
TOWN OF EAST FREMANTLE



AGENDA

Town Planning Committee

Tuesday 7 July 2020 at 6.30pm

Disclaimer

The purpose of this Committee meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst the Committee has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting.

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

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

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

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

Deputations

A formal process where members of the community request permission to address Council or Committee on an issue.

Presentations

An occasion where awards or gifts may be accepted by the Council on behalf of the community, when the Council makes a presentation to a worthy recipient or when agencies may present a proposal that will impact on the Local Government.

Procedures for Deputations

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

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

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

A Deputation invited to attend a Council meeting:

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

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

Procedure for Presentations

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

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

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



Procedure for Public Question Time

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

Council (as required by the *Local Government Act 1995*) sets aside a period of 'Public Question Time' to enable a member of the public to put up to three (3) questions to Council. Questions should only relate to the business of Council and should not be a statement or personal opinion. Upon receipt of a question from a member of the public, the Mayor may either answer the question or direct it to a Councillor or an Officer to answer, or it will be taken on notice.

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

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

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

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

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



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NOTICE OF MEETING

Elected Members

An Ordinary Meeting of the Town Planning Committee will be held on Tuesday, 7 July 2020 at East Fremantle Town Hall, 135 Canning Highway, East Fremantle commencing at 6.30 pm and your attendance is requested.

GARY TUFFIN
Chief Executive Officer

2 July 2020

AGENDA

1. DECLARATION OF OPENING OF MEETING/ANNOUNCEMENTS OF VISITORS

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. RECORD OF ATTENDANCE

3.1 Attendance

3.2 Apologies

3.3 Leave of Absence

4. MEMORANDUM OF OUTSTANDING BUSINESS

5. DISCLOSURES OF INTEREST

5.1 Financial

5.2 Proximity

5.3 Impartiality

6. PUBLIC QUESTION TIME

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

6.2 Public Question Time

7. PRESENTATIONS/DEPUTATIONS

7.1 Presentations

7.2 Deputations

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 Town Planning Committee (2 June 2020)

8.1 OFFICER RECOMMENDATION

That the minutes of the Town Planning Committee meeting held on Tuesday 2 June 2020 be confirmed as a true and correct record of proceedings.



9. ANNOUNCEMENTS BY THE PRESIDING MEMBER

10. REPORTS OF COMMITTEES

Nil



11. REPORTS OF OFFICERS (COMMITTEE DELEGATION)

11.1 Marmion Street No 16 (Lot 1) Application for development approval of patio subsequent to development

Owner	Cameron & Alexandra Wilson
Applicant	Gerard McCann
File ref	P046/20; P/MAR16
Prepared by	James Bannerman Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	7 July 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Location plan2. Site photos3. Place record form4. Plans date stamped 11 May 20205. Community consultation

Purpose

The purpose of this report is for Council to consider a planning application for a patio subsequent to development at No 16 (Lot 1) Marmion Street, East Fremantle.

Executive Summary

The patio has been constructed and is seeking approval subsequent to development.

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 – Western Boundary Setbacks – 1m required, 0-.85m provided;
- (ii) Clause 5.1.3 – Residential Design Codes – Eastern Boundary Setbacks – 1.5m required, 0m provided;
- (iii) Clause 5.1.3 – Residential Design Codes – Open Space – 50% required, 40% provided;
- (iv) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – pitch to match existing dwelling, pitch does not match the existing dwelling; and
- (v) Clause 5.3.1 – Residential Design Codes – Outdoor Living Areas – 2/3 (67%) uncovered required, 35% uncovered provided.

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

Background

Zoning: Residential R20

Site area: 176m²

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

Nil



Consultation

Advertising

The application was advertised to surrounding land owners from 14 May to 28 May 2020. No submissions were received from advertising.

Community Design Advisory Committee (CDAC)

The application was not referred to CDAC due to the COVID19 pandemic.

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

A risk assessment was undertaken and the risk to the Town was deemed to be negligible.

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			N/A
Secondary Street Setback			N/A
Lot Boundary Setbacks			
Western boundary	1m	0.85m	D
Northern boundary	1m	1.9m	A
Eastern boundary	1.5m	0m	D
Open Space	50%	60%	D
Outdoor Living Area (Uncovered)	67%	35%	D
Wall Height	6m	<6m	A
Roof Height	9m	<9m	A
Setback of Carport			N/A
Car Parking			N/A
Site Works			N/A
Visual Privacy			N/A
Overshadowing			N/A
Drainage		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	N/A
3.7.6 Construction of New Buildings	N/A
3.7.7 Building Setbacks and Orientation	N/A
3.7.8 Roof Form and Pitch	D



3.7.9 Materials and Colours	A
3.7.10 Landscaping	N/A
3.7.11 Front Fences	N/A
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	N/A
3.7.16.3 Garages and Carports	N/A
3.7.16.4.3 Fremantle Port Buffer Area	A

This development application is seeking approval of a patio subsequent to development at 16 Marmion Street East Fremantle. The proposal is recommended for approval subject to conditions and is discussed in detail below.

Works were undertaken before planning approval was sought for development on this heritage listed property. The property is a Category A heritage listed property and also a built strata property and 1 of 2 properties in the strata scheme. Like many properties of this age (built circa 1901) it would not comply with contemporary planning requirements in terms of property setbacks, site coverage and open space requirements. Modern planning requirements relating to density coding and the requirements laid down in the Residential Design Codes do not fit well with the existing dwelling. The works are hidden from the street and do not significantly impact on the existing heritage dwelling.

There are multiple variations that are requested to the requirements of the Residential Design Codes and Residential Design Guidelines, including matters relating to lot boundary setbacks, site coverage and open space, roof pitch and outdoor living areas.

Western Boundary Setback

The patio on the western boundary is 5m long, has an average height of 3m (average) and no major openings. It is required to have a setback of 1m in accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 i and Table 1.

However the patio is setback 0.85m from the western boundary, but achieves the design principles clause 5.1.3 P3.1 for the following reasons;

- There is minimal impact from building bulk on adjoining properties;
- Adequate sunlight and ventilation is provided to the building and open spaces on the site and to adjoining properties; and
- There is minimal overlooking or loss of privacy as a result of the development.

Based on these reasons the reduced boundary setback can be supported.

Eastern Boundary Setback

The patio on the eastern boundary has to be assessed using the total length of the wall of the dwelling, patio, laundry and toilet. It is a total length of 21.67m, has an average height of 3m (average) and no major openings. It is required to have a setback of 1.5m in accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 i and Table 1.

A nil setback is provided. The dwelling being heritage was built with minimal or nil setbacks and the proposal continued these setbacks. The patio setback achieves the design principles clause 5.1.3 P3.2 for the following reasons;



- Makes effective use of space for enhanced privacy for the occupants and outdoor living areas;
- There is reduced impact from building bulk on adjoining properties;
- Adequate sunlight and ventilation is provided to the building and open spaces on the site and adjoining properties;
- There is minimal overlooking or loss of privacy as a result of the development;
- Does not have an adverse effect on the amenity of the adjoining property;
- Sunlight to major openings of habitable rooms and outdoor living areas on adjoining properties is not restricted; and
- The proposal does not impact adversely on the heritage of the building and provides an appropriate covered outdoor space to be utilised as ancillary to the dwelling.

On balance there is minimal impact on streetscape. As such the reduced boundary setback can be supported.

Open Space

Under the Residential Design Codes deemed to comply clause 5.1.4 C4 sites within areas with a density coding of R20 are supposed to have a maximum of 50% site coverage and 50% of the site dedicated to open space. In this case 60% of the site is covered by the dwelling, not including the patio which if open sided on 2 sides is not included in the open space calculation (if it was included the site coverage would rise to 70%). As such 40% of the site is open space.

It is recognised that this property was constructed in an era when there was no planning regulation and the planning requirements have been imposed on a building that will have difficulty complying with contemporary planning requirements. As such the reduced open space level can be supported in accordance with design principles clause 5.1.4 P4;

- It provides opportunities for residents to use space external to the dwelling for outdoor pursuits and access within and around the site; and
- It provides space for external fixtures and essential facilities.

Roof Pitch

The roof pitch of the patio is 8 degrees which does not meet the Residential Design Guidelines acceptable development clause 3.7.8.3 A4.1 which requires that additions and alterations match the original roof pitch of the existing dwelling. The roof pitch of the existing dwelling is 34 degrees. Nonetheless the patio roof pitch positively contributes to the existing building and as such meets the performance criteria clause 3.7.8.3 P1 and can be supported.

Outdoor Living Areas

The outdoor living area does not achieve the Residential Design Codes deemed to comply clause 5.3.1 C1.1 which requires at least 2/3 of the outdoor living area to be uncovered. In this case 65% of the outdoor living area is covered and 35% is uncovered.

Although the area that is covered is nearly double the amount permissible under the Residential Design Codes it achieves design principles clause 5.3.1 P1.1 because the spaces are;

- Capable of use in conjunction with a habitable room of the dwelling;
- Open to winter sun and ventilation; and
- Optimises use of the northern aspect of the site.



It is noted that the owner stated that part of the reason for the large patio area was because the neighbouring property to the north at 87 Glyde Street has a large window that overlooks the backyard and reduced the privacy available to 16 Marmion Street. Again this highlights the issues related to contemporary planning regulation which sometimes does not fit well with older and existing dwellings. This is exacerbated by the much lower site level of 16 Marmion compared to 87 Glyde Street. Whereas 16 Marmion Street's lot is cut into the side of the hill that rises up Glyde Street, 87 Glyde Street is built on top of the ridge and as such is much higher. For these reasons the proposed increase in coverage of the outdoor living area 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 and the Residential Design Guidelines are considered acceptable. As such it is recommended that the patio development approval subsequent to development be supported subject to planning conditions.

11.1 OFFICER RECOMMENDATION:

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

- (i) Clause 5.1.3 – Residential Design Codes – Western Boundary Setbacks – 1m required, 0.85m provided
- (ii) Clause 5.1.3 – Residential Design Codes – Eastern Boundary Setbacks – 1.5m required, 0m provided
- (iii) Clause 5.1.3 – Residential Design Codes – Open Space – 50% required, 40% provided
- (iv) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – pitch to match existing dwelling, pitch does not exist dwelling
- (v) Clause 5.3.1 – Residential Design Codes – Outdoor Living Areas – 2/3 (67%) uncovered required, 35% uncovered provided

for a patio at No 16 (Lot 1) Marmion Street, East Fremantle, in accordance with the plans date stamped received 11 May 2020, 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 Building Permit shall be in compliance with the conditions of this planning approval unless otherwise amended by Council.
- (3) With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
- (4) All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
- (5) If requested by Council within the first two years following installation, the roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.



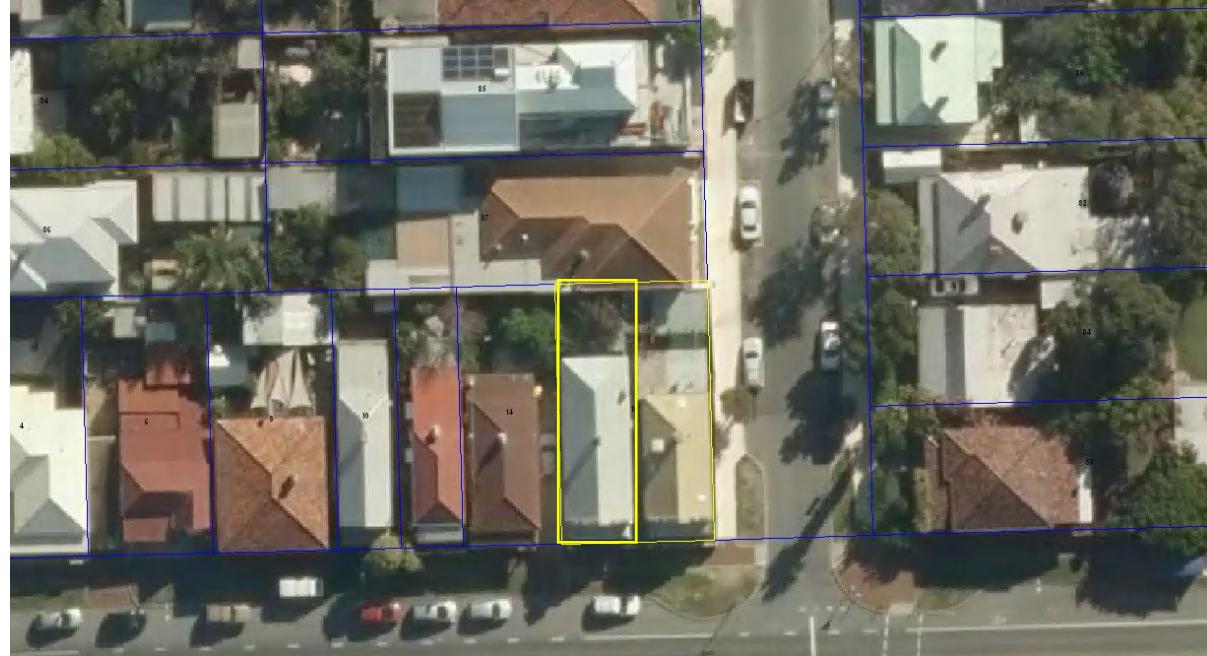
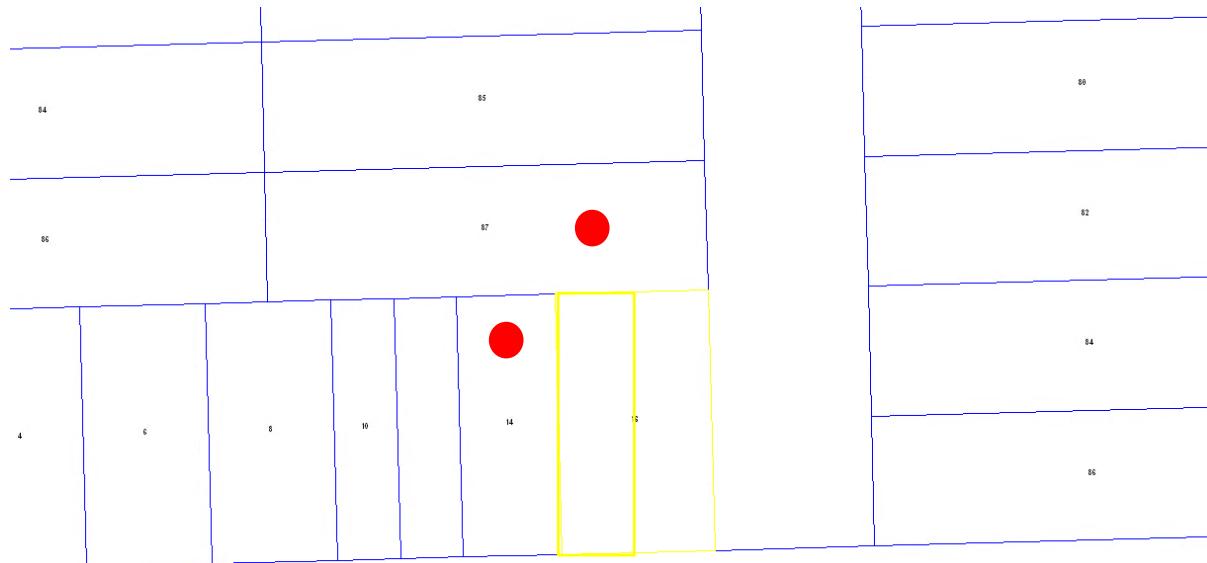
- (6) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. 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.
- (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 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.*

16 Marmion Street – Map and Photo



16 Marmion Street – Photos



PLACE RECORD FORM



PRECINCT	Plympton
ADDRESS	16 Marmion Street
PROPERTY NAME	N/A
LOT NO	Lot 1
PLACE TYPE	Residence
CONSTRUCTION DATE	C 1901
ARCHITECTURAL STYLE	Federation Free Classical
USE/S	Original Use: Residence/ Current Use: Residence
STATE REGISTER	N/A
OTHER LISTINGS	N/A
MANAGEMENT CATEGORY	Category A
PHYSICAL DESCRIPTION	No 16 Marmion Street is one of a pair of single storey rendered masonry houses in the Federation Free Classical style. The place has a hipped corrugated iron roof behind a rendered parapet wall. The front elevation is asymmetrically planned with an offset door flanked by a partly enclosed verandah. The facade features a full width bullnosed verandah supported on a Tuscan column and masonry columns. The verandah has been partly enclosed with timber lattice work. The facade is dominated by a classically derived pediment supported on rendered pilasters.

	<p>There are additions to the rear.</p> <p>The place is consistent with the pattern of development in Plympton and plays an important role in the pattern of development of a working class suburb.</p>
HISTORICAL NOTES	<p>Plympton is a cohesive precinct where most of the places were constructed in the late nineteenth century and the first quarter of the twentieth century. It is comprised primarily of homes for workers and their families with a high concentration of small lots with timber, brick and stone cottages.</p>
OWNERS	Unknown
HISTORIC THEME	Demographic Settlements - Residential Subdivision
CONSTRUCTION MATERIALS	<p>Walls – Rendered masonry</p> <p>Roof – Corrugated iron sheeting</p>
PHYSICAL SETTING	The residence is situated on a relatively flat site with a rendered masonry wall at the lot boundary.
STATEMENT OF SIGNIFICANCE	<p>No 16 Marmion Street is a single storey house constructed in rendered masonry with a corrugated iron roof in the Federation Free Classical style. The place has historic and aesthetic value with its contribution to Plympton's high concentration of worker's cottages and associated buildings. It contributes to the local community's sense of place.</p> <p>The place has considerable heritage value for its intrinsic aesthetic value as a Federation Free Classical style bungalow and it retains a moderate to high degree of authenticity and a high degree of integrity.</p> <p>The additions to the rear have no significance.</p>
AESTHETIC SIGNIFICANCE	No 16 Marmion Street has exceptional aesthetic value as a typical Federation Free Classical style bungalow. It retains characteristics of the period.
HISTORIC SIGNIFICANCE	No 16 Marmion Street has considerable historic value. It was part of the suburban residential development associated with the expansion of East Fremantle during the Goldrush period of the 1880s and 1890s.
SCIENTIFIC SIGNIFICANCE	N/A
SOCIAL SIGNIFICANCE	No 16 Marmion Street has some social value. It is associated with a significant area of worker's cottages which contributes to the community's sense of place.
RARITY	No 16 Marmion Street is rare in the immediate context. Plympton has rarity value as a working class suburb.
CONDITION	No 16 Marmion Street is in good condition.
INTEGRITY	No 16 Marmion Street retains a high degree of integrity.
AUTHENTICITY	No 16 Marmion Street retains a moderate to high degree of authenticity.
MAIN SOURCES	

A.M & C. WILSON

16 Marmion Street, East Fremantle

11 MAY 2020

DRAWINGS FOR
PLANNING APPROVAL
(Retrospective)
Amended Ver. A

NOTE:

All discrepancies in Drawings and / or figured dimensions to be notified immediately to the Architect, Owner of the Contract Administrator.

