



MINUTES

Town Planning Committee

Tuesday, 3 December 2019 at 6.30pm

Disclaimer

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CONTENTS

1. DECLARATION OF OPENING OF MEETING/ANNOUNCEMENTS OF VISITORS	1
2. ACKNOWLEDGEMENT OF COUNTRY	1
3. RECORD OF ATTENDANCE	1
3.1 Attendance	1
3.2 Apologies	1
3.3 Leave of Absence	1
4. MEMORANDUM OF OUTSTANDING BUSINESS	1
5. DISCLOSURES OF INTEREST	1
5.1 Financial	1
5.2 Proximity	1
5.3 Impartiality	1
6. PUBLIC QUESTION TIME	2
6.1 Responses to previous questions from members of the public taken on notice	2
6.2 Public Question Time	2
7. PRESENTATIONS/DEPUTATIONS	2
7.1 Presentations	2
7.2 Deputations	2
8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING	2
8.1 Town Planning Committee (5 November 2019)	2
9. ANNOUNCEMENTS BY THE PRESIDING MEMBER	2
10. REPORTS OF COMMITTEES	2
11. REPORTS OF OFFICERS (COMMITTEE DELEGATION)	3
11.1 Woodhouse Road No 7 (Lot 288) Proposed alterations and additions including a second storey (amendments to previous DA P072/18)	3
11.5 Canning Highway No 101 (Lot 4274) Proposed conservation and adaptation works	10
11.2 George Street No 38 (Lot 412 & 414) Proposed signage	23
11.3 Sewell Street No 62 (Lot 306) Proposed new residence	28
11.4 Oakover Street No 18 (Lot 15) Approval subsequent to development of patio	37
12. REPORTS OF OFFICERS (COUNCIL DECISION)	43
13. MATTERS BEHIND CLOSED DOORS	43
14. CLOSURE OF MEETING	43

MINUTES OF THE ORDINARY MEETING OF THE TOWN PLANNING COMMITTEE HELD IN THE COUNCIL CHAMBER, 135 CANNING HIGHWAY, EAST FREMANTLE ON TUESDAY 3 DECEMBER 2019

1. DECLARATION OF OPENING OF MEETING/ANNOUNCEMENTS OF VISITORS

The Presiding Member opened the meeting at 6.30 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
Mayor J O'Neill	
Cr T 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

3.2 Apologies

Nil

3.3 Leave of Absence

Nil

4. MEMORANDUM OF OUTSTANDING BUSINESS

Nil

5. DISCLOSURES OF INTEREST

Nil

5.1 Financial

Nil

5.2 Proximity

Nil

5.3 Impartiality

Nil

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

Nil

7.1 Presentations

Nil

7.2 Deputations

Nil

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 Town Planning Committee (5 November 2019)

8.1 OFFICER RECOMMENDATION

Moved Cr Natale, seconded Cr Nardi

That the minutes of the Town Planning Committee meeting held on Tuesday 5 November 2019 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)

PROCEDURAL MOTION

Moved Cr Harrington , seconded Cr Nardi

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

(CARRIED UNANIMOUSLY)

11.1 Woodhouse Road No 7 (Lot 288) Proposed alterations and additions including a second storey (amendments to previous DA P072/18)

Owner	Donna Charlesworth
Applicant	Tangent Nominees Pty Ltd
File ref	P085/19; W007
Prepared by	James Bannerman Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	3 December 2019
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 (including a second storey) at an existing dwelling at No 7 (Lot 288) Woodhouse Street, East Fremantle.

Executive Summary

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

- (i) Building height – 6.5m required, more than 6.5m provided; and
- (ii) Privacy setbacks – 7.5m required, 5.0m provided

A previous approval is in place (P072/18) and this application considers variations to that approval. 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: 749m²

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

P072/18 development approval for alterations and additions to an existing dwelling 6 November 2018

Consultation

Advertising

The application was advertised to surrounding land owners 25 October to 11 November 2019. Letters of support for the proposal were received from 2, 6 and 8 View Terrace and 5 Woodhouse Road. No submissions opposing the proposal were received.

Community Design Advisory Committee (CDAC)

The application was previously referred to CDAC for DA P072/18.

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

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not approve the proposed development	Possible (3)	Minor (2)	Moderate (5-9)	COMPLIANCE Minor regulatory or statutory impact	Accept Officer Recommendation

Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Extreme
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

Risk Rating	6
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

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- terrace	1.1m	1.61m	A
Master bed – upper storey	1.5m	1.61m	A
Fireplace – upper storey	1.3m	2m	A
Balcony 2 – southern boundary	3m	8.33m	A
Ensuite – southern boundary	1.2m	13.4m	A
Bed 3 – southern boundary	1.2m	12.8m	A
Bed 3, bath, lift	1.2m	5.2m	A
Open Space	50%	61%	A
Wall height	6.5m	> 6.5m	D
Setback of Carport			N/A
Car Parking			N/A
Site Works			N/A
Visual Privacy	7.5m	5m	D
Overshadowing	<25%	1%	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	A
3.7.5 Demolition	A
3.7.6 Construction of New Buildings	N/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	N/A
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	N/A
3.7.15.4.3.1 Fremantle Port Buffer Area	N/A
3.7.15.3.3 Garages and Carports	N/A

This development application proposes amendments to an existing development approval (DA P072/18) at the subject property. A new development application was submitted to seek approval for the amendments. Many of the modifications have no planning implications (including additions of larger windows, internal door locations, changes to an internal staircase), while some have reduced the impact on the neighbouring properties (additional wall length to balcony 2 and substitution of the front balcony roof with a smaller awning). The report will only consider changes to the design that have planning implications.

Maximum Wall Height

There are slight changes in the heights of the proposed dwelling. Given a concealed roof the maximum building height is required to be 6.5m in accordance with clause 3.7.17.4.1.3 A1.4 of the Residential Design Guidelines. In this case the maximum height is exceeded in the following areas;

- The north-eastern corner of the dwelling is 7.69 m above natural ground level
- The south-western corner of the dwelling is 6.74m above natural ground level
- The north-western corner of the dwelling is 8.5m above natural ground level

In each case the design is responsive to the adjacent development and established character of the area, more than 50% of the site is set aside for landscaping and privacy requirements are met for each section of the dwelling that exceeds the maximum heights.

