

MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 2 JULY, 2013 COMMENCING AT 6.35PM.

T70. OPENING OF MEETING

T70.1

Present

Cr Alex Wilson	Presiding Member
Cr Barry de Jong	
Cr Cliff Collinson	
Cr Siân Martin	
Cr Maria Rico	
Mr Jamie Douglas	Manager – Planning Services
Mr Andrew Malone	Senior Town Planner
Mrs Peta Cooper	Minute Secretary

71. ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member made the following acknowledgement:

“On behalf of the Council I would like to acknowledge the Nyoongar people as the traditional custodians of the land on which this meeting is taking place.”

T72. WELCOME TO GALLERY

There were 12 members of the public in the gallery at the commencement of the meeting.

T73. APOLOGIES

Cr Dean Nardi

T74. CONFIRMATION OF MINUTES

T74.1 Town Planning & Building Committee – 4 June 2013

Cr Rico – Cr de Jong

That the Town Planning & Building Committee minutes dated 4 June 2013 be confirmed subject to a correction to MB Ref T66.4, May Street No 19, by amending the Note which follows the resolution to read:

“As 5 Committee members voted in favour of an alternative recommendation which was supported by the Manager Planning Services, pursuant to Council’s decision regarding delegated decision making made on 21 May 2013, this application is deemed determined, on behalf of Council, under delegated authority.” CARRIED

T75. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

Nil.

T76. REPORTS OF COMMITTEES

T76.1 Town Planning Advisory Panel – 11 June 2013

Cr Rico – Cr de Jong

That the minutes of the Town Planning Advisory Panel meeting held on 11 June 2013 be received and each item considered when the relevant development application is being discussed. CARRIED

T77. REPORTS OF OFFICERS – STRATEGIC PLANNING**T77.1 George Street Access and Parking Management Plan**

Cr Martin – Cr de Jong

That the order of business be altered to bring forward Statutory Planning/Development Control agenda items and that the Strategic Planning item be held over for discussion later in the meeting. CARRIED

T78. REPORTS OF OFFICERS - STATUTORY PLANING/DEVELOPMENT CONTROL**T78.1 Receipt of Reports**

Cr de Jong – Cr Rico

That the Reports of Officers be received. CARRIED

T78.2 Order of Business

Cr de Jong – Cr Rico

The order of business be altered to allow members of the public to speak to relevant agenda items and as requested by Ms Janice England due to her having to leave the meeting early, the matter of 19 May Street be given priority. CARRIED

- T78.3 May Street No. 19 (Lot 102)**
Applicant: Olk & Associates
Owner: Racing & Wagering WA, B Moffitt
Application No. P36/13
 By Andrew Malone, Senior Town Planner on 17 May 2013

PURPOSE OF THIS REPORT

This report considers an application for Planning Approval for the demolition of an existing single storey building and development of 5 storey multiple dwelling comprising ten apartments at 19 (Lot 102) May Street, East Fremantle. The application is recommended for conditional approval.

BACKGROUND

The Town Planning and Building Committee on 4 June 2013 resolved:

- That the application be deferred to allow the applicants to submit revised plans which:*
- (i) *provide better articulation to the upper levels fronting May Street, with consideration for staggering or recessing of balconies*
 - (ii) *provide better street level interface that acknowledges the existing scale and architecture of the residential heritage buildings opposite the site*
 - (iii) *address Council's Noise Attenuation Policy.* CARRIED 5:0

The applicant has provided amended plans to further articulate the building fronting May Street and provides design features that better present at a street level scale. A noise attenuation report has also been undertaken and is attached to this report. Both of these are discussed in greater detail later in the report.

Description of Site

The subject site is:

- a 465m² freehold lot
- zoned Town Centre
- improved with single storey commercial building (TAB building)
- located in the Town Centre Precinct

Statutory Considerations

Town Planning Scheme No. 3 (TPS3) – Mixed Use Residential Design Codes (RDC)

Relevant Council Policies

Local Planning Policy 145 – Town Centre Redevelopment Guidelines.

Impact on Public Domain

- Tree in verge : No impact
- Light pole : Existing light to be relocated
- Crossover : New crossover
- Footpath : No impact
- Streetscape : Proposed new building. Visual impact to the streetscape.

Documentation

- .. Plans and relevant forms date stamp received on 22 March 2013
- .. Amended plans date stamp received 26 March 2013
- .. Amended plans date stamp received 5 April 2013
- .. Further information stamp received 20 April 2013
- .. Amended plans date stamp received 22 April 2013
- .. Response to submissions stamp received 14 May 2013
- .. Amended Plans and further information date stamp received 20 June 2013

Date Application Received

22 March 2013

CONSULTATION

Advertising

The application was advertised to surrounding neighbours and a sign located on site for a two week period between 13 April and 29 April 2013 as well as newspaper notice on 13 April 2013. At the close of advertising six (6) submissions have been received and are attached to this report. The issues raised in the submissions are summarised in the following table alongside the applicant’s response and officer’s comments.

SUBMISSION	APPLICANT RESPONSE	OFFICER COMMENT
<p>Only 1 x car bay for each 2 bedroom unit. Only 1 visitor car bay is provided.</p> <p><u>Parking Issues</u></p> <p>Parking allowance is inadequate for the number of apartments and would add to an area where parking is already a problem.</p> <p>Developer should allocate their own visitor parking spaces for their own development.</p> <p>The residents’ car parking area should be carefully located for safe access.</p>	<p>We have sought a variation to the provision of visitor parking bays providing one bay instead of three bays, on the following basis:</p> <ul style="list-style-type: none"> - The site is located within close proximity to the city centre and is well served by public transport services on Canning Highway. - During the evening and outside business hours, there is ample on-street parking available. - There is provision of visitor bicycle bays onsite above what is required to encourage alternative modes of transport and sustainability. 	<p>The proposed development is located within 250 metres of a high frequency bus route. A condition has been included in the Officer’s Recommendation to provide 10 car parking bays for the development and the remaining 3 spaces are to be provided for visitor bays.</p> <p>As conditioned, the proposed development complies with the Acceptable Development Provisions of the Residential Design Code requirements for car parking.</p> <p>The development also has provisions for resident and visitor bicycle parking.</p>
<p>No street activation suggested.</p> <p>The side that faces May Street could be marginally more inviting, but again there is no relation to the pedestrian other than a block-spanning metal grille.</p>	<p>Consideration was given to the narrow frontage ground floor street facade to ensure that it will relate to pedestrian on the street. A variety of high quality materials, visually interesting architectural elements and planting have been used to create a vibrant and attractive street front.</p> <p>The front facade is predominantly</p>	<p>The overall lot is 14.4 metres in width and 465m² in area.</p> <p>It is considered the articulation of the building to May Street and to the adjoining car park to the south, minimises the perceived height and scale of the building.</p> <p>The use of quality materials, the decorative front facade, articulation</p>

SUBMISSION	APPLICANT RESPONSE	OFFICER COMMENT
	<p>glazed to promote visual permeability and lightness. We proposed a lightweight decorative metal screen at ground level incorporating a historically relevant image (Figures 3 & 4). The decorative screen will be articulated with setback and landscaping. This will be a significant art contribution to the street. The main pedestrian access to the building is via an open landscaped path which will provide depth and variety to the facade.</p>	<p>and the planting have been used to create a vibrant street.</p> <p>The proposed development is consistent with the previously approved Town Centre development and the envisaged built form of the LPP – Town Centre Redevelopment Guidelines.</p>
<p>No mixed use in application.</p>	<p>The proposed development is consistent with the emerging character of the Town Centre.</p>	<p>It is considered the proposed subject lot does not have sufficient area to provide mixed use, with associated car parking.</p>
<p>Height of development effecting the current streetscape</p> <p>Heritage Listing. We have some level of heritage listing on our property at 23 May Street East Fremantle. Allowing the development of a 5 Story Apartments would make a mockery of this and the future streetscape appearance.</p> <p>It will not complement it or any of the other listed properties at that end of May Street, but will instead dominate the skyline with its disproportionate height and bulk.</p> <p>The apartment building proposed for this site presents a most unattractive face to residents of the area and pedestrians who visit the town centre.</p> <p>The proposed development does not fit in with the scale, style or rhythm of the existing May Street streetscape.</p> <p>It concerns me that the Richmond Quarter development will open up the envelope for more high density multistory developments in the TOEF. A multistory development of 4 to 6 stories is not in keeping with the streetscape of the rest of May St which has many federation homes.</p> <p>I consider 4 stories facing onto May St to be too high, out of character with the streetscape of other residential properties in May St and not cohesive with residential buildings and the commercial properties on the opposite side of May St.</p>	<p>The proposed development will represent a significant improvement to the subject site and streetscape. The existing streetscape is generally occupied by large areas of car parking (refer to images-Figures 1 and 2 below), the general service area of supermarket and bin store. In contrast, the proposed multi-storey development will make a noteworthy contribution to the streetscape.</p> <p>The scale of the building is appropriate for a Town Centre. It is not a continuation of the surrounding domestic buildings; however the facade has been designed to be sympathetic to the existing streetscape.</p> <p>The high quality treatment of the facade reflects traditional building character with a robust base (in darker and strong colour) with lighter colours and materials above.</p> <p>Most of the materials used are not new to the street and include glass, light-weight metal wall cladding and textured paint finish to the solid walls. New materials such as decorative metal screen and movable shutters will create a dynamic facade and strong identity to the street.</p>	<p>The scale of the building is appropriate for a Town Centre.</p> <p>The building is considered to comply with the Acceptable Development Provisions and Performance Criteria of the LPP – Town Centre Redevelopment Guidelines. This will be addressed in detail later in the report.</p> <p>The use of quality materials, the decorative front facade, articulation and the planting have been used to create a vibrant street, that will be in keeping with the guidelines of the town centre and the redevelopment of the 'Richmond Quarter'.</p> <p>The scale, height and bulk of the building are considered appropriate for the area.</p>
<p>In winter its large bulk will overshadow the vet's house to the south as well as the adjacent car park.</p> <p>The shadow study appears to show the mid-winter shadow significantly over the Vet practice (approx 7m south of their North boundary). This is</p>	<p>The proposed development will not overshadow any residential properties in midwinter.</p> <p>Overshadowing in mid-winter will occur on commercial lots to the south only and will not detrimentally impact the solar access of surrounding residential properties.</p>	<p>The scale, height and bulk of the building are considered appropriate for the area. The building is located in the town centre and does not impact on any residential property.</p> <p>The overshadowing is considered acceptable.</p>

SUBMISSION	APPLICANT RESPONSE	OFFICER COMMENT
<p>not shown clearly in the drawings, which only note the "adjacent car park", but the shadow line is clearly south of the boundary shown for the car park.</p>		
<p>Their proposal suggests a solid monolithic block rising 13m straight up directly from the property boundary. The few small openings that pierce this solid concrete slab will not detract from the overwhelming feeling of height and mass.</p> <p>No amount of painting this concrete facade will reduce the visual effect, particularly from close up (i.e. walking along the street that it is supposed to relate to or down the lane to the supermarket).</p>	<p>The high quality treatment of the facade reflects traditional building character with a robust base (in darker and strong colour) with lighter colours and materials above.</p> <p>The deep shaded balconies are also in character with traditional aesthetic.</p> <p>Most of the materials used are not new to the street and include glass, light-weight metal wall cladding and textured paint finish to the solid walls. New materials such as decorative metal screen and movable shutters will create a dynamic facade and strong identity to the street.</p>	<p>The height, scale and bulk of the building are appropriate for a Town Centre.</p> <p>The building is considered to comply with the Acceptable Development Provisions and Performance Criteria of the LPP – Town Centre Redevelopment Guidelines. This will be addressed in detail later in the report.</p> <p>The proposed design and finish of the building is considered appropriate. The applicant has worked with the Planning Department at the Town to ensure a suitable and high quality building is achieved.</p>
<p>It will not be the walkable Town if there are no access ways or attractive buildings that encourage people to walk by and around.</p> <p>The TOEF plan calls for greater pedestrian traffic through the town centre, and for greater engagement between the built environment and pedestrians. This sort of development is absolutely counter to that, with long, blank concrete walls to well over head height on two sides.</p> <p>The argument that the limited street frontage requires building up to the street boundary is a nonsense. It may necessitate having the car entrance in the main facade of the building, but there is no reason that facade could not be set back to relate to the adjacent streetscape.</p>	<p>It is expected that the large car parking areas on either side of the property will be developed in the near future and multi-storey buildings may be built up to the boundary. In order to present a high quality building to pedestrians and visitors to the area, visual considerations have been given to all exposed building facades facing undeveloped sites.</p> <p>Walls on the boundaries facing adjacent existing car parks will be visually broken up into a variety of grid patterns with painted finish in different colours (see example- Figure 5). This modulating effect will enhance the identity, variety and interest of the building from all sides. Large openings to light wells in the walls will create visual depth and solar access.</p>	<p>The lot is not of a sufficient size so as to provide vehicular and pedestrian thoroughfares.</p> <p>The proposed development is considered not to impact on the movement of individuals through the town centre.</p> <p>The proposed development, although designed to have ground level car parking cannot accommodate basement car parking. It is considered the treatment of the front facade will create a vibrant streetscape. A condition has been included in the Officer's Recommendation to ensure that within 24 hours any graffiti or vandalism is required to be remedied.</p>
<p>If there is going to be higher density in the town centre only, then the TOEF needs to consider the impact this will have on surrounding residents with regard to noise, increase in traffic, increase in business hours of commercial properties and lack of public open space in Plympton.</p> <p>A village atmosphere where the local residents can congregate and interact with each other would enhance the community spirit and living. It requires careful and thoughtful planning by all involved: The developers, Council staff, professionals and the residents.</p>	<p>N/a</p>	<p>The proposed development is consistent with the previously approved Richmond Quarter development. The redevelopment of the town centre will not be a catalyst for the loss of the village feel to the town centre. The proposed redevelopment of the town centre is considered on par with the likes of the Claremont town centre redevelopment, which is a new redesigned centre, that is considered to be designed as per best practice planning requirements. This will see adjoining properties being upgraded and a vibrant town centre continuing to evolve.</p> <p>The proposed development is considered to comply with the LPP – Town Centre Redevelopment</p>

SUBMISSION	APPLICANT RESPONSE	OFFICER COMMENT
		Guidelines.
The supermarket loading zone area is just next to this proposed multi-storey apartment. Safety and traffic management is a major concern. Please ensure that it is safe for the residents and customers to visit the shopping centre and other businesses in the area during the development period and also after the project is completed.	During the construction of the building, traffic management will be implemented to ensure the safety of local residents and customers to the shopping centre.	A condition requires a site and traffic management plan which is to the Chief Executive Officers satisfaction to be undertaken and provided to the Town prior to the lodgement of a building licence. The proposed car parking is considered to provide safe access to the subject lot and adjoining lots.

Town Planning Advisory Panel Comments

The application was considered by the Town Planning Advisory Panel at its meeting of 9 April 2013. The Panel made the following comments:

COMMENTS	APPLICANT RESPONSE	OFFICER COMMENT
Panel has concerns about ground floor of May Street elevation Further detail to the May Street ground floor frontage Details of external materials and colours required.	The proposed development will represent a significant improvement to the subject site and streetscape. The existing streetscape is generally occupied by large areas of car parking (refer to images-Figures 1 and 2 below), the general service area of supermarket and bin store. In contrast, the proposed multi-storey development will make a noteworthy contribution to the streetscape. The high quality treatment of the facade reflects traditional building character with a robust base (in darker and strong colour) with lighter colours and materials above. Most of the materials used are not new to the street and include glass, light-weight metal wall cladding and textured paint finish to the solid walls. New materials such as decorative metal screen and movable shutters will create a dynamic facade and strong identity to the street. Walls on the boundaries facing adjacent existing car parks will be visually broken up into a variety of grid patterns with painted finish in different colours (see example- Figure 5). This modulating effect will enhance the identity, variety and interest of the building from all sides. Large openings to light wells in the walls will create visual depth and solar access.	The proposed design and finish of the building is considered appropriate. The applicant has worked with the Planning Department at the Town to ensure a suitable and high quality building is achieved. A condition is included in the Officer's Recommendation to ensure the proposed ground floor finish/ decorative design is subject to the Chief Executive Officer's approval. A further condition has been included in the Officer's Recommendation to ensure that within 24 hours any graffiti or vandalism on the façade of the building is required to be remedied. The design of the building is considered consistent with the Town's LPP Town Centre Redevelopment Guidelines and with the development of the Richmond Quarter.

Site Inspection

By Senior Town Planner on 1 May 2013 and 20 May 2013.

ASSESSMENT

Noise Attenuation

An Environmental Acoustic Report has been prepared by Norbert Gabriels of Gabriels Environmental Design. The report states:

The proposed development has been designed to limit the intrusion of noise from the supermarket by presenting large concrete wall face to the adjoining supermarket. In this acoustic assessment, the proposal has been assessed to meet the design standards as established in the State Planning Policy 5.4 and LPP: Noise Attenuation. Recommendations are made regarding the glass type and sound reduction performance for the various windows.

The report further states:

Recommendation has been made to enclose the north face of balconies to Unit 2, 5 and 9.

A recommendation has also been made that:

A notification be placed on the title to ensure that potential purchasers are clearly advised that these residential units are located within a commercial zone, and noise associated with the commercial facilities will be audible.

It is noted that two notifications are recommended to be included in the Officer's Recommendation notifying future owners that the proposed units are located within a commercial zone and also located within Area 2 of the Port of Fremantle Buffer Zone.

It is concluded within the report that:

Although the building is designed to control noise intrusion with high performance windows etc the external noise will still be audible albeit at significantly reduced levels... Although the balconies are designed to limit noise intrusion, the noise levels for some supermarket activities are expected to exceed normal design limits.

The proposed building complies with the Town's Noise Attenuation Policy and is designed to comply with the requirements of State Planning Policy 5.4. A condition has been included in the Officer's Recommendation to ensure compliance with the Environmental Acoustic Report, however it is noted that the balconies to Unit 2, 5 and 9 facing the service area of the adjacent supermarket are screened with translucent glazed panels to attenuate the noise and to minimise scale and bulk as viewed from Canning Highway. These are not proposed to be fully enclosed.

Design

The proposed development has been modified to address the Town Planning and Building Committee's comments. In response to the comments, significant amendments to the design were made and are detailed below:

1. The upper levels of the building fronting May Street have been further articulated to reduce the building mass as viewed from the street. The changes include:
 - *The solid parapet wall over the upper level balcony has been removed.*
 - *Balconies for the top level apartments have been reduced and setback from the side boundaries by 1 metre.*
 - *Solid walls on the side boundaries have been set back from the front by 3.9 metres.*
2. The lower levels are further articulated to relate to the existing streetscape with:
 - *A new canopy added over the footpath to provide shade and shelter for pedestrians.*
 - *Local materials and colours of surrounding buildings have been incorporated into the building facade; such as natural stone and weather board cladding.*
3. Balconies which have a side facing the service area of the adjacent supermarket are screened with glazed panels to attenuate the noise. Relevant windows identified by the acoustic consultant will be installed with glazing type as specified in the Environmental Acoustic Report.

The proposed amendments are considered to improve the overall presentation of the building to May Street. The amendments are considered to significantly articulate the building, minimising the scale and bulk of the building to May Street. The awning provides both pedestrian protection and provides a 'human scale' to the building. The awning, proposed street level planting and artistic screen to the garage will provide pedestrian interaction and ensure the building presents to May Street in a suitable built form. Amendments to the plans have also been undertaken to address the Environmental Acoustic Report.

The above amendments are considered to provide an attractive built form, with a suitable bulk and scale to the building. The amendments are considered to address the Committee's comments and are considered appropriate. The amendments can be supported by Council.

COMPLIANCE WITH STATUTORY PLANNING PROVISIONS

Compliance with TPS No. 3

Council adopted the LPP Town Centre Redevelopment Guidelines to provide detailed guidance for development within the Town Centre Zone. This Policy varies the Scheme standards in respect to plot ratio, height, density and car parking. The LPP also contains additional design guidelines and requirements which complement the General Provisions of the Scheme. Where the LPP is at variance with the Scheme provisions, Council may apply the provisions of the LPP pursuant with the following clauses of TPS No 3.

5.3.5 Residential Development in the Town Centre Zone: Notwithstanding the provisions of clause 5.3.4, the local government may approve residential development at a density in excess of R40 in the Town Centre Zone, where it is satisfied that the resultant design and mix of development will be consistent with the planning proposals contained in the Local Planning Strategy and accord with any approved development plan for the Centre.

5.6.1 Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

Zone Objectives

The subject site is contained within the Town Centre Zone which has the following objectives (clause 4.2):

- *To provide for a range of commercial shopping, civic and community facilities to meet the day to day needs of the community and which will contribute towards the vibrancy of the Town.*
- *To encourage the development of a consolidated Town Centre, which will provide a focus for the community and exhibit a high standard of urban design in keeping with the historical character of the Town.*
- *To enhance pedestrian connectivity to and within the Town Centre, so as to facilitate the safe and convenient movement of local residents, and enhance the viability of Town Centre businesses.*
- *To ensure the location and design of vehicular access and parking facilities do not detract from the character or integrity of the Town Centre or the streetscapes which define the centre.*

It is considered the proposal meets the above Zone Objectives of the Scheme. The applicant engaged through a lengthy design process and discussions with the Town to ensure compliance with the LPP and the Scheme.

Setbacks

Clause 5.8.1 *Building Setbacks* of TPS3 states:

Except as otherwise required or permitted by the local government, buildings in the Commercial Zones are to be aligned with the front property boundary, and are to be built up to any side boundary, other than a boundary which abuts the Residential Zone. In the case of a boundary which abuts land situated in the Residential Zone, the side setback standards applicable to the adjoining Residential Zoned land are to apply,

The proposed building has been designed to be aligned with a zero lot boundary wall to the front and side boundaries. This is considered appropriate as the proposed development is considered to minimise the impact to the adjoining building through building articulation. The lot is 465m². It is considered the proposed development has been designed to be significantly in accordance with the Town's LPP. The proposed building design, use and materials, and building articulation ameliorates issues relating to scale and bulk.

Building Height

Clause 5.8.2 *Building Height* of TPS3 states:

Except as otherwise permitted by the local government, the maximum height of buildings in the Commercial Zones are to be as follows:

- (a) Town Centre: Walls: 8.0 metres Overall: 10.5 metres*
- (b) Special Business: Walls: 8.0 metres Overall: 10.5 metres*
- (c) Mixed Use: Walls: 5.5 metres Overall: 8.0 metres*

Under TPS 3 except as otherwise permitted by Council the maximum overall building height in the Town Centre zone is 10.5 metres, with walls being 8 metres. The proposed development has a height of 14 metres to May Street and 18.6 metres to the rear of the lot for a concealed/ flat roof. The roof form and pitch minimises the overall height of the development.

Element 3 of the LPP for the Town Centre states:

In addition to the overall height limits shown on Plan 6, limit the street wall height to 5 storeys in the Town centre core precinct and 3 storeys in the Canning Highway precinct, except for buildings in the 'Town Hall Sensitivity Zone' shown on Plan 6, where the height shall be no greater than the height of the town hall parapet, with any further development above that height to be set back 3m and treated in a visually recessive manner to reduce the apparent scale of the building:

The proposed development is 4 storeys to May Street and 5 storeys to the rear of the lot. The proposed development complies with the LPP. The proposed development is considered acceptable and can be supported.

Car Parking

The application is for ten residential units. Pursuant to TPS 3 and the car parking requirements of the R-Codes a total of thirteen (13) car parking bays are required, comprising 10 residential bays and 3 visitor bays. The proposed development provides 13 car parking spaces, 12 dedicated to the proposed dwellings and 1 for the purposes of visitor car parking.

