



Additional information

Planning Committee

Wednesday, 7 October 2020, 6.00pm

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**PC2010 - 1 KNUTSFORD STREET, NO. 6 (STRATA LOT 2) FREMANTLE - TWO
STOREY SINGLE HOUSE (TG DA0180/20)**

Additional Information 1 – Site photos



Photo 1: Subject site, majority of limestone wall to remain



Photo 2: View across subject site towards 24 Ord Street



Photo 3: 24 Ord Street from Knutsford Street



Photo 4: Existing interface between subject site (left) and adjoining property



Photo 5: Knutsford Street streetscape, subject site left of frame

Additional Information 2 – SHO Assessment



Department of **Planning,**
Lands and Heritage

Your ref: DA0180/20
Our ref: P13806-47340
Enquiries: Karen Jackson (08) 6552 4150

Chief Executive Officer
City of Fremantle
planning@fremantle.wa.gov.au

Attention: Tom Geddes

Dear Sir

ORD & BATEMAN STREET PRECINCT

Under the provisions of Section 73 of the *Heritage Act 2018*, the proposal as described below has been referred to the Heritage Council for its advice.

Place Number	P13806
Place Name	Ord & Bateman Street Precinct
Street Address	6 Knutsford Street, Fremantle
Referral date	19 June 2020
Proposal Description	New dwelling

We received the following drawings prepared by Slavin Architects dated 12 August 2020:

A300 Rev 2	South Elevation
A301 Rev 3	East Elevation
A302 Rev 2	West Elevation
A303 Rev 2	North Elevation
A900 Rev 2	Perspective looking up Knutsford Street
A901 Rev 2	Perspective looking down Knutsford Street

The proposal has been considered in the context of the identified cultural significance of *Ord & Bateman Street Precinct* and the following advice is given:

Findings

- The referral is for a new dwelling to 6 Knutsford Street, Fremantle, which was previously subdivided from 24 Ord Street (July 2017).
- The works comprise the demolition of existing limestone rubble retaining wall, brick paving, fencing, 4 x trees, and front limestone wall (section to the west retained, and material retained for rebuilding wall).
- The new building is a two storey 3 bedroom residence with a double garage to the front, and a clerestory window.

Postal address: Locked Bag 2506 Perth WA 6001 Street address: 140 William Street Perth WA 6000
Tel: (08) 6551 8002 info@dph.wa.gov.au www.dph.wa.gov.au
ABN 68 565 723 484
wa.gov.au

- The design was revised after consultation with neighbours and the drawings referenced above are the revised proposal.
- The proposal response sympathetically to the streetscape of Knutsford Street.

Advice

The proposal, in accordance with the plans submitted, is supported.

Please be reminded that you are required under r.42(3) of the *Heritage Regulations 2019* to provide us with a copy of the Council's determination within 10 days after making the decision.

Should you have any queries regarding this advice please contact Karen Jackson at karen.jackson@dph.wa.gov.au or on 6552 4150.

Yours faithfully



Adelyn Siew
Director Heritage Development

18 August 2020

cc: Bill Coe, Slavin Architects, bill.coe@slavinarch.com.au

Additional information 3 – Heritage Assessment

Heritage Comment - Internal

Address: 6 Knutsford Street
Application number: DA0180/20
Proposal: New two storey dwelling
Requesting officer: Tom Geddes
Date: 13/08/2020



6 Knutsford St, Aerial photograph, CoF Intramaps, 28/07/2020



6 Knutsford St, CoF Intramaps, 28/07/2020

INTRODUCTION

The purpose of this heritage comment is to assess the changes to the place that are proposed in DA0180/20 and the affect that they will have upon the heritage values of Address. The proposed changes include:

- New 2 storey dwelling

HERITAGE LISTINGS

State Register of Heritage Places

The place is included in the State Register of Heritage Places – a referral to DPLH Heritage is required.

Inherit

Inherit Database number - 24602

Heritage List and LHS

6 Knutsford Street is included on the City of Fremantle's Heritage List.

Heritage Area

The place is included in the Ord Street Precinct Heritage Area.

The Ord Street Precinct Heritage Area is designated as a Heritage Area in accordance with clauses 7.2.1 and 7.2.9 of Local Planning Scheme No. 4.

RELEVANT PREVIOUS DEALINGS

Recent meetings or discussions:

- N/A

Previous relevant DAs:

- N/A

Previous relevant legal dealings: N/A

BACKGROUND

Historical Information

House, 24 Ord Street is included in the precinct listing for Ord and Bateman Street.

The precinct comprises 10-24 Ord Street; 8-14 Knutsford Street; and 1-9 Bateman Street.

By 1832, the townsite of Fremantle had been laid out, and some building had commenced. By 1833, a dirt road had been made from Perth to Fremantle, named the Perth-Fremantle (sic) Road. Over the next decade, the towns of Fremantle and Perth developed, and four tracks were established leading from Fremantle: to Perth, to Canning Bridge, which was opened in 1843, to the Canning district and Kelmscott, and south to Mandurah.

Development in the Swan River Colony was slow through the period to 1850, when the commencement of transportation of convicts to the small colony heralded a period of rapid development. A wide program of public works was carried out by convict labour, including the building of Fremantle Prison. In the 1860s, the construction by convicts of a new Perth-Fremantle Road and the bridge over the Swan River at North Fremantle led to increased traffic on the road. In 1872, the Perth-Fremantle Road became a public highway. During this period, most people continued to reside within the early townsites, and in close proximity to their place of employment.

In the late 1880s and early 1890s, sub-division commenced of some of the large lots to the south and east of the town of Fremantle, along the roads to Mandurah and the Canning district. The Fremantle merchants who had acquired wealth through their commercial enterprises began to move into the East Fremantle area, to take advantage of the higher ground to the east of High Street and views to the Swan River and the ocean.

The Gold Boom that followed the discovery of gold at Coolgardie in 1892 brought an influx of population to Western Australia. The population of Fremantle increased rapidly, and residential development of the areas to the east, south, and north of the townsite proceeded apace through the 1890s, and into the first decade of the twentieth century. In 1901, the population of the Municipality was 14,700, a little over half the size of Perth.

Other than High Street, which bears the traditional name for a central street, most of the street names within the precinct honour Governors of the Swan River Colony or members of their families, or people associated with the development of the precinct. Governor Sir Harry Ord (1877-80), who signed the documents setting aside the land for Fremantle Park (1877), is commemorated in Ord Street. The continuation of this street is Hampton Street, in honour of Governor John Hampton (1862-68). Bateman Street commemorates the Bateman family, well known wealthy Fremantle merchants. Knutsford Street was named after the birthplace of Lord Holland, after whom another East Fremantle street was named. The section of Knutsford Street north of Ord Street was formerly Hill Street, as shown on sewerage maps. Post World War Two Sewerage Maps of Fremantle District show the precinct at that period.

Ord & Bateman Street Precinct comprises 10-24 Ord Street, 8-14 Knutsford Street, and 1-9 Bateman Street. The majority of the buildings in this group were built in the period 1892-1902, which may be divided into pre Gold Boom (1891-92), Gold Boom (1893-97) and turn of the century periods (1898-1902). Those dating from the pre Gold Boom period, are 20-22, and 24 Ord Street, and 8 and 12 Knutsford Street. Those dating from Gold Boom period are 12, 14, and 16 Ord Street, 14 Knutsford Street, and 1 Bateman Street; and from the turn of the century period, 10 and 18 Ord Street, and 3, 5, 7, and 9 Bateman Street. These places in Bateman Street were all built in the space of three years, 1901-03. For the most part, the places were built as single residences, constructed of limestone and brick with iron roofs, and the majority were 'modest working class cottages'. The houses are either in the Federation Bungalow or Federation Filigree styles.

In contrast with nearby streets, there are several two-storey buildings clustered in Ord Street and nearby at 1 Bateman Street. Of these, 20-22 Ord Street are semi-detached, as are some single storey cottages at 8 and 12 Knutsford Street; and these are the only semi-detached residences in the precinct.

In the pre Gold Boom period, Ivanhoe (c. 1890, demolished 1964), was one of the earliest and the largest residences built on the block. It was built for James Lilly (b. Tasmania, 1845, arr. c. 1877, d. Claremont, 1905), steamboat proprietor, shipping agent and Manager at Fremantle for the Adelaide Steamship Company. Set in large gardens, with stables, cottages, and pigsties, Ivanhoe was described by contemporaries as 'magnificent'. In 1964, Ivanhoe was demolished, and part of the grounds, now 6 Ord Street, at the corner of High and Ord Streets, was developed by Caltex Oil Company as a service station. Ivanhoe Flats, 8 Ord Street, at the rear of the service station, was built by Multiplex in 1968-72. The site of this well-known former residence, which was previously an important element of the streetscape, has not been included in the study area of Ord & Bateman Street Precinct. The flats and service station abut the precinct to the north.

Lionel Holdsworth (b. England, 1826, d. Fremantle, 1900), an expirer, accountant and mercantile clerk, after whom Holdsworth Street is named, owned much of the precinct in the early 1890s. In 1891-92, Hugh Dixon, tobacco merchant, principal of the Adelaide Company, Dixon and Sons Tobacco Factory, purchased a number of lots from Holdsworth, which he proceeded to develop. In 1891-92, two pairs of semi-detached cottages were built for him at 8 and 12 Knutsford Street. As the first occupants were tobacco twisters and the foreman of the tobacco company, it seems likely that they were employed by Dixon, and it is possible that he had the cottages purpose built to accommodate his workers. In 1892, at Lots 2 and 3 of 918, Dixon had built as an investment a pair of semi-detached two storey residences at 20-22 Ord Street in the Federation Filigree style and, in the same style, a two-storey residence at 24 Ord Street. The early tenants were police sergeants from the prison, and superintendents from the hospital, both of which were located nearby.

The residences within the precinct continue to be occupied as single residences, with the exception of 10 Ord Street, which is in use as doctor's rooms. In 2000, a walking guide of four residential blocks was published that included the precinct as block three.

The Heritage Council's documentation contains Management Strategies for the precinct as follows:

There should be no demolition of significant places within the precinct. Ord & Bateman Street Precinct should be protected by the conservation of the existing heritage buildings, street frontages, and gardens, together with careful management of the public domain. The character and intactness of the different elements of the precinct should be conserved and strengthened, and new development should be controlled to retain the heritage significance of the precinct and its diverse components. The need for the evolution of the place should be recognized and change managed to conserve the visual harmony of the precinct.

Physical Description

24 Ord Street (1891-2) completes the suite of two-storey buildings on the Ord Street frontage. It has a low stucco brick and pier boundary wall topped with a timber rail and picket palisade. The garden has terracotta tiled paths, and has rich and dense plantings of Palms, Peppermint Trees, Sheoak, Cypresses, Tea Tree, Oleander, Sugar Gums (*Eucalyptus cladocalyx*), Olive Trees, and shrubs. The house has a two-storey verandah. It is built in the Federation Filigree style with random course limestone walls and limestone rubble side walls, and stucco quoins and reveals. Most of the masonry is painted. There is a full width two storey skillion roof verandah across the front of the house, supported on barley sugar cast iron posts at ground floor level and square posts at first floor level, with a timber St. Andrew's cross motif balustrade. The columns have Corinthian capitals, and the present frieze is clearly a replacement for an earlier frieze, possibly of cast iron. The windows are double hung sashes, and the doors are paneled with glazed sidelights. The whole place has been conserved in a sympathetic manner and is in good order.

Ord & Bateman Street Precinct comprises 10-24 Ord Street; 8-14 Knutsford Street; and 1-9 Bateman Street.

It is set on a limestone ridge that rises sharply from Ord Street and continues on to become Monument Hill. The houses were all built within the decade between 1892 and 1902. The houses on Ord Street are either substantial duplexes or single residences, while the remainder are modest working class residences, some of which have been greatly expanded in the last decades of the twentieth century. To the north of the precinct the large villa Ivanhoe has been demolished and replaced with Ivanhoe Flats and a service station on the corner of High and Ord Streets. The buildings in the precinct are constructed in ashlar, random coursed and rubble limestone, tuck-pointed face brickwork and stucco, with corrugated metal roofs, with a small number of places having tiled roofs.

Ord Street is a busy road that was formerly a two-way pair and has been altered to a single lane in each direction relatively recently. Fremantle Prison is on the west side of the road beyond Knutsford Street, and most of the houses have views over the prison, to the City, harbour, and ocean.

Knutsford Street rises steeply away from Ord Street and is enclosed by predominantly nineteenth century houses. It has commanding views of the City, harbour, and ocean. The houses on the northern side of the street are closely related in terms of type, scale, and style.



Knutsford St, Street view, Googlemaps, 25/02/2020

IMPACT ASSESSMENT

Statement of Significance

House, 24 Ord Street is included in the precinct listing for Ord and Bateman Street.	
The precinct is rare as an intact group of Federation period residences.	Minor impact
The early owners and developers of the precinct were prominent Fremantle businessmen Lionel Holdsworth (expirer, accountant and mercantile clerk) and Henry Dixon (tobacco merchant).	No discernible impact
The precinct contributes to the Fremantle community's sense of place through its distinctive streetscape.	Minor impact
The houses between 20 and 24 Ord Street have strong landmark qualities as fine two-storey examples of Federation Filigree architecture, accentuated by their location above street level. The precinct contains a rare collection of fine Federation Filigree style residences.	Minor impact
The 2001 addition to 3 Bateman Street is of little significance. There are no intrusive elements.	No discernible impact

Impact on Significance

Aesthetic value	Minor impact	Condition	No discernible impact
Historic value	No discernible impact	Integrity	No discernible impact
Scientific value	No discernible impact	Authenticity	No discernible impact
Social value	No discernible impact	Historical evolution	Minor impact
Rarity	No discernible impact	Streetscape	Minor impact
Representativeness	No discernible impact		

Heritage Impact Comments

1. We have previously considered the original design:

There were many elements of this proposal that were very cleverly designed and were able to be supported from a heritage perspective.

The two elements of concern which it is considered would have a negative impact on the streetscape were:

- the skylight structure
- large blank wall facing the street – midway back and on the Hampton Road side of the house.

2. A revised proposal was then considered:

Overall this revised proposal was able to be supported from a heritage perspective

The reversal of the skylight element to face north is supported.

The change to a flat roof to the front verandah was not supported – this was an integral element of making the new building fit well into the existing streetscape.

3. The current proposal has now been considered and is supported from a heritage perspective. The revised proposal has addressed the above mentioned concerns.

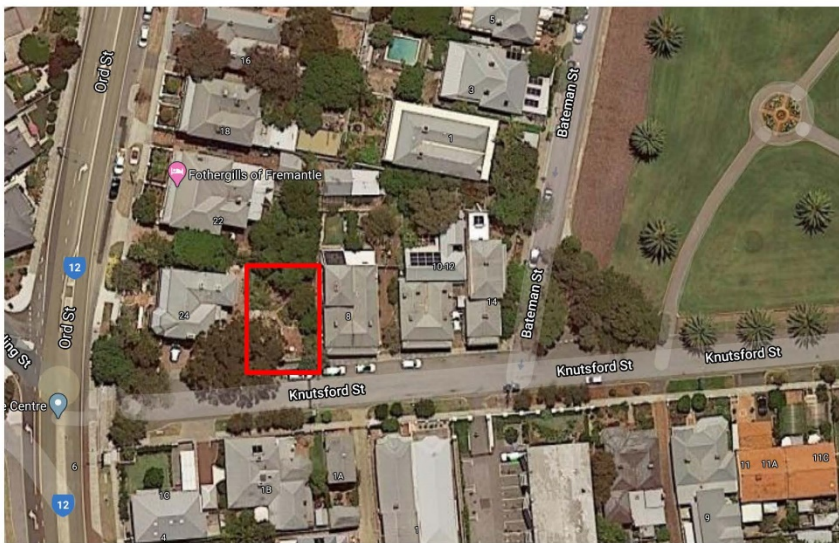
RECOMMENDATIONS:

The current proposal is supported from a heritage perspective. The revised proposal has addressed the above mentioned concerns.

Additional information 4 – Limestone wall heritage assessment

Heritage Comment – Internal – Additional Report

Address: 6 Knutsford Street
Application number: DA0180/20
Proposal: New two storey dwelling – Removal of Existing Limestone Wall
Requesting officer: Julia Kingsbury
Date: 16/09/2020



6 Knutsford St, Aerial photograph, CoF Intramaps, 28/07/2020



6 Knutsford St, CoF Intramaps, 28/07/2020

INTRODUCTION

The purpose of this heritage comment is to assess the changes to the place that are proposed in DA0180/20 and the affect that they will have upon the heritage values of Address. The proposed changes include:

- New 2 storey dwelling
- Removal of limestone wall to east boundary

HERITAGE LISTINGS

State Register of Heritage Places

The place is included in the State Register of Heritage Places – a referral to DPLH Heritage is required.

