

# **MINUTES**

## **Town Planning Committee**

Tuesday, 2 May 2023 at 6:30 PM

#### Disclaimer

Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting. Persons should be aware that the provisions of the Local Government Act 1995 (section 5.25 I) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person.

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### **MINUTES**

#### DECLARATION OF OPENING OF MEETING/ANNOUNCEMENTS OF VISITORS

Presiding member opened the meeting at 6.30 pm and welcomed members of the gallery.

#### 2 ACKNOWLEDGEMENT OF COUNTRY

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

#### 3 ANNOUNCEMENT TO GALLERY

"Members of the gallery are advised that no Council decision from tonight's meeting will be communicated or implemented until 12 noon on the first clear working day after this meeting, unless Council, by resolution carried at this meeting, requested the CEO to take immediate action to implement the decision."

#### 4 RECORD OF ATTENDANCE

#### 4.1 ATTENDANCE

Cr C Collinson Presiding Member

Cr A Natale Cr D Nardi Cr A White

The following staff were in attendance:

A Malone Executive Manager Regulatory Services

K Culkin Minutes Secretary

There was 1 member of the public in the gallery.

#### 4.2 APOLOGIES

Mayor J O'Neill

#### 4.3 APPROVED LEAVE

Nil

#### 5 MEMORANDUM OF OUTSTANDING BUSINESS

Nil

#### 6 DISCLOSURES OF INTEREST

#### 6.1 FINANCIAL

Nil

#### 6.2 PROXIMITY



Nil

6.3 IMPARTIALITY

Nil

#### 7 7. PUBLIC QUESTION TIME

7.1 RESPONSES TO PREVIOUS QUESTIONS FROM MEMBERS OF THE PUBLIC TAKEN ON NOTICE

Nil

7.2 PUBLIC QUESTION TIME

Nil

#### 8 PRESENTATIONS/DEPUTATIONS

8.1 PRESENTATIONS

Nil

8.2 DEPUTATIONS

Nil

#### 9 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 TOWN PLANNING COMMITTEE (4 APRIL 2023)

#### 9.1 OFFICER RECOMMENDATION

Moved Cr Nardi, seconded Cr Natale

That the minutes of the Town Planning Committee meeting held on 4 April 2023 be confirmed as a true and correct record of proceedings.

(CARRIED UNANIMOUSLY)

#### 10 ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil

#### 11 REPORTS OF COMMITTEES

Nil



#### 12 REPORTS OF OFFICERS (COMMITTEE DELEGATION)

#### PROCEDURAL MOTION

Moved Cr Nardi, seconded Cr Natale

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

(CARRIED UNANIMOUSLY)

#### 12.3 22 WINDSOR ROAD - ALTERATIONS AND ADDITIONS

Owner Sam & Agneiszka Willis

**Applicant** Kensington Design WA Pty Ltd

**Report Reference Number** TPR-1395 **Planning Reference Code** P018/23

Prepared by James Bannerman
Supervised by Andrew Malone

Meeting date Tuesday, 2 May 2023

Voting requirements Simple majority

Documents tabled Nil

#### **Attachments**

- 1. Location and advertising plan
- 2. Photos
- 3. Plans submitted 13 March 20234. Community engagement checklist

#### **PURPOSE**

The purpose of this report is for Council to consider a development application for alterations and additions at 22 (Lot 28) Windsor Road, East Fremantle.

#### **EXECUTIVE SUMMARY**

This development application proposes alterations and additions to an existing heritage dwelling at 22 (Lot 28) Windsor Road, East Fremantle. This property is a Category B heritage property, but the proposed development will have virtually no impact on the existing dwelling. An existing extension that was added some years after the original dwelling is being modified and towards the rear the existing kitchen, porch and living area will be demolished and replaced with a new kitchen, dining and living area. The proposed development is a single storey, but as a result of being located on a large lot there is sufficient open space and no issues with overshadowing. There are no visual privacy issues. The setbacks of the building to the lot boundaries are more than the minimum required. One variation is requested to the requirements of the Residential Design Guidelines as listed below;

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

The proposed variation and the associated development application is recommended for approval subject to the conditions included in the final recommendation.



#### **BACKGROUND**

Zoning	Residential R17.5
Site Area	1128m <sup>2</sup>
Heritage	Category B
Fremantle Port Buffer	N/A
Previous Decision of Town and/or History of Issue	DA P079/16 – development approval granted for a
Onsite	games room – 4 October 2016

#### CONSULTATION

#### Advertising

The proposed development was advertised from 13 March to 29 March 2023. No submissions were received.

#### Community Design Advisory Committee

This development application was not provided to the Community Design Advisory Committee (CDAC) as administration has determined at this time it is not appropriate to undertake the CDAC meeting because of restrictions and risks associated with the Covid virus.

#### **External Consultation**

Nil

#### **Internal Consultation**

This development application was not referred to Operations as the development is confined to the rear of the property.

#### STATUTORY ENVIRONMENT

Planning and Development Act 2005 Residential Design Codes (Volume 1) Local Planning Scheme No 3

#### **POLICY IMPLICATIONS**

Residential Design Guidelines

#### FINANCIAL IMPLICATIONS

Nil

#### STRATEGIC IMPLICATIONS

The Town of East Fremantle Strategic Community Plan 2020-2030 states as follows;

#### **Built Environment**

Accessible, well planned built landscapes which are in balance with the Town's unique heritage and open spaces.

- 3.1 Facilitates sustainable growth with housing options to meet future community needs.
  - 3.1.1 Advocate for desirable planning and community outcomes for all major strategic development sites.
  - 3.1.2 Plan for a mix of inclusive diversified housing options.
  - 3.1.3 Plan for improved streetscapes.
- 3.2 Maintaining and enhancing the Town's character.
  - 3.2.1 Ensure appropriate planning policies to protect the Town's existing built form.
- 3.3 Plan and maintain the Town's assets to ensure they are accessible, inviting and well connected.
  - 3.3.1 Continue to improve asset management within resource capabilities.



#### 3.3.2 Plan and advocate for improved access and connectivity.

#### **RISK IMPLICATIONS**

A risk assessment was undertaken and the risk to the Town in determining this application was deemed to be negligible.

#### SITE INSPECTION

A site inspection was undertaken.

#### COMMENT

#### **Statutory Assessment**

This development application was assessed against the Town's Local Planning Scheme No 3, the Residential Design Codes and the Residential Design Guidelines.

A summary of the assessment is included in the following tables.

Legend	
Α	Acceptable
D	Discretionary
N/A Not applicable	

Local Planning Scheme No 3/Residential Design Guidelines/Residential Design Codes

Design Element	Required	Proposed	Status
Street Front Setback			N/A
Carport/garage setback			N/A
Minor incursions			N/A
Lot Boundary Setbacks			
Southern wall – dining, laundry, wc, pantry	1.5m	2.096m	Α
Eastern wall – pantry, kitchen, verandah	1m	>1m	Α
Northern wall – verandah, dining	1.5m	>1.5m	Α
Northern wall – storage, verandah	1m	1.992m	Α
Car Parking			N/A
Maximum roof height	10m	<10m	Α
Maximum wall height	7m	<7m	Α
Site Works			N/A
Visual Privacy N/A			
Overshadowing	25%	<25%	Α
Roof form and pitch	28 to 36	<28 degrees	D
	degrees		
Materials and colours			Α
Landscaping			Α
Front fence			N/A
Footpaths and crossovers	To be condition	oned	
Drainage	To be condition	oned	

This development application proposes alterations and additions to an existing heritage dwelling at 22 (Lot 28) Windsor Road, East Fremantle. This property is a Category B heritage dwelling. The proposed development has virtually no impact on the existing dwelling. An existing extension that was added some years after the original dwelling was constructed, is being modified. Towards the rear the existing kitchen, porch and living area are to be



demolished and replaced with a new kitchen, dining and living area that will capture the northern sunlight. The proposed development is single storey, but as a result of being located on a large lot there is sufficient open space and no issues with overshadowing. There are no visual privacy issues. The setbacks of the building to the lot boundaries are more than the minimum required. One variation is requested to the requirements of the Residential Design Guidelines in relation to roof pitch.

#### **Roof Pitch**

The Residential Design Guidelines acceptable development provision 3.7.8.3 A4.1 requires that the roof pitch in the Richmond Precinct is between 28 and 36 degrees. In this case the proposed roof has a pitch of 8 degrees. The roof pitch is less than required under the acceptable development provision but can be supported in accordance performance criteria 3.7.8.3 P4 because the roof form complements the traditional form of surrounding development in the locality. It is noted that the development is located towards the rear of the lot and behind the existing dwelling on site which limits the impact of the roof to the streetscape and minimises the bulk of the structure to the adjoining neighbour.

Based on the assessment the proposed development can be supported.

#### CONCLUSION

The proposed development has a single variation related to roof pitch. The design is sympathetic to the streetscape and the existing heritage property. It does not detract from the heritage property and because it is a single storey, has negligible impacts on the neighbouring properties. The development application is recommended for approval subject to the conditions included in the final recommendation.

Mr Hugh Whetters (applicant), spoke in favour of the officer's recommendation.

#### OFFICER RECOMMENDATION / COMMITTEE RESOLUTION

#### 12.3 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP010523

Moved Cr Nardi, seconded Cr Natale

That development approval is granted, and Council exercises its discretion regarding the following;

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

for alterations and additions at No. 22 (Lot 28) Windsor Road, East Fremantle, in accordance with the plans submitted 13 March 2023, subject to the following conditions:

- (1) No chimneys are to be removed and modification of the chimneys will require the submission of a development application for the consideration of the Town of East Fremantle (the Town).
- (2) Existing trees located within the verge are a Town asset and must be retained and not pruned, shaped, or modified except where otherwise approved for removal or modification by the Town.
- (3) During construction the verge trees are to be protected with cages around the trunks to ensure that they are not damaged by surrounding works, vehicles, or materials.
- (4) Prior to lodging an application for a building permit, the applicant must submit and have approved by the Town, and thereafter implement to the satisfaction of the Town, a construction management plan addressing the following matters:

How materials and equipment will be delivered and removed from the site.

- a) How materials and equipment will be stored on site.
- b) Parking arrangements for contractors.
- c) Construction waste disposal strategy and location of waste disposal bins.
- Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction.



- e) How risks of wind and/or waterborne erosion and sedimentation will be minimised during and after the works.
- f) Other matters that are likely to impact on the surrounding properties.
- (5) The footpath is to always remain accessible to pedestrians.
- (6) The works are to be constructed in conformity with the drawings and written information accompanying the application for development approval other than where varied in compliance with the conditions of this development approval or with the Town's further approval.
- (7) The proposed works are not to be commenced until the Town has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this development approval unless otherwise amended by the Town.
- (8) With regards 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 development approval, without those changes being specifically marked for the Town's attention.
- (9) All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Town prior to the issue of a Building Permit.
- (10) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town.
- (11) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by the Town and if approved, the total cost to be borne by the applicant. Town must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (12) This development approval is to remain valid for a period of 24 months from the date of this approval.

#### Footnote:

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

- (a) This decision does not include acknowledgement or approval of any unauthorised development which may be on site.
- (b) A copy of the approved plans as stamped by the Town are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by the Town.
- (c) It is recommended that the applicant provides a structural engineer's dilapidation report, at the applicant/owner 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 the Town 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) Matters relating to dividing fences are subject to the Dividing Fences Act 1961.
- (f) Trees on verges are the property of the Town of East Fremantle. They are not to be damaged, pruned or removed. Any actions which harm verge trees will result in the Town acting against the owners/builders/contractors responsible. If there are concerns regarding trees owners/builders/contractors are asked to contact the Town to seek further advice.
- (g) Any damage to other Town assets including but not limited to the kerb, drainage, footpaths, roads, and signage will have to be repaired by the applicant/owners/contractors at their cost.

(CARRIED UNANIMOUSLY)



Note: As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 21 June 2022, this application is deemed determined, on behalf of Council, under delegated authority.