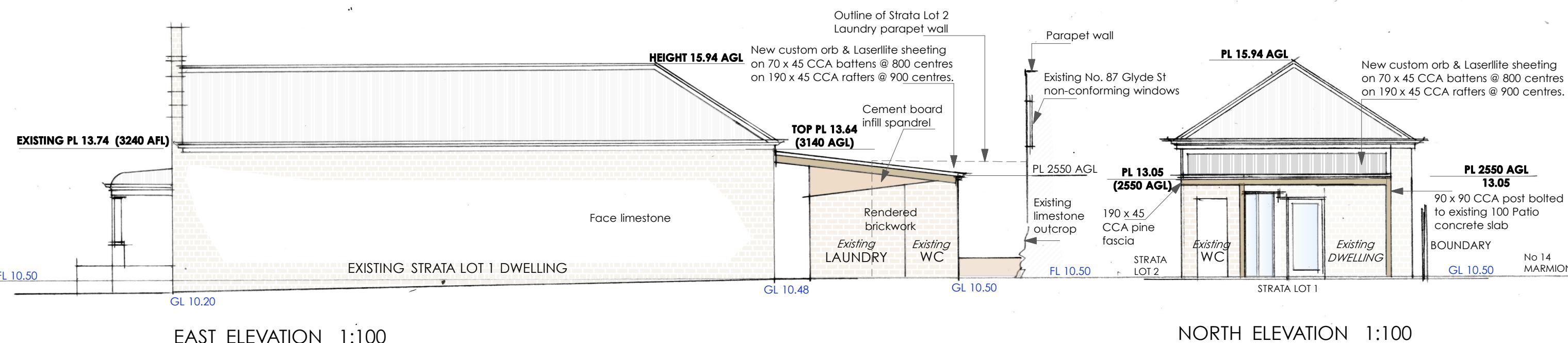
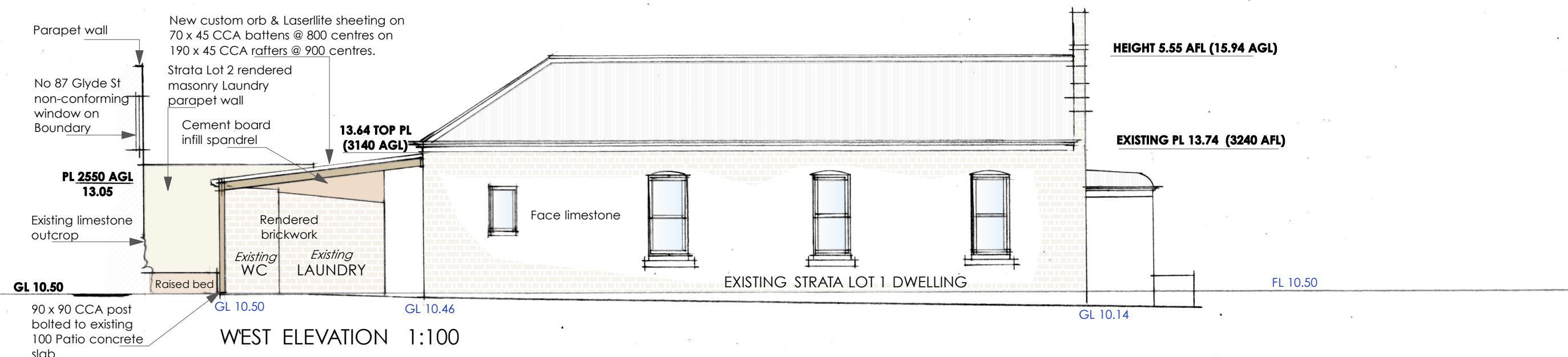
Job No. 20 715

GERARD McCANN ARCHITECT

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ELEVATIONS 1:100

GERARD McCANN ARCHITECT

301/21 FREEMAN LOOP NORTH FREMANTLE WA 6159

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WILSON

CLIENT

ADDITIONS TO
EXISTING RESIDENCE
PROJECT

Strata LOT 1 on Strata
Plan 11905
16 MARMION ST
EAST FREMANTLE
LOCATION

NEW PATIO ROOF
ELEVATIONS
DRAWING

SCALE
DATE
DRAWN

1:100@A3
11 MAY 2020
GMcC

20-715 PA-02A



Community Engagement Checklist

Retrospective Approval Development Application P046/20 - 16 Marmion Street

Project Name

Objective of Engagement:	Neighbour consultation			
Lead Officer:	Regulatory Services			
Timeline:	Start Date:	22/05/2020	Outcomes By:	5/06/2020
Stakeholders				
Stakeholders to be considered. <i>Please highlight those to be targeted during engagement.</i>	Aged	<input type="checkbox"/>	Ratepayers (all / targeted)	<input type="checkbox"/>
	Businesses	<input type="checkbox"/>	Residents (all / targeted)	<input checked="" type="checkbox"/>
	Children (School / Playgroup)	<input type="checkbox"/>	Service Providers	<input type="checkbox"/>
	Community Groups	<input type="checkbox"/>	Unemployed	<input type="checkbox"/>
	Disabled People	<input type="checkbox"/>	Visitors	<input type="checkbox"/>
	Environmental	<input type="checkbox"/>	Volunteers	<input type="checkbox"/>
	Families	<input type="checkbox"/>	Workers	<input type="checkbox"/>
	Govt. Bodies	<input type="checkbox"/>	Youth	<input type="checkbox"/>
	Indigenous	<input type="checkbox"/>		<input type="checkbox"/>
	Neighbouring LGs	<input type="checkbox"/>		<input type="checkbox"/>
Staff to be notified:	Office of the CEO	<input type="checkbox"/>	Councillors	<input type="checkbox"/>
	Corporate Services	<input type="checkbox"/>	Consultant/s	<input type="checkbox"/>
	Development Services	<input type="checkbox"/>		<input type="checkbox"/>
	Operations (Parks/Works)	<input type="checkbox"/>		<input type="checkbox"/>
Community Engagement Plan				
Methods	Responsible	Date Due	Reference / Notes	
1.1 E News	<input type="checkbox"/> Communications		<input type="checkbox"/>	
1.2 Email Notification ~	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>	
1.3 Website	<input type="checkbox"/> Communications		<input type="checkbox"/>	
1.4 Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>	
1.5 Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>	
1.6 Fact Sheet	<input type="checkbox"/> Communications		<input type="checkbox"/>	
1.7 Media Rel./Interview	<input type="checkbox"/> Communications		<input type="checkbox"/>	
2.1 Information Stalls	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>	
2.2 Public Meeting/Forum	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>	
2.3 Survey/Questionnaire	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>	
3.1 Focus Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>	
3.2 Referendum/Ballot	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>	
3.3 Workshop	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>	
4.1 Council Committee	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>	
4.2 Working Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>	
* Statutory Consultation	<input checked="" type="checkbox"/> Relevant Officer	5/06/2020	<input checked="" type="checkbox"/> Advertised to 2 surrounding properties	
# Heritage Consultation	<input type="checkbox"/> Regulatory Services		<input type="checkbox"/>	
^ Mail out (note: timeliness)	<input type="checkbox"/> Communications		<input type="checkbox"/>	

	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
Evaluation			
Summary of...		Date Due	Complete / Attached
Feedback / Results / Outcomes / Recommendations		5/06/2020	Nil submission received
Outcomes Shared			
Methods	Responsible	Date Due	Complete / Attached
E-Newsletter	<input checked="" type="checkbox"/> Communications		<input type="checkbox"/>
Email Notification	<input checked="" type="checkbox"/> Relevant Officer		<input type="checkbox"/>
Website	<input checked="" type="checkbox"/> Communications		<input type="checkbox"/>
Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>
Media Release	<input type="checkbox"/> Communications		<input type="checkbox"/>
Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
Notes			



11.2 View Terrace No 29 (Lot 252) Proposed change to roof pitch and height – amendment to existing approvals

Owner	Thomas & Christel Hodgkinson
Applicant	Kensington Design Australia Pty Ltd
File ref	P050/20
Prepared by	James Bannerman Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	7 July 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Location plan2. Site photos3. Plans date stamped 22 May 20204. Community consultation

Purpose

The purpose of this report is for Council to consider a planning application for a proposed change to the roof pitch and height to an existing planning approval at No 29 (Lot 252) View Terrace, East Fremantle.

Executive Summary

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

(i) Clause 5.1.3 – Residential Design Guidelines – Roof Height – 8.1m required, greater than 8.1m provided.

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

Background

Zoning: Residential R17.5

Site area: 819m²

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

P028/20 – amendments to existing approval – 30 April 2020

P047/17 – alterations and additions – 24 June 2019

P062/15 – studio in front – 4 August 2015

Consultation

Advertising

The application was advertised to surrounding land owners 22 May 2020 to 5 June 2020. Two submissions were received from the same submitter. These are included below;

Submission	Applicant Response	Officer Response
I find it difficult to understand how an architect would not allow sufficient roof space to accommodate air conditioning ducting and then apply for a 700mm variation above the 8.1m	Firstly, and importantly, our neighbours at 31 View Terrace reiterated their position that the submission was not an objection to the proposal.	Plans for development applications are often not working drawings. As such the builder or engineer may provide advice to the owner/applicant that changes are necessary to drawings that have received planning approval.



<p>maximum height allowable to accommodate the 'oversight'.</p> <p>Thank you for your email of June 4 2020. In response to your question my email of the 3 June 2020 does not constitute a formal acceptance or rejection of the Application P050/20 but rather an expression of my concerns over the revised plans on the following basis.</p> <p>Planning amendments and further variations- There have been a number of variations to the original plans over a 3 year period (refer to letter to me App No P047/17, File Ref P/VE29, 19 July 2107) and now include the most recent and significant variation to the roof height. Your comment regarding plans not being working drawings is noted. However all variations to date have required additional concessions to be approved by me and I am reluctant to make further concessions. This would include any further variations to the proposed design, including roof materials (previously shown as solar tiles, not colourbond), any further increase to the roof line height by the addition of any solar panels, satellite dishes that would impact the proposed roof-line, or any other variations of any nature.</p> <p>The proposed variations include a significant increase to the elevation at the rear of the property. The height and bulk of the eastern elevation will significantly overshadow my rear garden, and reduce the amenity of this space. Also the plans are unclear to me as to where the proposed new patio will be located.</p> <p>I do not wish to object to the build, however I do request that the issues raised above are considered during the approval process.</p>	<p>The engineering design for the house was not completed until May 2020. The size of the cranked roof beams necessitated the increase of the roof pitch.</p> <p>Until May 2020 we were still working with the engineers to try and achieve the structural design within the approved roof pitch</p> <p>Our neighbour's initial requests in 2017 to minimise the size and number of columns to maximise their views necessitated large cantilevers and cranked beams in the roof.</p> <p>The July 2017 application was the original application (not a variation). During this process it was mutually agreed that columns be removed (as were privacy screens) to maximise our neighbour's views. The roof material has been changed to Colourbond due to costs and concerns regarding lack of local support for the original specified tiled roof.</p> <p>We do propose to install low profile solar panels.</p> <p>The installation of a satellite dish has not been considered at this time.</p> <p>The height and bulk of the eastern wall to our neighbour has not altered from the current approved drawings.</p>	<p>In this case a new roof height has been proposed and new development application submitted to ensure the development is in compliance with planning requirements.</p> <p>Development applications are advertised to neighbouring properties so owners can make comment which is taken into account when completing the assessment and report for the proposal. However, the final decision regarding approval of the development application rests with the Town Planning Committee and/or Council.</p> <p>The proposal is for an increase in roof height and a change in roof pitch. References to a patio is an administrative error by the Town on the letter sent for advertising purposes.</p> <p>With regards to overshadowing the method by which this is assessed does not result in any overshadowing to the neighbouring property to the east of the proposed development.</p> <p>The proposed changes to the plans are considered minor compared to the total development. There is no significant increase in overshadowing from the increased roof height to the property to the south.</p> <p>Owners have the right to request variations to previously approved plans of development and the Town has the responsibility of assessing them in accordance with the regulatory framework that the Town of East Fremantle operates within.</p>
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Community Design Advisory Committee (CDAC)

The application was not referred to CDAC due to the COVID19 pandemic.



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

A risk assessment was undertaken and the risk to the Town was deemed to be negligible.



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			N/A
Secondary Street Setback			N/A
Lot Boundary Setbacks			
			N/A
Open Space			N/A
Wall height			N/A
Setback of Carport			N/A
Car Parking			N/A
Site Works			N/A
Visual Privacy			N/A
Overshadowing			N/A
Drainage			To be conditioned

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	N/A
3.7.4 Site Works	N/A
3.7.5 Demolition	N/A
3.7.6 Construction of New Buildings	N/A
3.7.7 Building Setbacks and Orientation	N/A
3.7.8 Roof Form and Pitch	N/A
3.7.9 Materials and Colours	N/A
3.7.10 Landscaping	N/A
3.7.11 Front Fences	N/A
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	N/A
3.7.17.4 Building Design Requirements	D
3.7.17.4.3 Fremantle Port Buffer Area	N/A

This development application proposes a change in roof pitch and height of the roof on the subject dwelling. One variation is requested to the Residential Design Guidelines in relation to the height of the



roof. There are 2 previous approvals in place that have a direct relationship to this development application and in both cases the height of the roof was in excess of 8.1m but less than the current proposal for a roof that reaches just under 9m.

The proposed change in roof height was advertised to the neighbouring properties, and one submission was received which is detailed in the Advertising section with associated response from the applicant and Town officer.

The proposal is recommended for approval subject to conditions.

Roof Height

The proposed roof does not achieve the acceptable development provisions of the Residential Design Guidelines; clause 3.7.17.4.1.2 A1.4 is not met that requires roof heights to be a maximum of 8.1m to the top of a pitched roof.

The height exceeds the maximum 8.1m height provision and is higher than previously approved. In this case the height of the roof will rise to 8.8m.

Two submissions were received from the same submitter that expressed concerns regarding the proposed development. A number of concerns are unrelated to this application including overshadowing and the location of the patio. Overshadowing is not an issue for the submitter's property in terms of how it is calculated for development application assessment purposes (the overshadowing only impacts on the southern property and does not impact on any properties to the east or the west and there is minimal impact to the southern property). The development application relates to a change in the roof height and there is no reference to the installation of a patio. It is the prerogative of the applicant and owner to propose development applications and for the Town to assess the proposals on their merit accordingly.

The proposed roof does achieve performance criteria clause 3.7.17.4.1.3 where new developments, additions and alterations are to be of a compatible form, bulk and scale to traditional development. Whilst higher the roof form will remain relatively consistent to the existing dwelling. The additional height is required for air-conditioning ducting and due to engineering specifications.

In this case the rest of the dwelling is not being changed by the proposed amendments to roof height. There are already existing approvals in place in relation to other development on site (P028/20 – amendments to existing approval – 30 April 2020; P047/17 – alterations and additions – 24 June 2019).

It is noted that the roof changes have been brought about by the need to accommodate "cranked roof beams" to ensure that there is adequate space for the air conditioning infrastructure inside the roof space, as well as a view expressed by the designer that there will be an improvement in the aesthetics of the building. There are minimal impacts on the views of surrounding properties from the change in roof height. The adjoining neighbour to the east will not lose existing views, as currently there are no view corridors over the current dwelling.

Conclusion

Based on the assessment that has been completed for this development and the explanation provided in this report, the variation that has been proposed to the Residential Development Guidelines are considered acceptable. As such it is recommended that the proposed development be supported subject to planning conditions.