Although the building may seem to be relatively bulky there are a number of arguments that support the proposal, including the increased building height. The proposed dwelling is on a site that slopes up from the street. Attempts have been made with the design to mitigate the impact the property will have on the views from neighbouring properties. If the existing dwelling was demolished it would have been possible to have the development built closer to the street front. The dwelling currently has a setback of 8.2m versus a possible setback of 6m for a new dwelling. As a result the views looking west from the eastern neighbour's front balcony would have been virtually eliminated if a new dwelling had been proposed. The design is responsive to the existing dwelling and maintains the existing property setbacks and potential views. The existing house is being retained which in turn will maintain the streetscape and character of the area.

There is considerable open space on the site with at least 61% of the site available for landscaping. The proposal is not seeking excessive use of the site for development.

With regards to privacy there are no issues in each of the sections of the dwelling where height is above that required by the Residential Design Guidelines. Privacy between properties is maintained through the use of solid walls on the front terrace and this ensures that users of the area do not look into the neighbouring properties balconies that lie to the east and the west.

For these reasons the proposed heights above the maximum levels set by the Residential Design Guidelines can be supported.

Privacy Setbacks

The rear balcony (labelled balcony 2 on the plans) has a longer wall facing the rear yard of the property. As the wall has been lengthened compared to the previously approved development plans the privacy setback has increased. In this case the privacy setback is 5m where it should be 7.5m. Although the privacy setback is not met in accordance with deemed to comply clause 5.4.1 C1.1i of the Residential Design Codes this is greater than previously approved (3.2m). In accordance with the design principles of clause 5.4.1

P1.1 there is minimal direct overlooking of active habitable spaces and outdoor living areas. The design of the balcony area and the inclusion of the wall on the southern edge of the balcony provides privacy screening and minimises direct overlooking. Overlooking is confined to the southwest corner of the eastern neighbouring lot. For this reason the reduced privacy setback 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. It is noted that there were a number of surrounding properties that provided written support for the proposal. As such it is recommended that the proposed development be supported subject to planning conditions.

- Mrs Charlesworth (owner) addressed the committee stating they were keen to maintain the character and streetscape of the precinct while protecting the privacy for all neighbours.

11.1 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP011219

Moved Cr Natale, seconded Mayor O'Neill

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

- (i) Clause 3.7.17.4.1.3– Residential Design Guidelines – Building Height – 6.5m required, more than 6.5m provided and**
- (ii) Clause 5.1.3 – Residential Design Code – Privacy Setbacks – 7.5m required, 5.0 m provided;**

for alterations and additions at No. 7 (Lot 288) Woodhouse Road, East Fremantle, in accordance with the plans date stamped received 4 November 2019, subject to the following conditions:

- (1) No external fixtures, fittings, masts, satellite dishes, telecommunications devices, solar collectors, solar hot water systems or appliances or the like are to be installed on the roof of the dwelling without the submission of a development application and the consideration of the Town.**
- (2) The crossover widths are not to exceed the width of the crossovers indicated on the plans date stamped received 4 November 2019 and to be in accordance with Council's crossover policy as set out in the Residential Design Guidelines (2016).**
- (3) 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.**
- (4) 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.**
- (5) The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- (6) The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- (7) With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**

- (8) All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
- (9) 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.
- (10) 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.
- (11) 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.
- (12) 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 March 2019, this application deemed determined, on behalf of Council, under delegated authority.



11.5 Canning Highway No 101 (Lot 4274) Proposed conservation and adaptation works

Owner	Main Roads Western Australia
Applicant	Element
File ref	P078/19; CAN101
Prepared by	James Bannerman Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	3 December 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Purpose

This purpose of this report is for Council to consider a planning application for proposed conservation and adaptation works at No 101 (Lot 4274) Canning Highway, East Fremantle.

Executive Summary

The applicant is seeking Council approval for proposed conservation and adaptation works to the former East Fremantle Post Office. The building is Category A heritage listed at State and Town level and is subject to a heritage agreement being signed between the Heritage Council and the applicant. It is intended to house a real estate office once the works are completed.

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

Background

Zoning: Town Centre
Site area: 683m²

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

Consultation

Advertising

The application was advertised to surrounding land owners 10 October to 25 October 2019. No submissions were received.

Community Design Advisory Committee (CDAC)

The application was referred to CDAC. The Committee made the following recommendations;

(a) *The overall built form merits;*

- The Committee is generally supportive of the development under the current proposal.
- The committee note the addition (boundary wall height) is locational specific and generally would not be supported in other locations.

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

- The Committee note the inclusion of artwork in the design. The art work ie the postman should pay homage to the site's past as the Old East Fremantle Post Office, be of a quality material and finish and continue the story of the building.
- (c) *The relationship with and impact on the broader public realm and streetscape;*
 - The Committee state that given the development's location in close proximity to other significant heritage buildings, the works are appropriate in terms of character with the immediate locality.
- (d) *The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;*
 - The Committee commented that the choice of corrugated iron is an interesting interpretation of use of materials, however, the committee suggested that a cautionary approach with the use material should be undertaken to ensure the highest standard of finish and design are achieved.
- (e) *The extent to which the proposal is designed to be resource efficient, climatically appropriate, responsive to climate change and a contribution to environmental sustainability;*
 - No comment.
- (f) *The demonstration of other qualities of best practice urban design including "Crime Prevention" Through Environmental Design performance, protection of important view corridors and lively civic places;*
 - The Committee note the extensive amount of current graffiti on the building and suggest the applicant where possible utilise sympathetic measures to improve passive surveillance and reduce anti-social behaviour.

Officer Comment

CDAC's comments are noted. The refurbishment of the building will be subject to a heritage agreement between the applicant and the Heritage Council to ensure that development is in accordance with best practice for heritage conservation and adaptation. In terms of crime prevention, security lighting and the requirement to clean up graffiti promptly have been included as conditions in the final recommendation.

Environmental Health Officer Comment

The Environmental Health Officer visited the subject property and made the following comments;

- (a) Please note that a recent site visit and examination of the DA plans revealed the existence of façade cladding materials containing asbestos.
- (b) The plans indicate some asbestos to be dealt with appropriately, not sure if it completely covers the removal requirements under WorkSafe or WA Health Regulations.
- (c) The attached images show the condition of the asbestos façade cladding some of it breeched and some of it painted and some of it not painted or may not contain asbestos.
- (d) Broken fragments of cladding can be found under the building are require removal. Does the 'building owner' have plans to address this soon?
- (e) The 'conservation/demolition' plan should be more descriptive of the management of asbestos removal and the use of an unrestricted asbestos removal contractor.
- (f) The design mentions accessibility to building and sanitary facilities under the appropriate Australian Standards.
- (g) Lighting is a matter for the building certifier under NCC.

