



AGENDA

Town Planning & Building Committee

Tuesday, 7 May 2019 at 6.30pm

Disclaimer

The purpose of this Committee meeting is to discuss and, where possible, make resolutions about items appearing on the agenda.

Whilst the Committee has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the Local Government Act 1995 (section 5.25 (e)) establish procedures for revocation or rescission of a Committee decision. No person should rely on the decisions made by the Committee until formal advice of the Committee decision is received by that person.

The Town of East Fremantle expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of the Committee, or any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the Committee meeting.

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Procedure for Deputations, Presentations and Public Question Time at Council Meetings

Council thanks you for your participation in Council Meetings and trusts that your input will be beneficial to all parties. Council has a high regard for community input where possible, in its decision making processes.

<p style="text-align: center;">Deputations</p> <p>A formal process where members of the community request permission to address Council or Committee on an issue.</p>	<p style="text-align: center;">Presentations</p> <p>An occasion where awards or gifts may be accepted by the Council on behalf of the community, when the Council makes a presentation to a worthy recipient or when agencies may present a proposal that will impact on the Local Government.</p>
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Procedures for Deputations

The Council allows for members of the public to make a deputation to Council on an issue related to Local Government business.

Notice of deputations need to be received by 5pm on the day before the meeting and agreed to by the Presiding Member. Please contact Executive Support Services via telephone on 9339 9339 or email admin@eastfremantle.wa.gov.au to arrange your deputation.

Where a deputation has been agreed to, during the meeting the Presiding Member will call upon the relevant person(s) to come forward and address Council.

A Deputation invited to attend a Council meeting:

- (a) is not to exceed five (5) persons, only two (2) of whom may address the Council, although others may respond to specific questions from Members;
- (b) is not to address the Council for a period exceeding ten (10) minutes without the agreement of the Council; and
- (c) additional members of the deputation may be allowed to speak with the agreement of the Presiding Member.

Council is unlikely to take any action on the matter discussed during the deputation without first considering an officer's report on that subject in a later Council agenda.

Procedure for Presentations

Notice of presentations being accepted by Council on behalf of the community, or agencies presenting a proposal, need to be received by 5pm on the day before the meeting and agreed to by the Presiding Member. Please contact Executive Support Services via telephone on 9339 9339 or email admin@eastfremantle.wa.gov.au to arrange your presentation.

Where the Council is making a presentation to a worthy recipient, the recipient will be advised in advance and asked to attend the Council meeting to receive the award.

All presentations will be received/awarded by the Mayor or an appropriate Councillor.

Procedure for Public Question Time

The Council extends a warm welcome to you in attending any meeting of the Council. Council is committed to involving the public in its decision making processes whenever possible, and the ability to ask questions during 'Public Question Time' is of critical importance in pursuing this public participation objective.

Council (as required by the *Local Government Act 1995*) sets aside a period of 'Public Question Time' to enable a member of the public to put up to two (2) questions to Council. Questions should only relate to the business of Council and should not be a statement or personal opinion. Upon receipt of a question from a member of the public, the Mayor may either answer the question or direct it to a Councillor or an Officer to answer, or it will be taken on notice.

Having regard for the requirements and principles of Council, the following procedures will be applied in accordance with the *Town of East Fremantle Local Government (Council Meetings) Local Law 2016*:

1. Public Questions Time will be limited to fifteen (15) minutes.
2. Public Question Time will be conducted at an Ordinary Meeting of Council immediately following "Responses to Previous Public Questions Taken on Notice".
3. Each member of the public asking a question will be limited to two (2) minutes to ask their question(s).
4. Questions will be limited to three (3) per person.
5. Please state your name and address, and then ask your question.
6. Questions should be submitted to the Chief Executive Officer in writing by 5pm on the day before the meeting and be signed by the author. This allows for an informed response to be given at the meeting.
7. Questions that have not been submitted in writing by 5pm on the day before the meeting will be responded to if they are straightforward.
8. If any question requires further research prior to an answer being given, the Presiding Member will indicate that the "question will be taken on notice" and a response will be forwarded to the member of the public following the necessary research being undertaken.
9. Where a member of the public provided written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
10. A summary of the question and the answer will be recorded in the minutes of the Council meeting at which the question was asked.

During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation.

Members of the public shall ensure that their mobile telephone and/or audible pager is not switched on or used during any meeting of the Council.

Members of the public are hereby advised that use of any electronic, visual or audio recording device or instrument to record proceedings of the Council is not permitted without the permission of the Presiding Member.

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NOTICE OF MEETING

Elected Members

An Ordinary Meeting of the Town Planning Committee will be held on Tuesday, 7 May 2019 at East Fremantle Town Hall, 135 Canning Highway, East Fremantle commencing at 6.30pm and your attendance is requested.

GARY TUFFIN
Chief Executive Officer

2 May 2019

AGENDA

1. DECLARATION OF OPENING OF MEETING/ANNOUNCEMENTS OF VISITORS

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. RECORD OF ATTENDANCE

- 3.1 Attendance**
- 3.2 Apologies**
- 3.3 Leave of Absence**

4. MEMORANDUM OF OUTSTANDING BUSINESS

5. DISCLOSURES OF INTEREST

- 5.1 Financial**
- 5.2 Proximity**
- 5.3 Impartiality**

6. PUBLIC QUESTION TIME

- 6.1 Responses to previous questions from members of the public taken on notice**
- 6.2 Public Question Time**

7. PRESENTATIONS/DEPUTATIONS

- 7.1 Presentations**
 - 7.2 Deputations**
-

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 Town Planning and Building Committee (5 March 2019)

8.1 OFFICER RECOMMENDATION

That the minutes of the Town Planning and Building Committee meeting held on Tuesday 5 March 2019 be confirmed as a true and correct record of proceedings.

9. ANNOUNCEMENTS BY THE PRESIDING MEMBER

10. REPORTS OF COMMITTEES

10.1 Community Design Advisory Committee

Prepared by: Andrew Malone Executive Manager Regulatory Services

Supervised by: Gary Tuffin, Chief Executive Officer

Authority/Discretion: Town Planning & Building Committee

Attachments: 1. Minutes of the Community Design Advisory Committee meeting held on 25 March 2019.

PURPOSE

To submit the minutes of the Community Design Advisory Committee meeting held on 25 March 2019 for receipt by the Town Planning Committee.

EXECUTIVE SUMMARY

The Committee, at its meeting held on 25 March 2019, provided comment on planning applications listed for consideration at the May Town Planning Committee meeting and other applications to be considered in the future. Comments relating to applications have been replicated and addressed in the individual reports.

There is no further action other than to receive the minutes.

10.1 OFFICER RECOMMENDATION

That the Minutes of the Community Design Advisory Committee meetings held on 25 March 2019 be received.

25 March 2019

MINUTES

Minutes of a Community Design Advisory Committee Meeting, held at East Fremantle Town Hall, on Monday, 25 March 2019 commencing at 6:17pm.

1. OPENING OF MEETING

Cr Nardi welcomed members of the Community Design Advisory Committee and made the following acknowledgement:

“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 respects to the elders past and present.”

2. PRESENT

Cr Dean Nardi	Presiding Member
Mr David Tucker	
Dr Jonathan Dalitz	
Mr Donald Whittington	
Mr Andrew Malone	Executive Manager Regulatory Services

3. APOLOGIES

Ms Alex Wilson
Cr Cliff Collinson (Leave of absence)

4. LEAVE OF ABSENCE

Nil

5. DECLARATIONS OF INTEREST

5.1 D Tucker - Refer Item 8.1 Sewell Street No. 32 - Proposed Alterations and Additions, Including Front Fence

6. CONFIRMATION OF MINUTES

Donald Whittington moved, seconded David Tucker

Minutes of the Community Design Advisory Committee meeting held on 21 January 2019 were confirmed.

CARRIED

7. PRESENTATION

Nil

25 March 2019

MINUTES

8. BUSINESS

- *Mr D Tucker made the following impartiality declaration in the matter of No. 32 Sewell Street. "As a consequence of having previous interactions with the owner, Ms Susan Halliday, there may be a perception that my impartiality on the matter may be affected. I declare that I have decided not to comment on the matter".*

**8.1 Sewell Street No. 32 (Lots 402, 403 & 404) – John Chisholm Design
(Application No. P012/19 –12 February 2019)**

Alterations and Additions, Including Front Fence – Category 'B'.

(a) The overall built form merits;

- The Committee have no concerns relating the overall built form of the proposal.
- The Committee acknowledge the improvement to the front façade, opening up the verandah to the street improves the appearance of the property to the streetscape.

(b) The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development.

- The Committee note the proposal restores the verandah to its original state.
- The Committee further note the aluminium windows to the rear of the property as not best practice, however the windows have minor significance to the heritage significance of the property.

(c) The relationship with and impact on the broader public realm and streetscape;

- The Committee note the improvement to the front façade, noting the opening of the verandah will return the heritage character to the property, whilst also adding to the vibrancy of the dwelling and streetscape.

(d) The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;

- As noted above.

(e) The extent to which the proposal is designed to be resource efficient, climatically appropriate, responsive to climate change and a contribution to environmental sustainability;

- No further comment at this time.

(f) The demonstration of other qualities of best practice urban design including "Crime Prevention" Through Environmental Design performance, protection of important view corridors and lively civic places;

- The Committee note the improvement to the front façade, which opens the front of the property, therefore improving any visual overlooking of the street.

25 March 2019

MINUTES

8.2 *Preston Point Road No. 10 (Lot 2) – Arcologic Design*
(Application No. P015/19 –28 February 2019)

Demolition of Existing Dwelling and Construction of Two Storey Dwelling – Category ‘C’.

(a) The overall built form merits;

- The Committee have no significant concerns relating the overall built form of the proposal, however it is noted that there could be improved visual interactions of the front facade with the streetscape. The front façade when compared to the rear elevation is considered plain.

(b) The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development.

- The Committee note the proposed demolition of the heritage dwelling, however in this instance the heritage dwelling is not considered to add significantly to the character of the area.
- The architectural design if the proposal is considered acceptable to the character of the area and to the surrounding developments.

(c) The relationship with and impact on the broader public realm and streetscape;

- As noted above. The Committee consider there could be improved articulation and interaction between the front façade and streetscape.

(d) The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;

- As noted above.

(e) The extent to which the proposal is designed to be resource efficient, climatically appropriate, responsive to climate change and a contribution to environmental sustainability;

- No further comment at this time.

(f) The demonstration of other qualities of best practice urban design including “Crime Prevention” Through Environmental Design performance, protection of important view corridors and lively civic places;

- The Committee note that due to the design of the dwelling and poor interaction of the front façade with the streetscape, it is considered the proposal could be better designed to demonstrate best practice urban design including “Crime Prevention” Through Environmental Design performance.

8.3 *Preston Point Road No. 110 (Lot 4967) – Gary Keen Design*
(Application No. P017/19 – 11 March 2019)

Alterations and Additions, Including Rear Garage and Front Fence.

(a) The overall built form merits;

- The Committee have no concerns relating the overall built form of the proposal.

25 March 2019

MINUTES

- The Committee commends the applicant for retaining the original dwelling and for proposing all additions to be single storey, maintaining the character of the dwelling.
- The Committee note details on the front elevation which may indicate structures on the eastern and western boundary treatments. The committee recommend the Planning Department request full details of these treatments to ensure the proposal remain open to the streetscape.
- The Committee recommend that all fencing to the front of the property to comply with Council front fence policy requirements.
- The Committee recommend that should the swimming pool be constructed all fencing surrounding the swimming pool is to be fully visually permeable, so that no structures obscure the visual interaction of the dwelling with the streetscape.

(b) *The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development.*

- No further comment at this time.

(c) *The relationship with and impact on the broader public realm and streetscape;*

- As noted above.

(d) *The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;*

- As noted above.

(e) *The extent to which the proposal is designed to be resource efficient, climatically appropriate, responsive to climate change and a contribution to environmental sustainability;*

- No further comment at this time.

(f) *The demonstration of other qualities of best practice urban design including "Crime Prevention" Through Environmental Design performance, protection of important view corridors and lively civic places;*

- With the exception of the swimming pool, the front of the property is to remain as existing. The Committee provide no further comment at this time.

9. **OTHER**
Nil

10. **BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING**
Nil

11. **DATE & TIME OF NEXT MEETING**

11.1 ***Monday 15 April 2019, commencing at 6pm***

The meeting concluded at 6.57pm

11. REPORTS OF OFFICERS (COMMITTEE DELEGATION)

11.1 Preston Point Road No. 19 (Lot 2), East Fremantle – Short Term Accommodation Use within an Existing Dwelling and Alteration and Addition to Boundary Wall

Applicant/Owner	D French
File ref	P/PPT19; P013/19
Prepared by	Christine Catchpole, Senior Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	7 May 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Location Map 2. Photographs 3. Plans date stamped received 22 February and 29 March 2019

Purpose

The purpose of this report is for Council to consider an application for a short term accommodation use within an existing dwelling and an increase in the height for a section of the southern boundary wall at No. 19 Preston Point Road, East Fremantle.

Executive Summary

An application for short term accommodation (two bedrooms) within the existing single dwelling is proposed. In relation to this application the applicant is also proposing to increase the height of a portion of the southern boundary wall which runs alongside a staircase entry to the guest accommodation. This is to address privacy issues which have been raised by the adjoining neighbour.

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

- impact on residential amenity;
- number of people accommodated and number of bedrooms for accommodation purposes;
- adequacy of available car parking;
- management of the use;
- increased height of the southern boundary wall;
- guest access to the accommodation; and
- length of planning approval.

The application was advertised in accordance with Planning Scheme provisions and one (1) submission was received from an adjoining owner who has commented on parking, guest access and privacy and impact on residential amenity. These concerns are noted and in part have been addressed to the satisfaction of the adjoining owner. Notwithstanding, it is considered appropriate that the use be trialled for a period of 12 months. The above matters can be satisfactorily addressed through conditions of a temporary development (planning) approval which include restricting the number of guests and the number of bedrooms to be used for accommodation purposes. The application is recommended for conditional 12 month approval with the requirement that a fresh application be submitted for Council's consideration after 12 months.

Background

Zoning: Residential R12.5
Site area: 251m²

The applicant has provided a management plan and details in respect to the management of the property through a website booking agency.

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

Nil in respect to this application.

Consultation

Advertising

The application was advertised to surrounding land owners from 6 to 21 March 2019. One (1) submission was received and the following comments noted:

“As your records will show I operate an approved Home Business from 17 Preston Point Road. Street parking is constantly under pressure in the immediate area. People using the apartments down the road and patrons of The Left Bank are regular street parkers in the vicinity of my property. There is a bay in front of my property that can accommodate two cars if they are parked with care but that seldom occurs because there are no markings or signage to encourage it.

My experience is also that there are regularly 5 vehicles (4 cars and a trailer) associated with the property at 19 Preston Point Road. That property cannot accommodate that many vehicles on site so further pressure is put on the street parking.

The other issue I have is around the access to the first floor guest area. Guests must use a set of stairs alongside my northern boundary. There is insufficient screening so guests are able to overlook into my yard as they access and egress the guest accommodation. I have dogs and the dogs have become super vigilant because of teasing by some visitors to No. 19 and workers who recently constructed the multi-level house to the rear. I now have to keep the dogs inside the house when I go out.”

Community Design Advisory Committee (CDAC)

The application was not referred to the CDAC as the proposed short term accommodation is considered to have no physical impact on the streetscape. The alteration and addition to the wall is not considered significant.

Statutory Environment

Planning and Development Act 2005

Town of East Fremantle Local Planning Scheme No. 3

Policy Implications

Fremantle Port Buffer Zone - Area 3

Note:

No local planning policy applies, however, the Western Australian Planning Commission (WAPC) has published Holiday Homes Guidelines – Short Stay Use of Residential Dwellings (September 2009) which can be used as a guide in the assessment of short term accommodation applications.

Financial Implications

Nil

Strategic Implications

The Town of East Fremantle Strategic Community Plan 2017 – 2027 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 *Facilitate 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.*
- 3.2 *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 practices.*
 - 3.3.2 *Optimal management of assets within resource capabilities.*
 - 3.3.3 *Plan and advocate for improved access and connectivity.*

Natural Environment

Maintaining and enhancing our River foreshore and other green, open spaces with a focus on environmental sustainability and community amenity.

- 4.1 *Conserve, maintain and enhance the Town’s open spaces.*
 - 4.1.1 *Partner with Stakeholders to actively protect, conserve and maintain the Swan River foreshore.*
 - 4.1.2 *Plan for improved streetscapes parks and reserves.*
- 4.2 *Enhance environmental values and sustainable natural resource use.*
 - 4.2.1 *Reduce waste through sustainable waste management practices.*
- 4.3 *Acknowledge the change in our climate and understand the impact of those changes.*
 - 4.3.1 *Improve systems and infrastructure standards to assist with mitigating climate change impacts.*

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not approve the development application	Unlikely (2)	Minor (2)	Low (1-4)	COMPLIANCE Minor regulatory or statutory impact	Accept Officer Recommendation

Risk Matrix

Consequence \ Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

Risk Rating	4
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Site Inspection

March 2019

Comment

Statutory Assessment

The proposal has been assessed against the provisions of Local Planning Scheme No. 3.

Use for short term accommodation

The applicant seeks development approval for a short term accommodation use within an existing dwelling which is owner occupied. The accommodation will be provided on the upper level of the house which comprises two bedrooms, a bathroom and other shared amenities such as a kitchen, laundry and living room. This level is accessed by guests via a stairway along the southern side of the lot from the vehicle bays off Preston Point Road. The dwelling also includes a ground level with a bedroom and bathroom, where the owner intends to reside. There is a double garage and parking space for two cars in the driveway. There is also on-street parking available in this location.

The proposed use for short term accommodation is an 'unlisted (discretionary) use' within a residential zone and accordingly is required to be advertised before determination. This application fulfils the advertising requirements of cl. 64 of the Deemed Provisions (formerly cl 9.4.3 (a)) of LPS No.3.

Council does not have any specific policies or local laws that regulate short term accommodation. The WAPC, however, has formulated Guidelines in 2009 for the short term use of residential dwellings. This document identifies the issues or matters to be considered on submission of a development application. It also makes recommendations in respect to how a local government authority may deal with such applications.

The Guidelines provide advice in regard to the following planning considerations:

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

The application has been assessed with regard to the relevant sections of the Guidelines for this application, LPS No. 3 provisions, residential amenity and the impact the use could have on surrounding neighbours and conditions imposed accordingly.

The plans have also been assessed by the Town's Building Surveyor and a number of matters in regard to building code standards will need to be addressed by the applicant. These are addressed through conditions of planning approval.

Car parking

Car parking is always a primary consideration in respect to this type of planning application. The adjoining land owner's submission has commented about parking demands for the site itself, residential visitors to the area and nearby commercial uses. Street parking in this area is available for all the people mentioned in the submission, including the patrons of the hair dressing business located at No. 17 Preston Point Road (operated by the submitter).

The dwelling on the subject site is required to provide only one parking bay because it is within 250 metres of a high frequency public transport route. It is acknowledged that the use of the property for short term accommodation may result in a demand for parking if the guest(s) have vehicles. The applicant has indicated that one vehicle parking bay in the driveway can be made available for guests. It is therefore considered necessary to limit the number of guests to be accommodated to a number that will most likely only require one parking bay. This is the same principle as requiring a commercial accommodation provider to supply parking in a commercial zone for a similar use. If another bay is required street parking can be utilised and a condition of approval is recommended in this regard to ensure vehicles park legally. If vehicles determined to be associated with the short term accommodation use are parking illegally then the Town can take the appropriate action. If this was to occur it may result in the use not receiving renewal of the approval after the initial 12 months.

The car parking situation in regard to the short term accommodation will be monitored over the 12 month period to determine if this is sufficient. The number of people permitted to be accommodated will also be addressed through a condition of planning approval, which will also limit parking demand.

Amenity

The submission received also refers to the amenity issue of privacy. Guests will access the accommodation via a stairway on the southern side of the dwelling. The stairs are at a higher level than the adjoining property and overlook open space, car parking and windows on the northern side of the dwelling. This is considered a significant amenity issue and one which the applicant has addressed through the proposal to install screening and to increase the height of the boundary wall. Once the screening is installed the additional height of the wall will prevent overlooking. The adjoining owner has agreed to the installation of screening and endorsed the plans of the proposal. However, it is recommended a condition of planning approval be imposed in this regard to ensure the screening is installed before the use commences and the matter raised in the submission addressed.

The issue of pets barking and the need for animals to be kept indoors is not considered a relevant planning concern in regard to the assessment of this application.

Management plan

A management plan, to the Town's satisfaction, detailing the following is also required to be submitted prior to the use commencing as a condition of planning approval:

- the owner's contact details (during and after business hours);
- details of how nuisance issues such as noise and anti-social behaviour would be addressed by the owner;
- a fire and emergency response plan;
- car parking;
- the number of people occupying the premises and the number of bedrooms; and
- maximum period of stay for each guest.

Boundary wall

The applicant proposes to increase a portion of the southern boundary wall. This is for the purpose of providing a greater degree of privacy between No. 17 and No. 19 Preston Point Road when occupants are accessing the property via the side stairway. The adjoining owner requested the boundary wall height be increased for this purpose and has agreed to the degree and type of screening indicated on the plans date stamped received 29 March 2019. It is recommended that a condition be imposed which requires the applicant to complete the alteration to the boundary wall to provide the privacy screening prior to the short term accommodation use commencing.

Conclusion

It is considered the applicant has provided adequate justification and taken appropriate steps in regard to mitigating any impacts on resident amenity. It is therefore considered the application should be recommended for approval subject to a number of conditions. The most significant being limiting the term of the initial approval to 12 months and the maximum number of guests to 2 adults or 2 adults and 2 children with a maximum of 2 bedrooms for accommodation purposes to minimise impacts to the surrounding locality and resident amenity. A number of other conditions in respect to management and safety standards (building code) at the property should also be imposed as discussed above.

