



MINUTES

Town Planning Committee

Tuesday, 3 November 2020 at 6.37pm

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MINUTES OF THE ORDINARY MEETING OF THE TOWN PLANNING COMMITTEE HELD IN THE COUNCIL CHAMBER, 135 CANNING HIGHWAY, EAST FREMANTLE ON TUESDAY 3 NOVEMBER 2020.

1. DECLARATION OF OPENING OF MEETING/ANNOUNCEMENTS OF VISITORS

Presiding member opened the meeting at 6.37 pm and welcomed members of the gallery.

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. RECORD OF ATTENDANCE

3.1 Attendance

The following members were in attendance:

Cr C Collinson	Presiding Member
Cr A Natale	
Cr J Harrington	
Cr D Nardi	
Cr A Watkins	

The following staff were in attendance:

A Malone	Executive Manager Regulatory Services
K Culkin	Minute Secretary

There were 2 members of the public in attendance

3.2 Apologies

Mayor J O’Neill

3.3 Leave of Absence

Nil

4. MEMORANDUM OF OUTSTANDING BUSINESS

Nil

5. DISCLOSURES OF INTEREST

5.1 Financial

Nil

5.2 Proximity

Nil

5.3 Impartiality

5.3.1 Cr Watkins - Item 11.1 Lot 15722 Petra Street Proposed boat storage and upper deck

6. PUBLIC QUESTION TIME

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

6.2 Public Question Time

Nil

7. PRESENTATIONS/DEPUTATIONS

7.1 Presentations

Nil

7.2 Deputations

Nil

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 Town Planning Committee (6 October 2020)

8.1 OFFICER RECOMMENDATION

Moved Cr Natale, seconded Cr Nardi

That the minutes of the Town Planning Committee meeting held on Tuesday 6 October 2020 be confirmed as a true and correct record of proceedings.

(CARRIED UNANIMOUSLY)

9. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil

10. REPORTS OF COMMITTEES

10.1 Community Design Advisory Committee

Prepared by: Andrew Malone, Executive Manager Regulatory Services

Supervised by: Gary Tuffin, Chief Executive Officer

Authority/Discretion: Town Planning Committee

Attachments: 1. Minutes of the Community Design Advisory Committee meeting held on 5 October 2020

PURPOSE

To submit the minutes of the Community Design Advisory Committee meeting held on the 5 October 2020 for receipt by the Town Planning Committee.

EXECUTIVE SUMMARY

The Committee, at its meeting held on 5 October 2020, provided comment on planning applications listed for consideration at the November 2020 Town Planning Committee meeting and other applications to be considered in the future. Comments relating to applications have been replicated and addressed in the individual reports.

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

10.1 OFFICER RECOMMENDATION

Moved Cr Nardi, seconded Cr Natale

That the Minutes of the Community Design Advisory Committee meeting held on 5 October 2020 be received.

(CARRIED UNANIMOUSLY)

11. REPORTS OF OFFICERS (COMMITTEE DELEGATION)

PROCEDURAL MOTION

Moved Cr Natale, seconded Cr Nardi

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

(CARRIED UNANIMOUSLY)

11.2 Fraser Street No 67 (Lot 1) Proposed first floor addition

Owner	Albert & Leanne Paull
Applicant	Nuchange Building
File ref	P090/20
Prepared by	James Bannerman Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	3 November 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Purpose

The purpose of this report is for Council to consider a planning application for a proposed first floor addition at No 67 (Lot 1) Fraser Street, East Fremantle.

Executive Summary

This development application proposes a first-floor addition to an existing dwelling at 67 Fraser Street. The property is a survey strata development. It is not heritage listed. The dwelling is one half of a survey strata 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 – Lot Boundary Setbacks – 6m required, 5.185m provided
- (ii) Clause 5.1.2 – Residential Design Codes – Street Setback – 7.5m required, 6.418m provided
- (iii) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, 25 degrees provided

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

Background

Zoning: Residential R12.5

Site area: 111m²

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

Nil

Consultation

Advertising

The applicant provided signed plans demonstrating support for the proposal from the neighbouring strata property owners as well as neighbouring property owners.

Community Design Advisory Committee (CDAC)

The application was referred to CDAC at the 5 October meeting. The following comments were made;

(3) The overall built form merits;

- The Committee commented that the first-floor addition has limited design merit based on the addition being added to an existing poorly designed building.
- The Committee note the design would result in a poor outcome for the Fraser Street streetscape, including its integrity, built form and streetscape.

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

- The committee commented that the design should be better integrated with and contribute to the existing building and surrounding locality.
- The Committee noted the addition should improve the existing and not further detract the built form of the area.
- The Committee noted more of a reference should be made to the East Fremantle area regarding materiality and form.

l The relationship with and impact on the broader public realm and streetscape;

- The Committee commented that the proposal should enhance the area, adding the proposal should be an iconic corner design for the streetscape.

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

- No further comment currently. Please see above.

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

- The Committee noted the proposal has no environmental sustainability and limited solar and climatic responses.

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

- At this time, no further comment.

Applicant Response

I would also like to make the following comments on the Community Design Advisory Committee's minutes, to be added to the brief with regard to my property:

- The existing building is a well maintained 1970's dwelling of brick and tile construction. It was built to a good standard and the design and construction was typical and in keeping with many properties built in this period.

- The proposed first floor addition has been designed to blend with the existing structure and will be built using quality materials and neutral colours and we feel that it will add value and amenity to the existing streetscape to not detract from it as suggested by this committee.
- The building and surrounding gardens and lawns and verges will also continue to be well maintained and in our opinion will enhance the street appeal.
- We intend to have a home that will look good from both the outside and the inside.
- I advise that the plans have been viewed by all our closest neighbours in each direction and they have commented that the plans look good to them both in design and functionality and would also add to the value of existing properties. In fact, all were happy to sign off on the plans presented to them and commented to us that they saw no detriment to their own properties, with regard to the design, or any loss of privacy or enjoyment to their own properties.

Officer Response

All comments have been noted.

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

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
Street Front Setback	7.5m	6.418m	D
Secondary Street Setback	2m	7.52m	A
Lot Boundary Setbacks			
Western boundary	6m	5.185m	D
Northern boundary	1.2m	3.15m	A
Open Space			N/A
Wall height	6m	5.4m	A
Roof Height	9m	6.796m	A
Setback of Garage			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	N/A
3.7.5 Demolition	N/A
3.7.6 Construction of New Buildings	A
3.7.7 Building Setbacks and Orientation	D
3.7.8 Roof Form and Pitch	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
3.7.15.4.3.1 Fremantle Port Buffer Area	N/A
3.7.15.3.3 Garages and Carports	N/A

This development application proposes a first-floor addition to an existing dwelling at 67 Fraser Street. The property is a survey strata development. It is not heritage listed. The applicant consulted with the neighbouring property owners and received signed support from the other strata property owners to the north. Two variations are requested to the requirements of the Residential Design Codes and one variation is requested to the Residential Design Guidelines relating to lot boundary setbacks and roof pitch respectively.

Street Setback – Eastern Boundary

The front street setback is required to be 7.5m in accordance with deemed to comply clause 5.1.2 C2.1 i. In this case the proposed upper storey addition is located 6.418m from the front boundary which is further back than the ground floor. It can be supported under design principles clause 5.1.2 P2.1 for the following reasons;

- It is consistent with the established streetscape;
- There is adequate privacy and open space provided as part of the development;
- Parking landscape and utilities can be adequately provided for on-site; and
- No impact on easements for essential services.

For these reasons the reduced street setback can be supported.