Inherit

Inherit Database number - 24602

Heritage List and LHS

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Recent meetings or discussions:

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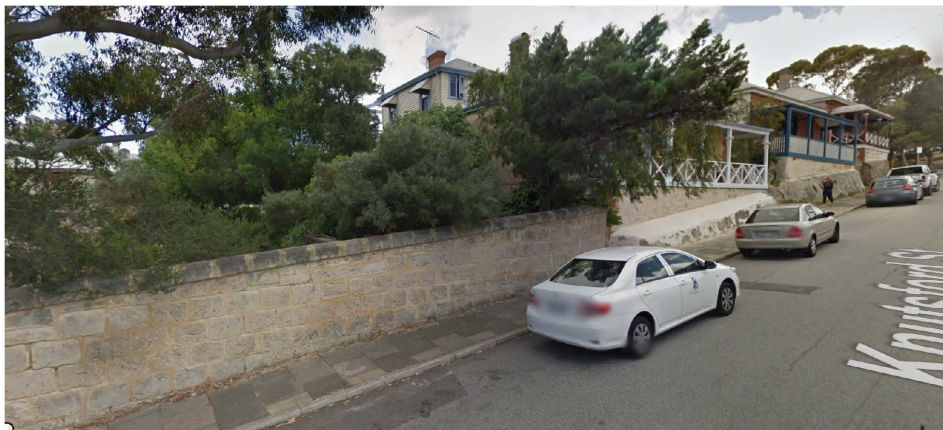
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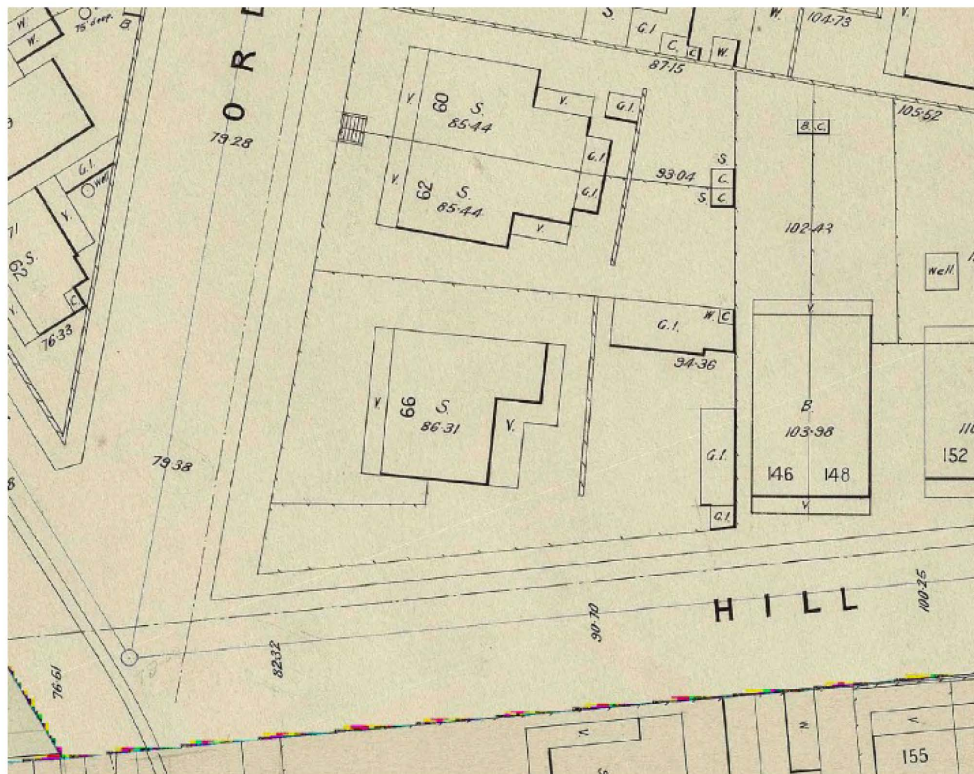
Knutsford St, Street view, Googlemaps, 25/02/2020

Limestone Wall

Located along the eastern boundary of the site is a 0.8m to 1.2m high rubble limestone wall. This wall appears to have been constructed in various stages and is in various states of condition.

The retaining wall on the east boundary of 6 Knutsford Street has not been identified as a heritage wall in either the HCWA Listing for the Ord Street Precinct or the CoF listing in the Local Heritage Survey (MHI). Other key limestone features are described in these listings including the natural limestone outcrop on which the adjacent duplex on Knutsford Street is constructed.

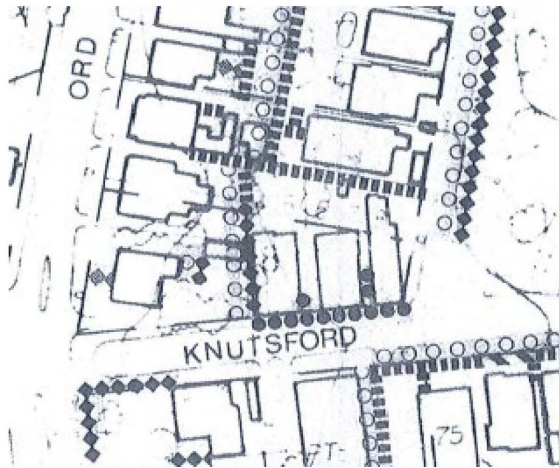
One of the main tools used to date early limestone walls in Fremantle are the historic PWDWA Metropolitan Sewerage Maps. These maps contain a wealth of detail and show the footprint of all buildings and outbuildings on site together with walls, fences and paths. Neither the 1904, 1908 or the 1950s maps show a stone wall on the east side of the site but there is a galvanised iron outbuilding and a timber framed fence on this boundary. See attached snips from these maps.





The Sewerage Diagrams indicate two galvanised iron sheds and a timber fence line along this boundary but does not indicate a limestone wall.

Most of the limestone features listed in our MHI were identified in the 1986 report "19th Century Limestone Walls and Steps in Fremantle". This report used historic maps and site inspections to compile a list of limestone features that helped contribute to Fremantle's distinctive character. This report identifies two features running along the east boundary of the site, a limestone wall of later construction and a retaining wall. It does not date the wall but it does indicate that the wall is NOT an original wall and dates to sometime after 1910.



the term "original wall" refers to the walls approx. before 1910 in the west-end and central areas, 1913 in the south area and 1904 in the eastern and north frem. areas

LEGEND

- original wall
- original wall built over or possibly incorporated in other building
- wall partially or completely replacing the original one
- wall or part of wall of later construction (date undetermined)
- remnant of building wall
- steps
- rock cliff face
- retaining wall
- delapidated state

"19th Century Limestone Walls and Steps in Fremantle".

The Local History Collection provides no information on a wall on the east boundary. The four tiered garden layout with limestone walls on this lot was constructed in 1996. Historic Aerial photographs of the site are not clear enough to see the east retaining wall or more recently this part of the site is obscured by trees, however the 1975 aerial photography does that the galvanised iron shed was still extant.

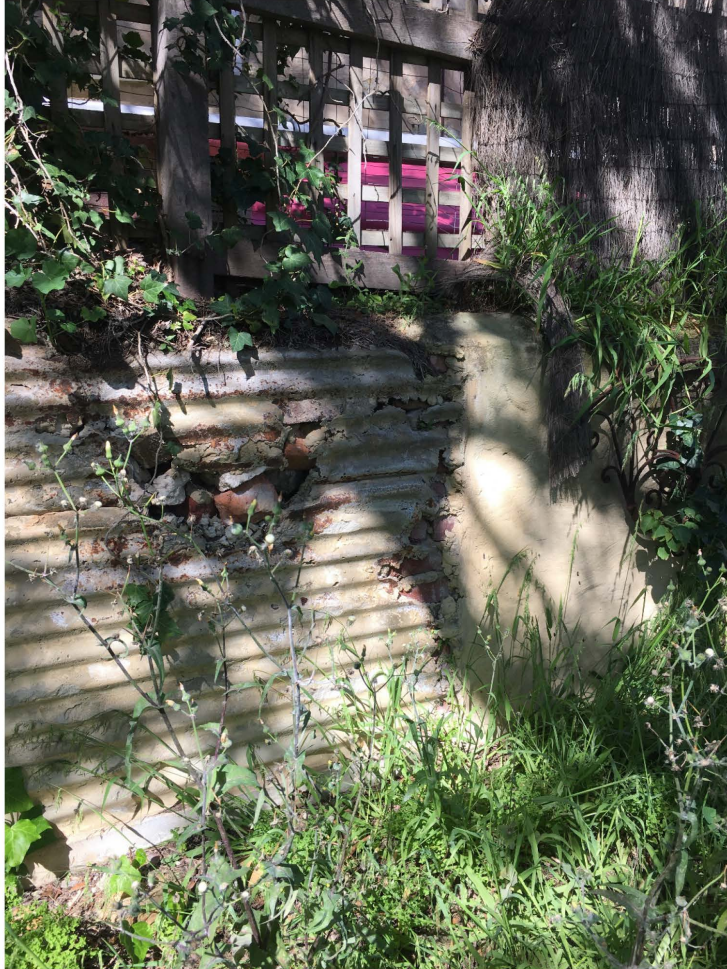
The site was inspected on the 15 September 2020 to view the extant limestone wall. The wall is in a poor condition with significant bows and miss alignment of the wall, large trees and roots growing through the wall, cement mortar and render patches, acrylic paint and rising damp degradation. There are also some sections of brick and corrugated iron infill.



City of Fremantle Heritage Officer 15 September 2020











IMPACT ASSESSMENT

Impact on Significance – Limestone Wall

Aesthetic value	Minor impact	Condition	No discernible impact
Historic value	No discernible impact	Integrity	No discernible impact
Scientific value	No discernible impact	Authenticity	No discernible impact
Social value	No discernible impact	Historical evolution	Minor impact
Rarity	No discernible impact	Streetscape	No discernible impact
Representativeness	No discernible impact		

Heritage Impact Comments – Limestone Wall

1. We have researched and considered:
 - HCWA Listing for the Ord Street Precinct
 - CoF listing in the Local Heritage Survey (MHI)
 - Historic Aerial Photographs
 - Historic PWDWA Metropolitan Sewerage Maps
 - 19th Century Limestone Walls and Steps in Fremantle
 - Local History Collection – Property File
 - Site Visit 15 Sept 2020
2. It is considered that the wall likely dates between 1975 – 1986.
3. It is considered that the removal of the wall can be supported from a heritage perspective.:
 - given the later date of construction,
 - the patchy nature of the wall,
 - later poor repairs with cement mortars and renders that would require removal,
 - the poor condition of sections of the wall, and
 - the further loss of wall elements when the vegetation growing through it is removed.

RECOMMENDATIONS:

The current proposal to remove the limestone wall is supported from a heritage perspective. The applicant is encouraged to reuse the limestone in an appropriate manner within the new development.

**PC2010 - 2 No. 15 (Lot 4) Pakenham Street, Fremantle - Rooftop Terrace
addition to existing Tourist Accommodation building - (JCL
DA0508/19)**

Additional Information 1 – Management Plan

15 Pakenham Street Fremantle

Roof Terrace Management Plan

15 Pakenham Street – Fremantle – Roof Terrace – Management plan

15 Pakenham Street – Fremantle – Roof Terrace –Management Plan

Purpose of this document

This Plan provides an overview of how the proposed reinstatement of the roof terrace on 15 Pakenham Street will be managed.

The Plan covers the following guidelines:

- Opening times of the Terrace
- Maximum number of guest allowed
- Noise Curfew management
- Management contact details

Project description

The proposed development at 15 Pakenham Street will comprise the reinstatement of the existing Roof Top Terrace at the back of the property.

The Terrace will be used as outdoor area exclusively for the guests of the Hostel currently operating in the building. The project aims to offer a private and secure outdoor area for the Hostel's patrons.

15 Pakenham Street – Fremantle – Roof Terrace – Management plan

Guidelines	Strategy to meet this guideline	Notes
Opening times of the Terrace: 7am to 8pm Sunday to Thursday 9am to 10pm Friday and Saturday	An access gate to the terrace will be locked outside of the opening hours	The access gate will be locked and coded also during opening hours to avoid non-guests access. However outside opening hours the access code will be invalidated.
Maximum number of guest allowed: 80 (as per Lodging licence)	Access code only for guests and staff members constantly checking on number of people in the area (CCTV monitored from reception will be installed to perform a more effective control)	N/A
Noise Curfew management No excessive noise will be allowed at any time; no guest allowed to use personal acoustic system/ amplified music in the area. Any sound device will be supplied and managed by the Hostel staff as required and in consideration of the neighbourhood. Special events (only allowed Fridays and Saturdays) will be discussed, planned and the immediate neighbourhood informed	Staff members to manage and enforce noise curfew rules	N/A
Management contact details: (08) 94306001 – Reception 0405902969 – Manager	Outside reception hours the Manager will be always available and reachable to address any issue	N/A



Photo 1: View of subject site.



Photo 2: View along laneway (subject site in right of frame – proposal at rearmost portion of site).



Photo 3: View of Pakenham St from High St (subject site in background).



Photo 4: View of Pakenham St towards High St.

**PC2010 - 3 TRAFFORD STREET, NO. 21 (SL 1), BEACONSFIELD - DEMOLITION
OF EXISTING DWELLING AND CONSTRUCTION OF NEW SINGLE
STOREY SINGLE HOUSE – (NB DA0257/20)**

Additional Information 1 – Site Photos



Photo 1: View of site from Trafford Street



Photo 2: Martha Street elevation showing the rocky outcropping at the street boundary

Additional Information 2 –Applicant’s Justification

The Chief Executive Officer
City of Fremantle
PO Box 807
FREMANTLE WA 6160
Western Australia

9 July 20

Re: PROPOSED NEW HOUSE, 21 TRAFFORD ST. BEACONSFIELD.

Please find enclosed the development application for the above property, including the following documents:

1. Form of Planning Application;
2. Site Survey;
3. Drawings;
4. Credit Card Authorisation Form for Planning Application Fee, based on an estimated construction cost of \$600,000;
5. Letter of support & signed drawings from neighbouring property owner at 20A Martha Street

The project involves the partial demolition of the existing single storey brick / limestone house and in-ground swimming pool and the construction of a new single dwelling. It is proposed to retain the existing parapet walls to the north and west boundaries. The existing house C1990 has no heritage value and is not listed on any heritage list. The site is a previously sub-divided lot on the corner of Trafford St. and Martha St.

The new house is a split-level residence that is designed to appear as a single storey house from street level, in keeping with the prevailing context. The lower ground floor is below existing natural ground level with a generous light courtyard, the main ground floor is at the existing ground level and there is a roof terrace above.

The location on a corner lot provides some interesting design challenges and opportunities, the proposal is designed to maximize exposure to the northern aspect using a courtyard typology creating high amenity outdoor living space directly adjoining the internal living areas; it also includes an open roof terrace to the south west portion of the site where it will be possible to achieve ocean views down Martha Street.

We have had two pre-lodgment reviews by phone of the attached proposal with planners Nathan Blumenthal and Julia Kingsbury towards the end of June 2020. As discussed, the proposal generally complies with the 'deemed to comply' provisions of the RDCWA, however we are seeking some variation to the setback requirements for the primary and secondary streets and an unscreened roof terrace to the first floor for the following reasons;

Setbacks:

- The site is located in LPA 4, Fremantle South, where Table 1 of LPP2.9 prescribes a 7m primary street setback for an external wall height up to 4m above natural ground level. While table 1 of the R-code requires a 6m Primary street setback.

- LPS4 / LPP2.9: RESIDENTIAL STREETSCAPE POLICY

This policy replaces Deemed to Comply provisions of the RDCWA clauses 5.1.2 C2.1, 5.1.6 C6, 5.2.1 C1.1, C1.2 and C1.5, which relate to street setbacks, building height and garage setbacks. However the policy does not replace the Design Principles provisions 5.2.1 P2.1 and P2.2, which we believe should apply in this case.

- The definition of prevailing streetscape in LPP2.9 is limited to 3 adjoining properties either side of the subject site, in this case as the subject site is a corner site it is immediately disadvantaged by this definition. The definition does not represent the actual experience of the streetscape and wider context.

- We have therefore conducted our own research in both Trafford and Martha St. to gauge the prevailing streetscape in a broader sense, see attached; Setback Diagram and Streetscape Diagram.

- In terms of streetscape, Trafford St. consists of buildings of various eras with widely varied setbacks, ranging from almost nil (eg: heritage listed high limestone walls of the Old Stables) up to ~12m (eg: #19 a 1950's brick bungalow adjoining the site. While Martha St. setbacks are generally significantly less, ranging from almost nil to 6.5m, with the most recent building - a two storey house diagonally opposite the site, set back 4.7m, as opposed to the 10m setback that would be required by LPP2.9 for wall heights greater than 4m.

- Furthermore the subject site is one of two created from the subdivision of the original town lot in accordance with required minimum lot sizes for R25 zoning, to then apply primary street setbacks in excess of the R-code requirements seriously reduces the potential amenity for a new dwelling on this lot.

- Martha St. secondary street setback is 1.5m as required by the R-code, part of the building at the south west corner forms a minor projection into this setback which we believe this is in keeping with the prevailing streetscape where several buildings along Martha St. have nil to very minimal setbacks, and this projection contributes positively to the context in that it provides direct engagement from the primary living areas with the street and enhance passive surveillance.

- We believe the proposed design complies with the design principals of the R-code section 5.1.2 *Street setback*;

P2.1 The proposed design is setback an appropriate distance to ensure it:

- contributes to an established streetscape.

No consistent established setback exists in the context, a wide variety of setbacks exists in the street, we propose to apply the R-codes 6m primary street building set back and 4.5m carport setback as an ample setback in this instance and respects the prevailing streetscape.

- provides adequate privacy and open space for the dwelling.

The central courtyard is a high quality open space that significantly enhances the daily living experience of the house, providing a private outdoor area with a north facing aspect, protected from the strong sea breeze. An increased set back to Trafford St. would significantly reduce the amenity of this space, while providing no significant contribution to the streetscape.

- accommodates site planning requirements for car parking, landscaping utilities etc.

Car parking is provided as an open aspect carport, that compliments the proposed building design. Landscaping is an important feature of the external areas, as no fence is proposed to the majority of the Martha St. elevation, the landscape will be designed to soften the boundary edge to the footpath, it is intended to incorporate and express the remnant capstone that exists to the south west corner of the site as part of the integrated building and landscape design.

P2.2 The building mass and form:

- uses design features to affect the size and scale of the building,

The building mass has been reduced in perceived scale, appearing to be a single storey house from the street. The form is contemporary but sympathetic to the context in perceived scale and how it sits on the site expressing the fall of the topography along Martha St. by retaining the limestone base in keeping with the character of the area.