- (h) Temporary storage of waste receptacles needs to be indicated as does the management of storm water retention on-site.

External Consultation

The application was referred to the Heritage Council. The following advice was received;

Heritage Council

Findings

- *East Fremantle Post Office is a part of Public Buildings, East Fremantle, which is significant as a notable landmark with strong aesthetic value, with the former East Fremantle Post and Telegraph Office occupying a prominent location at the corner of Canning and Stirling Highways.*
- *The post office building as a whole, its civic setting, brick and stucco walls, timber windows and doors and original treatments, roof, chimney, evidence of original form (including loggias and rear verandah) and layout, timber cladding to rear verandah, plastered walls, fireplaces, floorboards, timber staircase and lathe & plaster ceilings are identified as considerable significance in the Conservation Plan (2010). The archaeological sites of former laundries, toilets and garages to the rear are of some significance.*
- *The proposed works demonstrate a sound conservation approach and are consistent with the Conservation Plan policies. The retention of the rear verandah and former front loggia areas as office space will not have a detrimental impact on the significance and fabric. The proposed additions to the rear are considered to be sympathetic, and will not have an adverse impact on the setting.*
- *Overall the proposed adaptive reuse of the former East Fremantle Post Office will have a positive impact on the cultural significance of Public Buildings, East Fremantle.*

Advice

The proposed development, in accordance with the plans submitted, is supported subject to the following conditions:

- 1. An historical archaeologist is to be consulted on the potential for impact to remaining sub-surface evidence of former use, and advise on an appropriate management strategy, prior to any disturbance works occurring.*
- 2. The following further information shall be provided for consideration prior to the application for a building permit:*
 - a. Method for raising FFL to extension.*
 - b. Wiring and fixing to sign, and potential impact on original lettering.*
 - c. Detail on air conditioning (location of bulkheads only shown on drawings) and other service.*

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

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not approve the proposed development	Possible (3)	Minor (2)	Moderate (5-9)	COMPLIANCE Minor regulatory or statutory impact	Accept Officer Recommendation

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

Risk Rating	6
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

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 Centre Redevelopment Guidelines. A summary of the assessment is provided in the following tables and a discussion of the key issues related to the proposed development is considered thereafter.

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

Local Planning Scheme No 3

Design Element	Required	Proposed	Status
Clause 5.8.1 Building Setbacks	Nil setback to Stirling Highway Primary Regional roads reservation	Covered deck to be constructed with nil setback	A
Clause 5.8.2 Building Height	Wall height 8m Overall height 10.5m	Covered deck maximum height 4.6m	A
Clause 5.8.3 Plot ratio	0.5:1	Not relevant- existing heritage building, open deck not included in plot ratio	A
Clause 5.8.4 Design and Landscaping	Landscaping plan required	Requested to be included as a condition of development approval	D
Clause 5.6.1 Car Parking		3 car bays previously approved	N/A

Town Centre Redevelopment Guidelines

Design Element	Required	Proposed	Status
Urban Structure	Provide for pedestrian connections in accordance with Plans 3 & 4	Footpath along Canning Highway	A
	Maintain current degree of vehicle permeability	No change in current street network, access to site for vehicles via easement at rear	A
Land Use	Development shall incorporate commercial and minimum of 40% multiple dwellings and/or short stay accommodation	No residential component, previously approved as office	N/A
Building Form, Scale and Height	Plot ratio limit of 3.0	No changes to existing plot ratio	N/A
	Maximum height of 3 storeys	No change to height of existing building, rear deck is below existing building	A
Occupant Amenity	R160 requirements	No residential component	N/A
Street Interface	66% glazing	No change in openings of existing building	N/A
	Primary entrance to street	Primary entrance to street	A
	Built up to street	Existing building- built up to street	A
	Street elevations utilise 2 materials	Existing building	N/A
	Service areas screened or located away from view	Bins located at rear of building	A
Pedestrian Amenity	Awning or canopy to be provided for pedestrian protection	Existing building	N/A
	Development should follow Crime Prevention Through Environmental Design Principles	Existing building- security lighting to be conditioned	D

	Development to meet Building Code requirements for universal access	Building Code requirements	A
	Provide for pedestrian connections in accordance with Plans 3 & 4	Footpath along Canning Highway	A
Vehicle Movement and Access	Utilise shared surfaces, raised plateaus and other traffic management design devices	No change in surrounding roads proposed	A
	New development limited to one crossover per street	Access via rear easement	A
	Compliance with MRWA requirements	Referral made- will be conditioned accordingly	D
Vehicle Parking	Out of sight	Previously approved at rear	A
	Bicycle storage - 1 per 60m ²	Minimum of 5 bicycle spaces required	A
	End of trip facilities >250m ²	250m ²	N/A
	Car parking in accordance with LPS3	Previously approved	N/A
Landscaping	Landscape and street furnishings in the public domain shall be approved by the ToEF	Landscaping and artwork is within boundaries of the property	A
	Public art required for development >\$2M	Not required but provided	A
	Developments > 1000m ² require public toilets	<1000m ² – public toilets not required	A
	Street trees – 1 per linear 15m	1 tree to be planted in front of property	A
Resource Conservation	Development shall exceed energy efficiency requirements of Building Code	Subject to Building Permit	A
	Commercial development shall achieve a NABERS rating of at least 3.5 stars	Subject to Building Permit	A
Signage and Services	Signage to comply with ToEF Signage Policy	Single illuminated sign proposed for north and west of property	Condition
	Solar panels to comply with ToEF requirements	No solar panels indicated on plans	Condition
	Services to be hidden or screened from view	Services to be hidden or screened from view	Condition

This development application proposes alterations and additions to a State and Town listed Category A heritage property that formerly operated as the East Fremantle Post Office and an antiques store. It is considered a good example of Federation Free Classical style of architecture and is one of a group of heritage dwellings in the area including the old Police Station, Council's administration building and Dovenby House. Located at the intersection of Canning Highway and Stirling Highway the building is currently vacant. The building is required to be modified to ensure it can serve as a real estate office. There is currently an existing development approval in place for the property which provided for conservation works, additions and alterations and a change of use from shop to office. This application builds on this approval to further adapt the building for its planned use as a commercial office.

