



# MINUTES

## Town Planning Committee

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Tuesday, 1 October 2019 at 6.35pm

### 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.

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MINUTES OF THE ORDINARY MEETING OF THE TOWN PLANNING COMMITTEE HELD IN THE COUNCIL CHAMBER, 135 CANNING HIGHWAY, EAST FREMANTLE ON TUESDAY THE 1 OCTOBER 2019

**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**

The following members were in attendance:

Cr Collinson	Presiding Member
Mayor O’Neill	
Cr Natale	
Cr Harrington	
Cr White	
Cr Nardi	

The following staff were in attendance:

A Malone	Executive Manager Regulatory Services
K Culkin	Minute Secretary

**3.2 Apologies**

Nil

**3.3 Leave of Absence**

Nil

**4. MEMORANDUM OF OUTSTANDING BUSINESS**

Nil

**5. DISCLOSURES OF INTEREST**

Nil

**5.1 Financial**

Nil

**5.2 Proximity**

Nil

**5.3 Impartiality**

Nil

**6. PUBLIC QUESTION TIME**

**6.1 Responses to previous questions from members of the public taken on notice**

Nil

**6.2 Public Question Time**

Nil

**7. PRESENTATIONS/DEPUTATIONS**

**7.1 Presentations**

Nil

**7.2 Deputations**

Nil

**8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**8.1 Town Planning Committee (3 September 2019)**

**8.1 OFFICER RECOMMENDATION**

Moved Cr Nardi, seconded Cr Harrington

That the minutes of the Town Planning Committee meeting held on Tuesday 3 September 2019 be confirmed as a true and correct record of proceedings.

CARRIED UNANIMOUSLY

**9. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

Nil

**10. REPORTS OF COMMITTEES**

Nil

11. REPORTS OF OFFICERS (COMMITTEE DELEGATION)

11.1 King Street No 67 (Lot 328) Renewal of home occupation (Well-being services - massage, mediation, mindfulness and art)

<b>Owner</b>	Karen Neville & Michael Collins
<b>Applicant</b>	Karen Neville (First Breath Art & Wellbeing)
<b>File ref</b>	P002/19; P/KIN67
<b>Prepared by</b>	James Bannerman Planning Officer
<b>Supervised by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Meeting date</b>	1 October 2019
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attached:</b>	1. Table of Public Submissions

**Purpose**

This report considers the renewal of an application for a home occupation for well-being services primarily aimed at children – massage, meditation, mindfulness and art - at No 67 (Lot 328) King Street, East Fremantle.

**Executive Summary**

The applicant is seeking Council re-approval to continue to operate the home occupation at the subject site. The business has been operating at the site for 6 months and no issues arising from the operation of the business have been brought to the attention of the Town during this time, although during the advertising period as part of this assessment there have been submissions of opposition and support.

As stated in the previous report that was presented to Council there are three issues that are relevant to the determination of this application;

1. Impact on residential amenity from business activity
2. Effect of vehicle traffic
3. Adequacy of car parking

Originally a 6 month approval was issued as a result of possible concerns administration had with regards to the application, however, in this instance a 12 month approval is recommended to be issued as there were not any direct complaints about the operations of the business over the 6 month trial period.

It is felt that this proposal can be supported subject to planning conditions.

**Background**

Zoning: Residential R20  
Site area: 508m<sup>2</sup>

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

Sale of pet food from a refrigerator located on the premises was stopped earlier in March 2019 following intervention by the Principal Environmental Health Officer. This was unrelated to the operation of the home occupation that is the subject of this report.

## Consultation

### Advertising

The proposal was advertised to the surrounding landowners from 15 to 30 August 2019. The following submissions were received (5 submissions of objection, 9 submissions of support). The applicant responded to the submissions and following discussions with the Town did agree to limit the business activities to Monday to Friday and not operate on Saturday as agreed to under the original 6 month trial period. This has been conditioned in the officer's recommendations.

NB: Refer to table attachment for submissions and responses information.

### Community Design Advisory Committee (CDAC)

This application was not referred to CDAC. There are no streetscape or design issues around this proposal.

### Environmental Health Officer

Council's Principal Environmental Health Officer inspected 67 King Street on Thursday 5 September 2019. The inspection confirmed that the premises is suitable for use as a massage and meditation home occupation. The rear studio was inspected and is intended for children's activities, once completed. There were no environmental health or neighbourhood amenity issues identified at the time of inspection.

## 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	Unlikely (2)	Moderate (3)	Low (1-4)	COMPLIANCE Some temporary non-compliances	Accept Officer Recommendation

**Risk Matrix**

Consequence		Insignificant	Minor	Moderate	Major	Extreme	
		1	2	3	4	5	
Likelihood	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

A site inspection was undertaken.

### Comment

#### Statutory Assessment

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

The applicant is seeking approval for a home occupation for art, meditation and massage services for children and adults. The home occupation involves massage appointments available from 8am to 4pm Monday to Friday and 8am to 12pm Saturday mornings. Well-being classes are held for groups of 10 children two afternoons per week 3pm to 5pm and for one-off groups of 5 adults from 9.30am - 4pm time slots. It is intended that the business will be operated by the applicant and resident of the dwelling and that no other staff from outside the residence will be employed. The massages will take place in a dedicated room within the house and the garden and patio will be used for other activities related to the well-being services.

A Home Occupation is classified as a "P" or permitted use in the Residential zone, which means:

*"the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme."* (LPS No. 3, sub-clause 4.3.2)

The following table provides compliance details in relation to Home Occupation use as defined under Local Planning Scheme No.3.

Home Occupation - Required	Comment
Does not employ any person not a member of the occupier's household	Employees are all within the household.
Will not cause injury to or adversely affect the amenity of the neighbourhood	Potential impact on neighbourhood. Conditions relating to days/hours of operation of the business and number of clients at any one time limit impacts.
Does not occupy an area greater than 20 square metres	Occupies area of the site that is greater than 20m <sup>2</sup> . Areas within the dwelling, patio and garden are used as part of the business.
Does not display a sign exceeding 0.2 square metres	A relevant condition will be applied.
Does not involve the retail sale, display or hire of goods of any nature	A relevant condition will be applied.
In relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles;	It is anticipated there will be vehicle movements that are greater than that anticipated for the recognised daily number of vehicle movements for a dwelling within a Residential zone. Driveway parking does not meet Australian Standards for width of car bays and vehicle access. Street parking along King Street is available but there are significant parking pressures in the street..

	R-Code requirement for parking = 1 bay (within 250m of a high frequency transport route). Development in the Plympton Precinct discourages carports and garages as part of any residential development.
Does not involve the use of an essential service of greater capacity than normally required in the zone;	Complies.

Three questions were asked of the applicant as part of the assessment process and the responses (in italics) were supplied by the applicant.

**How many customers do you have per day? Can you provide a breakdown of the number of customers for each service you provide?**

*At the moment, I only run Little Buddha's children's wellbeing classes on a Monday afternoon – 10 children in the session. I'm currently seeing all clients out of my commercial treatment rooms.*

*Outside of the children's wellbeing class, I will look to see adults one on one at my home to teach meditation techniques and stress management strategies once the home occupation application is approved on a more permanent basis. I only book a maximum of 4 appointments per day. I have been asked to run an adult meditation class from King Street for local parents. I wouldn't look to run the adult class till the last term (so after September holidays). I'll keep you informed if this goes ahead and will follow any guidelines you recommend.*

**How many customers are walking compared to parking their vehicles?**

*Little Buddha's parents are majority local – 8 families with 10 children attending. Out of the 8 families, 6 walk and 2 drive as they live in Fremantle. Out of the two that drive, only one collects from my home as the other parent has arranged for collection of her daughter from another parent who lives in Hubble Street.*

**Have you had any complaints from neighbouring properties regarding noise, parking or any other issues?**

*No complaints at all since I started the classes. It's the opposite really. I have people coming up and having cups of tea while their kids explore the fairy gardens in our yard etc. It's all very holistic and community focused. We love it and hope the community continue to love it and our garden retreat as much as we do.*

The proposed home occupation which incorporates a number of services and clients attending the site may create additional traffic and parking pressures in the street. It is possible that noise and disturbance to neighbours increases as a result of intensification of the proposed home occupation. The relevant issues are discussed below.

Parking

There are 2 car parking bays available for the residents of the dwelling and clients to the business. There is a driveway with one car bay available on site and a single on-street car bay in front of the property although this is not specifically for the applicant's use as it is a public space. The driveway for the dwelling is approximately 2.8 metres wide which does not meet the current minimum standard for driveway widths and cannot be included in the parking assessment for the home occupation because it does not meet the standard required by LPS No. 3. The driveway car park can be considered to provide parking for the residents only.