Lot Boundary Setback – Western Boundary

The required rear boundary setback for this lot is 6m in accordance with deemed to comply clause 5.1.3 C3.1 I and Table 1. In this case the rear boundary setback is 5.185m. The dwelling is an existing duplex built in the late 1970s and before the creation of Local Planning Scheme No 3 which permits subdivision of corner lots with a density coding of R12.5 into 2 R20 lots. Although this lot was not subdivided in this manner it does achieve R20 density requirements but not R12.5 density requirements.

In this case the reduced boundary setback can be supported based on design principles clause 5.1.3 P3.1 for the following reasons;

- It reduces the impact of building bulk on adjoining properties;

- It provides adequate sunlight and ventilation to the building and open spaces on site and the adjoining properties; and
- There is minimal overlooking or loss of privacy on adjoining properties.

Roof Pitch

In accordance with clause 3.7.8.3 A4.1 of the Residential Design Guidelines the roof pitch should be between 28 and 36 degrees. In this case the roof pitch is 25 degrees. This achieves performance criteria clause 3.7.8.3 P4 which states “that roof forms of new buildings should complement the traditional form of surrounding development in the immediate locality”. For this reason, the proposed roof pitch can be supported.

Conclusion

Based on the preceding 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.

- Brett and Leanne Paull attended and spoke in support of the officer’s recommendation

11.2 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP011120

Moved Cr Nardi, seconded Cr Natale

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

- (i) Clause 5.1.2 – Residential Design Codes – Street Setback – 7.5m required, 6.418m provided**
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – 6m required, 5.185m provided**
- (iii) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, 25 degrees provided**

for first floor additions at No. 67 (Lot 1) Fraser Street, East Fremantle, in accordance with the plans date stamped received 1 September 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) The verge trees on Fraser or Penshurst Street 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.**
- (4) All fencing within the street setback area is to be compliant with the front fence provisions of the Residential Design Guidelines. Any proposed new fencing or walls in the front setback area will require the submission of a development application for the consideration of the Town.**
- (5) With regard to the plans submitted regarding 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.**
- (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) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
- (8) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (9) This 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).*
- (iv) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

(CARRIED UNANIMOUSLY)

As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 19 May 2020 this application deemed determined, on behalf of Council, under delegated authority.

Cr Watkins declared the following impartiality declaration, "As a consequence of my membership with the East Fremantle Yacht Club, there may be a perception that my impartiality on the matter may be affected with regard to the determination of this application. I declare that I have considered this matter entirely on its merits and with complete impartiality and objectivity"

11.1 Petra Street Lot 15722 Proposed boat storage and upper deck

Owner	Town of East Fremantle
Applicant	East Fremantle Yacht Club
File ref	R/RSC8
Prepared by	James Bannerman Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	3 November 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Purpose

This report considers an application for proposed boat storage and upper deck to East Fremantle Yacht Club (EFYC) located at Reserve R7800 Lot 15722 Petra Street, East Fremantle. Under the Swan and Canning Rivers Management Act, the Department of Biodiversity, Conservation and Attractions (DBCA) is the determining authority for proposed developments in areas abutting the Swan River. However, since the subject site is on land reserved for 'Parks and Recreation' and the facility operates under a lease issued by the Town of East Fremantle to the yacht club, it is necessary for Council to consider its position in respect to the application and provide a response to the referral made by DBCA.

Executive Summary

The proposed development on this site includes a new enclosed boat storage area and an unenclosed sundeck above that is located on the eastern end of the existing club building. A staircase will be located on the eastern side of the deck and 2 roller doors will be positioned over the openings on the northern and eastern side of the boat storage area. There is also an opening where bar service can be provided onto the deck, as well as concertina doors that allow the existing hall area to open onto the deck.

The matters considered as part of the assessment of the proposed development at the yacht club building include;

- Location of the proposed development,
- Scale and bulk of development,
- Design,
- Parking,
- Use and maximum occupancy capacity,
- Amenity impacts on surrounding residents including noise and parking,
- Use of the deck and associated bar area,
- Future public access between Petra Street and the foreshore adjacent to the proposed development, and
- Project funding.

It is recommended that the proposed development be supported subject to conditions provided to DBCA.

Background

Zoning: Parks and Recreation
Site area: 8027m²

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

P068/14 – solar panels – building license only required – approved 24 April 2014
P101/08 – clubhouse alterations – development application – approved 15 July 2008

Consultation

Advertising

The proposal was advertised to surrounding landowners from 4 September to 23 September 2020. Letters were hand delivered to East Fremantle Lawn Tennis Club and 8 properties located near the proposed structure located in the City of Melville. No submissions were received.

The Town also had detailed discussions with the EFYC regarding the proposal and the long-term planning associated with the site. Based on these discussions minor modifications to the proposal were submitted to the Town.

Community Design Advisory Committee (CDAC)

The application was not referred to CDAC as the Town is ultimately only a referral body and due to time constraints required by the DBCA.

External Consultation

Department of Biodiversity, Conservation and Attractions

Statutory Environment

Planning and Development Act 2005
Town of East Fremantle Local Planning Scheme No. 3 (LPS No. 3)

Policy Implications

Nil

Financial Implications

The EFYC had initially indicated the possibility of a request for a financial contribution regarding this project for circa \$100000. However further discussions with EFYC has resulted in the club indicating this project will be self-funded. No Council resolution has been determined on any funding with regards the club.

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 low. Whilst the building is a Town asset the EFYC has a long-term lease on the property.

Site Inspection

A site inspection was undertaken by the Officer and the Executive Manager of Regulatory Services.

Comment

Statutory Assessment

This report considers an application for proposed boat storage and upper deck to EFYC located at Reserve R7800 Lot 15722 Petra Street, East Fremantle. Under the Swan and Canning Rivers Management Act, the Department of Biodiversity, Conservation and Attractions (DBCA) is the determining authority for proposed developments in areas abutting the Swan River. However, since the subject site is on land reserved for 'Parks and Recreation' and the facility operates under a lease issued by the Town of East Fremantle to the yacht club, it is necessary for Council to consider its position in respect to the application and provide a response to the referral made by DBCA. The proposal was advertised to nearby residential properties (all located within the City of Melville as well as the East Fremantle Lawn Tennis Club). No submissions were received.

The proposed development on the subject site includes a new enclosed boat storage area and an unenclosed sundeck above. The structure is located on the eastern end of the existing club building. A staircase will be located on the eastern side of the deck and 2 roller doors will be positioned over the openings on the northern and eastern side of the boat storage area.

Sporting clubs such as the EFYC are important elements of the community and the Town does not want to prevent the club from growing and increasing membership or links to the community. However, the below matters need to be discussed as part of the Town's response to the development, which is required to be submitted to DBCA by Friday 6 November 2020.

Location of Proposed Development

The proposed structure is located in one of the few places available on site able to facilitate an addition to the existing building. The location has minimal impact to vehicular access, pedestrian movements and is positioned adjoining the existing facilities. Current parking on site is limited and at a premium. There are few other options for the development to be located elsewhere because if the club is extended at the western end of the existing club building it will hinder travel into and out of the club parking areas.

Scale and Bulk of Development

The structure is smaller than if it had full height walls and roof like the existing building to the west of the proposed development. It will provide boat storage within brick walls and a sundeck area above that is surrounded by balustrading. It is 3.428m high from ground level, 8.4m wide and 15.8m deep. However, in having an unenclosed sundeck there is increased risk of noise being produced which may become an issue for neighbouring residential properties. The scale and bulk of the structure, whilst less than the existing building does add additional structures to the foreshore and does add to the overall bulk of the existing building and as experienced along the foreshore walk and from the river. Whilst there was little articulation, planting, balustrading and umbrellas has been added to the proposal, which does minimise the visual dominance of the proposed structure and the structure has improved architectural interest through the introduction of windows, bifold windows, the use of colour and the additional planting.

Design

Architecturally, the first plans submitted to Council could be seen as a basic utilitarian structure. As discussed above, the structure lacks any significant articulation or architectural interest that minimises the additional bulk along the foreshore area. However, modifications to the plans of the planting, balustrading, umbrellas, colour scheme and window/ doors have minimised visual bulk from the proposal.

