



TOWN OF CLAREMONT

SPECIAL COUNCIL MEETING

MINUTES

Liz Ledger

CHIEF EXECUTIVE OFFICER

Date:

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.

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TOWN OF CLAREMONT
SPECIAL COUNCIL MEETING
9 AUGUST 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 2:05pm.

2 RECORD OF ATTENDANCE/ APOLOGIES/ LEAVE OF ABSENCE

Mayor Jock Barker	Town of Claremont
Cr Bruce Haynes	East Ward
Cr Jill Goetze	South Ward
Cr Chris Mews	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 Les Crichton (Director Corporate and Governance)
Mr David Vinicombe (Director Planning and Development)
Miss Sarah Hingston (Governance Officer)

No members of the public
No members of the press

APOLOGIES

Cr Kate Main	East Ward
Cr Alastair Tulloch	East Ward
Cr Paul Kelly	South Ward

3 DISCLOSURE OF INTERESTS

NIL

4 PUBLIC QUESTION TIME

NIL

5 PUBLIC STATEMENT TIME

NIL

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

6.1 NOTICE OF REVOCATION OF MOTION

File Ref:	GVN00057
Supporting Elected Members:	Mayor Jock Barker Cr Alastair Tulloch Cr Chris Mews Cr Bruce Haynes
Proposed Meeting Date	9 August 2018

Purpose

We hereby give notice of a motion to revoke part of motion 141/18 carried at the meeting of 7 August 2018.

Past Resolutions

Ordinary Council Meeting 7 August 2018, Resolution No. 141/18:

ALTERNATIVE MOTION

THAT Council grant Development Approval for proposed additions and alterations to existing heritage dwelling at Lots 1 & 5 (16) Reserve Street, Claremont, subject to the following conditions and advice notes:

- 1. All development shall occur in accordance with the approved drawings (Development Application DA2018.00020), as amended by these conditions.*
 - 2. The proposed bullseye window is not approved. Any window replacing the niche on the southern elevation is to be contained wholly within the niche border to the satisfaction of the Town of Claremont.*
 - 3. A photographic record of the entry to the existing house, inside and out, to record the original niches in the residence to the satisfaction of the Town of Claremont shall be undertaken prior to the issue of a Building Permit.*
 - 4. 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.*
 - 5. No building, wall, fence or landscaping greater than 0.75 metres in height, relative to the verge or footpath, is to be constructed within 1.5 metres of a vehicular access way unless such wall or fence is constructed with a 1.5 metre truncation where the driveway intersects a footpath.*
 - 6. 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. The Plan is to address safe pedestrian access over the Lot 5 access agreement during construction works to the satisfaction of the Town of Claremont.*
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7. *A detailed landscaping plan shall be submitted to the satisfaction of the Town of Claremont prior to the issue of a Building Permit. Landscaping shall be installed and maintained to the satisfaction of the Town of Claremont.*
8. *The applicant/owner shall undertake dilapidation reports for adjoining properties prior to commencement of works on site to the satisfaction of the Town of Claremont.*
9. *The applicant/owner shall engage an arborist to assess the root system of the Jacaranda tree at the rear boundary of 11 Walter Street and provide details of how the root system is to be protected to the satisfaction of the Town of Claremont prior to the issue of a Building Permit.*
10. *The existing crossover is to be removed and the verge reinstated prior to occupation of the development.*
11. *Vehicle access is to be designed in such a manner as to prevent storm water entering the property from the road and footpath.*
12. *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.*
13. *All storm water is to be retained on the site. Details are to be provided on the application for Building Permit.*
14. *The proposed corten fence is not approved as it is inconsistent with Town of Claremont Local Planning Policy 2/2015 – Retention of Heritage Places, Heritage Areas and Heritage Precincts in that fences should be designed to complement the design of the heritage place, area or precinct. The proposed corten fence introduces a foreign material and form into the Reserve Street Heritage Area and is not representative or respectful to the predominant fencing style contained in the immediate locality and would introduce a new material to the heritage streetscape.*
15. *The proposed underground parking and ramped driveway are inconsistent with Town of Claremont Local Planning Policy 2/2015 – Retention of Heritage Places, Heritage Areas and Heritage Precincts as they introduce a new design element for heritage places in the Reserve Street Heritage Area and will alter the visual impact of the property from the street. The ramped driveway entrance to the basement parking is foreign to the built-form applying to typical heritage dwellings within the street.*

Advice Notes:

- i) 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.*
- ii) 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.*
- iii) 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.

