



MINUTES

Town Planning Committee

Tuesday, 6 October 2020 at 6.32pm

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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 6 OCTOBER 2020.

1. DECLARATION OF OPENING OF MEETING/ANNOUNCEMENTS OF VISITORS

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

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. RECORD OF ATTENDANCE

3.1 Attendance

The following members were in attendance:

| | |
|-----------------|------------------|
| Cr C Collinson | Presiding Member |
| 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 seven members of the public in attendance.

3.2 Apologies

Mayor J O'Neill

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 Watkins – Item 11.1 No. 67 Fortescue Street, East Fremantle.

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 (1 September 2020)

8.1 OFFICER RECOMMENDATION

Moved Cr Nardi, seconded Cr Natale

That the minutes of the Town Planning Committee meeting held on Tuesday 1 September 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

11. REPORTS OF OFFICERS (COMMITTEE DELEGATION)

Cr Watkins declared the following impartiality declaration, "As a consequence of the applicant, A Naglazas, being known to me as the neighbour of a close friend, 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 Fortescue Street No 67 (Lot 133) Proposed home occupation (hair salon)

| | |
|----------------------------|--|
| Owner | Franco Pesce and Angelica Naglazas |
| Applicant | Angelina Naglazas |
| File ref | P085/20 |
| Prepared by | James Bannerman Planning Officer |
| Supervised by | Andrew Malone, Executive Manager Regulatory Services |
| Meeting date | 6 October 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 home occupation (hair salon) at No 67 (Lot 133) Fortescue Street, East Fremantle.

Executive Summary

The applicant is seeking Council approval to operate a home occupation (hair salon) at the subject site within the existing ancillary dwelling at the rear of the property.

There are three issues that are relevant to the determination of this application;

1. Impact on residential amenity from business activity
2. Effect of vehicle traffic
3. Adequacy of car parking

It is felt that this proposal can be supported subject to planning conditions, including a 12-month temporary approval to enable potential impacts to be monitored and reassessed by Council after the temporary approval has finished.

Background

Zoning: Residential R12.5

Site area: 1011m²

Consultation

Advertising

The proposal was advertised to the surrounding landowners from 31 August to 14 September 2020. The following submissions were received. Five supported the proposal and 6 objected to the proposal.

| Submission | Applicant Response | Officer Response |
|--|---|--|
| Submission 1 I object to the proposal. We've owned our property for the last seven years and have enjoyed | By having the rear studio to work out of it. The home occupation fits well with being | Although it is recognised that the road can become a supplementary play and activity space for children it is essential to |

| | | |
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| <p>seeing it grow into a family friendly street that's focused on strengthening community bonds and providing a safe place for kids to grow up. In the last 5 years there's been a burgeoning of children in the street that enjoy playing on the street and being together, usually walking up and down, riding bikes, scooters and skateboards along the footpath.</p> <p>We don't feel that introducing a business into a residential area is a good idea due to the increase in traffic flow, extra cars on the street which impede visuals when people (mainly children) want to cross the road and the coming and going of random people - hence why the majority of businesses are in commercial zones in a site designated to running a business. Our main concern is the children and their safety. There's a lot of them on our street.</p> | <p>" community minded and keeping children and people within that community".</p> <p>Home occupation should be looked at being community minded, as if people could walk to a hair salon, not having to get in a car and drive to a shop thus creating more traffic on the street coming and going, as well as creating further connection to those who live within a community and with residents getting to know everyone.</p> <p>In days gone by where there were local corner shops such as delicatessen and barbers, thus strengthened the community and reduced risk of stranger danger by knowing the people in the neighbourhood plus reducing the need to get into a car and drive everywhere for goods and services.</p> | <p>realise that the road is primarily designed for vehicle transport and to allow vehicles to access properties along the street. It is essential that children are supervised when using the road or crossing the road.</p> <p>There are no limits on who can access Fortescue Street as it is a public road, not a private road. Conditions will be imposed as part of any approval of the home occupation that will limit the number of customers coming and going from the business.</p> <p>If the business grows beyond its capacity as a home occupation, then it is expected that it will migrate to commercial premises as it will not be able to achieve the proposed conditions of approval.</p> |
| <p>Submission 2 P085/20. As a resident of Fortescue street (60) I support the small business use proposed for 67 Fortescue St.</p> | | Noted |
| <p>Submission 3 I support the proposal. I think it is important for our community to support diverse options for people living and working in the neighbourhood. I fully support this proposal that will have no impact on neighbours (only one client car visiting the property at one time).</p> | | Noted |
| <p>Submission 4 I support the proposal. One customer at a time is not going to impact anyone in the street- I support letting this new neighbour make a little income!</p> | | Noted |
| <p>Submission 5 I support the proposal. Happy to support.</p> | | Noted |
| <p>Submission 6 I would like to lodge my strong disapproval for the application P085/20 for 67 Fortescue Street East Fremantle. I choose to live on Fortescue Street because it is a quiet residential street, I definitely do not want a Hair business opening up on my street. There are enough cars parked on our street already and</p> | <p>My daughter and I had a hair salon within an aged care facility where we would share the days and hours of work to fit with the children school and holidays. It was a 4-day concern with hours between school hours. Very part time basis which suited us both. We would share the client appointments and it gave us both a small income. Due to COVID-19, our contract and our income ceased. By having a rear studio area to work out from, it will enable us both to have a small income and continue to provide hair dressing to our</p> | <p>There is the potential for residents to establish home occupations at their property in accordance with Local Planning Scheme No 3.</p> <p>There are no limits on who can access Fortescue Street as it is a public road, not a private road. Conditions will be imposed as part of any approval of the home occupation that will limit the</p> |