#### REPORT ATTACHMENTS

Attachments start on the next page

#### Attachment -1

### 22 Windsor Road – Location and Advertising Plan



Attachment -2
22 Windsor Road – Photos







Attachment -2





## 22 WINDSOR ROAD - EAST FREMANTLE

Sheet Index				
ID	Layout Name	Scale	Revision	
A01	Cover Page	1:1, 1:200, 1:2.222	REV A	
A02	Location Plan	1:1000	REVA	
A03	Survey Drawing	1:200	REVA	
A04	Roof Plan - Existing / New	1:200	REVA	
A05	Demolition Plan - New Construction	1:200	REV A	
A06	Areas Ground Floor - Existing / New	1:200	REVA	
A07	Overshadowing Areas Proposed Roof Plan	1:200	REVA	
A08	Overshadowing Areas Existing Roof Plan	1:200	REVA	
A09	Proposed Ground Floor Plan	1:100	REV A	
A10	Roof Plan	1:100	REV A	
A11	Elevations - North & East	1:100	REV A	
A12	Elevations - South & West	1:100	REVA	
A13/A15	3D View	-	REVA	



22 WINDSOR ROAD - EAST FREMANTLE- 09/03/23



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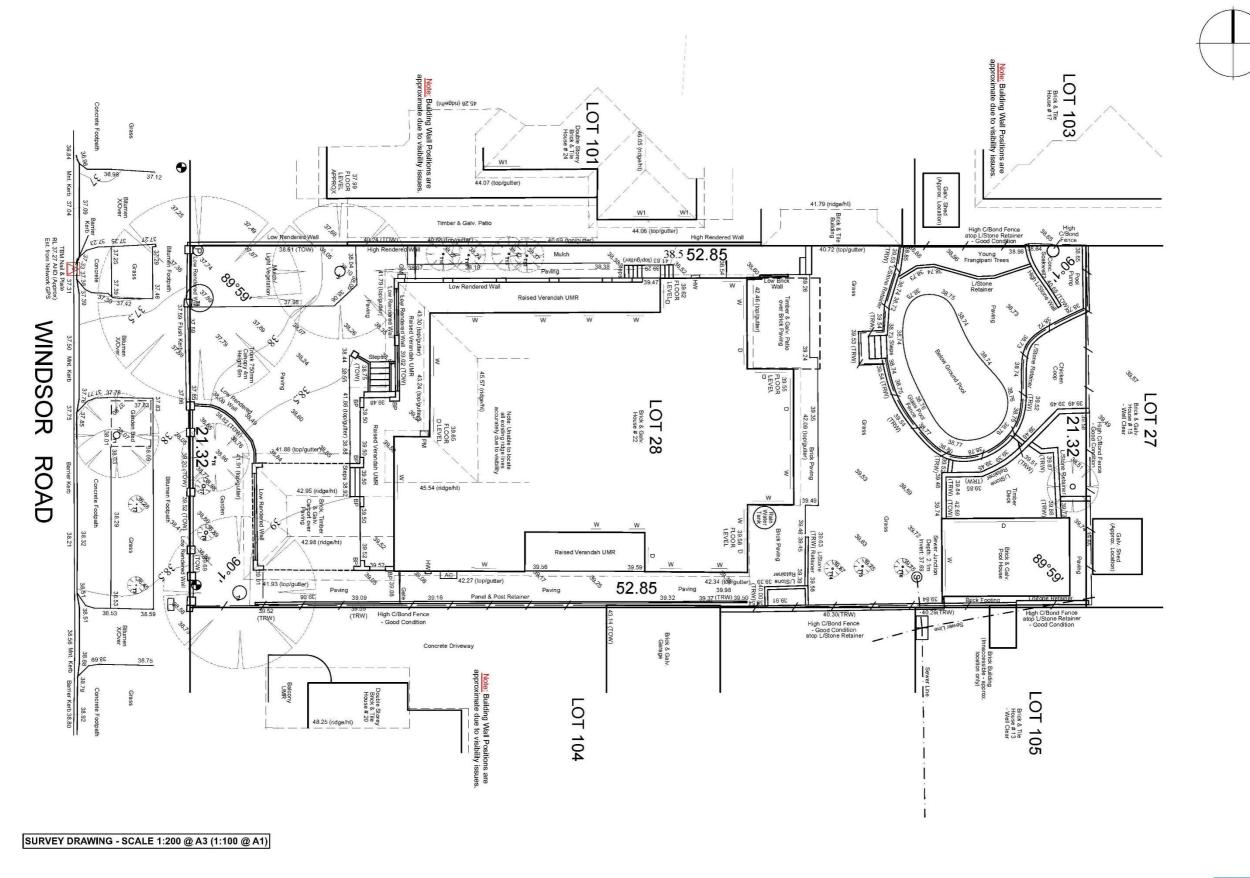
LOCATION PLAN - SCALE 1:1000 @ A3 (1:500 @ A1)





02

age **15** of **62** 



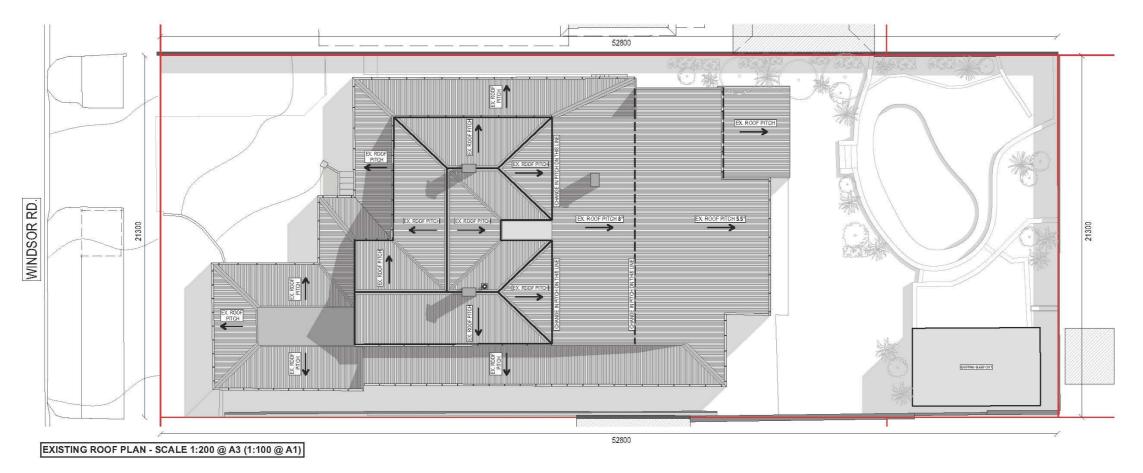




age **16** of **62** 

03

Kensington Design WA Pty Ltd





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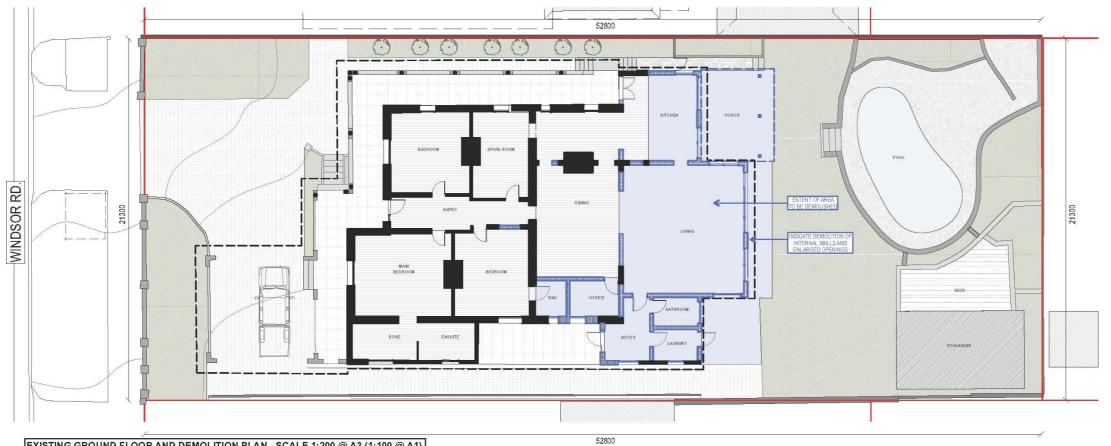
04

age **17** of **62** 



KENSINGTON

PROPOSED ROOF PLAN - SCALE 1:200 @ A3 (1:100 @ A1)





EXISTING GROUND FLOOR AND DEMOLITION PLAN - SCALE 1:200 @ A3 (1:100 @ A1)

MINDSOR RD SERVICE AND THE SE

05

RWA

RURAL WORKSHOP ARCHITECTURE LTD

22 WINDSOR ROAD - EAST FREMANTLE- 09/03/23

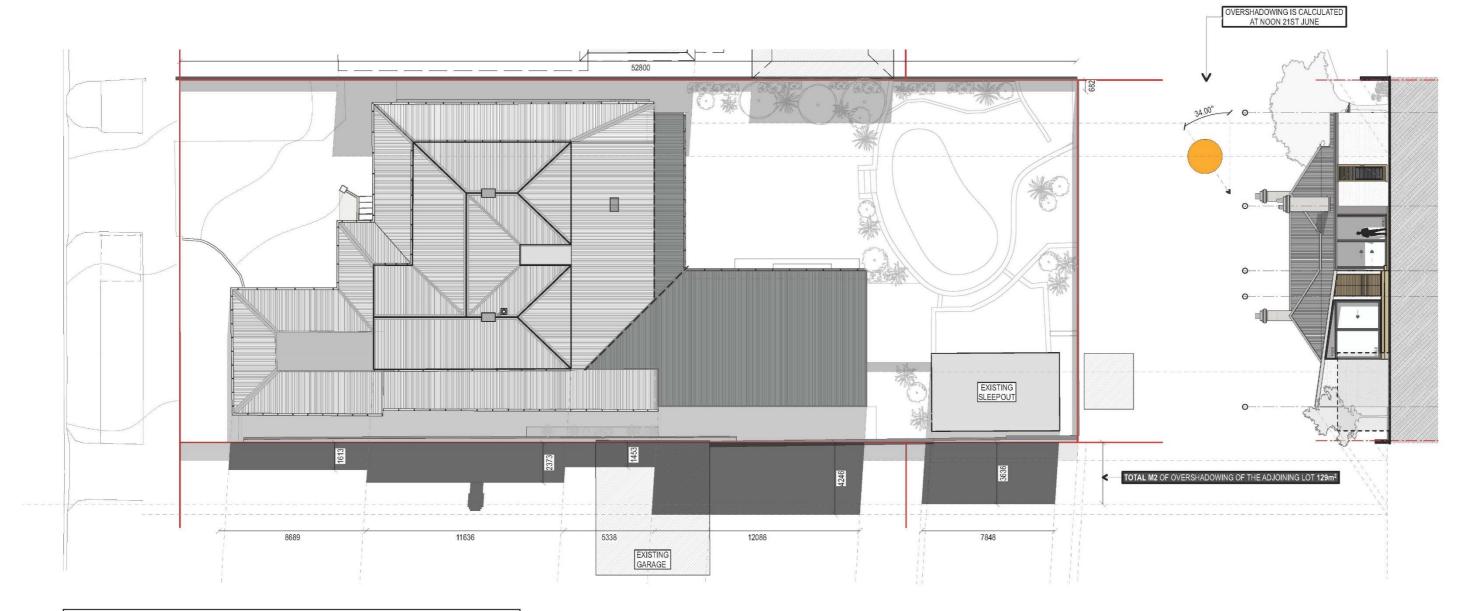
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Kensington Design WA Pty Ltd

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PROPOSED EXTENSION PLAN - SCALE 1:200 @ A3 (1:100 @ A1)





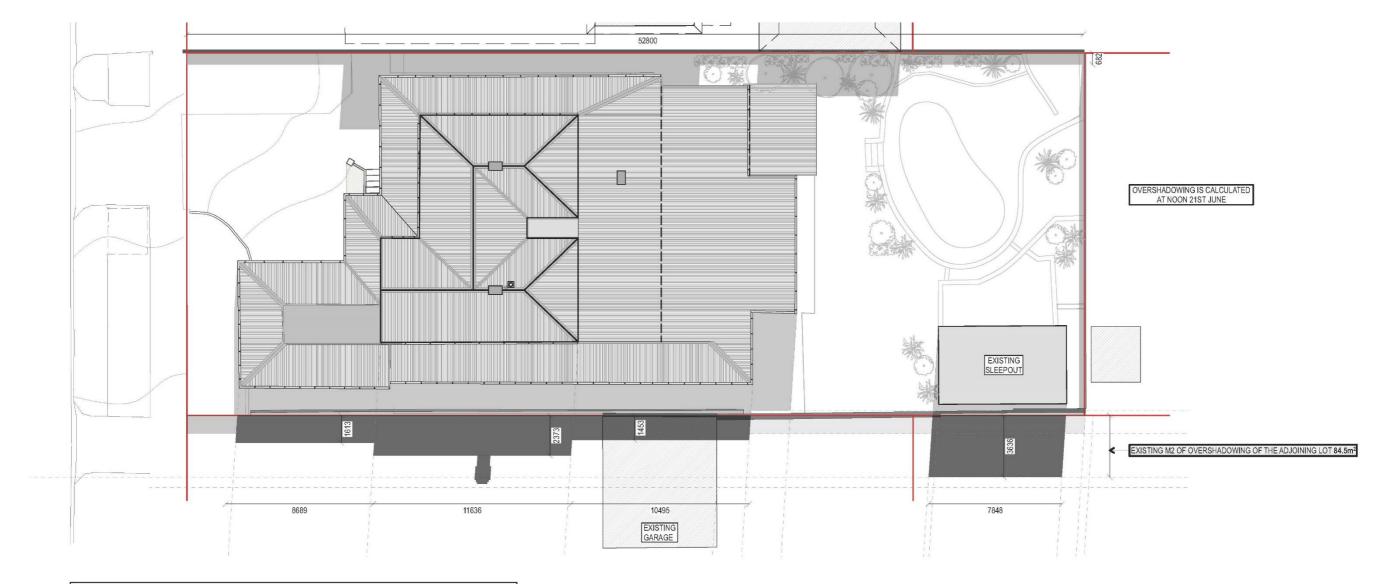
EXTENSION OVERSHADOWING AREAS PROPOSED ROOF PLAN - SCALE 1:200 @ A3 (1:100 @ A1)





