



MINUTES

UNCONFIRMED

Town Planning Committee

Tuesday, 4 August 2020 at 6.36pm

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MINUTES OF THE ORDINARY MEETING OF THE TOWN PLANNING COMMITTEE HELD IN THE COUNCIL CHAMBER, 135 CANNING HIGHWAY, EAST FREMANTLE ON TUESDAY 4 AUGUST 2020.

1. DECLARATION OF OPENING OF MEETING/ANNOUNCEMENTS OF VISITORS

Presiding member opened the meeting at 6.36pm and welcomed members of the gallery.

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. RECORD OF ATTENDANCE

3.1 Attendance

The following members were in attendance:

Cr C Collinson	Presiding Member
Mayor J O’Neill	
Cr A Natale	
Cr J Harrington	
Cr D Nardi	
Cr A Watkins	

The following staff were in attendance:

A Malone	Executive Manager Regulatory Services
K Culkin	Minute Secretary

There were 4 members of the public in attendance

3.2 Apologies

Nil

3.3 Leave of Absence

Nil

4. MEMORANDUM OF OUTSTANDING BUSINESS

Nil

5. DISCLOSURES OF INTEREST

5.1 Financial

Nil

5.2 Proximity

Nil

5.3 Impartiality

5.3.1 Cr Harrington – Item 11.1 No 8 Unit 1 Silas Street

6. PUBLIC QUESTION TIME

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

Nil

6.2 Public Question Time
Nil

7. PRESENTATIONS/DEPUTATIONS

7.1 Presentations
Nil

7.2 Deputations
Nil

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 Town Planning Committee (7 July 2020)

8.1 OFFICER RECOMMENDATION

Moved Cr Nardi, seconded Cr Watkins

That the minutes of the Town Planning Committee meeting held on Tuesday 7 July 2020 be confirmed as a true and correct record of proceedings.

(CARRIED UNANIMOUSLY)

9. ANNOUNCEMENTS BY THE PRESIDING MEMBER
Nil

10. REPORTS OF COMMITTEES
Nil

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PROCEDURAL MOTION

Moved Cr Nardi, seconded Cr Natale

That the order of business be changed to allow members of the gallery to speak to specific planning applications.

(CARRIED UNANIMOUSLY)

11. REPORTS OF OFFICERS (COMMITTEE DELEGATION)

Cr Harrington declared the following impartiality declaration "As a consequence of the applicant, L&K Brown Pty Ltd being known to me as I have been a previous client, there may be a perception that my impartiality on the matter may be affected with regard to the determination of this application. I declare that I have considered this matter entirely on its merits and with complete impartiality and objectivity"

11.1 Silas Street Unit 1 No 8 (Lot 1) Proposed change of use to vet clinic and associated signage

Owner	Colibri Nominees Pty Ltd
Applicant	L & K Brown Pty Ltd
File ref	P049/20
Prepared by	James Bannerman Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	4 August 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Purpose

The purpose of this report is for Council to consider a planning application for a proposed change of use from a pharmacy to a vet hospital (for cats only) and the associated signage at Unit 1 No 8 (Lot 1) Silas Street, East Fremantle.

Executive Summary

The applicant is seeking Council approval for the change of use from a pharmacy to a vet clinic (specialising in cats) and the associated advertising signage for the business. According to the Town's Local Planning Scheme No 3 a veterinary centre is an "A" use in the Town Centre so must be advertised prior to being presented to Council for approval. No variations are requested to Local Planning Policy 3.1.2: Signage Design Guidelines.

It is considered that the proposed change of use and the proposed signage can be supported subject to conditions of planning approval being imposed.

Background

Zoning: Town Centre
Site area: 142m²

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

Unit 2 No 8 Silas Street - P138/14 – change of use – take away coffee shop – approved 2 December 2014
Unit 2 No 8 Silas Street – P117/16 – change of use – health and beauty consultants – approved 4 December 2016
Unit 2 No 8 Silas Street – P066/17 – change of use – consulting room to office – approved 1 August 2017

Consultation

Advertising

The application was advertised to surrounding land owners from 29 May 2020 to 16 June 2020. One submission was received. The applicant also engaged in informal consultation with his neighbours by posting a note in the letterbox of the other tenants/residents in the building.

Submission	Applicant Comment	Officer Comment
<p>I am writing to inform you of my opposition to the proposed planning application P049/20. I have recently purchased the apartment directly over the proposed Veterinary clinic as an owner occupier; and am opposed to the proposed change of use. Having animals in distress during procedures and potentially in pain during recovery directly below living room and main bedroom will undoubtedly cause issues with noise. While cats do not bark, they can howl when distressed, I am sure reading this you have been woken by a cat fight at some point. With my work as an engineer I sometimes work from home as required and noise will obviously have an adverse effect on my productivity. Alongside the request for approval for the clinic the potential client has requested a gate from the off-street parking, this is to allow their staff a thoroughfare from the existing building to the proposed premises. I have already voiced my opposition to the strata company with regards to this. Another means of access to the carpark and back of the buildings from an alleyway with minimal lighting at night poses a crime risk. My vehicle is parked here overnight and is therefore more at risk than the vehicles of the commercial users. I have had my vehicle broken into before and one of the appealing things in purchasing this property was the more secure parking. We have requested the current entrance have a security boom gate installed by the strata company. Furthermore, and something I did not think of until discussions</p>	<p>1. Regarding noise from the cats We pride ourselves on our staffing team being involved and promoting stress free techniques with the animals in our practices. Our May Street clinic is an accredited cat clinic and stress-free practice. This extensive additional training is an evolved approach to patient care within the veterinary environment to minimise any stress during the pets stay with us. Stress free within a cat only clinic utilises promoting quiet calm environments, without other species of animals including dogs, the use of feline pheromones and quiet music to create a calming environment for cats. Cats who are still stressed within the clinic are provided with sedatives to reduce anxiety in the clinic environment. As such there is minimal noise and stress with our feline patients who are currently treated at the May street practice and we anticipate the same on Silas Street. We certainly agree there is nothing quite like being woken by a cat fight in the night and the noise can be quite distressing. This level of distress and noise is not something that would be considered acceptable within our practice from a patient comfort level, from concerned staff, owners of patients and surrounding persons. All potentially painful procedures are performed under anaesthesia and cats waking from anaesthetic, like us, tend to sleep for several hours before waking up fully after which it is generally time to go home. With regard to noise at night, as at the May Street clinic, animals are encouraged to go home at night, as no-one is in the hospital to look after them. If they are very unwell or require ongoing care, they are often transferred to an Emergency Veterinary Centre for overnight care (we have two close by). On the rare occasion a patient may stay overnight, however this is only offered in the event that the patient will not be stressed by the overnight stay. At May Street, which is a much busier clinic, we would have an overnight pet possibly once or twice a month. With regard to general noise during the day, we are anticipating one vet and one nurse on the premises. The morning and late afternoon would be our consulting hours - we offer 30-minute consultations, so in a one-hour period we may have two clients and their cats visiting the clinic. During the middle of the day we perform procedures and follow up phones calls etc. The surgery theatre is a quiet environment and minimal noise would be expected. Critical cats or otherwise very unwell cats would likely be transferred to the clinic on May Street due to the higher staffing levels and the closer monitoring of the patient that that would provide. Other noises would include phones ringing, people talking etc. I do not anticipate this being louder than any other commercial business.</p> <p>2. Gate</p>	<p>A condition will be included in the recommendation that requires the applicant and owner to install noise insulation between the vet clinic and the upper storey apartments to mitigate noise transfer between the ground floor and the first floor. The Town will not support the installation of boom gates to the parking lot unless they are open during business hours as customer parking for the commercial properties on the ground floor is provided at the rear of the building and is a condition of the approval of the operation of commercial premises on the subject property. The gate to the laneway will be conditioned to be excluded from this development application as the laneway is privately owned and approval has not been sought from the relevant strata owner. Only one submission was received following the advertising period. There are limited restrictions on the type of businesses located within commercial spaces in mixed use buildings; the key is to ensure that there are not significant amenity impacts from commercial operations and if there are then measures are undertaken to mitigate negative impacts. There will always have to be some trade-offs between commercial and residential users within mixed use buildings. In exchange for being close to Town Centres and the benefits that are derived from such locations will be certain amenity</p>