Whilst there are examples of such structures along the foreshore, like the Swan Yacht Club balcony/terrace, this terrace is setback from the foreshore area, has an active area under the terrace and is articulated. In this instance, the under-croft structure is solid and acts as a storage area, the upper sundeck is not articulated and is positioned over the storage area. To soften the design, it has been agreed that vegetation will be added to the eastern edge of the storage area, the wall will be rendered in a cream mortar finish and the edge of the top storey of the clubhouse will be painted blue to tie in with the existing building, therefore integrating the proposal with the existing building and limiting the impact of the additional built form. Clear glass balustrading on the edge of the sundeck is also supported.

Parking

No additional parking is proposed as part of this development. The proposed sun deck will be an extension of the existing bar service area and utilised for private events. If increased activities and events are proposed within the club as a result of this development, then increased parking pressures will be experienced by the Club and the surrounding street parking located on Petra Street and within the parking bays that are linked to East Fremantle Lawn Tennis Club and East Fremantle Cricket Club. Parking is already problematic in the area, to the extent that the Town has engaged the services of Cardno to undertake a parking and movement assessment for the Town, with reference to this area. The Town has also previously proposed additional parking at the Tennis Club, however this proposal was rejected by the Tennis Club. These parking pressures may potentially create problems for the Town into the future, as a result of resident complaints. The Town urges the Club to continue to investigate future parking options for those using the facility.

Parking can be a significant expense for community groups when considering redevelopment of existing buildings and parking is considered the least important issue to deal with and the least valuable element of

any design proposal. It is considered prudent that future expansion of the footprint of the club's facilities should require additional parking to be provided subject to discussions with the Town and other nearby clubs.

Use

It is recognised that Clubs are facing difficulties given that operations were seriously hampered by the Covid 19 emergency and the inability of clubs to operate or operate under increased restrictions. This has obviously had an impact on club finances and activities. By increasing facilities at the club there is the potential to increase the viability of the Club by increasing the number of people that can attend the Club.

It is intended that the sundeck would be used by members, club patrons, for functions where members and their guests can enjoy an outdoor area overlooking the river. As it is elevated it separates those drinking, with the public that walk past the area. The storage area would be used for a variety of boats that members store at the club.

Amenity Impacts on Surrounding Residents

It is noted on the plans that an additional bar is to be in the room adjacent to the deck. Members and their guests may use the deck area which will produce noise. This in turn may create issues which will have to be dealt with by the Town. Given that the deck area is not enclosed it will limit the ability of the club to contain noise produced on site. It must be noted that there are residential dwellings within 25m from the existing clubhouse and that the addition of the boat storage area and sundeck will place the building within approximately 17m of residential dwellings and other club facilities. It is noted that none of these residential dwellings lie within the Town of East Fremantle, but rather are located within the City of Melville.

Unlike such premises as the Swan Yacht Club, which is not located near residential properties, the East Fremantle Yacht Club is located adjoining residential properties. As noted above, there will be parking issues, which may impact on residential properties, noise and potential for unacceptable anti-social behaviour. It is noted that 10 properties were advertised to as part of the assessment process and no responses were received.

Signage

No signage has been included with the proposal. If there are any proposals for additional signage on the building, then this will have to be considered in a separate development application.

Future Public Access Between Petra Street and Foreshore

Any development must not impact on future plans that are being investigated by the City of Melville, the Town of East Fremantle and DBCA to improve pedestrian access between the foreshore along the base of the escarpment adjacent to the East Fremantle Yacht Club clubhouse and the area at the top of the escarpment towards the northern end of Petra Street. This connects Bicton Baths with East Fremantle and the recreation areas to the north of Preston Point Road. Proposals for a pedestrian access way to connect these 2 areas must be considered when assessing any development at the Club. The proposed development does not stop any proposed link between the foreshore and the end of Petra Street.

Project Funding

The proposed development is valued at \$300000. The Town also received an application for *new or capital upgrade to a community building* to the value of \$100000. Although this report does not deal with this matter directly, no funding has been made available in the 2020/2021 budget to support this project. Later discussions has resulted in the EFYC confirming the proposal will be self-funded.

Conclusion

It is recommended that Council supports the proposed development at the East Fremantle Yacht Club in its latest form. A response to the referral from the DBCA will include matters that have been included in this report.

11.1 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP021120

Moved Cr Natale, seconded Cr Nardi

That:

- (1) Council endorse this report as the basis for a submission to the Department of Biodiversity Conservation and Attractions in relation to the proposed development of boat storage and sundeck; and**
- (2) forward the endorsed Town of East Fremantle response – As referred to in (1) above, to the Department of Biodiversity Conservation and Attractions with a request for the following conditions to be included in the approval:**
 - (i) the eastern edge of the proposed development is to be planted with vegetation subject to a landscaping plan being approved by DBCA and the Town and as indicated on the plans;**
 - (ii) the walls of the building are to be rendered in a cream mortar and upper sections of the eastern edge of the existing building are to be painted in a blue colour consistent to the existing colours on the upper storey of the building;**
 - (iii) 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;**
 - (iv) 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;**
 - (v) all stormwater is to be disposed of on site and a drainage plan be submitted to the satisfaction of DBCA and the Town prior to the issue of a Building Permit;**
 - (vi) 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;**
 - (vii) 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;**
 - (viii) a construction and traffic management plan, including parking plan are to be submitted for approval prior to the Building Permit being submitted. The construction and traffic management plan is to be approved by DBCA in consultation with the Town. The movement of heavy vehicles during the construction period is to be restricted;**
 - (ix) where this development requires material storage and construction works, any areas required to be fenced are to be done so to enable continuous pedestrian access along the river foreshore and should not impede movement along the foreshore;**
 - (x) existing turfed areas to the east of the proposal are not to be impacted, modified or removed without the prior approved of DBCA;**

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| <p>(xi) no work is to be carried out during weekends, on public holidays or after 6pm and before 7am Monday to Friday;</p> <p>(xii) this planning approval is to remain valid for a period of 24 months from date of this approval.
<u>(CARRIED UNANIMOUSLY.)</u></p> |
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As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 19 May 2020 this application deemed determined, on behalf of Council, under delegated authority.

11.3 Canning Highway No 83 (Lot 123) Proposed massage therapy service

Owner	Ringthane Pty Ltd
Applicant	Nikki McDonald-King – ANMK Australia Pty Ltd
File ref	P100/20
Prepared by	James Bannerman Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	1 December 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Purpose

The purpose of this report is for Council to consider a planning application for proposed change of use from a shop to a massage therapy service at No 83 (Lot 123) Canning Highway, East Fremantle. An application for new signage is also being proposed in the same development application.

Executive Summary

The applicant is seeking Council approval to operate a massage therapy service (the business is called Wat Pho) within a commercial space that is currently zoned for mixed use but is not listed as a use class within the zoning table in Local Planning Scheme No 3. The development application has also included a proposal for signage on the front windows of the premises. The proposal was advertised widely to residential properties surrounding the proposed business. As the proposal for massage services is an unlisted use in the Town's Local Planning Scheme No 3, it must be referred to Town Planning Committee for approval. Issues relating to parking and amenity need to be addressed as part of the development application.

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

Background

Zoning: Mixed use
Site area: 554m²

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

P098/07 – mixed use development comprising 3 shops – approved 15 April 2008
P195/10 – change of use – personal training studio and flower shop – withdrawn 15 April 2011

Consultation

Advertising

The application was advertised to surrounding landowners 29 September to 14 October 2020. The following submission was received.

