



Additional documents

Planning Committee

Wednesday 3 May 2023 6pm



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PC2304-1 HICKORY STREET, NO. 8 (LOT 30), SOUTH FREMANTLE - TWO STOREY ADDITIONS AND ALTERATIONS INCLUDING A ROOF TOP TERRACE ADDITION TO EXISTING SINGLE HOUSE (ED DA0263/22)

ADDITIONAL OFFICERS COMMENT

BACKGROUND

At the City's Planning Committee on 5 April 2023, the proposal and plans (dated 3 March 2023) for 8 Hickory Street, South Fremantle (*Two Storey Additions and Alterations Including a Roof Top Terrace Addition to Existing Single House*) was referred to the Ordinary Meeting of Council on 26 April 2023 due to Planning Committee not being able to exercise their delegation.

Councillors had primarily raised concerns surrounding the overshadowing impact of the proposal on the southern neighbour at 10 Hickory Street, South Fremantle.

On 14 April 2023 the applicant provided Officers with a set of amended development plans (**Attachment 1**) in an attempt to address some of the concerns raised by the Planning Committee meeting, particularly in relation to the overshadowing impacts on the southern neighbour.

The applicant advised:

"The intent of the changes is to reduce the extent of overshadowing on the adjoining property as suggested in Andrew's emails, and also to gain some more space on the balcony, without increasing overshadowing, due to the reduced head room within the third level as a result of the pitched roof".

The amended plans, submitted on 14 April 2023, are noted to include the following key changes:

- Change in the roof form and pitch of the third level roof from flat to pitched/gabled roof with an aim to reduce overshadowing impacts;
- Reduction in overall overshadowing of the adjoining southern neighbour by 6.7m². This reduction results in an overall overshadowing area of 127.3m² (or 27.97% coverage of the adjoining southern property) compared with the previous plans (dated 3 March 2023) which proposed 134m² (or 29.45%) overshadowing of the southern property;
- Increase in northern third floor external wall height from 7.7m to 8.2m (500mm increase). Increase in overall roof height 9.2m to
- Alterations to eastern facing third level opening to the enclosed portion of the terrace;
- Increase in width of the open/unroofed portion of the terrace by 2m.



A marked-up version of the amended plans clearly highlighting and annotating the changes that have been made can be found at **Additional Information 3**.

While these plans were circulated to elected members ahead of the Ordinary Meeting of Council on 26 April 2023, due to time constraints, Officers had not yet had sufficient time to carry out any detailed assessment of the amended plans so the item was referred back to the 3 May 2023 Planning Committee. Officers have since had the chance to review and assess the amended plans (dated 14 April 2023) as is the subject of the additional discussion below.

In particular, the following areas still represent variations from deemed-to-comply policy requirements and require discretionary consideration:

- Building Height
- Overshadowing
- Lot boundary Setback
- Visual Privacy

These and any other relevant matters above matters are discussed in the following section below.

The amended plans were also circulated to previous submitters on the application on 27 April 2023. Further comments on the amended plans were invited from submitters so they could be considered by the Planning Committee and/or deputations were invited of the submitters at the Planning Committee meeting on to be held on 3 May 2023.

It is also noted there are some minor inconsistencies between some of the floor and elevation plans provided as part of the amended plans due to time constraints, however, these were not considered to impede the officer assessment below and should the plans be recommended for approval a condition will be recommended to ensure a fully consistent set of development plans are prepared to the satisfaction of the City of Fremantle, prior to the issue of a building permit.

Statutory and Policy Assessment of Revised Plans

The amended proposal has been assessed against the relevant provisions of LPS4, the R-Codes and relevant Council local planning policies. Key assessment items are as follows:

Building Height

As outlined in Schedule 7 of the City's LPS4 (Local Planning Areas (Development Requirements)), building heights for residential development within LPA4 (Fremantle South) defer to the R-Code building heights in Table 3.



Element	Requirement	Proposed	Extent Variation of
External Wall Height	≤7.0m	8.2m	1.2m
Total Roof Height	≤8.0m	10.2m	2.2m

The additional building height is considered to meet the Design Principles of the R-Codes for the following reasons:

- From a streetscape perspective, the additional building height is generally supported as the third level is stepped back from the levels below (3m further than floor below) and 11.652m from the street meaning this element is unlikely to be visible from the public street;
- With the upper floor subservient in area to the floor below it is less prominent and is not to appear as a 3 storey dwelling from the street;
- The City's Heritage Officers previously noted:

'the roof terrace element has been modified to reduce the impact on the streetscape and the building appearance from the streetscape appears more of a two-storey nature.'

- While the amended plans add additional external wall height to the northern side and overall roof height with the gabled roof, the actual overshadowing of the southern lot has been reduced due to the shorter southern external wall height (reduced by 300mm) and the new pitched roof actually improves solar access to the southern neighbour (see further discussion in overshadowing section below). The image below illustrates how the pitched roof improves the shadow impact from this level by reducing the obstruction of sunlight with the angle of the sun:

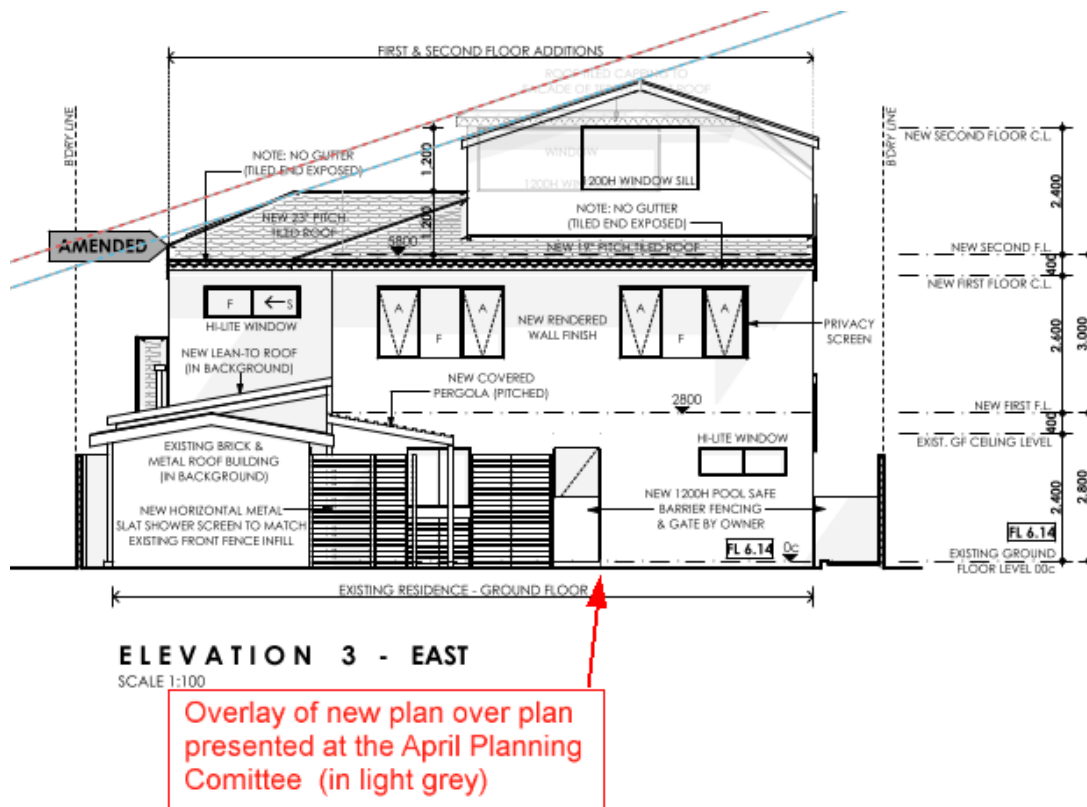


Figure 1. Proposed east elevation showing change to roof form and pitch at third level