- iv) 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.*
- v) A Demolition Permit must be obtained from the Town's Building Services prior to commencement of any demolition works. The Town accepts certified and uncertified Demolition Permits.*
- vi) All developments are required to submit a cross-over application form with or prior to application for a Building Permit. Refer to the Town of Claremont website (Infrastructure) for standards, specifications, and to download the Crossover Application Form.*
- vii) This property is listed on the Town of Claremont's Heritage List and/or the Heritage Council of Western Australia's Register of Heritage Places. Any future alteration to the building or development on the land requires Development Approval and the application may be referred to the Heritage Council.*
- viii) The applicant/owner is advised to liaise with the adjoining landowners where trees, vegetation, dividing fences or other structures may be affected due to work on, or near the property boundaries.*
- ix) 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

REVOCACTION OF MOTION

Moved Cr Franklyn, seconded Cr Mews

That Council revoke motion 141/18 for Development Approval with conditions for proposed additions and alternations to existing heritage dwelling at Lots 1 and 5 (16) Reserve Street, Claremont.

Reason: To clarify the intent of Condition 15 that the garage and driveway are not approved.

**CARRIED BY AN ABSOLUTE MAJORITY(147/18)
(NO DISSENT)**

7 REPORTS OF THE CEO**7.1 PLANNING AND DEVELOPMENT****7.1.1 LOT 1 AND 5 (16) RESERVE STREET CLAREMONT - ADDITIONS AND ALTERATIONS TO HERITAGE DWELLING**

File No:	A2989
Attachments:	Location and Submission Map (Attachment 1) Photograph (Attachment 2) Examples of Contemporary Additions (Attachment 3) Initial Submission Table (Attachment 4) Secondary Submission Table (Attachment 5)
Restricted Attachments:	Amended Plans and Applicant Submission (R-Attachment 1) Initial Submissions (R-Attachment 2) Secondary Submissions (R-Attachment 3)
Responsible Officer:	David Vinicombe Director Planning and Development
Author:	Lisa Previti Manager Statutory Planning and Building
Proposed Meeting Date:	9 August 2018
Date Prepared:	31 July 2018
Planning Application No.:	DA2018.00020
90 Days Due Date:	22 May 2018
Property Owner:	Aaron Tay
Submitted By:	Ariane Prevost Architect
Lot Nos.:	1 and 5
Area of Lot:	880m² and 51m² – total 931m²
Zoning:	Residential R15/20
Financial Implications:	Nil
Enabling Legislation:	<i>Planning and Development Act 2005 (PDA)</i> Town Planning Scheme No. 3 (TPS3) Residential Design Codes (RDC)

Summary

- A Development Application was received for single storey additions and alterations to the rear of a heritage listed dwelling. The proposal included variations to the Residential Design Codes ('RDC') with respect to setbacks. Consultation with adjoining landowners raised additional concerns regarding heritage and damage to adjoining properties.
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- At its meeting held on 5 June 2018, Council deferred the decision on this application to allow the applicant to review any heritage issues raised and see if any compromises can be made.
- The applicant requested that the application be reconsidered by Council and advised that (apart from materiality modifications) they were not prepared to make changes to the architectural integrity of the proposal. The applicant was advised that a report would be submitted to 19 June 2018 meeting listing a number of potential Development Approval conditions for materiality changes which would soften the development and attempt to mediate an outcome for the owners and surrounding property owners, relating to the front fence, landscaping, corten steel, brickwork design, bull eye window and increasing the setback of the rear store.
- The applicant responded indicating that they did not agree with this approach and that they would be lodging an application for State Administrative Tribunal ('SAT') review of the "deemed refusal". Therefore an information report was presented to the 19 June 2018 meeting, noting this information.
- The applicant submitted additional information on 29 June 2018 addressing landscaping (including planting along the front fence and on top of the garage), garage door material profile, brickwork pattern, deletion of corten to dormer window and protection of vegetation on the property to the rear (east).
- Proposal does not meet the 'Deemed to Comply' ('DTC') requirements of the Residential Design Codes ('RDC') relative to the northern side (master bedroom) and the eastern rear boundary (storage area) setbacks, but may be considered under the 'Design Principles' ('DP').
- The proposed master bedroom setback of 0.9m in lieu of 1.1m satisfies the DP requirements as it is in line with the existing heritage building on site and the portion of the previous additions being demolished, and there will be no impact on the adjoining neighbours in relation to excessive building bulk, access to direct sunlight, ventilation or privacy.
- The proposed storeroom and pool equipment store both have nil setbacks to the rear boundary in lieu of the 1m DTC requirement under the RDC for outbuildings. The reduced setbacks satisfy the DP requirements as the storage areas are flat roofed structures with wall heights of 2.4m resulting in a reduced bulk relative to the adjoining property due to the minor height increment above the fence and significant vegetation at the rear of the adjoining property. In addition, there will be no impact on the adjoining neighbours in relation to excessive building bulk, access to direct sunlight, ventilation or privacy. There is also an existing 2.6m high masonry wall (including retaining) along the southern side of the storeroom which will completely screen the storeroom from the property to the south and not result in any impact on the neighbours to that side. Concerns regarding potential damage to a Jacaranda tree on the adjoining property to the rear have been addressed by the applicant with regard to construction methodology.
- Five neighbours were initially consulted on the original plans and four objections were received. The objections related to the general amenity and heritage character of the place, possible obstruction of the accessway from the

