



# Agenda

## Ordinary Meeting of Council

Wednesday 14 August 2024 6:00 pm



## **Notice of an Ordinary Meeting of Council**

Elected Members

An Ordinary Meeting of Council of the City of Fremantle will be held on **Wednesday 14 August 2024** in the Council Chamber (Bibbool Room) at the Walyalup Civic Centre, located at 151 High Street, Fremantle commencing at 6:00 pm.

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Graham Tattersall  
**A/ Chief Executive Officer**

8 August 2024



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**City of Fremantle**  
**Ordinary Meeting of Council - Agenda**  
**14 August 2024**



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## **Official opening, welcome and acknowledgement**

Ngala kaaditj Whadjuk moort keyen kaadak nidja Walyalup boodja wer djinang Whadjuk kaaditjin wer nyiting boola yeye.

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

## **Attendance, apologies and leave of absence**

### **Apologies**

There are no previously received apologies.

### **Leave of absence**

There are no previously received leave of absence.

### **Applications for leave of absence**

Elected members may request leave of absence.

Mayor Hannah Fitzhardinge requests a leave of absence from 2 September 2024 to 17 September 2024 inclusive.

### **Disclosures of interest by members**

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

### **Responses to previous public questions taken on notice**

The following questions were taken on notice at the Ordinary Meeting of Council held on 24 July 2024.

**Mark Woodcock spoke in relation to general matters, and asked the following questions that were taken on notice:**



**Question 1:**

The minutes of the last Council meeting contained responses to public question time, and in the agenda of today's Council meeting, which went out last week, it contained responses to public question time, but the record was different. Why is there a difference?

**Response:**

The Minutes of the Ordinary Meeting of Council held on 10 July 2024, contains the questions asked during public question time at the meeting, along with any responses that were provided at the meeting.

The Agenda of the Ordinary Meeting of Council held on 24 July 2024, contains (only) the questions that were taken on notice, and responses provided by the City after the meeting.

**Question 3:**

How much is the City's investment in the Resource Recovery Group as of the 30<sup>th</sup> of June 2024?

**Response:**

The City is not able to provide a response to this question until the end of financial year audit for the RRG has taken place.

**John Dowson spoke in relation to general matters, and asked the following questions that were taken on notice:**

**Question 1:**

Will Council invite the Premier to tour Victoria Hall and the Town Hall with a view to secure government funding?

**Response:**

There is currently no intention to invite the Premier to tour Victoria Hall as part of the current EOI process.

However pursuit of State funding for both of these venues has been noted as an opportunity for consideration, and has been sought.

## **Public question time**

Members of the public have the opportunity to ask a question or make a statement at council and committee meetings during public question time. Further guidance on public question time can be viewed [here](#), or upon entering the meeting.



## **Petitions**

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

## **Deputations**

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

## **Presentations**

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

## **Confirmation of minutes**

### **OFFICER'S RECOMMENDATION**

**Council confirm the minutes of the Ordinary Meeting of Council dated 24 July 2024.**

## **Elected member communication**

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



## Reports and recommendations from officers

### Planning reports

#### **C2408-1 FINAL APPROVAL OF LOCAL DEVELOPMENT PLAN – LOTS 72 AND 25, 2-4 CLONTARF ROAD, AND LOT 73, 1 NAYLOR STREET, BEACONSFIELD**

<b>Meeting date:</b>	14 August 2024
<b>Responsible officer:</b>	Manager Strategic Planning and City Design
<b>Voting requirements:</b>	Simple Majority Required
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. Minute of Planning Committee item PC2310-1, 4 October 2023 [37 pages]</li><li>2. Advertised Local Development Plan [2 pages]</li><li>3. Advertised Local Development Plan streetscape renders [5 pages]</li><li>4. Schedule of submissions [6 pages]</li><li>5. Revised Local Development Plan [2 pages]</li><li>6. Local Planning Scheme, R-Code and Local Development Plan comparison tables [23 pages]</li></ol>

#### **SUMMARY**

**The City has received an application for a Local Development Plan (LDP) over Lots 72 and 25, 2-4 Clontarf Road and Lot 73, 1 Naylor Street, Beaconsfield. The LDP was submitted in response to a condition of subdivision approval issued for the subject site by the Western Australian Planning Commission (WAPC) on 20 November 2023.**

**The LDP seeks to establish deemed-to-comply development requirements for the lots that will result from the subdivision. These include:**

- **a minimum building height of two storeys**
- **a maximum building height of three storeys**
- **building setbacks from all lot boundaries**
- **orientation of buildings in relation to the front street**
- **on-site garage and parking locations for residents**
- **on-street visitor car parking via the installation of embayed (parallel) parking within the development and on Naylor and Strang Streets**
- **front and rear fencing styles and locations**
- **location of bin pads for waste collection from some lots**
- **variations to several provisions of the Residential Design Codes of Western Australia (R-Codes) Part C (medium density).**





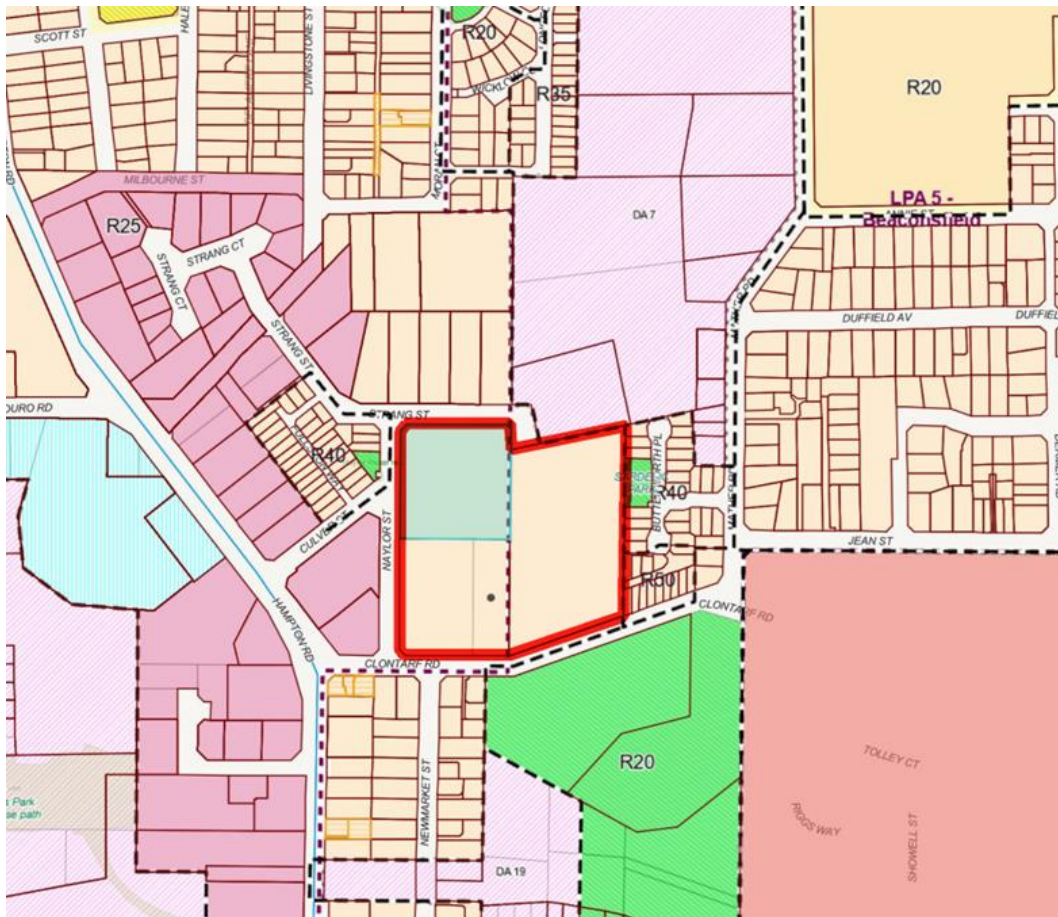
**Community engagement on the proposed LDP took place between 4 April and 2 May 2024, with a total of 10 submissions being received, expressing concerns around connectivity, diversity of housing, compliance with the R-Codes Part C, traffic and parking, amenity, landscaping, appearance of the development, provision of public open space, sustainability measures, density of development, and bushfire risk.**

**Whilst these concerns are similar to those expressed in the City of Fremantle Council recommendation on the subdivision, the Local Development Plan's consistency with the approved subdivision and its further refinement since community engagement, leads City officers to recommend approval.**

## **BACKGROUND**

### Subject site

The subject site encompasses Lots 72 and 25, 2-4 Clontarf Road and Lot 73, 1 Naylor Street, Beaconsfield, which equates to an area of 4.68 hectares (see Figure 1 below for its location in the context of the wider area). The site is relatively level, though it lies approximately two to three metres below Strang Street to the north and approximately two to three metres below Clontarf Road to the south-east. A strip of land, approximately 27 metres wide, lies a further three metres below the balance of the site along much of the eastern boundary. The site was formerly used as wool stores and an MTA bus depot, with the latter having been used for boat and caravan storage latterly. Demolition of all buildings on site is currently underway.



**Figure 1. Site location**

The site is zoned Residential under the City’s Local Planning Scheme No. 4 (LPS4), with a residential density coding of R25. Clause 6.7, Schedule 7 — Local Planning Areas (Development Requirements), Local Planning Area 4 – South Fremantle, Sub Area 4.3.5 also applies to the site. Figure 2 below shows an excerpt from LPS4, identifying the site with a yellow highlight.

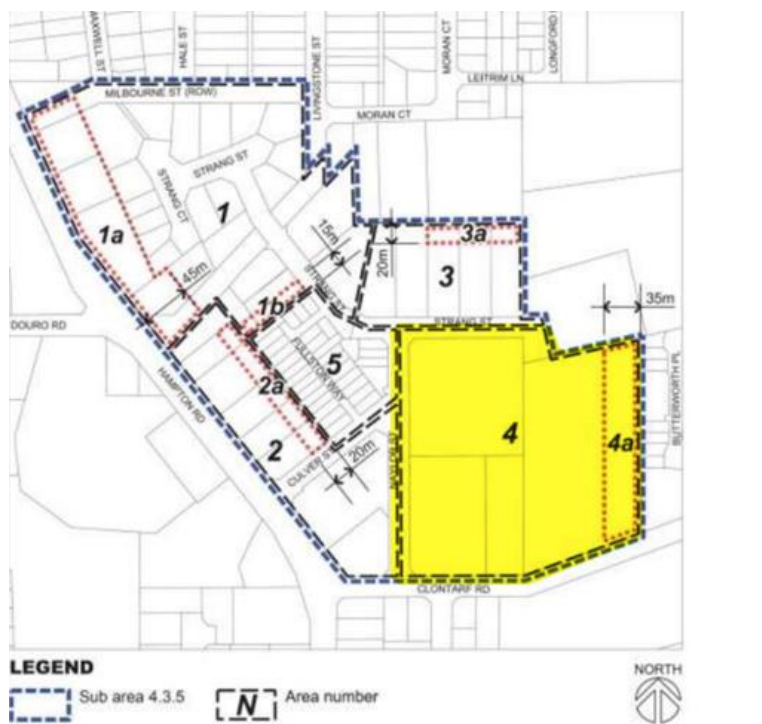


Figure 2. Excerpt from Local Planning Scheme No. 4, Sub Area 4.3.5

Schedule 7 – Sub Area 4.3.5 provides additional development standards and divides the Sub Area into several development areas. Certain requirements are prescribed for each development area that must be met for additional development standards to apply. In the case of Area 4, more intensive residential development may be permitted, up to a maximum residential density of R160, subject to:

1. The development site comprising a minimum land parcel of 10,000m<sup>2</sup> within Area 4 (including Area 4a).
2. Non-residential land uses being restricted to the ground floor, unless it is demonstrated to Council’s satisfaction that the non-residential land use meets local needs for commercial services.
3. Development providing active frontages to public street(s) and public open space. Residential development with frontage to Clontarf Road including openings and pedestrian access directly to Clontarf Road.
4. The location and design of new road(s) and footpaths demonstrating a high standard of vehicular and pedestrian connectivity with the existing road and footpath network.
5. A portion of the lot area, not less than 7.5 metres in width, being provided for the length of the lot adjacent to the common boundaries of Lot 72, 2 Clontarf Road (Lot 72), Lot 25, 4 Clontarf Road, and Lot 73, 1 Naylor Street. This portion of land must be transferred at no cost to the City of Fremantle to provide a north-south linkage between Strang Street and Clontarf Road for the purpose of public open space and/or a landscaped



dual use pathway, to integrate with the existing areas of public open space at Clontarf Hill and future public open space within Development Area 7 – Lefroy Road Quarry.

### Subdivision application

On 31 May 2023 the applicant lodged an application with the Western Australian Planning Commission (WAPC) seeking to subdivide the land into 162 lots (ranging from 102m<sup>2</sup> to 409m<sup>2</sup>), with six road reserves, six laneways, four public access way lots and two open space reserves.

