



MINUTES

Town Planning Committee Tuesday, 4 July 2023 at 6:30 PM

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CONTENTS

1	DECLARATION OF OPENING OF MEETING/ANNOUNCEMENTS OF VISITORS	3
2	ACKNOWLEDGEMENT OF COUNTRY	3
3	ANNOUNCEMENT TO GALLERY	3
4	RECORD OF ATTENDANCE	3
4.1	Attendance	3
4.2	Apologies	3
4.3	Approved Leave	3
5	MEMORANDUM OF OUTSTANDING BUSINESS	3
6	DISCLOSURES OF INTEREST	3
6.1	Financial	3
6.2	Proximity	3
6.3	Impartiality	4
7	7. PUBLIC QUESTION TIME	4
7.1	Responses to previous questions from members of the public taken on notice	4
7.2	Public Question Time	4
8	PRESENTATIONS/DEPUTATIONS	4
8.1	Presentations	4
8.2	Deputations	4
9	TOWN PLANNING COMMITTEE (2 May 2023)	4
9.1	OFFICER RECOMMENDATION	4
10	ANNOUNCEMENTS BY THE PRESIDING MEMBER	4
11	REPORTS OF COMMITTEES	4
12	REPORTS OF OFFICERS (COMMITTEE DELEGATION)	5
12.3	8 (LOT 18) CLAYTON STREET –NEW SINGLE STOREY DWELLING	5
12.1	18 (LOT 233) PIER STREET – NEW SINGLE DWELLING	23
12.2	69 DUKE STREET - ALTERATIONS AND ADDITIONS TO A SINGLE DWELLING	47
12.4	SWAN YACHT CLUB – REPLACEMENT OF EXISTING BOAT RAMP JETTY	68
13	MATTERS BEHIND CLOSED DOORS	76
14	CLOSURE OF MEETING	76

MINUTES

1 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, present and emerging."

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

Cr K Donovan

C Catchpole Acting Executive Manager, Regulatory Services

K Culkin Minutes Secretary

One member of the public was present 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 TOWN PLANNING COMMITTEE (2 MAY 2023)

9.1 OFFICER RECOMMENDATION

9.1 OFFICER RECOMMENDATION

Moved Cr White, seconded Cr Nardi

That the minutes of the Town Planning Committee meeting held on 2 May 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 Donovan**

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

12.3 8 (LOT 18) CLAYTON STREET –NEW SINGLE STOREY DWELLING

Owner	Caitlin Fitzpatrick & Christopher Monahan
Applicant	Danmar Homes
Report Reference Number	TPR-1432
Planning Reference Code	P026/23
Prepared by	James Bannerman, Planning Officer
Supervised by	Christine Catchpole, Acting Executive Manager Regulatory Services
Meeting date	Tuesday, 4 July 2023
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	
	1. Location and advertising plan
	2. Photos
	3. Plans submitted on 4 May 2023
	4. Community engagement checklist

PURPOSE

The purpose of this report is for Council to consider a development application for a new single storey dwelling at 8 (Lot 18) Clayton Street, East Fremantle.

EXECUTIVE SUMMARY

This development application proposes a new single storey dwelling at 8 (Lot 18) Clayton Street, East Fremantle. The existing dwelling which is not heritage listed, will be demolished, and replaced with a contemporary dwelling that has 4 bedrooms, 3 bathrooms, a study, 2 living rooms, alfresco area and a double garage. Significant retaining is being undertaken on the northern side of the property in response to the slope of the site from north to south and west to east. Six variations are requested to the requirements of the Residential Design Codes and Residential Design Guidelines which are listed below:

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks (rear) – Eastern Wall – Bedroom 3, Bedroom 4 – 6m required, 1.6m provided,
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks - Southern Wall – Garage, Store – 1m required, 0m provided,
- (iii) Clause 5.4.1 – Residential Design Codes – Visual Privacy – Northern and Eastern Boundary – 7.5m setback required for outdoor active habitable spaces and 4.5m for bedroom 4, nil to 1.5m provided for outdoor active habitable spaces and 1.6m provided for bedroom 4,
- (iv) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, less than 28 degrees provided,

- (v) Clause 5.3.7 – Residential Design Codes – Site Works - Retaining – 1m and 1.5m setback of retaining required, 0m setback of retaining provided, and
- (vi) Clause 5.3.7 – Residential Design Codes – Site Works - Fill – Maximum of 0.5m permitted, 0.6m provided.

The proposed development application is recommended to be supported subject to the conditions that are included in the final recommendation.

BACKGROUND

Zoning	Residential R12.5
Site Area	804m ²
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 17 April to 8 May 2023. No submissions were received.

Community Design Advisory Committee

This development application was not provided to the Community Design Advisory Committee.

External Consultation

The Water Corporation provided the following advice.

The Water Corporation has no objection to this proposal. It is noted that the proposed building is in close proximity to the sewer. The applicant must comply with the Water Corporation's requirements for Working Near Assets. This proposal appears to be compliant, however further details of the footings must be submitted at building permit stage.

A condition has been included with the final recommendation requiring the applicant to submit the Water Corporation's written approval when the building permit application is submitted. This will ensure that all requirements regarding working near Water Corporation assets are complied with.

Internal Consultation

The development application was referred to the Town's Operations Department. The advice provided has been included in the final recommendation.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Local Planning Policy 3.1.1 – 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 Local Planning Policy 3.1.1 – Residential Design Guidelines.

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

Legend	
A	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	7.5m	6.5m but compensating area provided in front porch	A
Carport/garage setback	Setback demonstrated	7.5m	A
Minor incursions			N/A
Lot Boundary Setbacks			
Northern wall – ensuite, WIR, ensuite	1.5m	1.5m	A
Northern wall – alfresco, theatre, bed 3	3.7m	>3.7m	A
Eastern wall	6m	1.6m	D
Southern wall – bed 4, bathroom, laundry, scullery, kitchen	1m	1.03m	A
Southern wall - dining	1.5m	1.73m	A
Southern wall – living	1m	1.03m	A
Southern wall – garage store	1m	0m	D
Car Parking	2 car bays	2 car bays	A
Maximum wall height	7m	<7m	A

Maximum roof height	10m	<10m	A
Site Works			
Retaining walls, excavation or fill behind a street setback line	Compliance with appropriate height and setback requirements	Retaining up to 0.6m high should be 1m from boundary. Retaining up to 1.177m should be 1.5m from boundary	D
Excavation or fill behind street setback line and within 1.0 m of common boundary	Max 0.5 m above NGL at lot boundary	>0.5m along northern boundary >0.5m along eastern boundary	D
Visual Privacy Setbacks			
Northern – outdoor active habitable spaces	7.5m	Nil to 1.5m Dividing fence provides screening – condition screening	D
Eastern – outdoor active habitable spaces & bedroom 4	4.5m to 7.5m	Nil to 1.6m Dividing fence provides screening – condition screening	D
Overshadowing	<25%	11.9%	A
Roof form and pitch	28 to 36 degrees	Up to 36.5 degrees	D
Materials and colours			A
Open Space	55%	57%	A
Landscaping	2m x 2m deep planting zone required	Provided	A
Front fence			N/A
Footpaths and crossovers	To be conditioned		
Drainage	To be conditioned		

This development application proposes a new single storey dwelling at 8 (Lot 18) Clayton Street, East Fremantle. The existing dwelling which is not heritage listed, will be demolished and replaced with a contemporary dwelling that has 4 bedrooms, 3 bathrooms, a study, 2 living rooms, an alfresco area and a double garage. Significant retaining is being undertaken on the northern side of the property in response to the slope of the site from north to south and west to east. Six variations are requested to the requirements of the Residential Design Codes and Residential Design Guidelines in relation to lot boundary setbacks (2 locations), roof pitch and site works (2 locations).

The proposed development was advertised from 17 April to 8 May 2023. No submissions were received.

Lot Boundary Setbacks – Eastern Wall – Bedroom 3, Bedroom 4

The lot is zoned R12.5 and as such a 6m rear boundary setback is required in accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 i. In this case the reduced lot boundary setback of 1.6m can be supported in accordance with design principles 5.1.3 P3.1 for the following reasons:

- Minimal impacts of bulk on the adjoining properties,
- Adequate direct sunlight and ventilation reaches the building and open spaces on the site and adjoining properties, and
- Minimal overlooking and loss of privacy on adjoining properties.

The reduced lot boundary setback will have few impacts on privacy and because the dwelling is single storey and it is considered there are no issues relating to bulk and scale with the proposed single storey development. For these reasons, the reduced lot boundary setback can be supported.

Lot Boundary Setbacks - Southern Wall – Living, Store

The southern wall of the garage store which is 6.5m long and less than 3.5m high with no major openings is built up to the boundary. The Residential Design Codes deemed to comply clause 5.1.3 C3.1 i requires the wall to be setback 1m from the boundary. The reduced lot boundary setback can be supported in accordance with the Residential Design Codes design principles 5.1.3 P3.2 for the following reasons:

- It makes more effective use of the space for the enhanced privacy of the occupants,
- Minimal impacts of bulk on the adjoining properties,
- Adequate direct sunlight and ventilation reaches the building and open spaces on the site and adjoining properties,
- Minimal overlooking and loss of privacy on adjoining properties,
- It does not have an adverse impact on the amenity of the adjoining property,
- Direct sun can still reach major openings to habitable rooms and outdoor living areas for adjoining properties, and
- Positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.

The reduced lot boundary setback will have few impacts on privacy and because the dwelling is single storey it is considered there are no issues relating to bulk and scale. For these reasons, the reduced lot boundary setback can be supported.

Visual Privacy – Northern and Eastern Lot Boundaries

The Residential Design Codes deemed to comply clause 5.4.1 C1.1 require a visual privacy setback of 7.5m from outdoor active habitable spaces and bedrooms where the floor level is proposed to be greater than 0.5m (fill required to level the site) above natural ground level (in this case the outdoor active habitable area, including the pool and bedroom 4). As a result of the fill, there is a need for visual privacy screening to be installed to ensure visual privacy is maintained between the northern and the eastern lots. The plans indicate that new fencing will be installed along the northern and the eastern boundary. Failing the installation of this dividing fence, at the new higher lot levels indicated on the plans, visual privacy screening will be required to be installed along the boundaries to ensure that visual privacy is maintained between the subject lot and the northern and the eastern properties in accordance with design principles 5.4.1 P1.1. A condition is included in the final recommendation that imposes this requirement should the proposed fencing not be installed.

Roof Pitch

The Residential Design Guidelines acceptable development provision 3.7.8.3 A4.1 requires that the roof pitch of the development is between 28 and 36 degrees in the Richmond precinct. In this case the roof pitch is more than 36 degrees at 36.5 degrees for parts of the roof. Where there is increased roof pitch it can be supported in accordance with performance criteria 3.7.8.3 P4 because the roof form complements the traditional form of the surrounding development. It is marginally more than what is permitted under the acceptable development criteria and is hardly discernible. For these reasons, the increased roof pitch can be supported.

Site Works – Retaining Walls

Significant site works are proposed for the subject site along the northern side and the north-eastern side of the site. The site slopes down from south to north and from west to east. Retaining walls up to 0.6m high are proposed along the eastern boundary and along the northern boundary up to 1.177m above the ground level. The Residential Design Codes deemed to comply clause 5.3.7 C7.2 has required setbacks for retaining walls. In this case the retaining on the eastern boundary should be setback 1m from the boundary while the northern retaining wall should be setback 1.5m from the boundary. The reduced boundary setback for the retaining can be supported in accordance with design principles 5.3.7 P7.3 because it results in land that can be effectively used for the benefit of residents and does not detrimentally affect adjoining properties, nor does it result in visual privacy issues.

It is noted that a new dividing fence is proposed to be installed along the boundary which will ensure that there is 1.8m high barrier between the properties which creates a minimum level of privacy. Although the retaining wall and dividing fence are relatively high the northern neighbour had no objections during previous discussions and no objections were received regarding the proposed construction of retaining walls during the advertising period.

Site Works - Fill

Site levels are to be increased more than 0.5m along the northern and eastern boundary. The Residential Design Codes deemed to comply clause 5.3.7 C7.1 requires that fill does not exceed 0.5m. In this case the fill being added to the site is approximately 0.6m and can be supported in accordance with design principles 5.3.7 P7.2 because it respects the natural ground level at the lot boundary and as viewed from the street.

The dividing fences proposed to be constructed along the northern boundary and eastern boundaries will provide the minimum required level of visual privacy between the northern and the eastern properties and ensure that the impact of the raised site levels will be minimised. It was acknowledged in previous discussions held with the northern neighbouring property owner that site levels would be raised. As mentioned, no formal submissions objecting to the development application were received from advertising.

CONCLUSION

Based on the preceding assessment, the proposed new single storey dwelling at 8 (Lot 18) Clayton Street, East Fremantle can be supported subject to the conditions included in the final recommendation. The proposed development will see the existing dwelling demolished and replaced with a new single storey dwelling that is considered to contribute positively to the streetscape and the Richmond precinct.

- Mr C Monahan (owner) attended the meeting and supported the officer 's recommendation.

12.3 OFFICER RECOMMENDATION /COMMITTEE RESOLUTION TP010723

Moved Cr White, seconded Cr Nardi

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

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks (rear) – Eastern Wall – Bedroom 3, Bedroom 4 – 6m required, 1.6m provided,**
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks - Southern Wall – Garage, Store – 1m required, 0m provided,**
- (iii) Clause 5.4.1 – Residential Design Codes – Visual Privacy – Northern and Eastern Boundary – 7.5m setback required for outdoor active habitable spaces and 4.5m for bedroom 4, nil to 1.5m provided for pool surrounds and 1.6m provided for bedroom 4,**
- (iv) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, less than 28 degrees provided,**
- (v) Clause 5.3.7 – Residential Design Codes – Site Works - Retaining – 1m and 1.5m setback of retaining required, 0m setback of retaining provided, and**

- (vi) **Clause 5.3.7 – Residential Design Codes – Site Works - Fill – Maximum of 0.5m permitted, more than 0.5m provided,**
for a new single storey dwelling at No. 8 (Lot 18) Clayton Street, East Fremantle, in accordance with the plans submitted on 4 May 2023, subject to the following conditions:
- (1) The development is in close proximity to a major transport corridor (Canning Highway). The development is to comply with State Planning Policy 5.4 Road and Rail Noise and implement measures to meet the requirements of this policy. Measures adopted should be included with the building permit application.
 - (2) The applicant must comply with the Water Corporation requirements regarding working near Water Corporation Assets and provide written approval from the Water Corporation for the proposed development when the building permit application is submitted to the Town.
 - (3) All parapet walls are to be fair faced brick work or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
 - (4) Failing the installation of dividing fences that are solid surfaces and 1.8m high above retaining walls as indicated on the plans submitted on 4 May 2023 to maintain visual privacy between the subject property and the northern and eastern properties the applicant/owner will be required to install at their expense visual privacy screening along the northern and eastern boundary that complies with the Residential Design Codes deemed to comply clause 5.4.1 C1.2 that is at least 1.6m from the finished floor/ground level of the adjacent area, 75% obscure, permanently fixed, durable and restrict views in the direction of overlooking.
 - (5) 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, Local Planning Policy 3.1.1 - Residential Design Guidelines and the Urban Streetscape and Public Realm Style Guide.
 - (6) The existing crossover is to be removed such that there is only 1 crossover, and the verge, footpath, and kerb is to be remediated to the satisfaction of the Town.
 - (7) Existing trees located within the verge are a Local Government asset and as such must be retained and not pruned, shaped, or modified except where otherwise approved for removal or modification by the Town.
 - (8) During construction the verge trees are to be protected with a cage to ensure that they are not damaged by surrounding works, vehicles, or materials.
 - (9) 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.
 - (10) The footpath is to always remain accessible to pedestrians.
 - (11) 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.
 - (12) 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.
 - (13) 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.

- (14) 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.
- (15) 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.
- (16) 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.
- (17) 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.
- (18) 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/works-reserves/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 the Town 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.**
- (i) Operations Advice:**
- 1) Stormwater**
 - a. Stormwater shall be retained on site and discharged into soak wells or by any other approved method on property. Soak wells including any for crossovers are to be installed within the applicant's property.**
 - b. Internal accesses and paths to be designed in such a manner as to prevent onsite storm water entering the road, footpath, right of ways and neighbouring properties.**
 - c. A 300mm wide (or similar suitable) trench grate to be installed across the driveway at the property boundary. This shall be located internally across the full width of the driveway, with all collected water retained on site. Must be trafficable to a suitable standard. (Durham 2f - cat 856 mstg galvanized 300 grate or similar standard)**
 - d. Stormwater pipe connections and calculations to be shown on plans.**
 - e. Backwash and drainage from domestic swimming pools and spas shall be retained on site. Backwash water is to be discharged to a grassed, vegetated or garden area, or a stone-filled trench either open to the surface or underground (similar to a septic tank absorption field). Any surface run-off resulting from the discharge should be contained within the property boundaries and not affect neighbouring properties. Disposal of backwash water into the Town's stormwater drainage system is prohibited as it can harm rivers and coastal waters.**
 - 2) Crossovers**
 - a. Crossover application required.**
 - b. No street trees are to be removed/ pruned/ damaged. Crossovers are to be a minimum setback from any street tree (trunk) as required by the Town's Operations Department.**
 - c. Crossover to be min 3.5m - max 5m wide with 1m x 1m wings.**
 - d. Crossover to tie into existing footpath.**
 - e. Vehicle crossovers no longer connected with an internal driveway must be removed and the verge, path and kerb reinstated at the applicant's expense to the satisfaction of the Town.**
 - f. Access onto the site shall be restricted to that shown on the approved plan.**
 - 3) Adjoining Properties**
 - a. Access to properties immediately adjacent and surrounding the Development to always remain accessible.**
 - 4) Footpath**
 - a. The footpath adjacent to the development shall be maintained clear of any obstructions and be always trafficable.**
 - 5) Damage to Town's Assets**
 - a. Any damage that occurs to the Town's assets for example but not limited to kerb, drainage, trees, footpaths, roads, signage etc. is to be repaired to the satisfaction of the Town by the applicant at their cost.**
 - 6) Verge Trees**
 - a. No unauthorised pruning, trimming or damage to street trees is to occur as a result of the development.**
 - b. The verge tree/s are to be protected as per Australian Standards AS 4970-2009.**
 - 7) Parking**
 - a. Trade parking to follow the Road Traffic Code, Australian Standards and Local Laws and Policies as determined by the Town of East Fremantle.**
 - 8) General**
 - a. Should the operation cause i) a safety concern, ii) undue pedestrian or traffic congestion, iii) the applicant fails to follow the described work methods or adhere to the Traffic Management Plan (including Traffic Control Drawings), the Town reserves the right to withdraw its endorsement of any work currently underway and possibly close the site to comply with accepted safety conditions.**
 - b. Owner/applicant when carrying out works in the road reserve will be responsible for location and protection of public utility services within the road reserve and is to obtain details of service locations from relevant utility authorities prior to the commencement of any works within the road reserve.**

(CARRIED UNANIMOUSLY)

Note: As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 16 May 2023, this application is deemed determined, on behalf of Council, under delegated authority.