07

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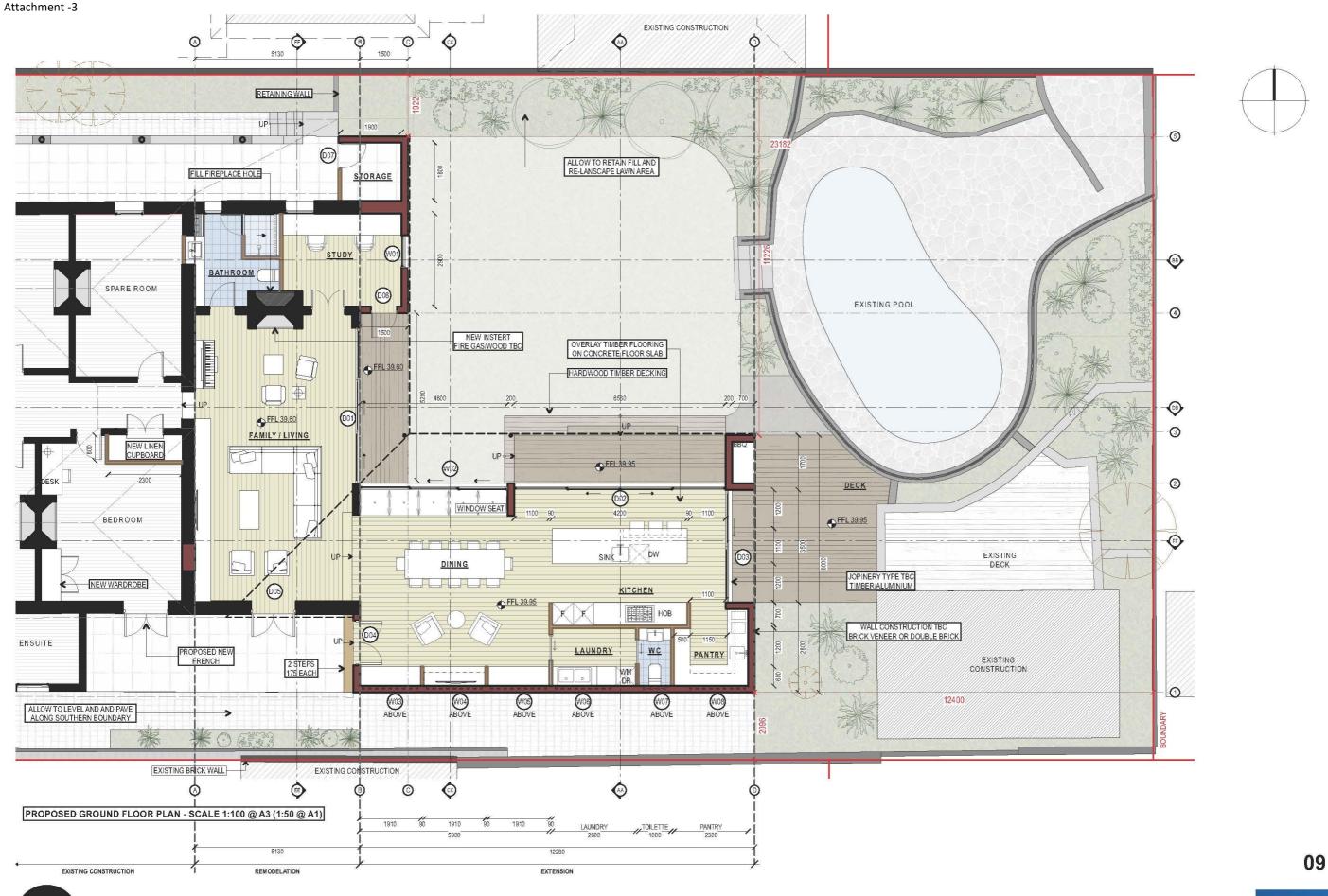


EXTENSION OVERSHADOWING AREAS EXISTING ROOF PLAN - SCALE 1:200 @ A3 (1:100 @ A1)

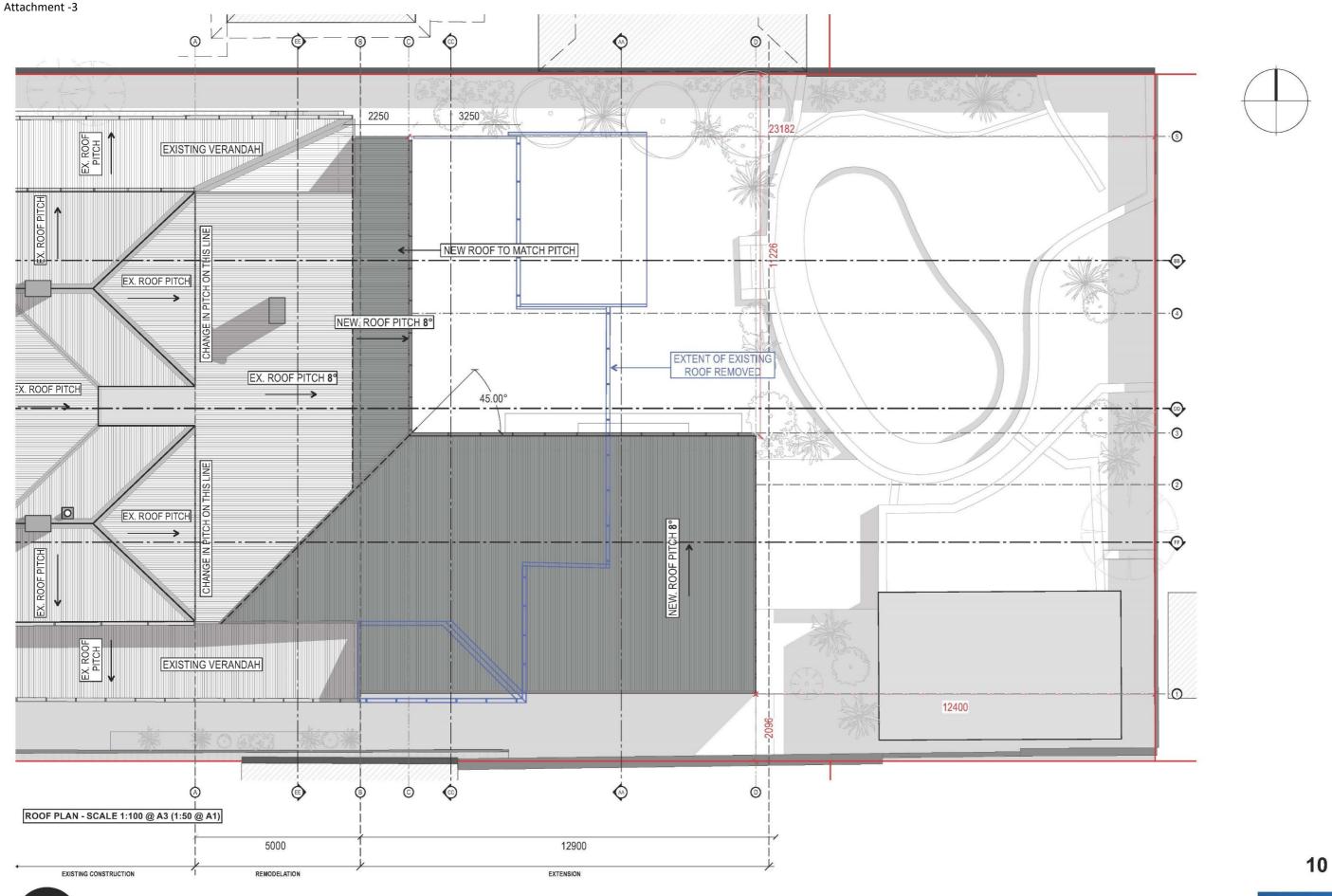




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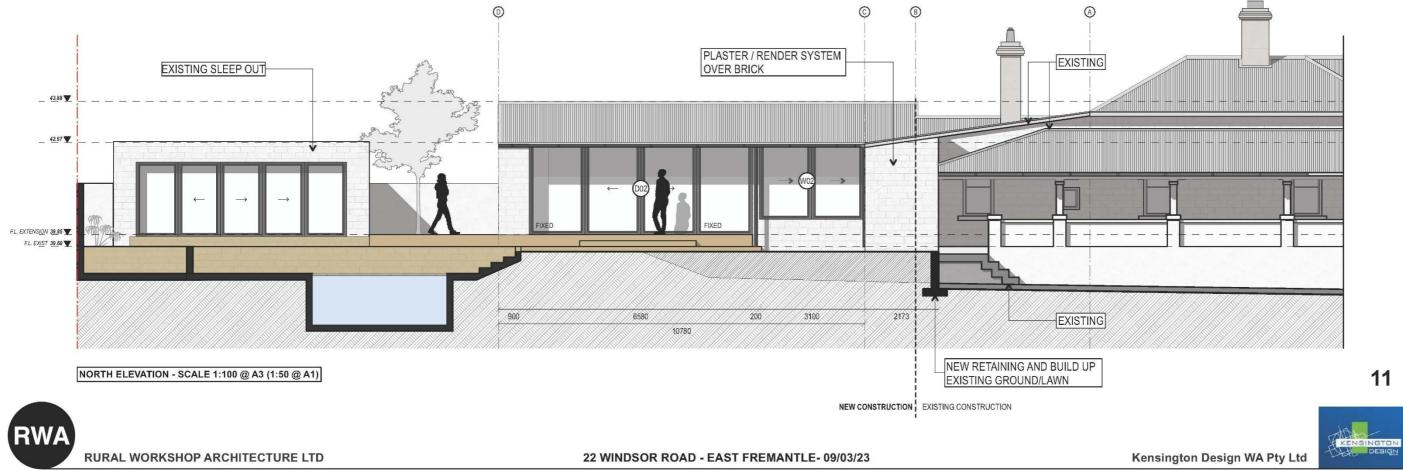


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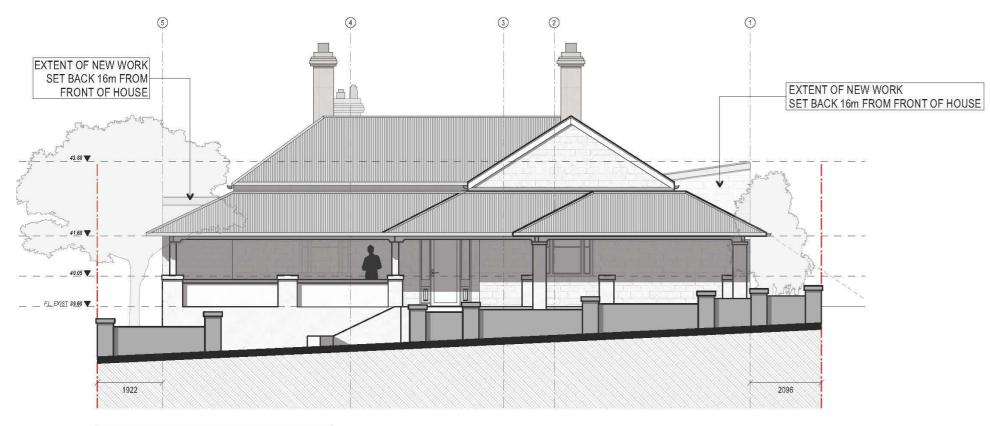


EAST ELEVATION - SCALE 1:100 @ A3 (1:50 @ A1)

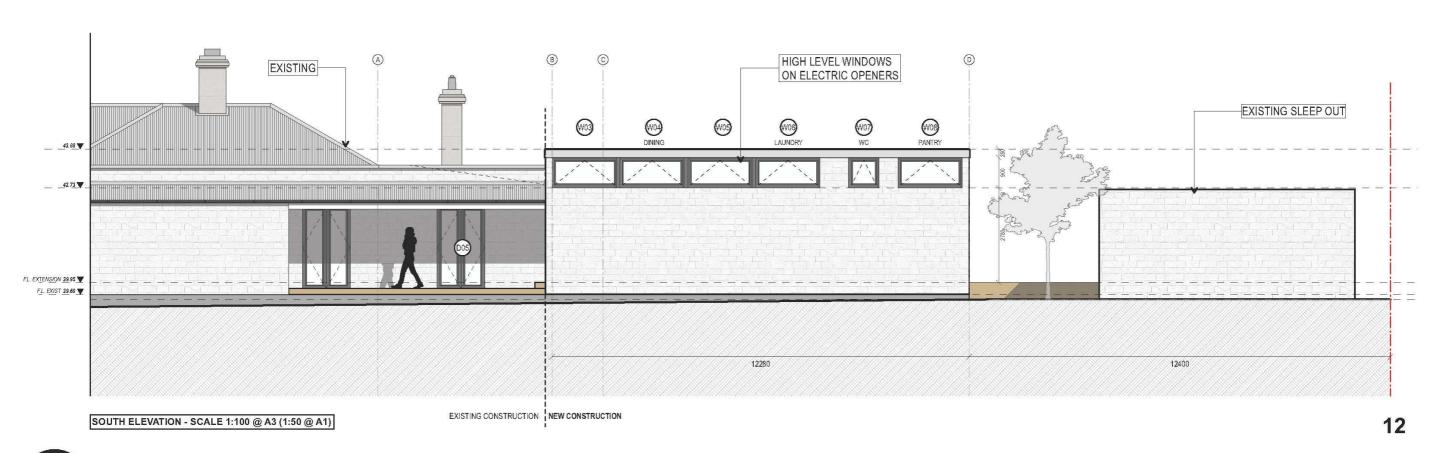


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#### Attachment -3



WEST ELEVATION - SCALE 1:100 @ A3 (1:50 @ A1)