On 4 October 2023, following a public engagement period and extensive assessment and reporting, the matter was referred to the City's Planning Committee for consideration and it was resolved that:

#### *Council:*

1. *Recommend that the Western Australian Planning Commission be advised that the City does not support the 162 lot subdivision application at No. 1 (Lot 73) Naylor Street, and Nos 2 and 4 (Lots 72 and 25) Clontarf Road, Beaconsfield in its current layout, for the following reason(s):*
  - i. *The proposal does not meet all of the relevant additional development criteria (e) of Schedule 7 - sub area 4.3.5 of Local Planning Scheme No.4 as the proposal will not result in a high-quality design outcome in terms of road network infrastructure and pedestrian/ cyclist network integration with the surrounding greater Beaconsfield urban area and landscape features.*
  - ii. *The proposal does not meet all the High Quality Design Outcomes of LPP 3.19 Clontarf Road Area.*
  - iii. *As a consequence of not meeting the criteria of LPS4 to be awarded the bonus density, the subdivision must be assessed against the R25 density. The proposal does not meet the Design Principle criteria of clause 5.1.1 of the Residential Design Codes Volume 1 as all Lots do not meet the minimum or average lot size specified in Table 1 or the 'design principle' P 1.2 for R25 coded property.*
2. *Affirms its support and intent for higher density residential development at the subject sites, up to R160, subject to a proposed development satisfying the seven design objectives of LPP 3.19 Clontarf Road Area and the requirements listed for Area 4, Sub Area 4.3.5 of Schedule 7 of LPS4, and invites the*



*proponent to continue to engage with the City to develop a satisfactory proposal.*

3. *Recommends the following amendments if the WAPC seeks to approve the layout generally as per the current proposal:*
  - a) *Leave some street blocks unsubdivided to allow for a change in market conditions and preserve the opportunity for supporting land uses and diverse housing typologies.*
  - b) *Include lots along Naylor Street, capable of accommodating higher density mixed use developments suitable for multiple dwellings and live-work/studio/adaptable dwellings to establish a suitable transition between the residential part of the subdivision and the more commercial areas and district centre to the west.*
  - c) *Identify the best opportunities for key views, preserve the view corridor from built form intrusion and incorporate into the public realm network (streets and parks).*
  - d) *Improve the southern POS connection to deliver a more gentle gradient transition from Clontarf Hill to the central POS and to encourage active transport options, including options to incorporate fill/terracing to the southern blocks and/or to add two additional neighbouring lots to the west or one lot either side to allow for a more generous transition. Improving this connection has the potential to offer a good visual connection to Clontarf Hill regional open space from the central linear open space which provide the visual cues to encourage active transport and provides a sense of regional landscape setting.*
  - e) *It is clear from the Heart of Beaconsfield (HoB) masterplan that there is an intention to make the most of sub-regional active transport linkages through open space connections that reach from South Street to Clontarf Road connecting schools, playing fields, wild nature spaces and many residential communities. The identified primary connection through this site must include a dual pedestrian/cycling connection of 4 metres wide not a minor pedestrian path. To implement the HoB Masterplan, a more generous connection needs to be provided abutting the eastern end of Strang Street and the south-west corner of the Portuguese Club site. The southern half of Sardelic Park (i.e. south of the drainage sump) should be continuously connected through the subdivision site to Clontarf Road via local open space connectivity. Sardelic Park may require adjustment to be fully integrated with the new*



*POS. There is no need to align the new POS with the existing drainage sump and a more efficient allocation of new open space adjacent to Sardelic Park may be warranted. Redistribution of the new POS may also provide the opportunity identified in the HoB masterplan to include a dramatic landscape option in the north-east corner of the sub-division skirting the base of the embankment that forms part of the adjoining Portuguese Club site. Leaving the three corner lots in the north-east corner for POS (and possible drainage sump) would preserve the opportunity for an exciting landscape based trail leading directly into the vast open space opportunities to the north.*

- f) Widen the east-west road link at the Culver Street entry, to create a more generous space for a boulevard entrance and important active transport links connecting the subdivision to Hampton Road and the district centre. The use of a ribbon of POS to create this active transport linkage is not supported as it should be formed as road reserve that effectively extends the function of Culver Street into the subdivision.*
  - g) Include fill/benching that ensures lots nearest Clontarf Road and the laneways servicing them accommodate residential development that includes at-grade entrances fronting Clontarf Road.*
  - h) Incorporate provision for on-street parking adjacent to the POS to improve all-ages accessibility.*
  - i) Review the subdivision layout to ensure the proposed landscaping approach can satisfy the principals of Bio-sensitive Urban Design and be capable of including fire retarding landscapes that help reduce the spread of fire into the subdivision in those areas nearest the bushland of Clontarf Hill.*
- 4. That the WAPC be advised that a schedule of submissions will be provided, and that the decision maker is requested to review these in full and have due regard to the content.*

Please refer to Attachment 1 for more information.

The WAPC granted subdivision approval for the site on 20 November 2023. Ultimately, the subdivision will create 184 residential lots of between 102m<sup>2</sup> and 369m<sup>2</sup>, with a network of new roads and laneways, and six open space reserves. A condition of subdivision is:



22. *Local Development Plan(s) being prepared and approved for all lots shown on the plan dated 19 October 2022 (attached) that address the following:*
- a) setbacks*
  - b) streetscape*
  - c) building design*
  - d) pedestrian and vehicle access*
  - e) waste management and collection*

#### Local Development Plan application

The proposed Local Development Plan (LDP) was submitted to the City in March 2024 by CLE Town Planning + Design, on behalf of Stockland Development Pty Ltd. The plan would guide the future redevelopment of the subject site in accordance with local strategic planning objectives.

An LDP provides alternative site-specific development control measures to those set out in LPS4, Schedule 7, Sub Area 4.3.5 and the Residential Design Codes of Western Australia (R-Codes) Volume 1, Part C. It also streamlines the development approval process, with compliant development only requiring a building permit, rather than an individual development approval prior to the issue of a building permit. This would mean that approximately 180 dwellings would not require development approval, if they meet the requirements of the LDP.

#### Medium Density Codes

Since the approval of the subdivision, the Medium Density Codes, which form Part C of a revised R-Codes Volume 1, have come into effect. These codes commenced on 10 April 2024 and are intended to deliver greater housing choice across the state, to reflect changing lifestyles and housing needs, and to create more vibrant communities

In the context of the subject site, the Medium Density Codes apply a number of requirements, including minimum garden and living area sizes and dimensions, associated soft landscaping, tree planting and deep soil areas, and optimal orientation for solar access and natural ventilation.

### **FINANCIAL IMPLICATIONS**

Nil

### **LEGAL IMPLICATIONS**

Nil



## **STRATEGIC IMPLICATIONS**

This item is in keeping with the City of Fremantle's Strategic Community Plan 2024 – 2034:

### **Liveable City – Liveable and socially connected neighbourhoods**

- Community participation is encouraged through spaces that enable social connection.
- Fremantle's diverse cultural heritage is reflected through a broad range of community celebrations and traditions.

### **Liveable City – Connected city**

- Multiple transport options offer diverse, equitable and affordable forms of mobility for all members of the community.
- Streets are well connected, and it is easy and safe for pedestrians and cyclists to move within neighbourhoods and between key destinations and precincts.

### **Liveable City – Sustainably designed and optimised urban and natural environments**

- Urban development and public realm enhancement is coordinated, design-led, and sympathetic to surrounding natural environments.
- The community can access and enjoy natural areas and green spaces for passive and active recreation.
- An increasing tree canopy that enhances biodiversity and helps cool our urban environments.

### **Inclusive City – A safe and accessible community for all abilities**

- Public places and spaces are accessible for all.
- Accessibility is prioritised in planning and design.

## **CONSULTATION**

Community engagement on the proposed LDP took place between 4 April and 2 May 2024 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, and Local Planning Policy 1.3 – Community Consultation on Planning Proposals. Notification of the proposal was by letters sent to owners and occupiers of properties within 200 metres of the subject site,





publication of a notice in the Fremantle Herald, signs on Clontarf Road and Naylor Street, and a page on the MySay Fremantle website.

At the conclusion of the engagement period, the City had received 10 submissions (refer to Attachment 2 – Schedule of Submissions), which included comments on the following broad themes:

- Connectivity
- Compliance with the r-codes part c
- Diversity of housing
- Traffic
- Parking
- Amenity
- Landscaping
- Appearance of the development
- Provision of public open space
- Sustainability measures
- Density of development
- Bushfire risk.

These matters are discussed in more detail below.

## **OFFICER COMMENT**

The proposed LDP is required as a condition of the approved subdivision over the site to guide built form outcomes. It will ensure that key aspects of the development, such as a minimum building height of two storeys, vehicle access and garage locations, and building envelopes to facilitate solar access to internal courtyards are provided, even if the development is constructed in stages. Similarly, any future revisions to the development must also be in accordance with the LDP, providing an additional design safeguard. Furthermore, an LDP is valid for a period of up to 10 years, whereas development approval is only valid for four years, unless substantially commenced.

The residential density sought as part of the now approved subdivision is more than the standard R25 density (approximately R80), and so discretion to approve the greater density was required under Schedule 7 Sub area 4.3.5(e) (Additional development standards) of LPS4. As the proposal met these additional development standards, as outlined in the Background section above, along with necessary road reserve widths, the location and size of public open space reserves, and other Liveable Neighbourhoods requirements, the WAPC granted approval. The purpose of this report is not to review these matters, but rather to assess the development and built form requirements set out in the proposed LDP.



The key matters under assessment are:

- A proposed minimum building height of two storeys
- A proposed maximum building height of three storeys
- Building setbacks from all lot boundaries
- Orientation of buildings in relation to the front street
- The ability for development of both single houses (terraced townhouses) and multiple dwellings (apartments) on the site
- On-site garage and parking locations for residents of the development
- On-street visitor car parking via the installation of embayed (parallel) parking within the development and on naylor and strang streets
- Front and rear fencing styles and locations
- Location of bin pads for waste collection from some lots
- Variations to the following provisions of the r-codes part c:
  - o 1.1 Private open space
  - o 1.2 Trees and landscaping
  - o 2.1 Size and layout of dwellings
  - o 2.2 Solar access and natural ventilation
  - o 2.6 Outbuildings
  - o 3.1 Site cover
  - o 3.2 Building height
  - o 3.3 Street setbacks
  - o 3.4 Lot boundary setbacks
  - o 3.6 Streetscape
  - o 3.7 Access
  - o 3.9 Solar access for adjoining sites
  - o 3.10 Visual privacy.

### Public submissions

As noted under the Consultation section above, ten submissions were received and raised several matters. The first of these is whether the new public open space on the subject site would include a pedestrian connection to Sardelic Park to the east, to permit pedestrian movement through the site from Butterworth Place toward Hampton Road. It is intended that pedestrian access would be provided from Sardelic Park into the new public open space, which would facilitate access through to Hampton Road.

One submission queried whether the City had considered compliance with the R-Codes Part C (medium density), which had not yet come into effect at the time of community engagement. The proposal has been designed to broadly accord with the provisions of the Medium Density Housing Code, though several variations are sought, which are discussed in detail below.



The same submission suggested that the development would benefit from greater housing diversity, particularly in view of statistics indicating that homes in Australia have, on average, 3.6 bedrooms, while the average household size (number of residents) is only 1.2, showing a clear disconnect between the two. Certainly, 2021 Census data, does indicate that there is a disconnect, though the applicants have indicated that they intend to provide a variety of two and three storey, three and four-bedroom family homes, in response to market demand. These would be supplemented by several single-bedroom laneway apartments. Although it would be preferable to see a greater degree of housing diversity, there is currently no mechanism in place for the City to demand a greater variation in housing typology.

Several submissions have raised concerns around traffic and parking, particularly in relation to congestion, road safety, and verge parking on Naylor and Strang Streets. When the approved subdivision of the subject land was assessed, City infrastructure officers advised that the traffic report and road network systems met the required standards. Therefore, there are no further changes to the surrounding road network planned at this time, including connections to Lefroy, Longford or Mather Roads, though these may eventuate in future, in accordance with the Heart of Beaconsfield Masterplan. Changes to the surrounding road network would be dependent on the land to the north and north-east being redeveloped, though there is currently fragmented land ownership and contamination in the former Lefroy Road Quarry that must first be resolved for redevelopment to take place.

In terms of parking, it is proposed to provide embayed (parallel) parking bays within road reserves throughout the development and on Naylor and Strang Streets. This would be supplemented by landscaping works to the road verges, including the installation of new footpaths and the planting of a significant number of street trees. In concert these would limit the amount of parking that can place within the road verges, meaning that local business operators would have to accommodate parking on their own sites insofar as possible. Any subsequent illegal parking practices, such as blocking footpaths, can be reported to the City for compliance action where appropriate.

One submission raised concern around potential amenity impacts upon 8 Vickridge Close, which would adjoin the rear boundaries of five of the proposed lots. The submission suggests that these lots should be separated by a minimum six-metre-wide public open space strip. However, the subdivision of the subject site has already been approved by the Western Australian Planning Commission and it is not the purpose of the Local Development Plan to vary the lot layout.



The provision of a public open space strip would also result in a maintenance burden to the City with no real benefit to the community, as a six-metre-wide strip is not considered sufficient in dimension for passive or active recreation. Furthermore, this would create a concealed, under-utilised space at the rear of numerous lots, which is contrary to Crime Prevention Through Environmental Design (CPTED) principles.

One submission suggested that landscaping should flow across from Clontarf Hill, meaning that native plants and large trees should be planted within the site. It also suggested incorporation of a community garden within the development. The approved subdivision incorporates a pedestrian access way between Clontarf Road, north of Clontarf Hill, which connects to the public open space within the development. The submitted landscape plan indicates that many native trees and shrubs will be planted as part of the landscaping works. While the subdivision will create green title lots with no common property, there may still be potential for community verge gardens within the development, in accordance with City guidelines.

The same submission suggested that the future housing should look individual, rather than being of a "cookie-cutter" appearance, and notes that adjacent developments suffer from summer heat due to a lack of tree cover. Although detailed housing designs do not form part of the Local Development Plan application, it is understood that these will be of two to three storeys and be of a terrace typology. An LDP could include provisions around materials and finishes, though these have not been nominated. Regarding tree cover, the R-Codes requires that all outdoor living areas and front setback areas are to incorporate the planting of a tree capable of growing a two to six-metre canopy at maturity. Though variations to the requirement for a tree in the front setback on some lots were sought in the advertised version of the LDP, a revised version of the LDP has been prepared in response to submissions and the advice of City and Department of Planning, Lands and Heritage officers, which now only seeks this variation for Lot 128. The applicant has also indicated that the public realm landscaping works across the site would involve the planting of a significant number of street trees and extensive soft landscaping of public open space areas.

One submission queried the amount of green space provided within the development and suggests that it is lacking. However, State Planning Policy 3.6 – Infrastructure Contributions and Development Control Policy 2.3 – Public Open Space in Residential Areas require that 10% of the gross subdivisible area of a site is ceded as public open space and, in this instance, the area of public open space to be provided exceeds 10%.



Three submissions raised concerns around the apparent lack of sustainability considerations in the proposed LDP, specifically the variations that are being sought to provisions under the R-Codes Volume 1, Part C, 1.2 – Trees and landscaping. This matter is discussed in detail below.

Another submission queried whether there are restrictions proposed on roofing colours and suggests that they should be light-coloured. Though the LDP does not propose any controls on colours or materials, it is possible to add a requirement that roofs are restricted in colour or solar absorptance value. In the interests of improving environmental sustainability outcomes, both in terms of energy efficiency and minimisation of urban heat island effect, it is recommended that the LDP is modified in this regard. The National Construction Code (NCC) 2022 requires that a house in the Perth climate zone does not have a solar absorptance rating of more than 0.64. However, this is still a relatively dark roof and so it is recommended that the LDP incorporate a maximum solar absorptance rating of 0.4 for roofs, which was categorised by the NCC 2019 as a “light” coloured roof (generally white, off-white, or cream).