- minimises the proportion of the façade at ground level taken up by building services, vehicle entries, and parking, blank walls, service access, meters etc

As a corner block the proposal presents two street elevations, with the house as the dominant expression with services that are largely concealed; windows from habitable rooms overlook the street on both elevations including a large ground floor window to the south. ~~to the south~~ ^{13 October 2020} that engages directly with the street; a visitor/ pedestrian entrance has been incorporated Martha St. to activate the secondary street elevation.

- *positively contributes to the prevailing development context and streetscape.*

The proposed design will be the owners home, it is a highly considered, architecturally designed residence that is sensitive to its context while providing maximum amenity for the occupants, it is not an anonymous or speculative development and as such all care has been taken to make a positive contribution to the context.

Visual Privacy:

- The open roof terrace proposed for the first floor is designed to achieve ocean views looking south west down Martha St. The Overlooking Diagram, (see attached), demonstrates that due to the slope of the street and therefore lower floor level of the adjoining lot, the cone of vision from the roof terrace to the north west is onto the adjoining roof, and looking south west is forward of the front setback of the adjoining property and as such it does not present a visual privacy concern.

- The owners have discussed the proposed roof terrace with the adjoining owner and have attained their approval for an unscreened roof terrace, see signed drawing attached.

We hope that you are able to concur with the above justification for the variations we are seeking, alternatively we would request that the proposal be referred to the planning committee for consideration.

If you have any questions please do not hesitate to call us on .

Yours faithfully

Additional Information 3 – Streetscape Perspectives



Photo 1: Trafford Street perspective



Photo 2: Martha Street perspective

**PC2010 - 4 RULE STREET NO.27 (LOT 15), NORTH FREMANTLE –TWO STOREY
SINGLE HOUSE (JL DA0202/20)**

Additional Information 1 – Site photos



Photo 1: Subject site as viewed from Rule Street



Photo 2: Subject site northern boundary



Photo 3: Southern boundary of site



Photo 4: Adjoining northern properties of the subject site



Photo 5: Adjoining southern property of the subject site



Photo 6: Southern adjoining dwellings northern wall

**PC2010 - 5 ALFRED ROAD, NO. 24 (LOT 3), NORTH FREMANTLE - DEMOLITION
OF EXISTING DWELLING AND CONSTRUCTION OF A TWO STOREY
SINGLE HOUSE – (NB DA0230/20)**

Additional Information 1 – Site photos



Photo 1: Subject site as viewed from Alfred Road



Photo 2: Interior of site looking towards rear boundary



Photo 3: View towards northern site (abutting proposed stairs)



Photo 4: View from rear of site

**PC2010 - 6 HALE STREET NO.44 (LOT 62) BEACONSFIELD – TWO STOREY
ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE (JL
DA0252/20)**

Additional Information 1 – Site photos

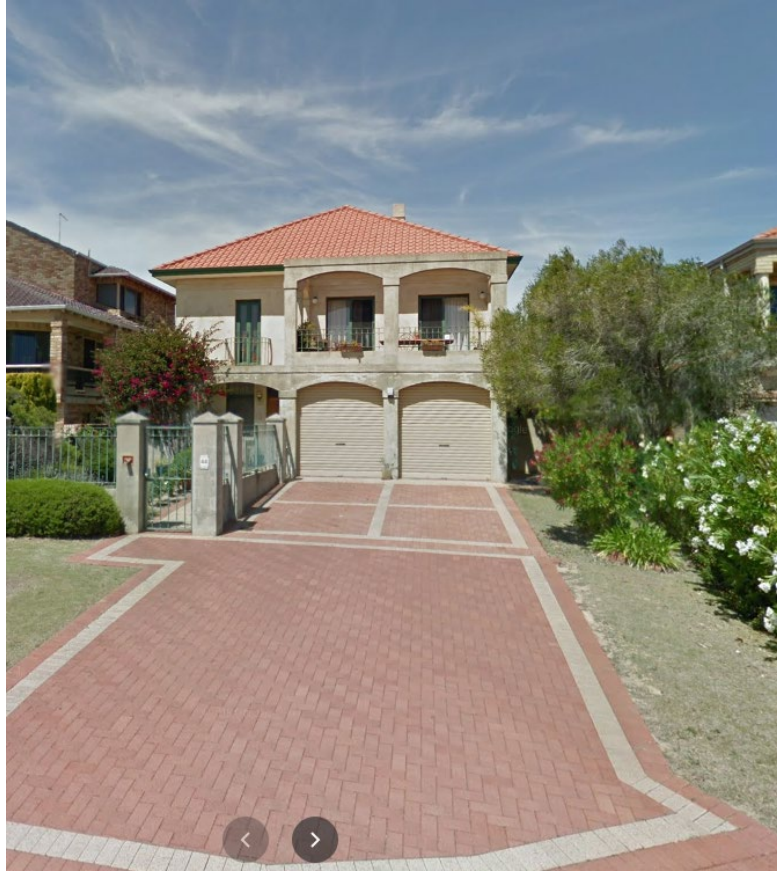


Photo 1: Subject site as viewed from Hale Street



Photo 2- Neighbouring southern site



Photo 3- Neighbouring northern site

**PC2010 - 7 COMMERCIAL STREET NO.6 (LOT 27), SOUTH FREMANTLE –
DEMOLITION OF EXISTING SINGLE HOUSE AND CONSTRUCTION
OF A SINGLE STOREY SINGLE HOUSE (JL DA0316/20)**

Additional Information 1 –Heritage Assessment and Site photos

Heritage Comment - Internal

Address: 6 Commercial Street, South Fremantle
Application number: DA0316/20
Proposal: Demolition and New Dwelling
Requesting officer: Catherine Sullivan
Date: 16/09/2020



6 Commercial Street, South Fremantle, Aerial photograph, ESRI, 16/09/2020

INTRODUCTION

The purpose of this heritage comment is to assess the changes to the place that are proposed in DA0316/20 and the affect that they will have upon the heritage values of 6 Commercial Street. The proposed changes include:

- Demolition and New Dwelling

HERITAGE LISTINGS

State Register of Heritage Places

The place is not included in the State Register of Heritage Places – a referral to DPLH Heritage is not required.

Inherit

Inherit Database number – not included in Inherit

Heritage List and LHS

6 Commercial Street is not included on the City of Fremantle's Heritage List.

Heritage Area

The place is included in the South Fremantle Heritage Area.

The South Fremantle Heritage Area is designated as a Heritage Area in accordance with clauses 7.2.1 and 7.2.9 of Local Planning Scheme No. 4.

RELEVANT PREVIOUS DEALINGS

Recent meetings or discussions:

- Site visit by Gena Binet and Annabel Wills 16/9/2020

Previous relevant DAs:

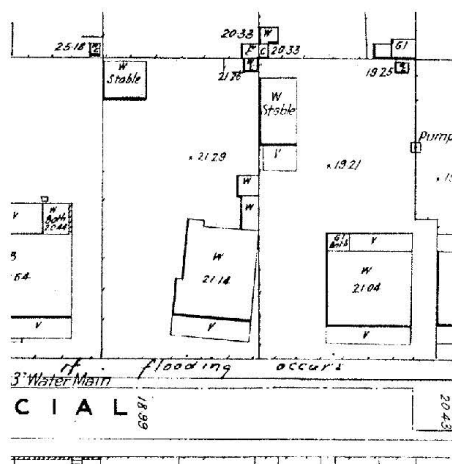
- N/A

Previous relevant legal dealings: N/A

BACKGROUND

Historical Information

The area was subdivided by Davies, Chamberlain and Wray c. 1895. It is likely that number 6 Commercial Road remained vacant land until c.1905 when a cottage was built. The 1908 Sewerage Diagram indicates a single storey weatherboard cottage with a full length front verandah, which is oddly on a slightly skewed alignment to the other cottages in the street. The original form of the cottage is similar to that of 8 Commercial Road. There is a small stable noted in the rear garden.



Physical Description

6 Commercial Road is a single storey timber framed cottage with a tiled roof. The walls are timber framed, originally clad with weatherboards and now clad with faux brick wall cladding. The roof has been replaced with cement roof tiles, although the roof form remains.

The front full length verandah has been replaced and partially infilled. The walls to the infilled section are brick with brick arches and columns to the now half verandah.

All windows and doors to the front elevation have been removed and replaced with aluminium windows and a later door.

There is a metal awning over the aluminium front window to the verandah infill.

The verandah floor is concrete and tiles and generally the entire front and side garden area is brick paving and concrete.

There is a low salmon coloured brick wall and metal gate to the front fence – none of which is original.

There are various later added rear skillion additions.

Internally most of the original detail has been lost including doors, skirtings, architraves, cornices, ceilings, floor coverings, walls, kitchen and bathrooms.

Still remaining is a small remnant section of the original weatherboards, the laundry trough and the brick outhouse.



6 Commercial Street, South Fremantle, Street view, Googlemaps, 16/09/2020

IMPACT ASSESSMENT

Statement of Significance

There is no statement of significance for this property

Impact on Significance

Aesthetic value	Medium impact	Condition	No discernible impact
Historic value	Minor impact	Integrity	No discernible impact
Scientific value	No discernible impact	Authenticity	No discernible impact
Social value	Minor impact	Historical evolution	Medium impact
Rarity	No discernible impact	Streetscape	Medium impact
Representativeness	Minor impact		

Heritage Impact Comments

The proposed demolition of 6 Commercial Road has been carefully considered in relation to both the individual level of heritage significance and its place within the streetscape and the South Fremantle Heritage Area.

The place is not included in the MHI, Heritage List, Inherit database or State Register on an individual basis. Whilst the underlying structure and overall form of the cottage does likely date from c.1905, almost all original or early detailing has been lost both internally and externally with a small remnant section of the original weatherboards (not visible externally), the laundry trough to the rear and the brick outhouse to the rear remaining.

Whilst the place does still display an early overall form, its contribution to the streetscape is compromised and very limited. None of the remaining original elements (small section of weatherboards (not visible externally), the laundry trough to the rear and the brick outhouse) make a contribution to the streetscape.

The streetscape contribution is confined to the basic overall form (excluding the verandah).

Floor plan – significantly altered
 Roof form – remains evident
 Original cottage form – altered but is still evident
 Original front façade proportions – significantly altered
 Original front façade detailing – significantly altered or removed
 Original verandah form – significantly altered (except verandah roof pitch)
 Original verandah detailing – significantly altered or removed
 Front fencing, gardens or setting – significantly altered or removed
 Internal details – significantly altered or removed
 Social or historic significance – no specific social or historic significance has been identified

RECOMMENDATIONS:

Generally the demolition proposal is supported on heritage grounds on the condition that:

1. A full archival record with historic research, photographs and measured drawings of the house and all out buildings is produced to the satisfaction of the City of Fremantle prior to demolition. See below brief.

Generally the new dwelling proposal is supported on heritage grounds on the condition that:

1. The two large windows to the front elevation are altered to be pairs of vertically proportioned windows.

MINIMUM REQUIREMENTS	DETAILED RECORD
1. Background	
2. Statement of Significance	
3. Location Plan	
4. Base Plan	
5. Reproduction of Archival documents	
6. Heritage Assessment Documentation or Brief Written History	
7. Certificate of Title	
8. Photographs	
* The place and its setting	
* All external elevations	
* Significant/representative external and internal spaces	
* Noteworthy items	
9. Measured Drawings	
* To sketch standard	
* To architectural standard	
- Site plan (1:500 or 1:200)	
- Floor plan/s (1:100 or 1:50)	
- Roof plan/s (1:100 or 1:50)	
- External elevations (1:100 or 1:50)	
- Internal elevations (1:100 or 1:50)	
- Sections (1:100 or 1:50)	
- Ceiling and joinery details (1:20 or 1:10)	
- Other significant details	
10. Bibliography	
11. Archaeologist report/input	

 Denotes minimum requirement

Site Visit – 15 September 2020 – Photographs – Annabel Wills



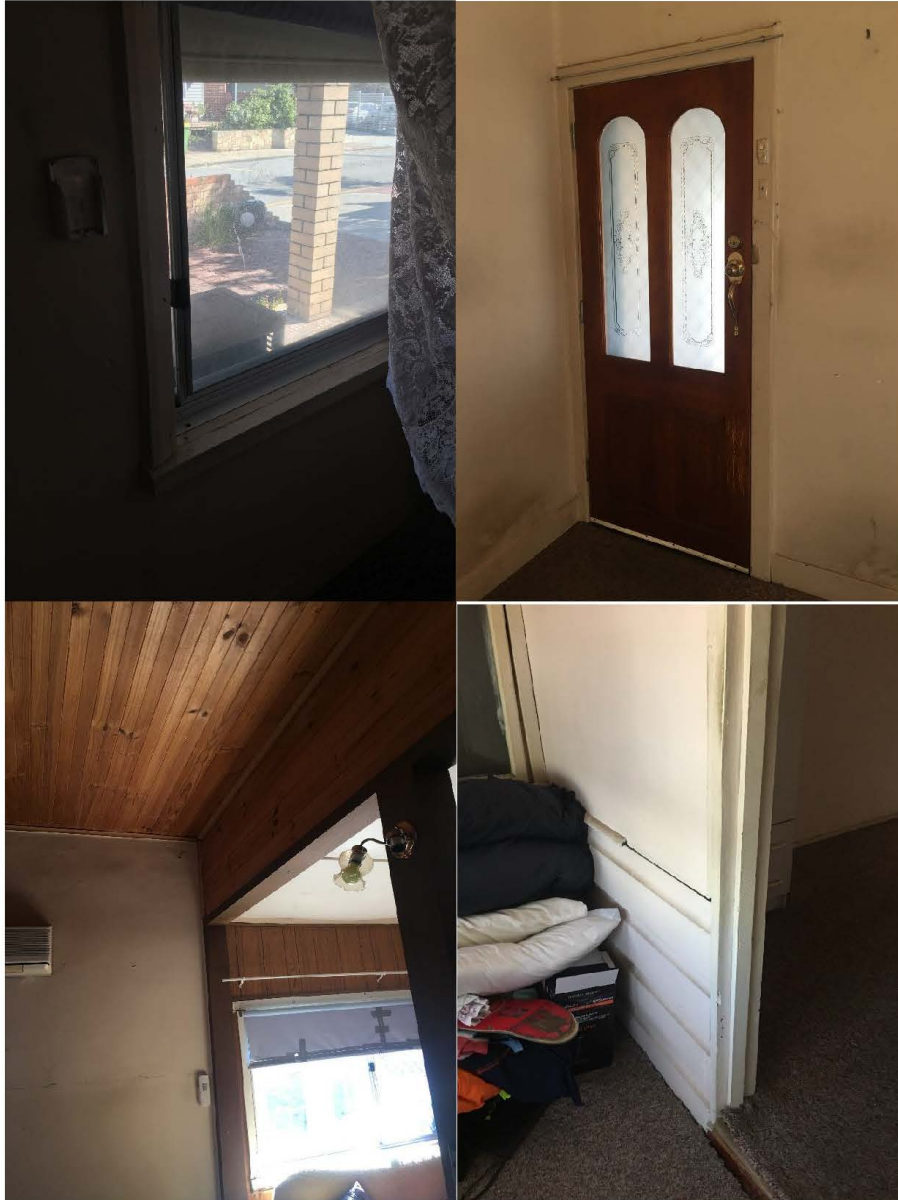
6 Commercial Street



8 Commercial Street









**PC2010 - 8 BEACH STREET NO.1, 1A AND 1B (LOTS 1, 170 AND 171),
FREMANTLE – EXTENSION TO TERM OF APPROVAL FOR
DAP011/15 (SIX- SEVEN STOREY MIXED USE DEVELOPMENT) (JL
DAPV002/20)**

Additional Information 1 – Applicants report

APPLICATION TO RENEW
DEVELOPMENT APPROVAL

GROUND LEVEL PODIUM
(COMMERCIAL) WITH 5&6 STOREY
RESIDENTIAL ABOVE (71 MULTIPLE
DWELLINGS)

LOTS 170, 171 AND 1 (Nos 1, 1A, 1B)
BEACH STREET, FREMANTLE

APRIL 2020

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20 Jul 2020

IAN BIRCH MPIA
TOWN PLANNER

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20 Jul 2020

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20 Jul 2020

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20 Jul 2020

1 INTRODUCTION

This report is prepared on behalf of the owners of 1, 1A, 1B Beach Street, Fremantle;

Nitric Holdings Pty Ltd and Cammit Pty Ltd, in support of their application to renew the approval for development of the abovementioned property. The approval lapsed in February this year.

The application is to renew the period of development approval for a further 4 years. The plans approved by the MSWJDAP on 25 February 2016 remain unchanged and the conditions attached to the approval remain acceptable. Through the assessment process at that time, with both the City's planning staff and Design Advisory Committee (DAC), the plans went through a number of iterations and two DAP meetings before finally being approved.

Note:

Subsequent to approval being granted, in accordance with Condition 12 ground water contamination investigation and remediation, this work has now been completed and the clearance advice is recorded as a memorial on the Certificates of Title.

2 RENEWING A DEVELOPMENT APPROVAL

Clause 17 of the Planning and Development (Development Assessment Panels) Regulations 2011, deals with amending or cancelling a development approval – Form 2 Application.

Specifically, Clause 17(1)(a) allows an owner of land to apply:

“to amend the approval so as to extend the period within which any development approved must be substantially commenced”

Clause 17(2) goes on to set out the terms of such application and notably, clause (a) of this sub-clause sets no limit on when the application may be made:

“may be made during or after the period within which the development approved must be substantially commenced”

Development Assessment Panel Practice Note 4 Annex A 9 sets out the relevant planning considerations in determining an application for approval period extension as follows:

Consideration 1:

Has the planning framework changed substantially since the development approval was granted?

The City’s planning requirements are unchanged, however, the recent adoption by the State Government of SPP 7.0 Design of the Built Environment and SPP 7.3 Residential Design Code Volume 2 Apartments introduces a requirement for further assessment.