REPORT ATTACHMENTS

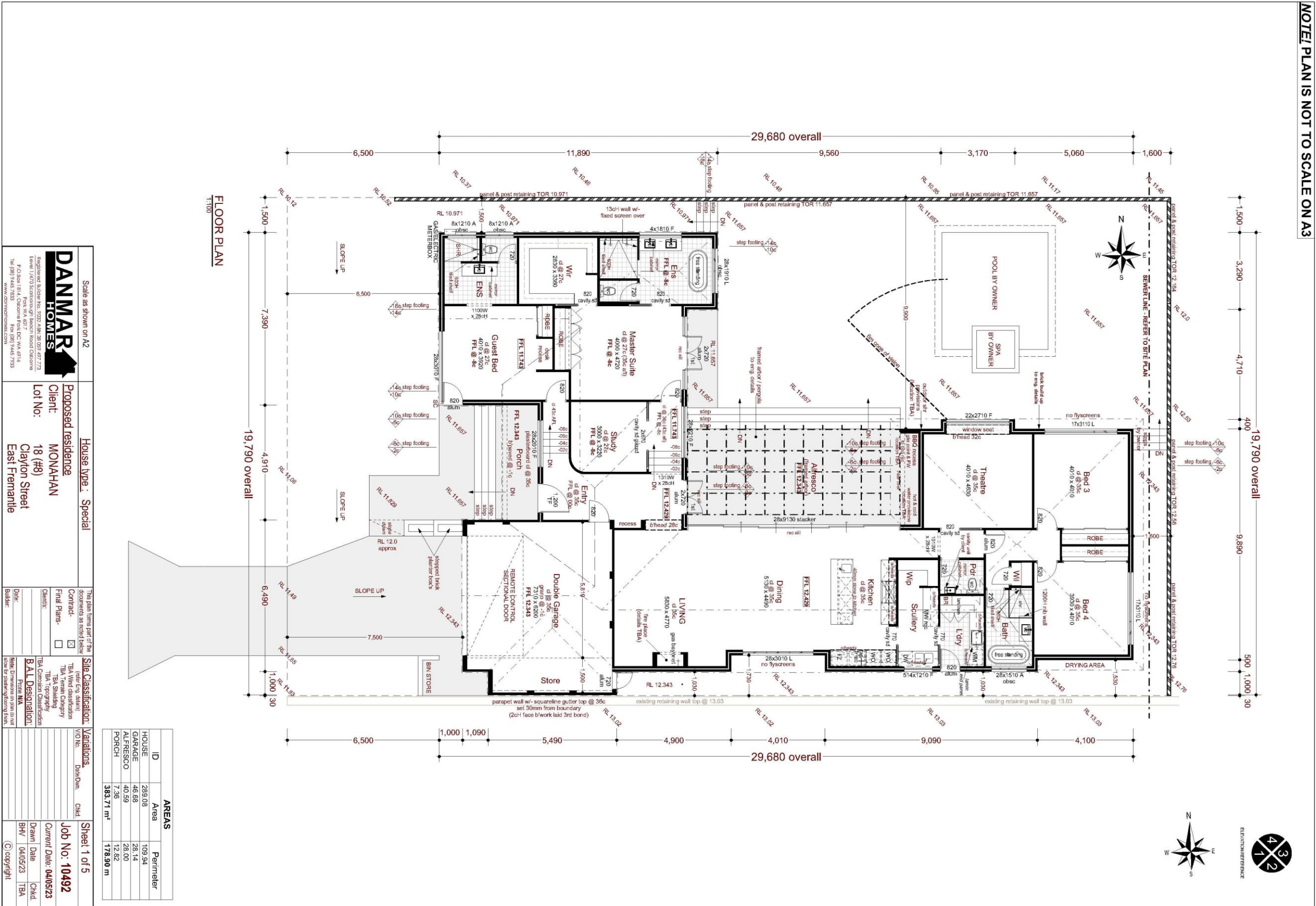
Attachments start on the next page.

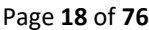
8 Clayton Street – Location and Advertising Plan

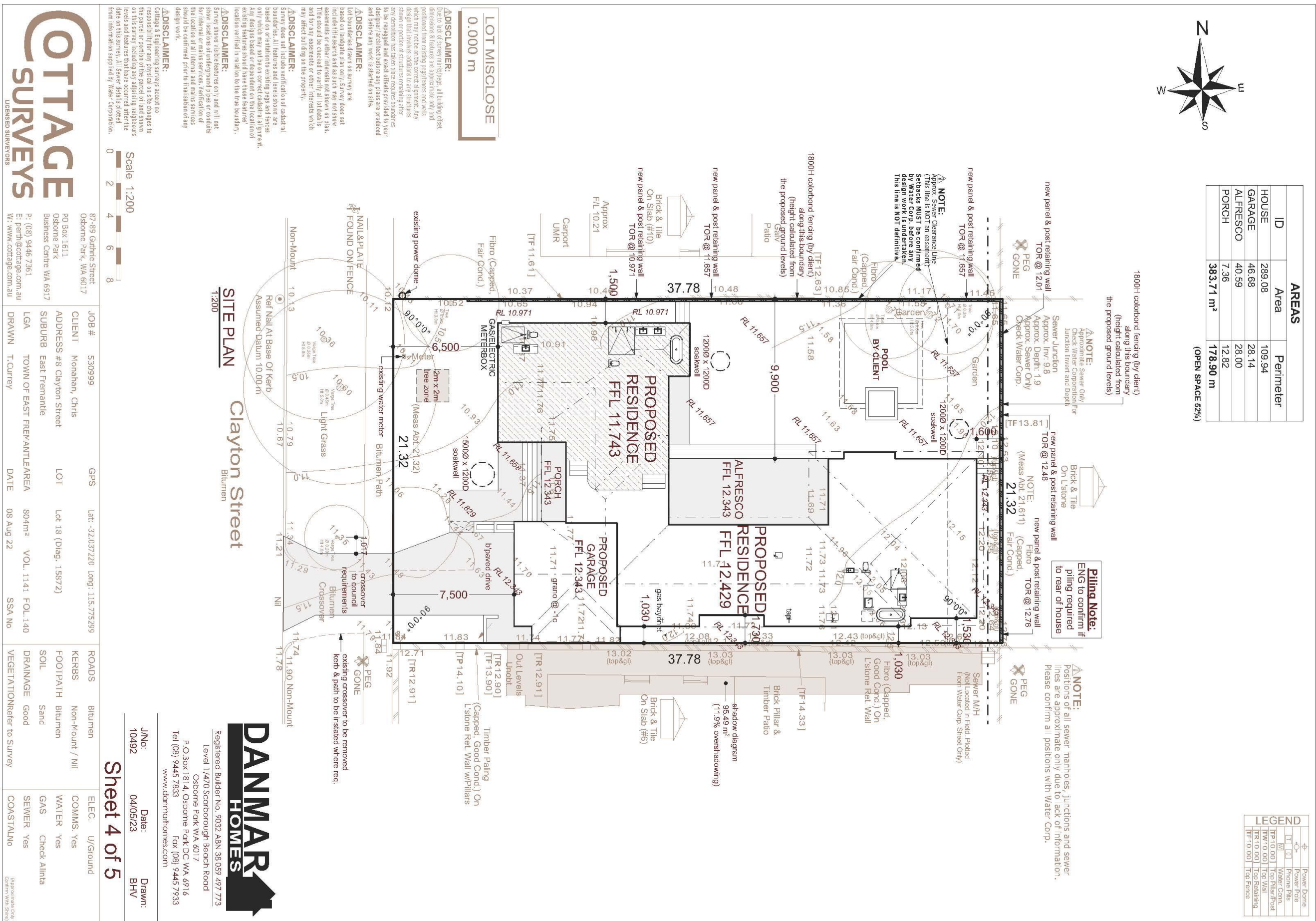


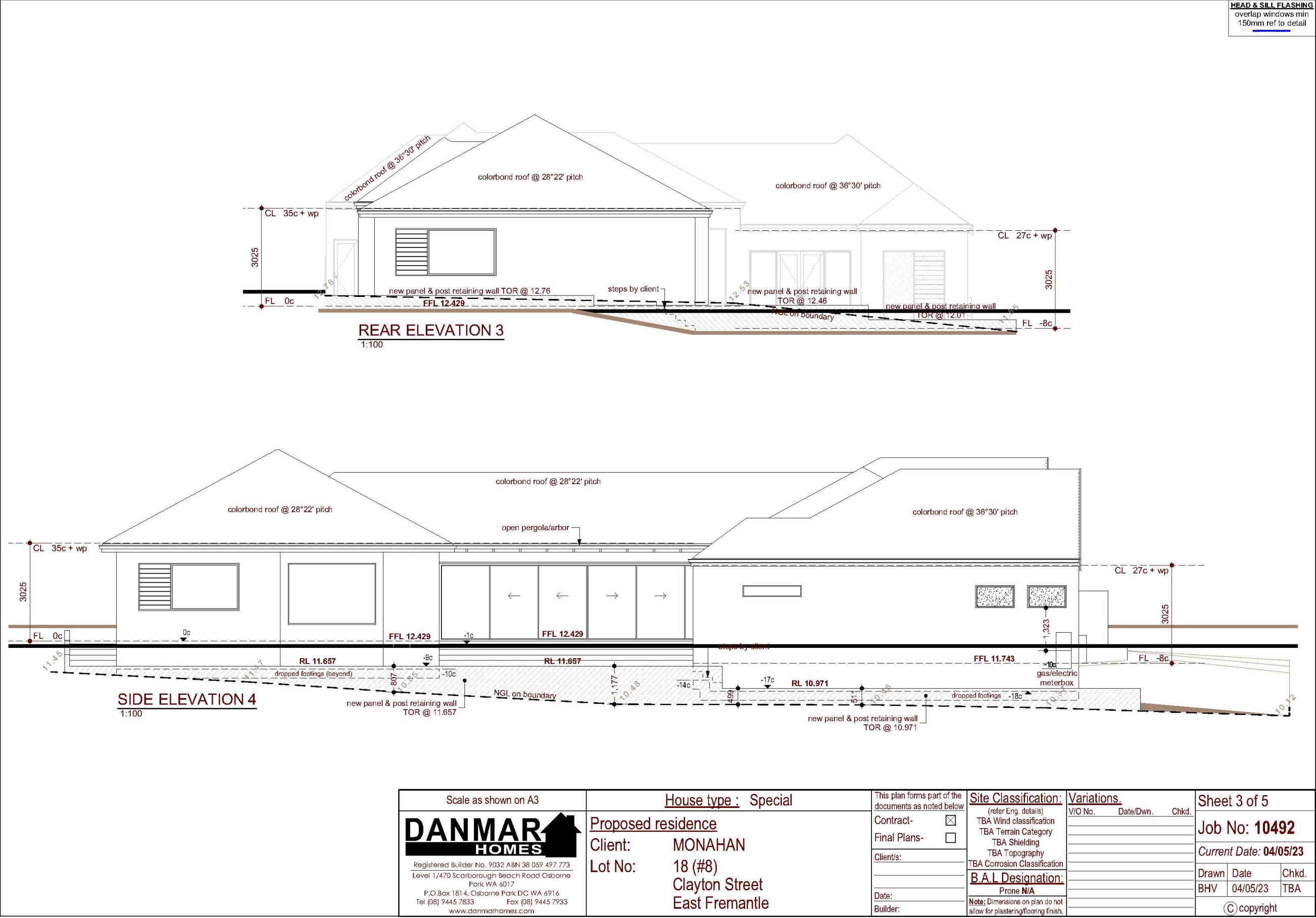
8 Clayton Street – Site Photos



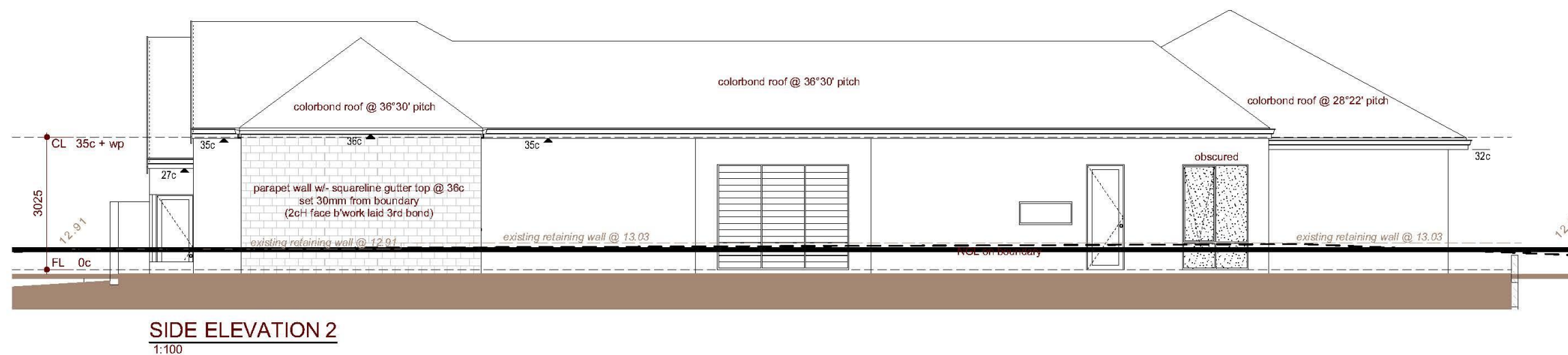
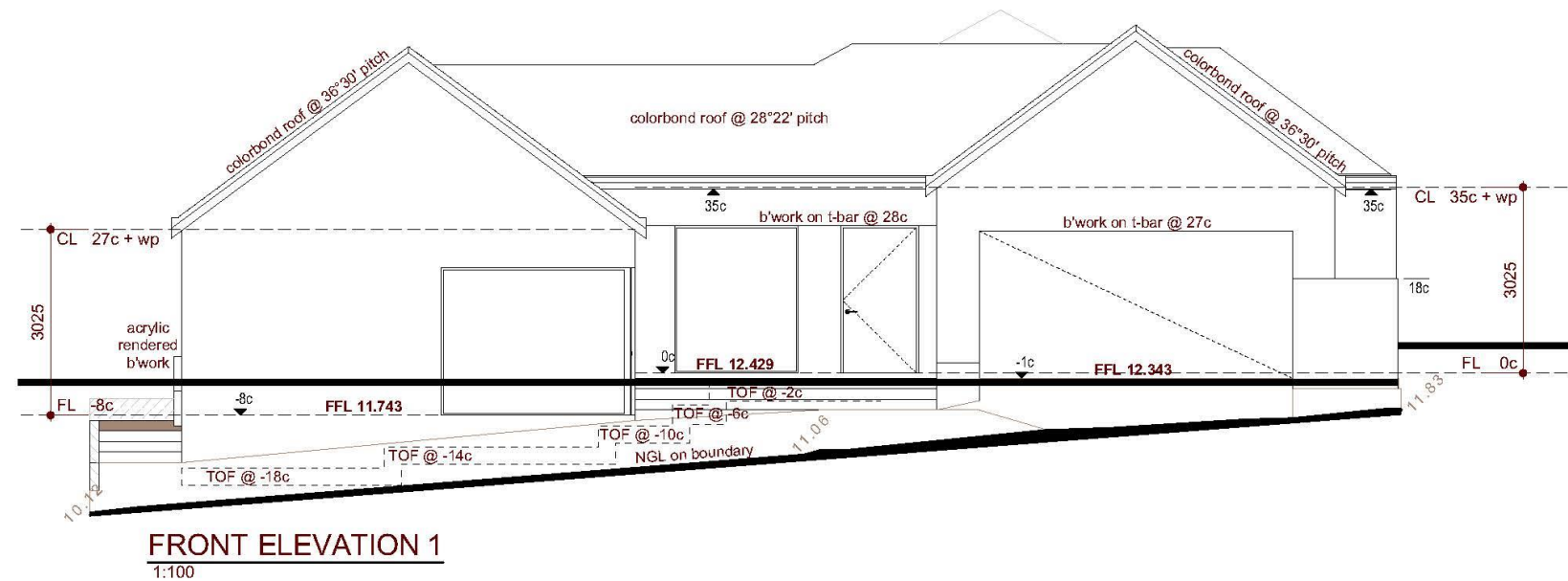








HEAD & SILL FLASHING
overlap windows min 150mm ref to detail



Scale as shown on A3	<u>House type</u> : Special	This plan forms part of the documents as noted below	<u>Site Classification:</u> (refer Eng. details) TBA Wind classification TBA Terrain Category TBA Shielding TBA Topography TBA Corrosion Classification	<u>Variations.</u> W/O No. Date/Dwn. Chkd.	Sheet 2 of 5		
<div><p>Registered Builder No. 9032 A8N 38 059 497 773 Level 1/470 Scarborough Beach Road Osborne Park WA 6017 P.O.Box 1814, Osborne Park DC WA 6916 Tel (08) 9445 7833 Fax (08) 9445 7933 www.danmarhomes.com</p></div>	<u>Proposed residence</u>	Contract- <input checked="" type="checkbox"/>			Job No: 10492		
	Client: MONAHAN	Final Plans- <input type="checkbox"/>			Current Date: 04/05/23		
	Lot No: 18 (#8)	Client's:			Drawn	Date	Chkd.
	Clayton Street				BHV	04/05/23	TBA
	East Fremantle	Date:			(C) copyright		
	Builder:						
			<u>B.A.L Designation:</u> Prone N/A Note: Dimensions on plan do not allow for plastering/triming finish				

Community Engagement Checklist

Development Application P026/23 – 8 Clayton Street

Objective of Engagement	Neighbour Consultation			
Lead Officer:	Regulatory Services			
Stakeholders				
Stakeholders to be Considered <i>Please highlight those to be targeted during engagement</i>	Aged	<input type="checkbox"/>	Ratepayers (all / targeted)	<input type="checkbox"/>
	Businesses	<input type="checkbox"/>	Residents (all / targeted)	<input checked="" type="checkbox"/>
	Children (School / Playground)	<input type="checkbox"/>	Service Providers	<input type="checkbox"/>
	Community Groups	<input type="checkbox"/>	Unemployed	<input type="checkbox"/>
	Disabled People	<input type="checkbox"/>	Visitors	<input type="checkbox"/>
	Environmental	<input type="checkbox"/>	Volunteers	<input type="checkbox"/>
	Families	<input type="checkbox"/>	Workers	<input type="checkbox"/>
	Govt. Bodies	<input type="checkbox"/>	Youth	<input type="checkbox"/>
	Indigenous	<input type="checkbox"/>		<input type="checkbox"/>
	Neighbouring LGs	<input type="checkbox"/>		<input type="checkbox"/>
Staff to be notified:	Office of the CEO	<input type="checkbox"/>	Councillors	<input type="checkbox"/>
	Corporate Services	<input type="checkbox"/>	Consultants	<input type="checkbox"/>
	Development Services	<input type="checkbox"/>		<input type="checkbox"/>
	Operational (Parks/Works)	<input type="checkbox"/>		<input type="checkbox"/>
Community Engagement Plan				
Methods	Responsible	Date Due	Reference / Notes	
1.1 E News	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.2 Email Notification	<input type="checkbox"/> Relevant Officer	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.3 Website	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.4 Facebook	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.5 Advert – Newspaper	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.6 Fact Sheet	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.7 Media Rel/Interview	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
2.1 Information Stalls	<input type="checkbox"/> Relevant Officer	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
2.2 Public Meeting/Forum	<input type="checkbox"/> Executive Direction	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
2.3 Survey/Questionnaire	<input type="checkbox"/> Relevant Officer	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
3.1 Focus Groups	<input type="checkbox"/> Executive Direction	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
3.2 Referendum/Ballot	<input type="checkbox"/> Executive Direction	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
3.3 Workshop	<input type="checkbox"/> Relevant Officer	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
4.1 Council Committee	<input type="checkbox"/> Executive Direction	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
4.2 Working Group	<input type="checkbox"/> Executive Direction	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
*Statutory Consultation	<input checked="" type="checkbox"/> Relevant Officer	8/05/2023	<input checked="" type="checkbox"/> Advertised to 7 surrounding properties	
#Heritage Consultation	<input type="checkbox"/> Regulatory Services	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
^Mail Out (note: timelines)	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
	<input type="checkbox"/>	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
	<input type="checkbox"/>	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Evaluation				
Summary of...		Date Due	Completed / Attached	
Feedback / Results/ Outcomes / Recommendations		8/05/2023		
Outcomes Shared				
Methods	Responsible	Date Due	Reference / Notes	
E-Newsletter	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Email Notification	<input type="checkbox"/> Relevant Officer	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Website	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Facebook	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Media Release	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Advert – Newspaper	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
	<input type="checkbox"/>			
	<input type="checkbox"/>			
Notes				

MINUTES OF TOWN PLANNING MEETING TUESDAY, 4 JULY 2023

12.1 18 (LOT 233) PIER STREET – NEW SINGLE DWELLING

Owner	James & Casey Dornan
Applicant	Leanhaus Architects (Colin Henley)
Report Reference Number	TPR-1445
Planning Reference Code	P032/23
Prepared by	James Bannerman, Planning Officer
Supervised by	Christine Catchpole, Acting Manager Regulatory Services
Meeting date	Tuesday, 4 July 2023
Voting requirements	Simple majority
Documents tabled	Nil

Attachments

1. Location and advertising plan
2. Photos
3. Plans submitted 15 May 2023
4. Community engagement checklist

PURPOSE

The purpose of this report is for Council to consider a development application for a new single dwelling at 18 (Lot 233) Pier Street, East Fremantle.

EXECUTIVE SUMMARY

This development application proposes a new single dwelling located at 18 (Lot 233) Pier Street, East Fremantle. It is proposed to construct a dwelling with 3 bedrooms, 2 bathrooms, a study, activity room, combined kitchen, dining and living area, guest suite, balcony, double garage, and swimming pool. The design capitalises on a site that has a much lower front section than the rear of the lot. At the front of the site the levels are between 39m and 41m (AHD) while the rear of the site is between 42m and 43.5m (AHD). The dwelling is positioned across the site with a double storey component at the front where the site levels are lower and a single storey component at the rear on the higher portion of the site. The existing dwelling is not heritage listed and is to be demolished. An existing rear shed is to be retained. A new crossover is to be constructed in a similar position to the existing crossover.

There are 2 variations proposed to the Residential Design Guidelines and the Residential Design Codes in relation to the following;

- Clause 3.7.17.4.1.3– Residential Design Guidelines – Wall Height – 5.6m maximum required, 6.3m provided,
- Clause 5.3.7– Residential Design Codes – Site Works – Retaining Wall Setback – 2.5m required, 0m provided.

