



MINUTES

Town Planning Committee

Tuesday, 3 March 2020 at 6.35pm

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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 3 MARCH 2020

1. DECLARATION OF OPENING OF MEETING/ANNOUNCEMENTS OF VISITORS

The Presiding member opened the meeting at 6.35 pm and welcomed members of the gallery.

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. RECORD OF ATTENDANCE

3.1 Attendance

The following members were in attendance:

Cr C Collinson	Presiding Member
Mayor J O’Neill	
Cr T Natale	
Cr J Harrington	
Cr D Nardi	
Cr A Watkins	

The following staff were in attendance:

A Malone	Executive Manager Regulatory Services
K Culkin	Minute Secretary

There were five members of the public in attendance.

3.2 Apologies

Nil

3.3 Leave of Absence

Nil

4. MEMORANDUM OF OUTSTANDING BUSINESS

Nil

5. DISCLOSURES OF INTEREST

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
Nil

7.1 Presentations
Nil

7.2 Deputations
Nil

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 Town Planning Committee (4 February 2020)

8.1 OFFICER RECOMMENDATION

Moved Mayor O'Neill, seconded Cr Watkins

That the minutes of the Town Planning Committee meeting held on Tuesday 4 February 2020 be confirmed as a true and correct record of proceedings.

(CARRIED

UNANIMOUSLY)

9. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil

10. REPORTS OF COMMITTEES

10.1 Community Design Advisory Committee

Prepared by: Andrew Malone, Executive Manager Regulatory Services

Supervised by: Gary Tuffin, Chief Executive Officer

Authority/Discretion: Town Planning Committee

Attachments: 1. Minutes of the Community Design Advisory Committee meeting held on 3 February 2020

PURPOSE

To submit the minutes of the Community Design Advisory Committee meeting held on the 3 February 2020 for receipt by the Town Planning Committee.

EXECUTIVE SUMMARY

The Committee, at its meeting held on 3 February 2020, provided comment on planning applications listed for consideration at the March Town Planning Committee meeting and other applications to be considered in the future. Comments relating to applications have been replicated and addressed in the individual reports.

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

10.1 OFFICER RECOMMENDATION

That the Minutes of the Community Design Advisory Committee meeting held on 3 February 2020 be received.

(CARRIED UNANIMOUSLY)

11. REPORTS OF OFFICERS (COMMITTEE DELEGATION)

11.1 Alexandra Road No 15 (Lot 1) Application for Approval of External Wall Mural Subsequent to Development

Owner	Anneke de Rooij
Applicant	Anneke de Rooij
File ref	P103/19; P/ALE15
Prepared by	James Bannerman Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	3 March 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Summary of Submissions in response to advertising

Purpose

The purpose of this report is for Council to consider a planning application for approval of an external wall mural subsequent to development at No 15 (Lot 1) Alexandra Road, East Fremantle.

Executive Summary

The application was made as a wall mural, however, it is being assessed as a wall mural for only two of the three panels of the subject wall, while one section has been treated as a wall sign.

In this case the applicant is seeking Council approval for the following variations to the Signage Design Guidelines (Local Planning Policy 3.1.3);

- (i) Signage Design Guidelines – 5m maximum length required, 8.5m provided

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

Background

Zoning: Residential R12.5/40

Site area: 2196m²

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

A meeting was held by the Town with the applicant/ owner of the property to discuss the wall the subject of this application, the mural and the requirement and information required to submit a development application for the mural.

A development application subsequent to development was submitted to Council in December 2019 and the proposal was subsequently advertised to surrounding neighbours and other relevant stakeholders.

Consultation

Advertising

The application was advertised to surrounding land owners, interested parties and previous submitters from 20 December 2019 to 15 January 2020. Refer to Item 11.1 attachment 4 for summary of submissions in response to advertising.

Community Design Advisory Committee (CDAC)

The application was not referred to CDAC.

External Consultation

The development application was referred to Main Roads WA. A response was provided stating they have no comment to make.

Statutory Environment

Planning and Development Act 2005

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

Policy Implications

Signage Design Guidelines Local Planning Policy 3.1.3

Financial Implications

Nil

Strategic Implications

The Town of East Fremantle Strategic Community Plan 2017 – 2027 states as follows:

Built Environment

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

3.1 Facilitate sustainable growth with housing options to meet future community needs.

3.1.1 Advocate for a desirable planning and community outcome for all major strategic development sites.

3.1.2 Plan for a mix of inclusive diversified housing options.

3.2 Maintaining and enhancing the Town's character.

3.2.1 Ensure appropriate planning policies to protect the Town's existing built form.

3.3 Plan and maintain the Town's assets to ensure they are accessible, inviting and well connected.

3.3.1 Continue to improve asset management practices.

3.3.2 Optimal management of assets within resource capabilities.

3.3.3 Plan and advocate for improved access and connectivity.

Natural Environment

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

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

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

4.1.2 Plan for improved streetscapes parks and reserves.

4.2 Enhance environmental values and sustainable natural resource use.

4.2.1 Reduce waste through sustainable waste management practices.

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

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

Risk Implications

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

Risk Matrix

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

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

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

Site Inspection

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 *Signage Design Guidelines*, as well as the deemed provisions clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Under the Town's *Local Planning Scheme No 3* advertising signage can be considered for residential areas subject to advertising of the proposal to surrounding properties (Clause 4.3). As stated earlier the application was advertised directly to 24 property owners around the subject property and the proposal was publically available on the Town's website for the same time.

Under clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* there are a number of matters that local government should have due regard to when considering development applications such as this one. These matters include;

- (g) any local planning policy for the Scheme area
- (m) the compatibility of the development within 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-
 - (i) environmental impacts of the development
 - (ii) the character of the locality
 - (iii) social impacts of the development
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals
- (y) any submissions received on the application
- (zb) any other planning consideration the local government considers appropriate

Context

This development application is seeking approval of an external mural subsequent to development at No 15 (Lot 1) Alexandra Road, East Fremantle. The property is 1 of 4 strata properties located on the corner of Canning Highway and Alexandra Road. The subject property is surrounded on the east and south by a brick boundary wall which is painted with the mural that is the subject of this report. The mural is comprised of 3 panels which corresponds to the 3 sections of the brick wall. It is painted bright pink with black text that currently reads "Time for Change" (with hourglass symbols on either side) on the southern wall facing Canning Highway, a large black feather on the corner truncation that faces south east and "Extinction Rebellion" on the eastern wall on Alexandra Street.

For the purposes of this assessment the wall is being assessed against 2 types of signage – the southern and south-eastern walls (corner truncation) are being treated as a wall mural ("Time for Change" with the hourglass symbol on either side and a black feather) while the eastern wall is being treated as a wall sign ("Extinction Rebellion") and a form of advertising.

It is noted that the Town endeavours to limit signage on residential streets, but accepts that signage is more acceptable along roads such as Canning Highway.

Wall Murals - Southern and South-Eastern Wall

In the *Signage Design Guidelines* wall murals are defined as "a graphical or pictorial painted design which does not convey a defined advertising message." They are to be assessed according to the

following criteria: “Must demonstrate its ability to convey, complete or restore an image of historical or cultural significance.”

The southern panel of the wall has been assessed as a mural as it has graphics and images that could be considered to convey an image of cultural significance. The statement on the wall may have a broad meaning for people and can be linked to many related ideas.

The corner truncation of the wall has a black feather painted on the pink background. This can be interpreted literally as a bird feather or metaphorically as a symbol of birdlife, nature or spirituality.

As the phrase “Time for Change”, the two hourglass symbols and the feather have multiple cultural interpretations and significance it is recommended that Council can support these wall murals.

Eastern Wall – Wall Sign

With regards to the eastern wall with the words “Extinction Rebellion” that was originally intended as advertising an event and has since been modified. This section of the mural is to be assessed differently. It is to be treated as a wall sign advertising an organisation and assessed accordingly.

It should be noted that the colours of the wall are not being assessed, but rather the wording of the wall sign. The Town typically does not control the colours of buildings and associated structures (except for heritage listed properties or properties in a heritage precinct). Ultimately residents and property owners are permitted to paint their dwellings in colours of their choice. Although the pink wall background may not be liked by other community members it is a colour that the owner of the property has chosen to paint her wall.

A summary of the assessment against these guidelines is provided in the following table.

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

Clause 2 General Requirements		Comment	Status
Signs shall relate directly to the activity undertaken on the premises		This signage is considered a third party advertisement.	Impose condition
Clause 6 Signage Requirements Appendix 1 : Acceptable Solutions and Performance Criteria			
Acceptable Solution (permitted)	Alternative Performance Criteria	Proposed	Status
A single sign per building	Multiple wall signs or wall signs exceeding the acceptable solution provisions shall only be considered as part of an approved signs regime	The wall that is located on the eastern boundary of the property is painted with the sign	A
	Signs must face a primary space	The sign faces Alexandra Road (primary street)	A
Maximum height	Maximum height equivalent to 10% of height of building wall or 2m, whichever is greater.	1.7m	A
Maximum length	Maximum length 5m	Alexandra Road – 8.5m	D

Under the General Requirements for Signage in the Signage Design Guidelines there is a requirement that all signs shall relate directly to the activity undertaken on the premises (Clause 2.1). In this case the wall panel with “Extinction Rebellion” was used to advertise the Extinction Rebellion climate change rallies in October of 2019. The dates of these events were subsequently removed from the sign. As far as the Town is aware the subject property is not an office for “Extinction Rebellion” and there has not been a formal application for a change of use to an office. The lot is currently not zoned for commercial purposes. “Extinction Rebellion” is considered third party advertising. Third party advertising cannot be made from residential premises that are not officially operating as an office representing “Extinction Rebellion”.

The wall is 1.7m in height where the signage guidelines allow a maximum height of 2m.

The criteria requires that the sign addresses a primary space. In this case the sign does achieve this as it addresses Alexandra Street, the primary street address, however, for the purposes of direct advertising Alexandra Road is not suitable for advertising of such a scale.

In terms of maximum length the sign exceeds the maximum length of 5m. The eastern panel is 8.5m long.

The applicant has already indicated that she is prepared to modify the sign such that the “Extinction Rebellion” symbols that are currently painted on the Canning Highway side of the wall will be removed and “Extinction Rebellion” written on the wall facing Alexandra Street will be replaced with text that reads “East Fremantle has declared a climate emergency”.

The Town has declared a climate emergency, like many other local governments across the country and either has, or is undertaking actions to reduce its impact on the planet. The statement on the sign regarding the climate emergency was not requested by the Town and the Town does not support property owners making statements about the Town intentions or actions. The Town is implementing a suite of actions to address its environmental responsibilities and therefore the signage is not appropriate. Additionally such wording is not considered to be a mural and therefore cannot be supported. There is an expectation that wall signs as proposed are not changed and the colours and text remain the same until another development application is submitted that requests changes that requires consideration and approval by the local government. In this instance the “Extinction Rebellion” graphic is recommended that it not be supported.

Advertising

The mural was formally advertised to 25 surrounding properties. Fifteen submissions were received (5 in support and 10 opposed). When the mural was first painted there was considerable controversy in print (Fremantle Herald dated October 26, 2019) and on digital media, and a petition was established on Facebook to ensure that the mural was retained and not removed. This was not part of the formal advertising of the mural. As has been indicated to the applicant, there are formal processes that have to be followed to ensure that development occurs in a proper and orderly manner including a formal advertising period giving people the opportunity to make submissions on the mural.

