



TOWN OF CLAREMONT

ORDINARY COUNCIL MEETING

MINUTES

TUESDAY 4 SEPTEMBER 2018

A handwritten signature in black ink, appearing to read "Liz Ledger", is written over the printed name.

Liz Ledger

CHIEF EXECUTIVE OFFICER

Date: 7-9-2018

DISCLAIMER

Would all members of the public please note that they are cautioned against taking any action as a result of a Council decision tonight until such time as they have seen a copy of the Minutes or have been advised, in writing, by the Council's Administration with regard to any particular decision.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	3
2	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE	3
3	DISCLOSURE OF INTERESTS	3
4	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .	3
5	PUBLIC QUESTION TIME	3
6	PUBLIC STATEMENT TIME	4
7	APPLICATIONS FOR LEAVE OF ABSENCE	5
8	PETITIONS/DEPUTATIONS/PRESENTATIONS	5
9	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	5
10	ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETING MAY BE CLOSED TO THE PUBLIC	5
11	BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING	5
12	REPORTS OF COMMITTEES.....	6
	12.1 FORESHORE ADVISORY COMMITTEE	6
13	REPORTS OF THE CEO.....	7
	13.1 PEOPLE AND PLACES	7
	13.1.1 APPOINTMENT OF BUSINESS REPRESENTATIVE TO CLAREMONT TOWN CENTRE ADVISORY COMMITTEE ...	7
	13.2 PLANNING AND DEVELOPMENT	11
	13.2.1 UNIT 14 (5) ANSTEY STREET CLAREMONT – ADDITIONS AND ALTERATIONS TO GROUPED DWELLING	11
14	ANNOUNCEMENTS BY THE PRESIDING PERSON.....	22
15	ELECTED MEMBERS’ MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	23
16	NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF MEETING	23

17 CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE
CLOSED TO THE PUBLIC 23

18 FUTURE MEETINGS OF COUNCIL 23

19 DECLARATION OF CLOSURE OF MEETING 23

TOWN OF CLAREMONT
ORDINARY COUNCIL MEETING
4 SEPTEMBER 2018
MINUTES

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

His worship the Mayor, Jock Barker, welcomed members of the public, press, staff and Councillors, and declared the meeting open at 7:00pm.

2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Mayor Jock Barker	Town of Claremont
Cr Bruce Haynes	East Ward
Cr Kate Main	East Ward
Cr Alastair Tulloch	East Ward
Cr Jill Goetze	South Ward
Cr Chris Mews	South Ward
Cr Paul Kelly	South Ward
Cr Peter Edwards	West Ward
Cr Sara Franklyn	West Ward
Cr Peter Browne OAM, JP	West Ward

Ms Liz Ledger (Chief Executive Officer)

Mr Andrew Smith (Acting Director Corporate and Governance)

Ms Cathy Bohdan (Director People and Places)

Mr David Vinicombe (Director Planning and Development)

Miss Sarah Hingston (Governance Officer)

One member of the public

Two members of the press

3 DISCLOSURE OF INTERESTS

NIL

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

NIL

5 PUBLIC QUESTION TIME

NIL

6 PUBLIC STATEMENT TIME

Item 13.2.1 Unit 14 (5) Anstey Street Claremont – Additions and Alterations to Grouped Dwelling

Mr Keith Lankester – 14/5 Anstey Street, Claremont

Mr Lankester spoke in favour of the Officer's Recommendation.

7 APPLICATIONS FOR LEAVE OF ABSENCE

MOTION

Moved Cr Main, seconded Cr Mews.

That Cr Franklyn be granted leave of absence for the Ordinary Council Meeting on 2 October 2018.

**CARRIED(164/18)
(NO DISSENT)**

8 PETITIONS/DEPUTATIONS/PRESENTATIONS

NIL

9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Browne, seconded Cr Kelly.

That the Minutes of the Ordinary Meeting of Council held on 21 August 2018, be confirmed.

**CARRIED(165/18)
(NO DISSENT)**

**10 ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETING
MAY BE CLOSED TO THE PUBLIC**

NIL

11 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING

NIL

12 REPORTS OF COMMITTEES

12.1 FORESHORE ADVISORY COMMITTEE

File No: GOV/00049
Responsible Officer: Saba Kirupanather
Director Infrastructure
Meeting Date: 15 August 2018

OFFICER RECOMMENDATION

Moved Cr Mews, seconded Cr Tulloch.