11.1 OFFICER RECOMMENDATION:

That Council exercise discretion to grant temporary development approval for 12 months for a short term accommodation use within a residential dwelling and alteration and addition to a boundary wall

at No. 19 (Lot 2) Preston Point Road, East Fremantle as indicated on plans date stamped 22 February and 29 March 2019 subject to the following conditions:

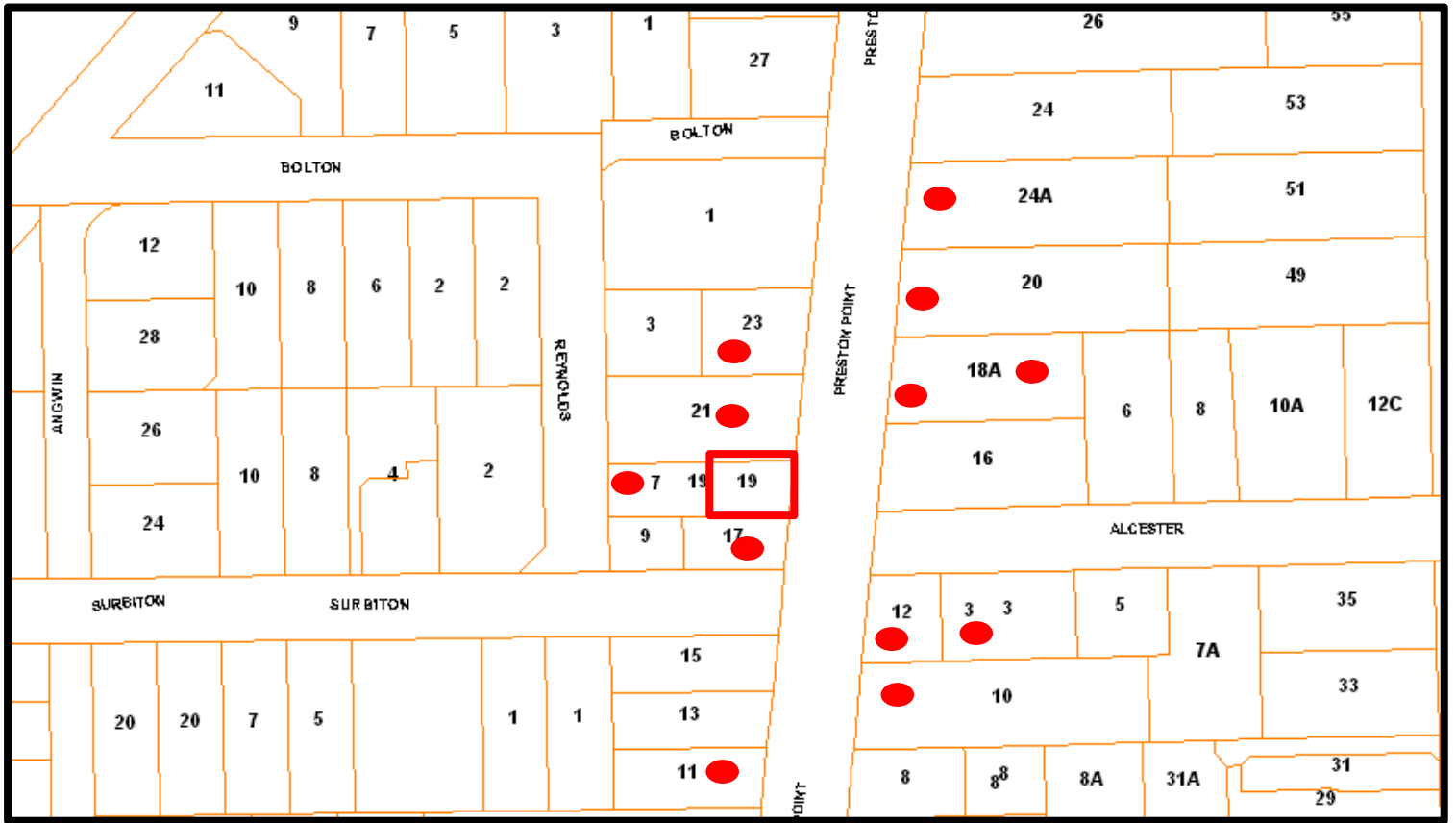
- (1) The installation of a permanent screening addition to the southern boundary wall to the height and length indicated on plans dated 29 March 2019 to the satisfaction of the Chief Executive Officer. The screening (increased wall height) to be installed prior to the commencement of the short term accommodation use.
- (2) Maximum accommodation is for 2 adults or 2 adults and 2 children based on 2 bedrooms only being provided for guest/occupant accommodation.
- (3) No guest/occupant vehicle(s) are to be parked on the Council verge or in a crossover due to inadequate or unavailable parking on-site or in the street.
- (4) Hard wired smoke alarms as required by the BCA are to be installed and associated lighting is required to assist evacuation as required by the BCA section 3.7.2.5. Proof of the instalment is to be provided to the satisfaction of the Chief Executive Officer before the short term accommodation use commences.
- (5) The 24 hour contact details for an emergency contact person or the owner and a Management Plan to the satisfaction of the Chief Executive Officer being provided to Council prior to the use commencing. If this does not occur the approval will be revoked by Council.
- (6) The Management Plan referred to in condition 5 above is to include nomination of a manager/caretaker within the vicinity of the property should the owner(s) no longer reside at the site.
- (7) The approval may be revoked by Council, if any adverse impacts involving noise, anti-social behaviour, breaches of length of stay or the management plan, waste removal, security, parking or privacy control measures for adjoining neighbours are unable to be controlled by the applicant/owner in a timely and effective manner which is to Council's satisfaction.
- (8) No on-site signage is permitted with respect to the application.
- (9) The approval is valid for a period of 12 months only from the date of the "Approval to Commence Development" and the applicant is required to seek a renewal thereafter to enable the continuance of the short term accommodation use. During the review of the renewal process, assessment of car parking, noise, vehicle movements, number of occupants, any reports of anti-social behaviour and general management of the property will be undertaken.

Footnote:

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

- (i) *a fresh development (planning) approval application is to be made for Council's consideration prior to the expiry of the twelve (12) month temporary approval period should the applicant wish to continue the use;*
- (ii) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site;*
- (iii) *a copy of the approved plans as stamped by Council are attached and the use is to conform with the approved plans unless otherwise approved by Council; and*
- (iv) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air Conditioner Noise".*

NO. 19 (LOT 2) PRESTON POINT ROAD – P013/19- SHORT STAY ACCOMMODATION USE WITHIN EXISTING DWELLING





SURVEY-STRATA PLAN

64474

SHEET 1 OF 1 SHEET

PLAN OF

LOT 35 ON P 1284

CERTIFICATE OF TITLE

VOLUME: 2140 FOLIO: 63

LOCAL GOVERNMENT

TOWN OF EAST FREMANTLE

INDEX PLAN

BG34(1) 14:29

FIELD BOOK

118557

SCALE 1:200 AT A3

NAME OF SCHEME

19 PRESTON POINT ROAD,
EAST FREMANTLE

ADDRESS OF PARCEL

19 PRESTON POINT ROAD,
EAST FREMANTLE 6158

MANAGEMENT STATEMENT YES NO

LODGED DATE	CERTIFIED CORRECT
	COR. FILE
FEE PAID	IN ORDER FOR DEALINGS SUBJECT TO

ASSESS No.
.....	FOR REGISTRAR OF TITLES DATE

REGISTERED

APPLICATION

DATE	REGISTRAR OF TITLES	SEAL
------	---------------------	------

WESTERN AUSTRALIAN PLANNING COMMISSION
W.A.P.C. REF: 465 - 10
Certificate of Approval of W.A.P.C. under Section 25B(2) of
Strata Titles Act 1985.

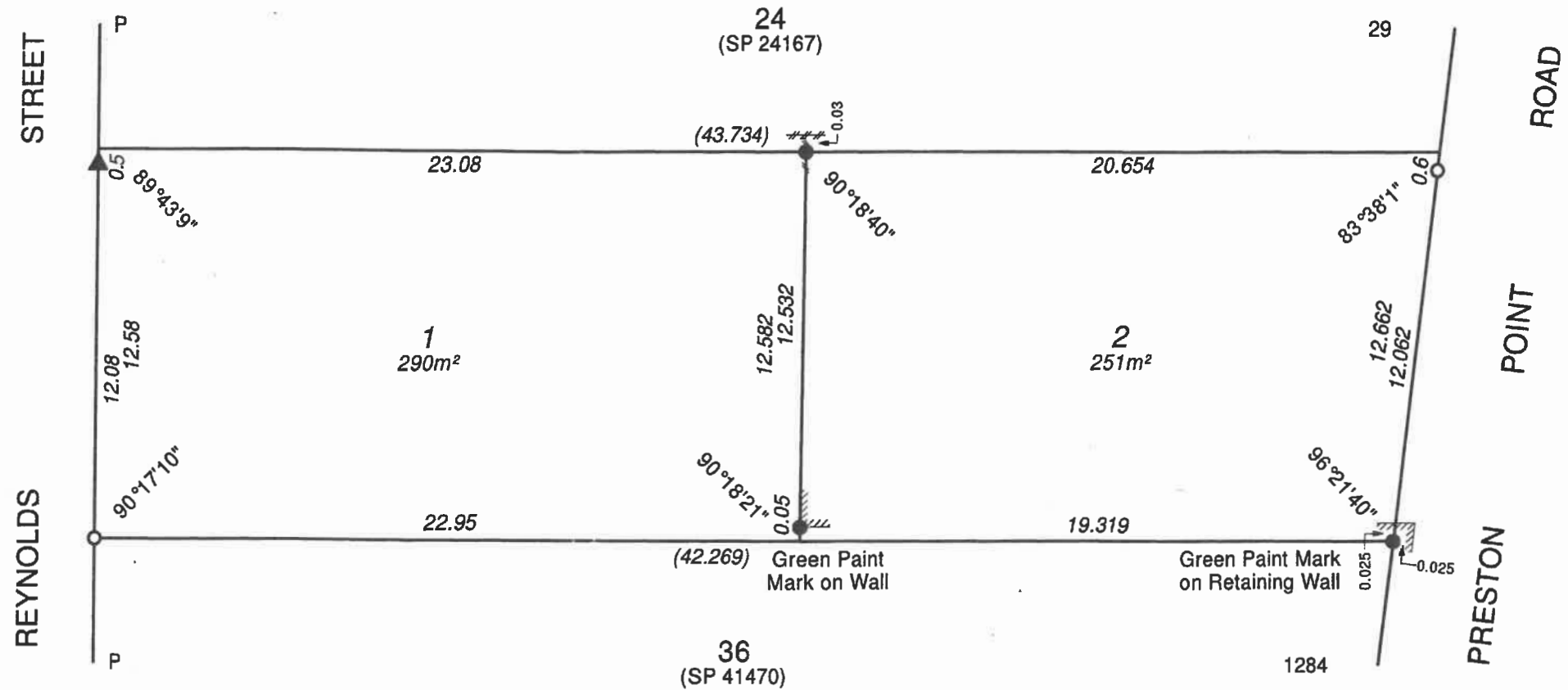
DELEGATED UNDER S.16 P & D ACT 2005 DATE



COTTAGE & ENGINEERING SURVEYS
87-89 Guthrie Street, Osborne Park, Western Australia
Telephone: (08) 9446 7361 Facsimile: (08) 9445 8184
J/N T271278A (16/11/2011)

BEWARE
UNAPPROVED & UNLODGED PLAN:
ALL LOT NUMBERS, DIMENSIONS
& AREAS SUBJECT TO
LANDGATE (Titles Office) APPROVAL

VERSION	AMENDMENT	AUTHORISED BY	ATTACHMENT 3	DATE

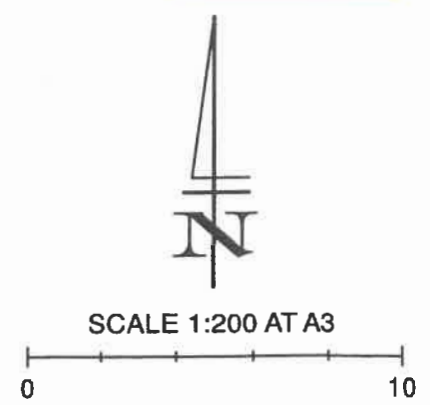


TOWN OF EAST FREMANTLE
PLANNING APPLICATION
DATE No.
22 FEB 2019 P 0'13 - 19
RECEIVED

City of East Fremantle
24 NOV 2011
RECEIVED

SURVEYOR'S CERTIFICATE - Reg 54
I, Charles William PARKER
hereby certify that this plan is accurate and is a
correct representation of the -
(a) survey; and
(b) calculations from measurements,
undertaken for the purposes of this plan and that it complies
with the relevant written law(s) in relation to which it is lodged.
LICENCED SURVEYOR DATE

- DENOTES PEG
- DENOTES GREEN PAINT MARK ON FENCE UNLESS NOTED OTHERWISE
- ▲ DENOTES TACK ON FENCE



SURVEY-STRATA PLAN
64474

SHEET 1 OF 1 SHEET

PLAN OF

LOT 35 ON P 1284

CERTIFICATE OF TITLE

VOLUME: 2140 FOLIO: 63

LOCAL GOVERNMENT

TOWN OF EAST FREMANTLE

INDEX PLAN

BG34(1) 14:29

FIELD BOOK

118557

SCALE 1:200 AT A3

NAME OF SCHEME

19 PRESTON POINT ROAD,
EAST FREMANTLE

ADDRESS OF PARCEL

19 PRESTON POINT ROAD,
EAST FREMANTLE 6158

MANAGEMENT STATEMENT YES NO

LODGED DATE	CERTIFIED CORRECT
PAID	COR. FILE
ASSESS No.	IN ORDER FOR DEALINGS SUBJECT TO
	FOR REGISTRAR OF TITLES DATE

REGISTERED APPLICATION

DATE	REGISTRAR OF TITLES	SEAL
------	---------------------	------

WESTERN AUSTRALIAN PLANNING COMMISSION
W.A.P.C. REF: 465 - 10
Certificate of Approval of W.A.P.C. under Section 25B(2) of Strata Titles Act 1985.

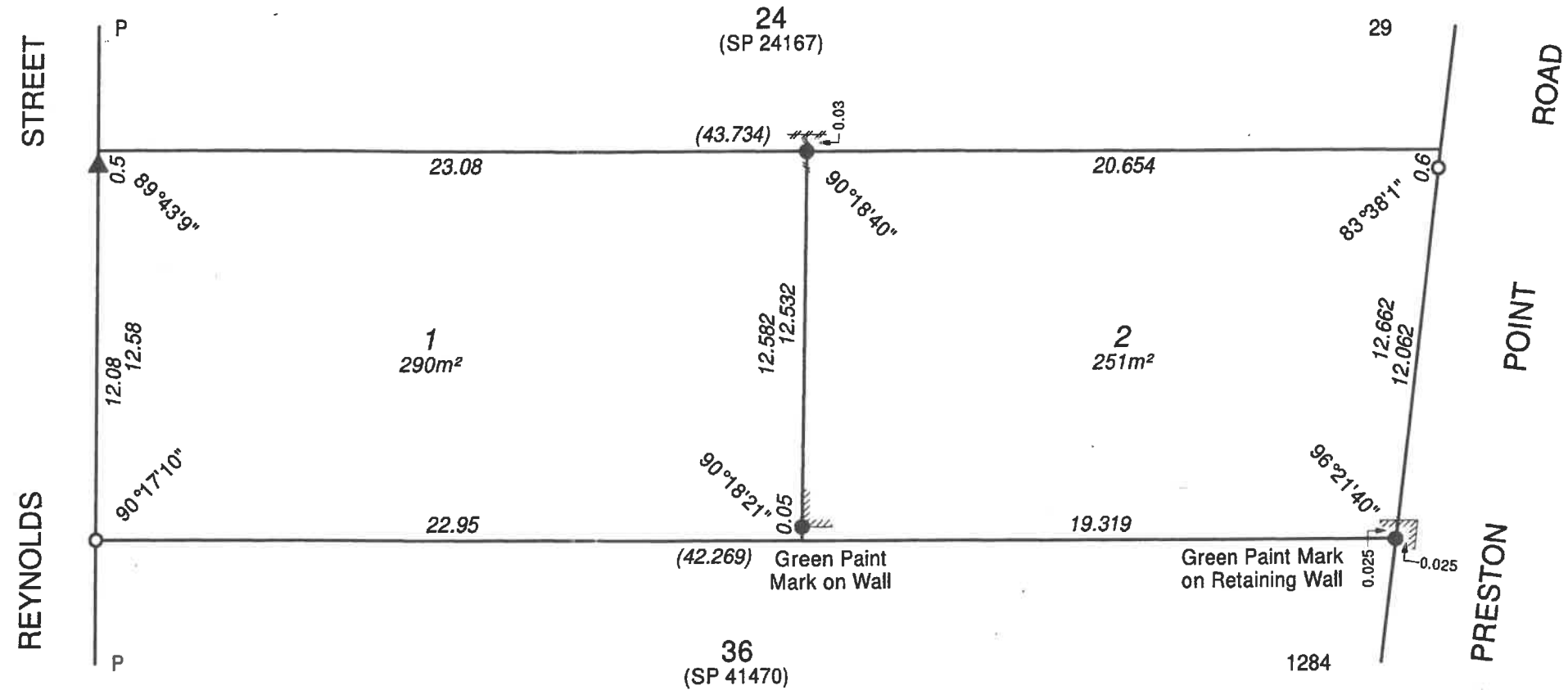
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VERSION	AMENDMENT	AUTHORISED BY	ATTACHMENT	DATE

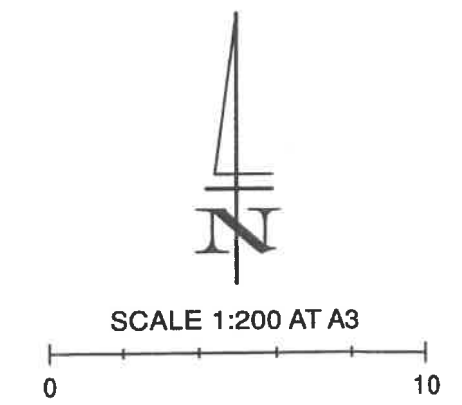


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RECEIVED

City of East Fremantle
24 NOV 2011
RECEIVED

SURVEYOR'S CERTIFICATE - Reg 54
I, Charles William PARKER
hereby certify that this plan is accurate and is a correct representation of the -
(a) survey; and
(b) calculations from measurements,
undertaken for the purposes of this plan and that it complies with the relevant written law(s) in relation to which it is lodged.
LICENSED SURVEYOR DATE

- DENOTES PEG
- DENOTES GREEN PAINT
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- ▲ DENOTES TACK ON FENCE



SURVEY-STRATA PLAN

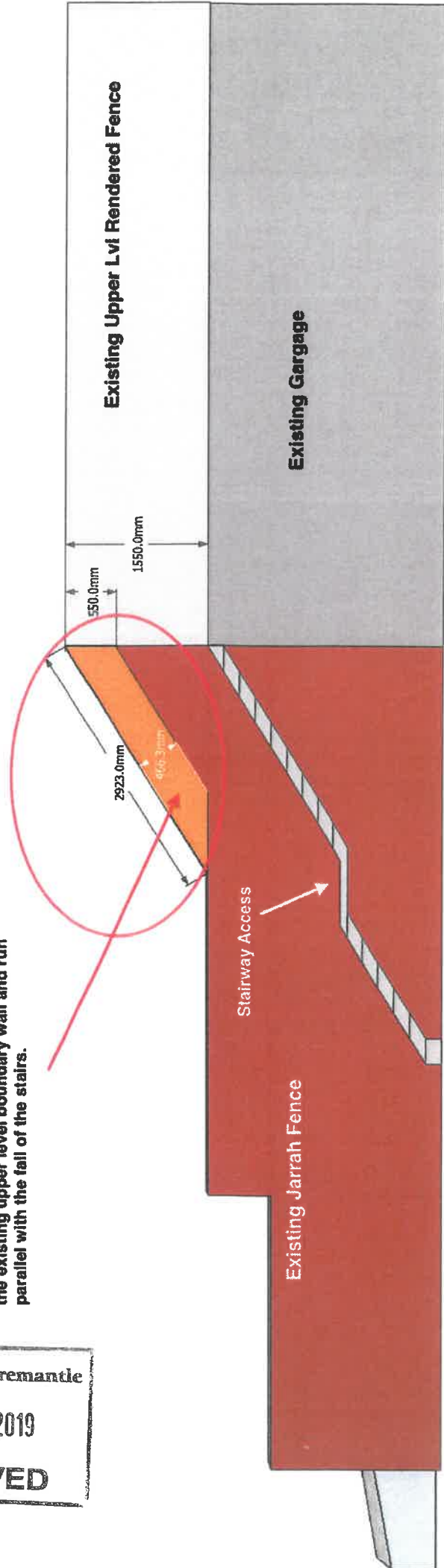
19 Preston Point Rd - Proposed changes (additions) to existing boundary fence

**South Elevation - of Southern boundary fence looking South.
Please refer to site plan provided**

Town of East Fremantle
29 MAR 2019
RECEIVED

Extension (shown in orange colour) to existing fence, materials to be used will be Jarrah to match in with existing fence and of similar construction.

Please note: the proposed height of indicated section will be extended 550mm to the height of the existing upper level boundary wall and run parallel with the fall of the stairs.



19 Preston Point Rd - Proposed changes (additions) to existing boundary fence

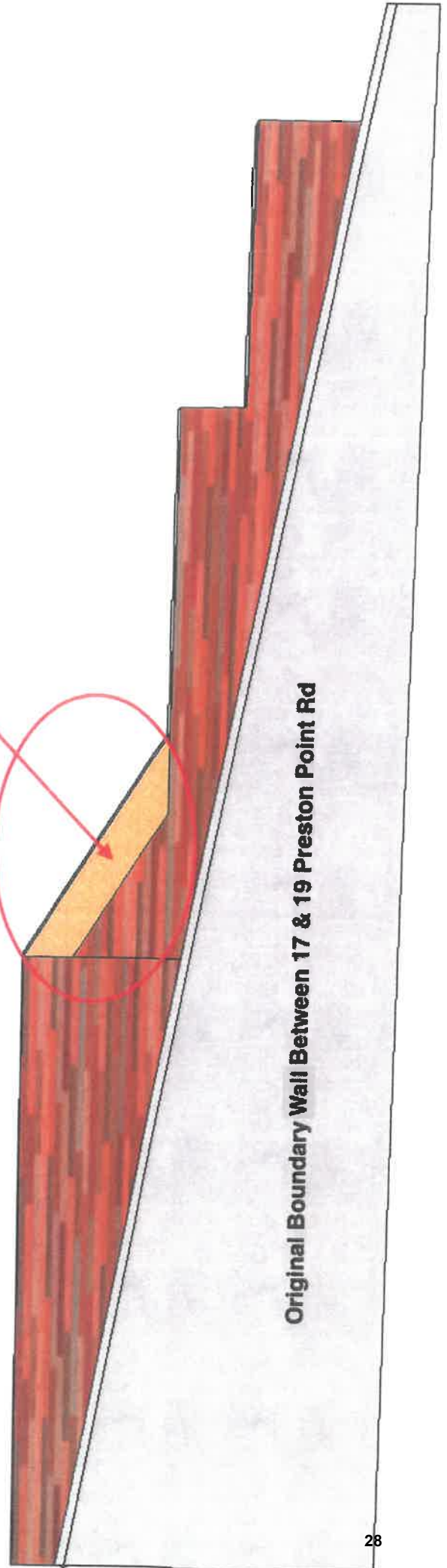
**North Elevation - of Southern boundary fence looking North from 17 Preston Point Rd.
Please refer to site plan provided.**

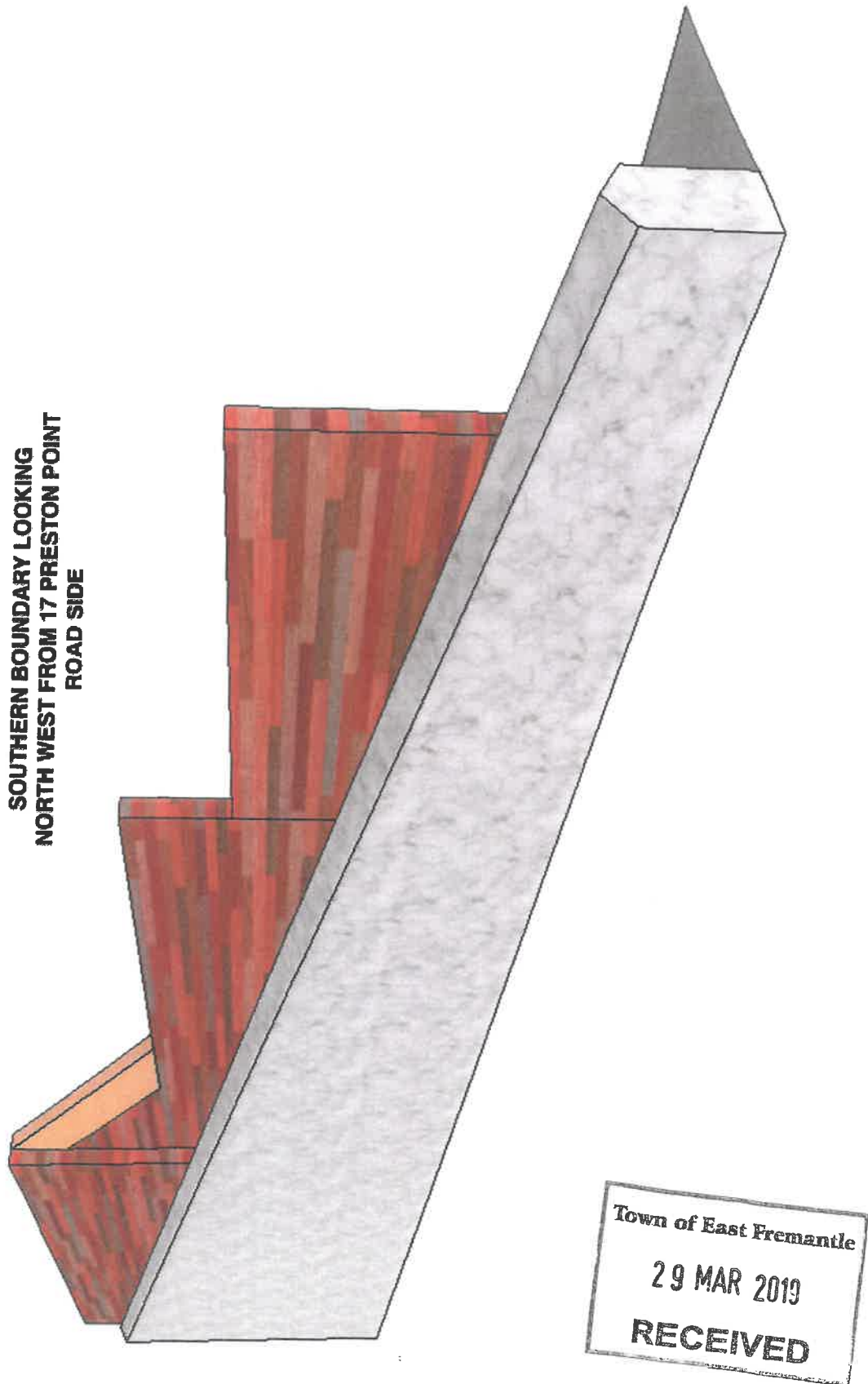
Town of East Fremantle
29 MAR 2019
RECEIVED

Extension (shown in orange colour) to existing fence, materials to be used will be Jarrah to match in with existing fence and of similar construction.

