



6 December 2011

MINUTES

MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 6 DECEMBER 2011 COMMENCING AT 6.35PM.

T137. OPENING OF MEETING

The Manager Planning Services opened the meeting.

T137.1 Present

Cr Alex Wilson	Presiding Member
Mayor Alan Ferris	
Cr Barry de Jong	
Cr Cliff Collinson	
Cr Dean Nardi	
Cr Maria Rico	(To 7.35pm)
Mr Jamie Douglas	Manager Planning Services
Ms Gemma Basley	Town Planner
Ms Janine May	Minute Secretary

T138. ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member made the following acknowledgement:

"On behalf of the Council I would like to acknowledge the Nyoongar people as the traditional custodians of the land on which this meeting is taking place."

T139. WELCOME TO GALLERY

There were 22 members of the public in the gallery at the commencement of the meeting.

T140. APOLOGIES

Cr Martin.

T141. CONFIRMATION OF MINUTES

T141.1 Town Planning & Building Committee (Private Domain) – 8 November 2011

Mayor Ferris – Cr de Jong

That the Town Planning & Building Committee (Private Domain) minutes dated 8 November 2011 as adopted at the Council meeting held on 15 November 2011 be confirmed.

CARRIED

T142. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

T142.1 Department of Transport

Submitting comment on the proposed mixed use development at 147 Canning Highway (Lot 18).

Cr de Jong – Cr Rico

That the correspondence be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref T146.1).

CARRIED

T142.2 A Hayne

Advising that they were prepared to revise their proposal to move the parapet wall off the boundary abutting 15 Petra Street to satisfy the objection from that neighbour.

Cr de Jong – Cr Rico

That the correspondence be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref T146.3). CARRIED



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T143. REPORTS OF COMMITTEES

T143.1 Town Planning Advisory Panel – 22 November 2011

Mayor Ferris – Cr Nardi

That the minutes of the Town Planning Advisory Panel meeting held on 22 November 2011 be received and each item considered when the relevant development application is being discussed. CARRIED

T144. RECEIPT OF REPORTS

Cr de Jong – Cr Rico

That the Reports of Officers be received. CARRIED

T145. ORDER OF BUSINESS

Cr Nardi – Cr de Jong

The order of business be altered to allow members of the public to speak to relevant agenda items. CARRIED

T146. REPORTS OF OFFICERS – STATUTORY PLANNING

T146.1 Canning Highway No. 147 (Lot 18)

Applicant: The Owners of East Fremantle Shopping (West)

Owner: Russell Quinn

Application No. P96/11

By Jamie Douglas, Manager Planning Services on 22 November 2011

ATTACHMENTS

1. Summary of submitters and issues raised
2. Submissions
3. Agency responses
4. Location map
5. Plans
6. Landscape plan

PURPOSE OF THIS REPORT

This report assess an application for demolition and a mixed use development containing retail, office, tavern, café and residential apartments to be called 'St Peter's Square' at 147 Canning Highway and recommends Council endorses the application and conditions for development approval and forwards the application to the Western Australian Planning Commission for determination.

APPLICATION DETAILS

Documentation

Plans and relevant forms date stamp received on 30 June 2011

Additional Plans date stamp received on 27 October 2011

Date Application Received

30 June 2011

(Because the Lodgement date precedes the Development Assessment Panel (DAP) Regulations 2011 which came into effect on 1 July 2011, the matter is to be determined by Council).

Site Inspection

By Manager Planning Services on 4 November 2011

DESCRIPTION OF THE PROPOSAL

1. The subject site is 6673m² in area with frontage to Canning Highway, Council Place and Silas Street. It currently contains a tavern, shops, offices and a café within three separate buildings. These structures are to be demolished.
2. The subject site also contains a car park for 77 cars, this is to be retained within the current development application. However its redevelopment is contemplated as part of a future stage 2 but is subject to the resolution of existing covenants associated with the adjacent supermarket operation.
3. The proposed new buildings comprise four distinct structures, linked via a central podium of public open space at the Canning Highway ground level, with car parking and access below.
4. The buildings extend six storeys above the Canning Highway ground level. The subject site falls from Canning Highway (15.4 AHD) to Silas Street (9.05AHD) a level difference of 6.35 metres. Accordingly the height of the buildings are relative to the elevation from which they are viewed (refer 4 – Elevations drawings SK15 and SK 14). Accordingly, relative to the Canning Highway elevation, the buildings will have a maximum height of approximately 22 metres (6 storeys). The buildings have a staggered elevation with a 'street wall' with the balance of the building height designed to be visually recessive above this 'wall'.
5. The proposed land uses are car parking & service areas, public space, retail, office, tavern, café and residential in following proportions:
Residential - (90 apartments comprising 30- one bed, 55- two bed and 5- three bed) with a total floor area of 10,065m². The application notes that 36 of these residential apartments totalling 2,963m² in Building B may be used for serviced apartment accommodation (short stay).
Office - 15 office tenancies, comprising 1,478m² of net floor area.
Retail - 10 shops, comprising 815m² of net floor area.
Tavern – (roof top lounge and cinema) 359m² of net floor area.
Car parking – basement parking 63 residential bays in basement level 2; 61 residential bays and 27 commercial bays in basement level 1. A further 77 outdoor parking bays in the existing commercial car park and 7 adjacent to the site accessed from Silas Street. The development proposal therefore has a total 235 onsite car parking bays.
Public Space – a 'town square' of 1,121 m². is included at the Canning Highway level providing a public realm area between the four proposed structures.

PREVIOUS COUNCIL DECISIONS AND/OR ISSUES RELATED TO THE SITE

- | | |
|--------------|---|
| 24 Jul 1980 | Council certifies strata plan No. 8618 for the subdivision of 147 Canning Highway and subsequent creation of the 'East Fremantle Shopping Centre West'. |
| 20 Oct 1982 | Council refuses an application for the establishment of an amusement parlour within shops 1/2. |
| 28 July 1987 | Council approved a Food Market and Pizza Shop on lot 14 with a provision for 14 car parking bays. |
| 14 Sep 1987 | Building Licence No. 049/1321 issued for alterations to the Food Hall. |
| 29 Aug 1991 | Council refused an application for the installation of a roof sign advertising the Food Hall. |
| 16 Sep 1991 | Council granted approval for the erection of signage to the southern elevation of the Food Hall. |
| 18 Nov 1991 | Council granted approval for the installation of two (2) coin operated video games within the Food Hall. |
| 10 Dec 1991 | Council approved an application to erect an Illuminated Pylon Sign advertising the Food Hall. |
| 20 Jun 1994 | Council refused a retrospective application for a roof sign advertising the Hair Salon. |
| 21 Apr 1995 | Council refused an application for use of the former Food Hall (shop 13) as a High School. |
| 23 Dec 1997 | Council resolved to refuse an application to use the former Food Hall (shop 13) for the purpose of a Dance Club/Café. |



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- 29 Jun 1998 Council granted special approval for the operation of a café at shop 3 147 Canning Highway.
- 11 Sep 2001 Sign Licence No. 3/0/01 issued for a roof sign advertising shop 10.
- 21 Feb 2003 Delegated approval granted for the use of shop 1 as a Beauty Therapist.
- 19 Sep 2006 Council exercised its discretion in granting approval for the number of car parking bays to be reduced from 22 to 14 for two (2) shops (pre packaged meat and surfing products).
- 9 Oct 2007 Council advises the WAPC it supports the amalgamation of lots 14 and 17, which comprise 147 Canning Highway.
- 23 Sep 2008 Council granted approval for the change of use for the former Food Hall (shop 13) premises at the shopping centre from 'shop' to 'recreation-private' for use as a Fitness Studio.

STATUTORY PLANNING PROVISIONS

The following planning provisions are applicable to the assessment of the application:

Town Planning Scheme No. 3: Town Centre Mixed Use zone

Local Planning Policy: Town Centre Redevelopment Guidelines (adopted 15 November 2011)

Local Planning Policy No. 140: Port Buffer Development

Local Planning Policy: Noise Attenuation

CONSULTATION

Advertising

Adjoining landowners, sign on site, and advertisement in local newspaper

Date Advertised

27 October 2011

Close of Comment Period

21 November 2011

Public Submissions

At the close of the comment period 4 submissions were received. A summary of the submissions and responses and the submissions in full form Attachment 1 to this report:

Submitters

Robert Day, 36 Station Road, East Fremantle

Pam Nairn, 36 Station Road, East Fremantle

Catrina Croton & Mark Haworth, 12 Alexandra Road, East Fremantle

Kate Lowe, 18a Preston Point Road, East Fremantle

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting on 22 November 2011. The Panel's comments and the applicant's responses (*in italics*) to each are tabled below:

- The application does not recognise the importance of the two prominent corners that are iconic to the site being Silas/Canning Highway/Preston Point Road and Council Place/Canning Highway.
- Buildings A and B should be designed to recognise the landmark position and to enhance their corner location without competing with the Town Hall.
- * *Please see below*
- Interaction between the proposed buildings and the streetscape is obscured by the landscape presentation along the Canning Highway frontage. Presentation of the street front could be better illustrated without showing the trees and landscaping.
- * *The elevations and sections do not show vegetation and these can be referred to as an alternative to the streetscape images.*



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- Query whether there is any architectural rhythm throughout the proposal (which incorporates a rich articulation of styles). Articulation could be simplified in the building design and in the refinement of the architectural styles.
- * *We do not seek to copy or mimic the Heritage Council Chambers building only to relate to its "street wall" on the first 3 levels of Building A's 6 level envelope, and also to relate to the vertical structural rhythms of the Council Chambers building. The suggested sculptural artwork and additional elevation detailing present on the NW corner of building A provide a striking gate way feature to the project whilst clearly acknowledging the heritage Council Chambers building. Please see the Town Centre Development application document pages 36 and 37, where a massing study diagram can be found which illustrates this concept. Also, please see the accompanying A1 coloured set of elevations, and landscape concept drawings (elevation) which we feel also clearly demonstrates this intent.*
- * *We do acknowledge and confirm that significant refinement of the concept elevations will occur during subsequent stages of the project.*
- Buildings on the corners to be reduced in height to address the corners and to step back the building to reduce its dominance over the Town Hall.
- * *We are unaware of this planning requirement and do not feel it is necessary to do so. The suggested sculptural artwork and additional elevation detailing present on the NW corner of building A and NE corner of building B will provide a striking gate way feature to the project whilst Building A clearly acknowledges the heritage Council Chambers building.*
- The treatment of the retail strip along Canning Highway could be enhanced by recessing the entries to provide greater opportunities for the retail strip to be user friendly and to provide areas for human interaction in a protected environment (refer Element 5).
- * *As can be seen on the DA submission drawing SK 01, the public/ pedestrian access is provided to the strata tenancies from either;*
 - (A) *Canning Highway located footpath, which the aerial photo SK 01 shows will be equal to, or greater than the current footpath provision. Also see SK 07 and Plan E drawings Landscape concept plan and Canning Highway elevation;*

In addition, the footpath is provided with an attractive covered awning to provide shelter to the public walking on the south side of Canning Highway.
 - B) *An approx. 7 metre wide covered pedestrian access is provided from the Public Square, North to Canning Highway.*
 - C) *In addition, public / pedestrian access is provided to the strata tenancies from either Silas Street or Council Place to the Canning Highway covered footpath.*
- * *In summary, we believe the multiplicity of access ways discussed above, together with the high level of passing traffic and pedestrian amenity offered provide the ingredients for 6 very successful high exposure commercial tenancies.*
- A more obvious and welcoming architectural entrance statement to the Canning Highway / Silas Street frontage (that alerts the public that they are approaching the Town's principal commercial and retail centre) would enhance the design.
- * *The proposal will provide a highly articulated and interesting public entry statement to the project, which will be the future mid-point of the Town Centre (not beginning-please refer to Town Centre plan) - we propose to work with local artisans and artists to integrate the art work into the East façade of building B.*



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- Plan lacks vistas/opening between Canning Highway and the proposed Town Centre. This would also better articulate the Canning Highway frontage.
- * *Both buildings A and B are similar in overall width to the Council Chambers building, between Buildings A and B there exists a 7 metre wide sheltered and activated public entry way to the public square behind these buildings. Silas Street, Council Place and the "mid-point" 7 metre public entry way provide interesting vistas and articulation to the building forms.*
- The connection between Building A and B (moon gate and the stories above this) should be removed to allow better articulation of the site, to open up sightlines through the development and to bring more light into the development (refer to PUDO – retain and enhance existing view corridors).
- * *The site lines referred to are referenced from what viewing location? This is argued to be subjective, and the proposal as mentioned above does provide for articulation and also does provide several vistas/sightlines.*
- Access to light for commercial/retail premises such as cafes will have a significant impact on their success. The south facing buildings and public spaces are not accurately represented with regard to solar orientation and the impacts of overshadowing. The plans could better consider the usability and desirability of the public square and the impacts of overshadowing on this. Quality open space with access to sunshine is lacking.
- * *We have followed the requirements of the Council's "Planning application checklist" which stipulates the assessment of the degree of overshadowing on ADJOINING buildings from the proposed buildings shadow projection. We have carried out the required study and have utilised the winter solstice sun angle i.e. the years lowest sun angle at 12 o clock. The DA submission SK 13 demonstrates ZERO shadow impact from the adjoining properties.*
- * *However, sun will ingress the public square every day (subject to cloud cover) in different ways, percentages and times throughout the year including in Winter, Autumn and Spring much like any public square edged by buildings.*
- Consider setback to the north west corner of Building A to be increased to accommodate an attractive, user friendly public space that will gain solar access, which will soften the presentation to Canning Highway and Council Place and enhance the development (refer Element 9).
- * *With the traffic volumes on Canning Highway, it is unlikely that any public open space developed at the same level as Canning Highway will become a user friendly public open space. The built form provides an opportunity to screen the public spaces from the traffic, and provide for a higher level of pedestrian amenity. The comment made is considered incorrect, and having an open space area directly against Canning Highway would not only have a lower level of amenity that that proposed, but could also provide for potential safety issues with the interaction of people and traffic on Canning Highway.*
- * *Please note that over 1100m² of open space provided within the public square exceeds (by 7 times) the required open space provision.*
- Performance Criteria for Element 2 have not been satisfied to achieve a density bonus of more than 50% i.e. there is not sufficient public benefit in the development and it is questionable if affordable apartments have been provided.
- * *The Guidelines permit for the residential density being proposed by the application.*



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Comment from MDS: The application is well within the maximum density provisions and this density bonus has not been applied.

- The projection on Building B near Silas Street (6th floor) is architecturally inappropriate and the cantilevered pool is a jarring architectural element.
- * *We can recess back to building line if required, we proposed this (at great expense) to provide an architectural icon*
- Query success of retail fronting Canning Highway without an adequate setback to the road.
- * *This is an incorrect statement;*
- * *There are a total of 6 individual strata tenancies fronting onto Canning Highway (3 no's within Building A, and 3 no's within Building B)*
- * *Of these, 4 nos. are offices, 1 nos. is retail and 1 nos. is commercial (food and beverage).*
- * *As can be seen on the DA submission drawing SK 01, the public / pedestrian access is provided to the strata tenancies from either;*
 - A) *Canning Highway located footpath, which the aerial photo SK 01 shows will be equal to, or greater than the current footpath provision. Also see SK 07 and Plan E drawings, Landscape concept plan and Canning Highway elevation;*

In addition this footpath is provided with an attractive covered awning to provide shelter to the public walking on the south side of Canning Highway.
 - B) *An approx. 7 metre wide covered pedestrian access is provided from the Public Square, North to Canning Highway.*
 - C) *In addition, public/ pedestrian access is provided to the strata tenancies from either Silas Street or Council Place to the Canning Highway covered footpath.*
- * *In summary, we believe the multiplicity of access ways discussed above, together with the high level of passing traffic and pedestrian amenity offered provide the ingredients for 6 very successful high exposure commercial tenancies.*
- No detailed landscape plan provided as referred to on the plans.
- * *Perth's leading Landscape architects (Plan E) were commissioned to provide a highly detailed and considered Landscape Architecture Concept for the proposal (2 x A1 sheets). Please refer to the DA submission documentation.*
- PUDO to be numbered for easier references. Numbering of pages in the Local Planning Policy – Town Centre Redevelopment Guidelines would make it an easier document to cross reference.
- * *The preparation and assessment of the application has followed due process, with this having been advertised as per the required statutory timeframe and process. We would adamantly oppose the need for additional advertising, and again confirm that the proposal for the most part compiles with the Town Centre Redevelopment Guidelines, and hence a session to further advise residents of this is deemed not necessary.*
- * *The Town Centre Redevelopment Guidelines went through 2-3 public forums and was subject to debate between residents and Council. This document was the forum for residents to have their input, and Council in adopting that documents has*

confirmed they have taken into account their view and opinions. The guidelines went through an extensive advertising process and it is argued that all issues important to residents were raised and addressed through that process. This application now before Council has been prepared in accordance with this guideline, and hence the need for additional public forums is not required or necessary. Any comment from residents requesting additional time/advertising is considered inappropriate, and seen as an attempt to slow down the statutory process, which has been followed.

Agency Referrals

Agency responses are attached in full to this report (refer Attachment 4)

Fremantle Port Authority

The Authority responded on 10 November 2011 and advised that since the site is within Area 2 of the Fremantle Port Buffer, any new works should accord with the LPP Fremantle Port Buffer Area Development Guidelines and that the standard memorial (advising of potential impacts from Port activities) which is contained in the Guidelines, be placed on all titles.

Western Power

The Agency does not object to the proposal, however it notes there are overhead power lines and/or underground cables, adjacent to or traversing across the subject site. Therefore it advises the following requirements should be considered prior to the commencement of works;

- Working in proximity to Distribution Lines
- Working in proximity to Transmission Lines
- Excavation Works
- Mitigation against Low Frequency Induction

Main Roads WA (MRWA)

The Department of Main Roads responded on 16 November 2011 as follows:

*"The proposed development as presented is **not acceptable** to Main Roads for the following reasons:*

- You may be aware that the future road requirement for Canning Highway has been under review for some time. The current planning design concept indicates an addition 5m road requirement outside of the current MRS boundary as shown on the attached plans. Until this review has been completed and the ultimate design concept determined it is considered inappropriate to allow any new development on this site.*
- The planning intent for Canning Highway is as an Activity Corridor, and as such the current design concept shows insufficient verge width to cater for on road cycling and / or bus priority lanes. Until the above review is completed, the ultimate reservation width required to meet the planning intent of an Activity Corridor will not be known.*
- Main Roads Code of Practice requires 2.5m clearance from the kerb face to any awnings etc. This clearance is required to provide for roadside furniture such as footpaths, lighting poles including traffic signals, directional signage etc. Whilst the final verge width remains unknown, the feature statue proposed for the corner of Canning Highway and Council Place appears to overhang into the road reserve by approx 2m. Likewise the first floor awning appears to overhang into the Canning Highway / Council Place road reserve by some 5m.*
- Having reviewed the Traffic Impact Assessment, Main Roads has concerns with the impact of the PM peak traffic turning right from Canning Highway into Council Place as well as the right hand turn movement from Council Place onto Canning Highway. However it should be noted that under the current planning concept there will be a continuous median from Stirling Bridge to Preston Point Road that will make access to Council Place left in / left out only.*
- The Traffic Impact Assessment suggests that traffic signals at the intersection of Canning Highway and May Street would assist the potential increased traffic*



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volume turn right to and from Canning Highway. Main Roads does not support the installation of signals at this intersection, as there is already sufficient turning opportunities afforded with the current phasing of the Petra Street and Preston Point traffic signals."

- The first dot point of this advice is critical to the progress of the application. Discussions have occurred with representatives of Main Roads concerning this. The additional land requirement is not within the MRS Road Reserve or any proposed MRS amendment. However at this time, the Department stands by this advice, notwithstanding that any defence of this position would appear problematic if the matter were appealed by the applicant.

Given the congestion that occurs on Canning Highway at the Stirling Highway intersection, it is debatable whether any widening will provide positive benefits. It is also not apparent how widening could be achieved without severely impacting the historic Town Hall, old Police Station and Post Office buildings. Whilst cycle lanes may be considered desirable, it is debatable if they can be considered safe in a heavy-haulage environment. It would be a safer option to provide on-street cycling on St Peters Road where grade separation to Stirling Highway is provided. The comment on bus priority lanes is noted, however, it is debatable whether such lanes can provide significant time saving benefits.

It is relevant to note that it is a requirement of TPS No. 3 that – "*buildings* in the Commercial Zones are to be aligned with the front property boundary". This provision has also been included within the LPP - Town Centre Redevelopment Guidelines.

The Planning Scheme would have been referred to Main Roads WA prior to its adoption in December 2004. Main Roads WA did not object to the above Scheme provisions at that time or in the period since the Scheme's adoption. Further the proposed additional land requirement is not included within the Metropolitan Region Scheme or any proposed amendment to the Region Scheme.

Because the issue is not within the jurisdiction (or capacity) of this Council to resolve, the application will be referred to the Western Australian Planning Commission to determine (see advice below from the Department of Planning). It is accordingly beholden upon Council to determine its position in respect to the application and advise the WAPC of this and Council's recommended conditions of approval, should it resolve to support the application.

- In regard to the requirement for setting back the awnings from the curb, this can be achieved by a condition of any development approval.
- The proposal by Main Roads to further reduce access from Canning Highway into the Town Centre by restricting right turn access through the extension of a central median is noted. However East Fremantle Town Centre has already had access severed by the Stirling Highway so that only 2 right turn opportunities currently exist, Council Place and May Street. It is questionable whether it is in the best interests of the local community to impose further access restrictions to the Town Centre. It would be more desirable to prohibit right turns at peak time by signage.
- The traffic report supporting the application does not propose the introduction of traffic signals at May Street as a necessary consequence of the development proposal. It merely states that access could be improved by their introduction.

From a broader planning perspective, the Department's advice in respect to additional land requirements for an expanded Canning Highway, raises a number of confronting issues for the Town and the local community. Should it proceed, adding a further two lanes to the Canning Highway would further dislocate and isolate the

community which is already severely, and it could be argued, unfairly, impacted by the convergence of two major highways adjacent to the Town Centre.

It is understood that plans for the addition of a further two lanes to the Stirling Highway and the duelling of the Stirling Bridge are well advanced and these will also substantially increase arterial traffic volumes through the Town. The funnelling of additional arterial traffic through the Town is considered to be unsustainable and counter to the strategic objective of the development of residential infill within the context of a vibrant activity centre. Within this context, a more holistic approach to traffic demand management is required, which incorporates the calming of existing flows on the Canning Highway within the vicinity of the Town Centre as an alternative to the further alienation of land for traffic movement.

Department of Planning

The Department of Planning provided the following advice on 23 November 2011:

"Since the subject property abuts Canning Highway, which is reserved as a Category 3 Primary Regional Road under the Metropolitan Region Scheme (MRS), the correct procedure is for the proposal to be referred to the Department of Transport (DoT) for comment, and not the Department of Planning, in accordance with the Western Australian Planning Commission's Notice of Delegation dated 13 August 2010. The power to determine this application in accordance with Part IV of the MRS is delegated to the Town of East Fremantle Council, subject to comments and recommendation from the DoT. If the DoT's recommendation is not acceptable to the Town, then the application is forwarded to the WAPC for determination, in accordance with the delegation.

The Department is generally supportive of a development of this nature at this location, subject to the proposal being acceptable to Council in the exercise of its discretion to vary development provisions with respect to building height, plot ratio, parking provisions and residential density."

In this instance it was considered appropriate to refer the development application to both the Department of Planning and the Department of Transport (Main Roads WA). The documentation was hand delivered to Main Roads WA because it is the relevant agency (in respect to road planning) within the DoT and because of the volume of drawings and accompanying information it was the most efficient means to insure a timely response. It was anticipated that Main Roads WA would undertake necessary internal referrals within the DoT before responding. However as this did not occur, a further referral was sent to the DoT. It is anticipated that this advice will be tabled at the meeting.

The application was referred to the Department of Planning because it proposes a substantial mixed-use Activity Centre. Accordingly it was anticipated that the Department would want to provide comment in respect to compliance with SPP 4.2 Activity Centres Policy and the principal metropolitan Master Planning document *'Directions 2031 and Beyond'* and the Metropolitan Region Scheme. The Department has not responded in respect to these matters and specifically has not advised of any pending MRS amendment that might support the advice from Main Roads WA.

The Department has confirmed that, given the Main Roads WA advice, the application must be forwarded to the Western Australian Planning Commission for determination. Accordingly, Council should determine its position in respect to the application and advise the WAPC whether it supports the application and what conditions should apply to any approval or alternatively if it does not support the application and the reasons for this.

COMPLIANCE WITH STATUTORY PLANNING PROVISIONS

Compliance with TPS No.3

Council adopted the LPP Town Centre Redevelopment Guidelines to provide detailed guidance for development within the Town Centre Zone. This Policy varies the Scheme standards in respect to plot ratio, height, density and car parking. The LPP also contains additional design guidelines and requirements which complement the General Provisions of the Scheme. Where the LPP is at variance with the Scheme provisions, Council may apply the provisions of the LPP pursuant with the following clauses of TPS No 3.

- 5.3.5 *Residential Development in the Town Centre Zone: Notwithstanding the provisions of clause 5.3.4, the local government may approve residential development at a density in excess of R40 in the Town Centre Zone, where it is satisfied that the resultant design and mix of development will be consistent with the planning proposals contained in the Local Planning Strategy and accord with any approved development plan for the Centre.*
- 5.6.1 *Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.*

Zone Objectives

The subject site is contained within the Town Centre Zone which has the following objectives (clause 4.2);

- *To provide for a range of commercial shopping, civic and community facilities to meet the day to day needs of the community and which will contribute towards the vibrancy of the Town.*
- *To encourage the development of a consolidated Town Centre, which will provide a focus for the community and exhibit a high standard of urban design in keeping with the historical character of the Town.*
- *To enhance pedestrian connectivity to and within the Town Centre, so as to facilitate the safe and convenient movement of local residents, and enhance the viability of Town Centre businesses.*
- *To ensure the location and design of vehicular access and parking facilities do not detract from the character or integrity of the Town Centre or the streetscapes which define the centre.*

It is considered that the proposal meets the above Zone Objectives of the Scheme.

Land Use

The proposal contains a number of land uses which are listed below along with their 'permissibility' under the Scheme;

- Multiple dwelling - 'A'(discretionary)
- Office - 'P' (permitted)
- Restaurant - 'P'(permitted)
- Shop - 'P'(permitted)
- Tavern – 'A'(discretionary)

The above uses are considered to support the Zone Objectives and are all permissible either as 'permitted' uses or as 'discretionary' uses which Council may approve following advertising of the proposal.

Clause 10.2 of the Scheme lists a number of matters to be considered by Council in the determination of the application. For the purpose of this assessment the LPP- Town Centre Redevelopment Guidelines have been applied in respect to the these issues and it is therefore determined that where the proposal is in compliance with the requirements of the Guidelines it is in compliance with the relevant provisions of this clause.



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Compliance with LPP- Town Centre Redevelopment Guidelines

The following table has been extracted from the applicant's submission. It provides a detailed description of how the proposal addresses the various Policy provisions. It should be noted however that the applicant has analysed the proposal against the draft LPP which was amended prior to final adoption by Council. The changes made to the LPP do not impact upon the proposal with the exception of a change to the building setback requirements above the 'Street Wall' in Design Element 3 where the 'acceptable development' standard has been varied to define this setback as 3 metres.

An independent analysis of the proposal against the Policy provisions is contained in the Assessment section of this report.

4.3.1 Element 1 – Urban Structure

The proposed development is wholly contained on Lot 18, with no new public roads forming part of the development.

The structure of the proposed development has addressed the objectives of Element 1 with the second and fourth columns detailing the elements to be assessed.

Performance Criteria New development should meet these criteria.	Proposed Development	Acceptable Development Standards The acceptable development standards are ways of meeting the performance criteria.	Proposed Development
To achieve good urban structure within the East Fremantle town centre, development should:			
<ul style="list-style-type: none"> Maintain a hierarchy of legible, permeable and interconnected streets that maximise walk ability to, and within, an activity centre to encourage visible human activity and reduce reliance on car-use. 	<ul style="list-style-type: none"> Development does not propose any new roads, though public realm and walkway within the development promotes pedestrian movements. Proposed residential dwellings being introduced into the town centre (90 dwellings) will attribute to commercial viability of the town centre, with no car dependency on these residents to utilise services provided in the town centre. 	<ul style="list-style-type: none"> Provide for the pedestrian connections identified in Plans 3 and 4 of the guidelines. 	<ul style="list-style-type: none"> The proposed development facilitates the pedestrian connection identified by the Town of East Fremantle as shown on Plan 4 of the guidelines.
<ul style="list-style-type: none"> Provide a robust urban framework of streets, street blocks, lanes, footpaths, services, and open spaces that can adapt to changes of use over time. 	<ul style="list-style-type: none"> Proposed structure and pedestrian access permitted throughout the podium area provides sufficient opportunity for evolution of the town centre over time. 	<ul style="list-style-type: none"> Maintain, as a minimum, the current degree of permeability for vehicle movement on gazetted streets. 	<ul style="list-style-type: none"> Level of vehicle access to and from the site has been maintained, with formalisation of the public car park area increasing the usability of parking located on Lot 18.
<ul style="list-style-type: none"> Provide publicly accessible spaces to foster the community interaction and a sense of belonging. 	<ul style="list-style-type: none"> The podium area forming the core of the proposal provides a public realm area between the four (4) proposed structures, promoting the interaction of the outside residents and visitors to the East Fremantle Town Centre with the residents to be housed within this development. The public access podium also provides pedestrian access through the site, with access provided in two locations along Canning Highway and connecting through to Silas Street. Staired access and lifts provide access from the higher level podium to be constructed at the same level as Canning Highway to Silas Street being 3.0m lower. Sunday markets are also envisaged within the public space, assisting in fostering a sense of community (Refer Section 7). 	<ul style="list-style-type: none"> For all developments with a NLA equivalent floor space of more than 5,000sqm, provide publicly accessible open spaces* with a combined area of at least 150 sqm. <p>* May include arcade type spaces that are partially open to the elements, but shall not include fully enclosed internal floor space.</p>	<ul style="list-style-type: none"> The podium area that is publically accessible within the development is approximately 1121m² in area.
<ul style="list-style-type: none"> Incorporate views and vistas to nearby landscape features such as existing parkland and the Swan River into the urban structure to strengthen the identity of the town centre and its sense of place. 	<ul style="list-style-type: none"> The proposed development will contribute to the identity of the Town of East Fremantle town centre being a visual queue for traffic along Canning Highway. Artistic elements will be incorporated into the final structure of the building providing a visual reference and allowing the building to be an identifier for the Town of East Fremantle. 		



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4.3.2 Element 2 – Land use

The structure of the proposed development has addressed the objectives of Element 2 with the second and fourth columns detailing the elements to be assessed.