Only the parking bay in front of the site can reasonably be expected to be available for clients to the site. It is likely that clients will look for parking in the street if they do not walk. It cannot be assumed that

visitors to the site will use the on-site car bay because of its narrow width, lack of availability and the presence of a front gate. The number of clients proposed clearly exceeds the number of bays that can be provided.

According to the applicant a number of the customers walk to the applicant's residence rather than driving and she has stated that encouragement is given to clients to walk.

It is noted that on-street parking is not reserved parking and operates on a first come first served basis. Plympton Precinct was originally developed in the pre-car era and the Residential Design Guidelines discourages the construction of carports and garages as part of the development assessment process. It is a highly walkable urban environment that has high quality footpaths that allows residents to walk between destinations. Residents of Plympton have to accept that the characteristics that attract people to Plympton including the pedestrian friendly environment with minimal parking means that parking will be at a premium and other travel modes will have to be utilised when travelling through the precinct.

#### Traffic and vehicle movements

Traffic generation from the site is also a relevant consideration. Traffic engineering industry guidelines estimate that residential properties experience 10 vehicle movements a day. If the home occupation operates daily between the hours stipulated, in conjunction with the proposed activities and the normal household activities then 10 vehicle movements per day would be exceeded. The applicant has claimed that most clients walk and all customers are encouraged to walk, however, whilst this may be the case there is no guarantee that this will continue and that future clients will walk to the site. The Town cannot control travel to the site therefore the home occupation might increase vehicle traffic in the area.

In accordance with the proposed conditions of operation it is noted that the business will only operate weekdays between 9.30am and 5pm when people are generally at work, therefore the impacts are considered to be minimal. The use is also limited to 12 months so any potential impacts on parking and traffic can be monitored.

#### Operation of home occupation

If the applicants use the driveway for parking then it is important that clients do not occupy the bays that may be required by other residential visitors to the street. Given that there has been no complaints during the business operations over the last 6 months (but it is noted that 5 submissions were received when the application was advertised) and in light of the existing parking pressures in the precinct and the limited number of parking bays available on and off-street it is recommended that the number of clients for massage and meditation services be maintained at four (4) per day with only one (1) client on the premises at any one time. A maximum of four (4) clients per day in conjunction with the other activities planned on Mondays and Wednesdays (groups of 5 or 10 persons) can be also be maintained. This is only considered reasonable because some of the activities have already been operating on site, without any complaints to the Town and the applicants claim that most clients walk to the site. Failure to comply with the conditions of this approval may see Council revoke the approval of the home occupation.

It is recommended that restrictions continue to be placed on the hours and days that individual clients can be treated for massage and meditation with the removal of the ability to trade on Saturdays. It is recommended that the days be restricted to Monday to Friday between 9.30am and 4.00pm with no services available on Saturdays, Sundays or Public Holidays. This will ensure that traffic movements do not coincide with peak hour work movements and commercial activities around George Street on week-ends

and Public Holidays. The group activities for children should be confined to that stated in the application; Monday and Wednesday from 3.00pm to 5.00pm with no more than 10 children per group session. Similarly, the adult group sessions should be no more than 5 persons per session and to operate within the days and hours stipulated for individual client massage and meditation services. Only one adult group session per day is permitted.

As stated previously the home occupation use is designed to support businesses that have limited amenity or parking impacts on the surrounding residential properties. Any expansion in the size of the business operations beyond what is recommended in this report will have effects that are better suited to areas with commercial or mixed-use zoning.

### **Conclusion**

Although the Town is broadly supportive of the proposal it is recognised that there are questions of amenity, parking and traffic that have to be addressed and the Town must act in the best interests of the whole of the community.

Home occupations are uses that are generally only permitted in Residential zones when they are considered to be small scale activities that will not bring about significant change to resident amenity, parking demand or vehicle traffic. A number of conditions in respect to the number of individual clients and group sessions per day, hours/days of operation, parking, signage and other standard planning and environmental health conditions similar to the existing approval are recommended to be imposed to restrict the scale and intensity of the commercial activity. It is noted that although the impacts have not been significant it is possibly due to the fact that the dwelling is not being used to its full extent based on the original approval that was issued. If there was a significant increase in customers visiting the dwelling then the parking and traffic pressures would increase.

A twelve month approval period is considered to be warranted so the home occupation can continue to be monitored for any negative impacts. As this proposal is within a Residential zone that is already subject to parking and traffic pressures it is important that caution be applied to home occupation approvals of this nature and that regular renewals are required, rather than being granted on a permanent basis. If the home occupation does not operate as the applicant has specified and in accordance with the conditions imposed by Council, then the approval may be revoked.

It is recommended that a twelve month approval be issued with relevant conditions.

- Tim Chambers (adjoining neighbour) stated that, though he objected to the initial proposal, he supported the Officer's recommendation with defined hours of operation and excluding Saturdays.
- Genevieve Gething (neighbour) spoke in support of the original proposal, which included Saturday mornings. She stated that, from her observations, the busiest time for traffic and parking issues occurred on weekdays, after 5 pm, when people returned from work.
- Jodie Payne, a resident of Hubble Street, spoke in support of the original proposal that included Saturday mornings, stating that she has witnessed greater parking issues caused by other service providers in her surrounding area. She presented a petition of support for the original application, containing 73 names.

- Karen Neville (applicant) addressed the committee, stating that she suspected that previous issues with her southern neighbour were the causation of the neighbour's lack of support for the proposal that included Saturday mornings. Ms Neville proposed that, in recognition of the neighbour's parking concerns and to be able to service adult clients who work during the week, that she would not offer group bookings on Saturday mornings and conduct only single appointments for adults between 9 am and 12pm. She also specified that her driveway and her northern neighbour's driveway would be available for parking during the hours of operation.

UNCONFIRMED

### 11.1 OFFICER RECOMMENDATION

That Council exercises its discretion in regard to granting approval for a home occupation (child and adult art, meditation and massage services) at No. 67 (Lot 328) King Street, East Fremantle in accordance with the supporting documents date stamped 9 August 2019 subject to the following conditions:

- (1) Approval is for a temporary period of twelve (12) months from the date of this development approval.
- (2) Continuation of the home occupation use after the twelve (12) month approval period has expired will require the submission of a new development approval application for Council's consideration.
- (3) The applicant is to comply with the Medicines and Poisons Act 2014.
- (4) A copy of the massage qualification is to be forwarded to Council within 14 days of the date of the Council development approval being issued.
- (5) The premises are to be inspected by the Town's Environmental Health Officer prior to the business operating and annually thereafter should a further planning approval be granted following the twelve (12) month approval period.
- (6) Only four (4) individual clients for massage and meditation per day are permitted from Monday to Friday between the hours of 9.30am to 4.00pm.
- (7) Only one (1) client vehicle may be parked at the premises at any one time.
- (8) Only one (1) client for individual massage and meditation appointments may be on the premises at any one time.
- (9) The hours and days of operation for the adult group sessions are as per the individual client hours as specified in condition 6 above and the groups are not to exceed five (5) adults per session with no more than one (1) group session per day.
- (10) The hours and days of operation of the children's group classes are Monday and Wednesday only from 3.00pm to 5.00pm with the groups not exceeding 10 children per session and only one (1) group session per day.
- (11) The home occupation is not to operate on Saturdays, Sundays or Public Holidays.
- (12) The applicant will be the sole provider of the services.
- (13) The home occupation is not to occupy any other area of the dwelling other than the room indicated on the plan, the rear garden and patio as shown on the plans date stamped received 9 August 2019.
- (14) No signage shall be displayed exceeding 0.2 square metres.
- (15) The home occupation shall not employ any person who is not a member of the occupier's household.
- (16) No products or goods shall be sold from the dwelling, other than those well-being services approved under the home occupation.
- (17) The home occupation approval is valid for a period of twelve (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 home occupation. During the review of the renewal process, assessment of number of clients per day, group session numbers, car parking, noise, vehicle movements, safety, resident amenity and compliance with Home Occupation requirements and Scheme requirements will be undertaken.

Footnote:

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

- (i) *The applicant be advised that failure to comply with the above conditions of this approval or if the home occupation causes a nuisance or annoyance to owners or occupiers of the land in the neighbourhood, Council may revoke its approval of the home occupation.*

- (ii) A fresh development (planning) approval application is to be made for Council's consideration at the expiry of the twelve (12) month temporary approval period should the applicant wish to continue the use;
- (iii) The applicant be advised that following receipt of planning approval the Town's Principal Environmental Health Officer is to be contacted to arrange for an inspection of the premises (telephone 9339 9315).
- (iv) This decision does not include acknowledgement or approval of any unauthorised development which may be on the site;
- (v) A copy of the approved plans as stamped by Council are attached and the use is to conform with the approved plans (9 August 2019) unless otherwise approved by Council; and
- (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".

