



AGENDA

Town Planning Committee

Tuesday 06 April 2021 at 6.30pm

Disclaimer

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

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

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

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

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

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

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

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

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

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

A Deputation invited to attend a Council meeting:

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

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

Procedure for Presentations

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

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

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

Procedure for Public Question Time

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

Council (as required by the *Local Government Act 1995*) sets aside a period of 'Public Question Time' to enable a member of the public to put up to 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 Tuesday, 6 April 2021 in the Council Chamber, 135 Canning Highway, East Fremantle commencing at 6.30pm and your attendance is requested.

GARY TUFFIN
Chief Executive Officer

30 March 2021

AGENDA

1. DECLARATION OF OPENING OF MEETING/ANNOUNCEMENTS OF VISITORS

Members of the gallery are advised that no Committee decision from tonight's meeting will be communicated or implemented until 12 noon on the first clear working day after this meeting.

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. RECORD OF ATTENDANCE

3.1 Attendance

3.2 Apologies

3.3 Leave of Absence

4. MEMORANDUM OF OUTSTANDING BUSINESS

5. DISCLOSURES OF INTEREST

5.1 Financial

5.2 Proximity

5.3 Impartiality

6. PUBLIC QUESTION TIME

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

6.2 Public Question Time

7. PRESENTATIONS/DEPUTATIONS

7.1 Presentations

7.2 Deputations

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 Town Planning Committee (2 March 2021)

8.1 OFFICER RECOMMENDATION

That the minutes of the Town Planning Committee meeting held on Tuesday 2 March 2021 be confirmed as a true and correct record of proceedings.

9. ANNOUNCEMENTS BY THE PRESIDING MEMBER

10. REPORTS OF COMMITTEES

11. REPORTS OF OFFICERS (COMMITTEE DELEGATION)

11.1 Glyde Street No. 71 (Lot 125) - Proposed pool and elevated deck

Owner	Gregory Watkinson & Melanie Watkins
Applicant	Rohan White Architecture
File ref	P09/21
Prepared by	James Bannerman, Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	6 April 2021
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none"> 1. Location plan and advertising 2. Site photos 3. Plans date stamped 2 March 2021 4. Community engagement checklist

Purpose

The purpose of this report is for Council to consider a development application for a proposed pool and raised deck at No. 71 (Lot 125) Glyde Street, East Fremantle.

Executive Summary

This development application proposes a new pool and modifications to an approved deck area from a previously approved development for alterations and additions (P048/19 – 6 August 2019). The deck (outdoor active habitable space) is greater than 500mm above natural ground level. It is considered that the application can be supported subject to conditions of development approval related to visual privacy screening and other standard conditions being imposed.

Background

Zoning: Residential R20
Site area: 508m²

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

P086/17 – development approval – two storey dwelling – 7 November 2017.
P048/19 – development approval - alterations and additions - 6 August 2019.
P015/20 – development approval – ancillary dwelling – 7 April 2020.

Consultation

Advertising

The application was advertised and the following submission objecting to the proposal was received from a neighbouring property owner.

Submission	Applicant Response	Officer Response
Thank you for notifying us and for giving us the opportunity to comment on the proposed pool and deck area at 71 Glyde Street. We were unaware of the proposal until we received your letter.	With regards to the deck and pool the screening as submitted (and updated plans following feedback) means there is not a visual privacy issue from a planning point of view.	The amended plan for the proposed development shows visual privacy screening that complies with the visual privacy provisions of the Residential Design Codes.

<p>We object to the proposed development as it will have a detrimental impact on, and further erode, the visual privacy and amenity of our outdoor space and habitable areas as follows:</p> <ol style="list-style-type: none"> 1. The pool and deck are setback 2.16m from our southern boundary and are directly adjacent to and overlooking the outdoor living space (seating and alfresco area) located directly off our main living area (kitchen, dining and sitting room). 2. We understand that as the deck is greater than 0.5m above ground level the visual setback requirements of the Residential Design Codes are not met. 3. The new build house at the rear of 71 Glyde Street is already having a significant impact on the visual privacy of our indoor habitable space and the outdoor space (pool and deck area) at the rear of our site. 4. The pool and deck area at 71 Glyde Street will now overlook our seating and alfresco outdoor space. 5. As a result, all of the outdoor space on our site will lack visual privacy. <p>We request that a 1.8m high screen be built along the northern and eastern edge of the proposed pool and deck to prevent further overlooking and erosion of our visual privacy and the residential amenity of our site.</p>		
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Community Design Advisory Committee (CDAC)

The application was not referred to CDAC. It is considered there is no impact on the streetscape.

External Consultation

Nil

Statutory Environment

Planning and Development Act 2005

Residential Design Codes of WA

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

Policy Implications

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

Fremantle Port Buffer Zone – Area 2

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

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

3.1.2 Plan for a mix of inclusive diversified housing options.

3.1.3 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.

Natural Environment

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

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

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

4.1.2 Plan for improved streetscapes parks and reserves.

4.1.3 Improve and protect the urban forest and tree canopy.

4.2 Enhance environmental values and sustainable natural resource use.

4.2.1 Reduce waste through sustainable waste management practices, including effective community and business education.

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

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

Risk Implications

A risk assessment was undertaken and the risk to the Town was deemed to be negligible.

Site Inspection

A site inspection was undertaken.

Comment

Statutory Assessment

The proposal has been assessed against the provisions of Local Planning Scheme No. 3 and the Town's Local Planning Policies including the Residential Design Guidelines, as well as the Residential Design Codes. A summary of the assessment is provided in the following tables.

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

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
Street Front Setback			N/A
Secondary Street Setback			N/A
Lot Boundary Setbacks			
Pool deck edge - elevated	1m	2.16m	A
Open Space			N/A
Wall height			N/A
Setback of Carport			N/A
Car Parking			N/A
Site Works			N/A
Visual Privacy	7.5m	<7.5m	D
Overshadowing			N/A
Drainage			N/A

Local Planning Policies Assessment

LPP Residential Design Guidelines Provision	Status
3.7.2 Additions and Alterations to Existing Buildings	A
3.7.3 Development of Existing Buildings	N/A
3.7.4 Site Works	N/A
3.7.5 Demolition	N/A
3.7.6 Construction of New Buildings	N/A
3.7.7 Building Setbacks and Orientation	N/A
3.7.8 Roof Form and Pitch	N/A
3.7.9 Materials and Colours	N/A
3.7.10 Landscaping	N/A
3.7.11 Front Fences	N/A
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	N/A
3.7.15.4.3.1 Fremantle Port Buffer Area	N/A
3.7.15.3.3 Garages and Carports	N/A

This development application proposes a new pool and modifications to an approved deck area at the front of the dwelling from a previously approved development (P048/19 – alterations and additions – 6 August 2019). One variation is requested to the requirements of the Residential Design Codes in terms of the visual privacy setback from the elevated deck.

The deck is located more than 0.5m above natural ground level and for this reason the visual privacy and overlooking provisions of the Residential Design Codes apply. The deck requires a 7.5m visual privacy setback in accordance with deemed to comply clause 5.4.1 C1.1 i. There was one submission objecting to the proposal and for this reason the development application was referred to the Town Planning Committee for determination.

Amended plans were submitted which address deemed to comply clause 5.4.1 C1.2 of the Residential Design Codes. The amended plans address the concerns about privacy and overlooking from the front deck in terms of the deemed to comply requirements of the Residential Design Codes.

Conclusion

Based on the assessment that has been completed for this development proposal and the explanation provided in this report, the application can be supported. As such, it is recommended that the proposed development be supported, subject to conditions of development approval related to visual privacy screening and other standard development conditions.

11.1 OFFICER RECOMMENDATION:

That Council grants development approval for a pool and elevated deck at No. 71 (Lot 125) Glyde Street, East Fremantle, in accordance with the plans date stamped received 2 March 2021, subject to the following conditions:

- (1) Visual privacy screening as indicated on plans date stamped received on 2 March 2021 to be permanently installed and fixed along the northern edge of the swimming pool and the deck from the finished floor level of the deck in accordance with the deemed to comply requirements of clause 5.4.1 C1.2 of the Residential Design Codes.**
- (2) The works are to be constructed in conformity with the drawings and written information accompanying the application for development approval other than where varied in compliance with the conditions of this development approval or with Council's further approval.**
- (3) The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit is issued in compliance with the conditions of this development approval unless otherwise amended by Council.**
- (4) 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 Council's attention.**
- (5) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.**
- (6) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified, or relocated, then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.**
- (7) This development approval is to remain valid for a period of 24 months from the date of this approval.**

Footnote:

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

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

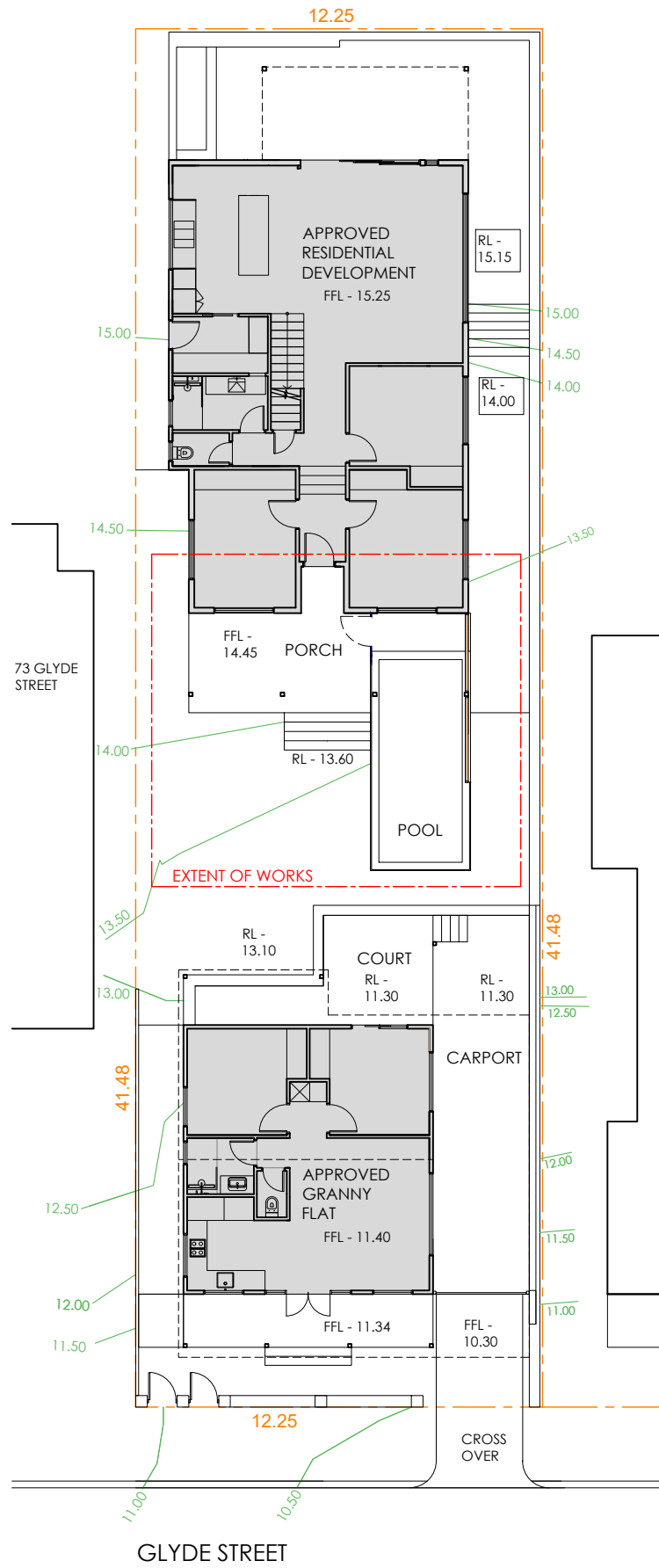
-
- (ii) *a copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- (iii) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (iv) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (v) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

71 Glyde Street – Location and Advertising Plan

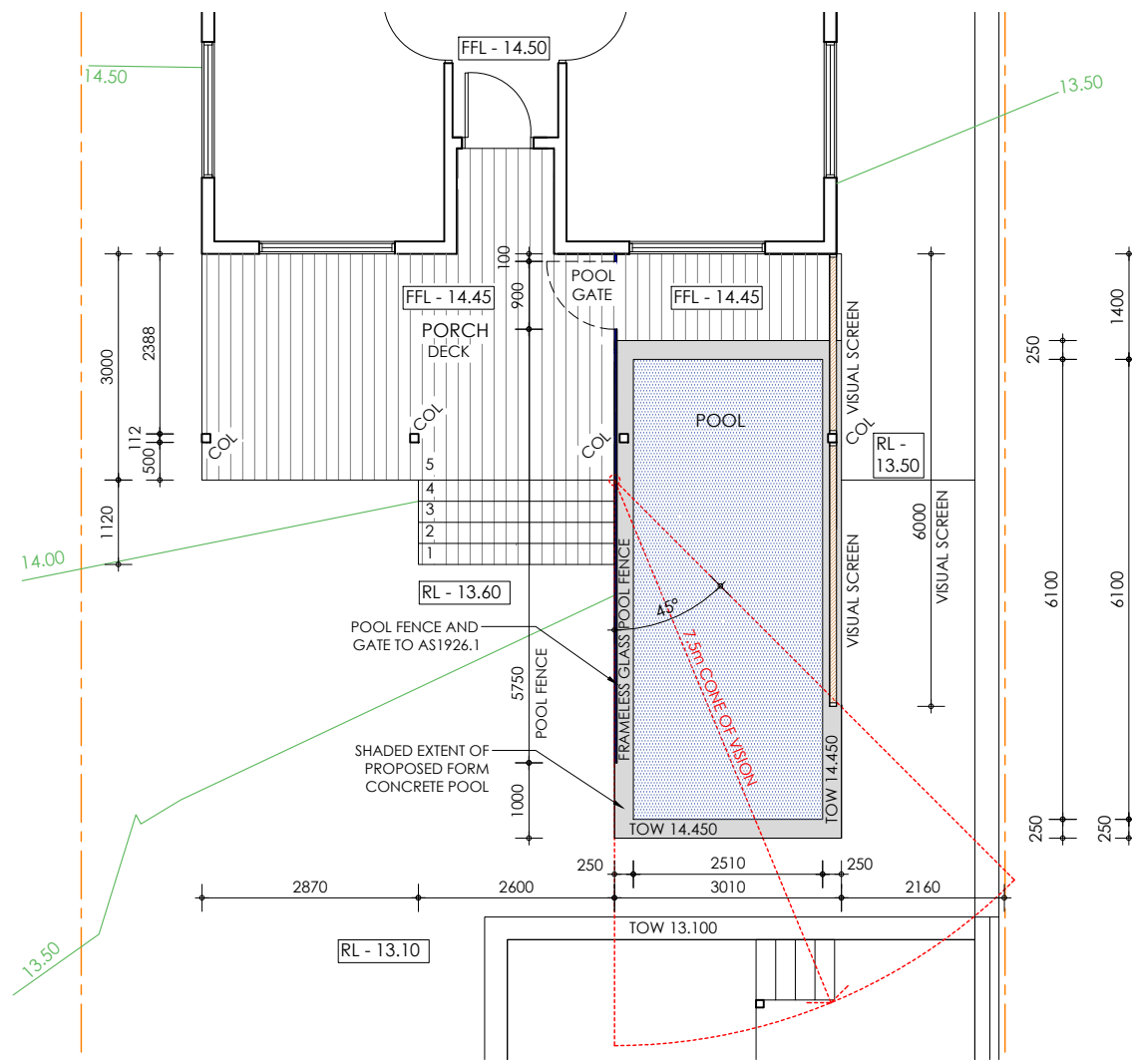


71 Glyde Street – Site Photos

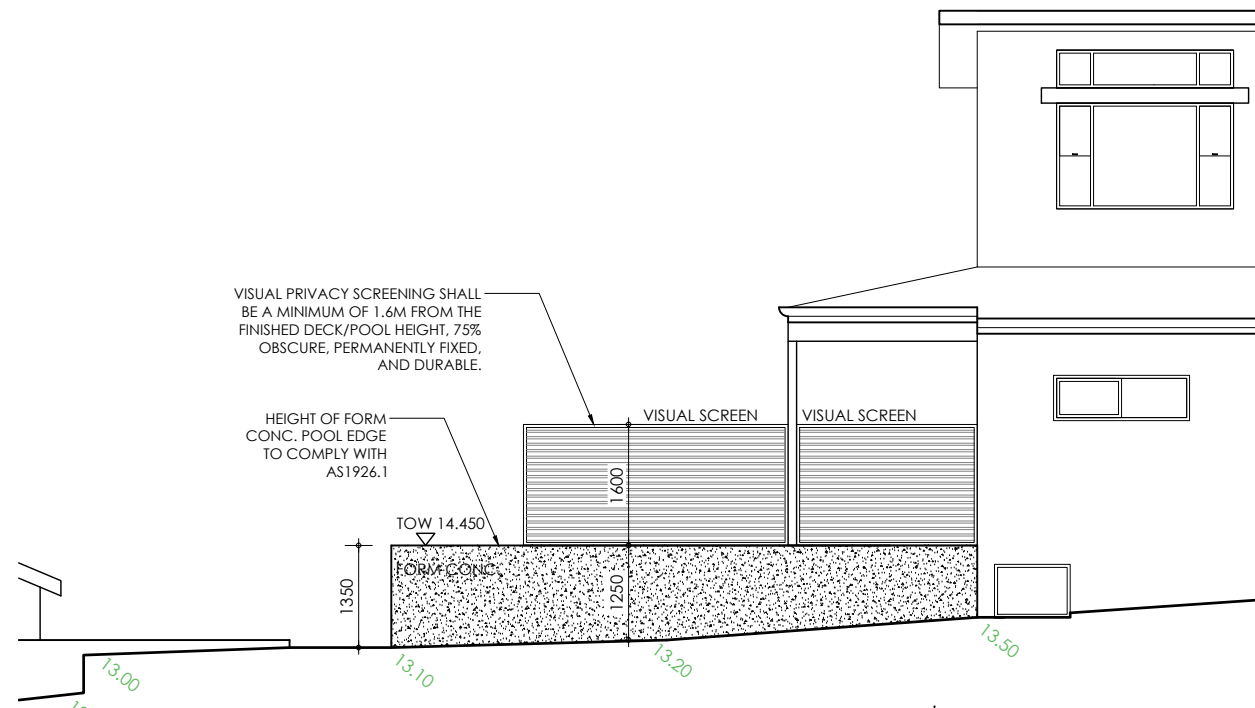




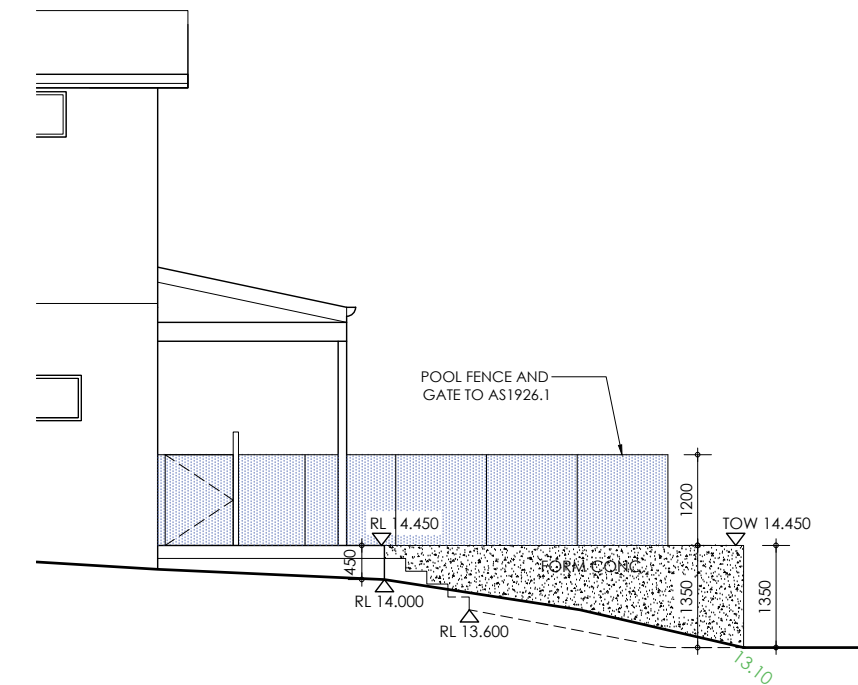
01 SITE PLAN
71 GLYDE
SCALE 1:200



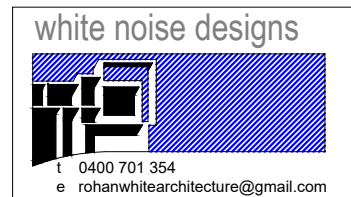
02 POOL PLAN
71 GLYDE
SCALE 1:100



03 NORTH ELEVATION
71 GLYDE
SCALE 1:100



04 SOUTH ELEVATION
71 GLYDE
SCALE 1:100



No.	REVISION	DATE
B	DA SUBMISSION 2	02/03/2021
A	DA SUBMISSION	02/02/2021

CLIENT
GREG WATKINSON
PROJECT DESCRIPTION
71 GLYDE STREET - EAST FREMANTLE

Copyright - This document remains the property of ROHAN WHITE DESIGNS and may not be copied in whole or in part without prior written agreement. Contractors to verify all dimensions on site. Site dimensions to govern.

DRAWING TITLE POOL AND PORCH SUBMISSION		
JOB NO.	REV	DRAWING
DRAWN SCALE	RW AS SHOWN	A.01



Community Engagement Checklist

Development Application P09/21 - 71 Glyde Street

Project Name

Objective of Engagement:	Neighbour Consultation		
Lead Officer:	Regulatory Services		
Timeline:	Start Date:	18/02/2021	Outcomes By: 5/03/2021
Stakeholders			
Stakeholders to be considered. <i>Please highlight those to be targeted during engagement.</i>	Aged	<input type="checkbox"/>	Ratepayers (all / targeted) <input type="checkbox"/>
	Businesses	<input type="checkbox"/>	Residents (all / targeted) <input checked="" type="checkbox"/>
	Children (School / Playgroup)	<input type="checkbox"/>	Service Providers <input type="checkbox"/>
	Community Groups	<input type="checkbox"/>	Unemployed <input type="checkbox"/>
	Disabled People	<input type="checkbox"/>	Visitors <input type="checkbox"/>
	Environmental	<input type="checkbox"/>	Volunteers <input type="checkbox"/>
	Families	<input type="checkbox"/>	Workers <input type="checkbox"/>
	Govt. Bodies	<input type="checkbox"/>	Youth <input type="checkbox"/>
	Indigenous	<input type="checkbox"/>	<input type="checkbox"/>
	Neighbouring LGs	<input type="checkbox"/>	<input type="checkbox"/>
Staff to be notified:	Office of the CEO	<input type="checkbox"/>	Councillors <input type="checkbox"/>
	Corporate Services	<input type="checkbox"/>	Consultant/s <input type="checkbox"/>
	Development Services	<input type="checkbox"/>	<input type="checkbox"/>
	Operations (Parks/Works)	<input type="checkbox"/>	<input type="checkbox"/>
Community Engagement Plan			
Methods	Responsible	Date Due	Reference / Notes
1.1 E News	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.2 Email Notification ~	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
1.3 Website	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.4 Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.5 Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.6 Fact Sheet	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.7 Media Rel./Interview	<input type="checkbox"/> Communications		<input type="checkbox"/>
2.1 Information Stalls	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
2.2 Public Meeting/Forum	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
2.3 Survey/Questionnaire	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
3.1 Focus Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
3.2 Referendum/Ballot	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
3.3 Workshop	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
4.1 Council Committee	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
4.2 Working Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
* Statutory Consultation	<input checked="" type="checkbox"/> Relevant Officer	5/3/2021	<input checked="" type="checkbox"/> Advertised to 1 surrounding property
# Heritage Consultation	<input type="checkbox"/> Regulatory Services		<input type="checkbox"/>
^ Mail out (note: timeliness)	<input type="checkbox"/> Communications		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>

Evaluation			
Summary of...		Date Due	Complete / Attached
Feedback / Results / Outcomes / Recommendations		5/3/2021	
Outcomes Shared			
Methods	Responsible	Date Due	Complete / Attached
E-Newsletter	<input type="checkbox"/> Communications		<input type="checkbox"/>
Email Notification	<input checked="" type="checkbox"/> Relevant Officer		<input type="checkbox"/>
Website	<input type="checkbox"/> Communications		<input type="checkbox"/>
Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>
Media Release	<input type="checkbox"/> Communications		<input type="checkbox"/>
Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
Notes			

11.2 Hubble Street No.93 (Lot 172) - Proposed alterations and additions to existing dwelling

Owner	Greg Mithen & Julie Monument
Applicant	John Chisholm
File ref	P10/21
Prepared by	James Bannerman, Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	6 April 2021
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Location plan and advertising2. Site photos3. Place record form4. Plans date stamped 17 March 20215. Community engagement checklist

Purpose

The purpose of this report is for Council to consider a development application for proposed alterations and additions to an existing dwelling at No. 93 (Lot 172) Hubble Street, East Fremantle.

Executive Summary

This development application proposes alterations and additions to an existing Category B heritage dwelling. The dwelling has sat vacant and dilapidated for a considerable number of years and the proposed development is a welcome proposal to restore the dwelling. The existing dwelling is to be significantly renovated and extended, resulting in the retention of a heritage listed dwelling, a vast improvement to the streetscape and the removal of asbestos from the site.

The applicant is seeking Council approval for the following variations to the Residential Design Codes and the Residential Design Guidelines:

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Southern Wall – Ground Floor – 1.5m required, 1.4m provided;
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Northern Wall – Ground Floor - Ancillary dwelling - 1m required, 0m provided;
- (iii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Northern Wall – Upper Storey - Ancillary dwelling – 1.1m required, 0m provided;
- (iv) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Northern Wall – Upper Storey -4.5m required, 2.92m provided;
- (v) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Southern Wall – Upper Storey – 1.5m required, 1.4m provided;
- (vi) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, 5 degrees provided; and
- (vii) Clause 5.5.1 – Residential Design Codes – Ancillary Dwelling - Plot Ratio – 70m² plot ratio maximum required, 71m² provided.

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

Background

Zoning: Residential R20

Site area: 508m²

Heritage: Category B

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

DA P112/13 – Storage and laundry – approved 17 December 2016.

DA P113/13 - Restoration works – approved 17 December 2015.

Consultation

Advertising

The application was advertised to surrounding landowners from 24 February to 11 March 2021.

Community Design Advisory Committee (CDAC)

The application was referred to CDAC members. No comments were received.

External Consultation

Nil

Statutory Environment

Planning and Development Act, 2005

Residential Design Codes of WA

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

Policy Implications

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

Local Heritage Survey – Category B

Fremantle Port Buffer Zone Area 2

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

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

3.1.2 Plan for a mix of inclusive diversified housing options.

3.1.3 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.

Natural Environment

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

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

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

4.1.2 Plan for improved streetscapes parks and reserves.

4.1.3 Improve and protect the urban forest and tree canopy.

4.2 Enhance environmental values and sustainable natural resource use.

4.2.1 Reduce waste through sustainable waste management practices, including effective community and business education.

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

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

Risk Implications

A risk assessment was undertaken and the risk to the Town was deemed to be negligible.

Site Inspection

A site inspection was undertaken.

Comment

Statutory Assessment

The proposal has been assessed against the provisions of Local Planning Scheme No. 3 and the Town's Local Planning Policies including the Residential Design Guidelines, as well as the Residential Design Codes. A summary of the assessment is provided in the following tables.

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

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
Street Front Setback			N/A
Secondary Street Setback			N/A
Lot Boundary Setbacks			
Southern wall – main dwelling – ground floor	1.5m	1.4m	D
Western wall – ancillary dwelling	1.1m	1.2m	A
Northern wall – ancillary dwelling – ground floor	1m	0m	D
Northern wall – ancillary dwelling – upper storey	1.1m	0m	D
Northern wall – main dwelling – ground floor	4.5m	2.92m	D
Southern wall – main dwelling – upper storey	1.5m	1.4m	D

Northern wall – main dwelling – upper storey	1.5m	2.92m	A
Carport - northern wall	0m	0m	A
Open Space	50%	59.9%	A
Wall height	6m	5.8m	A
Roof height	9m	8.051m	A
Front Setback of Carport	>1.2m from building line	>1.2m from building line	A
Car Parking	1-2 cars	>2 cars	A
Site Works			N/A
Visual Privacy			N/A
Sightlines	Truncation or height to 0.75m	Gate and fence with >60% visual permeability Gate widening = 4.5m inclusive of 1.5m sightline	A
Overshadowing	<25%	21%	A
Ancillary Dwelling (plot ratio)	70m²	71m²	D
Drainage	To be conditioned		

Local Planning Policies Assessment

LPP Residential Design Guidelines Provision	Status
3.7.2 Additions and Alterations to Existing Buildings	A
3.7.3 Development of Existing Buildings	A
3.7.4 Site Works	N/A
3.7.5 Demolition	A
3.7.6 Construction of New Buildings	A
3.7.7 Building Setbacks and Orientation	A
3.7.8 Roof Form and Pitch	D
3.7.9 Materials and Colours	A
3.7.10 Landscaping	A
3.7.11 Front Fences	A
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	A
3.7.14 Footpaths and Crossovers	A
3.7.16.3 Garages and Carports	A
3.7.16.4.3.1 Fremantle Port Buffer Area	Area 2

This development application proposes alterations and additions to an existing Category B heritage dwelling. The dwelling has sat vacant and dilapidated for a considerable number of years and the proposed development is a welcome proposal to restore the building and ensure its retention for the long term.

The existing heritage dwelling, which has significant amounts of asbestos and has been modified internally by the previous owners, is to be significantly renovated and extended. The original front of the dwelling is to be retained (and the original façade to be reinstated) with the double storey additions to be located at the rear of the original building along with an ancillary dwelling. Timber weatherboards are to be used extensively on the front of the building.

Seven variations are requested to the requirements of the Residential Design Codes and one variation is requested to the Residential Design Guidelines in relation to lot boundary setbacks, ancillary dwelling plot ratio and roof pitch. The variations are considered to be relatively minor and do not have a

significant impact on the amenity of neighbouring properties nor detrimental impacts on the streetscape.

Lot Boundary Setback - Southern Wall – Main Dwelling – Ground Floor

The southern wall on the ground floor of the dwelling is proposed to be 24.075m long and 3.5m high. It has major openings and is required to be 1.5m from the southern boundary in accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 i. In this case the wall is 1.4m from the southern boundary. The proposed wall achieves design principles 5.1.3 P3.1 for the following reasons:

- Reduced impacts of building bulk on adjoining properties;
- Adequate direct sun and ventilation reaches the building, open spaces and adjoining properties; and
- Minimal overlooking and loss of privacy on adjoining properties.