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

BACKGROUND

Zoning	Residential R12.5
Site Area	890m ²
Heritage	N/A
Fremantle Port Buffer	N/A

Previous Decision of Town and/or History of Issue Onsite	N/A
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CONSULTATION

Advertising

The proposed development was advertised from 10 May to 26 May 2023. One submission was received and is included below.

Submissions	Applicant Response	Town Response
<p><u>Submission 1</u></p> <p>Concerns noted as follows:</p> <ol style="list-style-type: none"> Noise from the air-conditioning unit which appears to be high on the level next to our west side / a child's bedroom plus our alfresco area at rear and pool which is used substantially in summer and winter. How much extra noise will the aircon make? Is there protection from the noise? Proposed retaining wall on west boundary of our property affecting the existing wall and fencing which was newly constructed in 2016. Also, the swimming pool which is along that side of the property. Also, I see there is a soak well right next to our alfresco and pool – concern that this may cause pool to cave in / subside. Disappointed that the owners are not taking the opportunity to cut back some of the She Oak and Pine trees in their front garden during their proposed build. These trees endlessly drop pine needles on our lawn and balcony all year round and this debris needs clearing off the lawn, balcony, and side passage continuously. Their balcony at the front will be covered in pine needles very quickly (as is ours) and there is an expectation that the trees would be cut back substantially during the build to prevent this and not left unattended to continue to grow unabated. 	<ol style="list-style-type: none"> The proposed new home is to be built to Passive House standards resulting in a highly insulated, airtight building envelope that minimises unwanted heat gains and losses. As a result, a smaller, quieter air conditioning unit (likely a max. 6kW capacity split system) is sufficient to service the home, compared with the typical 12-15kW system specified for the average 4 x 2 Perth home. Also, it is likely to be used much more infrequently than in a typical home, mainly during the height of summer or in the event of a heatwave. Further, the AC unit is proposed to be floor mounted and set well back behind the 1.8m high fence on the eastern boundary of Lot 233. It is located in a 3.6m deep alcove which, due to its function as the drying area off the laundry, is not roofed so noise from the unit can freely dissipate upwards instead of being contained and directed towards the eastern neighbouring lot. As can be seen in the proposed site plan, the proposed drying area where the AC unit is located is not directly adjacent to the existing alfresco area nor the pool to the rear of Lot 232. The distance from the drying alcove to the southmost edge of the alfresco is approximately 4.5m. In summary, the applicant anticipates that the impact of noise upon the neighbour from this AC unit will be negligible and infrequent. Retaining and associated new fencing will be installed at no cost to the neighbours; Proposed retaining is clear of the alfresco and pool areas. Natural ground level is proposed to be maintained in this area as can be seen in the east elevation drawing. In compliance with the Town's 'Requirements for Onsite Stormwater Drainage' document all soakwells will be located no closer than 1m or a distance equivalent to the soakwell's depth (whichever is greater) from the outside 	<ol style="list-style-type: none"> The applicant response to concerns from the submitter is noted. Location and resulting noise from air conditioning units is not a matter for assessment under the development application. Noise from air conditioning units is a matter that is required to be dealt with once the air conditioning units are in operation and should a complaint be registered it is then responded to at that time. All retaining walls will require a building permit and compliance with the requirements of the National Construction Code and sign-off from an engineer regarding the structural integrity. All drainage must be contained on site. Stormwater drainage systems are also required to comply with the requirements of the National Construction Code. These matters are assessed at Building Permit stage. Trees on verges are the property of the Town and can only be trimmed or removed by the Town. Trees on private property that are to be trimmed or removed are a matter for the owner of the property. The Town encourages all owners to retain as many trees on site as possible to assist with the maintenance of healthy urban ecosystems and minimise the urban heat island effect.

MINUTES OF TOWN PLANNING MEETING TUESDAY, 4 JULY 2023

	<p>edge of the soakwell to the site boundary to prevent undermining.</p> <p>In summary, the applicant does not anticipate any adverse impact upon the neighbouring lot in terms of subsidence / destabilisation due to the proposed retaining or installation of soakwells along the eastern boundary. If consent is required from the neighbour regarding any anticipated adverse impact upon their property due to the proposed retaining works this will be sought in the application for a Building Permit (submission of form BA1, section 6).</p> <p>3. There will likely be some trimming required to the trees in the primary setback area to provide clearance during construction, however, the applicant confirms the intention is for these trees to remain. The applicant suggests the neighbour speak directly with the property owners at 18 Pier Street should the trees in question be causing an ongoing maintenance issue.</p>	
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Community Design Advisory Committee

This development application was not provided to the Community Design Advisory Committee (CDAC).

External Consultation

Nil

Internal Consultation

The development application was referred to the Town's Operations Department. The advice provided has been included as a Footnote.

STATUTORY ENVIRONMENT

Planning and Development Act, 2005

Residential Design Codes (Volume 1)

Local Planning Scheme No. 3

POLICY IMPLICATIONS

Local Planning Policy 3.1.1 - 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.

MINUTES OF TOWN PLANNING MEETING TUESDAY, 4 JULY 2023

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	
A	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	7.5m	7.5m	A
Carport/garage setback	Impact to be demonstrated	Impact demonstrated – 9.92m	A
Minor incursions			N/A
Lot Boundary Setbacks			
Western wall – undercroft – guest suite	1.5m	>1.5m	A
Eastern wall – undercroft - garage	1.5m	1.5m	A
Western wall – upper ground – master bed, ensuite, alfresco	1.5m	>1.5m	A
Western wall – upper ground – hall, activity, bed 2	1.5m	>1.5m	A
Northern wall – upper ground – bed 2, bed 1	6m	11.2m	A
Eastern wall – upper ground – bed 1, bath, toilet	1m	1.2m	A
Eastern wall – upper ground - hall	1m	>1m	A
Eastern wall – upper ground – laundry, kitchen	1.5m	1.5m	A
Car Parking	3 car bays	3 car bays	A
Maximum wall height	5.6m	>6.3m	D
Maximum roof height	8.1m	<8.1m	A
Site Works	2.05m high (retaining wall)	0m setback from boundary	D

MINUTES OF TOWN PLANNING MEETING TUESDAY, 4 JULY 2023

	requires 2.5m setback		
Visual Privacy Setbacks			
Balcony	7.5m	Visual privacy screening	A
Kitchen	4.5m	Privacy film	A
Master bedroom	4.5m	>4.5m	A
Overshadowing	Maximum 25%	Overshadows subject lot	A
Roof form and pitch	Impact to be demonstrated	Impact demonstrated	A
Materials and colours	Schedule to be provided	Schedule provided	A
Open Space	55%	>55%	A
Landscaping	2m by 2m deep planting zone Trees marked on plan as being retained	Shown on plans as 6m by 3m deep planting zone	A
Front fence			N/A
Footpaths and crossovers	To be conditioned		
Drainage	To be conditioned		

This development application proposes a new single dwelling located at 18 (Lot 233) Pier Street, East Fremantle. It is proposed to construct a dwelling with 3 bedrooms, 2 bathrooms, a study, activity room, combined kitchen, dining and living area, balcony, guest suite, double garage, and swimming pool. The design capitalises on a site that has a much lower front section than the rear of the lot. At the front of the site the levels are between 39m and 41m (AHD) while the rear of the site is between 42m and 43.5m (AHD). The dwelling is positioned across the site with a double storey component at the front where the site levels are lower and a single storey component at the rear on the higher portion of the site. The existing dwelling is not heritage listed and is to be demolished. An existing rear shed is to be retained. A new crossover is to be constructed in a similar position to the existing crossover.

There are 2 variations proposed to the Residential Design Guidelines and the Residential Design Codes in relation to maximum wall height and site works as outlined below.

Maximum Wall Height

In accordance with the Residential Design Guidelines the maximum height permitted to the top of an external wall is 5.6m in accordance with the Residential Design Guidelines acceptable development provisions 3.7.17.4.1.3 A1.4. In this case the wall is approximately 6.3m at its maximum point.

Specifically, the wall height variation is sought for a section of the dwelling adjacent to the eastern edge of the balcony and for a small section behind this point. Although it exceeds the maximum height by 0.7m this does not occur across the whole lot. The lot slopes considerably from front to back. The difference in height between the front and the rear of the lot exacerbates the height variations from natural ground level. The height of the building towards the rear is well below the 5.6m maximum wall height and therefore compliant where the structure could have the greatest impact to the rear neighbours.

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 P1 the proposed development is of a compatible form, bulk, and scale to the neighbouring properties. As a result, the increased wall height can be supported. It is noted that the entire dwelling

MINUTES OF TOWN PLANNING MEETING TUESDAY, 4 JULY 2023

is well below the maximum 8.1m permitted roof height and as a result the overall built form outcome is considered acceptable to the Town.

Site Works

In accordance with the Residential Design Codes, deemed to comply clause 5.3.7 C7.2 requires that retaining walls are setback from lot boundaries in accordance with Table 4. In this case a retaining wall that is 2.05m high should be located 2.5m from the boundary. The reduced setback is considered acceptable in accordance with design principle 5.3.7 P7.3 because the retaining wall allows land to be used effectively for the benefit of residents but does not detrimentally impact the neighbouring property. The wall is to be built up to the boundary and backfilled with earth up to the main eastern wall of the proposed new building. There will be minimal impacts on privacy as the wall is located in an area where it provides access to the exterior of the building on the eastern side of the dwelling but is not an outdoor active habitable space and is adjacent to the laundry and clothes drying area. As such, the area will not be used for outdoor entertainment, but rather used for utilitarian purposes. Images included in the plans also show that a dividing fence is intended to be built along this boundary.

CONCLUSION

Based on the preceding assessment, the proposed new single dwelling at 18 (Lot 233) Pier Street, East Fremantle is recommended for support subject to the recommended conditions. The proposal will result in a dwelling design that utilises the slope and area of the lot, minimises amenity impacts on neighbouring properties and attempts to maximise views to the south. As it is a single storey dwelling at the rear, the overall bulk and scale of the proposed development is not excessive and the design is considered to complement the streetscape.

OFFICER RECOMMENDATION / COMMITTEE RESOLUTION

12.1 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP020723

Moved Cr Nardi , seconded Cr Natale

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

- (i) Clause 3.7.17.4.1.3– Residential Design Guidelines – Wall Height – 5.6m maximum required, 6.3m provided,**
- (ii) Clause 5.3.7– Residential Design Codes – Site Works – Retaining Wall Setback – 2.5m required, 0m provided,**

for a new single dwelling at No. 18 (Lot 233) Pier Street, East Fremantle, in accordance with the plans submitted on 15 May 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 is to be installed along the eastern edge of the front balcony as shown on the plans submitted on 15 May 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) Visual privacy screening that meets the requirements of the Residential Design Codes deemed to comply clause 5.4.1 C1.2 is to be installed on the kitchen window as indicated on the plans submitted on 15 May 2023. This screening is to be at least 75% obscure, permanently fixed, made of durable material, and restrict views in the direction of the overlooking into the adjoining property.**
- (3) 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, Local Planning Policy 3.1.1 - Residential Design Guidelines and the Urban Streetscape and Public Realm Style Guide.**
- (4) The existing crossover is to be removed such that there is only 1 crossover, and the verge and kerb is to be remediated to the satisfaction of the Town.**

- (5) Existing trees located within the verge are a Town asset and as such must be retained and not pruned, shaped, or modified except where otherwise approved for removal or modification by the Local Government.
- (6) During construction the verge tree is to be protected with a cage to ensure that it is not damaged by surrounding works, vehicles, or materials.
- (7) 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.
- (8) The footpath is to always remain accessible to pedestrians.
- (9) 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.
- (10) 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.
- (11) 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.
- (12) All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan submitted to the satisfaction of the Town prior to the issue of a Building Permit.
- (13) 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.
- (14) 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.
- (15) 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.
- (16) 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) *A strip drain is required to be included across the driveway on the northern side of the front boundary.*

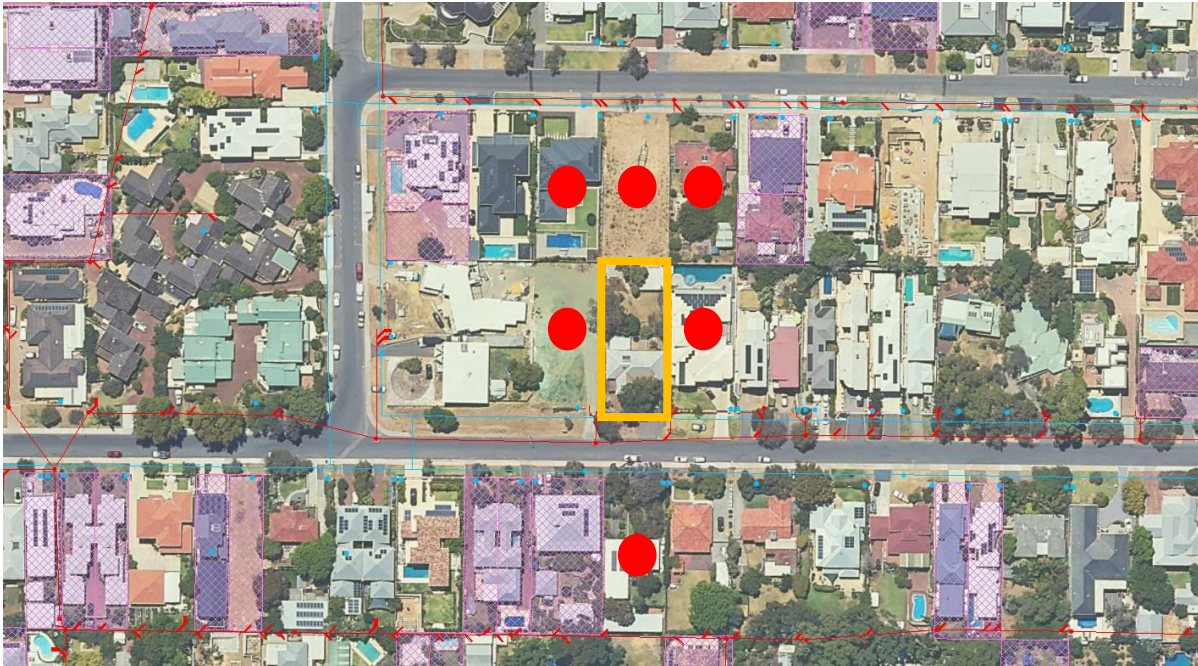
- (b)** *This decision does not include acknowledgement or approval of any unauthorised development which may be on site.*
 - (c)** *A copy of the approved plans as stamped by the Town are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by the Town.*
 - (d)** *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/works-reserves/Application_to_conduct_crossover_works.pdf*
 - (e)** *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.*
 - (f)** *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).*
 - (g)** *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
 - (h)** *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.*
 - (i)** *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 16 May 2023, this application is deemed determined, on behalf of Council, under delegated authority.

REPORT ATTACHMENTS

Attachments start on the next page.

18 Pier Street – Location and Advertising Plan



18 Pier Street –Site Photos





18 PIER ST, EAST FREMANTLE
DORNAN RESIDENCE

SD000

SD

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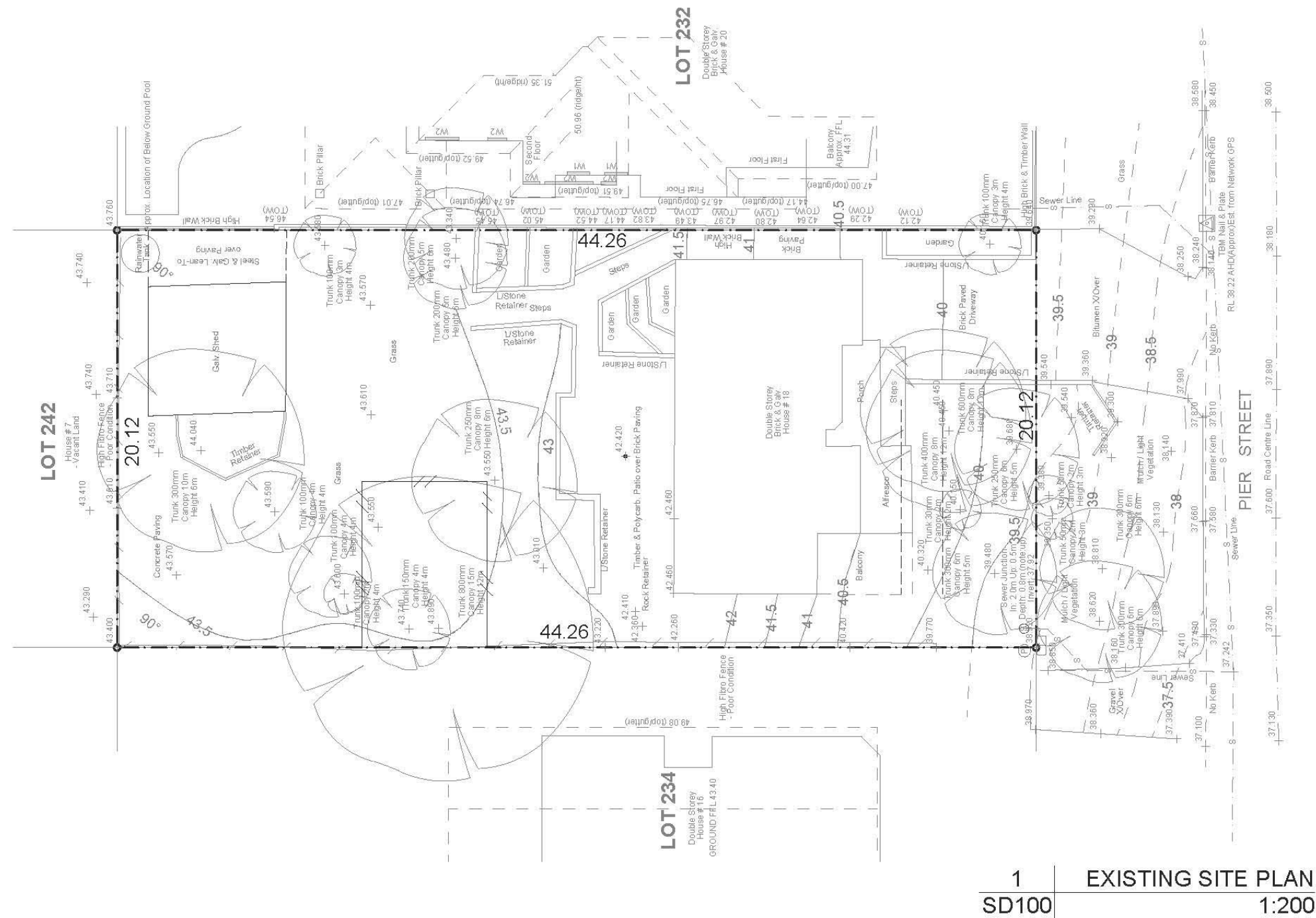
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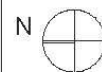
1	EXISTING SITE PLAN
SD100	1:200

SD100

SD

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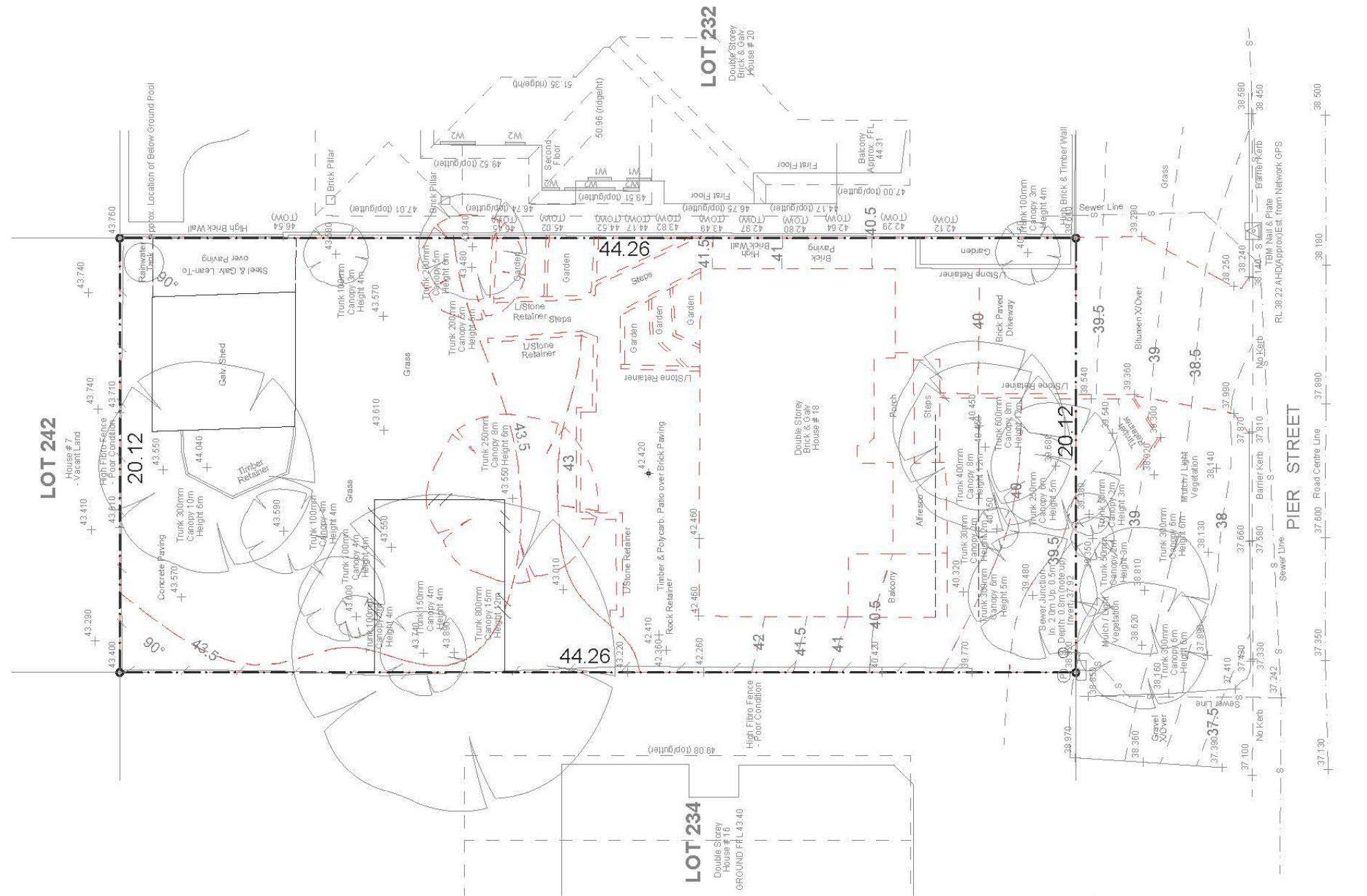
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1
SD110 | DEMOLITION PLAN
1:200

