



Agenda

Planning Committee

Wednesday, 4 August 2021, 6.00pm

CITY OF FREMANTLE
NOTICE OF A PLANNING COMMITTEE MEETING

Elected Members

A Planning Committee meeting of the City of Fremantle will be held on **Wednesday, 4 August 2021** in the North Fremantle Community Hall, located at 2 Thompson Road, North Fremantle commencing at 6.00 pm.



Paul Garbett
Director Strategic Planning and Projects

30 July 2021

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CITY OF FREMANTLE
Planning Committee
Agenda

1. Official opening, welcome and acknowledgement

We acknowledge the Whadjuk people as the traditional owners of the greater Fremantle/Walyalup area and we recognise that their cultural and heritage beliefs are still important today.

2. Attendance, apologies and leaves of absence

There are no previously received apologies or approved leave of absence.

3. Disclosures of interests by members

Elected members must disclose any interests that may affect their decision-making. They may do this in a written notice given to the CEO; or at the meeting.

4. Responses to previous questions taken on notice

There are no responses to public questions taken on notice at a previous meeting.

5. Public question time

Members of the public have the opportunity to ask a question or make a statement at council and committee meetings during public question time.

Further guidance on public question time can be viewed [here](#), or upon entering the meeting.

6. Petitions

Petitions to be presented to the committee.

Petitions may be tabled at the meeting with the agreement of the presiding member.

7. Deputations

7.1 Special deputations

A special deputation may be made to the meeting in accordance with the City of Fremantle Meeting Procedures Policy 2018.

There are no special deputation requests.

7.2 Presentations

Elected members and members of the public may make presentations to the meeting in accordance with the City of Fremantle Meeting Procedures Policy 2018.

8. Confirmation of minutes

OFFICER'S RECOMMENDATION

The Planning Committee confirm the minutes of the Planning Committee meeting dated 7 July 2021.

9. Elected member communication

Elected members may ask questions or make personal explanations on matters not included on the agenda.

10. Reports and recommendations

10.1 Deferred items

Nil

10.2 Committee delegation

**PC2108-1 HERBERT STREET, NO. 11 (LOT 13) NORTH FREMANTLE –
ALTERATIONS AND ADDITIONS TO EXISTING SINGLE HOUSE (TG
DA0231/21)**

Meeting Date: 4 August 2021
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Agenda attachments: 1. Development Plans
Additional information: 1. Heritage Assessment
2. Site Photos

SUMMARY

Approval is sought for additions and alterations to the existing Single house at 11 Herbert Street, North Fremantle.

The proposal is referred to the Planning Committee (PC) due to the nature of some discretions being sought and comments received during the notification period that cannot be addressed through conditions of approval. The application seeks discretionary assessments against the Local Planning Scheme No. 4 (LPS4), Residential Design Codes (R-Codes) and Local Planning Policies. These discretionary assessments include the following:

- **Lot boundary setback (east)**
- **Boundary walls (north, south)**
- **Open Space**
- **Sightlines**
- **Overshadowing**

The application is recommended for conditional approval, including a condition excluding a proposed carport and modifications to the existing front porch shown on the submitted plans from the approval.

PROPOSAL

Detail

Approval is sought for single storey additions to an existing Single house at 11 Herbert Street, North Fremantle. The proposed works include:

- A new carport to the southern side of the property.
- A reduction in width of the front porch to accommodate the new carport.
- A front fence and gate across the front boundary of the property.
- Rear additions comprising a kitchen, living room, bedroom, bathroom, scullery, laundry and outdoor living area.

Amended plans were requested from the applicant to remove the front carport and verandah modifications from the proposal as they were not able to be supported on heritage grounds however the applicant has elected to retain these works on the submitted plans. For this reason these works are excluded from the recommended approval.

Development plans are included as attachment 1.

Site/application information

Date received: 26 May 2021
 Owner name: J Millar, P Pavicic
 Submitted by: P Pavicic
 Scheme: Residential
 Heritage listing: Level 3, North Fremantle Heritage Area
 Existing land use: Single house
 Use class: Single house
 Use permissibility: P



CONSULTATION

External referrals

Nil required.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, as the proposal sought variations to relevant deemed-to-comply criteria of the R-Codes and the City's policies. The advertising period concluded on 5 July 2021, and four (4) submissions were received. The following issues were raised (summarised):

- A submitter was concerned about the proposed boundary wall to the southern boundary and its effect on the adjoining property with respect to the visual impact of the wall and its impact on sunlight access
- A submitter was also concerned in relation to the proposed boundary wall to the northern side of the property. The submitter was concerned that the replacement of the existing recycled brick wall with the rendered wall and the height changes to the wall would not match the heritage nature of the properties and the heights.

- The submitter requested that the new wall to the northern boundary be amended to be constructed from recycled bricks, and the wall height is maintained at a consistent height above the driveway for the adjoining property.
 - The submitter was also concerned about the wall encroaching into their driveway affecting their existing vehicle access.
- A submitter was concerned about the proposed fireplace affecting an existing gum tree which overhangs the fireplace and the potential impact fire, smoke and embers may have on the tree.
- A submitter was concerned about the reduced setback to the rear property boundary, excavation close to the rear boundary without details of proposed retaining walls, boundary walls being built up to two property boundaries and the overall area being covered by development on the site.

In response to the above, the applicant submitted the following response (summarised):

- The existing dividing fence to the southern boundary is intended to be maintained, subject to structural engineers certification and construction restraints.
- The fireplace will be gas fired and installed to all relevant Australian standards.
- The wall to the southern boundary has been designed as a low-pitched skillion, reducing additional building bulk above the gutter line. The applicant also noted that the boundary wall adjoins a portion of the neighbouring building that is at a 1.1m setback which they consider assisting in negating the perceived length and bulk of the boundary wall.
- The applicant noted that shade cast by the boundary wall would be contained within that cast by the remainder of the building.
- The use of recycled bricks for the northern boundary wall would not be readily certified through the building permit process. The applicant noted that the height and need for structural stability for the northern boundary wall would not allow for the use of recycled bricks.
- The applicant noted that the affected neighbours would be given an opportunity to choose a suitable paint colour for the boundary wall.
- The difference in levels between the subject site and the property to the rear means that the addition will have reduced prominence and building bulk facing this property as only a small portion of the top of the gable will be readily visible.
- All excavation, footings and foundations will be designed, certified and supervised by a structural engineer prior to commencement and during works.

In response to the above, the following comments are provided by officers:

- It is a recommended condition of approval that all works be contained within the cadastral boundaries of the subject property.
- The structural stability of the proposed site works are not able to be directly considered through the development application process. Should the application be approved, the applicant would need to provide more detailed plans for this element through the building permit process.

The matters raised remaining comments are addressed in the officer comment below.

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of LPS4, the R-Codes and relevant Council local planning policies. Where a proposal does not meet the Deemed-to-comply requirements of the R-Codes, an assessment is made against the relevant Design principles of the R-Codes. Not meeting the Deemed-to-comply requirements cannot be used as a reason for refusal. In this particular application the areas outlined below do not meet the Deemed-to-comply or policy provisions and need to be assessed under the Design principles:

- Lot boundary setback (east)
- Boundary walls (north, south)
- Overshadowing
- Sightlines
- Open Space

The above matters are discussed below.

Background

The subject site is located on the eastern side of Herbert Street, North Fremantle. The site has a land area of approximately 367m² and is currently occupied by a Single house. The site is zoned Residential and has a density coding of R25. The site is individually heritage listed and located within the North Fremantle Heritage Area.

The proposed works, with the exception of the carport, fence and verandah modifications are located over the rear yard of the property.

A search of the property file has revealed no recent applications for the development of the property.

Heritage and Proposed Carport

The City's Residential Streetscapes policy permits the development of carports which meet certain criteria in front of dwellings which are not on the heritage list. As the subject property is individually heritage listed, any carport is to generally be set in line with or behind the front wall of the dwelling under the deemed-to-comply requirements of the policy.

Variations to this requirement can be considered under cl. 2.3 and 2.4 of the policy. The criteria of cl. 2.3 are not considered to apply to the development for the following reasons:

Criteria	Officer Comment
The proposed building is consistent with the character of buildings in the prevailing streetscape	There are no carports set forward of the dwellings in the prevailing streetscape as defined in LPP 2.9.
The proposed setback of the building does not result in a projecting element into an established streetscape vista by virtue of the road and/or lot layout in the locality or	The carport is considered to project into the established streetscape.

the topography of the land.	
The proposed setback of the building will facilitate the retention of a mature, significant tree deemed by the Council to be worthy of retention (Refer also to LPP2.10 Landscaping of Development and Existing Vegetation on Development Sites).	This criteria is not relevant to the subject application.
The carport is lightweight in construction, appears simple in design and is visually subservient to the form and proportion of the dwelling. Additionally, the front setback area is designed in such a way so as to maintain visibility of the dwelling from the street and surveillance from the dwelling to the street.	While the carport is considered to be generally consistent with these requirements, based on the heritage assessment of the proposed works discussed below, the development is not able to be supported due to its adverse heritage impact.