Clause 5.8.5 *Car Parking and Vehicular Access* of TPS3 states:

Car parking in respect of development in the Commercial Zones is to be provided in accordance with the standards set out in Schedule 11 of the Scheme and the specifications in Schedule 4 of the scheme. Where there are no standards for a particular use or development, the local government is to determine what standards are to apply. In its determination of the requirements for a particular use or

development which is not listed in Schedule 11 of the Scheme, the local government is to take into consideration the likely demand for parking generated by the use or development.

Furthermore Clause 5.8.7 *On-Street Parking* states:

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

Based on 10 car parking bays being required for the residential units, the applicant has requested that an additional 2 bays be allocated for residential parking. Only 1 bay is proposed to have visitor car parking. The proposed development is located within 250 metres of a high frequency bus route and there are bicycle racks provided within the development. It is considered the provision of visitor car parking to the front of the lot is not appropriate due to the location of the access/ egress. A condition has been included in the Officer’s Recommendation to provide 10 car parking bays for the development and the remaining 3 spaces are to be provided for visitor bays. As such the proposed development complies with the R-Code requirements for car parking.

To facilitate the access and egress of visitors to the visitor car parking area of the proposed development, it is considered necessary to have appropriate signage indicating visitor car parking is available and the inclusion of an intercom system to ensure ease of access to the development. Appropriate conditions have been included in the Officer’s Recommendation.

A further condition has been included in the Officer’s Recommendation to ensure the visitor bays associated with the units are identified and are for the sole use of the visitors. The proposed car parking complies as conditioned with the R-Code requirements for car parking and can be supported by Council.

Plot Ratio

The plot ratio of the proposed development is 2.37:1.

The LPP states:

Limit the overall mass of new development to a plot ratio of 3.5 (for the Town Centre core Precinct), 3.0 (for the Canning Highway Precinct, and 2.0 (for the frame Precinct).

The proposed development complies with the LPP requirement and is not considered excessive in terms of plot ratio, scale or bulk.

Compliance with LPP- Town Centre Redevelopment Guidelines

The following is an assessment of the proposal against the various provisions of the Local Planning Policy – Town Centre Redevelopment Guidelines (LPP) which was adopted by Council at its meeting on 15 November 2011.

The following table provides a detailed description of how the proposal addresses the various Policy provisions.

LPP Town Centre Redevelopment Guidelines	Status
Element 1 Urban Structure	A
Element 2 Land Use	D
Element 3 Building Form, Scale and Height	A
Element 4 Occupant Amenity	A
Element 5 Street Interface	D
Element 6 Pedestrian Amenity	A

LPP Town Centre Redevelopment Guidelines	Status
Element 7 Vehicle Movement and Access	A
Element 8 Vehicle Parking	A
Element 9 Landscape and Public Spaces	A
Element 10 Resource Conservation	A
Element 11 Signage and Services	N/a

Detailed Urban Design Guidelines

Element 1: Urban structure (Acceptable Development Standards)

- Provide for the pedestrian connections identified in Plans 3 and 4:

No pedestrian linkages are identified with regard to the subject site. The subject site is 465m² and cannot adequately facilitate pedestrian linkages though to the town centre.

Maintain, as a minimum, the current degree of permeability for vehicle movement on gazetted streets:

The proposed development makes no change to the existing permeability of the gazetted road network.

For all developments with a NLA equivalent floorspace of more than 5,000sqm, provide publicly accessible open spaces with a combined area of at least 150m². or at the rate of .03m². for each 1m². of NLA, whichever is the greater:

The proposed development has a net floor area of 1217.35m² which does not require the provision of accessible open space.

As well as meeting the Acceptable Development Standards Criteria, the proposed development is also considered to satisfy the relevant Performance Criteria.

Element 2: Land use (Performance Criteria)

The proposed development does not comply with the Acceptable Development Standards of the LPP, as the proposed development does not comply with the following provision:

In the Town Centre and Canning Highway Precincts, developments shall incorporate commercial uses consistent with those 'permitted' under the relevant TPS 3 zoning and shall incorporate a minimum of 40% of Net Lettable Area (NLA) floor space for multiple dwellings and/or short stay accommodation:

The proposed development does not provide for any commercial uses.

The proposed Land Use Performance Criteria is to:

Provide attractive locations for different but compatible types of land uses, which recognise the different spatial needs of different land uses and the appropriateness of the scale of the centre.

The proposed development is for 10 residential dwellings. Due to the constraints of the subject site, car parking is required to be provided at ground floor, therefore commercial units cannot be provided. It is considered the proposed development provides 10 large dwellings designed to ensure quality internal and external space is provided. The proposed residential units are considered appropriate for the town centre and will improve the current use of the subject lot. The existing dwelling is considered to negatively impact on the current streetscape and does not warrant retention. The proposed units are located on the outer boundary of the town centre and as such are considered an appropriate land use.

Provide a diverse range of complementary land uses within comfortable walking distance of each other to reduce car-dependence and the subsequent need for expensive and land consumptive road and parking infrastructure.

The residential dwellings are considered to support the zone objectives of the town centre and are considered ancillary to the main uses of the commercial area of the shopping precinct and of the Richmond Quarter. The proposed multiple dwellings are a 'discretionary' uses which Council may approve following advertising of the proposal.

Incorporate 'attractors' with high visitation rates that encourage people to an activity centre on a regular basis.

The proposed development is designed to a high standard. The proposed visuals/ public art in the form of the perforated vehicle access door will form an interesting vista to the town centre and will encourage street activation, through a style/ design suitable to the area and also its representation of the character of the Town of East Fremantle

Incorporate uses that will generate activity at different times of the day to establish a highly visible human presence in streets and other public places.

Dwellings by their nature will have activity at various times during the day and will have a highly visual street presence. The balconies adjoining May Street and the car park to the south will improve visual surveillance of the street and adjoining land, increasing security to the surrounding locality.

Enable a residential community to be established within an activity centre to engender a sense of community within the place; increase the number of people within the centre outside business hours; and provide the potential for 'eyes on the street'. Council may exercise discretion to increase the residential density by up to 50% where there is significant public benefit in the development, and where the residential mix includes short-term accommodation or smaller and more affordable apartments.

This development will undoubtedly provide the patronage to the shopping precinct and to adjoining areas such as George Street, within walking distance of the town centre.

The proposed units are developed to be quality residential units. The provision of 2 town house elements adds to the overall design and residential mix.

Incorporate land uses that create a higher density of jobs to help increase the number of people within the centre during business hours.

The overall lot is 14.4 metres in width and 465m² in area. It is not considered practical to provide for a suitable mix of uses, while providing sufficient car parking due to the constraints of the subject lot. The residential mix will increase the number of people within the centre. The proposed development will also provide an area where rental/ short term accommodation may be an option as a future point. The accommodation will also ensure street activity and engagements throughout the day, ensuring more people in the town centre during business hours. It is also noted that passive surveillance will be increased and the residents will also ensure a sustainable night economy.

Identify opportunities for affordable housing to ensure that urban living is an accessible choice for everyone, including those people who can least afford to live far away from jobs, service and public transport.

While the proposed units are all approximately similar in size, the units will provide urban living within a town centre environment, providing people with quality residential units that enable long term sustainable living for the town centre.

Identify opportunities to establish home-based business and live-work housing, where the premises can evolve in time to small office accommodation.

The proposed development does provide opportunities to establish home-based business and live-work housing. The proposed development could evolve in time to small office accommodation or home businesses, subject to appropriate Council approval.

The proposed development satisfies the Performance Criteria of this element, however, some aspects such as the provision of 'attractors' and the provision of night and day activity will be dependent on the eventual tenancy mix.

Element 3: Building form, scale and height (Acceptable Development Standards)

Limit the overall mass of new development to a plot ratio of 3.5 (for the Town Centre core Precinct), 3.0 (for the Canning Highway Precinct, and 2.0 (for the frame Precinct):

The plot ratio of the proposed development, at 2.37:1, is well within the maximum plot ratio.

Limit the overall height of new development to the heights as indicated in Plan 6, except where the development provides significant public benefit (such as publicly accessible spaces, public car-parking, or activities that are deemed to be advantageous to the community or the town centre as a whole), and where the additional height is set back to avoid excessive overshadowing of adjacent properties, or treated in a visually recessive manner to reduce its visual impact on the street:

The proposed development is within the maximum allowable height limits. The proposed 5 storey element is located to the rear of the lot. This is considered to have minimal impact to the streetscape and surrounding locality.

In addition to the overall height limits shown on Plan 6, limit the street wall height to 5 storeys in the Town centre core precinct and 3 storeys in the Canning Highway precinct, except for buildings in the 'Town Hall Sensitivity Zone' shown on Plan 6, where the height shall be no greater than the height of the town hall parapet, with any further development above that height to be set back 3m and treated in a visually recessive manner to reduce the apparent scale of the building:

As above. The proposed development is within the maximum allowable height limits.

As indicated on Plan 6, limit the overall height of buildings in the Frame Precinct to 3 storeys:

Not applicable to the proposed development.

Limit the height of new development to 3 storeys within 12m of adjacent existing residences beyond the Town Centre policy area:

Not applicable to the proposed development.

As well as meeting the Acceptable Development Standards Criteria, the proposed development is also considered to satisfy the relevant Performance Criteria.

Element 4: Occupant Amenity (Acceptable Development Standards)

Development shall be consistent with the relevant standards in the Residential Design Codes of WA for R-AC (Town Centre core precinct), R160 (Canning Highway precinct), and R100 (Frame precinct):

The R-Codes were amended in November 2010 and contain Part 7- *Design Elements for multiple dwellings in areas with a coding of R30 or greater and within mixed use development and activity centres.*

Design Element	Required	Proposed	Status
Plot Ratio	2.5	2.37	A
Open Space	N/a	N/a	A
Primary Street Setback	2m	Nil	D
Height: Concealed	21m	18.6m	A
Site Works	Less than 500mm	Less than 500mm	A
Overshadowing	N/a	N/a	A
Drainage	On-site	On-site	A

Consistent with the approach applied in Part 7 – Council's LPP Town Centre Redevelopment Guidelines provides variations and elaborations to the majority of the design elements contained in Part 7 of the R-Codes. Accordingly the LPP provisions are applied in the place of the following elements;

Design Element 7.1 Context

- 7.1.1 Building size
- 7.1.2 Building height
- 7.1.3 Street setback
- 7.1.4 Side and rear boundary setback
- 7.1.5 Open Space

Design Element 7.2 Streetscape

- 7.2.1 Surveillance of the street
- 7.2.2 Street walls and fences
- 7.2.3 Building appearance

Design Element 7.3

- 7.3.2 Landscaping
- 7.3.3 On-site parking provision
- 7.3.4 Design of parking spaces
- 7.3.5 Vehicular access
- 7.3.6 Sight lines at vehicle access points and street corners
- 7.3.7 Site works

The following R-Code design elements are not specifically addressed within the LPP and are therefore assessed as follows:

7.3.1 Outdoor Living Areas

Each dwelling is provided with a balcony capable of use in conjunction with a habitable room of a minimum of 13.65m² or greater with a minimum dimension of 2.6 metres in accordance with the requirements of this clause.

7.4.1 Visual Privacy

Units 1, 4, 7 and 8 all have overlooking into the adjoining car park, considered as a non sensitive and non habitable area. As a consequence of discussions with the planning department, it is considered that these dwellings should face/ front the car park to ensure there is passive surveillance of the car park, therefore minimising the potential for antisocial behaviour. The proposed balconies fronting the car park are seen as integral to the overall design being articulated and providing a suitable design for the town centre.

No areas of a sensitive or habitable area are overlooked. It is considered the proposed development sufficiently addresses May Street and the car park. It is considered the application can be supported.

7.4.3 Dwelling Size

The design element requires that all dwellings have a minimum floor area of 40m² and there be a range of dwelling sizes. All dwelling Stratas are over 40m² as required by R Codes cl. 7.4. The minimum dwelling size is 82m² with the maximum being 93.9m².

The proposed development is considered acceptable.

7.4.5 External Fixtures

No solar collectors are proposed at this stage. Solar collectors and or other external fixtures are conditioned to be located so as not to detract from the streetscape or the visual amenity of residents of neighbouring properties and in accordance with Councils LPP – Guidelines for Solar Collectors.

7.4.6 Stormwater Disposal

The final details of storm waste disposal are subject to hydraulic engineer's final verification. However the following is proposed to be incorporated as a condition of any approval:

- *The development's rain water drainage is to be retained on site.*

7.4.7 Essential Facilities

Provision has been made for external storage, rubbish collection/storage areas and clothes drying areas sufficient to meet the needs of residents.

Element 5: Street Interface (Performance Criteria)

The proposed development does not comply with the Acceptable Development Standards of the LPP. With regard to this the Performance Criteria requires:

In regard to the street interface of buildings within the East Fremantle town centre, development should:

- *Establish building frontages with glazed openings and doors at street level to encourage human activity on the adjacent street and optimise interaction between people inside and outside buildings.*

The entrance lobby does provide an open and glazed lobby, however the proposed development does not provide significant glazed openings at street level. The main bulk of the building is ameliorated through the articulation of the balconies, the ground floor landscaped and the decorative perforated screen to the car parking area. The perforated screen does provide partial interaction between people inside and outside buildings. This screen does encourage human activity though the art work of the screen.

- *Maximise continuity of the building frontage with the street reserve, particularly where there are commercial activities at ground floor level, to provide a strong definition to streets and other public urban space.*

The proposed development is the first to be proposed along May Street, since the adoption of the Town Centre Design Guidelines. This section of the street has not developed as yet according to the vision as detailed in the Policy. The building is proposed with a nil setback, in accordance with the Town Centre Design Guidelines. It is considered the building design and proposed artwork provides a strong definition to streets and the public urban space.

- *Avoid ambiguity by clearly defining the difference between spaces that are publicly accessible and those that are for private use only.*

As noted it is considered the building design and proposed artwork provides a strong definition to streets and the public urban space. The building design is proposed with a nil setback. There will be no ambiguity with regard to public and private area.

- *Provide architectural richness using articulation of buildings and window displays to create interest, particularly at the street level.*

The proposed building is articulated both horizontally and vertically. The proposed development has a decorative perforated screen to the car parking area adding visual interest to May Street. There are a variety of materials proposed on May Street and adjoining the car park. It is considered the proposed development is well designed and has been designed to significantly comply with the provisions of the Policy.

- *Provide openings at all building levels to enable passive surveillance of adjacent publicly accessible areas.*

The proposed building has openings to May Street and the adjoining car park. The applicant has worked closely with the Planning Department to ensure the development addresses the passive surveillance of the street and adjoining car park.

- *Create interstitial or 'inside-outside' spaces through the use of canopies, arcades and other shade structures, to provide shade to window displays, shelter to pedestrians, and to create a softer transition between the inside and outside.*

Not applicable. The proposed development is not mixed use. The subject site is small in nature considering the overall redevelopment of the town centre and the Richmond Quarter.

- *Utilise building scale and design to create an identifiable scale and character for adjacent streets and publicly accessible spaces.*

The proposed development has been designed to significantly comply with the provisions of the Policy. The height, scale and bulk of the building are considered consistent with the Richmond Quarter development.

- *Locate service areas behind buildings, or screened from view, to avoid the intrusion of noise, odour, or visual pollution on publicly accessible areas.*

All service areas proposed to be screened from view, so as to avoid the intrusion of noise, odour, or visual pollution on publicly accessible areas. The proposed development has also been conditioned to ensure all service areas are screened.

- *Enable the opportunity for temporary overspill activities, such as al fresco dining and external displays, that provide additional interest to the street.*

Not applicable. The proposed development is not mixed use. The proposed building art and design increases the visual interest of the street.

It is considered the proposed development complies with the provisions of the Performance Criteria of the Policy.

Element 6: Pedestrian amenity (Acceptable Development Standards)

- *Buildings with a commercial ground floor adjacent to footpaths shall incorporate a canopy or awning that extends at least 2.4m over the footpath, but not within 0.3m of the kerb, and with a minimum height of 2.7m above the footpath:*

The proposed development does not incorporate any commercial element. The overall lot is 14.4 metres in width and 465m² in area. The proposed cannot adequately accommodate ground floor car parking and commercial activity. Consequently no canopy/awning has been included in the development. The overall design of the building is considered to comply with the provisions and design requirements of the town centre. Subject to this, the proposed design is considered satisfactory.

- *Development shall be consistent with the WAPC document "Designing Out Crime":*

Whilst a detailed assessment against *Designing Out Crime* has not been undertaken, the design approach adopted is highly consistent with CPTED best practice and is, therefore, likely to be consistent with the WAPC document *Designing Out Crime*. The rear units have been designed to front the adjoining car park. All the front balconies present to May Street. The overall development has been designed to maximise passive surveillance of adjoining areas.

- *Development shall meet all relevant BCA requirements for universal access:*

Detailed compliance with the Building Code of Australia will be determined following application for a Building Licence subsequent to any Planning Approval.

- *Provide for the pedestrian connections identified in Plans 3 and 4:*

No pedestrian connections can be utilised though the subject site.

Notwithstanding the above degree of conformity with the Acceptable Development Standards, the proposed development also satisfies the Performance Criteria.

Element 7: Vehicle Movement and Access (Acceptable Development Standards)

- *Utilise shared surfaces, raised plateaus and other traffic management design devices to reduce traffic speeds and raise driver awareness of pedestrians:*

The overall lot is 14.4 metres in width and 465m² in area. No shared spaces raised plateaus or traffic management design devices have been incorporated into the proposed design. The proposed lot is considered too small to adequately address vehicular or pedestrian public access movements. A condition has been included to ensure sufficient off-street visitor car parking is provided.

- *New development shall be limited to one crossover per street, excluding Rights of Way:*

The proposed development has one crossover to May Street, directly into the ground level car parking. The proposed crossover is 4.8 metres in width. Whilst this exceeds Council requirements with regard to crossover width, the proposed access/ egress is required to sufficiently accommodate dual vehicular movements, therefore the proposed crossover at 4.8 metres is considered appropriate. The proposed planting to the front and decorative semi-permeable screen will minimise the overall impact of the crossover.

- *Development adjacent to Canning Highway shall comply with any MRWA requirements, which may restrict direct vehicle access where there is an alternative means of access:*

The proposal does not adjoin Canning Highway.

Notwithstanding the above degree of conformity with the Acceptable Development Standards, the proposed development also satisfies the Performance Criteria.

Element 8: Vehicle parking (Acceptable Development Standards)

- *On-site car parking shall be located out of sight from the adjacent public domain (except for Rights of Way):*

The proposed development locates new car parking at ground level, situated behind a decorative semi-permeable screen, thereby hiding vehicles from street view. Access to the proposed development is via May Street.

- *New development shall incorporate bicycle storage at a minimum rate of 1 per 40sqm of floor space or 1 per dwelling:*

7 bicycle racks are provided within the garage and located at the front lobby. 10 spaces are available for residents of the development to the rear of the car parking. An additional 4 bays are provided at the entrance for visitor bicycles. The bike parking will be adequate for the residents and visitor parking.

- *Development with an office floor space of greater than 250sqm shall provide appropriate end-of-trip facilities for cyclists:*

There is no commercial units within the proposed development.

- *Car parking shall be provided at a rate consistent with the TPS No. 3 minimum requirements, but with a discount of 20% in the case of mixed-use buildings where the residential component accounts for at least 40% of the total plot-ratio area:*

Under the Scheme provisions car parking provisions for residential uses are to accord with the R-Code requirements which for a site within 250 metres of a high frequency bus route are as follows;

Dwelling Type	R- Code Car Space Requirement	No Of Dwellings Proposed	No. Of Spaces Required	No. Of Spaces Provided
Small (<75m ² or 1 bed)	0.75 per dwell	0	0	0
Medium(75-110m ²)	1 per dwell.	10	10	10
Large (>110m ²)	1.25 per dwell	0	0	0
Visitors	0.25/dwell.		2.5	3
TOTAL			12.5	13

Based on 10 car parking bays being required for the residential units and 3 bays for visitor car parking, the applicant has requested that an additional 2 bays be allocated for residential parking. The applicant only proposes 1 bay for visitor car parking. The proposed development is located within 250 metres of a high frequency bus route and there are bicycle racks provided within the development. Clause 5.8.7 *On-Street Parking* states:

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

It is considered the provision of visitor car parking to the front of the lot is not appropriate due to the location of the access/ egress and the overall width of the lot.

Appropriate conditions have been included in the Officer's Recommendation to provide 10 car parking bays for the development and the remaining 3 spaces are to be provided for visitor bays and provide acceptable provisions to facilitate visitor access to the car parking. As such the proposed development complies with the R-Code requirements for car parking.

A further condition has been included in the Officer's Recommendation to ensure the visitor bays associated with the units are identified and are for the sole use of the visitors. The proposed car parking can be supported by Council.

It is recommended Council do not provide discretion with regard to the car parking in this instance. As noted appropriate conditions have been included in the Officer's Recommendation.

The proposal as conditioned is deemed to comply with the conformity with the Acceptable Development Standards, and also satisfies the Performance Criteria.

Element 9: Landscape and Public Spaces (Acceptable Development Standards)

- *Landscape and street furnishings in the public domain shall use materials and plants, and street furniture that have been agreed as acceptable by the Town of East Fremantle:*

It is considered the proposal will incorporate high quality landscaping and public art to the front and side (southern) elevation. The proposed public art and landscaping will add character to the streetscape, assisting in establishing a vibrant town centre.

- *Public art shall be incorporated into external façade of new development or the adjacent streetscape, to the value of 0.5% of the construction value, up to a maximum of \$150,000 per development. Development less than \$2M in value is excluded from the requirement for public art:*

The proposed development is valued at less than \$2 million and therefore is exempt from the requirement of providing public art. The owner has indicated that public art will be provided to May Street to ameliorate that impact of the car park to ground level. This public art has not been finalised but will form a decorative semi-permeable perforated metal screen. The decorative element has been conditioned to be finalised prior to a building licence being lodged and it to form a style/ design suitable to the area and be characteristic / representative to the Town of East Fremantle.

- *Developments with a commercial component of more than 1000sqm shall incorporate toilet facilities that are publicly-accessible during operating hours:*

This is not applicable.

- *Street trees shall be planted at a rate of not less than one per 15m of linear street length, subject to verge width and underground service constraints:*

The overall lot is 14.4 metres in width and 465m² in area. It is considered a verge tree is not appropriate at this location considering the location of the crossover and providing sufficient and adequate sightlines. Suitable verge trees are located to the north and south of the subject lot.

Notwithstanding the above degree of conformity with the Acceptable Development Criteria, the proposed development also satisfies the Performance Criteria.

Element 10: Resource conservation (Acceptable Development Standards)

- *All development shall exceed the prevailing requirements of the BCA in respect to energy efficiency:*

Detailed compliance with the Building Code of Australia will be determined following application for a Building Licence subsequent to any Planning Approval. A further condition has been included in the Officer's Recommendation for the new development to meet the relevant built form requirements of the LPP for an development in Area 2 of the Fremantle Port Buffer.

- *Residential components of new development shall achieve a NatHers rating of at least 6 stars:*

Detailed compliance with the Building Code of Australia and compliance with the Fremantle Port Buffer Area 2 development requirements will be determined following application for a Building Licence subsequent to any Planning Approval.

- *Commercial components of new development shall achieve a NABERS rating of at least 3.5 stars:*

Detailed compliance with the Building Code of Australia will be determined following application for a Building Licence subsequent to any Planning Approval.

On the assumption that there will be conformity with the Acceptable Development Criteria, the proposed development would also satisfy the Performance Criteria.

Element 11: Signage and Services (Acceptable Development Standards)

- *Signage shall comply with the Town of East Fremantle's Planning Policy – Signage Guidelines:*

The proposal does not incorporate signage. Any signage will therefore be the subject of a future application for planning approval.

