



Agenda

Ordinary Meeting of Council

Wednesday 9 April 2025 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 9 April 2025** in the Council Chamber (Bibbool Room) at the Walyalup Civic Centre, located at 151 High Street, Fremantle commencing at 6:00 pm.

A handwritten signature in blue ink, appearing to read "Glen Dougall".

Glen Dougall
Chief Executive Officer

2 April 2025



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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.

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

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

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 26 March 2025.

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

C2504-1 LOT 201 (NO. 1) GOLDSBROUGH ST & PART LOT 40 (NOS. 48-68) CANTONMENT ST, FREMANTLE (WOOL STORES)- SEVEN (7) STOREY MIXED USE DEVELOPMENT COMPRISING 39 MULTIPLE DWELLINGS, 174 CO-LIVING (RESIDENTIAL BUILDING) UNITS, OFFICE, RESTAURANT/CAFÉ, SHOP AND TAVERN

Meeting date:	9 April 2025
Responsible officer:	Manager Development Approvals
Voting requirements:	Simple Majority Required
Attachments:	1. Development Plans (includes updated shadow analysis)
Additional Information: <i>(viewed electronically)</i>	2. Development Summary 3. DA Report (without appendices) 4. Appendix B - Heritage Assessment 5. Appendix C - Arch Design Report 6. Appendix D - Landscape Design 7. Appendix E - Sustainable Design 8. Appendix F - Traffic Impact Statement 9. Appendix G - Waste Management 10. Appendix H - Accoustic Report 11. Appendix I - R-Code Assessment 12. Perspective Images of Development 13. DAC Minutes Combined 14. CoF Heritage Impact Assessment 15. HCWA Advice and Recommendations 16. 2014 Heritage Impact Assessment of 1950s Buildings 17. Applicant FIR Response (redacted) 18. Site Photos 19. Public Submission Schedule

SUMMARY

Approval is sought for a seven (7) storey mixed use development comprising 39 Multiple dwellings, 174 co-living (Residential building) units, Office, Restaurant/Café, Shop and Tavern at No. 1 (Lot 201) Goldsbrough Street and Nos. 48-68 (Lot 40) Cantonment Street, Fremantle.



As the development value exceeds \$10 million, the applicant has opted for determination by the Metro Inner Development Assessment Panel (DAP). The City's Responsible Authority Report (RAR) is referred to Council for comment.

While there are significant positives to the development, the application is recommended for refusal due to the level of significance of fabric being demolished.

PROPOSAL

Detail

Approval is sought for a seven (7) storey mixed use development comprising 39 Multiple dwellings, 174 co-living (Residential building) units, Office, Restaurant/Café, Shop and Tavern at No. 1 (Lot 201) Goldsbrough Street and Nos. 48-68 (Lot 40) Cantonment Street, Fremantle. The development includes:

- 39 Multiple Dwellings:
 - 33 x apartments across the fourth to sixth floors
 - 7x 1-bedroom, 1-bathroom apartments, ranging from 75sqm to 83sqm
 - 8x 2-bedroom, 2-bathroom apartments, ranging from 113sqm to 122sqm
 - 15x 3-bedroom, 2-bathroom apartments, ranging from 131sqm to 246sqm
 - 3x penthouse apartments
 - 6 x multi-level town houses across ground to fourth floors, ranging from 281sqm to 471sqm each.
- 174 x 'co-living' (Residential building) studio units across ground to fifth floor, ranging from 27sqm to 33sqm. The 'co-living' units are provided access to shared amenity spaces including a co-working and function space, communal kitchen and dining areas as well as a communal outdoor landscaped terrace.
- 3 x 'Office' tenancies across the ground floor through third floor with a total of 6,865sqm Gross Lettable Area (GLA).
- 3 x 'Shop' tenancies at ground floor, total of 634sqm Net Lettable Area (NLA).
- 1 x 20sqm 'Restaurant/Café' tenancy at ground floor.



- 1 x 865sqm Tavern tenancy at ground floor.
- Car and Bicycle parking provisions (across basement and ground floor levels):
 - 164 total on-site car bays (includes 6 ACROD bays):
 - 71 residential parking bays; and
 - 93 non-residential and 'co-living' parking bays.
 - Bicycle parking:
 - 87 residential bicycle bays
 - 35 non-residential bicycle bays
 - 45 'co-living' bicycle bays
 - 12 Tavern staff bicycle bays
 - 34 visitor bicycle bays
 - End-of-trip facilities (3 x male and 3x female showers, lockers)
 - 1 x off-site loading bay (within road reserve)
 - 2 x DFES hardstand / waste collection bays (within road reserve)
- 1 x 412sqm communal landscaped courtyard at ground level.
- Storage, utilities and other service infrastructure across basement and ground floor levels.
- Two new vehicle crossovers to access the site are proposed, including one on Elder Place which will provide access to the basement level parking, and one on Cantonment Street to provide access to the ground level parking area.
- Residential and visitor access points, including individual entrances for the townhouses along Elder Place, as well as a main residential lobby and office access points along Goldsbrough Street and Cantonment Street.

With the exception of a minor update to the ground floor plan (DA102) to provide bicycle parking number annotations over existing plans, the submitted development plans were not otherwise amended throughout the application process and the minor annotation additions on the ground floor plans. The development plans for the proposal can be found at Attachment 1 of this report with an associated development summary schedule provided at Additional Information 2.

Additional justification against planning and heritage matters was also provided by the applicant and is attached to this report.

The development plans and supporting documents, also show indicative streetscape works along Cantonment Street in particular. The developer is working with the City and other landowners in the area to develop the precinct, however noting this work is off site and not resolved, it does not form part of this application.

Site/application information

Date received:	8 January 2025
Owner name:	WS 201 Asset Pty Ltd
Submitted by:	Urbis
Scheme:	City Centre (R-AC3)
Heritage listing:	<i>Elders Wool Stores, 38 Cantonment Street</i> (Level 1A (state register); Elders Wool Stores (1950s building), 48 – 68 Cantonment (Local – Level 2)
Existing land use:	Vacant Warehouse
Use class:	Multiple Dwelling (D); Residential Building (D); Restaurant/Café (D); Tavern (A) and Office (P).
Use permissibility:	Multiple Dwelling (D); Residential Building (D); Restaurant/Café (D); Tavern (A) and Office (P).





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

- A higher density City with a diverse range of housing options being available in the city centre that cater to multiple demographics.
- Fremantle is recognised as a development-friendly city as a result of flexible and adaptable approaches to planning.

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.

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.
- Adaptive re-use of heritage buildings is enabled through supporting private investment, renewal and innovation.

Thriving City - A resilient seven-day economy

- A City with a diverse range of unique, resilient and sought-after businesses and attractions.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

SUPPORT the Officer's Recommendation to REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Seven (7) Storey Mixed Use Development Comprising 39 Multiple Dwellings, 174 Co-Living (Residential Building) Units, Office, Restaurant/Café, Shop and Tavern Land Uses at No. 1 (Lot 201) Goldsbrough Street and Nos. 48-68 (Lot 40) Cantonment Street, Fremantle, as per the Responsible Authority Report.



**LOT 201 (NO. 1) GOLDSBROUGH STREET & PART LOT 40 (NOS. 48-68)
CANTONMENT STREET, FREMANTLE - SEVEN (7) STOREY MIXED USE
DEVELOPMENT COMPRISING 39 MULTIPLE DWELLINGS, 174 CO-LIVING
(RESIDENTIAL BUILDING) UNITS, OFFICE, RESTAURANT/CAFÉ, SHOP
AND TAVERN**

Form 1 – Responsible Authority Report
(Regulation 12)

DAP Name:	Metro Inner DAP
Local Government Area:	City of Fremantle
Applicant:	Urbis
Owner:	WS 201 Asset Pty Ltd
Value of Development:	\$110 million
Responsible Authority:	City of Fremantle
Authorising Officer:	Chloe Johnston, Manager Development Approvals
LG Reference:	DAP005/24
DAP File No:	DAP/25/02837
Application Received Date:	18 December 2024
Report Due Date:	16 April 2024
Application Statutory Process Timeframe:	90 Days (plus additional 21 days agreed)
Attachment(s)/ Additional Information	Attachments: 1. Development Plans Additional Information 2. Development Summary Schedule 3. DA Report (without appendices) 4. Appendix B – Heritage Impact Statement 5. Appendix C – Arch Design Report 6. Appendix D – Landscape Design 7. Appendix E – Sustainable Design 8. Appendix F – Traffic Impact Statement 9. Appendix G - Waste Management Plan 10. Appendix H – Acoustic Assessment 11. Appendix I – R-Code Assessment 12. Perspective Images of Development 13. DAC Minutes Combined (DR1 – DR2) 14. CoF Heritage Impact Assessment 15. Heritage Council Advice and Recommendations



	16. Former 2014 Heritage Assessment of Site 17. Applicant Further Information Request Responses (includes appendices) 18. Site photos 19. Public Submission Schedule
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Officer Recommendation

That the Metro Inner DAP resolves to:

1. **Accept** that the DAP Application reference DAP/23/02354 is appropriate for consideration as “Multiple Dwelling”, “Residential Building”, “Office”, “Restaurant/Café and “Tavern” land uses and compatible with the objectives of the zoning table in the City of Fremantle Local Planning Scheme No. 4
2. **Refuse** DAP Application reference DAP/25/023837 and accompanying plans DA002 (Rev A), DA003 (Rev A), DA004 (Rev A), DA101 (Rev A), DA102 (Rev C), DA0103 (Rev B), DA0104 (Rev B), DA0105 (Rev B), DA0106 (Rev B), DA0107 (Rev B), DA0108 (Rev B), DA0109 (Rev A), DA0201 (Rev A), DA202 (Rev A), DA301 (Rev A), DA302 (Rev A), dated 3 January 2025 (City of Fremantle received date)) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of the City of Fremantle Local Planning Scheme No. 4, for the following reasons:
 1. The proposal involves the demolition of buildings or structures on the subject site which are deemed to hold at least some cultural heritage significance to the heritage places on the subject site and contribute to the broader cultural heritage significance and character of the locality in which it is located. As such, the proposal cannot be supported pursuant to clause 4.14.1 of Local Planning Scheme No.4 (LPS4).

Details: outline of development application

Region Scheme	Central City
Local Planning Scheme	City Centre Zone
Use Class and permissibility:	Multiple Dwelling (D); Residential Building (D); Restaurant/Café (D); Tavern (A) and Office (P).
Lot Size (effective):	8,466m ² (per conditional subdivision approval WAPC161805)
Existing Land Use:	Vacant
State Heritage Register	Yes - <i>Elders Wool Stores, 38 Cantonment Street</i>
Local Heritage	☐ N/A ☒ Heritage List



	☐ Heritage Area
Design Review	☐ N/A ☒ Local Design Review Panel ☐ State Design Review Panel ☐ Other

Proposal:

Approval is sought to restore, adapt and redevelop the existing Elders Wool Stores buildings on the subject site on and construct a seven (7) storey (plus basement level) mixed use development comprising:

- 39 Multiple Dwellings:
 - 33 x apartments across fourth to sixth floors
 - 7x 1-bedroom, 1-bathroom apartments, ranging from 75sqm to 83sqm
 - 8x 2-bedroom, 2-bathroom apartments, ranging from 113sqm to 122sqm
 - 15x 3-bedroom, 2-bathroom apartments, ranging from 131sqm to 246sqm
 - 3x penthouse apartments
 - 6 x multi-level town houses across ground to fourth floors, ranging from 281sqm to 471sqm.
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- Car and Bicycle parking provisions (across basement and ground floor levels):
 - 164 total on-site car bays (includes 6 ACROD bays):
 - 71 residential parking bays; and
 - 93 non-residential and 'co-living' parking bays.
 - Bicycle parking:
 - 87 residential bicycle bays
 - 35 non-residential bicycle bays
 - 45 'co-living' bicycle bays
 - 12 tavern staff bicycle bays



- 34 visitor bicycle bays
 - End-of-trip facilities (3 x male and 3x female showers, lockers)
 - 1 x off-site loading bay (within road reserve)
 - 2 x DFES hardstand / waste collection bays (within road reserve)
- 1 x 412sqm communal landscaped courtyard at ground level
- Storage, utilities and other service infrastructure across basement and ground floor levels.
- Two new vehicle crossovers to access the site are proposed including one on Elder Place which will provide access to the basement level parking, and one on Cantonment Street to provide access to the ground level parking area.
- Residential and visitor access points, including individual entrances for the townhouses housing along Elder Place, as well as main residential lobby and office access points along Goldsbrough Street and Cantonment Street. Additional access points are expected to be created to serve the retail frontages along Cantonment Street.

With the exception of a minor update to the ground floor plan (DA102) to provide bicycle parking number annotations over existing plans, the submitted development plans were not otherwise amended throughout the application process and the minor annotation additions on the ground floor plans are not considered to constitute a formal amended development plans. The development plans for the proposal can be found at **Attachment 1** of this report with an associated development summary schedule provided at **Additional Information 2**.

Notwithstanding the above, officers requested further information and detail to be provided across a number of elements of the proposal as part of a further information request. The applicant provided a detailed response to this further information request and this response and the additional information therein, can be found at **Additional Information 17** and is discussed where relevant throughout the following sections of this report.

The development plans and supporting documents, also show indicative streetscape works along Cantonment Street in particular. The developer is working with the City and other landowners in the area to develop the precinct, however noting this work is off site and not resolved, it does not form part of this application.

Background:

The subject site comprises two adjacent lots, No. 1 (Lot 201) Goldsbrough Street and No. 48-68 (Lot 40) Cantonment Street, Fremantle which are subject to future amalgamation under a conditional subdivision approval (WAPC ref. 161805), providing an effective total site area of 8,466m². The subject site has frontage to, and is bound by Goldsbrough Street to the south, Elder Place to the west, Cantonment Street to the east and the site is adjoined by six storey mixed use development at its northern end (VQA apartment buildings).

Existing development on the subject site comprises the *Elders Wool Stores*, a complex of multistorey brick buildings with nil setbacks to the Goldsbrough, Cantonment and Elder Place street frontages. The Elders Wool Stores is one of a group of historic wool stores and warehouses that once intermittently extended from Queen Street to James Street, aligning with the railway and contained by Elder Place, Beach, Cantonment and Queen Victoria streets.

The Elders Wool Stores complex was originally constructed for Goldsbrough Mort and Co. in three stages across 1927, 1950-56 and 1967. The 1927 section is designed in the Federation Warehouse style, with the remaining stages taking references from the post-World War II International style and applying them to the warehouse/wool store typology (**Figure 1** below depicts the staging and historical development of the wool stores complex across the wider site).

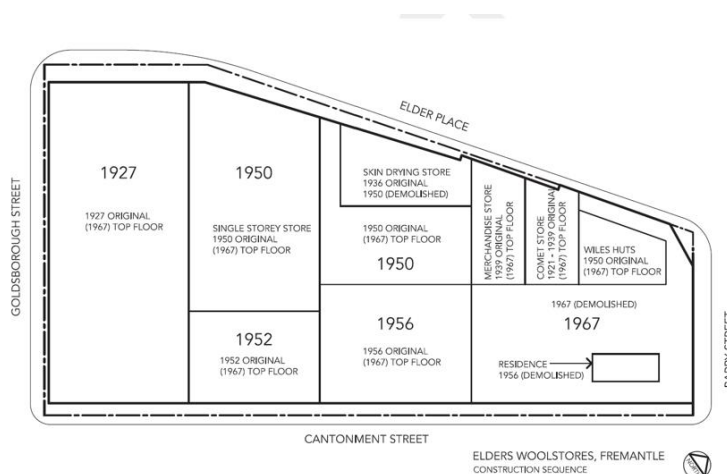


Figure 29 Sequence of construction for Elders Wool Stores. Dec 2013 Griffiths Architects

Figure 1. Construction Staging for the Elders Wool Stores

In 1999, the northern end (1967 addition) of the Elders Wool Store complex was demolished and redeveloped with a six-storey mixed use development and while the remaining buildings were retained, the earlier 1927 and 1950s sections of Elders Wool Stores have been vacant for a period of almost 40 years. During this time the buildings have had minimal maintenance and only minor works to slow the rate of decay such as the enclosure of open windows and the northern end of the building as well as the removal of some decayed building fabric that raised safety concern.

Notwithstanding, the 1927 portion of the Elders Wool Stores, which occupies the southern portion of the block bound by Goldsbrough Street, Elder Place and Cantonment Street, is listed on the State Register of Heritage Places (*Elders Wool Stores, 38 Cantonment Street – place no. 852*) and as per its statement of significance, is deemed to have cultural significance for the following reasons:



- *The place is a rare and good example of a massively scaled utilitarian warehouse building with the 1927 façade displaying a robust form of classicism through its trabeated construction and simplified classically derived rendered detailing;*
- *the place was built as a result of government policies to safeguard the Australian wool industry between 1916 and 1921, which changed the nature of the wool industry to require extensive stockpiling, and demonstrates the importance of this industry to the social and economic development of the country;*
- *the place is a prominent landmark, when viewed from Fremantle and from the harbour, due to its massive scale and its location lining the railway reserve in front of Victoria Quay;*
- *the place contributes to a significant townscape consisting of port related buildings associated with the harbour;*
- *the place is significant for the intactness of both the façade and the interior structure of jarrah posts and beams;*
- *the place contributes to the community of Fremantle's sense of place as part of a working port that has played an integral part in the development of Western Australia for over a hundred years, and the place was part of a distinctive way of life that no longer exists, where the processing and storage of export commodities took place at the edge of the city within the vicinity of the harbour.*
- *The office areas on each floor at the east side of the building are now of little significance due to extent of the vandalism in these areas*

While only the 1927 section of the Elders Wool Stores complex met the threshold for inclusion on the State Register of Heritage Places, the City of Fremantle has long recognised the Local Heritage Significance of the 1950s section of this building by including it on the Municipal Heritage Inventory (Local Heritage Survey) with a management category of Level 2 and then including it on the first Local Heritage List which was adopted by Council in 2008. The cultural heritage significance of the 1950s section of the building is set out in a Statement of Significance in the 2014 Heritage Assessment of the Elders Wool Stores (prepared by Griffiths Architects, **Additional Information 16**) where it is described as an important part of the complex with some significance to Fremantle's cultural heritage.

The surrounding area to the west of the subject site comprises the Victoria Quay port and railway reserve. To the east of the subject site lies the state registered *Princess May Reserve – place no. 851* (including the Princess May Girls' School and Fremantle Boys' School buildings which remain extant and in use within the reserve) and the Point Street carpark (subject of recently granted JDAP development approval for an 8-storey mixed use development, ref. DAP/23/02354, granted 7 December 2023). The wider surrounding area is characterised by varying building typologies and forms, from 2 storey commercial (retail and office) development along Adelaide Street, as well as larger, 3-6 storey developments to the north along Queen Victoria Street and the 9 storey Adelaide Court (23 Adelaide Street) apartment building to the south-west and the recently constructed 7-storey mixed use development at 52 Adelaide Street.



The subject site is located toward the northern end of the Fremantle City Centre, with access to all of the city centre amenities and range of business, entertainment, education, tourism and arts and culture uses of the region-serving role and tourist destination that is the Fremantle City Centre. The site has excellent public transport accessibility, being located within 250m of the Fremantle Train Station and bus depot.

In terms of recent planning history for the subject site, only minor applications, largely associated with maintenance and/or minor alterations to address building decay and safety concerns, are provided as follows for the 1927 and the 1950s building/sites respectively:

1927 Building (Lot 201, No. 1 Goldsbrough Street)

DA0328/23	<i>Repairs to Existing Building - Approved October 2023</i>
DA0290/23	<i>Minor Alterations to Existing Building – Approved September 2023</i> Involved only minor internal works at ground floor and to existing openings to make safe for a Fremantle Biennale Art Exhibition.

1950s Building (Lot 40, No. 48-68 Cantonment Street)

DA0026/24	<i>External Art Screen Addition to Existing Building – Approved March 2024</i>
DA0382/12	<i>Retrospective Alterations to Floor Boards & Timber Joists</i>
DA0580/10	<i>Maintenance to Heritage Building – Approved December 2010</i>
DA0478/10	<i>Boarding up Windows and Paint with Artwork – Approved November 2010</i>
DA0477/10	<i>Protective Coating Over Existing Asbestos – Approved October 2010</i>
DA0722/09	<i>Demolition of existing building, construction of new mixed use residential/ retail – Refused October 2010</i> <i>NB. This decision was appealed at SAT, mediation resulted in a Heads of Agreement prepared between the City of Fremantle and owners (at the time) of the Wool Stores to develop a draft scheme amendment and heritage agreement for development of 1950s wool stores, however, as none of the development scenarios under consideration were found to be financially viable, the City and owners of the site mutually agreed to end the Heads of Agreement and no Scheme amendment, drafted or otherwise, was prepared for the site.</i>

Since that time, there have been many enquiries and draft proposals for the site, however none have progressed and the site has remained vacant.

A more extensive and detailed planning and development history for the subject site, dating back to the initial construction, can be found within the City's Heritage Impact Assessment at **Additional Information 14**.

Legislation and Policy:

Legislation



The legislative framework and policy base providing for the assessment and determination of the subject application is as follows:

1. Metropolitan Region Scheme (MRS);
2. *Planning and Development (Local Planning Schemes) Regulation 2015* (WA) (the Regulations); and
3. City of Fremantle Local Planning Scheme No. 4 (LPS4).

Planning and Development (Local Planning Schemes) Regulation 2015 (WA):

- Schedule 2, Part 3, Clause 12 – Variations to local planning scheme provisions for heritage purposes
- Schedule 2, Part 8, Clause 64 – Advertising applications
- Schedule 2, Part 9, Clause 66 – Consultation with other authorities
- Schedule 2, Part 9, Clause 67 – Matters to be considered by local government
- Schedule 2, Part 9, Clause 68 – Determination of applications
- Schedule 2, Part 9, Clause 70 – Form and date of determination

State Government Policies

- State Planning Policy 7.0: Design of the Built Environment
- State Planning Policy 7.3: Residential Design Codes – Volume 2
- State Planning Policy 5.4: Road and Rail Noise
- State Planning Policy 3.5: Historic Heritage Conservation

Local Planning Scheme No. 4:

- Clause 3.2.1 (b)- City Centre zone objectives
- Table 1 - Zoning
- Table 2 – Vehicle Parking requirements
- Clause 4.14 – Demolition of Buildings and Structures
- Clause 4.7.3 – Relaxation of Parking requirements
- Clause 4.8.1 – Variation to height requirements
- Clause 4.8.2 – Variation to other requirements
- Clause 4.8.4 – Additional criteria that must be taken into consideration by Council in excising its powers under clause 4.8.2
- Clause 5.16 – End of Trip Facilities
- Schedule 1 – Dictionary of Defined Words and Expressions
- Schedule 7 – Local Planning Area 1 (City Centre)
- Schedule A - Clause 78B Advisory Committees

Local Planning Policies



- Local Planning Policy 1.3: Public Notification of Planning Proposals (LPP 1.3)
- Local Planning Policy 1.6: Preparing Heritage Assessment (LPP 1.6)
- Local Planning Policy 1.9: Design Advisory Committee and Principles Of Design (LPP 1.9)
- Local Planning Policy 2.3 Fremantle Port Buffer Area Development Guidelines (LPP2.3)
- Local Planning Policy 2.13: Sustainable Buildings Design Requirements (LPP2.13)
- Local Planning Policy 2.18: New Residential Developments in the City Centre Zone – Noise from an existing Source (LPP2.18)
- Local Planning Policy 2.19: Contribution for Public Art/and or Heritage Works (LPP2.19)
- Local Planning Policy 2.20: Discretion to Vary Local Planning Scheme Site or Development Requirements for Heritage Purposes (LPP2.20)
- Local Planning Policy 3.1.5: Precinct 5 (LPP3.1.5)

Consultation:

Public Consultation

The application was advertised to the public from the 22 January 2025 until 19 February 2025 by means of letters to owners/occupiers of properties within a 200m radius of the site, a sign on the site frontage, the City's MySay webpage and notices in the press. A 'Talk to a Planner' session was also held on the 4 February 2025 at the City's library.

In response, the City received a total of 299 submissions, a majority of which (approximately 80% or 239 submissions) were positive and in support of the proposal with the remaining 20% or 61 submissions providing a neutral (statements neither necessarily in support or objection) or objecting position, of these, only a total of 20 submissions provided strong objection. A schedule, with full details of the submissions received over the consultation period can be found at **Additional Information 19**.

The key matters raised in the submissions have been summarised and are discussed below and/or elsewhere in this report as indicated in the table below. The submissions were also provided to the applicant for review and response and the applicants responses to submissions can be found in section 5 of the applicant's Further Information Request Response letter, **Additional Information 17**.

Table 1. Summarised Public Submissions and Officer Responses

Issue Raised	Officer comments
A large majority of submissions supported the proposal generally as well as the designs proposed for the adaptive reuse and redevelopment of these buildings and the wider site. Submitters were generally excited to see the development come	Noted.



forward and contribute to the revitalisation of this site and this end of the Fremantle City Centre generally.	
Concern that the proposal undermines heritage significance in order to save on renovation and restoration costs, by arguing that a large percentage of the totality of the wool store building fabric needs to be demolished.	Detailed comments on the heritage impact and outcomes of the proposal are provided in the officer comments section below.
The height, mass and form of the additions above the existing facade walls are excessive and unsympathetic to the existing buildings, will dominate the heritage buildings below, detracting from their current prominence and compromising the heritage values of the wider site and have a visual impact upon the character of the surrounds.	Detailed comments on the building height, massing and form, as well as the impact upon heritage assets, is provided in the officer comments section below.
The heritage impacts are focused on the 1927s building yet the 1950s portion of the complex which is also of considerable significance. Large portions of the 1950s building façade will be lost as well as a majority of the internal fabric. This is unacceptable and the entirety of the facades should be retained to uphold the integrity of the heritage place, if compromises are made across either building, the value will be lost.	Detailed comments on the heritage impact and outcomes of the proposal are provided in the officer comments section below.
Concerns the proposed materiality of the additions above the existing building are unsympathetic and inconsistent with the buildings below and the character of the area.	Detailed comments on the design and materiality are provided in the following sections of this report.
Concerns there will be a significant shortfall in the car parking for the site and uses which will lead to adverse impacts upon the local road network and parking availability.	Detailed comments on car parking are provided in the following sections of the report.



The retention of the skateboarding ledge is strongly supported by submitters to uphold the more recent cultural/social history of the buildings and how skateboarders have used this building for this purpose for over 35 years in its vacancy. Notwithstanding, there are concerns that in practice, when the building is built and occupied the ability to practically use the ledge for skateboarding will fall away or be removed if and when any conflicts arise between the new owners and operators of uses within the building and skateboarders. Concerns the ability to skate this ledge will not be protected once approved and this the important skateboarding culture associated with the building will be lost forever.	While this matter is not necessarily a statutory planning consideration, the importance of the issue is acknowledged and detailed discussion on this matter is provided below. As per the Heritage Council's requirements, a condition of approval is included for the preparation of an interpretation plan which should include reference to the importance of skate culture on the site. The proposed development retains approximately 85% (48m) of the skateable portion(s) of the ledge with limited removal made in order for pedestrian access to be provided into the building and vehicle access to the ground floor parking area at the northern end of the Cantonment Street elevation.
Concerns the commercial uses on the ground floor will be unviable and lie vacant like in other parts of Fremantle. The focus should be on residential dwellings in a housing shortage.	This comment is speculative and a matter for the owner of the building to manage, the land uses proposed are consistent with those deemed appropriate for the City Centre, refer detailed discussion on the land uses below. It is noted the proposal will provide 39 residential dwellings as well as 174 'co-living' (residential building units) which will offer an alternative model for residential accommodation, as discussed in greater detail below.
Concerns there is a lack of residential dwellings proposed with an overprovision of non-residential uses which will not address current housing crisis	Detailed comment on the acceptability of the number and type of land uses proposed are provided within the assessment section of the report below. Apartments, town houses and co-living units are proposed across the site.



Heritage Council of Western Australia (HCWA)

The Heritage Council of Western Australia reviewed the application and have provided conditional support for the proposal, as detailed in the advice letter, dated 5 March 2025, found at **Additional Information 15**.

The heritage impact and outcomes of the proposal are discussed in detail within the officer assessment section of the report below.

Fremantle Port Authority

The Fremantle Port Authority requested that the relevant requirements of Local Planning Policy 2.3 - Fremantle Port Buffer Area Development Guidelines (LPP2.3) are upheld.

As the site sits in the 'Buffer Zone 2', these requirements will be secured by appropriate conditions of approval.

Public Transport Authority (PTA)

The application was referred to the PTA given the subject site is within the PTA protection zone (being within 50m of the railway reserve). The PTA raised no objections to the proposal subject to advice notes and conditions being placed on any approval in relation to traffic management, construction and acoustic measures. These matters are discussed further throughout the report below.

Water Corporation

The Water Corporation provided general advice and information on relevant requirements with respect to receiving relevant approvals from the agency. This advice will also form part of any advice notes on a determination notice, should DAP be of the mind to approve the application.

City of Fremantle Design Review Panel Advice

The applicant engaged with the City's Design Advisory Committee (DAC) twice, once prior to lodgement of the application and once following its submission (at DAC meetings in October 2024 and February 2025 respectively).

The DAC provided comment and recommendations on the proposal against the design generally as well as against each of the 10 Principles of Design within LPP1.9 (Design Advisory Committee & Principles of Design) and State Planning Policy 7 (SPP7 - Design of the Built Environment):

The full DAC meeting minutes (DR1 – DR2) can be found at **Additional Information 13** to this report. The latest DAC meeting minutes (DR2 – 10 February 2025) considered the development plans submitted with the application that had been prepared in part, to respond to the previous



DAC meeting comments and recommendations (DR1) and included a presentation for the panel to talk through these design responses.

The latest DAC meeting minutes (DR2) are provided as follows:

Strengths of the Proposal:

- *The Panel continues to support the project in general terms and commends the quality of the design presentation.*
- *The Panel comments on and supports the mix of uses proposed for the site and the range of housing.*

Design Quality Evaluation Against Design Principles – DAC Meeting 2 (DR2)		
Principle 1 - Context and Character: <i>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</i>	DAC Comments: a) <i>The Panel notes that whilst the Heritage Impact Statement supports the proposal, it is not clear what is significant in the 1950/60's section and whether the extent of demolition proposed is in accordance with the City of Fremantle Guidelines for retention of significant fabric or necessary.</i> b) <i>The Panel notes that it would be highly beneficial to have a record of levels, areas and elements of significance for the entire site.</i> c) <i>The Panel has concerns with the extent of demolition of the existing structures and would like to see more specific structural reporting (from specialist heritage structural engineers) to understand if the proposed level of demolition is necessary or justified - more of the significant building fabric should be retained and conserved, if possible, not just facades, allowing the important industrial nature of the spaces and volumes of the buildings to be experienced; more integration of the story of the place (not just industry and skateboarders) and an overall interpretation strategy to embed the project (eg place naming, signage, public art etc) should be evident.</i>	Officer Comment Detailed heritage assessment, fabric retention and significance is provided in the officer assessment section of the report below. Conditions of approval are recommended to secure Conservation Management Plans and Interpretation Plans to ensure any salvaged materials are appropriately reused. The applicant has, in their response to DAC comments within the Response to Request for Further Information provided a preliminary interpretation /re-use strategy, refer appendix C of Additional Information 17.



	<i>DAC Recommendations:</i> <i>i. Consider further work with Heritage Architects to establish a more comprehensive record of levels, areas and elements of significance for the entire site.</i> <i>ii. Consider working with a specialist heritage engineer to establish to what extent the existing structures could be retained.</i> <i>iii. Clarify the extent of conservation vs adaptive re-use of the existing buildings.</i> <i>iv. Consider the possibility of retaining more of the existing 1950/60's buildings, avoiding facadism and providing conservation and repair to significant areas and elements.</i>	
Principle 2 - Landscape Quality <i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</i>	DAC Comments: <i>a) The Panel is supportive of the landscape proposal in general.</i> <i>b) The Panel suggests that alternative, urban interpretations of landscape ideas could be investigated (eg microfauna environmental opportunities) to complement the proposed deep soil and on-structure planting areas.</i> <i>c) The Panel is supportive of the introduction of deep soil planting to the west, along the Elder Place street edge and suggests that trees should be of adequate type and size to provide connectivity, shade and to support activation along the street edge.</i> <i>d) The Panel suggests that further work could be undertaken (in collaboration with the City of Fremantle) to establish stronger connections with the context and in particular along Cantonment St and with Princess May Park to the east.</i>	Officer Comment These comments are supported by officers who have also requested the applicant to explore further opportunities for landscaping of the site, with a focus on alternative, on-structure solutions to address shortfalls in deep soil planting which is constrained on the subject site. Refer additional landscaping discussion below. The applicant is engaged and working with the City with respect to how the building and landscaping will interact with the adjacent public realms, in particular, along the Cantonment Street streetscape, however this is not under consideration in this application.



	DAC Recommendations: <i>i. Continue to develop the landscape design proposal and investigate alternatives for urban landscaping that could enhance the living environment (eg microfauna).</i> <i>ii. Continue to work with the City of Fremantle to coordinate landscaping along the street edges that responds to and establishes connections with the surrounding context.</i>	
Principle 3 - Built Form and Scale <i>Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.</i>	DAC Comments: <i>a) The Panel continues to support the setting back of the new massing from the heritage buildings and facades but would like to see more of the original fabric retained behind the facades of the 1950/60's buildings.</i> DAC Recommendations: <i>i. Consider ways to retain more of the original building fabric behind the facades, including portions of the roof, floors or other structural elements.</i> <i>ii. Provide additional sectional evidence through the façade and existing floor heights of the 1950/60's parts of the building as evidence to support the current program versus more sensitive adaptive re-use not requiring full demolition in the areas directly behind the facades.</i>	Officer Comment Detailed heritage assessment is provided in the officer assessment section of the report below.
Principle 4 - Functionality and Build Quality <i>Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well</i>	DAC Comments: <i>a) The Panel comments on the need to consider appropriate shading strategies for west facing living units, in particular small co-living units that only have west facing aspects.</i>	Officer Comment Officers also encourage the applicant to consider additional shading structures for west-facing residential units however consider there is an



<i>and deliver optimum benefit over the full life-cycle.</i>	DAC Recommendations: <i>i. Consider appropriate shading for west-facing residential units.</i>	appropriate balance between heritage façade retention and internal amenity. Any additional changes would require detailed assessment.
Principle 5 – Sustainability <i>Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.</i>	DAC Comments: <i>a) Refer to Principle 4.</i> DAC Recommendations: <i>i. Refer to Principle 4.</i>	Officer Comment As above, it is also noted the sustainability of the proposed developed is discussed in further detail within the report below.
Principle 6 - Amenity <i>Good design optimises internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy</i>	DAC Comments: <i>a) The Panel notes and supports the generous Food and Beverage allocation at street level.</i> DAC Recommendations: <i>i. Continue to develop the commercial/public functions at street level that will provide vibrancy and life to the area and engage with the community.</i>	Officer Comment It is expected the commercial/public functions will be further developed in detailed design and as operators are determined for these tenancies.
Principle 7 – Legibility <i>Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.</i>	DAC Comments: <i>a) The Panel noted that the connection of the Mews to the public realm could be further developed and strengthened.</i> DAC Recommendations: <i>i. Consider making stronger connections between Cantonment Street, the Mews and Elder Place, encouraging public interaction and ease of movement through the development.</i>	Officer Comment The applicant's justification/response to this recommendation (refer Table 2 of Additional Information 17) is generally accepted: <i>The site currently serves as a large barrier to integration within the local area. The proposal seeks to activate the ground levels of the development with hospitality, retail and other activated uses to all frontages. Together with proposed public realm enhancements, particularly on Cantonment Street, it will deliver strong interfaces and connections with surrounding areas including new</i>



		<i>developments as well as existing hospitality and community uses such as Clancy's and Princess May Park.</i> <i>Landscaped elements are proposed throughout the co-living entrance and mews area, encouraging permeability and acting as points of interest.</i>
Principle 8 – Safety <i>Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.</i>	DAC Comments: a) <i>The Panel comments on the strength of the activation along the street frontages, noting that it will contribute significantly to the safety and wellbeing of the general public.</i> DAC Recommendations: 1. <i>Continue to strengthen the design of the public realm to activate it, establish connections to other public facilities and create environments that encourage public occupation and usage.</i>	Officer Comment: The applicant is engaged and working with the City with respect to how the building will interact with the adjacent public realms, in particular, along the Cantonment Street streetscape.
Principle 9 – Community <i>Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.</i>	DAC Comments: a) <i>The Panel comments on the need to continue the integration of the site's historical narrative and awaits the outcome of the workshops with Traditional Owners.</i> DAC Recommendations: i. <i>Consider how the history of this place and site can be integrated and how it can impact the design proposal to ground it and connect it to its context.</i>	Officer Comment: The applicant's justification/response to this recommendation (refer Table 2 of Additional information 17) is generally accepted:
Principle 10 – Aesthetics <i>Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.</i>	DAC Comments: (a) <i>Refer comments under Principle 1</i> DAC Recommendations:	Officer Comment: Refer above.



	<i>ii. Refer recommendations under Principle 1</i>	
Concluding Remarks: <i>The Panel continues to support the proposed redevelopment of the site and the proposed uses.</i> <i>The Panel continues to have significant concerns with the extent of demolition proposed to the heritage fabric, and would like to see the proponent further investigate the retention of more of the buildings (especially the 1950/60's component that are largely removed).</i> <i>The panel recommends further investigation into the heritage significance of the site and buildings (see notes above).</i>		

On the basis of the above, the DAC have provided general support for the proposed redevelopment and adaptation of the wool stores buildings across the design principles of SPP7 (Design of the Built Environment).

The DAC have provide additional recommendations for design improvement as outlined in the table above and the applicant has provided responses to these final recommendations in section 4 and appendix C of the applicant's Response to Request for Further Information (**Additional Information 17**).

It is accepted by officers that some of the additional information or detail requested in the final DAC recommendations, can be secured by appropriate conditions of approval that will be recommended should DAP be of the mind to approve the application; however, the primary outstanding DAC concern relates to the extent of demolition proposed to the heritage fabric of buildings, with a preference to see the proponent further investigate the retention of more of the buildings (especially within the 1950s component that are largely proposed for removal). This element of the proposal is discussed in detail within the heritage impact section of the report below.

Planning Assessment:

The proposal has been assessed against all relevant legislative requirements of the Scheme, State and Local Planning Policies outlined in the Legislation and Policy Section of this report. The following matters have been identified as key considerations in the assessment of this application:

- Zone Objectives and Land Use;
- Schedule 7: LPA1 (City Centre);
- Building Height;
- Heritage Impact including Demolition of Building and Structures;
- LPP3.15 – Precinct 5 Design Guidelines;
- On-site Parking;
- R-Code Vol. 2 Elements;



These key matters, and other relevant considerations of the proposal, are discussed in detail within the following sections of the report below.