11.2 OFFICER RECOMMENDATION:

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

(i) Clause 5.1.3 – Residential Design Guidelines – Roof Height – 8.1m required, greater than 8.1m provided; for the roof at No 29 (Lot 252) View Terrace, East Fremantle, in accordance with the plans date stamped received 22 May 2020, subject to the following conditions:

- (1) All conditions included in previous development approvals P047/17 and P028/20 are still applicable in relation to development at 29 View Terrace, East Fremantle.
- (2) The works are to be constructed in conformity with the drawings and written information accompanying the application for development approval other than where varied in compliance with the conditions of this development approval or with Council's further approval.
- (3) The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
- (4) With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
- (5) The proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
- (6) If requested by Council within the first two years following installation, the roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
- (7) All 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.
- (8) 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.
- (9) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (10) This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

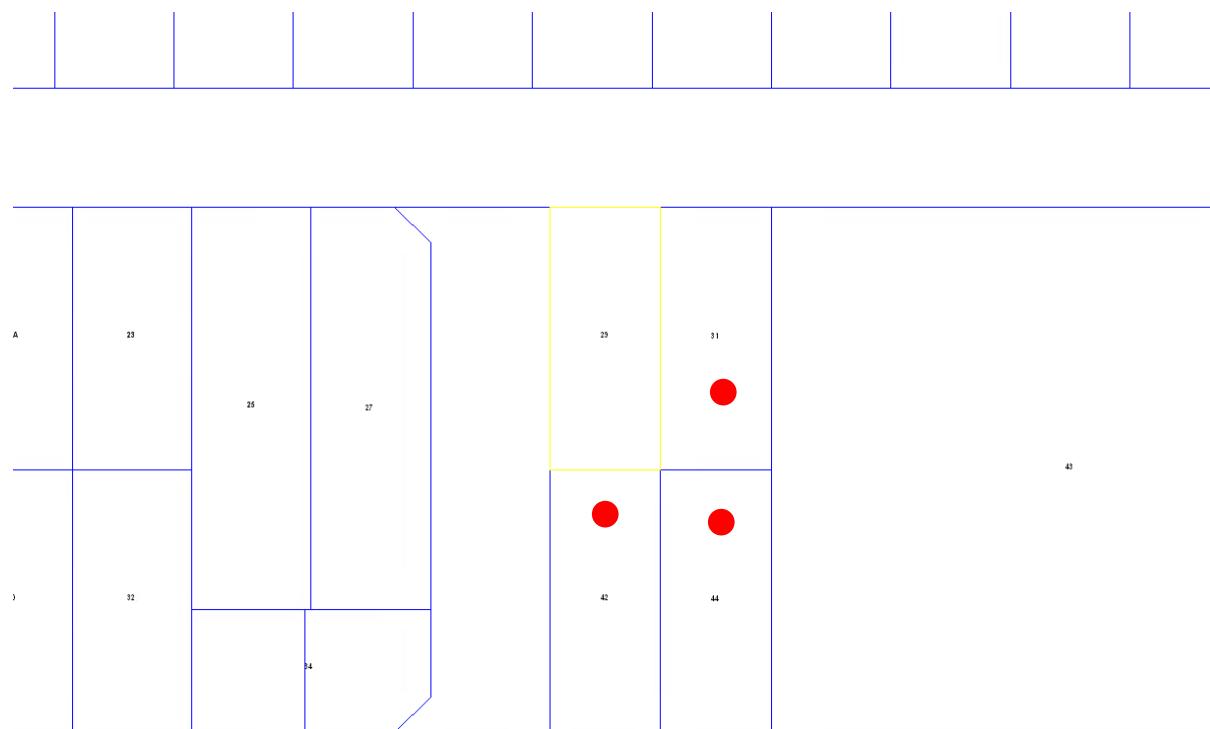
The following are not conditions but notes of advice to the applicant/owner:

- (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.*

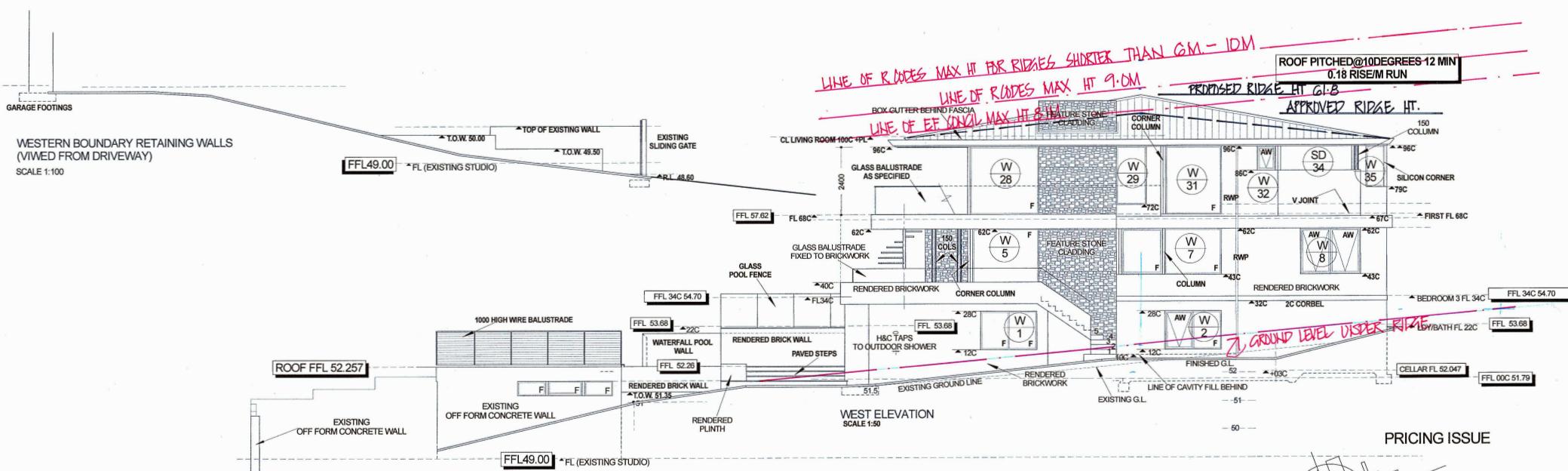
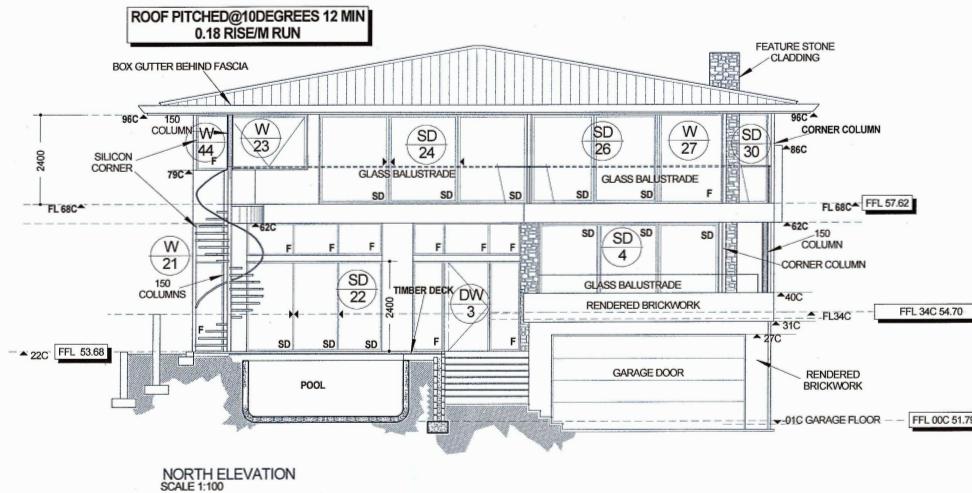


- (iii) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each 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".*

29 View Terrace – Map and Photo



29 View Terrace – Photos



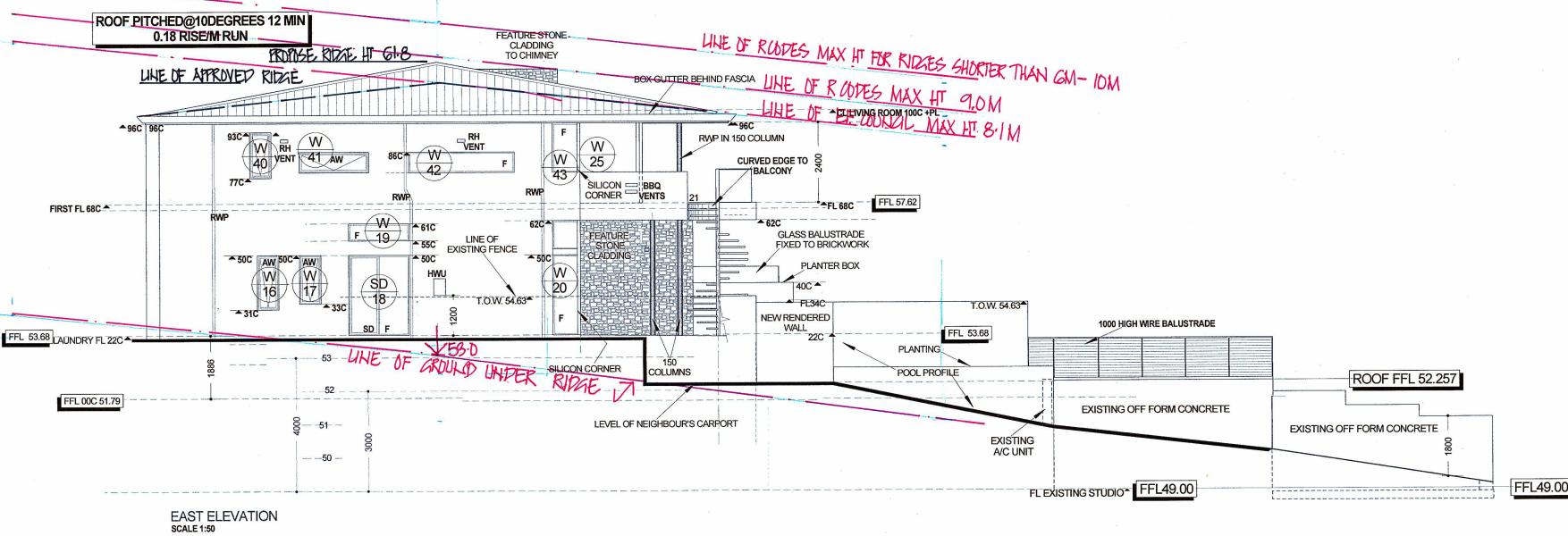
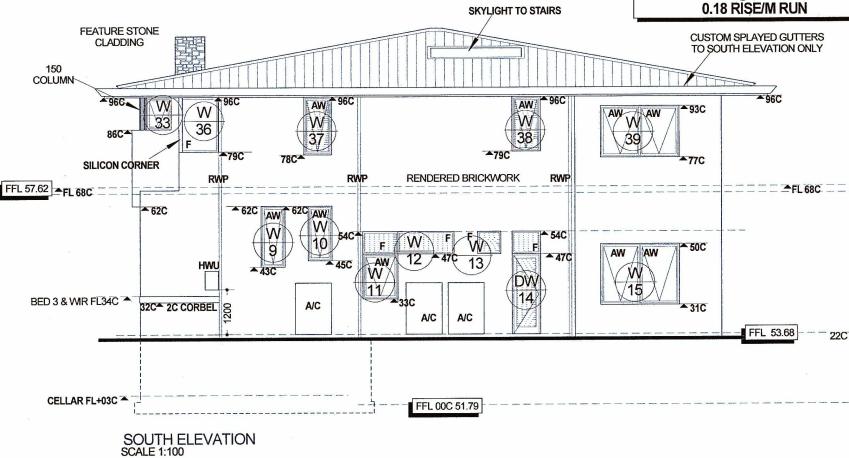
WD 6 OF 19

HODGKINSON HOUSE

ITEM 11.2

ATTACHMENT 3

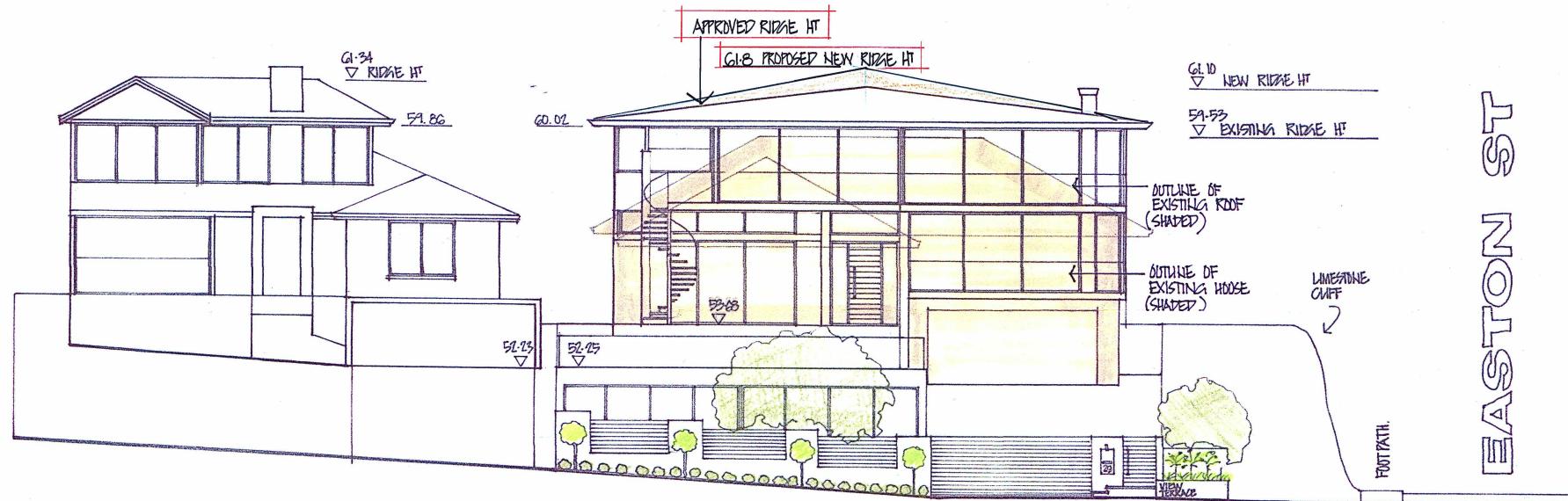
ROOF PITCHED@10DEGREES 12 MIN
0.18 RISE/M RUN



WD 7 OF 19

HODGKINSON HOUSE

24 May Street, East Fremantle	WA 6158
Phone: 9438 3288	Fax: 9438 3299
E-mail:	kd@kensingtondesign.com.au
Date: 14 MAY 2020	Job: 10152 (029) NEW TICE
	EAST FREMANTLE



NO 31

VIEW TERRACE ELEVATION

NO 29

VIEW TERRACE ELEVATION



TOWN OF EAST FREMANTLE
PLANNING APPLICATION
DATE
2 MAY 2017 P 047-17
RECEIVED

SK6



HODGKINSON HOUSE

24 May Street, East Fremantle WA 6158
Phone: 0438 3268 Fax: 9438 3299
E-mail: kd@kensingtondesign.com.au

Date: MARCH 2017 Job: PROPOSED ADDITIONS AT LOT 252
No 29 VIEW TERRACE EAST FREMANTLE 34



Community Engagement Checklist

Development Application P050/20 - 29 View Terrace

Project Name

Objective of Engagement:	Neighbour consultation			
Lead Officer:	Regulatory Services			
Timeline:	Start Date:	22/5/2020	Outcomes By:	5/6/2020
Stakeholders				
Stakeholders to be considered. <i>Please highlight those to be targeted during engagement.</i>	Aged	<input type="checkbox"/>	Ratepayers (all / targeted)	<input type="checkbox"/>
	Businesses	<input type="checkbox"/>	Residents (all / targeted)	<input checked="" type="checkbox"/>
	Children (School / Playgroup)	<input type="checkbox"/>	Service Providers	<input type="checkbox"/>
	Community Groups	<input type="checkbox"/>	Unemployed	<input type="checkbox"/>
	Disabled People	<input type="checkbox"/>	Visitors	<input type="checkbox"/>
	Environmental	<input type="checkbox"/>	Volunteers	<input type="checkbox"/>
	Families	<input type="checkbox"/>	Workers	<input type="checkbox"/>
	Govt. Bodies	<input type="checkbox"/>	Youth	<input type="checkbox"/>
	Indigenous	<input type="checkbox"/>		<input type="checkbox"/>
	Neighbouring LGs	<input type="checkbox"/>		<input type="checkbox"/>
Staff to be notified:	Office of the CEO	<input type="checkbox"/>	Councillors	<input type="checkbox"/>
	Corporate Services	<input type="checkbox"/>	Consultant/s	<input type="checkbox"/>
	Development Services	<input type="checkbox"/>		<input type="checkbox"/>
	Operations (Parks/Works)	<input type="checkbox"/>		<input type="checkbox"/>
Community Engagement Plan				
Methods	Responsible	Date Due	Reference / Notes	
1.1 E News	<input type="checkbox"/> Communications		<input type="checkbox"/>	
1.2 Email Notification ~	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>	
1.3 Website	<input type="checkbox"/> Communications		<input type="checkbox"/>	
1.4 Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>	
1.5 Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>	
1.6 Fact Sheet	<input type="checkbox"/> Communications		<input type="checkbox"/>	
1.7 Media Rel./Interview	<input type="checkbox"/> Communications		<input type="checkbox"/>	
2.1 Information Stalls	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>	
2.2 Public Meeting/Forum	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>	
2.3 Survey/Questionnaire	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>	
3.1 Focus Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>	
3.2 Referendum/Ballot	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>	
3.3 Workshop	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>	
4.1 Council Committee	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>	
4.2 Working Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>	
* Statutory Consultation	<input checked="" type="checkbox"/> Relevant Officer	5/06/2020	<input checked="" type="checkbox"/> Advertised to 3 surrounding properties	
# Heritage Consultation	<input type="checkbox"/> Regulatory Services		<input type="checkbox"/>	
^ Mail out (note: timeliness)	<input type="checkbox"/> Communications		<input type="checkbox"/>	
	<input type="checkbox"/>		<input type="checkbox"/>	
	<input type="checkbox"/>		<input type="checkbox"/>	

Evaluation			
Summary of...		Date Due	Complete / Attached
Feedback / Results / Outcomes / Recommendations			
Outcomes Shared			
Methods	Responsible	Date Due	Complete / Attached
E-Newsletter	<input type="checkbox"/> Communications		<input type="checkbox"/>
Email Notification	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
Website	<input type="checkbox"/> Communications		<input type="checkbox"/>
Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>
Media Release	<input type="checkbox"/> Communications		<input type="checkbox"/>
Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
Notes			



11.3 View Terrace No 30 (Lot 269) Proposed alterations and additions

Owner	James Turnbull
Applicant	Modern Ark Layout Design
File ref	P047/20
Prepared by	James Bannerman Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	7 July 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Location plan2. Site photos3. Plans date stamped 29 May 20204. Community consultation

Purpose

The purpose of this report is for Council to consider a planning application for proposed alterations and additions at No 30 (Lot 269), East Fremantle.

Executive Summary

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

- (ii) Clause 3.7.17.4.1.2 – Residential Design Guidelines – Wall Height – 5.6m required, 6.9m provided; and
- (iii) Clause 3.7.9.3 - Residential Design Guidelines – Roof Materials – compatible and do not detract from existing dwelling required, custom orb /Colorbond provided

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

Background

Zoning: Residential R17.5

Site area: 769m²

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 May 2020. Two submissions were received.

