



Town Planning & Building Committee

**5 November 2013
6.30pm**

MINUTES

MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 5 NOVEMBER, 2013 COMMENCING AT 6.30PM.

T125. OPENING OF MEETING

T125.1 Present

T126. ELECTION OF PRESIDING MEMBER

T127. ACKNOWLEDGEMENT OF COUNTRY

T128. WELCOME TO GALLERY

T129. APOLOGIES

T130. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

T131. CONFIRMATION OF MINUTES

T131.1 Town Planning & Building Committee – 1 October 2013

T132. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

T133. REPORTS OF COMMITTEES

T133.1 Town Planning Advisory Panel – 8 October 2013

T134. REPORTS OF OFFICERS - STATUTORY PLANING/DEVELOPMENT CONTROL

T134.1 Order of Business

*T134.2 No. 10 (Lot 4494) Locke Crescent
Applicant : John Chisholm Design
Owner: Giuseppe & Gina Galipo
Application No. P114/13* *Page 2
Agenda Ref 10.1*

*T134.3 Munro Street No. 4 (Lot 5056) East Fremantle
Applicant & Owner: Stephen and Alison Barnden
Application No. P125/13* *Page 8
Agenda Ref 10.2*

*T134.4 Canning Highway No. 138 (Lot 19)
Applicant: Rowe Group
Owner: S Murphy* *Page 14
Agenda Ref 10.3*

*T134.5 Mixed Use Development Canning Highway No 147 (Lot 18)
Application for Condition Clearance* *Page 15
Agenda Ref 10.4*

*T134.6 Staton Road No. 57 (Lot 2)
Application No. P123/13
Applicant/ Owner: W & C Zalewski* *Page 17
Agenda Ref 10.6*

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- T134.7** *Hubble Street No. 93 (Lot 172)*
 Owner: A, M & V Turco
 Applicant: J Chisholm Design
 Application No. P112/2013
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- T134.8** *Irwin Street No. 37 (Lot 1)*
 Application No. P13213
 Applicant: Tim Lewis-Jones
 Owner: M J Shea
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Agenda Ref 10.8
- T134.9** *George Street No. 48 (Lot 300)*
 Applicant: R Bates-Smith
 Owner: Mulloway Pty Ltd
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Agenda Ref 10.10
- T134.10** *Habgood Street 14 (Lot 5012)*
 Applicant: Jeremy Falcke Designs
 Owner: D & G Cirulis
 Application No. P6/13
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Agenda Ref 10.5
- T134.11** *Angwin Street No. 27 (Lot 45)*
 Applicant: Collaborative Design
 Owner: Riverview Asset P/L
 Application No. P40/13
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Agenda Ref 10.9
- T134.12** *34 View Terrace (Lot 267) – SAT*
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Agenda Ref 10.11
- T135. REPORTS OF OFFICERS – STRATEGIC PLANNING**
- T135.1** *George Street Access and Parking Management Plan*
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Agenda Ref 11.1
- T135.2** *Parking Investigation Town Centre*
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Agenda Ref 11.2
- T136. CONFIDENTIAL BUSINESS**
- T137. URGENT BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING**
- T138. CLOSURE OF MEETING**

MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 5 NOVEMBER, 2013 COMMENCING AT 6.30PM.

T125. OPENING OF MEETING

The CEO, Mr Stuart Wearne, opened the meeting and advised that following the recent elections, nominations would be called for Presiding Member of this Committee.

T125.1 Present

Mayor Jim O'Neill
Cr Siân Martin
Cr Cliff Collinson
Cr Barry de Jong
Cr Michael McPhail
Cr Maria Rico
Mr Stuart Wearne Chief Executive Officer (To 6.32pm)
Mr Andrew Malone Senior Town Planner
Ms Janine May Minute Secretary

T126. ELECTION OF PRESIDING MEMBER

The CEO, Mr Stuart Wearne, called for nominations for the position of Presiding Member.

Cr de Jong nominated Cr Martin who accepted the nomination.

As there were no further nominations, the CEO declared Cr Martin elected as Presiding Member of the Town Planning & Building Committee for a two year term.

Cr Martin assumed the Chair.

The CEO left the meeting at 6.32pm.

T127. 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.”

T128. WELCOME TO GALLERY

There were 22 members of the public in the gallery at the commencement of the meeting.

T129. APOLOGIES

Nil.

T130. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil.

T131. CONFIRMATION OF MINUTES

T131.1 Town Planning & Building Committee – 1 October 2013

Cr Collinson – Cr de Jong

That the Town Planning & Building Committee minutes dated 1 October 2013 as adopted at the Council meeting held on 15 October 2013 be confirmed. CARRIED

T132. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

Nil.

T133. REPORTS OF COMMITTEES**T133.1 Town Planning Advisory Panel – 8 October 2013**

Cr de Jong – Cr Collinson

That the minutes of the Town Planning Advisory Panel meeting held on 8 October 2013 be received and each item considered when the relevant development application is being discussed. CARRIED

T134. REPORTS OF OFFICERS - STATUTORY PLANING/DEVELOPMENT CONTROL**T134.1 Order of Business**

Cr de Jong – Mayor O'Neill

The order of business be altered to allow members of the public to speak to relevant agenda items. CARRIED

T134.2 No. 10 (Lot 4494) Locke Crescent
Applicant : John Chisholm Design
Owner: Giuseppe & Gina Galipo
Application No. P114/13
By Jamie Douglas Manager Planning Services on 4 October 2013

PURPOSE OF THIS REPORT

This report considers and application for partial demolition, renovations and extensions to a dwelling at 10 Locke Crescent and recommends conditional approval.

BACKGROUND**Description of Proposal**

The existing residence is a brick and tile building in sound condition. It is proposed to retain the existing foundations and ground floor level and build a new first floor above.

Description of Site

The subject site is:

- 840m² freehold lot
- zoned residential R 12.5
- improved with a single dwelling
- located in the Richmond Hill Precinct
- It is not listed on the Municipal Inventory.

Statutory Considerations

State Planning Policy 3.1 Residential Design Codes
 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 front extensions will be visible from the street and will impact the streetscape character.

Documentation

Plans and relevant forms date stamped received 20 August 2013

Applicant's response to Panel's comments received 19 September 2013

Date Application Received

20 August 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 <input type="checkbox"/> P <input type="checkbox"/> D <input type="checkbox"/> A <input type="checkbox"/> X	P

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
6.4.1 Open Space	50%	69.5%	A
6.4.2 Outdoor Living	30m ²	40+m 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%	4%	A
6.9.2 Drainage	On-site	On-site	A

Wall	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
Front	6.1m	16.5	yes	7.5m	9.5m	A
				6m	7.2m	A
Rear	8.6	11m	yes	4.7m	7.09	A
Side (west)	7.8	10.5	no	1.6	1.5	D
Side (east)	7.8	10.5	yes	4.2	8	A

6.8 Visual Privacy

Wall Orientation	Major Opening Type	Required Setback	Proposed Setback	Status
Side (west)	Bedroom 2	4.5 m	1.6m (Obscure glazing)	A

Local Planning Policies Assessment

LPP No. 1 Residential Design Guidelines Provision	Status
3.7.2 Additions and Alterations to Existing Buildings	A
3.7.3 Development of Existing Buildings	A
3.7.4 Site Works	A
3.7.5 Demolition	A
3.7.6 Construction of New Buildings	N/A
3.7.7 Building Setbacks and Orientation	A
3.7.8 Roof Form and Pitch	A
3.7.9 Materials and Colours	A
3.7.10 Landscaping	N/A
3.7.11 Front Fences	N/A
3.7.12 Pergolas	A
3.7.13 Incidental Development Requirements	A

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

LPP No. 1: 3.7.15-20 Building Height			
Type	Required	Proposed	Status
Wall (Concealed Roof)	6.5m	8.5m (at rear)	D
Roof			

CONSULTATION

• **Neighbour Advertising**

The application was advertised to surrounding neighbours (including adjacent, rear and immediately opposite properties) for a two week period between 16 August and 9 September 2013. At the close of advertising no submissions had been received.

• **Town Planning Advisory Panel**

The applicants' response to the panel's comments is attached in full and summarised below.

PANEL'S COMMENT	APPLICANT RESPONSE	OFFICER COMMENT
Design is appropriate for the area.	No response	It is considered the design is appropriate for the streetscape.
Query wall heights.	<ul style="list-style-type: none"> The proposed heights to the rear are a consequence of the steeply sloping ground levels of the site and the re-use of the existing ground floor structure. There is a fall of approximately 3m to the rear of the lot. The building is compliant at its frontage and a variation to the rear elevation is requested. The use of parapet walls and a concealed roof minimises impact and preserves neighbours view corridors. Alternative designs would require multiple floor levels and would be a difficult home to live in. 	The issue of height is addressed in the assessment section of this report.

ASSESSMENT

The proposed partial demolition and first floor extension to the existing dwelling is substantially compliant with the 'deemed to comply' standards of the R-Codes and the Town's Residential Design Guidelines. The proposal raises the following issues for consideration.

• **Streetscape Impact**

The applicant has provided a streetscape montage showing the proposed building within the existing streetscape. It is considered the proposal is appropriate within the context of the contemporary surrounding dwellings. The height and scale of the development will be consistent with the prevailing built form.

The existing dwelling is an unremarkable brick and tile dwelling and it is considered that the proposed development will enhance the existing impact of the site and contribute positively to the visual amenity in the vicinity.

The Town Planning Advisory Panel notes that the design is appropriate for the area.

- **Height**

As stated the height of the proposal is a consequence of the steeply sloping lot (a fall of 3m) and the desire to 'recycle' the existing structure. In the context of sustainable development the utilisation of much of the existing structure has merit.

The proposal requires a variation in the 'deemed to comply' height standards of the RDG at the rear of the building (from 6.5m to 8.5m). As stated the building is height compliant at its front elevation and the proposed height variation therefore does not impact upon the streetscape.

It is relevant to note in exercising discretion in respect to height whether such a discretion will materially impact upon neighbours. In this instance it is considered that visual privacy impacts to adjacent neighbours have been satisfactorily addressed by the incorporation privacy screen, high level windows and obscure glass. The proposal will not overlook the outdoor living areas of the properties to the rear due to the orientation and design of these buildings and outdoor structures.

Existing view corridors of neighbours have been protected by building on the footprint of the existing dwelling and by the use of a concealed, flat roof.

Shadows cast are substantially contained on the subject lot and will not impact neighbours living areas.

There have been no objections to the proposal from neighbours.

In light of the above it is considered the variation in the maximum height of the building will not materially impact upon the amenity of neighbours.

- **Side boundary setback**

A minor variation to the northern side boundary setback is required this is consistent with the existing building setback and has no material impact upon the neighbour.

CONCLUSION

It is considered the current proposal meets the relevant provisions of the Residential Design Guidelines, the aims of the Planning Scheme and the relevant provisions of sec. 10.2 of the Scheme. The scale and form of the extension and the extent of the demolition proposed are supported by the TPAP.

The variation in height at the rear elevation of the proposed building and the minor side boundary variation will not materially impact neighbours and are a reasonable response to the sloping site and will facilitate the reuse of much of the existing structure.

The proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

It is recommended that:

Council exercise its discretion in granting approval for the following:

- (a) variation to the maximum height requirements of the Residential Design Guidelines from 6.5m to 8.5m (rear elevation)
- (b) variation to the setback requirements of the side setback (western elevation) – required setback 1.6 metres. Proposed setback is 1.5 metres;

for the partial demolition and extensions to a single dwelling at 10 (Lot 4494) Locke Crescent, East Fremantle, in accordance with the plans date stamp received on 20 August 2013 subject to the following conditions:

1. All parapet walls to be fair faced brickwork or cement rendered to the adjacent property by way of agreement between the property owners and at the applicant's expense.
2. 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*)
3. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
 4. The proposed works are not to be commenced until Council has received an application for a 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.
 5. With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
 6. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
 7. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
 8. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
 9. This planning approval 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) *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).*
- (d) *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.*
- (e) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (f) *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 John Chisholm (applicant) addressed the meeting providing justification for the requested height relaxation in order to retain the existing residence.

Cr de Jong – Cr Collinson

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

- (a) variation to the maximum height requirements of the Residential Design Guidelines from 6.5m to 8.5m (rear elevation)
- (b) variation to the setback requirements of the side setback (western elevation) – required setback 1.6 metres. Proposed setback is 1.5 metres;
- for the partial demolition and extensions to a single dwelling at 10 (Lot 4494) Locke Crescent, East Fremantle, in accordance with the plans date stamp received on 20 August 2013 subject to the following conditions:
1. All parapet walls to be fair faced brickwork or cement rendered to the adjacent property by way of agreement between the property owners and at the applicant's expense.
 2. 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)*
 3. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
 4. The proposed works are not to be commenced until Council has received an application for a 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.
 5. With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
 6. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
 7. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
 8. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
 9. This planning approval 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) ***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).***

- (d) *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.*
- (e) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (f) *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 6:0

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.

T134.3

Munro Street No. 4 (Lot 5056) East Fremantle
Applicant & Owner: Stephen and Alison Barnden
Application No. P125/13

By Andrew Malone, Senior Town Planner, 22 October 2013

BACKGROUND**Purpose of this Report**

This report considers an application for planning approval for proposed additions and alterations to an existing dwelling at 4 Munro Street, East Fremantle. The report recommends approval of the proposal subject to conditions.

Description of site

The subject site is:

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

Statutory Considerations

Town Planning Scheme No. 3 (TPS3) – 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 : No impact
 Footpath : No impact
 Streetscape : The additions and alterations to the residence will have a positive impact on the streetscape.

Documentation

Plans and relevant forms date stamp received on 12 September 2013.

Date Application Received

12 September 2013

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

16 November 2010 Council approve an application for additions and alterations including a shed. The applicant did not proceed with the proposed development. The planning approval has now lapsed.

CONSULTATION**Advertising**

The application was advertised to surrounding neighbours for a 2 week period between 16 August 2013 and 30 August 2013. No submissions were received during this period.

Town Planning Advisory Panel Comments

The application was considered by the Town Planning Advisory Panel at its meeting held on 8 October 2013. The Panel supported the proposal.

Site Inspection

By Senior Town Planner on 28 October 2013.

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
Open Space	50%	65%	A
Outdoor Living	30sqm	N/A	A
Car Parking	2	N/A	A
Site Works	Less than 500mm	Less than 500mm	A
Overshadowing	25%	As existing	A
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	A
3.7.6 Construction of New Buildings	N/A
3.7.7 Building Setbacks and Orientation	A
3.7.8 Roof Form and Pitch	D
3.7.9 Materials and Colours	A
3.7.10 Landscaping	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	N/A
3.7.15-20 Precinct Requirements	D

DISCUSSION

Approval is sought for the construction of alterations and additions to the existing two storey residence at 4 Munro Street, East Fremantle. The application proposes minor alterations and additions to the existing residence including extension of the garage,

including new entry porch forward of the existing building line. The proposed alterations also include a balcony over the garage/entry and verandah and deck at the rear of the dwelling. The proposal also includes internal modifications and proposed alterations to openings in the external facade.