Zone Objectives and Land Use

'Co-Living' Land Use Classification / Definition

The proposal involves the development of 174 'co-living' accommodation units, along with associated communal amenity and utility areas that form the proposed 'co-living' land use. 'Co-living' is not currently a defined land use under the City's LPS4 or within the *Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions)* and therefore, the use needs to be classified under another appropriate existing land use definition, or, alternatively, deemed a 'use not listed'.

The 'co-living' use is described by the applicant as an alternative, modern approach to urban living, which combines private living spaces (often smaller, studio apartment units) with a focus shared amenities and communal spaces for occupants (refer co-living working, function, kitchen/dining and terrace spaces across ground and first floor). The intent is to provide more flexible, affordable residential accommodation options which may be particularly appealing to demographic groups including young professionals and students. The units are intended to be used and available for both short- and long-term rental periods and will be collectively managed and maintained by a single operator.

The applicant, as initially submitted, classified the units as 'multiple dwellings' as defined in the R-Codes:

'dwelling in a group of more than one dwelling on a lot where any part of the plot ratio area of a dwelling is vertically above any part of the plot ratio area of any other but:

- *does not include a grouped dwelling; and*
- *includes any dwellings above the ground floor in a mixed use development.'*

Upon review of the proposed 'co-living' use and development plan, officers are of the opinion that the 'co-living' units are better defined, in this instance, as 'residential building' units, defined as follows:

'a building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

- *temporarily by two or more persons; or*
- *permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school'.*



While the smaller co-living units are self-contained (i.e. have bathrooms and kitchenette facilities within) so could broadly fit into either of the above definitions, the 'residential building' land use classification is more appropriate due to the small size of the units with a focus on communal amenities/facilities, the nature of occupancy (with flexibility for short- and long-term rental periods) and given the units and facilities are to be collectively owned, managed and maintained by a single operator.

Defining the land use as 'multiple dwelling' is not appropriate for the 'co-living' units as this may allow for the future strata titling and sale of individual units, which as currently proposed, significantly vary typical 'multiple dwelling' size, layout, private open space, diversity, amenity requirements under the R-Codes. In its current layout and proposed operational form, there is a reasonable amount of communal space which supplements the shortfalls in the individual unit design. Defined as a collective 'residential building', any future attempt to individually strata title the units would not be possible without a change of use. T

In section 2 of the applicant's Response to Request for Further Information Additional Information 17). the applicant agrees that the 'co-living units' can appropriately be defined as a 'residential building' which more effectively deals with the typology of the proposed units. The applicant has also provided additional information regarding the proposed design, strata titling (confirmation units are not to be individually titled, but rather collectively as a whole) and management and operating model of the proposed 'co-living' units.

Any further reference to 'multiple dwellings' below refers to the build-to-sell apartments and townhouses only (typical permanent residential accommodation), and not the 'co-living' (residential building) units.

Zone Objectives and Land Use Permissibility

The objectives for the City Centre zone are set out in Clause 3.2.1(b) of the City's LPS4, which are stated as follows:

- (i) provide for a full range of shopping, office, administrative, social, recreation, entertainment and community services, consistent with the region-serving role of the centre and including residential uses, and*
- (ii) comply with the objectives of local planning area 1 of schedule 7,*
- (iii) conserve places of heritage significance the subject of or affected by development.*

The proposal is considered to address the objectives of LPS4 for City Centre zone, as the development would contribute to the residential population within the City Centre (through the proposed multiple dwelling and 'co-living' (residential building) units) which is a key strategic goal of the City and provide other complimentary land uses (Restaurant/Café, Shop, Tavern Office) which are consistent with, and appropriate within, the region-serving role and tourist destination that is the Fremantle City Centre.



The land use permissibility of each proposed use, as per the LPS4 Table 1 – Zoning, within the City Centre zone is outlined as follows:

- Multiple Dwelling ('D' – discretionary);
- Residential Building ('D' – discretionary);
- Tavern ('A' – discretionary);
- Shop ('P' – permitted);
- Office ('P' – permitted); and
- Restaurant/Café ('D' – discretionary).

On the basis of the above, the proposal is considered to satisfy the objectives of the City Centre and the land uses are considered appropriate and acceptable in principle, subject to compliance with other policy provisions, as evaluated below.

Building Height

Building height controls for the subject site are set by the LPS4, Schedule 7, Local Planning Area 1 (LPA1 - City Centre) provisions, which prescribe the following:

Building height shall be limited to a minimum of two storeys and a maximum of four storeys (maximum external wall height of 14.0 metres as measured from ground level). Council may consent to an additional storey subject to—*

- a. the upper level being sufficiently setback from the street so as to not be visible from the street (s) adjoining the subject site,*
- b. maximum external wall height of 17 metres, and*
- c. compliance with clause 1.2 below.*

**Inclusive of parapet and spacing between floors*

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*
- d. 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.*

It is noted that the facade (external wall) heights of the existing Elders Wool Stores buildings on the subject site, being retained as part of the proposal, already exceed maximum building heights prescribed for LPA1, as follows:

- 17.6m existing external wall (façade) height above the Cantonment Street ground levels; and
- 19.7m existing external wall (façade) height above Elder Place ground levels.

As such, the existing external walls already exceed the prescribed LPA1 - City Centre maximum building heights by between 3.6m – 5.7m with nil setback from the street boundaries of the subject site (i.e. additional height is visible from the street).

The proposed additional storeys (floors 4, 5 and 6 over the 1920s building and floors 4 and 5 over the 1950s building) and maximum building heights that exceed that of the retained façade walls, propose to increase the building height as part of the redevelopment proposal, as follows:

- Proposed maximum external wall heights of up to 26.4m above Elder Place ground levels. Proposed additions are setback 4.0m from existing, retained façade walls and maximum of 6.7m above existing façade wall heights – refer marked up southern elevation below, full elevation plans in Attachment 1 show the existing parapet wall heights across the existing 1920s and 1950s components of the building;
- Proposed maximum external wall height of up to 24.4m above Cantonment Street ground levels. Proposed additions are setback 4.0m from existing, retained façade walls and a maximum of 6.7m above existing façade wall heights – refer marked up southern elevation below, full elevation plans in Attachment 1 show the existing parapet wall heights across the existing 1920s and 1950s components of the building;
- Proposed maximum external wall heights of between 25m and 26.2m above respective Golsbrough Street ground levels (setback 4.9m from existing, retained façade walls).



Figure 2. Marked-up proposed southern (Goldsbrough Street) elevation showing building heights across elevation and setback of additional upper floors from existing Cantonment Street and Elder Place building facades.



Figure 3. Marked-up proposed eastern (Cantonment Street) elevation showing building heights across elevation and setback of additional upper floors from existing Goldsbrough Street building facades.

Any proposed variations to the building height controls within Schedule 7 of the LPS4 are considered pursuant to clause 4.8.1 of the City's LPS4, which provides:

'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 initial trigger of the above clause is whether the subject site contains or is adjacent to a building that depicts a building height greater than specified in the scheme. It is noted that it is not necessary that there be multiple buildings exceeding the height requirements, and it has been previously established at SAT that the term adjacent has a wider meaning than immediately adjoining sites and can include buildings nearby or close to the property.

In this case, as noted above, the façade walls of the existing Elders Wool Stores buildings on the subject site, being retained, already exceed the building heights specified in the scheme which therefore allows consideration of additional, discretionary building heights, subject to satisfying the criterion of clause 4.8.1 of the LPS4.

Officers consider the proposed development building heights to satisfy the clause 4.8.1 provisions, for the following reasons:

- The proposed development and building heights will sit within the context of the following existing and proposed adjacent developments:



- QVA Apartment buildings at 74 Cantonment Street, immediately adjacent subject site (to north), 6 storey building with 24m external wall heights above street level.
- 8 Point Street (recently approved, City ref. DAP006/23 - Eight Storey Mixed Use Development), 20m south-east of subject site (opposite side of Cantonment Street), 8 storey approved development with maximum external wall heights of up to 26m above street level.
- 52 Adelaide Street (known as the Little Lane Apartments) (City ref. DAP004/16), 125m south east of subject site, 7 storey development with external wall heights of 24.5m above street level;
- 23 Adelaide Street (known as Johnson Court) (constructed in 1970s), 170m south-east of subject site, 10 storey building with external wall height of 26.57m where adjacent Adelaide Street and an overall maximum building height of 31m to the lift/stair overrun (as taken from 1969 Building Permit plans).

The proposed additional building height is therefore considered appropriate within the context of the above existing and approved adjacent developments. The proposed building height is comparable to the developments listed above (external wall heights being within between 2.4m at maximum and 0.4m at a minimum of these building heights and the proposed building height is 0.57m less than the existing building at 23 Adelaide Street).

Furthermore, the proposed additional building height (external walls above existing facades) is setback from the existing facades and street frontages (4m setback in the case of the Elder Place and Cantonment Street facades and 5m in the case of the Goldsbrough Street façade). This setting back of the new massing and built form (above existing facades) is an element supported by the City's DAC and serves to mitigate the impact of any additional building bulk upon adjacent streetscapes, reducing the visibility and prominence of the additional built form where visible from the surrounding streetscapes and areas of public realm.

A 3D model of the proposed development to input into the City's 3D City Centre was requested as part of the broader building height, bulk and massing assessment and the following images are screenshots taken from various street level locations (within the City Centre model) to visualise how the proposed development will sit within the context of existing and approved surrounding developments in the immediate locality:



Image A. Street level view of proposed development from western side of Elder Place at the junction with Goldsbrough Street, approved 8 storey mixed use development at 8 Point Street shown in background (green polygon model of approved development), image taken within City's 3D City Centre model.



Image B. Street level view of proposed development from corner of Cantonment Street and Goldsbrough Street, image taken within City's 3D City Centre model (street trees removed for clarity).



Image C. Street level view of proposed development from northern end of Cantonment Street, image taken within City's 3D City Centre model. Proposed development toward background of image, existing 7 storey QVA Apartment buildings at 74 Cantonment Street shown in foreground (right side) of image.



Image D. Street level view of proposed development from eastern side of Cantonment Street, image taken within City's 3D City Centre model. Existing 7 storey QVA Apartment buildings at 74 Cantonment Street shown on right side of image

(street trees removed for clarity), approved 8 storey development at 8 Point Street, shown on left side of image.



Image E. Street level view of proposed development from adjacent Princess May Reserve (opposite side of Cantonment Street), existing Clancy's buildings shown in foreground (trees removed for clarity) image taken within City's 3D City Centre model.

The above images, in the opinion of officers, further confirm the proposed building height and massing of the proposed additions are to be appropriate within the existing and emerging built form context and character of the surrounding area.

- The Heritage Council of Western Australia (HCWA) have assessed the application and advised (**Additional Information 15**) that with respect to the additional building height, the proposal is not considered to have an adverse impact on the cultural heritage significance of the place or the adjacent Princess May Reserve (and the heritage buildings contained within the reserve). HCWA have also advised that they consider the new additional floors sufficiently setback from the façade of the existing building.
- The City's Heritage Impact Assessment (**Additional Information 14**) also provides that the construction of the three-storey addition (above the 1927 building) is set back appropriately from the street, allowing the original architecture of the Woolstores to remain the dominant element in the streetscapes and adopts the grid design of the 1927 building to inform the new built form. Similarly, the two storey additions (above the 1950s building facades) is supported as this retains the landmark quality of the building in the streetscape.
- With reference to the overshadowing analysis provided at drawing DA401 (Rev B) of the development plans (**Attachment 1**). The additional building height is not considered

detrimental to the amenity of any adjoining residential dwellings as the subject site is inherently separated from adjoining development sites to the south by the road reserves that the site is bound by and any additional overshadowing simply falls on existing non-residential properties on the southern side Goldsbrough Street (northern end of 28 Cantonment Street, currently occupied by a car park). Further, the overshadowing from the additional building height, measured at winter solstice, only marginally increases shadow over the northernmost portion of the adjoining southern site (refer figure 2 below) and is not expected to have an adverse impact or prejudice any future development of this adjoining southern site if developed with residential uses in the future and the shadow covers only a very minor portion of this site.

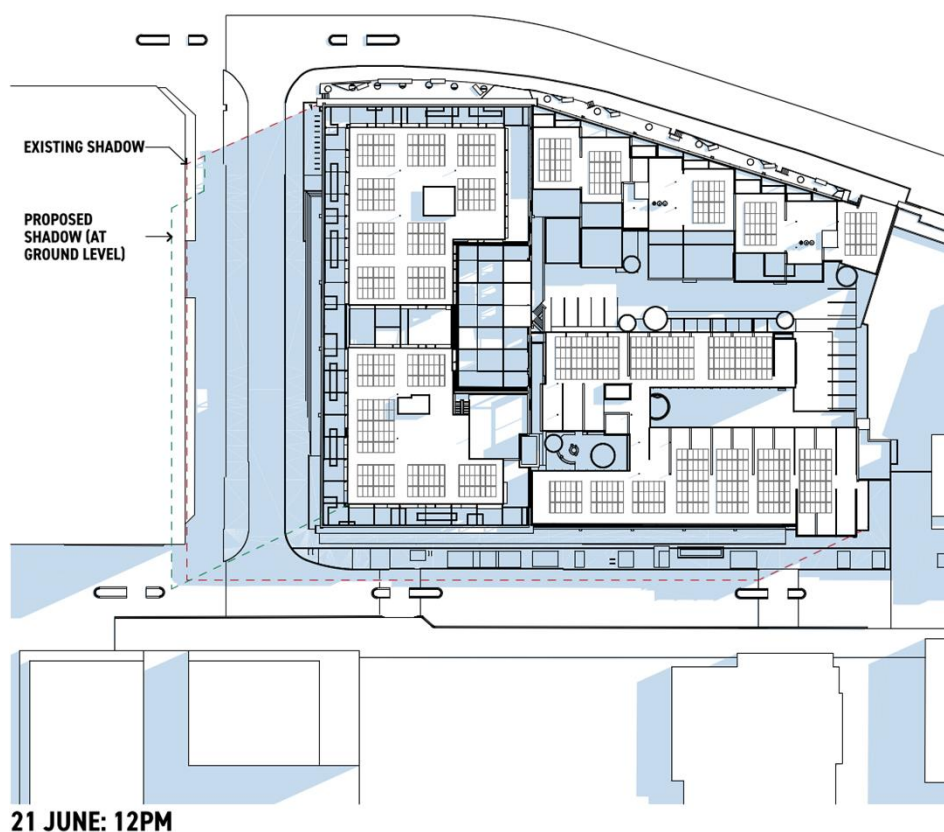


Figure 4. Proposed overshadowing analysis over adjacent southern site at 12PM on June 21 (winter solstice). Image shows that only a small, northernmost portion of adjacent southern lot is to be overshadowed by the proposed development.

On the basis of the above, the additional building height proposed is deemed acceptable by officers in this instance and the additional built form considered to respond appropriately to the existing and desired future scale and character of development within the street and locality generally.

Heritage Impact Assessment



Part 3 of the Deemed Provisions prescribes the matters to which the Council is required to afford due regard in considering a proposal. Included amongst these matters are any potential impacts that a proposal may have on the heritage values of an existing place and/or area.

LPP1.6 also requires a heritage assessment to be prepared by a qualified professional for any proposal that may impact any heritage place and/or area listed on the State Heritage register or the City's Municipal Heritage Inventory.

The subject site, and existing buildings therein, hold significant state and local heritage value which is reflected over the two separate heritage listings that cover each of the two main building elements that make up the subject site and are the remaining portions of the wider Elders Wool Store complex, the original 1927 section of the complex (southern end of subject site) and the latter 1950s addition and section of the complex (northern end of subject site).

The respective heritage listing details for each of these places is detailed in the following tables:

1927 building section:

Heritage Place Name	Elders Wool Stores, 38 Cantonment Street
State Register of Heritage Places	Yes
City of Fremantle Heritage List	Yes
City of Fremantle Heritage Area	No
Local Heritage Survey	Yes
Management Category	Level 1A (State Register)
Inherit database place record	852
Further comment	1950s section does not form part of this listing

1950s building section:

Heritage Place Name	Elders Wool Stores (1950s), 48 – 68 Cantonment
State Register of Heritage Places	No
City of Fremantle Heritage List	Yes
City of Fremantle Heritage Area	No
Local Heritage Survey	Yes
Management Category	Level 2
Further comment	Statement of significance and description of the place taken from Elders Wool Stores Heritage Assessment, 2014 (Additional Information 16)

A summary of proposed works under this application, to each of the above heritage listed places, is outlined respectively as follows:

- i. Adaptive reuse of the 1927 building section for mixed-use redevelopment, involving:
 - Demolition of some external fabric including the 1967 top floor addition, brick parapets, saw tooth truss roofs and steel windows along the Elder Place frontage.



- Demolition of some internal fabric for a proposed large light well and service cores for lift wells, stairs etc. Removed material is intended to be used to repair, replace damaged retained fabric.
 - Extensive conservation of original fabric including brick and render building facades, steel windows to Cantonment and Goldsbrough Streets and a majority of the timber floors and internal timber structure.
 - Conservation of significant later fabric such as the Cantonment Street delivery platform (skate rail) and 1960s street canopy.
 - Addition of lightweight structural floor over existing 1927 floors and internal fit-out for large open plan offices and other uses at ground floor.
 - Additions of three floors of lightweight structure for apartments over the 1927 building with limited structural reinforcement of original structure. Additions set back from façade and new steel frame added to façade to mark height of 1967 addition.
- ii. Redevelopment of 1950s Building:
- Retention of the existing perimeter facade walls, with the exception of three façade bays on Cantonment Street and one bay on Elder Place (northern ends of building).
 - Some external demolition including the sawtooth truss roof and brick parapets of the 1967 addition, steel windows to Elder Street façade, steel cantilever awning to Elder Street and sections of the delivery platform (skate rail) to Cantonment Street.
 - Extensive internal demolition includes removal of all internal fabric except for the one bay deep concrete structural frame supporting the facades.
 - Conservation of the brick and concrete facades and one bay deep concrete support frame, steel windows to Cantonment Street and remnants of the delivery platform (skateboarding ledge) to Cantonment Street
 - Construction of basement level for parking and ground level/podium, 4 storey town house dwellings built behind the Elder Place building façade and a 6 storey co-living building behind Cantonment Street façade

The overall heritage impact assessment of the proposal needs to be evaluated under two key considerations:

1. The heritage impact of any proposed demolition/loss of any existing building fabric from the heritage places that is considered to hold cultural heritage significance, as part of the adaptive re-use and redevelopment of the site.
2. The heritage impact of the proposed additions and resulting built form upon the heritage values of the subject site (and any adjacent heritage places in the surrounding context) as well as any positive heritage outcomes resulting from the proposed redevelopment and adaptive re-use of existing buildings; and

In evaluating the two primary heritage impact assessments above, the City's heritage team have prepared a detailed Heritage Impact Assessment (**Additional Information 14**) and the applicant has also provided their own Heritage Impact Assessment (**Additional Information 4**). Advice and recommendations have also been provided from the Heritage Council of Western



Australia (HCWA) (**Additional Information 15**) which relate to the impact assessment over the state listed 1927 building only.

1. Heritage Impact – Demolition of Buildings and Structures

The heritage impact of the demolition/loss of existing building fabric across the two building sections needs to be carefully evaluated as demolition is a permanent change that cannot be reversed and even removal of places or fabric with lower levels of heritage significance can cumulatively undermine the significance of a place overall. All proposed demolition of building or structures is to be considered under Cl. 4.14 of the City's LPS4, which provides:

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

(a) has limited or no cultural heritage significance, and

(b) does not make a significant contribution to the broader cultural heritage significance and character of the locality in which it is located.

4.14.2 In considering an application under 4.14.1, Council shall have regard to any heritage assessment required under the Planning and Development (Local Planning Schemes) Regulations 2015.

The impact of proposed demolition of existing building fabric, across each of 1927 building section and the 1950s building section, is assessed in detail within the City's Heritage Impact Assessment (**Additional Information 14**) and the applicant's Heritage Impact Assessment (**Additional Information 4**), pursuant to the above Cl. 4.14 provisions and is summarised below:

Assessment of the Demolition of the 1927 Building Fabric

With respect to the 1927 building, the proposed works are considered to conserve this iconic Fremantle warehouse and the contribution that it makes to the streetscape, Fremantle and Western Australia. The works to the 1927 retain and conserve a majority of the significant internal heritage building fabric and adaptively reuse it for various non-residential uses in a way that is considered to retain the character and scale of the interior of this iconic warehouse.

The loss of the 1967 top floor addition above the 1927 building is supported as this element is assessed as having little/limited cultural significance and similarly, the portions of existing roof over the 1927 building, when the structural condition of this element is considered, also has limited significance and therefore the demolition of these elements is supported.

Notwithstanding, while a majority of internal fabric with significance in the 1927 building is retained as part of the proposal, portions of the significant jarrah columns and flooring structures are proposed for demolition to form the proposed internal lightwell and courtyard at the ground



level of the 1927 building. The demolition/loss of this element is not supported under cl. 4.14 as the intact structural grid is considered to hold heritage significance and should be retained as a dominant internal feature that clearly demonstrates the original warehouse construction techniques, planning and use.

Recommended conditions from HCWA, supported by City officers, require that all columns and beams to the 1927 building to be retained to maximum extent, inclusive of the proposed internal courtyard/lightwell area currently proposed for demolition. All recommendations from HCWA are to form appropriate conditions of approval and/or advice notes, should JDAP be of the mind to approve the application.

The applicant, in their Response to Further Information Request (**Additional Information 17**) and in response to this recommended condition, has advised: *The Project Team will work with HCWA and DPLH Officers through the detailed design process to determine the detailed design of this area to balance retention of columns and beams in this location with amenity outcomes.*

Assessment of the Demolition of the 1950s Existing Building Fabric

With respect to demolition of existing building fabric within the 1950s building, as this section is not state heritage listed, a baseline assessment for the heritage significance of the existing building and fabric, was established by a 2014 Heritage Assessment of the 1950s building (prepared by Griffiths Architects, **Additional Information 16**).

Both the applicant's and the City's heritage impact assessments have re-evaluated the heritage significance of existing building fabric, with consideration also given to the structural condition and integrity of existing building elements as determined by the structural engineer report that form Appendix 1 of the applicant's heritage impact assessment (**Additional Information 4**).

The City's heritage impact assessment of the 1950s building fabric concludes, that a majority of the internal building fabric being removed, in consideration of existing condition, is of limited or no cultural heritage significance and its demolition can be supported.

Notwithstanding, the City's heritage assessment differs from that of the applicant's with respect to one key building element, being the existing 'timber structural framing systems', particularly at ground level, that is not identified as being structurally unsound and/or incapable of remediation (albeit costly), and is considered to hold some heritage significance as a dominant internal feature that clearly demonstrates the original internal warehouse form, layout and construction techniques.

On the basis of the above, while it is considered that the development will, across the whole site, retain, conserve and adapt the majority of the key elements of significance, and (due to ongoing deterioration) the majority of elements being removed are considered to be of little or no significance, and the proposal will have an overall positive heritage outcome in the adaptive re-use of significant buildings that have laid vacant for over 40 years, officers cannot support



the demolition of building elements identified to have some heritage significance, as Cl. 4.14 of the City's LPS4 prohibits it, and therefore refusal is recommended based on this element alone. It is noted however, that the use of Clause 4.14 relies on the determination of the level of significance of a building or structure. While officers prefer the evidence provided by the City's assessment, the DAP do have a qualifying heritage assessment that concludes the building is of little or no significance. If it preferred this evidence, the DAP could approve the development.

In additional information provided toward the end of the assessment period, the applicant has argued there could be scope to vary Cl. 4.14 of the LPS4 and support the proposal, pursuant to Clause 12 of the Deemed Provisions and LPP2.20 (Discretion to Vary Local Planning Requirements for Heritage Purposes).

Clause 12 of the Deemed Provisions provides:

12. Variations to local planning scheme provisions for heritage purposes

- 1. The local government may vary any site or development requirement specified in this Scheme to —*
 - (a) facilitate the built heritage conservation of a place entered in the State Register of Heritage Places under the Heritage Act 2018 section 42 or included on the heritage list; or*
 - (b) enhance or preserve heritage values in a heritage area.*
- 2. A variation under subclause (1) may be unconditional or subject to any conditions the local government considers appropriate.*

The applicant has argued that there is scope to vary Cl. 4.14 of the LPS4, as its provisions are considered, a 'site or development requirement' because they regulate an aspect of a permitted use or development rather than absolutely prohibit it and in applying that assessment to clause 4.14, the clause does not absolutely prohibit the demolition of a building or structure, but rather regulates the basis upon which an approval will be granted and is as such, capable of variation by way of Clause 12 of the Deemed Provisions.

LPP2.20 is to provide guidance on the submission, assessment and determination of applications for development approval in cases where the decision-making authority may consider exercising its discretionary power under clause 12 of the Deemed Provisions in Schedule 2 of the Regulations to vary any site or development requirement specified in the Scheme in order to achieve one or more the heritage outcomes stated in clause 12(1)(a) or (b) above.

To this end, the applicant has prepared a Statement of Justification pursuant to LPP2.20 (refer appendix B of the applicant's Response to Further Information Request (**Additional Information 17**) that provides, with respect to the removal of the timber structural grid from the 1950s building:



The necessary removal of structural timber columns within the 1950's building will not impact on the physical presence, presentation and relationship of the building to the surrounding area. The overall scheme will enhance the buildings' appearance and visibility. The work will stem the present decline and prolong the life of the heritage places.

Removal of the timber columns will result in some loss of heritage fabric but will deliver a far superior heritage and conservation outcome for the remaining fabric which will sustain the buildings long-term conservation. It will stem further deterioration, giving it new life and inviting the public to enjoy and celebrate its history and significance within a contemporary setting.

The extent of fabric to be removed (timber columns in 1950's) is the minimum necessary to accommodate suitable land uses and achieve a financially feasible outcome, all while meeting contemporary construction standards.

The timber columns proposed to be removed will be reinterpreted and utilised within other areas of the development. Preliminary details of this are included within the Project Teams broader response to the City of Fremantle.

The proposal achieves a balance between conserving and respecting the buildings' heritage legacy while allowing for it's adaptation and continued use.

Officers are not of the opinion that Clause 12 of the Deemed Provisions would provide ability to vary provisions of Cl. 4.14 of the LPS4 specifically, as these provisions are not considered a 'site or development requirement'. Rather, they set out an absolute limit on the power of the Council to grant planning approval for demolition of structures that have heritage significance.

Given that the City's heritage assessment identifies that elements of the 1950s building that are proposed to be demolished, particularly the 'timber structural framing systems' at ground level have at least "some" heritage significance (which is recognised as a different classification in heritage terms than "limited" or "none") then the decision-maker would be bound by the provisions of clause 4.14 and would be precluded from granting planning approval for a development proposal that involved the demolition of these structures. Therefore, should the Council wish to be in the position to approve a development proposal of this nature, it would be necessary for the Local Planning Scheme to be amended to expressly state that clause 4.14 does not apply to this site or is otherwise capable of variation.

Ultimately, the decision maker must be satisfied that the demolition work being undertaken meets the limits placed on it by Clause 4.14. The use of this clause relies on a Heritage Assessment, of which DAP has two – one which concludes all parts of the building are of little or no significance, and another that identifies part of it to have some or greater. It is legally possible, based on the less onerous assessment, to use the clause and approve the development, subject to further assessment against other scheme and policy requirements.

2. Heritage Impact – Proposed Built Form and Positive Heritage Outcomes



SPP3.7 (Historic Heritage Conservation) promotes and facilitates an approach for effectively conserving, using and managing State and local heritage assets, therefore, requiring a balanced, integrated and imaginative approach which properly takes into account the views of landowners, the community, and State and local governments. Decision makers need to consider whether the proposed development will adversely affect the significance of any heritage place or area, including any adverse effect resulting from the location, bulk, form or appearance of the proposed development as well as whether the place is reasonably capable of conservation and adaptation for new uses that will enable its retention and positive conservation outcomes - including the extent to which the community would benefit from the proposed redevelopment.

With respect to the heritage impact of the proposed additions and resulting built form upon existing heritage buildings on the subject site and any adjacent heritage places in the surrounding context, all of the above heritage impact assessments (Additional Information 4 and Additional Information 14) and advice from HCWA (Additional Information 15) are broadly consistent in support of the built form outcomes of the proposal concluding in summary that the additions and new additional floors are sympathetic in design to the original buildings below and are sufficiently setback from the retained facades, allowing the original architecture of the wool stores complex to remain the dominant element in the streetscape and thereby consequently, having a negligible impact upon the adjacent Princess May Reserve (and heritage buildings therein).

With respect to consideration of the conservation/heritage outcomes, officers acknowledge that, despite the removal of some elements of significance (discussed above), the proposed development provides a strongly positive adaptive reuse outcome for a place with significant heritage values, that has sat vacant and inaccessible for many years and continues to deteriorate as a result. The heritage values of the existing buildings are considered to be broadly enhanced through the reactivation of long dormant and deteriorating buildings, extensive conservation measures, improvements to servicing, access and an improved presentation of the places within the streetscapes and broader public realm that will provide the community an ability to better appreciate the elements of heritage significance that are retained, adapted or reinterpreted, including internal elements (currently not visible/accessible), with the ground level of the 1927 building proposed with public access.

It is noted that HCWA, in their advice at Additional Information 15, also acknowledge, subject to appropriate conditions:

Overall, the proposal will result in a positive outcome for the place. Revitalisation of the vacant place will ensure its long-term use and conservation; and

The proposal provides an opportunity to interpret the history, significance and stories associated with the place.

On the basis of the above, and subject to appropriate conditions, the proposed adaptive re-use and redevelopment of the subject site is, overall, considered to have positive heritage outcomes



that will enhance the values of the place and the ability of these values to be better appreciated as well as activating the subject site and this area of Fremantle generally.

On-site Car and Bicycle Parking

The following tables and discussion evaluates the proposals acceptability with respect to car and bicycle parking requirements as well as end-of trip facilities and any other relevant parking requirement(s) for the residential and non-residential components of the development.

NB. Given the 'residential building' parking requirements are covered under the City's LPS4, Table 2, parking requirements for this use have been included with the assessment of non-residential uses, refer Table 2 below.

Residential Car Parking (Multiple Dwellings)			
Item	Acceptable Outcome	Provided	Shortfall
1-bedroom dwellings (No. 7)	0.75 bay per dwelling (7) = 5.25 (6) bays required	See below	See below
2+ bedroom dwellings (No. 26)	1 bay per dwelling = 26 bays required		
TOTAL	32 bays required	59	Nil – Complies (27 bay overprovision)
Townhouses (2+ Bedroom) (No. 6)	1 bay per dwelling = 6 bays required	12	Nil - Complies
Visitor Parking	1 bay per four dwellings up to 12 dwellings; 1 bay per eight dwellings for the 13th dwelling and above. = (3 + 3.4 (4) = 7 visitor bays required	0	7 bay shortfall
Residential Bicycle Parking (Multiple Dwellings)			



Item	Acceptable Outcome	Provided	Shortfall
Resident	0.5 bays per dwelling (39) = 20 bays required	33 bays within external dwelling stores and 6 within private garages of townhouses (39 total) NB. R-Codes Vol. 2 DG 4.6.3: <i>'Consider providing wall mounted bicycle mounts in storerooms to retain storage functionality below and to reduce the requirement for common area bicycle racks.'</i>	Nil - complies
Residential Visitor	1 space per 10 dwellings = 4 bays	12 within ground floor parking level* and additional 22 bays provided external to building (along Goldsborough Street frontage) shared with other uses. *shared with co-living units.	Nil, complies
Motorcycle / Scooter Parking (Multiple Dwellings)			
Item	Required	Provided	Shortfall
Resident	Developments exceeding 20 dwellings provide 1 motorcycle/scooter space for every 10 car bays. (7.1)	Nil	7 bays



Table 1. Residential Multiple Dwelling Car & Bicycle Parking Requirements (R-Codes Vol. 2)

With respect to the above on-site car and bicycle parking provisions for the 39 residential multiple dwellings proposed, as outlined in the table above, the only elements that do not meet the parking requirements of the R-Codes are the proposed parking provisions for residential visitor bays (nil provided, 7 bay shortfall) and motorcycle/scooter parking (nil provided, 7 bay shortfall).

The relevant element objectives of the R-Codes Vol. 2 with respect to car and bicycle parking are provided as follows:

- 3.9.2 - *Parking and facilities are provided for cyclists and other modes of transport.*
- 3.9.2 - *Car parking provision is appropriate to the location, with reduced provision possible in areas that are highly walkable and/or have good public transport or cycle networks and/or are close to employment centres.*

Additional Design Guidance from the R-Codes (DG 3.9.3) provides:

Visitor parking may be reduced where there is adequate on-street parking or public parking in the near vicinity of the development.

In evaluation of the discretions sought for on-site visitor parking, the nil residential visitor parking and motorcycle/scooter parking requirements are considered acceptable under the Element Objectives of the R-Codes for the following reasons:

- The subject site is in a location with excellent public transport accessibility, being within 200m of the Fremantle Train Station and Bus Station and high frequency bus routes along nearby Adelaide Street, Queen and Beach streets)
- The subject site within in close proximity (<250m) to public parking facilities with 500+ bays available (Beach Street public car park, Elder Place public car park and Wilson parking on the corner of Queen and Cantonment Streets).
- Time restricted on-street parking bays exist along all adjoining public streets that the site is adjacent to and bound by (with the exception of Elder Place) and other surrounding street in the immediate area;
- Being located in the City centre, the site benefits from excellent walkability and cyclability from all areas of central Fremantle.

Officers also acknowledge the heritage retention and conservation constraints the proposal is subject to, which limit the ability to provide additional on-site parking without further alteration or demolition of existing heritage fabric, particularly within the 1920s building, that would not be supported.



The applicant has provided additional justification for visitor and other car parking shortfalls within Appendix E of the applicant's Response to Request for Further Information (**Additional Information 17**).

Co-Living (Residential Building) Unit Car Bays – LPS4 Table 2			
Item	Required	Provided	Shortfall
Residential Building Units	1 per guest bedroom (174); plus 1 per caretaker/on-site manager (1) Total: 175 bays required	29 bays	146 bays
Co-Living (Residential Building) Unit Bicycle Bays – LPS4 Table 2			
Item	Required	Provided	Shortfall
Residential Building Units	class 1: 1 per 4 lodging room (44) class 3: 1 per 16 lodging rooms (11) Total: 55	45 occupant bays within secure store on ground level + 12 visitor bays within car parking area at ground level* (57 Total) *shared with residential visitors	Nil - Complies
Non-Residential Car Parking - LPS4 Table 2			
Item	Required	Provided	Shortfall
Office (6,622m ² GLA)	1 bay per 30m ² GLA 220.7 (221) = bays required	See below	See below
Restaurant/Café (20m ² dining area)	1 bay per 5m ² dining area OR 1bay/ 5 seats; whichever is greater (20sqm dining)		



	= 4 bays required		
Shop (630m ² NLA)	1 per 20m ² NLA (Minimum 2 bays) = 31.5 (32)		
Tavern (45m ² public bar + 496m ² lounge/garden)	1 per 2.5 m ² of public bar area; plus 1 per 5 m ² of lounge/garden area (18 + 99 = 117)		
TOTAL NON-RESIDENTIAL REQUIREMENT	374 bays required	64	310
Service/Delivery Bays	Office (1 per 500m ² = 13) Restaurant/Café (1) Shop (N/A) Tavern (1) Total = 15 service bays required	0 on-site service/delivery bays provided/ 3x service/loading/DF ES bays proposed within adjacent road reserves	15
Non-Residential Bicycle Parking - LPS4 Table 2			
Item	Required	Provided	Shortfall
Café/Restaurant (20m ²)	class 1 or 2: 1 per 100 m ² public area (0) class 3: two (2)	47 Class 2 bicycle bays within secure stores;	Complies
Office (6,622m ² GLA)	class 1 or 2: 1 per 200 m ² gla (33)	Plus 22 external visitor bicycle bays (Class 3)* 69 Total Bicycle Bays	

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	Plus one locker for every class 1 or 2 bike rack.		
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Table 2. Co-living (Residential Building) units and non-residential car and bicycle parking requirements (LPS4, Table 2).

With respect to the above table, specifically on-site car parking shortfalls for the co-living (residential building) units (29 bays provided, 175 required, 146 bay shortfall) and the other non-residential uses (64 bays provided, 374 required, 310 bays shortfall), Clause 4.7.3 of LPS4 outlines circumstances may waive or reduce the standard parking requirement specified in LPS4 Table 2, stating:

Council may—

- (a) *Subject to the requirements of Schedule 7*, waive or reduce the standard parking requirement specified in Table 2 subject to the applicant satisfactorily justifying a reduction due to one or more of the following—*
 - (i) *the availability of car parking in the locality including street parking,*
 - (ii) *the availability of public transport in the locality,*
 - (iii) *any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces,*
 - (iv) *any car parking deficiency or surplus associated with the existing use of the land,*
 - (v) *legal arrangements have been made in accordance with clause 4.7.5 for the parking or shared use of parking areas which are in the opinion of the Council satisfactory,*
 - (vi) *any credit which should be allowed for a car parking demand deemed to have been provided in association with a use that existed before the change of parking requirement,*
 - (vi) *the proposal involves the restoration of a heritage building or retention of a tree or trees worthy of preservation,*
 - (viii) *any other relevant considerations.*

*Note: *In some sub areas identified in Schedule 7 reduction of parking bays is not permitted. The requirements of Schedule 7 prevail over this clause.*

- (b) *Council may require an applicant to submit a report completed by a suitably qualified person or persons justifying any of the points cited above.*

Note: Provides greater flexibility to vary car-parking requirements based upon alternative transport opportunities.



With regard to the above, the loss of some public parking bays in the adjacent road reserve(s) to accommodate the proposal, and the co-living and non-residential on-site parking shortfalls, are considered acceptable in this instance, for the following reasons:

- The subject site is in a location with excellent public transport accessibility, being within 200m of the Fremantle Train Station and Bus Station and high frequency bus routes along nearby Adelaide Street, Queen and Beach streets;
- The subject site is in close proximity (<250m) to public parking facilities with 500+ bays available (Beach Street public car park, Elder Place public car park and Wilson parking on the corner of Queen and Cantonment Streets).
- Time restricted on-street parking bays exist along all adjoining public streets that the site is adjacent to and bound by (with the exception of Elder Place) and other surrounding street in the immediate area;
- With respect to the office, restaurant/café, shop and tavern uses, many other individual similar within the Fremantle city centre do not, in most circumstances, provide any on-site parking for their exclusive use and it is considered this principle is appropriate to apply here for the reasons listed above.
- The proposal involves extensive restoration and retention of the existing heritage buildings and fabric on the subject site which constrains the ability to provide additional on-site parking without further alteration or demolition of existing heritage fabric, which would not be supported to simply provide additional on-site parking. Furthermore, it is acknowledged that there are further physical engineering constraints (such as the high water table level beneath the subject site) provide further constraint on the ability to provide additional basement parking to address the shortfalls.