Please note; the proposed height of indicated section will be extended 550mm to the height of the existing upper level boundary wall and run parallel with the fall of the stairs.

Please refer to South Elevation for detailed measurements.

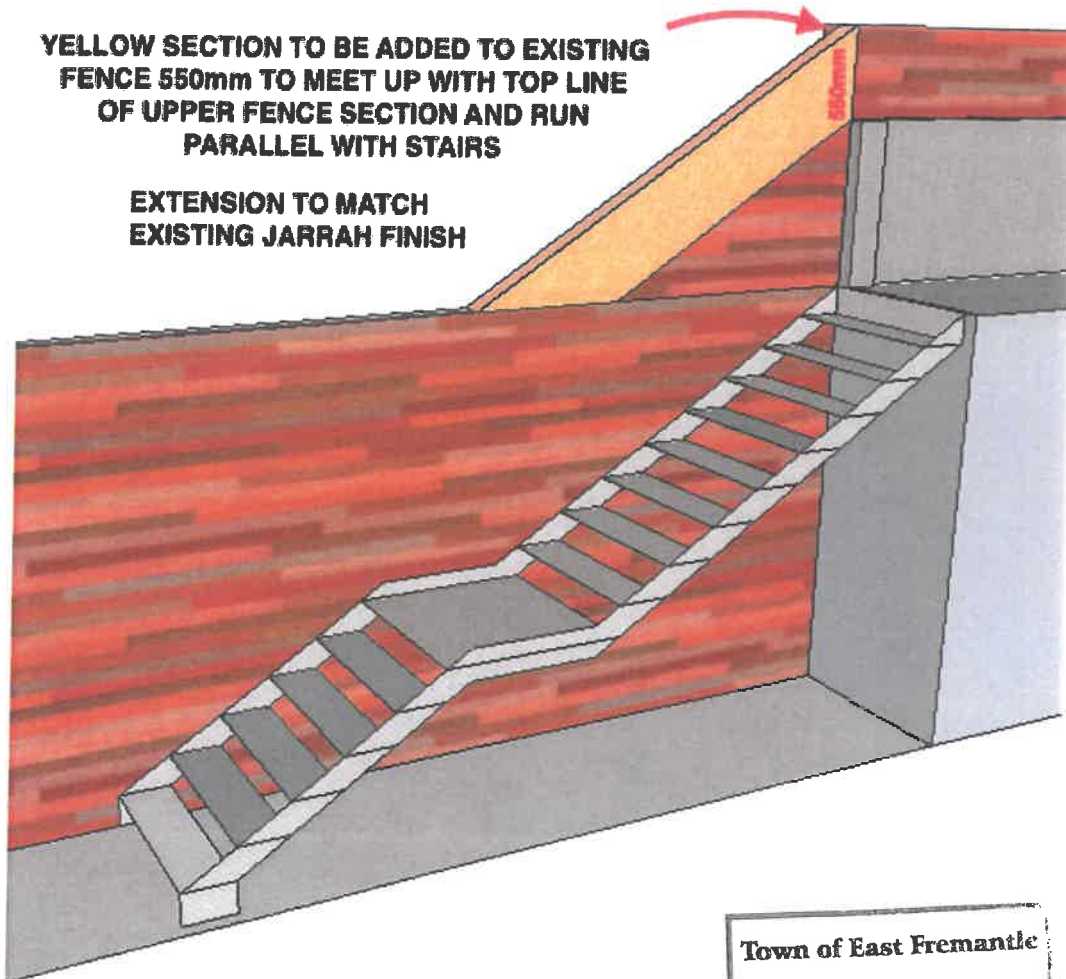




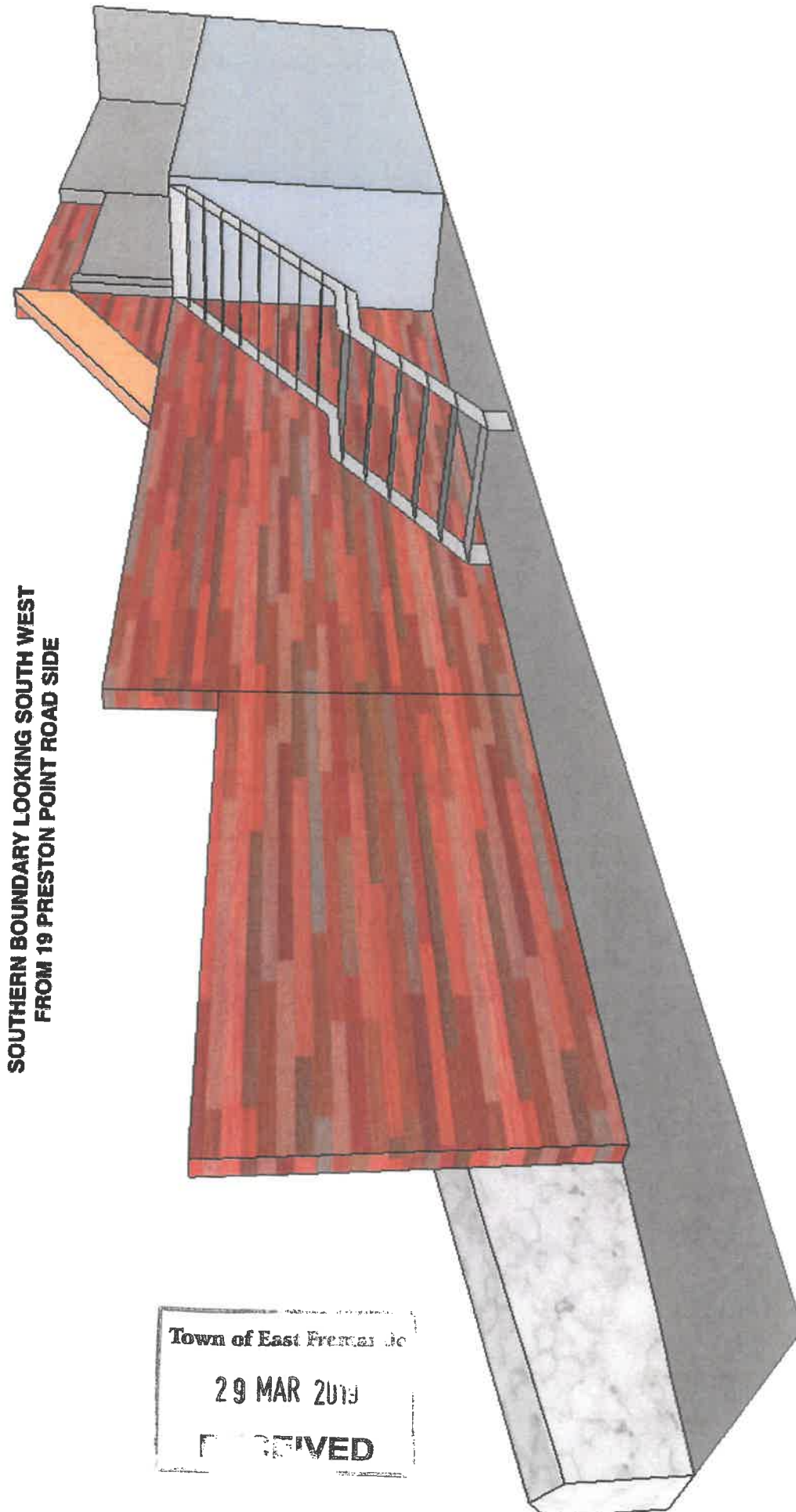
SOUTHERN BOUNDARY LOOKING SOUTH

**YELLOW SECTION TO BE ADDED TO EXISTING
FENCE 550mm TO MEET UP WITH TOP LINE
OF UPPER FENCE SECTION AND RUN
PARALLEL WITH STAIRS**

**EXTENSION TO MATCH
EXISTING JARRAH FINISH**



Town of East Fremantle
29 MAR 2019
RECEIVED



**SOUTHERN BOUNDARY LOOKING SOUTH WEST
FROM 19 PRESTON POINT ROAD SIDE**

Town of East Fremantle
29 MAR 2019
RECEIVED

11.2 Preston Point Road No 10 (Lot 2) 2 storey dwelling

Owner	Karan & Sylvia Bettis-Heijne
Applicant	Arcologic Design
File ref	P015/2019; P/PPT10
Prepared by	James Bannerman Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	7 May 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Location plan2. Photographs3. Heritage Place Record4. Plans date stamped 28 February 2019

Purpose

The purpose of this report is for Council to consider a proposed new 2 storey dwelling at No. 10 Preston Point Road, East Fremantle.

Executive Summary

It is proposed to consider the development application for a new 2 storey dwelling. The proposed development is compliant with the Residential Design Guidelines and the Residential Design Codes with the exception of two items. Firstly there is a large letterbox that is proposed at the edge of the front boundary of the property and adjoining the footpath and bridge leading to the front door of the property which may be seen to conflict with development in the front setback area. Secondly there is the requirement to address the CDAC comments. Whilst not a statutory obligation, the Committee's comments have to be addressed.

Background

Zoning: Residential R12.5
Site area: 1353m²

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

Fencing and boundary location issues between 10 Preston Point Road and 3 Alcester Street- 2011-2016.

Consultation

Advertising

14 March 2019 to 1 April 2019- no comments were received from surrounding properties following advertising

Community Design Advisory Committee (CDAC)

This proposal was referred to CDAC and the following comments were made;

(a) The overall built form merits;

- The Committee have no significant concerns relating the overall built form of the proposal, however it is noted that there could be improved visual interactions of the front facade with the streetscape. The front façade when compared to the rear elevation is considered plain.

(b) The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development.

- The Committee note the proposed demolition of the heritage dwelling, however in this instance the heritage dwelling is not considered to add significantly to the character of the area.
 - The architectural design if the proposal is considered acceptable to the character of the area and to the surrounding developments.
- (c) *The relationship with and impact on the broader public realm and streetscape;*
- As noted above. The Committee consider there could be improved articulation and interaction between the front façade and streetscape.
- (d) *The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;*
- As noted above.
- (e) *The extent to which the proposal is designed to be resource efficient, climatically appropriate, responsive to climate change and a contribution to environmental sustainability;*
- No further comment at this time.
- (f) *The demonstration of other qualities of best practice urban design including “Crime Prevention” Through Environmental Design performance, protection of important view corridors and lively civic places;*
- The Committee note that due to the design of the dwelling and poor interaction of the front façade with the streetscape, it is considered the proposal could be better designed to demonstrate best practice urban design including “Crime Prevention” Through Environmental Design performance.

Applicant response

The applicant presented alternative plans in response to the CDAC comments above however, had a preference for the original plans to be considered by Council due to design considerations of the overall project.

Officer response

The proposed development is located on a large lot that slopes down away from the street. The design represents a compromise between utilising significant amounts of fill and increasing the height and bulk of the building from the street front or cutting and retaining such that the building has a less dominant presence. The latter choice has been made by the applicant.

The garage is hidden under and behind the dwelling so does not dominate the streetscape. To ensure connection with the street front a bridge is utilised between the front door and the front boundary along Preston Point Road. This is an unusual feature and does allow for observation of the surroundings as people come and go from the building. In addition the front boundary has been kept free of walls and fences and is overlooked by the kitchen and study so there are significant opportunities for passive surveillance by future residents. With the exception of the letterbox in the front setback area the proposed dwelling is fully compliant with the Residential Design Codes and the Residential Design Guidelines.

There was a preference for the original plans based on aesthetics.

Statutory Environment

Planning and Development Act 2005

Residential Design Codes of WA

Town of East Fremantle Local Planning Scheme No. 3 (LPS No. 3)

Policy Implications

Town of East Fremantle Residential Design Guidelines 2016 (as amended)

Financial Implications

Nil

Strategic Implications

The Town of East Fremantle Strategic Community Plan 2017 – 2027 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 Facilitate 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.*
- 3.2 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 practices.*
 - 3.3.2 Optimal management of assets within resource capabilities.*
 - 3.3.3 Plan and advocate for improved access and connectivity.*

Natural Environment

Maintaining and enhancing our River foreshore and other green, open spaces with a focus on environmental sustainability and community amenity.

- 4.1 Conserve, maintain and enhance the Town's open spaces.*
 - 4.1.1 Partner with Stakeholders to actively protect, conserve and maintain the Swan River foreshore.*
 - 4.1.2 Plan for improved streetscapes parks and reserves.*
- 4.2 Enhance environmental values and sustainable natural resource use.*
 - 4.2.1 Reduce waste through sustainable waste management practices.*
- 4.3 Acknowledge the change in our climate and understand the impact of those changes.*
 - 4.3.1 Improve systems and infrastructure standards to assist with mitigating climate change impacts.*

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not approve the proposed development and it is appealed to SAT	Unlikely (2)	Minor (2)	Low (1-4)	COMPLIANCE Minor regulatory or statutory impact	Accept Officer Recommendation

Risk Matrix

Consequence \ Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

Risk Rating	4
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Site Inspection

N/A

Comment

Statutory Assessment

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

Legend (refer to tables below)	
A	Acceptable
D	Discretionary
N/A	Not Applicable

Residential Design Codes Assessment

	Required	Proposed	Status
Street Front Setback	7.5m	8.0m	A
Letterbox in front setback area	7.5m	0m	D
Secondary Street Setback	N/A	N/A	N/A
Lot boundary setbacks			
North	1.2m	4.78m	A
East	6m	45m	A
South	1.6m	2.6m	A
Open Space	55%	94%	A
Outdoor Living Areas	Accessible from habitable rooms	Access from habitable room	A
Car Parking	N/A	N/A	N/A
Vehicle Access	N/A	N/A	N/A
Site Works	Complies with building height and setback requirements	Excavation towards front of lot below natural ground level	A
Visual privacy setback	7.5m	7.5m	A
Overshadowing	≤25%	23%	A
Stormwater management	On-site	To be conditioned	A

Local Planning Policies Assessment

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

3.7.17 Richmond	
3.7.17 Precinct Requirements	A

Statutory Assessment

The development application proposes a new 2 storey dwelling located at the front of the subject lot. The dwelling has a small footprint with the bulk of the building hidden from the street as a result of excavation of the lot. The proposed dwelling is generally compliant with the Residential Design Codes and Residential Design Guidelines. It could be described as a minimalist proposal given that it is a relatively small dwelling for a large site and offers the opportunity to improve the streetscape and the subject lot.

There are two items that require consideration. Firstly, there is the proposed letterbox which is 1m high, 0.6m wide and 1.2m deep. The letterbox is located in the front setback area adjacent to the path leading to the front door of the proposed dwelling and does not comply with the minimum required building setbacks of Clause 5.1.2 Deemed to comply requirements of the Residential Design Codes. Although it is a relatively large letterbox it is in proportion to the home and the front landscaping proposed in the submitted plans. It does not interfere with vehicle sightlines and complements the proposed dwelling. The letterbox is considered to have no significant impact on the streetscape.

Secondly there are the comments made by CDAC. Although the applicant presented modified plans that took into account CDAC's comments there was a preference for the original plans to be considered by Council based on aesthetics of the design.

The proposed variation to the Residential Design Code is considered acceptable and is recommended for approval subject to conditions.

11.2 OFFICER RECOMMENDATION:

That Council grant development approval and exercise discretion in regard to the following:

- (i) Proposed letterbox - Residential Design Codes - Street Setback - development in the front setback area;**

for a new 2 storey dwelling at No. 10 (Lot 2) Preston Point Road, East Fremantle, in accordance with the plans date stamped received 28 February 2019, subject to the following conditions:

- (1) The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- (2) The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- (3) With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
- (4) All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.**
- (5) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of**

fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.

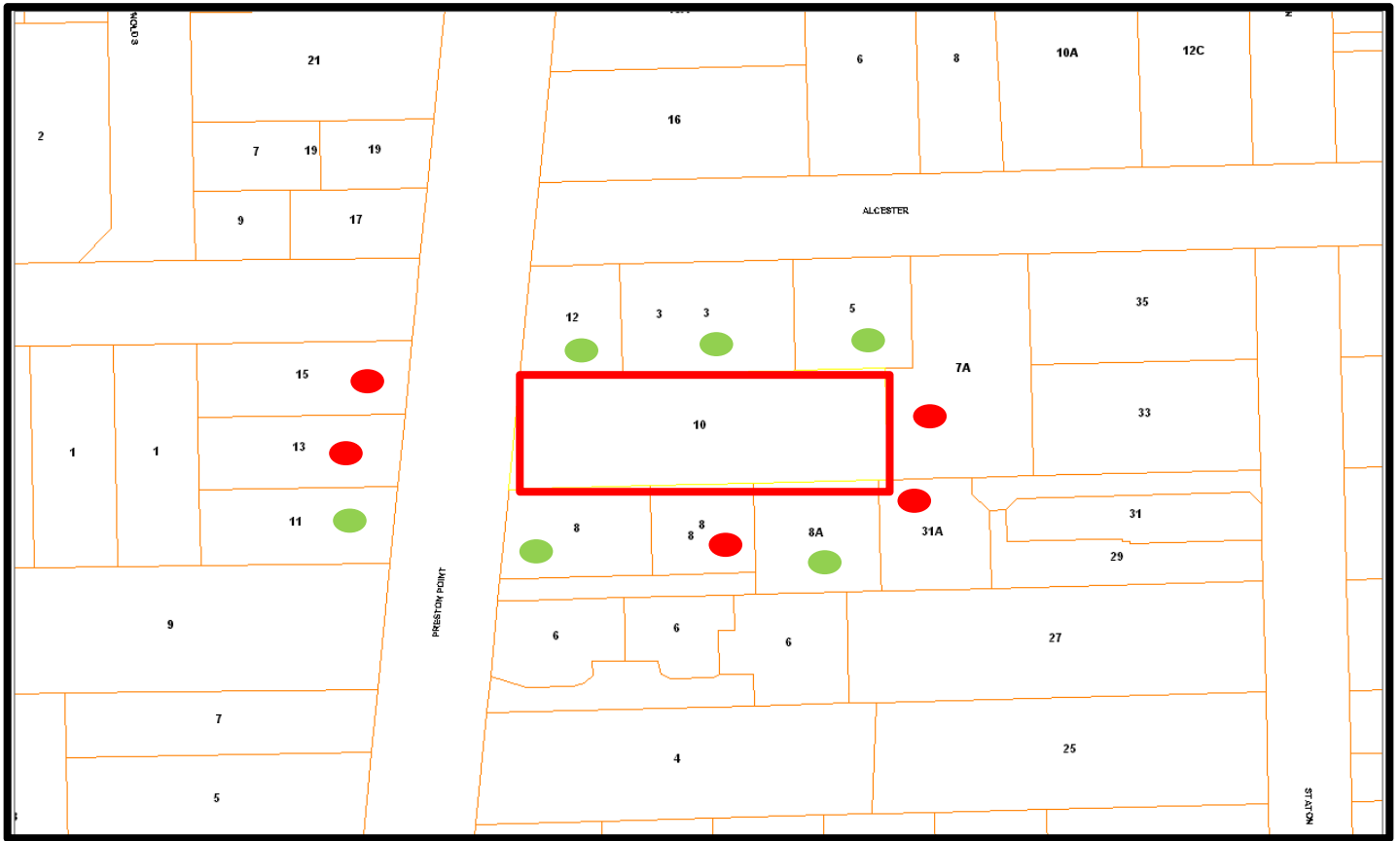
- (6) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (7) Any proposed fencing or walls on the front lot boundary along Preston Point Road will require the submission of a development application for Council's consideration. All fencing and walls are required to be in compliance with the Residential Design Guidelines and the Residential Design Code in terms of materials, dimensions and visual permeability, as well as truncations and sightlines where the fence or wall meets the vehicle driveway.
- (8) This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (i) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (ii) *a copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- (iii) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (iv) *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).*
- (v) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (vi) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document – "An Installers Guide to Air Conditioner Noise".*

NO. 10 (LOT 2) PRESTON POINT ROAD – P015/19- TWO STOREY RESIDENCE – CATEGORY C



● - Plans Signed



PLACE RECORD FORM

PRECINCT	Richmond
ADDRESS	10 Preston Point Road
PROPERTY NAME	N/A
LOT NO	Lot 2
PLACE TYPE	Residence
CONSTRUCTION DATE	C 1935
ARCHITECTURAL STYLE	Inter-War Porch
USE/S	Original Use: Residence/ Current Use: Residential
STATE REGISTER	N/A
OTHER LISTINGS	N/A
MANAGEMENT CATEGORY	Category C
PHYSICAL DESCRIPTION	<p>No 10 Preston Point Road is a single storey house constructed in timber framing and fibrous cement cladding with a hipped tiled roof. The place built by the Workers home Board. It is an expression of the Inter-War Porch style. The front elevation is asymmetrically planned with a thrust bay and a modest skillion roofed porch. The porch is supported on brick columns. The thrust bay features a set of casement windows. The entry door is located on the south elevation under the porch.</p> <p>The place retains its form and most of its details. There are additions to the rear and side of the house.</p>

Town of East Fremantle - MHI Review 2015

The place is consistent with the building pattern in the Precinct. The place plays an important role in the pattern of development of a middle class suburb.

HISTORICAL NOTES

In September 1883 Stephen Henry Parker and James Morrison of Perth commenced subdivision of 65 acres of land to the north of Canning Road. The subdivision occurred at Swan Locations 63, 176, 219 and the south western portion of Swan Location 306. The subdivision included Preston Point Road, Alcester Gardens, Wolsely Gardens, Victoria Road, Alexandra Road, Parry Avenue, and Salvado Avenue.

The Richmond Precinct was owned by Walter Easton and was named after the town of Richmond where Easton lived in England. In 1901 Easton's sons subdivided Windsor Estate. New streets to the subdivision of the Windsor Estate were named after various members of the Easton family; Walter, Gill, Stratford and Morgan (later Osborne Road).

Initially lot sizes were generous but sold at a slow rate. The initial development of the Richmond Precinct occurred at Canning Highway and Preston Point Road. Substantial residences were developed on these streets giving precedence to the future development of Richmond. The distinct architecture of Canning Highway and Preston Point Road distinguish Richmond from the surrounding area.

