



# AGENDA

## Town Planning Committee

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Tuesday 1 December 2020 at 6.30pm

### Disclaimer

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

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

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

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

### Copyright

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

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

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

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

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

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

A Deputation invited to attend a Council meeting:

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

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

### **Procedure for Presentations**

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

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

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

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### Procedure for Public Question Time

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

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

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

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

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

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

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

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**13. CLOSURE OF MEETING**

**NOTICE OF MEETING**

Elected Members

An Ordinary Meeting of the Town Planning Committee will be held on Tuesday, 1 December 2020 at East Fremantle Town Hall, 135 Canning Highway, East Fremantle commencing at 6.30 pm and your attendance is requested.

GARY TUFFIN  
Chief Executive Officer

25 November 2020

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**AGENDA**

**1. DECLARATION OF OPENING OF MEETING/ANNOUNCEMENTS OF VISITORS**

**2. ACKNOWLEDGEMENT OF COUNTRY**

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

**3. RECORD OF ATTENDANCE**

**3.1 Attendance**

**3.2 Apologies**

**3.3 Leave of Absence**

**4. MEMORANDUM OF OUTSTANDING BUSINESS**

**5. DISCLOSURES OF INTEREST**

**5.1 Financial**

**5.2 Proximity**

**5.3 Impartiality**

**6. PUBLIC QUESTION TIME**

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

**6.2 Public Question Time**

**7. PRESENTATIONS/DEPUTATIONS**

**7.1 Presentations**

**7.2 Deputations**

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

**8.1 Town Planning Committee (3 November 2020)**

**8.1 OFFICER RECOMMENDATION**

**That the minutes of the Town Planning Committee meeting held on Tuesday 3 November 2020 be confirmed as a true and correct record of proceedings.**

**9. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

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**10. REPORTS OF COMMITTEES**

**10.1 Community Design Advisory Committee (2 November 2020)**

**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 2 November 2020

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**PURPOSE**

To submit the minutes of the Community Design Advisory Committee meeting held on the 2 November 2020 for receipt by the Town Planning Committee.

**EXECUTIVE SUMMARY**

The Committee, at its meeting held on 2 November 2020, provided comment on planning applications listed for consideration at the December 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**

**That the Minutes of the Community Design Advisory Committee meeting held on 2 November 2020 be received.**



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**COMMUNITY DESIGN ADVISORY COMMITTEE**

The following is an extract from the Policy for the Community Design Advisory Committee adopted by Council on 21 June 2016:

***“Terms of Reference***

1. *To provide the Town of East Fremantle with independent expert advice and expertise on urban design, architecture, landscape design, sustainability and heritage in relation to proposals referred to the Committee for consideration.*
2. *To act in an advisory capacity on specified proposals with respect to matters including, but not limited to:*
  - (a) *The overall built form merits;*
  - (b) *The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development;*
  - (c) *The relationship with and impact on 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;*
  - (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;*
  - (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.*
  - (g) *To examine the plans of all development proposals referred to them, and provide professional and technical advice to the Town's Planning Services in relation to matters identified in the Residential Design Guidelines, Burra Charter and R-Codes etc., relating to urban design, architecture, landscape design, sustainability or heritage.”*

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**Minutes of a Community Design Advisory Committee Meeting, held at East Fremantle Town Hall, on Monday 2 November 2020 commencing at 6:26pm.**

**1. OPENING OF MEETING**

Cr Collinson welcomed the Committee members.

Cr Collinson made the following acknowledgement:

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

**2. PRESENT**

Cr Cliff Collinson	Elected member
Mr Clinton Matthews	
Dr Jonathan Dalitz	
Mr Don Whittington	
Mr Michael Norris	
Mr David Bennet	
Mr Andrew Malone	Executive Manager Regulatory Services
Mr James Bannerman	Planning Officer

**3. APOLOGIES**

Ms Alex Wilson

**4. LEAVE OF ABSENCE**

Nil

**5. DECLARATIONS OF INTEREST**

Mr David Bennet - architect at Hartree and Associates wo are applicants for Item 8.2. David excused himself during discussion of this item.

**6. CONFIRMATION OF MINUTES**

**Moved Don Whittington, seconded Clinton Matthews**

**Minutes of the Community Design Advisory Committee meeting held on 5 October 2020 were confirmed.**

CARRIED UNANIMOUSLY

**7. PRESENTATION**

Nil.

**8. BUSINESS**

**8.1 71 B Pier Street**

**(Application P112/20 – 6/10/20)**

Two storey residence

(a) *The overall built form merits;*

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- The Committee agreed the built form has some merit with design intent.
  - The Committee stated the double garage compromises the design and increases the impact to the street. The Committee commented that design solutions should be investigated to mitigate the impact of the double garage on the streetscape.
  - The Committee noted the proposal has modest bulk and scale broken down materiality of the building.
  - The applicant is reminded that the Town encourages the use of wood through the Wood Encouragement Policy – timber is preferred over scion
- (b) *The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development.*
- The Committee agreed the roof form improves natural light to the building.
  - The Committee agreed that the building steps down with the slope of the land.
- (c) *The relationship with and impact on the broader public realm and streetscape;*
- The Committee note the proposal has poor passive surveillance of the street.
- (d) *The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;*
- N/A
- (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;*
- N/A
- (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 noted that the front room uses of the proposal does not achieve appropriate passive surveillance, restricts the concept of building community within the area. It was noted dwellings across the road have living areas fronting the street.

## 8.2

**48 A Pier Street****(Application P110/20 -5/10/20)**

Alterations and additions

- (a) *The overall built form merits;*
- The Committee noted that built form has merit.
  - The Committee supports the adaptive re-use of existing building.
  - The Committee supported the modification of the roof structure such that it achieves a lower height than original roof.
- (b) *The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development.*
- The proposal represents an improvement on the existing dwelling.

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- (c) *The relationship with and impact on the broader public realm and streetscape;*
- The Committee commented the proposal has an improved streetscape presence.
- (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;*
- The Committee stated the proposal achieves limited northern light into the dwelling, compromising its effectiveness to climatic responses.
  - The Committee commented the cross ventilation of the downstairs area is compromised however it is recognised that the modifications to an existing building are more difficult.
- (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 commented that the passive surveillance achieved is good, effectively utilising the internal spaces.

**8.3****19 Dalgety Street****(Application P107/20 -2/10/20)**

Alterations and additions

- (a) *The overall built form merits;*
- The Committee noted the proposal has poor streetscape presentation with the proposed porches considered to be disjointed, indicating the design has limited overall built form merit.
  - The Committee stated the proportions of the building do not suit the adjacent heritage buildings/ street character and it compromises the heritage significance of the adjoining building.
  - The Committee commented the proposed living areas appear to be compromised and lacking design intent.
  - The Committee noted the roof form is complicated and may cause functional issues in the future.
- (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 quality of the design is unsympathetic with the character of the streetscape.
- (c) *The relationship with and impact on the broader public realm and streetscape;*
- The Committee noted that the proposal is unsympathetic to the streetscape.

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- (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. 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 proposal is resource efficient because it uses the existing garage and loft.
  - The committee note the proposal achieves some northern light and cross ventilation.
- (f) *The demonstration of other qualities of best practice urban design including “Crime Prevention” Through Environmental Design performance, protection of important view corridors and lively civic places;*
- The Committee note the loft and bedroom 4 will overlook the street. The loft with large window is considered to provide suitable passive surveillance.

**8.4****17 Glyde Street****(Application P115/20 – 7/10/20)**

## Alterations and additions

- (a) *The overall built form merits;*
- The Committee commented the front street elevation require further investigation. The Committee question the accuracy of the streetscape photographic montage.
  - The Committee note the proposal has limited design merit.
  - The Committee stated the pitch of roof at front too high – the roof dominates the building, whilst also noting the pitch of the rear to achieve the additional height further appears to compromise the design.
  - The Committee notes that such matter as buildings on the boundary and the overall design of the development requires attention.
  - The Committee note the proposed design appears to be unresolved and questions why there is no stairs to the dining/ kitchen from the lower ground floor and query why the full extent of the existing rear garage is not indicated on the overshadowing diagram. Appropriate and clearer plans are requested to 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 roof forms are not supported as it is considered a poor architectural outcome and is not in keeping with the established roof forms of the area. The Committee considers the roof pitches increase the visual impact of the dwelling to the streetscape.
- (c) *The relationship with and impact on the broader public realm and streetscape;*
- The Committee noted the streetscape outcome could be integrated better with the surrounding built form.

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- (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. 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;*
- 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.

**8.5 72 Irwin Street  
(Application P117/20)**

Second storey addition and pool

- (a) *The overall built form merits;*
- The Committee note that the proposal increases the bulk and scale of a category C heritage dwelling, with the design impacting on the neighbouring property.
  - The Committee commented the roof of the alfresco does not add to the existing structure and requires better integration
  - The wall surrounding the pool and alfresco area adds to the bulk and scale of the existing dwelling to the streetscape and queries the need to such high structures around the pool/ alfresco area.
  - The Committee note the roof form not consistent and is not integrated into the existing design of the dwelling.
  - The Committee noted the proposal has limited design merit – the additions needed to be better integrated into the existing design of the building, and also reduce the bulk and scale to side/ rear boundaries.
- (b) *The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development.*
- The Committee note the proposal is not sympathetic to the existing character of the existing dwelling, the overall character of the wider area and streetscape.
  - The Committee note that the proposal increases the bulk and scale of a category C heritage dwelling.
- (c) *The relationship with and impact on the broader public realm and streetscape;*
- No further comment at this time. See above.
- (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.

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(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.

**9. OTHER**

**9.1 Renewal of Terms of Reference**

All committee members were issued with criteria from State Planning Policy 7.0.

The Committee was requested to review the existing Terms of Reference and reference against the design intent and assessment criteria from State Planning Policy 7.0. The Committee members were requested to ensure the matters being considered are relevant and can be suitably utilised by the Town Planning Committee to assist in the decision-making process. Committee Members to provide feedback to administration at the next CDAC meeting.

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

Nil

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

7 December 2020 at 6.00pm.

The meeting closed at 8.46pm.

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## 11. REPORTS OF OFFICERS (COMMITTEE DELEGATION)

### 11.1 Dalgety Street No 19 (Lot 500) Proposed alterations and additions

<b>Owner</b>	Kylie Kelly
<b>Applicant</b>	Mardi West
<b>File ref</b>	P107/20
<b>Prepared by</b>	James Bannerman Planning Officer
<b>Supervised by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Meeting date</b>	1 December 2020
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Location plan</li><li>2. Site photos</li><li>3. Place Record Form</li><li>4. Plans date stamped 1 &amp; 5 October 2020</li><li>5. Community consultation</li></ol>

#### **Purpose**

The purpose of this report is for Council to consider a planning application for proposed new dwelling (alterations and additions comprising existing garage) at No 19 (Lot 500) Dalgety Street, East Fremantle.

#### **Executive Summary**

This development application proposes new dwelling to an existing garage and loft that is located at 19 Dalgety Street East Fremantle. The lot was originally part of the neighbouring property to the south (21 Dalgety Street). It has since been sold and is to be developed with a residential dwelling that incorporates the existing garage and loft.

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 Setback – South – Ground Floor – Porch and Entry – 1.5m required, 1.096m provided,
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback – North - 1.6m required, 1.514m provided,
- (iii) Clause 5.1.6 – Residential Design Codes – Wall Height – 6m required, 6.6m provided,
- (iv) Clause 5.3.7 – Residential Design Codes – Excavation – 0.5m or less required, 0.686m provided, and
- (v) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch - 28 to 36 degrees required, 25 to 28 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: 881m<sup>2</sup>



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

**Consultation**

Advertising

The application was advertised to surrounding landowners 2 to 19 October 2020.

<b>Submission</b>	<b>Applicant Response</b>	<b>Officer Response</b>
<p><b>Submission 1</b> None of the options above are appropriate - we are agnostic regarding the proposal. Having stated that we are accepting that it will go ahead. We don't oppose the proposal, or the plans as outlined on the assumption that setbacks and ridge heights etc are constructed as detailed in the proposals.</p>	<p>The development will be done in accordance with approved plans.</p>	<p>Noted. The proposed variations to the building heights and lot boundary setbacks are covered in the report.</p>
<p><b>Submission 2</b> As neighbours and owners of 17 Dalgety Street, East Fremantle we wish to lend our support to the overall design proposed for 19 Dalgety St, East Fremantle.</p>	<p>N/A</p>	<p>Noted. The submitter already provided signed support for the proposal and the applicant requested that they also provide additional written support.</p>
<p><b>Submission 3</b> Again, I wish to convey Kylie and my support to your Development Application for 19 Dalgety St, East Fremantle. We believe you and your architect have come up with a design that is sympathetic to the style and character of existing homes in the street. You have consulted with us throughout the design phase and we are happy with the plans that have been developed.</p>	<p>N/A</p>	<p>Noted. The submitter already provided signed support for the proposal and the applicant requested that they also provide additional written support.</p>

Community Design Advisory Committee (CDAC)

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

*(a) The overall built form merits;*

- The Committee noted the proposal has poor streetscape presentation with the proposed porches considered to be disjointed, indicating the design has limited overall built form merit.
- The Committee stated the proportions of the building do not suit the adjacent heritage buildings/ street character and it compromises the heritage significance of the adjoining building.
- The Committee commented the proposed living areas appear to be compromised and lacking design intent.
- The Committee noted the roof form is complicated and may cause functional issues in the future.

*(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 quality of the design is unsympathetic with the character of the streetscape.

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

- The Committee noted that the proposal is unsympathetic to 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 at this time. 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 proposal is resource efficient because it uses the existing garage and loft.
  - The committee note the proposal achieves some northern light and cross ventilation.
- (f) *The demonstration of other qualities of best practice urban design including "Crime Prevention" Through Environmental Design performance, protection of important view corridors and lively civic places;*
- The Committee note the loft and bedroom 4 will overlook the street. The loft with large window is considered to provide suitable passive surveillance.

#### Applicant Response to CDAC

The following comments were received from the applicant in response to CDAC's comments.

- a) *The streetscape has resulted from the large existing Garage & Loft which was approved by the Town of East Fremantle. Our designer and I, together with a local designer, John Chisholm, consider the proposed porches to be well integrated with the existing building, with gable end roofs to provide reasonable built form merit. We were careful to retain a large section of the existing streetscape and to not design a "faux" heritage or ultra-contemporary design that has occurred elsewhere in the Woodside Ward of East Fremantle. Both neighbours in adjacent heritage buildings and we did not want "faux" heritage or an ultra-contemporary design.*

*The proportions of the building for a distance of approximately 20 meters from the front boundary is the existing building which was approved by the Town of East Fremantle. The elements we are adding are two small, single story porches. The overall new design of the building has been co-ordinated with the owners of the adjacent heritage buildings, ensuring setbacks and heights are in sympathy with the existing heritage buildings along the common boundary allowing northern light and generous set back space for areas they considered important. They are satisfied with the result and have given their approval.*

*In response to the comment "the proposed living areas appear to be compromised and lacking design intent" I can assure the Town of East Fremantle the living areas have been carefully designed to my living requirements. I wish to retain extensive areas of landscaped green space to the western and northern aspect of the block. This was extremely important in reducing the harsh western sun and creating a green oasis in the western rear third of the block.*

*The roof form is complicated and dictated by the existing Garage & Loft, however the design has had extensive input from the Structural Engineer, the Builder, the Energy Consultant and our Designer. Please note the existing complicated roof has been carefully integrated with the new roof and has had no functional issues that we are aware of and no issues are apparent after a careful site inspection by our Builder and Structural Engineer.*

- b) *The quality of the design may be considered by some to be unsympathetic with the character of the streetscape, however it should be noted that the streetscape consists primarily of the existing Garage & Loft i.e., it is existing and has been approved approximately 16 years ago by the Town of East Fremantle.*
- c) *See b) above*
- e) *It is gratifying that the Committee noted the design is resource efficient by incorporating the existing Garage & Loft into the new design. This was an important design feature in retaining the existing*
-

*buildings. This was for environmental reasons and that both adjacent neighbours were happy with the aesthetics of the existing building.*

*I can confirm the design achieves extensive cross ventilation and a large amount of northern light, limited only by overlooking restrictions to the north where we have modified the design to meet our northern neighbour's requests. There are a large number of windows with hopper openings to address the cross ventilation. An electrically operated northern roof light that floods the void area and study, addresses the concerns of light into these areas.*

*I confirm the design will achieve a 6 Star energy rating. We will have double glazing, additional insulation in cavities and ceiling fans in most rooms to help achieve this.*

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	7.5m	9m	A
Secondary Street Setback			N/A
Lot Boundary Setbacks			
Western boundary – ground floor	6m	13.71m	A
Northern boundary- ground floor -porch, bed 4 & pergola, laundry, bath, powder, bed 3, terrace	1.5m	1.514m	A
<b>Southern boundary- ground floor- porch and entry</b>	<b>1.5m</b>	<b>1.096m</b>	<b>D</b>
Southern boundary- ground floor - staircase	1.1m	2.7m	A
Southern boundary – ground floor – kitchen family	1.5m	1.596m	A
<b>Northern boundary – upper storey – bedroom, ensuite</b>	<b>1.6m</b>	<b>1.514m</b>	<b>D</b>
Southern boundary – upper storey – balcony, sitting, lobby, void	1.6m	2.896m	A
Open Space	55%	57%	A
<b>Wall height</b>	<b>6m</b>	<b>6.6m</b>	<b>D</b>

Setback of Carport			N/A
Car Parking			N/A
<b>Site Works</b>	<b>Excavation &lt;0.5m</b>	<b>Excavation 0.686m</b>	<b>D</b>
Visual Privacy	7.5m	7.5m	A
Overshadowing	<25%	20%	A
Drainage			To be conditioned

Local Planning Policies Assessment

LPP Residential Design Guidelines Provision	Status
3.7.2 Additions and Alterations to Existing Buildings	A
3.7.3 Development of Existing Buildings	A
3.7.4 Site Works	A
3.7.5 Demolition	N/A
3.7.6 Construction of New Buildings	A
3.7.7 Building Setbacks and Orientation	A
<b>3.7.8 Roof Form and Pitch</b>	<b>D</b>
3.7.9 Materials and Colours	A
3.7.10 Landscaping	A
3.7.11 Front Fences	A
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	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 new dwelling to an existing garage and loft that is located at 19 Dalgety Street East Fremantle. The lot was originally part of the neighbouring property to the south (21 Dalgety Street). It has since been sold and is to be developed with a residential dwelling that incorporates the existing garage and loft. Five variations are requested to the requirements of the Residential Design Codes and Residential Design Guidelines relating to lot boundary setbacks, wall height, change in site levels in excess of 0.5m and roof pitch. It is noted that the CDAC and the response from the designer does address some of these issues. The variations are explained in the following assessment.

Lot Boundary Setback - South- Ground floor- Porch and Entry

According to the Residential Design Codes deemed to comply clause 5.1.3 C3.1 i a wall that is 9.75m long, 2.810m high and without major openings is required to be set back at least 1.5m from the side boundary. In this case the wall is set back 1.096m (porch and entry) from the side boundary. In accordance with design principles 5.1.3 P3.1 the proposed wall location can be supported based on the following reasons;

- There is minimal impact of building bulk on the adjoining southern property. The southern neighbour has endorsed the plans and we apart of the design of the dwelling to ensure their requirements were addressed;
- Adequate sunlight and ventilation is provided to the building and open spaces on site and to the adjoining southern property, and
- There is minimal overlooking or loss of privacy on adjoining properties.

The neighbouring property to the south has provided signed support for the proposed development. The proposed development does not overlook the rear yard and there is considerable distances between the 2 buildings. There are minimal impacts to the streetscape and to the neighbour.

---

Lot Boundary Setback - Northern Boundary – Upper Storey – Bedroom and Ensuite

According to the Residential Design Codes deemed to comply clause 5.1.3 C3.1 i a wall that is 12m long, 6.6m high and without major openings is required to be set back at least 1.6m from the side boundary. In this case the wall is set back 1.514m from the side boundary. The proposed variation is 0.086. The proposed reduced setback is considered to have no impact. In accordance with design principles 5.1.3 P3.1 the proposed wall location can be supported based on the following reasons;

- There is reduced impacts of building bulk on adjoining properties and for the most part the setbacks to the north are compliant. A variation of 0.086 metres is negligible and has no impact;
- Adequate sunlight and ventilation is provided to the building and open spaces on site and to the adjoining properties, as the setback is to the north; and
- There is minimal overlooking or loss of privacy on adjoining properties

The proposed development does not overlook the rear yard and there is considerable distances between the 2 adjacent buildings. No windows are located along the northern wall that are considered major openings so do not give the opportunity for overlooking. As the subject property is located south of the neighbouring property it does not create a shadow.

Wall Height

In accordance with the Residential Design Codes deemed to comply clause 5.1.6 C6 and Table 3 Category B there is a requirement for walls to be a maximum height of 6m. In this case the maximum wall height is 6.6m. This height can be supported in accordance with design principles clause 5.1.6 P6 as the wall does not impact on access to sunlight for buildings or open spaces and does not impact on views of significance. It must be noted that although there is one wall that is above the deemed to comply height the overall height of the roof (and building) is well below the maximum permissible height of the roof (7.886m compared to 9m) and as such the additional wall height can be supported. The design intent of the proposal has been discussed with the owner and the architect and it is considered appropriate for the locality.

Excavation Greater than 0.5m

The proposed dwelling is located on a lot that has a higher elevation at the street front compared to the rear of the lot. The design has utilised the different levels across the site with some minor earthworks proposed. The excavation is minimised but sees site levels changed by up to 0.686m for a small area of the site approximately 25m from the street front boundary across the lot. Although the change in site levels does not meet Residential design Codes deemed to comply clause 5.3.7 C7.2 design principles clause 5.3.7 P7.2 where excavation is necessary all finished levels respect the natural ground level at the lot boundary of the site and as viewed from the street.

Roof Pitch

The roof pitch of structures within the Woodside precinct are supposed to have a roof pitch of between 28 and 36 degrees in accordance with Residential Design Guidelines acceptable development clause 3.7.8.3 A4.1. In this case the roof pitch varies between 25 and 28 degrees and despite the variation the roof pitch can be supported based on performance criteria 3.7.8.3 P4 as the roof forms of new buildings complement the traditional form of surrounding development in the immediate locality. The variation in roof pitch is negligible and ensures that the dwelling integrates with the surrounding properties.

Conclusion

It is noted that no negative submissions were received during the advertising period. 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.

**11.1 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION:**

**That development approval is granted, and Council exercises its discretion regarding the following;**

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback – South – Ground Floor – Porch and Entry – 1.5m required, 1.096m provided**
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback – 1.6m required, 1.514m provided**
- (iii) Clause 5.1.6 – Residential Design Codes – Wall Height – 6m required, 6.6m provided**
- (iv) Clause 5.3.7 – Residential Design Codes – Excavation – 0.5m or less required, 0.686m provided**
- (v) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch - 28 to 36 degrees required, 25 to 28 degrees provided**

**for alterations and additions at No. 19 (Lot 500) Dalgety Road, East Fremantle, in accordance with the plans date stamped received 1 & 5 October 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 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.**
- (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.**

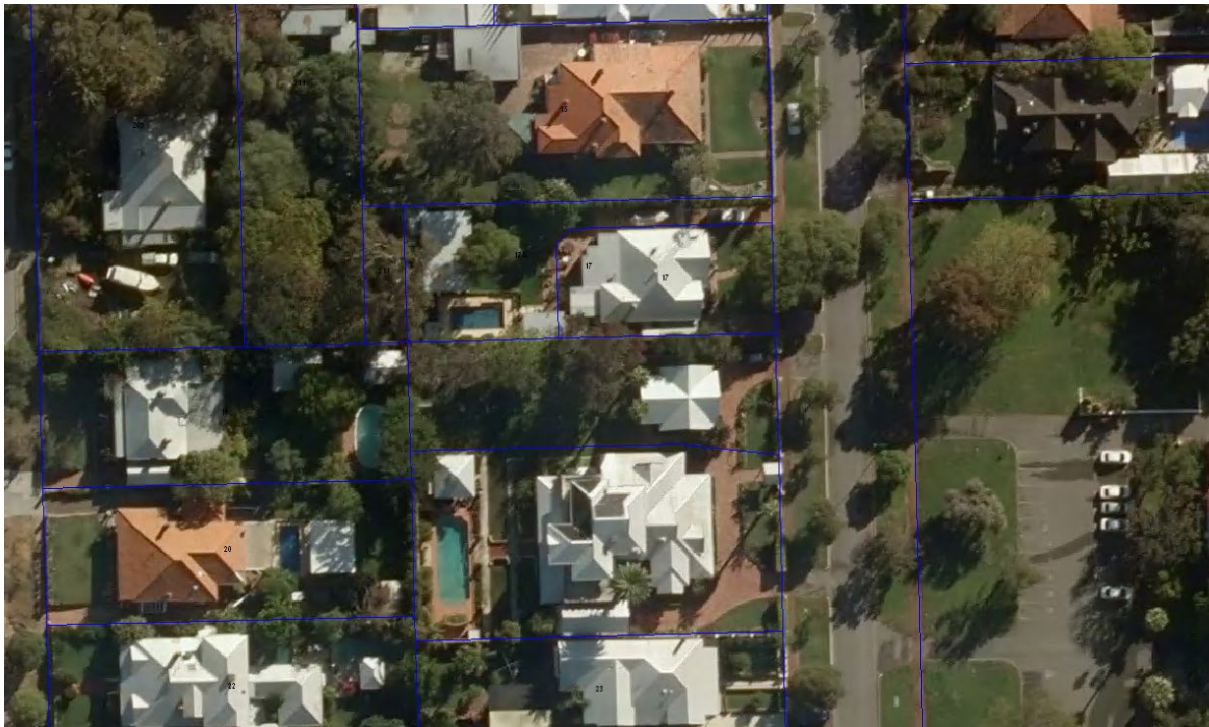
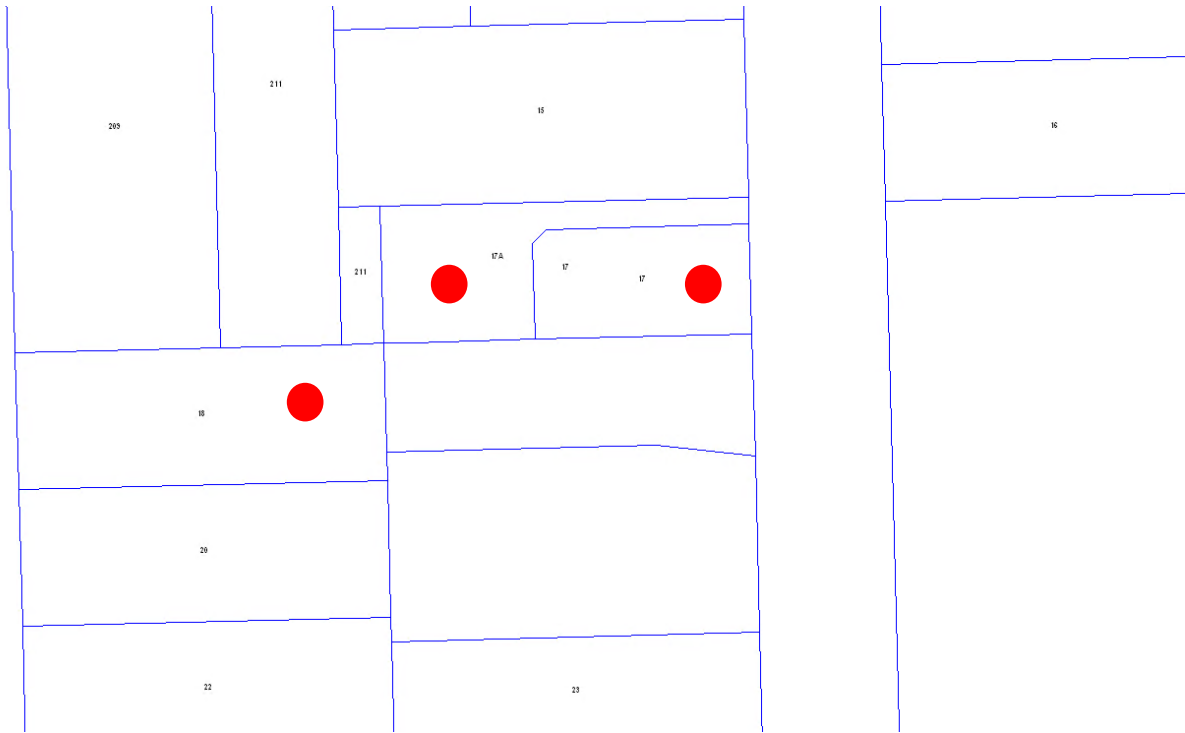
**Footnote:**

***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.*
-



19 Dalgety Street – Map and Photo



19 Dalgety Street – Photos





## PLACE RECORD FORM



PRECINCT	Woodside
ADDRESS	19 Dalgety Street
PROPERTY NAME	N/A
LOT NO	Lot 500
PLACE TYPE	Residence
CONSTRUCTION DATE	C 1913
ARCHITECTURAL STYLE	Federation Bungalow
USE/S	Original Use: Residence/ Current Use: Residence
STATE REGISTER	N/A
OTHER LISTINGS	N/A
MANAGEMENT CATEGORY	Category A
PHYSICAL DESCRIPTION	No 19 Dalgety Street is a single storey house constructed in tuck pointed brick and rendered brick with a hipped and gable corrugated iron roof. There is a second storey addition to the rear. It is a fine expression of the Federation Bungalow style. The place was modified and adapted in 1985 and 2006. The front elevation is asymmetrically planned with a thrust gable bay and a full width return hip roofed verandah. The verandah is supported on turned timber posts over a timber floor. The half timbered, gable bay features a bay window. The entry door is adjacent the bay window and is flanked by casement windows. The roofscape features render capped chimneys. Render bands run across

the facade.

The place retains its form and most of its details. There is a large addition to the rear, a garage to the south and a recent garage/guest-house to the north. The original tiled roof has been replaced with corrugated iron sheeting.

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

#### HISTORICAL NOTES

Woodside is a relatively cohesive precinct where most of the places were constructed following the subdivision of W.D. Moore's Estate commencing in 1912. Most of the lots were sold between 1912 and 1929 and the majority of buildings were completed in this time. Residences were substantial and of various Federation period styles distinguishing the area from the small worker's cottages of Plympton. The Inter-War Californian Bungalow style residence is also represented in Woodside.

The Woodside Precinct remains largely intact in terms of original housing with little infill subdivision or replacement housing.

In September 1913 Frank Higham acquired the property and shortly thereafter built the house. Higham sold the property to Margaret Shepherd in 1916 and it was subsequently held by a series of owners for comparatively brief periods. Darby and Sally Ross acquired the place in 1973 after redevelopment attempts had failed and at a time where there had been a great deal of damage to the property. The Ross family restored the place. In 1985, John O'Byrne acquired the property and retained the open nature of the site, while landscaping the grounds, adding a swimming pool and making a significant addition to the south and west of the house.

#### OWNERS

Frank Higham  
Margaret Shepherd  
Nora Stack  
James Tilley  
Elizabeth Dory  
Edward Dermer  
Wilfred Carson  
Richard and Kevin Talbot  
Ian Hancock  
Elizabeth Otter  
Darby and Sally Ross  
John O'Byrne  
James and Shirley Cameron  
Kim and Jacquie Hogan

#### HISTORIC THEME

Demographic Settlements - Residential Subdivision

#### CONSTRUCTION MATERIALS

Walls – Tuck pointed brick and rendered brick

Roof – Corrugated iron.

#### PHYSICAL SETTING

The residence is situated on a flat site. There is a limestone wall, rendered piers and steel palisade fence at the lot boundary.

#### STATEMENT OF SIGNIFICANCE

No 19 Dalgety Street is a single storey house constructed in brick with a corrugated iron roof. It has historic and aesthetic value for its contribution to Woodside's high concentration of predominantly Federation period houses and associated buildings. The place contributes to the local community's sense of place.

The place has exceptional heritage value for its intrinsic aesthetic value

as a Federation Bungalow. The place retains a moderate degree of authenticity and a high degree of integrity.

The additions and garage have no significance.

AESTHETIC  
SIGNIFICANCE

No 19 Dalgety Street has exceptional aesthetic value as a Federation Bungalow. It retains most of the characteristic features of a dwelling of the type and period.

HISTORIC  
SIGNIFICANCE

No 19 Dalgety Street has some historic value. It was part of the suburban residential development associated with the expansion of East Fremantle and the subdivision of W. D. Moore's Woodside Estate from 1912.

SCIENTIFIC  
SIGNIFICANCE

N/A

SOCIAL  
SIGNIFICANCE

No 19 Dalgety Street has some social value. It is associated with a significant area of middle class Federation and Inter-War period development which contributes to the community's sense of place.

RARITY

No 19 Dalgety Street is not rare in the immediate context but Woodside has rarity value as a cohesive middle class suburb.

CONDITION

No 19 Dalgety Street is in good condition.

INTEGRITY

No 19 Dalgety Street retains a high degree of integrity.

AUTHENTICITY

No 19 Dalgety Street retains a moderate degree of authenticity.

MAIN SOURCES

**NEW HOUSE ADDITIONS  
(19) LOT 1 DALGETY STREET  
EAST FREMANTLE  
FOR M A WEST**

ARCHITECTURAL DRAWINGS

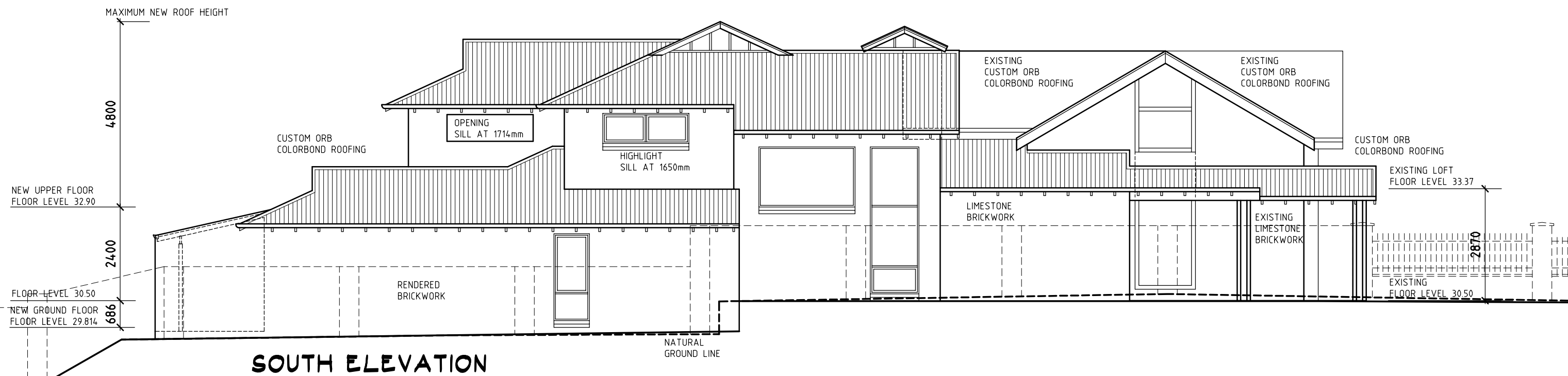
S1	SITE PLAN & OVERSHADOWING
S2	GROUND FLOOR PLAN
S3	UPPER FLOOR PLAN & OVERSHADOWING CONES
S4	EAST & SOUTH ELEVATIONS
S5	WEST & NORTH ELEVATIONS
S6	SECTIONS A A & B B
S7	SECTIONS C C ,D D & E E
S8	SECTIONS F F, G G, H H & J J
S9	STREET ELEVATION
S10	GATE HOUSE DETAILS
S11	LANDSCAPE PLAN & SOUTH BOUNDARY WALL ELEVATION

SURVEYORS DRAWING

FEATURE SURVEY



**EAST ELEVATION (STREET)**



25 SEPTEMBER 2020  
SUBMISSION FOR PLANNING APPROVAL

**NEW HOUSE (ADDITIONS)**  
#19 LOT 1 DALGETY STREET EAST FREMANTLE  
FOR M A WEST

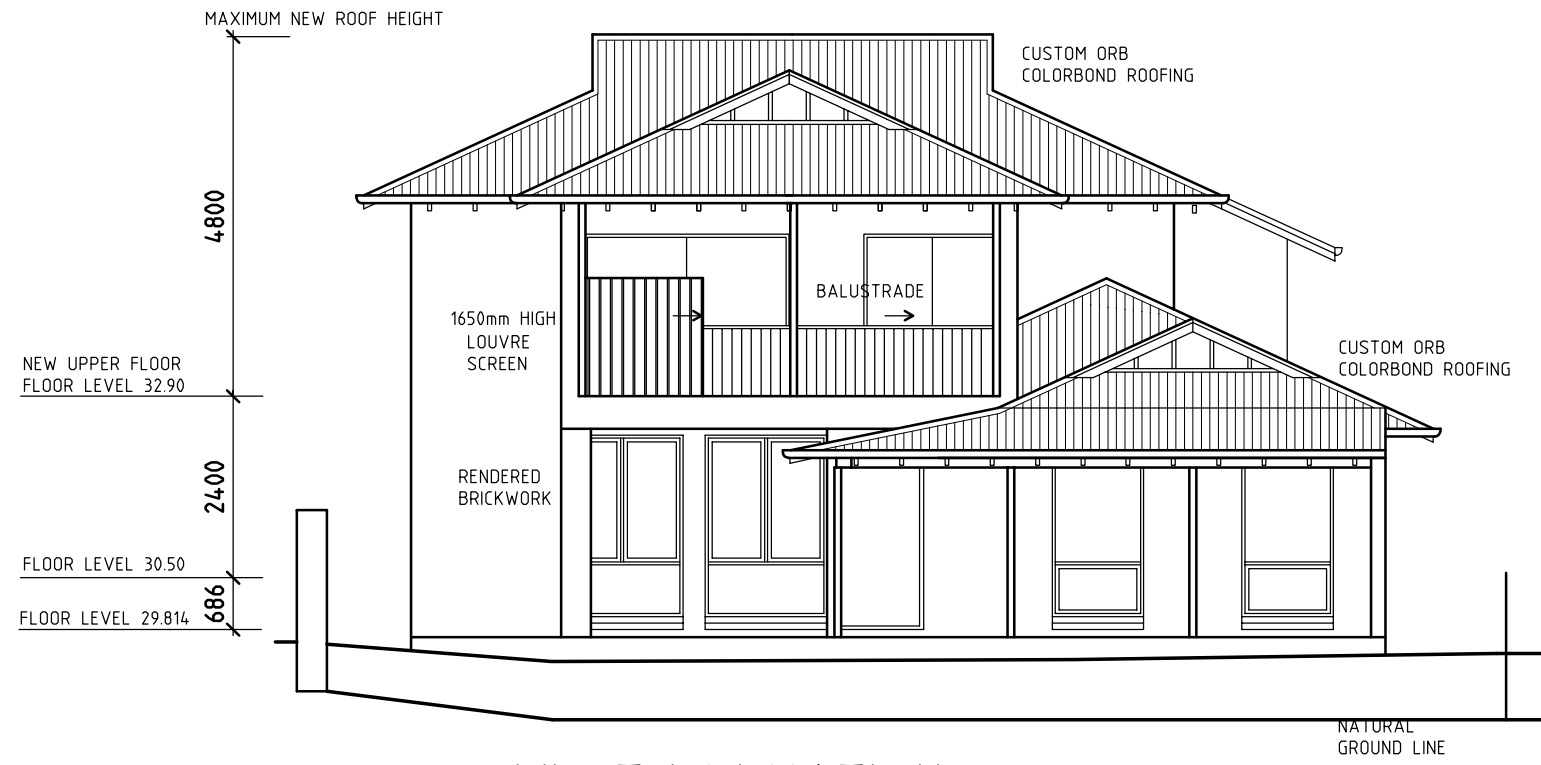
M J MIDDLETON DESIGNER  
mjmiddleton@bigpond.com MOBILE 0418 902 149

DRAWING NO  
ELEVATIONS 1  
**20-12-S4**

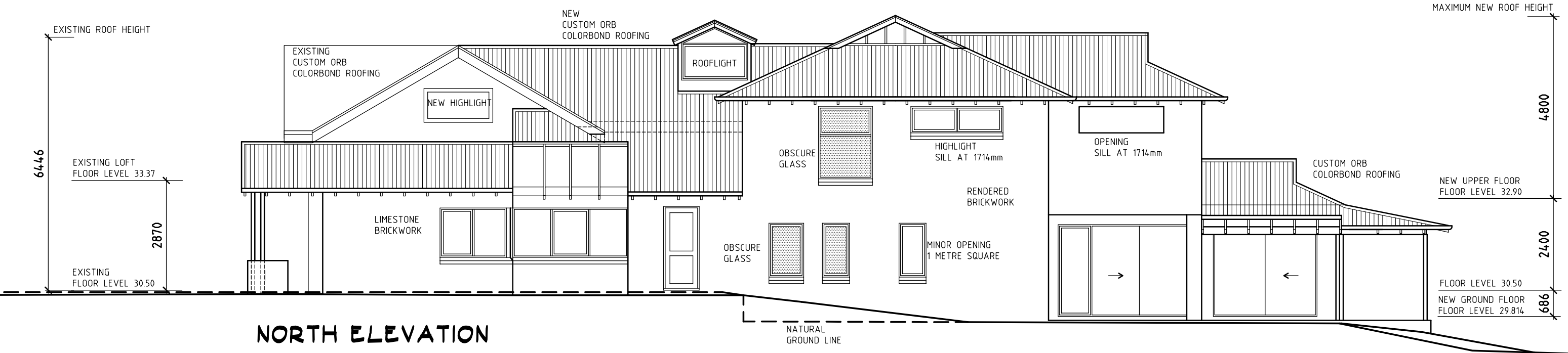
DATE 16 SEPT 2020 SCALE 1:100







WEST ELEVATION



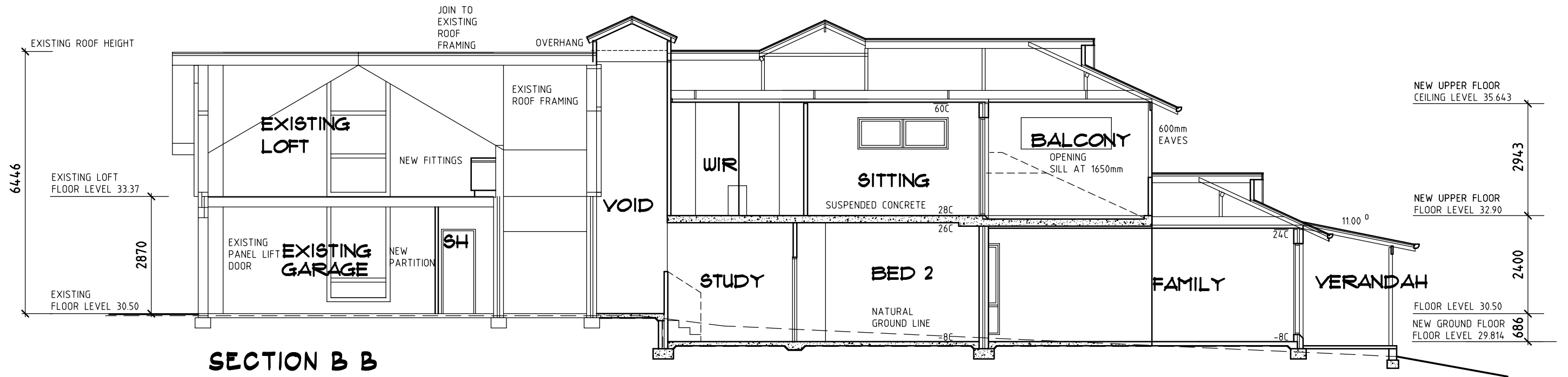
NORTH ELEVATION

25 SEPTEMBER 2020  
SUBMISSION FOR PLANNING APPROVAL

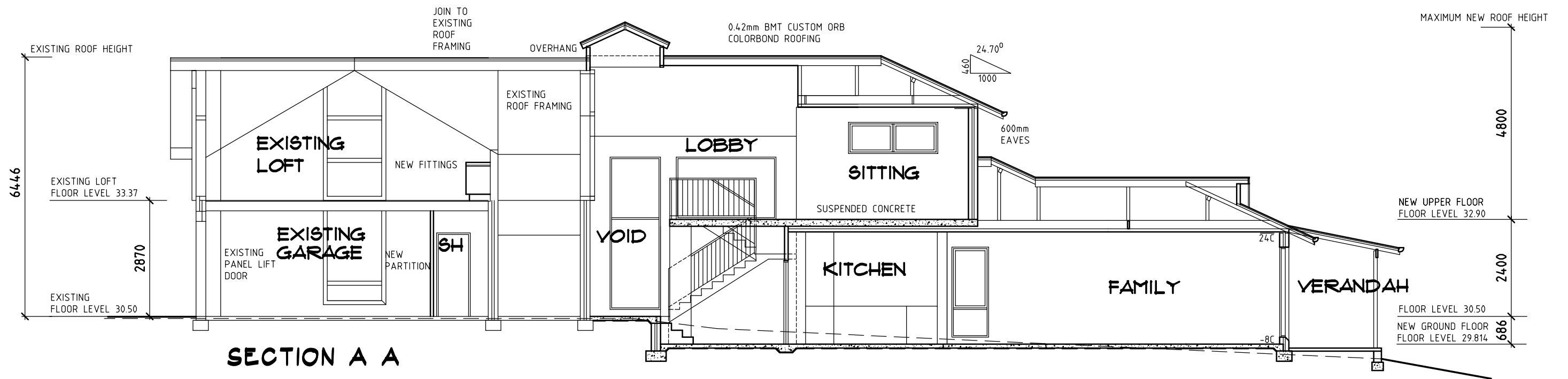
**NEW HOUSE (ADDITIONS)**  
#19 LOT 1 DALGETY STREET EAST FREMANTLE  
FOR M A WEST

M J MIDDLETON <small>mjmittleton@bigpond.com</small>		DESIGNER <small>MOBILE 0418 902 149</small>	DRAWING NO <b>ELEVATIONS 2</b>
DATE 16 SEPT 2020	SCALE 1:100		<b>20-12-S5</b>





SECTION B B



SECTION A A

25 SEPTEMBER 2020  
SUBMISSION FOR PLANNING APPROVAL

**NEW HOUSE (ADDITIONS)**  
#19 LOT 1 DALGETY STREET EAST FREMANTLE  
FOR M A WEST

M J MIDDLETON  
mjmiddleton@bigpond.com

DESIGNER  
MOBILE 0418 902 149

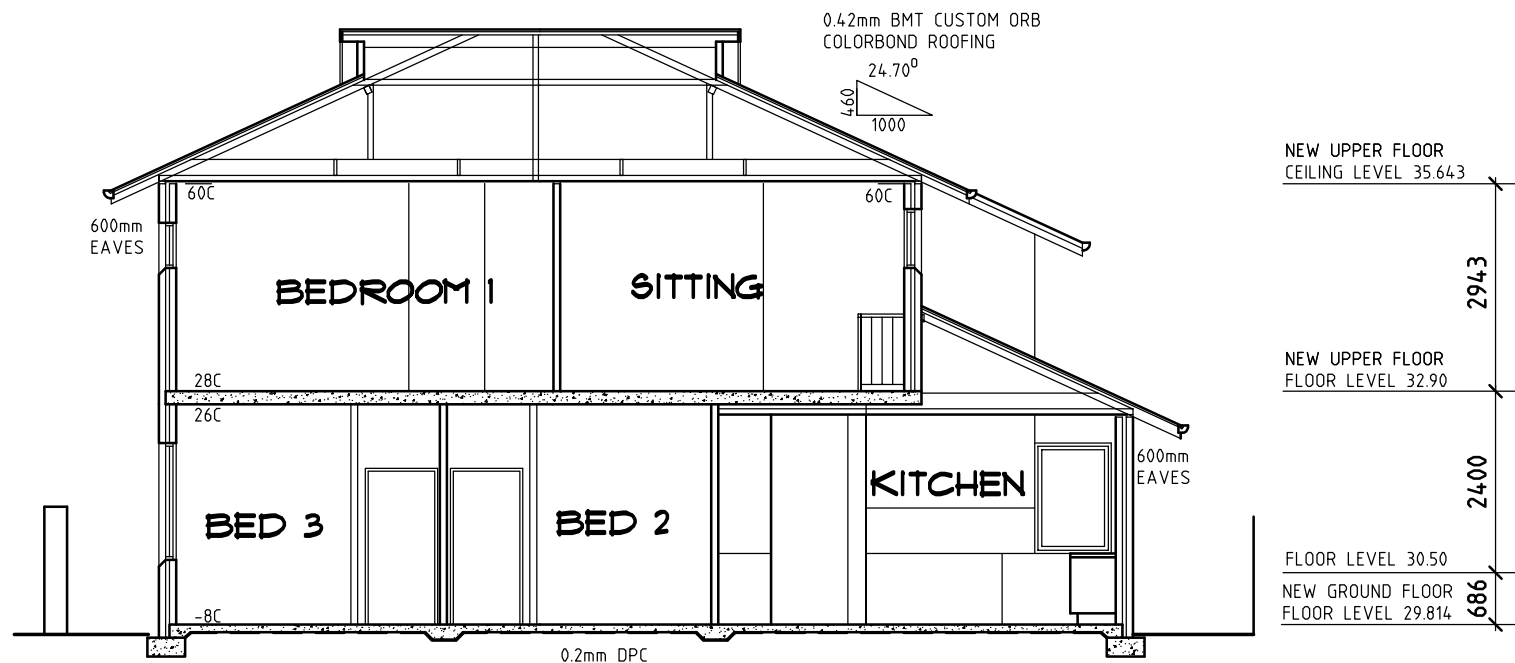
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SECTIONS 1

DATE 16 SEPT 2020

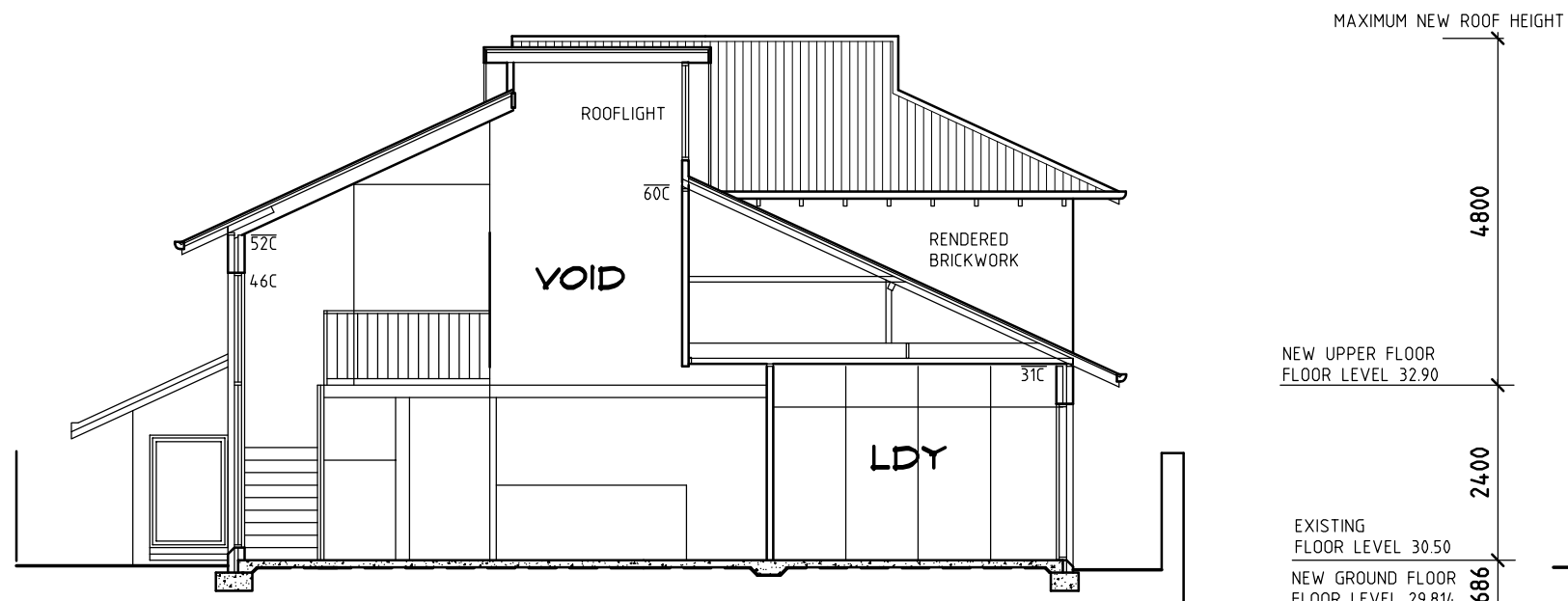
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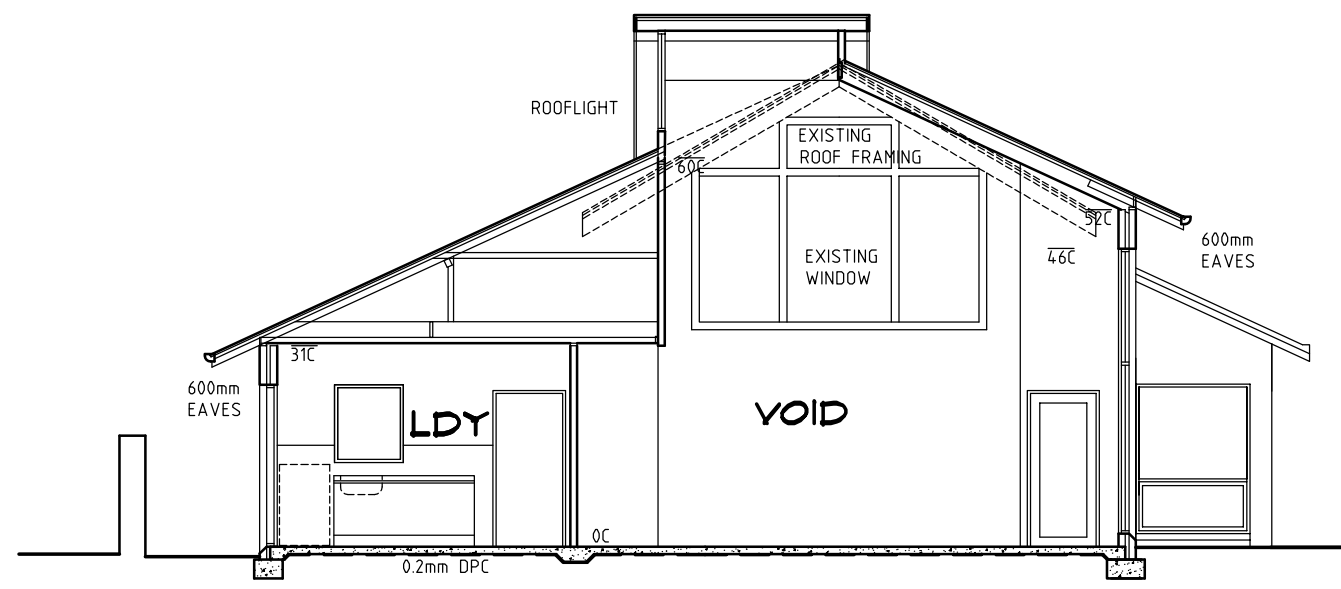