<p>with my neighbour (who has already lodged his opposition to the project) is related to the crime risk of the drugs kept in veterinary practices.</p> <p>And finally, I have a concern over the waste, with the council's current waste strategy removing red general waste every other week this means there would be animal waste sitting in the refuse for prolonged periods within the car park where the garbage bins are kept. In Perth summers I can't imagine this will be pleasant.</p> <p>In summation, while the veterinarian's current premises are situated in a detached building where noise and disturbance to other residents is less of an issue; I do not think this is an appropriate use of commercial space within a mixed-use building. Which has directly adjoining walls to residential properties.</p> <p>Thank you for taking the time to consider my opposition to this proposal. I await your decision.</p>	<p>We have put in an application with Strata to have a gate put in the car park fence next to the back door of the proposed premises. The proposed gate would be made of the same colour bond material as the fence, they can be made so that they look exactly like the fence. The gate would have a self-closing mechanism to ensure that it was shut at all times, it would be self-locking, key locked and would be attached to our alarm system to ensure it was closed at night. I do not see that this would increase the security risk to the back car park as it would not be any more accessible than the fence itself.</p> <p>3. Burglary/Crime</p> <p>With regard to burglary in Veterinary Clinics in Western Australia, it is not very common. Veterinary clinics are only able to store very small amounts of S8 drugs (drugs of abuse). Below is listed the specifications for the drug safes from the health department of WA that are required for veterinary practices to purchase and sort S8 drugs. In nearly every case the burglary is unsuccessful in getting S8 drugs. This is a list of the requirements of these safes. Also, the quantities of drugs kept are limited to very small amounts.</p> <ul style="list-style-type: none"> • cabinet and door made from solid steel plate at least 10 mm thick or a steel skin with concrete fill at least 50 mm thick • continuous welding of all joints • door fitted flush to cabinet with a maximum 1.5 mm clearance when closed • hinge system that does not allow the door to open if the hinge is removed • 6 lever key lock, 4-wheel combination lock or digital lock providing equivalent security • The safe must be securely bolted directly to a concrete floor or concrete or brick wall. • The bolts used should be four masonry anchors such as Loxin or Dyna Bolts, measuring at least 12 mm (width) by 50 mm (length). • https://ww2.health.wa.gov.au/en/Articles/S_T/Storage-of-Schedule-8-medicines <p>As you can see the success of getting access to S8 drugs in a Veterinary Clinic is very low. The May Street clinic also has a monitored alarm systems and security cameras. We would not only have the above safe at Silas Street, but also a monitored alarm system and there is a security camera set up already. There are currently also security shutters on the only two entrances and bollards on the footpath in front of the front door from when the chemist was there.</p> <p>In comparison the previous tenant did have large quantities of not only S8 drugs but pseudoephedrine containing drugs as well. Therefore, a Veterinary Clinic poses a much lower risk than the previous tenant.</p> <p>4. Smell</p> <p>We are proud to be one of the first small businesses in the area using the FOGO system. With the litter material we use we are able to utilise this system and weekly bin collections. Our Red Top General Rubbish is sealed in bags and waste odour has never been an issue. Should it be, we would be the first to be addressing it. We are reliant on a clean indoor and outdoor environment at all times (including our car park area where our bins are housed) and we maintain a</p>	<p>impacts, including increased pedestrian traffic, increased noise and restricted parking.</p>
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	<p>pristine litter and odour free environment with staff assessing on a daily basis and professional fortnightly tidy ups of the outdoor area.</p> <p>Having worked closely with the residents for the past nine years we consider ourselves to be part of the East Fremantle Community. We have never had any noise or smell complaints from any of the neighbours and also work to keep noise at a minimum. We certainly do not wish to cause any distress to those surrounding the proposed premises and should the application be approved would like you to consider our management team highly approachable. We are willing to work through any concerns that may arise in the future and are open to being approached should the need arise.</p>	
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Community Design Advisory Committee (CDAC)

The application was not referred to CDAC due to the COVID19 pandemic. It would not normally be referred to CDAC, as there are no design issues or significant streetscape impacts.

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 2017 – 2027 states as follows:

Built Environment

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

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

Natural Environment

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

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

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

4.1.2 Plan for improved streetscapes parks and reserves.

4.2 Enhance environmental values and sustainable natural resource use.

4.2.1 Reduce waste through sustainable waste management practices.

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

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

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 Local Planning Policy 3.1.2: Signage Design Guidelines. A summary of the assessment is provided in the following tables.

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

Local Planning Policies Assessment

LPP 3.1.2 - Signage Design Guidelines	Status
A single sign per building	A
Maximum height 1m	A
Maximum length 3m	A

This development application proposes a change of use from a pharmacy to a veterinary hospital (specialising in cats only) at Unit 1, No 8 Silas Street East Fremantle. The complex comprises 2 commercial units on the ground floor and 2 residential units on the upper storey.

An application for new signage has also been included with the change of use application.

There are a number of issues that have to be addressed as part of the assessment of this proposal including whether the proposed use is permitted and is appropriate for the subject site, the provision of parking on site, whether the signage proposal complies with the Signage Design Guidelines, the need for a waste management plan and ensuring that a building permit is sought for any internal works on site including the internal fit out of the premises.

Requirements of the Veterinary Surgeons Act (1960)

Veterinary clinics are required to be approved by the Veterinary Surgeons' Board. Under the Veterinary Surgeons Act (1960) the subject premises would be defined as a *veterinary hospital* as the animals would potentially be accommodated overnight as stated by the applicant in the original cover letter provided with the development application.