The majority of submissions were opposed to the signage, however, opposition was not overwhelmingly against the whole mural. Submitters were concerned about the political statement being made and the fact that it was initially advertising for a climate change rally and the group Extinction Rebellion. There was support for the mural as art and even those opposed to the political statement and the advertising felt that the feather and in some instances “Time for Change” graphics

were not overtly political. Supporters of the mural felt that the signage brightened up the street and was welcome street art.

Based on the preceding assessment it is recommended that the Town supports the southern and south eastern murals without modification. The words “Time for Change” with the hour glass symbols either side and the large black feather can be retained. The statement “The Town of East Fremantle has declared a climate emergency” should **not** be added as part of the approval. The phrase “Extinction Rebellion” should also be removed.

Conclusion

Based on the assessment that has been completed for the mural and the explanation provided in this report, it is recommended that approval subsequent to development for the wall mural on the southern and south-eastern wall be supported subject to conditions. The existing eastern wall sign advertising “Extinction Rebellion” and the proposed addition of the statement “The Town of East Fremantle has declared a climate emergency” is recommended to not be supported, as it is third party advertising and is inappropriate in a residential street.

- Mr and Mrs K and M Tushingham (Residents) attended the meeting and commented that they were not in favour of the colour or the wording on the wall, considering it out of character for the locality and the surrounding heritage homes.
- Mr and Mrs A and S Renny (Residents) attended the meeting, commenting that strata approval had not been sought for the painting of the wall and that the colour and design were at total odds with the character of East Fremantle.
- Ms A De Rooij (applicant) attended the meeting, spoke in favour of the application and responded to concerns raised by other attendees as well as questions raised by the committee members.

OFFICER RECOMMENDATION

That Council grant approval subsequent to development for signage at No. 15 (Lot 1) Alexandra Road, East Fremantle, in accordance with the plans date stamped received 9 December 2019, subject to the following conditions:

- (1) All signage proposed being in accordance with the correspondence, elevations and accompanying notations and plans in regard to signage dimensions, wording, materials and graphics submitted with the application and date stamped received 9 December 2019.
- (2) The eastern wall with signage with the words “Extinction rebellion” be removed and no further wording, advertising or phrases be added to that wall without prior approval from Council being sought and granted.
- (3) The signage is to be constructed in conformity with the drawings and written information accompanying the application for planning approval, other than where varied in compliance with the conditions of this planning approval or with Council’s further approval.
- (4) Any change to the type, design, location or illumination of the signage regime will require the submission of a new development application for Council’s consideration.
- (5) All signage is to be kept clean and free of graffiti and vandalism at all times and any such graffiti or vandalism to be remedied within 24 hours to the satisfaction of the Chief Executive Officer.
- (6) No other unauthorised signage including wall signs or wall murals are to be displayed.
- (7) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated

then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.

- (8) This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (i) A copy of the approved signage as stamped by Council is attached and the specifications, graphics and wording of the signage is to conform with the approved plans unless otherwise approved by Council.

*Moved Cr Nardi, seconded Cr Harrington
The adoption of the officer's recommendation.*

Amendment

Moved Mayor O'Neill, seconded Cr Collinson

That Condition 2 be modified to delete the following words:

'The eastern wall with signage with the words "Extinction Rebellion" be removed and'.

(CARRIED 4:2)

The substantive motion, as amended was put.

SUBSTANTIVE RECOMMENDATION/COMMITTEE RESOLUTION TP010320

Moved Cr Nardi, seconded Cr Harrington

That Council grant approval subsequent to development for signage at No. 15 (Lot 1) Alexandra Road, East Fremantle, in accordance with the plans date stamped received 9 December 2019, subject to the following conditions:

- (1) All signage proposed being in accordance with the correspondence, elevations and accompanying notations and plans in regard to signage dimensions, wording, materials and graphics submitted with the application and date stamped received 9 December 2019.**
- (2) No further wording, advertising or phrases be added to that wall without prior approval from Council being sought and granted.**
- (3) The signage is to be constructed in conformity with the drawings and written information accompanying the application for planning approval, other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- (4) Any change to the type, design, location or illumination of the signage regime will require the submission of a new development application for Council's consideration.**
- (5) All signage is to be kept clean and free of graffiti and vandalism at all times and any such graffiti or vandalism to be remedied within 24 hours to the satisfaction of the Chief Executive Officer.**
- (6) No other unauthorised signage including wall signs or wall murals are to be displayed.**
- (7) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified**

or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.

- (8) This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (i) A copy of the approved signage as stamped by Council is attached and the specifications, graphics and wording of the signage is to conform with the approved plans unless otherwise approved by Council.***

(CARRIED 4:2)

Note:

As the Executive Manager Regulatory Services agreed with the amended motion and 4 Committee members voted in favour, 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 Parker Street No 4 (Lot 2) Proposed renovations and additions to existing residence

Owner	Pia & Marty Zoiti
Applicant	Stack Design
File ref	P107/19
Prepared by	James Bannerman Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	3 March 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Purpose

The purpose of this report is for Council to consider a planning application for proposed renovations and additions at No 4 (Lot 2) Parker Street, East Fremantle. The dwelling is a Category A dwelling on the Town's heritage list.

Executive Summary

The applicant is seeking Council approval for the following variations to the Residential Design Codes and the Residential Design Guidelines;

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – 1.1m required, 1.022m provided
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – 1m required, 0.88m provided
- (iii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – 1.1m required, 1.022m provided
- (iv) Clause 5.3.8 – Residential Design Codes – Retaining Walls – less than 0.5m height required, more than 0.5m height provided

It is considered that the above variations are minor and have minimal impact on the heritage dwelling and therefore can be supported subject to conditions of planning approval being imposed.

Background

Zoning: Residential R12.5
Site area: 969m²
Heritage: Category A

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

Nil

Consultation

Advertising

The application was advertised to surrounding land owners from 8 to 22 January 2020. No submissions were received.

Community Design Advisory Committee (CDAC)

The application was referred to CDAC. The following comments were made;

(a) The overall built form merits;

- The Committee consider Heritage Impact Assessment to be submitted for this Heritage A listed Building reporting on the significance of the changes proposed.
- The Committee consider the restoration of the building (Heritage A Listed Dwelling) should have a more significance rather than the modernisation of the building.

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

- The Committee consider the front façade retention is only façadism.
- The Committee note more consideration should be given to adaptive reuse of the building itself to retain the overall structure and layout.
- The Committee note the additions need to be an improvement to the existing heritage building and not detract from this significant heritage listed dwelling.
- The Committee note that changes to the front façade are not supported because the small changes currently proposed to the front have a cumulative significant impact on the heritage value of the dwelling.

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

- The Committee note the building is recognised as a significant heritage building in the TOEF locality and is one of only a few examples of this type of heritage late 50s building still intact in the Town with significant integrity remaining. The retention of the building with its high integrity value is of significant importance to the character of the locality and the Town.

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

- As noted above.

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

- The Committee has no further comment at this time.

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

- No further comment at this time

Applicant Response

The following document was included as part of our initial application to council as a key reference for the Planning assessment and the Community Design Advisory Committee's (CDAC) assessment. It represents a critical part of our application as it addresses all of the Heritage criteria from the Town's original Heritage Review. Provided within is reference to important contextual information relating to the existing building and the considerations made relative to the heritage criteria. The plans that formed part of our application were documented with the intent that they were to be read in conjunction specifically with this document to provide context to the design for the purpose of the CDAC assessment.

We have been advised by the planning department that this document was unfortunately not provided to the CDAC by way of an error within the planning department. We consider this documentation integral to our application as almost all of the CDAC's comments were addressed in the original letter, which it would be fair to say, would impact the outcome of their review given how intrinsic to our application the items within the document are to the design and how specifically sets out to address the Heritage aspects of 4 Parker Street.

At the end of the original letter we have provided direct responses to the CDAC's comments where necessary. We would appreciate, under the circumstances, that appropriate consideration is given regarding the CDAC's original comments, given they were made without the critical context and information provided within when considering their assessment.

On behalf of our clients Marty & Pia Zoit, we have prepared a planning application for the restoration and addition to the Heritage listed property of 4 Parker St East Fremantle. We have worked tirelessly with the clients to ensure the integrity of the existing iconic architectural form is maintained and the new elements of the residence respect and maintain the integrity of the existing architecture.

Based on our initial consultation with Christine and Andrew we understand all parties are of opinion the proposed design represents a very positive outcome, and recognise the constraints of the clients budget, without state or local government financial assistance, and the necessity for creating a residence more appropriately suited for a young family while maintaining the heritage significance of the existing residence.

To provide context of the discussions with council to date, we have referenced a summary of the items discussed between Christine, Andrew and myself during the early design review. The feedback provided from this consultation has guided the continual development of the proposed design to its current form.

- **Proposed design as a whole**

The impression of the design presented and its almost nil impact on the existing streetscape was very well received and there were no major issues with our proposal as discussed.

- **Proposed demolition works**

The removal of the internal walls and rear external side walls as per the plan were deemed to not affect the heritage aspect which pertains to the front elevations aesthetic character.

- **Proposed new works**

The proposed floor plan, building bulk and the effect they have on the houses heritage assessment criteria are very respectful to said heritage elements, and represent an exceptionally better outcome than the previous design lodged (which at the time was given a favourable written review by council).

- **Relocation of Entry**

The proposal of moving the entry to the northern side of the house is likely to be supported given its minimal impact and respectful integration with the existing facade.

- **Front outdoor steps adjustment (leading to balcony staircase)**

The proposal to adjust the angle of approach of the existing curved steps that lead to the main staircase to be accessed from the terraced area in the front yard would likely be supported with no immediate objections raised.

- **Front elevation highlight window change**

The proposed increase of the highlight window to a openable door to provide a means of accessing and therefore activating the front balcony (which currently does not get used due to lack of access or connection) being the primary adaptation of the existing, is acceptable given it is done respectfully of the proportions of the existing windows and doors and considers aesthetic nature of the transoms and mullion divides that are integral to the houses architectural aesthetic.

- **Front elevation**

Sliding door (previously renovated) Replacing the existing, but not original sliding door with a window and increased head height and width is likely to be supported, citing that we are restoring it to its original nature and that the minor adjustments to height and width are reflecting the proportions of the existing windows to the facade, further complimenting the architectural character intrinsic to post war modernism via said proportions.

- **Front verandah roof cover**

It is unlikely council would support a structure, both fixed or operable to this front area based on the likely visual impact it would have on the front elevation.

- **Balustrading**

The balustrading will need to be bought in line with the BCA requirements, with the current design of balustrading failing both on heights and minimum clearances between the upright members. Replicating these exactly would likely prove overly expensive as glass balustrading behind would effectively require two balustrades to be installed. Given the cost implications, council would likely be flexible to a new balustrade style providing it was sympathetic to the architectural aesthetic.

- **Existing roof and roof terrace**

The existing roof planes will be maintained, however the roof will need replacing and a small aesthetic compromise may need to be considered for the concrete roof section citing its ongoing durability and maintenance concerns, to achieve preservation of the flat roof long term within the fair constraints of the client's budget.