KENSINGTON DESIGN



3D VIEW





13



3D VIEW



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3D VIEW





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### **Community Engagement Checklist**

### **Development Application P018/23 – 22 Windsor Road**

Objective of Engagement	Neighbour Consultation				
Lead Officer:	Regulatory Services				
	Stake	eholders			
Stakeholders to be	Aged		Ratepayers (a	ll / targeted)	
Considered	Businesses		Residents (all	/ targeted)	$\boxtimes$
Please highlight those to be	Children (School / Playground)		Service Provid	ers	
targeted during engagement	Community Groups		Unemployed		
targetea aarmig engagement	Disabled People		Visitors		
	Environmental		Volunteers		
	Families		Workers		
	Govt. Bodies		Youth		
	Indigenous				
	Neighbouring LGs				
Staff to be notified:	Office of the CEO		Councillors		
	Corporate Services		Consultants		
	Development Services				
	Operational (Parks/Works)				
		ngagement Plan			
Methods	Responsible	Date D		Reference / Notes	
1.1 E News	☐ Communications	Click or tap to ente		☐ Click or tap here to enter text.	
1.2 Email Notification	☐ Relevant Officer	Click or tap to ente		☐ Click or tap here to enter text.	
1.3 Website	☐ Communications	Click or tap to ente		☐ Click or tap here to enter text.	
1.4 Facebook	☐ Communications	Click or tap to ento		☐ Click or tap here to enter text.	
1.5 Advert – Newspaper	☐ Communications	Click or tap to ento	er a date.	☐ Click or tap here to enter text.	
1.6 Fact Sheet	☐ Communications	Click or tap to ente		☐ Click or tap here to enter text.	
1.7 Media Rel/Interview	☐ Communications	Click or tap to ente	er a date.	☐ Click or tap here to enter text.	
2.1 Information Stalls	☐ Relevant Officer	Click or tap to enter a date.		☐ Click or tap here to enter text.	
2.2 Public Meeting/Forum	☐ Executive Direction	Click or tap to ente	er a date.	☐ Click or tap here to enter text.	
2.3 Survey/Questionnaire	☐ Relevant Officer	Click or tap to ente	er a date.	☐ Click or tap here to enter text.	
<b>3.1</b> Focus Groups	☐ Executive Direction	Click or tap to ente	er a date.	☐ Click or tap here to enter text.	
3.2 Referendum/Ballot	☐ Executive Direction	Click or tap to ente	er a date.	☐ Click or tap here to enter text.	
3.3 Workshop	☐ Relevant Officer	Click or tap to ente		☐ Click or tap here to enter text.	
<b>4.1</b> Council Committee	☐ Executive Direction	Click or tap to ente		☐ Click or tap here to enter text.	
<b>4.2</b> Working Group	☐ Executive Direction	Click or tap to ente	er a date.	☐ Click or tap here to enter text.	
*Statutory Consultation	□ Relevant Officer	29/03/2023		□ Advertised to 5 surrounding pr	operties
#Heritage Consultation	☐ Regulatory Services	Click or tap to ente		☐ Click or tap here to enter text.	
^Mail Out (note: timelines)	☐ Communications	Click or tap to ente		☐ Click or tap here to enter text.	
		Click or tap to ente		☐ Click or tap here to enter text.	
		Click or tap to ente	er a date.	☐ Click or tap here to enter text.	
		luation			
	mary of	Date D	ue	Completed / Attache	d
Feedback / Results/ Outcomes / F		29/03/2023 nes Shared			
Methods	Responsible	Date D	III	Reference / Notes	
E-Newsletter	☐ Communications	Click or tap to ente		☐ Click or tap here to enter to	ext
Email Notification	☐ Relevant Officer	Click or tap to ente		☐ Click or tap here to enter to	
Website	☐ Communications	Click or tap to ente		☐ Click or tap here to enter to	
Facebook	☐ Communications	Click or tap to ente		☐ Click or tap here to enter to	
Media Release	☐ Communications	Click or tap to ente		☐ Click or tap here to enter to	
Advert – Newspaper	☐ Communications	Click or tap to ente		☐ Click or tap here to enter to	
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#### 12.1 128 PRESTON POINT ROAD - NEW TWO STOREY DWELLING

Owner Heath & Paula Nelson

**Applicant** Shelford Constructions Pty Ltd

Report Reference Number TPR-1397
Planning Reference Code P016/23

Prepared by James Bannerman
Supervised by Andrew Malone

Meeting date Tuesday, 2 May 2023

Voting requirements Simple majority

Documents tabled Nil

#### **Attachments**

- 1. Location and advertising plan
- 2. Photos
- 3. Plans submitted 8 March 2023
- 4. Community engagement checklist

#### **PURPOSE**

The purpose of this report is for Council to consider a development application for a new two storey dwelling at 128 (Lot 4958) Preston Point Road, East Fremantle.

#### **EXECUTIVE SUMMARY**

This development application proposes a new two storey dwelling located at 128 (Lot 4958) Preston Point Road, East Fremantle. The existing dwelling which is not heritage listed is to be demolished. The proposed dwelling is comprised of an undercroft garage, 4 bedrooms, 3 bathrooms, 5 toilets, gymnasium, activity room, as well as a ground floor alfresco and upper storey terrace. Multiple variations are requested to the requirements of the Residential Design Codes and the Residential Design Guidelines which are listed below;

- (i) Clause 3.7.7.3 Residential Design Guidelines Primary Street Setback average of neighbouring properties required (7.4m), 6m provided,
- (ii) Clause 5.1.3 Residential Design Codes Lot Boundary Setback Western Wall Terrace, Kitchen, Scullery, Laundry, Powder Room, Corridor, Store Ground Floor 1.8m required, 1.5m provided,
- (iii) Clause 5.1.3 Residential Design Codes Lot Boundary Setback Eastern Wall Roof Terrace Upper Storey 1.8m required, 1.5m provided,
- (iv) Clause 3.7.17.4.1.2 Residential Design Guidelines Maximum Height 6.5m required, 8.1m provided,
- (v) Clause 5.4.1 Residential Design Codes Visual Privacy Eastern Wall Terrace Ground Floor -7.5m required, <7.5m provided visual privacy screening to be installed,
- (vi) Clause 5.4.1 Residential Design Codes Visual Privacy Western Wall Terrace Upper Storey -7.5m required, <7.5m provided visual privacy screening to be installed, and
- (vii) Clause 5.4.1 Residential Design Codes Visual Privacy Eastern Wall Terrace Upper Storey 7.5m required, <7.5m provided visual privacy screening to be installed.

The proposed variation and the associated development application is recommended for approval subject to the conditions included in the final recommendation.



#### **BACKGROUND**

Zoning	Residential R17.5
Site Area	746m <sup>2</sup>
Heritage	N/A
Fremantle Port Buffer	N/A
Previous Decision of Town and/or History of Issue	DA P19/09 – development approval granted for a
Onsite	patio – 26 February 2009
	P110/22 – deemed to comply check – DA required –
	6 December 2022

#### **CONSULTATION**

#### Advertising

The proposed development was advertised from 10 March to 27 March 2023. One submission was received and is included below.

Submission	Applicant Response	Town Response
I have some concerns I wish to address. Is the design compliant? If not, where doesn't it meet the codes? We are particularly interested in the height and front setbacks which may affect our view corridor. An assessment regarding those elements, may be helpful. I would like to meet with James Bannerman when those elements have been determined. Thanks.	We believe we have provided a design and justified it to the design principles of the R-Codes and relevant planning policies, therefore, the design should be viewed as compliant.	A meeting was held with the submitter to discuss the queries presented. No further submissions were received, and no further comment was made.

#### Community Design Advisory Committee

This development application was not provided to the Community Design Advisory Committee (CDAC) as administration has determined at this time it is not appropriate to undertake the CDAC meeting because of restrictions and risks associated with the Covid virus.

#### **External Consultation**

Nil

#### **Internal Consultation**

The development application was referred to the Operations Department of the Town. The following advice was provided.

#### 1) Stormwater

- a. Stormwater to be retained on site, and
- b. Water to be contained within property and not be directed towards adjoining properties or road reserve.

#### 2) Crossovers

- a. Crossover application required,
- b. Crossover to be maximum 5m wide,
- c. Crossover to tie into existing footpath, and
- d. Redundant crossover to be removed with kerb, footpath, verge to be reinstated to the satisfaction of the Town.

#### 3) Adjoining Properties

- a. Access to surround properties to remain accessible at all times.
- 4) Footpath



- a. Pedestrian access along the footpath to remain accessible at all times.
- 5) Damage to Towns assets
  - a. Any damage that occurs to the Towns assets for example but not limited to kerb, drainage, trees, footpaths, roads, signage etc is to be repaired by the applicant at their cost.

#### STATUTORY ENVIRONMENT

Planning and Development Act 2005 Residential Design Codes (Volume 1) Local Planning Scheme No 3

#### **POLICY IMPLICATIONS**

Residential Design Guidelines

#### FINANCIAL IMPLICATIONS

Nil

#### STRATEGIC IMPLICATIONS

The Town of East Fremantle Strategic Community Plan 2020-2030 states as follows;

#### **Built Environment**

Accessible, well planned built landscapes which are in balance with the Town's unique heritage and open spaces.

- 3.1 Facilitates sustainable growth with housing options to meet future community needs.
  - 3.1.1 Advocate for a desirable planning and community outcome for all major strategic development sites.
  - 3.1.2 Plan for a mix of inclusive diversified housing options.
  - 3.1.3 Plan for improved streetscapes.
- 3.2 Maintaining and enhancing the Town's character.
  - 3.2.1 Ensure appropriate planning policies to protect the Town's existing built form.
- 3.3 Plan and maintain the Town's assets to ensure they are accessible, inviting and well connected.
  - 3.3.1 Continue to improve asset management within resource capabilities.
  - 3.3.2 Plan and advocate for improved access and connectivity.

#### RISK IMPLICATIONS

A risk assessment was undertaken and the risk to the Town in determining this application was deemed to be negligible.

#### SITE INSPECTION

A site inspection was undertaken.

#### COMMENT

#### Statutory Assessment

This development application was assessed against the Town's Local Planning Scheme No 3, the Residential Design Codes and the Residential Design Guidelines.

A summary of the assessment is included in the following tables.

Legend	
Α	Acceptable
D	Discretionary
N/A Not applicable	



Local Planning Scheme No 3/Residential Design Guidelines/Residential Design Codes

Street Front Setback	Average of	1	
	Average or	6m – ground	D
	neighbouring	floor terrace	
	property		
	setbacks		
	(7.4m)		
Carport/garage setback	Impact of	Impact	Α
	garage to be	demonstrated	
	demonstrated		
Minor incursions			N/A
Lot Boundary Setbacks		T	
Garage	1m	1.5m	Α
Western wall – terrace, kitchen, scullery, laundry, powder,	1.8m	1m	D
corridor, store – ground floor			
Southern wall – activity, store – ground floor	1m	1.52m	Α
Eastern wall – bed 3, bath, bed 4, activity – ground floor	1.5m	>1.5m	Α
Eastern wall – alfresco, ensuite, guest suite, terrace – ground floor	1.5m	1.5m	Α
Western wall – gym, powder, ensuite, WIR, master suite – upper	2.2m	2.3m	Α
storey			
Eastern wall – corridor, gym – upper storey	4.3m	12.83m	Α
Eastern wall – roof terrace – upper storey	1.8m	1.53m	D
Southern wall – gym – upper storey	1.2m	>1.2m	Α
Car Parking	2 car bays	2 car bays	Α
Maximum height	6.5m	8.1m	D
Site Works			N/A
Visual Privacy			
Ground floor – terrace – western wall	7.5m	<7.5m	D
Upper storey – roof terrace – western wall	7.5m	<7.5m	D
Upper storey – roof terrace – eastern wall	7.5m	<7.5m	D
Overshadowing	25%	1.05%	Α
Roof form and pitch	Impact of roof	Impact of	Α
	to be	roof	
	demonstrated	demonstrated	
Materials and colours			Α
Landscaping			Α
Front fence			N/A
Footpaths and crossovers	To be conditione	ed	
•	· ·		

This development application proposes a new two storey dwelling located at 128 (Lot 4958) Preston Point Road, East Fremantle. The existing dwelling which is not heritage listed is to be demolished. The proposed dwelling is comprised of an undercroft garage, 4 bedrooms, 3 bathrooms, 5 toilets, gymnasium, activity room, as well as a ground floor alfresco and upper storey terrace. Multiple variations are requested to the requirements of the Residential Design Codes and the Residential Design Guidelines in relation to primary street setback, side boundary setbacks (2 locations), maximum wall height, and visual privacy (3 locations).