Performance Criteria <i>New development should meet these criteria.</i>	Proposed Development	Acceptable Development Standards <i>The acceptable development standards are ways of meeting the performance criteria.</i>	Proposed Development
In regard to land uses within the East Fremantle town centre, development should:			
<ul style="list-style-type: none"> Provide attractive locations for different but compatible types of land uses, which recognise the different spatial needs of different land uses and the appropriateness of the scale of the centre. 	<ul style="list-style-type: none"> The proposed development proposes a mix of residential, commercial, office and tavern land uses. All these have been spatially compiled to complement one another, with commercial/office space on the highly visible ground/podium levels, with residential above. 	<ul style="list-style-type: none"> Establish land uses consistent with the preferred uses designated for the town centre and/or mixed-use zone of the TPS in the Town Centre Core and Canning Highway precincts. 	<ul style="list-style-type: none"> The land uses proposed by this application are consistent with that intended within of the Town Centre zone.
<ul style="list-style-type: none"> Provide a diverse range of complementary land uses within comfortable walking distance of each other to reduce car-dependence and the subsequent need for expensive and land-consumptive road and parking infrastructure. 	<ul style="list-style-type: none"> The residential land use within the town centre (90 dwellings) proposed by this application will assist with the commercial activities within the town centre. The subject site currently contains no residential dwellings, with the proposed 90 dwellings providing catchment for existing land uses in the town centre, as well as the new land uses proposed. 	<ul style="list-style-type: none"> In the frame area, establish land uses consistent with a residential zone, the Town of East Fremantle for small-scale commercial components of mixed-use proposals may exercise discretion. 	<ul style="list-style-type: none"> Not Applicable.
<ul style="list-style-type: none"> Incorporate 'attractors' with high visitation rates that encourage people to an activity centre on a regular basis. 	<ul style="list-style-type: none"> The proposed development incorporates a 'Tavern' land use, which whilst currently on site, will be redeveloped into a modern bar facility. This will provide a key attractor for the Town of East Fremantle, and become a destination/attractor. 36 residential dwelling in Building B may be utilised for short term hotel accommodation, providing an additional attractor that the Town of East Fremantle Town Centre has never provided. 	<ul style="list-style-type: none"> Provide a minimum of 40% of Net Lettable Area (NLA) floor space for residential or short stay use in the town centre precinct. 	<ul style="list-style-type: none"> The development proposes a total NLA floor area of 11,284m², with 8,437m² being for residential / short stay use. This equates to 75%.
<ul style="list-style-type: none"> Incorporate uses that will generate activity at different times of the day to establish a highly visible human presence in streets and other public places. 	<ul style="list-style-type: none"> The commercial/office land uses will provide activity within the town centre between 9am-5pm, whilst the short stay accommodation/ café/ tavern will provide activity within the town centre at night. 	<ul style="list-style-type: none"> Provide residential development in accordance with the relevant standards* in the Residential Design Codes of WA for R-AC 2 (Town centre core precinct), R160 (Canning Highway precinct), and R100 (frame precinct). * unless otherwise varied by this Planning Policy 	<ul style="list-style-type: none"> The proposed development complies with the intent of R-AC 2, with the bulk of the proposed development complying with the plot ratio provision of this R-Coding. R-AC2 states a plot ratio of 2.5:1. The development proposes a plot ratio of 1.70:1.

Performance Criteria <i>New development should meet these criteria.</i>	Proposed Development	Acceptable Development Standards <i>The acceptable development standards are ways of meeting the performance criteria.</i>	Proposed Development
<ul style="list-style-type: none"> Enable a residential community to be established within an activity centre to engender a sense of community within the place; increase the number of people within the centre outside business hours; and provide the potential for 'eyes on the street'. Council may exercise discretion to increase the residential density by up to 50% where there is significant public benefit in the development, and where the residential mix includes short-term accommodation or smaller and more affordable apartments. 	<ul style="list-style-type: none"> The proposal through the incorporation of 90 residential dwellings (56 of which are guaranteed to be residential dwelling (not short stay accommodation) will attribute to providing a residential base on which to foster a sense of community. Proposed residential density is in excess of the 50% increase (i.e. R40 increased to R80), with the proposal reflecting a density of R135. As detailed in Section 4.2.3.1 Council may exercise its discretion in accordance with Clause 5.3.5 of the Scheme. 		
<ul style="list-style-type: none"> Incorporate land uses that create a higher density of jobs to help increase the number of people within the centre during business hours. 	<ul style="list-style-type: none"> As above. 		
<ul style="list-style-type: none"> Identify opportunities for affordable housing to ensure that urban living is an accessible choice for everyone, including those people who least can afford to live far away from jobs, services and public transport. 	<ul style="list-style-type: none"> Development incorporates 30 1 bed apartments to address the affordability issue. 		
<ul style="list-style-type: none"> Identify opportunities to establish home-based business and live-work housing, where the premises can evolve in time to small office accommodation. 	<ul style="list-style-type: none"> Not Applicable 		



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4.3.3 Element 3 – Building Form, Scale and Height

The structure of the proposed development has addressed the objectives of Element 3 with the second and fourth columns detailing the elements to be assessed.

Performance Criteria <i>New development should meet these criteria.</i>	Proposed Development	Acceptable Development Standards <i>The acceptable development standards are ways of meeting the performance criteria.</i>	Proposed Development																				
In regard to building form, scale and height within the East Fremantle town centre, development should:																							
<ul style="list-style-type: none"> Establish a scale of development that is reflective of the centre's role as an urban village. 	<ul style="list-style-type: none"> The scale of the proposed development is sympathetic to the adjacent Town of East Fremantle Council Building, and reflects architectural style to reinforce the importance of this structure. 	<ul style="list-style-type: none"> Limit the overall mass of new development to a plot ratio of 3.5 (for the town centre core precinct), 3.0 (for the Canning Highway precinct, and 2.0 (for the frame precinct). 	<ul style="list-style-type: none"> Development proposes a plot ratio of 1.70:1. 																				
<ul style="list-style-type: none"> Maintain an attractive scale to streets and other public spaces through the use of appropriate building facade heights, particularly for the lower and most visible levels of buildings where they define the edge of a street or other public space. 	<ul style="list-style-type: none"> The proposed building facades (refer elevations) are sympathetic to the streetscape, with the facade broken through articulation and different architectural styles. The building through architectural features frames public access points to and from the site. 	<ul style="list-style-type: none"> Limit the overall height of new development to the heights as indicated in Plan 6, except where the development provides significant public benefit (such as publicly accessible spaces, public car-parking, or activities that are deemed to be advantageous to the community or the town centre as a whole), and where the additional height is setback to avoid excessive overshadowing of adjacent properties, or treated in a visually recessive manner to reduce its visual impact on the street. 	<ul style="list-style-type: none"> The Town Centre enables development in the Town Centre to 5 storeys at street level, and 8 storeys overall. The development proposes the following heights with respect the primary streets the facade; <table border="1"> <thead> <tr> <th></th><th>Frontage</th><th>Street</th><th>Total</th></tr> </thead> <tbody> <tr> <td>Building A</td><td>Canning Highway</td><td>3</td><td>6</td></tr> <tr> <td>Building B</td><td>Canning Highway</td><td>4</td><td>7</td></tr> <tr> <td>Building C</td><td>Silas Street</td><td>4</td><td>6</td></tr> <tr> <td>Building D</td><td>Council Place</td><td>4</td><td>7</td></tr> </tbody> </table>		Frontage	Street	Total	Building A	Canning Highway	3	6	Building B	Canning Highway	4	7	Building C	Silas Street	4	6	Building D	Council Place	4	7
	Frontage	Street	Total																				
Building A	Canning Highway	3	6																				
Building B	Canning Highway	4	7																				
Building C	Silas Street	4	6																				
Building D	Council Place	4	7																				
<ul style="list-style-type: none"> Establish a reasonable transition between larger-scaled development within an activity centre and the domestic scale of any existing adjacent residential development. 	<ul style="list-style-type: none"> The proposed structure does not directly abut residential dwellings, with the closest dwelling being approximately 30m south of Building D (including the Public Access Way), and Building C being approximately 30m north of existing residential development. 	<ul style="list-style-type: none"> In addition to the overall height limits shown on Plan 6, limit the street wall height to 5 storeys in the Town centre core and Canning Highway precincts, except for buildings in the 'Town Hall Sensitivity Zone' shown on Plan 6, where the height shall be no greater than the height of the town hall parapet, with any further development above that height to be either set back or treated in a visually recessive manner to reduce the apparent scale of the building. Refer to diagram A below. 	<ul style="list-style-type: none"> Portion of the proposal is located within the Town Hall Sensitivity Zone as identified on Plan 6. The facade of the development is sympathetic to the Town Hall, with the facade being setback visually where development exceeds the height of this structure. Refer Elevations. 																				

Performance Criteria <i>New development should meet these criteria.</i>	Proposed Development	Acceptable Development Standards <i>The acceptable development standards are ways of meeting the performance criteria.</i>	Proposed Development
<ul style="list-style-type: none"> Modulate the building mass to create visual interest and break down the perceived scale of large developments. 	<ul style="list-style-type: none"> The Canning Highway frontage of the development breaks the facade by stepping the facade back on the upper levels. Building A and D change the facade at approximately 11m above the road level of Canning Highway, being the same height as the East Fremantle Council Building. Building B changes the facade at approximately 14m above the road level of Canning Highway. Building C has an articulated facade, with the height varying between 11-14m along Silas Street. 	<ul style="list-style-type: none"> In addition to the overall height limits shown on Plan 6, limit the height of the street wall in the Frame precinct to 3 storeys. 	<ul style="list-style-type: none"> Not Applicable
		<ul style="list-style-type: none"> Limit the height of new development adjacent to existing residences at the edge of the town centre precinct to 3 storeys unless it can be clearly demonstrated that higher development will not create any significant adverse impact on those adjacent residences. 	<ul style="list-style-type: none"> The proposed structure does not directly abut residential dwellings, with the closest dwelling being approximately 30m south of Building D (including the Public Access Way), and Building C being approximately 30m north of existing residential development.



4.3.4 Element 4 – Occupant Amenity

The structure of the proposed development has addressed the objectives of Element 4 with the second and fourth columns detailing the elements to be assessed.

Performance Criteria <i>New development should meet these criteria.</i>	Proposed Development	Acceptable Development Standards <i>The acceptable development standards are ways of meeting the performance criteria</i>	Proposed Development
To ensure a reasonable level of occupant amenity within the East Fremantle town centre, development should:			
<ul style="list-style-type: none"> Ensure that all buildings promote a high standard of living and workplace for occupants to maintain the option of urban living or working as a desirable choice. 	<ul style="list-style-type: none"> Applications seek to establish a mixed use development, providing for residential, office and commercial land uses. 	<ul style="list-style-type: none"> Development shall be consistent with the relevant standards* in the Residential Design Codes of WA for R-AC2 (Town centre core precinct), R160 (Canning Highway precinct), and R100 (Frame precinct) <p><i>* Unless otherwise varied by this Planning Policy.</i></p>	<ul style="list-style-type: none"> The proposed development complies with the intent of R-AC 2, with the bulk of the proposed development complying with the plot ratio provision of this R-Coding. R-AC2 states a plot ratio of 2.5:1. The development proposes a plot ratio of 1.70:1.
<ul style="list-style-type: none"> Provide reasonable access to natural light, natural ventilation and sunlight wherever possible to reduce energy consumption and increase the quality of the occupant experience. 	<ul style="list-style-type: none"> Northern orientation of Apartments has been maximised with the Site Planning for Winter Sun access. Adjustable Shutters are provided to the lower levels to allow flexibility of privacy, sun ingress and breezes. 		
<ul style="list-style-type: none"> Maintain a reasonable distance between activities that are clearly incompatible or incorporate design measures to mitigate potential nuisances on adjacent occupants. 	<ul style="list-style-type: none"> The Rooftop Lounge of Building B will be acoustically designed to minimize impacts of this activity to the apartments beneath. A detailed acoustic report has been undertaken for the development (Refer Section 9). 		
<ul style="list-style-type: none"> Provide a reasonable degree of privacy for centre residents within the context of an urbanised environment. 	<ul style="list-style-type: none"> The separation level of residential dwellings to the street provides sufficient privacy for residents. The first 3 Levels of the Development typically creates a visually heavy podium base which has openings created within the street wall giving views, light and air to the Apartments behind. Adjustable louvers provide the individual owner to adjust and tune their environment, to compliment the season and the prevailing breezes. Footpath awnings whilst providing Pedestrian Shelter also moderate the traffic noise from Canning Highway to the Residential Units. All Residential Hotel Apartments and Commercial Units are designed by Acoustic Engineers to meet or exceed the Acoustic and Australian Standards required. 		



4.3.5 Element 5 – Street Interface

The structure of the proposed development has addressed the objectives of Element 5 with the second and fourth columns detailing the elements to be assessed.

Performance Criteria <i>New development should meet these criteria.</i>	Proposed Development	Acceptable Development Standards <i>The acceptable development standards are ways of meeting the performance criteria.</i>	Proposed Development
In regard to the street interface of buildings within the East Fremantle town centre, development should:			
<ul style="list-style-type: none"> Establish building frontages with glazed openings and doors at street level to encourage human activity on the adjacent street and optimise interaction between people inside and outside buildings. 	<ul style="list-style-type: none"> Entrance to the public accessible podium is provided by ramp, stair and lift access. Entrance ways are identifiable to the public through architectural treatments. 	<ul style="list-style-type: none"> Ground floor commercial elevations to streets (other than Right of Ways) shall consist of a minimum of 66% (two-thirds) glazing. 	<ul style="list-style-type: none"> The proposed development is compliant with the objective of this standard.
<ul style="list-style-type: none"> Maximise continuity of the building frontage with the street reserve, particularly where there are commercial activities at ground floor level, to provide a strong definition to streets and other public urban space. 	<ul style="list-style-type: none"> The development comprises four main structures, with the facades to the abutting streets providing a definitive edge treatment to the reserve(s). 	<ul style="list-style-type: none"> Where a commercial tenancy is adjacent to a street reserve, the primary entrance to the tenancy will be from that street. 	<ul style="list-style-type: none"> The proposed development reflects this standard.
<ul style="list-style-type: none"> Avoid ambiguity by clearly defining the difference between spaces that are publicly accessible and those that are for private use only. 	<ul style="list-style-type: none"> Public and Private realm is clearly distinguishable through architectural (built/landscape) treatments. 	<ul style="list-style-type: none"> Commercial and mixed-use buildings shall be built up to the street boundary for at least 80% of the frontage. 	<ul style="list-style-type: none"> The development has been built up to the street boundary (road reserve) for almost 90% of the frontage. The building where it does not directly abut the street frontage has been setback to articulate the development and provide access to the public realm (podium area).
<ul style="list-style-type: none"> Provide architectural richness using articulation of buildings and window displays to create interest, particularly at the street level. 	<ul style="list-style-type: none"> The proposed development uses articulation of the facades in this manner. 	<ul style="list-style-type: none"> Residential setbacks shall be as per the relevant standards* in the Residential Design Codes of WA for R-AC 2 (Town centre core precinct), R160 (Canning Highway precinct), and R100 (Frame precinct). * Unless otherwise varied by this Planning Policy. 	<ul style="list-style-type: none"> Development has been built to the lot boundary ('nil') as per Council Policy.
<ul style="list-style-type: none"> Provide openings at all building levels to enable passive surveillance of adjacent publicly accessible areas. 	<ul style="list-style-type: none"> Passive surveillance of abutting road reserves and the public realm is offered by both ground floor office/retail tenancies, and upper residential dwellings. 	<ul style="list-style-type: none"> Street elevations shall incorporate at least two different materials 	<ul style="list-style-type: none"> Proposed development proposes this on each facade.
<ul style="list-style-type: none"> Create interstitial or 'inside-outside' spaces through the use of canopies, arcades and other shade structures, to provide shade to window displays, shelter to pedestrians, and to create a softer transition between the inside and outside. 	<ul style="list-style-type: none"> The Project provides many Pedestrian shelter points with extensive footpath canopies and feature protected entry way. 	<ul style="list-style-type: none"> All new development shall provide openings to habitable rooms to any adjacent street reserve or public space. 	<ul style="list-style-type: none"> The proposed development reflects this standard.

Performance Criteria <i>New development should meet these criteria.</i>	Proposed Development	Acceptable Development Standards <i>The acceptable development standards are ways of meeting the performance criteria.</i>	Proposed Development
<ul style="list-style-type: none"> Utilise building scale and design to create an identifiable scale and character for adjacent streets and publicly accessible spaces. 	<ul style="list-style-type: none"> Proposed Development intends to achieve this standard. 	<ul style="list-style-type: none"> Service areas shall either be located away from the public domain or be screened from view from the public domain, except in the case of Right of Ways. 	<ul style="list-style-type: none"> The development achieves this with service areas access off the parking area.)
<ul style="list-style-type: none"> Locate service areas behind buildings, or screened from view, to avoid the intrusion of noise, odour, or visual pollution on publicly accessible areas. 	<ul style="list-style-type: none"> Proposed Development intends to achieve this standard. 		
<ul style="list-style-type: none"> Enable the opportunity for temporary overspill activities, such as al fresco dining and external displays, that provide additional interest to the street. 	<ul style="list-style-type: none"> Tenancies C2 and C7 in Building B are proposed to be Café use, with overspill seating opportunity existing on Silas Street and areas of the podium. 		



4.3.6 Element 6 – Pedestrian Amenity

The structure of the proposed development has addressed the objectives of Element 6 with the second and fourth columns detailing the elements to be assessed.

<i>Performance Criteria New development should meet these criteria.</i>	<i>Proposed Development</i>	<i>Acceptable Development Standards The acceptable development standards are ways of meeting the performance criteria.</i>	<i>Proposed Development</i>
In regard to pedestrian amenity within the East Fremantle town centre, development should:			
<ul style="list-style-type: none"> Provide shade and shelter for pedestrians in outdoor spaces to make walking an attractive alternative to car use. 	<ul style="list-style-type: none"> The podium area and perimeter of through development provide shade structure and seating, to facilitate a comfortable walking environment. 	<ul style="list-style-type: none"> Buildings with a commercial ground floor adjacent to footpaths shall incorporate a canopy or awning that extends at least 2.4m over the footpath, but not within 0.3m of the kerb, and with a minimum height of 2.7m above the footpath. 	<ul style="list-style-type: none"> Canopies provided: Refer to Architectural Drawings.
<ul style="list-style-type: none"> Employ CPTED principles (Crime Prevention Through Environmental Design) to create a safe, and well-lit pedestrian environment with good surveillance to make walking a psychologically comfortable alternative to car use, particularly at night. 	<ul style="list-style-type: none"> The development provides land uses and hours of activation that should provide sufficient levels of pedestrian activity and passive surveillance of the public realm. 	<ul style="list-style-type: none"> Development shall be consistent with the WAPC document Designing Out Crime. 	<ul style="list-style-type: none"> The development is deemed to be consistent with the intent and objectives of this document.
<ul style="list-style-type: none"> Provide obvious and direct pedestrian routes to, and between, major attractors to make walking a legible and convenient alternative to car use. ... Enable ease of pedestrian movement across streets to give pedestrians greater confidence and a sense of 'ownership' of the street environment. 	<ul style="list-style-type: none"> Pedestrian access through the site is provided, with access from Silas Street, Canning Highway, Council Place and the public car park. 	<ul style="list-style-type: none"> Development shall meet all relevant BCA requirements for universal access. 	<ul style="list-style-type: none"> Proposed Development meets this Standard. Refer Appendix 7.
<ul style="list-style-type: none"> Provide equitable access for all street users (that is, no separation of wheelchair users), wherever possible, to ensure that streets 'belong' to everyone. 	<ul style="list-style-type: none"> Staired and ramped access, and lifts provide access from the higher level podium to be constructed at the same level as Canning Highway to Silas Street being 3.0m lower. 	<ul style="list-style-type: none"> Provide for the pedestrian connections identified in Plans 3 and 4. 	<ul style="list-style-type: none"> The proposed development facilitates the pedestrian connection identified by the Town of East Fremantle as shown on Plan 4 of the guidelines.
<ul style="list-style-type: none"> Provide choices in direction within the pedestrian movement network to enable flexibility of movement and greater interest for pedestrians. 	<ul style="list-style-type: none"> Staired and ramped access, and lifts provide access from the higher level podium to be constructed at the same level as Canning Highway to Silas Street being 3.0m lower. 		
<ul style="list-style-type: none"> Provide local landmarks, artwork and landscape elements as an aid for legibility. 	<ul style="list-style-type: none"> Architectural elements are proposed throughout the development, incorporating both structures on the building façade as well as within the landscaping of the public realm. 		
<ul style="list-style-type: none"> Provide continuous paved surfaces along all streets and other identified pedestrian desire lines to make walking a convenient alternative to car use. 	<ul style="list-style-type: none"> Provided by proposed development, with integration into the existing path network within and around the subject site (within the East Fremantle Town Centre). 		
<ul style="list-style-type: none"> Provide resting opportunities for pedestrians such as bench seats or other street furniture and landscape elements that encourage sitting in the public domain. 	<ul style="list-style-type: none"> Seating is provided by the development within the publically accessible areas. 		



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4.3.7 Element 7 – Vehicle Movement and Access

The structure of the proposed development has addressed the objectives of Element 7 with the second and fourth columns detailing the elements to be assessed.

Performance Criteria <i>New development should meet these criteria.</i>	Proposed Development	Acceptable Development Standards <i>The acceptable development standards are ways of meeting the performance criteria.</i>	Proposed Development
In regard to vehicle movement within the East Fremantle town centre, development should:			
<ul style="list-style-type: none"> Ensure a legible and permeable street layout that can disperse traffic movement and, thus, reduce the traffic volumes on the street network. 	<ul style="list-style-type: none"> No public roads are proposed within the development. 	<ul style="list-style-type: none"> Utilise shared surfaces, raised plateaus and other traffic management design devices to reduce traffic speeds and raise driver awareness of pedestrians. 	<ul style="list-style-type: none"> No public roads are proposed by the development. General traffic calming measures will be utilised in the development of the public parking area identified on the submitted plan.
<ul style="list-style-type: none"> Manage traffic behaviour and speed in areas of high pedestrian movement to provide greater confidence and safety to pedestrians and cyclists. 	<ul style="list-style-type: none"> Refer Section 6 of this report and Appendix 6. 	<ul style="list-style-type: none"> New development shall be limited to one crossover per street, excluding Rights of Way. 	<ul style="list-style-type: none"> Two vehicle crossovers are proposed on Council Place. (One private, one public). Two vehicle crossovers are proposed on Silas Street.
<ul style="list-style-type: none"> Utilise on-street parking wherever possible. 	<ul style="list-style-type: none"> The proposed development rationalises parking on Silas Street where it abuts the subject site. 14 bays exist on Silas Street as shown on the submitted plans. All other public car parking areas are contained on private land. 	<ul style="list-style-type: none"> Development adjacent to Canning Highway shall comply with any MRWA requirements, which may restrict direct vehicle access where there is an alternative means of access. 	<ul style="list-style-type: none"> No vehicle access is proposed from Canning Highway.
<ul style="list-style-type: none"> Minimise the number of vehicle crossovers, and locate them to avoid disruption of pedestrian amenity along the principal pedestrian routes. 	<ul style="list-style-type: none"> Two vehicle crossovers are proposed on Council Place. (One private, one public). Two vehicle crossovers are proposed on Silas Street. 		
<ul style="list-style-type: none"> Identify designated delivery truck access routes through the centre to ensure that the number of delivery truck/pedestrian conflict points can be minimised, or design measures taken to increase pedestrian safety at conflict points. 	<ul style="list-style-type: none"> Delivery and Refuse Collection trucks are provided with alternate 2-way access routes from both Silas Street and Council Place. The project provides a dedicated truck dock with storage rooms and a goods lift to deliver to the levels above and service the apartments and Commercial Tenancies. 		
<ul style="list-style-type: none"> Provide for the safe use of alternative transport modes (such as bikes, scooters, gophers) to encourage their use in preference to car travel. 	<ul style="list-style-type: none"> Bicycle Racks are provided to both Residential area car parks (87 bicycle racks) and to the Visitors area (85 Public bicycle racks – refer to Architectural Plans). 		

4.3.8 Element 8 – Vehicle Parking

The structure of the proposed development has addressed the objectives of Element 8 with the second and fourth columns detailing the elements to be assessed.

Performance Criteria <i>New development should meet these criteria.</i>	Proposed Development	Acceptable Development Standards <i>The acceptable development standards are ways of meeting the performance criteria.</i>	Proposed Development
In regard to vehicle parking within the East Fremantle town centre, development should:			
<ul style="list-style-type: none"> Provide for the reciprocal use of car parking bays to encourage a high turnover of parking bays and reduce the need to provide large amounts of expensive and land-consuming car-parking infrastructure for specific activities. 	<ul style="list-style-type: none"> The land uses proposed by the development proposes the reciprocal use of public parking areas. The operation peak hours of the Tavern and Café/Office areas are out of phase, enabling a reduction of parking bays required through reciprocal use. 	<ul style="list-style-type: none"> On-site car parking shall be located out of sight from the adjacent public domain (except for Rights of Way). 	<ul style="list-style-type: none"> Parking associated with the residential dwellings and commercial tenancies (non-public access) is located over two levels within the development. Parking is screened from public view. Public parking is proposed from a right of way.
<ul style="list-style-type: none"> Locate large car parks away from areas of high pedestrian movement to avoid separating pedestrians from the interest, shade and shelter that buildings provide, and to avoid visually blighting the public domain. 	<ul style="list-style-type: none"> The large area of public car parking provided by the development is located between Silas Street and Council Place, not inhibiting the pedestrian movement corridors through the development. The public realm of the podium is detached from the parking area provided. 	<ul style="list-style-type: none"> New development shall incorporate bicycle storage at a minimum rate of 1 per 60sqm of floor space or 1 per dwelling whichever is greater. 	<ul style="list-style-type: none"> The proposal complies with the requirements
<ul style="list-style-type: none"> Locate large car parks so that the pedestrian routes from them encourage people to walk past activities that would otherwise not be well supported by the movement economy. 	<ul style="list-style-type: none"> The large area of public car parking provided by the development is located between Silas Street and Council Place, not inhibiting the pedestrian movement corridors through the development. 	<ul style="list-style-type: none"> Development with an office floor space greater than 250sqm shall provide appropriate end-of-trip facilities for cyclists. 	<ul style="list-style-type: none"> The proposed development has 1477m² of office floor space, which is split over 15 tenancies. No individual tenancy is greater than 217m².
<ul style="list-style-type: none"> Create amenity through the use of passive surveillance, shade and shelter along the pedestrian routes leading to car parks, recognising that car occupants become pedestrians once they leave their cars. 	<ul style="list-style-type: none"> The proposed development provides for residential dwellings to face the public parking areas, as well as having some commercial/office tenancies facing these parking areas. 	<ul style="list-style-type: none"> Car parking shall be provided at a rate consistent with the TPS No. 3 minimum requirements, but with a discount of 20% in the case of mixed-use buildings where the residential component accounts for at least 40% of the total plot-ratio area. 	<ul style="list-style-type: none"> Parking has been provided in accordance with the provisions of the scheme. Refer section 4.2.3 of this report.
<ul style="list-style-type: none"> Support the potential for the use of the park-side street reserves around the park to the south of St Peters Road as a source of shared visitor parking for both the East Fremantle town centre and the George Street precinct. 	<ul style="list-style-type: none"> Not Applicable 		
<ul style="list-style-type: none"> Provide attractive and secure parking for bicycle, motorbike, gopher and scooter users, and suitable end-of-trip facilities, to encourage their use as an alternative to car travel. 	<ul style="list-style-type: none"> The development incorporates storage areas for bicycle etc., and also shower facilities associated with the commercial tenancies. 		
<ul style="list-style-type: none"> Provide parking for disabled drivers in accordance with the relevant standards and locate the bays as close as possible to the entrance points of the main activities within the town centre. 	<ul style="list-style-type: none"> The development provides for disabled car parking bays as required by Australian Standards, and they have been located near the disabled access areas of the development. 		



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4.3.9 Element 9 – Landscape and Public Spaces

The structure of the proposed development has addressed the objectives of Element 9 with the second and fourth columns detailing the elements to be assessed.

Performance Criteria <i>New development should meet these criteria.</i>	Proposed Development	Acceptable Development Standards <i>The acceptable development standards are ways of meeting the performance criteria.</i>	Proposed Development
In regard to landscape and public spaces within the East Fremantle town centre, development should:			
<ul style="list-style-type: none"> Create attractive and well-landscaped streets, parks and other public spaces that enhance the quality and experience of the public realm. 	<ul style="list-style-type: none"> High quality landscaped treatments to public square and surrounding streetscapes will be provided – refer to Landscape Plan for details. 	<ul style="list-style-type: none"> Landscape and street furnishings in the public domain shall use materials and plants, and street furniture that have been agreed as acceptable by the Town of East Fremantle. 	<ul style="list-style-type: none"> 1.6m wide lateritic bitumen footpaths are proposed for Silas Street and Council Place as required by council guidelines. Selected tree species, materials and furniture will conform with council requirements.
<ul style="list-style-type: none"> Employ drought-tolerant and low-maintenance plants. 	<ul style="list-style-type: none"> Hardy, drought tolerant plants are proposed throughout to minimise water consumption Evergreen trees will be used in verges & car parks to minimise maintenance associated with leaf litter. Plant types with appropriate physical form, growth habit, longevity and reliability within urban environments will be selected 	<ul style="list-style-type: none"> Public art shall be incorporated into external façade of new development or the adjacent streetscape, to the value of 0.5% of the construction value, up to a maximum of \$50,000 per development. Development less than \$2M in value is excluded from the requirement for public art. 	<ul style="list-style-type: none"> It is intended that public art will form part of the building facade on the Canning Highway and Silas Street elevations.
<ul style="list-style-type: none"> Use deciduous vegetation to provide shade in summer and allow sun penetration into buildings and public spaces during winter. 	<ul style="list-style-type: none"> Deciduous trees will be used where solar access is of importance, ie. to Canning Highway facade and within the public square. 	<ul style="list-style-type: none"> Developments with a commercial component of more than 1000sqm shall incorporate toilet facilities that are publically-accessible during operating hours. 	<ul style="list-style-type: none"> Public toilets will be provided within Building B and accessed via the square.
<ul style="list-style-type: none"> Use paving materials and street furniture that are robust and easy to clean and maintain. 	<ul style="list-style-type: none"> Selected paving materials will be of high quality, readily available (in case they need to be replaced), and sealed for ease of maintenance. Custom designed furniture and any additional proprietary furniture items will be constructed with robust materials and detailed with anti-vandalism fixings. 	<ul style="list-style-type: none"> Street trees shall be planted at a rate of not less than one per 15m of linear street length, subject to verge width and underground service constraints. 	<ul style="list-style-type: none"> Trees on Canning Highway streetscape are currently designed at 8m centres in order to more effectively soften the Canning Highway elevation and provide a sense of scale for passing pedestrians. However, if council requires, this can be increased to 16m spacings (and reduced to 3m trees).
<ul style="list-style-type: none"> Integrate public art into the design of the built environment to help explain the place in which it is situated and endow it with cultural significance. 	<ul style="list-style-type: none"> The vegetated columns present a prime opportunity to collaborate with an artist to convey the history of the site. Additionally, the Canning Highway façade Bougainvillea canopies, the water features and the lighting present further opportunities. 		

4.3.10 Element 10 – Resource Conservation

The structure of the proposed development has addressed the objectives of Element 10 with the second and fourth columns detailing the elements to be assessed.