Submission	Applicant Response	Officer Response
I have no objection to the concept of a massage parlour operating in close proximity to my residence; however, my concerns surround its operation are as follows: The main concerns are:	In relation to submission one. Absolutely agree and would be happy to minimise the effect of parking in the local area and to direct clients to the car parking as advised. We work on an appointment system for 90% of our	Noted. Parking will be able to be supplied from on street parking along the surrounding streets to the proposed massage parlour. The proposed massage therapy service is in a commercial unit with the same owners as the Tradewinds Hotel and they have supported the proposed change of use.

<p>Parking If parking is not provided at the rear of the building, perhaps clients should be directed to the car park close to Silas St. near 'Foodworks'. parking is often at a premium on our local streets.</p> <p>Clientele It may be beneficial for the operators to inform clients that loiterers after 9pm closing will be viewed negatively. The Tradewinds next door has a lively atmosphere and is a welcome asset to the area; any misadventure associated with the presence of the new business will reflect badly on The Tradewinds and jeopardise the neighbourhood's peace of mind. I trust these comments are received in the spirit with which they are intended; as positive and a sincere hope that my neighbourhood will continue to enjoy its ambience.</p>	<p>clients with our online based appointments so I can advise them of parking as required.</p> <p>In relation to Clientele, I absolutely agree our marketing and focus for the business would be to offer locals and future tourists of Tradewinds and Fremantle. It is an authentic therapeutic experience only, along with our plans for fit out to be open and inviting for couples and families. Unfortunately, a massage business has a stigma attached to it, but to further eliminate this issue, we would not be staying open past 9:00pm.</p> <p>In fact, our plans at this stage, would be to close around 6:00pm. We are focusing mainly on booking clients via our online website and social media marketing. Rest assured our strict standards and professionalism are of the utmost importance.</p> <p>To us, our business relies heavily with support from repeat local business and with a great reputation within the community.</p>	
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Community Design Advisory Committee (CDAC)

The application was not referred to CDAC as there are no streetscape impacts.

External Consultation

The proposal was referred to Main Roads Western Australia for their comment.

Statutory Environment

Planning and Development Act 2005

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

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

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

Built Environment

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

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

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

3.1.2 Plan for a mix of inclusive diversified housing options.

3.2 Maintaining and enhancing the Town's character.

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

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

3.3.1 Continue to improve asset management practices.

3.3.2 Optimal management of assets within resource capabilities.

3.3.3 Plan and advocate for improved access and connectivity.

Natural Environment

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

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

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

4.1.2 Plan for improved streetscapes parks and reserves.

4.2 Enhance environmental values and sustainable natural resource use.

4.2.1 Reduce waste through sustainable waste management practices.

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

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

Risk Implications

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 Signage Design Guidelines.

The applicant is seeking Council approval to operate a massage therapy service. The development application also includes proposed signage for the business on the front windows of the commercial space that is proposed to be utilised. The proposal was advertised widely to 10 properties surrounding the proposed business. The shopfront is currently vacant and has been for some time. It adjoins the Tradewinds Hotel and is seen as complementary to the hotel operations. The proposal for massage services is an unlisted use in the Town's Local Planning Scheme No 3 and as such must be referred to Town Planning Committee for approval. Issues relating to parking and amenity need to be discussed as part of the development application.

Clause 4.2 of Local Planning Scheme No 3 lists the objectives of the mixed-use zone as;

1. To provide for a limited range of commercial, civic and community facilities to meet the day to day needs of the community, but which will not prejudice the amenities of the neighbourhood;

2. To ensure future development within each of the Mixed-Use Zones is sympathetic with the desired future character of each area, and that a significant residential component is retained as part of any new development;
3. To promote the coordination of development within each of the Mixed-Use zones and to facilitate the safe and convenient movement of pedestrians to and within the area;
4. To ensure the location and design of vehicular access and parking facilities do not detract from the amenities of the area or the integrity of the streetscape.

The objectives of the mixed-use zoning are achieved from the proposed use of a massage therapy service. The proposed business is small and produces negligible amenity impacts. The proposed premises are currently a vacant shop. There is no impact on the ability of pedestrians to move through the area. The proposal does not include any additional car parking and on street parking is proposed to be used as has occurred previously with businesses located in this commercial space. There is also car parking in an area to the rear of the liquor shop and proposed massage use. There is minimal impact on the amenity or integrity of the streetscape from the proposed change of use.

The proposed use is intended to occupy an existing shop in a building directly adjacent and to the east of the Tradewinds Hotel. The property fronts Canning Highway. On the eastern side of the shopfront is the 'Cellarbrations' Liquor Store. The owner of the Tradewinds Hotel has provided signed support for the proposal. The shopfront has been vacant for some time and was previously occupied by a media company.

The massage therapy service would operate 7 days per week from 9am to 9pm. Two full time staff would be employed with 4 massage beds and 2 massage chairs provided in the available space.

Parking

There is no formal parking provided onsite, although there is on street parking on both sides of Sewell Street in close proximity to the subject site and the applicants cover letter proposes use of these car bays. There is vacant land at the rear of the mixed-use shopfronts which are sometimes used for temporary parking, but these are not formally paved or marked out. The Town has typically adopted the stance that small businesses located in the Plympton precinct can utilise street parking. As the proposed business fronts onto Canning Highway there is easy access to the bus services that operate along Canning Highway, as well as a bus stop located just outside the entrance to the premises.

It is noted that on-street parking is not reserved parking and operates on a first come first served basis. Plympton Precinct was originally developed in the pre-car era and the construction of carports and garages is discouraged for residential development. On street parking is acceptable for residential uses. It is a highly walkable urban environment that has high quality footpaths that allows residents to walk between destinations. The characteristics that attract people to Plympton, including the pedestrian friendly environment with minimal parking, means that parking will be at a premium and other travel modes will have to be utilised when travelling to the precinct. Parking is nonetheless available along the surrounding streets for use by customers as street parking is not reserved for any specific address.

Amenity

The proposed business has a location that provides separation from the nearest residential dwellings and therefore is not likely to present any amenity issues. The front of the premises faces Canning Highway opposite a reserve (W H Kitson Park) that overlooks the Swan River. The business is located directly adjacent to the Tradewinds Hotel and a liquor store on the corner of Sewell Street and Canning Highway. It is thus surrounded by non-residential uses. Noise and disturbances to the surrounding residential properties are expected to be negligible.

Signage

Signage is proposed for the front windows of the proposed business. It is intended to install acrylic mesh signage that covers 4 out of 8 panels of glass that comprise the front of the premises. The signage is proposed to be approximately 2.5m high and 1.2m wide and is coloured cream, brown and gold. This signage achieves the maximum permissible signage according to the alternative performance criteria of Local Planning Policy 3.1.2 window signs which states that signs are required to occupy no more than 50% of the surface area of a window.

The signage is able to be looked through when the viewer is in close proximity to the surface, however, it also provides some privacy as it is not possible to look through the signage if you are positioned further away. Curtains will be installed in the sections of window that have no signage for privacy reasons.

Conclusion

Based on the assessment that has been completed and the explanation provided in this report, the proposed change of use and signage are considered acceptable. As such, it is recommended that the proposed development be supported subject to planning conditions.

OFFICER RECOMMENDATION

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

- (i) Signage Design Guidelines - Local Planning Policy 3.1.2– Attachment 1 – 10% of window surface area permitted for signage, 50% of window surface area provided for signage for a change of use to a massage therapy service and associated signage at No. 83 (Lot 123) Canning Highway, East Fremantle, in accordance with the plans date stamped received 17 September and 2 October 2020, subject to the following conditions:
 - (1) Signage is not to exceed 50% coverage of the surface area of the windows and in accordance with the plans and information received 2 October 2020.
 - (2) The business is not to exceed two full time staff on the premises at any one time with a maximum of only 4 massage beds and 2 massage chairs permissible to be utilised.
 - (3) The hours of operation are only approved between the hours of 9.00am and 9.00pm seven days a week. Should the hours of operation be modified for additional operating hours, Council approval is required to be sought prior to extending the operating hours.
 - (4) 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.
 - (5) 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.
 - (6) 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.
 - (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) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (iv) *the owner/operator of the massage therapy service is to ensure that are fully compliant with all requirements established by both the Western Australian Department of Health and local government and queries should be directed to the Town's Environmental Health Officer and Building Surveyor.*

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

Amendment

Moved Cr Natale, seconded Cr Harrington

That the hours of operation contained in condition 3 be modified to 9am to 6pm daily, with all other wording to remain the same. (LOST 2:3)

The substantive motion was put.