Moved Cr Collinson, seconded Cr Harrington  
The adoption of the Officer's recommendation

Amendment

Moved Mayor O'Neil, seconded Cr Nardi

That the recommendation be amended as follows:

1. A separate condition be inserted as point 11, "*The hours of operations on Saturday are to be between 9am -12pm only. No group bookings or children's groups permitted. Purposes for adult meditation only.*"
2. Original condition 11 becomes condition 12 with the deletion of the word 'Saturday'
3. Subsequent conditions be renumbered accordingly

CARRIED UNANIMOUSLY

The amended substantive motion was put.

**11.1 SUBSTANTIVE MOTION/COMMITTEE RESOLUTION TP011019**

Moved Cr Natale, seconded Cr White

That Council exercises its discretion in regard to granting approval for a home occupation (child and adult art, meditation and massage services) at No. 67 (Lot 328) King Street, East Fremantle in accordance with the supporting documents date stamped 9 August 2019 subject to the following conditions:

- (1) Approval is for a temporary period of twelve (12) months from the date of this development approval.
- (2) Continuation of the home occupation use after the twelve (12) month approval period has expired will require the submission of a new development approval application for Council's consideration.
- (3) The applicant is to comply with the Medicines and Poisons Act 2014.
- (4) A copy of the massage qualification is to be forwarded to Council within 14 days of the date of the Council development approval being issued.

- (5) The premises are to be inspected by the Town's Environmental Health Officer prior to the business operating and annually thereafter should a further planning approval be granted following the twelve (12) month approval period.
- (6) Only four (4) individual clients for massage and meditation per day are permitted from Monday to Friday between the hours of 9.30am to 4.00pm.
- (7) Only one (1) client vehicle may be parked at the premises at any one time.
- (8) Only one (1) client for individual massage and meditation appointments may be on the premises at any one time.
- (9) The hours and days of operation for the adult group sessions are as per the individual client hours as specified in condition 6 above and the groups are not to exceed five (5) adults per session with no more than one (1) group session per day.
- (10) The hours and days of operation of the children's group classes are Monday and Wednesday only from 3.00pm to 5.00pm with the groups not exceeding 10 children per session and only one (1) group session per day.
- (11) The hours of operations on Saturday are to be between 9am -12pm only. No group bookings or children's groups permitted. Purposes for adult meditation only.
- (12) The home occupation is not to operate on Sundays or Public Holidays.
- (13) The applicant will be the sole provider of the services.
- (14) The home occupation is not to occupy any other area of the dwelling other than the room indicated on the plan, the rear garden and patio as shown on the plans date stamped received 9 August 2019.
- (15) No signage shall be displayed exceeding 0.2 square metres.
- (16) The home occupation shall not employ any person who is not a member of the occupier's household.
- (17) No products or goods shall be sold from the dwelling, other than those well-being services approved under the home occupation.
- (18) The home occupation approval is valid for a period of twelve (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 home occupation. During the review of the renewal process, assessment of number of clients per day, group session numbers, car parking, noise, vehicle movements, safety, resident amenity and compliance with Home Occupation requirements and Scheme requirements will be undertaken.

**Footnote:**

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

- (i) *The applicant be advised that failure to comply with the above conditions of this approval or if the home occupation causes a nuisance or annoyance to owners or occupiers of the land in the neighbourhood, Council may revoke its approval of the home occupation.*
- (ii) *A fresh development (planning) approval application is to be made for Council's consideration at the expiry of the twelve (12) month temporary approval period should the applicant wish to continue the use;*
- (iii) *The applicant be advised that following receipt of planning approval the Town's Principal Environmental Health Officer is to be contacted to arrange for an inspection of the premises (telephone 9339 9315).*



- (iv) This decision does not include acknowledgement or approval of any unauthorised development which may be on the site;*
- (v) A copy of the approved plans as stamped by Council are attached and the use is to conform with the approved plans (9 August 2019) unless otherwise approved by Council; and*
- (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".*

CARRIED UNANIMOUSLY

The Executive Manager of Regulatory Services supported the amended recommendation.

Note:

As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 19 March 2019 this application deemed determined, on behalf of Council, under delegated authority.

## 11.2 Walter Street No 3 (Lot 1) Change of roof from terracotta tiles to zincalume

<b>Owner</b>	Mark Baldwin
<b>Applicant</b>	Mark Baldwin
<b>File ref</b>	P070/19; WAL3
<b>Prepared by</b>	James Bannerman Planning Officer
<b>Supervised by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Meeting date</b>	1 October 2019
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil

### Purpose

This report considers an application for a change of roof from a clay tile roof to a zincalume roof at No 3 (Lot 1) Walter Street.

### Executive Summary

The applicant is seeking Council approval to change the roof materials from terracotta tiles to zincalume sheeting at the subject site. The site is currently zoned residential and is a Category B heritage listed property. In accordance with Local Planning Scheme No 3 development applications involving heritage listed properties must be referred to Council for approval.

Although this might appear to be a minor matter the change in roof materials is a significant issue as it can change the character and appearance of buildings and have a detrimental impact on the heritage nature of the property.

At this point without further heritage and historical details relating to the roof the proposed change in roofing materials cannot be supported and must be refused.

### Background

Zoning: Residential Use R17.5

Site area: 483m<sup>2</sup>

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

- WAPC approval granted for survey strata subdivision of original parent lot into 2 lots – front and battle-axe rear lot- this lot is the front lot with the original dwelling – 25 March 2004
- Unauthorised works – parapet wall on north side of property – Council letter to owner 2 April 2008
- P54/08 - planning approval for a bedroom and storeroom issued – issued 20 May 2008
- P50/08 - planning approval enclosing carport and construction of parapet wall – issued 17 June 2008
- Fence had been built without approval across easement for the rear laneway – Council letter to owner – 8 December 2011
- P51/12 - retrospective planning approval for front fence – issued 15 May 2012
- Property included on Municipal Heritage Inventory and the Heritage List - 20 October 2015

## Consultation

### Advertising

The proposal received sign-off from both of the owners of the neighbouring strata property behind the subject site (3A Walter Street). Both owners are required to sign off on the application.

### Community Design Advisory Committee (CDAC)

This application was not referred to CDAC.

## 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 Treatment proposed) or
That Council does not approve the proposed development	Possible (3)	Moderate (3)	Moderate (5-9)	COMPLIANCE Short term non-compliance but with significant regulatory requirements imposed	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 18 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

A site inspection was undertaken.

### Comment

#### Statutory Assessment

The proposal has been assessed against the provisions of Local Planning Scheme No. 3 and the Residential Design Guidelines.

The applicant is seeking approval for a change of roof type at the subject site. The site is currently within a residential zone in Richmond Precinct. The site previously gained approval for survey strata subdivision in 2003. The applicant does not reside at the premises which is rented. The applicant has indicated that he is having difficulty renting the property as the roof is leaking and causing mould issues within the dwelling. The applicant has indicated that he is under financial strain due the vacancy in the property. He has also indicated that the roof pitch is not conducive to tiles.

#### Heritage

The property is heritage listed and is included in both the Town's heritage list and municipal heritage inventory. It is listed as a Category B property. The change in roof materials would have an impact on the heritage characteristics of the dwelling. A search of the archives undertaken by the reporting officer discovered plans from 3 September 1959 that showed that the roof material was terracotta tiles at the time. There is no evidence available, nor can the applicant provide any further evidence that suggests that the roof was an alternative to tiles.

It has to be noted that the proposed development is not in keeping with the existing heritage nature of properties within East Fremantle. Property ownership entails responsibilities including repairs and maintenance. Unfortunately, the decisions of investors may clash with the heritage requirements of local governments and the communities that wish to preserve the heritage features of properties. Despite the fact that repairs to heritage properties may be expensive all development should adhere with the local planning framework. In this case there is a requirement for development to occur such that the roof materials are replaced like for like. The proposed change in roof material is not considered acceptable and if permitted would substantially alter the heritage qualities of the dwelling.

However, noting the above the applicant has detailed the poor condition of the tiles and indicated that replacement tiles will be distinguishable from the existing tiled roof. Whilst the dwelling is not a Californian bungalow which have tiles as a distinct design characteristic, tiles were used on many dwellings as roofing. The roof may have been zincalume originally, but in the absence of any further evidence the Town has to assume tiles were the original material.