Service/Loading Bays

Notwithstanding the above, officers raised concern with the nil provision of on-site service/loading bays and the reliance on the 3 (proposed) service/loading bays within the adjacent Elder Place, Goldsborough Street and Cantonment Street road reserves (refer ground floor plan) that will be subject to separate approval from the City, outside of this development application. Heritage and physical design constraints have again been cited by the applicant as justification for the lack of on-site servicing/loading bays with further justification provided in the applicant's Response to Request for Further Information (**Additional Information 17**), as follows:

- *Proposed service and loading bays (within the road reserves) are intended to be shared use with the consolidated waste hardstand areas allow for efficient use of the surrounding streetscape and maximising amenity.*
- *All Food & Beverage tenancies are proposed to be front loaded (very common in Fremantle) at suitable operational times to allow efficient servicing of the building.*
- *The limited number of BTS (build-to-sell) apartments (the 39 multiple dwellings proposed) translates to very limited move ins / outs*



- *Co-living units are to be fully furnished turnkey, meaning no large-scale moving ins / outs are required*
- *The Co-living building will be centrally operated and serviced within the building, requiring limited external servicing zones*
- *On site service bays require large turning circles and increase head heights, which (like many things) are constrained / impacted by the level of heritage retention*

While officers acknowledge the above justifications, servicing/loading provisions for the development are considered crucial for the success of the development, particularly considering the variations sought to on-site parking and the number, size and type of non-residential uses proposed, that will require adequate and effective servicing provisions. It is broadly accepted by officers that the 3 shared service/loading bays, one in each of the respective road reserves, would mitigate this concern if they are delivered (subject to separate City approval) and effectively managed where shared between uses, waste servicing and DFES requirements.

As such, should DAP be of the mind to approve the application, a condition of approval is recommended that the serving/loading bays be provided. The condition will also require that the design and construction of each of the loading/service bays is wholly undertaken at the expense of the landowner, to the satisfaction of the City of Fremantle.

Traffic Impact

In support of the proposal, the applicant has also provided a Traffic Impact Assessment (**Additional Information 8**) which analysed traffic impact from the proposal, concluding as follows:

The result of the analysis of the impact of the development based traffic in the AM and PM peak hours against the existing mid-block capacity show that the level of impact would be minimal and well below the threshold considered appropriate for further assessment by the WAPC guidelines.

The level of traffic generated by the proposed development at crossovers on Elder Place and Cantonment Street is low during the network peak periods and would not result in significant impacts.

In terms of key considerations of the transport assessment:

- *The proposed approach will support use of non-vehicle modes of transport given its excellent proximity to public transport, accessibility to facilities and services in Fremantle and adjacent bicyclist infrastructure, including proposed improvements.*
- *The site is an iconic heritage structure in the centre of Fremantle. This has dictated approaches to access crossover locations, level of on-site parking, servicing and adjustments to the surrounding street configurations to facilitate the redevelopment of the site. Consideration of those issues within the DA has been commensurate with good planning outcomes.*



- *Traffic generated by the site will have minimal impact on the surrounding network during assessed peak hours, with the types of land uses and level of parking on-site not resulting in an impact on the surrounding network that would be regarded as close to being significant. Some proposed land uses, such as the Café and Tavern, would not result in traffic impacts during traditional peaks and they would be supported by existing on and off-street parking in the area.*
- *Dispensation on crossover location would be required in the context of the CoF policies – this, again, is on the basis of the need to protect, preserve and enhance the heritage elements of the site.*
- *The redevelopment of the site will engender improvements on the surrounding network and support the growth of Fremantle.*

The transport impact of the proposed development is considered minimal, with relevant issues capable of being addressed through appropriate approval conditions relating to access, parking, adjacent street configuration and servicing.

The City's Infrastructure Engineering team have reviewed the proposal and the applicant's traffic impact assessment and while no concerns were raised over the traffic impact assessment itself, a number of conditions of approval and/or advice notes have been recommended should the DAP be of the mind to approve the application, including requirements for: a car parking management plan, crossover design approval and separate approvals for works within the road reserve, including the 3 on-street DFES hardstand / loading bays proposed.

Officers have also advised that additional traffic impact studies need to be undertaken address any need resulting from the development for the upgrading of the adjacent roads, including the location of vehicle access points to the on-site parking with particular attention to queuing, sight lines for exiting vehicles, weaving and gap analysis at the development's vehicle entries and interactions with the road reserves. A condition of approval is recommended, should DAP be of the mind to approve the application, to secure this as the detailed design develops. Any proposed or necessary works/upgrades within the adjacent road reserves or local road network to accommodate the development will be subject to separate approval and wholly undertaken at the expense of the landowner, to the satisfaction of the City.

LPP 3.1.5 – Precinct 5

LPP 3.1.5 provides development controls and design guidance within Precinct 5 that covers an inner part of the Fremantle City Centre area bounded by Elder Place, Parry Street, Holdsworth Street, Henderson Street and Market Street/South Terrace.

The following table evaluates the proposals' compliance with relevant provisions of the City's LPP 3.1.5 – Precinct 5:



LPP3.1.5 - PRECINCT 5	
Provision	Comment
<i>5.1.1 Lower levels of the development should be designed to reinforce the significance of the primary streets with an appropriate scale and high standard of details, materials and finishes.</i>	Consistent – Existing facades and openings to all streets retained and reopened as part of redevelopment
<i>5.1.2 Development is encouraged to incorporate a mix of active land uses at ground level that extend the hours of activity in the adjacent public domain beyond traditional retail hours.</i>	Consistent – proposal incorporates a range of active uses at ground level including Tavern, Shop, Café/Restaurant and Office that will provide activation beyond typical working hours
<i>5.1.3 Residential uses and on-site vehicle parking are not permitted at ground level adjacent to primary streets.</i>	Consistent s – some residential dwellings located along north-west portion of Elder Place, yet all other frontages occupied by non-residential uses.
<i>5.1.4 Multiple ground level tenancies shall be provided and shall obtain their main public pedestrian entry directly from and level with the primary street. Wide building frontages with a single use or tenancy should be limited.</i>	Consistent – all existing openings to existing facades retained to be used for building entry points
<i>5.1.5 Ground floor frontages are to be predominantly glazed or open to the street and shall incorporate design measures to contribute to an interesting, safe and diverse public realm.</i>	Consistent – as much as possible glazing is to be used at ground floor to encourage activation and passive surveillance but there are constraints within existing heritage building design and openings, being retained.
<i>5.1.6 No vehicle access, blank walls and/or service areas should be located on primary street frontages if alternative locations are available. If vehicle access is necessary from the primary street, vehicle entrance points and services areas are to be integrated in to the overall building design and shall minimise detracting from the pedestrian environment and street vitality. Vehicle crossovers are to be minimised, consolidated and shared where possible.</i>	Consistent – vehicle/entry points minimised and not located along key street frontage areas.



<i>5.1.7 Weather protection along footpaths for pedestrians shall be provided, either in the form of awnings or first floor balconies, and satisfy all of the following:</i> <i>a) Shelter to be continuous along all primary street frontages;</i> <i>b) The weather protection shall be integrated with the building design, appropriately scaled and designed to reinforce the importance of primary streets while still providing shelter and a sense of enclosure for pedestrians;</i> <i>c) The weather protection shall be permanently fixed and shall be constructed of materials that provide sun and rain protection (i.e. a high degree of sun shading and water impenetrability);</i> <i>d) The weather protection shall project a minimum horizontal distance of 2.4 metres over the adjacent footpath; and</i> <i>e) Awnings shall have a consistent clear height from footpath level of between 3m and 3.5m.</i>	Consistent – Existing canopies retained and restored where possible across all frontages.
<i>5.2.1 Ground level frontages to secondary streets may incorporate a mix of land uses and must incorporate design measures and passive surveillance to contribute to an interesting, safe and diverse public realm.</i>	Consistent - Secondary Street frontages include residential units, office or other non-residential uses to provide passive surveillance across all frontages.
<i>5.2.2 Retail and commercial floorspace shall provide major pedestrian entries directly from and level with from the street.</i>	Consistent – all entries direct from street and universally accessible.
<i>5.2.3 Weather protection along footpaths of secondary streets adjoining retail/commercial/entertainment uses shall be provided, either in the form of awnings or first floor balconies, and satisfy all of the following:</i> <i>a) The weather protection shall be integrated with the building design;</i> <i>b) The weather protection shall be permanently fixed and shall be constructed of materials that provide sun and rain protection (i.e. a high degree of sun shading and water impenetrability);</i> <i>a) The weather protection shall project a minimum horizontal distance of 2</i>	Consistent – there are constraints as Goldsbrough street frontage part of state heritage building, all other primary frontages provide/restore existing awnings.



<i>metres over the adjacent footpath; and</i>	
<i>d) Awnings shall have a consistent clear height above footpath level of 2.75m</i>	
<i>5.2.4 Vehicle entrance points and services areas are to be integrated in to the overall building design and shall minimise detracting from the pedestrian environment and street vitality. Vehicle crossovers are to be minimised, consolidated and shared where possible. On-site vehicle parking is not permitted at ground level adjacent to secondary streets.</i>	Consistent - vehicle/entry points minimised and not located along key street frontage areas.
<i>5.2.5 Where residential uses are located at ground level, the design should achieve a clear distinction between the private place and public space, whilst still allowing for passive surveillance and interaction with the street.</i>	Consistent – Town houses have separation from Elder Place by existing ledge, to be used as forecourt, gated entry for dwellings, providing separation from public footpath below.
<i>6.1 The significance of primary streets should be reinforced with continuous developed edges of consistent scale and massing that creates a strong sense of urban enclosure as well as framing and reinforcing views to major Fremantle landmarks that provide legibility and contribute to the city's image (refer Figure 6)</i>	Consistent –existing building and facades retained and reinforce existing developed edge at existing, established scale.
<i>6.3 Views and glimpses of Fremantle landmarks, particularly to the port and of port infrastructure, are encouraged wherever possible at ground level along secondary streets and street pedestrian links and other openings between buildings, and from upper levels of new buildings.</i>	Consistent – views to port to be provided across all levels along Elder Place and Goldsbrough Street frontage.
<i>6.4 Incorporate sensitive transitions between lower scale existing heritage buildings and taller new structures where they are directly adjoining.</i>	Consistent – Existing heritage buildings retained as part of proposal, retain existing scale between other adjacent buildings in Princess May Park
<i>6.5 Passive surveillance of streets and other public spaces is to be provided by frequent upper floor windows, terraces and balconies overlooking the public space.</i>	Consistent – All openings across Cantonment Street façade across various land uses will provide passive surveillance of public street and Princess May Park over.
<i>6.6 As redevelopment of the precinct is likely to be carried out over a number of years, consideration should be given to the appropriate treatment of all walls and parapets that will be visible or remain semi-permanently exposed</i>	Consistent – very minimal blank walls are proposed and existing facades are retained across all frontages.



6.7 Redevelopment of full street blocks and other large sites should ensure integration into their surroundings and maintain consistency of the city centre development pattern and street level linkages. The horizontal expanse of long facades should address the desired character for its location through articulation and fenestration, architectural detailing and treatment of rooflines.	Consistent – proposal is integrated and consistent already as existing buildings retained.
6.8 Consider the impact of new development in long views from city approach streets, the railway, Monument Hill, Victoria Quay and Fremantle Harbour, particularly with regard to the arrangement and bulk of taller buildings and to the design of roofs and screening of rooftop service elements. New development shall contribute positively to these views.	Consistent - The proposed development is generally compatible with the scale of development in the locality, and the proposed location of additional massing and built form, set in from existing facades is not expected to disrupt any key views, refer additional discussion in building height assessment above.

On the basis of the above, the proposal is considered consistent with, and satisfactory pursuant to all relevant LPP3.1.5 provisions.

R-Codes Vol. 2 Assessment Items (Multiple Dwellings)

Officers assessed the design of the proposed 39 multiple dwellings and of the building generally against relevant provisions of the R-Codes Vol. 2.

With respect to the 39 multiple dwellings and consideration against Part 4 (Designing the Building) R-Code elements, the multiple dwellings demonstrate full compliance with the Acceptable Outcomes of the following key R-Code considerations:

- Solar and Daylight Access - 84% of dwellings to receive >2hrs direct sunlight.
- Natural Ventilation - All multiple dwellings are capable of natural ventilation, all dual aspect.
- Size and Layout of Dwellings - all multiple dwellings meet or exceed minimum internal dwelling and habitable room requirements.
- Private Open Space and Balconies - all multiple dwellings provided private open space/balconies that exceed minimum requirements.
- Circulation and Common Space – access and circulation spaces designed for universal access.
- Storage – all multiple dwellings provided external store that achieves required minimum size based on dwelling size

With respect to the design of the wider proposal, the development generally satisfies the Acceptable Outcomes across other relevant elements of the R-Codes, with the exception of



the following items, that required assessment against relevant Element Objectives of the R-Codes Vol. 2:

Element 2.5 - Plot Ratio

For sites zoned RAC-3, the R-Codes Vol. 2 (Table 2.1) prescribes a plot ratio limit for development at 2.0 as an Acceptable Outcome.

The plot ratio area of the proposed development, across all proposed uses and floor areas, is 18,374m² and with an effective lot area of 8,466m², the proposed plot ratio of the development is therefore 2.17 (resulting in a 3,123m² or 0.17 plot ratio area variation).

Plot ratio variations are to be considered against Element Objective O2.5.1 of the R-Codes:

The overall bulk and scale of development is appropriate for the existing or planned character of the area.

The proposal is seen to satisfy the above elements objective as the proposed height, bulk and scale of the development is considered appropriate within the existing and desired character of the area, as is discussed in greater detail within the building height section of this report above.

Element 3.3 - Tree Canopy and Deep Soil Areas

With reference to the development plans and the applicant's supporting Landscape Design Report (**Additional Information 6**), the following deep soil areas and tree planting is proposed:

Deep Soil Areas:

- 3.4% (284.3 sqm) true deep soil area (DSA) at ground level; and
- 3.3% (519.2sqm, counted at 50%*, 259.6sqm) on-structure planting provided
- TOTAL DSA: 6.5% (543.9sqm) in lieu of required minimum 10% (Table 3.3a)

**Acceptable Outcome A3.3.7 of the R-Codes Vol. 2 provides: Where the required deep soil areas cannot be provided due to site restrictions, planting on structure with an area equivalent to two times the shortfall in deep soil area provision is provided.*

Tree Canopy:

The landscape design report identifies the provision of the following:

- 41 small trees (in lieu of required 8 large trees and 2 medium trees per Table 3.3a).

While officers acknowledge additional constraints of the subject site, including requirements to retain existing buildings/elements of heritage value, that limit the ability to deliver greater deep



soil areas within the existing building footprints at ground level, officers consider opportunities for additional on-structure planting, particularly on upper levels, should be explored to better address the above shortfall. The City's DAC have also recommended the applicant:

Continue to develop the landscape design proposal and investigate alternatives for urban landscaping that could enhance the living environment (e.g. microfauna).

The applicant acknowledged these recommendations and has advised:

Detailed landscape strategies will be developed through the detailed design phase, considering alternative urban landscaping approaches that enhance biodiversity. This will include opportunities to integrate microfauna habitats alongside broader biodiversity initiatives, ensuring a balanced and responsive design.

Officers consider that it is acceptable to allow the landscape strategies to be further developed through the detailed design phase where additional and alternative opportunities for landscaping can be resolved. This is recommended to be secured through appropriate conditions of approval to secure revised and final landscaping design proposals, and the implementation of approved landscaping prior to occupation, should JDAP be of the mind to approve the application.

Co-Living (Residential Building) Units – Design Considerations (SPP7.0 –Design Principles and the R-Codes)

As discussed in detail with the land use section of the report above, the proposed 174 'co-living' (residential building) units represent an alternative model for residential accommodation that provides smaller private living spaces (often smaller, studio apartment units) with focus on larger shared amenities and communal spaces for occupants. The model intends to provide more flexible, affordable residential accommodation for short- and long-term rental periods and will be collectively managed and maintained by a single operator.

In consideration of this alternative residential accommodation model and based on the small, largely uniform size of the 174 studio units proposed, that have an average internal area of 24m² with 4m² balconies, officers consider it inappropriate to define these units as multiple dwellings and therefore, for these dwellings to be assessed in strict accordance with the Acceptable Outcomes and Element Objectives of the R-Codes Vol. 2, in consideration of the alternative co-living accommodation model being proposed.

Notwithstanding, the units are still to provide residential accommodation, for short- or long-term periods and therefore, officers consider it important that reasonable levels of residential amenity are afforded to the units, evaluated in accordance with the general principles of SPP7.0 – Design of the Built Environment and the R-Codes, as opposed to prescribed specific requirements/controls.



In support of the alternative accommodation model, officers were accepting of variations to typical R-Code requirements for elements such as dwelling size, layout, private open space and dwelling diversity. The primary concerns for officers, in terms of residential amenity, related to solar access and natural ventilation for the units.

With regard to solar access, it is noted that 84 out of the 174 co-living units (48%) will receive no direct sunlight and a further 7 out of the 174 (4%) will receive less than 2 hours of direct sunlight, with the remaining 91 units (52%) to receive 2 or more hours of direct sunlight. For example, the R-Codes would typically permit up to 15% of dwelling receiving no direct sunlight, not the 48% proposed for the 'co-living' units.

This concern was raised with the applicant with a request to explore opportunities to improve solar access levels to the co-living units, the applicant responded as follows:

The Project Team has investigated opportunities to improve the solar and daylight access of some of the non-compliant co-living units. However, the orientation and programming of the co-living building (and all built form) is governed by the existing heritage building and requirement of heritage retention. Therefore, there is no further opportunity to reorient the non-compliant co-living units. On balance, it is clear the heritage restoration is incredibly challenging and complex and given the positive heritage outcome that is being delivered on the site, the variation is worthy of being granted.

The heritage and other site constraints are acknowledged by officers, as discussed in greater detail throughout this report, and it is also generally accepted that due to the smaller private living spaces of the co-living units and model, occupants of the units will be encouraged to utilise the internal communal amenities provided (as well as the Fremantle city centre open spaces and amenities that are adjacent to, and/or readily accessible from the subject site), which are considered to compensate for a reduction in internal amenity provided within the co-living units.

Officers also clarified whether there were any specific design solutions to address natural ventilation levels across the co-living units, common areas and circulation spaces as all the proposed units are single aspect in design. The applicant clarified that all co-living corridors are to be naturally ventilated. 31% of studios are located along single loaded corridors, providing direct access to natural air on both sides of the unit via the balcony and the front door. Where corridors are double loaded, they are considered of generous width and open to the environment at both ends to facilitate natural air flow. Officers generally accept the justification provided though additional details are expected to be shown in detailed design drawings confirming the units and common areas will receive adequate natural ventilation.

The applicant has also provided a general principle R-code assessment for the co-living (residential building) units in Appendix D of the applicant's Further Information Request Response (**Additional Information 17**).



Dwelling Mix

Clause 4.4.5 of the City's LPS4 provides:

'In development comprising of ten or more Multiple Dwellings, a minimum of 25 per cent of the total number of dwellings must have a maximum floor area of 60 square metres or less and no more than 40 per cent of the total number of dwellings may have a floor area of 120 square metres or more'.

The proposed development provides the following range of dwelling types, sizes and configurations (for the 39 multiple dwellings proposed):

- 18% (7) one-bed apartments with an avg. floor area of 66sqm;
- 21% (8) two-bed apartments with an avg. floor area of 106sqm;
- 46% (18) three-bed apartments with an avg. floor area of 158sqm;
- 10% (4) four-bed town houses, avg. floor area 291sqm;
- 5% (2) two-bed townhouses with ancillary dwelling, avg. floor area of 342sqm

The proposed development does not provide any multiple dwellings with a floor area less than 60sqm (7 one-bedroom dwellings provided with 66sqm floor areas) and more than 40% of dwellings have a floor area greater than 120sqm. Notwithstanding, the proposal is considered provide a strong diversity of dwelling sizes and types (as outlined above) and if considered in conjunction with 174 smaller co-living (residential building) units proposed (studio apartments that have an average internal area of 26sqm) the proposal is considered to provide an appropriate mix of residential accommodation options.

Noise Impact Assessment

Given the subject site location within and in proximity to the Fremantle City Centre, rail infrastructure and the Fremantle Port and given the proposal consists of noise sensitive residential dwellings/accommodation, the proposal is subject to additional acoustic considerations covered under the following policies:

- State Planning Policy 5.4: Road and Rail Noise;
- Local Planning Policy 2.3 Fremantle Port Buffer Area Development Guidelines (LPP2.3); and
- Local Planning Policy 2.18: New Residential Developments in the City Centre Zone – Noise from an existing Source (LPP2.18).

All of the above policies seek to impose additional acoustic standards and requirements to mitigate the potential for recognised noise sources to impact the amenity of future residents and to acknowledge the development is located within an area subject to increased noise levels (within the city centre and adjacent rail and port infrastructure and activities).



The applicant submitted an Acoustic Report (**Additional Information 10**) that acknowledges all of the above policies and seeks to demonstrate the proposal is capable of compliance with all requirements stated in the policies and guidelines, providing recommendations where appropriate and noting that acoustic treatments will be further specified when detailed designs and a full mechanical equipment schedule is provided for further assessment.

A number of appropriate conditions of approval and advice notes have been recommended to ensure the proposal is developed in full accordance with relevant requirements of the above policies and all required acoustic treatments are implemented successfully and for the life of the development, should DAP be of the mind to approve the application.

These conditions include requirements for notifications on the certificates of titles of dwellings to notify owners and prospective purchasers of any dwelling that the land is located in the City Centre, in proximity of the Fremantle Port and rail infrastructure and as a result, the land may be affected by activities and noise levels not normally associated with residential development.

Sustainable Building Design

The development is subject to LPP 2.13 which requires all development to be designed and constructed so as to demonstrate:

- a) *A rating not less than 4 Star Green Star using the relevant Green Building Council of Australia Green Star rating tool, or its equivalent demonstrated through a report provided by a suitability qualified professional*.*

**This may include a One Planet Living Action Plan that is certified by Bioregional Australia or a One Planet Living Integrator.*

The applicant's Environmentally Sustainable Design (ESD) Strategy (**Additional Information 7**), demonstrates the proposal is capable of achieving a 4 Star Green Star rating through the implementation of the following key sustainability initiatives:

- *Green Star Accredited ESD Professional engaged to lead delivery.*
- *This project has particular focus of maintaining the existing heritage façade, restoration and material recovery. This will provide significant cultural and embodied emissions value.*
- *Minimum 10% reduction of upfront carbon emissions through adaptive reuse of heritage façade & existing structures, good design (design efficiency) and material selection.*
- *Minimum 30% reduction in Life Cycle Impacts through energy efficiency, adaptive reuse and material selections.*
- *Electrification of building services including space heating, domestic hot water. Electric Induction cooktops, with no gas cooking for residential.*
- *High efficiency façade including double glazing.*
- *Centralised Heat Pump for Hot Water.*
- *Design and testing for Building air tightness.*



- *Large scale ~100kW Solar PV.*
- *At least 90% of construction and demolition waste is diverted from landfill.*
- *Inclusion of Climate Resilience and Heat Resilience design responses to future proof the site.*

The City has reviewed the ESD Strategy and provided detailed advice to the applicant which, in summary, confirms the report indicates that the development is expected to attain sufficient points equivalent to a 4 Star Green Star Building. Notwithstanding, insufficient detail has been provided at this stage to substantiate many of the credit claims and the officer recommends a revised ESD report to further detail the sustainable design features and include a Green Star Score Card as a table with specific details for each credit and documentation referenced.

Officers accept that the additional information requested above is able to be secured with appropriate conditions of approval to ensure the sustainability strategy is updated with necessary information/detail and subsequently implemented, as approved, to achieve the required sustainability rating, should DAP be of the mind to approve the application.

Skateboarding Ledge

While the Elders Wool Stores complex has been vacant for the past 40 years, some social and cultural value has developed related to its more recent, opportunistic use for street art, music posters and, in particular, skateboarding, with the Cantonment Street 'ledge' being a popular skateboarding spot cherished by the local and broader skateboarding community, as is reflected in the large numbers of public submissions on the application which support the retention of the ledge but raised concern as to the functionality/feasibility of it remaining a skate spot should potential conflicts arise with new occupants once the development is complete and operational.

While the skateboarding ledge has no formal statutory protections under current legislation and therefore is not technically a material planning consideration, the contemporary cultural importance of the ledge and its use for skateboarding is widely acknowledged by the City and HCWA, that have, in their advice (Additional Information 15), recommended a condition that requires:

An Interpretation Plan for the Elders Wool Store that outlines interpretation strategies and implementation proposals to communicate the history, heritage significance and stories of the place, including those associated with the more recent use of the place by the Western Australian and international skateboarding community.

The applicant also recognised the importance of the ledge through engagement with the Western Australian Skateboarding Association (WASA) and skaters communicated a strong desire for the ledge to remain as part of the site's redevelopment which has resulted in the final development proposal retaining a significant portion of the ledge to remain available for skateboarders to use, preserving this element of recent cultural importance.



As such, the proposal to retain a large portion (85%) of the ledge along the Cantonment Street frontage of the development is supported to allow the skating community to maintain their connections with the ledge and the Wool Stores through active use.

Cantonment Street Precinct and Adjacent Public Realm

The development plans and documentation submitted with the application provide indicative proposed works within the road reserves and public realm adjacent to the subject site, however, this application (if approved) will not relate to, nor constitute approval for any proposed work(s) located outside of the cadastral boundaries of the subject site.

Notwithstanding, it is acknowledged that this development site will form a key component and contributor to the City's wider Cantonment Street Precinct Masterplan that is being developed to coordinate potential public realm upgrades and interfaces with private development opportunities along Cantonment Street. The public realm objectives for the Cantonment Street Precinct Masterplan are to deliver:

- Generous Footpaths;
- Healthy Street Trees;
- Desirable Microclimate; and
- Safety and Accessibility.

The frontages of Elder Place, Goldsbrough and Cantonment Street are key part of the masterplan concept and the City has been in dialogue with the applicant regarding an aligned approach in the design of these public spaces. The City will continue to negotiate separately with the applicant regarding works outside the property boundary.

Contributions for Public Art and/or Heritage Works

The proposed development is required to adhere to the provisions contained within Council's LPP2.19 Contributions for Public Art and/or Heritage Works which require the proponent to contribute a monetary amount equal in value to one per cent of the estimated total development cost, for the development of public art works and/or heritage works to enhance the public realm.

Documentation submitted with the application notes an applicant intent to use the projects 1% art contribution to be put toward upgrades to Cantonment Street public realm and street infrastructure through future City of Fremantle budget allocations.

Officers advise that the applicant intent to use the required public art contribution for public realm or street infrastructure upgrades, where not specifically related to public art and/or heritage works (pursuant to LPP2.19), is not supported as it is not consistent with the policy provisions.



Appropriate conditions of approval are recommended to secure the required contributions required under LPP2.19 and details on the use of the contributed funds is to be resolved in due course with relevant stakeholders, should DAP be of the mind to approve the application.

Stormwater

City officers have advised that stormwater management from the proposed development will be particularly important for the subject site and this area of Fremantle generally, for the following reasons:

- i. Aging Infrastructure - The city's stormwater infrastructure is old and has become increasingly unreliable. Directly connecting new developments to this system could exacerbate existing issues and lead to potential failures.
- ii. Existing infrastructure - Underground utilities, shallow services and associated lack of cover, traffic management and community disruptions. Construction of a sub-standard asset for the City to own and manage upon construction completion.
- iii. Increased Development Activity - There are multiple multi-unit developments occurring within the area. This surge in development places additional strain on the stormwater network, making it crucial to manage runoff at the source to prevent overloading the system.
- iv. Necessary infrastructure upgrades are required in multiple locations within this area. The interface with the stormwater network and land holders such as the Port authority and PTA adds another level of complexity.

As such, the applicant is required to implement an on-site stormwater management solution, to the maximum available capacity in line with the city's requirements. By capturing surface runoffs on-site, the development will contribute to a more sustainable and resilient stormwater management strategy. This approach will not only benefit the project but also supports the broader community by reducing the risk of flooding and infrastructure failure into the future.

Should DAP be of the mind to approve the application, an appropriate condition of approval is recommended to ensure storm water disposal and management plans are developed to the satisfaction of the City of Fremantle.

Conclusion:

In conclusion, the proposed adaptive re-use and redevelopment of the subject site is, overall, considered by officers to have positive heritage outcomes that will enhance the values of the place and the ability of these values to be better appreciated as well as activating the subject site and this area of Fremantle generally. The overall design of the proposal has the broad support of City's DAC and is deemed by officers to be of a high-quality, well considered design.

Generally, where variations are sought to relevant scheme, policy or other development control requirements, such variations are supported by officers, as discussed in detail above, in



consideration of the physical and heritage constraints of the subject site and/or where they are demonstrated to have positive design and amenity outcomes.

Notwithstanding, as discussed in detail in the report above, the proposal does involve, in the opinion of officers, the demolition/loss of heritage building fabric that is deemed to have at least *some* heritage significance. As such, and pursuant to Clause 4.14 of the City's LPS4, officers cannot recommend approval for a proposal that will result in the loss of such building or structures and, in the opinion of officers, this clause cannot be varied by Clause 12 of the Deemed Provisions. On this basis, the proposal is recommended for refusal.

(Refer Alternative Recommendation on following page, should DAP be of the mind to approve the application).



Alternative Recommendation

That the Metro Inner JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/23/02354 is appropriate for consideration as “Multiple Dwelling”, “Residential Building”, “Office”, “Restaurant/Café and “Tavern” land uses and compatible with the objectives of the zoning table in the City of Fremantle Local Planning Scheme No. 4
2. **Approve** DAP Application reference DAP/25/023837 and accompanying plans DA002 (Rev A), DA003 (Rev A), DA004 (Rev A), DA101 (Rev A), DA102 (Rev C), DA0103 (Rev B), DA0104 (Rev B), DA0105 (Rev B), DA0106 (Rev B), DA0107 (Rev B), DA0108 (Rev B), DA0109 (Rev A), DA0201 (Rev A), DA202 (Rev A), DA301 (Rev A), DA302 (Rev A), dated 3 January 2025 (City of Fremantle received date)) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of the City of Fremantle Local Planning Scheme No. 4, subject to the following conditions:

Conditions

Validity / Works Forming Part of Approval

1. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
3. This approval does not relate to any proposed work(s) located outside of the cadastral boundaries of the subject site including the adjacent Goldsborough Street, Cantonment Street and Elder Place road reserves with the exception of awnings for weather protection. Any required or proposed works within these road reserves will be subject to separate approval from the City of Fremantle. Any costs associated with the design and construction of works within the road are to be borne by the landowner in full.

Materials / Finishes

4. Prior to the lodgement of a Building Permit application for the development hereby approved, final details of the external materials, colours and finishes of the proposed development, including a physical sample board or materials, is to be submitted and approved to the satisfaction of the City of Fremantle, on the advice of the City’s Design Advisory Committee.



5. Prior to the lodgement of a Building Permit application for the development hereby approved, design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the City of Fremantle. All piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters, other plant and bin storage areas must be integrated into the design of the building and located to minimise any visual and/or noise impact on the occupants of nearby properties and screened from view from the street.
6. Prior to lodgement of a Building Permit application, storm water disposal and management plans, details and calculations must be submitted for approval by the City of Fremantle and thereafter implemented, constructed and maintained to the satisfaction of the City of Fremantle.

Landscaping / Tree Planting

7. Prior to the lodgement of a building permit application, the detailed landscaping plans shall be updated to the satisfaction of the City of Fremantle. Additional detail shall be provided with regards to deep soil areas, on-structure planting, species selection, tree planting and irrigation. The revised landscaping plans shall be submitted to, and approved by the City of Fremantle.
8. Prior to the occupation of the development, the approved landscaping plans shall be completed in accordance with the approved plans or any approved modifications thereto and be maintained for the life of the development, to the satisfaction of the City of Fremantle.
9. Prior to the occupation of the development, the proposed on-site tree planting (including the provision of 41 small trees) shall be completed in accordance with the approved plans or any approved modifications thereto, to the satisfaction of the City of Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of the development, to the satisfaction of the City of Fremantle.

Lighting

10. Prior to the lodgement of a Building Permit application for the development hereby approved, an outdoor lighting plan must be submitted and approved by the City of Fremantle. The outdoor lighting is to be designed, baffled and located to prevent any increase in light spill onto the adjoining properties.

Parking and Traffic

11. Prior to the submission of a Building Permit, the applicant is to submit detailed plans for the provision of three (3) loading/service bays within the road reserves immediately adjacent the subject site for approval by the City of Fremantle.



Prior to the occupation of the development hereby approved, the three (3) loading/service bays are to be constructed in agreement with the City of Fremantle. All costs associated with the design and construction of the parking bays are to be borne by the landowner in full.

12. Prior to the lodgement of a building permit application for the works hereby approved, a traffic impact study addressing any need resulting from the development for the upgrading of the adjacent roads, including the location of access points to the on-site parking with particular attention to queuing, sight lines for exiting vehicles, weaving and gap analysis at the development's vehicle entries, being submitted and approved by City of Fremantle's Traffic Design Officer.

The recommendations of the approved Plan are to be implemented at the developer's cost, prior to the occupation of building(s).

13. 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 for the life of the development.
14. Prior to the occupation of the development hereby approved, any redundant crossovers shall be removed and the verge and kerbing reinstated to the City's specifications, at the expense of the applicant and to the satisfaction of the City of Fremantle.
15. Prior to occupation of the development hereby approved, a detailed Car Parking Management Plan shall be submitted to, and approved by the City of Fremantle. The approved car parking management plan shall be implemented for the life of the development unless otherwise approved.
16. Prior to the lodgement of a Building Permit for the development hereby approved, the applicant is to submit, and have approved to the satisfaction of the City of Fremantle, a detailed parking plan design which complies with the Australian Standard AS/NZS 2890 and AS/NZS 1428, including parking bay/s (comprising visitor bays, loading bays, disabled bays, motorcycle / scooter bays), aisle widths, circulation areas, driveway/s and points of ingress and egress.
17. Prior to occupation of the development hereby approved, all bicycle parking/racks shown on the approved plans shall be provided to the satisfaction of the City of Fremantle and must be installed and thereafter be maintained for the life of the development, to the satisfaction of the City of Fremantle.
18. Prior to the occupation of the development hereby approved, all car parking, bicycle parking, motorcycle/scooter parking and vehicle access and circulation areas shall be maintained and available for car parking/loading, and vehicle access and circulation on an ongoing basis to the satisfaction of the City of Fremantle.



19. Prior to the issue of a Building Permit for the development hereby approved, end of trip facilities shall be provided, to the satisfaction of the City of Fremantle as follows:

- 3 male and 3 female (or 6 unisex) shower facilities for the non-residential uses, and four (6) lockers.

Prior to occupation of the development the approved end of trip facilities must be installed and thereafter be maintained for the life of the development, to the satisfaction of the City of Fremantle.

Management Plans

20. Prior to occupation of the development hereby approved, a detailed Management Plan for the 'Co-Living' units and use shall be submitted to, and approved by the City of Fremantle. The management plans will outline operational management plans for the units and the operator, including, but not be limited to: access to units and car/bicycle bays for tenants, visitors, deliveries, mitigation of noise and other potential nuisance.

The approved management plan shall be implemented for the life of the development unless otherwise approved.

21. Prior to the lodgement of a Building Permit application, an updated Waste Management Plan shall be prepared in accordance with advice from the City's Waste Management Team Leader and subsequently be submitted to, and approved by the City of Fremantle.

Prior to the occupation of the development, the approved waste management plan must be implemented and adhered to at all times to the satisfaction of the City of Fremantle unless otherwise approved by the City of Fremantle.

22. Prior to the lodgement of a Building Permit application, and a Demolition and Construction Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:

- a) Use of City car parking bays for construction related activities;
- b) Protection of infrastructure and street trees within the road reserve;
- c) Security fencing around construction sites;
- d) Gantries;
- e) Access to site by construction vehicles;
- f) Contact details;
- g) Site offices;
- h) Noise - Construction work and deliveries;
- i) Sand drift and dust management;
- j) Waste management;
- k) Dewatering management plan;
- l) Traffic management;



- m) Works affecting pedestrian areas;
- n) Asbestos removal management plan;
- o) Dilapidation reports of nearby properties; and
- p) Any other matter deemed to be relevant by the City of Fremantle.

The approved Demolition and Construction Management Plans shall be adhered to throughout the demolition of the existing building on site and construction of the new development.

Heritage

23. Prior to the lodgement of a Building Permit, the following information and/or additional detail, pertaining to the 1927 State Registered building, is to be provided to the satisfaction of the City of Fremantle on the advice of the Heritage Council of Western Australia:
- i. All columns and beams to the 1927 building to be retained to maximum extent, inclusive of the proposed internal courtyard/lightwell area currently proposed for demolition, to the satisfaction of the Director, Historic Heritage Conservation.
 - ii. All original external signage is to be retained and exposed.
 - iii. The following further information is to be provided to the satisfaction of the Director, Historic Heritage Conservation, prior to the application of a Building Permit:
 - a. Further details of the proposed ramps and external landscaping to Goldsborough St.
 - b. Further information of proposed works, and associated impact on heritage fabric, required to comply with the National Construction Code.
 - c. An Interpretation Plan for the Elders Wool Store that outlines interpretation strategies and implementation proposals to communicate the history, heritage significance and stories of the place, including those associated with the more recent use of the place by the Western Australian and international skateboarding community.
 - d. Prior to application for an Occupancy Permit, a signage strategy that provides for a coordinated approach for tenancy and wayfinding signage is to be provided to the satisfaction of the Director, Historic Heritage Conservation. The strategy is to include method of fixing, location, dimensions, and design for new signage.
24. Prior to the submission of a Building Permit application, the following further information and detail is to be submitted to, and approved by the City of Fremantle:
- i. A detailed Conservation Plan for the entire building.
 - ii. A conservation methodology which specifically details the immediate protection, management and conservation, the during demolition and during construction protection, management and conservation and the ongoing protection, management and conservation of the retained heritage fabric, relocated heritage fabric, interpretation elements and machinery.



