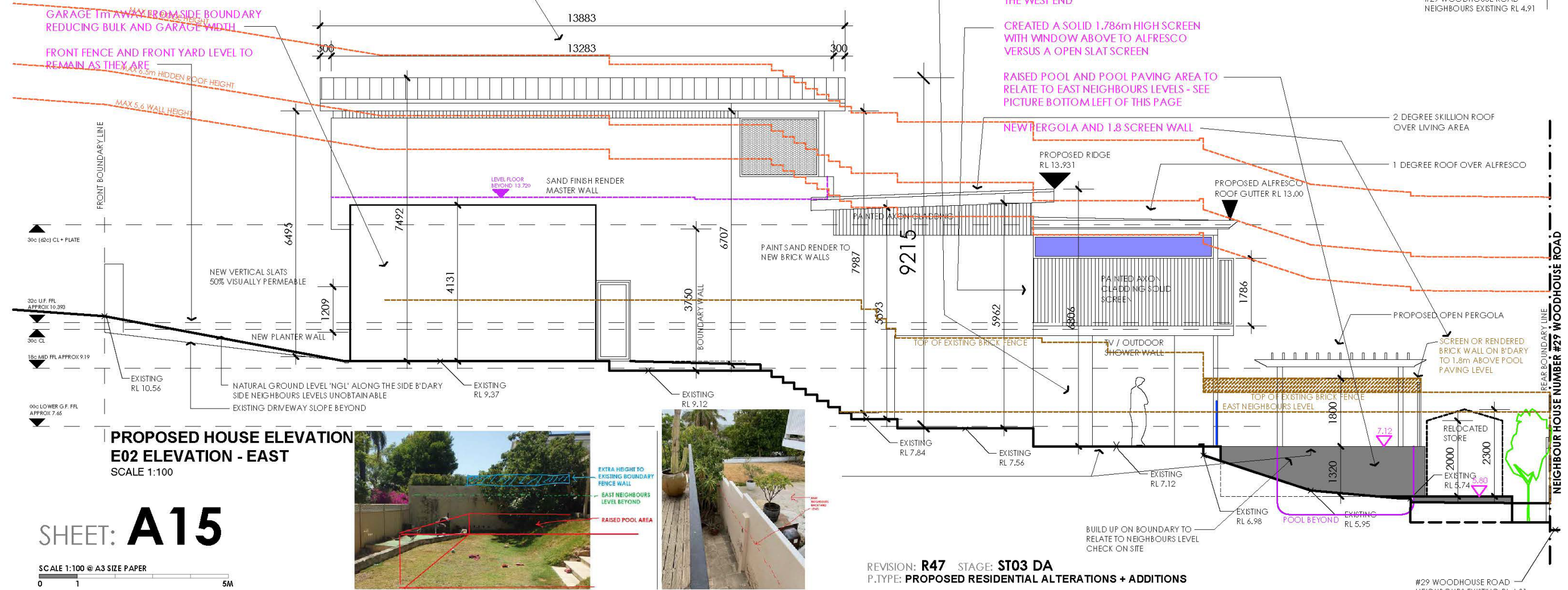
FRONT FENCE AND FRONT YARD LEVEL TO
REMAIN AS THEY ARE

CHANGE FROM PREVIOUS DA:

REMOVED STAIRCASE NOW LOCATED ON
THE WEST END

CREATED A SOLID 1.78m HIGH SCREEN
WITH WINDOW ABOVE TO ALFRESCO
VERSUS A OPEN SLAT SCREEN

RAISED POOL AND POOL PAVING AREA TO
RELATE TO EAST NEIGHBOURS LEVELS - SEE
PICTURE BOTTOM LEFT OF THIS PAGE



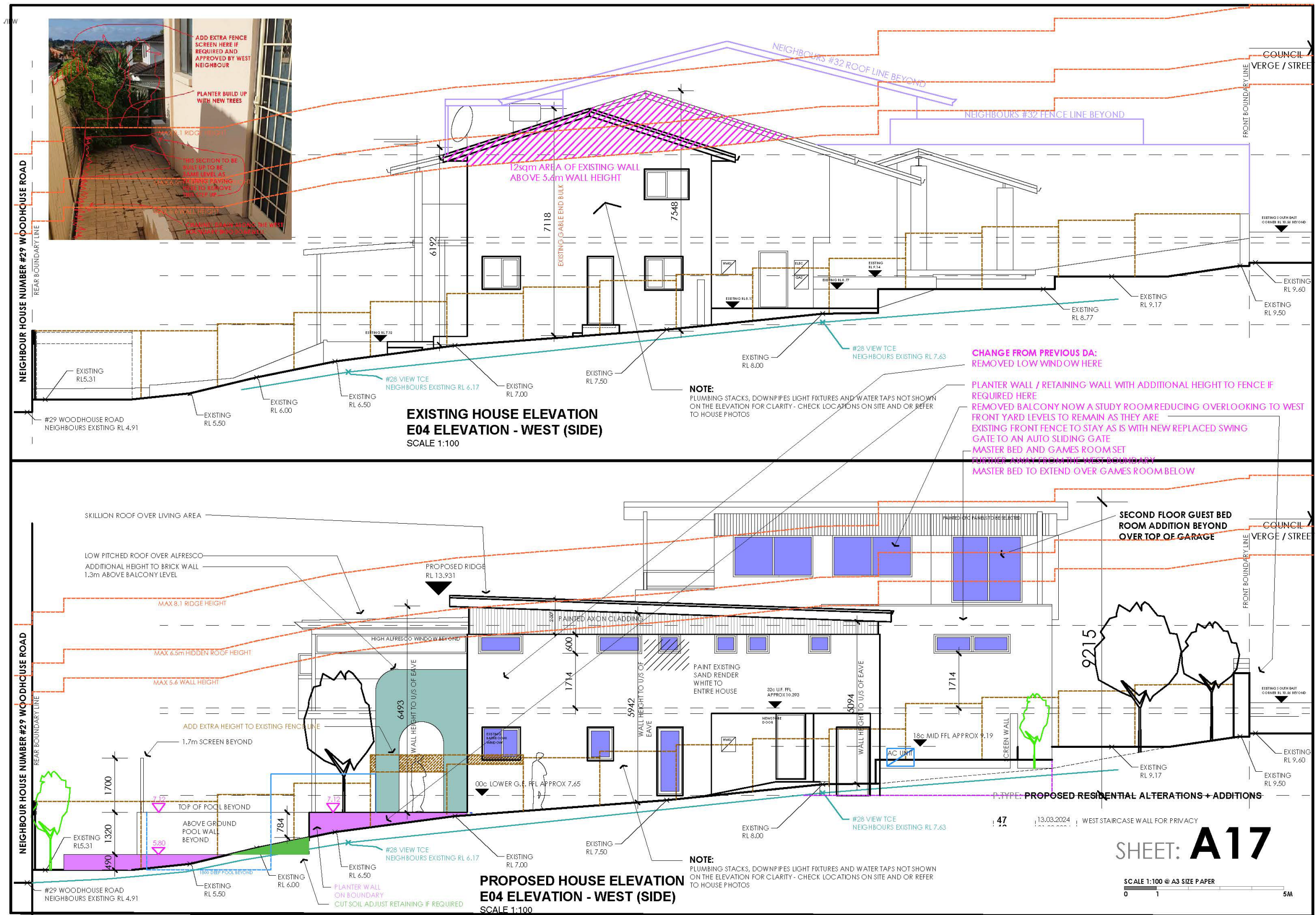
SHEET: **A15**

SCALE 1:100 @ A3 SIZE PAPER
0 1 5M



REVISION: **R47** STAGE: **ST03 DA**
P.TYPE: **PROPOSED RESIDENTIAL ALTERATIONS + ADDITIONS**





12.5 28A STATON ROAD - NEW DWELLING

Owner	Luke & Penny Caputi
Applicant	Luke & Penny Caputi
Report Reference Number	TPR-1825
Planning Reference Code	P030/24
Prepared by	James Bannerman
Supervised by	Andrew Malone
Meeting date	Tuesday, 7 May 2024
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	
1. Location plan	
2. Photos	
3. Plans	

PURPOSE

The purpose of this report is to consider a development application for a new dwelling at 28A (Lot 1) Staton Road, East Fremantle.

EXECUTIVE SUMMARY

This development application proposes a new single storey dwelling to be located at 28A (Lot 1) Staton Road, East Fremantle. The vacant lot is a survey strata lot created in 2023 from the subdivision of the rear yard of a property at 41 Alexandra Road. The lot already has some retaining walls along the northern and southern sides of the property, as well as an existing front fence. The proposed dwelling is a large single level dwelling with 5 bedrooms, 4 bathrooms, study, kitchen, dining, family room, living area and home theatre, as well as an alfresco area and double garage. There are four variations that are proposed to the requirements of the Residential Design Codes and the Residential Design Guidelines and are listed below;

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Northern Wall – Alfresco – 1m required, 0m provided
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Eastern Wall - Bed 5, Bath 2, Living, Bath, Bed 3 – 6m required, 1.503m provided
- (iii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Southern Wall - Garage – 1.1m required, 1m provided
- (iv) Clause 5.1.4 – Residential Design Codes – Open Space – 55% required, 51.7% provided.