The application has been assessed against the requirements of the R-Codes and the RDG, wherein it has been identified that the proposed setback of the decking (at the front and at the rear of the dwelling) to the boundaries does not meet the privacy requirements of the R-Codes.

Visual Privacy

The 'Deemed to comply' provisions for Element 5.4.1 Visual privacy of the R-Codes requires major openings which have their floor level more than 0.5 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 and studies;
- 6.0 metres in the case of habitable rooms, other than bedrooms and studies; and
- 7.5 metres in the case of unenclosed outdoor active habitable spaces.

The 'Design Provisions' of 5.4.1 allows for:

1. *Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:*
 - *building layout, location;*
 - *design of major openings;*
 - *landscape screening of outdoor active habitable spaces; and/or*
 - *location of screening devices.*
2. *Maximum visual privacy to side and rear boundaries through measures such as:*
 - *offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;*
 - *building to the boundary where appropriate;*
 - *setting back the first floor from the side boundary;*
 - *providing higher or opaque and fixed windows; and/or*
 - *screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).*

The privacy setback applies to the proposed front and rear decking/balcony because they are located closer to the boundary than the required 7.5 metre setback. There is also a privacy setback to the amended dining room windows.

The application proposes to provide permanent fixed privacy screening on the south eastern opening of the rear decking and this is deemed to be acceptable development under the R-Codes.

The proposal does not however, propose any privacy screening on the eastern opening of the rear deck and as such overlooking will occur from here over a small portion of the neighbours dwelling. There will be no views into the rear garden or habitable area of the adjoining property to the south east. The neighbour's amenity is considered to be protected. It is considered the proposed design complies with the Design Principles of Element 5.4.1 Visual privacy of the R-Codes.

The setback of the front deck to the boundary does not meet the privacy requirements of the R-Codes however overlooking will only occur over the front setback area of the neighbouring property. The front setback area of the adjoining properties is clearly visible from the streetscape and therefore offers no privacy protection, therefore the proposed overlooking is considered acceptable and can be supported. The setback of the front deck is therefore deemed to meet the performance criteria of the R-Codes.

Council has previously approved a similar development application in 2010. This approval has lapsed. The proposed overlooking variations being sought are less than was previously approved by Council. Based on the limited adverse impact, it is considered the proposed overlooking can be supported.

Garage Setback

The Acceptable Development Provisions of Element 3.7.17 Garages, Carports and Outbuildings of the Residential Design Guidelines states:

- A3 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 does not adhere to the ADP of the RDG. The PC requirements for garages allows for:

- P3 For existing contributory 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.*

Whilst the proposal extends the garage forward of the existing building line it also proposes to pull forward and enlarge the entrance porch. This situation is considered to be satisfactory and will ensure that the garage does not dominate the streetscape. Both the garage and entry porch comply with the over front setback requirement of 7.5 metres. In addition, the applicant proposes stone cladding for the entry porch to detract from the minimal impact the proposed amendment may have.

The proposed additions of the garage and entry porch articulate the front of the dwelling. The proposed garage is considered to complement the existing dwelling. It is considered the proposed garage setback can be supported.

Building Height

The existing dwelling does not comply with the provisions of the Acceptable Development Provisions of the RDG. The proposed alterations maintain existing eaves heights, ensuring a consistency of design and wall height. The proposed roof form does not exceed the maximum existing height of the dwelling. 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.*

The streetscape perspective clearly illustrates the proposed dwelling is consistent with the prevailing built form, bulk and scale of the locality. The proposed development has been designed appropriately to the topography of the landscape. The proposed built form of the additions complement and help to articulate the existing dwelling. The dwelling is considered to be appropriately setback from the front, side and rear boundaries, minimising the bulk, scale and impact of the dwelling to the streetscape and adjoining neighbours.

The dwelling is considered to not significantly impact on the adjoining neighbours views. The proposed height of the dwelling is considered not to be excessive and does not impact on adjoining dwellings or on the streetscape. It is considered the proposed additions and alterations are appropriate and have minimal impact, therefore the proposal can be supported by Council.

Roof Form

The existing roof form and pitch does not comply with Council's Policy. It is proposed to remove the existing tiled roof and replace with a custom orb roof. The proposed roof and additions to the roof are considered consistent. The proposed roof has a minimum roof pitch of 8° and a maximum pitch of 18°. 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, and consistent with the existing roof form and pitch. The proposed additions complement the existing dwelling. The roof form is integral to its overall style of the dwelling. The proposed roof form is considered to integrate and articulate the building and minimise the scale and bulk of the building.

In this context the roof form adds to the overall dwelling character. The dwelling is considered to complement the existing streetscape. Therefore, 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.

Conclusion

Council previously approved a development application based on a similar design. The proposal is considered to improve the articulation of the building and will improve the streetscape. The development will have minimal adverse impacts to the surrounding neighbours. Given the proposal adheres to design and performance requirements of the Residential Design Codes and the Residential Design Guidelines, it is considered the application can be supported.

Whilst variations are being sought, it is considered that the variations are minor in nature and the application is therefore recommended for approval.

RECOMMENDATION

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

- (a) variation to the privacy requirements of the R-Codes (front and rear deck);
- (b) element 3.7.17 of the Residential Design Guidelines: Garage setback;
- (c) element 3.7.8 of the Residential Design Guidelines: Roof pitch;
- (d) element 3.7.17 of the Residential Design Guidelines: Building Height

for the alterations and additions to the existing dwelling at 4 Munro Street, East Fremantle in accordance with the plans date stamp received on the 12 September 2013 subject to the following conditions:

1. The provision of fixed vertical screening to a height of 1.60 metres of the south eastern opening of the rear deck to prevent overlooking into 2 Munro Street.
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 works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
4. The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
5. With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
6. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive

- Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
7. If requested by Council within the first two years following installation, the roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
 8. 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).*
- (d) 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 owner.*

Ms Alison Barnden (owner) addressed the meeting advising that she supported the officer's recommendation.

Cr de Jong – Cr Rico

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

- (a) variation to the privacy requirements of the R-Codes (front and rear deck);**
- (b) element 3.7.17 of the Residential Design Guidelines: Garage setback;**
- (c) element 3.7.8 of the Residential Design Guidelines: Roof pitch;**
- (d) element 3.7.17 of the Residential Design Guidelines: Building Height**

for the alterations and additions to the existing dwelling at 4 Munro Street, East Fremantle in accordance with the plans date stamp received on the 12 September 2013 subject to the following conditions:

- 1. The provision of fixed vertical screening to a height of 1.60 metres of the south eastern opening of the rear deck to prevent overlooking into 2 Munro Street.**
- 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 works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- 4. The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- 5. With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
- 6. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.**

7. If requested by Council within the first two years following installation, the roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
8. 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).***
- (d) 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 owner.***

CARRIED 6:0

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.

T134.4 Canning Highway No. 138 (Lot 19)

Applicant: Rowe Group

Owner: S Murphy

By Andrew Malone, Senior Planning Officer on 29 October 2013

PURPOSE OF THIS REPORT

The attached report considers a development application for planning approval to be determined by the Development Assessment Panel (DAP) for the following:

- Demolition of existing C category building on the Town's Municipal Heritage Inventory.
- Retention of 4 multiple dwellings on Canning Highway.
- Access to the retained 4 multiple units will be from Canning Highway.
- Application for five (5) storey building on the subject site comprising ten (10) Multiple Dwellings; three (3) single bedroom dwellings and seven (7) 2-bedroom dwellings. Access from Hillside Road.
- Car parking for the proposed 10 multiple dwellings will be provided over two (2) levels and will be accessible via car ramps extending south off Hillside Road. A total of 20 car bays are proposed.
- Existing development and proposed development are currently located on one lot, however the plans do notate a proposed future subdivision boundary.

All located at 138 (Lot 19) Canning Highway, East Fremantle.

(Copies of the Heritage Impact Statement and Transport Impact Assessment have not been attached but are available should elected members request same.)

The proposed development application is recommended for refusal for the reasons outlined within the DAP report.

RECOMMENDATION

It is recommended that this report be received and that Council endorse the Officer's Recommendation for refusal of the proposed development.

Michael & Lina Jinman (neighbours) advised the meeting that they generally supported the officer's report, however, sought information on the DAP determination process.

Council's DAP representative, Cr de Jong and the Senior Town Planner, Andrew Malone, outlined the process and advised enquiries were still be made in relation to whether adjoining owners could attend this meeting.

Mayor O'Neill – Cr McPhail

That the DAP report on 138 Canning Highway be received and officer's recommendation for refusal be endorsed. CARRIED 6:0

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.

**T134.5 Mixed Use Development Canning Highway No 147 (Lot 18)
Application for Condition Clearance**

By Jamie Douglas, Manager Planning Services on 29 October 2013

PURPOSE:

This report considers plans and further information submitted to satisfy conditions of approval for a mixed use development at 147 Canning Highway (refer separate drawings accompanying agenda papers). This information has been submitted in response to Condition 20 of the WAPC approval 04-50007-1 dated 06 March 2012. The report recommends that Council accept that the proposed design details satisfy Condition 20 of the Development Approval.

BACKGROUND:

Council recommended that the Western Australian Planning Commission approve the development application for a Mixed Use Activity Centre at 147 Canning Highway (Royal George Tavern and adjacent lands) on 13 December 2011. The WAPC approved the development subject to a number of conditions, including the following

Condition 11

Public art shall be provided (at least) in accordance with the minimum requirements of the LPP Town Centre Redevelopment Guidelines and shall be approved to the satisfaction of the Council.

Condition 14

All storm water is to be retained on site. Retained storm water shall be recycled to irrigate planting in public and communal areas. A drainage plan and an irrigation plan shall be submitted to the satisfaction of Council in consultation with the Principal Building Surveyor prior to the issue of a building licence.

Condition 20:

A detailed schedule of external materials, finishes and colours shall be submitted and approved to the satisfaction of the Council prior to the issue of a building licence.

Advice Note 4:

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 is approved, the total cost to be borne by the applicant.

The applicants submitted plans on 23 September 2013 and sought Council's approval with regard to the landscaping and a detailed schedule of external materials, finishes and colours in satisfaction of Condition 11, 14 and 20 and Advice Note 4 of the DA approval. At its meeting on 15 October 2013 Council agreed the submitted plans satisfied all the above conditions and Advice Note 4 with the exception of Condition 20 and sought further clarification of the colours and materials to demonstrate the proposed external finishes. Accordingly, Council's resolution was as follows;

That Council advise the proponents of a mixed use development at 147 Canning Highway that:

1. *the plans and accompanying information date stamp received 8 October 2013 submitted in response to Condition 11 and 14 and Advice Note 4 of the WAPC approval 04-50007-1 dated 06 March 2012 satisfy these conditions subject to:*
 - (i) *The final design of the central water feature located within the plaza or its replacement by a piece of artwork is to be referred to Council for approval and established prior to occupation of the development.*
 - (ii) *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.*
2. *Condition 20 will be referred to the November Town Planning Committee Meeting for consideration following submission of further documentation relating to colours and finishes.* CARRIED

CONSIDERATION:

In consideration of the difficulties in interpreting the technical drawings presented to Council on 15 October 2013, the applicant has submitted a series of rendered perspectives with colour coding and material samples. These perspectives are considered to be consistent with those endorsed by Council at its meeting of 30 October 2012 when some plan amendments were approved. The endorsed perspective which was approved on 30 October 2012 is included in the series of drawings dated 28.10.13 which accompany this item.

CONCLUSION:

The proposed design details are consistent with Council's indicated preferences for the building and are supported. Accordingly it is recommended that the condition 20 be cleared.

RECOMMENDATION:

It is recommended that Council advise the proponents of a mixed use development at 147 Canning Highway that the plans and accompanying information date stamp received 28 October 2013 submitted in response to Condition 20 of the WAPC approval 04-50007-1 dated 06 March 2012 satisfy this condition.

Mr Shaun Oustryck (Project Manager) and Mr Robert Hardie (Architect) answered various questions raised by elected members in regard to colours and finishes and how

Mayor O'Neill – Cr de Jong

That Council advise the proponents of a mixed use development at 147 Canning Highway that the plans and accompanying information date stamp received 28 October 2013 submitted in response to Condition 20 of the WAPC approval 04-50007-1 dated 06 March 2012 satisfy this condition.

Amendment

Cr Rico – Cr Collinson

That Council advise the proponents of a mixed use development at 147 Canning Highway that the plans and accompanying information date stamp received 28 October 2013 submitted in response to Condition 20 of the WAPC approval 04-50007-1 dated 06 March 2012 satisfy this condition subject to final colours and finishes being determined by the Committee prior to implementation. LOST

Amendment**Cr Martin – Cr McPhail**

That the matter be held over to the Council Meeting on 19 November 2013 pending an informal meeting between the applicants and the Committee to determine which elevations of the development will require further consideration by Council in relation to colours and finishes, prior to implementation. CARRIED

The Amendment becomes the motion.

CARRIED

T134.6**Staton Road No. 57 (Lot 2)****Application No. P123/13****Applicant/ Owner: W & C Zalewski**

By Andrew Malone, Senior Town Planner, 21 October 2013

BACKGROUND**Purpose of the Report**

This report considers an application for retrospective planning approval for an existing opening door and approval for a new crossover to Staton Road situated at an existing dwelling at 57 (lot 2) Staton Road, East Fremantle. The application is recommended for approval subject to conditions.

Description of Proposal

An application has been lodged for retrospective approval to retain an existing door at 57 Staton Road, East Fremantle. This application is currently a compliance matter as the proposed door does not comply with the following:

- Condition 1 of Planning Approval P91/09 which states:
Prior to the issue of a Building Licence, revised plans are to be submitted which deleted the upper floor door opening onto the roof and to provide no access from the upper floor to the roof area.
- Condition 2 of Building Licence No. 20100210 which states:
The builder or Owner Builder shall comply with all conditions of the Town of East Fremantle's "Planning Approval; and
- Condition 5 of Building Licence No. 20100210 which states:
The Builder or Owner Builder shall comply with any notations marked in red on the attached approved plans.

The applicant requests Council consider the application for retention of the service door. Furthermore the applicant has requested Council consider a second crossover to the lot from Staton Road. The dwelling currently has a double crossover to a double garage from Wolsely Road.

The applicant has modified the original door to the roof. The door accessing the roof has been modified following discussion with the Planner responsible at the time to incorporate a 300mm high sill for the door frame to a line with the other windows in the wall and therefore give the impression that the door is a window. The applicant maintains access to the roof is required for servicing roof mounted solar electrical panels, and solar hotwater panels, and solar pool heating panels currently on the roof of the first floor. Please note that service door cannot be seen from the neighbouring property, however the neighbour has raised concerns with regard to the future use of the roof and access to the roof.