SECTION E E



SECTION C C



SECTION D D

25 SEPTEMBER 2020  
SUBMISSION FOR PLANNING APPROVAL

**NEW HOUSE (ADDITIONS)**  
#19 LOT 1 DALGETY STREET EAST FREMANTLE  
FOR M A WEST

M J MIDDLETON  
mjmittleton@bigpond.com

DESIGNER  
MOBILE 0418 902 149

DRAWING NO  
SECTIONS 2  
20-12-S7

DATE 16 SEPT 2020

SCALE 1:100



SECTION F F

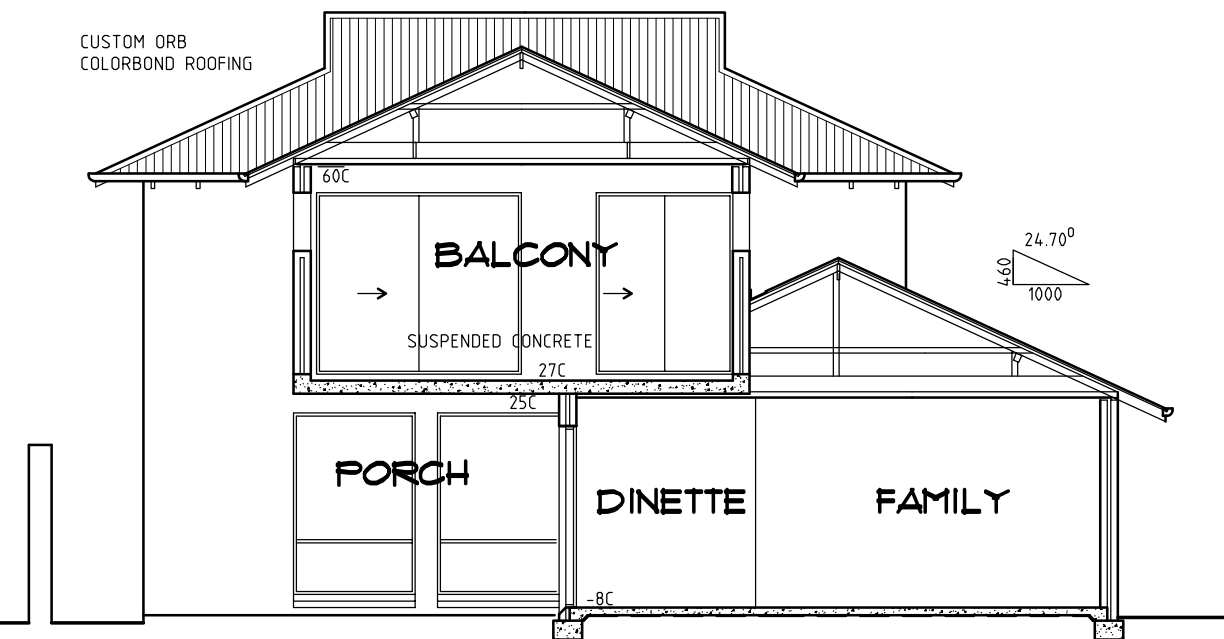
NEW UPPER FLOOR  
FLOOR LEVEL 32.90

NEW GROUND FLOOR  
CEILING LEVEL 32.557

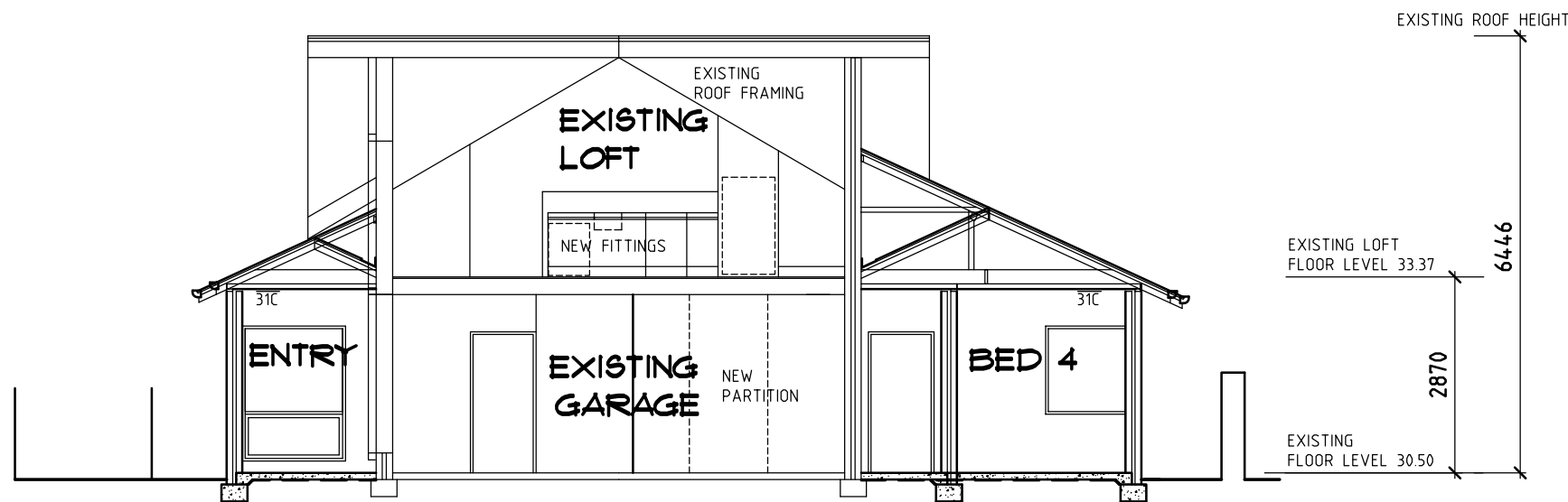
FLOOR LEVEL 30.50

NEW GROUND FLOOR  
FLOOR LEVEL 29.814

2743



SECTION G G



SECTION H H

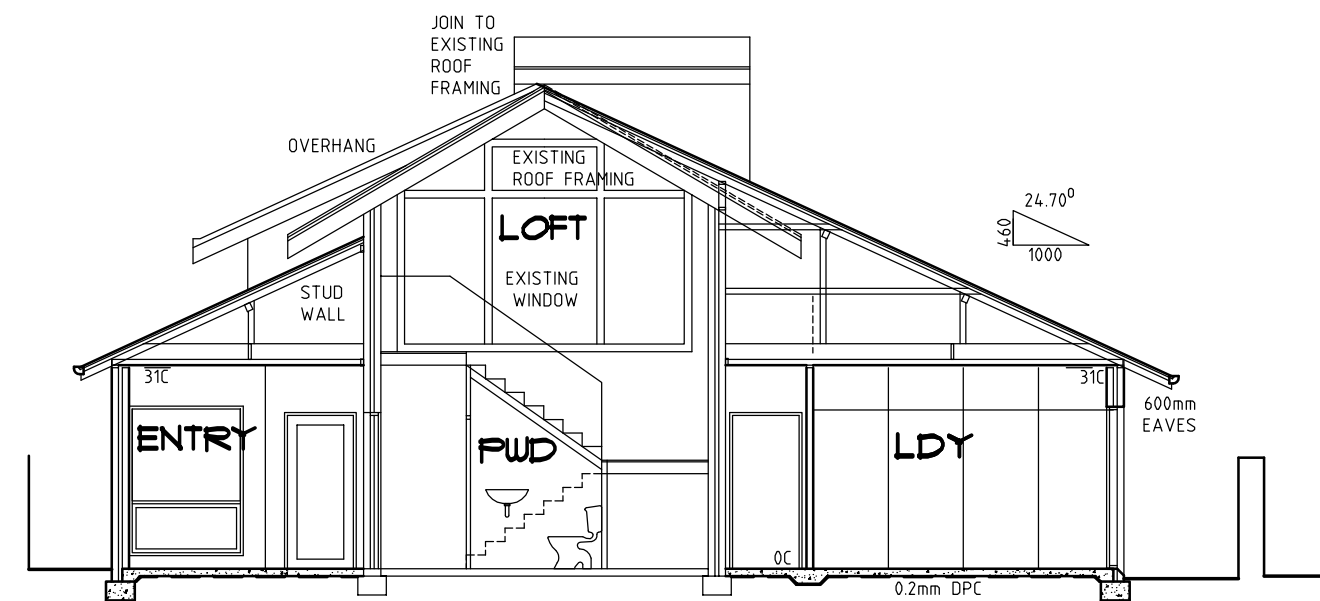
EXISTING ROOF HEIGHT

EXISTING LOFT  
FLOOR LEVEL 33.37

6446

2870

EXISTING  
FLOOR LEVEL 30.50



SECTION J J

25 SEPTEMBER 2020  
SUBMISSION FOR PLANNING APPROVAL

**NEW HOUSE (ADDITIONS)**  
#19 LOT 1 DALGETY STREET EAST FREMANTLE  
FOR M A WEST

M J MIDDLETON  
mjmittleton@bigpond.com

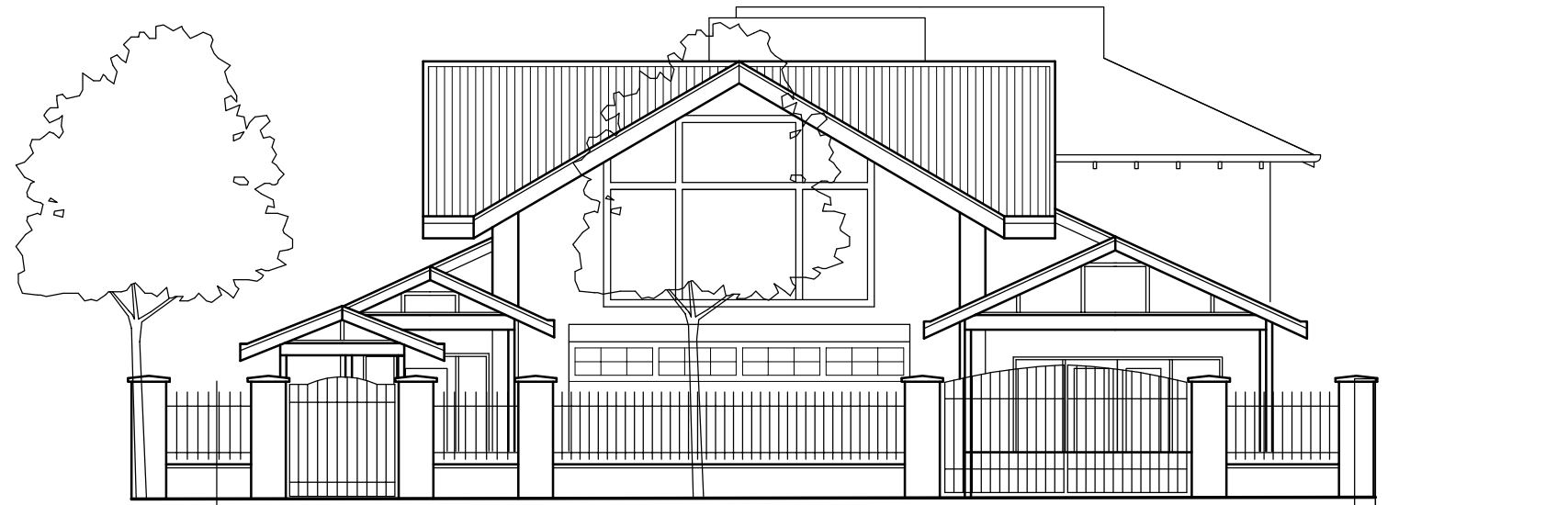
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MOBILE 0418 902 149

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SECTIONS 3

DATE 16 SEPT 2020

SCALE 1:100

20-12-58



**EAST ELEVATION (STREET ELEVATION)**

25 SEPTEMBER 2020  
SUBMISSION FOR PLANNING APPROVAL

**NEW HOUSE (ADDITIONS)**  
#19 LOT 1 DALGETY STREET EAST FREMANTLE  
FOR M A WEST

**M J MIDDLETON**  
mjmiddleton@bigpond.com

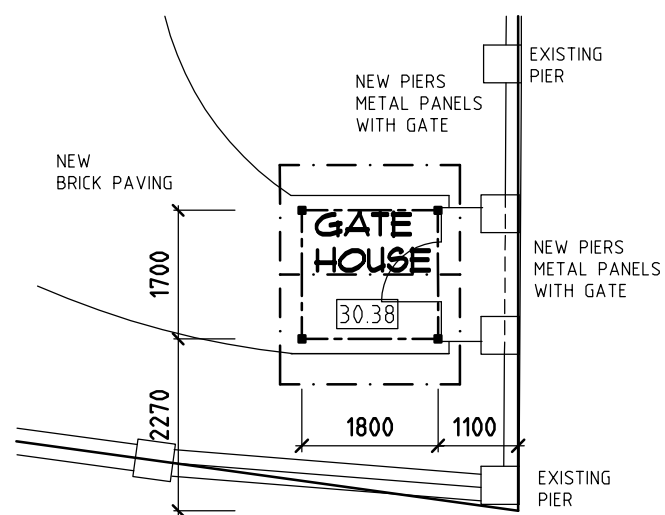
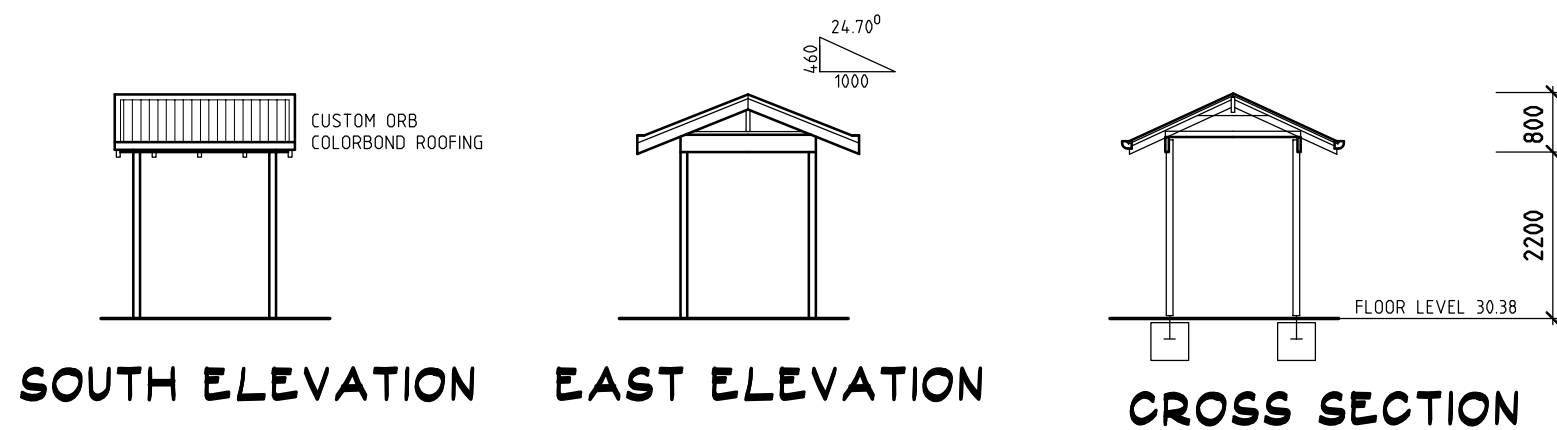
**DESIGNER**  
MOBILE 0418 902 149

**DRAWING NO**  
**STREET ELEVATION**  
**20-12-59**

**DATE** 22 SEPT 2020

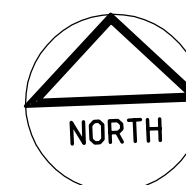
**SCALE** 1:100



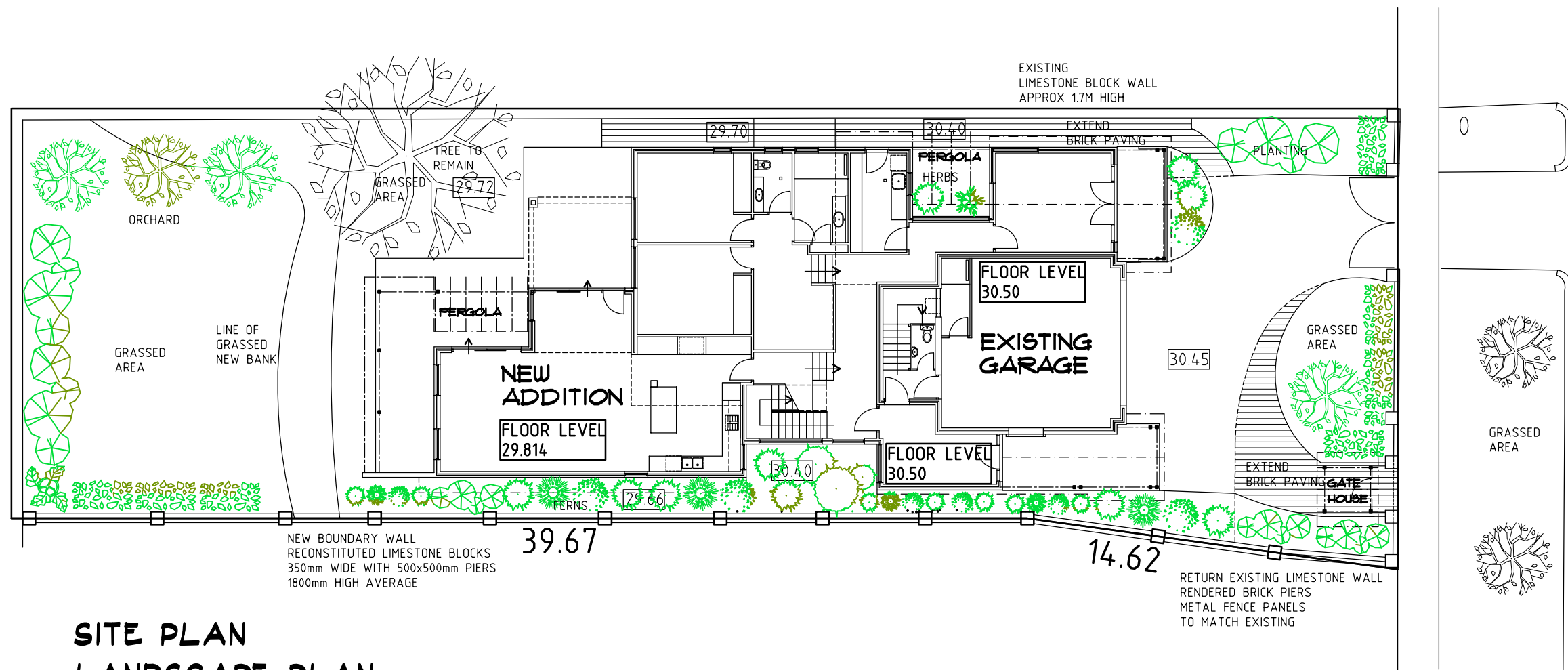


**FLOOR PLAN**  
1:100

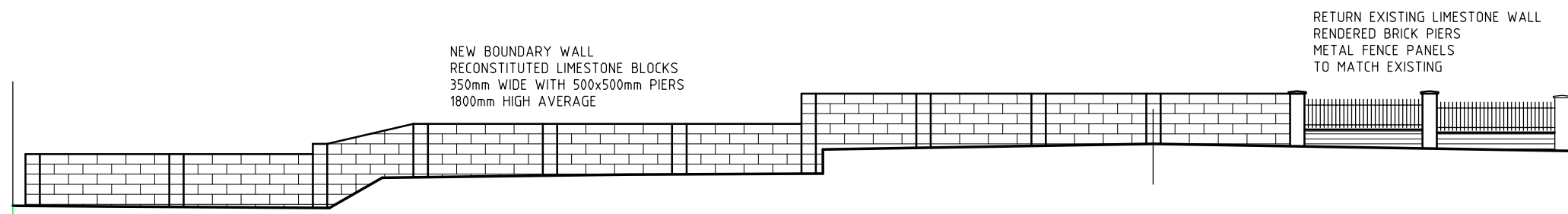
25 SEPTEMBER 2020  
SUBMISSION FOR PLANNING APPROVAL



<b>NEW HOUSE (ADDITIONS)</b>		
#19 LOT 1 DALGETY STREET EAST FREMANTLE FOR M A WEST		
M J MIDDLETON <small>mjmiddleton@bigpond.com</small>	DESIGNER <small>MOBILE 0418 902 149</small>	DRAWING NO <b>GATE HOUSE</b>
DATE 22 SEPT 2020	SCALE 1:100	<b>20-12-S10</b>



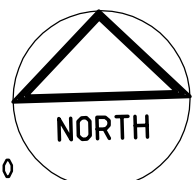
**SITE PLAN  
LANDSCAPE PLAN  
1:200**



**ELEVATION  
SOUTH BOUNDARY WALL  
1:200**

25 SEPTEMBER 2020  
SUBMISSION FOR PLANNING APPROVAL

<b>NEW HOUSE (ADDITIONS)</b>		
#19 LOT 1 DALGETY STREET EAST FREMANTLE FOR M A WEST		
M J MIDDLETON mjmiddleton@bigpond.com	DESIGNER MOBILE 0418 902 149	DRAWING NO LANDSCAPE 20-12-S11
DATE 25 SEPT 2020	SCALE 1:200	





### Community Engagement Checklist

## Development Application P107/20 - 19 Dalgety Street

Project Name

<b>Objective of Engagement:</b>	Neighbour consultation		
<b>Lead Officer:</b>	Regulatory Services		
<b>Timeline:</b>	<b>Start Date:</b>	5/10/2020	<b>Outcomes By:</b> 19/10/2020
Stakeholders			
<b>Stakeholders to be considered.</b>  <i>Please highlight those to be targeted during engagement.</i>	Aged	<input type="checkbox"/>	Ratepayers (all / targeted) <input type="checkbox"/>
	Businesses	<input type="checkbox"/>	Residents (all / targeted) <input checked="" type="checkbox"/>
	Children (School / Playgroup)	<input type="checkbox"/>	Service Providers <input type="checkbox"/>
	Community Groups	<input type="checkbox"/>	Unemployed <input type="checkbox"/>
	Disabled People	<input type="checkbox"/>	Visitors <input type="checkbox"/>
	Environmental	<input type="checkbox"/>	Volunteers <input type="checkbox"/>
	Families	<input type="checkbox"/>	Workers <input type="checkbox"/>
	Govt. Bodies	<input type="checkbox"/>	Youth <input type="checkbox"/>
	Indigenous	<input type="checkbox"/>	<input type="checkbox"/>
	Neighbouring LGs	<input type="checkbox"/>	<input type="checkbox"/>
<b>Staff to be notified:</b>	Office of the CEO	<input type="checkbox"/>	Councillors <input type="checkbox"/>
	Corporate Services	<input type="checkbox"/>	Consultant/s <input type="checkbox"/>
	Development Services	<input type="checkbox"/>	<input type="checkbox"/>
	Operations (Parks/Works)	<input type="checkbox"/>	<input type="checkbox"/>
Community Engagement Plan			
Methods	Responsible	Date Due	Reference / Notes
1.1 E News	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.2 Email Notification ~	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
1.3 Website	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.4 Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.5 Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.6 Fact Sheet	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.7 Media Rel./Interview	<input type="checkbox"/> Communications		<input type="checkbox"/>
2.1 Information Stalls	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
2.2 Public Meeting/Forum	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
2.3 Survey/Questionnaire	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
3.1 Focus Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
3.2 Referendum/Ballot	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
3.3 Workshop	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
4.1 Council Committee	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
4.2 Working Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
* Statutory Consultation	<input checked="" type="checkbox"/> Relevant Officer	19/10/2020	<input checked="" type="checkbox"/> Advertised to 3 surrounding properties
# Heritage Consultation	<input type="checkbox"/> Regulatory Services		<input type="checkbox"/>
^ Mail out (note: timeliness)	<input type="checkbox"/> Communications		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>



Evaluation			
Summary of...		Date Due	Complete / Attached
Feedback / Results / Outcomes / Recommendations		19/10/2020	
Outcomes Shared			
Methods	Responsible	Date Due	Complete / Attached
E-Newsletter	<input type="checkbox"/> Communications		<input type="checkbox"/>
Email Notification	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
Website	<input type="checkbox"/> Communications		<input type="checkbox"/>
Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>
Media Release	<input type="checkbox"/> Communications		<input type="checkbox"/>
Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
Notes			

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**11.2 Sewell Street No 83 (Lot 257) Proposed alterations and additions**

<b>Owner</b>	Gavin McKay & Jennifer Beale
<b>Applicant</b>	David Barr Architects
<b>File ref</b>	P106/20
<b>Prepared by</b>	James Bannerman Planning Officer
<b>Supervised by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Meeting date</b>	1 December 2020
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Location plan</li><li>2. Site photos</li><li>3. Place Record Form</li><li>4. Plans date stamped 6 October 2020</li><li>5. Community consultation</li></ol>

**Purpose**

The purpose of this report is for Council to consider a planning application for proposed alterations and additions at No 83 (Lot 257) Sewell Street, East Fremantle.

**Executive Summary**

This development application proposes alterations and additions to an existing Category B heritage dwelling at 83 Sewell Street East Fremantle. The front section of the dwelling which has many heritage elements is being retained and the proposed extensions including the ancillary dwelling upper storey are concentrated towards the rear. The design of the extensions are contemporary and demonstrate a clear distinction between the old and new parts of the dwelling which is in alignment with the Residential Design Guidelines.

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 – Shed Wall– 1m required, 0m provided,
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Southern Wall - 1.5m required, 1.005m provided,
- (iii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – 1m required, 0m provided,
- (iv) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, 2 degrees provided,
- (v) Clause 3.7.13.3 – Residential Design Guidelines – Setback of Water Tank – 1m required, 0.88m and 0.455m provided

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

**Background**

Zoning: Residential R20

Site area: 508m<sup>2</sup>

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

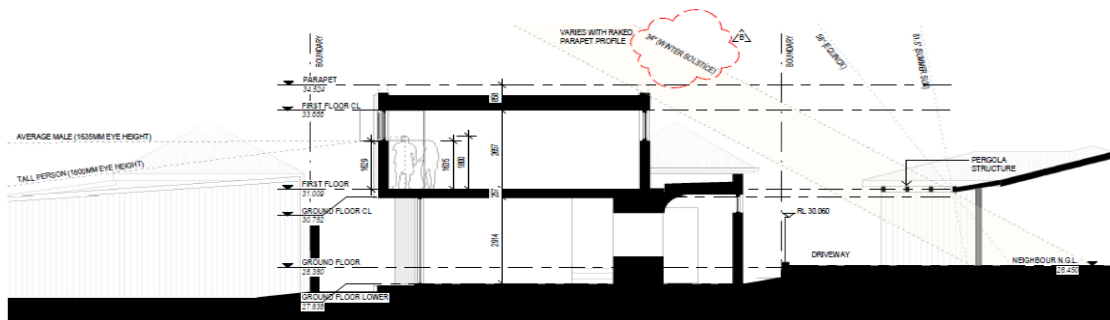
Nil

**Consultation**

Advertising

The application was advertised to surrounding landowners from 1 October to 16 October 2020. One submission was received.

Submission	Applicant Response	Officer Response
<p>As our properties are extremely close and only a few metres apart, I am deeply concerned regarding the upstairs addition of the north facing window. This window would look directly into my kitchen, my back door, back gate and the immediate back area of my house. It would be a great invasion of privacy. Perhaps this window could be higher to avoid this.</p>	<p>After reviewing the R-CODES and the neighbours comments we note that the current proposed height of the northern window is compliant with the R-CODES. The R-CODES permit 1600mm above finished floor level. We are proposing a sill height of 1629mm. The height of 1629 does not take into consideration the frame of 40mm plus the external shroud used for shading and for privacy. So, we are well in excess of the deemed to comply 1600mm. The diagram (below) clearly demonstrates that the height of the window, window frame and shroud restrict overlooking into the neighbour's property and therefore there is no 'invasion of privacy'. The two lines on the diagram indicate two heights a standard height and very tall person, both of which do not impact the neighbour's privacy. Based on the above, we propose to maintain the window height as documented, knowing full well that the privacy for the neighbour is maintained. We trust that due to the fact that we are compliant with the R-CODES that the proposal will not be duly affected or delayed.</p>	<p>Comments are noted. As the window is located more than 1.6m above finished floor level it is not considered a major opening and therefore cannot be assessed in terms of visual privacy issues. The shroud around the window also reduces the overlooking potential from the window.</p>



1 CROSS SECTION (VIEW CONE)  
A201 1:100

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Community Design Advisory Committee (CDAC)

The application was not referred to CDAC as there are no 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			
Secondary Street Setback			
Lot Boundary Setbacks			
Ancillary dwelling – northern wall	0m	0m	A
Ancillary dwelling – western wall	1m	1.6m	A
Shed – western wall	1m	1.2m	A
<b>Shed – southern wall</b>	<b>1m</b>	<b>0m</b>	<b>D</b>
Existing building and new bathroom	2.2m	3.567m	A
Ground floor – remaining additions - northern wall	1.5m	1.9m	A
<b>Ground floor – southern wall</b>	<b>1.5m</b>	<b>1.005m</b>	<b>D</b>
Upper storey – master bedroom & stairs	1.3m	1.582m	A
Upper storey – master bedroom & ensuite	3.3m	18.3m	A
Upper storey – ensuite, WIR	1.2m	3.4m	A
Open Space	50%	63%	A
Wall height (concealed roof)	7m	7m	A
Setback of Garage			N/A
Car Parking			N/A
<b>Site Works</b>	<b>&lt;0.5m</b>	<b>&gt;0.5m</b>	<b>D</b>
Visual Privacy	4.5m	<4.5m	A (obscure glazing)
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	A
3.7.5 Demolition	A

3.7.6 Construction of New Buildings	A
3.7.7 Building Setbacks and Orientation	A
<b>3.7.8 Roof Form and Pitch</b>	<b>D</b>
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
<b>3.7.13 Incidental Development Requirements</b>	<b>D</b>
3.7.14 Footpaths and Crossovers	N/A
3.7.16.4.3 Fremantle Port Buffer Area	N/A
3.7.16.3 Garages and Carports	N/A

This development application proposes alterations and additions to an existing Category B heritage dwelling at 83 Sewell Street East Fremantle. The front section of the dwelling which has many heritage elements is being retained and the proposed extensions including the ancillary dwelling and upper storey are concentrated towards the rear of the lot.

The design of the extensions are contemporary and demonstrate a clear distinction between the old and new parts of the dwelling which is in alignment with the Residential Design Guidelines and Burra Charter.

Three variations are requested to the requirements of the Residential Design Codes and two variations are requested to the Residential Design Guidelines. The variations relate to lot boundary setbacks, roof pitch, fill and location of the proposed water tanks.

#### Lot Boundary Setbacks

There is a metal shed that is proposed to be located in the south western corner of the property. The shed wall is 3.1m long and 2.34m high and is required to be 1m from the side boundary in accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1i. In this case the shed is proposed to be built up to the boundary. The location of the shed can be supported according to design principles 5.1.3 P3.2 on the basis that;

- It makes more effective use of space for enhanced privacy for the occupants and the outdoor living areas;
- The impact of building bulk on the neighbouring property is minimised,
- Adequate sunlight and ventilation are provided to the building and open spaces on the site and adjoining properties;
- Minimal overlooking or loss of privacy to adjoining properties;
- Does not have an adverse impact on the amenity of the adjoining property;
- Direct sun 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 shed is located where it has minimal impacts on the adjacent property to the south and it is away from either habitable rooms or outdoor living areas. For these reasons the proposed location adjacent to the southern boundary can be supported.

---

### Lot Boundary Setbacks

The southern wall on the ground floor is 19.7m long and 3.2m tall. According to the Residential Design Codes deemed to comply clause 5.1.3 C3.1 i the wall is supposed to be located 1.5m from the boundary. In this case the wall is setback 1.005m. This can be supported for the following reasons;

- The impact of building bulk on the neighbouring property is minimised. The additions are proposed to be constructed on the same setback from the southern boundary as the existing dwelling and on the same setback as the previous addition which are to be demolished. The overall impact of the proposed setback is considered minor and the neighbour will experience a similar bulk and scale;
- Adequate sunlight and ventilation is provided to the building and open spaces on the site and adjoining properties; and
- Minimal overlooking or loss of privacy to adjoining properties.

The variation in the lot boundary setback is minimal. There are no significant impacts from building bulk, loss of sunlight or ventilation and minimal loss of visual privacy.

### Roof Pitch

In accordance with the Residential Design Guidelines acceptable development provisions 3.7.8.3 A4.1 the roof should have a pitch of between 28 and 36 degrees. In this case the roof pitch is 2 degrees but is a concealed roof hidden behind a wall. It is considered that the proposed roof form achieves the performance criteria clause 3.7.8.3 as it complements the traditional form of surrounding development in the immediate locality. For this reason, the proposed roof pitch can be supported.

### Fill Greater Than 0.5m

Fill of approximately 0.56m from natural ground level is proposed for the north western corner of the lot adjacent to the proposed ancillary dwelling (Studio) at the rear. In accordance with the Residential Design Codes deemed to comply clause 5.3.7 C7.2 fill is required to comply with the building height and building setback requirements. In this case the increase in height is minor and the proposed development considers and responds to the natural features of the site and requires minimal fill in accordance with design principles 5.3.7 P7.1. There is minimal impact to the adjoining neighbour.

### Water Tanks Less than 1m from Boundary

Water tanks are required to be at least 1m from the boundary in accordance with Residential Design Guidelines acceptable development clause 3.7.13.3 A1.2iii. In this case the water tanks are located less than 1m from the boundary (0.88m for the tank adjacent to the ancillary dwelling and 0.455m for the southern tank respectively), however, as they are hidden at the side of the dwelling and rear they achieve performance criteria 3.7.13.3 P1. There is no impact to the adjoining neighbours or streetscape.

### Conclusion

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

**11.2 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION:**

That development approval is granted, and Council exercises its discretion regarding the following;

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Shed Wall– 1m required, 0m provided,
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Southern Wall - 1.5m required, 1.005m provided,
- (iii) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, 2 degrees provided,
- (iv) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – 1m required, 0m provided,
- (v) Clause 3.7.13.3 – Residential Design Guidelines – Setback of Water Tank – 1m required, 0.88m and 0.455m provided

for alterations and additions at No. 83 (Lot 257) Sewell Street, East Fremantle, in accordance with the plans date stamped received 6 October 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 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.
- (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:**

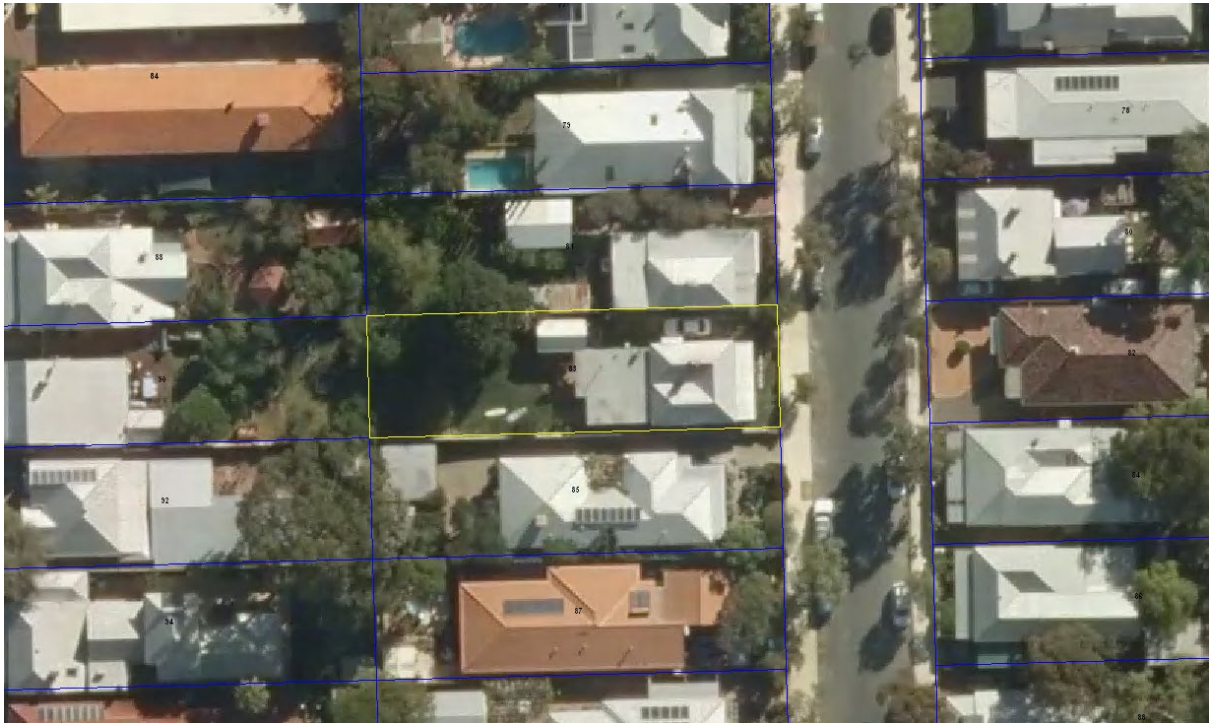
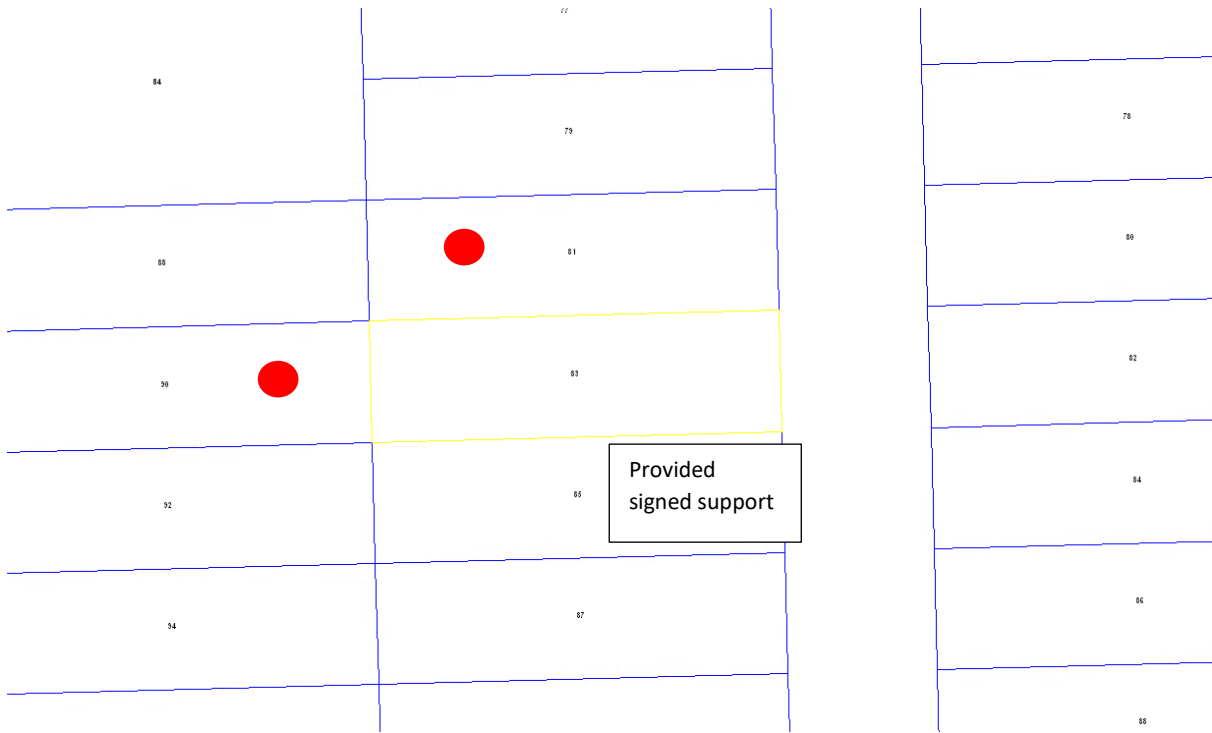
*The following are not conditions but notes of advice to the applicant/owner:*

- (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.*

83 Sewell Street – Map and Photo







**PLACE RECORD FORM**



PRECINCT	Plympton
ADDRESS	83 Sewell Street
PROPERTY NAME	N/A
LOT NO	Lot 257
PLACE TYPE	Residence
CONSTRUCTION DATE	C 1898
ARCHITECTURAL STYLE	Federation Bungalow
USE/S	Original Use: Residence/ Current Use: Residence
STATE REGISTER	N/A
OTHER LISTINGS	N/A
MANAGEMENT CATEGORY	Category B
PHYSICAL DESCRIPTION	No 83 Sewell Street is a single storey cottage constructed in timber framing and weatherboard cladding with a hipped 'M' format corrugated iron roof. It is a simple expression of the Federation Bungalow style. The front elevation is a symmetrically planned with a central door and hopper light flanked by doors with hopper lights. The flanking doors have replaced the original windows. The facade features a full width skillion roofed verandah supported timber posts. A vertical timber balustrade spans between the posts. The roof features a large brick chimney stack There are additions to the rear.

	The place is consistent with the pattern of development in Plympton and plays an important role in the pattern of development of a working class suburb.
HISTORICAL NOTES	Plympton is a cohesive precinct, where most of the places were constructed in the late nineteenth century and the first quarter of the twentieth century. It is comprised primarily of homes for workers and their families with a high concentration of small lots with timber, brick and stone cottages.
OWNERS	Unknown
HISTORIC THEME	Demographic Settlements - Residential Subdivision
CONSTRUCTION MATERIALS	Walls - Timber framed and weatherboard cladding Roof - Corrugated roof sheeting
PHYSICAL SETTING	The residence is situated on level site with a rendered masonry wall on the lot boundary.
STATEMENT OF SIGNIFICANCE	No 83 Sewell Street is a single storey house constructed in timber framing and weatherboard cladding with a corrugated iron roof. The place has historic and aesthetic value with its contribution to Plympton's high concentration of worker's cottages and associated buildings. It contributes to the local community's sense of place.  The place has considerable heritage value for its intrinsic aesthetic value as a Federation Bungalow and it retains a moderate degree of authenticity and a high degree of integrity.  The additions to the rear have no significance.
AESTHETIC SIGNIFICANCE	No 83 Sewell Street has considerable aesthetic value as a Federation Bungalow. It retains the characteristics of the period with some loss of detail.
HISTORIC SIGNIFICANCE	No 83 Sewell Street has some historic value. It was part of the suburban residential development associated with the expansion of East Fremantle during the Goldrush period of the 1880s and 1890s.
SCIENTIFIC SIGNIFICANCE	N/A
SOCIAL SIGNIFICANCE	No 83 Sewell Street has some social value. It is associated with a significant area of worker's cottages which contributes to the community's sense of place.
RARITY	No 83 Sewell Street is not rare in the immediate context but Plympton has rarity value as a working class suburb.
CONDITION	No 83 Sewell Street is in good condition.
INTEGRITY	No 83 Sewell Street retains a high degree of integrity.
AUTHENTICITY	No 83 Sewell Street retains a moderate degree of authenticity.
MAIN SOURCES	

# 83 SEWELL STREET, EAST FREMANTLE

**DEVELOPMENT APPLICATION**

05.10.20

**DAVID BARR ARCHITECTS**

85 SEWELL



83 SEWELL



81 SEWELL



PHOTO MONTAGE OF EXISTING STREETScape



PERSPECTIVE VIEW OF 83 SEWELL STREET WITH PROPOSED ADDITION TO THE REAR  
(STANDING ON FOOTPATH ACROSS FROM SEWELL STREET)  
(FRONT TREES REMOVED FOR CLARITY)

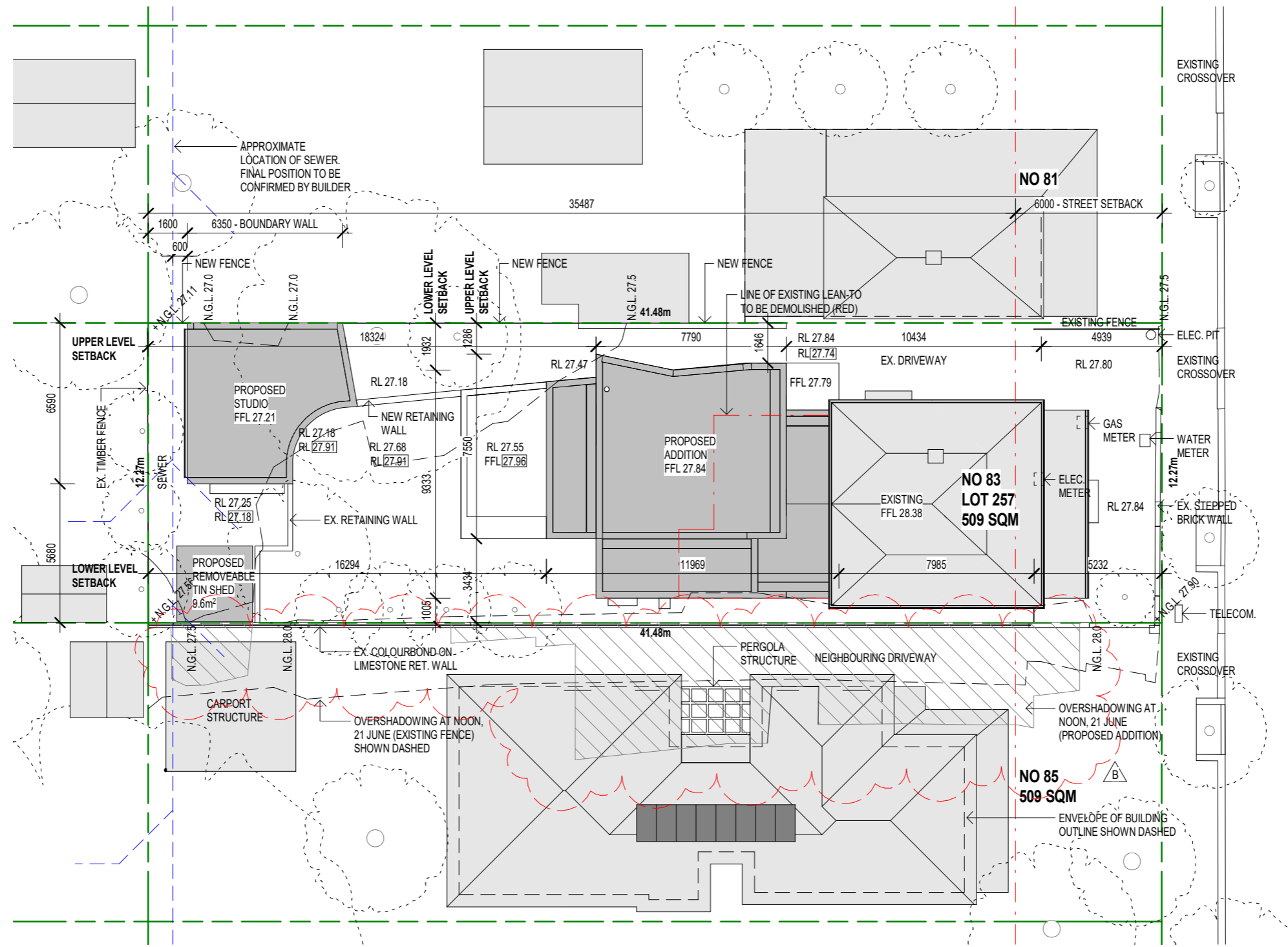
NOTE: This is an uncontrolled document issued for information purposes only, unless the "checked" sections are signed and completed. This is a CAD drawing. Do not amend manually.