Overshadowing (amended, based on revised plans submitted)

Element	Requirement	Proposed	Extent of Variation
Maximum Permissible Overshadowing of Adjoining Sites (R-Codes 5.4.2)	Max. 25% shadow cover of adjoining site: No. 10 Hickory Street (Site Area: 455m²)	27.97% (127.3m²) (Previously 29.45% or 134m² plans dated 3 March 2023)	2.97% (13.5m²)

On the basis of the amended development plans, dated 14 April 2023, the overshadowing of the adjoining southern lot (No. 10 Hickory Street) is considered to meet the Design principles of the R-Codes, for the following reasons:

- The applicant has amended plans that have further reduced overshadowing of the adjoining southern neighbour by 6.7m². This reduction results in an overall overshadowing area of 127.3m² (or 27.97% coverage of the adjoining southern property) compared with the previous plans (dated 3 March 2023) which proposed 134m² (or 29.45%) overshadowing of the southern property.
- Importantly, the extent of overshadowing over the more sensitive outdoor living area (alfresco) and habitable room windows of the adjoining dwelling, which was previously the main concern, has been partly reduced and therefore the potential overshadowing impact upon active habitable spaces has improved under the amended plans and is considered acceptable.

See the below comparative plans that illustrate how the shadow impact has been reduced between the plans previously considered (dated 3 March 2023) vs. the amended plans (dated 14 April 2023) – the red colouring shows how the shadow impact has been reduced:

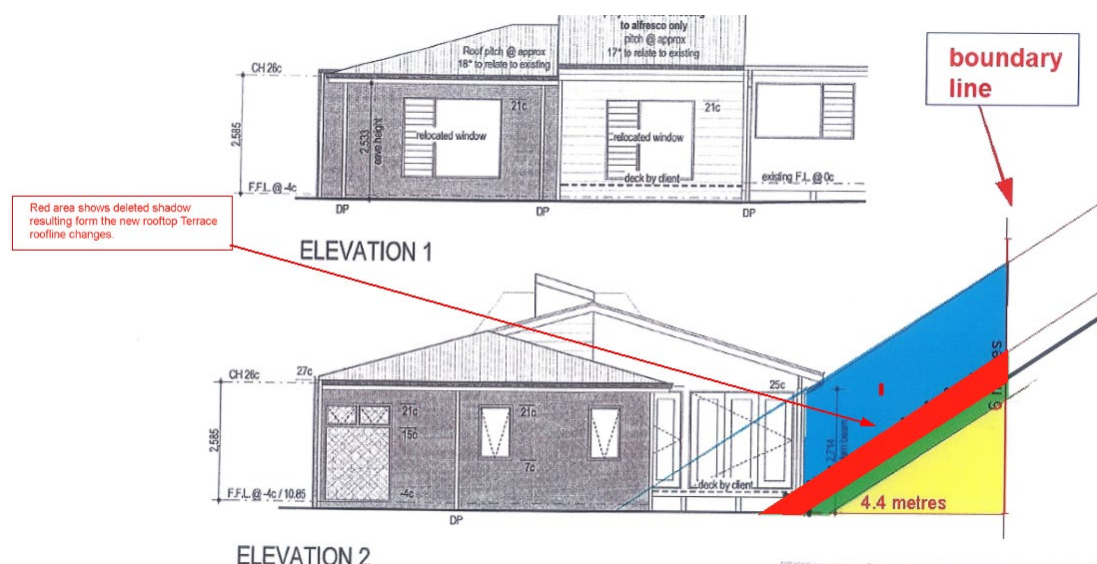


Figure 2. Diagram illustrating shadow impact of proposed development upon adjoining southern dwelling (No. 10 Hickory – east elevation shown above). The area shaded red demonstrates the reduction in extent of overshadowing due to changed roof pitch and form.

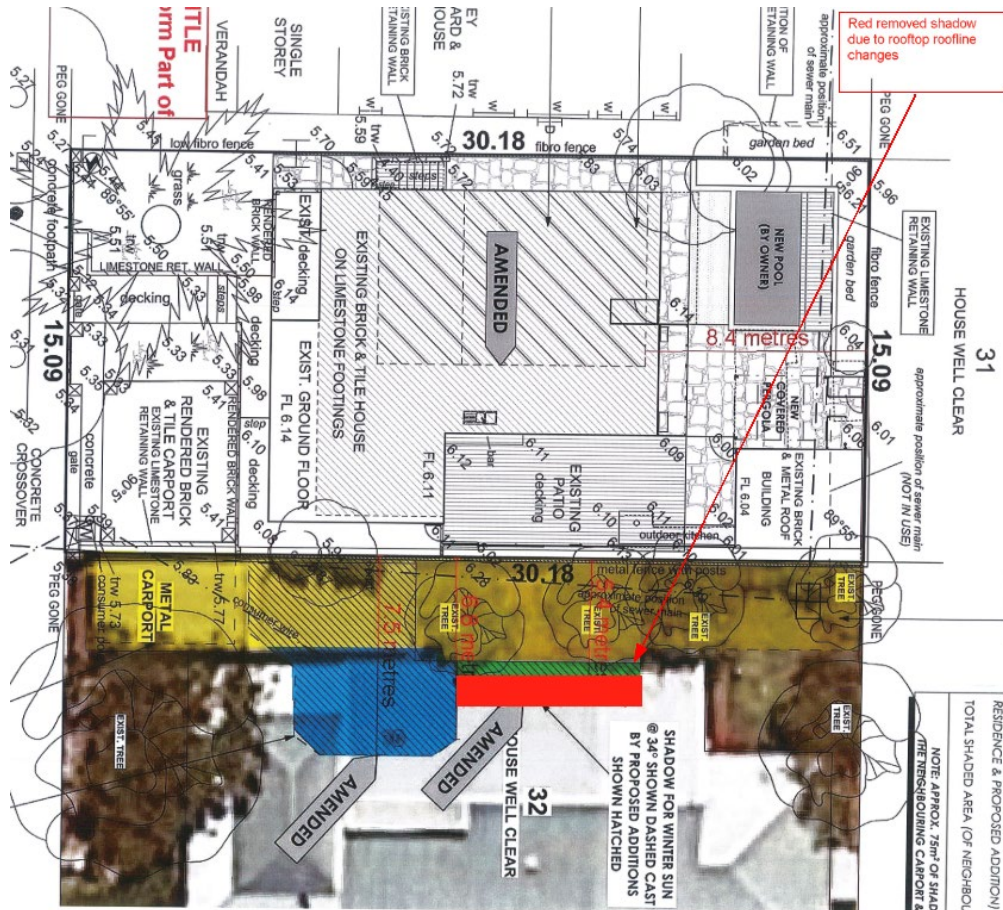


Figure 3. diagram illustrating the reduction in overshadowing as a result of amendments to the third level roof form and pitch (see area shaded red for reduction).

- It is also important to note that on east-west orientated lots such as those on Hickory Street, with lot widths of 15m, some overshadowing is generally inevitable for development proposals above a single storey. The shadow impact of the proposal has clearly informed the overall design of the amended proposals with all southern lot boundary setbacks achieving or greatly exceeding (in the case of the third (roof terrace) level) the deemed-to-comply requirements of the R-Codes and shadow impact of the proposal has been effectively mitigated as a result.