By 1913 there were approximately 40 residences in the area between Preston Point Road and Alexandra Road. Osborne Road, Windsor Road and Gill Street had several buildings apiece by 1913. By 1931 approximately half the lots were developed. In 1921 Richmond Primary School was developed between Windsor and Osborne Road and several Inter-War residences were developed in the immediate area. In the 1930s the Workers' Homes' Board developed a number of weatherboard, asbestos, brick and tiled residences. Inter-War style front porches were preferred over Federation style full width verandahs.

Redevelopments have occurred throughout the Richmond Precinct. Large lot sizes have allowed Richmond to be subject to the redevelopment of group and multiple housing. However, significant clusters of heritage dwellings remain throughout.

OWNERS

Unknown

HISTORIC THEME

Demographic Settlements - Residential Subdivision

CONSTRUCTION MATERIALS

Walls – Timber framed and fibrous cement cladding
Roof – Tiles

PHYSICAL SETTING

The residence is situated on a sloping site with an informal garden. There is no formal finish on the lot boundary.

STATEMENT OF SIGNIFICANCE

No 10 Preston Point Road is a single storey house constructed in timber framing and fibrous cement cladding with a tiled roof. It has historic and aesthetic value for its contribution to Richmond's high concentration of predominantly Federation and Inter-War period houses and associated buildings. It is an example of a Worker's Homes Board house. The place contributes to the local community's sense of place.

The place has some aesthetic value as an Inter-War Porch style house. The place retains a moderate degree of authenticity and a high degree of integrity.

The additions have no significance.

AESTHETIC SIGNIFICANCE

No 10 Preston Point Road has some aesthetic value as an Inter-War Porch style house. It retains most of the characteristic features of a dwelling of the type and period.

Town of East Fremantle - MHI Review 2015

HISTORIC SIGNIFICANCE	No 10 Preston Point Road has some historic value. It was part of the suburban residential development associated with the expansion of East Fremantle and the subdivision of Walter Easton's Estate from 1901. It is an example of a Worker's Homes Board house.
SCIENTIFIC SIGNIFICANCE	N/A
SOCIAL SIGNIFICANCE	No 10 Preston Point Road has some social value. It is associated with a significant area of middle class Federation and Inter-War period development which contributes to community's sense of place.
RARITY	No 10 Preston Point Road is not rare in the immediate context but Richmond has rarity value as a cohesive middle class suburb.
CONDITION	No 10 Preston Point Road is in good condition.
INTEGRITY	No 10 Preston Point Road retains a high degree of integrity.
AUTHENTICITY	No 10 Preston Point Road retains a moderate degree of authenticity.
MAIN SOURCES	



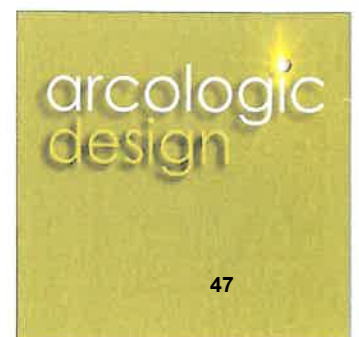
TARDIS : A building or container that is larger than it appears from the outside.

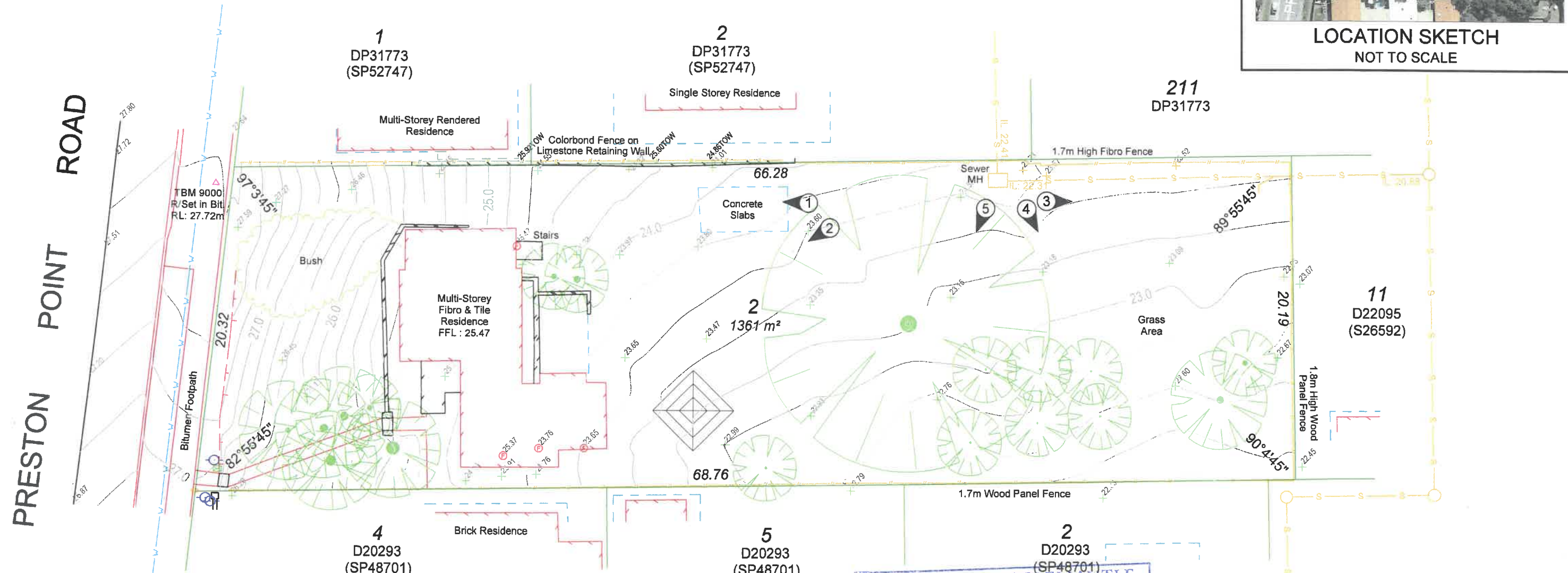
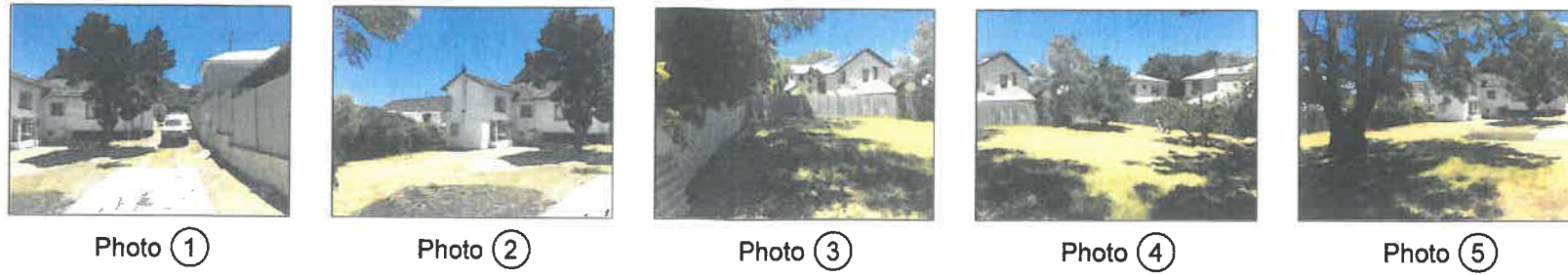
“ TARDIS HOUSE “

PROPOSED NEW RESIDENCE , LOT 2 (# 10) PRESTON POINT ROAD, EAST FREMANTLE
 PLANNING APPLICATION SUBMISSION

FEBRUARY 2019

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LINestyle LEGEND

- ~ 29.0 ~ Contour Major 1.0m Intervals
- ~ ~ ~ Contour Minor 0.2m Intervals
- Cadastral Boundary
- Kerb Line
- Road Centreline
- Top of Bank
- Building
- Roof Eaves
- Wall
- Fence Line
- Brick Paving
- DBYD Sewer
- DBYD Water
- Bush Line

SYMBOL LEGEND

- Telstra Pit
- Water Meter
- ◆ Clothes Line
- ⊕ Floor Level
- ⊕ Natural Surface
- ⊕ Mail Box
- ⊕ Top of Wall
- ⊕ Tree

Scale @A3 1:250



CONTROL POINT SCHEDULE

Point	Easting	Northing	Elevation	Description
9000	45066.970	253795.754	27.72	Ramset in Bitumen

Notes:
 1. Boundary constructed from cadastral connection.
 2. True position of Boundary is subject to a re-establishment survey.
 3. Heights established from SSM FRE42 via GPS connection.
 4. Dimensions, Areas and Offsets subject to re-establishment survey.
 5. Sewer & water data plotted from Dial Before You Dig only.

VER.	DATE	BY	AMENDMENTS	FILE SOURCE
1.0	16.01.2018	SF	Issued for information	19006-1.0-14012019-PCG94-F

12b Pepler Ave. Salter Point WA 6152
 Ph: 9450 7188
 email: admin@jbasurveys.com.au
 web: www.jbasurveys.com.au

CLIENT:
KARAN BETTIS-HEIJNE

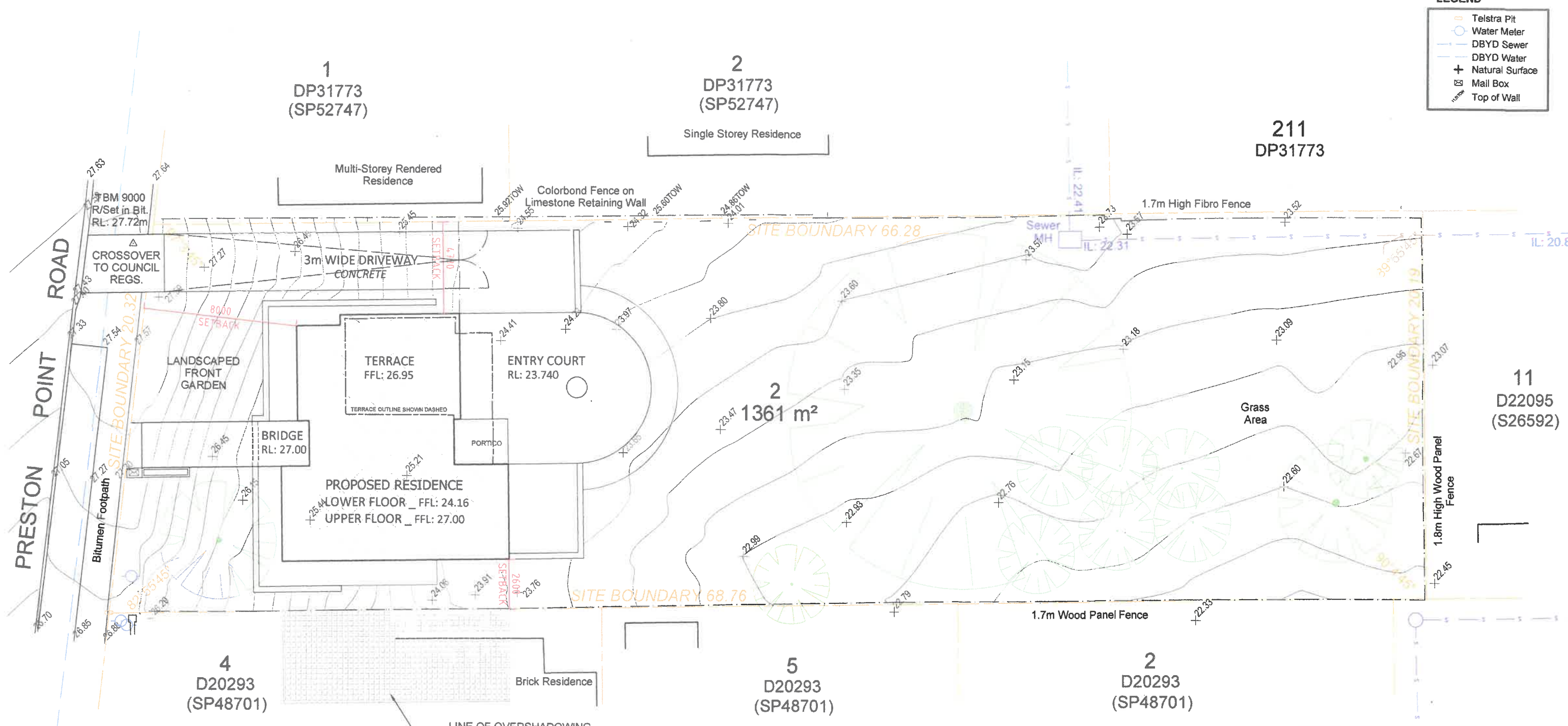
JOB NO: 19006	TITLE: FEATURE SURVEY		
PROJECT: LOT 2 ON D1482 No 10 PRESTON POINT ROAD EAST FREMANTLE, WA, 6158 C/T 1051-736			
SURVEYOR: JB	DATE OF SURVEY: 15.01.2019	DRAWN BY: SF	APPROVED BY: NRW

DATUM
 VERT: AHD
 HORIZ: PCG94
 SCALE: 1:250

DWG NO: 19006-F01 VER: 1.0
 SHEET NO: 1 OF 1 A3

LEGEND

- Telstra Pit
- Water Meter
- DBYD Sewer
- DBYD Water
- Natural Surface
- Mail Box
- Top of Wall



SITE Area:	1361 sqm
Ground Floor Area:	77 sqm
First Floor Area:	91 sqm
Internal Living:	168 sqm
Garage/Store:	44 sqm
Portico:	3 sqm
Terrace:	42 sqm
OVERALL BUILD Area:	257 sqm
OPEN Area:	(94%) 1277 sqm

LINE OF OVERSHADOWING
 @ NOON 21 JUNE = 57m² OF LOT 4
 ALLOWABLE: 129m²
 (25% O/SHADOWING OF SOUTH BOUNDARY LOTS = 340m²
 LOT 4 PERCENT OF SOUTH BOUNDARY = 38%
 38% OF 340m² = 129m²)

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SITE PLAN

Scale 1:200


	General notes: All dimensions to be verified on site before works commence. Printed dimensions to take precedence over scaled dimensions. Refer to specification for detailed information not contained within the drawings.	Revisions: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>No.</th> <th>Date</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	No.	Date	Description				Project: Proposed New Residence Lot 2 (#10) Preston Point Road, East Fremantle	Scale: 1:200 @ a3 Date: 19/02/19
	No.	Date	Description							
The design and drawings remain the property of Arcologic Design and shall not be used or altered without written assignment or licence.	Client: BETTIS-HEIJNE	Drawing No: DA01	Rev: --	Drawn by: MJessup Checked by: JDamant						

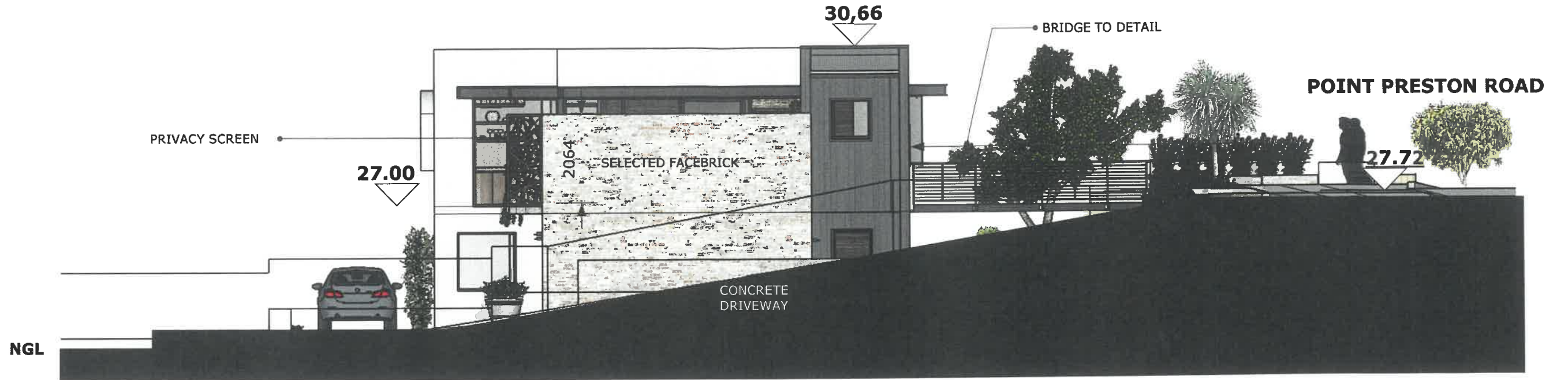


WEST (STREET) ELEVATION
SCALE 1 : 100



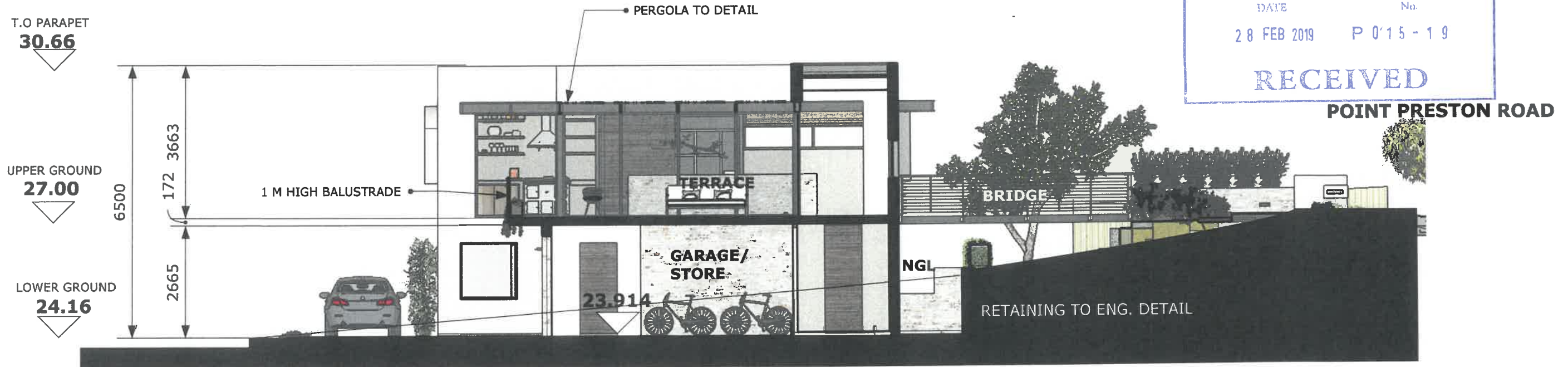
WEST ELEVATION 2
SCALE 1 : 100

<p>GENERAL NOTES</p> <p>All dimensions to be verified on site before works commence. Printed dimensions to take precedence over scaled dimensions. The design and drawings remain the property of Arcologic Design and shall not be used or altered without written assignment or license.</p>	<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION				<p>PROJECT : PROPOSED NEW RESIDENCE FOR BETTIS- HEIJNE</p> <p>SITE : LOT 2 (# 10) PRESTON POINT ROAD. EAST FREMANTLE</p> <p>SCALE : 1 : 100 DATE : FEB 19 DRAWN : JFD</p>	<p>DRAWING NO. DA04</p> <p>REV : 0</p>	 <p>arcologic design</p> <p>e : john@arcologic.com.au m : 0418 844662</p>
NO.	DATE	DESCRIPTION								




NORTH ELEVATION
SCALE 1 : 100

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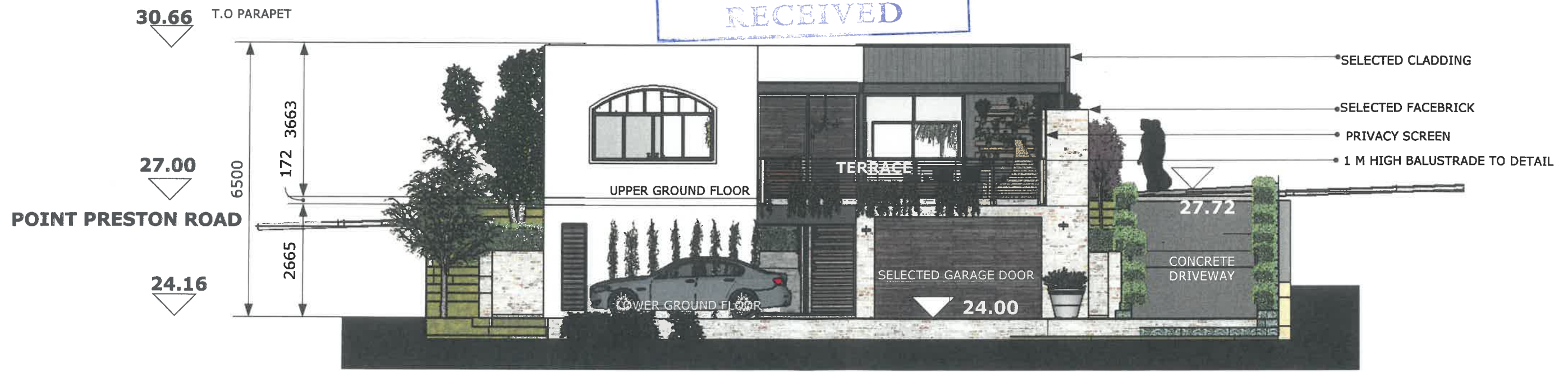
SECTION A/ NORTH ELEVATION
SCALE 1 : 100

<p>GENERAL NOTES</p> <p>All dimensions to be verified on site before works commence. Printed dimensions to take precedence over scaled dimensions. The design and drawings remain the property of Arcologic Design and shall not be used or altered without written assignment or license.</p>	<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION				<p>PROJECT :</p> <p>PROPOSED NEW RESIDENCE FOR BETTIS- HEIJNE</p>	<p>DRAWING NO.</p> <p>DA05</p>	 <p>e : john@arcologic.com.au m : 0418 844662</p>
		NO.	DATE	DESCRIPTION						
<p>SITE :</p> <p>LOT 2 (# 10) PRESTON POINT ROAD. EAST FREMANTLE</p>	<p>SCALE :</p> <p>1 : 100</p>	<p>DATE :</p> <p>FEB 19</p>	<p>DRAWN :</p> <p>JFD</p>	<p>REV : 0</p>						
<p>53</p>										



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SOUTH ELEVATION
 SCALE 1 : 100



EAST (GARDEN) ELEVATION
 SCALE 1 : 100

GENERAL NOTES
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REVISIONS		
NO.	DATE	DESCRIPTION

PROJECT :		
PROPOSED NEW RESIDENCE FOR BETTIS- HEIJNE		
SITE :		
LOT 2 (# 10) PRESTON POINT ROAD. EAST FREMANTLE		
SCALE :	DATE :	DRAWN :
1 : 100	FEB 19	JFD

DRAWING NO.	
DA06	
REV : 0	

arcologic design
 e : john@arcologic.com.au
 m : 0418 844662
 54



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○ STREET (WEST) VIEW
 NTS

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NO.	DATE	DESCRIPTION									



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 **GARDEN (EAST) VIEW**
 NTS

GENERAL NOTES

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REVISIONS
 NO. DATE DESCRIPTION

PROJECT :
PROPOSED NEW RESIDENCE FOR BETTIS- HEIJNE

SITE :
LOT 2 (# 10) PRESTON POINT ROAD. EAST FREMANTLE

SCALE : nts **DATE :** FEB 19 **DRAWN :** JFD

DRAWING NO.

DA08

REV : 0


arcologic design

e : john@arcologic.com.au
 m : 0418 844662



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BIRDS EYE VIEW
 NTS

<p>GENERAL NOTES</p> <p>All dimensions to be verified on site before works commence. Printed dimensions to take precedence over scaled dimensions. The design and drawings remain the property of Arcologic Design and shall not be used or altered without written assignment or license.</p>		<p>REVISIONS</p> <p>NO. DATE DESCRIPTION</p>	<p>PROJECT :</p> <p>PROPOSED NEW RESIDENCE FOR BETTIS- HEIJNE</p>	<p>DRAWING NO.</p> <p>DA09</p>	
			<p>SITE :</p> <p>LOT 2 (# 10) PRESTON POINT ROAD. EAST FREMANTLE</p>	<p>REV : 0</p>	
			<p>SCALE :</p> <p>nts</p>	<p>DATE :</p> <p>FEB 19</p>	

e : john@arcologic.com.au
 m : 0418 844662

11.3 Preston Point Road No 110 (Lot 4967) Alterations and additions to single storey dwelling

Owner	Gregory and Suzi Brown
Applicant	Gary Keen Designs
File ref	P017/2019; P/PPT110
Prepared by	James Bannerman Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	7 May 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none"> 1. Location plan 2. Photographs 3. Plans date stamped 26 March 2019

Purpose

The purpose of this report is for Council to consider proposed alterations and additions to the existing dwelling at No. 110 Preston Point Road, East Fremantle.