One submission queried the density of the proposed development, suggesting that the developer is being permitted to sidestep zoning restrictions, such as density codes. However, as outlined in the Background section above, the site is subject to Clause 6.7, Schedule 7 — Local Planning Areas (Development Requirements), Local Planning Area 4 – South Fremantle, Sub Area 4.3.5(e), where if certain criteria are met then additional development standards apply. In the case of Sub Area 4.3.5, Area 4, this includes a maximum residential density of R160.

This submission also queried whether bushfire risk has been considered in the proposal. A Bushfire Attack Level assessment was undertaken and lodged with the application for subdivision of the land, with the lots closest to Clontarf Hill being identified as at risk. Therefore, Australian Standard 3959 – Construction of Buildings in Bushfire-prone Areas will be applied to any future development on these lots.

#### Local Planning Scheme variations

As outlined above, the LDP seeks to vary deemed-to-comply requirements of LPS4 and the R-Codes Volume 1, Part C. In terms of LPS4, this extends to the building height requirements of Schedule 7 – Sub Area 4.3.5, Areas 4 and 4a (see Figure 2), which set height limits of 24.5m and 7.5m respectively. These height limits would prevail over the R-Codes, unless varied by the LDP.



Consequently, the LDP recommends:

- A maximum building height (concealed or skillion roof) of 14m.
- A maximum wall height (pitched, hipped or gabled roof) of 13m.
- A maximum total building height (pitched, hipped or gabled roof) of 16m.

These height limits are consistent with those contained in the R-Codes Volume 1, Part C for development at R80 density and above, and on this basis the variation is supported.

The LDP also contains an additional requirement for dwellings to be of a minimum two storeys in height. This will ensure a consistent housing typology across the subject site, maximising the development potential of each lot. Therefore, the inclusion of this provision is supported.

R-Code variations

As outlined above, the LDP seeks to vary several provisions of the R-Codes Part C. An LDP is the appropriate planning instrument to vary R-Code provisions, though some of these variations require the approval of the WAPC. The following table lists the provisions that the LDP seeks to vary and indicates whether the local government can give its approval, or if the variation requires the approval of the WAPC:

<b>Provision to be varied</b>	<b>Approval required</b>
1.1 Private open space – C1.1.1	WAPC
1.2 Trees and landscaping – C1.2.1, C1.2.2, and C1.2.4	WAPC
2.1 Size and layout of dwellings – C2.1.9	WAPC
2.2 Solar access and natural ventilation – C2.2.4	WAPC
2.6 Outbuildings – C2.6.1	WAPC
3.1 Site cover – C3.1.1	WAPC
3.3 Street setbacks – C3.3.1, C3.3.3	Local government
3.4 Lot boundary setbacks – C3.4.1, C3.4.2, and C3.4.4	Local government
3.6 Streetscape – 3.6.1, 3.6.5, and 3.6.7	WAPC
3.7 Access – C3.7.1	Local government
3.9 Solar access for adjoining sites – C3.9.1	Local government
3.10 Visual privacy – C3.10.1	Local government

**Table 1. Provisions to be varied and level of approval required**



According to the Regulations, the local government must not approve an LDP where the WAPC's approval is required, meaning that the Council may only adopt the LDP subject to WAPC approval, and make recommendations to the WAPC regarding the variations that it may approve.

Initially, a significant number of variations were proposed; however, since community engagement has taken place, the applicant has discussed the matters raised in the submissions with the City, and advice has been sought from the Department of Planning, Lands and Heritage (DPLH) as to which R-Code provisions they may support variation to. The applicant has prepared a revised version of the LDP, which they are now seeking approval for. Each variation to the R-Codes, as sought in both the advertised and revised versions of the LDP, is examined in detail below.

#### 1.1 Private open space – C1.1.1

Initially, balconies were sought in lieu of primary garden areas on the Type C, D, F houses, due to their planned configurations. Each is to be of three storeys, with a garage accessed from the rear laneway, except in the case of the Type C, where the garage is accessed from the primary street. The Type D and Type E would be split across a change in level, placing the rear garages at ground floor level and the front doors on the first floor on the opposite side of the house. In the case of the Type E, this would place the primary garden area within the primary street setback, due to the north-facing lot orientation.

The Type C house would only occupy only four lots within the development and was to have its primary living area facing south. Although each lot would accommodate a substantial rear (north-facing) garden at first floor level, including a paved area for alfresco dining, it was originally intended that the south-facing living area, with an associated balcony, would create an interactive street frontage, meaning that the balcony was to be considered in lieu of a primary garden area, which must be directly accessible from the primary living area. However, in response to advice from City officers and officers at the DPLH, the applicant has revised the LDP to remove this variation, indicating that the Type C house would be redesigned with a dual-aspect primary living area with direct access to both the primary garden area at the rear (north) of the house, and the balcony.

The planned configuration of the Type D houses on split-level lots means that balconies were contemplated in lieu of primary garden areas, as the primary garden areas would have to be in the south-facing primary street setback areas, due to the need for garage access on the northern side of the lots.



These balconies were originally to be 5m<sup>2</sup> (25m<sup>2</sup> in the case of Lot 144, due to the indexed lot size) below the minimum required area for a primary garden area, and 0.2m below the minimum required dimension. However, the applicant has since made provision for primary garden areas in the front setback areas, although these would be 4m<sup>2</sup> below the minimum size required, with approximately 6m<sup>2</sup> of permanent roof cover in the form of an overhanging eave (where no permanent roof cover would ordinarily be permitted). Revisions to the LDP also indicate that the balconies would now be 3m<sup>2</sup> (23m<sup>2</sup> in the case of Lot 144, due to the lot size) below the minimum sizes required for a primary garden area, but would still be north-facing, sufficiently large for alfresco dining (3m in minimum dimension), and would provide surveillance over the rear laneway. The applicant has also indicated that planter boxes would be built into the edges of the balconies and planted as part of construction, which would soften the visual impact of the houses on the streetscape and provide additional soft landscaping area. In view of the difficulty in providing a primary garden area on these lots, due to their size, orientation, and level difference, it is considered that these variations can be supported.

The Type E houses would have their primary garden areas within the primary street setback area, due to the configuration houses, which are again on split-level lots, meaning that the primary garden areas cannot be accommodated in the south-facing driveway areas, as they are needed for garage access. Placing them in front of the houses gives them a northern aspect, ensuring solar access and allowing them to be used in conjunction with the primary living areas, which also face north. Although the placement of the primary garden areas in the primary street setback is not optimal, the applicant has indicated that the lots would be set approximately 700mm above the road reserve and the revised version of the LDP now limits front fencing to 1.2m tall in the front setback area of the affected lots. This would be installed at the time of construction and would afford residents an adequate degree of privacy, while also ensuring an attractive streetscape. It is therefore considered that these variations can be supported.

The Type F houses require balconies in lieu of primary garden areas, as they cannot be accommodated in the primary street setback areas, nor at the rear of the lots, due to the need for garage access. Although the balconies are 8m<sup>2</sup> below the required area for a primary garden area (13m<sup>2</sup> in the case of Lots 91, 95, 96, 100, 101, 108, 109, 151, 159, 160, and 167, and 23m<sup>2</sup> in the case of Lot 102, due to indexed lot sizes) and 0.2 metres below the minimum dimension required, they would be sufficiently large for alfresco dining. The lots intended to support the Type F houses are primarily 102m<sup>2</sup> in area, with some larger lots to accommodate breaks in the terraces and secondary street setbacks at the ends of rows. The typical lot dimensions are in the order of 17m long by 6m wide.





Primary street and laneway setbacks account for 3m of lot length, reducing the building footprints to 14m by 6m, which, in conjunction with rear garage access, leaves little to no room for a “deemed-to-comply” primary garden area. Notwithstanding, the result is a far more appealing primary streetscape, due to the absence of garage doors, and so it is considered that these variations can be supported.

Variation is sought to the primary garden area for the Type G houses, due to the lot configurations. These lots would have access to detached rear garages from laneways, which, when combined with street setbacks, leaves approximately 12m by 6m building footprints for the houses themselves. Unfortunately, this would not permit the minimum required primary garden area. Though reduced setbacks to both the primary street and rear laneway could be employed to achieve a compliant primary garden area, this would compromise the streetscape and erode both deep soil areas and potential for tree planting. The revised version of the LDP includes a more refined assessment of the primary garden areas and identifies specific lots where the size would be below the “deemed-to-comply” minimum. It also clarifies that they would only be 3m<sup>2</sup> smaller, rather than 5m<sup>2</sup>. Therefore, on balance, it is considered that the variations to the primary garden area can be supported.

Variations are also sought to the maximum permanent roof cover over the primary garden area for the Type G houses, extending to 11m<sup>2</sup>, and a reduction to the minimum primary garden area dimension of 0.2m. The applicant has advised that the configuration of the house results in the reduction to the minimum dimension immediately outside of the primary living area; however, the primary garden area would be L-shaped and approximately 18m<sup>2</sup> with a minimum dimension of 3m. In terms of roof cover, only approximately one third of the alfresco dining area adjacent to the kitchen and living room would have roof cover at ground floor ceiling level, while the balance of the alfresco area roof cover would be at first floor ceiling level, increasing the sense of openness and allowing winter sun and natural ventilation to reach both the primary living area and the primary garden area. It is therefore considered that these variations can also be supported.

Initially, variations to the Type H above-garage units were sought, as it was intended that these would take the form of grouped dwellings. However, it was found that these units would be most appropriately treated as multiple dwellings, meaning that variations are no longer sought and separate development approvals will be required for each Type H unit and the associated Type G houses.



Initially, variation was sought to the minimum primary garden areas of the Type I houses, ranging from 3m<sup>2</sup> smaller in the case of Lots 53, 54, 118, and 119 to 9m<sup>2</sup> in the case of Lot 41, with those on lots 14 and 15 being 7m<sup>2</sup> smaller. As with the Type G houses, this is a result of the lot configurations, with detached rear garages accessed from the laneway. Similar constraints exist, including front and rear setback requirements, which would leave a 12m by 4.5m building footprint for the house itself, and a reduced primary garden area. The revised version of the LDP includes refinements and increases the size of the primary garden areas on Lots 14 and 15 by 2m<sup>2</sup> and on Lot 41 by 3m<sup>2</sup>. It would not be possible to accommodate larger primary garden areas without eroding the deep soil areas and tree planting in front setbacks and so, on balance, these variations can be supported.

#### 1.2 Trees and landscaping – C1.2.1, C1.2.2, and C1.2.4

Initially, variations were sought for the Type B and C houses, which included a reduction to the minimum soft landscape dimension from 1m to 0.6m, a minimum 12% soft landscaping in the primary street setback area (12.5% for Type C), as opposed to 15% (with no soft landscaping required on Lot 128), and no small tree nor deep soil area in the primary street setback area.

The revised LDP seeks to maintain compliant minimum soft landscaping dimensions and soft landscaping in the primary street setback area, excepting Lot 128. This lot would have its vehicular access to the garage from the primary street and is affected by a corner truncation; therefore, there is limited scope for any sort of meaningful soft landscaping. For this reason, the revised LDP also seeks to maintain the variation to the requirement for a small tree and associated deep soil area in the primary street setback on this lot. The revised LDP also seeks reductions to the minimum soft landscaping dimension from 1m to 0.5m, and deep soil areas to 4m<sup>2</sup> (Type B: Lots 129, 131, 133, and 135 – 139), 6m<sup>2</sup> (Type B: Lots 130, 132, and 134), and 6.5m<sup>2</sup> (Type C) due to lot size constraints and the need for vehicular access from the primary street. This would also permit the planter boxes proposed for the Type D houses (see below) to qualify as areas of soft landscaping.

Overall, it is considered that the variations sought for the Type B and C houses in the revised LDP are acceptable, as the key requirements for soft landscaping areas and tree planting are met. Though the deep soil areas would be reduced, careful species selection should be able to maintain the viability of the trees. In addition, the applicant has indicated a significant amount of street tree planting via a landscape masterplan for the development.



Variations were initially sought to reduce the soft landscaping on-site for the Type D houses from 30% to just 8%, and the minimum deep soil area from 9m<sup>2</sup> to 8m<sup>2</sup>. However, the revised LDP includes a requirement for one small tree in the laneway setback area for each dwelling, with a minimum deep soil area of 0.75m<sup>2</sup>. It also requires one small tree within the eastern side setback area of Lot 39 only, and a planter box with a minimum internal dimension of 500mm to the external (northern) face of each balcony. The combined result is an uplift in soft landscaping to a compliant minimum and additional tree planting. While the 0.75m<sup>2</sup> deep soil area for the laneway trees is extremely small, careful species selection should allow a very small tree or tall shrub to grow in the laneway, improving the overall greening of the site. In view of the lot constraints and these extra measures, it is considered that these variations can be supported.

Initially, variations were sought for the Type F houses to reduce the minimum soft landscaping to 11% (excluding Lots 91, 95, 96, 100, 101, 114, 151, and 167), and the minimum deep soil area to 8m<sup>2</sup>. However, the revised LDP has achieved compliant soft landscaping and adds a requirement to plant one small tree in the laneway setback area with a minimum deep soil area of 0.9m<sup>2</sup>. Again, this deep soil area is extremely small, but careful species selection should allow a very small tree or tall shrub to grow, improving the overall greening of the site. As these are highly constrained lots and in view of the extra planting requirements, it is considered that these variations can be supported.

The advertised LDP contained variations for the Type G house, which included a minimum 13% soft landscaping in the primary street setback area (excluding Lots 40 and 123), rather than 15%, and a reduced deep soil area minimum of 7m<sup>2</sup>, rather than 9m<sup>2</sup>. However, refinements made to the revised LDP have achieved compliance.

The advertised LDP contained exemptions from requiring soft landscaping and tree planting in association with the Type H above-garage units; however, as outlined above, these units will be assessed as multiple dwellings via separate development applications.

The LDP originally sought a variation to the deep soil area from 9m<sup>2</sup> to 6m<sup>2</sup>; however, the revised LDP has achieved compliance, though it now seeks a reduction in the minimum dimension of the deep soil area from 1.5m to 1m. This variation is minor and can be supported.

### 2.1 Size and layout of dwellings – C2.1.9

The LDP did not initially seek variation to requirement C2.19; however, the revised LDP includes a variation to permit hanging storage racks in garages, which the applicant has advised is necessary to avoid conflict between storage and



garaging requirements. Although the minimum area, dimension and height are not met, this represents a practical solution for compact houses on small lots and is supported.