In accordance with cl. 2.4 of LPP 2.9, the City's Heritage Officers have completed a heritage assessment of the proposed development, including the changes to the streetscape appearance of the dwelling. This assessment is provided as attachment 1, however it concludes that the alterations and additions to the front of the dwelling are not able to be supported for the following reasons:

- The front bullnose verandah is a significant element of the original building and is important to the individually listed place as well as the streetscape. Cutting back the verandah to accommodate the new carport to be constructed will have a significant impact on the front façade of the building and its contribution to the streetscape and North Fremantle Heritage Area.
- Setting the carport forward of the front building line will likewise impact the front façade appearance of the building and its contribution to the locality.

For these reasons, the proposed carport and the works associated with the reduction in width of the porch are not supported due to the impact of these works on the identified heritage value of the site. A condition of approval requiring these works to be deleted from the application is included in the Officers recommendation.

Lot boundary setback

Element	Requirement	Proposed	Extent of Variation
Living (East)	1m	0.847m	0.153m

The rear lot boundary setback is considered to meet the Design principles of the R-Codes in the following ways:

- The additions are set below the existing ground level of the property to the rear and the gable end of the additions do not extend significantly above the height of the existing diving fence, resulting in limited building bulk impact.
- The additions will not cast shade over the property to the rear at midday on midwinter due to the orientation of the lots.
- The wall does not include windows facing towards the rear boundary, resulting in little to no privacy impact.

Boundary walls

Element	Requirement	Proposed	Extent of Variation
South	1m	Nil	1m
North	1m	Nil	1m

The southern boundary wall is considered to meet the Design principles of the City's boundary wall policy (LPP 2.4):

- The shade cast by the boundary wall at midwinter will be contained within that cast by the remainder of the additions which are set back from the boundary. This is due to the limited height of the boundary wall element which will extend only ~0.7m above the existing dividing fence for the majority of its length, with the remainder extending 1.5m above the dividing fence.
- The use of a skillion roof above the boundary wall assists to reduce building bulk onto the boundary.
- The wall will not be readily visible from the streetscape due to its increased setback, and boundary walls of this nature are common in the locality.
- The wall partially abuts an existing boundary wall on the neighbouring lot.
- The wall does not include windows facing the southern boundary resulting in limited privacy concerns, the ensuite and laundry windows would be readily screened by a standard dividing fence.

The northern boundary wall is considered to meet the Design principles of the City's boundary wall policy (LPP 2.4):

- The wall is limited in dimension, being only 3.3m long and extending ~0.6m above the height of the existing dividing fence. These details are considered to contribute to the limited building bulk of the wall.
- The addition is set below the existing ground level of the adjoining property, resulting in limited privacy concerns from this aspect of the development.
- The addition adjoins the driveway of the neighbouring lot, an area of limited sensitivity to building bulk.
- The wall is well set back from the property boundary and walls of this nature are common in the immediate locality.

Sightlines

Element	Requirement	Proposed	Extent of Variation
Reversing sightlines	1.5x1.5m sightline truncation	0.5x0.5m pier, 1.7m high provided within sightline truncation	1.5x1.5m truncation

The sightlines for the front fence are considered to meet the Design principles of the R-Codes in the following ways:

- The proposed open style fencing to the remainder of the fence and gate is considered to allow for sufficient visual permeability for vehicles leaving the property.
- The provision of a gate across the driveway will slow vehicle movements into and out of the property.

- The sightline to the southern side of the driveway is retained as existing, with the neighbours front boundary wall limiting lines of sight.

Open Space

Element	Requirement	Proposed	Extent of Variation
On site open space	50%	40.06%	9.94% (36.5m ²)

The provision of open space for the site is considered to meet the Design principles of the R-Codes in the following ways:

- The proposal will not unduly impact the streetscape character of the area as the additions are predominantly to the rear of the existing dwelling.
- The dwelling has been designed so as to provide sunlight access to the additions, with large north facing retractable windows provided onto the proposed outdoor living area.
- The proposal plans show indicative landscaping arrangements for the rear yard which satisfy the landscaping requirements of the R-Codes.
- Sufficient space is provided for the occupants of the dwelling to use the area around the dwelling for outdoor pursuits, and the design of the dwelling allows for the living room and kitchen to extend into the outdoor living area.
- Sufficient space is provided on site for external fixtures and essential facilities.

Overshadowing

Element	Requirement	Proposed	Extent of Variation
Overshadowing to southern property	25%	32.2% (7.6% new overshadowing cast)	7.2% (26.4m ²)

The shade cast by the additions is considered to meet the Design principles of the R-Codes in the following ways:

- The applicant has submitted detailed overshadowing analysis which shows that the shade cast by the additions will not greatly extend beyond that cast by the existing dwelling, with the majority of additional shade cast at midwinter falling over the roof/base of the turret located at 9 Herbert Street. This portion of roof does not include solar collectors.
- Shade cast by the rear of the additions is shown to be contained within that cast by the existing 'garden room' on the adjoining property.
- The submitted overshadowing details indicate that sunlight access will be maintained to the existing window on the adjoining property to the south, with the shade cast by the development falling short of the base of this wall.
- Some of the shade cast by the development would be reduced through the removal of the proposed carport from consideration, as discussed earlier in the officer comment section of this report.

CONCLUSION

The proposal is generally supported for the reasons stated above, with the exception of the modifications to the streetscape appearance of the dwelling, which are considered to unduly affect the heritage significance of the place.

Accordingly, the application is recommended for approval subject to conditions including a condition excluding the porch works and carport from this approval.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2015-25

Nil

Green Plan 2020

Several trees are proposed to be removed from the site as a result of this development, with some trees intended to be retained depending on construction constraints. No development approval is currently required for the removal of trees on private land.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Additions and alterations to existing Single house at No. 11 (Lot 13) Herbert Street, North Fremantle, subject to the following condition(s):

- 1. This approval relates only to the development as indicated on the approved plans, dated 28 May 2021. 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 1, the carport and modifications to the existing front porch shown on the approved plans do not form part of this approval and are hereby deleted from the plans to the satisfaction of the City of Fremantle.**
- 3. All storm water discharge shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.**
- 4. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site**
- 5. 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.**

6. Prior to occupation/ use of the development hereby approved, the boundary walls located on the northern and southern boundaries 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.
7. 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 metres above natural ground level as per clause 5.2.4 of the Residential Design Codes and thereafter maintained to the satisfaction of the City of Fremantle.
8. 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 notes

- i. Further to condition 2, the applicant is advised that the proposed carport and modifications to the existing porch are not able to be supported, as they would have a negative impact upon the heritage significance of the existing individually heritage listed dwelling. The applicant is encouraged to consider alternative plans including providing a carport to the side of the dwelling behind the front wall of the building.
- ii. In regards to condition 7 'Visually permeable' is defined by the Residential Design Codes as:
In reference to a wall, gate, door or fence that the vertical surface has:
 - Continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area
 - Continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or
 - A surface offering equal or lesser obstruction to view;As viewed directly from the primary street.
- iii. 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.
- iv. Fire separation for the proposed building works must comply with Part 3.7.2 of the Building Code of Australia.

PC2108-2 TUCKFIELD STREET, NO. 7 (LOT 100) FREMANTLE – TWO STOREY ANCILLARY DWELLING ADDITION TO EXISTING SINGLE HOUSE (TG DA0196/20)

Meeting Date: 4 August 2021
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Agenda attachments: 1. Amended Development Plans
Additional information: 1. Site Photos
 2. Heritage Assessment
 3. Applicant Report

SUMMARY

Approval is sought for a two storey Ancillary dwelling and garage/workshop addition to the rear of the property at 7 Tuckfield Street, Fremantle. The proposed addition is to be located at the rear of the property and is designed to face Finnerty Street, next to No. 18 Finnerty Street.

The proposal is referred to the Planning Committee (PC) due to the nature of some discretions being sought. The application seeks discretionary assessments against the Local Planning Scheme No. 4 (LPS4), Residential Design Codes (R-Codes) and Local Planning Policies. These discretionary assessments include the following:

- Primary Street Setback
- Lot Boundary Setback
- Boundary Walls
- Building Height
- Sightlines
- Ancillary Dwelling Plot Ratio Area
- Visual Privacy

The application is recommended for refusal.

PROPOSAL

Detail

Approval is sought for a two storey Ancillary dwelling and garage addition to the rear portion of the existing lot at 7 Tuckfield Street, Fremantle. The proposed works include:

- A two car garage, workshop and bathroom/toilet.
- A balcony and a combined lounge/dining and kitchen area with a bedroom and bathroom/laundry to the upper floor.

In response to concerns raised by the City's Heritage team with respect to how the proposed dwelling responds to the surrounding heritage listed streetscape and concerns with respect to the proposal satisfying the relevant planning requirements for the site, the applicant prepared amended plans on 6 July 2021 comprising the following:

- Increasing ground floor and upper floor street setbacks.
- Reduction in height and scale of the building.