- *Solar Panels and Solar Hot Water Heaters shall comply with the Town of East Fremantle's Planning Policy - Guidelines for Solar Collectors:*

No solar panels or solar hot water heaters are visible from the prime street frontages. The proposal therefore complies with the LPP for solar collectors.

- *Other mechanical equipment (and associated pipes, conduits and ducting) shall be located in basements, in screened enclosures, on roofs, or at the rear of buildings:*

A condition has been included in the Officer's Recommendation to ensure all plant equipment such as exhaust fans, air conditioners etc. to be screened from view where it is located on balconies or the external walls of buildings adjacent to any public road or public space.

Subject to the above, the proposed development would also satisfy the Performance Criteria.

Compliance with Local Planning Policy No. 140 – Port Buffer Development Guidelines

The subject site is located in Area 2 of the Fremantle Port Buffer, accordingly any new works will need to meet the relevant built form requirements of the LPP. These requirements generally relate to noise and to a lesser degree, hazard exposure from the Port.

As the proposed development is within Area 2 of the Fremantle Port Buffer a standard notification and memorial wording is conditioned to be placed on new titles advising of potential impacts from the Port's operations. This wording is as follows and will be applied as a condition of any approval:

The subject lot (strata) is located within proximity to the Fremantle Port. From time to time the location may experience noise, odour, light spill and other factors that arise from the normal operations of a 24 hour working port.

The proposed development has been conditioned to comply with LPP 140 – Port Buffer Development Guidelines.

CONCLUSION

The proposed development is generally a satisfactory response with regard to the size of the subject lot. The proposed development has been designed to conform to the requirements of the LPP and the R-Codes. It is considered the design displays a degree of sensitivity in its urban design response, and architectural treatment, and is largely consistent with the provisions of the LPP – Town Centre Redevelopment Guidelines.

The proposal fits comfortably within the maximum height, plot ratio and car parking provisions of the LPP indicating that it does not constitute over development of the subject site. Whilst there are some departures to the Acceptable Development Criteria in the policy, the proposal nevertheless complies to the Performance Criteria of each Element of the guidelines in the LPP.

A number of public submissions have been received. These are acknowledged and the concerns have been considered, however the proposed development has been designed so as to comply with the TPS, LPP and relevant R-Codes. This development is considered ancillary to the overall redevelopment of the town centre, providing residential development in what is considered a quality designed development.

Subject to conditions as addressed above, the application is considered to meet all relevant statutory planning provisions and will create the opportunity to maintain and increase this vibrant Activity Centre. The application is recommended for approval.

RECOMMENDATION

That Council exercise its discretion in granting approval for the following:

(a) element 2 Land Use of the LPP – Town Centre Redevelopment Guidelines;
(b) element 5 Street Interface of the LPP – Town Centre Redevelopment Guidelines;
for a five storey multi dwelling comprising of 10 units at 19 (Lot 102) May Street, East Fremantle, in accordance with the plans date stamp received on 20 June 2013 subject to the following conditions:

1. Applicant to comply with the recommendations as noted in the Environmental Acoustic Report regarding the glass type and sound reduction performance for the various windows date stamp received on 20 June 2013. Balconies with side facing the service area (Unit 2, 5 and 9) of the adjacent supermarket are screened with translucent glazed panels to attenuate the noise.
2. The landowner shall lodge a section 70A notification pursuant to the transfer of Land Act on the Certificate of Title(s) of the development site, prior to the issue of a Building Permit. This notification shall be sufficient to alert prospective landowners that the dwellings are located within Area 2 of the Fremantle Port Buffer and the proposed built form of the development within the precinct is to be adhered to. The wording of the memorial shall be placed on all strata titles as follows:

The subject lot (strata) is located within proximity to the Fremantle Port. From time to time the location may experience noise, odour, light spill and other factors that arise from the normal operations of a 24 hour working Port.

3. The landowner shall lodge a section 70A notification pursuant to the transfer of Land Act on the Certificate of Title(s) of the development site, prior to the issue of a Building Permit. This notification shall be sufficient to alert prospective landowners that the dwellings are located within the commercial zone of East Fremantle Town Centre. The wording of the memorial shall be placed on all strata titles as follows;

The subject lot (strata) is located within proximity to East Fremantle Town Centre commercial zone. From time to time the location may experience noise, odour, light spill and other factors that arise from the normal operations of a commercial area.

4. All plant such as exhaust fans, air conditioners etc. shall be screened from view where it is located on balconies or the external walls of buildings adjacent to any public road or public space to the satisfaction of the Chief Executive Officer.
5. Prior to the installation of any externally mounted air conditioning plant, a development application which is to be lodged and approved by the Chief Executive Officer which demonstrates that noise from the air conditioner will comply with the Environmental (Noise) Regulations 1997.
6. All dwellings shall have outdoor living areas of minimum 10m² and a minimum width dimension of 2.4 metres which are capable of use in conjunction with a habitable room and otherwise conform to R-Codes clause 7.3.1.
7. Public art/ ground floor facade shall be provided in accordance with the minimum requirements of the LPP – Town Centre Redevelopment Guidelines and shall be approved to the satisfaction of the Chief Executive Officer prior to an application for

- a building Licence being submitted to Council. The facade to be designed to a style/design suitable to the area and be characteristic / representative to the Town of East Fremantle.
8. The building shall be kept clean and free of graffiti and vandalism at all times and any such graffiti or vandalism to be remedied within 24 hours to the satisfaction of the Chief Executive Officer.
 9. Ten (10) residential car parking bays to be provided and clearly marked.
 10. Three (3) visitor car parking bays to be provided within the car parking area. These bays to be located to the front of the development and clearly marked as visitor car parking.
 11. Appropriate signage to be provided to the front entrance to indicate visitor car parking is available within the development. The signage to be clearly visible and shall be approved to the satisfaction of the Chief Executive Officer prior to an application for a building Licence being submitted to Council.
 12. Intercom system for development to be provided at vehicular access to enable visitors to access to the visitor car parking. Intercom system shall be approved to the satisfaction of the Chief Executive Officer prior to an application for a building Licence being submitted to Council.
 13. A Site and Traffic Management Plans for trades persons and delivery vehicles to be approved by the Chief Executive Officer in consultation with relevant officers, prior to the issue of a Building Licence.
 14. The works are to be constructed in conformity with the drawings and amended drawings date stamped 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.
 15. The proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 16. With regard to the plans submitted with respect to the building licence 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.
 17. The proposed development is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 18. All storm water is to be retained on site. A drainage plan shall be submitted to the satisfaction of the Chief Executive Officer in consultation with the Principal Building Surveyor.
 19. 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.
 20. 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.
 21. Any new crossovers which are constructed under this approval are to be a constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
 22. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
 23. Prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved to the satisfaction of the Chief Executive Officer. (refer footnote (i) below)

24. The development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer as detailed in the Local Planning Policy - 'Fremantle Port Buffer Area Development Guidelines'.
25. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *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.*
- (c) *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.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (g) *the patio may not be enclosed without the prior written consent of Council.*
- (h) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (i) *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".*

Ms Janice England (resident of May Street) addressed the meeting and raised issues relating to:

- .. parking and increased traffic flow
- .. appearance of proposed building – could be aesthetically more appealing
- .. noise – in particular air-conditioning
- .. increase in pedestrian traffic – unruly behaviour

Mr Yan Ham (architect) addressed the meeting in support of the proposed development and responded to questions from elected members.

RECOMMENDATION

Cr de Jong – Cr Martin

That Council exercise its discretion in granting approval for the following:

- (a) **element 2 Land Use of the LPP – Town Centre Redevelopment Guidelines;**
- (b) **element 5 Street Interface of the LPP – Town Centre Redevelopment Guidelines;**

for a five storey multi dwelling comprising of 10 units at 19 (Lot 102) May Street, East Fremantle, in accordance with the plans date stamp received on Plans and relevant forms date stamp received on 20 June 2013 subject to the following conditions:

1. **Applicant to comply with the recommendations as noted in the Environmental Acoustic Report regarding the glass type and sound reduction performance for the various windows date stamp received on 20 June 2013. Balconies with side facing the service area (Unit 2, 5 and 9) of the adjacent supermarket are screened with translucent glazed panels to attenuate the noise.**

2. The landowner shall lodge a section 70A notification pursuant to the transfer of Land Act on the Certificate of Title(s) of the development site, prior to the issue of a Building Permit. This notification shall be sufficient to alert prospective landowners that the dwellings are located within Area 2 of the Fremantle Port Buffer and the proposed built form of the development within the precinct is to be adhered to. The wording of the memorial shall be placed on all strata titles as follows:

The subject lot (strata) is located within proximity to the Fremantle Port. From time to time the location may experience noise, odour, light spill and other factors that arise from the normal operations of a 24 hour working Port.

3. The landowner shall lodge a section 70A notification pursuant to the transfer of Land Act on the Certificate of Title(s) of the development site, prior to the issue of a Building Permit. This notification shall be sufficient to alert prospective landowners that the dwellings are located within the commercial zone of East Fremantle Town Centre. The wording of the memorial shall be placed on all strata titles as follows;

The subject lot (strata) is located within proximity to East Fremantle Town Centre commercial zone. From time to time the location may experience noise, odour, light spill and other factors that arise from the normal operations of a commercial area.

4. All plant such as exhaust fans, air conditioners etc. shall be screened from view where it is located on balconies or the external walls of buildings adjacent to any public road or public space to the satisfaction of the Chief Executive Officer.
5. Prior to the installation of any externally mounted air conditioning plant, a development application which is to be lodged and approved by the Chief Executive Officer which demonstrates that noise from the air conditioner will comply with the Environmental (Noise) Regulations 1997.
6. All dwellings shall have outdoor living areas of minimum 10m² and a minimum width dimension of 2.4 metres which are capable of use in conjunction with a habitable room and otherwise conform to R-Codes clause 7.3.1.
7. Public art/ ground floor facade shall be provided in accordance with the minimum requirements of the LPP – Town Centre Redevelopment Guidelines and shall be approved to the satisfaction of the Chief Executive Officer prior to an application for a building Licence being submitted to Council. The facade to be designed to a style/ design suitable to the area and be characteristic / representative to the Town of East Fremantle.
8. The building shall be kept clean and free of graffiti and vandalism at all times and any such graffiti or vandalism to be remedied within 24 hours to the satisfaction of the Chief Executive Officer.
9. Ten (10) residential car parking bays to be provided and clearly marked.
10. Three (3) visitor car parking bays to be provided within the car parking area. These bays to be located to the front of the development and clearly marked as visitor car parking.
11. Appropriate signage to be provided to the front entrance to indicate visitor car parking is available within the development. The signage to be clearly visible and shall be approved to the satisfaction of the Chief Executive Officer prior to an application for a building Licence being submitted to Council.
12. Intercom system for development to be provided at vehicular access to enable visitors to access to the visitor car parking. Intercom system shall be approved to the satisfaction of the Chief Executive Officer prior to an application for a building Licence being submitted to Council.
13. A Site and Traffic Management Plans for trades persons and delivery vehicles to be approved by the Chief Executive Officer in consultation with relevant officers, prior to the issue of a Building Licence.
14. The works are to be constructed in conformity with the drawings and amended drawings date stamped 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.
15. The proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 16. With regard to the plans submitted with respect to the building licence 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.
 17. The proposed development is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 18. All storm water is to be retained on site. A drainage plan shall be submitted to the satisfaction of the Chief Executive Officer in consultation with the Principal Building Surveyor.
 19. 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.
 20. 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.
 21. Any new crossovers which are constructed under this approval are to be a constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
 22. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
 23. Prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved to the satisfaction of the Chief Executive Officer. (refer footnote (i) below)
 24. The development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer as detailed in the Local Planning Policy - 'Fremantle Port Buffer Area Development Guidelines'.
 25. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (g) *the patio may not be enclosed without the prior written consent of Council.*
- (h) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (i) *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 5:0

Note:

As 5 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 21 May 2013, this application is deemed determined, on behalf of Council, under delegated authority.

T78.4

Petra Street No. 89 (Lot 804)

Applicant: TPG Town Planning, Urban Design and Heritage

Owner: Hanny Properties Pty Ltd

Application No. P61/2013

By Jamie Douglas, Manager Planning Services on 30 May 2013

BACKGROUND

Purpose of this Report

This report considers an application for change of use and signage to establish a Yoga Studio in one tenancy in the shopping centre at 89 Petra Street. The proposal is recommended for approval.

Statutory Considerations

Town Planning Scheme No. 3

Relevant Council Policies

Local Planning Policy – Design Guideline Signage

Impact on Public Domain

Tree in verge : No impact

Light pole : No impact

Crossover : No impact

Footpath : No impact

Streetscape : The proposed signs address the street and accordingly impact upon the streetscape.

Documentation

Plans and relevant forms date stamp received on 9 May 2013.

Date Application Received

9 May 2013

CONSULTATION

The proposal has not been referred to the Town Planning Advisory Panel or Main Roads WA given the limited extent and type of the proposed signage. All tenants within the shopping centre were notified of the proposal and no objections have been received.

DESCRIPTION OF PROPOSAL

The subject site fronts Canning Highway but has vehicular and pedestrian access from the rear car park off Petra Street. Although originally approved as a shop, the subject site has been vacant for many years. The application proposes to change the use of the subject site from its existing 'Shop' use to 'Recreation – Private' to allow for its use as a yoga studio.

The yoga studio will accommodate a maximum of 22 students with generally one teacher, although it is also indicated that a 'few assistant teachers may attend some evening classes'. The proposed use will operate seven days a week from 5:30am to 8:30pm. It is submitted that peak use will occur outside normal trading hours e.g.: (6am-8am in the morning and after 5pm in the evenings).

The application also includes proposed signage which comprises the business name ('off the wall yoga') in metal letters above the building awning and on three window signs on the Canning Highway frontage of the building and on the rear entrance doors. A wall sign with similar content is also proposed on the western wall.

ASSESSMENT**Land Use**

The subject site is zoned 'Special Business' under the TPS No3. The following zone objectives are relevant:

- *To provide for a limited range of commercial facilities and services to meet the day to day needs of the community.*
- *To promote the coordination of development within the Special Business zone and to facilitate the safe and convenient movement of pedestrians to and within the area; and*
- *To ensure the location and design of vehicular access and parking facilities do not detract from the amenities of the area or the integrity of the streetscape.*

It is considered the change of use from shop to yoga studio will enhance services for residents in the vicinity. The proposed use will have a low impact upon the operation of nearby businesses and amenity for residents in the vicinity in comparison with the previously established use of the site or possible alternative commercial uses. Accordingly, it is considered the proposed change of use is consistent with the zone objectives.

The proposed Yoga Studio is assessed as falling under the 'Recreation- Private' use definition in TPS No3. This use classified as a 'D' use within the Mixed Use Zone in the Scheme's 'Zoning Table' which means that the land use may be permitted at the discretion of Council.

Car Parking

Schedule 11 of TPS No3. identifies the minimum car parking provision in respect to a 'health studio' or 'gymnasium' (the closest applicable land use) as 1 space per 10m² of NLA. The subject site has a NLA of 92m² and therefore gives rise to a parking requirement of 9 spaces. The former 'shop' land use has a minimum requirement of 4 spaces under the Scheme. The additional parking requirement generated by the proposed change of use is therefore 5 spaces. The applicants submit the following in requesting the proposal be approved with a shortfall of 5 spaces:

- *The Yoga Studio will have different peak demand times to the other uses already located in the shopping centre.*
- *The operator will encourage local residents to walk or cycle to the site and will install a bike rack to accommodate 10 bicycles in the rear courtyard.*
- *The existing shopping centre car park has 47 bays provided at street level and 32 bays in a basement level. An aerial analysis is included in the application which demonstrates the street level car park is generally operating at 50% capacity during daylight hours, with a minimum of 19 bays out of 47 available in the three samples which include a Saturday, Wednesday and a Friday.*

It is considered the range of uses in the shopping centre will enable sharing of spaces and that it is reasonable to accept the proposed use will have demand peaks outside of those associated with the existing shops and restaurants (in the morning). It is accepted that the existing car park operates at below full capacity for most of the time (although probably above the 50% submitted). The nature of the use, its likely clientele and the provision of clearly visible cycle parking will also ameliorate the demand for private vehicle use.

In light of the above it is considered the proposed parking shortfall of 5 spaces should be accepted.

Signage

The proposed signage comprises the business name 'off the wall yoga' in metal letters above the building awning and on three window signs on the Canning Highway frontage of the building and on the rear entrance doors. A wall sign with similar content is also proposed on the western wall.

Council adopted the Local Planning Policy – Design Guidelines- Signage (LPP) pursuant with Clause 2.4 of TPS No 3 at its meeting on 21 June 2011. The policy clarifies the range and extent of signage that is allowable, within the Town.

The proposal includes a "signage regime" as required under the Policy. This comprises the following:

- Two "wall signs", one located at the front of the building and another on the western wall. These signs comply with the performance criteria of the Policy.
- The proposed window signs are to be affixed to the three windows fronting Canning Highway and to the main door onto the rear courtyard. These signs will have a frosted backing and as such will create obscure glazing covering just over the 50% maximum requirement in the policy. However given this will be a substantial improvement on the existing situation, it is considered acceptable in this instance.

CONCLUSION

The proposal will utilise a shop which has been vacant for some time and currently detracts from the streetscape. The proposal will enhance the appearance of the building and will introduce a use which will provide a service to the local community. The proposed change of use is considered to meet the scheme objectives for the "mixed use zone" and will have a low impact upon the operation of nearby businesses and amenity for residents in the vicinity in comparison with the previously established use of the site or possible alternative commercial uses.

It is considered the proposal warrants approval subject to standard conditions

RECOMMENDATION

That Council exercise its discretion to allow a shortfall of 5 on-site car spaces and grant approval for a change of use to 'Recreation-Private' and signage for a Yoga Studio at 89 Petra Street (Lot 804) Canning Highway, East Fremantle in accordance with the Application for Planning Approval received on 6 May 2013 subject to the following conditions:

1. The Yoga Studio shall operate a maximum of seven days a week from 5:30am to 8:30pm and shall not accommodate more than 25 persons at any one time.
2. All signage shall be constructed and installed in accordance with the Local Planning Policy 'Design Guideline Signage' – Part 4 'General Requirements for Signage'.
3. The works are to be constructed in conformity with the plans and written information accompanying the application for planning approval date stamped 'received 6 May 2013' other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
4. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

The following is not a condition but a note of advice to the applicant/owner:

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

Mr David Read (Director – TPG) in addressing the meeting in support of the officer's recommendation for approval, sought an amendment to Condition (1) with the deletion of the operating times as shown.

RECOMMENDATION

Cr de Jong – Cr Rico

That Council exercise its discretion to allow a shortfall of 5 on-site car spaces and grant approval for a change of use to 'Recreation-Private' and signage for a Yoga Studio at 89 Petra Street (Lot 804) Canning Highway, East Fremantle in accordance with the Application for Planning Approval received on 6 May 2013 subject to the following conditions:

- 1. The Yoga Studio shall not accommodate more than 25 persons at any one time.**
- 2. All signage shall be constructed and installed in accordance with the Local Planning Policy 'Design Guideline Signage' – Part 4 'General Requirements for Signage'.**
- 3. The works are to be constructed in conformity with the plans and written information accompanying the application for planning approval date stamped 'received 6 May 2013' other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- 4. This planning approval to remain valid for a period of 24 months from date of this approval.**

Footnote:

The following is not a condition but a note of advice to the applicant/owner:

- *This decision does not include acknowledgement or approval of any unauthorised development which may be on the site.* CARRIED 5:0

Note:

As 5 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 21 May 2013, this application is deemed determined, on behalf of Council, under delegated authority.

T78.5

Angwin Street No. 27 (Lot 45)

Applicant: Collaborative Design

Owner: Riverview Asset P/L

Application No. P40/13

By Andrew Malone, Senior Town Planner on 7 June 2013

PURPOSE OF THIS REPORT

This report considers a development application for additions and alterations to an existing dwelling at 27 (Lot 45) Angwin Street, East Fremantle. The proposed additions and alterations are recommended for approval subject to appropriate conditions.

BACKGROUND**Description of Proposal**

The subject application proposes alterations and additions to an existing dwelling, comprising of:

- *Internal ground floor alterations to the gym and the laundry.*
- *First floor additions of study, balcony, bedroom, gallery, bathroom and access/ gallery.*

Description of Site

The subject site is:

- a 721m² block
- zoned Residential R12.5
- developed with a two storey dwelling
- located in the Riverside Precinct.

Statutory Considerations

Town Planning Scheme No. 3 (TPS3) – Residential R20
Residential Design Codes (R-Codes)

Relevant Council Policies

Local Planning Policy – Residential Design Guidelines (RDG)

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : No impact
Footpath : No impact
Streetscape : Proposed development (second storey) will be visible from Angwin Street.

Documentation

Plans and relevant forms date stamp received on 29 April 2013.

Date Application Received

29 April 2013

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

31 May 1985	Closure of Richmond Street road reserve from north of Lot 8 (No 21) Angwin Street to Surbiton Road;
22 October 1986	Easement registered to provide a right of carriageway over portion of Reserve 41519 (previously Richmond Street) for the purposes of providing vehicle access to 23 Angwin Street;
17 November 1986	Easement registered to provide a right of carriageway over portion of Reserve 41519 (previously Richmond Street) for the purposes of providing vehicle access to 21 Angwin Street;
20 June 1994	Council grants Planning Consent for a relaxation of setbacks for a bedroom and balcony additions at 27 Angwin Street;
19 September 1994	Council refuses to grant Planning Consent for a laundry, garage and studio addition within front setback;
April 1995	Council resolves: <ul style="list-style-type: none"> (a) <i>Council will not be responsible for the capital cost and maintenance cost of Surbiton Road on the northern boundary of Lot 45 nor the easement at the rear of lots 45, 46 and 47, as Council maintains Angwin Street, thus providing access to all properties, that is lots 45, 46, 47 and 8,</i> (b) <i>that the road and easement as described in (a) be used for access only, and not for parking of any type of vehicle.</i> (c) <i>any improvements to the road and easement be subject to Council's approval, and any other public authority.</i> <p><i>Council's Town Planner is of the opinion that:</i></p> <ul style="list-style-type: none"> • <i>a landscape plan for road and barrier fencing/parks & recreation plan needs to be adopted prior to converting a single dwelling access into a four dwelling access.</i> • <i>Council may require a fee for the granting of any easement.</i>
26 May 1995	Council refuses to grant Planning Consent for a laundry, garage and studio addition within the front setback at 27 Angwin Street;
21 August 1995	Council grants special approval for zero setbacks to the east and south boundaries and a relaxation of standards for a reduced

16 October 1995 setback for a secondary street for erection of a laundry, garage and studio at 27 Angwin Street;
 15 February 2005 Building Permit issued for the laundry, garage and studio;
 Council grants conditional approval for construction of a garage with access to Surbiton Road via Reserve 41519 and a rooftop garden to the rear/western boundary at 27 Angwin Street;
 15 April 2008 Council Approval for garage, swimming pool & additions;
 9 December 2008 Council Approval for fence & barbeque by Council;
 17 July 2012 Approval for sunshade by Delegated Authority.

CONSULTATION Advertising

The application was advertised to surrounding neighbours for a two week period between the 3 May 2013 and the 17 May 2013. At the close of advertising 3 submissions were received. These are summarised below and are attached to this report.