#### 2.2 Solar access and natural ventilation – C2.2.4

The LDP initially indicated that the Type C houses would have their major openings to primary living areas oriented south, which was proposed to take advantage of the outlook down the easternmost street toward Clontarf Hill, while also placing a first-floor balcony at the front of the house in an effort to provide an interactive streetscape to offset the impact of the ground floor being largely occupied by a double garage door. However, the revised LDP no longer seeks this variation, as the applicant has advised that a redesign would provide a dual-aspect primary living area with major openings facing north and south.

Variations to the minimum uncovered open area dimension outside the major openings were initially sought for the Type C, D, and F houses from 3m to 2.8m, 2.8m, and 2.7m respectively. However, the revised LDP no longer seeks these variations.

The Type H units are intended to be dealt with by means of a separate development application(s) as multiple dwellings, in conjunction with Type G houses. However, the LDP indicates that their primary street orientation should be to the laneways, with a major opening and balcony located with a view over the laneway in each instance. Consequently, the primary living areas would be oriented west, south, south-east, or east on most lots. While not an optimal outcome, there is potential for high-level windows in the rear wall of the living area to gain access to direct sunlight and natural ventilation in some instances. Alternatively, it may be possible to employ transparent roofing above the balcony for a similar result. Furthermore, the presence of these units would provide surveillance of the laneways, which is consistent with CPTED principals. On this basis, these variations are supported.

Although the Type G houses have a primary living area oriented between west and south-east, the applicant has advised that they are intended to have a second habitable room, other than a bedroom or study, with a minimum dimension of 3.4 metres and facing between north-west and east, which is supported. The applicant has advised that the variation sought to the adjoining uncovered open area from 3m to 2.8m on Lots 3, 5, 12, 61, and 63 would result from the lot dimension and an overhanging eave. The variation to remove maximum roof coverage limit for the adjoining open area on Lots 3, 5, 12, 61, and 63 would result from an L-shaped primary garden area, where approximately one third of the alfresco dining area adjacent to the kitchen and living room would have roof



cover at ground floor ceiling level, while the balance of the alfresco area roof cover would be at first floor ceiling level, increasing the sense of openness and allowing winter sun and natural ventilation to reach both the primary living area and the primary garden area. On this basis, it is considered that these variations can be supported.

As above, variations are no longer sought in relation to the Type H above-garage units, as they will be assessed as multiple dwellings via separate development applications.

The variation sought for the Type I houses, would permit the major opening to the primary living space to be oriented between west and south-east, subject to the provision of an additional major opening to a second wall of the primary living space, which is considered an acceptable solution.

### 2.6 Outbuildings – C2.6.1

The LDP in both its original and revised forms seeks to include an additional provision requiring that where visible from the public street or public open spaces (noting that the revised LDP identifies affected lots), outbuildings shall be constructed in materials to match the main dwelling. This is considered a positive in terms of visual amenity and is supported.

Regarding the variation initially sought for 40m<sup>2</sup> outbuildings (garages), this was due to the LDP having been prepared prior to the R-Codes Volume 1, 2024 coming into effect. Previously, outbuildings were limited to 10% of the site area, hence the request for variation, which is now no longer required.

### 3.1 Site cover – C3.1.1

In the case of the Type B houses, the proposed variation of 1% is minor and can be supported.

The variation sought for the Type D houses is significant; however, the revised LDP includes additional planting requirements and a requirement for an integrated planter box to the outer edge of the north-facing first floor balconies. While the increased site coverage with impermeable surfacing is not ideal, the affected lots are highly constrained by their size, topography and need for rear laneway garage access. The additional planting requirements do achieve a more positive outcome and will go some way towards softening the streetscape when viewed from the north along the easternmost internal street. On this basis, this variation can be supported.



Type F is the second most common house type proposed for the site, totalling 41 lots, and seeks an additional 10% site cover, excluding lots 91, 95, 96, 100, 101, 108, 109, 151, 159, 160, 167. The constrained nature of the affected lots (other than Lot 101) lots requires a balcony being employed in lieu of a primary garden area and, in the advertised version of the LDP, an associated reduction in primary street setback area soft landscaping, tree planting, and deep soil area. However, the revised LDP no longer seeks variations to primary street setback area soft landscaping or tree planting, only a 1m<sup>2</sup> reduction in deep soil area, due to the available setback and primary garden areas, in conjunction with the need for rear laneway garage access. The additional planting requirement proposed in the revised LDP would achieve a more positive outcome and would help in making the laneways a less harsh environment. On this basis, the variations can be supported.

In the case of the Type G houses, the proposed additional site cover of between 2% and 8% is considered relatively minor and, as noted above, minimum soft landscaping and planting requirements would be met by the revised LDP, meaning that these variations can be supported.

### 3.3 Street setbacks – C3.3.1 and C3.3.3

The LDP in both advertised and revised forms seeks to vary the secondary street setback to a nil setback for Lot 128 only. This lot is located at the end of a row and abuts a short section of laneway that will permit access to lots to the south. A nil setback is sought due to the width of the lot and the fact that there would be no streetscape impact. On this basis, the variation is supported.

The LDP in advertised and revised forms includes a general requirement for a 1m laneway or right-of-way setback (though it would not apply to house types A, B and C, as these do not have rear laneway access), which exceeds the 0.5m required by the R-Codes. This additional requirement is supported, as it allows for improved sightlines from garages, greater manoeuvring space, and additional soft landscaping that will reduce the harshness of the laneway environment.

As noted above, the Type H above-garage units are intended to be dealt with via separate development applications as multiple dwellings. Notwithstanding, the LDP seeks a variation to a nil setback for the upper floors to liberate as much internal space as possible, while maintaining a 1m setback at ground level to maximise sightlines from garages. It is considered that the inclusion of this provision in the LDP is acceptable.



The LDP in both forms contains a general variation to permit a nil setback from corner truncations, as opposed to the 1.5m required by the R-Codes; however, no building will have a nil setback due the minimum 1m laneway setbacks, merely a reduced setback of approximately 1m. Notwithstanding, this variation is supported.

In addition to the above, the revised LDP also contains an additional requirement that a minimum 2m setback shall apply where the LDP identifies an area of public open space as the primary street. As this is consistent with C3.3.1, it is supported.

### 3.4 Lot boundary setbacks – C3.4.1, C3.4.2, and C3.4.4

The variations sought to lot boundary setbacks are broadly consistent between the advertised and revised versions of the LDP. A variation to from 3m to 1.5m is sought for the eastern side setbacks on Lots 39 and 140, where they abut existing residential development. Neighbour notification was sent to the adjoining landowners and no comments have been received. As the proposed houses would only be at their tallest where the land steps down mid-block, their bulk would be less imposing on much of the boundary. It is therefore considered that these variations can be supported.

The revised version of the LDP seeks an additional requirement for a 1.5m lot boundary setback for the Type F house where a building break is identified on the LDP. This was an inadvertent omission from the advertised version of the LDP, hence its inclusion in the revised version.

Both versions of the LDP include a variation for the Type I house, which would permit the upper storey (in reality, the whole building) to be set back 1m, or 1.5m where a building break is identified on the LDP, rather than the 3m required by the R-Codes. As the site will be developed in a coordinated manner with a terraced housing typology, this variation is considered acceptable.

The LDP in both versions includes several variations to boundary wall dimensions, which the applicant advises have been designed to facilitate the development of two and three-storey terraced townhouses. These variations would allow walls of 8m (Types B, G, H – deleted from the revised LDP, and I) and 10.5m (Types A, C, D, E, and F) high and 12m (Type A), 14m (Types G and I), 15m (Type F), 16m (Types D and E), and 17.5m (Types B and C) long to be built to both side boundaries. In view of the coordinated terraced design proposed, these variations are supported.



In addition to the above, both versions of the LDP contain an additional provision allowing a nil side boundary setback where a building abuts an area of public open space. As this would make most effective use of a lot and would provide an edge to the public open space, it is supported.

### 3.6 Streetscape – C3.6.1, C3.6.5, and C3.6.7

Both the advertised and revised versions of the LDP contain a general provision to the effect that the primary street orientation is as identified on the LDP as "Primary Street". This provision is intended to ensure lots fronting onto public open space are treated as though the public open space is the primary street, rather than the rear laneway. The inclusion of this provision is supported.

The advertised version of the LDP included a variation that would have permitted a garage door and its supporting structures facing the primary street to occupy up to 85 per cent of the frontage at the setback line, subject to:

- a) Provision of a second storey building or balcony being located boundary to boundary above the garage; and
- b) An entry porch with a minimum width of 1.2m.

This is significantly more than the 60 per cent permitted by the R-Codes. However, the revised LDP refines this provision to permit a garage door and its supporting structures facing the primary street to occupy up to 70 per cent (Type B, Lots 130, 132, and 134, and Type C, Lots 144 – 147) or 85 per cent (Type B, Lots 128, 129, 130, 131, 133, 135 – 139, and 140 – 142) of the frontage at the setback line, subject to the same requirements. While this is more than the R-Codes ordinarily permit, particularly in the case of many of the Type B houses, it is dictated by the width of lots and is mitigated by the inclusion of a second storey on all houses and a balcony and third storey on the Type C houses. It is therefore considered that these variations are acceptable.

In addition to the above, both versions of the LDP contain provisions requiring that visually permeable fencing is provided to each primary street frontage abutting public open space, and that fencing to side boundaries abutting public open space is permitted to be solid to a maximum of 50% the length of the boundary abutting the public open space, behind the street setback line. As these provisions would ensure the provision of fencing to delineate the public and private realms and would ensure surveillance over public open space, their inclusion is supported.

Both versions of the LDP also include provisions requiring that all dwellings on corner lots shall have a minimum of one major opening with direct view of the secondary street from the ground floor and upper floor(s), and that all dwellings





abutting public open space shall have a minimum of one major opening with direct view of the public open space from the ground floor and upper floor(s). Again, as these provisions promote surveillance over secondary streets and public open space, their inclusion is supported.

The revised LDP also introduces an additional requirement for the Type E houses for fencing within the primary street setback to be limited to a maximum height of 1.2m. These lots would front onto Strang Street and have their primary garden areas in the primary street setback area, with no alternative outdoor living area. The applicant has advised that these lots would be built up by approximately 750mm above street level, so the inclusion of a provision limiting the height of fencing will prevent the construction of taller, likely non-visually permeable fencing to enclose the primary garden area, while still affording residents a degree of privacy. The inclusion of this additional requirement is therefore supported.

### 3.7 Access – C3.7.1

A variation has been sought in the revised LDP to permit the Type B house on Lot 128, to take vehicular access from the primary street. This has been sought as C3.7.1 requires vehicular access to be taken from the lowest available street in the hierarchy, i.e. a right-of-way or communal street where available, followed by a secondary street or primary street where no right-of-way or communal street is available. In this instance, Lot 128 is located on the end of a row, with a six-metre-wide laneway available for access along the side; however, due to this laneway being a short section providing access to the rear of three lots to the south, it is considered that the primary street would be more suitable for vehicular access to Lot 128. On this basis, this variation can be supported.

The revised LDP also introduces additional provisions noting that garages shall be located where indicatively shown on the LDP and that vehicle access is not permitted from locations identified as “no vehicle access” on the LDP. The inclusion of these written provisions gives additional clarity to the plan and are therefore supported.

### 3.9 Solar access for adjoining sites – C3.9.1

Both versions of the LDP contain a general variation that would mean that the solar access provisions of the R-Codes do not apply. The approved lot layout, proposed terraced typology and dwelling orientations will ensure that all lots have solar access to balconies and primary garden areas, meaning that this variation can be supported.



### 3.10 Visual privacy – C3.10.1

Both versions of the LDP contain a general variation to the effect that where a lot within the LDP area abuts a lot that is external to the LDP area, the requirements of the R-Codes apply to the external lot boundary only, otherwise visual privacy requirements do not apply within the LDP area. The terraced housing typology proposed means that standard visual privacy requirements must be suspended, as it would not be practical to achieve the necessary separation or screening between first (and third) floor windows and outdoor active habitable spaces. All development will be sufficiently set back from adjoining residential development outside the LDP area to achieve the necessary visual privacy requirements. On this basis, this variation is supported.

#### General provisions

In addition to the R-Code variations and supplementary provisions discussed above, both versions of the LDP contain a number of general provisions, including:

- An exemption for development that is compliant with the LDP from requiring development approval under Local Planning Policies 2.9 - Residential Streetscapes (added in the revised LDP), 3.6 - Heritage Areas, and 3.19 - Clontarf Road
- Application of a residential density code of R160
- A requirement for Lots 34 – 39, 89, 90, and 140 – 144 to present bins for collection from the bin pads identified on the LDP and for all other laneway lots to present bins for collection in front of garage doors.

The inclusion of these additional general provisions are supported.

### **CONCLUSION**

Though the proposed LDP contains a number of variations to the R-Codes Volume 1, Part C, they are considered relatively minor in nature in the LDP's revised form or are unavoidable due to the approved subdivision layout. It is therefore recommended that the revised LDP is supported, provided that any required modifications are minor or administrative in nature, and a recommendation is provided to the WAPC that they approve the revised LDP, subject to modification to include a general provision requiring roofs to have a solar absorptance rating of no more than 0.4.

### **VOTING AND OTHER REQUIREMENTS**

Simple Majority Required



## **OFFICER'S RECOMMENDATION**

### **Council:**

- 1. Note the submissions received, as provided in Attachment 1.**
- 2. Support the revised Local Development Plan for Lots 72 and 25, 2-4 Clontarf Road and Lot 73, 1 Naylor Street, Beaconsfield, as contained in Attachment 5, subject to modification to include a general provision requiring roofs to have a solar absorptance rating of no more than 0.4, and any further modifications being minor or administrative in nature only.**
- 3. In accordance with Regulation 52 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommend to the Western Australian Planning Commission that they approve the revised Local Development Plan for Lots 72 and 25, 2-4 Clontarf Road and Lot 73, 1 Naylor Street, Beaconsfield, as contained in Attachment 5, subject to modification to include a general provision requiring roofs to have a solar absorptance rating of no more than 0.4.**



**C2408-2 SOUTH TERRACE, NO. 263, SOUTH FREMANTLE –  
ALTERATIONS TO STREET ELEVATION OF EXISTING GROUPE  
DWELLING (ED DA0189/24)**

<b>Meeting date:</b>	14 August 2024
<b>Responsible officer:</b>	Manager Development Approvals
<b>Voting requirements:</b>	Simple Majority Required
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. Amended Development Plans [5 pages]</li><li>2. Applicant Justification Letters [8 pages]</li><li>3. Site Photos [3 pages]</li></ol>

**SUMMARY**

**Approval is sought for alterations to the street elevation of an existing Grouped dwelling at No. 263 (Lot 1) South Terrace, South Fremantle.**

**The proposal is referred to Council due to the nature of some discretions being sought. The application seeks discretionary assessments against the Local Planning Scheme No. 4 (LPS4) and Local Planning Policies. These discretionary assessments include the following:**

- **Alterations to the street elevation of the heritage listed dwelling**

**The application is recommended for refusal.**

**PROPOSAL**

**Detail**

Approval is sought for alterations to the street elevation of an existing Grouped dwelling at No. 263 (Lot 1 STPI n 16256) South Terrace, South Fremantle (subject site). The proposed works include:

- Restoration of, and alterations to, the existing front façade of the dwelling including introduction of a new double french door opening to the street elevation to replace an existing window.

