



Town Planning & Building Committee

**6 August 2013
6.30pm**

MINUTES

MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 6 AUGUST, 2013 COMMENCING AT 6.30PM.

T83. OPENING OF MEETING

T83.1 Present

T84. ELECTION OF PRESIDING MEMBER

T85. ACKNOWLEDGEMENT OF COUNTRY

T86. WELCOME TO GALLERY

T87. APOLOGIES

T88. CONFIRMATION OF MINUTES

T88.1 Town Planning & Building Committee – 2 July 2013

T89. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

T89.1 Oakover Street No. 80 (Lot 313)

T89.2 Canning Highway No. 155 (Shop 19)

T89.3 View Terrace No. 34 (Lot 267)

T90. REPORTS OF COMMITTEES

T90.1 Town Planning Advisory Panel – 9 July 2013

T91. REPORTS OF OFFICERS - STATUTORY PLANING/DEVELOPMENT CONTROL

T91.1 Receipt of Reports

T91.2 Order of Business

*T91.3 Dalgety Street No. 75 (Lot 80)
Applicant: N Ferraro
Owner: N Ferraro
Application No. P75/2013*

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*T91.4 Wolsely Road No. 26 (Lot 9)
Applicant: Softwoods Timberyards P/L
Owner: D Notte
Application No. P68/13*

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*T91.5 Fletcher Street No. 9 (Lot 351)
Applicant: The Drawing Room
Owner: J Martin
Application No. P82/13*

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T91.6	<i>View Terrace No. 34 (Lot 267) Applicant: Giorgi Exclusive Homes Owner: T & M Buhagiar Application No. P56/13</i>	<i>Page 19 Agenda Ref. 9.9</i>
T91.7	<i>Munro Street No. 1 (Lot 5058) Applicant/Owner: Reginald Rowley Application No. P86/13</i>	<i>Page 27 Agenda Ref. 9.2</i>
T91.8	<i>Allen Street No. 20 (Lot 42) Applicant/Owner: J & S Brown Application No. P45/13</i>	<i>Page 32 Agenda Ref. 9.4</i>
T91.9	<i>Irwin Street No. 6, Unit 1 (Lot 1/SP11727) Applicant: J & M Calder Owner: J & M Calder Application No. P76/13</i>	<i>Page 38 Agenda Ref. 9.5</i>
T91.10	<i>Oakover Street No. 80 (Lot 313) Applicant/Owner: D McKenna & M Kenny Application No. P74/13</i>	<i>Page 45 Agenda Ref. 9.6</i>
T91.11	<i>Osborne Road No. 51 (Lot 10) Applicant: Summit Homes Group P/L Owner: D & B Marciano Application No. P73/13</i>	<i>Page 51 Agenda Ref. 9.7</i>
T91.12	<i>Canning Highway No. 155 (Shop 19) Applicant: Masterplanners Owner: Adam Parker & Jackson Harwood Application No. P89/2013</i>	<i>Page 58 Agenda Ref. 9.10</i>
T92.	REPORTS OF OFFICERS – STRATEGIC PLANNING	
T92.1	<i>East Fremantle Oval Recreation Precinct Community Reference Group – Update</i>	<i>Page 63 Agenda Ref. 10.1</i>
T92.2	<i>George Street Access and Parking Management Plan</i>	<i>Page 63 Agenda Ref. 10.2</i>
T92.3	<i>Review of Residential Design Codes</i>	<i>Page 65 Agenda Ref. 10.3</i>
T93.	CONFIDENTIAL BUSINESS	
T94.	URGENT BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING	
T94.1	<i>Heritage Review</i>	
T95.	CLOSURE OF MEETING	

MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 6 AUGUST, 2013 COMMENCING AT 6.30PM.

T83. OPENING OF MEETING

The Manager – Planning Services, Mr Jamie Douglas, opened the meeting and advised that as Cr Wilson was an apology for this evening's meeting, nominations would be called for Presiding Member. Mr Douglas introduced elected members and staff to the gallery.

T83.1 Present

Cr Cliff Collinson	Presiding Member
Cr Siân Martin	
Cr Dean Nardi	
Cr Maria Rico	
Mr Jamie Douglas	Manager – Planning Services
Mr Andrew Malone	Senior Town Planner
Ms Janine May	Minute Secretary

T84. ELECTION OF PRESIDING MEMBER

The Manager – Planning Services, Mr Jamie Douglas, called for nominations for the position of Presiding Member in the absence of Cr Wilson.

Cr Nardi nominated Cr Collinson who accepted the nomination. In the absence of any further nominations, Cr Collinson was elected Presiding Member.

Cr Collinson assumed the chair.

T85. 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.”

T86. WELCOME TO GALLERY

There were 16 members of the public in the gallery at the commencement of the meeting.

T87. APOLOGIES

Cr Barry de Jong
Cr Alex Wilson

T88. CONFIRMATION OF MINUTES

T88.1 Town Planning & Building Committee – 2 July 2013

Cr Nardi – Cr Rico

That the Town Planning & Building Committee minutes dated 2 July 2013 be confirmed. CARRIED

T89. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

T89.1 Oakover Street No. 80 (Lot 313)

D McKenna: Advising that the owners supported the condition requiring the proposed roof being tiled in lieu of colorbond.

Cr Rico – Cr Nardi

That the correspondence be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref T91.10). CARRIED

6 August 2013

MINUTES

T89.2 Canning Highway No. 155 (Shop 19)
Mr Jeremy Thomas of Masterplanners: Providing revised external glazing graphic changes.

Cr Rico – Cr Nardi

That the correspondence be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref T91.12). CARRIED

T89.3 View Terrace No. 34 (Lot 267)

Ms Nella Mule: Advising that she was unable to attend tonight's meeting, however wished to express concern regarding a number of aspects of the proposed development including the bulk, scale and height of the development and the adverse effect of dust and vibration during construction.

Cr Rico – Cr Nardi

That the correspondence be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref T91.6). CARRIED

T90. REPORTS OF COMMITTEES

T90.1 Town Planning Advisory Panel – 9 July 2013

Cr Rico – Cr Nardi

That the minutes of the Town Planning Advisory Panel meeting held on 9 July 2013 be received and each item considered when the relevant development application is being discussed. CARRIED

T91. REPORTS OF OFFICERS - STATUTORY PLANING/DEVELOPMENT CONTROL

T91.1 Receipt of Reports

Cr Nardi – Cr Martin

That the Reports of Officers be received. CARRIED

T91.2 Order of Business

Cr Nardi – Cr Rico

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

T91.3 Dalgety Street No. 75 (Lot 80)

Applicant: N Ferraro

Owner: N Ferraro

Application No. P75/2013

By Jamie Douglas, Manager Planning Services on 2 July 2013

PURPOSE OF THIS REPORT

The report considers an application for planning approval for an outbuilding in the rear garden area of a house at 75 Dalgety Street. The application is recommended for approval.

BACKGROUND

Description of Proposal

The application is for a free standing metal framed and clad garden shed. The building is in the same location as a garden shed which has been demolished.

Statutory Considerations

Town Planning Scheme No. 3 -

R12.5 Residential Design Codes (RDC)

Relevant Council Policies

Local Planning Policy – Residential Design Guidelines Plympton Precinct

Impact on Public Domain

- Tree in verge : No impact
- Light pole : No impact
- Crossover : No impact
- Footpath : No impact
- Streetscape : No impact

Documentation

Plans and relevant forms date stamp received on 28 May 2013

Date Application Received

28 May 2013

CONSULTATION

Adjoining neighbours were consulted and the neighbour adjacent to the proposed shed at 73A Dalgety Street has lodged the following objection which is summarised below along with the applicant’s response and planning consideration.

Submission	Applicant Response	Consideration
<p><i>Karine & Ronald Lucas 73A Dalgety Street</i></p> <p>Object to replacement structure which is 8m long and 3m high and as such is bigger and higher than previous shed.</p>	<p>The proposed development is for a 3.5m wide by 6m long garden shed with a 3.5m by 2m lean-to. The proposed shed and lean-to replace an existing shed and lean to. As you can see from the site plan submitted, the dimensions of the proposed shed and lean-to are the same as the existing. The proposed development does not increase the floor space of the property.</p>	<p>The objectors appear to be misinformed regarding the size of the shed. It is apparent from the plan that it has a similar footprint to the original shed. It may however be marginally higher at the roof pitch which is approximately 3m high.</p>
<p>The proposed shed will obstruct all natural light coming into our bedrooms/bathroom and inhibit natural cross ventilation.</p> <p>The proposal will impact the passive solar performance of our new home.</p>	<p>Being located on the southern side of the nearest neighbour there will be no impact on solar access.</p>	<p>The subject site is on the southern side of the objecting neighbour and there is a 1.8m high boundary fence and retaining wall along the intervening boundary which has just been constructed by the neighbour as part of their recent development. Accordingly it is considered the proposed shed will not impact natural light or ventilation to the neighbouring property</p>
<p>There are other opportunities for siting the shed on the large lot.</p>	<p>As you can see from the site plan the dimensions of the proposed shed and lean-to are the same as the existing. The proposed shed will replace and sit on the same site as the existing shed.</p>	<p>It is reasonable that the proposed structure be placed near the southern boundary of the lot in the same position as the previous shed.</p>

Site Inspection

By Manager, Planning Services on 2 July 2013.

REPORT

The proposed shed is in the rear garden area and unseen from the road. The structure is detached and substantially separated from the existing house. It is located on the site of a previously existing shed which it is to replace and will not impact upon streetscape values.

The structure will be sited 1.0m from the side boundary with the adjoining neighbour at 73A Dalgety Street. Accordingly the proposed structure is in compliance with Acceptable Development provisions of sec 6.3.2 (Boundary setback provisions) of the R-Codes.

The maximum ridge height of the proposed structure is 3.0m this is marginally higher than the flat roofed structure it replaces but still well within the 4.2m maximum allowable under the R-Codes. The proposed floor area is 21m² and there is another small outbuilding in the rear garden which has a floor area of 25m². The total floor area of the existing and proposed outbuildings is 46m² which is significantly less than the maximum of 60m² which is allowable under the R-Codes.

The proposed shed will be constructed of non reflective Colorbond and does not have any openings fronting the adjacent neighbour. Because of the orientation of the subject lot (to the south of the objecting neighbours) it will not overshadow neighbours. The shed has a similar footprint to the previous shed that existed at the time the objecting neighbour's house at 73A Dalgety Street was designed and constructed. The proposal is compliant with all relevant statutory provisions.

RECOMMENDATION

It is recommended that approval be granted for an outbuilding to be erected to the rear of a dwelling at 75 Dalgety Street, East Fremantle, in accordance with plans date stamp received on 28 May 2013, subject to the following conditions:

1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. 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.
3. 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.
4. 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.*
- (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).*

Mr Nicola Ferraro (owner) did not wish to address the meeting but advised that he supported the officer's recommendation.

Cr Nardi – Cr Rico

That approval be granted for an outbuilding to be erected to the rear of a dwelling at 75 Dalgety Street, East Fremantle, in accordance with plans date stamp received on 28 May 2013, subject to the following conditions:

1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. 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.
3. 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.
4. 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.*
- (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).*

CARRIED 4:0

Note:

As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 16 July 2013, this application is deemed determined, on behalf of Council, under delegated authority.

T91.4

Wolsely Road No. 26 (Lot 9)

Applicant: Softwoods Timberyards P/L

Owner: D Notte

Application No. P68/13

By Andrew Malone, Senior Town Planner on 14 June 2013

PURPOSE OF THIS REPORT

This report considers an application for planning approval for a single carport at 26 (Lot 9) Wolsely Road, East Fremantle. The subject site already has a double garage (albeit not marked on the submitted plans with crossover) and the proposed additional carport and crossover is recommended for refusal.

BACKGROUND

Following concerns submitted to Council in 2004 by neighbours regarding a business apparently operating from the abovementioned lot, the then owner (Mr Burt) was requested to make an application for a home occupation for an office for a landscape business which he was operating from his residence. Whilst inspecting the property, in assessing the application, it was noted by staff that the owner was parking a boat and trailer in a car park created in the front setback despite the lack of a crossover. As a result, as part of the home occupation approval dated 17 February 2004 the following condition was included:

10. *Prior to further parking of the boat and trailer within the front setback an application for a second crossover shall be submitted and approved to the satisfaction of the Chief Executive Officer in consultation with relevant officers. Existing access to parking across the footpath is prohibited from the date of this consent for home occupation.*

On 26 February 2004 Mr Burt requested Council reconsider conditions 1, 2 and 10 of its 17 February 2004.

Council, at its meeting held on 20 April 2004, again considered Conditions 1, 2 and 10 of the home occupation approval relating to this property and resolved that:

1. *The approval granted by Council at its meeting held on 17 February 2004 for Home Occupation – Office for Landscape Planning Business on Lot 9 (No 26) Wolsely Road shall remain unchanged.*
2. *The application for an additional crossover on the subject site be refused on the following grounds:*
 - (a) *non compliance with Policy 123 – Footpaths and Crossovers*
 - (b) *non compliance with Clause 5.9.1(a) with respect to the orderly and proper planning of the locality and the preservation of the amenities of the locality.*

On 2 June 2004 Mr Burt made application for a second crossover under Clause 12 Local Government (Uniform Local Provisions) Regulations 1996.

On 3 August 2004 Council resolved:

That:

1. *Council reiterate its earlier decision of 20 April 2004 to refuse the application for an additional crossover on the subject site on the following grounds:*
 - (a) *non compliance with Policy 123 Footpaths and Crossovers*
 - (b) *non compliance with Clause 5.9.1(a) with respect to the orderly and proper planning of the locality and the preservation of the amenities of the locality.*
2. *Mr Burt be requested to fully comply with Council's conditions of home occupation approval. Failure to do this within 14 days will result in Council giving consideration to:*
 - (a) *revoking the home occupation approval granted on 17 February 2004 on the grounds of non compliance with all of the approved conditions*
 - (b) *authorising the Chief Executive Officer to advise the appropriate authorities of the revoked home occupation eg Department of Consumer and Employment Protection (which registers business names and addresses)*
 - (c) *authorising the Chief Executive Officer to install appropriate fencing/kerbing at the edge of the footpath in front of the hardstand area, to prevent Council's footpath and kerb being used as an unapproved crossover and thus also rectifying the pedestrian safety issue which has been created*

CARRIED UNANIMOUSLY

Mr Burt subsequently appealed this decision, under provisions of the Local Government Act. The then Minister for Local Government dismissed the appeal in December 2004, as attached.