Description of subject site

The subject site is:

- zoned Residential R12.5;
- located in the Richmond Precinct;
- 794m² in area; and
- development site – new residence under construction

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.
Footpath : No impact
Streetscape : New crossover.

Documentation

Plans and relevant forms date stamp received on 4 September 2013.
Letter responding to neighbours submission date stamp received on 3 October 2013.

Date Application Received

4 September 2013

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

15 December 2009 Council approves a two storey addition and extension to an existing single house.
20 July 2010 Council approved the demolition of the existing residence and the development of a two-storey residence, garage, swimming pool and boundary fencing.
3 February 2011 Council approve a second storey sitting room to the previously approved two storey dwelling.

CONSULTATION

Advertising

The adjoining landowner to the north, being the only affected neighbour, was advised of the subject application and was given a two week period in which to lodge any submission on the application. One submission was submitted by the neighbour and is summarised below, along with the applicant's response and Planning officer's comments.

SUBMISSION	APPLICANT RESPONSE	OFFICER COMMENT
<p>Kathy and Greg Powell of 59 Staton Road. East Fremantle:</p> <p>It is an application which seeks Council approval for a door that has been installed despite Council's decision that installation of this doorway specifically not be given approval.</p> <p>Subsequent to the February 2011 application, the owner of 57 Staton Road submitted another application to Council to modify the existing planning approval. It was proposed that a sitting room be constructed on the first floor roof/ deck area in the north east corner of the dwelling. This application was approved by Council, with conditions imposed in order to provide screening.</p>	<p>Firstly, I find it unbelievable that one neighbour can have such an influence over our house dwelling and the continual need for us to have to address every issue she brings to the attention of the Shire in such detail.</p> <p>Mrs Powell roof eave overhangs into our property by 150mm, we have not made an issue of this situation and have dealt with this at our own cost.</p> <p>This access door will only be used solely for cleaning, maintenance and repair when necessary.</p>	<p>A full assessment of the door and crossover will be addressed in the Discussion Section of this report.</p> <p>The neighbours and applicant's comments are acknowledged and have been considered in the assessment of this report.</p>

<p>The sitting room has never been constructed. The unauthorised door, which would have led from the interior of the house into the sitting room, had it been constructed, remains.</p> <p>This door leads from the stairwell at the first floor level directly onto the roof/ deck area; the exact proposal that has already specifically not been approved by Council.</p> <p>Mr Malone has advised us that the owner of the property has stated that the door is a service door. However it is a door of such dimensions as to enable an adult to walk though it with ease. It is not the size of a manhole or a small service hatch which could provide service entry.</p> <p>It is requested that Council not grant approval for the door leading from the stairwell onto the roof/deck area on the first floor level. Other than accessing the deck for an unapproved use which has significant privacy issues for neighbours, there appears to be no requirement for the existence of the door at all.</p> <p>We request that: The door that has already been installed without approval be removed; and Council confirm that use of the deck/ roof space on the first floor level does not have approval for any use. The residence at 57 Staton Road is a single dwelling which already has an approved double crossover in Wolsely Road. The house is located on the corner of Staton and Wolsely Roads and the proposed additional crossover is Staton Road is very close to the problematic intersection.</p> <p>It is requested that Council not permit another crossover for this house on its Staton Road frontage. We have no objection to a narrow pedestrian pathway but do object to a pathway/ driveway which would enable vehicle access.</p> <p>The solar panels have long been installed on the roof of the second floor on the north-west section of the roof, not on the first floor roof/ deck area shown on the plans. This application seeks retrospective approval for works already undertaken. The solar panels cause no problem in their current location.</p>	<p>Mrs Powell has pointed out that their significant privacy impacts to all surrounding neighbours but that area only overlooks her roof top and the intersection of Staton and Wolsely Rd with no significant relevance to other neighbours, as we have already shown to Shire personnel. We requested this access door, as it is the safest exit to our rooftop for checking the solar hot water system and cleaning our windows. An example recently after the severe wind a pressure valve had malfunctioned, I had to get on the roof in wet, windy conditions to attend to this and I don't know how I could have done this safely if I did not have that access.</p> <p>I am not sure what relevance all the information Mrs Powell made with regard to parking restrictions and the impact on traffic flow has to do with us merely applying for a crossover so we can have sufficient parking. I have not seen any indication over the last twelve months of what she has written, all we are trying is lessen the parking congestion as a responsible ratepayer.</p> <p>Recently we completed our garden project, which included the council verge, the cracks in the footpath are from the heavy trucks delivering materials to complete the project and not what Mrs Powell has indicated.</p>	
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Town Planning Advisory Panel

The application was not referred to the Town Planning Advisory Panel as it is not considered to impact the streetscape or detract from the dwelling.

Discussion

The application seeks amendments to the existing Planning Approval to accommodate the existing north facing door, located in the stairwell of the dwelling.

The attached photographs identify that the view from the upper floor of 57 Staton Road is over the rooftop of 59 Staton Road and not into any habitable room windows. The existing door does not provide access to a habitable area. The roof area, which is accessed by the door, is not approved as a deck, outdoor entertaining area or habitable area.

Roof Deck

The adjoining neighbour has objected to the door as there is potential to gain access to the roof. The neighbour has stated:

Other than accessing the deck for an unapproved use which have significant privacy issues for neighbours, there appears to be no requirement for the existence of the door at all.

The applicant has responded to this by stating:

This access door will only be use solely for cleaning, maintenance and repair when necessary.

The roof has not been approved as an outdoor habitable area. Furthermore, the roof area adjoining the service door currently does not comply with the Building Codes of Australia for outdoor areas. Should the roof be used for any habitable or entertaining purposes, the applicant is required to make an application for planning approval and a building application. Conditions have been included in the Officer's recommendation to ensure the roof is not to be used for entertaining or habitable purposes and the door is only a service door.

The door is not considered to impact on the neighbour's amenity. The applicant has stated the door is solely for service and maintenance and therefore is considered appropriate.

Footpaths and Crossovers

The ADP of the RDG Element 3.7.14 – Footpaths and Crossovers requires:

- A5.1 *Maximum of one crossover per lot or subdivided lot unless approved by the council.*
- A5.2 *Relevant drawings indicating location of existing and proposed crossover where required. This is to include existing and proposed site plans.*

The proposed crossover is to Staton Road. Access to the dwelling is currently from Wolsely Road. Council policy on width of crossovers is required at property boundary to be a maximum 3.0 metres and the width at road to be a maximum of 4.5 metres. Council acknowledged that the location of the property and the width of Wolsely Road does have the potential to create safety issues, therefore to alleviate the safety issues in this instance, Council permitted the crossover to be widened from 3.0 metres to a maximum of 5.8 metres wide at the property boundary. The existing crossover is non-compliant with Council Policy.

The ADP requires a maximum of one crossover per lot or subdivided lot unless approved by the council. The applicant has requested a second crossover to the subject lot, therefore the proposed crossover is required to be assessed as per the PC of Element 3.7.14, which states:

- P5 *Installation of crossovers and removal of redundant crossovers to be carried out after consultation with the owner of the property. Redundant crossovers to be removed, at the applicants cost, prior to the issue of a building permit for the relevant property.*

The second crossover is not considered appropriate. The dwelling has a double garage and large crossover. The proposed additional crossover is located to Staton Road, is approximately 10 metres from the south east corner of the lot. There is a continuous yellow line on both side of Staton Road. The street is narrow and is heavily trafficked due to the hospital. The intersection at Staton Road and Wolsely Road is considered problematic with regard to manoeuvrability. The proposed crossover is not supported as the crossover will have an adverse impact to the streetscape, has potential traffic safety implications and is not considered to adhere to the orderly and proper planning of the area.

CONCLUSION

It is considered that the proposed retention of the service door is acceptable and subject to the appropriate conditions will not materially impact upon neighbour amenity or the streetscape. The proposed additional crossover is not considered acceptable and is recommended for refusal. The proposed new footpath to the dwelling from Staton Road is required to be assessed as a separate application to the satisfaction of the Chief Executive Officer.

RECOMMENDATION

That Council

1. retrospectively approve the existing service door at No. 57 Staton Road, East Fremantle, as shown on plans date stamped 4 September 2013, subject to conditions:
 - (a) 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.
 - (b) The roof of the first floor adjoining the service door is not permitted to be used as a habitable or entertaining area.
 - (c) The service door is only permitted to be used for the purposes of external cleaning, maintenance and repair when necessary.
 - (d) This planning approval does not comprise of any modification to the exiting flat roof.
 - (e) The installation of three (3) solar panels on the roof as specified in documentation date stamped received on 4 September 2013. Should further panels be required, the applicant is required to submit a new planning application.
 - (f) The solar panels are not to display any form of private advertising or branding visible from surrounding streets.
 - (g) This planning approval to remain valid for a period of 24 months from date of this approval.
2. refuse the proposed second crossover for the following reasons:
 - (a) The proposed development does not comply with the requirements of the Acceptable Development Criteria or Performance Criteria of the Local Planning Policy Residential Design Guidelines with regard to:
 - (i) Element 3.7.14 – Footpaths and Crossovers of the Residential Design Guidelines;
 - (b) The proposed development does not comply with the following requirements of the Town Planning Scheme No.3 Clause 10.2 (c) and (o), with respect to the orderly and proper planning of the locality and the preservation of the amenities of the locality.
3. advise the owner a separate application for the proposed new footpath from Staton Road to the dwelling is required to be lodged to the Chief Executive Officer for approval. The footpath does not form part of this planning application.

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) 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”.

Mrs Kathleen Powell (adjoining owner) advised that from photographs taken by the Senior Town Planner, she believed there were no privacy issues looking from the service door into her property however sought clarification regarding the implementation of conditions 1(b) and (c) and the procedure in the event of breaches of these conditions.

Mr Zalewski (owner) advised the meeting that there was no intention to use the door for any other purpose than maintenance, cleaning and repairs.

Cr de Jong sought clarification on how often it was envisaged that any cleaning would take place. Mr Zalewski advised that, apart from any emergency maintenance work, he considered windows and solar panels would require cleaning approximately every six months.

Cr de Jong – Cr Collinson**That Council**

1. retrospectively approve the existing service door at No. 57 Staton Road, East Fremantle, as shown on plans date stamped 4 September 2013, subject to conditions:
 - (a) 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.
 - (b) The roof of the first floor adjoining the service door is not permitted to be used as a habitable or entertaining area.
 - (c) The service door is only permitted to be used for the purposes of external cleaning, maintenance and repair when necessary.
 - (d) This planning approval does not comprise of any modification to the exiting flat roof.
 - (e) The installation of three (3) solar panels on the roof as specified in documentation date stamped received on 4 September 2013. Should further panels be required, the applicant is required to submit a new planning application.
 - (f) The solar panels are not to display any form of private advertising or branding visible from surrounding streets.
 - (g) This planning approval to remain valid for a period of 24 months from date of this approval.
2. refuse the proposed second crossover for the following reasons:
 - (a) The proposed development does not comply with the requirements of the Acceptable Development Criteria or Performance Criteria of the Local Planning Policy Residential Design Guidelines with regard to:
 - (i) Element 3.7.14 – Footpaths and Crossovers of the Residential Design Guidelines;
 - (b) The proposed development does not comply with the following requirements of the Town Planning Scheme No.3 Clause 10.2 (c) and (o), with respect to the orderly and proper planning of the locality and the preservation of the amenities of the locality.

3. advise the owner a separate application for the proposed new footpath from Staton Road to the dwelling is required to be lodged to the Chief Executive Officer for approval. The footpath does not form part of this planning application.

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) *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 6:0

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.

T134.7 Hubble Street No. 93 (Lot 172)

Owner: A, M & V Turco

Applicant: J Chisholm Design

Application No. P112/2013

By Christine Catchpole, Planning Officer on 13 September 2013

And Andrew Malone, Senior Planning Officer 25 October 2013.

PURPOSE OF THIS REPORT

This application seeks planning approval for replacement of an existing sleep out, laundry and storage facility and a reroofing at the rear of an existing heritage dwelling at 93 (Lot 172) Hubble Street, East Fremantle.

BACKGROUND**Deferral**

The Town Planning and Building Committee on 1 October 2013 resolved:

That the application for the replacement of the existing laundry, storage and front verandah sleepout area at No. 93 (Lot 172) Hubble Street, East Fremantle, in accordance with plans date stamped received on 20 August 2013 be deferred to the October meeting of Council pending the receipt of a Heritage Impact Statement.

A Heritage Impact Statement was provided to Council, however upon review the Heritage Impact Statement by the applicant and Mr. Jack Kent of Grounds Kent Architects, the Heritage Assessment was not considered appropriate. It is noted that the Heritage Impact Statement was not undertaken by a suitably qualified heritage architect and there was procedural issues with the assessment process. Mr Kent has examined the drawings, Officer's report and the Heritage report. It is noted that the Planning Officer's report supported the planning application and the Heritage Assessment report recommended that approval be granted subject to conditions.

However as a result of not following protocol, Mr. Kent advises that the Heritage Assessment should have no formal standing and be struck from record. As such Mr. Kent (who has previously been engaged as the consulting Heritage architect for the City of Fremantle, giving advice and reporting on Heritage matters for the Council) was of the opinion that the officers report should stand as all processes had been reviewed, the

planning application assessed by Council and appropriate conditions applied to the application.

It is acknowledged that Mr Kent has supported the Officer's report and recommendation as it stands. Therefore, due to the works being undertaken, it is considered no further Heritage Assessment is required. It is noted that while the previous Heritage Assessment recommended approval, it has not been included with this report.

Description of Proposal

Extensive rectification and restoration works have been commenced on the property and a retrospective planning approval (P113) has been approved for the recladding of the building. In summary, works have or will involve the following:

Building Works

- Removal of cladding (Works already undertaken). (Retrospective approval: P113)
- Replacement of external cladding (Retrospective approval: P113)
- All damaged interior linings to be replaced;
- Kitchen to be refitted;
- Electrical rewiring;
- Interior doors to be sealed and door built into bedroom wall to create ensuite bathroom.
- Replace linings above dado level and trim with timber battens to match existing;
- Fix new timber weatherboards to match existing, repair and renovate existing boards;
- Remove and replace timber balustrade and bring into compliance with the Building Code of Australia;
- Remove existing galvanised metal roofing, replace with zincalume;
- Connect rain water pipes to storm water tanks;
- Replace all architraves and skirtings;
- Paint all wall surfaces and timber trims to the front steps; and
- Replace painted timber battens to sub-floor area.

This application involves a proposal to replace the laundry and storage facility at the rear of the property. Work is also indicated as being required for the outside toilet and the plans show the replacement of the sleep out with new materials and window. A previous approval has been issued for the removal of existing asbestos cladding and replacement cladding (P113).