#### **Primary Street Setback**

The Residential Design Guidelines acceptable development provision 3.7.7.3 A1.3 the primary street setback should be the average of the setbacks of the neighbouring properties. In this case the lower storey terrace is setback 6m where the average setback of the 2 adjoining properties is approximately 7.4m. It should be noted that the main



facade of the dwelling on the ground floor is located between 8m and 9.2m while the upper storey terrace is located 7.4m from the front boundary. At the same time the majority of the ground floor terrace is located 7.4m from the front boundary. The reduced primary street setback can be supported because the reduction is minor, and the largest reduction is for the ground floor terrace. There are minimal impacts on the views of the neighbouring properties given that both have upper storey balconies, and these balconies have significant views looking forward towards the river. There is minimal obstruction to views due to the reduced primary street setback. The building bulk is consistent with adjoining neighbours and whilst the proposed dwelling is located forward of the average setback, there is minimal impact to the streetscape.

## <u>Lot Boundary Setback - Western Wall – Terrace, Kitchen, Scullery, Laundry, Powder Room, Corridor, Store – Ground Floor</u>

The western wall on the ground floor of the proposed dwelling is 29.09m long and 3.8m high without major openings. In accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 i the wall should be located 1.8m from the boundary. In this case part of the wall is located 1m from the boundary although much of the wall is located 1.5m from the boundary. The lowest distance has to be included for the purposes of assessment of the lot boundary setback. The reduced lot boundary setback can be supported in accordance with design principles 5.1.3 P3.1 for the following reasons;

- Minimal impacts of building bulk on the adjoining property,
- Adequate sunlight and ventilation are provided to the building and open spaces on the site and the adjoining properties, and
- Minimal overlooking or loss of privacy on adjoining properties as the wall does not contain major openings. For these reasons the reduced lot boundary setback can be supported.

#### <u>Lot Boundary Setback - Eastern Wall – Roof Terrace – Upper Storey</u>

The eastern wall on the upper floor roof terrace of the proposed dwelling is 13.49m long and 5.8m high without major openings. In accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 i the wall should be located 1.8m from the boundary. In this case the wall is located 1.5m from the boundary. The reduced lot boundary setback can be supported in accordance with design principles 5.1.3 P3.1 for the following reasons;

- Minimal impacts of building bulk on the adjoining property,
- Adequate sunlight and ventilation are provided to the building and open spaces on the site and the adjoining properties, and
- Minimal overlooking or loss of privacy on adjoining properties as the wall does not contain major openings. It is noted that the reduction is only marginal and does not impact on the scale and bulk of the proposed dwelling. For these reasons the reduced lot boundary setback can be supported.

#### **Maximum Height**

In accordance with the Residential Design Guidelines the maximum height for a concealed roof is 6.5m in accordance with the Residential Design Guidelines acceptable development provisions 3.7.17.4.1.2 A1.4. In this case the roof is approximately 8.1m at its maximum point.

The lot slopes 2.5 metres front to back. Specifically where the variations in the site level is approximately 1.5 metres from front to back, is the area where the height discretion is sought. The slope of the lot at the front exacerbates the height variations from natural ground level. The height of the building towards the rear results in half of the dwelling being below the 6.5m maximum height and therefore compliant where the structure could have the greatest impact to the rear neighbours.

Although it exceeds the maximum height by 1.6m this does not occur across the whole lot. The proposal is consistent with the design and height of the prevailing built form in the area. In accordance with performance criteria 3.7.17.4.1.3 the proposed development is of a compatible form, bulk, and scale to the neighbouring properties. As a result, the increased roof height should be supported.

<u>Visual Privacy – Western Wall - Ground Floor - Terrace</u>



There is concern that the edge of the ground floor terrace on the western side of the building does not achieve the visual privacy setback of 7.5m as required by the Residential Design Codes deemed to comply 5.4.1 C1.1. It is considered any visual privacy issues are minor as they overlook an area of the neighbour's property that can be seen from the street and is located in the front setback area. Should screening be required to be installed it is considered this may cause an impediment to view corridors, therefore it is not proposed to condition the inclusion of any privacy screen in this location.

#### Visual Privacy – Western and Eastern Wall - Upper Storey – Terrace

There is concern that the eastern edge of the upper storey terrace of the building does not achieve the visual privacy setback of 7.5m as required by the Residential Design Codes deemed to comply 5.4.1 C1.1. Similar to the ground floor terrace and to counter any possible issues with privacy going into the future there will be a condition added to the final recommendation that visual privacy screening is to be installed in accordance with deemed to comply clause 5.4.1 C1.2; that is the privacy screening shall be at least 1.6m from finished floor level, at least 75% obscure, permanently fixed, durable, and restrict views in the direction of the overlooking.

The western area of the upper terrace also does not comply with visual privacy requirements. However, much like the ground floor terrace it is considered any visual privacy issues are minor as they overlook an area of the neighbour's property that can be seen from the street and is located in the front setback area. Should screening be required to be installed it is considered this may cause an impediment to view corridors, therefore it is not proposed to condition the inclusion of any privacy screen in this location. This is also the same for the front eastern elevation of the upper terrace which overlooks the front setback area of the eastern neighbour. Again this is considered an area of land that is open for the public to view and therefore has not been conditioned to be screened.

#### CONCLUSION

Based on the preceding assessment, the proposed new double storey dwelling at 128 (lot 4958) Preston Point Road, East Fremantle can be recommended for support subject to the recommended conditions. Although there are 7 variations to the Residential Design Codes and Residential Design Guidelines 3 have been mitigated through a condition requiring the addition of visual privacy screening to the ground floor and upper storey terraces.

#### OFFICER RECOMMENDATION / COMMITTEE RESOLUTION

#### 12. 1 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP020523

#### Moved Cr Nardi, seconded Cr Natale

That development approval is granted, and Council exercises its discretion regarding the following;

- (i) Clause 3.7.7.3 Residential Design Guidelines Primary Street Setback average of neighbouring properties required (7.4m), 6m provided,
- (ii) Clause 5.1.3 Residential Design Codes Lot Boundary Setback Western Wall Terrace, Kitchen, Scullery, Laundry, Powder Room, Corridor, Store Ground Floor 1.8m required, 1.5m provided,
- (iii) Clause 5.1.3 Residential Design Codes Lot Boundary Setback Eastern Wall Roof Terrace Upper Storey 1.8m required, 1.5m provided,
- (iv) Clause 3.7.17.4.1.2 Residential Design Guidelines Maximum Height 6.5m required, 8.1m provided,
- (v) Clause 5.4.1 Residential Design Codes Visual Privacy Eastern Wall Terrace Ground Floor 7.5m required, less than 7.5m provided visual privacy screening to be installed,
- (vi) Clause 5.4.1 Residential Design Codes Visual Privacy Western Wall Terrace Upper Storey 7.5m required, less than 7.5m provided visual privacy screening to be installed,
- (vii) Clause 5.4.1 Residential Design Codes Visual Privacy Eastern Wall Terrace Upper Storey 7.5m required, less than 7.5m provided visual privacy screening to be installed,

for a double storey dwelling at No. 128 (Lot 4958) Preston Point Road, East Fremantle, in accordance with the plans submitted 8 March 2023, subject to the following conditions:



- (1) Visual privacy screening that meets the requirements of the Residential Design Codes deemed to comply clause 5.4.1 C1.2 are to be installed along the eastern edge of the upper storey terrace on the plans submitted 8 March 2023. This screening is to be at least 1.6m in height from the finished floor level, at least 75% obscure, permanently fixed, made of durable material, and restrict views in the direction of the overlooking into the adjoining property.
- (2) The new crossover width is not to exceed 5m and to be in accordance with the Town of East Fremantle's (the Town) crossover policy, the Residential Design Guidelines and the Urban Streetscape and Public Realm Style Guide.
- (3) The existing crossover is to be removed such that there is only 1 crossover and the verge is to be remediated to the satisfaction of the Town.
- (4) Prior to lodging an application for a building permit, the applicant must submit and have approved by the Town, and thereafter implement to the satisfaction of the Town, a construction management plan addressing the following matters:
  - a) How materials and equipment will be delivered and removed from the site.
  - b) How materials and equipment will be stored on site.
  - c) Parking arrangements for contractors.
  - d) Construction waste disposal strategy and location of waste disposal bins.
  - e) Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction.
  - f) How risks of wind and/or waterborne erosion and sedimentation will be minimised during and after the works.
  - g) Other matters that are likely to impact on the surrounding properties.
- (5) The footpath is to always remain accessible to pedestrians.
- (6) The works are to be constructed in conformity with the drawings and written information accompanying the application for development approval other than where varied in compliance with the conditions of this development approval or with the Town's further approval.
- (7) The proposed works are not to be commenced until the Town has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this development approval unless otherwise amended by the Town.
- (8) With regards 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 development approval, without those changes being specifically marked for the Town's attention.
- (9) All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Town prior to the issue of a Building Permit.
- (10) If requested by the Town within the first two years following installation, the roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Town and all associated costs to be borne by the owner.
- (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.
- (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 the Town and if approved, the total cost to be borne by the applicant. The Town 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) This development approval is to remain valid for a period of 24 months from the date of this approval.

Footnote:



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

- (a) This decision does not include acknowledgement or approval of any unauthorised development which may be on site.
- (b) A copy of the approved plans as stamped by the Town are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by the Town.
- (c) An application for a new crossover is to be submitted to the Operations Department of the Town and plans are to be included with the application that meets the requirements of the Town's crossover policy, the Residential Design Guidelines and the Urban Streetscape and Public Realm Style Guide.

  This application and relevant information are available at the following links;

### **Crossover Specifications**

https://www.eastfremantle.wa.gov.au/Profiles/eastfremantle/Assets/ClientData/Documents/works-reserves/Crossover\_Specification\_2017.pdf

### Residential Design Guidelines

https://www.eastfremantle.wa.gov.au/Profiles/eastfremantle/Assets/ClientData/Document-Centre/local-planning-

policies/3 1 1 LPP Residential Design Guidelines Amended 17 May 2016.pdf

Urban Streetscape and Public Realm Style Guide

https://www.eastfremantle.wa.gov.au/documents/914/urban-streetscape-and-public-realm-style-guide

**Application to Conduct Crossover Works** 

https://www.eastfremantle.wa.gov.au/Profiles/eastfremantle/Assets/ClientData/Documents/worksreserves/Application to conduct crossover works.pdf

- (d) It is recommended that the applicant provides a structural engineer's dilapidation report, at the applicant/owner 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.
- (e) 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).
- (f) Matters relating to dividing fences are subject to the Dividing Fences Act 1961.
- (g) Any damage to other Town assets including but not limited to the kerb, drainage, footpaths, roads and signage will have to be repaired by the applicant/owners/contractors at their cost.
- (h) A construction management plan will have to be prepared and submitted as part of the building permit application to show traffic management, contractor parking and materials storage.

(CARRIED UNANIMOUSLY)

Note: As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 21 June 2022, this application is deemed determined, on behalf of Council, under delegated authority.