#### Orderly and Proper Planning

The Residential Design Guidelines acceptable development provisions states in Clause 3.7.9.3 A2.3 that existing roof material is retained or replaced as required and Clause 3.7.9.3 A4.1 requires that materials for alterations should match the materials of the original dwelling. The performance criteria Clause 3.7.9.3 P1 states that where original materials require replacement, the policy of replacing like for like should be applied. A change in roof materials is clearly not "like for like".

The proposed development conflicts with a number of aims and objectives of Local Planning Scheme No 3. In particular Clause 1.6 (b); To enhance the character and amenity of the Town and to promote a sense

of place and community identity within each of the precincts of the Town and Clause 4.2; To safeguard and enhance the amenity of residential areas and ensure that new housing development is sympathetic with the character and scale of the existing built form.

In addition the proposed development conflicts with the Deemed Provision Clause 67 of the Planning and Development Regulations sub-clauses:

- (a) the aims and provisions of this Scheme*
- (b) the built heritage conservation of any place that is of cultural significance*
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following — (ii) the character of the locality; the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (zb) any other planning consideration the local government considers appropriate.*

The proposed change in roof materials contradicts the intentions of each of the listed clauses and as such reinforces the view that the roof type should not be permitted to change.

### Conclusion

The proposed change of roof materials from terracotta tiles to zincalume for the subject site is not considered acceptable and as such it is recommended that Council do not support the proposed development.

However, in the absence of alternative information the Town cannot confirm tiles were not the original roof material. Whilst administration is recommending refusal of the application zincalume is widely utilised in the area. A zincalume roof would impact on the original heritage integrity of the dwelling, however, due to existing additions and alterations, that integrity is partially compromised. In this instance a zincalume roof would not significantly impact on the streetscape or wider character of the area, therefore the administration could support an alternative resolution to support an alternative resolution for a zincalume roof if Council so wished.

### OFFICER RECOMMENDATION

That development approval is refused for a replacement roof of tiles to zincalume at No. 3 (Lot 1) Walter Road, East Fremantle, in accordance with the plans date stamped received 29 August 2019 for the following reasons;

- (1) The proposed development does not comply with the orderly and proper planning of the area;
- (2) The proposed development does not comply with the following requirements of the Local Planning Scheme No 3:
  - (a) The proposed development conflicts with Clause 1.6b Aims of the Scheme;
    - *To enhance the character and amenity of the Town and to promote a sense of place and community identity within each of the precincts of the Town*
  - (b) The proposed development conflicts with Clause 4.2 Objectives of the Zones- Residential Objectives;
    - *To safeguard and enhance the amenity of residential areas and ensure that new housing development is sympathetic with the character and scale of the existing built form;*

- (c) The proposed development conflicts with the provisions of the Town of East Fremantle Local Planning Scheme No 3 – Deemed Provision Clause 67 because it is incompatible with sub-clauses:
- (a) *the aims and provisions of this Scheme*
  - (b) *the built heritage conservation of any place that is of cultural significance*
  - (m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
  - (n) *the amenity of the locality including the following — (ii) the character of the locality; the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
  - (zb) *any other planning consideration the local government considers appropriate.*
- (3) The proposed development does not comply with the requirements of Clause 3.7.9.3 of the Residential Design Guidelines.

Moved Cr Collinson

The adoption of the Officer's recommendation

LAPSED FOR WANT OF A SECONDER

#### **11.2 ALTERNATIVE MOTION/COMMITTEE RESOLUTION TP021019**

Moved Cr Natale, seconded Cr White

That Council exercises its discretion in regard to granting approval in regard to the following discretions;

- (i) **Clause 3.7.9.3 A2.3 – Residential Design Guidelines – Roof Material – required that existing roof material is retained or replaced, new roof material provided;**
- (ii) **Clause 3.7.9.3 A4.1– Residential Design Guidelines – materials for alterations should match the materials of the original dwelling (terracotta tiles), new roof of zinalume provided;**

**for a new zinalume roof at No. 3 (Lot 1) Walter Street, East Fremantle, in accordance with the plans date stamped received 2019, subject to the following conditions:**

- (1) **The new replacement roof must be zinalume to be consistent with the existing heritage character of the area and dwelling.**
- (2) **The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- (3) **The 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.**
- (4) **With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
- (5) **All 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.**
- (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) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
- (8) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (9) This approval does not relate to any other works or uses and if further works or a change of use is required then a development application will have to be submitted to the Town for consideration by Council.
- (10) 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.***

**CARRIED 5/1**

**Reason for not supporting the officer's recommendation**

Council in this instance considered a zincalume roof would not significantly impact on the streetscape, heritage dwelling or wider character of the area, therefore the proposal was supported.

The Executive Manager of Regulatory Services supported the amended recommendation.

**Note:**

As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 19 March 2019 this application deemed determined, on behalf of Council, under delegated authority.



### 11.3 Gill Street No 34 (Lot 33) Proposed carport

<b>Owner</b>	Patrick Matthews
<b>Applicant</b>	John Chisholm Design
<b>File ref</b>	P057/19; GIL34
<b>Prepared by</b>	James Bannerman Planning Officer
<b>Supervised by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Meeting date</b>	1 October 2019
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil

#### Purpose

This report considers a planning application for a proposed carport to an existing dwelling at No 34 (Lot 33) Gill Street, East Fremantle.

#### Executive Summary

The applicant is seeking Council approval for a proposed carport to an existing dwelling with the following variations to the Residential Design Code and the Residential Design Guidelines;

- (i) Lot boundary setbacks on northern side of the dwelling – a wall is proposed that is on the boundary where a 1m setback is required;
- (ii) Roof pitch- 28 to 36 degrees required, 25 degrees provided; and
- (iii) Carport width – maximum of 30% of lot frontage required, more than 30% provided

It is considered that the above variations can be supported subject to conditions of planning approval being imposed.

#### Background

Zoning: Residential R17.5  
Site area: 911m<sup>2</sup>

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

Nil

#### Consultation

##### Advertising

The application was advertised to surrounding land owners 4 July to 19 July 2019. No submissions were received.

##### Community Design Advisory Committee (CDAC)

The application was referred to CDAC. The Committee made the following recommendations;

(a) *The overall built form merits;*

- The Committee noted that the carport should be setback 1.2m behind the building line to comply with Council Policy.
- The Committee comment that the width and length of the carport is excessive.

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

- The Committee comment that the faux heritage design elements particularly the Dutch gable are not supported and should be removed.

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

- The Committee noted there should be a clear distinction between the carport and the house, commenting that the eaves continuing between the car-port to the dwelling are not supported. The Committee reiterated the carport to be setback 1.2 metres from the building line of the dwelling.

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

- The Committee criticised the carport as having a negative impact to the heritage character of the dwelling.

(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 comment.

(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;*

- No comment.

Officer Comment

Following discussions with the applicant and the advice of CDAC the proposed design was modified to remove the Dutch gable from the roof and increase the setback of the carport to more than 1.2m from the front of the building. These modifications significantly lessen the dominance of the carport on the house and the streetscape.

External Consultation

Nil

**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	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 18 will require a specific risk treatment plan to be developed.

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

**Site Inspection**

A site inspection was undertaken.

**Comment**

Statutory Assessment

The proposal has been assessed against the provisions of Local Planning Scheme No. 3 and the Town's Local Planning Policies including the Residential Design Guidelines, 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

Design Element	Required	Proposed	Status
Street Front Setback	-	-	N/A
Secondary Street Setback	-	-	N/A
Lot boundary setbacks			
North carport wall	1m	0m	D

Open Space	55%	65%	A
Wall height	6m	2.4m	A
Roof height	9m	4.4m	A
Setback of Carport	4.5m	10.4m	A
Car Parking	1-2 car bays	2 car bays	A
Site Works	Less than 0.5m	Less than 0.5m	N/A
Overshadowing	≤25%	-	N/A
Drainage	On-site	To be conditioned	A

Local Planning Policies Assessment

LPP Residential Design Guidelines Provision	Status
<b>3.7.2 Additions and Alterations to Existing Buildings</b>	<b>D</b>
<b>3.7.3 Development of Existing Buildings</b>	<b>D</b>
3.7.4 Site Works	N/A
3.7.5 Demolition	N/A
3.7.6 Construction of New Buildings	N/A
<b>3.7.7 Building Setbacks and Orientation</b>	<b>D</b>
<b>3.7.8 Roof Form and Pitch</b>	<b>D</b>
3.7.9 Materials and Colours	A
3.7.10 Landscaping	N/A
3.7.11 Front Fences	N/A
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	N/A
3.7.15.4.3.1 Fremantle Port Buffer Area	N/A
<b>3.7.15.3.3 Garages and Carports</b>	<b>D</b>

This development application proposes a new carport for an existing dwelling. The property is listed as Category B on the heritage list and heritage inventory. The proposed carport represents a minor change to the existing dwelling, as the carport (as amended) is considered to have minimal impact on the heritage dwelling and streetscape. Two variations are requested to the requirements of the Residential Design Guidelines and one variation is requested to the requirements of the Residential Design Codes. It is noted that following comments from CDAC and in discussion with the applicant, the design was amended to remove the gable that was located above the roof of the carport and increase the setback of the carport such that it is approximately 2m behind the front building line.