That the Minutes of the Foreshore Advisory Committee Meeting held on 15 August 2018, be received.

**CARRIED(166/18)
(NO DISSENT)**

13 REPORTS OF THE CEO

13.1 PEOPLE AND PLACES

13.1.1 APPOINTMENT OF BUSINESS REPRESENTATIVE TO CLAREMONT TOWN CENTRE ADVISORY COMMITTEE

File Ref:	GOV/00054
Attachments:	Claremont Town Centre Advisory Committee Terms of Reference (Attachment 1)
Restricted Attachments:	Applications for Claremont Town Centre Advisory Committee (R-Attachment 1)
Responsible Officer:	Cathy Bohdan Director People and Places
Author:	Annette Brown Project officer
Proposed Meeting Date:	4 September 2018

Purpose

Following the resignation of an external member of the Claremont Town Centre ('CTC') Advisory Committee, Council is requested to consider membership applications received from Claremont business representatives to fill the vacancy.

Background

The Town has established five Advisory Committees in accordance with section 5.8 of the *Local Government Act 1995* (the 'Act') to assist with its functions. Committee membership is comprised of Elected Members, community and business members and, as required for some Committees, representatives of other organisations. The intent is to give the community more opportunity to provide input into Council's decision-making process. However, as the Advisory Committees do not have delegated authority, all decisions must still be made by resolution of Council.

As per the CTC Terms of Reference, the Committee is comprised of nine voting members (Three Elected Members, five external members and the Chief Executive Officer of the Town).

The tenure of current Committee Members expires at the next ordinary election following appointment. The current members were appointed following the 2017 election with their tenure expiring in October 2019, the 2019 local government election day.

Following the resignation by a member of CTC Advisory Committee, Council is requested to consider and accept one of the nominations received to fill the current Committee membership vacancy.

CTC Advisory Committee

The CTC Advisory Committee has been established to consider matters relating to the marketing of the CTC, and is responsible for:

- Providing advice to Council initiatives relating to the CTC
- Contributing to, and working cooperatively with the Town, on the progress of the CTC, and
- Bringing together retailers, professionals, civic authorities and others, for the purposes of improving the CTC as a premier destination.

The Terms of Reference for the CTC Advisory Committee is included in Attachment 1.

Community membership vacancy is as follows:

Representative Type	Positions
Business Representatives from Claremont Town Centre	1

Discussion

Call for nominations for a business representative on Council's CTC Advisory Committee was advertised through the CTC e-newsletter data base, in the Western Suburbs Weekly classified section and on the Town's website. Nominations closed 5.00pm Friday 17 August 2018 with the following nominations received:

CTC Advisory Committee

Representative Type	Nominee
CTC Business Representative	Mark Jones
CTC Business Representative	Eleanor Jones

Nominations for voting positions have been received and included in R-Attachment 1.

As there is only one position vacant and both nominations represent the same business, The Town's Officers consulted with the nominees as to their preferred and recommended nomination in line with future meeting dates and availability.

Following these discussions, it is recommended that Ms Eleanor Jones be appointed as a business representative to the Committee.

Past Resolutions

Ordinary Council Meeting 17 October 2017, Resolution No. 150/17:

That Council:

1. *Adopt the Terms of Reference for the following Committees:*
 - e) *Claremont Town Centre Advisory Committee (included as Attachment 5)*
2. *Appoint the recommended community representatives to the following Committees of Council:*
 - e) *Claremont Town Centre Advisory Committee*

3. *Approve attendance to Committee meetings by members in accordance with s5.25(2) of the Local Government Act 1995 and Reg 14.A of the Local Government (Administration) Regulations 1996.*

CARRIED

Financial and Staff Implications

N/A

Policy and Statutory Implications

Local Government Act 1995:

- Section 5.8 – Establishment of Committees
- Section 5.9 Types of Committees
- Section 5.10 Appointment of Committee members
- Section 5.11 Tenure of Committee membership.

Communication / Consultation

NIL

Strategic Community Plan

People

We live in an accessible and safe community that welcomes diversity, enjoys being active and has a strong sense of belonging.

- Provide opportunities for local community groups that supports their capacity and ongoing sustainability.

Leadership and Governance

We are an open and accountable local government; a leader in community service standards.