Description of Site

The subject site is:

- a 508m² block;
- zoned Residential R20;
- a single heritage dwelling; and
- located in the Plympton Precinct.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R20

Residential Design Codes (RDC)

Fremantle Port Buffer Zone Area 2

Heritage Listing – B^A Management Category:

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 a 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

Residential Design Guidelines 2013 (RDG)

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : No impact
Footpath : No impact
Streetscape : Overall the works on-site will have a considerable street impact. The house was in a dilapidated state and the works proposed will contribute to the restoration and conservation of a moderately rated heritage dwelling in a Precinct where conservation of the housing stock is an important aim for the Town. However, the replacement of the laundry and storage area is at the rear of the property and is only partly visible from the street as viewed from the driveway.

Documentation

Plans date stamped received 20 August 2013

Date Application Received

20 August 2013

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

5 August 2013 Advice by correspondence from the Acting CEO that all unauthorised works on the site must stop and the site be secured and made safe until approved or otherwise by Council.

CONSULTATION**Advertising**

The application was advertised to two rear property owners and the adjacent property owner to the north from 23 August to 6 September 2013 and no submissions were received.

Town Planning Advisory Panel

The application has not been referred to the Town Planning Advisory Panel due to the nature of the application being primarily for restoration works. It is very unlikely that the works proposed will have a negative impact on the streetscape and/or the adjoining property owners.

Site Inspection

By Planning Officer on 30 August 2013

ASSESSMENT**Rectification and Restoration Works**

Council's RDG specify the "desired outcomes" for development in the Plympton Precinct as being:

- retention of the original building fabric;
- restoration of contributory buildings to their original or earlier form;
- removal of intrusive elements to contributory buildings and not have their prominence reduced;
- updating of services to existing buildings with the least amount of change to the fabric; and
- replacement of deteriorated building fabric to match original detail.

The retrospective application and proposed restoration and rectification works will be clearly visible from the street and will significantly rectify the facade of the heritage dwelling. It is acknowledged that restoration and renovation work of this nature can occur in a sympathetic manner that does not have an undue impact on the heritage values of a building.

The intended work is not altering the scale or height of the dwelling and it respects the predominant street pattern in terms of roof pitch, orientation and articulation. It is also considered to address and achieve the "desired outcomes" for development listed above.

Once the restoration work is complete the original dwelling will be restored and intact. It will also significantly contribute to the Hubble Street heritage streetscape and character of the Precinct.

Replacement of Laundry and Storage

The architect has recommended removal of the laundry/storage area, immediately to the rear of the dwelling, as they are in a poor state of repair and structurally unsound. He has recommended the buildings be replaced with a new timber framed or rendered brick structure, and that the remaining outside toilet is in reasonable order and should be preserved.

Setbacks and Open Space

The replacement of these buildings will result in a new laundry and store both of approximately 5 square metres in area. The footprint of the buildings will not be increased and therefore there is no change to open space requirements on the site. Both buildings will be setback 2.96 metres from the northern side boundary; in line with the existing building setback, which meets the requirements under the RDC of 1.5 metres.

Roof Replacement

The proposed main roof pitch is 30° and is therefore in compliance with the RDG requiring a roof pitch of between 28° and 36°. The zincalume roofing material proposed is considered to be a satisfactory replacement of the existing galvanised iron. However, it will be necessary to impose a condition of planning approval that addresses any reflectivity concerns that may arise with the new roof.

The roof of the new laundry and storage area will be flat and as such, whilst considered acceptable, will not comply with the RDG. The shed and laundry are ancillary buildings to the original cottage and although partly visible from the street, will only be replacing existing structures. The fabric of the dwelling will therefore essentially remain unchanged.

Heritage

The architect has provided information which would appear to ensure a sound heritage outcome. So with the exception of replacing the outside laundry/storage structure and replacement of the sleep out, and external cladding (previously approved P113) the house will not undergo any major external changes to the facade, setbacks or height.

It is also noted that the plans indicate the sleep out facing the street will be retained and the verandah will remain enclosed. However, the original weatherboard and louvred front facade will be replaced with a single window above new weatherboards. The design and dimensions of the proposed window are not in keeping with the original front window, however this is considered acceptable given this part of the dwelling is not being restored in keeping with its original appearance. The distinction between the original and the new is therefore more obvious and this is considered preferable in this situation, as the design is not attempting to replicate the original building form.

Although the B Management Category guidelines state that a heritage impact statement will be required with a development application, it was not considered necessary in this instance. The owners and the architect are proposing to restore the Federation cottage in keeping with its original architecture and although new materials will be used, they will replicate original construction materials. This is considered to achieve a desirable conservation outcome, particularly given the state of disrepair of the building.

Overall it is considered that the works do not undermine the local heritage value of the residence with regard to its design and the use of construction materials, however, given the heritage rating of the property, it is also considered necessary for the construction materials and colours to be to the satisfaction of the Chief Executive Officer, in consultation with relevant officers, prior to the issue of a building permit.

It is therefore recommended that the application be supported subject to conditions.

RECOMMENDATION

That Council exercises its discretion in granting retrospective planning approval to vary:

- (a) Clause 5.1.2 – Street Setback of the Residential Design Codes of WA to permit a street (front) setback of less than 6.0 metres; and
- (b) Clause 3.7.8.3 of the Council's Residential Design Guidelines 2013 to allow a roof pitch of less than 28° for the replacement laundry and storage areas;

for the replacement of the existing laundry, storage and front verandah sleep out area at No. 93 (Lot 172) Hubble Street, East Fremantle, in accordance with plans date stamped received on 20 August 2013, subject to the following conditions:

1. Retention and restoration of the outside toilet. A separate planning application to Council is required if demolition of the outside toilet is proposed.
2. All materials, colours, and finishes for the replacement works (i.e. the laundry, storage and sleep out) being to the satisfaction of the Chief Executive Officer in consultation with relevant officers prior to the issue of a building permit.
3. If requested by Council within the first two years following installation, the zincalume 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.
4. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
5. The proposed works are not to be commenced until Council has received an application for a building permit and the building permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
6. With regard to the plans submitted with respect to the building permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
7. All stormwater is to be disposed of on site and clear of all boundaries.
8. This planning approval to remain valid for a period of 24 months from the date of this approval.
9. Prior to the installation of an 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 (c) below*).
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 licence.
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. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0 metres, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
14. The landowner shall lodge a Notification under Section 70A pursuant to the Transfer of Land Act on the Certificate of Title(s) relating to the development site, prior to the

issue of a Building Permit. This notification shall be sufficient to alert prospective landowners that the dwellings / premises are located within Area 2 of the Fremantle Port Buffer Zone where new development is to meet the built form requirements as specified in the Town of East Fremantle Local Planning Policy – Residential Design Guidelines.

WORDING FOR 'NOTIFICATION' OR 'MEMORIAL' ON TITLE

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.

15. The proposed dwelling 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.

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).*
- (d) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (e) *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.*

Mr John Chisholm (applicant) advised the meeting that he supported the officer's recommendation.

Mayor O'Neill – Cr Rico

That Council exercises its discretion in granting retrospective planning approval to vary:

- (a) **Clause 5.1.2 – Street Setback of the Residential Design Codes of WA to permit a street (front) setback of less than 6.0 metres; and**
 - (b) **Clause 3.7.8.3 of the Council's Residential Design Guidelines 2013 to allow a roof pitch of less than 28° for the replacement laundry and storage areas;**
- for the replacement of the existing laundry, storage and front verandah sleep out area at No. 93 (Lot 172) Hubble Street, East Fremantle, in accordance with plans date stamped received on 20 August 2013, subject to the following conditions:**
1. **Retention and restoration of the outside toilet. A separate planning application to Council is required if demolition of the outside toilet is proposed.**
 2. **All materials, colours, and finishes for the replacement works (i.e. the laundry, storage and sleep out) being to the satisfaction of the Chief Executive Officer in consultation with relevant officers prior to the issue of a building permit.**
 3. **If requested by Council within the first two years following installation, the zincalume 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.**
 4. **The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
 5. **The proposed works are not to be commenced until Council has received an application for a building permit and the building permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**

6. With regard to the plans submitted with respect to the building permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
7. All stormwater is to be disposed of on site and clear of all boundaries.
8. This planning approval to remain valid for a period of 24 months from the date of this approval.
9. Prior to the installation of an 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 (c) below*).
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 licence.
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. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0 metres, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
14. The landowner shall lodge a Notification under Section 70A pursuant to the Transfer of Land Act on the Certificate of Title(s) relating to the development site, prior to the issue of a Building Permit. This notification shall be sufficient to alert prospective landowners that the dwellings / premises are located within Area 2 of the Fremantle Port Buffer Zone where new development is to meet the built form requirements as specified in the Town of East Fremantle Local Planning Policy – Residential Design Guidelines.
WORDING FOR 'NOTIFICATION' OR 'MEMORIAL' ON TITLE
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.
15. The proposed dwelling 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.

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).*

- (d) matters relating to dividing fences are subject to the Dividing Fences Act 1961.
- (e) *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.* CARRIED 6:0

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.

T134.8

Irwin Street No. 37 (Lot 1)

Application No. P13213

Applicant: Tim Lewis-Jones

Owner: M J Shea

By Andrew Malone, Senior Town Planner, 24 October 2013

BACKGROUND

Purpose of the Report

This report considers a development application for additions and alterations to an existing dwelling at 37 (Lot 1) Irwin Street, East Fremantle. The proposed works are for additions and alterations comprising:

- open plan kitchen, dining sitting;
- laundry;
- alfresco; and
- modification to existing bedroom 1 to include an walk in robe room and ensuite.

The proposed works are the rear and northern elevation of the subject lot. The proposed additions and alterations are recommended for approval subject to conditions.

Description of subject site

The subject site is:

- zoned Residential R12.5;
- located in the Woodside Precinct;
- 446m² in area; and
- Developed with a single storey dwelling on a survey strata block.
- C category on the Town's Municipal Heritage List.

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.

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 : No Impact.
- Footpath : No impact
- Streetscape : Additions and alteration comprising new front fence, alterations to the existing carport and additions.

Documentation

Plans and relevant forms date stamp received on 20 September 2013.

Date Application Received

20 September 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. No submissions were received by Council from the adjoining neighbours.

Town Planning Advisory Panel Comments

The application was considered by the Town Planning Advisory Panel at its meeting of 12 February 2013. The Panel's, applicant's and officer's comments are summarised in the below table.

Panel Comment	Applicant Response	Officer Assessment
<p>The Panel does not support the tuck pointing to the proposed brickwork fence as it is not original to the era of the house. A plain brick fence is more appropriate.</p> <p>The fence should be constructed in accordance with the Town's fencing requirements as outlined in the Residential Design Guidelines.</p>	<p>I confirm the fence will be constructed in accordance with the Town's fence policy. It will be a significant improvement on the current fence (too tall, ugly pickets). It will be lower, it will open up the front of the house and will have far more street appeal. The idea of the tuck-point work is to compliment the facade of the house.</p> <p>I would like to keep the tuck-pointing in the fence plans, however, should the Committee decide otherwise I can work with a plain red brick.</p>	<p>The fence complies with the Town's policy requirements for front fencing.</p> <p>The proposed combination of materials (including tuck pointed piers) is not considered to impact on the dwelling. The proposed fence is lower and will have more visual permeability than the existing fence.</p> <p>The proposed tuck-point work will complement the facade of the house. The use of materials is not considered to replicate the original facade, however the minimal tuck pointing in the piers does acknowledge the character of the dwelling without overtly trying to replicate the design, style and character. The front fence is considered distinct and will prove the visual appearance of the dwelling.</p> <p>The proposed fence is supported in its current form.</p>

Site Inspection

By Senior Town Planner on 29 October 2013.

ASSESSMENT

Town Planning Scheme No. 3 Assessment

The proposal has been assessed against the provisions of Town Planning Scheme No. 3 (TPS3), the R-Codes and the Town's Local Planning Policies – Residential Design Guidelines (RDG). 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
Open Space	55%	64.5%	A
Outdoor Living	N/A	34.5sqm	A
Car Parking	2	2	A
Site Works	Less than 500mm	Less than 500mm	A
Overshadowing	25%	N/A	A
Drainage	On-site	On-site	A

Boundary Setbacks							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
Front (east)							
As existing							
Rear (west)							
	Dwelling	3.5m	12.3m	Y	1.5m	1.5m	A
Side (north)							
	Dwelling	4.0m	5.8	N	1.1m	1.5m	A
Side (east)							
Ground/ Undercroft	Dwelling	4.2m	13.2m	N	1.5	1.15m	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	A
3.7.5 Demolition	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	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	N/A
3.7.15-20 Precinct Requirements	A

Discussion**Heritage**

The proposed additions and alterations are to the rear and northern elevation of the existing dwelling. It is considered the proposed additions and alterations have been designed to complement the dwelling and are sympathetic with the existing design of the dwelling. The bulk, scale and height of the additions are consistent with the adjoining area and the dwelling. The carport and dwelling limit any potential adverse impact to the heritage significance of the dwelling or to the streetscape.

Boundary Setback

The applicant is seeking Council discretion with regard to the setback requirements of the R-Codes and the Town's RDG for the proposed additions and alterations.

The development incorporates a side setback variation to the southern boundary of 0.35 metres. The required setback is 1.5 metres. The proposed setback is 1.15 metres. 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 primary street setback is not adversely impacted with respect to the proposed additions. The proposed additions and alterations are to the rear and northern elevation of the existing dwelling, therefore the existing dwelling screens the additions from the street.

Side (south): The proposed setbacks on the southern elevation do match the existing dwelling. The proposed additions to the southern elevation will not be directly viewable from the street. While the setback to the north do not match the existing dwelling, the proposed setback to the boundary articulate the dwelling. The proposed northern setbacks comply with the 'Deemed to Comply' provisions of the R-Codes. The additions and alterations have been designed to be sympathetic with the existing dwelling.

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

The dwelling is listed on the Town's Municipal Inventory as C Category dwelling. The setbacks requiring Council discretion is to the side southern elevation of the dwelling. The building setback does not adversely affect its visual presence to the streetscape or the character of the dwelling. The proposed fence is considered to improve the visual presence of the dwelling as it presents to the street.

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

The proposed southern side setback is single storey and has the same set back as the existing dwelling. The proposed additions located primarily to the rear of the existing dwelling do not impact on the streetscape or the character of the dwelling. Adjoining neighbours are not adversely impacted. The proposed southern setback adjoins a driveway and as such has not impact to the neighbour.

It is considered the reduced setback does not impact on the adjoining neighbour with regard to visual privacy or building bulk. The overall height of the dwelling complies with Council's Policy requirements with regard to roof height.

The proposed setback variation is consistent with the existing side setbacks and is complementary to the dwelling and to the streetscape. It is therefore considered the proposal can be supported by Council.