Submission	Applicant Response	Officer Response
Submission 1 Whilst we support development of 30 View Terrace we have concerns that we would like addressed and we object to certain elements of the proposed development: 1. There is evidence of water draining into our property at 28	1. I'll have to make a note on the plans that current retaining wall be inspected by the builder. Would prefer to simply install channel drain along the fence edge to stop water draining onto neighbour's property. We were not planning on	As noted above in the applicant's response there are numerous amendments that have been addressed and amendments made to the plans that respond to the concerns of neighbouring properties. These changes are listed below;



<p>View Terrace as the Ground levels are higher to the 30 View Terrace side by approx. 500mm as that House has been built at a later date. The current retaining wall is inadequate and the current fence cannot be used to retain the adjacent property levels. This will need to be addressed if the proposed works proceed. A new Boundary Retaining Wall should be constructed to be at least 100mm higher than the proposed new Floor Levels.</p> <p>2. Referencing drawing A16, the proposed New Study Window does not meet the relevant R-Codes with respect to visual privacy. The proposed window would provide for direct views into our living room, hallway and kitchen, as well as our outdoor area adjacent to the boundary. This element of the proposed development should be rejected and mitigated to afford us privacy.</p> <p>3. Where windows along the Western wall of the house are replaced, these should be replaced with similarly opaque/frosted windows to maintain our visual privacy.</p> <p>4. We are concerned that the height of the West facing section of the proposed Balcony will allow vision directly to our Living Room, portion of our existing balcony and our garden. Whilst the 7.5m offset from the boundary is appreciated, we would ask that the development afford us a degree of privacy, noting that the amenity views afforded by the proposed balcony are to the North West, North and North East.</p> <p>5. We note that on the drawings it is stated that the boundary pegs are gone. For the avoidance of doubt, the marked locations of these removed pegs are not accepted by us. Any works should be preceded by a boundary re-survey at the developer's expense.</p>	<p>adjusting anything along the boundary. We are not planning any extra soil build up and simply replace paving which we'll then install channel drains.</p> <p>2. Study window will have a fixed louvred screen looking up to the sky - you'll see that on the attached sketch.</p> <p>3. All west facing windows are going to be frosted and or 1.6m high above FFL.</p> <p>4. We will provide screen along the far west end of the balcony as marked in red. We are also planning to reduce the balcony depth from 6.1m to 5.5m (by 600mm). The northern end on the west facing balcony is set 7.5m and overlooks their roof and their balcony is screened.</p> <p>5. A re-peg of the site will be done during construction.</p>	<ul style="list-style-type: none"> Reduction in the depth of the rear balcony to decrease the bulk and scale of the rear of the development. New channel drains are to be installed along the south western section of the side boundary shared with 28 View Terrace to reduce stormwater flow into 28 View Terrace. A site inspection will be carried out to assess the condition of the existing retaining walls. The site will be re-pegged before construction to verify the location of property boundaries. Louvred screening is to be added to the proposed study window to ensure overlooking onto 28 View Terrace is mitigated. Additional height will be added to the existing side wall of the balcony such that it is 1.7m high from the FFL to reduce overlooking into the side yard of 28 View Terrace. Tall trees are to be planted along the northern boundary of the property that is shared with 29 Woodhouse Road and reduce overlooking into the property. The highlight window on the western side of the proposed master bedroom has been raised to 1.7m from FFL to increase privacy between neighbouring properties.
<p>Submission 2</p> <p>I object to the proposal.</p> <p>Concerns are as follows;</p> <p>ROOF:</p> <p>Alterations to the roof seem excessive in scale and bulk, and</p>	<p>Roof - we are sitting well below the 8.1m max ridge - cannot lower pitch as it won't tie into existing, we cannot lower ceiling as it would be too low and we cannot pull back the roof as we'd like the entire balcony covered against rain. We'll</p>	<p>See above.</p>



<p>there are concerns with any increase of the building height.</p> <p>POOL:</p> <p>Proximity of proposed pool to the boundary shared with 29 Woodhouse is of concern due to impact on privacy and aural impact.</p> <p>BALCONY:</p> <p>The proposed balcony seems to be an extension of its own existing width closer to the boundary with 29 Woodhouse. From the plans the proposed closest point seems to be nearly half of the current distance to the boundary.</p> <p>It is clear that there are significant privacy impact concerns. In particular, the proximity and vantage point of such balcony in terms of overlooking the backyard, carport and dwelling house on 29 Woodhouse, and in particular the direct visual corridor of such balcony into the second storey bathroom window and the ground floor bedroom window at the rear of 29 Woodhouse.</p> <p>To put a human perspective on the impact, kindly find attached a photo of what the current balcony of 30 View Terrace looks like from the backyard of 29 Woodhouse. The balcony as it already currently stands offers little visual privacy to the backyard of 29 Woodhouse due to the higher elevation and vantage point offered by the balcony.</p> <p>Should the balcony be extended closer to the boundary, such lack of privacy will be exacerbated.</p> <p>The question is posed: If this were your backyard, would you feel comfortable if the balcony as pictured were extended closer than it is?</p> <p>Not only is the extension of the balcony objected to in terms of its impact on privacy of neighbours, but the scale and bulk of the development at the rear of 30 View Terrace seems excessive as well.</p>	<p>propose to reduce the balcony by 600mm.</p> <p>Pool - will most likely stay -we can propose some extra screen on top of existing fence and we will be installing some tall trees</p> <p>Balcony - We can propose 600mm reduced balcony. Roof most likely to stay as per point above. We can provide extra height to rear fence and tall trees for privacy. You'll see an image taken from the living area looking into 29 Woodhouse rear window. When the balcony slab extends out the slab will screen view out to 29 Woodhouse from the living room.</p> <p>Changes are marked in purple clouds:</p> <p>A03 - Site to be re-pegged, channel drain to west and builder to check condition of retaining wall</p> <p>A10 - same as above + showing permanently fixed louvred screen to study, solid brick screen to west of balcony, north end of balcony down to 5.3m versus 6.1m and roof down to 5m versus 5.4m to reduce bulk</p> <p>A11 - west boundary notes</p> <p>A14 - balcony and roof depth down to 5.3m deep balcony versus 6.1m and roof down to 5m versus 5.4m and trees used to the north to screen some view to woodhouse neighbour</p> <p>A15 - Screen to the west + trees</p> <p>A16 - Solid rendered brick to west end of balcony shown + screen to study window and master bed window sill to 1.7m high, powder room window frosted</p> <p>A17 - balcony and roof depth reduced</p> <p>A18 - new page showing section through study room permanently fixed louvred screen looking to the sky.</p>	
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Community Design Advisory Committee (CDAC)

The application was not referred to CDAC due to the COVID19 pandemic.



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

A risk assessment was undertaken and the risk to the Town was deemed to be negligible.



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			N/A
Secondary Street Setback			N/A
Lot Boundary Setbacks			
Master bedroom & WIR – western boundary	1.1m	3.5m	A
Store – eastern boundary	1m	1.4m	A
Balcony – eastern boundary	1.2m	3.904m	A
Balcony - western boundary	1.2m	7.5m	A
Balcony – southern boundary	1.2m	8.36m	A
Open Space	50%	58%	A
Wall height	5.6m	6.9m	D
Setback of Garage			N/A
Car Parking	2 car bays	2 car bays	A
Site Works	Max 0.5m	No significant changes	A
Visual Privacy	4.5m	1.524m (screening added)	A
Overshadowing			N/A
Drainage			To be conditioned

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	A
3.7.8 Roof Form and Pitch	A
3.7.9 Materials and Colours	D
3.7.10 Landscaping	A
3.7.11 Front Fences	A
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	N/A



3.7.14 Footpaths and Crossovers	A
3.7.15.4.3 Fremantle Port Buffer Area	N/A
3.7.17.3 Garages and Carports	A

This development application proposes alterations and additions to an existing dwelling at 30 View Terrace, comprising of the enclosure of the garage, addition of 2 storerooms, extension of rear balcony, addition of a new master bedroom, internal refurbishment and re-arrangement of rooms and terracing and landscaping of the garden area, including the addition of a below ground pool.

The property is not heritage listed and retains much of the existing structure that was built in 1983-84. The owner is proposing changes to the design that utilise the existing approved heights of the dwelling and the significant slope of the site to increase the footprint of the building to the north and the south of the current dwelling. Two variations are requested to the requirements of the Residential Design Guidelines. These variations relate to wall height and changes in the roof materials and privacy setbacks from the eastern boundary. The proposal is recommended for approval subject to conditions.

Wall Height

The dwelling has an existing balcony and this is proposed to be increased in size by approximately 44m². There is a roof above this balcony which exceeds the maximum wall height and this is partly due to the slope and height of the existing lot. According to acceptable development clause 3.7.17.4.1.2 A1.4 of the Residential Design Guidelines the maximum wall height should be 5.6m, but in this case it is proposed to be up to 1.3m above this, at a height of 6.9m.

View corridors are significantly maintained, the proposed additional wall height whilst located further to the rear boundary does not significantly impact on the view corridors to the eastern neighbour. As the height of the structure is within the 8.1 metres it is considered there is no impact to the southern neighbours.

Given that views are a relevant consideration in this area and the style of the proposed design is not unusual in this area, the height above the maximum wall height is not unreasonable and is supported given that the roof is at the maximum roof height of 8.1m as prescribed in acceptable development clause 3.7.17.4.1.3 A1.4 of the Residential Design Guidelines.

Roof Materials

It is proposed to change the existing roof which consists of tiles to a Colorbond/custom orb metal roof. This does not achieve the acceptable development clause 3.7.9.3 A4.1 & A4.2 of the Residential Design Guidelines which requires that matching but distinguishable materials should be utilised. Nonetheless the change in roof materials does achieve performance criteria 3.7.9.3 P4.1 & P4.2. The proposed materials are both compatible with the immediate locality and do not detract from the existing dwelling. There is no impact to adjoining neighbours or the streetscape. As such the change in roof materials can be supported.

Visual Privacy Setbacks

In the original plans the window from the study looks out over the side yard of 28 View Terrace and required a privacy setback of 4.5m from the side boundary in accordance with 5.4.1 C1.1 i, however, it did not achieve this as the setback from the boundary was only 1.524m. However, the applicant agreed to amend the plans to install a privacy screen over the window to limit the ability to look into the neighbour's yard. As a result of this screening the visual privacy setback is no longer an issue and this variation is no longer relevant.



There was also a submission from the property owners directly to the north of this dwelling that claimed that the bulk and scale of development was excessive and resulted in a loss of privacy. The proposed rear balcony is located 8.36m from the rear boundary, well in excess of the 7.5m privacy setback required by the Residential Design Codes. As such it is also not a planning issue as the minimum requirements have been exceeded. It is noted that the proposed balcony has been reduced in depth from the originally submitted plans in response to the submission and following discussions with the applicant.

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 and the Residential Development Guidelines are considered acceptable. As such it is recommended that the proposed development be supported subject to planning conditions.

11.3 OFFICER RECOMMENDATION:

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

- (i) **Clause 3.7.17.4.1.2 – Residential Design Guidelines – Wall Height – 5.6m required, 6.9m provided**
- (ii) **Clause 3.7.9.3 - Residential Design Guidelines – Roof Materials – compatible and do not detract from existing dwelling required, custom orb /Colorbond provided**

for alterations and additions at No 30 (Lot 269) View Terrace East Fremantle, in accordance with the plans date stamped received 29 May 2020, 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 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) Any changes to the front fence will require the submission of a development application for the consideration of Council. Front fencing is to comply with the requirements of the Residential Design Guidelines and Council requirements.
- (8) The verge trees on View Terrace are to be protected during construction works to the satisfaction of the Chief Executive Officer and no pruning or removal of branches of the tree is to be undertaken during or at the completion of construction works.
- (9) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (10) This planning approval is to remain valid for a period of 24 months from date of this approval.

Footnote:

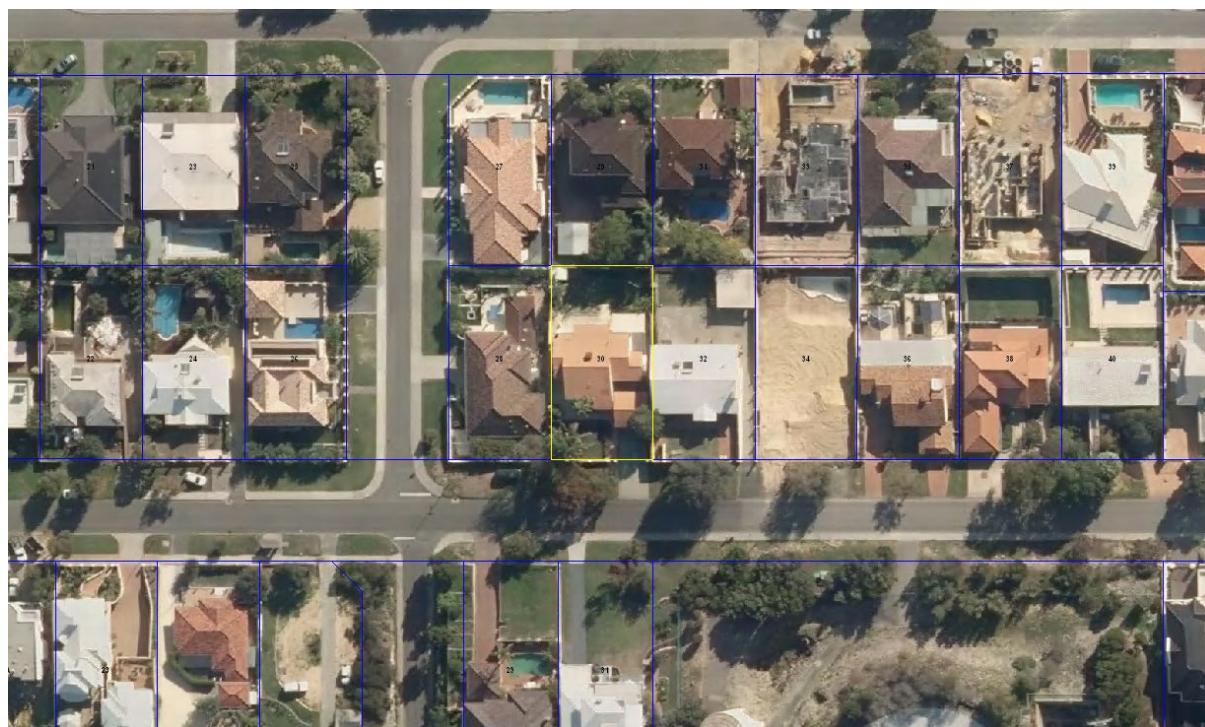
The following are not conditions but notes of advice to the applicant/owner:

- (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.*

30 View Terrace – Map and Photo

21	23	25		27	29	31	33	35	37	39		4
22	24	26		28	30	32	34	36	38	40		4

				29	31							4
23	26	28										





PROPOSED RESIDENTIAL ALTERATIONS + ADDITIONS

No 30 VIEW TCE | EAST FREMANTLE

WA 6158

SHEET INDEX		SHEET INDEX	
<u>DRAWING TITLE</u>	<u>DRAWING TITLE</u>	<u>SHEET No</u>	<u>SHEET No</u>
A01	COVER PAGE / STREETScape PLAN - 1:100	A17	CONCEPT / SCHEMATIC DESIGN DRAWINGS (SD)
A02	DEMO/ SITE PLAN - 1:200 SCALE	A18	DESIGN DEVELOPMENT DRAWINGS (DD)
A03	SITE PLAN - 1:200 SCALE	A19	3D VISUALISATION
A04	EXISTING MID/UPPER PLAN - 1:100 SCALE		PLANNING / DEVELOPMENT APPROVAL DRAWINGS (DA)
A05	EXISTING LOWER GROUND PLAN - 1:100 SCALE		
A06	EXISTING ELECTRICAL MID/UPPER PLAN - 1:100 SCALE		
A07	EXISTING ELECTRICAL LOWER GROUND PLAN - 1:100 SCALE		
A08	DEMO MID/UPPER PLAN - 1:100 SCALE		
A09	DEMO LOWER GROUND PLAN - 1:100 SCALE		
A10	PROPOSED MID/UPPER PLAN - 1:100 SCALE		
A11	PROPOSED LOWER GROUND PLAN - 1:100 SCALE		
A12	EXISTING + PROPOSED ELEVATIONS - 1:100 SCALE		
A13	EXISTING + PROPOSED ELEVATIONS - 1:100 SCALE		
A14	EXISTING + PROPOSED ELEVATIONS - 1:100 SCALE		
A15	EXISTING + PROPOSED ELEVATIONS - 1:100 SCALE		
A16	EXISTING + PROPOSED ELEVATIONS - 1:100 SCALE		

SITE PHOTOS



<u>BUILDING DESIGN AND DRAFTING</u>	<u>PROJECT TEAM</u>	<u>ARCHITECTURAL STAGES</u>
MODERN ARK LAYOUT DESIGN		STAGE 01 CONCEPT / SCHEMATIC DESIGN DRAWINGS (SD)
Mladen 'Mai' - 0401 062 718		STAGE 02 DESIGN DEVELOPMENT DRAWINGS (DD)
mail@modernarklayout.com.au		STAGE 02b 3D VISUALISATION
		STAGE 03 PLANNING / DEVELOPMENT APPROVAL DRAWINGS (DA)
		STAGE 04 WORKING DRAWINGS (WD)
		STAGE 05 CONSTRUCTION DRAWINGS (CD)
		STAGE 06 WET AREA LAYOUTS + ELEVATIONS (CABINET DRAWINGS)