- Develop and build partnerships that support the Town's vision.
- Our stakeholders are well informed and we provide opportunities for community engagement

Urgency

The appointment of a Committee Member to fill the vacancy on the CTC Advisory Committee is required to assist in consultation processes linked to on-gong CTC operational plans for the 2018-19 financial year.

Voting Requirements

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED.

OFFICER RECOMMENDATION

Moved Cr Goetze, seconded Cr Franklyn.

That Council appoints Eleanor Jones as a business representative to Council's Claremont Town Centre Advisory Committee for the balance of the position tenure ending local government election day for 2019.

**CARRIED BY AN ABSOLUTE MAJORITY(167/18)
(NO DISSENT)**

13.2 PLANNING AND DEVELOPMENT

13.2.1 UNIT 14 (5) ANSTEY STREET CLAREMONT – ADDITIONS AND ALTERATIONS TO GROUPED DWELLING

File No:	A0205
Attachments:	Location and Submission Map (Attachment 1) Photograph (Attachment 2)
Restricted Attachments:	Plans (R-Attachment 1) Submissions (R-Attachment 2)
Responsible Officer:	David Vinicombe Director Planning and Development
Author:	Lisa Previti Manager Statutory Planning and Building
Proposed Meeting Date:	4 September 2018
Date Prepared:	28 August 2018
Planning Application No.:	DA2018.00071
90 Days Due Date:	20 August 2018
Property Owner:	Keith and Geraldine Lankester
Submitted By:	Nuchange Building
Lot Nos.:	14
Area of Lot:	250m²
Zoning:	Residential R30, No Zone and MRS Primary Regional Road Reservation – Proposed Residential R30 and MRS Primary Regional Road Reservation (Amendment No. 136 to LPS3)
Financial Implications:	NIL
Enabling Legislation:	<i>Planning and Development Act 2005</i> ('PDA') Local Planning Scheme No. 3 ('LPS3') Residential Design Codes ('RDC')

Summary

- Development Application received for second storey additions and alterations to a single storey grouped dwelling, including two new bedrooms, activity room, bathroom, alfresco and terrace.
- Proposal does not meet the 'Deemed to Comply' ('DTC') requirements of the Residential Design Codes ('RDC') relative to the northern side (roof terrace) and

the western boundary (bedrooms 3 and 4) setbacks, and cone of vision from Bed 3 and roof terrace area, but may be considered acceptable under the 'Design Principles' ('DP').

- Ten neighbours were consulted and four objections were received. The objections related to the height of the development, setbacks and general amenity impacts from the second storey additions. Initial plans showed the height of the building at 7.1m exceeding the maximum height of 6.6m specified under cl.40(3) of Local Planning Scheme No.3 ('LPS3'). The plans were amended to reduce the height to 6.4m in response to concerns raised during consultation. The plans were also amended to increase the eastern setback to address neighbour concerns.
- Notwithstanding the modifications made, the objections have not been withdrawn and accordingly it is appropriate that Council consider the application.
- Given the improvements made to the plans to address the concerns raised by the objections and compliance with relative LPS3 and RDC requirements, it is recommended that the application be approved subject to relevant conditions.

Purpose

The application proposes second storey additions to an existing single storey grouped dwelling, including two new bedrooms, activity room, bathroom, roof alfresco area and terrace. The application requires the Council's determination due to neighbour objections.

Background

The following table outlines key dates regarding this proposal:

Date	Item/Outcome
22 May 2018	Development Application received by Council.
30 May 2018	Application undergoes internal DCU assessment.
18 June 2018	Advertising commenced.
3 July 2018	Advertising closed.
18 July 2018	Amended plans received from applicant.
3 August 2018	Main Roads WA comment received.
9 August 2018	Amended plans received from applicant.
27 August 2018	Amended plans received from applicant.
28 August 2018	Report prepared for Council.

Past Resolutions

There are no past Council resolutions relevant to this application.