properties with rights of access to the rear, risk of damage to neighbouring properties due to significant excavation / site works and the proposed rear setback.

- The same respondents were consulted on the revised plans and five submissions were received, relating to general amenity and heritage concerns, use of the right of accessway, risk of damage to adjoining dwellings and tree protection.
- The Town's Heritage Officer has assessed the proposal under Council's Local Planning Policy 2/2015 - Retention of Heritage Places, Heritage Areas and Heritage Precincts and has advised that it is fully compliant, and also consistent with the "Burra Charter" and modern heritage architecture design principles.
- Some concerns are addressed as the applicant has confirmed the right of accessway will be left unobstructed for the duration of the building except when unsafe to do so, dilapidation reports of the neighbouring properties will be undertaken prior to commencement of works, and an arborist would be engaged to assess and recommend footing options relative to any potential root damage on the large Jacaranda tree on the adjoining property (such as bridging lintel footings).
- Modifications to the bullseye window to soften the design outcome and reduce the heritage impact are not supported by the Town's Heritage Officer, because it removes an established heritage feature, and introduces a new element to the heritage façade which lowers its heritage authenticity. This element of the revised proposal is not supported, however a window within the confines of the existing niche may be supported to improve access to light in the lobby area of the dwelling. A condition is proposed in this regard.
- An application for SAT review has not been lodged at this juncture, therefore the Council can determine the application as it sees fit.
- Application is recommended for approval, subject to relevant conditions as detailed in the report.

Purpose

The application proposes single storey additions and alteration to the rear of a heritage listed dwelling on the subject site. The application requires the Council's determination due to neighbour objections.

Background

At its meeting held on 5 June 2018, Council deferred the decision on this item until the meeting of 3 July 2018 to allow the applicant to review any heritage issues raised by the residents at the Council meeting to see if any compromises can be made with the owner which does not negatively impact on the heritage value of the property and streetscape.

The applicant requested that the application be reconsidered by Council at the 19 June 2018 meeting and advised that (apart from materiality modifications) they are not prepared to make changes to the architectural integrity of the proposal. The applicant was advised that a report would be submitted to that meeting listing a number of materiality changes which would soften the development in the streetscape and

attempt to mediate a satisfactory outcome for the owners and surrounding property owners. These changes were to be addressed by inclusion of additional Development Approval conditions relating to the front fence/front landscaping, changing the corten steel elements (fence, garage façade and dormer window) to an alternative material/colour, provision of planter boxes above the garage, provision of design details for the feature brickwork of the study, replacement of the bullseye window with a window within the existing niche and increasing the setback of the rear store located in the south-eastern corner of the property.

The applicant responded indicating that they *“do not agree the proposed way forward that relies on specific pre-stated, autocratic conditions that dictate a preconceived look is compliant with the Towns policy”* and that they will be lodging an application for SAT review of the *“deemed refusal”*.

Subsequently the applicant submitted additional information on 29 June 2018 addressing landscaping (including planting along the front fence and on top of the garage), garage door profile, and brick work (lace) indicative pattern, deletion of the corten dormer window and protection of vegetation on the property to the rear (east).

No SAT review application has been lodged at this juncture, however the applicant has addressed some of the above materiality matters for Council’s consideration, discussed below. It should be noted that if an application for SAT review is lodged, Council cannot determine the application until directed to by the SAT. The process from lodgement of a review is for the applicant to meet with the Town’s officers at a Directions Hearing to discuss any opportunities for mediation. If a suitable agreement can be reached, the Town would be requested by the SAT to consider those arrangements. Alternatively, if no agreement can be reached for Council endorsement, the matter would move to a full hearing, which would be conducted on a *“hearing de-novo”* basis.