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

BACKGROUND

Zoning	Residential R12.5
Site Area	863m ²
Heritage	N/A
Fremantle Port Buffer	N/A
Previous Decision of Town and/or History of Issue	Vacant survey strata lot – previous DA P088/20 – new residence – approved 3 November 2020

CONSULTATION

Advertising

The applicant/owner consulted with the neighbouring property owners and received signed support for the proposed development.

External Advertising

Nil

Internal Advertising

Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Residential Design Codes (Volume 1)

Local Planning Scheme No. 3 (LPS 3)

POLICY IMPLICATIONS

Local Planning Policy 3.1.1 – Residential Design Guidelines

Local Planning Policy 3.1.8 – Wood Encouragement – General

State Planning Policy 5.4 Road and Rail Noise

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

Built Environment

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

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

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

3.1.2 Plan for a mix of inclusive diversified housing options.

3.1.3 Plan for improved streetscapes.

3.2 Maintaining and enhancing the Town's character.

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

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

3.3.1 Continue to improve asset management within resource capabilities.

3.3.2 Plan and advocate for improved access and connectivity.

RISK IMPLICATIONS

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

SITE INSPECTION

A site inspection was undertaken.

COMMENT

Statutory Assessment

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

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

Legend	
A	Acceptable
D	Discretionary
N/A	Not applicable

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

Design Element	Required	Proposed	Status
Street front setback - primary street	7.5m	6.163m – compensating area	A
Street front setback – secondary street			N/A
Garage setback		7.5m	A
Minor incursions			N/A
Lot Boundary Setbacks			
Northern wall – verandah, master bed, dressing, ensuite, bath 3	1m	2.56m	A
Northern wall – alfresco	1m	0m	D
Northern wall - theatre	1.5m	>1.5m	A
Northern wall – bed 4, bed 5	1m	3.159m	A
Eastern wall - bed 5, bath 2, living, bath, bed 3	6m	1.503m	D
Southern wall – bed 3 & bed 2	1m	1m	A
Southern wall – theatre, family, dining, kitchen, scullery, laundry, mudroom	1.5m	1.8m	A
Southern wall - garage	1.1m	1m	D
Car Parking	2 car bays	>2 car bays	A
Open Space	55%	51.7%	D
Wall Height	6.5m	<6.5m	A
Roof Height	8.1m	7.058m	A
Site Works - retaining walls	Maximum 0.5m height	Existing	A
Visual Privacy		Visual privacy screening – shown on plans and conditioned	A
Overshadowing	25%	14.5%	A
Garage width	Plans and elevations demonstrate the impact of garage	32.9% Garage does not dominate dwelling	A
Roof form and pitch	28 to 36 degrees	28 degrees	A
Materials and colours	Colour and materials schedule provided	Provided	A
Landscaping	Landscaping plan 2m x 2m deep planting zone Tree indicated on plans	Landscaping shown on plans 2m x 2m deep planting zone shown Shrubs/trees indicated on plans	A A A
Front fence & gate	Front fence and gate already in place		N/A
Sightlines			N/A
Footpaths and crossovers		Condition	
Drainage		Condition	
Wood Encouragement Policy		Timber trim on front facade	

This development application proposes a new single storey dwelling to be located at 28A (Lot 1) Staton Road, East Fremantle. The vacant lot is a survey strata lot created in 2023 from the subdivision of the rear yard of a property at 31 Alexandra Road. The lot already has some retaining walls along the northern and southern sides of the property,

as well as an existing front fence. The proposed dwelling is a large single level dwelling with 5 bedrooms, 4 bathrooms, study, kitchen, dining, family room, living area and home theatre, as well as an alfresco area and double garage. There are four variations that are proposed to the requirements of the Residential Design Codes and the Residential Design Guidelines in relation to lot boundary setbacks (3 locations) and open space. These are discussed further below.

Lot Boundary Setback - Northern Wall – Alfresco

The northern wall of the alfresco area is 6m long, 2.8m high, without major openings and is located up to the lot boundary. In accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 the wall should be located 1m from the boundary. In this case the reduced lot boundary setback can be supported for the following reasons;

- It makes more effective use of the space for enhanced privacy of the occupants and the outdoor living areas,
- Minimal impacts from building bulk on the adjoining properties,
- Adequate sunlight and ventilation is provided to the building and the open spaces on the site and the adjoining properties,
- Minimal overlooking and resultant loss of privacy on adjoining properties,
- No adverse impact on the amenity of the adjoining property,
- Ensures sunlight to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted and
- Positively contributes to the prevailing or the future development context and streetscape as outlined in the local planning framework.

The alfresco area is open on 3 sides so there is adequate opportunity for air to move around the area as well as access to sunlight. The structure is single storey and does not create any privacy issues with the neighbouring property. Use of the rear yard is maximised by building up to the boundary. The northern neighbouring property owners have provided signed support for the proposal.