Performance Criteria <i>New development should meet these criteria.</i>	Proposed Development	Acceptable Development Standards <i>The acceptable development standards are ways of meeting the performance criteria.</i>	Proposed Development
In regard to resource conservation within the East Fremantle town centre, development should:			
<ul style="list-style-type: none"> Create an environment that encourages nonautomotive modes of travel between activities to reduce transport energy consumption. 	<ul style="list-style-type: none"> Application seeks approval for a mixed use development, comprising of office, retail, tavern and residential land uses. 	<ul style="list-style-type: none"> All development shall exceed the prevailing requirements of the BCA in respect to energy efficiency. 	<ul style="list-style-type: none"> The Project will be designed to meet the required Energy Efficiency Ratings(
<ul style="list-style-type: none"> Orientate buildings and openings to benefit from passive climatic heating and cooling opportunities to reduce fixed energy consumption. 	<ul style="list-style-type: none"> Building has openings and windows on all facades to maximise the benefit of passive solar heating where possible. 	<ul style="list-style-type: none"> Residential components of new development shall achieve a NatHERS rating of at least 6 stars. 	<ul style="list-style-type: none"> The Project will be designed to meet the required Energy Efficiency Ratings(
<ul style="list-style-type: none"> Incorporate energy-generation systems, energy recovery systems, and energy efficient plant wherever possible, to reduce net energy consumption of buildings. 	<ul style="list-style-type: none"> The project will be designed to meet the required Energy Efficiency ratings. 	<ul style="list-style-type: none"> Commercial components of new development shall achieve a NABERS rating of at least 3.5 stars. 	<ul style="list-style-type: none"> The Project will be designed to meet the required Energy Efficiency Ratings.
<ul style="list-style-type: none"> Enable the retention and adaptive re-use of existing structures, where appropriate, to reduce the consumption of additional building materials and the energy required to manufacture them. 	<ul style="list-style-type: none"> Proposed development does not retain any of the existing structure on site, as the scale and form of the development does not enable this. 		
<ul style="list-style-type: none"> Maximise the retention and reuse of stormwater for irrigation purposes to reduce the need for expensive stormwater infrastructure, and to reduce the burden on the metropolitan water supply. 	<ul style="list-style-type: none"> It is envisaged that a waste water storage system will be utilized for Landscape reticulation. Refer Section 7 of this report. 		
<ul style="list-style-type: none"> Minimise the landfill component of waste generation, wherever possible, by providing facilities for the storage and collection of recyclable material. 	<ul style="list-style-type: none"> The Project features dedicated waste storage and recycling areas. Refer Appendix 8. 		

4.3.11 Element 11 – Signage and Services

The structure of the proposed development has addressed the objectives of Element 11 with the second and fourth columns detailing the elements to be assessed.

Performance Criteria <i>New development should meet these criteria.</i>	Proposed Development	Acceptable Development Standards <i>The acceptable development standards are ways of meeting the performance criteria.</i>	Proposed Development
<ul style="list-style-type: none"> In regard to signage and services within the East Fremantle town centre, development should comply with the Town of East Fremantle local planning policies. 	<ul style="list-style-type: none"> Signage will comply with Town of East Fremantle local planning policies. 	<ul style="list-style-type: none"> Signage shall comply with the Town of East Fremantle's signage policy. 	<ul style="list-style-type: none"> Signage will comply with Town of East Fremantle local planning policies.
<ul style="list-style-type: none"> Mechanical equipment (and associated pipes, conduits and ducting) should be located to minimise visual impact on adjacent streets or public open spaces. 	<ul style="list-style-type: none"> Mechanical equipment within the development has been positioned in a manner too screen from public view, and from the streetscape. 	<ul style="list-style-type: none"> Solar Panels and Solar Hot Water Heaters shall comply with the Town of East Fremantle's policy - Guidelines for Solar Collectors. 	<ul style="list-style-type: none"> If and where provided panels will comply with applicable guidelines.
		<ul style="list-style-type: none"> Other mechanical equipment (and associated pipes, conduits and ducting) shall be located in basements, in screened enclosures, on roofs, or at the rear of buildings. 	<ul style="list-style-type: none"> Mechanical equipment within the development has been positioned in a manner too screen from public view, and from the streetscape.

Compliance with Local Planning Policy No. 140 – Port Buffer Development Guidelines

The subject site is located in Area 2 of the Fremantle Port Buffer, accordingly any new works will need to meet the relevant built form requirements of the LPP. These requirements generally relate to noise and to a lesser degree, hazard exposure from the Port. The built form requirements have been addressed in order to meet this Policy and Council's Noise Attenuation Policy.

In addition to the built form requirements, Fremantle Ports has requested that the Policy's standard notification and memorial wording should be placed on new titles advising of potential impacts from the Port's operations. This wording is as follows and will be applied as a condition of any approval;

The subject lot (strata) is located within proximity to the Fremantle Port. From time to time the location may experience noise, odour, light spill and other factors that arise from the normal operations of a 24 hour working port.

Compliance with Local Planning Policy – Noise Attenuation

The proposal will be subject to ambient environmental noise and will generate noise; which require design measures to minimise the adverse impacts arising from the following;

- Close proximity to major roads – Canning and Stirling highways
- Proximity to Port of Fremantle
- Mixed uses include tavern, roof top cinema, cafes
- Open spaces and communal areas

In light of the above, the application includes a report by acoustic consultants Herring Storer Acoustics – 'Review of Acoustical Requirements for DA Submission'. The report addressed the LPP – Noise Attenuation Policy requirements in respect to residential amenity. The report concluded the proposal could meet the Policy requirements and the requirements of the Environmental Protection (Noise) Regulations 1997. However the following provisos from the report are noted;

- *"For the residential component, we anticipate that the apartment condensing units area to be located on the external balcony of each apartment (where provided or retrofitted by occupants)...We have not been provided with details of individual mechanical services units, however, with the use of inverter type condensing units we expect the mechanical services to achieve compliance with the noise requirements of the Regulations.*
- *An assessment of noise emissions will be carried out, when equipment has been selected and submitted for approval.*
- *"Music" noise emissions (from the Tavern/Cinema) will be required to be restricted to a level of 50dB(A) at neighbouring commercial premises and a*

level of 29/31dB(A) at neighbouring residential premises.....This requirement can be achieved through restrictions on the level at which music is played, the location and number of speakers throughout the Sky Lounge and the construction of the building fabric.

- *The separation of noise levels associated with the pool equipment (pumps and the like) will be required to be determined during the detailed design stage, both structurally transmitted and airborne.”*

In light of the above, it is considered that any approval should be subject to a number of conditions to ensure that the eventual development and land uses meet the requirements of the LPP and the Noise Regulations. The following are proposed;

- The design, construction and use of the buildings shall at all times conform with the requirements of the Town of East Fremantle Local Planning Policy – Noise Attenuation and the Environmental Protection (Noise) Regulations 1997.
- The use and operation of the ‘Sky Lounge’ – licensed premises and cinema, shall at all times ensure that “music” and all other noise emissions are restricted to a level of 50dB(A) at any other commercial premises and a level of 29/31 dB(A) within any residence.
- Prior to the installation of any externally mounted air conditioning plant, a development application is to be lodged and approved by Council which demonstrates that noise from the air conditioner will comply with the Environmental (Noise) Regulations 1997.

ASSESSMENT

The following is an assessment of the proposal against the various provisions of the Local Planning Policy – Town Centre Redevelopment Guidelines (LPP) which were adopted by Council at its meeting on 15 November 2011. The proposal has been referred to Urban Design consultant Malcolm Mackay who has provided comment in regard to architecture and other urban design issues which is included within this assessment.

Statement of Desired Intent

The proposed development is consistent with the Statement of Desired Intent contained within the LPP. More specifically, the proposed development satisfies all of the Policy’s Planning and Design Objectives as follows:

To encourage and stimulate renewal of the Town Centre and transform it into a desirable urban village that is the focal point for the local community: The proposed development is a significant evolution of the Town Centre and of a scale that will enable the Centre to remain a focal point in the community.

To establish a character that is sympathetic to, but not a continuation of, the surrounding suburban neighbourhoods: The proposed development utilises an architectural expression that is contemporary but incorporates materials, architectural rhythms and features that are sympathetic to the architecture of the Federation and other eras that are represented in the local area.

To establish an active and attractive street experience: The proposed development incorporates ground level tenancies with direct external access.

To provide diverse and adaptive housing types that are not readily available in the local area: The proposed development incorporates 1, 2 and 3 bedroom dwellings, including those that are suited to be managed as short-term accommodation.

To encourage mixed-use development: The proposed development is a mixed-use development.

To create a context for a diverse range of businesses and services: The proposed development incorporates tenancies of different sizes and aspects that are suited to a range of different businesses and services:

To retain a local supermarket, and other attractors such as a Post Office, within the Town Centre: The existing supermarket is not part of this development and is to be retained along with surrounding tenancies such as the medical centre. The development includes shops, cafes and a tavern which will attract local residents to the centre.

To maintain and improve, where possible, pedestrian connectivity to the surrounding neighbourhoods: The proposed development maintains existing pedestrian routes in the public domain and incorporates new through-pedestrian movement.

To restrict the perceived and overall heights of new buildings to a scale that is appropriate to their settings within an urban village: The proposed development sits within the allowable height limits. The street wall heights to Buildings, A, B, and D have been assessed against the relevant Performance Criteria (refer Element 3).

To encourage buildings that are elegantly proportioned and richly articulated to provide visual interest and relief from uniformity: The proposed development displays a high quality and diverse architectural treatment that is both unusual and welcome in the Perth context.

To maintain the significance and visual prominence of the Town Hall, and treat adjacent buildings with respectful sensitivity: The proposed development responds in an architecturally sympathetic manner to the Town Hall for the lower storeys (below the Town Hall's parapet height). Although the proposal is not set back at upper levels (in accordance with the 'Acceptable Development' Standard) the architectural treatment of the upper levels above the three storey podium is visually recessive and therefore does not overwhelm the presence of the Town Hall.

To reduce the scale of new development at the edge of the Town Centre where there is an interface with existing suburban residents: The proposed development is wholly within the Town Centre core and does not directly interface with the surrounding suburban area.

To avoid disruption of the urban form with large areas of car parking, and encourage parking that is under, above, or behind new buildings: The proposed development locates new car parking within two levels of basement, hidden from street view. The existing open air car parking is to be retained at this time however this is intended to form the site for future stages of development not covered by this DA application.

To retain and enhance existing view corridors: The proposed development sits within existing lots and does not encroach on views along existing streets. The development will obscure the view of the Royal George Hotel along Preston- Point Road. However, this should be considered as an incidental view rather than a formal view corridor.

To encourage the use of alternative modes of transport to the motor car: The proposed development places different origin and destination uses in close proximity to each other, includes bicycle parking, avoid excessive parking provision, and improves local pedestrian amenity.

To distribute traffic movement where possible and avoid 'bottlenecks': The proposed development will inevitably increase traffic flows to the Town Centre, however the traffic analysis confirms that the local road network can efficiently and safely accommodate the projected volumes. The proposed vehicular access points will effectively distribute vehicles onto the local road network.

To incorporate a network of publicly accessible open spaces, such as pocket parks and piazzas: The proposed development incorporates a new publically accessible 'town



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square' and a pocket park at the northern end of Silas Street that together will add significant amenity to the Town Centre as a whole.

To incorporate a generous amount of vegetated landscape, either by means of new planting or the retention of existing: The landscape plan accompanying the proposal identifies new street trees as well as garden beds and sculptural arbours within the public space.

To maintain a degree of continuity in the landscaping of publicly accessible areas: Given the absence of a significant landscape strategy for the public domain, and being the first significant proposal in the Town Centre, the proposed development provides the opportunity to 'set the tone' for future landscaping in the public domain. The proposed landscape concept is considered to be of a high standard which will result in a high level of amenity within the public spaces.

Detailed Urban Design Guidelines

Element 1: Urban structure (Acceptable Development Standards)

- *Provide for the pedestrian connections identified in Plans 3 and 4:*

The proposed development provides the identified pedestrian connections.

- *Maintain, as a minimum, the current degree of permeability for vehicle movement on gazetted streets:*

The proposed development makes no change to the existing permeability of the gazetted road network.

- *For all developments with a NLA equivalent floorspace of more than 5,000sqm, provide publicly accessible open spaces with a combined area of at least 150 sqm. or at the rate of .03 sqm. for each 1 sqm. of NLA, whichever is the greater:*

The proposed development has a net floor area of 11,284 which equates to a requirement for at least 339sqm of publicly accessible open spaces. The 'town square' provided is significantly greater at 1,121sqm.

As well as meeting the Acceptable Development Standards Criteria, the proposed development is also considered to satisfy the relevant Performance Criteria.

Element 2: Land use (Acceptable Development Standards)

- *In the Town Centre and Canning Highway Precincts, developments shall incorporate commercial uses consistent with those 'permitted' under the relevant TPS 3 zoning and shall incorporate a minimum of 40% of Net Lettable Area (NLA) floor space for multiple dwellings and/or short stay accommodation:*

The proposal contains a number of land uses which are listed below along with their 'permissibility' under the Scheme;

- Multiple dwelling - 'A'(discretionary)
- Office - 'P' (permitted)
- Restaurant - 'P'(permitted)
- Shop - 'P'(permitted)
- Tavern – 'A'(discretionary)

The above uses are considered to support the Zone Objectives and are all permissible either as 'permitted' uses or as 'discretionary' uses which Council may approve following advertising of the proposal.

The net area of the residential/short stay components equate to 75% of the net floor space.

- *In the Frame Precinct, the preferred use is multiple dwellings and grouped dwellings. Small-scale commercial uses may be incorporated as components of mixed-use developments providing they are compatible with a residential environment:*

Not applicable to the proposal.

- *Provide residential development in accordance with the relevant standards in the Residential Design Codes of WA for R-AC2 (Town centre core precinct), R160 (Canning Highway precinct), and R100 (Frame precinct):*

Refer to assessment under Element 4.

Notwithstanding the above conformity with the Acceptable Development Criteria, the proposed development also largely satisfies the Performance Criteria. However, some aspects such as the provision of 'attractors' and the provision of night and day activity will be dependent on the eventual tenancy mix, although it is noted that the potential 'Tavern' use and two cafes will potentially contribute to the meeting of the Performance Criteria.

It is also worth noting that given the significant amount of street-level commercial tenancies in the proposed development, the need for units suited to home-based business is arguably no longer relevant.

Element 3: Building form, scale and height (Acceptable Development Standards)

- *Limit the overall mass of new development to a plot ratio of 3.5 (for the Town Centre core Precinct), 3.0 (for the Canning Highway Precinct, and 2.0 (for the frame Precinct):*

The plot ratio of the proposed development, at 1.7:1, is well within the maximum.

- *Limit the overall height of new development to the heights as indicated in Plan 6, except where the development provides significant public benefit (such as publicly accessible spaces, public car-parking, or activities that are deemed to be advantageous to the community or the town centre as a whole), and where the additional height is set back to avoid excessive overshadowing of adjacent properties, or treated in a visually recessive manner to reduce its visual impact on the street:*

The proposed development is within the maximum allowable overall height limits. However, the proposal encroaches above the maximum height of the 'street wall' at certain elevations for Buildings A, B and D as required under the 'Acceptable Development' standards.

In the case of Building B, the encroachment above the maximum street wall height of the eastern elevation is arguably insignificant because that part of the building is relatively short and effectively forms a signifier, or signpost, to the core of the Town Centre.

In the case of Building D, the encroachment above the maximum street wall height of the western elevation is debatable. On the one hand, it is within the Town Hall sensitivity zone and the closest building to the Town Hall. On the other hand, the relationship is to the side of the Town Hall rather than the front, and the relatively small footprint of Building D means that reducing the floor plate by setting it back by the required 3m would have a significant effect on the internal planning.

The encroachment above the maximum street wall height of the northern elevation of Building A is discussed below:

- *In addition to the overall height limits shown on Plan 6, limit the street wall height to 5 storeys in the Town centre core precinct and 3 storeys in the Canning Highway precinct, except for buildings in the 'Town Hall Sensitivity Zone' shown on Plan 6, where the height shall be no greater than the height of the town hall parapet, with any*

further development above that height to be set back 3m and treated in a visually recessive manner to reduce the apparent scale of the building:

In the case of Building A the elevational treatment responds well to the 'Town Hall Sensitivity Zone' for the lower floors up to the height of the Town Hall parapet. However, Building A extends above the 3 storey street wall (by one storey) at the corner of Canning Highway and Council Place. This 'tourelle' on Building A is an architectural feature which will celebrate the corner and entrance to the complex and will also support a proposed sculpture. It is considered there is merit in allowing this limited intrusion above the 'street wall' height.

Above the nominal 'Street Wall height', the architectural treatment of the elevation is changed in all the buildings to provide a clear visual difference between the 'heavier' architecture of the lower storeys and the 'lighter' architecture of the upper storeys. Although the building is not physically set back 3 metres above the 'Street Wall' and accordingly does not meet the 'Acceptable Development' standard, it nevertheless is considered to meet the following relevant 'Performance Criteria':

Maintain an attractive scale to streets and other public spaces through the use of appropriate building façade heights, particularly for the lower and most visible levels of the buildings where they define the edge of a street or other public space.

Modulate the building mass to create visual interest and break down the perceived scale of large developments.

With reference to previous work by CMP Architects, this change in treatment has worked successfully in the case of their building in Claremont (corner of Stirling Highway and Stirling Road) where there is a significant change in colour and materials, but less so in their building at the corners of Murray and Milligan Street in Perth where there is a greater consistency of material and colour. In the case of this proposal for the East Fremantle Town Centre, the materials palette suggests that the result may be more like the Claremont example.

- *As indicated on Plan 6, limit the overall height of buildings in the Frame Precinct to 3 storeys:*

Not applicable to the proposed development.

- *Limit the height of new development to 3 storeys within 12m of adjacent existing residences beyond the Town Centre policy area:*

Not applicable to the proposed development.

With the exceptions of the area of discrepancy with the Acceptable Development Standards identified above, the proposed development also satisfies the Performance Criteria.

Element 4: Occupant Amenity (Acceptable Development Standards)

Development shall be consistent with the relevant standards in the Residential Design Codes of WA for R-AC (Town Centre core precinct), R160 (Canning Highway precinct), and R100 (Frame precinct):

The R-Codes were amended in November 2010 to contain a new Part 7- *Design Elements for multiple dwellings in areas with a coding of R30 or greater and within mixed use development and activity centres*. The provisions of this Part differ from other parts of the R-Codes in that no "Acceptable Development Standards" are included – the provisions are all performance based. Consistent with the approach applied in Part 7 – Council's LPP Town Centre Redevelopment Guidelines provides variations and elaborations to the majority of the design elements contained in this Part. Accordingly the LPP provisions are applied in the place of the following elements, included are the following;

Design Element 7.1 Context

- 7.1.1 Building size
- 7.1.2 Building height
- 7.1.3 Street setback
- 7.1.4 Side and rear boundary setback
- 7.1.5 Open Space

Design Element 7.2 Streetscape

- 7.2.1 Surveillance of the street
- 7.2.2 Street walls and fences
- 7.2.3 Building appearance

Design Element 7.3

- 7.3.2 Landscaping
- 7.3.3 On-site parking provision
- 7.3.4 Design of parking spaces
- 7.3.5 Vehicular access
- 7.3.6 Sight lines at vehicle access points and street corners
- 7.3.7 Site works

The following R-Code design elements are not specifically addressed within the LPP and are therefore assessed as follows:

7.3.1 Outdoor living areas

Each dwelling (except one as indicated below) is provided with a balcony capable of use in conjunction with a habitable room of 10m² or greater with a minimum dimension of 2.4 metres in accordance with the requirements of this clause.

There is a dwelling in Building B- to the South Western corner which has a terrace of 7.6m² which is sub-standard. However the applicant advises that as this unit is situated on the corner of building B this terrace can easily be redesigned to increase the area by the 2.4m² required to conform to R Codes cl. 7.3.1 item A1. Accordingly, it is proposed to condition any approval to this effect.

7.4.1 Visual privacy;

The proposed design generally meets the 'Acceptable Development' standards' in respect to denying direct overlooking of active habitable spaces and outdoor living areas of other dwellings by the proposals building layouts, location and design of the major openings and outdoor active habitable spaces have been minimised. The proposal is considered to comply, with cl. 7.4.1 item A1(ii) of the R-Codes subject to the following privacy screening requirements which should be incorporated in the detailed design drawings submitted for building approval;

Privacy screening devices (adjustable louvres approx. 2400mm high) are required as follows;

- Building A - Dwelling unit to southern corner, the terrace facing building D requires a 1.8 metre section of louvres.
- Building B - Dwelling unit to the North western corner, terrace and lounge room require two sections of louvres. One which is 1 metre wide to the lounge room facing west and one which is 1.6 metre wide facing west to the terrace of the same dwelling unit.
- Building D - Dwelling unit to the North eastern corner, terrace 1 requires a 4.5 metre section of louvres

7.4.3 Dwelling size;

The design element requires that all dwellings have a minimum floor area of 40m² and there be a range of dwelling sizes.

All dwelling Stratas are over 40m² as required by R Codes cl. 7.4. and the 90 dwellings in current stage "A" comprise;

- 30 x1 bed (i.e. 33% of 90 DU's), i.e. over R Codes 20% requirement, and therefore complies.
- 55x 2 bed (i.e. 61% of 90 DU's), i.e. over R Codes 40% requirement, and therefore complies.
- 5.x 3 bed dwelling units (i.e. 5.5% of 90 DU's and complies).

7.4.5 External fixtures;

Solar collectors and or other external fixtures will be located so as not to detract from the streetscape or the visual amenity of residents of neighbouring properties and in accordance with Councils LPP – Guidelines for Solar Collectors.

7.4.6 Storm water disposal;

The final details of storm waste disposal are subject to hydraulic engineers final verification. However the following are proposed to be incorporated as conditions of any approval;

- The development's rain water drainage is to be retained on site.
- Retained rainwater shall be recycled to irrigate planting in public and communal areas.

7.4.7 Essential facilities;

Provision has been made for external storage, rubbish collection/storage areas and clothes drying areas sufficient to meet the needs of residents.

A detailed Waste Management Plan has been prepared by Perthwaste Green Recycling & Refuse Management of Cottesloe, WA. Under the plan, residential and commercial waste is to be stored within dedicated 'garbage rooms' on each floor, the bins are then periodically transported by the caretaker to the purpose built facilities contained within Basement 1 and accessible by a Truck Service Bay. The consultant's Waste Management Plan concluded;

The design of the site has taken into account Waste Management requirements for both the Residential and Commercial Tenants.

The site has provided separate storage areas for Residential and Commercial Waste and Recycling Bins.

The sizes of the storage area are appropriate using either 1100 litre or 240 litre bins (with multiple weekly collections).

The system proposed for Waste Management from the upper levels of the development are sound and to industry standard.

The height in the service bay area at 2.9 metres is sufficient for collection vehicles to enter.

The design of a two (2) way entry between Silas Street and Council Place provides for good access to the site.

Element 5: Street Interface (Acceptable Development Standards)

- *Ground floor commercial elevations to streets (other than Right of Ways) shall consist of a minimum of 66% (two-thirds) glazing;*

The proposed development generally provides adequate glazing to commercial tenancies adjacent to the street. The exception is the northeast corner of Building B where there are two blank structural bays facing Canning Highway. Glazing should be incorporated into at least one of these bays; preferably the easternmost bay. Accordingly, it is proposed to condition any approval to this effect.

- *Where a commercial tenancy is adjacent to a street reserve, the primary entrance to the tenancy will be from that street:*

All commercial tenancies in the proposed development that are capable of having direct external street access have been provided with it.

- *Commercial and mixed-use buildings shall be built up to the street boundary for at least 80% of the frontage:*

With the exception of acceptable recesses at entrance points and necessary setbacks to power line easements, the proposed development is generally built to the street boundaries at ground level.

- *Residential setbacks shall be as per the relevant standards in the Residential Design Codes of WA for R-AC (Town Centre core precinct), R160 (Canning Highway precinct), and R100 (Frame precinct):*

Residential setbacks are consistent with the performance criteria of Part 7 of the R-Codes. However, it is noted that a cantilevered swimming pool extends out from Building B above the sixth floor level, over the Canning Highway Road reserve. The extent of the overhang is less than the shop awnings at first floor level and does not raise any planning issues, however its development (and that of the shop awnings) will be subject to relevant licences in respect to their occupation of the space above the road reserve. Accordingly, it is proposed to condition any approval to this effect.

- *Street elevations shall incorporate at least two different materials:*

Each street elevation incorporates at least two different wall materials.

- *All new development shall provide openings to habitable rooms to any adjacent street reserve or public space:*

The proposed development provides openings to habitable rooms to all adjacent streets and to the new 'town square'.

- *Service areas shall either be located away from the public domain or be screened from view from the public domain, except in the case of Right of Ways:*

All service areas are remote from, and hidden from view, from all three adjacent streets.

The proposed development also satisfies the Performance Criteria of Element 5: Street interface.

Element 6: Pedestrian amenity (Acceptable Development Standards)

- *Buildings with a commercial ground floor adjacent to footpaths shall incorporate a canopy or awning that extends at least 2.4m over the footpath, but not within 0.3m of the kerb, and with a minimum height of 2.7m above the footpath:*

The proposed development provides an almost continuous canopy above the ground floor to the Canning Highway building edge. Significant areas of canopy are provided to Silas Street and Council Place, although the change in level makes continuity of the canopy problematic. The width of canopies over the footpath scales at between 1.5m and 3.2m depending on the location. In some areas, such as Council Place, the narrowness of the verge makes a full width canopy impossible. Main Roads WA advises that a 2.5m. setback from the kerb face to any awning or overhang is required and this will be applied as a condition of any approval. Subject to this, the proposed design is considered satisfactory.

- *Development shall be consistent with the WAPC document "Designing Out Crime":*

Whilst a detailed assessment against *Designing Out Crime* has not been undertaken, the design approach adopted is highly consistent with CPTED best practice and is, therefore, likely to be consistent with the WAPC document *Designing Out Crime*.

- *Development shall meet all relevant BCA requirements for universal access:*

The proposal includes a report by JMG building surveyors which concludes that subject to the application of a performance based 'alternative solution' in respect to some identified issues, the development will satisfy the BCA. Detailed compliance with the Building Code of Australia will be determined following application for a Building Licence subsequent to any Planning Approval.

- *Provide for the pedestrian connections identified in Plans 3 and 4:*

The proposed development provides the relevant pedestrian connections. In order to progress the broader objectives of the LPP it will be necessary for the Town to enter into dialogue with Main Roads WA concerning possible improved provisions for pedestrians and cyclists within a portion of the Canning Highway road reserve. This will be progressed outside this development assessment process.

Notwithstanding the above degree of conformity with the Acceptable Development Standards, the proposed development also satisfies the Performance Criteria.

Element 7: Vehicle Movement and Access (Acceptable Development Standards)

- *Utilise shared surfaces, raised plateaus and other traffic management design devices to reduce traffic speeds and raise driver awareness of pedestrians:*

The proposed development does not introduce new roadway and thus require traffic management within the subject site. However in order to progress the broader objectives of the LPP to encourage redevelopment on appropriate lots within the Town Centre on both sides of Canning Highway it will be necessary for the Town to enter into dialogue with Main Roads WA concerning possible improved provisions for pedestrians and cyclists within a portion of the Canning Highway road reserve. This will be progressed outside this development assessment process.

- *New development shall be limited to one crossover per street, excluding Rights of Way:*

The proposed development has two crossovers to Council Place; one directly into the building and the other to the temporary/existing car park to the south. However, given the changes in level, it could be reasonably assumed that the future vehicle entrance to future Building E would be off the Right of Way.

- *Development adjacent to Canning Highway shall comply with any MRWA requirements, which may restrict direct vehicle access where there is an alternative means of access:*

The proposal does not include direct vehicle access onto the Canning Highway. Riley Consulting (Traffic Engineers) have provided a Traffic Impact Assessment in regard to traffic generation onto the local street network which states as follows;

- *The proposed redevelopment of the site is anticipated to generate an additional 525 vehicle movements per day. Analysis shows that the anticipated traffic increases will have no significant impact to the operation of the road network.*
- *Some local streets are affected by traffic increases of up to 200 vehicles per day. However, no local street is shown to operate in a manner contrary to its form or function. All local streets will continue to operate with very good residential amenity.*



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- *Analysis of adjacent intersections indicates that very good Levels of Service are maintained with the proposed development. The only minor failing is for traffic turning right to Canning Highway during the evening peak period. Alternative routes exist for the small level of traffic making this manoeuvre and can be comfortably accommodated.*

The Traffic Impact Assessment concluded:

- The proposed redevelopment will have no noticeable impact to the district road network.
- All roads can be expected to continue to operate in a manner appropriate to their function and without detriment to residential amenity.

The Traffic Impact Assessment and the projected impact on the network is considered to be satisfactory.

Element 8: Vehicle parking (Acceptable Development Standards)

- *On-site car parking shall be located out of sight from the adjacent public domain (except for Rights of Way):*

The proposed development locates new parking within two levels of basement, hidden from street view. The existing open air at-grade parking is to be retained however it is intended to form the site for future stages of development not covered by this DA application.

- *New development shall incorporate bicycle storage at a minimum rate of 1 per 40sqm of floorspace and 1 per dwelling:*

No specific bike-parking figure has been provided in the report accompanying the DA application, although it is noted that there will be a bike hook associated with each residential car bay – this suggests that bike parking will be adequate.

Development with an office floorspace of greater than 250sqm shall provide appropriate end-of-trip facilities for cyclists:

There is no end-of-trip facility apparent on the plan despite the fact that there is more than 250sqm. The commercial floorspace is not necessarily noted as 'office space'. However, it would be relatively simple and inexpensive to include a shower room within the public toilets or communal facilities and this requirement should form a condition of any approval.

- *Car parking shall be provided at a rate consistent with the TPS No. 3 minimum requirements, but with a discount of 20% in the case of mixed-use buildings where the residential component accounts for at least 40% of the total plot-ratio area:*

Parking for the development is to be provided in accordance with Schedule 11 of TPS 3 as required by Clause 5.8.5 – Car Parking & Vehicle Access. The requirements for each of the proposed land uses are as follows:

- Multiple Dwelling – as prescribed by the R-Codes
- Office - 1 space per 30m² NLA min. of 3 spaces per tenancy
- Shop – 1 space per 20m² NLA
- Tavern – 1 space per 2.5m² of bar area + 1 space per 5 m² of lounge/dining area
- Restaurant /Café – 1 space per 5 seats or 1 space for each staff member

The proposal will therefore require the following on site car spaces to comply with the Scheme requirements in respect to commercial uses:

- Office – (15 tenancies are proposed @ 3 spaces per tenancy = 45) floor area- 1,478m² /30m² = 49 bays
- Retail – 815m²/20m² = 41 bays

- Tavern – 20m^2 bar area/ 2.5m^2 Bar area = $8 + 220\text{m}^2$ lounge / 5m^2 = 44 = 52 bays
Commercial uses parking generation = 142

Under the Scheme provisions car parking provisions for residential uses are to accord with the R-Code requirements which for a site within 800m of a high frequency bus route are as follows;

Dwelling type	R- Code car space requirement	No of dwellings proposed	No. of spaces required	No. of spaces provided
Small (<75m ² or 1 bed)	0.75 per dwell	30	23	
Medium(75-110m ²)	1 per dwell.	55	55	
Large (>110m ²)	1.25 per dwell	5	6	
Visitors	0.25/dwell.		23	
TOTAL			107	124

Residential use parking generation = 107

The development proposal has a total 235 onsite car parking bays as follows; –63 residential bays in basement level 2; 61 residential bays and 27 commercial bays in basement level 1. A further 77 outdoor parking bays are contained in the existing commercial car park with a further 7 adjacent to the site accessed from Silas Street.

The proposal therefore has a gross parking generation of $107+142=249$ and a parking provision of 235 on-site spaces. It is considered appropriate to apply the 20% discount in parking provisions applicable under the LPP to the commercial parking generation component as the proposal incorporates mixed uses which have the capacity to share parking spaces. With the application of the discounted parking rate the requirement for commercial parking will be $142-28$ spaces = 114 spaces and **the total parking generation is therefore 114 commercial + 107 residential = 221 spaces.**

The proposal has an excess parking provision of 14 spaces (235 spaces provided – 221 spaces required = 14 spaces).