NEIGHBOURS COMMENTS	APPLICANT RESPONSE	OFFICER ASSESSMENT
No relaxation to Council's standards on building height and setbacks – outside of RDC & TPS	Further to our discussion regarding the objections received by neighbours to the current proposal for additions at 27 Angwin Street I confirm that we have made every effort to address the concerns of neighbours previously raised. Given the substantially compliant nature of the new proposal and the positive comments received from the town planning advisory committee we believe that the neighbours' concerns should be seen as adequately considered.	Council is required to consider the application with three variations to the Acceptable Development Provisions of the RDG.
Streetscape – bulk & scale, negative impact on the amenity of the area in general		The proposed height, scale and bulk of the proposed additions are considered acceptable. The impact to the streetscape is considered minor and it discussed in greater detail later in this report.
Will impact neighbour's views, completely lose west corridor to river & ocean		The proposed addition requires a height variation to the wall height, however considering the existing natural ground level and the proposed additions comply with the overall total height requirement of the RDG, it is considered the proposed development can be supported.
Roof should be skillion structure to match 25 Angwin and reduce height & impact on views		As above.

Town Planning Advisory Panel

This application was considered by the Town Planning Advisory Panel at its meeting held on 14 May 2013 and the following comments were made:

- Panel supports the application.

Site Inspection

By Senior Town Planner on 20 June 2013.

STATUTORY ASSESSMENT

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

Town Planning Scheme No. 3 Assessment

Scheme Provision	Status
4.2 Zone Objectives	A
4.3 Zoning Table	A

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
6.4.1 Open Space	55%	As existing	A
6.4.2 Outdoor Living	30m ²	As existing	A
6.5 Car Parking	2	As existing	A
6.6 Site Works	Less than 500mm	As existing	A
6.9.1 Overshadowing	25%	20%	A
6.9.2 Drainage	On-site	On-site	A

Wall Orientation	Wall Type	Wall Height	Wall Length	Major Opening	Required Setback	Proposed Setback	Status
Front (west)							
Ground	As Existing						
Upper	Bathroom	4.8	4.3	N	7.5	7.5	A
Rear (east)							
Ground/ Upper	As Existing						
Side (north)							
Ground	As Existing						
Upper	Balcony	4.3	4.8	Y	2.0	1.4	D
Upper	Study	6.8	4.8	Y	2.0	2.8	A
Side (south)							
Ground	As Existing						
Upper	Gallery	5.2	3.9	N	1.2	2.0	A
Upper	Bedroom	5.7	4.8	N	1.2	4.5	A

Local Planning Policies Assessment

LPP Residential Design Guidelines Provision.	Status
3.7.2 Additions and Alterations to Existing Buildings	D
3.7.3 Development of Existing Buildings	A
3.7.4 Site Works	A
3.7.5 Demolition	N/a
3.7.6 Construction of New Buildings	N/a
3.7.7 Building Setbacks and Orientation	D
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
3.7.15-20 Precinct Requirements	D

DISCUSSION

The proposed development incorporates a number of minor variations to the Town's Local Planning Policies and the Residential Design Codes, as detailed below.

Residential Design Guidelines

The proposed additions and alterations have also been assessed in accordance with the Town's Residential Design Guidelines. The following areas are considered the areas of non compliance with the Acceptable Development Provisions and have been assessed under the provisions of the Performance Criteria (PC) of the Guidelines:

Additions and Alterations to Existing Buildings

The proposed additions and alterations are setback 7.5 metres to the second storey and are visible from Angwin Street. The proposed second storey addition is located behind the building line of the ground floor (garage/ gym). The second storey addition significantly complies with the Town's RDG requirements for building height, with the exception of the northwest eaves of the proposal (due to fall in natural ground level). The

proposed development does not adhere to Clause A1.2 ii of Element 3.7.2 of the RDG. The ADP of Element 3.7.2 of the RDG requires:

- A1.2** *Second storey additions that are:*
- i. Accommodated within the existing roof (without changes to the roof geometry); and,*
 - ii. Built behind the existing building and not visible from the opposite side of the street. A minor variation to this may be permitted on the basis of its impact on the streetscape*

There is a fall of approximately 7.5 metres from Angwin Street to the rear of the right of way. The lot is bound by Angwin Street to the east and a secondary road (Surbiton Road) to the north. The proposed addition will be visible from Angwin Street and Surbiton Road. The proposed addition is considered sympathetic to the character of the area and is appropriate to the built form of the dwelling. The proposed additions and alterations are required to be assessed as per the PC of the RDG. This requires:

- P1.1** *Additions and alterations to contributory buildings are designed to ensure that the existing building remains the dominant element when viewed from the primary street and to ensure that the existing buildings contribution to the streetscape is maintained. The council shall allow additions to be located in the front setback zone where there is no other option and the addition is demonstrably compatible with the existing streetscape character and not impact on the heritage value of a particular place. All applications to include site plans, plans and street elevations.*
- P1.2** *Replacement of, or construction of, elements such as carports shall not obscure the original dwelling.*

The subject dwelling is not listed on the Town's Municipal Heritage List. The proposed addition does not impact on the dominance of the dwelling as viewed from the primary street and the secondary street. The proposed addition is consistent with the scale, form and bulk of the existing dwelling, especially considering the natural ground level fall. The proposed addition is compatible with the existing streetscape character and does not impact on the heritage value of the locality. While objections have been received with regard to the proposal, the proposal is considered to significantly comply with the wall height requirements of the wall height requirements of the RDG. This will be discussed in greater detail later in the report.

The proposed additions and alterations are appropriate to the area and it is considered can be supported by Council.

Building Setbacks

The proposed development incorporates a side setback variation to the Acceptable Development Provisions of Element 3.7.7 of the RDG (northern boundary) setback requirements. The proposed setback is required to be 2.0 metres from a secondary street. The proposed balcony is situated 1.4 metres from the northern boundary. The study is located 2.8 metres from the northern boundary. The LPP RDG Element 3.7.7 provides criteria by which to assess proposed variations to setback requirements. These are as summarised below.

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

The proposed setback from the primary street is 7.5 metres. This complies with the Acceptable Development Provisions of the R-Codes and RGD. The proposed dwelling and addition match the traditional setback of the immediate locality and is consistent with the setbacks of the adjoining dwelling to the south.

P1.2 *Additions to existing contributory buildings shall be setback so as to not adversely affect its visual presence.*

Not applicable, the subject dwelling is not listed on the Town's Municipal Heritage List. The proposed addition is considered to have no adverse impacts to the visual presence of the streetscape or of adjoining dwellings.

P1.3 *Developments are to have side setbacks complementary with the predominant streetscape.*

The proposed side setback to the northern boundary (Surbiton Road) is required to be 2.0 metres. The proposed setback is 1.4 metres to the balcony and 2.8 metres to the study. The proposed setback is consistent with the prevailing setback of the dwelling. The ground floor of the existing dwelling is setback 1.4 metres, consistent with the first floor addition.

The proposed addition does not significantly impact on the streetscape. The proposed width of 4.8 metres of the balcony to Surbiton Road is not considered excessive. The side variation is articulated minimising the scale and bulk of the additions. The addition is considered minor, with no significant impact to surrounding neighbours. The proposed setbacks are considered appropriate considering the design of the existing dwelling, proposed setbacks and the gradient fall in the lot.

The proposed additions and alterations are appropriate and it is considered can be supported by Council.

Building Height

The Acceptable Development Provisions of the RDG for the building height for the Riverside Precinct states:

A2.4 *In localities where views are an important part of the amenity of the area and neighbours existing views are to be affected, or the subject site is a 'battle axe' lot, then the maximum building heights are as follows:*

- 8.1m to the top of a pitched roof
- 6.5m to the top of an external wall (concealed roof)
- 5.6m to the top of an external wall; and where the following apply:
 - i. *The proposal demonstrates design, bulk and scale that responds to the established character or other site specific circumstances;*
 - ii. *The provision of a landscaping plan demonstrating a minimum of 50% of the effective lot area being landscaped; and*
 - iii. *Subject to the provisions of Residential Design Codes – Element 9 – Design for Climate and Element 8 – Privacy being met.*

The proposed addition is two storey and has a maximum height of 6.8 metres to the top of the wall (northern elevation to Surbiton Road) and 7.5 metres to the ridge of the roof. The wall height requires Council discretion. The proposed development does not comply with the provisions of A2.4 building height of the RDG.

The proposed dwelling is required to be assessed as per the PC requirements of the RDG for the building height, which allows for:

P1 *New developments, additions and alterations to be of a compatible form, bulk and scale to traditional development in the immediate locality.*

P2 *Form and bulk of new developments to be designed appropriately to the topography of the landscape.*

The east elevation as presented from Angwin Street has an overall roof height of approximately 5.6 metres, well within the 8.1 metre ridge height requirement. The proposed addition is articulated and proposes a variety of materials and is therefore

considered to have minimal impact to the streetscape when assessed as per the adjoining properties on the street. The roof form and dwelling design is sympathetic to the character of the area and existing dwelling. The addition has been designed to attempt to minimise potential impacts. While the wall height exceeds the permitted ADP height requirements, the variation is considered to have minimal impact on adjoining neighbours or the streetscape. The natural ground level falls steeply though Surbiton Road. The proposed height of the wall is 6.8 metres to the top of the wall (northern elevation to Surbiton Road). The proposed addition incorporates a flat and pitched roof to add articulation to the building, minimising the scale and bulk of the dwelling. The addition is considered to be appropriately setback from the front, side and rear boundaries.

The addition is significantly under the 8.1 metre overall pitch requirement and will not significantly impact on the adjoining neighbours views. The proposed development complies with the PC of the R-Codes for Element 9 – Design for Climate and Element 8 – Privacy.

It is considered the proposed minor variation to the wall height complies with the Performance Criteria of the R-Codes. Accordingly, the design of the addition and proposed height can be supported by Council.

CONCLUSION

It is considered the proposed additions and alterations are designed to be compatible with the existing dwelling and are consistent with the adjoining development scale and setback. The proposed additions and alterations are fully compliant with the Acceptable Development Provisions of the R-Codes. The variations to the ADP of the RDG, as noted above, are considered minor in nature and are considered to comply with the PC of the RDG. The proposed additions and alterations are sympathetic to the streetscape and are deemed appropriate for the area.

Based on this it is considered the proposal merits approval subject to appropriate conditions.

RECOMMENDATION

That Council exercise its discretion in granting approval for the following:

- (a) element 3.7.2 of the Residential Design Guidelines: Additions and Alteration to Existing Buildings;
- (b) Element 3.7.7 of the Residential Design Guidelines - Building Setbacks and Orientation;
- (c) Element 3.7.17.4 of the Residential Design Guidelines – Building Design Requirement;

for second storey additions and alterations to an existing dwelling at 27 (Lot 45) Angwin Street, East Fremantle, in accordance with the plans date stamp received on 29 April 2013, subject to the following conditions:

1. Prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved to the satisfaction of the Chief Executive Officer. (*Refer footnote (i) below*)
2. The proposed works are not to be commenced until Council has received an application for a Demolition Permit and a Building Permit and the Building Permit issued 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. 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.
6. 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.
 7. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *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.*
- (c) *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.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (g) *the patio may not be enclosed without the prior written consent of Council.*
- (h) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (i) *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".*

Mr Phil Nolan (resident of Angwin Street) addressed the meeting and raised the following concerns relating to the development proposal:

- .. previous development proposals were granted a number of concessions
- .. impact upon views
- .. no discussion with neighbours

Mr Nolan sought deferral of the application pending:

- .. the submission of further drawings which show streetscape elevations from both Angwin Street and the River side
- .. the owner be invited to discuss the proposal with adjoining neighbours
- .. elected members take the opportunity to view the site in the meantime

In closing, Mr Nolan thanked those elected members who had visited his property.

Mr Bruce Seligmann (resident of Bolton Street) addressed the meeting expressing concern over the lack of consultation with neighbours and the subjectivity of the officer's report in regard to the impact the proposed development would have on neighbouring properties.

Mr Michael Green (architect) addressed the meeting and responded to questions from elected members. Mr Green stated that whilst an earlier proposal showed 'split' roofs to allow for view corridors, concerns were raised hence this application in response to those concerns is now before the Committee.

RECOMMENDATION

Cr Wilson – Cr Martin

That the application for alterations/additions to the residence located at No. 27 (Lot 45) Angwin Street, East Fremantle be deferred to allow the applicant to consider a redesign of the non-compliant elements including setback and building height and the proposed design changes to address the Angwin Street and Surbiton Road frontages. The applicant is also requested to provide a streetscape analysis showing the impact the proposal has upon the view corridors of neighbouring properties. CARRIED 5:0

Note:

As 5 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 21 May 2013, this application is deemed determined, on behalf of Council, under delegated authority.

Cr de Jong having declared an interest in the following item as he is the owner of 126 Preston Point Road, the proposed development site, left the meeting at 7.38pm.

Crs Wilson, Collinson, Martin & Rico made the following impartiality declaration in the matter of 126 Preston Point Road: "As a consequence of the applicant being known to us as a fellow elected member, there may be a perception that our impartiality on the matter may be affected. We declare that we will consider this matter on its merits in terms of the benefit to the Town and vote accordingly".

The author makes the following impartiality declaration in the matter of the following report: "As a consequence of the owner being known to me due to his position as an elected member, there may be a perception that my impartiality on the matter may be affected. I declare that I have considered this matter entirely on its merits and with complete impartiality and objectivity".

T78.6 Preston Point Road No. 126 (Lot 4959)

Applicant: Shayne Le Roy Design

Owner: B De Jong

Application No. P38/13

By Andrew Malone, Senior Town Planner on 17 June 2013

PURPOSE OF THIS REPORT

This report considers an application for planning approval for a demolition of an existing dwelling and the construction of a two storey single dwelling at 126 (Lot 4959) Preston Point Road, East Fremantle. The application is recommended for conditional approval.

Description of Site

The subject site is:

- a 737m² block
- zoned Residential R12.5
- developed with a single storey dwelling
- located in the Richmond Hill Precinct.

Statutory Considerations

Town Planning Scheme No. 3 (TPS3) – Residential R12.5

Residential Design Codes (R-Codes)

Relevant Council Policies

Local Planning Policy – Residential Design Guidelines (RDG)

Impact on Public Domain

Tree in verge : No impact
 Light pole : No impact
 Crossover : New crossover. Verge to be reinstated.
 Footpath : No impact
 Streetscape : Proposed new dwelling.

Documentation

.. Plans and relevant forms date stamp received on 13 May 2013.
 .. Further information date stamp received on 27 May 2013.
 .. 3D modelling/ illustrations date stamp received on 31 May 2013.

Date Application Received

26 March 2013

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

Nil.

CONSULTATION**Advertising**

The application was advertised to surrounding neighbours for a two week period between the 3 May 2013 and the 17 May 2013 and a sign on site. At the close of advertising three (3) submissions were received.

SUBMISSION	APPLICANT RESPONSE	OFFICER COMMENT
<p>24 Preston Point Road</p> <p>Provision A1.4 outlined above would be applicable to the subject application as the property is in a location where developments are oriented north in order to maximise views to the Swan River. A review of the submitted plans indicates that the proposal is to incorporate a maximum height of 8.1m to the top of an external wall (concealed roof), which substantially exceeds the relevant Acceptable Development criteria.</p>	<p>Additional plans and elevations drawings have been provided. These provide further information with regard to dwelling height information.</p> <p>While views are important for most properties they are not entirely owned by the properties. They are there for an outlook and enjoyment for all, not ownership.</p> <p>Our proposal, while it fronts onto an unobstructed view has also been designed to hopefully be sensitive to neighbouring properties, whom can still enjoy the view corridors through our proposal. Great effort was taken with the flat roof style of the home to minimise the impact to rear neighbours as a pitched roof would have blocked out more views that these neighbours could enjoy.</p>	<p>Provision A1.4 of element 3.7.17 of the RDG is applicable to the subject application, however as the dwelling does not comply with Provision A 1.4, the application has been assessed as per the Performance Criteria of the RDG.</p> <p>This will be discussed in detail in the Building Height Section of this report.</p>
<p>The form, bulk and scale of the proposal would not be compatible with development in the immediate locality, and therefore it is not capable of approval under the Performance Criteria.</p>	<p>There is no extra bulk and scale with our proposal. As you will see with the streetscape drawing the proposal will sit harmoniously within the existing streetscape. Even though the existing levels on our land are higher than 124 Preston Point Road their home still towers over our proposal.</p>	<p>The form, scale and bulk of the dwelling with regard to the immediate locality is considered acceptable.</p> <p>There is no prevailing built form in the area, therefore the proposed development is considered acceptable.</p>
<p>The development form of the proposed dwelling does not sufficiently respond to the existing levels on the lot in order to minimise overall height and its associated impacts to surrounding residents.</p>	<p>Our proposal was designed with cut and fill policy due to the existing levels on the site. As you will see on the proposed plans we have cut 700mm into the property at the back and filled 700 to the front of our</p>	<p>The proposed cut and fill on the subject lot is considered appropriate.</p> <p>It is proposed to cut 700mm into the property at the back and fill 700mm to the front of the lot.</p>

SUBMISSION	APPLICANT RESPONSE	OFFICER COMMENT
<p>Whilst the proposed floor levels associated with the development involve both cutting and filling of the property, this has not been conducted with a view to minimising potential adverse impacts to the properties at No.124 Preston Point Road, No.36 Locke Crescent and No.34 Locke Crescent.</p>	<p>proposal. Cutting any further into the site would create a lot of extra retaining to the rear of the property which we don't see the need to do.</p>	<p>The proposed cut and fill are not considered to significantly impact on the streetscape of adjoining neighbours.</p>
<p>The proposed wall height and floor levels would exacerbate scale and bulk impacts of the building to surrounding properties and is worsened by the proposed front setback which, whilst being at 7.5m is compliant with the Residential Design Guidelines, would position the dwelling considerably further forward than the neighbouring dwelling at No.124. This dwelling presently enjoys significant and expansive views of the Swan River and its environs from the existing balcony and outdoor entertaining area, and the proposed development at No.126 would have a direct adverse impact on views to the north-east of the property.</p>	<p>Great effort was taken when designing the property to be sympathetic to the existing street. I have designed the house so the garage is at the rear of the property for two reasons being to remove the bold unsightly impact of a double garage door away from the street and to allow the owners to drive in forward gear out of their property which is safer in terms of accessing the street.</p>	<p>The proposed dwelling has been designed to be modern and contemporary style, with an influence of 'International' architecture, with similar examples of design around the Town.</p> <p>The front setback to the building complies with the Acceptable Development Provisions of the R-Codes.</p> <p>The northern views (directly out) are the primary view of consideration. It is not possible or practical to ensure 180° views are maintained. The impact to the views to the north east is considered of less significance and therefore the proposed impact to the view of the adjoining dwelling (124 Preston Point Road) are considered acceptable and can be supported by Council.</p>
<p>It is requested that the proposal be refused, and that any future development proposals for the site be prepared with greater regard to the established statutory provisions which have been formulated to facilitate development potential without unreasonably affecting the amenity of surrounding properties.</p>	<p>Considering the above I believe our application to be sympathetic to the existing streetscape and community. I don't believe the impact outlined from the three affected neighbours is detrimental to their properties and would hope the Council will support our application.</p>	<p>The proposed variations to the Acceptable Development Provisions of the RDG are outlined in the Assessment Section of this report.</p>

SUBMISSION	APPLICANT RESPONSE	OFFICER COMMENT
<p>No.36 Locke Crescent</p> <p>As noted in the above objection by 124 Preston Point Road.</p> <p>It would also adversely affect future development options for the property by necessitating specific design solutions to overcome any unreasonable loss of view associated with the development at No.126.</p>	<p>As addressed above.</p>	<p>No development options have been viewed by Council.</p> <p>As noted in the Building Height Section of this report, it is considered the proposed loss of views of 36 Locke Crescent have been impacted by the development at 124 Preston Point Road.</p> <p>The applicant is removing a large tree to the rear of the block and is proposing to excavate by 700mm into the rear of the lot, therefore it is considered the views of 36 Locke Crescent will be improved.</p>

SUBMISSION	APPLICANT RESPONSE	OFFICER COMMENT
<p>No.34 Locke Crescent</p> <p>We the owners of 34 Locke Crescent East Fremantle for the record do hereby object to the proposed development in its advertised form. The objection in particular relates to design issues which are in direct breach/contradiction of the State Planning Policy Residential Design Codes and The Town of East Fremantle Residential Guidelines - Richmond Hill as they relate to items detailed below.</p> <p>Thus Provision A1.4. As stated above would be that to be applied in this application. The submitted plans suggest that the height in this instance is to be 8.1 to the top of an external wall (concealed roof) which exceeds the prescribed level of 6.5 metres as suggested in Provision A1.4. This represents a substantial 25% increase above recommendations.</p> <p>We are not objectionable to a concealed roof, only that it comply with the guidelines.</p> <p>As the proposed development will have uninterrupted views in any form we believe that the proposed floor levels be reviewed with view to minimising the adverse impact to 34 Locke Crescent and those direct neighbours who will also be affected by the development. Other elements of the design as is seen in the front right elevation of the proposed dwelling also add to the height and bulk of the property. This aspect is for aesthetic reasons only and does not represent a physical structural requirement to the building and as such could be reviewed.</p>	<p>As addressed above.</p>	<p>As addressed above.</p> <p>The applicant is removing a large tree to the rear of the block and is proposing to excavate by 700mm into the rear of the lot, therefore it is considered the views of 34 Locke Crescent will be improved.</p>

Town Planning Advisory Panel

The proposal was presented for comment at its meeting held on 14 May 2013.

SUBMISSION	APPLICANT RESPONSE	OFFICER COMMENT
<p>Interesting design that suits the Preston Point streetscape. Query wall heights.</p>		<p>The maximum height of the building is 8 metres to the top of the articulated design element over the dining/ living area.</p>

Site Inspection

By Senior Town Planner on 20 June 2013.

STATUTORY ASSESSMENT

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

Town Planning Scheme No. 3 Assessment

Scheme Provision	Status
4.2 Zone Objectives	A
4.3 Zoning Table	A

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
6.4.1 Open Space	55%	71.2%	A
6.4.2 Outdoor Living	30m ²	49 ²	A
6.5 Car Parking	2	2	A
6.6 Site Works	Less than 500mm	700mm	D
6.9.1 Overshadowing	25%	N/A	A
6.9.2 Drainage	On-site	On-site	A

Local Planning Policies Assessment

LPP Residential Design Guidelines Provision	Status
3.7.2 Additions and Alterations to Existing Buildings	A
3.7.3 Development of Existing Buildings	A
3.7.4 Site Works	D
3.7.5 Demolition	A
3.7.6 Construction of New Buildings	A
3.7.7 Building Setbacks and Orientation	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	N/A
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	A
3.7.15-20 Precinct Requirements	D

6.3 Boundary Setbacks							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
Front (south)							
Ground	Guest Bed	4.2m	4.4m	Y	7.5m	9.6m	A
Ground	Balcony	7.6m	10.4m	Y	7.5m	7.5m	A
Rear (north)							
Ground	garage	1.5m	7.7	N	1.0m	2.0m	A
Side (east)							
Ground	Dwelling	4.7m	8.6m	N	1.1m	4.5m	A
Upper	Ensuite	6.5m	5.5m	N	1.2m	1.25m	A
Side (West)							
Ground	Bed 3	3.55m	4.6m	N	1.1m	1.9m	A
Upper	Dining/ Living	8.0m	14.88m	N	2.2	1.9m	D

DISCUSSION

The proposed development incorporates a number of variations to the Town's Local Planning Policies and the Residential Design Codes, as detailed below.

Demolition

The proposed development is for the demolition of an existing dwelling. The dwelling is not listed on the Town's Municipal Heritage Inventory or Heritage List. The dwelling is single storey with undercroft garage. It is considered the existing dwelling does not make a significant contribution to the streetscape and retention of the dwelling is not warranted. An appropriate demolition condition has been included in the Officers Recommendation. The proposed demolition is considered appropriate and can be supported by Council.