Despite Council's decisions and despite losing the appeal, Mr Burt continued to park his boat in the front setback and create a defacto second crossover.

Description of Site

The subject site is:

- a 893m² block
- zoned Residential R12.5
- developed with a two storey dwelling
- located in the Richmond Precinct.

Statutory Considerations

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

Relevant Council Policies

Local Planning Policy – Residential Design Guidelines (RDG)

Documentation

Plans and relevant forms date stamp received on 15 May 2013.

Date Application Received

15 May 2013

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

As noted in Background Section of this report.

CONSULTATION

Advertising

The application was advertised to surrounding neighbours for a two week period between the 23 May 2013 and the 6 June 2013. At the close of advertising no submission was received.

Town Planning Advisory Panel

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

COMMENTS	APPLICANT RESPONSE	OFFICER COMMENT
<p>Panel does not support application due to streetscape impact due to the appearance of a double cross-over 'built in'.</p> <p>Query compliance of second crossover.</p>	<p>We do not believe by putting in a second driveway/ crossover that this will adversely impact the streetscape, we believe it will improve the appearance of the street. Currently the area us a hardstand/ parking area which was installed by the previous owner, it is spread with a loose crushed brick/ gravel material which regularly requires sweeping back off the footpath and road. It makes the footpath slippery and is unsightly. If approval is given paving the area will only be an improvement to the streetscape.</p> <p>The purpose of the carport is purely to store our trailer boat. It will be stored behind a roller door which gives us both security and the street and house a tidy appearance. This will cause minimal impact to the street as the driveway will only be used once or twice a month when towing our boat.</p>	<p>The proposed crossover and carport will be assessed as per the Town's Residential Guidelines Policy later in the report.</p> <p>The existing crossover is currently not compliant.</p>

Site Inspection

By Senior Town Planner on 1 July 2013.

STATUTORY ASSESSMENT

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

Town Planning Scheme No. 3 Assessment

Scheme Provision	Status
4.2 Zone Objectives	A
4.3 Zoning Table	A

Residential Design Codes Assessment

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

Local Planning Policies Assessment

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

DISCUSSION

The area where the boat was being stored, is currently being used as a parking area for a vehicle parking/ boat storage. Access to this area is over an unauthorised crossover.

In addition the parking of the boat is in breach of Clause 5.5.5 of TPS No. 3 which reads as follows:

5.5.5 Parking of Boats, Trailers, Caravans, and the like: A person shall not without the consent of the local government park or permit to be parked any Boat, Trailer, Caravan or like vehicle for any purpose on land within the Residential Zones unless the vehicle is parked behind the front setback line. A vehicle shall be considered to be parked on land for the purpose of this clause if it remains on the same lot for more than 4 hours in aggregate in any 24 hour period.

It is noted the proposed carport is 5.2 metres in height, the effect of which is a roof ridge which is the same height approximately as the eaves of the existing dwelling. While this is necessary to store the boat, it is considered the proposed carport is of an inappropriate height, scale and bulk. The proposed height of the carport substantially exceeds that of a 'normal' carport. It is considered the proposed scale and bulk of the proposed carport and associated door increases the dominance of the dwelling as viewed from a street perspective. The proposed carport is considered to impact on the dominance of the dwelling and as such is considered to impact negatively on the streetscape.

Building - Side Setbacks

The proposed carport incorporates a side setback variation (western boundary) to the setback requirements. The proposed setback is required to be 1.5 metre from the boundary. The proposed garage is situated 1.0 metres from the western boundary.

The LPP RDG Element 3.7.7 provides Performance Criteria (PC) by which to assess proposed variations to setback requirements. These are as summarised below.

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

The proposed carport is located behind the existing dwelling, 8.2 metres from the primary street and located within 1.0 metre of the western side boundary. The proposed 0.5 metre side setback variation to the Acceptable Development Provisions is considered to match the traditional setback of the immediate locality.

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

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

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

The proposed side setback to the western boundary is required to be 1.5 metre. The proposed setback is 1.0 metre to the western boundary. The minor variation is not considered to have a significant impact on the adjoining neighbour or streetscape.

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 carport is required to have a crossover to gain access to the carport. In the absence of any previous Council approval with regard to a new crossover, the owner is required to provide a crossover. The ADP requires a maximum of one crossover per lot or subdivided lot unless approved by the council. The proposed carport will require a second crossover to the subject lot, therefore the proposed carport 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 current parking of vehicles/ boats within the front setback area without a crossover has not been approved by Council. On 20 April and 3 August 2004 Council refused to grant approval for a second crossover at the subject lot. From this date no further information or justification has been provided to Council to warrant a second crossover. The second crossover is not considered appropriate. The dwelling has a double garage and sufficient area to accommodate two further vehicles within the front setback area to the front of the garage. The proposed carport and additional crossover is not supported as the carport and crossover will have an adverse impact to the streetscape and is not considered to adhere to the orderly and proper planning of the area.

Primary Street Setback

The ADP of the RDG Element 3.7.15 Precinct Requirements states:

Existing Dwellings

- 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 carport is positioned in line with the prevailing setback of the existing building, 8.2 metres from the front boundary. The combined frontage of the garage and the carport will be 10.0 metres (44.8%) of the frontage of the lot. The proposed carport is required to be assessed under the PC of the RDG.

The PC of Element 3.7.15 states:

- 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.*

For the purposes of this assessment, due to the design of the carport, it is required to be assessed as a garage. The proposed carport is considered to increase the scale and bulk of the building as it presents to the street. It is considered the subject lot has sufficient car parking for four vehicles, two within the garage and two to the front of the garage. The proposed carport, combined with the existing garage is considered will visually dominate the streetscape and existing dwelling. The location of two crossovers is also considered to visually impact on the streetscape.

CONCLUSION

The proposed carport will impact on the appearance of the dwelling and the streetscape. The carport is considered to add to the scale and bulk of the dwelling. The additional crossover is considered to impact on the orderly and proper planning of the area. The proposed carport and additional crossover is recommended for refusal.

RECOMMENDATION

It is recommended that:

1. Council refuse the proposed carport at 26 (Lot 9) Wolsely Road, East Fremantle as described on the plans date stamped received 15 May 2013 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 3.7.7 Building Setback and Orientation of the Residential Design Guidelines;
 - (ii) Element 3.7.14 Building Setback and Orientation of the Residential Design Guidelines; and
 - (iii) Element 3.7.15 Building Setback and Orientation 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.
2. Council notify the current owners of the subject lot that the use of the existing hardstand area is not an authorised parking area and the crossover is not authorised to be used in conjunction with the property.
3. Council notify the current owners that the parking of their boat in the front setback area is in breach of Clause 5.5.5 of TPS No. 3 and is to cease immediately.
4. Council authorises the Chief Executive Officer, where appropriate, to install appropriate fencing/kerbing at the edge of the footpath in front of the hardstand area, to prevent Council's footpath and kerb being used as an unapproved crossover and thus also rectifying the pedestrian safety issue which has been created

Mr Notte (owner) addressed the meeting advising that he had been unaware when he purchased the property that the hardstand area, the subject of this application, was not approved by Council and had been the subject of a SAT appeal. Mr Notte circulated Council advice to his settlement agent in 2011 making no mention of the issue.

Cr Martin – Cr Nardi

That:

1. Council refuse the proposed carport at 26 (Lot 9) Wolsely Road, East Fremantle as described on the plans date stamped received 15 May 2013 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 3.7.7 Building Setback and Orientation of the Residential Design Guidelines;
 - (ii) Element 3.7.14 Building Setback and Orientation of the Residential Design Guidelines; and
 - (iii) Element 3.7.15 Building Setback and Orientation 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.
2. Council notify the current owners of the subject lot that the use of the existing hardstand area is not an authorised parking area and the crossover is not authorised to be used in conjunction with the property.
3. Council notify the current owners that the parking of their boat in the front setback area is in breach of Clause 5.5.5 of TPS No. 3 and is to cease immediately.
4. Council authorises the Chief Executive Officer, where appropriate, to install appropriate fencing/kerbing at the edge of the footpath in front of the hardstand area, to prevent Council's footpath and kerb being used as an unapproved crossover and thus also rectifying the pedestrian safety issue which has been created. CARRIED 4:0

Note:

As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 16 July 2013, this application is deemed determined, on behalf of Council, under delegated authority.

T91.5

Fletcher Street No. 9 (Lot 351)

Applicant: The Drawing Room

Owner: J Martin

Application No. P82/13

By Jamie Douglas, Manager Town Planning on 10 July 2013

PURPOSE OF THIS REPORT

This report considers an application for planning approval for demolition of an existing single storey dwelling and the construction of a two storey single dwelling at 9 (Lot 351) Fletcher Street, East Fremantle. The application is recommended for conditional approval.

BACKGROUND

Description of Site

The subject site is:

- a 450m² freehold lot
- zoned Residential 12.5
- located in the Woodside Precinct

Statutory Considerations

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

Relevant Council Policies

Local Planning Policy – Residential Design Guidelines (RDG)

Impact on Public Domain

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

Documentation

Plans and relevant forms date stamp received on 10 June 2013
Plans date stamp received on 15 July 2013.

Date Application Received

10 June 2013

CONSULTATION**Advertising**

The application was advertised to surrounding neighbours for a two week period between 14 June and 28 June 2013. At the close of advertising no submissions had been received.

Town Planning Advisory Panel Comments

The application was considered by the Town Planning Advisory Panel on 9 July 2013 and the following comments were made.

- *Ordinary design.*
- *Any additional fencing to that shown on the submitted plans to be the subject of a further application for planning approval.*

These comments were referred to the applicant's designer who chose not to respond.

Site Inspection

By Manager Planning Services on 10 July 2013.

ASSESSMENT

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

Town Planning Scheme No. 3 Assessment

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

Town Planning Scheme No. 3 Assessment

Scheme Provision	Status
4.2 Zone Objectives	A
4.3 Zoning Table	A

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
6.4.1 Open Space	55%	58.5%	A
6.4.2 Outdoor Living	30sqm	34.94qm	A
6.5 Car Parking	2	2	A

6.6 Site Works	Less than 500mm	Less than 500mm	A
6.9.1 Overshadowing	25%	Nil	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
Front (south)							
Upper#	Dwelling	5.4m	13.6m	Y	7.5m	5.0m	D
<i>Ground</i>	Garage	2.8m	5.8m	N	7.5m	7.5m	A
Rear (north)							
<i>Ground</i>	Al fresco	2.6	9.0m	Y	1.5m	1.8m	A
<i>Upper</i>	dwelling	5.4m	13.6m	Y	3.5	5.2m	A
Side (east)							
Ground	Garage	2.8m	7.2m	N	1.0m	Nil	D
Side (west)							
<i>Upper</i>	Dwelling	5.4m	10.8m	N	1.5m	1.55m	A

Proposed front boundary screen wall not included, this is specifically addressed in the body of the report.

6.8 Visual Privacy				
Wall Orientation	Major Opening Type	Required Setback	Proposed Setback	Status
Rear (north)	Lounge	6.0m	6.0m	A
	Bed 3	4.5m	5.0m	A
	Bed 4	4.5m	5.0m	A

The proposed dwelling is considered to comply with the Acceptable Development Provisions (**ADP**) of the visual privacy requirements of Element 6.8 of the RDC.

7.1.2 Building Height			
	Required	Proposed	Status
Top of external wall (roof above)	6m	5.4m	A
Top of pitched roof	9m	8m	A

Local Planning Policies Assessment

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

CONSIDERATION

The proposal is for a demolition of an existing single storey dwelling and its replacement by a substantial two storey house of 351m² total floor area (if the garage and outdoor

living areas are taken into account). As a consequence of the size and design of the proposed building and the modest lot area of 450m², variations to the front and side setback requirements are sought.

The demolition of the existing dwelling does not raise any issues impacting upon this planning assessment.

While it is acknowledged that the existing development on the lot would not meet current planning provisions (for example it has a 1.8m high solid screen wall on the front boundary) it is necessary to assess any new development under the contemporary planning provisions. Accordingly, the development raises the following issues which are considered below.

Streetscape Impact – Front Fence, Front Boundary Setback & Building Form

The prevailing front setback for the main front wall of the proposed dwelling is 5.0m. The 'acceptable development' requirement of the R-Codes for R12.5 zones is 7.5m. The proposal plans also indicate a new 1.8m high brick screen wall is to be located on the frontage in place of the existing solid brick wall of similar height. No elevations of this screen wall have been provided and it is assumed that it is to be solid (without openings and permeability) for its entire length and height.

The proposed dwelling has its principal outdoor living area to the rear. A screened front courtyard is therefore not necessary to provide an area of private open living space for the proposal. It is considered that the development should be built in compliance with the current provisions of the Local Planning Policy - Residential Design Guidelines (RDG) which require front fences to have 60% of their area semi-permeable above 1.2m in height and with a maximum height of 1.8m. Accordingly it is proposed that any approval should be conditional upon the demolition of the existing (non-compliant) front wall and its replacement by a front fence/wall in conformity with the RDG.

The applicant seeks a variation of 2.5m in respect to the front setback of the dwelling. The proposed setback is substantially less than the 'acceptable development' provisions of the R-Codes and therefore must be assessed against the following performance criteria of the R-Codes and RDG.

Residential Design Codes Provide articulation of the building on the primary and secondary streets:

- Subject to the deletion of the solid screen wall on the front boundary, the proposal is considered to have adequate articulation to the front boundary to meet this criteria.

(Setbacks) Are appropriate to its location, respecting the adjoining development and existing streetscape:

- The front setbacks of neighbouring dwellings on Fletcher Street are inconsistent. The adjoining, No 45 Fortescue Street is a corner site and its frontage to Fletcher Street equates to that of a side boundary setback and approaches 1 metre in places. Within this context, a variation to the primary setback requirement of 7.5m to 5m for the proposed dwelling is considered to have merit and will further provide some graduation in setbacks to Fletcher Street in relation to the adjoining corner property.

Residential Design Guidelines – Building Height, Form, Scale & Bulk

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

- The predominant building height in the locality is single storey, however the adjoining neighbour at 11

Fletcher Street is a two storey house (but with a larger front boundary setback). Accordingly careful consideration has been given to the compatibility of a two storey dwelling with a reduced front setback of 5m within the prevailing streetscape. As can be seen from the proposal plans, the mass of the front elevation is broken by the garage roofline, verandah and balcony which are all at first floor ceiling height. These elements provide visual relief to what would be an otherwise bland two storey façade and tend to break the impact of the mass of the building by introducing some horizontal segregation and articulation to the façade. The mass of the building is further ameliorated by the roof gables which provide for an articulated roof form.