Lot boundary setback

1. Element	2. Requirement	3. Proposed	4. Extent of Variation
5. Third Level Terrace Wall (northern setback)	6. 1.4m	7. 1.361	8. 39mm

The northern third level terrace wall is considered to meet the Design Principles of the R-Codes for the following reasons:

- The variation is of a very minor nature 39mm and is considered to be negligible in terms of impact upon the adjoining northern property as discussed further below;
- The setback is to the northern lot boundary and therefore will not cause any overshadowing impact on the adjoining property (No. 6 Hickory Street).
- The proposed wall will be opposite the second storey of the adjoining property (No. 6 Hickory) which is setback only 1.5m from the subject site and is of a similar extent/length (12.85m compared to the proposed 12.83m). The Proposed Upper Floor Plan shows the extent of the adjoining dwelling compared to that proposed.
- The proposed wall will not be opposite any sensitive outdoor living areas of the adjoining dwelling and nor is it expected to have an adverse amenity impact upon habitable rooms of the adjoining property.

It is noted the affected northern neighbour has provided written consent to the proposed amended development plans.

Visual Privacy

It is noted that any major opening or unenclosed roof terrace above ground level that provides views behind the street setback line in any direction (i.e. north, south and east) and provides a cone-of-vision that is not setback in accordance with R-Codes visual privacy requirements, will be required to be adequately screened to prevent any compromise of visual privacy for adjoining neighbours.

A condition of approval is recommended to this effect should the application be approved.

CONCLUSION

In accordance with the above assessment, the proposal as amended is considered to appropriately address the relevant statutory planning requirements of the



LPS4, the R-Codes and relevant Council local planning policies and is therefore recommended for approval, subject to conditions.

AMENDED OFFICER'S RECCOMENDATION

Council:

APPROVE under the Metropolitan Region Scheme and Local Planning Scheme No. 4 the Two Storey Additions and Alterations Including a Roof Top Terrace Addition to an Existing Single House at No. 8 (Lot 30) Hickory Street, South Fremantle, subject to the following conditions:

- 1. This approval relates only to the development as indicated on the approved plans, dated 14 April 2023. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.**
- 2. Notwithstanding Condition No.1, prior to the submission of a building permit application, a revised, complete set of consistent development plans across floor and elevation plans shall be submitted to, and approved by the City of Fremantle.**
- 3. All storm water discharge shall be contained and disposed of on-site unless otherwise approved by the City.**
- 4. Prior to the issue of a Building Permit for the development hereby approved, a detailed drawing showing how the New Open Terrace located on the north and south elevations and the eastern facing openings to the New Roof Covered Area, are to be screened in accordance with Clause 5.4.1C1.1 of the Residential Design Codes by either:**
 - a. fixed obscured or fixed translucent glass to a minimum height of 1.60 metres above internal floor level, or**
 - b. fixed screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the internal floor level, or**
 - c. a minimum sill height of 1.60 metres above the internal floor level,**

Prior to occupation of the development hereby approved, the approved screening method shall be installed and maintained to the satisfaction of the City of Fremantle.



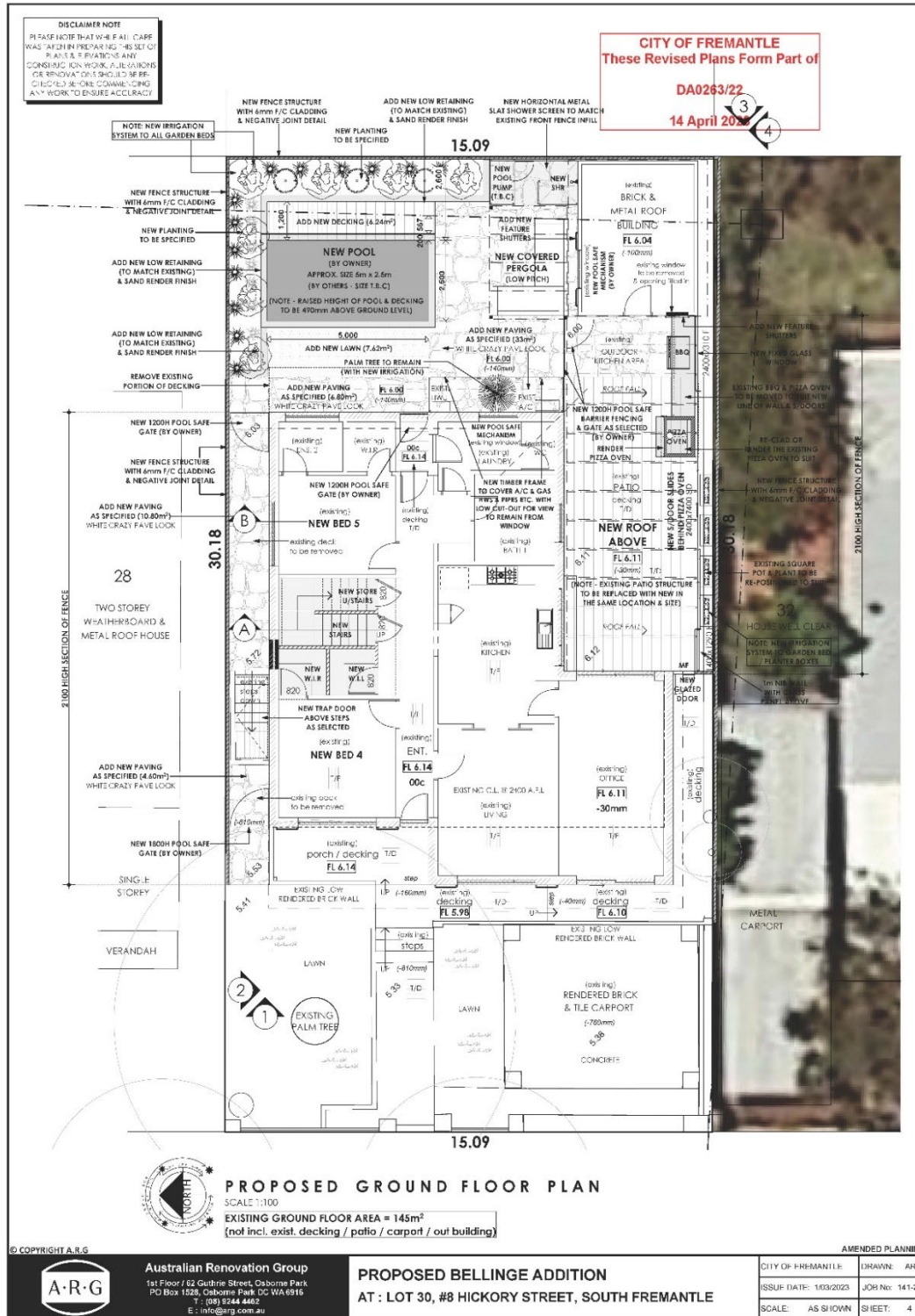
5. **Prior to commencement of development the existing tree within the road reserve, shown on the approved plans shall be protected through the implementation of a Tree Protection Zone for protection during construction. Additional information with regard to the tree protection zone requirements can be found [here: https://www.fremantle.wa.gov.au/residents/trees-and-verges](https://www.fremantle.wa.gov.au/residents/trees-and-verges).**
6. **Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.**