Fill

The Performance Criteria (PC) of the R-Codes with regard to Element 6.6.1 Excavation or Fill states:

P1 *Development that retains the visual impression of the natural level of a site, as seen from the street or other public place, or from an adjoining property.*

While it is proposed to have fill within the perimeter of the external walls of the building of approximately 1.0 metre, it is also proposed to fill within the front setback of the lot be approximately 700mm on the north western boundary. The proposed fill is considered to have no significant impact on the scale and bulk of the dwelling. The overall finished floor level of the existing dwelling is being reduced by approximately 200mm to the proposed finished floor levels. The proposed dwelling will have a similar presentation to the streetscape as existing. The streetscape elevation is considered to have a consistent scale as the adjoining dwellings. The overall proposed fill will therefore retain the visual impression of the natural level of the site seen from the street and from the adjoining property (as illustrated by the streetscape elevation). The applicant has requested Council to consider a height variation to the Acceptable Development Provisions of the RDG. This will be assessed later in this report.

The proposed development is considered to comply with the Performance Criteria Element 6.6.1 Excavation of Fill and therefore can be supported.

Building on the Boundary

The applicant is seeking Council discretion with regard to the ADP for the east elevation setback requirements of the R-Codes and the Town's RDG. The proposed support columns for the first floor are proposed to be located on the boundary. These are 3.55 metres and 3.8 metres in height. The columns are 300mm wide. The columns are considered necessary to support the first floor cantilever over the driveway. The columns are considered minor development and are not considered to impact on in the streetscape or adjoining property.

The columns do not comply with the ADP of Element 6.3.2 Buildings on the boundary, therefore there is a requirement for them to be assessed as per the Performance Criteria of the R-Codes. P2 states:

Buildings built up to the boundaries other than the street boundary where it is desirable to do so in order to:

- *Make effective use of space; or*
- *Enhance privacy; or*
- *Otherwise enhance the amenity of the development;*
- *Not have any significant adverse effect on the amenity of the adjoining property; and ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.*

The above points are addressed as follows:

- *The columns are considered necessary for the first floor cantilever to make effective use of the lot. The garage is located to the rear of the lot. This design is considered important in ensuring an active, habitable and articulated building and frontage. The*

building maximises the northern sun to the main living area, while having minimal impact to the adjoining neighbour to the south or east.

- *The natural ground level and proposed finished floor level are consistent with the adjoining dwelling at 128 Preston Point Road.*
- *There are no privacy issues relating to the proposed development.*
- *The proposed parapet columns facilitate the location of the first floor over the driveway. The use of the parapet columns maximises the development potential of the first floor, facilitating the location of a driveway and rear garage. The columns are setback approximately 17 and 20 metres from the front of the lot. There is no impact to adjoining neighbours.*
- *The adjoining neighbour to the east has not raised any concerns with regard to the parapet columns. The proposed columns do not impact the streetscape or adjoining neighbours and therefore are considered can be supported by Council.*

Building Setbacks

The proposed development incorporates a side setback variation (western boundary) to the setback requirements of element 3.7.7 Building Setback and Orientation to the Residential Design Guidelines. The proposed setback is required to be 2.2 metres from the western boundary. The proposed first floor dining room, kitchen and balcony is located 1.9 metres from the western boundary.

The LPP RDG Element 3.7.7 provides criteria by which to assess proposed variations to setback requirements. These are as summarised below.

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

The proposed setback from the primacy street is 7.5 metres to the first floor balcony. This complies with the Acceptable Development Provisions of the R-Codes and RGD. It is noted that the proposed building setbacks for the prevailing street are located in excess of the 7.5 metres Acceptable Development Provisions of the R-Codes. It is considered however that the proposed dwelling significantly conforms to the traditional setback of the immediate locality.

P1.2 *Additions to existing contributory buildings shall be setback so as to not adversely affect its visual presence.*

Not applicable.

P1.3 *Developments are to have side setbacks complementary with the predominant streetscape.*

The proposed side setback to the western boundary is required to be 2.2 metres to the first floor. The proposed setback is 1.9 metres. Council discretion for a 0.3 metre setback variation to the Acceptable Development Provisions of the R-Cods is required. The ground floor of the proposed dwelling has a minimum setback of 1.9 metres with the majority of the built form being setback 3.9 metres from the boundary. The articulation of the proposed building is considered to minimise any adverse impacts.

In conclusion the proposed dwelling is considered not to significantly adversely impact on the streetscape and adjoining neighbours. The proposed balcony and dwelling articulation minimises the bulk and scale of the building. The orientation of the dwelling is considered not to overshadow any adjoining lot. The proposed excavation of the rear of the dwelling and garage by 700mm reduces the potential impact on views. It is considered adjoining properties are not impacted with regard to light or ventilation.

The side built form of the dwelling is articulated through the use of cantilevers, therefore minimising scale and bulk. The variation is considered minor, with no significant impact to

surrounding neighbours. The proposed setback variation is considered appropriate considering the modern design of the dwelling.

The proposed dwellings side setback is appropriate and is considered should be supported by Council.

Roof Form

The Acceptable Development Provisions of Element 3.7.8 Roof Form and Pitch of the Residential Design Guidelines states:

A4.2 *A contemporary roof form or roof pitch that is less than 28° or greater than 36° shall be approved where the applicant demonstrates compatibility with the immediate locality.*

The proposed roof does not adhere to the ADP of the RDG. The PC requirements for the roof pitch allows for:

P4 *Roof forms of new buildings complement the traditional form of surrounding development in the immediate locality.*

The proposed dwelling has been designed to be contemporary, with an influence of 'International' architecture. The dwelling is designed to be distinct with a modular design character. As part of this design, a flat roof is proposed. The roof form and dwelling design are integral to its overall style. In this context the roof form adds to the overall street character. The dwelling is considered to complement the existing streetscape. The building style on Preston Point Road is varied and the proposed modern design is considered to integrate well with the existing streetscape.

It is considered the roof form and pitch of the proposed dwelling, in the context of the overall design achieved can be supported by Council.

Building Height

The Acceptable Development Provisions of the RDG for the building height in the Richmond Hill Precinct states:

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

- 8.1m to the top of a pitched roof
- 6.5m to the top of an external wall (concealed roof)
- 5.6m to the top of an external wall; and where the following apply:
 - i. *The proposal demonstrates design, bulk and scale that responds to the established character or other site specific circumstances;*
 - ii. *The provision of a landscaping plan demonstrating a minimum of 50% of the effective lot area being landscaped; and*
 - iii. *Subject to the provisions of Residential Design Codes – Element 9 – Design for Climate and Element 8 – Privacy being met.*

The proposed dwelling is two storey, flat roofed modern design with a maximum height of 8.0 metres to the top of the wall/ flat roof (western elevation). The Acceptable Development Provisions state a wall height of 6.5 metres is required for a concealed roof. The wall/ roof height requires Council discretion. The proposed development does not comply with the provisions of A1.4 building height of the RDG.

The proposed dwelling is required to be assessed as per the PC requirements of the RDG for the building height, which allows for:

P1 *New developments, additions and alterations to be of a compatible form, bulk and scale to traditional development in the immediate locality.*

P2 *Form and bulk of new developments to be designed appropriately to the topography of the landscape.*

The architectural feature over the dining room/ family room increases the overall height of the building by 0.4 metres (overall height 8.0 metres). This is a design feature to the dwelling that improves the design and building articulation to the north (streetscape) and west. The highest point on the building that forms part of a habitable room or active space is 7.6 metres. The architectural feature over the dining room/ family room as can be seen from the 3D modelling further articulates the building, thereby minimising potential bulk and scale issues.

The existing single storey dwelling and adjoining single storey dwelling to the east is of a scale and character that is now inconsistent with the streetscape. As is illustrated by the streetscape elevation the proposed dwelling is consistent with the overall height of the dwelling to the west. It is noted that this dwelling (124 Preston Point Road) does have a pitched roof and therefore can have a roof height of 8.1 metre to top of ridge from the natural ground level. It is further noted that the development at 124 Preston Point Road was conditioned to comply with Council's 8.1 metre ADP height requirement of the RDG.

The overall height of the proposed dwelling is less than the 8.1 metre maximum height requirement for a pitched roof, however exceed the 6.5 metre maximum height requirement for a concealed roof. The architectural feature over the dining room/ family room increases the overall height to 8.0 metres. The dominant roof height of the dwelling is 7.6 metres (1.1 metres above the required 6.5m to the top of an external wall, concealed roof). It is further noted that the proposed dwelling is reducing the finished floor level of the existing dwelling by approximately 200mm and is proposing to excavate 700mm into the rear of the lot. It is further noted that the adjoining lot to the rear is approximately 1.0 metre above the existing ground level of the subject lot.

Currently views from the adjoining properties to the rear are obscured by a large bush/tree to the rear of the property. The applicant has indicated that this bush/tree is proposed to be removed. It is considered the removal of the tree will improve potential views from the adjoining neighbours. It is considered views from 36 Locke Crescent are impacted by 124 Preston Point Road, however with the removal of the tree, additional views will be gained. Views from 34 Locke Crescent will be impacted, however it is considered that there will be suitable viewing corridors and also views will be maintained from the first floor. Within this context it is considered that these impacts are not unreasonable, that expansive views enjoyed by 34 Locke Crescent still be significantly retained.

The proposed dwelling is articulated and proposes a variety of materials, the effect of which will result in an interesting design which will enhance the streetscape. The roof form and dwelling design is sympathetic to the character of the area and is compatible with the form, bulk and scale of other dwelling on Preston Point Road. The form and bulk of the dwelling has been designed appropriately, using the existing finished floor level and natural ground level of the subject lot as a building guide. The proposed flat roof, additional setbacks, and cantilevered first floor add articulation to the building, minimising the scale and bulk of the dwelling. The dwelling is considered to be appropriately setback from the front, side and rear boundaries.

The proposed development complies with the PC of the R-Codes for Element 9 – Design for Climate and Element 8 – Privacy. The proposed development is not considered to impact on the light and ventilation received by adjoining lots.

It is considered the proposed variation to the wall height complies with the Performance Criteria of the R-Codes. Accordingly, the design of the dwelling and proposed height can be supported by Council.

Conclusion

The proposed dwelling is of a suitable scale, bulk and design so as to have a minimal impact on adjoining dwellings and streetscape. The application is considered to have had due regard for the Town's requirements relating to residential developments, as well as the requirements outlined within the R-Codes. It is considered the proposed variations to the Acceptable Development Provisions of the R-Codes can be supported and conform to the provisions of the Performance Criteria of the R-Codes and RDG.

The application as conditioned is therefore considered appropriate and is recommended for approval.

RECOMMENDATION

That Council exercise its discretion in granting approval for the following:

- (a) element 6.6.1 Excavation and Fill of the Residential Design Codes;
 - (b) element 6.3.2 Buildings on the boundary of the Residential Design Codes: Support columns;
 - (c) variation to the setback requirements of the side setback (western elevation) – required setback 2.2 metres (first floor). Proposed setback is 1.9 metres;
 - (d) element 3.7.8 of the Residential Design Guidelines: Roof pitch;
 - (e) element 3.7.17 of the Residential Design Guidelines: Building Height;
- for additions and alterations to an existing dwelling at 126 (Lot 4959) Preston Point Road, East Fremantle, in accordance with the plans date stamp received on 13 May 2013 subject to the following conditions:

1. Crossover width to be a maximum width of 3.0 metres.
2. All parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
3. Where this development requires that any facility or service within a street verge trees to be removed, modified or relocated then such works must be approved by Council and to the satisfaction of the Chief Executive Officer.
4. Prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved to the satisfaction of the Chief Executive Officer. (*refer footnote (i) below*)
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 Demolition Permit and 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. 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. 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. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) 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.*
- (c) 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.*
- (d) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (g) the patio may not be enclosed without the prior written consent of Council.*
- (h) matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (i) 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".*

Mr Jeremy Hofland (Rowe Group) addressed the meeting on behalf of the owners of 124 Preston Point Road and 36 Locke Crescent and sought refusal of the proposed new residence citing elements of non-compliance, in particular building height. Mr Hofland stressed that views are an integral part of the Town and suggested that a pitched roof form would reduce the impact upon neighbouring properties.

Mr & Mrs Tim & Deb Gray (owners of 34 Locke Crescent) addressed the meeting expressing their concern with the current development proposal.

Mr Shayne Le Roy addressed the meeting in support of the officer's assessment of the proposed new residence stating that it was complementary to the streetscape and that view corridors would be maintained for the rear neighbour.

Mr Le Roy in responding to questions from elected members, stated that any reduction in floor level would result in an increase in retaining to the rear and that removal of the architectural feature would reduce the height by 0.700 to the front and 0.400 to rear.

RECOMMENDATION TO COUNCIL**Cr Martin – Cr Rico**

That the application for a new residence at No. 126 (Lot 4959) Preston Point Road, East Fremantle be deferred to allow the applicant the opportunity to amend the design in order to meet the height and setback provisions of the R-Codes and LPP Residential Design Guidelines as outlined in the officer's report. CARRIED

Cr de Jong returned to the meeting at 8.11pm and it should be noted that he neither spoke nor voted on the foregoing item.

T78.7 **Irwin Street No. 77 (Lot 219)**
Applicant: Don Russell Homes
Owner: P Algar
Application No. P55/13

By Andrew Malone, Senior Town Planner on 10 June 2013

PURPOSE OF THIS REPORT

This report considers demolition of an existing dwelling and proposed development application for single storey dwelling at 77 (Lot 219) Irwin Street, East Fremantle. The proposed demolition and new dwelling is recommended for approval subject to appropriate conditions.

BACKGROUND**Description of Proposal**

The subject application proposes demolition of existing residence and construction of new single storey residence. It is further proposed to retain an existing garage/ shed to the northern boundary.

Description of Site

The subject site is:

- a 1012m² block
- zoned Residential R12.5
- developed with a single storey dwelling
- located in the Woodside Precinct.

Statutory Considerations

Town Planning Scheme No. 3 (TPS3) – Residential R12.5
 Residential Design Codes (R-Codes)

Relevant Council Policies

Local Planning Policy – Residential Design Guidelines (RDG)

Impact on Public Domain

- | | | |
|---------------|---|---|
| Tree in verge | : | To be removed due to new crossover. Appropriate conditions included in the Officer's Recommendation. |
| Light pole | : | No impact. |
| Crossover | : | Change from north to south. Condition included in Officer's Recommendation to reinstate verge and plant new trees to Council specifications as appropriate. |
| Footpath | : | No impact. |
| Streetscape | : | Demolition of existing dwelling and construction of new single storey dwelling. |

Documentation

Plans and relevant forms date stamp received on 29 April 2013.

Date Application Received

29 April 2013

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

CONSULTATION
Advertising

The application was advertised to surrounding neighbours for a two week period between the 3 May 2013 and the 17 May 2013. At the close of advertising no submission was received.

Town Planning Advisory Panel

This application was considered by the Town Planning Advisory Panel at its meeting held on 14 May 2013 and the following comments were made:

COMMENTS	APPLICANT RESPONSE	OFFICER COMMENT
Recommends retention of the large tree in the front setback.	The new residence will cut 600mm deep within 1 metre of this tree, already there are surface roots and these will be removed prior of building. For future maintenance and building practices the tree is too close to the new residence. The owner has discussed with an arborist moving the established 'Gleditsia Sunburst' from the rear garden to the front garden to replace this tree in question. The existing grass head to the front garden will also be repositioned further towards the front boundary.	The applicant's statement ' <i>For future maintenance and building practices the tree is too close to the new residence</i> ' is agreed with. The retention of the tree is not considered appropriate. Conditions have been included in the Officer's Recommendation to provide for the 'Gleditsia Sunburst' and existing grass head be repositioned in the front boundary setback area, thereby minimising impact to and maintain the streetscape.
Schedule of materials and finishes to be provided.	Schedule of materials provided.	An appropriate Schedule of materials has been provided to Council. The materials and finishes are considered to consistent with the standard finish of existing buildings in the area.

Site Inspection

By Senior Town Planner on 13 June 2013.

STATUTORY ASSESSMENT

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

Town Planning Scheme No. 3 Assessment

Scheme Provision	Status
4.2 Zone Objectives	A
4.3 Zoning Table	A

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
6.4.1 Open Space	55%	58.8%	A
6.4.2 Outdoor Living	30m ²	36.3m ²	A
6.5 Car Parking	2	2	A
6.6 Site Works	Less than 500mm	Less than 500mm	A
6.9.1 Overshadowing	25%	12.1%	A
6.9.2 Drainage	On-site	On-site	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
3.7.15-20 Precinct Requirements	A

DISCUSSION**Trees**

Town Planning Advisory Panel at its meeting held on 14 May 2013 mad the following comment:

- *retention of the large tree in the front setback.*

The applicant has provided a letter indicating the reasons why the tree should be removed, as discussed in the applicant's comments above. The owner has discussed with an arborist moving the established 'Gleditsia Sunburst' from the rear garden to the front garden to replace the tree in question. The existing grass head to the front garden will also be repositioned further towards the front boundary.

The tree is required to be removed, the proposed location of the dwelling will impact on the existing tree. The roots and limbs of the tree will be impact by the construction of the dwelling. The dwelling is located approximately 1.8 metres from the tree. As such it is considered impractical to retain the tree. The construction of the dwelling will impact integrity of the tree.

Appropriate conditions have been included in the Officer's Recommendation to ensure suitable vegetation is provided within the front setback area. While it is unfortunate the tree is proposed to be removed, the new vegetation will minimise the impact of the loss of the tree.

Further as discussed in the *Footpaths and Crossovers* section below the crossover is proposed to be repositioned, therefore planting of the verge is required.

Building Setbacks

The applicant is seeking Council discretion with regard to the ADP of Element 3.7.7 of the Residential Design Guidelines - Building Setbacks and Orientation for the southern elevation setback requirements. The existing garage to the rear of the lot is proposed to be retained. This previously approved building is located on the northern boundary. A new double garage is proposed on the southern boundary. The new garage parapet wall to the southern boundary does not comply with the ADP of Element 6.3.2 Buildings on the boundary of the R-Codes. The LPP RDG Element 3.7.7 provides criteria by which to assess proposed variations to setback requirements. This is summarised below.

P3 *Wall Heights to Reflect the Immediate Locality*

The proposed wall is considered to comply with the PC requirements as follows:

- *The parapet wall is considered to make effective use of the lot. The length of the proposed wall is 4.9 metres. The proposed wall adjoins a simultaneously constructed open carport. The parapet wall is proposed at approximately 11 metres from the front boundary. The proposed garage primary street setback is approximately 9.0 metres, a greater distance than the ADP of the R-Codes and therefore minimises the impact of the boundary wall. There is no significant impact to adjoining neighbours.*
- *There are no privacy issues relating to the proposed parapet wall.*
- *The provision of a garage will provide secure parking and the parapet wall will allow for additional space for storage, therefore will improve the amenity of the dwelling by providing a covered bay parking and storage. The use of the parapet wall also maximises the development potential of the single storey dwelling.*
- *The proposed parapet wall to the garage is considered minimal in height and does not have an adverse effect on the adjoining neighbour. Direct sun is received to major openings to habitable rooms and outdoor living areas by the adjoining property. The adjoining neighbour has not raised any concerns with regard to the garage parapet wall.*
- *The proposed parapet wall is considered to reflect the walls and setbacks of dwellings in the immediate locality.*
- *The proposed garage is setback 2.2 metres behind the principal front wall of the dwelling and has minimal impact to the streetscape.*

The proposed garage does not significantly impact on the streetscape or adjoining neighbours and therefore it is considered that it should be supported by Council.

Roof Pitch

The proposed roof pitch is 25°. The Acceptable Development Provisions of Element 3.7.8 Roof Form and Pitch states:

- A4.1 Roof forms of new developments should be pitched between 28° and 36° and are of consistent scale and form with the prevailing building typology in the immediate locality.*

The Performance Criteria states:

- P4 Roof forms of new buildings complement the traditional form of surrounding development in the immediate locality.*

The proposed variation is considered minor. The roof form is considered to complement the traditional form of surrounding development. The adjoining dwelling to the north is listed on the Town's Municipal Heritage List, with a tiled pitched roof, although the proposed roof of the dwelling is 'colorbond', it is considered to be appropriate to the built form of the proposed dwelling and does not conflict with the adjoining dwelling. The proposed roof is considered to minimise the scale and bulk of the proposed dwelling, as it presents to Irwin Street and is considered therefore to be sympathetic to the adjoining heritage dwelling.

The proposed roof is considered appropriate for the area and therefore can be supported by Council.

Street Tree

The Performance Criteria of Element 3.7.14 of the Residential Design Guidelines – Footpaths and Crossovers states:

- P4 No street trees will be removed for a crossover unless approved by the Council and an approved replacement tree is planted.*

The owner of the lot proposes to locate the crossover to the southern side of the subject lot. The owner has agreed to rehabilitate and restore the verge, crossover and to plant suitable appropriate trees. A relevant condition has been included in the Officer's

Recommendation to ensure the verge, crossover and planting are to Council specifications.

It is considered the proposed relocation of the crossover, removal of tree and reinstatement of verge with associated tree planting is appropriate and can be supported.

Conclusion

The proposed dwelling is of a scale, bulk and design that are consistent with the prevailing streetscape. The proposed single storey nature of the dwelling has minimal impact to the existing streetscape or adjoining neighbours. The application is considered to have had due regard for the Town's requirements relating to residential developments, as well as the requirements outlined within the R-Codes.

Whilst the application does seek some minor variations to the RDG these are considered to be very minor in nature and are considered acceptable. The application is therefore recommended for approval.

RECOMMENDATION

That Council exercise its discretion in granting approval for the following:

- (a) Element 3.7.7 of the Residential Design Guidelines – Building Setback and Orientation;
 - (b) Element 3.7.8 of the Residential Design Guidelines – Roof Form and Pitch;
 - (c) Element 3.7.14 of the Residential Design Guidelines – Footpaths and Crossovers;
- for demolition of existing dwelling and development of new single storey dwelling at 77 (Lot 219) Irwin Street, East Fremantle, in accordance with the plans date stamp received on 29 April 2013 subject to the following conditions:
1. Crossover to be a maximum width of 3.0 metres and to comply with Element 3.7.14 of the Residential Design Guidelines – Footpaths and Crossovers.
 2. Existing crossover to be removed and verge to be reinstated, the total cost to be borne by the applicant, to a standard to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 3. The Town is to be consulted before any street tree is removed and in the case of any street tree being removed the total cost to be borne by the applicant and then such works must be approved by Chief Executive Officer in consultation with the Operations Manager. Any replacement tree shall be a mature planting of a size and species to the satisfaction of the Chief Executive Officer. Any verge tree planted shall be maintained by the applicant for a period of two (2) years after planting to the satisfaction of the Chief Executive Officer.
 4. The existing 'Gleditsia Sunburst' and existing grass head to be repositioned within the front boundary setback as indicated in the letter provided to Council dated 23 May 2013.
 5. All parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
 6. Prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved to the satisfaction of the Chief Executive Officer. (*refer footnote (i) below*)
 7. 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.
 8. The proposed works are not to be commenced until Council has received an application for a Demolition Permit and a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 9. 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.

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. 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.
12. 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.
13. 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.
14. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *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.*
- (c) *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.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (g) *the patio may not be enclosed without the prior written consent of Council.*
- (h) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (i) *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".*

Mr Philip Algar (owner) advised he was satisfied with the officer's report recommending approval for the proposed single storey residence.