- It is also noted that the proposed building height is compliant with the R-Codes.
- In light of the above it is considered that the proposal meets the performance criteria of the RDG to allow for a variation in front setback requirements.

Roof Form and Pitch

The RDG 'acceptable development provisions' for Woodside Precinct state:

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

The applicant has not provided any such demonstration of compatibility to support the proposed 25° roof pitch and 7.30° rear skillion roof. However consideration has been given to whether a requirement for a 28° degree roof pitch for the principle roof should be placed as a condition of approval. In this instance however it is considered that increasing the roof pitch would tend to increase the overall height and mass of the building and would be more detrimental to streetscape compatibility in comparison to the present design. The rear skillion roof is unseen from the road.

In light of the above it is considered that the minor variation to allow a roof pitch of 25° is justified.

Building on the Boundary

It is proposed to build a 7.2m long parapet boundary wall for the garage on the eastern side boundary which is the rear boundary for 45 Fortescue Street. The R- Codes provide for the consideration of parapet boundary walls subject to the following Performance Criteria:

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

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

The proposed boundary wall will replace an existing parapet wall. It is of similar length and location, although slightly lower than the existing wall which is pitched to its centre. The rear extension to the neighbouring dwelling at 45 Fortescue Street has been built

addressing the existing parapet wall, therefore the replacement parapet will not detrimentally effect the natural light or visual privacy of this dwelling. The garage is setback behind the front setback of the proposed dwelling and the parapet wall will therefore not impact upon the streetscape.

Visual Privacy

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

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

The proposed development complies with the ADP of the RDC.

Overshadowing

Because of the north/south orientation of the subject lot the shadows cast will fall across the frontage of the lot and will not impact upon neighbours.

CONCLUSION

The proposal is for a substantial two storey dwelling on a lot of modest proportions, however it does not impact upon the visual privacy or natural sunlight of neighbours. While the Panel's comments regarding the unremarkable design are noted, it is considered that the building will not detrimentally impact the streetscape. The modest variations to the front and side setback requirements are supported subject to the application of a condition of approval requiring the front boundary wall being amended to comply with the RDG.

The application is therefore recommended for conditional approval.

RECOMMENDATION

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

- (a) variation to the primary street setback requirements (southern elevation) – required setback 7.5 metres (R-Codes). Proposed setback is 5.0 metres;
- (b) variation to the setback requirements of the side setback (eastern elevation) – required setback 1 metre (garage). Proposed setback is nil metres;

for the demolition of a single dwelling and the construction of a two storey dwelling at 9 (Lot 351) Fletcher Street, East Fremantle, in accordance with the plans date stamp received on 15 July, 2013 subject to the following conditions:

1. The submission of amended plans showing in plan and elevation a revised front boundary wall which conforms with the Residential Design Guidelines, 3.7.11 Front Fences, to the satisfaction of the Chief Executive Officer.
2. Existing verge tree and canopy to be retained and protected. It is the owners responsibility to ensure that at all stages during the construction of the dwelling the tree is protected from damage. Where damage occurs Council is to be notified immediately.
3. Crossover width to be a maximum width of 3.0 metres.
4. All parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
5. Where this development requires that any facility or service within a street verge trees to be removed, modified or relocated then such works must be approved by Council and to the satisfaction of the Chief Executive Officer.
6. Prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved to the satisfaction of the Chief Executive Officer. (*refer footnote (i) below*)
7. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where

- varied in compliance with the conditions of this planning approval or with Council's further approval.
8. The proposed works are not to be commenced until Council has received an application for a Demolition Permit and a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 9. With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
 10. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
 11. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
 12. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
 13. If requested by Council within the first two years following installation, the roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
 14. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- (c) *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 & Mrs Martin (owners) addressed the meeting requesting the Committee give consideration to allowing the proposed solid front fence which would provide privacy from the street to their bedroom.

Cr Martin – Cr Nardi

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

- (a) variation to the primary street setback requirements (southern elevation) – required setback 7.5 metres (R-Codes). Proposed setback is 5.0 metres;
- (b) variation to the setback requirements of the side setback (eastern elevation) – required setback 1 metre (garage). Proposed setback is nil metres;
- for the demolition of a single dwelling and the construction of a two storey dwelling at 9 (Lot 351) Fletcher Street, East Fremantle, in accordance with the plans date stamp received on 15 July, 2013 subject to the following conditions:
1. The submission of amended plans showing in plan and elevation a revised front boundary wall which conforms with the Residential Design Guidelines, 3.7.11 Front Fences, to the satisfaction of the Chief Executive Officer.
 2. Existing verge tree and canopy to be retained and protected. It is the owners responsibility to ensure that at all stages during the construction of the dwelling the tree is protected from damage. Where damage occurs Council is to be notified immediately.
 3. Crossover width to be a maximum width of 3.0 metres.
 4. All parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
 5. Where this development requires that any facility or service within a street verge trees to be removed, modified or relocated then such works must be approved by Council and to the satisfaction of the Chief Executive Officer.
 6. Prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved to the satisfaction of the Chief Executive Officer. *(refer footnote (i) below)*
 7. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
 8. The proposed works are not to be commenced until Council has received an application for a Demolition Permit and a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 9. With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
 10. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
 11. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
 12. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
 13. If requested by Council within the first two years following installation, the roofing to be treated to reduce reflectivity. The treatment to be to the

satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.

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

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- (c) *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 4:0

Note:

As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 16 July 2013, this application is deemed determined, on behalf of Council, under delegated authority.

T91.6

View Terrace No. 34 (Lot 267)

Applicant: Giorgi Exclusive Homes

Owner: T & M Buhagiar

Application No. P56/13

By Andrew Malone, Senior Town Planner on 15 July 2013

PURPOSE OF THIS REPORT

This report considers the demolition of an existing dwelling and proposed development application for double storey (three storeys to the rear) dwelling at 34 (Lot 267) View Terrace, East Fremantle. The proposed demolition and proposed new construction is recommended for refusal. A full assessment has been undertaken and is detailed below.

BACKGROUND

Description of Site

The subject site is:

- a 769m² block
- zoned Residential R12.5
- developed with a 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 : Crossover has been designed to comply with Council requirements.
- Footpath : No impact.
- Streetscape : Demolition of existing dwelling and construction of new dwelling.

Documentation

- Plans and relevant forms date stamp received on 1 May 2013.
- Plans and further information date stamp received on 13 May 2013
- Plans and further information date stamp received on 14 June 2013
- Plans and further information date stamp received on 10 July 2013.

Date Application Received

1 May 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 and sign for a two week period between the 9 May 2013 and the 22 May 2013. At the close of advertising (3) submissions was received. These are summaries in the below table and are attached to this report.

COMMENTS	APPLICANT RESPONSE	OFFICER COMMENT
<p>Reduce level of the roof line in accordance to TOEF RGD to preserve existing views to Blackwall Reach.</p> <p>Height of the proposed dwelling is considered excessive and should not be supported.</p> <p>Form, bulk and scale does not fit with the immediate locality – in terms of roof pitch, orientation and articulation</p>	<p>Revised plans have been submitted reducing the proposed height of the dwelling.</p> <p>New proposed elevation is lower by 1.3m. Given the 6m slope at rear of the lot, it is very difficult to design a dwelling to comply with maximum wall & ridge heights.</p> <p>Bulk – recessing walls along the side setbacks to create visual diversity, as well as substantial rear setback. Pushing first floor to the rear creates bulk but presents as a well designed streetscape.</p> <p>The ridge height would not impact neighbours views.</p>	<p>The applicant is seeking variations. These are addressed and discussed in detail below.</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:

COMMENTS	APPLICANT RESPONSE	OFFICER COMMENT
<p>The panel was not in support of this application due to the height, bulk and scale of the proposal.</p>	<p>Revised plans have been submitted reducing the proposed height of the dwelling.</p> <p>Further amended plans were submitted 10 July 2013. These substantially reduce the number of variations that were being requested.</p> <p>Refer to attached letters dated 14 June and 10 July 2013 for justifications and amendments,</p>	<p>The applicant is seeking variations. These are addressed and discussed in detail below.</p> <p>The applicant has amended the plans following consultation with Council Officers. The development although amended still seeks significant variations to the height requirements.</p> <p>The proposed development is not supported in its current built form.</p>

Site Inspection

By Senior Town Planner on 28 June 2013 and 16 July 2013

STATUTORY ASSESSMENT

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

Town Planning Scheme No. 3 Assessment

Scheme Provision	Status
4.2 Zone Objectives	A
4.3 Zoning Table	A

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
6.4.1 Open Space	55%	61%	A
6.4.2 Outdoor Living	30sqm	112sqm	A
6.5 Car Parking	2	2	A
6.6 Site Works	Less than 500mm	900mm	D
6.9.1 Overshadowing	25%	N/A	A
6.9.2 Drainage	On-site	On-site	A

Wall Height Requirement	Required	Proposed	Status
Building Height (wall) (Council Policy)	5.6m	8.5m	D
Building Height (ridge) (Council Policy)	8.1m	9.4m	D

6.3 Boundary Setbacks

Wall Orientation	Wall Type	Wall Height	Wall Length	Major Opening	Required Setback	Proposed Setback	Status
Front (south)							
<i>Ground</i>	Guest Bed	4.1m	3.5m	Y	7.5m	7.25m	D
<i>Ground</i>	WIR	4.1m	2.1m	N	7.5m	6.4m	D
<i>Ground</i>	Garage	4.0m	7.5m	N	7.5m	7.0m	D
Rear (north)							
All Rear Setbacks Comply							
Side (east)							
<i>Basement</i>	Bedroom 3	2.3m	10.5m	N	1.5m	1.2m	D
<i>Ground</i>	Bed 1/ Ensuite	4.8m	12.6m	N	1.5m	1.2m	D
<i>Upper</i>	Upper living	7.6m	12.6	Y	4.6m	6.0m	A
Side (West)							
<i>Basement</i>	Setback Complies						
<i>Ground</i>	<ul style="list-style-type: none"> - Individual setbacks to independents walls comply. - The setback of total length of western elevation wall does comply with Figure Series 4 (4C) section D of the R-Codes for total wall setback requirements. 						A
<i>Upper</i>	<ul style="list-style-type: none"> - Individual setbacks to independents walls comply. - The setback of total length of western elevation wall does not comply with Figure Series 4 (4C) section D of the R-Codes for total wall setback requirements. - Required setback 2.5m. Provided setback 2.3. 						D

Local Planning Policies Assessment

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

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

Wall Height Requirement	Required	Proposed	Variation	Status
Building Height (wall)	5.6m	8.5m	2.9m	D
Building Height (ridge)	8.1m	9.4m	1.5m	D

DISCUSSION

Demolition

The proposed development is for the demolition of an existing dwelling. The dwelling is not listed on the Town's Municipal Heritage Inventory or Heritage List. The existing dwelling is two storeys. It is considered the existing dwelling does not make a significant contribution to the streetscape and retention of the dwelling is not warranted. The proposed demolition is considered appropriate and can be supported by Council.

Site Fill

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

P6.1 *Development that considers and responds to the natural features of the site and requires minimal excavation/fill.*

P6.2 *Where excavation/fill is necessary, all finished levels respecting the natural ground level at the boundary of the site and the adjoining properties and as viewed from the street.*

It is proposed to fill approximately 900mm to the rear of the lot. The proposed fill is considered to have no significant impact on the scale and bulk of the dwelling which will be in the rear garden area of the lot. The overall finished floor level of the existing dwelling (front door) is being reduced by approximately 0.42 metres to the proposed finished floor level (ffl).

The streetscape elevation is considered to have a consistent scale with the adjoining dwellings (two storey). The overall proposed fill will therefore retain the visual impression of the natural level of the site seen from the street and from the adjoining property. The applicant has requested Council to consider a height variation to the Acceptable Development Provisions of the RDG. This will be assessed later in this report.

The proposed development is considered not to respond to the natural features of the site, however this is based on building height. The proposed fill is required to rear of the lot and does not impact on the height of the building.

The proposed three storey element to the rear of the lot is considered excessive and has a negative impact on the amenity of the adjoining neighbour. This will be discussed later in the report.

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

View Sheds

The proposed dwelling does not comply with the ADP of Element 3.7.6.3 Construction of New Buildings. The LPP RDG Element 3.7.6.3 provides criteria by which to assess proposed new constructions are to adhere to. These are as summarised below.

P1 *New buildings are to be designed and constructed in a style compatible with, but which does not overtly mimic, the traditional building styles found in the Town.*

and

P2 *New buildings shall be compatible with and not adversely impact the view sheds in the Town.*

The proposed dwelling has been design to emulate the 2 storey built form in the surrounding streetscape, however the rear of the lot is 3 storeys and is not considered compatible with the traditional building styles found in the Town.

The new dwelling is also considered to impact on the view shed from neighbouring properties. The Town has received concerns from adjoining neighbours objecting to the impact the proposed development will have. While it is considered the proposed front of the dwelling has been designed in such a manner as to carefully consider the streetscape and to minimise the impact to views, it is considered the proposed rear of the dwelling will impact adjoining neighbours and potential view corridors. It is noted that the applicant has attempted to minimise the impact of the height of the dwelling at the front boundary. It is considered the proposed rear height will impact on views of neighbours to the east, west and southeast (23, 36 and 31 View Terrace) and therefore cannot be supported.

Visual Privacy

The 'Deemed to comply' provisions for Element 6.4.1 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 proposed upper floor alfresco area is considered to overlook the adjoining property to the west. The area overlooked is to a double carport. The proposed development does not comply with the 'Deemed to Comply' provisions of the R-Codes.

- The 'Design Provisions' of 6.4.1 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 -*
 - 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 proposed first floor alfresco area does overlook the side and rear of the adjoining lot to the west, however this area is not currently considered as an active habitable space.

The proposed alfresco area is proposed to maximise views to the river. The proposed alfresco area at 8.5 metres in height will not have direct views into the adjoining property from the majority of the alfresco area. The only section that will have potential overlooking is situated at the stairs of the alfresco. This area is considered an area that will be seldom used and as such maximum visual privacy to side and rear boundaries is achieved through the proposed design. The proposed alfresco area and potential overlooking is considered acceptable and can be supported.