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| <p>they are residents' cars, we don't want any more with people coming and going.</p> <p>If these people want a hair salon, they should go and rent a retail premises, there are good opportunities for cheap shop leases.</p> <p>Looking forward to attending the meeting regarding this matter.</p> | <p>very few loyal clients. We decided that setting up a commercial type hair dressing salon was not what would suit either of us due to that the small amount of clients wouldn't cover the outgoings, plus also that we do not have or want to work full time and we want to stay at home. We could not afford to pay high rental and all that goes with being a commercial business. By working from home, it will be able us to work around school hours and holidays.</p> | <p>number of customers coming and going from the business.</p> <p>If the business grows beyond its capacity as a home occupation, then it is expected that it will migrate to commercial premises as it will not be able to achieve the proposed conditions of approval.</p> |
| <p>Submission 7</p> <p>I object to the proposal.</p> <p>I have no concerns if the home salon is a small one. Is there only one hair stylist working at a time, ie. one client at a time?</p> <p>The reason I ask is, our street is quite often, full of cars. Plus, it's used as a thoroughfare. Would the salon make it significantly worse?</p> | <p>We do not envisage any increase in car and traffic flow within the street that is not already there. We have walked the street and adjoining streets and find that many houses have more than two cars within their driveway and on the verge as well as parked in the street in front of their homes daily.</p> <p>Based on our few number of clients per day/week we do not see that one car at a time – two /three per day for three/four days a week create any increased risk or intrusion to the community. The number of clients that we service has never been a noticeable amount, has always been unnoticed and has never caused any intrusion to the community via way of noise or congestion to a community street on any usual day.</p> <p>We will only have few clients per day and in some days no clients at all. We will set up the home salon for one hairdresser and one client at one time.</p> | <p>The proposed hair salon will have one hairstylist.</p> <p>Fortescue Street is a public street and as a result, vehicles are free to drive down the street.</p> <p>The opening times and number of customers will be limited to reduce the impact on neighbouring residential properties.</p> |
| <p>Submission 8</p> <p>I have some concerns I wish to address.</p> | | <p>Noted</p> |
| <p>Submission 9</p> <p>I support the proposal.</p> <p>I support this proposal as the impact on the street will be minimal and it supports a productive community.</p> | | <p>Noted</p> |
| <p>Submission 10</p> <p>I am objecting to the proposal of a hair salon at 67 Fortescue Street, East Fremantle (proposal number P085/20).</p> <p>I have lived in my house for fifty-four years.</p> <p>What used to be a quiet residential street has now turned into a carpark and having a business in the street would only exacerbate the problem.</p> <p>I also fear it would de-value the surrounding properties.</p> <p>Please keep our street residential only!</p> | <p>We have recently moved into the street and are doing substantial beautification renovations to our new home that are costly to us. We intend to stay here for many years and understand property value well and would only want to increase value of our own home and others in our street. We are community minded people and have always been willing to help our neighbours in any way. I worked as a community aged care & disability assessor, assessing clients' needs for them to be able to stay at home safely, for 15 years, and feel strongly about community and people within their community. We would not place in jeopardy any value in our own home or that of other homes in our street.</p> <p>We have gone through the correct process and applied to council for home occupation to be transparent about what we want to do, and in belief that this would be of a benefit to the community, no one would be the wiser that a home salon was operating in the street otherwise. We understand that East Fremantle Local Planning Scheme has</p> | <p>Streets are public roads and if there are no parking limitations in place then people are able to park their cars on the street.</p> <p>Property value is not a relevant planning consideration.</p> <p>Local Planning Scheme No 3 does allow home occupations to be established in residential areas subject to certain constraints.</p> |