The wall location is such that it is only marginally less than the setback required by the deemed to comply requirements. Sunlight and ventilation are still able to reach the area directly adjacent to the wall and there are no privacy issues from elevated windows or floor levels along this section of the proposed development.

Lot Boundary Setback - Northern Wall – Ancillary Dwelling – Ground Floor

The northern wall on the ground floor of the ancillary dwelling is proposed to be 5.84m long and 2.712m high. It has no major openings and is required to be 1m from the northern boundary in accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 i. In this case the wall is 0m from the northern boundary. The proposed wall achieves design principles 5.1.3 P3.1 for the following reasons:

- Makes more effective use of the space for enhanced privacy for occupants or outdoor living areas;
- Reduces impacts of building bulk on adjoining properties;
- Adequate direct sun and ventilation reaches the building, open spaces and adjoining properties;
- Minimal overlooking and loss of privacy on adjoining properties; and
- Does not have any adverse amenity impacts on the adjoining property.

The applicant wishes to utilise all available land area for the future residents of the lot in the rear section of the property. The wall location is such that it achieves the above by not creating a 1m wide portion of land that cannot be used for any useful purpose. Sunlight and ventilation are still able to reach the area directly adjacent to the wall and there are no privacy issues as there are no elevated windows along this section of the proposed development. The development has no impact on the streetscape, as the ancillary dwelling is located at the rear of the property and it is part of a development that will see the renovation of a severely dilapidated Category B heritage building.

Lot Boundary Setback - Northern Wall – Ancillary Dwelling – Upper Storey

The northern wall on the upper storey of the ancillary dwelling is proposed to be 5.84m long and 4.8m high. It has no major openings and is required to be 1.1m from the northern boundary in accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 i. In this case the wall is 0m from the northern boundary. The proposed wall achieves design principles 5.1.3 P3.1 for the following reasons;

- Makes more effective use of the space for enhanced privacy for occupants or outdoor living areas;
- Reduced impacts of building bulk on adjoining properties;
- Adequate direct sun and ventilation reaches the building, open spaces and adjoining properties;
- Minimal overlooking and loss of privacy on adjoining properties;
- Does not have any adverse amenity impacts on the adjoining property; and
- Direct sun to major openings of habitable rooms and outdoor living areas for adjoining properties is not restricted.

It helps to utilise all available land area for the future residents of the lot. The wall location is such that it is only marginally less than what is required by the deemed to comply requirements and for the reasons mentioned above the proposed nil setback can be supported.

Lot Boundary Setback - Northern Wall – Main Dwelling – Ground Floor

The northern wall on the ground floor of the dwelling is proposed to be 24.075m long and 4m high. It has major openings and is required to be 4.5m from the northern boundary, in accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 i. In this case, the wall is 3m from the southern boundary. The proposed wall achieves design principles 5.1.3 P3.1 for the following reasons:

- Reduced impacts of building bulk on adjoining properties;
- Adequate direct sun and ventilation reaches the building, open spaces and adjoining properties; and
- Minimal overlooking and loss of privacy on adjoining properties.

Notwithstanding the reduced setback, it is considered there is still a significant separation distance between the wall and the lot boundary, as the setback is to be utilised for a driveway for the dwelling. Sunlight and ventilation can easily reach the area directly adjacent to the wall as it faces directly north and there are no privacy issues from elevated windows or floor levels along this section of the proposed development.

Lot Boundary Setback - Southern Wall – Main Dwelling – Upper Storey

The southern wall on the upper storey of the main dwelling is proposed to be 9.23m long and 5.8m high. It has no major openings and is required to be 1.5m from the southern boundary in accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 i. In this case, the wall is 1.4m from the southern boundary. The proposed wall achieves design principles 5.1.3 P3.1 for the following reasons:

- Reduced impacts of building bulk on adjoining properties;
- Adequate direct sun and ventilation reaches the building, open spaces and adjoining properties; and
- Minimal overlooking and loss of privacy on adjoining properties.

The wall location is such that it is marginally less than what is required by the deemed to comply requirements. Sunlight and ventilation can still reach the area directly adjacent to the wall. There are no privacy issues from elevated windows or floor levels along this section of the proposed development as all openings are above 1.6m from the finished floor level of the upper storey.

Roof Pitch

Although most of the roof has a pitch of 30 degrees, the join between the heritage component of the dwelling and the new addition at the rear has a section of roof that has a 5 degrees pitch. In accordance with the acceptable development provisions 3.7.8.3 A4.1, the roof is supposed to have a pitch of 30 degrees. The reduced pitch of 5 degrees can be supported based on performance criteria 3.7.8.3 P4. Overall, the roof pitch complements the traditional form of surrounding development in the immediate locality. The flatter section of roof is hidden from view of the street and provides a subtle connection between the heritage dwelling and the new additions at the rear of the development.

Ancillary Dwelling - Plot Ratio

In accordance with the Residential Design Codes deemed to comply clause 5.5.1 C1 the maximum plot ratio area permitted is 70m². In this case, the area is 71m². The minor variation can be supported on the basis of design principle 5.5.1 P1 because it does not impact on the amenity of the surrounding properties. Also, there is no effect on sunlight, or visual privacy from the proposed minor increase in the allowable floor area of the ancillary dwelling.

Conclusion

Based on the assessment that has been completed for this development and the explanation provided in this report, the variations that have been proposed to the Residential Design Codes and the Residential Development Guidelines are considered acceptable. As such it is recommended that the proposed development be supported subject to conditions of development approval.

11.2 OFFICER RECOMMENDATION:

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

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Southern Wall – Ground Floor – 1.5m required, 1.4m provided;**
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Northern Wall – Ground Floor – Ancillary dwelling - 1m required, 0m provided;**
- (iii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Northern Wall – Upper Storey – Ancillary dwelling – 1.1m required, 0m provided;**
- (iv) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Northern Wall – Upper Storey -4.5m required, 2.92m provided;**
- (v) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Southern Wall – Upper Storey – 1.5m required, 1.2m provided;**
- (vi) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, 5 degrees provided; and**
- (vii) Clause 5.5.1 – Residential Design Codes – Ancillary Dwelling - Plot Ratio – 70m² plot ratio maximum required, 71m² provided,**

for alterations and additions to an existing dwelling at No. 93 (Lot 172) Hubble Street, East Fremantle, in accordance with the plans date stamped received 17 March 2021, subject to the following conditions:

- (1) The crossover width is not to exceed the width of the crossover indicated on the plans date stamped received 17 March 2021 and to be in accordance with Council's crossover policy as set out in the Residential Design Guidelines (2016).**

- (2) All fencing within the street setback area is to be in compliance with the front fence provisions of the Residential Design Guidelines and sightline provisions of the Residential Design Codes.
- (3) The shutters on the eastern most wall of the upper storey of the ancillary dwelling are to be permanently fixed in position.
- (4) The works are to be constructed in conformity with the drawings and written information accompanying the application for development approval other than where varied in compliance with the conditions of this development approval or with Council's further approval.
- (5) The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit is issued in compliance with the conditions of this development approval unless otherwise amended by Council.
- (6) 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 Council's attention.
- (7) All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
- (8) If requested by Council within the first two years following installation, the roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
- (9) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
- (10) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified, or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (11) This development approval is to remain valid for a period of 24 months from the date of this approval.

Footnote:

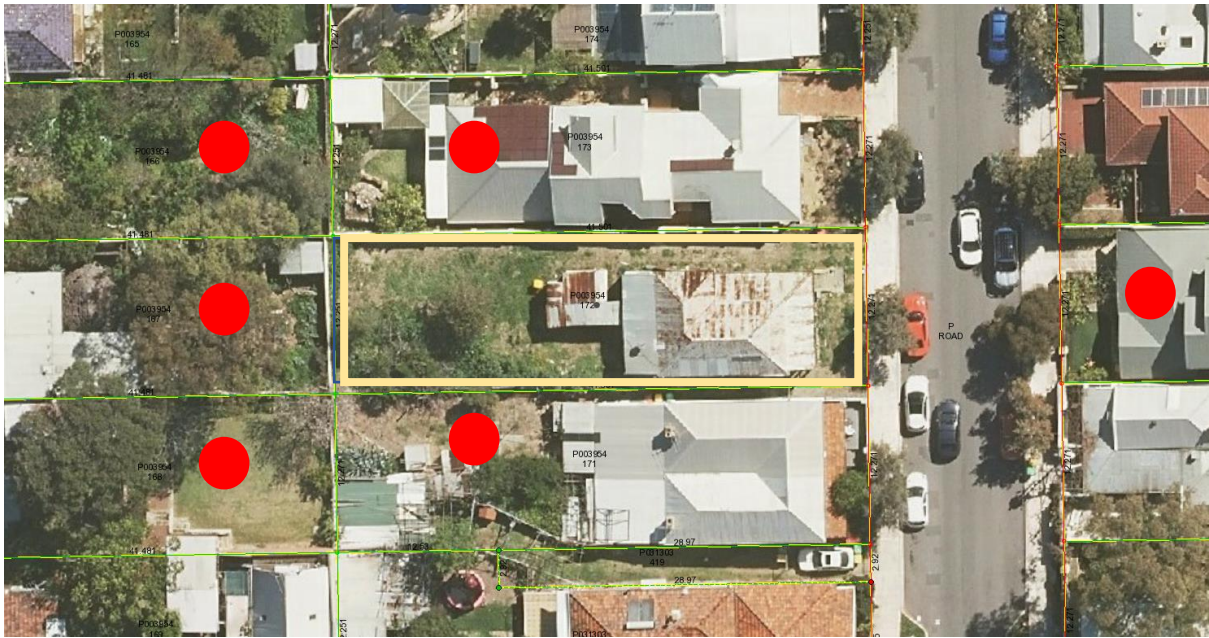
The following are not conditions but notes of advice to the applicant/owner:

- (i) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (ii) *a copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- (iii) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two*

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

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

93 Hubble Street - Location and Advertising Plan



93 Hubble Street – Site Photos



PLACE RECORD FORM

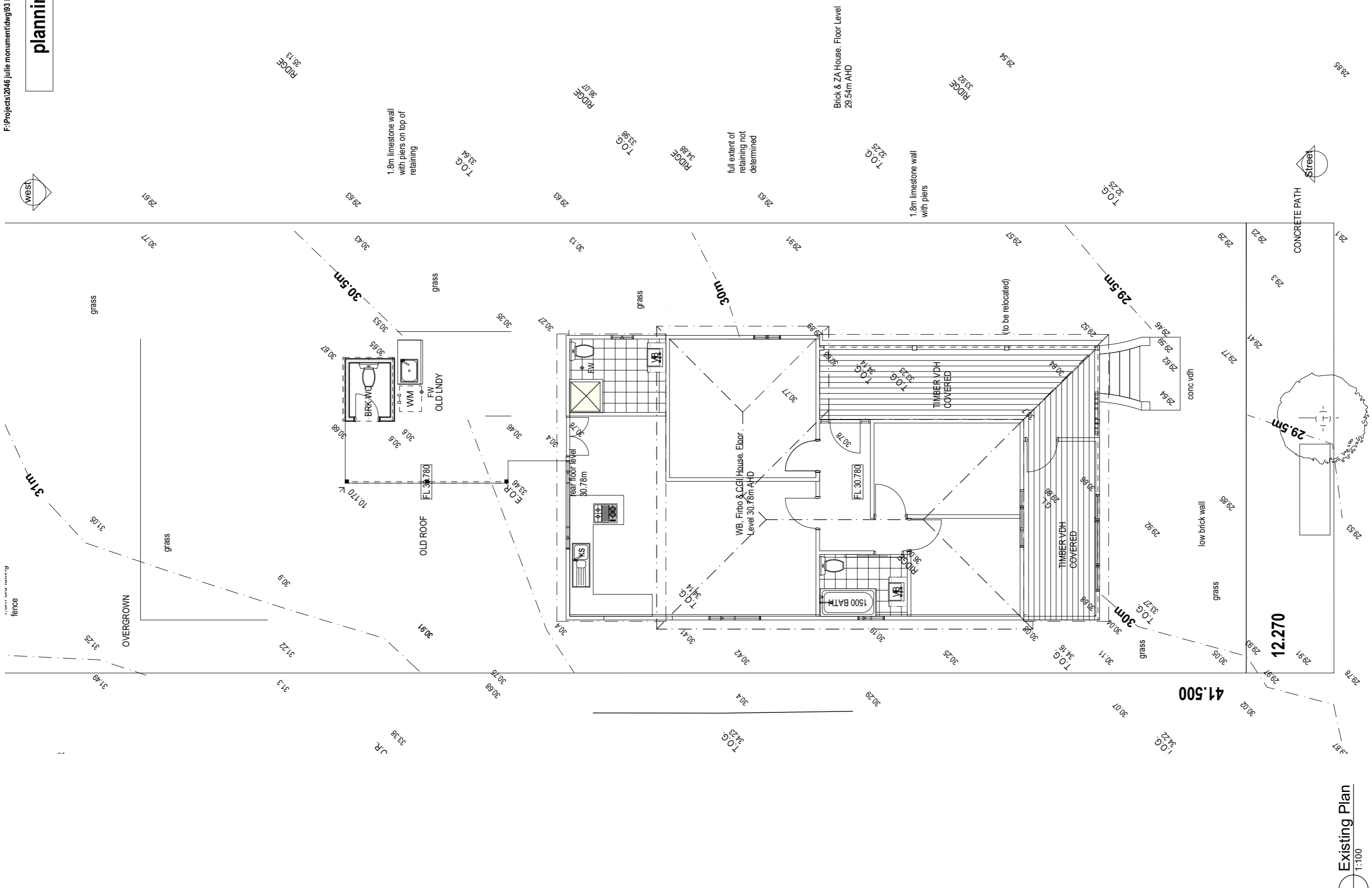


PRECINCT	Plympton
ADDRESS	93 Hubble Street
PROPERTY NAME	N/A
LOT NO	Lot 172
PLACE TYPE	Residence
CONSTRUCTION DATE	C 1912
ARCHITECTURAL STYLE	Federation Bungalow
USE/S	Original Use: Residence/ Current Use: Residence
STATE REGISTER	N/A
OTHER LISTINGS	N/A
MANAGEMENT CATEGORY	Category B
PHYSICAL DESCRIPTION	No 93 Hubble Street is a single storey house constructed in timber framing and fibrous cement cladding with a hipped corrugated iron roof. It is a Federation Bungalow that is undergoing restoration works. The place is asymmetrically planned with full width return broken back roofed verandah. The verandah is supported on square timber posts. The verandah has been partially enclosed with timber framing and glazing. A vertical timber balustrade is fitted between posts on the north facade. The entry door is located along the side of the house. There is a central set of casement windows on the front facade. Rendered steps go from the garden to the verandah.

	<p>There are additions to the rear.</p> <p>The place is consistent with the pattern of development in Plympton and plays an important role in the pattern of development of a working class suburb.</p>
HISTORICAL NOTES	<p>Plympton is a cohesive precinct where most of the places were constructed in the late nineteenth century and the first quarter of the twentieth century. It is comprised primarily of homes for workers and their families with a high concentration of small lots with timber, brick and stone cottages.</p> <p>The place was altered and its original styling lost in the mid twentieth century. It is currently undergoing restoration works.</p>
OWNERS	Unknown
HISTORIC THEME	Demographic Settlements - Residential Subdivision
CONSTRUCTION MATERIALS	<p>Walls - Timber framing and fibrous cement cladding</p> <p>Roof - Corrugated roof sheeting</p>
PHYSICAL SETTING	The house is situated on a gently sloping site with a low rendered wall on the lot boundary.
STATEMENT OF SIGNIFICANCE	<p>No 93 Hubble Street is a single storey house constructed in timber framing and fibrous cement cladding with a corrugated iron roof. The place has historic and aesthetic value with its contribution to Plympton's high concentration of worker's cottages and associated buildings. It contributes to the local community's sense of place.</p> <p>The place has considerable heritage value for its intrinsic aesthetic value as a Federation Bungalow and it retains moderate to low degree of authenticity and a high degree of integrity.</p> <p>The rear additions have no significance.</p>
AESTHETIC SIGNIFICANCE	No 93 Hubble Street has considerable aesthetic value as a restored Federation Bungalow. It retains the basic characteristics of the period with considerable loss of detail.
HISTORIC SIGNIFICANCE	No 93 Hubble Street has some historic value. It was part of the suburban residential development associated with the expansion of East Fremantle during the Goldrush period of the 1880s and 1890s.
SCIENTIFIC SIGNIFICANCE	N/A
SOCIAL SIGNIFICANCE	No 93 Hubble Street has some social value. It is associated with a significant area of worker's cottages which contributes to the community's sense of place.
RARITY	No 93 Hubble Street is not rare in the immediate context but Plympton has rarity value as a working class suburb.
CONDITION	No 93 Hubble Street is in fair to poor condition.
INTEGRITY	No 93 Hubble Street retains a high degree of integrity.
AUTHENTICITY	No 93 Hubble Street retains a moderate to low degree of authenticity.
MAIN SOURCES	

ITEM 11.2

ATTACHMENT 4



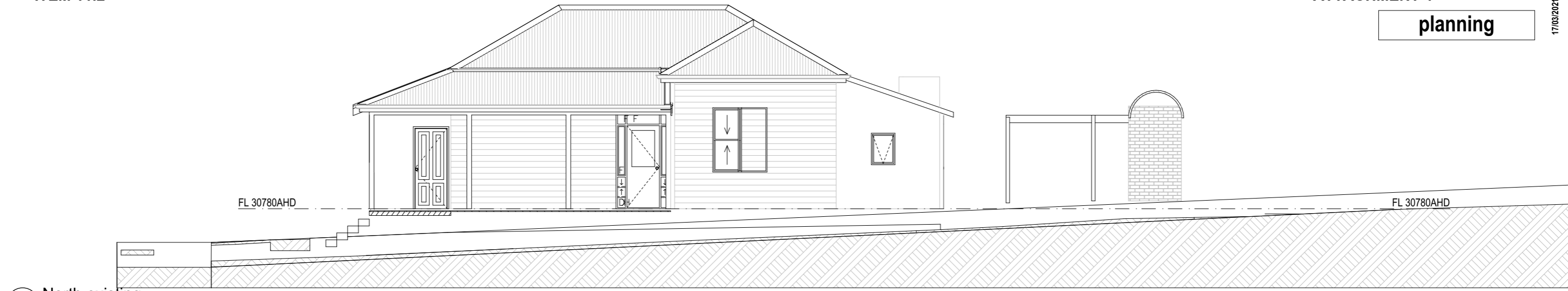
Existing Plan
 1:100

<p>Chisholm design environmental heritage contemporary 0408 833 959 je@chisholm.com jorchisholm.com</p>	Project: Alterations & Additions 93 Hubble St. East Fremantle	Date: 17/03/2021	Dwn: jc
	Drawing: Existing Plan	Job No: 2046	Dwg No.: EX201
	Drawing: Existing Plan	Rev 3	Rev 3

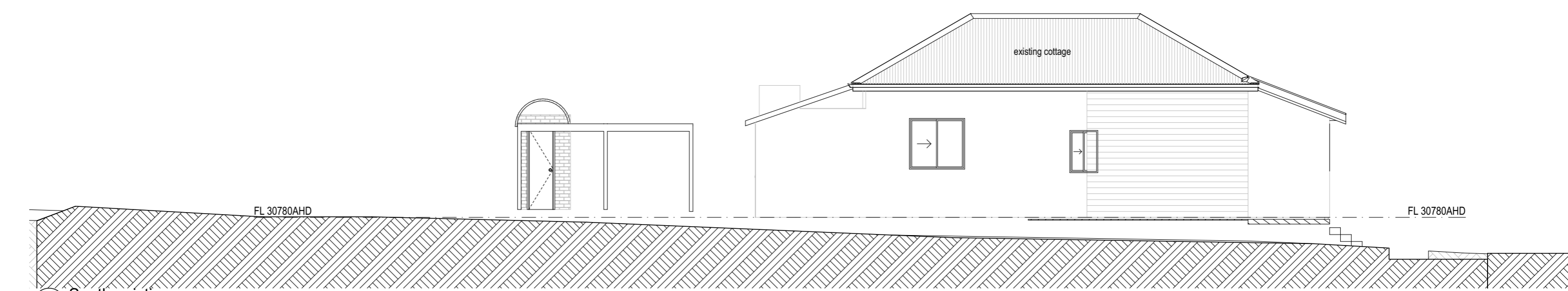
The builder must verify all dimensions on site before commencing any work or shop dwgs.

planning

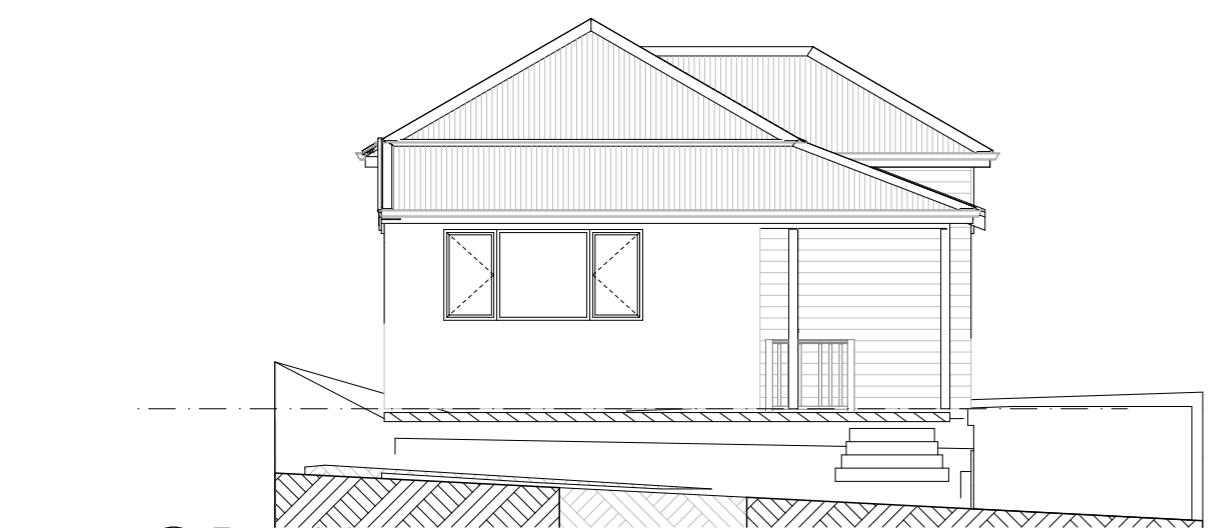
17/03/2021



North existing
1:100



South existing
1:100

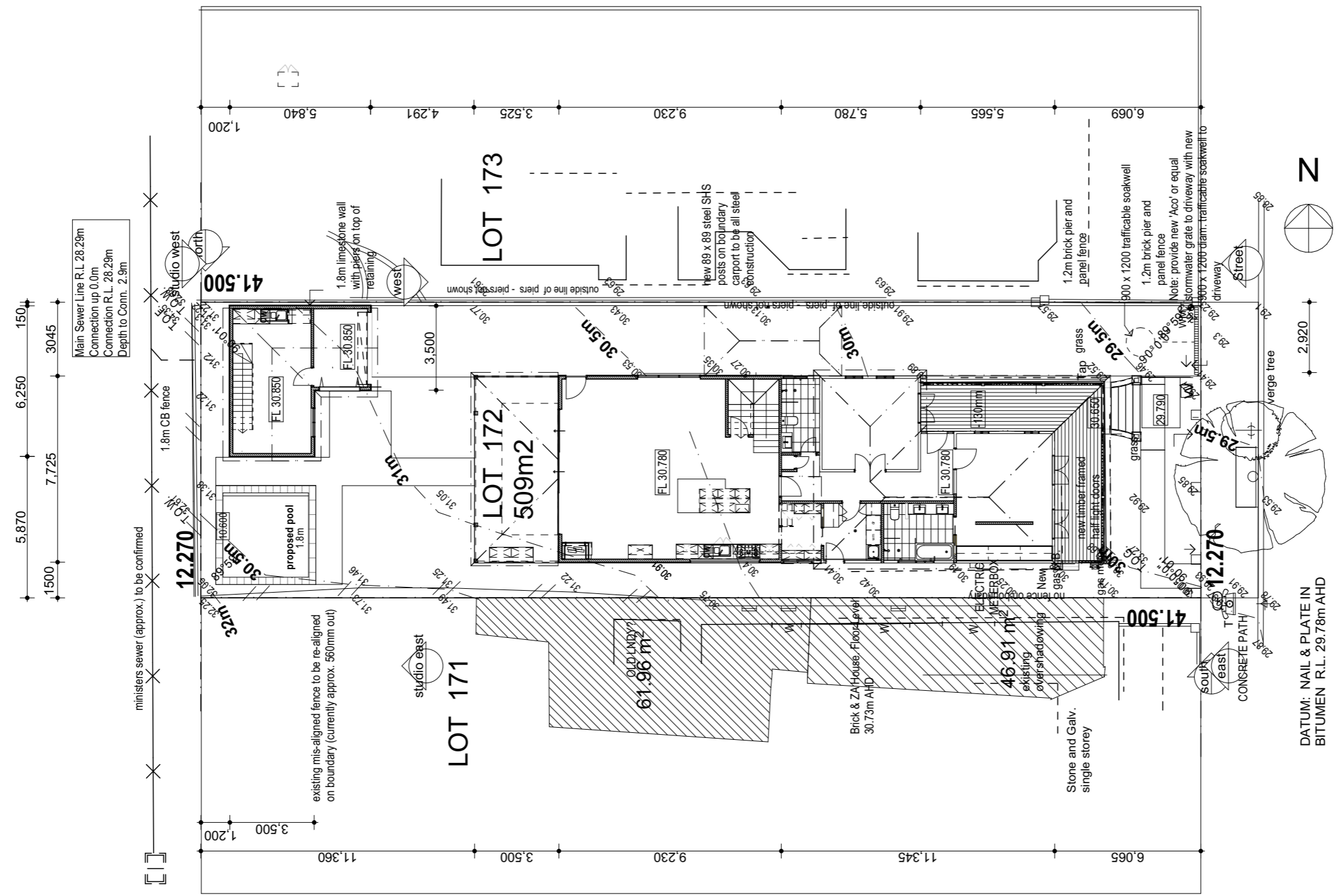


East existing
1:100



West existing
1:100

ITEM 11.2



No. 93 Hubble St. (Lot 172)

DATUM: NAIL & PLATE IN BITUMEN R.L. 29.78m AHD

Scale 1:200



Area Calculations	
Existing	= 84.5 sq. m.
Proposed Addition	= 83.7 sq. m.
Proposed Studio	= 35.5 sq. m.
Total new enclosed area (Existing + Addition)	= 203.7 sq. m.
Total site area	= 508 sq. m.
Total Site Coverage	= 40.1 sq. m.
Open Space	= 59.9%

Shading indicates sun shadow at June 21, 12pm,
 46.9 sq.m. existing to adjoining neighbour
 62 sq.m. new overshadowing
 Total overshadowing to southern neighbour is 110.9 sq.m.
 Site area = 256 sq.m.
 Overshadowing = 110.9 sq.m.
 percentage = 43%

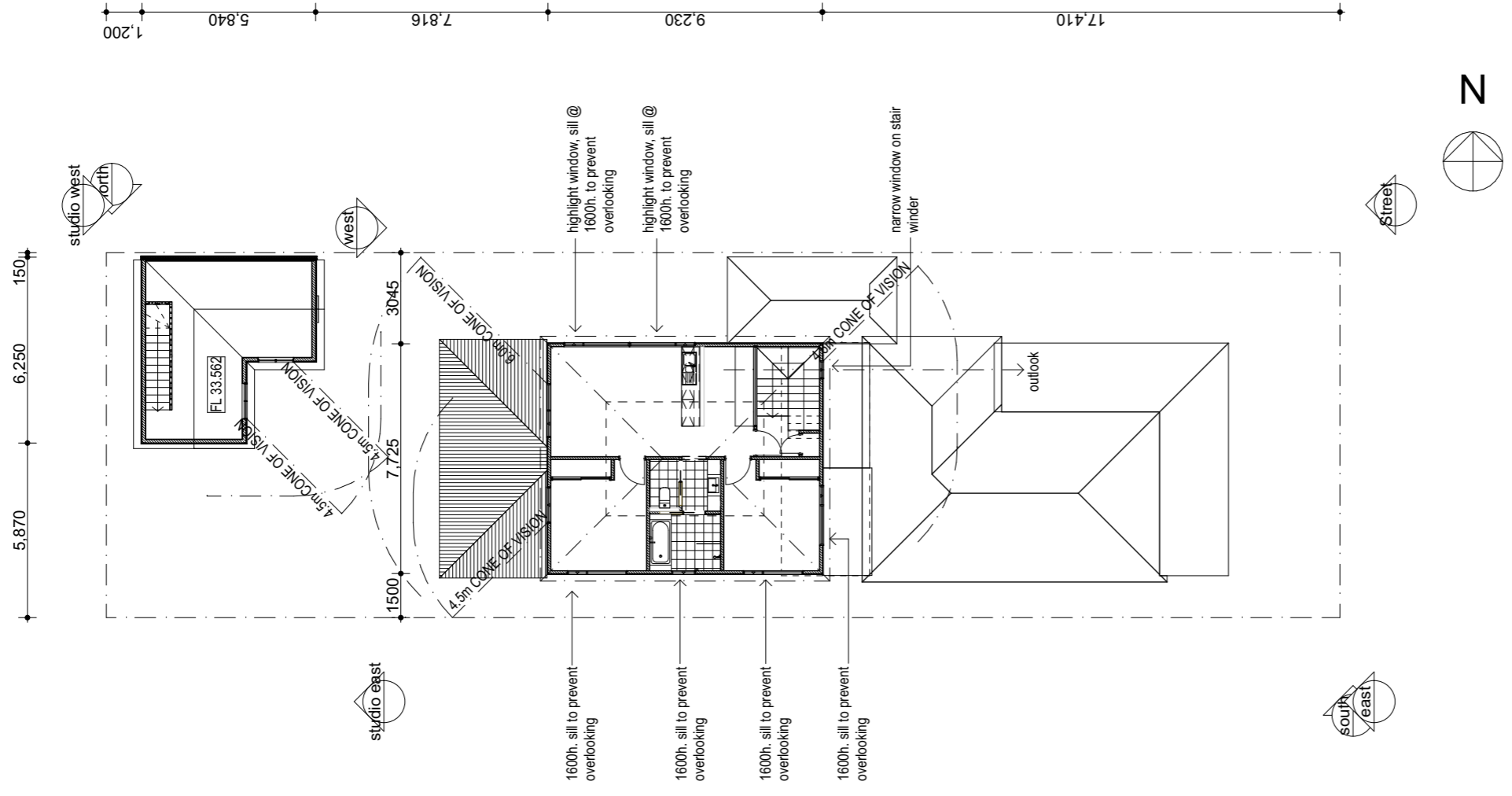
Please Note:
 The proposal is severely disadvantaged in this respect, being located adjacent to one of the few subdivided (256m) lots in the Plympton Ward. When considered adjacent to a standard 508m lot, overshadowing is 21%, below the permitted 25%