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A		28.09.2020	DEVELOPMENT APPLICATION	
ISSUE	DATE	REVISION		
PROJECT	83 SEWELL STREET, EAST FREMANTLE			PROJECT #: A20013
CLIENT	GAVIN MACKAY & JENNIFER BEALE			DWG #: A100
DWG	STREETScape SURVEY			55 REVISION A
DAVID BARR ARCHITECTS		A: 32 CLIFF STREET, FREMANTLE WA 6160 / M: 08 94 695 110		







**1 SITE PLAN**  
1 : 200

**GENERAL:**  
 SITE AREA = 509m<sup>2</sup>  
 DENSITY = R20  
 OPEN SPACE (MIN 50%) = 254m<sup>2</sup>  
 OPEN SPACE ACTUAL = 301m<sup>2</sup> (59%)

**INTERNAL AREAS:**  
 STUDIO INTERNAL = 31m<sup>2</sup>  
 EX. GROUND FLOOR INTERNAL = 57m<sup>2</sup>  
 GROUND FLOOR INTERNAL = 89m<sup>2</sup>  
 FIRST FLOOR INTERNAL = 48m<sup>2</sup>  
**TOTAL = 225m<sup>2</sup>**

**LANDSCAPE NOTE:**  
 ALL TREES AND GARDENS ARE EXISTING AND ARE TO REMAIN

**STORMWATER TREATMENT:**  
 ALL STORMWATER TO BE CONTAINED ON SITE WITH SOAKWELLS.

**OVERSHADOWING:**  
 101m<sup>2</sup> (20%) OVERSHADOWING ON NEIGHBOURS PROPERTY AT NOON, 21 JUNE (25% ALLOWABLE OVERSHADOWING)

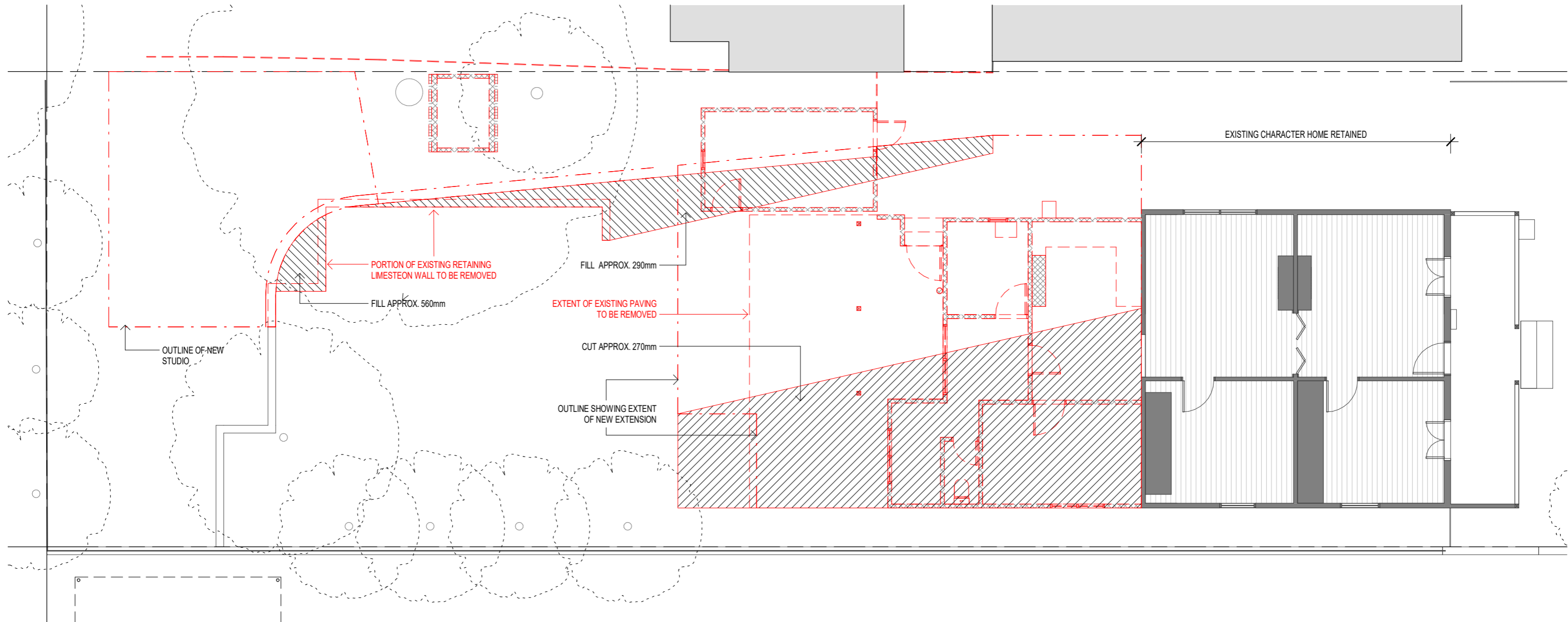


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B		05.10.2020		DEVELOPMENT APPLICATION AMENDMENTS	
ISSUE	DATE	REVISION			
PROJECT	83 SEWELL STREET, EAST FREMANTLE			PROJECT #:	A20013
CLIENT	GAVIN MACKAY & JENNIFER BEALE			SCALE	As indicated
DWG	SITE PLAN / OVERSHADOWING			DRAWN	DL
			CHKD	SH	REVISION
DAVID BARR ARCHITECTS				A:	32 CLIFF STREET, FREMANTLE WA 6160 / M: 0438 895 110





**1** DEMOLITION PLAN  
1 : 100

- DEMOLITION (PRINT IN COLOUR)**
- EXISTING WALLS TO BE RETAINED (TIMBER)
  - EXISTING WALL / DOORS / WINDOWS TO BE DEMOLISHED
  - CUT
  - FILL

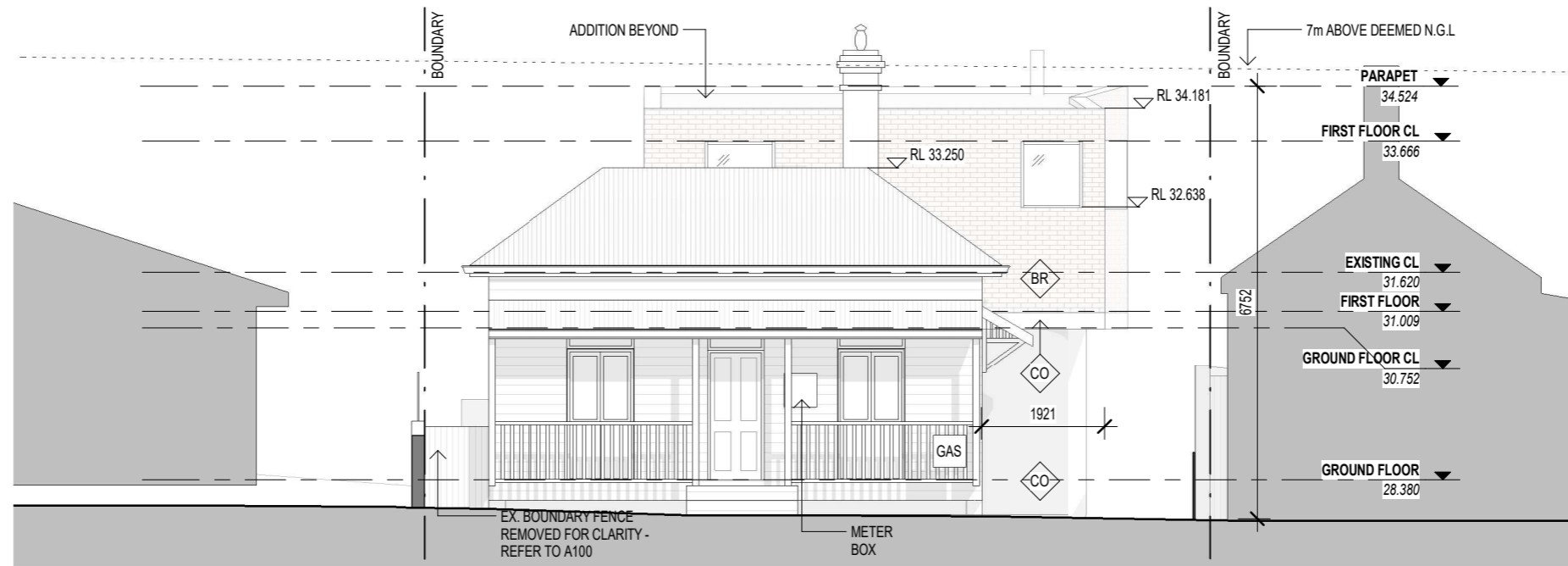
**TREES**  
ALL EXISTING TREES RETAINED ON SITE

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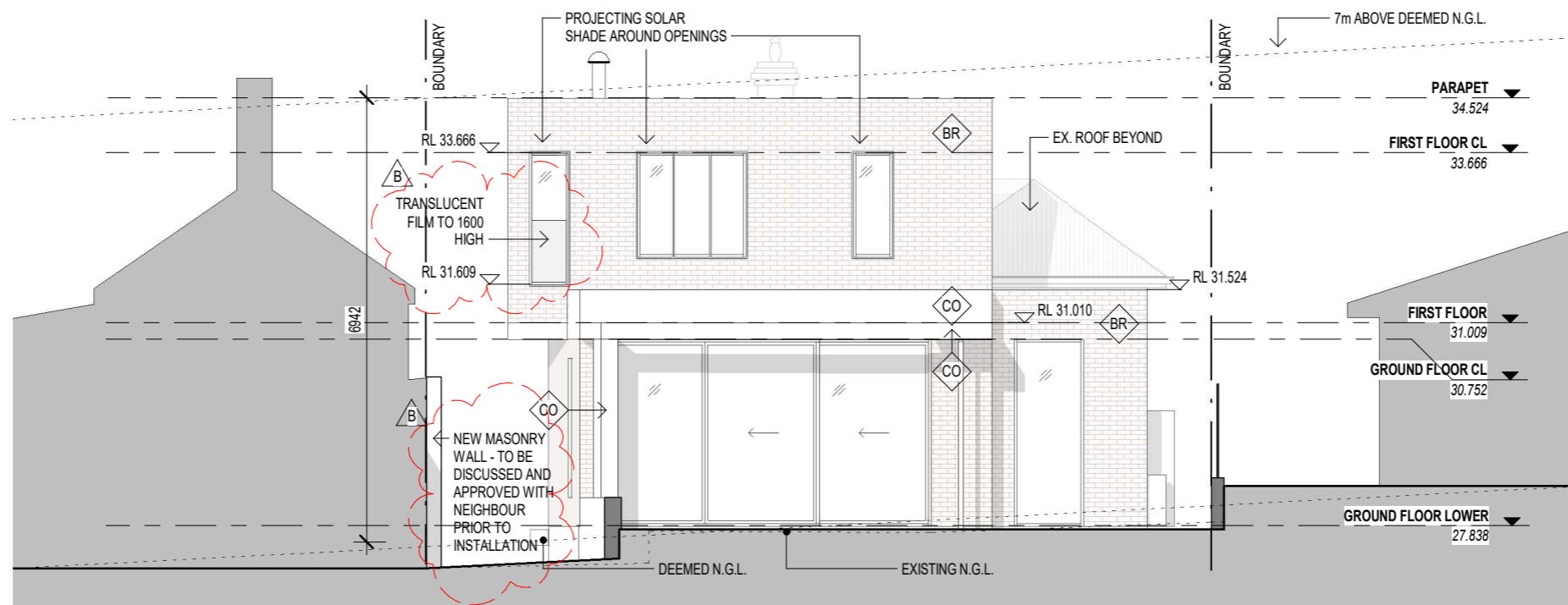
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A		28.09.2020	DEVELOPMENT APPLICATION	
ISSUE	DATE	REVISION		
PROJECT	83 SEWELL STREET, EAST FREMANTLE			PROJECT #: A20013
CLIENT	GAVIN MACKAY & JENNIFER BEALE			DWG #: A102
DWG	DEMOLITION PLAN / CUT + FILL			SCALE 1 : 100
		CHKD	DL	REVISION A
DAVID BARR ARCHITECTS		A: 32 CLIFF STREET, FREMANTLE WA 6160 / M: 0438 895 110		

5/10/2020 2:27:41 PM



**1 EAST ELEVATION (SEWELL ST)**  
1 : 100



**2 WEST ELEVATION**  
1 : 100

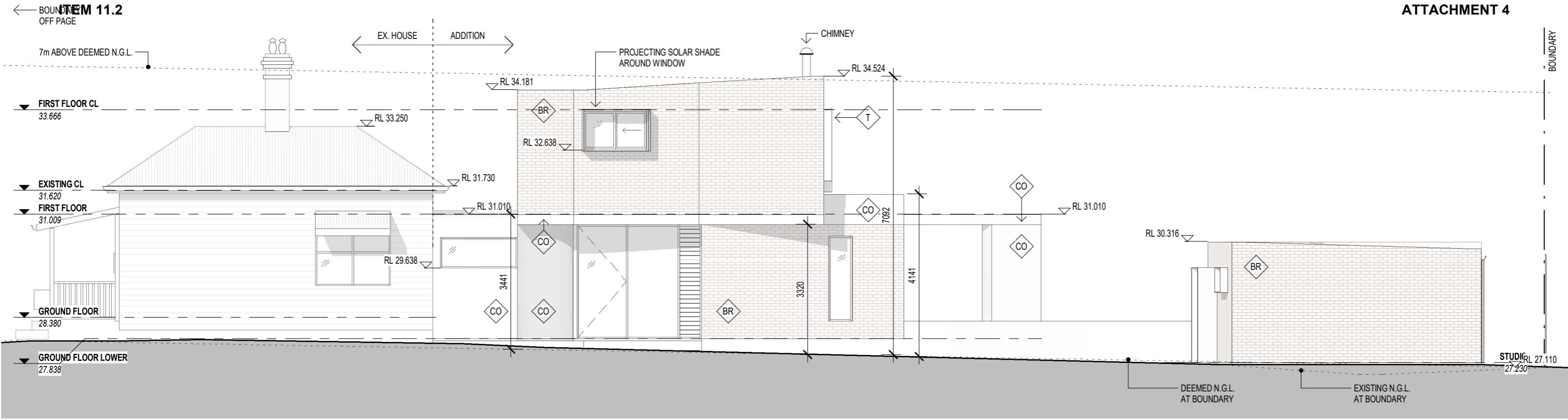
**MATERIAL LINING**

- BR WHITE FACE BRICK
- CO CONCRETE
- T TIMBER SHROUD

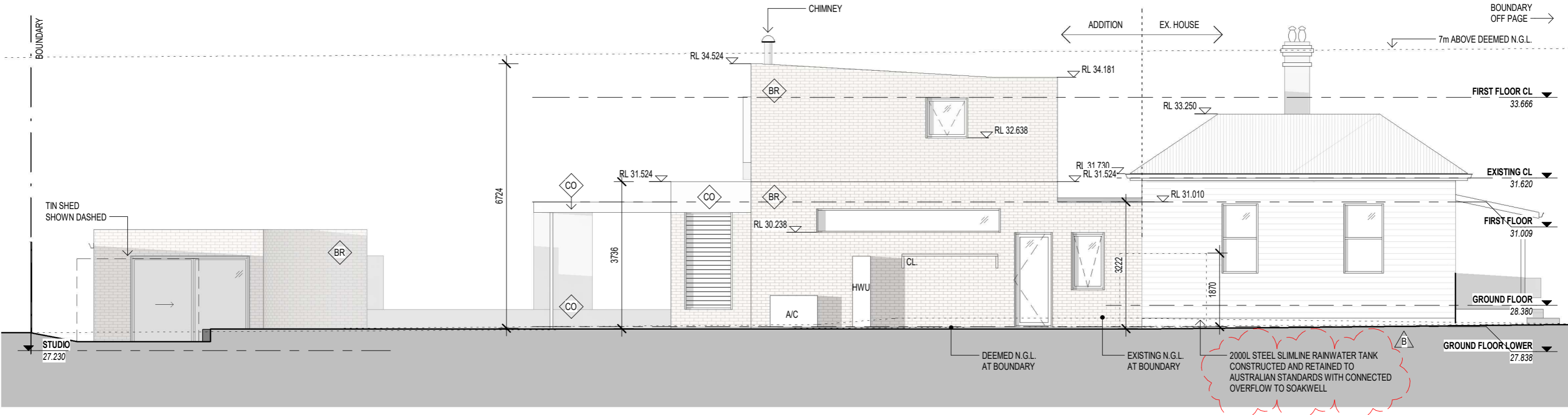
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ISSUE	DATE	REVISION	PROJECT #
B	05.10.2020	DEVELOPMENT APPLICATION AMENDMENTS	A20013
PROJECT			A401
83 SEWELL STREET, EAST FREMANTLE			DWG #
CLIENT	GAVIN MACKAY & JENNIFER BEALE		A401
DWG	ELEVATIONS		REVISION B
DAVID BARR ARCHITECTS			60



**1 NORTH ELEVATION**  
1 : 100



**2 SOUTH ELEVATION**  
1 : 100

**MATERIAL LINING**

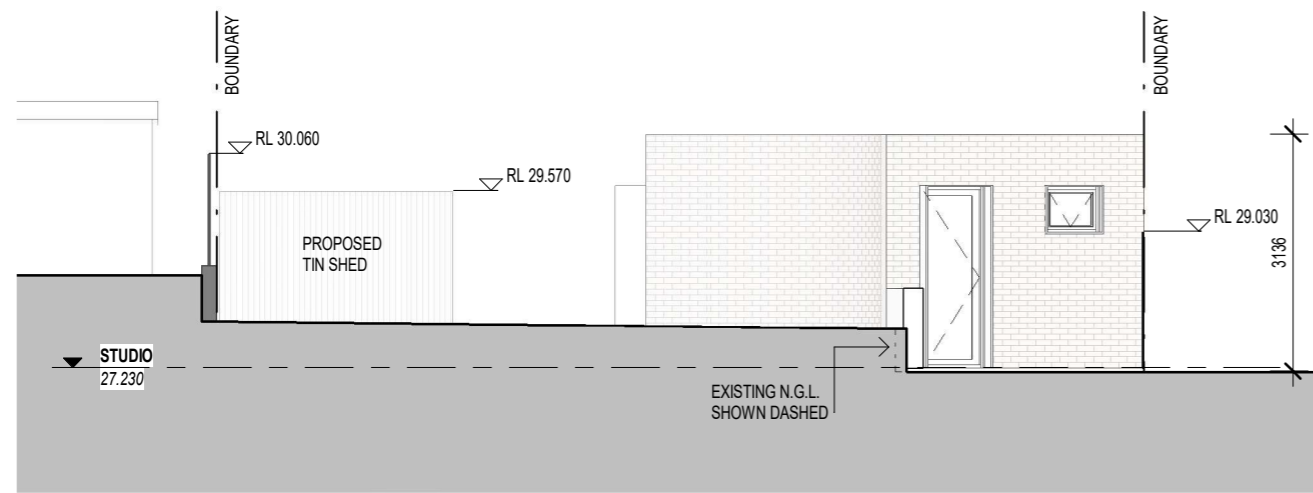
BR	WHITE FACE BRICK
CO	CONCRETE
T	TIMBER SHROUD

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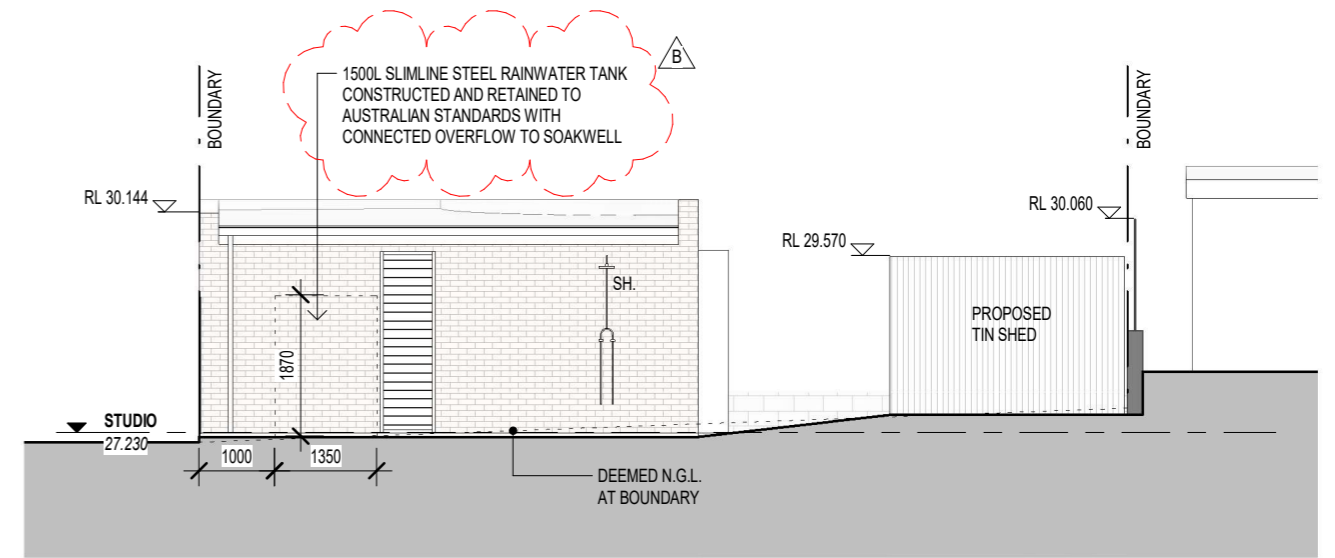
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B		05.10.2020	DEVELOPMENT APPLICATION AMENDMENTS	
ISSUE	DATE	REVISION		
PROJECT			83 SEWELL STREET, EAST FREMANTLE	PROJECT # A20013
CLIENT			GAVIN MACKAY & JENNIFER BEALE	SCALE 1 : 100
DWG			ELEVATIONS	DRAWN DL DWG # A402
			CHKD SH	REVISION B
DAVID BARR ARCHITECTS			A: 32 CLIFF STREET, FREMANTLE WA 6160 / M: 0438 895 110	

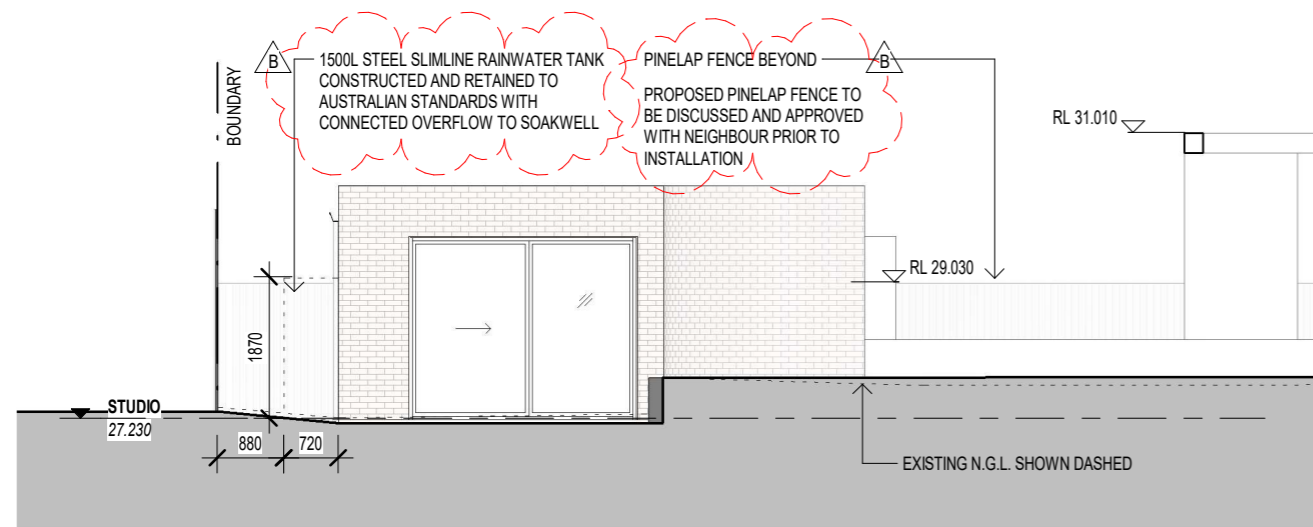
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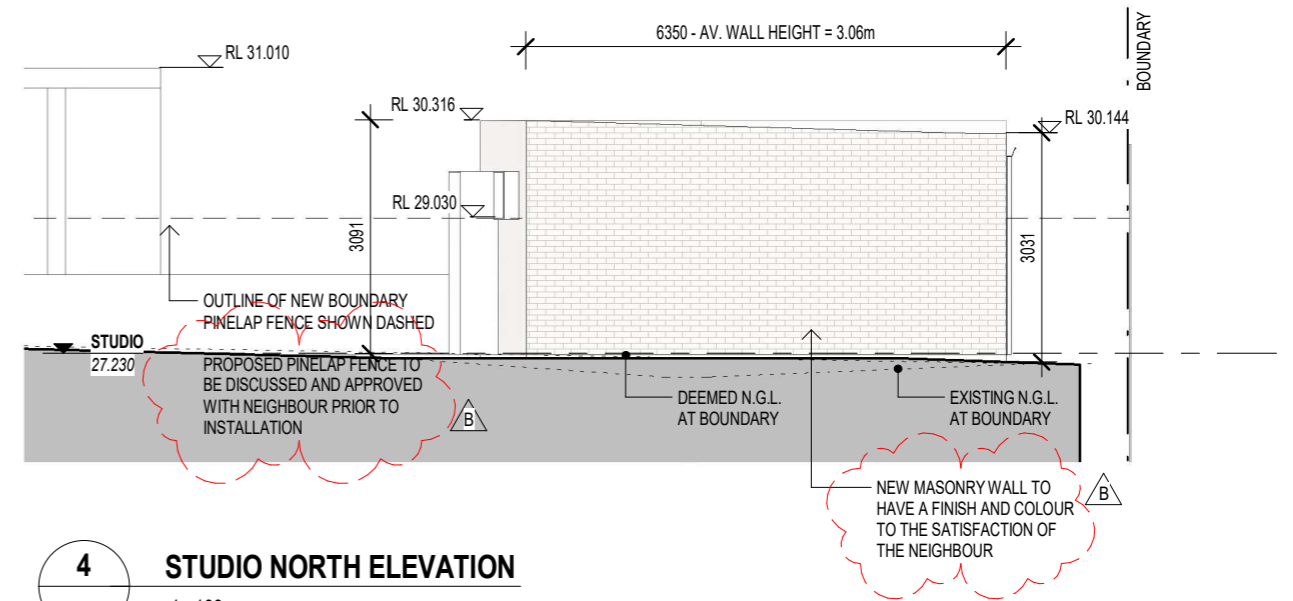
**1 STUDIO EAST ELEVATION**  
1 : 100



**3 STUDIO WEST ELEVATION**  
1 : 100



**2 STUDIO SOUTH ELEVATION**  
1 : 100

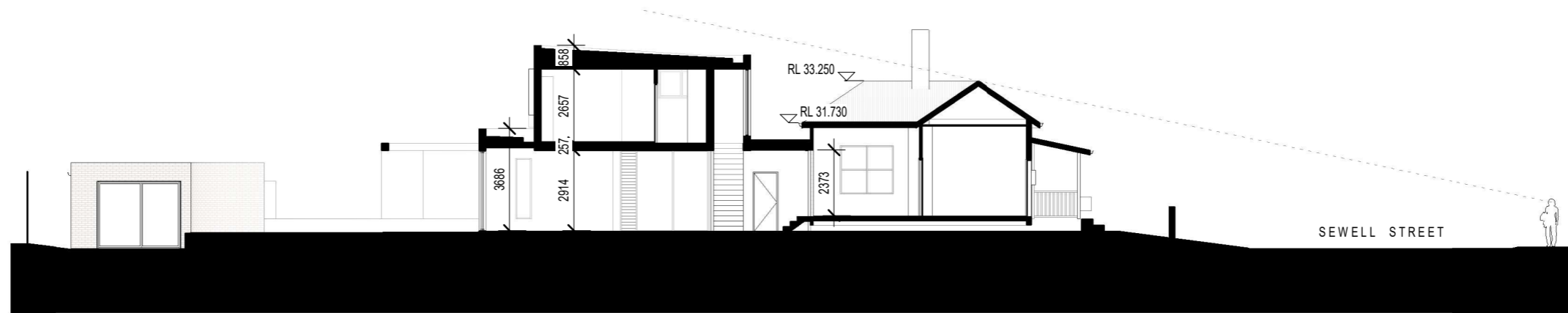


**4 STUDIO NORTH ELEVATION**  
1 : 100

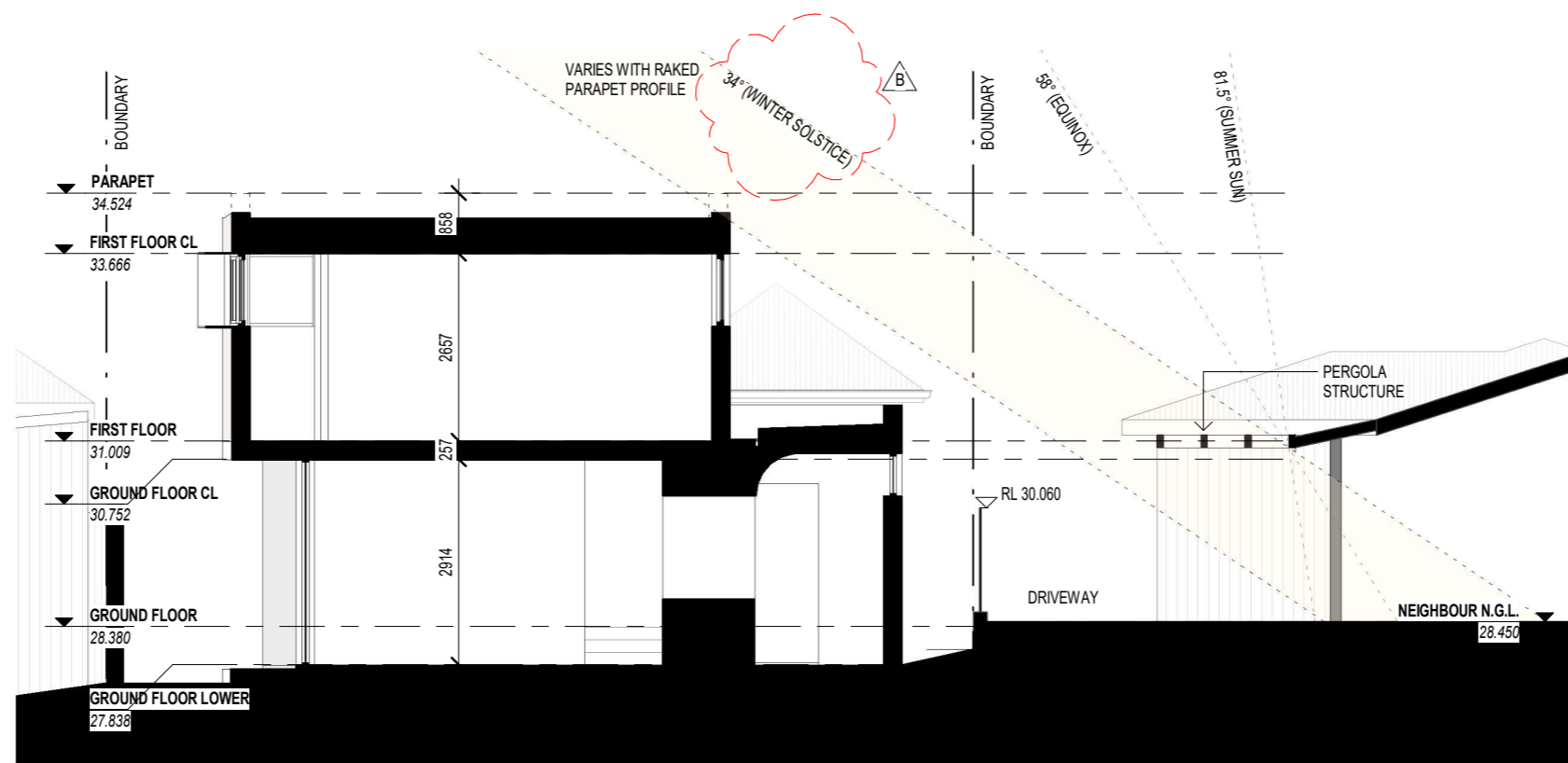
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ISSUE	DATE	REVISION	PROJECT #
B	05.10.2020	DEVELOPMENT APPLICATION AMENDMENTS	A20013
PROJECT			83 SEWELL STREET, EAST FREMANTLE
CLIENT	GAVIN MACKAY & JENNIFER BEALE		SCALE 1 : 100
DWG	STUDIO ELEVATIONS		DL A403
CHKD	SH	REVISION	B



**1** SITE SECTION  
1 : 200

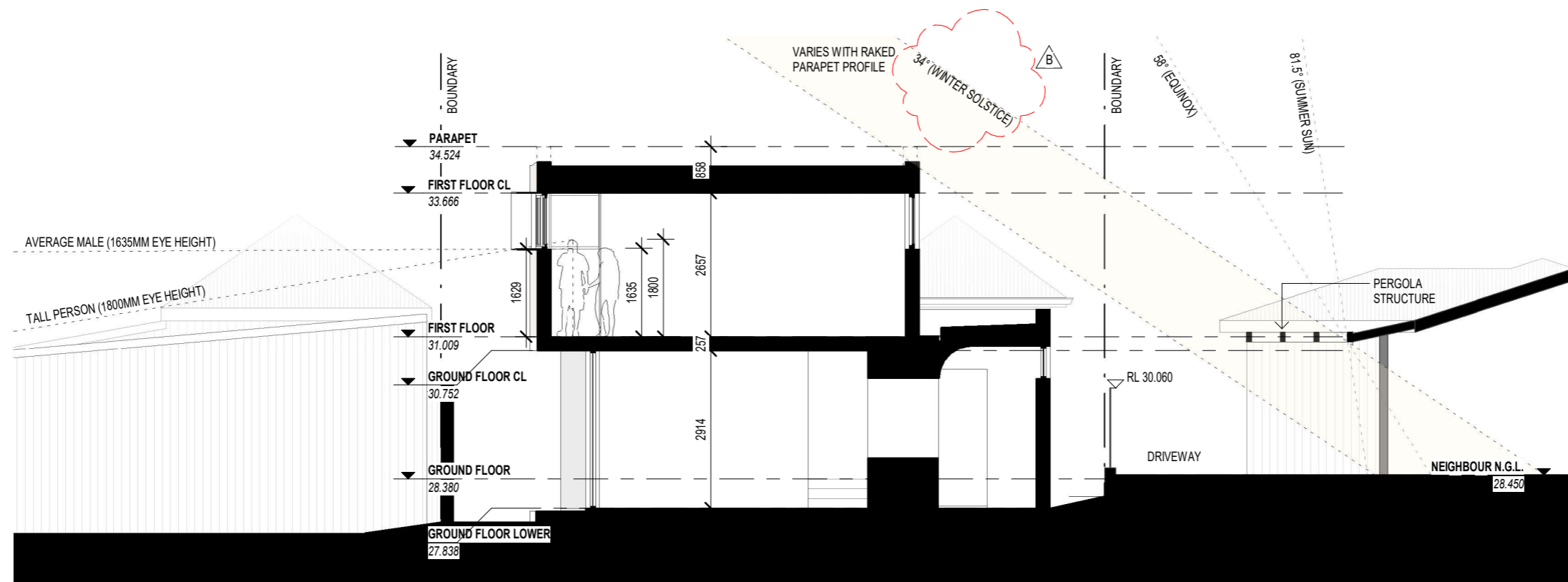


**2** CROSS SECTION  
A201 1 : 100

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B		05.10.2020		DEVELOPMENT APPLICATION AMENDMENTS	
ISSUE	DATE	REVISION			
PROJECT	83 SEWELL STREET, EAST FREMANTLE			PROJECT #:	A20013
CLIENT	GAVIN MACKAY & JENNIFER BEALE			SCALE	As indicated
DWG	SECTIONS			DRAWN	DL
			CHKD	SH	REVISION B
DAVID BARR ARCHITECTS			A: 32 CLIFF STREET, FREMANTLE WA 6160 / M: 0438 695 110		



**1** CROSS SECTION (VIEW CONE)  
A201 1 : 100

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14.10.2020		DEVELOPMENT APPLICATION DIAGRAM	
ISSUE	DATE	REVISION	
PROJECT	83 SEWELL STREET, EAST FREMANTLE		PROJECT # <b>A20013</b>
CLIENT	GAVIN MACKAY & JENNIFER BEALE		DWG # <b>A503</b>
DWG	SECTION - VIEW CONE		REVISION <b>B</b>
DAVID BARR ARCHITECTS		A: 32 CLIFF STREET, FREMANTLE WA 6160 / M: 0438 895 110	





**BR**  
WHITE FACE BRICK



**CO**  
CONCRETE



**T**  
TIMBER



**RBR**  
RECYCLED BRICK PAVERS



**METAL**  
ROOFING

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A		28.09.2020	DEVELOPMENT APPLICATION	
ISSUE	DATE	REVISION		
PROJECT	83 SEWELL STREET, EAST FREMANTLE			PROJECT #: A20013
CLIENT	GAVIN MACKAY & JENNIFER BEALE		SCALE	1 : 10
DWG	MATERIAL SELECTIONS		DRAWN	DL
	CHKD		SH	REVISION A





### Community Engagement Checklist

## Development Application P106/20 - 83 Sewell Street

Project Name

<b>Objective of Engagement:</b>	Neighbour consultation		
<b>Lead Officer:</b>	Regulatory Services		
<b>Timeline:</b>	<b>Start Date:</b>	2/10/2020	<b>Outcomes By:</b> 16/10/2020
Stakeholders			
<b>Stakeholders to be considered.</b>  <i>Please highlight those to be targeted during engagement.</i>	Aged	<input type="checkbox"/>	Ratepayers (all / targeted) <input type="checkbox"/>
	Businesses	<input type="checkbox"/>	Residents (all / targeted) <input checked="" type="checkbox"/>
	Children (School / Playgroup)	<input type="checkbox"/>	Service Providers <input type="checkbox"/>
	Community Groups	<input type="checkbox"/>	Unemployed <input type="checkbox"/>
	Disabled People	<input type="checkbox"/>	Visitors <input type="checkbox"/>
	Environmental	<input type="checkbox"/>	Volunteers <input type="checkbox"/>
	Families	<input type="checkbox"/>	Workers <input type="checkbox"/>
	Govt. Bodies	<input type="checkbox"/>	Youth <input type="checkbox"/>
	Indigenous	<input type="checkbox"/>	<input type="checkbox"/>
	Neighbouring LGs	<input type="checkbox"/>	<input type="checkbox"/>
<b>Staff to be notified:</b>	Office of the CEO	<input type="checkbox"/>	Councillors <input type="checkbox"/>
	Corporate Services	<input type="checkbox"/>	Consultant/s <input type="checkbox"/>
	Development Services	<input type="checkbox"/>	<input type="checkbox"/>
	Operations (Parks/Works)	<input type="checkbox"/>	<input type="checkbox"/>
Community Engagement Plan			
Methods	Responsible	Date Due	Reference / Notes
1.1 E News	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.2 Email Notification ~	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
1.3 Website	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.4 Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.5 Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.6 Fact Sheet	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.7 Media Rel./Interview	<input type="checkbox"/> Communications		<input type="checkbox"/>
2.1 Information Stalls	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
2.2 Public Meeting/Forum	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
2.3 Survey/Questionnaire	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
3.1 Focus Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
3.2 Referendum/Ballot	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
3.3 Workshop	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
4.1 Council Committee	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
4.2 Working Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
* Statutory Consultation	<input checked="" type="checkbox"/> Relevant Officer	16/10/2020	<input checked="" type="checkbox"/> Advertised to 2 surrounding properties
# Heritage Consultation	<input type="checkbox"/> Regulatory Services		<input type="checkbox"/>
^ Mail out (note: timeliness)	<input type="checkbox"/> Communications		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>

Evaluation			
Summary of...		Date Due	Complete / Attached
Feedback / Results / Outcomes / Recommendations		16/10/2020	
Outcomes Shared			
Methods	Responsible	Date Due	Complete / Attached
E-Newsletter	<input type="checkbox"/> Communications		<input type="checkbox"/>
Email Notification	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
Website	<input type="checkbox"/> Communications		<input type="checkbox"/>
Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>
Media Release	<input type="checkbox"/> Communications		<input type="checkbox"/>
Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
Notes			

---

### 11.3 Glyde Street No 17 (Lot 26) Proposed alterations and additions

<b>Owner</b>	George Baramily
<b>Applicant</b>	Exquisite Design & Drafting
<b>File ref</b>	P115/20
<b>Prepared by</b>	James Bannerman Planning Officer
<b>Supervised by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Meeting date</b>	1 December 2020
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Location plan</li><li>2. Site photos</li><li>3. Plans date stamped 12 November 2020</li><li>4. Community consultation</li></ol>

#### **Purpose**

The purpose of this report is for Council to consider a planning application for proposed alterations and additions at No 17 (Lot 26) Glyde Street, East Fremantle.

#### **Executive Summary**

This development application proposes alterations and additions to an existing dwelling at 17 Glyde Street. Significant changes have been made to the plans to represent the comments of the Community Design Advisory Committee, the Planning Officer and input by the adjoining neighbours.

Following discussions with the applicant changes were made that reduced the impact of the development from the original proposal, including the use of materials which minimises the impact of the proposal to the streetscape. As it is an existing dwelling certain features of the design have been retained which although not compliant by today's planning requirements, they have previously been approved and as such modifications cannot be imposed on these existing features. The dwelling is not heritage listed.

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 Setback – Ground Floor - South Wall – 1.5m required, 1.03m provided
- (ii) Clause 5.1.6 – Residential Design Codes – Maximum Wall Height – 6m required, 7.1m provided
- (iii) Clause 5.4.2 – Residential Design Codes – Overshadowing – 25% required, 29.6% provided
- (iv) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, less than 28 degrees provided

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

#### **Background**

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

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

**Consultation**

Advertising

The application was advertised to surrounding landowners from 7 October to 22 October 2020. Two submissions were received.

<b>Submission</b>	<b>Applicant Response</b>	<b>Officer Response</b>
<p>I would like to raise some concerns relating to the proposed build at 17 Glyde Street.</p> <p>I have lived at 15 Glyde Street since 1977 and in that time, I have enjoyed good relations with my neighbour, the late Dawn Brown. Dawn originally lived at number 19 Glyde Street and then built a new home beside us at 17 Glyde Street in the 1980s. When the house was originally built in the early 80s, my husband and I were unable to officially submit comments or concerns about the then proposed build to Council. As Italian migrants with limited English, my husband and I did not understand how to interpret the plans and how much it would impact on us next door. It was only during construction that my late husband and I realised that the house was less than a metre from our backyard fence with bay windows directly overlooking my backyard (see attached photos). We verbally raised our concerns with Dawn, but it was too late for change. Once built, we had no choice but to live without privacy in our backyard. We were not happy with the outcome, but we endured it for the sake of good relations with Dawn, which I valued above all else. We have tried to get some privacy and screening with trees (which I always pruned on Dawn's request so as not to obstruct her view of the river), however the overlooking situation into my backyard is not ideal even with this limited screening.</p> <p>While I am saddened about the passing of my long-time neighbour and friend, I do understand that life moves on and look forward to a good neighbourly relationship with the Baramily family. Their plans for a new home at 17 Glyde Street are exciting and I wish them well in the build of their new house. However, the proposed plan does impact on my privacy and amenity in a number of ways which I would like to see addressed.</p> <ul style="list-style-type: none"> <li>• The two bay windows off the main living and dining area are currently set back approximately 1</li> </ul>	<p>The two bay windows are existing and are proposed to remain.</p> <p>The balcony along the northern boundary is existing and will remain.</p> <p>The sliding door to the balcony is existing and will remain.</p> <p>The scullery windows have been amended to have an Obscure film up to 1800mm high to provide privacy to the neighbouring property, refer to amended plans.</p> <p>The majority of the upper floor is existing and no changes to the original wall height have been made, there will be no change in impact</p> <p>The amended plans show the scullery window and the new windows along the northern boundary will have obscure glazing, the openings will have little or no adverse impact on privacy of neighbouring property. In addition, the indentations and variation in the setback reduced the bulk of the wall along the northern boundary.</p> <p>We acknowledge and are sympathetic to the neighbouring properties concerns, however their objections relate to the existing infrastructure at 17 Glyde Street. Our clients bought this property with the intention of utilizing the existing dwelling and to retain its original character as this was the significant factor of the purchase. They were not aware of the non-compliance of the setbacks, as such the responsibility of reconstructing the northern boundary as suggested should not fall on the responsibility of the new owners. The designer has ensured all new additions are within the deemed-to-comply provision of the Residential Design Codes. We request that the council give consideration to the renovations as the objections relate to the existing dwelling.</p> <p><b>Variations as listed by Town of East Fremantle</b></p>	<p>The applicant has had discussions with the Town to attempt to mitigate some of the outcomes from the proposed development at 17 Glyde Street. It is recognised that some features of the existing dwelling have been retained and although they may be non-compliant with the current R-Codes and Residential Design Guidelines they were previously approved, and changes cannot be imposed retrospectively.</p> <p>The applicant has agreed to add obscure film to the scullery window.</p> <p>Changes have been made to the design that reduce the impact on the neighbouring property.</p>

<p>metre. While these are existing windows, given they are the only structure retained in the plan of what is effectively a new build, I request that they be assessed under current planning rules and be set back 6 metres or otherwise obscured/screened as required in the planning codes.</p> <ul style="list-style-type: none"> <li>• The balcony is set back approximately 2 metres. Under the existing codes this should be 7.5 metre setback or screened on north and west sides.</li> <li>• The sliding door to the balcony has a cone of vision 3 metres to the boundary. This should be 6.0 metres or otherwise screened/obscured.</li> <li>• The area called the scullery on the plans is part of the kitchen. It has no door and includes the fridge and main sink and should therefore be considered a habitable room with windows set back 6.0 metres or obscured.</li> <li>• The setback for the north facing wall on the boundary of my property for the second story and third stories is 1.5 metres. My understanding is that this is not compliant with the planning codes and the setback should be much greater, particularly considering the walls have several major openings.</li> <li>• The height of the proposed north facing wall on the boundary of my property is 7.649 metres. My understanding is that this should be no more than 6.0 metres under the R-codes.</li> </ul> <p>As you can see from these points, my concerns relate to overlooking and its impact on my privacy. I have had to find ways to put up with a lack of privacy for the last few decades because of not being informed or literate enough to object to something that should not have been built so close to my home in the first instance. With new neighbours constructing what is effectively a new house, I would like to have these issues considered and addressed so they are compliant with current planning regulations.</p>	<p>1. Ground floor – south wall – 25.68m and 2.4m high with a major opening – 1.5m setback required and 1.03m provided? As the length of the wall along the southern boundary is setback at 1.03m and is less than 9m in length and wall height less than 3.5m with no major opening (activity/lounge window amended to show highlight windows) as per Table 2a the required setback is 1m. In addition, as per figure series 4, 4b, where the side of a building includes one portion of the wall without major opening the setback shall be determined independently.</p> <p>2. Second storey – south wall – 16.2 m 5.213m high without major opening – 1.9m setback required and 1.73m provided. The setback has been amended to be 1900mm.</p> <p>3. Third storey – north side – 16.2m long and 7.347m high with a major opening – 5.1m setback required, 1.5m provided – this is a new wall as shown by the overlay of the old building. Can the setback be increased? The overall Kitchen/Dining/Living wall length was reduced by approx. 650mm to reduce the impact of the new wall. The new wall is lining up with the existing second storey walls to suit construction requirements.</p> <p>4. Third storey - south side – 16.2m long and 7.347m high with no major openings – 2.3m setback required and 1.73m provided - this is a new wall as shown by the overlay of the old building. Can the setback be increased? The setback has been amended to be 1900mm to line up with the amended second story wall.</p> <p>5. Wall height is over 6m – measured at 7.262m. Can this be reduced? Overall wall height has been reduced by approximately 130mm to 7.1m.</p> <p>6. Roof pitch is less than 28 degrees – acceptable. Majority of the front half of the house has a roof pitch of 28 degrees.</p> <p>7. Scullery/kitchen window – visual privacy setback not met – obscure glazing required or highlight window required. The scullery windows have been amended to have an Obscure film up</p>	
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	<p>to 1800mm high to provide privacy to the neighbouring property, refer to amended plans.</p>	
	<p>I write in regard to the proposed development plans that have been lodged and we received by letter, link for review, as owners of the southern neighbouring property. We confirm we have no objects nor concerns with the plans lodged. We also understand there is some concern regarding the boundary wall at the west end of the block which is existing carport and council suggestion this should be set back. We write to confirm we fully support and is our clear preference the current wall remains in place and is not required to be further set back. As can be seen by the attached photo's, we have effectively used this wall to contain in our pool area, and spent our own resources to improve this wall by rendering, painting and adding wall features/lighting etc. We believe the current wall compliments and help define this area as well as providing privacy.</p>	<p>Noted.</p>

Community Design Advisory Committee (CDAC)

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

*(a) The overall built form merits;*

- The Committee commented the front street elevation require further investigation. The Committee question the accuracy of the streetscape photographic montage.
- The Committee note the proposal has limited design merit.

- The Committee stated the pitch of roof at front too high – the roof dominates the building, whilst also noting the pitch of the rear to achieve the additional height further appears to compromise the design.
  - The Committee notes that such matter as buildings on the boundary and the overall design of the development requires attention.
  - The Committee note the proposed design appears to be unresolved and questions why there is no stairs to the dining/ kitchen from the lower ground floor and query why the full extent of the existing rear garage is not indicated on the overshadowing diagram. Appropriate and clearer plans are requested to 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 roof forms are not supported as it is considered a poor architectural outcome and is not in keeping with the established roof forms of the area. The Committee considers the roof pitches increase the visual impact of the dwelling to the streetscape.
- (c) *The relationship with and impact on the broader public realm and streetscape;*
- The Committee noted the streetscape outcome could be integrated better with the surrounding built form.
- (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. 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;*
- 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 to CDAC

The following comments were received in response to CDAC’s comments.

- *Photo montage updated.*
- *Staircase added to upper floor plans.*
- *Proposing to demolish the existing western boundary wall of the garage and reducing Alfresco setback to 1m. The proposed garage boundary wall on the north is proposed along the neighbouring property’s southern boundary. The owner’s requirement of having the garage along this boundary is to have as much front yard and landscaping as possible for their young family. The garden and front yard was purposely designed to encourage outdoor entertaining along the streetscape and provides an opportunity to interact with neighbours and the community.*
- *The roof pitch was originally designed to be at 28 degrees to be in line with the Town of East Fremantle’s design guidelines. The roof pitch of the front section of the dwelling has been lowered to 25 degrees.*
- *The proposed Axon cladding to the front has been changed to a natural timber cladding, natural timber eave lining to the Verandah and posts nominated as timber. The verandah decking will also be timber.*
- *Overshadowing diagram updated as per plans.*

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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	Average of neighbouring properties	Average of neighbouring properties	A
Secondary Street Setback			
Lot Boundary Setbacks			
Garage – north wall	0m	0m	A
Courtyard – north wall	1.5m	5.511m	A
Existing north wall – ground floor			N/A – existing wall
<b>Ground floor – south wall</b>	<b>1.5m</b>	<b>1.03m</b>	<b>D</b>
Second storey – south wall	1.9m	1.9m	A
<b>Third storey – south wall</b>	<b>2.2m</b>	<b>1.9m</b>	<b>D</b>
Second storey – west wall	1.4m	6.192m	A
Existing second storey – north wall	3.7m	1m	N/A – existing wall
<b>Third storey – north wall</b>	<b>4.6m</b>	<b>1.5m</b>	<b>D</b>
Third storey	3.5m	6.192m	A
Open Space	50%	51.6%	A
<b>Wall height</b>	<b>6m</b>	<b>7.1m</b>	<b>D</b>
Roof height	9m	8.32m	A
Car Parking	2 car bays	2 car bays	A
Site Works			N/A
Visual Privacy	6m	<6m (obscure film added to window)	A
<b>Overshadowing</b>	<b>25%</b>	<b>29.6%</b>	<b>D</b>
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	
<b>3.7.8 Roof Form and Pitch</b>	<b>D</b>
3.7.9 Materials and Colours	A
3.7.10 Landscaping	A
3.7.11 Front Fences	A
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	A
3.7.15.4.3.1 Fremantle Port Buffer Area	A
3.7.15.3.3 Garages and Carports	A

It is noted that the applicant has made changes to the proposal, following input from the adjoining neighbour, comments from the CDAC and working with the Planning Officer to ensure the proposal is appropriate for the area.

The development application proposes alterations and additions to an existing dwelling at 17 Glyde Street. Following discussions with the applicant changes were made that reduced the impact of the development from the original proposal. As it is an existing dwelling certain features of the design have been retained which although not compliant by today's planning requirements they have previously been approved and as such changes cannot be imposed on these existing features. The dwelling is not heritage listed. Five 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 wall height, overshadowing and roof pitch.

#### Lot Boundary Setbacks – Ground Floor - Southern Wall

In accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1i the ground floor southern wall that is 25.68m long and 2.4m high (with major openings) is required to be 1.5m from the side lot boundary. In this case, the wall is located 1.03m (bedroom 4, wc and bathroom) away from the boundary, a variation of 0.47 metres. It is considered that the reduced boundary setback can be supported under the design principles clause 5.1.3 P3.1 for the following reasons;

- There is minimal impact from building bulk on the adjoining property because the southern wall is articulated in several points, with the setback varying from 1.03 metres to 3.7 metres from the southern boundary. This articulation and location of the reduced setback when reference to the adjoining neighbour is considered to have minimal adverse impacts;
- Adequate sunlight and ventilation is provided to the building. The proposal complies with the open space requirements. There is an impact to the adjoining neighbours with respect to overshadowing. This will be discussed below, however, based on the proposed plans the southern neighbour has requested the alfresco area be constructed on the boundary to maintain the existing privacy experienced by the neighbour; and
- There is minimal overlooking or loss of privacy to the adjoining property.

The proposed reduction in lot boundary setback is equal to 0.47m which is considered minor and for this reason can be supported.

#### Maximum Wall Height

In accordance with the Residential Design Codes deemed to comply clause 5.1.6 C6 the maximum wall height to the top of the wall from natural ground level is required to be 6m. In this case it is 7.1m above natural ground level to use the eaves. Although it is in excess of the maximum wall height, the design intent

is to include a loft/ mezzanine into the roof space, therefore the internal roof space rather than pitching in a consistent design over the extent of the roof, the rear roof form pitches at a shallower pitch to facilitate the study and stairs. The proposal achieves design principles 5.1.6 P6 as there is minimal impact on direct sunlight into buildings and open spaces, adequate daylight reaches major openings into habitable rooms and there is minimal impact on views of significance. The impact to neighbours is also minimal. It is noted that the overall roof height of 8.32m is less than the maximum permissible height of 9m, reducing the design impact to the streetscape and neighbours. Therefore, overall height can therefore be supported.

#### Overshadowing

Under the Residential Design Codes deemed to comply clause 5.4.2 C2.1 for lots with a density coding of R25 or lower, there is a maximum overshadowing limit of 25%. In this case the overshadowing is equal to 30%. The proposed development is higher towards the rear of the lot which does overshadow parts of the rear yard of the dwelling directly to the south. The Planning Officer has negotiated the alfresco area to be setback from the fence, however the southern neighbour has requested that the fence and existing wall height to be retained. Because of this, the wall has been retained and administration has conceded that the overshadowing has resulted (not in full) from the neighbour's request. The property is significantly lower towards the front of the lot which limits the overshadowing over northern facing windows. There is some overshadowing of solar panels, but this is less than 50% of the total area of the solar panels. Following amendments to the design including a reduction in the maximum roof height a decrease in overshadowing was achieved. Based on the requests and the assessment of impacted areas, the overshadowing can be supported.

#### Roof Pitch

The roof pitch is required to be between 28 and 36 degrees in alignment with the Residential Design Guidelines acceptable development provisions 3.7.8.3 A1. The front part of the proposed dwelling has a roof pitch of 25 degrees and other sections of roof have a pitch of 11.5 degrees and 3 degrees. These sections achieve performance criteria 3.7.8.3 P4 as the roof complements the traditional form of surrounding development in the immediate locality. For this reason, the proposed roof pitch can be supported.

There are 2 features of the design where there is a requirement for further explanation.

#### Lot Boundary Setbacks – Third Storey – Northern Wall

In accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1i the third storey northern wall that is 4.8m long and 7m high without major openings (the window is not attached to a habitable room and is therefore not considered a major opening) is required to be 1.2m from the side lot boundary. In this case the wall is located 1.5m away from the boundary. It is considered that despite the height and minimal setback this is not considered a variation of the Residential Design Codes.

The window in the wall is located adjacent to a void within the dwelling so residents cannot see out directly from a position adjacent to the window so overlooking is minimised. It is also located to the south of the neighbouring property so does not impact on overshadowing.

#### Lot Boundary Setbacks – Third Storey – Southern Wall

In accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1i the third storey southern wall that is 4.8m long and 7m high with no major openings is required to be 1.2m from the side lot boundary. In this case the wall is located 1.9m away from the boundary and as such is deemed to comply.

### Conclusion

It is noted that there are walls that are part of the existing dwelling that do not meet the requirements of the Residential Design Codes and Residential Design Guidelines. It is necessary to accept that the Town cannot require the development to be retrospectively changed to ensure compliance of these northern walls that the northern neighbouring property has complained about in terms of their setback from the northern boundary.

At the same time there is a rear garage that is being converted into an alfresco area and the southern neighbouring property owners have provided a written submission which request that the southern wall of the alfresco is kept as is and the applicant is not forced to remove this wall and add a wall that is at least 1.1m from the southern side boundary. Although the development has proposed walls located on the boundary in 2 locations it is considered that this can be supported.

There have been many discussions with the applicant to have modifications included to the design. The modifications that were negotiated have produced a less bulky design and a better outcome for neighbouring properties and the Town. Modifications have been added following comments received from CDAC which improve the streetscape outcome, the quality of the plans and overall design.