Executive Summary

The application proposes alterations and additions to the existing dwelling including a master bedroom, 2 bathrooms, laundry and kitchen, as well as double garage, roofed outdoor living area swimming pool and front and side boundary fences. There are a number of variations to the Residential Design Codes (R Codes) and Residential Design Guidelines (RDG) that are proposed including reduced setbacks for 2 walls of the garage, significant fill above 0.5m in the front yard, extensive use of retaining walls along the side boundary, swimming pool located in the front setback area and a reduced visual privacy setback to one side of the property.

Background

Zoning: Residential R17.5

Site area: 736m²

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

Nil

Consultation

Advertising

15 March 2019 to 1 April 2019. One submission was received.

Submission	Applicant Response	Officer Response
1. Further to you letter dated 15/03/2019. I have concerns on the alteration or additions if they are putting a second level and the location of a rear garage as I work overseas would appreciate if the proposed plan can be email to me at the above address	No comment	The proposed development is not 2 storeys and involves additions which are limited to a single storey. The garage is located on the rear boundary but the finished floor level is below the natural ground level which mitigates the impact on neighbouring properties.

Community Design Advisory Committee (CDAC)

This proposal was referred to CDAC (25 March 2019). The following comments were made;

(a) The overall built form merits;

- The Committee have no concerns relating the overall built form of the proposal.
- The Committee commends the applicant for retaining the original dwelling and for proposing all additions to be single storey, maintaining the character of the dwelling.
- The Committee note details on the front elevation which may indicate structures on the eastern and western boundary treatments. The committee recommend the Planning Department request full details of these treatments to ensure the proposal remain open to the streetscape.
- The Committee recommend that all fencing to the front of the property to comply with Council front fence policy requirements.
- The Committee recommend that should the swimming pool be constructed all fencing surrounding the swimming pool is to be fully visually permeable, so that no structures obscure the visual interaction of the dwelling with the streetscape.

(b) The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development.

- No further comment at this time.

(c) The relationship with and impact on the broader public realm and streetscape;

- As noted above.

(d) The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;

- As noted above.

(e) The extent to which the proposal is designed to be resource efficient, climatically appropriate, responsive to climate change and a contribution to environmental sustainability;

- No further comment at this time.

(f) The demonstration of other qualities of best practice urban design including "Crime Prevention" Through Environmental Design performance, protection of important view corridors and lively civic places;

- With the exception of the swimming pool, the front of the property is to remain as existing. The Committee provide no further comment at this time.

Applicant Response

The applicant chose not to comment.

Officer Response

The walls proposed to be constructed on the western and eastern boundaries are 1.8m high and a condition of development approval will be added to ensure that additional height or structures will not be added to the dividing fences.

A condition will be added to ensure that the front boundary walls are visually permeable in accordance with the Residential Design Guidelines.

A condition will also be added that restricts the installation of any structures or screens that reduce the visual permeability across the lot or interfere with the visual interaction of the dwelling and streetscape.

Statutory Environment

Planning and Development Act 2005

Residential Design Codes of WA

Town of East Fremantle Local Planning Scheme No. 3 (LPS No. 3)

Policy Implications

Town of East Fremantle Residential Design Guidelines 2016 (as amended)

Financial Implications

Nil

Strategic Implications

The Town of East Fremantle Strategic Community Plan 2017 – 2027 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 *Facilitate 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.*
- 3.2 *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 practices.*
 - 3.3.2 *Optimal management of assets within resource capabilities.*
 - 3.3.3 *Plan and advocate for improved access and connectivity.*

Natural Environment

Maintaining and enhancing our River foreshore and other green, open spaces with a focus on environmental sustainability and community amenity.

- 4.1 *Conserve, maintain and enhance the Town's open spaces.*
 - 4.1.1 *Partner with Stakeholders to actively protect, conserve and maintain the Swan River foreshore.*
 - 4.1.2 *Plan for improved streetscapes parks and reserves.*
- 4.2 *Enhance environmental values and sustainable natural resource use.*
 - 4.2.1 *Reduce waste through sustainable waste management practices.*
- 4.3 *Acknowledge the change in our climate and understand the impact of those changes.*
 - 4.3.1 *Improve systems and infrastructure standards to assist with mitigating climate change impacts.*

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not approve the proposed development and it is appealed to SAT	Possible (3)	Minor (2)	Moderate (5-9)	COMPLIANCE Minor regulatory or statutory impact	Accept Officer Recommendation

Risk Matrix

Consequence \ Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

Risk Rating	6
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Site Inspection

The site was inspected.

Comment

Statutory Assessment

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

Legend <i>(refer to tables below)</i>	
A	Acceptable
D	Discretionary
N/A	Not Applicable

Residential Design Codes Assessment

	Required	Proposed	Status
Street Front Setback	6m	m	D
Secondary Street Setback	N/A	N/A	N/A
Lot boundary setbacks			
South (garage)	1m	0m	D
East (garage)	1m	0m	D
Open Space	50%	52%	A
Outdoor Living Areas	Accessible from habitable rooms	Accessible from habitable room	A
Car Parking	2 cars	2 cars	A
Vehicle Access	Driveway in place	Driveway in place	A
Site Works	Complies with building height and setback requirements	0.8m of fill in front yard	D
	Retaining walls within 1m of side boundary	Front and side boundary walls used as retaining walls	D
Visual privacy setback	7.5m	6.2m	D
Overshadowing	≤25%	5%	A
Stormwater management	On-site	To be conditioned	A

Local Planning Policies Assessment

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

The application proposes alterations and additions to the existing dwelling including a master bedroom, 2 bathrooms, laundry and kitchen as well as double garage, roofed outdoor living area, swimming pool and side and front walls. There are a number of variations to the Residential Design Codes and Residential Design Guidelines that are proposed including reduced setbacks for a wall of the garage, fill above 0.5m in the front yard, extensive use of retaining walls along the side boundary and reduced visual privacy setback on one side, as well as the construction of a swimming pool to a height of 1.86m above natural ground level in the front setback area.

Lot Boundary Setbacks

A new garage is proposed to be located to the rear and in the south eastern corner of the subject property. The southern and eastern walls of the garage are proposed to be located on the boundary. In accordance with Clause 3.7.7.3 A3 of the Residential Design Guidelines one wall is permitted to be located on the boundary to a height of 3m for up to 9m in length. In this case the southern boundary wall satisfies the RDG but the eastern wall does not.

The garage is located in a position that reduces the effect of the bulk and scale of the structure on the neighbouring properties with much of the floor level located below natural ground level. This results in a number of benefits;

- It allows for more effective use of the space,
- There is reduced impact of the bulk of the structure on adjoining properties,
- There is a reduced effect on sun and ventilation,
- Overlooking is mitigated,
- Privacy is improved and
- There is reduced adverse impact on the amenity of adjoining properties including loss of views.

For this reason the variation to the Residential Design Guidelines for eastern lot boundary setback of the garage is considered acceptable.

Excavation and Fill

Approximately 0.9m of fill is proposed to be located behind the front boundary walls. The fill is retained behind the front wall, western side boundary wall and additional wall added to the west of driveway. The R Codes "Deemed to Comply" requirements clause 5.3.7 C7.1 allow for up to 0.5m of fill to be added in the area between the front boundary and the building. The design principles 5.3.7 P7.2 do allow finished levels above this if finished levels respect the natural ground level at the lot boundary of the site and as viewed from the street. In this case the variation is considered acceptable, however, a condition will be added that ensures that no additional structures or height is added to the front yard and the front fence retains visual permeability between the dwelling and the streetscape.

Retaining Walls

The side boundary fence is the subject of the Dividing Fences Act, however, the western side boundary wall will increase the height of the front yard by approximately 0.8m above natural ground level and will act as a retaining wall to contain the fill in the front yard, while the eastern wall of the front yard/western wall of the driveway are proposed to act as a wall for the pool. The retaining walls are not set back from the side boundaries nor do they fall below 0.5m in height above the natural ground level as required by Clause 5.3.7 C7.3 of the R Codes. Nonetheless, the proposed wall is considered acceptable provided no extra height is added to the front and side walls of the front yard. A condition will be imposed that states that no further structures can be added to the proposed side boundary walls.

Visual privacy

The proposed development does not comply with the visual privacy provisions of the R Codes (Clause 5.4.1 C1.1). The deck is elevated more than 0.5m above natural ground level and breaches the 7.5m cone of vision that is required for the southern boundary (6.2m provided). No comments were received from the eastern neighbouring property which is the subject of the overlooking and it overlooks the front yard and is fully visible from the street. The reduction in visual privacy is supported subject to the attachment of permanent visual screening as shown on the plans for the full height of the western and eastern edges of the elevated outdoor living area.

Swimming Pool in Front Setback Area

A swimming pool is proposed to be located in the front setback area. This pool extends from the front of the outdoor living area forward to the gate entrance of the front yard for a length of approximately 10m and width of 3.5m. The pool is proposed to have an infinity edge to a height of 1.2m facing the western neighbouring property, but located at its maximum 1.8m above the natural ground level and falling to 0.8m above natural ground level due to the slope of the lot (following the addition of fill in the front yard). The proposed infinity edge of the pool will act as a pool fence. In this case the front yard is located to the north of the subject site and is therefore open to the sun and the location of the pool combined with the outdoor living area activates the front yard of the subject property.

The pool height and location can be supported subject to a condition that no further solid structures are located adjacent to or above the pool which increase the height or bulk of the structure and impacts on the views from neighbouring properties and the interaction of the dwelling with the streetscape. As mentioned previously a condition will be imposed that ensures that other permanent structures with additional height such as patios, wind shelters, sun shelters or privacy screens are not approved in the area forward of the proposed outdoor living deck and behind the front boundary wall.

Conclusion

The proposed variations are considered acceptable and recommended for approval subject to conditions.

11.3 OFFICER RECOMMENDATION

That Council grant development approval and exercise its discretion in regard to the following:

- (i) Clause 3.7.7.3 A3- Residential Design Guidelines- Lot Boundary Setbacks – garage- reduction from 1m to 0m and increased wall height to 3.8m for the eastern wall of the garage**
- (ii) Clause 5.3.7 - Residential Design Codes – Excavation and Fill – front yard – fill increased from 0.5m to 0.8m**
- (iii) Clause 5.3.7 - Residential Design Codes – Retaining Walls – front and side walls – retaining walls on the front and side boundary above 0.5m**
- (iv) Clause 5.4.1 – Residential Design Codes - Visual Privacy – outdoor deck overlooking southern neighbour – reduction from 7.5m to 6.2m**
- (v) Clause 5.1.2 – Residential Design Codes - Street Setback - swimming pool located in the front setback area and up to a height of 1.8m from the natural ground level,**

for ground floor residential extensions to an existing single storey dwelling at No. 110 (Lot 4967) Preston Point Road, East Fremantle, in accordance with the plans date stamped received 26 March 2019, subject to the following conditions:

- (1) The applicant is to attach permanent visual screening to the eastern and western sections of the outdoor living area (including the entry gate from the driveway) for the full height of the deck (as shown on the approved plans).**

- (2) No additional glass fencing is to be attached to the edge of the swimming pool other than indicated on the plans date stamped 26 March 2019 unless approved by Council.
- (3) No additional fixed structures including patios, pergolas, verandahs, wind or sunshelters, privacy screens or visually impermeable fences or screens are permitted to be located or constructed in the front setback area, above the swimming pool or in the area between the front boundary retaining wall or the northern edge of the outdoor deck, without further Council approval.
- (4) No further fencing or wall structure can be attached to the side boundary walls or the wall on the eastern side of the swimming pool that sees the height increase beyond the 1.8m shown on the approved plans.
- (5) The front wall is to be 60% visually permeable 1.2m above natural ground level.
- (6) If requested by Council within the first two years following installation, the roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
- (7) The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
- (8) The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
- (9) With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
- (10) All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
- (11) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
- (12) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (13) This planning approval is to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (i) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (ii) *a copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- (iii) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely*

affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.

- (iv) 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).*
- (v) matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (vi) under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document – “An Installers Guide to Air Conditioner Noise”.*

NO. 110 (LOT 4967) PRESTON POINT ROAD – P017/19- ALTERATIONS AND ADDITIONS, INCLUDING REAR GARAGE AND FRONT FENCE

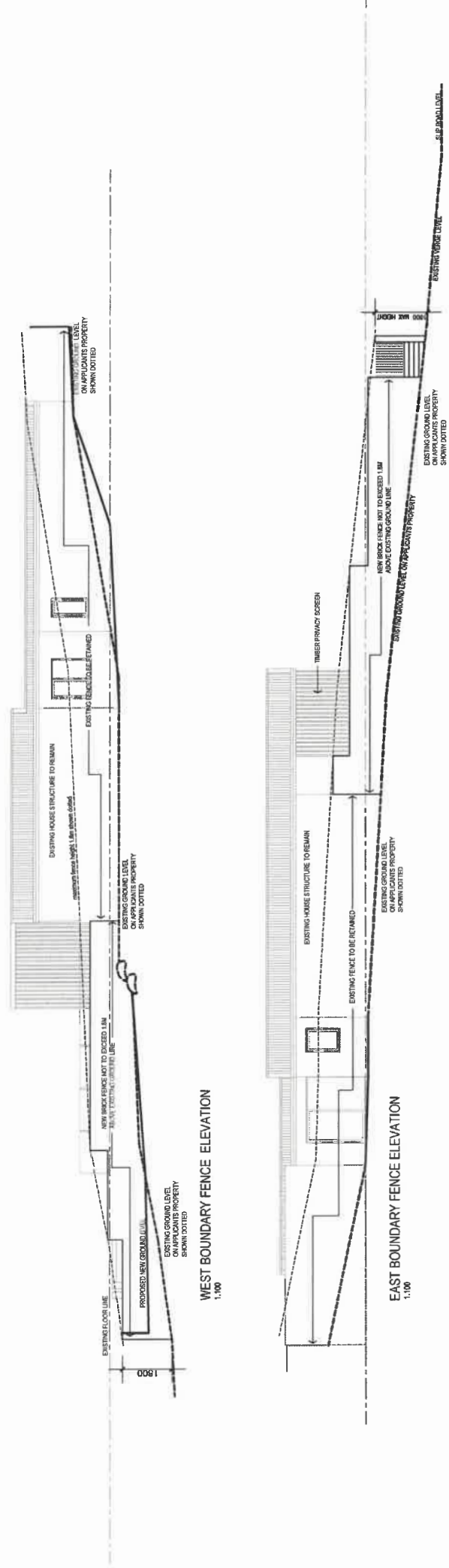






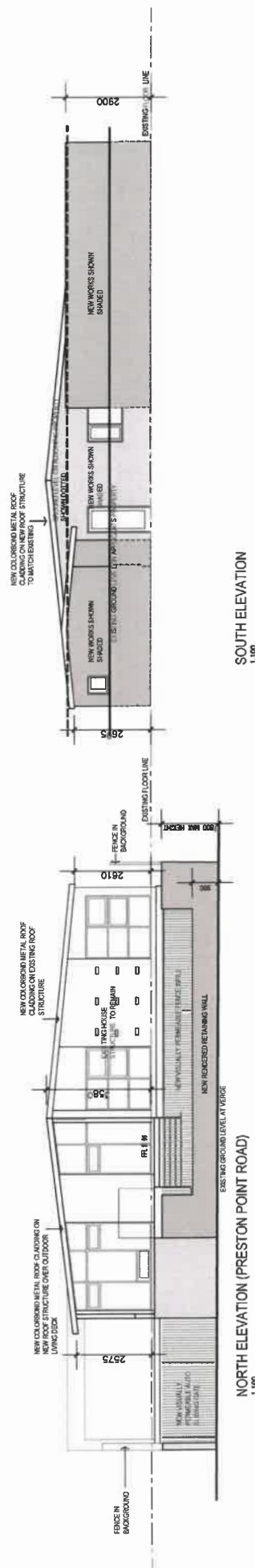
DEVELOPMENT APPLICATION - 1A

BROWN RENOVATIONS & EXTENSIONS
 NO 110 LOT 4967 PRESTON POINT ROAD
 EAST FREMANTLE WA



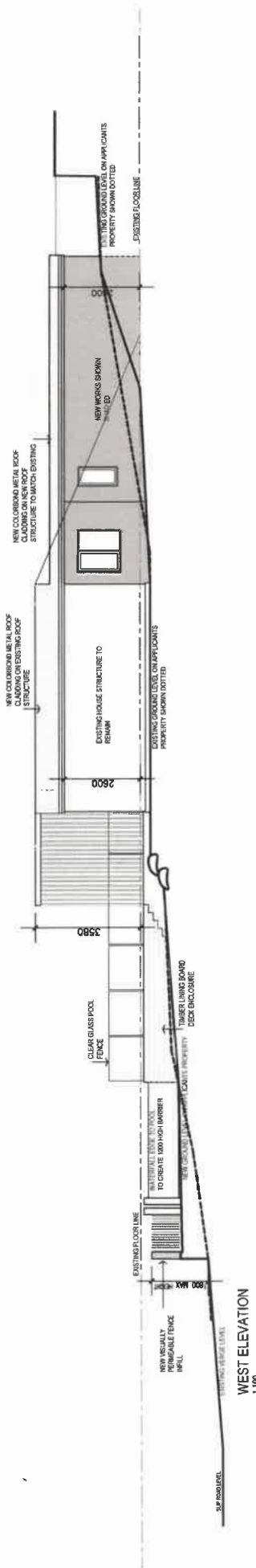
WEST BOUNDARY FENCE ELEVATION
1:100

EAST BOUNDARY FENCE ELEVATION
1:100

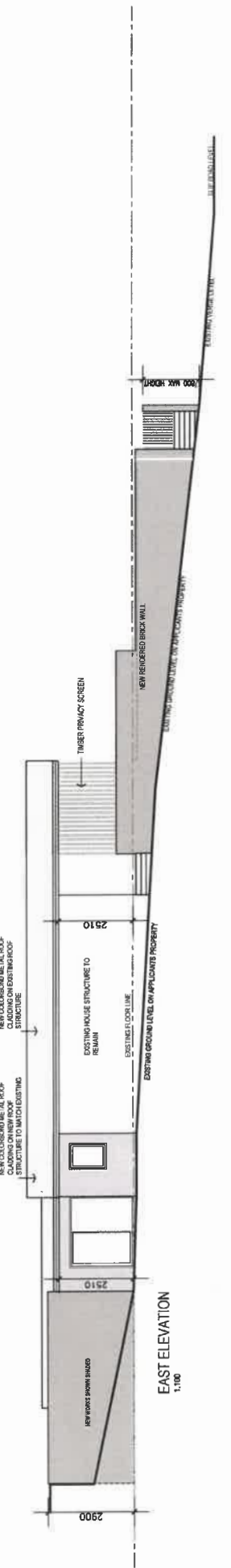


NORTH ELEVATION (PRESTON POINT ROAD)
1:100

SOUTH ELEVATION
1:100



WEST ELEVATION
1:100



EAST ELEVATION
1:100

Town of East Fremantle
26 MAR 2019
RECEIVED

BROWN RENOVATIONS & EXTENSIONS
NO 110 LOT 4967 PRESTON POINT ROAD
EAST FREMANTLE WA



DEVELOPMENT APPLICATION - 1/A

11.4 Canning Highway No 55 (Lot 1) Change of use-Short Term Accommodation (Air BnB)

Owner	Leon Srhoy
Applicant	As above
File ref	P024/19; P/CAN55
Prepared by	James Bannerman Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	7 May 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Location plan2. Photographs3. Heritage Place Record4. Plans date stamped 22 March 20195. Management Plan 26 March 2019

Purpose

The purpose of this report is for Council to consider a planning application for a change of use to short term accommodation at No. 55 Canning Highway, East Fremantle.

Executive Summary

The applicant is seeking Council approval for the operation of short term accommodation at a heritage listed 2 storey dwelling (Category A) that is located within a mixed use zone. The accommodation would operate from a previously approved 2 storey studio with kitchen, bathroom and toilet located in an independent structure at the rear of the existing residential building. Short term accommodation is an unlisted use within the Town's Local Planning Scheme No 3 (LPS3) and as such requires the approval of Council.

It is considered that the proposal can be supported subject to conditions of planning approval.

Background

Zoning: Mixed Use

Site area: 187m²

Heritage: Category A (Local Planning Scheme No 3 Heritage List)

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

P1/13- planning approval granted for alterations and additions approval 4 February 2014

Building Permit 2013104- building approval granted for alterations and additions 21 May 2014

Consultation

Advertising

The applicant provided signed statements from neighbouring properties at 53 Canning Highway and 1 Hubble Street supporting the proposed change of use.

The application was advertised to the owners of 1 Sewell Street (Tradewinds Hotel). No submissions were received.

Community Design Advisory Committee (CDAC)

This matter was not referred to CDAC as it is not a building design issue but rather a change of use within an existing building.

Officer's response

Nil

Statutory Environment

Planning and Development Act 2005

Town of East Fremantle Local Planning Scheme No. 3 (LPS No. 3)

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

The Town of East Fremantle Strategic Community Plan 2017 – 2027 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 Facilitate 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.*
- 3.2 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 practices.*
 - 3.3.2 Optimal management of assets within resource capabilities.*
 - 3.3.3 Plan and advocate for improved access and connectivity.*

Natural Environment

Maintaining and enhancing our River foreshore and other green, open spaces with a focus on environmental sustainability and community amenity.

- 4.1 Conserve, maintain and enhance the Town's open spaces.*
 - 4.1.1 Partner with Stakeholders to actively protect, conserve and maintain the Swan River foreshore.*
 - 4.1.2 Plan for improved streetscapes parks and reserves.*
- 4.2 Enhance environmental values and sustainable natural resource use.*
 - 4.2.1 Reduce waste through sustainable waste management practices.*
- 4.3 Acknowledge the change in our climate and understand the impact of those changes.*
 - 4.3.1 Improve systems and infrastructure standards to assist with mitigating climate change impacts.*

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not approve the proposed development and the decision is appealed to SAT	Unlikely (2)	Minor (2)	Low (1-4)	COMPLIANCE Minor regulatory or statutory impact	Accept Officer Recommendation

Risk Matrix

Consequence \ Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

Risk Rating	4
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Site Inspection

A site inspection was carried out by the Environmental Health Officer and the Building Surveyor on Wednesday 4 April 2019.

Comment

Statutory Assessment

The proposal has been assessed against the provisions of Local Planning Scheme No. 3 and the Town's Local Planning Policies as well as the Planning and Development (Local Planning Schemes) Regulations 2015.

Section 67 of the Regulations refers to matters to be considered by local government. In the words of the regulations;

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (n) the amenity of the locality including the following- (ii) the character of the locality;*
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) the adequacy of — (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) any submissions received on the application;*
- (zb) any other planning consideration the local government considers appropriate.*

For applications such as the one being discussed a range of issues need to be examined drawing on the points listed above.

The proposed short term accommodation will be carried out in the Mixed Use Zone as defined by the Local Planning Scheme No 3. The aims of the Mixed Use zone include;

- To provide for a limited range of commercial, civic and community facilities to meet the day to day needs of the community, but which will not prejudice the amenities of the amenities of the neighbourhood;
- To ensure future development within each of the Mixed Use Zones is sympathetic with the desired future character of each area, and that a significant residential component is retained as part of any new development;
- To promote the coordination of development within each of the Mixed Use Zones and to facilitate the safe and convenient movement of pedestrians to and within the area;
- To ensure the location and design of vehicular access and parking facilities do not detract from the amenities of the area or the integrity of the streetscape

In areas zoned for mixed uses short term accommodation is not listed as a use. As such it may be permitted because it is considered to be consistent with the objective and purposes of the zone either with or without advertising or alternatively determine that the use is not consistent with the objectives or purposes of LPS 3 and not support the proposed change of use.