Building Setbacks

The proposed development incorporates front and side setback variation to the setback requirements of element 3.7.7 Building Setback and Orientation to the Residential Design Guidelines. The setback variations have been outlined in the setback table above. The LPP RDG Element 3.7.7 provides criteria by which to assess proposed variations to setback requirements. These are as summarised below.

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

The proposed front setback is staggered and ranges from 6.4 metres to 7.25 metres setback from the front boundary. The required front setback is 7.5 metres. The front facade of the dwelling is 'sunk' into the lot from street level. The proposed front setback variations are considered to be articulated, minimising the impact of the scale and bulk of the dwelling to the streetscape. It is considered the variations to the front setback of the proposed dwelling significantly conforms to the traditional setback of the immediate locality and therefore can be supported.

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

Not applicable, the subject dwelling is not listed on the Town's Municipal Heritage List. No additions are proposed.

However, the proposed addition is considered to have an adverse impact to the visual presence of adjoining dwellings. The scale, height and bulk of the dwelling are considered to impact on views and the visual presence of the building. This will be discussed in greater detail later in the report.

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

The proposed side setback variations to the western and eastern boundary are considered to increase the relative scale and height of the dwelling as it presents to the neighbours properties. The overall built form and height is considered excessive. It is considered the proposed height and setbacks negatively impact on the adjoining neighbours and therefore cannot be supported. Furthermore the proposed balcony and stairwell have overlooking issues which exacerbates the negative impact to the neighbour to the west.

In conclusion, while the proposed front setback is considered acceptable, it is considered the proposed side setback variations impact on the amenity of the adjoining neighbours with regard to scale, built form, and massing of the building. The proposed dwelling is also considered to impact on views.

The proposed side setback variations are considered unacceptable and cannot be supported.

Building Height

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

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

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

The proposed dwelling presents as two storeys from View Terrace, however to the rear of the lot, it is three storeys. The maximum height of the dwelling is 8.5 metres to the eaves and 9.4 metres to the ridge. The Acceptable Development Provisions state a wall should have a maximum height of 5.6 metres and 8.1 metres to the roof ridge. The wall/roof height requires Council discretion. The proposed development does not comply with the provisions of A1.4 building height of the RDG.

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

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

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

View Terrace has a range of building heights, scale and built forms. There is no established design or traditional development. New developments are required to be of a compatible form, bulk and scale to traditional development in the immediate locality. It is considered the scale bulk and built form of the development is excessive and is not compatible with the adjoining properties. While the applicant has undertaken design modifications/ measures to minimise the impact of the building to the streetscape and to ensure view corridors are maintained, it is considered the proposed height, setback and built form does still have an unacceptable adverse impact on the adjoining neighbours. The bulk of the building (3 storeys) from the rear of the lot is not consistent with the prevailing built form of the area and therefore cannot be supported. It is recommended the applicant considers design modification to reduce the height and scale of the building to the rear of the lot.

The topography of the lot slopes approximately 4.2 metres from View Terrace to the rear of the lot. This gradient change is considered significant. The proposed development addresses the streetscape built form in a sensitive manner so as to minimise scale and bulk to the streetscape. The proposed development is however 8.5 metres to the eaves to the rear of the lot (3 storeys) and is not considered to ameliorate building bulk or scale to adjoining neighbours. The proposed building height, scale and built form have not been designed to appropriately adhere with the topography of the landscape. The proposed rear of the building is considered excessive in height and it not consistent with the prevailing built form of the area. The proposed building height is considered to impact on the amenity of adjoining neighbours and therefore cannot be supported.

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

It is considered the proposed variation to the wall and ridge height does not comply with the Performance Criteria of the RDG. Accordingly, the design of the dwelling and proposed height cannot be supported by Council.

Conclusion

A proposed dwelling is of a scale, bulk and design that are inconsistent with the prevailing streetscape to the rear of the lot. The proposed variations to the setback requirements add to the impact of the dwelling on adjoining neighbours. The proposed height, scale and bulk of the building are considered excessive. It is considered view shed/ corridors are impacted and as such cannot be supported.

The proposed dwelling design is considered inappropriate for the lot, as the building does not respond to the fall of the lot. The design with regard to setbacks, height, scale and built form variations are considered inconsistent with the prevailing locality. 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 is considered to detrimentally impact upon the amenity of the area and adjoining neighbours.

RECOMMENDATION

It is recommended 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.

The email from Nella Mule (owner 27 Woodhouse Road), referred from Correspondence (MB Ref T89.3) was tabled.

Mrs Cynthia Gregory addressed the meeting expressing concern regarding the loss of views from her residence and requesting the design be altered to provide a flat skillion roof.

Mr Peter Paino (representing Mr & Mrs Buis, 36 View Terrace and his parents at 35 Woodhouse Road) and Mr & Mrs Buis, addressed the meeting expressing the following concerns:

- Proposed three storeys located towards rear of lot has greater impact on views to surrounding neighbours
- Increased wall and roof height will result in loss of views to neighbours
- Residence at 36 View Terrace will lose views from first and second storeys
- Proposal will result in loss of privacy to neighbours, particularly the swimming pool area of 35 Woodhouse Road
- Development will block sea breeze to 36 View Terrace.

Ms Athena Iliadis (Giorgi Homes) addressed the meeting in support of the proposal, tabling correspondence she had emailed to individual elected members today regarding inaccuracies she believed had been made by the officer in assessing the application in relation to fill, the inconsistency of the proposal with the prevailing streetscape and the height calculations. Mr Iliadis advised there was no fill proposed for the site.

The Town Planner:

- acknowledged that the ridge height had appeared twice in his report as 9.6m in lieu of 9.4m (minutes have been amended to reflect correct measurement) however after scaling the drawings again during the meeting, he confirmed his figure of 9.4m was correct. Ms Iliadis advised she did not use a scale ruler to calculate heights, instead calculating from survey levels provided on the plans. The Manager Planning Services then queried whether submitted plans were correctly drawn to scale.
- Indicated on the plans where the 900 fill was proposed and advised that he had previously discussed this with staff at Giorgi Homes.

The Manager Planning Services refuted the applicant's claim that the officer had rushed the preparation of the report and advised that this report, as with all planning reports, had been vetted by himself and the CEO.

Cr Nardi – Cr Martin

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**

Note:

As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 16 July 2013, this application is deemed determined, on behalf of Council, under delegated authority.

T91.7

Munro Street No. 1 (Lot 5058)

Applicant/Owner: Reginald Rowley

Application No. P86/13

By Andrew Malone, Senior Town Planner on 3 July 2013

PURPOSE OF THIS REPORT

This report considers for Planning Approval for a garage extension at 1 (Lot 5058) Munro Street, East Fremantle. The proposed garage addition is recommended for approval subject to appropriate conditions.

Description of Site

The subject site is:

- a 979m² block
- zoned Residential R12.5
- developed with a two storey dwelling
- located in the Richmond Hill Precinct.
- assigned 'B' Management Category in the Municipal Heritage Inventory (refer attached Place Record Form). The Municipal Heritage Inventory states:

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

Statutory Considerations

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

Residential Design Codes (R-Codes)

Relevant Council Policies

Local Planning Policy – Residential Design Guidelines (RDG)

Documentation

Plans and relevant forms date stamp received on 21 June 2013.

Date Application Received

21 June 2013

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

17 October 2000 Council grant approval for a reduced setback from 7.500 to 2.520 (note current setback 6.290) for the erection of a garage addition incorporating a roof pitch of 3^o and alteration to an already existing ground floor vestibule/front entrance

CONSULTATION

Advertising

The applicant has provided a copy of the proposed plans signed by the neighbour at 3 Munro Street. No further advertising was required as it was considered the proposed development would not impact other adjoining neighbours.

Town Planning Advisory Panel

This application was considered by the Town Planning Advisory Panel at its meeting held on 9 July 2013 and the following comments were made:

SUBMISSION	APPLICANT RESPONSE	OFFICER COMMENT
Panel supports the application. Edging detail on existing garage to be carried through to new garage.	The applicant has agreed to the edging detail on existing garage to be carried through to new garage.	A condition has been included in the Officer's Recommendation to ensure the edging detail on existing garage is carried through to new garage.

Site Inspection

By Senior Town Planner on 3 July 2013.

STATUTORY ASSESSMENT

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

Town Planning Scheme No. 3 Assessment

Scheme Provision	Status
4.2 Zone Objectives	A
4.3 Zoning Table	A

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
6.4.1 Open Space	55%	64%	A
6.4.2 Outdoor Living	30sqm	As existing	A
6.5 Car Parking	2	3	A
6.6 Site Works	Less than 500mm	Less than 500mm	A
6.9.1 Overshadowing	25%	N/A	A
6.9.2 Drainage	On-site	On-site	A

Local Planning Policies Assessment

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

DISCUSSION

At its meeting on 17 October 2000 Council previously approved a development application for the erection of an extension to the existing garage facing Munro Street bringing it within 2.570 from the front boundary. Additionally the entry was amended and extended at the upper level within the existing building perimeter.

The proposed development is for a further extension of the garage to the northern boundary. The proposed garage is within 3.4 metres from the front boundary and 1.0 metre from the northern boundary. The proposal incorporates a number of variations to the Town's Local Planning Policies and the Residential Design Codes, as detailed below.

Roof Pitch

The proposed roof is a flat roof and is consistent with the predominant roof pitch of the existing dwelling. The Acceptable Development Provisions of Element 3.7.8 Roof Form and Pitch states:

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

The Performance Criteria states:

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

The proposed flat roof is considered consistent with the existing dwelling. The height of the proposed garage is 3.5 metres. There is a graduation in the height of the dwelling from the existing garage to the proposed addition. These tiers articulate the front and side elevation and is considered to minimise the scale and bulk of the building. The dwelling remains the dominant feature of the lot. The proposed roof form and pitch ensure the roof does not exceed the eaves height of the existing first floor, therefore minimising the impact and maintaining the dominance of the dwelling to the streetscape. The roof form is considered to complement the traditional form of the existing dwelling.

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

Primary Street Garage Setback

The dwelling at 1 Munro Street is set back 6.8 metres from the primary street, with the previously approved garage set back 2.5 metres. The proposed garage addition is to be set back 3.4 metres from the front boundary.

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

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

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

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

The application proposes an addition to the existing tandem garage. It is proposed to add an additional area to the north of the existing garage. It is considered the proposed addition has a positive impact to the streetscape and existing dwelling. The proposed addition forms a stepped built form to the northern and eastern (streetscape) elevation of the building, articulating the existing dwelling, thereby minimising scale and bulk. An assessment has been undertaken with regard to 'averaging' the front setback of the building as per Element 5.1.2 Street Setback C2.1 iii of the R-Codes. The area of existing dwelling, existing garage and proposed addition built forward of the 7.5 metre setback is approximately 54m² and a compensating 120m² of open space is provided at the corner of Woodhouse Road and Munro Street. This area is considered the most important with regard to the dwelling's visual presentation to the street. The proposed addition is considered to be dominated from Munro Street by the existing dwelling and garage.

The garage is integrated into the existing garage design and articulates the existing dwelling, therefore minimising adverse impacts and satisfying the Performance Criteria of the RDG. The proposed addition does not visually dominate the existing heritage dwelling.

Given the existing Council discretion with regard to the dwelling and garage, the proposed garage addition is considered to have minimal impact to the dominance of the existing dwelling. The proposed addition is considered to improve visual articulation of

the dwelling. The proposed front boundary setback variation is considered appropriate considering the location of the addition and the orientation of the dwelling.

It is considered the proposed location of the garage is appropriate and can be supported by Council.

CONCLUSION

The proposed garage will not compromise the appearance of the existing dwelling rather it is considered the proposed garage will improve the proposed articulation of the building, therefore minimising any potential adverse impact the proposed addition may have to the streetscape. The proposed variations are considered minor, considered the orientation of the dwelling and the existing location of the dwelling and garage.

The proposed garage has been assessed to comply with the Performance Criteria of the Residential Design Guidelines and as such it is considered the proposed garage addition should be supported.

RECOMMENDATION

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

- (a) variation to the west boundary (primary street) setback pursuant to the Residential Design Codes from 7.5m to 3.4m;
 - (b) element 3.7.8 of the Residential Design Guidelines: Roof pitch;
- for the construction of a garage at 1 (Lot 5058) Munro Street, East Fremantle in accordance with the plans date stamp received on 21 June 2013 subject to the following conditions:
1. the proposed material, colour and finish of the garage to be consistent with the existing garage to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 2. edging detail on existing garage to be carried through to new garage to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 3. the existing crossover is not to be altered or amended without the prior approval from Council.
 4. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
 5. the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 6. the proposed garage not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 7. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
 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).*

Cr Rico – Cr Nardi

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

- (a) variation to the west boundary (primary street) setback pursuant to the Residential Design Codes from 7.5m to 3.4m;
 - (b) element 3.7.8 of the Residential Design Guidelines: Roof pitch;
- for the construction of a garage at 1 (Lot 5058) Munro Street, East Fremantle in accordance with the plans date stamp received on 21 June 2013 subject to the following conditions:
1. the proposed material, colour and finish of the garage to be consistent with the existing garage to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 2. edging detail on existing garage to be carried through to new garage to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 3. the existing crossover is not to be altered or amended without the prior approval from Council.
 4. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
 5. the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 6. the proposed garage not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 7. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
 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).*

CARRIED 4:0

Note:

As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 16 July 2013, this application is deemed determined, on behalf of Council, under delegated authority.

T91.8

Allen Street No. 20 (Lot 42)

Applicant/Owner: J & S Brown

Application No. P45/13

By Jamie Douglas, Manager Planning Services on 3 July 2013

PURPOSE OF THIS REPORT

This report considers an application for Planning Approval for a carport at 20 (Lot 47) Allen Street, East Fremantle. The proposed carport is recommended for approval subject to appropriate conditions.

Description of Site

The subject site is:

- a 1088m² block
- zoned Residential R12.5
- developed with a single storey dwelling
- located in the Woodside Precinct.
- assigned 'B' Management Category in the Municipal Heritage Inventory (refer attached Place Record Form). The Municipal Heritage Inventory states:

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

Statutory Considerations

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

Residential Design Codes (R-Codes)

Relevant Council Policies

Local Planning Policy – Residential Design Guidelines (RDG)

Documentation

Plans and relevant forms date stamp received on 28 May 2013. Heritage Assessment received 1 July 2013.