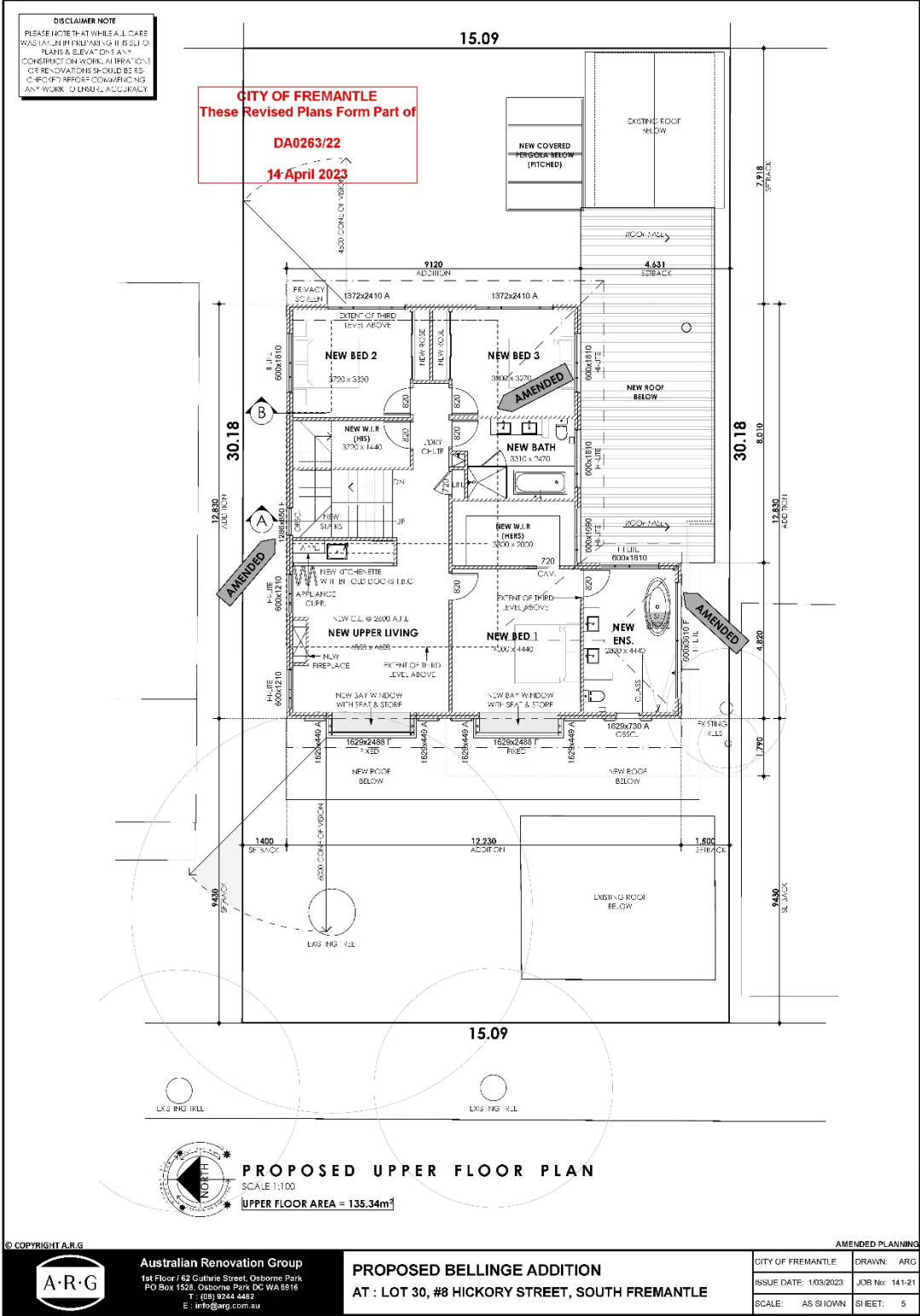
Advice Note(s):

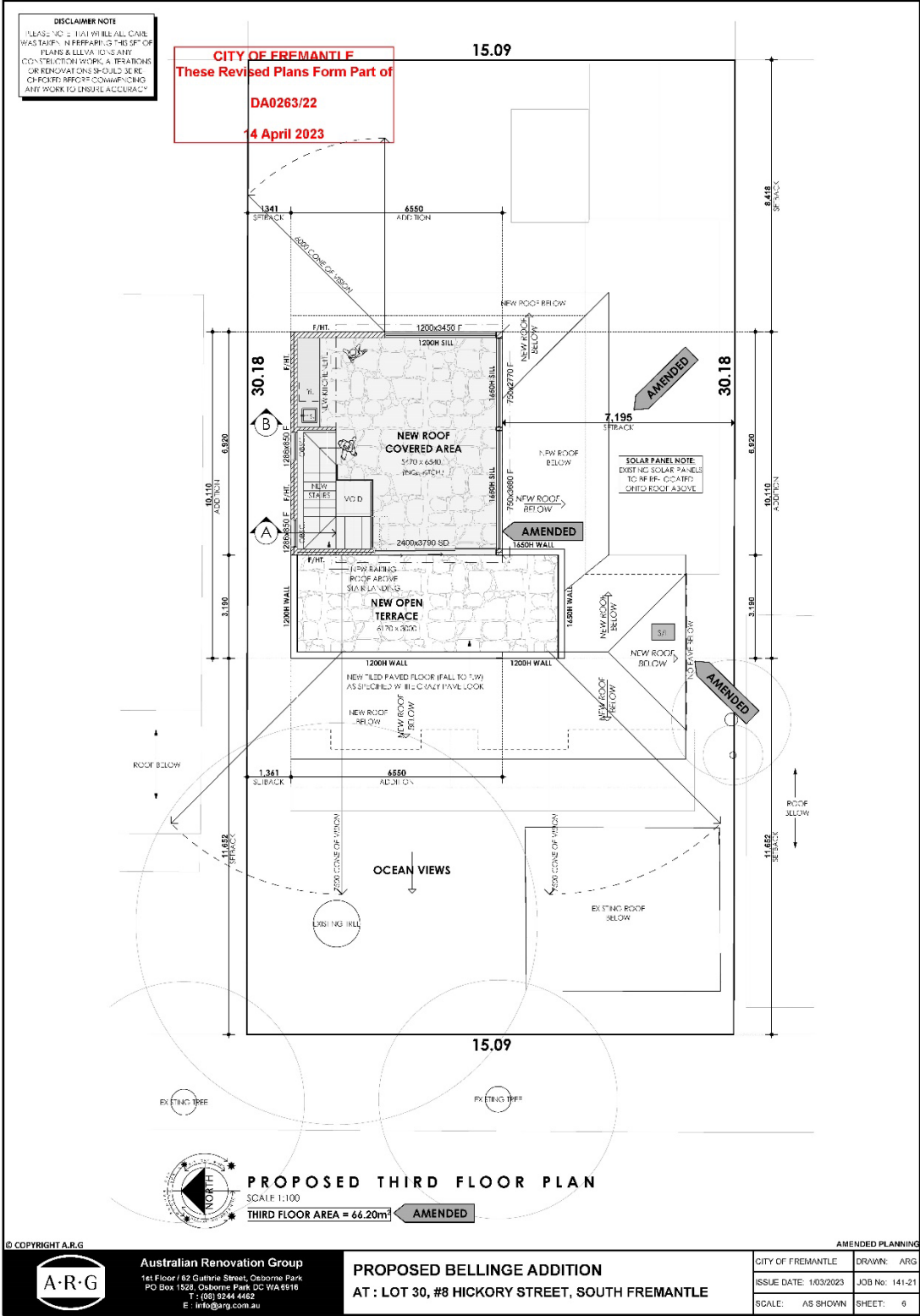
- i. **A building permit is required to be obtained for the proposed building work. The building permit must be issued prior to commencing any works on site.**
- ii. **Fire separation for the proposed building works must comply with Part 3.7 of the Building Code of Australia.**
- iii. **The applicant is advised that the existing verge tree is to be protected during the construction process with a minimum 2.8 x 2.8m fencing enclosure.**