SITE PHOTOS

<u>STRUCTURAL ENGINEER</u>	<u>INTERIOR DESIGN CONSULTANT</u>	<u>LANDSCAPE DESIGN CONSULTANT</u>
TBA	TBA	TBA

ENERGY ASSESSOR

TBA

BUILDING SURVEYOR / ASSESSOR

TBA

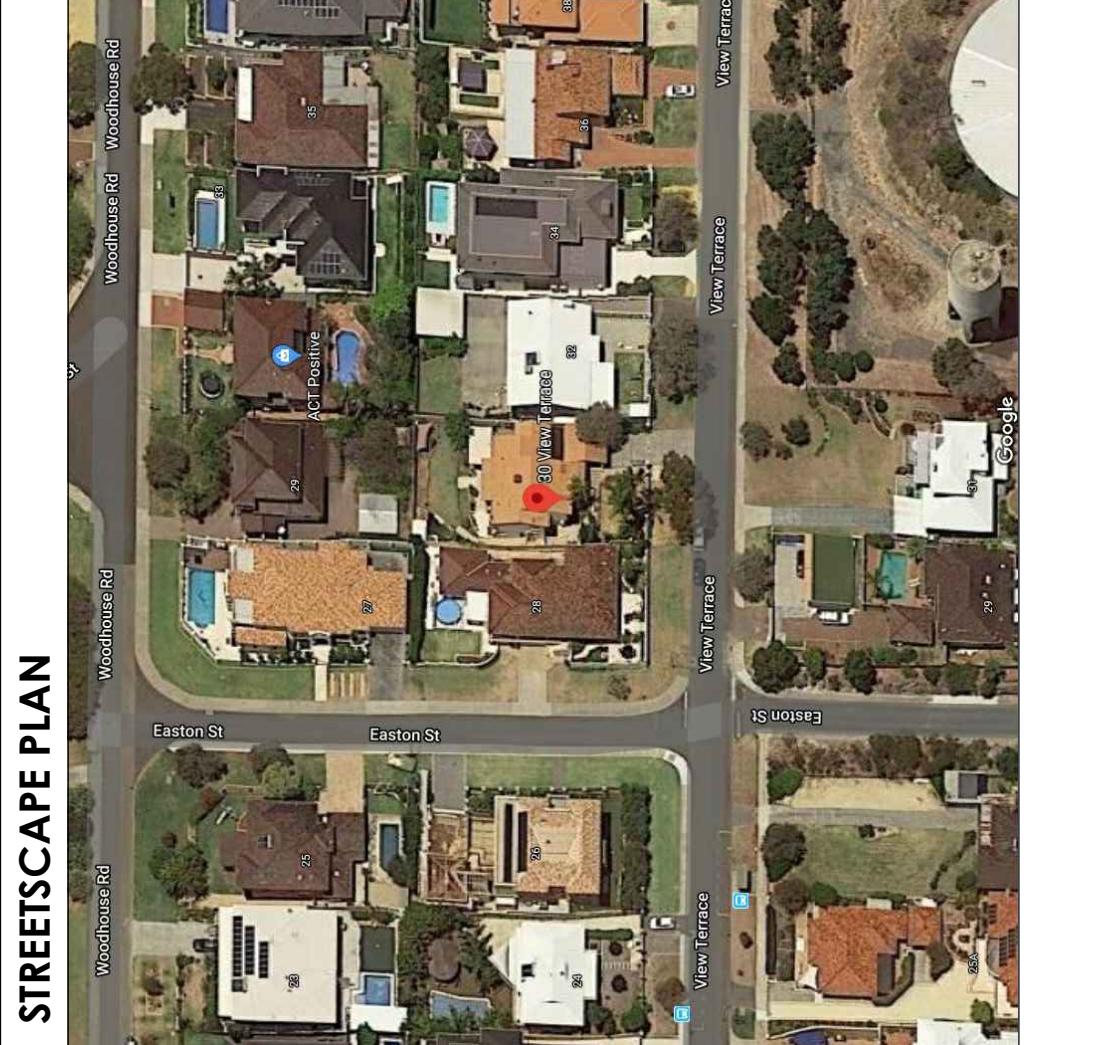
INTERIOR DESIGN CONSULTANT

TBA

POOL CONTRACTOR

TBA

<u>ABBREVIATIONS</u>	<u>DEFINITION</u>
00C	ZERO BRICK COURSE LEVEL
AFL	ABOVE FLOOR LEVEL
BWK	BRICKWORK
CFC	FIBRE CEMENT SHEET
CL	CEILING LEVEL
CJ	CONTROL JOINT
CON	CONCRETE
COL	COLUMN
CP	CARPET
C/SL	CAVITY SLIDER
DP	DOWN PIPE (E) EXISTING (N) NEW
DW	DRAWINGS
DWG	DRAWINGS
ENG	ENGINEER
EQ	EQUAL
F/F	EXISTING
FFL	FINISHED FLOOR LEVEL
FR	FIREPLACE
FW	FLOOR WASTE
GPO	GENERAL PURPOSE OUTLET
HP	HOT PLATE
HC	HOSECOCK/WATER TAP
HWP	HARD WALL PLASTER
HWU	HOT WATER UNIT
MBOX	METER BOX
MAX	MAXIMUM
MW	MICROWAVE
NIS	NOT TO SCALE
OV	OVEN
O/H	OVER HEAD
RH	RANGE HOOD
RL	RELATIVE LEVEL
REN	RENDER
RWH	RAIN WATER HEAD
SB	SWITCH BOARD
SHR	SINK
SKYL	SKYLIGHT
SPC	SPECIFICATION
SS	STAINLESS STEEL
SOAK	SOAK WELL
TB	TIMBER
TEL	TELEPHONE
TOW	TOP OF WALL
TR	THROUGH
TYP	TYPICAL
UBO	UNDER BENCH OPEN
UNO	UNLESS NOTED OTHERWISE
US	UNDERSIDE
WC	WATER CLOSESET



STREETSCAPE PLAN

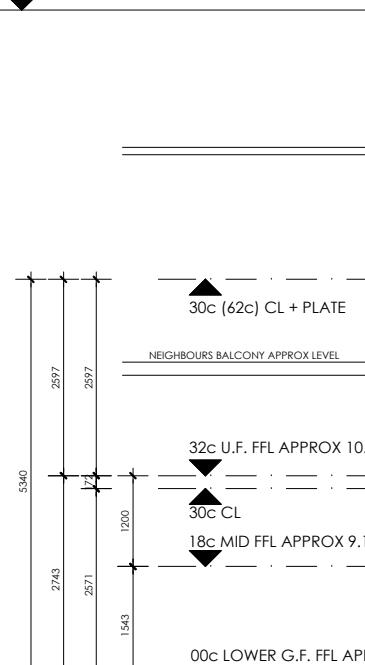


A01 COVER PAGE / STREETSCAPE

PROJECT ADDRESS: No 30 VIEW TCE		ITEM 11.3		EAST FREMANTLE		WA 6158	
MODERN ARK LAYOUT DESIGN		NEW HOMES		RENOVATIONS		ADDITIONS	
BUILDING DESIGN + ARCHITECTURAL DRAFTING		COUNCIL REQUIRED DA		COUNCIL FOR DA		REVISION: R06 ST03 DA	
(C) COPYRIGHT - MODERN ARK		STAGE 03 DA ISSUED TO COUNCIL FOR DA		P.TYPE: PROPOSED RESIDENTIAL ALTERATIONS + ADDITIONS		P.TYPE: PROPOSED RESIDENTIAL ALTERATIONS + ADDITIONS	
0401 062 718		27.05.2020		24.04.2020		STAGE 03 DA ISSUED TO COUNCIL FOR DA	
MAIL W		22.04.2020		22.04.2020		STAGE 03 DA ISSUED TO COUNCIL FOR DA	
www.modernarklayout.com.au		ITEM 11.3		ITEM 11.3		ITEM 11.3	

ITEM 11.3

NEIGHBOUR
HOUSE NUMBER #32 VIEW TCE
RIDGE HEIGHT 16.55



20120

REAR B'DRY HOUSE NUMBER #30 VIEW TCE

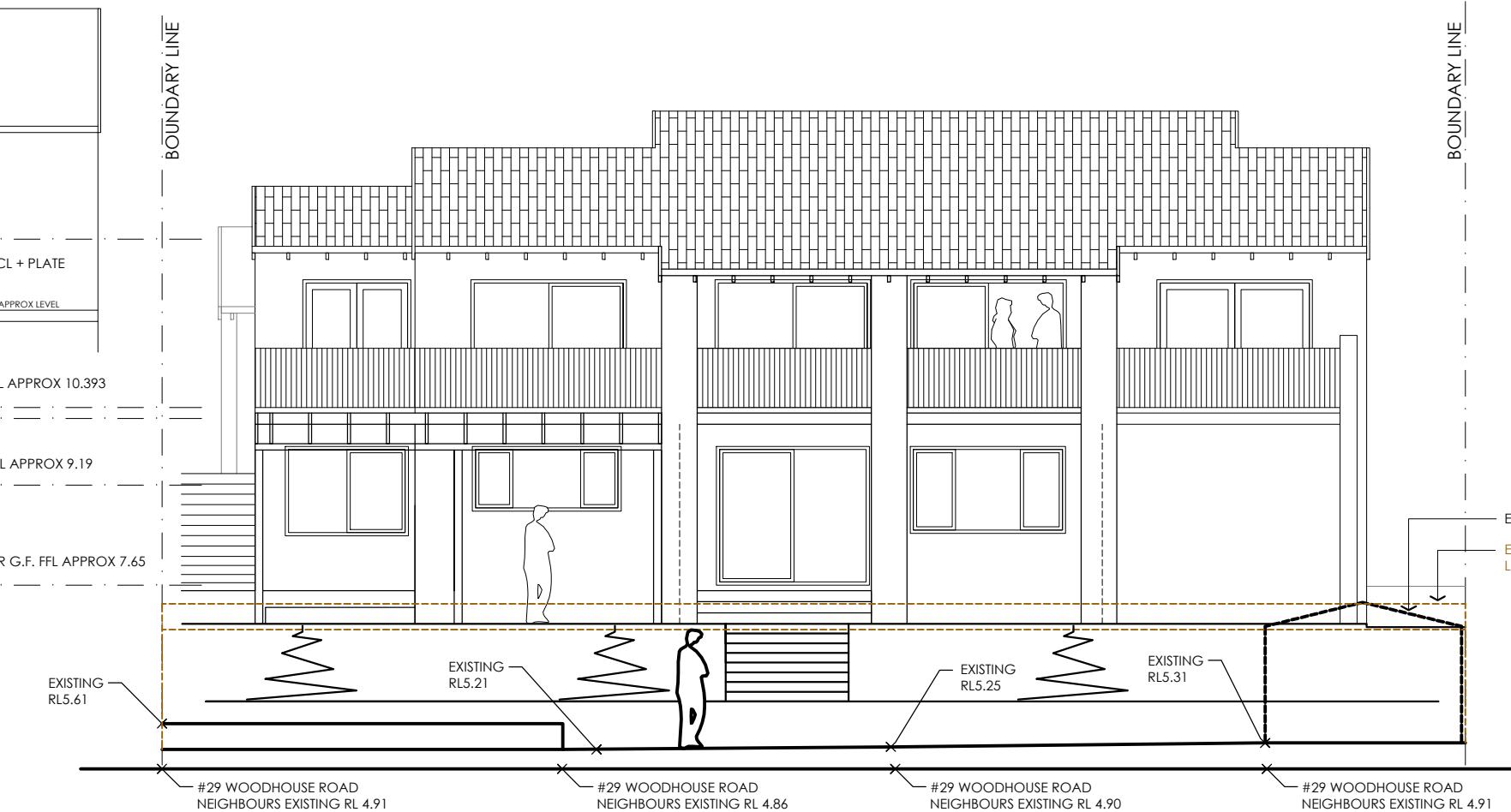
NEIGHBOUR
HOUSE NUMBER #28 VIEW TCE

ATTACHMENT 3

NEIGHBOUR
HOUSE NUMBER #28 VIEW TCE
RIDGE HEIGHT 14.26

**EXISTING HOUSE ELEVATION
E03 ELEVATION - NORTH (REAR)**

SCALE 1:100



EXISTING TIN SHED SHOWN DASHED
EXISTING COLORBOND FENCE WITH
LATTICE SCREEN ON TOP

SCALE 1:100 @ A3 SIZE PAPER

A15

0 1 5M

20120

REAR B'DRY HOUSE NUMBER #30 VIEW TCE

NEIGHBOUR
HOUSE NUMBER #28 VIEW TCE

0 1 5M

38220

COUNCIL
VERGE / STREET

NEIGHBOUR HOUSE NUMBER #29 WOODHOUSE ROAD

#29 WOODHOUSE ROAD
NEIGHBOURS EXISTING RL 4.91

EXISTING HOUSE ELEVATIONS E04 ELEVATION - WEST (SIDE)

SCALE 1:100

— NOT

NOTE:
PLUMBING STACKS, DOWNPPIPES LIGHT FIXTURES AND WATER TAPS NOT SHOWN
ON THE ELEVATION FOR CLARITY - CHECK LOCATIONS ON SITE AND OR REFER
TO HOUSE PHOTOS

COUNCIL /
VERGE / STREET

BOUR HOUSE NUMBER #29 WOODHOUSE ROAD

The diagram shows a property boundary line with a vertical line segment and a horizontal line segment. The vertical segment is labeled 'EXISTING RL5.31'. The horizontal segment is labeled '#29 WOODHOUSE ROAD NEIGHBOURS EXISTING RL 4.91'. A dashed line extends from the end of the horizontal segment.

**PROPOSED HOUSE ELEVATION
E04 ELEVATION - WEST (SIDE)**

SCALE 1:100

NOT

PLUMBING STACKS, DOWNPPIPES LIGHT FIXTURES AND WATER TAPS NOT SHOWN
ON THE ELEVATION FOR CLARITY - CHECK LOCATIONS ON SITE AND OR REFER
TO HOUSE PHOTOS

SHEET: A16

SCALE 1:100 @ A3 SIZE PAPER



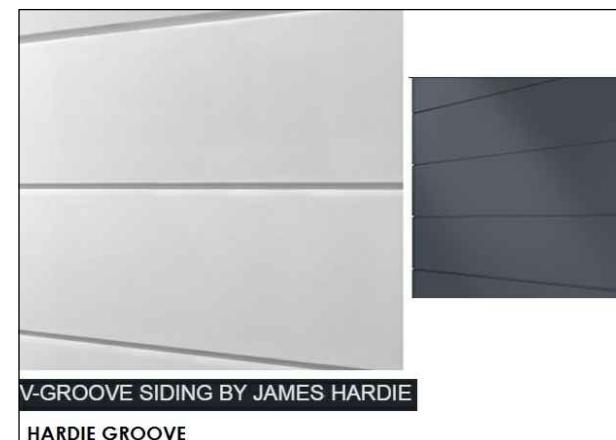
SOLID ENTRY DOOR BLACK
ALL OTHER WINDOWS AND DOORS TIMBER FRAMED PAINTED
VIVID WHITE



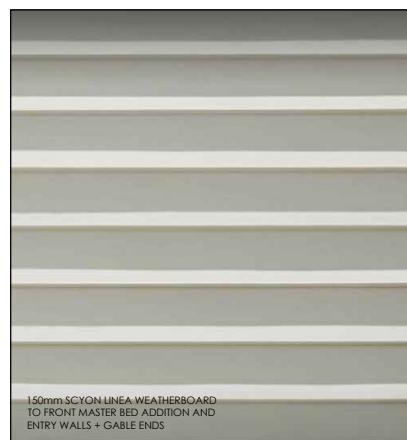
MUM 1700mm HIGH BALCONY ALUMINIUM OR SIMILAR
ACY SCREEN - CAN BE A SOLID BRICK WALL OR
TED GLASS SCREEN MINIMUM 1.6m HIGH



'S' RIB CUSTOM ORB PROFILE TO NEW AND EXISTING RC FRAMEWORK WITH ANTICON R1.5 INSULATION TO UNDER COLOUR SUPERMIST



V-GROOVE SIDING BY JAMES HARDIE



INSTALLING LINEA WEATHERBOARDS.

Linea board sizes:

Linea 150mm: 4200x150x16 mm (code 403930)

Línea 180mm: 4200x180x16 mm (code 403912)

Linea coverage:

150mm Linea - 120mm effective cover - 8.3 planks per meter of height.

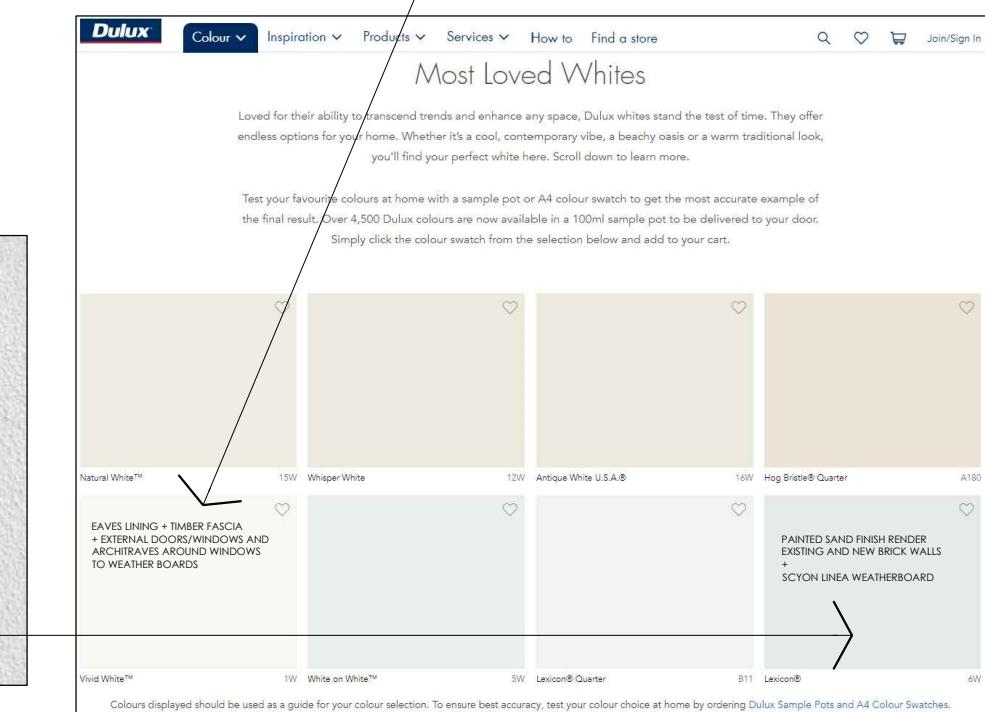
180mm Linea - 150mm effective cover - 6.7 planks per meter of height.