Lot Boundary Setback - Eastern Wall - Bed 5, Bath 2, Living, Bath, Bed 3

The eastern wall of bed 5, bath 2, living, bath, and bed 3 is located 1.503m from the eastern boundary. In accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 the wall should be located 6m from the boundary. In this case the reduced lot boundary setback can be supported for the following reasons;

- Minimal impacts from building bulk on the adjoining properties,
- Adequate sunlight and ventilation is provided to the building and the open spaces on the site and the adjoining properties,
- Minimal overlooking and resultant loss of privacy on adjoining properties,

The proposed dwelling is single storey so is not large and bulky. There is sufficient space between the proposed dwelling and the rear boundary to allow air to circulate and sunlight to penetrate. Visual privacy requirements are met. It is noted that the rear neighbouring property has provided signed support for the proposed development.

Lot Boundary Setback - Southern Wall - Garage

The southern wall of the garage is located 1m from the boundary. In accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 the wall should be located 1.1m from the boundary. In this case the reduced lot boundary setback can be supported for the following reasons;

- Minimal impacts from building bulk on the adjoining properties,
- Adequate sunlight and ventilation is provided to the building and the open spaces on the site and the adjoining properties,
- Minimal overlooking and resultant loss of privacy on adjoining properties,

The reduction in the setback is only marginal at 0.1m. The proposed dwelling is single storey so is not large and bulky. There is sufficient space between the proposed dwelling and the rear boundary to allow air to circulate and sunlight to penetrate. Visual privacy requirements are met. The southern neighbouring property has provided signed support for the proposed development.

Open Space

In accordance with the Residential Design Codes deemed to comply clause 5.1.4 C4 requires that 55% of the site is dedicated to open space. In this case the total open space is equal to 51.7%. The minor reduction can be supported for the following reasons;

- The provided open space reflects the existing and desired streetscape character,
- Access is provided to sunlight for the dwelling,
- There is minimal building bulk on the site consistent with the density code (R12.5),
- It provides an attractive setting for the buildings, landscape, vegetation, and streetscape,
- Provides opportunities for the residents to use the space external to the dwelling for outdoor pursuits and access within and around the site, and
- It provides space for utilities and essential facilities.

The open space is appropriate for the proposed development given that it is large, and landscaped with a northern aspect that captures the northern sunlight.

Visual Privacy

Visual privacy screening is to be used inside the southern boundary fence to ensure appropriate visual privacy is maintained between the proposed dwelling and the southern neighbouring property as required by the Residential Design Codes. A condition is included in the final recommendation to ensure that this is completed.

Traffic Noise

Traffic noise issues that may arise are required to be addressed in the development as the site is within 200m of Canning Highway. A condition has been included in the final recommendation that meets this requirement in accordance with State Planning Policy 5.4 Road and Rail Noise. It is noted that Table 1 of this policy places the dwelling within Other Significant Freight/Traffic Routes (with over 23000 vehicles per day according to the Main Roads traffic data).

CONCLUSION

The proposed development at 28A (Lot 1) Staton Road is a relatively modest proposal with minimal variations to the Residential Design Codes and Residential Design Guidelines. The development is single storey and as a result has minimal impacts on the streetscape and has been supported by the neighbouring property owners. Based on the assessment the proposed development can be supported subject to the conditions included in the final recommendation.

OFFICER RECOMMENDATION / COMMITTEE RESOLUTION

OFFICER RECOMMENDATION

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

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Northern Wall – Alfresco – 1m required, 0m provided**
 - (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Eastern Wall - Bed 5, Bath 2, Living, Bath, Bed 3 – 6m required, 1.503m provided**
 - (iii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Southern Wall - Garage – 1.1m required, 1m provided**
 - (iv) Clause 5.1.4 – Residential Design Codes – Open Space – 55% required, 51.7% provided**
- for a new dwelling at No. 28A (Lot 1) Staton Road, East Fremantle, in accordance with the plans submitted 11 April 2024, subject to the following conditions:**
- (1) Visual privacy screening is to be installed in accordance with the plans submitted 11 April 2024 that achieves the deemed to comply requirements of clause 5.4.1 C1.2 of the Residential Design Codes which is a minimum of 1.6m from the finished floor level of the kitchen, dining and living area, at**