- iii. A detailed archival record of the entire building photographing and noting in detail the location, type and condition of all material to be demolished and all material to be reused.
 - iv. A detailed plan for the retention / relocation / conservation and interpretation of all machinery, chutes and signage that are related to the wool use of the building.
 - v. A detailed schedule of materials and finishes.
25. Prior to the submission of an occupation of the development hereby approved, the following further information and detail is to be submitted to, and approved by the City of Fremantle:
- i. The full implementation of the conservation methodology as per the City of Fremantle approved Conservation Methodology plan.
 - ii. The installation of all interpretation elements as per the City of Fremantle on the advice of the Director, Historic Heritage Conservation, DPLH approved Interpretation Plan.
 - iii. The retention / relocation / conservation and interpretation of all machinery, chutes and signage that are related to the wool use of the building as per the City of Fremantle approved plan.

Acoustics and Noise

26. Prior to the lodgement of a Building Permit application for the development hereby approved, details of how the recommendations contained in the Acoustic Report (prepared by Lloyd George Acoustics Pty Ltd, ref. 242028739) are to be implemented, are to be submitted to, and approved by the City of Fremantle. The measures shall be constructed, implemented and maintained for the life of the development. Any necessary works require additions, alterations and/or treatments of existing heritage building fabric, will require details to be submitted to, and approved by the City of Fremantle, prior to the commencement of such works.
27. Prior to the lodgement of a Building Permit application for the development hereby approved, details are to be submitted and approved by the City of Fremantle that demonstrate that the development incorporates the noise mitigation 'Quiet House Requirements' Category (A) of Table 2 of the State Planning Policy 5.4 'Road and Rail Noise Guidelines', or designs and implements an approved noise management plan by a qualified acoustic consultant, to the satisfaction of the City of Fremantle.
28. Prior to the lodgement of a Building Permit application for the development hereby approved, the design and materials of the development shall demonstrate compliance with the requirements set out within City of Fremantle policy LPP 2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within 'Area 2'.
29. Prior to the lodgement of a Building Permit application for the residential development hereby approved, the design and materials of the development is to demonstrate



adherence to the requirements set out within City of Fremantle Local Planning Policy 2.18 – New Residential Developments in the City Centre Zone – Noise from an Existing Source. Specifically, the development shall provide the following, at a minimum:

- a) to all external openings (windows and doors):
 - i. airtight rubber seals to provide acoustic protection; and
 - ii. sliding windows shall be substituted with awning windows as they are able to achieve a positive compression seal; and
 - iii. standard 6mm glass shall be substituted with sealed thickened laminated glass (no less than 10mm); or
 - iv. standard 6mm glass shall be substituted with acoustic double glazing incorporating a 12mm thick pane of laminated glass set in a sealed metal frame with a 100mm air gap to the other pane of glass;
- b) to all external walls:
 - i. shall achieve a sound rating of Rw 45 dB or greater;
- c) to all floors and ceilings:
 - i. A 150mm thick concrete slab with either carpet or acoustically installed timber flooring or tiles; or
 - ii. Installing high density insulation batts into the cavity of a lightweight, suspended and floating ceilings or floors to absorb sound; or
 - iii. Building components are isolated using resilient compounds such as rubber, neoprene or silicone for the purpose of reducing the transfer of noise.

Notifications on Titles

- 30. Prior to occupation of the development hereby approved, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* shall be prepared to the satisfaction of the City of Fremantle and registered against the Certificate of Title of every residential dwelling, to notify owners and prospective purchasers of any dwelling that the land is located in the City Centre and in close proximity or adjacent to, an area where non-residential uses may exist or be approved and, as a result, the land may be affected by activities and noise not normally associated with residential development. All costs and incidentals relating to the preparation of and registration of the Section 70A notification, including related City of Fremantle Solicitors' costs, shall be met by the owner of the land.
- 31. Prior to occupation of the development hereby approved, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that the subject site is located in close proximity to the Fremantle Port and may be subject to noise, odour and activity not normally associated with residential use. The notification is to be prepared by the City's solicitors at the expense of the owner and be executed by all parties prior to occupation.



32. Prior to occupation of the development hereby approved, a Notification pursuant to Section 70A of the Transfer of Land Act 1893 shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that "this development is in the vicinity of a transport corridor and is affected, or may in the future be affected, by road and rail transport noise and vibration. Road and rail transport noise and vibration levels may rise and fall over time depending on the type and volume of traffic.". The notification is to be prepared by the City's solicitors at the expense of the owner and be executed by all parties prior to occupation.

Sustainability

33. Prior to the lodgement of a building permit application, a Green Star 'Designed' assessment from the Green Building Council of Australia (GBCA) demonstrating that the building's design has been assessed and is on track to achieve a minimum 4 Star Green Star Certified rating; OR, a Sustainable Design Assessment Report prepared by a practicing Green Star Accredited Professional (GSAP) as equivalence, is to be submitted to, and approved by the City of Fremantle.
34. Prior to occupation, a Green Star 'Certified' rating with certification from the Green Building Council of Australia (GBCA) confirming the building's design and construction achieve a minimum 4 Star Green Star Certified rating; OR a Sustainable Design Assessment Report prepared by a practicing Green Star Accredited Professional (GSAP) as equivalence, is to be submitted to, and approved by the City of Fremantle.

Public Art

35. Prior to the occupation of the development hereby approved, the owner shall contribute a monetary amount equal in value to one percent of the estimated development cost as indicated on the Form of Application for Planning Approval, to the City of Fremantle for development of public art works to enhance the public realm. Based on the estimated cost of the development being \$110 million dollars the contribution to be made is \$1.1 million dollars.

Liveable Housing

36. Prior to the issue of a building permit, amended development plans shall be submitted to the satisfaction of the City of Fremantle, which include a minimum of:
- i. 20 per cent of all dwellings, across a range of dwelling sizes, meet Silver Level requirements as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia), OR
 - ii. 5 per cent of dwellings to be designed to Platinum Level as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia).



The dwellings shall be maintained as such for the life of the development.

Water Metering

37. Prior to the issue of a building permit, details are to be submitted that demonstrate that each dwelling will be individually metered for water use to the satisfaction of the City of Fremantle.
38. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.

Advice Notes

- i. A demolition permit is required to be obtained for the proposed demolition work. The demolition permit must be issued prior to the removal of any structures on site.
- ii. A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.
- iii. The applicant is advised of the requirement to prepare a 'Planning Condition Schedule' that outlines how each of the above conditions have been addressed, with specific reference to plans and/or other supporting documentation where relevant and share this with officers to assist City officers in the process of clearance of relevant conditions.

The applicant will need to submit an application for request for condition clearance and the pay the requisite fee to commence this process.

- iv. This approval does not authorise the removal or modification of verge infrastructure and/or verge trees within the verge area. Written approval is to be obtained for removal or modification of verge infrastructure and/or verge trees within the verge area from the relevant City of Fremantle department or relevant service authority, before construction commences. Please refer to the City's Tree Planting and Vehicle Crossings Policies (SG28 and MD0015) for further information.
- v. Prior to commencement of the development, or any works associated with the development, the applicant/owner is required to submit an application to the satisfaction of the Public Transport Authority (PTA) and must obtain approval from the PTA for works in and around the operating Railway Corridor in accordance with the PTA's 8810-450-003 – Procedure – Working In and around the PTA Rail Corridor, Assets and Infrastructure.



- vi. The development is within 50m of the PTA Railway Reserve, this places the proposed development within the PTA Protection Zone. An application to PTA third party access is required prior to the commencement of any development/construction works within the Protection Zone.
- vii. The applicant is advised of the need to liaise with the Water Corporation to obtain and necessary approvals in relation to the development and the relocation/alteration of water infrastructure.
- viii. The proponent must:
 - i. make application to Environmental Health Services via Form 1 - Application to construct, alter or extend a public building as a requirement of the *Health (Public Buildings) Regulations 1992*;
 - ii. once construction has been completed, make application to Environmental Health Services via Form 2 - Application for a public building certificate;AND
 - iii. once construction has been completed, complete and submit Form 5 - Certificate of Electrical Compliance for a Public Building to Environmental Health Services.

Note that Section 1 does not apply to or in relation to building work, as defined in the *Building Act 2011* section 3, for which a building permit is required under that Act.

For further information and a copy of the application form contact Environmental Health Services on 9432 9999 or via health@fremantle.wa.gov.au.

- ix. The proponent must make application during the Building Permit application stage to Environmental Health Services via Schedule 3 – Application for registration of a lodging house as a requirement of the City of Fremantle's Health Local Laws 1997. For further information and a copy of the application form contact Environmental Health Services on 9432 9999 or via health@fremantle.wa.gov.au.
- x. The Co-Living Apartments in the proposal do not appear to be self-contained dwellings (i.e. residential flats). As such, their operation constitutes a lodging house under the *Health (Miscellaneous Provisions) Act 1911*. Facilities and services for the lodging house must adhere to the registration, design and management requirements detailed in the *Health (Miscellaneous Provisions) Act 1911* and the City's Health Local Laws 1997. In particular, please note and implement the design requirements for laundries, kitchen and dining room:
 - ii. Laundry – 1 laundry unit consisting of a washing machine, wash trough and clothes dryer, for every 15 lodgers.
 - iii. Kitchen – minimum floor area of 0.65 square meters per lodger.



- iv. Cooking facilities – 2x ovens and 4x four burner stoves for the first 60 lodgers+ 1 four burner stove for each additional 15 lodgers (or part thereof) over the initial 60 lodgers.
- v. Dining Room – minimum floor area of 0.5 square meters per lodger with adequate furnishings to accommodate ½ the lodgers at any one time.
- xii. The applicant is encouraged to maintain the adjacent verge in accordance with the City's Verge Garden Policy which can be found on the City website at: <https://www.fremantle.wa.gov.au/resident-perks>
- xiii. If the development utilises an air-handling system as defined in AS 3666, which uses water or other liquids to operate, humidify, clean, maintain, heat or cool the air, the system must apply for, and obtain, approval for the air-handling system, water system or cooling tower, from the City of Fremantle as required under the *Health (Air-handling and Water Systems) Regulations 1994*. For further information contact Environmental Health Services on 9432 9856 or via health@fremantle.wa.gov.au.
- xiv. Any removal of asbestos is to comply with the following –

Under ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2001*. Over 10 square metres must be removed by a licensed person or business for asbestos removal. All asbestos removal is to be carried out in accordance with the *Occupational Safety and Health Act 1984* and accompanying regulations and the requirements of the *Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)]*. Note: Removal of any amount of friable asbestos must be done by a licensed person or business and an application submitted to WorkSafe, Department of Commerce. <http://www.docep.wa.gov.au>
- xv. 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.
- xvi. 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.

- xvii. All noise from the proposed development must comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended), such as:
1. mechanical service systems like air-conditioners, exhaust outlets, motors, compressors and pool filters;
 2. vehicles;
 3. amplified acoustic systems; and
 4. 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.

- xviii. The premises must comply with the *Food Act 2008*, regulations and the Food Safety Standards incorporating AS 4674-2004 *Design, construction and fit-out of food premises*. Detailed architectural plans and elevations must be submitted to Environmental Health Services for approval prior to construction via an [application to notify/register a food business](#). The food business is required to be registered under the *Food Act 2008*. For further information contact Environmental Health Services on 9432 9999 or via health@fremantle.wa.gov.au.

- xix. The applicant is advised that where contamination is detected, the site is required to be reported to the Department of Water and Environmental Regulation and remediated in accordance with the requirements of that Department. For further information, please see the Department fact sheet on Identifying and Reporting Contaminated sites available online at [https://www.der.wa.gov.au/images/documents/your-environment/contaminated-sites/Fact sheets tech advice/Fact sheet 1.pdf](https://www.der.wa.gov.au/images/documents/your-environment/contaminated-sites/Fact%20sheets%20tech%20advice/Fact%20sheet%201.pdf)

- xx. The owner is advised that an obstruction permit will be required from the City for any future obstruction of the Goldsbrough, Elder or Cantonment Street road reserves. An application for obstruction permit can be found via www.fremantle.wa.gov.au.

- xxi. The applicant/owner is advised that a verge bond deposit fee must be paid prior to the issue of a demolition permit or building permit. Details in regard to the verge bond can be found on the City's website at: [https://www.fremantle.wa.gov.au/residents/trees-and-verges#Verge Bonds](https://www.fremantle.wa.gov.au/residents/trees-and-verges#Verge%20Bonds)

- xxii. The applicant is advised that the proposed works indicated outside of the lot boundaries of the subject site do not form part of this approval. Should the applicant wish to undertake these works separate approval is required from the City. Queries relating to these works should be directed to the City's Parks and Landscape team via info@fremantle.wa.gov.au or 9432 9999.



- xxiii. The applicant is advised that any signage may be subject to a separate application for planning approval.
- xxiv. The applicant is advised, with regard to stormwater management, to implement an on-site stormwater management solution, to the maximum available capacity in line with the city's requirements.
- xxv. With regard to the GBCA Green Star project registration and design assessment demonstrate sustainable built design performance requirements in accordance with Local Planning Policy 2.13. A Green Star 'equivalency' self-assessment pathway requires a Sustainable Design Assessment Report aligned to the current GBCA Green Star Buildings rating tool, prepared by a practicing Green Star Accredited Professional (GSAP), and that includes, but is not limited to:
1. Statement of compliance that the building's design will achieve, or has achieved in construction, the performance requirements of a 4 Star Green Star building using the current GBCA Green Star Buildings rating tool.
 2. A comprehensive report detailing the sustainability initiatives incorporated in the building design described in full with referenced supporting documentation.
 3. A Green Star Scorecard matrix showing targeted credit points with detailed comments documenting how the credit is satisfied and referenced to supporting documentation.
 4. Report author GSAP credentials.
 5. Evidence to substantiate each credit claim and to demonstrate the level of performance as per the Green Star Buildings rating tool Submission Guidelines.
 6. List of supporting documentation referencing information used such as calculators, modelling, specifications, contracts, brief requirements, client instructions, plans, reports, and drawings including working drawing stages.

Note 1: A Green Star 'equivalent' self-assessment pathway does not allow the building to be marketed or promoted as a Green Star building nor use the Green Star logo or trademark.

Note 2: Minimum expectations of the current Green Star Buildings rating tool need to be met. Partial points can not be awarded under Green Star 'Buildings' rating tool, and the total credit points targeted to include a reasonable buffer of points.

- xxvi. The GBCA Green Star final certification demonstrates sustainable built design and construction performance requirements in accordance with Local Planning Policy 2.13. The Green Star certification may be submitted within 2 years from practical completion of the project.



Green Star 'equivalency' self-assessment pathway requires a Sustainable Design Assessment Report aligned to the current GBCA Green Star Buildings rating tool, prepared by a practicing Green Star Accredited Professional (GSAP), demonstrating that the Green Star rating outcomes have been achieved for the building as constructed with a supporting documentation produced as part of the design, procurement, construction or commission process.

Note: A Green Star 'equivalent' self-assessment pathway does not allow the building to be marketed or promoted as a Green Star building nor use the Green Star logo or trademark.

- xxvii. 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 or 9432 9999.
- xxviii. Any existing tree(s) within the adjacent road reserve(s) shall be protected through the implementation of a Tree Protection Zone for protection during construction.

Additional information with regard to the tree protection zone requirements can be found here: <https://www.fremantle.wa.gov.au/residents/trees-and-verges>



**C2504-2 SOUTH STREET NO.228 (LOT 3) WHITE GUM VALLEY -
UNAUTHORISED CHANGE OF USE FROM LUNCH BAR TO
RESTAURANT / CAFE - (DA0019/25)**

Meeting date:	9 April 2025
Responsible officer:	Manager Development Approvals
Voting requirements:	Simple Majority Required
Attachments:	1. Amended Plans and Business Information 2. Waste Management Plan
Additional Information: (viewed electronically)	3. Main Road Western Australia Advice 4. Schedule of Submissions 1 of 2 - MySay Page 5. Schedule of Submissions 2 of 2 - Hardcopy Submissions 6. Site Photos - DA0019/25

SUMMARY

Approval is sought for an unauthorised change of use from Lunch bar to Restaurant/ cafe at No.228 South Street, White Gum Valley.

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

- Land use
- Car and bicycle parking
- Delivery bay

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for an unauthorised change of use from Lunch Bar to Restaurant/ Cafe and alterations and additions at No. 228 South Street, White Gum Valley (subject site). Works undertaken as part of the unauthorised use include:

- Fit out of existing tenancy,



- New transportable cool room and
- Removal of 4 car bays at the rear of site.

The Restaurant/ Café is open between the hours of 7am - 3pm, seven days a week.

The business includes the provision of 44 seats (indoor and outdoor) within designated dining areas. Takeaway options are also provided. There will be a maximum of 6 staff on site at any one time. Deliveries will range during the week but are expected to be up to a maximum of 8 per week.

On 19 March 2025, the applicant lodged amended plans to address some of the concerns raised during consultation. The amendments include:

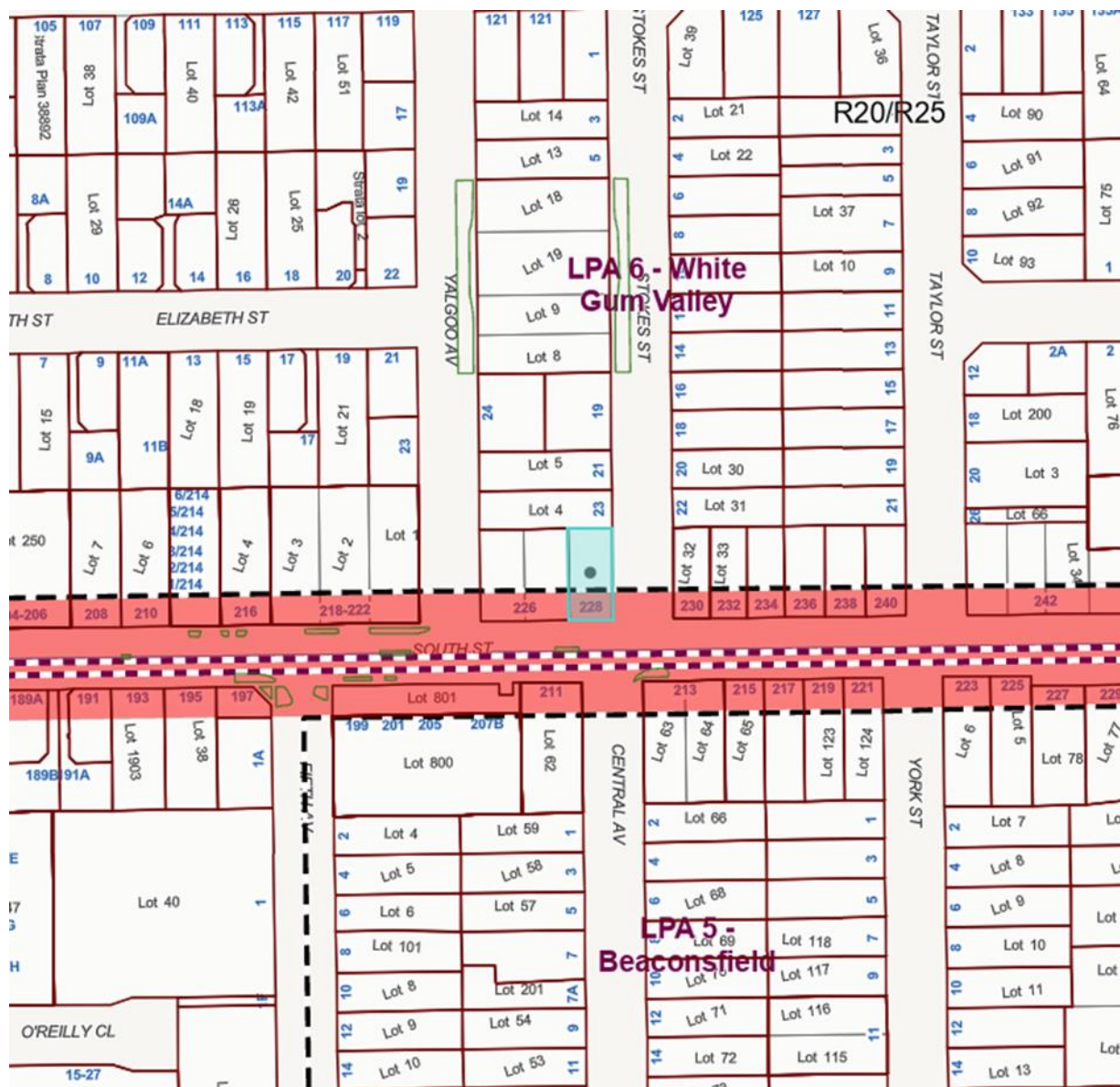
- Providing 6 hardstand car bays (2 staff and 4 customer) at the rear of site,
- Removal of secondary street fencing,
- Relocating the bin storage area to the back of the building, positioning it away from rear adjacent residential property

These works have not yet been undertaken and are recommended to be included as conditions of approval.

Amended development plans are included as Attachment 1.

Site/application information

Date received:	17 January 2025
Owner name:	J Pham
Submitted by:	J Carter
Scheme:	Neighborhood Centre Zone, R20/25
Heritage listing:	Not Listed
Existing land use:	Lunch Bar
Use class:	Restaurant/ Cafe
Use permissibility:	A



CONSULTATION

External referrals

Main Roads Western Australia (MRWA)

As the subject site is affected by a category 3 primary regional road reservation, MRWA were referred the application for comment. In response to correspondence received on 24 January 2025, MRWA has no objection to the development and recommends that if development approval is granted, subject to two advice notes which have been added as part of the recommendation.

Community



The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the proposal required a merit-based assessment against the Scheme. The advertising period concluded on 17 June 2024, and six hundred and seventy-eight (678) submissions being received with 669 supporting the application and 9 raising objections. Of the 9 objections, 5 generally support the Cafe land use but raise Street carparking in Stokes Street as an issue. The following planning related issues were raised (summarised):

- Lack of onsite car parking,
- Increased traffic and parking demand on Stokes Street,
- Vehicle maneuverability on Stokes Street
- Rubbish at rear of site is unsightly

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

- We have opted to increase onsite car parking from nil to 6 bays at the rear of site to help alleviate any street car parking demand created by the new use,
- The bin storage area has been relocated and screened to improve visual amenity and a Waste management plan has been provided outlining collection days and times to reduce amenity impacts for nearby residents.
- Regarding traffic and parking, Stokes Street is a difficult street to access due to its narrowness and no parking limitations. Council could easily restrict parking on Stokes Street to ensure such impacts are minimal. Restricting parking to one side only, would allow for sufficient clearance for all vehicles to move safely on Stokes Street.
- Most of our patrons are local and walk to our premises. We noticed this when we opened.
- Speaking to many customers/locals they are in favour and excited by what we do on these premises.

The abovementioned comments are addressed in the officer comments below.

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of Local Planning Scheme No.4 (LPS4) and relevant Council local planning policies. The relevant assessment criteria are discussed as follows.

- Land use



- Car and bicycle parking
- Delivery Bay

The above matters are discussed below.

Background

The subject site is located on the northern side of South Street, White Gum Valley. The site has a land area of approximately 440m² and is currently a Single storey building. The site is zoned Neighborhood Centre and has a split density coding of R20/25. The site not individually heritage listed nor is it located within a heritage area.

A search of the property file has revealed the following history for the site:

- In 2018 approval was granted for the change of use (Shop – Newsagents) to a Lunch Bar.
- 2020 – Secondary Street fence addition

On 20 December 2024 the City received a complaint regarding alleged an unauthorised Restaurant/ cafe operating from the subject site.

On 23 December 2024 inspected the property and 6 January 2025 conducted an internal site inspection, the City compliance department confirmed that an unauthorised cafe/ restaurant was occupying the site.

The City contacted the operators and informed them of the approved Lunch bar land use and the issue with converting the premise to a Restaurant Cafe required a new planning application for this land use change.

The exiting approved 'Lunch Bar' land use is defined in LPS4 as:

means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas.

Whereas a Restaurant/ Cafe land use is defined in LPS4 as:

means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the Liquor Control Act 1988.



Land Use

A Restaurant/ Cafe is an 'A' use in the Neighbourhood Centre zone, which means that the use is not permitted unless the Council has exercised its discretion by granting planning approval. In considering an 'A' use the Council will have regard to the matters to be considered in the *Planning and Development (Local Planning Schemes) Regulations 2015*. In this regard the following matters have been considered:

- (a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area*
- (m) The compatibility of the development with its setting including the relationship of the development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development*
- (n) The amenity of the locality including the following:*
 - (iii) Environmental impacts of the development*
 - (iii) The character of the locality*
 - (iii) Social impacts of the development*
- (y) Any submissions received on the application.*

For the purpose of assessing matter (a) above, the objectives of the Neighbourhood centre zone are as follows:

- i. provide for weekly and convenience retailing including small-scale shops, showrooms, cafes, restaurants, consulting rooms, entertainment, residential (at upper levels), recreation, open spaces, local offices, cottage industry, health, welfare and community facilities which serve the local community, consistent with the local—serving role of the centre,*
- ii. encourage the provision of suitable and accessible services to residents of the locality,*
- iii. ensure that development is not detrimental to the amenity of adjoining owners or residential properties, and*
- iv. conserve places of heritage significance the subject of or affected by the development.*

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

- The proposal is for a small-scale cafe, accommodated within an existing single storey commercial building. The use generally complements the mix



of other commercial offerings within the Neighborhood centre for the greater White Gum Valley and Beaconsfield suburbs. The site features the sale of coffee, breakfast and lunch options and the like. It is considered compatible with the surrounding commercial developments and the residential area.

- The scale of the development and activities associated with the café/restaurant use do not result in any significant adverse impact on the amenity of the greater surrounding area with reasonable day time hours proposed.
- The development includes only involve minor internal changes to the existing single storey built form with a transportable cool room, screened bin store area and a redesigned car parking at the rear of site.
- The amount of traffic potentially generated by the proposal is considered minor due to the small scale and limited opening hours of the land use. Visitors to the site will be there for a finite period, allowing for regular bay turnover on site and in the surrounding area.
- Submissions were received objecting to the proposal on the grounds of lack of parking, traffic and general amenity impacts. These objections are considered to have been addressed by the applicant, and the recommended conditions below.
- Overall, the use enhances the amenity of the immediate area by providing opportunity for social interaction within walking distance of local residences.

Car Parking

The car parking requirements for the existing and proposed land uses are identified in the table below.

Element	Requirement	Proposed	Extent of Variation
Lunch Bar (Existing Approved use)	1: 20m ² Net lettable area - 6 required	4	2 Shortfall approved
	Delivery Bay – Not required	N/A	
Restaurant/ Cafe	1: 5 seats or 1: 5m ² dining area, whichever is greater Approx. 50m ² of total dining area and a maximum of 44 seats Required: 10 bays	6	4 bays



	Delivery bays 1: service/ storage area	Nil	1 bay
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In accordance with clause 4.7.3.1 of the City's LPS4, Council may waive or reduce the standard parking requirements specified in Table 2 of LPS4 subject to the applicant satisfactorily justifying a reduction due to one or more of the following—

- (viii) *The availability of car parking in the locality including street parking;*
- (viii) *the availability of public transport in the locality;*
- (viii) *any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;*
- (viii) *any car parking deficiency or surplus associated with the existing use of the land;*
- (viii) *legal arrangements have been made in accordance with clause 4.7.5 for the parking or shared use of parking areas which are in the opinion of the Council satisfactory;*
- (viii) *any credit which should be allowed for a car parking demand deemed to have been provided in association with a use that existed before the change of parking requirement;*
- (viii) *the proposal involves the restoration of a heritage building or retention of a tree or trees worthy of preservation; and/or*
- (viii) *any other relevant considerations.*

The reduction in on-site car parking is considered to meet the requirements of Clause 4.7.3.1 of the LPS4 for the following reasons:

- The change of use to Lunch Bar in 2018 required 6 bays and provided four bays, resulting in a current 2 bay shortfall. The current change of use of use to Cafe/ Restaurant will increase this shortfall to 4 bays. This is based on the total floor area to be used for dining area,
- The proponents have redesigned the onsite parking options at the rear of site, providing 2 staff bays and 4 customer bays. All readily accessible from Stokes Street. Its acknowledge that the existing crossover servicing the rear of site will need to be modified to accommodate sufficient manoeuvring and access to these new bays,
- Whilst public transport is well provided to the area along South Street, it is considered highly unlikely customers will use this means of transport.
- Many customers may travel to the property by walking and bicycle use. There is ample space available along South Street frontage for bike storage

facilities and a condition is included requiring the installation of 2 class 3 bike racks to accommodate for the required bicycle storage.

- With regards to onsite car parking, it is acknowledged that Stokes Street is a narrow residential street, and at present doesn't have any parking limitations on either side of the road. This has been a key factor in contributing to residents' concerns.
- Currently on Stokes Street, there is ample hardstand space at presently being used for off street car parking in the verge– shown below in image 1. Approximately, a maximum of 9 cars currently park in these spaces today. However, as indicated in red box below, these verge bays don't meet the minimum dimension (required 2.5m wide and 5.5m deep) of AS/NZ standards. These bays are 2.5m w but only 5.1m deep, meaning when vehicles park, they either project into the abutting footpath area or road way.
- However, the area in yellow highlight on the eastern side of Stokes Street is compliant and accommodates 4 car bays.



Image 1 – Stokes Street and subject site road reservation

Delivery bay

There is currently no delivery bay being provided onsite. Given the narrowness of Stokes Street and the close proximity to South Street, stopping in the actual road close to the South Street and Stokes Street intersection is not desirable from a safety and general vehicle movement perspective.

The applicant has confirmed in a delivery management plan that all delivery and Waste collection vehicles will be able to park parallel along Stokes Street. To prevent Stokes Street from being impeded/ blocked when such vehicles service the immediate area, the hardstand space (8m x 5.1m) has been identified. As mentioned above this space whilst being used currently as non-compliant street carparking, the verge area (identified below) is capable of being modified to accommodate a compliant service bay. This space is readily available at the front of site and can easily accommodate temporary delivery and Waste collection vehicles when servicing this area without negatively impacting access along Stokes Street. An appropriate condition has been added to ensure its installation



Image 2 – Hardstand space for delivery and Waste vehicles area



Bicycle racks

Element	Required	Provided	Variation
Class 1 or 2	Class 1 or 2: 1 per 100m ² public area Required: 2 racks	Nil	2 racks
Class 3	Required: 2 racks	Nil	2 racks

In accordance with clause 4.7.3.3 of the City's LPS4 –

Council may waive the class 1 or 2 bicycle rack requirements of Table 2, where, in the opinion of the Council, the development application is for a minor change of use.

The reduction in the required class 1 or 2 bicycle racks is considered to meet the requirements of Clause 4.7.3.3 of the LPS4 for the following reasons:

- The application is for a minor change of use of an existing small lunch bar to a 44 seat Restaurant/ Café. The requirement of clause 4.7.3.3 to waive the required class 1 or 2 racks are therefore met.

To offset the reduction of onsite car parking, it would be reasonable for Council to require the 2 Class 3 bicycle racks to be installed. As these are "low security level – rails or racks to which both the bicycle frame and wheels can be locked", there is sufficient room to be provided on site. A condition of approval is recommended to secure their installation.

CONCLUSION

Approval is sought for the unauthorised change of use from Lunch Bar to a Café/Restaurant land use at No.228 South Street, White Gum Valley. The land use is of a reasonable scale and is compatible with the character of the area. Some conditions of approval are recommended to ensure works are undertaken as indicated by the applicant to install car parking on site within a reasonable timeframe. In accordance with the assessment above, the application is recommended for conditional approval.

STRATEGIC IMPLICATIONS

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



Thriving City - Attraction and retention of diversified investment and talent

- A diverse range of employment options across multiple sectors enable more people to work in Fremantle.

Thriving City - A resilient seven-day economy

- A City with a diverse range of unique, resilient and sought-after businesses and attractions.

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, Unauthorised Change of Use from Lunch bar to Restaurant/ Cafe at No. 228 (Lot 3) South Street, White Gum Valley, subject to the following conditions:

- 1. This approval relates only to the development as indicated on the approved plans, dated 19 March 2025. It does not relate to any other development on this lot.**
- 2. The Restaurant/ Café shall be limited to the opening hours of:**
Monday to Sunday 7am to 3pm
- 3. The Waste Management Plan dated 13 March 2025, must be implemented at all times to the satisfaction of the City of Fremantle.**
- 4. Within 60 days of the determination notice of the development hereby approved for the development hereby approved, a plan detailing the**



provision of two (2) Class 3 (as defined in Local Planning Scheme No. 4) bicycle racks shall be provided, to the satisfaction of the City of Fremantle.

The racks shall be installed within 120 days of this determination notice and thereafter maintained for the life of the development.

- 5. Within 90 days of the determination notice of the development hereby approved, all car parking, and vehicle access shall be remarked, maintained and available for car parking on an ongoing basis to the satisfaction of the City of Fremantle.**
- 6. Within 90 days of the determination notice of the development hereby approved, the verge service bay as marked on plans dated 19 March 2025 shall be marked at the applicant's expense to the specifications and satisfaction of the City of Fremantle.**
- 7. Within 120 days of the determination notice 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.**
- 8. Within 120 days of the determination notice of the development hereby approved, any redundant crossovers shall be removed and the verge and kerbing reinstated to the City's specifications, at the expense of the applicant and to the satisfaction of the City of Fremantle.**
- 9. 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 BA9 – Occupancy Permit application form is required to be submitted for the unauthorised building works. A Certificate of Building Compliance (BA18) must be submitted with the application and signed and completed by a Registered Building Surveyor Contractor (private sector). A list of Registered Building Surveyors**



can be obtained from the Western Australian Building Commission website - <https://www.commerce.wa.gov.au/building-commission>.

- ii. All noise from the proposed development must comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended), such as:

1. Mechanical service systems like air-conditioners, exhaust outlets, motors, compressors and pool filters;
2. Vehicles;
3. Amplified acoustic systems; and
4. 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.

- iii. This property is affected by a 10 metre reservation in the Metropolitan Region Scheme as shown on the attached extract of Main Roads drawing number 08-12F and will be required for road purposes in the future.
- iv. The upgrading/widening of South Street is not in Main Roads current 4-year forward estimated construction program and all projects not listed are subject to change without notice, and Main Roads assumes no liability for the information provided.



**C2504-3 PAKENHAM STREET, NO. 47 (LOT 116), FREMANTLE - MIXED
USE DEVELOPMENT - (JD DAP001/25)**

Meeting date:	9 April 2025
Responsible officer:	Manager Development Approvals
Voting requirements:	Simple Majority Required
Attachments:	1. Amended Development Plans - 47 Pakenham Street FREMANTLE - DAP001/25 2. Acoustic Report - 47 Pakenham Street FREMANTLE - DAP001/25 3. Waste Management Plan - 47 Pakenham Street FREMANTLE - DAP001/25
Additional Information: <i>(viewed electronically)</i>	4. Applicant's Planning Report - 47 Pakenham Street FREMANTLE - DAP001/25 5. Architect Design Report - 47 Pakenham Street FREMANTLE - DAP001/25 6. Heritage Impact Statement - 47 Pakenham Street Fremantle - DAP001/25 7. City's Heritage Assessment - 47 Pakenham Street FREMANTLE - DAP001/25 8. HCWA Referral Response - 47 Pakenham Street FREMANTLE - DAP001/25 9. Landscaping Plans - 47 Pakenham Street FREMANTLE - DAP001/25 10. Transport Technical Report - 47 Pakenham Street Fremantle - DAP001/25 11. DAC1-3 Meeting Minutes - 47 Pakenham Street FREMANTLE - DAP001/25 12. R-Code Assessment (Applicant and Officer Comment) - 47 Pakenham Street FREMANTLE - DAP001/25 13. Environmental Sustainable Design Report - 47 Pakenham Street FREMANTLE - DAP001/25 14. Schedule of Submissions - 47 Pakenham Street FREMANTLE - DAP001/25 15. Applicant Response to Submissions - 47 Pakenham Street FREMANTLE - DAP001/25 16. Additional Renders - 47 Pakenham Street FREMANTLE - DAP001/25 17. Original Development Plans (superseded) - 47 Pakenham Street FREMANTLE - DAP001/25 18. Site Photos - 47 Pakenham Street FREMANTLE - DAP001/25



SUMMARY

Approval is sought for the demolition of the existing building and the construction of a five (5) storey mixed use development including a ground floor Café/restaurant and 13 Multiple dwellings at No. 47 (Lot 116) Pakenham Street, Fremantle.

As the development value is \$7 million, the applicant has opted to have the application determined by the Metro Inner Development Assessment Panel (DAP). The City's Responsible Authority Report (RAR) is referred to Council for comment.

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for the demolition of the existing building and the construction of a five (5) storey mixed use development including a ground floor Café/restaurant and 13 Multiple dwellings at No. 47 (Lot 116) Pakenham Street, Fremantle (subject site).

The proposed works include:

- Demolition of the existing single storey commercial building.
- Construction of a five-storey mixed use building containing 13 Multiple dwellings and a 56.3m² ground floor Restaurant/Café.
- Installation of a three (3) level car stacker to facilitate parking for 17 cars.
- Installation of bicycle racks.
- Installation of a central lift and shaft.
- Construction of a bin store and fire pump room on the ground floor.
- Construction of a roof terrace and canopy.
- Installation of on-structure landscaping.