Heritage

Great care has been taken on behalf of the clients and Stack to ensure the existing house, currently listed as Heritage Category A within the Local Town Planning Scheme, will maintain its integrity and the new elements further highlight the significance of the original architectural style.

It is important to recognise in assessing the Heritage elements of the proposed design that appropriate weight is given to respecting the budget constraints, the age of the existing construction, materials and structure. Furthermore, there are limitations in regards to the use of particular methods of construction, detailing, material availability, and the requirements of the modern building codes. Unfortunately, there

is very little information available to all parties in regards to documented specifics of the construction and materials, however every effort has been made to ensure the proposed dwelling represents the original dwelling as closely as possible to maintain and restore its integrity and authenticity.

Throughout the design process we have referenced the report provided by council Town of East Fremantle - MHI Review 2015 in order to ensure the integrity of the existing dwelling was maintained, below we have provided comment on each of the relevant categories used in the original Heritage determination (please read in conjunction with MHI Review 2015).

Construction Materials

Walls - Face Brick, Concrete & Stone

The same palette of materials have been utilised to the front elevation and any new works visible from the street, with new works using materials that match as close as possible the existing elements (within the constraints previously mentioned) where new works use similar materials, for example brickwork. Efforts will be made to salvage existing external brickwork from demolition of the existing residence for the reuse of to match existing, although we expect some brick blending will be required to have adequate quantities.

Restoration and tuck-pointing of the existing brick work both will be undertaken to repair the weathered façade, as well as the repair of the concrete cancer that exists throughout several areas of the existing structure.

The existing Toodyay Stone Chimney is in good condition and will require little restoration beyond cleaning.

Roof - Fibrous cement sheeting

The roof, most of the eaves and the roof fascia's are currently asbestos, all of these elements will be removed and restored with new suitable materials. The new roof will be Colorbond roof sheeting in the same pitch, with the fascia's to be rectified to maintain the same form and appearance as they currently exist, and the metal roof sheeting will not be visible from the streetscape.

The concrete roof to the front sunken lounge is currently in poor condition, however this will be rectified as part of the restoration works.

Physical Setting

The residence is situated on a sloping site with a lawned garden that extends down to the lot boundary.

The existing front yard will be terraced as per the proposed plans to allow it to be more useable and the grassed area to grow more consistently. Currently the lawn to this area is in poor condition and difficult to maintain due to the reticulation running down the steep slope. The area is not currently used due to the severity of the slope and its exposed nature, terracing the yard will activate this currently unused space, with the terraced grass areas actually being able to be used by the clients, as well as breaking up the visual severity of the slope from the street. This area has been designed to allow the clients and their children to practically utilise this space, in turn will promote opportunities for interaction and engagement with the street and the community, an integral element currently lacking for a residence so important to the community.

Statement of Significance

No 4 Parker Street is a single storey house constructed in brick, concrete and stone with a fibrous cement roof. It has historic and aesthetic value for its contribution to Richmond Hill's residential building stock.

The place contributes to the local community's sense of place. The place has exceptional aesthetic value as a Post-World War II International style house. The place retains a moderate to high degree of authenticity and a high degree of integrity. The additions to the rear have no significance.

The proposed design fully respects the "exceptional aesthetic value" as noted within the heritage report, with the street facing elevation being preserved and restored. In the limited areas where the new elements of the built form can be seen from the street the proposed design employs the same built form and subtle uses of a similar vernacular to allow the new form to fade as a backdrop, a conscious design tactic employed to ensure that the existing form is uninterrupted on the streetscape, maintaining its aesthetic value and integrity.

There are several changes to existing windows and doors on the street facing façade, these elements were modified to correct changes to the original design by previous owners, as well as allow an appropriate connection to the main front balcony (of which currently does not exist), thereby naturally engaging the house and its residents to the street. The detailed explanation of these elements addressed further later in this document.

While the new portion of the building to the rear of the house does not have a direct link to the front of the house, the proposed design strives to respectfully 'tip the hat' to the existing building while maintaining a clear and distinctive visual line between the areas. It was deemed appropriate to respect the existing architecture for its exceptional built form and allow the new portion of the residence to not interfere in the proportion and form of said architecture, with the new residence employing similar or complimentary materials commonly used in Australian examples Post World War II architecture.

Aesthetic Significance

No 4 Parker Street has exceptional aesthetic value as a Post-World War II International style house. It retains most of the characteristic features of a dwelling of the type and period.

See above response to 'Statement of Significance'.

Historic Significance

No 4 Parker Street has considerable historic value. It was part of the suburban residential development associated with the expansion of East Fremantle and the subdivision of Walter Easton's Estate from 1901.

No elements directly relate to the design within the development application.

Social Significance

No 4 Parker Street has considerable social value and contributes to the community's sense of place.

It was of great importance to the clients that 4 Parker Street & its importance to the community was considered in every design decision from the very beginning. With this in mind we have made a concerted effort to reconnect the house to the street by activating the spaces that interact directly with the community. Currently with the large, steep grass banking, the setback to the house from the street feels accentuated, disconnecting the dwelling from the community, something the clients have keenly addressed through the breaking up of this expanse.

Another notable component makes represents perhaps the most iconic element of the architectural form, being the balcony, as mentioned currently has no appropriate point of access and as such is rarely used. The proposed design does utilise a new access point via an existing window, a simple gesture that allows the area to be connected to the living spaces and be utilised often and allowing the for

interactions with the street and local community, rather than the current perception that more closely represents a vacant fortress.

Rarity

No 4 Parker Street is one of a small number of houses in East Fremantle to have been built in this style. It has survived the late twentieth and early twenty first wave of renewal.

The client's commitment to restoring the outstanding heritage elements of the existing dwelling, entirely with their own finances, not only is an exemplary gesture towards the East Fremantle community, but will ensure its legacy continues well into the future.

Condition

No 4 Parker is in fair condition

The existing condition of the dwelling was referenced in Town of East Fremantle - MHI Review 2015 as being in fair condition, based on our own site inspections and further inspection by Toby Bird of Litehouse Builders, we have determined that the external condition of the dwelling while mostly in fair condition, will require a substantial degree of repair work, notably the weathered brickwork, varying degrees of concrete cancer in the street facing elements, the concrete roof over the lounge and large amounts of asbestos utilised in the original construction.

Integrity

No 4 Parker retains a high degree of integrity.

The proposed design makes every effort to maintain said integrity and draw a distinct line between old and new, further keeping the integrity of the existing architecture separate from the new architecture. The restoration works to the original elements of the façade serve to again maintain said integrity and authenticity.

Authenticity

No 4 Parker retains a moderate degree of authenticity.

As mentioned above, rectification and restoration works to existing elements are being made in order to restore some of the existing elements of the façade that have been modified over the life of the building to date.

Residential Design Codes

Overlooking

There is minor overlooking to the southern boundary, only to the neighbours drive way and does not impact their residence in any way, the window has been positioned between the two blade walls to create an extremely tight view cone to minimise this element.

Rear boundary site levels

There is a portion of low level retaining required to the western boundary to match the existing levels of both blocks, currently there is a built up garden bed at the rear of 4 Parker Street to provide a step up, however the new footprint requires this to be removed and levelled with the rest of the yard. As we are on the lower side there will be no impact to over looking for the neighbours.

Changes to the existing façade and materials

Several elements of the existing façade have been rectified and altered with the proposed design as part of the overarching restoration works and the means by which to integrate the new spaces of the residence into the existing façade, these key elements are explained in further detail below and reference the planning application drawing set provided.

Reinstating window to balcony

Currently the window to the balcony has been modified to be a sliding door, however it retains a one course brick sill from its original purpose as a window. It is clear that this was done in order to be able to provide access to the balcony from what were the dining area, with the only other means of access being the passage hinged door.

The proposed design has reinstated this as a window, in the correct proportions of the existing windows and still maintain the one course sill.

Creating access to balcony via altered window

As mentioned above, currently the only building code compliant means of access to the balcony is via the solid hinged door. One of the immediate observations made during initial site visits, is that this balcony area is completely disconnected from the house. This inherently separates the occupants from the street and the house currently appearing lifeless, as such our immediate aim has been to activate this space for the inhabitants and reconnect the inhabitants to the street.

The means to do so has been to modify an existing high level window, of which the proportions of the sill and head heights did not match the other associated fenestrations to the balcony, and utilise a sliding door to match the proportions of the existing windows and doors in both overall size and set outs of mullions and transoms, to be in keeping with the architectural style.

This door allows direct access to the balcony, allowing the clients to make use of the balcony directly from their main living area, and through the spaces, create a direct link through to the rear outdoor living areas of the house.

The modification is critical to the integrity of the proposed design both in functionality and in allowing us to address the heritage criteria. We have made the decision with great consideration and taken great care in its execution, we trust that while we are required to alter the current façade to do so, that the benefits for 4 Parker Street as a heritage listed property are without question when assessed against all of heritage criteria as per the Town of East Fremantle - MHI Review 2015.

New Entry to North

Currently the only point of access from the street to the house is the door from the balcony, this door is to remain unchanged with the proposed design, however, its practicality as an entrance door is limited. As such a new entrance to the side of the residence has been created, along with the addition of more practical and safe access stairs.

Balustrading

The current balustrading will be required to be replaced with BCA compliant balustrading, the new design as is shown on the proposed plans is common with the era and consistent with the geometry of the existing balustrade infill panels.

Balcony tiling

The current balcony tiles are not the original tiles, which have been since laid over. The current tiling is in poor condition and is not appropriately graded for outdoor use, and representing a slip hazard. As such this tiling will need to be replaced with an appropriate tile of the era to in order to rectify the above.

Window replacement

The current windows are all aluminium and will be replaced, the new sections will be commercial grade aluminium window and door sections to match the existing in exact proportion and sizing (unless otherwise noted in this document).

At request we can provide further perspective images of the proposed design to assist with the assessment, we would also encourage any meeting on site with relative parties as well as meeting at our office to have access to the full 3D computer model for further reference and discussion.

End of original document provided with Development Application

The following, in conjunction with the original information provided previously within this document above, aims to address the feedback provided by the CDAC's assessment of our application. The CDAC's comments are listed in italics, with our response below in each instance. We request that each item listed below from the CDAC assessment is read in conjunction with the original context provided as well as our responses below.

Further to this we have also provided an additional index of references relating to our response below and the condition of the existing building, as well as to document the changes to the original structure in the appendix at the end of this document.

The overall built form merits - The Committee consider the restoration of the building (Heritage A Listed Dwelling) should have a more significance rather than the modernisation of the building.

Clarification was requested regarding the intent of this comment from the Town's planning department for this item which we received - "Relates to the restoration of the building being of greater importance than creating liveability in that space".

It is integral that a building, of which its primary purpose is the home for its owners, is able to function as such within the context of modern building codes, sustainability/energy requirements, and most importantly as per its intended purpose - a home for people to live in. We believe that to take the approach of considering the absolute maintenance of the heritage of a building over the capacity for it to be appropriately used for its primary function severely decreases the likelihood that the building will be maintained or restored. As originally noted, all expenses relating to the restoration are solely the responsibility of the clients, and as such if it is not considered feasible for any owners to use the building in its intended use in a practical, safe and sustainable manner, then this makes it highly unlikely that any individual will be able to feasibly justify funding such a substantial undertaking with their own private finances. As such we disagree with the CDAC's comments, as it suggests that little value has been placed in regards to other outcomes of the residence outside the preservation of the built form, which in itself would be detrimental to the restoration and preservation of the residence.