Roof Form

The existing roof form and pitch of the dwelling as viewed from the street is not proposed to be altered. It is proposed to remove the existing lean to pergola at the rear of the dwelling. It is proposed the additions to the rear of the lot will have a 7° roof pitch and will comprise of 'Colorbond' custom orb roof sheeting. The proposed roof is considered not to impact on the existing character of the dwelling. 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 and contrast the existing roof form, ensuring the additions are distinct and clearly recognisable as an addition from

the existing heritage dwelling. The proposed roof form will not be visible from the street. The proposed roof form is considered to integrate and articulate the building and minimise the scale and bulk of the building as viewed by adjoining neighbours to the rear.

In this context the roof form adds to the overall dwelling character. No alterations are proposed to the heritage roof form and therefore the proposed additions are considered sympathetic to complement the existing streetscape. Therefore, it is considered the roof form and pitch of the proposed additions, in the context of the overall design achieved can be supported by Council.

CONCLUSION

The proposed additions and alterations are considered consistent and sympathetic to the heritage dwelling and streetscape. The applicant is seeking Council discretion primarily with regard to building setback from the side setback and roof form. As discussed above these minor variations are offset by the design of the additions and the presentation to the streetscape.

The proposed addition is of a similar scale and bulk as the existing dwelling. The proposed design complements the existing dwelling. The additions cannot be viewed from the street. 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 for setback and roof pitch. It is considered the proposal has been designed to minimise impact to the existing heritage dwelling and adjoining neighbours.

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 the setback requirements of the side setback (southern elevation) – required setback 1.5 metres. Proposed setback 1.15 metres;

(b) Element 3.7.8 of the Residential Design Guidelines – Roof Form 7°.

for single storey additions and alterations to existing dwelling at 37 (Lot 1) Irwin Street, East Fremantle, in accordance with the plans date stamp received on 20 September 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. Proposed front and side fence (infill panels) to be a minimum of 60% visually permeable.
3. The feature wall to the alfresco area 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.
4. The cross over is not be modified. Where this development requires that any facility or service within a street to be removed, modified or relocated, then such works must be approved by Council and to the satisfaction of the Chief Executive Officer.
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 previous conditions of this planning approval (P6/13).
6. The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
7. With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.

8. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
9. 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".*

Ms Marilyn Shea (owner) advised the meeting that she supported the officer's recommendation.

Cr Rico – Mayor O'Neill

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

- (a) **variation to the setback requirements of the side setback (southern elevation) –required setback 1.5 metres. Proposed setback 1.15 metres;**

(b) Element 3.7.8 of the Residential Design Guidelines – Roof Form 7° for single storey additions and alterations to existing dwelling at 37 (Lot 1) Irwin Street, East Fremantle, in accordance with the plans date stamp received on 20 September 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. Proposed front and side fence (infill panels) to be a minimum of 60% visually permeable.
3. The feature wall to the alfresco area 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.
4. The cross over is not to be modified. Where this development requires that any facility or service within a street to be removed, modified or relocated, then such works must be approved by Council and to the satisfaction of the Chief Executive Officer.
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 previous conditions of this planning approval (P6/13).
6. The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
7. With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
8. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
9. 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".**

CARRIED 6:0

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 made the following impartiality declaration in the matter of 48 George Street: "As a consequence of one of the objectors, Owen Ritson, providing tree pruning services at my property, 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".

Cr de Jong made the following impartiality declaration in the matter of 48 George Street: "As a consequence of me incautiously "liking" the Wine Bar proposal on Facebook (which I later "unliked"), 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".

Cr Martin made the following impartiality declaration in the matter of 48 George Street: "As a consequence of one of the objectors, Owen Ritson, providing tree pruning services at my property, 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".

Cr Collinson made the following impartiality declaration in the matter of 48 George Street: "As a consequence of a number of the objectors 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".

T134.9 George Street No. 48 (Lot 300)**Applicant: R Bates-Smith****Owner: Mulloway Pty Ltd**

By Andrew Malone, Senior Planning Officer on 15 October 2013

PURPOSE OF THIS REPORT

This report considers an application for planning approval for an alfresco dining area, bi-fold windows, two 'A' framed signs, and a review of the trading hours, all located at 48 (Lot 300) George Street, East Fremantle.

The application is recommended for approval, subject to specific conditions relating to the signage and the outdoor seating.

BACKGROUND

The 'Wine Store' wishes to create an alfresco dining area to serve breakfast, lunch and evening meals. To facilitate the proposed alfresco it is proposed to install bi-fold windows and two 'A' framed signs. The outdoor seats would be limited to 10 persons at any one time, located along both the George and Hubble Street corner facades. Tables and chairs are to be kept within set boundaries and not permitted north of the Hubble Street entrance and not west of the George Street entrance.

The business has been trading from 7am for breakfast and lunch Tuesday to Sunday since early May 2013 contrary to the approved hours of operation as per their planning approval of 15 March 2011. Council officers have stipulated that the owner seek planning approval for the existing hours of operation. The applicant has requested Council to consider a review the trading hours of the business to the following:

Monday 7am – 10pm
Tuesday 7am – 10pm
Wednesday 7am – 12am
Thursday 7am – 12am
Friday 7am – 12am
Saturday 7am – 12am
Sunday 7am – 10pm

Description of site

The subject site is:

- a 560m² lot
- zoned Mixed Use
- liquor store
- located in the Plympton Precinct

Statutory Considerations

Town Planning Scheme No. 3

Mixed Use – TPS No. 3

'A' - Management Category Municipal Heritage Inventory

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : No impact
Footpath : Outdoor seating and signage.
Streetscape : Outdoor seating and signage.

Documentation

Application and supporting information date stamp received 16 August 2013.

Additional information and response to neighbours submissions date stamp received 27 September 2013.

Additional information and letter of support date stamp received 18 October 2013.

Seating plan received 1 November 2013.

Date Application Received

16 August 2013

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

- 24 January 2001 A Planning Approval for alterations and additions to the bottle shop was approved by Council.
- 21 April 2004 Building Licence issued for alterations and additions to the liquor store.
- 12 January 2011 Planning Approval issued for external repainting, replacement of awning and re-cladding of planter boxes.
- 15 March 2011 Council conditional approval for a partial change of use from bottle shop to restaurant and wine bar and for an extension and internal alterations
- 20 August 2012 Council granted approval for an increase in patronage from 70 to 100 persons for a period of 12 months.
- 3 September 2013 Council granted approval for an increase in patronage from 70 to 100 persons permanently.

An application was approved by Council on 15 March 2011, was for a partial change of use from existing bottle shop and retail use to bottle shop and restaurant/wine bar and for a minor extension and internal alterations associated with the proposed change of use. The change of use was associated with the rear shop and cellar areas which have floor areas of 160m² and 100m² respectively and it was proposed would have seating for 70 people – 48 on the ground floor and 22 overflow seats in the cellar.

On 20 August 2012 the applicant was granted temporary approval by Council for an increase in the maximum number of customers allowed on site to 100. Council on 3 September 2013 granted permanent approval to increase the maximum number of customers allowed on site from 70 to 100

CONSULTATION Advertising

The application was advertised by a sign on the site, newspaper advertisement and letter to surrounding neighbours for a two week period between the 22 August and 9 September 2013. The advertising process for the application was extended it to 16 September 2013 as a total of 77 neighbours were notified of the proposal. At the close of advertising 13 submissions were received, 12 raising concern to the development and 1 in support of the proposal.

The applicant also submitted a social media (facebook) campaign and a signed customer survey (28 responses) supporting the proposal. A further 8 additional support letters and an extended social media campaign was also submitted to Council on 18 October 2013. These latter submissions and social media messages recognised as late submissions, however, the correspondence has be given due consideration. It is noted that the social media messages are acknowledged and have been reviewed, however these are not in a format that is sufficient to warrant a formal submission.

The summary of the submissions, applicant’s response and Planning Officer’s comments are detailed in the below table:

COMMENTS	APPLICANT RESPONSE	OFFICER COMMENT
Concerns: Rather than “compliment” the street corner locality, tables will only further congest an already congested area. Visibility for motorists is significantly	The Wine Store has submitted the proposed outdoor seating with visibility in mind; patrons will be contained within one metre of the	There will be no increase to the total patronage of the venue. There will be no increase in the car

<p>hampered by the existing parking along George Street. Mornings and evenings, my line of sight when trying to cross George Street (after I have manoeuvred out of my drive around numerous parked and passing vehicles) is restricted by parked vehicles. It will be further impeded by patrons sitting at tables along George Street.</p> <p>My major objection centres on the availability of parking in the locality and the predictable effect of increased trading (hours and service offered) on households in this densely packed residential area. While The Wine Store's evening trading at 70 and even at 100 customers had a minimal impact on parking in the residential streets around, there has been a marked change since the Store increased its opening hours to all day trading.</p> <p>Parking, particularly in Hubble Street north of George Street, is now in chaos. Residents are daily unable to park outside or even close to their own house which affects particularly those houses close to The Wine Store' without off-street parking.</p> <p>A major concern has been patrons smoking directly outside the Wine Store.</p> <p>I have little evidence to suggest that these tables will be "smoke free". Where is it proposed the smokers go? The current situation is unsightly and unhealthy for residents. This will be compounded by the proposal. Smokers will "creep" further into the residential area along Hubble and George Street.</p> <p>Noise The applicant's claim the proposed outdoor seating will not generate any noise impact as it located the same distance from as other existing venues from residences is flawed.</p> <p>The "other" existing venue does not operate past 4.00pm on any day, does not have bi-fold windows nor sells alcohol. The applicant is licensed to sell alcohol from 11am until close of either 10pm or 12am, no control of the number of people</p>	<p>Wine Store's external walls, ensuring clear driver visibility due to the location of the road 'stop strip' being in line with the edge of the George Street footpath.</p> <p>As submitted in the Wine Store's application, outdoor seating will draw from the existing 100 patron capacity and as such no additional parking, traffic and safety issues are foreseeable.</p> <p>Traffic is linked to b a general issue due to surrounding business and general thoroughfare with submissions urging the town to consider traffic management, which The Wine Store is in support of.</p> <p>As the proposed alfresco area would draw from the existing furniture and patronage currently held at the Wine Store, submissions attributing increased parking or traffic & safety issues to outdoor seating should be considered irrelevant.</p> <p>The Wine Store advocates clear signage to ensure smokers so not venture north of the Wine Store building on Hubble Street. Further, the sign will direct smokers to George Street, where smokers will be encouraged to not venture west of building facade.</p> <p>Smoking and patron activity outside of the venue is something that The Wine Store can manage and will be better placed to do so with clear signage and staff presence waiting on table.</p> <p>It should be noted that since opening in February 2012 there has not been one formal complaint to the Town or Department of Racing Gaming and Liquor regarding the Wine Store's management of patrons, noise or antisocial behaviour.</p> <p>We have therefore restricted the proposed outdoor seating to 5 tables seating only 2 patrons per table to ensure noise will be kept to a conversational level, adhering to the Environmental Protection (noise) Regulations 1997.</p> <p>Staff members will be responsible for maintaining the safe harmonious and sensible atmosphere enjoyed by patrons.</p>	<p>parking demand or traffic movements from the proposed outdoor seating.</p> <p>The tables and chair for the outdoor area will be monitored by staff. It is proposed that only 2 people will be at a table at any one time. This has also been conditioned in the Officer's Recommendation. The street furniture is not considered to unduly impede the footpath or impact on the street.</p> <p>Strict conditions have been applied to the recommended approval of the proposal regarding operating hours of the outdoor seating. No smoking is permitted within or adjoining the alfresco area.</p> <p>Noise and activities within the outdoor seating area will be controlled and monitored by staff of the Wine Store, therefore minimising excessive noise and antisocial behaviour. The time limitations on the outdoor seating will also control and restrict noise levels in the area and will ensure that the alfresco does not operate in the evening or when the Wine Store can be expected to be at its peak.</p>
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<p>that will gather outside, the ability to have live music and possibly bi-fold windows.</p> <p>No matter the demographic the venue attracts all these factors will increase the level of noise and disturbance experienced in our location of Hubble Street.</p> <p>As the number of outside patrons is likely to exceed 10 persons combined with tables and chairs the safety of that corner is compromised even further. Drivers will be further distracted and visually compromised and pedestrians (many being children) will be affected by the presence of smokers and adults affected by alcohol.</p> <p>With due respect the self-imposed conditions should respectively not warrant grounds for approval. They by nature cannot be regulated, enforceable nor carry any consequence should they be not managed by the current or subsequent owners.</p> <p>I am concerned that the rights and wishes of the residents are consistently ignored in favour of the rights of the business community.</p> <p>Support: It is my opinion that The Wine Store be granted their application for bi fold doors and outdoor seating. This will only enhance the vibrancy of The George Street precinct and encourage community gathering in a positive manner.</p> <p>I am proud to be a nearby resident and would love to see the already popular and visually beautiful area become more of a destination hot spot for dining, play, shopping and entertainment. The Wine Stores requests will only encourage this.</p> <p>There is ample car parking in the area.</p> <p>The outdoor seating will enhance the spirit and vibrancy of the area.</p>	<p>Further it is widely accepted that anti-social behaviour is less likely to occur in full view of the public, therefore having a patron presence outside will further reduce any likelihood of antisocial behaviour.</p> <p>The bifold windows will therefore mirror door closing times (between 8pm and 10pm, dependant on external factors) so no additional noise impact on the local amenity will occur.</p> <p>It is evidenced by submissions that the Wine Store's application is largely welcome upon enforced regulations with the Town's consideration of road and traffic safety in areas.</p> <p>It is therefore respectfully requested that Council approve the application which incorporates streetscape activation and interaction of the heritage space, will provide further vibrancy and mixed use diversity within the precinct and improve the level of interaction with the local community.</p>	
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Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 10 September 2013 and the following comments were made:

COMMENTS	APPLICANT RESPONSE	OFFICER COMMENT
The Panel wishes to acknowledge the history of high quality restoration, both internally and externally, in	I accept the Panel's proposal for frameless sliding & stacking windows, which effectively achieve	It is considered frameless glass would minimise the impact to the character of the area and the building and

<p>keeping the original building's features intact.</p> <p>The Panel does not support framed bi-fold windows breaking up the form of the original picture windows.</p> <p>Completely frameless sliding glass windows would be preferable.</p>	<p>the same outcome as bi fold windows.</p>	<p>therefore is supported.</p> <p>A condition has been included on the Officer's recommendation to reflect the Panel's comments.</p>
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Description of Proposal

The current application comprises of:

Outdoor seating

It is proposed to incorporate 10 outdoor seats (2 patrons per table), located along George Street and Hubble Street. The proposed 10 outdoor seats are to be included in the current capacity of 100 patrons. Tables and chairs will be kept against the building to minimise pedestrian and footpath obstructions.