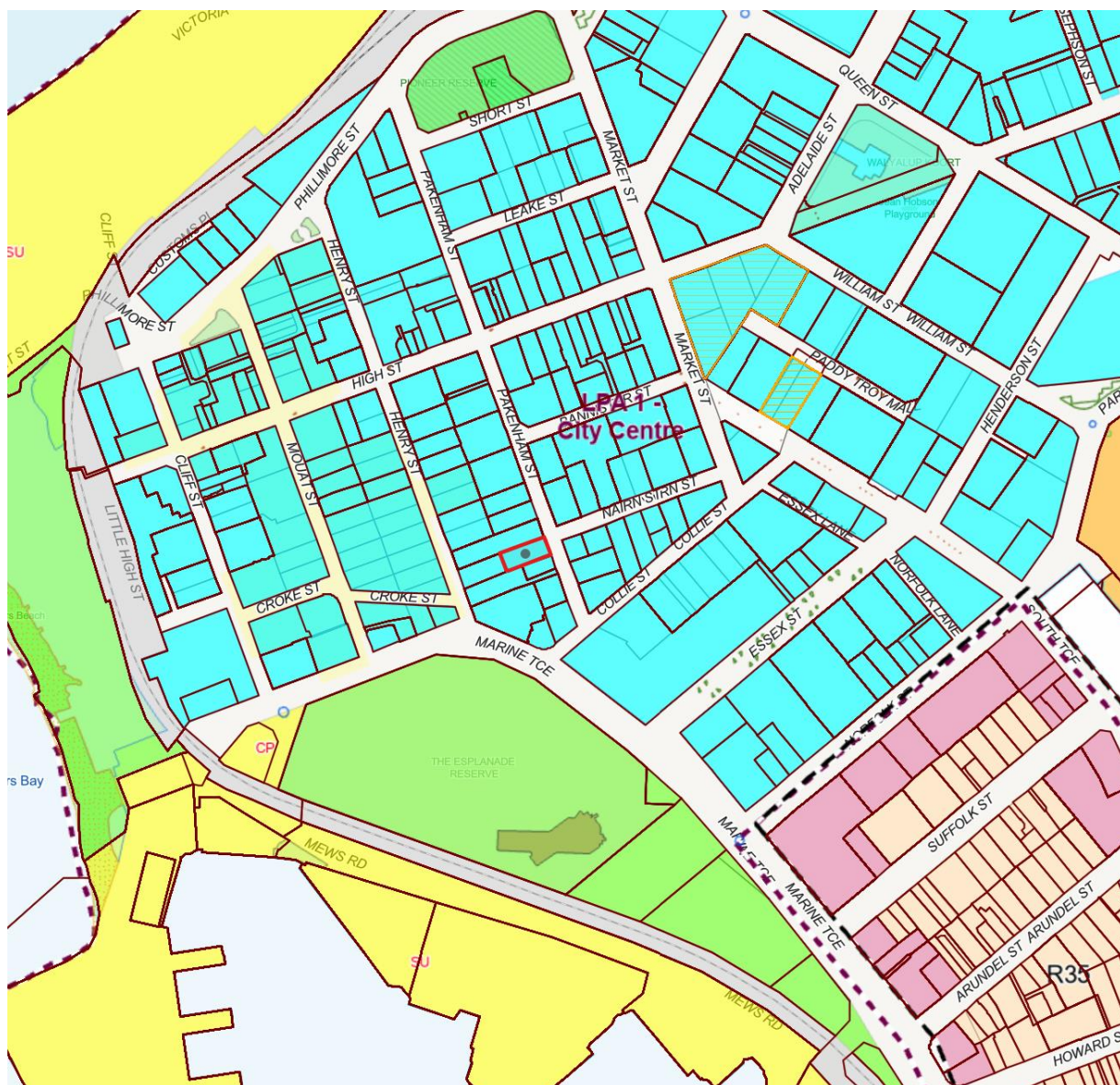
The applicant submitted amended plans on 24 March 2025 including minor adjustments to internal floor planning for common spaces, commercial tenancies and apartments. The roof terrace was also relocated toward the rear of the building and the upper floors façade design was altered.

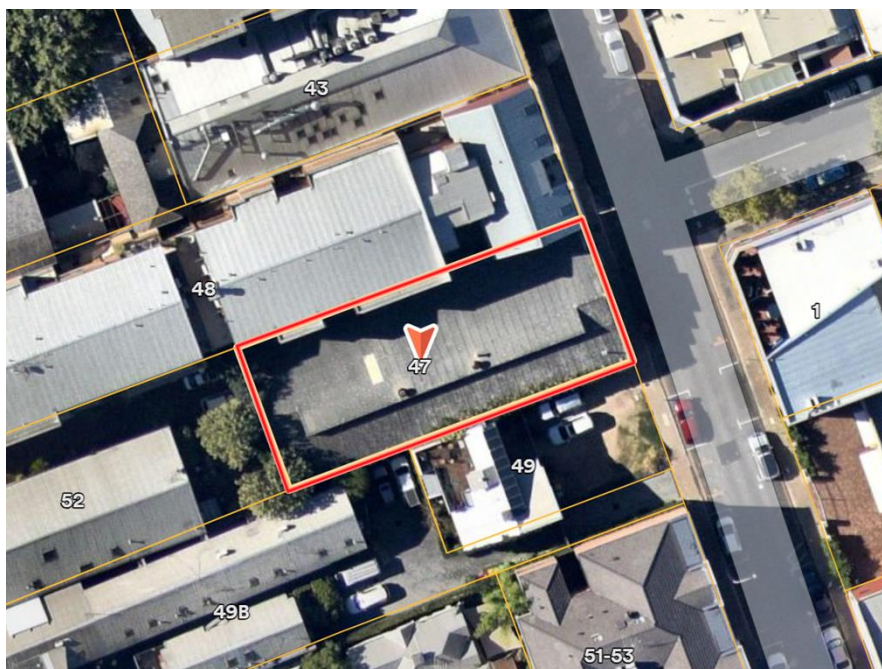
Amended development plans are included as Attachment 1. The original development plans are included as additional information.



Site/application information

Date received: 7 January 2025
Owner name: Adelcap Properties Pty Ltd
Submitted by: Planning Solutions (Aus) Pty Ltd
Scheme: RAC3
Heritage listing: West End Heritage Area
Existing land use: Car Park, Restaurant/Café
Use class: Multiple Dwelling, Restaurant/Café
Use permissibility: D





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

- A higher density City with a diverse range of housing options being available in the city centre that cater to multiple demographics.
- Residential developments enable residents to minimise their environmental footprint.
- Fremantle is recognised as a development-friendly city as a result of flexible and adaptable approaches to planning.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

SUPPORT the Officer's Recommendation to APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Mixed use (Restaurant/Café and Multiple Dwellings) development, subject to the conditions outlined in the responsible authority report.



**LOT NO. 116 (NO. 47) PAKENHAM STREET FREMANTLE – MIXED USE
DEVELOPMENT – (JD DAP001/25)**

Form 1 – Responsible Authority Report
(Regulation 12)

DAP Name:	Metro Inner
Local Government Area:	City of Fremantle
Applicant:	Planning Solutions (Aus) Pty Ltd
Owner:	Adelcap Properties Pty Ltd
Value of Development:	\$7 million
Responsible Authority:	City of Fremantle
Authorising Officer:	Manager Development Approvals
LG Reference:	DAP001/25
DAP File No:	DAP/25/02841
Application Received Date:	7 January 2025
Report Due Date:	1 April 2025 (subject to amended due date due to additional information request)
Application Statutory Process Timeframe:	90 Days
Attachment(s):	1. Amended Development Plans 2. Acoustic Report 3. Waste Management Plan 4. Applicant's Planning Report 5. Architect Design Report 6. Heritage Impact Statement 7. City's Heritage Assessment 8. HCWA Referral Response 9. Landscaping Plans 10. Transport Technical Report 11. DAC1-3 Meeting Minutes 12. R-Code Assessment (Applicant and Officer Comment) 13. Sustainable Design Report 14. Schedule of Submissions 15. Applicant Response to Submissions 16. Additional Renders 17. Original development plans (superseded) 18. Site Photos



Is the Responsible Authority Recommendation the same as the Officer Recommendation? TBA	☐ Yes	Complete Responsible Authority Recommendation section
	☐ N/A	
	☐ No	Complete Responsible Authority and Officer Recommendation sections

Officer Recommendation

It is recommended that the Metro Inner DAP resolves to:

1. **Accept** that the DAP Application reference DAP/24/02637 is appropriate for consideration as a "Multiple Dwelling and Restaurant/Cafe" land use and compatible with the objectives of the zoning table in accordance with City of Fremantle Local Planning Scheme No.4;
2. **Approve** DAP Application reference DAP/24/02637 and accompanying plans (attachment SD1-00 (Rev. D), SD1-01 (Rev. D), SD1-02 (Rev. N), SD2-01 (Rev. Q), SD2-02 (Rev. N), SD2-03 (Rev. N), SD2-04 (Rev P), SD2-05 (P), SD2-06 (Rev. M), SD3-01 (F), SD3-02 (E), SD3-03 (E), SD4-01 (Rev. H), SD4-02 (Rev. A), SD5-01 (Rev. Q)) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of City of Fremantle Local Planning Scheme No. 4, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. Prior to lodgement of a Building Permit and/or Demolition Permit application for the development hereby approved, a Construction/Demolition Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:
 - a) Use of City car parking bays for construction related activities;
 - b) Protection of infrastructure and street trees within the road reserve;
 - c) Security fencing around construction sites;



- d) Gantries;
 - e) Access to site by construction vehicles;
 - f) Contact details;
 - g) Site offices;
 - h) Noise - Construction work and deliveries;
 - i) Sand drift and dust management;
 - j) Waste management;
 - k) Dewatering management plan;
 - l) Traffic management; and
 - m) Works affecting pedestrian areas.
3. Prior to lodgement of a Building Permit application for the development hereby approved, storm water disposal plans, details and calculations must be submitted for approval by the City of Fremantle and thereafter implemented, constructed and maintained to the satisfaction of the City of Fremantle.
4. Prior to the lodgement of a Building Permit application for the development hereby approved, design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the City of Fremantle. All piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters, other plant and bin storage areas must be integrated into the design of the building and located to minimise any visual and/or noise impact on the occupants of nearby properties and screened from view from the street.
5. Prior to lodgement of a Building Permit application for the development hereby approved, amended development plans shall be submitted to the satisfaction of the City of Fremantle, which include a minimum of 20 per cent of all dwellings designed to a minimum silver level universal design (Residential Design Codes Volume 2 Appendix A4 Universal Design Requirements), or certified Livable Housing Australia to a minimum silver level of performance.
- The dwellings shall be constructed and maintained as such for the life of the development
6. Prior to the lodgement of a building permit application for the development hereby approved, a Green Star 'Designed' assessment from the Green Building Council of Australia (GBCA) demonstrating that the building's design has been assessed and is on track to achieve a minimum 4 Star



Green Star Certified rating; OR, a Sustainable Design Assessment Report prepared by a practicing Green Star Accredited Professional (GSAP) as equivalence, is to be submitted to, and approved by the City of Fremantle.

7. Prior to lodgement of a Building Permit application for the development hereby approved, the design and materials of the development shall adhere to the requirements set out within City of Fremantle policy L.P.P2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall provide the following:
 - a) Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or "double glazed" utilising laminated or toughened safety glass of a minimum thickness of 3mm.
 - b) Air conditioners shall provide internal centrally located 'shut down' points and associated procedures for emergency use.
 - c) Roof insulation in accordance with the requirements of the Building Codes of Australia.
8. Prior to lodgement of a Building Permit application for the development hereby approved, the applicant is to submit, and have approved to the satisfaction of the City of Fremantle, a detailed parking plan design which complies with the Australian Standard AS/NZS 2890 and AS/NZS 1428 including parking bay/s (comprising visitor bays, loading bays, disabled bays, motorcycle / scooter bays), aisle widths, circulation areas, driveway/s and points of ingress and egress, and demonstrates the safety of building users accessing the basement bike store and carparking.
9. Prior to lodgement of a Building Permit application for the development hereby approved, final details of the external materials, colours and finishes of the proposed development, including a physical sample board or materials is to be submitted and approved to the satisfaction of the City of Fremantle, on the advice of the City's Design Advisory Committee.
10. Prior to lodgement of a Building Permit application for the development hereby approved, details are to be submitted that demonstrate that each dwelling will be individually metered for water use to the satisfaction of the City of Fremantle.
11. Prior to lodgement of a Building Permit application for the development hereby approved, details of how the recommendations contained in the



environmental acoustic report prepared by Herring Storer Associates, dated 20 December 2024 (Ref: 33943-2-24478), are to be implemented into the design/operation of the development are to be submitted and approved to the satisfaction of the City of Fremantle and thereafter maintained for the life of the development.

12. Prior to lodgement of a Building Permit application for the development hereby approved, one (1) Class 1 or Class 2 and two (2) Class 3, as defined in LPS4, bicycle racks shall be provided, to the satisfaction of the City of Fremantle.
13. Prior to occupation of the development the approved bicycle racks must be installed and thereafter be maintained for the life of the development, to the satisfaction of the City of Fremantle.
14. Prior to lodgement of a Building Permit application for the development hereby approved, a detailed landscaping plan, including information relating to species selection, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces (i.e. mulch, lawn etc), shall be submitted to and approved by the City of Fremantle.
15. Prior to occupation of the development hereby approved, the approved landscaping shall be completed in accordance with the approved plans and maintained for the life of the development to the satisfaction of the City of Fremantle.
16. Prior to occupation/ use of the development hereby approved, the boundary wall located on the north, south and west boundaries shall be of a clean finish in any of the following materials:
 - coloured sand render,
 - face brick,
 - painted surface,
 - other approved finish

and be thereafter maintained to the satisfaction of the City of Fremantle.

17. Prior to occupation/ use of the development hereby approved, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* shall be prepared to the satisfaction of the City of Fremantle and registered against the Certificate of Title of every residential dwelling, to notify owners and prospective purchasers of any dwelling that the land is located



in the City Centre and in close proximity or adjacent to, an area where non-residential uses may exist or be approved and, as a result, the land may be affected by activities and noise not normally associated with residential development. All costs and incidentals relating to the preparation of and registration of the Section 70A notification, including related City of Fremantle Solicitors' costs, shall be met by the owner of the land.

18. Prior to occupation/ use of the development hereby approved, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that the subject site is located in close proximity to the Fremantle Port and may be subject to noise, odour and activity not normally associated with residential use. The notification is to be prepared by the City's solicitors at the expense of the owner and be executed by all parties prior to occupation.
19. Prior to the occupation/ use of the development hereby approved, the owner shall contribute a monetary amount equal in value to one percent of the estimated development cost or otherwise approved by the City in accordance with the policy, as indicated on the Form of Application for Planning Approval, to the City of Fremantle for development of public art works and/or heritage works to enhance the public realm in accordance with LPP 2.19: Contributions for Public Art and/or Heritage Works and to the satisfaction of the City of Fremantle. Based on the estimated cost of the development being \$7 million dollars the contribution to be made is \$70,000.
20. Prior to occupation/ use of the development hereby approved, all bicycle parking/racks shown on the approved plans shall be provided to the satisfaction of the City of Fremantle and must be installed and thereafter be maintained for the life of the development, to the satisfaction of the City of Fremantle.
21. Prior to the occupation/ use of the development hereby approved, all car parking, bicycle parking, motorcycle/scooter parking and vehicle access and circulation areas shall be maintained and available for car parking/loading, and vehicle access and circulation on an ongoing basis to the satisfaction of the City of Fremantle.



22. Prior to commencement of works, a program of monitoring any structural movement and potential vibration impacts on (P0892) Warehouse at 52 Henry Street shall be approved and implemented to the satisfaction of the City of Fremantle, on advice from Heritage Council of Western Australia. The Heritage Council is to be notified immediately if any impact occurs and advised on a recommended course of action by a suitably qualified structural engineer.
23. The waste management plan, prepared by Talis Consultants, dated 19 December 2024 (WMP24078) must be implemented at all times to the satisfaction of the City of Fremantle.
24. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
25. The garage door, as indicated on the approved plans, shall swing into the subject site only when open or closed and shall not impede the adjoining road reservation of the subject site.
26. 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):

1. A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.
2. 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.

3. All noise from the proposed development must comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended), such as:
 - a) mechanical service systems like air-conditioners, exhaust outlets, motors, compressors and pool filters;
 - b) vehicles;
 - c) amplified acoustic systems; and
 - d) patron noise.

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

4. Any works within the adjacent thoroughfare, i.e. road, kerbs, footpath, verge, crossover or right of way, including the installation of a parklet, requires a separate approval from the City of Fremantle's Infrastructure Business Services department who can be contacted via info@fremantle.wa.gov.au or 9432 9999. Additional information on parklets can be found via <https://www.fremantle.wa.gov.au/sites/default/files/City%20of%20Fremantle%20-%20Parklet%20Policy.pdf>
5. In regard to the condition requiring a Construction/ Demolition Management Plan, Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>.

A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be accessed via:

<https://www.fremantle.wa.gov.au/sites/default/files/Construction%20and%20Demolition%20Management%20Plan%20Proforma.pdf>

The Infrastructure Business Services department can be contacted via info@fremantle.wa.gov.au or 9432 9999.

6. The applicant is advised that a crossover permit must be obtained from the City's Engineering Department. modified crossover(s) shall comply



with the City's standard for crossovers, which are available on the City of Fremantle's web site.

7. 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.

8. Any removal of asbestos is to comply with the following –

Under ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2001*. Over 10 square metres must be removed by a Class B asbestos removal licence holder for. All asbestos removal is to be carried out in accordance with the *Work Health and Safety Act 2020* and accompanying regulations and the requirements of the Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)];

Note: Removal of any amount of friable asbestos must be done by a Class A asbestos removal licence holder and an application submitted to WorkSafe, Department of Commerce.

<https://www.commerce.wa.gov.au/worksafe/>.

9. The premises must comply with the *Food Act 2008*, regulations and the Food Safety Standards incorporating AS 4674-2004 Design, construction and fit-out of food premises. Detailed architectural plans and elevations must be submitted to Environmental Health Services for approval prior to construction via an application to notify/register a food business. The food business is required to be registered under the *Food Act 2008*. For further information contact Environmental Health Services on 9432 9999 or via health@fremantle.wa.gov.au.
10. It is recommended that the applicant engages the City's Environmental Health department to determine their obligations in obtaining an alfresco dining permit. The City's Environmental Health department can be contacted on 9432 9999 or alternatively via email at health@fremantle.wa.gov.au.
11. This approval does not authorise the removal or modification of verge infrastructure and/or verge trees within the verge area. Written approval is to be obtained for removal or modification of verge infrastructure and/or verge trees within the verge area from the relevant City of Fremantle



department or relevant service authority, before construction commences.
Please refer to the City's Tree Planting and Vehicle Crossings Policies
(SG28 and MD0015) for further information.

Details: outline of development application

Region Scheme	Metropolitan Region Scheme
Region Scheme - Zone/Reserve	Central City Zone
Local Planning Scheme	Local Planning Scheme No. 4
Local Planning Scheme - Zone/Reserve	City Centre Zone
Structure Plan/Precinct Plan	N/A
Structure Plan/Precinct Plan - Land Use Designation	N/A
Use Class and permissibility:	Multiple Dwelling – D Restaurant/Café – D
Lot Size:	554m ²
Existing Land Use:	Car Park, Restaurant/Café
State Heritage Register	Yes -West End Heritage Area only
Local Heritage	☐ N/A ☐ Heritage List ☒ Heritage Area
Design Review	☐ N/A ☒ Local Design Review Panel ☐ State Design Review Panel ☐ Other
Bushfire Prone Area	No
Swan River Trust Area	No

Proposal:

The application seeks approval for a mixed use development at No. 47 (Lot 116) Pakenham Street, Fremantle (subject site). The proposed development includes the demolition of the existing building and the construction of a five (5) storey mixed use development which includes a ground floor Café/restaurant and 13 Multiple dwellings. The key components of the proposed development can be seen at Attachment 1 and are summarised as follows:



Proposed Land Use	Multiple Dwelling (D); Restaurant/Café (D)
Proposed Net Lettable Area	56.3m ² (Restaurant/Café)
Proposed No. Storeys	Five (5)
Proposed No. Dwellings	13

The works component of the development includes:

- Demolition of the existing single storey commercial building.
- Construction of a five-storey mixed use building containing:
 - Ground floor Restaurant/Café
 - 13 Multiple dwellings
 - 1 x one bedroom, one bathroom unit (64.9sqm)
 - 4x two bedroom, two bathroom units (79.1sqm)
 - 2 x two bedroom, one bathroom units (76.3sqm)
 - 2 x two bedroom, one bathroom units (63.1sqm)
 - 3x three bedroom, two bathroom units (88sqm)
 - 1x three bedroom, two bathroom unit (92.3sqm)
- Installation of a three (3) level car stacker to facilitate parking for 17 cars.
- Installation of bicycle racks.
- Installation of a central lift and shaft.
- Construction of a bin store and fire pump room on the ground floor.
- Construction of a roof terrace and canopy.
- Installation of on-structure landscaping.

The applicant submitted amended plans on 24 March 2025 including the following:

- Reduction in commercial tenancy to 56.3m².
- Relocation of the bin and bike store to adjacent the vehicular accessway.
- Relocation of the ground floor UAT/EOT and pedestrian accessway.
- Indication of an additional tree to the rear of the building.
- Units 101 and 102 – Indication of a clothes drying area and increase in inner courtyard floor area (unit 101).
- Units 103 and 104 - Reconfiguration of the bathroom layout, increase in living room/kitchen floor area and reconfiguration, relocation of the west bedroom window to the west aspect, removal of a portion of courtyard and increase in inner courtyard floor area (unit 104).
- Unit 201 and 202 – Indication of a clothes drying area.
- Unit 203 and 204 – Reconfiguration of the bathroom layout, relocation of the west bedroom window to the west aspect and the indication of a clothes drying area.



- Unit 301 – Increase in terrace floor area, indication of clothes drying area and the reduction in living room/kitchen floor area.
- Units 302 – lower level toilet addition and the indication of a clothes drying area.
- Installation of transom windows above all entrance doorways.
- Unit 303 – Increase in balcony floor area, increase in storeroom area, reduction of living room/kitchen floor area and the reconfiguration of the layout.
- Unit 401 – Increase in balcony floor area, reduction in living room/kitchen floor area and the reconfiguration of the layout, indication of a clothes drying area.
- Unit 402 – Reduction in storeroom floor area, increased balcony floor area, increase in living room/kitchen floor area and the reconfiguration of the layout, indication of a clothes drying area.
- Relocation of the roof terrace towards the rear of the building, relocation of the AC condensers towards the front of the building.
- Removal of the arches on the upper levels on the east aspect (front) of the building and the redesign of the east façade.
- A tree is indicated in the parklet (this tree will be subject to approval by the City to ensure a suitable size and species of tree is provided).

Amended development plans are included as Attachment 1. The original development plans are included as additional information.

Background:

Subject Site

The subject site is located at the intersection of Pakenham and Nairn Street and is zoned City Centre. The site is not individually heritage listed but is located within the State registered West End Heritage Area. The site contains an existing building that was used as a bait shop from approximately 1977 until approximately 2007. The site has since been utilised for a Restaurant/ Café and a public car park. The site abuts sites to the south and west that are included on the State Heritage Register.

Site History

The development history evident under the property file is listed below:

- DA0241/18 - Development Approval - Unauthorised Change of Use to Use to Public Car Park

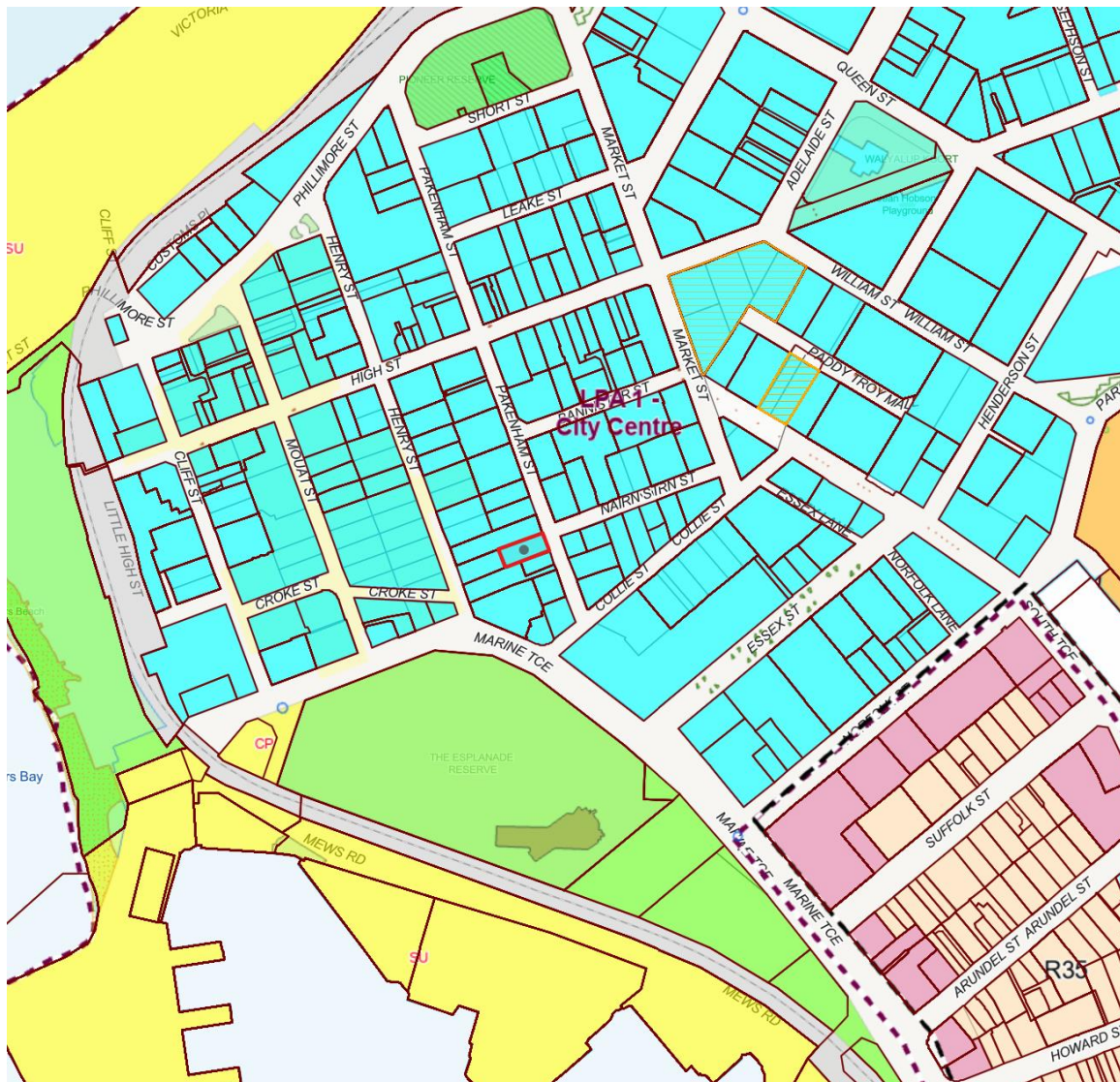


Figure 1 – Planning Context Map

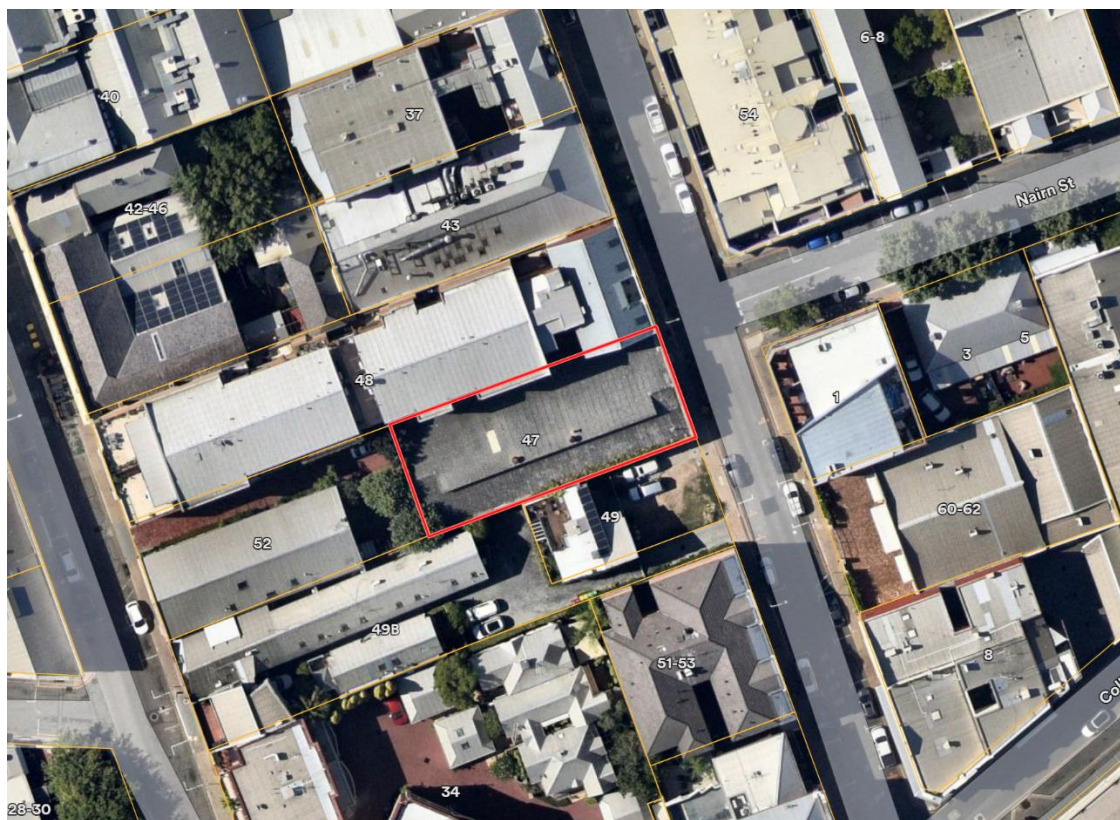


Figure 2 – Site Aerial Image



Figure 3 – Existing Street View



Legislation and Policy:

Legislation

1. *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)*
2. Metropolitan Region Scheme
3. City of Fremantle Local Planning Scheme No. 4

Planning and Development (Local Planning Schemes) Regulation 2015 (WA):

- Schedule 2, Part 8, Clause 64 – Advertising applications
- Schedule 2, Part 9, Clause 66 – Consultation with other authorities
- Schedule 2, Part 9, Clause 67 – Matters to be considered by local government
- Schedule 2, Part 9, Clause 68 – Determination of applications
- Schedule 2, Part 9, Clause 70 – Form and date of determination

Local Planning Scheme No. 4:

- 3.2.1 - (b) City Centre zone objectives
- Table 1 - Zoning
- 4.4.5 - Residential Development (dwelling mix)
- 4.7 - Vehicle Parking
- 4.8.1 - Variation to height requirements
- Schedule 7 - Local Planning Area 1 (City Centre) – Sub Area 1.3.1 (West End)

State Government Policies

- State Planning Policy 7.0: Design of the Built Environment
- State Planning Policy 7.3: Residential Design Codes – Volume 2

Local Policies

- Local Planning Policy 1.3 – Community Consultation on Planning Proposals
- Local Planning Policy 1.6 – Heritage Assessment and Protection
- Local Planning Policy 1.9 – Design Advisory Committee and Principles of Design
- Local Planning Policy 1.10 – Construction Sites
- Local Planning Policy 2.3 – Fremantle Port Buffer Area Development Guidelines



- Local Planning Policy 2.18 – New Residential Developments in the City Centre Zone – Noise from an existing Source
- Local Planning Policy 2.19 – Contributions for Public Art and/or Heritage Works
- Local Planning Policy 2.24 – Waste Management Plans for New Development
- Local Planning Policy 3.21 – West End Heritage Area

The development assessment has been undertaken in accordance with the abovementioned legislation and policies.

Consultation:

Public Consultation

In accordance with LPP1.3 (Community Consultation on Planning Proposals), the application was advertised to the public from the 7 February 2025 until 10 March 2025 by means of letters to owners/occupiers of properties within a 200m radius of the site, a sign on the street frontage, the City's MySay webpage and notices in the press. A 'Talk to a Planner' session was also held on 25 February 2025 at the City's library.

In response, the City received a total of 37 submissions. 27 submissions were received that objected to the proposal and 10 submissions were received in support of the proposal. A schedule of the public submissions which includes the full details on each submission as well as the applicant's response to these submissions is included as additional information.

A summary of the key points raised in the submission in support of the proposal are detailed below:

- It is a well designed heritage inspired building and will fit with the character of the area by virtue of the colours and materials.
- The proposal appears to be a more successful contemporary interpretation of West End street walls. A condition is requested to ensure the colours and materials remain consistent with the proposed plans at the building stage.
- The proposed development with 13 multiple dwellings and a ground-floor café, aligns with the goals of creating a vibrant, active, and dynamic urban space in Fremantle.
- Residential dwellings will help meet the growing demand for housing in the area.



- The ground-floor café tenancy will add to the area's appeal, providing a space for locals and visitors to gather and enjoy the unique atmosphere of Fremantle.
- The proposed development demonstrates an efficient use of space, with its multi-storey design maximizing land use while maintaining the character and heritage of the West End.
- Support for a communal roof terrace but suggests it should be on a four-storey building to mitigate height issues.
- The developer has endeavoured to reduce the perception of height by stepping back the upper stories.

A summary of the key points raised in objection to the proposal are included in Table 1 below:

Table 1 – Summarised Objections and Officer Comments

Issue Raised	Officer comments
Concerned regarding the height exceeding the previously understood limit of 3 levels for the West End. The proposed height is not an appropriate fit for this section of Pakenham Street, height restrictions in the West End should be maintained. The additional height will dominate the skyline and set a negative precedent for the West End.	The proposal has been carefully considered against the character of the West End (refer the planning assessment below). The proposal was referred to the Heritage Council who have provided their support for the proposal. Any other potential developments within the West End will be considered against a merit based assessment.
A Restaurant/Café will increase parking demand and traffic in the area.	The proposed Restaurant/Café land use is considered to be of a minor scale and is permitted under Local Planning Policy 1.7.
Additional sections should be provided to illustrate relationships to adjacent buildings and light access for neighbouring properties.	Additional sections have been provided by the applicant for consideration.
The proposal will restrict natural light and ventilation for existing residents and result in a detrimental impact from building bulk and scale.	As per the R-Codes Volume 2, there are no limits for overshadowing on adjoining properties coded R80 or higher (in this instance the adjoining properties are coded RAC3). Regardless of this, it is considered that a large portion of the overshadowing over



	properties to the south will fall over the parking areas for 49 Pakenham Street. Solar studies have been provided in the design report demonstrating that the differences in projected shadows between a three storey and five storey development are unlikely to impact 49 Pakenham Street, to the south.
Overlooking/visual privacy impacts from the balconies.	Any overlooking from the front balconies will fall over the parking area of 49 Pakenham Street to the south. There are no major openings (only a blank wall) at 48 Henry Street to the north. The boundary wall for the carpark on the north/south side and the west rear boundaries will be extended by an additional 1.6m in height to provide screening for the level 1 rear balcony. The rear upper floor balconies achieve the 6m acceptable outcome setback from the rear boundary. The major openings for the bedrooms on the west aspect of the building have been relocated to face to the west and achieve the 4.5m acceptable outcome setback. Given the setback of the roof terrace from the side and rear boundaries, it is not considered that there will be potential to view over the edge of the terrace and down into the adjoining properties (i.e., the overlooking will be over the roofs of the surrounding buildings).
Health impacts from the removal of asbestos from the site and the existence of petrol and diesel fuel tanks buried beneath the concrete flooring of the site.	Applicable advice notes will be applied for the removal of asbestos/contaminants in accordance with the appropriate legislation.



The original plans were a more desirable outcome.	The final amended plans have been reviewed by the Design Advisory Committee who have considered it an approved outcome over the initial plans.
Objection to the on site car parking relaxation.	Parking has been assessed in the following sections.
Inconsistency with the Residential Design Codes and Built Environment State planning policies.	An assessment against the Residential Design Codes and Built Form State planning policies is included in the following sections.

Referrals/consultation with Government/Service Agencies

Heritage Council

As the subject site is located within the State Registered West End and proposes significant development, it was required to be referred to the Heritage Council of Western Australia. The following resolution was made by the Heritage Council:

Findings:

- *West End Fremantle has cultural heritage significance as it contains numerous highly intact individual streetscapes, including the commercial and retail-oriented High Street, the grand-scaled Federation era office and commercial group along Phillimore Street, the Federation era retail premises on Market Street, the mid-nineteenth century residential group at Nairn Street, and the visually cohesive late-nineteenth and early-twentieth century warehouse and commercial groups along Pakenham, Henry, Mouat, Cliff and Leake Streets.*
- *The referral is for replacement of a single storey building with a 5-storey mixed-use development at 47 Pakenham Street, within West End, Fremantle. 47 Pakenham Street is not individually heritage listed or an individually significant local heritage place.*
- *Council previously supported the proposed demolition and a concept proposal for the development.*
- *The proposal generally reflects the concept proposal with minor design refinement and marginal additional height (above the predominant parapet line and set back from the street frontage).*
- *The changes will have minimal impact at street level and no impact on the heritage values.*



- *The proposed works will not be visible from Henry Street and will not impact significant views of Warehouse (fmr) at 52 Henry St, or within the precinct.*
- *Overall, the project provides for a positive outcome for the site, and an appropriate infill to the heritage precinct.*
- *The proposal will have no discernible benefit or impact on the cultural heritage significance of Warehouse (former) or West End, Fremantle.*

Advice:

The proposal, in accordance with the plans submitted, is supported subject to the following conditions, which are to be incorporated into your determination:

- *A program of monitoring any structural movement and potential vibration impacts on (P0892) Warehouse at 52 Henry St is to be implemented at the commencement of works. The Heritage Council is to be notified immediately if any impact occurs and advised on a recommended course of action by a suitably qualified structural engineer.*

A condition of approval has been recommended in accordance with the above.

Fremantle Ports

The Fremantle Port Authority requested that the relevant requirements of LPP2.3 (Fremantle Port Buffer Area Development Guidelines), be addressed. As the site sits in the 'Buffer Zone 2', these requirements will be secured by a recommended condition.

Other Advice

The application was referred to the relevant internal departments at the City of Fremantle for formal comment as part of the assessment process. All departments were generally satisfied with the proposed development. Any comments received will be addressed via conditions and advice notes. The comments received related to ensuring standard requirements are followed, specifically:

- Building permit required (advice note)
- No unauthorised works within thoroughfare (advice note)
- No unauthorised removal of verge infrastructure (advice note)
- Construction/demolition management plan (condition)
- Detailed parking plan (condition)
- Vehicle crossover upgrade (advice note)



- Stormwater disposal plans (condition)
- Food premises/Food Act compliance (advice note)
- Removal of asbestos (advice note)
- Sand drift from property (advice note)
- Noise from construction works (advice note)
- Acoustic noise from development (advice note)
- Alfresco dining permit required (advice note)

Design Review Panel Advice

The applicant engaged with the City's Design Advisory Committee (DAC) three (3) times, once prior to lodgement of the application and twice following its submission (at DAC meetings held in September 2024 and January and March 2025 respectively).