The proposal is deemed to comply with the conformity with the Acceptable Development Standards, and also satisfies the Performance Criteria. However it should be noted that the issue of parking reciprocity has to be assumed without specific agreements.

Element 9: Landscape and Public Spaces (Acceptable Development Standards)

- *Landscape and street furnishings in the public domain shall use materials and plants, and street furniture that have been agreed as acceptable by the Town of East Fremantle:*

The centre piece for the Landscape Plan is a 'town square' of 1,121 m². which is at the Canning Highway level providing a public realm area between the four proposed structures. This open space will feature a sculptural arbour with Bouganvillea Climber providing summer shade. The plan also includes Jacaranda Street along the Canning Highway frontage.

It is considered the proposal will incorporate high quality landscaped public areas which are both attractive and practical. The major features of the landscape plan are shown in Attachment 6.

- *Public art shall be incorporated into external façade of new development or the adjacent streetscape, to the value of 0.5% of the construction value, up to a maximum of \$150,000 per development. Development less than \$2M in value is excluded from the requirement for public art:*

The elevations indicate public art opportunities on the street elevations and the landscape treatments. However, there is no indication of the value or detail of the proposed public

art in the report. It will be necessary to require further detail and agreement to the public art proposals as a condition of any approval.

- *Developments with a commercial component of more than 1000sqm shall incorporate toilet facilities that are publicly-accessible during operating hours:*

The proposed development incorporates publicly accessible toilets within Building B.

- *Street trees shall be planted at a rate of not less than one per 15m of linear street length, subject to verge width and underground service constraints:*

The proposed development provides street trees at a spacing of approximately 8m along Canning Highway and Council Place. Street trees are more difficult to achieve along Silas Street given the overhead power lines.

Notwithstanding the above degree of conformity with the Acceptable Development Criteria, the proposed development also satisfies the Performance Criteria.

Element 10: Resource conservation (Acceptable Development Standards)

- *All development shall exceed the prevailing requirements of the BCA in respect to energy efficiency:*

The Interim BCA Compliance Strategy which is Attachment 7 in the proposal report indicates the proposed design will meet this requirement.

- *Residential components of new development shall achieve a NatHers rating of at least 6 stars:*

The Interim BCA Compliance Strategy which is Attachment 7 in the proposal report indicates the proposed design will meet this requirement.

- *Commercial components of new development shall achieve a NABERS rating of at least 3.5 stars:*

The Interim BCA Compliance Strategy which is Attachment 7 in the proposal report indicates the proposed design will meet this requirement.

On the assumption that there will be conformity with the Acceptable Development Criteria, the proposed development would also satisfy the Performance Criteria.

Element 11: Signage and Services (Acceptable Development Standards)

- *Signage shall comply with the Town of East Fremantle's Planning Policy – Signage Guidelines:*

The proposal does not incorporate signage. Any signage will therefore be the subject of a future application for planning approval.

- *Solar Panels and Solar Hot Water Heaters shall comply with the Town of East Fremantle's Planning Policy - Guidelines for Solar Collectors:*

No solar panels or solar hot water heaters are visible from the prime street frontages. The proposal therefore complies with the LPP – Guidelines for Solar Collectors.

- *Other mechanical equipment (and associated pipes, conduits and ducting) shall be located in basements, in screened enclosures, on roofs, or at the rear of buildings:*



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The proposed development incorporates plant rooms and enclosures at basement and roof levels. However, it is considered a condition of any approval should require all plant such as exhaust fans, air conditioners etc. to be screened from view where it is located on balconies or the external walls of buildings adjacent to any public road or public space.

Subject to the above, the proposed development would also satisfy the Performance Criteria.

CONCLUSION

The proposed development is generally a satisfactory response to the 'place' in which it is sited and displays an unusual degree of sensitivity in its urban design response and architectural treatment, and is largely consistent with the provisions of the LPP – Town Centre Redevelopment Guidelines.

The proposal fits comfortably within the maximum height, plot ratio and car parking provisions of the LPP indicating that it does not constitute over development of the site, indeed it will deliver a high quality public space which exceeds the minimum policy requirements. Whilst there are some departures to the Acceptable Development Criteria in the policy, these can be reasonably accepted in the context of a high quality proposal that nevertheless meets the Performance Criteria of each Element of the guidelines in the LPP.

This assessment, agency responses and public submissions have identified a number of conditions which should apply to any approval. Subject to these conditions the application is considered to meet all relevant statutory planning provisions and will create the opportunity for a vibrant Activity Centre in a currently decadent and unviable Town Centre urgently requiring redevelopment to fulfil its function.

The objection to the proposal tendered by 'Main Roads WA' requires that the application be finally determined by the WAPC. It is necessary that Council advise the Western Australian Planning Commission of its position in respect to the application and the conditions which should be attached to any approval. From a broader planning perspective, 'Main Roads' advice in respect to additional land requirements for an expanded Canning Highway, raises a number of confronting issues for the Town and the local community. Should it proceed, adding a further two lanes to the Canning Highway would further dislocate and isolate the community which is already severely, and it could be argued, unfairly, impacted by the convergence of two major highways adjacent to the Town Centre. This is an issue which Council may wish to address outside of the context of this development appraisal.

RECOMMENDATION

That Council advise the Western Australian Planning Commission that it supports the application for demolition and a mixed use development containing retail, office, tavern, café and residential apartments at 147 Canning Highway, East Fremantle in accordance with plans and relevant forms date stamp received on 30 June 2011 and additional plans date stamp received on 27 October 2011 subject to the following conditions:

1. The applicant shall liaise with Main Roads WA regarding the establishment of signage prohibiting right turns at peak time at the intersection of Council Place and Canning Highway. The applicant shall implement the outcomes of traffic management requirements of Main Roads WA in this regard.
2. The following memorial shall be placed on all strata titles; *The subject lot (strata) is located within proximity to the Fremantle Port. From time to time the location may experience noise, odour, light spill and other factors that arise from the normal operations of a 24 hour working Port.*
3. The design, construction and use of the buildings shall at all times conform with the requirements of the Town of East Fremantle Local Planning Policy – Noise Attenuation and the Environmental Protection (Noise) Regulations 1997.
4. The use and operation of the 'Sky Lounge' – licensed premises and cinema, shall at all times ensure that "music" and all other noise emissions are restricted to a level of



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- 50dB(A) at any other commercial premises and a level of 29/31 dB(A) within any residence.
5. Prior to the installation of any externally mounted air conditioning plant, a development application which is to be lodged and approved by the Chief Executive Officer which demonstrates that noise from the air conditioner will comply with the Environmental (Noise) Regulations 1997.
 6. All dwellings shall have outdoor living areas of minimum 10m² and a minimum dimension of 2.4 metres which are capable of use in conjunction with a habitable room and otherwise conform with R-Codes clause 7.3.1.
 7. All dwellings shall have outdoor living areas which have privacy screens where necessary, to restrict direct overlooking into the active habitable spaces and outdoor living areas of other dwellings in compliance with R-Codes clause 7.4.1 A1(ii).
 8. Glazing shall be incorporated into at least one of the two blank structural bays in the north east corner of Building B at ground level facing Canning Highway.
 9. All awnings, statues or any other overhanging structures shall be set back a minimum of 2.5 metres from the curb face of any road.
 10. End of trip facilities such as showers shall be provided within public toilets or communal facilities which serve the commercial tenancies.
 11. Public art shall be provided (at least) in accordance with the minimum requirements of the LPP – Town Centre Redevelopment Guidelines and shall be approved to the satisfaction of the Chief Executive Officer.
 12. All plant such as exhaust fans, air conditioners etc. shall be screened from view where it is located on balconies or the external walls of buildings adjacent to any public road or public space.
 13. The works are to be constructed in conformity with the amended drawings date stamped 'Received 27 October 2011' 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.
 14. The proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 15. With regard to the plans submitted with respect to the building licence 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.
 16. The proposed development is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 17. All storm water is to be retained on site. Retained storm water shall be recycled to irrigate planting in public and communal areas. A drainage plan and an irrigation plan shall be submitted to the satisfaction of the Chief Executive Officer in consultation with the Principal Building Surveyor prior to the issue of a building licence.
 18. 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.
 19. 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.
 20. Any new crossovers which are constructed under this approval are to be a constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
 21. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.



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22. The development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer as detailed in the Local Planning Policy - 'Fremantle Port Buffer Area Development Guidelines'.
23. The area described as 'Public Square' on the proposal plan SK06 totalling approximately 1,121 m² shall be wholly accessible to the general public during daylight hours seven days a week. Any activities, events or change in land use within this area which are other than for a temporary period not exceeding 48 hours, shall only occur following the prior approval of the Chief Executive Officer.
24. A detailed schedule of external materials, finishes and colours shall be submitted and approved to the satisfaction of the Chief Executive Officer prior to the issue of a building licence.
25. This planning approval to remain valid for a period of 24 months from date of this approval.

Ms Lowe (resident) addressed the meeting detailing a number of concerns/queries regarding the development, which included:

- the height and setback of the buildings facing Canning Highway
- the fact the Town Planning Advisory Panel's comments seem to have been ignored
- lack of sunlight and view corridors
- loss of vista to Royal George Hotel from Preston Point Road
- the ability of the proponents to comply with noise levels proposed, particularly on the rooftop
- the cantilever swimming pool
- seating for café (will this be in public open space?)
- proposed closure of public/private? space at night
- traffic
- public parking and whether existing parking would be available for use during construction phase.

Ms Nairn (resident) addressed the meeting detailing a number of concerns/queries regarding the development, which included:

- nil setback for Buildings A and D
- reiterated Town Planning Advisory Panel's comments stating the buildings should be setback to reduce their dominance and not compete with the Town Hall.
- lack of view corridors
- loss of Royal George Hotel vista from Preston Point Road
- building materials & colours – orange depicted on plan not appropriate next to Town Hall
- suggested deletion of structures over the two pedestrian accessways from Canning Highway.

Ms Jones (resident) addressed the meeting advising that she had recently moved from her unit in St Peter's Road as she felt unsafe with antisocial activities in the shopping centre at night. She believed the new development would make the area safer to live in.

Ms Shine (existing business proprietor) addressed the meeting in support of the new development and advised she had received only positive feedback from clients regarding the proposal.

Mr Moltoni (existing business proprietor) addressed the meeting in support of the new development.

Ms Metropolis addressed the meeting in support of the new development which she considered would create a great lifestyle for residents.

Mr Quinn (owner), Mr Collier (Architect) and Mr Day (Planner) addressing the meeting in support of the proposal and provided a detailed response to all queries/concerns raised.

Cr Wilson made the following impartiality declaration in the matter of 147 Canning Highway: "As a consequence of Ms Shine (who had just made comment on the proposal) being my beautician, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly".

The letter from the Department of Transport, referred from Late Correspondence (MB Ref T142.1) was tabled.

The Manager Planning Services advised that there was a correction to his report where the following sentence had been omitted from the section headed Main Roads WA (MRWA) (refer near top of page 9 of these minutes):

"The additional land requirement is not within the MRS Road Reserve or any proposed MRS amendment".

(To provide clarity, this omitted sentence has been placed in its correct position in the officer's report contained in these minutes.)

The Manager Planning Services reiterated the requirement for Council to now provide a recommendation to the WAPC on the proposal, due to the objection lodged by Main Roads WA

RECOMMENDATION TO COUNCIL

Cr Nardi – Mayor Ferris

That Council advise the Western Australian Planning Commission that it supports the application for demolition and a mixed use development containing retail, office, tavern, café and residential apartments at 147 Canning Highway, East Fremantle in accordance with plans and relevant forms date stamp received on 30 June 2011 and additional plans date stamp received on 27 October 2011 subject to the following conditions:

- 1. The applicant shall liaise with Main Roads WA regarding the establishment of signage prohibiting right turns at peak time at the intersection of Council Place and Canning Highway. The applicant shall implement the outcomes of traffic management requirements of Main Roads WA in this regard.**
- 2. The following memorial shall be placed on all strata titles; *The subject lot (strata) is located within proximity to the Fremantle Port. From time to time the location may experience noise, odour, light spill and other factors that arise from the normal operations of a 24 hour working Port*.**
- 3. The design, construction and use of the buildings shall at all times conform with the requirements of the Town of East Fremantle Local Planning Policy – Noise Attenuation and the Environmental Protection (Noise) Regulations 1997.**
- 4. The use and operation of the 'Sky Lounge' – licensed premises and cinema, shall at all times ensure that "music" and all other noise emissions are restricted to a level of 50dB(A) at any other commercial premises and a level of 29/31 dB(A) within any residence.**
- 5. The semi-circular balconies and roof capping incorporated within the northwest elevation of Building D, adjacent to Council Place, are not approved in their present form. These elements shall be subject to design development and incorporated in amended plans to be submitted and approved to the satisfaction of Council prior to the submission of an application for building approval.**
- 6. Prior to the application for a demolition licence, the applicant shall submit a photographic inventory of all existing structures on the subject site to the satisfaction of the Chief Executive Officer.**
- 7. Prior to the installation of any externally mounted air conditioning plant, a development application which is to be lodged and approved by the Chief Executive Officer which demonstrates that noise from the air conditioner will comply with the Environmental (Noise) Regulations 1997.**



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8. All dwellings shall have outdoor living areas of minimum 10m² and a minimum dimension of 2.4 metres which are capable of use in conjunction with a habitable room and otherwise conform with R-Codes clause 7.3.1.
9. All dwellings shall have outdoor living areas which have privacy screens where necessary, to restrict direct overlooking into the active habitable spaces and outdoor living areas of other dwellings in compliance with R-Codes clause 7.4.1 A1(ii).
10. Glazing shall be incorporated into at least one of the two blank structural bays in the north east corner of Building B at ground level facing Canning Highway.
11. All awnings, statues or any other overhanging structures shall be set back a minimum of 2.5 metres from the curb face of any road.
12. End of trip facilities such as showers shall be provided within public toilets or communal facilities which serve the commercial tenancies.
13. Public art shall be provided (at least) in accordance with the minimum requirements of the LPP – Town Centre Redevelopment Guidelines and shall be approved to the satisfaction of the Council.
14. All plant such as exhaust fans, air conditioners etc. shall be screened from view where it is located on balconies or the external walls of buildings adjacent to any public road or public space.
15. The works are to be constructed in conformity with the amended drawings date stamped 'Received 27 October 2011' 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.
16. The proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
17. With regard to the plans submitted with respect to the building licence 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.
18. The proposed development is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
19. All storm water is to be retained on site. Retained storm water shall be recycled to irrigate planting in public and communal areas. A drainage plan and an irrigation plan shall be submitted to the satisfaction of the Chief Executive Officer in consultation with the Principal Building Surveyor prior to the issue of a building licence.
20. 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.
21. 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.
22. Any new crossovers which are constructed under this approval are to be a constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
23. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.



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24. The development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer as detailed in the Local Planning Policy - 'Fremantle Port Buffer Area Development Guidelines'.
 25. The area described as 'Public Square' on the proposal plan SK06 totalling approximately 1,121 m² shall be wholly accessible to the general public during daylight hours seven days a week. Any activities, events or change in land use within this area which are other than for a temporary period not exceeding 48 hours, shall only occur following the prior approval of the Chief Executive Officer.
 26. A detailed schedule of external materials, finishes and colours shall be submitted and approved to the satisfaction of the Council prior to the issue of a building licence.
 27. This planning approval to remain valid for a period of 24 months from date of this approval.
- CARRIED UNANIMOUSLY

Cr Rico left the meeting at 7.35pm.

T146.2 Gill Street No. 26 (1)

Applicant: Stuart & Susan Olton

Owner: Stuart & Susan Olton

Application No. P119/2011

By Matthew Ryan/Gemma Basley on 24 November 2011

PURPOSE OF THIS REPORT

This report considers an application for Planning Approval for the construction of limestone retaining walls and associated Colorbond fences to the side boundaries, as well as a limestone retaining wall and fence to the front boundary at No. 26 Gill Street, East Fremantle.

The application seeks discretions to the requirements the Residential Design Codes (R-Codes) and LPP.142, relating to setbacks of retaining walls and site works.

This report recommends that conditional approval be granted.

BACKGROUND

Description of Proposal

The subject application proposes the construction of retaining walls and fencing to all four boundaries of the property, and involves the following:

- Removal of the existing retaining wall and Colorbond fence to the northern boundary;
- Construction of a limestone retaining wall to the north, east and south boundaries, with associated Colorbond fencing over; and
- Construction of a limestone retaining wall and limestone and aluminium fence to the western (front) boundary.

The application seeks discretions to the requirements of LPP No. 142 and the R-Codes, which will be discussed in the Assessment section of this report.

Description of Site

The subject site is:

- a 409m² block
- zoned Residential R12.5 and subject to Clause 5.3.3 of TPS No. 3
- developed with a two storey residence
- located in the Richmond Precinct.

Statutory Considerations

Town Planning Scheme No. 3 (TPS3)

Local Planning Strategy - Plympton Precinct (LPS)

Residential Design Codes (RDC)



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Relevant Council Policies

Local Planning Policy No. 143 : Policy on Local Laws Relating to Fencing
Local Planning Policy No. 142 : Residential Development (LPP 142)

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : No impact
Footpath : No impact
Streetscape : Proposed fence abuts lower and compliant fences at each of No. 8 and 12 Hubble Street.

Documentation

Plans and relevant forms date stamp received on 15 August 2011

Date Application Received

15 August 2011

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

15 Feb 2011: Council exercised its discretion and granted Planning Approval for a two storey residence at 26 Gill Street, East Fremantle; and
4 Apr 2011: Council under delegated authority granted approval for the construction of a below ground swimming pool.

CONSULTATION

Advertising

The application was advertised for a period of 14 days between the 16 and 30 of September 2011. During this time no submissions were received.

Town Planning Advisory Panel

The subject application was

STATISTICS

Key: A = Acceptable, D = Discretion

Site:	Required	Proposed	Status
Open Space	50%	No change to site cover	n/a
Site Works	Less than 500mm	Maximum 1.3 metre fill	D
Local Planning Policies:	Issues		
Policy 143	Fence height exceeds 1.8 metres		D
Roof	n/a		n/a
Solar Access & Shade	n/a		n/a
Drainage	n/a		n/a
Views	n/a		n/a
Crossover	n/a		n/a
Trees	n/a		n/a
Other:	Issues		Status
Overshadowing	No impacts on adjoining lots		A
Privacy/Overlooking	No impacts		A
Height:	Required	Proposed	Status
Solid – non visually permeable section of fence	1.2 metres	0.5 metres	A
Visually Permeable Section of fence	Above 1.2 metres	Above 0.5 metres	A
Overall height	1.8 metres maximum	1.5 metres front	A



Setbacks:							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
Front (west)							
Ground	Retaining wall				7.5	Nil	D
Rear (east)							
Ground	Retaining wall	1.3 max	16.6	N	1.5	Nil	D
Side (south)							
Ground	Retaining wall	1.3 max	20.3	N	1.5	Nil	D
Side (north)							
Ground	Retaining wall	0.85 max	23.2	N	1.5	Nil	D

Site Inspection

By Town Planner on 24 November 2011

ASSESSMENT

Approval is sought for the construction of a limestone retaining wall to all boundaries as well as front and side fencing to the property at No. 26 Gill Street, East Fremantle.

The proposal accords with the provisions of TPS3, the R-Codes and the Town's Planning Policies with the exception of the variation sought to LPP No .142 and the R-Codes, which will be discussed in this section.

Proposed Retaining Wall/Fence

The application proposes a new limestone retaining wall to all boundaries of the property, as well as a Colorbond fence to the side boundaries and a limestone and aluminium fence to the front boundary. The proposed boundary wall is assessed below:

- The maximum height of the retaining wall is 1.3 metres, at the rear of the property to the south.
- The combined height of the proposed retaining wall and boundary fence to the rear boundary is in the order of 3 metres which has been assessed as not detrimentally impacting upon the property to the rear (east) since this dwelling has no openings adjacent to the fence (a site visit and meeting with the rear neighbour has confirmed the neighbours support for the proposed retaining and fence since it will afford him added privacy).
- The proposed retaining wall utilises nil setbacks to all boundaries, requiring a variation to the setback requirements of the R-Codes.
- The retaining wall allows the ground level of the site to match the existing natural ground level of the verge.
- The height of the Colorbond dividing fence is 1.8 metres.
- The Colorbond fence sits on top of the retaining wall at a consistent level of 29.30, to match the existing natural ground level of the verge.

Front Boundary Fence

- The front fence is constructed of 1.5 metre high limestone piers, a 0.5 metre high limestone wall and aluminium infill panels above 0.5 metres.
- The front boundary fence complies with the requirements of LPP No. 143.

Buildings on the Boundary

The application proposes the construction of a limestone retaining wall utilising a nil setback to all boundaries of the property. The R-Codes (6.3.3) require that retaining walls are treated as buildings with regards to setbacks from the boundary. The R-Codes permit only the following with regards to boundary walls:

"i Where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension; "

Council's Local Planning Policy No. 142 provides for the construction of buildings with walls situated closer to the boundary than permitted by the R-Codes where the following can be observed:

- “(a) Walls are not higher than 3m and up to 9m in length up to one side boundary;*
- (b) Walls are behind the main dwelling;*
- (c) Subject to the overshadow provisions of the Residential Design Codes – Element 9;*
- (d) In the opinion of the Council, the wall would be consistent with the character of development in the immediate locality and not adversely affect the amenity of adjoining property(s) having regard for views; and*
- (e) Having regard to the above, where the wall abuts an existing or simultaneously constructed wall of similar or greater dimensions.”*

The proposed nil setback to all boundaries from the limestone retaining wall satisfies the above criteria as demonstrated below:

- The wall is a maximum of 1.3 metres above natural ground level, being compliant with the maximum height requirements;
- The proposed walls are in keeping with the character of the area and will not compromise views of any neighbouring properties; and
- The subject site is the front block of a subdivided lot which slopes considerably away from the street. The additional retaining walls will allow the block to be retained at the natural ground level of the verge adjacent.

CONCLUSION

The application is considered to have had due regard for the Town's requirements relating to residential developments, as well as the requirements outlined within the R-Codes.

The sole variation sought to LPP No.142 and the R-Codes relates to the setbacks of the retaining walls from each boundary. A nil setback is utilised to all boundaries, for retaining walls above 0.5 metres, to a maximum height of 1.3 metres. This variation is supported as it allows the site to establish a ground level consistent with the natural ground level of the verge adjacent. The considerable slope away from the street means additional retaining is required to allow 26 Gill Street, the front block of a recent subdivision, to establish a ground level that is consistent with the adjoining streetscape.

The proposed front boundary fence complies with the requirements of LPP No. 143, and the Colorbond dividing fences met the requirements of a 'sufficient fence'.

With exception to the abovementioned variation, the application meets the requirements of all relevant Local Planning Policies and the R-Codes. The application is therefore considered to be suitable for determination and is recommended for approval.

RECOMMENDATION

That Council exercise its discretion in granting approval for the following:

- variation to the retaining wall setback requirements of the R-Codes and LPP No. 142 to allow retaining walls up to 1.3 metres in height to utilise a nil setback to all boundaries.

for the construction of a retaining wall and associated fencing to all boundaries at No. 26 Gill Street in accordance with the plans date stamp received on 15th August 2011 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 demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.



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3. With regard to the plans submitted with respect to the building licence 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. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *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).*
- (d) *in regard to the condition relating to the finish of the neighbour's side of the boundary wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (e) *matters relating to dividing fences are subject to the Dividing Fences Act 1961*

Mr & Mrs Olton (owners) advised the meeting they supported the officer's recommendation.

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr Nardi

That Council exercise its discretion in granting approval for the following:

- **variation to the retaining wall setback requirements of the R-Codes and LPP No. 142 to allow retaining walls up to 1.3 metres in height to utilise a nil setback to all boundaries.**

for the construction of a retaining wall and associated fencing to all boundaries at No. 26 Gill Street in accordance with the plans date stamp received on 15th August 2011 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 demolition licence and a building licence and the building licence 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 licence 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. **This planning approval to remain valid for a period of 24 months from date of this approval.**

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *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).*
- (d) *in regard to the condition relating to the finish of the neighbour's side of the boundary wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*



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(e) matters relating to dividing fences are subject to the Dividing Fences Act 1961
CARRIED

T146.3 Petra Street No. 13A (Survey Strata Lot 2 on Strata Plan 29279)

Owner/Applicant: Anna and Dickon Hayne

Application No. P169/11

By Carly Pidco, Town Planner, on 30 November 2011

PURPOSE OF THIS REPORT

This report recommends conditional approval of a Development Application for single-storey living room additions to an existing single dwelling at No. 13A Petra Street, East Fremantle.

BACKGROUND

Description of site

The subject site is:

- a 557.9m² survey strata lot
- zoned Residential 12.5
- improved with a single-storey single dwelling
- located in the Woodside Precinct

Statutory Considerations

- Town Planning Scheme No. 3 – Residential R12.5 (to be assessed as R20 in accordance with clause 5.3.3)
- Residential Design Codes of Western Australia (RDC)

Relevant Council Policies

Local Planning Policy No. 066 : Roofing (LPP066)

Local Planning Policy No. 142 : Residential Development (LPP142)

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : No impact
Footpath : No impact
Streetscape : No impact

Documentation

Plans and relevant forms date stamped received on 25 October 2011

Date Application Received

25 October 2011

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

20 June 1994	Council refuses Planning Approval for an additional dwelling at 13 Petra Street
18 July 1994	Council advises that it does not support a proposed strata lot at the rear of 13 Petra Street
14 January 1995	Minister for Planning upholds appeal for issue of a Strata Title Certificate, creating 13 and 13A Petra Street
10 December 1996	Council grants conditional Planning Approval for construction of a dwelling at 13A Petra Street
13 February 1997	Building Licence issued for construction of a dwelling at 13A Petra Street

CONSULTATION

Advertising

The application was advertised to surrounding neighbours for a two week period from 15 November to 30 November 2011. One submission was received from the owner of 15



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Petra Street, adjacent to the northern boundary of the subject property. The submission and planning officer's comments are detailed below.

Submission	Planning Officer's Comment
Erecting a 2.74m x 5.03m parapet wall in place of a 1.8m wooden fence will have a negative impact on the vertical scale and character of the area.	The proposed parapet wall is located behind the front building line of the dwelling and on a rear battleaxe block. It is also a single storey in height and will not be visible from the public realm. It is not likely to have an impact upon the character of the locality.
The parapet wall is not consistent in design with the locality.	
The parapet wall will have a negative impact to views and natural light within our patio area.	The proposed parapet wall is located to the south of the adjoining patio and will not overshadow it. The parapet wall is consistent with the "building to the boundary" performance criteria of the R-Codes and LPP 142 in relation to height and length.
Concerned regarding the ongoing maintenance as access to our property will be required for upkeep of the parapet wall.	Property access and boundary fencing are civil matters and not regulated by Local Government. These issues are to be resolved between the interested parties and are not valid planning considerations.
We have concerns around safety if the boundary fence is removed in order to erect the parapet wall.	

The applicant was notified of the submission received and given the opportunity to respond. The applicant has advised that they are committed to working with the affected neighbour to resolve concerns related to the parapet wall and boundary fencing.

Town Planning Advisory Panel Comments

The application was not referred to the Town Planning Advisory Panel as it is not visible from the public realm and will not impact upon the streetscape.

Site Inspection

By Town Planner on 30 November 2011.

ASSESSMENT

The proposed development is a single-storey living room addition to an existing single-storey single dwelling. The proposed addition is of brick and Colorbond construction and includes a parapet wall along the northern boundary.

STATISTICS

Key: A = Acceptable, D = Discretion

Site:	Required	Proposed	Status
Open Space	50%	59.5%	A
Site Works	Less than 500mm	Less than 500mm	A
Local Planning Policies:	Issues		
LPP 142 Residential Design	Northern wall built to boundary (nil setback). Height compliant, streetscape not impacted.		D
LPP 066 Roofing	Hip Roof; 23 degrees but not a dominant element		A
Solar Access & Shade	Living areas open on to north facing alfresco		A
Drainage	To be conditioned		A
Views	No impacts		A
Crossover	No impacts		A
Trees	No impacts		A
Other:	Issues		Status
Overshadowing	Siting and height of addition will not overshadow any adjoining lots		A



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Privacy/Overlooking	No impact		A				
Height:	Required	Proposed	Status				
Wall	3.0	2.7	A				
Ridge	6.0	3.9	A				
Roof type	Hip						
Setbacks:							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
Front (east)							
Ground	Living Room	2.7	3.5m	Yes	1.5m	10m	A
Rear (west)							
Ground	Living Room	2.7	4m	Yes	1.5m	7.2	A
Side (south)							
Ground	Living Room (abuts existing dwelling)	N/A	N/A	N/A	N/A	N/A	N/A
Side (north)							
Ground	Living Room	2.7	5m	No	1m	Nil	D

REQUIREMENT	PROPOSED	PLANNING OFFICER COMMENTS
LPP142 – Residential Development; R-Codes Living Room to be set back 1m from the northern boundary	Built to boundary (nil setback)	Supported – Part 3 of the LPP 142 outlines criteria for the consideration of reduced side and rear boundary setbacks. The reduced Living Room setback is consistent with these criteria, being less than 3m in height and 9m in length; located behind the main dwelling; and having no impact on overshadowing, views or the character of the locality.

Proposed Swimming Pool

The submitted Form 1 and plans also include a swimming pool in the application, Insufficient detail has been provided to fully assess the proposed swimming pool and the applicant has elected to withdraw the swimming pool from this application (advised by email 30 November 2011). It is recommended that a condition be attached to any planning approval confirming that the proposed swimming pool does not form part of the approval.

CONCLUSION

The proposed development is generally consistent with the requirements of the R-Codes and the Town's Local Planning Policies, with the exception of the side setback to the northern boundary. The proposed nil setback and parapet wall will not have any undue impact on overshadowing or privacy for the adjacent property and the wall will not be visible from the public realm. The parapet wall complies with the criteria provided in LPP 142 for the consideration of reduced boundary setbacks.

The issues raised in a submission received during the public advertising period are not supported. The parapet wall is not likely to impact upon the streetscape or amenity of the locality, and matters relating to boundary fences are not a valid planning consideration.

RECOMMENDATION

That Council exercise its discretion in granting approval for the following:

- vary the boundary setback requirements of the Local Planning Policy No. 142 Residential Development to permit a nil setback and parapet wall on the northern boundary.

for the construction of a living room addition at No. 13A (Strata Lot 2 on Strata Plan 29279) Petra Street, East Fremantle, in accordance with the plans date stamped received on 25 October 2011 subject to the following conditions:



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1. The proposed 'pool by others' shown on the submitted plans does not form part of this approval. A separate application for Planning Approval is required in respect to any proposed swimming pool on the subject site.
2. All parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
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 licence and the building licence 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 licence 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. The proposed addition is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
7. Prior to the installation of any externally mounted air conditioning plant, a development application which is to be lodged and approved by the Chief Executive Officer which demonstrates that noise from the air conditioner will comply with the Environmental (Noise) Regulations 1997.
8. 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 licence.
9. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
10. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
11. This planning approval 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:

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

- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (g) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air-Conditioner Noise".*

Mr Kane (adjoining owner) addressed the meeting expressing concern regarding the boundary wall proposed.

The email from Ms Hayne, referred from Late Correspondence (MB Ref 142.2) was tabled.

The Town Planner advised that the applicants were prepared to move the parapet wall off the boundary to allow the existing fence to remain.

Mr Kane expressed concern that enough space should be required between the fence and the proposed wall to allow the applicants to carry out future maintenance to the wall.