- least 75% obscure, permanently fixed, made of durable material, and restrict views in the direction of the overlooking.
- (2) The development is to comply with the requirements of WAPC State Planning Policy 5.4 Road and Rail Noise. Confirmation of achievement of the requirements of this condition is to be included with the building permit application.
 - (3) All fencing within the street setback area is to be in compliance with the front fence provisions of the Local Planning Policy 3.1.1 – Residential Design Guidelines.
 - (4) Existing trees located within the verge are a Town asset and as such must be retained and not pruned, shaped, or modified except where otherwise approved for removal or modification by the Town.
 - (5) During construction the verge trees are to be protected with cages around the trunks to ensure that they are not damaged by surrounding works, vehicles, or materials.
 - (6) An application is to be submitted to the Operations Department of the Town for the removal of any verge trees. Verge trees are not to be removed without written approval from the Town.
 - (7) The footpath is to always remain accessible to pedestrians.
 - (8) Prior to the submission of a building permit application, a Construction Management Plan shall be prepared to the satisfaction of the Town. This plan is to address the following matters during the construction/development period:
 - (a) Noise, vibration, air, and dust management;
 - (b) Contact details of essential site personnel, construction periods and construction operating hours;
 - (c) Traffic management, including footpath closures and proposed signage;
 - (d) Parking management for all trades, contractors, and visitors to site;
 - (e) Public safety and amenity (traffic control and pedestrian management);
 - (f) Site access/egress management;
 - (g) Scaffolding management plan;
 - (h) Management plan for the loading and unloading of vehicles;
 - (i) Heavy construction machinery and deliveries;
 - (j) Bulk earthwork operations;
 - (k) Stormwater and sand/sediment control;
 - (l) Street tree management and protection;
 - (m) Protection of footpath;
 - (n) Details of all concrete pours and requirements relating to piling methods or associated works;
 - (o) Temporary fencing;
 - (p) Temporary toilets;
 - (q) Dilapidation of Town infrastructure and nearby properties;
 - (r) Hoardings and gantries; and
 - (s) Any other relevant matters.

The requirements of this plan are to be observed at all times during the construction process.
 - (9) The development is to comply with WAPC State Planning Policy 5.4 Road and Rail Noise and implement Noise Insulation "Deemed to Comply" packages for the residential component of the development. Confirmation of achievement of the requirements of this condition is to be included with the building permit application.
 - (10) The crossover widths are not to exceed the width of the crossovers indicated on the plans date submitted and to be in accordance with the Town of East Fremantle's (the Town) crossover policy, the Residential Design Guidelines and the Urban Streetscape and Public Realm Style Guide.
 - (11) The works are to be constructed in conformity with the drawings and written information accompanying the application for development approval other than where varied in compliance with the conditions of this development approval or with the Town's further approval.
 - (12) The proposed works are not to be commenced until the Town has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this development approval unless otherwise amended by the Town.

- (13) With regards to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received development approval, without those changes being specifically marked for the Town's attention.
- (14) All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Town prior to the issue of a Building Permit.
- (15) If requested by the Town within the first two years following installation, the roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
- (16) 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.
- (17) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified, or relocated then such works must be approved by the Town and if approved, the total cost to be borne by the applicant. The Town must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (18) This development approval is to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *This decision does not include acknowledgement or approval of any unauthorised development which may be on site.*
- (b) *A copy of the approved plans as stamped by Town are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by the Town.*
- (c) *An application for a new crossover is to be submitted to the Operations Department of the Town and plans are to be included with the application that meets the requirements of the Town's crossover policy, the Residential Design Guidelines and the Urban Streetscape and Public Realm Style Guide. This application and relevant information are available at the following links;*

Crossover Specifications

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

Residential Design Guidelines

<https://www.eastfremantle.wa.gov.au/Profiles/eastfremantle/Assets/ClientData/Document-Centre/local-planning-policies/3 1 1 LPP Residential Design Guidelines Amended 17 May 2016.pdf>