Lot boundary setbacks

A parapet wall is proposed to be constructed on the northern lot boundary that forms the end of the proposed carport. The Residential Design Codes requires a minimum setback of 1m in accordance with the deemed to comply requirements of clause 5.1.2 C3.1i. The parapet wall and the reduced setback can be supported in accordance with the design principles clause 5.1.2 P3.2 because;

- i. the building makes more effective use of the available land for enhanced privacy for the occupants,
- ii. reduces the impact of building bulk,
- iii. there is no impact on sunlight or ventilation,
- iv. minimises overlooking and loss of privacy, and
- v. does not have an adverse impact on the amenity of the adjoining property

The design of the carport utilises the space at the side of the dwelling, is located to the south so does not reduce sunlight to the northern property and is a solid wall so increases privacy between dwellings. For these reasons the reduced boundary setback is supported.

#### Roof Pitch

The carport has a roof pitch of 25 degrees which does not comply with the acceptable development provisions of the Residential Design Guidelines Clause 3.7.8.3 A4.1 that requires a roof pitch of between 28 and 36 degrees. However, the roof pitch of 25 degrees is an acceptable variation as the roof contributes positively and compliments the existing dwelling and is sympathetic to surrounding dwellings in accordance with Performance Criteria Clause 3.7.8.3 P1, P2, P3 and P4. For these reasons the roof pitch less than 28 degrees can be supported.

#### Carport Width and Front Setback

Carports are required to be no wider than 30% of the lot frontage in accordance with clause 3.7.15.3.3 A3ii of the Residential Design Guidelines. In this case the carport is 7.45m wide however, the design has been modified such that the useable carport opening has been reduced to 6.36m and a section 1.09m from the northern boundary has been setback an additional 1m although it still has a roof above. It has been kept fully open to the street front and a condition will be imposed requiring that the carport not be enclosed with garage doors.

The amended design has also been setback such that it is more than 1.2m from the front building line which reduces impact of the carport bulk on the rest of the dwelling and the streetscape.

The carport in its modified form can be supported on the basis that it complies with the desired development outcomes clause 3.7.15.3.2; it is compatible with the design of the dwelling, it does not dominate the dwelling from the street and materials will not detract from the streetscape.

#### **Conclusion**

Based on the assessment that has been completed for this development and the explanation provided in this report, the variations that have been proposed to the Residential Design Code and the Residential Development Guidelines are considered acceptable. The applicant has made modifications in response to comments from CDAC. The amendments to the original design have improved the streetscape outcomes and lessened the dominance of the carport on the existing heritage dwelling. As such it is recommended that the proposed development be supported subject to planning conditions.

#### **11.3 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP031019**

**Moved Cr White, seconded Cr Nardi**

**That development approval is granted and Council exercises its discretion in regard to the following;**

- (i) Clause 5.1.3 – Residential Design Code – Lot Boundary Setbacks – 1m required, 0m provided;**
- (ii) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, 25 degrees provided;**
- (iii) Clause 3.7.15.3.3 A3 ii. – Residential Design Guidelines - Carport width – less than 30% of lot frontage required, more than 30% of lot frontage;**

for a new carport at an existing dwelling at No. 34 (Lot 33) Gill Street, East Fremantle, in accordance with the plans date stamped received 22 August 2019, subject to the following conditions:

- (1) The carport is remain open at the front and rear and not to be enclosed with solid gates or garage doors.
- (2) The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
- (3) The 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.
- (4) With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
- (5) All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
- (6) 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) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
- (8) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (9) This approval does not relate to any other works or uses and if further works or a change of use is required then a development application will have to be submitted to the Town for consideration by Council.
- (10) 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.*

CARRIED UNANIMOUSLY

Note:

As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 19 March 2019 this application deemed determined, on behalf of Council, under delegated authority.

**12. REPORTS OF OFFICERS (COUNCIL DECISION)**

Nil.

**13. MATTERS BEHIND CLOSED DOORS**

Nil.

**14. CLOSURE OF MEETING**

There being no further business, the Presiding member declared the meeting closed at 7.34 pm.

*I hereby certify that the Minutes of the ordinary meeting of the Town Planning Committee of the Town of East Fremantle, held on 1 October 2019, Minute Book reference 1. to 14. were confirmed at the meeting of the Committee on:*

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*Presiding Member*



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**11.1 King St No 67 (Lot 328) Renewal of Home Occupation (well-being services – massage, meditation, mindfulness and art)**

Submission	Applicant Response	Officer Response
<p>I oppose the extension because as a regular visitor to 69 King Street I always find it difficult to park outside this address, generally having to park several houses away. On one occasion, when it was pouring with rain there were no parks anywhere near this house and I was just going to leave something on the doorstep so I parked across the road close to someone’s drive. I left the engine running and door open to indicate I would be seconds but as I returned to my car and hopped in to leave the persons whose drive it was told me I had to move as I may make it difficult if they wanted to go out. On another occasion I had to carry a heavy plant quite a distance as couldn’t park close to this address. I don’t have off street parking and know how difficult it can be when I can’t park near my house and I have a car full of shopping to unload so appreciate the situation from that point of view as well.</p>	<p>Thank you for your recent correspondence in relation to the re-application for home occupation at our residence.</p> <p>The last six months, since Council’s decision to approve a trial period for running the business from our home, has been incident free. To our knowledge, there have been no complaints.</p> <p>We find it very disappointing that our southern adjacent neighbours, Tim Chambers and Imma Farre, continue to object to the business operating from our home. Given they are rarely home during business delivery hours, said to be statements in relation to traffic and parking congestion due to our business operations, lack credibility.</p> <p>At this time and due to the ongoing objections, we believe it is necessary to inform Councilors, Council and the Planning Department of the history we have with our southern adjacent neighbours.</p> <p>Below is a high-level summary of what we believe is driving the continued objections.</p> <p>In 2015 our southern adjacent neighbours lodged an ‘adverse possession’ claim with</p>	<p>There is no allocated parking in King Street. It is a public road and on-street parking is available on a first come first served basis.</p> <p>The Plympton Precinct was developed in the pre-car era and as such parking and cars were not a planning consideration. The Town does not require off-street parking to be a feature of development in the Plympton precinct in accordance with the Residential Design Guidelines (Clause 3.7.16.3.1 which states <i>Garages and carports are discouraged in the Plympton Precinct</i>). It is a highly walkable urban environment that has high quality footpaths that allows residents to walk between destinations. Residents of Plympton have to accept that the characteristics that attract people to Plympton including the pedestrian friendly environment with minimal parking means that people have to accept that parking will always be at a premium and other travel modes may have to be utilised when travelling through the precinct.</p> <p>The Town is also undertaking an Integrated Traffic Management and Movement Strategy which aims to provide recommendations to assist in the planning of parking and movement management</p>