RECOMMENDATION**Cr Martin – Cr Rico****That Council exercise its discretion in granting approval for the following:**

- (a) Element 3.7.7 of the Residential Design Guidelines – Building Setback and Orientation;**
- (b) Element 3.7.8 of the Residential Design Guidelines – Roof Form and Pitch;**
- (c) Element 3.7.14 of the Residential Design Guidelines – Footpaths and Crossovers;**

for demolition of existing dwelling and development of new single storey dwelling at 77 (Lot 219) Irwin Street, East Fremantle, in accordance with the plans date stamp received on 29 April 2013 subject to the following conditions:

- 1. Crossover to be a maximum width of 3.0 metres and to comply with Element 3.7.14 of the Residential Design Guidelines – Footpaths and Crossovers.**
- 2. Existing crossover to be removed and verge to be reinstated, the total cost to be borne by the applicant, to a standard to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
- 3. The Town is to be consulted before any street tree is removed and in the case of any street tree being removed the total cost to be borne by the applicant and then such works must be approved by Chief Executive Officer in consultation with the Operations Manager. Any replacement tree shall be a mature planting of a size and species to the satisfaction of the Chief Executive Officer. Any verge tree planted shall be maintained by the applicant for a period of two (2) years after planting to the satisfaction of the Chief Executive Officer.**
- 4. The existing ‘Gleditsia Sunburst’ and existing grass head to be repositioned within the front boundary setback as indicated in the letter provided to Council dated 23 May 2013.**
- 5. All parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant’s expense.**
- 6. Prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved to the satisfaction of the Chief Executive Officer. (refer footnote (i) below)**
- 7. 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.**
- 8. The proposed works are not to be commenced until Council has received an application for a Demolition Permit and a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- 9. 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.**
- 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. 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.**
- 12. 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.

13. 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.
14. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *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.*
- (c) *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.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (g) *the patio may not be enclosed without the prior written consent of Council.*
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- (i) *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 5:0

Note:

As 5 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 21 May 2013, this application is deemed determined, on behalf of Council, under delegated authority.

T78.8

Canning Highway No. 235 (Lot 1851)
Applicant: Paintessa Development Pty Ltd
Owner: Paintessa Development Pty Ltd
Application No. P47/13

By Jamie Douglas, Manager of Planning Services, 24 June 2013

PURPOSE OF THIS REPORT

This report recommends conditional approval of an application for the demolition of outbuilding, fences and retaining walls at 235 Canning Highway which contains a shop and residence which is classified as B management category on the Municipal Inventory.

BACKGROUND

At its 16 April 2013 meeting Council refused an application for demolition of the shop and residence and development of three dwellings on the subject site. This determination has subsequently been appealed by the applicant. Notwithstanding the outcome of the appeal, the applicant has submitted a separate application for the demolition of only the outbuilding, shed, rear fences and retaining walls.

The above application (for the demolition of only the outbuilding, shed, rear fences and retaining walls) was considered by Council at its meeting on 18 June 2013. The application did not contain a Landscape Plan to detail the proposed site fill and fencing. The applicant subsequently submitted a Landscape Plan which was received on 17 June 2013. Accordingly Council resolved to defer determination of the application pending consideration of the additional information.

Statutory Considerations

Town Planning Scheme No. 3 (TPS3)

The existing buildings is listed on the Town's Municipal Heritage Inventory (MHI) – Management Category – B

Considerable heritage significance at a local level; places generally considered worthy of high level of protection, to be retained and appropriately conserved; provide strong encouragement to owners under the Town of East Fremantle Planning Scheme to conserve the significance of the place. A Heritage Assessment / Impact Statement to be required as corollary to any development application. Incentives to promote heritage conservation may be considered where desirable conservation outcomes may be otherwise difficult to achieve.

Relevant Council Policies

Local Planning Policy – Residential Design Guidelines (RDG)

Impact on Public Domain

Tree in verge : N/a
Light pole : N/a
Crossover : N/a
Streetscape : The removal of the outbuilding and fencing will impact the Irwin Street Streetscape.
Parking : N/a

Documentation

Plans, and relevant forms date stamp received on 18 April 2013

Landscape Plan date stamp received on 17 June 2013

Date Application Received

18 April 2013

CONSULTATION**Town Planning Advisory Panel Comments**

This application was considered by the Town Planning Advisory Panel at its meeting held on 14 May 2013. The Panel made the following comment in regard to the application:

- *Panel accepts the need for the demolition of the dilapidated outbuildings.*

Advertising

The application was not advertised due to its minor nature.

HERITAGE ASSESSMENTS

The previous application for demolition and redevelopment of the entire site was the subject of two independent Heritage Assessments – Phillip Griffiths Architects who was

commissioned by Council and Stephen Carrick Architects commissioned by the applicant. The following extracts from these assessments are relevant to this consideration;

Council's Heritage Consultant

Griffiths Architects report states:

Focusing on heritage values alone, we have formed the view that the place has some significance and should probably be re-allocated a Category C management level, rather than B where it currently resides. Category C states:

Some heritage significance at a local level; places to be ideally retained and conserved; endeavour to conserve the significance of the place through the standard provisions of the Town of East Fremantle Planning Scheme and associated design guidelines; a Heritage Assessment / Impact Statement may be required as corollary to a development application, particularly in considering demolition of the place. Full documented record of places to be demolished shall be required. Further development needs to be within recognised design guidelines. Incentives should be considered where the condition or relative significance of the individual place is marginal but where a collective significance is served through retention and conservation.

In practical terms, an effort should be made to allow a subdivision to occur and include the retention of the place. Presumably from an owner's point of view retaining a heritage place might form part of an argument against resumption for road widening.

Applicant's Heritage Consultant

Stephen Carrick Architect's report states:

The backyard has a dilapidated corrugated iron and weatherboard clad outbuilding, a former garage, storage, laundry and external brick WC. The outbuildings are in very poor condition. There is a corrugated iron temporary fence (in disrepair) to Irwin Street.

235 Canning Highway, East Fremantle is a compromised building that is now located within a vastly altered streetscape. It is considered the heritage values of the place are lower than those recorded on the Place Record Form that forms part of the Town's Heritage Inventory.

CONSIDERATION

The two assessments confirm that the site retains heritage significance although there is agreement that in its present condition it may be more appropriately considered under a C management category rather than the current B management category in the Municipal Inventory.

Based on these assessments, it is considered that the dilapidated outbuildings, fencing and low brick wall to the west of the primary building could be removed without impacting upon the heritage significance of the site or the streetscape.

The applicant has subsequently submitted a Landscape Plan which indicates that:

- *fill on site will not exceed 0.5 m above natural ground level*
- *that no retaining walls are to be built on the side boundaries (relevant to the existing footpath)*
- *new 'colorbond' metal fencing will be erected around the perimeter of the lot – the height and colour of this fencing is not indicated.*

Given the applicants indication that fill is to be imported onto the subject site to a depth of 0.5m there seems little practical advantage in conserving the stone and brick retaining walls which the previous assessment recommended for retention.

The Landscape Plan indicates that no retaining adjacent to the footpath will be required it is therefore presumed that the site is to be graduated to follow the site fall of the footpath and road reserve. A 'colorbond' fence is to be located along the side and rear lot boundaries. The height and colour of this fence is not detailed on the Plan and it is therefore considered necessary to condition any approval so that the fence accords with the requirements of the Residential Design Guidelines in respect to fencing.

CONCLUSION

The application should be supported to allow the demolition of the outbuildings, fencing and walls however it is considered that any approval should be conditioned to require the proposed fencing to comply with the relevant fencing requirements of the RDG.

RECOMMENDATION

It is recommended that the application for Planning Approval for the demolition of an outbuilding, fences and walls at 235 Canning Highway in accordance with date stamped plans received 17 April 2013 and 17 June 2013 be approved subject to the following conditions:

1. The Lot boundaries shall be re- fenced within 30 days of the demolition of the existing fences. New fencing shall accord with the provisions of the Dividing Fences Act and the Local Planning Policy - Residential Design Guidelines (sec 3.7.11.5). Details of all fences shall be approved prior to their construction to the satisfaction of the Chief Executive Officer.
2. The proposed works are not to be commenced until Council has received an application for a Demolition Permit and a Demolition Permit is issued in compliance with the conditions of this Planning Approval unless otherwise amended by Council.
3. This Planning Approval to remain valid for a period of 24 months from the date of this approval.

Footnote:

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

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

RECOMMENDATION

Cr Martin – Cr Rico

It is recommended that the application for Planning Approval for the demolition of an outbuilding, fences and walls at 235 Canning Highway in accordance with date stamped plans received 17 April 2013 and 17 June 2013 be approved subject to the following conditions:

1. **The Lot boundaries shall be re- fenced within 30 days of the demolition of the existing fences. New fencing shall accord with the provisions of the Dividing Fences Act and the Local Planning Policy - Residential Design Guidelines (sec 3.7.11.5). Details of all fences shall be approved prior to their construction to the satisfaction of the Chief Executive Officer.**
2. **The proposed works are not to be commenced until Council has received an application for a Demolition Permit and a Demolition Permit is issued in compliance with the conditions of this Planning Approval unless otherwise amended by Council.**
3. **This Planning Approval to remain valid for a period of 24 months from the date of this approval.**

Footnote:

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

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

- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.** CARRIED 5:0

Note:

As 5 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 21 May 2013, this application is deemed determined, on behalf of Council, under delegated authority.

T78.9**Fortescue Street No. 81 (Lot 140)****Applicant: In House Building Design****Owner: H & K MacAdie****Application No. P69/13**

By Andrew Malone, Senior Town Planner on 13 June 2013

PURPOSE OF THIS REPORT

This report considers an application for planning approval for a detached cabana incorporating a 6.5 metre long parapet wall along the southern side boundary at 81 (Lot 140) Fortescue Street, East Fremantle. The proposal is recommended for approval subject to appropriate conditions.

Description of Site

The subject site is:

- a 1012m² block
- zoned Residential R12.5
- developed with a single storey dwelling
- located in the Woodside Precinct.

Statutory Considerations

Town Planning Scheme No. 3 (TPS3) – Residential R12.5
Residential Design Codes (R-Codes)

Relevant Council Policies

Local Planning Policy – Residential Design Guidelines (RDG)

Documentation

Plans and relevant forms date stamp received on 17 May 2013.

Date Application Received

17 May 2013.

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

8 March 2004	CEO grants approval for verge planting;
26 March 2004	Building Licence 56/3566 approved for additions;
2 December 2004	Building Licence 223/3669 approved for a laundry addition;
13 February 2009	Planning approval granted under delegated authority for the construction of a 4.64m long x 2.88m wide x 3.m high gable roofed shed in the rear northwest corner of Lot 140;
14 April 2009	Council grant planning approval for ancillary accommodation.

CONSULTATION**Advertising**

The application was advertised to surrounding neighbours for a 2 week period between 23 May 2013 and 6 June 2013. No submission was received during this period.

Town Planning Advisory Panel Comments

The application was not considered by the Town Planning Advisory Panel. The application is considered minor in nature. The proposed additions do not impact on the streetscape and do not significantly impact on the built form of the dwelling.

Site Inspection

By Senior Town Planner on 19 June 2013.

STATUTORY ASSESSMENT

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

Town Planning Scheme No. 3 Assessment

Scheme Provision	Status
4.2 Zone Objectives	A
4.3 Zoning Table	A

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
6.4.1 Open Space	55%	65%	A
6.4.2 Outdoor Living	30sqm	As existing + 32m ²	A
6.5 Car Parking	2	2	A
6.6 Site Works	Less than 500mm	Less than 500mm	A
6.9.1 Overshadowing	25%	Additional 3%	A
6.9.2 Drainage	On-site	On-site	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	N/A
3.7.6 Construction of New Buildings	N/A
3.7.7 Building Setbacks and Orientation	D
3.7.8 Roof Form and Pitch	A
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	A
3.7.15-20 Precinct Requirements	A

DISCUSSION

The proposed development incorporates a minor variation to the Town's Local Planning Policies and the Residential Design Codes, as detailed below.

Building Setbacks

The proposed cabana incorporates a building on the boundary (southern boundary) which requires a variation to element 3.7.7 Building Setback and Orientation to the Residential Design Guidelines. The existing development on the subject lot includes a rumpus room constructed on the boundary and as such the subject lot will incorporate two parapet walls, one to the northern boundary and the proposed wall to the southern boundary. The setback is required to be 1.0 metre from the boundary. The proposed cabana is situated on the boundary for a length of 6.5 metres and to a height of 2.7 metres. A parapet wall is only permitted on one boundary.

The LPP RDG Element 3.7.7 provides criteria by which to assess proposed variations to setback requirements. This is as summarised below.

P3 *Wall heights to reflect the immediate locality.*

The proposed cabana is considered minor in nature. The proposed length of 6.5 metres and height of 2.7 metres is not considered excessive. There is no impact to the streetscape. The wall height and length adhere to the required wall height and length as indicated in the RDG and R-Codes, therefore the wall height reflects the wall heights of the immediate locality.

There is minimal impact to the adjoining neighbour to the south. The proposed cabana adjoins an existing shed to one boundary and a vacant block to the other. No major openings to habitable rooms or outdoor living areas are impacted. The shadow cast by the proposal is well within the required 25% overshadowing of adjoining lots.

The applicant has provided the following justification:

- *Utilises 1.0 m of space effectively lost to a 1.0m setback where no parapet is used.*
- *Effective screening to visual and sound where otherwise a potential issue where an open side structure.*
- *Provided privacy from adjoining property and makes for better use of private open space to remainder of yard area/ use.*
- *No sensitive activity or land use in adjoining property that would be adversely affected by parapet wall.*
- *No major opening to habitable rooms or outdoor living area within adjoining property that would be affected by the proposal. Shadow cast by the proposal well within 25%.*
- *Wall height not in-consistent with pattern found within suburb inc residences and detached structures.*

It is considered the above justifications are valid and are appropriate justifications to warrant the support of this development application. It is considered the proposed cabana parapet wall can be supported by Council.

Conclusion

The proposed cabana is to the rear of the lot and will not impact on the streetscape. The proposal will not compromise the appearance of the dwelling. It is considered there will be no significant impacts to adjoining neighbours. The proposed cabana is considered appropriate and is recommended for approval.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the south side boundary parapet wall pursuant to the Residential Design Guidelines for a "cabana" (incorporating a 6.5 metres long, 2.7 metres high boundary wall) at No. 81 (Lot 140) Fortescue Street, East Fremantle in accordance with the plans date stamp received on 17 May 2013 subject to the following conditions:

1. all parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
2. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. with regard to the plans submitted with respect to the building permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. the proposed dwelling/extensions is not/are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.

7. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
8. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *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.*
- (c) *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.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (g) *the patio may not be enclosed without the prior written consent of Council.*
- (h) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

RECOMMENDATION

Cr Rico – Cr Martin

That Council exercise its discretion in granting approval for a variation to the south side boundary parapet wall pursuant to the Residential Design Guidelines for a "cabana" (incorporating a 6.5 metres long, 2.7 metres high boundary wall) at No. 81 (Lot 140) Fortescue Street, East Fremantle in accordance with the plans date stamp received on 17 May 2013 subject to the following conditions:

1. **all parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.**
2. **the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
3. **the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
4. **with regard to the plans submitted with respect to the building permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
5. **the proposed dwelling/extensions is not/are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
6. **all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief**

Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.

7. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
8. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
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- (c) *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.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (g) *the patio may not be enclosed without the prior written consent of Council.*
- (h) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED 5:0

Note:

As 5 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 21 May 2013, this application is deemed determined, on behalf of Council, under delegated authority.

T78.10

Pier Street No. 41 (Lot 303)

Applicant/Owner: P & S Lansbury

Application No. P64/13

By Jamie Douglas Manager Planning Services on 21 June 2013

PURPOSE OF THIS REPORT

This report considers and application for a loft extension to a dwelling at 41 Pier Street and recommends conditional approval.

BACKGROUND

Description of Proposal

It is proposed to build a first floor extension above an existing garage and store room. The loft extension will be constructed of weatherboard cladding with a pitched 'colorbond' roof with forward facing dormer window. The extension has a floor area of 30.25m² and contains a single room and Ensuite.

Description of Site

The subject site is:

- 474m² freehold lot
- zoned residential R 12.5
- improved with a single dwelling
- located in the Richmond Hill Precinct

Statutory Considerations

State Planning Policy 3.1 Residential Design Codes

Local Planning Strategy Richmond Hill

Town Planning Scheme No. 3 (Residential R12.5)

Relevant Council Policies

Local Planning Policy No. 1 : Residential Design Guidelines

Impact on Public Domain

Tree in verge : N/a

Light pole : N/a

Crossover : existing

Footpath : N/a

Streetscape : The upper storey extension will be visible from the street.

Documentation

Plans and relevant forms date stamped received 9 May 2013

Additional Plans date stamped received 17 May 2013

1 submission received during public consultation received 28 May 2013

Applicant's responses received 6 June 2013

Date Application Received

9 May 2013

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

None

STATUTORY ASSESSMENT

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

Town Planning Scheme No. 3 Assessment

Scheme Provision	Status
4.2 Zone Objectives	A
4.3 Zoning Table	P

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
6.4.1 Open Space	50%	N/a	A
6.4.2 Outdoor Living	30m ²	N/a	A
6.5 Car Parking	2	2 (Existing)	A
6.6 Site Works	Less than 500mm	Less than 500mm	A
6.9.1 Overshadowing	25%	8.2% (10% Actual)	A
6.9.2 Drainage	On-site	On-site	A

6.3 Boundary Setbacks

Wall Orientation	Wall Height	Wall Length	Major Opening	Required Setback	Proposed Setback	Status
Front 1 st Floor (east)	4.2m	5.6m	Yes	7.5m	10.7m	A
Rear 1 st Floor (west)	4.2m	5.6m	Nil	1.1m	1.6m	A

6.3 Boundary Setbacks						
Wall Orientation	Wall Height	Wall Length	Major Opening	Required Setback	Proposed Setback	Status
Side 1 st Floor (south)	5.1m	5.7m	Nil	1.2m	1.0m	D

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	A
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	A
3.7.14 Footpaths and Crossovers	N/a
3.7.15-20 Precinct Requirements	A

3.7.15-20 Building Height			
Type	Required	Proposed	Status
Wall	5.6m	5.1m	A
Roof	8.1m	5.3m	A

CONSULTATION**Neighbour Advertising**

The application was advertised to the adjoining neighbour at 2 Easton Street for a two week period between 20 May 2013 and 4 June 2013. At the close of advertising one submission had been received and is attached to this report. The issues raised in the submission are summarised in the following table alongside the applicant's response and officer's comment.

SUBMISSION	APPLICANT RESPONSE	OFFICER COMMENT
<p>Christine Harrison 42 Burt Street (for owners - 2 Easton Street)</p> <p>The addition will cast a significant shadow over adjoining properties.</p>	<p>A shadow report from a qualified designer has been submitted</p> <p>The existing dwelling was required to have a greater setback that the minimum requirements which has impacted upon our amenity and overshadowing of neighbours.</p> <p>The proposed overshadowing is well within guidelines.</p> <p>If the neighbours are concerned about overshadowing they should have purchased a dwelling orientated north / south not east/ west.</p>	<p>The shadow diagram provided indicates an overshadow of only 8.2%. This may be an underestimate given the plans do not account for the level difference between the properties. However it is considered the shadow cast would not exceed 10.2% and would not fall on habitable areas.</p>
<p>The materials to be used in the addition are not consistent with adjacent buildings</p>	<p>Materials are compliant with guidelines and will complement the existing structure.</p> <p>The dwellings to the south of 2 Easton Street and across the road</p>	<p>The proposed use of materials are not inconsistent with other buildings in the vicinity.</p>

SUBMISSION	APPLICANT RESPONSE	OFFICER COMMENT
	are both partially constructed with weatherboard and iron.	
The plan misrepresents the use of the room.	The inclusion of the bathroom is irrelevant to the neighbour. There are private medical reasons for the bathroom.	This is not considered to be a determining issue.
The calculations in the plan are incorrect.	The plans have been drafted by a qualified designer and registered builder.	As stated the impact of overshadowing is considered to be under estimated to a minor degree.

Town Planning Advisory Panel

At its meeting held on 14 May 2013 the Panel commented as follows:

- Query overshadowing impact to neighbour

The applicant subsequently submitted a shadow diagram following the Panel meeting.

DISCUSSION

The application is substantially compliant except for a minor variation (of 0.2m) to the side boundary setback provisions of the R- Codes. The following issues are considered relevant to the consideration of the application and the exercise of any discretion.

Overshadowing

The submitted sun shadow diagram indicates that a total of 8.2% of the adjoining property at 2 Eaton Street will be impacted by shadow. However when the level difference between these two properties is taken into account it is considered the shadow cast will approximate 10.2%. This is well within the maximum of 25% allowable in the R12.5 zone. In any event, the shadow cast by the proposed addition will fall across the roof of the neighbouring dwelling at 2 Easton Street. It will not impact upon any windows or habitable areas of this dwelling.

Visual Privacy

The proposed loft extension has only one high level window overlooking a neighbour. This window in the rear elevation is shown as having obscure glazing. Accordingly the proposal will not impact upon neighbour's privacy.

Use of Proposed Loft Extension

The proposal plan designates the loft extension as 'office/store'. However the inclusion of an Ensuite creates the potential for this area to be used as a bedroom. The total area is however modest in dimension and it is considered that it could not in practice be used as an independent dwelling unit. Its proposed (and potential) use therefore does not raise any issues relevant to this consideration.

Built Form / Streetscape

Alternatives to the proposed light framed construction would necessitate a suspended concrete slab which would substantially increase the development cost. There are a number of similar examples of weatherboard cladding used in combination with masonry construction in the vicinity of the subject site and in this context the proposal is consistent with the existing character in the streetscape.

The proposed roof pitch is consistent with that of the existing dwelling. The extension will also be to the rear of pitched roof of the existing garage and set well back from the building frontage, its impact upon the front elevation of the existing house is therefore proportionate with the existing built form of the dwelling. The proposed front dormer window will enhance surveillance of the street as well as providing good cross ventilation and natural light into the extension.

The built form of the proposal is considered to meet the 'Desired Development Outcomes' (3.7.2.2) of the Residential Design Guidelines for additions to existing dwellings.

CONCLUSION

The proposal is substantially compliant with the R-Codes and the RDG. A minor variation to the side boundary setback with 2 Easton Street is proposed however the development will not materially impact upon the amenity of this neighbouring property.

RECOMMENDATION

That Council exercise discretion in granting planning approval to vary the side setback requirements of the Residential Design Codes of Western Australia to permit a 1.0m side setback from the southern boundary for additions to an existing dwelling at No. 41 (Lot 303) Pier Street, East Fremantle, as shown on plans date stamped received on 17 May 2013 subject to the following conditions:

1. Prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved by the Chief Executive Officer. (*refer footnote (d) below*).
2. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. The proposed works are not to be commenced until Council has received an application for a building permit and the building permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. With regard to the plans submitted with respect to the building permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. The proposed additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building permit.
7. This planning approval to remain valid for a period of 24 months from the date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site;*
- (b) *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;*
- (c) *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); and*

- (d) *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”.*

RECOMMENDATION**Cr Rico – Cr de Jong**

That Council exercise discretion in granting planning approval to vary the side setback requirements of the Residential Design Codes of Western Australia to permit a 1.0m side setback from the southern boundary for additions to an existing dwelling at No. 41 (Lot 303) Pier Street, East Fremantle, as shown on plans date stamped received on 17 May 2013 subject to the following conditions:

1. Prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved by the Chief Executive Officer. (*refer footnote (d) below*).
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3. The proposed works are not to be commenced until Council has received an application for a building permit and the building permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. With regard to the plans submitted with respect to the building permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. The proposed additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building permit.
7. This planning approval to remain valid for a period of 24 months from the date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site;*
- (b) *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;*
- (c) *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); and*
- (d) *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 5:0

Note:

As 5 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 21 May 2013, this application is deemed determined, on behalf of Council, under delegated authority.

Cr Wilson made the following impartiality declaration in the matter of 28 View Terrace: "As a consequence of the applicant being known to me, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly".