Urban Streetscape and Public Realm Style Guide

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

Application to Conduct Crossover Works

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

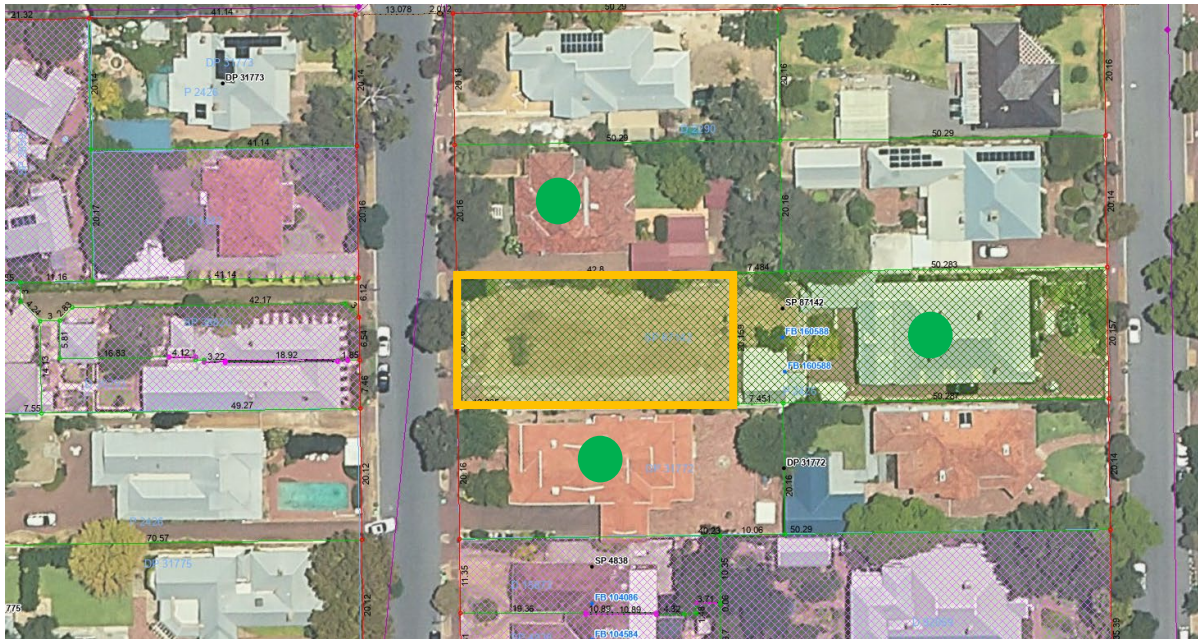
- (d) *It is recommended that the applicant provides a structural engineer's dilapidation report, at the applicant/owner expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each*

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

- (e) All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).***
- (f) Matters relating to dividing fences are subject to the Dividing Fences Act 1961.***
- (g) Trees on verges are the property of the Town. They are not to be damaged, pruned or removed. Any actions which harm verge trees will result in the Town acting against the owners/builders/contractors responsible. If there are concerns regarding trees owners/builders/contractors are asked to contact the Town to seek further advice.***
- (h) Any damage to other Town assets including but not limited to the kerb, drainage, footpaths, roads, and signage will have to be repaired by the applicant/owners/contractors at their cost.***