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	<p>Landgate to enable them to obtain a portion of our land. This was post a renovation that they undertook that included a northern side step out of their existing property (into their historical driveway), that removed their option to have off-street parking.</p> <p>We were surprised and disappointed by the adverse possession claim that came. It was at a very high cost both personally and financially to us.</p> <p>Fortunately, after 18 months Landgate ruled there was 'no claim to be made' by our southern adjacent neighbours. We paid for all of the damages to our property caused by our neighbours, to be rectified. We paid for a second fence along the adjoining boundary of the properties with no assistance from our southern adjacent neighbours. We did this because we are good neighbours and value the relationships in our community.</p> <p>With the history as we believe it communicated, we would like to respond to the submission objections.</p> <p>We believe there is a recurring theme across all submissions, so will address all objections in one response and at a high level. First we would like to clarify the following:</p> <p>a) Our renovation was completed in late July. We have removed the building material which was stored in our driveway. Our off-street parking is now clear.</p>	
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	<p>b) In relation to community feedback, we have only received feedback in the positive in relation to service delivery.</p> <p>c) We have two commercial premises in which we run other aspects of our business.</p> <p>Objections Response:</p> <ul style="list-style-type: none"><li>• We believe the trial period for our home occupation has been an accurate indication of the level of service provision. The trial period service delivery hours suit our business and based on the fact that there has been no negative feedback to Council, we respectfully request support in maintaining current hours of business.</li><li>• We choose to live in a vibrant and diverse, high density community and actively work with a group of our neighbours to achieve improved parking and traffic flow. We do this by sharing our driveways and parking our vehicles economically, so as to achieve maximum usage of the on-road parking spaces. This is achieved in a neighbourly fashion, without hostility.</li><li>• As mentioned previously, it was a conscious choice of our southern adjoining neighbours to include a step out into what they previously used as a driveway. In doing so, their choice removed their option to have off-street parking.</li></ul> <p>We enjoy our vibrant street, as well as our close proximity to George Street and all this location has to offer. We focus on building a positive community and relationships across our precinct.</p>	
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	<p>We started the fairy garden project within Plympton and continue to work with local families to bring a solid sense of community and wellbeing to our streets. It develops a friendly and unified community feel which we have very quickly grown to love.</p> <p>We also enjoy being a destination and love to share our garden and lives within our neighbourhood and with the wider community.</p> <p>In conclusion, we respectfully urge council to take into consideration the impacts that a reduction in operating hours would mean to the local children and families who currently enjoy both the Little Buddha afternoon wellbeing classes and the Saturday morning meditation appointments.</p> <p>We also respectfully request Council to take into consideration that First Breath Wellbeing is and has been, a very low impact business with little to no parking congestion issues associated with the running of its day to day, one on one service delivery.</p> <p>This response is directed to all submissions.</p>	
<ol style="list-style-type: none"> <li>1. We oppose the extension of planning permission to operate First Breath at No. 67 King Street in its current form on the basis of its general impact upon street parking, and in particular upon our own access to street parking.</li> <li>2. We are immediate uphill neighbours of the applicant.</li> <li>3. We have no off street parking and are dependent upon street parking.</li> <li>3. As immediate neighbours lacking off street parking our concerns should be the litmus test of the impact of the business upon parking, and should be prioritised above comments from</li> </ol>		<p>There is no allocated parking in King Street. It is a public road and on-street parking is available on a first come first served basis.</p> <p>The Plympton Precinct was developed in the pre-car era and as such parking and cars were not a planning consideration. The Town does not require off-street parking to be a feature of residential development in the Plympton precinct in accordance with the Residential Design Guidelines (Clause 3.7.16.3.1 which states <i>Garages and</i></p>

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<p>others (such as First Breath’s clients) who either have off-street parking or live at some distance from no 67, and who therefore are not dependent upon parking in King street.</p> <p>4. The recent six months have been a trial period. We report that:</p> <p>a. The applicant currently runs some aspects of her business from a venue in Blinco Street. As such the previous 6 months have not necessarily been an indication of the level of business to be run from home in the future.</p> <p>b. The fact that the business was already running from the house prior to approval also clouds the efficacy of the trial period.</p> <p>c. In spite of these factors we can report a continuation of, and some increase in, the level of parking difficulty experienced in relation to our house. This is also in spite of the fact that recent building projects in the street, which involved builder’s traffic, have now been completed.</p> <p>d. As background, I explain that we have a driveway but it is not wide enough to accommodate a car and open a door to exit. We have two cars and on some days only use one. Often, one of the cars is parked in the parking area in front of our house and, by careful positioning, we are able to create an unofficial ‘extra bay’ for the other car by parking it across the opening of our driveway.</p> <p>e. However, on any occasion that we have a need to use both cars the spot in front of our house is almost always taken by someone else, parking less accurately, such that we lose both parking positions.</p> <p>f. These difficulties are most strongly experienced on Saturdays when a combination of domestic outings means that we need to use both our cars at the same time, and on the weekdays that Imma and I both need to drive to work. On these occasions the parking space in front of our house is occupied upon our return almost 100% of the time. (The same could be said of Sunday but I am aware that the home occupancy has permission to run from 9 to 1 on Saturday only.)</p> <p>g. When the parking area in front of our house is taken by someone else, we need to park in the bays in front of neighbours’ houses. However, such positions are not often available and, if they are, we face hostility from neighbours (including, but not exclusively, the applicants) when we park in front of their houses. On occasions we have needed to park at some distance up or down the street. Visitors have commented upon the difficulty of parking near our house.</p>	<p align="center" style="font-size: 48px; opacity: 0.3; transform: rotate(-45deg);">UNCONFIRMED</p>	<p><i>carports are discouraged in the Plympton Precinct).</i> It is a highly walkable urban environment that has high quality footpaths that allows residents to walk between destinations. Residents of Plympton have to accept that the characteristics that attract people to Plympton including the pedestrian friendly environment with minimal parking means that parking will always be at a premium and other travel modes may have to be utilised when travelling through the precinct.</p> <p>The Town cannot force people to use their own parking and not use street parking.</p> <p>Parking bays in front of homes cannot be reserved for specific homeowners.</p> <p>Tolerance needs to be demonstrated regarding the parking – residents do not have a right to specific parking bays and cannot reserve parking bays for their own use. The road is a public space and if there is a free car bay then it is open for anyone to use.</p> <p>Likewise the Town does not have the resources to police whether people parking cars are part of a business or residential.</p> <p>The home occupation is limited in terms of the hours that the business can operate (business hours only) and the number of clients that can visit the premises (1 person for individual consultation and 5 adults and 10 children in group sessions).</p> <p>The Town is also undertaking an Integrated Traffic Management and Movement Strategy which aims to provide recommendations to assist in the planning of parking and movement management</p>
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- h. The applicants have contributed to this situation and have made no attempt to redress the impact they have upon us: They continue to park their car in the street rather than use their driveway and as such are NOT contributing a parking position to the business as was calculated in the original officer's report.
5. In addition to the immediate impact upon us, there is a continuing general parking problem in King Street such that a business such as proposed should not be supported. Recent building projects have finished and the parking problems continue. Future parking needs in respect of businesses in George Street, including the possible Royal George Hotel, render the granting of approval for client based businesses in residential streets to be poor future planning.
6. The original application was non-compliant in that the applicant is not able to contribute a parking space in respect of the business. The driveway cannot legally do so. The street space in front of their house does not belong to them. As such the calculation in the original grant that they were contributing one parking space is incorrect. This calculation appeared to be based loosely on the idea that by parking their own car in their driveway the applicants could free up a space in the street. In the 6 months of trial they have not parked in their own driveway; they have continued to park in the street. They are making no contribution to street parking. The original Officer's Report (March 5<sup>th</sup>) was correct to observe that 'other residents and residents' visitors should also have access to street bays', a statement that particularly applies to the applicant's immediate neighbours who do not have off-street parking.
7. The applicant is incorrect in her original application in stating that only 3 houses in King Street lack off-street parking but in any case the number is irrelevant. The point is that those houses feel the brunt of parking problems and as such are the criteria by which street parking availability be measured.
8. We do not suggest that applicant's business is the only cause of parking problems in King street. However, the level of parking difficulty in King Street is such that the street cannot accommodate the running of a client-based business such as is proposed. An approval for this business sets a precedent for other businesses in a parking-stressed area of East Fremantle.
9. Some credence appears to have been given to the notion that community minded nature of a health business merits some flexibility. The nature of the business is irrelevant.
10. That the applicant has been making use of a venue in Blinco street indicates that the business can be successfully run from external venues without inconvenience to a residential street.

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<p>11. We state again that the concerns of immediate neighbours without off-street parking should weigh greater in the consideration of this proposal than comments from clients who live at some distance or even in different streets.</p> <p>12. We have no problem with single client operation during weekdays, 9.00 a.m. to 4.00 p.m. We request that the application be denied permission operate at any time on Saturday (or Sunday) and after 4.00p.m. on weekdays. We request that the applicant not have permission for group work.</p>		
<p>I would like to oppose the extension of the above approval. As a regular visitor to the house on the South side of this residence, No 69, I find it very difficult to park on the street as it is and rarely, if ever, get a parking space close to the house.</p>		<p>There is no allocated parking in King Street. It is a public road and on-street parking is available on a first come first served basis.</p> <p>The Plympton Precinct was first developed in the pre-car era and as such parking and cars were not a planning consideration. The Town does not require off-street parking to be a feature of development in the Plympton precinct in accordance with the Residential Design Guidelines (Clause 3.7.16.3.1 which states <i>Garages and carports are discouraged in the Plympton Precinct</i>). It is a highly walkable urban environment that has high quality footpaths that allows residents to walk between destinations. Residents of Plympton have to accept that the characteristics that attract people to Plympton including the pedestrian friendly environment with minimal parking means that parking will always be at a premium and other travel modes will have to be utilised when travelling through the precinct.</p> <p>The Town cannot force people to use their own parking and not use street parking.</p> <p>Parking bays in front of homes cannot be reserved for specific homeowners.</p> <p>Tolerance needs to be demonstrated regarding the parking – residents do not have a right to specific</p>