SD110

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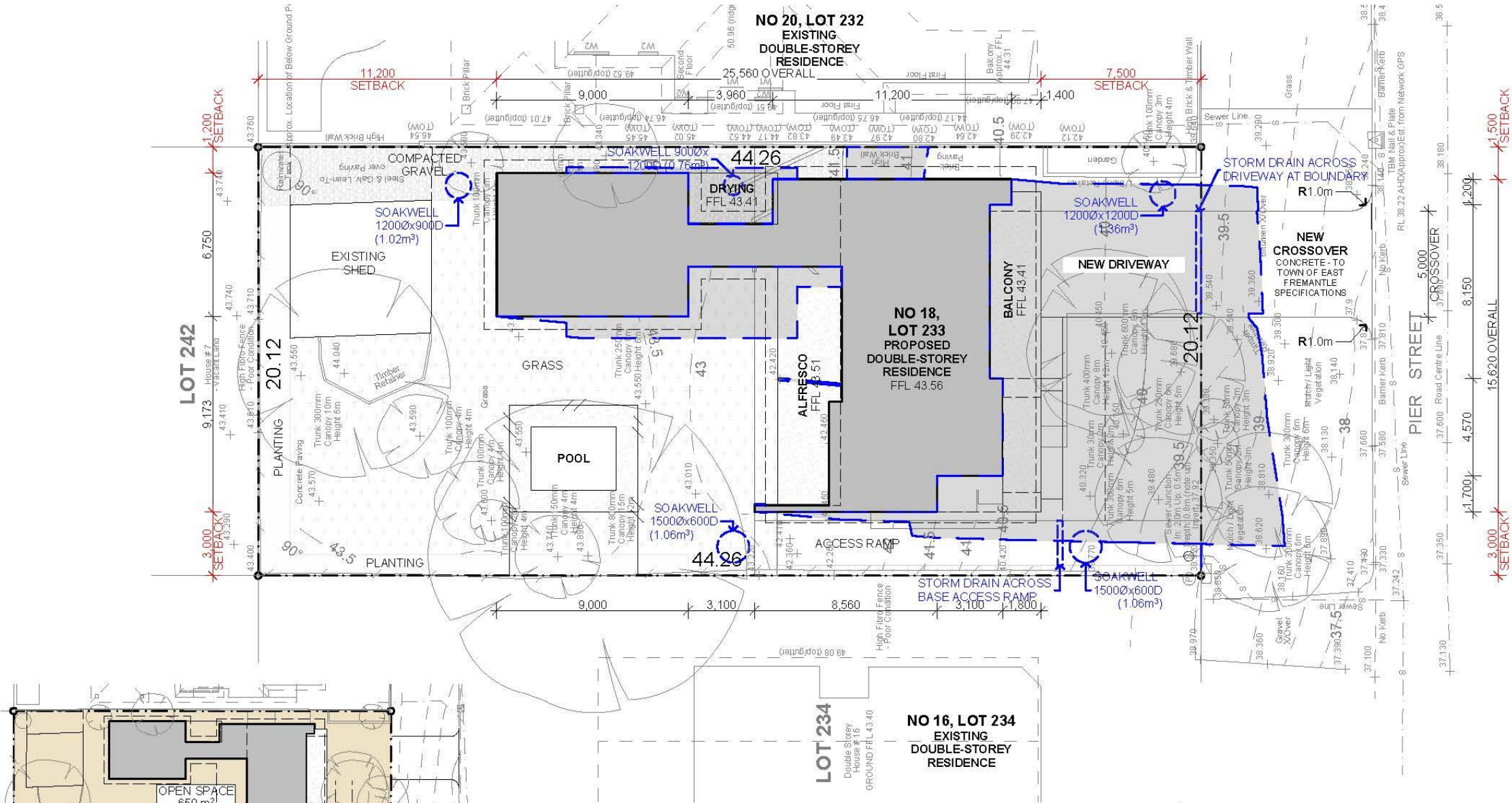
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2 OPEN SPACE DIAGRAM
SD120 1:500

INDICATIVE STORMWATER CALCULATION
(PROPOSED SOAKWELL SIZES / LOCATIONS SHOWN IN BLUE)
- CONTRACTOR TO CONFIRM

ROOF AREA: 304m²

PAVING / BALCONY / PLANTER: 105m²

409m² x 0.0125 = 5.11m³ SOAKWELL CAPACITY REQUIRED

TOTAL CAPACITY PROVIDED AS SHOWN ABOVE: 5.26m³

1 PROPOSED SITE PLAN
SD120 1:200

ZONING: R12.5

SITE AREA: 890m²

OPEN SPACE: REQUIRED 55% - PROVIDED 659m² / 74% (COLOURED FILL IN DIAGRAM LEFT)

OVERSHADOWING AS AT 21 JUNE 12PM: MAX ALLOWED 25% - PROPOSED 0%
(ENTIRELY CONTAINED ON SITE / FRONT VERGE)

SD120

SD

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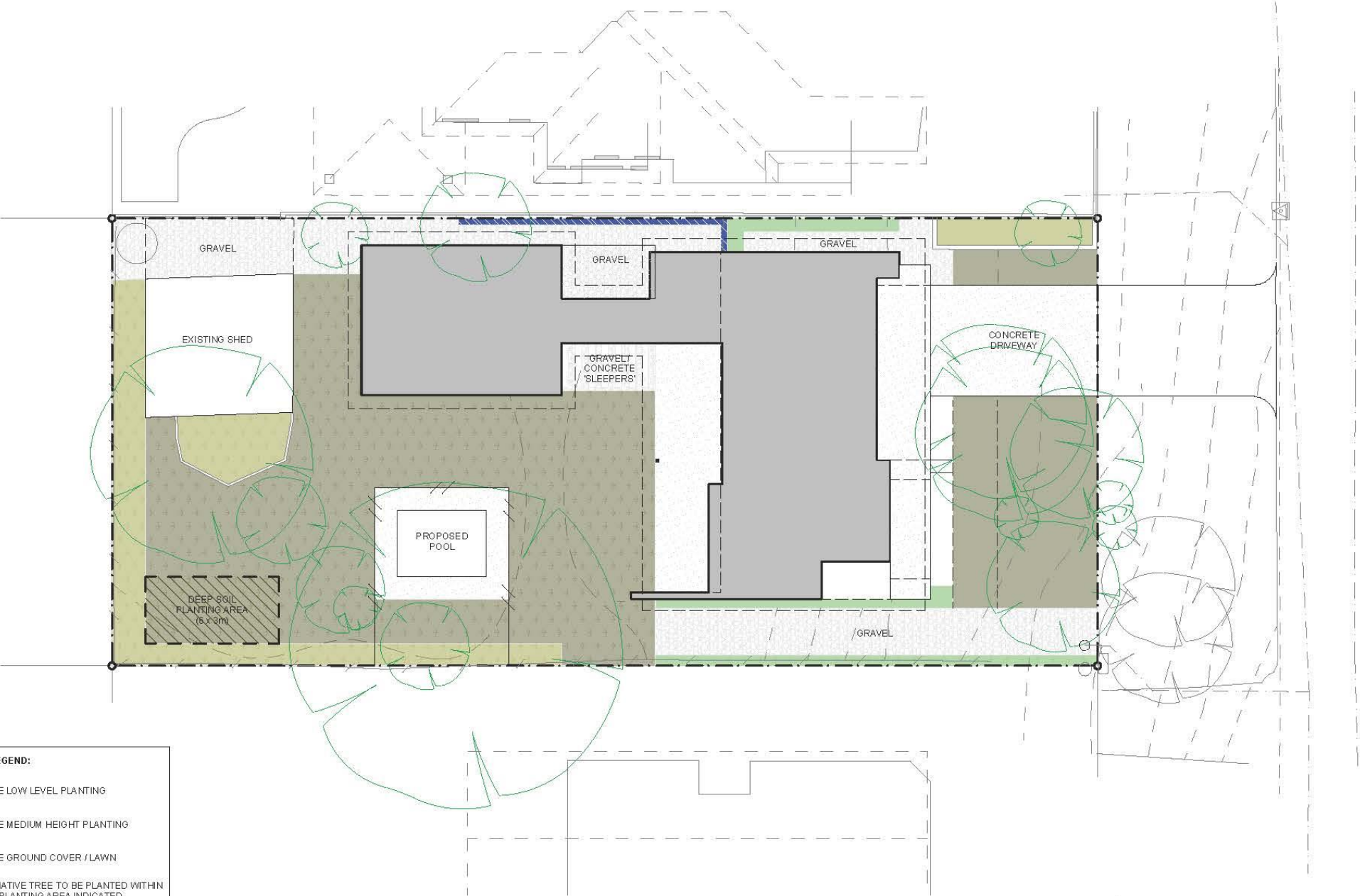
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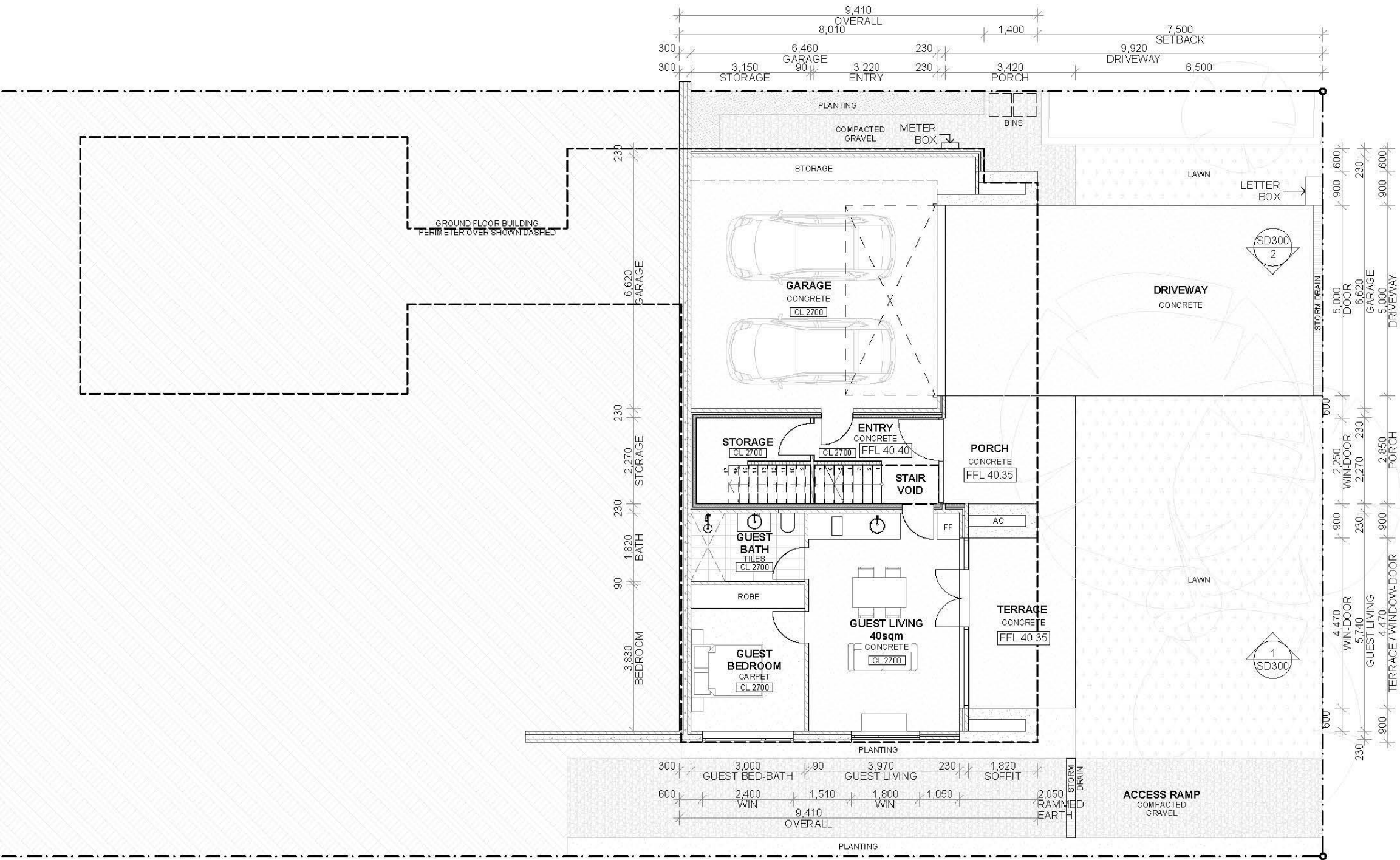
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LANDSCAPING PLAN LEGEND:	
	WATERWISE LOW LEVEL PLANTING
	WATERWISE MEDIUM HEIGHT PLANTING
	WATERWISE GROUND COVER / LAWN
	1No. NEW NATIVE TREE TO BE PLANTED WITHIN DEEP SOIL PLANTING AREA INDICATED
	PROPOSED RETAINING ON BOUNDARY - REFER GROUND FLOOR PLAN FOR LEVELS
	EXISTING ESTABLISHED ON SITE TREE TO BE RETAINED

1 LANDSCAPING PLAN
SD130 1:200

SD130	SD	DRAWN BY BC, CH	<small>DISCLAIMER: THESE DRAWINGS REMAIN COPYRIGHT OF 'LEANHAUS'. MUST BE READ IN CONJUNCTION WITH RELEVANT DOCUMENTATION AND CONSULTANTS' DRAWINGS, AND MUST BE VERIFIED PRIOR TO FABRICATION OR CONSTRUCTION. DO NOT DIMENSION OFF PLANS. ANY DISCREPANCIES TO BE REPORTED TO DESIGNER. BUILDER MUST ENSURE COMPLIANCE WITH NATIONAL CONSTRUCTION CODE, AUSTRALIAN STANDARDS AND ALL RELEVANT REGULATIONS.</small>		PROJECT NO. 22005	ISSUE 02/05/2023	CLIENT DORNAN 18 PIER STREET EAST FREMANTLE	leanhaus.com.au Ben Caine, Architect ben@leanhaus.com.au 0414 496 870	
		ISSUE FOR DEVELOPMENT APPROVAL			PROJECT New Residence	RE-ISSUE 15/05/2023			



LOWER GROUND FLOOR AREA 113 m² 1 PROPOSED LOWER GROUND PLAN SD200 1:100

SD200

SD

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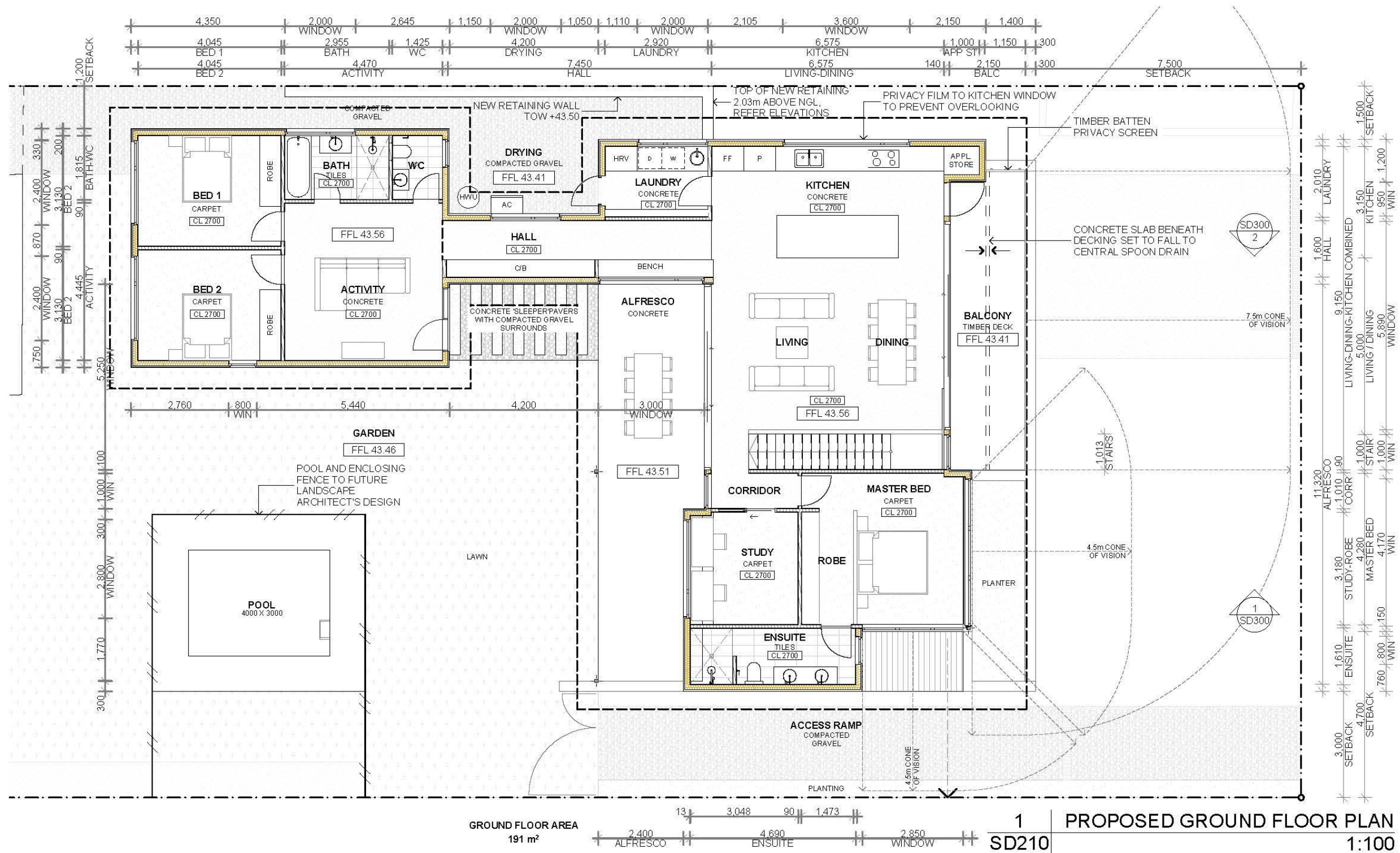
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SD210