The design itself has seen fit to respect all the areas highlighted within the original heritage report respectfully while simultaneously allowing the spaces within to be adapted for the requirements of living within the existing house. The context relating to how this was achieved can be read above in our initial letter.

The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development. - The Committee consider the front façade retention is only 'façadism'. The Committee note more consideration should be given to adaptive reuse of the building itself to retain the overall structure and layout. - The Committee note the additions need to be an improvement to the existing heritage building and not detract from this significant heritage listed dwelling. - The Committee note that changes to the front façade are not supported because the small changes currently proposed to the front have a cumulative significant impact on the heritage value of the dwelling.

Throughout the design process from the initial stages, we have consulted directly with Andrew Malone and Christine Catchpole as to the most appropriate manner in which to respectfully restore the residence within the context of the heritage listing, as well as utilising the CDAC assessment previously prepared for a design by another designer for 4 Parker St as a point of reference. This consultation has guided the design from its early inception through to its current state, and the previous CDAC assessment feedback on the previous design was used as a tangible guide to what the CDAC felt was an appropriate response to the existing heritage building.

The feedback from the Town's planners to date have been of the opinion that the proposed design has provided exceptional outcomes relative to the heritage preservation, and that the proposed design is far more respectful than the previous design in relation to said preservation. It is critical to note that the CDAC assessment of the previous design (please refer to the appendix of this document for excerpts of associated plan and elevation) commented positively on a design which had a large two storey element visible from the streetscape, an excerpt of said comments are below.

The Committee consider the proposal to have positive built form merits, praising the following. - Internal courtyard of an interesting design and consistent with the 1950's design intent. - Excellent design response on a difficult lot.

What is important to note is that the this design removed all internal walls from the existing residence and a great deal more of the walls to the rear of the house, however in this instance no negative comments were provided in regards to these elements and the design was supported by the CDAC. The CDAC assessment of the previous design was utilised in our own design approach specifically in understanding what elements of the previous design the CDAC assessed as an appropriate response. It is important then, to note that no mention was made in relation to 'Facadism' of this in their assessment of the previous design, despite our proposal maintaining more of the original designs integrity.

Further to this is the context of the Town's Heritage Report and lack of any detailed reference of the alterations made to the residence by previous owners from its original form and aesthetic. Relatively substantial alterations have been made internally to the house, including the kitchen, bathroom and internal layout, which is what is reflected in the 'Existing' plans provided, however we're of the understanding that the CDAC has made the assumption that the residence is in its original form and character beyond the extent of the front facade when making their assessment, which is however incorrect.

The aesthetic value noted by the Heritage report for residence of 4 Parker Street references the aesthetic character of the built form, however, the report makes no specific mention, nor documents the three other elevations of the house, which hold no substantial aesthetic value relative to their heritage listing, other than their west facing profile contribution to the main façade. A further inspection

shows the north, east and south elevations have no notable architectural features and have all been modified from their original state.

Collectively within the residence the following items have been modified from the original design by previous owners, unfortunately the Town's Heritage assessment did not allow for a detailed assessment of these elements, please refer to the appendix for reference to these items.

General Windows - Frames, types and sizes - Front Windows - Highlight window (as shown as being improved to a sliding door) not original size or proportion (see appendix) - Front Sliding door – Sliding door implemented in lieu of original window to allow reasonable access to front balcony - Doors - Finish, frames, door panels - Flooring - Original internal flooring replaced - Tiling - Balcony and internal - Wall finishes - External – rendered to south and east in lieu of original brick - A number of building services added over the life of the residence with no concealed piping or connections - Paint colours – Roof fascia's (currently salmon pink, further investigation required to correctly identify the original colour) - Kitchen – Completely renovated and internal walls adjusted as part of these works, no original elements remain - Bathroom – Renovated and re-tiled

The comments by the CDAC stating “The Committee note the additions need to be an improvement to the existing heritage building and not detract from this significant heritage listed dwelling” would be considered as a comment regarding heritage in a broad perspective rather than a comment relative to any particular element of the dwelling as proposed. The proposed design improves the initial dwelling by restoring it for future generations and make it a more liveable set of spaces that encourage interaction with the community. How the proposed design achieves these aspects were addressed in detail in our initial letter which was not considered by the CDAC in their initial assessment.

With regards to the proposed design having “cumulative significant impact on the heritage value”, all of the changes required are either repair elements of the dwelling (eg. concrete cancer), bring the dwelling in line with modern building codes (eg. balustrading and balcony tiling), replace dangerous or defective building materials (eg. asbestos roof, eaves, facias) and replace elements of the dwelling that have already been changed from the original design (eg. windows, window sizes and types). All of these elements were addressed in detail in our original letter, which again was not considered by the CDAC in their original assessment. While the CDAC sees these elements as cumulative changes, they are in fact being undertaken to better the heritage value and integrity of the existing residence and critically – making the dwelling safe for the occupants.

The only exception to the above is to the front façade, being the modification of an existing window (this window was previously modified as per the reference in the appendix) into a sliding door in line with the aesthetics of the original windows. The justification behind this was again addressed above in our original letter, which was not considered in the CDAC assessment. Critically this element aims to reconnect the living inhabitants of the house back to the street and providing a much needed connection to the local community and streetscape, bettering what is currently a dwelling that is entirely disconnected from any form of interaction with the street, by allowing the iconic balcony to become a practical and functional space.

The relationship with and impact on the broader public realm and streetscape - The Committee note the building is recognised as a significant heritage building in the TOEF locality and is one of only a few examples of this type of heritage late 50s building still intact in the Town with significant integrity remaining. The retention of the building with its high integrity value is of significant importance to the character of the locality and the Town.

Great care has been taken restore the integrity of the original design, restore and repair the built fabric (at no small cost to the clients and completely without financial assistance) and ensure that the new elements of the building both respect and clearly delineate the new and old elements of the design to the streetscape. Given the constraints of the site, the condition of the existing building and the elements of the building that have in fact been already changed at one time or another. The proposed design has, from the outset, set out to achieve the exact outcomes as is noted above by the CDAC, which present as a general reference in regards to what a project of heritage significance such as this should aim to achieve, with no specific reference to the proposed.

We value the CDAC's feedback on the proposed project, as mentioned, with the appropriate context provided in this letter originally, many of their concerns and comments would have been addressed. The commitment by the clients to undertake such an important restoration project on behalf of all the community of Town of East Fremantle, solely with their own finances, represents an enormous gesture for the local community in preserving the iconic 4 Parker Street. The minor modification requested regarding the change to the front window in order to make the front balcony a useable space has been done so with consideration to reactivating the iconic balcony by connecting the dwelling back to the streetscape. We believe this is a critical element in bringing local interaction and life back to the iconic piece of East Fremantle's history that all parties want for it to be.

The suggestion by the CDAC that the restoration of the dwelling is more important than considering variables like liveability, it's connection to the community, sustainability and modern building codes renders the house as nothing more than a lifeless monument, as if the building can't be used for its intended purpose as suggested, it represents nothing more than lifeless bricks and mortar without the purpose that allowed this icon to exist in the first instance.

We hope that with the information provided, the Town of East Fremantle can see that every element of the proposed design has been carefully considered, specifically to ensure that the iconic dwelling of 4 Parker Street is restored and maintained for many generations to come, and in doing so contributing back to the community that has such a great appreciation for it.

Thank you for working with us to restore this iconic residence, we look forward to seeing the project through and continue to be preserved for many years to come for the community.

Officer Comments

The applicant has made it clear in the response to CDAC's comments (as well as the original documentation that was provided with the development application but not presented to CDAC in error) that they have attempted to retain key features of the heritage property, ensure that building works are in compliance with the Residential Design Codes, Residential Design Guidelines and the National Construction Code while at the same time repairing and restoring the building so dangerous materials like asbestos are removed safely, exposed and worn surfaces and materials are repaired or replaced as close to original as possible and the dwelling becomes a sustainable and liveable family home. The applicant makes a point in saying that he wants the dwelling to be a family home that is enjoyed by the owners and the surrounding community, rather than a lifeless monument to heritage. The current plans show a more modest development compared to the original double storey proposal presented some time ago to the Town. Despite claims by CDAC that the proposal is an example of facadism it is in fact retaining a greater portion of the dwelling than the original double storey proposal and presenting less building bulk to the street. The current design concentrates the majority of development to the rear of the existing dwelling and out of sight of the street front. The biggest change from an aesthetic point of view is the addition of large doors in the same proportions to existing major openings facing the street

front leading to the front deck. Although it could be argued that this might detract from the original heritage design it is done tastefully and ensures that the front rooms and the deck that are a key feature of this home can be better utilised and integrated into use of the dwelling. There is also the addition of a new side entry to the dwelling that again improves the functionality of the design of the property. The proposal presents a classic dichotomy between preserving heritage and ensuring that residents can enjoy liveable and sustainable dwellings. Heritage properties need to be preserved but not to the extent that owners cannot modernise and renovate dwellings without taking into account modern lifestyles and budgetary constraints.

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	Possible (3)	Minor (2)	Moderate (5-9)	COMPLIANCE Minor regulatory or statutory impact	Accept Officer Recommendation

Risk Matrix

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

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

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

Site Inspection

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 Codes. 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	7.5m	>7.5m	A
Lot Boundary Setbacks			
Southern wall- kitchen	1.1m	1.02m	D
Southern wall – pantry and laundry	1m	1.633m	A
Southern wall – hall	1m	4m	A
Southern wall – toilet	1m	3m	A
Southern wall - bath	1m	1.9m	A
Eastern wall – bathroom and bedroom	1m	0.881m	D
Northern wall - bathroom	1.1m	1.022m	D
Northern wall – porch entry	1.1m	1.354m	A
Open Space	55%	74%	A
Setback of Garage			N/A
Car Parking	1-2 cars	2 cars	A
Site Works	<0.5m	<0.5m	A
Visual Privacy- northern porch entry	7.5m	1m	D
Overshadowing	<25%	12%	A
Drainage	Contained on site	To be conditioned	A

Local Planning Policies Assessment

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

This development application proposes renovations and additions to a Category A heritage dwelling. Five variations are requested to the requirements of the Residential Design Codes. These variations include lot boundary setbacks (3 different walls), retaining walls, and visual privacy.

The majority of the existing heritage dwelling is retained as part of the proposed development and the front streetscape remains relatively unchanged with the exception of the addition of new doors and windows overlooking the front yard. The new additions are concentrated to the rear and are concealed by the existing dwelling. The improvements have been achieved without denigrating the heritage characteristics of the original dwelling, while simultaneously ensuring that the dwelling is a modern and highly liveable residence.

Heritage

The applicant has had many discussions with the Town in the period before submission of the development application. The proposed changes have had some impact on the heritage characteristics of the existing dwelling, but it is argued that it is minimal and has ensured that the design will create a more liveable and sustainable dwelling suitable for a family with increased longevity. Restoration works sympathetic to the heritage building will be undertaken that retain the main building, repair and restore ageing parts of the dwelling with some changes that add rooms and improve the functionality of the existing building. It is noted that there is asbestos in the building and this will be removed as part of works, the existing concrete roof is leaking and will be repaired, cracking brickwork and fretting mortar will be repaired and deck balustrading will be replaced with balustrading that meets building code requirements.