REPORT ATTACHMENTS

Attachments start on the next page



28A Staton Road – Photos







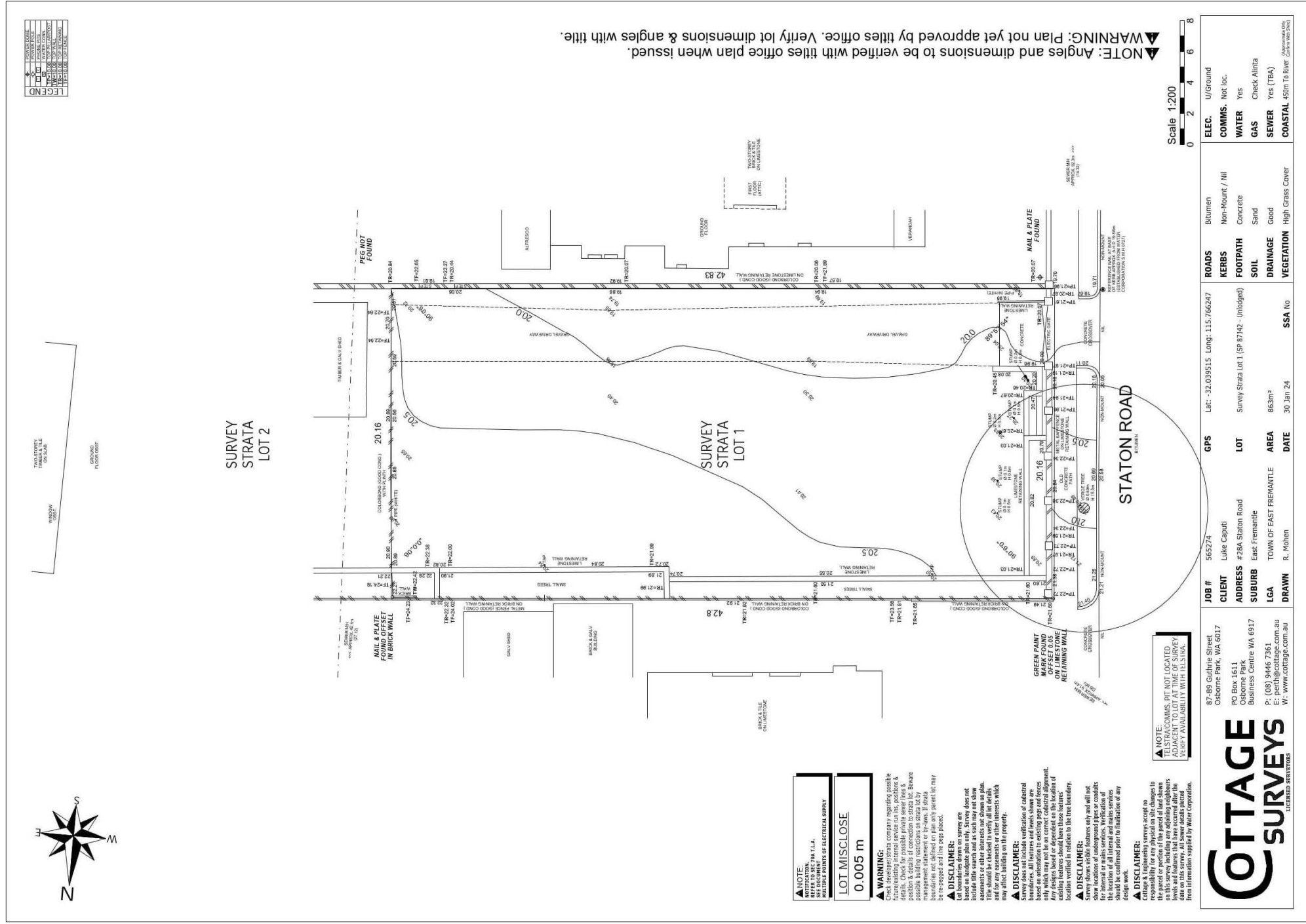
PROPOSED CAPUTI RESIDENCE

28A STATON ROAD, EAST FREMANTLE



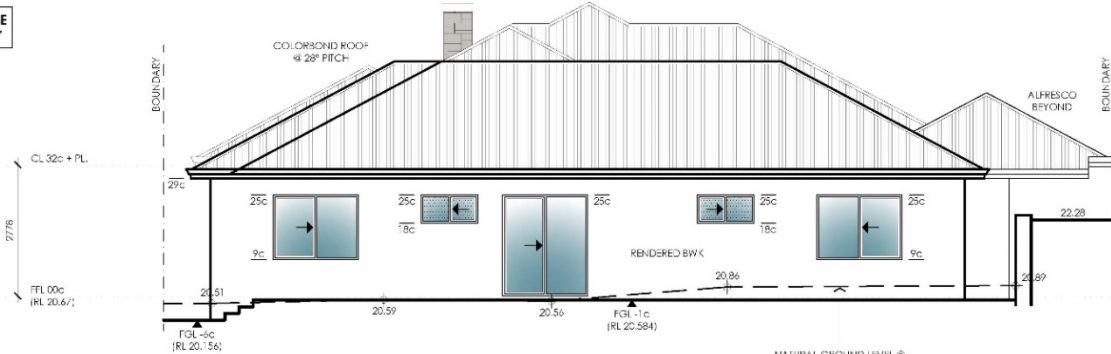


TERMITE PROTECTION
ALL PRIMARY BUILDING ELEMENTS USED FOR THE CONSTRUCTION OF THIS BUILDING WILL BE CONSIST ENTIRELY OF, OR A COMBINATION OF MATERIALS CONSIDERED NOT SUBJECT TO TERMITE ATTACK SPECIFICALLY ALL TIMBERS USED IN THIS DWELLING WILL BE PRESERVATIVE TREATED IN ACCORDANCE WITH AS3660.1 AND WILL COMPLY WITH PART 3.1.4.2 OF THE NCC VOLUME 2, 2019.