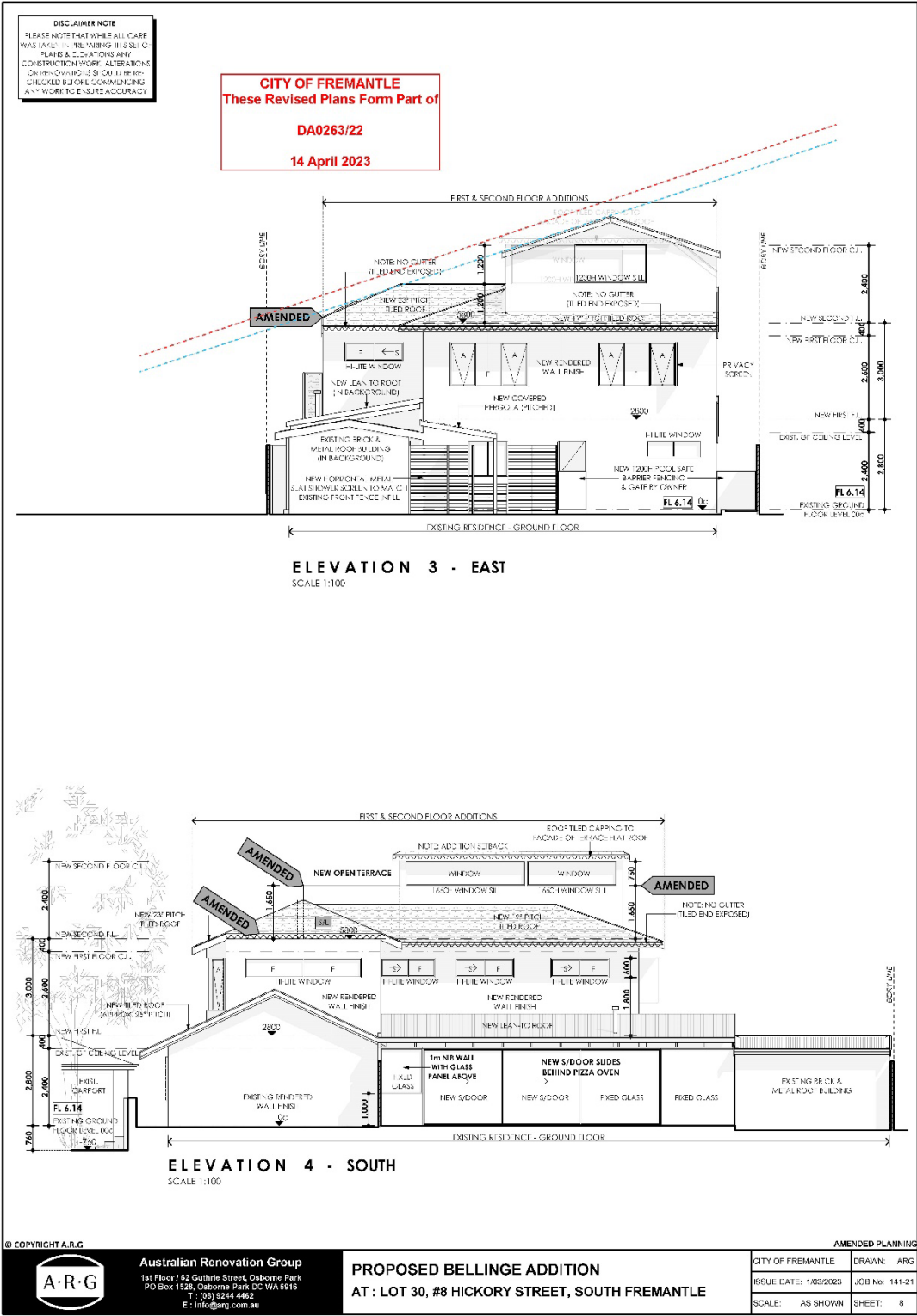


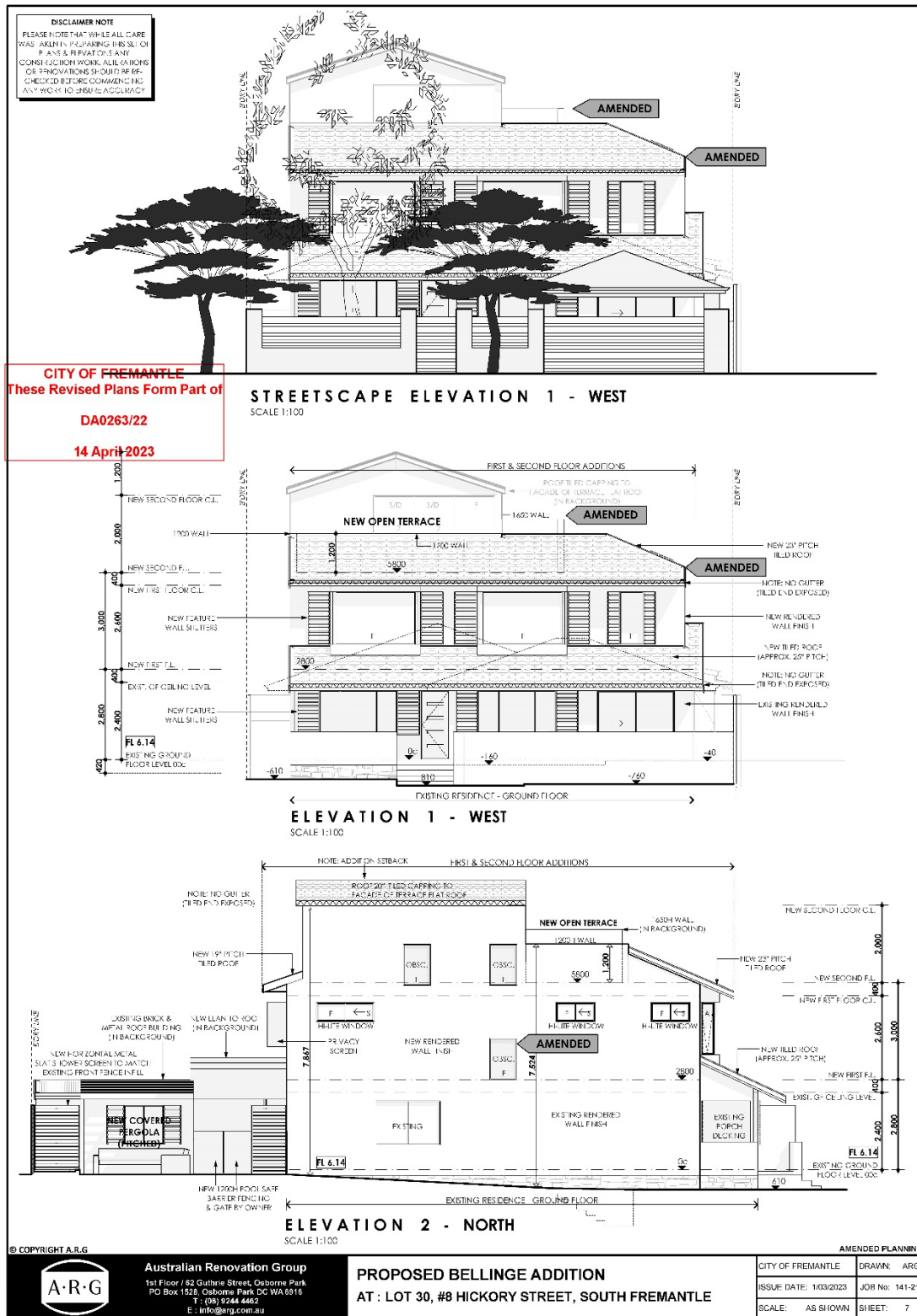
Attachment – Amended Development Plans – 14 April 2023