The following table outlines key dates regarding this proposal:

Date	Item/Outcome
21 February 2018	Development Application received by Council.
28 February 2018	Application undergoes internal DCU assessment.
1 March 2018	Additional information requested from applicant.
6 March 2018	Additional information received from applicant.
3 April 2018	Advertising commenced.
18 April 2018	Advertising closed.
14 May 2018	Report prepared for Council.
5 June 2018	Application deferred by Council
6 June 2018	Applicant advises intent to apply to SAT for a review.
19 June 2018	Information Report considered by Council.
29 June 2018	Additional information and revised plans received from applicant.
6 July 2018	Advertising commenced.
20 July 2018	Advertising closed.
30 July 2018	Revised plans relating to bullseye window.
31 July 2018	Report prepared for Council.

Past Resolutions

Ordinary Council Meeting 5 June 2018, Resolution 85/18:

That the motion be deferred to the 3 July 2018 Ordinary Council Meeting.

CARRIED

Reason: To allow the applicant to review any heritage issues raised by the residents at the Council meeting to see if any compromises can be made with the owner, and does not negatively impact on the heritage value of the property and streetscape.

Ordinary Council Meeting 19 June 2018, Resolution 100/18:

That Council note the actions of the applicant to lodge an application for State Administrative Tribunal review of the application for additions and alterations to a heritage building at Lots 1 and 5 (16) Reserve Street, Claremont.

CARRIED

Heritage

The property is listed on the Town's Local Government Inventory ('LGI') and Heritage List ('HL') as a Category B property, within the Reserve Street Heritage Area. The application was referred to the Town's Heritage Officer and the following comments are provided:

It is noted the place is listed as making 'some contribution' to a Category B Heritage Area. It was constructed c.1908 and the front façade appears intact except for a roof addition.

The proposed works include removal of later additions to the rear, which will not impact on the heritage values of the place. Little is proposed which will affect the appearance of the front façade except for a small alteration to the window in the roofline, which will not impact the heritage values of the place. An addition is proposed at the rear of the property, set well back from the front façade (approx. 10m) and lot frontage (approx. 18m). The following policy requirements apply:

- Additions should not overwhelm the existing building in terms of bulk, form and scale.*
- Additions should be designed so the existing building remains the dominant structure on the site when viewed from the street.*
- Additions should be designed to respect but not copy or mimic features or the design of the heritage place.*
- Additions should be designed so there is a clear distinction from the existing heritage building.*
- Additions may be designed in a contemporary style that is respectful to the existing heritage building.*
- An addition to the side of an existing building shall be set back a minimum of 1.2m from the main facade of the original residence, excluding the width of the verandah or porch.*

The proposed works are in a contemporary style and form a sympathetic addition to the heritage building, while clearly visually indicating the differences. Also, the new additions are set well back and the heritage building remains the dominant streetscape feature.

This application is consistent with contemporary additions to heritage buildings which are typically celebrated world-wide (see Attachment 3) - where the design of the extension respects the past without 'mimicking' the design features of the original dwelling. The proposal is compliant with Council's Local Planning Policy 2/2015 and the Burra Charter. The additions will respect the aesthetics and heritage values of the original building. The additions to the rear will not have a substantial impact on the streetscape and do not affect the heritage values of the place or the Reserve Street Heritage Area. The underground parking allows for an uninterrupted view of the heritage property from the street.

Although certain fencing types are associated with particular eras and architectural styles, these cannot be said to be universal. As a consequence, selection of replacement fencing should be treated as a streetscape issue, not a heritage issue, with the proviso that any new fence should not obscure or detract from a visual appreciation of the property from the street.

16 Reserve Street, Claremont, could be classified either a simple Federation Queen Anne building or (as it is currently entered in the LGI) as a Federation Bungalow building. Determining the heritage values of elements of the building do not require it to be definitively classified as one or the other, since both styles have overlapping features.

The wall niche with semicircular head is a feature of both Federation Queen Anne and Federation Bungalow buildings and its occurrence at 16 Reserve Street is consistent with a well-resolved building of this era.

Bullseye windows are an occasional feature of Queen Anne and Federation Bungalow buildings, although the only example on Reserve Street is later (No. 27, 1928) on an Interwar Californian Bungalow. The introduction of a bullseye window into a Federation property which did not previously have one will lower the authenticity of the façade.

The replacement of the niche with a bullseye window will disrupt the original rhythm of the facade. The original intent was two identical niches which is comparable to the niches at 32 Reserve Street. Removal of one will have an impact on the authenticity of the street facing presence.

Consultation

The original application and amended plans were advertised in accordance with Council Policy Advertising of Development Applications LG525. It is noted that in the original consultation the rear setback for the storage areas were incorrectly advertised as a 6m rear setback. As an outbuilding, the DTC rear (and side) setbacks for the storage areas are 1m and nil in accordance with Table 2a and cl.5.1.3 of the RDC.