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| | allowance for home occupation for small trade occupations and that if all that is met by the requirements there should be no objection. | |
| <p>Submission 11</p> <p>I wish to object to proposal number P085/20 for a hair salon to be built at 67 Fortescue Street, East Fremantle.</p> <p>My wife and I purchased our house because of its quiet residential location and we definitely do not want Fortescue Street turned into an industrial area.</p> <p>A number of hair salons already exist in local business areas and I am concerned that a business in the residential street will see an increase in road traffic.</p> <p>If this proposal for a home business was approved there would be more traffic than at present. There are already cars parked on the street which makes it difficult to navigate in and out of my driveway.</p> <p>There are also many young children on Fortescue Street who are cycling, playing or walking to and from school and I fear that their safety will be at further risk.</p> <p>Having a business in our beautiful, quiet street will be detrimental and has no place in this part of East Fremantle.</p> | <p>As in response to No. 10. I am aware that there are other home businesses operating in the local district. I experience cars coming and going for all sorts of reasons on the street that are a part of general community activity. For instance - Aged care service staff attending to community clients' needs by providing services daily to enable elderly to stay at home, courier drivers delivering purchases which has increased during COVID-19, family and friends visiting residents, football and netball parking, none of this appears to be highlighted, disputed or made a problem. But that is what community is about, expecting activity that brings people into a community.</p> <p>My business is not advertised and will never be. The clients that we have are all long time and word of mouth type client and they do know how to come/go to our home environment without creating an intrusion or safety risk to the community and which is no different if someone had a friend come over for a cup of tea and chat.</p> <p>Local Government Scheme – Planning and Development (Local Planning Schemes) Regulations 2015 Western Australia</p> <p>Home occupation must take place on land or in a dwelling that you own. You must also not:</p> <ul style="list-style-type: none"> • employ a person who is not a family member or occupier of that land or dwelling - Agree • occupy more than 20 square metres – salon area equals 9 sqm (half of the studio is used as my art space – in situ) • have a sign greater than 0.2 square metres – No sign • involve retail sale, display or hire goods unless the sale, display or hire is done only by means of the Internet – No retail • require more car parks than normally needed for a residential dwelling or increase the volume of traffic in the neighbourhood – one car per client parked on either cross over or driveway • use essential services, such as water or power, to an extent greater than normal – all usage volume would be less than a family of four would use. <p>Our small home occupation hair salon will be one of a low-profile small enterprise and will not affect the local street and the local activity in any adverse way. There will be no visual advertising on the property or street as we are not seeking to increase client volume</p> | <p>Fortescue Street is not being rezoned as an industrial area and will remain as a residential area for the foreseeable future.</p> <p>Local Planning Scheme No 3 does allow home occupations to be established in residential areas subject to certain constraints.</p> <p>Although it is recognised that the road can become a supplementary play and activity space for children, it is essential to realise that the road is primarily designed for vehicle transport and to allow vehicles to access properties along the street. It is essential that children are supervised when using the road or crossing the road.</p> |



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| | <p>but just to provide our craft to those who we already know.</p> <p>I have been hairdressing for 44 years and my daughter has been hairdressing for 17 years. We both love our skill and enjoy our creative expression by way of doing hairdressing. We don't want to work out of home anymore and we feel that what we offer is a good thing in a community and with no adverse outcome or increased traffic volume thus causing risk to family environment within the street. I am a grandmother and between me and my daughter we look after the children and want to earn some income that fits with the care of the children and grandchildren. Thus, the beauty of being able to work to gain some small income within that home environment.</p> <p>We are a family of two people living in Fortescue, I have an elderly father who has dementia that stays with us often. By working from home this allows me to continue to have him with me whilst I continue with my life activities.</p> <p>With the COVID-19 environment and all that has changed, we want to stay close to home now and this opportunity of setting up a home occupation scenario, will allow us to do so. Community is about staying close to home and whereas we still can and want to be, playing an active role in our lives and have some employment. We are socially conscious and believe in the benefits of good communities; we consider on how we manage our home occupation and how this, if any, cause any negative effect, on the home environment and community.</p> <p>We will have a front pedestrian gate for our family, friends, and clients to access. People come and go without any fuss, just as if friends and family are visiting. We park our own vehicles mostly within our property thus leaving the crossover for easy access and safe parking for clients, family, and friends. Whilst the crossover belongs to the council the owner has the right to use the crossover to form an access point to their property.</p> <p>There will be only one client at a time being serviced and most likely only two clients per day, Monday to Friday with the occasional Saturday.</p> <p>Hours of operation are mostly within the school hours, Monday to Friday, with some of our mums bringing their children for haircuts after school and stay for a coffee and a play date with the children.</p> <p>The one car coming into the street and into our driveway will make no impact to the exiting traffic flow and cause no adverse effect when the children are home from school.</p> <p>Many other homes have more than two people living within those homes, teenagers and young adults within those homes, going to school, university or working part time, thus increasing the flow of traffic/</p> | |
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| | <p>cars coming and going, congesting the street and verges with their parked vehicles, that I understand. I do not think that two/three visitors two/three times per week for up to a couple of hours at a time, should be considered an issue in relation to this observation. Our streets are not exclusive just for those that live in that street. I do agree that if there is already a general problem with traffic flow and the accessing of the street for other community activity, or being used as a thoroughfare from Marmion Street through to Canning highway, then this should be monitored by Council with the view of some traffic flow discussion. I do not believe that my small low-profile home occupation is/would make any difference to what is already occurring in our street.</p> <p>I have already had introduction to my adjoining and some surrounding neighbours, and they have no objection with my application. They appear to be balanced thinking innovation about how people are managing lifestyles since the COVID-19 interruption. I would like to propose that Council consider approving my application – Home occupation – Hair salon and monitor this over a period and with discussion if any adverse effect or complaint has risen.</p> <p>I have attached some comments from our Fortescue Street WhatsApp for consideration:</p> <p>“Yes, I can’t see how 1 customer at a time will impact anyone”</p> <p>“Good luck with it all. I can think of no reason why council would be sending letters. We didn't receive anything at. I'm happy to hear we have a hairdresser and an artist in the street. I'm an artist too and would love to drop by sometime to see your work”</p> <p>“We at didn't receive a letter and delighted to have such talent join Fortescue Street. Welcome and best of lucks”</p> <p>“We didn’t get a letter at either and we certainly have no objection to having a hairdresser in the street. Good luck.”</p> <p>“I didn’t get a letter at. I’m an artist working from home too. Feel free to pop over. I think there maybe a few of us in the street”</p> <p>“Lovely to hear - I will pop in to see your creatives”</p> <p>“Hello Angelina, and welcome to the street, I’m Helen, number [REDACTED] and I didn’t receive a letter either. I fully support you too, and hope you are able to run your business from home”</p> <p>“No probs here. Pretty sure the letter was from the dissenter not the council?”</p> | |
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| | <p>"I'd love to see both your work. How about giving lessons in small groups?"</p> <p>"I did not get a letter from the council and have no problem with your plan."</p> <p>"Thanks Angelina, I've written to the council in support, all the best."</p> <p>I have attached photos of the studio.</p> | |
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Community Design Advisory Committee (CDAC)