The following changes are proposed;

- Bicycle and car parking
- Colorbond fencing along southern boundary
- Landscaping and installation of artwork
- Construction of new deck area
- Removal of steel bars from windows
- Removal of asbestos from rear verandah
- New disabled access ramp
- Removal of paint
- New signage
- Addition of kitchen, offices and meeting room
- Modifications to toilets
- Raising the verandah floor

The proposed development is almost fully compliant with Local Planning Scheme No 3 and the Town Centre Redevelopment Guidelines. There are a number of conditions that have been included in the recommendation that are intended to ensure that key elements of both LPS No3 and the Town Centre Redevelopment Guidelines are adhered to.

Heritage- Category A

The property is heritage listed with a Category A listing on the State heritage register and the Town's heritage list. The proposed works compliment, rather than detract from the heritage qualities of this building. The new additions are largely concentrated to the rear of the building while there are significant changes to the interior which retain the heritage features, but ensure that the building can be utilised as a contemporary office that is compliant with building code requirements. Each element of the proposed additions does not detract from the heritage characteristics, but rather enhances the heritage property and the surrounding heritage properties.

The works proposed for the building are considered appropriate given the current vacant status of the building and its location at a busy traffic intersection. The works are minimalist in nature in terms of retaining and conserving the existing heritage building and ensuring that an appropriate commercial use is undertake on site. The additions to the rear are contemporary in design and ensure that the existing heritage building and the new deck area can be easily distinguished in line with modern heritage practices.

The advice and conditions that were provided by the Heritage Council will be included as conditions in the officer's recommendations.

Zoning

The site is zoned urban under the MRS and Town Centre under the Town's Local Planning Scheme No 3 which is designed to facilitate a number of commercial uses.

Part of the site is reserved for primary regional roads under the MRS as are sections of both Canning and Stirling Highway that abut the site. This application does not propose any works within the reserved portion of the site nor any direct vehicle access to either Canning or Stirling Highway.

Fremantle Ports Requirements

Fremantle Ports has insisted that the Area 2 Port Buffer requirements are included as conditions of the planning approval. These conditions have been noted and included as conditions in the final recommendation. The conditions include the following;

Windows and Openings

- (a) Any glass used for windows or other openings shall be laminated safety glass of minimum thickness of 6mm or “double glazed” utilising laminated or toughened safety glass of a minimum thickness of 3mm.
- (b) All safety glass shall be manufactured and installed to an appropriate Australian Standard.

Air conditioning Systems

- (a) All air conditioning systems shall incorporate the following features:
 - i) multiple systems to have internally centrally located shut down point and associated procedures for emergency use,
 - ii) preference for split “refrigerative” systems.

Construction

- (b) All developments shall incorporate roof insulation.

MRWA Requirements

Main Roads has no objections to the proposed development , however, they have requested that a condition is imposed that requires that all works undertaken within the Canning Highway and Stirling Highway road reserve has Main Roads approval. In addition 2 advice notes are to be included that require the applicant to submit an application via the Main Roads website and approvals will be required for structures such as scaffolding.

Landscaping

Given that the building is located at a prominent position on the corner of Stirling and Canning Highways and adjacent to other heritage buildings it is essential that the building has appropriate landscaping. It is located in an area that is dominated by hard built surfaces so landscaping will aid in softening the built environment and cooling the surrounding solid surfaces. A condition has been included that requires a landscape plan be submitted that is acceptable to the Town prior to the submission of an application for a building permit.

Crime Prevention Through Environmental Design

The proposal was assessed against the Town Centre Redevelopment Guidelines. As part of this it is necessary to ensure that appropriate measures are adopted to prevent crime in close proximity to the building. The two front entries are concealed from Canning Highway and the rear deck area and back entry so it is recommended that a condition be imposed that security lighting be installed in both front and rear areas as part of the development approval.

Environmental Health

It has been noted that cladding materials on the existing building are asbestos and that there is a considerable amount of asbestos waste at the bottom and sides of the building that should be removed as part of works that are proposed to be carried out on the building. As such it is necessary to ensure that such materials are removed safely by a licensed asbestos removal contractor, and all materials are

disposed of at a licensed waste disposal facility. A condition will be included in the recommendation to achieve this.

It is also noted that that accessibility to the building, sanitary facilities and lighting should meet the requirements of the National Construction Code and/or the Australian Standards. This will be dealt with under the building permit. Waste disposal from the site during construction will also be dealt with under the building permit.

In terms of storm water a condition will be imposed as part of the planning conditions to ensure a storm water drainage and disposal plan is prepared prior to the issue of a building permit.

Signage and Services

Limited signage has been included in the development proposal. Given that it is a heritage building and it is also located on a very busy intersection it is appropriate that the limited signage proposed in this application be supported, however, a condition will be included in the final recommendation to require a development application be submitted for the Town's consideration for any other signage that is proposed.

Likewise a condition has been recommended that requires all wired and piped services such as air conditioning ducts and meter boxes to be screened or hidden from view to reduce visual amenity impacts from the street front.

A requirement to make a development application for solar panels has also been recommended on the basis that they will potentially be visible from properties on the northern side of Canning Highway and also because such additions may have an impact on the heritage characteristics of the building and will require the consideration of the State Heritage Office as well.

Conclusion

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

- Mr Todd Grierson from Yard Property (future owners) responded to the main issues surrounding ongoing graffiti and vandalism at the property and some of the design features as well as surveillance/security measures proposed to mitigate these matters in the future.