### REPORT ATTACHMENTS

Attachments start on the next page

### Attachment -1

# 128 Preston Point Road – Location and Advertising Plan



### Attachment -2

### 128 Preston Point Road – Photos









STREET MONTAGE

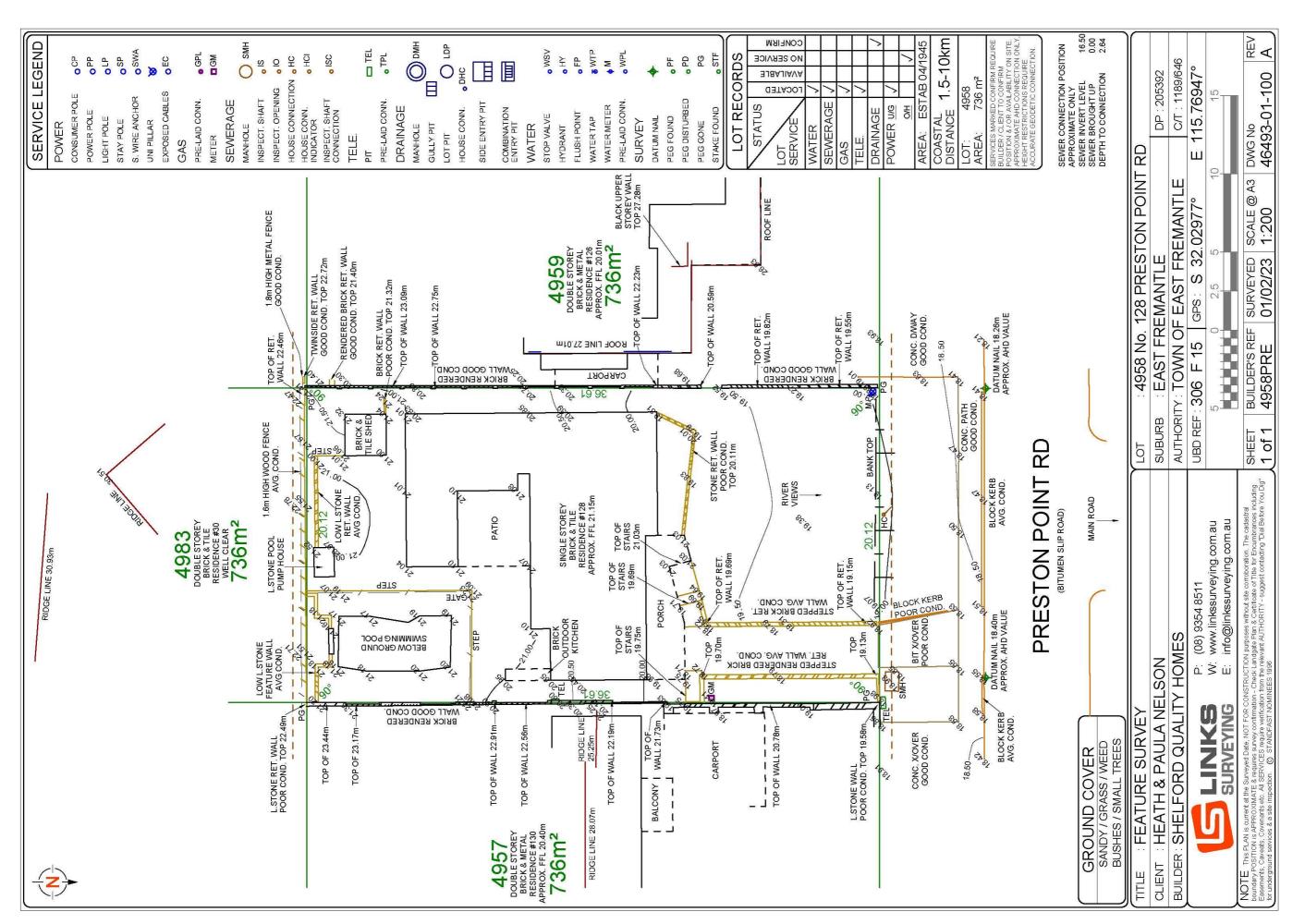
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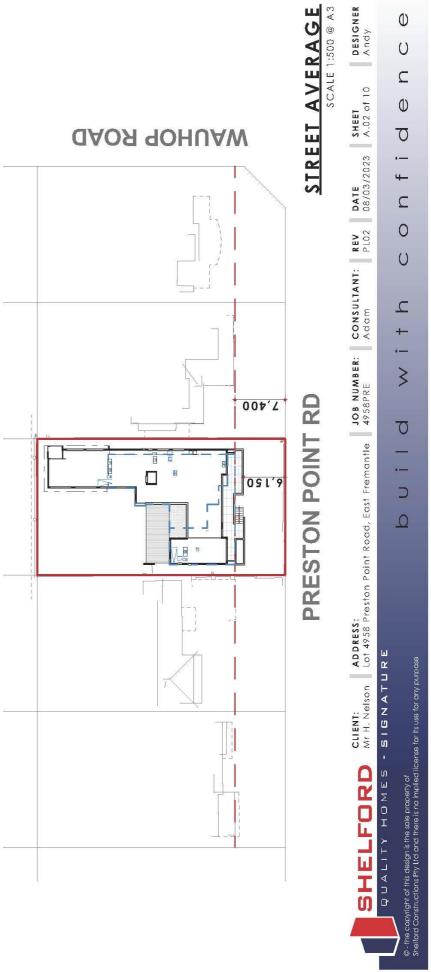
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DESIGNER Andy

 CONSULTANT:
 REV
 DATE
 SHEET

 Adam
 PL02
 08/03/2023
 A.03 of 10

JOB NUMBER: 4958PRE

CLIENT:
Mr H. Nelson Lot 4958 Preston Point Road, East Fremantle
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DESIGNER Andy

**DATE**08/03/2023 A.05 of 10

JOB NUMBER: CONSULTANT: REV 4958PRE Adam PL02

ADDRESS: Lot 4958 Preston Point Road, East Fremantle

SIGNATURE

CLIENT: Mr H. Nelson

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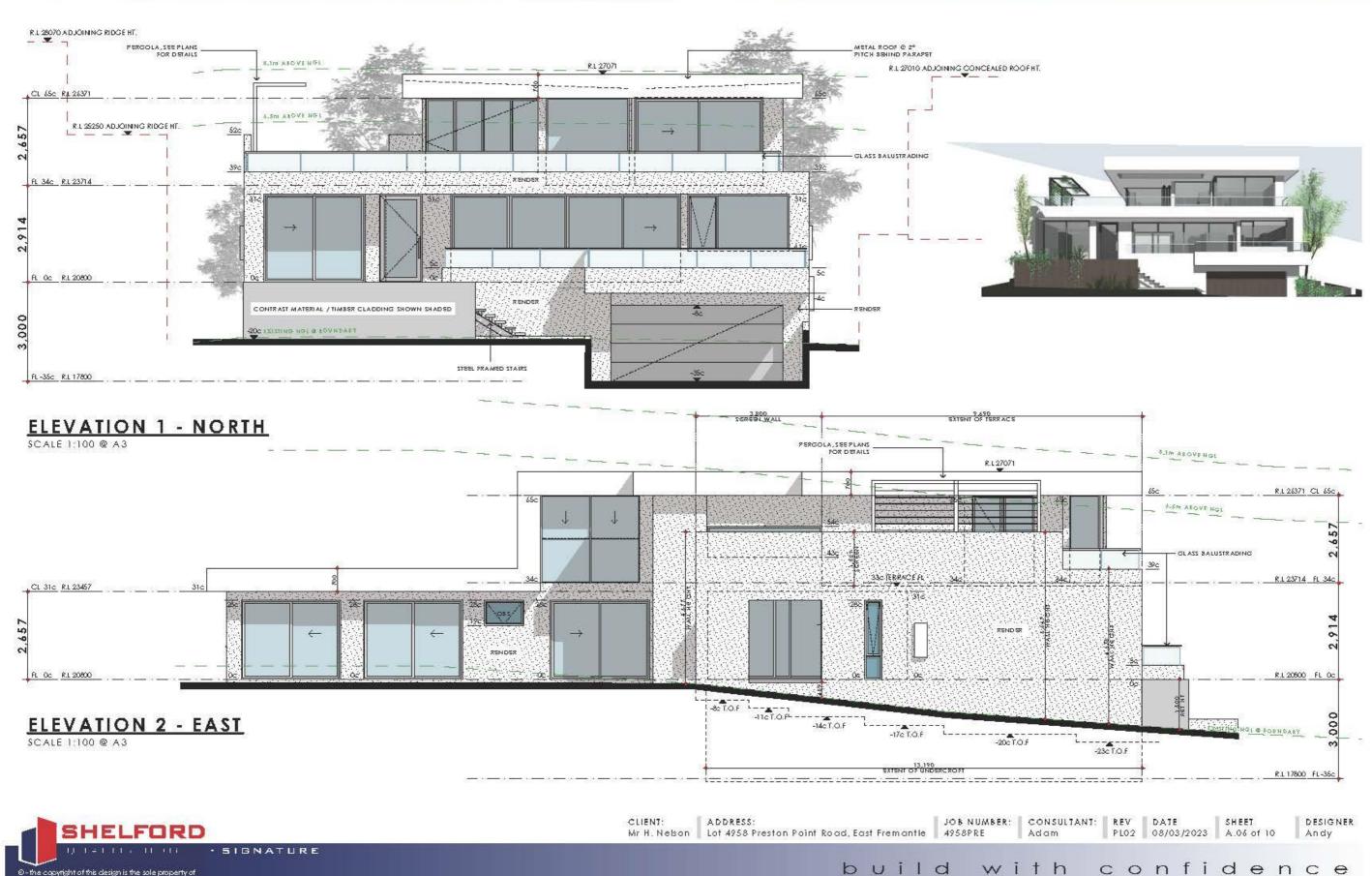
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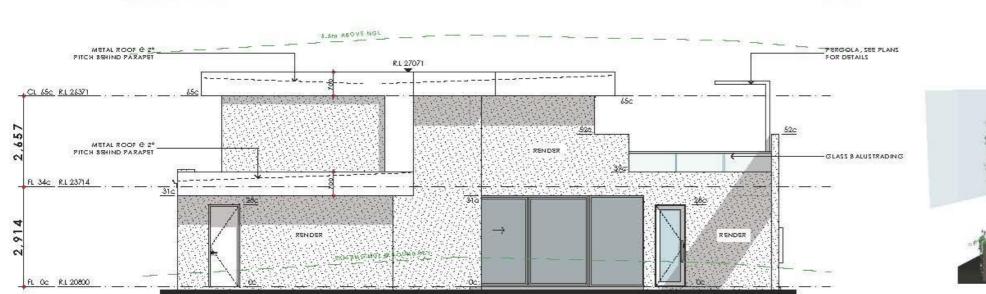
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# **CUSTOM DESIGNED RESIDENCE**