Consultation

The application was advertised in accordance with Council Policy LG525 - Advertising of Development Applications. Ten neighbours were consulted and four objections were received. It is noted that the plans were modified to address the concerns raised in

relation to the overweight wall, overlooking and setbacks. The applicant's response to the submissions of objection was to amend the plans to comply with the 'Deemed to Comply' ('DTC') requirements of the Residential Design Codes ('RDC') and cl.40(3) of Local Planning Scheme No. 3 ('LPS3'). A summary of the submissions and responses is provided as follows:

Submissions Received		
Address:	Unit 13/5 Anstey Street Claremont	
Submission	Applicant Comment	Officer Comment
<p>With regard to the Alfresco-Terrace wall being set back 1.1m, we strongly believe that the limit of 1.5m as per RDC be adhered to. We are not in favour of the alterations for a number of reasons outlined below, therefore if approved do not want it 40cm closer to our unit that RDC specify. One of the main reasons we purchased this property was that our villa was very private with no overlooking.</p> <p>We are against the planning height of 7.1m exceeding the 6.6m stipulated. I believe it is essential in a complex like this all of the RDC be strongly adhered to. The villas are close together and it is crucial that the boundaries and height limitations for all the property are respected when additions are planned.</p> <p>We also make the following objections to the extensions. The open aspect on the western side of our villa will be diminished with the proposed wall rising above our garage and altering the view from our courtyard. The prevailing sea breeze will also be blocked somewhat by the additions. Our courtyard gets hot in the summer and the sea breeze is a welcome relief.</p>	<p>Amended plans provided compliant with DTC of the RDC.</p> <p>Amended plans provided compliant with LPS3 cl.40(3).</p>	<p>Noted. Amended plans have been submitted with a compliant 1.5m setback and 2.1m screening to protect the privacy of the neighbour (exceeding the RDC DTC requirement).</p> <p>Noted, amended plans have been submitted with a compliant 6.4m wall height below the 6.6m maximum provided under cl.40(3) of LPS3.</p> <p>It is considered that the compliant height and setback of the development will have limited impact on light and ventilation to the dwelling to the east. The adjoining unit backs onto the proposed development with a boundary wall height approximately 450mm lower than the alfresco wall and 200mm lower than the terrace screen wall. Accordingly the development should not significantly impact on prevailing breezes (south westerly) on the adjoining property), noting that these breezes flow in a direction towards the front entrance of the neighbouring unit, not the rear</p>

<p>From a visual perspective, we are happy with the current design of the villas around ours. We would not have purchased our villa if Villa 14 had an added extension that is higher than our single level. We believe if the proposed extension is allowed it would lower the value of our property.</p> <p>The proposed roof terrace and the alfresco area is also a concern as it brings another entertaining area close to our outdoor space.</p>		<p>courtyard.</p> <p>Impact on property values is not a valid planning consideration.</p> <p>The roof terrace and alfresco complies with DTC of the RDC, and it is noted that the roofed alfresco is closer to the neighbouring courtyard than the unroofed terrace. Any noise issues would need to be compliant with <i>Environmental Protection (Noise) Regulations 1997</i>.</p>
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Address: Unit 1/410 Stirling Highway, Claremont

Submission	Applicant Comment	Officer Comment
<p>I am concerned about the height as it seems to exceed the maximum height. Even if doesn't go to the height they want but still build up it will block out the rest of the winter sun that I have been getting. There is already a two storey building next to it that blocks out the winter sun from my unit from about 9.30am onwards.</p> <p>I had taken note of the early morning sun which I get partly in the living room, mainly the window area and not right in, from about 7.30 for about an hour then I get it up till about midday at the back door. After that it disappears behind the other units.</p> <p>I enjoy what I can of the winter sun around the back door area as it faces north. I love to sit out there and have a chat with</p>	<p>Amended plans provided compliant with LPS3 cl.40(3).</p>	<p>Noted, amended plans have been submitted with a compliant 6.4m wall height below the 6.6m maximum provided under cl.40(3) of LPS3.</p> <p>It is noted that overshadowing impacts under the RDC are measured at midday 21 June, not at earlier or later times of the day when the sun angle will provide shadows in a westerly and easterly direction.</p> <p>There will be some impact on light along the northern side of the property, however overshadowing complies with the DTC of the RDC. The second storey proposal has been setback to reduce the impact on light and ventilation.</p> <p>As indicated above, the height of the proposed development complies and the associated setbacks and overshadowing requirements of the RDC are</p>