11.3 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP031120

Moved Cr Watkins, seconded Cr Nardi

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

- (i) Signage Design Guidelines - Local Planning Policy 3.1.2– Attachment 1 – 10% of window surface area permitted for signage, 50% of window surface area provided for signage**

for a change of use to a massage therapy service and associated signage at No. 83 (Lot 123) Canning Highway, East Fremantle, in accordance with the plans date stamped received 17 September and 2 October 2020, subject to the following conditions:

- (1) Signage is not to exceed 50% coverage of the surface area of the windows and in accordance with the plans and information received 2 October 2020.**
- (2) The business is not to exceed two full time staff on the premises at any one time with a maximum of only 4 massage beds and 2 massage chairs permissible to be utilised.**
- (3) The hours of operation are only approved between the hours of 9.00am and 9.00pm seven days a week. Should the hours of operation be modified for additional operating hours, Council approval is required to be sought prior to extending the operating hours.**
- (4) 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.**
- (5) 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.**
- (6) 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.**
- (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) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (iv) the owner/operator of the massage therapy service is to ensure that are fully compliant with all requirements established by both the Western Australian Department of Health and local government and queries should be directed to the Town's Environmental Health Officer and Building Surveyor.*

(CARRIED 3:2)

11.4 Alexandra Road No 31 (Lot 44) Proposed new residence

Owner	Yalena Pty Ltd
Applicant	Summit Homes
File ref	P088/20
Prepared by	James Bannerman Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	3 November 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Purpose

The purpose of this report is for Council to consider a planning application for a proposed new residence at No 31 (Lot 44) Alexandra Street, East Fremantle.

Executive Summary

This development application proposes a new dwelling on a proposed vacant strata lot at the rear of 31 Alexandra Road East Fremantle. The dwelling will front onto Staton Road.

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

- (i) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, 25 degrees 38 minutes provided

This application is being considered by Council because the value of the proposal exceeds the amount able to be determined under delegated authority. The application was also considered by the CDAC and included comments regarding the proposed design. It is considered that the above variations can be supported subject to conditions of planning approval being imposed.

Background

Zoning: Residential R12.5
Site area: 2023m²

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

Nil

Consultation

Advertising

The application was advertised to surrounding landowners from 8 to 22 September 2020. No submissions were received from advertising.

Community Design Advisory Committee (CDAC)

The application was referred to CDAC for the 5 October 2020 meeting;

(a) The overall built form merits;

- The Committee commented that the dwelling does not fit with the typology of the area's aesthetics, including the façade of the dwelling. Concerns were raised regarding the prominence of the double

storey design of the dwelling to the front façade and streetscape, increasing the visual impact to the surrounding character of the street.

- The Committee noted the dwelling has limited architectural design.
- The Committee requested a Streetscape Analysis be provided.

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

- The Committee noted the dwelling has limited architectural design.
- The Committee commented stepping/ setting back the upper floor would create a better streetscape and design/ façade outcome.

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

- The Committee note that the proposal detracts from the broader public realm and streetscape.

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

- No further comment at this time. Please see above.

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

- The Committee note the dwelling has poor passive solar design, poor cross ventilation and poor environmental sustainability.

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

- The Committee note that whilst the dwelling complies with the “Crime Prevention” Through Environmental Design performance, the four rooms with view to the street are not habitable areas that are utilised constantly during the day.

Applicant Response

(a) The overall built form merits;

- *The Committee commented that the dwelling does not fit with the typology of the area’s aesthetics, including the façade of the dwelling. Concerns were raised regarding the prominence of the double storey design of the dwelling to the front façade and streetscape, increasing the visual impact to the surrounding character of the street.*
- *The Committee noted the dwelling has limited architectural design.*
- *The Committee requested a Streetscape Analysis be provided.*

The streetscape of Alexandra Road is comprised of a significant cross slope (hill) along its entire length, with the majority of its existing street front dwellings being traditional in form and construction methods, comprising of significant sub floor build-ups, (in limestone, brick & timber), significantly raised finished floor levels (in response to the topography), typically highly elevated and raised brick front walls (with traditional

high ceilings internally) and traditional high pitched roofs, all presenting façades of increased / raised dominance to the streetscape. A new two storey dwelling with its modernised construction methodology such as slab on ground, will have reduced 'additional prominence' in a streetscape with such significant cross slope and traditionally elevated dwellings, and can be considered completely suitable to this location.

The dwelling proposal is a culmination of the desires of the owner / client and their personal vision for their new proposed residence.

A streetscape can be provided as requested, (allowing for the necessary time period to produce of course), with some clarification on the direction of the development proposal from council.

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

- The Committee noted the dwelling has limited architectural design.
- The Committee commented stepping/ setting back the upper floor would create a better streetscape and design/ façade outcome.

The dwelling proposal is a culmination of the desires of the owner / client and their personal vision of their new proposed residence.

However, the owner / client is not unsympathetic to valid critique and suggestion on how the proposed dwelling can be further refined to be in greater harmony with its public interface.

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

The Committee note that the proposal detracts from the broader public realm and streetscape.

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

No further comment at this time. Please see above.

Again, the dwelling proposal is a culmination of the desires of the owner / client and their personal vision of their new proposed residence. But the owner is not unsympathetic to valid critique and suggestion on how the proposed dwelling can be further refined to be in greater harmony with its public interface.

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

- The Committee note the dwelling has poor passive solar design, poor cross ventilation and poor environmental sustainability.

The design proposal has been orientated and formulated in response to passive solar design principles and will be constructed to all current national requirements with regards to energy efficiency.

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

- *The Committee note that whilst the dwelling complies with the “Crime Prevention” Through Environmental Design performance, the four rooms with view to the street are not habitable areas that are utilised constantly during the day.*

Given the general floor plan layout configurations to all the traditional existing residences in the street, with similar formal lounge / master bedroom, room configurations to the front, with very limited street surveillance opportunities through traditionally shaped window configurations, this critique is more applicable to every existing house in Alexandra Road and less applicable to the proposed dwelling, which, with its two storey street interface, creates greater implied passive surveillance to the public realm, and with its larger windows proposed from elevated positions, presents significantly further passive security opportunities than any other dwelling currently in Alexandra Road.

Officer Response

All comments have been noted.

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

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
Street Front Setback	7.5m	7.926m	A
Secondary Street Setback			N/A
Lot Boundary Setbacks			
Northern wall – ground floor	1.5m	2.56m	A
Eastern wall – ground floor	6m	>6m	A
Southern wall – ground floor	1.5m	6.01m	A
Northern wall – upper floor	1.5m	2.56m	A
Eastern wall – upper floor	6m	>6m	A
Southern wall – upper floor	3.9m	6.01m	A
Open Space	55%	74%	A
Wall height	6m	5.8m	A
Roof height	9m	8.25m	A
Garage	6m turning space	6m turning space	A
Car Parking	2 car bays	2 car bays	A
Site Works			N/A
Visual Privacy			

Bedroom 3	4.5m	5.445m	A
Bedroom 1	4.5m	6.01m	A
Balcony	7.5m	>7.5m	A
Overshadowing	<25%	<25%	A
Drainage			To be conditioned

Local Planning Policies Assessment

LPP Residential Design Guidelines Provision	Status
3.7.2 Additions and Alterations to Existing Buildings	N/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	A
3.7.7 Building Setbacks and Orientation	A
3.7.8 Roof Form and Pitch	D
3.7.9 Materials and Colours	A
3.7.10 Landscaping	A
3.7.11 Front Fences	N/A
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	A
3.7.15.4.3.1 Fremantle Port Buffer Area	A
3.7.15.3.3 Garages and Carports	A

This development application proposes a new dwelling on a proposed vacant strata lot at the rear of 31 Alexandra Road East Fremantle. One variation is requested to the requirements of the Residential Design Guidelines relating to roof pitch. The dwelling will front onto Staton Road and will have a driveway which is existing located on the southern side of the lot that services both the new dwelling and the existing dwelling that fronts onto Alexandra Road. There is already a front fence and gate across the driveway that fronts onto Staton Road.