The application was not referred to CDAC. There are no streetscape impacts.

External Consultation

Nil

Environmental Health Officer

Council's Principal Environmental Health Officer will inspect the premises to confirm that it is suitable for use as a hair salon prior to the commencement of the use in accordance with environmental health requirements. There were no environmental health issues raised during the assessment of the proposal or in discussions with the Town's environmental health officer.

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

The applicant is seeking approval for a home occupation for hair salon services. The home occupation involves a hair salon by appointment only from Monday to Friday during school hours and occasional weekends. It is intended that the business will be operated by the applicant and resident of the dwelling and that no other staff from outside the residence will be employed. The hair salon services will take place in the ancillary dwelling at the rear of the house.

A Home Occupation is classified as a "P" or permitted use in the Residential zone, which means:

"the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme." (LPS No. 3, sub-clause 4.3.2)

The following table provides compliance details in relation to Home Occupation use as defined under Local Planning Scheme No.3.

| Home Occupation - Required | Comment |
|---|---|
| Does not employ any person not a member of the occupier's household | Employees are all within the household. |
| Will not cause injury to or adversely affect the amenity of the neighbourhood | There is a potential impact on neighbourhood. Conditions relating to days/hours of operation of the business and number of clients at any one time are intended to limit the impacts. |
| Does not occupy an area greater than 20 square metres | Occupies 18 square metres. Areas within the ancillary dwelling will be used for the business. |
| Does not display a sign exceeding 0.2 square metres | A relevant condition will be applied. |

| | |
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| Does not involve the retail sale, display or hire of goods of any nature | A relevant condition will be applied. |
| In relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles | It is anticipated there will be vehicle movements that are greater than that anticipated for the recognised daily number of vehicle movements for a dwelling within a Residential zone. Street parking is available. |
| Does not involve the use of an essential service of greater capacity than normally required in the zone | Complies. |

The proposed home occupation may create additional traffic and parking pressures in the street. The relevant issues are discussed below.

Parking

There are at least 2 car parking bays available for the residents of the dwelling and clients to the business. There is a driveway that extends for almost the full length of the property with at least 2 car parking bays available on site. Car parking is also available in front of the property on the road, although this is not specifically for the applicant's use as it is public space. On-street parking is not reserved parking and operates on a first come first served basis.

Traffic and vehicle movements

Traffic generation from the site is also a relevant consideration. In accordance with the proposed conditions of operation it is noted that the business will only operate for limited times when people are generally at work and children are at school, therefore the impacts are considered to be minimal. The approved use is also conditioned to be limited to 12 months so potential impacts on parking and traffic can be monitored.

Operation of home occupation

It is recommended that restrictions be placed on the hours and days that individual clients can have their hair cut with the removal of the ability to trade on Sundays or public holidays. It is recommended that the days be restricted to Monday to Saturday between 9.00am and 4.00pm with no services available on Sundays or Public Holidays.