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		<p>parking bays and cannot reserve parking bays for their own use. The road is a public space and if there is a free car bay then it is open for anyone to use.</p> <p>The Town is also undertaking an Integrated Traffic Management and Movement Strategy which aims to provide recommendations to assist in the planning of parking and movement management</p>
<p>Due to heavy congested off street parking on King St that exists now and also due to a new street sign {Through To George Street} put up in recent months on the corner of King Street and Marmion street directing traffic down King St to George Street businesses from Marmion Street thus taking up more car spaces on King Street, we think permission should not be given to proceed with a residential business at 67 King St because there is no off street car parking spaces for the public to use for this residential business. Other reasons are that we already have parking problems outside our house with more cars from expanding growing families from nearby households using off street parking close to our house. Car parking difficulties outside our house would only get worse if the 67 King St business would go ahead. There are no extra car parking spaces for the public to use at 67 King St residential business, this should be reserved for non-business residential parking. Also, if the 67 King St business were to have council permission other residents in King Street may also want residential business thus causing more future parking problems. What's also difficult is the visitor parking for residents as the business parking would take up their space.</p>		<p>There is no allocated parking in King Street. It is a public road and on-street parking is available on a first come first served basis.</p> <p>The Plympton Precinct was first developed in the pre-car era and as such parking and cars were not a planning consideration. The Town does not require off-street parking to be a feature of development in the Plympton precinct in accordance with the Residential Design Guidelines (Clause 3.7.16.3.1 which states <i>Garages and carports are discouraged in the Plympton Precinct</i>). It is a highly walkable urban environment that has high quality footpaths that allows residents to walk between destinations. Residents of Plympton have to accept that the characteristics that attract people to Plympton including the pedestrian friendly environment with minimal parking means parking will always be at a premium and other travel modes will have to be utilised when travelling though the precinct.</p> <p>The Town cannot force people to use their own parking and not use street parking.</p> <p>Parking bays in front of homes cannot be reserved for specific homeowners.</p>



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		<p>Tolerance needs to be demonstrated regarding the parking – residents do not have a right to specific parking bays and cannot reserve parking bays for their own use. The road is a public space and if there is a free car bay then it is open for anyone to use.</p> <p>Likewise the Town does not have the resources to police whether people parking cars are part of a business or residential.</p> <p>The Town is also undertaking an Integrated Traffic Management and Movement Strategy which aims to provide recommendations to assist in the planning of parking and movement management</p>
<p>As a resident of Plympton Ward in East Fremantle I am sending you this letter on behalf of young families in the East Fremantle area to support Karen Neville of First Breath Art and Wellbeing and her running of her program “Little Buddha’s” from her home on King Street.</p> <p>It takes a village to raise a child, but the village is missing. Some of the very real challenges of parenting in today’s society centre around lack of supportive relationships within our community that help to raise, educate and support our children.</p> <p>Karen Neville’s “Little Buddha’s” program run from home provides our children with the opportunity to build supportive relationships and builds important life skills (meditation and expression through art) - in exactly the type of family environment our children need.</p> <p>The “Little Buddha’s” program epitomises the very community values that guide East Fremantle, specifically it helps to build <i>a cohesive community with a heart / hub, and connectivity and walkability</i> (Source: <i>Town of East Fremantle Strategic Plan, 2017</i>). Little Buddha’s is a valued local service, that helps to build strong community connection and strengthens a sense of belonging for our young families. Karen’s home is within walking distance of most of the attendees of the program, improving walkability of the area. Shifting the program to an alternate location would require most parents to drive, restricting walkability of the area and increasing traffic congestion.</p>		<p>Noted</p>

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<p>We sincerely hope to see East Fremantle Council’s continued support of Karen Neville’s program “Little Buddha’s” from her home in King Street.</p>		
<p>I am writing In support of the re-Application for the business First Breath Art and Wellbeing to be run from 67 King Street in East Fremantle. This re-Application is not a huge business development proposal that will impact local traffic congestion, parking, or cause over shadowing and impact the population with in East Fremantle. The First Breath Art and Wellbeing business that has been set up to support members of the East Fremantle community. One of the programs that is run as part of First Breath Art and Wellbeing, is the Little Buddha program. This program has been developed so that young girls can have a homely, welcoming place where they can come together and talk about emotions, feelings and experiences and express themselves in a safe environment. This program helps develop social and emotional skills through activities that are specifically designed for them. The environment that this program is run in, is as important as the program itself. With the emphasis on mental health issues in our teenage community, it is so important to develop skills to help manage mental health at an early age. Learning how to meditate and perform basic breathing exercises to manage mental health at the primary school age is just one of the ways we can start preparing our children for the stresses they will be facing in high school. I have noted that of the 10 participants in the Monday program, only 2 parents drive to collect their children on a regular basis, as they are on route from collecting another sibling from a different activity. There is one other parent that occasionally drives to collect her daughter. The pickup is a maximum of 5 minutes in length and I have never seen the pick-up impact the parking for any of the neighbours. The pickup happens around 4:30pm which is before most people are arriving home from work. Karen also encourages the parents to park in front of her driveway if they are driving. Karen provides a wonderful community atmosphere at her beautiful character home on King Street. She is very welcoming to her neighbours and always invites people to join her to soak up the relaxed environment she has created in her back garden. It would be a huge shame if Karen’s re-Application for her business First Breath Art and Wellbeing to be run from her home is declined. The children in the community would be devastated if they could no longer attend Little Buddha at Karen’s house. Please feel free to contact me if you require any further details.</p>	<p align="center" style="font-size: 48px; opacity: 0.3; transform: rotate(-45deg);">UNCONFIRMED</p>	<p>Noted</p>
<p>Cl wish to make a submission regarding the Application NO.POO2/19 Extension of Planning Approval - Home Occupation at 67 King Street, East Fremantle. I regularly visit for rehearsals or to load musical gear into my car at the neighbour’s house. Of late I have found parking near the house extremely limited and I’m often forced to either temporarily parallel park (to load gear) or park some distance from the house.</p>		<p>There is no allocated parking in King Street. It is a public road and on-street parking is available on a first come first served basis.</p> <p>The Plympton Precinct was first developed in the pre-car era and as such parking and cars were not</p>

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Parking in King Street is often difficult at the best of times and hence, I'm writing this submission to oppose the above Extension of Planning Approval. I feel strongly that parking at 69 King Street should not be compromised by neighbour business activities that increase parking demands in the immediate vicinity.

a planning consideration. The Town does not require off-street parking to be a feature of development in the Plympton precinct in accordance with the Residential Design Guidelines (Clause 3.7.16.3.1 which states *Garages and carports are discouraged in the Plympton Precinct*). It is a highly walkable urban environment that has high quality footpaths that allows residents to walk between destinations as much as possible. Residents of Plympton have to accept that the characteristics that attract people to Plympton including the pedestrian friendly environment with minimal parking means that parking will always be at a premium and other travel modes will have to be utilised when travelling though the precinct.

The Town cannot force people to use their own parking and not use street parking.


Parking bays in front of homes cannot be reserved for specific homeowners.

Tolerance needs to be demonstrated regarding the parking – residents do not have a right to specific parking bays and cannot reserve parking bays for their own use. The road is a public space and if there is a free car bay then it is open for anyone to use.

Likewise the Town does not have the resources to police whether people parking cars are part of a business or residential.