Consideration 2:

Is the development likely to receive approval now?

As mentioned above, the local planning framework remains essentially unchanged. The rigorous assessment process and related design development ensured that the development fully satisfied this framework.

A full (self) assessment has now been undertaken against SPP 7.3. The development meets the majority of the acceptable outcomes prescribed in the new Codes. It is our submission that the development satisfies these codes and can be approved.

Consideration 3:

Has the applicant actively and relatively conscientiously pursued implementation of the Development Approval?

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As noted above, contamination investigation and remediation of the property has been undertaken as required.
This process took almost two years to complete. In the course of gaining environmental clearance, market
conditions changed, affecting the feasibility of the project, making it difficult to secure finance.

DAPV002/20

20 Jul 2020

2.1 LPP 1.1 Amendment and Extension to the Term of Planning Approval

This policy deals with largely the same matters as the DAP Regulation 17 and is essentially superseded by this higher order provision. The policy does say (ref 3.1) that an approval should be granted for a period up to 2 years, however, this has been overtaken by Council's subsequent policy to grant planning approvals for 4 years. Further, with the declared state of emergency due to the Covid 19 virus, an additional 2 years is added to all approvals.

3 SITE DETAILS

3.1 Location and Former Use

Local Government – City of Fremantle

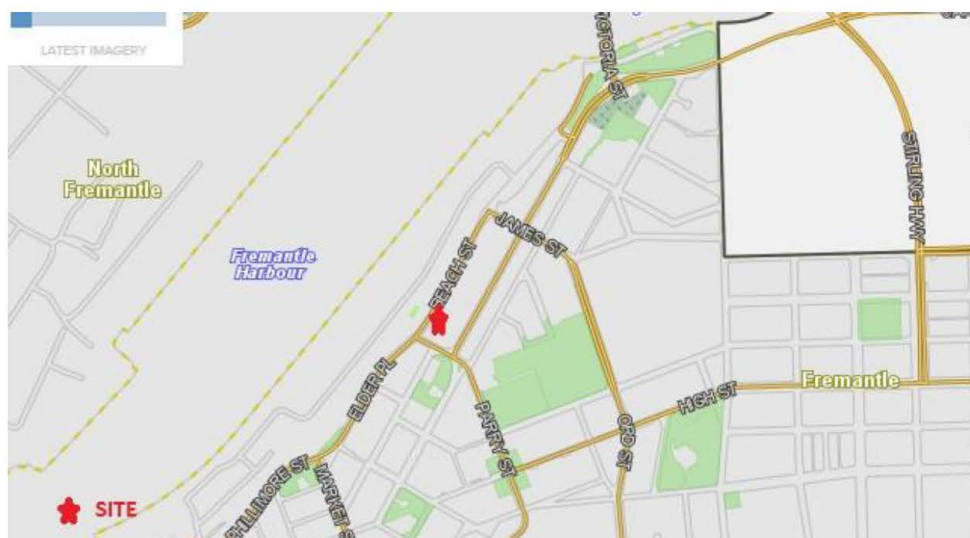
Address: 1, 1A & 1B Beach Street, Fremantle,

The property faces north/west overlooking Fremantle Harbour.

Figure 1 overleaf shows the site location.

The site is now cleared and was formerly occupied by a foundry and engineering works, including asbestos processing. It was classified as a contaminated site and as noted in the introduction above, has subsequently been satisfactorily remediated and cleared for development, subject to certain conditions outlined further on in this report. (ref attachment 2)

FIGURE 1 LOCALITY



3.2 Property Information

Occupying three lots; 171, 171 and 1 Beach Street, the property was formerly a foundry and engineering works. This has now been demolished and the site remains vacant at this present time.

Total site area: 2010 sqm.

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Combined frontage 39.63m

Lot 1 has an easement benefit over the adjoining land, Part Lot 260 (street number 1C), for a right of carriageway 3.66m wide on the northern side of the subject land.

DAPV002/20

20 Jul 2020

FIGURE 2 AERIAL



4 DESCRIPTION of PROPOSED DEVELOPMENT

As indicated in the Introduction above, for the approved development, through the course of the assessment process with the City's planning staff and its Design Advisory Committee, the plans went through several revisions.

The development plans that were eventually approved comprise two residential buildings of 5 and 6 stories, sitting above a ground level podium. The two multi storey buildings run parallel to Beach Street and are separated by a distance of 10.825m. The single level podium covers the entire site.

The ground floor podium has:

a commercial tenancy of 107sqm fronting onto Beach Street (multiple land uses proposed for flexibility- Office, Shop, Small Bar and Restaurant)

lift lobbies for the two apartment towers

33 storerooms

84 car parking bays plus bicycle parking

The two towers contain a total of 71 multiple dwellings comprising:

29 x 1 bedroom apartments;

36 x 2 bedroom apartments; and

6 x 3 bedroom apartments;

The space separating the two towers provides outdoor living around vegetation zones.

Rooftop terrace and storerooms;

The final amendments to the plans, following a meeting with the DAC on 25 January 2016, included the following:

- Amendments to the façade, including –
 - Introduction of terracotta cladding;
 - Redesign of "skin" of building to ensure greater pronouncement and Framing of openings;
 - Removal of heavy horizontal elements;
 - Contrasting materials for upper, setback floors and ground floor plane;
 - Removal of decorative timber features;
 - Introduction of timber framing on windows;
 - Alteration to awning design (thinner, consistent with adjoining Hotel);

- Change to setback of building from Primary Street (now follows boundary);

- Alterations to ground floor

- Removal of storerooms from walkway;
- Letterbox location change;
- Reorientation of lifts (and removal of one), to provide legible walkway to Lobby B;
- Increase in size of commercial tenancy (107 – 119sqm);

- Increase of setback between towers (from 9.05m to 10.82m);

- Narrowing of internal passageway of Tower B;

- Increase in floor area of some storerooms;

- Redesign of roof deck;

- Increased size of deck cover;
- Fewer storerooms;
- Alteration to plant area;
- Redesign of landscaping.

A landscaping plan was included with the original submitted plans. This has now been revised and is included in this current application.

5 PLANNING REQUIREMENTS

The planning framework relating to this property is set out in the Whelans' report submitted with the original application.

The planning provisions relevant to the original assessment of this development proposal remain the same today. Assessment against these provisions is contained in the Whelans' report and in the DAP Responsible Authority Reports of 18 December 2015 and 25 February 2016.

Accordingly, it is not proposed to repeat in detail the planning framework and assessment here. (It is to be noted that as a result of a subsequent (unrelated) amendment to the Local Planning Scheme (LPS 4) some relevant clause/schedule numbers have changed.)

However, adoption by the WAPC of State Planning Policy 7.0 Design of the Built Environment and SPP 7.3, Residential Design Codes, Volume 2 Apartments, introduces the requirement for further assessment of the development against these new codes. This assessment follows in section 5.

For reference, a brief summary of the relevant planning framework is provided below.

5.1 Zoning

Metropolitan Region Scheme (MRS)

Under the provisions of the MRS, the land is zoned Central City.

Local Planning Scheme No. 4

The site is zoned Mixed Use (Residential RAC3).

Under the provisions of the Scheme, Table 1 Zoning, Multiple Dwelling is designated as a 'D' Permitted and Commercial uses are; Small Bar 'a', restaurant 'A', office 'P', Shop 'P'.

5.2 Development Requirements

LPS 4

Schedule 7 (formerly Schedule 12) of LPS 4, Local Planning Areas (Development Requirements). The subject land falls within Local Planning Area 2 Fremantle, Sub Area 1 (Sub Area 8). Development requirements are contained under Clause 2.3.1 and relate to:

Building Height and Setbacks

Dwelling Density (general site requirements for RAC code do not apply)

Car Parking

Other clauses in this Sub Area deal with; street front treatment and discretionary powers in relation to building height and car parking provision.

Local Planning Policy 3.1.3 Precinct 3

LPP 3.1.3 documents the character and quality of Local Planning Areas and sets out the broad principles behind their development requirements. The policy provides the key reference in applying these provisions.

Other LPPs:

LPP 1.9 Design Advisory Committee & Principles of Design

LPP 2.3 Fremantle Port Buffer Development Guidelines

LPP 2.13 Sustainable Buildings Design Requirements

LPP 2.19 Contributions to Public Art or Heritage Work

The requirements under these policies were all covered by conditions in the development approval.

State Planning Policy

SPP 7.0 Design of the Built Environment

SPP 7.3 Residential Design Codes Volume 2 – Apartments

5.3 Contaminated Site – Restrictions on Use

As outlined in the attached Department of Water and Environmental Regulation notice, development of the site is restricted as follows:

Groundwater should not be abstracted for any potential beneficial use on the site.

The land use of the site is restricted to high density residential and commercial/industrial with no access to soils across the site which excludes sensitive uses such as childcare centres, kindergartens, pre-schools and primary schools.

The site must be fully paved prior to and during future occupancy to ensure that site users have no on-going access to site soils.

The site should not be developed for a more sensitive use such as recreational open space; lower density residential use or childcare centres without further contamination assessment and/or remediation.

Clearly, the proposed use is conforming and the ground floor podium prohibits access to site soils.

6 ASSESSMENT AGAINST NEW DESIGN CODES

The Primary Controls set out in Part 2, Table 2.1 of the new Design Code do not apply. Part 1.2.1 of the Code exempts areas with pre-existing policies from these provisions. Element 2.6 Building Depth and Element 2.7 Building Separation, not included in Table 2.1, require assessment.

In addition, the development requires assessment against the Ten Design Principles outlined in SPP 7.0, repeated in SPP 7.3 Part 1.4, and against relevant design elements in Parts 3 and 4 Appendix A1 Design Principles Table of SPP 7.3 shows the relationship between the design principles and the design elements.

Before undertaking this assessment, reference is made to the previous assessment process, which underwent rigorous review by the City's DAC.

Local Planning Policy 1.9 – Design Advisory Committee & Principles of Design

LPP 1.9 requires certain planning applications to be referred to the DAC for design advice.

The policy sets out the following design principles:

1. Character – A place with its own identity
2. Continuity and enclosure – A place where public and private spaces are clearly distinguished.
3. Quality of the public realm – A place with well designed, high quality public spaces.
4. Ease of movement – A place that is easy to get to and move through
5. Legibility – A place that is easy to navigate
6. Adaptability – A place that can change
7. Diversity – A place with variety and choice

These principles correspond to several of the design principles in the Design Code Vol 2.

Local Planning Policy 3.1.3 – Precinct 3

With regard to this particular location, identified as Local Planning Area 2, Sub Area 1 (8) in Schedule 7 of LPS 4, LPP 3.1.3 documents the area's prevailing character and quality.

6.1 Design Principles Assessment Table

The following table provides a broad assessment of the development against the 10 design principles set down in SPP7.3. (A full assessment against all elements in Design Code Vol 2 is attached, with a brief summary provided in 6.2 below.)

	DESIGN PRINCIPLE
1.Context and Character	Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.
	The plans have gone through considerable change in response to advice from the DAC. A specialist heritage architect was engaged to assist in achieving a design that is complementary to the desired character of the area. Condition 9 of the current approval adds further improvements to the development as it addresses the street.
2.Landscape Quality	Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.

	DWER site classification requires complete site coverage and prohibits in-ground planting. Further, the robust, industrial urban character of this area allows no building setbacks. The vegetation zones at the podium level and roof terrace provide aesthetic, visual comfort for the building occupants.
3. Built form and scale	Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended development of the area.
	These matters are addressed in the objectives for principle 1. Character, of the LPP 1.9 and have been extensively canvassed through the development process for the approved plans. The plans have the support of the City's DAC.
4. Functionality and build quality	Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life cycle.
	3.1 Site analysis and Design response – the ground floor podium with two towers above accommodates ready access for building occupants and visitors and maximises exposure to light and ventilation for all dwellings. 4.3 Size and layout of dwellings – a mix of single, two and three bed dwelling types ranging in size from 50-108 sqm which exceeds minimum floor areas in Table 4.3a. 4.4 Private open space and balconies – all units have a private, open terrace, the majority being north facing and exceeding the 10 sqm minimum area. A number take advantage of views across the harbour. 4.6 Storage has been assessed as satisfying design performance.
5. Sustainability	Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.
	All sustainability matters relating to siting and orientation, transport access, solar/daylight access, ventilation, landscape design, energy and water efficiency and waste management have been addressed through the previous design assessment and where necessary are covered by conditions. Note condition 8 which requires that the development meets 4 star Green Star rating.
6. Amenity	Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.
	In addition to matters referred to in 4, 5 and 6 above, the 10.825m space between the two apartment buildings provides a spacious common outdoor area for residents. In addition, a roof terrace overlooking the harbour is provided. Under LPP 2.3, mitigating measures against influences from Fremantle Port are included in the design.
7. Legibility	Good design results in places that are legible, with clear connections and easily identified elements to help people to find their way around.
	The development frontage connects directly with the street at footpath level. Access to the apartments is clear and distinct from the commercial tenancy and once inside the building, there is a clear path to the respective lobbies to the two buildings.
8. Safety	Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.
	Through the design process, measures have been taken to improve safety of access for both vehicles and pedestrians. Further, note DAC amendments 1 and 2 required under condition 9 of the current approval. Internally, pedestrian access through the carpark is clearly evident to motorists. Universal design standards are met. Passive surveillance is available over public areas.

	The ground floor commercial tenancy provides opportunity for activation of the street front. As mentioned in 7 above, there is clear distinction between the commercial and residential pedestrian entries from the street.	DAPV002/20
9.Community	Good design responds to local community needs as well as the wider social context, providing building and spaces that support a diverse range of people and facilitate social interaction.	20 Jul 2020
	A mix of single, one and two bed dwellings are provided in a range of design types. The ground floor commercial tenancy provides opportunity for activation of the street front. The residential living offered by this development provides the opportunity for people to enjoy all of the services and amenities that the Fremantle city centre and harbour has to offer, at what will be a relatively affordable price..	
10.Aesthetics	Good design is a product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.	
	As outlined in 1 and 3 above, the design process through the City's DAC has seen significant changes to the building aesthetics, where it is now considered to complement and indeed add to its local context.	

6.2 Assessment Template Part 2 - Summary

The attached Assessment template, reveals that the majority of the elements in the new Design Code either satisfy acceptable outcomes for the various design elements or satisfy alternative provisions contained the City's LPS and policies.

Where variations to the design elements are identified, supporting comment for these variations is provided.

A revised landscape plan has been prepared in response to the provisions of the new Code.

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7 CONCLUSION

The iterative design process, undertaken through ongoing liaison with the City's planners and Design Advisory Committee at the previous assessment stage, resulted in plans that were considered to fully meet the expressed planning intent for this prominent location. The link below to Mayor Pettit's blog at the time illustrates his endorsement of this process and the ensuing outcome.

<https://cofremantle.wordpress.com/2016/02/04/influencing-better-building-design-in-fremantle-a-beach-street-case-study/beach-st-apartments/>

The plans have now also been through a full assessment against the state's recently adopted Residential Design Code Vol. 2 – Apartments, where it is demonstrated that they either satisfy acceptable outcomes or design guidance prescribed in these codes. Further, where departures from the Codes occur, it needs to be recognised that this is an inner urban, mixed use area, where development tends to be more intensive than a purely residential zoned location and in these circumstances, not every element of the Codes is relevant.

This former foundry (contaminated) site has now been remediated and can now be developed to its full potential. The development will offer much sort after, affordable accommodation in central Fremantle that is complementary to this prominent waterfront location.