Site Plan 1:200

<p>environmental heritage contemporary 0408 833 999 je@chisholm.com jorchisholm.com</p>	Project: Alterations & Additions 93 Hubble St. East Fremantle	Drawing: Site Plan <p>BUKARA NATIONAL ASSOCIATION BUILDING BUILDERS BUILDING DESIGNERS ASSOCIATION OF WESTERN AUSTRALIA INC.</p>	Date: 17/03/2021 Job No: 2046 Rev: 3 Dwg No.: A101	Drawn: jc Rev: 3 A101
	The builder must verify all dimensions on site before commencing any work or shop dwgs.			
	REV. AMENDMENT DATE	REV. AMENDMENT DATE	REV. AMENDMENT DATE	REV. AMENDMENT DATE

ITEM 11.2

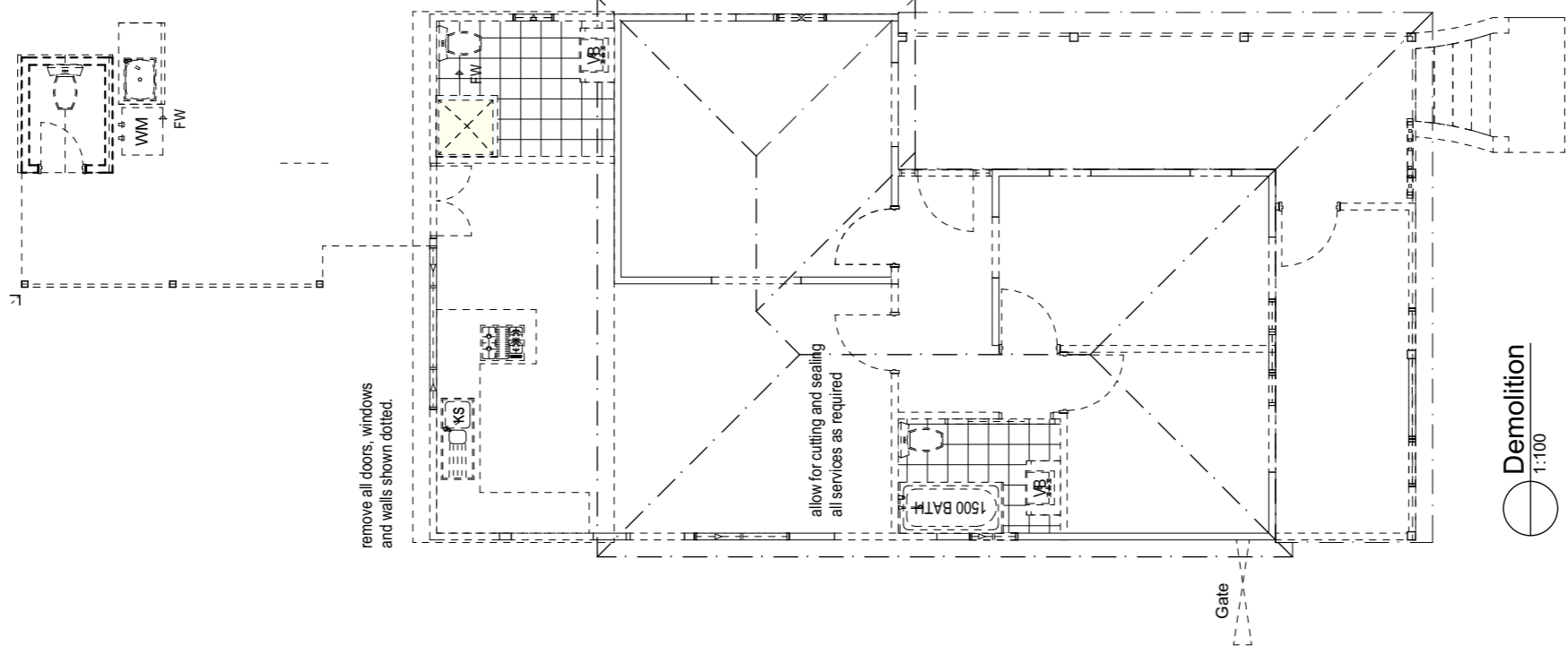


Site Plan First Floor
 1:200

ATTACHMENT 4

<p>John Chisholm design environmental 0408 833 999 heritage je@johnchisholm.com contemporary johnchisholm.com</p>	Drawing: Site Plan - first floor Alterations & Additions	Project: 93 Hubble St. East Fremantle	Date: 17/03/2021	Dwn: jc	Copyright ©
	Drawing: Site Plan - first floor Alterations & Additions	Project: 93 Hubble St. East Fremantle	Date: 17/03/2021	Dwn: jc	
			Job No: 2046	Dwg No.: A102	Rev 3
			REV. AMENDMENT DATE	REV. AMENDMENT DATE	The builder must verify all dimensions on site before commencing any work or shop dwgs.

ITEM 11.2



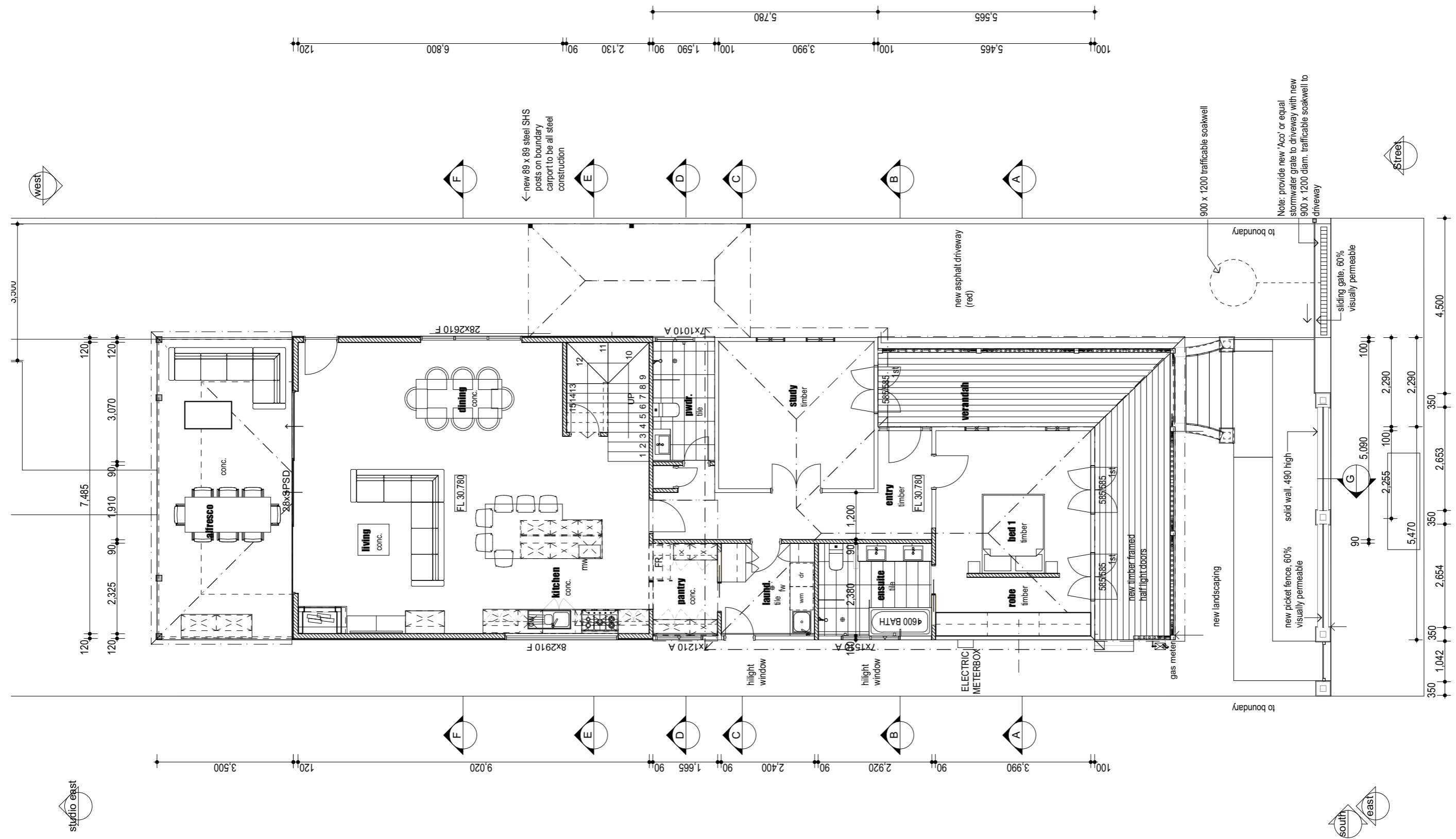
Demolition
 1:100

ATTACHMENT 4

Date:	17/03/2021	Drawn:	jc
Job No:	2046	Dwg No.:	A200
Rev			3
1	planning	18/2/2021	
2	planning	23/2/2021	
3	planning	17/3/2021	
The builder must verify all dimensions on site before commencing any work or shop dwgs.			
REV.	AMENDMENT	DATE	REV.

ITEM 11.2

ATTACHMENT 4



Date:	17/03/2021	Drawn:	jc
Job No:	2046	Dwg No.:	A201
Rev	3	The builder must verify all dimensions on site before commencing any work or shop dwgs.	
1	planning	REV.	AMENDMENT
2	planning	DATE	
3	planning		

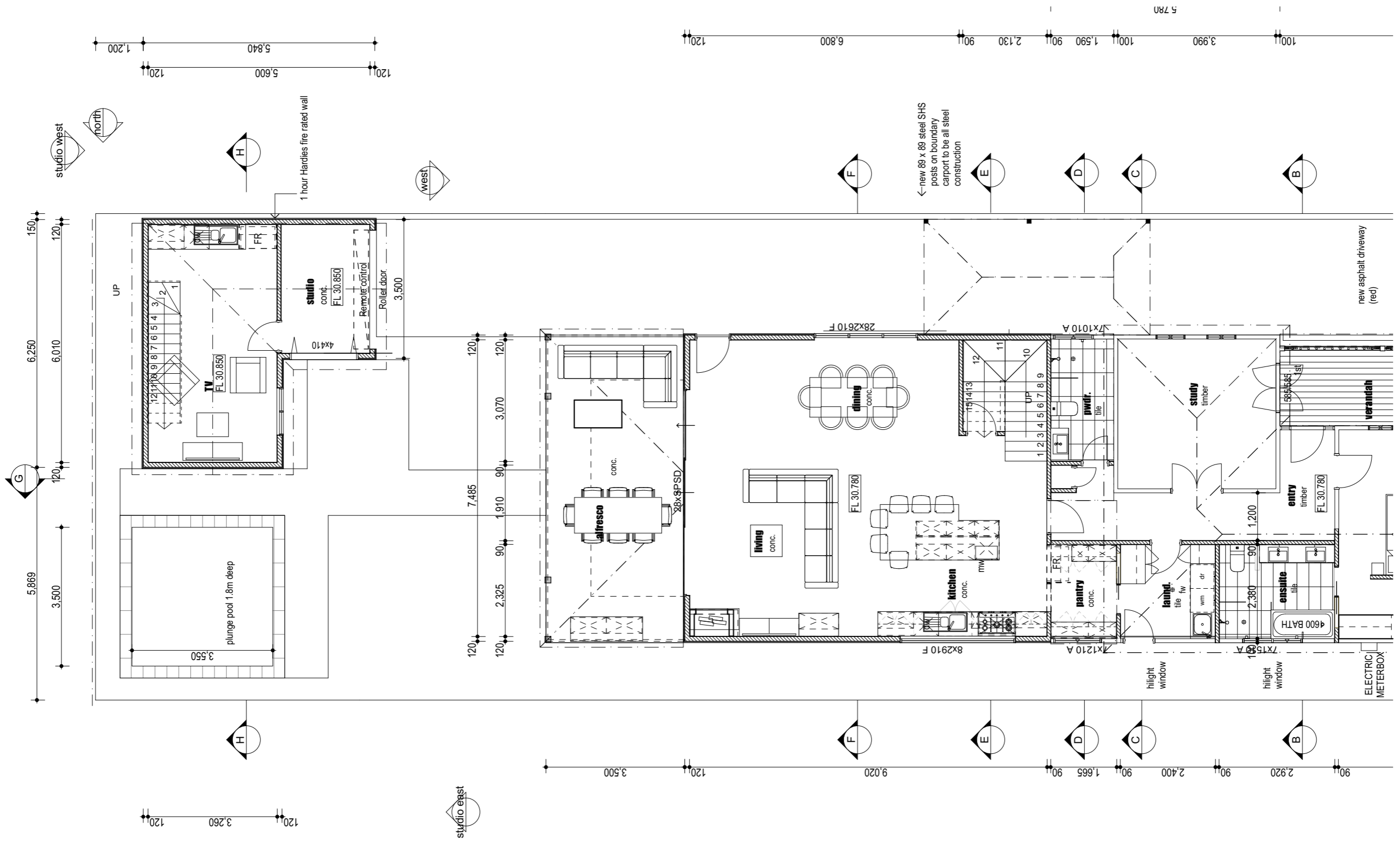
Chisholm design
 environmental heritage contemporary
 0408 833 999 je@chisholm.com jorchisholm.com

Drawing: **Ground Floor Plan Alterations & Additions**
 Project: **93 Hubble St. East Fremantle**

 NATIONAL ASSOCIATION OF BUILDING DESIGNERS
 BUILDING DESIGNERS ASSOCIATION OF WESTERN AUSTRALIA INC.

ITEM 11.2

ATTACHMENT 4

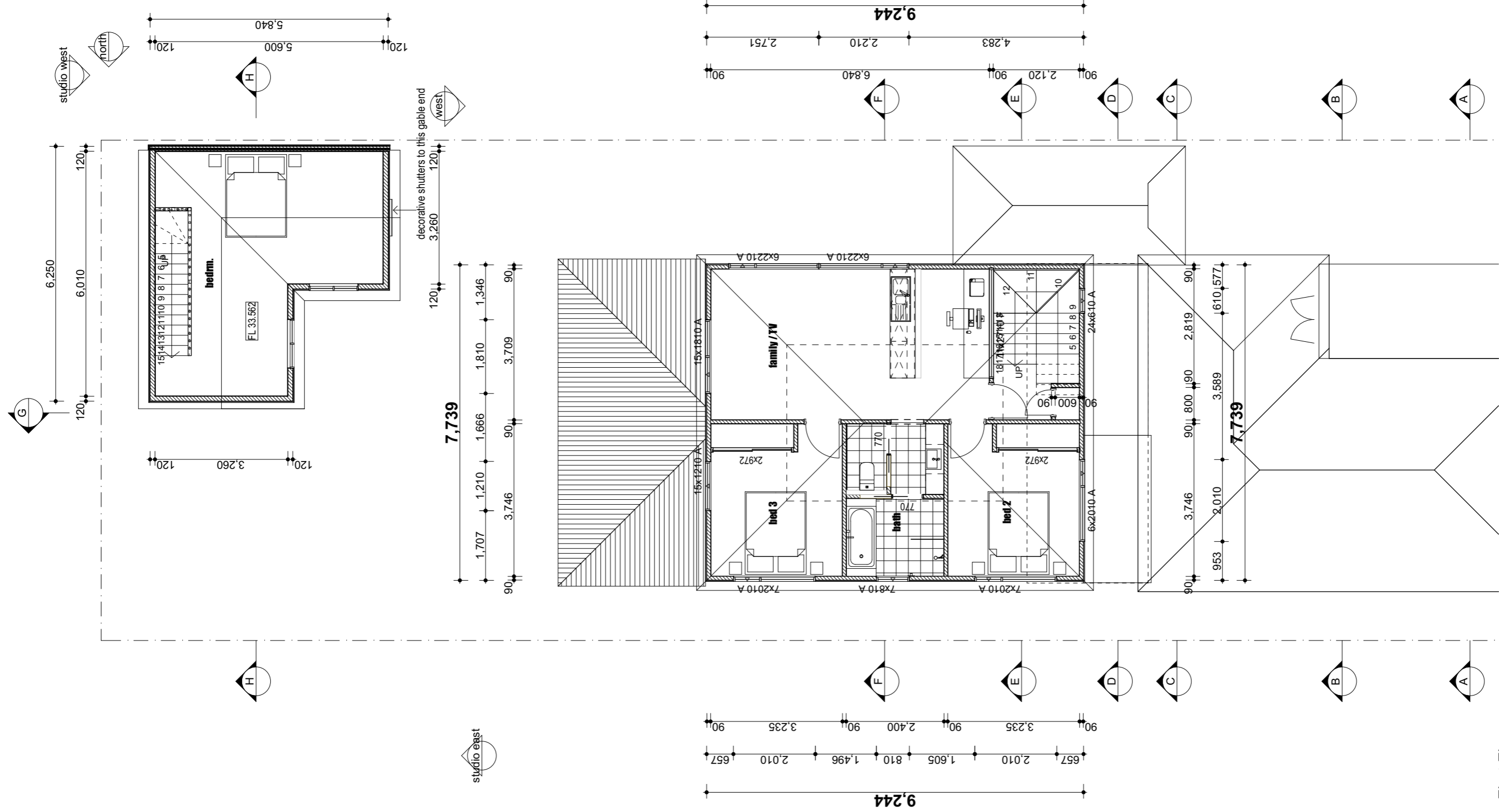


<p>environmental heritage contemporary 0408 833 999 je@chisholm.com.au jorchisholm.com</p>	<p>Project: Ground Floor (cont.) Alterations & Additions 93 Hubble St. East Fremantle</p>		<p>Date: 17/03/2021</p>	<p>Drawn: jc</p>	<p>Copyright ©</p>
	<p>NATIONAL ASSOCIATION OF BUILDING DESIGNERS OF WESTERN AUSTRALIA INC.</p>		<p>Job No: 2046</p>	<p>Dwg No.: A202</p>	
	<p>Rev 3</p>		<p>REV. AMENDMENT DATE</p>	<p>DATE</p>	

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

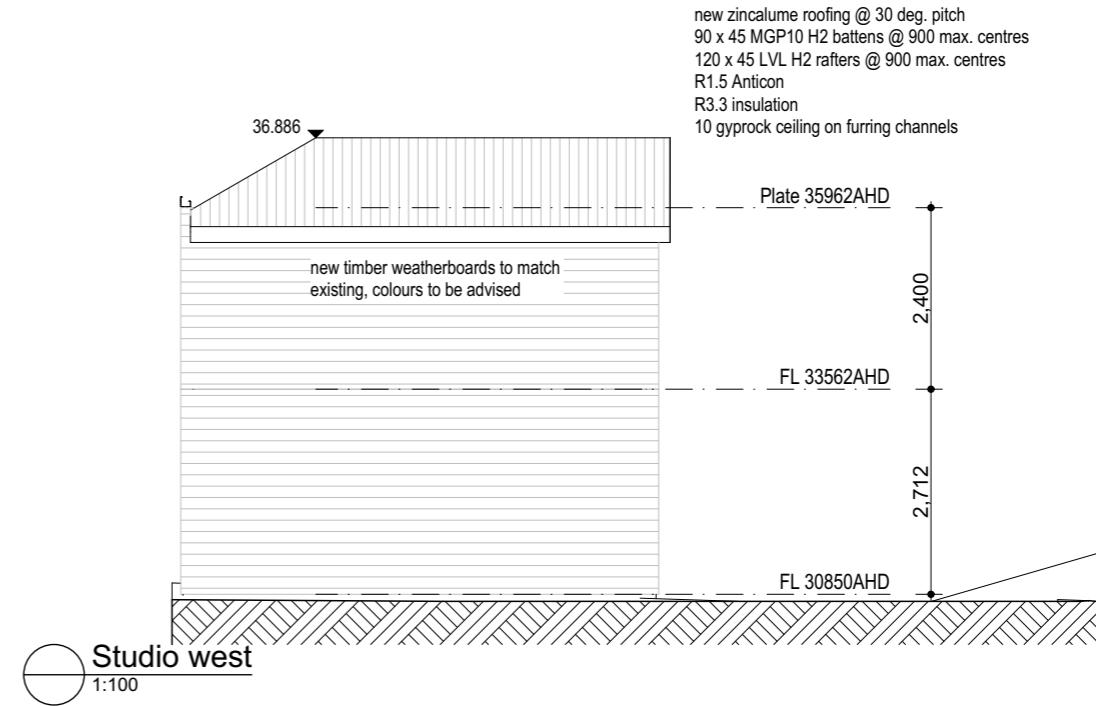
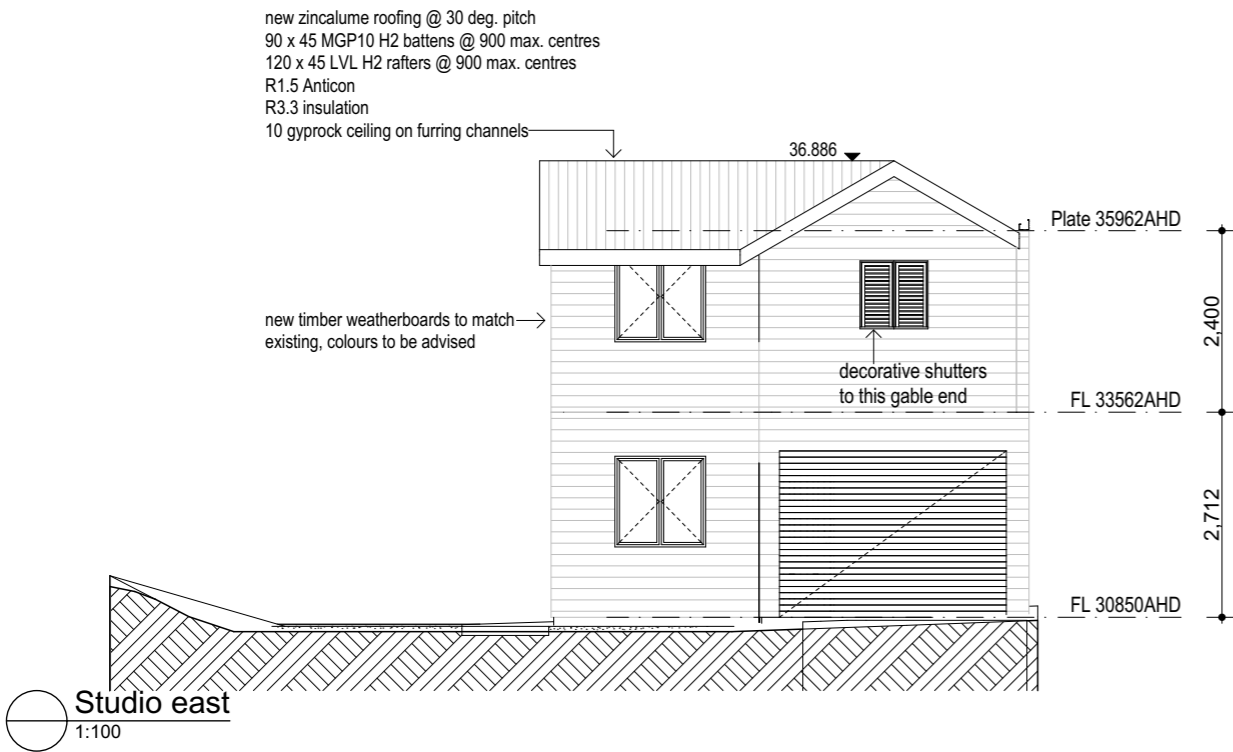
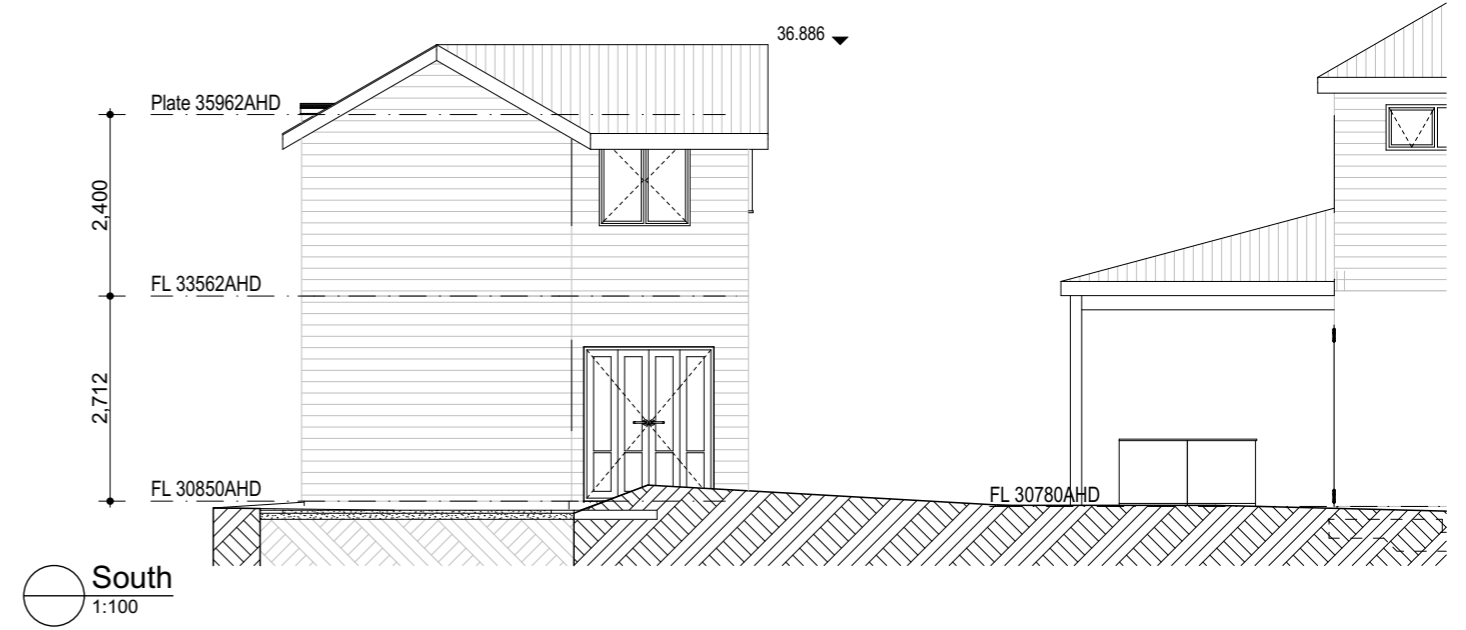
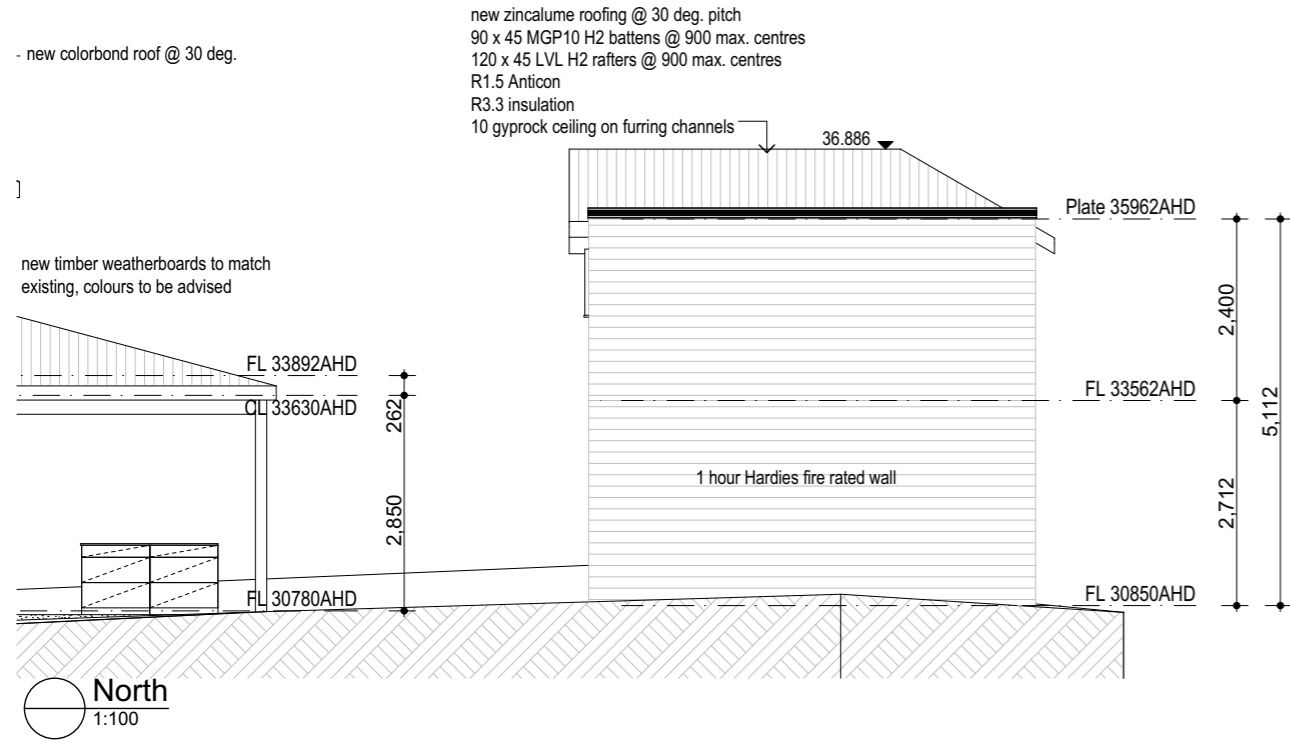
ITEM 11.2

ATTACHMENT 4



First Floor
 1:100

Chisholm design environmental heritage contemporary 0408 833 999 je@chisholm.com.au chisholm.com.au	Drawing: First Floor NATIONAL ASSOCIATION OF BUILDING DESIGNERS nabd BAWKA BUILDING DESIGNERS ASSOCIATION OF WESTERN AUSTRALIA INC.	Project: Alterations & Additions 93 Hubble St. East Fremantle	
		Date: 17/03/2021 Job No: 2046	Dwn: jc Dwg No.: A204 Rev 3
		The builder must verify all dimensions on site before commencing any work or shop dwgs.	
REV. AMENDMENT DATE		REV. AMENDMENT DATE	

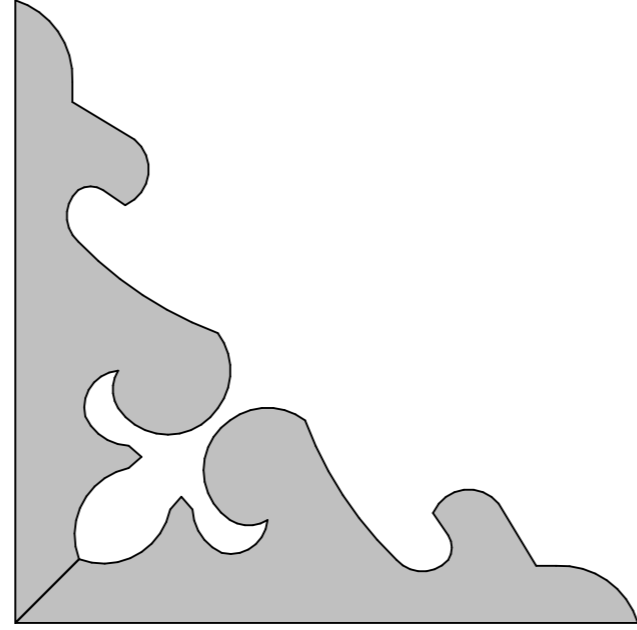


REV.	AMENDMENT	DATE
3	issued for planning	17/3/2021
2	issued for planning	23/2/2021
1	issued for planning	18/2/2021

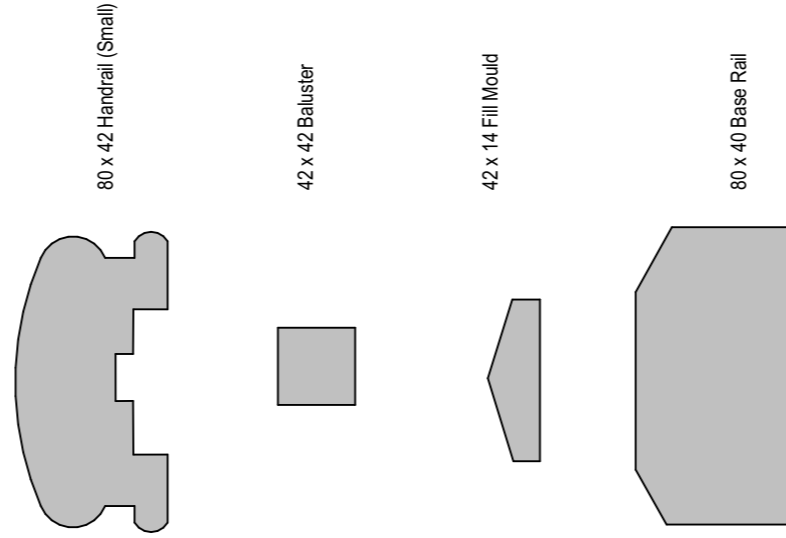
Date: 17/03/2021	Drwn: jc
Job No: 2046	Dwg No.: A303
Rev 3	
The builder must verify all dimensions on site before commencing any work or shop dws	

ITEM 11.2

Verandah Brackets
Subiaco Restoration
BR18



Handrail Components



Weatherboards
Subiaco Restoration
WB1 174 x 18



Subiaco Restoration provides the detailed timber components appropriate for this period of home, as detailed above.