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr Nardi

That the matter be deferred to the Council Meeting on 13 December 2011 pending the submission of revised drawings that demonstrate the setback to the northern boundary for the proposed parapet wall. CARRIED

T146.4 No. 20 (Lot 400) Wolsely Road, East Fremantle
Applicant/Owner: Andrew & Lesley Watson
Application No. P170/2011

By Jamie Douglas, Manager Planning Services on 23 November 2011

BACKGROUND

Purpose of this Report

This report considers an application for approval for a front wall/pool fence to be erected in association with a proposed swimming pool in the front setback of a house at 20 Wolsely Road. The proposal is recommended for conditional approval.

Statutory Considerations

Town Planning Scheme No. 3

Relevant Council Policies

Policy No. 143 Policy on Local Laws Relating to Fencing

Impact on Public Domain

Tree in verge :	No impact
Light pole :	No impact
Crossover :	No impact
Footpath :	No impact
Streetscape :	The fence is in front of the building line and accordingly impacts upon the streetscape.

Documentation

Plans and relevant forms date stamp received on 24 January 2010.

Date Application Received

24 January 2011



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

- 16 Sept. 1985: Council by an "Absolute Majority Resolution" grants special approval for a reduced setback for a duplex addition;
- 12 Dec. 1985: Building Permit 022/1062 approved for an additional duplex unit;
- 16 Oct. 2001: Council decides to advise the WAPC that it recommends refusal of an application to subdivide 67 Alexandra Road into 2 lots;
- 18 May 2004: Council decides to advise the WAPC that it supports the subdivision of 67 Alexandra Road into 2 X 458m² lots;
- 1 June 2004: WAPC conditionally approves the subdivision of 67 Alexandra Road into 2 X 458m² lots;
- 17 Nov. 2006: Demolition Licence 06/259 issued for brick & tile house complete with outbuildings;
- 1 June 2006: Town of East Fremantle endorses clearance to conditions of subdivision;
- 22 July 2008: Planning Approval for a skillion roofed 2-storey house and non-compliant front fence

DESCRIPTION OF THE PROPOSAL

The subject site falls slightly along its frontage from east to west by approximately 244 metres. The proposal is to build a retaining wall on the front boundary ranging in height from .556 metre to 0.8 metre. It is proposed to construct masonry pillars 1.2 metres high above the retaining wall with infill panels (of unspecified material) which are to be 60% visually permeable. The total height of the wall ranges from 1.856 metres to 2.129 metres at its highest point above natural ground level.

CONSULTATION

Advertising

Given the minor nature of the works and lack of any neighbour impact, the proposal was not advertised or referred to the Advisory Panel.

Site Inspection

By Manager Planning Services on 23 November 2011

RELEVANT PLANNING PROVISIONS

4.1 Local Planning Policy 143 – Policy on Local Laws Relating to Fencing.

The policy states:

Where the application does not conform to the Local Laws and or this Policy the proposal is to be the subject of a Planning Consent and a report to Council. Council has discretion to approve an application for a fence or wall which does not conform to the Local Law or this Policy.

Part 3 – Fence Design

Council requires front fences and walls above 1.2m. to be visually permeable.

3.1 Maximum Height

The maximum height of any part of the fence is to be 1.8 m.

5.2 A person shall not without the written consent of the Building Surveyor erect a fence higher than 1.2m in the front setback of a residential lot which includes the front boundary.

CONSIDERATION

The proposed wall would require a variation to the maximum height requirements of the LPP since it exceeds the 1.8 height maximum of the policy by 0.329 metres.

The proposed fence height is necessary to meet the minimum height requirements for pool fencing of 1.2 metres above the pool level. However, this situation arises because of the proposal to raise the level of the front garden (and the pool) to accord with that of the 'al fresco' area at the front of the house.

The applicant has been consulted in respect to the non-compliant height of the fence. The applicant submits that the overall fence height is desirable on safety grounds to prevent persons 'jumping' the fence and entering the pool. It is further submitted that safety is a particular concern given the proximity of the hospital across the street. The applicant also provided further details of the proposed infill panels and advised these would be powder coated aluminium pickets.

The LPP provides for variations to be considered for planning consent for front fences not in compliance with maximum height requirement. The policy lists the following 'special circumstances' which Council may consider as justification for a less visually permeable and/or higher fence;

- "4.1 a higher fence/wall is required for noise attenuation*
- 4.2 a less visually permeable fence would aid in reducing headlight glare from motor vehicles. This would apply more particularly where the subject property is opposite or adjacent to an intersection which could lead to intrusion of light into windows of habitable rooms.*
- 4.3 where the contours of the ground or the difference in levels between one side of the fence and the other side warrant consideration of a higher fence.*
- 4.4 where the applicant can demonstrate to Council that there is a need to provide visual screening to an outdoor living area. This may apply in situations where there is no alternative private living space other than in the front of the residence or for part of the secondary side boundary of a corner lot."*

It is considered that the above 'special circumstances' criteria are not applicable in this instance. The requirement for the over height fence arises from the proposal to fill the front garden area and construct the pool at the same level as the 'al fresco' area at the front of the house however alternative design options exist. If the pool level was stepped down from the al-fresco level, the height of the front retaining wall (and the overall front fence height) could be reduced while still achieving the required minimum 1.2 metre height above the level of the pool as required for pool fencing. Accordingly, a fence which complies with the LPP will meet the requirements for a pool fence providing it also complies with the relevant construction requirements.

CONCLUSION

It is considered that the 'over height' fence as proposed will have a detrimental visual impact upon the streetscape and that a variation of the maximum height requirements of the LPP cannot be justified in this instance. However alternative design options exist which would allow for an amended plan to be approved which conforms with the maximum height requirements of the LPP. Accordingly it is considered that approval should be granted subject to amended drawings being submitted which comply with the provisions of *LPP - 143 – Policy on Local Laws Relating to Fencing* by reducing the maximum height of the front fence and retaining wall to 1.8 metres.

RECOMMENDATION

That Council grant Planning Approval for a front fence/ pool fence at 20 Wolsely Road, subject to the following conditions:

1. The submission of amended plans which incorporate a reduction in the height of the proposed front fence and retaining wall to a maximum height of 1.8 metres above natural ground level and are otherwise in compliance with the requirements of the *Local Planning Policy- 143 – Policy on Local Laws Relating to Fencing* . The amended plans are to be approved to the satisfaction of the CEO prior to the application for Building Approval.
2. With regard to the plans submitted with respect to the Building Approval, 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. 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.



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4. This Planning Approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

Mr Watson (owner) addressed the meeting seeking clarification on the recommendation to reduce the height of the front fence given the requested height would provide privacy whilst using the proposed raised deck. Mr Watson was advised that he had the option of submitting amended plans locating the swimming pool and associated deck at a lower level if the compliant fence height was an issue.

RECOMMENDATION TO COUNCIL

Cr de Jong – Cr Nardi

That Council grant Planning Approval for a front fence/pool fence at 20 Wolsely Road, subject to the following conditions:

1. **The submission of amended plans which incorporate a reduction in the height of the proposed front fence and retaining wall to a maximum height of 1.8 metres above natural ground level and are otherwise in compliance with the requirements of the *Local Planning Policy- 143 – Policy on Local Laws Relating to Fencing* . The amended plans are to be approved to the satisfaction of the CEO prior to the application for Building Approval.**
2. **With regard to the plans submitted with respect to the Building Approval, 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. **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. **This Planning Approval to remain valid for a period of 24 months from date of this approval.**

Footnote:

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

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

CARRIED

T146.5

Osborne Street No. 47 (Lot 1)

Applicant: APG Homes Pty Ltd

Owner: Darryl Poletti & Vicki Poletti

Application No. P167/11

By Carly Pidco, Town Planner, on 30 November 2011

PURPOSE OF THIS REPORT

This report recommends conditional approval of a Development Application for construction of a two-storey single dwelling at No. 47 Osborne Street, East Fremantle



6 December 2011

MINUTES

BACKGROUND

Description of site

The subject site is:

- a 538m² survey strata lot
- zoned Residential 12.5
- improved with a single storey dwelling (C[^] rated on MI)
- located in the Richmond Precinct.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5 (to be assessed as R20 in accordance with clause 5.3.3 of TPS No. 3)

Residential Design Codes (RDC)

Relevant Council Policies

- Local Planning Policy No. 023 : Reflective Roofing Material
- Local Planning Policy No. 066 : Roofing (LPP066)
- Local Planning Policy No. 142 : Residential Development (LPP142)
- Local Planning Policy No. 143 : Fencing (LPP143)

Impact on Public Domain

- Tree in verge : No impact
- Light pole : No impact
- Crossover : To be removed and reinstated by owner
- Footpath : Intersects proposed crossover
- Streetscape : Reduced front setbacks

Documentation

Plans and relevant forms date stamp received on 24 October 2011

Date Application Received

24 October 2011

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

- 17 October 1990 Department of Planning endorses plan of subdivision/amalgamation survey documents (DPUD File Ref 83061)
- 1 November 1990 DOLA issues Certificate of Titles for Lots 1 and 2 on Strata Plan 20263.
- 14 December 2010 Council grants approval for alterations, additions & roof replacement to existing dwelling (Heritage Impact Statement provided).
- 17 May 2011 Application for demolition of the existing dwelling is received.
- 1 June 2011 Demolition License for demolition of the existing dwelling is issued.

CONSULTATION

Advertising

The application was advertised to surrounding neighbours and a sign was placed on the site for a two week period from 6 to 21 November 2011. No submissions regarding the proposed development were received.

Town Planning Advisory Panel Comments

The application was considered by the Town Planning Advisory Panel (the Panel) at its meeting of 22 November 2011 and the following comments were made:

- Panel supports the application.

The Panel's comments are noted but no further discussion is required.

Site Inspection

By Town Planner on 30 November 2011.

ASSESSMENT

The proposed development is a two-storey single dwelling with a total floor area of 280.4m². The dwelling is of rendered masonry construction with a contrasting rendered feature wall to the frontage. The roof is Colorbond Zincalume with the dominant roof pitch at 29.15 degrees. The submitted plans also include a front boundary fence of solid masonry construction with infill panels to be completed by owner. Indicative footprints for a "store by owner" and 1.8m deep "future excavation" are marked on the submitted plans.

The proposed development is consistent with the objectives for the Residential Zone but proposes a number of variations to the R-Codes 'Acceptable Development' standards and the Town's Local Planning Policies in relation to boundary setbacks, visual privacy, open space and front fencing. The applicant has provided justification for the variations sought in relation to front boundary setbacks and visual privacy. This submission has been incorporated into the assessment detailed below.

STATISTICS

Key: A = Acceptable, D = Discretion

Site:	Required	Proposed	Status				
Open Space	50%	49.5%	D				
Site Works	Less than 500mm	Less than 500 mm	A				
Local Planning Policies:	Issues						
LPP 142 Residential Design	No boundary walls, height compliant. Garage located behind building line but not in accordance with Part 2 clause (iii)(a)		D				
LPP 066 Roofing; LPP023 Reflective Roofing Material	Hip Roof; garage 24.43 degrees, main roof 29.15 degrees. Zincalume roof – apply standard condition		A				
Solar Access & Shade	Orientation maximises solar access		A				
Drainage	To be conditioned		A				
Views	No impacts		A				
Crossover	Crossover to be removed and reinstated by owner		A				
Trees	No trees of significance, verge tree to be retained		A				
Other:	Issues		Status				
Overshadowing	6.2% overshadowing on Strata Lot 2; 9.8% overshadowing on Unit 1, No. 45		A				
Privacy/Overlooking	1.1m intrusion to rear battleaxe lot		D				
Height:	Required	Proposed	Status				
Wall	6.0	5.95	A				
Ridge	9.0	8.2	A				
Roof type	Hip Roof						
Setbacks:							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
Front (east)							
Ground	Bed 1	2.94	5.27	N/A	6.0	4.43	D
	Garage	2.94	6.11	N/A	6.0	4.91	D
	Porch	2.94	1.69	N/A	5.0	3.33	D
Upper	Whole	5.956	9.83	N/A	6.0	3.33	D
Rear (west)							
Ground	Dining	2.94	5.53	Yes	1.5	1.008	D
	Alfresco	2.94	12.62	Yes	1.0	1.028	A
Upper	Whole	5.95	9.83	Yes	3.0	8.5	A
Side (south)							
Ground	Bed 1-Ensuite	2.95	10.7	No	1.5	1.5	A
	Kitchen/Dining	2.95	7.2	Yes	1.5	3.3	A
Upper	Whole	5.95	10.79	No	1.5	1.5	A



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Side (north)							
Ground	Alfresco	2.95	3.24	No	1.0	1.0	A
	Living	2.95	5.5	Yes	1.5	8	A
	Garage	2.95	6.23	No	1.0	3.08	A
Upper	Whole	5.95	11.89	Yes	3.3	11	A

REQUIREMENT	PROPOSED	PLANNING OFFICER COMMENTS
LPP142 - Residential Development <u>Front Setback</u> 6m to Dwelling Ground Floor (Bed 1)	Minimum 3.33m (at porch)	Supported – Part 2 clause (i) of the LPP provides for setbacks to be at variance with the R-Codes where the setback is generally consistent with those of adjoining properties. No. 38 Wolsley Road, which abuts the northern boundary of the subject property, is a former corner shop and a significant portion of the Osborne Road frontage is built to the boundary. The proposed setbacks will provide a gentle transition from the property at 38 Wolsley Road to development directly south of the subject land.
6m to Garage	4.91m	Supported – Part 2 clause (ii) of the LPP provides that garages must be located at or behind the building line and in accordance with the R-Codes. The proposed garage is located behind the main building line of the dwelling, however, it does not achieve the 6m minimum R-Codes requirement. Notwithstanding this, the proposed setback is considered supportable as it is not likely to have an undue impact on the streetscape due to: <ul style="list-style-type: none"> • Being set back behind the main dwelling • Being less bulky than the balance of the dwelling (single storey as opposed to two storey)
6m to Upper Storey	Minimum 3.33m (at balcony)	Supported – Part 2 subclause (iii)(a) of the LPP differentiates front setback requirements for upper storeys from ground storeys. It provides that street setbacks for upper storey development must be as prescribed in the R-Codes. The applicant has provided justification for the proposed variation, and the following points are supported: <ul style="list-style-type: none"> • The subject lot is constrained by its limited depth and the upper storey has been sited to minimise impact on the rear battleaxe lot • The upper storey is only 9.2m wide and does not have significant bulk • The subject lot overlooks public open space and the reduced setback will enable surveillance of the park • The siting of the upper storey has enabled the creation of an open north-facing outdoor living area in accordance with climate sensitive design principles.
R-Codes <u>Rear Boundary Setback</u> 1.5m to Dining Room (Ground Floor)	1m	Supported – Part 3 of the LPP outlines criteria for the consideration of reduced side and rear boundary setbacks. The reduced Dining Room setback is consistent with these criteria, being less than 3m in height, behind the main dwelling, and having no impact on overshadowing, views or the character of the locality.

Visual Privacy

The cone of vision from the major opening at Bed 3 on the upper storey intrudes onto the rear battleaxe lot (47A Osborne Road). However, as the applicant has stated in their justification, the intrusion is contained entirely within the battleaxe leg of this lot. As there are no active habitable spaces or outdoor living areas affected, the overlooking will not impact on the visual privacy of the neighbouring lot and the variation is supported.

Front Fencing

The proposed development includes a front boundary fence. Along the eastern boundary, the fence is to be of solid rendered masonry construction to a maximum of 1.2m above NGL. Infill panels are to be constructed by the owner but no details of these are provided. Along the truncation and the southern boundary forward of the building line, the fence is solid rendered masonry to a maximum height of 1.8m. The LPP 143 prescribes a maximum height of 1.2m for solid front fencing and provides stringent requirements for the design of infill panelling. The submitted plans do not provide sufficient detail to confirm that the fencing along the eastern boundary compiles with requirements. The proposed solid fencing along the truncation and forward of the building line does not comply with the policy requirements. The applicant has provided no justification for varying fencing requirements and reducing the visual permeability of the fencing would likely have an unacceptable impact on the streetscape. It is therefore recommended that a condition be attached to any approval refusing the solid portion of the fence and requiring infill panels to comply with the LPP 143.

Open Space

The proposed development achieves 49.5% open space, being 0.5% below R-Codes requirements. This is due to the necessity to include the alfresco area in the site cover calculation. Usually alfresco areas open on two or more sides are not included, however, the definition of "open space" provided in the R-Codes specifically excludes alfresco areas greater than 50m². The proposed alfresco area is 56.71m² and therefore cannot be considered open space. Notwithstanding this, the majority of the alfresco perimeter is open in design and it will not detract from the perception of open space on the site. Significant open areas for soft landscaping to aid drainage, cross breezes and solar access are provided. As the variation sought is minor and will not be noticeable at ground level, it is considered supportable. It is recommended, however, that a condition be applied to any planning approval to ensure that the open sides of the alfresco are not enclosed.

Future Development Indicated on Submitted Plans

The submitted plans include footprints for a future store and excavated area, possibly for a swimming pool. These elements do not form part of the current proposal and the submitted plans do not provide sufficient detail to make an assessment. It is recommended that a note be attached to any approval reminding the applicant that these elements do not form part of the current application and may require separate approval.

Demolition of Existing Single Dwelling

The subject land is currently improved with an existing single dwelling. A Demolition Licence for demolition of this dwelling was issued on 1 June 2011 and it is not necessary to consider the demolition of the dwelling as part of this assessment. Notwithstanding this, the Demolition Licence previously issued is valid for 12 months only and it is possible that the Demolition Licence will expire prior to the expiration of the planning approval. This would create an uncertain and potentially vexatious situation for the landowner and the Council. To address this scenario, it is recommended that a condition of planning approval be applied requiring a Demolition Licence. The existing Demolition Licence will satisfy this condition for the period of the validity of the Demolition Licence.

CONCLUSION

The proposed development is generally consistent with the requirements of the R-Codes and the Town's Local Planning Policies, with the exception of several boundary setbacks, visual privacy and open space. The proposed setback variations allow the land owner to maximise the potential of a constrained lot, particularly with regards to the creation of a usable and north-facing outdoor living area, while ensuring there is no privacy or



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overshadowing impact on neighbours. Front setback variations are ameliorated by the adjacent development and opposing public open space, and will provide gentle articulation between varied setbacks of the adjoining properties. Visual privacy variations will not have an undue impact on the affected lot and the open space variation does not detract from the amenity of the building, needs of residents or streetscape.

The proposed front fencing does not comply with the Town's LPP 143. A variation towards more solid fencing than required would likely have an undue impact upon the streetscape and should not be supported. Accordingly, it is recommended that compliance with the LPP 143 be required as a condition of development approval.

RECOMMENDATION

That Council exercise its discretion in granting approval for the following:

- (a) vary the front setback requirements of the Local Planning Policy No. 142 Residential Development to permit setbacks of 3.33m at the ground storey, 3.33m at the upper storey, and 4.91m at the garage;
- (b) vary the rear setback requirements of the Residential Design Codes of Western Australia to permit a setback of 1m at the ground storey;
- (c) vary the visual privacy requirements of the Residential Design Codes of Western Australia to permit the cone of vision from the major opening to Bed 3 to intrude 1.1m over the southern boundary; and
- (d) vary the open space requirements of the Residential Design Codes of Western Australia to permit open space of 49.5%

for the construction of a single dwelling at No. 47 (Lot 1) Osborne Road, East Fremantle, in accordance with the plans date stamped received on 24 October 2011 subject to the following conditions:

1. The proposed "future excavation 1800mm deep" and "4m² store by owner" shown on the submitted plans do not form part of this approval. A separate application for Planning Approval may be required in respect to any proposed excavation or store on the subject site.
2. The proposed "low wall" and "front fence" shown on the submitted plans do not form part of this approval. Revised detailed plans for the front fence and gate which demonstrate compliance with the Local Planning Policy – Policy on Local Laws Relating to Fencing are to be submitted and approved prior to the issue of a Building Licence.
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 unless there is a valid demolition licence and building licence and the demolition licence and building licence 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 licence 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. The proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
7. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
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.



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9. Prior to the installation of externally mounted air-conditioning plant, a development application is to be lodged and approved by Council which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997.
10. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
11. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
12. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
13. The zincalume roofing be treated to Council's satisfaction to reduce reflectivity in the first two years following installation, at the owner's expense.
14. The 'alfresco' area may not be enclosed without the prior written consent of Council.
15. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *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.*
- (d) *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).*
- (e) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (f) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (g) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air-Conditioner Noise"*

Mr & Mrs Poletti (owners) advised the meeting that they supported the officer's recommendation.

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr Nardi

That Council exercise its discretion in granting approval for the following:

- (a) **vary the front setback requirements of the Local Planning Policy No. 142 Residential Development to permit setbacks of 3.33m at the ground storey, 3.33m at the upper storey, and 4.91m at the garage;**



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- (b) vary the rear setback requirements of the Residential Design Codes of Western Australia to permit a setback of 1m at the ground storey;
- (c) vary the visual privacy requirements of the Residential Design Codes of Western Australia to permit the cone of vision from the major opening to Bed 3 to intrude 1.1m over the southern boundary; and
- (d) vary the open space requirements of the Residential Design Codes of Western Australia to permit open space of 49.5%

for the construction of a single dwelling at No. 47 (Lot 1) Osborne Road, East Fremantle, in accordance with the plans date stamped received on 24 October 2011 subject to the following conditions:

1. The proposed "future excavation 1800mm deep" and "4m² store by owner" shown on the submitted plans do not form part of this approval. A separate application for Planning Approval may be required in respect to any proposed excavation or store on the subject site.
2. The proposed "low wall" and "front fence" shown on the submitted plans do not form part of this approval. Revised detailed plans for the front fence and gate which demonstrate compliance with the Local Planning Policy – Policy on Local Laws Relating to Fencing are to be submitted and approved prior to the issue of a Building Licence.
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 unless there is a valid demolition licence and building licence and the demolition licence and building licence 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 licence 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. The proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
7. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
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. Prior to the installation of externally mounted air-conditioning plant, a development application is to be lodged and approved by Council which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997.
10. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
11. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed



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- in material and design to comply with Council's Policy on Footpaths & Crossovers.
12. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
 13. The zincalume roofing be treated to Council's satisfaction to reduce reflectivity in the first two years following installation, at the owner's expense.
 14. The 'alfresco' area may not be enclosed without the prior written consent of Council.
 15. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *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.*
- (d) *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).*
- (e) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (f) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (g) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air-Conditioner Noise".*

CARRIED

T146.6 9 King Street (Lot 1), East Fremantle.

Applicant: Highbury Homes

Owner: Leith and Carmen Barr

Application No. P97/2011

By Gemma Basley Town Planner on 1 December 2011

PURPOSE OF THIS REPORT

This report considers an application for Planning Approval for the construction of a new two storey residence at No. 9 King Street, East Fremantle.

The application is recommended for conditional approval.

BACKGROUND

Description of the Proposal

The application proposes the following:

- to construct a new two storey residence which fronts King Street and St Peters Lane;
- to provide vehicle access to the residence from St Peters Lane and pedestrian access from King Street;
- to construct a double garage and a new crossover onto St Peters Lane; and

- to remove some mature trees from the centre of the site and to retain one of the mature trees closest to the intersection of King Street and St Peters Lane.

Description of site

The subject site is:

- a vacant 494m² corner block with frontage to King Street and St Peters Lane
- zoned Residential R20
- an irregular shaped lot with a narrow frontage of 9.74 metres to King Street
- impacted by a sewer line which traverses the site in a north-south direction and that prevents any construction occurring in a 3.5 metre wide strip of the site adjacent to the western boundary
- well vegetated and contains several mature trees

Statutory Considerations

Town Planning Scheme No. 3 – Residential R20

Residential Design Codes (RDC)

Relevant Council Policies

Local Planning Policy No. 066 : Roofing (LPP066)

Local Planning Policy No. 142 : Residential Development (LPP142)

Local Planning Policy No. 143 : Fencing (LPP143)

Impact on Public Domain

Tree in verge : No impact

Light pole : No impact

Crossover : No impact

Footpath : No impact

Streetscape : The construction of a new residence on a vacant residential lot will alter the streetscape however the design of the proposed residence and the retention of one of the mature trees on site will ensure that the development has a positive impact on the streetscape.

Documentation

Plans and relevant forms date stamp received on 24 October 2011

Date Application Received

24 October 2011

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

20 Sept 2011 Council advises the Western Australian Planning Commission that it has no objections to the amalgamation of Lots 500, 425 and 426 to create one lot being Lot 425 King Street.

CONSULTATION

Advertising

The application was advertised to adjoining neighbours and a sign was placed on the site for a period of three weeks between the 28 October and the 21 November 2011. At the close of advertising one submission had been received from the owner of No. 11 King Street which will be summarised and discussed below:

- the 1.2 metre setback to the southern boundary does not comply with the R-Codes which states a 1.7 metre setback should be provided.
- the residence at 11 King Street has a 2 metre setback at ground level and a 1.8 metre setback between the upper floor balcony and the southern boundary of No. 9 King Street and owners are concerned that the 1.2 metre setback proposed for No. 9 King will not be sufficient.
- The application proposes large upper level stairwell windows which will be opposite to the balcony of No. 11 King Street and owners request these be obscure glazed to prevent impacts on privacy.



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- The application does not identify the location for any air-conditioning fixtures and it is requested that these air-conditioning appliances not be installed on the south wall or the south facing roof.

The applicants have responded to the submission as is detailed below:

- The R-Codes requires a 1.2 metre setback because the proposed wall is less than 6m high, less than 9m long (i.e. only 8.89) and has no major openings to habitable rooms.
- Concerning the neighbour's balcony - the Residential Design Codes 6.8.1 A1 state that a balcony should be 7.5m from a boundary or screened – and we note that the neighbour's balcony is only 1.8m from the boundary and should in fact be screened. However Mr & Mrs Barr are happy to compromise and have agreed that to make the lower sections of stairwell window have obscure glass, which they believe would resolve the neighbours concerns.
- Concerning the stairwell window itself our interpretation of the definition for a major opening is that the window in the stairwell is not classed as a major opening (because the stairwell and passage are classed as non-habitable areas). While we believe it is not strictly necessary to screen the stairwell windows we are prepared to obscure the lower sections of the window as indicated above and believe this will resolve any privacy concerns.
- Concerning the location of air-conditioning machinery the owners of No. 9 King Street have no immediate plans to install air-conditioning but wish to assure you and the neighbours that any plant or equipment installed in the future will comply with all statutory requirements and to conform with the council noise restriction policy.

The submission has been assessed by the Town Planner and the following comments are made:

- the proposed 1.2 metre upper floor setback to the southern boundary (that is shared with No. 11 King Street) satisfies the setback requirements of the R-Codes.
- the proposed south facing windows (associated with the stairs) are not assessed as major openings under the R-Codes. This aside the applicants have agreed to obscure glaze the lower part of these windows to address the neighbours concerns.
- the applicants do not propose to install any air-conditioning. If this changes and air-conditioning is pursued it will be necessary for the owners of No. 9 King Street to lodge a separate application for the proposed air-conditioners.

Town Planning Advisory Panel Comments

The application was considered by the Town Planning Advisory Panel on the 22 November 2011 wherein the following comments were made:

- Panel supports the application and considers discretions to be appropriate to the site.
- Panel recommends that the Town Planner undertakes assessment of sight lines that may be impacted by proposed solid portions of fence.

The Town Planner acknowledges the Panels support for the application and will discuss the discretions and assess the sight lines associated with the driveway in the Assessment section of this report.

STATISTICS

Site:	Required	Proposed	Status
Open Space	50%	70%	A
Site Works	Less than 500mm	Less than 500 mm	A
Local Planning Policies:		Issues	
Policy 142	Garage position not in accordance with LPP No. 142		D
Roof	Pitched to 24 degrees		D
Solar Access & Shade	Maximises access to northern sun		A
Drainage	To be conditioned		A
Views	Buildings do not exceed height limit and surrounding topography ensures no view impact		A
Crossover	New crossover onto St Peters Lane		A
Trees	Trees to be removed in centre of the site and 1 tree closest to King Street is to be retained		A



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Other:	Issues		Status				
Overshadowing	Impacts on No. 11 King Street but within the acceptable development standards of the R-Codes		A				
Privacy/Overlooking	All major openings have been setback to met the R-Code requirements and/or have been screened		A				
Height:	Required	Proposed	Status				
Wall	5.6	5.5 to 5.6	A				
Ridge	8.1	8.1	A				
Roof type							
Setbacks: (R-Codes Requirements)							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
Front (e)							
Ground	Whole	2.6	2.75	Yes	6.0	3.4 (min)	D
Upper	Whole	5.2	6.7	Yes	9.0	9.0 av	A
Rear (w)							
Ground	Garage	2.6	6.2	N	1.0	5.5	A
	Verandah	2.6	6.0	N	1.0	10.8	A
Upper	Whole	5.2	7.7	N	1.2	13.8	A
Side (s)							
Ground	Study	2.9	4.4	N	1.0	1.0	A
	Laundry/WC	2.9	5.21	No			
	Void/Kitchen	2.9	8.89	No			
Upper	WC/Bath	5.2	8.89	N	1.2	1.5	A
	Void/Ensuite	5.2	3.6	N	1.2	1.2	A
Side (n)							
Ground	Study/Entry	2.6	5.9	Y	1.5	4.5 av	A
	Living/Alfresco/Meals/Verandah	2.6	14.5	Y	3.0	3.5 av	A
	Garage	2.6	6.51	No	1.5	1.3 to 1.98	D
Upper	Whole	5.2	12.6	Yes	3.0	1.9 min	A

ASSESSMENT

The application proposes to construct a two storey residence which effectively fronts and addresses both King Street and St Peters Road. The application proposes to construct a well articulated residence which is adequately setback from both streets and which will present well to the streets. The design has overcome considerable obstacles arising from the dimensions of the lots and this corner location and the outcome is considered to be positive. The applicant's set out to retain as many of the mature trees on site as possible and have been able to retain one tree which will remain in the front setback of the site. The remaining trees are too central to the site and will need to be removed at the time of constructing the residence.

The proposal complies with relevant R-Code – 'Acceptable Development' standards and the requirements of LPP142 – Residential Development with the exception of the following, which will be assessed below:

REQUIREMENT	PROPOSED	PLANNING OFFICER COMMENTS
The R-Codes requires a 6 metre setback to the front boundary however this can be overridden by LPP No. 142 Part 2 (i) which reads: <i>"Buildings are to be set back such a distance as is generally consistent with the building set back on adjoining land and in the immediate locality."</i>	3.43 m to 4.8 metre setback	Supported – The application proposes to provide a setback to King Street that is similar with No. 11 King Street and although this is well below the 6 metre requirement of the R-Codes it is considered to be appropriate based on the prevailing setbacks along King Street and in the Plympton Ward.

REQUIREMENT	PROPOSED	PLANNING OFFICER COMMENTS
The R-Codes requires a 1.5 metre setback to the secondary street however this can be overridden by LPP No. 142 Part 2 (i) which reads: <i>"Buildings are to be set back such a distance as is generally consistent with the building set back on adjoining land and in the immediate locality."</i>	1.3 to 5.6 metre setback	Supported – The application proposes to provide a setback to King Street that is similar with No. 11 King Street and although this is well below the 6 metre requirement of the R-Codes it is considered to be appropriate based on the prevailing setback along King Street. This variation is a consequence of the site fall and will not impact on views, or contribute to overshadowing of the adjoining property.
The R-Codes requires that Garages to be setback 1.5 metres from a secondary street	1.3 to 1.9 metres	Supported – The majority of the garage is setback further than 1.5 metres. The Performance Criteria to assess the setback of garages against reads: <i>"The setting back of carports and garages so as not to detract from the streetscape or appearance of dwellings, or obstruct views of dwellings from the street and vice versa"</i> Because of the site being a corner lot with an irregular shape the residence will not be obscured by the garage. The applicants advise that they have located the garage to facilitate the creation of a private rear yard (behind the garage and the house) and to increase the setback between the garage and St Peters Lane will reduce the potential area of private rear yard.