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

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

**That development approval is granted, and Council exercises its discretion regarding the following;**

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback – Ground Floor - South Wall – 1.5m required, 1.03m provided**
- (ii) Clause 5.1.6 – Residential Design Codes –Maximum Wall Height – 6m required, 7.1m provided**
- (iii) Clause 5.4.2 – Residential Design Codes – Overshadowing – 25% required, 30% provided**
- (iv) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, less than 28 degrees provided**

**for alterations and additions at No. 17 (Lot 26) Glyde Street, East Fremantle, in accordance with the plans date stamped received 12 November 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 12 November 2020 and to be in accordance with Council’s crossover policy as set out in the Residential Design Guidelines (2016).**
- (2) All fencing within the street setback area is to be in compliance with the front fence provisions of the Residential Design Guidelines.**
- (3) 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.**
- (4) 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.**

- (5) 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.
- (6) All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
- (7) If requested by Council within the first two years following installation, the roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
- (8) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
- (9) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (10) This planning approval 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:*

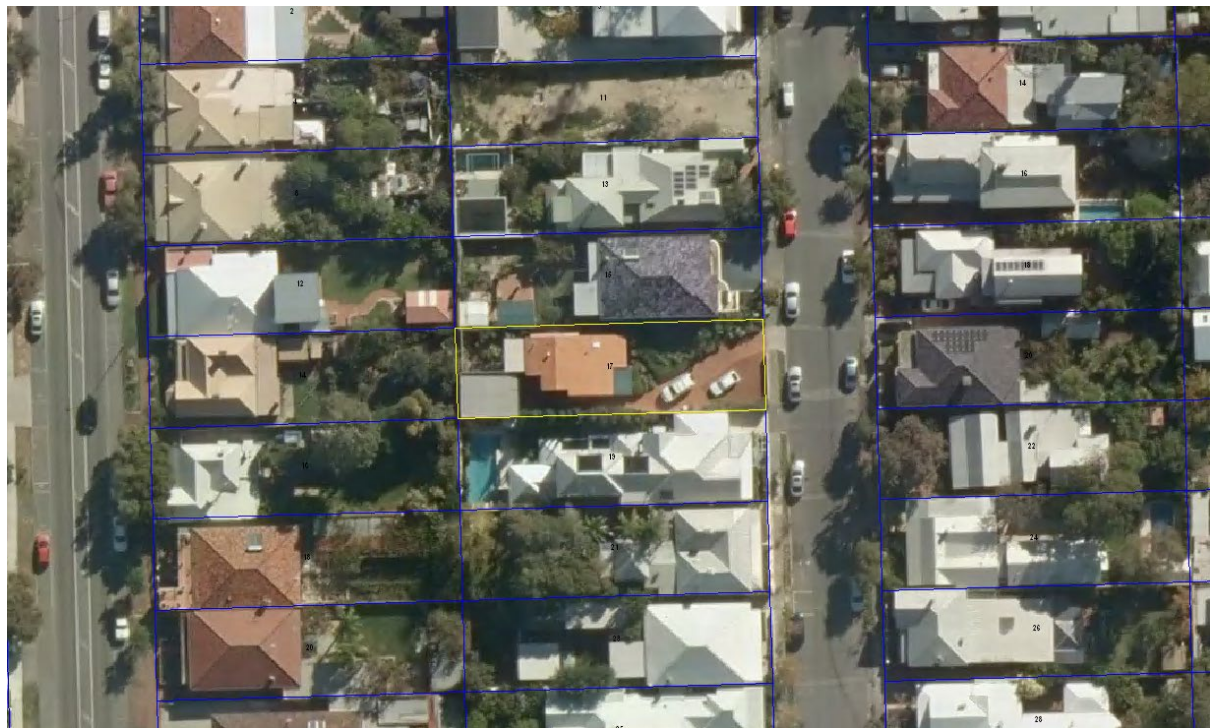
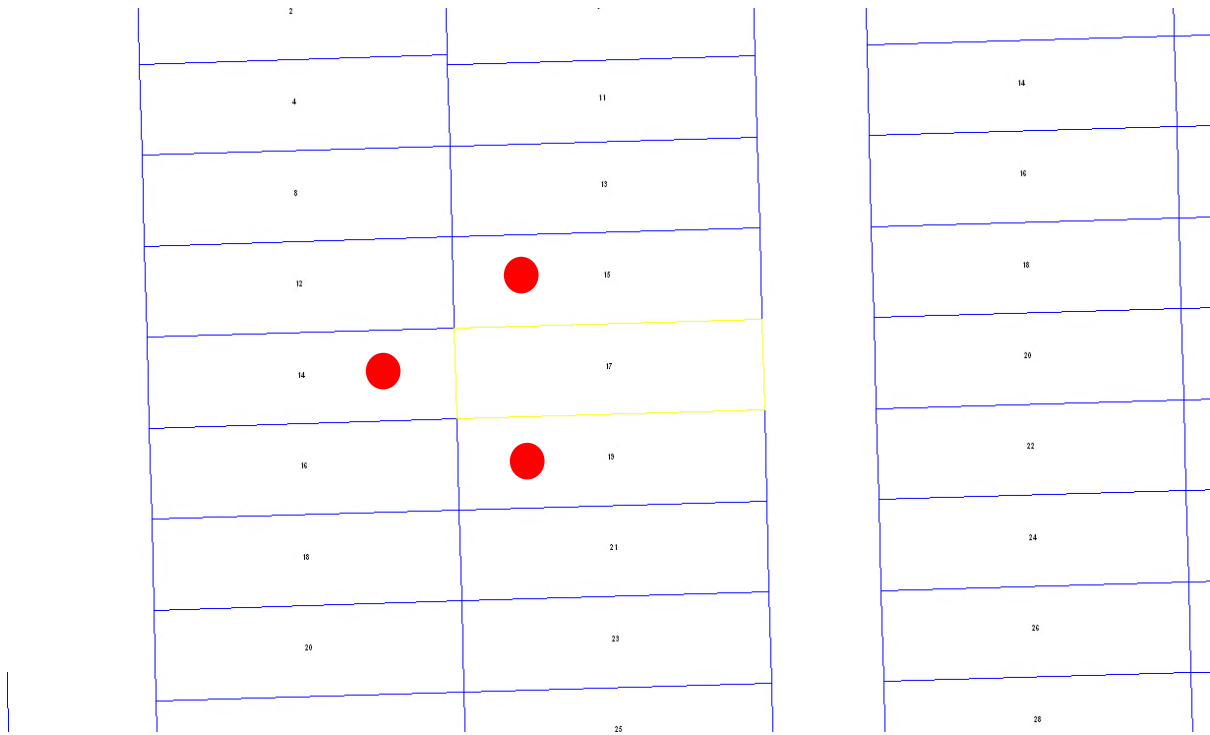
- (i) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (ii) *a copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved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

17 Glyde Street – Photos

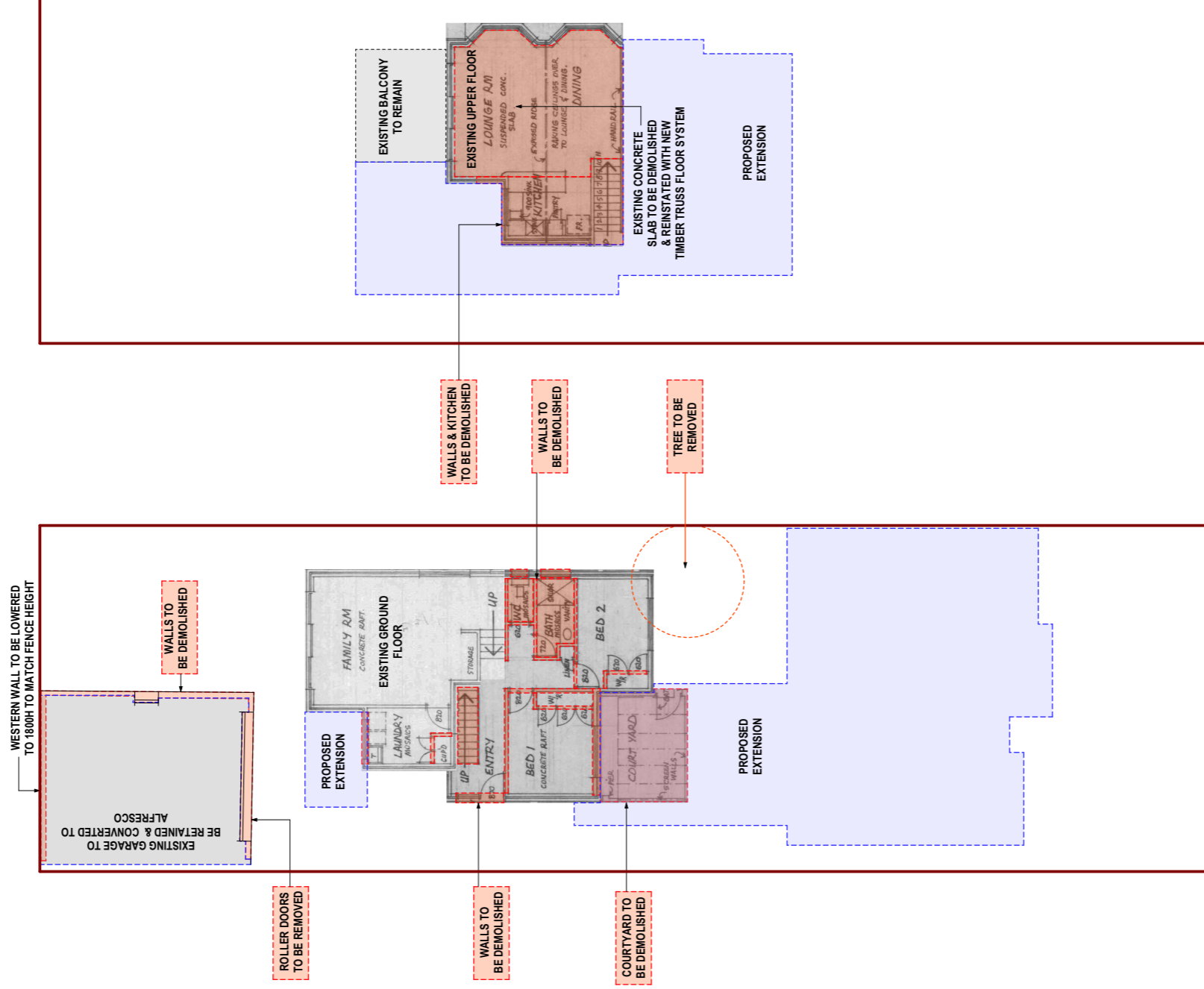




17 Glyde Street – Map and Photo





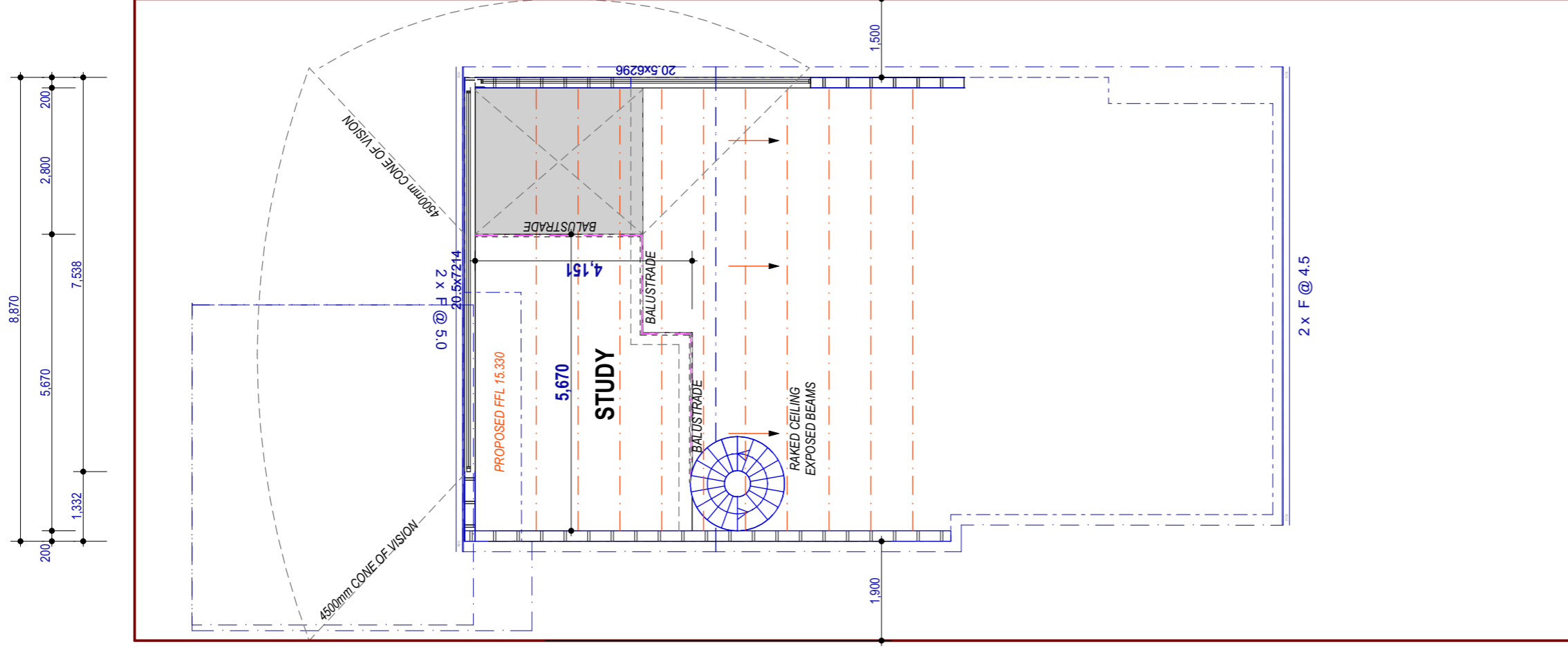


DEMOLITION PLAN

CLIENT: BARAMILY  
ADDRESS: 17 GLYDE STREET, EAST FREMANTLE

**EXQUISITE**  
design + drafting  
m. 0414 067 782

REV 3.0 DATE 11.11.20 SCALE 1:100



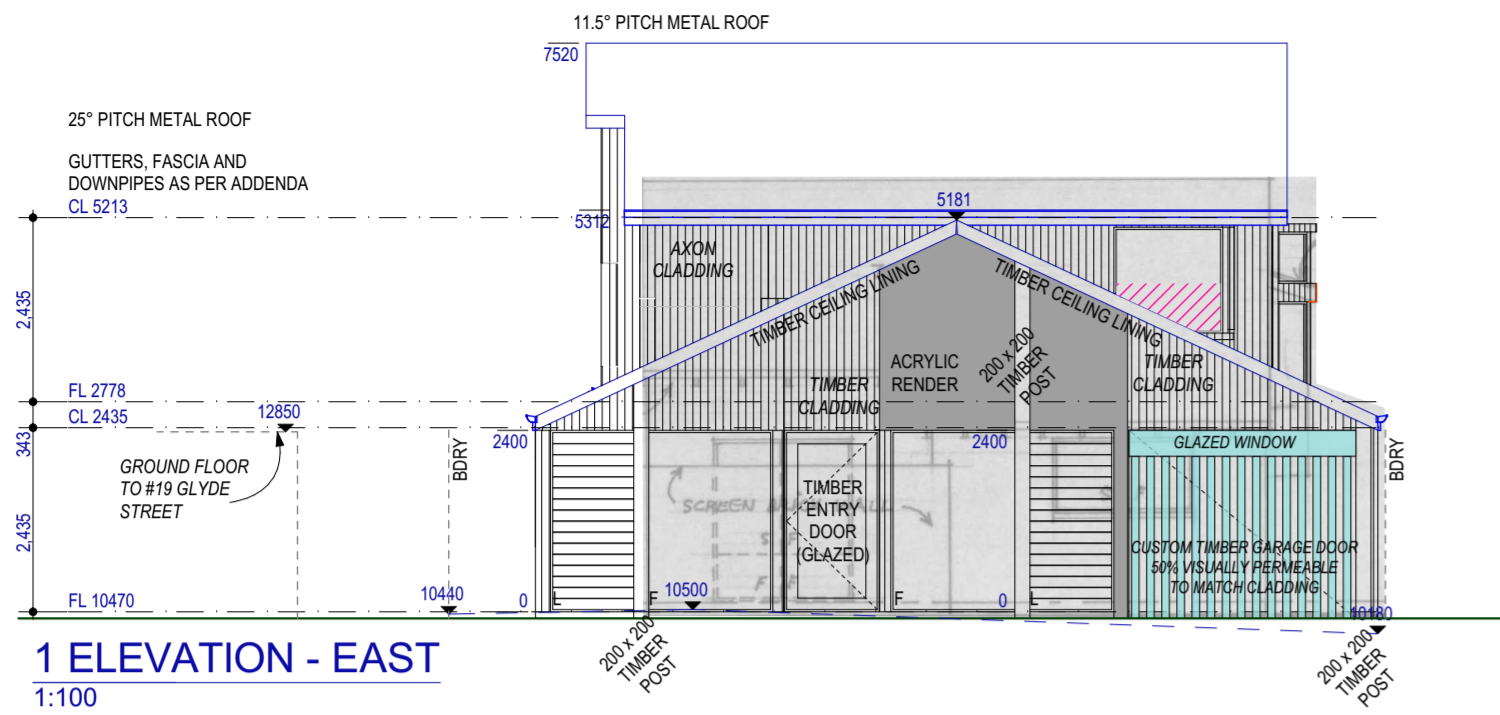
STUDY FLOOR PLAN

CLIENT: BARAMILY  
 ADDRESS: 17 GLYDE STREET, EAST FREMANTLE

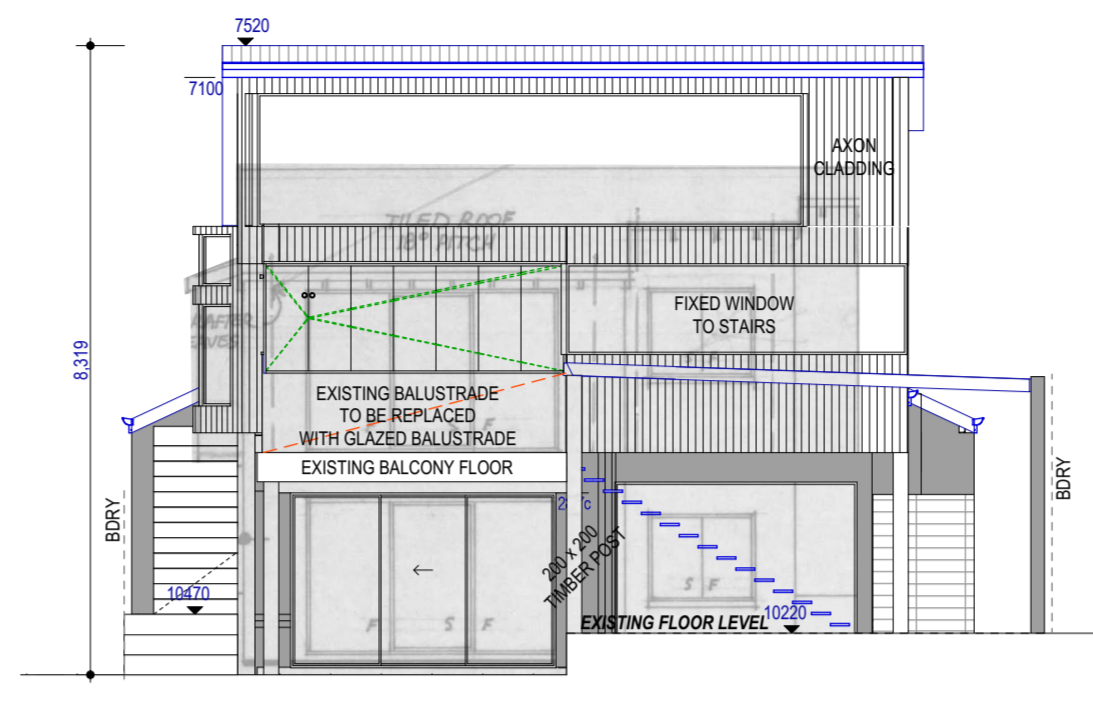
REV 3.0 DATE 11.11.20 SCALE 1:100

**EXQUISITE**  
 design + drafting  
 m. 0414 067 782

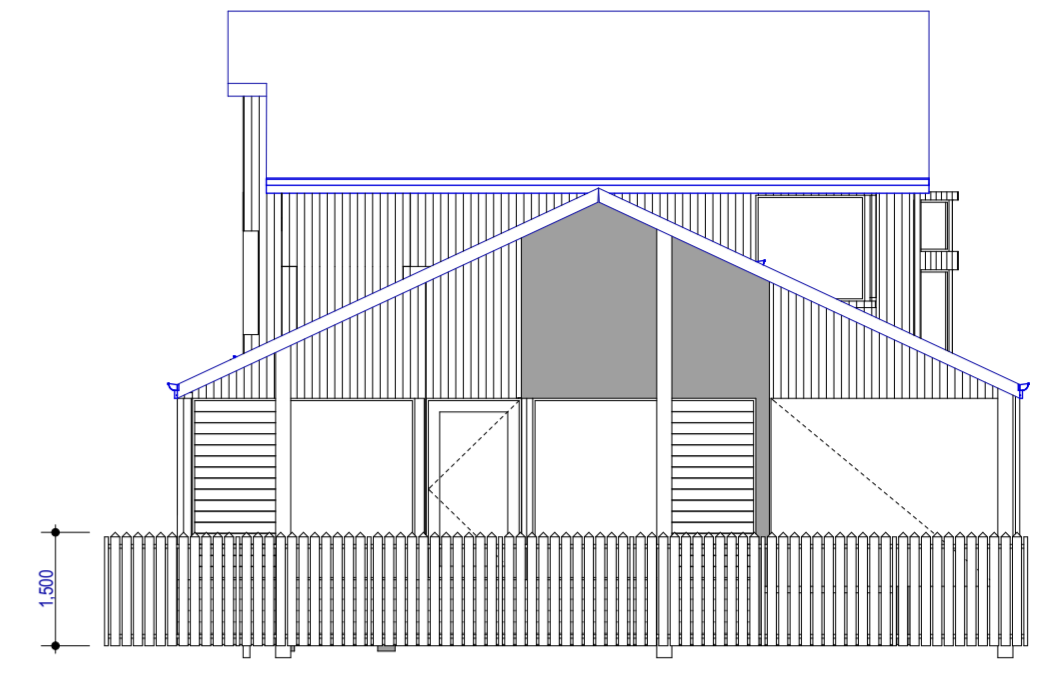
AREAS		
Name	Area	Perimeter
ALFRESCO	40.007	27.129
COURTYARD VD...	9.067	13.282
EX UPPER	43.995	28.256
EXISTING GF	82.934	40.504
GARAGESTORE	44.201	30.220
NEW UPPER	78.563	55.040
NEW GF	94.166	63.353
NEW VDAH	17.116	22.085
STUDY	24.741	26.574
	<b>434.790 m<sup>2</sup></b>	



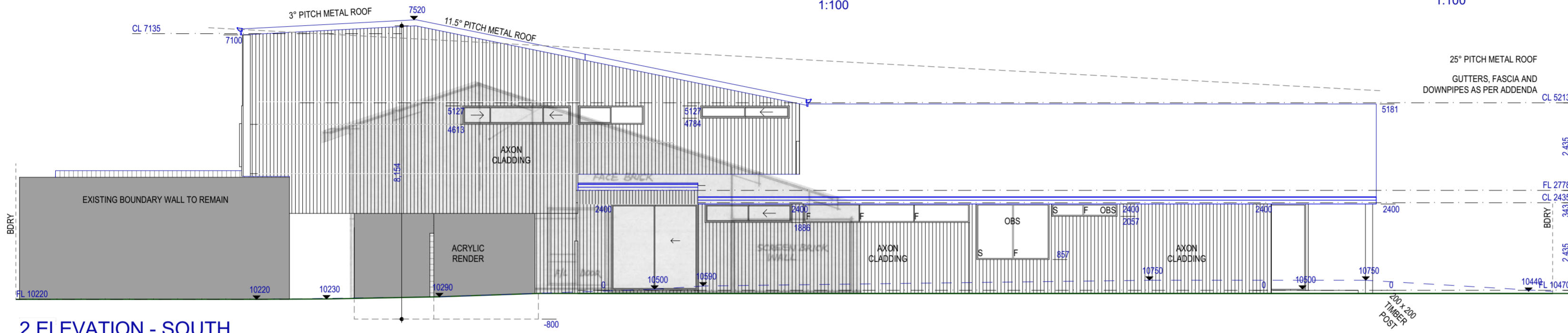
1 ELEVATION - EAST  
1:100



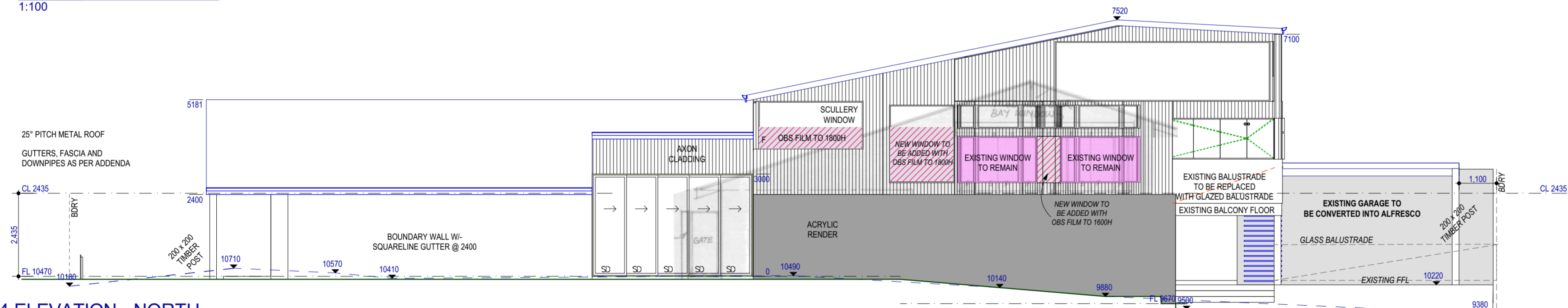
3 ELEVATION - WEST  
1:100



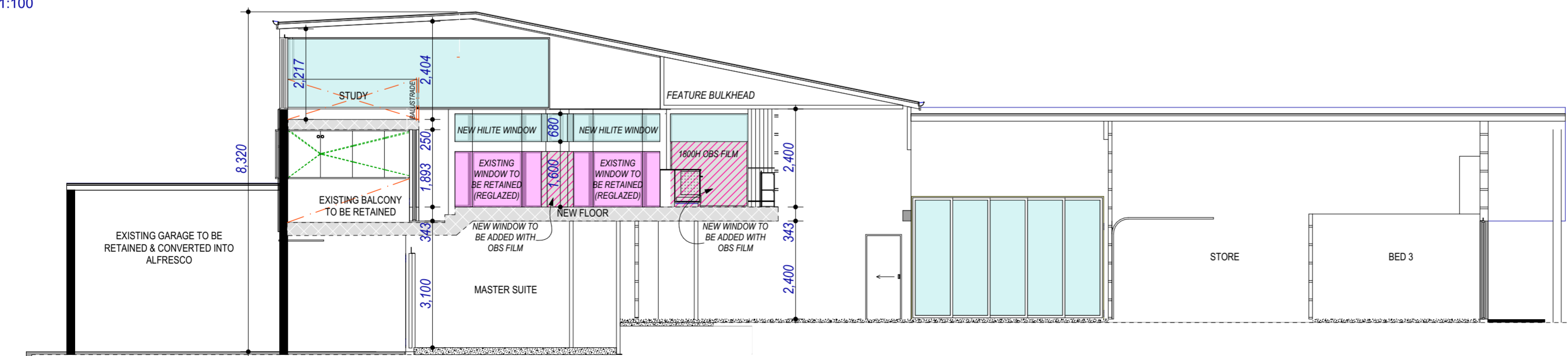
FENCE ELEVATION - EAST  
1:100



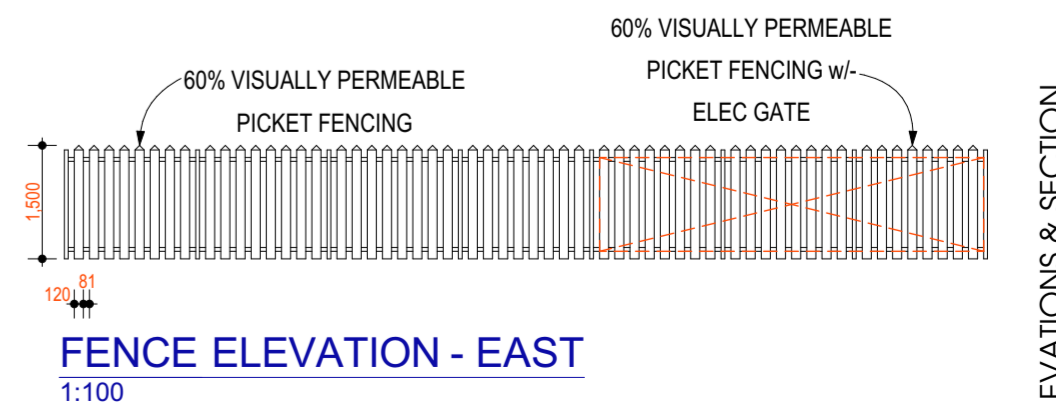
2 ELEVATION - SOUTH  
1:100



4 ELEVATION - NORTH  
1:100



S1 HOUSE SECTION  
1:100



FENCE ELEVATION - EAST  
1:100

**EXQUISITE**  
design + drafting  
0414 604 782  
m.

ELEVATIONS & SECTION

CLIENT: BARMILY  
ADDRESS: 17 GLYDE STREET, EAST FREMANTLE  
REV 3.0 DATE 11.11.20 SCALE 1:100



STREET VIEW

<p><b>EXQUISITE</b> design + drafting m. 0414 067 782</p>	<p>CLIENT: BARAMILY ADDRESS: 17 GLYDE STREET, EAST FREMANTLE</p>	<p>REV 3.0    DATE 11.11.20    SCALE 1:100</p>
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## Community Engagement Checklist

### Development Application P115/20 - 17 Glyde Street

Project Name

<b>Objective of Engagement:</b>	Neighbour consultation		
<b>Lead Officer:</b>	Regulatory Services		
<b>Timeline:</b>	<b>Start Date:</b>	8/10/2020	<b>Outcomes By:</b> 22/10/2020
Stakeholders			
<b>Stakeholders to be considered.</b>  <i>Please highlight those to be targeted during engagement.</i>	Aged	<input type="checkbox"/>	Ratepayers (all / targeted) <input type="checkbox"/>
	Businesses	<input type="checkbox"/>	Residents (all / targeted) <input checked="" type="checkbox"/>
	Children (School / Playgroup)	<input type="checkbox"/>	Service Providers <input type="checkbox"/>
	Community Groups	<input type="checkbox"/>	Unemployed <input type="checkbox"/>
	Disabled People	<input type="checkbox"/>	Visitors <input type="checkbox"/>
	Environmental	<input type="checkbox"/>	Volunteers <input type="checkbox"/>
	Families	<input type="checkbox"/>	Workers <input type="checkbox"/>
	Govt. Bodies	<input type="checkbox"/>	Youth <input type="checkbox"/>
	Indigenous	<input type="checkbox"/>	<input type="checkbox"/>
	Neighbouring LGs	<input type="checkbox"/>	<input type="checkbox"/>
<b>Staff to be notified:</b>	Office of the CEO	<input type="checkbox"/>	Councillors <input type="checkbox"/>
	Corporate Services	<input type="checkbox"/>	Consultant/s <input type="checkbox"/>
	Development Services	<input type="checkbox"/>	<input type="checkbox"/>
	Operations (Parks/Works)	<input type="checkbox"/>	<input type="checkbox"/>
Community Engagement Plan			
Methods	Responsible	Date Due	Reference / Notes
1.1 E News	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.2 Email Notification ~	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
1.3 Website	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.4 Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.5 Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.6 Fact Sheet	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.7 Media Rel./Interview	<input type="checkbox"/> Communications		<input type="checkbox"/>
2.1 Information Stalls	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
2.2 Public Meeting/Forum	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
2.3 Survey/Questionnaire	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
3.1 Focus Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
3.2 Referendum/Ballot	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
3.3 Workshop	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
4.1 Council Committee	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
4.2 Working Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
* Statutory Consultation	<input checked="" type="checkbox"/> Relevant Officer	22/10/2020	<input checked="" type="checkbox"/> Advertised to 3 surrounding properties
# Heritage Consultation	<input type="checkbox"/> Regulatory Services		<input type="checkbox"/>
^ Mail out (note: timeliness)	<input type="checkbox"/> Communications		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>

Evaluation			
Summary of...		Date Due	Complete / Attached
Feedback / Results / Outcomes / Recommendations		22/10/2020	
Outcomes Shared			
Methods	Responsible	Date Due	Complete / Attached
E-Newsletter	<input type="checkbox"/> Communications		<input type="checkbox"/>
Email Notification	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
Website	<input type="checkbox"/> Communications		<input type="checkbox"/>
Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>
Media Release	<input type="checkbox"/> Communications		<input type="checkbox"/>
Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
Notes			

#### 11.4 Canning Highway No 229 (Lot 808) Proposed deck and patio

<b>Owner</b>	The Baptist Union Inc
<b>Applicant</b>	Australian Outdoor Living WA
<b>File ref</b>	P122/20
<b>Prepared by</b>	James Bannerman Planning Officer
<b>Supervised by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Meeting date</b>	1 December 2020
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Location plan</li> <li>2. Site photos</li> <li>3. Plans date stamped 11 November 2020</li> <li>4. Community consultation</li> </ol>

#### Purpose

The purpose of this report is for Council to consider a planning application for proposed deck and patio at No 229 (Lot 808) Canning Highway, East Fremantle.

#### Executive Summary

A small deck and patio are proposed for the rear of the church located on the subject lot.

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

- (i) Clause 5.4.1 – Residential Design Codes – Visual Privacy Setbacks – 7.5m required, less than 7.5m provided

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

#### Background

Zoning: Residential R12.5/40  
Site area: 2686m<sup>2</sup>

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

P121/15 – development approval to extend hours of operation – 1 December 2015

#### Consultation

##### Advertising

The application was advertised to surrounding landowners located to the east of the proposed development. Two submissions were received.

Submission	Applicant Response	Officer Response
<b>Submission 1</b> My concern relates to the size and height of the roof of the structure. The size / height will certainly have an impact and block much needed	Thank you for the opportunity to comment on the concerns raised by our neighbours regarding the new deck and patio development. It is certainly not our intention to	Noted. Overshadowing is calculated at midday on the winter solstice. There is no overshadowing from the addition of the deck and patio due to the lot alignment along a north-south axis

<p>light into the courtyards of townhouses that back on to lot 808 229 Canning Highway.</p>	<p>impact our neighbours in a negative way, however, at the same time it is also important for us to continue to improve community engagement on our premises. As a church and community-based building that has been on this land for 100 years, we feel that it is reasonable to expect that we would have community groups gathering inside our building and also utilising our outdoor areas. While we acknowledge that this will generate noise as people talk to each other and look after their children, we believe that the noise is not excessive and would be well within normal expectations for a community-based church facility. In terms of the new development, we have addressed the concerns of the neighbours in the following ways:</p> <p><b>Concern raised: <i>the new patio will limit access to sunlight and invade their privacy and personal space</i></b></p> <p>In response to this, we have decided to increase the setback on the Eastern side of the deck from 1.3m to 1.7m to reduce the impact the development will have on the neighbour's property</p> <p>Additionally, the patio roofing will be 100% constructed using polycarbonate (Suntuf SolarSmart "Diffused Ice") which allows 48% of light transmission, second only to completely clear material</p> <p>Furthermore, our developer, Australian Outdoor Living, has provided technical data to confirm that very little sunlight will be blocked by the patio with the maximum overshadowing on the Eastern adjacent lot being only 3.45m<sup>2</sup> during the middle of summer</p> <p><b>Concern raised: <i>privacy would be severely compromised and noise levels will be drastically increased</i></b></p> <p>We had originally planned to install 70% visual screening on the Eastern side of the deck and along the Eastern fence, however, in response to this concern, we have adjusted our design to install a solid visually opaque material on the Eastern side of the deck to further reduce visual oversight and</p>	
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	<p>noise transfer. This will result in a significant reduction in noise and visual oversight even when compared to the current deck</p> <p>The 70% visual screening along the Eastern fence will continue as originally planned</p> <p>The technical drawings provided by the developer will highlight these modifications in further detail.</p> <p>Thank you for the opportunity to comment on these concerns and I trust that our response has been sufficient. Please contact me if any further details are required.</p>	
<p><b>Submission 2</b></p> <p>I am a landowner whose backyard space is parallel and directly alongside the new deck and roof structure proposed by the Baptist Church. I am strongly opposed to the addition of a roof structure and a longer, wider deck, as proposed in the plans currently open to comment.</p> <p>When we purchased our home 5 years ago, we deliberately chose our unit because it allowed the maximum amount of light and open air to our small courtyard area that shares a fence on the eastern side of the church.</p> <p>Currently, two thirds of our western wall is the side of the church - blocking sunlight and any view of the sky or tree. This was something we were prepared to sacrifice given the remaining third of our fence line is open and provides the only sunlight and view of open sky and tall trees into our small outdoor area.</p> <p>The existing outdoor deck already allows church and community users to view directly into our backyard from their elevated position.</p> <p>When a group of three or more gather on the deck their voices and laughter can be heard clearly from our backyard.</p> <p>Access along the fence line also allows children to run and ride various bikes and wheeled toy vehicles up the side of the church - again with added noise from children's' voices and bikes as they roll up and down (and inevitably crash into), the narrow area alongside the church and our fence.</p>	<p>As above.</p>	<p>Noted.</p> <p>Overshadowing is calculated at midday on the winter solstice. There is no overshadowing from the addition of the deck and patio due to the lot alignment along a north-south axis.</p> <p>The church has been operating for many years and well before the construction of the neighbouring residential units.</p> <p>The proposed development will provide increased privacy between the proposed structure and the neighbouring property- there is a requirement to include privacy screening on the eastern edge of the deck and patio a minimum of 1.6m from the finished floor level of the deck.</p> <p>A church building will have people coming and going and making noise because that is the nature of the building.</p> <p>It is noted that there is also a childcare centre adjacent to the church and the neighbouring residential properties. Again, there will be noise produced from these premises similar to the noise coming from the church.</p> <p>The church has the right to use the space at the rear of the church building.</p>

<p>This noise occurs most often on weekends from Friday night music and choir groups, to Saturday community and church music groups and youth groups and finally, Sunday Church goers. The proposed new structure would mean:</p> <ul style="list-style-type: none"> <li>• users would be even closer to our fence both from the elevated position and ground level</li> <li>• noise levels would be higher due to closer proximity</li> <li>• our privacy would be severely compromised with a clear, unobstructed view into our yard</li> <li>• our access to sunlight from the open-air space would be limited (if not totally obstructed), by the addition of posts and a roof structure over the wider deck.</li> </ul> <p>Thank you for the opportunity to comment on the negative impacts this proposed new structure will have on our daily life.</p> <ul style="list-style-type: none"> <li>• Limiting our access to sunlight, invading our privacy and personal space,</li> <li>• Drastically increasing noise levels due to the closer proximity to the fence.</li> <li>• Removing most of the available sunlight from our living area.</li> </ul> <p>Ultimately restricting our outdoor enjoyment of our own home to times when the church is empty although it may be too dark and cold to enjoy.</p>		
<p><b>Submission 3</b> Firstly, thank you for the opportunity to make comment on this proposal. My wife and I strongly oppose this for the following reasons:</p> <ol style="list-style-type: none"> <li>1. This proposed patio extends very close to our boundary, and because of its elevation, people using this can look directly into our rear outdoor living area.</li> <li>2. The roof structure as indicated on the plans will block out valuable light for our rear outdoor living area. We chose our Unit specifically because it had a lot more natural light than the others in our complex.</li> </ol>	<p>As above</p>	<p>The applicant and owner have agreed to move the edge of the deck and patio to 1.7m from the side boundary such that it meets the deemed to comply requirements of the Residential Design Codes. The eastern wall of the patio will be translucent to allow more light into the neighbouring property and reduce the noise from activities under the patio. Property values are not a relevant planning consideration.</p>

<p>3. The proposed structure will undoubtedly have an adverse effect on the value of our property. When purchasing 2/5 Irwin St, East Fremantle, we were fully aware the we abut a Church and Day care. The current patio already provides some vision into our area and a lot of noise. We deal with that every week. The new proposal would be a total invasion of our privacy, and our right to live without unnecessary noise from our neighbours would be compromised. I extend an invitation to those of delegated authority or any Councillors to meet with us at our home to discuss and view our concerns.</p>		
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Community Design Advisory Committee (CDAC)

The application was not referred to CDAC as it is a minor structure located at the eastern rear of the existing church building.

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			N/A
Secondary Street Setback			N/A
Lot Boundary Setbacks			
Eastern wall	1.7m	1.7m	A
Open Space	55%	>55%	A
Wall height	6m	4.25m	A
Roof height	9m	4.978m	A
Setback of Garage			N/A
Car Parking			N/A
Site Works			N/A

<b>Visual Privacy</b>	<b>7.5m</b>	<b>&lt;7.5m</b>	<b>D</b>
Overshadowing	<25%		N/A
Drainage			To be conditioned

Local Planning Policies Assessment

<b>LPP Residential Design Guidelines Provision</b>	<b>Status</b>
3.7.2 Additions and Alterations to Existing Buildings	A
3.7.3 Development of Existing Buildings	A
3.7.4 Site Works	A
3.7.5 Demolition	N/A
3.7.6 Construction of New Buildings	A
3.7.7 Building Setbacks and Orientation	A
<b>3.7.8 Roof Form and Pitch</b>	<b>D</b>
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 a deck and patio at the rear of 229 Canning Highway. The building on site is a Baptist Church that is heritage listed Category B (listed address is 6 Fortescue Street). It adjoins a childcare centre at the rear. The proposed structure cannot be seen from Canning Highway. One variation is requested to the requirements of the Residential Design Codes relating to visual privacy.

Visual Privacy Setback

The deck and patio are more than 0.5m above natural ground level. As such there is supposed to be a minimum privacy setback to the neighbouring property boundary of 7.5m in accordance with the Residential Design Codes deemed to comply clause 5.4.1 C1.1 i. In this case the setback is less than 7.5m. The structure overlooks the rear yard of two of the surrounding properties both of which made submissions following advertising. Screening will be required to be put in place along the eastern side of the structure such that it is a minimum of 1.6m above finished floor level of the deck. In this case the owner has agreed to having a solid wall on the eastern edge that will improve privacy to neighbouring properties and reduce noise. It has also been agreed in discussions with the owner to install screening above the boundary fence (within the lot boundary) adjacent to the southernmost neighbouring unit that was advertised to.

The following information was supplied by a representative of the owner in support of the proposal.

*We acknowledge that visual screening has been requested along the full Eastern side of our deck and for 4m along the Southern side to a height of 1.6m above the deck. We are comfortable with the visual screening along the Eastern side of the deck, however, we would like to propose the following alternative arrangement regarding the visual screening along the Southern side of the deck.*

*One of the prime reasons for constructing the new deck and patio is to provide a suitable location for parents to supervise their children in the ground level playground area while standing on the deck and enjoying meaningful conversation with each other. We have a number of community groups that will benefit from this, including the Adult Migrant English Program (AMEP), Suzuki Music, and also our own church Playgroups*

and congregation. Installing 4m of visual screening along the Southern side of the deck would significantly impede the ability for parents to supervise their children. To this end, we are proposing an alternative solution of constructing visual screening along the Eastern fence of our property for a length of 4.3m to a height of 2.1m. The fence would be constructed behind our existing trees and run along the Eastern side of our property beginning from the edge of the parapet brick wall. The following images show the location and the style of screening we intend to install.



#### 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 is considered acceptable. There are minimal variations to either design code and measures have been undertaken by the applicant and owner to mitigate any negative impacts on the neighbouring dwellings located to the east of the subject property including;

- adding a solid wall section on the eastern side of the patio to reduce noise and improve privacy to the neighbouring property and

- having the patio located a minimum of 1.7m from the eastern boundary which meets the deemed to comply requirements of the Residential Design Codes.

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

**11.4 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION:**

**That development approval is granted, and Council exercises its discretion regarding the following;**

- (i) Clause 5.4.1 – Residential Design Codes – Visual Privacy Setbacks – 7.5m required, less than 7.5m provided**

**for deck and patio at No. 229 (Lot 808) Canning Highway, East Fremantle, in accordance with the plans date stamped received 11 November 2020, subject to the following conditions:**

- (1) Visual privacy screening is to be installed along the eastern edge of the deck and patio area that is a minimum of 1.6m high from finished floor level and is to be permanent, durable and with 75% obscurity.**
- (2) Visual privacy screening is to be installed parallel to the existing dividing fence and 0.3m above the existing fence (2.1m from ground level) for a length of 4.3m from the parapet wall between 229 Canning Highway and Unit 1 No 5 Irwin Street. No vegetation on the eastern boundary is to be removed and/ or reduced in height such that it may lead to overlooking of adjoining properties.**
- (3) 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.**
- (4) 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.**
- (5) 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.**
- (6) All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.**
- (7) If requested by Council within the first two years following installation, the roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.**
- (8) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/ or sloping of fill at the natural angle of repose and/ or another method as approved by the Town of East Fremantle.**
- (9) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without**

limitation any works associated with the proposal) which are required by another statutory or public authority.

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

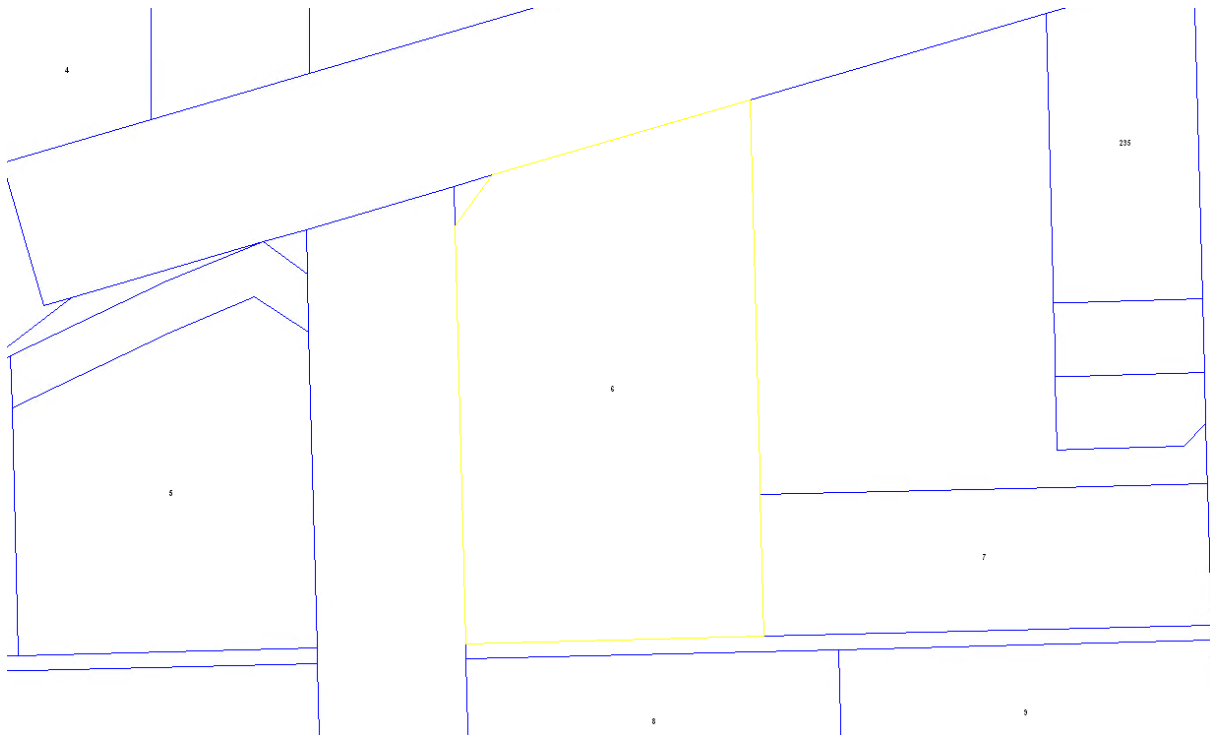
***Footnote:***

*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.*



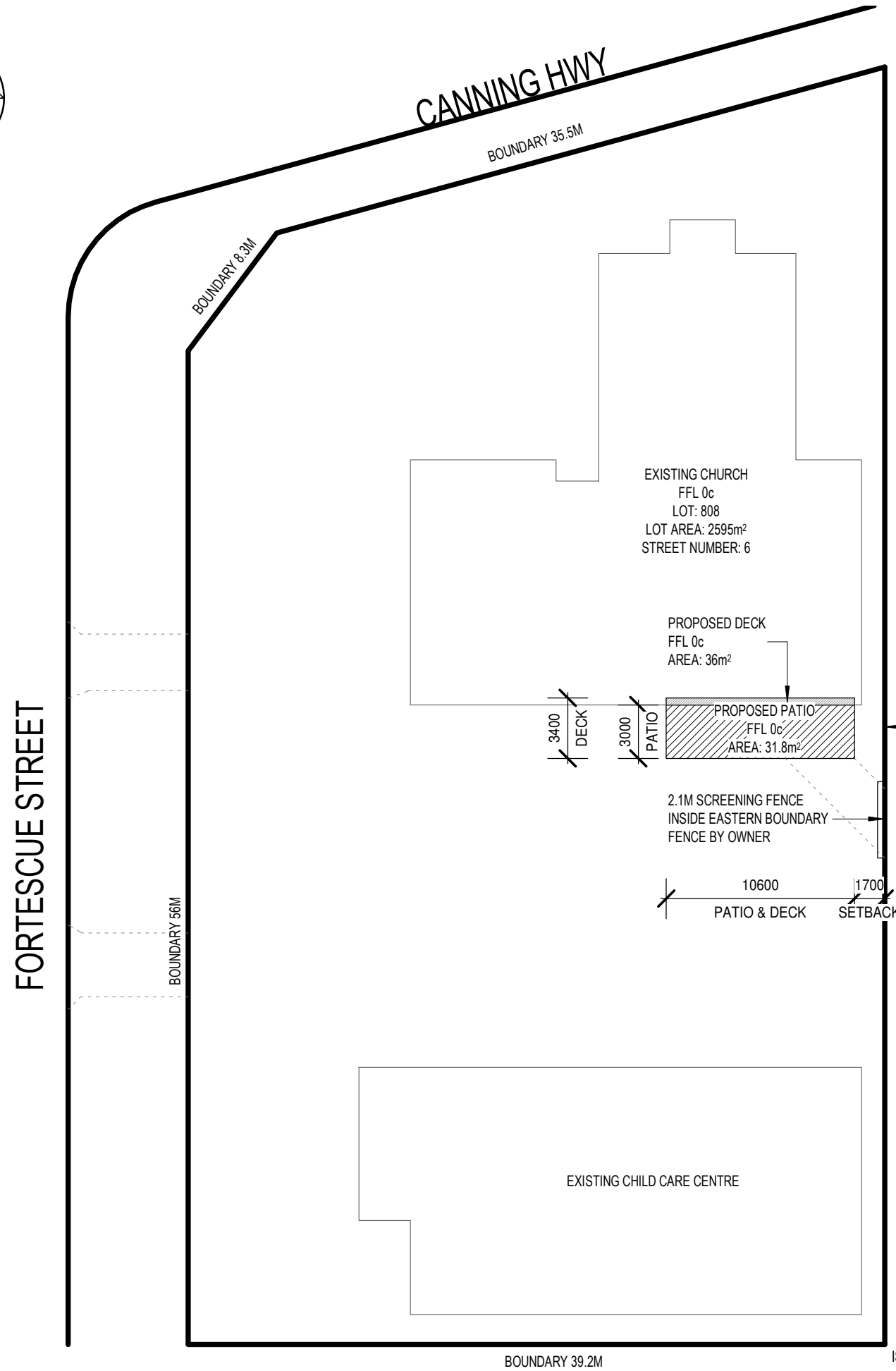
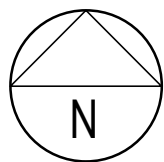
229 Canning Highway (6 Fortescue Street) – Map and Photo



22 Canning Highway – Photos







**GENERAL CONSTRUCTION NOTES:**

1. ALL CONSTRUCTION TO CONFORM TO B.C.A AND AUSTRALIAN STANDARDS AND IN ACCORDANCE WITH RELEVANT SERVICES AND AUTHORITY REGULATIONS.
2. ALL WORK TO BE CARRIED OUT BY FULLY QUALIFIED AND LICENSED TRADESPERSONS. ALL DIMENSIONS ARE TO BE CONFIRMED BY BUILDER ON SITE. REFER TO WRITTEN DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED.
3. ALL SEWER AND STORMWATER DRAINAGE TO BE IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL COUNCIL.
4. REFER TO ENGINEERS DESIGN, DOCUMENTATION AND CALCULATION FOR DETAILS ON ALL STRUCTURAL COMPONENTS.
5. ALL TIMBER FRAMING SHALL BE IN ACCORDANCE WITH AS 1684. 2010 (RESIDENTIAL TIMBER FRAMED CONSTRUCTION).

**PLUMBING NOTES**

6. ROOFING CONTRACTOR AND PLUMBER TO ENSURE THAT THE NUMBER OF DOWNPIPES SHOWN ON PLAN IS ADEQUATE AND LOCATED IN THE OPTIMUM POSITIONS.