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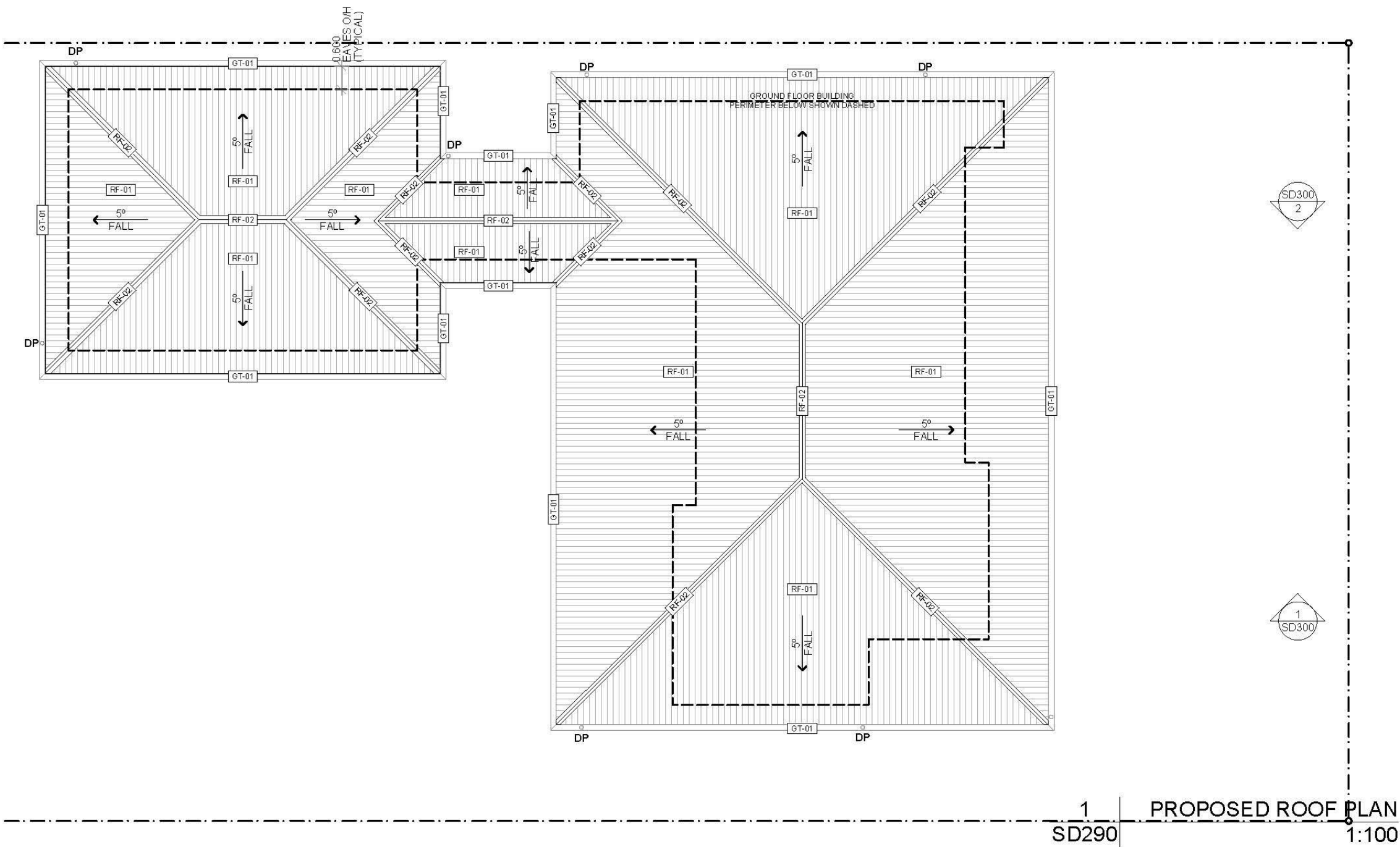
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SD290

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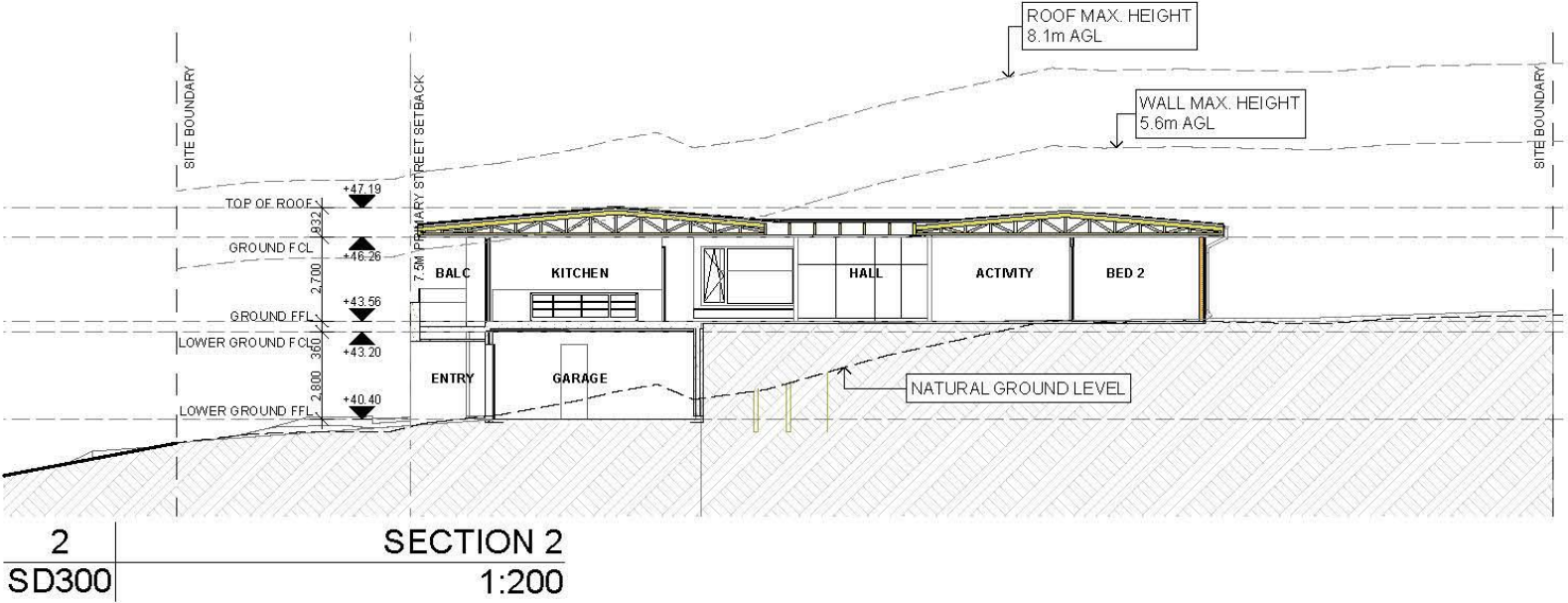
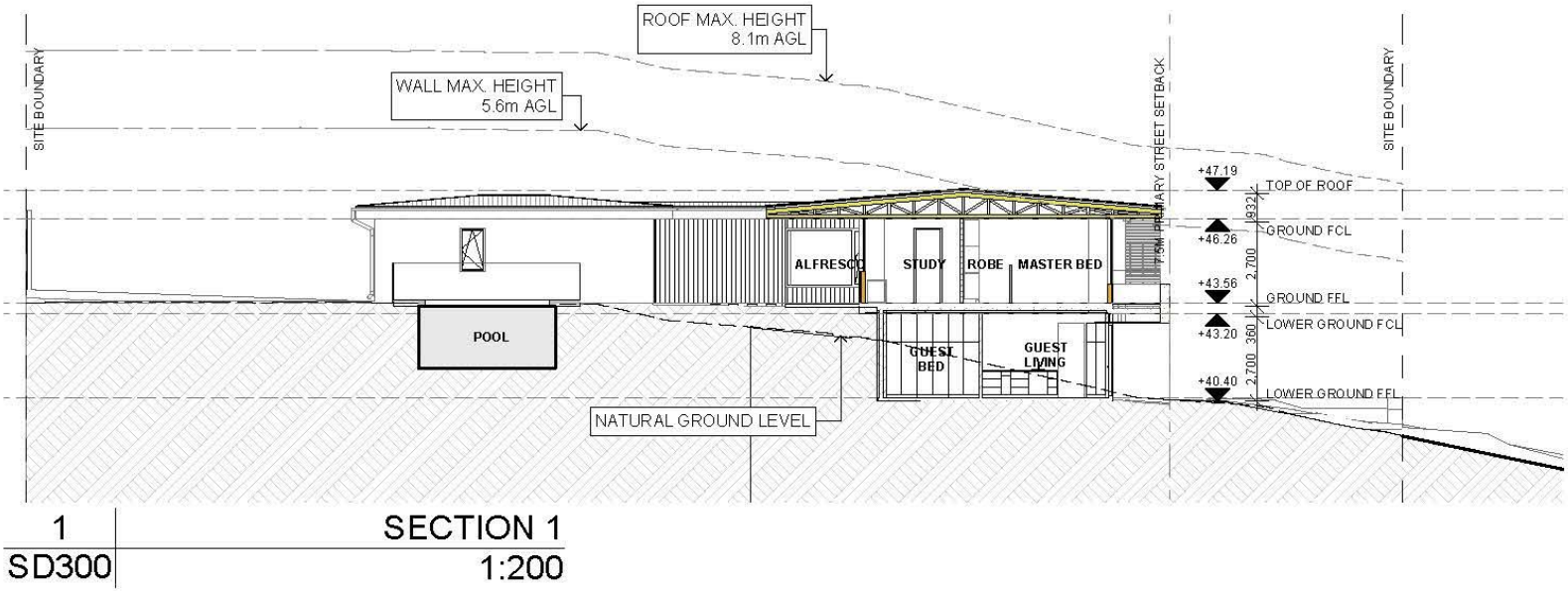
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SD300

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LEGEND

	APPROXIMATE LINE AND RL OF EXISTING NATURAL GROUND LEVEL AT PROPOSED DEVELOPMENT
	FINISHED GROUND LEVEL AT PROPOSED DEVELOPMENT
	OFFSET TO NATURAL GROUND LEVEL AS SHOWN FOR ASSESSMENT AGAINST WALL / RIDGE LINE HEIGHT LIMITS

FINISHES

RF-01	COLORBOND PROFILED METAL ROOF SHEETING - SURFMIST / SHALE GREY
RF-02	COLORBOND ROOF FLASHING - SURFMIST / SHALE GREY
RF-03	COLORBOND FASCIA LINING - SURFMIST / SHALE GREY
GT-01	COLORBOND GUTTERS- SURFMIST / SHALE GREY
CD-01	HARDIES EASYTEX PANEL - FINE RENDER FINISH LEXICON
CT-01	COMPOSITE TIMBER CLADDING - WEATHERTEX WEATHERGROOVE NATURAL 150
MW-01	RAMMED LIMESTONE W PLASTICURE WATERPROOF SEALANT
MW-02	RENDERED BRICKWORK - PAINT FINISH, DULUX DOMINO
GS-01	CLEAR DOUBLE GLAZING - TO ALL WINDOWS + GLAZED DOORS UNLESS NOTED OTHERWISE
GS-02	CLEAR DOUBLE GLAZING WITH VISUALLY OBSCURING FILM
GS-03	GLASS BALUSTRADE - TOUGHENED SAFETY GLASS
FN-01	COLORBOND FENCING - SURFMIST / SHALE GREY
OD-01	PANELLED OPERABLE GARAGE DOOR - COLORBOND DOMINO OR EQUAL APPROVED
LB-01	CUSTOM DESIGN LETTERBOX AS SHOWN
GT-01	PERMEABLE METAL GATE, CAT / KITTEN FORMAT POWDERCOAT FINISH, DULUX MONUMENT O.E.A.
DP-01	EXPOSED DOWNPIPES 100mm Ø - COLORBOND SURFMIST

SD410

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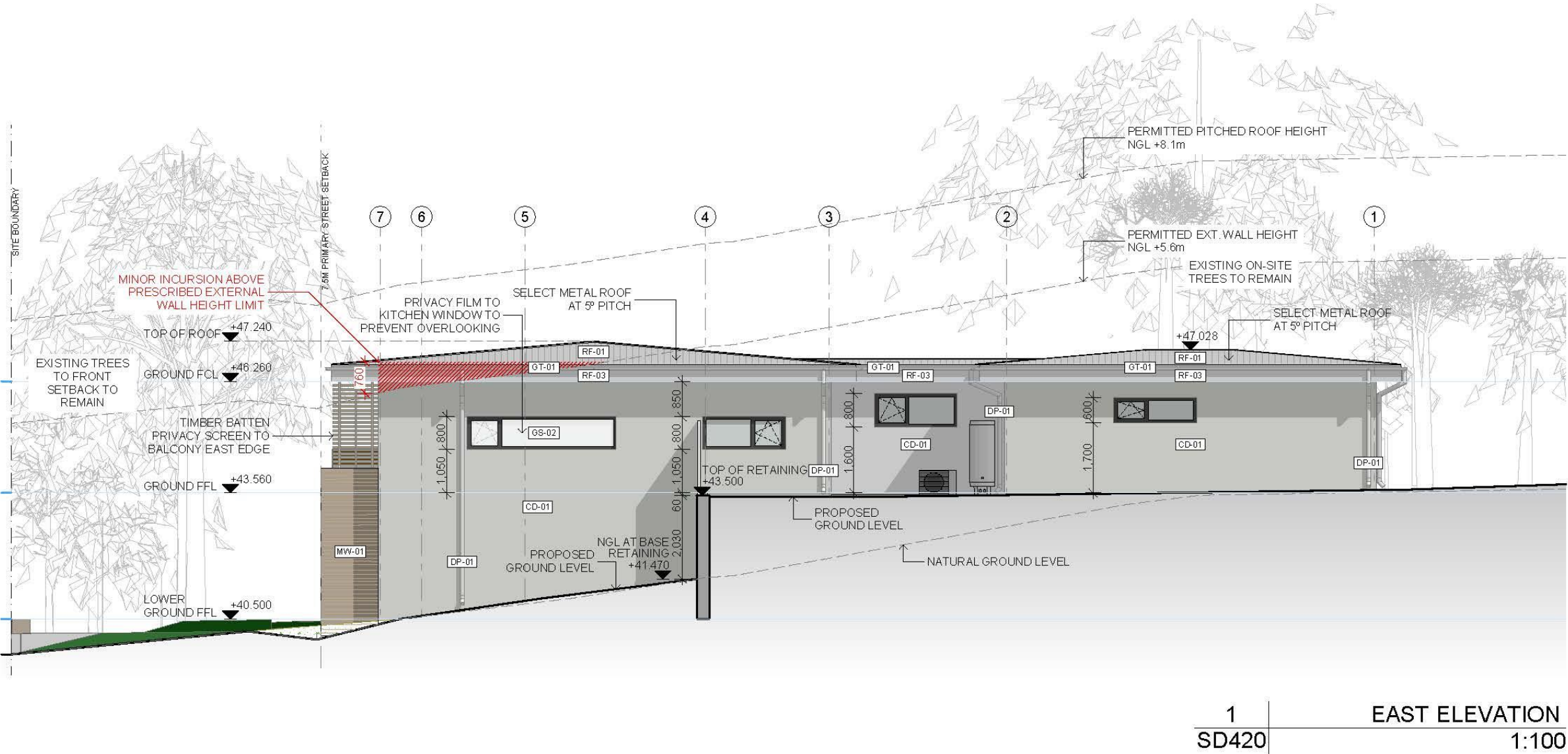
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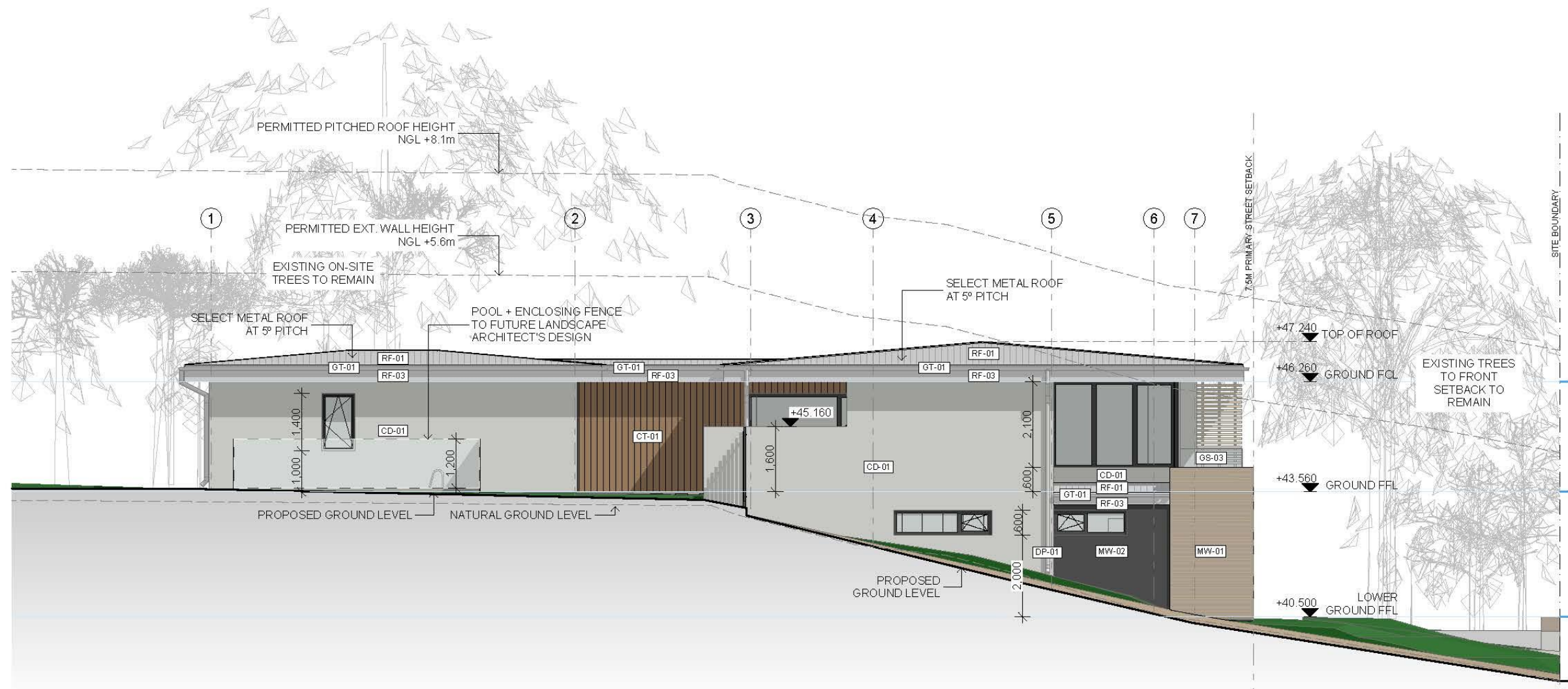
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1 WEST ELEVATION
SD430 1:100

SD430

SD

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1
SD440 | STREET MONTAGE



2 PARKER ST



16 PIER ST



18 PIER ST (PROPOSED)



20 PIER ST



22 PIER ST

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Community Engagement Checklist

Development Application P032/23 – 18 Pier Street

Objective of Engagement	Neighbour Consultation			
Lead Officer:	Regulatory Services			
Stakeholders				
Stakeholders to be Considered <i>Please highlight those to be targeted during engagement</i>	Aged	<input type="checkbox"/>	Ratepayers (all / targeted)	<input type="checkbox"/>
	Businesses	<input type="checkbox"/>	Residents (all / targeted)	<input checked="" type="checkbox"/>
	Children (School / Playground)	<input type="checkbox"/>	Service Providers	<input type="checkbox"/>
	Community Groups	<input type="checkbox"/>	Unemployed	<input type="checkbox"/>
	Disabled People	<input type="checkbox"/>	Visitors	<input type="checkbox"/>
	Environmental	<input type="checkbox"/>	Volunteers	<input type="checkbox"/>
	Families	<input type="checkbox"/>	Workers	<input type="checkbox"/>
	Govt. Bodies	<input type="checkbox"/>	Youth	<input type="checkbox"/>
	Indigenous	<input type="checkbox"/>		<input type="checkbox"/>
	Neighbouring LGs	<input type="checkbox"/>		<input type="checkbox"/>
Staff to be notified:	Office of the CEO	<input type="checkbox"/>	Councillors	<input type="checkbox"/>
	Corporate Services	<input type="checkbox"/>	Consultants	<input type="checkbox"/>
	Development Services	<input type="checkbox"/>		<input type="checkbox"/>
	Operational (Parks/Works)	<input type="checkbox"/>		<input type="checkbox"/>
Community Engagement Plan				
Methods	Responsible	Date Due	Reference / Notes	
1.1 E News	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.2 Email Notification	<input type="checkbox"/> Relevant Officer	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.3 Website	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.4 Facebook	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.5 Advert – Newspaper	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.6 Fact Sheet	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.7 Media Rel/Interview	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
2.1 Information Stalls	<input type="checkbox"/> Relevant Officer	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
2.2 Public Meeting/Forum	<input type="checkbox"/> Executive Direction	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
2.3 Survey/Questionnaire	<input type="checkbox"/> Relevant Officer	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
3.1 Focus Groups	<input type="checkbox"/> Executive Direction	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
3.2 Referendum/Ballot	<input type="checkbox"/> Executive Direction	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
3.3 Workshop	<input type="checkbox"/> Relevant Officer	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
4.1 Council Committee	<input type="checkbox"/> Executive Direction	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
4.2 Working Group	<input type="checkbox"/> Executive Direction	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
*Statutory Consultation	<input checked="" type="checkbox"/> Relevant Officer	26/05/2023	<input checked="" type="checkbox"/> Advertised to 6 surrounding properties	
#Heritage Consultation	<input type="checkbox"/> Regulatory Services	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
^Mail Out (note: timelines)	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
	<input type="checkbox"/>	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
	<input type="checkbox"/>	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Evaluation				
Summary of...		Date Due	Completed / Attached	
Feedback / Results/ Outcomes / Recommendations		26/05/2023		
Outcomes Shared				
Methods	Responsible	Date Due	Reference / Notes	
E-Newsletter	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Email Notification	<input type="checkbox"/> Relevant Officer	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Website	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Facebook	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Media Release	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Advert – Newspaper	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
	<input type="checkbox"/>			
	<input type="checkbox"/>			
Notes				

MINUTES FOR TOWN PLANNING MEETING TUESDAY, 4 JULY 2023

12.2 69 DUKE STREET - ALTERATIONS AND ADDITIONS TO A SINGLE DWELLING

Owner	Rachelle & Sean Mason
Applicant	MDC Architects
Report Reference Number	TPR-1438
Planning Reference Code	P028/23
Prepared by	James Bannerman, Planning Officer
Supervised by	Christine Catchpole, Acting Executive Manager Regulatory Services
Meeting date	Tuesday, 4 July 2023
Voting requirements	Simple majority
Documents tabled	Nil

Attachments

1. Location and advertising plan
2. Photos
3. Plans submitted on 12 May 2023
4. Place Record Form – Category C
5. Community engagement checklist

PURPOSE

The purpose of this report is for Council to consider a development application for alterations and additions to a single dwelling at 69 (Lot 388) Duke Street, East Fremantle.