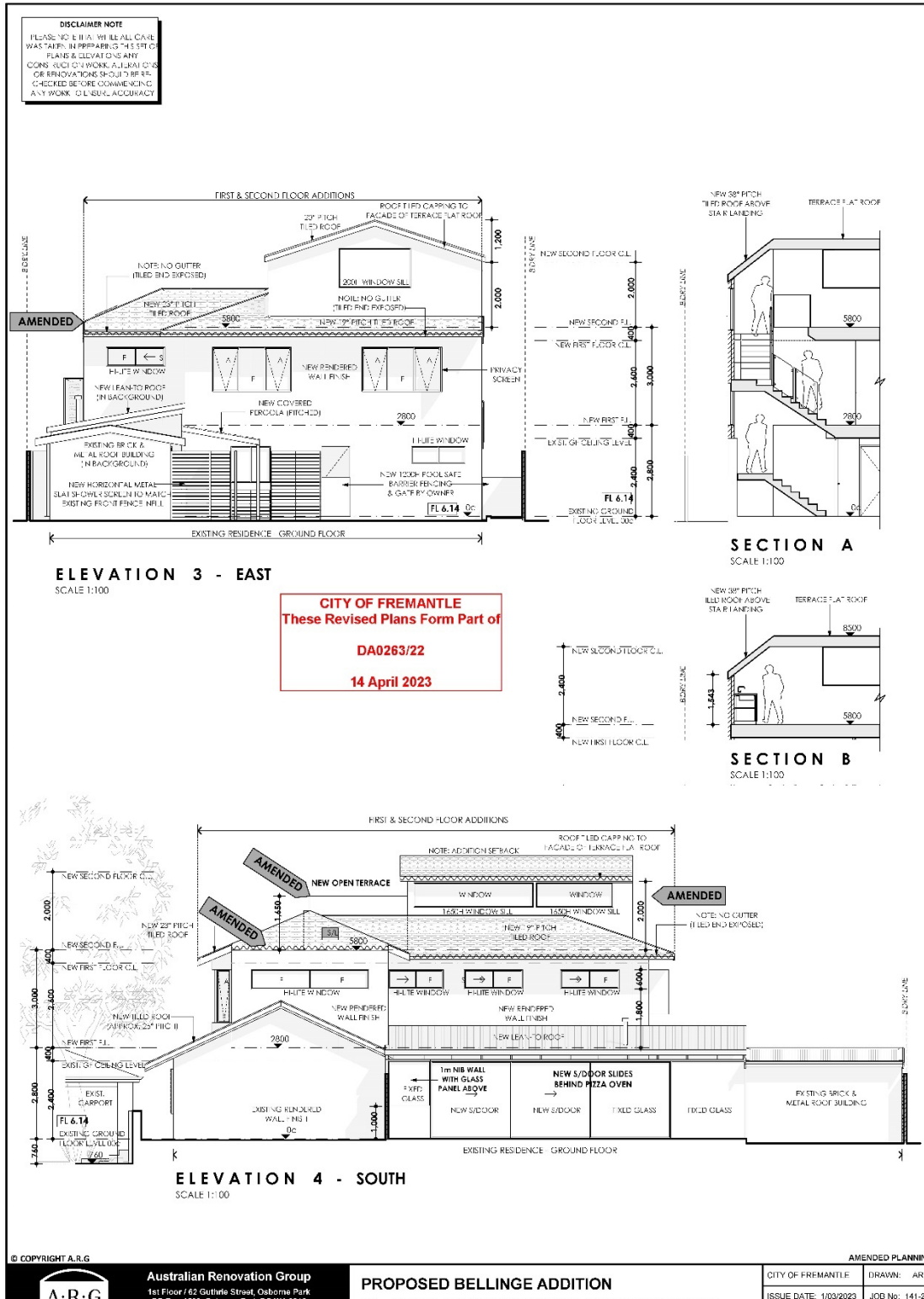






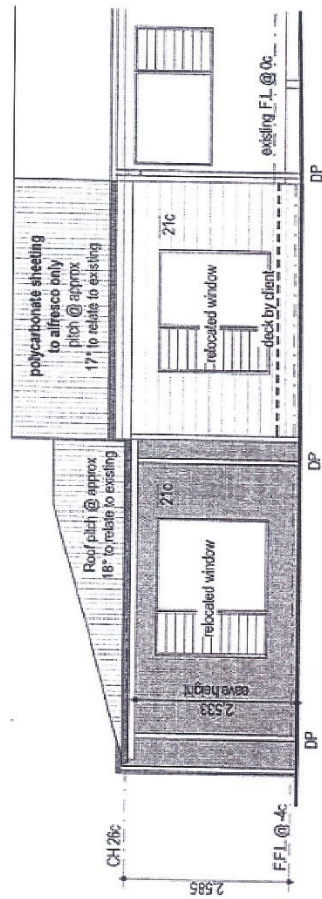




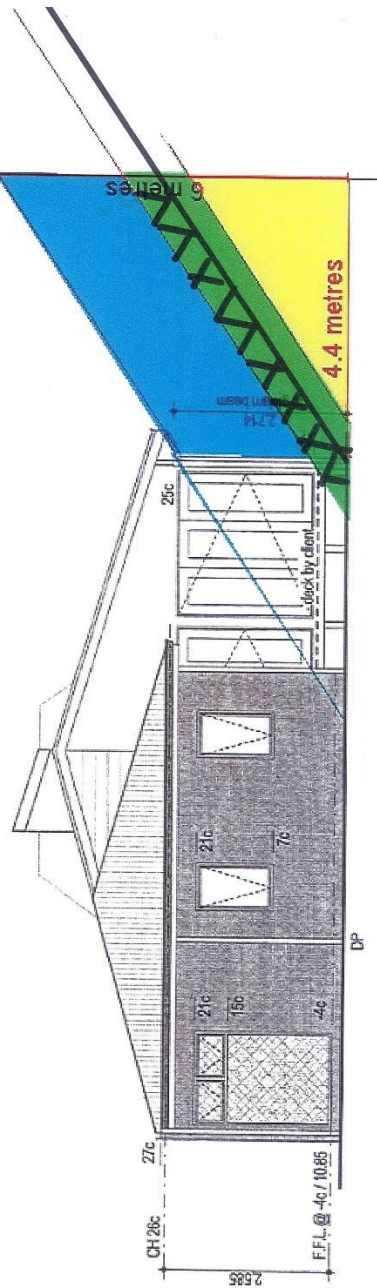




3E ABOVE RESPECTIVE FINISHED
F.L. 0c



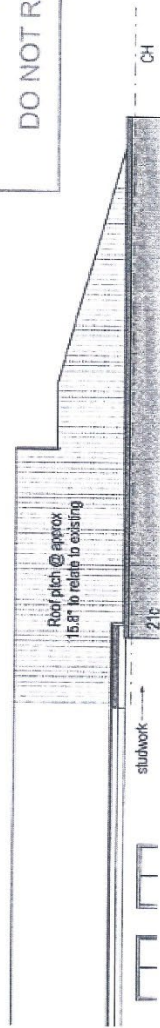
ELEVATION 1

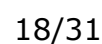


ELEVATION 2

boundary
line

A3 FILE COPY
DO NOT REMOVE FROM FILE





DISCLAIMER NOTE
 PREPARED BY: A.R.G. ARCHITECTS
 151 FLOOR / 62 GUTHRIE STREET, OSBORNE PARK
 PO BOX 1552, OSBORNE PARK, WA 61616
 T: (08) 9244 4442
 E: info@arg.com.au