The Town is also undertaking an Integrated Traffic Management and Movement Strategy which aims to provide recommendations to assist in the planning of parking and movement management

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<p>My family and I are adjacent neighbours of Karen-Lee Neville of First Breath Art and Wellness, and my children have attended the Little Buddha’s classes run from her home.</p> <p>As immediate neighbours of 67 King Street, I fully support the application to run a home business from 67 King Street.</p> <p>The children’s classes do not adversely impact our family in any way.</p> <p>In regard to parking, I have seen no evidence of greater disruption to parking on King street since the inception of these classes. Ms. Neville walks to collect the children from East Fremantle Primary school prior to the start of class. Therefore avoiding any congestion of cars at drop-off time. At collection time, most parents are from within the neighbourhood and walk to collect their children. I have seen evidence of this and have had passing conversations with these parents. I would like to point out that the classes finish at 4:30, which is usually prior to most of our neighbours arriving home from work. In addition, I believe class sizes are capped.</p> <p>Our homes are located in a fortunate part of King street, where most residents do have the luxury of off-street parking. Out of the 10 houses surrounding 67 King street, 8 have off street parking, and 7 out of the 10 neighbours use their off street parking on a regular basis.</p> <p>I would like to highlight that when First Breath offer massage, it is a one-on-one service. If a client requires parking, it will be for only one car and no more inconvenient than if I or one of the other neighbours were to have a friend visiting.</p> <p>First Breath Art and Wellness provide a unique service for our children teaching them many skills which will help them grow into thoughtful community members. The uniqueness of these classes come from not only the teacher’s wisdom, but also the environment in which the classes are run. The garden at 67 King street is pivotal to these classes and the children would not have the same experience without it.</p> <p>First Breath Art and Wellness contributes to our sense of community, facilitating connections between people within our neighbourhood. The business’ values are in align with beliefs and spirit of our community and this is why we choose to live in Plympton.</p>		<p>Noted</p>
<p>I am writing in support of Karen Neville’s beautiful children’s classes at her very special house at 67 King Street East Fremantle. Karen is a wonderful, caring and giving member of the community. As a member of the East Fremantle Primary School P&amp;C, I have enjoyed her support with a myriad of school activities, such as the annual quiz night and upcoming school</p>		<p>Noted</p>

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<p>fair. She is always ready to lend a hand with any community projects I have on the go, listen to my troubles and facilitate connection with other people in the local area.</p> <p>Both of my girls, Rose and Clare, have enjoyed the great benefit of going to Karen’s place after school and being taught the increasingly vital skills of mindfulness, calm, emotional intelligence and artistic creation. They also love the free play in Karen’s garden. Karen has created a really special place for these children to find peace amongst the frenetic pace of life. It features fragrant herbs, a teepee, fairy garden, chickens, flowers and a purpose built art space. You should see the girls gleefully wandering the garden and having get-togethers in the teepee. So few places are especially made to improve children’s mental health, it is truly a gem. My girls come home rested, bright and ready to face the next challenge with renewed strength of character.</p> <p>Karen kindly picks the children up from school and walks them to her place. At the end of the session (4.30pm) we come along and pick them up. I walk to Karen’s place 50% of the time and drive the other 50%. When I pick the girls up by car, I park in a space on the street and my older son jumps out and fetches them. I would not have my car parked for more than 5 minutes. I am, however, one of the rare few who drives at all! All the kids attend the local school and because of our very small catchment we almost all live within an easy walk of Karen’s place.</p> <p>At special occasions like Halloween and Christmas, Karen often invites community members to come and enjoy her beautiful patio and garden. It is such a wonderful time to meet new neighbours and catch up with other parents, grandparents and people of the area. So few people these days are willing to connect their neighbourhood together like this and I am grateful for the opportunity to meet the people who live around me.</p> <p>In summary, Little Buddhas is a very low impact home business which adds numerous layers of connectedness and wellness to our community. It would not be as successful to the mental health of our children if it wasn’t held in such a special purposeful space.</p> <p>Please keep this great class going and support the marvellous woman.</p>		
<p>Little Buddha which is run by Karen Neville who resides at 67 King Street teaches my child life skills that are truly priceless. From practicing daily mindfulness, to managing and understanding one’s feelings. I am forever grateful that Karen provides such an amazing learning experience by teaching our children about the importance of friendship and respect within the community. The children also participate in crafts and games with other young children developing social</p>		<p>Noted</p>

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<p>skills and communication outside of the regular school environment. I have noticed a dramatic shift in my child's wellbeing just from going to Karen's afternoon class and we would be devastated to lose such an asset.</p> <p>As my husband and I work full time, we rely and appreciate Karen picking up our daughter from school and taking her to a home where she is cherished with a person we trust.</p> <p>After Little Buddhas, she is picked up by one of the mothers and walked to her house at Hubble Street, where one of us picks her up after work. My daughter gets to experience how people in the community help each other. We are very grateful to Karen for providing this amazing opportunity for our daughter and there is no doubt that it is the best afternoon in our busy week.</p>		
<p>I am a local rate payer whose children (2) attend the Little Buddha wellbeing class with Karen Neville who resides at 67 King Street.</p> <p>The children are collected by Karen from East Fremantle Primary School and as a group they walk to the King Street residence.</p> <p>At pick up time, being 4 30pm, I walk from my Hubble Street residence, to collect my children and another families. The child who comes home with me, gets collected by her parents after 5.30pm from my residence.</p> <p>My observations of the street at collection time are that there is very little vehicle activity at the time of day with many parking spaces available in the direct vicinity. I believe one or two parents whose children attend the class, collect their children by car on their way home from work.</p> <p>I am available to discuss the many benefits (some outlined in my previous letter of support) of this low impact highly beneficial wellbeing business being able to continue with the same hours of business as we are residents and beneficiaries of the program during the trial period.</p>		Noted
<p>I am a local rate payer whose child attends the Little Buddha wellbeing class with Karen Neville who resides at 67 King Street.</p> <p>My child is collected by Karen from East Fremantle Primary School and as a group they walk to the King Street residence.</p>		Noted

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<p>At pick up time, being 4 30pm, I mostly walk from my Duke Street residence, to collect my child. Occasionally I collect my child by car on my way home from work, my car is parked on the street for around 5-10 minutes whilst I pick up my child.</p> <p>My observations of the street at collection time are that there is very little vehicle activity at the time of day with many parking spaces available in the direct vicinity.</p> <p>I am available to discuss the many benefits of this low impact highly beneficial wellbeing business being able to continue with the same hours of business as we as residents and beneficiaries of the program during the trial period.</p>		
<p>I am a local rate payer whose two children attend the Little Buddha wellbeing class with Karen Neville who resides at 67 King Street. The children are collected by Karen from East Fremantle Primary School and as a group they walk to the King Street residence. At pick up time, being 4 30pm, myself or my husband walk from my East Fremantle residence to collect our children.</p> <p>My observations of the street at collection time are that there is very little vehicle activity at the time of day with many parking spaces available in the direct vicinity. I believe one or two parents whose children attend the class collect their children by car on their way home from work.</p> <p>I am available to discuss the many benefits of this low impact, highly beneficial wellbeing business being able to continue with the same hours of business at the above named residence.</p>		Noted
<p>I am writing in support of the submission for the business First Breath Art and Wellbeing to be run from 67 King Street in East Fremantle. This submission is not a huge business development proposal that will impact local traffic congestion, parking, or cause over shadowing and impact the population within East Fremantle. The First Breath Art and Wellbeing is a very low impact business that has been set up to support members of the East Fremantle community and create connectedness and wellness.</p> <p>One of the programs that is run as part of First Breath Art and Wellbeing, is the Little Buddha program. This program has been developed so that young girls can have a homely, welcoming place where they can come together and talk about emotions, feelings and experiences and express themselves in a safe environment. This program helps develop social and emotional skills through activities that are specifically designed for them. The environment that this program is run in, is as important as the program itself. Karen has created a beautiful, safe,</p>		Noted

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welcoming, peaceful environment at her home for the children to explore, and experience creativity and learn skills to develop wellbeing.

With the emphasis on mental health issues in our teenage community, it is so important to develop skills to help manage mental health at an early age. Learning how to meditate and perform basic breathing exercises to manage mental health at the primary school age is just one of the ways we can start preparing our children for the stresses they will be facing in high school.

My daughter Tatum attends the Little Buddha mindfulness and wellbeing program every Monday from 3:30pm to 4:30pm. Karen collects Tatum and her fellow friends from East Fremantle Primary School at 3:00pm and walks them to her house for an afternoon session of meditation, relaxation, art and free play. Little Buddha has assisted my daughter manage her anxiety, stress and emotions during a very challenging Pre-Primary to Year 1 transition. I walk from my house on King Street to collect Tatum from Little Buddha.

I have noted that of the 10 participants in the Monday program, only 2 parents drive to collect their children on a regular basis, as they are on route from collecting another sibling from a different activity. There is one other parent that occasionally drives to collect her daughter. The pickup is a maximum of 5 minutes in length and I have never seen the pick-up impact the parking for any of the neighbours. The pickup happens around 4:30pm which is before most people are arriving home from work. Karen also encourages the parents to park in front of her driveway if they are driving.

Karen provides a wonderful community atmosphere at her beautiful character home on King Street. She is very welcoming to her neighbours and always invites people to join her to soak up the relaxed environment she has created in her back garden. Karen encourages the kids in the community to use their imagination by starting to set up little fairy gardens in the verge flower beds outside their houses. She invites the neighbourhood kids and parents to fairy parties and Halloween BBQ's in her garden. These fairy parties and Halloween BBQ's are social gatherings and attendees are not charged but encouraged to participate and bring a share plate.

It would be a huge shame if Karen's submission for her business First Breath Art and Wellbeing to be run from her home is declined. The children in the community would be devastated if they could no longer attend Little Buddha at Karen's house.