The comments of the CDAC are noted above, however for the purposes of assessment, the applicant is significantly compliant and therefore has been recommended for approval subject to conditions.

Roof Pitch

The Residential Design Guidelines acceptable development provision 3.7.8.3 A4.1 requires that roof pitch is between 28 and 36 degrees. In this case the roof pitch is less than 28 degrees (25 degrees 38 minutes). However, in accordance with performance criteria 3.7.8.3 P4 roof buildings should complement the traditional form of surrounding development in the immediate locality. The roof pitch is marginally less than required but does not look out of place with the surrounding development with various roof pitches.

For this reason, the proposed roof pitch can be supported.

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

11.4 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP041120

Moved Cr Watkins, seconded Cr Nardi

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

- (i) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, 25 degrees 38 minutes provided**

for a new residence on the proposed rear strata lot at No. 31 (Lot 44) Alexandra Road, East Fremantle, in accordance with the plans date stamped received 31 August 2020, subject to the following conditions:

- (1) The crossover widths are not to exceed the width of the crossovers indicated on the plans date stamped received 31 August 2020 and to be in accordance with Council’s crossover policy and the Residential Design Guidelines.**
- (2) All fencing and gates are to be in compliance with the front fence provisions of the Residential Design Guidelines. Any proposed new fencing or walls in the front setback area will require the submission of a development application for the consideration of the Town.**
- (3) Retaining walls in excess of 0.5m above natural ground level will require the submission of a development application for the consideration of the Town.**
- (4) 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.**
- (5) 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.**
- (6) With regards to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council’s attention.**
- (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) 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.**
- (9) 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.**
- (10) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost**

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

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

Footnote:

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

- (i) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (ii) a copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- (iii) it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (iv) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (v) matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

(CARRIED UNANIMOUSLY)

As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 19 May 2020 this application deemed determined, on behalf of Council, under delegated authority.

11.5 Wolsely Road No 31 (Lot 20) Proposed alterations and additions

Owner	Jacob & Serena Ricciardone
Applicant	Nexus Home Improvements
File ref	P099/20
Prepared by	James Bannerman Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	1 December 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Purpose

The purpose of this report is for Council to consider a planning application for proposed alterations and additions at No 31 (Lot 20) Wolsely Road, 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 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, less than 28 degrees provided

This application is being considered by Council because the value of the proposal exceeds the amount able to be determined under delegated authority. 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: 979m²

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

Development application P116/09 – swimming pool – approved 20 September 2009

Consultation

Advertising

The application was advertised to surrounding landowners from 24 September to 9 October 2020.

Community Design Advisory Committee (CDAC)

The application was referred to 5 October 2020 CDAC. The following comments were made;

(a) The overall built form merits;

- The Committee supports the proposal.
- The Committee note the proposed additions and alterations are small and modest, with an appropriate design and suitable setbacks for the dwelling.
- The retention of the existing dwelling is also supported. It is considered good adaptive use of the dwelling.
- The Committee note the roof material integrates the old with the newer material.

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

- The committee commented that enhancing the front of the property/ building is in keeping with the existing simplistic style of the dwelling.

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

- The Committee note there is a nice rhythm to the proposal.
- The Committee request a colour palette be provided to ensure a suitable colour scheme is be utilised.

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

- No further comment at this time.

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

- No further comment at this time.

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

- No further comment at this time.

Applicant Response

A colour and materials schedule has been provided. No further comments were received.

Officer Response

All comments have been noted.

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

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
Street Front Setback	6m	18.345m (Upper storey addition)	A
Secondary Street Setback			
Lot Boundary Setbacks			
Western boundary ground floor alfresco	1.5m	1.6m	A
Northern boundary ground floor alfresco	1.5m	>1.5m	A
Eastern boundary ground floor alfresco	1.5m	7.826m	A
Western boundary upper storey	3.3m	3.794m	A
Northern boundary upper storey	3.3m	>3.3m	A
Eastern boundary upper storey	3.3m	7.826m	A
Open Space	50%	73%	A
Wall/roof height (concealed roof)	7m	6.71m	A
Setback of Garage			N/A
Car Parking			N/A
Site Works			N/A
Visual Privacy		All habitable rooms compliant	A
Overshadowing		Overshadows same lot	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	N/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	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
3.7.15.4.3.1 Fremantle Port Buffer Area	N/A
3.7.15.3.3 Garages and Carports	N/A

This development application proposes alterations and additions which include internal modifications to the existing dwelling as well as the addition of an alfresco area to the rear of the dwelling and an upper storey which comprises a master suite, retreat and ensuite. One variation is requested to the requirements of the Residential Design Guidelines relating to roof pitch.

The comments of the CDAC are noted above, however for the purposes of assessment, the applicant is significantly compliant and therefore has been recommended for approval subject to conditions.

Roof Pitch

In accordance with the Residential Design Guidelines acceptable development clause 3.7.8.3 A4.1 the roof pitch is supposed to be between 28 and 36 degrees. In this case the roof has a pitch less than this. The roof is concealed on the upper storey addition, but it complements the traditional form of surrounding development in the immediate locality in accordance with performance criteria clause 3.7.8.3 P4. For this reason, the roof pitch can be 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 Development Guidelines are considered acceptable. As such it is recommended that the proposed development be supported subject to planning conditions.

11.5 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP051120

Moved Cr Natale, seconded Cr Nardi

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

- (i) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, less than 28 degrees provided**

for proposed alterations and additions at No. 31 (Lot 20) Wolsely Road, East Fremantle, in accordance with the plans date stamped received 16 September 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 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).***
- (vi) matters relating to dividing fences are subject to the Dividing Fences Act 1961.***

(CARRIED UNANIMOUSLY)

As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 19 May 2020 this application deemed determined, on behalf of Council, under delegated authority.

11.6 Clayton Street No 13 (Lot 101) Proposed alterations and additions

Owner	Frederik & Riet Vanrenterghem
Applicant	David Barr Architects
File ref	P092/20
Prepared by	James Bannerman Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	3 November 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Purpose

The purpose of this report is for Council to consider a planning application for proposed alterations and additions at No 13 (Lot 101) Clayton Street, East Fremantle.

Executive Summary

This development application proposes alterations and additions at 13 Clayton Street East Fremantle. The property is Category C heritage, but the proposed changes retain the front half of the dwelling which includes heritage characteristics of the building and see the demolition of later additions. Three new bedrooms, 2 bathrooms, a laundry and a new kitchen, dining and living area are being added to the dwelling.

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

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Northern Boundary – 1.5m required, 0m provided
- (ii) Clause 5.1.6 – Residential Design Code – Roof Height – 7m required, 7.44m provided
- (iii) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – Match existing pitch required; reduced roof pitch provided
- (iv) Clause 5.4.1 – Residential Design Codes – Privacy Setbacks – 4.5m required, 4m 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: 911m²

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

P046/08 – swimming pool – approval granted 11 March 2008

Consultation

Advertising

The application was advertised to surrounding landowners from 8 to 22 September 2020. No submissions were received.