**SITE NOTE**

7. DO NOT SCALE DIMENSIONS OFF PLAN. FIGURED DIMENSIONS TO BE USED AT ALL TIMES.

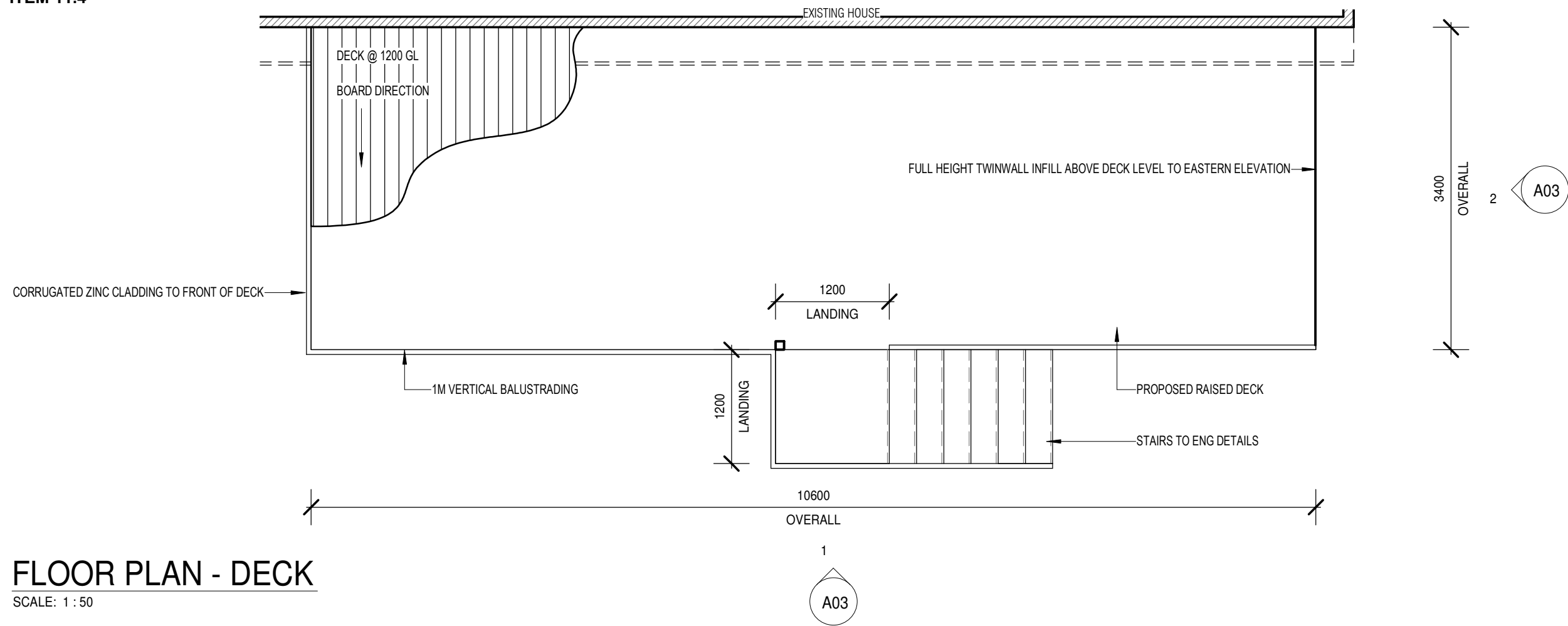
**SITE PLAN**

SCALE: 1 : 300

REVISION LIST				
REV	DATE	DESCRIPTION	SHEET	NO.
C	11/11/20	VO# 34942	SITE PLAN	A01
C	11/11/20	VO# 34942	FLOOR PLAN	A02
C	11/11/20	VO# 34942	ELEVATIONS	A03

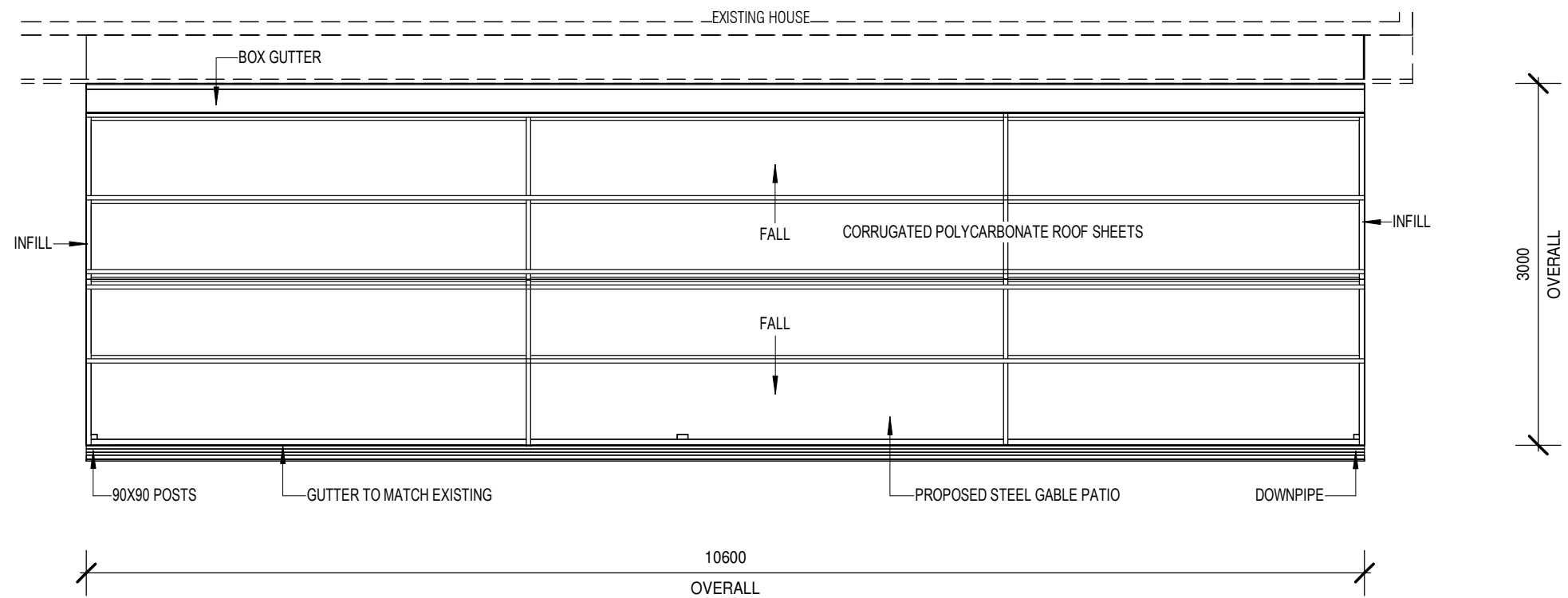
ISSUED FOR COUNCIL APPROVAL

	OWNERS DETAILS		DRAWN	DATE	SCALE
	THE BAPTIST UNION OF WESTERN AUSTRALIA INC		JB	11/11/2020	AS NOTED @ A3
ADDRESS		COUNCIL			
6 FORTESCUE STREET, EAST FREMANTLE, WA 6158		TOWN OF EAST FREMANTLE			
		CONTRACT No.	DRAWING No.		
		31045	A096		



**FLOOR PLAN - DECK**


SCALE: 1 : 50

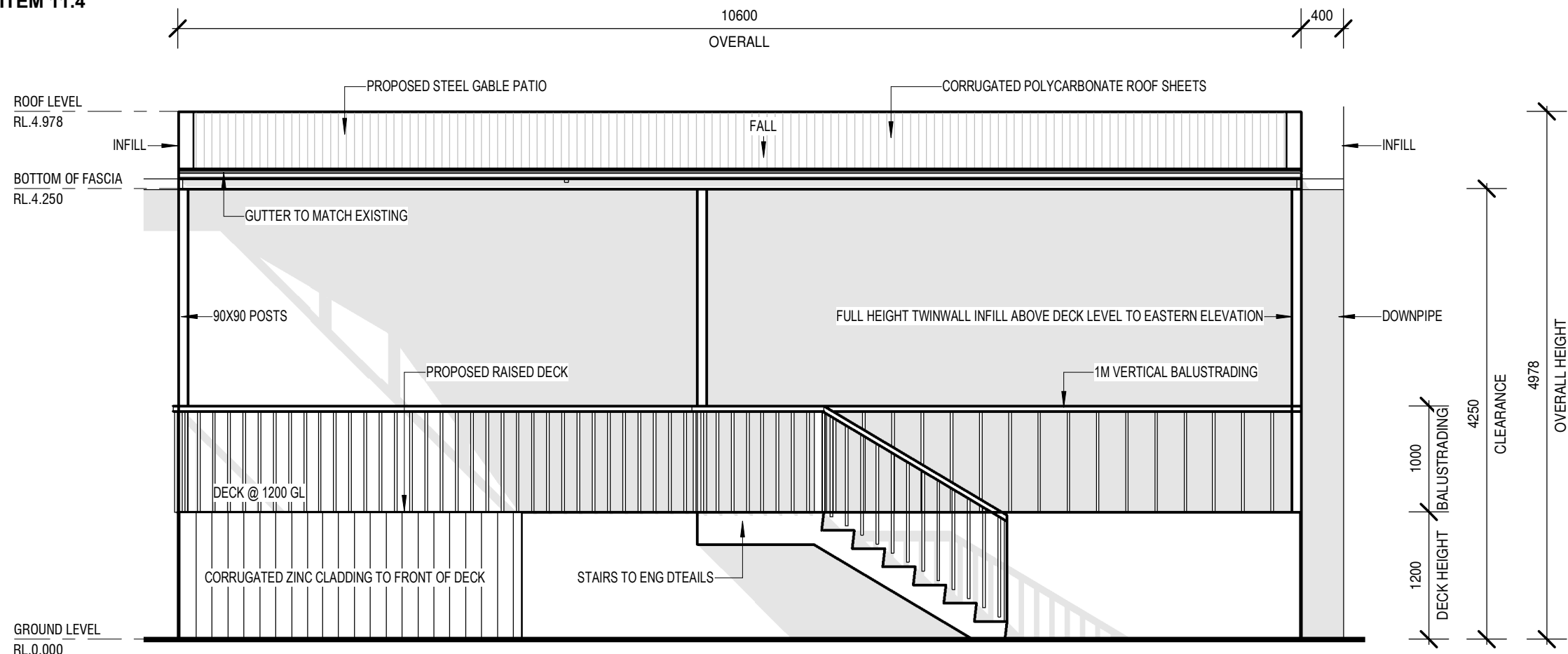


**FLOOR PLAN - PATIO**

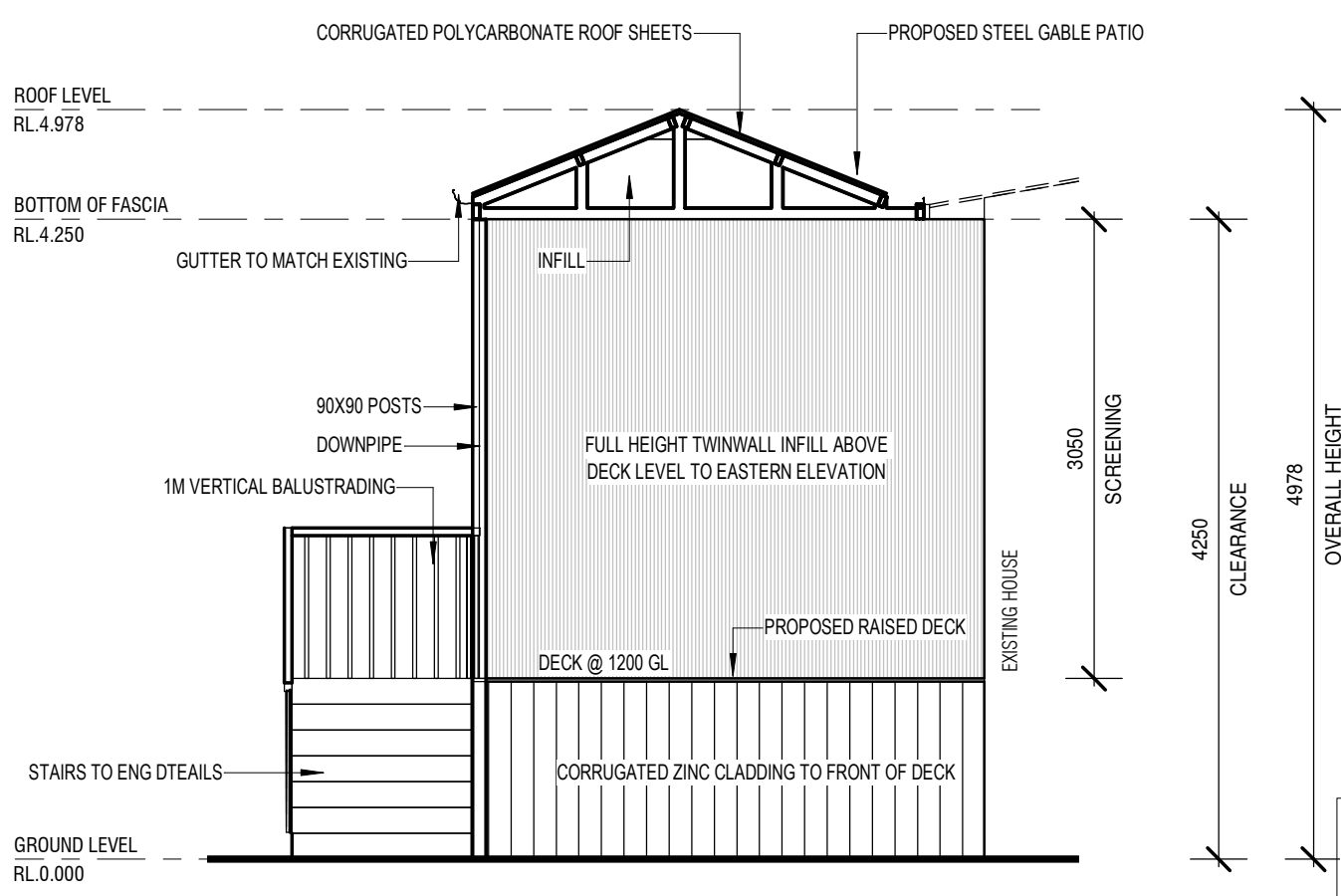
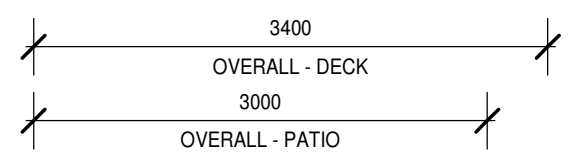
SCALE: 1 : 50

ISSUED FOR COUNCIL APPROVAL

	OWNERS DETAILS		DRAWN	DATE	SCALE
	THE BAPTIST UNION OF WESTERN AUSTRALIA INC		JB	11/11/2020	AS NOTED @ A3
	ADDRESS		COUNCIL		
6 FORTESCUE STREET, EAST FREMANTLE, WA 6158		TOWN OF EAST FREMANTLE			
		CONTRACT No.	DRAWING No.		
		31045	A03		



**1 ELEVATION**  
A02 SCALE: 1 : 50

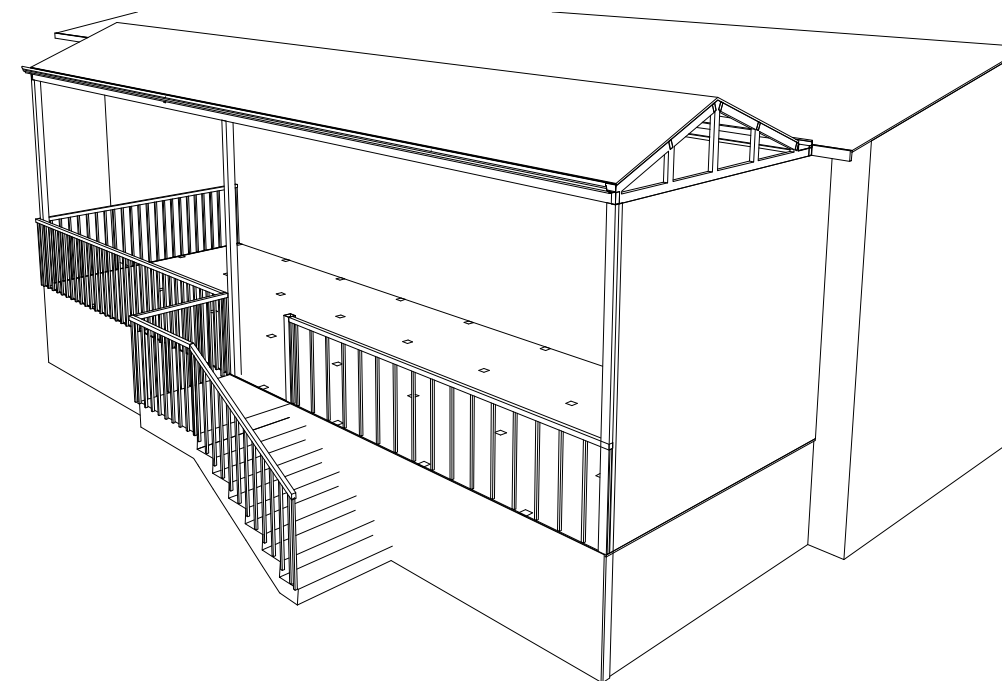
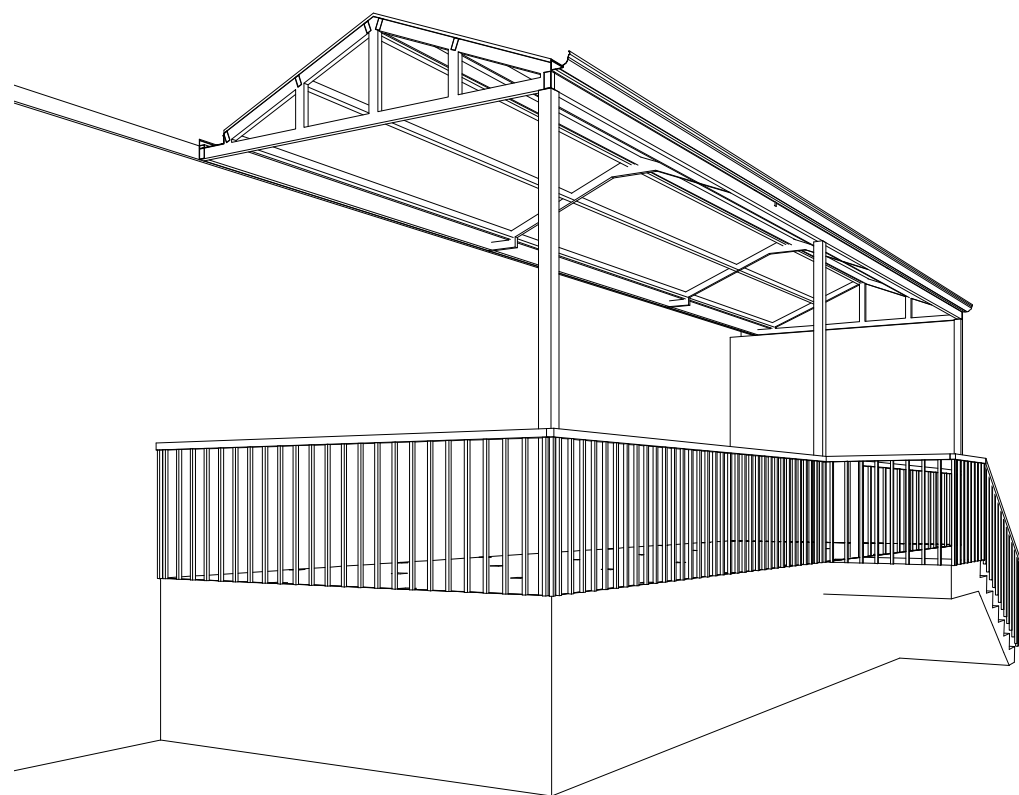
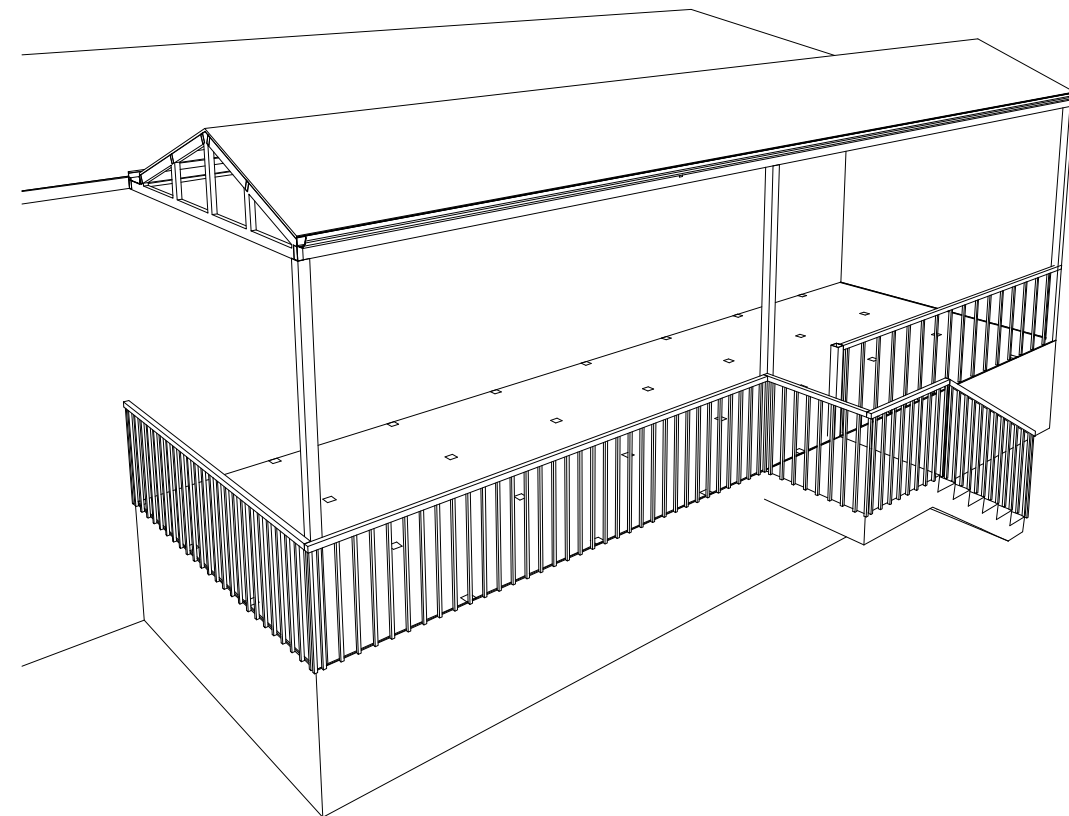
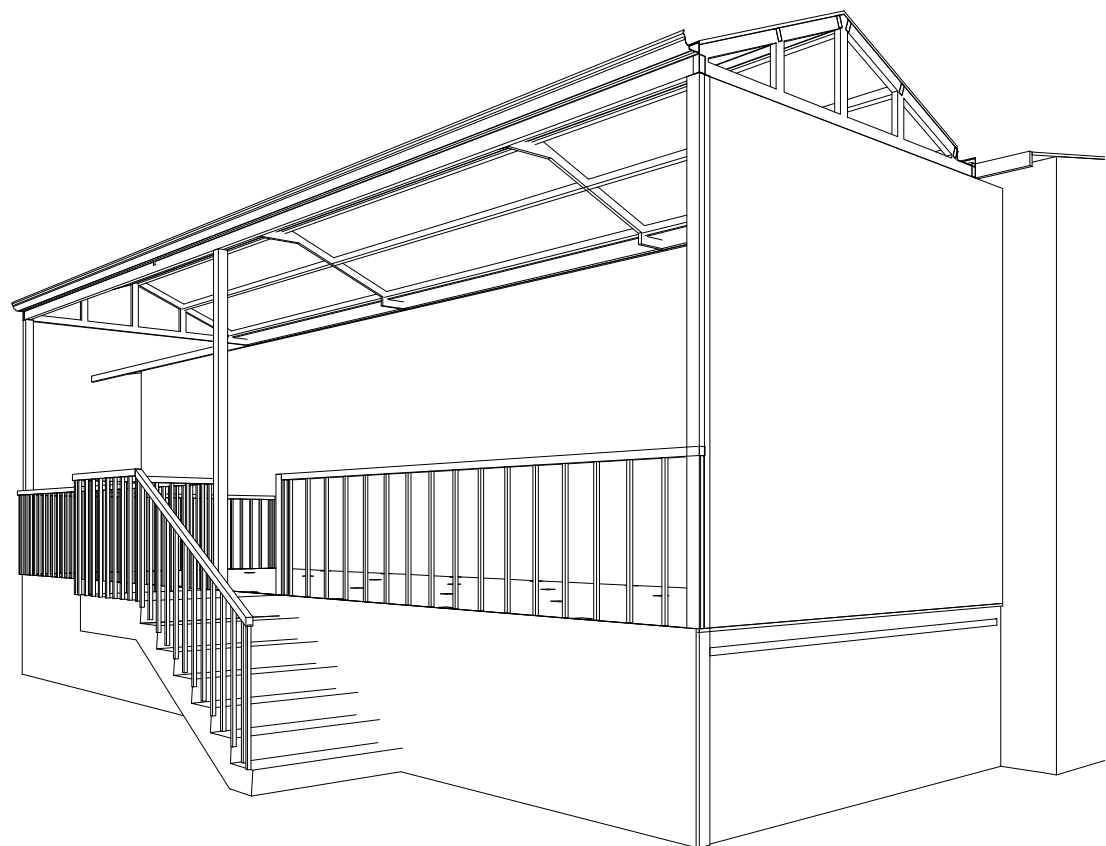


**2 ELEVATION**  
A02 SCALE: 1 : 50


FRAMEWORK	STEEL	x
POSTS	STEEL	x
GUTTERS	STEEL	x
DOWNPIPES	PVC	N/A
ROOF SHEETS	POLYCARB	DIFFUSED ICE
INFILL	TWINWALL	DIFFUSED ICE

ISSUED FOR COUNCIL APPROVAL

	OWNERS DETAILS	DRAWN	DATE	SCALE
	THE BAPTIST UNION OF WESTERN AUSTRALIA INC	JB	11/11/2020	AS NOTED @ A3
	ADDRESS	COUNCIL		
	6 FORTESCUE STREET, EAST FREMANTLE, WA 6158	TOWN OF EAST FREMANTLE		
		CONTRACT No.	DRAWING No.	
		31045	A098	



ISSUED FOR COUNCIL APPROVAL

	OWNERS DETAILS	DRAWN	DATE	SCALE
	THE BAPTIST UNION OF WESTERN AUSTRALIA INC	JB	11/11/2020	AS NOTED @ A3
	ADDRESS	COUNCIL		
6 FORTESCUE STREET, EAST FREMANTLE, WA 6158	TOWN OF EAST FREMANTLE			
	CONTRACT No.	DRAWING No.		
	31045	A109		



## Community Engagement Checklist

### Development Application P122/20 - 229 Canning Highway

Project Name

<b>Objective of Engagement:</b>	Neighbour consultation		
<b>Lead Officer:</b>	Regulatory Services		
<b>Timeline:</b>	<b>Start Date:</b>	2/11/2020	<b>Outcomes By:</b> 16/11/2020
Stakeholders			
<b>Stakeholders to be considered.</b>  <i>Please highlight those to be targeted during engagement.</i>	Aged	<input type="checkbox"/>	Ratepayers (all / targeted) <input type="checkbox"/>
	Businesses	<input type="checkbox"/>	Residents (all / targeted) <input checked="" type="checkbox"/>
	Children (School / Playgroup)	<input type="checkbox"/>	Service Providers <input type="checkbox"/>
	Community Groups	<input type="checkbox"/>	Unemployed <input type="checkbox"/>
	Disabled People	<input type="checkbox"/>	Visitors <input type="checkbox"/>
	Environmental	<input type="checkbox"/>	Volunteers <input type="checkbox"/>
	Families	<input type="checkbox"/>	Workers <input type="checkbox"/>
	Govt. Bodies	<input type="checkbox"/>	Youth <input type="checkbox"/>
	Indigenous	<input type="checkbox"/>	<input type="checkbox"/>
	Neighbouring LGs	<input type="checkbox"/>	<input type="checkbox"/>
<b>Staff to be notified:</b>	Office of the CEO	<input type="checkbox"/>	Councillors <input type="checkbox"/>
	Corporate Services	<input type="checkbox"/>	Consultant/s <input type="checkbox"/>
	Development Services	<input type="checkbox"/>	<input type="checkbox"/>
	Operations (Parks/Works)	<input type="checkbox"/>	<input type="checkbox"/>
Community Engagement Plan			
Methods	Responsible	Date Due	Reference / Notes
1.1 E News	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.2 Email Notification ~	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
1.3 Website	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.4 Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.5 Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.6 Fact Sheet	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.7 Media Rel./Interview	<input type="checkbox"/> Communications		<input type="checkbox"/>
2.1 Information Stalls	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
2.2 Public Meeting/Forum	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
2.3 Survey/Questionnaire	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
3.1 Focus Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
3.2 Referendum/Ballot	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
3.3 Workshop	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
4.1 Council Committee	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
4.2 Working Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
* Statutory Consultation	<input checked="" type="checkbox"/> Relevant Officer	16/11/2020	<input checked="" type="checkbox"/> Advertised to 2 surrounding properties
# Heritage Consultation	<input type="checkbox"/> Regulatory Services		<input type="checkbox"/>
^ Mail out (note: timeliness)	<input type="checkbox"/> Communications		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>



Evaluation			
Summary of...		Date Due	Complete / Attached
Feedback / Results / Outcomes / Recommendations		16/11/2020	
Outcomes Shared			
Methods	Responsible	Date Due	Complete / Attached
E-Newsletter	<input type="checkbox"/> Communications		<input type="checkbox"/>
Email Notification	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
Website	<input type="checkbox"/> Communications		<input type="checkbox"/>
Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>
Media Release	<input type="checkbox"/> Communications		<input type="checkbox"/>
Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
Notes			

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**11.5 Pier Street No 71B (Lot 1) Proposed two storey dwelling**

<b>Owner</b>	Ben Greenacre & Emma Rowe
<b>Applicant</b>	Wilt Design
<b>File ref</b>	P112/20
<b>Prepared by</b>	James Bannerman Planning Officer
<b>Supervised by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Meeting date</b>	1 December 2020
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Location plan</li><li>2. Site photos</li><li>3. Plans dated received 13 November 2020</li><li>4. Community consultation</li></ol>

**Purpose**

The purpose of this report is for Council to consider a planning application for a proposed two storey dwelling at No 71B (Lot 1) Pier Street, East Fremantle.

**Executive Summary**

A new two storey dwelling is proposed comprising of four bedrooms, two bathrooms, kitchen, dining, living, kids play room and a garage. The applicant is seeking Council approval for the following variations to the Residential Design Codes and the Residential Design Guidelines;

- (i) Clause 5.1.6 – Residential Design Codes – Wall Height – 6m required, 6.89m provided
- (ii) Clause 3.7.17.3.3 – Residential Design Guidelines – Garage Width – 30% required, 60% provided
- (iii) Clause 5.2.3 – Residential Design Codes - Front Entry – Definable entry point visible required, hidden entry provided
- (iv) Clause 5.3.8 – Residential Design Codes - Retaining Wall – up to 0.5m required, 0.6m provided
- (v) Clause 5.4.1 – Residential Design Codes - Visual Privacy – 4.5m required, 3.8m 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: 466m<sup>2</sup>

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

Nil

**Consultation**

Advertising

The application was advertised to surrounding landowners

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Community Design Advisory Committee (CDAC)

The application was referred to CDAC. The applicant response is provided in italics after the each CDAC comment.

(a) *The overall built form merits;*

- The Committee agreed the built form has some merit with design intent.

*Noted.*

- The Committee stated that the double garage compromises the design and increases the impact to the street. The Committee commented that design solutions should be investigated to mitigate the impact of the double garage on the streetscape.

*As above, we have attempted to address this. We don't believe just reducing the garage by 900mm will have much of an impact on the streetscape, but in reducing the width at the street elevation to 6m and incorporating the extra width behind this garage line, to align under the level 1 slab over and allow our intrinsic incorporation of garage and first floor wall alignment, with vertical garden element, and the addition of the window into the elevation has gone some way to alleviate the concerns of mitigation to the street.*

- The Committee noted that the proposal has modest bulk and scale broken down materiality of the building.

*Noted, assume this is encouraging and endorsement of the proposed bulk, scale and materiality?? Not sure exactly what this comment means?!*

- The applicant is reminded that the Town encourages the use of wood through the Wood Encouragement Policy – timber is preferred over scion.

*Noted and that is the reason for ensuring timber to the front portion of the house as a minimum. Budget permitting, timber will be clad onto the rear portion also, but budget is not firm at this stage and our preference was to under-promise over-deliver on the proposed materials, rather than propose timber and substitute it after DA due to cost constraints! We trust our proposed materiality is still approved as part of the DA, notwithstanding the comment?? The house will be fully timber framed so we will be utilising a lot of timber in the development.*

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

- The Committee agreed the roof form improves natural light to the building.

*Noted and assume this is endorsement of the proposed response?*

- The Committee agreed that the building steps down with the slope of the land.

*Noted and assume this is endorsement of the proposed response?*

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

- The Committee noted that the proposal has poor passive surveillance of the street.

*We disagree. There is a direct visual connection to the street from the upper living areas (via kitchen/living/study) and also a significant window to the master bedroom that provides maximum opportunities for passive surveillance. These windows are almost at street level due to the sloping block and through our upside-down living arrangement, we have taken full opportunities to have the most active areas of the house elevated and with views towards the street.*

*Referring to the neighbouring property at 73 Pier Street, this existing residence has all of the living areas to the rear of the house (with a large rear alfresco deck), and a significantly vegetated front garden concealed behind a screen wall to the street. We would propose that our passive surveillance is significantly better than exists at the neighbouring property.*

*We refer to other precedents from a simple google search and demonstrate that we have the same, if not better, surveillance to the street as 49a Pier and 51a Pier (both relatively recently approved and*

constructed). Additionally, 58 Pier, directly opposite our site, has an ancillary building (granny flat) above the garage, with the main body of the house setback considerably up the block and elevated above the granny flat (to take advantage of the views) and that there is no surveillance of the street possible from the living areas of this house (and the identical adjoining house as part of the same subdivision).

Refer to the attached imagery collated from our research that demonstrates our commentary.

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

- N/A

Noted

(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;

- N/A

Noted

(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 noted that the front room uses of the proposal does not achieve appropriate passive surveillance, restricts the concept of building community within the area. It was noted dwellings across the road have living areas fronting the street.

Please refer to our response in section C above. Again, we dispute that we do not achieve 'appropriate' passive surveillance. Further we do not understand the concept of building community comment?? The house is designed to maximise the resident's views towards Fremantle (over the valley) and thus living areas are provided upstairs and to the rear. If our design proposed the typical living areas on ground floor (behind the garage) the upper floor would entirely consist of bedrooms and thus be no different in its address to the street as we presently have proposed.

The R-Codes specifically state for deemed to satisfy under 5.2.3 Street Surveillance C3.2 that one major opening from a habitable room of the dwelling faces the street. The bedroom is a habitable room and we have met this requirement. Further we have a major opening to the living area AND to the bedroom on ground floor.

The suggestion to locate the living areas to the street would unduly remove the owners right to the views that are a valuable asset to this block and would reduce amenity of this residence, as there would be no connection between the living areas of the house and the rear outdoor play space where their children will spend time playing.

We have demonstrated that our planning arrangement is 100% the same as was approved at 49a Pier Street with a double garage and side entry addressing the street at ground floor with a master bed addressing the street at level 1 and all of the living areas to the rear addressing the outdoor play space and the views. Furthermore, the views from the upper bedroom master bedroom window are through significantly smaller windows than we have proposed for our development. We have also found some imagery from the REIWA website for 51a Pier Street which shows the same arrangement of upstairs living to the rear, with bedrooms over the garage. In this case, the bedroom is not even the master bedroom (which is also at the rear to get the views) so again, precedents exist that we are at least equal too, if not improved upon in regard to passive surveillance etc.

Additionally, in specific reference to the dwellings across the street, this is actually incorrect as the REIWA imagery shows. Both houses as part of this subdivision have an ancillary dwelling (self-contained ensuite and large open space) with a bi-fold door accessing a private courtyard to the rear. The actual house and the living areas to these properties are considerably further back on the block and elevated

*above the roof of the ancillary dwelling to take advantage of the views (as we are trying to do). There is absolutely NO visual connection to the street from these living areas of the house at all, and the ancillary dwellings are by their nature, not likely to be occupied at all times and thus there is less connection to the street than we are proposing/achieving. Additionally, these dwellings have a secure gate alongside the garage and then a considerable number of steps up to the residence which further diminishes any perceived passive surveillance and any 'community'.*

*What's more, the property at 56 Pier Street presents a very long and very steep driveway to the street with a house a long way setback on top of the ridge of the hill. We question how much this is contributing to a 'community'??*

*We are not stating that we do / don't agree with the outcomes and the quality of the residences opposite, but we are pointing out that we believe we are more considered of passive surveillance etc than as is the case opposite (and as has been used as a reference in contrast to our proposal).*

*We have included these assorted images as reference for our comments and your review. Presumably council have access to these DA drawings of these houses which could confirm if our interpretation of the photos and images on the website are correct and may challenge our assertions above, but we are confident we have understood the layouts of each of the 3 houses correctly.*

#### 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	9.4m	A
Secondary Street Setback			N/A
Lot Boundary Setbacks			
Eastern wall – garage & entry – ground floor	1.5m	1.5m	A
Eastern wall – master bedroom, ensuite – upper storey	2.4m	2.8m	A
Eastern wall – bed 1, bed 2, bed 3 – ground floor	1.5m	2m	A
Eastern wall – study, kitchen, balcony – upper storey	1.6m	2m	A
Southern wall – bed 3 – ground floor	6m	9.4m	A
Southern wall - balcony	6m	9.4m	A

Western wall – garage, laundry, WC, kid’s play – ground floor	0m	0m	A
Western wall – balcony, living, dining, passage, master bedroom	0m	0m	A
Open Space	55%	67%	A
<b>Wall height</b>	<b>6m</b>	<b>6.89m</b>	<b>D</b>
Roof height	9m	7m	A
<b>Front Entry</b>	<b>Address street</b>	<b>Hidden</b>	<b>D</b>
Car Parking	2 car bays	2 car bays	A
<b>Site Works</b>	<b>&lt;0.5m</b>	<b>0.6m</b>	<b>D</b>
<b>Visual Privacy</b>	<b>4.5m</b>	<b>3.8m</b>	<b>D</b>
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	N/A
3.7.3 Development of Existing Buildings	N/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	A
3.7.9 Materials and Colours	A
3.7.10 Landscaping	A
3.7.11 Front Fences	N/A
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	A
3.7.17.4.3 Fremantle Port Buffer Area	N/A
<b>3.7.17.3 Garages and Carports</b>	<b>D</b>

This development application proposes a new double storey dwelling on a proposed survey strata lot at 71B Pier Street East Fremantle. Four variations are requested to the requirements of the Residential Design Codes and one variation is requested to the Residential Design Guidelines relating to wall height, garage width, front entry location, retaining walls and visual privacy setback. There is currently a 1970s duplex located on site and the owners of each duplex unit have agreed to build new double storey dwellings abutting each other along their shared boundary. This is the development application for the first dwelling.

The applicant was contacted to discuss possible amendments to the design and the following responses were provided (below). It is accepted that there are some constraints to the lot that the designer has attempted to overcome as explained in the following response and for these reasons the proposed variations are supported.

Following the presentation of CDAC’s comments to the applicant and further discussions an agreement was reached to reduce the width of the garage to 6m and include a splayed wall on the eastern side of the garage with a window and landscape trellis attached to the wall. Although the garage is 6m and 60% of the lot width the design has softened the impact of the garage.

Maximum Wall Height

In accordance with the Residential Design Codes clause 5.1.6 C6 the maximum wall height from natural ground level is required to be 6m. In this case the wall height is 6.89m. This additional height can be supported on the basis that the maximum roof height of 9m is not exceeded and the additional wall height does not impact on access to direct sun in to buildings and appurtenant open spaces, adequate daylight is provided to major openings into habitable rooms and no views are impacted. The design of the roof is considered contemporary and does have an impact to the overall roof height, however, is considered supportable.

It is further noted that there is an approximate 5 metre fall from north to south on the site. As is demonstrated on plan A.301 Rev B, the dwelling is set into the lot and therefore the streetscape impact of the proposal is considered minimal. The finished floor level of the upper floor is approximately 0.85 metres above the street level.

Officer Comment	Applicant Response
<p>I calculated the maximum wall height at 6.89m – as the roof is <b>not concealed</b> the maximum wall height is 6m and this has to be treated as a variation. I am happy to support as the overall roof height is less than 9m.</p>	<p>We appreciate the support of the variation as we have worked exceptionally hard at ensuring the bulk of the development is kept to an absolute minimum.</p> <p>Notwithstanding, we interpret our walls as parapets in as much as the roof is articulated behind the wall, and the do not have any eaves/overhangs that would suggest a wall with a 'roof above' but that the roof is concealed behind the wall that extends up to meet the roof line.</p> <p>In any respect, your support of this design is appreciated, and we believe we have met the design intent provisions of the Design Guidelines.</p> <p>To further satisfy/reinforce our approach and attempt to minimise the building mass, you can see by the screenshot of the section (refer attached), the 6m development envelope would effectively comply to all areas but for the living area skillions which are provided to ensure natural light is allowed into the depth of the house. If not for these areas, we would be almost compliant with the 6.0m height.</p>

Garage Width

There is a requirement in accordance with the Residential Design Guidelines acceptable development provisions 3.7.17.3.3 A4 that requires that plans, elevations and sections drawings are provided to demonstrate the impact of the garage on the dwelling. In this case the garage width is equivalent to 60% of the lot width which exceeds the maximum of 30%, however, the proposed garage does meet the requirements of performance criteria 3.7.17.3.3 P4 in that the garage is incorporated and compatible with the design of the dwelling and due to the slope of the lot down away from the street front, it is effectively hidden from view. A total width of 6m for the garage with a splayed wall including a window and trellis attached to the wall (to train plants to grow up the wall) will help to soften the garage and the dwelling overall. For these reasons the proposed garage width can be supported.

Officer Comment	Applicant Response
<p>Garage width equal to 69% of the lot width. The town requires that garage widths including the walls immediately adjacent to the garage are <b>no more than 30%</b> (Residential Design Guidelines 3.7.17.3.1 ii Figure 24). The total width of the garage and adjoining walls</p>	<p>We will struggle to reduce the width of the garage as the landowner requires storage space for camping equipment and kayaks within the garage. The extra width to the splayed wall provides this storage area for hanging their kayaks.</p>



<p>has to be reduced to be acceptable to the Town. It is recognised that the garage is lower than the street but is it possible to reduce the side walls immediately adjacent to the garage to reduce the overall width?</p>	<p>I note specifically section <b>3.7.17.3.2</b>, the <b>desired development outcomes</b> state;</p> <ul style="list-style-type: none"> <li>i. Garages and carports shall be incorporated into and compatible with, the design of the dwelling</li> <li>ii. Garage and carport shall not visually dominate the dwelling as viewed from the street</li> <li>iii. Where possible garages to occur at the rear and side of the lot</li> <li>iv. Materials should not detract from the streetscape</li> <li>v. Carports associated with existing dwellings are not required to mimic or match materials of the house</li> </ul> <p>I think it is fair to say we have achieved (i), (ii) and (iv). In particular through the incorporation of the garage under the first floor of the house over, and considering the significant level change below street level, the garage in no way dominates the view of the development from the street. I would go so far as to say we have more successfully integrated the design and is less visually dominant than has been allowed for at 56 Pier Street opposite our development site.</p> <p>Items (iii) and (v) are not possible / relevant to our site.</p> <p>Additionally, I note <b>3.7.17.3.3 Performance Criteria and Acceptable Development Provisions</b> which states that the only reference to a maximum 30% of the frontage is for Existing Dwellings. New Dwellings are only to provide drawings to indicate the impact of the garage on the new dwelling (as per the extract attached) – demonstrating incorporation of the design into the design of the dwelling, which as per above I think we have fairly achieved.</p> <p>Were the walls to be reduced in width, it would create an unsightly (in our opinion) cantilever to the level 1 bedroom over the garage which would make the articulation of façade and the mass to the first floor over feel incorrect and would appear less integrated into the overall dwelling design.</p> <p>We would propose to maintain the garage in its current design format and suggest that there is an incorrect reference to the 30% frontage width. We support that our design achieves the development outcomes and complies with the acceptable provisions of the Design Guidelines in this regard.</p>
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Front Entry

In accordance with the Residential Design Codes deemed to comply clause 5.2.3 C3.1, the street elevation of the dwelling is to address the street with clearly definable entry points visible and accessed from the street. In this case, the entry to the dwelling faces east and is hidden behind the garage and does not achieve the deemed to comply requirements.

However, there is a distinct path leading down from the street that indicates the entry point and there is very good surveillance from the second storey window of the master bedroom (which has a FFL similar to street level) as well as the second storey study and ground floor minor bedroom and as such the proposal achieves design principles 5.2.3 P3 where buildings need to be designed to provide surveillance between the building and street which minimise the opportunities for concealment and entrapment. Additionally, due to the levels of the site a dedicated entry point would not be directly visible from the streetscape and the level difference is a constraint is streetscape visuals.

For these reasons, the proposed hidden front entry can be supported.

Officer Comment	Applicant Response
<p>The front entry of the property is hidden. There is a requirement in the R Codes (clause 5.2.3 C3.1) for the front entry to be visible from the street. Can the front entry be modified such that it is visible from the street?</p>	<p>We disagree with this interpretation of the R-Codes. As per the extract attached; The Design Principle P3 states that they are promoting street surveillance through design (actual or perceived) between the dwelling and the street to minimise opportunities for concealment and entrapment. I would go so far as to suggest that providing a front door to the street is in no way achieving this aim, as the entry lobby of the development is 1806mm below street level at boundary which is considerably below eye height. We have provided direct visual line of sight from the main living area of the house (the street is visible from the study and kitchen/living space via the study window) which is fully achieving the design principles. Further, the Deemed to Comply provisions of the R-Codes states; C3.1 – street elevation of the dwelling is to address the street (<b>our elevation definitely does address the street</b>) with clearly definable entry points visible and accessible from the street. <b>Our design, the planning, the steps and landscaping connection to the deck alongside the house etc all clearly define that the entry point to the development is alongside the house – and thus we have ‘clearly defined’ the entry point. This clearly defined entry is also completely accessible from the street (i.e. – it is not behind a gate/screen etc but has direct access from the driveway).</b> C3.2 – at least one major opening from a habitable room of the dwelling faces the street and the pedestrian or vehicular approach to the dwelling <b>we have a major opening from the main living area over the entry door looking to the street from above the entry decking as well as the major opening from the master bedroom so are compliant with this.</b> We support that our design achieves the development outcomes and complies with the acceptable provisions of the R Codes in this regard.</p>

Retaining Walls

In accordance with Residential Design Codes deemed to comply clause 5.3.8 C8 retaining walls should be no more than 0.5m high. In this case there is a retaining wall that is approximately 0.6m high. It is noted that there is a fall of 5 metres from north to south on the site. Additionally, it is further noted the building is stepped to reference the slope in the lot.

Such retaining walls can be supported in accordance with design principles 5.3.8 P8 on the basis that the retaining walls allow the land to be used for the benefit of the residents and do not detrimentally affect the adjoining properties.

Visual Privacy

The study window is required to have visual privacy setback of 4.5m in accordance with Residential Design Codes deemed to comply clause 5.4.1 C1.1. This proposal sees the study window setback 3.8m from the side boundary. The view is oblique across a driveway and does not look into an outdoor living area or towards habitable rooms and as such it achieves design principles clause 5.4.1 P1.1. For this reason, the reduction of the visual 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.