Lot Boundary Setbacks

There are three walls where there is a request to reduce the allowable lot boundary setbacks.

The southern wall adjacent to the kitchen is 4m long, 3.6m high and without major openings. The required setback is 1.1m however in this case the setback provided is 1.02m. This is considered a negligible difference in setback. Although it does not achieve the deemed to comply clause C3.1 of the Residential Codes it achieves design principles P3.1. The building is setback such that there are;

- reduced impacts of building bulk on adjoining properties,
- minimal impact on sunlight or ventilation to the building and open spaces on site and to adjoining properties, and
- minimal impact from overlooking and privacy.

The eastern wall adjacent to the bathroom and bedroom is 7.9m long and 2.4m high without major openings. It is required to have a 1m setback, however, in this case the wall is set back 0.881m. Again there is negligible difference in setbacks. Although the wall does not achieve the deemed to comply clause C3.1 of the Residential Design Codes it achieves design principles P3.1. The wall is setback such that there are;

- reduced impacts of building bulk on adjoining properties,
- minimal impact on sunlight or ventilation to the building and open spaces on site and to adjoining properties, and
- minimal impact from overlooking and privacy.

The northern wall adjacent to the rear bathroom is 4.4m long and 4.35m high and without major openings. A setback of 1.1m is required but 1.022m is provided. Once again there is a negligible difference in setbacks. It does not achieve the deemed to comply clause C3.1 of Residential Design Codes, but does achieve design principles P3.1. The wall is setback such that;

- there are reduced impacts of building bulk on adjoining properties,
- minimal impact on sunlight or ventilation to the building and open spaces on site and to adjoining properties, and
- minimal impact from overlooking and privacy.

In each case the reduced lot boundary setbacks can be supported as they are negligible reductions and in each case there are minimal impacts on sunlight, ventilation, overlooking, privacy or building bulk.

Retaining Walls

Retaining walls are utilised for landscaping purposes that are located within 1.0 metre of a lot boundary. Retaining walls in the front yard are up to 0.7m high and in the rear yard between 0.6m and 1.4m high. In both cases the deemed to comply clause 5.3.8 C8 of the Residential Design Codes is not achieved, but the design principles 5.3.8 P8 are met. The retaining walls allow the land to be used for the benefit of the residents and do not detrimentally affect adjoining properties. For this reason the proposed variation is supported.

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 Codes are considered acceptable. As such it is recommended that the proposed development be supported subject to planning conditions.

11.2 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP020320

Moved Mayor O’Neill, seconded Cr Watkins

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

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – southern wall - 1.1m required, 1.022m provided**
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – eastern wall - 1m required, 0.88m provided**
- (iii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – western wall - 1.1m required, 1.022m provided**
- (iv) Clause 5.3.8 – Residential Design Codes – Retaining Walls – less than 0.5m height required, more than 0.5m height provided**

for proposed renovations and additions to an existing residence at No.4 (Lot 2) Parker Street, East Fremantle, in accordance with the plans date stamped received 19 December 2019, subject to the following conditions:

- (1) The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council’s further approval.**
- (2) The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**

- (3) With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
- (4) All 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.
- (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 is 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) Visually impermeable screening shall be installed and fixed in place on the northern edge of the northern entry porch in accordance with the approved plans.
- (8) The new crossover shall not exceed 30% of the lot width up to a maximum of 5m and shall be constructed in accordance with the Town's Crossover Specifications (2017). The original crossover shall be removed and the verge and footpath shall be reinstated to the satisfaction of the Town.
- (9) The verge tree shall be retained and protected during works. The verge tree shall not be removed.
- (10) 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.
- (11) This planning approval is to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

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

(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.

11.3 George Street, No. 135 (Lot 802) Proposed Signage

Applicant	Manotel Pty Ltd
Owner	Manotel Pty Ltd
File ref	P/GEO135
Prepared by	James Bannerman Planning Officer
Supervised by	Andrew Malone Manager Regulatory Services
Meeting date	3 March 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	

Purpose

Council is to consider a signage application for the 'Brush Factory' at 135 George Street, East Fremantle.

Executive Summary

The application proposes signage to be located on the northern corner of the building advertising the location of the commercial tenancies including the dance studio, yoga studio, consulting rooms and offices.

The signage would clearly indicate the commercial tenancies accessed via the 36 Duke Street entrance and the 137 George Street entrance.

The signage proposal can be supported subject to the conditions of development approval being imposed.

Background

LPS 3 Zoning: Mixed Use

Site area: 1008m²

Heritage: Category A (LPS3 Heritage List)

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

1897	Building at 36 Duke Street starts use as a 'Brush Factory';
20 May 1983	Council approves the use of 36 Duke Street for restoration and sale of furniture;
14 June 1983	Council approves use of the building at 42 Duke Street for the manufacture of decorative glass (Freedom Glass);
21 November 1983	Council grants conditional approval for the erection of two signs at 36 Duke Street;
16 April 1984	Council advises Lauder & Howard that it has no objections to repainting the exterior of the building at 36 Duke Street;
16 July 1984	Council approves signs on the façade of 36 Duke Street;
24 April 1986	CEO advises Lauder & Howard that signage on the east wall of the building at 36 Duke Street is approved;
19 June 1995	Council endorses a proposal for an opening to the front wall of the building at 42 Duke Street;
10 July 1995	Building Permit 100/2309 approved for installation of new door frame, doors and side-lights at 42 Duke Street;
24 July 1996	Building Surveyor approves removal of a chimney and portion of a parapet wall from the building at 36 Duke Street;

-
- | | |
|------------------|---|
| 19 August 1996 | Council decides to advise the WAPC that it supports the subdivision and amalgamation of Lots 1, 2 & 3; |
| 10 December 1996 | WAPC grants conditional approval to the subdivision & amalgamation; |
| 25 February 1997 | Council resolves to rezone 36 Duke Street to Residential Area 2; |
| June 1997 | Conservation Plan prepared for Main Roads Department for 36 & 42 Duke Street; |
| 16 December 1997 | WAPC endorses for final approval Diagram 94449 for the subdivision & amalgamation; |
| 21 July 1998 | Council resolves to reconsider a proposal to convert existing workshop at 42 Duke Street into 2 workshops; |
| 18 August 1998 | Council grants special approval for 2 workshops at 42 Duke Street; |
| 5 May 1999 | Building Licence 93/2833 approved for alterations to the building at 42 Duke Street to form 2 separate workshops; |
| 25 August 1999 | Storm damages building; roof ends up on Stirling Highway; |
| 3 August 2001 | Premier Gallop, MPs, Mayor and CEO & VIPs join in the reopening of Lauder & Howard's antiques; |
| 9 December 2008 | Planning Approval granted to redevelop the buildings at 36-42 Duke Street from antique furniture showrooms and workshops to 7 x 1 bedroom apartments, and 5 x 3 bedroom apartments; |
| 15 March 2011 | Planning Approval granted to redevelop the buildings at 36-42 Duke Street for a change of use, partial demolition, redevelopment and new construction to accommodate a mixed use residential/arts and entertainment venue; |
| 12 February 2013 | Planning Approval granted to amendments to a previously approved planning application, date stamped Approved on 15 March 2011 (Application (P199/10) and to extend the previous planning approval P199/10 for a further 2 years. The previously approved application was for a change of use, partial demolition, redevelopment and new construction to accommodate a mixed use residential/arts and entertainment venue; |
| 16 July 2013 | Planning Approval granted to amendments to a previously approved planning application, date stamped Approved on 15 March 2011 (Application (P199/10) for 2 storeys of commercial offices above the approved Jazz Club/ Performance space. Council refused the penthouse apartment located above the 'Brush Factory'; |
| 1 October 2013 | Planning Approval for a penthouse apartment to be erected on top of the proposed performance space and existing heritage building at the 'Brush Factory (former Lauder & Howard building), 36-42 Duke Street. In addition it considers an application which has been presented to Council with regards to a review of the opening times for the Jazz Club. |
| 7 May 2019 | Planning approval for a change of use from office in basement to yoga studio. |
| 2 July 2019 | Planning approval for change of use from storage area for tenancy 1 and performing arts/music space for tenancy 4 to office space. |

Consultation

Advertising

The application for the proposed signage was advertised to surrounding properties along George Street and Duke Street from 14 January to 28 January 2020. No submissions were received.

Community Design Advisory Committee (CDAC)

This application was referred to the January CDAC meeting. The following comments were made;

(a) The overall built form merits;

- The Committee is supportive of the sign in principle, however note that no additional signage should be permitted on the front façade or side facade.
- The Committee acknowledges the signage is relevant to the use of the tenancies in the building and therefore support the signage as a means of activating the street.

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

- The Committee considered the proposal has no significant heritage impact issues.
- The Committee recommends a condition is included in the Officers report requiring stainless steel fixings to be utilised.

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

- The Committee notes that no additional signage should be permitted on the front façade or side façade as additional signage may impact on the heritage of the building and on the wider public realm.

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

- No further comment at this time.

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

- No further comment at this time.

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

- No further comment at this time.

Applicant Response

The applicant chose not to respond.

Statutory Environment

Planning and Development Act 2005

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

Policy Implications

Town of East Fremantle Residential Design Guidelines 2016

Municipal Heritage Inventory - 'A' Category

Fremantle Port Buffer Zone - Area 3

Financial Implications

Nil

Strategic Implications

The Town of East Fremantle Strategic Community Plan 2017 – 2027 states as follows:

Built Environment

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

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

Natural Environment

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

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

Risk Implications

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

Risk Matrix

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

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

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

Site Inspection

A site inspection was completed.

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 Signage Design Guidelines LPP 3.1.4 and the George Street Designated Heritage Area LPP 3.1.6 (draft). It has been assessed as wall signs under the definition provided in the Signage design Guidelines as it is a sign attached parallel to the wall of a building. It was not assessed as a business directory sign as it is deemed to also be advertising signage for the businesses within the building and is much larger than a typical business directory. A summary of the assessment is provided in the following tables.

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

Signage Design Guidelines LPP3.1.4			
Alternative Performance Criteria	Required	Provided	Status
	Multiple wall signs or wall signs exceeding the acceptable solution provisions shall only be considered as part of an approved signs regime	2 additional signs, already vertical projecting sign in place for jazz bar & wall sign on top of western façade of building	D
	Signs must face a primary space	Signs face north towards the pedestrian footpath and adjacent to the George and Duke Street intersection	A
	Maximum height equivalent to 10% of height of building wall or 2m, whichever is greater	2.75m Note that this does not include the total length of the Brush Factory sign at the top of the western facade	D
	Maximum length 5m	2.4m	A

George Street Designated Heritage Area LPP 3.1.6 (draft) Requirement	Status
Signage complementary to streetscape	D
Should not replicate traditional styles and typefaces	A
Not to obscure or detract from place or streetscape	A
Suits proportions and elements on which it is mounted	A
Window signs are to retain views from shop to street	N/A
Mounting of signs is to avoid damage or removal of significant fabric	A
Face brick walls are not to be painted over with new signage	N/A
Externally mounted signs or signs that project forward of the building envelope are not permitted	N/A
Existing signage that is contributory to heritage area should be retained	N/A
Maximum of 2 signs per facade	D
Maximum of 1 advertising sign located under verandah or awning	N/A

The Brush Factory is a Category A heritage building on the Town's heritage list. It is zoned for mixed use with a combination of commercial and residential uses. It has had extensive additions and alterations undertaken over the past few years with the existing heritage building being significantly renovated and modified. New commercial tenancies have been created within the building along with a penthouse apartment. Although called the Brush Factory the new residential apartments built on the adjacent site to the south are part of a separate lot.