An amended/additional development plan was submitted on 29 July 2024 that provided:

- Additional detail of the *original* façade opening, if it were to be restored to its original detail from the current non-original aluminium window that occupies the opening, as well as additional detail of the *proposed* opening with the



introduction of the double French doors extending to the verandah. Two options, A and B, were provided on the plan as it is advised by the applicant that the existing, non-original, render needs to be removed from the front wall to reveal the original opening details.

These amended plan are included as Attachment 1.

**Site/application information**

Date received: 26 June 2024  
Owner name: Mr Peter John William Ross Sanders  
Submitted by: Mr Peter John William Ross Sanders  
Scheme: Mixed Use (R30)  
Heritage listing: Individually Listed Category 3 and South Fremantle Heritage Area  
Existing land use: Grouped dwelling  
Use class: Grouped dwelling  
Use permissibility: D





## **CONSULTATION**

### **External referrals**

Nil required.

### **Community**

The application did not require advertising in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

## **OFFICER COMMENT**

### **Statutory and policy assessment**

The proposal has been assessed against the relevant provisions of LPS4, the R-Codes and relevant Council local planning policies. In this particular application the areas outlined below do not meet the policy provisions and need to be assessed under the Design principles:

- Alterations to the front façade opening of the heritage listed dwelling.

The above matters are discussed below.

### **Background**

The subject site is located on the western side of South Terrace in South Fremantle. The site has a land area of approximately 805m<sup>2</sup> and is currently a semi-detached Grouped dwelling. The site is zoned Mixed Use and has a density coding of R30.

The site is individually heritage listed (management category 3) and is located within the South Fremantle Heritage Area.

The subject site forms one single storey Grouped dwelling of a semi-detached duplex development (Nos. 263 & 265) and sits immediately south of another pair of single storey semi-detached duplex dwellings (Nos. 259 & 261).

On 7 December 2023, development approval was granted by the City (under application ref. DA0341/23) for proposed *Additions and Alterations to Existing Grouped Dwelling* at the subject site which comprised restoration works and two storey additions and alterations at the rear of the existing dwelling.

The proposed alterations to the façade opening of the dwelling (double french doors) that is the subject of this current application, did also form part of the previous application (DA0341/23); however, this was the only element of the



proposed additions and alterations under the previous application that was not supported by officers due to an adverse impact on the heritage values of the property. As this aspect of the proposal was the only element not supported by officers, a condition of approval (condition 3) was recommended and agreed to with the applicant, which read as follows:

3. *Prior to the issue of a building permit, revised plans are required that demonstrate the retention/reinstatement of the pair of double hung sash windows to the front elevation of the existing heritage dwelling. No alterations to the existing openings of the front façade of the existing dwelling are to occur without the prior approval of the City of Fremantle.*

The applicant has subsequently pursued the desired façade opening alterations as a separate matter via this current application.

## **Heritage Impact**

### *LPP 3.6 – Heritage Areas*

While it is noted that the current windows that occupy the original façade opening of the heritage dwelling are modern, non-original aluminium framed windows (refer site photos in Attachment 3), clause 3.5.2 (iv) of LPP3.6 provides:

*'Where it can be demonstrated that original fabric of contributory places has been previously removed or unsympathetically altered, restoration / reconstruction of the street front facades to their original form and detailing is strongly encouraged. This should be based on evidence such as remaining traces of earlier fabric and old plans and photographs.'*

On the basis of the above, officers advised that conservation of the heritage place should endeavour to reinstate the original pair of double hung sash windows to the front elevation as part of the wider restoration and alterations to the existing dwelling. This was reflected in condition 3 of the previous approval (DA0341/23) that also required the reinstatement of the original pair of double hung sash windows to the opening in lieu of the proposed non-original double french doors in an altered opening.

In support of the proposal, the applicant provided written justification for the alterations proposed to the façade opening, summarised as follows (for full details of the justification letter, please refer Attachment 2):



- *All four extant dwellings of this group have bastardised forms and detailing, including front facades I openings; it is highly unlikely that they will ever be wholly restored to their original form.*
- *Conservation works to the subject dwelling are comprehensive and extensive.*
- *Discretion regarding the front door opening is very minor and considered wholly reasonable and fair in this overall context.*
- *The present dwelling has been highly 'modernized', with poorly proportioned horizontal aluminium windows installed throughout. The proposed development fully replaces these with appropriate timber joinery to original profiles as revealed.*
- *The proposed door opening does not significantly remove any historic fabric or alter an existing original opening. Conversely it will reinstate the original opening, albeit extended to the verandah deck (wholly behind the front wall/ fence).*
- *The proposed opening is visually obscured by the front wall / fence and by planting proposed for the presently denuded front courtyard space. In this limited visual context, the twinned vertical door arrangement closely reflects aesthetically the original twinned window arrangement.*
- *The front room is not suitable for use as a bedroom, on account of its very close proximity to South Terrace, with its considerable pedestrian and vehicular traffic (Particularly at night). The room is proposed to be used as a sitting / storage room, with the bedroom located to the room beyond, connected but able to be closed off from this room. In this context, it is most desirable to connect the front room with the small verandah/ front courtyard space for maximum user amenity. Windows will not provide this relationship.*
- *Open spaces are only available at the ends of these long terrace dwellings; making use of them with an effective inside / outside relationship is very important.*
- *The proposed doors are consistent with the raft of relevant policy provisions (refer previous submission); the specific provision for reinstatement of original openings to facades, while 'strongly encouraged', is not mandatory and Council discretion is sought on this basis.*
- *I have given further consideration to the proposed opening and have altered this from that contained in the previously submitted I approve drawings to better reflect the form of the original twinned window opening. This includes extending the height of the doors to that of the former windows, as evidenced by the north end dwelling and to be revealed with removal of cement render to the front facade. Most importantly, where it is proposed to*





*reinstate the tuck-pointed brickwork facade, this will necessarily include the original arched lintel / header courses to the opening, providing a clear and readable reference to its original form.*

- *Additionally, further to the evidence revealed in the historic photograph provided by Council, the applicant would give consideration to the reinstatement of the front chimney to the dwelling (subject to costing) as part of the overall conservation of the place. This would have a very significant impact on the visual presentation of the building in its historic form. Reinstatement of the original bullnose verandah form, again evident in the historic photograph would also be strongly considered.*

The applicant submitted an amended/additional development plan, dated 29 July 2024 (refer page 5 of Attachment 1), that provided additional detail of the original façade opening, if it were to be restored to its original detail from the current non-original aluminium window that occupies the opening, as well as additional detail of the proposed opening with the introduction of the double French doors extending to the verandah floor level. Two options, A and B, were provided on the plan as it is advised by the applicant that the existing, non-original, render needs to be removed from the front wall to reveal the original opening details. These plans were provided to indicate the applicant would restore the upper detail of the original opening, depending on what form is revealed (A or B) behind the render, yet provide the new French doors which extend the opening to the verandah level.

While the applicants justifications and additional plan/detail were reviewed and acknowledged by officers, it is not considered that the proposed introduction of French doors meets the objectives of LPP 3.6 Heritage Areas as the building is an integral part of the South Terrace streetscape and the introduction of the doors is a further departure from the original details of the building.

It was also noted that this advice is consistent with other applications in this context where french doors or similar alterations to openings across to the front facades of houses along a key heritage streetscape such as South Terrace have also not been supported. The proposed french door additions are deemed a non-original detail being introduced to a heritage dwelling façade that cannot be otherwise justified by the fact that the existing windows have already been altered.

A new opening, should not further impact on the heritage significance of the place and should rather seek to minimise further change or restore original details where possible.



*State Planning Policy 3.5 - Historic Heritage Conservation*

The proposed development is inconsistent with the development control principles of SPP3.5, which states that development should respect and compliment the heritage significance of the area, conserve places and areas of historic heritage significance and ensure that development does not adversely affect the significance of heritage places and areas. In this instance, it is considered that the alterations to the façade openings of the heritage listed dwelling, adversely impacts the heritage value of the building which is an integral part of the streetscape character of South Terrace.

*Planning and Development (Local Planning Schemes) Regulations 2015*

The proposal was assessed with due regard to the Regulations and any matters considered relevant under clause 67 to the development subject of this application, including parts (k) and (l) of clause 67 which are considered most relevant to the proposal and read as follows:

- (k) The built heritage conservation of any place that is of cultural significance.*
- (l) The effect of the proposal on the cultural heritage significance of the area in which the development is located.*

As the development is considered to negatively affect the built and cultural heritage of the place, the application is not recommended for approval.

*South Fremantle Heritage Area review*

A review of the South Fremantle Heritage Area has recently been undertaken, with officers considering submissions ahead of bringing final recommendations back to Council. The draft recommendation adopted by Council for consultation in March 2024, was for this property to remain as a Level 3 on the City's Heritage List.

**CONCLUSION**

In conclusion, it is considered that the proposed alterations to the façade opening of the heritage listed dwelling, will adversely impact the heritage values of the existing place which is an integral part of the streetscape character of South Terrace and the South Fremantle Heritage Area generally.

On this basis, the application is not supported.



## **STRATEGIC IMPLICATIONS**

City of Fremantle's Strategic Community Plan 2024 – 2034:

### **Liveable City - A unique built heritage and history that is preserved, protected and shared**

- Our built heritage is central to our character and sense of place, and is retained and protected for future generations to enjoy.

## **FINANCIAL IMPLICATIONS**

Nil

## **LEGAL IMPLICATIONS**

Nil

## **VOTING AND OTHER REQUIREMENTS**

Simple Majority Required

## **OFFICER'S RECOMMENDATION**

### **Council:**

- 1. REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Alterations to Street Elevation Opening of Existing Grouped Dwelling at No. 263 (Lot 1) South Terrace, South Fremantle, as detailed on plans dated 25 June 2024, for the following reasons:**
  - a. The introduction of a non-original opening into the front façade will adversely impact the heritage values of the existing place, which is part of the streetscape character of South Terrace and the South Fremantle Heritage Area generally. The proposal is therefore inconsistent with the provisions of the Council's Local Planning Policy 3.6 (Heritage Areas), clauses 67(k) and 67(l) of the Planning and Development Regulations (2015) and the development control principles of State Planning Policy 3.5 - Historic Heritage Conservation.**



**C2408-3 THOMPSON ROAD, NO. 24 (LOT 14), NORTH FREMANTLE – TWO STOREY SINGLE HOUSE (AM DA0348/23)**

<b>Meeting date:</b>	14 August 2024
<b>Responsible officer:</b>	Manager Development Approvals
<b>Voting requirements:</b>	Simple Majority Required
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. Amended Development Plans [13 pages]</li><li>2. Applicant's Response to Submission [3 pages]</li><li>3. Site Photos [2 pages]</li></ol>

**SUMMARY**

**Approval is sought for construction of a new two storey Single house at No.24 (Lot 14) Thompson Road, North Fremantle.**

**The proposal is referred to Council due to the nature of some discretions being sought and comments received during the notification period that can be addressed through conditions of approval. The application seeks discretionary assessments against Local Planning Scheme No. 4 (LPS4), Residential Design Codes (R-Codes) and Local Planning Policies. These discretionary assessments include the following:**

- **Street Setback / Streetscape**
- **Lot Boundary Setback**
- **Building Height**
- **Visual Privacy**
- **Overshadowing**

**The application is recommended for conditional approval.**

**PROPOSAL**

**Detail**

Approval is sought for the construction of a two storey Single house at No.24 (Lot 14) Thompson Road, North Fremantle. The property is not individually listed on the City of Fremantle Heritage List; however, it is located within the North Fremantle Heritage Area. The application seeks discretionary assessments against the Local Planning Scheme No. 4 (LPS4), Residential Design Codes (R-Codes) and Local Planning Policies.

Due to the nature of the proposed variations and their potential impact onto the neighbouring properties and the existing streetscape, amended plans were requested to address the following main elements;

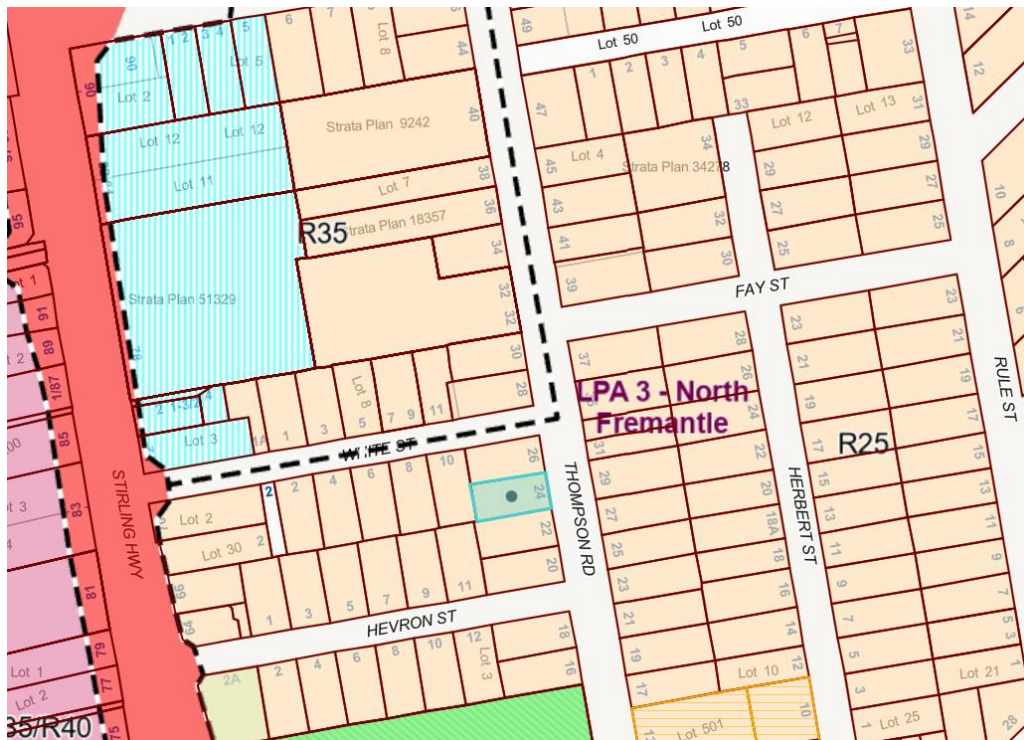


- To reduce the impact of shadow onto the southern boundary neighbour's property;
- To provide additional street setback to the upper floor of the dwelling to reduce bulk onto the existing streetscape and to address heritage concerns;
- The entry door to be relocated to face the primary street, being Thompson Road.