Short term accommodation is similar to bed and breakfast as listed in the Zoning Table of LPS 3. Bed and breakfast is a listed land use in a Mixed Use Zone (after advertising). The difference between bed and

breakfast and short term accommodation is that food is not served as part of the accommodation, but typically the accommodation is similar in that it is provided in a residential dwelling that is still lived in by the owner on a short term basis for a fee. In this case the owner of the residence intends to continue to reside at the front section of the dwelling while guests stay in the studio at the rear, that is fully equipped for short term accommodation with a kitchenette, bathroom and toilet on the ground floor with beds located on the ground and upper storey.

The heritage category of the property (Category A) should not be seen as an obstacle to the change of use to short term accommodation. By approving the rear studio for use as short term accommodation it allows its heritage nature to be enjoyed by visitors.

Although the Tradewinds Hotel is operating on a site opposite this proposed short term accommodation, the product that is being offered is very different; whereas the hotel has accommodation, as well as restaurant and bar facilities operating on site, this proposal involves accommodation only.

Short term accommodation potentially has minimal impacts on the amenity of surrounding properties if the requirements of the Scheme are met including car parking, signage and noise, as well as health and safety requirements in accordance with the Building Code and Health Act.

There are already a number of properties that have successfully applied for approval from Council to operate short term accommodation in the Plympton Precinct.

Management Plan

The applicant provided a management plan that describes the processes related to the operation of the proposed short term accommodation. The management plan requires the owner of the business to advise guests of key elements of the management plan including;

- (i) that suitable parking is not available on site and that public transport is located nearby on Canning Highway
- (ii) emergency evacuation procedures
- (iii) reminder that the premises are surrounded by residential dwellings and that noise is to be kept to a minimum after 10.30pm and before 7am
- (iv) waste is to be disposed of in the Town provided rubbish bins.

Car Parking

Required car parking in respect of any non-residential development in the Mixed Use Zone shall be provided in accordance with the standards and specifications set out in Schedule 10 and 11 of the scheme. However, as short term accommodation is an unlisted use there is no specified parking standards. At the same time the existing dwelling at the subject property does not have parking provided on site and relies on street parking. Although parking can be at a premium along Hubble Street which is adjacent to the proposed change of use, the property currently does not have parking, and a previous development application for alterations and additions was approved without the requirement for onsite parking.

The property is located within Plympton precinct which was originally established in an era when cars were not the predominant mode of transport. The Town's own local planning policy the Residential Design Guidelines states that on street parking is an acceptable development outcome for the area.

In line with the Residential Design Code reduced parking provision is an acceptable outcome if proposed development occurs in close proximity to major transport routes. In this case the property is located on Canning Highway which has high frequency bus services provided by Transperth. The applicant states that guests may choose to utilise public transport and therefore will not require car parking. Alternatively, if

they have a car then there is on street car parking located along Hubble Street. It is stated on the management plan that guests will be informed that there is no off street parking and bus stops are located a short walk from the premises.

Signage

It is essential that commercial operations that create issues that impact on the amenity of surrounding residents are mitigated, including matters such as excessive signage and advertising, which can create visual pollution. No signage is referred to in the development application. As such any requirement for signage should be addressed by the applicant through a separate development application at a later date. This will be stated as a required condition in the final recommendation.

Noise

Noise is a legitimate concern for surrounding residents of the proposed short term accommodation. It is considered that the day to day operations of the short term accommodation should not exceed normal household levels and the presence of the owner at the property while the rear studio is being used as short term accommodation will increase the likelihood that guests will not become too noisy. It is a requirement that all short term accommodation submit a management plan which outlines how the owner/operator will manage noise. In this case it is stated that noise is to be kept to a minimum after 10.30pm and no parties will be permitted. A log of complaints will be kept to ensure issues with matters such as noise can be addressed by the operator. All guests will be made aware of the restrictions placed on guests. As stated previously the owner of the property will also remain as a resident in the front section of the dwelling, while guests are staying in the short term accommodation.

It has to be recognised that the proposed short term accommodation is being operated from a site that is adjacent to the Tradewinds Hotel and other businesses operating along Canning Highway and George Street, as well being in close proximity to the Fremantle Harbour operations. Noise, light, vehicle traffic and odour are produced which can have an impact on surrounding properties. In recognition of this conditions have been included in the final recommendation requiring section 70A notifications to be lodged on the title of the property to ensure that the owner and future owners are aware of the impact that the port and surrounding commercial operations have on nearby properties in terms of noise and normal business activities.

The notifications should include the following phrases;

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

and

“The subject lot is located within close proximity to George Street and Canning Highway commercial zone. From time to time the location may experience noise, odour, light spill and other factors that arise from the normal operations of a commercial area”.

Health and Safety

The Town’s Principal Environmental Health Officer inspected the premises and provided comment that there was no reason to refuse the application on the grounds of health issues.

The Town’s Building Surveyor examined the plans and building where the proposed short term accommodation is to be operated to ensure compliance with the Building Code. In this case there was a requirement for smoke alarms to have lighting to ensure that guests could safely leave the premises if there was a fire. The owner was reminded of this requirement and a conditions relating to both RCDs and

smoke alarms are included as part of the approval. The applicant has already had the smoke alarms and lighting installed and sent photographs to the Town as a record of the requirement to comply with this condition.

Conclusion

It is necessary to ensure that the short term accommodation is of a size or type that does not adversely affect the amenity of nearby residents. A condition will be imposed requiring a new planning application to be made within 12 months that will address any concerns that may have arisen in the intervening period with the provision of revocation of the planning approval if the short term accommodation fails to comply with the conditions of planning approval. The 12 month approval will enable an ongoing assessment of the operation and an appropriate response should there be adverse impacts on the surrounding area.

Based on information supplied by the applicant, as well as other evidence presented while assessing this application for a change of use to short term accommodation it is considered that the proposal can be supported subject to the conditions of planning approval.

11.4 OFFICER RECOMMENDATION

That Council exercise its discretion and grant planning approval for the change of use for the proposed short term accommodation at No. 55 (Lot 1) Canning Highway, East Fremantle, in accordance with the plans and information date stamped received 22 March 2019 and 26 March 2019, subject to the following conditions:

- (1) The short term accommodation is limited to a maximum of 4 customers being accommodated on site at any one time.**
- (2) The short term accommodation shall be conducted in an unobtrusive manner that will not prejudicially affect the amenity of the surrounding area.**
- (3) The short term accommodation shall be conducted within the area marked on the approved plans.**
- (4) Hard wired smoke alarms as required by the Building Code of Australia are to be installed and proof of the instalment is to be provided to the satisfaction of the Chief Executive Officer.**
- (5) Residual Current Devices are to be provided to all power points and lights switches and proof of installation is to be provided to the satisfaction of the Chief Executive Officer.**
- (6) The contact details (during and after business hours on a 24/7 basis) of the owner and the owner's representative being provided to Council for an emergency contact person immediately within 14 days of the owner being advised of the approval of the Council. If this does not occur the development approval will be revoked by Council.**
- (7) The owner of the business is to advise guests of key elements of the management plan including;**
 - (i) that suitable parking is not available on site and that public transport is located nearby on Canning Highway**
 - (ii) emergency evacuation procedures**
 - (iii) reminder that the premises are surrounded by residential dwellings and that noise is to be kept to a minimum after 10.30pm and before 7am**
 - (iv) waste is to be disposed of in the Town provided rubbish bins.**
- (8) This planning approval is to remain valid for 12 months from the date of this approval. A further planning approval will be required to be submitted and approved by Council prior to the expiry of the planning approval to continue operating the short term accommodation from the current site.**

- (9) The approval may be revoked by Council, prior to the expiration of the 12 month period if there are any adverse impacts involving noise, parking, vehicle traffic and surrounding amenity which are unable to be controlled by the applicant in a timely and effective manner which is to the satisfaction of the Council.
- (10) The landowner shall lodge a section 70A notification pursuant to the Transfer of Land Act on the certificate of title of the subject lot prior to the commencement of operations of the short term accommodation. This notification shall be sufficient to alert prospective landowners that the dwelling is located within Area 2 of the Fremantle Port Buffer. The wording of the memorial shall be placed on the title as follows;
The subject lot is located within proximity to the Fremantle Port. From time to time the location may experience noise, odour, light spill and other factors that arise from the normal operations of a 24 hour working port.
- (11) The landowner shall lodge a section 70A notification pursuant to the Transfer of Land Act on the certificate of title of the subject lot prior to the commencement of operations of the short term accommodation. This notification shall be sufficient to alert prospective landowners that the dwelling is located within the commercial zone of George Street and Canning Highway. The wording of the memorial shall be placed on the title as follows;
The subject lot is located within close proximity to George Street and Canning Highway commercial zone. From time to time the location may experience noise, odour, light spill and other factors that arise from the normal operations of a commercial area.
- (12) This planning approval does not include any planning approval for any signage or advertising. A separate planning application is to be made for signage and advertising.

Footnote:

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

- (i) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (ii) *a copy of the approved plans as stamped by Council are attached.*
- (iii) *all noise levels produced by the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*



PLACE RECORD FORM



PRECINCT	Plympton
ADDRESS	55 Canning Highway
PROPERTY NAME	N/A
LOT NO	Lots 531 & 1
PLACE TYPE	Commercial
CONSTRUCTION DATE	C 1896
ARCHITECTURAL STYLE	Federation Filigree
USE/S	Original Use: Shop and residence/ Current Use: Commercial
STATE REGISTER	N/A
OTHER LISTINGS	N/A
MANAGEMENT CATEGORY	Category A
PHYSICAL DESCRIPTION	<p>No 55 Canning Highway is a commercial building constructed of brick with rendered details. Low-pitched corrugated iron roofs are concealed by masonry parapets. It is a fine expression of the Federation Filigree style. The street elevations are arranged to accommodate the corner shopfront and display windows. A dominant feature is the skillion roofed verandah that runs along both street frontages. The verandah is detailed with cast lacework. Above the verandah line is a rendered brick parapet with an articulated line that includes one top pediment.</p> <p>Some walls have been rendered.</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	<p>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.</p> <p>Commercial premises were established on Canning Highway and George Street. The George Street commercial strip developed within a decade of the residential development in surrounding streets.</p>
OWNERS	Unknown
HISTORIC THEME	Demographic Settlements and Occupation - Land Subdivision and Commercial Development
CONSTRUCTION MATERIALS	Walls – Brick and render Roof - Corrugated roof sheeting
PHYSICAL SETTING	Building is located on a prominent street corner, built to its boundaries and has imposing verandahs, which makes it a prominent minor landmark.
STATEMENT OF SIGNIFICANCE	<p>No 55 Canning Highway is a two storey building constructed of painted brick with an iron roof. The ground floor is a commercial premises with a residence over it. The place has historic and aesthetic value with its contribution to Plympton's commercial strip and associated buildings. It contributes to the local community's sense of place.</p> <p>The place is a minor landmark on Canning Highway.</p> <p>The place has considerable heritage value for its intrinsic aesthetic value as a Federation Filigree commercial premises. It retains a moderate to high degree of authenticity and a high degree of integrity.</p>
AESTHETIC SIGNIFICANCE	No 55 Canning Highway has exceptional aesthetic value as a fine Federation Filigree style commercial building. It retains most of the characteristic features of a combined shop and residence of the type and period.
HISTORIC SIGNIFICANCE	No 55 Canning Highway 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 55 Canning Highway 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 55 Canning Highway is not rare in the immediate context but Plympton has rarity value as a working class suburb.
CONDITION	No 55 Canning Highway is in fair condition.
INTEGRITY	No 55 Canning Highway retains a high degree of integrity.
AUTHENTICITY	No 55 Canning Highway retains a moderate to high degree of authenticity.
MAIN SOURCES	

Management Plan for Airbnb at 55 Canning Highway East Fremantle 6158

1) The Number of Guests

The Unit is ideally suited for 2 Adults but a maximum number of guests allowed at any one time is 4. Comprising of 2 Adults and 2 Children or as 2 Couples.

2) Car parking/Public Transport

There is No Off street Parking but there is Street Parking Available with 7 bays right outside the corner of Hubble and 55 Canning Highway.

When the Unit is approved to be Listed on the AirBnB Web site, it will State in that Listing that there is NO OFF STREET PARKING.

The Public Transport Bus Service has 2 Stops about 100 meters away from the Rear Unit on Canning Highway between the Port Liquor Store and the Tradewinds Hotel and also on the Opposite side of the Highway in front of the Infant Health Centre.

3) Code of Conduct and Complaints and Dispute Resolution Process

I - A code of conduct will be placed in the kitchen of the Unit detailing the expected behavior and obligations of guests. The house rules are in Annex A.

II - Complaints and dispute resolution procedure, Guests are obliged to report any problems or incidents promptly to the owner. All complaints will be responded to promptly and professionally an effective action will be taken to stop any problems.

III. Neighbors have been informed and they have my Contact details in case of guest noise or bad behavior I may miss so that action can be taken to resolve the problem. However I will be Staying on site in the front heritage registered building.

IV - A log or related communication and actions to resolve disputes or complains will be made and maintained. It will record the following particulars of each complaint:

- a) Date and time received;
- b) Name and designation (e.g. Guest, neighbor, council, police etc.) of complainant and contact details of complainant;
- c) Nature of complaint;



d) Action taken (by whom and when); and

e) Outcome and/or further action required (e.g. community consultation, meet with council, meet with local police, review management systems or issue resolved.)



4) - Guest Register

AirBnB require that every guest provide identification to Airbnb before booking with you. I'll also have the opportunity to review reservations in advance or add extra controls over who can book.

As a further check, every Airbnb reservation is scored for risk and they cancel any bookings that appear suspicious.

Once suitable Guests have been vetted and details recorded Only then bookings are confirmed, Guests will be met by the owner upon arrival, shown the house rules regarding expected and unacceptable behaviour, Shown emergence exits and evacuation plan, location of the First Aid kit, Fire Blanket and Fire extinguisher, Guests will then be asked to sign the guest register, detailing the names, checking in check out times, the guests will be asked how they enjoyed their stay and asked if they have any complaints or suggestions about any improvements that can be made. The property will then be inspected for any damage, and registered with AirBnB insurance should any damage occur.

The guest register can be seen in Annex B. The guest register will be constantly updated to note the time and date of arrival and of departure of all guests. This guest register will be made available for inspection if requested.

5) - Garbage and household waste

Guests are to dispose of garbage and recycling in accordance with the usual practice at the Property with food scraps and other biodegradable waste being placed in the green bin and all other Recycleable waste being placed in the yellow bin. Bin collection is once a week on Wednesdays, guests are Not required to take out the wheelie bins as this will be done by the owner as required.

6) –Amenities

Central Fremantle is a 10 minute walk away, from the local shops, River Cafes, Pubs, Shopping and medical centre, restaurants and bars including George street which is 1 minute walk away. Paying guests will enhance the viability of these businesses by providing additional patrons. It is so close to

Annex B

Guest Register 55 Canning Highway East Fremantle 6158

Guests Name and address	Phone #	Arrival Date	Departure Date	Did you enjoy your stay, Complaints or suggestion on how can we improve	Signature

Town of East Fremantle
26 MAR 2019
RECEIVED

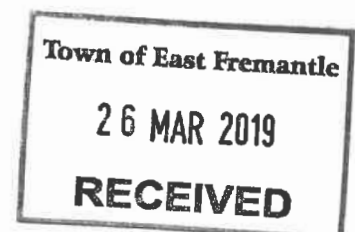
public Transport that it opens up easy travel to Perth Hillaries, Mandurah and Rottnest. Almost all of that by Sea

The presence of four people in the house at any one time does not in any way reduce the amenity of the suburb or negatively affect the enjoyment of the amenities by my neighbours and Locals, In fact it increases the amenity of the suburb by supplying needed custom to the local businesses.

Annex A

HOUSE RULES

1. – Please Keep noise to a minimum after 10.30pm.
2. - There shall be NO SMOKING inside the home. Extra cleaning fees to remove odor and stains may be applied. Smoking is permitted in the Court Yard and an ash tray provided.
3. - PLEASE Wash any Dishes and Utensils after use.
4. - PARKING: There is No Off Street Parking, Street Parking available outside the Premises.
5. No pets
6. No EXTRA Guests or Adults or children as overnight visitors.
7. NO parties or events, no illegal activity or inappropriate anti-social behaviour. Authorities and Airbnb will be contacted for your removal. - If any of these events results in extra cleaning, guests will be responsible for extra cleaning charges.
8. All Recycleable Rubish to be placed into the Yellow Top Bin and trash in the Green Bin,
9. Fire Extinguisher and Fire Blanket under the Sink.
10. - Lastly, this is an Airbnb community not a Hotel, and my home in East Fremantle, please be respectful of the property and keep it clean before you leave. (Please Respect our property and our things)
11. If you have read it this far, THANK YOU for being a SUPER GUEST! Please leave any comments about your stay in the Guests Register.
12. Have FUN.



11.5 Locke Crescent, No. 7 (Lot 5002) – Temporary Additional Use of a Two Storey Dwelling with Undercroft Garage for ‘Display Home’ and Associated Signage

Applicant/Owner	A Malecky
File ref	P/LOC7;
Prepared by	Andrew Malone, Executive Manager Regulatory Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Meeting date	7 May 2019
Documents tabled	Nil
Attachments	1. Location Plan 2. Photographs 3. Information date stamped 15 March 2019

Purpose

This report considers a development application for a temporary additional use of a two storey dwelling with undercroft garage for the purposes of a ‘Display Home’ at No. 7 (Lot 5002) Locke Crescent, East Fremantle.

Executive Summary

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

- A Display Home is a use not listed in the Local Planning Scheme
- Parking issues
- Amenity impacts
- Signage
- Lighting

It is considered the proposed temporary additional use (24 months) can be supported subject to conditions of planning approval being imposed to ensure the residential amenity of the locality is protected.

Background

Council previously approved of the development in March 2017 for the existing house to be demolished and a new two storey dwelling over three levels to be constructed on the site.

A subsequent application proposed a development that was a significant reduction on the previously approved development comprising of two storeys and undercroft. The proposal is nearing finalisation and the applicant has requested the new dwelling be utilised as a temporary display home.

Consultation

Advertising

The application was advertised by letters to surrounding landowners with the comment period extending from 28 March to 15 April 2019. Two submissions were received, both in support of the proposed temporary use.

Community Design Advisory Committee (CDAC)

This application was not referred to the CDAC.

Statutory Environment

Planning and Development Act 2005

Residential Design Codes of WA

Town of East Fremantle Local Planning Scheme No. 3

Policy Implications

Town of East Fremantle Residential Design Guidelines 2016 (as amended)

Financial Implications

Nil

Strategic Implications

The Town of East Fremantle Strategic Community Plan 2017 – 2027 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 Facilitate 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.

3.2 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 practices.

3.3.2 Optimal management of assets within resource capabilities.

3.3.3 Plan and advocate for improved access and connectivity.

Natural Environment

Maintaining and enhancing our River foreshore and other green, open spaces with a focus on environmental sustainability and community amenity.

4.1 Conserve, maintain and enhance the Town's open spaces.

4.1.1 Partner with Stakeholders to actively protect, conserve and maintain the Swan River foreshore.

4.1.2 Plan for improved streetscapes parks and reserves.

4.2 Enhance environmental values and sustainable natural resource use.

4.2.1 Reduce waste through sustainable waste management practices.

4.3 Acknowledge the change in our climate and understand the impact of those changes.

4.3.1 Improve systems and infrastructure standards to assist with mitigating climate change impacts.

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council do not approve the proposed temporary use as a 'Display Home'.	Unlikely (2)	Moderate (3)	Moderate (5-8)	COMPLIANCE Minor regulatory or statutory impact	Accept Risk

Risk Matrix

Consequence \ Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and is identified below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

Risk Rating	6
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Site Inspection

March 2019

Comment

The proposal has been assessed against the provisions of Local Planning Scheme No. 3 and the Town's Local Planning Policies. No development tables are provided, as the development was not assessed against the Residential Design Codes or the Residential Design Guidelines.

There are a number of issues relevant to the determination of this application. These will be discussed in reference to the regulatory requirements.

Use

The proposed use as a 'Display Home' is a use not listed in the Local Planning Scheme. Clause 4.4.2 of the Scheme states:

- 4.4.2 *If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within any use class in the Table, the local government may:*
- (a) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or*
 - (b) determine that the use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of clause 7.5 in considering an application for planning approval; or*
 - (c) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.*

The applicant has indicated:

The intention of opening this home in this area is to promote our design & building services as a quality local builder. We hope our Council will be supportive of local business promotion as we are local business & land owners. We plan to be here for a long time and to promote this suburb.

The predominant use of the property will be for residential purposes after the dwelling is utilised as a display home. It is considered the use of the dwelling for promotional purposes is consistent with the residential zone of the Schemes, however the proposed use has been advertised to surrounding residents. Any potential impacts from the proposed use are discussed below, including car parking and impact to amenity.

Parking

There is no car parking requirements specified in the Scheme with regard to this use. For the proposed use it is recommended no additional off street parking is required. This is based on the existing dwelling being setback on the subject lot approximately 14 metres from the street, thereby facilitating up to approximately four vehicles parking with ease in the front setback area on the existing driveway and if arranged correctly more vehicles could be accommodated on site.

The applicant has stated:

Due to the nature of the homes we design & build we typically don't have a high volume of visitors on any given opening day and they typically spread their arrival during the open hours and are typically in the home for no more than 20-30 mins.

The development also has an undercroft garage, however it is not envisaged that this will be utilised as this will form part of the display home.

It is noted that street parking is available, however the street is also narrow, therefore any street car parking whilst available would constrain vehicular movements in the area. It is recommended that during the hours of operation a sign be utilised onsite to direct people to on-site parking. A condition has been included in the Officer's Recommendation.

The car parking on site is considered sufficient to address any car parking demand generated by the proposed use, as it is not considered large numbers of visitors will frequent the property at any one time.

Amenity

A display home is generally only open for limited hours, eg on weekends between certain hours and by appointment. Due to the high standard/ quality of home, it is considered the demand for inspection of the property will be limited and therefore any potential impact from the public viewings of the property, will be limited to the hours of operation. The prolonged use of the dwelling as a display home would not be supported, as the use would not contribute to the development of community in the area and would impact on the proper and sustainable planning of the area. For that reason, the use is only proposed as a temporary use for a period of two years (24 months from the date the dwelling is completed) and as conditioned, as per the time restrictions in the Officer's Recommendation.

Signage

The applicant is proposing to include a sign on site advertising the home. The applicant has stated:

The sign board is one we have previously used which is 1600mm wide and stands about 1950mm high with an up light on timer.

This is to be located on the front boundary on the left side of the site as you look at it closest to #05.

An image of the sign is included as an attachment "information" to this report. Signage is generally not permitted on site in residential areas ("wall plate" signage is permitted for a Home Occupation), with the exception of 'For Sale' signs on properties, however these do not require development approval. The applicant has submitted plans for the proposed signage. The signage is simplistic, however the lighting of the signage will be discussed in the next section. As advised above additional signage directing visitors to park on site is recommended as a condition of approval.

Lighting

No flood lighting or security lighting is permitted with this application. Where lighting is required for signage and within the dwelling, a light plan is required to be submitted to be the Town for approval. Where such lighting is proposed a time clock to be included in the lighting circuit to ensure that lights are extinguished no later than 9.00 pm. and all luminaries to be orientated and hooded so the light source is not directly visible to the travelling public or abutting or directed towards neighbouring properties.