Council Approval Required

As part of the Veterinary Surgeons Act and the requirements of the Veterinary Surgeon's Board vet centres must have local government approval to operate. Not only does this development application ensure that the proposed use is appropriate for the subject site, but also ensures compliance with the operator's requirements for registration as a veterinary practice.

Zoning

Local Planning Scheme No 3 defines veterinary centres as "premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders". Under clause 4.3 of LPS3 veterinary centres are listed as an "A" use which states that "the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4". Clause 9.4 requires that one or more forms of advertising of the proposed change of use are undertaken for a minimum of 14 days and this is in alignment with the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* which has the same requirements. Advertising of the proposal was undertaken via letters being sent to the owners of surrounding commercial and residential properties. One submission was received after the 14 days advertising period and is detailed above, with a response from the applicant.

Residential Units and Noise

It is noted that there are 2 residential units that are located above the 2 commercial units at this address. There is always the potential for amenity issues to be created as a result of the blending of commercial business operations within buildings that also have a residential component. This arrangement is not unusual in Town Centres nor is it discouraged by contemporary planning principles. Nonetheless as part of ensuring that the proposed veterinary centre can co-exist on site with residential premises and to ensure that amenity impacts are mitigated a recommendation will be made to require sound proofing to be installed in the roof of the vet clinic to minimise carriage of sound from the daily operations of the business. The applicant has also provided detailed information regarding the operations within the building and with the exception of ad hoc overnight stays, animals will not overnight in the building. The results in the business being a day time operation only, mitigating impacts to the internal strata neighbours as customers and patients will not generally be present outside of normal operating hours.

Strata Approval

It is noted that there have been ongoing discussions between the Town, the applicant and representatives acting on behalf of the owner concerning the strata and the Strata By-Laws. The application relates to the change of use for Lot 1 from a pharmacy to veterinary clinic and only relates to the common property in the context that the car parking for the lot is accessed via a common property access leg, which has been utilised by that property since developed.

It is noted that consent of the other owners is not required as the owners and the Strata Company have already consented to and approved the change in use under the by-laws. The applicant has provided a copy of the strata by-laws applicable to 8 Silas Street, and in particular, the document being Management Statement I563602 ("By-Laws"). The strata by-laws are a set of rules which have been agreed to, and enacted by, the owners of the strata scheme. The by-laws govern how people in the strata scheme can act,

and the owners must observe the by-laws in their relationship with each other and in the ownership of their lot. By-Law 17 provides the owner/tenant of Lots 1 and 2 can use their lots for a commercial and or retail business. By-Law 17 allows any commercial and or retail business to be conducted from these lots provided the owner/tenant:

- (a) ensures the commercial and or retail business conducted from these strata lots are conducted in accordance with the Town of East Fremantle's requirements and regulations; and
- (b) takes all reasonable steps to ensure the conduct of the business from Lots 1 and 2, and the behaviour of patrons, does not unduly impact on the peaceful enjoyment of the other proprietors and residents.

Whilst the Town is not governed by the requirements of the Strata by-laws, the above by-laws are noted. This assessment has been undertaken as per the relevant planning legislation and Local Planning Scheme the Town is required to utilise in the assessment of development applications. The Town has maintained that sign-off from the complex's strata owners or strata body is not necessary to ensure that the development application can proceed based on the by-laws of the Strata, however as per the requirements of the Scheme, the Town advertised the proposal and has assessed the change of use based on the merits of the application and any submission received.

Parking

Local Planning Scheme No 3 requires that 2 car bays are provided for every veterinary practitioner and 1 car bay is provided for every staff member that is present within the practice. In this case 4 car bays are required as it is proposed to have 1 vet practitioner carrying out consultations and surgery at the premises and 1 nurse in attendance at all times. It is stated in the original cover letter that accompanied the development application that the applicant will park at the existing veterinary clinic at 23 May Street (which he also operates) to reduce the demand on parking. Additionally, as this will be the second operating clinic in the immediate vicinity, both operated by the same practitioner, it is considered there will be synergies in operations between both properties, minimising any potential impacts to the surrounding area.

There are currently 2 car bays that are provided at the rear of the subject site that are dedicated for the use of the proposed vet clinic and as such there is a deficit of 2 car bays. Given that the surrounding area is a commercial area and there are many car bays located along May Street and in front of the proposed business on Silas Street that are available for customers parking. The parking on Silas Street is timed parking which will ensure a regular turnover of vehicles for customer use rather than bays being used by staff. There are many commercial businesses operating in the area and the turnover of customers in the area and movement of vehicles will result in car parking becoming available for customers of the vet centre.

Furthermore, the pharmacy was required to have four bays and as such the proposed shortfall is consistent with the current use. The customer demand is considered similar, therefore the overall impact from parking demands are considered consistent.

Overall, the deficit of car parking spaces is considered acceptable and as such is supported.

Waste Management

It is stated in the documentation provided by the applicant that waste produced by the veterinary centre will be separated into general waste, FOGO (food organic and garden organic), recycling, medical waste and deceased animals. The latter 2 types of waste are to be dealt with by specialist waste contractors that will collect the waste to ensure that it is disposed of in the correct manner in accordance with the requirements of registration as a veterinary hospital.

The applicant has provided a set of plans showing the layout of the premises. It is noted that the waste bins are stored at the rear of the property and they are out of sight of the streetscape.

Signage

A signage plan has also been submitted with documentation showing the size and details of a proposed wall sign. It is noted that the signage plan is consistent with the existing signage onsite.

The sign will be wall-mounted and located 2.5m above the ground. It will measure 0.8m high, 2.5m wide and 0.03m deep. The sign is to be constructed from acrylic and will be illuminated with a steady background light and illuminated letters.

Based on the information presented by the applicant the sign would be defined as a wall sign. The requirements for such a sign include a single sign per building, a maximum height of 1m and a maximum length of 3m in accordance with the acceptable solutions from the Signage Design Guidelines. The proposed sign achieves these requirements and as such can be supported. No variations to the Signage Design Guidelines are proposed, however, the applicant has stated that additional signage may be requested in the future so a condition has been included in the recommendation that requires the applicant to submit a development application for any further signage proposals.

Conclusion

Upon consultation with the Environmental Health Officer it was highlighted that it is essential that the practice is set up to comply with the requirements of the Veterinary Registration Board. By gaining approval of the Town and ensuring that the issues highlighted in this report are addressed the applicant is achieving the requirements of the Town and some of the requirements of the Veterinary Registration Board. Considering the operation of the other clinic in the area, the Town has received no complaints regarding the existing operations, and it is expected the expansion of the business will be operated in a consistent way.

Given that zoning is appropriate for the planned use as a veterinary centre, the parking deficit is small (deficit of 2 car bays) and consistent with the existing use requirements, signage is appropriate for the site, waste management is appropriate for the site and the potential noise issues can be controlled (as conditioned), it is recommended that the change of use and the associated signage be supported.

Based on the assessment that has been completed for this development and the explanation provided in this report, it is recommended that the proposed change of use and the associated signage be supported subject to planning conditions.