The DAC provided comment and recommendations on the proposal against the design generally as well as against each of the 10 Principles of Design within LPP1.9 (Design Advisory Committee & Principles of Design) and State Planning Policy 7 (Design of the Built Environment):

The full DAC comments are included as additional information. The latest DAC meeting (DR3) minutes are provided as follows:

Strengths of the Proposal

Comments:

- *The Panel appreciates the changes that have been implemented and acknowledges that the scheme has significantly improved.*
- *The Panel supports the proposal in its current iteration with some comments as outlined below.*

Principle 1 Context and character

- a) The Panel appreciates the improved integration of the two uppermost floors with the lower floors, stating that the outcome is positive.*
- b) The Panel is satisfied with the heritage impact outcome of the current proposal.*
- c) The Panel asks whether the 'WA BAIT SUPPLY' sign is original with the architect stating that it appears to be.*



Principle 2 Landscape quality

- a) The Panel made no specific comments about Landscape.*

Principle 3 Built form and scale

- a) The Panel is satisfied with the proposed relocation of the roof terrace and reduced impact on Packerham St, recommending however, that it doesn't impinge on the amenity of adjoining neighbour's to the SW.*

Recommendations:

- 1. Ensure that no further height is added to the roof terrace for shading devices, as this could negatively impact the adjoining neighbours.*

Principle 4 Functionality and build quality

- a) The Panel notes that the revised planning of the ground floor functions much better, and circulation is more legible and clear.*
- b) The Panel notes that the balconies and balustrades on levels 2 and 3 could extend across to become Juliette balconies for the bedrooms*

Recommendations:

- 1. Consider making the windows to the bedrooms on levels 2 and 3 full-height doors with balustraded Juliette balconies.*

Principle 5 Sustainability

- a) The Panel questions whether materials from the demolition of the existing structure will be re-used in the new building and the architect confirms that is their intention.*

Recommendations:

- 1. Illustrate how any materials from the existing building demolition will be re-used in the proposal.*



Principle 6 Amenity

- a) *The Panel comment on the cross-ventilation provision for the apartments, noting that the proximity of these could create problems with acoustic privacy.*
- b) *The Panel suggests further development of the void spaces around the central lift and stair, to understand how they will incorporate landscaping elements and be viewed at various levels.*

Recommendations:

1. *Consider reviewing the arrangement of apartment entry points to minimize acoustic transmission through ventilation openings.*
2. *Continue to develop landscaping strategies for the voids around the stair and lift, considering that an adjoining future building will greatly reduce the amount the light that will penetrate these voids.*

Principle 7 Legibility

- a) *Refer Principle 4 above.*

Principle 8 Safety

- a) *Refer Principle 4 above*

Principle 9 Community

- a) *The Panel comments on the large blank wall to the south, suggesting that, until the neighbouring property is developed, this could be offered as a canvas for developing a public art work for the community to engage with.*

Recommendations:

1. *Consider providing a public art work (perhaps by an aboriginal artist) on the blank southern façade as a way of contributing to the Fremantle community and referencing pre-colonial history.*

Principle 10 Aesthetics

- a) *The Panel notes that the proposed large door to the carpark appears incongruous.*



Recommendations:

1. *Consider the materiality, proportions and scale of the panel door leading to the carpark.*

Concluding Remarks

The Panel appreciates the changes that have been made and the responses to earlier Design Reviews and supports the current proposal, with the minor comments above.

The applicant has provided the amended plans which were reviewed by the DAC with the following minor amendments to address the comments above:

- A shade structure for the roof terrace was included in the plans presented to the DAC, this has since been removed.
- The materiality of the garage door has been amended to address the comment above.

As commented above, the DAC supports in principle the proposed 5 storey mixed use development. It is considered that the design is of a high-quality and suitably addresses the design principles of SPP7 (Design of the Built Environment) subject to a number of additional recommendations. These recommendations are addressed as recommended conditions.

Other Advice

City of Fremantle Heritage Comment

The City has reviewed the proposed development and provide the following comments in relation to the heritage impact of the proposal.

Overall the proposal for the demolition of the existing single storey brick building and the construction of a New 5 Storey Mixed Use Development does not have a negative impact on either the Pakenham Streetscape or the West End Heritage Area. The proposed demolition is of a place considered to be non contributory to the heritage area and having a little/no level of heritage significance within the context of the West end Heritage Area.

The works proposed in this application are acceptable on heritage grounds with the application of a condition requiring a detailed schedule of materials and



finishes. A condition of approval has been recommended in accordance with the above advice.

Planning Assessment:

The proposal has been assessed against all the relevant legislative requirements of the Scheme, State and Local Planning Policies, and outlined in the Legislation and Policy section of this report. The following matters have been identified as key considerations for the determination of this application:

- Building height
- Demolition of Buildings
- Land use
- Parking
- Dwelling mix
- Heritage
- Built form
- Multiple dwelling assessment

Building Height

Schedule 7 of LPS4 provides the building height requirements for the subject site within Local Planning Area 1, sub-area 1.3.1 which states as follows:

Despite the general height requirements outlined in 1.1 above, building height shall be limited to a maximum height of three storeys (maximum external wall height of 11 metres as measured from ground level with a maximum roof plain pitch of 33 degrees).*

Council may consent to an additional storey subject to —

- (a) Where a site meets any of the requirements of Clause 1A(a)-(e) of the deemed provisions, the upper level being sufficiently setback from the street so as to not be visible from the street(s) adjoining the subject site.*
- (b) maximum external wall height of 14* metres, and*
- (c) compliance with clause 1.2. above.*

**Inclusive of roof parapet and spacing between floors.*

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*
- (d) 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.

Table 1 – Building Height

Element	Permitted	Proposed	Extent of Variation
Building height	Three (3) storeys 11m (max. roof plain 33 degrees)	5 storeys 11m at the street façade 17.5m wall height (20m to top of lift overrun)	2 storeys / 6.5m
Discretionary building height	Four (4) storeys 14m (max. roof plain 33 degrees) Not visible from the street*	5 storeys 11m at the street facade, 17.5m max. height setback to not be visible from the street	1 storey 3.5m

*Defined by LPS4 –

Will be based on an assumed line of sight measured at a perpendicular angle to the boundary of the development site and the street or public open space, at an assumed point of 1 metre less than the street width and 1.6 metres above ground level.

The proposed development is a maximum of five (5) storeys with a total building height of 17.5m which exceeds the requirements of Schedule 7. Variations to the building heights required under Schedule 7 can be considered pursuant to clause 4.8.1 of LPS4 which states as follows:

4.8.1 Variation to height requirements

4.8.1.1 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.*

To consider variations under this clause, Council must first be satisfied that "sites contain or are adjacent to buildings that depict a height greater than that specified in the general or specific requirements in schedule 7".

This requirement is satisfied by the subject site being located adjacent to 48 Henry Street (also has a frontage to Pakenham Street). The building height of 48 Henry Street is illustrated in Figure 4 & 5 below and indicates a maximum height of 16m above ground level and over 11m at the street. In addition, the D & J Fowler building located at 33-35 Pakenham Street features a parapet height of 15.5m with a maximum high of 17.3m. It is considered that this initial requirement is satisfied, as it exceeds the 14m wall height prescribed under Schedule 7. An assessment against clause 4.8.1.1 (a) to (d) can therefore be conducted.



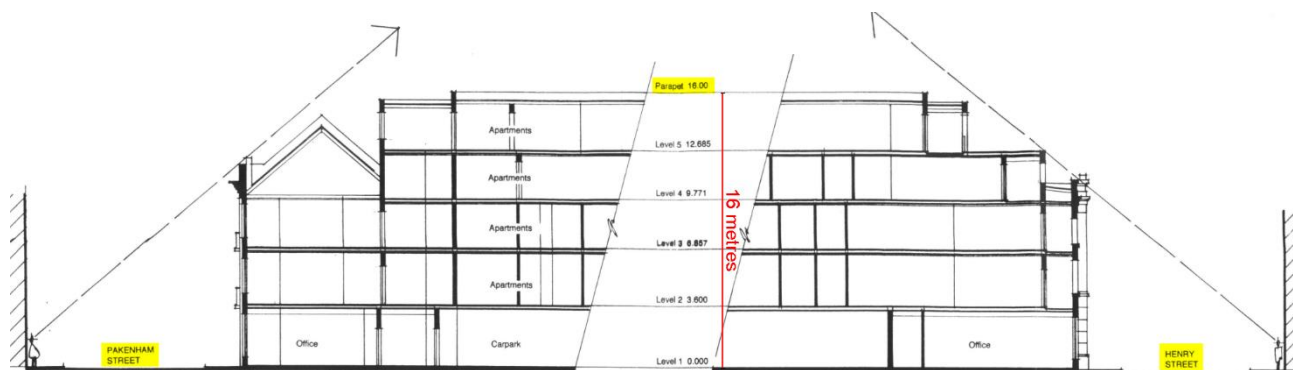


Figure 4 & 5 – Pakenham Street (east) elevation and the cross section of the mixed use development at 48 Henry Street abutting the subject site Note: Maximum building height of 16m.

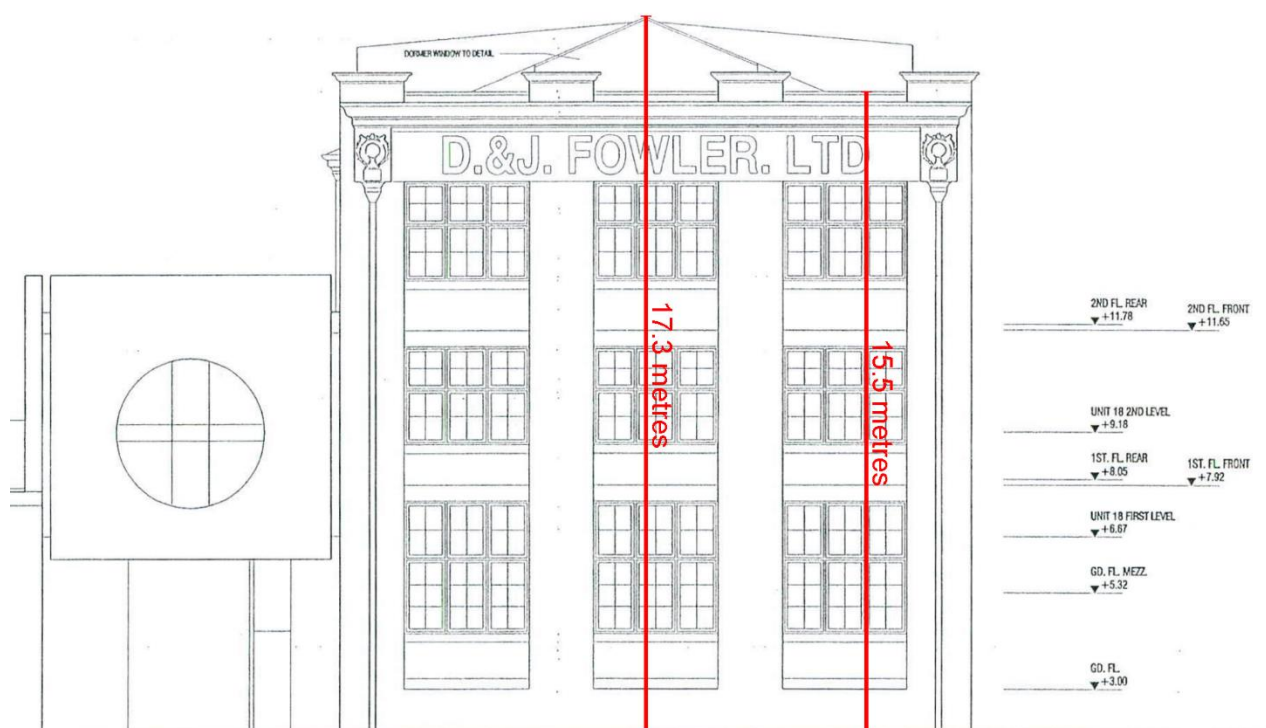


Figure 6 – Pakenham Street (east) elevation of the mixed use development at 33-35 Pakenham Street (D & J Fowler Building) north of the subject site. Note: Maximum building height of 15.5m (parapet) to 17.3m (roof ridge).

Further to the above and pursuant to clause 4.8.1 of the LPS4, the height of the proposed building on the subject site is considered acceptable, for the following reasons:



- Building heights within this section of the West End vary, however there are a number of buildings that are not consistent with the discretionary heights set out by the scheme. These buildings, identified in Figure 8 below, include 48 Henry Street (16m), 33-35 Pakenham Street (17.3m), 2 Henry Street (15.5m), 64 High Street (16.4m), 7 Henry Street (17m) and 80 High Street (17m).
- 50 Pakenham, a new build across the street on the corner of Bannister Street, is four storeys and 13.9m in height with the height over 11m or three storeys *not* being setback from the street. This contributes to an area that does have subtle variation, and demonstrates that not all buildings within the West End are strictly compliant with the heights set out by the Scheme.
- The upper two storeys are setback between 7m from the street. The stepping back of the upper floors will assist in minimising any significant impacts from building bulk and/or scale. When viewed along Pakenham Street, the upper two floors will have limited visibility.
- The uppermost two floors are setback approximately 7m from the front boundary. The applicant has provided a line of sight diagram illustrated by Figure 7 below which demonstrates the uppermost floors will not be visible from the opposite side of Pakenham Street at street level.
- It is noted the Heritage Council of Western Australia have assessed the application and advised the proposal is not considered to have an adverse impact on the cultural heritage significance of the adjoining area, summarising that "the project provides for a positive outcome for the site, and an appropriate infill to the heritage precinct".
- As illustrated by figures 9-15 below, the upper floors are suitably located to minimise impact on the streetscapes of the surrounding area. In addition, the street level images below illustrate that the view corridor to the Fremantle Port will be maintained.
- Views along Nairn Street towards the subject site will not be significantly impacted as the views (i.e., to the Fishing Boat Harbour) are already negated by the existing buildings on and adjoining the subject site.
- Refer the local planning policy assessment below for further considerations.

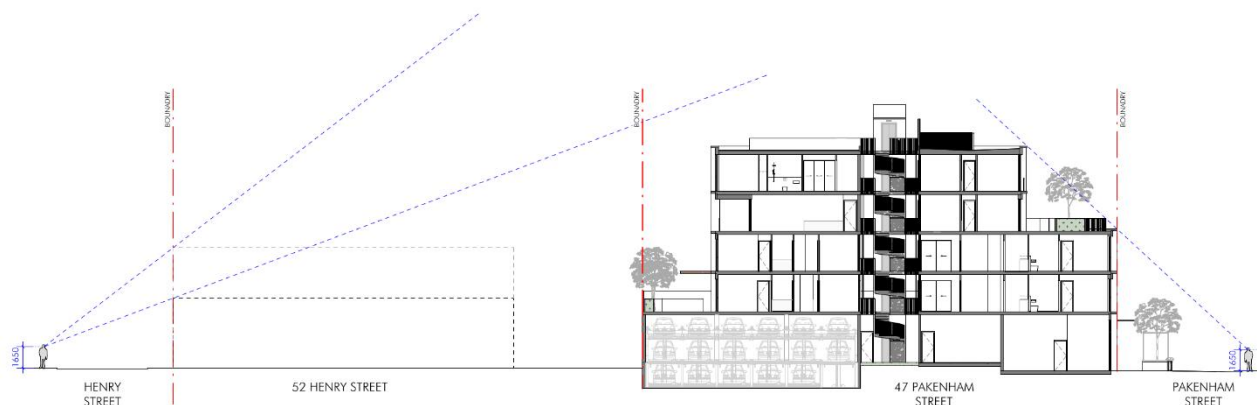


Figure 7 – Line of sight diagram of the development from Pakenham and Henry Street.

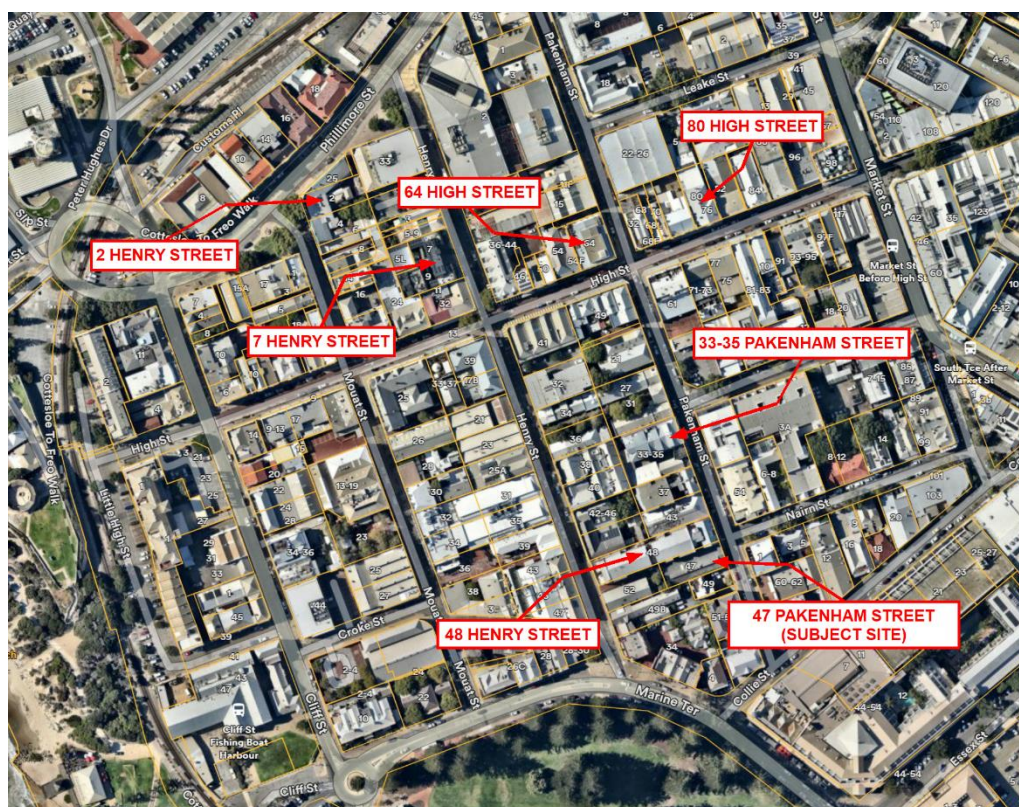


Figure 8 – Location map of buildings exceeding the height requirements of the Scheme.



Figure 9 – 3D representation of the proposed development looking north west.



Figure 10 – 3D representation of the proposed development looking north east.

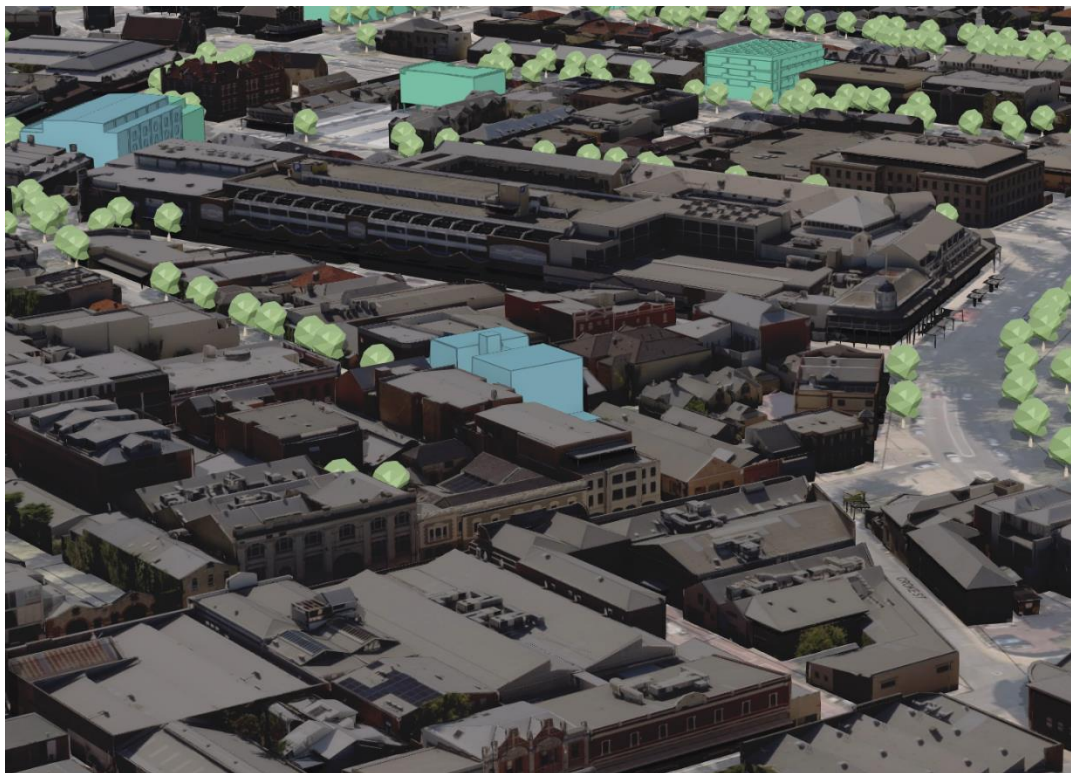


Figure 11 – 3D representation of the proposed development looking south east.

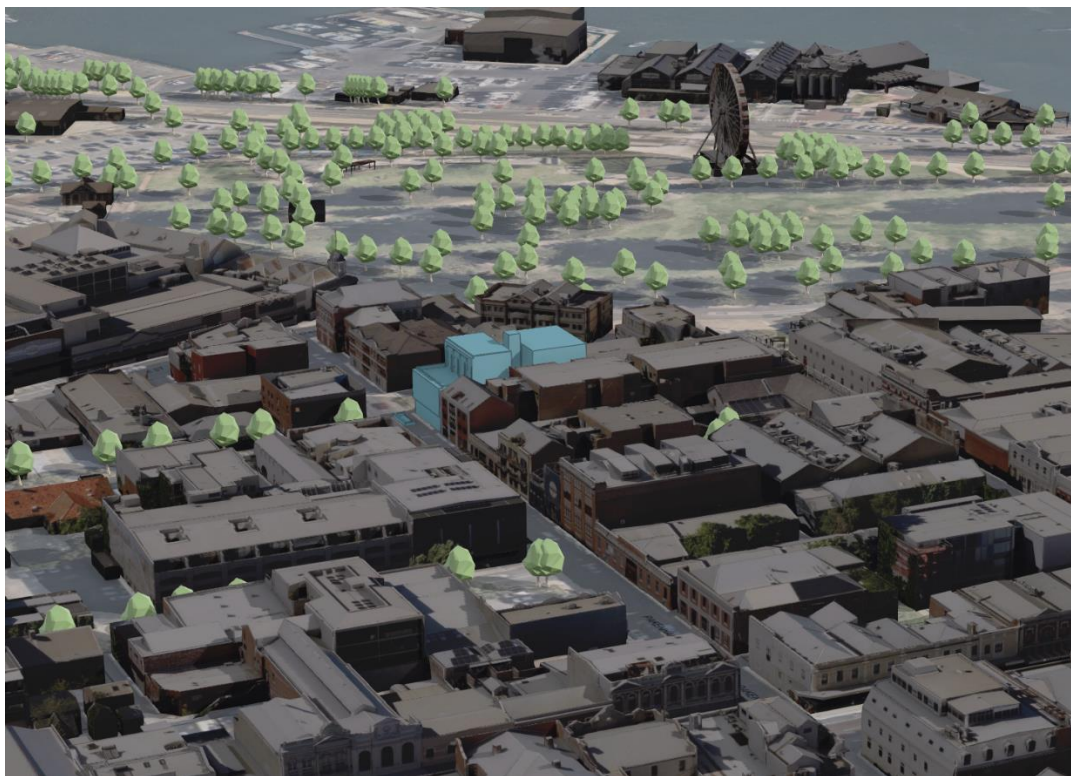


Figure 12 – 3D representation of the proposed development looking south east.



Figure 13 – 3D representation of the proposed development from street level looking south along Pakenham Street.



Figure 14 – 3D representation of the proposed development from street level looking north along Pakenham Street.



Figure 15 – 3D representation of the proposed development from street level looking west along Nairn Street, without existing trees (note: The design of the building façade has been amended (i.e., arches have been removed), building height remains as illustrated.

Demolition of Buildings

The requirements for the demolition of a building are prescribed under clause 4.14 of LPS4.

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

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

4.14.2 In considering an application under 4.14.1, Council shall have regard to any heritage assessment required under the Planning and Development (Local Planning Schemes) Regulations 2015.

The proposed development is considered to be consistent with clause 4.14 and can be supported for the following reasons:



- The building located on the subject site was constructed between 1961 and 1965 based on historical aerals. The building is considered to be a simple brick and iron warehouse. An assessment was completed by City Heritage Officers and it is considered that the place is of little cultural heritage significance and contributes minimally to the heritage character of the West End Heritage Area.
- In addition to the above, the Heritage Council supports the development noting that the project provides a positive outcome for the site and is considered an appropriate infill to the heritage precinct.
- The applicant has provided a Heritage Impact Statement included as additional information which has identified the building as having limited heritage significance with the demolition of the building having no impact on the heritage significance of the area.

Land Use

Table 2 – Land Use Permissibility

Provision	Proposal	Zone	Permissibility
Local Planning Scheme 4 clause 3.3 - Zoning Table	Multiple Dwelling	City Centre	'D' use
As above	Restaurant/Cafe	As above	'D' use

A Multiple Dwelling and Restaurant/Café are 'D' uses in the City Centre zone which means that the use is not permitted unless the Council has exercised its discretion by granting planning approval. In considering a 'D' land use, the Council will have regard to the matters set out in clause 67 of the Regulations, Schedule 2. In this regard the following matters have been considered:

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (c) any approved State planning policy*
- (g) any local planning policy for the Scheme area;*
- (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;*
- (m) the compatibility of the development with its setting, including —*
 - (i) the compatibility of the development with the desired future character of its setting; and*



- (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following —*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;'*
- (s) the adequacy of —*
 - (i) the proposed means of access to and egress from the site; and*
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (w) the history of the site where the development is to be located;*
- (y) any submissions received on the application;*

For the purpose of assessing matter (a) above, the objectives of the City Centre zone are as follows:

- Development within the city centre zone shall —*
- (i) provide for a full range of shopping, office, administrative, social, recreation, entertainment and community services, consistent with the region-serving role of the centre and including residential uses, and*
 - (ii) comply with the objectives of local planning area 1 of schedule 7,*
 - (iii) conserve places of heritage significance the subject of or affected by development.*

The proposed development is considered to be consistent with the Regulations and zone objectives for the following reasons:

- The proposal is for a mixed use development which will provide both a residential and commercial land use.
- The built heritage of the site has been carefully considered throughout the assessment of the application which has been supported by the Heritage Council.
- The building height requirements of Local Planning Area 1 of schedule 7 are addressed in the following section.
- The conservation of the heritage significance of the area has been a key focus of this development and is addressed in the following sections.



- The mixed land use development is consistent with the character of the surrounding area which features buildings with commercial tenancies on the ground floor and residential dwellings on upper floors. The residential component will provide additional dwellings in the City Centre zone which is consistent with the City's strategic objectives.

Parking

Table 3 – Required vehicle parking

Element	Requirement	Proposed	Extent of Variation
Restaurant/Café	Car bays – 1: 5 seats or 1: 5 m ² dining area, whichever is the greater Required: 12 bays Delivery bay - 1: service/ storage area Required: 1 bay	Nil	13 bay shortfall
	Bicycle racks – class 1 or 2: 1 per 100m ² public area class 3: two Required: 1 x class 1 or 2, 2 x class 2	Nil	Required bicycle racks are recommended as a condition of approval.

In accordance with clause 4.7.3.1 of the City's LPS4, Council may –

- (a) *Subject to the requirements of Schedule 7*, waive or reduce the standard parking requirement specified in Table 2 subject to the applicant satisfactorily justifying a reduction due to one or more of the following –*
- (i) *the availability of car parking in the locality including street parking;*
 - (ii) *the availability of public transport in the locality;*
 - (iii) *any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking*



- demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;*
- (iv) any car parking deficiency or surplus associated with the existing use of the land;*
 - (v) legal arrangements have been made in accordance with clause 4.7.5 for the parking or shared use of parking areas which are in the opinion of the Council satisfactory;*
 - (vi) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use that existed before the change of parking requirement;*
 - (vii) the proposal involves the restoration of a heritage building or retention of a tree or trees worthy of preservation; and/or*
 - (viii) any other relevant considerations.*

The reduction in on-site car parking is considered to meet the requirements of Clause 4.7.3.1 of LPS4 in the following ways:

- There is paid street parking available in the locality.
- The subject site features a high level of public transport connectivity. It is located approximately 470m from the Fremantle train station and 200m from a high frequency bus route.
- Given the scale of the proposed development, it is not considered that it will contribute to a significant increase in traffic volume, nor will bays be occupied by for a significant amount of time if people do drive to the site.
- The restaurant/café is in a City Centre zone and is considered an appropriate is for the site. Including of a parking area to the front of the building within the site would not be considered a desirable outcome due to the built form and legibility of the adjoining buildings in the streetscape.

Residential Development (dwelling mix)

LPS4 states that –

In developments comprising of ten or more Multiple Dwellings, a minimum of 25 per cent of the total number of dwellings must have a maximum floor area of 60 square metres or less and no more than 40 per cent of the total number of dwellings may have a floor area of 120 square metres or more.

As detailed in Figure 16 below, there are no dwellings less than 60m² in floor area. However, approximately 69.2% of dwellings have a maximum floor area of no more than 80m². While it is noted that the requirement of the Scheme is not met, it is considered that as there is a greater number of medium sized dwellings

(between 60m² and 80m², with no dwellings over 120m², then the dwelling mix can be considered acceptable.

Figure 16 – Apartment Schedule

Unit Number	Level	Layout	Internal Area
101	Level 1	2 x 2	79.1 m ²
102	Level 1	2 x 2	79.1 m ²
103	Level 1	2 x 1	76.3 m ²
104	Level 1	2 x 1	76.3 m ²
201	Level 2	2 x 2	79.1 m ²
202	Level 2	2 x 2	79.1 m ²
203	Level 2	2 x 1	63.1 m ²
204	Level 2	2 x 1	63.1 m ²
301	Level 3	3 x 2	88.0 m ²
302	<varies>	1 x 1	64.9 m ²
303	Level 3	3 x 2	87.2 m ²
401	Level 4	3 x 2	88.0 m ²
402	Level 4	3 x 2	92.3 m ²
			1,015.6 m ²

Local Planning Policy

Local Planning Policy 1.6 – Heritage Assessment and Protection

LPP1.6 requires a Heritage Impact Statement to be prepared by a qualified heritage professional for any proposal that may impact any heritage place and/or area listed on the State Heritage register or the City's Municipal Heritage Inventory. The purpose of a Heritage Impact Statement is to consider the impact of a specific proposal (e.g. development) on the cultural heritage significance of a heritage place or area. Where a proposal is accompanied by a proponent-commissioned Heritage Assessment or Heritage Impact Assessment, the City will undertake its own assessment but may draw on information submitted.

In accordance with the above, the applicant has provided a Heritage Impact Statement which is included as additional information. The City conducted its own assessment which has been summarised in the City of Fremantle Heritage Comment section above.



Local Planning Policy 2.19 – Contributions for Public Art and/or Heritage Works

As per LPP2.19, the subject site falls within the 'City Centre and Surrounds' contribution area which requires the contribution of a monetary amount equal in value to one per cent of the estimated total development cost, as indicated on the Form of Application for Planning Approval, for the development of public art works and/or heritage works to enhance the public realm. The applicant has acknowledged the requirement for a one percent contribution in their planning report. As such, a condition of approval has been recommended to ensure the proposal complies with the requirements of LPP2.19.

Local Planning Policy 3.21 – West End Heritage Area

Table 4 – LPP3.21 Assessment

Element 1: Urban Structure	
• Buildings and elements with heritage significance are retained. • New development fits into the established urban structure • The urban grain of each precinct is maintained • Urban design prioritises pedestrian amenity whilst accommodating slow moving traffic and service access. • Existing open space is preserved and enhanced.	• The urban structure and grain will be maintained due to the setback of the upper two floors which will allow for the parapet edge to be interpreted as a separate element thereby maintaining the urban grain of the streetscape. • The street will benefit from the vitalisation of the area from the additional dwellings and a restaurant/Café. • There will be minimal impact to footpath as access to parking will be taken from the existing crossover which is currently utilised a public car park.
Element 2: Land Use	
• Land use diversity and mixed use character is maintained through the West End • Land uses are to be compatible with the traditional built form of each precinct. • Concentration of retail and active pedestrian-focused uses along the High Street ground floor frontage. • Land uses (where the planning scheme allows discretion in this) compatible with surrounding uses and mixed use environment.	• The mixed use development will be consistent with other combinations of this nature within the West End. • Ground floor is occupied by a proposed hospitality use, with upper floors including residential.



Element 3: Massing and Height	
• Developments maintain simple, rectilinear form to the street. • Developments encourage a sense of mass and depth beyond the façade. • Buildings maintain the continuous urban wall to the street and reinforce the sense of enclosure. • Development reflects the building height and proportions characteristic of the West End.	• The proposal is considered rectilinear and consistent with the built form of the street. • The upper two storeys are setback from the parapet edge which will assist in providing a sense of mass and depth beyond the façade. • The proposal exhibits a high quality architectural design in the resolution of the facades, the use of quality materials and in the sympathetic response to the existing surrounding buildings and surrounds.
Element 4: Roofscape, Views and Skyline	
• Buildings maintain the continuous urban wall to the street, and the frame of the skyline. • Existing vistas, views and skyline are retained or enhanced. • The general roofscape and form are maintained.	• The continuous urban wall of the street which features nil setbacks will be maintained. • Views and vistas will be maintained (particularly along Pakenham Street towards to the port). • The proposal will be consistent with the existing skyline and scale of development within the area, as addressed in the building height assessment. • The roofscape and form is generally consistent with the surrounding buildings. • No mansard roof forms are proposed. • The additions will feature a flat roof which will not be visible from the streetscape (only the roof edge). • The significant view towards the port along Pakenham Street will be maintained.
Element 5: Facades	
• New development reflects the classical proportions and character of adjacent building and the streetscape whilst remaining discernible as contemporary. The contrast should be clear but subtle.	• There will be a clear but subtle contrast between the adjacent heritage listed buildings and the proposal. • The additions are contemporary and will be discernible from the adjacent buildings.
Element 6: Building Types	
• New development (including additions) do not diminish the legibility of original building type.	• The proposal is consistent with the legibility of original building types. The legibility will not be diminished. • The proposed design of the building has extracted elements from other heritage



• New development is compatible with the precinct, sit comfortably along side existing buildings, and assists in interpreting the history of the area.	• listed buildings in the area to interpret the history of the area. • The development features a high level of amenity and will sit comfortably alongside existing buildings. It is not considered to be overbearing or significantly detract from the appearance of adjoining buildings.
Element 7: Details and Materials	
• Buildings and their facades reflect the architectural detailing of the Classical Freestyle, as well as its proportional rules. • Materials used in new development are consistent with or complimentary to the original fabric of the West End. • New development visible from the street maintains the natural characteristics of traditional materials and an ability to endure age and weather.	• The proposal is consistent with the streetscape setbacks and parapet heights along Pakenham Street. • The materials and colours are complimentary to the original fabric of the West End.

State Planning Policy

State Planning Policy 7.0 - Design of the Built Environment

An assessment has been conducted against the design principles of SPP7.0 which are Context and character, Landscape quality, built form and scale, Functionality and build quality Sustainability, Amenity, Legibility, Safety, Community, and Aesthetics. Refer comments below:

- The proposal has been carefully considered against the distinctive characteristics of the area. It is considered that the design is a high quality architectural design and will positively contribute to the surrounding area.
- The proposed dwelling additions are not attempting to imitate any existing buildings in the area, rather it offers a subtle contemporary change between the heritage listed buildings and the new development.
- A landscaping plan for on structure planting has been included which utilises garden terraces and arbours to provide a suitable level of landscaping.



- The landscaping has been appropriately incorporated into the design of the dwelling additions such that it will act to soften the appearance of bulk and scale on the streetscape.

State Planning Policy 7.3 - Residential Design Codes - Volume 2

1. Primary controls

Clause 2.2.1 of LPP3.21 states that "*Table 2.1 'Primary Controls' of State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments is superseded by planning scheme controls and this policy. No specific residential plot ratio restriction applies: floorspace is governed by the building envelope established by lot size, height, setbacks and other elements*". Regardless of the abovementioned LPP3.21 clause, comments against the R-Codes Volume 2 Primary Controls have been provided below. The R-Code assessment, including applicant and officer comment, is included as additional information.

Table 5 – Primary Controls

Element	Requirement	Proposed / Comment
Building height	O 2.2.1 The height of development responds to the desired future scale and character of the street and local area, including existing buildings that are unlikely to change. O 2.2.2 The height of buildings within a development responds to changes in topography. O 2.2.3 Development incorporates articulated roof design and/or roof top communal open space where appropriate. O 2.2.4 The height of development recognises the need for daylight and solar access to adjoining and nearby residential development, communal open space and in some cases, public spaces.	The building height requirements are modified by the local planning framework. The proposal has been assessed against the Scheme and policy requirements (in particular LPP3.21) as detailed above. It is considered the proposal addresses these requirements relating to building height and therefore satisfies the acceptable outcome.
Street setback	O2.3.1 – The setback of the development from the street reinforces and/or complements the existing or proposed	The proposed front façade of the development is consistent with the height of the adjoining building to the north (the lot to the south features car parking



	landscape character of the street. O2.3.2 – The street setback provides a clear transition between the public and private realm. O2.3.3 – The street setback assists in achieving visual privacy to apartments from the street. O2.3.4 – The setback of the development enables passive surveillance and outlook to the street.	in front of the building. It is considered that the nil street setback is consistent with the character of the street and provisions of LPP3.21. The proposed development features a shop and parking on the ground floor. Level 1 and 2 include balconies with balustrading and full height windows with a nil setback. The location of these dwellings above the ground level combined with blinds and balustrades will mitigate visual privacy. The floors above are setback approximately 7m and are separate from the street sufficiently to reduce any visual privacy impact from the street. The setback of the uppermost floors are required to address building height/Scheme and policy requirements.
Side and rear setbacks	O2.4.1 – Building boundary setbacks provide for adequate separation between neighbouring properties. O2.4.2 – Building boundary setbacks are consistent with the existing streetscape pattern or the desired streetscape character. O2.4.3 – The setback of development from side and rear boundaries enables retention of existing trees and provision of deep soil areas that reinforce the landscape character of the area, support tree canopy and assist with stormwater management. O2.4.4 – The setback of development from side and rear boundaries provides a transition between sites with different land uses or intensity of development.	The primary controls of the R-Codes Volume 2 are superseded by LPP3.21 and planning scheme controls. The continuous wall to the north of the subject site is maintained by virtue of the nil side setback. This is consistent with the desired character of area (buildings reinforce a sense of enclosure in accordance with LPP3.21) and pattern of the streetscape. There are no trees on site for retention.