After further consultation with the City officers, the applicant provided amended plans which are included as attachment 1.

**Site/application information**

Date received: 7 November 2023  
Owner name: Matthew Mudie and Kathryn Cizeika  
Submitted by: Allering & Associates  
Scheme: Residential (R25)  
Heritage listing: North Fremantle Precinct Heritage Area  
Existing land use: Vacant Land  
Use class: Single House  
Use permissibility: P



**CONSULTATION**

**External referrals**

Nil required.



## **Internal referrals**

### *Heritage*

The proposed development was assessed and supported from a heritage perspective. Further discussion on the compatibility of the proposal within the Heritage Area is included below.

## **Community**

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The advertising period concluded on 12 July 2024, and one (1) submission was received, raising the following concerns (summarised);

- Concerns related to the proposed height of the development;
- Concerns related to the proposed setbacks to the boundary and garage wall;
- Concerns regarding proposed upper floor setback onto the street and its detrimental impact on the existing character of Thompson Road; and
- Location of the existing fence depicted on the development plans.

In response to the above, the applicant submitted revised plans to address the above concerns and provided written responses and further justification to each of the above comments (refer to attachment 1 and 2).

## **OFFICER COMMENT**

The subject site is currently vacant and is located on the western side of Thompson Road. The site has a land area of approximately 324m<sup>2</sup> and is currently vacant. The site is zoned Residential and has a density coding of R25. The site is not individually listed; however, the dwelling is located within the North Fremantle Heritage Area.

The surrounding area is predominantly residential and is characterised by single storey houses. The existing site has a steep slope lot from the eastern side of the property to the west, being front to the rear of the site respectively.

## **Statutory and policy assessment**

The proposal has been assessed against the relevant provisions of LPS4, the R-Codes and relevant Council local planning policies. Where a proposal does not meet the Deemed-to-comply requirements of the R-Codes, an assessment is made against the relevant Design principles of the R-Codes. Not meeting the Deemed-to-comply requirements cannot be used as a reason for refusal.



In this application the areas outlined below do not meet the Deemed-to-comply or policy provisions and need to be assessed under the Design principles:

- Street Setback / Streetscape
- Lot Boundary Setback
- Building Height
- Visual Privacy
- Overshadowing

The above matters are discussed below.

### **Background**

The subject site is located on the western side of Thompson Road. The site has a land area of approximately 324m<sup>2</sup> and is currently vacant. The site is zoned Residential and has a density coding of R25. The site is not individually listed, however the dwelling is located within the North Fremantle Heritage Area.

The surrounding area is predominantly residential and is characterised with single storey dwellings. The existing site has a slope with a high point on the eastern side of the property to the west, being front to the rear of the site respectively.

Due to the nature of the proposed variations and their potential impact onto the neighbouring properties and the existing streetscape, the City officers requested amended plans to be provided to address concerns relating to heritage and planning variations. First revision to the plans included the following main changes;

- Reduction in building height from a height ranging between 6m to 7.8 to a maximum of 6.6m;
- Changes to the upper floor street setback from 2.8m to 4.4m; and
- Primary entry to the dwelling to face and address Thompson Road.

These plans were advertised to the adjoining neighbours for comments. During this period the City received comments which raised relevant planning considerations and in the City's opinion, some of the departures proposed did not meet relevant objectives of the City's LPP 2.9 and the Residential Design Codes Volume 1 (R-Codes). As such, the City requested plans to be further modified.

The further modifications to the development plans addressed the following main elements;

- The entry lobby wall relocated to a 2.7m setback from the front lot boundary, with a breezeway façade element to the ground floor entry lobby wall;



- The first-floor bedroom is setback 4.2m from the front lot boundary. There is now a 2m setback differential between the ground and first floor, in accordance with the setback differential provided in the City’s LPP 2.9.
- The rear first floor roofline has been pulled back to the building line, and the breezeway on the rear terrace lowered to a height of 1.65m.
- Overshadowing reduced from 100.14m<sup>2</sup> to 93.46m<sup>2</sup> (29.80% to 27.82%).
- Clarity that the proposed upper floor does not affect the neighbour’s solar panels, nor does it affect their kitchen spaces.

To illustrate the impact of overshadowing, the applicant later provided overshadowing section and 3D axonometric drawing has been included to demonstrate the actual line of shadow from the proposed boundary wall and the proposed first floor roof. The extent of shadow cast by the neighbour’s existing eave over their kitchen window. The section and drawing clarify that no shadow will be cast over the neighbour’s solar hot water system, and that the shadow cast from the proposed first floor will not affect the neighbour’s kitchen window.

The amended development plans are included as attachment 1.

**Land Use**

A Single house is a ‘P’ use in the Residential Zone, which means that the use is permitted by LPS4 providing the use complies with the relevant development standards and requirements of the scheme.

**Primary street setback**

<b>Element</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Extent of Variation</b>
Setback (wall height 4m or less)	5m	GF: 2.7m	2.3m
Setback (wall height >4m)	7m	FF: 4.7m	2.3m

Local Planning Policy 2.9 (LPP2.9) varies the primary street setback deemed to comply requirements of the R-Codes.

The primary street setback is supported under the performance criteria of LPP 2.9 and the design principles of the R-Codes in the following ways:

- The proposed development is on a lot directly adjoining a corner lot with a reduced setback to the primary street (Thompson Road). As such the reduced street setback is considered to be generally consistent with the existing and established streetscape.





- The bulk and scale of the dwelling is considered to respect the scale and form of the surrounding heritage streetscape.
- The front section of the dwelling compliments the scale of surrounding single storey historic development and the two storey upper section is set back on the block where its visual impact on the streetscape will be reduced, noting it will be partly concealed by the front section.
- The proposed development allows for sufficient open space and privacy to the occupants of the dwelling and sufficiently accommodate site planning requirements such as parking and landscaping on site.

**Lot boundary setback**

<b>Element</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Extent of Variation</b>
Northern lot boundary setback	Ground floor - Dining and Living rooms: 1.5m setback (including major opening)	Dining: 1.2m Living: 1m	0.3m 0.5m
Southern lot boundary setback	Ground floor - Kitchen: 1.5m setback (including major opening)	Kitchen: 1.1m	0.4m

The proposed reduced lot boundary setback variation to the northern boundary is considered to meet the Design principles of the R-Codes in the following ways:

- The development allows for sufficient access to direct sunlight and ventilation to both the subject site and the adjoining dwelling to the north, as the remainder of the development is setback sufficiently from the common boundary.
- Any potential overlooking will be restricted by the existing 1.8m boundary fence.
- There is no bulk impact as the remainder of the dwelling is setback sufficiently from the northern boundary.

The proposed reduced lot boundary setback variation to the southern boundary is considered to meet the Design principles of the R-Codes in the following ways:

- The proposed kitchen wall to the south generally aligns with the rear of the neighbour’s dwelling to the south and a small section of paved rear yard space bordered by low level plantings along the fence line. The impact of building bulk is therefore considered minimal, noting that the proposed kitchen window will be screened by the proposed dividing fence.



- The proposed kitchen window will sit below the level of the new dividing fence and thus no loss of privacy will occur.
- The only major opening to the southern neighbour’s dwelling facing north is presently screened by existing eaves to the side of their dwelling. In addition, a large, fixed screen is attached above the laundry door entry which creates additional shading of the neighbour’s northern elevation. The proposed reduced setback is not considered to exacerbate the southern boundary neighbours existing access to ventilation and direct sunlight. It is noted that the proposed development results in a boundary wall to the garage on the ground floor, which is deemed to comply and is not considered to have detrimental impact on the amenity of the adjoining neighbour to the south.

**Height**

<b>Element</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Extent of Variation</b>
Local Planning Area 3 (LPA 3) – North Fremantle: Height standards	Building height shall be limited to a maximum of two storey's (maximum external wall height of 5.5 metres as measured from ground level with a maximum roof plain pitch of 33 degrees).	6.6m	1.1m

In accordance with section 3.2 of LPA 3 provisions within the City’s LPS 4, in granting consent to the maximum height prescribed, Council shall be satisfied in regard to all of the following:

- (a) that the proposal is consistent with predominant height patterns of adjoining properties and the locality generally,*
- (b) the proposal would not be detrimental to the amenity of adjoining properties or the locality,*
- (c) the proposal would be consistent, if applicable, with conservation objectives for the site and locality generally, and*

*any other relevant matter outlined in Council’s local planning policies.*

*Council may impose a lesser height in the event that the proposal does not satisfy any of the above requirements.*

The proposed development is considered to address the above criteria for the following reasons:



- The proposed development is consistent with the general height pattern along Thompson Road, and the locality in general as there are two to three storey single houses within proximity of the subject site.
- The topography of the locality and raised single storey dwellings on the eastern side of Thomson Road, contributes to this dwelling's compatibility with its surroundings.
- The proposed development is considered to have limited impacts on the amenity of the adjoining neighbours. Specifically, the only major opening affected by shadow thrown by the additional height is already significantly impacted by its own eaves and a compliant boundary wall. There also remains a reasonable amount of the rear yard and outdoor living clear of structures, ensuring quality access to northern sunlight.
- The bulk and scale of the dwelling respects the scale and form of the surrounding heritage listed dwellings and existing streetscape. The streetscape plan provided as part of attachment 1 illustrates that the development is consistent with the form and scale of the existing dwellings in the area. The single storey front section of the dwelling compliments the scale of surrounding single storey historic development, and the two-storey section is set back on the block where its visual impact on the streetscape will be reduced, noting it will be partly concealed by the front section and the proposed breeze blocks at the front of the dwelling.

As the proposal varies the maximum permissible heights prescribed by the North Fremantle Local Planning Area LPS4 provisions, the additional building height needs to be assessed under the discretionary criteria of clause 4.8.1 (variation to height requirements), outlined as follows:

The proposed development is adjacent to an existing single house at 23 Thompson Road, which is developed at a maximum external wall height of 6.8m. Attachment 1 includes a streetscape plan which depicts the height pattern adjacent to the subject site. Given there is precedent of an over-height development in proximity of the subject site, the proposed variation can be assessed against the discretionary criteria of clause 4.8.1 of the LPS4 as follows.

*Where sites contain or are adjacent to buildings that depict a height greater than that specified in the general or specific requirements in Schedule 7, Council may vary the maximum height requirements subject to being satisfied in relation to all of the following:*

- (a) The variation would not be detrimental to the amenity of adjoining properties or the locality generally,*



- (b) Degree to which the proposed height of external walls effectively graduates the scale between buildings of varying heights within the locality,
- (c) Conservation of the cultural heritage values of buildings on-site and adjoining, and
- (d) Any other relevant matter outlined in council’s local planning policies.

The proposed building height is considered to meet the discretionary criteria of clause 4.8.1 of the LPS4 for the following reasons:

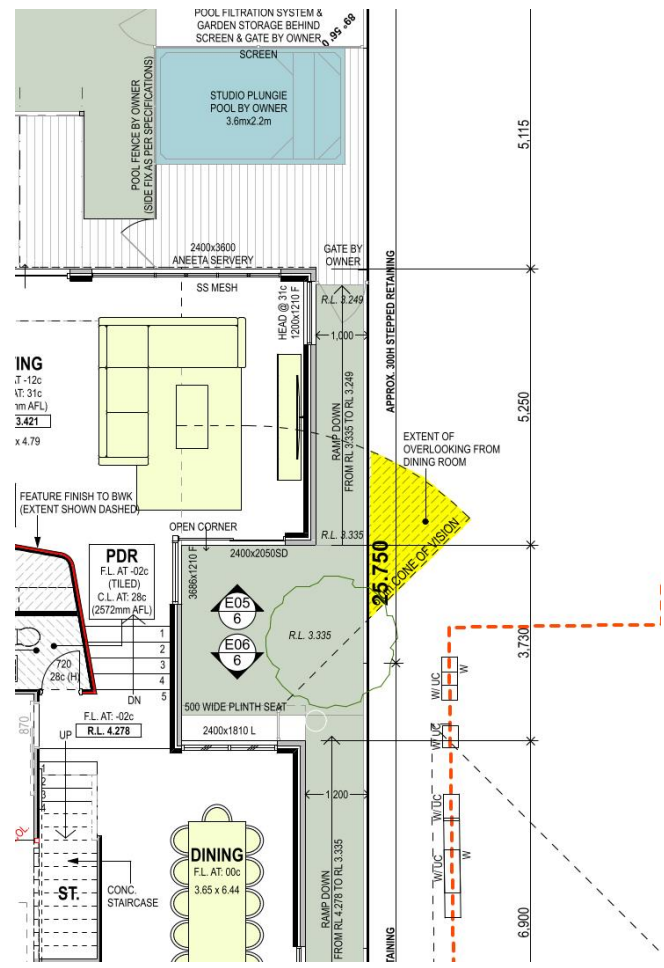
- The proposed upper floor addition of the existing dwelling is located such that it will not cast unreasonable levels of winter shade upon the adjoining southern property.
- The proposed dwelling is consistent with the predominant height patterns of the locality. It is noted that a two storey dwelling is possible under the planning framework of the area, and while proposing a minor discretion to wall height, the proposal is consistent with envisaged height and development pattern for the area.
- The height of the development graduates from a single storey at the front side of the property to a double storey development that that will partially be concealed by the proposed breeze blocks, assisting to reduce the impact on the streetscape when viewed in context.
- The proposed building height, street setbacks and general built form of the dwelling is supported on heritage grounds and is considered to have limited detrimental impact upon the North Fremantle Heritage Area generally.