EXECUTIVE SUMMARY

This development application proposes alterations and additions to a single dwelling with a Category C heritage classification located at 69 (Lot 388) Duke Street, East Fremantle. The proposed changes include demolishing existing elements at the rear of the lot, including a garage/workshop and retaining the front rooms and the ancillary dwelling. A metal roof is to replace the existing decramastic tiled roof and the original dwelling is to be reclad and a carport added on the south side of the lot.

Five variations are requested to the requirements of the Residential Design Codes and Local Planning Policy 3.1.1 - Residential Design Guidelines and are listed below:

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks - Southern Wall – Store, Carport, Pergola – 1.5m required, 0m provided,
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks - Northern Wall – Lounge, Courtyard, Master Bed – 1.5m required, 0m provided,
- (iii) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, less than 28 degrees provided,
- (iv) Clause 5.4.2 – Residential Design Codes – Overshadowing – maximum of 25% required, 26.3% provided, and
- (v) Clause 5.2.5 – Residential Design Codes – Sightlines – 1.5m truncation or wall height no more than 0.75m required, satisfactory sightlines provided.

The proposed development application is recommended to be supported subject to the conditions that are included in the final recommendation.

MINUTES FOR TOWN PLANNING MEETING TUESDAY, 4 JULY 2023

BACKGROUND

Zoning	Residential R20
Site Area	507m ²
Heritage	Category C
Fremantle Port Buffer	Area 2
Previous Decision of Town and/or History of Issue Onsite	<p>P121/20 – Development approval granted subsequent to construction (retrospective approval) of existing ancillary dwelling – 1 December 2020.</p> <p>P033/16 - Development approval granted for a patio – 11 April 2016.</p> <p>P59/15 – Development approval granted for a patio to be used for recreation and car parking – 30 June 2015.</p> <p>P164/08 – Development approval granted for alterations and additions – 10 September 2008.</p>

CONSULTATION

Advertising

The proposed development was advertised from 17 April to 8 May 2023. No submissions were received.

Community Design Advisory Committee

This development application was not provided to the Community Design Advisory Committee.

External Consultation

Nil

Internal Consultation

The development application was referred to the Town's Operations Department. The advice provided has been included in the final recommendation.

STATUTORY ENVIRONMENT

Planning and Development Act, 2005

Residential Design Codes (Volume 1)

Local Planning Scheme No. 3

POLICY IMPLICATIONS

Local Planning Policy 3.1.1 - 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.

MINUTES FOR TOWN PLANNING MEETING TUESDAY, 4 JULY 2023

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 Local Planning Policy 3.1.1 – Residential Design Guidelines.

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

Legend	
A	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
Garage setback	1.2m	>1.2m	A
Minor incursions			N/A
Lot Boundary Setbacks			
Southern wall – store, carport, pergola	1.5m	0m	D
Western wall - patio	1.5m	>1.5m	A
Northern wall – lounge, courtyard, master bed	1.5m	0m	D
Car Parking	1-2 car bays	2 car bays	A
Maximum wall height	7m	4.22m	A
Maximum roof height	8m	4.22m	A
Open Space	50%	58%	A
Site Works – retaining walls, fill & excavation			N/A
Visual Privacy			
			N/A
Overshadowing	Maximum of 25%	26.3%	D
Garage width	30%	23%	A
Roof form and pitch	28 to 36 degrees	<28 degrees	D
Materials and colours			A
Landscaping			N/A
Front fence			A
Sightlines			D
Footpaths and crossovers	To be conditioned		

MINUTES FOR TOWN PLANNING MEETING TUESDAY, 4 JULY 2023

Drainage	To be conditioned
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This development application proposes alterations and additions to a single dwelling with a Category C heritage classification located at 69 (Lot 388) Duke Street, East Fremantle. The proposed changes include demolishing existing elements at the rear of the lot, including a garage/workshop and retaining the front rooms and the ancillary dwelling. A metal roof is to replace the existing decramastic tiled roof and the original dwelling is to be reclad and a carport added on the south side of the lot.

The property is listed in the Local Heritage Survey with a Category C classification. It is not listed in the Planning Scheme Heritage List so it could be demolished. However, a decision has been made to retain the front rooms of the original dwelling. The existing additions at the rear of the original dwelling have no heritage significance and will be demolished. It is noted that an amended set of plans was submitted which addressed several minor concerns regarding the original proposal and following discussions with the applicant, the design has been amended with a minimal number of variations. An underground pool to the very rear of the lot is included in the proposal.

Although no formal submissions were received following advertising, discussions were held with a neighbouring property owner regarding the lot boundary setback of the pool. Although swimming pools are not a matter for assessment under a development application for non-heritage listed properties in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015, discussion ensued with the applicant and the setback of the pool was increased to a minimum of 0.5m from the boundary and indicated as such in the amended plans.

There are 5 variations that are requested to the requirements of the Residential Design Codes and the Residential Design Guidelines in relation to lot boundary setbacks (2 locations), roof pitch, front fence sight lines and overshadowing.

Lot Boundary Setbacks - Southern Wall – Store, Carport, Pergola

The southern wall of the dwelling which includes a store, carport and pergola is 16.2m long and less than 2.904m high with no major openings and is built up to the boundary. The Residential Design Codes deemed to comply clause 5.1.3 C3.1i requires the wall to be setback 1.5m from the boundary. The reduced lot boundary setback can be supported in accordance with the Residential Design Codes design principles 5.1.3 P3.2 for the following reasons:

- It makes more effective use of the space for the enhanced privacy of the occupants,
- Minimal impacts of bulk on the adjoining property,
- Adequate direct sunlight and ventilation reaches the building and open spaces on the site and adjoining property,
- Minimal overlooking and loss of privacy on adjoining property,
- It does not have an adverse impact on the amenity of the adjoining property,
- Direct sun can still reach major openings to habitable rooms and outdoor living areas for the adjoining property, and
- Positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.

As the property is single storey and is located to the north of the two-storey neighbouring property the relative impact in terms of bulk and scale is considered negligible. Amenity and privacy impacts from the location of the proposed dwelling walls adjacent to the southern boundary are considered minimal. For these reasons, the reduced lot boundary setback can be supported.

MINUTES FOR TOWN PLANNING MEETING TUESDAY, 4 JULY 2023

Lot Boundary Setbacks - Northern Wall – Lounge, Courtyard, Master Bed

The northern wall of the dwelling which includes a lounge, courtyard, and master bedroom and the remainder of the existing dwelling is 22.313m long and less than 2.92m high with major openings and is built up to the boundary. The Residential Design Codes deemed to comply clause 5.1.3 C3.1i requires the wall to be setback 1.5m from the boundary. The reduced lot boundary setback can be supported in accordance with the Residential Design Codes design principles 5.1.3 P3.2 for the following reasons:

- It makes more effective use of the space for the enhanced privacy of the occupants,
- Minimal impacts of bulk on the adjoining property,
- Adequate direct sunlight and ventilation reaches the building and open spaces on the site and adjoining property,
- Minimal overlooking and loss of privacy on the adjoining property,
- It does not have an adverse impact on the amenity of the adjoining property,
- Direct sun can still reach major openings to habitable rooms and outdoor living areas for the adjoining property, and
- Positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.

Again, the relative impact of the single storey addition to the northern neighbouring property is considered negligible and it ensures that there are minimal amenity and privacy impacts from locating the proposed dwelling walls adjacent to the boundary. For these reasons, the reduced lot boundary setback can be supported.

Roof Pitch

The Residential Design Guidelines acceptable development provision 3.7.8.3 A4.1 requires that the roof pitch of the development is between 28 and 36 degrees in the Plympton precinct. In this case the roof pitch is less than 28 degrees with roofing that is 2, 12 and 13 degrees across the span of the roof. The reduced roof pitch can be supported in accordance with performance criteria 3.7.8.3 P4 because the roof form is complementary to the traditional form of the surrounding development. It is noted that the additions are predominantly hidden from the street front and the streetscape given that they are to the rear and the roof height of the existing dwelling considerably screens the proposed rear additions.

Overshadowing

The proposed development overshadows the neighbouring property to the south with a level of overshadowing equivalent to 26.3% of the lot. The Residential Design Codes deemed to comply clause 5.4.2 C2.1 requires overshadowing to not exceed 25%. In this case the proposed development achieves design principles 5.4.2 P2.2 in that the development is single storey and minimises overshadowing to the rear outdoor living area, still allows upper storey habitable rooms to access sunlight. It is noted that there is an existing building located towards the west of the proposed development on the subject site that already overshadows the rear of the southern property. The proposed development increases the overshadowing across the existing building to the south which is a double storey dwelling that is still able to access sunlight owing to its height. For these reasons, the marginal excess in overshadowing can be supported.

Sightlines

The front fence does not have a 1.5m truncation or a reduction in fence height to 0.75m (within 1.5m of the footpath/property front boundary) as required by the Residential Design Codes deemed to comply clause 5.2.5 C5. Nonetheless, because a highly visually permeable gate and front fence adjacent to the driveway is proposed it is considered sightlines are achieved for vehicles and pedestrians in accordance with design principles 5.2.5 P5. For this reason, the fence and gate as proposed can be supported.

CONCLUSION

Based on the preceding assessment, the proposed alterations and additions to a single dwelling at 69 (Lot 388) Duke Street, East Fremantle is recommended for support subject to the conditions included in the final recommendation. The proposed development will see the elements at the rear of the existing dwelling demolished and replaced with a new single storey addition that will contribute positively to retaining the dwelling and are considered to have a negligible impact on the surrounding properties due to the proposed single storey height and use of low pitch skillion roofing. The Town welcomes the retention of a Category C heritage dwelling with contemporary rear additions as it makes a strong contribution to maintaining the character of the Plympton precinct and the longevity of the dwelling.

OFFICER RECOMMENDATION / COMMITTEE RESOLUTION

12.2 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP030723

Moved Cr White, seconded Cr Donovan

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

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks - Southern Wall – Store, Carport, Pergola – 1.5m required, 0m provided,
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks - Northern Wall – Lounge, Courtyard, Master Bed – 1.5m required, 0m provided,
- (iii) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, less than 28 degrees provided,
- (iv) Clause 5.4.2 – Residential Design Codes – Overshadowing – maximum of 25% required, 26.3% provided, and
- (v) Clause 5.2.5 – Residential Design Codes – Sightlines – 1.5m truncation or wall height no more than 0.75m required, adequate sightlines provided,

for alterations and additions to a single dwelling at No. 69 (Lot 388) Duke Street, East Fremantle, in accordance with the plans submitted on 12 May 2023, subject to the following conditions:

- (1) All parapet walls are to be fair faced brick work or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
- (2) 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.
- (3) Existing trees located within the verge are a Town asset and as such must be retained and not pruned, shaped, or modified except where otherwise approved for removal or modification by the Town.
- (4) 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.
- (5) 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.
- (6) The footpath is to always remain accessible to pedestrians.
- (7) 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.
- (8) 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.
- (9) 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.
- (10) All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan submitted to the satisfaction of the Town prior to the issue of a Building Permit.
- (11) If requested by the Town within the first two years following installation, the roofing is to be treated to reduce reflectivity. The treatment is to be to the satisfaction of the Town and all associated costs to be borne by the owner.
- (12) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town.
- (13) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified, or relocated then such works must be approved by 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.
- (14) 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) *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.*
- (g) **Operations Advice**
 - 1) **Stormwater**

- a. Stormwater shall be retained on site and discharged into soak wells or by any other approved method on property. Soak wells including any for crossovers are to be installed within the applicant's property.*
- b. Internal accesses and paths to be designed in such a manner as to prevent onsite storm water entering the road, footpath, right of ways and neighbouring properties.*
- c. A 300mm wide (or similar suitable) trench grate to be installed across the driveway at the property boundary. This shall be located internally across the full width of the driveway, with all collected water retained on site. Must be trafficable to a suitable standard. (Durham 2f - cat 856 mstg galvanized 300 grate or similar standard).*
- d. Stormwater pipe connections and calculations to be shown on plans.*
- e. Backwash and drainage from domestic swimming pools and spas shall be retained on site. Backwash water is to be discharged to a grassed, vegetated or garden area, or a stone-filled trench either open to the surface or underground (similar to a septic tank absorption field). Any surface run-off resulting from the discharge should be contained within the property boundaries and not affect neighbouring properties. Disposal of backwash water into the Town's stormwater drainage system is prohibited as it can harm rivers and coastal waters.*

2) Crossovers

- a. Vehicle crossovers no longer connected with an internal driveway must be removed and the verge, path and kerb reinstated at the applicant's expense to the satisfaction of the Town.*

3) Adjoining Properties

- a. Access to properties immediately adjacent and surrounding the Development to remain accessible at all times.*

4) Footpath

- a. The footpath adjacent to the development shall be maintained clear of any obstructions and be trafficable at all times.*

5) Damage to Town's assets

- a. Any damage that occurs to the Town's assets, for example but not limited to kerb, drainage, trees, footpaths, roads, signage etc. is to be repaired to the satisfaction of the Town by the applicant at their cost.*

6) Verge Trees

- a. No unauthorised pruning, trimming or damage to street trees is to occur as a result of the development.*
- b. The verge tree/s are to be protected as per Australian Standards AS 4970-2009.*

7) Parking

- a. Trade parking to follow the Road Traffic Code, Australian Standards and Local Laws and Policies as determined by the Town of East Fremantle.*

8) General

- a. Should the operation cause i) a safety concern, ii) undue pedestrian or traffic congestion, iii) the applicant fails to follow the described work methods or adhere to the Traffic Management Plan (including Traffic Control Drawings), the Town reserves the right to withdraw its endorsement of any work currently underway and possibly close the site to comply with accepted safety conditions.*
- b. Owner/applicant when carrying out works in the road reserve will be responsible for location and protection of public utility services within the road reserve and is to obtain details of service locations from relevant utility authorities prior to the commencement of any works within the road reserve.*
- c. Any hinged gates which are located or are to be located on property boundaries are to be constructed in such a manner so that the gates do not swing out on to the road reserve.*

(CARRIED UNANIMOUSLY)

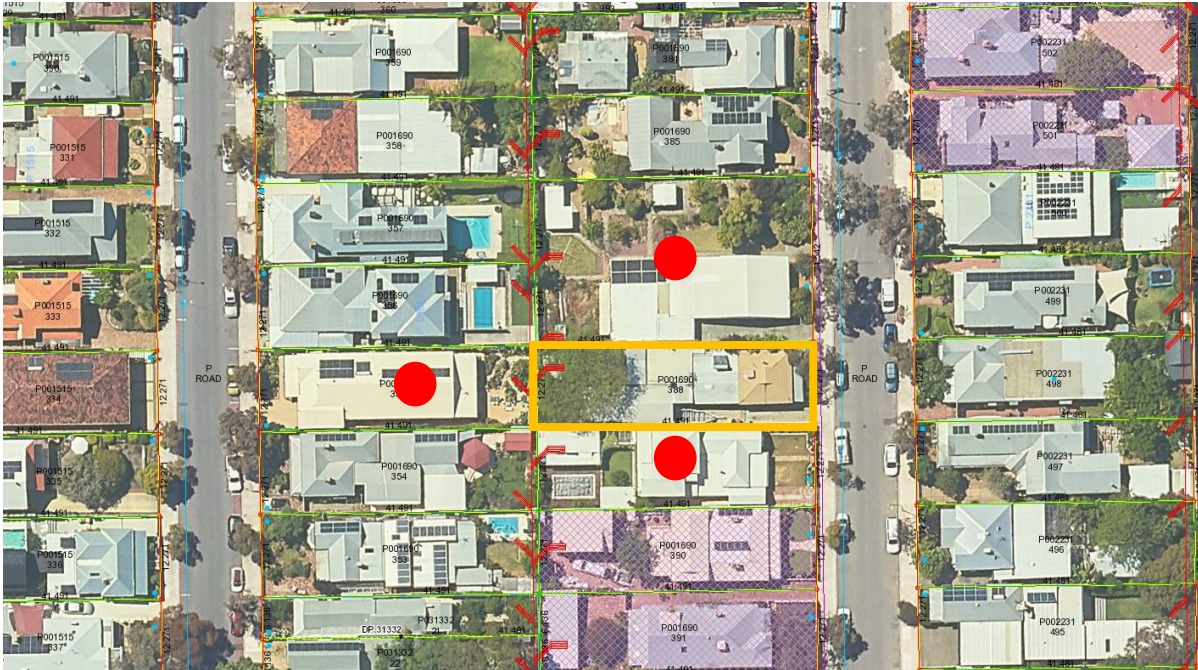
MINUTES FOR TOWN PLANNING MEETING TUESDAY, 4 JULY 2023

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 May 2023, this application is deemed determined, on behalf of Council, under delegated authority.

REPORT ATTACHMENTS

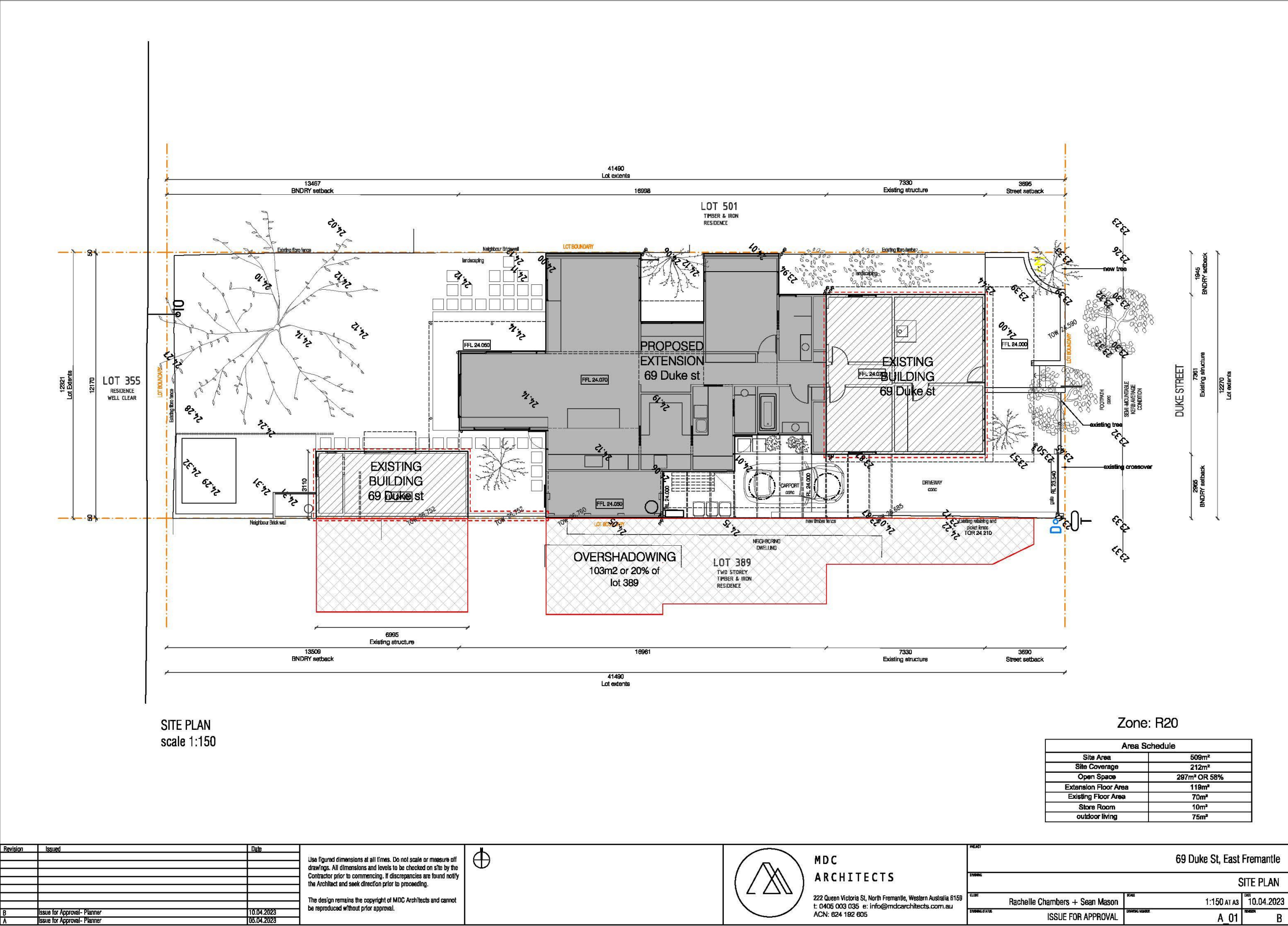
Attachments start on the next page.