Plot ratio	O2.5.1 – The overall bulk and scale of development is appropriate for the existing or planned character of the area.	The proposed building will be completely built out on the subject site (nil setback to all boundaries. The upper two storeys are setback 7m from the street. The development of the site is consistent with the provisions of LPP3.21 - <i>DG 2.2.1 - No specific residential plot ratio restriction applies: floorspace is governed by the building envelope established by lot size, height, setbacks and other elements.</i>
Building depth	O 2.6.1 Building depth supports apartment layouts that optimise daylight and solar access and natural ventilation. O 2.6.2 Articulation of building form to allow adequate access to daylight and natural ventilation where greater building depths are proposed. O 2.6.3 Room depths and/or ceiling heights optimise daylight and solar access and natural ventilation.	It is considered that the open central void and orientation of the development will provide suitable daylight and ventilation to the internal corridor/void. The front and rear dwellings feature balconies and floor to ceiling windows to provide daylight and ventilation to the internal living areas of the dwellings. The primary living spaces are located to utilise the ventilation and daylight provided from the balconies/major openings. Additional transom windows have been provided above the doorways to provide additional daylight to the entrance ways. The orientation, layout and setbacks of upper floors from front and rear boundaries provides sufficient articulation to allow for daylight and natural ventilation access. Greater ceiling heights will allow for enhanced daylight and ventilation access.
Building separation	O2.7.1 New development supports the desired future streetscape character with spaces between buildings. O2.7.2 Building separation is in proportion to building height.	The continuous wall to the north of the subject site is maintained by virtue of the nil side setback. This is consistent with the desired character of area (buildings reinforce a sense of



	O2.7.3 Buildings are separated sufficiently to provide for residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook. O2.7.4 Suitable areas are provided for communal and private open space, deep soil areas and landscaping between buildings	enclosure in accordance with LPP3.21) and pattern of the streetscape. Refer LPP3.21 assessment in RAR.
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2. Siting the development

The proposed development is suitably oriented to address the street and reflect the desired streetscape character and relationship to the public realm. The building is consistent with the orientation of other buildings along Pakenham Street which feature a rectilinear, uniform appearance. The orientation and design of the dwellings enhances access to ventilation and solar access which is accessed via the east and west and is accessible from all habitable rooms.

The site is completely built out with minimal opportunity to provide a deep soil area for landscaping. To offset this the applicant is proposing substantial on structure planting illustrated in the landscaping plan which is included in the additional information. It is noted that the character of the West End is such that excessive landscaping would be inconsistent with the surrounding area. The proposed landscaping, which includes a variety of small trees and shrubs, is considered sufficient to satisfy the applicable acceptable outcomes and element objectives. The proposal features a communal roof terrace with landscaping. This space is considered safe, universally accessible and will provide a high level of amenity for residents.

Table 6 – Siting the development

Element	Element Objective	Comment
Orientation	O 3.2.1 Building layouts respond to the streetscape, topography and site attributes while optimising solar and daylight access within the development. O 3.2.2 Building form and orientation minimises overshadowing of the habitable rooms, open space and solar collectors of neighbouring properties during mid-winter	Direct pedestrian access is provided to the Restaurant/Café and a separate pedestrian access is provided for access to the internal stairs and lift to access the upper floor dwellings. Vehicular access is taken directly from the street. There are no limits for overshadowing on adjoining properties coded R80 or higher



		(in this instance the adjoining properties are coded RAC3). Regardless of this, it is considered that a large portion of the overshadowing over properties to the south will fall over the parking areas for 49 Pakenham Street.
Tree canopy and deep soil areas	O 3.3.1 Site planning maximises retention of existing healthy and appropriate trees and protects the viability of adjoining trees. O 3.3.2 Adequate measures are taken to improve tree canopy (long term) or to offset reduction of tree canopy from pre-development condition. O 3.3.3 Development includes deep soil areas, or other infrastructure to support planting on structures, with sufficient area and volume to sustain healthy plant and tree growth.	There are no existing or adjoining trees on the subject site. Two medium trees, and six small trees to be provided on the structure. 55.4m² of deep soil required, 22.8m² of deep soil is provided resulting in a shortfall of 32.6m². 90.7m² of on-structure planting provided to make up for the shortfall. This exceeds the minimum amount of on-structure planting required by 25.2m². Acceptable outcome achieved.
Communal open space	O 3.4.1 Provision of quality communal open space that enhances resident amenity and provides opportunities for landscaping, tree retention and deep soil areas. O 3.4.2 Communal open space is safe, universally accessible and provides a high level of amenity for residents. O 3.4.3 Communal open space is designed and oriented to minimise impacts on the habitable rooms and private open space within the site and of neighbouring properties	13 dwellings, 78m² required. 90.5m² on roof terrace (as per amended plans) has been provided. The roof terrace will be located above the roof line of buildings on adjoining lots and is setback between 3.8-4m from the side boundaries and 9.4 from the rear boundary to mitigate any direct impact on adjoining properties.
Visual privacy	O 3.5.1 The orientation and design of buildings, windows and balconies minimises direct overlooking of habitable rooms and private outdoor living areas within the site and of neighbouring properties, while maintaining daylight and solar access, ventilation and the	Any overlooking from the front balconies will fall over the parking area of 49 Pakenham Street to the south. There are no major openings (only a blank wall) at 48 Henry Street to the north. The boundary wall for the carpark on the north/south side and the west rear boundaries will



	external outlook of habitable rooms.	be extended by an additional 1.6m in height to provide screening for the level 1 rear balcony. The rear upper floor balconies achieve the 6m acceptable outcome setback from the rear boundary. The major openings for the bedrooms on the west aspect of the building have been relocated to face to the west and achieve the 4.5m acceptable outcome setback. Given the setback of the roof terrace from the side and rear boundaries, it is not considered that there will be potential to view over the edge of the terrace and down into the adjoining properties (i.e., the overlooking will be over the roofs of the surrounding buildings).
Public domain interface	O 3.6.1 The transition between the private and public domain enhances the privacy and safety of residents. O 3.6.2 Street facing development and landscape design retains and enhances the amenity and safety of the adjoining public domain, including the provision of shade	Balconies are screened with a visually interesting mix of materials ranging from solid, to semi-permeable to open. Ground floor commercial tenancies and building entrances at the same level as the street. The development features the commercial tenancy on the ground floor fronting the street. The width of the garage entrance is 4.5m which is considered acceptable to minimise any impact on the street. In addition, the garage door materiality and colour has been received to minimise appearance of building bulk. The parking has been located to the rear of the building and upper floor dwellings present to the street. Bin storage area acceptable.
Pedestrian access and entries	O 3.7.1 Entries and pathways are universally accessible, easy to identify and safe for residents and visitors.	Direct pedestrian access is provided to the internal stairs and lift from the street to access the upper floor dwellings.



	O 3.7.2 Entries to the development connect to and address the public domain with an attractive street presence.	An entry canopy is provided to provide shelter to the entranceway. Vehicle and pedestrian access segregated.
Vehicle Access	O 3.8.1 Vehicle access points are designed and located to provide safe access and egress for vehicles and to avoid conflict with pedestrians, cyclists and other vehicles. O 3.8.2 Vehicle access points are designed and located to reduce visual impact on the streetscape.	Vehicle access proposed in approximately the same location as the current access arrangements. No alternative access options are available. Driveway access is 3m wide and allows for a single vehicle to enter and egress at a time. The vehicular access is designed for one-way access, serves 13 dwellings, and locates the carpark 20 metres away from the street. The access does not achieve the acceptable outcome however, the applicant has noted that the TIS confirms that the level of traffic has been identified as extremely low and that the single lane driveway is justifiable. There is also sufficient room within the extra wide parking aisle for two vehicles to pass if required. Sight lines are not achieved however, the applicant states that the alfresco dining area consists of low barriers below the typical driver height of 1.1m. Vehicle access design response includes keeping the width to the necessary minimum; avoiding a vehicle standing area within the street setback; setting the gates behind the building frontage; colour matching the access gates to the building façade and using a semi-permeable material to allow visibility.
Car and bicycle parking	O 3.9.1 Parking and facilities are provided for cyclists and other modes of transport. O 3.9.2 Car parking provision is appropriate to the location, with reduced provision possible in	See assessment below.



	areas that are highly walkable and/or have good public transport or cycle networks and/or are close to employment centres. O 3.9.3 Car parking is designed to be safe and accessible. O 3.9.4 The design and location of car parking minimises negative visual and environmental impacts on amenity and the streetscape.	
Resident car bays 0.75 (for each 1 bedroom dwelling) 1 bay (for each 2+ bedroom dwelling) 13 bays required	17 bays provided	Complies
Visitor car bays 1 visitor bay per 4 dwellings (up to 12 dwellings) 1 for bay per 8 dwellings above 13 4 bays required	Nil provided	4 bay shortfall
Resident bicycle racks 0.5 space per dwelling 7 resident bays required Visitor bicycle racks 1 space per 10 dwellings 2 visitor spaces required	10 bicycle racks provided	Complies

3. Designing the building

The proposed dwelling additions are suitably orientated to maximise solar and daylight access. The provision of large windows/major openings featured on the east and west aspects as well as the location of habitable rooms maximises access to daylight. All the proposed dwellings feature similar levels of natural ventilation which is maximised by major openings on both the east and west aspect as well as via the internal configuration of the dwellings. The proposed dwellings exceed the total floor area and habitable room area requirements as well as the minimum ceiling heights which is stated in Table 6 below.

Table 7 – Designing the building

Element	Element Objective	Comment
Solar and daylight access	O 4.1.1 In climate zones 4, 5 and 6: the development is sited and designed to optimise the number of dwellings receiving winter sunlight to private open space and via windows to habitable rooms.	The site is east west oriented and abuts a building of similar height to the north. There is limited potential for northern solar access however, the dwellings have been suitably



	O 4.1.2 Windows are designed and positioned to optimise daylight access for habitable rooms. O 4.1.3 The development incorporates shading and glare control to minimise heat gain and glare: — from mid-spring to autumn in climate zones 4, 5 and 6 AND — year-round in climate zones 1 and 3.	design to maximise solar access at various times of the day. 100% of dwellings will achieve an acceptable level of sunlight throughout the day. All bedrooms feature major openings that are at least 10% of the floor area in size and are visible from all parts of the room. Transom windows have been fitted above the dwelling entries to provide additional light. 1-2 bedrooms in each dwelling (excluding the single bedroom dwelling) require daylight from a central void. These voids are sufficient in size to provide light and ventilation to these rooms. The remaining habitable rooms all feature daylight access from the exterior of the development. The applicant notes that the windows are recessed to reduce glare during these times.
Natural ventilation	O 4.2.1 Development maximises the number of apartments with natural ventilation. O 4.2.2 Individual dwellings are designed to optimise natural ventilation of habitable rooms. O 4.2.3 Single aspect apartments are designed to maximise and benefit from natural ventilation.	R-Code Assessment Diagrams are included as additional information demonstrating that each habitable room features sufficient ventilation. All dwellings within the development are single aspect apartments. All apartments meet the orientation and room depth requirements. Acceptable outcome achieved.
Size and layout of dwellings	O 4.3.1 The internal size and layout of dwellings is functional with the ability to flexibly accommodate furniture settings and personal goods, appropriate to the expected household size. O 4.3.2 Ceiling heights and room dimensions provide for well-proportioned spaces that facilitate	All dwellings achieve minimum internal floor areas as per the amended plans.



	good natural ventilation and daylight access.	
Private open space and balconies	O 4.4.1 Dwellings have good access to appropriately sized private open space that enhances residential amenity. O 4.4.2 Private open space is sited, oriented and designed to enhance liveability for residents. O 4.4.3 Private open space and balconies are integrated into the overall architectural form and detail of the building.	1 x bedroom Required - 8m², 2m min. dimension Provided – 8m², 2.3m min. dimension 2 x bedroom Required - 10m², 2.4m min. dimension Provided – Min. 10m², 2.9m min. dimension 3 x bedroom Required - 12m², 2.4m min dimension Provided – Min. 12m², 3.2m min. dimension No dwelling has private open space which is entirely screened or with outlook obscured from adjacent living rooms. No services and fixtures visible from the street.
Circulation and common spaces	O 4.5.1 Circulation spaces have adequate size and capacity to provide safe and convenient access for all residents and visitors. O 4.5.2 Circulation and common spaces are attractive, have good amenity and support opportunities for social interaction between residents.	The movement corridors between/in the middle of the dwellings is considered of a suitable size for access and circulation. The amenity of the circulation areas is acceptable and of sufficient area for social interaction.
Storage	O 4.6.1 Well-designed, functional and conveniently located storage is provided for each dwelling.	1 x bedroom dwelling features a 3.7m² storage room, 2 x bedroom dwellings feature 4m² storage rooms, 3 x bedroom dwellings feature 5m² storage rooms. Acceptable outcome achieved. Any storage spaces that are located external to an



		apartment are located on the same level.
Managing the impact of noise	O 4.7.1 The siting and layout of development minimises the impact of external noise sources and provides appropriate acoustic privacy to dwellings and on-site open space. O 4.7.2 Acoustic treatments are used to reduce sound transfer within and between dwellings and to reduce noise transmission from external noise sources.	Prior to lodgement of building permit condition recommended for details on how the recommendations in the acoustic report included as attachment 2 will be implemented.
Dwelling mix	O 4.8.1 A range of dwelling types, sizes and configurations is provided that caters for diverse household types and changing community demographics.	Refer Scheme assessment above.
Universal design	O 4.9.1 Development includes dwellings with universal design features providing dwelling options for people living with disabilities or limited mobility and/or to facilitate ageing in place.	The applicant has indicated that 30% of dwellings will meet the Silver Level Requirements. The requirement of A4.9.1 (a) will be included as a recommended condition.
Façade design	O4.10.1 Building façades incorporate proportions, materials and design elements that respect and reference the character of the local area. O4.10.2 Building façades express internal functions and provide visual interest when viewed from the public realm.	The façade design has been reviewed 3 x times by the Design Advisory Committee and has been amended to address comments received. The façade design features articulations, openings and a complimentary colour palette and materiality which will enhance visual interest from the public realm. The façade design is considered to address the requirements of LPP3.21 and the requirements of SPP7.0.
Roof design	O4.11.1 Roof forms are well integrated into the building design and respond positively to the street. O4.11.2 Where possible, roof spaces are utilised to add open space, amenity, solar energy	The roof form of the proposed development is consistent with surrounding buildings and buildings in the West End in general. The roof terrace will provide a space for occupants of the dwelling in addition to the



	generation or other benefits to the development.	outdoor spaces/balconies provided for each dwelling.
Landscape design	O4.12.1 Landscape design enhances streetscape and pedestrian amenity; improves the visual appeal and comfort of open space areas; and provides an attractive outlook for habitable rooms. O4.12.2 Plant selection is appropriate to the orientation, exposure and site conditions and is suitable for the adjoining uses. O4.12.3 Landscape design includes water efficient irrigation systems and, where appropriate, incorporates water harvesting or water re-use technologies. O4.12.4 Landscape design is integrated with the design intent of the architecture including its built form, materiality, key functional areas and sustainability strategies.	On structure landscaping proposed. Additional landscaping has been indicated on the amended plans as well as a street tree. A condition for a detailed landscaping plan is recommended. The street tree will be subject to approval. A detailed landscaping plan will be reviewed by City prior to lodgement of a building permit (as part of the condition recommended above). The appropriateness of the plant species and irrigation etc. will be considered at this stage.
Mixed use	O4.14.1 Mixed use development enhances the streetscape and activates the street. O4.14.2 A safe and secure living environment for residents is maintained through the design and management of the impacts of non-residential uses such as noise, light, odour, traffic and waste.	Ground floor retains and improves an existing café and alfresco dining area to activate and enhances the street. Residential entries are separated from the commercial entry and are clearly distinguishable, whilst waste areas are segregated and lighting does not directly impact residential dwellings. An environmental noise report has been provided demonstrating that residences will not be impacted by the commercial tenancy. Acceptable outcome achieved.
Energy efficiency	O4.15.1 Reduce energy consumption and greenhouse gas emissions from the development.	The applicant has provided a sustainability strategy included as additional information to demonstrate compliance with this requirement. Condition recommended for sustainable design report to be approved



		prior to lodgement of a building permit.
Water management and conservation	O4.16.1 Minimise potable water consumption throughout the development. O4.16.2 Stormwater runoff from small rainfall events is managed on-site, wherever practical. O4.16.3 Reduce the risk of flooding so that the likely impacts of major rainfall events will be minimal.	Condition recommended for dwellings to be individually metred.
Waste management	O4.17.1 Waste storage facilities minimise negative impacts on the streetscape, building entries and the amenity of residents. O4.17.2 Waste to landfill is minimised by providing safe and convenient bins and information for the separation and recycling of waste.	Waste storage is contained within the building in the car parking area to minimise any negative impact on the street. A Waste Management Plan has been provided and reviewed by the City. It is deemed acceptable to manage waste generated by the development and will form a recommended condition.
Utilities	O4.18.1 The site is serviced with power, water, gas (where available), wastewater, fire services and telecommunications/broadband services that are fit for purpose and meet current performance and access requirements of service providers. O4.18.2 All utilities are located such that they are accessible for maintenance and do not restrict safe movement of vehicles or pedestrians. O4.18.3 Utilities, such as distribution boxes, power and water meters are integrated into design of buildings and landscape so that they are not visually obtrusive from the street or open space within the development. O4.18.4 Utilities within individual dwellings are of a functional size and layout and located to minimise	A prior to lodgement of a building permit application condition is recommended to identify the location of utilities. The site is located adjacent to the applicable infrastructure. As above. A condition is recommended for the location of utilities to be demonstrated. It is considered that the laundry sizes are of a functional layout and size in relation to the number of rooms per dwelling.



	noise or air quality impacts on habitable rooms and balconies.	
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Noise Impact Assessment

Given the subject site's location in proximity to the Fremantle City Centre and the Fremantle Port, the proposal is subject to additional acoustic considerations covered under the following policies:

- Local Planning Policy 2.3 Fremantle Port Buffer Area Development Guidelines
- Local Planning Policy 2.18: New Residential Developments in the City Centre Zone – Noise from an existing Source

The above policies seek to impose additional acoustic standards and requirements to mitigate the potential for recognised noise sources to impact the amenity of future residents and to acknowledge the development is located within an area subject to increased noise levels.

The applicant submitted an Acoustic Report, which is included as an attachment, that acknowledges all of the above policies and seeks to demonstrate the proposal is capable of compliance with all requirements stated in the policies and guidelines, providing recommendations where appropriate and noting that acoustic treatments will be further specified when detailed designs and a full mechanical equipment schedule is provided for further assessment.

A number of appropriate conditions of approval and advice notes have been recommended to ensure the proposal is developed in full accordance with relevant requirements of the above policies and all required acoustic treatments are implemented successfully and for the life of the development.

These conditions include notifications on the certificates of titles of dwellings to notify owners and prospective purchasers of any dwelling that the land is located in the City Centre and in proximity of the Fremantle Port and as a result, the land



may be affected by activities and noise levels not normally associated with residential development.

Conclusion:

Approval is sought for a mixed use development at No. 47 (Lot 116) Pakenham Street, Fremantle which includes the demolition of the existing building and the construction of a five (5) storey building. The heritage aspect of this proposal and its compatibility with the West End has been a key consideration in the assessment of the application. After completing a comprehensive assessment on the various aspects of the proposal as well as receiving comments and advice from the Heritage Council, the proposal is for conditional approval.



C2504-4 BELLEVUE TERRACE, NO. 35, FREMANTLE - ADDITIONS AND ALTERATIONS TO EXISTING GROUPED DWELLING (ED DA0370/24)

Meeting date:	9 April 2025
Responsible officer:	Manager Development Approvals
Voting requirements:	Simple Majority Required
Attachments:	1. Amended Development Plans - 35 Bellevue - DA0370/24
Additional Information: (viewed electronically)	2. Heritage Impact Assessment 3. Site Photos

SUMMARY

Approval is sought for two-storey rear additions and alterations to existing Single house at No. 35 Bellevue Terrace, Fremantle.

The proposal is referred to Council due to the nature of some discretions being sought and comments received during the notification period that cannot be addressed through conditions of approval. The application seeks discretionary assessments against the Residential Design Codes (R-Codes). These discretionary assessments include the following:

- **Boundary Wall (south)**
- **Overshadowing**

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for two-storey rear additions and alterations to existing single house at No. 35 Bellevue Terrace, Fremantle. The proposed works include:

- Two-storey rear additions to provide additional bedroom (upper floor) and new kitchen/dining and living room on lower floor; and
- Alterations to rear of existing dwelling to accommodate additions. Existing original roof and built form of existing dwelling retained as existing.

The applicant submitted amended plans on 17 February 2025 including the following:

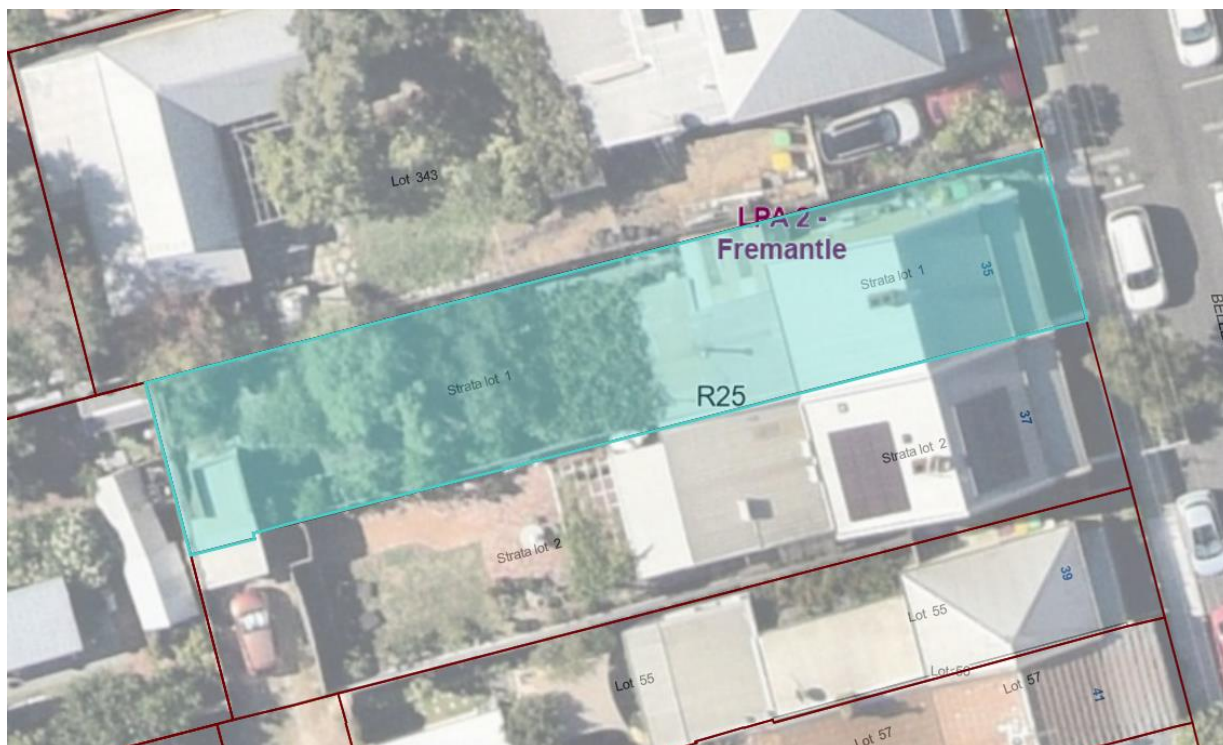


- Reduction in extent (wall length) of proposed southern upper floor boundary wall, reduced from 8.3m to 4.9m. Southern upper floor boundary wall no longer extends beyond the rear roof line of the adjacent semi-detached duplex dwelling, No. 37 Bellevue Terrace (refer Figure 1 below)
- Increased lot boundary setback for remaining portion of proposed upper floor addition (length of 3.6m) from southern lot boundary, amended to 1.2m setback, now deemed-to-comply pursuant to the R-Codes (refer Figure 1 below).
- Reduction in overshadowing of adjacent southern lot and semi-detached duplex dwelling (No. 37 Bellevue Terrace) from 113sqm (representing 37% of adjacent site) to 94sqm (representing 31% of the adjacent southern site) with the shadow extent reduced where falling over the adjacent dwelling rear outdoor living area (refer Figure 2 below).
- Visual privacy screening added to rear upper floor balcony to prevent overlooking of adjacent outdoor living areas on either side of subject site (Nos. 33 & 37 Bellevue Terrace). Subject to an appropriate condition of approval to secure details of screening, visual privacy element now meets deemed-to-comply requirements of the R-Codes.
- Existing fireplaces and chimneys now retained as part of amended proposal (previously proposed to be removed).

Amended Development plans are included as Attachment 1, site photos at Additional Information 1 and Heritage Assessment at Additional Information 2.

Site/application information

Date received:	2 December 2024
Owner name:	Todd and Svetlana Bryson
Submitted by:	Todd Bryson
Scheme:	Residential (R25)
Heritage listing:	Individually Listed Category 3
Existing land use:	Single House
Use class:	Single House
Use permissibility:	P



CONSULTATION

External referrals

Nil required.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as discretions from the R-Codes deemed-to-comply requirements were sought. The advertising period concluded on 13 January 2025, and 2 submissions were received. The following issues were raised (summarised):

- Concerns upper floor additions and boundary wall will overshadow outdoor living area and openings of adjacent dwelling with adverse amenity impact;
- Concerns upper floor additions and boundary wall will have adverse building bulk (sense of enclosure) impact when viewed from adjacent openings and outdoor living areas.
- Concerns over visual privacy, rear balcony to afford overlooking of adjacent outdoor living areas.
- Concerns extent of excavation for lower ground floor will undermine adjacent dwellings.
- Concerns the size and scale of the rear addition design does not reflect the character of the street.



In response to the above, the applicant submitted revised plans addressing the following:

- Reduction in extent (wall length) of proposed southern upper floor boundary wall, reduced from 8.3m to 4.9m. Southern upper floor boundary wall no longer extends beyond the rear roof line of the adjacent demi-detached duplex dwelling, No. 37 Bellevue Terrace.
- Increased lot boundary setback for remaining portion of proposed upper floor addition (length of 3.6m) from southern lot boundary, amended to 1.2m setback, now deemed-to-comply pursuant to the R-Codes.
- Reduction in overshadowing of adjacent southern lot and semi-detached duplex (No. 37 Bellevue Terrace) from 97.28sqm (representing 32% of adjacent site) to 94sqm (representing 31% of the adjacent southern site) with the shadow extent reduced where falling over the adjacent dwelling rear outdoor living area.
- Visual privacy screening added to rear upper floor balcony to prevent overlooking of adjacent outdoor living areas on either side of subject site (Nos. 33 & 37 Bellevue Terrace). Subject to an appropriate condition of approval to secure details of screening, visual privacy element now meets deemed-to-comply requirements of the R-Codes.

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

- In the opinion of officers, the amended plans have successfully mitigated the amenity impact, primarily in terms of overshadowing and visual privacy, the previous plans were expected to have, as discussed in greater detail below.
- With respect to the concern regarding the undermining of adjacent properties throughout the excavation and construction phase, any works must stay within the lot boundary.

The remaining comments are addressed in the officer comment below.

OFFICER COMMENT

Statutory and policy assessment

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



- Boundary Walls

The above matters are discussed below.

Background

The subject site is located on the western side of Bellevue Terrace in Fremantle. The site has a land area of approximately 303m² and is currently a single house. The site is zoned Residential and has a density coding of R25. The site is individually heritage listed and though not located within a Heritage Area.

A search of the property file has revealed there is no relevant planning history for the site.

Boundary Wall

Element	Requirement	Proposed	Extent of Variation
Upper Floor Boundary Wall (south)	in areas coded R20 and R25, walls not higher than 3.5m, up to a maximum length of the greater of 9m or one-third the length of the balance of the site boundary behind the front setback, to up to two site boundaries	Boundary Wall Length (beyond existing constructed boundary wall of adjacent semi-detached duplex): 4.9m Boundary Wall Height: 4.4m (maximum)	0.9m (boundary wall height).

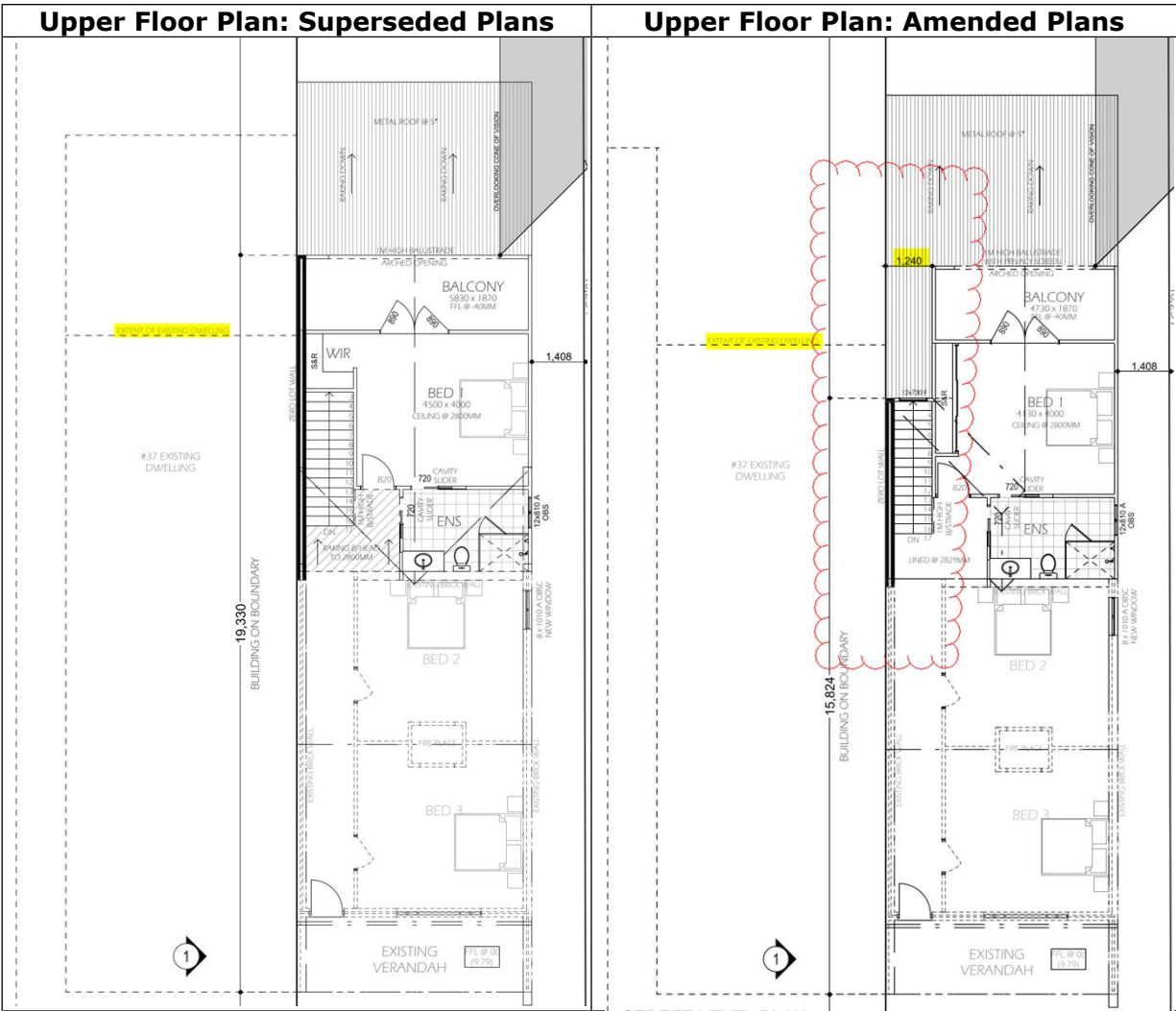
The upper floor southern boundary wall is considered to meet the Design principles of the R-Codes in the following ways:

- Per the amended development plans, upper floor southern boundary wall extent (length) has been reduced from 8.3m to 4.9m. As such, the upper floor southern boundary wall no longer exceeds the extent (rear roof line) of adjacent semi-detached duplex dwelling, No. 37 Bellevue Terrace. As a result, the potential building bulk (sense of enclosure) impact of the wall is limited as the wall will longer be opposite any opening or outdoor living area of the adjacent dwelling (Refer Figure 1 below)
- The amendments to the boundary wall extent and increase in southern lot boundary setback for the remainder of the upper floor addition to 1.2m(meeting the R-Codes deemed-to-comply – refer Figure 1 below) has



reduced overshadowing of the adjoining southern lot (No. 37 Bellevue) , in particular, reducing the overshadowing of the rear outdoor living area of this dwelling, which is now considered acceptable (see further discussion is section below).

Figure 1. Superseded upper floor plan and amended upper floor plan comparison, increased southern lot boundary setback (1.2m; previously nil) to portion of upper floor.



Overshadowing

Element	Requirement	Proposed	Extent of Variation
Overshadowing	Overshadowing does not exceed 25% of the site	94sqm (representing 31% of the	76sqm (6%)



	area on adjoining properties where zoned R25 or lower.	adjoining site area)	
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The overshadowing is considered to meet the Design principles of the R-Codes in the following ways:

- The amended development plans demonstrate a reduction in overshadowing of adjacent southern lot and semi-detached duplex (No. 37 Bellevue Terrace) from 113sqm (representing 37% of adjacent site) to 94sqm (representing 31% of the adjacent southern site) has resulted. Figure 2 below provides a shadow analysis comparison from the superseded plans against the amended plans. Colour shading of the shadow areas in the figures denotes different areas of the adjacent dwelling where shadow is falling/impacting:
 - Green – shadow that is captured by the existing party wall and roof existing that adjoins the two dwelling (i.e. does not cause overshadowing of the adjacent dwelling and is not changed by this proposal)
 - Pink – shadow from proposed additions that falls on roofed areas of the adjoining dwelling only (i.e. no impact upon habitable room windows or outdoor living areas)
 - Yellow – shadow from proposed additions that falls over the rear outdoor living area of the adjacent dwelling
- Importantly, the extent of overshadowing of the adjoining property primary outdoor living area (area under the 'timber pergola', as shown on the site plan) has been reduced by 20.7m², improving the overshadowing impact upon this outdoor living area to an acceptable level, in the opinion of officers - see marked up plans in Figure 2 below, yellow shading depicting the area of shadow falling over the rear outdoor living area of the adjacent dwelling). The plans also demonstrate that the remainder of the extensive rear garden of the adjoining dwelling is also not impacted by shadow from the additions.
- The solar collectors on the adjacent dwelling are not impacted or overshadowed by the proposed additions (additions extend from the rear of the existing roof), as depicted in Figure 3 below that provides an aerial image overlay of the dwellings across the amended shadow plan, demonstrating shadow from the additions have no impact upon the solar collectors.

It is also acknowledged that given the east-west orientation and narrow widths of the lots, any additions to the subject dwelling are likely to cause some



overshadowing of the adjacent southern lot, the heritage listing of the dwelling also constrains upward additions above the original dwelling and roof form. The amended plans are seen to have successfully improved the overshadowing impact upon the southern dwelling which is now acceptable to officers under the design principles of the R-Codes.

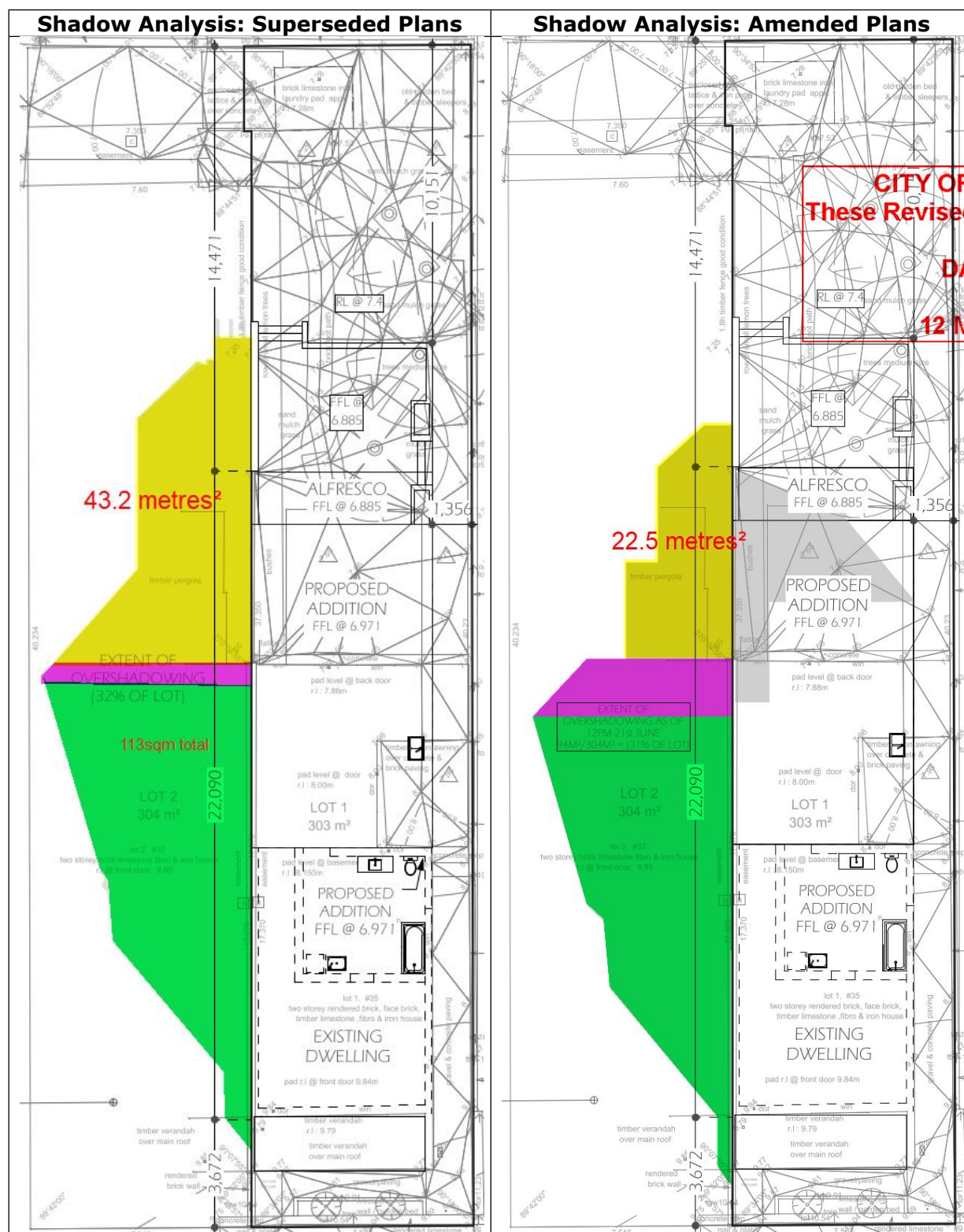


Figure 2. Shadow analysis comparison following amendments to the southern boundary wall, lot boundary setback and roof form.