Signage

Two small sandwich boards (900mm x 600mm) to be located adjoining the front door will accompany outdoor seating set within the space illustrated for outdoor tables and chairs. The applicant states:

"1 x A-frame for the Store (existing)

2 x A-frame for the Cafe/Bar

- *1 x to welcome patrons and communicate about daily specials etc (existing)*
- *1 x new (attached) to request patrons don't venture North of the venue along Hubble Street to smoke or talk on mobiles"*

A blackboard (cabinet sign) (2m wide x 2m) will also be inset on the Hubble Street east facing wall to promote the business operations.

Bi-fold windows

Window installations would apply only to those on the George and Hubble Street corner:

- White (existing frame colour) frame surrounds are to remain to ensure the consistency and integrity of the facade is maintained
- Black painted timber frame bi-folds will appear similar to existing glass panels
- Timber bi-fold frames are in keeping with original glazing frames

Hereby the heritage facade, streetscape and the existing interior in the design of the bi-fold windows is considered.

Operating times

The applicant has requested to extend the trading hours of the business to the following:

- Monday 7am – 10pm
- Tuesday 7am – 10pm
- Wednesday 7am – 12am
- Thursday 7am – 12am
- Friday 7am – 12am
- Saturday 7am – 12am
- Sunday 7am – 10pm

ASSESSMENT

Residential Amenity

12 submissions were received by Council raising concern with regard to the proposal. These have been summarised above. The impacts upon residents in the immediate

vicinity of the venue have been considered and do have merit. While to some extent impacts to adjoining residents are an inevitable consequence of a residential area adjoining commercial venues, it is considered the potential impact from this proposal can be mitigated by the application of appropriate conditions to any planning approval.

It is noted that the bi-fold windows and outdoor seating will impact on adjoining residents, however there is no indication that the disturbance identified by submitters is other than persons behaving lawfully in a public domain. In approving the permit for 100 patron capacity at the venue, elected members have accepted that the level of residential amenity for some dwellings surrounding the George Street Mixed Use zone will be less than that anticipated in outer urban residential suburbs. It is recognised that the adjoining resident's amenity should not be incrementally reduced through additional development applications. In this context, it is recommended that all outdoor sitting area is removed and the bi-fold windows are closed at 5.00pm so as to protect the residents from noise generated by outdoor diners in the evening and to ensure the outdoor dining area ceases to operate during the busy period for the wine bar.

Car Parking

No additional patrons are permitted with respect to this development application. The approval by Council on 13 September 2013 limited the number of patrons to 100. Previously the applicant's submission that patrons were not experiencing unreasonable parking difficulties are supported by the findings of the Traffic and Parking Management Plan which confirms that in the Precinct as a whole, there is adequate on-street capacity to accommodate residential and commercial demands providing adequate management and planning actions are undertaken. The proposal is not considered to impact on current car parking capacity.

Signage

The applicant is seeking approval for 2 portable 'A' frame signs. A large 'A' frame sign is currently located on George Street. The portable signage is to be located at the entrance to the building. It is also proposed to attach a black board to the Hubble Street front facade.

It is considered the 3 portable 'A' frame signs are not appropriate and are therefore not supported. The signs are considered excessive and will impact on the streetscape. They will potentially obstruct pedestrian movements and are also excessive with regard to the character of the building and existing advertising. 'A' frame signs are prohibited under the Town's Signage Policy and therefore cannot be approved. The Signage Policy does not support the erection of sandwich boards on footpaths as it aims to restrict the proliferation of such signage within commercial areas. The existing principal portable 'A' frame sign is considered sufficient to adequately communicate with the local community and foot traffic. The portable 'A' frames signs are recommended to be refused.

The existing 'A' frame sign has been reviewed. Discussions have been undertaken with the Rangers Department. It is considered that the existing signage is a nuisance and is impacting on the visual sightlines of vehicles using the street. This existing sign has not been previously approved by Council, therefore it is recommended that Council require this sign to be removed from the street. Given the proposed outdoor seating, it is considered the existing sign limits vehicular sightlines and will obstruct pedestrian movements.

The blackboard (cabinet sign) is required to be assessed under the 'Alternative Performance Criteria' of the Signage Policy. The black board is proposed to be attached to the building. It is considered the overall size of the blackboard is excessive. While the Performance Criteria does not state a maximum size, the proposed 2 metre by 2 metre board will detract from the heritage value of the building and the streetscape. It is proposed to limit the black board to a maximum size of 1 metre by 1 metre. It is considered that such a sign attached to the building as conditioned will not impact upon the structural integrity of the building nor will it have an adverse impact to the streetscape. The proposed blackboard is recommended for approval.

Opening Hours

On 15 March 2011 it was noted in the Officer's report to the Town Planning and Building Committee that application was made on the basis of the following operating hours:

Day	Bottle Shop	Restaurant/Wine Bar
Monday - Tuesday	9.30am – 10.00pm	11.00am – 10.00pm
Wednesday - Saturday	9.30am-10.00pm	11.00am-midnight
Sunday	10.00am-10.00pm	11.00am – 10.00pm

Condition 3 of the planning approval placed additional restrictions upon these stated hours of operation as follows:

3. *Wine bar/restaurant customers shall not occupy the premises after twelve midnight, except on Sunday, Monday and Tuesday nights when customers shall not occupy the premises after 10.00pm.*

The applicant has been operating for breakfast, opening from 7 am, outside of the currently permitted trading hours and was accordingly advised to seek planning approval as a precursor to this continued trading. The applicant has now requested to formally extend the operating times of the business. The following opening times are proposed:

Monday 7am – 10pm
 Tuesday 7am – 10pm
 Wednesday 7am – 12am
 Thursday 7am – 12am
 Friday 7am – 12am
 Saturday 7am – 12am
 Sunday 7am – 10pm

George Street is a mixed use zone and the proposed operating times of the business will not impact on the area. The proposed operating times will provide a variety of morning operating hours and it is considered the proposed operating hours comply with the aims and objectives of the zone. Council has not received any previous objections with regard to the operating hours of the business prior to this application being lodged. It is considered the proposed operating hours increase the uses of the street and are a benefit to the wider community. It is considered the proposed operating hours are appropriate, however the operating hours of the alfresco has been amended. The proposal is therefore supported. A condition has been included in the Officer's Recommendation.

CONCLUSION

The applicants have reasonably managed the impacts of the increased patronage upon the amenity of nearby residents. While it is proposed to have outdoor seating and bi-fold windows, these are considered not to significantly increase the impact on surrounding residents provided they are appropriately conditioned. The outdoor seat and bi-fold windows have been conditioned to minimise potential noise and amenity impacts. It is considered the proposed conditions will protect the amenity of the surrounding residents, while providing reasonable commercial opportunity for the business. The proposed 'A' frame signage is not supported.

RECOMMENDATION

That Council approve planning permission for 10 outdoor seats, bi-fold door and a formalisation of trading hours 48 (Lot 300) George Street, in accordance with the plans date stamp received on 16 August and 1 November 2013, subject to the following conditions:

1. The subject lot including associated outdoor seating not to exceed 100 patrons at any one time on the premises.

2. Applicant to ensure that at all times the location of the proposed tables and chairs to be situated on George Street and Hubble Street are in accordance with the plan date stamped 1 November 2013 and do not block or obstruct the street and footpath.
3. Applicant to ensure all times the tables are suitably staffed, and the proposed outdoor area to be table service only.
4. No smoking is permitted within or surrounding the alfresco area.
5. A maximum of 2 customers per table at any one time.
6. The proposed outdoor seating and tables to be removed from the street by 5.00pm.
7. The proposed bi-fold windows to be shut after 5.00pm.
8. Bi-fold windows to be frameless sliding glass windows to the satisfaction of the Chief Executive Officer.
9. No portable 'A' frame signage is approved as part of this application. The applicant to remove all 'A' frame signs, including the current large 'A' frame signage board located on George Street. No 'A' frame signage is to be located on George Street or Hubble Street.
10. The blackboard to be a maximum height of 1 metres and a maximum width of 1 metres. The blackboard to be affixed to the building so as not detract from the heritage value of the building, or impact upon the structural integrity of the building, or materially alter the appearance or condition of the buildings structure once removed from that structure.
11. 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.
12. The pavement associated with the outdoor seating 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.
13. The hours of operation for the business to be:
Monday 7am – 10pm
Tuesday 7am – 10pm
Wednesday 7am – 12am
Thursday 7am – 12am
Friday 7am – 12am
Saturday 7am – 12am
Sunday 7am – 10pm
14. The proposed behold windows are to be constructed in conformity with the 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 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 works are not to be commenced until Council has received an application for, and issued, a permit under Division 3 of the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.
18. Applicant to ensure at all times the use of the outdoor tables and chairs and related service complies with *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*.
19. The facility is to be conducted with and as an extension of food premises which are registered in accordance with the Health Act 1911.
20. Users of the facility shall have access to proper and sufficient sanitary conveniences.
21. The eating area is to be kept in a clean and tidy condition at all times.
22. The tables, chairs and other structures in the eating area are to be in a good, clean and serviceable condition at all times.
23. At least 1.8 metres of clear footpath is required in order to ensure sufficient pedestrian access. An area adjoining the proposed alfresco area is to be clearly demarcated at the expense of the applicant, to ensure at all times patrons stay

within the alfresco area. This is to be undertaken to the satisfaction of the Chief Executive Officer.

24. Arrangements being made in respect of public liability insurance of not less than \$10,000,000 to the satisfaction of the Chief Executive Officer.
25. Applicant is required to pay an initial application fee of \$259.00 and an additional annual fee of \$27 per m² for the use of the alfresco area.

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).*

Ms Judy Semple, Mr Owen Ritson, Ms Jodie Payne, Ms Julie McCallum, Brian Toole & Anne Machin (residents of Hubble Street) addressed the meeting objecting to the proposed development on numerous grounds including the following:

- Dramatic increase in operation hours since its inception
- Noise impact of bifold windows, given existing noise is contained behind closed doors.
- Pedestrian obstruction of tables and chairs and A frame signs
- Increased traffic hazard travelling through the Hubble/George Street intersection given existing situation of parked cars and the introduction of tables and chairs and signage
- Children's exposure to the consumption of alcohol given the kindergarten and park opposite
- Increased noise with the longer operating hours
- Risk that smokers will be forced further down Hubble Street given the installation of tables and chairs.

Ms Kitty Usher (owner) addressed the meeting in support of the proposal and sought support for the time of removal of the outdoor tables and chairs and closing of bifold windows to be amended to 8pm.

Cr de Jong – Cr McPhail

That Council approve planning permission for 10 outdoor seats, bi-fold door and a formalisation of trading hours 48 (Lot 300) George Street, in accordance with the plans date stamp received on 16 August and 1 November 2013, subject to the following conditions:

- 1. The subject lot including associated outdoor seating not to exceed 100 patrons at any one time on the premises.*
- 2. Applicant to ensure that at all times the location of the proposed tables and chairs to be situated on George Street and Hubble Street are in accordance with the plan date stamped 1 November 2013 and do not block or obstruct the street and footpath.*
- 3. Applicant to ensure all times the tables are suitably staffed, and the proposed outdoor area to be table service only.*
- 4. No smoking is permitted within or surrounding the alfresco area.*
- 5. A maximum of 2 customers per table at any one time.*
- 6. The proposed outdoor seating and tables to be removed from the street by 8.00pm.*
- 7. The proposed bi-fold windows to be shut after 8.00pm.*
- 8. Bi-fold windows to be frameless sliding glass windows to the satisfaction of the Chief Executive Officer.*
- 9. No portable 'A' frame signage is approved as part of this application. The applicant to remove all 'A' frames signs, including the current large 'A' frame signage board*

- located on George Street. No 'A' frame signage is to be located on George Street or Hubble Street.
10. The blackboard to be a maximum height of 1 metres and a maximum width of 1 metres. The blackboard to be affixed to the building so as not detract from the heritage value of the building, or impact upon the structural integrity of the building, or materially alter the appearance or condition of the buildings structure once removed from that structure.
 11. 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.
 12. The pavement associated with the outdoor seating 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.
 13. The hours of operation for the business to be:
Monday 7am – 10pm
Tuesday 7am – 10pm
Wednesday 7am – 12am
Thursday 7am – 12am
Friday 7am – 12am
Saturday 7am – 12am
Sunday 7am – 10pm
 14. The proposed behold windows are to be constructed in conformity with the 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 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 works are not to be commenced until Council has received an application for, and issued, a permit under Division 3 of the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.
 18. Applicant to ensure at all times the use of the outdoor tables and chairs and related service complies with Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.
 19. The facility is to be conducted with and as an extension of food premises which are registered in accordance with the Health Act 1911.
 20. Users of the facility shall have access to proper and sufficient sanitary conveniences.
 21. The eating area is to be kept in a clean and tidy condition at all times.
 22. The tables, chairs and other structures in the eating area are to be in a good, clean and serviceable condition at all times.
 23. At least 1.8 metres of clear footpath is required in order to ensure sufficient pedestrian access. An area adjoining the proposed alfresco area is to be clearly demarcated at the expense of the applicant, to ensure at all times patrons stay within the alfresco area. This is to be undertaken to the satisfaction of the Chief Executive Officer.
 24. Arrangements being made in respect of public liability insurance of not less than \$10,000,000 to the satisfaction of the Chief Executive Officer.
 25. Applicant is required to pay an initial application fee of \$259.00 and an additional annual fee of \$27 per m² for the use of the alfresco area.

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.

5 November 2013

MINUTES

- (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).*

Amendment

Cr Martin - Cr Collinson

That Condition 8 be amended to read:

8. ***Bi-fold windows only to be installed on George Street frontage and to be frameless sliding glass windows to the satisfaction of the Chief Executive Officer.*** CARRIED

Amendment

Cr Rico – Mayor O’Neill

That the following condition be added to the motion:

26. ***The approval for the outdoor seating and bifold windows is for a trial period of 12 months.*** CARRIED

Amendment

Cr Collinson – Cr Rico

That “8.00pm” be replaced with “5.00pm” in Conditions 6 and 7 of the motion.

LOST ON THE CASTING VOTE OF THE PRESIDING MEMBER

The substantive motion was put.

RECOMMENDATION TO COUNCIL:

Cr de Jong – Cr McPhail

That Council approve planning permission for 10 outdoor seats, bi-fold door and a formalisation of trading hours 48 (Lot 300) George Street, in accordance with the plans date stamp received on 16 August and 1 November 2013, subject to the following conditions:

1. The subject lot including associated outdoor seating not to exceed 100 patrons at any one time on the premises.
2. Applicant to ensure that at all times the location of the proposed tables and chairs to be situated on George Street and Hubble Street are in accordance with the plan date stamped 1 November 2013 and do not block or obstruct the street and footpath.
3. Applicant to ensure all times the tables are suitably staffed, and the proposed outdoor area to be table service only.
4. No smoking is permitted within or surrounding the alfresco area.
5. A maximum of 2 customers per table at any one time.
6. The proposed outdoor seating and tables to be removed from the street by 8.00pm.
7. The proposed bi-fold windows to be shut after 8.00pm.
8. Bi-fold windows only to be installed on George Street frontage and to be frameless sliding glass windows to the satisfaction of the Chief Executive Officer.
9. No portable ‘A’ frame signage is approved as part of this application. The applicant to remove all ‘A’ frames signs, including the current large ‘A’ frame signage board located on George Street. No ‘A’ frame signage is to be located on George Street or Hubble Street.
10. The blackboard to be a maximum height of 1 metres and a maximum width of 1 metres. The blackboard to be affixed to the building so as not detract from the heritage value of the building, or impact upon the structural integrity of the building, or materially alter the appearance or condition of the buildings structure once removed from that structure.
11. 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.
12. The pavement associated with the outdoor seating 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.