8 ATTACHMENT 1

8.1 Residential Design Code Vol 2 Apartments – Assessment Template Part 2

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ELEMENT 2.2	BUILDING HEIGHT	applicant comment	ASSESSOR COMMENT
ELEMENT OBJECTIVES			
Development is to achieve the following Element Objectives		Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O2.2.1 – The height of development responds to the desired future scale and character of the street and local area, including existing buildings that are unlikely to change.		Refer to existing approval.	N/C
O2.2.2 – The height of buildings within a development responds to changes in topography.		Refer to existing approval.	N/C
O2.2.3 – Development incorporates articulated roof design and/or roof top communal open space where appropriate.		Refer to existing approval. Roof top communal space has been provided. Roof design has been reviewed & approved by City's DAC and Heritage Officers.	N/C
O2.2.4 – The height of development recognises the need for daylight and solar access to adjoining and nearby residential development, communal open space and in some cases, public spaces.		Refer to existing approval	N/C
ACCEPTABLE OUTCOMES			
Acceptable Outcome pathway may not be applicable where a performance solution is provided			

CITY OF FREMANTLE These Plans Form Part of A2.2.1 – Development complies with the building height limit (storeys) set out in Table 2.1, except where modified by the local planning framework, in which case development complies with the building height limit set out in the applicable local planning instrument. (Excerpt from table 2.1)											
Streetscape contexts and character <i>refer A2</i>		Low-rise		Medium-rise		Higher density residential		Neighbourhood centre		Mid-rise urban centres	
Site R-Coding		R40	R50	R60	R80	R100	R160	R-AC4	R-AC3	R-AC2	R-AC1
Building height (storeys) <i>refer 2.2</i>		2	3	3	4	4	5	3	6	7	9
LOCAL PLANNING FRAMEWORK						REQUIREMENT					
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:						Refer to existing approval. Assessed against LPS 4, Schedule 7 and LPP 3.1.3 – Precinct 3					

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ELEMENT 2.3		STREET SETBACKS		DAPV002/20	
ELEMENT OBJECTIVES		applicant comment	ASSESSOR COMMENT		
Development is to achieve the following Element Objectives		Outline the rationale demonstrating that the proposal has met the Element Objectives, through performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.			
O2.3.1 – The setback of the development from the street reinforces and/or complements the existing or proposed landscape character of the street.		Refer to existing approval. Street setback complies with the City's & Heritage Requirements.	N/C		
O2.3.2 – The street setback provides a clear transition between the public and private realm.		Refer to existing approval. Street setback complies with the City's & Heritage Requirements.	N/C		
O2.3.3 – The street setback assists in achieving visual privacy to apartments from the street.		Refer to existing approval. No apartments proposed at street level. Visual privacy is achieved by placing apartments from floor 1 upwards, with varying window will & balcony balustrade heights & types to provide articulation & privacy.	N/C		
O2.3.4 – The setback of the development enables passive surveillance and outlook to the street.		Refer to existing approval. Commercial tenancy at ground floor provides street activation, & apartments from 1st floor upwards have balconies that look down to the street.	N/C		
ACCEPTABLE OUTCOMES					
Acceptable Outcome pathway may not be applicable where a performance solution is provided					
A3.2.1 – Development complies with the street setback set out in Table 2.1, except where modified by the local planning framework, in which case development complies with the street setback set out in the applicable local planning instrument (Excerpt from table 2.1)					

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Streetscape contexts and character <i>refer A2</i>	Low-rise		Medium-rise		Higher density residential		Neighbourhood centre	Mid-rise urban centres	High density urban centres		Planned areas
Site R-Coding	R40	R50	R60	R80	R100	R160	R-AC4	R-AC3	R-AC2	R-AC1	R-AC0
Minimum primary and secondary street setbacks <i>refer 2.3</i>	4m 4	2m	2m	2m	2m		2m or Nil 5	2m or Nil 5	2m or Nil 5	2m or Nil 5	

(4) Minimum secondary street setback 1.5m

(5) Nil setback applicable if commercial use at ground floor

LOCAL PLANNING FRAMEWORK	REQUIREMENT
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	Refer to existing approval. Assessed against LPS 4, Schedule 7 and LPP 3.1.3 – Precinct 3

ELEMENT 2.4		SIDE AND REAR SETBACKS	CITY OF FREMANTLE These Plans Form Part of DAPV002/20	
ELEMENT OBJECTIVES		applicant comment	ASSESSOR COMMENT	
Development is to achieve the following Element Objectives		Outline the rationale demonstrating that the proposal has met the Element Objectives, through performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.		20-01-2020
O2.4.1 – Building boundary setbacks provide for adequate separation between neighbouring properties.		Refer to existing approval.	N/C	
O2.4.2 – Building boundary setbacks are consistent with the existing streetscape pattern or the desired streetscape character.		Refer to existing approval. Street setback complies with the City's & Heritage Requirements.	N/C	
O2.4.3 – The setback of development from side and rear boundaries enables retention of existing trees and provision of deep soil areas that reinforce the landscape character of the area, support tree canopy and assist with stormwater management.		No existing trees/vegetation on the site.	N/C	
O2.4.4 – The setback of development from side and rear boundaries provides a transition between sites with different land uses or intensity of development.		Refer to existing approval.	N/C	
ACCEPTABLE OUTCOMES				
Acceptable Outcome pathway may not be applicable where a performance solution is provided				
A2.4.1 - Development complies with the side and rear setbacks set out in Table 2.1, except where:				
modified by the local planning framework, in which case development complies with the side and rear setbacks set out in the applicable local planning instrument				
AND /OR				

b) a greater setback is required to address 3.5 Visual privacy.

(Excerpt from table 2.1)

Streetscape contexts and character <i>refer A2</i>	Low-rise		Medium-rise		Higher density residential		Neighbourhood centre	Mid-rise urban centres	High density urban centres		Planned areas
	R40	R50	R60	R80	R100	R150			R-AC2	R-AC1	
Site R-Coding							R-AC4	R-AC3	R-AC2	R-AC1	R-AC0
Boundary wall height (storeys) ^{1,2} <i>refer 2.4</i>	1 ³		1 ³	2 ³	2 ³		2	3	4		
Minimum side setbacks ⁶ <i>refer 2.4</i>	2m	3m	3m	3m	3m			Nil			
Minimum rear setback <i>refer 2.4</i>	3m		3m	3m	6m		6m	Nil	Nil		
Average side setback where building length exceeds 16m <i>refer 2.4</i>	2.4m	3.5m	3.5m	3.5m	3.5m	4.0m	NA	NA	NA		

Wall may be built up to a lot boundary, where it abuts an existing or simultaneously constructed wall of equal or greater proportions

Where the subject site and an affected adjoining site are subject to different density codes, the length and height of any boundary wall on the boundary between them is determined by reference to the lower density code

Boundary wall only permitted on one boundary, and shall not exceed 2/3 length.

Boundary setbacks will also be determined by provisions for building separation and visual privacy within this SPP and building separation provisions of the NCC.

A2.4.2 – Development is setback from the boundary in order to achieve the Objectives outlined in 2.7 Building separation, 3.3 Tree canopy and deep soil areas, 3.5 Visual privacy and 4.1 Solar and daylight access.

LOCAL PLANNING FRAMEWORK

REQUIREMENT

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Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	Refer to existing approval. Assessed against LPS 4, Schedule 7 and LPP 3.1.3 – Precinct 3
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ELEMENT 2.5		PLOT RATIO	
ELEMENT OBJECTIVES		applicant comment	ASSESSOR COMMENT
Development is to achieve the following Element Objectives		Outline the rationale demonstrating that the proposal has met the Element Objectives, through performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O2.5.1 – The overall bulk and scale of development is appropriate for the existing or planned character of the area.		Refer to existing approval. Overall bulk & scale has been reviewed & approved by City's DAC and Heritage Officers.	N/C
ACCEPTABLE OUTCOMES			
Acceptable Outcome pathway may not be applicable where a performance solution is provided			
A2.5.1 – Development complies with the plot ratio requirements set out in Table 2.1, except where modified by the local planning framework, in which case development complies with the plot ratio set out in the applicable local planning instrument. (Excerpt from table 2.1)			
Streetscape contexts and character refer A2	Low-rise	Medium-rise	Higher density residential
Site R-Coding	R40	R50	R60
Plot ratio ¹ refer 2.5	0.6	0.7	0.8
			1.0
			1.3
			2.0
			2.5
			3.0
			R-AC0
			R-AC1
			R-AC2
			R-AC3
			R-AC4
			Neighbourhood centre
			Mid-rise urban centres
			High density urban centres
			Planned areas
Refer to Definitions for calculation of plot ratio			
LOCAL PLANNING FRAMEWORK		REQUIREMENT	
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:		Assessed against LPS 4, Schedule 7 and LPP 3.1.3 – Precinct 3	

ELEMENT 2.6		BUILDING DEPTH		CITY OF FREMANTLE These Plans Form Part of DAPV002/20	
ELEMENT OBJECTIVES		applicant comment	ASSESSOR COMMENT		
Development is to achieve the following Element Objectives		Outline the rationale demonstrating that the proposal has met the Element Objectives, through performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.			
O2.6.1 – Building depth supports apartment layouts that optimise daylight and solar access and natural ventilation.		Refer to responses in Element 4			
O2.6.2 – Articulation of building form to allow adequate access to daylight and natural ventilation where greater building depths are proposed.		Refer to responses in Element 4			
O2.6.3 – Room depths and / or ceiling heights optimise daylight and solar access and natural ventilation.		Refer to responses in Element 4			
ACCEPTABLE OUTCOMES					
Acceptable Outcome pathway may not be applicable where a performance solution is provided					
A2.6.1 – Developments that comprise single aspect apartments on each side of a central circulation corridor shall have a maximum building depth of 20m. All other proposals will be assessed on their merits with particular consideration to 4.1 Solar and daylight access and 4.2 Natural ventilation.					
LOCAL PLANNING FRAMEWORK		REQUIREMENT			
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:		No			

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ELEMENT 2.7		BUILDING SEPARATION		DAPV002/20	
ELEMENT OBJECTIVES		applicant comment	ASSESSOR COMMENT		
Development is to achieve the following Element Objectives		Outline the rationale demonstrating that the proposal has met the Element Objectives, through performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.			
O2.7.1 – New development supports the desired future streetscape character with spaces between buildings.		Refer to existing approval.			
O2.7.2 – Building separation is in proportion to building height.		Refer to responses under Element 4			
O2.7.3 – Buildings are separated sufficiently to provide for residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook.		Refer to responses under Element 4			
O2.7.4 – Suitable areas are provided for communal and private open space, deep soil areas and landscaping between buildings		Refer to responses under Element 4			
ACCEPTABLE OUTCOMES					
Acceptable Outcome pathway may not be applicable where a performance solution is provided					
A2.7.1 – Development complies with the separation requirements set out in Table 2.7.					

Table 2.7 Building separation

Separation between:	Building height		
	≤ 4 storeys (up to 15m)	5-8 storeys (up to 28m)	≥ 9 storeys (over 28m)
Within site boundary			
Habitable rooms/balconies	12m	18m	24m
Habitable and non-habitable rooms	7.5m	12m	18m
Non-habitable rooms	4.5m	6m	9m
To adjoining property boundaries	Refer 2.4 Side and rear setbacks (Table 2.1) and 3.5 Visual privacy (Table 3.5)		

Distances apply from major openings of rooms, or the inside of balustrading of balconies.
Average dimensions may be applied subject to major openings meeting other requirements for privacy, daylight and the like.

LOCAL PLANNING FRAMEWORK	REQUIREMENT
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	Ref previous approval. Development assessed by City's Design Advisory Committee, which had a distinct influence on shaping the entire layout and building design.

ELEMENT 3.2	ORIENTATION	applicant comment	ASSESSOR COMMENT
ELEMENT OBJECTIVES		Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
Development is to achieve the following Element Objectives			
O3.2.1 – Building layouts respond to the streetscape, topography and site attributes while optimising solar and daylight access within the development.		Refer to responses under Element 4	Adds requirement for street activation at ground, podium level and relationship with surrounding properties.
O3.2.2 – Building form and orientation minimises overshadowing of the habitable rooms, open		Refer to responses under Element 4 & existing approval, which provides details on overshadowing to neighbouring properties.	N/C

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space and solar collectors of neighbouring properties during mid-winter.		DAPV002/20	20 Jul 2020
ACCEPTABLE OUTCOMES			
Acceptable Outcome pathway may not be applicable where a performance solution is provided.			
A3.2.1 – Buildings on street or public realm frontages are oriented to face the public realm and incorporate direct access from the street.			
A3.2.2 – Buildings that do not have frontages to streets or public realm are oriented to maximise northern solar access to living areas.			
A3.2.3 – Development in climate zones 4, 5 and 6 shall be designed such that the shadow cast at midday on 21st June onto any adjoining property does not exceed:			
adjoining properties coded R25 and lower – 25% of the site area ¹			
adjoining properties coded R30 – R40 – 35% of the site area ¹			
adjoining properties coded R50 – R60 – 50% of the site area ¹			
adjoining properties coded R80 or higher – Nil requirements.			
(1) Where a development site shares its southern boundary with a lot, and that lot is bound to the north by other lot(s), the limit of shading at A3.2.3 shall be reduced proportionally to the percentage of the affected properties northern boundary that abuts the development site. (Refer to Figure A7.2 in Appendix 7)			
A3.2.4– Where adjoining sites are coded R40 or less, buildings are oriented to maintain 4 hours per day solar access on 21 June for existing solar collectors on neighbouring sites.			
LOCAL PLANNING FRAMEWORK		REQUIREMENT	
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:		Ref previous approval. Development assessed by City's Design Advisory Committee, which had a distinct influence on shaping the entire layout and building design.	

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ELEMENT 3.3	TREE CANOPY AND DEEP SOIL AREAS		
ELEMENT OBJECTIVES	applicant comment	ASSESSOR COMMENT	DAPV002/20
Development is to achieve the following Element Objectives	Outline the rationale demonstrating that the proposal has met the Element Objectives, through performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.		
O3.3.1 – Site planning maximises retention of existing healthy and appropriate and protects the viability of adjoining trees.	Refer to existing approval, and submitted landscaping plans.		DWER site classification requires complete site coverage and prohibits in-ground planting.
O3.3.2 – Adequate measures are taken to improve tree canopy (long term) or to offset reduction of tree canopy from pre-development condition.	No existing trees or tree canopy on the site.		
O3.3.3 – Development includes deep soil areas, or other infrastructure to support planting on structures, with sufficient area and volume to sustain healthy plant and tree growth.	Refer to existing approval, and submitted landscaping plans.		
ACCEPTABLE OUTCOMES			
Acceptable Outcome pathway may not be applicable where a performance solution is provided			
A3.3.1 – Retention of existing trees on the site that meet the following criteria: healthy specimens with ongoing viability AND species is not included on a State or local area weed register AND height of at least 4m AND/OR trunk diameter of at least 160mm, measured 1m from the ground AND/OR average canopy diameter of at least 4m.			
A3.3.2 – The removal of existing trees that meet any of the criteria at A3.3.1 is supported by an arboriculture report.			

A3.3.3 – The development is sited and planned to have no detrimental impacts on, and to minimise canopy loss of adjoining trees.

A3.3.4 – Deep soil areas are provided in accordance with Table 3.3a. Deep soil areas are to be co-located with existing trees for retention and/or adjoining trees, or alternatively provided in a location that is conducive to tree growth and suitable for communal open space.

Table 3.3a Minimum deep soil area and tree provision requirements

Site Area	Minimum deep soil area	Minimum requirement for trees ¹
Less than 700m ²		1 medium tree and small trees to suit area
700 – 1,000m ²	10% OR	2 medium trees OR 1 large tree and small trees to suit area
> 1,000m ²	7% if existing tree(s) retained on site (% site area)	1 large tree and 1 medium tree for each additional 400m ² in excess of 1000m ² OR 1 large tree for each additional 900m ² in excess of 1000m ² and small trees to suit area
¹ Minimum requirement for trees includes retained or new trees Refer Table 3.3b for tree sizes		

A3.3.5 – Landscaping includes existing and new trees with shade producing canopies in accordance with Tables 3.3a and 3.3b.

Table 3.3b Tree sizes

Tree size	Indicative canopy diameter at maturity	Nominal height at maturity	Required DSA per tree	Recommended minimum DSA width	Minimum DSA width where additional rootable soil zone (RSZ) width provided ¹ (min 1m depth)	Indicative pot size at planting
Small	4–6m	4–8m	9m ²	2m	1m (DSA) + 1m (RSZ)	100L
Medium	6–9m	8–12m	36m ²	3m	2m (DSA) + 1m (RSZ)	200L
Large	>9m	>12m	64m ²	6m	4.5m (DSA) + 1.5m (RSZ)	500L

¹ Rootable areas are for the purposes of determining minimum width only and do not have the effect of reducing the required DSA.

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A3.3.6 – The extent of permeable paving or decking within a deep soil area does not exceed 20 per cent of its area and does not inhibit the planting and growth of trees.	DAPV002/20
A3.3.7 – Where the required deep soil areas cannot be provided due to site restrictions, planting on structure with an area equivalent to two times the shortfall in deep soil area provision is provided.	20 Jul 2020
LOCAL PLANNING FRAMEWORK	REQUIREMENT
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	Ref DWER site classification.

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ELEMENT 3.4	COMMUNAL OPEN SPACE		
ELEMENT OBJECTIVES	applicant comment	ASSESSOR COMMENT	DAPV002/20
Development is to achieve the following Element Objectives	Outline the rationale demonstrating that the proposal has met the Element Objectives, through performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.		20-01-2020
O3.4.1 – Provision of quality communal open space that enhances resident amenity and provides opportunities for landscaping, tree retention and deep soil areas.	Refer to existing approval, and submitted landscaping plans.	DWER site classification requires complete site coverage and prohibits in-ground planting.	
O3.4.2 – Communal open space is safe, universally accessible and provides a high level of amenity for residents.	Refer to existing approval, and submitted landscaping plans. Refer also to Element 4 responses.	Two areas of communal open space, exclusive to building occupants exceeding 600m2. Attractive, safe and accessible to sunlight.	
O3.4.3 – Communal open space is designed and oriented to minimise impacts on the habitable rooms and private open space within the site and of neighbouring properties.	Communal roof top area has been provided to Tower A facing Beach Street. Adequate screening has been provided to minimise impacts on Tower B. No concerns with overlooking neighbouring properties.		
ACCEPTABLE OUTCOMES			
Acceptable Outcome pathway may not be applicable where a performance solution is provided			
A3.4.1 – Developments include communal open space in accordance with Table 3.4			

Table 3.4 Provision of communal open space

Development size	Overall communal open space requirement	Minimum accessible / hard landscape area (included in overall area requirement)	Minimum open space dimension
Up to 10 dwellings	Informal seating associated with deep soil or other landscaped areas	NA	NA
More than 10 dwellings	Total: 6m ² per dwelling up to maximum 300m ²	At least 2m ² per dwelling up to 100m ²	4m
A3.4.2 – Communal open space located on the ground floor or on floors serviced by lifts must be accessible from the primary street entry of the development.			
A3.4.3 – There is 50 per cent direct sunlight to at least one communal open space area for a minimum of two hours between 9am and 3pm on 21 June.			
A3.4.4– Communal open space is co-located with deep soil areas and/or planting on structure areas and/ or co-indoor communal spaces.			
A3.4.5 – Communal open space is separated or screened from adverse amenity impacts such as bins, vents, condenser units, noise sources and vehicle circulation areas.			
A3.4.6 – Communal open space is well-lit, minimises places for concealment and is open to passive surveillance from adjoining dwellings and/or the public realm.			
A3.4.7 – Communal open space is designed and oriented to minimise the impacts of noise, odour, light-spill and overlooking on the habitable rooms and private open spaces within the site and of neighbouring properties.			
LOCAL PLANNING FRAMEWORK		REQUIREMENT	
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:			

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ELEMENT 3.5	VISUAL PRIVACY		DAPV002/20	
ELEMENT OBJECTIVES	applicant comment	ASSESSOR COMMENT	DAPV002/20	
Development is to achieve the following Element Objectives	Outline the rationale demonstrating that the proposal has met the Element Objectives, through performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.			
O3.5.1 – The orientation and design of buildings, windows and balconies minimises direct overlooking of habitable rooms and private outdoor living areas within the site and of neighbouring properties, while maintaining daylight and solar access, ventilation and the external outlook of habitable rooms.	Complies.		Orientation and design in accordance with DAC review.	
ACCEPTABLE OUTCOMES				
Acceptable Outcome pathway may not be applicable where a performance solution is provided				
A3.5.1 – Visual privacy setbacks to side and rear boundaries are provided in accordance with Table 3.5.				
Table 3-5 Required privacy setback to adjoining sites				
Cone of vision from unscreened:	First 4 storeys		5th storey and above	
	Adjoining sites coded R50 or lower	Adjoining sites coded higher than R50		
	Major opening to bedroom, study and open access walkways	4.5m	3m	Refer Table 2.7
	Major openings to habitable rooms other than bedrooms and studies	6m	4.5m	
Unenclosed private outdoor spaces	7.5m	6m		
A3.5.2 – Balconies are unscreened for at least 25 per cent of their perimeter (including edges abutting a building).				
A3.5.3 - Living rooms have an external outlook from at least one major opening that is not obscured by a screen.				