- Removal of upper floor dormer windows from the proposal.
- Reducing the roof pitch.
- Providing the upper floor predominantly within the roof area.
- Rotating the main façade to be parallel with the street.
- Reduction in height and scale of eastern and western boundary walls.
- Reducing the bulk and scale of the ground floor façade.

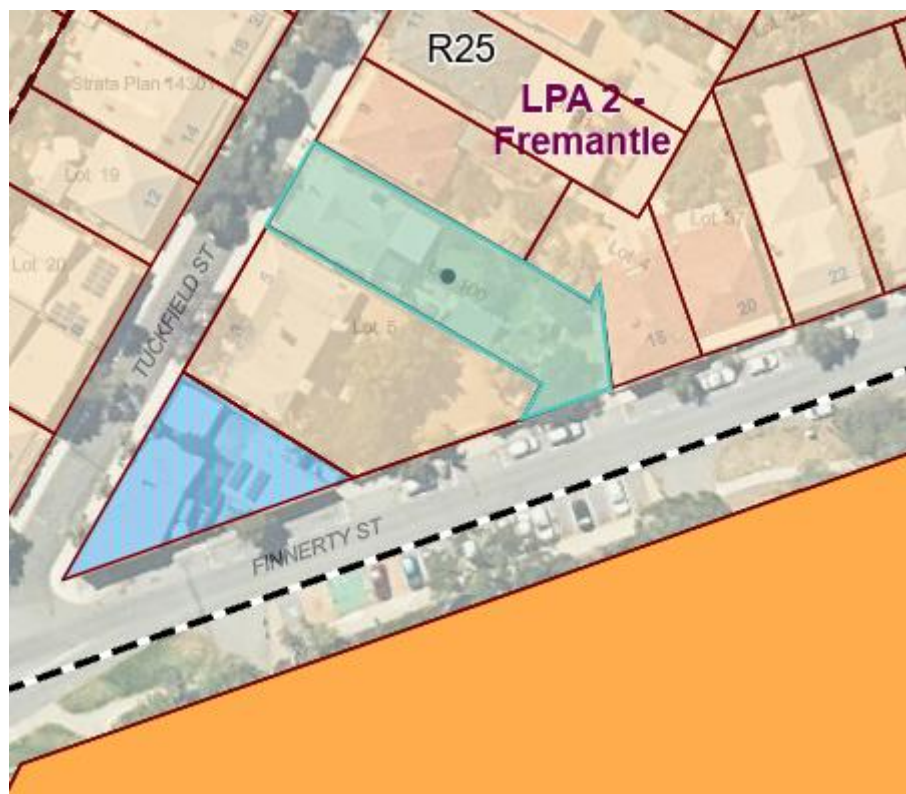
The applicant submitted a further set of amended plans on 6 July 2021 including the following amendments:

- Lowering the verandah an additional 200mm.
- Increasing the setback of the upper floor deck.
- The inclusion of garden beds in front of the dwelling to delineate the property line.

The amended development plans are included as attachment 1.

Site/application information

Date received:	11 June 2020
Owner name:	N and A French
Submitted by:	S Martin
Scheme:	Residential R25
Heritage listing:	Individually Listed Level 3
Existing land use:	Single House
Use class:	Single House (Ancillary Dwelling)
Use permissibility:	P



CONSULTATION

External referrals

Heritage Service (DPLH)

The application was referred to DPLH Heritage Services as the subject site is located close to the Museum and Fremantle Arts Centre, an individually State Heritage Listed Place. Heritage Services have advised that they have no objection to the proposal and that it was not considered to have a negative impact on the cultural heritage values of the Museum and Arts Centre.

Officers have also considered the proposal in its context of a number of individually locally listed properties on both Tuckfield and Finnerty Streets. Comments in regard to the proposal's potential impact on the significance of these properties as required in accordance with Local Planning Policy D.G.F4 – Tuckfield, Finnerty and Skinner Streets Local Area is discussed further in this report.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, as the proposal involved elements which varied the relevant deemed-to-comply criteria of the R-Codes or Council Policy. The advertising period concluded on 14 July 2020, and no submissions were received. In accordance with Council Policy 1.3, the most recent set of amended plans were not required to be re-advertised for public comment.

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of LPS4, the R-Codes and relevant Council local planning policies. Where a proposal does not meet the Deemed-to-comply requirements of the R-Codes, an assessment is made against the relevant Design principles of the R-Codes. Not meeting the Deemed-to-comply requirements cannot be used as a reason for refusal. In this particular application the areas outlined below do not meet the Deemed-to-comply or policy provisions and need to be assessed under the Design principles:

- Primary Street Setback
- Lot Boundary Setback
- Boundary Walls
- Building Height
- Sightlines
- Ancillary Dwelling Plot Ratio Area
- Visual Privacy

The above matters are discussed below.

Background

The subject site is located between Tuckfield and Finnerty Streets in Fremantle, with frontage to both streets. The site has a land area of approximately 566m² and is currently a Single House, constructed in 1899 with frontage to Tuckfield Street. The site is zoned Residential and has a density coding of R25. The site is individually heritage listed, level 3.

The subject site is an irregular shaped lot, particularly at its Finnerty Street frontage. The frontage to Finnerty Street is currently characterised by a colourbond boundary fence and a vehicle driveway. An existing sewer and easement runs through the rear of the site where the addition is proposed.

The portion of the subject site that is proposed to be developed on comprises the extended rear yard of the property which is located at a lower ground level than the remainder of the site. The proposed addition will front Finnerty Street and provide pedestrian and vehicle access to the proposed Ancillary dwelling.

A search of the property file has revealed a 2013 application for additions and alterations to the rear of the existing Single House, facing Tuckfield Street which was approved.

Local Planning Policy D.G.F4 – Tuckfield, Finnerty and Skinner Streets Local Area

The LPP identifies that the majority of existing housing in the area is historic and survives in a remarkably intact state. The Policy aims to guide future development in the area to ensure the area's heritage and character is maintained.

This policy identifies sites within the area that can accommodate potential infill development, including the Finnerty Street portion of the subject site as identified on the map below.



Image 1: Extract from D.G. F4

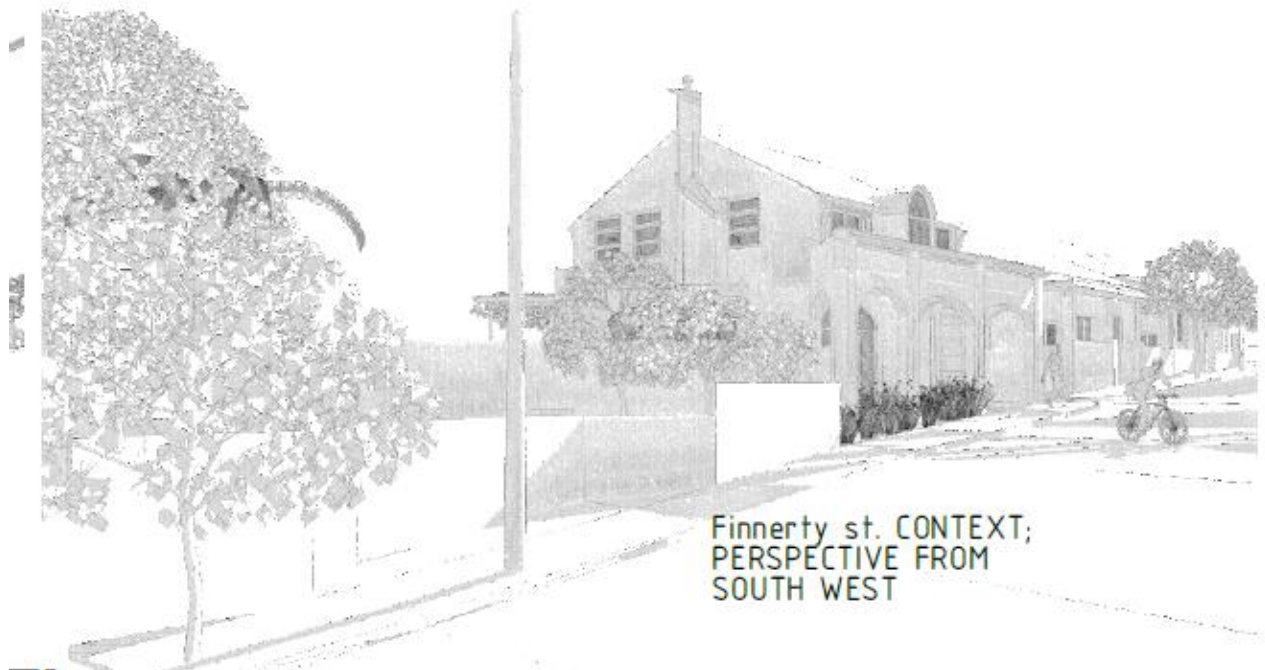
The policy notes that sites within the area shall be predominately developed as single storey, however in special circumstances, two storey development may be considered where it is considered to be consistent with the scale of existing development in the street and provided that it does not have an undue impact on the adjoining area.