Date Application Received

15 April 2013

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

- | | |
|------------------|--|
| 16 August 2012 | The State Administrative Tribunal dismissed the application for review of the Council's decision of 17 July 2012 and affirmed the decision of the Town of East Fremantle to refuse variations to the front setback requirements to allow the construction of a double carport. |
| 17 July 2012 | Council reconsidered a revised application in relation to the carport and subsequently determined to refuse variations to the front setback requirements to allow the construction of a carport. |
| 21 February 2012 | Council refused the planning application for a carport in the front setback area. |
| 2 November 2010 | Delegated authority approval for a garden shed. |
| 19 February 1996 | Conditional approval for alterations and additions to the existing residence but refusal of a car port within 3 metres of the street boundary. |
| 21 March 2013 | Delegated authority approval for an outbuilding (change room) in the rear garden. |

CONSULTATION**Advertising**

The application was advertised to surrounding neighbours for a two week period between the 30 May 2013 and the 13 June 2013. At the close of advertising no submission was received and the adjacent neighbour at 18 Allen Street has endorsed the plans.

Town Planning Advisory Panel

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

SUBMISSION	APPLICANT RESPONSE	OFFICER COMMENT
Query reinstatement of fence to original crossover.	Once carport and driveway have been completed, the existing crossover will be removed and converted to nature strip, and the retaining wall at the front of the property will be continued so as to enclose the rear left by the removal of existing driveway.	The applicants response is noted however since this is not expressed on the plans these requirements should be the subject of any planning approval.

Site Inspection

By Manager Planning Services on 3 July 2013.

STATUTORY ASSESSMENT

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

Town Planning Scheme No. 3 Assessment

Scheme Provision	Status
4.2 Zone Objectives	A
4.3 Zoning Table	A

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
6.4.1 Open Space	55%	66%	A
6.4.2 Outdoor Living	30sqm	As existing	A
6.5 Car Parking	2	2	A
6.6 Site Works	Less than 500mm	Less than 500mm	A
6.9.1 Overshadowing	25%	N/A	A
6.9.2 Drainage	On-site	On-site	A

Local Planning Policies Assessment

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

BACKGROUND

7 December 2011

The former property owner Sophie Ford ("the applicant") applied for development approval of a double-width carport to be located

21 February 2012	in the front setback area to the existing dwelling and adjacent to the southern boundary of the property. Council resolved to refuse to grant development approval because the proposal would detrimentally impact upon the heritage significance of the property and the streetscape and accordingly conflicted with clause 10.2 of the scheme and the setback requirements for carports and garages stated in LPP 142.
26 March 2012	The Applicant lodged an appeal against this decision and submitted revised plans following mediation.
17 July 2012	Council considered the revised plans in accordance with a s.31 order from the SAT. The Council resolved to refuse to grant development approval on the same grounds as in the first decision.
16 August 2012	SAT dismissed the application for review of the Council's decision of 17 July 2012 and affirmed the decision of the Town of East Fremantle to refuse variations to the front setback requirements to allow the construction of a double carport.

CONSIDERATION

Streetscape & Heritage

The current proposal aligns with the option proposed by the Town in mediation in respect to the previous application for a double carport in the front setback. This option was rejected by the then owners as impractical. It is pleasing that the current proposal will now comply with the Residential Design Guidelines by sitting the carport behind the front setback of the dwelling.

The proposed carport is to be setback behind the front veranda return of the dwelling and will be partially obscured by the verandah, presenting as a single width carport from the street. Accordingly, it will not have a detrimental impact on the streetscape or the heritage significance of the dwelling.

The proposed structure will be wooden framed with a tiled roof to match the existing dwelling. The existing dwelling is listed on the Municipal Inventory and has a 'B' Management Category. The application is supported by a Heritage Assessment prepared by Heritage Consultant & Architect Annabel Wills which concludes;

"Overall the proposed carport addition is considered acceptable, as it is set well back from the front of the property, behind the bulk of the main house, the roof pitch follows that of the existing and is attached to the latter addition of the building. The proposed carport is single storey in nature and will only house one car (with some bike storage space adjacent). Overall it does not detract from the intact streetscape in this cultural heritage precinct."

Side Boundary Setback

The proposed carport will be setback from the side boundary with 18 Allen Street 0.5m in lieu of the R-Code setback requirement of 1m. The affected neighbour has endorsed the proposal plan and the required variation will not materially impact upon this property.

Verge Works

The proposal requires the development of a new crossover and the relocation of an existing streetlight.

Western Power has advised the applicant that it is unable to proceed with their request for relocation of the street light until after Council has issued a planning approval for the development. The Town's Manager Operations, Kevin White has advised that he supports the proposed new crossover and relocation of the street light.

In response to the Town Planning Advisory Panel's comments the applicant has advised by email on 12 June 2013 that:

- .. *The existing crossover will be removed and converted to nature strip, and*
- .. *The retaining wall at the front of the property will be continued so as to enclose the area left by the removal of the existing driveway*

The above actions are desirable to enhance the streetscape and necessary to meet with Council's Policy on crossovers which requires that dwellings be provided with only one crossover. These elements are not included on the proposal plan and it is therefore proposed that they be the subject of conditions of any approval.

CONCLUSION

The proposed carport will not compromise the heritage significance of the house or the streetscape. The proposed carport will blend with the dwelling in a very non-dominant manner. The relocation of the streetlamp and crossover is supported.

The proposal requires a side boundary setback variation of 0.5m. This will not impact upon the adjoining neighbour and the proposal is accordingly supported.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the northern side boundary setback pursuant to the Residential Design Codes from 1.0m to 0.5m for the construction of a carport at 20 (Lot 47) Allen Street, East Fremantle in accordance with the plans date stamp received on 15 April 2013 subject to the following conditions:

1. amended plans to be submitted in support of an application for a building licence which incorporate the removal of the existing crossover and conversion of the area to nature strip, and the retaining wall at the front of the property to be continued so as to enclose the area left by the removal of the existing driveway.
2. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. 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.
4. any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, 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.
5. the existing crossover is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.

6. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
7. the proposed carport not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
8. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
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 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).*

Cr Martin – Cr Nardi

That Council exercise its discretion in granting approval for a variation to the northern side boundary setback pursuant to the Residential Design Codes from 1.0m to 0.5m for the construction of a carport at 20 (Lot 47) Allen Street, East Fremantle in accordance with the plans date stamp received on 15 April 2013 subject to the following conditions:

1. **amended plans to be submitted in support of an application for a building licence which incorporate the removal of the existing crossover and conversion of the area to nature strip, and the retaining wall at the front of the property to be continued so as to enclose the area left by the removal of the existing driveway.**
2. **the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
3. **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.**
4. **any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, 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.**
5. **the existing crossover is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.**
6. **the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**

7. the proposed carport not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
8. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
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 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 4:0

Note:

As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 16 July 2013, this application is deemed determined, on behalf of Council, under delegated authority.

T91.9

Irwin Street No. 6, Unit 1 (Lot 1/SP11727)

Applicant: J & M Calder

Owner: J & M Calder

Application No. P76/13

By Andrew Malone, Senior Town Planner on 2 July 2013

PURPOSE OF THIS REPORT

This report considers an application for planning approval for additions and alterations comprising a new living space on the ground level, a master bedroom and ensuite to the upper level at 6, Unit 1 (Lot 1/SP11727) Irwin Street, East Fremantle. The proposed additions and alterations are recommended for approval subject to conditions.

BACKGROUND**Description of Proposal**

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

- Alterations to existing ground floor;
- New living area at ground floor;
- New master bedroom & ensuite;

Description of Site

The subject site is:

- a 85m² block (Survey Strata)
- zoned Residential R12.5
- developed with a single-storey dwelling
- located in the Woodside Precinct.
- assigned C+ Management Category on the Town's Municipal Heritage Inventory (refer attached Place Record Form). The Municipal Heritage Inventory states:

Some heritage significance at a local level; places to be ideally retained and conserved; endeavour to conserve the significance of the place through the standard provisions of the Town of East Fremantle Planning Scheme and associated design guidelines; a Heritage Assessment / Impact Statement may be required as corollary

to a development application, particularly in considering demolition of the place. Full documented record of places to be demolished shall be required. Further development needs to be within recognised design guidelines. Incentives should be considered where the condition or relative significance of the individual place is marginal but where a collective significance is served through retention and conservation.

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 will be visible from Irwin Street and from the adjoining park/ Canning Highway.

Documentation

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

Date Application Received

29 May 2013.

CONSULTATION

Advertising

The application was not advertised. Prior Strata Approval has been received. The proposed development does not impact on other properties.

Town Planning Advisory Panel

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

Panel Comments	Applicant Response	Officer's Recommendation
<p>The purposed new structure should be setback so as to clearly differentiate between the existing heritage building and the proposal fronting the streetscape.</p>	<p>In response to the comment above please consider the following:</p> <ul style="list-style-type: none"> - Following consultation with a planning officer and the heritage architect Phillip Griffiths the proposed addition differentiates itself from the existing dwelling by a recessed link between new and old. This link is setback from the existing dwelling as per the comment above. - Gable verge and window awning of the proposed dwelling will be proud of the proposed addition. - The heritage report prepared by Phillip Griffiths Architects supports the proposed differentiation between new and old. - Existing trees will conceal the new addition. - Setting the proposed addition further back from the proposed will reduce access to natural light to an existing bedroom – room 7 on submitted drawing A200_D 	<p>The proposed addition is considered to be setback from the existing heritage dwelling by 0.6 metres and from the front boundary by 9.2 metres, well in excess of the 7.5 metres required under the 'Deemed to Comply' Provisions of the R-Codes. The setback is considered appropriate so as to differentiate between the existing heritage building and the proposal.</p> <p>Existing and proposed trees will conceal the new addition and will soften the impact of the proposed structure to the dwelling.</p> <p>The design of the addition is considered to effectively utilise the area of the subject lot without negatively impacting on the dwelling or streetscape.</p> <p>The proposed addition will improve the passive surveillance of the park, improving the overall amenity of the area.</p>

Site Inspection

By Senior Town Planner on 3 July 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
6.4.1 Open Space	55%	62%	A
6.4.2 Outdoor Living	30sqm	30sqm	A
6.5 Car Parking	2	2	A
6.6 Site Works	Less than 500mm	Less than 500mm	A
6.9.1 Overshadowing	25%	N/A	A
6.9.2 Drainage	On-site	On-site	A

Local Planning Policies Assessment

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

DISCUSSION**Additions / Alterations to Existing Buildings**

The proposed additions and alterations are accommodated to the northern elevation of the existing dwelling, located approximately 0.9 metres from the northern lot boundary. The proposed addition is setback approximately 8.7 metres from Irwin Street. Additional planting is proposed to the front of the proposed addition. The additions are partially obscured from Irwin Street (through the park) by vegetation. The proposed development has views to the park and therefore improves the passive surveillance to the park.

The proposed development does not adhere to Clause A1.2 ii of Element 3.7.2 of the RDG. The Acceptable Development Provisions (**ADP**) of Element 3.7.2 of the RDG requires:

- A1.2** *Second storey additions that are:*
- i. Accommodated within the existing roof (without changes to the roof geometry); and,*

- ii. *Built behind the existing building and not visible from the opposite side of the street. A minor variation to this may be permitted on the basis of its impact on the streetscape.*

The proposed development is required to be assessed as per the Performance Criteria (PC) of the RDG. This requires:

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

The dwelling is listed as with C+ Management Category building on the Town's Municipal Heritage Inventory. The proposed additions to the dwelling are visible from Irwin Street, however the design of the building is articulated to provide a distinction between the new and the old. The existing building remains the dominant element when viewed from the primary street. The addition is considered to be 'simple' in design, thereby complementing the heritage design and character of the existing dwelling. The proposed planting will soften the addition into the surrounding street and park. The proposed addition is located 0.9 metres from the northern lot boundary, is setback 8.7 metres from the front boundary and it is considered compatible with the existing streetscape character. The proposed addition does not negatively impact on the heritage value of the dwelling.

The application is supported by a Heritage Impact Statement prepared by Phillip Griffiths (Heritage Consultant) which supports the design of the proposed extension to the existing dwelling.

It is considered the proposed additions and alterations to the existing dwelling are appropriate and should be supported by Council.

Building Setbacks

The applicant is seeking Council discretion with regard to the ADP of Element 3.7.7 of the Residential Design Guidelines - Building Setbacks and Orientation for the southern elevation setback requirements. The proposed addition is located 0.9 metres from the northern lot boundary, is setback 8.7 metres from the front boundary. The proposed upper floor is required to be set back 3.0 metres from the side boundary, however this assessment is based on a side elevation with major openings. These major openings to the side elevation improve the passive surveillance to the park and do not negatively impact on adjoining neighbours, therefore the major opening to the side elevation are considered appropriate.

The side elevation to the northern boundary does not comply with the ADP of Element 6.3.2 Buildings on the boundary of the R-Codes. The LPP RDG Element 3.7.7 provides performance criteria by which to assess proposed variations to setback requirements. This is 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.*
- P1.2** *Additions to existing contributory buildings shall be setback so as to not adversely affect its visual presence.*

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

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

- The primary street setback is required to be 7.5 metres from the front boundary. The proposed setback to the dwelling and addition is 8.7 metres. The proposed primary street setback complies with Council and R-Code ADP criteria. The setback matches the traditional setback of the immediate area.
- The proposed addition is considered a 'simple' design. The addition does not adversely affect the visual presence of the existing dwelling. Planting is proposed to minimise views of the addition to the streetscape.
- While the required setback to the northern boundary is 3.0 (this is based on a wall with major openings). The proposed openings do not impact on adjoining neighbours and improve the amenity of the park. If the windows to be amended to minor openings, the required setback would be 1.2 metres and therefore would comply with the 'Deemed to Comply' provisions of the R-Codes. The major openings to the northern boundary are considered important, especially considering the improvement to the surveillance/ security of the park. The proposed side setback variation is considered acceptable.
- The proposed setback is considered to reflect the setbacks of dwellings in the immediate locality.

The proposed addition is considered to improve the residential amenity of the dwelling and the security to the adjoining park. The proposed addition does not significantly negatively impact on the streetscape or adjoining neighbours and therefore it is considered that it can be supported by Council.