Community Design Advisory Committee (CDAC)

The application was not referred to CDAC as there were minimal streetscape impacts.

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			
Northern boundary – ground floor	1.5m	0m	D
Western boundary – ground floor	2.2m	14.075m	A
Southern boundary – ground floor	1.5m	6.367m	A
Northern boundary – upper storey	3.5m	3.815m	A
Western boundary – upper storey	3.9m	13.425m	A
Southern boundary – upper storey	3.5m	6.3m	A
Open Space	50%	68%	A
Maximum roof height (concealed roof)	7m	7.44m	D
Setback of Garage			N/A
Car Parking			N/A
Site Works			N/A
Visual Privacy	4.5m	4m	D
Overshadowing	<25%	<25%	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	N/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	D
3.7.9 Materials and Colours	A
3.7.10 Landscaping	A
3.7.11 Front Fences	N/A
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	N/A
3.7.15.4.3.1 Fremantle Port Buffer Area	N/A
3.7.15.3.3 Garages and Carports	N/A

This development application proposes alterations and additions at 13 Clayton Street East Fremantle. The property is Category C heritage, but the proposed changes retain the front half of the dwelling which includes heritage characteristics of the building and see the demolition of later additions. Three new bedrooms, 2 bathrooms, a laundry and a new kitchen, dining and living area are being added to the dwelling. Three variations are requested to the requirements of the Residential Design Codes and one variation is requested to the Residential Design Guidelines relating to lot boundary setbacks, maximum roof height, roof pitch and privacy setbacks.

Lot Boundary Setbacks

It is proposed to have a 11.2m long wall that is 2.7m high located close to the northern boundary where it is required to be setback 1.5m in accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1. In this case the wall includes the full length of the existing and new wall from the extension. The wall does achieve the design principles clause 5.1.3 P3.1 for the following reasons;

- Makes effective use of the space for enhanced privacy for the occupants;
- Reduces the impact of building bulk on adjoining properties;
- Provides adequate sunlight and ventilation to the building and the open spaces on the site and adjoining properties;
- Does not have an adverse impact on the amenity of the adjoining property;
- Ensures direct sunlight to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and
- Positively contributes to the prevailing and future development context and streetscape as outlined in the local planning framework.

The wall is located south of the neighbouring property and adequate windows are provided for the rooms such that privacy is maintained, and light can still enter the rooms. The wall is adjacent to the access lane for the neighbouring strata development so there is significant separation between dwellings on both sites.

For these reasons the proposed reduced lot boundary setback can be supported.

Roof Height

The proposed development has a concealed roof with a shallow pitch. Views are not considered a planning consideration, so deemed to comply clause 5.1.6 C6 and Table 3 Category B of the Residential Design Codes is referred to for the allowable heights. In this case up to 7m height is permitted. However, the maximum height of the building on site is proposed to be 7.44m. Although the building is over height it achieves the design principles clause 5.1.6 P6 because it has minimal impact on sunlight to neighbouring properties, does not impact on daylight into major openings of habitable rooms and does not impact on views of significance.

As such, the proposed increased height above 7m can be supported. It is noted that the proposed development is lower than the existing double storey at the rear of the dwelling.

Roof Pitch

In accordance with the Residential Design Guidelines acceptable development clause 3.7.8.3 A4.1 roof forms of additions and alterations should match the existing roof pitch of the existing dwelling. In this case the alterations and additions include a concealed roof with a shallow pitch which meets performance criteria clause 3.7.8.3 P1; the roof forms of additions and alterations should positively contribute to the existing dwelling. For this reason, the proposed roof pitch can be supported.

Privacy Setbacks

The upper storey bedroom has a privacy setback of 4m where it is required to achieve a privacy setback of 4.5m in accordance with the Residential design Codes deemed to comply clause 5.4.1 C1.1 i. The proposed design does not overlook the active habitable spaces and outdoor living areas of the northern neighbouring properties as the bedroom overlooks the access lane of the northern strata development. There is a separation of at least 7m from the neighbouring property from the bedroom window. There is no visual privacy amenity impacts for adjoining owners. For this reason, the reduced privacy setback can be 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 Development Guidelines are considered acceptable. As such it is recommended that the proposed development be supported subject to planning conditions.

11.6 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP061120

Moved Cr Nardi, seconded Cr Watkins

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

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Northern Boundary – 1.5m required, 0m provided**
- (ii) Clause 5.1.6 – Residential Design Code – Roof Height – 7m required, 7.44m provided**
- (iii) Clause 3.7.8 – Residential Design Guidelines – Roof Pitch – Match existing pitch, reduced roof pitch provided**
- (iv) Clause 5.4.1 – Residential Design Codes – Privacy Setbacks – 4.5m required, 4m provided**

for alterations and additions at No. 13 (Lot 101) Clayton Street, East Fremantle, in accordance with the plans date stamped received 3 September 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 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.*

(CARRIED 3:2)

11.7 George Street No 137 (Lot 802) Proposed change of use (retrospective)

Owner	Manotel Pty Ltd
Applicant	Manotel Pty Ltd
File ref	P120/20
Prepared by	James Bannerman Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	3 November 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Purpose

The purpose of this report is for Council to consider a retrospective change of use (additional use) application for the “Brush Factory” to include consulting room in addition to the previously approved office for one of the tenancies at 137 George Street, East Fremantle.

Executive Summary

The application proposes a retrospective change of use (additional use) application for the level 1 office to include consulting room. This use is considered a “D” use within a mixed-use zone. A “D” use means that *the use is not permitted unless the Council has exercised its discretion by granting planning approval.*

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

- Is the use appropriate for the zoning?
- Is there sufficient car parking for the proposed use?

It is considered that there will be minimal impact on the amenity and car parking in the area and as such the change of use (additional use) for a consulting room can be supported subject to the conditions of development approval being imposed.

Background

Zoning: Mixed Use
Site area: 95m²

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

9 December 2008	Planning Approval granted to redevelop the buildings at 36-42 Duke Street from antique furniture showrooms and workshops to 7 x 1-bedroom apartments, and 5 x 3-bedroom apartments;
15 March 2011	Planning Approval granted to redevelop the buildings at 36-42 Duke Street for a change of use, partial demolition, redevelopment and new construction to accommodate a mixed use residential/arts and entertainment venue;
12 February 2013	Planning Approval granted to amendments to a previously approved planning application, date stamped Approved on 15 March 2011 (Application (P199/10) and to extend the previous planning approval P199/10 for a further 2 years. The previously approved application was for a change of use, partial demolition, redevelopment and new construction to accommodate a mixed use residential/arts and entertainment venue;
16 July 2013	Planning Approval granted to amendments to a previously approved planning application, date stamped Approved on 15 March 2011 (Application (P199/10) for 2

1 October 2013	storesys of commercial offices above the approved Jazz Club/ Performance space. Council refused the penthouse apartment located above the 'Brush Factory'; Planning Approval for a penthouse apartment to be erected on top of the proposed performance space and existing heritage building at the 'Brush Factory (former Lauder & Howard building), 36-42 Duke Street. In addition, it considers an application which has been presented to Council with regards to a review of the opening times for the Jazz Club.
7 May 2019	Planning approval for a change of use from office in basement to yoga studio.
2 July 2019	Planning approval for change of use from storage area for tenancy 1 and performing arts/music space for tenancy 4 to office space.

Consultation

Advertising

The application was not advertised to surrounding landowners as there are no changes to the building and the proposed use complies with the general intent of the uses already permitted on George Street.

Community Design Advisory Committee (CDAC)

This application was not referred to the CDAC as this is a change of use application and there are no external changes proposed to the building.