Five neighbours were consulted in the initial consultation and four objections were received. A summary of the submission and responses is provided in Attachment 4 (Initial Submission Table). The initial submission table has been modified slightly to include additional comments from two of the respondents which were omitted from the

original submission table in error (however full copies of the submissions were presented to Councillors in R-Attachment 2 of the 5 June 2018 agenda) and add contextual comment relative to the final plans being considered under this application.

Full copies of the submissions are attached to this report (R-Attachment 2).

The same respondents were consulted in relation to the amended plans / information. Five submissions were received, three objecting to the proposal based primarily on heritage grounds (including streetscape, materials and policy compliance), together with impact on light and ventilation to adjoining properties. Two submissions, noting matters in relation to vibration from construction, access to the right of access and protection of the Jacaranda on the rear property boundary can be readily addressed through conditions on any approval issued. A summary of the submission and responses is provided in Attachment 5 (Secondary Submission Table). The submissions are discussed below.

Full copies of the submissions are attached to this report (R-Attachment 3).

The applicant has also advised that the landowner has obtained nine signatures from near-by landowners stating their non-objections to the proposal. These will be presented at the Council meeting as Public Statements.

Discussion

Description

The application proposes restoration, alterations and additions to an existing heritage dwelling at 16 Reserve Street, Claremont including an undercroft garage and a new in-ground swimming pool. The property is zoned Residential with an R15/20 (R15 applicable) coding and is included in the LGI and HL as a part of the Reserve Street Heritage Area.

Compliance

There are two unusual considerations that need to be taken into account in the assessment and determination of this application:

1. The Certificate of Title for 16 Reserve Street contains two lots, the first being Lot 1 (880m²) containing the existing dwelling and proposed extensions, and second being Lot 5 (51m²), a 1m wide lot containing a legal right of access along the entire southern boundary of 16 Reserve Street for the properties to the rear (11 and 13 Walter Street). For the purposes of this application the two lots are the combined development site with an area of 931m². The impact of this is that the setback measurements for the proposed development are to the southern boundary of the southern Lot 5 and combined lot on the Certificate of Title.
2. As indicated above the proposed nil rear setback was advertised as a variation to the 6m rear setback requirement. On closer inspection during the preparation of this report it is noted that the rear pool equipment (store) and storage areas are classed as Outbuildings under cl.5.4.3 of the RDC and the side and rear DTC setbacks are to be assessed under Table 2a and cl.5.1.3 of the RDC - 1m rear setback for both storage areas and nil for the northern pool store boundary wall located adjoining the Library boundary wall on the adjoining property.

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.

The development complies with the requirements of TPS3, RDC, Council Policy and Local Laws other than the following:

1. The proposed master bedroom has a setback of 0.9m from the northern side boundary in lieu of the 1.1m DTC requirement under Table 2 of the RDC.
2. The proposed storeroom and pool store have a nil setback from the rear (eastern) boundary in lieu of the 1m DTC setback requirements under Table 2a of the RDC.

The proposal is considered to meet the DP requirements of the RDC for the following reasons:

1. Master bedroom setback - The proposed master bedroom wall is setback in line with the existing heritage building on site and the portion of the previous additions being demolished. Given the wall is no higher than the wall of the existing building to remain, and does not extend any further to the rear than the portion of dwelling being demolished, it will not present any additional bulk to the neighbouring property. As the location of the wall is to the south of the adjoining property and is in line with the existing dwelling, it will not result in the loss of access to northern winter sunlight or adequate ventilation to either property. Furthermore the finished floor levels are not being raised higher than the existing levels around the site, and the 1.8m dividing fence will ensure privacy to both properties is maintained and will not result in any overlooking.
2. Storeroom rear setback - The reduced setbacks satisfy the DP requirements as the storage areas are flat roofed structures with wall heights of 2.4m resulting in a reduced bulk relative to the adjoining property due to the minor height increment above the fence and significant vegetation at the rear of the adjoining property. In addition, there will be no impact on the adjoining neighbours in relation to excessive building bulk, access to direct sunlight, ventilation or privacy. There is also an existing 2.6m high masonry wall (including retaining) along the southern side of the storeroom which will completely screen the storeroom from the property to the south and not result in any impact on the neighbours to that side. Objection from the impacted rear neighbour has been mitigated on the basis that the mature Jacaranda tree can be protected through construction methodology with the assistance of an arborist.