Standard Details
1:2

ATTACHMENT 4

REV.	AMENDMENT	DATE	REV.	AMENDMENT	DATE
3	planning	17/03/2021	17/03/2021		
2	planning	23/2/2021	Job No:	2046	
1	planning	18/2/2021	Dwg No.:	A501	Rev
					3

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



Image1
1:1.82

john Chisholm design environmental heritage contemporary 0408 833 399 jc@jonchisholm.com jonchisholm.com	NATIONAL ASSOCIATION BUILDING DESIGNERS OF WESTERN AUSTRALIA INC. Copyright	Project:	Alterations & Additions 93 Hubble St. East Fremantle	Drawing:	perspective 1	Date:	17/03/2021	Drwn:	jc		
						3	issued for planning	17/3/2021	Job No.:	2046	
						2	issued for planning	23/2/2021		Dwg No.:	3
						1	issued for planning	18/2/2021			
		REV.	AMENDMENT		DATE	The builder must verify all dimensions on site before commencing any work or shop dwg 41					

ITEM 11.2



north 1



north 2



north 3



north 4



north 5



verandah 1



verandah 2

ATTACHMENT 4

john 43
 environmental
 0408 833 939
 je@jonchisholm.com
 heritage contemporary
 jonchisholm.com

Drawing: **Site Images**
 NATIONAL ASSOCIATION OF BUILDING SURVEYORS
 BAWKA
 BUILDING DESIGNERS ASSOCIATION OF WESTERN AUSTRALIA INC.

Project: **Alterations & Additions**
93 Hubble St.
East Fremantle

REV.	AMENDMENT	DATE	REV.	AMENDMENT	DATE
3	planning	17/03/2021			
2	planning	23/2/2021			
1	planning	18/2/2021			

Date: 17/03/2021
 Job No: 2046
 Dwg No.: A901
 Rev: 3

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

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planning

ITEM 11.2



verandah 3



verandah 4



steps 1



steps 2



sleepout 1



sleepout 2



west 1

ATTACHMENT 4

© Copyright

Date:	17/03/2021	Drawn:	jc
Job No:	2046	Dwg No.:	A902
Rev		Rev	3
3	planning	17/03/2021	
2	planning	23/2/2021	
1	planning	18/2/2021	
REV.	AMENDMENT	DATE	REV. AMENDMENT DATE

Project:
Alterations & Additions
93 Hubble St.
East Fremantle

Drawing:
Site Images

 NATIONAL ASSOCIATION OF BUILDING DESIGNERS
 BUILDING DESIGNERS ASSOCIATION OF WESTERN AUSTRALIA INC.

Chisholm design
 environmental heritage contemporary
 0408 833 939 je@chisholm.com jrchisholm.com

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

planning

ITEM 11.2



west 2



drive 1



entry door

ATTACHMENT 4

REV.	AMENDMENT	DATE	REV.	AMENDMENT	DATE
3	planning	17/03/2021	jc		
2	planning	23/2/2021			
1	planning	18/2/2021			

Date: 17/03/2021
 Job No: 2046
 Dwg No.: A903
 Rev 3

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



Community Engagement Checklist

Development Application P10/21 - 93 Hubble Street

Project Name

Objective of Engagement:	Neighbour Consultation		
Lead Officer:	Regulatory Services		
Timeline:	Start Date:	24/02/2021	Outcomes By: 11/3/2021
Stakeholders			
Stakeholders to be considered. <i>Please highlight those to be targeted during engagement.</i>	Aged	<input type="checkbox"/>	Ratepayers (all / targeted) <input type="checkbox"/>
	Businesses	<input type="checkbox"/>	Residents (all / targeted) <input checked="" type="checkbox"/>
	Children (School / Playgroup)	<input type="checkbox"/>	Service Providers <input type="checkbox"/>
	Community Groups	<input type="checkbox"/>	Unemployed <input type="checkbox"/>
	Disabled People	<input type="checkbox"/>	Visitors <input type="checkbox"/>
	Environmental	<input type="checkbox"/>	Volunteers <input type="checkbox"/>
	Families	<input type="checkbox"/>	Workers <input type="checkbox"/>
	Govt. Bodies	<input type="checkbox"/>	Youth <input type="checkbox"/>
	Indigenous	<input type="checkbox"/>	<input type="checkbox"/>
	Neighbouring LGs	<input type="checkbox"/>	<input type="checkbox"/>
Staff to be notified:	Office of the CEO	<input type="checkbox"/>	Councillors <input type="checkbox"/>
	Corporate Services	<input type="checkbox"/>	Consultant/s <input type="checkbox"/>
	Development Services	<input type="checkbox"/>	<input type="checkbox"/>
	Operations (Parks/Works)	<input type="checkbox"/>	<input type="checkbox"/>
Community Engagement Plan			
Methods	Responsible	Date Due	Reference / Notes
1.1 E News	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.2 Email Notification ~	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
1.3 Website	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.4 Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.5 Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.6 Fact Sheet	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.7 Media Rel./Interview	<input type="checkbox"/> Communications		<input type="checkbox"/>
2.1 Information Stalls	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
2.2 Public Meeting/Forum	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
2.3 Survey/Questionnaire	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
3.1 Focus Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
3.2 Referendum/Ballot	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
3.3 Workshop	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
4.1 Council Committee	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
4.2 Working Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
* Statutory Consultation	<input checked="" type="checkbox"/> Relevant Officer		<input checked="" type="checkbox"/> Advertised to 6 surrounding properties
# Heritage Consultation	<input type="checkbox"/> Regulatory Services		<input type="checkbox"/>
^ Mail out (note: timeliness)	<input type="checkbox"/> Communications		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>

Evaluation			
Summary of...		Date Due	Complete / Attached
Feedback / Results / Outcomes / Recommendations		11/3/2021	
Outcomes Shared			
Methods	Responsible	Date Due	Complete / Attached
E-Newsletter	<input type="checkbox"/> Communications		<input type="checkbox"/>
Email Notification	<input checked="" type="checkbox"/> Relevant Officer		<input type="checkbox"/>
Website	<input type="checkbox"/> Communications		<input type="checkbox"/>
Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>
Media Release	<input type="checkbox"/> Communications		<input type="checkbox"/>
Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
Notes			

11.3 Preston Point Road No. 188 (Lot 17) Proposed alterations and additions to three storey single dwelling.

Owner	Kelly & Birsan Kasumovic
Applicant	Mick Rule
File ref	P008/21
Prepared by	James Bannerman, Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	6 April 2021
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Location plan and advertising2. Site photos3. Plans date stamped 16 March 20214. Community engagement checklist5. Submitter's photos

Purpose

The purpose of this report is for Council to consider a development application for proposed alterations and additions to a 3 storey single dwelling at No. 188 (Lot 17) Preston Point Road, East Fremantle.

Executive Summary

This development application proposes alterations and additions to an existing 3 storey single dwelling. The property is not heritage listed. The proposed development comprises the addition of an ancillary dwelling, swimming pool and retaining walls in the rear yard, as well as the extension of the main bedroom, the addition of balcony roofs on the middle and top floors, 2 new bedrooms, an ensuite and bathroom towards the rear of the dwelling and significant internal changes.

The applicant is seeking Council approval for the following variations to the Residential Design Codes and the Residential Design Guidelines:

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback – Ground Floor - Rear Extension - Eastern Wall – 2m required, 1.345m provided;
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback – Third Storey – Front Balcony – Eastern Wall – 2.7m required, 1.345m provided;
- (iii) Clause 5.3.8 – Residential Design Codes – Retaining Walls – Maximum of 0.5m height required, more than 0.5m height provided;
- (iv) Clause 5.4.1 – Residential Design Codes – Visual Privacy – Kitchen - Second Storey – 6m required, less than 6m provided;
- (v) Clause 5.4.1 – Residential Design Codes – Visual Privacy – Third Storey – Balcony – 7.5m required, less than 7.5m provided;
- (vi) Clause 3.7.17.3.3 – Residential Design Guidelines – Garage Width – 30% required, 42% provided; and
- (vii) Clause 3.7.17.4.1.3 – Residential Design Guidelines – Wall Height – 6.5m required, 8.824m provided.

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

Background

Zoning: Residential R17.5
Site area: 991m²

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

P94/10 – development approval – alterations to existing residence – 20 September 2011

Consultation

Advertising

The application was advertised to surrounding landowners 15 February to 2 March 2021. One submission was received.

Submission	Applicant Response	Officer Response
<p>We are just concerned about balcony privacy screening in relation to 188 Preston Point Road. As discussed, we purchased our home last November and we have recently discovered that the 68 Clayton street owners are also progressing a development application to extend the length of their house with a balcony overlooking our back yard and back door.</p> <p>We are happy for our neighbours to have balconies overlooking our back yard - however we hope that the Town of East Fremantle has some kind of Code that requires the owners to install privacy screening such as opaque glass pool fencing screening or similar that will prevent the owners looking directly at us when sitting/entertaining on their balconies.</p> <p>The neighbouring house on Clayton Street in particular looms very large and close and looks directly down on us, it especially looks down and through our back door which is glass - this glass back door runs directly into our long hallway that runs directly down to the main living area of the house. This hallway is also where the main bedroom and other bedroom doors open onto. The view into the house through this back door is very clear. This back glass door is our only view into our backyard / garden and provides the only source of natural light into the hallway and house from the back - therefore we do not wish to fit any blinds to the door or install a solid door. The current balcony on the Clayton Street house has screening in situ that is a type of railing and no privacy is provided to us - I am concerned about this type of railing and in particular if this type is allowed on any balcony extension.</p> <p>I am hoping that these privacy matters with balconies and screenings are well considered and regulated by the Town of East Fremantle and are not a matter of concern for us.</p> <p>I attach some photos to help you understand our concerns. Apologies, they were taken at sunset</p>	<p>In the design of the new works – it has been prudent to fully assess the existing non compliances and to aim to rectify these where possible. The new proposal addresses the overlooking issues by screening existing balconies and removing some side windows.</p> <p>The existing residence has a rear balcony which is currently open on the side facing 186 Preston Point Road and the new works have added a solid wall to the balcony end to address the overlooking issue. The new cone of vision as shown on the submitted plans demonstrates how the new screening reduces the existing overlooking issues. The existing windows on the side elevation facing 186 Preston Point Road are to be removed and bricked in.</p> <p>There is a balcony on the 3rd level of the home facing the street which also looks into the adjoining property and this has been rectified in the new works by enclosing the side of the balcony.</p> <p>The lower level balcony on the 2nd floor is also currently open on the side and we have provided additional screening to a portion of this. Whilst the entire balcony is not proposed to be screened, the screen improves the overlooking issue and the open part of the balcony only has a cone of vision towards the side and front setback area of the adjoining residence and does not</p>	<p>Although the rear balcony does not meet the visual privacy setback under the R-Codes for the western neighbouring property it is an existing approved structure and as such is not required to comply with privacy and overlooking provisions. In this case the western side of the balcony is being bricked up (screened) to increase privacy between properties.</p> <p>It is also noted that on both the western and eastern sides of the dwelling it is proposed to brick up all major openings as part of the proposed alterations and additions to ensure improved privacy between the neighbouring residences.</p> <p>Comments relating to Clayton Street properties are not relevant to the assessment of this development application.</p>

<p>and not the best, but I hope you will be able to comprehend our concerns.</p> <p>The first 4 photos are relevant to matters relating to Clayton Street premises only. The 5th and 6th photos are relevant to this development application.</p> <p>(Submitter photos -Attachment 5)</p>	<p>overlook any outdoor living areas or windows to habitable rooms.</p> <p>We trust that the response and the demonstrations within the original application provide the concerned adjoining neighbours with information which addresses these concerns.</p>	
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Community Design Advisory Committee (CDAC)

The application was referred to CDAC members. No comments were received.

External Consultation

Nil

Statutory Environment

Planning and Development Act 2005

Residential Design Codes of WA

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

Policy Implications

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

Financial Implications

Nil

Strategic Implications

The Town of East Fremantle Strategic Community Plan 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 Facilitate sustainable growth with housing options to meet future community needs.

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

3.1.2 Plan for a mix of inclusive diversified housing options.

3.1.3 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.

Natural Environment

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

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

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

4.1.2 Plan for improved streetscapes parks and reserves.

4.1.3 Improve and protect the urban forest and tree canopy.

4.2 Enhance environmental values and sustainable natural resource use.

4.2.1 Reduce waste through sustainable waste management practices, including effective community and business education.

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

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

Risk Implications

A risk assessment was undertaken and the risk to the Town was deemed to be negligible.

Site Inspection

A site inspection was undertaken.

Comment

Statutory Assessment

The proposal has been assessed against the provisions of Local Planning Scheme No. 3 and the Town's Local Planning Policies including the Residential Design Guidelines, as well as the Residential Design Codes. A summary of the assessment is provided in the following tables.

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

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
Street Front Setback	7.5m	>7.5m	A
Secondary Street Setback			N/A
Lot Boundary Setbacks			
Ancillary dwelling – southern wall	1.5m	1.5m	A
Ancillary dwelling – western wall	1m	1m	A
Ground floor – rear extension	2m	1.345m	D
Third storey – front balcony - east	2.7m	1.345m	D
Second storey – balcony roof	1.5m	1.82m	A
Open Space	50%	63%	A
Setback of Carport/Garage	4.5m	8.1m	A
Sightlines	Truncation or wall height reduction	Extra wide visually permeable gate - 5m wide verge between fence and road/footpath	A
Car Parking	1-2 car bays	4 car bays	A
Site Works			N/A
Retaining Walls	No more than 0.5m	1.286m	D
Visual Privacy			
Second storey - kitchen	6m	<6m	D
Third Storey - balcony	7.5m	<7.5m	D
Overshadowing	<25%	<25%	A
Ancillary Dwellings	Lot area greater than 450m ²	>450m ²	A

	Maximum area 70m2 Parking provided. Complies with other R codes requirements	65.6m2 Yes Yes	
Drainage	To be conditioned		

Local Planning Policies Assessment

LPP Residential Design Guidelines Provision	Status
3.7.2 Additions and Alterations to Existing Buildings	A
3.7.3 Development of Existing Buildings	A
3.7.4 Site Works	A
3.7.5 Demolition	A
3.7.6 Construction of New Buildings	N/A
3.7.7 Building Setbacks and Orientation	N/A
3.7.8 Roof Form and Pitch	A
3.7.9 Materials and Colours	A
3.7.10 Landscaping	A
3.7.11 Front Fences	A
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	A
3.7.17.4.1.3 Building Height, Form, Scale & Bulk	D
3.7.17.4.3.1 Fremantle Port Buffer Area	N/A
3.7.17.3.3 Garages and Carports	D

This development application proposes alterations and additions to an existing 3 storey single dwelling. The property is not heritage listed. The proposed development will see the addition of an ancillary dwelling, swimming pool and retaining walls in the rear yard, as well as the extension of the main bedroom, the addition of roofs on the middle and top floor balconies, 2 new bedrooms, an ensuite and bathroom towards the rear of the dwelling and significant internal changes. The current carport will be enclosed and converted to a garage but there is no alteration in the footprint of the existing carport although the garage width exceeds 30% of the lot width.

The existing tiled roof is being replaced with Colorbond, however, the overall height of the building is not being increased. Many of the major openings along the western and eastern walls are being enclosed to improve privacy between this dwelling and the neighbouring dwellings.

Five variations are requested to the requirements of the Residential Design Codes and two variations are requested to the Residential Design Guidelines. The variations relate to lot boundary setbacks, retaining walls, visual privacy, wall height and garage width. The following discussion will examine these variations.

Lot Boundary Setback – Ground Floor - Rear Extension - Eastern Wall

The ground floor extension located at the rear of the existing building results in the extension of the existing wall and as such the full length of the wall is 24.215m long. With an average height of 4.83m without major openings to habitable rooms, the wall is required to be setback 2m in accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1. In this case, it is 1.345m from the boundary; the same as the existing wall along this boundary. The reduced boundary setback can be supported in accordance with the design principles clause 5.1.3 P3.1, which states that buildings can be setback a reduced amount from the boundary for the following reasons:

- Reduced impacts of building bulk;
- There is adequate sun and ventilation to the building and open spaces on the site and adjoining properties; and
- There is minimal overlooking and loss of privacy on adjoining properties.

The rear extension is single storey and not double storey so has minimal bulk. There is sufficient setback from the boundary to ensure that good ventilation is possible and sunlight can still penetrate into the open space between the proposed wall and the boundary. The wall does not create a visual privacy or overlooking issue. It is a solid wall other than the obscure glazing to a bathroom window which is not considered a habitable room.

Lot Boundary Setback – Third Storey – Front Balcony – Eastern Wall

The third storey balcony has a wall on the eastern side. This is part of an 18m long wall that is 8.824m high. It is required to be 2.7m from the eastern boundary in accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1. In this case the wall is 1.345m from the eastern boundary but is part of an existing balcony. In accordance with design principles clause 5.1.3 P3.1 the wall with a reduced boundary setback can be supported for the following reasons:

- Reduced impacts of building bulk;
- There is adequate sun and ventilation to the building and open spaces on the site and adjoining properties; and
- There is minimal overlooking and loss of privacy on adjoining properties.

The wall is part of an existing balcony and is an extension of an existing wall. There is sufficient setback from the boundary to ensure that good ventilation is possible, and sunlight can still penetrate the open space between the proposed wall and the boundary. The wall does not create a visual privacy or overlooking issue because it is a solid wall that increases privacy between the subject property and the eastern neighbouring property.

Maximum Wall Height

In accordance with the Residential Design Guidelines, the maximum wall height for a concealed roof is 6.5m in accordance with acceptable development provisions 3.7.17.4.1.3 A1.4 of the Residential Design Guidelines. In this case the side wall of the bedroom balcony is 8.824m high. The remainder of the existing building is higher so the proposed balcony wall is no higher than what is already in place. Performance criteria 3.7.17.4.1.3 P1 states that new developments, additions and alterations are to be of a compatible form, bulk and scale to traditional development in the immediate locality. In this case the wall is not of a height that is out of place in the immediate area. The dwellings to the east and west are both of similar heights. For this reason, the increased wall height can be supported.

Retaining Wall

A new retaining wall is proposed to be constructed across the lot on an east-west axis. The wall will be up to 1.286m above the ground level of the rear of the subject dwelling. In accordance with the Residential Design Codes deemed to comply clause 5.3.8 C8 retaining walls are required to be no more than 0.5m above natural ground level and comply with the lot boundary setbacks from Table 1. The retaining wall is located between 11.38m and 14.69m from the rear boundary and adjoins the eastern and western boundary fences. There is an existing retaining wall in place around the edge of the rear yard but this is to be removed to allow for re-levelling of the rear portion of the site.

In accordance with the design principles clause 5.3.8 P8, retaining walls can be utilised where the land can be effectively used for the benefit of residents and does not detrimentally affect adjoining residents and is designed, engineered and landscaped having due regard to site works and visual privacy. In this case this can be supported because there are minimal changes in the site levels to the south of the retaining wall. There are some changes in the site levels related to the area around the swimming pool and the retaining wall, however these changes are less than 0.5m from existing site levels and meet the deemed to comply requirement of the Residential Design Codes.

Visual Privacy – General

Currently there are several instances where the visual privacy setbacks would not comply with the current standards under the Residential Design Codes. In the case of existing development privacy provisions cannot be applied retrospectively. It is noted that the applicant has shown that many openings that previously overlooked the neighbouring properties are being bricked up and therefore any privacy concerns relating to those openings have been alleviated. There are only 2 examples of where the privacy provisions are being varied.

Visual Privacy – Kitchen - Second Storey

The kitchen on the second storey is required to achieve a 6m visual privacy setback from the eastern boundary. In this case it does not achieve the setback in accordance with deemed to comply clause 5.4.1 C1.1. However, there is no direct overlooking of active habitable spaces and outdoor living areas of the adjacent dwelling as the kitchen window faces the wall of the dwelling on the eastern boundary. There are only minor openings in this wall and no overlooking occurs on active outdoor spaces in accordance with design principle 5.4.1 P1.1.

Visual Privacy – Third Storey – Balcony

The balcony on the eastern side of the third storey is required to achieve a 7.5m visual privacy setback from the eastern boundary. In this case it does not achieve the setback in accordance with deemed to comply clause 5.4.1 C1.1. However, there is no direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings because of the balcony faces the wall of the dwelling to the east. There are only minor openings in this wall and no overlooking occurs on active outdoor spaces in accordance with design principle 5.4.1 P1.1.

Garage Width

The garage is 7.6m wide which is equivalent to 42% of the lot width. In accordance with the Residential Design Guidelines acceptable development clause 3.7.17.3.3 A3 ii, the garage width should be no greater than a maximum of 30% of the width of the lot frontage, or 5.43m wide. In this case, the carport, which is existing, is being used as the footprint for the garage so there is no physical change in the size of the new garage. However, it will be enclosed and is therefore technically classified as a garage. It is set back 8.1m from the front boundary so is set back a considerable distance from the lot boundary and within that required under the Residential Design Codes. The width being more than 30% of the width of the lot frontage can be supported on the basis that it is considered to satisfy performance criteria 3.7.17.3.3 P2, because the structure does not visually detract from the streetscape to which it belongs.

Conclusion

Based on the assessment that has been completed for this development and the explanation provided in this report, the variations that have been proposed to the Residential Design Codes and the

Residential Design Guidelines are considered acceptable. As such it is recommended that the proposed development be supported subject to conditions of development approval.

11.3 OFFICER RECOMMENDATION:

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

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback – Ground Floor - Rear Extension - Eastern Wall – 2m required, 1.345m provided;**
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback – Third Storey – Front Balcony – Eastern Wall – 2.7m required, 1.345m provided;**
- (iii) Clause 5.3.8 – Residential Design Codes – Retaining Walls – Maximum of 0.5m height required, more than 0.5m height provided;**
- (iv) Clause 5.4.1 – Residential Design Codes – Visual Privacy – Kitchen - Second Storey – 6m required, less than 6m provided;**
- (v) Clause 5.4.1 – Residential Design Codes – Visual Privacy – Third Storey – Balcony – 7.5m required, less than 7.5m provided;**
- (vi) Clause 3.7.17.3.3 – Residential Design Guidelines – Garage Width – 30% required, 42% provided; and**
- (vii) Clause 3.7.17.4.1.3 – Residential Design Guidelines – Wall Height – 6.5m required, 8.824m provided;**

for alterations and additions to a three storey single dwelling at No. 188 (Lot 17) Preston Point Road, East Fremantle, in accordance with the plans date stamped received 16 March 2021, subject to the following conditions:

- (1) The crossover width is not to exceed the width of the crossover indicated on the plans date stamped received 16 March 2021.**
- (2) All fencing within the street setback area is to be in compliance with the front fence provisions of the Residential Design Guidelines. The visual permeability of the fence above 1.2m from the ground level is to exceed 60% for the full length and area of the fence, including pedestrian and driveway gates.**
- (3) The works are to be constructed in conformity with the drawings and written information accompanying the application for development approval other than where varied in compliance with the conditions of this development approval or with Council’s further approval.**
- (4) The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit is issued in compliance with the conditions of this development approval unless otherwise amended by Council.**
- (5) With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received development approval, without those changes being specifically marked for Council’s attention.**
- (6) All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.**
- (7) If requested by Council within the first two years following installation, the roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.**

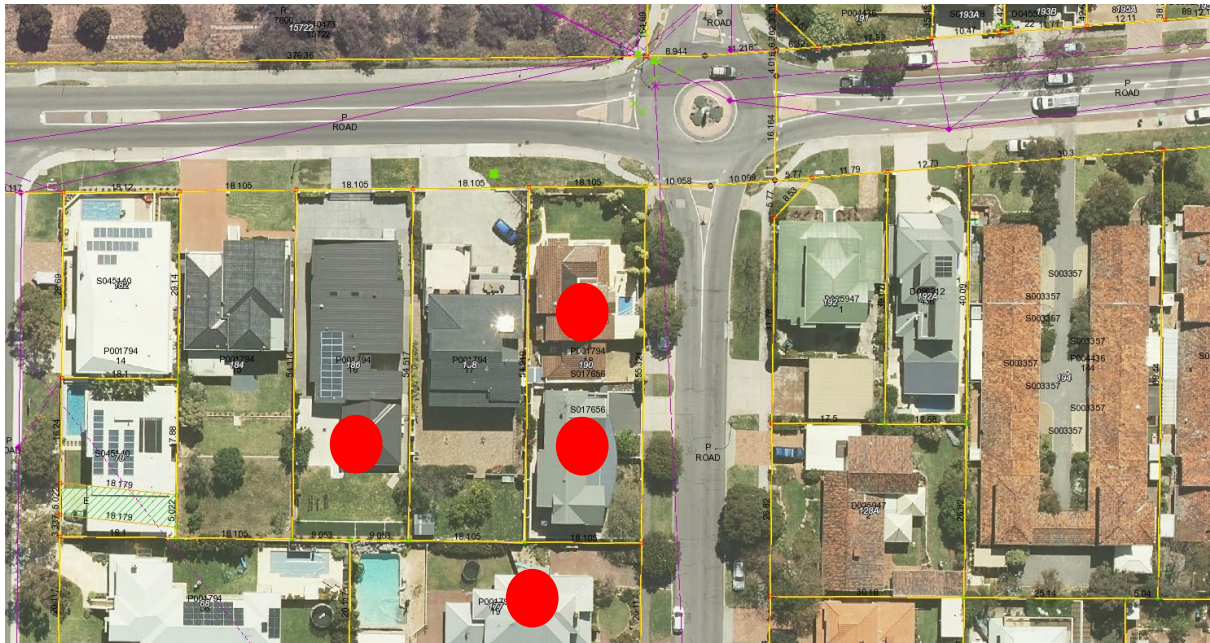
- (8) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
- (9) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (10) This development approval is to remain valid for a period of 24 months from the date of this approval.