13. The hours of operation for the business to be:
Monday 7am – 10pm
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14. The proposed behold windows are to be constructed in conformity with the 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 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.
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24. Arrangements being made in respect of public liability insurance of not less than \$10,000,000 to the satisfaction of the Chief Executive Officer.
25. Applicant is required to pay an initial application fee of \$259.00 and an additional annual fee of \$27 per m² for the use of the alfresco area.
26. The approval for the outdoor seating and bifold windows is for a trial period of 12 months.

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 5:1

T134.10 Habgood Street 14 (Lot 5012)
Applicant: Jeremy Falcke Designs
Owner: D & G Cirulis
Application No. P6/13

By Andrew Malone, Senior Town Planner on 17 October 2013

PURPOSE OF THIS REPORT

This report considers an application for amendments to a previously approved development application (P6/13) for additions and alterations to an existing dwelling at 14 (Lot 5012) Habgood Street, East Fremantle. The proposed development is recommended for approval subject to conditions.

BACKGROUND

Description of site

The subject site is:

- a 736m².
- zoned Residential 12.5.
- developed with a single two 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 : No impact
Footpath : No impact
Streetscape : Proposed roof will be amended to a flat roof (5°) located behind a parapet wall.

Documentation

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

Date Application Received

9 September 2013

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

6 December 2011 Application for approval for removal of asbestos roof and re-roof with 'Colorbond'. Approved under delegated authority.
5 March 2013 Council approve P6/13 (additions and alterations) and P7/13 (retrospective planning: retaining wall).

CONSULTATION

Advertising

The application was advertised to surrounding neighbours for a two week period between the 13 September 2013 and the 30 September 2013. The Planning Officer and Building Surveyor conducted a site visit at the request of the adjoining neighbour on 2 October 2013. At the close of advertising no submissions were received.

Town Planning Advisory Panel Comments

The application was considered by the Town Planning Advisory Panel at its meeting of 12 February 2013. The Panel's comments and applicant's and officer's responses are detailed below.

Panel Comment	Applicant Response	Officer Assessment
The Panel raised concerns over the breach of planning approval that resulted in the unauthorised removal of the Norfolk pine that was original to the location.	The Norfolk pine that was cut down off our property two years ago, please be advised that the reason the tree was cut down was that the tree's root system was causing damage to the sewerage and plumbing to the home and was also causing structural damage with cracks in the concrete slabs and walls of the home.	Council has already assessed 2 development applications prior to this application. The pine was considered too close to the dwelling to enable protection of the tree, therefore the tree was required to be removed. While the Panel's comments are noted that removal of the tree was not a condition of any previous approval.

Site Inspection

By Senior Town Planner on 2 October 2013.

ASSESSMENT**Town Planning Scheme No. 3 Assessment**

The proposal has been assessed against the provisions of Town Planning Scheme No. 3 (TPS3), the R-Codes and the Town's Local Planning Policies – Residential Design Guidelines (RDG). 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%	69%	A
6.4.2 Outdoor Living	N/A	32.7sqm	A
6.5 Car Parking	2	2	A
6.6 Site Works	Less than 500mm	500mm	A
6.9.1 Overshadowing	25%	N/A Lot northeast/ southwest orientated	A
6.9.2 Drainage	On-site	On-site	A

6.3 Boundary Setbacks

Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
Side (east)							
Ground/ Undercroft	Dwelling	6.4	16.3	N	2.1	1.5	D

**Note: All other setbacks are as previously approved or comply with the 'Deemed to Comply' provisions of the R-Codes.*

Local Planning Policies Assessment

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

Boundary Setback

The applicant is seeking Council discretion with regard to the setback requirements of the R-Codes and the Town's RDG for the proposed amendment to the previously approved balcony, which is now proposed to be a bedroom.

The development incorporates a side setback variation to the eastern boundary of 0.6 metres. The required setback is 2.1 metres. The proposed setback is 1.5 metres. 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.*

Side (east): the rear bedroom to the eastern boundary will not be visible from the street, therefore there is no impact to the street setback or streetscape.

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

The dwelling is not listed on the Town's Municipal Inventory. The setbacks requiring Council discretion are to the side east (rear) of the proposed development. The building setback does not adversely affect its visual presence to the streetscape or the character of the dwelling.

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

The proposed eastern side setback is a bedroom and is located off the existing ground floor at street level. The proposed bedroom will be set back from the boundary in line with the existing dwelling and is incorporated into the built form of the previously approved development. The proposed amendments, including the variation to the setback requirements are considered not to significantly impact on the dwelling, the adjoining neighbour to the east or the streetscape.

It is considered the reduced setback does not impact on the adjoining neighbour with regard to visual privacy or building bulk. The overall height of the dwelling complies with Council's Policy requirements with regard to concealed roof height.

The proposed setback variation to the bedroom is consistent with the existing side setbacks and is complementary to the dwelling and to the streetscape. It is therefore considered the proposal can be supported by Council.

Roof Form

The Performance Criteria Provisions for Element 3.7.8 of the RDG for the Richmond Hill Precinct states:

P5 *Roof forms not to be restricted to traditional roof forms. Roof forms are to not adversely affect the immediate locality.*

The proposed reroofing of the dwelling introduces a contemporary flat roof design with a 5° roof pitch. The proposed roof is considered will complement the proposed

amendments to the existing dwelling. The proposal is also considered to complement the streetscape.

The roof form is considered not to impact on the character of the area and is considered can be supported by Council.

CONCLUSION

The applicant is seeking Council discretion primarily with regard to building setback from the side setback and roof form. As discussed above these minor variations are offset by the design of the additions and the single storey presentation to the streetscape.

It is considered the proposed development will not impact on the amenity of the streetscape or on the amenity of the neighbouring properties. Based on this it is considered the proposal merits approval subject to appropriate and standard conditions.

RECOMMENDATION

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

(a) variation to the setback requirements of the side setback (north eastern elevation) – required setback 2.1 metres. Proposed setback 1.5 metres;

(b) Element 3.7.8 of the Residential Design Guidelines – Roof Form 5°.

for two storey amended additions and alterations to existing planning approvals P6/13 at 14 (Lot 5012) Habgood Street, East Fremantle, in accordance with the plans date stamp received on 9 September 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 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 previous conditions of this planning approval (P6/13).
3. 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.
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. 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.
6. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
7. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
8. If requested by Council within the first two years following installation, the zincalume roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.

9. 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".*

Cr de Jong – Cr Collinson

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

- (a) variation to the setback requirements of the side setback (north eastern elevation) –required setback 2.1 metres. Proposed setback 1.5 metres;**
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for two storey amended additions and alterations to existing planning approvals P6/13 at 14 (Lot 5012) Habgood Street, East Fremantle, in accordance with the plans date stamp received on 9 September 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 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 previous conditions of this planning approval (P6/13).**
- 3. 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.**
- 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. 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.
6. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
 7. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
 8. If requested by Council within the first two years following installation, the zincalume roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
 9. 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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- (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 6:0

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 McPhail made the following impartiality declaration in the matter of 27 Angwin Street: "As a consequence of one of the objectors being a long term family friend and neighbour, 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".

T134.11 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 21 October 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 minor alteration to existing ground floor and proposed guest/ study and associated bathroom at first floor. The previous application was considered by the Committee on 2 July 2013 and the Committee acting under delegated authority resolved the following:

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

The following amendments have been made following the Committee's resolution:

- The setback increased to the northern (Surbiton Road) boundary to comply with the required setback.
- Location of the upper floor altered so the wall height complies with the required maximum wall height (the ridge is still significantly under the maximum allowable roof height).
- The roof of the proposed addition has been redesigned to minimise the impact of the roof shape on views from the residences to the east of the subject lot. This has been achieved by splitting the roof into two parts to minimise the ridge heights and also orientating the ridges of the roofs in an east-west direction to maximise view corridors between and to either side of the roofs.
- The roof changes also orientate the roof gables to Angwin Street. The gable detail, window proportions and materials will be consistent with the existing house serving to continue the elevational treatment of the Surbiton Road frontage, which the house currently addresses, around to the Angwin Street frontage.

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.
Plans and relevant forms date stamp received on 06 September 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:
- (a) *“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,*
 - (b) *that the road and easement as described in (a) be used for access only, and not for parking of any type of vehicle.*
 - (c) *any improvements to the road and easement be subject to Council’s approval, and any other public authority.*
- Council’s Town Planner is of the opinion that:*
- *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.*
 - *Council may require a fee for the granting of any easement.*
- 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 setback for a secondary street for erection of a laundry, garage and studio at 27 Angwin Street;
16 October 1995:	Building Permit issued for the laundry, garage and studio;
15 February 2005:	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.
2 July 2013	Committee acting under delegated authority resolved to defer the application for alterations/additions 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.

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
<p>We welcome the revised application submitted by the owner of 27 Angwin Street.</p> <p>We seek that Council abides by its current Town Planning Scheme and associated setback, height and amenity requirements in considering this application.</p>	<p>We have made significant amendments to the original proposal to address previous concerns expressed by them and the current proposal complies with all requirements of the Town Planning Scheme.</p>	<p>This application has been assessed as per the relevant Town Planning Scheme requirements and against the Residential Design Guideline requirements. The proposed addition is considered to comply with the Acceptable Development Provisions of the Guidelines and therefore is recommended for approval.</p>

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.*

This application was not reconsidered by the Panel, as the proposed development has been further brought into compliance with the Deemed to Comply provisions of the R-Codes and with Council Policies. The proposed amendments are considered to improve streetscape and residential amenity within the area.

Site Inspection

By Senior Town Planner on 20 June 2013 and 21 October 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
Open Space	55%	As existng	A
Outdoor Living	30sqm	As existng	A
Car Parking	2	As existng	A
Site Works	Less than 500mm	As existng	A
Overshadowing	25%	20%	A
Drainage	On-site	On-site	A

Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
Front (east)							
Ground	As Existing						
Upper	Bathroom	4.1	3.8	N	7.5	7.5	A
Side (north)							
Ground	As Existing						
Upper	Study/ Guest	5.6	4.9	Y	2.8	3.5	A
Side (south)							
Ground	As Existing						
Upper	Dwelling	4.8	7.3	N	1.2	2.0	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	A
3.7.8 Roof Form and Pitch	A
3.7.9 Materials and Colours	A
3.7.10 Landscaping	A
3.7.11 Front Fences	N/A
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	N/A
3.7.15-20 Precinct Requirements	A

DISCUSSION

It is considered the proposed additions and alterations are designed to be compatible with the existing dwelling and are consistent with the adjoining developments scale and setback.

Significant amendments to the original proposal have been undertaken by the applicant, thereby addressing previous concerns expressed by the adjoining neighbour. The proposed design outcome has maximised the view corridors through the subject lot and maintains and protects the adjoining neighbour amenity. The proposed development has minimal impact to the streetscape. The proposed additions and alterations are fully compliant with the 'Deemed to Comply' Provisions of the R-Codes and the Acceptable Development Provisions Town's Residential Design Guidelines.

Based on the above, it is considered the amended proposal merits approval subject to appropriate conditions.

RECOMMENDATION

That Council approve the development application 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 06 September 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”.

Cr Rico – Cr Martin

That Council approve the development application 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 06 September 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 6:0

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.

T134.12 34 View Terrace (Lot 267) – SAT

The following memo prepared by the Senior Town Planner was considered:

The proposed development is for the demolition of an existing dwelling and proposed two storey (three storeys to the rear) dwelling at 34 (Lot 267) View Terrace, East Fremantle. The proposed demolition and construction of the dwelling was refused.

At the Town Planning and Building Committee held on 6 August 2013 the Committee members resolved:

That the application for the proposed demolition of the existing dwelling and construction of a three storey new dwelling at 34 (Lot 267) View Terrace, East Fremantle as described on the plans date stamped received 10 July 2013 be refused for the following reasons:

1. *The proposed development does not comply with the requirements of the Acceptable Development Criteria or Performance Criteria of the Local Planning Policy Residential Design Guidelines as listed:*
 - 3.7.4 Site Works
 - 3.7.6 Construction of New buildings
 - 3.7.7 Building Setbacks and Orientation
 - 3.7.15 Precinct Requirements
 - Building Height, Form, Scale and Bulk
2. *The proposed development does not comply with the following requirements of the Town Planning Scheme No.3:*
 - *The proposed development conflicts with the provisions of the Town of East Fremantle Town Planning Scheme No. 3 Clause 10.2 (c), (g), (o), and (p) because it would detrimentally impact upon the amenity of the area and adjoining neighbours.*
3. *The proposed development does not comply with the orderly and proper planning of the area consistent with the objectives for the residential zone identified in Clause 4.2 of the Town Planning Scheme No. 3.* CARRIED 4:0

This decision was subsequently appealed to the State Administrative Tribunal (SAT). Pursuant to that appeal, an initial on-site mediation hearing was held before Senior Sessional Member Ross Easton on 14 October 2013.

Revised plans have been prepared by the applicant for discussion at a further mediation to be held at 10am on Friday 8 November 2013. The applicant has addressed some of the variations outlined in the initial assessment.

With respect to the further mediation, SAT Senior Sessional Member Mr Easton has made the following Order:

The Mayor of the respondent is invited to attend and/ or nominate one or more councillors and/ or chief executive officer of the respondent to attend the mediation.

The mediation will be held on-site at 34 View Terrace at 10am on Friday 8 November 2013, and has been scheduled for a duration of 3 hours.

I will list this issue as an item of business at the next Town Planning and Building Committee meeting, in the event you wish to clarify which Elected Members are to attend.

Mayor O'Neill and Crs Rico and Martin undertook to advise Council staff whether they would be available to attend the on-site mediation.

T135. REPORTS OF OFFICERS – STRATEGIC PLANNING

T135.1 George Street Access and Parking Management Plan B/PGS5 *By Jamie Douglas, Manager Planning Services on 23 October 2013*

PURPOSE:

This report provides information on the Communication Action Plan to support the implementation of the George Street Access and Parking Management Plan works program. It is recommended that the report be received.