T78.11 View Terrace No. 28 (Lot 270)**Applicant: Jane Ahern****Owner: Jane Ahern****Application No. P50/13**

By Andrew Malone, Senior Town Planner on 5 June 2013

PURPOSE OF THIS REPORT

This report considers an application for planning approval for additions and alterations comprising swimming pool, pool shelter, bbq area, games room, roof terrace and landscaping at 28 (Lot 270) View Terrace, East Fremantle. The proposed additions and alterations are recommended for approval subject to appropriate conditions.

BACKGROUND**Description of Proposal**

The subject application proposes alterations and additions to existing residence. The proposed works are:

- New games room at ground floor;
- New swimming pool with associated shelter;
- Roof terrace; and
- Alterations to boundary fences and landscaping.

Description of Site

The subject site is:

- a 769m² block
- zoned Residential R12.5
- developed with a single storey dwelling
- located in the Preston Point Precinct.

Statutory Considerations

Town Planning Scheme No. 3 (TPS3) – Residential R12.5
Residential Design Codes (R-Codes)

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : No impact
Footpath : No impact
Streetscape : To secondary street (Easton Street). Additions and alterations will be visible from Easton Street.

Documentation

Plans and relevant forms date stamp received on 23 April 2013, Drawing A01 superseded by A01 received 27 May 2013.

Date Application Received

23 April 2013

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

Nil.

CONSULTATION**Advertising**

The application was advertised to surrounding neighbours for a two week period between the 3 May 2013 and the 17 May 2013. At the close of advertising 1 submission was received.

SUBMISSION	APPLICANT RESPONSE	OFFICER COMMENT
Original setback 4.0m	Original setback 4.9m along Easton Street, 3.86m at balcony and 5.96m at View Terrace as built in 1950s and is unchanged.	The proposed development requires a side setback variation to a secondary street. This is discussed in greater detail in the Discussion Section of this report. In all other instances the proposed development is considered to comply with the Acceptable Development Provisions of the R-Codes.
Extent of building area greater than that which may be recommended or acceptable.	70% open space, 30% built space, excluding existing balcony, roof terrace & pool.	70% open space, 30% built space, excluding existing balcony, roof terrace & pool. Complies with the Acceptable Development Provisions of the R-Codes.
Pool house height and height of the retained boundary fence would seem unnecessary.	Height of pool shelter is 3.82m at the apex of its roof, but only from a point taken adjacent to the bottom corner of the lot. The apex is approximately 3.3m at ground level on the boundary.	The proposed side front/ side requires a Council to exercise discretion with regard to height. The proposed height is considered acceptable. This is discussed in greater detail in the Discussion Section of this report.
The height referred in (3) above will effectively negate a "part river outlook" from the streetscape in View Terrace and Easton Street, which would seem unnecessary and a reduction in the amenity in general for appreciation of all those neighbours in the location. A revision to allow for a step down to NGL at north end of pool using pool wall as retaining option would effectively reduce the height of the pool house roof and impact on amenity.	The height of the pool shelter will be no higher than an existing mature trumpet vine hedge that runs along the whole length of the north boundary of the property. The shelter will offer no further obstruction to views than the existing vines. The sewer line runs across the whole length of the rear of the property from west to east with a 5m wide easement zone, making construction of retaining walls in this zone difficult. The pool and pool shelter have been sited accordingly.	The proposed pool shelter height, design and roof form maintains viewing vistas through the property. The proposed height is considered appropriate for the area and therefore can be supported by Council. The proposed pool shelter complies with Council regulations with regard to height. The proposed side front/ side requires a Council to exercise discretion with regard to height. This is discussed in greater detail in the Discussion Section of this report.
Pool house seems to be positioned within 1.0 metre of the front boundary facing Easton Street and it would seem could be better located at the eastern end of the pool with less impact on the streetscape and amenity. It will become a significant construction with the proposed ridge height and roof elevation. The setback distance from Easton Street to the pool house, was not clear on the plans viewed.	Amended plans have been lodged. Pool shelter will have open sides and thatched roof. This will blend favourably with the vegetated strips existing along the boundary fences. The overall impression of this structure will be soft and will not adversely affect amenity from the street.	The proposed development requires a side setback variation to a secondary street. This is discussed in greater detail in the Discussion Section of this report. Pool shelter will have open sides. It is considered the proposed pool shelter will have a minimal impact to the streetscape. The structure will not adversely affect amenity from the street.

Town Planning Advisory Panel

This application was considered by the Town Planning Advisory Panel at its meeting held on 14 May 2013 and the following comment was made:

- *Panel supports the application.*

Site Inspection

By Senior Town Planner on 10 June 2013.

ASSESSMENT

The proposed development incorporates a number of variations to the Town's Local Planning Policies and the Residential Design Codes, as detailed below.

STATUTORY ASSESSMENT

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

Town Planning Scheme No. 3 Assessment

Scheme Provision	Status
4.2 Zone Objectives	A
4.3 Zoning Table	A

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
6.4.1 Open Space	55%	70%	A
6.4.2 Outdoor Living	30m ²	67m ²	A
6.5 Car Parking	2	2	A
6.6 Site Works	Less than 500mm	Less than 500mm	A
6.9.1 Overshadowing	25%	N/A	A
6.9.2 Drainage	On-site	On-site	A

Local Planning Policies Assessment

LPP Residential Design Guidelines Provision	Status
3.7.2 Additions and Alterations to Existing Buildings	D
3.7.3 Development of Existing Buildings	A
3.7.4 Site Works	A
3.7.5 Demolition	A
3.7.6 Construction of New Buildings	A
3.7.7 Building Setbacks and Orientation	A
3.7.8 Roof Form and Pitch	D
3.7.9 Materials and Colours	A
3.7.10 Landscaping	A
3.7.11 Front Fences	D
3.7.12 Pergolas	N/a
3.7.13 Incidental Development Requirements	N/a
3.7.14 Footpaths and Crossovers	A
3.7.15-20 Precinct Requirements	A

DISCUSSION**Front Setback**

A1.1 states buildings setback from street boundaries to be in accordance with Table 1 of the R-Codes. The subject site has a density of R20. Table 1 requires dwellings in areas zoned R12.5 to be setback a minimum of 2.0 metres from the secondary street. The RDG does not provide Acceptable Development Provisions for secondary street setbacks. The proposed minimum setback is 1.0 metres to the pool shelter from Easton Street and therefore does not comply with the Acceptable Development Provisions (**ADP**) of the R-Codes.

The Performance Criteria for front setback requirements dwellings to:

- *Contribute to the desired streetscape.*
- *Provide appropriate privacy and open space for dwellings; and*

- *Allow safety clearances for easements for essential service corridors.*

The proposed pool shelter is considered to contribute to the desired streetscape. The proposed pool shelter is visually permeable. The structure is 3.6 metres in width and has a height of 3.3 metres to top of the roof ridge.

The proposed design has been carefully considered to address Easton Street in a sympathetic manner. The design presents as single storey, and the permeable nature of the structure will allow, light and views through, minimising the scale and bulk of the structure.

The overall design and presentation of the pool shelter to Easton Street is considered appropriate and sympathetic with the prevailing character of the area. The design outcome addresses the provisions of the RDG and it is considered appropriate.

There are no open space or privacy issues with regard to the proposed dwelling. Safety clearances for easements for essential service corridors are provided.

The proposed pool shelter does not impact the streetscape or adjoining neighbours and therefore is considered it can be supported by Council. In all other respects the proposed additions and alterations comply with the setback requirements of the R-Codes.

Additions and Alterations to Existing Building

The proposed additions and alterations are accommodated to the rear of the existing dwelling. The proposed terrace addition is setback approximately 25.3 metres from View Terrace and 7 metres from Easton Street. The additions are located to the rear of the existing dwellings, however the additions are visible from Easton Street (secondary street), therefore the proposed development does not comply with Clause A1.2 ii of Element 3.7.2 of the RDG. The ADP of Element 3.7.2 of the RDG requires:

- A1.2** *Second storey additions that are:*
- Accommodated within the existing roof (without changes to the roof geometry); and,*
 - Built behind the existing building and not visible from the opposite side of the street. A minor variation to this may be permitted on the basis of its impact on the streetscape*

The proposed additions and alterations are required to be assessed as per the PC of the RDG. This requires:

- P1.1** *Additions and alterations to contributory buildings are designed to ensure that the existing building remains the dominant element when viewed from the primary street and to ensure that the existing buildings contribution to the streetscape is maintained. The council shall allow additions to be located in the front setback zone where there is no other option and the addition is demonstrably compatible with the existing streetscape character and not impact on the heritage value of a particular place. All applications to include site plans, plans and street elevations.*

- P1.2** *Replacement of, or construction of, elements such as carports shall not obscure the original dwelling.*

The proposed additions to the dwelling are not visible from View Terrace. The games room and terrace are proposed at the same setback as the existing building. The proposed pool shelter does require a setback variation to the secondary street, however the design and the permeable nature of the structure will allow light and views through the structure, minimising the scale and bulk of the structure. The additions have been designed to ensure that the existing building remains the dominant element when viewed from the secondary street.

The additions and alterations are compatible with the existing streetscape character and will not significantly impact on the dwelling as viewed from the street.

It is considered the proposed additions and alteration to the existing dwelling are appropriate and can be supported by Council, subject to changes as addressed by the Planning Officer in the Recommendation section of this report.

Roof Pitch

Acceptable Development Provisions of Element 3.7.8 Roof Form and Pitch states:

A4.1 Roof forms of new developments should be pitched between 28° and 36° and are of consistent scale and form with the prevailing building typology in the immediate locality.

The Performance Criteria states:

P4 Roof forms of new buildings complement the traditional form of surrounding development in the immediate locality.

The proposed roof pitch and form is a flat roof to the proposed roof terrace and a pitched roof to the pool shelter. The pool shelter roof is 29° and is considered to comply with the Acceptable Development Provisions of the RDG.

The proposed flat roof to the terrace is considered to complement the traditional form of surrounding development and of the dwelling. The roof form of the terrace is considered to minimise the scale and bulk of the terrace, as it presents to Easton Street. The proposed roof form has a flat roof to maintain viewing vistas through the property. The pitched roof of the dwellings forms the dominant roof pitch. The proposed roof is considered appropriate for the area and therefore can be supported by Council.

Front Fences

The proposed development is for modifications to the existing front and secondary street fence. The proposed fence is solid and will be at a maximum height of 2.0 metres. The increase of the height to Easton street is considered mitigated as 13 metres of the Easton Street frontage will remain open and permeable. Significant views of the dwelling are maintained and the passive surveillance of the street is increased through the views to the street from the terrace. The proposed wall to the north will be no higher than the existing pergola (heavily vegetated), situated to the inside of the wall. The increase in height to View Terrace will provide additional privacy to a bedroom and kitchen and reduce light spill (adjoining the intersection of Easton Street and View Terrace). The Performance Criteria of Element 3.7.11 Front Fences of the RDG states:

P2 Fences along the street boundary are low and complement the individual building and the immediate locality. Fences should demonstrate the following:

- i. Appropriate height, material and colour;*
- ii. Adequate sight lines around intersections for pedestrian and vehicles;*
- iii. Complies with requirements under the Residential Design Codes; and,*
- iv. Maximum height of 1.8m to the satisfaction of the Local Government.*

and

P4.1 Less permeable fences above 1.2m may be approved when they meet the following:

- i. A higher fence/wall is required for noise attenuation;*
- ii. A less permeable fence would aid in reducing, headlight glare from motor vehicles. This would apply more particularly where the subject is opposite or adjacent to an intersection which could lead to intrusion of light into windows of habitable rooms;*

- iii. *Where the contours of the ground or the difference in levels between one side of the fence and the other side warrant consideration of a higher fence;*
- iv. *Where the applicant can demonstrate to the Council that there is a need to provide visual screening to an outdoor living area. This shall apply in situations where there is no alternative private living space other than in the front of the residence or for part of the secondary side boundary of a corner lot.*

As noted the proposed fence will increase privacy and reduce light spill into the bedroom and kitchen along View Street. The proposed modification to Easton Street will increase visual screening to an outdoor living area located at the swimming pool. It is noted that 13 metres of the Easton Street frontage will remain open and permeable. It is further noted that street contours of the natural ground level and the difference in levels between one side of the fence and the other warrant consideration of a higher fence. The fence is not considered to significantly impact on the streetscape. Significant views of the dwelling are maintained.

The proposed roof is considered appropriate for the area and therefore can be supported by Council.

Conclusion

The proposed additions and alteration are considered relatively minor and are not considered to significantly impact on the dwelling or on the streetscape. The proposed additions are of a similar scale, bulk and design as the existing dwelling. The application is considered to have had due regard for the Town's requirements relating to residential developments, as well as the requirements outlined within the R-Codes. The application has been supported by the Town Planning Advisory Panel.

Whilst the application does seek some minor variation, it is considered the proposal has been designed to minimise impact to adjoining neighbours. The variations are considered to be minor in nature and are supported.

The application is therefore considered to be appropriate and is recommended for approval.

RECOMMENDATION

That Council exercise its discretion in granting approval for the following:

- (a) variation to side setback to a secondary street Element 6.2.1 Setbacks of the Building Generally of the R-Codes (west elevation – Easton Street) – required setback (Pool Shelter) 2.0 metres. Proposed setback is 1.0 metre;
- (b) variation to Element 3.7.2 Additions and Alterations to Existing Building of the Residential Design Guidelines;
- (c) variation to 3.7.8 Roof Form and Pitch of the Residential Design Guidelines; and
- (d) variation to 3.7.11 Front Fences of the Residential Design Guidelines;

for additions and alterations to an existing dwelling at 28 (Lot 270) View Terrace, East Fremantle, in accordance with the plans date stamp received on 23 April 2013 subject to the following conditions:

1. Prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved to the satisfaction of the Chief Executive Officer. (Refer footnote (i) below)
2. The proposed works are not to be commenced until Council has received an application for a Demolition Permit and a Building Permit and the Building Permit issued 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. 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.
6. 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.
7. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *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.*
- (c) *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.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (g) *the patio may not be enclosed without the prior written consent of Council.*
- (h) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (i) *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".*

RECOMMENDATION

Cr de Jong – Cr Martin

That Council exercise its discretion in granting approval for the following:

- (a) **variation to side setback to a secondary street Element 6.2.1 Setbacks of the Building Generally of the R-Codes (west elevation – Easton Street) – required setback (Pool Shelter) 2.0 metres. Proposed setback is 1.0 metre;**
- (b) **variation to Element 3.7.2 Additions and Alterations to Existing Building of the Residential Design Guidelines;**
- (c) **variation to 3.7.8 Roof Form and Pitch of the Residential Design Guidelines; and**
- (d) **variation to 3.7.11 Front Fences of the Residential Design Guidelines;**

for additions and alterations to an existing dwelling at 28 (Lot 270) View Terrace, East Fremantle, in accordance with the plans date stamp received on 23 April 2013 subject to the following conditions:

1. Prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved to the satisfaction of the Chief Executive Officer. *(Refer footnote (i) below)*
2. The proposed works are not to be commenced until Council has received an application for a Demolition Permit and a Building Permit and the Building Permit issued 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. 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.
6. 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.
7. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) 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.*
- (c) 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.*
- (d) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (g) the patio may not be enclosed without the prior written consent of Council.*
- (h) matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (i) 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 5:0

Note:

As 5 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 21 May 2013, this application is deemed determined, on behalf of Council, under delegated authority.

T78.12

Oakover Street No. 88 (Lot 306)**Applicant: N Jamieson & J Duckett****Owner: J Duckett****Application No. P57/13**

By Andrew Malone, Senior Town Planner on 12 June 2013

PURPOSE OF THIS REPORT

This report considers for Planning Approval for a double garage at 88 (Lot 306) Oakover Street, East Fremantle. The proposed garage is recommended for approval subject to appropriate conditions.

Description of Site

The subject site is:

- a 606m² block
- zoned Residential R12.5
- developed with a single storey dwelling
- located in the Woodside Precinct.
- assigned B Management Category in the Municipal Heritage Inventory. The Municipal Heritage Inventory states:

Considerable heritage significance at a local level; places generally considered worthy of high level of protection, to be retained and appropriately conserved; provide strong encouragement to owners under the Town of East Fremantle Planning Scheme to conserve the significance of the place. A Heritage Assessment / Impact Statement to be required as corollary to any development application. Incentives to promote heritage conservation may be considered where desirable conservation outcomes may be otherwise difficult to achieve.

Statutory Considerations

Town Planning Scheme No. 3 (TPS3) – Residential R12.5

Residential Design Codes (R-Codes)

Relevant Council Policies

Local Planning Policy – Residential Design Guidelines (RDG)

Documentation

Plans and relevant forms date stamp received on 1 May 2013.

Date Application Received

1 May 2013

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

- | | |
|------------------|---|
| 27 February 1990 | Council grants special approval for the erection of an additional dwelling unit at the rear of 158 Marmion Street (88 Oakover Street) including a pitched roof carport; |
| 21 May 1990 | Council grants special approval for the relocation of the carport with a 3 metre setback from Oakover Street; |
| 29 May 1990 | Building Licence 66A/90/1687 issued for carport; |

7 August 1990	State Planning Commission endorses Certificate of Approval for Strata Plan for the subdivision of 158 Marmion Street into 2 lots creating 88 Oakover Street;
20 December 1993	Council refuses an application to erect a garage to an existing carport;
21 February 1994	Council grants approval for a relaxation of standards to the western setback from 6m to 5.3m to allow the erection of a shed;
3 March 1994	Building Licence 008/2148 issued for storage shed;
18 September 2007	Council grants approval for double garage and front fence.

CONSULTATION**Advertising**

The application was advertised to surrounding neighbours for a two week period between the 10 May 2013 and the 27 May 2013. At the close of advertising no submission was received.

Town Planning Advisory Panel

This application was considered by the Town Planning Advisory Panel at its meeting held on 11 June 2013 and the following comment was made:

- *Panel supports the application.*

Site Inspection

By Senior Town Planner on 13 June 2013.

STATUTORY ASSESSMENT

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

Town Planning Scheme No. 3 Assessment

Scheme Provision	Status
4.2 Zone Objectives	A
4.3 Zoning Table	A

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
6.4.1 Open Space	55%	66%	A
6.4.2 Outdoor Living	30m ²	As existing	A
6.5 Car Parking	2	2	A
6.6 Site Works	Less than 500mm	Less than 500mm	A
6.9.1 Overshadowing	25%	N/a	A
6.9.2 Drainage	On-site	On-site	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	N/A
3.7.6 Construction of New Buildings	N/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	N/A
3.7.11 Front Fences	N/A
3.7.12 Pergolas	N/A

LPP Residential Design Guidelines Provision	Status
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	A
3.7.15-20 Precinct Requirements	D

DISCUSSION

Council in 2007 previously approved the garage and alterations to the front fence on the subject site. The fence was completed, however work to the garage never commenced and the development approval has lapsed. The proposed development incorporates a number of minor variations to the Town's Local Planning Policies and the Residential Design Codes, as detailed below.

Building Setbacks

The proposed garage incorporates a side setback variation (northern boundary) to the ADP of Element 3.7.7 of the Residential Design Guidelines - Building Setbacks and Orientation. The proposed setback is required to be 1.0 metre from the boundary. The proposed garage is situated 0.89 metres from the northern boundary.

The LPP RDG Element 3.7.7 provides criteria by which to assess proposed variations to setback requirements. These are as summarised below.

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

The proposed double garage is located in the front setback area of the existing dwelling set back 2.114 metres from Oakover Street and does require Council discretion. It is considered no alternatives exist for the location of the garage. This will be discussed in greater detail later in the report.

P1.2 Additions to existing contributory buildings shall be setback so as to not adversely affect its visual presence.

The proposed addition is considered to have minimal adverse impacts to the visual presence of the streetscape, existing dwelling or adjoining dwellings. The earth-works to construct the proposed garage involve excavation of the site up to 0.6m below NGL. This minimises impact to the dwelling and streetscape.

P1.3 Developments are to have side setbacks complementary with the predominant streetscape.

The proposed side setback to the northern boundary is required to be 1.0 metre. The proposed setback is 0.89 metres to the northern boundary. The proposed setback minimises the visual impact to the MHI listed dwelling. The minor variation is not considered to impact on the adjoining neighbour and it complementary to the streetscape.

The garage setback variation is considered minor, with no significant impact to surrounding neighbours or prevailing streetscape. The proposed setback is considered appropriate considering the design and prevailing setback of the existing dwelling.

The proposed garage is considered can be supported by Council.

Roof Pitch

The proposed roof pitch is 25°. The Acceptable Development Provisions of Element 3.7.8 Roof Form and Pitch states:

A4.1 Roof forms of new developments should be pitched between 28° and 36° and are of consistent scale and form with the prevailing building typology in the immediate locality.

The Performance Criteria states:

- P4 Roof forms of new buildings complement the traditional form of surrounding development in the immediate locality.*

The proposed variation is considered minor. In this instance the earth-works to construct the proposed garage involve excavation of the site up to 0.6m below NGL. The proposed roof form and pitch ensure the roof does not exceed the eaves height of the existing dwelling, therefore minimising the impact and maintaining the dominance of the dwelling to the streetscape. The roof form is considered to complement the traditional form of the dwelling and surrounding locality. The proposed roof is considered to minimise the scale and bulk of the proposed garage, as it presents to Oakover Street and is considered to be sympathetic to the heritage dwelling.

The proposed roof is considered appropriate for the area and therefore can be supported by Council.

Primary Street Garage Setback

The dwelling at 88 Oakover Street is set back 9m from the primary street (Oakover Street) and 11 metres to the secondary street (Marmion Street).

The proposed double garage is located in the front setback area of the existing dwelling set back 2.114 metres from Oakover Street.

The Acceptable Development Provisions Element 3.7.15 of the Residential Design Guidelines – Precinct Requirements Boundary Setbacks for existing dwellings states:

- A3 For existing buildings garages and carports are constructed behind the building line and comply with the following:*
- i. Setback a minimum distance of 1.2m behind the building line; and,*
 - ii. The width of garages and carports are not greater than 30% of the frontage of the lot.*

The proposed garage is located forward of the existing building line and as such does not comply with the ADP. The Performance Criteria (PC) states:

- P3 For existing buildings where there are no alternatives, carports may be located forward of the building line, provided they:*
- i. Do not visually dominate the streetscape or the buildings to which they belong; and,*
 - ii. Do not detract from the heritage character of a contributory building. Street elevations are to be included including a minimum of the subject lot and two neighbouring lots.*

The application proposes to replace a pitch/gable roofed single carport forward of the main building line with a pitched roof double lock-up garage in a similar position. The earth-works to construct the proposed garage involve excavation of the site up to 0.6m below NGL. The proposed change reveals more of the dwelling behind the proposed garage than is currently viewed behind the previous carport from Oakover Street.

There is no option available on this particular property for a carport or garage to be built behind the main building line. It is not considered appropriate to provide access/ egress to the subject lot from the secondary street (Marion Street), therefore there is only one location suitable for the proposed garage.

The garage is integrated into the existing design of the dwelling as a means of minimising impact and satisfying the Performance Criteria relating to streetscape. The proposed garage is located mainly where the existing carport is located now and is the only suitable location for an additional covered parking on the subject site.

In terms of streetscape and setbacks, directly opposite the subject site at 87 Oakover Street is a double garage forward of the main building line similar to the proposed setback.

Next door at 86 Oakover Street is a single storey house which is built on a reduced front setback to 4m from the front boundary.

Given the presence of structures on properties next to and opposite the subject site forward of the main building line, the location of the existing carport and given the constraints to the siting of a garage on this property, it is considered the proposed location of the garage is appropriate.

It is noted that Council in 2007 previously approved of a garage in the proposed location. It is recommended the garage is supported by Council.

Conclusion

The proposed garage will not compromise the appearance of the house rather it will reduce the existing impact the carport has on the dwelling and streetscape. The proposed garage will blend with the dwelling in a very non-dominant manner.