As stated previously the home occupation use is designed to support businesses that have limited amenity or parking impacts on the surrounding residential properties. Any expansion in the size of the business operations beyond what is recommended in this report will have effects that are better suited to areas with commercial or mixed-use zoning.

Conclusion

Although the Town is broadly supportive of the proposal it is recognised that there are questions of amenity, parking and traffic that have to be addressed and the Town must act in the best interests of the whole community.

Home occupations are uses that are generally only permitted in Residential zones when they are small scale activities that will not bring about significant change to resident amenity, parking demand or vehicle traffic. A number of conditions in respect to the number of individual clients, hours and days of operation, parking, signage and other standard planning and environmental health conditions are recommended to

be imposed to restrict the scale and intensity of the commercial activity. If there was a significant increase in customers visiting the dwelling, then the parking and traffic pressures would increase.

A twelve-month approval period is considered to be warranted so the home occupation can continue to be monitored for any negative impacts. As this proposal is within a Residential zone it is important that caution be applied to home occupation approvals of this nature and that regular renewals are required, rather than being granted on a permanent basis. If the home occupation does not operate as the applicant has specified and in accordance with the conditions imposed by Council, then the approval may be revoked.

It is recommended that a twelve-month approval be issued with relevant conditions.

- Ms Angelina Naglazas (applicant) spoke in support of the officer's recommendation.

11.1 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP011020

Moved Cr Nardi, seconded Cr Harrington

That development approval is granted and Council exercises its discretion in regard to a home occupation (hair salon) at No. 67 (Lot 133) Fortescue Street, East Fremantle, in accordance with the plans date stamped received 25 August 2020, subject to the following conditions:

- (1) Approval is for a temporary period of twelve (12) months from the date of this development approval.**
- (2) Continuation of the home occupation use after the twelve (12) month approval period has expired will require the submission of a new development approval application for Council's consideration.**
- (3) The premises are to be inspected by the Town's Environmental Health Officer prior to the business operating and annually thereafter should a further planning approval be granted following the twelve (12) month approval period.**
- (4) Only one (1) individual client per hour is permitted from Monday to Friday between the hours of 9.00am to 4.00pm.**
- (5) Only one (1) client for individual hair salon appointment is permitted to be on the premises at any one time.**
- (6) Only one (1) client vehicle may be parked at the premises at any one time.**
- (7) The home occupation is not to operate on Sundays or Public Holidays.**
- (8) The home occupation shall not employ any person who is not a member of the occupier's household.**
- (9) The home occupation is not to occupy any other area of the dwelling other than the rooms within the ancillary dwelling as shown on the plans date stamped received 25 August 2020.**
- (10) No signage shall be displayed exceeding 0.2 square metres.**
- (11) No products or goods shall be sold from the dwelling.**
- (12) The home occupation approval is valid for a period of twelve (12) months only from the date of the "Approval to Commence Development" and the applicant is required to seek a renewal thereafter to enable the continuance of the home occupation. During the review of the renewal process, assessment of number of clients per day, group session numbers, car parking, noise, vehicle movements, safety, resident amenity and compliance with Home Occupation requirements and Scheme requirements will be undertaken.**

Footnote:

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



- (i) The applicant be advised that failure to comply with the above conditions of this approval or if the home occupation causes a nuisance or annoyance to owners or occupiers of the land in the neighbourhood, Council may revoke its approval of the home occupation.*
- (ii) A fresh development (planning) approval application is to be made for Council's consideration at the expiry of the twelve (12) month temporary approval period should the applicant wish to continue the use.*
- (iii) The applicant be advised that following receipt of planning approval the Town's Principal Environmental Health Officer is to be contacted to arrange for an inspection of the premises (telephone 9339 9339).*
- (iv) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site;*
- (v) a copy of the approved plans as stamped by Council are attached and the use is to conform with the approved plans (25 August 2020) unless otherwise approved by Council.*
- (vi) all noise levels produced by the home occupation are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (vii) under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document, "An Installers Guide to Air Conditioner Noise".*

(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.

11.2 Salvado Road No 4 (Lot 2) Proposed new dwelling

| | |
|----------------------------|--|
| Owner | Ben & Tracey Morse |
| Applicant | Summit Homes |
| File ref | P079/20 |
| Prepared by | James Bannerman, Planning Officer |
| Supervised by | Andrew Malone, Executive Manager Regulatory Services |
| Meeting date | 6 October 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 new dwelling at No 4 (Lot 2) Salvado Road, East Fremantle.

Executive Summary

This development application proposes a new single storey dwelling to be constructed on a vacant 454m² survey strata lot at 4 Salvado Road, East Fremantle. The dwelling is located on a north facing lot with a wide street frontage.