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A3.5.4 – Windows and balconies are sited, oriented, offset or articulated to restrict direct overlooking, without excessive reliance on high sill levels or permanent screening of windows and balconies.		
LOCAL PLANNING FRAMEWORK	REQUIREMENT	DAPV002/20 20 Jul 2020
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	LPP 1.9 DAC Principles of Design	

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DAPV002/20		
ELEMENT 3.6	PUBLIC DOMAIN INTERFACE	ASSESSOR COMMENT
ELEMENT OBJECTIVES	applicant comment	
Development is to achieve the following Element Objectives	Outline the rationale demonstrating that the proposal has met the Element Objectives, through performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O3.6.1 – The transition between the private and public domain enhances the privacy and safety of residents.	Not applicable. No ground floor dwellings proposed & therefore no direct access from the street.	In accordance with DAC review.
O3.6.2 – Street facing development and landscape design retains and enhances the amenity and safety of the adjoining public domain, including the provision of shade.	Refer existing approval. Local Planning Policy 3.1.3 – Precinct 3 outlines that 'new development in Beach Street should be built on the building line to accentuate the edge of the street and the former river shoreline.' Awning has been provided over Beach Street to provide weather protection & shade.	In accordance with DAC review.
ACCEPTABLE OUTCOMES		
Acceptable Outcome pathway may not be applicable where a performance solution is provided		
A3.6.1 – The majority of ground floor dwellings fronting onto a street or public open space have direct access by way of a private terrace, balcony or courtyard.		
A3.6.2 – Car-parking is not located within the primary street setback; and where car parking is located at ground level behind the street setback it is designed to integrate with landscaping and the building façade (where part of the building).		
A3.6.3 – Upper level balconies and/or windows overlook the street and public domain areas.		
A3.6.4 – Balustrading includes a mix of visually opaque and visually permeable materials to provide residents with privacy while maintaining casual surveillance of adjoining public domain areas.		
A3.6.5 – Changes in level between private terraces, front gardens and the ground floor level of the building and the street level average less than 1m and do not exceed 1.2m.		

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A3.6.6 – Front fencing includes visually permeable materials above 1.2m and the average height of solid walls or fences to the street does not exceed 1.2m.	
A3.6.7 – Fencing, landscaping and other elements on the frontage are designed to eliminate opportunities for concealment.	
A3.6.8 – Bins are not located within the primary street setback or in locations visible from the primary street.	
A3.6.9 – Services and utilities that are located in the primary street setback are integrated into the design of the development and do not detract from the amenity and visual appearance of the street frontage.1 (1) Firefighting and access to services such as power and water meters require careful consideration in the design of the front façade. Consult early with relevant authorities to resolve functional requirements in an integrated design solution.	
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REQUIREMENT	
LOCAL PLANNING FRAMEWORK	
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	LPP 1.9 DAC Principles of Design

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ELEMENT 3.7	PEDESTRIAN ACCESS AND ENTRIES	applicant comment	ASSESSOR COMMENT
ELEMENT OBJECTIVES			
Development is to achieve the following Element Objectives		Outline the rationale demonstrating that the proposal has met the Element Objectives, through performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O3.7.1 – Entries and pathways are universally accessible, easy to identify and safe for residents and visitors.		Complies, entries off Beach Street to commercial tenancy, apartment lobby & car park are all easily identifiable & universally accessible.	The development frontage connects directly with the street at footpath level. Access to the apartments is clear and distinct from the commercial tenancy and once inside the building, there is a clear path to the respective lobbies to the two buildings. In accordance with DAC review.
O3.7.2 – Entries to the development connect to and address the public domain with an attractive street presence.		Complies, refer existing approval. Reviewed & approved by City's DAC and Heritage Officers.	
ACCEPTABLE OUTCOMES			
Acceptable Outcome pathway may not be applicable where a performance solution is provided			
A3.7.1 – Pedestrian entries are connected via a legible, well-defined, continuous path of travel to building access areas such as lift lobbies, stairs, accessways and individual dwelling entries.			
A3.7.2 – Pedestrian entries are protected from the weather.			
A3.7.3 – Pedestrian entries are well-lit for safety and amenity, visible from the public domain without opportunity for concealment, and designed to enable casual surveillance of the entry from within the site.			
A3.7.4 – Where pedestrian access is via a shared zone with vehicles, the pedestrian path is clearly delineated and/or measures are incorporated to prioritise the pedestrian and constrain vehicle speed.			
A3.7.5 – Services and utilities that are located at the pedestrian entry are integrated into the design and do not detract from the amenity of the entry.			

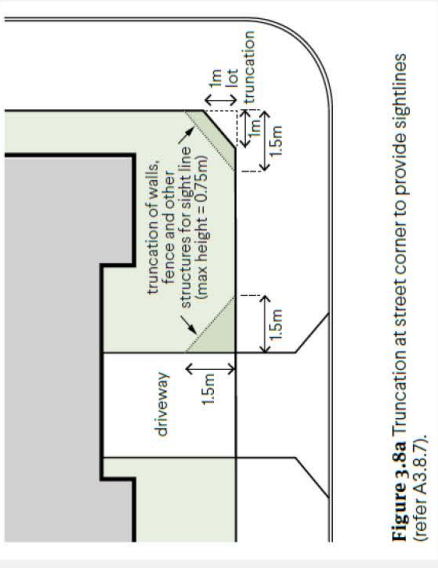
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A3.7.6 – Bins are not located at the primary pedestrian entry.	
LOCAL PLANNING FRAMEWORK	REQUIREMENT
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	LPP 1.9 DAC Principles of Design

ELEMENT 3.8	VEHICLE ACCESS	ASSESSOR COMMENT	DAPV0002/20
ELEMENT OBJECTIVES			
Development is to achieve the following Element Objectives		applicant comment	ASSESSOR COMMENT
		Outline the rationale demonstrating that the proposal has met the Element Objectives, through performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O3.8.1 – Vehicle access points are designed and located to provide safe access and egress for vehicles and to avoid conflict with pedestrians, cyclists and other vehicles.		Complies.	N/C
O3.8.2 – Vehicle access points are designed and located to reduce visual impact on the streetscape.		Complies, vehicle entry point has been designed to integrate into overall façade design.	N/C
ACCEPTABLE OUTCOMES			
Acceptable Outcome pathway may not be applicable where a performance solution is provided			
A3.8.1 – Vehicle access is limited to one opening per 20m street frontage that is visible from the street.			
A3.8.2 – Vehicle entries are identifiable from the street, while being integrated with the overall façade design and/ or located behind the primary building line.			
A3.8.3 – Vehicle entries have adequate separation from street intersections.			
A3.8.4 – Vehicle circulation areas avoid headlights shining into habitable rooms within the development and adjoining properties.			
A3.8.5 – Driveway width is kept to a functional minimum, relative to the traffic volumes and entry/egress requirements.			
A3.8.6 – Driveways designed for two way access to allow for vehicles to enter the street in forward gear where: the driveway serves more than 10 dwellings the distance from an on-site car parking to the street is 15m or more OR the public street to which it connects is designated as a primary distributor, district distributor or integrated arterial road.			

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A3.8.7 – Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences, other structures adjoin vehicle access points where a driveway meets a public street and where two streets intersect (refer Figure 3.8a).



LOCAL PLANNING FRAMEWORK	REQUIREMENT
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	LPP 1.9 DAC Principles of Design

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ELEMENT 3.9	CAR AND BICYCLE PARKING	applicant comment	ASSESSOR COMMENT	
ELEMENT OBJECTIVES				
Development is to achieve the following Element Objectives		Outline the rationale demonstrating that the proposal has met the Element Objectives, through performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.		
O3.9.1 – Parking and facilities are provided for cyclists and other modes of transport.		Refer to the existing approval & car parking requirements.	N/C	
O3.9.2 – Car parking provision is appropriate to the location, with reduced provision possible in areas that are highly walkable and/or have good public transport or cycle networks and/or are close to employment centres.		Refer to the existing approval & car parking requirements.	In accordance with precinct requirements.	
O3.9.3 – Car parking is designed to be safe and accessible.		Complies.	N/C	
O3.9.4 – The design and location of car parking minimises negative visual and environmental impacts on amenity and the streetscape.		Complies, parking area is concealed from views.	N/C	
ACCEPTABLE OUTCOMES				
Acceptable Outcome pathway may not be applicable where a performance solution is provided				
A3.9.1 – Secure, undercover bicycle parking is provided in accordance with Table 3.9 and accessed via a continuous path of travel from the vehicle or cycle entry point.				

Table 3-9 Parking ratio

Parking types	Location A		Location B
	1 bedroom dwellings	0.75 bay per dwelling	1 bay per dwelling
Car parking ¹	2+ bedroom dwellings	1 bay per dwelling	1.25 bays per dwelling
	Visitor	1 bay per four dwellings up to 12 dwellings	
		1 bay per eight dwellings for the 13th dwelling and above	
Bicycle parking ¹	Resident	0.5 space per dwelling	
	Visitor	1 space per 10 dwellings	
Motorcycle/ Scooter parking ²	Developments exceeding 20 dwellings provide 1 motorcycle/scooter space for every 10 car bays		

¹ Calculations of parking ratios shall be rounded up to the next whole number.

² For each five motorcycle/scooter parking bays provided in accordance with Table 3.9, car parking bays may be reduced by one bay.

Definitions:

Location A: within 800m walkable catchment of a train station and/or 250m of a transit stop (bus or light rail) of a high-frequency route and/or within the defined boundaries of an activity centre.

Location B: not within Location A.

A3.9.2 – Parking is provided for cars and motorcycles in accordance with Table 3.9.

A3.9.3 – Maximum parking provision does not exceed double the minimum number of bays specified in Table 3.9

A3.9.4 – Car parking and vehicle circulation areas are designed in accordance with AS2890.1 (as amended) or the requirements of applicable local planning instruments.

A3.9.5 – Car parking areas are not located within the street setback and are not visually prominent from the street.

A3.9.6 – Car parking is designed, landscaped or screened to mitigate visual impacts when viewed from dwellings and private outdoor spaces.

A3.9.7 – Visitor parking is clearly visible from the driveway, is signed 'Visitor Parking' and is accessible from the primary entry or entries.

A3.9.8 – Parking shade structures, where used, integrate with and complement the overall building design and site aesthetics and have a low reflectance to avoid glare into apartments.

A3.9.9 – Uncovered at-grade parking is planted with trees at a minimum rate of one tree per four bays.

A3.9.10 – Basement parking does not protrude more than 1m above ground, and where it protrudes above ground is designed or screened to prevent negative visual impact on the streetscape.

LOCAL PLANNING FRAMEWORK

REQUIREMENT

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Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	LPS4 Schedule 7 LP Area 2 Sub Area 1 – Car Parking

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DAPV002/20		
ELEMENT 4.1	SOLAR AND DAYLIGHT ACCESS	ASSESSOR COMMENT
ELEMENT OBJECTIVES	applicant comment	
Development is to achieve the following Element Objectives	Outline the rationale demonstrating that the proposal has met the Element Objectives, through performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O4.1.1 – In climate zones 4, 5 and 6: the development is sited and designed to optimise the number of dwellings receiving winter sunlight to private open space and via windows to habitable rooms.	Complies	LPS provisions require buildings to address street frontage. Orientation of Beach Street renders it impossible to meet 4.1.1(b). Screening measures in place. Development takes advantages of harbour views.
O4.1.2 – Windows are designed and positioned to optimise daylight access for habitable rooms.	Complies, every habitable room has at least 1 window in an external wall.	Expansive glazing where windows have northerly aspect. Full operable glass doors open onto balconies.
O4.1.3 – Lightwells and/or skylights do not form the primary source of daylight to any habitable room.	Complies, no light wells proposed.	N/C
O4.1.3 – The development incorporates shading and glare control to minimise heat gain and glare: from mid-spring to autumn in climate zones 4, 5 and 6 AND year-round in climate zones 1 and 3.	Complies, incorporates sliding screens to North facing windows that don't have overhangs.	N/C
ACCEPTABLE OUTCOMES		
Acceptable Outcome pathway may not be applicable where a performance solution is provided		
A4.1.1 – In climate zones 4, 5 and 6 only: Dwellings with a northern aspect are maximised, with a minimum of 70 per cent of dwellings having living rooms and private open space that obtain at least 2 hours direct sunlight between 9am and 3pm on 21 June AND		

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A maximum of 15 per cent of dwellings in a building receiving no direct sunlight between 9am and 3pm on 21 June.	
A4.1.2 – Every habitable room has at least one window in an external wall, visible from all parts of the room, with a glazed area not less than 10 per cent of the floor area and comprising a minimum of 50 per cent of clear glazing.	
A4.1.3 – Lightwells and/or skylights do not form the primary source of daylight to any habitable room.	
A4.1.4 – The building is oriented and incorporates external shading devices in order to: minimise direct sunlight to habitable rooms: between late September and early March in climate zones 4, 5 and 6 only AND in all seasons in climate zones 1 and 3 permit winter sun to habitable rooms in accordance with A 4.1.1 (a).	
LOCAL PLANNING FRAMEWORK	REQUIREMENT
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	LPS 4, Schedule 7 and LPP 3.1.3 – Precinct 3. LPS 2.3 Sustainable Design requirements.

ELEMENT 4.2	NATURAL VENTILATION	applicant comment	ASSESSOR COMMENT
ELEMENT OBJECTIVES	Development is to achieve the following Element Objectives	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
	O4.2.1 – Development maximises the number of apartments with natural ventilation.	Maximises (where possible).	N/c
	O4.2.2 – Individual dwellings are designed to optimise natural ventilation of habitable rooms.	Complies.	

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O4.2.3 – Single aspect apartments are designed to maximise and benefit from natural ventilation.	Maximises (where possible).	Corridor lengths minimised.	DAPV002/20
ACCEPTABLE OUTCOMES			
Acceptable Outcome pathway may not be applicable where a performance solution is provided			
A4.2.1 – Habitable rooms have openings on at least two walls with a straight line distance between the centre of the openings of at least 2.1m.			20 Jul 2020
A4.2.2 – A minimum 60 per cent of dwellings are, or are capable of, being naturally cross ventilated in the first nine storeys of the building Single aspect apartments included within the 60 per cent minimum at (a) above must have: ventilation openings orientated between 45o – 90o of the prevailing cooling wind direction AND room depth no greater than 3 x ceiling height For dwellings located at the 10th storey or above, balconies incorporate high and low level ventilation openings.			
A4.2.3 – The depth of cross-over and cross-through apartments with openings at either end and no openings on side walls does not exceed 20m.			
A4.2.4 – No habitable room relies on lightwells as the primary source of fresh-air.			
LOCAL PLANNING FRAMEWORK		REQUIREMENT	
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:		LPS 2.3 Sustainable Design requirements.	

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DAPV002/20		
ELEMENT 4.3	SIZE AND LAYOUT OF DWELLINGS	ASSESSOR COMMENT
ELEMENT OBJECTIVES	applicant comment	
Development is to achieve the following Element Objectives	Outline the rationale demonstrating that the proposal has met the Element Objectives, through performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O4.3.1 – The internal size and layout of dwellings is functional with the ability to flexibly accommodate furniture settings and personal goods, appropriate to the expected household size.	Studios – 5No. total (4x40m2 / 1x35m2) 1 Beds – All Comply 2 Bed x 1 Bath – 7No total @ 65m2 (67m2 min) 2 Bed x 2 Bath/WC – 30No total, all comply 3 Bed – All Comply	These elements considered in DAC review. Minor variations. Units have rectangular dimensional layout. Plans illustrate indicative furniture arrangements. Living areas open onto balconies which take advantage of available views.
O4.3.2 – Ceiling heights and room dimensions provide for well-proportioned spaces that facilitate good natural ventilation and daylight access.	Room Dimensions – Complies Room Heights – 2.65m high typically to habitable rooms (for modular proposal. Min 2.7m would be achieved if constructed insitu / traditionally). Open Plan Living Length – 12No don't comply. 4No @ 11m length, 8No @ 9.4m length.	50mm variation minor. Modular design provides efficient, cost effective development. Ground floor commercial has 3.2m room height.
ACCEPTABLE OUTCOMES		
Acceptable Outcome pathway may not be applicable where a performance solution is provided		
A4.3.1 – Dwellings have a minimum internal floor area in accordance with Table 4.3a.		

Table 4.3a Minimum floor areas for dwelling types

Dwelling type	Minimum internal floor area
Studio	37m ²
1 bed	47m ²
2 bed* 1 bath ¹	67m ²
3 bed* 1 bath ¹	90m ²
¹ An additional 3m ² shall be provided for designs that include a second or separate toilet, and 5m ² for designs that include a second bathroom.	