City Officers have considered the proposal in regard to the existing context of Finnerty Street which is considered to be a substantially intact late nineteenth and early twentieth century streetscape close to the centre of Fremantle. The street is characterised by single storey commercial buildings (at the corner of Finnerty and Tuckfield Streets) and single storey residential dwellings, between the subject site and Skinner Street. Finnerty Street does slope from east to west, which does marginally increase the scale of the dwellings as viewed from the street.

The applicant has submitted that the development responds in a positive way to the streetscape with respect to its alignment, bulk, scale, height, sight lines, roof forms and opening shapes/forms. With respect to the design intent of the proposal, the applicant notes that the development is intended to:

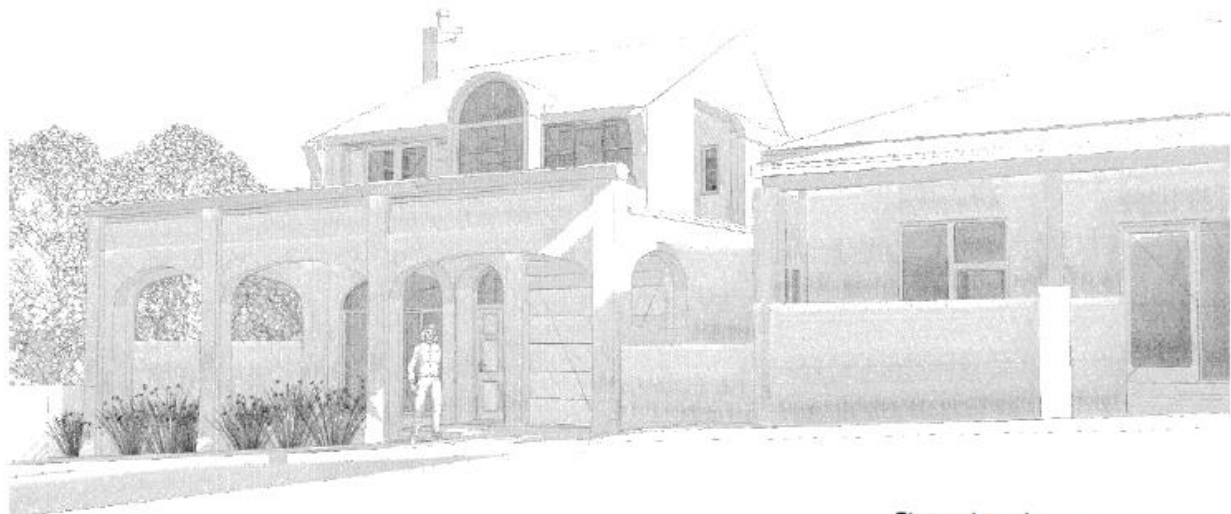
Feel[...] like a windswept, eroded part of the bed-rock of Fremantle, that has a slightly commercial look as is appropriate to this end of the street.

In support of the proposal the Applicant has provided the following street perspectives:



Finnerty st. CONTEXT;
PERSPECTIVE FROM
SOUTH WEST

Image 2: Applicants perspective diagram



RISING OUT OF THE LOCAL GEOLOGY & PLACE LIKE AN ERODED
WINDSWEPT LIMESTONE LAND FORM - CONNECTED WITH &
RESPECTING A PRE-COLONIAL FREMANTLE & ITS NATURAL
HISTORY

Finnerty st.
SOUTH, SOUTH EAST
PERSPECTIVE

Image 3: Applicants perspective diagram

It is acknowledged that the applicant has amended the plans, including reducing the overall height of the dwelling and the steepness of the roof, in an attempt to address Officers' concerns that the design 'overwhelmed' the Finnerty Street streetscape, however officers still have the following concerns:

- The use of many arched elements does not reflect the restrained and balanced form of the Victorian Georgian style houses in the street or the symmetrically arranged rectangular openings.
- The heavy nature and height of the structure to the front boundary line will have a negative impact on the residential streetscape.
- The weight of the structure has been somewhat reduced by the removal of the upper level balustrade, but it does not read as a verandah element but rather like a more substantial portico.
- The proposed building does not respond in a positive way to the existing significant heritage streetscape in terms of setbacks, bulk, scale, opening shapes and / or proportions.

Accordingly, on a general level it is noted that the City is able to consider development on the subject site, however this development needs to be designed in a way which does not unduly impact upon the Finnerty Street Streetscape. In this instance it is considered that the impact of the development upon the streetscape due to the reduced upper floor setback and heritage considerations discussed above that the proposal is not able to be supported in its current form.

Primary Street Setback (Finnerty Street)

Element	Requirement	Proposed	Extent of Variation
Ground floor	5m	2.1m (garage) to 3.219m (pedestrian entry)	2.9m-1.7m
Upper Floor	7m	2.6m (kitchen window) to 2.769m (kitchen)	4.4m-4.2m

Under clause 1.2 of policy *LPP 2.9: Residential Streetscape*, variations to the primary street setback can be supported subject to the proposed development meeting at least one of the following criteria:

- i. The proposed setback of the building is consistent with the setback of buildings of comparable height within the prevailing streetscape; or*
- ii. The proposed setback of the building does not result in a projecting element into an established streetscape vista by virtue of the road and/or lot layout in the locality or the topography of the land; or*
- iii. The proposed setback of the building will facilitate the retention of a mature, significant tree deemed by the Council to be worthy of retention (Refer also to LPP2.10 Landscaping of Development and Existing Vegetation on Development Sites); or*
- iv. Where there is no prevailing streetscape; or*
- v. Where the proposed development is on a lot directly adjoining a corner lot, Council will consider a reduced setback that considers the setback of the corner lot in addition to buildings in the prevailing streetscape.*

The only one of the criteria above that applies to this site is clause (i), consistency of the setbacks compared to buildings of similar height within the prevailing streetscape.

In accordance with the Policy, the proposed primary street setback has been considered in comparison with other approved houses within the ‘prevailing streetscape’ (defined in policy LPP 2.9 being the three houses on either side, fronting the same street and within the same block). It is noted that there are only two properties west of the subject site which are considered to form part of the prevailing streetscape.

The setback ground floor of the development is considered to satisfy the discretionary criteria of Local Planning Policy 2.9 for the following reasons:

- The front wall of the dwelling is set behind a portico like element which is to be built up to the front boundary line of the development site, a feature which is considered to be consistent with the characteristics and street presentation of the other dwellings facing Finnerty Street.
- The reduced setback of the ground floor is consistent with the setback of the front walls of the other dwellings in the streetscape including the structure facing Finnerty Street at No. 1 Tuckfield (nil setback) and the single storey dwellings at Nos. 18 – 22 Finnerty Street. The applicants’ streetscape elevations demonstrate that the ground floor of the development – in terms of its setback, not design - will be appropriately consistent with the streetscape.



Image 4: Applicants demonstration of streetscape consistency.

In contrast, the upper floor of the proposed dwelling is not considered to satisfy the discretionary criteria of LPP 2.9 for the following reasons:

- The prevailing streetscape of Finnerty Street is characterised by single storey, individually listed heritage dwellings/structures therefore the proposed upper floor of the dwelling becomes an incongruous projection which is not readily supported under the streetscape policy.

Council Policy does not provide Officers with the discretion to consider the proposal on its merits. The applicant has provided the following justification in support of the reduced upper floor setback, which officers have also provided a response to:

Consideration	Officer Comment
<i>This [the setback] is architecturally desirable as it corresponds to the average of the upper roof setback of the existing dwellings on each adjacent property facing the same street. The setback of this portion of the building is also in keeping</i>	Council’s Residential Streetscape policy does not allow for the consideration of roofs which may be similar in form to a proposed upper floor in considering varying the prescribed street setback. The reduced setbacks to the ground floor

<i>with the scale, bulk and massing of the adjacent properties, and the predominant streetscape. It also helps reinforce/set an adaptable street setback that corresponds and is in harmony with both the heritage residences and their 2m setbacks.</i>	facades of the adjoining properties are noted and considered to support the lower level of the proposed building.
<i>The proposal corresponds to the average of the setback of existing dwellings on adjacent properties fronting the same street and is in keeping with the average setback of all the existing buildings on Finnerty Street.</i>	Under LPP 2.9 when considering upper floor setbacks the City is not able to consider the setback of the ground floors of adjoining properties.
<i>The proposed setback does not result in a projecting element into the established streetscape vista.</i>	The City considers that there is little to no precedent in the prevailing streetscape for an upper floor of a dwelling set close to the primary street.
<i>A 7m setback is physically impossible and would look inconsistent with the streetscape.</i>	The 7m upper floor street setback has been set out as permitted by the Council under the Residential Streetscape policy and seeks to reduce the proximity of upper floor development to the street.
<i>The proposed setback is consistent with the roofed portion of the neighbouring residences, the massing of both are comparable and consistent, it fits in.</i>	See comments above.
<i>There is a clear existing pattern in this street of buildings built up very close to the front boundary</i>	The City agrees that this is the case for the ground floor of dwellings.
<i>It makes effective and good practical use of the available space on the site of the proposed residence, maximising the rear outdoor living area whilst still providing more than adequate space in front of the building and an inviting, historically sympathetic, architecturally appealing streetscape.</i>	See comments above.
<i>The effect is an intimate/social relationship of the residence and the balcony with the footpath and community, comparable with a scale, bulk and massing of the adjacent properties and the predominant streetscape.</i>	See comments above.
<i>The proposed front setback has no adverse effect on the adjoining properties, the amenity or safety of the street.</i>	For the reasons discussed elsewhere in this report, the development is considered to provide for a projecting upper floor element into the streetscape and to have a negative impact upon the prevailing heritage streetscape.