**Visual Privacy**

<b>Element</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Extent of Variation</b>
Cone-of-vision setback (northern boundary: ground floor Dining Room)	6m	1.2m	4.8m

The proposed visual privacy variation is not considered to address the Design Principles of the R-Codes for the following reasons:

- The proposed living room window results in direct overlooking over the northern boundary adjoining neighbour's existing outdoor living areas and therefore cannot be supported under the design principles (see image below for extent of overlooking). However, the existing 1.8m dividing fence will provide sufficient screening and restricts any potential views within the cone of vision. As such, requiring any additional screening is not necessary.



**Figure 1:** Extent of overlooking from the proposed living room onto the northern boundary neighbour’s existing outdoor living area at 26 Thompson Road.

The proposed upper floor terrace also incorporates screening to restrict direct overlooking. A condition is recommended to ensure the proposed breeze blocks are obscured in accordance with clause 5.4.1 of the R-Codes for visual privacy.

It should be noted that all visual privacy assessments from other habitable spaces in the proposed additions greater than 500mm above natural ground level are fully compliant with the deemed-to-comply requirements of the R-Codes, either achieving the require cone-of-vision setback or have an appropriate design solution such as hi-lite windows or screening to ensure compliance.

**Overshadowing**

Element	Requirement	Proposed	Extent of Variation
Overshadowing	Max. 25% (84m <sup>2</sup> )	27.8% (93.4m <sup>2</sup> )	2.8% (9.4m <sup>2</sup> )

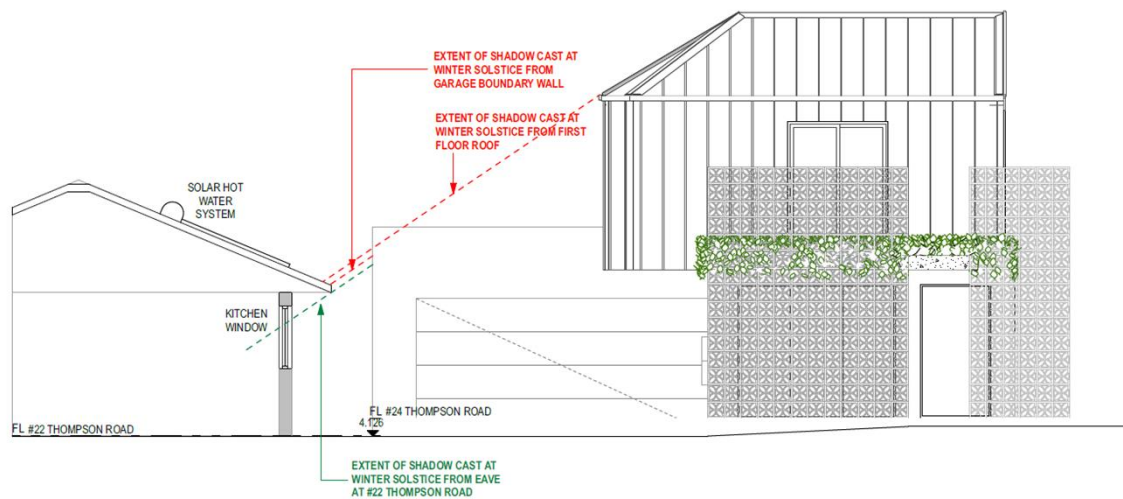
It is acknowledged that on east west orientated properties when two storey built form is being proposed, is difficult to avoid reducing access to winter sun for adjoining properties. The applicant has provided a greater upper floor setback on



the southern side for the development to minimise the impact. To reduce the impact of overshadowing, the applicant also modified the development plans to reduce the overall overshadowing from 100.14m<sup>2</sup> to 93.46m<sup>2</sup> (29.80% to 27.82%). This has been achieved through several adjustments to the design, including the reduction to the rear upper floor roofline and lowering of the breeze wall screen, along with reworking the chamfer to the southeast corner of the building. Notwithstanding this, the proposal is required to address the design principles of the R Codes.

The proposed overshadowing variation is considered to address the Design principles of the R-Codes for the following reasons:

- As illustrated on the diagram below, the southern boundary neighbour at 22 Thompson Road has one major opening on their northern elevation which is already being partially overshadowed by the existing eaves of the dwelling itself. A compliant boundary wall removes any remaining access to sunlight.
- While acknowledging that there will be some impact, the only major being impacted is for a kitchen, with the window being over the kitchen sink. The room, which has a dining area, has a large opening on the street front which faces east and provides additional sunlight access.
- A 5m rear setback for the development, provides a clear corridor of northern sunlight access for the yard and outdoor living space on the southern neighbouring lot.
- Other windows and doorways on the neighbouring property's northern elevation are for non-habitable rooms (bathroom, laundry etc).
- The southern property has a solar hot water system to its northern elevation roof plain. With regards to the impact of shadow over this system the majority will not be impacted at the worst period of the year (being 21 June) with the shadow being cast mainly on the adjoining dwellings northern wall and eave line.



**Figure 2:** Extent of shadow cast onto 22 Thompson Road at southern side boundary of the subject site.

**Local Planning Policy 3.6 – Heritage Areas**

<b>3.6 Infill development (new buildings)</b>	
<b>3.6.1 Intent</b>	
<p>New buildings within a heritage area should respect and complement the heritage significance of the area. A respectful design approach gives special consideration to the siting, scale, architectural style and form, materials and finishes of the proposed development in relation to its neighbours, without copying historic detailing or decoration. New infill buildings should respond sympathetically to the heritage values of the heritage area as a whole, and also to that part of the heritage area in the vicinity of the proposed development. Imaginative, well designed and harmonious construction is encouraged. Professional architectural services can be of great assistance in formulating appropriate designs.</p>	<p><b>Officer Comments</b></p> <p>The proposed new dwelling is considered to complement the North Fremantle Heritage Area.</p> <p>A contemporary building such as the proposal is therefore considered to be appropriate in the context of the area. It does not appear that the proposed dwelling is attempting to mimic or copy any historic detailing or decoration rather it is responding to the heritage area as a whole by proposing a well-designed building that will complement the area.</p>



<b>3.6.2 Design guidance</b>	
<p><b><i>Siting and Scale</i></b></p> <p>i. New infill development within a heritage area should:</p> <p>a) Maintain a setting that is consistent with the original streetscape, including front and side setback patterns.</p> <p>b) Have a consistent bulk and scale in relation to the original street pattern. E.g. If the original street pattern is single storey then the new infill development should also be (or present as) single storey (at least to the front section of the lot).</p> <p>c) Have a plate height consistent with the original street pattern. New developments often propose a lower plate height than the earlier and original buildings. To ensure a consistency of scale the plate height is an important element to ensure it is consistent with the original street pattern.</p> <p>ii. New Infill development to secondary streets will be assessed on individual circumstances and merit. Issues to consider include:</p> <p>a) Prevailing streetscape and setbacks of the side street</p> <p>b) Avoiding a continuous wall and providing articulation of walls to a secondary street.</p> <p>c) Avoiding a two-storey height wall to the side street, unless the prevailing streetscape is predominantly two-storey.</p> <p>iii. Street setbacks deemed to comply with the above are specified in Schedule 1 for some areas.</p>	<p><b><i>Officer Comments</i></b></p> <p>The proposed building height, street setbacks and general built form of the dwelling is supported on heritage grounds and is considered to have limited detrimental impact upon the North Fremantle Heritage Area generally.</p>
<p><b><i>Building Form</i></b></p> <p>The form of the building is its overall shape, size and the general arrangement of its main parts.</p>	<p><b><i>Officer Comments</i></b></p> <p>Generally, the building form of the development respects the predominant form of the prevailing streetscape without mimicking</p>





<p>i. New infill building within a heritage area should respect and harmonise with and be sympathetic to the predominant form of the prevailing streetscape without mimicking heritage detailing.</p> <p>ii. Where a building form is highly repetitive, significant departures in form will appear at variance to the streetscape and should not be introduced.</p> <p>iii. The treatment of new infill buildings in terms of the roof form, proportions, materials, number, size and orientation of openings, ratio of window to wall etc. should relate to that of its neighbours.</p> <p>iv. Symmetry or asymmetry of facades in the prevailing streetscape is an element of form to be kept consistent.</p> <p>v. Contemporary building designs should respond to, and interpret, the scale, articulation and detail of the existing nearby buildings in a modern, innovative and sympathetic way.</p>	<p>heritage detailing. The use of interlocking gable roofs, asymmetry, articulation of building elements and vertical windows on street facades references the established heritage streetscape.</p>
<p><b>Materials, Colours and Detailing</b></p> <p>i. Materials and level of detailing should reflect / interpret the predominant materials and detailing of the original prevailing streetscape and not visually dominate the streetscape or adjacent heritage buildings.</p> <p>ii. Whilst the basic form, scale and structure of new development should be consistent with the character of the area, new buildings should not seek to emulate heritage detailing to any great extent: 'Faux' or 'mock' heritage detracts from an understanding and appreciation of the original building and will not be supported. New development should blend in with the streetscape but be discernible as new when looked at more closely.</p>	<p><b>Officer Comments</b></p> <p>Modern materials and detailing references heritage streetscape without using Faux heritage detailing. The colour pallet is also sympathetic with surrounding streetscape.</p>



<p>iii. Use of original or traditional colours is encouraged. Glossy materials or finishes should be avoided unless a historical precedent for their use can be demonstrated.</p>	
<p><b>Other Elements</b></p> <p><i>Roofs</i></p> <p>i. Traditionally roof lines are a predominant element of the streetscape. All new infill development shall respond to and reinforce the existing characteristics of the prevailing streetscape regarding plate and wall heights, roof form, ridge lines, parapet lines, roof slopes and eaves overhangs.</p> <p>ii. Roof forms that interpret the predominant roof forms of the prevailing streetscape may be considered.</p> <p><i>Verandahs / Porches / Awnings</i></p> <p>i. Verandahs, porches and awnings were often an important element of streetscapes. Inclusion of verandahs, porches and awnings appropriate to the streetscape are encouraged without too precisely mimicking the style of the original character-building elements or heritage detailing.</p> <p><i>Doors and Windows</i></p> <p>i. All windows and door openings visible from the street should have a vertical emphasis, which means they should be taller and narrower in appearance unless there is a predominance in the prevailing streetscape of larger, interwar and later windows.</p> <p>ii. Front doors should generally address the street and should be centrally located in the front façade of the new infill building unless there is a different original pattern in the prevailing streetscape.</p>	<p><b>Officer Comments</b></p> <p>The use of gable roof forms, eaves overhangs, and roof pitches are sympathetic with surrounding streetscape.</p>



## **CONCLUSION**

As discussed above, the proposed variations address the relevant design principles of the R-Codes and policy provisions with limited impact to the amenity of the adjoining neighbours. As such, the proposed development is recommended for conditional approval.

## **STRATEGIC IMPLICATIONS**

This item is in keeping with the City of Fremantle's Strategic Community Plan 2024 – 2034:

### **Liveable City - Sustainable growth in city centre population**

- Residential developments enable residents to minimise their environmental footprint.

## **FINANCIAL IMPLICATIONS**

Nil

## **LEGAL IMPLICATIONS**

Nil

## **VOTING AND OTHER REQUIREMENTS**

Simple Majority Required

## **OFFICER'S RECOMMENDATION**

**Council:**

**APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the two storey Single house at No. 24 (Lot 14) Thompson Road, North Fremantle, subject to the following conditions:**

- 1. This approval relates only to the development as indicated on the approved plans, dated 29 July 2024. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.**



- 2. All storm water discharge from the development hereby approved shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.**
- 3. Prior to the occupation of the development hereby approved, vehicle crossovers shall be constructed to the City's specification and thereafter maintained to the satisfaction of the City of Fremantle.**
- 4. Prior to the occupation of the development hereby approved, any redundant crossovers shall be removed and the verge and kerning reinstated to the City's specifications, at the expense of the applicant and to the satisfaction of the City of Fremantle.**
- 5. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.**
- 6. Prior to lodgement of a Building Permit for the development hereby approved, a detailed drawing showing how the upper floor terrace, (western elevation) is to be screened in accordance with Clause 5.4.1/6.4.1 C1.1 of the Residential Design Codes by either:**
  - fixed obscured or fixed translucent glass to a minimum height of 1.60 metres above internal floor level, or**
  - fixed screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the internal floor level, or**
  - a minimum sill height of 1.60 metres above the internal floor level.**

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

- 7. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.**



**Advice note(s):**

- i. A building permit is required to be obtained for the proposed building work. The building permit must be issued prior to commencing any works on site.**
- ii. An application for building permit for the swimming pool barrier must be submitted and building permit issued prior to filling the swimming pool with water.**
- iii. The applicant is advised that a crossover permit must be obtained from the City's Engineering Department. New/modified crossover(s) shall comply with the City's standard for crossovers, which are available on the City of Fremantle's web site.**
- iv. Any works within the adjacent thoroughfare, i.e. road, kerbs, footpath, verge, crossover or right of way, requires a separate approval from the City of Fremantle's Infrastructure Business Services department who can be contacted via [info@fremantle.wa.gov.au](mailto:info@fremantle.wa.gov.au) or 9432 9999.**
- v. If construction works involve the emission of noise above the assigned levels in the Environmental Protection (Noise) Regulations 1997, they should only occur on Monday to Saturday between 7.00 am and 7.00 pm (excluding public holidays). In instances where such construction work needs to be performed outside these hours, an Application for Approval of a Noise Management Plan must be submitted to the City of Fremantle Environmental Health Services for approval at least 7 days before construction can commence.**

**Note: Construction work includes, but is not limited to, Hammering, Bricklaying, Roofing, use of Power Tools and radios etc.**

- vi. All noise from the proposed development must comply with the requirements of the Environmental Protection (Noise) Regulations 1997 (as amended), such as:**
  - Mechanical service systems like air-conditioners, exhaust outlets, motors, compressors and pool filters;**
  - Vehicles;**



- **Amplified acoustic systems; and**
- **Patron noise.**

**It is advised to seek the services of a competent acoustic consultant to assist the applicant to address the potential noise impacts on noise sensitive receivers.**

- vii. Effective measures shall be taken to stabilize sand and ensure no sand escapes from the property by wind or water in accordance with the City's Prevention and Abatement of Sand Drift Local Law.**



**C2408-4 PLANNING INFORMATION REPORT - AUGUST 2024**

**1. SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY**

**Meeting date:** 14 August 2024  
**Responsible officer:** Manager Development Approvals  
**Voting requirements:** Simple Majority Required  
**Attachments:** 1. Schedule of delegated applications [4 pages]

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

**2. UPDATE ON METRO INNER DAP DETERMINATIONS AND RELEVANT STATE ADMINISTRATIVE TRIBUNAL APPLICATIONS FOR REVIEW**

**Meeting date:** 14 August 2024  
**Responsible officer:** Manager Development Approvals  
**Voting requirements:** Simple Majority Required  
**Attachments:** Nil

Applications that have been determined by the Metro Inner DAP and/or are DAP/Council determinations that are subject to an application for review at the State Administrative Tribunal are included below.