1000 HIGH GLASS POOL SAFETY FENCE AND GATE + EXTERNAL STAIRCASE GLASS RAILING TRADE + EXTERNAL BALCONY RAILING TRADE



TRAVERTINE PAVING LAID IN STRETCHER BOND PATTERNS AS PER PICTURE ABOVE
PAVING AREAS: TOTAL BELOW 228sqm EXCLUDING OFFCUTS
- FRONT PORCH AND SIDE OF HOUSE DOWN TO LAUNDRY
- SIDE OF GARAGE AND STORE INCLUDING STAIRCASE DOWN
- LOWER GROUND FLOOR SITTING AREA AND RAMP DOWN TO POOL
- POOL AREA INCLUDING POOL AREA STAIRCASE

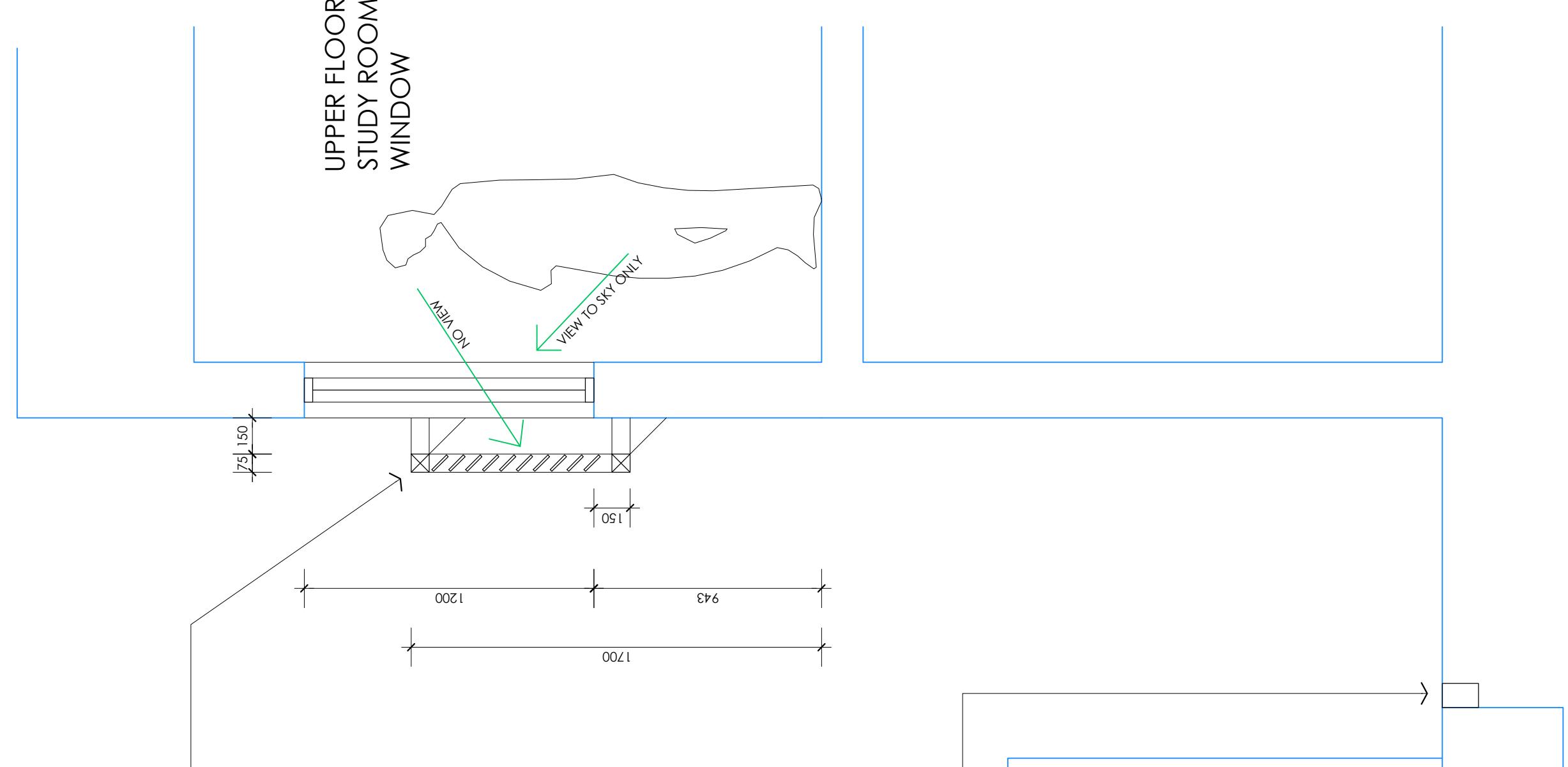


SHEET: A17

PERMANENTLY FIXED LOUVRED SCREEN IN
FRONT OF STUDY WINDOW (LOUVRES ANGLED
TO THE SKY TO PREVENT OVERLOOKING INTO
ADJOINING NEIGHBOURS SITE) SEE DETAIL

BOUNDARY LINE (CHECK AND RE-PEG →
BOUNDARY POSITION BEFORE CONSTRUCTION)

WEST NEIGHBOUR NO 28 VIEW TCE



NEW CHANNEL DRAIN ALONG THE WEST
FENCE TO PREVENT WATER RUN OFF
ONTO ADJOINING SITE

BUILDER AND STRUCTURAL ENGINEER TO
DO A SITE INSPECTION
BEFORE CONSTRUCTION TO DETERMINE
CONDITION OF EXISTING RETAINING
WALLS ALONG THE WEST

A18 STUDY ROOM CROSS SECTION

SHEET: A18
MODERN ARK LAYOUT DESIGN
BUILDING DESIGN + ARCHITECTURAL DRAFTING
0401 062 718
E-mail: modernarklayout.com.au
www.modernarklayout.com.au

WALL | ADDITIONS | RENOVATIONS |

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Community Engagement Checklist

Development Application P047/20 - 30 View Terrace

Project Name

Objective of Engagement:	Neighbour consultation			
Lead Officer:	Regulatory Services			
Timeline:	Start Date:	8/05/2020	Outcomes By:	22/05/2020
Stakeholders				
Stakeholders to be considered. <i>Please highlight those to be targeted during engagement.</i>	Aged	<input type="checkbox"/>	Ratepayers (all / targeted)	<input type="checkbox"/>
	Businesses	<input type="checkbox"/>	Residents (all / targeted)	<input checked="" type="checkbox"/>
	Children (School / Playgroup)	<input type="checkbox"/>	Service Providers	<input type="checkbox"/>
	Community Groups	<input type="checkbox"/>	Unemployed	<input type="checkbox"/>
	Disabled People	<input type="checkbox"/>	Visitors	<input type="checkbox"/>
	Environmental	<input type="checkbox"/>	Volunteers	<input type="checkbox"/>
	Families	<input type="checkbox"/>	Workers	<input type="checkbox"/>
	Govt. Bodies	<input type="checkbox"/>	Youth	<input type="checkbox"/>
	Indigenous	<input type="checkbox"/>		<input type="checkbox"/>
	Neighbouring LGs	<input type="checkbox"/>		<input type="checkbox"/>
Staff to be notified:	Office of the CEO	<input type="checkbox"/>	Councillors	<input type="checkbox"/>
	Corporate Services	<input type="checkbox"/>	Consultant/s	<input type="checkbox"/>
	Development Services	<input type="checkbox"/>		<input type="checkbox"/>
	Operations (Parks/Works)	<input type="checkbox"/>		<input type="checkbox"/>
Community Engagement Plan				
Methods	Responsible	Date Due	Reference / Notes	
1.1 E News	<input type="checkbox"/> Communications		<input type="checkbox"/>	
1.2 Email Notification ~	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>	
1.3 Website	<input type="checkbox"/> Communications		<input type="checkbox"/>	
1.4 Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>	
1.5 Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>	
1.6 Fact Sheet	<input type="checkbox"/> Communications		<input type="checkbox"/>	
1.7 Media Rel./Interview	<input type="checkbox"/> Communications		<input type="checkbox"/>	
2.1 Information Stalls	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>	
2.2 Public Meeting/Forum	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>	
2.3 Survey/Questionnaire	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>	
3.1 Focus Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>	
3.2 Referendum/Ballot	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>	
3.3 Workshop	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>	
4.1 Council Committee	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>	
4.2 Working Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>	
* Statutory Consultation	<input checked="" type="checkbox"/> Relevant Officer	8/05/2020	<input checked="" type="checkbox"/> Advertised to 5 surrounding properties	
# Heritage Consultation	<input type="checkbox"/> Regulatory Services		<input type="checkbox"/>	
^ Mail out (note: timeliness)	<input type="checkbox"/> Communications		<input type="checkbox"/>	
	<input type="checkbox"/>		<input type="checkbox"/>	
	<input type="checkbox"/>		<input type="checkbox"/>	

Evaluation			
Summary of...		Date Due	Complete / Attached
Feedback / Results / Outcomes / Recommendations		22/05/2020	2 submission received
Outcomes Shared			
Methods	Responsible	Date Due	Complete / Attached
E-Newsletter	<input checked="" type="checkbox"/> Communications		<input type="checkbox"/>
Email Notification	<input checked="" type="checkbox"/> Relevant Officer		<input type="checkbox"/>
Website	<input checked="" type="checkbox"/> Communications		<input type="checkbox"/>
Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>
Media Release	<input type="checkbox"/> Communications		<input type="checkbox"/>
Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
Notes			



11.4 George Street No 61 (Lot 6228) Proposed patio

Owner	Town of East Fremantle
Applicant	East Fremantle Primary School
File ref	P054/20
Prepared by	James Bannerman Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	7 July 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Location plan2. Site photos3. Plans date stamped received 26 May 2020

Purpose

The purpose of this report is for Council to consider a planning application for a proposed patio at No 61 (Lot 6228) George Street, East Fremantle (East Fremantle Kindergarten).

Executive Summary

The applicant is seeking Council approval for a patio on Council owned land. No variations are requested to the General Principles of the George Street Designated Heritage Area.

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

Background

Zoning: Open Space

Site area: 3288m²

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

Nil

Consultation

Advertising

The application was not advertised to surrounding land owners. The proposed development will be hidden by an existing wall along Hubble Street, has no streetscape impact and has no impact on surrounding residential dwellings.

Community Design Advisory Committee (CDAC)

The application was not referred to CDAC due to the COVID19 pandemic.

External Consultation

Nil

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 Local Planning Policy 3.1.6 George Street Designated Heritage Area

Financial Implications

Funding as part of the Budget Review was approved as a contribution to the proposal.

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

A risk assessment was undertaken and the risk to the Town was deemed to be negligible.

Site Inspection

A site inspection was undertaken.

Comment

Statutory Assessment

This development application proposes a patio located adjacent and to the rear of the kindergarten building and behind the mural wall at 61 George Street. The kindergarten is located on Council land



adjacent to Glasson Park on the corner of Glyde Street and George Street. The patio measures 4.1m wide and 6.8m long with a wall height of 2.2m and a roof height of 3.034m. It consists of a gable roof supported by 6 upright posts. The patio is located over existing paving slabs. The Town has previously approved a financial contribution to the kindergarten to help pay for the construction of the patio.

The lot is within the George Street Designated Heritage Area and as such the following New Buildings General Principles of this local planning policy are to be used as a measure of assessment. The assessment will address each point individually and state whether the principle is addressed or not by the proposed design and how this is achieved.

New Buildings General Principles

- i. New buildings, as viewed from the street frontage, are to be designed in a contemporary style that is sympathetic in terms of form, bulk, scale, materials and proportions to the Heritage Area.
- ii. New developments are not to replicate traditional building form and should be of a contemporary style without traditional influences, as faux styles devalue authenticity of places. Contemporary requirements associated with new development result in faux heritage not having the same qualities as authentic places (refer to Figure 6 in Appendix 4).
- iii. The design of the streetscape elements are to:
 - a) Be consistent with front boundary building alignments;
 - b) Engage with the street;
 - c) Reflect/interpret the existing vertical rhythms of elements such as party walls, parapet panels and openings;
 - d) Reflect/interpret the existing horizontal rhythms of elements such as parapets, verandahs and awnings; and
 - e) Conceal roof forms behind parapet walls. Parapets to the main street frontage are to be restrained in terms of decorative forms and detailing.
- iv. New developments are to reflect and complement the scale, setbacks, bulk and proportions of existing contributory buildings and streetscape (refer to Figures 7 and 8 in Appendix 4).
- v. New developments are to respect and reflect the established development pattern.
- vi. New developments are not to negatively impact on the streetscape character of the Heritage Area.
- vii. New developments, structures or hardstand (including car parking) should not detract from the setting of the heritage place.
- viii. Where possible existing views of a heritage building(s) from the street should be preserved to acknowledge the contribution heritage places make to the streetscape.
- ix. New buildings or structures should; be designed and located in a way that does not overwhelm or dominate the heritage building(s) which should remain the dominant building(s) on the site, and they should be understated relative to the existing heritage building(s).



- x. Wherever possible, new buildings, structures or hardstand areas (including car parking) should be designed and sited to avoid having a negative impact on original mature landscaping, garden areas, driveways and other landscaping features where they are considered to form part of the setting of the heritage place, and/or contribute to the heritage significance.
- xi. Where there is a Conservation Plan for a heritage place any proposals for new buildings, structures or hardstand areas (including car parking) should address the policies contained within the Conservation Plan.
- The patio is an open structure with 6 posts supporting the roof. There are no other additions to the patio roof or posts.
- The patio is a contemporary design without embellishment or architectural adornment.
- The patio is aligned with the front boundary of Hubble Street like the main kindergarten building and abuts the mural wall attached to the kindergarten building.
- The development does not engage with the street because the patio is hidden from direct view by a mural wall along the boundary of the lot.
- Like the surrounding kindergarten playground area the patio is open.
- The proposed structure is a single storey patio and aligns with the neighbouring building height which is also single storey.
- The patio is hidden behind the mural wall on the boundary attached to the kindergarten building.
- As the patio is hidden behind the mural wall and smaller than the adjoining kindergarten building it complements surrounding building s without being imposing or detracting from heritage dwellings in the street.
- The location of the patio behind the mural wall ensures that the established development pattern is respected.
- As the patio is hidden behind the mural wall it does not detract from the streetscape character.
- As the patio is hidden behind the mural wall it does not detract from the heritage character.
- The patio does not impact on heritage dwellings and their contribution to the streetscape.
- The patio does not overwhelm or dominate the surrounding heritage buildings.
- The patio does not have an impact on landscaping or garden areas as it being constructed above a paved area.
- There is no conservation plan applying to the kindergarten building.

The patio is hidden behind the existing mural wall facing Sewell Street and is of a size that does not dominate the surrounding dwellings. It is a contemporary structure that will benefit the kindergarten by providing a covered outdoor area adjacent to the kindergarten playground. It is also noted that the patio is being partially funded by a grant from the Town.

Based on the preceding assessment, the proposed development can be supported. There are no variations requested to the George Street Precinct Heritage Area and the proposed patio is fully compliant with this policy document.



Conclusion

Based on the assessment that has been completed and the explanation provided in this report, the proposed development is considered acceptable. It is recommended that the proposed development be supported subject to planning conditions.

11.4 OFFICER RECOMMENDATION:

That development approval is granted for a patio at No 61 (Lot 6228) George Street, East Fremantle, in accordance with the plans date stamped received 26 May 2020, 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 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) 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 is to remain valid for a period of 24 months from date of this approval.

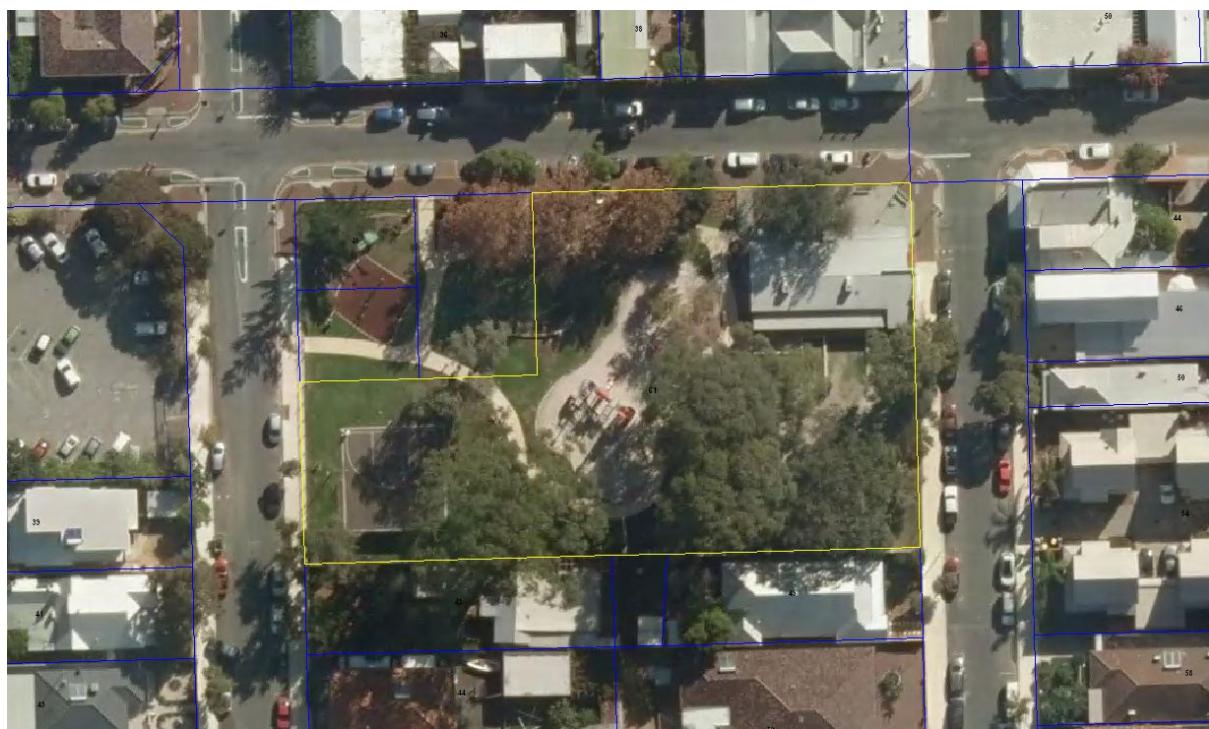
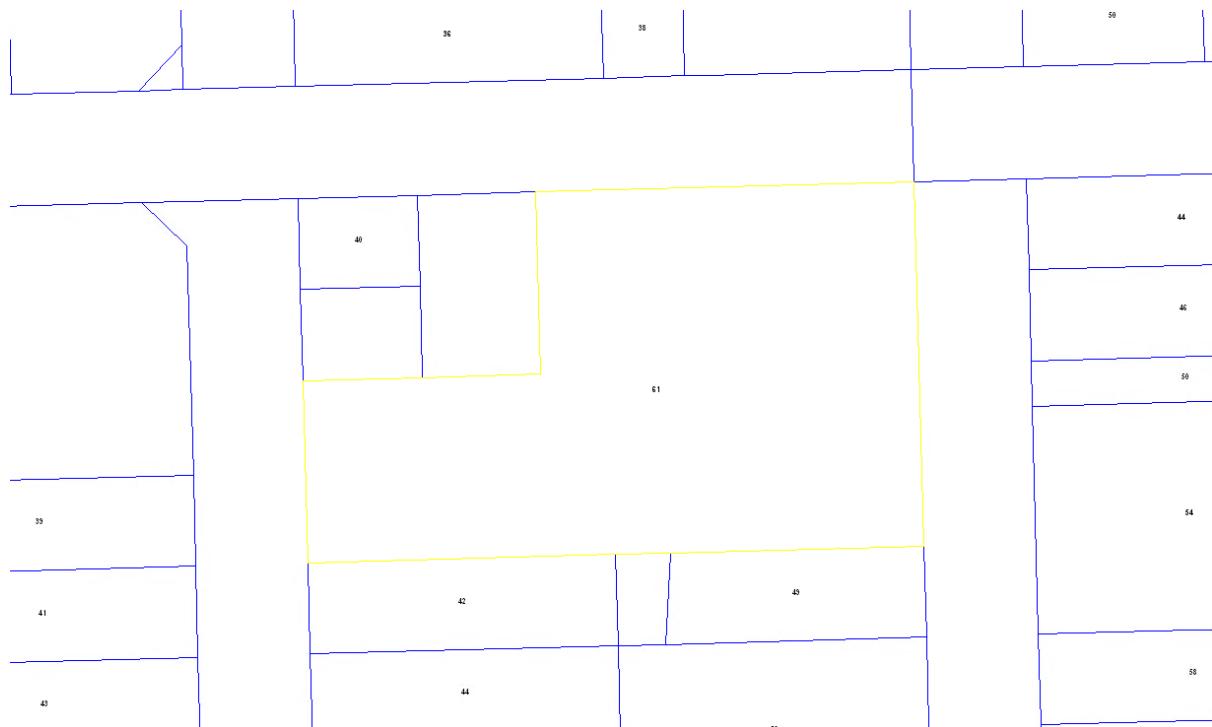
Footnote:

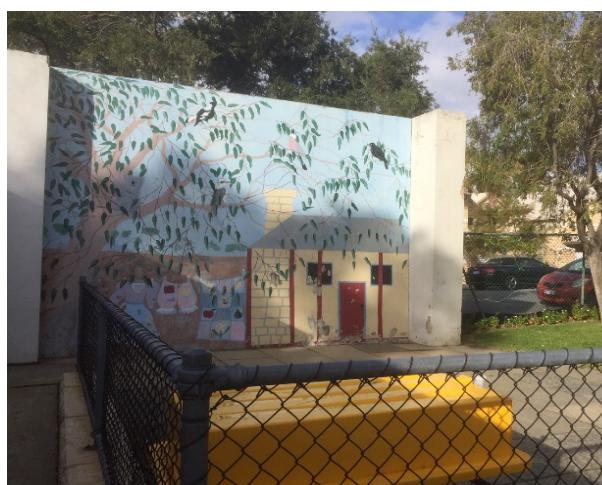
The following are not conditions but notes of advice to the applicant/owner:

- (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.***



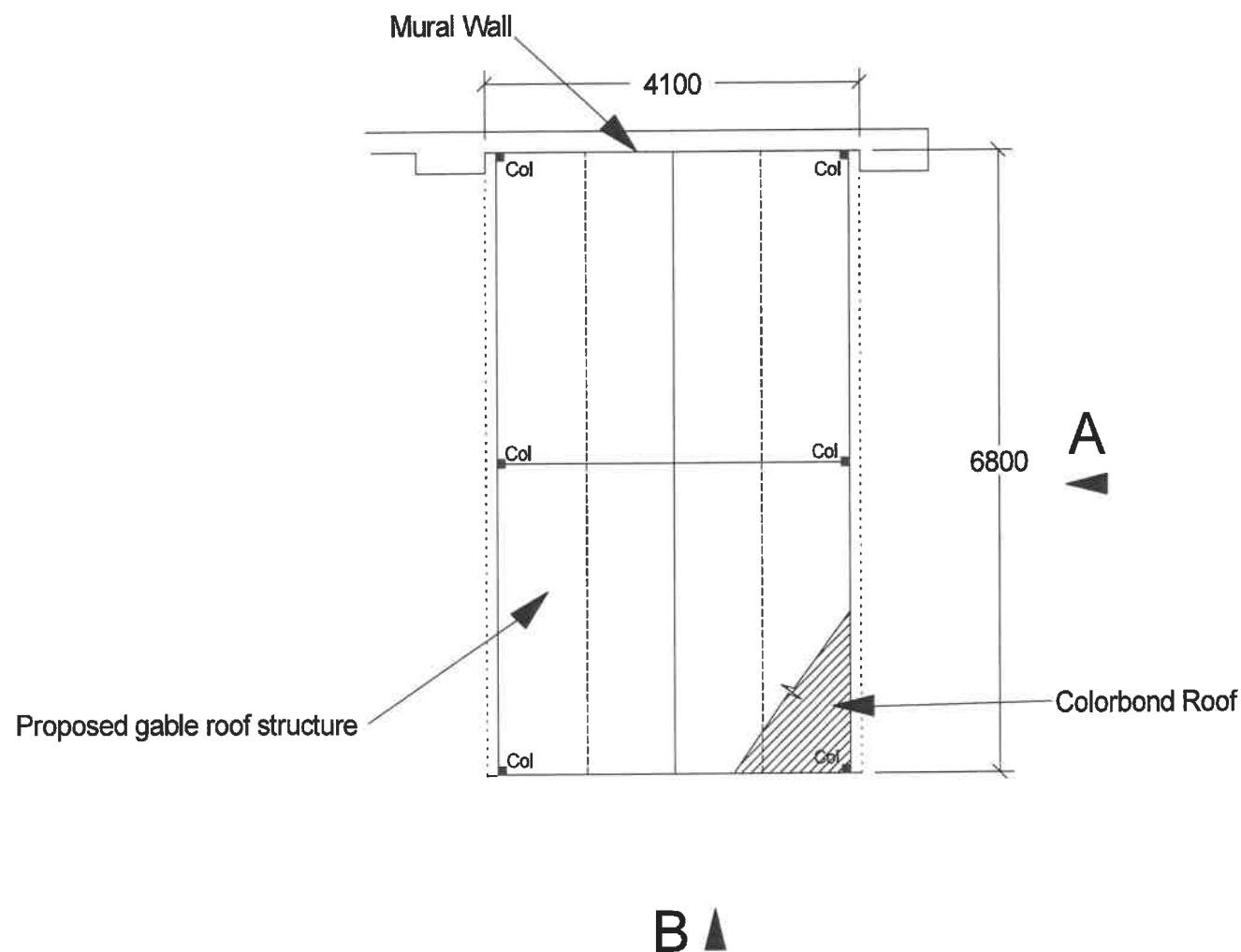
- (iii) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each 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.*



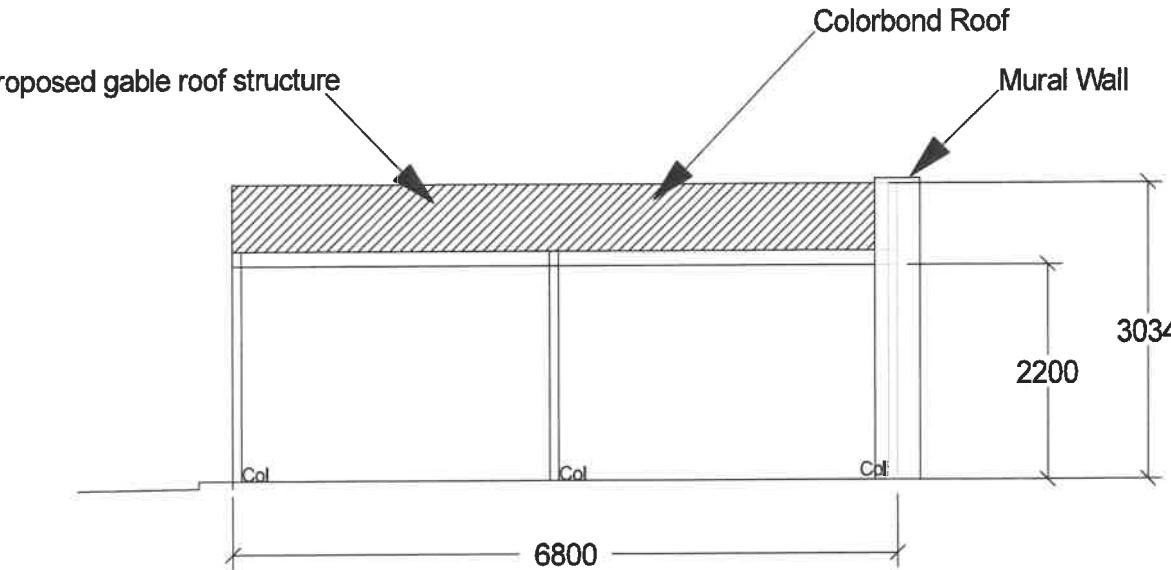


indgate/locate/

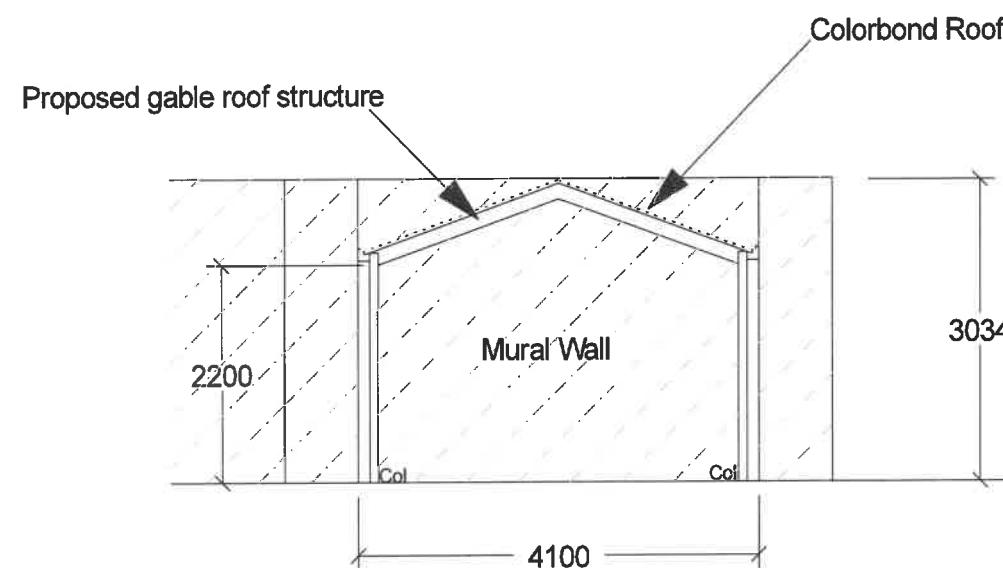




PLAN



ELEVATION A



ELEVATION B

Job name	East Fremantle Primary School	Drawn by	David Bailey
Date	18/02/2020	Scale	1:75 @ A3
Job number		Sheet	1 of 1
Job address	8 Forrest Street	Initial	
Job suburb	Fremantle WA 6101		



11.5 Fraser Street Unit 1 No 32 (Lot 1) Proposed Patio

Owner	Linda Phillips
Applicant	Profounder Factory Direct Pty Ltd
File ref	P052/20
Prepared by	James Bannerman Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	7 July 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Location plan2. Site photos3. Plans date stamped4. Consultation Plan

Purpose

The purpose of this report is for Council to consider a planning application for a proposed patio at Unit 1 No 32 (Lot 1) Fraser Street, East Fremantle.

Executive Summary

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

- (i) Clause 5.1.2 – Residential Design Codes – Primary Street Setbacks – 6m required, 4m provided; and
- (ii) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 26 to 28 degrees required, 20 degrees provided

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

Background

Zoning: Residential R17.5

Site area: 91m²

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

Nil

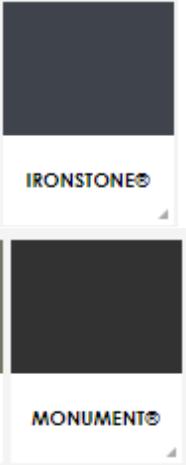
Consultation

Advertising

The application was advertised to surrounding land owners. One submission was received.

Submissions	Applicant Comment	Officer Comment
The 6m set back in Fraser Street and many other streets in East Fremantle is important in maintaining the ambience and street scape of the area. The set back helps provide a more open environment and front garden	<p>The area of the patio has been amended to be 21.45 square meters to comply with council requirements</p> <p>There is currently a large shade sail that extends from the dwelling towards the road further than the</p>	<p>The setback is 6m but this can be varied subject to the submission of a development application for the consideration of the Town.</p> <p>It is recognised that open spaces such as a front yard do provide areas for gardens with trees and shrubs, but owners may choose to</p>



<p>space for shrubs and trees to grow, breaking up the built environment of the street and surroundings. There is also the risk that the 'pergola' structure will later be enclosed and used as additional accommodation and storage. The proposed pergola structure covers a very large area of 37 square metres. Granting this exemption will lead to further cluttering of the set back areas in East Fremantle. This will also create a precedent for residents seeking permission to build extensions into the set back zone. The property at 1/32 Fraser Street was purchased only a few months ago without a pergola and the knowledge a 6 metre set back rule applies to this property.</p>	<p>proposed patio, this will be removed and the replacing patio will be smaller. The patio design is within the current existing dwelling colour scheme, "Monument" to match the roof and "Ironstone" to match gutters etc. the patio complements the dwelling with the design and shape. The patio will be made out of colorbond steel.</p>  <p>IRONSTONE</p> <p>MONUMENT</p> <p>There is an already existing 1.48m high perimeter brick wall around the outdoor area that extends from the dwelling towards the road. The patio will be well within this perimeter wall and setback 4m from the primary street boundary. This would need Town of East Fremantle approval. This proposed patio is the only outdoor living space available to the dwelling. The outdoor area is North facing and the patio will provide protection from direct sunlight into the dwelling and protect it from the weather</p>	<p>pave the area with concrete or bricks or alternatively grow turf without any larger shrubs or trees. Landscaping is ultimately a decision for the owner. Likewise residents have the ability to store possessions in their private open space and given that this is the only outdoor area there is a high likelihood that some possessions will be stored in this area. A condition will be included in the recommendation that the patio will not be able to be enclosed or converted into an additional room. As stated in the report this unit is limited by the fact that the front yard is also the only outdoor space and similar units within the complex have previously had patios approved in the front setback area. Following discussions with the applicant the size of the patio has been substantially reduced such that the structure will measure 3.3m deep and 6.5m wide with a total area of 21.45m². Development proposals are assessed according to numerous criteria. Front setbacks are one consideration, however, other factors have to be taken into account from Local planning Scheme No 3, Residential Design Codes and the Residential Design Guidelines.</p>
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Community Design Advisory Committee (CDAC)

The application was not referred to CDAC due to the COVID19 pandemic.

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

A risk assessment was undertaken and the risk to the Town was deemed to be negligible.



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	6m	4m	D
Secondary Street Setback			N/A
Lot Boundary Setbacks			
Western side	1m	>1m	A
Eastern side	1m	>1m	A
Open Space	50%		
Wall Height	6m	2.3m	A
Roof Height	9m	3.55m	A
Setback of Carport			N/A
Car Parking			N/A
Site Works			N/A
Visual Privacy			N/A
Overshadowing			N/A
Drainage			To be conditioned

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	N/A
3.7.6 Construction of New Buildings	N/A
3.7.7 Building Setbacks and Orientation	N/A
3.7.8 Roof Form and Pitch	D
3.7.9 Materials and Colours	A
3.7.10 Landscaping	N/A
3.7.11 Front Fences	N/A
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	N/A
3.7.15.4.3 Fremantle Port Buffer Area	N/A



This development application proposes a patio to be installed in the front yard of the subject property. One variation to the Residential Design Codes and one variation to the Residential Design Guidelines are requested in relation to primary street setback and roof pitch. The proposal is recommended for approval subject to conditions.

Primary Street Setback

The proposed patio is setback 4m from the front boundary where a front street setback of 6m is required in accordance with deemed to comply clause 5.1.2 C2.1 i of the Residential Design Codes.

The property does achieve design principles 5.1.2 P2.1. The patio is setback from the street boundary an appropriate distance to ensure that it;

- Contributes to and is consistent with an established streetscape. It is noted other such structures have been approved for other units within the Strata and therefore provides consistency;
- Provide adequate privacy for the dwelling;
- Provide usable open space for the dwelling. The dwelling is limited to the open space provided, therefore the proposal will facilitate an area of covered space to be utilised in conjunction with habitable rooms, albeit the covered area is located within the front setback area;
- Accommodate site planning requirements such as parking, landscape and utilities; and
- Allow safety clearance for easements for essential service corridors.

It is noted that the patio is located in the only outdoor area that is available to this dwelling unit which is also located in the front setback area. The unit currently has a shade sail located over the same area where the patio is proposed to be constructed.

There are a number of units in the same strata complex located along Coolgardie Avenue that have outdoor living areas located in the front setback area facing the street and have also had patios approved in this area (Unit 6 No 16 Coolgardie Street and Unit 9 No 16 Coolgardie Street).

For these reason the reduced primary street setback of 4m can be supported.

Roof Pitch

The proposed patio has a roof pitch of 20 degrees where a roof pitch of 28 to 36 degrees is required in accordance with the Residential Design Guidelines acceptable development clause 3.7.8.3 A4.1. Performance criteria clause 3.7.8.3 P4 is achieved because the roof form of the new patio complements the traditional form of surrounding development. For this reason the roof pitch can be supported.

Strata Approval

It is also noted that the strata body has approved the proposed development subject to Council approval being achieved.

Advertising

There was one submission in opposition to the proposed patio as previously noted in this report. The comments made by the submitter, in writing and by phone conversation, reinforced the need for the patio to be reduced in size and have an increased setback from the front boundary. It is recognised that the original proposal was a very large structure with a minimal primary street setback of 1m.



Discussions were held with the applicant and it was agreed that amended plans for the patio would be submitted that had a reduced width and depth and an increased setback of 4m from the primary street. These amended plans are the subject of this report.

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 and the Residential Development Guidelines are considered acceptable. As such it is recommended that the proposed development be supported subject to planning conditions.

11.5 OFFICER RECOMMENDATION:

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

- (i) Clause 5.1.2 – Residential Design Codes – Primary Street Setbacks – 6m required, 4m provided
- (ii) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 26 to 28 degrees required, 20 degrees provided

for a patio at Unit 1 No 32 (Lot 1) Fraser Street, East Fremantle, in accordance with the plans date stamped received 18 June 2020, subject to the following conditions:

- (1) The patio shall not be enclosed with screening, walls, windows, glass or plastic barriers and shall remain open at all times. Any such proposed change will require the submission of a development application for the consideration of the Town.
- (2) The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
- (3) The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
- (4) With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
- (5) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
- (6) 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.
- (7) If requested by Council within the first two years following installation, the roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
- (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.