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 - 1.5m required, 1m provided,
- (ii) Clause 5.3.1 – Residential Design Codes – Outdoor Living Areas – located behind street setback line required, located in front of the street setback line provided, and
- (iii) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, 25 degrees 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: 454m²

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

No. 53 (Lot 200) Alexandra Road subdivided – No 4 (Lot 2) Salvado Road created - WAPC Ref 1189-17 - June 2018

Consultation

Advertising

The application was advertised to surrounding landowners from 25 August to 8 September 2020. No formal submissions were received from surrounding property owners.

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 | 6m | 6m | A |
| Secondary Street Setback | | | N/A |
| Lot Boundary Setbacks | | | |
| Eastern wall - garage | 0m | 0m | A |
| Eastern wall – master suite | 1.5m | 2m | A |
| Southern wall – master suite, WIR, bedroom 2, powder room, bathroom, bedroom 3, laundry | 1.5m | 1m | D |
| Eastern wall – laundry, kitchen, alfresco | 1m | 1.02m | A |
| Open Space | 50% | 47% | A |
| Outdoor Living Area | Behind street setback area | In front of street setback area | D |
| Wall Height | 6m | 2.8m | A |
| Roof Height | 9m | 5.56m | A |
| Setback of Garage | 4.5m | 5.501m | A |
| Car Parking | 2 car bays | 2 car bays | A |
| Site Works | | | N/A |
| Visual Privacy | | | N/A |
| Overshadowing | <25% | 15% | A |
| Drainage | | | To be conditioned |

Local Planning Policies Assessment

| LPP Residential Design Guidelines Provision | Status |
|---|----------|
| 3.7.2 Additions and Alterations to Existing Buildings | N/A |
| 3.7.3 Development of Existing Buildings | N/A |
| 3.7.4 Site Works | N/A |
| 3.7.5 Demolition | N/A |
| 3.7.6 Construction of New Buildings | 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 | N/A |
| 3.7.12 Pergolas | N/A |
| 3.7.13 Incidental Development Requirements | N/A |
| 3.7.14 Footpaths and Crossovers | A |
| 3.7.15.3.3 Garages and Carports | A |
| 3.7.15.4.3.1 Fremantle Port Buffer Area | A |

This development application proposes a new single storey dwelling to be constructed on a 454m² survey strata lot at 4 Salvado Road East Fremantle. Two variations are requested to the requirements of the Residential Design Codes and one variation is requested to the requirements of the Residential Design Guidelines. The variations relate to lot boundary setbacks, the requirement for outdoor living areas to be located behind the street setback area and roof pitch.

Lot Boundary Setback

The southern wall of the property is approximately 20m long and 2.8m high. It has major openings from bedroom 2. As such it is required to be setback 1.5m from the southern boundary in accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 and Table 2b. In this case it is setback 1m from the boundary. This is a marginal difference considering the single storey nature of the development. The reduced setback does achieve design principles clause 5.1.3 P3.1 for the following reasons;

- There is reduced impact from the building bulk on adjoining properties because the building is single storey,
- Adequate sunlight and ventilation are provided to the building and open spaces on the site and adjoining properties as the building is north facing and single storey, and
- There is minimal overlooking and resultant loss of privacy on adjoining properties.

For these reasons, the reduced boundary setback can be supported.

Outdoor living Areas

In accordance with deemed to comply clause 5.3.1 C1.1 there is a requirement that outdoor living areas are provided behind the street setback area. In this case the alfresco area is provided in the front setback area on the northern side of the proposed dwelling. As a result of this location the outdoor living area is capable of use in conjunction with the living area of the dwelling, is open to the winter sun and ventilation and as such optimises use of the northern aspect of the site.

For these reasons the proposed location of the alfresco area in the street setback area can be supported.

Roof Pitch

The Residential Design Guidelines acceptable development provisions 3.7.8.3 A4.1 requires that the roof has a pitch of between 28 and 36 degrees. In this case there are sections of the roof that have a pitch of 25 degrees, while other sections including the front portico have a pitch of 35 degrees. However, under the performance criteria clause 3.7.8.3 P4 roof forms of buildings must complement the traditional form of surrounding development in the immediate locality.

In this case the proposed roof pitch complements the surrounding properties and therefore can be supported.

Conclusion

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

- Domenic Chiellini (builder), spoke in support of the officer recommendation.

11.2 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP021020:

Moved Cr Nardi, seconded Cr Watkins

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 – 1.5m required, 1m provided,**
- (ii) Clause 5.3.1 – Residential Design Codes – Outdoor Living Areas – located behind street setback line required, located in front of the street setback line provided, and**
- (iii) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, 25 degrees provided**

for a new residential dwelling at No. 4 (Lot 2) Salvado Road, East Fremantle, in accordance with the plans date stamped received 5 August 2020, subject to the following conditions:

- (1) The crossover widths are not to exceed the width of the crossovers indicated on the plans date stamped received 5 August 2020 and to be in accordance with Council's crossover policy (2017) and the Residential Design Guidelines.**
- (2) All fencing within the street setback area is to be in compliance with the front fence provisions of the Residential Design Guidelines. Any proposed new fencing or walls in the front setback area will require the submission of a development application for the consideration of the Town.**
- (3) Retaining walls in excess of 0.5m above natural ground level will require the submission of a development application for the consideration of the Town.**
- (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.