#### **11.5 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION:**

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

- (i) Clause 5.1.6 – Residential Design Codes – Wall Height – 6m required, 6.89m provided**
- (ii) Clause 3.7.17.3.3 – Residential Design Guidelines – Garage Width – 30% required, 69% provided**
- (iii) Clause 5.2.3 – Residential Design Codes - Front Entry – Definable entry point visible required, hidden entry provided**
- (iv) Clause 5.3.8 – Residential Design Codes - Retaining Wall – up to 0.5m required, 0.6m provided**
- (v) Clause 5.4.1 – Residential Design Codes - Visual Privacy – 4.5m required, 3.8m provided**

**for new double storey dwelling at No. 71B (Lot 1) Pier Street, East Fremantle, in accordance with the plans dated received 13 November 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 6 October 2020 and to be in accordance with Council’s crossover policy as set out in the Residential Design Guidelines (2016).**
- (2) The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council’s further approval.**
- (3) The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- (4) With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council’s attention.**
- (5) All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.**
- (6) If requested by Council within the first two years following installation, the roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.**
- (7) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.**
- (8) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.**

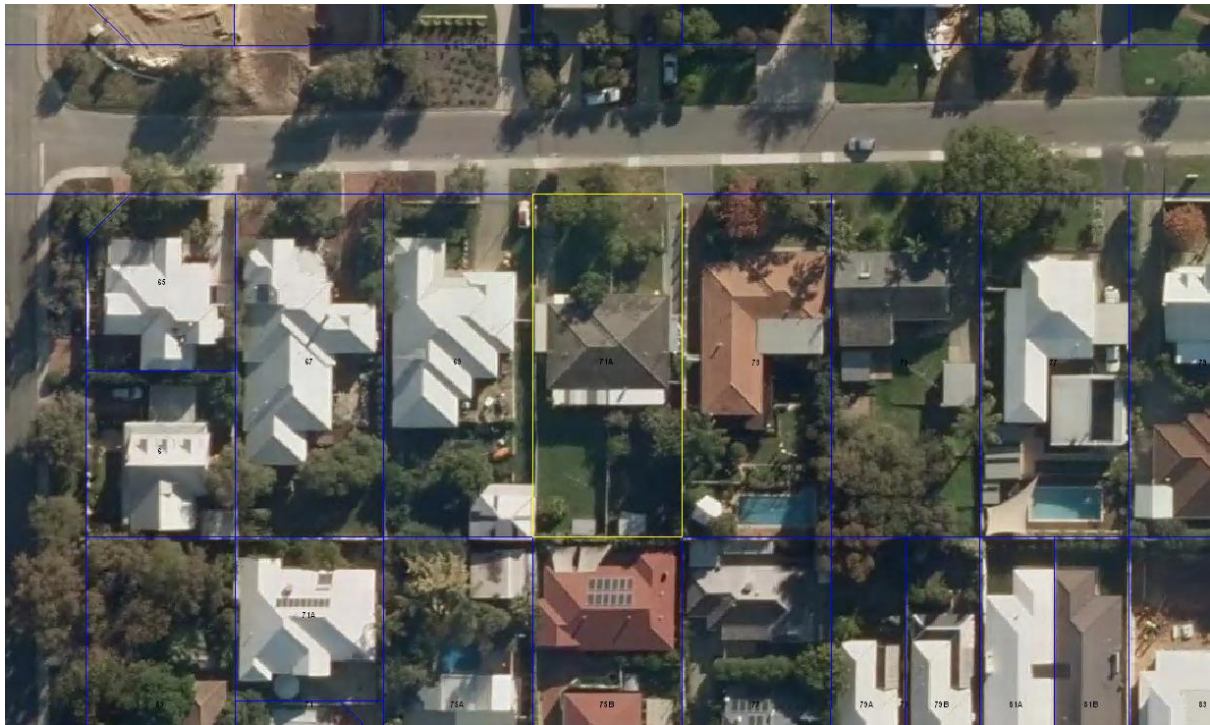
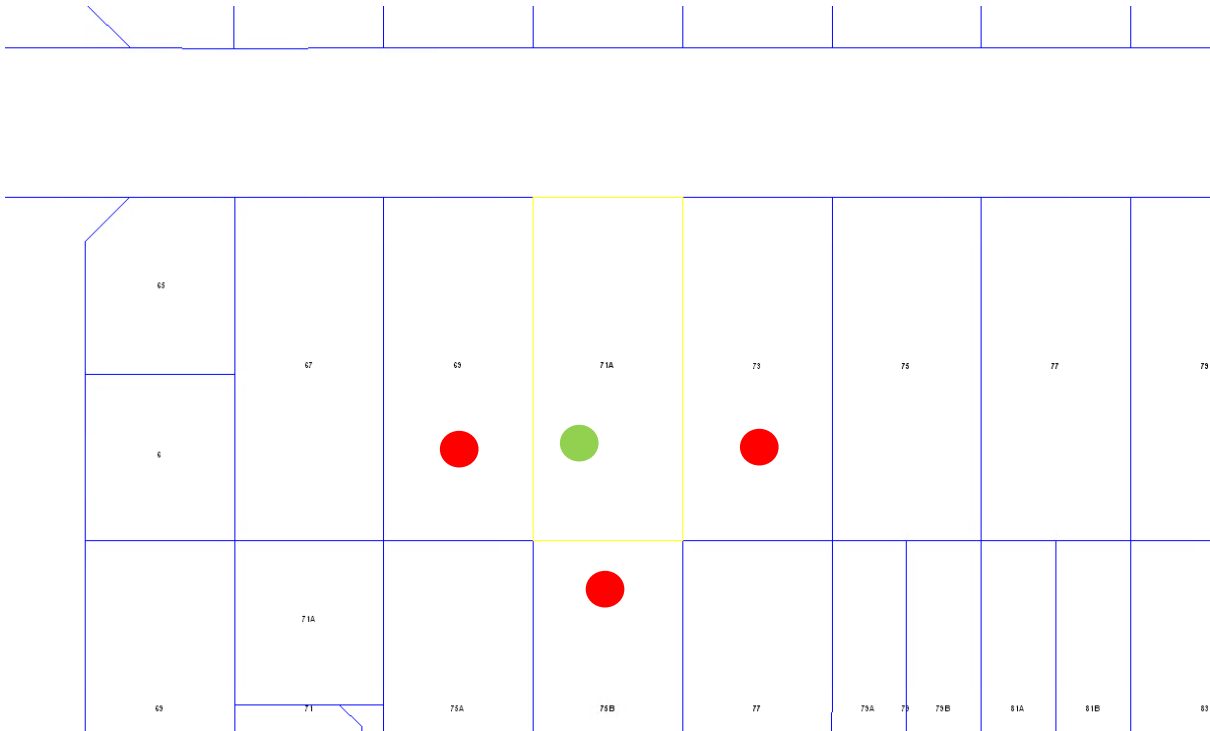
**(9) This planning approval is to remain valid for a period of 24 months from date of this approval.**

**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.***

71B Pier Street – Map and Photo





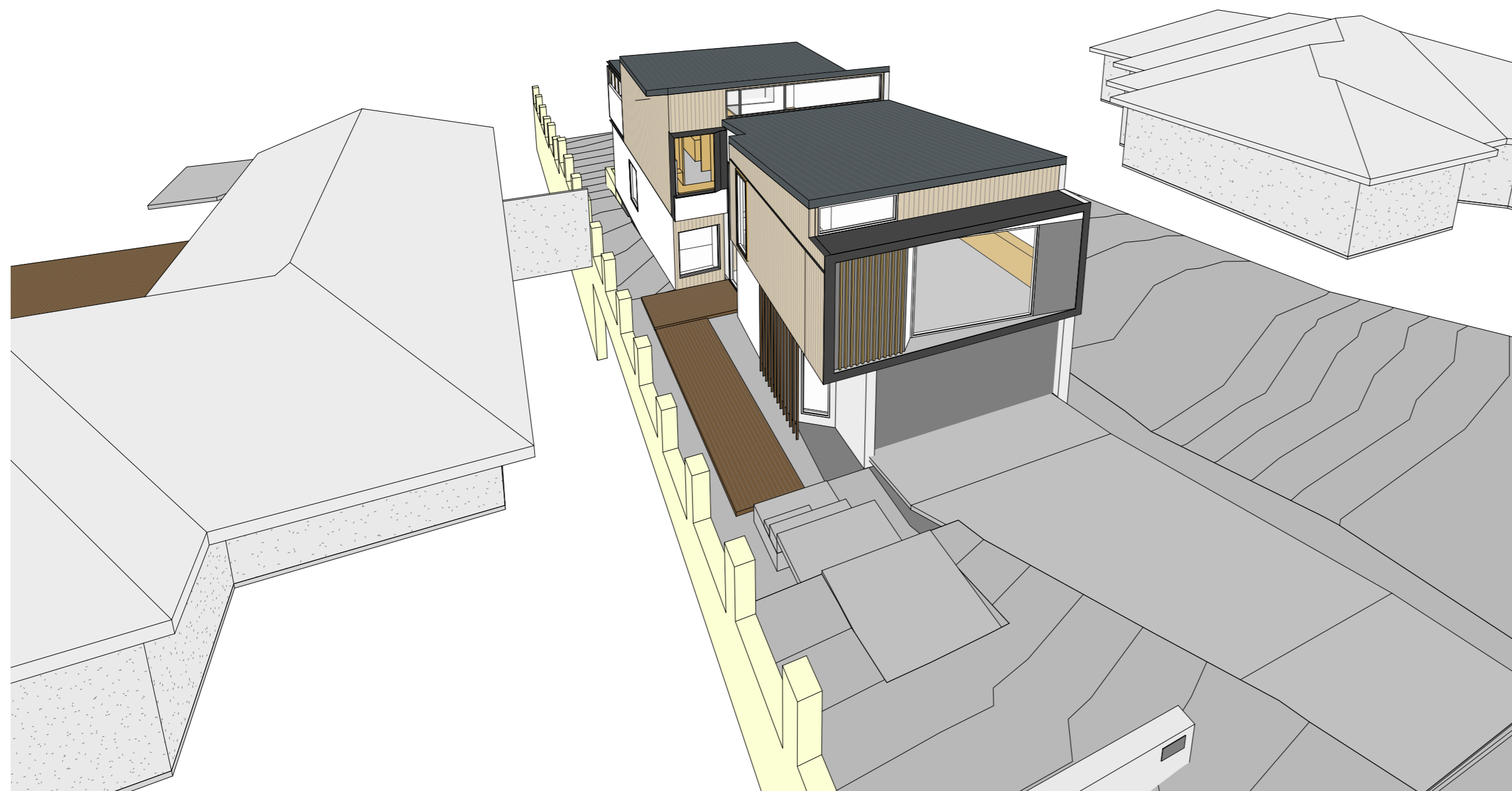
## PIER STREET RESIDENCE

71b PIER STREET EAST FREMANTLE

SUBMISSION FOR PLANNING APPROVAL  
OCTOBER 2020

### DRAWING SCHEDULE

A.000	COVER SHEET
A.100	SITE PLAN AND DEMO PLANS
A.101	SURVEY
A.201	PROPOSED FLOOR PLANS
A.300	ELEVATIONS
A.301	MATERIALS BOARD
A.1000	PERSPECTIVES
L.01	LANDSCAPE PLAN
A.1	R CODES JUSTIFICATION
A.2	71A PROPOSED CONCEPT PLAN
A.3	71A/71B CONCEPT MASSING
A.4	PIER STREET MONTAGE



E	13.11.20	AMENDED ISSUE FOR DA
D	03.10.20	REVISED ISSUE FOR DA
C	08.09.20	ISSUED FOR DA
B	08.07.20	UPDATED PLANS AND EXTERNALS
A	11.05.20	ISSUED FOR CLIENT REVIEW

**wilt** design  
e\_wilt@live.com.au m\_0406 752 478 ABN\_26 197 110 283

**A.000** REV E

drawing COVER

scale

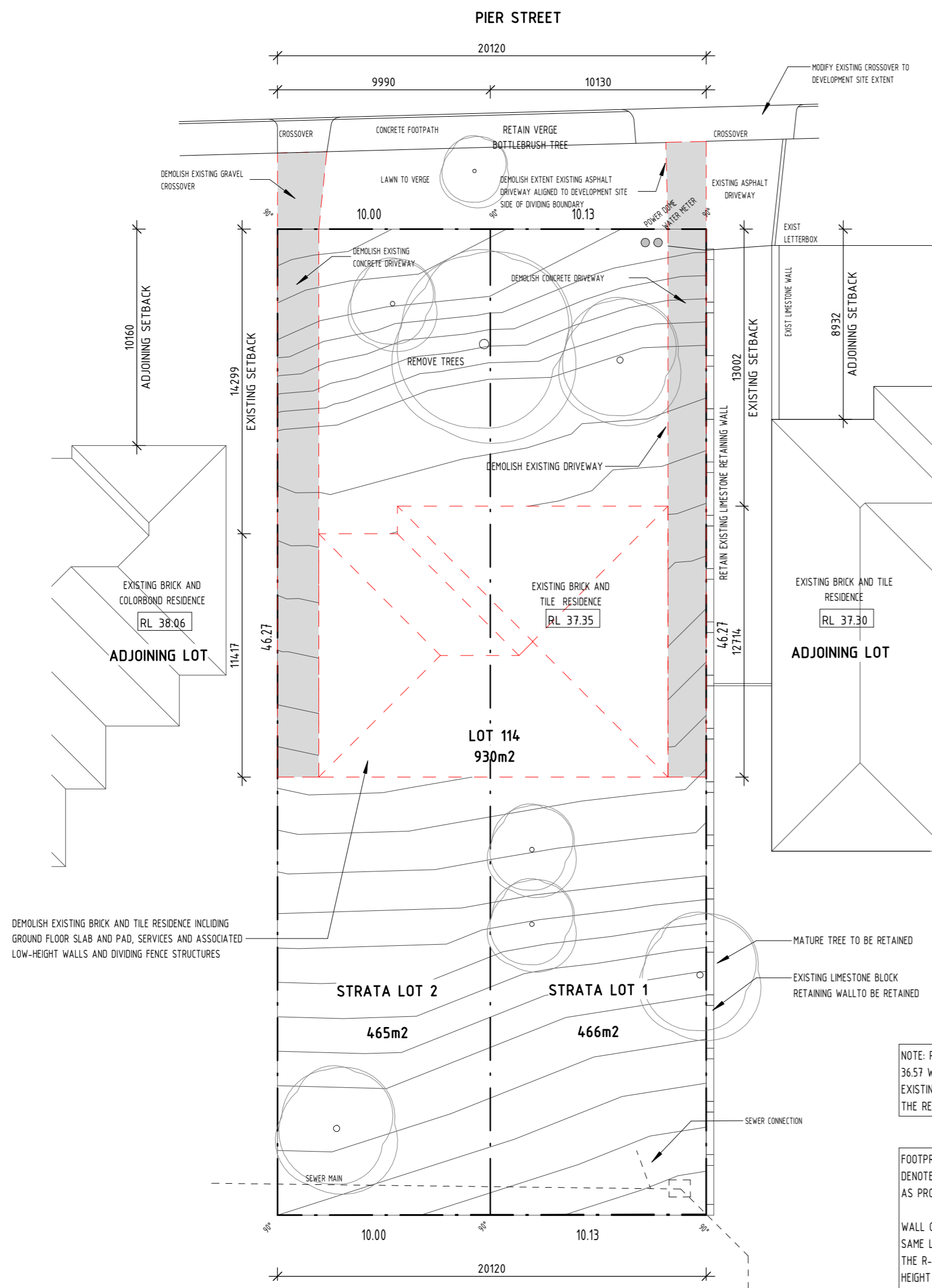
project 71B PIER STREET

client BEN AND EMMA

drawn WT

date JAN 2020

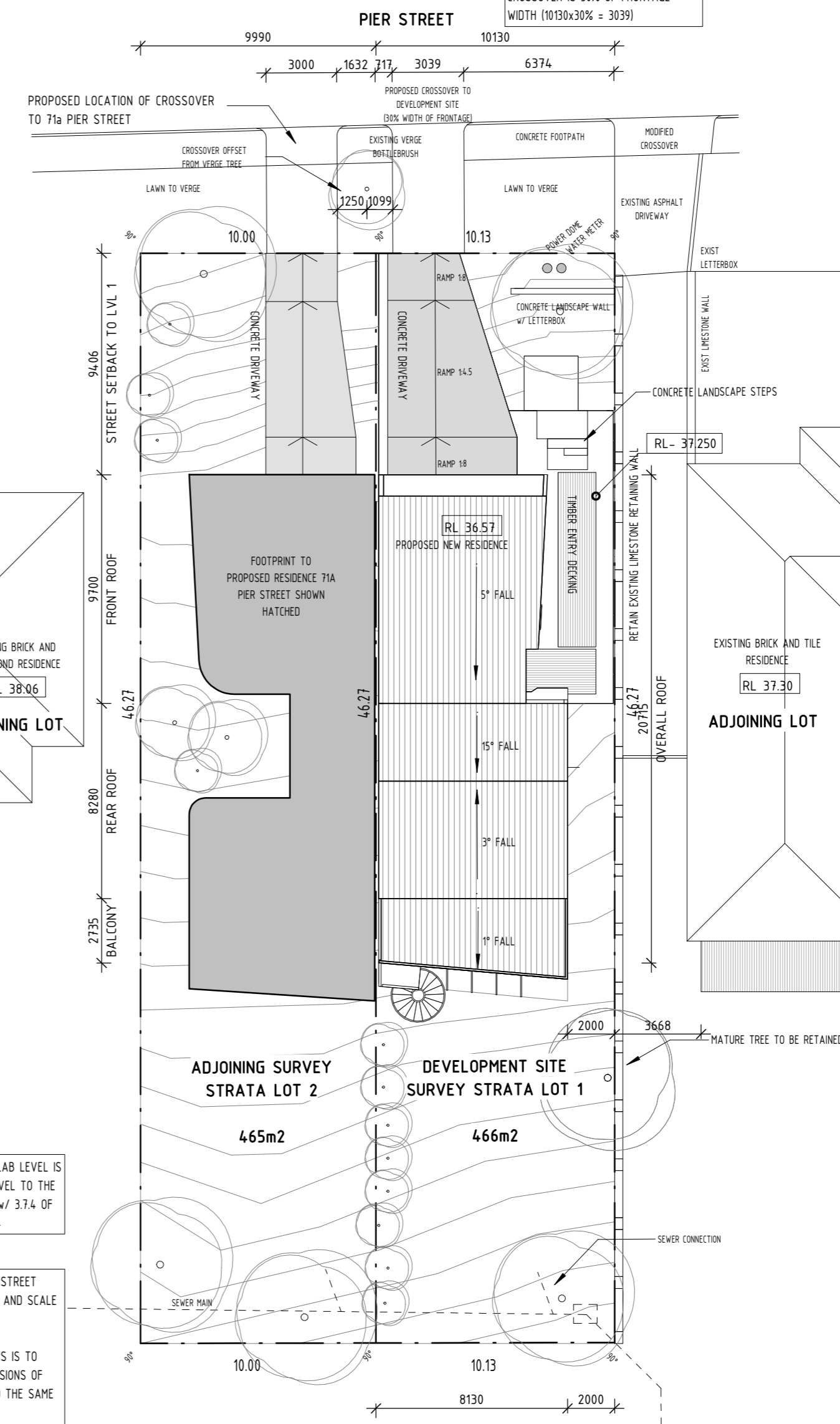
Builder to verify all dimensions prior to commencement of work.  
All work to be dimensioned off those annotated.  
No dimensions are to be measured off the drawings.  
Work remains copyright of the author.



NOTE: PROPOSED DEVELOPMENT GROUND FLOOR SLAB LEVEL IS 36.57 WHICH IS 780mm LOWER THAN THE SLAB LEVEL TO THE EXISTING RESIDENCE AND IS IN GENERAL KEEPING w/ 3.7.4 OF THE RESIDENTIAL DESIGN GUIDELINES POLICY 3.7.4

FOOTPRINT OF PROPOSED RESIDENCE AT 71A PIER STREET DENOTES A TWO STOREY HOUSE TO SAME HEIGHT AND SCALE AS PROPOSED TO 71B PIER STREET.

WALL ON BOUNDARY BETWEEN BOTH STRATA LOTS IS TO SAME LENGTH AND HEIGHT AND MEETS THE PROVISIONS OF THE R-CODES ALLOWING WALLS ON BOUNDARY TO THE SAME HEIGHT AND LENGTH IF PART OF A SUB-DIVISION CONSTRUCTED AT THE SAME TIME



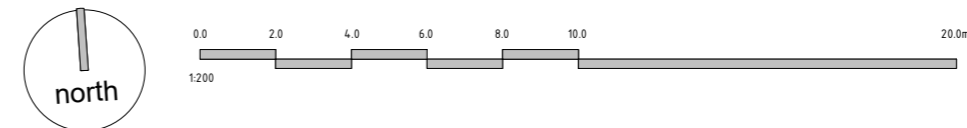
- D 13.11.20 AMENDED ISSUE FOR DA
- C 03.10.20 REVISED ISSUE FOR DA
- B 08.09.20 ISSUED FOR DA
- A 11.05.20 ISSUED FOR CLIENT REVIEW

**wilt design**  
e\_wilt@wilt.com.au m\_0406752478 ABN\_26197110283

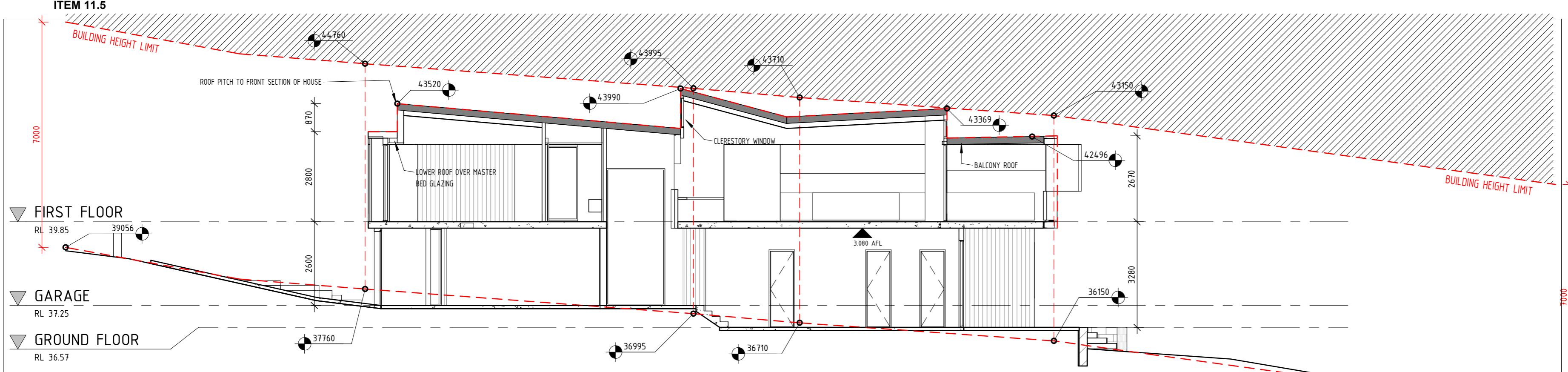
**A.100** REV D

drawing **SITE PLAN AND DEMO PLANS**  
scale **1 : 200**  
project **71B PIER STREET**  
client **BEN AND EMMA**  
drawn **WT**  
date **JAN 2020**

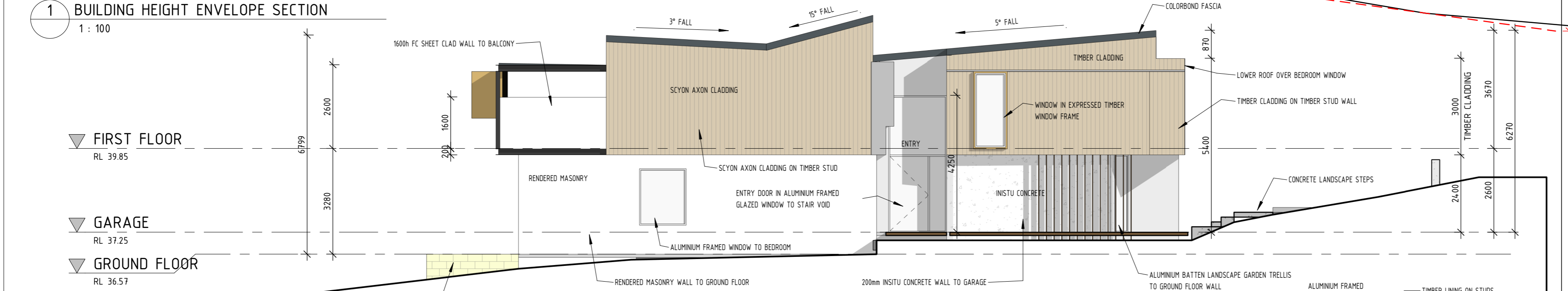
Builder to verify all dimensions prior to commencement of work.  
All work to be dimensioned off those annotated.  
No dimensions are to be measured off the drawings.  
Work remains copyright of the author.



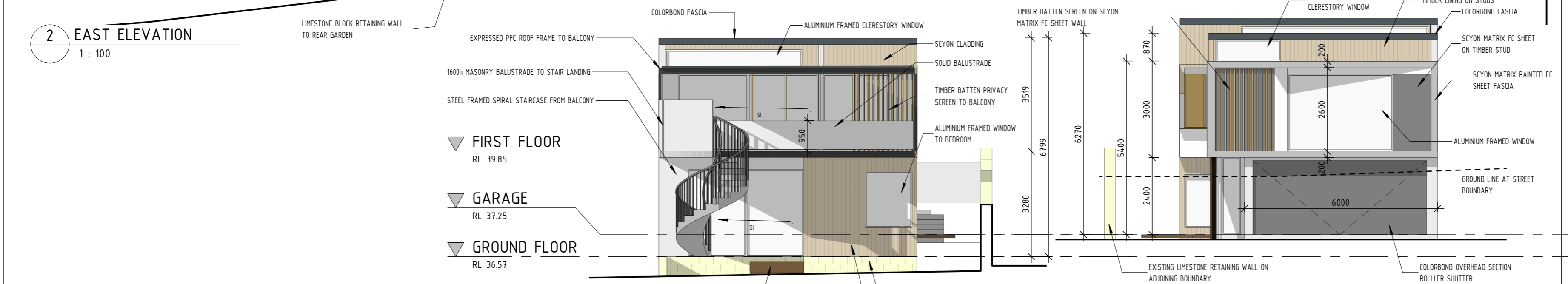




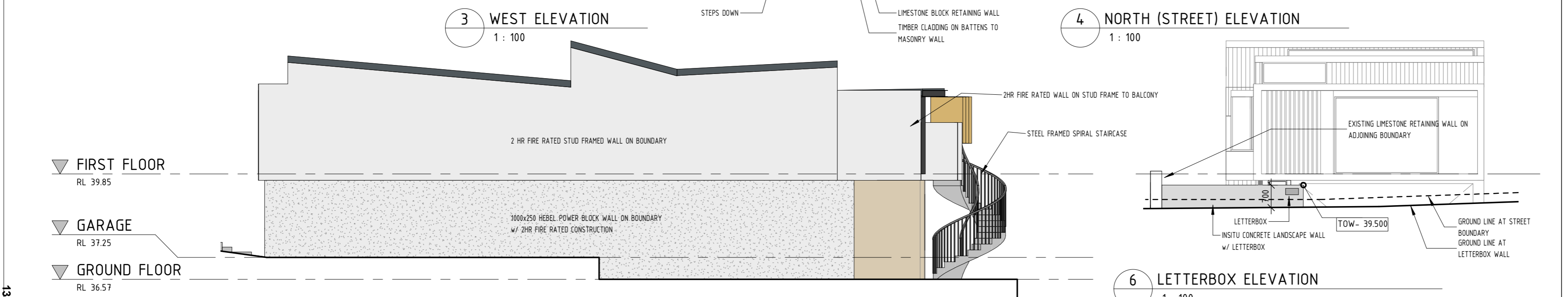
1 BUILDING HEIGHT ENVELOPE SECTION  
1 : 100



2 EAST ELEVATION  
1 : 100



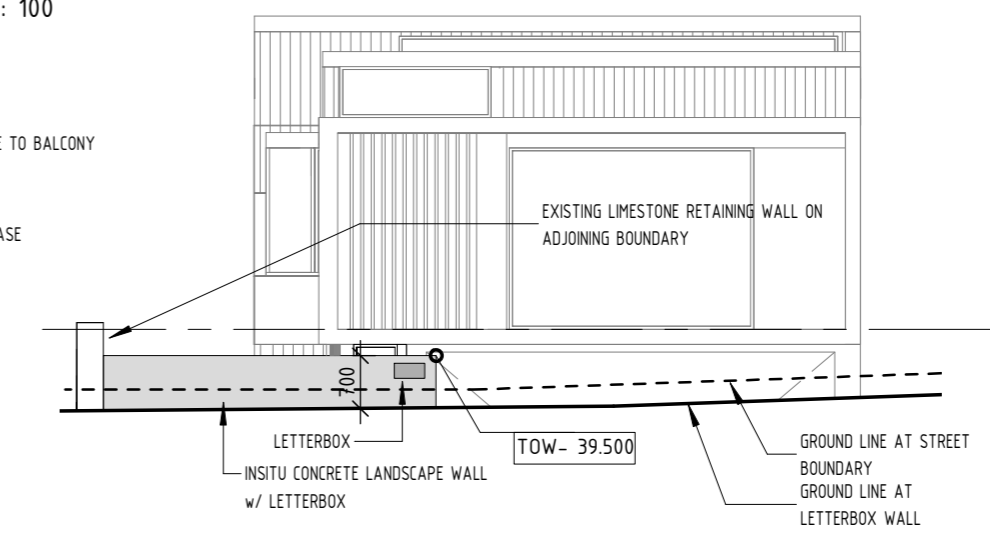
3 WEST ELEVATION  
1 : 100



4 NORTH (STREET) ELEVATION  
1 : 100



5 WEST (DIVIDING WALL BOUNDARY) ELEVATION  
1 : 100



6 LETTERBOX ELEVATION  
1 : 100

E	13.11.20	AMENDED ISSUE FOR DA
D	03.10.20	REVISED ISSUE FOR DA
C	08.09.20	ISSUED FOR DA
B	08.07.20	UPDATED PLANS AND EXTERNALS
A	11.05.20	ISSUED FOR CLIENT REVIEW

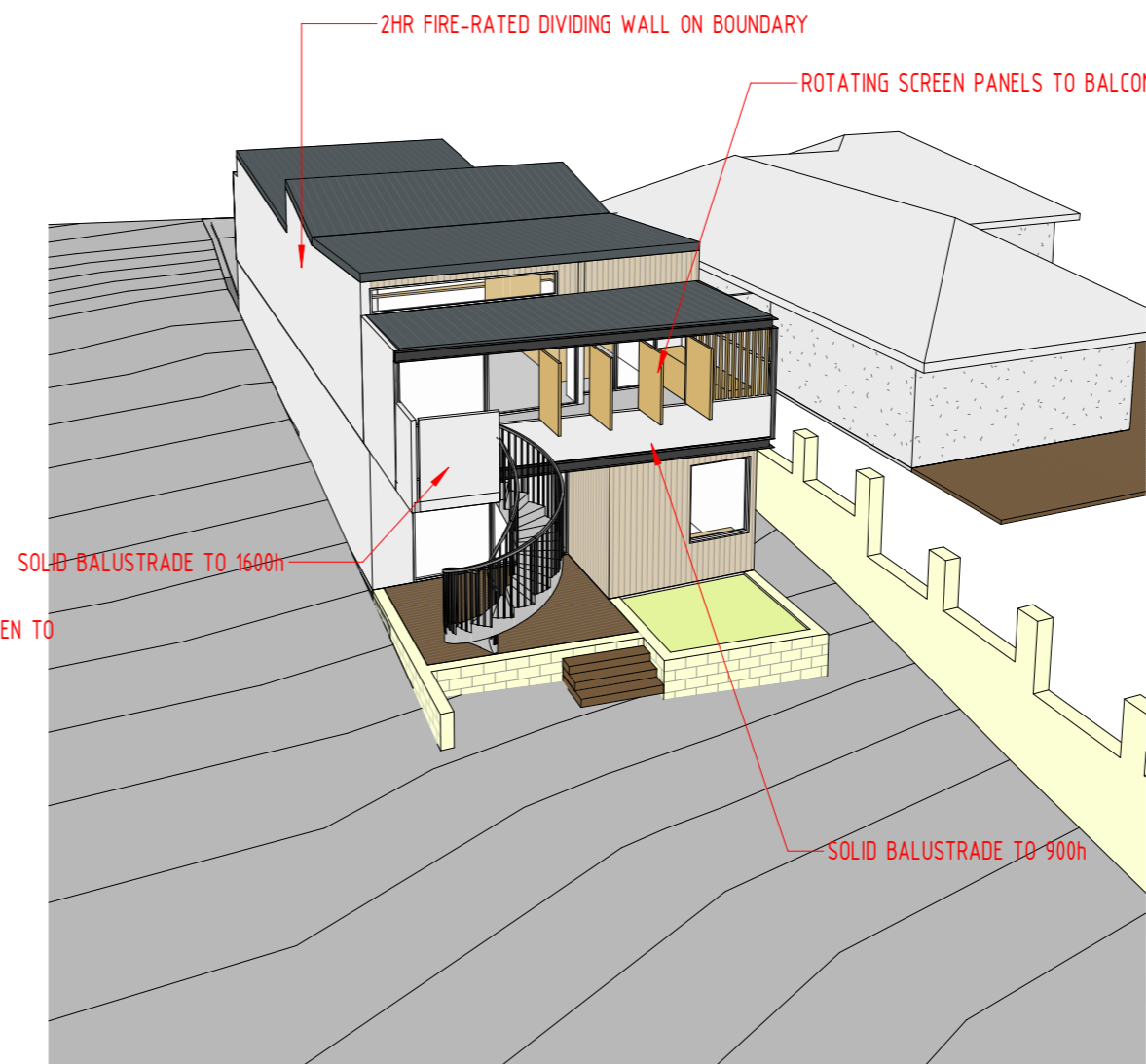
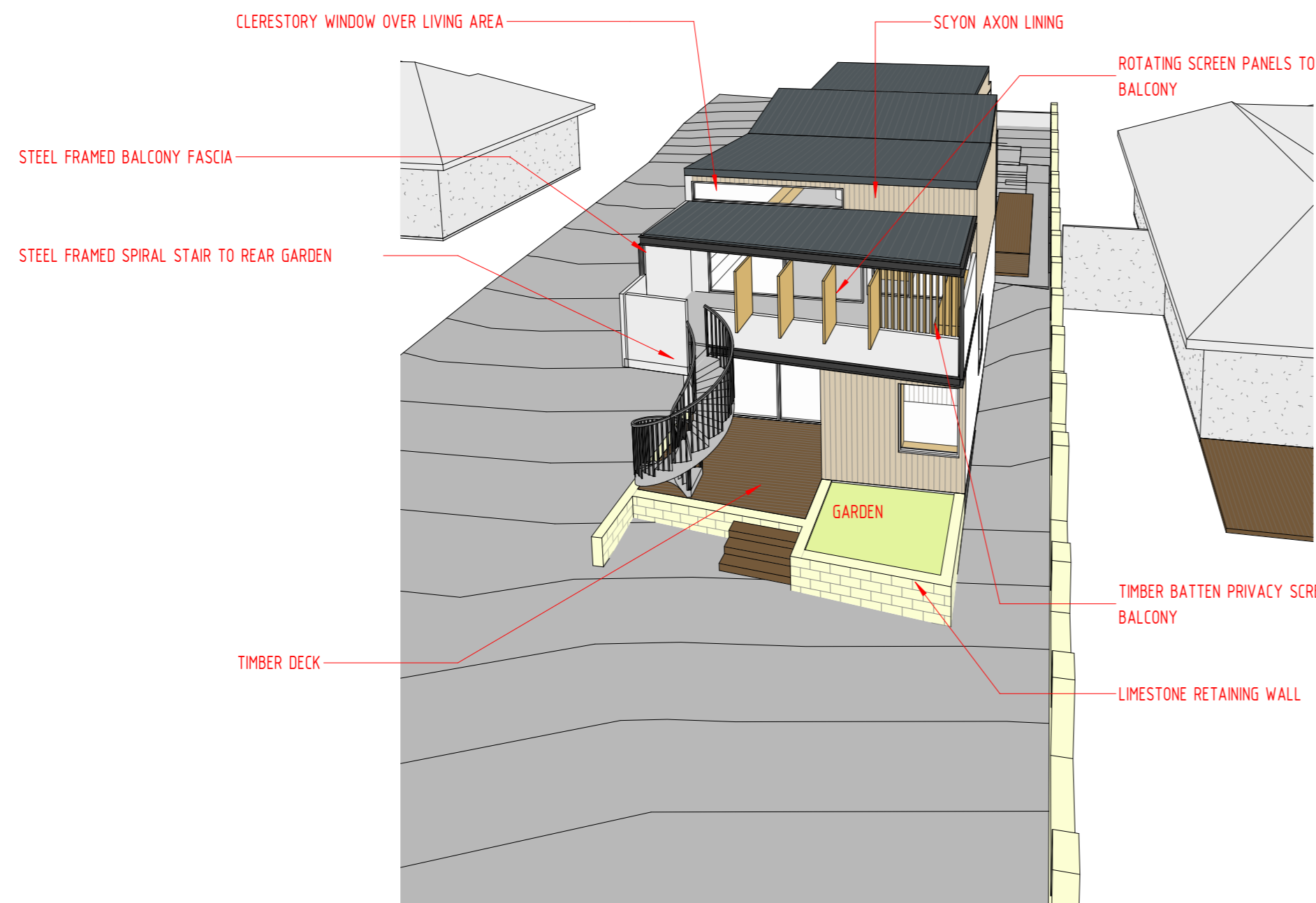
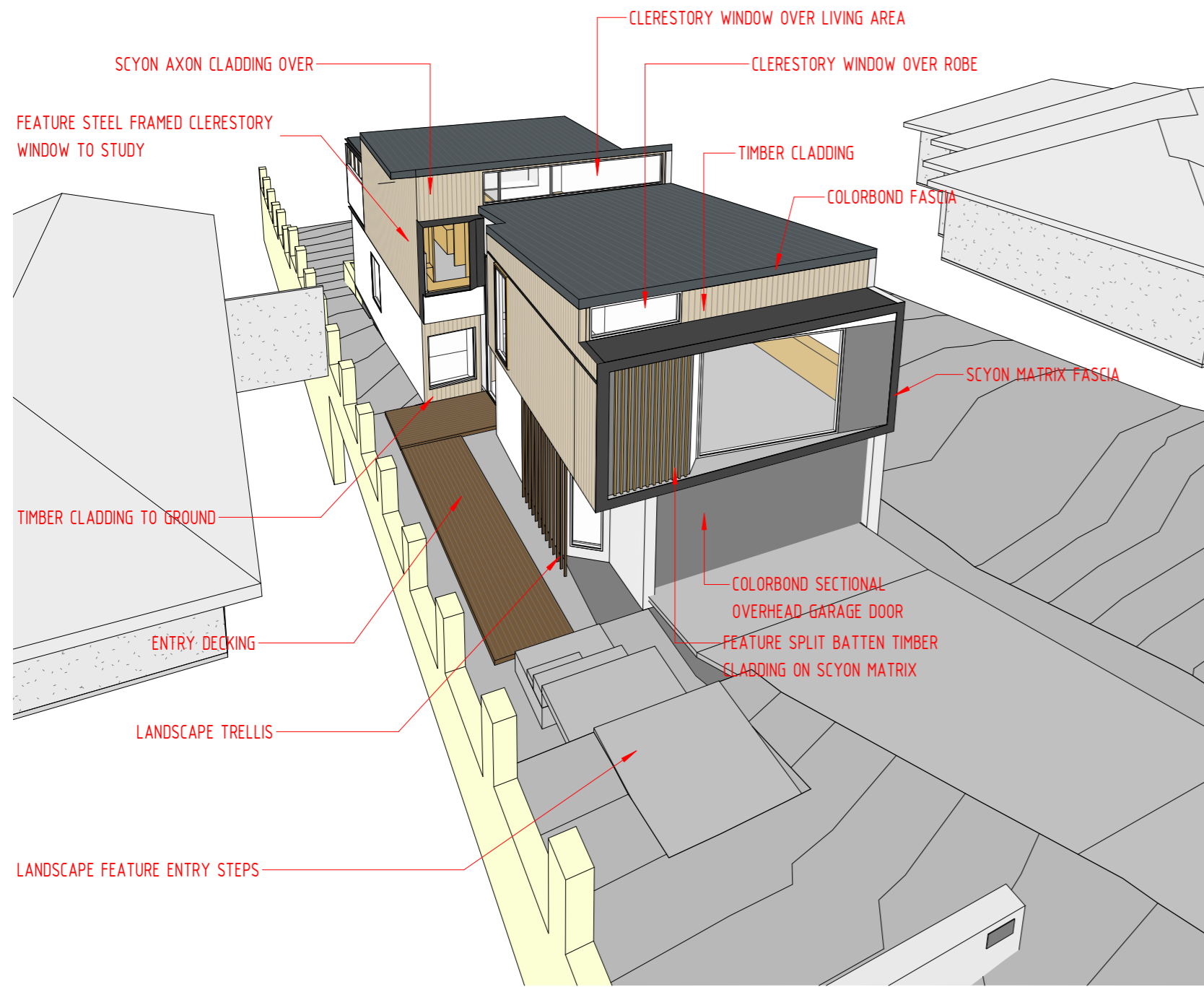
**wilt design**  
 e\_wilt@wilt.com.au m\_0406752478 ABN\_26197110283

**A.300** REV E

drawing **ELEVATIONS**  
 scale **1 : 100**  
 project **71B PIER STREET**  
 client **BEN AND EMMA**  
 drawn **WT**  
 date **JAN 2020**

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E	13.11.20	AMENDED ISSUE FOR DA
D	03.10.20	REVISED ISSUE FOR DA
C	08.09.20	ISSUED FOR DA
B	08.07.20	UPDATED PLANS AND EXTERNALS
A	11.05.20	ISSUED FOR CLIENT REVIEW

**wilt** design  
 e\_wilt@wilt.com.au m\_0406 752 478 ABN\_26 197 110 283

**A.1000** REV E

drawing PERSPECTIVE

scale

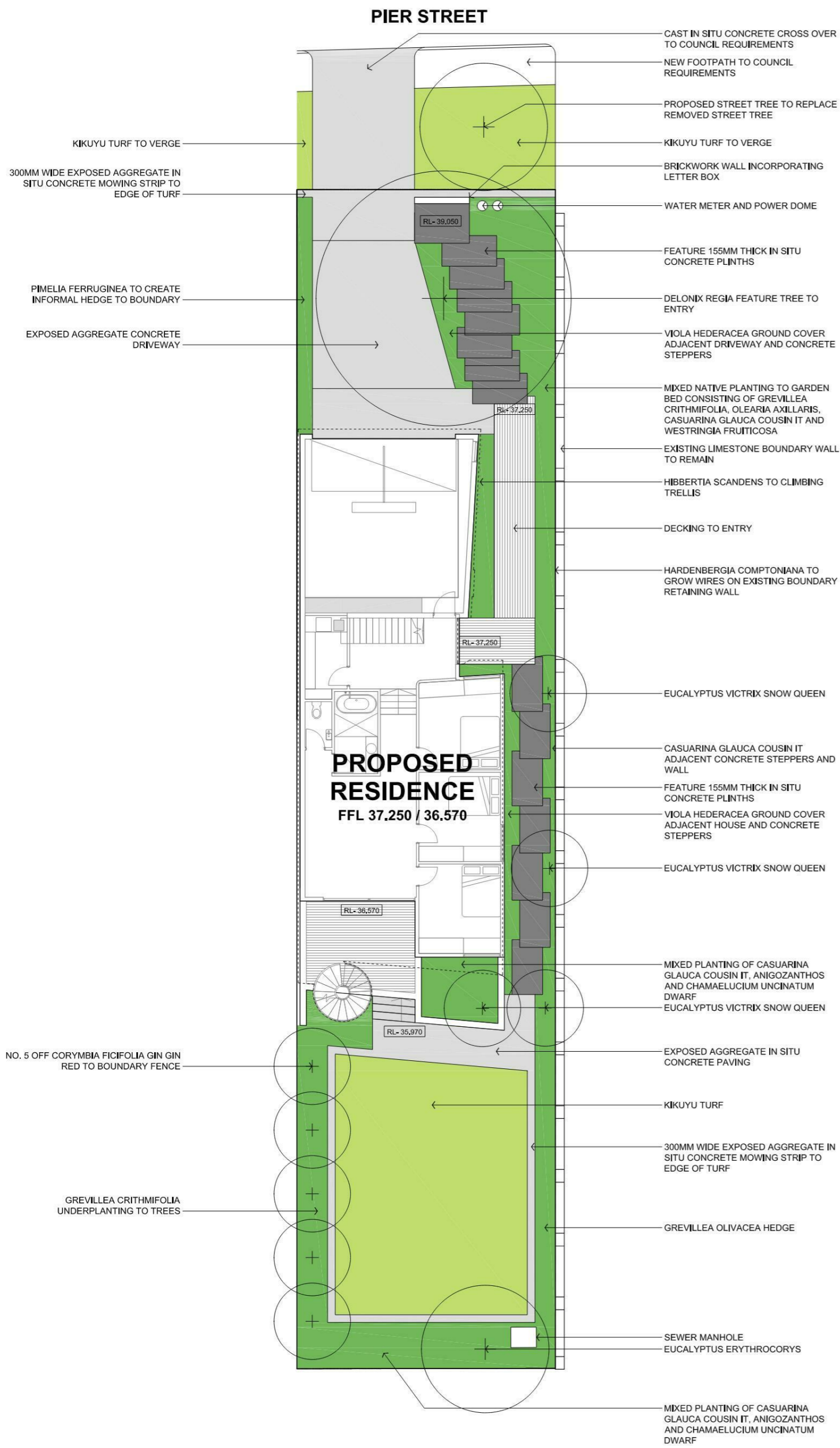
project 71B PIER STREET

client BEN AND EMMA

drawn WT

date JAN 2020

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A	DEVELOPMENT APPLICATION	02.10.20	AT
REV	AMENDMENT	DATE	CRD



ANIGOZANTHOS



CHAMAELUCIUM UNCINATUM



CASUARINA GLAUCA COUSIN IT



OLEARIA AXILLARIS



GREVILLEA OLIVACEA



VIOLA HEDERACEA



EUCALYPTUS VICTRIX SNOW QUEEN



HARDENBERGIA COMPTONIANA



GREVILLEA CRITHMIFOLIA



HIBBERTIA SCANDENS



DELONIX REGIA

B 13.11.20 AMENDED ISSUE FOR DA  
A 03.10.20 REVISED ISSUE FOR DA

wilt design  
e\_wilt@wilt.com.au m\_0406 752 478 ABN\_26 197 110 283

L.01 REV B

drawing LANDSCAPE PLAN  
scale 1 : 200  
project 71B PIER STREET  
client BEN AND EMMA  
drawn WT  
date JAN 2020

Builder to verify all dimensions prior to commencement of work.  
All work to be dimensioned off those annotated.  
No dimensions are to be measured off the drawings.  
Work remains copyright of the author.

BUILDING HEIGHT, BULK AND SCALE TO 71A IS PROPOSED TO BE TO THE SAME HEIGHT AND SCALE AS 71B.  
 MAXIMUM BUILDING HEIGHT WILL BE WITHIN 7.0M ABOVE GROUND TO SAME AS 71B.  
 LENGTH OF 71A DEVELOPMENT ON BOUNDARY TO BE TO SAME LENGTH AS 71B

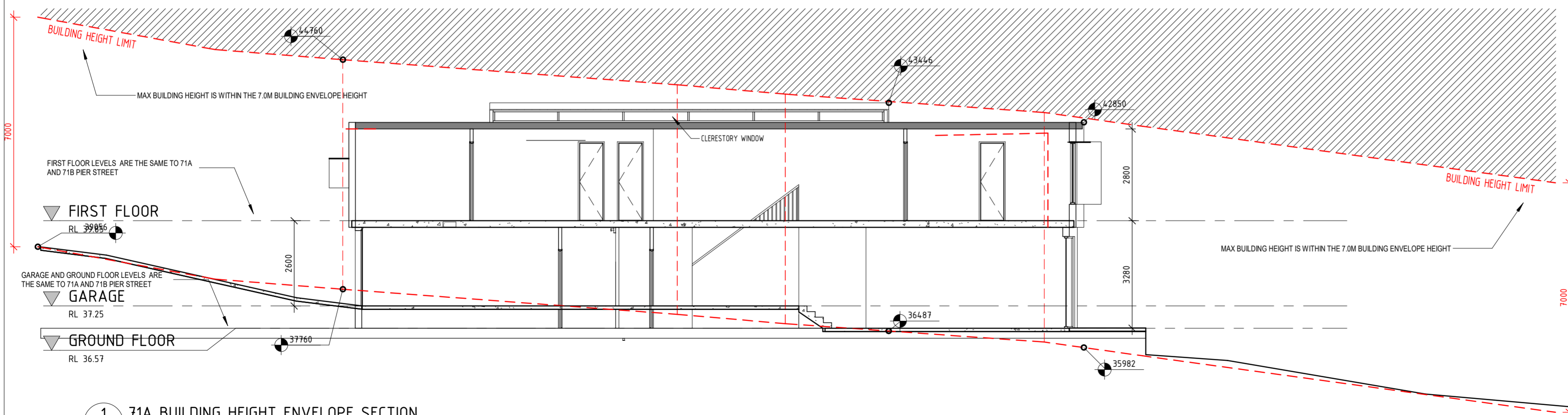
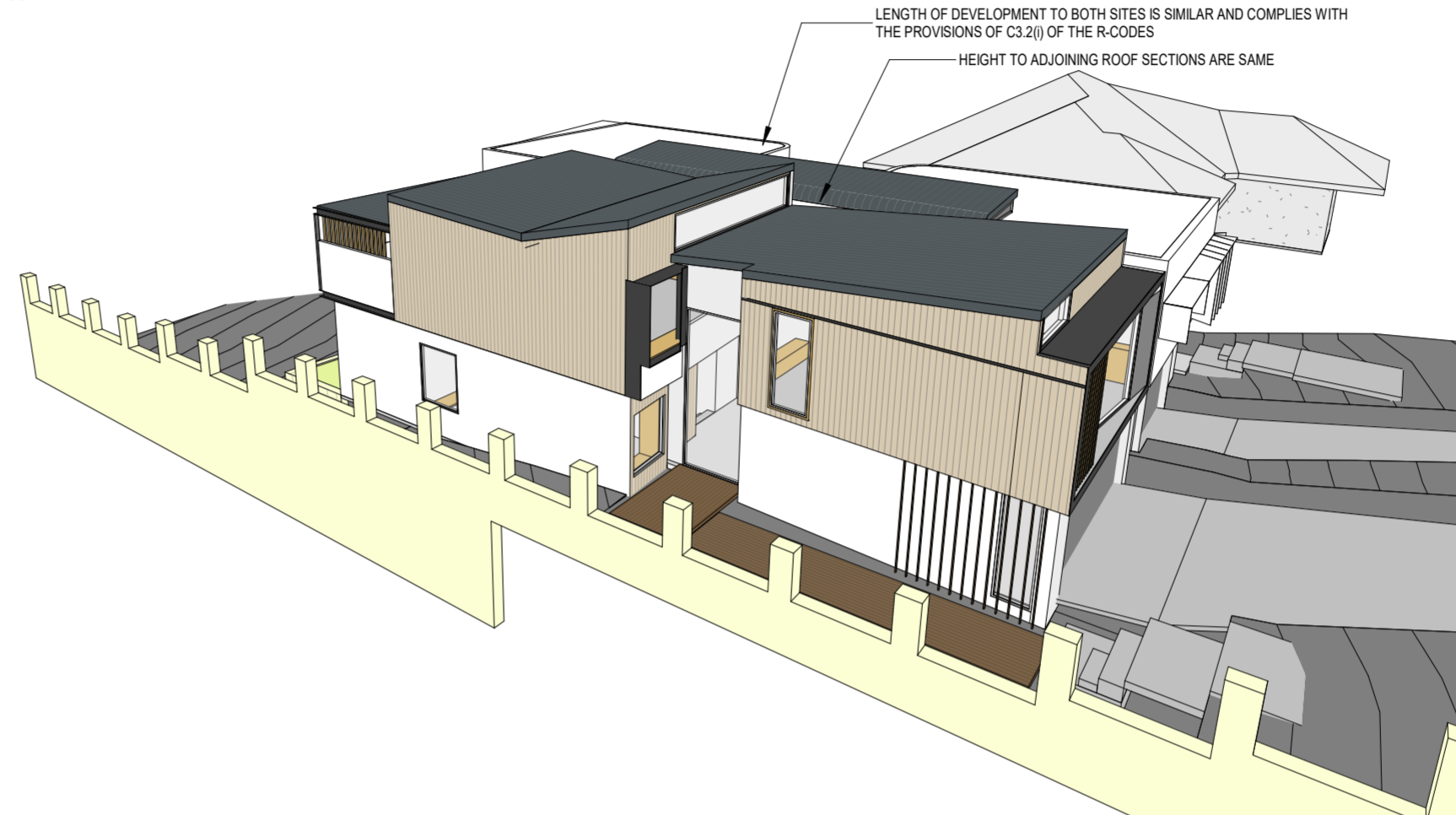
THE PROPOSED IS COMPLIANT w/ C3.2 (i) AND (iv) OF THE R-CODES WHICH STATES:

**WALLS MAY BE BUILT UP TO A LOT BOUNDARY BEHIND THE STREET SETBACK AND IN ACCORDANCE w/ CLAUSE 5.1.2 AND 5.2.2) WITHIN THE FOLLING LIMITS AND SUBJECT TO THE OVERSHADOWING PROVISIONS OF CLAUSE 5.4.2;**

(i) WHERE THE WALL ABUTS AN EXISTING OR SIMULTANEOUSLY CONSTRUCTED WALL OF SIMILAR OR GREATER DIMENSIONS  
 (iv) WHERE BOTH THE SUBJECT SITE AND THE AFFECTED ADJOINING SITE ARE CREATED IN A PLAN OF SUBDIVISION SUBMITTED CONCURRENTLY WITH THE DEVELOPMENT APPLICATION

THE PROPOSED DEVELOPMENT FOR 71B PIER STREET IS PART OF A PROPOSED SUBDIVISION TO CREATE SURVEY STRATA LOTS 1 (71B PIER) AND 2 (71A PIER) AND THUS COMPLIES WITH C3.2(iv) OF THE R-CODES

THE PROPOSED DEVELOPMENT OF 71B AND THE CONCEPT DESIGN FOR 71A PROPOSE A DEVELOPMENT ON SURVEY STRATA LOTS 1 AND 2 WHICH WILL CREATE WALLS OF SIMILAR OR GREATER DIMENSIONS ONTO THE ADJOINING LOTS AT THE SAME BOUNDARY AND THUS COMPLIES WITH THE PROVISIONS OF C3.2(i) OF THE R-CODES



1 71A BUILDING HEIGHT ENVELOPE SECTION  
 A.2 1 : 100

B 13.11.20 AMENDED ISSUE FOR DA  
 A 03.10.20 REVISED ISSUE FOR DA

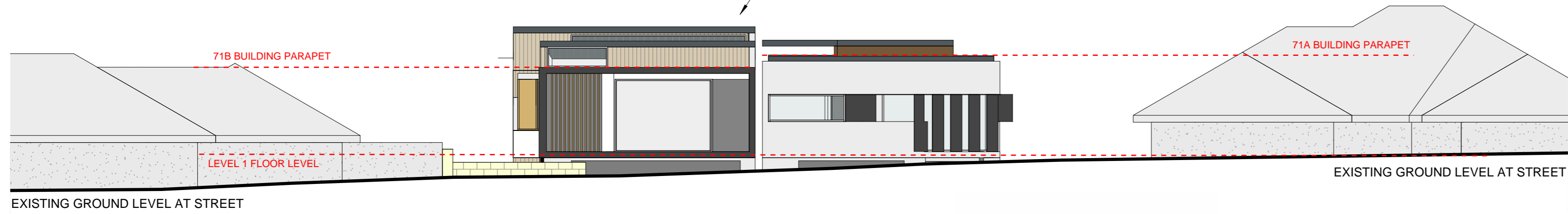
**wilt** design  
 e\_witdesign@live.com.au m\_0406 752 478 ABN\_26 197 110 283

**A.3** REV B

drawing 71A/71B MASSING CONCEPT  
 scale  
 project 71B PIER STREET  
 client BEN AND EMMA  
 drawn Author  
 date JAN 2020

Builder to verify all dimensions prior to commencement of work.  
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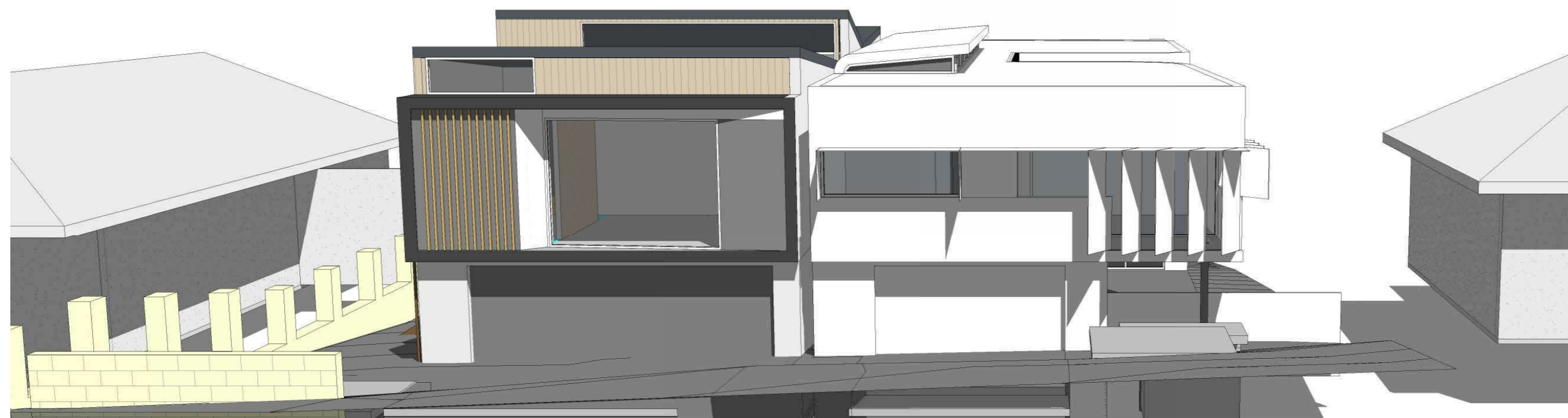
DUE TO THE GROUND FLOOR LEVEL PROPOSED FOR 71A AND 71B PIER STREET THE OVERALL BUILDING HEIGHT IS SIMILAR TO THE ADJOINING BUILDING HEIGHTS TO RESIDENCES AT 73 PIER STREET TO THE EAST (THE MASTER BEDROOM PARAPET IS <0.25M ABOVE THE RIDGE HEIGHT OF THE EXISTING RESIDENCE AT 73 PIER STREET)  
71A PIER STREET PARAPET IS <0.25M ABOVE THE RIDGE LINE OF THE ADJACENT GARAGE ROOF AND IS APPROX 1.8M LOWER THAN THE MAIN ROOF RIDGE LINE



PIER STREET MONTAGE



EXISTING STREET PHOTO MONTAGE



71A / 71B STREETScape PERSPECTIVE

B 13.11.20 AMENDED ISSUE FOR DA  
A 03.10.20 REVISED ISSUE FOR DA

**wilt** design  
e\_wilt@live.com.au m\_0406 752 478 ABN\_26 197 110 283

**A.4** REV B

drawing PIER STREET MONTAGE

scale

project 71B PIER STREET

client BEN AND EMMA

drawn WT

date JAN 2020

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Work remains copyright of the author



## Community Engagement Checklist

### Development Application P111/20 - 71B Pier Street

Project Name

<b>Objective of Engagement:</b>	Neighbour consultation		
<b>Lead Officer:</b>	Regulatory Services		
<b>Timeline:</b>	<b>Start Date:</b>	8/10/2020	<b>Outcomes By:</b> 22/10/2020
Stakeholders			
<b>Stakeholders to be considered.</b>  <i>Please highlight those to be targeted during engagement.</i>	Aged	<input type="checkbox"/>	Ratepayers (all / targeted) <input type="checkbox"/>
	Businesses	<input type="checkbox"/>	Residents (all / targeted) <input checked="" type="checkbox"/>
	Children (School / Playgroup)	<input type="checkbox"/>	Service Providers <input type="checkbox"/>
	Community Groups	<input type="checkbox"/>	Unemployed <input type="checkbox"/>
	Disabled People	<input type="checkbox"/>	Visitors <input type="checkbox"/>
	Environmental	<input type="checkbox"/>	Volunteers <input type="checkbox"/>
	Families	<input type="checkbox"/>	Workers <input type="checkbox"/>
	Govt. Bodies	<input type="checkbox"/>	Youth <input type="checkbox"/>
	Indigenous	<input type="checkbox"/>	<input type="checkbox"/>
	Neighbouring LGs	<input type="checkbox"/>	<input type="checkbox"/>
<b>Staff to be notified:</b>	Office of the CEO	<input type="checkbox"/>	Councillors <input type="checkbox"/>
	Corporate Services	<input type="checkbox"/>	Consultant/s <input type="checkbox"/>
	Development Services	<input type="checkbox"/>	<input type="checkbox"/>
	Operations (Parks/Works)	<input type="checkbox"/>	<input type="checkbox"/>
Community Engagement Plan			
Methods	Responsible	Date Due	Reference / Notes
1.1 E News	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.2 Email Notification ~	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
1.3 Website	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.4 Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.5 Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.6 Fact Sheet	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.7 Media Rel./Interview	<input type="checkbox"/> Communications		<input type="checkbox"/>
2.1 Information Stalls	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
2.2 Public Meeting/Forum	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
2.3 Survey/Questionnaire	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
3.1 Focus Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
3.2 Referendum/Ballot	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
3.3 Workshop	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
4.1 Council Committee	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
4.2 Working Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
* Statutory Consultation	<input checked="" type="checkbox"/> Relevant Officer	22/10/2020	<input checked="" type="checkbox"/> Advertised to 3 surrounding properties
# Heritage Consultation	<input type="checkbox"/> Regulatory Services		<input type="checkbox"/>
^ Mail out (note: timeliness)	<input type="checkbox"/> Communications		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>

Evaluation			
Summary of...		Date Due	Complete / Attached
Feedback / Results / Outcomes / Recommendations		22/10/2020	
Outcomes Shared			
Methods	Responsible	Date Due	Complete / Attached
E-Newsletter	<input type="checkbox"/> Communications		<input type="checkbox"/>
Email Notification	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
Website	<input type="checkbox"/> Communications		<input type="checkbox"/>
Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>
Media Release	<input type="checkbox"/> Communications		<input type="checkbox"/>
Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
Notes			



## 11.6 George Street No 77 (Lot 700) Proposed change of use – shop to office

<b>Owner</b>	Wade and Angela Anderson & Nakara Nominees
<b>Applicant</b>	Rhys Bowring and Rezen Pty Ltd
<b>File ref</b>	P126/20
<b>Prepared by</b>	James Bannerman Planning Officer
<b>Supervised by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Meeting date</b>	1 December 2020
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Site photos 2. Plans date stamped 29 October 2020

### Purpose

The purpose of this report is for Council to consider a planning application for proposed change of use from shop to office at No 77 (Lot 700) George Street, East Fremantle. A proposal for signage has also been included with the application for a change of use

### Executive Summary

The application proposes a change of use application for a vacant shop to an office. This use is considered a “D” use within a mixed-use zone. A “D” use means that *the use is not permitted unless the local government 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?