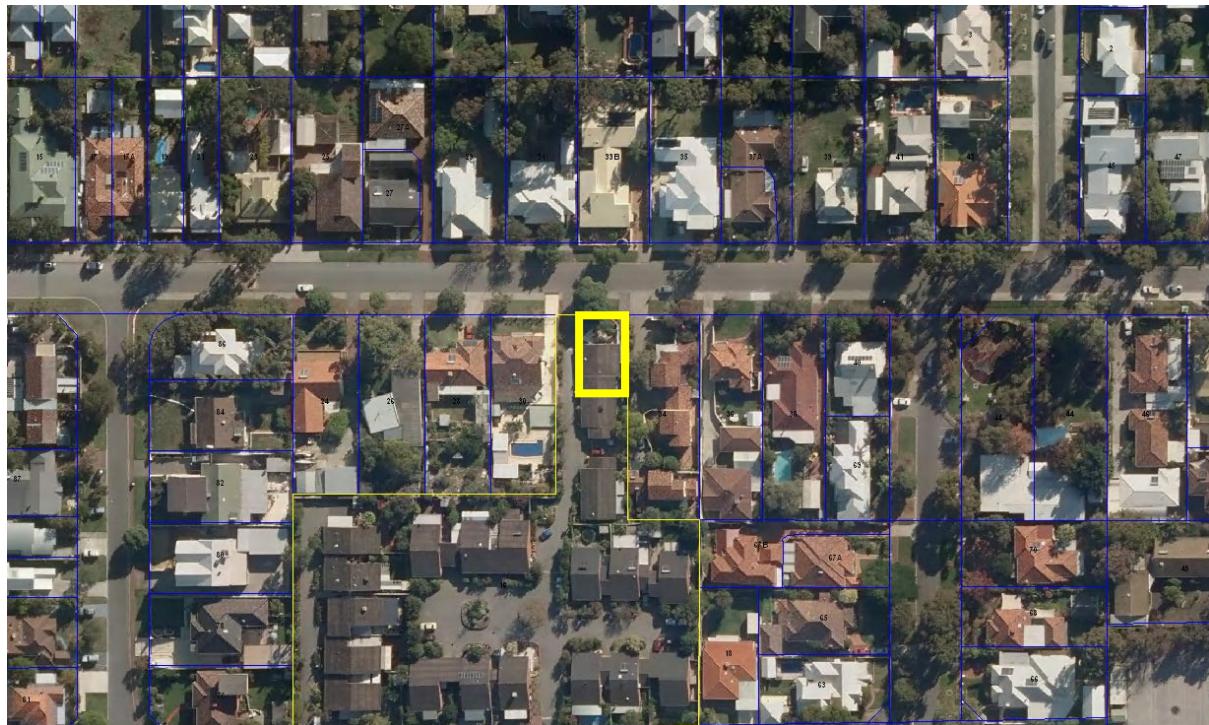
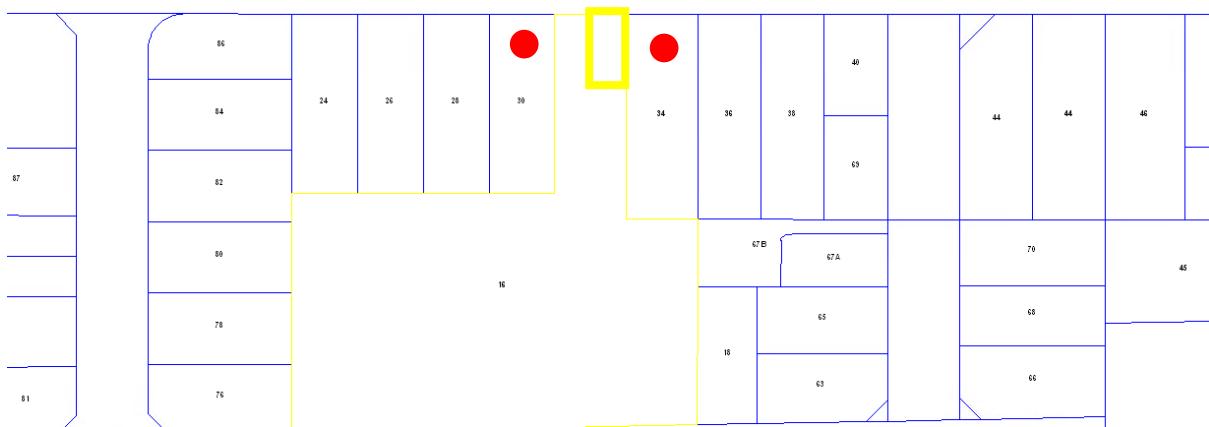
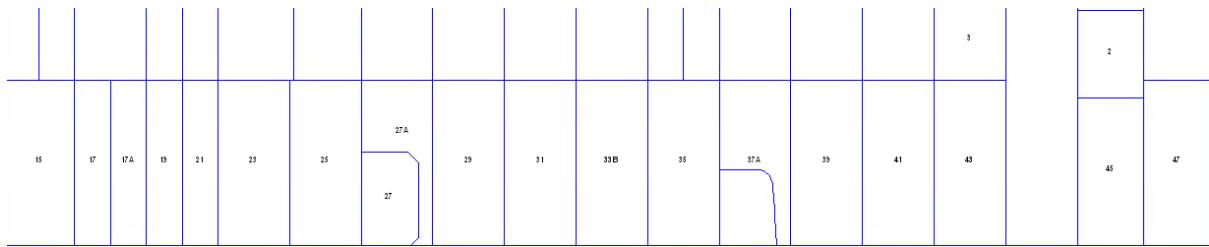
(9) This planning approval is to remain valid for a period of 24 months from date of this approval.

Footnote:

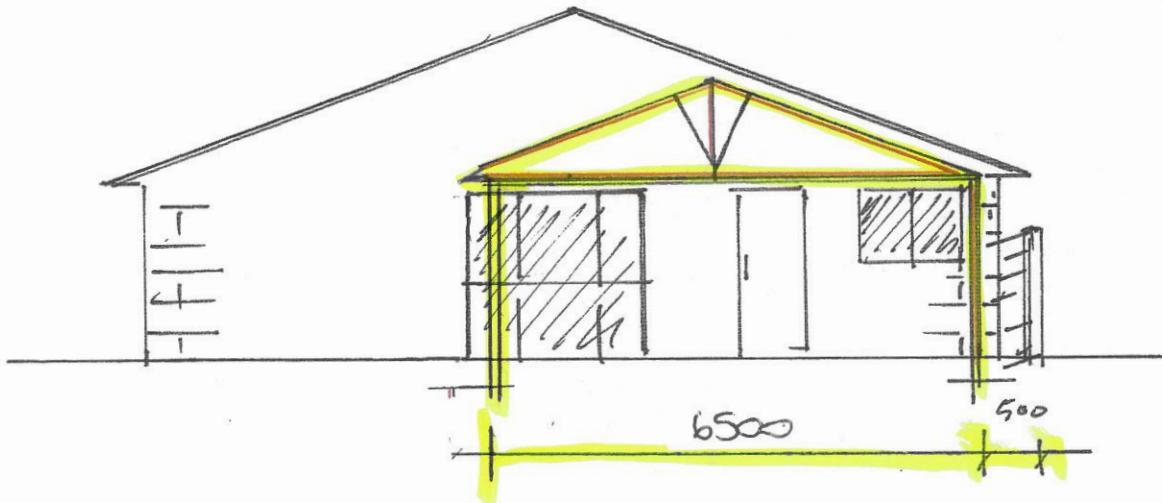
The following are not conditions but notes of advice to the applicant/owner:

- (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) *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.*

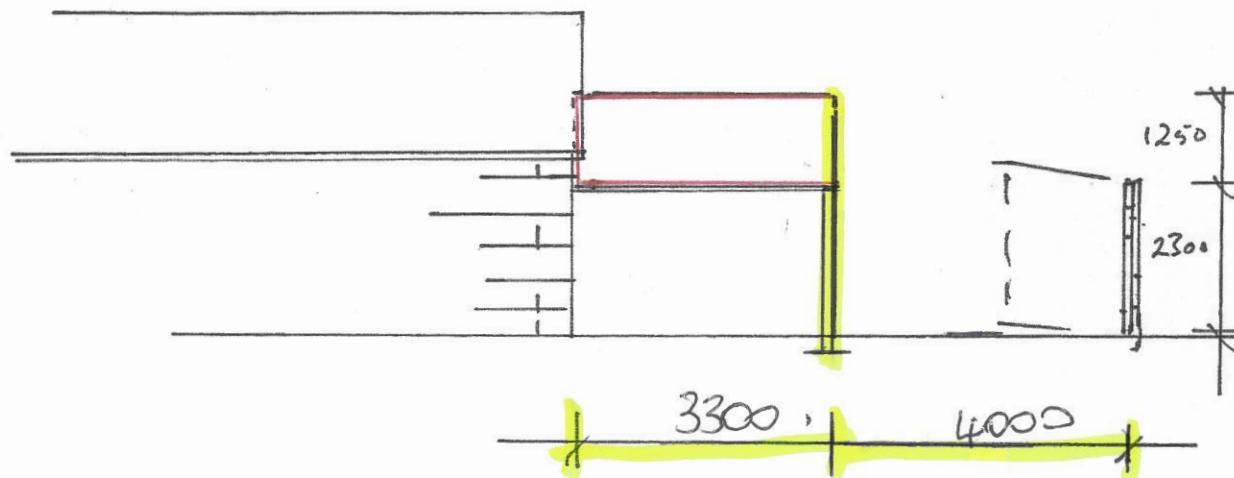
Unit 1 No 32 Fraser Street – Map and Photo







SCALE 1:100.



SCALE 1:200 GROUND LEVEL WILL REMAIN UNALTERED. FFL WILL BE 100mm BELOW EXISTING HOUSE FLOOR LEVEL

PRODUCT	GRABLE PATIO	OWNER	LINDA PHILIPS
COLOUR	IRONSTONE	ADDRESS	1/32 FRASER ST
DIMENSIONS		SUBURB	FAST PREAMBLE
HEIGHT	2300	POSTCODE	6158

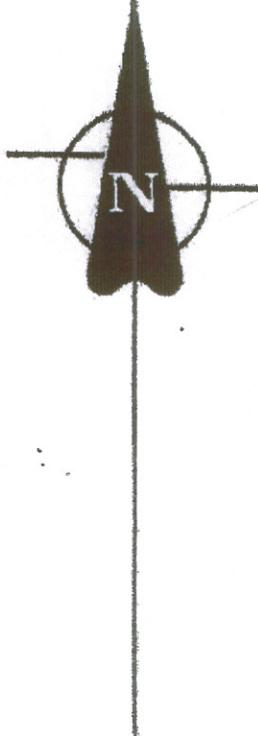
Client
THE OWNERS
STRATA PLAN 5366
97036



Bennetti, Grogan & Associates
Licensed Surveyors
86 Hampton Road, FREMANTLE 6160
Telephone 335 5566 Facsimile 430 5147
A.C.N. 008 892 260

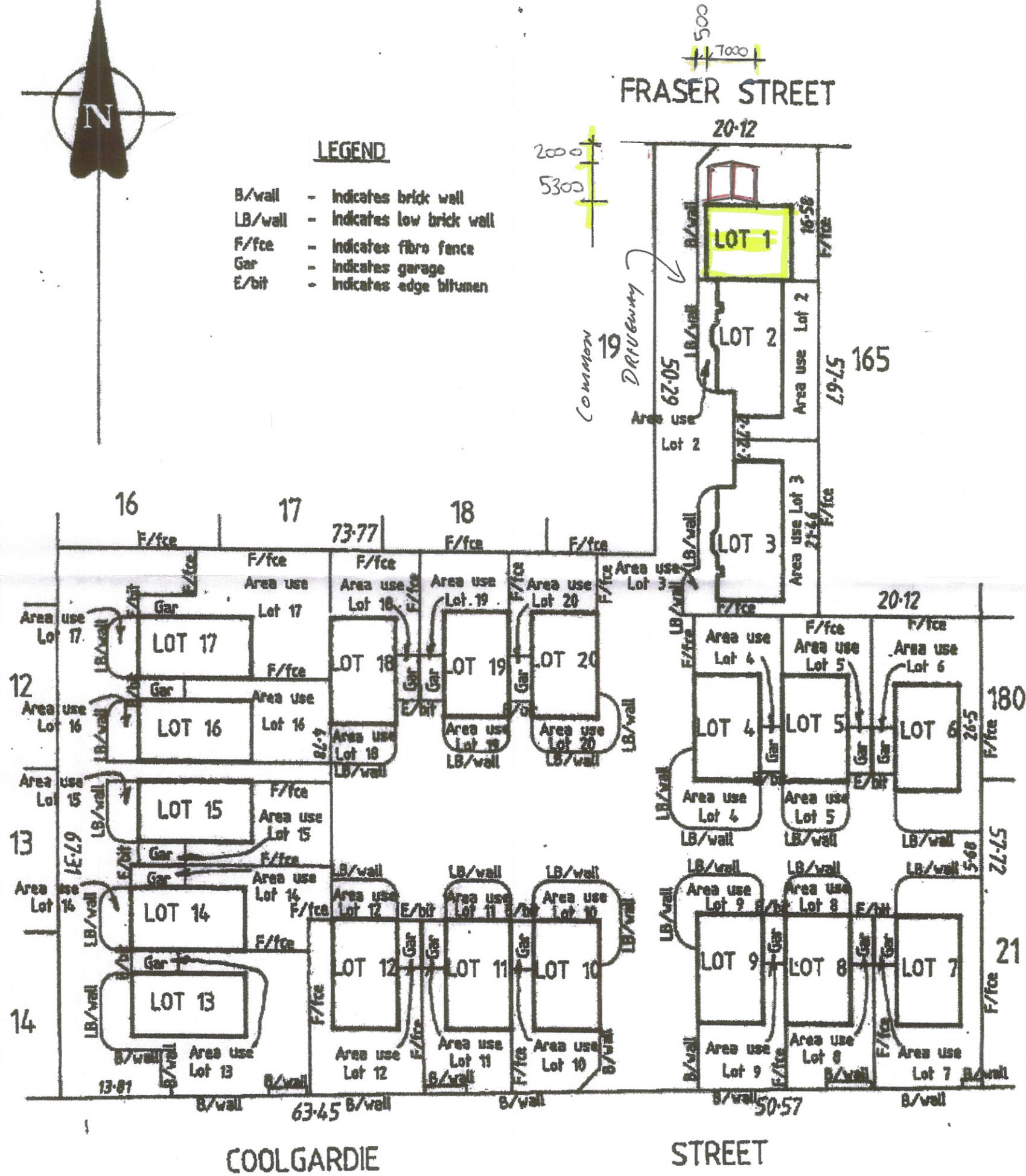
Sheet 1 of 1
Datum Assumed
Date 8th March '97
Scale 1:500

PLAN SHOWING EXCLUSIVE USE AREAS OVER LAND THE SUBJECT OF STRATA PLAN 5366



LEGEND

- B/wall - Indicates brick wall
- LB/wall - Indicates low brick wall
- F/fce - Indicates fibro fence
- Gar - Indicates garage
- E/bit - Indicates edge bitumen





Community Engagement Checklist

Development Application P052/20 - Unit 1, 32 Fraser Street

Project Name

Objective of Engagement:	Neighbour consultation			
Lead Officer:	Regulatory Services			
Timeline:	Start Date:	29/05/2020	Outcomes By:	16/06/2020
Stakeholders				
Stakeholders to be considered. <i>Please highlight those to be targeted during engagement.</i>	Aged	<input type="checkbox"/>	Ratepayers (all / targeted)	<input type="checkbox"/>
	Businesses	<input type="checkbox"/>	Residents (all / targeted)	<input checked="" type="checkbox"/>
	Children (School / Playgroup)	<input type="checkbox"/>	Service Providers	<input type="checkbox"/>
	Community Groups	<input type="checkbox"/>	Unemployed	<input type="checkbox"/>
	Disabled People	<input type="checkbox"/>	Visitors	<input type="checkbox"/>
	Environmental	<input type="checkbox"/>	Volunteers	<input type="checkbox"/>
	Families	<input type="checkbox"/>	Workers	<input type="checkbox"/>
	Govt. Bodies	<input type="checkbox"/>	Youth	<input type="checkbox"/>
	Indigenous	<input type="checkbox"/>		<input type="checkbox"/>
	Neighbouring LGs	<input type="checkbox"/>		<input type="checkbox"/>
Staff to be notified:	Office of the CEO	<input type="checkbox"/>	Councillors	<input type="checkbox"/>
	Corporate Services	<input type="checkbox"/>	Consultant/s	<input type="checkbox"/>
	Development Services	<input type="checkbox"/>		<input type="checkbox"/>
	Operations (Parks/Works)	<input type="checkbox"/>		<input type="checkbox"/>
Community Engagement Plan				
Methods	Responsible	Date Due	Reference / Notes	
1.1 E News	<input type="checkbox"/> Communications		<input type="checkbox"/>	
1.2 Email Notification ~	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>	
1.3 Website	<input type="checkbox"/> Communications		<input type="checkbox"/>	
1.4 Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>	
1.5 Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>	
1.6 Fact Sheet	<input type="checkbox"/> Communications		<input type="checkbox"/>	
1.7 Media Rel./Interview	<input type="checkbox"/> Communications		<input type="checkbox"/>	
2.1 Information Stalls	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>	
2.2 Public Meeting/Forum	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>	
2.3 Survey/Questionnaire	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>	
3.1 Focus Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>	
3.2 Referendum/Ballot	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>	
3.3 Workshop	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>	
4.1 Council Committee	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>	
4.2 Working Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>	
* Statutory Consultation	<input checked="" type="checkbox"/> Relevant Officer	16/06/2020	<input checked="" type="checkbox"/> Advertised to 2 surrounding properties	
# Heritage Consultation	<input type="checkbox"/> Regulatory Services		<input type="checkbox"/>	
^ Mail out (note: timeliness)	<input type="checkbox"/> Communications		<input type="checkbox"/>	
	<input type="checkbox"/>		<input type="checkbox"/>	
	<input type="checkbox"/>		<input type="checkbox"/>	

Evaluation			
Summary of...		Date Due	Complete / Attached
Feedback / Results / Outcomes / Recommendations			
Outcomes Shared			
Methods	Responsible	Date Due	Complete / Attached
E-Newsletter	<input type="checkbox"/> Communications		<input type="checkbox"/>
Email Notification	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
Website	<input type="checkbox"/> Communications		<input type="checkbox"/>
Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>
Media Release	<input type="checkbox"/> Communications		<input type="checkbox"/>
Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
Notes			



12. MATTERS BEHIND CLOSED DOORS

13. CLOSURE OF MEETING