- Mr Leon Brown (applicant) spoke in support of the officer's recommendation.

11.1 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP010820:

Moved Cr Nardi, seconded Cr Watkins

That approval for the change of use and the associated signage plan is granted and Council exercises its discretion in regard to the following;

- (i) Schedule 10 – Local Planning Scheme No 3 – Car Parking – 4 car bays required; 2 car bays provided**

for a veterinary clinic (specialising in cats) at Unit 1 No. 8 (Lot 1) Silas Street, East Fremantle, in accordance with the plans date stamped received 19 May 2020, subject to the following conditions:

- (1) Sound proofing is to be installed above the ceiling and in the roof cavity of the premises to provide noise insulation to the upper storey apartments to the satisfaction of the Chief**

- Executive Officer in consultation with officers of the Town. This noise insulation is to be indicated on the building plans to be submitted for the internal fit-out.
- (2) The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
 - (3) The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 - (4) With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
 - (5) No additional signage is permitted without the submission of a development application for the consideration of the Town.
 - (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) 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.
 - (8) 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.
 - (9) This planning 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) *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.*

(CARRIED UNANIMOUSLY)

Note:

As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 19 May 2020 this application deemed determined, on behalf of Council, under delegated authority.

UNCONFIRMED

11.4 13 Locke Crescent No 13 (Lot 5005) Proposed alterations and additions

Owner	James Vince & Susan Ellwood
Applicant	John Chisholm Design
File ref	P059/20
Prepared by	James Bannerman Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	4 August 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Location plan2. Site photos3. Plans date stamped 29 June 20204. Community consultation

Purpose

The purpose of this report is for Council to consider a planning application for proposed alterations and additions at No 13 (Lot 5005) Locke Crescent, East Fremantle.

Executive Summary

A second storey is proposed for this dwelling with a new master bedroom, ensuite, kitchen, dining, living room and alfresco. Two bedrooms, a double garage, below ground pool and pool pavilion are also being added to the lower storey. The design has maintained the total height for the development on the sloping lot below the maximum of 6.5m above natural ground level that is permissible for a concealed roof in accordance with the Residential Design Guidelines.

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 – Garage – 1m required, 0m provided;
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Bed 3 & family - 1.8m required, 1.5m provided;
- (iii) Clause 5.3.7 – Residential Design Codes – Site Works – excavation less than 0.5m, excavation greater than 0.5m
- (iv) Clause 5.3.8 – Residential Design Codes - Retaining Walls – maximum 0.5m height required, greater than 0.5m provided;

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

Background

Zoning: Residential R17.5

Site area: 736m²

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

Nil

Consultation

Advertising

The application was advertised to surrounding land owners from 17 June to 2 July 2020. One neighbouring property owner visited the Town and spoke to Council officers to discuss the proposal and concerns regarding the loss of views and loss of privacy into the rear yard as a result of the development. It was explained that there were minimal impacts to neighbouring properties as a result of the design limiting the height to 6.5m from ground level and use of highlight windows and obscure glazing. No written submissions were received.

Community Design Advisory Committee (CDAC)

The application was not referred to CDAC due to the COVID19 pandemic.

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 2017 – 2027 states as follows:

Built Environment

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

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

Natural Environment

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

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

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

4.1.2 Plan for improved streetscapes parks and reserves.

4.2 Enhance environmental values and sustainable natural resource use.

4.2.1 Reduce waste through sustainable waste management practices.

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

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

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			
Garage	1m	0m	D
Bed 2 – south west boundary	1.5m	5.388m	A
Bed 2 – south east boundary	1m	1.5m	A
Bed 3 & family	1.8m	1.5m	D
Bed 1 robe & ensuite	1.2m	6.383m	A
Ensuite & kitchen	3.5m	5.388m	A
Kitchen, dining & living	1.5m	1.5m	A
Open Space	50%	67%	A
Car Parking	1-2 car bays	2 car bays	A
Site Works	<0.5m	>0.5m	D
Visual Privacy	7.5m	<7.5m (visual privacy screening added)	A
Overshadowing	<25%	<25%	A
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	D
3.7.5 Demolition	N/A
3.7.6 Construction of New Buildings	A
3.7.7 Building Setbacks and Orientation	A
3.7.8 Roof Form and Pitch	A
3.7.9 Materials and Colours	A
3.7.10 Landscaping	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	To be conditioned
3.7.17.3 Garages and Carports	D
3.7.17.4.3 Fremantle Port Buffer Area	N/A

This development application proposes alterations and additions to an existing property at No 13 (Lot 5005) Locke Crescent East Fremantle. A second storey is proposed with a new master bedroom, ensuite, kitchen, dining, living room and alfresco. Two bedrooms, a double garage, below ground pool and pool pavilion are being added to the lower storey. The design has maintained the total height for the development on the sloping lot below the maximum of 6.5m above natural ground level that is permissible for a concealed roof. Four variations are requested to the requirements of the Residential Design Codes. The variations are discussed below.

Lot Boundary Setback – Garage

The garage wall is located on the boundary and is 6.574m long and 3.3m high with no major openings. It is required to be setback 1m from the boundary in accordance with Table 2a and the deemed to comply provisions clause 5.1.3 C3.1 i. The garage does achieve the design principles clause 5.1.3 P3.2 in terms of the reduced boundary setback and for the following reasons can be supported;

- There is more effective use made of space for enhanced privacy for the occupants;
- Reduces the impact of building bulk on adjoining properties;
- There is no impact on sunlight or ventilation to the building or open spaces on the site or adjoining properties;
- Minimises the extent of overlooking and resultant loss of privacy on adjoining properties;
- Does not have an adverse impact on the amenity of the adjoining property;
- Sunlight to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted and;
- Positively contributes to the prevailing and future development context and streetscape as outlined in the local planning framework.

For these reasons the reduced boundary setback can be supported.

Lot Boundary Setback – Bedroom 3 and Family Room

Bedroom 3 and the family room have a wall length of 8.5m and a height of 3.65m with major openings. The wall is required to be setback 1.8m from the southern boundary although in this case the wall is setback 1.5m. The wall does not achieve the Residential Design Codes deemed to comply provisions clause 5.1.3 C3.1 i but does achieve the design principles clause 5.1.3 P3.1 for the following reasons;

- The proposal has minimal impact of building bulk on adjoining properties;
- Maximises the effective use of space without causing excessive additional massing close to the boundary;
- There is no impact on sunlight or ventilation to the building or open spaces on the site or adjoining properties;
- Minimises the extent of overlooking and resultant loss of privacy on adjoining properties;

For these reasons the reduced boundary setback can be supported.