The applicant has stated:

We do not require flood lighting or any special lighting other than the homes built-in lighting which we will have automated so it will all turn off by 10pm at the latest. There is only a low powered up light on the main sign board.

The proposed lighting to the sign is to be limited and also to be extinguished no later than 9.00 pm. The house lighting will have no significant impact to adjoining neighbours and therefore is recommended to extinguish at 10pm.

Approval Period

The period of operation of the 'Display Home' is to be only temporary and is proposed to be 24 months from the completion of the construction of the dwelling, scheduled as July / August 2019. At the expiration of the approved period, the dwelling is to revert to Residential and all advertising signs and equipment are to be removed. The only sign to be permitted is a real estate "FOR SALE" notice after this period.

Management plan

A management plan detailing the following is recommended as a condition of approval and required to be submitted prior to the additional use commencing and to include:

- Owner's contact details (during and after business hours);
- Manager's (if appropriate) contact details (during and after business hours);
- Days and hours of operation;
- Lighting management plan including proposed lumens of all external signage lighting;
- On-site parking management plan including additional signage advising visitors to park on-site; and
- Details of how nuisance issues such as noise, anti-social behaviour and inappropriate car parking would be addressed by the owner/ manager.

Conclusion

Given the above comments the application is recommended for temporary approval subject to conditions.

11.5 OFFICER RECOMMENDATION

That Council exercise its discretion in granting planning approval for a temporary additional use of a two storey dwelling with undercroft garage for a 'Display Home' and associated signage at No. 7 (Lot 5002) Locke Crescent, East Fremantle, in accordance with the information received on 15 March 2019, subject to the following conditions:

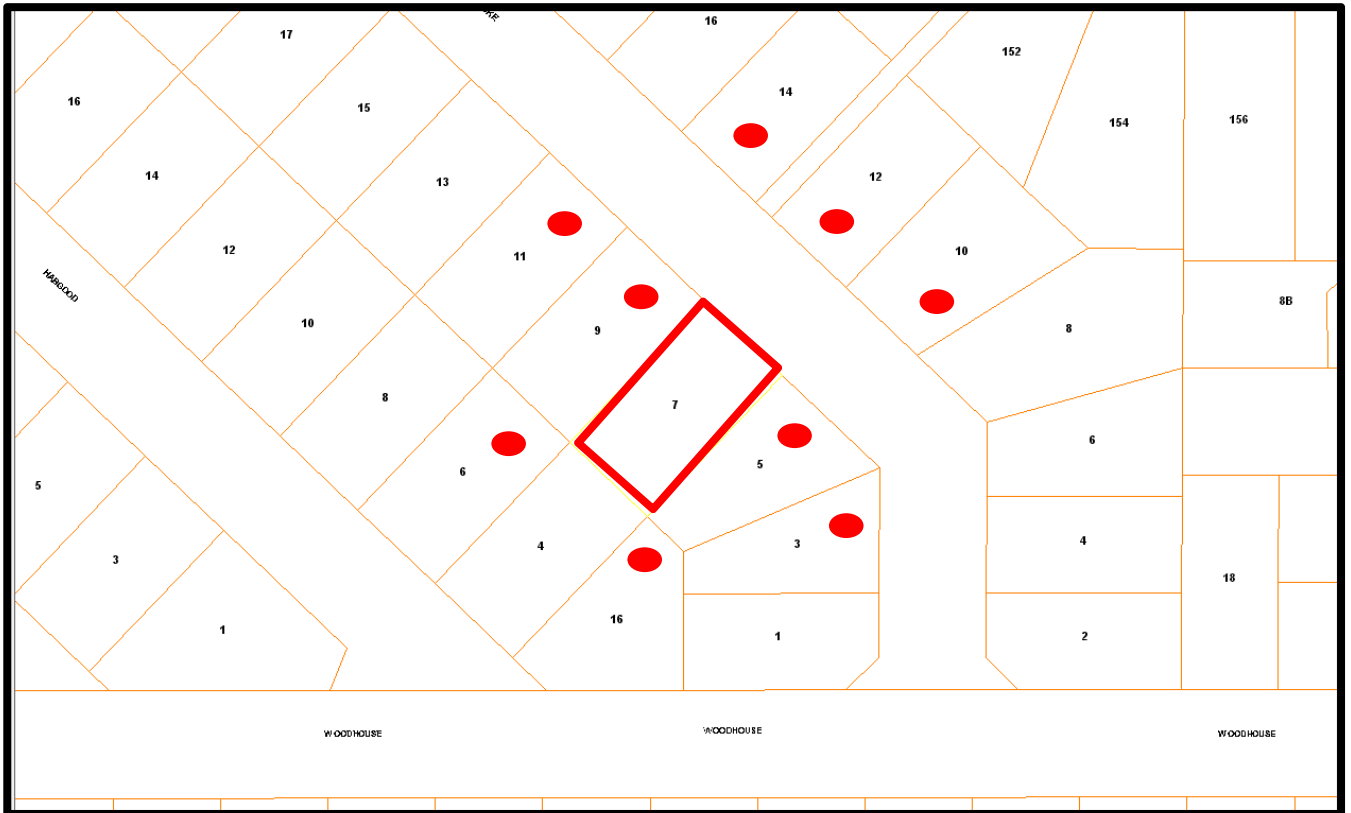
- (1) The submission of a Management Plan to the satisfaction of the Chief Executive Officer, in consultation with relevant officers, and the Plan to be approved by the Town prior to the 'Display Home' use commencing.**
- (2) The proposed lighting to the signage is to be extinguished no later than 9.00 pm on all days of the week.**
- (3) All signage is to be erected as per the dimensions of the 'information' submitted with this temporary additional use application.**
- (4) The house lighting is to be extinguished no later than 10.00 pm on all days of the week.**
- (5) The applicant to provide an additional temporary sign directing visitors to park on-site. This signage is only to be displayed when the 'Display Home' is being utilised for the purposes of public display.**
- (6) The approval may be revoked by Council, if any adverse impacts involving noise, anti-social behaviour, breaches of the management plan, waste removal, security, parking or privacy control measures for adjoining neighbours are unable to be controlled by the applicant/owner in a timely and effective manner which is to Council's satisfaction.**
- (7) This planning approval to remain valid for a period of 24 months from the completion of construction of the dwelling. At the expiration of the approved period (24 months), the dwelling is to revert to residential dwelling and all advertising signs and equipment are to be removed.**

Footnote:

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

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

NO. 7 (LOT 5002) LOCKE CRESCENT – P026/19 - CHANGE OF USE (DISPLAY HOME)





Temporary Display Home Proposal – 7 Locke Crescent, East Fremantle

OPEN TIMES

The intent of the display home would be that it will be used as a typical exclusive display home open to the public during typical display hours or by appointment.

Typically open times are:

Saturday & Sunday 1-4pm

Wednesday typically 2-5pm but twilight trials are from 4-7pm in the summer months (to be added to sign board below & see attached HIA member alert notice)

Or by appointment.

TRAFFIC & PARKING

Traffic movements shouldn't impact on neighbours as there is adequate street parking plus we have substantial off street park available to due to the nature of the setback design and large driveway.

Due to the nature of the homes we design & build we typically don't have a high volume of visitors on any given opening day and they typically spread their arrival during the open hours and are typically in the home for no more than 20-30mins.

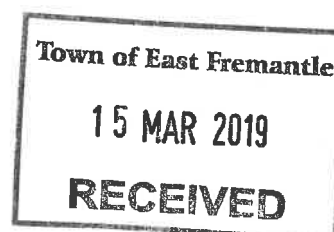
We have now opened two display homes in the past and we have had no complaints from neighbours or Council (Melville)

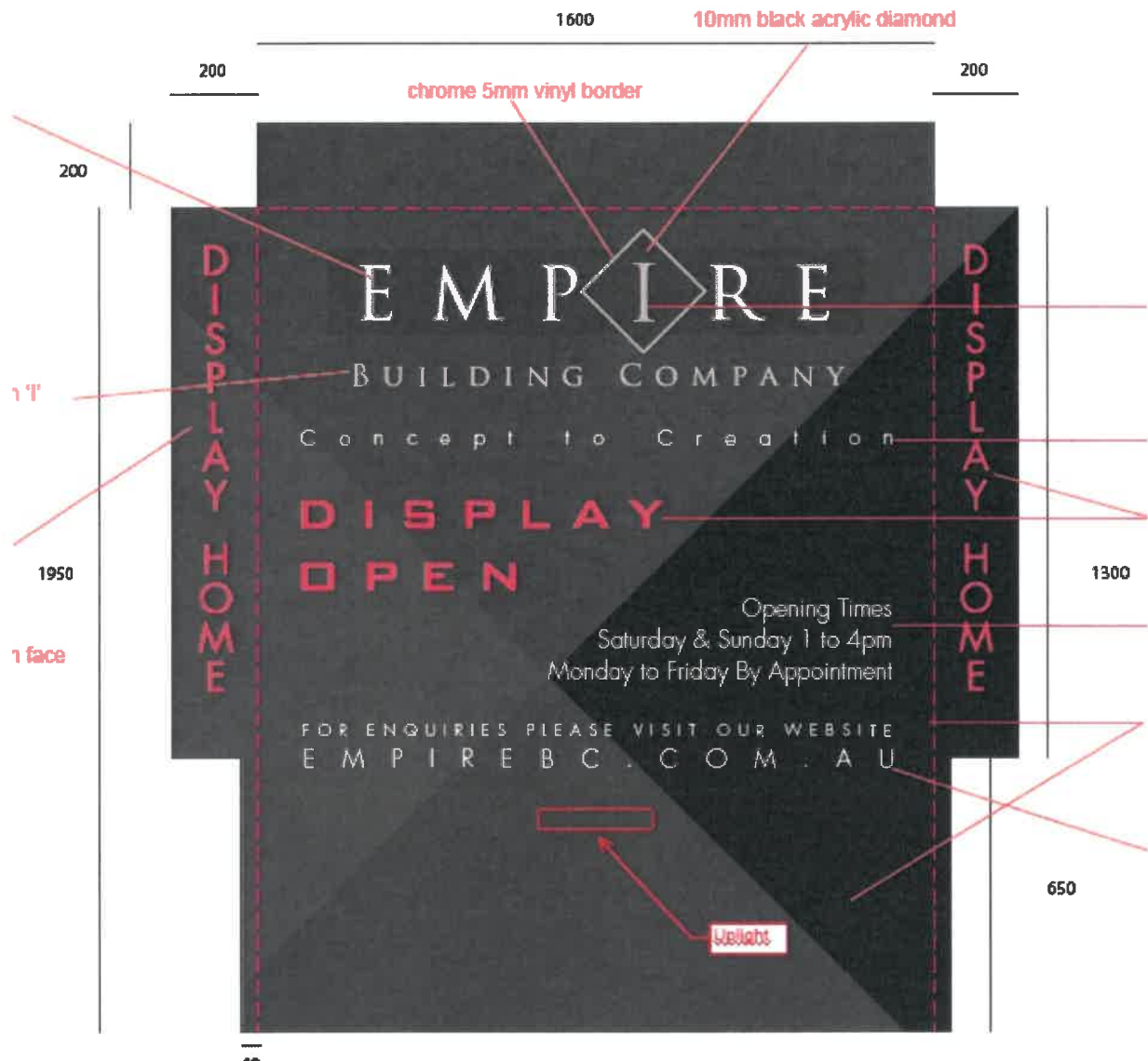
They were located at 8 Ince Rd Attadale & 7 Clive St Bicton

SIGNBOARD

The sign board is one we have previously used which is 1600mm wide and stands about 1950mm high with an up light on timer.

This is to be located on the front boundary on the left side of the site as you look at it closest to #05.





LIGHTING

We do not require flood lighting or any special lighting other than the homes built-in lighting which we will have automated so it will all turn off by 10pm at the latest. There is only a low powered up light on the main sign board.

OPENING DATES

We plan to open the display home for a 24month period commencing around July/Aug 2019. This time frame is typical within the City of Melville for example where we have opened up homes within a built up established area.



11.6 Duke Street, No. 36-42 (Lots 601 & 602)– Change of Use Application

Applicant	Manotel Pty Ltd
Owner	Manotel Pty Ltd
File ref	P/DUK 36
Prepared by	James Bannerman Planning Officer
Supervised by	Andrew Malone Manager Regulatory Services
Meeting date	7 May 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Location Plan 2. Applicant Letter

Purpose

The purpose of this report is for Council to consider a change of use application for the 'Brush Factory' (former Lauder & Howard building) to include a yoga studio in the place of the previously approved office in the basement level of 36-42 Duke Street, East Fremantle.

Executive Summary

The application proposes a change of use application for Tenancy 1 from offices to a yoga studio. This use has been classified as recreation – private as listed in LPS3. Recreation – private is defined as *premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge.*

Tenancy 1 is currently approved for use as an office and was previously planned to be a storage area for the existing jazz bar in the building.

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

- Use of the tenancy; and
- Car parking

It is considered there will be minimal impact on the amenity and car parking to the area and as such the change of use can be supported subject to conditions of development approval being imposed.

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

1897	Building at 36 Duke Street starts use as a 'Brush Factory';
20 May 1983	Council approves the use of 36 Duke Street for restoration and sale of furniture;
14 June 1983	Council approves use of the building at 42 Duke Street for the manufacture of decorative glass (Freedom Glass);
21 November 1983	Council grants conditional approval for the erection of two signs at 36 Duke Street;
16 April 1984	Council advises Lauder & Howard that it has no objections to repainting the exterior of the building at 36 Duke Street;
16 July 1984	Council approves signs on the façade of 36 Duke Street;
24 April 1986	CEO advises Lauder & Howard that signage on the east wall of the building at 36 Duke Street is approved;
19 June 1995	Council endorses a proposal for an opening to the front wall of the building at 42 Duke Street;
10 July 1995	Building Permit 100/2309 approved for installation of new door frame, doors and side-lights at 42 Duke Street;

24 July 1996	Building Surveyor approves removal of a chimney and portion of a parapet wall from the building at 36 Duke Street;
19 August 1996	Council decides to advise the WAPC that it supports the subdivision and amalgamation of Lots 1, 2 & 3;
10 December 1996	WAPC grants conditional approval to the subdivision & amalgamation;
25 February 1997	Council resolves to rezone 36 Duke Street to Residential Area 2;
June 1997	Conservation Plan prepared for Main Roads Department for 36 & 42 Duke Street;
16 December 1997	WAPC endorses for final approval Diagram 94449 for the subdivision & amalgamation;
21 July 1998	Council resolves to reconsider a proposal to convert existing workshop at 42 Duke Street into 2 workshops;
18 August 1998	Council grants special approval for 2 workshops at 42 Duke Street;
5 May 1999	Building Licence 93/2833 approved for alterations to the building at 42 Duke Street to form 2 separate workshops;
25 August 1999	Storm damages building; roof ends up on Stirling Highway;
3 August 2001	Premier Gallop, MPs, Mayor and CEO & VIPs join in the reopening of Lauder & Howard's antiques;
9 December 2008	Planning Approval granted to redevelop the buildings at 36-42 Duke Street from antique furniture showrooms and workshops to 7 x 1 bedroom apartments, and 5 x 3 bedroom apartments;
15 March 2011	Planning Approval granted to redevelop the buildings at 36-42 Duke Street for a change of use, partial demolition, redevelopment and new construction to accommodate a mixed use residential/arts and entertainment venue;
12 February 2013	Planning Approval granted to amendments to a previously approved planning application, date stamped Approved on 15 March 2011 (Application (P199/10) and to extend the previous planning approval P199/10 for a further 2 years. The previously approved application was for a change of use, partial demolition, redevelopment and new construction to accommodate a mixed use residential/arts and entertainment venue;
16 July 2013	Planning Approval granted to amendments to a previously approved planning application, date stamped Approved on 15 March 2011 (Application (P199/10) for 2 storeys of commercial offices above the approved Jazz Club/ Performance space. Council refused the penthouse apartment located above the 'Brush Factory';
1 October 2013	Planning Approval for a penthouse apartment to be erected on top of the proposed performance space and existing heritage building at the 'Brush Factory (former Lauder & Howard building), 36-42 Duke Street. In addition it considers an application which has been presented to Council with regards to a review of the opening times for the Jazz Club.
2 October 2018	Planning approval for a change of use from dance studio (Tenancy 3) and bar storage (Tenancy 4) to office.

Consultation

Advertising

The application for the proposed change of use was advertised to surrounding properties along Duke Street 10 April to 26 April 2019. No submissions were received.

Community Design Advisory Committee (CDAC)

This application was not referred to the CDAC as there are no external or internal changes proposed to the building.

Statutory Environment

Planning and Development Act 2005

Town of East Fremantle Local Planning Scheme No. 3 (LPS No. 3)

Policy Implications

Town of East Fremantle Residential Design Guidelines 2016

Municipal Heritage Inventory - 'A' Category

Fremantle Port Buffer Zone - Area 3

Financial Implications

Nil

Strategic Implications

The Town of East Fremantle Strategic Community Plan 2017 – 2027 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 Facilitate 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.*
- 3.2 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 practices.*
 - 3.3.2 Optimal management of assets within resource capabilities.*
 - 3.3.3 Plan and advocate for improved access and connectivity.*

Natural Environment

Maintaining and enhancing our River foreshore and other green, open spaces with a focus on environmental sustainability and community amenity.

- 4.1 Conserve, maintain and enhance the Town's open spaces.*
 - 4.1.1 Partner with Stakeholders to actively protect, conserve and maintain the Swan River foreshore.*
 - 4.1.2 Plan for improved streetscapes parks and reserves.*
- 4.2 Enhance environmental values and sustainable natural resource use.*
 - 4.2.1 Reduce waste through sustainable waste management practices.*
- 4.3 Acknowledge the change in our climate and understand the impact of those changes.*
 - 4.3.1 Improve systems and infrastructure standards to assist with mitigating climate change impacts.*

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not approve the proposed development resulting in a SAT appeal	Possible (3)	Moderate (3)	Moderate (5-9)	COMPLIANCE Minor regulatory or statutory impact	Accept Officer Recommendation

Risk Matrix

Consequence \ Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

Risk Rating	9
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Site Inspection

26 April 2019

Comment

LPS 3 Zoning: Mixed Use
Site area: 1440m²
Heritage: Category A (LPS3 Heritage List)

Statutory Assessment

The proposal has been assessed against the provisions of Local Planning Scheme No. 3.

Use

It is proposed to change the use of office in the basement of the building (Tenancy 1) to a yoga studio. Under LPS3 yoga studio is not specifically listed as a use and this application proposes to utilise recreation – private. Recreation – private is defined as *premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge*. It is an 'A' use meaning that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with Clause 9.4.

In this case the proposed change of use was advertised to properties along Duke Street in close proximity to the subject property. Council previously granted approval for a change of use from a storage area (for the jazz bar) to office space.

The proposed yoga studio would operate from 6am in the morning, during the day and occasional evenings and according to the applicant between 10 to 12 participants would be involved with higher numbers at the 6am classes. There is not seen to be any conflict with the existing uses in the building as a yoga studio has relatively low impacts in terms of noise and other issues around amenity. Yoga studios might be considered an appropriate commercial use in a mixed use zone because of few amenity effects.

Parking Requirements

Clause 5.8.5 Car Parking and Vehicular Access of TPS3 states:

Car parking in respect of development in the Commercial Zones is to be provided in accordance with the standards set out in Schedule 11 of the Scheme and the specifications in Schedule 4 of the scheme. Where there are no standards for a particular use or development, the local government is to determine what standards are to apply. In its determination of the requirements for a particular use or development which is not listed in Schedule 11 of the Scheme, the local government is to take into consideration the likely demand for parking generated by the use or development.

Furthermore Clause 5.8.7 On-Street Parking states:

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

In terms of parking Schedule 11 of LPS3 requires that recreation – private (health studios) provides one car bay for every 10m² of net floor area plus one car bay for every staff member during peak operation. In this case the net floor area of Tenancy 1 is 103m² and as such 11 car bays would be required for participants, plus an additional car bay for staff. Assuming there is one staff member 12 car bays are required for this use.

The main Brush Factory building is currently comprised of the following approved uses:

- Commercial Offices: 552m²
- Residential Penthouse: 193m²
- Dance Studio: 211m²
- Rehearsal Space: 61m²
- Jazz Club

A total of 49 car bays are located in undercroft parking on site. A reduction in office space to 449m² is proposed which would mean that the parking previously allocated to this office could be re-allocated to the yoga studio. This office is currently required to provide 1 space for every 30m² net lettable area (min 3 per tenancy or office unit).

A reciprocal car parking arrangement was previously accepted as justification for the parking shortfall and there is no reason that this could not be continued. The applicant has provided a 'Time Share Analysis' letter discussing how reciprocal parking arrangements could be utilised (letter date stamped 3 April 2019 and similar to the letters used for the previous change of use application dated 5 September 2018 and 15 May 2013).

The total on site requirement is 73 bays leaving a parking shortfall of 24 bays. During normal working hours 13 surplus car bays that were originally allocated for commercial use are available for use within the building and can be shared in accordance with the reciprocal parking arrangements. An additional 5 spaces can be accommodated by on-street car parking adjacent to the building. In this case the requirement for 12 car parking bays for the yoga studio could be provided from a combination of 5 on-street car bays adjacent to the building, as well as an additional 7 car bays from the reciprocal parking arrangements from within the building.

Use	Area m ²	Parking required	Parking provided- 49 bays on site
Commercial offices 1 car bay per 30m ² net lettable area	449	15 bays	28 provided during day- 3 available to performing arts and 3 available to dance studio – 7 surplus bays available for yoga studio
Performing Arts		3 bays	3 bays
Dance		3 bays	3 bays
Residential Previously approved allocation of parking	-	19	19 bays as per previous approval
Jazz Club Previously approved allocation of parking	-	28	28 bays – can be utilised by other uses within building (as above) in normal working hours
Yoga studio (health studio) 1 space for every 10m ² net floor area	103	12 bays (11 bays for yoga participants & 1 bay for instructor)	7 bays- opportunity to use other bays that are not being used from 28 bays available within the building
On street parking	-	-	5 bays adjacent to the building

Based on the total available parking bays during the day including the reciprocal parking arrangements that have been approved previously, as well as additional off street parking there is sufficient parking available for the yoga studio.

Conclusion

Given the comments above the application is recommended for approval subject to conditions.

11.6 OFFICER RECOMMENDATION:

That Council grant development approval and exercise its discretion for the change of use from office space to recreation – private (yoga studio) to 36-42 Duke Street (The Brush Factory), East Fremantle, as described on the information and plans date stamped received 3 April 2019 subject to the following conditions:

- (1) Maximum area of the yoga studio is not to exceed 101m² (Tenancy 1 of the submitted plans).
- (2) Twelve (12) car parking bays are required to be provided to the yoga studio as per the applicant's information and 'Time Share Analysis' and reciprocal parking arrangements that are in place in the subject building.
- (3) All other conditions as previously endorsed by Council are to be complied with unless modified by this proposal.
- (4) Works are to be constructed in conformity with the drawings and written information in relation to use accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
- (5) The building is to be kept clean and free of graffiti and vandalism at all times and any such graffiti or vandalism to be remedied within 24 hours to the satisfaction of the Chief Executive Officer.
- (6) No signage is approved under this change of use application. A separate application is required for signage. All signage is to comply with the Town's Signage Design Guidelines Local Planning Policy 3.1.3.
- (7) With regard to plans submitted with respect to a building permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
- (8) The proposed use is not to be commenced until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
- (9) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (10) This planning approval is to remain valid for a period of 24 months from date of this approval.

Footnote

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

- (i) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (ii) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (iii) *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).*
- (iv) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-*

conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document–“An Installers Guide to Air-Conditioner Noise”

(v) the approval does not include approval of any advertising signage. A separate development application is required for any signage proposal.