<p><i>A greater front setback would result in an increased impact on the rear neighbours.</i></p>	<p>Increasing the setback of the upper floor by moving the whole upper floor would bring the development closer to neighbouring rear yards, however the area of the upper floor could be reduced.</p>
<p><i>The kitchen is in the roof space and its window is a dormer window out of the roof.</i></p>	<p>The design of the upper floor does not satisfy the Local Planning Scheme 4 definition of 'loft' which requires the habitable room to be wholly contained within the roof space.</p>
<p><i>As this portion of Finnerty Street is in a time of change with adjacent building sites down the street being developed in the future, we are hoping, with the articulation and setback of the proposed residence, to provide a facade that is a healthy balance between the historical setbacks up the street and the closer setback of the next building down Finnerty Street; endeavouring to provide a façade that will harmonise with this and the Art Centre precinct pattern of zero to near zero setbacks.</i></p>	<p>It is agreed that the subject development, if constructed, may set a precedent for setbacks of similar constructing to the rear of 3-5 Tuckfield Street.</p> <p>The setback of the ground floor is supported by the reduced setback of the former commercial building further down Finnerty Street, however this building is not considered to provide a precedent related to the upper floor of the dwelling.</p>
<p><i>Generally, the upper setback and façade proposed: Reflect the setback pattern of the immediate locality and adjacent buildings; match the traditional setbacks or the streetscape. It is compatible with the context in terms of cultural heritage, form, bulk, scale, materials and design.</i></p>	<p>These matters are addressed above.</p>

In addition to an assessment against the discretionary criteria of Council Policy, the development has also been considered against the relevant design principles of the R-Codes (5.1.2) as follows:

5.1.2 – Street setbacks	
Design Principles	Complies
<p>P2.1 Buildings set back from street boundaries an appropriate distance to ensure they:</p>	
<ul style="list-style-type: none"> • contribute to, and are consistent with, an established streetscape; 	<p>No – the upper floor is considered to project into the streetscape of this portion of Finnerty Street.</p>
<ul style="list-style-type: none"> • provide adequate privacy and open space for dwellings; 	<p>Yes – the development complies with open space requirements visual privacy requirements.</p>
<ul style="list-style-type: none"> • accommodate site planning requirements such as parking, landscape and utilities; and 	<p>Yes – Readily accommodated on site as existing.</p>

<ul style="list-style-type: none"> allow safety clearances for easements for essential service corridors. 	Yes – The applicant proposes to build over the Water Corporation sewer, these works would require further approval from the Water corporation.
P2.2 Buildings mass and form that:	
<ul style="list-style-type: none"> uses design features to affect the size and scale of the building; 	Yes – the applicant has provided a variety of window forms to the upper floor and amended their plans to reduce the height of the upper floor.
<ul style="list-style-type: none"> uses appropriate minor projections that do not detract from the character of the streetscape; 	N/A – no minor projection proposed.
<ul style="list-style-type: none"> minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank walls, servicing infrastructure access and meters and the like; and 	Yes – limited area of blank wall and appropriate provision of vehicle parking supply provided.
<ul style="list-style-type: none"> positively contributes to the prevailing development context and streetscape as outlined in the local planning framework. 	<p>No – the development is considered inconsistent with the required street setbacks and to result in an undue projecting element into the streetscape of the subject portion of Finnerty Street.</p> <p>LPP 2.9 clearly indicates the City’s requirements with respect to the setback of new dwellings and the discretionary criteria have not been adequately addressed in this instance.</p>

In this regard, it is considered that the upper floor of the development does not satisfy the relevant discretionary criteria of LPP 2.9 and these issues contribute to the reasons the application is recommended for refusal.

Lot boundary setbacks

Element	Requirement	Proposed	Extent of Variation
Upper Floor (east)			
- Toilet	1.1m	0.559m	0.541m
- Remainder	1.5m	1.08m	0.42m
Upper Floor (west)	1.5m	Nil – 1.4m	0.1m - 1.5m
Upper Floor (north-east)	2.5m	0.488m	2.012m

The eastern upper floor setbacks are considered to meet the Design principles of the R-Codes in the following ways:

- Shade cast by this portion of the upper floor of the building will fall over the street and subject site.

- This wall does not impose a privacy issue as the plans do not include major openings on this side of the building.
- The upper floor will not be readily visible from the existing window on the adjoining lot due to the existing reduced setback to this side.
- The upper floor is set away from the rear yard of the adjoining property.
- The majority of the upper floor is to be set back further than the minimum setback, with the variation being considered resulting in part from the unusual lot boundary arrangement for the site.

The western upper floor setback is considered to meet the Design principles of the R-Codes in the following ways:

- The building adjoins the extended rear yard of the neighbouring property and a shed at the site, resulting in limited building bulk impact
- The majority of the upper floor is to be set back further than the minimum setback, with the variation being considered resulting in part from the unusual lot boundary arrangement for the site.
- The plans include screening devices to limit direct view into the neighbouring yard, thereby protecting privacy.
- The development casts shade over the neighbouring shed rather than an outdoor living area or habitable room.

The north eastern upper floor setback is considered to meet the Design principles of the R-Codes in the following ways:

- The plans include screening devices to limit direct view into the neighbouring yard, thereby protecting privacy.
- The shade cast by this portion of the development will impact the subject site rather than the adjoining property at midwinter.
- Similar to the western boundary, the proposed upper floor is aligned to the street, resulting in an angled setback which increases to comply with the relevant deemed-to-comply requirement for the remainder of the wall.

Boundary walls

Element	Requirement	Proposed	Extent of Variation
Ground (north-west)	1m	Nil	1m
Ground (East)	1.5m	Nil	1.5m
Ground (North-eastern front wall)	1m	Nil	1m

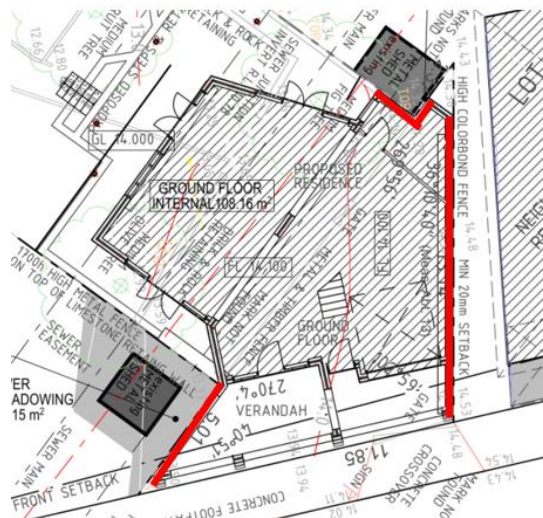


Image 5: Diagram depicting the extent of proposed buildings up to property boundaries

The north-western wall of the verandah is considered to meet the Design principles of LPP 2.4 in the following ways:

- The wall is single storey and adjoins the extended rear yard of the neighbouring property, resulting in limited building bulk impact to this property as this area is used for an outbuilding.
- The shade cast by this boundary wall will fall over the street.
- The wall results in part from a response to align the development to the street and provide a verandah across the front property boundary.

The eastern boundary wall is considered to meet the Design principles of LPP 2.4 in the following ways:

- Part of the wall is broken up by the open sided verandah close to the street.
- The height of the wall is reduced to the northern part of the wall, resulting in a lessened bulk impact close to the neighbouring windows.
- A corner of the subject site is to be left vacant as a ~1.9m setback to the neighbouring property.
- Shade cast by the development will fall over the subject site.

The north-eastern boundary wall is considered to meet the Design principles of LPP 2.4 in the following ways:

- This portion of the development is relatively minor and considered to form part of the eastern boundary element discussed above.
- The wall adjoins an existing shed at a nil setback on the adjoining property, resulting in limited bulk impact.
- The wall imposes little to no shade impact on the adjoining property due to lot orientation.

Building height

Element	Requirement	Proposed	Extent of Variation
Wall height	7m	5.9m	Complies
Roof height	8m	8.1-8.47m	0.47m

This aspect of the development is subject to assessment against the updated building height requirements of R-Codes Volume 1 which provide specific assessment requirement for buildings with gables.

The overall height of the building is considered to meet the Design principles of the R-Codes in the following ways:

- The shade cast by the building falls over a portion of the extended rear yard of the neighbouring property, resulting in a limited shade impact on this property. The majority of winter shade cast by the building falls over the roadway.
- The over height portion of the building is not considered to unduly impose upon views of significance over the subject site.

The chimney element is considered a minor portion of the building projecting above the building height limits applicable to the site.