Front Fencing

The proposed development includes a front and side boundary fence. Along the eastern boundary which abuts King Street, the fence is proposed to be of a timber picket construction up to a height of 1.5 metres above NGL. This complies with the Fencing Local Laws.

Along the truncation and the southern boundary which abuts St Peters Lane and which is forward of the building line, the fence is proposed to be of a timber picket construction up to a height of 1.5 metres above NGL and complies with the requirements of the Fencing Local Laws. Along the St Peters Road boundary the application proposes the fencing to be a 1.8 metre high solid brick wall with the exception of two portions of the fence that will contain timber slats to provide visual permeability. The fencing has been assessed to comply with the Local Laws relating to Fencing and is recommended for approval.

Sight Lines at Vehicle Access Points

The R-Codes require that walls or fences to primary or secondary streets be designed so that adequate sight lines are provided at vehicle access points. The Acceptable Development provision of the R-Codes for this element is quoted below:

"A6 Walls and fences truncated or reduced to no higher than 0.75 metres within 1.5 metres of where walls and fences adjoin vehicle access points where a driveway meets a public street and where two streets intersect."

The applicant has not indicated if the fence is to be truncated in proximity to the garage/crossover and as such a Condition is recommended to require that the fencing



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satisfies the requirements of Clause 6.2.6 'Sight Lines at Vehicle Access Points and street corners'.

CONCLUSION

The proposed development is generally consistent with the requirements of the R-Codes and the Town's Local Planning Policies, with the exception of some minor discretions. The proposed variations allow the land owner to maximise the potential of a constrained lot, particularly with regards to the creation of a usable and north-facing outdoor living area.

The application is considered to be appropriate for determination and is recommended for Approval

RECOMMENDATION

That Council exercise its discretion in granting approval for the following:

- Vary the front setback requirements of the Local Planning Policy No. 142 Residential Development to permit setbacks of 3.43m and 4.8 metres and 1.31 and 1.91 for the garage; and

for the construction of a two storey residence at No. 9 King Street, East Fremantle, in accordance with the plans date stamped received on 24 October 2011 subject to the following conditions:

1. Prior to the issue of a Building Licence plans are to be submitted to the satisfaction of the CEO that demonstrate that the fencing satisfies the requirements of Clause 6.2.6 'Sight Lines at Vehicle Access Points and street corners'.
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 demolition licence and building licence and the demolition licence and building licence 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 licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. The proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
7. All stormwater is to be disposed of onsite and clear of all boundaries.
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. Prior to the installation of externally mounted air-conditioning plant, a development application is to be lodged which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997 and is to the satisfaction of the CEO.
10. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
11. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.



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12. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) 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.*
- (d) 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).*
- (e) with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (f) matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

Mr & Mrs Barr (owners) addressed the meeting in support of the officer's recommendation.

RECOMMENDATION TO COUNCIL

Cr Nardi – Cr de Jong

That Council exercise its discretion in granting approval for the following:

- **Vary the front setback requirements of the Local Planning Policy No. 142 Residential Development to permit setbacks of 3.43m and 4.8 metres and 1.31 and 1.91 for the garage; and**

for the construction of a two storey residence at No. 9 King Street, East Fremantle, in accordance with the plans date stamped received on 24 October 2011 subject to the following conditions:

- 1. Prior to the issue of a Building Licence plans are to be submitted to the satisfaction of the CEO that demonstrate that the fencing satisfies the requirements of Clause 6.2.6 'Sight Lines at Vehicle Access Points and street corners'.**
- 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 demolition licence and building licence and the demolition licence and building licence 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 licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
- 5. The proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
- 7. All stormwater is to be disposed of onsite and clear of all boundaries.**
- 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. Prior to the installation of externally mounted air-conditioning plant, a development application is to be lodged which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997 and is to the satisfaction of the CEO.
10. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
11. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
12. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *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.*
- (d) *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).*
- (e) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (f) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED

T146.7 **No. 80 Duke Street, East Fremantle**
Applicant/Owner: Mark Armstrong and Jane Clively
Application No. P152/2011
By Gemma Basley Town Planner, 30 November 2011

PURPOSE OF THIS REPORT

This report considers an application for Planning Approval for the construction of alterations and additions to the existing cottage at No. 80 Duke Street, East Fremantle.

The application seeks a discretion to the boundary setback requirements to allow the additions to be located closer to the southern boundary than permitted under the Residential Design Codes. This report recommends that conditional approval be granted.

BACKGROUND

Description of the Proposal

The application proposes the following:

- retention of the original weatherboard cottage;

- demolition of an earlier improvement/extension and decked area at the rear of the cottage;
- construct a new sitting room and decked area to extend from the original cottage;
- construct a new double carport at the side of the existing residence;
- construct a linear single storey addition to run parallel to the southern boundary and to accommodate a new kitchen, activity room, 3 new bedrooms and a bathroom and laundry;
- to utilise a Colorbond skillion roof (3 degree pitch) for the additions; and
- to step the linear addition with the slope of the land.

Description of site

The subject site is:

- a 509m² block that slopes eastwards away from Duke Street to Stirling Highway, which backs onto the site.
- zoned Residential R20;
- developed with an original cottage and incorporating a boundary wall along the northern boundary.
- located in the Plympton Precinct.
- included in the Municipal Inventory under a B Management Category.

Statutory Considerations

- Town Planning Scheme No. 3 (TPS3)
- TPS3 Local Planning Strategy
- Residential Design Codes of WA (the R-Codes)

Relevant Council Policies

- Council Policy on Roofing (LPP066)
- Local Planning Policy – Residential Development (LPP142)

Impact on Public Domain

Tree in verge: No impact

Light pole : No impact

Crossover : No impact

Footpath : No impact

Streetscape The proposed carport will be visible to the street but will not have an adverse impact. The proposed additions at the rear of the cottage will not be visible to the street.

Date Application Received

30 September 2011

Documentation

Plans date stamped 20 October 2011

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

25 May 2010 Council exercises its discretion and grants approval for alterations and additions to the existing single storey residence including an undercroft area.

CONSULTATION

Town Planning Advisory Panel

The subject application was considered by the Town Planning Advisory Panel at its meeting of the 25 October 2011 wherein the following comment was made:

- Panel supports low impact extension.

The Panels comments are acknowledged by the Town Planner and the proposed design is considered to be suitable for determination by Council.

Advertising

The application was advertised to adjoining neighbours for a two week period between the 5 and the 20 October 2011. During the advertising period no submissions or objections to the application were received.

STATISTICS

Site:	Required	Proposed	Status				
Open Space	50%	52%	Acceptable				
Site Works	Less than 500mm	0mm	Acceptable				
Local Planning Policies:	Issues						
Policy 142	New boundary walls (x2)		Discretion				
Roof	Skillion		Acceptable				
Solar Access & Shade	Maximises access		Acceptable				
Drainage	To be conditioned		Acceptable				
Views	No impact		Acceptable				
Crossover	No change		Acceptable				
Trees	To be removed (x2)		Acceptable				
Other:	Issues		Status				
Overshadowing	Within acceptable limits		Acceptable				
Privacy/Overlooking	Screened deck area		Acceptable				
Height	Required	Proposed	Status				
Wall	6.0	4.4	Acceptable				
Ridge	9.0	5.1	Acceptable				
Roof type	Skillion						
Setbacks:							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
Front (west)							
Ground	Verandah (existing)	n/a	n/a	n/a	n/a	n/a	n/a
	Carport	3.0	6.6	No	6.0	7.6	Acceptable
Rear (east)							
Ground	Bed 4	4.2	4.0	Yes	2.0	2.9	Acceptable
	Deck	4.1	6.0	No	1.1	17.6	Acceptable
Side (south)							
Ground	Activity-Bath	4.4	10.5	No	1.5	1.048	Discretion
	Bed 2-Bed3	4.4	6.7	No	1.1	1.048	Discretion
	Carport	3.1	9.7	No	1.5	Nil	Discretion
Side (north)							
Ground	Deck	4.5	4.1	No	1.0	0.5	Discretion

ASSESSMENT

Planning Approval is sought for the construction of additions to the residence at No. 80 Duke Street, East Fremantle.

The application proposes a modest single storey addition which proposes to step the residence to respond to the sloping nature of the site as opposed to filling and retaining the site. The application proposes to retain and restore the original cottage and to provide covered on-site parking.

The proposal accords with the provisions of TPS No.3, the R-Codes and the Town's Planning Policies with the exception of the setbacks to the southern/side boundary which will be assessed below.

Boundary Setbacks

The application proposes to setback the additions 1.08 metres from the southern boundary in lieu of the requirements to set these back 1.5 metres.

The R-Code Performance Criteria for boundary setbacks is listed below:

- provide adequate direct sun and ventilation to the building;

- provide adequate direct sun to the building and appurtenant open spaces;
- assist with protection of access to direct sun for adjoining properties;
- assist in ameliorating the impacts of building bulk on adjoining properties; and
- assist in protecting privacy between adjoining properties.

The reduced setback to the southern boundary will be assessed against the performance criteria below:

- the reduced setback will result in some additional overshadowing to the property that adjoins to the south however the extent of overshadowing is within the acceptable development provisions of the –Codes and will not overshadow the adjoining property by more than 23% (R-Codes permits 25% overshadowing of adjoining properties);
- the reduced setback to the southern boundary enables the applicants to increase the setback to the northern boundary and to maximise the access to northern light which will ensure the building and appurtenant open spaces do not lose access to light.
- the stepped design of the residence will minimise the impacts of building bulk on the adjoining properties and as such the reduced boundary setback is considered acceptable.
- the windows in the southern elevation of the proposed additions are highlight windows which will ensure there are no impacts on the privacy of the adjoining property; and
- the southern neighbour has not objected to the reduced setback.

Based on the above a discretion to allow a reduced setback to the southern boundary is supported.

Building on the Boundary

The application proposes to construct a new carport with a nil setback to the southern boundary. The R-Codes only permit the following in relation to boundary walls:

- “i Where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension; or*
- ii In areas coded R20 and R25, walls not higher than 3 m with an average of 2.7 m up to 9 m in length up to one side boundary only;”*

The proposed boundary wall associated with the carport will be the second boundary wall on the property.

Council’s Local Planning Policy No. 142 provides for the construction of residences with walls situated closer to the boundary than permitted by the R-Codes where the following can be observed:

- “(a) Walls are not higher than 3m and up to 9m in length up to one side boundary;*
- (b) Walls are behind the main dwelling;*
- (c) Subject to the overshadow provisions of the Residential Design Codes – Element 9;*
- (d) In the opinion of the Council, the wall would be consistent with the character of development in the immediate locality and not adversely affect the amenity of adjoining property(s) having regard for views; and*
- (e) Having regard to the above, where the wall abuts an existing or simultaneously constructed wall of similar or greater dimensions.”*

The proposed nil setback to the side (southern) boundary satisfies the above criteria as demonstrated below:

- the maximum height of the carport is 3 metres which complies with the policy requirements;

- the proposed wall will not be constructed as a solid parapet wall but rather as an open sided carport which will reduce any impacts (such as bulk and overshadowing) associated with a boundary wall;
- the proposed wall will be open which will enable vistas to the cottage from the street to be retained.

The minor variations that are requested are considered to be justified and on this basis the proposal is recommended to be approved by Council.

RECOMMENDATION

Council exercise its discretion in granting approval for:

- A reduced setback of 1.048 metres in lieu of the requirement for a 1.5 metre setback to the southern boundary;
- A variation to allow an additional boundary wall (nil setbacks) for the carport on the southern boundary and for the deck on the northern boundary.

for additions to the residence at No. 80 Duke Street, East Fremantle as shown on plans date stamped 20 October 2011 and subject to the following conditions:

1. A minimum of 50% of the effective lot area is to be landscaped in accordance with Part 1(iii) of the Residential Development Policy (LPP 142). In this regard a landscaping plan is to be provided to and endorsed by the CEO prior to the issue of a building licence.
2. Any air-conditioning plant is to be positioned so that it that will not result in an unreasonable loss of amenity to adjoining residents, details of which are to be provided to and endorsed by the CEO prior to issuance of a Building Licence.
3. Prior to the installation of externally mounted air-conditioning plant, a development application which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997.
4. All storm water resulting from the development is to be retained on site.
5. 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.
6. The proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
7. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
8. The proposed additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
9. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnotes

- (a) A copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.
- (b) 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).
- (c) Matters relating to dividing fences are subject to the Dividing Fences Act 1961.

Mr Armstrong and Ms Clively (owners) addressed the meeting supporting the officer's recommendation.

RECOMMENDATION TO COUNCIL

Cr Nardi – Cr de Jong

Council exercise its discretion in granting approval for:



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- A reduced setback of 1.048 metres in lieu of the requirement for a 1.5 metre setback to the southern boundary;
 - A variation to allow an additional boundary wall (nil setbacks) for the carport on the southern boundary and for the deck on the northern boundary.
- for additions to the residence at No. 80 Duke Street, East Fremantle as shown on plans date stamped 20 October 2011 and subject to the following conditions:
10. A minimum of 50% of the effective lot area is to be landscaped in accordance with Part 1(iii) of the Residential Development Policy (LPP 142). In this regard a landscaping plan is to be provided to and endorsed by the CEO prior to the issue of a building licence.
 11. Any air-conditioning plant is to be positioned so that it that will not result in an unreasonable loss of amenity to adjoining residents, details of which are to be provided to and endorsed by the CEO prior to issuance of a Building Licence.
 12. Prior to the installation of externally mounted air-conditioning plant, a development application which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997.
 13. All storm water resulting from the development is to be retained on site.
 14. 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.
 15. The proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 16. With regard to the plans submitted with respect to the building licence 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.
 17. The proposed additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 18. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnotes

- (a) *A copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (b) *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).*
- (c) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED

T146.8 **No 52 (Lot 1) Clayton Street, East Fremantle**
Owner/Applicant: Jemmina and Anthony Byers
Application No. P147/11

By Gemma Basley, Town Planner on 2 December 2011

PURPOSE OF THIS REPORT

This report considers an application for Planning Approval for the construction of upper floor additions to the existing two storey residence located at No. 52 Clayton Street, East Fremantle.

The application proposes to construct an upper floor family room by constructing a room above the garage and to connect this to the remainder of the residence by constructing a walkway between the new family room and the existing upper floor rooms. The proposal seeks a discretion to the northern boundary setback requirements and as such is presented to Council for determination.



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BACKGROUND

Description of Proposal

The application proposes the following:

- Construct an upper floor family room above the double garage.
- Construct a walkway to extend between the proposed family room (upper floor addition) and the existing upper floor rooms.
- Construct the additions in brick and weatherboard cladding to match the existing residence.

Statutory Considerations

Town Planning Scheme No. 3

Local Planning Strategy –Richmond Hill Precinct (LPS)

R12.5 Residential Design Codes (RDC) but to be assessed at R20 as per Clause 5.3.3 of TPS No. 3

Relevant Council Policies

LP Policy No. 142: Residential Development

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : No impact
Footpath : No impact
Streetscape : The proposed garage is visible to the street and any upper floor addition will also be visible to the street. The existing development presents well to the street and it is considered that the design of the upper floor addition will also present well to the street.

Documentation

Plans and relevant forms date stamp received on 21st November 2011

Date Application Received

27 September

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

21 July 2010 Building Licence 2010175 issued for a front fence.

29 June 2010 Council exercises its discretion and grants approval for the construction of solid front fence exceeding 1.2 metres.

18 April 2005 Building Licence 3727 issued for a patio addition to the value of \$3400.

CONSULTATION

Advertising

The application was advertised to adjoining neighbours for a two week period between the 6 and the 20 of November 2011. During the advertising period no submissions or objections to the application were received.

Town Planning Advisory Panel

The subject application was considered by the Town Planning Advisory Panel at its meeting of the 22 November 2011 wherein the following comments were made:

- Panel considers addition in line with existing house to deliver too much bulk to the corner lot.
- Consider a height reduction in additional elements and stepping back addition in order to reduce the impact of bulk with the proposed development

The Town Planner agrees with the Panel comments and has liaised with the applicant to discuss the concerns and possible ways of addressing these. The applicants have subsequently submitted revised plans which include the following changes and which are considered to address the Panel's concerns:

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- Setback to the northern boundary for the upper floor family room has been increased from 0.6 metre to 1.0 metre.
- Reconfiguration of the upper floor area and inclusion of north facing windows in the proposed family room which will provide opportunities for solar access and which will result in the proposed additions presenting more attractively to the street.
- Increase in the width of the walkway from 2.2 metres to 2.5 metres (connecting the proposed addition to the residence).

Site Inspection

By Town Planner on 1 December 2011

STATISTICS

Site:	Required	Proposed	Status
Open Space	50%	52%	Acceptable
Site Works	Less than 500mm	0mm	Acceptable
Local Planning Policies:	Issues		
Policy 142	No issues arising		Acceptable
Roof	Pitch		Acceptable
Solar Access & Shade	Inclusion of windows in upper floor north elevation will maximise solar access		Acceptable
Drainage	To be conditioned		Acceptable
Views	No impact		Acceptable
Crossover	No change		Acceptable
Trees	No mature trees on site		Acceptable
Other:	Issues		Status
Overshadowing	Within acceptable limits		Acceptable
Privacy/Overlooking	No issues		Acceptable
Height:	Required	Proposed	Status
Wall	5.6	5.5	Acceptable
Ridge	9.0	7.1	Acceptable
Roof type	Pitched		

Setbacks:							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
Front (west)							
<i>Upper</i>	Family Room	5.5	4.5	Yes	6.0	6.2	Acceptable
	Walkway	5.5	2.57	YES	6.0	7.6	Acceptable
Rear (east)							
<i>Upper</i>	Family Room	5.5	4.5	Yes	1.0	8.93	Acceptable
Side (north)							
<i>Upper</i>	Family Room	5.5	7.5	No	1.2	1.0	Discretion
Side (south)							
<i>Upper</i>	Family Room	5.5	7.5	No	n/a	n/a	Acceptable

ASSESSMENT

Planning Approval is sought for the construction of an upper floor addition to the residence at No. 52 Clayton Street, East Fremantle. The proposal accords with the provisions of TPS3, the R-Codes and the Town's Planning Policies with the exception of the setback to the northern boundary, which will be assessed below.

Boundary Setbacks

The application proposes to setback the additions 1.0 metres from the northern boundary in lieu of the requirements to set these back 1.2 metres. The applicant's desire is for the upper floor addition to sit centrally above the garage structure so that it is balanced and not out of proportion and this has dictated the setback of the upper floor to the northern boundary.

The R-Code Performance Criteria for boundary setbacks is listed below:

- provide adequate direct sun and ventilation to the building;
- ensure adequate direct sun and ventilation being available to adjoining properties;
- provide adequate direct sun to the building and appurtenant open spaces;
- assist with protection of access to direct sun for adjoining properties;
- assist in ameliorating the impacts of building bulk on adjoining properties; and
- assist in protecting privacy between adjoining properties.

The proposed reduced setback satisfies the above criteria with the exception of the impact on the southern neighbour who will be subject to overshadowing as a result of the upper floor addition and the proposed reduced setback. The overshadowing however is well within the acceptable development provisions of the R-Codes and will only overshadow a strip of land which is occupied by a carport and driveway.

Based on the above it is considered that a discretion to allow the setback to the northern boundary to be reduced from 1.2 metres to 1.0 metres is acceptable.

CONCLUSION

The application proposes to construct an upper floor addition to the residence at No. 52 Clayton Street, East Fremantle. The application does not propose and alterations to the front of the residence or to the roofline of the residence and as such the additions will largely not be visible to the street.

Given that the proposal meets the majority of the acceptable development provisions of the R-Codes, TPS No. 3 and applicable Local Planning Policies and only a small discretions is required the proposal is supported.

RECOMMENDATION

That Council exercise its discretion in approving

- a reduced setback to the northern boundary from 1.2 metres to 1.0 metres;
- for the construction of an upper floor addition to accommodate a family room to the residence at No. 52 Clayton Street, East Fremantle in accordance with plans date stamp received on the 21 November 2011, 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 licence and the building licence 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 licence 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, clear of all buildings and boundaries.
5. Prior to the installation of externally mounted air-conditioning plant, a development application which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997 is to be lodged with the Council and approved by the Chief Executive Officer.
6. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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



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- (c) *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).*

Ms Byers (owner) addressed the meeting in support of the officer's recommendation.

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr de Jong

That Council exercise its discretion in approving

- a reduced setback to the northern boundary from 1.2 metres to 1.0 metres; for the construction of an upper floor addition to accommodate a family room to the residence at No. 52 Clayton Street, East Fremantle in accordance with plans date stamp received on the 21 November 2011, 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 licence and the building licence 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 licence 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, clear of all buildings and boundaries.
- 5. Prior to the installation of externally mounted air-conditioning plant, a development application which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997 is to be lodged with the Council and approved by the Chief Executive Officer.
- 6. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

CARRIED

T146.9

Philip Street No. 1 (Lot 71)

Applicant: Giorgi Exclusive Homes

Owner: Jonathon Hart

Application No. P1125/11

By Gemma Basley, Town Planner, on 2 December 2011

PURPOSE OF THIS REPORT

This report considers an application for Planning Approval for the construction of a new two storey residence at No. 1 Philip Street, East Fremantle.

The application is recommended for conditional approval.

BACKGROUND

Description of the Proposal

The application proposes the following:



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- to construct a contemporary two storey residence which fronts Philip Street and Gordon Street;
- to provide vehicle and pedestrian access to the residence from Gordon Street;
- to construct a double garage and a new crossover onto Gordon Street; and
- to construct a below ground swimming pool in the front setback adjacent to Philip Street

Description of site

The subject site is:

- a 583m² survey strata lot with frontage to Philip Street and Gordon Street
- a vacant site (recent demolition of original residence)
- located in the Richmond Hill Precinct.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5 (to be assessed as R20 in accordance with clause 5.3.3 of TPS No. 3)

Residential Design Codes (RDC)

Relevant Council Policies

Local Planning Policy No. 066 : Roofing (LPP066)

Local Planning Policy No. 142 : Residential Development (LPP142)

Local Planning Policy No. 143 : Fencing (LPP143)

Impact on Public Domain

Tree in verge : No impact

Light pole : No impact

Crossover : To be removed and reinstated by owner

Footpath : No impact

Streetscape : The construction of a new residence will impact on the streetscape however the proposed residence and ancillary structures such as the proposed pool and sauna will not have an adverse impact on the streetscape and the amenity of the locality

Documentation

Plans and relevant forms date stamp received on 2 December 2011

Date Application Received

24 August 2011

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

16 January 2011 Demolition Licence issued for the demolition of the original residence and all associated outbuildings

CONSULTATION

Advertising

The application was advertised to surrounding neighbours and a sign was placed on the site for a two week period from the 8th to the 21st September 2011. At the close of advertising no submissions or objections had been received.

Town Planning Advisory Panel Comments

The application was considered by the Town Planning Advisory Panel (the Panel) at its meeting of 27 September 2011 where the following comments were made:

- Streetscape elevations to both Phillip Street and Gordon Street required.
- Application is an overdevelopment of the site.
- Proposal is architecturally unremarkable for its corner lot location.
- Front entrance is not easily identified.
- Both street elevations should address the street.
- Detailed schedule of materials and finishes.



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- A more individual contemporary design reflective of modern architecture is recommended.

The applicants submitted additional plans in response to the Panel's comments which were presented to the Panel at its meeting of 25 October 2011 where the following comments were made:

- Panel doesn't support height discretion fronting Phillip Street.
- Design doesn't address the topography of the site and creates too much bulk to the streetscape on the corner of Phillip and Gordon Street.
- Panel recommends the design responds to the topography of the site by 'stepping down' the lot from south to north.
- Query fencing re LPP 143.

The applicants have since submitted revised plans which include the following modifications and which respond to the Panel's comments:

- The proposed residence is spread across 5 levels and steps the house with the slope of the land as opposed to retaining the site to achieve a consistent and un-stepped finished floor level.
- Amend the front fence design to comply with the requirements of Local Planning Policy No. 143 and provide for a fence that is visually permeable above 1.2 metres.
- Provide obscure glazing to the south facing upper floor window (Bedroom 1).
- Reduce the finished floor levels of the whole residence by 2 courses of bricks (178mm).
- Further reduce the finished floor level at the front of the residence by a total of 4 courses and/or 350mm.

The amended plans (dated 2 December 2011) the subject of this report are considered to have addressed the Panel's concerns and have reduced the number of discretions being sought significantly.

Site Inspection

By Town Planner on 30 November 2011.

STATISTICS

Site:	Required	Proposed	Status
Open Space	50%	51.45%	Acceptable
Site Works (that add to overall building height)	Less than 500mm	315mm	Acceptable
Local Planning Policies:	Issues		
Policy 142	Wall height non-compliance.		Discretion
Roof	Pitch Less than 28 degrees		Discretion
Solar Access & Shade	No issues.		Acceptable
Drainage	Soak wells provided and to be conditioned		Acceptable
Views	View Impact Study submitted and demonstrates that the additional height will not impact on the view corridors of surrounding residence		Acceptable
Crossover	Wider than 3.0 metres. Condition to be imposed		Discretion
Trees	Site cleared of all vegetation		Acceptable
Other:	Issues		Status
Overshadowing	House will overshadow front setback area only		Acceptable
Privacy/Overlooking	No overlooking impacts		Acceptable

Height:		Required	Proposed			Status	
Wall		5.6 / 6.5	Ave 6.4			Acceptable	
Ridge		8.1 / 6.5	7.6			Acceptable	
Roof type		Concealed and pitched				Discretion	
Setbacks:							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
Front (north)							
Ground	Whole	4.6	15.8	Yes	6.0	7.2	Acceptable
Upper	Whole	7.3	15.7	Yes	6.0	7.6	Acceptable
Rear (south)							
Ground	Whole	2.4	12.7	No	1.5	1.2	Discretion
	Bath	2.4	2.2	No	1.0	5.0	Acceptable
Upper	Bed 1	5.2	4.7	No	1.2	1.9	Acceptable
	Balcony-dressing	5.0	8.2	No	1.1	1.2	Acceptable
Side (west)							
Ground	Whole	3.9	25.5	Yes	3.0	3.05	Acceptable
Upper	Whole	7.7	18.3	Yes	3.0	3.05	Acceptable
Side (east)							
Ground	WC-sauna	3.6 – 4.0	6.6	No	1.0	1.2	Acceptable
	Bed 2	3.8	4.0	No	1.0	1.9	Acceptable
	Pdr-bath	3.1	7.0	No	1.0	1.2	Acceptable
	Laundry	2.8	3.6	No	1.0	5.2	Acceptable
Upper	Stairs/Alfresco	4.6	6.6	No	1.1	1.2	Acceptable
	Dining - Balcony	7.0	14.8	No	2.1	3.4	Acceptable

ASSESSMENT

The proposed development is a two-storey single dwelling with a pool in the front setback area. The dwelling is of rendered masonry construction with a contrasting rendered feature wall to the Gordon Street frontage. This feature wall is in fact the highest wall extending to a height of 7.5 metres and is considered to assist in articulating the Gordon Street frontage. The roof is proposed to be constructed in Colorbond with the dominant roof pitch at 15 degrees.

The proposed development is consistent with the requirements for residential development but proposes two minor variations to the R-Codes 'Acceptable Development' standards and the Town's Local Planning Policies in relation to boundary setbacks and building height and will be assessed below.

REQUIREMENT	PROPOSED	PLANNING OFFICER COMMENTS
R-Codes <u>Rear Boundary Setback</u> 1.5m from garage, store, bath and verandah	1.2m	Supported – Part 3 of the LPP outlines criteria for the consideration of reduced side and rear boundary setbacks. The reduced Dining Room setback is consistent with these criteria, being less than 3m in height, behind the main dwelling, and having no impact on overshadowing, views or the character of the locality.
<u>Building Height</u> 5.6 metres to the top of a wall for a pitched roof	6.1 (max)	Supported - The R-Codes and Council's LPP 142 establishes maximum building heights in localities where views are an important part of the amenity of the area.



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REQUIREMENT	PROPOSED	PLANNING OFFICER COMMENTS
		<p>The maximum permitted building heights are 5.6 metres to the top of a wall associated with a pitched roof and 6.5 metres to the top of a wall associated with a concealed roof.</p> <p>The subject application proposes that sections of wall (associated with a pitched roof) exceed 5.6 metres.</p> <p>This variation is supported on the basis that whilst the wall height exceeds the requirements, the maximum roof height of 7.5m is significantly less than the permitted maximum of 8.1m. This has been facilitated through the use of skillion roofing. In addition to this there have been no objections to the wall height and a view impact study has demonstrated that the additional building height will not impact on existing view corridors of surrounding properties.</p>

CONCLUSION

The proposed development is generally consistent with the requirements of the R-Codes and the Town's Local Planning Policies, with the exception of some setback and building height discretions which have been assessed as being satisfactory.

The application is considered to be appropriate for determination and is recommended for Approval

RECOMMENDATION

That Council exercise its discretion in granting approval for the following:

- vary the rear setback requirements to allow a reduced setback of 1.2 metres in lieu of the requirement for a 1.5 metre setback at the ground floor;
- vary the building height requirements of LPP No. 142 to allow wall heights to exceed 5.6 metres.

for the construction of a two storey residence at No. 1 Philip Street, East Fremantle, in accordance with the plans date stamped received on 2nd December 2011 subject to the following conditions:

1. Prior to the issue of a Building Licence the applicant is to submit a detailed schedule of materials and finishes to the satisfaction of the CEO.
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 demolition licence and building licence and the demolition licence and building licence 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 licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. The proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. All stormwater is to be disposed of onsite and clear of all boundaries.



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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. Prior to the installation of externally mounted air-conditioning plant, a development application which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997 is to be lodged with the Council and approved by the Chief Executive Officer.
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. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
11. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
12. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *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.*
- (d) *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).*
- (e) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (f) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (g) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air-Conditioner Noise"*

Ms Iliadis (Giorgi Exclusive Homes) and Mr Hart (owner) addressed the meeting in support of the officer's recommendation.

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr Nardi

That Council exercise its discretion in granting approval for the following:



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- vary the rear setback requirements to allow a reduced setback of 1.2 metres in lieu of the requirement for a 1.5 metre setback at the ground floor;
- vary the building height requirements of LPP No. 142 to allow wall heights to exceed 5.6 metres.

for the construction of a two storey residence at No. 1 Philip Street, East Fremantle, in accordance with the plans date stamped received on 2nd December 2011 subject to the following conditions:

1. Prior to the issue of a Building Licence the applicant is to submit a detailed schedule of materials and finishes to the satisfaction of the CEO.
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 demolition licence and building licence and the demolition licence and building licence 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 licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. The proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. All stormwater is to be disposed of onsite and clear of all boundaries.
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. Prior to the installation of externally mounted air-conditioning plant, a development application which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997 is to be lodged with the Council and approved by the Chief Executive Officer.
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. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
11. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
12. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*



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- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *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.*
- (d) *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).*
- (e) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (f) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (g) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air-Conditioner Noise".*

CARRIED

T147. EN BLOC RECOMMENDATION TO COUNCIL

Mayor Ferris - Cr de Jong

That Council adopts en bloc the following recommendations of the Town Planning & Building Committee Meeting of 6 December 2011 in respect to Items MB Ref T147.1 to T147.8

CARRIED

T147.1 Hubble Street No. 18 (Lot 208) – Alterations-Additions

Applicant/Owner: David Carr, Tenax Holdings

Application No. P150/2011

By Matthew Ryan/MPS, Town Planner on 10 November 2011

PURPOSE OF THIS REPORT

This report considers an application for Planning Approval for the construction of a rear addition to the existing residence at No. 18 Hubble Street, East Fremantle.