NO. 36 (LOT 800) DUKE STREET – P027/19 - CHANGE OF USE: OFFICE TO RECREATION (PRIVATE)



Manotel

Pty Ltd

ABN 77 009 208 164



Town of East Fremantle
 Doc No: ICORR74211
 File: P/GEO137
 Reg Date: 01 APR 2019
 Officer: LUKE SMITH

Attach:

1st April, 2019

Brush Factory Tenancies

I refer to my "undated" letter to you (copy attached) and the Council's subsequent approval for a change of tenancy use.

The Brush Factory is proving to be popular for community (adults and children) use activities in the two dance studios, but so far the office space has not attracted tenants although there has been some interest.

We have received a request for space from another community type use being, yoga.

Because other tenants occupy the two studio spaces at various intermittent times the potential yoga tenant has indicated those spaces are not suitable as they require a dedicated space where they can permanently store equipment and more effectively arrange their class times .

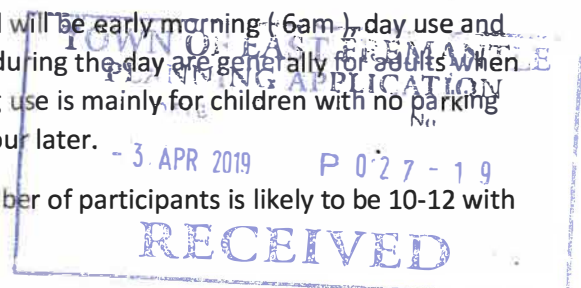
They have expressed strong interest in the "Basement" area for which Council gave approval for office space. In the penultimate paragraph of my letter covering that request for approval (copy attached) it was explained that theoretically there would be 10 spare bays available for the Basement. This is extremely conservative.

The reality is that excluding the bays reserved for the office tenancies, there are nearly always at least 15 empty bays every day (7 days per week) and in the evenings other than on Thursday, Friday and Saturday when the Jazz Bar operates. But even on these evenings there are usually 10- 15 bays available. This is proving to be the case as patrons find street parking easy including on Silas St (walk via underpass), catch Ubers or taxis or walk ---many locals are patrons of the Bar.

Interestingly, after almost three operating months by the Bar we have not received a single complaint about parking or noise. In fact when the windows are closed there is virtually zero noise from the bar. Several of the few locals who opposed the bar are now some of it's strongest supporters.

There are no day time parking issues and the Yoga school will be early morning (6am) day use and occasional evening use. The performing arts studio uses during the day are generally for adults when ample parking is available. After school and early evening use is mainly for children with no parking issues as most parents drop children off and collect an hour later.

The Yoga tenant has advised that the most common number of participants is likely to be 10-12 with maybe a higher number at the 6am classes.



The Brush Factory redevelopment has proven to be extremely popular in design, heritage conservation and it's variety of uses with constant compliments from local residents and more distant visitors.

We therefore would appreciate your early approval for the yoga tenancy, but also retaining the office tenancy approval in case the yoga tenancy does not proceed.

Yours sincerely

TOWN OF EAST FREMANTLE
PLANNING APPLICATION

DATE

NO

- 3 APR 2019

P 27 - 19

RECEIVED

Manotel

Pty Ltd

ABN 77 009 208 164

Brush Factory (Cnr Duke and George Sts.)

I refer to our recent telephone conversations regarding a change of use for two tenancy areas in the Brush Factory .

Tenancy Location 4 –See attached Surveyed Plan marked A

This tenancy space on the dance studio floor but at the rear (Stirling Highway side) was planned and approved as a "Performing Arts/Music" space and approved under "community use" which was approved for 3 parking bays. The space has proved to be unsuitable for this purpose and we would now like to convert it to "office space". The tenancy area as per attached survey drawing "A" shown as Tenancy 4 is now needed for office space. The tenancy area (excluding the toilet) is 85m² and if the tea prep area of 4m² is included the total space is 89m². Based on the requirement of one parking bay for every 30m², this means no further parking is required.

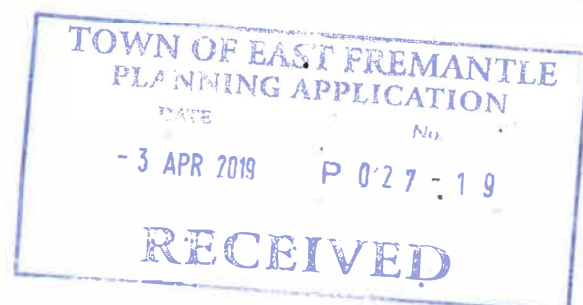
Tenancy Location 1—see attached Surveyed Plan marked B

This tenancy space was planned as a wine and general storage area for the Jazz bar, but is no longer required or suitable for this purpose. There was no parking allocation set aside for this space. The space has windows on the east wall (Stirling Highway side), full air conditioning, lift and stair access, a multi- purpose toilet and a kitchenette. The tenancy area is 101m² (slightly larger than the tenancy 4 performing arts/music area referred to above. We would like to use this as an office space tenancy and based on 1 car bay for each 30m², 3-4 car bays would be required.

Attached is the Reciprocal Time Share Analysis for the parking previously accepted by Council which shows that during the day (normal office hours 8.00am to 5.30am a total of only 18 bays are required out of 28 available (this 28 excludes the 3 bays for the penthouse). The 18 bays required during the day already include the 3 required by the performing arts/music Tenancy Area 4—to now be for offices. This means that there are an additional 10 bays available for the additional 3-4 bays needed for Tenancy Area 1 being the cellar changed to office space.

As we are now seeking office tenants, we would approval your consent to the above as soon as possible.

Yours sincerely



(Table 1)
RECIPROCAL TIME SHARE ANALYSIS: (of the 28 off street undercroft level bays)

Day	Morning			Cars	Afternoon			Cars	Early Evening (up to 6.00pm)	Cars
Monday	O	D	P	12+3+3=18	O	D	P	12+3+3=18	D&P	6
Tuesday	O	D	P	12+3+3=18	O	D	P	12+3+3=18	D&P	6
Wednesday	O	D	P	12+3+3=18	O	D	P	12+3+3=18	D&P J (*1)	6+22=28
Thursday	O	D	P	12+3+3=18	O	D	P	12+3+3=18	D&P J (*1)	6+22=28
Friday	O	D	P	12+3+3=18	O	D	P	12+3+3=18	J	28
Saturday		D	P	3+3=6	J			28	J	28
Sunday				0	J			28	J	28

(min. 10 unused bays) (10 unused bays Monday to Friday)

- D Dance Studio (3 bays required including staff)
- P Performing Arts (3 bays required including staff)
- J Jazz Club – 29 bays (24 patrons + 5 staff) of which one bay to be on-street parking
- O Office (12 bays required)

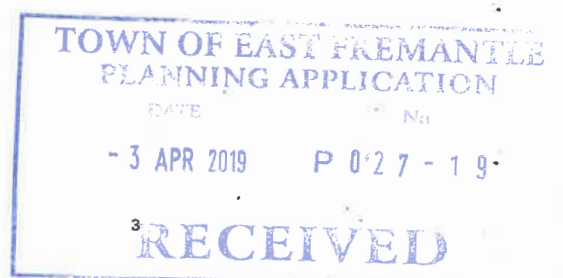
(*1) Jazz Club parking on Wednesday and Thursday evenings and nights is likely to be low and it would be unlikely that 29 car bays would be required on these evenings. A capacity reduced to approximately 70% has been allowed for in the table, indicating 17 bays for patrons and 5 staff bays, a total of 22 bays for Wednesday & Thursday nights.

Additional Offsite Parking and Local Patronage

The Council has a 10 bay parking area behind the toy exchange shop at the eastern end of George Street. This carpark is seldom used. In addition the pedestrian underpass under Stirling Highway immediately adjacent to the site provides direct access to general public parking on Silas Street on the eastern side of Stirling Highway. There are 84 bays on Silas Street to the north and south of the underpass (50 metres away). A recent afternoon check showed only 9 bays occupied. The Transcore Traffic & Parking report previously provided to Council advised that on Silas Street at 6pm Thursday night only 7 bays were occupied and on Friday night only 18 bays occupied. The proposed commercial uses for the Heritage Building is expected to attract significant local patronage from people within walking distance.

Summary of Non-Residential Car Parking Bays

As set out in detail in 'Table 1' above the occupation of the commercial spaces will occur at different times of the day. The Jazz Club will only be operational from early evenings Wednesday to Friday, and from lunch until 12pm on weekends. The Dance Studio & Performing Arts / Music spaces will predominantly be used in the afternoons and early evenings Monday to Thursday, and on Saturday mornings. Conversely, the offices will be active Monday to Friday, during normal office hours. This being the case the 28 bays provided together with local parking and patrons who walk to the venue, should more than exceed the minimum requirements at any one time.



11.7 Moss Street, No. 33 (Reserve 37909) – Change of Use from Day Therapy Centre to Short Term Residential Accommodation for up to 10 Persons – Request for Third Extension of Temporary Planning Approval

Applicant	Mark Stokoe on behalf of South Metropolitan Health Service
Landowner	State of WA - Minister of Public Health
File ref	P/MOS33
Prepared by	Christine Catchpole, Senior Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Voting requirements	Simple Majority
Documents tabled	Nil
Meeting date	7 May 2019
Attachments	1. Location Plan 2. Photographs 3. Applicant letter in support of request for extension dated 2 April 2019

Purpose

The purpose of this report is for Council to consider a development (planning) application for a third extension of a 12 month temporary planning approval for a change of use from day therapy centre to short term residential accommodation for up to 10 persons (Admission – Direction Service for Fremantle Hospital and Health Service).

Executive Summary

This application is for a third 12 month extension to the original approval. The following issues were noted as relevant to the determination of this application upon its initial assessment in 2016:

- Change of use from day therapy consulting rooms to short term accommodation;
- Residential amenity impacts and compatibility of use with surrounding residential uses;
- Car parking and access for clients, staff, visitors and service/delivery vehicles; and
- Use of 'Reserve' land with Management Orders stating the land is to be used for mental health services.

The application underwent two advertising periods in accordance with planning scheme provisions, including a public information session at Fremantle Hospital, letters to residents, signs on the site and individual ratepayer meetings with planning staff. A significant number of submissions objecting to the application were received primarily all focusing on the potential negative impact of the use on residential amenity and parking, traffic and access issues.

The proposed accommodation use was, however, considered consistent with the reserve status of the land and the purpose of the 'gifting' to the Fremantle Hospital. The use of the building was also considered compatible with the surrounding residential area, particularly as it is intended for the occupants to live in a residential setting. Nonetheless a number of relevant planning issues and matters for consideration were raised in the submissions and by planning officers. These were addressed and conditions of planning approval were imposed as a result.

The time in which the current planning approval remains valid will expire on 15 May 2019. The applicant has requested a further extension of the planning approval for a third twelve month period. Since the initial approval was granted commencement of building work has been delayed in part due to the extent

of the specifications required and the compliancy checks to ensure the completed works comply with the Town's requirements, heritage and building code applicable to a Class 9 building. There are no changes to the works proposed with this third application for extension of the approval.

No further public consultation is required at this stage because the applicant is only requesting a further extension of the approval already granted. There are no changes to the existing works planned for the site, or the planning conditions imposed, or any change to the details of the initial application or the manner in which the facility will operate. There are no changes to the statutory/legislative assessment requirements used to determine this application either.

Full details in respect to the original application and initial request for the extension of the Council approval can be found in the Council Minutes of 17 May 2016, 16 May 2017 and 15 May 2018. The same conditions of approval are recommended to be imposed should Council resolve to grant a third extension of the planning approval for another 12 months.

The application for a third extension of the planning approval for another 12 months is supported under the same conditions as the current approval. The extension to the approval period to commence from the date of the Council's determination and the temporary planning approval to commence from the date the Occupancy Permit is issued.

Background

18 October 1982	Council approved a change of use from general hospital to 'Psycho-geriatric Care Centre' for up to 16 persons.
20 August 1982	Land denoted as 'Reserve' for 'mental health services' in Government Gazette.
25 June 2001	South East Metropolitan Health Service advised that the property was to be used for a geriatric day therapy centre.
17 May 2016:	Council granted a 12 month temporary approval for the change of use to short term residential accommodation from day therapy centre. The 12 month approval period to commence from the date of issue of the Occupancy Permit.
16 May 2017	Council granted a 12 month extension of the original 12 month planning approval under the same conditions of planning approval.
15 May 2018	Council granted an additional 12 month extension of the original 12 month planning approval under the same conditions of planning approval.
Current:	Vacant building.

The applicant has submitted a letter (refer to Attachment 3) in support of the request for a third extension of the original planning approval stating as follows:

"...Ongoing delays with planning and establishment of funding to meet specifications required and level compliancy checks to ensure the completed works comply with the Town of East Fremantle requirements, heritage and building code applicable to a class 9 building.

We can confirm there has been no change in the works as approved in the original approved submission. The works have not progressed as yet while further consideration of the financial risk to the South Metropolitan Health Service is undertaken. The importance of providing a long term facility for the benefit of mental health patients needs to be balanced against the risk of a half million dollar investment only being given temporary approval.

In the interim the facility at 33 Moss Street has and is being maintained, security alarm systems and fire alarm systems are operational and maintained."

Consultation

No community consultation is required as the application is for a request to extend the temporary planning approval. Should the facility commence operations the applicant is required to submit another planning approval application seeking Council's approval to continue to operate past the 12 month temporary approval. At that point further public consultation will be required.

Community Design Advisory Committee (CDAC)

Referral to the CDAC is not considered necessary given the application is for a change of use and there are no external changes to the heritage listed building proposed.

Statutory Environment

Planning and Development Act 2005

Town of East Fremantle Local Planning Scheme No. 3 (LPS No. 3)

LPS No. 3 – Heritage List – Category A

Crown Land Title – Management Order – Swan No. 37909

Policy Implications

Municipal Heritage Inventory – Category A

Fremantle Port Buffer Zone – Area 3

Financial Implications

Nil.

Strategic Implications

The Town of East Fremantle Strategic Community Plan 2017 – 2027 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 Facilitate 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.

3.2 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 practices.

3.3.2 Optimal management of assets within resource capabilities.

3.3.3 Plan and advocate for improved access and connectivity.

Natural Environment

Maintaining and enhancing our River foreshore and other green, open spaces with a focus on environmental sustainability and community amenity.

4.1 Conserve, maintain and enhance the Town's open spaces.

4.1.1 Partner with Stakeholders to actively protect, conserve and maintain the Swan River foreshore.

4.1.2 Plan for improved streetscapes parks and reserves.

4.2 Enhance environmental values and sustainable natural resource use.

4.2.1 Reduce waste through sustainable waste management practices.

4.3 Acknowledge the change in our climate and understand the impact of those changes.

4.3.1 Improve systems and infrastructure standards to assist with mitigating climate change impacts.

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not approve the extension of the development approval and a review to SAT is lodged	Unlikely (2)	Minor (2)	Moderate (5-9)	COMPLIANCE Minor regulatory or statutory impact	Accept Officer Recommendation

Risk Matrix

Consequence \ Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

Risk Rating	4
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Site Inspection

April 2019

Comment

LPS 3 Zoning: Local Scheme Reserve – Public Purposes (Hospital)

MRS: Urban

Site area: 2,651m²

Statutory Assessment

The following issues were noted as relevant to the determination of this application upon its initial assessment in October 2016:

- Change of use from day therapy consulting rooms to short term accommodation;
- Residential amenity impacts and compatibility of use with surrounding residential uses;
- Car parking and access for clients, staff, visitors and service/delivery vehicles; and
- Use of 'Reserve' land with Management Orders stating that the land is to be used for mental health services.

The application underwent two advertising periods in accordance with planning scheme provisions, including a public information session at Fremantle Hospital, letters to residents and signs on the site. Nineteen (19) submissions were received in the initial period with 17 objecting, one in support and one being from a repeat submitter. A 32 signature petition objecting to the proposal was also received. Sixteen (16) of the signatories also made an individual submission. One (1) submission objecting to the proposal was received in the second advertising period.

The following planning issues were raised in submissions:

- Increased traffic over a 24 hour period;
- 50% increase in number of clients from the current service at Hampton Road;
- Inadequate car parking provision, manoeuvring area and undersized bays;
- Pedestrian safety;
- Inadequate existing on-street parking;
- Non-residential nature of the use;
- Negative impact on residential amenity;
- Suitability of building for proposed use;
- Community consultation inadequate;
- Heritage listing of the site; and
- Issues with previous use of the site as a mental health facility.

The proposed accommodation use was considered consistent with the reserve status of the land and the purpose of the 'gifting' to the Fremantle Hospital. The building was also considered compatible with the surrounding residential area, particularly as it is intended for the occupants to live in a residential setting, however, the proposed scale of the service that is the number of clients, parking and access issues for clients, staff and service vehicles were points of concern. Of particular concern was the potential impact on residential amenity and the difficulty of assessing the impact in this location based on the operation of the existing facility in Hampton Road, Fremantle.

Taking into account the amenity, car parking, access and scale of the accommodation use it was recommended that the change of use be approved for 12 months only. It was thought that during that time if the Council determined the use failed to comply with the conditions of the approval, or if the change of use caused a nuisance or annoyance to surrounding residents as determined by Council the approval may be revoked. At the end of the 12 month period the applicant is required to submit another planning approval application for the continuance of the use at which time the suitability of the use, the number of people accommodated at any one time and the car parking demand and provision would be reassessed.

Full details in respect to the original application and additional requests for extensions of the temporary planning approval can be found in the Council Minutes of 17 May 2016, 16 May 2017 and 15 May 2018. Based on the consistency with the previous approval/conditions no further advertising was undertaken. The same conditions of approval are recommended to be imposed should Council resolve to grant a third extension of the planning approval for an additional 12 months. The application for an extension of the planning approval for a further 12 months is therefore supported under the same conditions as the current approval. The extension to the approval period to commence from the date of the Council's determination and the temporary planning approval to commence from the date the Occupancy Permit is issued.

11.7 OFFICER RECOMMENDATION

That Council grant a third 12 month extension to the 12 month temporary approval for a change of use from day therapy centre to short term residential accommodation for up to ten (10) persons and five (5) staff at No. 33 (Reserve 37909) Moss Street, East Fremantle subject to the following conditions:

- (1) No more than 10 persons and 5 staff at any one time to occupy the site (see Footnote (a) below). The approval for the number of occupants not to exceed ten (10) persons and for the number of staff not to exceed five (5) persons is valid for a period of 12 months only from the date of the issue of an occupancy permit and the applicant is required to seek a renewal of the development approval thereafter to enable the continuance of the use and for approval of the number of persons to be accommodated and the number of staff to be working at the site.**
- (2) A resident/client is not to be accommodated for any period longer than six (6) weeks in any one period of accommodation.**
- (3) The provision of vehicle and pedestrian sight lines to the satisfaction of the Chief Executive Officer in consultation with relevant officers at all pedestrian and vehicle entry and exit points to the site. The sight lines to be maintained to the Town's satisfaction and installed prior to the issue of a Building Permit for the site.**
- (4) The provision of a total of eleven (11) paved, drained and marked parking bays with adequate parking bay and manoeuvring dimensions that meet the relevant Australian Standards for clients, staff, delivery/service and disabled persons to the satisfaction of the Chief Executive Officer. The bays to be provided and marked before issue of the Occupancy Permit.**
- (5) Five (5) bays to be marked for staff use and three (3) bays to be marked for client use only. The bays to be provided and marked before issue of the Occupancy Permit.**
- (6) The provision of one (1) service/delivery bay that is marked for that purpose only and meets Australian Standards in terms of required dimensions and manoeuvring areas.**
- (7) The one (1) disabled bay and two (2) client bays in the front setback area off Moss Street to meet Australian Standards and the paving materials to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers, the details to be submitted with the Building Permit application.**

- (8) Any external alterations proposed to the main building or outbuildings considered by Council to have heritage significance to be subject to a separate development application to be submitted to Council for its consideration.
- (9) An alternate bin storage area is to be located on site to the satisfaction of the Chief Executive Officer in consultation with relevant officers to be indicated on the plans to be submitted for a Building Permit application.
- (10) All waste storage and recycling bins are to be stored on-site (not on the verge or in view of either Moss or Bedford Streets) and screened from the streets.
- (11) The crossover to Bedford Street to be widened to 4.6 metres to the satisfaction of the Chief Executive Officer in consultation with relevant officers. The applicant is required to liaise with the Town in regard to the widening of the crossover. The cost of the widening to be borne by the applicant.
- (12) The laundry to be relocated to an alternative position on the site to the satisfaction of the Chief Executive Officer in consultation with relevant officers and the details to be submitted with the Building Permit application.
- (13) Details of any signage on-site being the subject of a separate development application to be submitted to the Town for Council's consideration and all existing redundant signage on-site to be removed.
- (14) The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
- (15) The proposed works are not to be commenced until Council has received an application for a building permit and the building permit issued is in compliance with the conditions of this planning approval unless otherwise amended by Council.
- (16) With regard to the plans submitted with respect to the building permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
- (17) The proposed change of use is not to occur and the building is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
- (18) All storm water is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
- (19) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
- (20) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (21) This planning approval to remain valid for a period of 12 months from the date of this approval unless otherwise revoked.

Footnote

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

- (i) in relation to condition 1 the temporary approval for the change of use also relates to the maximum number of people accommodated and the maximum number of staff at any one time. After a 12 month period if the applicant wishes the Council to reconsider the number of people accommodated and the number of staff on the site a fresh application will be required to be submitted for Council's consideration.*
- (ii) the applicant be advised that failure to comply with the above conditions of this approval or if the change of use causes a nuisance or annoyance to owners or occupiers of the land in the neighbourhood, Council may revoke its approval for a maximum of 10 people to be accommodated on the site at any one time and at Council discretion reduce the maximum number of people that can be accommodated or working on the site.*
- (iii) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (iv) a copy of the approved plans as stamped by Council are attached and the application for a building permit is to conform with the approved plans unless otherwise approved by Council.*
- (v) 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).*
- (vi) matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (vii) it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (viii) the applicant is advised that planning approval is issued for a period of 12 months only and re-application prior to the expiry of this approval will be necessary should the continuation of the use be required. It is further noted that non-compliance with the continuation of this planning approval may result in its revocation.*

NO. 33 (Reserve 37909) MOSS STREET
THIRD EXTENSION TO APPROVAL FOR CHANGE OF USE FROM DAY THERAPY CENTRE TO SHORT TERM RESIDENTIAL
ACCOMMODATION FOR UP TO 15 PERSONS – P124/15







Government of **Western Australia**
Department of **Health**
South Metropolitan **Health Service**

Our Ref:
Enquiries:
Phone: 9431-3976

2 April 2019

Town of East Fremantle
PO Box 1097
FREMANTLE WA 6959

By Email: admin@eastfremantle.wa.gov.au

Dear Sir/Madam

**No. 33 Moss Street (Reserve 37909), East Fremantle
Application for Development Approval**

Please find attached an Application for Development Approval for No. 33 Moss Street, East Fremantle dated 5 April 2019.

The abovementioned request is in addition/continuation to the original approved submission as per the attached Notice of Determination dated 20 May 2016. Ongoing delays with planning and establishment of funding to meet specifications required and level compliancy checks to ensure the completed works comply with the Town of Fremantle requirements, heritage and building code applicable to a Class 9 building.

We can confirm there has been no change in the works as approved in the original approved submission. These works have not progressed as yet while further consideration of the financial risk to South Metropolitan Health Service is undertaken. The importance of providing a long term facility for the benefit of Mental Health Patients needs to be balanced against the risk of a half million dollar investment only being given temporary approval.

In the interim, the facility at 33 Moss Street has and is being maintained, security alarm systems and fire alarm systems are operational and monitored.

We look forward to hearing from you.

Regards

Mark Stokoe
Area Director, Infrastructure, Facilities Management & Health Support Services
South Metropolitan Health Service

Fremantle Hospital
Engineering Department
P Block, Level 5
Alma Street, Fremantle WA 6168
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12. REPORTS OF OFFICERS (COUNCIL DECISION)

Nil.

13. MATTERS BEHIND CLOSED DOORS

Nil.

14. CLOSURE OF MEETING