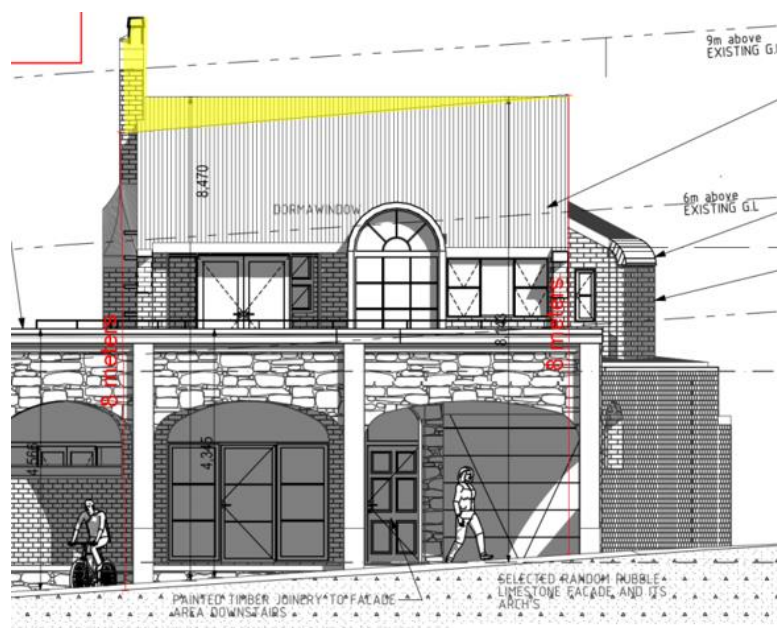


Image 6: The portion of the building above the relevant deemed-to-comply height requirement highlighted in yellow.

Considered in isolation, the area of the dwelling which exceeds the building height requirements that apply to the site is considered minor and worthy of support, however in the context of the reduced upper floor street setbacks this height is considered to contribute to the impact of the building on the streetscape and the development is therefore not considered to satisfy the Local Planning Scheme 4 sub area 2 requirement for the height of buildings to not be detrimental to the amenity of the area and not have an undue heritage impact.

Sightlines

Element	Requirement	Proposed	Extent of Variation
Reversing sightlines	1.5m x 1.5m sightline truncation	Verandah support posts located in truncation area.	Left – 1.1mx1.5m Right – 0m

The sightlines provided for the garage are considered to satisfy the design principles of the R-Codes for the following reasons:

- The left hand (west) sightline provides for sufficient view of the footpath for reversing vehicles.
- View is provided between the verandah pier and garage on the right hand side of the driveway.
- The opening of the garage door close to the street would provide for some warning to pedestrians of vehicle movements out of the site.

The reversing sightlines for the proposed vehicle access point are considered to be worthy of support for the reasons discussed above and do not affect the reasons the development is recommended for refusal.

Visual privacy

Element	Requirement	Proposed	Extent of Variation
Lounge (west)	6m	1.6m to 5.3m	0.7-4.4m These windows are noted to provide only long range views.
Lounge room (north)	6m	4.7m	1.3m
Bedroom (north)	4.5m	1.6m	2.9m These windows are noted to provide only long range views
Balcony (west)	7.5m	Nil	7.5m

While the proposal plans note that screening is to be provided to the upper floor windows in the form of window housings which permit long range views from the windows, but not views directly out of the windows, this is noted however these screens do not satisfy the definition of screening in the R-Codes. The R-Codes require screens to limit views out of a raised window into any adjoining property. The proposed screens may limit views into directly adjoining properties, but would still permit some overlooking into the rear yards of neighbouring lots. Accordingly if the development were to be recommended for approval, a condition of approval requiring that these windows be screened to the satisfaction of the City would be included.

The overlooking from the proposed balcony is not considered to meet the design principles of the R-Codes for the following reasons:

- The balcony allows for clear views across the rear yard of the adjoining property at 5 Tuckfield Street.

If the Planning Committee consider that the development should be supported, it is recommended that a condition be applied requiring that the side of the balcony be screened to protect the privacy of the adjoining property. While it is acknowledged that

this screen may contribute to the size of the dwelling located close to the street, this element is considered minor in the context of the remainder of the upper floor and could be provided in a less obtrusive way through the use of an obscured glazing screen or similar.

Ancillary dwelling plot ratio area

Element	Requirement	Proposed	Extent of Variation
Plot ratio area	70m ²	76m ²	6m ²

The ancillary dwelling area is considered to meet the Design principles of the R-Codes in the following ways:

- The area of the ancillary dwelling is considered to be only slightly larger than the standard requirement and the area of the ancillary dwelling, considered in isolation, is commensurate to the site area available across the property and worthy of support.
- The reasons why the addition is considered to impose on the streetscape and adjoining properties discussed above is not considered to be directly linked to the small additional plot ratio area which is considered to generally relate to small non-habitable areas of the ancillary dwelling located above the garage and workshop.

The ground floor of the proposed building is not included in the assessment of plot ratio area for the ancillary dwelling due to its ability for shared use between the main dwelling and ancillary dwelling. The area of the ancillary dwelling could be considered appropriate in isolation, but in the context of the subject development application the additional area of the upper floor is considered to contribute to the impact of the reduced upper floor setback of the development.

CONCLUSION

It is considered that the proposed development will create a projecting and incongruous element in the Finnerty Street Streetscape which does not satisfy the discretionary criteria of the City's Residential Streetscapes policy and would have a negative impact upon the relatively intact heritage streetscape of Finnerty Street. For these reasons, the application is recommended for refusal.

It is acknowledged that the subject site is of an unusual shape and is constrained by the location of the sewer line across the middle of the subject site and a large number of the elements of the proposal which seek to vary deemed-to-comply criteria of Council policy requirements result from these constraints. Should the Planning Committee form the view that the proposed dwelling provides for an acceptable response to the streetscape and that the discretionary elements are justified, an alternative recommendation for the application to be approved, subject to conditions, is provided.

Alternative Recommendation

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Ancillary dwelling and Garage addition to existing Single House at No. 7 (Lot 100)

Tuckfield Street, Fremantle, as detailed on plans dated 6 July 2021, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans dated 6 July 2021. It does not relate to any other development on this lot and must substantially commence within 4 years from the date of the decision letter.
2. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
3. All storm water discharge shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.
4. Prior to the occupation of the development hereby approved, vehicle crossovers shall be constructed to the City's specification 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 windows and balcony located on the north and western elevations are 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. Prior to occupation/ use of the development hereby approved, all boundary walls 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.
7. 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) The owner is advised that an obstruction permit may be required from the City for any future obstruction of the Finnerty Street road reserve. An application for obstruction permit can be found via www.fremantle.wa.gov.au.
- ii) Fire separation for the proposed building works must comply with Part 3.7.2 of the Building Code of Australia.
- iii) 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.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2015-25

- Increase the number of people living in Fremantle
- Provide for and seek to increase the number and diversity of residential dwellings in the City of Fremantle

Green Plan 2020

The site has several trees/shrubs at the rear of the site that are proposed to be removed as a result of this development. No planning approval is required for trees on private property that are not on the significant tree register.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

Council:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Ancillary Dwelling and Garage Addition to existing Single House at No. 7 (Lot 100) Tuckfield Street, Fremantle, as detailed on plans dated 6 July 2021, for the following reasons:

- 1. The street setback of the upper floor of the addition does not satisfy the variation criteria of Local Planning Policy 2.9 as the setback is inconsistent with the setback of buildings of a comparable height in the prevailing streetscape and results in a projecting element into the established streetscape.**

- 2. The street setback of the upper floor does not satisfy the design principles of State Planning Policy 3.1 (Residential Design Codes of WA) as the setback is inconsistent with the established streetscape and does not positively contribute to the prevailing or future development context.**

- 3. The proposal is detrimental to the amenity of the area and the identified heritage significance of the Finnerty Street streetscape and incompatible with the objectives of the Residential Zone set out in clause 3.2.1 (a) of the Local Planning Scheme No. 4 as per clauses 67(a), (k), (l) and (m) of the Deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.**

PC2108-3 JOSLIN STREET, NO. 34 (LOT 1668), HILTON – DEMOLITION OF A SINGLE HOUSE– (NB DA0182/21)

Meeting Date:	4 August 2021
Responsible Officer:	Manager Development Approvals
Decision Making Authority:	Committee
Agenda attachments:	1. Development Plans
Additional information:	1. Site photos 2. Heritage Assessment 3. Applicant's Structural Inspection Report 4. Applicant's Termite Inspection Report 5. Applicant's Photos

SUMMARY

Approval is sought for the demolition of the house, all structures, and a number of trees at No. 34 Joslin Street, Hilton.

The application is referred to the Planning Committee (PC) as the proposal includes the demolition of a dwelling in a heritage area.

Although it is acknowledged that the dwelling is in poor condition and would require significant work to repair it, the dwelling does make a contribution to the significance of the Hilton Heritage Area and would continue to do so if it was repaired in accordance with best practice. Therefore, the application for demolition is recommended for refusal.

PROPOSAL

Detail

Approval is sought for the demolition of the existing house, all structures, and some trees on the site. Development plans are included as attachment 1.