<p>my neighbour, who will also be greatly impacted by the loss of sunshine and warmth as his back door also opens out to the north. And the garden will lose what winter sun it's getting now.</p> <p>It will be very disappointing and disheartening if I lose this and miss out on the only sun I get in the winter which is when you need it the most.</p> <p>The height of it will make me feel closed in, even more so with the existing units next door.</p>		<p>compliant with the DTC requirements. It is noted that cl.2.5.4 of the RDC prevents Council from refusing applications which comply with the RDC DTC requirements.</p> <p>There are existing two storey developments within the subject site and on the site from which the objections have been raised. Complaint wo storey developments are not considered to be out of character with the prevailing streetscape in the area. It is considered that additional building bulk will have limited impact on the liveability of the objector's dwelling.</p>
<p>Address: Unit 3/410 Stirling Highway, Claremont</p>		
<p>Submission</p>	<p>Applicant Comment</p>	<p>Officer Comment</p>
<p>I am very concerned about the proposed height alterations to this building as they will effectively block the winter sunshine and daylight from my back verandah and kitchen window throwing my unit into shadow from approx 9:00 am to approx 12:30 pm after which the sun will again be blocked by units 15 & 16 until approx 4:00 pm when at this time of the year it will be descending. In my opinion units 15 & 16 are already unfairly too high, and I note that the intended alterations to unit 14 will actually exceed the height of these!</p> <p>I am an aged pensioner and have resided here for 18 years this coming October. I regard the lovely winter sun we get as a very pleasant and enjoyable experience and am fond of sitting outside and taking advantage of it. I don't consider it at all fair when long term residents of an area are impacted in such a way. These proposed alterations/additions are designed to advantage one</p>	<p>Amended plans provided compliant with LPS3 cl.40(3).</p>	<p>As indicated above, the height of the proposed development complies and the associated setbacks and overshadowing requirements of the RDC are compliant with the DTC requirements. It is noted that the cl.2.5.4 of the RDC prevents Council from refusing applications which comply with the RDC DTC requirements.</p> <p>The site allows for residential development to two storeys, and the development is consistent with RDC and LPS3 requirements. Personal preferences in this case are not considered to be a valid planning consideration.</p>

<p>party while clearly causing such a disadvantage to others. I realize that some would consider my reasons for challenging these alterations simplistic and somewhat trivial, however they aren't to myself and my neighbour!</p> <p>The thought of these works going ahead is most unpleasant and of significant concern!</p> <p>Myself and my neighbour, whose unit is already put into shadow very early in the morning by units 15 & 16 and which will be further impacted by the proposed alterations to unit 14, share a vegetable/flower/herb garden in the area where this 'block-out' will occur, potentially resulting in a further sad situation, and creating a dull, cold, closed in effect.</p> <p>Request that you, give the granting of these alterations most careful consideration taking into account what disappointment it will bring to we long term residents.</p>		<p>As detailed above.</p> <p>Overshadowing has been assessed under the DTC of the RDC and is compliant. Some access to light will be restricted, however the Council cannot refuse a compliant aspect of the RDC under cl.2.5.4.</p> <p>It is considered that the proposed extensions will have limited impact on the adjoining dwellings and as detailed above, the RDC prevents Council from refusing compliant applications.</p>
<p>Address: 410 Stirling Highway Claremont (Owner of five units including the above units)</p>		
<p>Submission</p> <p>I wish to lodge an objection to the additions which will allow the eave height of any buildings to be raised 0.5 metres above the limit of the present RDC.</p> <p>The existing buildings on the said property do not allow sunlight to fall on the lawn area which runs between the buildings on 14/5 Anstey Street (which run continuously from front to back of the block, and</p>	<p>Applicant Comment</p> <p>Amended plans provided compliant with LPS3 cl.40(3).</p>	<p>Officer Comment</p> <p>As indicated above, the height of the proposed development complies and the associated setbacks and overshadowing requirements of the RDC are compliant with the DTC requirements. It is noted that cl.2.5.4 of the RDC prevents Council from refusing applications which comply with the RDC DTC requirements.</p> <p>Overshadowing has been assessed under the DTC of the RDC and is compliant. Some access to light will be impacted, however the Council cannot refuse a compliant aspect of the RDC under cl.2.5.4.</p>

<p>the buildings on 410 Stirling Highway, for the majority of the daylight hours.</p> <p>This results in this area being cold and difficult to maintain vegetation (lawns and gardens).</p> <p>The existing Buildings and 3 metre parapet fence are also overbearing from a visual point of view, giving an outlook for my 5 tenants similar to a prison.</p> <p>I strongly object to any increase in the height of structures on 14/5 Anstey Street.</p>		<p>See comments above.</p> <p>The southern façade has been designed with a wide varying setbacks and has several compliant openings, to provide interest and articulation to that façade to reduce its bulk. It is considered that the development is residential in appearance and in keeping with the design of the existing dwelling.</p>
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Full copies of the submissions are attached to this report (R-Attachment 2).