Site Works

There are changes in the levels of the front yard where it is proposed to locate a below ground swimming pool and a pool pavilion. Excavation of the land between the street and building or within 3.0 m of street alignment exceeds 0.5m at certain points. The deemed to comply clause 5.3.7 C7.1 from the Residential Design Codes is not achieved. However, the design principles clause 5.3.7 P7.2 is achieved. The excavation that occurs across the site respects the natural ground level at the lot boundary of the site and as viewed from the street. The proposed levels ensure that the bulk and scale of the development in the front yard has a lower profile and minimal impacts on the surrounding properties. For these reasons the proposed changes in site levels can be supported.

Retaining Walls

The proposed side walls help to retain the soil across and beyond the site. In accordance with the Residential Design Codes deemed to comply provisions clause 5.3.8 C8 retaining walls are permitted up to 0.5m high and up to or within 1m to the lot boundary for landscaping. In this case the walls are up to 1.8m above natural ground level. The retaining walls increase the land that can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to the site works proposed for the site and visual privacy. For these reasons the proposed retaining walls can be supported.

Amended Plans

Amended plans were submitted by the applicant following the initial assessment of the proposal and it was agreed to add visual privacy screening on the northern edge of the upper storey balcony and to have the garage moved back to comply with the 1.2m setback from the front building line. In addition, more details were provided regarding the front fence and site levels to clarify the plans in this section of the design.

Conclusion

The proposed development represents a significant increase in the size of the original dwelling. A second storey has been added that includes a master bedroom, ensuite, kitchen, dining and living area. On the lower level a garage, poolside pavilion, below ground pool and front fence have been proposed. The dwelling was designed to minimise the impact on neighbouring properties through the use of highlight windows and obscure glass, as well as a concealed roof to limit the height of the structure and impacts on surrounding properties and potential loss of river views. It is noted that the proposed development was advertised for 14 days to neighbouring properties. No written submissions were received.

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 are considered acceptable. As such it is recommended that the proposed development be supported subject to planning conditions.

11.4 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP020820:

Moved Cr Natale, seconded Cr Nardi

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 – Garage – Northern Boundary - 1m required, 0m provided;
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Bedroom 3 and Family Room – Southern Boundary - 1.8m required, 1.5m provided;
- (iii) Clause 5.3.7 – Residential Design Codes – Site Works – maximum 0.5m height required, greater than 0.5m variation in levels provided
- (iv) Clause 5.3.8 – Residential Design Codes - Retaining Walls – maximum 0.5m height required, greater than 0.5m provided;

for alterations and additions at No. 13 (Lot 5005) Locke Crescent, East Fremantle, in accordance with the plans date stamped received 29 June 2020, subject to the following conditions:

- (1) The crossover width of the new driveway is not to exceed the dimensions indicated on the plans date stamped received 30 June 2020 and to be in accordance with Council's crossover policy as set out in the Residential Design Guidelines (2016) and Council Crossover Specifications (2017).
- (2) The verge tree on Locke Crescent is to be protected with a cage during construction works to the satisfaction of the Chief Executive Officer and no pruning or removal of branches of the tree is to be undertaken before, during or after works are undertaken without the written approval of Council.
- (3) The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
- (4) The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this planning 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 planning 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 planning 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) 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.*

(CARRIED UNANIMOUSLY)

Note:

As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 19 May 2020 this application deemed determined, on behalf of Council, under delegated authority.

11.3 Petra Street No 131 (Lot 424) Proposed alterations and additions

Owner	David & Leona Grbavac
Applicant	John Chisholm Design
File ref	P060/20
Prepared by	James Bannerman Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	4 August 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Purpose

The purpose of this report is for Council to consider a planning application for proposed alterations and additions at No 131 (Lot 424) Petra Street, East Fremantle.

Executive Summary

This dwelling is a Category C heritage dwelling. The rear rooms of the dwelling are being demolished and the front of the building is being retained. Extensive additions are being undertaken including the addition of a single car garage, a combined living, dining and kitchen area, laundry and three additional bedrooms, as well as rear verandah, cabana and below ground swimming pool.

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 – Bedroom 4 – Western Boundary – 6m required, 3.12m provided;
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Bedroom 3 & 4 – Southern Boundary – 1m required, 0m provided;
- (iii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Bathroom, Powder Room & Bedroom 2 – Southern Boundary - 1m required, 0m provided;
- (iv) Clause 3.7.15 – Residential Design Guidelines – Garage Setback – 1.2m behind building required, 0.843m provided;
- (v) 3.7.9.3 _ Residential Design Guidelines – Roof Materials – tiles required, zincalume provided
- (vi) Clause 5.3.8 – Residential Design Codes – Retaining Walls – 0.5m high and 1m setback required; 1.2m high and 0.5m setback provided;

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

Background

Zoning: Residential R12.5

Site area: 804m²

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

Nil

Consultation

Advertising

The application was advertised to surrounding land owners from 17 June to 2 July 2020. No submissions were received.

Community Design Advisory Committee (CDAC)

The application was not referred to CDAC due to the COVID19 pandemic.

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 2017 – 2027 states as follows:

Built Environment

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

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

Natural Environment

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

- 4.1 *Conserve, maintain and enhance the Town's open spaces.*
 - 4.1.1 *Partner with Stakeholders to actively protect, conserve and maintain the Swan River foreshore.*
 - 4.1.2 *Plan for improved streetscapes parks and reserves.*
- 4.2 *Enhance environmental values and sustainable natural resource use.*
 - 4.2.1 *Reduce waste through sustainable waste management practices.*

- 4.3 Acknowledge the change in our climate and understand the impact of those changes.
4.3.1 Improve systems and infrastructure standards to assist with mitigating climate change impacts.

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			
Lot Boundary Setbacks			
Garage	1m	1m	A
Laundry	1m	1.75m	A
Scullery & study	1.5m	1.535m	A
Deck	1m	1.535m	A
Bed 4 – western boundary	6m	3.12m	D
Bed 3 & 4 – southern boundary	1m	0m	D
Light court	1m	3.134m	A
Bathroom, powder room & bed 2	1m	0m	D
Cabana – northern boundary	1m	1m	A
Cabana – western boundary	1m	1m	A
Open Space	55%	55%	A
Wall Height	6m	4.7m	A
Roof Height	9m	7.8m	A
Car Parking	1-2 car bays	2 car bays	A
Site Works			
Visual Privacy	7.5m	<7.5m	A
Overshadowing	<25%	<25%	A
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	A
3.7.7 Building Setbacks and Orientation	N/A
3.7.8 Roof Form and Pitch	A
3.7.9 Materials and Colours	D
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	To be conditioned
3.7.15.3 Garages and Carports	D
3.7.15.4.3 Fremantle Port Buffer Area	N/A
3.7.15.4 Building Design Requirements	A

This development application proposes alterations and additions to an existing dwelling that has a heritage classification of Category C. The rear section of the dwelling, including a family room, playroom, laundry and toilet is to be demolished to make way for the proposed additions and alterations. The dwelling is to be substantially enlarged with the addition of a single car garage, a combined living, dining and kitchen area, laundry and three additional bedrooms, as well as rear verandah, cabana and below ground swimming pool. Four variations are requested to the requirements of the Residential Design Codes and two variations are requested to the requirements of the Residential Design Guidelines. The proposed development is recommended for support subject to the inclusion of conditions of development. The variations are discussed below.