Roof Pitch

The proposed roof pitch is 2°. The Acceptable Development Provisions of Element 3.7.8 Roof Form and Pitch states:

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

The Performance Criteria states:

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

The roof form is of a pitch and material that is different to the proposed existing dwelling. The proposed roof is distinct in design, with a scale and form that is considered to complement the traditional form of the existing dwelling through that simplicity of design. The dwelling is listed on the Town's Municipal Heritage Inventory, with a tiled pitched roof, with the proposed roof of the dwelling being 'colorbond'. The built form of the proposed addition does not conflict with the existing dwelling. The proposed roof is considered to minimise the scale and bulk of the proposed addition, as it presents to Irwin Street and therefore is sympathetic to the adjoining heritage dwelling. The design of the addition does not dominate the existing dwelling or streetscape. The proposed planting will limit views to the addition and as such the proposed roof will have minimal negative impact.

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

Conclusion

The proposed additions and alterations are considered not to significantly adversely impact the existing dwelling or streetscape. The proposed design of the addition is simplistic to ensure the existing dwelling remains the dominant structure. The setback of the addition, articulation of the addition and proposed planting is considered to complement the existing dwelling. The proposed additions are of a similar scale, bulk

and design as the existing dwelling. The application is considered to have had due regard for the Town's requirements relating to residential developments, as well as the requirements outlined within the R-Codes. The Town Planning Advisory Panel have requested the:

"new structure should be setback so as to clearly differentiate between the existing heritage building and the proposal fronting the streetscape."

It is considered the proposed additions design, use of materials, articulation and proposed setback does clearly differentiate between the existing heritage building and the proposal fronting the streetscape. It is considered the proposed addition is distinct from the existing heritage structure and the proposed addition is considered can be supported by Council.

Whilst the application does seek some minor variations, it is considered the proposal has been designed to minimise impact to 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 (northern elevation) – required setback 3.0 metre. Proposed setback is 0.9 metre (Element 3.7.7 of the Residential Design Guidelines - Building Setbacks and Orientation);
 - (b) variation to Element 3.7.2 - Additions and Alterations to Existing Building of the Residential Design Guidelines;
 - (c) variation to 3.7.8 Roof Form and Pitch of the Residential Design Guidelines;
- for additions and alterations to an existing dwelling at 6, Unit 1 (Lot 1/SP11727) Irwin Street, East Fremantle, in accordance with the plans date stamp received on 29 May 2013 subject to the following conditions:
1. Prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved 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 Nardi

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

- (a) **variation to the setback requirements of the side setback (northern elevation) –required setback 3.0 metre. Proposed setback is 0.9 metre (Element 3.7.7 of the Residential Design Guidelines - Building Setbacks and Orientation);**
- (b) **variation to Element 3.7.2 - Additions and Alterations to Existing Building of the Residential Design Guidelines;**
- (c) **variation to 3.7.8 Roof Form and Pitch of the Residential Design Guidelines; for additions and alterations to an existing dwelling at 6, Unit 1 (Lot 1/SP11727) Irwin Street, East Fremantle, in accordance with the plans date stamp received on 29 May 2013 subject to the following conditions:**
 1. **Prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved 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 4:0

Note:

As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 16 July 2013, this application is deemed determined, on behalf of Council, under delegated authority.

Cr Rico declared a proximity interest in the following item as the subject lot abuts her property and left the meeting at 8.00pm.

T91.10 **Oakover Street No. 80 (Lot 313)**
Applicant/Owner: D McKenna & M Kenny
Application No. P74/13

By Jamie Douglas, Manager Planning Services on 3 July 2013

PURPOSE OF THIS REPORT

This report considers an application for planning approval of a proposed brick & iron addition to the rear of an existing single storey dwelling at 80 (Lot 313) Oakover Street,

East Fremantle. The proposed additions and alterations are recommended for approval subject to appropriate conditions.

Description of Site

The subject site is:

- a 981m² block
- zoned Residential R12.5
- developed with a single storey dwelling
- located in the Woodside Precinct.

Statutory Considerations

- Town Planning Scheme No. 3 (TPS3) – Residential R12.5
- Residential Design Codes (R-Codes)
- assigned C+ Management Category on the Town's Municipal Heritage Inventory (refer attached Place Record Form). The Municipal Heritage Inventory states:

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

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 : A portion of rear addition will be viewed from street.

Documentation

Plans and relevant forms date stamp received on 27 May 2013 and 4 July 2013.

Date Application Received

27 May 2013

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

15 May 2012 Council approved storage shed

CONSULTATION**Advertising**

The application was advertised to surrounding neighbours for a two week period between the 30 May 2013 and the 13 June 2013. At the close of advertising no submissions were received.

Town Planning Advisory Panel

The TP Advisory Panel at its meeting held on 11 June 2013 made the following comment:

- *Panel supports application*

Site Inspection

By, Manager Planning Services on 3 July 2013.

STATUTORY ASSESSMENT

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

Town Planning Scheme No. 3 Assessment

Scheme Provision	Status
4.2 Zone Objectives	A
4.3 Zoning Table	A

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
6.4.1 Open Space	55%	72%	A
6.4.2 Outdoor Living	30sqm	400sqm	A
6.5 Car Parking	2	2	A
6.6 Site Works	Less than 500mm	Less than 500mm	A
6.9.1 Overshadowing	25%	12%	A
6.9.2 Drainage	On-site	On-site	A

Setbacks:							
Wall Orientation	Wall Type	Wall Height	Wall Length	Major Opening	Required Setback	Proposed Setback	Status
Front (west)	Garage Addition	N/A	N/A	N/A	7.5m / consistent with locality	12m, consistent	A
Rear (east)	Dwelling Verandah	2.3m	15.4m	yes	1.5m	16.0m	A
Side (north)	Garage Addition	3.4m	5.4m	no	1.0m	1.2m	A
Side (south)	Kitchen/Bathroom	3.8m	8.0m	no	1.1m	1.7m	A

* Wall length as calculated for assessment purposes

Local Planning Policies Assessment

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

CONSIDERATION*Heritage Assessment*

The dwelling at 80 Oakover Street is included on Council's Municipal Heritage Inventory as a 'C+' Management Category. The Town Planning Advisory Panel advises that it supports the application.

The existing dwelling is of modest proportions but with

some architectural merit and streetscape presence. The existing structure is a good example of an inter-war period bungalow. The proposed extension to the rear of the property is appropriately formed and scaled to complement the existing structure. However it is considered the replacement of the existing tiled roof with a new 'Colorbond' roof should not be supported.

The existing tiled roof is integral to the architecture of the era and is replicated on the adjacent neighbouring properties also from the same era. To this end it is considered the replacement of the existing tiles with 'Colorbond' would diminish the heritage significance of the dwelling and would introduce a discordant element into the streetscape. While it may be difficult to match the existing tiles it is considered that retiling the entire roof would be preferable to replacing the tiles with 'Colorbond'.

A condition has been included in the Recommendation to require the roof to be tiled.

Visual Privacy

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

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

Based upon additional information provided by the applicant (refer plan date stamp received 4 July 2013) it is apparent that the proposal will fully comply with the visual privacy requirements of the R-Codes.

Overshadowing

Based upon additional information provided by the applicant (refer plan date stamp received 4 July 2013) it is apparent that shadows cast by the proposed addition upon the adjacent neighbour at 82 Oakover Street will not have a material impact. The shadow cast by the addition will not reach any major opening or outdoor living space of the neighbouring property.

CONCLUSION

The proposed additions and alterations are of a suitable scale, bulk and design so as to have a minimal impact on the existing heritage dwelling and streetscape. It is considered however that the tiled roof of the existing dwelling should be retained or retiled to match the extension and that the new roof should be terra cotta tiled or similar.

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

RECOMMENDATION

That Council grant approval for additions and alterations to an existing dwelling at 80 (Lot 313) Oakover Street, East Fremantle, in accordance with the plans date stamp received on 27 May 2013 subject to the following conditions:

1. The proposed new 'Colorbond' roof is not approved. The existing and proposed roofs shall be terra cotta tiled or similar material and colour to the existing tiled roof.
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) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (e) *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".*

The email from Dominic McKenna, referred from Correspondence (MB Ref T89.1), was tabled.

RECOMMENDATION TO COUNCIL**Cr Nardi – Cr Martin**

That Council grant approval for additions and alterations to an existing dwelling at 80 (Lot 313) Oakover Street, East Fremantle, in accordance with the plans date stamp received on 27 May 2013 subject to the following conditions:

1. The proposed new 'Colorbond' roof is not approved. The existing and proposed roofs shall be terra cotta tiled or similar material and colour to the existing tiled roof.
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) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (e) *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

Cr Rico returned to the meeting at 8.01pm and it was noted she neither spoke nor voted on the previous item.

T91.11 **Osborne Road No. 51 (Lot 10)**
Applicant: Summit Homes Group P/L
Owner: D & B Marciano
Application No. P73/13
 By Andrew Malone, Senior Town Planner on 2 July 2013

PURPOSE OF THIS REPORT

This report considers an application for planning approval for additions and alterations comprising a new living space and internal renovations at 51 (Lot 10) Osborne Road, 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. The proposed works are:

- New ground floor kitchen, dining, family, alfresco addition;
- Internal renovations

Description of Site

The subject site is:

- a 554m² block
- zoned Residential R12.5
- developed with a single-storey dwelling
- located in the Richmond Precinct.
- assigned 'C-' Management Category in the Municipal Heritage Inventory (refer attached Place Record Form). The Municipal Heritage Inventory states:

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

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 will be visible from Wolsely Road (secondary street).
 Additions have been designed to minimise street impact.

Documentation

Plans and relevant forms date stamp received on 27 May 2013.
 Additional information date stamp received on 10 July 2013.

Date Application Received

27 May 2013

CONSULTATION

Advertising

The application was advertised to surrounding neighbours for a two week period between the 30 May 2013 and the 13 June 2013. At the close of advertising no submission was received.

Town Planning Advisory Panel

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

TPAP Comments	Applicant Response	Officer's Recommendation
<p>Panel does not support the application in its current form</p> <ul style="list-style-type: none"> - Scale of the addition does not sympathetically integrate into the existing house. - Query lack of solar access to north and shadowing of southern aspect via pergola - Nil setback to the northern elevation is not supported. - Query retention of chimney. 	<p>The proposal has been designed to blend harmoniously with the existing residence whilst simultaneously creating a modern edge and we believe we've achieved this by being sympathetic to the structures natural form and its positioning on the site. The Owners do not want to create a bulky extension to the north of the property which, when viewed from Osborne Road, would visually subtract from the beauty of the existing residence. The scale is minimal compared to what could be achieved on a lot this size, both the wall height and roof are lower than the existing residence.</p> <p>The addition is located along the northern boundary to position it well away from Wolsey Road. This will ensure privacy to the occupants of the dwelling and although it won't capture as much natural northern light as may be expected within designs these days the block itself still lends itself to being able to be used to appreciate the northern orientation. The future alfresco in this position will also ensure the neighbours privacy is maintained as the current patio presents a visual encroachment on the adjacent property.</p> <p>As indicated in my justification letter the boundary wall is unobtrusive as it covers only 1/9th the length of the boundary and the wall height is only 2.50m. We do not believe this structure will create an overbearing presence on the neighbours property and therefore don't believe their amenity will be affected.</p> <p>The chimney to the lounge will be retained and this is the only chimney within the residence.</p>	<p>51 Osborne Road is assigned a Category C- Management Category in the 2006 Heritage Inventory. Upon closer examination, The dwelling makes minimal contribution to the Wolsely Road (secondary street) streetscape due to the location of the existing garage. The proposed addition has been designed to minimise views of the addition from Wolsely Road. The scale of the addition is considered distinct from that of the dwelling, with a height, scale and form that does not negatively impact on the existing dwelling, therefore the scale of the addition does sympathetically integrate into the existing house.</p> <p>The proposed dwelling is required to comply with the requirements of the Building Codes of Australia with regard to solar access, energy efficiency and construction requirements. The proposed design and orientation of the proposal does ensure the neighbour's privacy is maintained. The proposed design and layout of the building still provides for northerly light to the northern elevation. This is considered sufficient to provide appropriate solar access.</p> <p>The nil set back to the northern elevation is considered to comply with the Acceptable Development Provisions of the R-Codes and the RDG and therefore is supported.</p> <p>The applicant has noted the chimney to the lounge will be retained. A condition has been included in the Officer's Recommendation.</p>

Site Inspection

By Senior Town Planner on 12 July 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
6.4.1 Open Space	55%	60%	A
6.4.2 Outdoor Living	30sqm	30sqm	A
6.5 Car Parking	2	2	A
6.6 Site Works	Less than 500mm	Less than 500mm	A
6.9.1 Overshadowing	25%	N/A	A
6.9.2 Drainage	On-site	On-site	A

Local Planning Policies Assessment

LPP Residential Design Guidelines Provision	Status
3.7.2 Additions and Alterations to Existing Buildings	A
3.7.3 Development of Existing Buildings	A
3.7.4 Site Works	A
3.7.5 Demolition	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	A
3.7.15-20 Precinct Requirements	A

DISCUSSION**Heritage**

With a C- Management Category on the Town's MHI, the building has some heritage significance at a local level, however it is acknowledged that alterations have occurred to the building. The proposed development conserves the heritage value of the building. The proposed additions are to the rear of the dwelling and have minimal impact to the dwelling itself. While the roof is proposed to be changed to 'Colorbond', the change is not considered significant and the overall heritage value of the dwelling is maintained. It is noted:

a Heritage Assessment / Impact Statement may be required as corollary to a development application, particularly in considering demolition of the place.

No demolition is occurring. It is considered the proposed development is sympathetic to the character of the dwelling. The proposed changes are not considered to significantly impact the dwelling, therefore a Heritage Assessment was not requested. It is considered the proposed additions and alterations can be supported, based on the simplistic and distinctive design.

Building Setbacks

The applicant is seeking Council discretion with regard to the ADP of Element 3.7.7 of the Residential Design Guidelines - Building Setbacks and Orientation for the northern elevation setback requirements. The proposed addition and existing dwelling is 19 metres in length and is set back 1.4 metres from the northern lot boundary. The wall is required to be set back 1.6 metres from the boundary.

The LPP RDG Element 3.7.7 provides performance criteria by which to assess proposed variations to setback requirements.

This is 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.*

Not applicable. The setback to the primary street is as per the existing dwelling. No changes to the front setback are proposed.