# **CUSTOM DESIGNED RESIDENCE**





# ELEVATION 3 - SOUTH

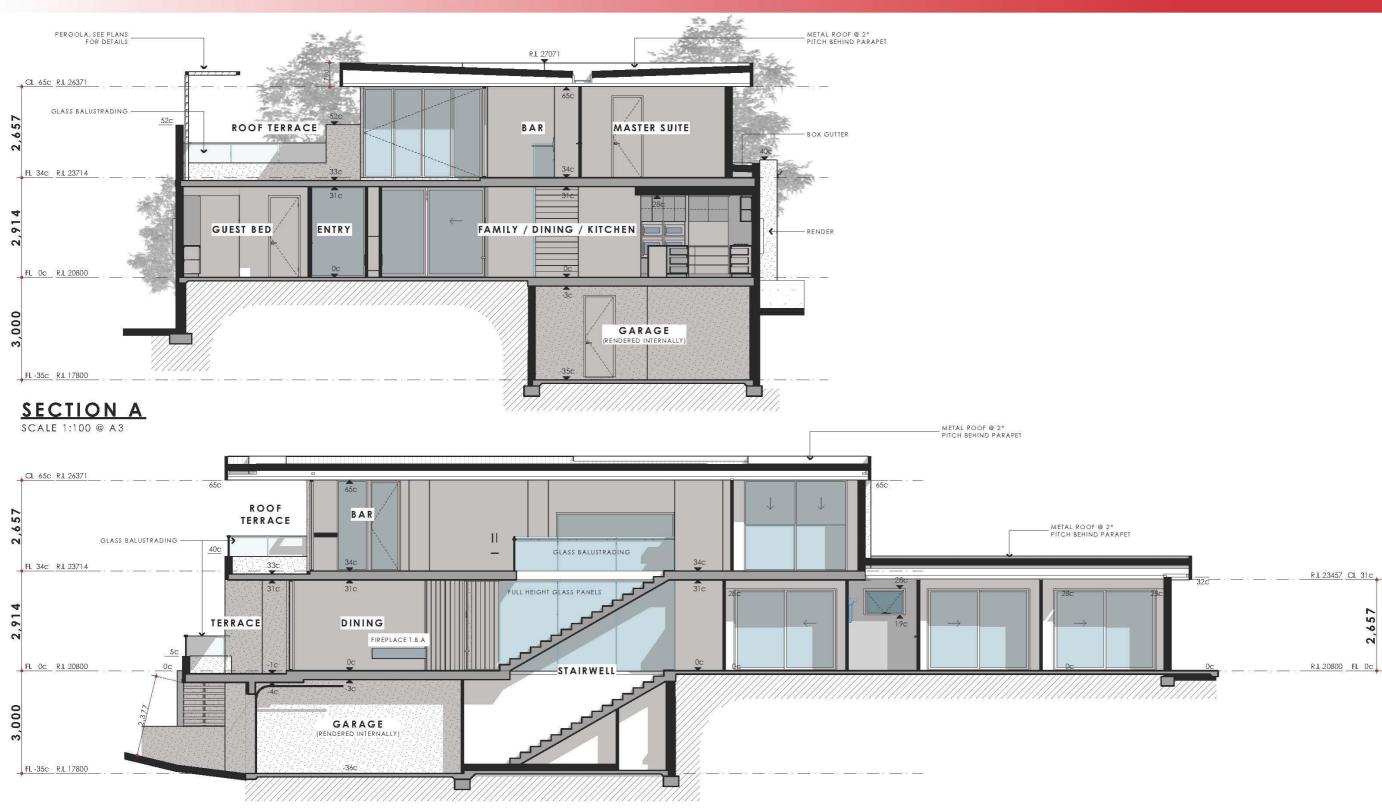




# ELEVATION 4 - WEST SCALE 1:100 @ A3

## **CUSTOM DESIGNED RESIDENCE**

FOR Mr H. Nelso



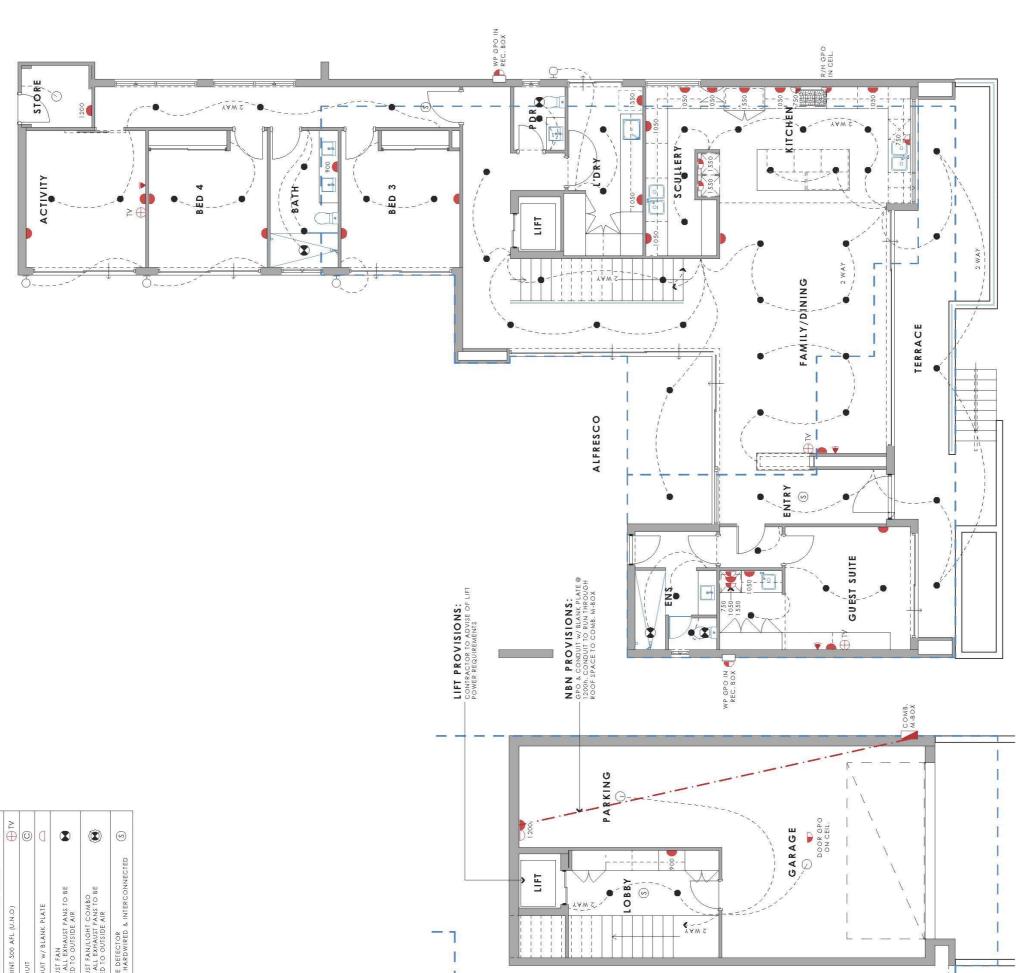
SECTION B SCALE 1:100 @ A3



CLIENT: ADDRESS: JOB NUMBER: CONSULTANT: REV DATE SHEET DESIGN
Mr H. Nelson Lot 4958 Preston Point Road, East Fremantle 4958PRE Adam PL02 08/03/2023 A.08 of 10 Andy

# ELECTRICAL LEGEND

	DESCRIPTION	SYMBOL
	SEILING LIGHT	0
	LED DOWNLIGHT	•
	WALL LIGHT 1800 AFL (U.N.O.)	ОН
	FLURO LIGHT	
	INGLE GPO 300 AFL (U.N.O.)	
	SOUBLE GPO 300 AFL (U.N.O.)	(
	POINT 300 AFL	<b>(</b>
	.V POINT 300 AFL (U.N.O.)	4
	CONDUIT	0
	CONDUIT W/ BLANK PLATE	0
	XHAUST FAN 4016: ALL EXHAUST FANS TO BE LUMED TO OUTSIDE AIR	•
	XHAUST FAN/LIGHT COMBO MOTE: ALL EXHAUST FANS TO BE LUMED TO OUTSIDE AIR	<b>3</b>
The state of the s	SMOKE DETECTOR NOTE: HARDWIRED & INTERCONNECTED	



# UNDERCROFT ELECTRICAL PLAN SCALE 1:100 @ A3

GROUND FLOOR ELECTRICAL PLAN
SCALE 1:100 @ A3

CLIENT: ADDRESS:
Mr H. Nelson Lot 4958 Preston Point Road, East Fremantle 4958PRE Adam PL02 08/03/2023 A.09 of 10 Andy
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# ELECTRICAL LEGEND

DESCRIPTION	SYMBOL
CEILING LIGHT	0
LED DOWNLIGHT	•
WALL LIGHT 1800 AFL (U.N.O.)	О
FLURO LIGHT	
SINGLE GPO 300 AFL (U.N.O.)	4
DOUBLE GPO 300 AFL (U.N.O.)	
DATA/PHONE POINT 300 AFL (U.N.O.)	<b>(</b>
T.V POINT 300 AFL (U.N.O.)	1
CONDUIT	0
CONDUIT W/ BLANK PLATE	0
EXHAUST FAN NOTE: ALL EXHAUST FANS TO BE FLUMED TO OUTSIDE AIR	•
EXHAUST FANJLIGHT COMBO NOTE: ALL EXHAUST FANS TO BE FLUMED TO OUTSIDE AIR	<b>②</b>
SMOKE DETECTOR NOTE: HARDWIRED & INTERCONNECTED	9



# FIRST FLOOR ELECTRICAL PLAN

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Mr. H. Nelson | Lot 4958 Preston Point Road, East Fremantle
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# **Community Engagement Checklist**

# **Development Application P016/23 – 128 Preston Point Road**

Objective of Engagement	Neighbour Consultation							
Lead Officer:	Regulatory Services							
Stakeholders								
Stakeholders to be	Aged	☐ Ratepayers (a						
Considered	Businesses		Residents (all	/ targeted)	$\boxtimes$			
Please highlight those to be targeted during engagement	Children (School / Playground)		Service Provid	lers				
	Community Groups		Unemployed					
	Disabled People		Visitors					
	Environmental		Volunteers					
	Families		Workers					
	Govt. Bodies		Youth					
	Indigenous							
	Neighbouring LGs							
Staff to be notified:	Office of the CEO		Councillors					
	Corporate Services		Consultants					
	Development Services							
	Operational (Parks/Works)							
	Community E	ngagement Plan						
Methods	Responsible	Date D		Reference / Notes				
1.1 E News	☐ Communications	Click or tap to ent		☐ Click or tap here to enter text.				
1.2 Email Notification	☐ Relevant Officer	Click or tap to ent		☐ Click or tap here to enter text.				
1.3 Website	☐ Communications	Click or tap to ent	er a date.	☐ Click or tap here to enter text.				
1.4 Facebook	☐ Communications	Click or tap to ent		☐ Click or tap here to enter text.				
1.5 Advert – Newspaper	☐ Communications	Click or tap to ent	er a date.	☐ Click or tap here to enter text.				
1.6 Fact Sheet	☐ Communications	Click or tap to ent	er a date.	☐ Click or tap here to enter text.				
1.7 Media Rel/Interview	☐ Communications	Click or tap to ent	er a date.	☐ Click or tap here to enter text.				
2.1 Information Stalls	☐ Relevant Officer	Click or tap to ent	er a date.	$\ \square$ Click or tap here to enter text.				
2.2 Public Meeting/Forum	☐ Executive Direction	Click or tap to ent	er a date.	☐ Click or tap here to enter text.				
2.3 Survey/Questionnaire	☐ Relevant Officer	Click or tap to ent	er a date.	☐ Click or tap here to enter text.				
<b>3.1</b> Focus Groups	☐ Executive Direction	Click or tap to ent	er a date.	☐ Click or tap here to enter text.				
3.2 Referendum/Ballot	☐ Executive Direction	Click or tap to ent	er a date.	$\ \square$ Click or tap here to enter text.				
3.3 Workshop	☐ Relevant Officer	Click or tap to ent	er a date.	☐ Click or tap here to enter text.				
4.1 Council Committee	☐ Executive Direction	Click or tap to ent	er a date.	☐ Click or tap here to enter text.				
4.2 Working Group	☐ Executive Direction	Click or tap to ent	er a date.	☐ Click or tap here to enter text.				
*Statutory Consultation	☑ Relevant Officer	27/03/2023		□ Advertised to 5 surrounding properties				
#Heritage Consultation	☐ Regulatory Services	Click or tap to ent	er a date.	☐ Click or tap here to enter text.				
^Mail Out (note: timelines)	☐ Communications	Click or tap to ent	er a date.	☐ Click or tap here to enter text.				
		Click or tap to ent	er a date.	☐ Click or tap here to enter text.				
		Click or tap to ent	er a date.	☐ Click or tap here to enter text.				
	Eva	luation						
	mary of	Date D	ue	Completed / Attache	ed			
Feedback / Results/ Outcomes / I		27/03/2023						
20.11		nes Shared		2.6 (2)				
Methods	Responsible	Date D		Reference / Notes				
E-Newsletter	☐ Communications	Click or tap to ent		☐ Click or tap here to enter t				
Email Notification	☐ Relevant Officer	Click or tap to ent		☐ Click or tap here to enter t				
Website	☐ Communications	Click or tap to ent		☐ Click or tap here to enter text.				
Facebook	☐ Communications	Click or tap to ent		☐ Click or tap here to enter text.				
Media Release	☐ Communications	Click or tap to ent		☐ Click or tap here to enter text.				
Advert – Newspaper	☐ Communications	Click or tap to ent	er a date.	☐ Click or tap here to enter t	ext.			



### 12.2 10 MUNRO STREET - SHORT TERM ACCOMMODATION

Owner Anna Hanson
Applicant Anna Hanson
Report Reference Number TPR-1399
Planning Reference Code P017/23

Prepared by James Bannerman
Supervised by Andrew Malone

Meeting date Tuesday, 2 May 2023

**Voting requirements** Simple majority

Documents tabled Nil

### **Attachments**

- 1. Location and advertising plan
- 2. Photos
- 3. Plans submitted 13 March 20234. Community engagement checklist

### **PURPOSE**

This development application proposes an additional use of short-term accommodation at 10 (Lot 5053) Munro Street, East Fremantle.

### **EXECUTIVE SUMMARY**

It is proposed to establish short term accommodation at the subject address. The property is currently zoned residential with a density code of R17.5. It will be hosted short term accommodation as the owner/manager will continue to reside in the main dwelling, while guests stay in the small studio at the rear of the property.

The proposed use for short term accommodation is an "unlisted use" within a residential zone, however, local government may "determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted" (clause 4.4.2a of Local Planning Scheme No.3).

The application has been assessed with regard to the Local Planning Scheme No 3 provisions, residential amenity, and the impact the use could have on surrounding neighbours and conditions imposed accordingly.

The following issues are relevant to the determination of this application;

- impact on residential amenity,
- number of bedrooms and the number of people accommodated,
- adequacy of car parking,
- · management of the property, and
- length of planning approval.

It is considered that the application be approved subject to several conditions that will ensure that the short-term accommodation does not create issues for surrounding properties.

### **BACKGROUND**

Zoning	Residential R17.5
Site Area	736m <sup>2</sup>
Heritage	N/A
Fremantle Port Buffer	N/A
Previous Decision of Town and/or History of Issue Onsite	Nil

### CONSULTATION

### Advertising

The proposed development was advertised from 16 March to 3 April 2023. No submissions were received.

### Community Design Advisory Committee

Not referred to Community Design Advisory Committee.

### **External Consultation**

Nil

### **Internal Consultation**

This development application was not referred to Operations as the development application refers to the use of existing structures.

### STATUTORY ENVIRONMENT

Planning and Development Act 2005

Local Planning Scheme No 3

### **POLICY IMPLICATIONS**

Nil

### FINANCIAL IMPLICATIONS

Nil

### STRATEGIC IMPLICATIONS

The Town of East Fremantle Strategic Community Plan 2020-2030 states as follows;

### **Built Environment**

Accessible, well planned built landscapes which are in balance with the Town's unique heritage and open spaces.

- 3.1 Facilitates sustainable growth with housing options to meet future community needs.
  - 3.1.1 Advocate for a desirable planning and community outcome for all major strategic development sites.
  - 3.1.2 Plan for a mix of inclusive diversified housing options.
  - 3.1.3 Plan for improved streetscapes.
- 3.2 Maintaining and enhancing the Town's character.
  - 3.2.1 Ensure appropriate planning policies to protect the Town's existing built form.
- 3.3 Plan and maintain the Town's assets to ensure they are accessible, inviting and well connected.
  - 3.3.1 Continue to improve asset management within resource capabilities.
  - 3.3.2 Plan and advocate for improved access and connectivity.

### RISK IMPLICATIONS

A risk assessment was undertaken and the risk to the Town in determining this application was deemed to be negligible.

### SITE INSPECTION

A site inspection was undertaken.

### COMMENT

This development application proposes an additional use of short-term accommodation at 10 (Lot 5053) Munro Street, East Fremantle.

It is proposed to establish short term accommodation at the subject address. The property is currently zoned residential with a density code of R17.5. It will be hosted short term accommodation as the owner/manager will continue to reside in the main dwelling while guests stay in the small studio at the rear of the property.

The proposed use for short term accommodation is an "unlisted use" within a residential zone, however, local government may "determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted" (clause 4.4.2a of Local Planning Scheme No.3).