Amended Plans

In order to soften the appearance of the proposed additions several materiality matters were raised with the applicant. These related to the front fence/front landscaping, changing the corten steel elements (fence, garage façade and dormer window) to an alternative material/colour, provision of planter boxes above the garage, provision of design details for the feature brickwork of the study, replacement of the bullseye window with a window within the existing niche and increasing the setback of the rear store located in the south-eastern corner of the property.

The applicant has provided amended plans and information including:

- A detailed landscaping plan demonstrating substantial planting above the garage (restricting views to the rear addition), front courtyard, between the fence pickets and draping over the concrete wall. The landscaping serves to moderate the impact of the new development on the streetscape. The planting between the front fence is consistent with the planting on front fences along the streetscape.
- Removal of corten from the dormer window, with cladding of a colour to match the existing frame to be used instead. This serves to reduce the impact of the changes to the existing roof from the streetscape. The dormer window is not part of the original fabric of the dwelling, therefore changes do not impact on the heritage significance of the dwelling.
- Indicative brickwork lace pattern. This demonstrates that the curved brick wall will retain the material element of the dwelling, whilst creating a pattern to discriminate between the old and new construction.
- Details of root protection to the mature Jacaranda on the rear property boundary via a bridging lintel footing (in lieu of increasing the rear setback). An arborist would be engaged to determine the location and impact on the root system and recommend an appropriate method of protecting the roots. This has served to mitigate the concerns of the rear property owner whose primary concern is the vegetation on the rear boundary.

Submissions

The submissions from the second round of consultation effectively raised no new objections to the proposal. Concerns were reiterated regarding impact on heritage and streetscape, materials, circular bullseye window, vibration from construction, use of the right of accessway and the protection of vegetation to the rear boundary.

Heritage

The majority of concerns were raised regarding the contemporary nature of the extensions, in comparison to the heritage values of the existing building and streetscape. As noted above, the Town's Heritage Officer is supportive of the development as it is consistent with Council's Local Planning Policy 2/2015 - Retention of Heritage Places, Heritage Areas and Heritage Precincts and also consistent with the "Burra Charter" and modern heritage architecture design principles.

Contemporary vs traditional approaches to extending heritage buildings is at times a contentious topic. Traditionalists often consider that the extension should closely match the design features of the original place, however the Burra Charter requires that extensions do not mimic the original design of the place as mimicking often reduces and impacts on the aesthetic and historic appreciation of the place. The modern approach to sophisticated heritage architecture is to engage in a dialogue with the design features of the original building rather than replicate these features. In this way the viewer can compare and contrast an extension which is sympathetic, yet markedly different to the original design. These design principles are widely adopted throughout the world and in this regard, good examples are celebrated with architectural and heritage awards, including the Town's Civic Design Awards (see Attachment 3 showing world-wide examples of celebrated heritage dwelling

extensions including the Town's 2013 Civic Design Award for additions – 14 Walter Street).

The original building is retained, and is the principal focus from the streetscape. The extensions are to the rear and are a single storey domestic scale. The design is strongly contrasting yet sympathetic, for example use of brick in the additions reflects the construction material of the heritage building.

Materials

Concerns were raised with the use of 'foreign' materials and design such as corten steel, off form concrete and curved brick wall.

Corten Steel is a material commonly used in heritage extensions and is supported. The proposed garage does not dominate the original building or obscure the front door. The selection of material is to contrast with the heritage building and can be said to make the place more visually dominant against a 'background' of corten. The garage is one of the key design elements of the proposed development.

The front fence and concrete wall are the only design elements which fully impact on the heritage streetscape, however they are still supported as use of concrete and corten steel will not overwhelm the visual heritage values of the property. As noted above, the Town's Heritage Officer advises that replacement fencing should be treated as a streetscape issue, rather than heritage, with the proviso that any new fence should not obscure or detract from a visual appreciation of the property from the street.

The Reserve Street streetscape is characterised by front fences with planting in front. The immediate Reserve Street streetscape contains three white picket fences, of which the subject property is the centre. The replacement of the existing picket fence with a darker shaded corten will disrupt the immediate streetscape, however in the context of the wider streetscape it is not an uncommon coloured element. The planting between the pickets with Prostrate Jasmine will be in keeping with the entire streetscape and serve to soften the appearance of the fence. It is therefore considered that the corten fence will complement the adjoining properties and the subject dwelling.

The additional information supplied by the applicant also included garage corten steel profile to soften the appearance. In lieu of a flat profile, it is intended to have vertical reinforcing pattern along the length of the garage door which will reduce its impact on the streetscape. Given that the garage is to be excavated there will be limited visibility of the garage door, with a narrow view corridor from the streetscape. The use of profiled corten in the garage door provides a contrasting material to differentiate between the new development and heritage dwelling.