The application seeks discretions to the setback and buildings on boundary requirements of the Residential Design Codes (R-Codes) as well as LPP No. 142 with respect to the location of the addition on the southern boundary.

This report recommends that conditional approval be granted.

BACKGROUND

Description of Proposal

The subject application proposes a rear addition to the main dwelling, and involves the following:

- Construction of a single storey open plan living/dining room addition, using rendered masonry and a Colorbond roof to match the existing dwelling;
- Construction of a lightweight timber framed 'link' between the existing dwelling and proposed rear addition; and
- Minor internal alterations to the existing dwelling.

The application seeks a discretion to the setback requirements of the R-Codes and LPP No. 142, relating to the parapet wall on the southern boundary, which will be discussed in the Assessment section of this report.



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Description of Site

The subject site is:

- a 506m² block
- zoned Residential R20
- developed with a single storey dwelling
- located in the Plympton Precinct.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R20
Local Planning Strategy - Plympton Precinct (LPS)
Residential Design Codes (RDC)
B- Management Category - Municipal Heritage Inventory

Relevant Council Policies

Local Planning Policy No. 142 : Residential Development (LPP 142)

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : No impact
Footpath : No impact
Streetscape : No impact (rear addition only)

Documentation

Plans and relevant forms date stamp received on 28 September 2011

Date Application Received

28 September 2011

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

02 Aug 1997: Building Licence No. 111/2545 issued for the construction of internal alterations; and
16 Nov 1998: Approval is granted under delegated authority for the construction of a patio.

CONSULTATION

Advertising

The application was advertised to surrounding neighbours for a two week period between the 5 and the 20 October 2011. At the close of advertising no submissions were received.

Town Planning Advisory Panel

The subject application was not assessed by the Town Planning Advisory Panel (TPAP) because of the minor nature of the proposal.

STATISTICS

Key: A = Acceptable, D = Discretion

Site:	Required	Proposed	Status
Open Space	50%	59%	Acceptable
Site Works	Less than 500mm	n/a	Acceptable
Local Planning Policies:	Issues		
Policy 142	2x boundary walls		Discretion
Roof	Skillion		Acceptable
Solar Access & Shade	Maximises access		Acceptable
Drainage	To be conditioned		Acceptable
Views	No impact		Acceptable
Crossover	No issues		Acceptable
Trees	Query		
Other:	Issues		Status
Overshadowing	18% coverage of adjoining lot.		Acceptable
Privacy/Overlooking	No issues		Acceptable



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Height:	Required	Proposed	Status				
Wall	6.0 max	4.6	Acceptable				
Ridge	9.0 max	6.2	Acceptable				
Roof type	Skillion						
Setbacks:							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
Front (west)							
Ground	Whole (existing)				6.0	5.2	Discretion
Rear (east)							
Ground	Living-deck	3.3	7.3	Yes	1.5	7.8	Acceptable
Side (north)							
Ground	Verandah-family	3.0	6.8	Yes	1.5	2.8	Acceptable
	Entry-kitchen	3.2	7.4	Yes	1.5	7.0	Acceptable
	Pergola	3.5	3.3	No	1.0	3.0	Acceptable
Side (south)							
Ground	Bed-laundry (existing)	4.3	6.8	No	1.0	Nil	Discretion
	Kitchen-dining	2.7	9.0	No	1.0	Nil	Discretion
	Living	2.8	3.4	No	1.0	1.0	Acceptable

ASSESSMENT

Approval is sought for the construction of an addition (living room/kitchen) in the rear yard of No. 18 Hubble Street, East Fremantle.

The proposal accords with the provisions of TPS3, the R-Codes and the Town's Planning Policies with the exception of the additional boundary wall.

Building on the Boundary

The application proposes as part of the rear addition to construct a boundary wall to the southern boundary, in addition to the existing southern boundary wall utilised by the established dwelling. The R-Codes Acceptable Development criteria only permit the following in relation to boundary walls:

"i Where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension; "

Council's Local Planning Policy No. 142 provides for the construction of residences with walls situated closer to the boundary than permitted by the R-Codes where the following can be observed:

- "(a) Walls are not higher than 3m and up to 9m in length up to one side boundary;
- (b) Walls are behind the main dwelling;
- (c) Subject to the overshadow provisions of the Residential Design Codes – Element 9;
- (d) In the opinion of the Council, the wall would be consistent with the character of development in the immediate locality and not adversely affect the amenity of adjoining property(s) having regard for views; and
- (e) Having regard to the above, where the wall abuts an existing or simultaneously constructed wall of similar or greater dimensions."

The proposed nil setback to the side (southern) boundary for the rear addition satisfies the above criteria as demonstrated below:

- the maximum height of the boundary wall on the southern boundary is 2.7 metres which is lower than the average and maximum boundary wall height permitted;
- given the variation in natural ground levels between the subject site and adjacent lot, the ground level of the neighbours to the south is approximately 650mm higher. Consequently, the exposed wall height to the southern boundary is 2.2m, 0.4 metres above fence height;
- the proposed boundary wall is at the rear of the main dwelling;
- the proposed boundary wall will not be visible from the street because it is at the rear of the property, consequently having no impact upon the character of the streetscape;

- the proposed boundary wall will cause only minor and compliant overshadowing on the adjoining neighbour; and
- the location of the addition allows for best possible north light access to the proposed addition.

Heritage Assessment

The residence at No. 18 Hubble Street is included on Council's Municipal Heritage Inventory as a 'B-' Management Category. The proposed addition is solely contained within the rear of the lot, and will not impact the streetscape or the way the existing residence is viewed from the street.

CONCLUSION

The application is considered to have had due regard for the Town's requirements relating to residential developments, as well as the requirements outlined within the R-Codes.

Whilst the application does seek a variation to the R-Codes and LPP No. 142, it is considered to be minor and have minimal impacts upon the adjoining neighbour, given the difference in ground level and compliant wall height, and is consequently deemed acceptable. The proposed additions will not impact on the heritage significance of the residence and will not be visible to the street.

The application is therefore considered to be suitable for determination and is recommended for approval.

RECOMMENDATION

That Council exercise its discretion in granting approval for the following:

- (a) variation to the requirements of LPP No. 142 to allow an additional boundary wall that is the second on the property to the southern boundary.

for the construction of additions to the residence at No. 18 (Lot 208) Hubble Street in accordance with the plans date stamp received on 28 September 2011, 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 licence and the building licence 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 licence application, changes are not to be made in respect of the plans which have received planning approval, without
4. All stormwater is to be disposed of on-site and clear of all boundaries.
5. All parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
6. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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



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- 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 owner.*
- (d) *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).*
 - (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
 - (f) *matters relating to dividing fences are subject to the Dividing Fences Act 1961*

T147.2 No 26 (Lot 601) Silas Street, East Fremantle

Owner/Applicant: Andrew Brice

Application No. P161/11

By Gemma Claire Basley, Town Planner on 29 November 2011

PURPOSE OF THIS REPORT

This report considers an application for Planning Approval for the construction of a new carport, the demolition of the existing kitchen and the construction of an addition to accommodate a new laundry, bathroom, kitchen, family room as well as the construction of a covered alfresco area at the rear of the existing residence at No. 26 Silas Street, East Fremantle.

The application seeks a discretion to the proposed wall heights and setback discretions to allow the additions to be located closer to the boundary than permitted under the Residential Design Codes. This report recommends that conditional approval be granted.

BACKGROUND

Description of Proposal

The application proposes the following:

- Construct a new double bay carport on the northern boundary of the site with a nil setback.
- Remove the existing kitchen at the rear of the residence and replace this with an extension which will accommodate a new bathroom, laundry, kitchen and family room.
- Construct a new covered alfresco to extend from the family/kitchen area and to provide a covered outdoor entertaining area in the rear yard.

Statutory Considerations

Town Planning Scheme No. 3

Local Planning Strategy – Plympton Precinct (LPS)

R20 Residential Design Codes (RDC)

B+ Management Category on Municipal Heritage Inventory

Relevant Council Policies

LP Policy No. 142: Residential Development

Impact on Public Domain

Tree in verge	:	No impact
Light pole	:	No impact
Crossover	:	No impact
Footpath	:	No impact
Streetscape	:	The proposed carport will be visible to the street but will not have an adverse impact

Documentation

Plans and relevant forms date stamp received on 19 October 2011

Date Application Received

19 October 2011



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

- 28 February 2002 Council exercises its discretion and grants approval for the construction of a studio/workshop and substantial alterations to the residence.
- 16 March 2004 Council exercises its discretion and grants approval for alterations and additions to the residence
- 18 April 2005 Building Licence 3727 issued for a patio addition to the value of \$3400.

CONSULTATION

Advertising

The application was advertised to adjoining neighbours for a two week period between the 16 November and the 30 November 2011. During the advertising period no submissions or objections to the application were received.

The adjoining owners of No. 24 and No. 28 Silas Street have both signed the application plans indicating their support for the proposed parapet wall on the northern boundary.

Town Planning Advisory Panel

The subject application was considered by the Town Planning Advisory Panel at its meeting of the 22 November 2011 wherein the following comments were made:

- Carport is appropriately positioned behind the main building line and facade treatment to the front of the carport is supported.
- Panel supports application

The Panels comments are acknowledged by the Town Planner and the proposed design is considered to be suitable for determination by Council.

Site Inspection

By Town Planner in October 2011

STATISTICS

Site:	Required	Proposed	Status				
Open Space	50%	52%	Acceptable				
Site Works	Less than 500mm	0mm	Acceptable				
Local Planning Policies:	Issues						
Policy 142	New boundary walls (x2)		Discretion				
Roof	Skillion		Acceptable				
Solar Access & Shade	Maximises access		Acceptable				
Drainage	To be conditioned		Acceptable				
Views	No impact		Acceptable				
Crossover	No change		Acceptable				
Trees	To be removed (x2)		Acceptable				
Other:	Issues		Status				
Overshadowing	Within acceptable limits		Acceptable				
Privacy/Overlooking	Unscreened, raised deck area		Discretion				
Height:	Required	Proposed	Status				
Wall	6.0	4.4	Acceptable				
Ridge	9.0	5.1	Acceptable				
Roof type	Skillion						
Setbacks:							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
Front (west)							
Ground	Verandah (existing)	n/a	n/a	n/a	n/a	n/a	n/a
	Carport	3.0	6.6	No	6.0	7.6	Acceptable
Rear (east)							
Ground	Bed 4	4.2	4.0	Yes	2.0	2.9	Acceptable
	Deck	4.1	6.0	No	1.1	17.6	Acceptable



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Side (south)							
Ground	Living-Bed 3	4.4	18	Yes	4.4	1.0, 1.7	Discretion
	Bed 4	4.4	3.2	Yes	1.8	1.7	Discretion
	Carport	3.1	9.7	No	1.5	Nil	Discretion
Side (north)							
Ground	Existing-Deck	4.5	4.1	Yes	2.0	0.5	Discretion

ASSESSMENT

Planning Approval is sought for the construction of additions to the residence at No. 26 Silas Street, East Fremantle.

The proposal accords with the provisions of TPS3, the R-Codes and the Town's Planning Policies with the exception of the boundary wall and the wall height of the proposed additions, which will be assessed below.

Building on the Boundary

The application proposes to construct an additional boundary wall on the northern boundary of the site. The site is coded R20 and as such the R-Codes only permit the following in relation to boundary walls:

- "i Where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension; or*
- ii In areas coded R20 and R25, walls not higher than 3 m with an average of 2.7 m up to 9 m in length up to one side boundary only;"*

Council's Local Planning Policy No. 142 provides for the construction of residences with walls situated closer to the boundary than permitted by the R-Codes where the following can be observed:

- "(a) Walls are not higher than 3m and up to 9m in length up to one side boundary;*
- (b) Walls are behind the main dwelling;*
- (c) Subject to the overshadow provisions of the Residential Design Codes – Element 9;*
- (d) In the opinion of the Council, the wall would be consistent with the character of development in the immediate locality and not adversely affect the amenity of adjoining property(s) having regard for views; and*
- (e) Having regard to the above, where the wall abuts an existing or simultaneously constructed wall of similar or greater dimensions."*

The proposed nil setback to the side (northern) boundary satisfies the above criteria as demonstrated below:

- the maximum height of the boundary wall on the northern boundary is 2.7 metres which is lower than the maximum boundary wall height permitted;
- the proposed boundary wall is at the side of the residence and is separate to the residence;
- the construction of a boundary wall on the northern boundary will not result in any overshadowing of the adjoining properties and will only cast a shadow over the roof of the existing residence associated with the proposed carport; and
- the proposed boundary wall will not be visible from the street.

The discretion to allow an additional boundary wall on the northern boundary has also been assessed against the Performance Criteria of the R-Codes and based on the following is considered to be acceptable development:

- The proposed northern boundary wall will abut a similar wall and as such will not impact the adjoining property.
- The proposed northern boundary wall will not cast a shadow on the adjoining lots to the north or west.

Based on the above discussion and taking into account there was no objection from the northern neighbour the discretion to allow a boundary wall along the northern boundary is supported.

Building Heights

The proposed wall heights are based on the continuation of the existing wall heights of the original residence. No increase to the existing wall heights is proposed. This also applies to the height of the pitched roof.

The retention of the existing wall height and utilisation of this in the proposed additions is not considered to be significant. The wall heights are not considered to have an undue impact on the adjoining property or on the streetscape because of the existing wall heights and because of the additions being at the rear of the dwelling. In addition the building and proposed additions are well setback and wall lengths are not excessive.

Further the proposed wall heights meet the performance criteria of the R-Codes and will not restrict access to sufficient daylight and ventilation for the subject dwelling and neighbours because of the east west orientation of the lot.

Boundary Setbacks

The application proposes to setback the additions 1.28 metres from the southern boundary in lieu of the requirements to set these back 1.5 metres. The applicant's desire is for the additions to follow the side wall of the residence in its existing alignment. The existing setback to the residence is 1.28 metres and the additions are proposed to have the same setback.

The R-Code Performance Criteria for boundary setbacks is listed below:

- provide adequate direct sun and ventilation to the building;
- ensure adequate direct sun and ventilation being available to adjoining properties;
- provide adequate direct sun to the building and appurtenant open spaces;
- assist with protection of access to direct sun for adjoining properties;
- assist in ameliorating the impacts of building bulk on adjoining properties; and
- assist in protecting privacy between adjoining properties.

The proposed reduced setback satisfies the above criteria with the exception of the impact on the southern neighbour who will be subject to overshadowing as a result of the reduced setback and overall building height. The neighbours to the south however have lodged a submission in support of the application including the proposed overshadowing. The overshadowing does not exceed the requirements of the R-Codes and the setback reduction is therefore considered to be minor and to be satisfactory.

CONCLUSION

The application proposes to construct additions to the rear of the residence and to construct a garage at the side of the residence at No. 26 Silas Street, East Fremantle. The application does not propose any alterations to the front of the residence or to the roofline of the residence and as such the additions will largely not be visible to the street.

Given that the proposal meets the majority of the acceptable development provisions of the R-Codes, TPS No. 3 and applicable Local Planning Policies and only small discretions are required which do not impact neighbours, the proposal is supported.

RECOMMENDATION

That Council exercise its discretion in approving

- a boundary wall along the northern boundary of the site;
 - wall heights that exceed the Category A provisions of the R-Codes by 0.3 metres
- and grant approval for the construction of a carport with a nil setback and the construction of alterations and additions to the residence at No. 26 Silas Street, East Fremantle in accordance with plans date stamp received on the 19 October 2011, subject to the following conditions:



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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 licence and the building licence 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 licence 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, clear of all buildings and boundaries.
5. Prior to the installation of externally mounted air-conditioning plant, a development application is to be lodged and approved by Council which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997.
6. All parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
7. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

T147.3 Coolgardie Avenue No. 11 (Lot 24)
Applicant: New Home Building Brokers
Owner: Kathryn Baker
Application No. P168/11

By Carly Pidco, Town Planner, on 30 November 2011

PURPOSE OF THIS REPORT

This report recommends conditional approval of a Development Application for construction of a two-storey single dwelling at No. 11 Coolgardie Avenue, East Fremantle.

BACKGROUND

Description of site

The subject site is:

- a 607m² green title lot
- zoned Residential 12.5
- improved with a single storey single dwelling, shed and swimming pool
- located in the Richmond Precinct.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5
Residential Design Codes (RDC)

Relevant Council Policies

Local Planning Policy No. 066 : Roofing (LPP066)
Local Planning Policy No. 142 : Residential Development (LPP142)
Local Planning Policy No. 143 : Fencing (LPP143)
Local Planning Policy No. 116 : Council Policy on Conservation of Trees in the Private Domain (LPP116)

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : To be removed and reinstated by owner
Footpath : Intersects proposed crossover
Streetscape : Reduced front setbacks

Documentation

Plans and relevant forms date stamped received on 24 October 2011

Date Application Received

24 October 2011

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

15 July 1985	Council approved construction of a solid masonry front fence
14 January 2008	Building Licence issued for replacement of an existing retaining wall

CONSULTATION

Advertising

The application was advertised to surrounding neighbours and a sign was placed on the site from 27 October to 21 November 2011. One submission was received from the owner of No. 11 Coolgardie Avenue. The submission raised the following points:

- Request that the setback from the eastern boundary fence on the lower level be at least 1.5m.
- Understand that the northern boundary setback should be at least 7m, in line with other houses on this side of the road.
- The windows of the upper floor bathroom and Bedroom 3 are large windows overlooking our property and not fully obscured. We are concerned with regards to the potential for privacy by the large area of the windows.
- The proposed 1.7m high brick northern boundary wall is not in keeping with other residents on Coolgardie Avenue. The wall presents a danger for pedestrians and drivers, particularly children from the nearby school. Request that the fence be maximum 1.2m high and not solid.

In relation to privacy from upstairs windows, the proposed development is compliant with R-Codes requirements. None of these windows is considered a "major opening" for the purpose of visual privacy requirements because:

- The bathroom and WC are not "habitable rooms" in accordance with R-Codes definitions
- Windows to Bed 3 are either obscure glass or have a sill height greater than 1.6m above floor level

It is, however, recommended that a condition be applied to any Planning Approval to ensure that these windows cannot function as major openings, thus protecting the visual privacy of the adjoining property into the future.

The other submissions made are related to variations to requirements and are addressed in detail in the Assessment section of this report.

Town Planning Advisory Panel Comments

The application was considered by the Town Planning Advisory Panel (the Panel) at its meeting of 22 November 2011 and the following comments were made:

- Front setback not in keeping with the street setback and consideration to be given to increasing the street setback

The front setback concern raised in the Panel's comments is discussed in detail in the Assessment section of this report.



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Site Inspection

By Town Planner on 30 November 2011.

ASSESSMENT

The proposed development is a two-storey single dwelling with a total floor area of 343.4m². The dwelling is of rendered masonry construction with a contrasting feature wall to the frontage. The roof is Colorbond and the dominant roof pitch is 25.4 degrees. The submitted plans also include a front boundary fence of solid rendered masonry construction and 1.7m high.

Demolition

The proposal includes the demolition of the existing brick and tile dwelling. The dwelling is not included in the Town's Municipal Heritage Inventory and is not subject to specific heritage management requirements. The loss of the existing dwelling is not likely to have an undue impact upon the streetscape or character of the locality.

The proposed development is consistent with the objectives for the Residential Zone and generally complies with the relevant R-Codes 'Acceptable Development' standards and the Town's Local Planning Policies. A number of variations to boundary setback requirements are being sought, as detailed below.

STATISTICS

Key: A = Acceptable, D = Discretion

Key: A = Acceptable, D = Discretion

Site:	Required	Proposed	Status				
Open Space	50%	68.2%	A				
Site Works	Less than 500 mm	Up to 700mm within the perimeter of the external walls	A				
Local Planning Policies:		Issues					
LPP 142 Residential Design	No boundary walls, height compliant. Reduced setbacks to front and side boundaries.		D				
LPP 066 Roofing	Hip Roof; dominant roof element 25 degrees		D				
Solar Access & Shade	Orientation maximises solar access		A				
Drainage	To be conditioned		A				
Views	No impacts		A				
Crossover	New crossover to be constructed; condition removal of existing crossover		A				
Trees	No trees of significance, verge tree to be retained		A				
Other:	Issues		Status				
Overshadowing	1.6% overshadowing on rear neighbour		A				
Privacy/Overlooking	No impact (complies with requirements)		A				
Height:	Required	Proposed	Status				
Wall	6.0	5.7	A				
Ridge	9.0	8.4	A				
Roof type	Hip Roof						
Setbacks:							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
Front (north)							
Ground	Bed 1	2.7	4.6	N/A	7.5	5.8	D
	Porch	2.7	4.9	N/A	6.5	6.4	D
	Garage	2.7	6.3	N/A	7.5	7.1	D
Upper	Whole	5.3	9.6	N/A	7.5	5.8	D
Rear (south)							
Ground	Whole	3.4	18.2	N/A	6.0	8.0	A
Upper	Whole	5.7	9.1	N/A	6.0	8.0	A



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Side (east)							
Ground	Whole	3.1	14.4	No	1.5	1.2	D
Upper	<i>Whole</i>	5.4	14	No	1.7	1.7	A
Side (west)							
Ground	<i>Alfresco</i>	3.5	4.8	Yes (>0.5 NGL)	1.5	2.0	A
	<i>Garage</i>	3.1	6.3 (assessed as 11m)	No	1.5	3.7	A
Upper	<i>Whole</i>	6.1	13.6	No	1.9	10.5	A
REQUIREMENT		PROPOSED		PLANNING OFFICER COMMENTS			
LPP142 - Residential Development <u>Front Setback (North)</u> 7.5m to Dwelling Ground Floor (Master Suite)		5.8m		Supported – refer to detailed discussion below			
7.5m to Garage		7.1m		Supported – refer to detailed discussion below			
6m to Upper Storey		5.8m		Supported – refer to detailed discussion below			
<u>Side Setback (East)</u> 1.5m to Dwelling Ground Floor		1.2m		Supported - although reduced, the setback maintains a visual separation from the adjoining property. There are no major openings facing the boundary and privacy is unlikely to be affected. The required setback has been achieved at the upper level, where privacy and building bulk issues are more likely to occur.			
LPP066 - Roofing Dominant roof elements to be greater than 28 degrees		25 degrees		Supported – The roof pitch ensures the proposed dwelling remains within maximum height requirements while allowing for large ceiling heights, in keeping with character houses of the area. The development is two storeys high and the decreased roof pitch will not be perceptible at ground level.			

Front Setbacks

The proposed development incorporates several significant variations to front setback requirements. The Town Planning Advisory Panel does not consider the proposed setbacks to be in keeping with the existing streetscape and advises reconsideration of the proposal. The applicant has responded to the Panel's comments and provided justification for the proposed design, summarised below.

Submission	Planning Officer Comment
The Block length is substantially less than the properties on the Eastern Boundary, meaning that to create a similar setback as these properties will result in unbalanced Outdoor living zones, with the bulk of the property's outdoor living space being located within the front setback. This scenario would have a negative impact on the privacy of the proposed residence as well as being the non-preferred option for the owners.	The subject lot is 28.46m deep, significantly less than adjoining properties. Coupled with a substantial front setback requirement, this is a considerable constraint. It is preferable for the dwelling to incorporate a usable outdoor living space to the rear of the property as this lessens the residents' need for a solid front fence for privacy.
The owners are looking at maintaining the existing pool located to the rear, any further increase on the front setback will negatively impact on the feasibility of doing this.	Retention of the existing swimming pool is encouraged as it is more sustainable than removal and reinstatement. However, there is a significant open area (approximately 8m x 13m to the side of the swimming pool that could accommodate part of the dwelling.

<p>At the current proposed setback the house does not sit forward of the building line of the streetscape, this is evident with the property that is located immediately on the Western boundary being sited 1100mm forward of our proposed residence.</p>	<p>Part 2 clause (i) of the LPP provides for setbacks to be at variance with the R-Codes where the setback is generally consistent with those of adjoining properties. This portion of Coolgardie Avenue is characterised by a rather fragmented streetscape. No. 9 Coolgardie Avenue, which abuts the western boundary of the subject property, includes two two-storey townhouses set back a minimum of 4.7m from the street. However, the balance of Coolgardie Avenue on the southern side is characterised by single-storey single dwellings with significant front setbacks. Opposite the subject property is a single-storey villa development that fronts a significant portion of the street, with patios set back at a minimum of 4m. It is difficult to determine a “consistent” set back distance in these circumstances.</p> <p>Notwithstanding the above, the proposed setbacks may be interpreted as a transition from the townhouses to single dwelling development east of the subject land.</p>
<p>The current proposal, with the use of contrasting materials and a quality finish creates a very attractive elevation. It is our belief that to position the residence further from the street will have a negative impact on the streetscape.</p>	<p>An attractive building facade can enhance the amenity of a streetscape. However, increasing the setback would bring the proposed development in line with neighbouring properties to the east and is not considered to be a negative impact.</p> <p>It is worth noting that the FFL of the proposed dwelling sits significantly lower than the adjoining verge, creating an illusion of reduced building bulk.</p>

Front Fencing

The existing development on the site includes a solid brick fence of approximately 1.7m height which does not comply with LPP – 143 Fencing. The proposal includes removal of the existing fence and construction of a rendered 1.7m high solid fence, which is inconsistent with the LPP - 143 Fencing. The applicant has provided the following justification for the proposed fence:

“Currently there is a 1.7 high fibro fence within the front setback area, we are simply replacing with a new rendered brick fence, this is certainly a improvement on the existing and as such is creating a more attractive streetscape”

Although the existing solid fence is considered to have a negative impact on the streetscape, replacement with a similarly solid fence is not likely to be an improvement. The Town’s requirements for visually permeable fencing enables natural surveillance and creates a sense of intimacy and character at the street level. The attached photograph shows the existing solid fences along Coolgardie Avenue and the cold streetscape that results. It is recommended that Council refuse the solid fence component of the proposal and require that the existing non-compliant fence be demolished and replace with fencing which complies with LPP – 143 Fencing.

Existing Jacaranda Tree

There is an existing mature jacaranda tree in the front yard of the subject property. The submitted plans indicate that the owner intends to retain this tree. In keeping with LPP

116 Council Policy on Conservation of Trees in the Private Domain, the tree contributes greatly to the Coolgardie Avenue streetscape. There are few mature street trees on this section of Coolgardie Avenue, and the tree provides welcome visual relief from the expanses of brick wall. It is recommended that a condition be applied to any planning approval requiring retention of the tree.

CONCLUSION

The proposed development incorporates several substantial variations to boundary setbacks requirements. The proposed setback variations allow the land owner to maximise the potential of a constrained lot. The increased front setback will provide a transition between the varied setbacks of the adjoining properties and reduce the fragmented appearance of the streetscape.

The proposed front fencing does not comply with the Town's LPP 143. A variation towards more solid fencing than permitted would likely have an undue impact upon the streetscape and should not be supported. Accordingly, it is recommended that compliance with the LPP 143 be required as a condition of development approval.

RECOMMENDATION

That Council exercise its discretion in granting approval for the following:

- (a) Vary the front setback requirements of the Local Planning Policy No. 142 Residential Development to permit setbacks of 5.8m at the ground storey, 5.8m at the upper storey, and 7.1m at the garage;
- (b) Vary the side setback requirements of the Residential Design Codes of Western Australia to permit a setback of 1.2m at the ground storey; and
- (c) Vary the roof requirements of Local Planning Policy No. 066 Roofing to permit a roof pitch of 25 degrees.

for the construction of a single dwelling at No. 11 (Lot 24) Coolgardie Avenue, East Fremantle, in accordance with the plans date stamped received on 24 October 2011 subject to the following conditions:

1. The proposed "Street Front Fence" shown on the submitted plans does not form part of this approval. Revised detailed plans incorporating the demolition of the existing fencing within the front setback area and its replacement with fencing which is in compliance with the Local Planning Policy – Policy on Local Laws Relating to Fencing and the satisfaction of the Chief Executive Officer are to be submitted and approved by the Chief Executive Officer prior to the issue of a Building Licence.
2. The windows to Bed 3 on the eastern boundary shall be permanently obscure glazed and non-openable to a height of 1.6m from the finished floor level to the satisfaction of the Chief Executive Officer.
3. The existing mature Jacaranda tree in the front setback is to be retained and maintained.
4. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
5. The proposed works are not to be commenced until Council has received an application for a demolition licence and building licence and the demolition licence and building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
6. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
7. The proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
8. 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 licence.



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9. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
10. Prior to the installation of externally mounted air-conditioning plant, a development application is to be lodged and approved by Council which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997.
11. 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.
12. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
13. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
14. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *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.*
- (d) *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).*
- (e) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (f) *the 'alfresco' area may not be enclosed without the prior written consent of Council.*
- (g) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (h) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the **installer** of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air-Conditioner Noise".*



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- T147.4** **2 Woodhouse (Lot 5067), East Fremantle**
Applicant/Owner: Anne-Marie Hickey
Application No. 133/2011
By Gemma Basley, Town Planner on 29 November 2011.

PURPOSE OF THIS REPORT

This report considers an application for Planning Approval for the construction of a roofed alfresco area in the rear yard of No. 2 Woodhouse Road, East Fremantle.

The application originally included a proposal to construct a double garage and a gatehouse in the front setback area however these elements have been withdrawn and do not form part of this report or approval.

This report recommends that the application to construct a roofed alfresco area in the rear yard of No. 2 woodhouse Road be approved.

BACKGROUND

Description of Proposal

The application proposes to construct a roofed alfresco area in the rear yard of No 2 Woodhouse Road. The alfresco area will have a floor area of approximately 20m² and will be constructed in brick and will have a rendered finish. The alfresco area is proposed to have a nil setback to the western (side) boundary and will be set back some 25 metres from the front boundary and the road.

Statutory Considerations

Town Planning Scheme No. 3
Local Planning Strategy – Richmond Hill Precinct (LPS)
R12.5 Residential Design Codes (RDC)

Relevant Council Policies

LP Policy No. 142: Residential Development
LP Policy No. 66: Roofing

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : No impact
Footpath : No impact
Streetscape : No impact

Documentation

Plans and relevant forms date stamp received on 31 August 2011.

Date Application Received

31 August 2011

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

4 April 2001 Delegated Planning Approval issued for the construction of a swimming pool in the rear yard of the property.
12 April 2011 Building Licence 201107 issued for the construction of a swimming pool.

CONSULTATION

Advertising

The application was advertised to adjoining land owners for two weeks between the 9 and the 23 September 2011. During this period no objections or submissions were received.



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Town Planning Advisory Panel

The subject application was not referred to the Town Planning Advisory Panel (TPAP) because of the minor nature of the proposal and because it has been assessed as having no streetscape impact.