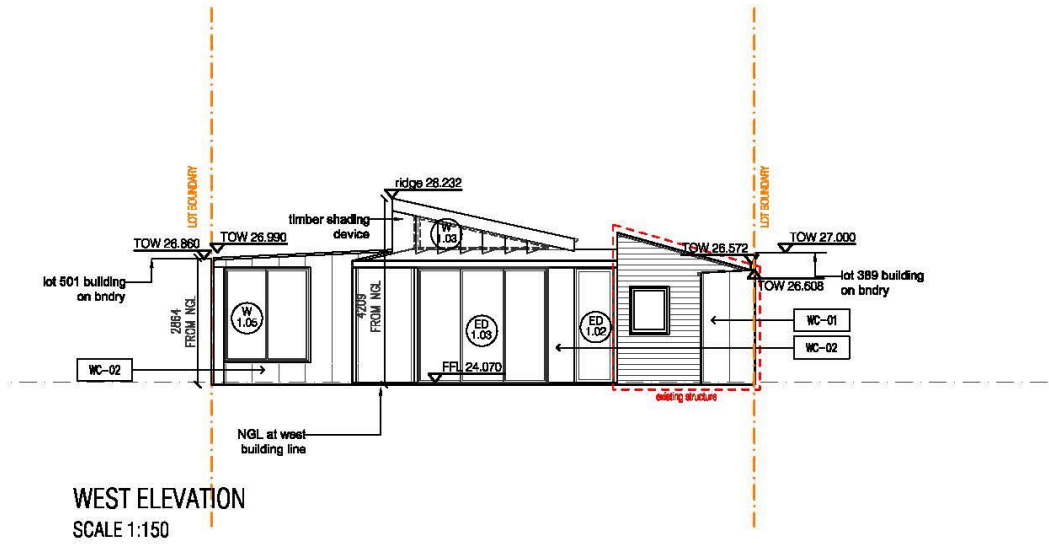
69 Duke Street – Location and Advertising Plan



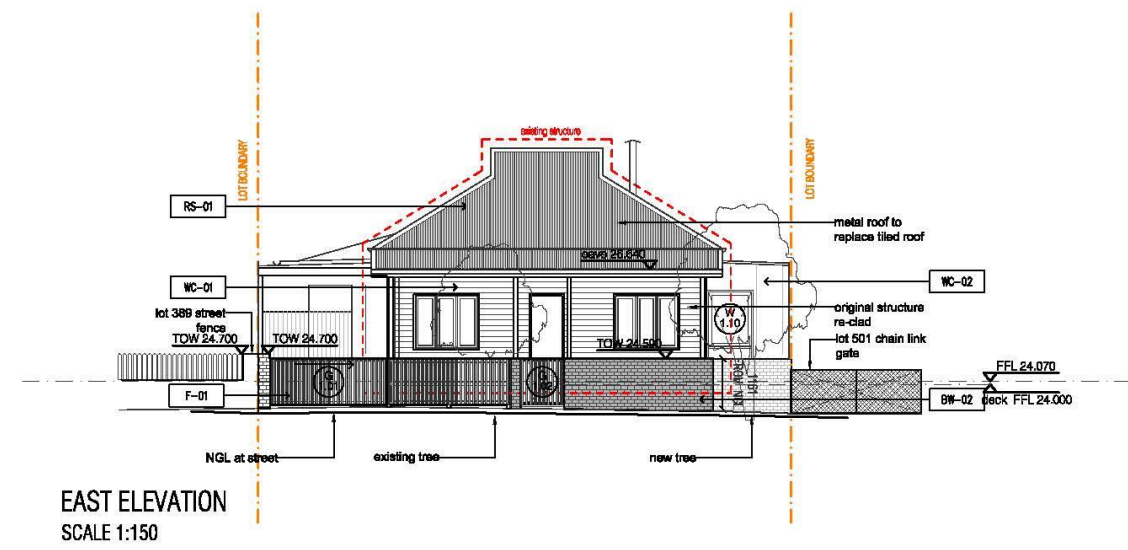
Attachment -2
69 Duke Street – Site Photos







WEST ELEVATION
SCALE 1:150



EAST ELEVATION
SCALE 1:150

MATERIAL LEGEND

- WC - 01 Wall Cladding – Timber weather board, paint finish: white
- WC - 02 Wall Cladding – FC board and batten, paint finish: white
- BW - 01 Brick Wall– Face brick work
- BW - 02 Brick Wall –Recycled face brick work
- RS - 01 Roof Sheetting – Corrugated Galvanised steel roofing
- RS - 02 Roof Sheetting – Corrugated Zincalume roofing
- F - 01 Fencing– Timber picket fence(40mm), paint finish: white (60mm gaps, 60% permeable)

Revision	Issued	Date
B	Issue for Approval- Planner	10.05.2023
A	Issue for Approval- Planner	05.04.2023

Use figured dimensions at all times. Do not scale or measure off drawings. All dimensions and levels to be checked on site by the Contractor prior to commencing. If discrepancies are found notify the Architect and seek direction prior to proceeding.

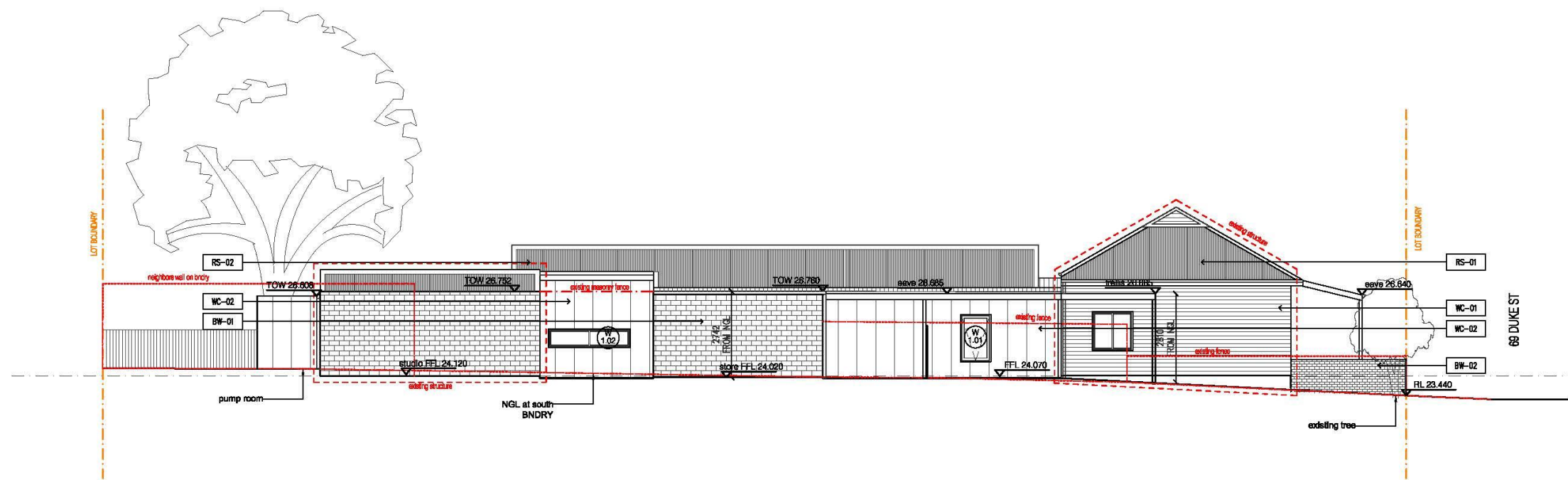
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MDC
ARCHITECTS

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t: 0405 003 035 e: info@mdcarchitects.com.au
ACN: 624 192 606

PROJECT	69 DUKE ST, EAST FREMANTLE		
DRAWING	SITE ELEVATIONS		
CLIENT	Rachelle Chambers + Sean Mason	SCALE	1:150 AT A1
DRAWN BY	ISSUE FOR APPROVAL	DATE	10.05.2023
		REVISION	B



SOUTH ELEVATION
SCALE 1:150

MATERIAL LEGEND

- WC - 01 Wall Cladding – Timber weather board, paint finish: white
- WC - 02 Wall Cladding – FC board and batten, paint finish: white
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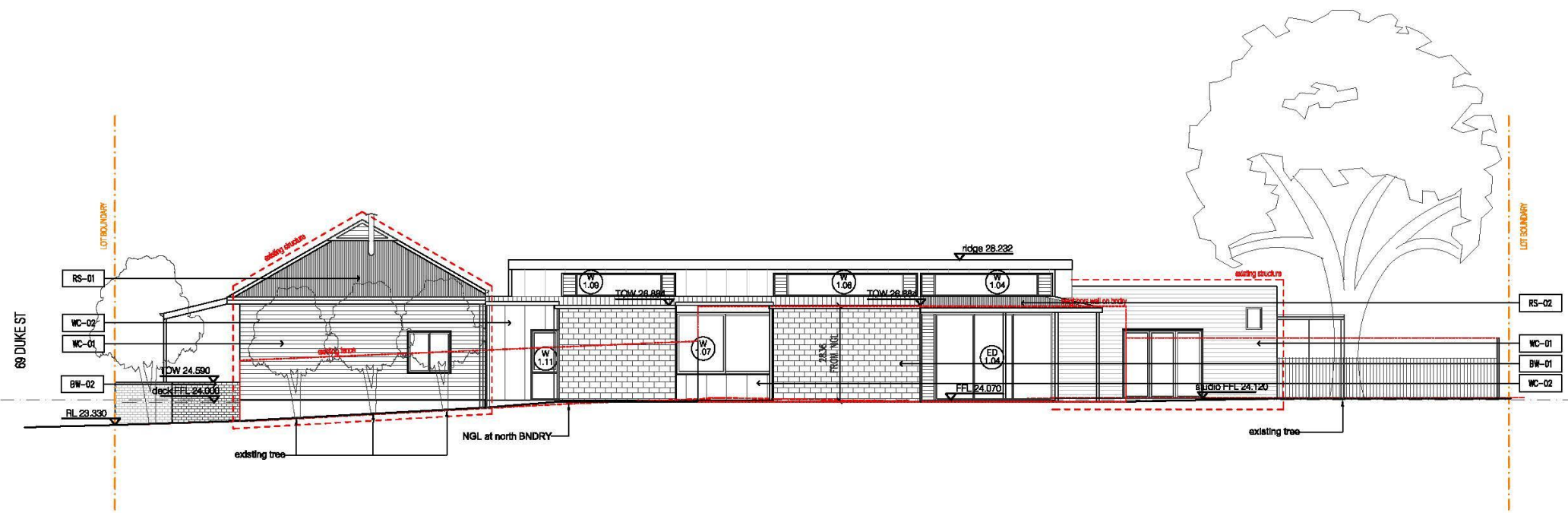
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ACN: 624 192 606

PROJECT 69 DUKE ST, EAST FREMANTLE			
DRAWING SITE ELEVATIONS			
CLIENT	Rachelle Chambers + Sean Mason	SCALE	1:150 AT A1
DATE	10.05.2023	DRAWING NUMBER	A 031
ISSUE FOR APPROVAL		REVISION	B