It is noted that the corten material has been removed from the proposed modifications to the dormer window.

Bulk and scale and visibility from streetscape

The bulk of the extension visible from the street is located to the rear of the dwelling and will only be visible from a narrow view corridor to the streetscape and from the adjacent park. A flat roof portion of the extension sits in front of the roofed section, and contains landscaping (see below) which will reduce the impact of the new extension on the streetscape. The development is intended to be subdued to promote the original existing heritage dwelling as the focus.

Roof cladding and profile

The rooflines of the original property are not impacted by the proposed development, and the side addition is set well back from the front façade of the heritage place. The new rooflines, while in a contemporary design, will not impact on a visual appreciation of the original building or the streetscape and are thus sympathetic. It is noted that a similar contemporary extension to the side of the heritage dwelling exists at 24 Reserve Street.

The roof form is one of the key design elements of the proposed development. The applicant has already modified its form to address wall height issues to the south.

Light and ventilation

The setback to the southern boundary is addressed separately above as a planning setback matter and is supported as the technical assessment of the setback and wall is compliant with the DTC RDC requirement – which cannot be refused. The compliance with RDC requirements allow for sufficient light and ventilation to both dwellings.

Bullseye window

The dwelling contains two niches to the southern façade visible from the street. One of the niches is proposed to be replaced by a large circular bullseye window. The bullseye window is a reference to earlier design features, but the size of the window distinguishes it from a smaller c.1900 design. The proposed increased size is to improve natural light penetration into lobby.

The applicant advised the owner would like to retain the window as drawn for the following reasons:

- *The proposed new window is located to a side-facing wall – not the front elevation and is under a verandah.*
- *Altering the existing arched feature to contain a window does not properly distinguish the minor change being made to the heritage residence (Burra Charter) nor does it provide sufficient light to meet the owner's requirements.*
- *More light is required to the darkened entry area of the original house (lit through stained glass only). The addition of such as small area of window (as proposed above) will not provide sufficient light to this room from its under verandah position.*
- *In order to properly distinguish the new window from the old, the window has been oversized in scale and detailed in a contemporary detail (black steel frame and clear glass).*
- *There are number of the same niches to be retained in the front facing elevation that show the history of the niche and its 'story'.*
- *The location of the bullseye window in not visible from the street elevation.*
- *The use of proposed vegetation (provided in Rev D) to a raised earth berm for privacy of the existing full height double hung window in the from elevation and any side visual access to the bullseye window will obliterate any view of the change.*

- *There will be no additional brickwork added to achieve the round window as the window will be located between the existing plaster bands to the elevation achieved by a single cut to shape and NO other treatment. .*
- *The modern steel framed glass (like a wagon wheel) slips into the new aperture like a 'light plug'. This is a very common intervention.*
- *The Heritage Council's interpretation of what is suitable overrides the local policy.*

On further discussion following the consideration of the secondary submissions, the applicant has advised the owner is prepared to compromise on the bullseye window. The owner proposes to provide inside and out photographic records of the entry to the existing house to record the original niches in the residence for assisting with the telling of the heritage story. Amended plans have been submitted reducing the size of the bullseye window (by approximately 20%) so that it will be located within the inner edge of the two horizontal bands of the existing house. The applicant considers that this ensures a suitable proportion and properly distinguish the old from new.

The impact on the façade as seen from the streetscape has been assessed as having limited impact on the heritage values of the place and street as it is well setback and not clearly visible underneath the verandah. The view of the bullseye window from the streetscape is also limited due to existing vegetation along the southern boundary (which is to be removed), however new planting to the front of the existing veranda (on a raised berm) and planting in the raised planter will continue to partially obscure the window from the streetscape.

As advised by the Town's Heritage Officer the wall niche is a feature of the building's heritage style and is consistent with a well-resolved building of this era. The Town's Heritage Officer also notes bullseye windows are an occasional feature of this style of building, however the only example on Reserve Street is from a later period (1928). The introduction of a bullseye window into a Federation property which did not previously have one will lower the authenticity of the façade. It is considered that the removal will disrupt the original rhythm of the façade, with the loss of one niche having a detrimental impact on the authenticity of the facade.

The initially proposed larger bullseye window is a modification to the façade of the heritage dwelling, clearly visible from the street due to its size, regardless of additional vegetation being planted. The initial window was overly large in order to differentiate it from the original fabric of the dwelling, which is not an uncommon method. The modified smaller window is still overly large and entails the removal of the niche. Given the established heritage significance of the niches, and the impact on authenticity of the heritage façade by introduction of a new feature, the removal of the niche and replacement with the bullseye window is not supported, except within the confines of the niche frame. This could be included as a condition on any approval.