11.5 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION 021219

Moved Cr Watkins, seconded Cr Nardi

That development approval is granted and discretion is exercised in regard to the following;

for alterations and additions at No. 101 (Lot 4274) Canning Highway, East Fremantle, in accordance with the plans date stamped received 3 October 2019, subject to the following conditions:

- (1) Prior to lodging an application for a building permit, a detailed landscaping plan for the subject site must be submitted to and approved by the Town of East Fremantle and must include the location, number, size and species type of ground covers, shrubs and trees, any existing landscape areas to be retained and those areas to be upgraded, reticulated or irrigated.**

- (2) An historical archaeologist is to be consulted on the potential for impact to remaining sub-surface evidence of former use, and advise on an appropriate management strategy, prior to any disturbance works occurring.
- (3) The following further information shall be provided for consideration prior to the application for a building permit:
 - (a) Method for raising FFL to extension.
 - (b) Wiring and fixing to sign, and potential impact on original lettering.
 - (c) Detail on air conditioning (location of bulkheads only shown on drawings) and other services.
- (4) The applicant must obtain approval from Main Roads before all works are undertaken within the Canning Highway and Stirling Highway road reserve.
- (5) Any glass used for windows or other openings shall be laminated safety glass of minimum thickness of 6mm or "double glazed" utilising laminated or toughened safety glass of a minimum thickness of 3mm.
- (6) All safety glass shall be manufactured and installed to an appropriate Australian Standard.
- (7) All air conditioning systems shall incorporate the following features:
 - (i) multiple systems to have internally centrally located shut down point and associated procedures for emergency use,
 - (ii) preference for split "refrigerative" systems.
- (8) All developments shall incorporate roof insulation.
- (9) All piped and wired services including air conditioners, hot water systems, water storage tanks and service meters are to be located to minimise visual impacts on the subject property.
- (10) All outdoor storage and bin areas must be screened from view from the front of the subject site.
- (11) Security lighting is to be installed inside the 2 front entry alcoves, above the rear building entry staircase and above the rear deck area. If requested by Council within the first two years following installation, the lighting is to be treated to reduce light intensity, glare, reflection and lighting spill over that may cause amenity impacts on surrounding properties. The treatment is to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
- (12) The buildings and all other structures in the area between the buildings and the lot boundary including the street art, walls, gates and windows are to be kept clean and free of graffiti and vandalism at all times and any such graffiti or vandalism is to be remedied within 24 hours to the satisfaction of the Chief Executive Officer.
- (13) The approval does not include approval for solar panels. A proposal to install solar panels will require the submission of a development application for the consideration of the Town of East Fremantle, as well as an application for a building permit.
- (14) Approval has been granted for signage in accordance with the submitted plans date stamped 3 October 2019. Additional signage including sandwich boards, flags, banners, wall signage, trailer signage and electronic signage will require the submission of a development application and consideration by the Town of East Fremantle.
- (15) Prior to lodging an application for a building permit, the applicant must submit and have approved by the Town of East Fremantle, and thereafter implement to the satisfaction of the Town of East Fremantle, a traffic management plan and a construction management plan addressing the following matters:
 - (a) How materials and equipment will be delivered and removed from the site;



- (b) How materials and equipment will be stored on the site
 - (c) Parking arrangements for contractors
 - (d) Construction waste disposal strategy and location of waste disposal bins including the removal of hazardous materials (asbestos) and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works;
 - (e) Details of cranes, large trucks or similar which may block public thoroughfares and roads during construction.
- (16) Prior to lodging an application for a building permit, the applicant must submit and have approved by the Town of East Fremantle, and thereafter implement to the satisfaction of the Town of East Fremantle a waste management plan. The plan shall include the following details to the satisfaction and specification of the Town of East Fremantle:
- (a) The location of the bin storage areas and bin collection areas;
 - (b) The number, volume and type of bins, and the type of waste to be placed in the bins;
 - (c) Details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
 - (d) Frequency of bin collections.
- (17) 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.
- (18) 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.
- (19) 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.
- (20) 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.
- (21) 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.
- (22) 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.
- (23) 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.
- (24) 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.***
- (vi) Further to condition (4) above, the applicant seeking access to the Main Roads network will be required to submit an application. Application kits can be found on the Main Roads website >"Our Roads" >"Conducting Works on Roads".***
- (vii) This above approval is required for such actions as using scaffolding in the road reserve.***

(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 March 2019 this application deemed determined, on behalf of Council, under delegated authority.

11.2 George Street No 38 (Lot 412 & 414) Proposed signage

Owner	Climax & Joanne D'Souza
Applicant	Jacinta Athersmith
File ref	P093/19; GEO38
Prepared by	James Bannerman Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	3 December 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Purpose

Council is to consider a planning application for signage at No 38 (Lot 412 & 414) George Street, East Fremantle.

Executive Summary

The applicant is seeking Council approval for two projecting signs with a vertical orientation. There are variations requested from the requirements of the Signage Design Guidelines - Local Planning Policy 3.1.3.

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

Background

Zoning: Mixed Use

Site area: 268m²

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

Nil

Consultation

Advertising

The application was not advertised.

Community Design Advisory Committee (CDAC)

The application was not referred to CDAC.

Statutory Environment

Planning and Development Act 2005

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

Policy Implications

Signage Design Guidelines - Local Planning Policy 3.1.3

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

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not approve the proposed development and the applicant appeals to SAT	Unlikely (2)	Minor (2)	Moderate (5-9)	COMPLIANCE Minor regulatory or statutory impact	Accept Officer Recommendation

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

Risk Rating	4
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Site Inspection

A site inspection was undertaken.

Comment

Heritage

The subject property is a Category B building on the Town's heritage list and heritage inventory.

Statutory Assessment

The proposal has been assessed against the provisions of Local Planning Scheme No. 3 and the Town's Signage Design Guidelines - Local Planning Policy 3.1.3.

The application proposes signage for the shop at No 38 (Lot 412 & 414) George Street, East Fremantle. It includes a proposal for 2 projecting signs (vertical).

The table below lists the requirements of the Signage Design Guidelines, as well as the details of the proposed sign and whether the proposed sign complies with these requirements.

Signage Guidelines - Alternative Performance Criteria	Proposed Sign	Complies or Not
Maximum vertical dimension 1m or 5% height of building wall	0.95m frame 0.6m sign	Discretionary
Maximum projection 450mm	0.87m frame 0.76m sign	Discretionary
Number of signs - maximum of 1 per site	2	Discretionary
2.5m clearance from pavement	2.19m	Discretionary
Illumination - may be illuminated	Not illuminated	Complies

Sign 1 & 2 - Projecting Sign (Vertical)

Two identical vertical projecting signs are proposed. The signs measure 0.6m projection from the wall by 0.76m high and are proposed to be hung from a decorative frame mounted to the south facing wall that overlooks the footpath at the western and eastern ends of the subject property. The frame measures 0.95m in length and projects 0.87m from the wall. The signs have "Doffie, bespoke, local loved" written on both sides in black print with a white background. According to the LPP 3.1.3 one projecting sign (vertical) measuring a maximum length of 1m or 5% of the wall height and maximum projection of 0.45m is permitted. The sign is proposed to be 2.19m from the pavement which is less than the 2.5m minimum requirement. A condition has been recommended that requires the signs to be a minimum of 2.5m from the pavement in accordance with the Town's Signage Guidelines and it has been discussed with the applicant. The sign exceeds the maximum size permissible under LPP 3.1.3 and is lower than what would normally be accepted, however, the sign is supported, as it is part of a sign regime for the subject property and no other signs are being proposed for the shop.