In addition, a proposal for limited signage has been included in the application.

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 from shop to office can be supported along with the proposed signage subject to the conditions of development approval being imposed.

### Background

Zoning: Mixed Use

Site area: 770m<sup>2</sup>

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

P38/14 – change of use – consulting rooms to retail– approved 6 May 2014

P081/17 – alterations and additions to restaurant – approved 3 October 2017

P84/2006 – change of use from consulting rooms to shop – approved 11 July 2017

P089/16 – change of use to Pilates centre – approved 5 December 2017

P120/17 – alterations to shop at 81-83 George Street – approved 2 November 2017

### Consultation

#### Advertising

The application was not advertised to surrounding landowners as it was deemed that the amenity impacts would be less for the proposed office use compared to shop use.

---

Community Design Advisory Committee (CDAC)

The application for the change of use was not referred to CDAC as there is no streetscape impact.

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 George Street Designated Heritage Area.

This development application proposes a change of use from shop to office at the subject property as well as an application for signage. It is noted that the change of use does not impact on the heritage status of the building or the area.

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?
- Is the signage appropriate for the area?

#### Proposed Use

It is proposed to change the use of the existing shop to an office (for an architectural firm). This does not represent a conflict with the existing uses in the building as offices have relatively low impacts in terms of noise and other issues around amenity. Offices would be considered an appropriate commercial use in a mixed-use zone because of the minimal amenity effects. Under LPS3 offices are a "D" use meaning that the use is not permitted unless the local government has exercised its discretion by granting planning approval.

The commercial space of 69m<sup>2</sup> is currently vacant. A total of 4 employees will work from the office and it will operate from 8.30am to 6pm Monday to Friday. The majority of client meetings will occur offsite. There is the occasional delivery of goods to the site, but these are usually brief.

The hours of operation and the low intensity of use is considered not to be an issue as all business is undertaken inside the commercial space. 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 car parking as satisfying part or all of the car parking requirements for development, provided such allocation does not prejudice adjacent development or adversely affect the safety or amenity of the locality.*

In terms of parking Schedule 11 of LPS3 requires that offices are required to provide 1 car bay for every 30m<sup>2</sup> of lettable area with a minimum of 3 spaces to be provided per tenancy. Based on these figures there would need to be a total of 3 car bays for a 69m<sup>2</sup> commercial space which is less than what was required for the previous shop where a minimum of 4 car bays was required.

The proposed change of use from shop to 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.

There is sufficient street parking available in the surrounding area for employees and clients that will visit the site.

### Signage

Limited signage is proposed for the office space. An existing illuminated below awning sign will be utilised. This will include the name of the business (Rezen) that is to occupy the office. An additional window sign will occupy the window of the office and this will be less than 50% of the area of the window.

The requirements for signage in the George Street Designated Heritage Area are listed below with a comment as to whether the proposed signage adheres to the policy or not

Criteria	Comment
(i) The design of new signage should be complementary to the traditional streetscape in terms of size, location, material, colour and proportions.	Complementary
(ii) Unless based on documentary evidence, signs that replicate traditional styles and typefaces shall not be permitted.	Contemporary design
(iii) New signs are not to obscure or detract from the significance of a contributory place or the streetscape character.	Does not obscure or detract from contributory place or streetscape
(iv) New signage should suit the proportions and elements on which it is to be mounted.	Appropriate proportions and elements
(v) New signage to windows are to be designed to retain views from the shop to the street.	Window signage still allows for views from inside office
(vi) The mounting of new signs on a contributory place is to avoid unduly damage to, or the removal of, significant fabric. Mounting fixtures are to be easily removed and repaired should the sign be removed at a later date.	An existing below awning sign is to be used
(vii) Face brick walls are not to be painted over with new signage.	No face brick walls are to be painted over
(viii) Externally mounted signs or signs that project forward of the building envelope are not permitted.	No externally mounted signs or signs forward of the building envelope are proposed
(ix) Existing signage that is contributory to the Heritage Area should be conserved.	An existing below awning signage is to be utilised
(x) The number of advertising signs on a building shall be restricted as follows: a) A maximum of one (1) advertising sign facing the street per façade of a building. In the case of	One window sign and one below awning sign is proposed

- |  |  |
|--|--|
| <p>a building on a corner site with more than one street façade, this shall apply to each individual façade.</p> <p>b) A maximum of one (1) advertising signs located under a veranda or awning.</p> |  |
|--|--|

Based on the criteria for the George Street Designated Heritage Area the signage is compliant. It utilises an existing illuminated below awning sign and the window sign will be relatively small compared to the window size. The signage is contemporary and matches well with a commercial space located on George Street. The proposed signage can be supported.

#### Conclusion

Based on the assessment that has been completed for this proposed change of use from shop to office and the proposed signage, it is recommended that the proposed change of use from shop to office be supported subject to planning conditions.

#### **11.6 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION:**

**That Council grant development approval and exercise its discretion for the change of use from shop to office and signage at No 77 (Lot 700) George Street, East Fremantle, as described on the information and plans date stamped received 29 October 2020 subject to the following conditions:**

- 1. Maximum lettable area of the office is not to exceed 69m<sup>2</sup>.**
- 2. Signage is to be in accordance with the stamped approved plans.**
- 3. All signage to be kept clean and free of graffiti and vandalism at all times and any such graffiti or vandalism to be remedied within 24 hours to the satisfaction of the Chief Executive Officer.**
- 4. 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.**
- 5. 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.**
- 6. 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.**
- 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.**

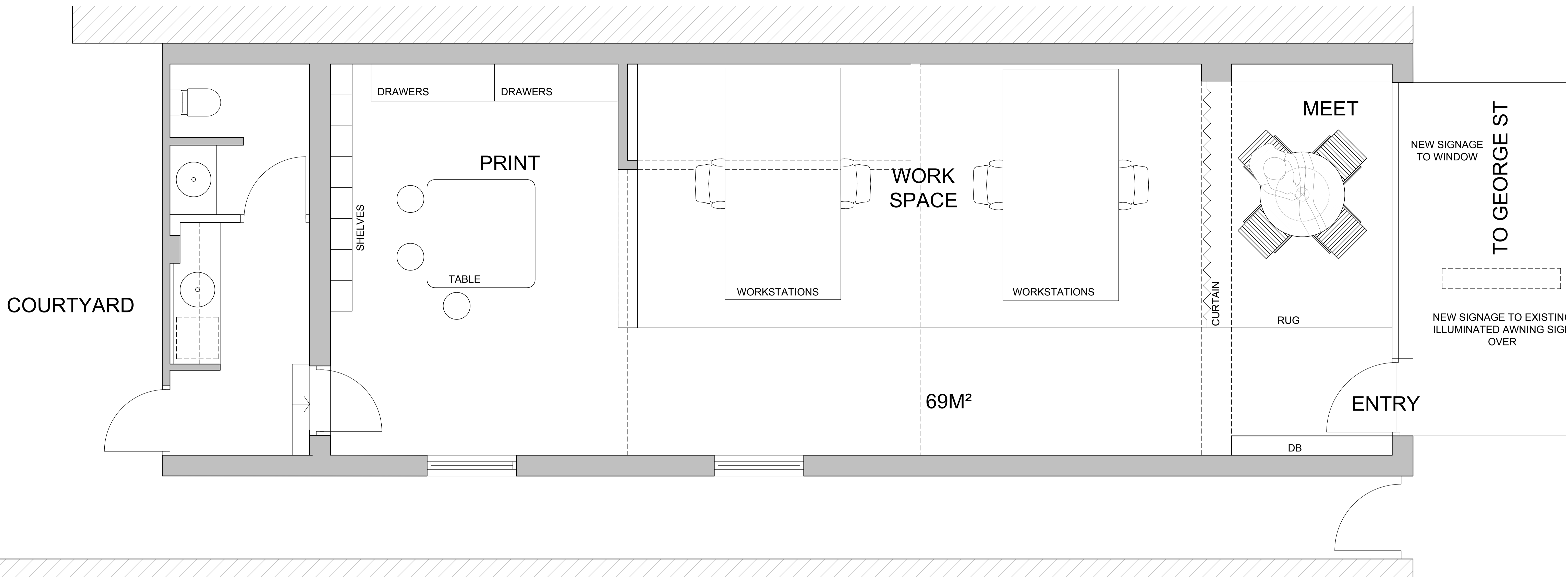
#### **Footnote:**

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

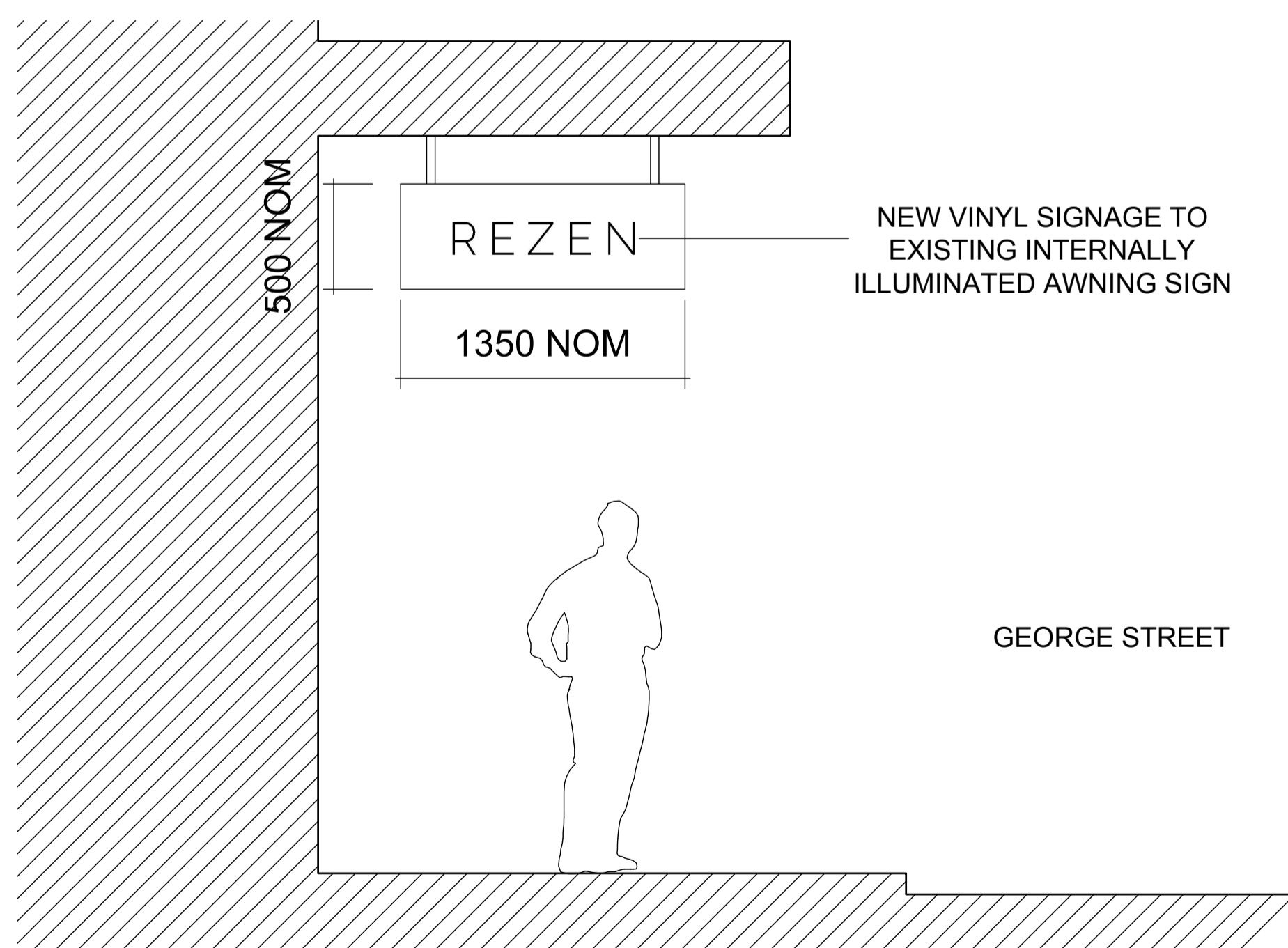
- (i) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.***
- (ii) a copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved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

77 George Street – Photos

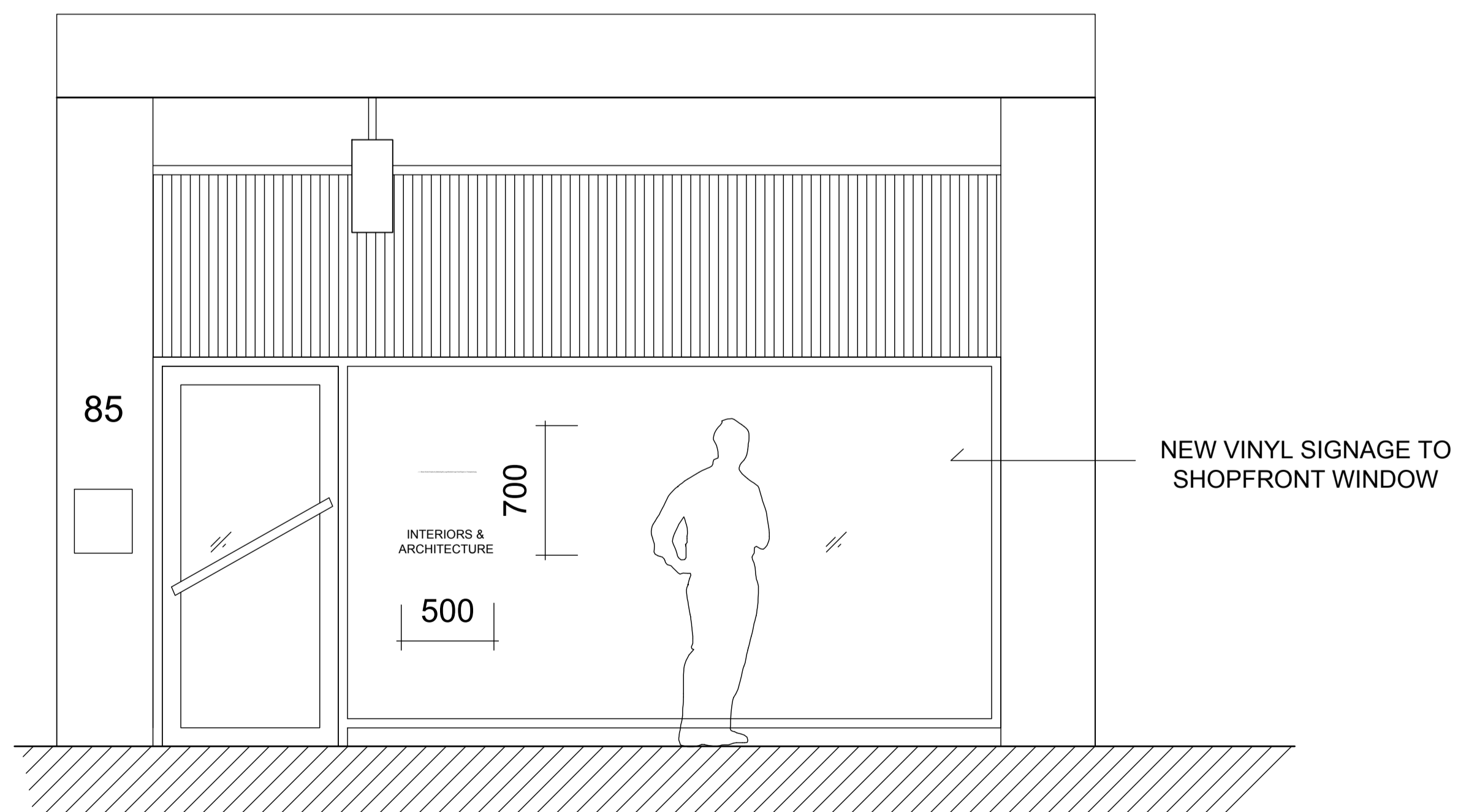




01 FLOOR PLAN  
- 1:50



02 CANOPY SIGNAGE SECTION  
- 1:50



03 SIGNAGE SECTION  
- 1:50





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**11.7 Pier Street No 48A (Lot 1) Proposed alterations and additions**

<b>Owner</b>	Sonya Gilmore
<b>Applicant</b>	Hartree & Associates Architects
<b>File ref</b>	P110/20
<b>Prepared by</b>	James Bannerman Planning Officer
<b>Supervised by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Meeting date</b>	1 December 2020
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Location plan 2. Site photos 3. Plans date stamped 12 November 2020

**Purpose**

The purpose of this report is for Council to consider a planning application for proposed alterations and additions at No 48A (Lot 1) Pier Street, East Fremantle.

**Executive Summary**

This development application proposes alterations and additions to an existing dwelling at 48A Pier Street East Fremantle. The property has a density coding of R12.5 and is not heritage listed. The fact that the property was previously subdivided means that the site is constrained and cannot achieve the requirements of the R12.5 density. Signed support was received from the neighbouring property owners for the proposal.

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

- (i) Clause 5.1.3 – Residential Design Codes – Rear Lot Boundary Setback – Ground Floor - 6m required, 2.077m provided
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback – Western Wall - Upper Storey - 4.1m required, 1.8m provided
- (iii) Clause 5.1.3 – Residential Design Codes – Rear Lot Boundary Setback – Ground Floor - 6m required, 1.4m provided
- (iv) Clause 5.4.1 – Residential Design Codes – Visual Privacy Setback – Balcony Window - 7.5m required, 3.4m provided
- (v) Clause 5.4.1 – Residential Design Codes – Visual Privacy Setback – Living Room Window – 6m required, 2.4m 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: 441m<sup>2</sup>

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

Nil

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## Consultation

### Advertising

The application was not advertised to surrounding landowners as the applicant provided signed plans from neighbouring property owners supporting the proposal.

### Community Design Advisory Committee (CDAC)

The application was referred to CDAC.

#### *(a) The overall built form merits;*

- The Committee noted that built form has merit.
- The Committee supports the adaptive re-use of existing building.
- The Committee supported the modification of the roof structure such that it achieves a lower height than original roof.

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

- The proposal represents an improvement on the existing dwelling.

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

- The Committee commented the proposal has an improved streetscape presence.

#### *(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;*

- The Committee stated the proposal achieves limited northern light into the dwelling, compromising its effectiveness to climatic responses.
- The Committee commented the cross ventilation of the downstairs area is compromised however it is recognised that the modifications to an existing building are more difficult.

#### *(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 commented that the passive surveillance achieved is good, effectively utilising the internal spaces.

### Applicant Response to CDAC

The following comment was received from the applicant regarding comments made by CDAC.

*Further to the CDAC review and comment re limited northern light into the proposed dwelling, we hereby issue the attached revised drawing set, with revisions clouded and noted below:*

- 1. Proposed new north facing skylight above the staircase, increasing northern light to both floor levels;*
- 2. First floor ceiling level raised from 2572mm to 2743mm (170mm increase). Importantly the proposed is now an increase to the existing dwelling (2610mm) as opposed to a reduction. This will also assist to increase northern light to the dwelling;*
- 3. Further to item 2, proposed external wall/roof heights increased by a modest 50mm. Balcony roof has not been raised.*

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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	Similar to surrounding dwellings	Similar to surrounding dwellings (6m)	A
Secondary Street Setback			N/A
Lot Boundary Setbacks			
Western wall – ground floor	1.5m	1.8m	A
<b>Northern wall – ground floor</b>	<b>6m</b>	<b>2.077m</b>	<b>D</b>
Eastern wall – ground floor – activity and shower	1.5m	4.81m	A
Eastern wall ground floor	1m	1.2m	A
<b>Western wall – upper storey</b>	<b>4.1m</b>	<b>1.8m</b>	<b>D</b>
<b>Northern wall – upper storey</b>	<b>6m</b>	<b>1.4m</b>	<b>D</b>
Eastern wall – upper storey	1.9m	4.21m	A
Open Space	50%	55.7%	A
Roof Height	9m	7.31m	A
Setback of Garage			N/A
Car Parking			N/A
Site Works			N/A
<b>Visual Privacy</b>			
<b>Balcony window</b>	<b>7.5m</b>	<b>3.4m</b>	<b>D</b>
<b>Living - upper floor</b>	<b>6m</b>	<b>2.4m</b>	<b>D</b>
Overshadowing			N/A
Drainage			To be conditioned

#### Local Planning Policies Assessment

LPP Residential Design Guidelines Provision	Status
3.7.2 Additions and Alterations to Existing Buildings	A
3.7.3 Development of Existing Buildings	A
3.7.4 Site Works	A
3.7.5 Demolition	N/A
3.7.6 Construction of New Buildings	N/A
3.7.7 Building Setbacks and Orientation	A
3.7.8 Roof Form and Pitch	A
3.7.9 Materials and Colours	A
3.7.10 Landscaping	A

3.7.11 Front Fences	N/A
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	N/A
3.7.17.4.3 Fremantle Port Buffer Area	N/A
3.7.17.3 Garages and Carports	N/A

This development application proposes alterations and additions to an existing dwelling at 48A Pier Street East Fremantle. The property has a density coding of R12.5. The fact that the property was previously subdivided means that the site is constrained and cannot achieve the requirements of the R12.5 density. The provisions of the Scheme permit a property to be redeveloped at the density it was previously proposed.

Signed support was received from the neighbouring property owners for the proposal. The property is not heritage listed. Five variations are requested to the requirements of the Residential Design Codes including lot boundary setbacks and visual privacy.

#### Lot Boundary Setback - Northern Wall – Ground Floor

In accordance with the Residential Design Codes deemed to comply provisions clause 5.1.3 C3.1 i and Table 1, the rear lot boundary setback of a dwelling in an area with a density coding of R12.5 is supposed to be 6m. In this case the ground floor is set back 2.077m. This is a direct result of the subdivision of the lot in accordance with previous Council requirements which has created a much smaller lot that is more in alignment with a density coding of R20. The site is constrained but the reduced lot boundary setback can be supported in accordance with design principles clause 5.1.3.P3.1 for the following reasons;

- There is minimal impact from building bulk on the adjoining properties. Whilst the proposed northern wall is located closer to the northern boundary, the overall height of the building is reduced, therefore the impact with respect to bulk is considered to be reduced;
- Adequate sunlight and ventilation are provided to the building and open spaces on site and to the adjoining properties, and
- Minimal overlooking and loss of privacy to adjoining properties.

The lot is on the street front and to the south of the rear strata dwelling so does not create any overshadowing to adjoining lot. The design intent of the proposal is for a contemporary design which has minimal impact to the neighbour or streetscape. There is a setback from the lot boundary that allows for airflow. Open space is at 55.7% of the site area. There is no overlooking to the rear property.

#### Lot Boundary setback – Western Wall – Upper Storey

The western wall on the upper storey of the proposed development is 14.9m long and 6.4m (at its maximum) high and is setback 1.8m from the boundary. It has major openings and is required to be 4.1m from the boundary in accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 i Table 2b. It does not achieve the deemed to comply requirements but does meet the design principles clause 5.1.3 P3.1 for the following reasons;

- There is minimal impact from building bulk on the adjoining properties as the proposal adjoins a common property driveway;
- Adequate sunlight and ventilation are provided to the building and open spaces on site and to the adjoining properties; and
- Minimal overlooking and loss of privacy to adjoining properties

It is noted that there is a laneway between the strata buildings at the front and rear and this provides significant separation between the subject dwelling and the buildings to the west. In addition, there are mature trees planted along the western boundary which are to be retained and provide significant privacy screening to neighbouring properties. The separation of dwellings also provides adequate room for ventilation and sunlight. For the stated reasons the reduced boundary setback can be supported.

#### Lot Boundary Setback - Northern Wall – Upper Storey

Like the ground floor the rear boundary setback for the northern wall on the upper storey is less than the 6m that is required under the R12.5 density coding. In this case the upper storey is setback 1.4m. Although it does not achieve the Residential Design Codes deemed to comply clause 5.1.3 C3.1 I it does achieve design principles clause 5.1.3.P3.1 for the following reasons;

- There is minimal impact from building bulk on the adjoining properties,
- Adequate sunlight and ventilation are provided to the building and open spaces on site and to the adjoining properties,
- Minimal overlooking and loss of privacy to adjoining properties.

Like the ground floor the lot is on the street front and to the south of the rear strata dwelling so does not create any overshadowing. There is a setback from the lot boundary that allows for airflow. Open space is at 55.7% of the site. There is no overlooking to the rear property. For these reasons the proposed reduced lot boundary setback to the rear boundary can be supported.

#### Visual Privacy Setbacks

There are 2 features of the design that do not meet the visual privacy setbacks that are required from the balcony window and living room window on the western side of the dwelling.

In accordance with the Residential Design Codes deemed to comply clause 5.4.1 C1.1 i the balcony window should be setback 7.5m from the side boundary. In this case the window is located 3.4m from the side boundary. The reduced visual privacy setback can be supported on the basis that;

- The balcony is located facing an access leg (common property) that accesses the rear strata property; and
- There are large trees that are to be retained in this area that provide visual screening to neighbouring properties.

Likewise, in accordance with the Residential Design Codes deemed to comply clause 5.4.1 C1.1 i the living area window on the upper floor should be setback 6m from the side boundary. In this case the window is located 2.4m from the side boundary. The reduced visual privacy setback can be supported on the basis that;

- The balcony is located facing a laneway that accesses the rear strata property; and
- There are large trees that are to be retained in this area that provide visual screening to neighbouring properties.

In both cases the reduced visual privacy setback can be supported because the design has mitigated the impacts and the neighbouring properties that have been impacted have provided signed support for the proposed development.

#### Conclusion

Based on the assessment that has been completed for this development and the explanation provided in this report, the variations that have been proposed to the Residential Design Codes are considered

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

**11.7 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION:**

**That development approval is granted, and Council exercises its discretion regarding the following;**

- (i) Clause 5.1.3 – Residential Design Codes – Rear Lot Boundary Setback – Ground Floor - 6m required, 2.077m provided**
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback – Western Wall - Upper Storey - 4.1m required, 1.8m provided**
- (iii) Clause 5.1.3 – Residential Design Codes – Rear Lot Boundary Setback – Ground Floor - 6m required, 1.4m provided**
- (iv) Clause 5.4.1 – Residential Design Codes – Visual Privacy Setback – Balcony Window - 7.5m required, 3.4m provided**
- (v) Clause 5.4.1 – Residential Design Codes – Visual Privacy Setback – Living Room Window – 6m required, 2.4m provided**

**for alterations and additions at No. 48A (Lot 1) Pier Street, East Fremantle, in accordance with the plans date stamped received 12 November 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.**

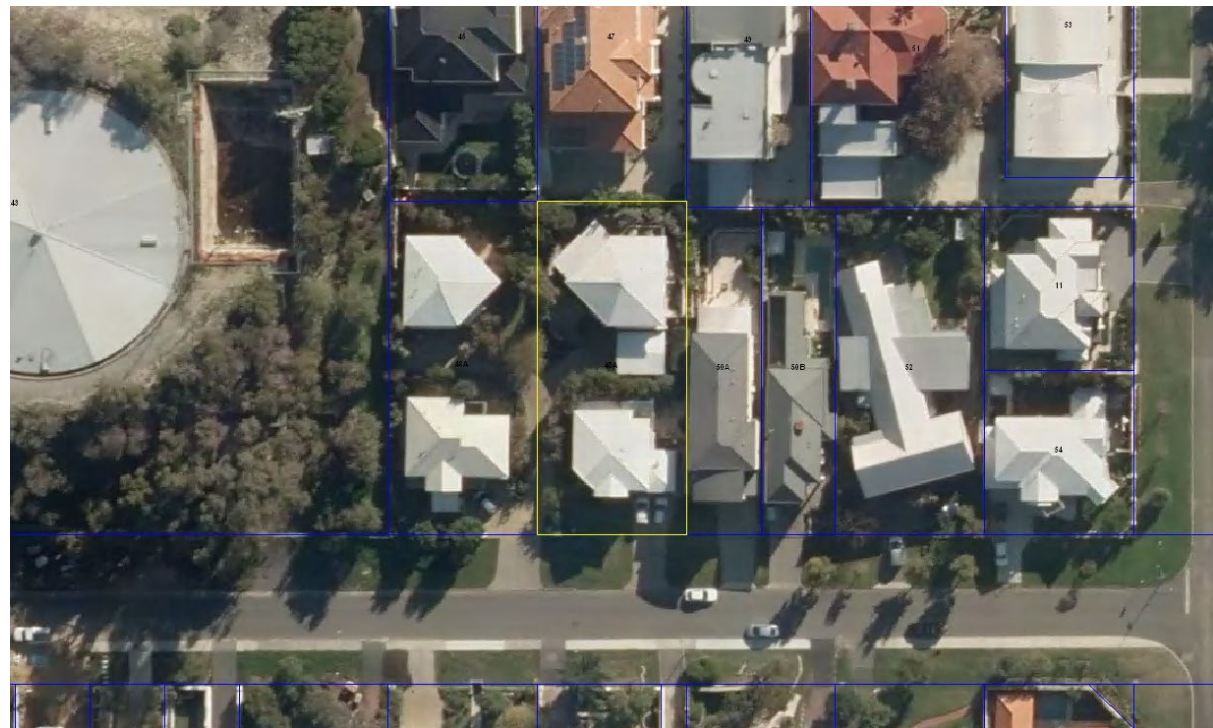
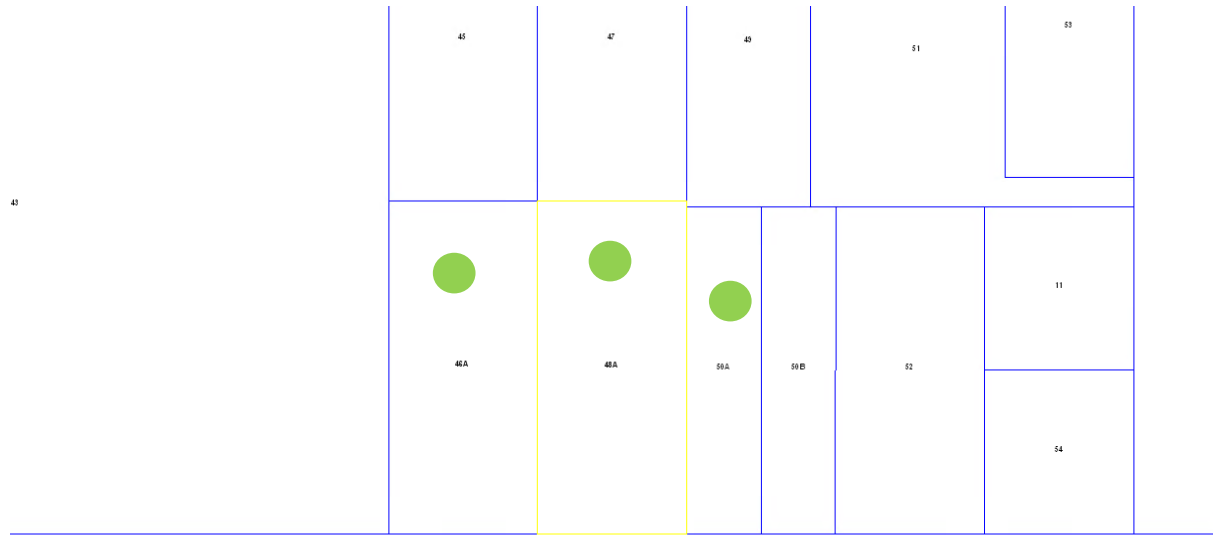
**Footnote:**

***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.*
-

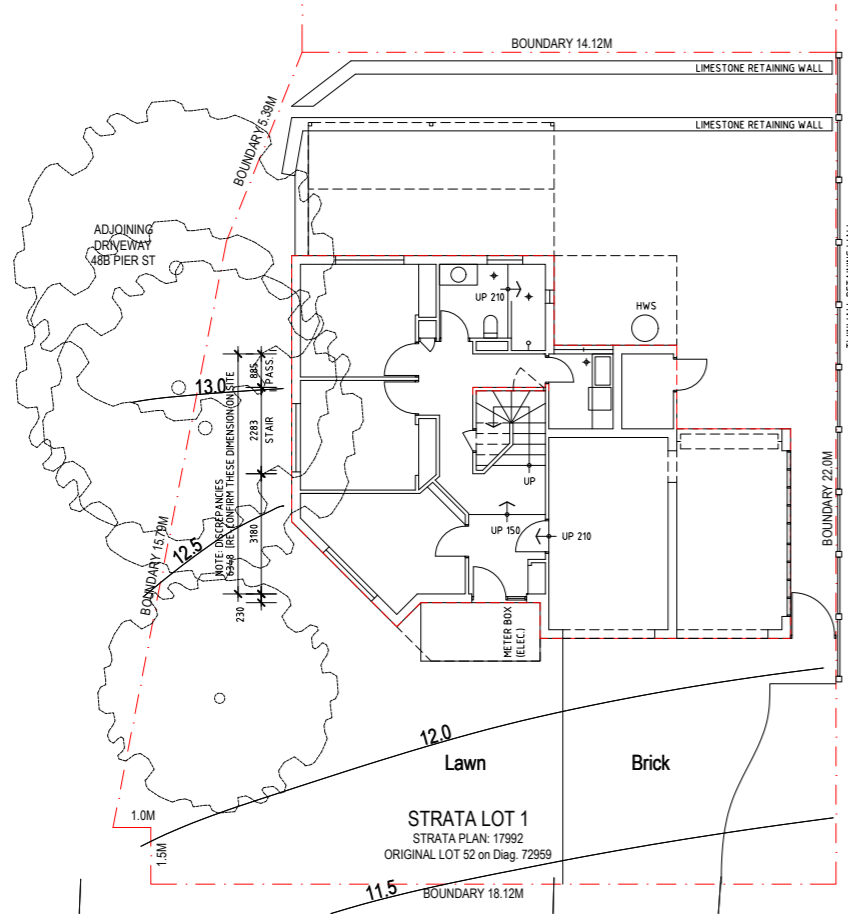


48A Pier Street – Map and Photo

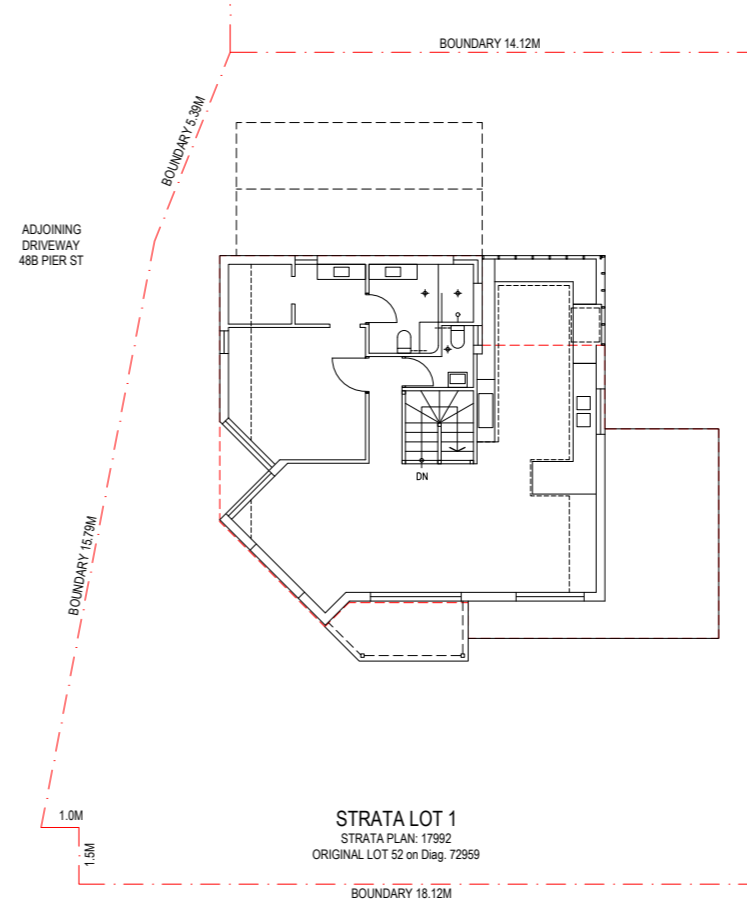


48A Pier Street – Photos

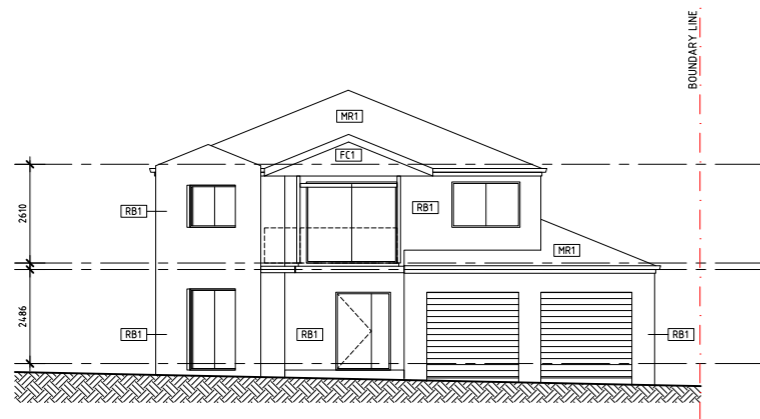




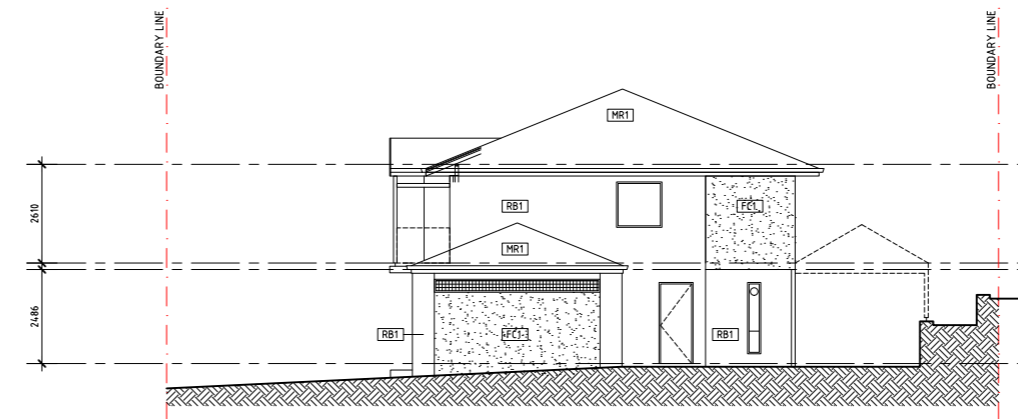
GROUND FLOOR PLAN scale 1:100



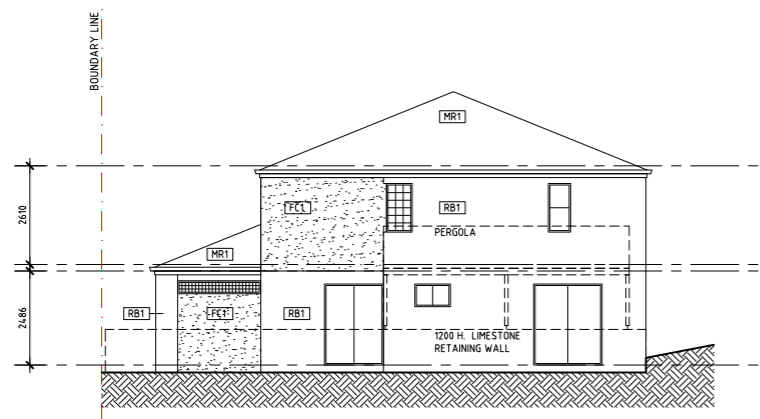
FIRST FLOOR PLAN scale 1:100



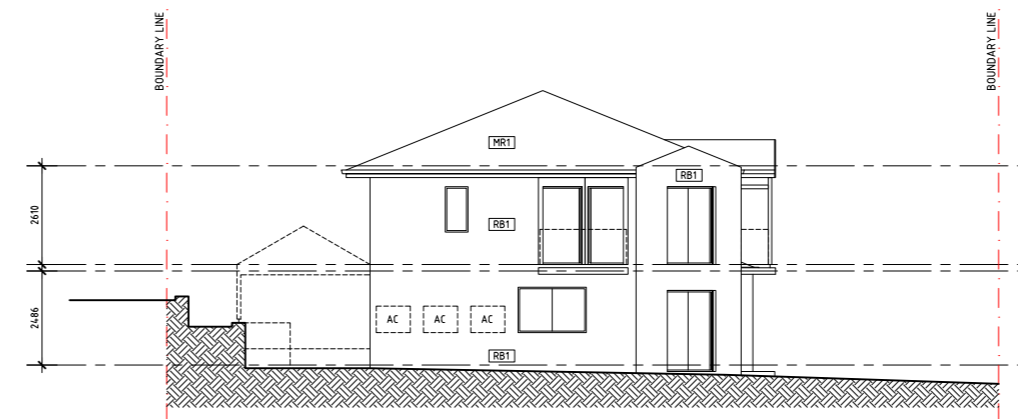
SOUTH ELEVATION scale 1:100



EAST ELEVATION scale 1:100



NORTH ELEVATION scale 1:100



WEST ELEVATION scale 1:100

MATERIAL FINISHES

- RB1 BRICKWORK (BAGGED RENDER)
- FC1 FIBRE CEMENT SHEETING
- MR1 CUSTOM ORB (ZINCALUM)

**GENERAL NOTES**  
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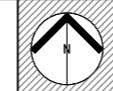
CLIENT SIGN-OFF  
 Date \_\_\_\_\_ Checked By \_\_\_\_\_

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 Date \_\_\_\_\_ Checked By \_\_\_\_\_

REVISIONS		
Rev	Date	Notes

STATUS  
 DA

**HARTREE + ASSOCIATES ARCHITECTS**  
 RESIDENTIAL & COMMERCIAL BUILDING DESIGNS & INTERIORS  
 ARCHITECTURAL MODELMAKERS  
 19 JEWELL PARADE NORTH FREMANTLE 6159  
 PHONE: (08) 9481 7119



PROJECT NAME  
 PROPOSED ALTERATIONS  
 SITE ADDRESS  
 STRATA LOT 1\_48A PIER ST, EAST FREMANTLE

PROJECT NUMBER  
 20A18  
 CAD FILE REF

DRAWING TITLE  
 EXISTING STRUCTURE  
 SCALE @ A1  
 1:100 @ A1  
 DATE  
 SEPT 2020

DRAWING NUMBER  
**A1.00**  
 REVISION  
 -



**11.8 Sewell Street No 46 (Lot 2) Proposed alterations and additions**

<b>Owner</b>	Andrew & Rebecca Grenenger
<b>Applicant</b>	Andrew Grenenger
<b>File ref</b>	P108/20
<b>Prepared by</b>	James Bannerman Planning Officer
<b>Supervised by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Meeting date</b>	3 November 2020
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Location plan</li><li>2. Site photos</li><li>3. Plans date stamped 5 October 2020</li><li>4. Community consultation</li></ol>

**Purpose**

The purpose of this report is for Council to consider a planning application for proposed alterations and additions at No 46 (Lot 2) Sewell Street, East Fremantle.

**Executive Summary**

This development application proposes alterations and additions to an existing dwelling at 46 Sewell Street. The property is a Category C heritage dwelling, however the changes enhance the building by creating a safer, more liveable home as a result of the removal of the asbestos cladding and addition of new contemporary living areas. Extensive changes are proposed including replacing the front verandah posts and installing bull nose verandah, demolishing the rear sections of the building under a lean to roof and the addition of 2 new bathrooms, a combined kitchen, dining and living area as well as a loft. The loft is set back in excess of 15.7m from the front boundary and is designed in such a way that it is contained within the roof of the rear addition.

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 Wall – 1.5m required, 1.051m provided
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Southern Wall – 1.5m required, 0m provided
- (iii) Clause 5.4.2 – Residential Design Codes – Overshadowing – 25% required, 27.5% provided

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

**Background**

Zoning: Residential R20

Site area: 255m<sup>2</sup>

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

Nil

## Consultation

### Advertising

The application was advertised to surrounding landowners from 7 to 21 October 2020. Two submissions were received which are detailed below.

Submission	Applicant Response	Officer Response
<p><b>Submission 1</b> <i>I have already spoken to my neighbour and I don't have any objections, however, I would like to submit the points we discussed in writing.</i></p> <ol style="list-style-type: none"> <li>The existing boundary fence will be removed.</li> <li>We discussed that the proposed bricks for the boundary parapet wall will be recycled face bricks. The brick work will be finished off neatly on both sides.</li> <li>From where the boundary parapet wall finishes the remainder dividing fence will be continued in recycled face bricks. I would like to request that this section of the dividing fence be kept at a minimum as I have existing fruit tree growing in this area.</li> <li>I request that a gutter or flashing be installed to protect both properties from water ingress and potential damage. Gutter or flashing to be installed to the full extent of boundary where both 48 &amp; 46 abut. i.e. seal gap between buildings where they are both on the boundary (shown in green).</li> <li>Would prefer a non-toxic termite barrier e.g. 'Termimesh'.</li> <li>During construction should any damage occur to existing structures on 48 Sewell Street the owner builder will make good.</li> </ol>	<p>I have no issues with any of the comments submitted by the neighbours on both sides.</p>	<p>The comments are noted. There will be a boundary wall. According to the plans the brick wall will be built on the northern side of the boundary and the dividing fence will remain. The typical height of a dividing fence is 1.8m and dividing fences are a matter between neighbours. Gutters will be required as part of the building permit. A termite treatment will be required as part of the building permit. An advice note is added to the development approval requiring proponents to undertake a site and dilapidation survey and report to verify any existing damage and note any later damage as part of works that are undertaken. This is a matter for discussion between the owners of the neighbouring properties.</p>
<p><b>Submission 2</b> <i>I have some concerns I wish to address I'm the neighbour of this property- is it possible to see the plans.</i></p>		<p>The plans have been shown to the submitter and no further comments were received.</p>

### Community Design Advisory Committee (CDAC)

The application was not referred to CDAC as there were minimal streetscape impacts and the development was concentrated towards the rear of the dwelling.

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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			N/A
Secondary Street Setback			N/A
Lot Boundary Setbacks			
Northern wall	1.5m	1.051m	D
Southern wall	1.5m	0m	D
Eastern wall – ground floor	2.8m	13.853m	A
Open Space	50%	53%	A
Wall Height	6m	5.6m	A
Roof Height	9m	6.246m	A
Setback of Carport/Garage			N/A
Car Parking			N/A
Site Works			N/A
Visual Privacy			N/A
<b>Overshadowing</b>	<b>25%</b>	<b>27.5%</b>	<b>D</b>
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	A
3.7.9 Materials and Colours	A
3.7.10 Landscaping	A
3.7.11 Front Fences	A
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	N/A
3.7.16.4.3 Fremantle Port Buffer Area	N/A
3.7.16.3 Garages and Carports	N/A



This development application proposes alterations and additions to an existing dwelling at 46 Sewell Street. The property is a Category C heritage dwelling, however it is considered the changes enhance the building by creating a safer, more liveable home as a result of the removal of the asbestos cladding and addition of new contemporary living areas. Extensive changes are proposed including replacing the front veranda posts and installing bull nose veranda, demolishing the rear (later additions) sections of the building under a lean to roof and the addition of 2 new bathrooms, a combined kitchen, dining and living area as well as a loft. The loft is set back in excess of 15.7m from the front boundary and is designed in such a way that it is contained within the roof of the rear addition. For the above reasons the application was not referred to the CDAC. Three variations are requested to the requirements of the Residential Design Codes in relation to lot boundary setbacks on the northern and southern walls, and overshadowing and are discussed below.

#### Lot Boundary Setbacks – Northern Wall

The addition includes a wall that is 11.782m long and 4m high without major openings and setback 1.051m from the boundary. This does not achieve the Residential Design Codes deemed to comply clause 5.1.3 C3.1i which requires a setback of 1.5m. In this case the proposed wall location can be supported according to design principles clause 5.1.3 P3.1i for the following reasons;

- Reduced impact of building bulk on adjoining properties as the addition faces a section of the adjacent building which is also built close to the boundary and design of the loft area has been constrained to ensure any impact to the streetscape or neighbour is reduced.
- Adequate sunlight and ventilation is provided to the building and open spaces on the site and adjoining properties as the property is to the south of the adjoining dwelling has been constructed with a nil setback and therefore does not overshadow, and
- Minimal overlooking and loss of privacy on adjoining properties due to the fact that there are no major openings facing the northern dwelling for this section of the building.

It is considered the proposed setback can be supported.

#### Lot Boundary Setbacks – Southern Wall

The addition includes a wall that is 24.182m long and 3.5m high (average) without major openings and setback 0m (nil) from the boundary. This does not achieve the Residential Design Codes deemed to comply clause 5.1.3 C3.1i which requires a setback of 1.5m. In this case the proposed wall location can be supported according to design principles clause 5.1.3 P3.1i for the following reasons;

- More effective use if made of the available space given that the lot is only 6m wide and 255m<sup>2</sup> in area,
- Reduced impact of building bulk on adjoining properties as the addition faces a section of the adjacent building which is also built along the boundary.
- Adequate sunlight and ventilation is provided to the building and open spaces on the site and adjoining properties as the property does not overshadow the rear yard of the adjacent property,
- Minimal overlooking and loss of privacy on adjoining properties due to the fact that there are no major openings facing the neighbouring dwelling and the adjacent property also has a parapet wall for approximately 12.4m,
- There is not an adverse impact on the amenity of the property,
- Direct sunlight to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted due to the parapet wall along the adjoining property, and
- Positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.

Overshadowing

The shadow cast over the southern property from the proposed development is equal to 27.5% which is above the maximum permissible amount of 25% according to Residential Design Codes deemed to comply clause 5.4.2 C2.1. The proposed design achieves design principles clause 5.4.2 P2.2 because the proposal has been designed to be constructed adjoining a simultaneously constructed wall of the southern neighbour, outdoor living areas are not overshadowed, north facing major openings are not overshadowed and there are no solar panels on the roof that are affected.

Conclusion

Although it is valued at less than the \$200000 threshold for being dealt with under delegated authority by the Executive Manager of Regulatory Services the development application had to be presented to the Town Planning Committee in accordance with the requirements to present any development applications where there has been negative submissions regarding a proposed development.

It is noted that the proposed development is located on a very narrow lot (approximately 6m wide) with a surface area of 255m<sup>2</sup> in a precinct that has a density coding of R20. Such a lot size and width would not be permissible if it was created today under the R20 density code requirements (minimum lot size of 350m<sup>2</sup> and minimum lot width of 10m), however as a result of previous approval of the lot the Town has to deal with the legacy of a such a decision as part of the development assessment process. Both the use of reduced lot boundary setbacks and overshadowing are problems that are created by narrow and small lots with applicants trying to build a contemporary dwelling on a constrained lot and being forced to apply for variations to the Residential Design Codes. Given this it is not unreasonable to support the proposed development with the variations discussed above.