Lot Boundary Setback – Bedroom 4 – Western Boundary

Bedroom 4 has a wall that is 5.85m long and 3.4m high without major openings. The wall is required to be 6m from the western (rear) boundary, however it is setback 3.12m from the boundary. It does not achieve the Residential Design Codes deemed to comply provisions clause 5.1.3 C3.1 i and Table 1 requirements but does achieve design principles 5.1.3 P3.2 for the following reasons;

- It reduces the impact of building bulk on adjoining properties and the streetscape by ensuring the development is single storey;
- There is no impact on sunlight or ventilation to the building or open spaces on the site or adjoining properties; and
- It minimises the extent of overlooking and resultant loss of privacy on adjoining properties.

As a result, the reduced boundary setback for bedroom 4 can be supported.

Lot Boundary Setback – Bedroom 3 and 4 – Southern Boundary

Bedroom 3 and 4 has a wall that is 7.35m long and 3.4m high, without major openings. The wall is required to be 1m from the southern boundary however, it has a nil setback from the boundary. It does not achieve the Residential Design Codes deemed to comply provisions clause 5.1.3 C3.1 i but does achieve the design principles 5.1.3 P3.2 for the following reasons;

- There is more effective use made of space for enhanced privacy for the occupants and for adjoining neighbours;
- It reduces the impact of building bulk on adjoining properties and the streetscape by ensuring the development is single storey;
- There is no impact on sunlight or ventilation to the building or open spaces on the site or adjoining properties;
- It minimises the extent of overlooking and resultant loss of privacy on adjoining properties;
- It does not have an adverse impact on the amenity of the adjoining property;

- Sunlight to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and
- It positively contributes to the prevailing and future development context and streetscape as outlined in the local planning framework.

For these reasons the reduced boundary setback for bedroom 3 and 4 can be supported.

Lot Boundary Setback – Bathroom, Powder Room & Bedroom 2 - Southern Boundary

The bathroom, powder room and bedroom 2 has a wall that is 8.4m long and 3.5m high without major openings. The wall is required to be 1m from the southern boundary however, it has nil setback from the boundary. It does not achieve the Residential Design Codes deemed to comply provisions clause 5.1.3 C3.1 i but does achieve design principles 5.1.3 P3.2 for the following reasons;

- There is more effective use made of space for enhanced privacy for the occupants;
- It reduces the impact of building bulk on adjoining properties;
- There is no impact on sunlight or ventilation to the building or open spaces on the site or adjoining properties;
- It minimises the extent of overlooking and resultant loss of privacy on adjoining properties;
- It does not have an adverse impact on the amenity of the adjoining property;
- Sunlight to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and
- It positively contributes to the prevailing and future development context and streetscape as outlined in the local planning framework.

For these reasons the reduced boundary setback for the bathroom, powder room and bedroom 2 can be supported.

Garage Setback

The garage has a primary street setback of 0.843m where it is required to have a setback of 1.2m behind existing dwelling's building line in accordance with the Residential Design Guidelines acceptable development provisions 3.7.15.3.3 A3 i. However, the garage does achieve the performance criteria 3.7.15.3.3 P3 because the garage does not visually dominate the streetscape or the buildings to which it belongs, and it does not detract from the heritage character of the contributory building. For these reasons the reduced garage setback can be supported.

Roof Materials

The dwelling currently has orange terracotta roof tiles. It is proposed to change the roof materials to zinalume. In accordance with the Residential Design Guidelines acceptable development provision 3.7.9.3 A2.3 it is stated that replacement materials should match existing materials for contributory buildings and new materials will have to be demonstrated as compatible with the immediate locality. The proposed change of roof materials to zinalume achieves performance criteria clause 3.7.9.3 P2 because existing materials can be replaced with new materials if it can be demonstrated that the new material is compatible with the immediate locality. Zinalume as a roof material is very common across Richmond precinct and there are numerous dwellings along Petra Street that have zinalume as a roof material. For this reason, the proposed change in roof materials can be supported.

Retaining Walls - Western Boundary

There is a retaining wall that is 1.2m high and 6m long within 1m of the western boundary and adjacent to the proposed cabana. It does not meet the deemed to comply requirements of clause 5.3.8 C8 of the Residential Design Codes, however, it does achieve the design principles clause 5.3.8 P8. The retaining walls allow the land to be used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to visual privacy and site works. The retaining wall is the edge of a garden bed and does not impact on the neighbouring property. For this reason, the retaining wall can be supported with this height and setback from the western boundary.

Additional Conditions for Crossover and Verge Tree

It is a policy of the Town that residential dwellings have a single driveway crossover. For this reason and to ensure clarity a condition has been imposed in the recommendation which requires the removal of the original crossover to the south of the property and the remediation of the verge, kerb and footpath in accordance with the Town's crossover and verge requirements. In addition, another condition was included in the recommendation that required that the new crossover does not exceed the maximum dimensions allowed by the Town's Residential Design Guidelines. A verge tree is also required to be protected before, during and after construction works are undertaken on site. All 3 conditions are considered essential in the maintenance of the streetscape along Petra Street and to ensure that streetscapes are kept vegetated with at least one tree and are not dominated by driveways and hard surfaces.

Conclusion

The proposed development will see the retention of the Category C heritage property and improvements made to the dwelling which will improve the aesthetics of the street. The existing property had deteriorated over time. The proposed development will see the existing part of the dwelling renovated and additions will significantly increase the size of the dwelling overall. The proposed development is in keeping with the characteristics of Richmond precinct in that it is single storey and of a bulk and scale that is not excessive or overbearing.

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 relating to alterations and additions at No 131 (Lot 424) Petra Street be supported subject to planning conditions.

- Mr James Vince, Ms Susan Ellwood (applicants) and Mr John Chisolm (architect) attended. Mr Chisolm spoke in support of the officer's report.

11.3 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP030820

Moved Mayor O'Neill, seconded Cr Natale

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

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Bedroom 4 – Western Boundary – 6m required, 3.12m provided;**
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Bedroom 3 & 4 – Southern Boundary – 1m required, 0m provided;**
- (iii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Bathroom, Powder Room & Bedroom 2 – Southern Boundary - 1m required, 0m provided;**
- (iv) Clause 3.7.15 – Residential Design Guidelines – Garage Setback – 1.2m behind building required, 0.843m provided;**

- (v) Clause 3.7.9.3 _ Residential Design Guidelines – Roof Materials – tiles required, zincalume provided
- (vi) Clause 5.3.8 – Residential Design Codes – Retaining Walls – 0.5m high and 1m setback required; 1.2m high and 0.5m setback provided;
- for alterations and additions at No. 131 (Lot 424) Petra Street, East Fremantle, in accordance with the plans date stamped received 30 June 2020, subject to the following conditions:
- (1) The crossover width of the new driveway is not to exceed the dimensions indicated on the plans date stamped received 30 June 2020 and to be in accordance with Council’s crossover policy as set out in the Residential Design Guidelines (2016) and Council Crossover Specifications (2017).
 - (2) The second southernmost crossover is to be removed and the verge, kerb and footpath is to be remediated in accordance with the Council’s verge, kerb and footpath specifications and to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 - (3) The verge tree on Petra Street is to be protected with a cage during works to the satisfaction of the Chief Executive Officer and no pruning or removal of branches of the tree is to be undertaken before, during or after construction works are undertaken without the written approval of Council.
 - (4) The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council’s further approval.
 - (5) The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 - (6) With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council’s attention.
 - (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 planning 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) 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.*

(CARRIED UNANIMOUSLY)

Note:

As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 19 May 2020 this application deemed determined, on behalf of Council, under delegated authority.