A4.3.2 – Habitable rooms have minimum floor areas and dimensions in accordance with Table 4.3b.

Table 4.3b Minimum floor areas and dimensions for habitable rooms

Habitable room type	Minimum internal floor area	Minimum internal dimension
Master bedroom	10m ²	3m
Other bedrooms	9m ²	3m
Living room – studio and 1 bed apartments	N/A	3.0m
Living room – other dwelling types	N/A	4m
¹ Excluding robes		

A4.3.3 – Measured from the finished floor level to finished ceiling level, minimum ceiling heights are:

Habitable rooms – 2.7m

Non-habitable rooms – 2.4m

All other ceilings meet or exceed the requirements of the NCC.

A4.3.4 – The length of a single aspect open plan living area is equal to or less than 3 x the ceiling height. An additional 1.8m length may be provided for a kitchen, where the kitchen is the furthest point from the window in an open plan living area provided that the maximum length does not exceed 9m.

LOCAL PLANNING FRAMEWORK

REQUIREMENT

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	LPP 1.9 DAC & Principles of Design.

Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	
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ELEMENT 4.4	PRIVATE OPEN SPACE AND BALCONIES	ASSESSOR COMMENT
ELEMENT OBJECTIVES	applicant comment	
Development is to achieve the following Element Objectives	Outline the rationale demonstrating that the proposal has met the Element Objectives, through performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O4.4.1 – Dwellings have good access to appropriately sized private open space that enhances residential amenity.	Studio + 1 Beds: Complies min area & depth 2 Beds: Complies min area & depth 3 Beds: 10.8m2 (min. 12m2), Depth Complies	These elements considered in DAC review. Balconies for 3 bed units open onto wide landscaped central court, open to the sky.
O4.4.2 – Private open space is sited, oriented and designed to enhance liveability for residents.	Complies – private open space doesn't overlook other private open spaces. No screening required.	
O4.4.3 – Private open space and balconies are integrated into the overall architectural form and detail of the building.	Complies – designed to be cohesive with the overall building design.	
ACCEPTABLE OUTCOMES		
Acceptable Outcome pathway may not be applicable where a performance solution is provided		
A4.4.1 – Each dwelling has private open space accessed directly from a habitable room with dimensions in accordance with Table 4.4.		

Table 4.4 Private open space requirements

Dwelling type	Minimum Area ¹	Minimum Dimension ¹
Studio apartment + 1 bedroom	8m ²	2.0m
2 bedroom	10m ²	2.4m
3 bedroom	12m ²	2.4m
Ground floor / apartment with a terrace	15m ²	3m

¹ Services and fixtures located within private open space, including but not limited to air-conditioner units and clothes drying, are not visible from the street and/or are integrated into the building design.

A4.4.2 – Where private open space requires screening to achieve visual privacy requirements, the entire open space is not screened and any screening is designed such that it does not obscure the outlook from adjacent living rooms.

A4.4.3 – Design detailing, materiality and landscaping of the private open space is integrated with or complements the overall building design.

A4.4.4 – Services and fixtures located within private open space, including but not limited to air-conditioner units and clothes drying, are not visible from the street and/or are integrated into the building design.

LOCAL PLANNING FRAMEWORK

REQUIREMENT

These elements considered in DAC review.

Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:

ELEMENT 4.5 CIRCULATION AND COMMON SPACES

ELEMENT OBJECTIVES

Development is to achieve the following Element Objectives

applicant comment

ASSESSOR COMMENT

Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.

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		N/C	DAPV002/20
		N/C	20 Jul 2020
O4.5.1 – Circulation spaces have adequate size and capacity to provide safe and convenient access for all residents and visitors.	Complies – corridors exceed 1.5m width.		
O4.5.2 – Circulation and common spaces are attractive, have good amenity and support opportunities for social interaction between residents.	4.5.2: Circulation & common spaces are designed for universal access. 4.5.3: Passive Surveillance – corridor lengths & corners are reduced as much as practicable. 4.5.3: Night time illumination won't create light spill into habitable rooms. 4.5.5: No bedroom or living room windows open onto circulation or common spaces.		
ACCEPTABLE OUTCOMES			
Acceptable Outcome pathway may not be applicable where a performance solution is provided			
A4.5.1 – Circulation corridors are a minimum 1.5m in width.			
A4.5.2 – Circulation and common spaces are designed for universal access.			
A4.5.3 – Circulation and common spaces are capable of passive surveillance, include good sightlines and avoid opportunities for concealment.			
A4.5.4 – Circulation and common spaces can be illuminated at night without creating light spill into the habitable rooms of adjacent dwellings.			
A4.5.5 – Bedroom windows and major openings to living rooms do not open directly onto circulation or common spaces and are designed to ensure visual privacy and manage noise intrusion.			
LOCAL PLANNING FRAMEWORK	REQUIREMENT		
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	These elements considered in DAC review.		

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ELEMENT 4.6		STORAGE		DAPV002/20	
ELEMENT OBJECTIVES		applicant comment		ASSESSOR COMMENT	
Development is to achieve the following Element Objectives		Outline the rationale demonstrating that the proposal has met the Element Objectives, through performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.		Outline the rationale demonstrating that the proposal has met the Element Objectives, through performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O4.6.1 – Well-designed, functional and conveniently located storage is provided for each dwelling.		Each dwelling has a dedicated storage area. Storage areas are below those outlined in Table 4.6 below. However, refer existing approval for acceptance of smaller store sizes.		N/C	
ACCEPTABLE OUTCOMES					
Acceptable Outcome pathway may not be applicable where a performance solution is provided					
A4.6.1 – Each dwelling has exclusive use of a separate, ventilated, weatherproof, bulky goods storage area. This can be located either internally or externally to the dwelling with dimensions in accordance with Table 4.6.					
Table 4.6 Storage requirements					
Dwelling type		Storage area ¹	Minimum dimension ¹	Minimum height ¹	
Studio dwelling		3m ²	1.5m	2.1m	
1 bedroom dwelling		3m ²			
2 bedroom dwellings		4m ²			
3 bedroom dwellings		5m ²			
¹ Dimensions exclusive of services and plant.					
A4.6.2 – Bulky good stores that are not directly accessible from the dwelling/private open space are located in areas that are convenient, safe, well-lit, secure and subject to passive surveillance.					

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A4.6.3 – Storage provided separately from dwellings or within or adjacent to private open space1, is integrated into the design of the building or open space and is not readily visible from the public domain. Storage on/adjacent to private open space is additional to required open space area and dimensions.	
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LOCAL PLANNING FRAMEWORK	REQUIREMENT
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	

ELEMENT 4.7	MANAGING THE IMPACT OF NOISE	
ELEMENT OBJECTIVES	applicant comment	ASSESSOR COMMENT
Development is to achieve the following Element Objectives	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O4.7.1 – The siting and layout of development minimises the impact of external noise sources and provides appropriate acoustic privacy to dwellings and on-site open space.	Refer to existing approval, and 'Risk Assessment Report' that was submitted in regards to the development proximity to the Fremantle Port.	
O4.7.2 – Acoustic treatments are used to reduce sound transfer within and between dwellings and to reduce noise transmission from external noise sources.	Refer to existing approval, and 'Risk Assessment Report' that was submitted in regards to the developments proximity to the Fremantle Port, for external noise sources. Sound transfer between dwellings will be addressed during detailed design, to meet statutory compliance requirements.	Also ref conditions 6, 7 and 15 of previous approval.

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ACCEPTABLE OUTCOMES	
Acceptable Outcome pathway may not be applicable where a performance solution is provided	
A4.7.1 – Dwellings exceed the minimum requirements of the NCC, such as a rating under the AAAC Guideline for Apartment and Townhouse Acoustic Equivalent).	
A4.7.2 – Potential noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open space and refuse bins are not located adjacent to the external wall of habitable rooms or within 3m of a window to a bedroom.	
A4.7.3 – Major openings to habitable rooms are oriented away or shielded from external noise sources.	
LOCAL PLANNING FRAMEWORK	
REQUIREMENT	
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	LPS 3.2 Fremantle Port Buffer Development Guidelines.

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ELEMENT 4.8	DWELLING MIX		DAPV002/20	
ELEMENT OBJECTIVES		applicant comment	ASSESSOR COMMENT	
Development is to achieve the following Element Objectives		Outline the rationale demonstrating that the proposal has met the Element Objectives, through performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.		
O4.8.1 – A range of dwelling types, sizes and configurations is provided that caters for diverse household types and changing community demographics.		Refer to existing approval Satisfies LPS cl 4.4.5 requirements; > 25% of units max 60m2 and < 40% of units over 120m2.	A range of 1, 2 and 3 bed units offered over 15 different unit designs.	
ACCEPTABLE OUTCOMES				
Acceptable Outcome pathway may not be applicable where a performance solution is provided				
A4.8.1 –				
Dwelling mix is provided in accordance with the objectives, proportions or targets specified in a local housing strategy or relevant local planning instrument OR Where there is no local housing strategy, developments of greater than 10 dwellings include at least 20 per cent of apartments of differing bedroom numbers.				
A4.8.2 – Different dwelling types are well distributed throughout the development, including a mix of dwelling types on each floor.				
LOCAL PLANNING FRAMEWORK		REQUIREMENT		
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:		LPS 4 Cl 4.4.5 Multiple Dwelling Diversity		

ELEMENT 4.9		UNIVERSAL DESIGN		CITY OF FREMANTLE These Plans Form Part of DAPV002/20	
ELEMENT OBJECTIVES		applicant comment	ASSESSOR COMMENT		
Development is to achieve the following Element Objectives		Outline the rationale demonstrating that the proposal has met the Element Objectives, through performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.			
O4.9.1 – Development includes dwellings with universal design features providing dwelling options for people living with disabilities or limited mobility and/or to facilitate ageing in place.		Refer to existing approval	Not required when originally approved. Can be addressed at detailed design stage.		
ACCEPTABLE OUTCOMES					
Acceptable Outcome pathway may not be applicable where a performance solution is provided					
A4.9.1 – 20 per cent of all dwellings, across a range of dwelling sizes, meet Silver Level requirements as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia) OR 5 per cent of dwellings are designed to Platinum Level as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia).					
LOCAL PLANNING FRAMEWORK		REQUIREMENT			
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:					

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ELEMENT 4.10	FAÇADE DESIGN	applicant comment	ASSESSOR COMMENT	
ELEMENT OBJECTIVES				
Development is to achieve the following Element Objectives		Outline the rationale demonstrating that the proposal has met the Element Objectives, through a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.		
O4.10.1 – Building façades incorporate proportions, materials and design elements that respect and reference the character of the local area.		Refer to existing approval. Building façade has been reviewed & endorsed by City's DAC and Heritage Officers.		
O4.10.2 – Building façades express internal functions and provide visual interest when viewed from the public realm.		Refer to existing approval. Building façade has been reviewed & endorsed by City's DAC and Heritage Officers.		
ACCEPTABLE OUTCOMES				
Acceptable Outcome pathway may not be applicable where a performance solution is provided				
A4.10.1 – Façade design includes: scaling, articulation, materiality and detailing at lower levels that reflect the scale, character and function of the public realm rhythm and visual interest achieved by a combination of building articulation, the composition of different elements and changes in texture, material and colour.				
A4.10.2 – In buildings with height greater than four storeys, façades include a defined base, middle and top for the building.				
A4.10.3 – The façade includes design elements that relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights.				
A4.10.4 – Building services fixtures are integrated in the design of the façade and are not visually intrusive from the public realm.				
A4.10.5 – Development with a primary setback of 1m or less to the street includes awnings that: define and provide weather protection to entries are integrated into the façade design				

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are consistent with the streetscape character.	DAPV002/20
A4.10.6 – Where provided, signage is integrated into the façade design and is consistent with the desired streetscape character.	20 Jul 2020
LOCAL PLANNING FRAMEWORK	REQUIREMENT
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	LPP 3,1.3 Precinct 3 and LPP 1.9 DAC Principles of Design

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ELEMENT 4.11	ROOF DESIGN	applicant comment	ASSESSOR COMMENT	
ELEMENT OBJECTIVES				
Development is to achieve the following Element Objectives		Outline the rationale demonstrating that the proposal has met the Element Objectives, through performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.		
O4.11.1 – Roof forms are well integrated into the building design and respond positively to the street.		Refer to existing approval. Building façade has been reviewed & endorsed by City's DAC and Heritage Officers.		
O4.11.2 – Where possible, roof spaces are utilised to add open space, amenity, solar energy generation or other benefits to the development.		Complies, Tower A roof space has been designed as a Communal Roof Terrace.		
ACCEPTABLE OUTCOMES				
Acceptable Outcome pathway may not be applicable where a performance solution is provided				
A4.11.1 – The roof form or top of building complements the façade design and desired streetscape character.				
A4.11.2 – Building services located on the roof are not visually obtrusive when viewed from the street.				
A4.11.3 – Useable roof space is safe for users and minimises overlooking and noise impacts on private open space and habitable rooms within the development and on adjoining sites.				
LOCAL PLANNING FRAMEWORK		REQUIREMENT		
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:		LPP 3.1.3 Precinct 3 and LPP 1.9 DAC Principles of Design		

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ELEMENT 4.12		LANDSCAPE DESIGN	
ELEMENT OBJECTIVES		applicant comment	ASSESSOR COMMENT
Development is to achieve the following Element Objectives		Outline the rationale demonstrating that the proposal has met the Element Objectives, through a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O4.12.1 – Landscape design enhances streetscape and pedestrian amenity; improves the visual appeal and comfort of open space areas; and provides an attractive outlook for habitable rooms.		Landscape plan (Tim Davies Landscaping – TDL) was submitted with existing application & subsequent approval.	Landscaping confined to podium and roof gardens. No in ground planting permitted. DWER site classification requires complete site coverage and prohibits in-ground planting.
O4.12.2 – Plant selection is appropriate to the orientation, exposure and site conditions and is suitable for the adjoining uses.		Landscape plan (Tim Davies Landscaping – TDL) was submitted with existing application & subsequent approval.	
O4.12.3 – Landscape design includes water efficient irrigation systems and where appropriate incorporates water harvesting or water re-use technologies.		Landscape plan (Tim Davies Landscaping – TDL) was submitted with existing application & subsequent approval.	
O4.12.4 – Landscape design is integrated with the design intent of the architecture including its built form, materiality, key functional areas and sustainability strategies.		Landscape plan (Tim Davies Landscaping – TDL) was submitted with existing application & subsequent approval.	
ACCEPTABLE OUTCOMES			
Acceptable Outcome pathway may not be applicable where a performance solution is provided			
A4.12.1 – Submission of a landscape plan prepared by a competent landscape designer. This is to include a species list and irrigation plan demonstrating achievement of Waterwise design principles.			
A4.12.2 – Landscaped areas are located and designed to support mature, shade-providing trees to open space and the public realm, and to improve the outlook and amenity to habitable rooms and open space areas.			

A4.12.3 – Planting on building structures meets the requirements of Table 4.12.

Table 4.12 Planting on structure: minimum soil standards for plant types and sizes

Plant type	Definition	Soil volume	Soil depth	Soil area
Large tree	Over 12m high, crown spread at maturity	76.8m³	1,200mm	64m² with minimum dimension 7m
Medium tree	8-12m high, crown spread at maturity	36m³	1,000mm	36m² with minimum dimension 5m
Small tree	4-8m high, crown spread at maturity	7.2m³	800mm	3m x 3m
Small ornamentals	3-4m high, crown spread at maturity	3.2m³	800mm	2m x 2m
Shrubs	--	--	500-600mm	--
Ground cover	--	--	300-450mm	--
Turf	--	--	200mm	--

A4.12.4 – Building services fixtures are integrated in the design of the landscaping and are not visually intrusive.