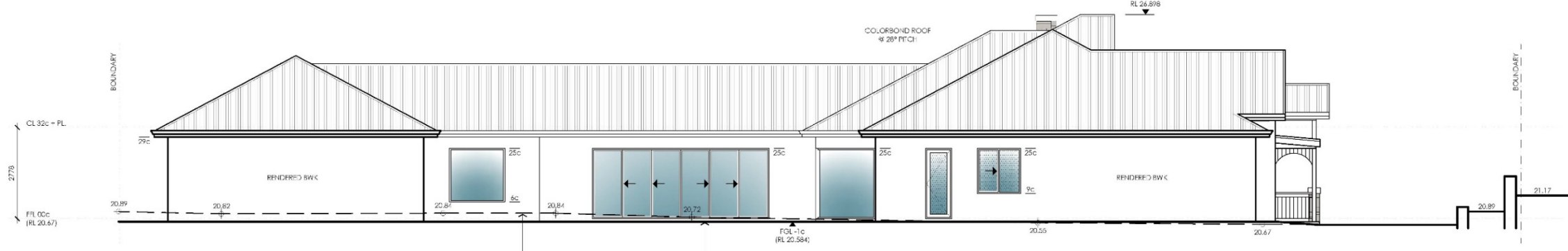


FRONT ELEVATION (WEST)
SCALE 1:100

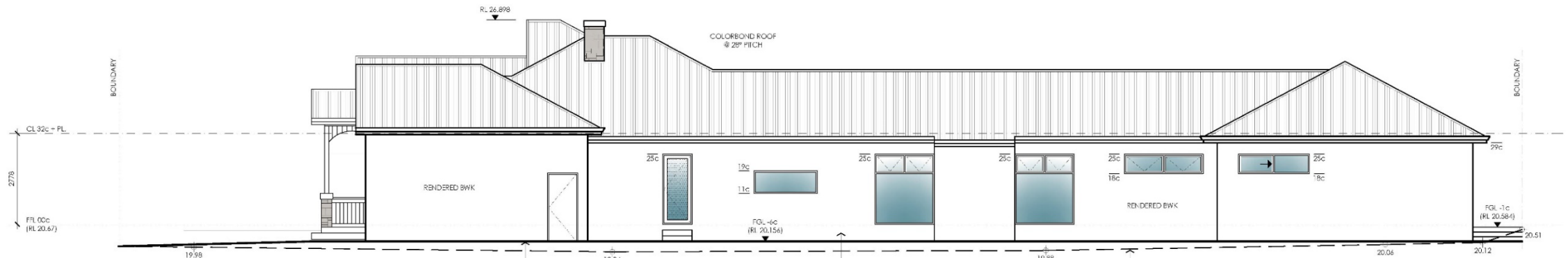


REAR ELEVATION (EAST)
SCALE 1:100

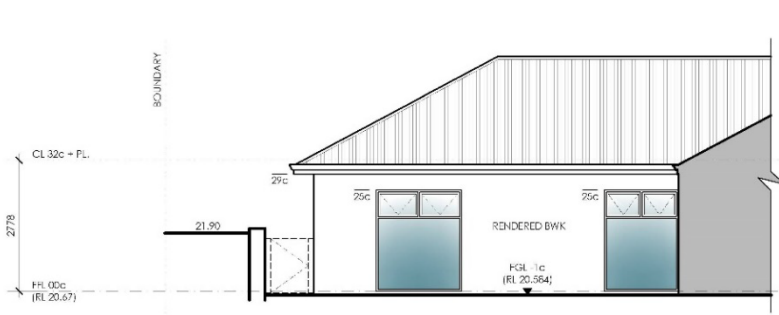
COLOUR & MATERIALS SCHEDULE	
EXTERIOR WALLS	TEXTURED RENDER DULUX SNOWY MOUNTAINS QUARTER
FEATURE WALLS	LIMESTONE CLADDING (PIERS & CHIMNEY)
GUTTERS	COLORBOND SURFMIST
EAVE LININGS	DULUX LEXICON QUARTER
GARAGE DOOR	RED PANEL UP ICON STATESMAN DOOR COLORBOND SURFMIST
WOODWORK	DULUX LEXICON QUARTER
FRONT DOOR	DULUX CLINIES
PAVEMENTS	WASHED AGGREGATE BORAL COTTESLOE COLOUR



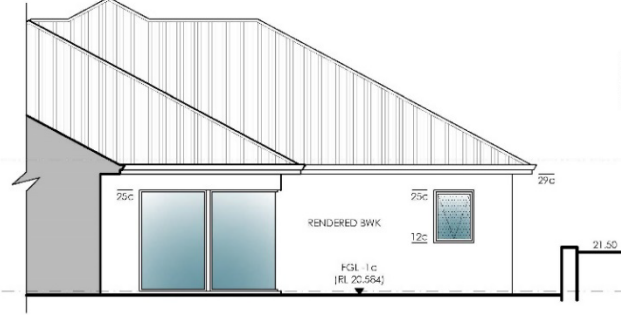
SIDE ELEVATION (NORTH)
SCALE 1:100



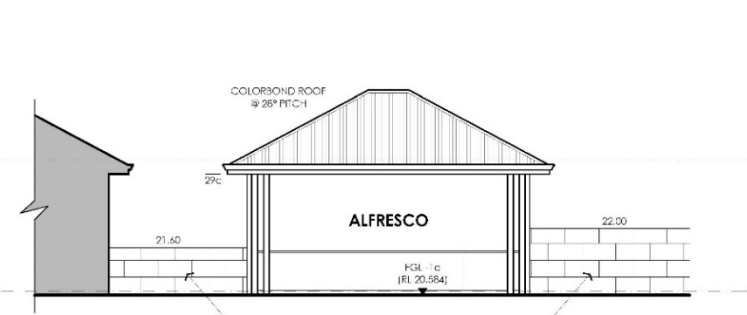
SIDE ELEVATION (SOUTH)
SCALE 1:100



ELEVATION 1
SCALE 1:100



ELEVATION 2
SCALE 1:100



ELEVATION 3
SCALE 1:100

PROPOSED CAPUTI RESIDENCE
28A STATION ROAD, EAST FREMANTLE
25.03.24 SHEET 3 OF 3







13 MATTERS BEHIND CLOSED DOORS

Nil

14 CLOSURE OF MEETING