The proposed signage consists of 2 signs located side by side on the northern wall of the Brush Factory building that faces George Street. The 2 signs are proposed to be 1.2m wide and 2.75m high with interchangeable panels on the sign to indicate the location of the various tenancies within the building. Each interchangeable panel within the sign would be approximately 0.35m high. Sign A indicates those commercial tenancies that have an entry via 36 Duke Street, while Sign B indicates the entry for those businesses with an address linked to 137 George Street.

The signage was assessed against both the Signage Design Guidelines LPP 3.1.4 and the signage requirements of the George Street Designated Heritage Area LPP3.1.6 (draft). The Signage Design

Guidelines are given greater weight and emphasis as LPP3.1.6 is only draft policy (at the time of this assessment).

In terms of the Signage Design Guidelines LPP 3.1.4 the proposed signage was categorised as wall signs. It does not meet the acceptable solution (permitted) requirements. Two signs are proposed (where one is permitted), and the maximum height of 1m and maximum length of 3m is exceeded.

For this reason the alternative performance criteria were utilised to assess the proposed signage. There are 4 criteria that have to be considered;

- Multiple wall signs or wall signs exceeding the acceptable solution provisions shall only be considered as part of an approved signs regime.
There are four signs located on the building, including the existing Duke of George Jazz Bar sign and the Brush Factory building sign at the top of the western façade, as well as the 2 signs proposed as part of this development application. The purpose of the signs that are the subject of this application serve a different role to the other 2 signs and because of this can be supported. They locate and advertise the different business tenancies within the building and for this reason can be supported. To limit the intrusion of any further signs a condition will be imposed that limits signage to the 2 existing signs that are in place and the 2 signs that are part of this application.
- Signs must face a primary space.
The signs face the area in front of the northern wall of the Brush Factory building which is a paved pedestrian footpath that in turn is adjacent to the intersection of Duke and George Streets. This could be considered a primary space.
- Maximum height equivalent to 10% of height of building wall or 2m, whichever is greater.
The building is over 12m tall which means that the maximum permitted height of wall signs is 2m. In this case the wall signs are a maximum of 2.75m high which is in excess of the maximum height. The size would ensure that the signs can be clearly seen from further away and can include the names of all businesses operating from within the building and for this reason should be supported.
- Maximum length 5m.
The signs are a maximum length of 2.4m which is in accordance with the Signage Design Guidelines. However, it does not include the length of the existing Brush Factory sign on top of the western building façade.

Although the proposed signs only meet 2 of the 4 criteria it is considered that the variations are acceptable and as such can be supported when assessed against the Signage Design Guidelines.

It is also located within the proposed George Street heritage area that was not formally approved at the time of assessment but adopted on 18 February 2020. There are specific requirements as to the type of signage that can be utilised on the building in accordance with the George Street Designated Heritage Area LPP3.1.6 (draft).

Currently there are no other signs on the northern side of the building with the exception of the sign for the Duke of George Jazz Bar and the Brush Factory sign on the top of the western façade of the building. The signs comply with the advertising requirements of the policy with the exception of whether the signage is complementary to the streetscape and the total permissible number of signs. In all other criteria the signage meets the requirements of the George Street Designated Heritage Area policy;

- It does not replicate traditional signage styles or typeface.
Each tenancy will be responsible for creating their own sign to fit in the relevant panel on the proposed signage.

- It does not obscure or detract from the place or streetscape.
Sightlines and views of the building are not obstructed by the proposed signage.
- It is in proportion to the size of the building.
It is approximately 25% of the building height, but is in proportion to the building.
- It is not a window sign.
- When mounted on the wall the signs will cause minimal damage to the building fabric.
The signage will cover a section of the exposed brickwork but will cause minimal damage to the bricks and mortar.
- Face brick walls are not painted over.
- It is within the building envelope.
The signage has minimal protrusion from the walls that it is attached.
- The existing heritage signage (The Brush Factory) is retained on the western wall of the building.
- No signage is proposed for a verandah or awning.

The proposed signage includes one more sign than is permissible under the draft George Street Heritage area requirements. However, as no other signage is proposed for the building it is considered that on balance the additional sign is acceptable and should be supported. The signage will add to the building by giving clear direction to visitors and passers-by as to the location of the various commercial and residential tenancies within the building and it helps to advertise the associated businesses. It must be recognised that the building was approved as a mixed use development and there is an expectation that businesses located in commercial premises will want to advertise their location and activities. A condition will be imposed in the recommendation that limits any further signage on this site without further consideration of Council.

The signage is complementary and does not detract from the streetscape. It is designed to give clear directions to passers-by as to the location of tenancies within the building. If it is any smaller, then it becomes difficult to read text and the purpose of the sign is defeated. As it faces George Street it does not impact on the southern properties to the south of the intersection of Duke and George Street. The materials are in keeping with the building in that the aluminium strips that hold each respective tenancy sign is a similar colour to the cladding located on the top floor of the building. It is to be installed in such a way that the building can be fully reinstated if the signage is removed at a later date. For these reasons the proposed signage is recommended to be supported.

It is noted that CDAC was generally supportive of the signage. The Committee did want a limitation on any further signage on site. As stated previously this will be incorporated as a condition in the final recommendation. There was also a request that a condition be imposed that required that the signage be fixed to the wall using stainless steel fastenings. This will also be included as a condition in the final recommendation.

It is noted that the applicant provided a photo displaying the location of signage on the side of the building in 1901. In the photo the signage displayed was in larger lettering and covered the top section of the northern building façade which represents a greater area of signage than currently proposed in this development application.

Conclusion

The proposed signage is considered appropriate for the subject property. There are few, if any amenity impacts and the use will help to guide users around the building, as well as advertise the businesses located within the building. The heritage nature of the building is retained with the proposed signage and as the building is a mixed use building there has to be an expectation that there will be some

commercial signage on the side of the subject building. As stated earlier there was signage across the building in earlier periods that was more extensive than the current signage proposed.

Given the comments above and the explanation provided the proposed signage is recommended for approval subject to conditions.

11.3 OFFICER RECOMMENDATION

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

- (i) Signage Design Guidelines- Local Planning Policy 3.1.3- one wall sign permitted, two additional wall signs provided;
 - (ii) Signage Design Guidelines- Local Planning Policy 3.1.3- 2m height permitted, 2.75m provided
- for signage at No. 135 (Lot 802) George Street, East Fremantle, in accordance with the plans and information date stamped received 24 December 2019, subject to the following conditions:

- (1) All fastenings and fittings that are utilised to attach the signage to the wall are to be made from corrosion resistant stainless steel.
- (2) All signage proposed being in accordance with the correspondence, elevations and accompanying notations and plans in regard to signage dimensions, wording, materials and graphics submitted with the application and date stamped received 24 December 2019 other than where varied by Council and in compliance with conditions of this approval.
- (3) All signage to be kept clean and free of graffiti and vandalism at all times and any such graffiti or vandalism to be remedied within 24 hours to the satisfaction of the Chief Executive Officer.
- (4) The device shall not contain fluorescent, reflective or retro reflective colours or materials and shall not be illuminated internally.
- (5) No other unauthorised signage is to be displayed. Additional signage or modifications to the location, dimensions, materials and illumination of this signage will require the submission of a development application for the consideration of Council.
- (6) 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.
- (7) 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.
- (8) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (9) This planning approval 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) *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).*

*Moved Cr Watkins, seconded Cr Collinson
The adoption of the Officer's recommendation.*

ALTERNATE RECOMMENDATION/ COMMITTEE RESOLUTION TP030320

Moved Mayor O'Neill, seconded Cr Natale

That the decision be deferred and the applicant be requested to consider a smaller and more sympathetic signage design.

(CARRIED 5:1)

12. MATTERS BEHIND CLOSED DOORS
Nil.

13. CLOSURE OF MEETING

There being no further business, the Presiding Member declared the meeting closed at 7.38 pm.

I hereby certify that the Minutes of the ordinary meeting of the Town Planning Committee of the Town of East Fremantle, held on 3 March 2020, Minute Book reference 1. to 13. were confirmed at the meeting of the Committee on:

7 APRIL 2020
.....



Presiding Member

Minutes of a Community Design Advisory Committee Meeting, held at East Fremantle Town Hall, on Monday 3 February 2020 commencing at 6:00pm.

1. OPENING OF MEETING

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

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

2. PRESENT

Cr Cliff Collinson	Presiding Member
Mr David Tucker	
Dr Jonathan Dalitz	
Mr Donald Whittington	
Mr Clinton Matthews	
Mr Michael Norriss	Observer
Mr Andrew Malone	Executive Manager Regulatory Services

3. APOLOGIES

Ms Alex Wilson

4. LEAVE OF ABSENCE

5. DECLARATIONS OF INTEREST

Dr Jonathan Dalitz – Proximity - 8.4 Osborne Road No. 1 (Strata Lot 3) – JCorp Pty Ltd T/A Perceptions

6. CONFIRMATION OF MINUTES

Moved Donald Whittington, seconded David Tucker

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

CARRIED

7. PRESENTATION

Nil

8. BUSINESS

**8.1 George Street No. 135 (Lot 802) – Manotel Pty Ltd
(Application No. P003/20 –24 December 2019)**

Signage to Northern Wall of Brush Factory – Category ‘A’ on Municipal Inventory & Local Planning Scheme No. 3 Heritage List.

(g) The overall built form merits;

MINUTES

- The Committee is supportive of the sign in principle, however note that no additional signage should be permitted on the front façade or side facade.
 - The Committee acknowledges the signage is relevant to the use of the tenancies in the building and therefore support the signage as a means of activating the street.
- (h) *The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development.*
- The Committee considered the proposal has no significant heritage impact issues.
 - The Committee recommends a condition is included in the Officers report requiring stainless steel fixings to be utilised.
- (i) *The relationship with and impact on the broader public realm and streetscape;*
- The Committee notes that no additional signage should be permitted on the front façade or side façade as additional signage may impact on the heritage of the building and on the wider public realm.
- (j) *The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;*
- No further comment at this time.
- (k) *The extent to which the proposal is designed to be resource efficient, climatically appropriate, responsive to climate change and a contribution to environmental sustainability;*
- No further comment at this time.
- (l) *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 further comment at this time.

**8.2 Parker Street No. 4 (Lot 2) – Stack Design
(Application No. P107/19 – 19 December 2019)**

Alterations and Additions – Category ‘A’ on Municipal Inventory & Local Planning Scheme No. 3 Heritage List.

- (g) *The overall built form merits;*
- The Committee considers Heritage Impact Assessment to be submitted for this Heritage A listed Building reporting on the significance of the changes proposed.
 - The Committee considers the restoration of the building (Heritage A Listed Dwelling) should have a more significance rather than the modernisation of the building.
- (h) *The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development.*
- The Committee considers the front façade retention is only façadeism.
 - The Committee notes more consideration should be given to adaptive reuse of the building itself to retain the overall structure and layout.