Footnote:

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

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

188 Preston Point Road – Location and Advertising Plan



188 Preston Point Road – Site Photos

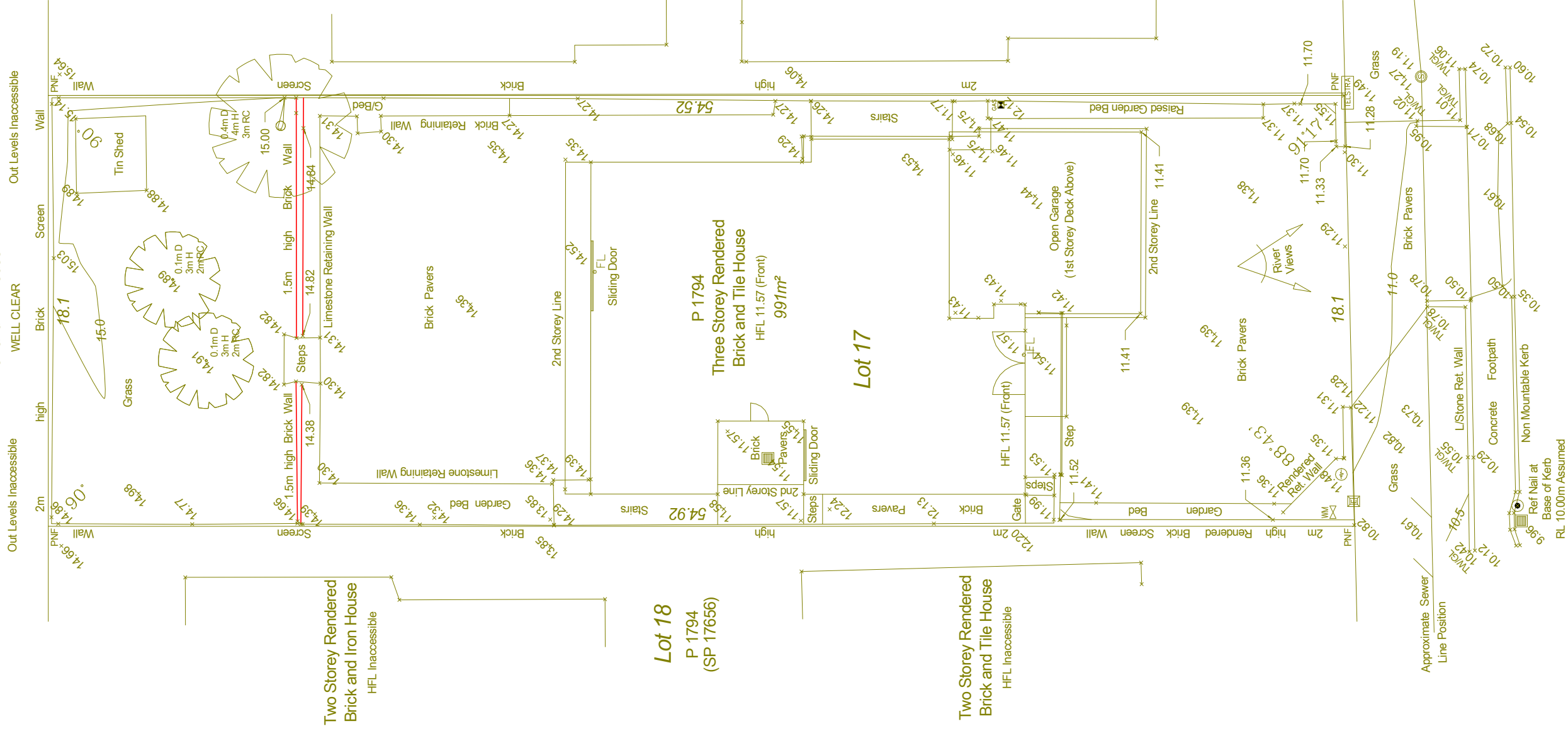


Lot 19

P 1794

Two Storey
Brick and Tin House

WELL CLEAR



PROJECT

PROPOSED RESIDENCE
FOR KELLY & BIRSAN KASUMOVIC
188 PRESTON POINT ROAD
EAST FREMANTLE

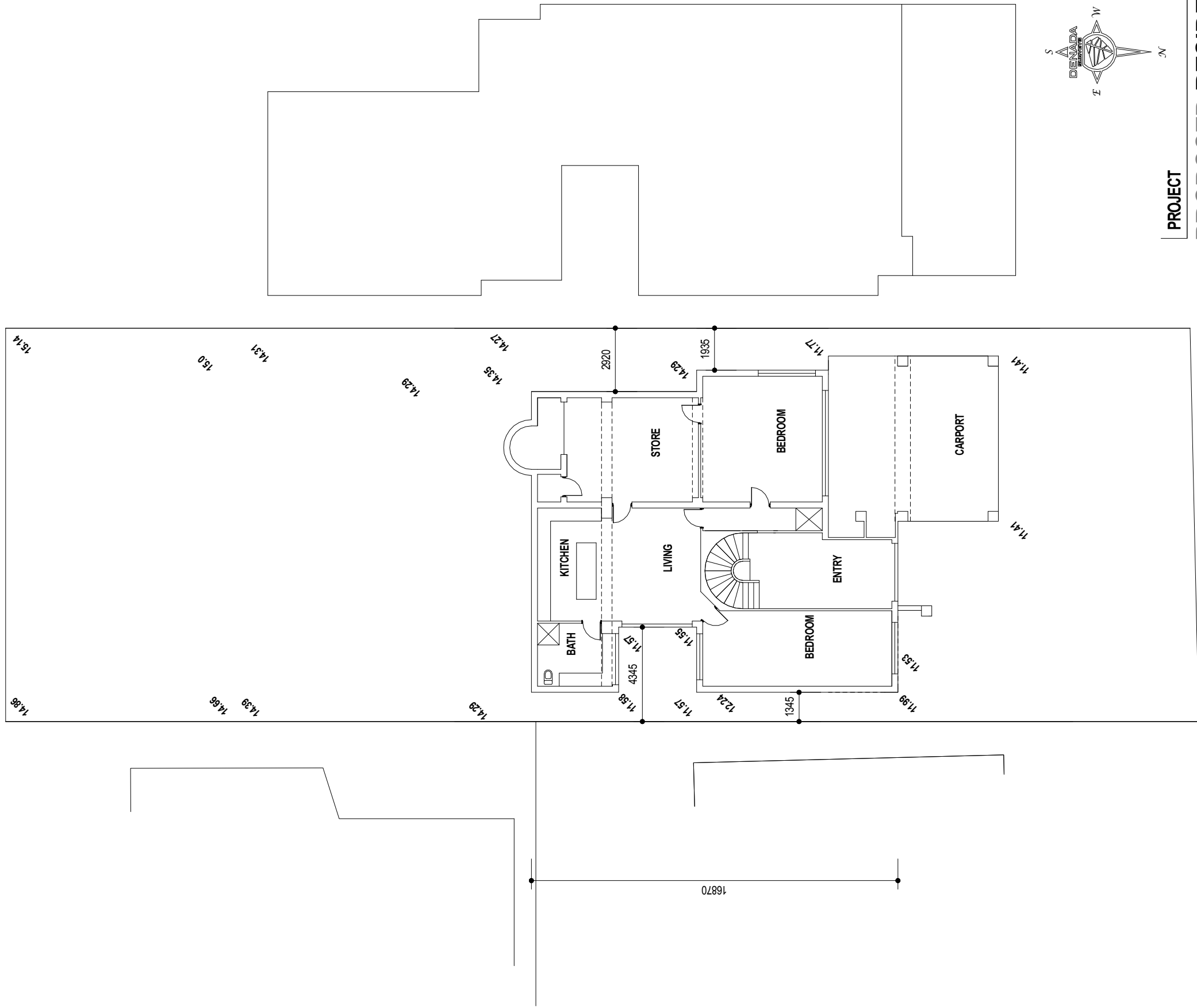
ATTACHMENT 3

MICK RULE
DESIGN

SCALE	DRAWN	DATE
1 : 100	MR	29.10.2020
JOB No.	SHEET SIZE	
KELLY	A3	

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AMENDED



EXISTING BASEMENT / GROUND FLOOR PLAN EXISTING APARTMENT 1

PROJECT

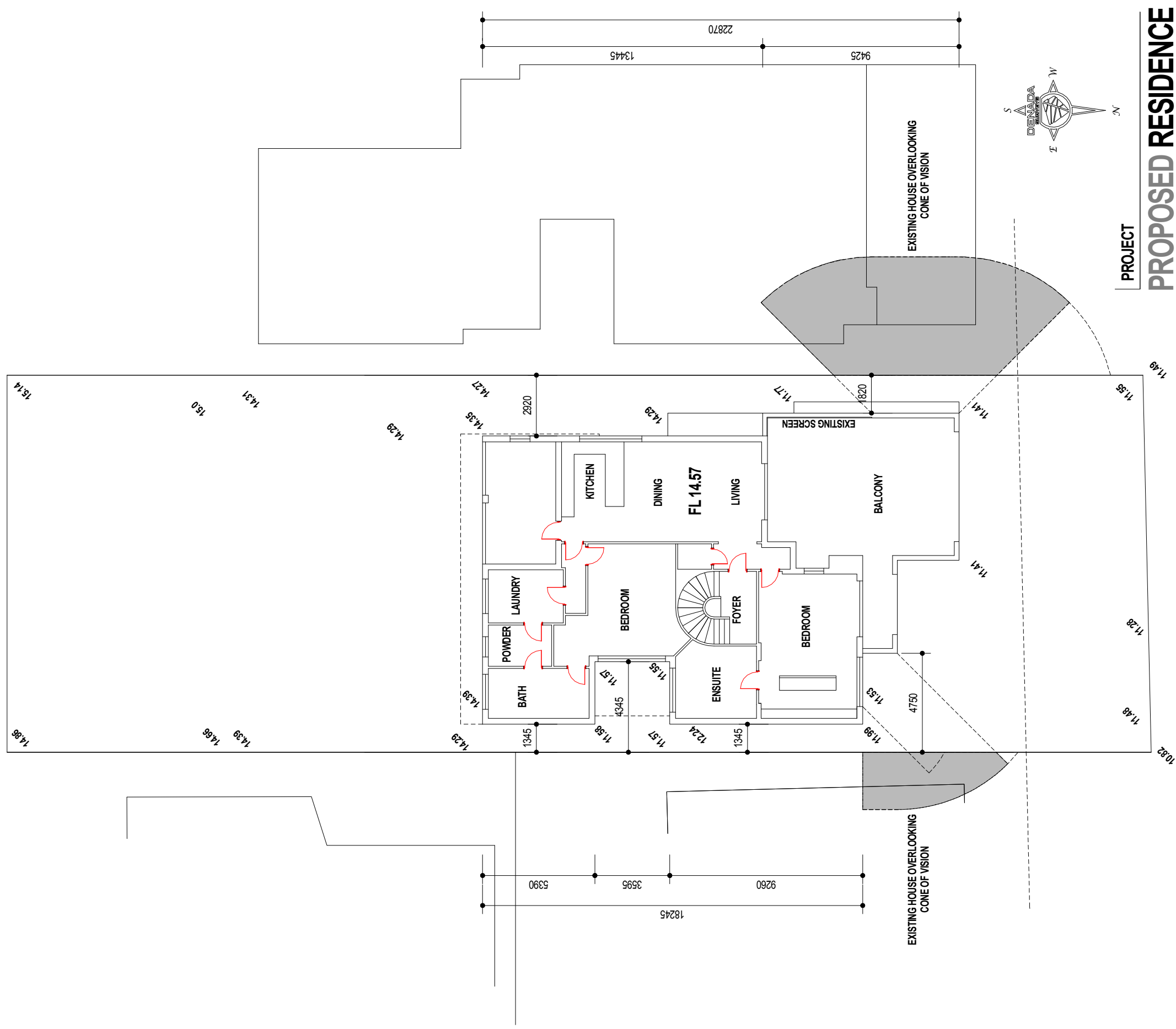
PROPOSED RESIDENCE
FOR KELLY & BIRSAN KASUMOVIC
188 PRESTON POINT ROAD
EAST FREMANTLE

ATTACHMENT 3

MICK RULE
DESIGN

SCALE	DRAWN	DATE
1 : 200	MR	05.02.2021
JOB No.	SHEET SIZE	
KELLY	A3	

AMENDED



EXISTING UPPER FLOOR / GROUND FLOOR PLAN EXISTING APARTMENT 2

PROJECT

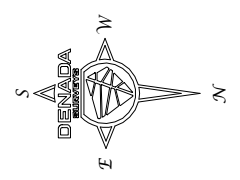
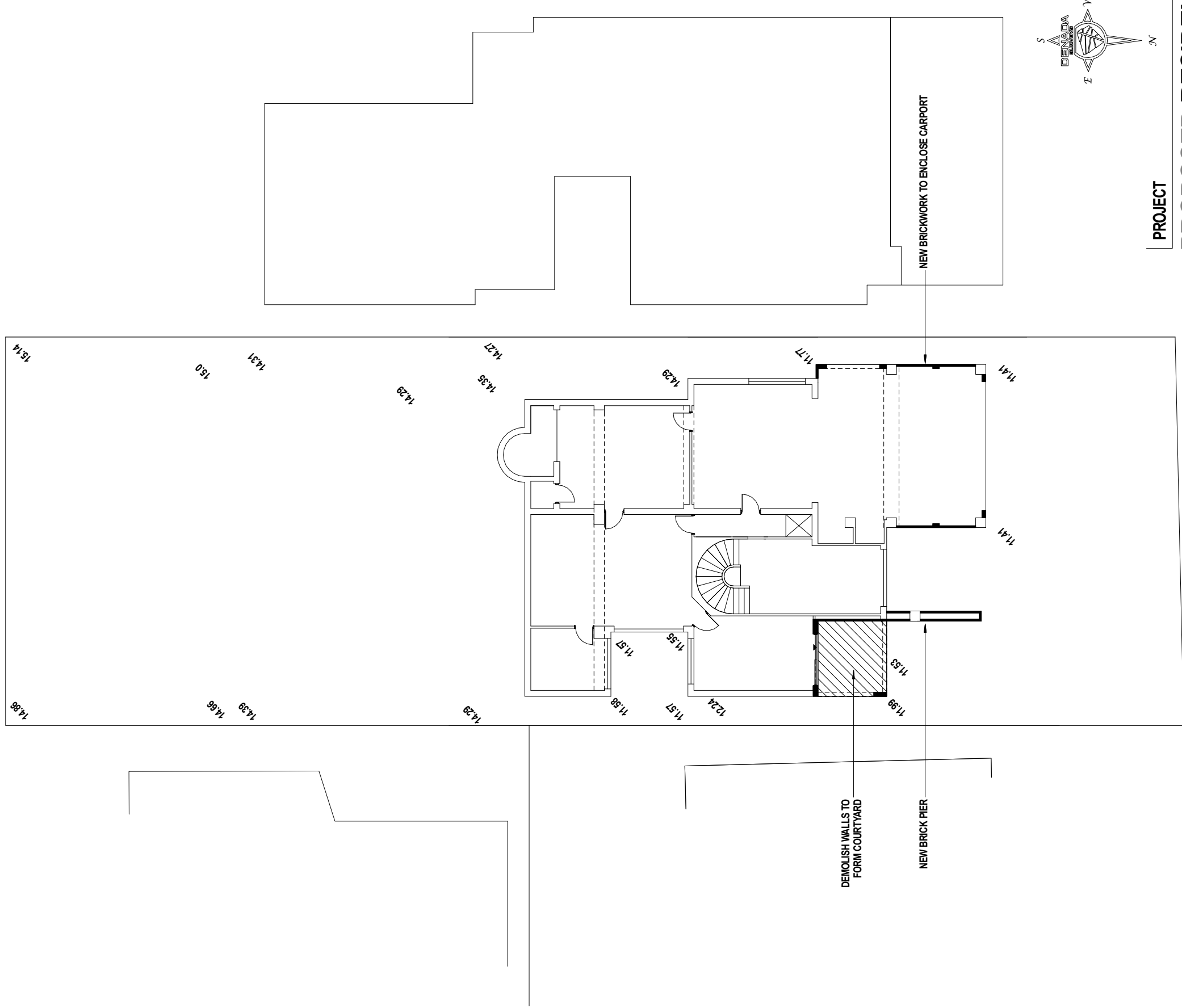
PROPOSED RESIDENCE
FOR KELLY & BIRSAN KASUMOVIC
188 PRESTON POINT ROAD
EAST FREMANTLE

ATTACHMENT 3

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PROJECT

PROPOSED RESIDENCE
FOR KELLY & BIRSAN KASUMOVIC
188 PRESTON POINT ROAD
EAST FREMANTLE

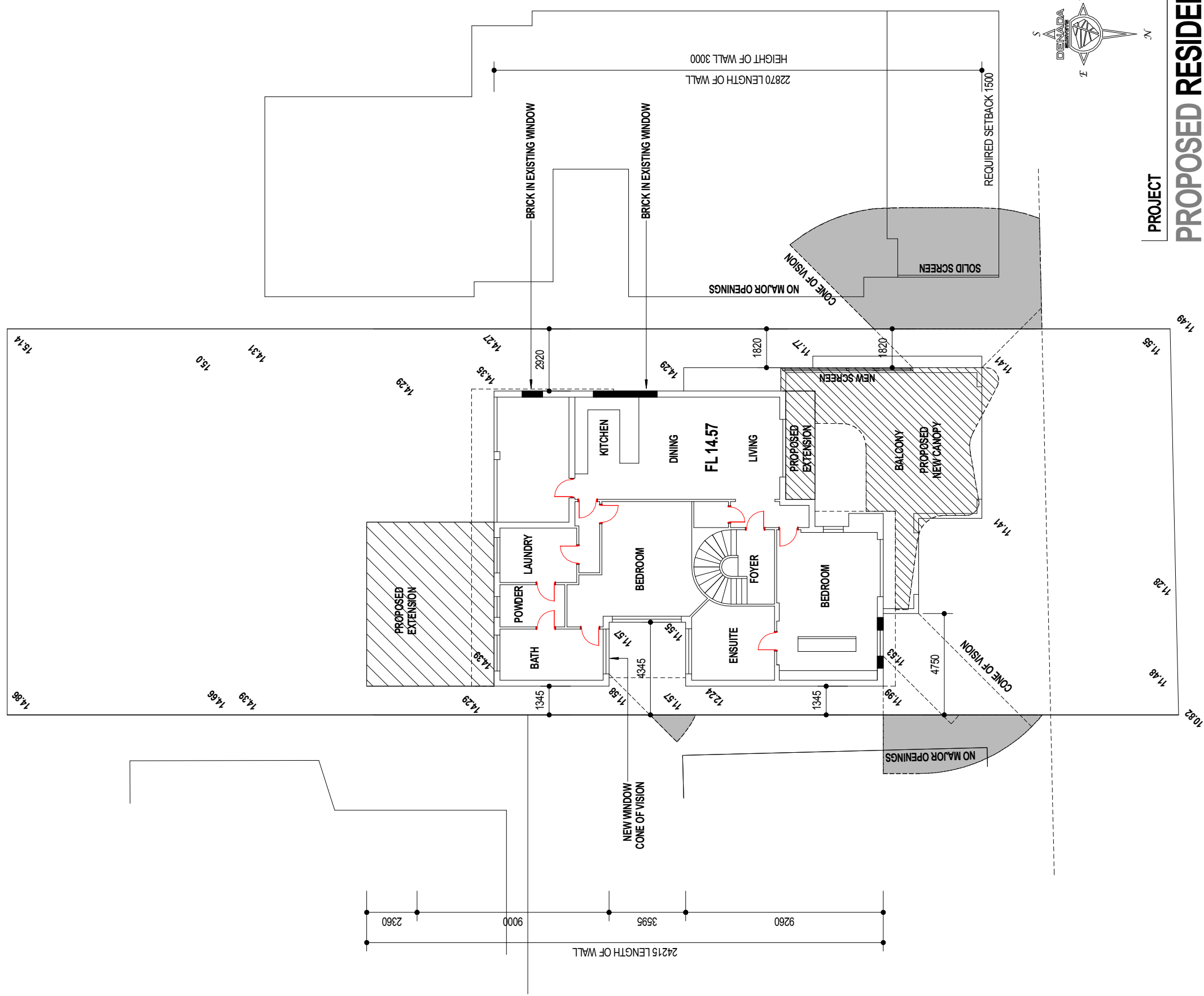
ATTACHMENT 3

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PROPOSED EXTERNAL WORKS TO BASEMENT / GROUND FLOOR PLAN



PROPOSED EXTERNAL WORKS TO UPPER FLOOR / GROUND FLOOR PLAN

PROJECT
PROPOSED RESIDENCE
 FOR KELLY & BIRSAN KASUMOVIC
 188 PRESTON POINT ROAD
 EAST FREMANTLE

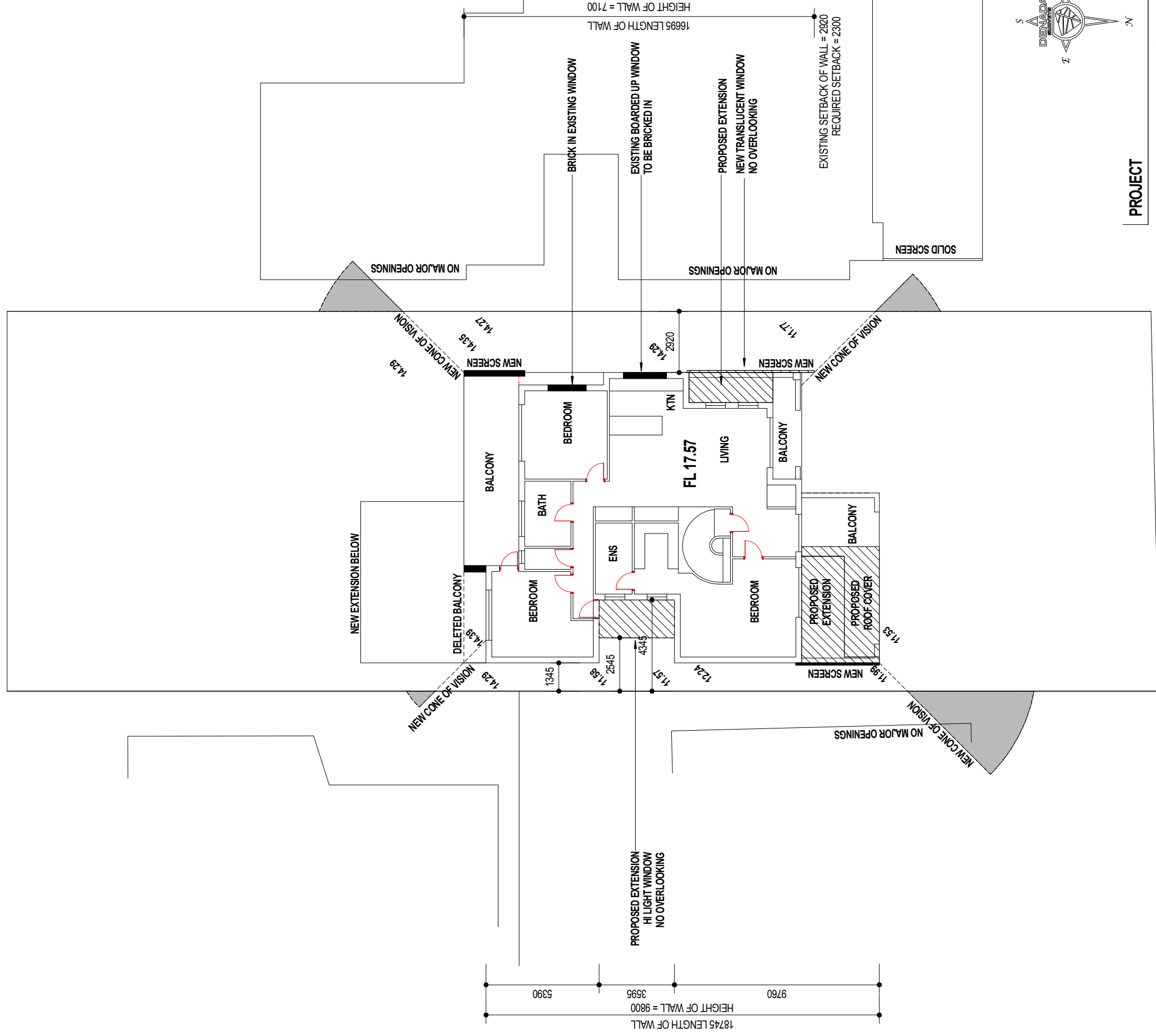
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PROJECT

PROPOSED RESIDENCE
FOR KELLY & BIRSAN KASUMOVIC
188 PRESTON POINT ROAD
EAST FREMANTLE

ATTACHMENT 3

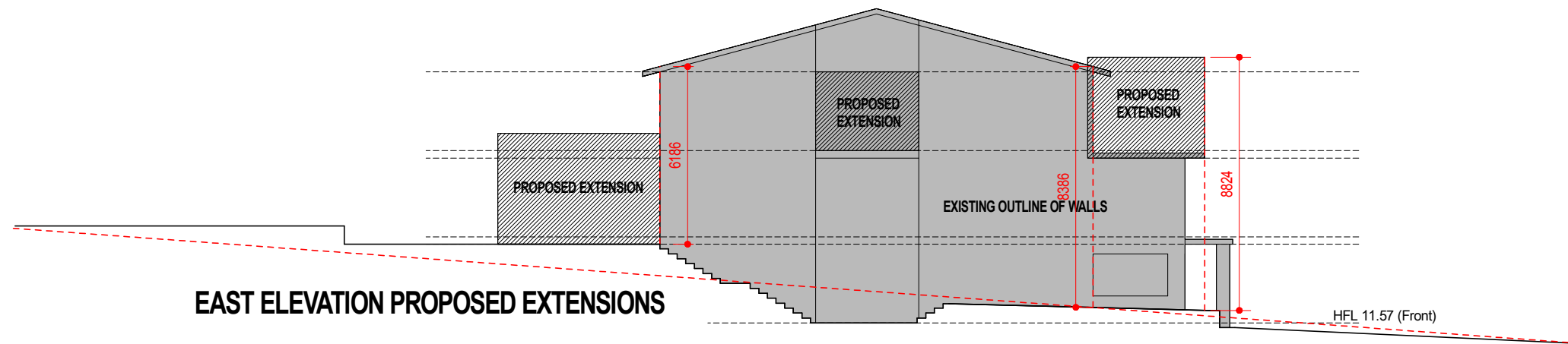
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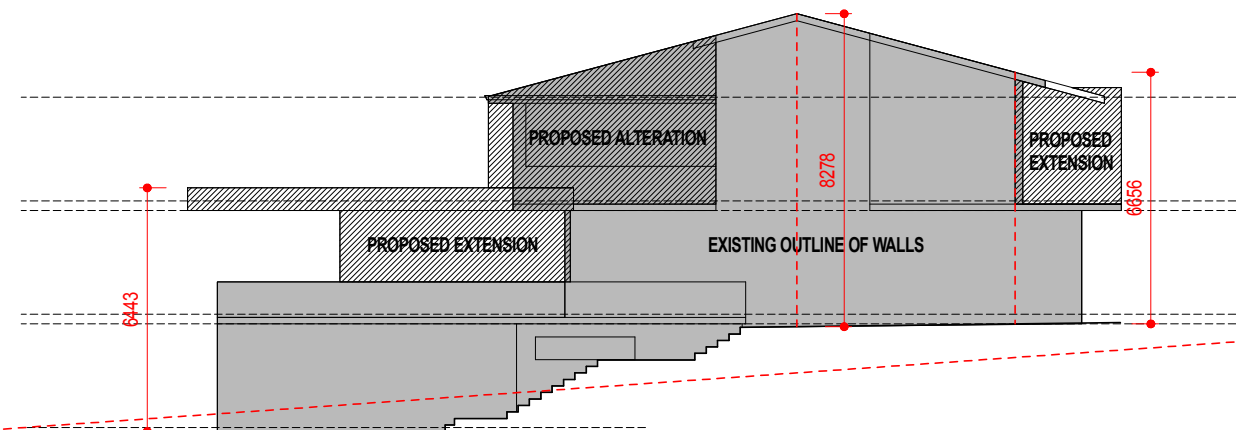
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PROPOSED EXTERNAL WORKS TO EXISTING UPPER FLOOR



EAST ELEVATION PROPOSED EXTENSIONS



WEST ELEVATION PROPOSED EXTENSIONS

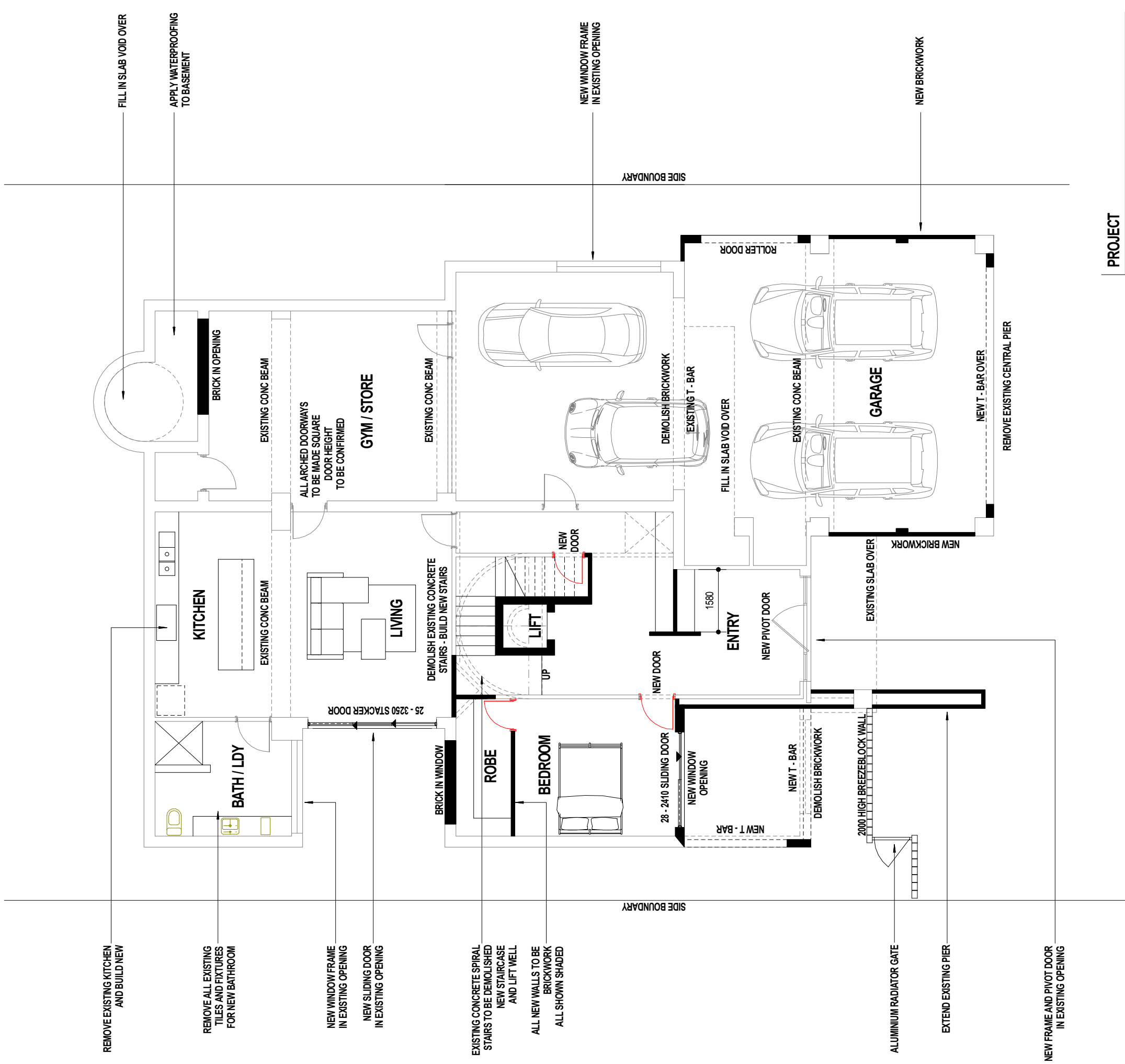
PROJECT
PROPOSED RESIDENCE
 FOR KELLY & BIRSAN KASUMOVIC
 188 PRESTON POINT ROAD
 EAST FREMANTLE