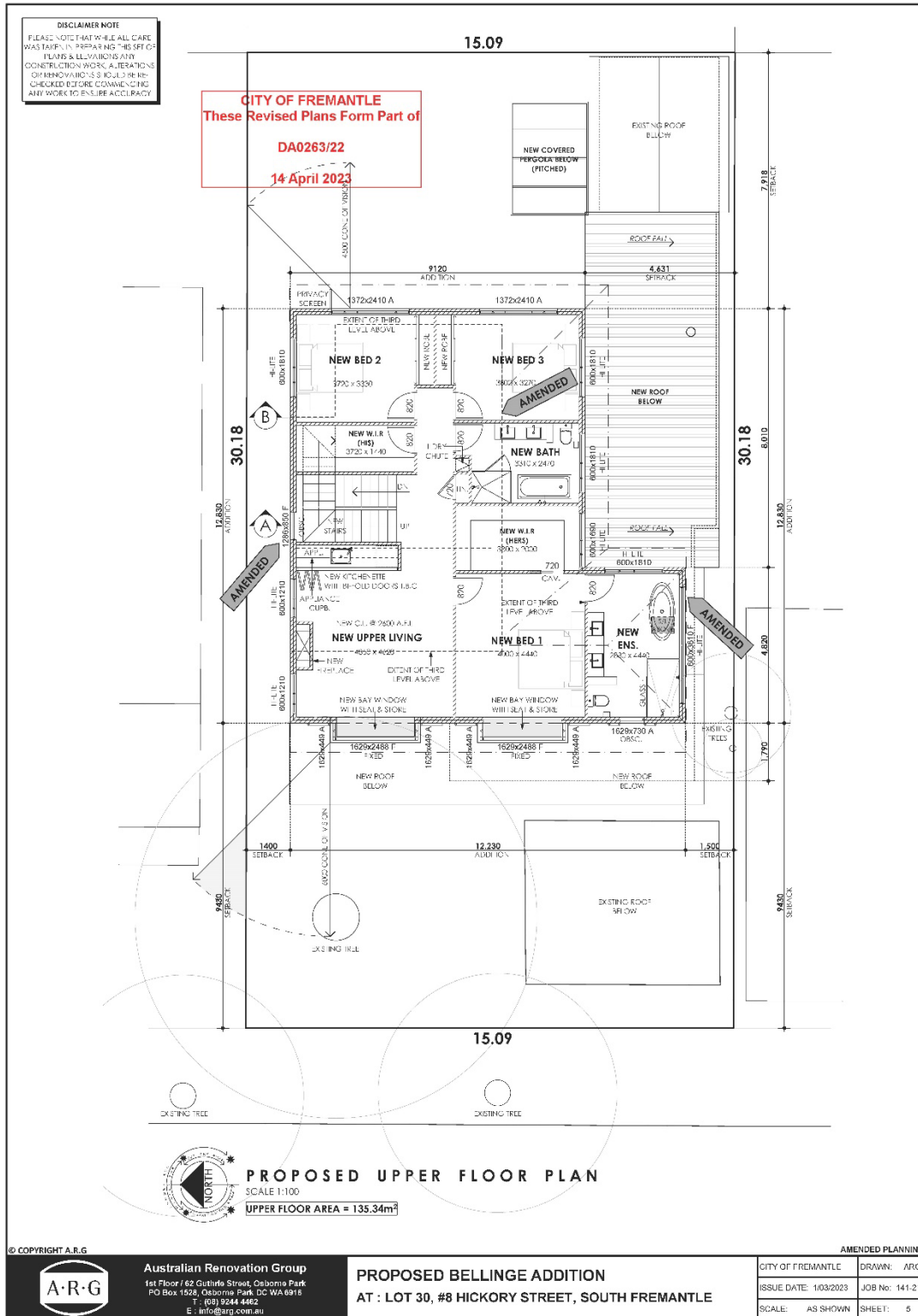
CITY OF FREMANTLE
 These Revised Plans Form Part of
 DA0263/22
 14 April 2023

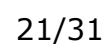
PROPOSED GROUND FLOOR PLAN
 SCALE 1:100
 EXISTING GROUND FLOOR AREA = 145m²
 (not incl. exist. decking / patio / carport / out building)