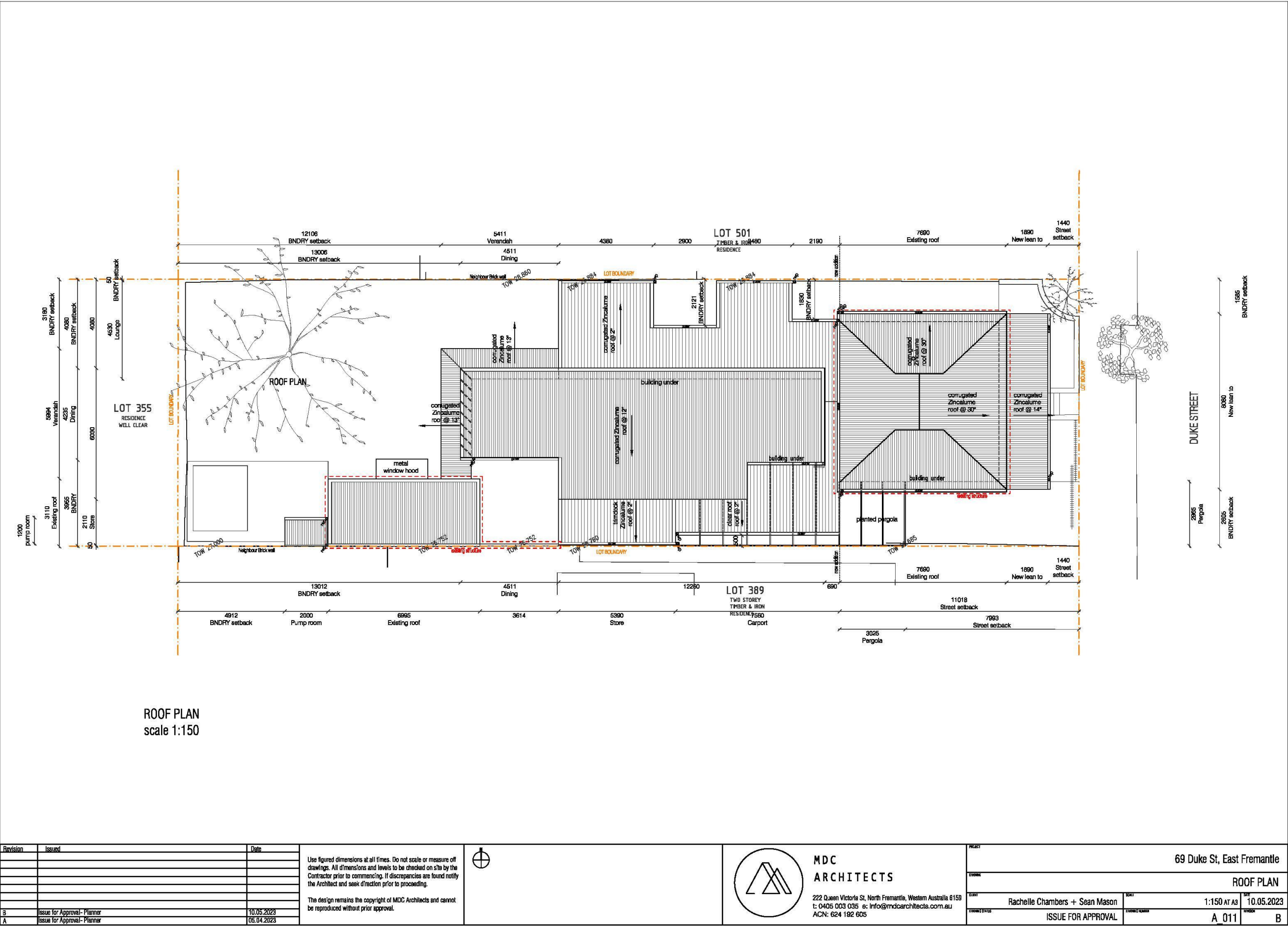


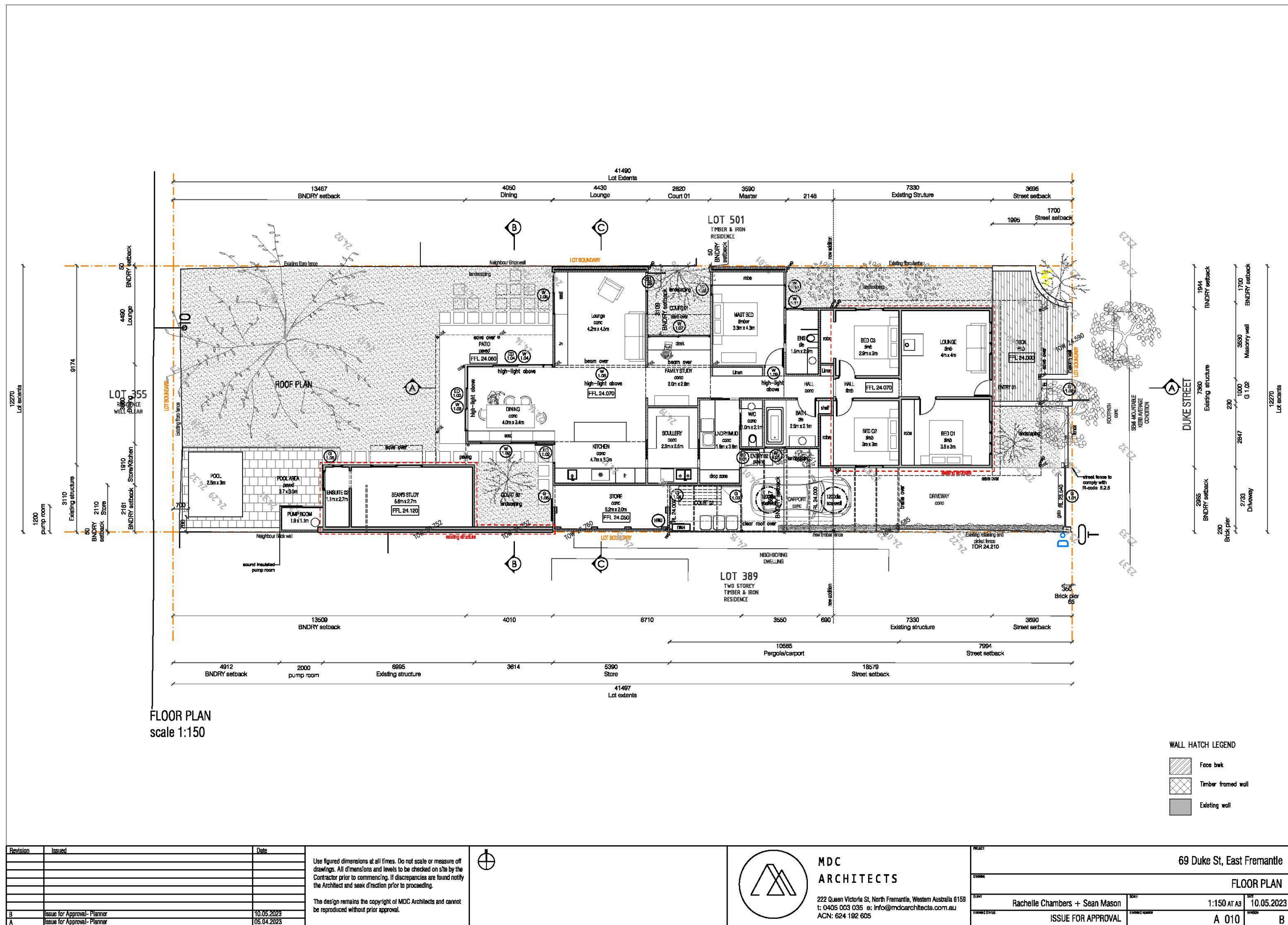
NORTH ELEVATION
SCALE 1:150

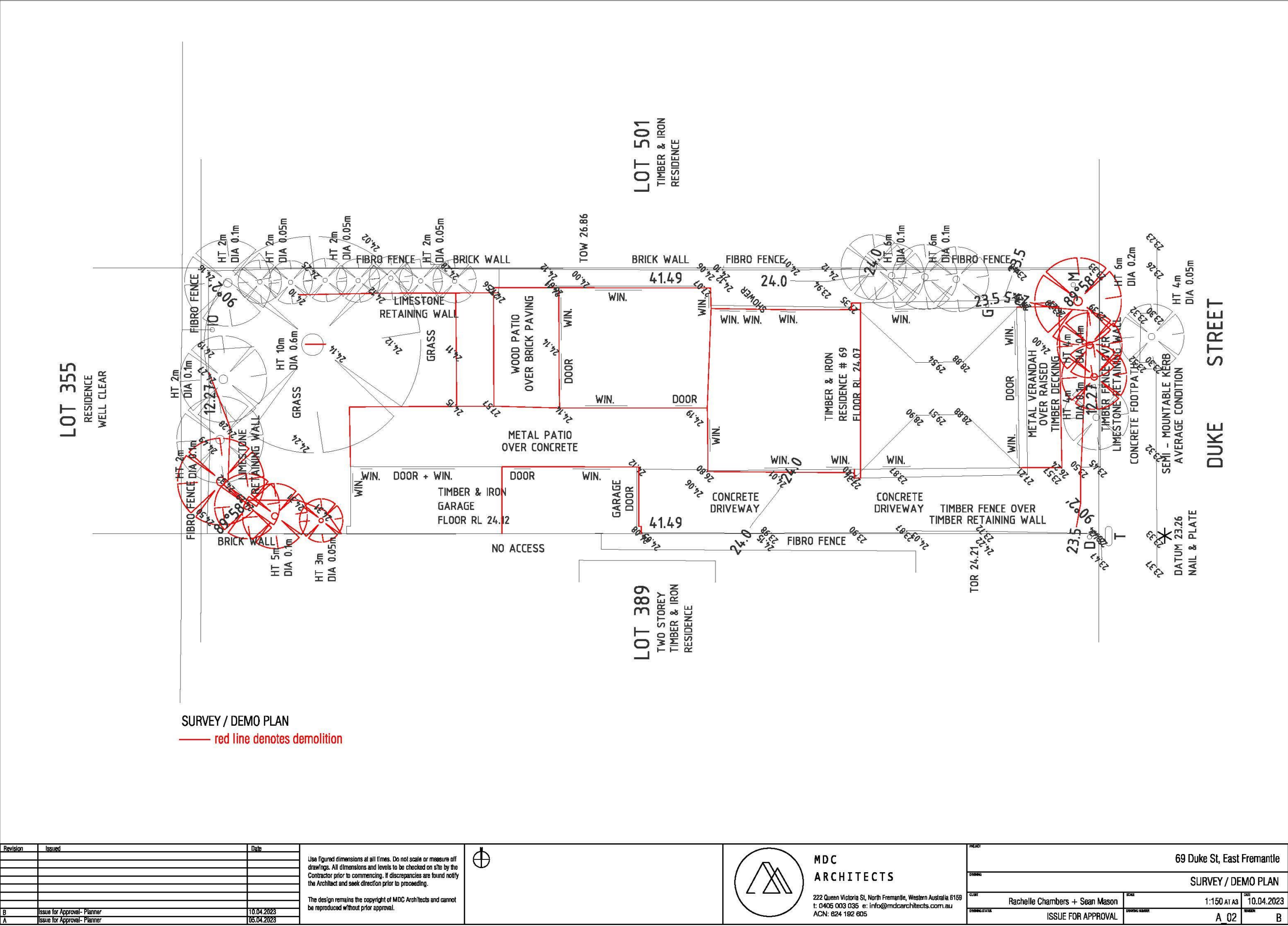
MATERIAL LEGEND

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Revision	Issued	Date	<p>Use figured dimensions at all times. Do not scale or measure off drawings. All dimensions and levels to be checked on site by the Contractor prior to commencing. If discrepancies are found notify the Architect and seek direction prior to proceeding.</p> <p>The design remains the copyright of MDC Architects and cannot be reproduced without prior approval.</p>	 <div><p>MDC ARCHITECTS</p><p>222 Queen Victoria St, North Fremantle, Western Australia 6159 t: 0405 003 035 e: info@mdcarchitects.com.au ACN: 624 192 605</p></div>	PROJECT					
					69 DUKE ST, EAST FREMANTLE					
					DRAWING					
					SITE ELEVATIONS					
					CLIENT	Rachelle Chambers + Sean Mason	SCALE	1:150 AT A1	DATE	10.05.2023
B	Issue for Approval- Planner	10.05.2023								
A	Issue for Approval- Planner	05.04.2023								
			DRAWING STATUS		ISSUE FOR APPROVAL		DRAWING NUMBER	A 030	REVISION	B







PLACE RECORD FORM

PRECINCT	Plympton
ADDRESS	69 Duke Street
PROPERTY NAME	N/A
LOT NO	Lot 388
PLACE TYPE	Residence
CONSTRUCTION DATE	C 1911
ARCHITECTURAL STYLE	Federation Inter-War Bungalow
USE/S	Original Use: Residence/ Current Use: Residence
STATE REGISTER	N/A
OTHER LISTINGS	N/A
MANAGEMENT CATEGORY	Category C
PHYSICAL DESCRIPTION	<p>No 69 Duke Street is a single storey cottage of timber framing, corrugated sheeting and weatherboard cladding. The place has a gambrel decramastic roof and later additions to the rear. It is a simple expression of the Federation Inter-war style with later modifications that have changed its appearance. The front elevation is symmetrically planned with a central door flanked by windows. In recent times a skillion roofed verandah on timber posts has been reinstated.</p> <p>There are skillion roofed additions to the rear.</p> <p>The place is consistent with the pattern of development in Plympton and plays an important role in the pattern of development of a working-class suburb.</p>

HISTORICAL NOTES

Plympton is a cohesive precinct where most of the places were constructed in the late nineteenth century and the first quarter of the twentieth century. It is comprised primarily of homes for workers and their families with a high concentration of small lots with timber, brick and stone cottages.

OWNERS

Unknown

HISTORIC THEME

Demographic Settlements - Residential Subdivision

CONSTRUCTION MATERIALS

Walls - Timber frame, weatherboard and corrugated cladding

Roof - Decramastic

PHYSICAL SETTING

The residence is situated on a flat site with a low masonry wall and picket fence at the front of the lot.

STATEMENT OF SIGNIFICANCE

No 69 Duke Street is a single storey cottage of timber framing, corrugated sheeting and weatherboard cladding. The place has historic and aesthetic value with its contribution to Plympton's high concentration of worker's cottages and associated buildings and contributes to the local community's sense of place.

The place has some heritage value for its intrinsic aesthetic value as a Federation Inter-War Bungalow and it retains a moderate to low degree of authenticity and a high degree of integrity.

The rear additions have no significance.

AESTHETIC SIGNIFICANCE

No 69 Duke Street has some aesthetic value as a typical Federation Inter-War Bungalow with later overlays. It retains all the characteristic features of a dwelling of the type and period.

HISTORIC SIGNIFICANCE

No 69 Duke Street has some historic value. It was part of the suburban residential development associated with the expansion of East Fremantle during the Goldrush period of the 1880s and 1890s.

SCIENTIFIC SIGNIFICANCE

N/A

SOCIAL SIGNIFICANCE

No 69 Duke Street has some social value. It is associated with a significant area of worker's cottages which contributes to the community's sense of place.

RARITY

No 69 Duke Street is not rare in the immediate context, but Plympton has rarity value as a working-class suburb.

CONDITION

No 69 Duke Street is in good condition.

INTEGRITY

No 69 Duke Street retains a high degree of integrity.

AUTHENTICITY

No 69 Duke Street retains a moderate to low degree of authenticity.

MAIN SOURCES

Community Engagement Checklist

Development Application P028/23 – 69 Duke Street

Objective of Engagement	Neighbour Consultation			
Lead Officer:	Regulatory Services			
Stakeholders				
Stakeholders to be Considered <i>Please highlight those to be targeted during engagement</i>	Aged	<input type="checkbox"/>	Ratepayers (all / targeted)	<input type="checkbox"/>
	Businesses	<input type="checkbox"/>	Residents (all / targeted)	<input checked="" type="checkbox"/>
	Children (School / Playground)	<input type="checkbox"/>	Service Providers	<input type="checkbox"/>
	Community Groups	<input type="checkbox"/>	Unemployed	<input type="checkbox"/>
	Disabled People	<input type="checkbox"/>	Visitors	<input type="checkbox"/>
	Environmental	<input type="checkbox"/>	Volunteers	<input type="checkbox"/>
	Families	<input type="checkbox"/>	Workers	<input type="checkbox"/>
	Govt. Bodies	<input type="checkbox"/>	Youth	<input type="checkbox"/>
	Indigenous	<input type="checkbox"/>		<input type="checkbox"/>
	Neighbouring LGs	<input type="checkbox"/>		<input type="checkbox"/>
Staff to be notified:	Office of the CEO	<input type="checkbox"/>	Councillors	<input type="checkbox"/>
	Corporate Services	<input type="checkbox"/>	Consultants	<input type="checkbox"/>
	Development Services	<input type="checkbox"/>		<input type="checkbox"/>
	Operational (Parks/Works)	<input type="checkbox"/>		<input type="checkbox"/>
Community Engagement Plan				
Methods	Responsible	Date Due	Reference / Notes	
1.1 E News	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.2 Email Notification	<input type="checkbox"/> Relevant Officer	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.3 Website	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.4 Facebook	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.5 Advert – Newspaper	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.6 Fact Sheet	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.7 Media Rel/Interview	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
2.1 Information Stalls	<input type="checkbox"/> Relevant Officer	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
2.2 Public Meeting/Forum	<input type="checkbox"/> Executive Direction	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
2.3 Survey/Questionnaire	<input type="checkbox"/> Relevant Officer	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
3.1 Focus Groups	<input type="checkbox"/> Executive Direction	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
3.2 Referendum/Ballot	<input type="checkbox"/> Executive Direction	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
3.3 Workshop	<input type="checkbox"/> Relevant Officer	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
4.1 Council Committee	<input type="checkbox"/> Executive Direction	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
4.2 Working Group	<input type="checkbox"/> Executive Direction	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
*Statutory Consultation	<input checked="" type="checkbox"/> Relevant Officer	8/05/2023	<input checked="" type="checkbox"/> Advertised to 3 surrounding properties	
#Heritage Consultation	<input type="checkbox"/> Regulatory Services	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
^Mail Out (note: timelines)	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
	<input type="checkbox"/>	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
	<input type="checkbox"/>	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Evaluation				
Summary of...		Date Due	Completed / Attached	
Feedback / Results/ Outcomes / Recommendations		8/05/2023		
Outcomes Shared				
Methods	Responsible	Date Due	Reference / Notes	
E-Newsletter	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Email Notification	<input type="checkbox"/> Relevant Officer	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Website	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Facebook	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Media Release	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Advert – Newspaper	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
	<input type="checkbox"/>			
	<input type="checkbox"/>			
Notes				

12.4 SWAN YACHT CLUB – REPLACEMENT OF EXISTING BOAT RAMP JETTY

Owner	Swan Yacht Club
Applicant	Swan Yacht Club
Report Reference Number	TPR-1469
Planning Reference Code	N/A
Prepared by	James Bannerman, Planning Officer
Supervised by	Christine Catchpole, Acting Executive Manager Regulatory Services
Meeting date	Tuesday, 4 July 2023
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	
	1. Location plan
	2. Photos
	3. Plans submitted 30 May 2023

PURPOSE

The purpose of this report is for Council to be informed of the intention of the Swan Yacht Club, located at Reserve 27376 and 27377 (Lot 7771) Riverside Road, East Fremantle to replace an existing boat ramp jetty on the eastern side of the complex with a new jetty in a similar position and location to the existing jetty. The Department of Biodiversity, Conservation and Attractions (DBCA) is the decision maker for the proposed development in accordance with the *Swan and Canning Rivers Management Act, 2006* and the Town is a referral agency only. This report will serve to inform Council of the referral comments the Town will make to the DBCA regarding the proposal.

EXECUTIVE SUMMARY

It is proposed to install a new boat ramp jetty at the Swan Yacht Club. There is currently a timber jetty on the eastern side of the complex which is reaching the end of its life. The Swan Yacht Club intends to remove the existing jetty including the piles and the walkway and replace them with new piles and a new floating jetty. Works immediately abutting the jetty on the shore are also required with the widening and extension of the existing concrete abutment proposed to accommodate the new floating jetty pontoons. It is recommended that Council support the proposal to install a new boat ramp jetty and recommends conditions that the Town believes should be included in any final permit approval granted by the DBCA, noting that the Town is only a referral agency and the DBCA is the formal decision making authority.

BACKGROUND

Zoning	MRS Parks and Recreation Reserve Crown Reserves 27376 & 27377
Site Area	~12,413m ²
Heritage	N/A
Fremantle Port Buffer	N/A
Previous Decision of Town and/or History of Issue Onsite	A Master Plan for the club was recently submitted and an Administration report will be presented at a future Council meeting.

CONSULTATION

Advertising

The proposed development was not advertised as it is a replacement jetty of similar dimensions and in the same location as the existing jetty.

Internal Consultation

Nil

STATUTORY ENVIRONMENT

Swan and Canning Rivers Management Act, 2006

Metropolitan Region Scheme

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 considering this application was deemed to be negligible.

SITE INSPECTION

A site inspection was undertaken.

COMMENT

It is proposed to install a new boat ramp jetty at the Swan Yacht Club. There is currently a timber jetty on the eastern side of the complex which is reaching the end of its life and consequently concerns about the safety and integrity of the jetty have arisen. The Swan Yacht Club intends to remove the existing jetty including the piles and the walkway and replace them with new piles and a new floating jetty. Works immediately abutting the jetty are also required with the widening and extension of the existing concrete abutment proposed to accommodate the new floating jetty pontoons.

The club has submitted documentation associated with the application that outlines the steps they will take to ensure that the proposed development is completed with minimal disruption to the surrounding area. A site compound will be established to fence off the works area. The pedestrian path along the shoreline will be temporarily rerouted to ensure that all users are removed from any potential dangers associated with the works. The existing structures, including the piles embedded in the riverbed will be removed and disposed of at an approved waste facility. The existing abutment will be retained and extended to accommodate the new floating jetty pontoons.

New piles will be driven into the riverbed. The floating pontoons will then be assembled and installed in position. Lights will be installed along the new jetty to provide ambient lighting and limit any visual impact on neighbouring properties from light pollution or glare. Signage will be installed to provide information to club members and boat users. Upon completion the fenced site compound will be disassembled and the area around the jetty and ramp will be restored to its original state. It is expected that the works will take approximately 5 days and the chosen contractor will be expected to adhere to both the construction and environmental management plan that has been submitted as part of this application. A project manager will oversee the project to ensure compliance with these requirements.

CONCLUSION

The Town is supportive of improvements to such facilities, subject to conditions that ensure that the surrounding environment is protected, and that pedestrian activity and all users of the pathway are not permanently restricted and that the works are carried out in a safe and convenient manner.

It is recommended that Council support a referral letter be sent to the DBCA regarding the proposal to install a new boat ramp jetty that includes conditions that the Town believes should be included in any final permit approval granted by the DBCA, noting that the Town is only a referral agency and that the DBCA is the formal decision making authority.

OFFICER RECOMMENDATION / COMMITTEE RESOLUTION

12.4 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP040723

Moved Cr Natale, seconded Cr Nardi

That Council advises the Department of Biodiversity, Conservation and Attractions that it supports the proposed works for a replacement boat ramp jetty at the Swan Yacht Club at Reserve 27376 and 27377 (Lot 7771) Riverside Road, East Fremantle in accordance with plans submitted on 30 May 2023 and recommends the following conditions are imposed in respect to the works:

- (a) The subject area is securely fenced from the public for the duration of works.**
- (b) Signage warning of hazards in the subject area is installed for the duration of the works.**
- (c) No construction materials or equipment associated with the works are to be stored where they might obstruct the pedestrian pathway or cause a safety hazard to those using the pathway.**
- (d) All waste products are disposed of offsite at licensed waste disposal facilities in accordance with an approved waste management plan.**
- (e) The pedestrian path is rerouted only for the period associated with the works and that there will be unhindered access for pedestrians along the foreshore area beyond the works site.**
- (f) Works are undertaken from 7am to 5pm Monday to Saturday. No work is to be undertaken on Sundays or public holidays.**
- (g) All works are undertaken in accordance with the Environmental and Construction Management Plan submitted 30 May 2023 (subject to any amendments requested by the Department of Biodiversity, Conservation and Attractions).**

- | | |
|-----|--|
| (h) | The site is cleared of any equipment or materials and the pedestrian path is reopened along the foreshore and the car parking bays are reinstated upon the completion of works to the satisfaction of the Town of East Fremantle. |
| (i) | The pedestrian path is to be free of any damage following the works and any repairs or remediation is to be finished upon the completion of works to the satisfaction of the Town of East Fremantle. |
- (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 16 May 2023, this application is deemed determined, on behalf of Council, under delegated authority.

REPORT ATTACHMENTS

Attachments start on the next page.


Swan Yacht Club – Lot 7771 Riverside Road – Location Plan




Subject area circled in red.

Attachment -2
Swan Yacht Club – Site Photos








swan
yacht
CLUB INC
ESTABLISHED 1904

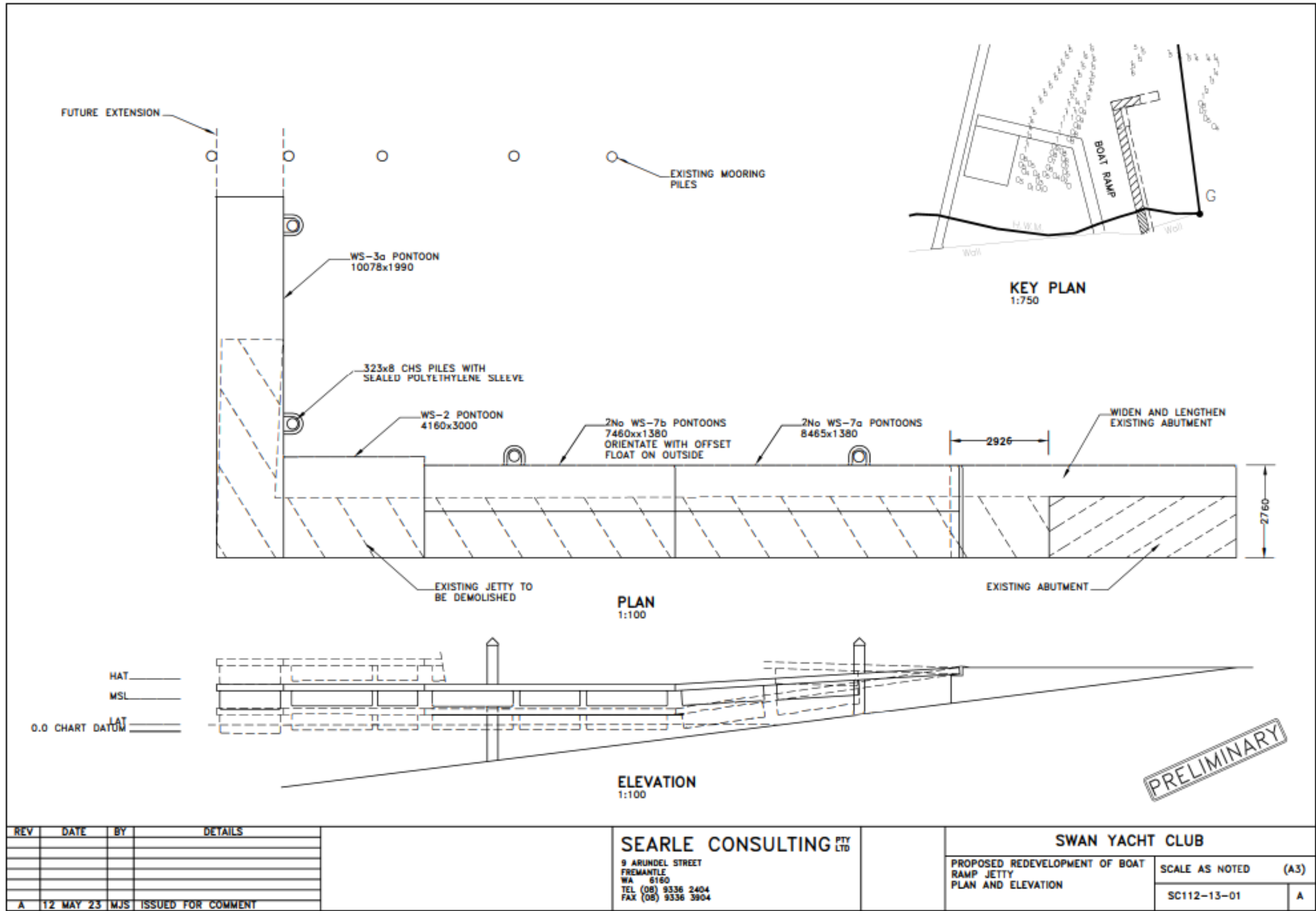
SWAN YACHT CLUB

RIVERSIDE ROAD
EAST FREMANTLE WA 6158
TEL: 9339 3520
EMAIL: reception@swanyachtclub.com.au

CLUB OF THE YEAR
2017 - 2018 - 2019 

Location of proposed works
1 = Boat ramp site
2 = Site compound

1	25/05/2023	FORM 7 APPLICATION OR PERMIT
Doc	Doc ID	DESCRIPTION
Statutory Assessments, Rivers and Estuaries Branch Department of Biodiversity, Conservation and Attractions		
BOAT RAMP JETTY REPLACEMENT		
PROPOSED WORKS LOCATION		
Doc ID	Doc ID	Doc ID
Doc ID	Doc ID	Doc ID
		1



13 MATTERS BEHIND CLOSED DOORS

Nil

14 CLOSURE OF MEETING

There being no further business, the Presiding member declared the meeting closed at 6.45 pm

*I hereby certify that the Minutes of the ordinary meeting of the Town Planning Committee of the Town of East Fremantle, held on **4 July 2023**, Minute Book reference 1 to 14 were confirmed at the meeting of the Committee on:*

5 SEPTEMBER 2023



Presiding Member