**MICK RULE
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SCALE	DRAWN	DATE
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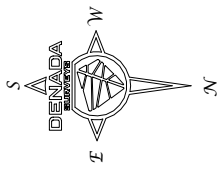
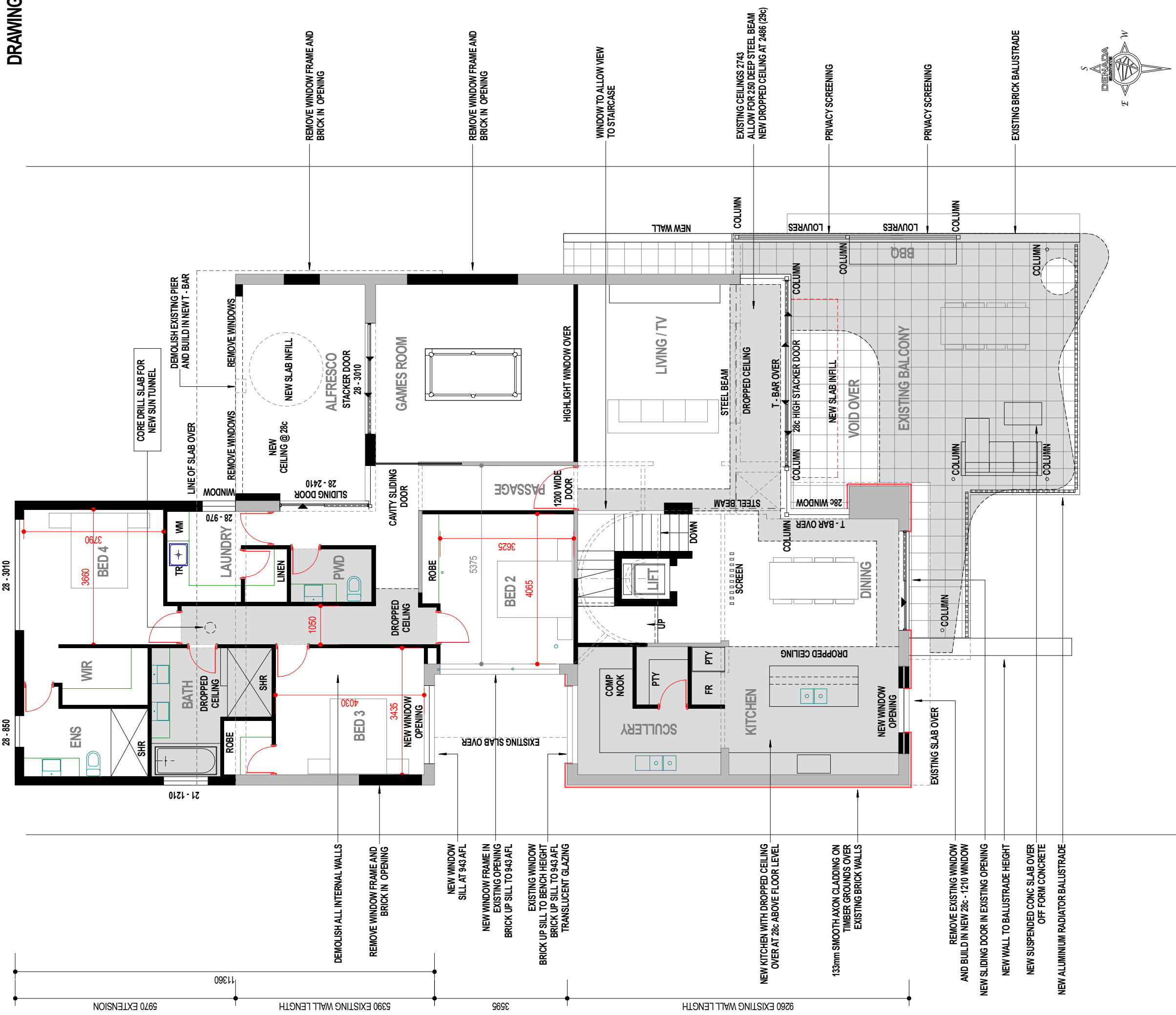
NOTE: EXISTING DOORWAYS
ARCHED TIMBER FRAMES

GROUND FLOOR / BASEMENT PLAN

PROJECT
PROPOSED RESIDENCE
FOR KELLY & BIRSAN KASUMOVIC
188 PRESTON POINT ROAD
EAST FREMANTLE

**MICK RULE
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PROJECT
PROPOSED RESIDENCE
 FOR KELLY & BIRSAN KASUMOVIC
 188 PRESTON POINT ROAD
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**MICK RULE
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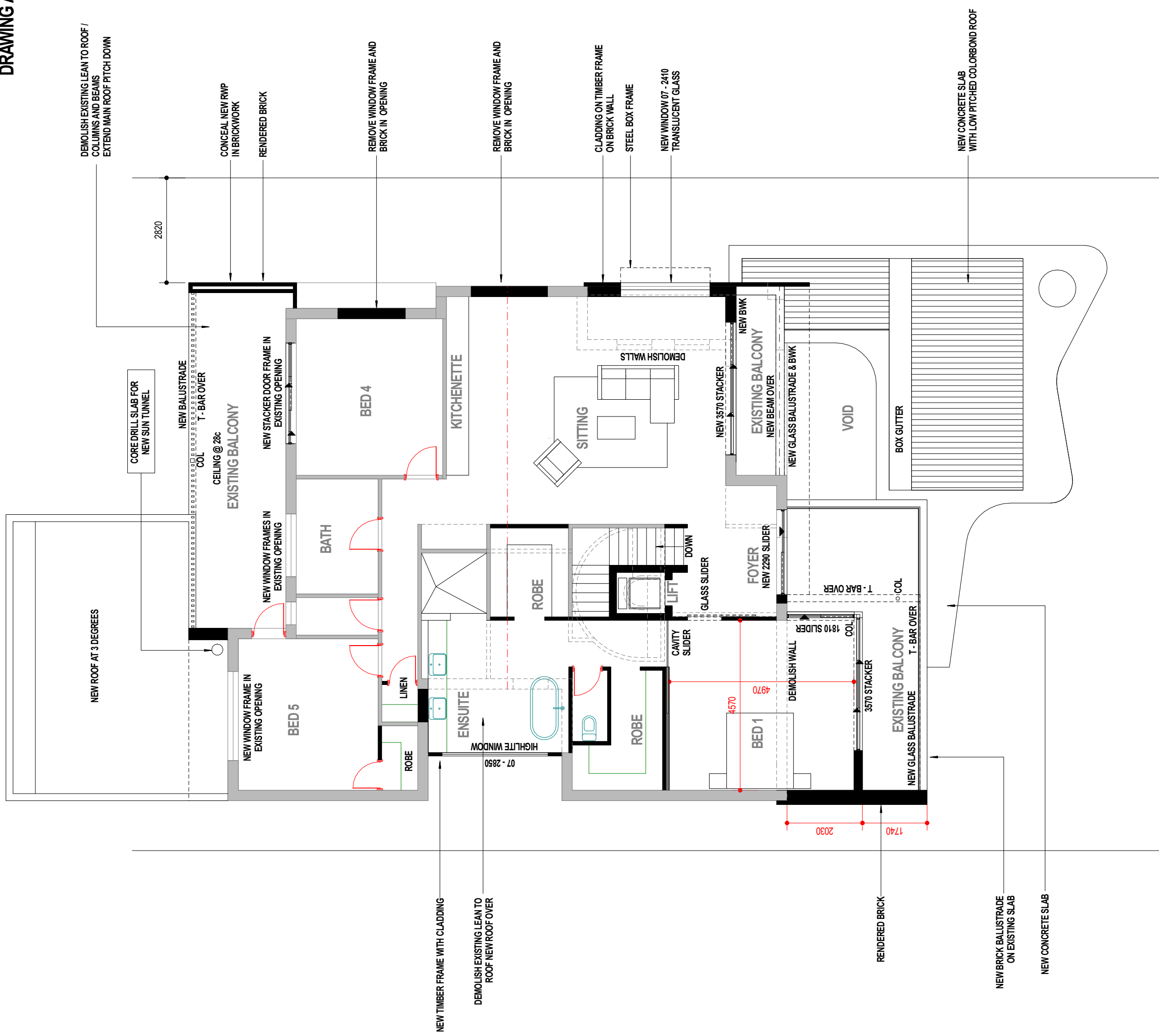
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JOB No.	SHEET SIZE	
KELLY	A3	

AMENDED

DEVELOPMENT APPROVAL DRAWINGS

UPPER FLOOR / GROUND FLOOR PLAN

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UPPER FLOOR PLAN

DEVELOPMENT APPROVAL DRAWINGS

ITEM 11.3

COLORBOND WALLABY KLIPLOK ROOFING

DULUX NATURAL WHITE RENDER

COLORBOND WALLABY PAINTED CLADDING

POWDERCOATED WINDOW FRAMES
STORM FRONT

DULUX FLOODED GUM RENDER

INDICATIVE COLOURS

COLORBOND WALLABY KLIPLOK ROOFING

DULUX NATURAL WHITE RENDER

COLORBOND WALLABY PAINTED CLADDING

DULUX FLOODED GUM RENDER

PORCELAIN BREEZEBLOCKS

ATTACHMENT 3

NEW COLORBOND TRIMDEK ROOF

NATURAL SMOOTH CONCRETE

NEW SUSPENDED CONC SLAB OVER
OFF FORM CONCRETE

NEW ALUMINIUM RADIATOR BALUSTRADE

133mm SMOOTH AXON CLADDING ON
TIMBER GROUNDS OVER
EXISTING BRICK WALLS

BREEZEBLOCK SCREEN WALL

NEW T - BAR

NEW BRICKWORK

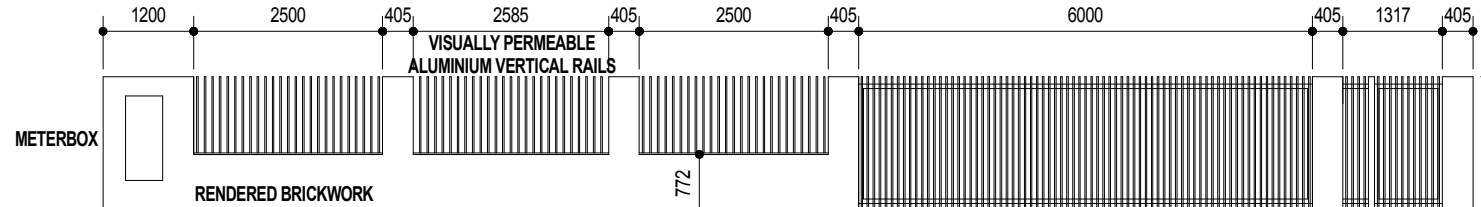
NEW T - BAR

FRONT ELEVATION

2743
257
2743
257
2743

429
2400

FRONT FENCE



NEW COLORBOND TRIMDEK ROOF

NEW BRICKWORK

NEW BALUSTRADE

COL

NEW T - BAR
NEW CEILING @ 28c

NEW BRICKWORK

VISUALLY PERMEABLE
ALUMINIUM VERTICAL RAILS

REAR ELEVATION

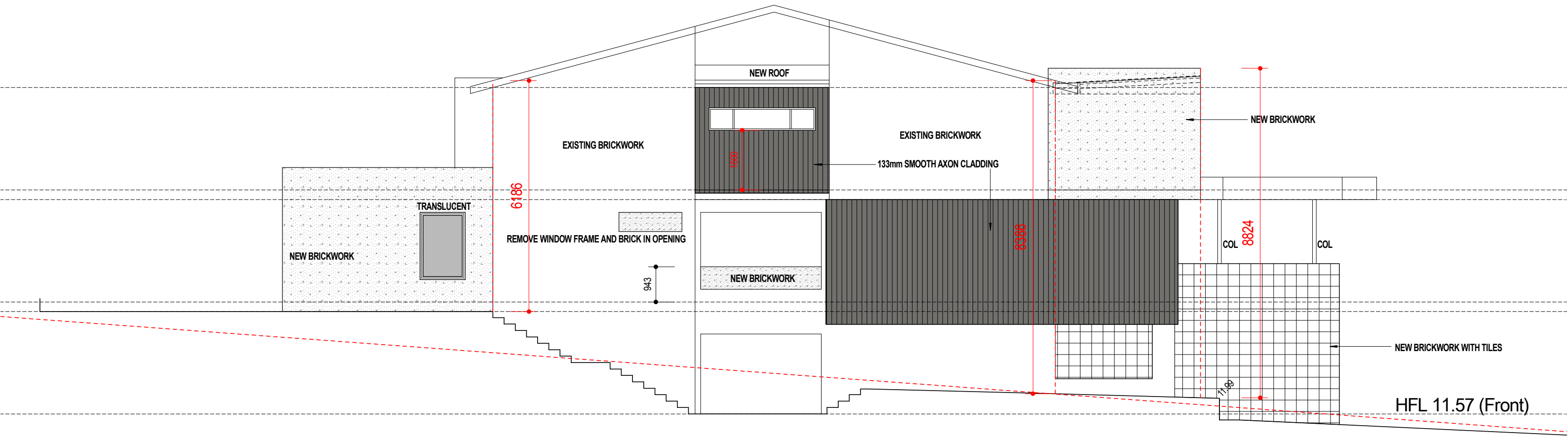
PROJECT
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FOR KELLY & BIRSAN KASUMOVIC
188 PRESTON POINT ROAD
EAST FREMANTLE

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12.03.2021
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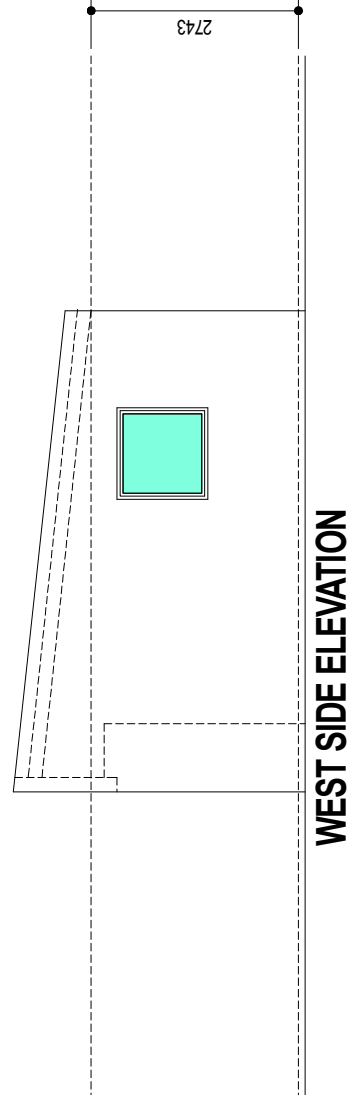
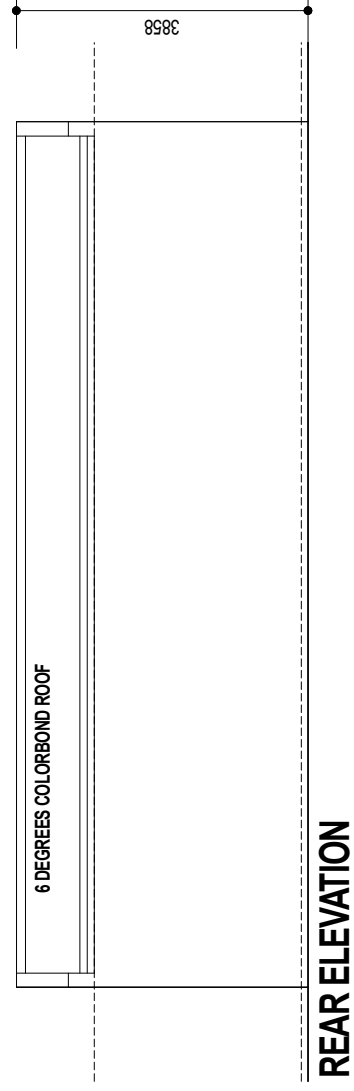
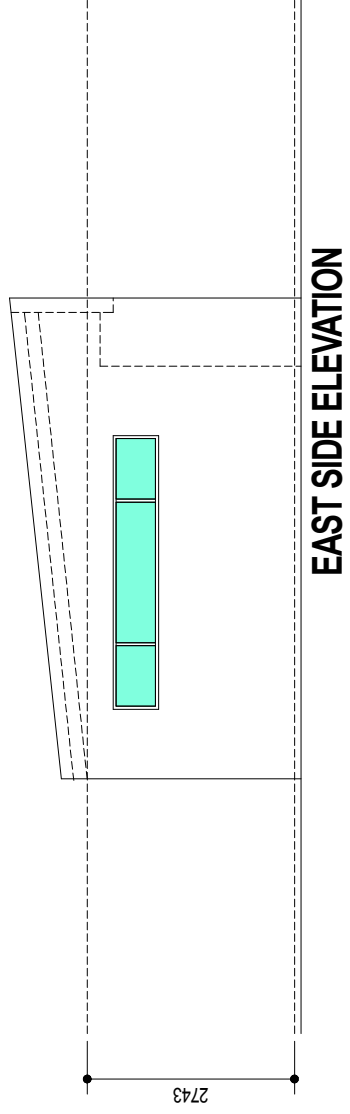
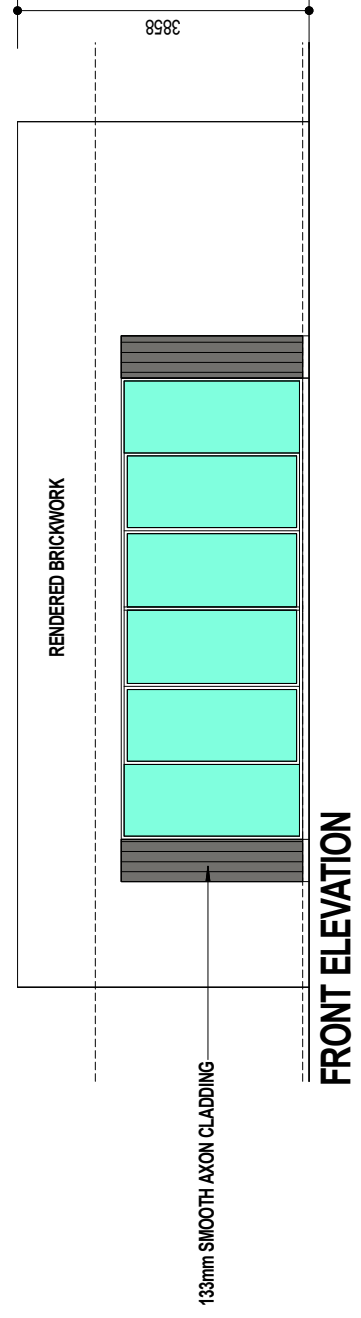
EAST ELEVATION

PROJECT
PROPOSED RESIDENCE
 FOR KELLY & BIRSAN KASUMOVIC
 188 PRESTON POINT ROAD
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PROJECT

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Community Engagement Checklist

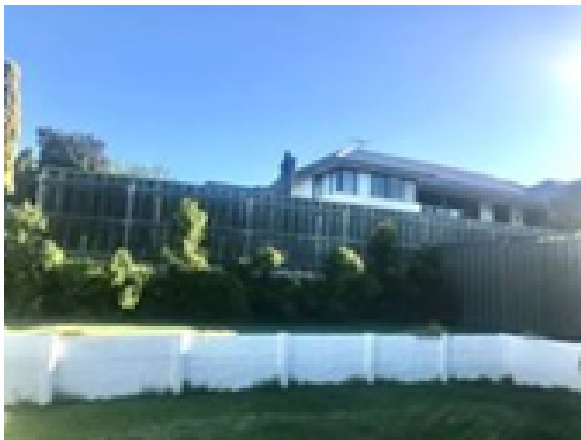
Development Application P08/21 - 188 Preston Point Road

Project Name

Objective of Engagement:	Neighbour consultations		
Lead Officer:	Regulatory Services		
Timeline:	Start Date:	15/2/2021	Outcomes By: 2/03/2021
Stakeholders			
Stakeholders to be considered. <i>Please highlight those to be targeted during engagement.</i>	Aged	<input type="checkbox"/>	Ratepayers (all / targeted) <input type="checkbox"/>
	Businesses	<input type="checkbox"/>	Residents (all / targeted) <input checked="" type="checkbox"/>
	Children (<i>School / Playgroup</i>)	<input type="checkbox"/>	Service Providers <input type="checkbox"/>
	Community Groups	<input type="checkbox"/>	Unemployed <input type="checkbox"/>
	Disabled People	<input type="checkbox"/>	Visitors <input type="checkbox"/>
	Environmental	<input type="checkbox"/>	Volunteers <input type="checkbox"/>
	Families	<input type="checkbox"/>	Workers <input type="checkbox"/>
	Govt. Bodies	<input type="checkbox"/>	Youth <input type="checkbox"/>
	Indigenous	<input type="checkbox"/>	<input type="checkbox"/>
	Neighbouring LGs	<input type="checkbox"/>	<input type="checkbox"/>
Staff to be notified:	Office of the CEO	<input type="checkbox"/>	Councillors <input type="checkbox"/>
	Corporate Services	<input type="checkbox"/>	Consultant/s <input type="checkbox"/>
	Development Services	<input type="checkbox"/>	<input type="checkbox"/>
	Operations (Parks/Works)	<input type="checkbox"/>	<input type="checkbox"/>
Community Engagement Plan			
Methods	Responsible	Date Due	Reference / Notes
1.1 E News	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.2 Email Notification ~	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
1.3 Website	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.4 Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.5 Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.6 Fact Sheet	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.7 Media Rel./Interview	<input type="checkbox"/> Communications		<input type="checkbox"/>
2.1 Information Stalls	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
2.2 Public Meeting/Forum	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
2.3 Survey/Questionnaire	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
3.1 Focus Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
3.2 Referendum/Ballot	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
3.3 Workshop	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
4.1 Council Committee	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
4.2 Working Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
* Statutory Consultation	<input checked="" type="checkbox"/> Relevant Officer	2/3/2021	<input checked="" type="checkbox"/> Advertised to 4 surrounding properties
# Heritage Consultation	<input type="checkbox"/> Regulatory Services		<input type="checkbox"/>
^ Mail out (note: timeliness)	<input type="checkbox"/> Communications		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>

Evaluation			
Summary of...		Date Due	Complete / Attached
Feedback / Results / Outcomes / Recommendations		2/3/2021	
Outcomes Shared			
Methods	Responsible	Date Due	Complete / Attached
E-Newsletter	<input checked="" type="checkbox"/> Communications		<input type="checkbox"/>
Email Notification	<input checked="" type="checkbox"/> Relevant Officer		<input type="checkbox"/>
Website	<input checked="" type="checkbox"/> Communications		<input type="checkbox"/>
Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>
Media Release	<input type="checkbox"/> Communications		<input type="checkbox"/>
Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
Notes			

Submitter's photos



Submitter's photos



**11.4 George Street No 137 (The Brush Factory) Proposed change of use –
Office to office and consulting rooms.**

Owner	Manotel Pty Ltd
Applicant	Manotel Pty Ltd
File ref	P/21
Prepared by	James Bannerman Planning Officer
Supervised by	Christine Catchpole, Acting Executive Manager Regulatory Services
Meeting date	6 April 2021
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Location plan and advertising2. Site photos3. Plans date stamped 9 March 20214. Community consultation

Purpose

The purpose of this report is for Council to consider a development application for a proposed change of use of one of the floors of the building, from office to office and consulting rooms at No 137 George Street, East Fremantle (The Brush Factory).

Executive Summary

The application proposes a change of use application of level 2 from office to office and consulting rooms. The commercial space is currently approved for use as an office and the owner/applicant has requested that the space also be considered as consulting rooms in addition to the office to facilitate the rental of the space and provide for flexibility in use.

Under the Town's Local Planning Scheme No. 3, this use is considered a "D" use within a mixed use zone. A "D" use means that *the use is not permitted unless the Council has exercised its discretion by granting planning approval*. Under the Planning and Development (Local Planning Schemes) Regulations 2015, if consulting rooms are a class D use, located in a mixed use zone and no more than 60% of the glass surface of any window on the ground floor of the consulting rooms is obscured glass, then a development approval for a change of use is not required. However, parking still has to be addressed and it is for this reason that the development application has been presented in this report.

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

- Is the use appropriate for the zoning?
- Is there sufficient car parking for the proposed use?

It is considered that the proposed change of use from office to office and consulting rooms can be supported subject to the conditions of development approval being imposed.

Background

Zoning: Mixed Use

Site area: 90m²

Heritage: Category A (LPS3 Heritage List), George Street Designated Heritage Area

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

- 9 December 2008 Planning Approval granted to redevelop the buildings at 36-42 Duke Street from antique furniture showrooms and workshops to 7 x 1 bedroom apartments, and 5 x 3 bedroom apartments;
- 15 March 2011 Planning Approval granted to redevelop the buildings at 36-42 Duke Street for a change of use, partial demolition, redevelopment and new construction to accommodate a mixed use residential/arts and entertainment venue;
- 12 February 2013 Planning Approval granted to amendments to a previously approved planning application, date stamped Approved on 15 March 2011 (Application (P199/10) and to extend the previous planning approval P199/10 for a further 2 years. The previously approved application was for a change of use, partial demolition, redevelopment and new construction to accommodate a mixed use residential/arts and entertainment venue;
- 16 July 2013 Planning Approval granted to amendments to a previously approved planning application, date stamped Approved on 15 March 2011 (Application (P199/10) for 2 storeys of commercial offices above the approved Jazz Club/ Performance space. Council refused the penthouse apartment located above the 'Brush Factory';
- 1 October 2013 Planning Approval for a penthouse apartment to be erected on top of the proposed performance space and existing heritage building at the 'Brush Factory (former Lauder & Howard building), 36-42 Duke Street. In addition, it considered an application which has been presented to Council with regards to a review of the opening times for the Jazz Club.
- 7 May 2019 Planning approval for a change of use from office in basement to yoga studio.
- 2 July 2019 Planning approval for change of use from storage area for tenancy 1 and performing arts/music space for tenancy 4 to office space.

Consultation

Advertising

The application for the proposed change of use was advertised to surrounding properties from 10 March to 25 March 2021. No submissions were received.

Community Design Advisory Committee (CDAC)

The application was not referred to CDAC. There are external changes to the building from the proposed change of use.

External Consultation

Main Roads Western Australia. There were no objections to the proposed change of use.

Statutory Environment

Planning and Development Act 2005

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

Policy Implications

George Street Designated Heritage Area

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

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

3.1.2 Plan for a mix of inclusive diversified housing options.

3.1.3 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.

Natural Environment

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

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

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

4.1.2 Plan for improved streetscapes parks and reserves.

4.1.3 Improve and protect the urban forest and tree canopy.

4.2 Enhance environmental values and sustainable natural resource use.

4.2.1 Reduce waste through sustainable waste management practices, including effective community and business education.

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

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

Risk Implications

A risk assessment was undertaken and the risk to the Town was deemed to be negligible.

Site Inspection

A site inspection was undertaken.

Comment

Statutory Assessment

The proposal has been assessed against the provisions of Local Planning Scheme No. 3.

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

- Is the use appropriate for the zoning?
- Is there sufficient car parking for the proposed use?

Proposed Use

It is proposed to change the use of a 90m² office on the second floor of the subject building to office and consultancy room. The proposed consulting rooms would be used for psychological services providing assessments and treatment for individuals, couples and children with parents. Most clients are referred via their GP under a Mental Health Care Plan that currently provides for up to 20 rebated sessions with a psychologist per calendar year. Sessions last approximately 50 minutes. Treatment is based on cognitive behavioural therapy and is conducted confidentially in the consulting rooms.

The Director is the sole employee of Helios Psychology, which would have the lease on the premises. Other psychologists work in the clinic under a sub-contractor agreement. Depending on the layout, 4 or 5 consulting rooms and a waiting room would be created within the tenancy. There is likely to be 2 to 4 psychologists onsite at any one time. Administration is completed offsite.

The consultants would operate Monday to Friday 8am to 8pm and Saturday mornings 9am to 2pm. Business hours are 9am to 8pm Monday to Friday and 9am to 2pm on Saturdays.

The proposed use would not conflict with the existing uses in the building as consulting rooms have relatively low impacts in terms of noise and other issues around amenity. Consulting rooms would be considered an appropriate commercial use in a mixed use zone because of the minimal amenity effects. Under LPS3 consultancy rooms are a 'D' use meaning *that the use is not permitted unless the local government has exercised its discretion by granting planning approval.*

The proposed change of use was advertised to properties along Duke Street and George Street in close proximity to the subject property and there were no submissions received by Council. Council has previously granted approval for a variety of uses within the complex including office space, consulting rooms, a dance studio and a yoga studio. Whilst there has been a number of changes to various uses, the building has vacant space. The owner has indicated the need for flexibility of use within the building to facilitate and eliminate red tape each time a new business wishes to operate from the building. Therefore, a request has been made to provide a dual use of office/ consulting room.

The increased foot traffic and business activity in proximity to the George Street would be welcome and the proposed change of use helps to activate the subject building and surrounds. The proposed dual use is considered consistent with the mixed use George Street Precinct.

Parking Requirements

Whilst the proposed use is considered consistent with the area, an assessment of the car parking requirements has been undertaken. It is noted that as of July 2021 further modifications to the Planning and Development (Local Planning Schemes) Regulations 2015 would allow development that is not required to comply with car parking standards of the Scheme, if "*Development Approval is not required under Cl. 61 (works or use)*". Therefore, as of July, this use would be permitted as being complaint, even when a car parking shortfall is identified without the requirement to seek Council approval.

Currently, Clause 5.8.5 Car Parking and Vehicular Access of TPS3 states:

Car parking in respect of development in the Commercial Zones is to be provided in accordance with the standards set out in Schedule 11 of the Scheme and the specifications in Schedule 4 of the scheme. Where there are no standards for a particular use or development, the local government is to determine what standards are to apply. In its determination of the requirements for a particular use or development which is not listed in Schedule 11 of the

Scheme, the local government is to take into consideration the likely demand for parking generated by the use or development.