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

**11.8 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION:**

**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 Wall – 1.5m required, 1.051m provided**
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Southern Wall – 1.5m required, 0m provided**
- (iii) Clause 5.4.2 – Residential Design Codes – Overshadowing – 25% required, 27.5% provided**

**for alterations and additions at No. 46 (Lot 2) Sewell Street, East Fremantle, in accordance with the plans date stamped received 5 October 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.**

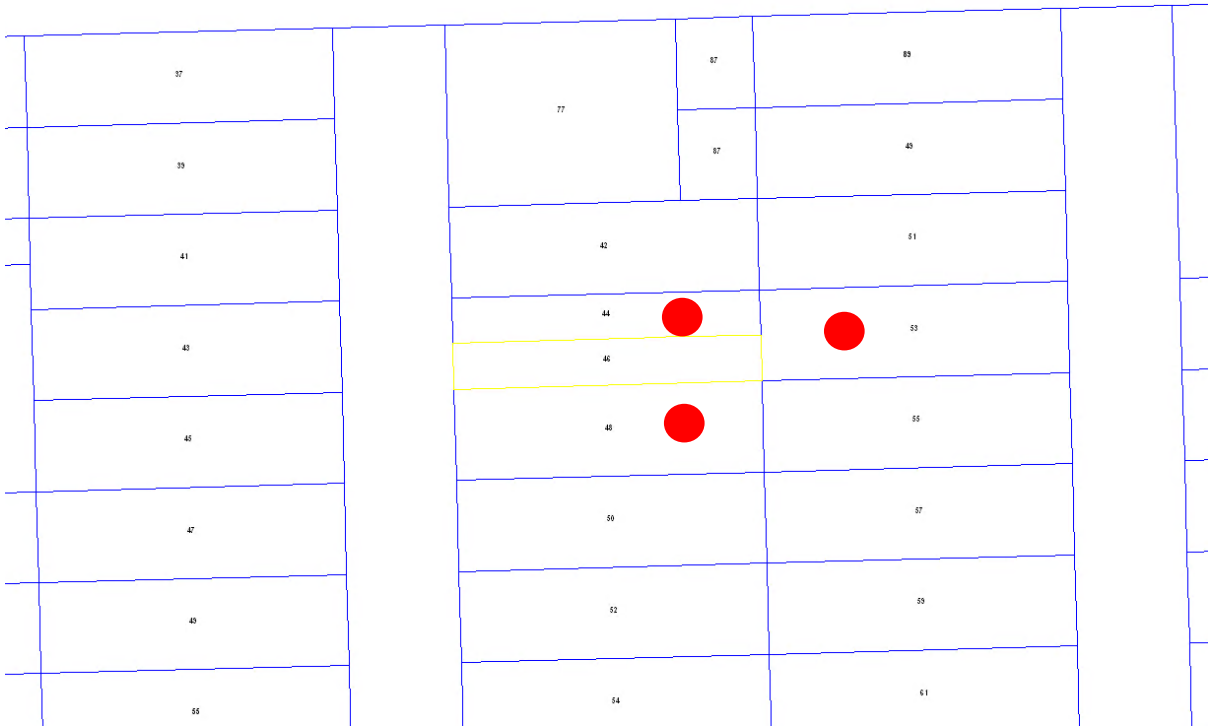
- (4) All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
- (5) If requested by Council within 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.*

46 Sewell Street – Map and Photo



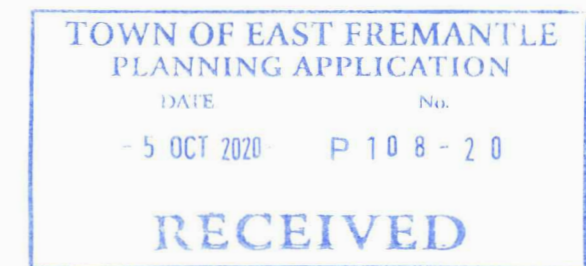
46 Sewell Street – Photos

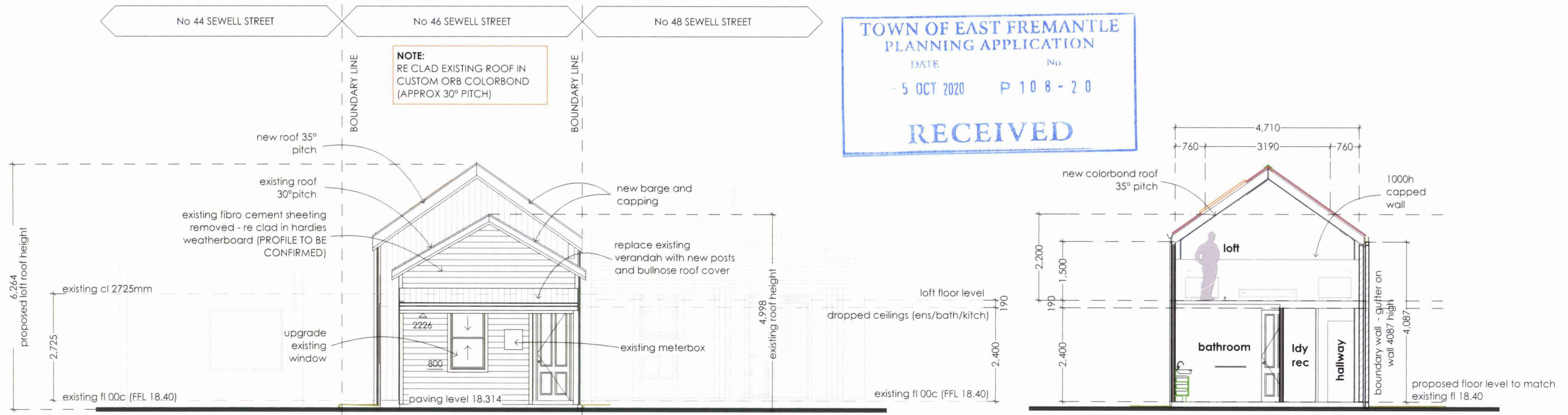


# PROPOSED ADDITION

PLANNING APPLICATION REV J

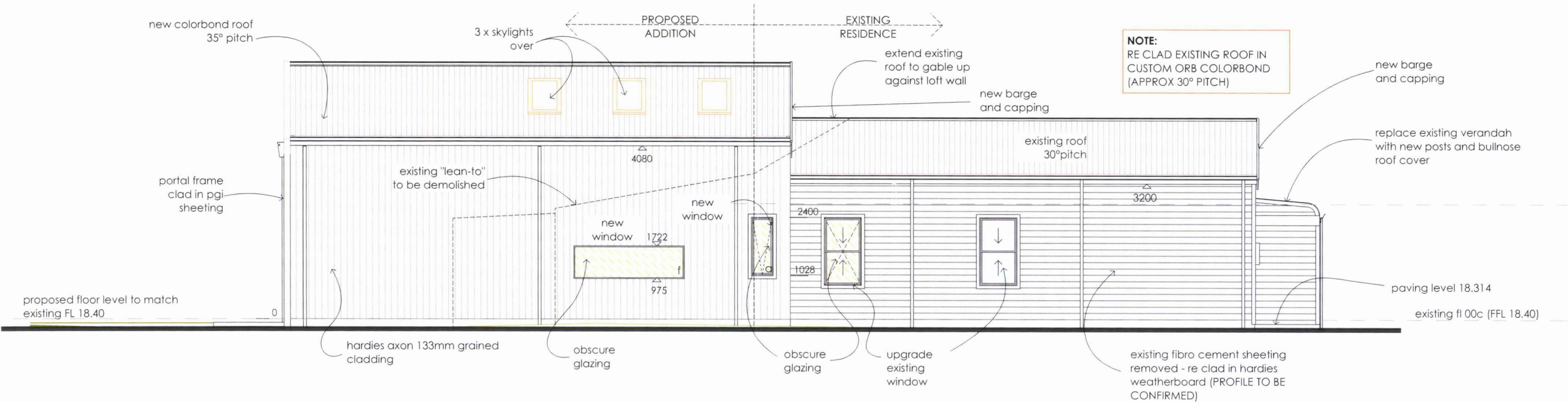
## A & R GRENENGER LOT 2 No 46 SEWELL STREET, EAST FREMANTLE TOWN OF EAST FREMANTLE





01 ELEVATION  
1:100

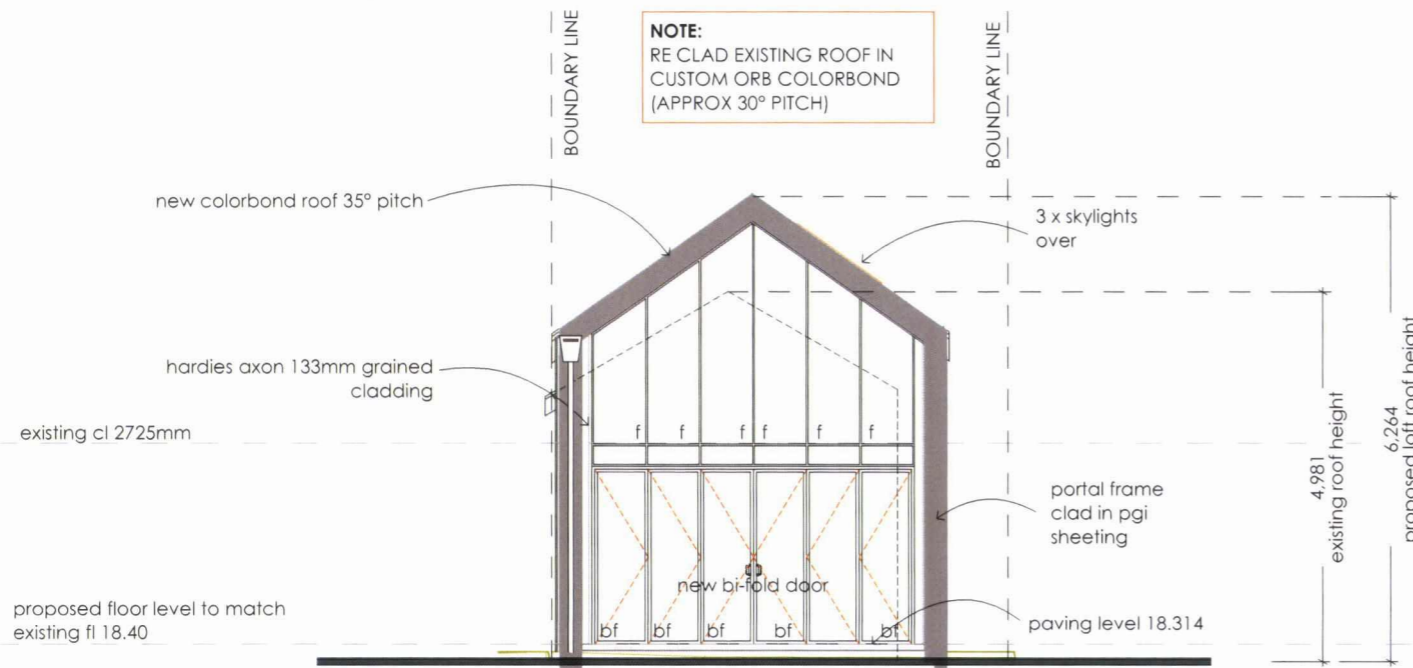
S-01 Building Section  
1:100



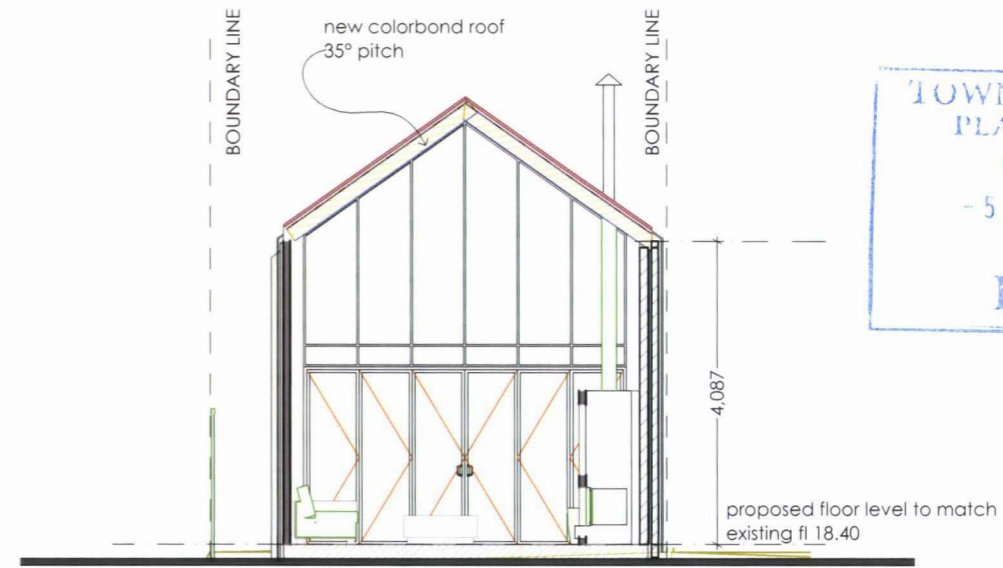
© COPYRIGHT	<b>PROPOSED RENOVATION</b>	DRAWING TITLE: <b>ELEVATIONS</b>	AMENDMENTS: REV A 30.03.20 CAD CONCEPT REV B 06.04.20 CAD CONCEPT REV C 23.04.20 CLIENT AMENDMENTS REV D 24.04.20 CLIENT AMENDMENTS REV E 05.05.20 COUNCIL COMMENT REV F 12.05.20 COUNCIL COMMENT REV G 25.05.20 DEVELOPMENT APPLICATION REV H 23.07.20 CLIENT AMENDMENTS REV I 18.09.20 CLIENT AMENDMENTS REV J 30.09.20 PLANNING APPLICATION
	<b>A &amp; R GRENENGER</b>	DRAWN: RICCADONNA DESIGN	
	LOT 2 No 46 SEWELL STREET EAST FREMANTLE	PUBLISH DATE: Wednesday, 30 September 2020	

riccadonna design  
m : 0417 974 215  
e : riccad@bigpond.net.au

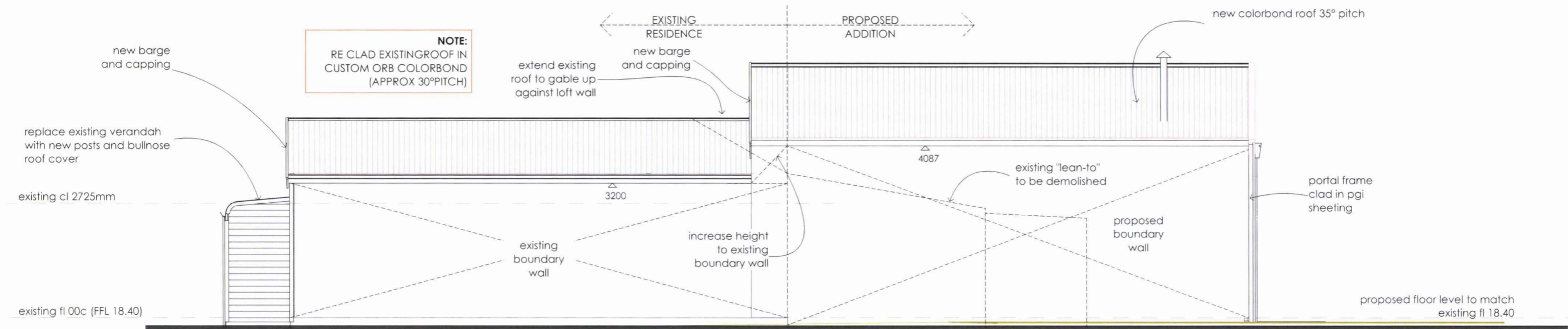
SHEET 3 of 8




03 ELEVATION  
1:100



S-02 Building Section  
1:100



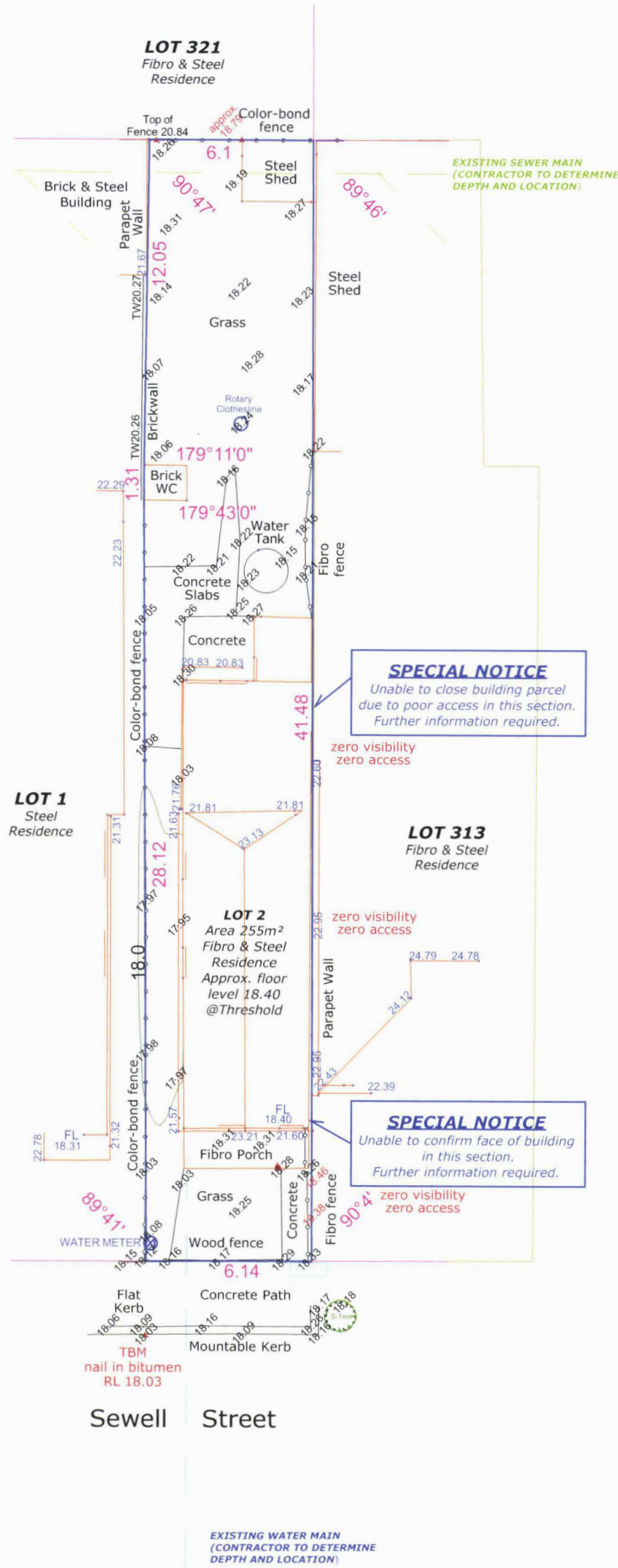
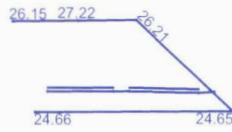
04 ELEVATION  
1:100

© COPYRIGHT	<b>PROPOSED RENOVATION</b>	DRAWING TITLE: ELEVATIONS 2	AMENDMENTS: REV A 30.03.20 CAD CONCEPT REV B 06.04.20 CAD CONCEPT REV C 23.04.20 CLIENT AMENDMENTS REV D 24.04.20 CLIENT AMENDMENTS REV E 05.05.20 COUNCIL COMMENT REV F 12.05.20 COUNCIL COMMENT REV G 25.05.20 DEVELOPMENT APPLICATION REV H 23.07.20 CLIENT AMENDMENTS REV I 18.09.20 CLIENT AMENDMENTS REV J 30.09.20 PLANNING APPLICATION	 m : 0417 974 215 e : riccad@bigpond.net.au	SHEET 4 of 8
	A & R GRENENGER LOT 2 No 46 SEWELL STREET EAST FREMANTLE	DRAWN: RICCADONNA DESIGN  PUBLISH DATE: Wednesday, 30 September 2020			



ZENITH LAND SURVEYING  
 LICENSED LAND & ENGINEERING SURVEYORS  
 UNIT 5, 44 HUTTON STREET  
 OSBORNE PARK  
 info@zenithsurvey.com.au

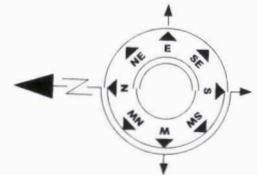
**IMPORTANT NOTICE**  
 Features are related to fence lines only. No connection made to boundaries.  
**REPEG RECOMMENDED**



TOWN OF EAST FREMANTLE  
 PLANNING APPLICATION  
 No. P 10 8 - 2 0  
 DATE - 5 OCT 2020  
**RECEIVED**

**SPECIAL NOTICE**  
 Unable to close building parcel due to poor access in this section. Further information required.

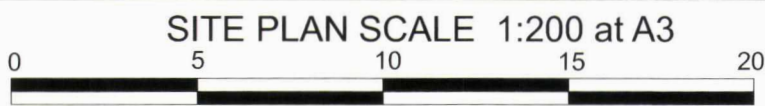
**SPECIAL NOTICE**  
 Unable to confirm face of building in this section. Further information required.



LEGEND		
T.B.M. ▲	SEWER MANHOLE	SEWER CON
POWER DOME	SEWER INSPECT	TW - TOP OF WALL
TELSTRA	FLOOR LEVEL FL	LARGE TREE
WATER METER	DRAIN	SMALL TREE
POWER POLE	SOAKWELL	TREE STUMP
STREET LAMP	HYDRANT	WATER LINE
BOUNDARY	BUILDING	SEWER LINE

SURVEYOR SITE REPORT	
ELECTRICITY: UG	GAS: NOT SIGHTED
PHONE: YES	WATER: YES
SEWERAGE: YES	2D Line work survey: YES
ROAD: BITUMEN	3D Line work survey: NOT REQUIRED
KERB: (Mountable)	
FOOTPATH: Yes	
VEGETATION: -	
SOIL: SAND/GRASS	
VIEWS: ELEVATED	
REPEG: REQUIRED	
AREA: OLD SURVEY AREA	

**Existing Site**  
 1:200



**NOTE: IF HOUSE REMAINING, SURVEY OF BOUNDARIES FOR HOUSE POSITION REQUIRED.**

**IMPORTANT NOTES:**  
 CHECK CERTIFICATE OF TITLE FOR EASEMENTS, CAVEATS & COVENANTS PLUMBING CONTRACTORS TO CONFIRM SEWER DEPTHS BEFORE WORKS LOCATION OF BOUNDARY PEGS & IMPROVEMENTS NOT GUARANTEED UNLESS BOUNDARIES ARE REPEGGED AT TIME OF SURVEY.

**IMPORTANT NOTES:**  
 All SEWER and WATER details plotted from information supplied by Water Corporation. This information is approximate only and a Cadastral Connection will be required if true sewer location points are required for service works.

**SURVEY ADDRESS :**  
 LOT 2 (#46) Sewell Street, East Fremantle

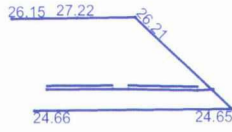
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 DERIVED FROM SEWER MANHOLE - 0427A R.L. - 17.50

CLIENT / S:	TBM HEIGHT
GRENEGER	18.03 AHD
PLAN / DIAGRAM No	Job No:
D 9057	ZS2100

**TOWN OF EAST FREMANTLE**

ZENITH LAND SURVEYING  
 LICENSED LAND & ENGINEERING SURVEYORS  
 UNIT 5, 44 HUTTON STREET  
 OSBORNE PARK  
 info@zenithsurvey.com.au

**IMPORTANT NOTICE**  
 Features are related to fence lines only. No connection made to boundaries.  
**REPEG RECOMMENDED**



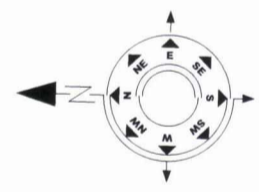
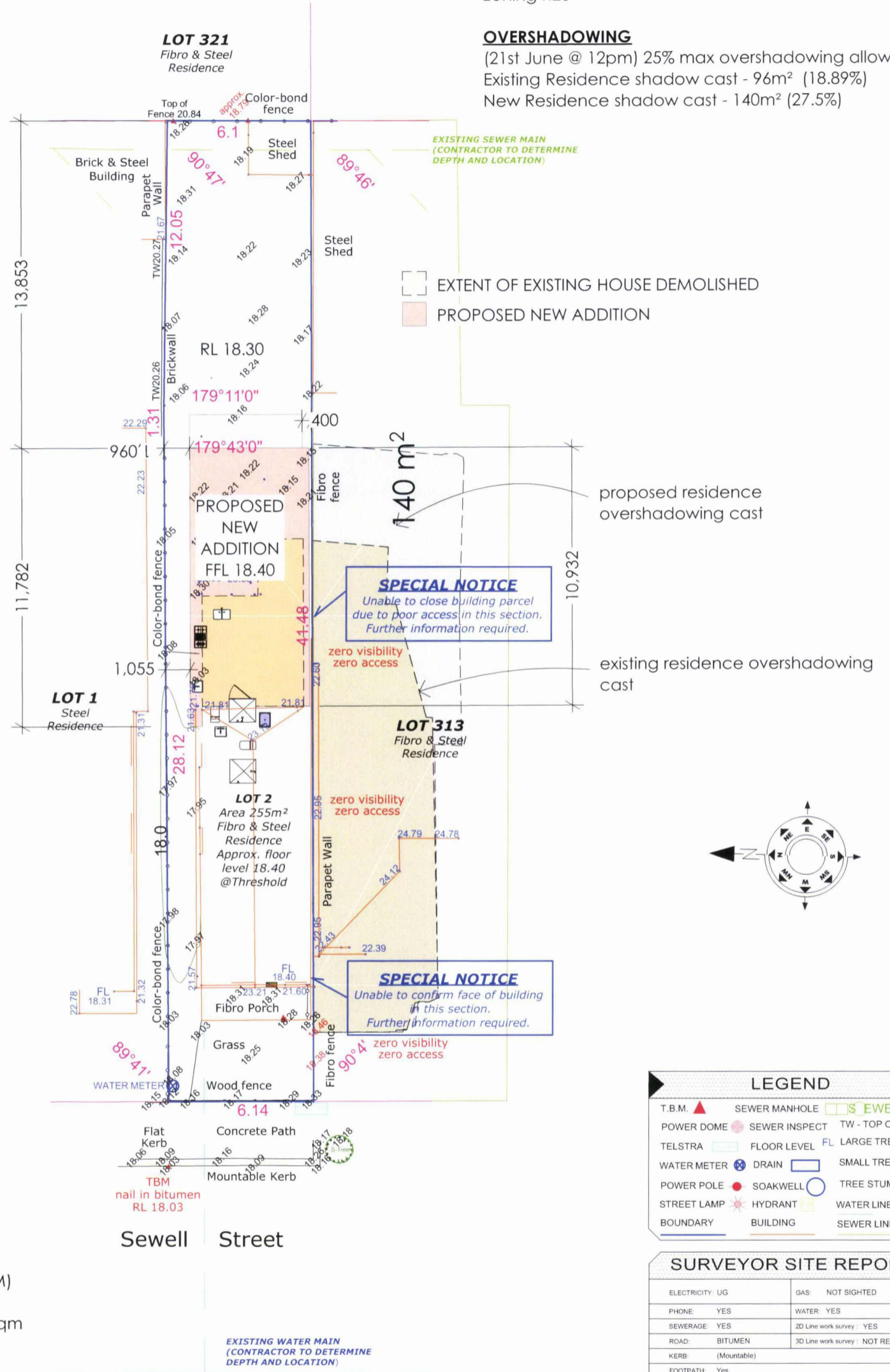
**NEIGHBOURING PROPERTY**

Lot 313 No 48 Sewell Street  
 East Fremantle  
 Area - 508m<sup>2</sup>  
 Zoning R20

**OVERSHADOWING**

(21st June @ 12pm) 25% max overshadowing allowed  
 Existing Residence shadow cast - 96m<sup>2</sup> (18.89%)  
 New Residence shadow cast - 140m<sup>2</sup> (27.5%)

TOWN OF EAST FREMANTLE  
 PLANNING APPLICATION  
 No. P108-20  
 DATE - 5 OCT 2020  
**RECEIVED**



**LEGEND**

T.B.M. ▲	SEWER MANHOLE	SEWER CON.
POWER DOME	SEWER INSPECT	TW - TOP OF WALL
TELSTRA	FLOOR LEVEL FL	LARGE TREE
WATER METER	DRAIN	SMALL TREE
POWER POLE	SOAKWELL	TREE STUMP
STREET LAMP	HYDRANT	WATER LINE
BOUNDARY	BUILDING	SEWER LINE

**SURVEYOR SITE REPORT**

ELECTRICITY: UG	GAS: NOT SIGHTED
PHONE: YES	WATER: YES
SEWERAGE: YES	2D Line work survey: YES
ROAD: BITUMEN	3D Line work survey: NOT REQUIRED
KERB: (Mountable)	
FOOTPATH: Yes	
VEGETATION: -	
SOIL: SAND/GRASS	
VIEWS: ELEVATED	
REPEG: REQUIRED	
AREA: OLD SURVEY AREA	

**R20 ZONING**

SITE AREA - 255SQM  
 ALLOWABLE OPENSACE = min 50% (127.5SQM)

EXISTING & PROPOSED FLOOR AREA = 120.19sqm  
 52.86% open space



**NOTE: IF HOUSE REMAINING, SURVEY OF BOUNDARIES FOR HOUSE POSITION REQUIRED.**

**IMPORTANT NOTES:**  
 CHECK CERTIFICATE OF TITLE FOR EASEMENTS, CAVEATS & COVENANTS  
 PLUMBING CONTRACTORS TO CONFIRM SEWER DEPTHS BEFORE WORKS  
 LOCATION OF BOUNDARY PEGS & IMPROVEMENTS NOT GUARANTEED  
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**SURVEY ADDRESS :**  
 LOT 2 (#46) Sewell Street, East Fremantle

AUSTRALIAN HEIGHT DATUM (AHD)  
 DERIVED FROM SEWER MANHOLE - 0427A R.L - 17.50

CLIENT / S:	TBM HEIGHT
GRENEGER	18.03 AHD
PLAN / DIAGRAM No	Job No:
D 9057	ZS2100

**TOWN OF EAST FREMANTLE**

**NEIGHBOURING PROPERTY**

Lot 313 No 48 Sewell Street  
 East Fremantle  
 Area - 508m<sup>2</sup>  
 Zoning R20

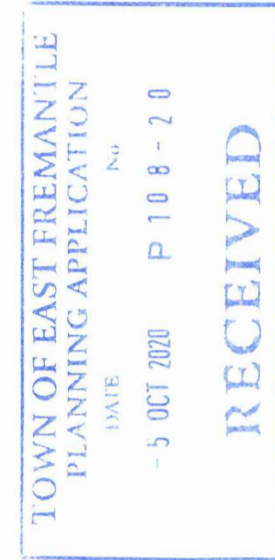
**OVERSHADOWING**

(21st June @ 12pm) 25% max overshadowing allowed  
 Existing Residence shadow cast - 96m<sup>2</sup> (18.89%)  
 New Residence shadow cast - 140m<sup>2</sup> (27.5%)



proposed residence  
 overshadowing cast

existing residence overshadowing  
 cast



SHEET 7 of 8



AMENDMENTS:  
 REV A 30.03.20 CAD CONCEPT  
 REV B 06.04.20 CAD CONCEPT  
 REV C 23.04.20 CLIENT AMENDMENTS  
 REV D 24.04.20 CLIENT AMENDMENTS  
 REV E 05.05.20 COUNCIL COMMENT  
 REV F 12.05.20 COUNCIL COMMENT  
 REV G 25.05.20 DEVELOPMENT APPLICATION  
 REV H 23.07.20 CLIENT AMENDMENTS  
 REV I 18.09.20 CLIENT AMENDMENTS  
 REV J 30.09.20 PLANNING APPLICATION

D:\Riccadonna Design\Dropbox\Jobs\Grenenger\Grenenger REV J.ppt

DRAWING TITLE:  
**OVERSHADOWING**  
 PLAN  
 DRAWN:  
 RICCADONNA DESIGN  
 PUBLISH DATE:  
 Wednesday, 30 September 2020

**PROPOSED ADDITION**  
**A & R GRENENGER**  
 LOT 2 No 46 SEWELL STREET  
 EAST FREMANTLE

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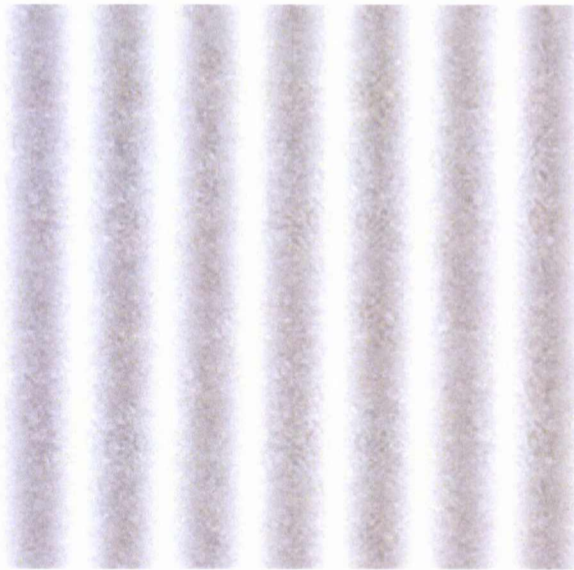


SHEET 8 of 8

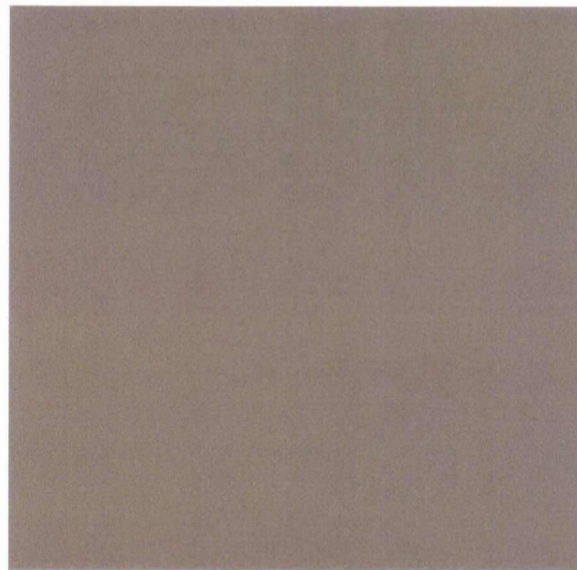


AMENDMENTS:  
 REV A 30.03.20 CAD CONCEPT  
 REV B 06.04.20 CAD CONCEPT  
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 REV J 30.09.20 PLANNING APPLICATION

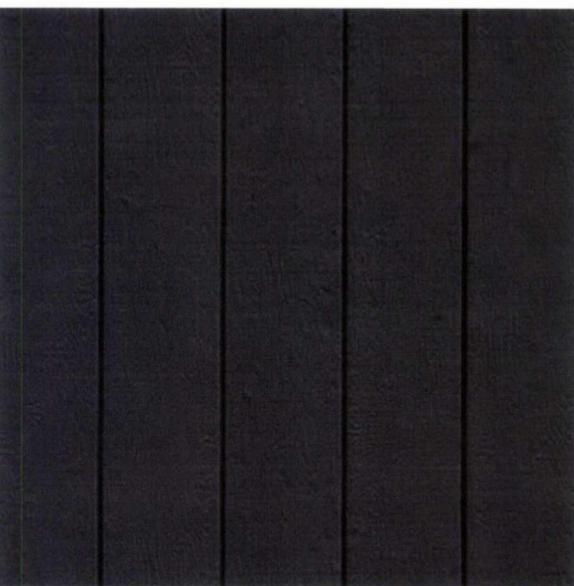
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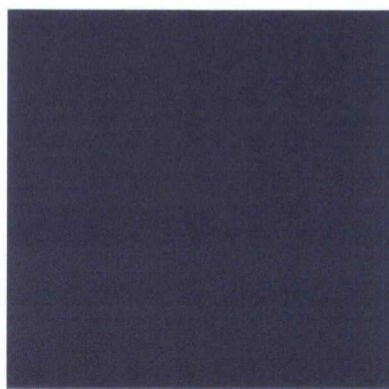
CUSTOM ORB ROOF SHEETING - GALVANISED



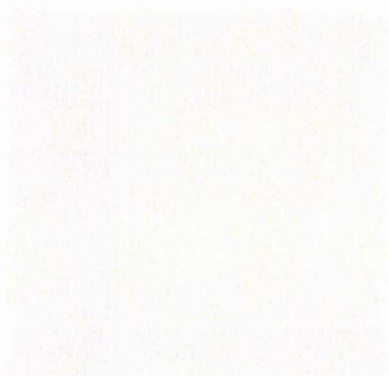
WEATHERBOARD - DULUX BUSHLAND GREY



AXON CLADDING - DULUX BLUE VELVET



GUTTER/FASCIA, POSTS, FRONT DOOR - DULUX SAPPHIRE STONE



WINDOW AND WALL TRIM - DULUX FEATHER SOFT

DRAWING TITLE:

PERSPECTIVES

DRAWN: RICCADONNA DESIGN

PUBLISH DATE: Wednesday, 30 September 2020

**PROPOSED ADDITION**

**A & R GRENENGER**

LOT 2 No 46 SEWELL STREET

EAST FREMANTLE

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### Community Engagement Checklist

## Development Application P108/20 - 46 Sewell Street

Project Name

<b>Objective of Engagement:</b>	Neighbour consultation		
<b>Lead Officer:</b>	Regulatory Services		
<b>Timeline:</b>	<b>Start Date:</b>	8/10/2020	<b>Outcomes By:</b> 22/10/2020
Stakeholders			
<b>Stakeholders to be considered.</b>  <i>Please highlight those to be targeted during engagement.</i>	Aged	<input type="checkbox"/>	Ratepayers (all / targeted) <input type="checkbox"/>
	Businesses	<input type="checkbox"/>	Residents (all / targeted) <input checked="" type="checkbox"/>
	Children (School / Playgroup)	<input type="checkbox"/>	Service Providers <input type="checkbox"/>
	Community Groups	<input type="checkbox"/>	Unemployed <input type="checkbox"/>
	Disabled People	<input type="checkbox"/>	Visitors <input type="checkbox"/>
	Environmental	<input type="checkbox"/>	Volunteers <input type="checkbox"/>
	Families	<input type="checkbox"/>	Workers <input type="checkbox"/>
	Govt. Bodies	<input type="checkbox"/>	Youth <input type="checkbox"/>
	Indigenous	<input type="checkbox"/>	<input type="checkbox"/>
	Neighbouring LGs	<input type="checkbox"/>	<input type="checkbox"/>
<b>Staff to be notified:</b>	Office of the CEO	<input type="checkbox"/>	Councillors <input type="checkbox"/>
	Corporate Services	<input type="checkbox"/>	Consultant/s <input type="checkbox"/>
	Development Services	<input type="checkbox"/>	<input type="checkbox"/>
	Operations (Parks/Works)	<input type="checkbox"/>	<input type="checkbox"/>
Community Engagement Plan			
Methods	Responsible	Date Due	Reference / Notes
1.1 E News	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.2 Email Notification ~	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
1.3 Website	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.4 Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.5 Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.6 Fact Sheet	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.7 Media Rel./Interview	<input type="checkbox"/> Communications		<input type="checkbox"/>
2.1 Information Stalls	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
2.2 Public Meeting/Forum	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
2.3 Survey/Questionnaire	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
3.1 Focus Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
3.2 Referendum/Ballot	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
3.3 Workshop	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
4.1 Council Committee	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
4.2 Working Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
* Statutory Consultation	<input checked="" type="checkbox"/> Relevant Officer	22/10/2020	<input checked="" type="checkbox"/> Advertised to 3 surrounding properties
# Heritage Consultation	<input type="checkbox"/> Regulatory Services		<input type="checkbox"/>
^ Mail out (note: timeliness)	<input type="checkbox"/> Communications		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>

Evaluation			
Summary of...		Date Due	Complete / Attached
Feedback / Results / Outcomes / Recommendations		22/10/2020	
Outcomes Shared			
Methods	Responsible	Date Due	Complete / Attached
E-Newsletter	<input type="checkbox"/> Communications		<input type="checkbox"/>
Email Notification	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
Website	<input type="checkbox"/> Communications		<input type="checkbox"/>
Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>
Media Release	<input type="checkbox"/> Communications		<input type="checkbox"/>
Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
Notes			



**11.9 Duke Street No 69 (Lot 388) Proposed approval subsequent to development for an existing ancillary dwelling**

<b>Owner</b>	Kyle Smith
<b>Applicant</b>	Sean & Rachelle Mason
<b>File ref</b>	P121/20
<b>Prepared by</b>	James Bannerman Planning Officer
<b>Supervised by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Meeting date</b>	1 December 2020
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Location plan</li><li>2. Site photos</li><li>3. Place Record Form</li><li>4. Plans date stamped 4 November 2020</li></ol>

**Purpose**

The purpose of this report is for Council to consider a planning application for approval subsequent to development for an existing ancillary dwelling and garage at No 69 (Lot 388) Duke Street, East Fremantle.

**Executive Summary**

This development application is seeking the approval subsequent to the development for an existing ancillary dwelling and garage.

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

- (i) Clause 5.1.4 – Residential Design Codes – Open Space – 50% required, less than 50% provided
- (ii) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, 18 degrees provided

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

**Background**

Zoning: Residential R20

Site area: 507m<sup>2</sup>

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

P164/08 – development approval granted for alterations and additions – 10 September 2008

P059/15 – development approval granted for patio for recreation and car parking – 30 June 2015

P033/16 - development approval granted for patio - 11 April 2016

**Consultation**

Advertising

The application was not advertised to surrounding landowners as the development has been in place for an extended period of time



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Community Design Advisory Committee (CDAC)

The application was not referred to CDAC as it has no streetscape impact.

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			
Southern wall	0m	0m	A
Western wall	1.5m	>1.5m	A
<b>Open Space</b>	<b>50%</b>	<b>&lt;50%</b>	<b>D</b>
Wall height	6m	<6m	A
Roof Height	9m	<9m	A
Setback of Garage			N/A
Car Parking	3	3	A
Site Works			N/A
Visual Privacy			N/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	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	N/A
3.7.7 Building Setbacks and Orientation	N/A
<b>3.7.8 Roof Form and Pitch</b>	<b>D</b>
3.7.9 Materials and Colours	N/A
3.7.10 Landscaping	N/A
3.7.11 Front Fences	N/A
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	N/A

3.7.15.4.3.1 Fremantle Port Buffer Area	N/A
3.7.15.3.3 Garages and Carports	N/A

This development application is seeking approval subsequent to the development of an existing ancillary dwelling and garage. One variation is requested to the Residential Design Codes and one variation is requested to the Residential Design Guidelines in relation to roof pitch in relation to open space and roof pitch respectively. The Town Planning Committee are considering this application as the proposal is seeking approval subsequent to the development and administration is unable to approve of such developments.

#### Open Space

Development on site has resulted in less than 50% of the site being available as open space as is required by the Residential Design Codes deemed to comply clause 5.1.4 C4. A similarly sized structure was located in this area and modifications were made to the structure, resulting in the overall open space and buildings on site being consistent. In this case the open space is approximately 49%, which achieves design principles clause 5.1.4 P4 for the following reasons;

- Access is available to sunlight is achieved for the main dwelling and for the ancillary dwelling;
- Building on site is at a scale consistent with the expectations of the R20 density code;
- There is an attractive setting provided for the building with linkages between the dwelling, garage and ancillary dwelling;
- There is opportunity for residents to use the space external to the dwelling;
- Space is available for external fixtures and essential facilities.

The ancillary dwelling has been well designed, with the structure appearing from a design intent as a garage, consistent with the previous structure on site. For the above reasons the reduced amount of open space can be supported.

#### Roof Pitch

In accordance with the Residential Design Guidelines clause 3.7.8.3 A4.1 the roof pitch is required to be between 28 and 36 degrees. In this case the roof pitch is 18 degrees which can be supported on the grounds that the roof of the building complements the traditional form of surrounding development in the immediate locality.

#### 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.

#### **11.9 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION:**

**That development approval subsequent to development is granted and Council exercises its discretion regarding the following;**

- Clause 5.1.4 – Residential Design Codes – Open Space – 50% required, less than 50% provided**
- Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, 18 degrees provided**

**for an existing ancillary dwelling at No. 69 (Lot 388) Duke Street, East Fremantle, in accordance with the plans date stamped received 4 November 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) 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.
- (3) 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.
- (4) If requested by Council within the first two years following approval, 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.
- (5) 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.
- (6) 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 other 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) matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

12. MATTERS BEHIND CLOSED DOORS

13. CLOSURE OF MEETING

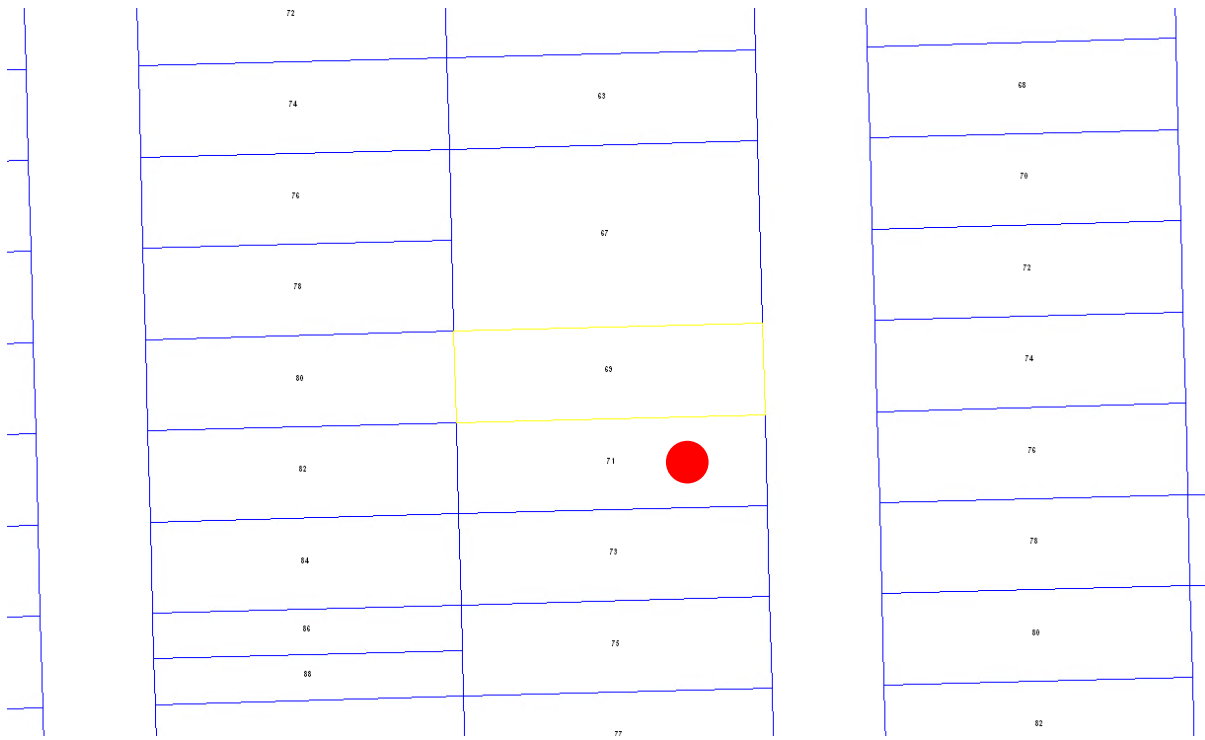
**PLACE RECORD FORM**



PRECINCT	Plympton
ADDRESS	69 Duke Street
PROPERTY NAME	N/A
LOT NO	Lot 388
PLACE TYPE	Residence
CONSTRUCTION DATE	C 1911
ARCHITECTURAL STYLE	Federation Inter-War Bungalow
USE/S	Original Use: Residence/ Current Use: Residence
STATE REGISTER	N/A
OTHER LISTINGS	N/A
MANAGEMENT CATEGORY	Category C
PHYSICAL DESCRIPTION	<p>No 69 Duke Street is a single storey cottage of timber framing, corrugated sheeting and weatherboard cladding. The place has a gambrel decramastic roof and later additions to the rear. It is a simple expression of the Federation Inter-war style with later modifications that have changed its appearance. The front elevation is symmetrically planned with a central door flanked by windows. In recent times a skillion roofed verandah on timber posts has been reinstated.</p> <p>There are skillion roofed additions to the rear.</p> <p>The place is consistent with the pattern of development in Plympton and</p>

	plays an important role in the pattern of development of a working class suburb.
HISTORICAL NOTES	Plympton is a cohesive precinct where most of the places were constructed in the late nineteenth century and the first quarter of the twentieth century. It is comprised primarily of homes for workers and their families with a high concentration of small lots with timber, brick and stone cottages.
OWNERS	Unknown
HISTORIC THEME	Demographic Settlements - Residential Subdivision
CONSTRUCTION MATERIALS	Walls - Timber frame, weatherboard and corrugated cladding Roof - Decramastic
PHYSICAL SETTING	The residence is situated on a flat site with a low masonry wall and picket fence at the front of the lot.
STATEMENT OF SIGNIFICANCE	No 69 Duke Street is a single storey cottage of timber framing, corrugated sheeting and weatherboard cladding. The place has historic and aesthetic value with its contribution to Plympton's high concentration of worker's cottages and associated buildings, and contributes to the local community's sense of place.  The place has some heritage value for its intrinsic aesthetic value as a Federation Inter-War Bungalow and it retains a moderate to low degree of authenticity and a high degree of integrity.  The rear additions have no significance.
AESTHETIC SIGNIFICANCE	No 69 Duke Street has some aesthetic value as a typical Federation Inter-War Bungalow with later overlays. It retains all the characteristic features of a dwelling of the type and period.
HISTORIC SIGNIFICANCE	No 69 Duke Street has some historic value. It was part of the suburban residential development associated with the expansion of East Fremantle during the Goldrush period of the 1880s and 1890s.
SCIENTIFIC SIGNIFICANCE	N/A
SOCIAL SIGNIFICANCE	No 69 Duke Street has some social value. It is associated with a significant area of worker's cottages which contributes to the community's sense of place.
RARITY	No 69 Duke Street is not rare in the immediate context, but Plympton has rarity value as a working class suburb.
CONDITION	No 69 Duke Street is in good condition.
INTEGRITY	No 69 Duke Street retains a high degree of integrity.
AUTHENTICITY	No 69 Duke Street retains a moderate to low degree of authenticity.
MAIN SOURCES	

69 Duke – Map and Photo

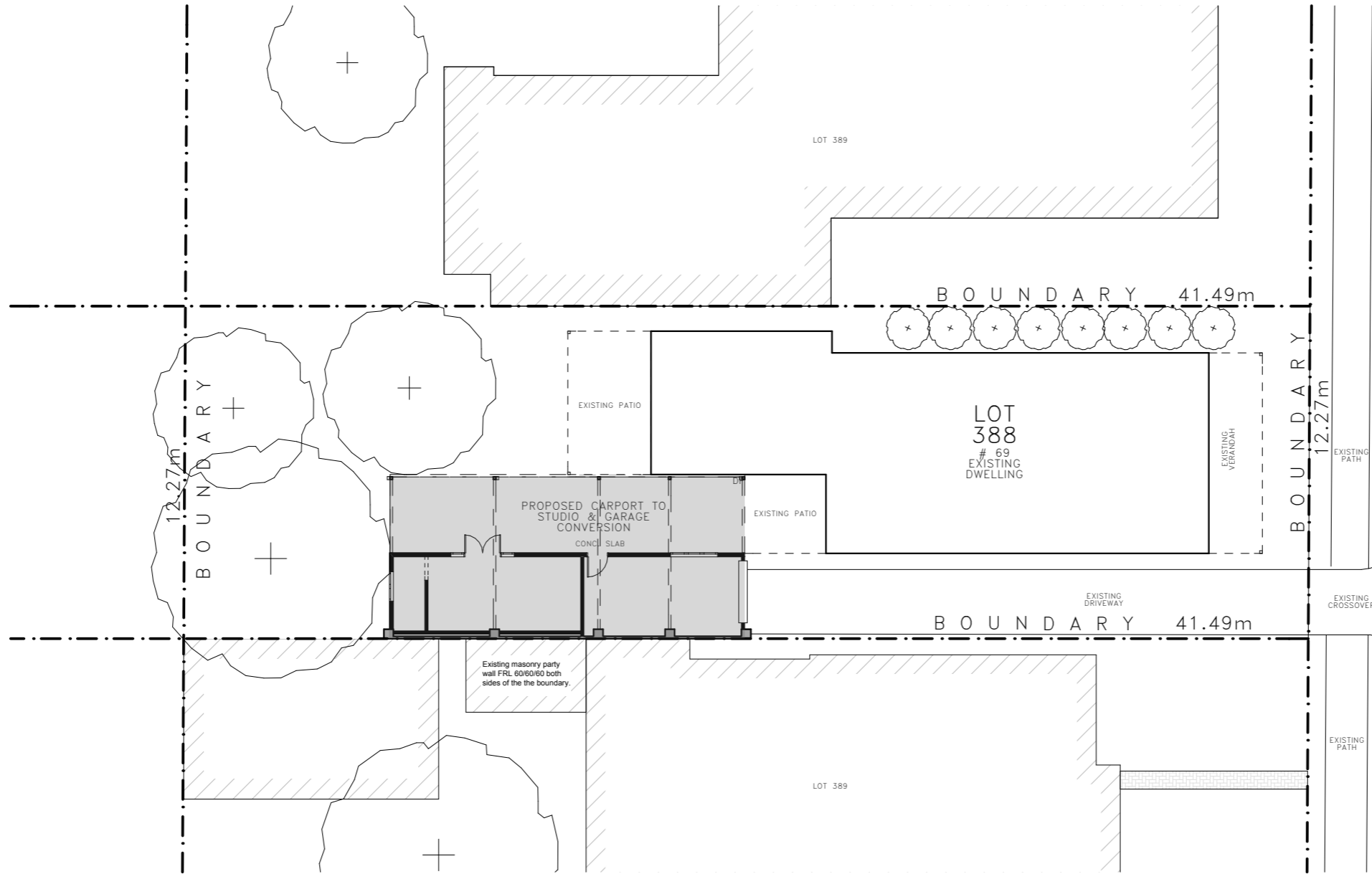


69 Duke Street – Photos





% OPEN SPACE  
 Site Area: 508m<sup>2</sup>  
 EXISTING:  
 Existing Dwelling: 137.7m<sup>2</sup>  
 Front Verandah: 13.3m<sup>2</sup>  
 Rear Verandah: 61.8m<sup>2</sup>  
 PROPOSED:  
 Garage: 16.8m<sup>2</sup>  
 Studio: 19.0m<sup>2</sup>  
 TOTAL: 248.6m<sup>2</sup>  
 49% Open Space



N  
 SITE PLAN  
 SCALE 1:200

DUKE STREET

Do not scale from drawings.  
 This drawing should be read in conjunction with engineers drawings and reports.  
 WPM to be installed as per manufacturer and BCA guidelines.

Rev. A	Date: 26.08.2020	Description: BP APPLICATION
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BP00 SITE PLAN  
 RETROSPECTION APPROVAL  
 CARPORT TO STUDIO  
 & GARAGE CONVERSION  
 69 DUKE STREET, EAST FREMANTLE WA 6158