Conclusion

Both Sign 1 - Projecting Sign (Vertical) and Sign 2 - Projecting Sign (Vertical) are supported. The frames that support the signs are larger and lower than permissible according to LPP 3.1.3 and there are 2 signs proposed rather than 1 permitted by LPP 3.1.3, however, as this is the only signage that is proposed it is felt that this is an acceptable compromise.

Although the subject property is listed as a Category B property on the heritage list and heritage inventory the signage does not affect the heritage nature of the property and is relatively unobtrusive acknowledging that the building is being used as an approved shop, is located in the Mixed Use zone as indicated in Local Planning Scheme No 3 Scheme map and positioned along George Street on the western portion of the commercial precinct in close proximity to a number of other commercial businesses. The shop has been unoccupied for some time and the return of a business to the premises is welcomed at the western end of George Street.

The development application is recommended for approval subject to conditions.

11.2 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP031219

Moved Cr Nardi, seconded Cr Harrington

That Council grant development approval for two projecting signs at No. 38 (Lot 412 & 414) George Street, East Fremantle, in accordance with the plans date stamped received 13 & 18 November 2019, subject to the following conditions:

- (1) All signage proposed being in accordance with the correspondence, elevations and accompanying notations and plans in regard to signage dimensions, wording, materials and graphics submitted with the application and date stamped received 13 & 18 November 2019 other than where varied by Council and in compliance with conditions of this approval.**
- (2) The signage shall be a minimum of 2.5m vertical distance from the pavement below.**
- (3) Any change to the type, design, location or illumination of the signage regime shall be the subject of a further development approval application for the consideration of Council.**
- (4) All signage to be kept clean and free of graffiti and vandalism at all times and any such graffiti or vandalism to be remedied within 48 hours to the satisfaction of the Chief Executive Officer.**
- (5) No other unauthorised signage is to be displayed. Additional signage will require the submission of a development application for the consideration of Council.**
- (6) The device shall not contain fluorescent, reflective or retro reflective colours or materials.**



- (7) The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
- (8) 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.
- (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) *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).*

(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 March 2019 this application deemed determined, on behalf of Council, under delegated authority.

11.3 Sewell Street No 62 (Lot 306) Proposed new residence

Owner	Jamie & Kate Nancarrow
Applicant	John Chisholm Design
File ref	P080/19; SEW62
Prepared by	James Bannerman Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	3 December 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Purpose

This report considers a planning application for the proposed construction of a new two storey residence at No 62 (Lot 306) Sewell Street, East Fremantle.

Executive Summary

The applicant is seeking Council approval for the new storey residence with the following variations to the Residential Design Codes and the Residential Design Guidelines;

- (iii) Boundary Setback - Kitchen/Dining Room Wall – 1m required, 0m provided
- (iv) Boundary Setback – Studio – 1m required, 0m provided
- (v) Bedroom 3, 2 & Bathroom – 1.5m required, 1.3m provided
- (vi) Maximum Wall Height – 6m required, 6.3m provided
- (vii) Garage Width – 30% required, 50% provided
- (viii) Roof Pitch – 28 to 36 degrees required, 20 and 25 degrees provided

The current proposal is an altered design from the previous approval (P044/16) but has a similar intent.

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

Background

Zoning: Residential R20

Site area: 508m²

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

P044/16 Development approval granted for a 2 storey dwelling 5 July 2016

Consultation

Advertising

The application was advertised to surrounding land owners from 10 to 25 October 2019. No responses were received.

Community Design Advisory Committee

(a) *The overall built form merits;*

- The Committee comment that the design possesses limited merit with specific reference to the comments provided below.

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

- The Committee note that the use of various materials and colours on the front façade seem to conflict with each other and the wider heritage character of the area. There appears to be five separate materials utilised on the front façade which may reduce the design and overall built form merit of the proposal. The Committee suggest that the applicant provides a colour and materials board to supplement their documentation as to demonstrate consistency with the immediate locality.
- (c) *The relationship with and impact on the broader public realm and streetscape;*
- The Committee appreciate that the modern design of the new dwelling which is located adjoining two other recently completed properties with modern designs.
- (d) *The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;*
- No further comment at this time.
- (e) *The extent to which the proposal is designed to be resource efficient, climatically appropriate, responsive to climate change and a contribution to environmental sustainability;*
- The dwelling does demonstrate the principles of climatic appropriate design, however, it is noted the building does overshadow the southern neighbour due to being located primarily on the southern boundary. The Committee do note the height and design of the adjoining dwelling, noting the limitations to improve solar gain to the neighbouring property.
- (f) *The demonstration of other qualities of best practice urban design including “Crime Prevention” Through Environmental Design performance, protection of important view corridors and lively civic places;*
- No further comment at this time.

Applicant Comment

The applicant provided comments for Items (b) and (e).

(b) The clients and I thought that the materials were quite harmonious with the area, and worked on a fairly minimalist palette – white brickwork, now complemented with white Dulux Acratex coating to all framed walls, a Colorbond Surfmist or Shale Grey garage door (not the timber door as illustrated) and real timber vertical lining as a natural feature. The low front boundary wall is to be built from natural limestone that has been found on site. Apart from the window frames which are an essential component, the design works fairly hard to present a calm, natural and honest presentation of materials consistent with the character of the local area.

Of course, the clients and I will be more than happy to submit a colour and materials sample board.

(e) No comment, other than it would appear to be somewhat difficult for this design, with 2.9m high boundary walls to ‘overshadow’ the adjoining southern property with 6.9m to 7.6m high boundary walls. The adjoining property has no solar design considerations, the one opportunity it had to invite solar access into the home is given over to a small service courtyard.

Officer Comment

The comments are noted. Sewell Street has many heritage properties as well as numerous more contemporary dwellings with an eclectic variety of architectural colours and styles. The proposed development at the subject property adjoins properties that are not heritage listed and have used contemporary architectural features and materials. This proposal has utilised contemporary design features and styles including steep and low pitched roofs, as well as a combination of materials which follow a similar pattern to the neighbouring properties. The applicant has submitted a colour and materials chart as requested by CDAC. The colours and materials are complementary to the surrounding dwellings.