1. Application Reference
DAPV001/24
Site Address and Proposal
No. 19-25 Burt Street, Fremantle- Amendments to public works development (Mixed use development comprising of Community Purpose, Restaurant/Café, Convenience Store, Industry Cottage and Multiple Dwellings)
Current Status
<ul style="list-style-type: none"> <li>• Application to vary the approved development was received on 8 January 2024.</li> <li>• Referral comments have been provided to officers at the Department of Planning, Lands and Heritage who are the Responsible Authority, noting the changes are supported with the exception of earthworks in the road reserve, and two apartments that do not meet adequate standards for solar access.</li> <li>• Due to regulation changes, this proposal is no longer a DAP application, and will be determined by the WAPC.</li> <li>• The application to vary the proposal has been approved by the WAPC.</li> </ul>



2. Application Reference
DAP002/24
Site Address and Proposal
19 Essex Street, Fremantle – Four storey Tourist Development
Council Consideration/Decision
<ul style="list-style-type: none"> <li>• Application for development was received on 14 June 2024.</li> <li>• The application is currently under assessment.</li> </ul>
3. Application Reference
DAP003/24
Site Address and Proposal
1 Naylor Street and 2-4 Clontarf Road, Beaconsfield – Multiple dwellings
Council Consideration/Decision
<ul style="list-style-type: none"> <li>• Application for development was received on 22 July 2024.</li> <li>• The application is currently under assessment.</li> </ul>

**VOTING AND OTHER REQUIREMENTS**

Simple Majority Required

**OFFICER'S RECOMMENDATION**

**Council receive the following information reports for August 2024:**

- 1. SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY**
- 2. UPDATE ON METRO INNER-SOUTH JDAP DETERMINATIONS AND RELEVANT STATE ADMINISTRATIVE TRIBUNAL APPLICATIONS FOR REVIEW.**





## Strategic and general reports

### **C2408-5 NEW WORKING GROUP - COMMUNITY EMISSIONS**

**Meeting date:** 14 August 2024  
**Responsible officer:** Director Planning, Place and Urban Development  
**Voting requirements:** Simple Majority Required  
**Attachments:** 1. TOR Community Emissions [3 pages]

#### **SUMMARY**

**In addition to the establishment of three internal Working Groups in February 2024, this report recommends the establishment of a fourth Working Group to advance the City's commitment to local climate change action. Specifically, to explore greenhouse gas emission reduction strategies and actions that can be encouraged and supported within the community. This is in addition to the City's current commitment to reducing its corporate greenhouse gas emissions towards net zero.**

**The proposed components of the Terms of Reference for the new group are summarised as:**

- **Identifying key community leaders in sustainability who may be invited to assist the Working Group.**
- **Develop an evidence-based understanding of the range/scope of community emissions and where the biggest impacts for least effort/cost can be achieved.**
- **Develop an action plan that prioritises the reduction of community emissions through advocacy, education, promotion and support programs.**
- **Prepare preliminary budget estimates associated with proposed actions.**
- **Report back to Council on progress and highlight any recommendations that require council to consider budget implications or adjustments to resourcing.**

**This report recommends that Council supports the establishment of this additional Working Group; agrees to the attached Terms of Reference; and nominates and endorses elected member representation.**



**BACKGROUND**

On 14<sup>th</sup> February 2024 the council passed the following resolution:

1. *Supports the establishment of Working Groups consisting of elected members and senior staff, to advance specific strategic issues, based on the overall approach and purpose set out in this report;*
2. *Approve the following Terms of References, for the establishment of the initial three working groups:*
  - *City Plan Engagement*
  - *Economic Development Strategy*
  - *Towards 2029*
3. *Note the Chief Executive Officer may invite external members to a Working Group, to bring specific community representation to the discussion, should a particular Working Group consider that this may be advantageous.*
4. *Endorses the following elected members to be representatives on the following Working Groups:*

<b>Economic Development</b>	<b>City Plan</b>	<b>Towards 2029</b>
Cr Ingrid van Dorssen	Cr Ingrid van Dorssen	Cr Ben Lawver
Cr Frank Mofflin	Cr Fedele Camarda	Cr Jenny Archibald
Cr Jenny Archibald	Cr Jenny Archibald	Cr Fedele Camarda
Cr Andrew Sullivan	<i>Vacant</i>	<i>Vacant</i>

5. *Note that the Mayor will retain an ex-officio role on all of the above Working Groups.*
6. *Authorise the CEO to appoint further Elected Members to the working groups, as outlined in part 4, at his discretion.*

By way of further background, on 26<sup>th</sup> July 2023 council resolved to align its actions and policy development on emissions reduction with current government targets of Net Zero by 2050, and an interim target of at least 43% reduction below 2020 levels by the year 2030.

**FINANCIAL IMPLICATIONS**

No financial implications to this report.



## **LEGAL IMPLICATIONS**

No legal implications to this report.

## **STRATEGIC IMPLICATIONS**

This is in keeping with the City of Fremantle's Strategic Community Plan 2024 – 2034:

### **Resilient City – An educated and empowered community that seeks to mitigate the causes and effects of climate change**

- A community that is informed and takes action on the causes and impacts of climate change.

## **CONSULTATION**

Following the establishment of the Working Group, the first task will be to identify members of the community with expertise in sustainability to assist with developing elements of the plan. It is noted that one of the recommendations in this Report is that the Chief Executive Officer may invite external community members to join the Group. Further consultation with the broader community will be required as part of developing strategies and identifying actions that the local community can take on climate change.

## **OFFICER COMMENT**

In broad terms, the City's corporate operations are responsible for the nett generation of approximately 7,000 tonnes of carbon dioxide equivalent emissions per annum (once all emissions and carbon positive actions are taken into account). The council has committed the City to reducing this in line with federal and state government targets of net zero by 2050.

However, it is estimated that the total emissions from within the Fremantle community is over 500,000 tonnes CO<sub>2</sub>-e (source Snapshot Climate). This estimated figure includes contributions from the Fremantle Ports and State Government facilities. 'Community' emissions include residents, businesses, commercial sector, industry, government, transport etc. Although the City is not directly responsible for these, the City in recognising its leadership role can take action to assist in the reduction of community emissions through:

- Identifying the 'big emitters'
- Education programs



- Advocacy
- Community support programs
- Policy, promotion and communication.

If action was to be targeted based on a 'bang for buck' approach, i.e., focus on the big emissions within the community that are comparatively easy to reduce, the City could make significant impact on overall emissions reduction in Fremantle. Recognising shared responsibilities is important to appropriately identify actions that the community can take at an individual level and at a whole of community level.

It is considered that this work would sit alongside the City's current activities around carbon reduction strategies that specifically target its corporate emissions.

In regard to adapting to changes in climate, the WA Climate Adaptation Strategy released in 2023 encourages local governments to prepare climate adaptation plans in consultation with their community. It is anticipated that following the completion of emission reduction plans and actions the Working Group could turn its attention to climate risk assessment, adaptation planning and resilience building of City services and the local community.

## **VOTING AND OTHER REQUIREMENTS**

Simple Majority Required

## **OFFICER'S RECOMMENDATION**

### **Council:**

- 1. Supports the establishment of a Community Climate Action Working Group to develop actions and strategies to reduce greenhouse gas emissions within the broader Fremantle community.**
- 2. Approve the Terms of Reference, as provided in Attachment 1.**
- 3. Appoint the following elected members to be representatives on the Community Climate Action Working Group:**
  - **Mayor, Hannah Fitzhardinge (ex-officio)**
  - **Cr <name>**
  - **Cr <name>**
  - **Cr <name>**



- 4. Notes the Chief Executive Officer may invite additional elected members and/or external community members to a Working Group to bring specific expertise to the discussion, as required.**



## **C2408-6 POLICY AMENDMENT OF CITY OF FREMANTLE ART COLLECTION**

**Meeting date:** 14 August 2024  
**Responsible officer:** Director Creative Arts and Community  
**Voting requirements:** Simple Majority Required  
**Attachments:** 1. City of Fremantle Art Collection Council Policy [6 pages]

### **SUMMARY**

**The City of Fremantle Art Collection Policy requires updates to meet the requirements of the Commonwealth Cultural Gifts Program (CGP) policy criteria so the City can continue to accept donations through the program.**

**Council approval is sought to amend the City of Fremantle Art Collection Policy clause 7.3 relating to deaccession. The office of the CGP stipulates that in the event of the City deaccessioning an artwork previously approved through the CGP, that the artwork not be returned to the donor, as currently indicated in City of Fremantle Art Collection Council Policy.**

**This report recommends that Council adopt the proposed amendment to the Council Policy, including an update to Clause 7.3 to delete references to returning artworks to original donors including the artist, and include a new Clause 7.7 to read "any deaccessioned items donated under the Cultural Gifts Program will not be returned to the donor, as the donor has already received the benefit of tax deduction for the donation".**

### **BACKGROUND**

City of Fremantle Art Collection receives significant donations of artworks through the Commonwealth Cultural Gifts Program (CGP). Approved artworks are donated to build the Collection at no cost to the city. Donors receive a taxation benefit from the ATO through the donation process. The City of Fremantle Art Collection has received many significant and valuable artworks over the last 8 years and at time when the City has had no art acquisition budget.

The City of Fremantle Art Collection Council Policy includes a deaccession procedure clause, applied if artworks are removed from the Collection to meet policy objectives, or the artworks are damaged beyond the cost of repair. The Commonwealth office of CGP requires that all CGP donations removed from the collection, are not returned to the donors, who previously received a tax benefit.



A City of Fremantle Art Collection Council Policy amendment is required to continue to gain the advantage of gifts of artworks to the city through the CGP. The change will make no procedural difference to Policy deaccession processes. The recommended change means, if an artwork is deaccessioned in the future, it is offered to other public institutions first, and then offered for sale at auction. The artworks will not be offered or returned to the original donor/artist. It is imperative the city amends the Council Policy in keeping with commonwealth criteria parameters, otherwise CGP status will be lost.

### **FINANCIAL IMPLICATIONS**

Nil

### **LEGAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

This item is in keeping with the City of Fremantle's Strategic Community Plan 2024 – 2034:

#### **Creative City – Industry-leading community arts facilities and programming**

- The matters contained in this report align to the intent of this theme's outcome.

#### **Corporate - Lead and empower the organisation to deliver the vision of 'strong reputation, stronger future'**

- The matters contained in this report align to the intent of this theme's outcome.

### **CONSULTATION**

Nil

### **OFFICER COMMENT**

It is critical to the growth of the Art Collection that the city continues to acquire artworks, in keeping with its cultural strategies and priorities through the Commonwealth Cultural Gifts Program (CGP). This is important as the city has no



capital budget allocation to purchase artworks. Maintaining participation in the CGP is currently the only process for the city to acquire high value artworks.

The proposed amendments to the City of Fremantle Art Collection Council Policy include:

1. Amend Clause 7.3 to as follows:  
Where a work has been nominated for de-accession it will be fully documented before disposal. Undamaged works to be de-accessioned will ~~either~~ be offered ~~to the artist, offered~~ to a more suitable ~~non-profit organisation~~ **collecting organisation**, put up for public auction, or otherwise disposed of subject to consultation with Council.
2. Include a new Clause 7.7 to read - "Any deaccessioned items donated under the Cultural Gifts Program will not be returned to the donor, as the donor has already received the benefit of tax deduction for the donation".

## **VOTING AND OTHER REQUIREMENTS**

Simple Majority Required

## **OFFICER'S RECOMMENDATION**

**Council adopt the amended City of Fremantle Art Collection Council Policy, as provided in Attachment 1.**





## **C2408-7 CORPORATE REPORT - 30 JUNE 2024**

**Meeting date:** 14 August 2024  
**Responsible officer:** Manager Business Transformation  
**Voting requirements:** Simple Majority Required  
**Attachments:** 1. 2024-28 Corporate Plan Report Jan-June 2024 [18 pages]

### **SUMMARY**

**The Corporate Plan Report for 1 July 2023 to 30 June 2024 provides a summary of the services, activities and projects for 2023-24.**

**Reporting is aligned to the Strategic Community Plan 2015-25 and will be the last report aligned to this plan. Future reporting will be aligned to the Strategic Community Plan 2024-34.**

**This report recommends that Council receive the Corporate Plan Report for 2023-24, as provided in Attachment 1.**

### **BACKGROUND**

All local governments are required to develop a Strategic Community Plan and a Corporate Business Plan in accordance with the Integrated Planning and Reporting (IPR) Framework and subsequent changes made to the Local Government (Administration) Regulations 1996.

The Strategic Community Plan is used to guide the corporate, business, and financial planning for the City. This report will provide an update on the projects and services for 2023-24 that address or contribute to the aspirations of the strategic community plan and outline their planned delivery and progress.

### **FINANCIAL IMPLICATIONS**

Nil

### **LEGAL IMPLICATIONS**

In accordance with section 5.56 of the Local Government Act 1995, the Local Government (Administration) Regulations 1996 and the IPR Framework and Guidelines local governments develop a Strategic Community Plan and a Corporate Business Plan.



## **STRATEGIC IMPLICATIONS**

This item is in keeping with the City of Fremantle's Strategic Community Plan 2015 – 2025.

## **CONSULTATION**

Nil

## **OFFICER COMMENT**

The Corporate Plan Report provides a summary of the services, initiatives and project progress programmed in 2023-24 as of 30 June 2024.

Officers continue to actively manage and monitor progress through monthly reporting.

## **VOTING AND OTHER REQUIREMENTS**

Simple Majority Required

## **OFFICER'S RECOMMENDATION**

**Council receives the City of Fremantle Corporate Plan Report – July to June 2024 as provided in Attachment 1.**



## **Committee and working group reports**

Nil.



## **Statutory reports**

Nil.



## **Motion of which previous notice has been given**

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

Nil.

## **Urgent business**

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

## **Late items**

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

## **Confidential business**

Nil.

## **Closure**