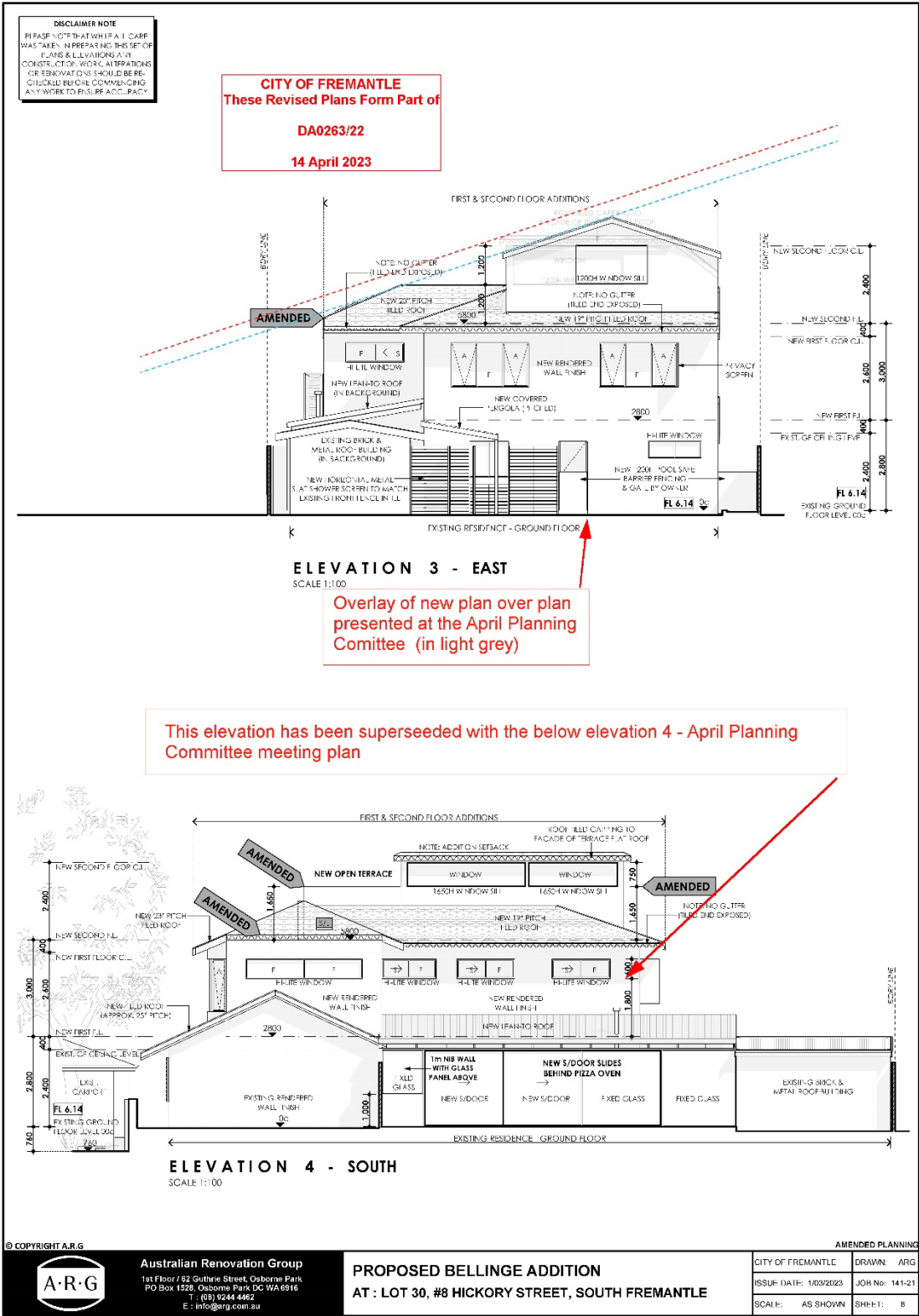
PROPOSED BELLINGE ADDITION
 AT: LOT 30, #8 HICKORY STREET, SOUTH FREMANTLE

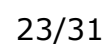
AMENDED PLANNING

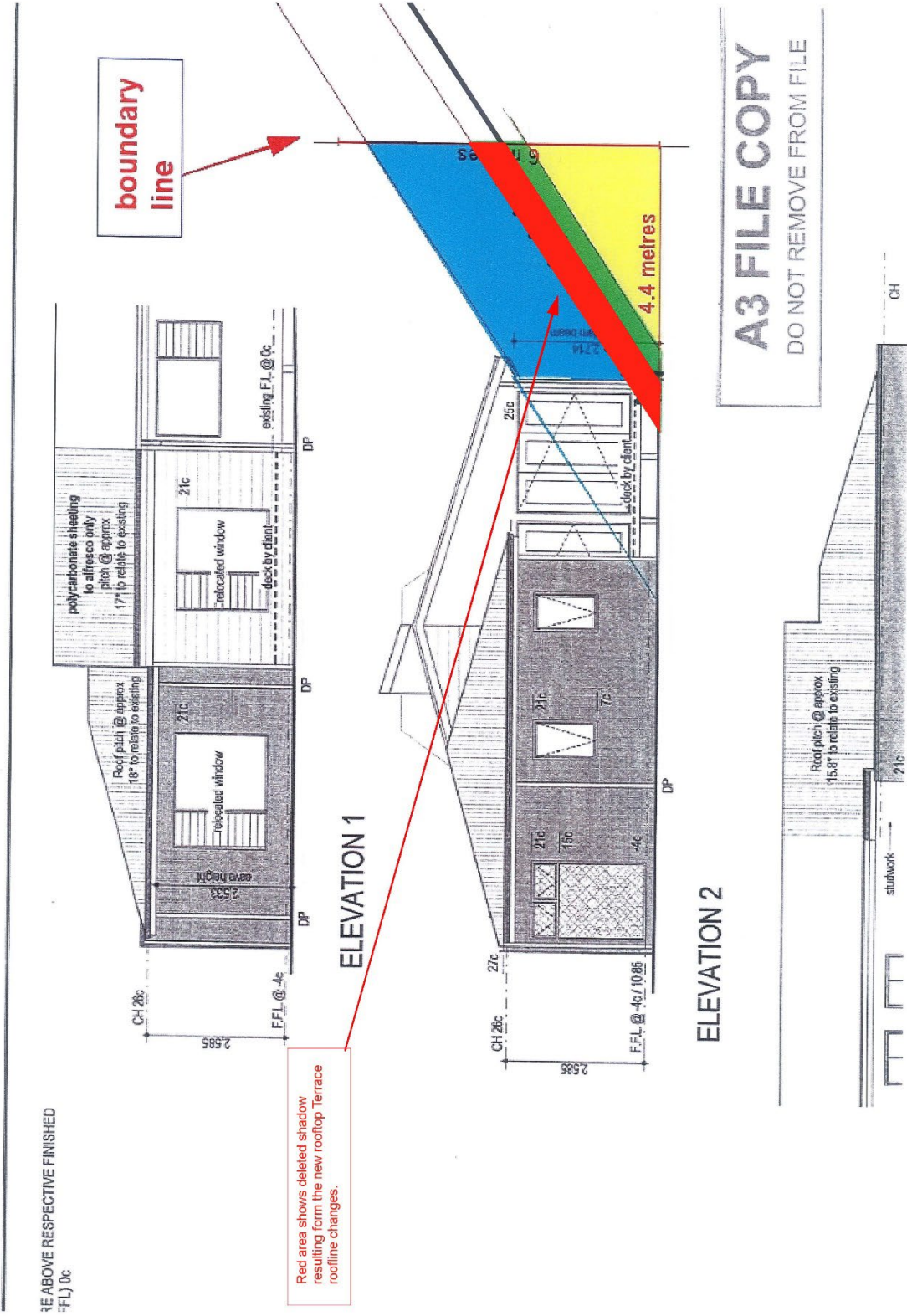
NO.	DATE	BY	REVISION
1	14/04/2023	ARG	14/04/2023
2	14/04/2023	ARG	14/04/2023
3	14/04/2023	ARG	14/04/2023
4	14/04/2023	ARG	14/04/2023

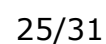


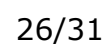














PC2305-1 EDMUND STREET, NO. 82 & 84 (LOT 12 & 13) WHITE GUM VALLEY – CHILD CARE PREMISES (JD DAP001/23)

Proposed amendment by Cr Su Groome

Add the following advice note:

- 13. The City of Fremantle encourages the use of cycling as an alternative form of transport and the developer is encouraged to consider design solutions to ensure safe access for small children and their parents to access the centre by bicycle. It is therefore recommended that bicycle parking facilities and a clear, delineated pathway for cyclists is incorporated into the proposed development.*

Reason for change:

To request that the developer consider safety improvements for access to the centre by bicycle.



PC2305-1 EDMUND STREET, NO. 82 & 84 (LOT 12 & 13) WHITE GUM VALLEY – CHILD CARE PREMISES (JD DAP001/23)

Proposed amendment by Cr Andrew Sullivan:

Add the following Additional Condition:

- 21. Prior to the lodgement of a building permit, the applicant shall provide a verge landscaping plan for the verge to be approved. Prior to the occupation of the development, the landscaping shall be installed and thereafter maintained to the satisfaction of the City of Fremantle.*

Reason for change:

As the applicant has indicated verge planting on their development plans, and a similar condition has been imposed on a Child Care in a residential zone by JDAP previously.



**PC2305-2 SWANBOURNE STREET, 29 (LOT 5) FREMANTLE –
ALTERATIONS AND ADDITIONS (TWO STOREY) TO
EXISTING SINGLE HOUSE (JZ DA0018/23)**

Proposed Alternative recommendation by Cr Geoff Graham:

APPROVE under the Metropolitan Region Scheme and Local Planning Scheme No. 4 the Alterations and Additions (Two Storey) to existing Single House at No. 29 (Lot 5) Swanbourne Street, Fremantle subject to the following conditions:

- 1. This approval relates only to the development as indicated on the approved plans, dated 11 April 2023. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.**
- 2. All storm water discharge from the development hereby approved shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.**
- 3. The pedestrian access and / or vehicle gate, as indicated on the approved plans, shall swing into the subject site only when open or closed and shall not impede the adjoining road reservation of the subject site.**
- 4. Prior to the issue of a Building Permit for the development hereby approved, all fencing within the Primary Street setback area shall be visually permeable above 1.2/0.3 metres above natural ground level as per clause 5.2.4/C4 6.2.3 C3 of the Residential Design Codes and thereafter maintained to the satisfaction of the City of Fremantle.**
- 5. Prior to the issue of a Building Permit for the development hereby approved, a detailed drawing showing how the (Upper floor Roof Terrace) located on the (south-west) elevation, is to be screened in accordance with Clause 5.4.1 C1.1 of the Residential Design Codes by either:**
 - a) fixed obscured or fixed translucent glass to a minimum height of 1.60 metres above internal floor level, or**
 - b) fixed screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the internal floor level, or**



c) a minimum sill height of 1.60 metres above the internal floor level,

Prior to occupation of the development hereby approved, the approved screening method shall be installed and maintained to the satisfaction of the City of Fremantle.

- 6. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building. Any damage shall be rectified to the satisfaction of City of Fremantle.**
- 7. The applicant is advised that this approved development shall be wholly located within the cadastral boundaries of the subject site including any footing details of the development.**
- 8. Prior to occupation/use of the development hereby approved, the boundary wall located on the southern boundary shall be of a clean finish in any of the following materials:**
 - coloured sand render,**
 - face brick,**
 - painted surface,**

and be thereafter maintained to the satisfaction of the City of Fremantle.

ADVICE NOTES:

- i. A building permit is required to be obtained for the proposed building work. The building permit must be issued prior to commencing any works on site.**
- ii. Fire separation for the proposed building works must comply with Part 3.7.1 of the Building Code of Australia.**
- iii. A demolition permit is required to be obtained for the proposed demolition work. The demolition permit must be issued prior to the removal of any structures on site.**

Reason for change:



The neighbouring property has reduced open space which limits the ability for the applicant who is building on a small parcel of land to address the design principle for overshadowing (i.e. not impacting an outdoor living area).