BACKGROUND:

At its meeting on 16 July 2013 Council resolved the following:

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.*

DISCUSSION:

Council endorsed a Program of Works at its August meeting containing the following principal elements:

- distribution of a local TravelSmart leaflet to businesses, residents and visitors to the area;
- the installation of 11 additional parking spaces on Duke Street and St Peters Road;
- the installation of a speed hump at the northern end of King Street;
- improved lighting on George Street; wayfinding signage for cyclists and pedestrians to/from the East Fremantle town centre;
- further analysis of the intersections at East Street/George Street and East Street/Canning Highway;
- provide advice regarding the parking permit system on the ToEF website, including links to Transperth/TravelSmart; and
- relocation of the existing cycle parking.

Works are expected to commence in late 2013 and will continue until mid 2016. The following Communications Plan will be implemented to advise of the outcomes of the Management Plan and inform residents of the various activities which will be undertaken. Further specific consultation is proposed with the potentially impacted residents in regard to the proposed speed hump on King Street. The material which has been prepared in support of the Communication Plan is attached for information.

REQ UIRE MEN TS	PROPO SED COMMU NICATI ONS ACTIVIT IES	TAR GET STAK EHO LDER S	TIME FRA ME
<p>Outcomes of George Street Parking and Access Plan – background, need, outcomes, key works, timeframes, contact information</p>	<p>Flyer production – copywriting, design (including two rounds of authors’alts) and print 1500 copies, print and design management</p> <p>Direct mail (cover letter, flyer and postage)</p> <p>Letter drop (cover letter with flyer)</p> <p>Contact lines – dedicated contact email and phone numbers</p> <p>Media release – preparation and distribution (<i>not reactive media</i>)</p> <p>Web copy for ToEF website</p>	<p>All</p> <p>Plympton community including any businesses not covered in the letterdrop (1104)</p> <p>Local businesses in the precinct (<i>Estimate 40</i>)</p> <p>All</p> <p>All</p> <p>All</p> <p>All</p>	<p>Post 25/10/13</p> <p>25/10/13</p> <p>28/10/13</p> <p>Immediate</p>
<p>Distribution of TravelSmart leaflet – including distribution of 200 hard copies of the flyer, and links and copy for ToEF website</p>	<p>Sourcing flyers, distribution to / liaison with George Street businesses</p> <p>Web copy for ToEF website</p>	<p>George Street businesses</p> <p>All</p>	<p>Awaiting new print run of TravelSmart brochures by City of Fremantle – anticipated availability November 2013</p>
<p>Advice of ToEF residential parking scheme and provide latest information on the Council's website</p>	<p>Web copy for ToEF website (including Residential Parking Scheme and works flyer to the publications page)</p>	<p>All</p>	<p>Immediate</p>
<p>King Street Speed Plateau</p>	<p>Pre-works consultation –<i>refer separate strategy</i></p>	<p>Residents directly impacted by installation and placement of speed plateau on King Street (north)</p>	<p>25/10/13</p>

<p>King Street Speed Plateau</p>	<p>Works communications – <i>refer separate strategy</i></p>	<p>Residents directly impacted by installation and placement of speed plateau on King Street (north)</p> <p>Local community</p>	<p>TBC – post consultation period in early October 2013</p>
<p>Relocation of cycle parking</p>	<p>Letter detailing works plans, commencement details, timeframes, contact information</p> <p>Letter to cycling groups in the Fremantle and East Fremantle areas regarding changes</p> <p>Newsletter and/or web copy for circulation to their members</p> <p>Posters (or similar) located at existing cycle parking notifying cyclists and others of upcoming changes</p> <p>Web copy for ToEF website</p>	<p>Business</p> <p>Cyclists, including cycling groups, particularly those in the local and surrounding area/s</p> <p>Local community</p>	<p>Late 2013</p>

Signage installation – including wayfinding signage and street guide maps	Letter detailing works plans, commencement details, timeframes, contact information Media release – new wayfinding signage, guide maps installed Letter to Fremantle Visitor Centre and other tourism outlets outlining new signage locations Web copy for ToEF website	Directly impacted stakeholders Tourism groups Tourists/visitors Local community	TBA
Lighting upgrades – to George Street lighting, installation of new lighting facilities	Letter detailing works plans, commencement details, timeframes, contact information Media release – new lighting works commence/completed Web copy for ToEF website	Directly impacted stakeholders including businesses Local community	2014/15
Additional parking bays – on Duke Street and St Peters Road, and on Silas Street and Council Place	To be determined when more information is known		TBA – long term project
Intersection upgrades – George Street/East Street and East Street/Canning Highway	To be determined when more information is known		TBA – long term project

RECOMMENDATION:

It is recommended that the report be received.

Cr Collinson drew attention to the date (7 November 2013) indicated for the return of the King Street survey which would require amendment.

Cr Martin drew attention to the timeframes listed in red which would also require amendment.

Cr Martin also queried whether, as per a previous Council resolution, that residents who did not have off street parking had been written to, informing them of Council's residential parking scheme.

Cr Martin – Cr Collinson

That an updated report including:

- amended time frames
 - information on what communications had taken place with those residents who had no off street parking, about Council's residential parking scheme
 - clarification of proposed bicycle parking
- be provided to the Council Meeting on 19 November 2013.**

CARRIED

T135.2***Parking Investigation Town Centre***

By Jamie Douglas, Manager Planning Services on 17 October 2013

PURPOSE:

This report assess parking provisions in the Town Centre and makes recommendations in respect to implementation of timed parking in the Town Centre.

BACKGROUND:

At it's meeting on 16 July 2013 Council resolved the following

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.

It has not been possible to prepare the requested report for the September round of meetings because the Manager Town Planning fulfilled the role as Acting Chief Executive Officer during August, was on annual leave in September and had been asked to give priority to the initiation of a project to review the Municipal Inventory. However a situation analysis has now been completed and this report prepared for consideration in the November round of meetings.

It is understood the request from Council was motivated in part by concerns of some May Street residents regarding non-resident parking in this street and the possible impact on parking demand arising from the recent approval for a multiple dwelling development on May Street and to lesser extent the Town Centre redevelopment occurring at 147 Canning Highway (Richmond Quarter).

Analysis of Existing Situation:

The existing parking provisions are described in the attached Figure 1 and the following table:

OFF STREET PARKING		
MAP REF NO /LOCATION	NO. OF BAYS	AVERAGE OCCUPANCY*
1 /Town Hall Car Park	40	25%
2/Richmond Quarter site	42	25%
3/ Richmond Quarter site	35	75%
4/ Richmond Quarter Site Silas Street	14	60%
5/ Reciprocal rights Richmond Quarter, Supermarket & other tenants	16 incl. 3 disabled bays	80%
6 / Cnr. May and Canning Highway	20	85%

7/ Rear of supermarket off May Street	10	40%	This car park is poorly maintained and bays are not line marked, time unlimited. Because of the unregulated parking potential conflicts may exist with delivery vehicle access at times. There is no shade and the area is visually unattractive, resurfacing and line marking would greatly improve capacity and usage, These bays subject to reciprocal parking rights accordingly management would require consent of all affected landowners
8/ Potential multiple dwelling site, May Street	4	50%	An approval has been granted for a multi-residential development on this site accordingly the current bays will be lost to general public parking
9/ Vacant Lot May Street	11	70%	Some shade, ill defined bays, this is a popular all day parking location possibly for staff in nearby business and commuters. Time unlimited.
10/ Silas Street Medical Centre Car Park	15	90%	This is a newly developed car park with well defined bays, clients and staff of medical centre, not time limited.
ON STREET PARKING			
Council Place	21 (approx)	30%	There is no line marking designating bays. Yellow lines restrict curb side parking to southern end. Efficiency and capacity would be improved by line marking of bays and time limited to 3 hours.
Silas Street	12	85%	There are 7 time unlimited spaces and 5 fifteen minute limited spaces. While bays adjacent to Silas Dentistry and adjoining businesses are marked for customer parking, time limitation to 2 hours may improve efficiency
May Street	23	80%	One space near the Highway intersection is marked for 5 minute parking all other spaces are time unlimited. Commercial land uses address May Street to its junction with St Peters Road, these businesses have on site parking. It is probable long term commuter parking occurs in this area. There is limited evidence of commercial parking occurring along residential frontages at this time.

POTENTIAL TEMPORARY CARPARK

A/ Off Council Place	35	The developer of Richmond Quarter has applied to Main Roads WA to lease an area adjacent to the Stirling Highway as a temporary car park for construction workers. The proposed use will be subject to the consent of Council. It is proposed that existing mature trees and landscaping will be retained and that access will be via a cross over developed off the existing driveway south of Dovenby House. The planning application has yet to be made to Council

Average Occupancy – Surveys were conducted on 3 separate days during a working week, in the morning, mid-day and afternoon during business hours. The average

occupancy is the percentage of each car park which was occupied, averaged over the three surveys.

Consideration:

- Management in off street car parks
It is apparent from the visual surveys that there currently exists substantial excess capacity within the Town Centre sufficient to service the current short term parking demands. However it is evident that to a degree parking availability is being impacted by a proportion of 'all day' parking not directly associated with customers and clients of local businesses. This trend is evidenced by the continued occupancy level within Car Park 3 notwithstanding that shops and offices associated with this parking area have been demolished and demand accordingly should have substantially diminished. Car Park 6 also has a comparatively high occupancy level which appears not to be dependent upon nearby businesses notwithstanding the 3P signage which has been erected by the property owner.

The "Richmond Quarter" developers have written requesting Council advise of its interest in managing timed parking on their on- site car parks. The request was referred to the Senior Ranger who strongly advises that Council not enter into a proposed Private Parking Arrangement at this time (refer Attachment 1) due to lack of adequate resources available to provide a satisfactory level of service. Accordingly the developers have been advised that while Council supports management of timed parking in the subject car parks it is not able to assist in their management, unless the owners were to fund the additional staff required. A number of alternative options have been suggested to the developers for self managed parking. Should "Richmond Quarter" implement management of its onsite car parks by private contractors, the opportunity exists to include car park 6 and 7 within this management regime subject to the participation of the respective property owners.

The "Richmond Quarter" developers are attempting to address temporary parking demand during the construction phase by leasing an area adjacent to the Stirling Highway (see Area A) They have also applied to Council to lease up to a dozen spaces within the Town Hall car park. This request is under active consideration at this time. It is anticipated that these measures along with a substantial proportion of the existing 91 on site bays will be sufficient to accommodate the probable temporary demand during construction.

The poor condition and irregular unmarked parking pattern in car park 7 – to the rear of the supermarket has been noted. It is recommended that the property owners be requested to upgrade this parking area. To this end it is noted that Schedule 11 of Town Planning Scheme contains specifications for car parking bays and manoeuvring areas. Accordingly the owners should be requested to maintain their car parking areas in compliance with these specifications.

- Management of on- street car spaces
During the redevelopment phase of the shopping centre (Richmond Quarter development) parking patterns will be 'temporary' therefore any parking management provisions should not be considered as a permanent solution at this time. The situation should be monitored and incremental changes made as required when the post development impacts are evident.

The introduction of time limited on-street parking throughout the Town Centre may tend to push long term parkers further into residential streets which would be counter to Council's aims in this regard and may lead to Council offering resident parking permits in some areas. However the application of resident only parking arrangements can be restrictive even for residents (eg limiting parking for their visitors) and thus any such restrictions may not be warmly received by all residents. Accordingly the following recommendations are made with the aim of improving the functionality of existing car spaces without substantially restricting on-street parking opportunities in the Town Centre Streets at this time:

- On- street parking capacity in Council Place would be improved if car bays were line marked. Current usage does not support time limited parking at this time.
- Silas Street road reserve north of St Peters Road – currently 6 spaces have 15 minute parking restrictions the balance of the spaces have no formal parking time restrictions. The existing 15 minute restrictions do not allow sufficient time for the majority of shopping trips or visits to nearby professional practices and are difficult to effectively administer. It is considered that 2 hour parking for all spaces within this section of Silas Street would allow sufficient time for people to access adjacent businesses/ medical consultants/ hairdressers etc. and conduct supermarket shopping. It would also be more practical to enforce although this may require some additional ranger resources. Relevant commercial operators in Silas Street should be consulted regarding this proposal and the matter would then be referred to Council for decision.
- May Street between Canning Highway and St Peters Road is not time limited, existing line marking is worn and does not extend along both curbs to the junction with St Peters Road. It is proposed that car bays should be re-line marked and laid out to maximise available spaces. It is not proposed to apply time limited parking (beyond the 1 space with a 5 minute restriction) at this time. The reasons being that existing commercial parking does not appear to be “bleeding” into residential fronted curb space to any great extent at this time. Introducing time limitations within the commercially fronted curb space may tend to push long term parkers into residential areas. Any individual residential property owners who are experiencing problems can currently apply for a residential parking permit under Council’s Parking Local Laws.

CONCLUSIONS:

There is adequate parking capacity at this time in the Town Centre.

Greater efficiency in the use of available on-street car spaces can be achieved by improved line marking in May Street north of the St Peters Road and in Council Place. Consideration should be given to the introduction of 2 hour parking restrictions for all spaces in the Silas Street road reserve following consultation with relevant commercial tenants.

The broader application of time limited parking in May Street will most probably negatively impact upon nearby residences in May Street unless resident parking restrictions were also applied.

Land owners should be encouraged to apply time restricted parking in their on- site car parks by private contractors (or other options).

It is considered that parking in the Town Centre should continue to be monitored during the construction period for the “Richmond Quarter” and that a comprehensive review be undertaken once tenancies are trading.

RECOMMENDATION:

It is recommended this report be received and that:

1. line marking be undertaken in May Street north of the St Peters Road junction and in Council Place to clearly delineate curb side parking spaces.
2. land owners be encouraged to apply time restricted parking in their on- site car parks by private contractors (or other options).
3. Council consider the introduction of 2 hour parking restrictions for all spaces in the Silas Street road reserve following consultation with relevant commercial tenants.
4. residents within the vicinity of the Town Centre be advised of this report and the actions being undertaken.

RECOMMENDATION TO COUNCIL

Cr Collinson – Cr de Jong

That this report be received and that:

1. line marking be undertaken in May Street north of the St Peters Road junction and in Council Place to clearly delineate curb side parking spaces.
2. land owners be encouraged to apply time restricted parking in their on- site car parks by private contractors (or other options).
3. Council consider the introduction of 2 hour parking restrictions for all spaces in the Silas Street road reserve following consultation with relevant commercial tenants.
4. residents within the vicinity of the Town Centre be advised of this report and the actions being undertaken. CARRIED

T136. CONFIDENTIAL BUSINESS
Nil.

T137. URGENT BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING
Nil.

T138. CLOSURE OF MEETING
There being no further business the meeting closed at 9.55pm.

*I hereby certify that the Minutes of the meeting of the **Town Planning & Building Committee** of the Town of East Fremantle, held on **5 November 2013**, Minute Book reference **T125. to T138.** were confirmed at the meeting of the Committee on*

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Presiding Member