11.3 Marmion Street No 30 (Lot 1) Proposed carport

| | |
|----------------------------|--|
| Owner | Ben Ansell and Matthew Byrne |
| Applicant | Ben Ansell and Matthew Byrne |
| File ref | P091/20 |
| Prepared by | James Bannerman Planning Officer |
| Supervised by | Andrew Malone, Executive Manager Regulatory Services |
| Meeting date | 6 October 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 carport at No 30 (Lot 1) Marmion Street, East Fremantle.

Executive Summary

This development application proposes a carport in the front setback area of the dwelling. On street parking is already located onsite but uncovered. An existing garage is located on site at the rear of the property facing Sewell Street.

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 – 1m required, 0m provided;
- (ii) Clause 5.2.1 – Residential Design Codes – Garage Setbacks – 4.5m required, 1m provided
- (iii) Clause 5.2.5 – Residential Design Codes – Sightlines – 1.5m required, 0m provided
- (iv) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, less than 28 degrees,
- (v) Clause 3.7.16.3.3 – Residential Design Guidelines – Garages, Carports and Outbuildings – On street parking provided, carport to not adversely impact streetscape.

It is considered that four out of five of the above variations cannot be supported and it is recommended that the development application be refused.

Background

Zoning: Residential R20

Site area: 491m²

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

Consultation

Advertising

The application was not advertised to surrounding land owners, however, the applicant did provide signed support from the neighbouring property owners directly to the east.

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 | | | |
| Eastern wall | 1m | 0m | D |
| Open Space | 50% | >50% | A |
| Wall height | 6m | 2.76m | A |
| Roof Height | 9m | 3.9m | A |
| Setback of Carport | 4.5m | 1m | D |
| Car Parking | 0 car bays | 1 car bay | A |
| Site Works | | | N/A |
| Sightlines | Corner truncation | No truncation | D |
| Visual Privacy | | | N/A |
| Overshadowing | | | N/A |
| Drainage | | | Condition |

Local Planning Policies Assessment

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

| | |
|---------------------------------------|---|
| 3.7.16.3 Garages and Carports | D |
| 3.7.16.4.3 Fremantle Port Buffer Area | A |

This development application proposes a carport in the front setback area of a dwelling located at No 30 (Lot 1) Marmion Street, East Fremantle. Two variations are requested to the requirements of the Residential Design Codes and three variations are requested to the Residential Design Guidelines. These variations are related to side boundary setback, front boundary setback, corner truncations, roof pitch and garages and carports respectively. The property is on the heritage inventory and is registered as Category C.

General Commentary

The applicants/owners have provided a lengthy cover letter which attempts to justify the proposed carport, however, many of the points raised in the letter are not considered relevant planning considerations.

Protection of cars from the weather is not a relevant planning consideration. When the applicants/owners purchased the property, they were purchasing a property that had an open parking area without a carport and their vehicles would be exposed to the elements. The Town does not have a problem with the idea of an area that vehicles can be parked safely with reduced risk of storm or hail damage, however, the current proposed location is not considered suitable due to its proximity to Marmion Street which is a busier street than Sewell Street.

The cost of car insurance is not a relevant planning consideration. Again, the applicants/owners were aware when they purchased the property there was an open area for parking vehicles in the front setback area without any carport structure. There is an existing garage accessed off Sewell Street. The Town would consider the re-development of the existing garage at the rear of the property to be a more appropriate location than the current proposal due to the integration of the garage with the side setbacks and the dwelling. The applicant has indicated the garage is unsuitable, however it is considered modifications to the garage could be undertaken to facilitate covered off street parking.

The Residential Design Guidelines emphasises in clause 3.7.16.3.1 (page 53) states that *"Garages and carports are incorporated into the design of the dwelling and are not dominant features of the streetscape"* and *"Garages and carports are discouraged in the Plympton Precinct"* which is where this dwelling is located. The desired development outcomes clause 3.7.16.3.2 states categorically that there should be an *"absence of garages and carports in the streetscape"*.

The precedents in the area are all examples located along Sewell and King Streets not Marmion Street. Each carport is located within the front setback area, but many have a larger setback than the current proposal that is the subject of this report. Each example also faces a single street and does not have a secondary street frontage, or an existing garage located on the secondary street.

It is noted that the property currently has a garage located along Sewell Street on the north western corner of the lot. This garage could be re-developed to achieve similar aims to the current proposal before the Town facilitating off street parking and addressing the ongoing concerns of the owners. Permitting the proposed design in its current form would set a precedent that would result in the very aims of the Residential Design Guidelines and Residential Design Codes being undermined and orderly and proper planning would not be able to be achieved.