Main Roads WA ('MRWA') was consulted as the property abuts the Metropolitan Region Scheme ('MRS') Primary Regional Roads Reservation, and as an adjoining landowner, and had no objection to the proposal. MRWA have requested a condition be applied to address noise if the application is approved.

Discussion

Description

The application proposes second storey additions to an existing single storey grouped dwelling, including two new bedrooms, activity room, bathroom, roof alfresco area and terrace. The dwelling is in a group of 16 grouped dwellings, the majority of which are single storey with access to Anstey Street. The subject property (unit 14) and units 15 and 16 are accessed from Stirling Highway. Units 15 and 16 are of two storey construction.

Compliance

The development proposes variations to the DTC provisions of the RDC. Where a development does not meet the DTC requirements of the RDC it is required to be assessed under the 'DP provisions and approval can be supported where the development meets these broader objectives.

1. The proposed alfresco and terrace wall to the north is set back 0.9m from the lot boundary in lieu of 1.2m DTC provision of the RDC.
2. The proposed bedroom 3-4 wall to the west has a nil setback in lieu of 1.3m DTC provision of the RDC.

3. The proposed bedroom 3 major opening has a 4.5m cone of vision which encroaches 3m into the western neighbouring property.
4. The proposed alfresco area and terrace cone of vision encroaches 6.0m into the property to the north (MRWA sump).

The application is considered to satisfy the associated DP provisions of the RDC for the following reasons:

1. The property to the north is currently a MRWA sump, however is predominantly zoned Residential R30 under LPS3. MRWA have advised it has no objections to the proposed setback variation. The length of wall with the reduced setback is 4.2m long and adjacent a heavy vegetated sump reducing the view of the wall from Anstey Street. Therefore bulk impacts are minimised, and it is unlikely to have any adverse impact on light and ventilation for any possible future development on the northern sump lot, or the Anstey Street streetscape in the interim period. It is therefore considered that the reduced northern setback can be supported under the relevant DP of the RDC.
2. The proposed nil setback wall to the west abuts a nil setback wall of similar height and width on the property. The extension of the proposed wall above the existing boundary wall on the adjoining property is 0.3m (equivalent to the eaves). The additional bulk of the wall over the DTC is minor, and will have limited additional impact on the adjoining properties in terms of light and ventilation. Given that a two storey nil setback boundary wall is already in place, this minor extension will not adversely affect the amenity of the adjoining property.
3. The location of the bedroom 3 window is offset so there is no direct visibility into the neighbouring property, with the cone of vision only encroaching on a 45 degree angle. The cone of vision falls within the rear courtyard of the affected property, however will be screened by existing screening vegetation. The affected landowner raised no objections to the proposed cone of vision encroachment. It is therefore considered that the variation can be supported under the DP of the RDC privacy provisions.
4. The roof terrace above the carport adjacent the northern boundary has been designed with privacy screening to the entire length of the northern and eastern façades. The cone of vision intrusion is created from the western façade, so that the encroachment is a wedge on a 45 degree angle to the MRWA sump to the north. In the unlikely event that the adjoining sump is to be developed for residential purposes, dwellings could be designed so that no habitable rooms or spaces are located within the cone of vision, or landscaping be utilised to minimise overlooking. The adjoining landowner (MRWA) has advised that they have no objection to the proposed encroachment. It is therefore considered that the variation can be supported under the DP of the RDC privacy provisions.

Height

The original proposal for overheight walls was modified in response to neighbour concerns, by removing gable ends and utilising a hipped roof line, so that the height is now compliant with the requirements under cl.40(3) of LPS3. The objections raised concerned with the second storey addition in general, and specifically related to amenity impacts of bulk, light and ventilation.

In addressing the amenity impacts of the development on the neighbours it is noted that as the development height has been brought into conformity with LPS3 and as other as other elements are considered to comply with the associated DTC and DP provisions of the RDC, Council Policy LV129 - Residential Amenity does not apply in this instance.