Accordingly, subject to a condition regarding the bullseye window, it is considered that proposed development will not have a significant impact on the streetscape and respects the design attributes of the Reserve Street Heritage Area.

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 Haynes, seconded Cr Mews.

THAT Council grant Development Approval for proposed additions and alterations to existing heritage dwelling at Lots 1 & 5 (16) Reserve Street, Claremont, subject to the following conditions and advice notes:

- 1. All development shall occur in accordance with the approved drawings (Development Application DA2018.00020), as amended by these conditions.**
- 2. The proposed bullseye window is not approved. Any window replacing the niche on the southern elevation is to be contained wholly within the niche border to the satisfaction of the Town of Claremont.**
- 3. A photographic record of the entry to the existing house, inside and out, to record the original niches in the residence to the satisfaction of the Town of Claremont shall be undertaken prior to the issue of a Building Permit.**
- 4. 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.**
- 5. No building, wall, fence or landscaping greater than 0.75 metres in height, relative to the verge or footpath, is to be constructed within 1.5 metres of a vehicular access way unless such wall or fence is constructed with a 1.5 metre truncation where the driveway intersects a footpath.**
- 6. 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. The Plan is to address safe pedestrian access over the Lot 5 access agreement during construction works to the satisfaction of the Town of Claremont.**
- 7. A detailed landscaping plan shall be submitted to the satisfaction of the Town of Claremont prior to the issue of a Building Permit. Landscaping shall be installed and maintained to the satisfaction of the Town of Claremont.**
- 8. The applicant/owner shall undertake dilapidation reports for adjoining properties prior to commencement of works on site to the satisfaction of the Town of Claremont.**
- 9. The applicant/owner shall engage an arborist to assess the root system of the Jacaranda tree at the rear boundary of 11 Walter Street and provide**

details of how the root system is to be protected to the satisfaction of the Town of Claremont prior to the issue of a Building Permit.

10. The existing crossover is to be removed and the verge reinstated prior to occupation of the development.
11. Vehicle access is to be designed in such a manner as to prevent storm water entering the property from the road and footpath.
12. 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.
13. All storm water is to be retained on the site. Details are to be provided on the application for Building Permit.

Advice Notes:

- i) 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.
- ii) 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.
- iii) 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.
- iv) 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.
- v) A Demolition Permit must be obtained from the Town's Building Services prior to commencement of any demolition works. The Town accepts certified and uncertified Demolition Permits.
- vi) All developments are required to submit a cross-over application form with or prior to application for a Building Permit. Refer to the Town of Claremont website (Infrastructure) for standards, specifications, and to download the Crossover Application Form.
- vii) This property is listed on the Town of Claremont's Heritage List and/or the Heritage Council of Western Australia's Register of Heritage Places. Any future alteration to the building or development on the land requires Development Approval and the application may be referred to the Heritage Council.
- viii) The applicant/owner is advised to liaise with the adjoining landowners where trees, vegetation, dividing fences or other structures may be affected due to work on, or near the property boundaries.

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- ix) 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:
- b) 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*.
 - c) 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.
 - d) 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*.

AMENDMENT

Moved Cr Browne, seconded Cr Franklyn.

Add points 14 and 15 in the conditions to read:

- 14. The proposed corten fence is not approved as it is inconsistent with Town of Claremont Local Planning Policy 2/2015 – Retention of Heritage Places, Heritage Areas and Heritage Precincts in that fences should be designed to complement the design of the heritage place, area or precinct. The proposed corten fence introduces a foreign material and form into the Reserve Street Heritage Area and is not representative or respectful to the predominant fencing style contained in the immediate locality and would introduce a new material to the heritage streetscape.
- 15. The proposed underground parking and ramped driveway are not approved as they are inconsistent with Town of Claremont Local Planning Policy 2/2015 – Retention of Heritage Places, Heritage Areas and Heritage Precincts as they introduce new design elements for heritage places in the Reserve Street Heritage Area and will alter the visual impact of the property from the street. The ramped driveway entrance to the underground parking is foreign to the built-form applying to typical heritage dwellings within the street.

Reason: To refuse those elements of the application, which are inconsistent with the Town of Claremont Local Planning Policy 2/2015.

**CARRIED(148/18)
(NO DISSENT)**

THE AMENDED PRIMARY MOTION WAS PUT

THAT Council grant Development Approval for proposed additions and alterations to existing heritage dwelling at Lots 1 & 5 (16) Reserve Street, Claremont, subject to the following conditions and advice notes:

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CARRIED(149/18)
(NO DISSENT)