The applicant states that demolition should be supported for the following reasons:

- The original dwelling is not an original timber framed dwelling.
- The original dwelling has extensive termite damage and as a result the structural integrity is compromised.
- The condition of the dwelling as shown in the photos in Additional Information Attachment 5.

The existing dwelling is in a poor condition and has been fenced off to prevent access to the site and dwelling. In support of the application the applicant has submitted the following technical letters/reports:

Inspection Report by Ausmac dated 19 May 2021 which states that based on visual inspections the entire roof and most of the timber framed walls would need to be removed and replaced. The report made the following observations on the roof, wall and floor of the dwelling:

- A very large percentage of the roof structure is damaged beyond repair and would need to be replaced in its entirety;
- Based on an inspection of a portion of the kitchen wall, it is likely that termite damage is prevalent throughout the building and it is therefore likely that the timber framed walls are beyond repair and would need to be replaced in their entirety;
- The external brick cladding shows very few signs of damage and could be considered structurally sound;
- The floor seemed to be structurally sound and no termite damage was observed, however this was based on the observations from a small portion of the flooring only.

Inspection Report from Bug Busters stating the following findings:

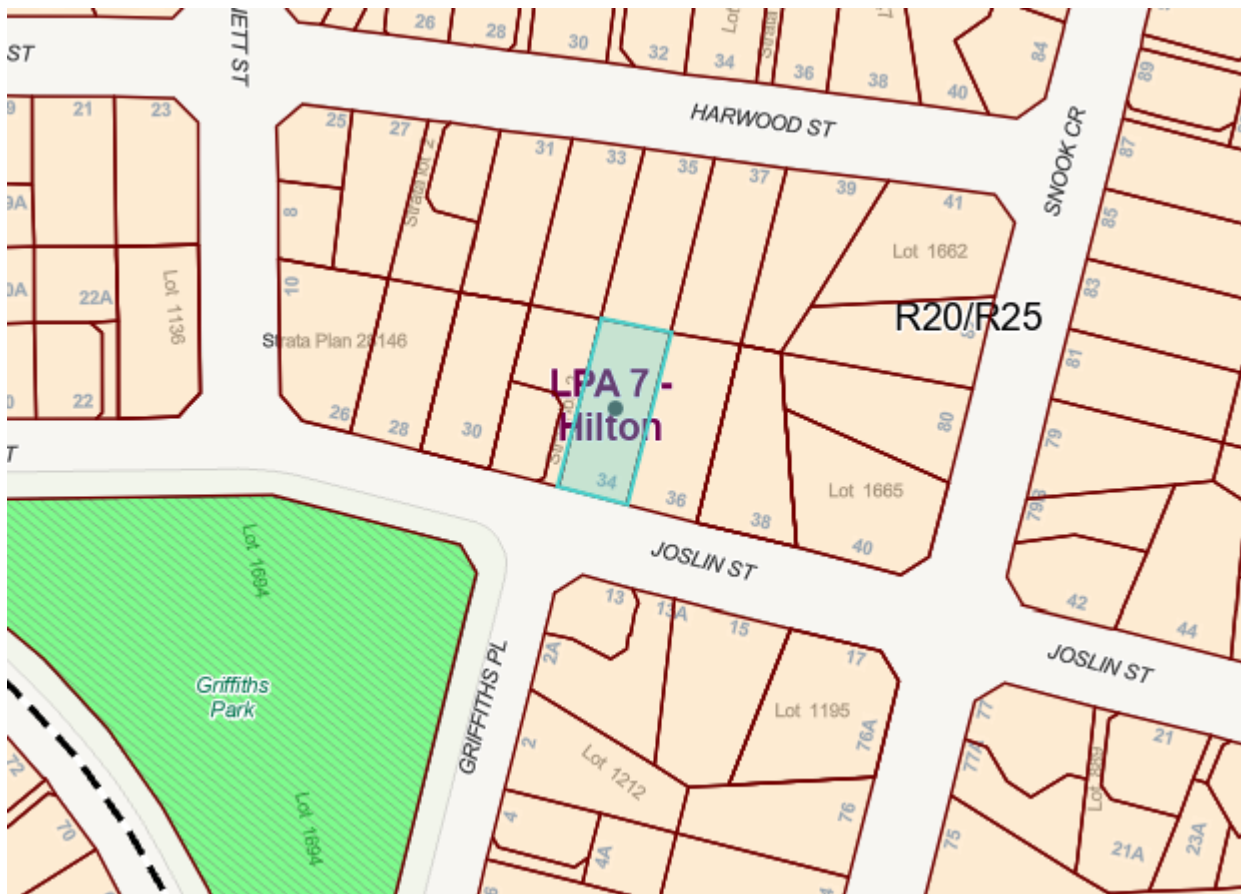
- The interior of the house attached shows widespread termite damage and fungal wood rot.
- A large termite nest was found in the sub-floor space and termite damage to structural and decorative timbers was described as 'extensive and severe'.
- Termite damage to the roof and ceiling structure was particularly severe and areas of severe damage were also found in timber wall framing and parts of the floor structure.
- Fungal wood rot was found in the roof and floor structures and may have contributed to the extensive termite activity.

Copies of both reports are included as Additional Information attachments 3 and 4.

No plans have been submitted for any new houses on the lot. A new dwelling or modification to the existing dwelling will require the submission of a planning application and it would be City Officers' preference that the house be restored commensurate with its original heritage significance.

Site/application information

Date received:	22 April 2021
Owner name:	Caesar Holdings (WA) Pty Ltd
Submitted by:	SIDI Construction
Scheme:	R20/R25
Heritage listing:	Hilton Heritage Area
Existing land use:	Single house
Use class:	P
Use permissibility:	P



CONSULTATION

External referrals

Nil required.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, as the proposal included the demolition of a dwelling in a Heritage Area. The advertising period concluded on 1 May 2021, and no submissions were received.

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of LPS4 in regard to the heritage significance of the place as it relates to the Hilton Garden Suburb Heritage Area.

Background

The subject site is located on the north side of Joslin Street between Thornett Street and Snook Crescent in Hilton. The site has a land area of approximately 799 m² and is currently a single storey single house. The site is zoned Residential and has a density coding of R20/R25.

The site is not individually heritage listed but is located within the Hilton Heritage Area.

The house is visible in the earliest aerial photograph of Hilton taken in 1953, which would put it in the first stage of development commenced by the State Housing Commission. Joslin Street contains a number of such timber framed houses typical of the era.

The existing house is a typical State Housing Commission timber framed and fibrous cement sheet clad house from the 1950s which has been modified by the addition of brick veneer cladding. The simple form of the house with its L shaped plan, hip and gabled cement tile roof and face brick chimney are still legible but the 1970s style chocolate brick veneer and white concrete verandah balustrade conceal the age of the house.

The dwelling has been subject to a series of changes over the years including:

- Removal of the small square front porch and replacement with a verandah that extends from the projecting bay across the front façade. The verandah has face brick columns and a balustrade of painted cast concrete corbels and handrail.
- Replacement of most original external windows with aluminium sliders, except for one remaining timber, horizontal format window on the back verandah. This window has a pair of casement sashes flanking a fixed pane and horizontal glazing bars and is typical of the era. The front door has also been replaced.
- Construction of chocolate brown coloured brick veneer around exterior of house. The single leaf of brick veneer is set off the stud wall to form a cavity. The fibrous cement sheet external cladding to the stud wall is visible through the gaps around the sub-floor access hatch and where brickwork has been broken away at a window sill. The brown brick contrasts with the red brick of the original chimney and back steps.

Demolition

In approving an application for demolition, Council is to be satisfied of the following in accordance with clause 4.14.1 of LPS4:

Council will only grant planning approval for the demolition of a building or structure where it is satisfied that the building or structure:

- (a) *has limited or no cultural heritage significance, and*
- (b) *does not make a significant contribution to the broader cultural heritage significance and character of the locality in which it is located.*

In accordance with clause 4.14.2 of LPS4, in considering an application in accordance with the above, the Council shall have regard to any heritage assessment of the place.

The applicant has not provided a heritage assessment of the place however they did provide the following comments to support their proposal:

- The original dwelling is not an original timber framed dwelling.
- The original dwelling has extensive termite damage and as a result the structural integrity is compromised.
- The condition of the dwelling as shown in the photos in Additional Information Attachment 5.

In response to the proposed demolition, the City has completed a heritage assessment of the place, which is included in Attachment 2, with its details and conclusion reproduced below.

Hilton has a distinctive and cohesive character created by the parks, streetscapes, mature trees, areas of indigenous vegetation and the stock of relatively intact modest predominantly timber mid 20th century housing. The suburb consists mainly of slightly irregular, almost rectangular shaped blocks. However the defining characteristic of the former estate is the semi-circular form of the streets that radiate eastwards from the east end of the school reserve to form a group of four curved streets before joining the more regular gridded layout of the other streets. The radiating streets combined with the sloping site gives the landscape of the eastern part of the former estate a distinctive picturesque quality, a quality that is enhanced by the reserves of open land contained within it.