LOCAL PLANNING FRAMEWORK	REQUIREMENT
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	Ref DWER site classification

ELEMENT 4.13		ADAPTIVE REUSE		CITY OF FREMANTLE These Plans Form Part of DAPV002/20	
ELEMENT OBJECTIVES		applicant comment	ASSESSOR COMMENT		
Development is to achieve the following Element Objectives		Outline the rationale demonstrating that the proposal has met the Element Objectives, through performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.			
O4.13.1 – New additions to existing buildings are contemporary and complementary and do not detract from the character and scale of the existing building.		Not applicable – new development with no existing buildings.			
O4.13.2 – Residential dwellings within an adapted building provide good amenity for residents, generally in accordance with the requirements of this policy.		Not applicable – new development with no existing buildings.			
ACCEPTABLE OUTCOMES					
Acceptable Outcome pathway may not be applicable where a performance solution is provided					
A4.13.1 – New additions to buildings that have heritage value do not mimic the existing form and are clearly identifiable from the original building.					
A4.13.2 – New additions complement the existing building by referencing and interpreting the scale, rhythm and materiality of the building.					
LOCAL PLANNING FRAMEWORK		REQUIREMENT			
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:					

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ELEMENT 4.14		MIXED USE	
ELEMENT OBJECTIVES		applicant comment	ASSESSOR COMMENT
Development is to achieve the following Element Objectives		Outline the rationale demonstrating that the proposal has met the Element Objectives, through performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	DAPV002/20 20 August 2020
O4.14.1 – Mixed use development enhances the streetscape and activates the street.		Commercial tenancy has been included at street level to provide mixed use, to enhance & activate the street.	
O4.14.2 – A safe and secure living environment for residents is maintained through the design and management of the impacts of non-residential uses such as noise, light, odour, traffic and waste.		All dwellings are located on the level above the street, so there is increased separation from non-residential uses.	
ACCEPTABLE OUTCOMES			
Acceptable Outcome pathway may not be applicable where a performance solution is provided			
A4.14.1 – Where development is located within a mixed use area designated within the local planning framework, ground floor units are designed for future adaption to non-residential uses.			
A4.14.2 – Ground floor uses including non-commercial uses, such as communal open space, habitable rooms, verandahs and courtyards associated with ground floor dwellings, address, enhance and activate the street.			
A4.14.3 – Non-residential space in mixed use development is accessed via the street frontage and/or primary entry as applicable.			
A4.14.4 – Non-residential floor areas provided in mixed use development has sufficient provision for parking, waste management, and amenities to accommodate a range of retail and commercial uses in accordance with the requirements			
A4.14.5 – Mixed use development is designed to mitigate the impacts of non-residential uses on residential dwellings, and to maintain a secure environment for residents.			
LOCAL PLANNING FRAMEWORK		REQUIREMENT	

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Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	LPP 3.1.3 Precinct 3 Secondary Street also ref DWER site classification.
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ELEMENT 4.15	ENERGY EFFICIENCY	ASSESSOR COMMENT
ELEMENT OBJECTIVES Development is to achieve the following Element Objectives		DAPV002/20 20 August 2020 Outline the rationale demonstrating that the proposal has met the Element Objectives, through performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.
O4.15.1 – Reduce energy consumption and greenhouse gas emissions from the development.		Existing approval outlines requirements for Greenstar. Ref Condition 8 of previous approval
ACCEPTABLE OUTCOMES Acceptable Outcome pathway may not be applicable where a performance solution is provided		
A4.15.1 – Incorporate at least one significant energy efficiency initiative within the development that exceeds minimum practice (refer Design Guidance) OR All dwellings exceed the minimum NATHERS requirement for apartments by 0.5 stars. 1 Compliance with the NCC requires that development shall achieve an average star-rating across all dwellings that meets or exceeds a nominated benchmark, and that each unit meets or exceeds a slightly lower benchmark. Compliance with this Acceptable Outcome requires that each unit exceeds that lower benchmark by at least half a star.		
LOCAL PLANNING FRAMEWORK		REQUIREMENT LPP 2.13 Sustainable Building Requirements
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:		

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ELEMENT 4.16	WATER MANAGEMENT AND CONSERVATION	
ELEMENT OBJECTIVES	applicant comment	ASSESSOR COMMENT
Development is to achieve the following Element Objectives	Outline the rationale demonstrating that the proposal has met the Element Objectives, through performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O4.16.1 – Minimise potable water consumption throughout the development.	Existing approval outlines requirements for Greenstar, which will require minimal water consumption.	
O4.16.2 – Stormwater runoff from small rainfall events is managed on-site, wherever practical.	Refer existing approval – stormwater management is conditioned.	
O4.16.3 – Reduce the risk of flooding so that the likely impacts of major rainfall events will be minimal.	Refer existing approval – stormwater management is conditioned.	
ACCEPTABLE OUTCOMES		
Acceptable Outcome pathway may not be applicable where a performance solution is provided		
A4.16.1 – Dwellings are individually metered for water usage.		
A4.16.2 – Stormwater runoff generated from small rainfall events is managed on-site.		
A4.16.3 – Provision of an overland flow path for safe conveyance of runoff from major rainfall events to the local stormwater drainage system.		
LOCAL PLANNING FRAMEWORK	REQUIREMENT	
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	LPP 2.13 Sustainable Building Requirements	

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ELEMENT 4.17	WASTE MANAGEMENT		
ELEMENT OBJECTIVES	applicant comment	ASSESSOR COMMENT	
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.		
O4.17.1 – Waste storage facilities minimise negative impacts on the streetscape, building entries and the amenity of residents.	Complies, refer existing approval.		
O4.17.2 – Waste to landfill is minimised by providing safe and convenient bins and information for the separation and recycling of waste.	Generous bin store has been provided, with areas nominated for separation of waste.		
ACCEPTABLE OUTCOMES			
Acceptable Outcome pathway may not be applicable where a performance solution is provided			
A4.17.1 – Waste storage facilities are provided in accordance with the Better Practice considerations of the WALGA Multiple Dwelling Waste Management Plan Guidelines (or local government requirements where applicable).			
A4.17.2 – A Level 1 Waste Management Plan (Design Phase) is provided in accordance with the WALGA Multiple Dwelling Waste Management Plan Guidelines - Appendix 4A (or equivalent local government requirements).			
A4.17.3 – Sufficient area is provided to accommodate the required number of bins for the separate storage of green waste, recycling and general waste in accordance with the WALGA Multiple Dwelling Waste Management Plan Guidelines - Level 1 Waste Management Plan (Design Phase) (or local government requirements where applicable).			
A4.17.4 – Communal waste storage is sited and designed to be screened from view from the street, open space and private dwellings.			
LOCAL PLANNING FRAMEWORK		REQUIREMENT	
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:			

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ELEMENT 4.17	WASTE MANAGEMENT	ASSESSOR COMMENT
ELEMENT OBJECTIVES	applicant comment	
Development is to achieve the following Element Objectives	Outline the rationale demonstrating that the proposal has met the Element Objectives, through performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O4.18.1 – The site is serviced with power, water, gas (where available), wastewater, fire services and telecommunications/broadband services that are fit for purpose and meet current performance and access requirements of service providers.	Complies, refer existing approval.	
O4.18.2 – All utilities are located such that they are accessible for maintenance and do not restrict safe movement of vehicles or pedestrians.	Complies, refer existing approval.	
O4.18.3 – Utilities, such as distribution boxes, power and water meters are integrated into design of buildings and landscape so that they are not visually obtrusive from the street or open space within the development.	Complies, refer existing approval.	
O4.18.4 – Utilities within individual dwellings are of a functional size and layout and located to minimise noise or air quality impacts on habitable rooms and balconies.	Complies, refer existing approval.	
ACCEPTABLE OUTCOMES		
Acceptable Outcome pathway may not be applicable where a performance solution is provided		
A4.18.1 – Utilities that must be located within the front setback, adjacent to the building entry or on visible parts of the roof are integrated into the design of the building, landscape and/or fencing such that they are accessible for servicing requirements but not visually obtrusive.		

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A4.18.2 – Developments are fibre-to-premises ready, including provision for installation of fibre throughout the site and to every dwelling.	DAPV002/20
A4.18.3 – Hot water units, air-conditioning condenser units and clotheslines are located such that they can be safely maintained, are not visually obtrusive from the street and do not impact on functionality of outdoor living areas or internal storage.	20 Jul 2020
A4.18.4 – Laundries are designed and located to be convenient to use, secure, weather-protected and well-vented; and are of an overall size and dimension that is appropriate to the size of the dwelling.	
LOCAL PLANNING FRAMEWORK	REQUIREMENT
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	

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9 ATTACHMENT 2

9.1 CLASSIFICATION OF A KNOWN OR SUSPECTED CONTAMINATED SITE



Government of Western Australia
Department of Water and Environmental Regulation

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DAPV002/20

20 Jul 2020

Your ref:
Our ref: DMO-2083
Enquiries: Bianca Hoffmann
Phone: 1300 762 982
Fax: (08) 9333 7575
Email: contaminated.sites@dwer.wa.gov.au

The Manager
FREMANTLE FOUNDRY & ENGINEERING CO PTY LTD
8 Queen Victoria St
Fremantle WA 6160

Dear Sir/Madam

NOTICE OF A CLASSIFICATION OF A KNOWN OR SUSPECTED CONTAMINATED SITE GIVEN UNDER SECTION 15 OF THE *CONTAMINATED SITES ACT 2003*

The site detailed below (**the site**), consisting of 4 parcel(s) of land, was classified by the Department of Water and Environmental Regulation (DWER) under the *Contaminated Sites Act 2003* (the Act) on 3 April 2008 as '*Contaminated - restricted use*':

- LOT 310 ON PLAN 222424 as shown on certificate of title 1972/134 known as 8 Queen Victoria St, Fremantle WA 6160
- LOT 171 ON PLAN 301064 as shown on certificate of title 1972/130 known as 1 Beach St, Fremantle WA 6160
- LOT 170 ON PLAN 301064 as shown on certificate of title 1972/135 known as 1 A Beach St, Fremantle WA 6160
- LOT 1 ON DIAGRAM 2051 as shown on certificate of title 1972/132 known as 1 B Beach St, Fremantle WA 6160

Following the submission of a Mandatory Auditor's Report (MAR), the site has been re-classified.

This notification is being sent to you in accordance with section 15(1) of the Act on the grounds that you, as the recipient, are one or more of the following:

- (a) owner of the site (contact details sourced from the current certificate of title);
- (b) occupier of the site;
- (c) relevant public authority;
- (d) person who, in the CEO's opinion, there is particular reason to notify;
- (e) person who made the report under section 11 or 12; and
- (f) person who, in the CEO's opinion, may be responsible for remediation of a site classified as *contaminated – remediation required*.

Re-classification of the Site

Former Site Classification

Category of Former site classification: Contaminated - restricted use

Date of Former site classification: 03/04/2008

Locked Bag 33 Cloisters Square Perth WA 6850
Telephone: 1300 762 982 Facsimile: 08 9333 7575
www.dwer.wa.gov.au

New Site Classification

Category of New site classification: Remediated for restricted use

Date of New site classification: 14/09/2017

Reasons for classification: This site was reported to the Department of Water and Environmental Regulation (DWER) as per reporting obligations under section 11 of the 'Contaminated Sites Act 2003' which commenced on 1 December 2006. The site was first classified under section 13 of the Act in July 2007. The reasons for classification were updated in February 2008 following the submission of additional information. The site has been classified again taking into account more recent information submitted to DWER by 4 September 2017.

This Site was used as a foundry that carried out engineering activities and an asbestos processing factory with associated storage and distribution of final products for both industries. Both of these industries are a land use that has the potential to cause contamination, as specified in the guideline 'Assessment and management of contaminated sites' (Department of Environment Regulation, 2014).

Contamination investigations were carried out on the site between 2007 and 2017 as part of the proposed sale and change of land use from industrial to high density residential of the site. The investigations found residual metal and hydrocarbon contamination in the superficial soils in the western portion the site. These exceedances were limited and considered unlikely to represent on-going sources of groundwater impacts.

Metals (zinc and copper) were present in soils at concentrations exceeding the relevant Ecological Investigation Levels for urban residential land and public open space as specified in the 'National Environment Protection (Assessment of Site Contamination) Measure 1999' (the NEPM). Hydrocarbons (such as from petrol or diesel) were present in soils at concentrations exceeding Ecological Screening Levels for urban residential land and public open space as specified in the 'National Environment Protection (Assessment of Site Contamination) Measure 1999' (the NEPM).

Groundwater investigations found elevated metals (arsenic, copper, iron, lead and zinc) and Ammonia were present in groundwater beneath the site at concentrations exceeding assessment levels for marine waters and non-potable use of groundwater as specified in the 'Assessment and Management of contaminated sites' (Department of Environment Regulation, 2014).

Hydrocarbons (such as from diesel) were present in groundwater in the western portion of the site however are not considered to represent a potential risk to human health given the nature and chemical properties of the hydrocarbon contamination.

The investigations and risk assessment works were the subject of an independent review by an accredited contaminated sites auditor. The auditor's review is documented in a mandatory auditor's report (MAR) dated 1 September 2017. The MAR recommended that the site is suitable for the proposed high density residential land use. DWER accepts the findings of the MAR.

Demolition of site buildings and infrastructure was undertaken in September 2013, followed by remedial works comprising of excavation and off-site disposal of soils. Asbestos-containing material was removed for the site however the potential for residual asbestos-impacted soils remains at the site. Therefore a Construction and Environmental Management Plan has been prepared and needs to be implemented for the site. The Construction and Environmental Management Plan dated May 2017 has been reviewed and endorsed by the contaminated sites auditor.

Based on the information provided, the site is suitable for high density residential land use as long as groundwater is not abstracted, soils remain paved and not disturbed and the auditor endorsed Construction and Environmental Management Plan is implemented.

Owner
CSSID = 2083

The site is contaminated and has been remediated such that it is suitable for the proposed high density residential and commercial land use which excludes sensitive uses such as childcare centres, kindergartens, pre-schools and primary schools with access to soils, but may not be suitable for a more sensitive land use. Therefore, the site is classified as 'remediated for restricted use'.

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A Construction Environmental Management Plan (dated May 2017) outlines management measures for any activity (such as excavation) that may disturb the residual asbestos-impacted fill across the site.

DWER, in consultation with the Department of Health, has classified this site based on the information available to DWER at the time of classification. It is acknowledged that the contamination status of the site may have changed since the information was collated and/or submitted to DWER, and as such, the usefulness of this information may be limited.

In accordance with Department of Health advice, if groundwater is being, or is proposed to be abstracted, DWER recommends that analytical testing should be carried out to determine whether the groundwater is suitable for its intended use.

Action Required:

Adoption of the Construction Environmental Management Plan (dated May 2017) for any activity (such as excavation) that may disturb the residual asbestos-impacted fill across the site.

General Information

The nature and extent of contamination and any restrictions on the use of the land, if applicable, are listed in Attachment A.

Information in relation to the classification of the site is available free of charge as a summary of records via the Contaminated Sites Database at www.der.wa.gov.au/contaminatedsites.

In some instances DWER has had to classify sites based on historical information. A site may be re-classified at any stage when additional information becomes available, for example where a new investigation or remediation report completed in accordance with DWER's 'Contaminated Sites Guidelines' and the *National Environment Protection (Assessment of Site Contamination) Measure 1999*, is submitted to DWER. The current site classification is the classification most recently conferred on the site.

Memorials

In accordance with sections 58 (1) and (3) of the Act, DWER will give notice to Landgate to withdraw the current memorial lodged against the Certificate(s) of Title relating to the site, and subsequently lodge a new memorial against the Certificate(s) of Title relating to the site, which will record the new site classification. Parcel(s) without a registration number or certificate of title will not have a memorial lodged against them until a certificate of title has been created. Once complete, confirmation of the lodgement of the memorial(s) will be forwarded to the following people:

- (a) each owner,
- (b) Western Australian Planning Commission;
- (c) CEO of the Department of Health;
- (d) Local Government Authority;
- (e) relevant scheme authority.

Given that memorial(s) will be lodged against the site, the Western Australian Planning Commission (WAPC) may not approve the subdivision of the land under Section 135 of the *Planning and Development Act 2005*, or the amalgamation of that land with any other land without

Owner
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DAP/002/20
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seeking, and taking into account, the advice of DWER as to the suitability of the land for subdivision or amalgamation. Furthermore, a responsible authority (e.g. Local Government Authorities) may not grant approval under a scheme for any proposed development of the land without seeking, and taking into account, advice from DWER as to the suitability of the proposed development.

Disclosure upon sale / lease / mortgage of the site

Where the land is part of a transaction – sale, mortgage or lease agreement – and is classified as

- *contaminated – remediation required;*
- *contaminated – restricted use; or*
- *remediated for restricted use;*

land owners MUST PROVIDE WRITTEN DISCLOSURE (on the prescribed Form 6 enclosed) of the site's status to any potential owner, mortgagee (e.g. financial institutions) or lessee at least 14 days before the completion of the transaction. A copy of the disclosure must also be forwarded to DWER.

Important note: Failure to provide written notice is an offence and carries a penalty of up to \$125,000 and a daily penalty of \$25,000.

Appealing the Site Classification

All site classifications given by DWER are appealable. However, only certain people can lodge a valid appeal. The people who can lodge a valid appeal varies, depending on the classification category, as detailed in Fact Sheet 4: *Site classifications and appeals*. Appeals need to be lodged in writing with the Contaminated Sites Committee at Forrest Centre, Level 22, 221 St Georges Terrace, Perth WA 6000, within **45 days** of being given this notification. The appeal should set out the appellant's relationship to the site, and must include the grounds and facts upon which it is based. An appeal fee (currently \$45) applies.

To find out more about the appeal process, see the Contaminated Sites Committee website at www.csc.wa.gov.au or contact the office of the Committee on (08) 6467 5201.

For further information on all aspects of site classification, please refer to Fact Sheet 4 and the 'Contaminated Sites Guidelines', which are available from DWER's website at www.der.wa.gov.au/contaminatedsites or by contacting the Contaminated Sites Information Line on 1300 762 982.

Yours sincerely



Paul Newell, Manager

CONTAMINATED SITES
Delegated Officer under section 91
of the *Contaminated Sites Act 2003*

19/09/2017

Enc. Attachment A – Nature and Extent and Restrictions on Use.

Fact Sheet 4: *Site classifications and appeals*
Fact Sheet 5: *Buyer beware – buying and selling contaminated land*
Form 6 – Land Owner's Disclosure Before Completion of Land Transaction

Owner
CSSID = 2083

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ATTACHMENT A – Nature and Extent and Restrictions on Use

- LOT 310 ON PLAN 222424
- LOT 171 ON PLAN 301064
- LOT 170 ON PLAN 301064
- LOT 1 ON DIAGRAM 2051

Nature and Extent: Residual metal and hydrocarbon impacts are present in soil in the west of the site. These impacts are limited and not considered to represent an on-going source of groundwater impacts (i.e. the site is to be fully paved and used for high density residential).

Although the site is visually free of asbestos-containing material (ACM) on the surface of the site possible remnant ACM may be present across the site.

Arsenic, Copper, Iron, Lead, Zinc and Ammonia are present in groundwater beneath the site.

Restriction on Use: Groundwater should not be abstracted for any potential beneficial use on the site.

The land use of the site is restricted to high density residential and commercial/industrial with no access to soils across the site which excludes sensitive uses such as childcare centres, kindergartens, pre-schools and primary schools.

The site must be fully paved prior to and during future occupancy to ensure that site users have no on-going access to site soils.

The site should not be developed for a more sensitive use such as recreational open space; lower density residential use or childcare centres without further contamination assessment and/or remediation.

Additional Information 2 – Site Photos



Photo 1: Subject site as viewed from Beach Street (currently being used as a laydown site for another project)



Photo 2: Adjoining site located to north of subject site



Photo 3: Adjoining site located to south of subject site