STATISTICS

Site	Required	Proposed	Status				
Open Space	55%	55% +	A				
Site Works	Less than 500mm	Less than 500 mm	A				
Local Planning Policies	Issues						
Policy 142	1 boundary wall proposed which partially complies with the requirements of LPP No. 142		D				
Roof	Skillion		A				
Solar Access & Shade	North facing alfresco maximising solar access		A				
Drainage	To be conditioned		A				
Views	No impact		A				
Crossover	No change		A				
Trees	No trees to be removed		A				
Other:	Issues		Status				
Overshadowing	No impacts on adjoining site		A				
Privacy/Overlooking	No impacts		A				
Height:	Required	Proposed	Status				
Wall	3.0	2.7	A				
Ridge	6.0	2.9	A				
Roof type	Pitched/Skillion/Concealed						
Setbacks:							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	
Front (south)							
Ground	Alfresco	2.7	3.98	No	7.5	25+	
Rear (north)							
Ground	Alfresco	2.7	5.8	Yes	6.0	15+	
Side (west)							
Ground	Alfresco	2.7	5.03	No	1.0	Nil	
Side (east)							
Ground	Alfresco	2.7	2.8	No	1.0	5.0+	

ASSESSMENT

Planning Approval is sought to erect a skillion roofed alfresco area in the rear yard of No. 2 Woodhouse Street, East Fremantle. The proposed alfresco area will be installed over a paved area and will not have a raised finished floor level. Because the alfresco will be at ground level it will be screened by the dividing fences/parapet wall and will not result in any overlooking or impacts on the privacy of the adjoining residences.

The alfresco area will be open on at least two sides and as such does not need to be assessed as site cover under the R-Codes and is therefore included in the open space calculations above.

The maximum wall height of the proposed alfresco area will be 2.743 metres with a maximum roof height of 2.8 metres and satisfies the height requirements of the Residential Design Codes 2008.

The alfresco area is proposed to have a nil setback to the western (side) boundary which does not meet the setback requirements of the R-Codes being 1.0 metre. Council's Local Planning Policy No. 142 however provides for the construction of residences with walls situated closer to the boundary than permitted by the R-Codes where the following can be observed:

“(a) Walls are not higher than 3m and up to 9m in length up to one side boundary;

- (b) *Walls are behind the main dwelling;*
- (c) *Subject to the overshadow provisions of the Residential Design Codes – Element 9;*
- (d) *In the opinion of the Council, the wall would be consistent with the character of development in the immediate locality and not adversely affect the amenity of adjoining property(s) having regard for views; and*
- (e) *Having regard to the above, where the wall abuts an existing or simultaneously constructed wall of similar or greater dimensions.”*

The proposed alfresco boundary wall partially satisfies the above criteria as will be demonstrated below:

- The wall has a maximum wall height of 2.743 metres and is only proposed with a nil setback to the side/western boundary;
- The proposed boundary wall is behind the residence;
- The north-south orientation of the lot, the proposed boundary wall and the low height of the wall will ensure there are no adverse impacts of overshadowing on the adjoining lot;
- The wall will be setback by at least 25 metres from the road and as such will not impact on the streetscape or the amenity of the area.

The proposed boundary wall does not adjoin an existing or simultaneously constructed wall and does not therefore fully satisfy the requirements of LPP No. 142. Considering however the position of the proposed boundary wall (being setback 25 metres from the road) and there being no objection from the adjoining landowner, a discretion to allow the wall is considered to be appropriate.

CONCLUSION

The application seeks approval for a covered alfresco area in the rear yard and with a nil setback to the western/side boundary.

Given that the proposal meets the majority of the acceptable development provisions of the R-Codes, TPS No. 3 and applicable Local Planning Policies and only a small discretion is required the proposal is supported.

RECOMMENDATION

That Council exercise its discretion in granting approval for the following:

- variation to the setback requirements of the R-Codes and LPP No. 142 to allow a nil setback to the western boundary

for the construction of an alfresco area in the rear yard of No. 2 Woodhouse Road, East Fremantle, in accordance with plans date stamp received on the 31 August 2011, 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 licence and the building licence 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 licence 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, clear of all buildings and boundaries.
5. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*

- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.
- (c) 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).

T147.5 Glyde Street No. 9 (Lot 10) – Pergola, patio and deck addition

Applicant: Thomas McLaughlan, Patio Living

Owner: Paul & Julie Billing

Application No. P175/2011

By Matthew Ryan/Gemma Basley Town Planner on 29 November 2011

PURPOSE OF THIS REPORT

This report considers an application for Planning Approval for the construction of an open roofed pergola and a partially roofed and raised decking area in the rear yard of the property at No. 9 Glyde Street, East Fremantle.

The application seeks a discretion to the setback requirements of the Residential Design Codes (R-Codes) and LPP No. 142 and proposes a reduced setback to the northern/side boundary.

This report recommends that conditional approval be granted.

BACKGROUND

Description of Proposal

The application proposes the following works to the rear of the residence at No. 9 Glyde Street:

- Construction of a pergola to the northern boundary attached to the rear of the existing dwelling; and
- Construction of a raised decking area adjacent the proposed pergola for the remaining width of the dwelling.
- Provision of privacy screening on the side openings of the raised decking area.

Description of site

The subject site is:

- a 1018m² block
- zoned Residential R20
- developed with a single storey dwelling
- located in the Plympton Precinct.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R20

Local Planning Strategy – Plympton Precinct (LPS)

Residential Design Codes (RDC)

C Management Category - Municipal Heritage Inventory

Relevant Council Policies

Local Planning Policy No. 142 : Residential Development (LPP 142)

Impact on Public Domain

- Tree in verge : No impact
- Light pole : No impact
- Crossover : No impact
- Footpath : No impact
- Streetscape : The proposed additions are located at the rear of the residence and are not visible to the street.



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Documentation

Plans and relevant forms date stamp received on 8 November 2011

Date Application Received

8 November 2011

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

- 16 Sep 2010 Delegated approval granted for the construction of a shed at the rear of the lot.
- 9 Dec 2010 Building Licence 2010267 issued for re-roofing of the residence.
- 27 May 2011 Building Licence 2010315 issued for construction of a front bull nosed verandah.
- 2 Dec 2010 Delegated Planning Approval granted for a bull nosed verandah and the re-roofing of the residence.

CONSULTATION

Advertising

The application was advertised to surrounding neighbours for a two week period between the 16 and the 30 November 2011. At the close of advertising no objections or submissions had been received.

CONSULTATION

Town Planning Advisory Panel Comments

This application was not forwarded to the Town Planning Advisory Panel for comment because of the proposed works being in the rear yard of the property and not having an impact on the streetscape.

Site Inspection

24 November 2011

STATISTICS

File	P/175		
Zoning	R20		
Lot Area	1018m ²		
Heritage Listing	C		
Site:	Required	Proposed	Status
Open Space	55%	55%+	Acceptable
Site Works	500mm max	Nil	Acceptable
Height:	Required	Proposed	Status
Wall	6.0m	3.95m	Acceptable
Ridge	9.0m	4.1m	Acceptable
Roof type	Pitched		
Other:	Issues		Status
Overshadowing	No issues		Acceptable
Privacy/Overlooking	Decked area is screened		Acceptable
Setbacks:			
The proposed patio proposes a nil (half) a metre setback to the northern boundary which requires a discretion to the R-Codes requirements which require a 1 metre setback between a pergola and a side boundary. DISCRETION			

ASSESSMENT

Approval is sought for the construction of a pergola and a decked area in the rear yard of No. 9 Glyde Street East Fremantle.

The proposal complies with the requirements of the R-Codes and relevant Local Planning Policies, with the exception of the reduced setback to the northern boundary, which will be discussed below.

Buildings on the boundary

The application proposes the construction of a pergola with a nil (0.5 metre) setback to the northern boundary. The existing dwelling utilizes a nil setback to the northern boundary for its entire length, being 16.3 metres. The proposed pergola would add a further 3.9 metres, meaning a total building wall length of 20.2 metres. The R-Codes permit only the following with regards to boundary walls:

“where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension;”

Council's Local Planning Policy No. 142 provides for the construction of buildings with walls situated closer to the boundary than permitted by the R-Codes where the following can be observed:

- “(a) Walls are not higher than 3m and up to 9m in length up to one side boundary;*
- (b) Walls are behind the main dwelling;*
- (c) Subject to the overshadow provisions of the Residential Design Codes – Element 9;*
- (d) In the opinion of the Council, the wall would be consistent with the character of development in the immediate locality and not adversely affect the amenity of adjoining property(s) having regard for views; and*
- (e) Having regard to the above, where the wall abuts an existing or simultaneously constructed wall of similar or greater dimensions.”*

The proposed nil setback from the pergola to the northern boundary satisfies the above criteria as demonstrated below:

- The additional length of the wall is 3.9 metres, which is a minor addition given the existing 16.3 metre boundary wall utilised by the dwelling to the same boundary;
- The patio is to be constructed at ground level and is open sided so the nil setback will not have a visual impact.
- The proposed structure is not raised and will have no impacts on the privacy or amenity of the adjoining residence;
- The adjoining property would experience no overshadowing or loss of amenity as a result of the reduced setback

Based on the above discussion and taking into account there was no objection from the northern neighbour the discretion to allow a boundary wall for the proposed patio along the northern boundary is supported.

CONCLUSION

The application is considered to have had due regard for the Town's requirements relating to residential developments, as well as the requirements outlined in the R-Codes.

The proposal seeks a variation to the setback requirements of the R-Codes and LPP No.142. This variation is supported, given the proposed boundary wall is an extension of the existing dwelling boundary wall and it results in no overshadowing, overlooking or reduction in views of the adjacent property.

RECOMMENDATION

That Council exercise its discretion in granting approval for the following:

- (a) variation to the setback requirements of the R-Codes and LPP No.142 regarding the nil setback from the pergola to the northern boundary.

for the construction of a pergola and raised decked area within the rear yard of the residence at No. 9 Glyde Street, East Fremantle in accordance with the plans date stamp received on 8 November 2011 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 demolition licence and a building licence and the building licence



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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 licence 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. The proposed alterations/additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. All stormwater is to be disposed of on site, clear of all buildings and boundaries.
6. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

T147.6 No 118 (Lot 4963) Preston Point Road, East Fremantle

Applicant: Interface Architecture & Building

Owner: Christine Boase

Application No. P160/2011

By Gemma Basley Town Planner on 29 November 2011

PURPOSE OF THIS REPORT

This report considers an application for Planning Approval to demolish the existing single storey residence at No. 118 Preston Point Road and to construct a new two storey residence.

The application does not seek any discretions or variations to the planning requirements and proposes a fully compliant two storey residence.

This report recommends conditional approval.

BACKGROUND

Description of Proposal

The application proposes the following:

- To demolish the existing single storey brick residence;
- to construct a new residence generally on the existing building footprint;
- to construct the residence of double brick and iron with reverse brick veneer and timber cladding to the north east section of the first floor; and
- to protect the north west facing windows from heat with sun screens.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5

Local Planning Strategy - Richmond Hill Precinct (LPS)

Residential Design Codes (RDC)

Relevant Council Policies

Local Planning Policy No. 142 – Residential Development (LPP 142)

Local Planning Policy No. 66 - Roofing

Impact on Public Domain

Tree in verge: No impact

Light pole: No impact

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Crossover: No impact
Footpath: No impact
Streetscape: The new contemporary residence will present well to the street and will not have a negative impact

Documentation

Plans and relevant forms date stamp received on 20 October 2011

Date Application Received

20 October 2011

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

Nil

CONSULTATION

Advertising

The application was advertised to surrounding neighbours for a four week period between the 28 October 2011 and 21 November 2011. At the close of advertising no submissions or objections had been received:

Town Planning Advisory Panel

The subject application was assessed by the Town Planning Advisory Panel (TPAP) at its meeting of 22 November 2011 wherein the following comment was made:

- Panel appreciates distinctive contemporary architecture and considers it appropriate for the location.

The Panels comments are acknowledged by the Town Planner.

STATISTICS

Site:	Required	Proposed	Status				
Open Space	50%	65%	A				
Site Works	Less than 500mm	Less than 500 mm	A				
Local Planning Policies:	Issues						
Policy 142	Garage position ok, no boundary walls		A				
Roof	Concealed/skillion		A				
Solar Access & Shade	Maximises access to northern light		A				
Drainage	To be conditioned		A				
Views	No impacts – building height complies		A				
Crossover	No change		A				
Trees	Large tree to be retained		A				
Other:	Issues		Status				
Overshadowing	No impacts on adjoining lots		A				
Privacy/Overlooking	No impacts		A				
Height:	Required	Proposed	Status				
Wall	6.5	6.4	A				
Ridge	6.5	6.5	A				
Roof type	Concealed						
Setbacks:							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
Front (north)							
Ground	Living	3.4	6.35	n/a	7.5	9.2	A
	Garage	3.4	7.19	n/a	7.5	9.55	A
Upper	Bed2	6.4	6.35	n/a	7.5	9.25	A
	Balcony	6.4	7.19	n/a	7.5	9.25	A
Rear (south)							
Ground	Ensuite	3.4	6.35	No	1.0	2.16	A
Upper	Whole	6.4	17	Yes	6.0	18	A



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Side (west)							
Ground	Whole	3.0	25.1	No	1.5	1.5	A
Upper	Whole	6.4	9.35	No	1.2	1.5	A
Side (east)							
Ground	Whole	3.0	13.32	No	1.5	1.5	A
Upper	Whole	6.4	9.35	No	1.5	1.5	A

ASSESSMENT

Approval is sought for the demolition of the existing residence at No. 118 Preston Point and the construction of a new two storey residence in its place.

The proposed residence will occupy a similar footprint to the existing residence and proposes to maintain very similar setbacks to the front, side and rear boundaries.

The proposed residence has been assessed against all of the design elements of the R-Codes and satisfies all requirements including streetscape, setbacks, open space, access and parking, site works, building height, privacy etc. The proposed residence is contemporary and well articulated and only proposes a modest upper floor which will not result in the residence appearing bulky or out of scale.

CONCLUSION

The design is considered to be appropriate for the locality and to have maximised opportunities for passive solar design. The proposed dwelling has a modest footprint and will retain 65% of the site in open space. The use of a flat roof and the north-south orientation of the upper floor will assist in minimising the bulk and impact of the new residence on the surrounding area.

The design of the proposal has been supported by the Town Planning Advisory Panel and satisfies all of the requirements of Council's policies and the R-Codes.

RECOMMENDATION

That Council exercise its discretion in granting approval for:

- demolition of the existing residence;

and the construction of a new two storey residence at No. 118 Preston Point Road, East Fremantle in accordance with the plans date stamp received on 20 October 2011 subject to the following conditions:

1. A detailed schedule of materials and finishes to be submitted to the satisfaction of the CEO prior to the issue of a Building Licence.
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 licence and the building licence 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 licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. The proposed additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. All stormwater is to be disposed of on-site and clear of all boundaries.
7. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*

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- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.
- (c) 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).

T147.7 Hubble Street No. 10 (211)
Applicant/Owner: Deborah House
Application No. P162/2011

By Matthew Ryan/Gemma Basley on 28 November 2011

PURPOSE OF THIS REPORT

This report considers an application for Planning Approval for the replacement and reconstruction of a limestone retaining wall to the front boundary of the existing residence at No. 10 Hubble Street, East Fremantle.

The application seeks discretions to the requirements of LPP No. 143 in relation to the fence height and design.

This report recommends that conditional approval be granted.

BACKGROUND

Description of Proposal

The subject application proposes the construction of a limestone front boundary wall, and involves the following:

- Removal of existing brick retaining wall;
- Construction of a new limestone retaining wall in the same location; and
- Construction of a visually permeable fence above the solid wall/retaining.

The application seeks discretions to the requirements of LPP No. 143, which will be discussed in the Assessment section of this report.

Description of Site

The subject site is:

- a 506m² block
- zoned Residential R20
- developed with a single storey heritage dwelling
- located in the Plympton Precinct
- included in the Municipal Inventory (C-^ Management Category)

Statutory Considerations

Town Planning Scheme No. 3 – Residential R20
Local Planning Strategy - Plympton Precinct (LPS)
Residential Design Codes (RDC)

Relevant Council Policies

Local Planning Policy No. 143 : Policy on Local Laws Relating to Fencing

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : No impact
Footpath : No impact
Streetscape : Application proposes to replace an older fence with a newer fence which will have a positive impact on the streetscape.

Documentation

Plans and relevant forms date stamp received on 19 October 2011



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Date Application Received

19 October 2011

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

- 18 Nov 2005: Council under delegated authority granted approval for the construction of a below ground swimming pool;
- 19 Oct 2010: Council granted approval for alterations/additions to the residence; and
- 16 Aug 2011: Council granted approval for the construction of ancillary accommodation.

CONSULTATION

Advertising

The application was not advertised to neighbours as the proposal relates to the replacement of an existing fence and will have no potential to impact upon the adjoining properties.

Town Planning Advisory Panel

The subject application was considered by the Town Planning Advisory Panel at its meeting of the 22 November 2011. The Panel made the following comment about the proposed fence:

- Additional fence height serves to retain the site and is acceptable for this reason. In addition the balance of the fence is visually permeable. The visually permeable part of the fence is level with floor levels of the residence which means that vistas to the residence are not obscured by the fence.

The Panels comments are acknowledged and supported by the Town Planner.

STATISTICS

Key: A = Acceptable, D = Discretion

Site:	Required	Proposed	Status
Open Space	50%	No change to site cover	n/a
Site Works	Less than 500mm	1.2 metres at front boundary existing and to be retained.	D
Local Planning Policies:	Issues		Status
Policy 143	Fence height exceeds 1.8 metres and solid section of wall (non visually permeable) exceeds 1.2 metres		D
Roof	n/a		n/a
Solar Access & Shade	n/a		n/a
Drainage	n/a		n/a
Views	n/a		n/a
Crossover	n/a		n/a
Trees	n/a		n/a
Other:	Issues		Status
Overshadowing	No impacts on adjoining lots		A
Privacy/Overlooking	No impacts		A
Height:	Required	Proposed	Status
Solid – non visually permeable section of fence	1.2 metres	1.23 to 1.36 metres	D
Visually Permeable Section of fence	Above 1.2 metres	Visually permeable proposed but only from 1.36 metres	D
Overall height	1.8 metres maximum	2.3 metres maximum	D

Site Inspection

24 November 2011

ASSESSMENT

Approval is sought for the construction of a limestone retaining wall/fence to replace the existing brick fence to the front of the property at No. 10 Hubble Street, East Fremantle as is described below:

- The maximum overall height of the fence is 2.3 metres above the adjacent footpath which is 0.5 metres above the maximum permitted height on 1.8 metres.
- The solid portion of the wall ranges from 1.23 to 1.36 metres in height which is a maximum of 160mm above the maximum permitted height of 1.2 metres.
- The fence is required to be visually permeable above 1.2 metres, however is proposed to be visually permeable only from 1.36 metres.
- Above 1.36 metres the fence is 77.5% visually permeable.

The proposal accords with the provisions of TPS3, the R-Codes and the Town's Planning Policies with the exception of the variations sought to LPP No.143.

Planning Requirements

LPP 143 states:

"Council requires front fences and walls above 1.2m to be visually permeable defined as:

Continuous vertical gaps of at least 50mm width occupying not less than 60% of the face in aggregate of the entire surface that is at least 60% of the length of the wall must be open. (Note: This differs from the 'R' Codes)

3.1 Maximum Height

The maximum height of any part of the fence is to be 1.8m."

The Policy provides for special circumstances under which variations may be considered as follows:

"Part 4– Council Approval Required

Under special circumstances including those listed below Council may approve a fence to be less visually permeable and or with a maximum height greater than 1.8 m:

- 4.1 a higher fence/wall is required for noise attenuation.*
- 4.2 a less visually permeable fence would aid in reducing headlight glare from motor vehicles. This would apply more particularly where the subject property is opposite or adjacent to an intersection which could lead to intrusion of light into windows of habitable rooms.*
- 4.3 where the contours of the ground or the difference in levels between one side of the fence and the other side warrant consideration of a higher fence.*
- 4.4 where the applicant can demonstrate to Council that there is a need to provide visual screening to an outdoor living area. This may apply in situations where there is no alternative private living space other than in the front of the residence or for part of the secondary side boundary of a corner lot."*

The proposed height of the solid portion of the wall is required to replace the existing wall which retains the front yard of No. 10 Hubble Street, East Fremantle. As such the solid section of wall extending to a height of 1.36 metres in lieu of the 1.2 metre requirement is supported and is considered to be necessary.

The application proposes a variation to the maximum overall fence height and proposes a maximum height of 2.3 metres (measured from the lower side of the fence) in lieu of the 1.8 metres required. Section 4.4 of LPP No. 143 allows for approval to be granted for a fence over 1.8 metres in height where the difference in ground levels on each side of the boundary warrants a higher fence. Given the raised front yard, it is understandable that the maximum height of the fence exceeds 1.8 metres, for retaining, functionality and design purposes.



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The open portion of the fence above 1.36 metres which extends to a height of 2.3 metres is 77.5% visually permeable. The additional fence height allows for the continuation of the existing verandah fence to the southern and northern side of the dwelling, as well as reducing the dominance of the solid wall below and allowing the wall to present positively to the streetscape.

In light of the above, the application seeking planning approval for a front fence with reduced visual permeability and additional height at No. 10 Hubble Street is supported.

CONCLUSION

The application is considered to have had due regard for the Town's requirements relating to residential developments, as well as the requirements outlined within the R-Codes.

Whilst the application does seek variations to LPP No. 143, they are deemed necessary for the purposes of retaining the raised front yard and allowing the area to remain functional. The design of the proposed wall will benefit the streetscape and does not compromise the heritage value of the residence.

The application is therefore considered to be suitable for determination and is recommended for approval.

RECOMMENDATION

That Council exercise its discretion in granting approval for the following:

- (a) variation to the front fence requirements of LPP No. 143 to allow a fence which provides visual permeability above 1.36 metres in lieu of the 1.2 required under LPP No.143.
- (b) variation to LPP No. 143 to allow the solid portion of the front fence to be 1.23 to 1.36 metres high in lieu of the 1.2 metres required.
- (c) variation to LPP No. 143 to allow the maximum overall fence height to be 2.3 metres in lieu of the 1.8 metres required.

for the construction of a front fence at No. 10 Hubble Street in accordance with the plans date stamp received on 19 October 2011 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 licence and the building licence 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 licence 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. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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



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T147.8 Dalgety Street No. 17A (Lot 111)
Applicant/Owner: Mark & Joanne Fleming
Application No. P158/11
By Carly Pidco, Town Planner, on 30 November 2011

PURPOSE OF THIS REPORT

This report recommends conditional approval of a Development Application for construction of a single-storey single dwelling at No. 17A Dalgety Street, East Fremantle.

BACKGROUND

The subject land is a battleaxe survey-strata lot known as Lot 2. The landowners have advised that they subdivided the original green title lot, retaining the existing dwelling within the front Lot 1, to take advantage of the window of opportunity to subdivide prior to the adoption of TPS No. 3. They have chosen not to construct a new dwelling on the battleaxe Lot 2, and continue to use it as the backyard to the dwelling on Lot 1. Although there is no dwelling on Lot 2, an approved swimming pool has been constructed.

Description of site

The subject site is:

- a 577m² survey strata lot
- zoned Residential 12.5
- improved with a swimming pool (no dwelling)
- located in the Woodside Precinct
- encumbered by a sewerage easement in the south-west corner of the lot

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5 (to be assessed as R20 in accordance with clause 5.3.3)
Residential Design Codes of Western Australia (RDC)

Relevant Council Policies

Local Planning Policy No. 066 : Roofing (LPP066)
Local Planning Policy No. 142 : Residential Development (LPP142)

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : No impact
Footpath : No impact
Streetscape : No impact

Documentation

Plans and relevant forms date stamped received on 14 October 2011
Revised plans date stamped received on 24 November 2011

Date Application Received

14 October 2011

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

21 October 2002 WAPC conditionally approves survey strata subdivision of 17 Dalgety Street
18 August 2004 WAPC endorses Survey Strata Plan 46643, creating 17 and 17A Dalgety Street
13 June 2007 Council issues a Building Licence for construction of a swimming pool

CONSULTATION

Advertising

The application was advertised to surrounding neighbours for a two week period from 19 October to 2 November 2011. No submissions regarding the proposed development were received.



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Town Planning Advisory Panel Comments

The application was not referred to the Town Planning Advisory Panel as it is not visible from the public realm and will not impact upon the streetscape.

Site Inspection

By Town Planner on 30 November 2011

ASSESSMENT

The proposed development is a single-storey single dwelling with a total internal floor area of 45.8m². The dwelling is of weatherboard construction with a Colorbond Zincalume roof. Initially, the applicant sought approval for an ancillary pool room, comprising a games room, kitchenette, bathroom and deck. However, as there is no dwelling or other principal improvement on Lot 2, it is not possible for an ancillary structure to be approved. The landowners were requested to submit revised plans addressing this issue. The revised plans have reconfigured the internal layout of the proposed pool room to achieve a single bedroom dwelling.

Environmental Health Comments

In order for the proposed development to be assessed as a single dwelling, it is necessary for the applicant to demonstrate compliance with the Health Act 1911. After liaison with the Town's officers, the applicants have incorporated a toilet, basin, shower, kitchen, laundry, separate bedroom and eating area into the design. The proposal is now compliant with the Health Act requirements for a dwelling.

The proposed development is consistent with the objectives for the Residential Zone and generally complies with the relevant R-Codes 'Acceptable Development' standards and the Town's Local Planning Policies. A variation to roof pitch requirements is being sought, as detailed below.

Key: A = Acceptable, D = Discretion

Key: A = Acceptable; D = Discretion

Site:	Required	Proposed	Status				
Open Space	50%	92.1%	A				
Site Works	Less than 500mm	Less than 500 mm	A				
Local Planning Policies:	Issues						
LPP 142 Residential Design	No boundary walls, height compliant and setbacks compliant.		A				
LPP 066 Roofing; LPP023 Reflective Roofing Material	Skillion Roof; 3 degrees; Zincalume roof – apply standard condition		D				
Solar Access & Shade	Living areas face south. Does not maximise solar access but is compliant with requirements.		A				
Drainage	To be conditioned		A				
Views	No impacts		A				
Crossover	No impacts		A				
Trees	No impacts		A				
Other:	Issues		Status				
Overshadowing	Siting and height of dwelling will minimise overshadowing on adjoining lots		A				
Privacy/Overlooking	No impact		A				
Height:	Required	Proposed	Status				
Wall	3.0	2.7	A				
Ridge	6.0	3.1	A				
Roof type	Skillion Roof						
Setbacks:							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
Front (east)							
Ground	Dwelling	2.7	10.2	Y	1.5	14.8	A
Rear (west)							



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Ground	Dwelling	2.4	10.2	N	1.5	2.5	A
Side (south)							
Ground	Dwelling	2.7	6.0	Y	1.5	7.9	A
Side (north)							
Ground	Dwelling	2.7	5.5	N	1	1.5	A

REQUIREMENT	PROPOSED	PLANNING OFFICER COMMENTS
LPP066 - Roofing Dominant roof elements to be greater than 28 degrees	3 degrees	Supported – The development incorporates a skillion roof. The roof does not present as a dominant feature of the structure and the proposed angle is appropriate to the roof style. The dwelling is to be located on a battleaxe lot where it will not be visible from the public realm, minimising any impact of roof form on the streetscape.

Access and Car Parking

The revised submitted plans do not provide any detail in relation to car parking for the proposed dwelling. Part 6.5 of the Residential Design Codes provides the following requirements in relation to car parking and access:

- Single bedroom dwelling of not more than 60m² floor area to have a minimum of 1 on-site car parking bay; and
- A formed driveway designed for two way access and for vehicles to enter the street in forward gear where the distance from a car space to street alignment is 15m or more.

A variation to waive these requirements is not considered appropriate as there is no constraint to the owner providing on-site parking, and it is desirable for vehicles to be parked off the street to preserve amenity and safety.

It should be noted that it is not necessary for car parking bays to be contained within a carport or garage; open bays are also acceptable and no additional structures are required. It is feasible for the required car parking bay and a turning area to allow vehicles to exit the site in forward gear to be accommodated in the existing lawn area. A crossover to service the existing driveway will also be required. It is recommended that a condition be attached to any approval requiring revised plans addressing these matters.

CONCLUSION

The proposed development is generally consistent with the requirements of the R-Codes and the Town's Local Planning Policies, with the exception of roof pitch and car parking requirements. The proposed roof pitch variation complements the style of the structure and will not impact upon the streetscape. Car parking and access requirements must be complied with to preserve amenity and safety on the street, and compliance can be readily achieved. It is recommended that the proposed single dwelling development be approved subject to appropriate conditions.

RECOMMENDATION

That Council exercise its discretion in granting approval for the following:

- vary the roof pitch requirements of the Local Planning Policy No. 066 Roofing to permit a dominant roof pitch of 3 degrees.

for the construction of a single dwelling at No. 17A (Lot 111) Dalgety Street, East Fremantle, in accordance with the plans date stamped received on 24 November 2011 subject to the following conditions:

1. Revised detailed plans which demonstrate compliance with the Residential Design Codes of Western Australia Part 6.5 Access and Car Parking Requirements are to be submitted and approved prior to the issue of a Building Licence.
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 licence and the building licence 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 licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
 5. The proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 6. 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 licence.
 7. Prior to the installation of any externally mounted air conditioning plant, a development application which is to be lodged and approved by the Chief Executive Officer which demonstrates that noise from the air conditioner will comply with the Environmental (Noise) Regulations 1997.
 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 and including, without limitation any works associated with the proposal which are required by another statutory or public authority) 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.
 10. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
 11. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
 12. The zincalume roofing be treated to Council's satisfaction to reduce reflectivity in the first two years following installation, at the owner's expense.
 13. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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



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- (e) with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.
- (f) matters relating to dividing fences are subject to the *Dividing Fences Act 1961*.
- (g) under the *Environmental Protection (Noise) Regulations 1997*, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The *Environmental Protection Act 1986* sets penalties for non-compliance with the Regulations and the **installer** of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air-Conditioner Noise"

T148. CONFIDENTIAL BUSINESS

Nil.

T149. URGENT BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING

T149.1 *Delegation to Chief Executive Officer*
By Jamie Douglas, Manager Planning Services on 6 December 2011

INTRODUCTION

Elected members will be aware that there are no meetings scheduled for the Town Planning & Building Committee and Council and January 2012 and the next meetings are on the 14 and 21 February 2012 respectively. Currently, there are nine planning applications that could otherwise be determined in January. Accordingly, elected members may wish to consider either:

- Scheduling meetings in January, or
- Providing delegation to the CEO to determine certain planning applications.

DISCUSSION

It is noted that the Town Planning Advisory Panel is not scheduled to meet in December. Accordingly delegation to the CEO to approve applications for planning approval not requiring referral to the Town Planning Advisory Panel would be appropriate as this would allow for the determination of the relatively small, non-contentious applications which have been lodged.

RECOMMENDATION

That for the period 14 December 2011 to 20 February 2012 Council delegates to the CEO, under clause 11.3 of the Town Planning Scheme No 3, the power to approve planning applications not requiring a referral to the Town Planning Advisory Panel (ie those applications that do not impact upon the streetscape, are not associated with a property listed on the Municipal Inventory/Heritage List or are of a minor nature).

Absolute Majority Resolution Required

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr de Jong

That for the period 14 December 2011 to 20 February 2012 Council delegates to the CEO, under clause 11.3 of the Town Planning Scheme No 3, the power to approve planning applications not requiring a referral to the Town Planning Advisory Panel (ie those applications that do not impact upon the streetscape, are not associated with a property listed on the Municipal Inventory/Heritage List or are of a minor nature).

CARRIED

.T150. CLOSURE OF MEETING

There being no further business the meeting closed at 9.25pm.



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*I hereby certify that the Minutes of the meeting of the **Town Planning & Building Committee (Private Domain)** of the Town of East Fremantle, held on **6 December 2011**, Minute Book reference **T137. to T150.** were confirmed at the meeting of the Committee on*

.....

Presiding Member