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

The proposed addition is considered a 'simple' design. The scale and design is considered to have minimal negative impact on the dwelling and does not impact the heritage character of the building. The addition does not adversely affect the visual presence of the existing dwelling. The proposed addition is only viewable from Wolsely Road and is characterised as being distinct from the existing dwelling.

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

The proposed side setback to the northern boundary is required to be 1.6 metres. The proposed set back is 1.4 metres. The proposed side setback is consistent with the prevailing setback of the existing heritage dwelling and is consistent with the prevailing setback of the surrounding area. The proposed variation of 0.2 metres is considered minor and does not negatively impact adjoining neighbours.

In conclusion, the proposed addition is considered to improve the residential amenity of the dwelling and makes effective use of space. The proposed addition does not significantly negatively impact on the streetscape, adjoining neighbours or the heritage status of the dwelling. The proposed minor setback variation to the Acceptable Development Provisions is considered acceptable and therefore it is considered that it can be supported by Council.

Roof Pitch

The proposed roof pitch is 7°. The Acceptable Development Provisions of Element 3.7.8 Roof Form and Pitch states:

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

The Performance Criteria states:

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

The existing roof of the proposed heritage dwelling proposed to be changed to a 'Colorbond' roof at a 27° pitch. The rear addition also proposed to be 'Colorbond'.

The proposed roof is 'simple' in design, with a scale and form that is considered to complement the traditional form of the existing dwelling through that simplicity. The dwelling is listed on the Town's Municipal Heritage Inventory. The built form of the proposed addition is 'simple in form and is distinct from the existing dwelling, thereby differentiating the heritage dwelling from the proposed additions. The proposed roof to the addition does not conflict with the existing dwelling. The proposed roof is considered to minimise the scale and bulk of the proposed addition, as it presents to Wolsely Road and is considered therefore to be sympathetic to the heritage dwelling. The design of the addition does not dominate the existing dwelling or streetscape.

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

Conclusion

The proposed additions and alterations are considered not to significantly adversely impact the existing dwelling or streetscape. The proposed design of the addition is simplistic, minor in scale and has been designed to ensure the existing dwelling remains the dominant structure on the lot. The setback of the addition is considered appropriate. The setback variation (0.2 metres) to the Acceptable Development Provisions are considered minor, especially considering the scale, height and bulk of the proposal as viewed in connection with the existing building and from Wolsely Road. 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 variation, it is considered the proposal has been designed to minimise impact to adjoining neighbours and to be distinct from the heritage dwelling. The variation is considered to be appropriate and is recommended for approval.

RECOMMENDATION

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

- (a) variation to side setback to Element 6.2.1 Setbacks of the Building Generally of the R-Codes (northern elevation) – required setback 1.6 metres. Proposed setback is 1.4 metre; and
- (b) variation to 3.7.8 Roof Form and Pitch of the Residential Design Guidelines; for additions and alterations to an existing dwelling at No. 51 (Lot 10) Osborne Road, East Fremantle, in accordance with the plans date stamp received on 27 May 2013 subject to the following conditions:
 1. Existing roof chimney to be retained within the existing roof form. This is to be notated on the plans submitted with respect to the Building Permit application.
 2. 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 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. 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.
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 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 Martin – Cr Nardi

The adoption of the officer's recommendation.

Amendment

Cr Rico – Cr Collinson

That the following become Condition 1 of the approval and subsequent conditions be renumbered accordingly:

"The roof of the extension be tiled to match the existing residence and garage or the residence and garage be retiled to match those of the extension." CARRIED

The substantive motion, as amended, was put.

Cr Martin – Cr Nardi

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

- (a) **variation to side setback to Element 6.2.1 Setbacks of the Building Generally of the R-Codes (northern elevation) – required setback 1.6 metres. Proposed setback is 1.4 metre; and**
- (b) **variation to 3.7.8 Roof Form and Pitch of the Residential Design Guidelines; for additions and alterations to an existing dwelling at No. 51 (Lot 10) Osborne Road, East Fremantle, in accordance with the plans date stamp received on 27 May 2013 subject to the following conditions:**

1. The roof of the extension be tiled to match the existing residence and garage or the residence and garage be retiled to match those of the extension.
2. Existing roof chimney to be retained within the existing roof form. This is to be notated on the plans submitted with respect to the Building Permit application.
3. 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)
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. 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 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 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 4:0

Note:

As 4 Committee members voted in favour of the Reporting Officer's recommendation as amended, and the Manager Planning Services supported the amendment, pursuant to Council's decision regarding delegated decision making made on 16 July 2013, this application is deemed determined, on behalf of Council, under delegated authority.

T91.12

Canning Highway No. 155 (Shop 19)**Applicant: Masterplanners****Owner: Adam Parker & Jackson Harwood****Application No. P89/2013**

By Christine Catchpole, Planning Officer on 29 July 2013

BACKGROUND**Description of Site**

The subject site is:

- a strata title unit (93m²) known as shop 19 in the East Fremantle Shopping Complex fronting Canning Hwy;
- zoned Town Centre;
- located in the Town Centre Precinct;
- abutting a primary regional road reserve under the Metropolitan Region Scheme; and
- currently occupied by a tattoo parlour.

Statutory Considerations

Town Planning Scheme No. 3 – Town Centre (TPS 3)

Referral of the application to Main Roads WA is required as the property abuts a Primary Regional Road reservation under the Metropolitan Region Scheme.

Relevant Council Policies

Town Centre Redevelopment Guidelines

Design Guidelines - Signage

Impact on Public Domain

Tree in verge : No impact

Light pole : No impact

Crossover : No impact

Footpath : No impact

Streetscape : Signage will replace the existing signage for the tattoo parlour with the exception of a larger roof sign and window signs which will face Canning Highway and Silas Street.

Documentation

Plans, relevant forms and accompanying information date stamped received on 27 June, 22 and 29 July 2013.

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

9 November 2012 Delegated authority approval for a change of use from a Tattoo Parlour to Recreation – Private Use.

10 July 2013 Building Permit issued for the Recreation – Private Use (personal training gym) fit out.

It is noted that signage in the road reserve predates TPS 3, Town Centre Redevelopment Guidelines and the Design Guidelines Signage.

Date Application Received

27 June 2013

CONSULTATION**Advertising**

The application was not advertised to surrounding land owners as the signage is essentially replacing the signage in place for the tattoo parlour and will be an upgrade of the existing signage. The roof and window signage is not considered to impact on the amenity or signage of other strata property owners or the surrounding area.

Town Planning Advisory Panel Comments

Due to the nature of the application it was not considered by the Town Planning Advisory Panel.

Site Inspection

By Planning Officer on 22 July 2013.

DESCRIPTION OF PROPOSAL

The applicant is proposing to occupy Shop 19 of the shopping complex at No. 155 (Strata Lot 7) Canning Highway. This tenancy is currently occupied by a tattoo parlour; however approval was gained for a change of use from tattoo parlour to personal training fitness studio which is classed as recreation – private use.

The applicant did not include any details of proposed signage associated with the business in the change of use application, but was aware that Council policies and further approvals would be required in this regard.

The use was approved under delegated authority on 9 November 2012 subject to a number of conditions one of which stated:

“Prior to the installation of any signage on either the site or the building, a development application is to be lodged and approved by Council.”

An application for signage has now been submitted and comprises the following signs:

Roof Sign

The roof sign proposed is an aluminium frame fixed to the roof and will be 4.5 metres in length and 0.8 metres in height. The roof sign is proposed to sit just above the verandah section of the roof and will not extend above the roof ridge line. The wording on the sign will advertise the name and nature of the business. A much smaller roof sign advertising the tattoo parlour has been in the same position as that proposed for the new sign. This sign has been removed in recent times.

Window Sign

The aspect of the sign with wording will be placed on the glass front doors to the tenancy and again will advertise the name and nature of the business with a few more specific details of the services offered. The area of this sign will be 1.75 metres in width and 0.75 metres in height. The remainder of the windows will be obscured with an opaque film in a curved line on the lower part of the windows.

Pole or Pylon Sign

The pole and pylon sign are located within the road reserve and already exist. The ground base sign on two poles is 1.6 metres in length x 0.6 metres in height and will sit approximately 1.0 metres above ground level.

The pylon sign is 1.5 metres in length and 0.3 metres in height and sits higher than 3 metres above the ground. Both signs are visible to Canning Highway vehicle and pedestrian traffic.

These signs exist and currently contain signage advertising the tattoo parlour. The signs were erected before gazettal of TPS 3 and adoption of the Town Centre Guidelines and the Design Guidelines for Signage.

All signage is identical in regard to design and content with the exception of the information on the glass entry doors which provides slightly more information about the nature of the services offered.

ASSESSMENT

Signage

The application in regard to signage is considered to comply with the objectives of the Town Centre Guidelines, however, the application does not strictly comply with the Council's Policy in regard to Design Guidelines - Signage.

Clause 3 of the above Guidelines requires that each sign must comply with Clauses 4 and 8. Whilst the signage complies with Clause 4 (general requirements) the window sign on the glass entry doors and the roof sign are either not exempt from approval, are automatically deemed "discretionary" or do not comply under Clause 8, therefore Council discretion is required to approve the two signs proposed.

Roof Sign

A roof sign is defined as "a sign erected on the roof or parapet of a building with the highest point of its base not exceeding a vertical distance of 300mm above the roof or parapet."

The roof sign proposed mostly complies with the criteria as required under clause 8 of the Design Guidelines and as such can be supported, however, it is noted it does not comply with the limit of one sign per site. A number of other businesses in the complex have signage attached to the guttering of the building and one of the occupants has a pole mounted roof sign.

Although there are a number of signs on the site. The roof sign proposed is considered supportable as it is not raised above the ridge line of the roof and will be positioned where the verandah roof meets the guttering of the upper roof section. It will be positioned on the face brick work, in the same position as the previous sign, albeit occupying an increased area, and not mounted on the roof.

Window Sign

The window signs are a "sign on a glass surface of a window or located less than 150mm behind a surface. Also includes signs on any window which has been painted opaque."

The window signs will not strictly comply with the criteria of the Guidelines as it will occupy more than 50 per cent of the surface area of the windows. The wording of the signs will not exceed this amount, however, it is intended that the lower sections of the windows will be made opaque to provide privacy for clients.

Pole and Pylon Sign

It is noted that a pole or pylon sign is "a sign erected on a pole, poles or a pylon independent of any building, provided it is not designed or used as a poster panel (billboard)."

The signs proposed are exempt from planning approval as under clause 7 "a permit is not required to change the content of an existing approved sign provided that any changes do not result in it being less consistent with the objectives of the Design Guidelines than the previous sign." In this case the new signage is considered to be an improvement as the signage will be replaced and upgraded.

Summary

The signage proposed is not considered to detract from the visual amenity of the area and is considered to be an improvement on the numerous and varying types of signage that have been in place for the tattoo parlour. The signage proposed is also considered to promote the business activity in a coordinated fashion with a range of signage that is appropriate for the location and will improve the visual amenity of the area through the upgrade of the existing signage. The signage is generally confined to the building or within proximity to the use and Main Roads WA indicated that it supported the proposal subject to standard conditions.

It is therefore recommended the application for signage be approved subject to conditions.

RECOMMENDATION

That Council exercise its discretion in granting approval to vary Clause 8 – Signage Requirements of Council's Design Guidelines - Signage (Alternative Performance Criteria):

(a) to allow the signage to occupy more than 50% of the surface area of the windows; and

(b) to allow more than one roof sign for the site;

for signage for the recreation – private use at Shop 19 No. 155 (Strata Lot 7) Canning Highway, East Fremantle, as outlined on the plans and in the accompanying information date stamped received 27 June, 22 & 29 July 2013 subject to the following conditions:

1. The sign and sign structure is to be placed on private property and shall not overhang or encroach upon the road reserve.
2. Main Roads agreement is to be obtained prior to any modifications.
3. If illuminated it must be of Low-level not exceeding 300cd/m² not flash, pulsate or chase.
4. The device shall not contain fluorescent, reflective or retro reflective colours or materials.
5. No other unauthorised signing is to be displayed.
6. The works are to be constructed in conformity with the drawings and written information in relation to accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
7. The proposed recreation – private use is not to be commenced until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
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) *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.*
- (b) *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).*
- (c) *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 (c) below)*

- (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.*

The revised glazing plan, referred from Correspondence (MB Ref T89.2) was tabled.

Cr Nardi – Cr Rico

That Council exercise its discretion in granting approval to vary Clause 8 – Signage Requirements of Council’s Design Guidelines - Signage (Alternative Performance Criteria):

- (a) **to allow the signage to occupy more than 50% of the surface area of the windows; and**

- (b) **to allow more than one roof sign for the site;**

for signage for the recreation – private use at Shop 19 No. 155 (Strata Lot 7) Canning Highway, East Fremantle, as outlined on the plans and in the accompanying information date stamped received 27 June, 22 July and 5 August 2013 subject to the following conditions:

- 1. The sign and sign structure is to be placed on private property and shall not over hang or encroach upon the road reserve.**
- 2. Main Roads agreement is to be obtained prior to any modifications.**
- 3. If illuminated it must be of Low-level not exceeding 300cd/m² not flash, pulsate or chase.**
- 4. The device shall not contain fluorescent, reflective or retro reflective colours or materials.**
- 5. No other unauthorised signing is to be displayed.**
- 6. The works are to be constructed in conformity with the drawings and written information in relation to accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council’s further approval.**
- 7. The proposed recreation – private use is not to be commenced until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
- 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) *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.***
- (b) *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).***
- (c) *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 (c) below)***

- (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 4:0

Note:

As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 16 July 2013, this application is deemed determined, on behalf of Council, under delegated authority.

T92. REPORTS OF OFFICERS – STRATEGIC PLANNING**T92.1 East Fremantle Oval Recreation Precinct Community Reference Group – Update**

By Jamie Douglas, Manager – Planning Services, on 24 July 2013

The Community Reference Group has now met on three occasions. Attached for information is a copy of the Minutes of the CRG's last meeting held on 22 July 2013. The Minutes provide an indication of the diversity of views currently under discussion and the information provided to various meetings of the Group.

The Manager Planning Services will provide a verbal report to the Committee on the CRG's progress.

RECOMMENDATION

That the report be received.

RECOMMENDATION TO COUNCIL

Cr Martin – Cr Rico

That:

1. the report be received.
2. the Chair of the East Fremantle Oval Recreation Precinct Community Reference Group be invited to the next Town Planning & Building Committee meeting to discuss progress to date and future directions for the Group.