Furthermore Clause 5.8.7 On street Parking states:

The local government may accept immediately adjacent on street car parking as satisfying part or all of the car parking requirements for development, provided such allocation does not prejudice adjacent development or adversely affect the safety or amenity of the locality.

The applicant provided the following information;

The Brush Factory below ground car park has 31 parking bays comprising 11 parallel bays and 20 tandem bays (10 x 2). The tandem bays currently provide 2 for the penthouse apartment, 6 for the tenant on level 3, and 2 for the chiropractor on level 1.

One single bay is provided for the yoga teacher. The new tenant for half of level 2 requires 3 bays which will comprise 2 tandem bays and 1 single bay. This will leave 6 tandem bays and 8 single bays (14 in total). The chef for the bar uses 1 of the tandem bays on 2 weekdays (Thursday and Friday). The last remaining tenancy space will be the other half of level 2 (approximately 100m²) which, assuming it requires 3 bays, will leave 10-11 bays free at any one time. The bar is only open from 6pm during the week, leaving all daytime bays free most of the time. The dance studio spaces are generally not needed as most lessons are for children who are dropped off. The adults generally are locals who walk or use street parking and rarely the below ground parking. An inspection will confirm the free bays at most times. Most other visitors use street parking including in Silas Street which has direct access to the Brush Factory via the pedestrian underpass. To our knowledge there has never been a parking problem. The Brush apartments are all provided with off street parking and parking in front is usually available.

It would be helpful to have the whole 2nd floor (C1 and C2) changed from just "office" to "office or consulting", but if this is an issue then just change the C2 space to both uses and if another tenant comes along and requires "consulting" then we will have to seek another approval.

With respect to allocation of the bays –all correct EXCEPT the new tenant will be allocated 3 bays (1 tandem double bay—2 bays and 1 single bay). This leaves another 14 bays.

Although the applicant has requested that the application be dealt with as either office or consulting rooms, the parking assessment is carried out for the consulting rooms which has the greater parking requirement under LPS3. The assessment was also carried out for tenancy C2, as expansion of the assessment would result in an even greater parking deficit. The method by which parking calculations are undertaken also needs specific staff numbers and based on the information supplied by the applicant, only consultancy is to be leased and the format of the area C1 including number of rooms and staff numbers are not available then a calculation cannot be made.

In terms of parking, Schedule 11 of LPS3 requires that consulting rooms are required to provide 2 spaces for every consulting room and 1 space for every staff member. Information provided by the applicant stated that there would be 4 to 5 consulting rooms within the space and 4 staff members. Based on these figures there would need to be a total of 14 car bays provided (5 consulting rooms require 10 car bays and 4 staff require 4 car bays for a total of 14 car bays).

The main Brush Factory building is currently comprised of a number of approved uses including commercial offices, residential apartments, dance studio and a jazz club. A total of 30 car bays are located in publicly accessible undercroft parking on site and 28 are dedicated for commercial purposes. In this case it is stated that the lease area for the consultant rooms is 90m² and 3 car bays. A reduction in office space to 195m² (285m² minus 90m²) is proposed which would mean that the parking previously allocated to this office space could be re-allocated to the consulting rooms (3 car bays).

Assuming that 3 car bays are made available to the consulting room this leaves a deficit of 11 car bays. However, there are 2 car bays on Duke Street adjacent to the Brush Factory building (unreserved spaces), as well as an additional 3 bays located in front of the residential apartments. There is also more parking located on the eastern side of Stirling Highway along Silas Street with easy pedestrian access available via the George Street underpass. In addition, there is Council parking available on George Street which is comprised of 10 car bays.

There is an ability to utilise car parking made available from the reciprocal parking arrangements that have been in place between the dance studio, yoga, office and consulting rooms and the jazz bar that operates in the evenings. It is noted that many of the uses operate at different times and therefore, to date the reciprocal car parking has been operating without any issues. At various times, the undercroft car parking area has been inspected and has always been under utilised. Because of the previous approvals relying on reciprocal parking, car parking bays cannot be specifically allocated to uses, however it is envisaged staff would utilise the tandem bays.

A table has been created to summarise the required and available parking.

Parking at the Brush Factory

Use	Area m ²	Parking required	Parking provided- 30 bays in undercroft parking - 28 commercial bays (1 disabled) & 2 for penthouse apartment		Total Available for Each Use	Deficit
Reduced area of commercial offices 1 car bay per 30m ² net lettable area	195	7 bays	Additional 3 bays available for consulting rooms	Opportunity to use other bays that are not being used from 28 commercial parking bays available within the undercroft parking due to the reciprocal parking agreement	7	0
Performing Arts		3 bays	3 bays		3	0
Dance		3 bays	3 bays		3	0
Yoga studio (health studio) 1 space for every 10m ² net floor area ***	103	12 bays (11 bays for yoga participants & 1 bay for instructor)	7 bays		7**	5
Consulting Room		12 bays	5 bays		5	7
On street parking			5 bays adjacent to the building			

Proposed office/consulting room	90	14 bays	3		
Total				28	23

***Note that the actual number of car bays that the yoga classes have provided is not consistent with the actual use. The yoga studio is only operating in the mornings and has small class numbers. The use does not create significant parking demand and as a result there are surplus car bays available for use by other tenants outside yoga class times.*

****The parking calculations are also based on the assumption that the jazz bar does not require parking before 6pm and no parking is allocated to specific businesses within the building.*

Based on the total onsite parking bays available during the day, there is a deficit of 11 car bays for the proposed office and consulting rooms. However, the shared parking arrangements, as well as off street parking, including 5 on street car bays directly adjacent to the subject building, as well as parking in Silas Street, Duke and George Street, mean that there is sufficient overall parking available within the reciprocal car parking and surrounds to the building to support the office and consulting rooms. The use does not intensify the use of the area or the patronage of the building to the extent that is considered to impact on the area.

It is essential that the reciprocal parking arrangements that were previously approved are maintained and that car bays are not specifically allocated for businesses located within the building. The yoga is an early morning use and there is little demand for parking from this group. Given that the jazz club is only open from 5pm Thursday and Friday afternoon and 11am Saturday and Sunday, there is minimal demand from the jazz club during the working week for parking, and car bays can be made available to other businesses within the building, including the consulting rooms that are the subject of this report. As identified above, the parking demand within the building is currently considered small and based on inspections undertaken by Town Officers, car parking has always been available within the undercroft car parking area.

Lastly and as identified as above, as of July, this application will not be required to be presented to Council as it would be considered permitted.

Conclusion

The proposed change of use from office to office and consulting rooms is considered an appropriate use for the subject property. There are few, if any, amenity impacts and the use will help to activate the street and the property during the hours of operation of the proposed business.

Despite the deficit of 11 car bays on site for the consulting rooms based on existing uses, the proposed deficit does not consider the actual practical use of the various businesses and the operating hours of those businesses. There is sufficient parking in the undercroft for the use currently and additional street parking is available in the surrounding area for clients that will visit the site if required.

Again, it must be emphasised that support for the proposal is based on the condition that all 28 car bays that are provided for commercial purposes within the Brush Factory are shared spaces and that no one car bay is allocated for any specific business. A condition has subsequently been included in the following recommendation.

Given the comments above and the explanation provided the proposed change of use is recommended for approval subject to conditions.

11.4 OFFICER RECOMMENDATION:

That Council grant development approval and exercise its discretion for the change of use from office to office and consulting rooms at 137 George Street (The Brush Factory), East Fremantle, as described on the information and plans date stamped received 9 March 2021 subject to the following conditions:

- (1) Maximum area of the office and consulting rooms on the second floor is not to exceed 90m² not including toilets and a maximum of 5 staff (full time equivalent).
- (2) The reciprocal car parking arrangements as previously approved are to remain in place with all car parking to be made available to all commercial uses within the building.
- (3) All other conditions as previously endorsed by Council are to be complied with unless modified by this proposal.
- (4) Works are to be constructed in conformity with the drawings and written information in relation to use accompanying the application for development approval other than where varied in compliance with the conditions of this development approval or with Council's further approval.
- (5) The building is to be kept clean and free of graffiti and vandalism at all times and any such graffiti or vandalism to be remedied within 24 hours to the satisfaction of the Chief Executive Officer.
- (6) No signage is approved under this change of use application. A separate application is required for signage. All signage is to comply with the Town's Signage Design Guidelines Local Planning Policy 3.1.3.
- (7) With regard to plans submitted with respect to a building permit application, changes are not to be made in respect of the plans which have received development approval, without those changes being specifically marked for Council's attention.
- (8) The proposed use is not to be commenced until all conditions attached to this development approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
- (9) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (10) This development approval is to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (i) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (ii) a copy of the approved plans as stamped by Council are attached and the application for a building permit is to conform with the approved plans unless otherwise approved by Council.*
- (iii) 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).*

-
- (iv) under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document– “An Installers Guide to Air-Conditioner Noise”.*
- (v) the approval does not include approval of any advertising signage. A separate development application is required for any signage proposal.*

137 George Street – Brush Factory – Site Photos





Community Engagement Checklist

Development Application P18/21 - 137 George Street (36 Duke Street)

Project Name

Objective of Engagement:	Neighbour Consultation			
Lead Officer:	Regulatory Services			
Timeline:	Start Date:	10/03/2021	Outcomes By:	25/3/2021
Stakeholders				
Stakeholders to be considered. <i>Please highlight those to be targeted during engagement.</i>	Aged	<input type="checkbox"/>	Ratepayers (all / targeted)	<input type="checkbox"/>
	Businesses	<input type="checkbox"/>	Residents (all / targeted)	<input checked="" type="checkbox"/>
	Children (School / Playgroup)	<input type="checkbox"/>	Service Providers	<input type="checkbox"/>
	Community Groups	<input type="checkbox"/>	Unemployed	<input type="checkbox"/>
	Disabled People	<input type="checkbox"/>	Visitors	<input type="checkbox"/>
	Environmental	<input type="checkbox"/>	Volunteers	<input type="checkbox"/>
	Families	<input type="checkbox"/>	Workers	<input type="checkbox"/>
	Govt. Bodies	<input type="checkbox"/>	Youth	<input type="checkbox"/>
	Indigenous	<input type="checkbox"/>		<input type="checkbox"/>
	Neighbouring LGs	<input type="checkbox"/>		<input type="checkbox"/>
Staff to be notified:	Office of the CEO	<input type="checkbox"/>	Councillors	<input type="checkbox"/>
	Corporate Services	<input type="checkbox"/>	Consultant/s	<input type="checkbox"/>
	Development Services	<input type="checkbox"/>		<input type="checkbox"/>
	Operations (Parks/Works)	<input type="checkbox"/>		<input type="checkbox"/>
Community Engagement Plan				
Methods	Responsible	Date Due	Reference / Notes	
1.1 E News	<input type="checkbox"/> Communications		<input type="checkbox"/>	
1.2 Email Notification ~	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>	
1.3 Website	<input type="checkbox"/> Communications		<input type="checkbox"/>	
1.4 Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>	
1.5 Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>	
1.6 Fact Sheet	<input type="checkbox"/> Communications		<input type="checkbox"/>	
1.7 Media Rel./Interview	<input type="checkbox"/> Communications		<input type="checkbox"/>	
2.1 Information Stalls	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>	
2.2 Public Meeting/Forum	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>	
2.3 Survey/Questionnaire	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>	
3.1 Focus Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>	
3.2 Referendum/Ballot	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>	
3.3 Workshop	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>	
4.1 Council Committee	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>	
4.2 Working Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>	
* Statutory Consultation	<input checked="" type="checkbox"/> Relevant Officer		<input checked="" type="checkbox"/>	Advertised to 11 surrounding properties.
# Heritage Consultation	<input type="checkbox"/> Regulatory Services		<input type="checkbox"/>	
^ Mail out (note: timeliness)	<input type="checkbox"/> Communications		<input type="checkbox"/>	

	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
Evaluation			
Summary of...		Date Due	Complete / Attached
Feedback / Results / Outcomes / Recommendations		25/3/2021	
Outcomes Shared			
Methods	Responsible	Date Due	Complete / Attached
E-Newsletter	<input type="checkbox"/> Communications		<input type="checkbox"/>
Email Notification	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
Website	<input type="checkbox"/> Communications		<input type="checkbox"/>
Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>
Media Release	<input type="checkbox"/> Communications		<input type="checkbox"/>
Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
Notes			

11.5 Philip Street – No 2 (Lot 700) - Proposed subdivision into Lots 701 and 702

Owner	Ante and Branka Musulin
Applicant	Ante and Branka Musulin
File ref	P/PHI2, ICS94298
Prepared by	James Bannerman Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	6 April 2021
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Location plan and advertising2. Site photos3. Plans date stamped 2 March 2021

Purpose

The purpose of this report is for Council to consider an application for the proposed subdivision of No 2 (Lot 700) Philip Street, East Fremantle which was referred by the Western Australian Planning Commission for comment.

Executive Summary

Council has received a referral letter from the Western Australian Planning Commission requesting comments from the Town regarding the proposed subdivision of an existing freehold lot No 2 (Lot 700) Philip Street of 745m² into 2 smaller freehold lots of 368m² and 377m² respectively. The lot is currently zoned R17.5 and has previously been subdivided under the provisions of the Town's Local Planning Scheme No 3 when the lot had a density coding of R12.5.

It is considered that the proposed subdivision cannot be supported by the Town and is recommended for refusal.

Background

Zoning: Residential R17.5

Site area: 745m²

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

P029/17 - Development approval granted for 2 storey grouped dwelling - 6 June 2017.

P051/17 - Development approval granted for temporary sea container and storage of building materials - 13 June 2017.

P109/17 - Subdivision application 155758- supported by the Town - approved by WAPC 1 February 2018.

P110/18 – Development approval granted – single dwelling – 3 September 2019.

P102/19 Development approval granted for amendment to balcony 28 November 2019.

Consultation

Advertising

Nil

Community Design Advisory Committee (CDAC)

The application was not required to be referred to CDAC.

External Consultation

Nil

Statutory Environment

Planning and Development Act 2005

Residential Design Codes of WA

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

WAPC Model Subdivision Conditions Schedule 2015

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

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

Built Environment

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

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

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

3.1.2 Plan for a mix of inclusive diversified housing options.

3.1.3 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.

Natural Environment

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

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

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

4.1.2 Plan for improved streetscapes parks and reserves.

4.1.3 Improve and protect the urban forest and tree canopy.

4.2 Enhance environmental values and sustainable natural resource use.

4.2.1 Reduce waste through sustainable waste management practices, including effective community and business education.

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

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

Risk Implications

A risk assessment was undertaken and the risk to the Town was deemed to be negligible.

Site Inspection

A site inspection was undertaken.

Comment

Statutory Assessment

This proposal has been assessed against the provisions of Local Planning Scheme No. 3 and the and the Residential Design Codes.

Council has received a referral letter from the Western Australian Planning Commission requesting comments from the Town regarding the proposed subdivision of an existing freehold lot No 2 (Lot 700) Philip Street with an area of 745m² into 2 smaller freehold lots of 368m² and 377m² with primary street frontages (Clayton Street) of 18.3m and 18.73m respectively.

The lot that is proposed to be subdivided and the subject of this report was previously subdivided in February 2018 with two lots being created of 368m² (No 11 Lot 66 Gordon Street) and 745m² (No 2 Lot 700 Philip Street- the subject lot).

When the subdivision was proposed and ultimately approved it achieved the minimum and average lot size requirements and minimum lot frontage requirements for lot subdivision at the R20 density code as required by the Residential Design Codes and as permitted by LPS No 3 under Clause 5.3.1.

Under Clause 5.3.1 there is a density bonus for corner lots with a density coding of R12.5 which can be subdivided at the R20 density coding.

Clause 5.3.1 of TPS 3 which deals with the 'Density Bonus for Corner Lots' and states as follows:

"In areas with a density coding of R12.5, the local government may approve development up to a density of R20 on corner lots where the dwellings are designed to face each of the two street frontages, and in the opinion of local government, there will be an improvement in the overall amenity of the streets as a result of the development."

Under clause 5.1.3 of the Town's Local Planning Scheme, it is possible to subdivide R12.5 lots that are located on street corners only and develop in accordance with the R20 requirements as stated in the Residential Design Codes. As part of this subdivision there was a requirement for any development on a corner lot to address both streets and an expectation that any ensuing development would comply with Clause 5.3.1 of LPS No 3.

The Town recommended to the WAPC that the previous subdivision be approved. It was made clear in the report at the time that support for the subdivision was based on compliance with Clause 5.3.1 of LPS No 3.

In the interim the whole area has been re-coded with a density coding of R17.5 and this is reflected in the current local planning scheme map which clearly shows the current density coding of R17.5. The draft Local planning Strategy which is currently being prepared does not intend to change the current density codes in this area heading into the future. The current density code of R17.5 is seen to be

appropriate for the area, consistent with the existing lot size in the area and there are no plans for further densification.

Development approval was granted at what is now No 11 (Lot 66) Gordon Street in July and September 2017 for a double storey dwelling and another development approval was granted for No 11 (Lot 66) Gordon Street in September and November 2019. Construction is currently being undertaken on the subject site of the approved double storey dwelling. This approval was granted on the basis of the development occurring on a 745m² lot, not a much smaller 368m². The development was assessed based on a density code of R17.5.

Based on the current density coding it is necessary for lots with a density coding of R17.5 to have a minimum surface area of 500m² and average surface area of 571m². In this case the proposed lots do not achieve the minimum or average lot sizes for the subdivision of R17.5 lots. The proposed lots are 368m² and 377m² respectively. The proposed lot sizes do not even achieve the average lot size of 450m² required of R20 lots, although they are above the minimum lot size of 350m². Both lots achieve the minimum frontages required of R20 lots (10m).

As noted, this lot is not a R12.5 lot but is zoned R17.5 and the proposed subdivision is a second attempt at further subdivision of the parent lot. It is not the intent of the clause within the Town's Local Planning Scheme No 3 to allow for a second attempt at subdivision for an R17.5 lot that does not achieve the minimum requirements for an R20 lot.

There is currently a double storey dwelling being constructed on site, in accordance with a previous development application that was submitted and approved by the Town. Should the proposed subdivision be approved by the WAPC then there may be unintended consequences. The creation of the lot with existing development that does not achieve the minimum requirements for the Residential Design Codes, potentially sets a precedent given the focus of planning which is increasingly concerned about declining useable outdoor living areas attached to new development.

Options for the Town

Council has 2 options regarding the proposed subdivision. Council can either recommend to not support the proposed subdivision for the reasons stated above or alternatively recommend that the applicant/owner undertake a scheme amendment to achieve an increased density which would facilitate the further subdivision of the lot. The applicant has undertaken preliminary planning investigations and has prepared visual representations of a three-lot subdivision. As this is a referral from the Commission, this information has not been provided to the Commission or the Town.

Should Council feel that the subdivision is an appropriate planning outcome for this lot, it may direct the applicant/owner to submit an application for a scheme amendment for this site, given that the proposed subdivision does not comply with the current Local Planning Scheme No 3 and a request be made to amend the density coding for this site.

However, Council should be aware that any spot rezoning will not be in alignment with density codes for the prevailing area and are not intended to be changed according to the draft Local Planning Strategy which is currently being prepared. The applicant has been encouraged to participate in the community engagement for the draft Local Planning Strategy once advertised.

The Town cannot support the proposed subdivision based on existing clauses in the Local Planning Scheme No 3.

Conclusion

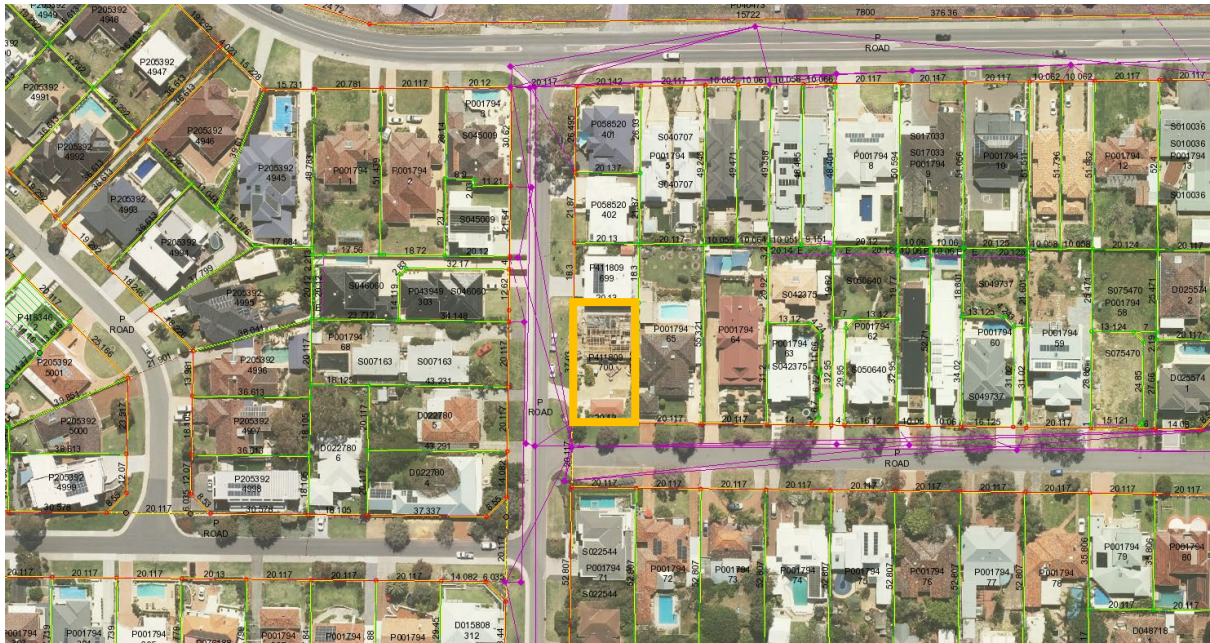
Based on the above assessment that has been completed for this referral and the explanation provided in this report, it is recommended the Town advise the Western Australian Planning Commission the proposed subdivision of No 2 (Lot 700) Philip Street is not supported by Council.

11.5 OFFICER RECOMMENDATION:

That Council advise the Western Australian Planning Commission that the proposed freehold subdivision of No. 2 (Lot 700) Philip Street into Lot 701 and Lot 702 Philip Street East Fremantle in accordance with plans submitted 2 March 2021 is not supported for the following reasons:

- 1. The proposal is not in compliance with Clause 5.3.1 of Local Planning Scheme No 3.**
- 2. The proposal has a density code of R17.5 not R20 as required by clause 5.3.1 of Local Planning Scheme No 3.**
- 3. The proposal does not achieve the average lot area for a lot with a density code of R20.**
- 4. The applicant /owner has previously subdivided the corner lot (Lot 700) and is attempting to subdivide the lot a second time.**
- 5. The proposal creates sub-optimal urban design outcomes with the existing approved development on Lot 700 Philip Street due to an inability for the development to meet the deemed to comply requirements for outdoor living areas from the Residential Design Codes.**
- 6. The proposed subdivision creates a precedent that would encourage subdivision in areas that is not in alignment with the draft local planning strategy that is currently being prepared by the Town and does not identify this area for densification.**

2 (Lot 700) Philip Street – Location Plan



2 (Lot 700) Philip Street – Site Photos

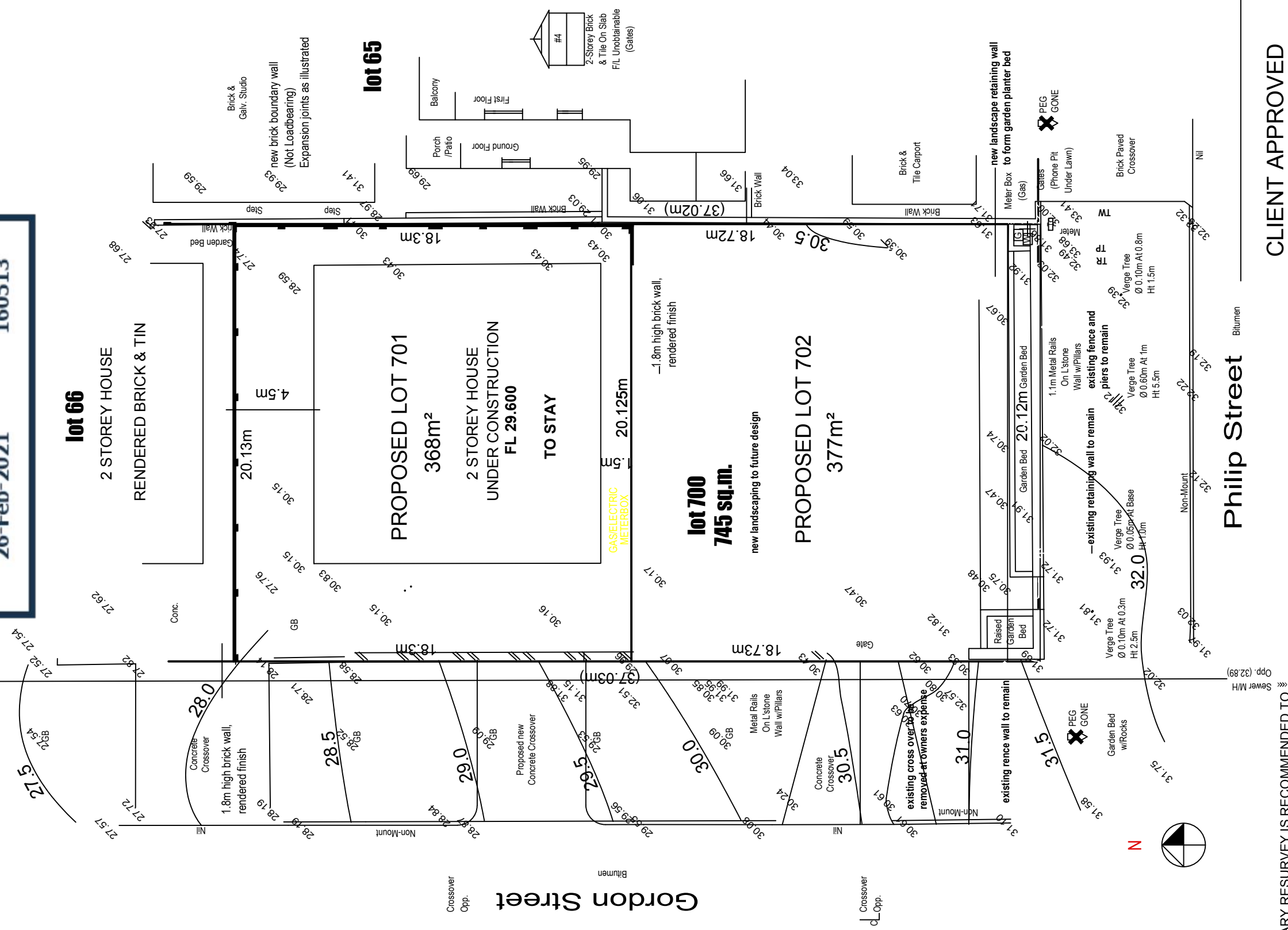


DEPARTMENT OF PLANNING, LANDS AND HERITAGE

DATE **26-Feb-2021** FILE **160513**

ORIG LOT 700 745m²
 PROPOSED LOT 701 368m²
 PROPOSED LOT 702 377m²

This survey does not guarantee the location of boundary pegs or fences in relation to the boundaries. It is a site survey only. For easements check Certificate of Title. Total Survey Solutions Pty Ltd accepts no responsibility for any changes to the parcel or portion thereof, shown on this survey including, but not limited to, any adjoining property levels or features that may have occurred since the date of this survey.



CLIENT APPROVED

Philip Street Bitumen

NOTE: A BOUNDARY RESURVEY IS RECOMMENDED TO ACCURATELY LOCATE BUILDINGS AND FENCES

PROPOSED GREEN TITLE SUBDIVISION

2 PHILIP STREET EAST FREMANTLE

LOT 700 PLAN 411809 C/T 2952/49

CLIENT: A & B MUSULIN LOCAL AUTHORITY: EAST FREMANTLE

NOTE: ALL AREAS AND DIMENSIONS ARE SUBJECT TO PLANNING APPROVAL AND FINAL SURVEY

PREPARED BY:

TOTAL SURVEY SOLUTIONS PTY LTD

10 GARROW COURT
 KINGSLEY WA 6026

P 9309 2042

F 9409 5882

SCALE : 1:200@A3

MY REF: 21/069

DATE : 23/2/21

DRAFTED : LM

120086 134373

699

120297

R17.5

65

Town of East Fremantle

155758

700

East Fremantle Locality

GORDON STREET

GORDON STREET

PHILIP STREET

R17.5

R17.5

Location Plan for: Subdivision Application

This data is to be used only for the processing of a Subdivision Application

Application Number: 160513
Decision: Outstanding
Printed: 1/03/2021



Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA

Base information supplied by Western Australian Land Information Authority SLIP 1180-2020-1

Application Status

- Approved (green outline)
Refused (red outline)

Existing LPS Zones and Reserves

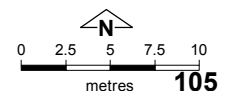
- R Code boundaries (dashed line)
Residential (orange fill)

Easements and Referrals

Region Scheme Reserves

Localities & Local Government Boundaries

- Local government boundary (green outline)
Locality (blue outline)



11.6 Staton Road, No. 73A (Lot 1) – Reconsideration of Condition of Development Approval-Screening of Balcony

Applicant/Owner	P Di Nunzio
File ref	P/STA73A
Prepared by	Christine Catchpole, Senior Planner
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Voting requirements	Simple Majority
Meeting date	6 April 2021
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Location Plan2. Development (planning) Approval plans dated 18 March 20033. Building Permit plans dated 18 February 20054. Owner request for reconsideration of condition of development approval

Purpose

This report considers an owner request for the reconsideration of a condition of development approval. The condition requires the installation of a visual privacy screen balustrade for a third storey balcony at 73A Staton Road, East Fremantle.

Executive Summary

In 2020 the Town was made aware of escalating concerns relating to overlooking and privacy in relation to a three storey dwelling at 73A Staton Road which was constructed in ~2005. The matter was subsequently investigated, and it was determined the balcony screening did not comply with the Development Approval and the Building Permit plans.

A clear and transparent glass 1 metre high balustrade was installed on the southern elevation of the third storey balcony rather than the required 1.4m high balustrade screen indicated on the Development Approval and the Building Permit plans.

The Town requested compliance with the planning and building approvals. However, this has not occurred, the reason being that the owner believes the existing balustrade is in good condition, matches the other balustrading and allows for unobstructed views of the harbour. The owner is requesting the reconsideration of a development approval condition so that he will not be required to remove the existing unscreened clear glass balustrade and replace it with a screening balustrade.