RECOMMENDATION

That Council exercise its discretion in granting approval for the following:

- (a) variation to the west boundary (primary street) setback pursuant to the Residential Design Codes from 7.5m to 2.114m;
 - (b) variation to the setback requirements of the side setback (northern elevation) – required setback 1.0 metre. Proposed setback is 0.89 metre;
 - (c) element 3.7.8 of the Residential Design Guidelines: Roof pitch;
- for the construction of a double garage at 88 (Lot 306) Oakover Street, East Fremantle in accordance with the plans date stamp received on 1 May 2013 subject to the following conditions:

1. the proposed material, colour and finish of the garage approved prior to the applicant submitting a building licence. The proposed material, colour and finish of the garage to match the existing heritage dwelling to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
2. the proposed garage door to be approved prior to the applicant submitting a building licence to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
3. the works 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 demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
5. the proposed garage not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. all stormwater 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 licence.
7. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.
- (c) 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).

RECOMMENDATION**Cr Martin – Cr de Jong****That Council exercise its discretion in granting approval for the following:**

- (a) variation to the west boundary (primary street) setback pursuant to the Residential Design Codes from 7.5m to 2.114m;
 - (b) variation to the setback requirements of the side setback (northern elevation) –required setback 1.0 metre. Proposed setback is 0.89 metre;
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 6. all stormwater 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 licence.
 7. this planning approval to remain valid for a period of 24 months from date of this approval.

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *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 5:0**Note:**

As 5 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 21 May 2013, this application is deemed determined, on behalf of Council, under delegated authority.

T78.13 Stratford Street No. 15 (Lot 76)
Applicant: Formworks Architecture
Owner: J & N Wallace
Application No. P51/13

By Andrew Malone, Senior Town Planner on 17 June 2013

PURPOSE OF THIS REPORT

This report considers a proposed new single garage and two storey addition to the rear of an existing single storey dwelling at 15 (Lot 76) Stratford Street, East Fremantle. The proposed additions and alterations are recommended for approval subject to appropriate conditions.

Description of Site

The subject site is:

- a 911m² block
- zoned Residential R12.5
- developed with a single storey dwelling
- located in the Richmond Precinct.

Statutory Considerations

Town Planning Scheme No. 3 (TPS3) – Residential R12.5

Residential Design Codes (R-Codes)

'B' Management Category - Municipal Heritage Inventory

The Municipal Heritage Inventory states a 'B' Management Category as:

Considerable heritage significance at a local level; places generally considered worthy of high level of protection, to be retained and appropriately conserved; provide strong encouragement to owners under the Town of East Fremantle Planning Scheme to conserve the significance of the place. A Heritage Assessment / Impact Statement is required as corollary to any development application. Incentives to promote heritage conservation may be considered where desirable conservation outcomes may be otherwise difficult to achieve.

Relevant Council Policies

Local Planning Policy – Residential Design Guidelines (RDG)

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : No impact
Footpath : No impact
Streetscape : Minimal impact. Portion of rear addition will be viewed from street.
New garage will also be visible from streetscape.

Documentation

Plans and relevant forms date stamp received on 23 April 2013.

Heritage Impact Statement date stamp received on 14 June 2013

Date Application Received

23 April 2013

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

Nil.

CONSULTATION

Advertising

The application was advertised to surrounding neighbours for a two week period between the 3 May 2013 and the 17 May 2013 and a sign was situated on site. At the close of advertising 1 submission was received.

2 July 2013

MINUTES

SUBMISSION	APPLICANT RESPONSE	OFFICER COMMENT
17 Stratford Street Expect retaining to be done within the boundary of No. 15 Stratford Street.	We can confirm that proposed retaining wall to north side of lot (adjacent new swimming pool) will be constructed entirely on the south side of the boundary (on lot 76).	All retaining walls are to be entirely on the subject site.
The east elevation plans also show that the land will be built up on the other side of our boundary fence. The top of the existing fence will be substantially reduced. Presumably they will need to erect a second barrier on their land to ensure appropriate privacy?	Any additional fencing/ privacy structure required as a result of the raised pool area will also be installed on lot 76.	A condition has been included in the Officer's Recommendation to ensure the swimming pool area is suitably screened.

Town Planning Advisory Panel

The proposal was presented for comment at its meeting held on 14 May 2013.

SUBMISSION	APPLICANT RESPONSE	OFFICER COMMENT
Query retention of chimney.		A condition has been included in the Officer's Recommendation to retain the chimney as existing.

Site Inspection

By Senior Town Planner on 19 June 2013.

STATUTORY ASSESSMENT

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

Town Planning Scheme No. 3 Assessment

SCHEME PROVISION	STATUS
4.2 ZONE OBJECTIVES	A
4.3 ZONING TABLE	A

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
6.4.1 Open Space	55%	70%	A
6.4.2 Outdoor Living	30m ²	58m ²	A
6.5 Car Parking	2	2	A
6.6 Site Works	Less than 500mm	800mm	D
6.9.1 Overshadowing	25%	12%	A
6.9.2 Drainage	On-site	On-site	A

Local Planning Policies Assessment

LPP Residential Design Guidelines Provision	Status
3.7.2 Additions and Alterations to Existing Buildings	A
3.7.3 Development of Existing Buildings	A
3.7.4 Site Works	D
3.7.5 Demolition	A
3.7.6 Construction of New Buildings	A
3.7.7 Building Setbacks and Orientation	A

LPP Residential Design Guidelines Provision	Status
3.7.8 Roof Form and Pitch	D
3.7.9 Materials and Colours	A
3.7.10 Landscaping	A
3.7.11 Front Fences	N/a
3.7.12 Pergolas	N/a
3.7.13 Incidental Development Requirements	N/a
3.7.14 Footpaths and Crossovers	A
3.7.15-20 Precinct Requirements	A

DISCUSSION

Heritage Assessment

The dwelling at 15 Stratford Street is included on Council's Municipal Heritage Inventory as a 'B' Management Category. Griffiths Architects in the Heritage Impact Statement recommend:

When the rear addition is removed, consideration should be given to treating the western house wall as an historic vestige; in other words, to accept the west wall as it is and simply tidy it. Part of the wall will be internal and part external. It was quite common practice to have the rear verandah wall constructed in solid brickwork, rather than cavity work. This will need to be checked and some measures considered ensuring the west facing wall deals with moisture penetration adequately.

A condition has been included in the Officer's Recommendation to require the western house wall to be retained as existing.

Griffiths Architects continue by concluding:

The proposed changes will have an acceptable degree of impact on the heritage values of this place and will make it a more commodious family home, without over developing the site.

The additions are proposed to be set back behind the existing dwelling and are approximately 20 metres from the front boundary. It is considered the proposed additions will not significantly impact on the existing heritage value of the dwelling with regard to streetscape impact, amenity or built form.

The proposed additions to the dwelling will be sympathetic to the original dwelling with regard to scale and mass. The proposed additions have been designed to be carefully separated and distinguishable from the existing structure. The proposed additions and alterations are considered appropriate and therefore are supported.

Fill

The Performance Criteria (PC) of the R-Codes with regard to Element 6.6.1 states:

P1 *Development that retains the visual impression of the natural level of a site, as seen from the street or other public place, or from an adjoining property.*

A maximum of 800mm fill is proposed on the northern boundary, located at the swimming pool. The proposed fill is considered to have no impact on the scale and bulk of the dwelling and how it presents to the street. The proposed fill will therefore retain the visual impression of the natural level of the site. The proposed fill will not have a significant impact on the adjoining neighbour, with the exception of a minor impact on the visual privacy requirements of the R-Codes. This will be assessed in the next section of this report. .

The proposed development is considered to comply with the Performance Criteria Element 6.6.1 Excavation of Fill and therefore can be supported.

Visual Privacy

The ADP for element 6.8.1 of the R-Code provisions for visual privacy require major openings which have their floor level more than 0.5 metre above natural ground level, and positioned so as to overlook any part of any other residential property behind its setback line, to comply with the following:

- 4.5 metres in the case of bedrooms;
- 6.0 metres in the case of habitable rooms, other than bedrooms; and
- 7.5 metres in the case of active habitable spaces.

The proposed development does not comply with the ADP of the RDC with regard to the swimming pool area.

The PC of 6.8.1 allows for:

“Direct overlooking of active habitable spaces and outdoor living areas of other dwellings is minimised by building layout, location, and the design of major openings and outdoor active habitable spaces, screening devices, and landscape, or remoteness.”

The swimming pool area is elevated by 800mm from natural ground level and subsequently does have views into the adjoining lot to the north. These views are considered to impact on the neighbour. A condition has been included in the *Recommendation* to suitably screen the pool deck area to the north and west.

The applicant has designed the dwelling to minimise direct overlooking. It is considered the proposed dwelling design ameliorates overlooking issues. The proposed condition will ensure the pool area with the Acceptable Development Provisions of the R-Codes, therefore it is considered the additions and alterations can be supported by Council.

Roof Form

The Acceptable Development Provisions of Element 3.7.8 Roof Form and Pitch of the Residential Design Guidelines states:

A4.2 *A contemporary roof form or roof pitch that is less than 28° or greater than 36° shall be approved where the applicant demonstrates compatibility with the immediate locality.*

The proposed roof has a 2° roof pitch. This does not adhere to the ADP of the RDG. The PC requirements for the roof pitch allows for:

P4 *Roof forms of new buildings complement the traditional form of surrounding development in the immediate locality.*

The proposed additions and alterations are designed to be modern and contemporary. The rear addition is designed to be distinct from the heritage dwelling. The additions and alterations complement the existing heritage dwelling and complement the traditional form of surrounding development in the immediate locality. The additions have minimal impact to the streetscape and existing dwelling. The proposed additions are distinct from the existing dwelling. The applicant has avoided creating a faux heritage building extension and has instead designed a modern building, which reinforces and highlights the character of the heritage dwelling. The proposed roof form ensures the additions are at a height that will not be significantly visible from the street. The existing heritage dwelling is the dominant building to the street and thereby reduces the perceived bulk of the proposed additions and alterations.

It is considered the roof form and pitch of the proposed dwelling extension, in the context of the overall design achieved can be supported by Council.

Conclusion

The proposed additions and alterations are of a suitable scale, bulk and design so as to have a minimal impact on the existing heritage dwelling and streetscape. It is considered the proposed variations to the Acceptable Development Provisions of the R-Codes are minor. The application is considered to have had due regard for the Town's requirements relating to residential developments, as well as the Performance Criteria outlined within the R-Codes. Appropriate conditions have been included in the Officer's Recommendation with regard to the pool area and chimney.

The application as conditioned is therefore considered appropriate and is recommended for approval.

RECOMMENDATION

That Council exercise its discretion in granting approval for the following:

- (a) element 6.6.1 Excavation and Fill of the Residential Design Codes;
 - (b) element 6.8.1 Visual Privacy for adjoining sites of the Residential Design Codes;
 - (c) element 3.7.8 of the Residential Design Guidelines: Site Works; and
 - (d) element 3.7.8 of the Residential Design Guidelines: Roof pitch;
- for additions and alterations to an existing dwelling at 15 (Lot 76) Stratford Street, East Fremantle, in accordance with the plans date stamp received on 23 April 2013 subject to the following conditions:
1. Existing roof chimney to be retained within the existing roof form. This is to be notated on the plans submitted with respect to the Building Permit application.
 2. The west wall (after demolition of area illustrated as dashed) to be retained as existing. The wall to be checked and measures undertaken to ensure the wall deals with moisture penetration adequately. This is to be notated on the plans submitted with respect to the Building Permit application.
 3. A 1.6 metre screen to the northern elevation (for the length of the pool decking) to be designed to comply with the Acceptable Development Provisions and Explanatory Guidelines Element 6.8.1 of the Residential Design Codes.
 4. Entire western elevation of the proposed pool deck to be screened to a height of 1.6 metres. The proposed 1.6 metre screen to the western elevation to be designed to comply with the Acceptable Development Provisions and Explanatory Guidelines Element 6.8.1 of the Residential Design Codes.
 5. Prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved to the satisfaction of the Chief Executive Officer. (*refer footnote (i) below*)
 6. 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.
 7. The proposed works are not to be commenced until Council has received an application for a Demolition Permit and 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 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.
 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. 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.
13. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *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.*
- (c) *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.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (g) *the patio may not be enclosed without the prior written consent of Council.*
- (h) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (i) *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".*

RECOMMENDATION

Cr Rico – Cr Martin

That Council exercise its discretion in granting approval for the following:

- (a) **element 6.6.1 Excavation and Fill of the Residential Design Codes;**
 - (b) **element 6.8.1 Visual Privacy for adjoining sites of the Residential Design Codes;**
 - (c) **element 3.7.8 of the Residential Design Guidelines: Site Works; and**
 - (d) **element 3.7.8 of the Residential Design Guidelines: Roof pitch;**
- for additions and alterations to an existing dwelling at 15 (Lot 76) Stratford Street, East Fremantle, in accordance with the plans date stamp received on 23 April 2013 subject to the following conditions:**
1. **Existing roof chimney to be retained within the existing roof form. This is to be noted on the plans submitted with respect to the Building Permit application.**
 2. **The west wall (after demolition of area illustrated as dashed) to be retained as existing. The wall to be checked and measures undertaken to ensure the wall**

- deals with moisture penetration adequately. This is to be notated on the plans submitted with respect to the Building Permit application.
3. A 1.6 metre screen to the northern elevation (for the length of the pool decking) to be designed to comply with the Acceptable Development Provisions and Explanatory Guidelines Element 6.8.1 of the Residential Design Codes.
 4. Entire western elevation of the proposed pool deck to be screened to a height of 1.6 metres. The proposed 1.6 metre screen to the western elevation to be designed to comply with the Acceptable Development Provisions and Explanatory Guidelines Element 6.8.1 of the Residential Design Codes.
 5. Prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved to the satisfaction of the Chief Executive Officer. *(refer footnote (i) below)*
 6. 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.
 7. The proposed works are not to be commenced until Council has received an application for a Demolition Permit and 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 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.
 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. 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.
 13. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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- (c) *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.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (g) *the patio may not be enclosed without the prior written consent of Council.*
- (h) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (i) *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 5:0

Note:

As 5 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 21 May 2013, this application is deemed determined, on behalf of Council, under delegated authority.

T79. REPORTS OF OFFICERS – STRATEGIC PLANNING

T79.1 *George Street Access and Parking Management Plan*

By Jamie Douglas, Manager Planning Services on 17 June 2013

Purpose of This Report

This report presents the findings of the George Street Access and Parking Management Plan and recommends that:

- The plan be adopted;
- An implementation programme be developed to give effect to the recommendations of the report;
- The existing Planning Policy – *George Street Mixed Use Precinct New Development Contribution to the Management of Access & Parking* be retained and that contributions received be used to fund the ongoing Implementation Plan contained in the plan.

Background

On 12 April 2013 a revised draft report was circulated to Elected Members. The revised draft was prepared following a presentation of the plan by the consultant GHD to the November 2012 meeting of the Town Planning & Building Committee. The revised report includes changes arising from the Committee's comments and outcomes from a survey of local residents which gauged support for a resident's parking scheme.

The consultant presented the revised report to the TP&BC meeting on 4 June 2013. Comments from Committee members indicated general acceptance of the revised report and findings subject to a few minor changes. These changes have now been incorporated in the final draft (given the minor nature of the change they are not considered to be so substantial as to warrant recirculation of the document).

Major Findings

- The assessment of existing parking demand established that there were up to 115 on street spaces available to accommodate additional parking in the Precinct. Although parking within George Street may at times reach capacity, all the identified parking is within five minutes walking distance of George Street.
- Based upon the survey distributed to all residents it is apparent there is not an area wide support for controlled resident permit parking with formalised parking spaces.
- Further investigation and consultation with relevant authorities is required to resolve the degree of crash hazard currently existing at the East Street intersections with George Street and Canning Highway.
- The existing parking challenges within the study area are unlikely to substantially increase over time based on the current planning standards of TPS 3.
- Regular review and information updates (public transport services, cycle facilities in surrounding areas etc) means that costly upgrade projects, such as one-way systems, new car parks, under pass redevelopment, can be considered only when other cheaper options have been exhausted.
- Strategies should be applied which encourage a reduction in parking and vehicle usage in the Precinct so that if development standards allow for increased development over time the level of traffic in the Precinct does not necessarily increase as well. These strategies are summarized in the following implementation plan.

Implementation Plan

OPTION	TASKS	ESTIMATED COST(\$)/ +/-30%
TravelSmart leaflet	Distribution of TravelSmart guide leaflets to commercial properties along George Street and with East Fremantle Town Centre. Request that they be located at public information boards where available.	Unknown – refer to current Town administration costs
Intersection analysis	George Street/ East Street intersection.	Unknown
	East Street/ Canning Highway Intersection.	
Cycle parking along George Street	Relocation of cycle parking facilities. Four spaces at each location. (See Figure 17 for locations).	Unknown
Upgrade street lighting	Review by qualified lightning engineer.	\$3,500.00 per light
	Installation of new facilities.	
Way finding signage	Design and Manufacture of signage.	\$6,500.00
	Installation of signs in locations show in Figure 17.	
On street guide maps	Design and Manufacture of signage.	\$6,000.00
	Installation of signs in locations show in Figure 17.	
Single Speed hump along King Street	Installation of speed reduction device.	\$1,000.00 (Example of Speed hump show in Appendix G)
Intersection upgrades	The work involved should include: .. A review of latest accident statistics within 20 m of both intersections. .. Discussions to be carried out with all local government transport delegates associated with area both intersections and Main Roads.	Unknown

OPTION	TASKS	ESTIMATED COST(\$ +/-30%)
	.. Intersection upgrade analysis and recommendations.	
Promote Town of East Fremantle's current residential parking scheme and provide latest information on Council website	Ensure information on the current Visitor, Temporary and Resident Parking permit system is highlighted on website on same web page as TravelSmart and Transperth links.	Unknown – refer to current Town administration costs
Additional parking on Duke Street and St Peters Road (see Figure 19)	Land acquisition Site clearance and levelling Site notice and public awareness Dilapidation study Dial Before-U-Dig Consultation Feature Survey Site clearing works Earthworks Retaining wall works Car Park construction Drainage construction Utility works Marking and signage	\$4,000 per parking space
Additional Parking on Silas Street and Council Place (see Appendix H for layout details)	Land Acquisition Site Notice and Public Awareness Dilapidation Survey	\$1,294,000.00

Planning Policy – George Street Mixed Use Precinct New Development Contribution to the Management of Access & Parking

In light of the above findings it is appropriate to consider the future application of this Policy.

The Policy provisions require contributions at the rate of \$9,000¹ per space for each space not provided on site, after onsite and immediately adjacent on-street parking spaces (where it is determined that these can be attributed to meet the parking demand of the development) have been deducted from the estimated parking space requirement. The contribution will be required as a condition of planning approval and payment will be required prior to the grant of a building licence.

Contributions are held in trust by the Town and may be for the purposes of funding the Parking and Access Management Plan and the implementation of works and actions identified by the plan. Council may at its discretion vary the applicable rate of the contribution in recognition of any site specific issues associated with a development proposal.

Contributions to the proposed plan have already been imposed as conditions of planning approval in respect to the initial application for a Wine Bar at 48 George Street and the Lauder and Howard site at 36-42 Duke Street. These contributions were provided at the rate of \$9,000 per space for each space not provided on site, after onsite and immediately adjacent on-street parking spaces had been deducted from the estimated parking space requirement. The total of the contributions required in respect to these development were \$135,000 and \$27,000 (payment pending) respectively. Both these development have subsequently submitted revised applications which increase parking demand. These matters are the subject of separate agenda reports.

¹The rate shall be subject to escalation at the annual rate of the C.P.I. for each year, or part thereof, from the date of the adoption of this Policy until the date of planning approval.

Consideration has been given to the necessity for continued imposition of the parking contributions in light of the report's findings. While the report concludes that adequate on-street parking capacity exists to reasonably accommodate parking demand projections, it also identifies a number of works which will be required over time to ensure reasonable accessibility is maintained for commercial premises and residences in the Precinct. It is reasonable to conclude that the existing and proposed commercial developments are the primary driver for and beneficiary of these works as any new residential developments is likely to fully provide for its onsite parking demand. The following issues are also relevant to the future application of the Policy.

- The proposed rate of the contribution is significantly less per space than that of cash-in-lieu payments (\$22,500 per space) and as such is less of a potential barrier to new development, change of use and redevelopment proposals.
- In considering whether the impost of the contribution to parking in the public domains reasonable, it should be noted that developers who do not provide the required on-site car spaces enjoy a higher development potential and achieve more developable area in comparison with developers who provide for all their parking demand on-site.
- It is inequitable not to require all developments to accept (or contribute wholly or in part) to the public cost of management of parking generated by their development.
- By allowing commercial parking generation to be wholly or partially accommodated on-street when development is approved, Council is accepting the on-going management measures is likely to increase.
- It is inequitable to allow a 'first come, best dressed' approach to parking provision whereby current development is allowed to absorb the existing on-street parking capacity at the expense of potential future developments occurring within the 'mixed-used' zone.

In light of the above it is considered that Council should reaffirm its commitment to the existing Planning policy.

Conclusion

Based on the findings of the report, there is sufficient on street parking to accommodate existing and projected commercial parking demand in the precinct providing measures are undertaken to encourage multi-modal access to the precinct and make more efficient use of the available spaces. It is considered that the final draft of the report should be adopted by Council.

The report has identified an 'order of cost' for necessary works and actions to encourage access to and through the precinct by means other than private vehicles, to make more efficient use of available on-street parking and address certain safety concerns. It is considered the existing Local Planning Policy – *'George Street Mixed Use Precinct New Development Contribution to the Management of Access & Parking'* should be retained and that contributions received be used to fund the ongoing Implementation Plan contained in the report. A programme of works for the Implementation Plan shall be developed and monies expended as further funds are received under the Planning Policy.

It is recommended that all residents, landowners and business operators in the Plympton Precinct be advised by letter drop of the findings and outcomes of the study and the resolutions of the Council. It is also proposed that similar material should be placed on Council's website and be the subject of a media release.

RECOMMENDATION

It is recommended that:

1. The George Street Access and Parking Management Plan by GHD dated June 2013 be adopted.
2. The Local Planning Policy – *'George Street Mixed Use Precinct New Development Contribution to the Management of Access & Parking'* should be retained and that contributions received be used to fund the ongoing Implementation Plan contained in the Plan.

- 3. A programme of works for the Implementation Plan shall be developed and monies expended as further funds are received under the Local Planning Policy.
- 4. A public consultation programme shall be undertaken to promote the findings and outcomes of the Plan.

RECOMMENDATION TO COUNCIL

Cr Martin – Cr de Jong

It is recommended that:

- 1. The George Street Access and Parking Management Plan by GHD dated June 2013 be adopted.
- 2. The Local Planning Policy – ‘George Street Mixed Use Precinct New Development Contribution to the Management of Access & Parking’ should be retained and that contributions received be used to fund the ongoing Implementation Plan contained in the Plan.
- 3. A programme of works scheduled for commencement in the 2013 / 2014 financial year including implementation dates to be provided to the August meeting of Council.
- 4. A communication programme shall be undertaken to promote the findings and outcomes of the Plan. CARRIED

T80. CONFIDENTIAL BUSINESS

Nil.

T81. URGENT BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING

T81.1 Timed Car Parking

Cr Wilson – Cr de Jong

That Council give consideration to implementing ‘Timed Car Parking’ on all streets associated with the Town Centre with a report to be prepared for the September round of meetings.

CARRIED

T82. CLOSURE OF MEETING

There being no further business the meeting closed at 08.54pm.

*I hereby certify that the Minutes of the meeting of the **Town Planning & Building Committee** of the Town of East Fremantle, held on **2 July 2013**, Minute Book reference **T70. to T82.** were confirmed at the meeting of the Committee on*

.....

Presiding Member