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

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not approve the proposed development	Possible (3)	Minor (2)	Moderate (5-9)	COMPLIANCE Minor regulatory or statutory impact	Accept Officer Recommendation

Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Extreme
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

Risk Rating	6
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

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	6.2m	A
Secondary Street Setback	-	-	N/A
Lot boundary setbacks			
Garage	0m	0m	A
Laundry	1m	2.3m	A
Kitchen/dining	1m	0m	D
Studio – south	1m	0m	D
Studio - east	1m	2.53m	A
Studio - north	1.5m	7.5m	A
Living - east	1.5m	16m	A
Living - north	1.5m	1.8m	A
Kitchen - north	1.5m	3.9m	A
Ensuite & master bedroom	1m	1m	A
Master bedroom/side wall - north	1m	1.5m	A
Bedroom 3, 2 & bathroom - south	1.5m	1.3m	A
Bathroom & linen cupboard	2.8m	11.5m	A
Linen cupboard - north	1.2m	4.9m	A
Bed 4, family	1.2m	1.5m	A
Open Space	50%	58.7%	A
Wall height	6m	6.3m	D
Roof height	9m	8.2m	A
Setback of Garage	4.5m	6.2m	A
Car Parking	2 car bays	2 car bays	A
Site Works	Less than 500mm	Less than 500mm	A
Visual Privacy	4.5m bedroom 4	4.5m	A
Overshadowing	≤25%	2.75%	A
Drainage	On-site	To be conditioned	A

Local Planning Policies Assessment

LPP Residential Design Guidelines Provision	Status
3.7.2 Additions and Alterations to Existing Buildings	N/A
3.7.3 Development of Existing Buildings	N/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	D
3.7.8 Roof Form and Pitch	D
3.7.9 Materials and Colours	A

3.7.10 Landscaping	A
3.7.11 Front Fences	A
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	A
3.7.15.4.3.1 Fremantle Port Buffer Area	A
3.7.15.3.3 Garages and Carports	A

This development application proposes a new double storey dwelling at the subject property. There was a previous development approval for the demolition of the existing dwelling onsite and the construction of a new two storey dwelling (P044/16) which had some similarities to the proposal that is the subject of this report. The demolition of the original building was carried out, but the development of the dwelling was not commenced. The development approval was extended twice for twelve month periods and is valid to May 2020.

In terms of the current proposal that is before the Town five variations are requested to the requirements of the Residential Design Codes and two variations are requested to the requirements of the Residential Design Guidelines.

Kitchen/Dining Room Wall – Southern Boundary

The kitchen and dining room wall which is 9m long and 3m high partially abuts a parapet wall of the neighbouring property. The section of the wall that aligns with the dining area and 4.9m long abuts a parapet wall that is 6.6m in length. As a result there is no impact on the neighbouring property as this wall is only 3m high and corresponds to the abutting parapet wall. The remaining section corresponds with the kitchen and is adjacent to a service courtyard at the southern neighbouring property which is enclosed by retaining walls and boundary fencing that is 2.4m in height. The parapet wall is 3m high only 0.6m higher than the boundary fence and retaining wall at this section of the boundary. The parapet wall ensures privacy, has little effect on ventilation, but does impact on sunlight. On balance the location of the wall achieves Clause 5.1.3 design principles P3.2. The design makes effective use of space for enhanced privacy of occupants and outdoor living areas, reduces impacts of building bulk on adjoining properties, provides adequate direct sunlight and ventilation to the building and open spaces of the site and adjoining properties, and overlooking and loss of privacy is minimised. For these reasons the reduced setback to the boundary is supported.

Studio – Southern Boundary

The studio located in the rear yard is also located along the boundary. A 4.3m long wall that is 2.9m high is adjacent to a boundary fence and retaining wall where it should be 1m from the boundary. The studio is adjacent to a retaining wall and boundary fence that is approx. 0.1m lower than the proposed wall of the studio and has minimal impact on the southern neighbouring property in terms of building bulk, privacy, open space, sunlight or ventilation in accordance with clause 5.1.3 clause design principles P3.1. The reduced setback to the boundary of the studio wall is supported.

Bed 3, 2 & Bathroom – Southern Boundary

A wall 10.3m long and 5.8m high is located 1.3m from the boundary rather than 1.5m as required by clause 5.1.3 of the R Codes. This represents a small difference and in accordance with design principles P3.1 there has been an attempt to reduce the building bulk on the neighbouring property by setting the wall back from the boundary, there is adequate sunlight and ventilation provided to the building and adjacent property and there is no loss of privacy as the wall has highlight windows that permit light into habitable rooms but limits any ability to overlook the southern property. Along the boundary the southern neighbouring property has constructed a parapet wall that is higher than the wall that is proposed by the

property that is the subject of this report. This parapet wall is between 6.7m and 7.8m high. The reduced setback to the boundary is supported.

Wall Height

The maximum wall height (to the top of wall from NGL) is 6.3m where it should be 6m in accordance with clause 5.1.6 of the R Codes. The additional height on the north western corner of the proposed development is due to the slope of the lot. It is only for a small section of the building and it still complies with the maximum roof height of 9m. In this location there is minimal impact on the northern neighbouring property as the wall is setback 1.8m which is more than the minimum distance required by the R Codes (1.2m). There is no impact on access to sunlight into the building, major openings or open spaces of the neighbouring property and it has no impact on access to views of significance. For this reason the additional wall height can be supported.

Garage Width

The garage has a width as a percentage of lot frontage that is equivalent to 50%. Clause 3.7.16.3.3.A3 of the Residential Design Guidelines requires that garages be a maximum of 30% of the lot width. The garage is compatible with the building and does not dominate the streetscape as a result of designing the opening to be 3.8m wide which is 31% of lot width which reduces dominance of garage. In accordance with performance criteria 3.7.16.3.3 P3 where garages are required they are to be designed to be incorporated into and compatible with the design of the dwelling. In this case this is achieved through the addition of an inset in the otherwise blank wall to the north of the garage opening and the use of different colours and materials for the garage to the rest of the dwelling. For this reason the additional garage width is supported.

Roof Pitch

The roof pitch varies between 5 degrees to 30 degrees where it is required to be between 28 degrees to 36 degrees. It does not achieve the requirements of clause 3.7.8.3 A4.1 but achieves the performance criteria of clause 3.7.8.3 P3 & P4 in that the eaves of new developments are sympathetic with the immediate locality in regard to the size of overhang and the roof form complements the traditional form of surrounding development in the immediate locality. For this reason the proposed roof pitches are supported.