- The Committee note the additions need to be an improvement to the existing heritage building and not detract from this significant heritage listed dwelling.
 - The Committee note that changes to the front façade are not supported because the small changes currently proposed to the front have a cumulative significant impact on the heritage value of the dwelling.
- (i) *The relationship with and impact on the broader public realm and streetscape;*
- The Committee note the building is recognised as a significant heritage building in the TOEF locality and is one of only a few examples of this type of heritage late 50s building still intact in the Town with significant integrity remaining. The retention of the building with its high integrity value is of significant importance to the character of the locality and the Town.
- (j) *The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;*
- As noted above.
- (k) *The extent to which the proposal is designed to be resource efficient, climatically appropriate, responsive to climate change and a contribution to environmental sustainability;*
- The Committee has no further comment at this time.
- (l) *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 further comment at this time.

**8.3 Osborne Road No. 1 (Strata Lot 2) – JCorp Pty Ltd T/A Perceptions
(Application No. P004/20 – 14 January 2020)**

New Two Storey Dwelling – Category ‘A’ on Local and State Heritage Lists.

- (a) *The overall built form merits;*
- The Committee does not support the proposal
 - The Committee recommend changes are made to the design of the dwelling.
 - The committee consider the bulk of the building is excessive. The dwelling is considered to impact of the heritage significance of the parent lot and heritage dwelling due to the overall bulk and proximity to the boundary. It is considered the two lot subdivision significantly impacts on the curtilage of the heritage dwelling. The bulk and setbacks are considered too restrictive.
- (b) *The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development.*
- The Committee note the bulk of the building is considered excessive when assessed against the retention of the existing heritage dwelling.
- (c) *The relationship with and impact on the broader public realm and streetscape;*

- The Committee state that the crossover is considered excessively wide for the overall lot width and should be reduced to comply with Councils crossover requirements.
 - The Committee consider the garage size/ width is excessive and does not comply with the Town's Residential Design Guidelines.
- (d) *The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;*
- As noted above.
 - The Committee note concern regarding the overlooking to the rear of the yard (adjoining properties).
- (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;*
- The Committee consider the dwelling has minimal passive solar achieved through design.
 - The Committee consider the dwelling has minimal ability for cross ventilation opportunities in the dwelling, which increases the use of air conditioning to cool the property.
 - The Committee consider the dwelling has minimal environmental benefits.
- (f) *The demonstration of other qualities of best practice urban design including "Crime Prevention" Through Environmental Design performance, protection of important view corridors and lively civic places;*
- The Committee note the proposal demonstrates positive passive surveillance principles.

**8.4 Osborne Road No. 1 (Strata Lot 3) – JCorp Pty Ltd T/A Perceptions
(Application No. P005/20 – 14 January 2020)**

New Two Storey Dwelling – Category 'A' on Local and State Heritage Lists.

- (g) *The overall built form merits;*
- The Committee does not support the proposal.
 - The Committee recommend changes are made to the design of the dwelling.
 - The committee consider the bulk of the building is excessive. The dwelling is considered to impact the overall locality due to the overall bulk of the dwelling and proximity to the boundary. It is considered the two lot subdivision significantly impacts on the curtilage of the heritage dwelling. The bulk and setbacks are considered too restrictive.
- (h) *The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development.*
- The Committee note the bulk of the building is considered excessive when assessed against the retention of the existing streetscape. The two dwellings provide little articulation and combined result in an excessive built form.
- (i) *The relationship with and impact on the broader public realm and streetscape;*
- The Committee state that the crossover is considered excessively wide for the overall lot width and should be reduced to comply with Councils crossover requirements.

- The Committee consider the garage size/ width is excessive and does not comply with the Town's Residential Design Guidelines.
- (j) *The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;*
- As noted above.
 - The Committee note concern regarding the overlooking to the rear of the yard (adjoining properties).
- (k) *The extent to which the proposal is designed to be resource efficient, climatically appropriate, responsive to climate change and a contribution to environmental sustainability;*
- The Committee consider the dwelling has minimal passive solar achieved through design.
 - The Committee consider the dwelling has minimal ability for cross ventilation opportunities in the dwelling, which increases the use of air conditioning to cool the property.
 - The Committee consider the dwelling has minimal environmental benefits.
- (l) *The demonstration of other qualities of best practice urban design including "Crime Prevention" Through Environmental Design performance, protection of important view corridors and lively civic places;*
- The Committee note the proposal does not have suitable passive surveillance. The dwelling on Strata Lot 2 is considered to demonstrate good/ positive passive surveillance, however Strata Lot 3 does not demonstrate this.
9. **OTHER**
Nil.
10. **BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING**
Nil
11. **DATE & TIME OF NEXT MEETING**
- 11.1 **Monday 24 February 2020, commencing at 6pm**

The meeting concluded at 7.15pm

Attachment Item 11.1 Summary of Submissions – 15 Alexandra Road

Submission Number	Submission	Applicant Response	Officer Response
1	<p>I support the proposal</p> <p>I fully support the Pink Wall along Canning Hwy & Alexandra Road, East Fremantle.</p> <p>My preference of text over "Extinction Rebellion" or "East Fremantle has declared a climate emergency" is the latter.</p> <p>Congratulations to this Resident who has got the community talking about what needs to be talked about</p>	<p>The applicant chose not to respond to submissions from advertising.</p>	<p>Noted.</p> <p>A comment referring to the addition of East Fremantle has declared a climate emergency is made later in this report.</p>
2	<p>I have some concerns I wish to address</p> <p>I like the current mural. It is a beautiful piece of art with real symbolic meaning and currency. I don't like the idea of a bunch of words which seem tame even with good intentions. Too much of a compromise and less artistic. Long live the feather. (I do congratulate council on its stand on the climate emergency).</p>	<p>As above</p>	<p>Noted.</p> <p>Decisions regarding the mural were made by the applicant in terms of colours, style of art, and graphics.</p>
3	<p>I object to the proposal.</p> <p>I have contacted the Council before re my objection to this advertising painting both on a personal level and as secretary to the Body Corporate. I am somewhat confused re this application for approval of a "wall mural".</p> <p>1) The advertising is already there - apparently without initially seeking the appropriate Council approvals.</p> <p>2) The advertising originally promoted an Extinction Rebellion protest in Perth with the date clearly shown — this gave the impression of a temporary advertising wall painting. Still an eyesore but I think most neighbours would have put up with, assuming that once the protest took place the advertising would be painted over and the wall reverted back to its original condition</p> <p>3) Clearly this was not the intention. Once the protest occurred the date was simply painted out. The painters name and "tag" then appeared on the wall. Obviously this must meet some protocol requirement.</p> <p>4) Why are locals being contacted for their approval or disapproval of the application — surely there are by-laws that restrict permanent promotions or advertising on residential buildings.</p> <p>5) I have no objection to the theme (climate change) being the subject of the advertising. It would not matter if it were the "Flat Earth Society" or any other personal beliefs. I do object to everyone in the neighbourhood being having to put up with such permanent "in your face" wall paintings. If this is acceptable, then obviously everyone can proceed to paint whatever message they choose on their premises without any thought or concern for others.</p> <p>6) We are not compulsive complainers who make a regular practice of "nimby" issues, but I believe we are quite correct in objecting</p>	<p>As above</p>	<p>Noted.</p> <p>1) There is the ability for applicants to make a development application subsequent to development to formalise development that has not been approved.</p> <p>2) It has been noted that the mural originally advertised a climate change rally held in Perth in October 2019. The advertisement for this rally has since been painted over.</p> <p>3) The Town requires development applications to be submitted for advertising signage. In Local Planning Scheme No 3 there is a requirement that they are advertised to surrounding property owners.</p> <p>4) As part of the assessment of development applications advertising to surrounding property owners is undertaken to inform and assess people's views on development.</p> <p>There are few limitations on colours of buildings including walls or murals (unless it is a heritage property) and there are implied rights regarding political advertising.</p> <p>5) Noted.</p> <p>6) People can submit a development application</p>

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	<p>to this eyesore that meets us every time we walk out of our door. People try very hard to maintain a standard in this residential area and the advertising paintwork in question is totally out of place. Perhaps if the resident feels that strongly about Extinction Rebellion they might paint their vehicles instead of the wall. They might get their message out more effectively that way. I think that would be acceptable by everyone that way.</p>		<p>for advertising at a residential property in accordance with Local Planning Scheme No 3 and it will be assessed on its merits.</p>
4	<p>I am in receipt of your letter dated 20/12/19 regarding the proposed subsequent approval for extended wall mural at No 15 (Lot 1) Alexandra Road East Fremantle. Before I commence I am in favour of climate change and saving the environment but I am strongly opposed to the politically worded wall which is already in site without prior approval. The wall and any politically and wording for any cause is totally inappropriate and is an absolute environmental eyesore, it is not a mural but political graffiti. To have such wording on a nauseating lolly pink wall in a beautiful residential East Fremantle street with heritage houses is not within the character of the suburb or street. The occupants of No 6 & 12 have to look at this eyesore and a drawback should they even wish to sell detracting from the value. It is noted they haven't painted their own driveway in the dreadful colour on any signage.</p> <p>It is an accident waiting to happen with cars braking suddenly to read what is on the wall which is placed on a dangerous corner.</p> <p>Before a decision is made I recommend the Council members voting on this issue visit the wall in question for themselves and ask themselves would they like to have this external wall with advertising slogans opposite their home on street- I am sure they would find it quite offensive as our residents do. Any questions regarding this letter I will be only too happy to discuss.</p>	As above	<p>Noted.</p> <p>The matter was referred to Main Roads Western Australia for their comment.</p> <p>Property values are not a relevant planning consideration.</p> <p>Ultimately a decision regarding the mural will have to be made by the relevant Councillors with consideration of the relevant policies. Details of the mural are covered in this report.</p> <p>A decision about whether development including wall murals is offensive or not is subjective in nature.</p>
5	<p>We strongly object to the garish pink wall with political advertising at No 15 (Lot 1) Alexandra Road.</p> <p>Political advertising and street art has no place in a quiet suburban street.</p> <p>Regarding the political advertising; "Extinction Rebellion" is a group dedicated to civil disobedience and breaking the law to bring attention to themselves. The applicant herself states in the application that she would "conceded that the artwork is political in its intent." She then offers to change the current "Extinction Rebellion" to "East Fremantle Declares a Climate Emergency."</p> <p>This is a ludicrous idea and should not even be considered by Council without discourse with the ratepayers of East Fremantle, which to date has not happened.</p>	As above	<p>Noted.</p> <p>The development application was advertised to 25 properties.</p> <p>There are implied rights within the Australian Constitution of freedom of political expression.</p> <p>Discussion of the addition of the phrase "East Fremantle Declares a Climate Emergency" to the wall is discussed later in the report. It is recommended that this phrase will not be painted on the wall.</p> <p>The location and type of art proposed for dwellings is</p>