UNCONFIRMED

11.2 Stratford Street No 18 (Lot 82) Proposed alterations and additions

Owner	Peter & Jodi Eastman
Applicant	Leslie Jaytilaka – APD Architecture
File ref	P065/20
Prepared by	James Bannerman Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	4 August 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Purpose

The purpose of this report is for Council to consider a planning application for proposed alterations and additions at No 18 (Lot 82) Stratford Street, East Fremantle.

Executive Summary

This development application proposes alterations and additions to an existing dwelling at No 18 (Lot 82) Stratford Street East Fremantle. The dwelling was originally constructed in the late 1950s or early 1960s and comprises of a relatively simple single storey brick and tile bungalow.

The front portion of the dwelling is being retained along with the existing swimming pool, while rear structures including interior and rear walls are being demolished. This dwelling is not heritage listed. There are a large number of rooms being added to the rear, including new kitchen, dining and living room, three bedrooms, games room and a patio. There is extensive landscaping being proposed for the front and rear yard including retaining walls, steps and a new front fence.

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 Code – Lot Boundary Setbacks – 1m required, 0m provided
- (ii) Clause 5.1.3 – Residential Design Code – Lot Boundary Setbacks – 1m required, 0m provided
- (iii) Clause 3.7.11.5 – Residential Design Guidelines – Front Fence – 1.8m height required, greater than 1.8m provided
- (iv) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, less than 28 degrees provided
- (v) Clause 5.3.7 – Residential Design Codes - Site Works – fill up to 0.5m above natural ground level, fill greater than 0.5m above natural ground level
- (vi) Clause 5.3.8 – Residential Design Codes - Retaining Walls – retaining walls up to 0.5m required, retaining walls more than 0.5m above natural ground level provided

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

Background

Zoning: Residential R17.5
Site area: 911m²

Previous Decisions of Council and/or History of an Issue or Site
DA P121/14 – development approval for a shed – 16 September 2014

Consultation

Advertising

The application was advertised to surrounding land owners between 3rd and 17th July 2020. One submission was received and is included in the table below along with the applicant and Town officer’s response.

Submission	Applicant Response	Officer Response
Submission 1 I have some concerns I wish to address. My concern is in regard to the zinalume. Will it be a reflective surface which can create visual amenity issues arising from sunlight reflection and glare?	In accordance with good practice the Zinalume sheeting will be treated with a pre-operatory product to reduce the reflection. This proprietary product will also reduce the glare by making the product less glossy. The roof pitches are shallow which tends to deflect the reflection up rather than down	A condition will be imposed in the recommendation to require the treatment of the zinalume roof to reduce reflectivity if it is deemed to be a problem by the Town following complaints from residents within 2 years of approval.

Community Design Advisory Committee (CDAC)

The application was not 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)*

Policy Implications

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

Financial Implications

Nil

Strategic Implications

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

Built Environment

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

- 3.1 Facilitate sustainable growth with housing options to meet future community needs.*
 - 3.1.1 Advocate for a desirable planning and community outcome for all major strategic development sites.*
 - 3.1.2 Plan for a mix of inclusive diversified housing options.*
- 3.2 Maintaining and enhancing the Town’s character.*
 - 3.2.1 Ensure appropriate planning policies to protect the Town’s existing built form.*

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

3.3.1 *Continue to improve asset management practices.*

3.3.2 *Optimal management of assets within resource capabilities.*

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

Natural Environment

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

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

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

4.1.2 *Plan for improved streetscapes parks and reserves.*

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

4.2.1 *Reduce waste through sustainable waste management practices.*

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

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

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			
Garage – northern boundary	1m	0m	A
Game, laundry, bathroom, bed 2 & 3 – northern boundary	1.7m	1.48m	D
Bed 4 – northern boundary	1m	2.7m	A
Bed 4 – eastern boundary	1m	1.4m	A
Office, dining, living – southern boundary	1.5m	1.14m	D
Open Space	50%	63.7%	A

Wall height	6m	5.8m	A
Roof Height	9m	5.8m	A
Car Parking	1-2 car bays	3 car bays	A
Site Works	<0.5m fill	>0.5m fill	D
Visual Privacy			
Bedroom 2 & 3	4.5m setback	1.48m (highlight windows and obscure glazing)	A
Games room	6m setback	1.48m (highlight windows)	A
Overshadowing	50%	9%	A
Drainage		To be conditioned	A

Local Planning Policies Assessment

LPP Residential Design Guidelines Provision	Status
3.7.2 Additions and Alterations to Existing Buildings	A
3.7.3 Development of Existing Buildings	A
3.7.4 Site Works	D
3.7.5 Demolition	A
3.7.6 Construction of New Buildings	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	D
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	A
3.7.15.4.3.1 Fremantle Port Buffer Area	N/A
3.7.15.3 Garages and Carports	A

This development application proposes alterations and additions to an existing dwelling at No 18 (Lot 82) Stratford Street East Fremantle. The dwelling was originally constructed in the late 1950s or early 1960s and comprised a relatively simple single storey brick and tile bungalow. The proposed development involves the demolition of much of the existing dwelling with the exception of the front façade and front rooms of the building. A new roof and substantial extensions to the rear is proposed with the addition of a new kitchen, dining and living area, games room, 2 new bathrooms, 3 bedrooms and a patio. A new front wall and landscaping is being undertaken in the front yard. The existing pool and rear deck are being retained. The property is not heritage listed. Multiple variations are requested to the requirements of the Residential Design Codes and the Residential Design Guidelines. The proposed development is recommended for support. The variations are explained below.

Lot Boundary Setbacks - Games Room, Laundry, bathroom, Bedroom 2 and 3 - Northern Boundary

The northern wall of the proposed dwelling (which includes the games room, laundry, bathroom, bedroom 2 and bedroom 3) is 17.8m long and approximately 4.2m high. It has no major openings as there is extensive use of obscure glazing and highlight windows 1.6m above finished floor level of the house. In accordance with the Residential Design Codes deemed to comply provisions clause 5.1.3 C3.1i Table 2a requires the wall to be setback a minimum of 1.7m from a boundary. In this case the wall is located 1.48m from the boundary. The wall achieves the design principles clause 5.1.3 P3.1 as:

- The building is set back to reduce the impact of building bulk on adjoining properties;
- Adequate sunlight and ventilation are provided to the building and open spaces on the site and the adjoining properties;

- Overlooking and loss of privacy on adjoining properties is minimised.