Fremantle Port Buffer Area 2 Requirements

There is a requirement that all new development achieves the Fremantle Port Buffer Area 2 requirements which are listed in the Residential Design Guidelines. These requirements include use of safety glass, quiet house design and minimum air conditioning requirements which have been included as conditions of development.

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.



11.3 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP041219

Moved Cr Nardi , seconded Cr Harrington

That development approval is granted and discretion is exercised in regard to the following;

- (i) Clause 5.1.3 – Residential Design Code – Lot Boundary Setbacks – Kitchen Dining Room Wall - 1m required, 0m provided
- (ii) Clause 5.1.3 – Residential Design Code – Lot Boundary Setbacks – Studio Wall - 1m required, 0m provided
- (iii) Clause 5.1.3 – Residential Design Code – Lot Boundary Setbacks – Bedroom 3, 2 & Bathroom Wall – 1.5m required, 1.3m provided
- (iv) Clause 5.1.6 – Residential Design Code – Wall Height – - 6m required, 6.3m provided
- (v) Clause 3.7.16.3.3 – Residential design Guidelines - Garage Width – 30% required, 50% provided
- (vi) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, 5 to 30 degrees provided

for a proposed new residence at No. 62 (Lot 306) Sewell Street, East Fremantle, in accordance with the plans date stamped received 14 October 2019, subject to the following conditions:

- (1) The maximum width of the garage opening shall be 3.8m.
- (2) The maximum width of the crossover shall be 4.2m.
- (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) Any glass used for windows or openings shall be laminated safety glass of minimum thickness of 6mm or double glazed utilising laminated or toughened safety glass of a minimum thickness of 3mm and to be manufactured and installed in accordance with Australian Standards.
- (7) Multiple air conditioning systems are to have internally centrally located shut down point and associated procedures for emergency use and there is a preference for a split refrigerative systems.
- (8) Quiet house design principles are to be adopted.
- (9) Roof insulation is to be incorporated into the development.
- (10) All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
- (11) 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.
- (12) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.

- (13) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by 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.
- (14) 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.*
- (vi) under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document – "An Installers Guide to Air Conditioner Noise".*

(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 March 2019 this application deemed determined, on behalf of Council, under delegated authority.

11.4 Oakover Street No 18 (Lot 15) Approval subsequent to development of patio

Owner	Christopher Rowett
Applicant	Christopher Rowett
File ref	P089/19; OAK18
Prepared by	James Bannerman Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	3 December 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Purpose

Council is to consider a planning application for approval of a patio subsequent to development at No 18 (Lot 18) Oakover Street, East Fremantle.

Executive Summary

The applicant is seeking Council approval for a patio subsequent to development. The works have already been completed.

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

Background

Zoning: Residential R12.5

Site area: 674m²

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

Development application P30/12 for alterations and additions lodged 23 February 2012, but withdrawn 28 February 2012

Consultation

Advertising

The application was supported by the southern neighbouring property at 20 Oakover Street.

Community Design Advisory Committee (CDAC)

The application was not referred to CDAC as it has no streetscape impacts.

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

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not approve the proposed development resulting in a SAT appeal	Possible (3)	Minor (2)	Moderate (5-9)	COMPLIANCE Some temporary non-compliances	Accept Officer Recommendation

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

Risk Rating	6
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Site Inspection

A site inspection was undertaken.

Comment

Statutory Assessment

The proposal was assessed against the provisions of Local Planning Scheme No. 3, the Town's Local Planning Policies including the Residential Design Guidelines, as well as the Residential Design Code. 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			
North	1.0m	3.7m	A
East	6.0m	7.5m	A
South	1.0m	5.7m	A
Open Space	55%	>50%	A

Building Height			
Wall height	6m	2.75m	A
Roof height	9m	3.7m	A
Setback of Carport			N/A
Car Parking			N/A
Site Works	Less than 500mm		N/A
Retaining Wall	Less than 500mm		N/A
Overshadowing	≤25%	<25%	A
Drainage	On-site	To be conditioned	A

Local Planning Policies Assessment

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

Heritage

The subject property is listed as Category B property on the Municipal Heritage List. The works are located to the rear of the property and are considered to have no significant heritage impact.

Comment

This development application deals with a patio that has already been constructed. Approval subsequent to development is being sought by the owner of the subject property. One variation is requested to the requirements of the Residential Design Guidelines. There has been one submission from a neighbouring property (20 Oakover Street) in support of the development.

The Residential Design Guidelines requires a pitch of between 28 and 36 degrees under acceptable development clause 3.7.8.3 A1. Part of the patio has a roof pitch of 8 degrees. Although the patio roof does not match the original roof pitch it positively contributes to the existing dwelling in accordance with performance criteria clause 3.7.8.3 P1 of the Residential Design Guidelines. As such this variation can be supported.

The structure is hidden behind the existing dwelling and cannot be seen from the front of the property. There are generous setbacks from the side and rear boundaries and there are no amenity impacts on surrounding properties from this development. The dwelling is a category B heritage listed property, however, the works that were undertaken are relatively minor and do not detract from the heritage characteristics of the building. For these reasons the development can be supported.

Conclusion

The approval of the application for development approval subsequent to works being carried out is at the discretion of Council. The development application is recommended for approval subject to conditions.

11.4 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP051219

Moved Cr Natale, seconded Cr Nardi

That Council grants subsequent development approval and exercises its discretion in regards to the following;

- (i) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, 8 degrees provided

for a patio at No. 18 (Lot 15) Oakover Street, East Fremantle, in accordance with the plans date stamped received 25 October 2019, subject to the following conditions:

- (1) 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.
- (2) The Building Permit shall be in compliance with the conditions of this planning approval unless otherwise amended by Council.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) 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).***
- iv) 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 March 2019 this application deemed determined, on behalf of Council, under delegated authority.

12. REPORTS OF OFFICERS (COUNCIL DECISION)

Nil.

13. MATTERS BEHIND CLOSED DOORS

Nil.

14. CLOSURE OF MEETING

There being no further business, the presiding member declared the meeting closed at 7.09 pm

I hereby certify that the Minutes of the ordinary meeting of the Town Planning Committee of the Town of East Fremantle, held on 3 December 2019, Minute Book reference 1. to 14. were confirmed at the meeting of the Committee on:

4 FEBRUARY 2020


Presiding Member