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	<p>To allow any form of political advertising on the wall is setting a precedent and is opening the gates for any other group; extreme religious groups, fringe political groups etc to advertise as well.</p> <p>“Street Art” may have a place in inner city commercial areas, but not on residential streets. Allowing this to stay could also set a precedent for less acceptable “street art” to be painted throughout East Fremantle.</p> <p>We would also point out also that it appears the only ratepayers who have been contacted about this issue are the 14 direct neighbours. We have spoken to other East Fremantle who are not happy at all with this mural.</p> <p>We request Council enforce the complete removal of the illegal political mural and allow the peaceful residential atmosphere of our street to return.</p>		<p>ultimately a matter for applicants to propose.</p> <p>Artistic taste is highly subjective.</p> <p>There are no rules regarding suitable locations for street art. Ultimately blank surfaces such as boundary walls have the potential to be painted with street art.</p>
6	<p>I support the proposal.</p> <p>I support both the style and the substance of the mural. It is an uplifting addition to the streetscape.</p>	As above	Noted.
7	<p>As close neighbours to this location and members of the strata, we are very supportive of the pink wall.</p> <p>It is a great improvement on the previous wall which was dull and often being tagged. We watched the artwork as it progressed and are impressed by the quality of the signs and the fabulous feather. It does what was intended; catches people’s attention, but is no more distracting than the signs in the petrol station or the political signs on bench seats along the highway.</p> <p>We have talked with the owner of the property and have consequently learnt more about Extinction Rebellion. We believe that they have been quite courageous in painting these walls and highlighting the threat to their future, and we encourage this action.</p> <p>The text says so much in so few words and has been rendered skilfully and artistically. The feather alone has been done beautifully and if the text must be removed, the feather should remain. It has the potential to become an iconic image of East Fremantle.</p> <p>It is pink; an unusual colour for a wall, but bright and warm. We like it.</p> <p>We will be very disappointed if this artwork is changed or removed.</p>	As above	Noted.
8	<p>I object to the proposal.</p> <p>I live in the complex across from 15 Alexandra Road, a nice residential street, until now. Every day from my home I look at this ugly pink wall with a political message on it, not a mural. As I see it the only mural is the feather. Whatever wording is used on the wall is politically motivated. I too believe in climate change, but feel this message should be done in the appropriate place, not my</p>	As above	<p>Noted.</p> <p>Property values are not a relevant planning consideration.</p>

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	street. I do believe the wall will decrease the value and appeal of the neighbourhood		
9	<p>I object to the proposal.</p> <p>We are strongly against approval of the wall mural (Application P103/19) at the above mentioned location for the following reasons:</p> <ol style="list-style-type: none"> 1. The mural detracts from the character of East Fremantle to the extent of being an eye sore. It is as out of place as the graffiti on some of the walls in the town and should be treated as such. 2. Approval of this application would set a precedent for future applications for approval of advertising material and so called art work (including graffiti) on private property external walls. 3. There is already a lot of advertising outside commercial premises in East Fremantle and such material should be limited to those premises. 4. The mural is a distraction to passing motorists as supported by the comments in the submission that the mural draws attention. 5. The mural may well become a target for competing graffiti artists involving an increase in graffiti in the town or defacement of the mural. It appears that an attempt has already been made to deface the mural. We are in agreement with the intent of the mural but definitely not in agreement that spoiling the character of East Fremantle with advertising material on private house external walls is justified. It is accepted that property owners will advertise properties for sale with standalone temporary signage but assume that Council has standards in place to control this. There are many examples throughout the world of how the character of a town or city can be spoiled by so called art work (including graffiti) and advertising boards. Let us not set a precedent with approval of this application. 	As above	<p>Noted</p> <p>Artwork and mural design is subjective.</p> <p>The development application was referred to Main Roads Western Australia for their comment in relation to road and traffic safety.</p> <p>A condition is imposed as part of any signage approval that requires the applicant to remove graffiti shortly after appearing on the wall.</p>
10	<p>I object to the proposal.</p> <p>Further to my original comments made a few weeks ago. A couple of things that I think need to be considered:</p> <ol style="list-style-type: none"> 1. I noticed yesterday that the current mural has been defaced by white paint.... this could continue as there is considerable alternative opinion on the message.....the mural is political in nature and therefore will struggle to have full community acceptance. It adds to the divisive nature of the climate change challenge we have. 2. Interestingly the submission refers to a "petition". Petitions are not a valid and reliable mechanism to ascertain community opinion. I am not sure what questions it asked, who they were asked too and by. Question needs to be asked how many people did not sign the petition and why? 	As above	<ol style="list-style-type: none"> 1. Noted. 2. The petition was not part of the formal advertising completed with this development application. It was not used to reach any decision related to this development application. 3. Noted

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	<p>This would add a lot credibility to the information that, I believe, the Council requires to make an informed decision.</p> <p>3. I have now read through what the Council is attempting to do to reduce its operational impact on our climate. It should be congratulated on what it has done and is planning to do. I think the better way to approach this is for the Council to lead a comprehensive, genuine, education program with and for the community. This program would focus on how, at the community level, people need to change their behaviours pertaining to their consumption of all things that support their current lifestyle. Food, energy, water, transport etc.etc We must be sure to make this a positive initiative that delivers real "on ground" change.</p>		
11	<p>In response to Council’s correspondence dated 20 December 2019 in relation to the above matter, I wish to state my objection to any graphic signage facing Alexandra Road/Canning Highway for the following reasons.</p> <p>Alexandra Road is a quiet residential street predominantly utilised by locals in the area and not a major route/highway for through traffic. The applicant’s property is not commercial but residential and as such , regardless of whether the signage be deemed as advertising, political in its aim or the personal views of the owner/s, it is inappropriate for the street.</p> <p>Permanent signage, no matter what the content, is not in keeping with the general aesthetics of Alexandra Road which has a range of well-kept properties, including public housing and heritage homes.</p> <p>The Applicant quotes an online petition of 1112 votes in support of the signage, however, it is not clear that these individuals reside and are rate payers within the Town of East Fremantle.</p> <p>The owners of 15 Alexandra Road are not impacted inside their home by this signage and when they enter and exit their property and vehicle from the driveway there is no view of the signage. I on the other hand live diagonally opposite the wall facing Alexandra Road and am subjected to this signage whenever I look out my front windows or walk out my front door.</p> <p>Lastly, but by no means least, is the distraction it causes motorists when they drive by. This is a significant safety issue, particularly on Canning Highway where there is a high volume of traffic including commercial vehicles, trucks and buses and a 60km speed zone. The bright pink wall with large black lettering is impossible to ignore when driving by and drivers therefore take their eyes off the road.</p>	As above	<p>People can submit a development application for advertising at a residential property in accordance with Local Planning Scheme No 3.</p> <p>25 property owners surrounding the property that is the subject of this report were informed of the development application.</p> <p>The development application has been referred to Main Roads Western Australia for their comment in relation to road and traffic safety.</p>

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<p>12</p>	<p>My husband and I live nearby. We do not agree this is artistic. Yes it is high quality and striking. Perhaps the feather (by itself) on the corner could be considered artistic, but the rest is a blatantly political statement/comment/advertisement.</p> <p>Extinction Rebellion is very left wing, well organised, well-funded, active socialist group. They don't respect the law. They never have. In this case they received no permission before installing it. This is clearly against the by-laws. It is still there. They have got their way so far (due to an inactive and dithering Council). It is clearly against the By-laws.</p> <p>My only conclusion is that all residents can now ignore all the bylaws, as this "mural" (your words) sets a precedent.</p> <p>If the sign is allowed to remain, then anyone can paint their own political comments on the fence/walls of their house. It could be a social comment, Liberal or Labor slogan. Churches can write comment on their walls also. A suggestion for example could be "marriage is between man and a woman".</p> <p>Colours can be done in fluorescent paint and the next stage will be lighting.</p> <p>Having all these comments on the walls of the properties will make the suburb ugly and devalue the suburb (as they are progressively defaced on a continual basis).</p> <p>Such signage could also turn out to be a safety issue as people may try to read and interpret the latest commentary while driving on busy Canning Highway which has high exposure.</p> <p>Happy for our comments to be passed onto the owner but request not our name or address is disclosed, as we have valid concerns about this group. They have a well-documented history of retribution for anyone who doesn't go along with their views.</p>	<p>As above</p>	<p>If development including signage occurs then it is possible to seek approval subsequent to the development.</p> <p>Meetings were held with the applicant after the sign was installed to have a development application submitted.</p> <p>All matters relating to Planning and Development are dealt with by the Town in accordance with the existing planning and development framework.</p> <p>The development application was referred to Main Roads Western Australia for their comment in relation to road and traffic safety.</p>
<p>13</p>	<p>I object to the proposal.</p> <p>Our primary objections are related to:</p> <p>The political nature of the initial mural which has been used to promote Extinction Rebellion and its protests. It is also highly likely the wall space will be used for similar in the future given the proponent's propensity to seek forgiveness rather than permission.</p> <p>The high risk posed to East Fremantle of greatly increased examples of political/religious/social comment masquerading as "art". For example, if this is permitted it would be hard to dismiss any religious members of the community vividly proclaiming "Jesus lives" or similar sentiments from an Islamic, Buddhist or any of the world's many religions' perspectives.</p> <p>From a political perspective it could also mean a potential proliferation of residents</p>	<p>As above</p>	<p>It is possible for residential properties to submit applications for signage, however there is an expectation that the signage complies with the Town's Local Planning Scheme and policies.</p> <p>There is always the risk that commercial messages may become art. Ultimately Council will make a decision regarding the application that has been submitted.</p>

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	<p>using their wall areas to promote a wide variety of political messages/slogans. The sweeping statement on the eastern wall is also, at this point in time, not necessarily reflective of the broad community's views. Before this can be concluded it is suggested much greater community consultation is conducted.</p> <p>In a general sense we do believe property owners have rights to paint and decorate but this still must be conducted with regard to local planning laws as well as impact on neighbours visual amenity.</p> <p>We suggest as a first step the East Fremantle Council check the strata the proponent belongs to is actually in full agreement for the Development.</p> <p>Post this we also strongly recommend the Council require:</p> <p>All Extinction Rebellion logos and advertising to be completely removed now and in the future (as well as any other potential political or social movement advertising).</p> <p>The proposed statement on the eastern wall be rejected and the current wording also removed.</p> <p>Please note as a local resident we do not object to the "feather" or the statement "time for change" remaining nor the existing colour.</p>		
14	<p>I support the proposal.</p> <p>I support the proposal. The wall in its current painted form is not only beautiful but also is thought provoking, as art is meant to be.</p> <p>The climate change message is an important issue that is of great concern to the community and acknowledged formally by the Town of East Fremantle.</p>	As above	Noted.
15	<p>We live on Canning Highway about 100 metres from the now pink wall in question. We object to the proposal as the wall is undoubtedly being used for advertising. The original message on the pink wall advertised an extinction rebellion (7-11 October Perth CBD). After the rally the message was altered to what is visible today. The proposal wants to alter the message again (and how many more times in the future?) The colour on the wall and its message is not public art but an "in your face" political statement. Council regulation correctly recognises the issue and is set to prevent the walls of domestic buildings being used for advertising signage. To allow the proposal would open the door to other unacceptable messages in competition. This is a precedent the council should not set. Tried to attach a photo of the original wall advertising, but could not get it to work. Hardcopy attached instead.</p>	As above	<p>It is possible for residential properties to submit applications for signage, however there is an expectation that the signage complies with the Town's Local Planning Scheme and policies.</p> <p>There is always the risk that commercial messages may become art and there is already the implied right of political expression in the Australian Constitution.</p> <p>Ultimately Council will make a decision regarding the application that has been submitted.</p>