For these reasons the proposed reduction in lot boundary setbacks can be supported.

Lot Boundary Setbacks – Office, Dining, Living – Southern Boundary

The office, dining and living area located on the southern boundary has a wall 14.1m long, 2.8m high with a setback of 1.14m. In accordance with the Residential Design Guidelines deemed to comply provisions clause 5.1.3 C3.1 i Table 2a requires that walls are supposed to be located 1.5m from the boundary. The wall is located on the wall with a zero lot boundary. In this case the wall achieves design principles clause 5.1.3 for the following reasons;

- There is more effective use made of space for enhanced privacy for the occupants;
- There is minimal impact on sunlight or ventilation to the building or open spaces on the site or adjoining properties;
- Minimises the extent of overlooking and resultant loss of privacy on adjoining properties;
- Does not have an adverse impact on the amenity of the adjoining property;
- Sunlight to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted and;
- Positively contributes to the prevailing and future development context and streetscape as outlined in the local planning framework.

For these reasons the reduced boundary setback can be supported.

Front Fence

A corner truncation greater than 1.5m is being added to the front fence to ensure sightlines are maintained for reversing vehicles. The remaining part of the fence is being retained and there are no further modifications. This section of fence has pillars and infill panels between 1.8m and 2m, which is above the maximum allowable height of 1.8m in accordance with acceptable development provisions 3.7.11.5 A2.1. However, the increased height can be justified on the grounds that the majority of the fence (2 sections of 5.3m total length) has been added to match the existing fence height and also to act as a retaining wall for the existing front yard. This achieves performance criteria 3.7.11.5 P4.1 iii where the contours of the ground or the difference in levels between one side of the fence and the other side warrant consideration of a higher fence.

Roof Pitch

It is proposed to have a skillion roof with a variety of roof pitches ranging between 1 and 5 degrees. In accordance with the Residential Design Guidelines acceptable development clause 3.7.8.3 A4.1 the roof pitch of new development should have a pitch of between 28 and 36 degrees. In this case this is not achieved however, the proposed development does achieve performance criteria 3.7.8.3 P4 which states that roof forms of new buildings complement the traditional form of surrounding development in the immediate locality. Although the roof pitch is significantly less than what is expected it does not detract from the surrounding residential development.

For these reasons the proposed roof pitch less than 28 degrees is supported.

Site Works

Fill is proposed to be utilised on site focussed primarily on the northern sections of the site. The fill comes within 1m of the northern boundary and is up to 0.95m in height. In accordance with the deemed to comply provisions clause 5.3.7 C7.3 of the Residential Design Codes the fill should be within 0.5m of natural ground level. The use of fill is designed to ensure the proposed building maintains a similar floor level throughout

the site. The use of the fill does achieve the design principles clause 5.3.7 P7.2. The fill respects the natural ground levels at the lot boundary of the site and as viewed from the street. The change in heights to the northern side of the property are hidden by the garage and the rest of the dwelling and the proposed development does not exceed the maximum permissible heights of development (maximum wall height of 6m and maximum roof height of 9m) despite the addition of the fill.

For this reason, the use of fill above 0.5m and within 1m of the boundary can be supported.

Retaining Walls

A retaining wall 23.761m long and up to 0.95m high is proposed to be built along the northern boundary of the property. This does not achieve the deemed to comply clause 5.3.8 C8 of the Residential Design Codes which requires that retaining walls are not more than 0.5m above natural ground level. The use of retaining walls allows the fill to be contained on site (as noted above) and results in land which can be effectively used for the benefit of residents and does not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clause 5.3.7 (fill) and 5.4.7 (visual privacy) of the Residential Design Codes. As stated, the fill on site has to be contained and visual privacy is maintained from the rooms adjoining this area as all the major openings on this side of the proposed dwelling are either highlight windows (above 1.6m from finished floor level) or obscure glazing. A notation has been included on the plans that states that the owners will install a new boundary/dividing fence along the northern boundary at their expense and in consultation with the neighbouring property owners. This will help to mitigate privacy concerns from the northern properties.

For this reason, the retaining walls above 0.5m can be supported.

Conclusion

The proposed design involves extensive alterations and additions to the existing dwelling. Although it is not a heritage dwelling, parts of the building have been retained. The variations that are proposed to the Residential Design Codes and the Residential Design Guidelines are relatively minor alterations that do not have a significant impact on the neighbouring properties or the streetscape. There was one submission from advertising and responses from the applicant and the Town have been provided that addresses the issue and are included in the submissions section above.

Based on the preceding assessment the proposed development can be supported.

11.2 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP040820:

Moved Cr Nardi, seconded Mayor O'Neill

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

- (i) Clause 5.1.3 – Residential Design Code – Lot Boundary Setbacks – 1m required, 0m provided**
- (ii) Clause 5.1.3 – Residential Design Code – Lot Boundary Setbacks – 1m required, 0m provided**
- (iii) Clause 3.7.11.5 – Residential Design Guidelines – Front Fence – 1.8m height required, greater than 1.8m provided**
- (iv) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, less than 28 degrees provided**
- (v) Clause 5.3.7 – Residential Design Codes – Site Works – fill up to 0.5m above natural ground level, fill greater than 0.5m above natural ground level**
- (vi) Clause 5.3.8 – Residential Design Codes – Retaining Walls – retaining walls up to 0.5m required, retaining walls more than 0.5m above natural ground level provided**

for alterations and additions at No. 18 (Lot 82) Stratford Street, East Fremantle, in accordance with the plans date stamped received 26 June, 17 July and 22 July 2020, subject to the following conditions:

- (1) The crossover width of the driveway is not to exceed the dimensions indicated on the plans date stamped received 30 June 2020 and to be in accordance with Council's crossover policy as set out in the Residential Design Guidelines (2016) and Council Crossover Specifications (2017).
- (2) The verge tree on Stratford Street is to be protected with a cage during works to the satisfaction of the Chief Executive Officer and no pruning or removal of branches or removal of the tree is to be undertaken before, during or after works.
- (3) The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
- (4) The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this planning 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 planning 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 planning 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) *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.

(CARRIED UNANIMOUSLY)

Note:

As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 19 May 2020 this application deemed determined, on behalf of Council, under delegated authority.

12. MATTERS BEHIND CLOSED DOORS

Nil

13. CLOSURE OF MEETING

There being no further business the Presiding Member declared the meeting closed at 6.59 pm.

I hereby certify that the Minutes of the ordinary meeting of the Town Planning Committee of the Town of East Fremantle, held on 8 August 2020, Minute Book reference 1. to 13 were confirmed at the meeting of the Committee on:

.....

Presiding Member