Lot Boundary Setbacks

In accordance with the Residential Design Codes deemed to comply clause 5.1.3 the wall of the carport should be located 1m from the side boundary. In this case the carport is located on the boundary. The

proximity of the structure to the front boundary and in the front setback area means that its proximity to the side boundary cannot be supported. Such a structure constructed forward of the building line, and on the eastern boundary only adds to the scale and bulk of structures as experienced from Marmion Street. There is a gate to Marmion Street which is considered to provide secure off-street parking, albeit uncovered. Please see above comments regarding the Sewell Street garage. The Residential Design Codes requires that if a wall is located on the boundary it must be *behind* the front setback area to achieve the deemed to comply requirements.

Carport Setback

The carport is located 1m from the front boundary. This is significantly less than the 4.5m that is required of deemed to comply clause 5.2.1 of the Residential Design Codes and results in the structure being located in a position that cannot be supported. Please also refer to the above comments relating to bulk, scale and existing parking provisions on site.

Sightlines

There are no corner truncations indicated on the submitted plans. It is essential that corner truncations are included in the front fence to improve the sightlines for reversing vehicles in accordance with the Residential Design Codes clause 5.2.5 C5. Alternatively, the truncation can be substituted for a fence that drops to being no more than 0.75m above ground level. It is critical that sightlines are maintained to ensure reversing vehicles have a clear view of the area between the street and the boundary. For this reason, the current design cannot be supported.

Roof Pitch

The pitch of the carport is 27 degrees which is less than the required 28 to 36 degrees that is required by acceptable development provisions 3.7.8.3 A 4.1. This is the only feature of the proposed design that can be supported. In accordance with performance criteria 3.7.8.3 P4 of the Residential Design Guidelines roof forms of new buildings should complement the traditional form of surrounding development in the immediate locality. The roof pitch that is less than the required 28 degrees is negligible and therefore can be supported.

Garages and Carports

Acceptable development clause 3.7.16.3.3 A1 in the Residential Design Guidelines states that on street parking is an acceptable outcome for properties in Plympton precinct. Under performance criteria 3.7.16.3.3 P1 garages and carports are to not adversely affect the streetscape. In this case the carport does adversely affect the streetscape and as a result cannot be supported.

Conclusion

Four out of five variations (from both the Residential Design Codes and the Residential Design Guidelines) requested are not considered acceptable and cannot be supported including front lot boundary setback, side boundary setback and corner truncations and location of carport such that it impacts the streetscape. The requirements of the Residential Design Codes have been created by the state government to promote orderly and proper planning within residential areas. Likewise, the Residential Design Guidelines have been prepared by the Town to ensure that development within the Town is reflective of characteristics of streetscapes that the Town wishes to promote. There is a desire that carports do not dominate streetscapes, either through their proximity to the primary street boundary or to the side boundary in the front setback area. In this case a carport is being proposed that is too close to the street front that produces an outcome which is unacceptable to the Town. It also has no corner truncations which compromises the safety of vehicles reversing from the proposed carport.

Based on the preceding assessment that has been completed for this development and the explanation provided in this report, the variations that have been proposed to the Residential Development Guidelines are considered unacceptable. As such it is recommended that the proposed development be refused.

OFFICER RECOMMENDATION

That Council refuse development approval for a carport at No 30 (Lot 1) Marmion Street, East Fremantle, in accordance with the plans date stamped received 3 September 2020, for the following reason:

The proposed development conflicts with the provisions of the Town of East Fremantle Local Planning Scheme No 3 and Deemed Provision for Local Planning Schemes Clause 67 because it is incompatible with:

- (1) s67 (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- (2) s67 (c) any approved State planning policy
- (3) s67 (g) any local planning policy for the Scheme area;
- (4) s67 (m) the compatibility of the development with its setting including the relationship of the development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.
- (5) s67 (zb) any other planning consideration the local government considers appropriate.

- Mr Matt Byrne (part owner), spoke in support of the applicant's request for the deferral of this application to enable the applicant an opportunity to further liaise with the Planning Department.

11.3 PROCEDURAL MOTION/COMMITTEE RESOLUTION TP031020

Moved Cr Natale, seconded Cr Harrington

That the application be deferred to a future Town Planning Committee meeting to allow the applicant and administration suitable time to discuss potential amendments to the proposal.

(CARRIED UNANIMOUSLY)

12. MATTERS BEHIND CLOSED DOORS

Nil

13. CLOSURE OF MEETING

There being no further business the Presiding Member declared the meeting closed at 6.56 pm.

I hereby certify that the Minutes of the ordinary meeting of the Town Planning Committee of the Town of East Fremantle, held on 6 October 2020, Minute Book reference 1. to 13 were confirmed at the meeting of the Committee on:

.....

Presiding Member