The Town does not have any specific local planning policies or local laws that regulate short term accommodation. The WAPC, however, formulated Guidelines in 2009 for the short-term use of residential dwellings. This document identifies the matters to be considered on submission of a development application and makes recommendations in respect to how a local government authority may deal with such applications. The Guidelines provide advice in regard to a range of planning considerations including (but not limited to);

- requirement to lodge an application,
- advertising and invitation to comment,
- location potential for conflict between land uses,
- amenity,
- building standards,
- · form of approval,
- type of dwelling,
- management of property,
- fire and emergency response plans,
- approval period, and
- non-compliance and cancellation of approval.

The application has been assessed with regard to the relevant sections of the Guidelines for this application, LPS 3 provisions, residential amenity and the impact the use could have on surrounding neighbours and conditions imposed accordingly.

The following issues are relevant to the determination of this application;

- impact on residential amenity,
- number of bedrooms and the number of people accommodated,
- adequacy of car parking,
- management of the property, and
- length of planning approval.

It is considered that the application be approved subject to several conditions that will ensure that the short-term accommodation does not create issues or amenity impacts for surrounding properties.

### Management Plan

A management plan was submitted which addresses a range of matters which are considered relevant to the use as short term accommodation. The management plan helps to control activity and noise at the premises and details procedures around issues at the property. The applicant has provided information that describes waste disposal, emergency evacuation procedures and the owner's contact details if there are any issues at the property.

It is noted that the owner/applicant resides in the main dwelling at the front of the property and will manage the short-term accommodation. Any issued that may arise can be addressed immediately by the owner, specifically issues relating to noise and car parking, which are most likely to impact surrounding residents.

### Time Limit for Approval

A time limit will be imposed on the formal approval such that a maximum period of 12 months will be recommended as a condition of approval. This allows the Town to reassess the proposal should there be any adverse outcomes from the approval of the premises as a short-term accommodation provider.

### **Maximum Number of Guests**

The proposal is for use of a studio located at the rear of the existing dwelling as short-term accommodation. For this reason, limits will be imposed on the maximum number of people that can stay as guests at the property. The maximum number of guests will be recommended to be limited to 2 people to ensure that there are no significant amenity impacts on residents at surrounding properties.

### Car Parking

As short-term accommodation is an unlisted use there are no specified parking standards. Car parking will be limited for guests to an on-site car bay. This is considered a satisfactory solution to the provision of parking in this area. A maximum of 2 people permitted to be accommodated in the short-term accommodation will be imposed as a condition of approval and will in turn limit parking demand.

### Signage

Commercial operations in residential areas that impact on the amenity of surrounding residents should be mitigated, including matters such as excessive signage, which can create visual pollution. No signage is referred to in the development application and a condition will be recommended that does not permit signage.

### **Noise**

Noise is a legitimate concern for surrounding residents of short-term accommodation. It is considered that the day-to-day operations of short-term accommodation should not exceed normal household levels. In this case the owners will be able to be contacted directly by phone if there are issues with noise. The management plan states that noise must be kept to a minimum.

### **Smoke Alarms and Residual Current Devices**

Two additional conditions will be included that require smoke alarms to be fitted to the studio accommodation and residual current devices are installed. Both conditions ensure that the safety of the guests in the short-term accommodation is maintained by alerting guests to a potential fire and also preventing electric shocks should there be issues with electrical appliances and circuits.

### CONCLUSION

Based on the preceding assessment and report the proposed short-term accommodation can be recommended for support subject to the conditions included in the final recommendation.

### OFFICER RECOMMENDATION / COMMITTEE RESOLUTION

### 12.2 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP030523

### Moved Cr White, seconded Cr Natale

That approval for an additional use to operate short term accommodation be granted by Council at No 10 (Lot 5053) Munro Street, East Fremantle, in accordance with correspondence and plans received on 13 March 2023, subject to the following conditions:

- (1) Approval is for a temporary period of 12 months only from the date of this development approval.
- (2) The swimming pool shall not be utilised by guests in the short-term accommodation and this approval does not apply to use of the swimming pool which requires a separate application to be made to the Western Australian Department of Health.
- (3) Continuation of the short stay accommodation use after the 12-month approval period has expired will require the submission of a new development application for the consideration of the Town.
- (4) Hard wired smoke alarms as required by the National Construction Code are to be installed and proof of the instalment is to be provided to the Town prior to the short-term accommodation commencing operations.
- (5) Residual Current Devices are to be provided to all power points and light switches and proof of installation is to be provided to the Town prior to the short-term accommodation commencing operations.
- (6) The owner/owner's representative is to advise guests of key elements of the management plan including;
  - a) emergency evacuation procedures,
  - b) reminder that the premises are surrounded by residential dwellings and that noise is to be kept to a minimum, and
  - c) reminder that parking is limited in the area to car bays onsite.
- (7) Maximum accommodation is for 2 people based on 1 bedroom only being provided for accommodation. This is not to be exceeded on any occasion.
- (8) No guest or occupant vehicles are to be parked on the Council verge, and in or across crossovers due to inadequate parking on-site or in the street.
- (9) No on-site signage is permitted.
- (10) Compliance with the Management Plan submitted with the application to the satisfaction of the Town.
- (11) The approval may be revoked by the Town, prior to the expiry of the 12-month period referred to in (1) above, if any adverse impacts involving noise, anti-social behaviour, breaches of the management plan, waste removal, security or parking are unable to be controlled by the applicant/owner or their representative in a timely and effective manner to the Town's satisfaction.

### Footnote:

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

- a) A new development (planning) application is to be made for the Town's consideration at the expiry of the twelve (12) month temporary approval period should the applicant wish to continue the use.
- b) This decision does not include acknowledgement or approval of any unauthorised development including signage onsite.
- c) A copy of the approved plans as stamped by the Town are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by the Town.

(CARRIED UNANIMOUSLY)

Council's decision regarding delegated decision making made on 21 June 2022, this application is deemed determined, on behalf of Council, under delegated authority.	
EPORT ATTACHMENTS	
ttachments start on the next page	

### 10 Munro Street – Location and Advertising Plan

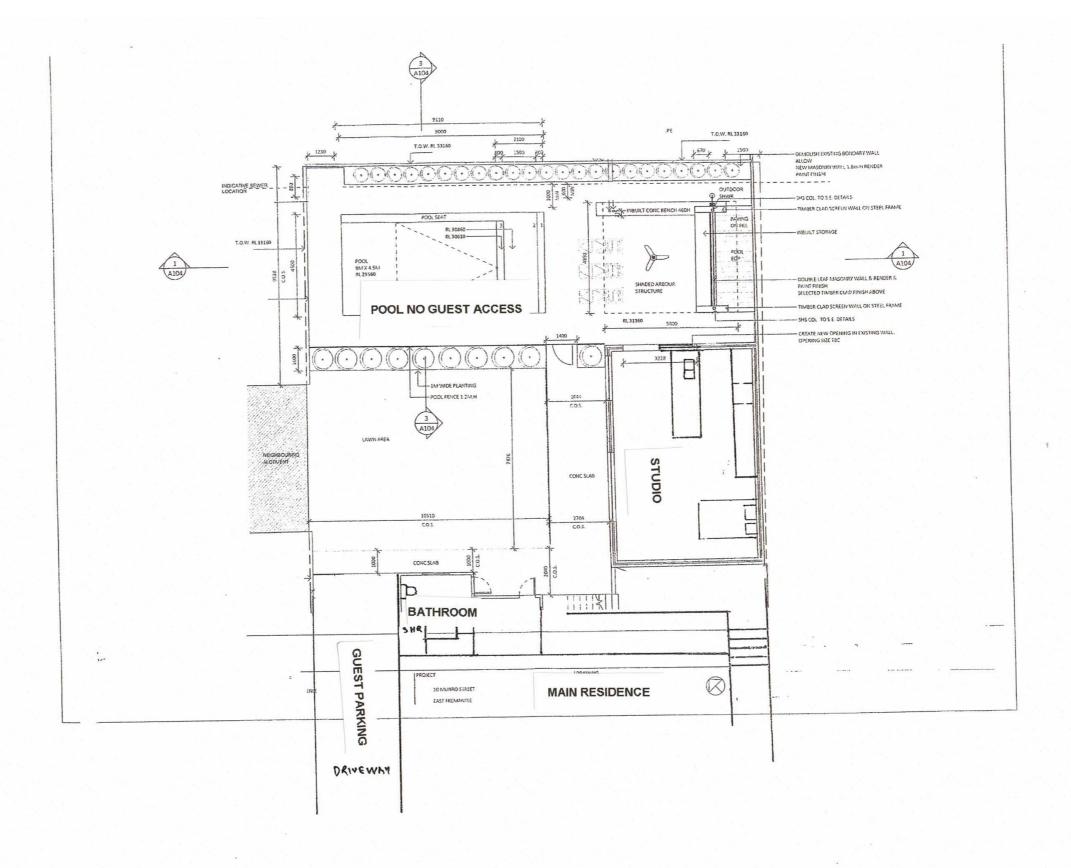


Attachment -2

10 Munro Street – Photos









# **Community Engagement Checklist**

# **Development Application P017/23 – 10 Munro Street**

Objective of Engagement	Neighbour Consultation							
Lead Officer:	Regulatory Services							
Stakeholders								
Stakeholders to be	Aged		Ratepayers (a	ll / targeted)				
Considered	Businesses		Residents (all	/ targeted)	$\boxtimes$			
Please highlight those to be targeted during engagement	Children (School / Playground)		Service Providers					
	Community Groups		Unemployed					
	Disabled People		Visitors					
	Environmental		Volunteers					
	Families		Workers					
	Govt. Bodies		Youth					
	Indigenous							
	Neighbouring LGs							
Staff to be notified:	Office of the CEO		Councillors					
	Corporate Services		Consultants					
	Development Services							
	Operational (Parks/Works)							
	Community E	ingagement Plan						
Methods	Responsible	Date D	ue	Reference / Notes				
1.1 E News	☐ Communications	Click or tap to ent	er a date.	☐ Click or tap here to enter text.				
1.2 Email Notification	☐ Relevant Officer	Click or tap to ent	er a date.	☐ Click or tap here to enter text.				
1.3 Website	☐ Communications	Click or tap to ent	er a date.	☐ Click or tap here to enter text.				
1.4 Facebook	☐ Communications	Click or tap to ent	er a date.	☐ Click or tap here to enter text.				
1.5 Advert – Newspaper	☐ Communications	Click or tap to ent	er a date.	☐ Click or tap here to enter text.				
1.6 Fact Sheet	☐ Communications	Click or tap to ent	er a date.	☐ Click or tap here to enter text.				
1.7 Media Rel/Interview	☐ Communications	Click or tap to ent	er a date.	☐ Click or tap here to enter text.				
2.1 Information Stalls	☐ Relevant Officer	Click or tap to enter a date.		☐ Click or tap here to enter text.				
2.2 Public Meeting/Forum	☐ Executive Direction	Click or tap to enter a date.		☐ Click or tap here to enter text.				
2.3 Survey/Questionnaire	☐ Relevant Officer	Click or tap to enter a date.  Click or tap to enter a date.		☐ Click or tap here to enter text.				
3.1 Focus Groups	☐ Executive Direction	Click or tap to ent		☐ Click or tap here to enter text.				
3.2 Referendum/Ballot	Executive Direction	Click or tap to ent		☐ Click or tap here to enter text.				
3.3 Workshop	☐ Relevant Officer	Click or tap to ent		☐ Click or tap here to enter text.				
<b>4.1</b> Council Committee	☐ Executive Direction	Click or tap to ent		☐ Click or tap here to enter text.				
4.2 Working Group	☐ Executive Direction			☐ Click or tap here to enter text.				
*Statutory Consultation	□ Executive Direction     □ Relevant Officer	Click or tap to enter a date. 3/04/2023		✓ Advertised to 8 surrounding properties				
#Heritage Consultation	☐ Regulatory Services	Click or tap to enter a date.		☐ Click or tap here to enter text.				
^Mail Out (note: timelines)	☐ Communications	Click or tap to enter a date.  Click or tap to enter a date.		☐ Click or tap here to enter text.				
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Sum	mary of	Date D	ue	Completed / Attache	-d			
Feedback / Results/ Outcomes / I		3/04/2023		completed, readen	4.a			
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Methods	Responsible	Date D	ue	Reference / Notes				
E-Newsletter	☐ Communications	Click or tap to ent	er a date.	☐ Click or tap here to enter t				
Email Notification	☐ Relevant Officer	Click or tap to ent	er a date.	☐ Click or tap here to enter t				
Website	☐ Communications	Click or tap to ent	er a date.	☐ Click or tap here to enter t				
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### 13 MATTERS BEHIND CLOSED DOORS

Nil

### 14 CLOSURE OF MEETING

There being no further business, the Presiding member declared the meeting closed at 6.42 pm

I hereby certify that the Minutes of the ordinary meeting of the Town Planning Committee of the Town of East Fremantle, held on **2 May 2023**, Minute Book reference 1 to 14 were confirmed at the meeting of the Committee on:

7 3047 2043

Presiding Member