CARRIED

T92.2 George Street Access and Parking Management Plan

By Jamie Douglas, Manager – Planning Services, on 22 July 2013

Purpose of Report

This report recommends the adoption of a works program and communications program for the implementation of the George Street Access and Parking Management Plan.

Background

At its meeting held on 16 July 2013 Council resolved to adopt the Committee's recommendation as follows:

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.

Consideration

The George Street Access and Parking Management Plan concluded that there is sufficient on- street parking to accommodate existing and projected commercial parking demand in the precinct providing measures are undertaken to encourage multi-modal access to the precinct and make more efficient use of the available spaces.

The Town retains a development contribution of \$135,000 received from the Wine Store as a condition of planning approval when it was approved as a 'small bar'. There is also a developer contribution of \$27,000 applied as a condition of approval in respect to the Lauder and Howard site planning approval for a Jazz Club, dance studio and apartments. These developer contributions were made consistent with the established Local Planning Policy - *George Street Mixed Use Precinct New Development Contribution to the Management of Access & Parking*. At its meeting on 16 July 2013 Council confirmed its commitment to the continued application of the Policy in respect to future developments.

Council has funded the cost of *The George Street Access and Parking Management Plan undertaken by GHD*. Accordingly the \$135,000 is currently available to undertake the recommended options identified in the Plan with further funds anticipated to be receipted in the future. The attached program of works has been formed within the context of this available funding. However the development of additional parking areas on Duke Street and Saint Peters Road and in Silas Street and Council Place will be dependent upon alternative funding options and future developer contributions.

It is proposed to advise all residents, landowners and business operators in the Plympton Precinct by circular letter of the outcomes of the Management Plan and the Program of Works being undertaken. It is also proposed that similar material should be placed on Council's website and be the subject of a media release. As can be seen from the Program, further specific consultation with residents in King Street in relation to the proposed single speed hump along King Street is also proposed. This will be the subject of a specific letter drop/questionnaire.

Conclusion

Based on the findings of the Management Plan, there is sufficient on street parking to accommodate existing and projected commercial parking demand in the precinct providing measures are undertaken to encourage multi-modal access to the precinct and make more efficient use of the available spaces. A program of Works is proposed to undertake these measures with completion dates for the first initiative starting on 17 September 2013 and continuing until end of June 2016. Sufficient funding will be available from developer contributions to achieve all but the two identified strategic car park options.

It is proposed to undertake a consultation exercise in advance of the Works Program to advise all residents, landowners and business operators in the Plympton Precinct outcomes of the Management Plan and the Program of Works for implementation.

RECOMMENDATION

That Council:

1. Endorse the Program of Works which is an attachment to this report.
2. Undertake a 'Public Consultation Program' to promote outcomes of the Management Plan and the proposed Works Program.

Elected members requested that:

- the report be placed on Council's website
- copies of the report be available to the public
- residents with no off street parking be advised of Council's resident parking scheme.

RECOMMENDATION TO COUNCIL**Cr Nardi – Cr Rico****That Council:**

1. **endorse the Program of Works attached to these minutes**
2. **undertake a 'Public Communication Program' to promote outcomes of the Management Plan and the proposed Works Program.** CARRIED

T92.3***Review of Residential Design Codes***

By Jamie Douglas, Manager – Planning Services, on 28 June 2013

Refer 'Confidential' Attachment**Purpose of Report**

The State Government has announced that a number of changes will be made to the Residential Design Codes which will take effect on 2 August 2013. This report identifies the major changes and their potential impacts upon the Town's Planning Scheme No. 3 and Local Planning Policies.

Summary of Principal Changes to the R- Codes

A full explanation of all the proposed changes is contained in Planning Bulletin 109/2013 which is available on line from the Western Australian Planning Commission website.

The following is a summary of the changes which will potentially impact upon development control in East Fremantle.

1. Changes to the Administrative and Interpretation Sections of the Codes

"Clarification that proposals that meet all deemed to comply provisions cannot be refused"

The above statement in the Revised R-Codes could potentially impact upon the current determination process applied by the Town in respect to development applications. Based on past legal opinion, the Town has held that R-Code compliance is not a determining factor and that assessment against the provisions of TPS No. 3 (specifically those matters identified in Clause 10.2) and relevant Local Planning Policy provisions must also be given weight. Accordingly the Town has held that an application that is R-Code compliant may nevertheless be refused because it is determined to not satisfactorily address those matters contained in clause 10.2 and elaborated within the LPP or within the general provisions of the Scheme. Further legal advice has been sought to determine whether the revisions to the Code will change this position.

A copy of the legal advice is confidentially attached to this report. In summary it confirms that notwithstanding statements made in the Planning Bulletin, there is no legal obligation arising from the R-Code review which requires a change to the current determination process. Further, in respect to the application of the Town's TPS No. 3 there are a number of legal precedents which require that the existing process of consideration be continued.

It is understood that there are seven other local governments in the metropolitan area with similar scheme provisions which require the determination of applications for planning approval for single dwellings which are compliant with the R-Codes 'deemed to comply' provisions.

"No advertising is required for proposals/components of proposals that meet 'deemed-to-comply' provisions."

Currently neighbours i.e. adjoining landowners or those within proximity to proposed developments are notified if it is deemed they may be materially impacted by a proposal. This may occur in the case of development proposals which are compliant with all relevant planning provisions. Currently neighbours comments are taken into account when determining these applications and may give rise to approval conditions, redesign or in some instances, refusal. Legal advice has been sought in

respect to the implications of Council's current procedure for notification and the weight given to comments/objections received in respect to compliant development (refer attachment). This advice confirms that pursuant with clause 9.4.2 of TPS No. 3, the Town retains discretion to advertise any application for planning approval. It is further required pursuant with Clause 10.2 (z) to give due weight to any submissions received arising from such advertising.

2. Changes to Design Elements

Most of the 'core' development control provisions in the R-Codes have not been significantly altered, including height, setbacks and open space provisions.

The terms '*acceptable development*' and '*performance criteria*' which are listed for each design element have been renamed to 'deemed to comply' and '*design principles*'. The change has been made because the previous terms had sometimes been misinterpreted as meaning 'acceptable' and 'unacceptable-except-where'. The Commission considered that some local governments adopted an approach that development which does not meet the acceptable development should be refused notwithstanding that the proposal may be entirely appropriate for the site and should be approved under the relevant performance criteria. The new terms are considered to better reflect that there are two parallel streams under which a development may be assessed.

The major changes to the design elements which will impact upon development in the Town relate to the reduction in development densities associated with various R-code zones. These changes are shown in the following table (the existing provisions are crossed through and the new provisions are highlighted). The changes only relate to R code zones of R20 and above and have been made to achieve the following:

- Restore the historical 450m² average site area for R20, which was previously adjusted upwards to 500m² in 2002 R-Codes (although areas coded R20 prior to 2002 gazettal date retained the lower average site area of 450m²);
- Introduce R80 minimum, average and battle axe site areas, open space and setback requirements to provide increased flexibility and address market trends for small, narrow frontage lots;
- Reduce open space for R50 and R60, from 45% to 40%; and
- Adjust 'battleaxe' site areas which correspond to the proposed reduced minimum site areas.

The impact of these changes on development outcomes under the current and proposed TPS No 3 provisions will be as follows:

- For those areas zoned R12.5 (i.e. The majority of Woodside, Richmond, Richmond Hill and approximately half of Riverside Precincts) – no change.
- For those areas such as Plympton which have R20 coding the changes will mean that it will be possible to subdivide lots of 900m² where previously 1000m² was required. It should be noted however that the minimum 10m frontage and open space requirements have not been changed. In practice it is considered these changes will not result in any substantial increase in density because of the narrow frontages and existing built form associated with most lots in the affected areas will restrict further subdivision.
- Under the changes R30 zoned areas (parts of Riverside and Raceway Precincts) the minimum lot size will be reduced by 10m² however the average lot size and open space requirements are unchanged. It is considered that the changes will not have a material impact upon built form outcomes for new development.
- The changes to R40 coded land will reduce the minimum lot size by 20m² from 200m² to 180m² (and from 400m² to 380m² for battleaxe lots). The average lot size and open space requirements however remain unchanged. This means that

the minimum area required for a two lot subdivision remains unchanged at 440m² and it is considered therefore that these changes will not have any major detrimental impact on streetscape or heritage values. It is noted that under the proposed dual coded zones (R12.5/R40) incorporated in the Scheme Revision which is draft Amendment 10 – only those lots which can achieve at least three new dwellings (unless the land includes a heritage building) are able to be subdivided at the higher density. This means that only lots of 1760m² or greater can be subdivided at R40 density, however the changes will allow a greater range in lot sizes – down to 180m². This is considered to be a positive outcome allowing the Town's built form to respond to an ageing demographic and enables some 'downsizing' opportunities within the existing suburban context.

- The remaining R-codes included in the table – R50, R60, R80 are the only density zones which have reductions in the open space requirements. None of these density zones are currently included or proposed for the Town's Planning Scheme. Where higher development density zones apply such as in the Town Centre, these are otherwise controlled by specific design guidelines adopted under Local Planning Policies which are to be given statutory effect under the proposed Part 6 provisions of draft Amendment 10.
- It is noted that the WAPC also proposes to change its subdivision policies to reflect the changes to the R-Code density requirements. Included in these changes is the ability to allow minimum site area variations of up to 5%, subject to certain criteria. Consideration has also been given to the impact of this. However it is noted that the relevant average lot size, frontage and open space provisions which are applicable will mean that very few subdivisions will be able to take advantage of this clause. It is further noted that under Amendment 10 the existing density bonus in TPS No. 3 for corner lots will be deleted.

Summary Table of Amendments to Table 1: General site requirements for all single house(s); and grouped dwellings; and multiple dwellings in areas with a coding of less than R30.

1 R-code	2 Dwelling Type	3 Min. site area per dwelling (m ²) % ♦	4 Min. lot area/rear battle axe (m ²) ▼	5 Min. frontage (m) ▼	6 Open Space		7 Min. setbacks (m)		
					Min. total (% of site)	Min. o/door living (m ²)	Primary street	Secondary street ●	Other/rear
R20	Single house or grouped dwelling	Min 440 350 Av 500 450	540 450	10	50	30	6	1.5	*
	Multiple Dwelling	500- 450	-	20	-	-	6	1.5	*
R25	Single house or grouped dwelling	Min 320 300 Av 350	445 425	8	50	30	6	1.5	*
	Multiple Dwelling	400 350	-	20	-	-	6	1.5	*
R30	Single house or grouped dwelling	Min 270 260 Av 300	420 410	-	45	24	4	1.5	*
R35	Single house or grouped dwelling	Min 235 220 Av 260	410 395	-	45	24	4	1.5	*
R40	Single house or grouped dwelling	Min 200 180 Av 220	400 380	-	45	20	4	1	*
R50	Single house or grouped dwelling	Min 160 Av 180	400 380	-	45 40	16	4 2	1	*
R60	Single house or grouped dwelling	Min 460 120 Av 480 150	400 380	-	45 40	16	4 2	1	*
R80	Single house or grouped dwelling	Min 460 100 Av 480 120	400 380	-	45 30	16	4 1	1	*
All standards for single house or grouped dwellings within R100, R160 and R-AC areas are as for the R80 Code									

3. Changes to Definitions and Requirements for Development Applications

The R-Codes definition of 'ancillary accommodation' is to be changed to delete the family member occupancy restriction and increase the maximum floor space from 60m² to 70m². This will mean that in the future such dwelling units may be rented to non-family members (unless otherwise restricted by a condition of planning approval). However ancillary dwellings must still be accommodated on the same lot as a principal dwelling. A separate title can only be created through an application for subdivision or as a development application for a grouped housing development in such instances the application would have to meet the relevant R-Code and planning scheme provisions.

Elected Members will be aware that in the past, conditions of planning approval have been applied to 'ancillary dwelling' developments which have restricted their occupancy to family members. These conditions will continue to prevail until a new application is made. However it is considered that in future the Town will not be able to sustain an argument before the State Administrative Tribunal for the application of such conditions since they will now be in conflict with a State Planning Policy.

Conclusion

It is considered that the proposed changes to the R-Code provisions will not detrimentally impact upon development outcomes achievable under the existing and proposed planning scheme provisions. The changes in minimum lot sizes for R40 coding will result in some increase in the range of lot sizes that may be achieved under the proposed dual coding provisions in draft Amendment 10. However given that the average lot size and open space requirements are to be unchanged this should not materially impact upon the potential development density within these coded areas.

While a small reduction in the minimum and average lot sizes for existing R20 zoned areas is to be implemented, it should be noted that these are theoretical minimums. In practice the existing built form and subdivision pattern will generally restrict development potential at these theoretical minimums from occurring.

In consideration of the marginal impact of the changes to the R-Codes for the Town, it is concluded that no changes to existing or proposed statutory scheme provisions are necessary.

RECOMMENDATION

It is recommended that this report be received and that no changes to existing or proposed provisions of Town Planning Scheme No. 3 and Local Planning Policies be undertaken as a consequence of the changes to the Residential Design Codes gazetted on 2 August 2013.

RECOMMENDATION TO COUNCIL

Cr Martin – Cr Rico

This report be received and that no changes to existing or proposed provisions of Town Planning Scheme No. 3 and Local Planning Policies be undertaken as a consequence of the changes to the Residential Design Codes gazetted on 2 August 2013.

CARRIED

T93. CONFIDENTIAL BUSINESS

Nil.

T94. URGENT BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING

T94.1 Heritage Review
Cr Martin – Cr Rico
That:

1. a Heritage Consultant be requested to provide a submission containing a proposed scope of works, personnel and experience and cost contingencies to undertake;
 - a review of the Municipal Inventory
 - designation and establishment of Heritage Areas under clause 7.2 of the Planning Scheme
 - all actions necessary to achieve the inclusion of selected properties on the Heritage List under clause 7.1 of the Planning Scheme.
2. an additional budget allocation of \$150,000 be provided as a cost contingency to support the outsourcing of the consultation, reporting and response to submissions associated with Heritage Listings. CARRIED

T95. CLOSURE OF MEETING

There being no further business the meeting closed at 9.00pm.

*I hereby certify that the Minutes of the meeting of the **Town Planning & Building Committee** of the Town of East Fremantle, held on **6 August 2013**, Minute Book reference **T83. to T95.** were confirmed at the meeting of the Committee on*

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Presiding Member