It is noted that the grouped dwelling development at 5 Anstey Street contains two existing two storey dwellings, and that the grouped dwelling development at 410 Stirling Highway to the south also contains two storey development to the rear. The proposal will have a limited impact on light and ventilation to the dwelling to the east (unit 13/5 Anstey Street) given that access to sunlight to the north will not be restricted and lot boundary setbacks are compliant. The properties to the south have existing two storey development to the north and on the rear of their own site. The second storey extension has been designed to minimise impact on light and ventilation to the dwellings to the south, being setback between 4.9m and 8m from the rear southern boundary.

It should also be noted that the wall heights are also consistent with the DTC provisions of the RDC. Accordingly the neighbour's objections to the wall are not valid under the RDC. Clause 2.5.4 of the RDC prohibits Council from refusing this aspect of the development.

Given that the walls are also compliant with LPS3 cl.40(3), setbacks are compliant, and the southern façade is articulated at varying setbacks, it is considered that the impact on adjoining properties will be minimal and as such, the development can be supported.

Summary

Based on the above, it is recommended that approval be granted subject to the conditions in the officer's recommendation.

Voting Requirements

Simple majority decision of Council required.

OFFICER RECOMMENDATION

Moved Cr Kelly, seconded Cr Mews.

THAT Council grant Development Approval for proposed additions and alterations to existing dwelling at Unit 14 (5) Anstey Street, Claremont subject to the following conditions and advice notes:

- 1. All development shall occur in accordance with the approved drawings (Development Application DA2018.00071), as amended by these conditions.**

2. The boundary wall and retaining walls are to be finished to the satisfaction of the adjoining landowners. In the event that an agreement cannot be reached the wall is to be finished to the satisfaction of the Town of Claremont.
3. Compliance with Main Roads WA requirement that noise sensitive development adjacent to an existing major transport corridor must implement measures to ameliorate the impact of transport noise. The development is to comply with *State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning* and implement Noise Insulation “Deemed to Comply” packages for this residential development.
4. A Construction and Site Management Plan detailing access to the site, the delivery and storage of materials and the parking of tradespersons is to be approved by the Town of Claremont prior to the issue of a Building Permit and implemented for the duration of construction.
5. The external materials and colour finishes of the development are to be to a standard such that it complies with the requirements of Clauses 76 and 77 of the Town of Claremont Town Planning Scheme No. 3, to the satisfaction of the Town of Claremont.
6. All storm water is to be retained on the site. Details are to be provided on the application for Building Permit.

Advice Notes:

- Note 1:** If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
- Note 2:** Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
- Note 3:** If an applicant or owner is aggrieved by this determination there is right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 Days of the determination.
- Note 4:** This is a Development Approval only and a Building Permit must be obtained from the Local Government prior to the commencement of any building works.
- Note 5:** The applicant/owner is advised of the following requirements from the Town’s Health Services. Should any advice be unclear, please contact the Town’s Health Services on 9285 4300:
- a) All plant and machinery (such as air conditioners and pool pumps) must be suitably located and/or sound proofed to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.

- b) Under the *Environmental Protection (Noise) Regulations 1997*, no construction work is to be permitted or suffered to be carried out:
- i. Before 7.00am or after 7.00pm Monday to Saturday inclusive; or
 - ii. On a Sunday or on a public holiday.
- c) The applicant is required to remove any hazardous materials encountered during construction/demolition at their own expense and in accordance with the *Code of Practice on Safe Removal of Asbestos [NOHSC: 2002(2005)]* as stipulated by the *Occupational Health and Safety Regulations 1996*, and disposed of in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2004*.

CARRIED(168/18)
(NO DISSENT)

14 ANNOUNCEMENTS BY THE PRESIDING PERSON

Mayor Barker reported on his attendance at the 'May Gibbs Snuggipot & Cuddlepie 100 Not Out!' exhibition at the City of South Perth.

Cr Browne, Cr Goetze and Cr Main reported on their attendance at the opening of the 'Pujiman' exhibition at the Goods Shed, Claremont.

Cr Kelly reported on his attendance at the WALGA Central Zone Meeting.

15 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NIL

16 NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF MEETING

NIL

17 CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

NIL

18 FUTURE MEETINGS OF COUNCIL

Tuesday, 18 September 2018.

19 DECLARATION OF CLOSURE OF MEETING

There being no further business, the Mayor, Jock Barker, declared the meeting closed at 7:19pm.

Confirmed this

day of

2018.