The request was advertised to surrounding landowners and a strong objection from an adjoining landowner was received in respect to the balustrade remaining in its current form. The objection related to the significant loss of privacy and overlooking concerns for all major habitable rooms within the dwelling, the rear verandah and garden, which in turn impacts on the amenity of the property.

Considering the nature of the objection and the expectation that the balcony screening was to be and should have been installed as per the approved plans, it is recommended that the existing development approval condition remain in force and unmodified.

Consultation

Advertising

Surrounding land- owners were invited to comment on the owner's request for reconsideration of the development approval (planning) condition from 10 February to 5 March 2021.

A submission from the adjoining owners was received which strongly objected to the removal or amendment of the development approval condition. The objection is primarily based on the significant negative impact on amenity due to the decreased privacy and increased overlooking possible without the installation of the balustrade screening. Also, there has been the expectation that privacy would be maintained following construction of the dwelling. The submitter also requested the conditions of the development approval be enforced and provided the following background information relevant to the issue.

When the adjoining property was purchased in 2013, there was no balustrading on the balconies of 73A Staton Road and they were not in use. The submitters explicitly questioned the previous owners, prior to the purchase of the property, about the lack of balcony screening and were told that the owners of 73A Staton Road were obliged to install screened balustrading on the balcony which overlooked the adjoining property. With that understanding they purchased the property.

In 2014 the owners of 73A Staton Road installed clear glass balustrading to the third storey balcony. The submitters contacted the Town at the time, to query if this was in accordance with the approved plans and were incorrectly informed by Town staff that the balcony did not require screening. As this balcony was very rarely used in the proceeding years and because of the advice they received from the Town they did not pursue the matter any further.

However, in 2020 the balcony was in daily use which then became a significant privacy issue resulting in no privacy for the entire rear garden, verandah, upstairs living room, downstairs living room, kitchen, upstairs bedroom, and laundry, resulting in the property having no privacy. The submitters also feel this situation would devalue the property if they were to sell.

They do not believe they should have to bear the considerable expense of installing screening and internal window treatments to maintain privacy because there is no screening of the balcony as per the Council approval. They firmly believe the Council approved plans should be enforced.

Statutory Environment

Planning and Development Act, 2005

Residential Design Codes of WA – Vol. 1

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

Policy Implications

Town of East Fremantle Residential Design Guidelines 2016

Financial Implications

Nil

Strategic Implications

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

Built Environment

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

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

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

- 3.1.2 *Plan for a mix of inclusive diversified housing options.*
- 3.1.3 *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.*

Natural Environment

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

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

Risk Implications

A risk assessment was undertaken and the risk to the Town was deemed to be negligible.

Site Inspection

Photographs have been provided.

Details

The Development Approval plans clearly indicate that the balustrade was to provide screening and was to be of 1.4m in height (refer to Attachment 2). Also, condition 1 of the Development Approval for the construction of the three storey dwelling stated as follows:

1. *the works to be constructed in conformity with the drawings and written information accompanying the application for planning consent other than where varied in compliance with the special approvals, conditions of this planning consent or with Council's further consent.*

Furthermore, the Building Permit plans (refer to Attachment 3) indicated the installation of a permanent obscure glazed balustrade to a height of 1.4m on the southern elevation of the third storey balcony. Both sets of plans clearly state and indicate balustrade screening.

The Town has no record of any authorised changes to the Development Approval or Building Permit plans. The owner was therefore requested to comply with the approved plans and building permit and install the obscure glazed balustrade to the height indicated on the plans for the southern elevation of the balcony, that being 1.4 metres from the floor level of the balcony.

The matter could not be pursued by the Town in 2020 as the owner of 73A Staton Road was not returning to Perth until late November 2020. Upon his return he responded to correspondence from the Town and stated he did not wish to comply with the condition and install the balustrade in compliance with the approved plans. His request to have the development approval condition reconsidered is provided in full in Attachment 4 and summarised below.

"I hereby seek Council's special approval to maintain the existing balustrade in its current condition.

- *Balustrade on the southern elevation of the first level balcony is non-obscured.*
- *The height remains as one (1) metre.*

Please take notice that the screening in its current condition is high quality, durable and permanent. The existing balustrade maintains the symmetry and architectural design of the home. Currently, I have a unique view to the harbour from my dining and lounge room. To comply with Council's request would obscure this view."

Comment

Visual privacy

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

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

The original development proposal did not comply with the visual privacy 'Deemed to Comply' provisions of the R-Codes. As such screening was indicated on the development approval and building permit plans to meet the development standard. The original plans the subject of the development approval application clearly indicated that this section of the balcony balustrade was to be screened to a height of 1.4 metres (refer to Attachment 2 and 3). The dwelling has been constructed with balustrading of a lower height (i.e. 1m) and of clear glass which does not provide any screening and is clearly not in compliance with the development approval.

To alleviate the considerable privacy and overlooking concerns voiced to the Town it is important that the screening balustrade that should have been installed, is installed as indicated. The fact that the screening device has not been in place for many years is not relevant to the planning matter under consideration. The matters of amenity and compliance are now of concern. In recent times the balcony has been used far more frequently than in previous years and future use of the balcony cannot be foreseen. In this case the understanding and expectation that screening would be provided upon construction of the new dwelling is the planning and amenity issue under consideration, not the retention of views. The owner of 73A Staton Road is aware that the screening was not installed as required under the conditions of the development approval as he was the owner when the dwelling was constructed and the balustrading installed.

Taking the above circumstances into consideration it is recommended that there be no change or modification to the condition of development approval. The requirement for the screening to be

installed should remain as intended under the original development approval and as indicated on the building permit plans.

Conclusion

Given the significant privacy and overlooking concerns raised by the adjoining land owners and the original condition of development approval, it is recommended that Council do not support the request for reconsideration of the condition of development approval and that the original condition stand unmodified.

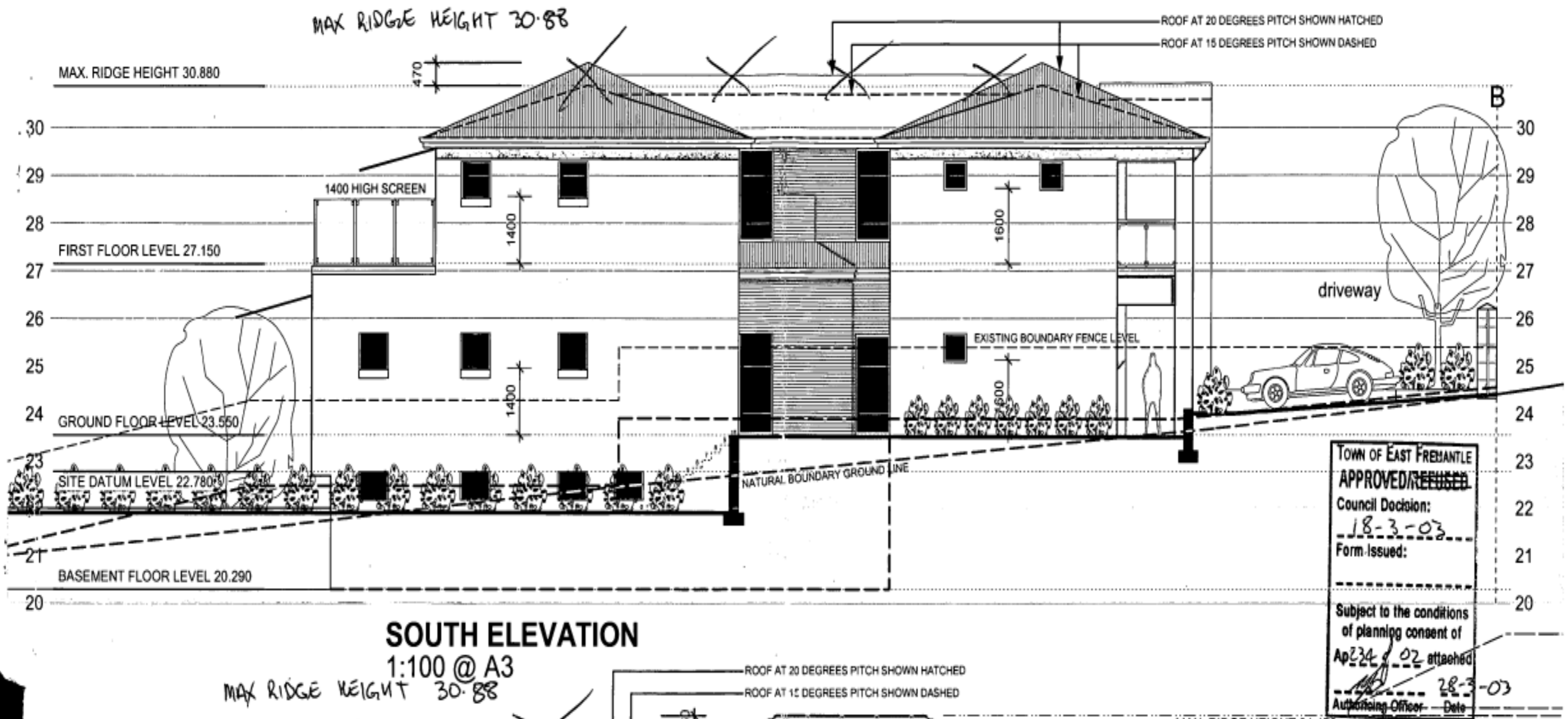
11.6 OFFICER RECOMMENDATION

That Council do not support the request for reconsideration of condition 1 of the Development Approval dated 18 March 2003 for No. 73A (Lot 1) Staton Road, East Fremantle and the condition to stand unmodified.

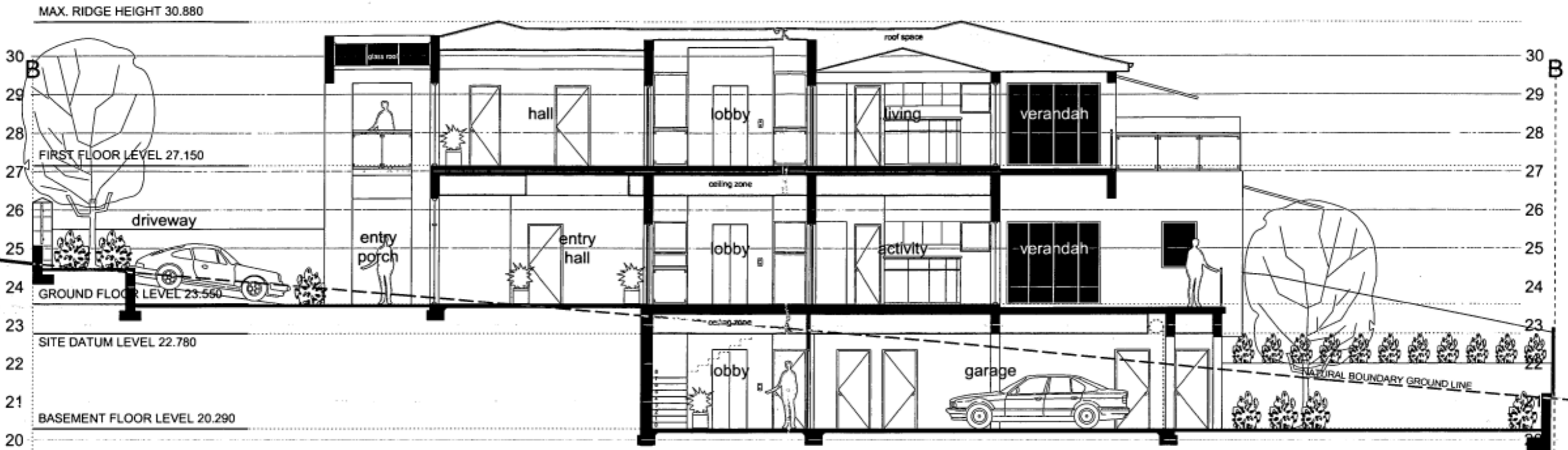
12. MATTERS BEHIND CLOSED DOORS

13. CLOSURE OF MEETING

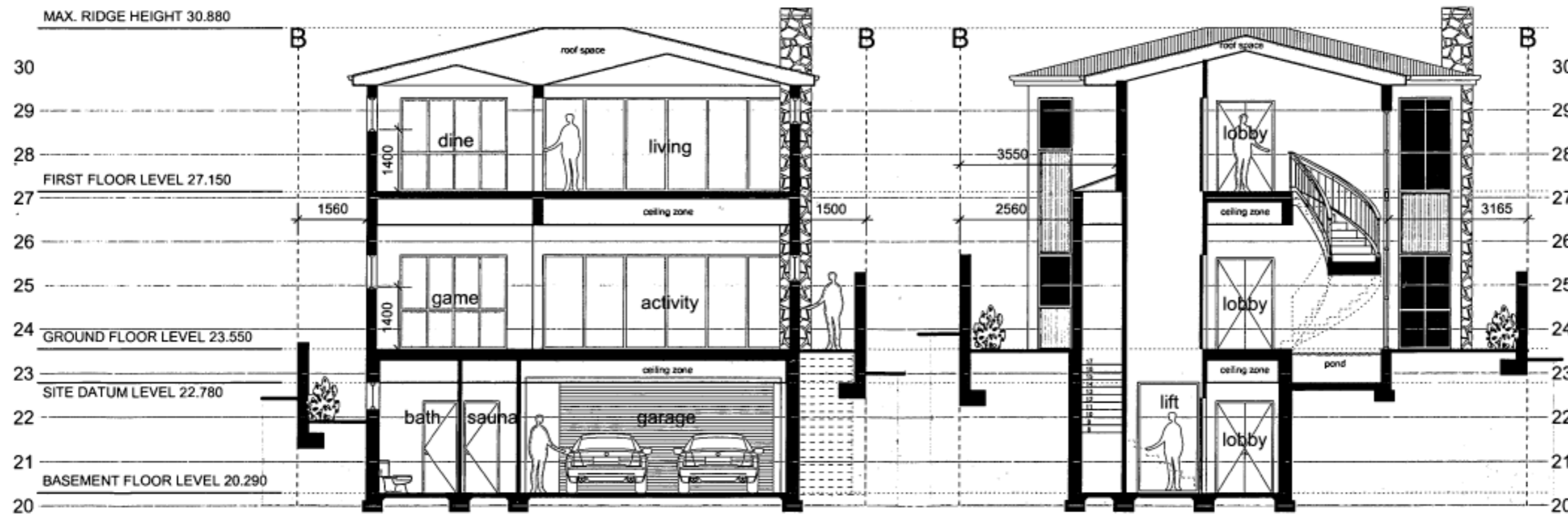
Excerpts from Development Approval Plans – 18 March 2003



cont...



SECTION
1:100 @ A3



SECTION
1:100 @ A

TOWN OF EAST FREMANTLE
APPROVED/REFUSED
Council Decision:
18-3-03
Form Issued:

Subject to the conditions
of planning consent of
Ap234/02 attached
10 *28-3-03*
Authorising Officer Date

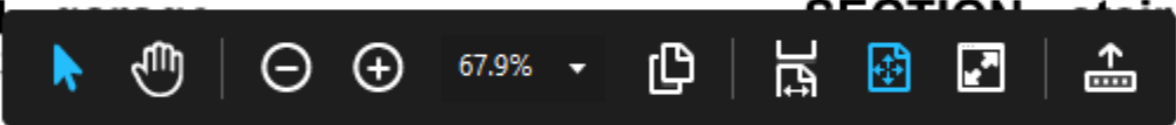
ISSUE	DATE	REVISION
A	06-10-02	PRELIMINARY SKETCH PLANS
B	07-10-02	SKETCH PLANS
C	11-11-02	SKETCH PLANS
D	15-11-02	SKETCH PLANS

RALPH HOARE
ARCHITECT
7 RUSSELL ST
FREMANTLE
WA 6160
PH 9430 9822
FAX 9430 9822
ra@hoar.net.au

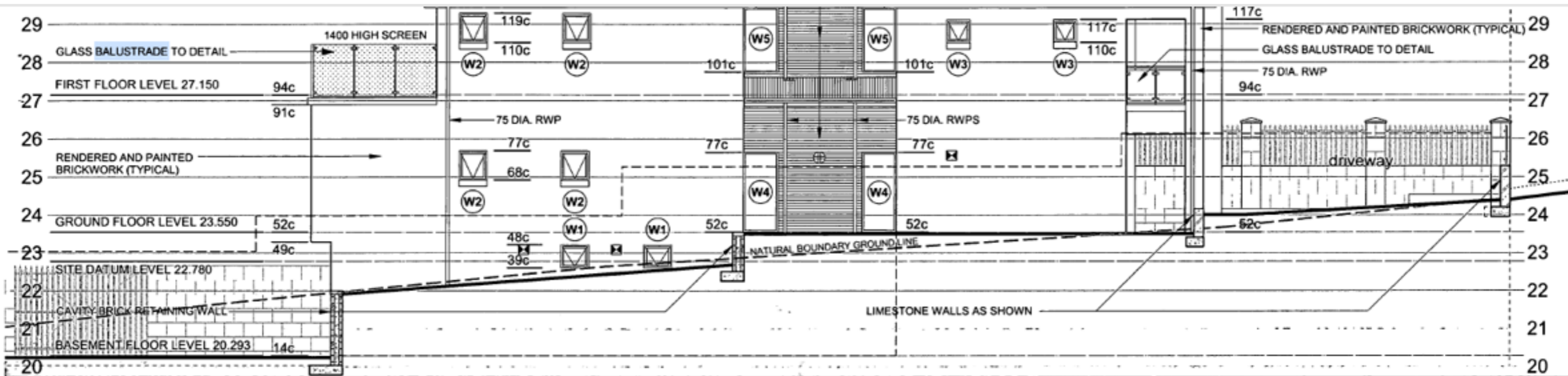
EAST FREMANTLE
73 STATON ROAD
NEW RESIDENCE

SECTIONS

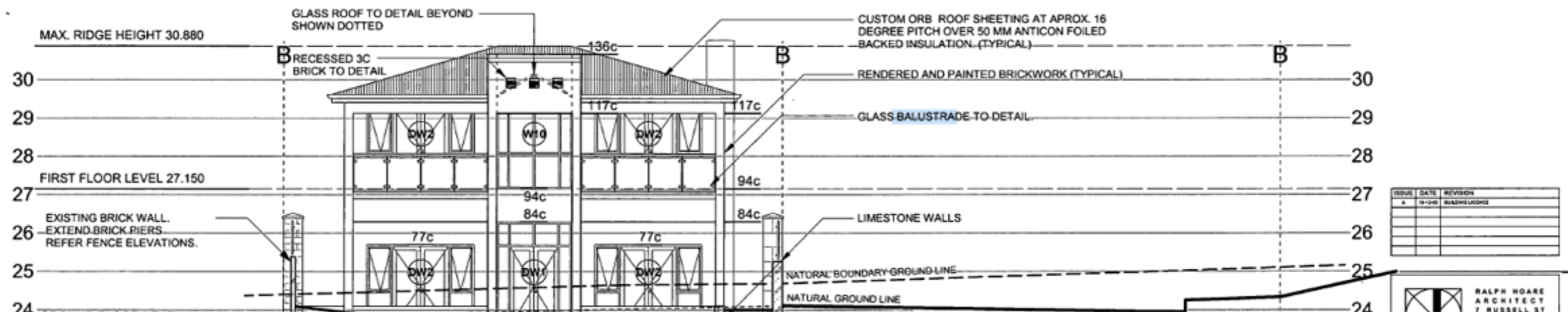
DRAWN CM DRAWING NO. 07
SCALE 1:100 @ A3
DATE NOV 2002
JOB NO. 02745 ISSUE SK.D



Excerpt from Building Permit Plans - 18 February 2005

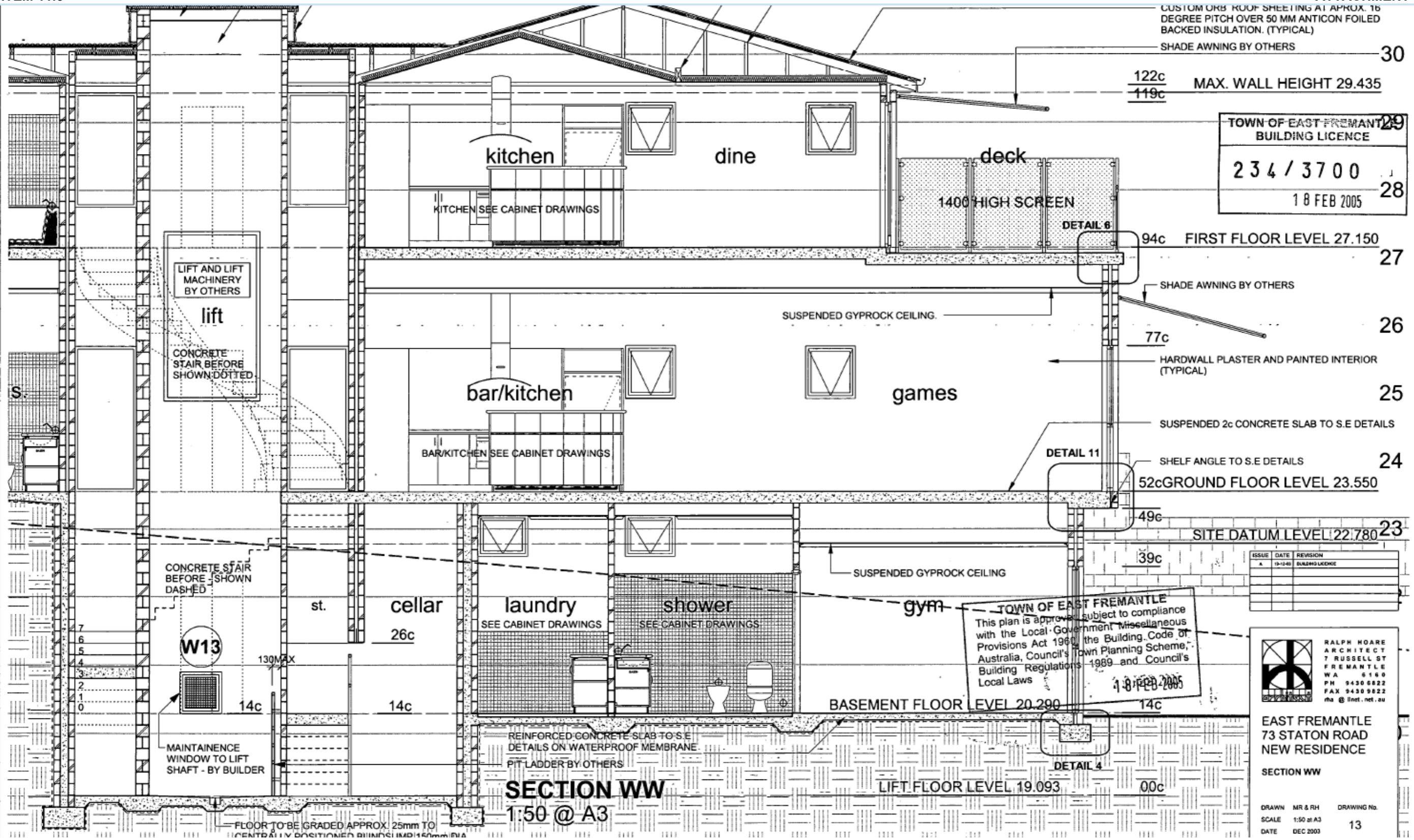


SOUTH ELEVATION
1:100 @ A3



ISSUE	DATE	REVISION
A	19-10-05	BUILDING LOGS

 RALPH HOARE
ARCHITECT
7 RUSSELL ST



TOWN OF EAST FREMANTLE
 BUILDING LICENCE
 234 / 3700
 18 FEB 2005

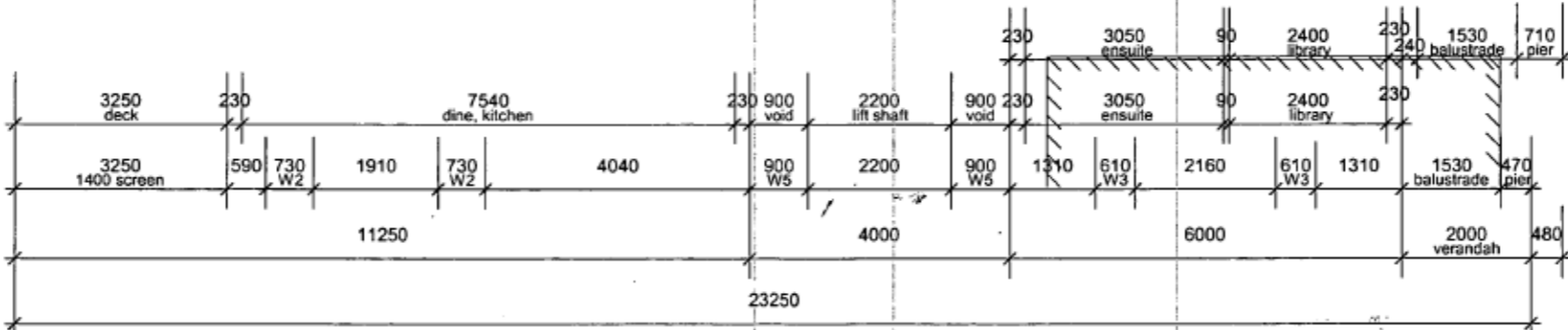
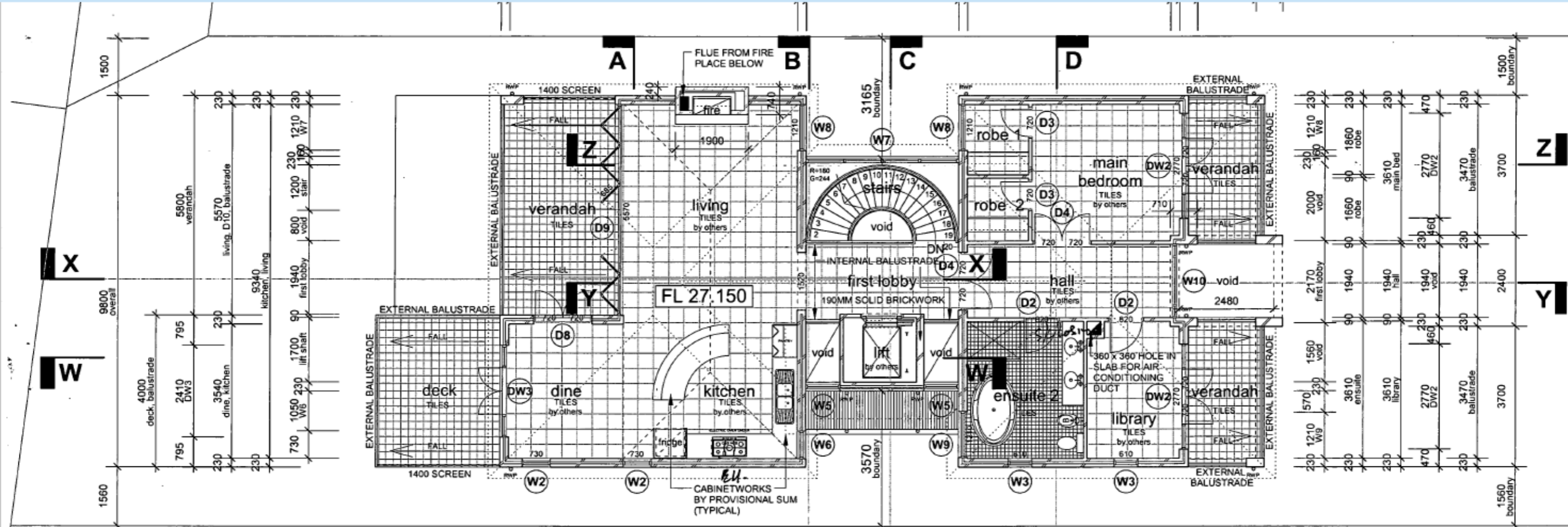
ISSUE	DATE	REVISION
A	19-12-00	BUILDING LICENCE

TOWN OF EAST FREMANTLE
 This plan is approved subject to compliance with the Local Government Miscellaneous Provisions Act 1960, the Building Code of Australia, Council's Town Planning Scheme, Building Regulations 1989 and Council's Local Laws
 18 FEB 2005

RALPH HOARE
 ARCHITECT
 7 RUSSELL ST
 FREMANTLE
 WA 6160
 PH 9430 6822
 FAX 9430 6822
 rha@inet.net.au

EAST FREMANTLE
 73 STATON ROAD
 NEW RESIDENCE

SECTION WW
 DRAWN MR & RH
 SCALE 1:50 @ A3
 DATE DEC 2003
 DRAWING No. 13



FIRST FLOOR PLAN
1:100 @ A3

TOWN OF EAST FREMANTLE
This plan is approved subject to compliance with the Local Government Miscellaneous Provisions Act 1960, the Building Code of Australia, Council's Town Planning Scheme, Building Regulations 1989 and Council's Local Laws.
18 FEB 2005

TOWN OF EAST FREMANTLE
BUILDING LICENCE
234 / 3700
18 FEB 2005

ISSUE	DATE	REVISION
A	18-12-04	BUILDING LICENCE

RALPH HOARE ARCHITECT
7 RUSSELL ST
FREMANTLE WA 6160
PH 9430 8822
FAX 9430 8822
rha@inet.net.au

EAST FREMANTLE
73 STATON ROAD
NEW RESIDENCE

FIRST FLOOR PLAN

DRAWN: RH & PK DRAWING No.
SCALE: 1:100 @ A3 06
DATE: DEC 2003
JOB No. 02245 ISSUE: A

Mr Philip Di Nunzio
73A Staton Rd
East Fremantle
WA 6158

Mr Andrew Malone
Executive Manager Regulatory Services

Dear Andrew Malone,

RE: Non-Compliance with condition of Planning Approval (18 February 2003) & Building Permit (18 May 2005)

I refer to the above-mentioned notice dated 15 May 2020, and the Direction to install the screening to the southern elevation of the first level balcony, and additional discussions during a meeting with Christine Catchpole on the 3rd December 2020.

I hereby seek Council's special approval to maintain the existing balustrade in its current condition.

- Balustrade on the southern elevation of the first level balcony is non-obscured
- The height remains as one (1) meter.

Please take notice that the screening in its current condition is high quality, durable and permanent. The existing balustrade maintains the symmetry and architectural design of the home. Currently, I have a unique view to the harbor from my dining and lounge room. To comply with Council's request would obscure this view.

If it so pleases the Council, I would welcome an opportunity to invite you to my home to view the balustrade, so you can see my dilemma for yourself.

Further, I request Council take into consideration that I have resided in East Fremantle since 1965 and have owned 7 properties here during that time.

Warm regards

Mr Phillip Di Nunzio