34 Joslin Street is located near the intersection of the roughly straight Joslin Street and the curved Rennie Crescent. It overlooks a small triangular park created where the two geometries intersect. Joslin Street contains many original timber framed houses from the first stage of development by the State Housing Commission with some later infill development in brick construction.

The subject dwelling is a typical State Housing Commission timber framed and fibrous cement sheet clad house from the 1950s which has been modified by the addition of brick veneer cladding. The simple form of the house with its L shaped plan, hip and gabled cement tile roof and face brick chimney are still legible but the 1970s style chocolate brick veneer and white concrete verandah balustrade conceal the age of the house.

Demolition of any place requires careful consideration because it removes all its heritage significance except for intangible historical and social values that are not dependant on physical fabric.

The key heritage issue in assessing this application is if the extent of modification and deterioration has reduced the heritage significance of the place so that it has little significance and no longer contributes to the heritage values of the Hilton Heritage Area.

The subject dwelling is an original 2 bedroom, timber framed Hilton House dating from the 1950s which has been clad with a brick veneer. The simple form and massing of the house, the hipped and gable tile roof and the face brick chimney are still visible from the street and contribute to the established streetscape of the historic Hilton Garden Suburb. The installation of brick veneer cladding and the loss of the original front porch and most of the timber casement sash windows has reduced its contribution to a degree but these changes could be reversed in future.

Based on recent experience with similar buildings in Hilton and physical evidence at the house, it is highly likely that the 1970s/80s brick veneer is a largely free-standing element that could be removed with minimal damage to reveal the original wall cladding below.

The structural frame has been severely damaged by termite activity. The roof of the building undulates indicating major structural deterioration and it has collapsed in places leading to inundation and water damage. All the ceilings in the house have collapsed revealing extensive termite activity in both the ceiling joists and many roof timbers. Where internal wall cladding has been removed for inspection it has revealed extensive termite activity in timber wall studs and noggings. The condition of the timber floorboards appears to be fair when viewed from inside the house but inspection of the sub-floor space revealed termite activity and fungal wood rot in floor joists and bearers. A large termite nest was found in the underfloor space.

To treat termite activity and repair damage to the wall structure the brick veneer, external asbestos wall cladding and internal wall cladding will need to be removed and much of the wall structure may need to be replaced including damaged studs, plates and noggings, and new windows will need to be installed in the timber frame. To repair the floors some floorboards will need to be taken up to replace damaged joists and bearers. The entire roof and ceiling structure will also need to be replaced.

The subject site is not individually listed on the Heritage List but is rather is a place that contributes to the heritage significance of the Hilton Heritage Area. The approach taken to assessing change to individually listed heritage places is different from those that contribute to a heritage area. When assessing the impact of changes to contributing heritage area places the primary concern is to maintain the building's contribution to the heritage area. The form and massing of the main body of the building; key external features such as chimneys, porches and windows; and original external finishes such as wall cladding, all need to be retained and not obscured by new development. Modification to the interior of the building is generally not considered unless it will impact upon the exterior presentation.

It is anticipated that certain elements in original Hilton houses may need to be replaced as they age, such as weatherboards, roof cladding and timber windows, but this is acceptable if they are replaced with new items that replicate the original form and detail. The replacement of structural elements that do not affect the external presentation of the place will have no impact on the heritage significance of the heritage area.

The extensive work required to replace damaged building fabric of the dwelling will result in the loss of much original building fabric, however, the form and external character of the place is capable of being reinstated in a way that would mean it still had some significance in the context of the Hilton Heritage area.

Given the above, it is considered that the existing dwelling makes a significant contribution to the cultural heritage significance and character of the Hilton Heritage Area and the proposal to demolish the dwelling and associated structure is not supported in accordance with clause 4.14.1 of LPS4.

Conclusion

Although it is acknowledged that the dwelling is in poor condition and would require significant work to repair it, the dwelling does make a contribution to the significance of the Hilton Heritage Area and would continue to do so if it was repaired in accordance with best practice. There are previous examples in the City of Fremantle where houses of heritage significance but in poor condition have been successfully brought back into viable use through significant repair/replacement of original fabric as an alternative to demolition.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

Council:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, demolition of the existing house and structures at No. 34 (Lot 1668) Joslin Street, Hilton, as detailed on plans dated 22 April 2021, for the following reasons:

- 1. The proposed demolition of the existing dwelling on site is not supported in accordance with clause 4.14.1 of Local Planning Scheme No.4 (LPS4) as the existing dwelling is considered to have cultural heritage significance and makes a contribution to the broader cultural heritage significance and character of the Hilton locality which is a prescribed heritage area under LPS4.**
- 2. The proposal is detrimental to the amenity of the area, detrimental to the cultural heritage significance of the area, and incompatible with the objectives of the Residential Zone set out in clause 3.2.1 (a) of the Local Planning Scheme No.4, as per clauses 67(a), (l) and (n) of the Deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.**

PC2108-4 INFORMATION REPORT – AUGUST 2021

1. SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY

Responsible Officer: Manager Development Approvals
Agenda attachments: 1: Schedule of applications determined under delegated authority

Under delegation, development approvals officers determined, in some cases subject to conditions, each of the applications relating to the place and proposals as listed in the attachments.

2. UPDATE ON METRO INNER-SOUTH JDAP DETERMINATIONS AND RELEVANT STATE ADMINISTRATIVE TRIBUNAL APPLICATIONS FOR REVIEW

Responsible Officer: Manager Development Approvals
Agenda attachments: Nil

Applications that have been determined by the Metro Inner-South JDAP and/or are JDAP/Planning Committee determinations that are subject to an application for review at the State Administrative Tribunal are included below.

1. Application Reference
DA0046/21
Site Address and Proposal
91 Paget Street, Hilton – Proposed Demolition of Existing Single House and construction of Retaining walls and site works
Planning Committee Consideration/Decision
<ul style="list-style-type: none"> At its meeting held on 28 April 2021, the Council resolved to refuse the application.
Current Status
<ul style="list-style-type: none"> On 26 May 2021 an Application for Review by the State Administrative Tribunal was lodged by the owner. A Directions Hearing was held on 11 June 2021. A Mediation session between the parties was held on 8 July 2021. A second Mediation session between the parties has been scheduled for 12 August 2021.

2. Application Reference
DAP001/21
Site Address and Proposal
8 Queen Victoria Street, Fremantle – Proposed 7 Storey Mixed Use Development (Shop and 50 Multiple Dwellings) for Bethanie Housing
Planning Committee Consideration/Decision
<ul style="list-style-type: none"> At its meeting held on 7 July 2021, the Planning Committee resolved to provide a comment to the JDAP that although the proposed use is strongly

supported, it did not support the applicants design response to the site having regard for the adjoining heritage listed buildings.

- At its meeting on 20 July 2021, the Joint Development Assessment Panel (JDAP) resolved to approve the development in accordance with the Officers Recommendation subject to a minor amendment to one condition.

3. Application Reference

DAP002/21

Site Address and Proposal

22 Strang Street, Beaconsfield – Proposed 25 Grouped Dwelling Development

Planning Committee Consideration/Decision

- At its meeting held on 7 July 2021, the Planning Committee resolved to provide a comment to the JDAP that it supported the Officers recommendation to approve the development.
- At its meeting on 20 July 2021, the Joint Development Assessment Panel (JDAP) resolved to approve the development in accordance with the Officers Recommendation.

4. Application Reference

DA0111/21

Site Address and Proposal

65 South Terrace, Fremantle – Proposed 6 Storey Hotel Development

Planning Committee Consideration/Decision

- At its meeting held on 28 May 2021, the Council resolved to recommend that the Western Australian Planning Commission (WAPC) not support the proposed development as the development does not effectively graduate the scale of buildings in the locality, is inconsistent with the scale and form of the traditional Suffolk Street streetscape and any approval would effectively be a 'spot rezoning' of the site which has not be considered as part of a holistic approach to the locality with the communities involvement.
- The Western Australian Planning Commission (WAPC) at their meeting on 22 July 2021 approved the development in accordance with the SDAU (Significant Development Assessment Unit) Officers Recommendation. An amendment to increase the period to substantially commence construction of the development on site from 12 months to 18 months was also approved.

OFFICER'S RECOMMENDATION

Council receive the following information reports for August 2021:

- 1. Schedule of applications determined under delegated authority.**
- 2. Update on Metro Inner-South JDAP determinations and relevant State Administrative Tribunal applications for review**

10.3 Council decision

Nil

11. Motions of which previous notice has been given

A member may raise at a meeting such business of the City as they consider appropriate, in the form of a motion of which notice has been given to the CEO.

Nil

12. Urgent business

In cases of extreme urgency or other special circumstances, matters may, on a motion that is carried by the meeting, be raised without notice and decided by the meeting.

Nil

13. Late items

In cases where information is received after the finalisation of an agenda, matters may be raised and decided by the meeting. A written report will be provided for late items.

Nil

14. Confidential business

Members of the public may be asked to leave the meeting while confidential business is addressed.

Nil

15. Closure