External Consultation

Nil

Statutory Environment

Planning and Development Act 2005

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

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

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

Built Environment

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

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

3.3.2 *Optimal management of assets within resource capabilities.*

3.3.3 *Plan and advocate for improved access and connectivity.*

Natural Environment

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

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

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

4.1.2 *Plan for improved streetscapes parks and reserves.*

4.2 *Enhance environmental values and sustainable natural resource use.*

4.2.1 *Reduce waste through sustainable waste management practices.*

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

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

Risk Implications

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

Site Inspection

A site inspection was undertaken.

Comment

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

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

- Is the use appropriate for the zoning?
- Is there sufficient car parking for the proposed use?

Proposed Use

It is proposed to include an additional use of consulting room to the existing approved 95m² office on level 1 of the subject building. The proposed consulting room would be for a chiropractor. This does not represent a conflict with the existing uses in the building as consulting rooms have relatively low impacts in terms of noise and other issues around amenity. Consulting rooms would be considered an appropriate commercial use in a mixed-use zone because of the minimal amenity effects. Under LPS3 consultancy rooms are a 'D' use meaning *that the use is not permitted unless the local government has exercised its discretion by granting planning approval.*

The office space has been vacant for two years. The chiropractic business occupied the building on 23 October 2020. The chiropractor operates alone for limited hours during the working week providing 15-minute consultations or 4 consultations per hour. There would be a maximum of 2 clients at the practice at any one time; one customer waiting and the other being treated.

Day	Hours
Monday	1pm-7pm
Tuesday	7.30am-1pm
Wednesday	1pm-7pm
Thursday	7.30am-7pm
Friday	7.30am-1pm

The hours of operation and the low intensity of use is not considered an issue as all consulting is undertaken inside the rooms. There would be few, if any amenity impacts on the businesses or residential premises that surround the consulting room. The increased foot traffic and business activity in proximity to the George Street would be welcome and the proposed change of use helps to activate the subject building and surrounds.

Parking Requirements

Clause 5.8.5 Car Parking and Vehicular Access of TPS3 states:

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

Furthermore Clause 5.8.7 On-Street Parking states:

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

In terms of parking Schedule 11 of LPS3 requires that consultancy rooms are required to provide 2 spaces for every consulting room and 1 space for every staff member. Information provided by the applicant stated that there would be 1 consulting rooms within the space and 1 staff member. Based on these figures there would need to be a total of 3 car bays provided.

The main Brush Factory building is currently comprised of a number of approved uses including commercial offices, residential apartments, dance studio and rehearsal space and a jazz club. A total of 30 car bays are located in publicly accessible undercroft parking on site and 28 are dedicated for commercial purposes. In this case it is stated that the lease area for the consultant rooms is 95m². A reduction in office space to 190m² is proposed which would mean that the parking previously allocated to this office space could be re-allocated to the consultant rooms. A 95m² office would be required to supply 4 car bays (1 space per 30m²) so there is in fact, 1 less car bay required for the consulting as there is for an office.

Assuming that 8 car bays are made available to the consultant rooms in the building this leaves a deficit of 7 car bays. However, there are 2 car bays on Duke Street adjacent to the Brush Factory building, as well as an additional 3 bays located in front of the residential apartments. There is also more parking located on the eastern side of Stirling Highway along Silas Street, with easy pedestrian access available via the George Street underpass. In addition, there is Council parking available on George Street which is comprised of 10 car bays.

Additionally, all the tenancies in the building have not been filled, and as previously approved there is an ability to utilise car parking made available from the reciprocal parking arrangements that have been in place between the commercial spaces in the building. Because of the previous approvals relying on reciprocal parking, car parking bays cannot be specifically allocated to uses.

The following table shows the required and available parking.

Parking at the Brush Factory

Use	Area m ²	Parking required	Parking provided- 30 bays in undercroft parking - 28 commercial bays (1 disabled) & 2 for penthouse apartment		Total Available for Each Use
Reduced area of commercial offices 1 car bay per 30m ² net lettable area	190	7 bays	Additional 3 bays available for consulting rooms	Opportunity to use other bays that are not being used from 28 commercial parking bays available within the undercroft parking due to the reciprocal parking agreement	7
Performing Arts		3 bays	3 bays		3
Dance		3 bays	3 bays		3
Yoga studio (health studio) 1 space for every 10m ² net floor area ***	103	12 bays (11 bays for yoga participants & 1 bay for instructor)	7 bays		7***
Consulting Rooms		15 bays	8 bays for all consulting rooms in building available 7 required		8
On street parking			5 bays adjacent to the building		
Total					28

***Note that the actual number of car bays that the yoga classes have provided is not consistent with the actual use. The yoga studio is only operating in the mornings and has small class numbers. The use does not create significant parking demand and as a result there are surplus car bays available for use by other tenants outside yoga class times.

Based on the total onsite parking bays available during the day there is a deficit of 7 car bays for the all the consulting rooms in the building. However, the shared parking arrangements, as well as off street parking including 5 on-street car bays directly adjacent to the subject building as well as parking in Silas Street, Duke and George Street mean that there is sufficient overall parking available to support the consulting room. It is essential that the reciprocal parking arrangements that were previously approved are maintained and that no car bays are specifically allocated for specific businesses located within the building. The yoga is an early morning use and there is little demand for parking from this group and other tenancies are currently vacant, so there are many vacant car bays during the day. Given that the jazz club is only open from 5pm Thursday and Friday afternoon and 11am Saturday and Sunday there is no demand from the jazz club during the working week for parking, and car bays can be made available to the other businesses within the building, including the consulting rooms that are the subject of this report.

Conclusion

The proposed change of use (additional use) to add consulting room with the existing approved office is considered an appropriate use for the subject property. There are few, if any amenity impacts and the use will help to activate the street and the property during the hours of operation of the proposed business.

Despite the deficit of car parking bays there is sufficient street parking available in the surrounding area for clients that will visit the site, as well as undercroft parking that is available to other uses due to the varied opening times of other tenancies.

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

Conclusion

Based on the assessment that has been completed for this development and the explanation provided in this report, the proposed change of use (additional use) is considered acceptable. As such it is recommended that the proposed development be supported subject to planning conditions.

11.7 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION 071120

Moved Cr Watkins, seconded Cr Nardi

That Council grant development approval and exercise its discretion for the change of use to include an additional use of consulting rooms at 137 George Street (The Brush Factory), East Fremantle, as described on the information and date stamped received 21 October 2020 subject to the following conditions:

- 1. Maximum area of the consulting room is not to exceed 95m².**
- 2. Only one consultant/staff member is permitted to utilise the 95m² space at any one time. Where additional consultants/ staff members are required, the approval of Council is required.**
- 3. The reciprocal car parking arrangements as previously approved are to remain in place with all car parking to be made available to all commercial uses within the building.**
- 4. All other conditions as previously endorsed by Council are to be complied with unless modified by this proposal.**
- 5. Works are to be constructed in conformity with the written information in relation to the use 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.**
- 6. No signage is approved under this change of use application. A separate application is required for signage. All signage is to comply with the Town's Signage Design Guidelines Local Planning Policy 3.1.3.**
- 7. With regards to plans submitted with respect to a building permit application, changes are not to be made in respect of the plans which have received development approval, without those changes being specifically marked for Council's attention.**
- 8. The proposed use is not to be commenced until all conditions attached to this development approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
- 9. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.**
- 10. This planning approval is to remain valid for a period of 24 months from date of this approval.**

Footnote:

The following 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.*

(CARRIED UNANIMOUSLY)

As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 19 May 2020 this application deemed determined, on behalf of Council, under delegated authority.

12 MATTERS BEHIND CLOSED DOORS


Nil

13 CLOSURE OF MEETING

There being no further business the Presiding Member declared the meeting closed at 7.54pm.

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

1 DECEMBER 2020


Presiding Member