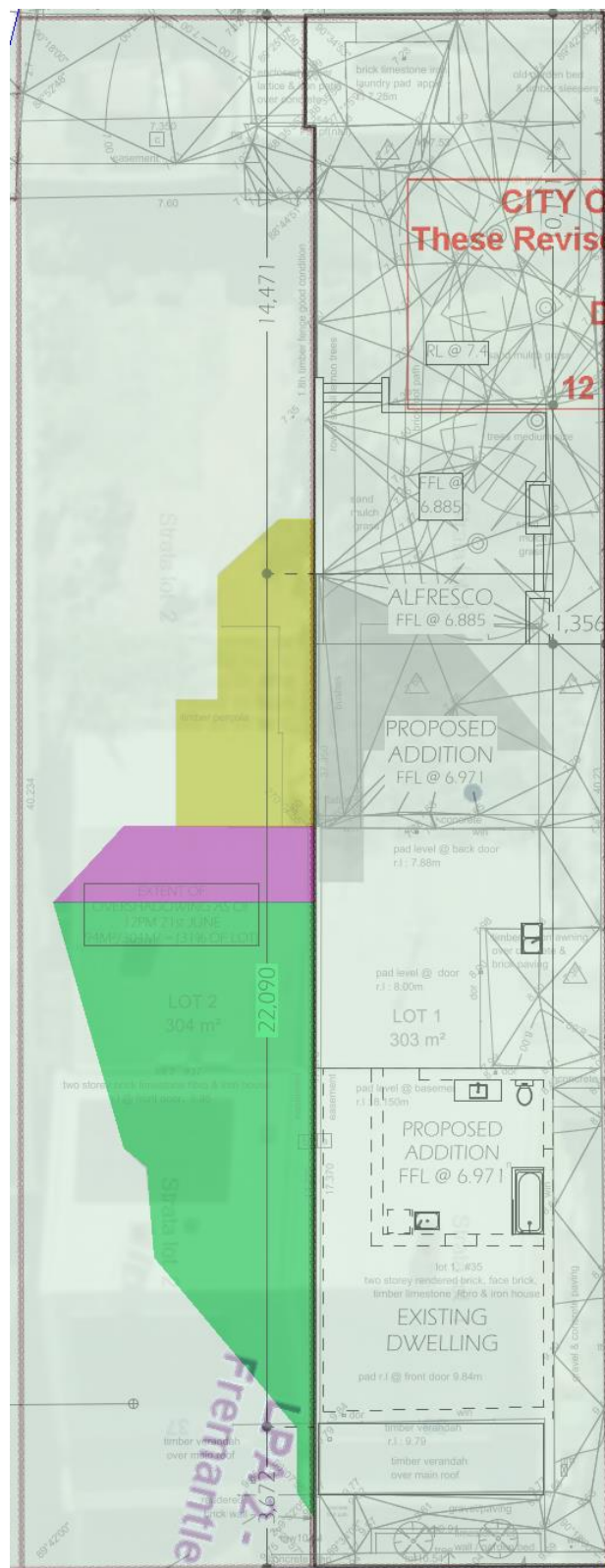


Figure 3. Aerial image overlay of the dwellings across the amended shadow plan – adjoining dwelling solar collectors are not impacted by shadow from proposed rear additions.



Heritage Impact

The subject site is on the City's Local Heritage List, management category 3 (some significance), and therefore it is important to consider the heritage impact of the proposed additions on the heritage values of the place.

The City's Heritage team concluded in their heritage impact assessment that no further heritage impact issues with the proposed rear alterations and additions – noting that existing fireplaces and chimneys are to be retained as per the amended development plans.

It is also acknowledged that the rear additions and alterations to the existing heritage dwelling accord with the design guidance in Local Planning Policy 3.6 – Heritage Areas (clause 3.5.2) in that the rear additions do not alter the existing dwelling and roof form (maintaining the dwelling form and character) as viewed from the public street, are less in height to the original building, located to the rear of the original building and constructed so that the roof of the new addition is independent from the original building's roof form.

On the basis of the above, the proposed rear additions and alterations to the existing dwelling are considered to have no discernible impact on the heritage values of the subject site.

LPP2.26 – Tree Retention

The proposal is acceptable pursuant to LPP2.26 as the only tree proposed to be removed (refer Site Plan – Demo) does not meet the definition of a 'regulated tree' under the policy, being only approximately 3m in height, with a canopy less than 6m and a trunk circumference of less than 1.5m (refer image or tree in Site Photos at Additional Information 2).

CONCLUSION

In conclusion, on the basis of the amended development plans, the proposal is considered to be generally well designed for its context and setting and appropriately addresses other relevant statutory planning requirements of the LPS4, the R-Codes and relevant Council local planning policies and is therefore considered worthy of approval, subject to appropriate conditions of approval.

STRATEGIC IMPLICATIONS

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



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

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

Green Plan 2020

Encourage the retention of vegetation on private land.

It is noted several existing mature trees are retained as part of the proposal.

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 Additions and Alterations to Existing Grouped Dwelling at No. 35 Bellevue Street, Fremantle, subject to the following conditions:

- 1. This approval relates only to the development as indicated on the approved plans, dated 12 March 2025. 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 lodgement of a Building Permit for the development hereby approved, a detailed drawing showing how the rear upper floor**



balcony (view north and south), is to be screened in accordance with Clause 5.4.1 C1.1 of the Residential Design Codes by either:

- a) fixed obscured or fixed translucent glass to a minimum height of 1.60 metres above internal floor level, or**
- b) fixed screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the internal floor level, or**
- c) a minimum sill height of 1.60 metres above the internal floor level,**

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

- 4. Prior to occupation/ use of the development hereby approved, the boundary wall located on the southern boundary shall be of a clean finish in any of the following materials:**

- coloured sand render,**
- face brick,**
- painted surface,**

and be thereafter maintained to the satisfaction of the City of Fremantle.

- 5. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.**
- 6. 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.**



C2504-5 COLLICK STREET NO.16 (LOT 17) HILTON - DEMOLITION OF EXISTING SINGLE HOUSE - DA0023/25

Meeting date: 9 April 2025
Responsible officer: Manager Development Approvals
Voting requirements: Simple Majority Required
Attachments: 1. Development Plans
Additional Information: 2. [Internal Heritage Assessment](#)
(viewed electronically)

SUMMARY

Approval is sought for the demolition of an existing Single house and incidental structures at No.16 (Lot 17) Collick Street, Hilton.

The proposal is referred to Council, as it involves the demolition of a dwelling located within the Hilton Garden Heritage Area.

The application is recommended for refusal.

PROPOSAL

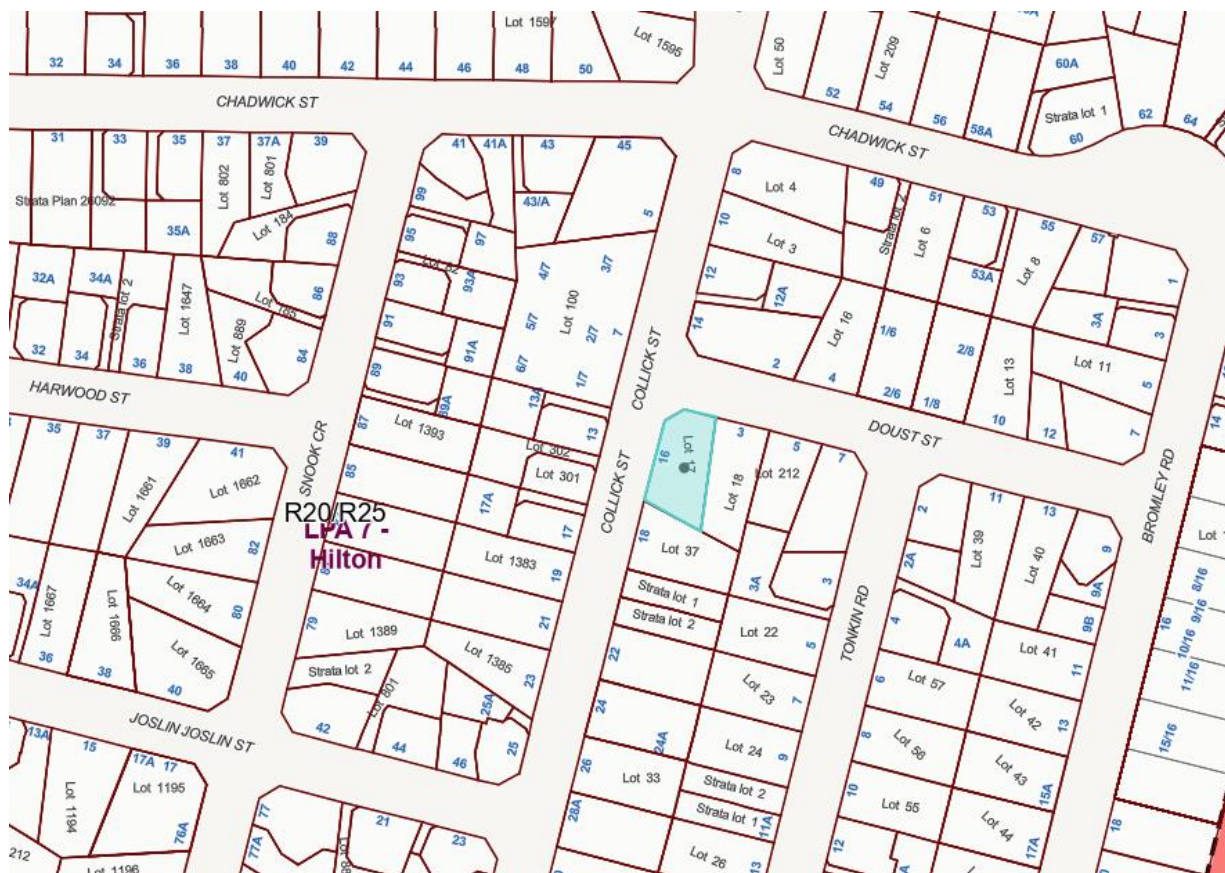
Detail

Approval is sought for the demolition of an existing Single house and all incidental structures at No.16 (Lot 17) Collick Street, Hilton. The property is not individually listed on the City of Fremantle Heritage List; however, it is located within the Hilton Garden Heritage Area. Development approval is required for the demolition under the *Planning and Development (Local Planning Schemes) Regulations 2015*. There is no new development proposed in this application.

Development plans are included as Attachment 1.

Site/application information

Date received: 22 January 2025
Owner name: Youssef Bros Pty Ltd and Prakash79 Pty Ltd
Submitted by: Tariq Yousef
Scheme: Residential R20/25
Heritage listing: Hilton Garden Heritage Area
Existing land use: Single House
Use class: Single House
Use permissibility: N/A



CONSULTATION

External referrals

Nil required.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the proposal included the demolition of a dwelling in a Heritage Area. The advertising period concluded on 26 February 2025 and no submissions were received.

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of the City's Local Planning Scheme No. 4 (LPS4) and relevant Council local planning policies.

Demolition requires careful consideration because it potentially removes all the heritage significance of the place, except for intangible historical and social values that are not dependent on physical fabric.



Clause 67(2) (k) and (l) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions) require Local Governments to have due regard to the built heritage conservation of any place that is of cultural significance and the effect of the proposal on the cultural heritage significance of the area in which the development is located when making decisions on relevant applications.

Clause 4.14.1 of Local Planning Scheme No.4 (LPS4) also states:

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

(a) has limited or no cultural heritage significance, and

(b) does not make a significant contribution to the broader cultural heritage significance and character of the locality in which it is located.

4.14.2 In considering an application under 4.14.1, Council shall have regard to any heritage assessment required under the Planning and Development (Local Planning Schemes) Regulations 2015.

This clause provides the authority for the decision maker to issue approval for demolition, only if it meets both of the triggers (part a and b) of the clause. If it does not, there is no ability for the Council to approve demolition to the site.

Background

The subject site is located on the corner of Collick Street and Doust Street. The site has a land area of approximately 761m² and is currently improved by an existing single storey Single House. The site is zoned Residential and has a split density coding of R20/25. The site is not individually listed, however it is located within the Hilton Garden Heritage Area.

The existing dwelling on site addresses the corner. The single storey, timber framed house with brick cladding is sited centrally at the front of the block with a concrete path leading up to an enclosed verandah at the front of the house.

Heritage and Demolition

City officers have reviewed the demolition proposal and have undertaken a detailed Heritage Impact Assessment (HIA), inclusive of a Heritage Assessment,



prepared in accordance with the Burra Charter and LPP 1.6 Heritage Assessment and Protection, for which full details can be found in Additional Information 2 of this report. The applicant has not provided their own HIA.

The property is deemed to have *some* cultural heritage significance for the following reasons:

- *For its aesthetic value as part of a largely intact group of timber and brick Post War Era houses set in large, open front gardens which combine to form a cohesive streetscape character*
- *For its aesthetic value as part of a planned Garden Suburb characterised by its curvilinear road layout, parks, large and irregular shaped lots*
- *For its historic and social value as part of as an area developed by the State Housing Commission to provide affordable housing at a time of increased housing demand in Australia*
- *For its aesthetic and technical achievement as part of a largely intact group of timber and brick Post War Era Government affordable houses designed using a limited palette of materials, forms and architectural features in a functional style influenced by modernist design*

Additionally it has been assessed to be a place that contributes to the heritage character of the Hilton Precinct Heritage Area for the following reasons:

In the Hilton Garden Suburb Precinct Heritage Area, original largely intact houses are considered to be Contributory Places.

An analysis of the documentary and physical evidence shows that 16 Collick Street is an original Hilton house which has undergone some cosmetic alteration. The exterior of the house has been modified with the addition of a skin of face brickwork and aluminum windows, but the form, scale, key architectural features and distinctive corner siting of the house have remained intact.

16 Collick Street continues to contribute to the cohesive aesthetic character of the area. The aesthetic presentation of the of the house can be improved by the removal of the brick veneer cladding as it is a freestanding element, and the original wall structure remains intact behind.

In accordance with the requirements of CI 4.14 of LPS4, the demolition proposal for 16 Collick Street is not supported as it is considered the existing house, being classified as a Contributory Place in the Hilton Garden Heritage Area, makes a significant contribution to the locality of Collick Street through the cultural significance of its built form and typology.



There is no alternate Heritage Assessment from the applicant for consideration that demonstrates a differing view.

CONCLUSION

The demolition of the existing dwelling on the subject site is unable to be supported by officers as the existing dwelling is considered to have cultural heritage significance as a Contributory Place in the Hilton Garden Heritage Area, contributing to the Collick Street streetscape character through the cultural significance of its built form and typology.

On this basis, the proposal is not supported and recommended for refusal.

STRATEGIC IMPLICATIONS

This item is in keeping with the 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.

Green Plan 2020

Encourage the retention of vegetation on private land.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

VOTING AND OTHER REQUIREMENTS

Simple Majority Required



OFFICER'S RECOMMENDATION

Council:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, demolition of the existing Single House at No.16 (Lot 17) Collick Street, Hilton, as detailed on the plans dated 22 January 2025, for the following reasons:

- 1. The demolition of the Single house does not meet the requirements of Clause 4.14 of Local Planning Scheme No.4 as it:
a) Is of "some" cultural heritage significance (i.e. is greater than little or no significance); and
b) Makes a significant contribution to the streetscape of Collick Street and the Hilton Garden Heritage Area.**
- 2. The demolition proposal does not meet the relevant criteria of LPP3.7 as it is classified as a Contributory Place to the Hilton Garden Heritage Area and its loss would therefore reduce the heritage significance of the locality.**
- 3. The demolition of the dwelling is contrary to Clause 67(2)(k) and (l) of the *Planning and Development (Local Planning Schemes) Regulations 2015(Deemed Provisions)* as it will have an adverse impact upon the cultural heritage significance of the Hilton Heritage Area.**



C2504-6 BUTSON STREET, NO.13 (STRATA LOT 1), HILTON – TWO STOREY ADDITONS AND ALTERATIONS TO EXISTING GROUPED DWELLING – (LG DA0011/25)

Meeting date:	9 April 2025
Responsible officer:	Manager Development Approvals
Voting requirements:	Simple Majority Required
Attachments:	1. Amended Development Plans
Additional Information:	2. Applicant's DA Letter and Landscape Concept (viewed electronically)

SUMMARY

Approval is sought for two storey additions and alterations to an existing Grouped dwelling at No.13 Butson Street, Hilton (subject site).

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

- **Lot boundary setback (first floor - west)**
- **Building height (external wall and roof ridge)**
- **LPP3.7 "Hilton Garden Suburb Precinct" Heritage Area Local Planning Policy (Vehicle Access)**

The application is recommended for conditional approval

PROPOSAL

Detail

Approval is sought for additions and alterations to an existing single storey Grouped dwelling at No.13 Butson Street, Hilton.

The proposed works include:

- Relocation of original existing dwelling 2.7m north, 0.97m east centralizing it on site.
- Demolition of front and rear portion of existing dwelling including front and side verandah, rear extension, rear pergola, small outbuilding, portion of



northern boundary fencing and portion of existing primary fencing along eastern boundary.

- Construction of a two-storey addition to the rear;
- Construction of detached carport in front of the relocated dwelling;
- Construction of small outbuilding attached to rear addition along northern boundary.
- Provision of a new portion of primary fencing along eastern boundary, new portion of boundary fencing along northern boundary with pedestrian access gate, vehicle crossover/concrete driveway to south and vehicle and pedestrian access gate.

The applicant submitted amended plans on 26 March 2025 including the following:

- Additional overshadowing diagram with modified presentation, and updated north point.

Amended development plans are included as attachment 1.

Site/application information

Date received:	15 January 2025
Owner name:	Nicole Hardy and Nathan Hardy
Submitted by:	Philip Stejskal Architecture
Scheme:	Residential R20
Heritage listing:	Not Listed / Hilton Garden Suburb Precinct
Existing land use:	Grouped Dwelling
Use class:	Grouped Dwelling
Use permissibility:	P





CONSULTATION

External referrals

Nil required.

Internal referrals

City of Fremantle Heritage

We have assessed the DA for 13 Butson Street, Hilton for the demolition of later additions to the place, the relocation of the original building by 2.7m east and 0.96m north, additions to the rear and west side of the building and internal alterations.

Whilst generally the relocation of heritage buildings is not a preferred option, in this case the new location is consistent with the prevailing streetscape, the removal of later additions, the conservation of the original cottage and the sensitively designed new additions all contribute to a positive heritage outcome.

Therefore, the proposal for 13 Butson Street can be supported from a heritage perspective.

It is acknowledged that the relocation of the dwelling is considered demolition. In approving an application for demolition, Council is to be satisfied of the following in accordance with clause 4.14.1 of LPS4:

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

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

With regards Heritage officer comments above, the proposed demolition is considered to meet the relevant criteria of cl4.14.1 in the following ways:

- The relocation of the dwelling conserves the original cottage, maintaining the dwelling's existing contribution to the heritage area.
- The removal of later additions is not considered to have impact on the broader significance and character of the subject site, or area.



Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, due to the following identified variations:

- Lot Boundary Setback (upper floor - west)
- Building Height (roof ridge and external wall)

The advertising period concluded on 10 February 2025, and one (1) submission was received, providing objections to the proposal. The following issues were raised (summarised):

- Concern relating to overshadowing;
- Concern regarding building height;
- Concern relating to visibility of proposal from primary street and building scale; and
- Proposal does not maintain heritage streetscape.

With regards to the overshadowing concern, the application has been assessed against and is compliant with the Deemed-to-comply criteria of the R-Codes. Concerns relating to building height, visibility from primary street and heritage streetscape are addressed in the Officers comment section below.

OFFICER COMMENT

Statutory and policy assessment

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

- Lot Boundary Setback (upper floor -west)
- Building Height (external wall and roof)
- LPP3.7 "Hilton Garden Suburb Precinct" Heritage Area Local Planning Policy
 - Vehicle access

The above matters are discussed below.



Background

The subject site is located on the western side of Buston Street, approximately 110m from the Winterfold Road intersection. The site has a land area of approximately 430m² and is currently improved by a Single storey Grouped dwelling. The site is zoned Residential and has a density coding of R20. The site is not individually heritage listed but is located within the Hilton Garden Suburb Precinct Heritage Area.

The surrounding area is predominantly residential and is characterised by single storey single houses and grouped dwellings.

A search of the property file has revealed the following history for the site:

- DA402/07 – *Subdivision Application* – planning conditions cleared on 8 October 2007 and endorsed by the WAPC on 14 July 2010.

Land Use

A Grouped dwelling is a 'P' use in the Residential Zone, which means that the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme.

Lot Boundary Setback

Element	Requirement	Proposed	Extent of Variation
West (Upper Floor)	1.8m	1.53m	0.27m

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

- The upper floor setback interfaces with the rear (western) properties front setback area. The dwelling is separated by 3.6m wide section of front garden space in front of the dwelling's front verandah and outdoor living area. The upper floor is setback approximately 4m from the western dwelling's front verandah.
- The lesser setback does not result in a perception of adverse building bulk when viewed from the adjoining property (west) and is not considered to have any unacceptably direct adverse impact to the neighbours outdoor living area;
- The lesser setback does not contribute adversely to a loss of direct sun, light generally or ventilation to major openings; and,
- The lesser setback does not result in any new merit-based decision relating to visual privacy.

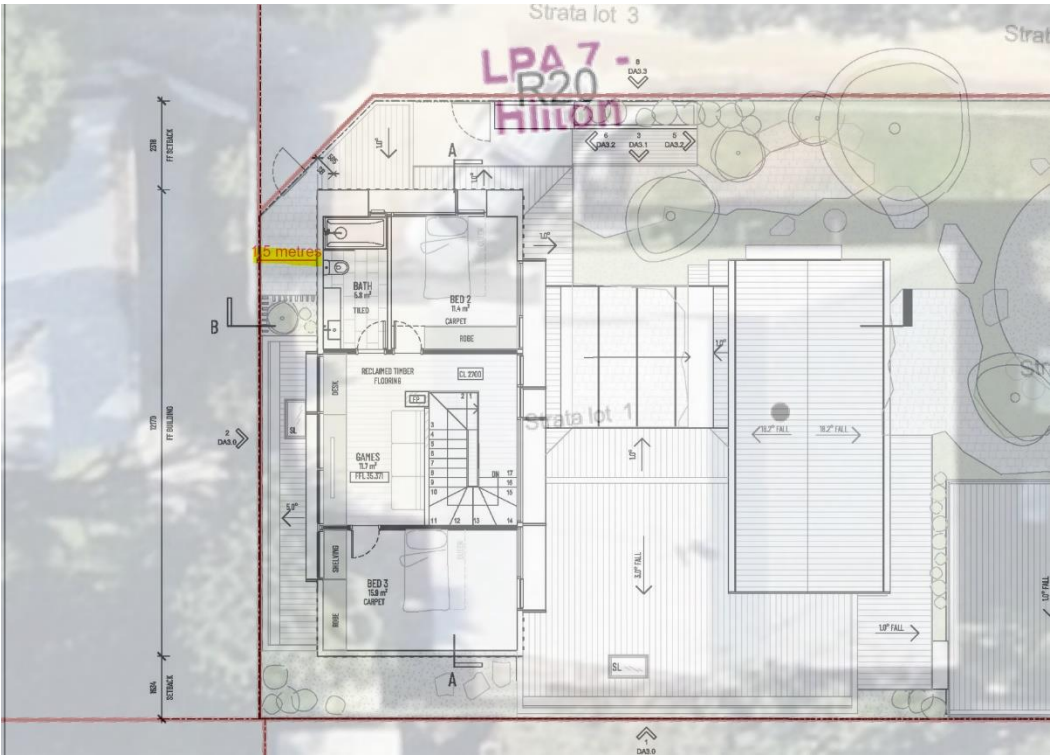


Figure 1: Upper floor setback to western neighbour

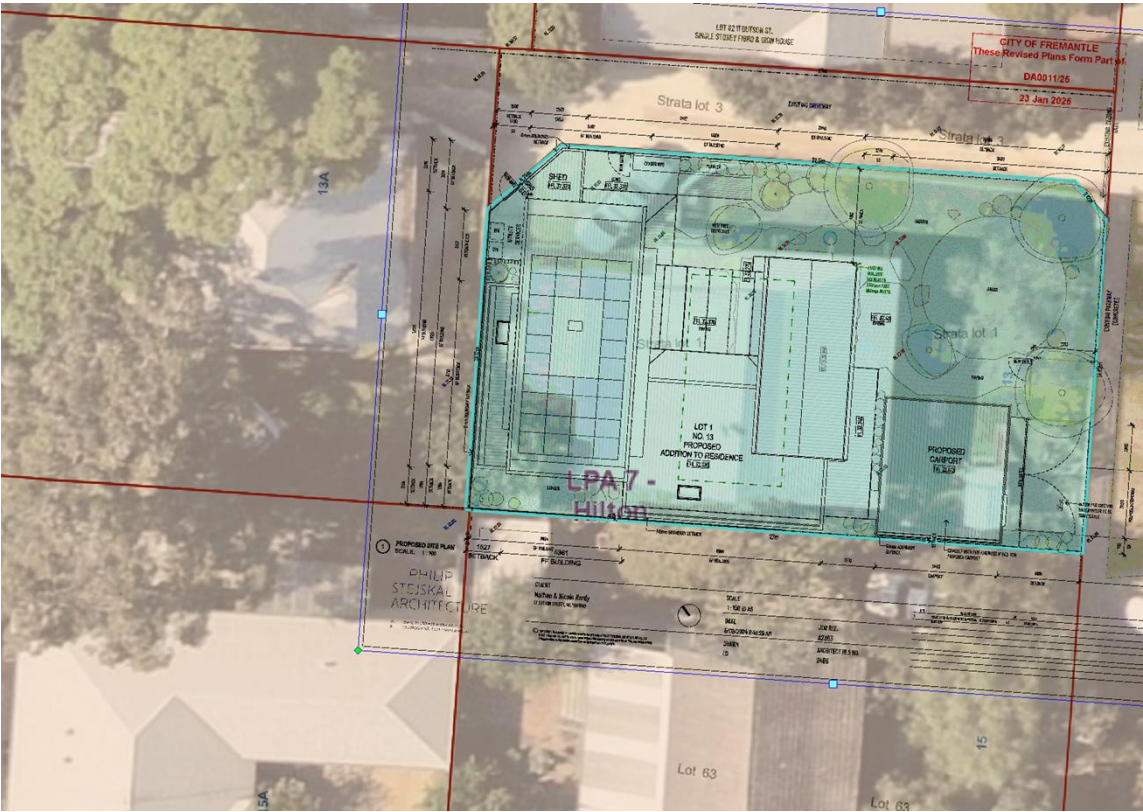


Figure 2: Proposed dwelling layout showing how the proposal interfaces with adjoining western, southern and northern properties.



Figure 3: Front of rear property (western boundary), area interfacing with upper floor setback discretion

LPP3.7 - Vehicle Access

Element	Requirement	Proposed	Extent of Variation
Vehicle Access Point	One (1) vehicle access point	Two (2) vehicle access points	See below.



Clause 1.6.1 of LPP3.7 states that:

Variations to these requirements may be considered, at Council's discretion, against the Design principles of the R-Codes, with additional due consideration being given to the impact on any place of heritage significance

It is considered that the proposal satisfies the above provisions of LPP3.7 in the following ways:

- Due consideration has been given to the prevailing streetscape pattern of Butson Street, immediately adjacent to the proposal site.
- The prevailing streetscape includes multiple sites which have dual crossovers to many properties along the street, including the two (2) properties to the north and adjoining property to the south. Refer to figure 3 below.
- The introduction of an additional vehicle crossover will not detrimentally impact the existing heritage streetscape.

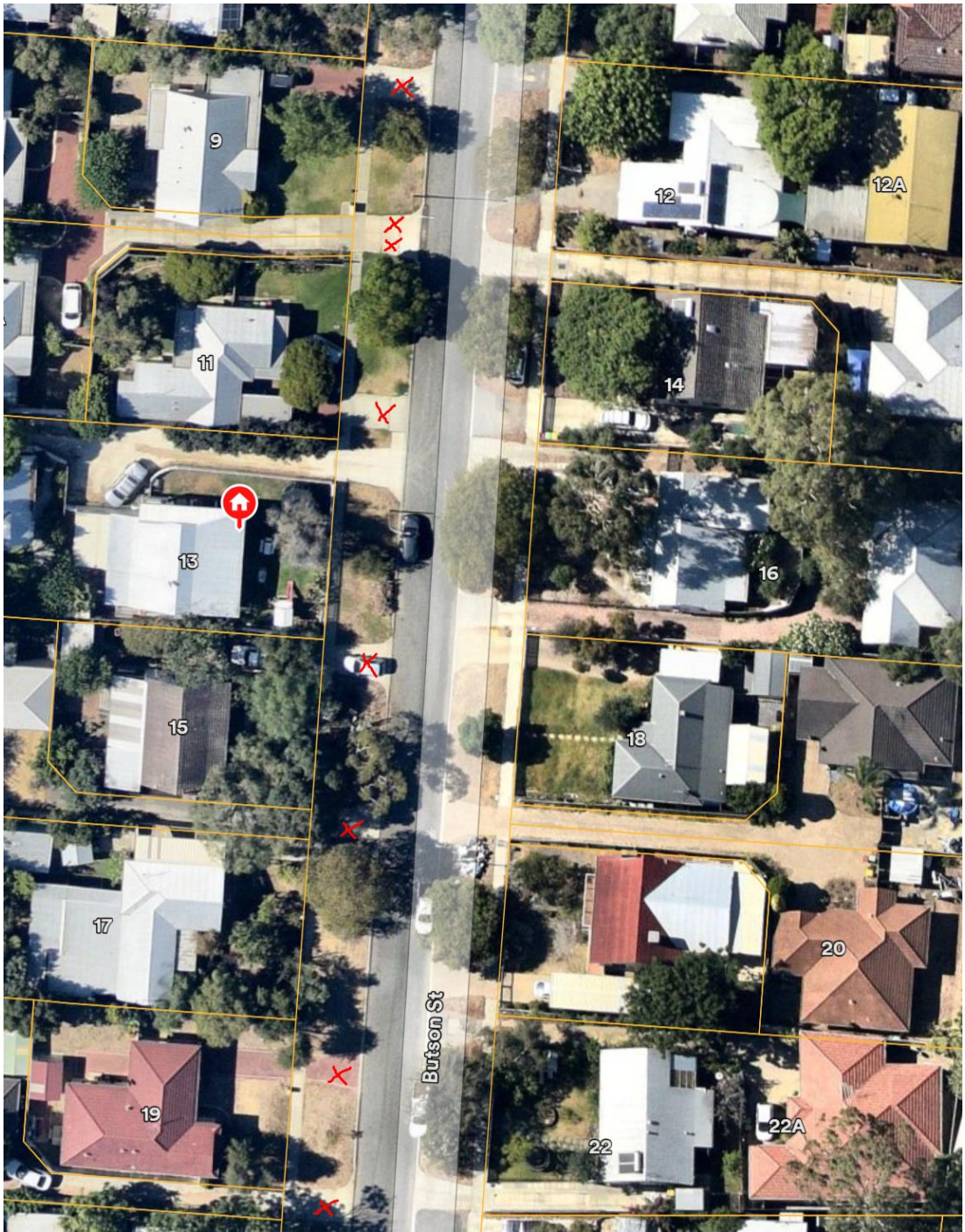


Figure 3: Existing dual crossovers in the prevailing streetscape



LPP3.7 - Building Height

Element	Requirement	Proposed	Extent of Variation
External Wall Height	3.5m	6m - 6.89m	2.5m - 3.39m
Maximum Roof Ridge Height	6.5m	6.89m	390mm

LPP 3.7 sets out secondary criteria that allows a greater external wall height in certain circumstances in clause 2.2:

Under Part 2 of LPP 3.7, Council may, at its discretion, allow a greater external wall height and/or greater roof ridge height where it is satisfied that the development meets one of the following criteria:

- a) The development is on a rear survey strata lot, battleaxe lot or the equivalent and has minimal presentation to the streetscape and the development complies with the Deemed-to-comply requirements of the Residential Design Codes for the following:

 - i. Clause 5.1.3 Lot Boundary Setback,*
 - ii. Clause 5.1.4 Open Space, and*
 - iii. Clause 5.4.2 Solar access for adjoining sites**
- or*
- b) Excluding development on a rear survey strata lot, battleaxe lot or the equivalent, the front and side elevations of the development present generally as a single storey dwelling when viewed from the street with the predominant bulk of the element exceeding the prescribed maximum building height located at the rear of the dwelling; or*
 - c) Excluding development on a rear survey strata lot, battleaxe lot or the equivalent, the proposed building height is consistent with the building height of development within the prevailing streetscape.*

The subject site is not located on a rear survey strata lot, battleaxe lot or equivalent, the building height can therefore only be considered against criteria b) and c) above.

It is considered that the proposal satisfies the above sub clause 2.2b of LPP3.7 criteria and the Design principles of the R-Codes in the following ways:

- With due consideration to *c/2.2b* it is considered that much of the building bulk and area exceeding the prescribed maximum building height is located at the rear of property along the western boundary.



- When viewed from the street the original single storey dwelling is clearly discernable from new additions with most of the development presenting as a single storey dwelling. Whilst the rear additions will be visible from the street, given the 20m setback from the street, the existing cottage will remain the prominent built form when viewed from Butson Street.
- The discretion does not contribute adversely to a loss of direct sun, light generally or ventilation to major openings of existing adjoining properties nor the respective dwellings; and,
- The discretion does not result in any new merit-based decision relating to visual privacy.
- The extent of building height discretion is located at the rear of the site, mainly affecting the western rear neighbour. The property behind is a single storey dwelling set back approximately 4 meters from the rear boundary. Located in front of the rear dwelling is a verandah and a 3.5-meter-wide laneway, primarily used as a vehicle turning bay and pedestrian access. To the south of the rear dwelling, there is a large outdoor living area that spans from the eastern to the western boundary of the lot.
- To the southern property, the upper floor is adjacent to a small outbuilding in the corner of the property and a small portion of rear garden. The upper floor is setback 1.7m from the southern lot and does not impact any habitable rooms or outdoor living areas.
- The proposed building height is not expected to have a significant adverse impact in terms of building bulk upon any habitable room window or outdoor living area, with a minimum 4m to the adjoining rear property and 1.7m to the southern property.



Figure 4: Setback of second storey addition

LPP3.7 – Upgrading of existing dwelling

The requirements for the upgrading of existing dwellings as per clause 5.1 of LPP3.7 are defined below:

- 5.1.1 External alterations shall conserve the overall architectural style and the original external form of the dwelling as viewed from the street but may include modern and/or contrasting materials.*
- 5.1.2 The original size and position of openings (doors and windows) visible from the street shall be conserved. Non-traditional materials may be used in the replacement of the doors or*



windows, subject to the appearance of the replacement doors or windows reflecting the styles of original Hilton dwellings.

5.1.3 The original size and position of verandahs and porches visible from the street shall be conserved.

5.1.4 Front verandahs and porches are not to be enclosed.

5.1.5 The original form of the roof of the dwelling shall be retained as viewed from the street.

The proposed additions are also considered to meet the relevant LPP3.7 criteria in the following ways:

- The original dwellings form and style will be retained with all new additions being located to the rear of site. There is clear difference between the proposed addition and existing style of original dwelling when viewed from the street. It is considered that this requirement is met by the proposal.
- Proposed works conserve existing openings visible from the street.
- The proposed demolition of front veranda and rear addition is deemed to be an acceptable heritage outcome with the primary cottage being entirely retained and all demolition proposed to non-original features.

LPP3.7 – Extensions and additions

The requirements for extensions and additions as per clause 5.2 of LPP3.7 are defined below.

5.2.1 New extensions shall be located at the rear or side of the original dwelling.

5.2.2 Upward extensions shall be designed to comply with Part 2 – Building Height of this policy.

5.2.3 The external form of the front of the conserved dwelling is to be retained.

Again, the proposed additions are considered to meet the relevant LPP3.7 criteria in the following ways:

- All new extensions are located at the rear or side of the original dwelling.



- Whilst building height discretion is being sought, the additions are considered acceptable given they address the specific assessment criteria of CI2.2(b) of LPP3.7,
- The external form of the original dwelling is being entirely retained, as noted by Heritage comments the original dwelling is to be relocated entirely, there new location is consistent with the original prevailing streetscape and does not alter the external dwelling form.

CONCLUSION

In accordance with the above assessment, the proposal is considered to appropriately address the relevant statutory planning requirements of the LPS4, the R-Codes and relevant Council local planning policies and is therefore recommended for approval, subject to conditions.

STRATEGIC IMPLICATIONS

Nil

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 Additions and Alterations to Existing Grouped Dwelling at No. 13 (Strata Lot 1) Butson Street, Hilton, subject to the following condition(s):

- 1. This approval relates only to the development as indicated on the approved plans, dated 23 January 2025. 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. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building. Any damage shall be rectified to the satisfaction of City of Fremantle.**
- 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. All storm water discharge shall be contained and disposed of on-site unless otherwise approved by 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 occupation of the development hereby approved, the boundary walls located on the western, southern and northern boundary shall be of a clean finish in any of the following materials:**
 - coloured sand render,**
 - face brick,**
 - painted surface,****and be thereafter maintained to the satisfaction of the City of Fremantle.**
- 7. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.**

Advice Note(s):

- i. 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. Fire separation for the proposed building works must comply with Part 3.7 of the Building Code of Australia.**
- iii. 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 or 9432 9999.**
- iv. 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.**

The applicant is advised that the /The new/ modified vehicle crossover shall be separated from any verge infrastructure by:

- a minimum of 2.0 metres in the case of verge trees**
 - a minimum of 1.2 metres (in the case of bus shelters, traffic management devices, parking embayment's or street furniture), and**
 - a minimum of 1.0 metre in the case of power poles, road name and directional signs.**
- v. The applicant is advised that the existing verge tree is to be protected during the construction process with a minimum 2.8x2.8m fencing enclosure.**
- vi. The existing tree within the road reserve, shown on the approved plans shall be protected through the implementation of a Tree Protection Zone for protection during construction. Additional information with regard to the tree protection zone requirements can be found here:**
<https://www.fremantle.wa.gov.au/residents/trees-and-verges>.



**C2504-7 LETITIA ROAD, NO. 3 (LOT 14), NORTH FREMANTLE -
DEFERRED ITEM - DEMOLITION OF EXISTING SINGLE HOUSE
AND CONSTRUCTION OF TWO STOREY SINGLE HOUSE - (JD
DA0392/24)**

Meeting date:	9 April 2025
Responsible officer:	Manager Development Approvals
Voting requirements:	Simple Majority Required
Attachments:	1. Amended plans - DA0392/24 - 3 Letitia Road, North Fremantle 2. Original Development Plans - DA 0392/24 - 3 Letitia Road, North Fremantle
Additional Information: <i>(viewed electronically)</i>	3. Site Photos 4. Heritage Assessment 5. Applicants Justification Letter

SUMMARY

Approval is sought for the demolition of an existing Single house and construction of a two storey Single house at No. 3 (Lot 14) Letitia Road, North Fremantle.

At the meeting held on 12 March 2025 Council resolved to defer the decision for this item to the next appropriate Council meeting to allow the applicant to consider submitting an amended proposal to increase the upper floor street setback. The applicant has opted to amend the development plans to address some of Council's reasons for deferral.

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

- **Demolition**
- **Primary street setback**
- **Lot boundary setback**
- **Building height**
- **Visual privacy**

The application is recommended for conditional approval.

PROPOSAL

Detail

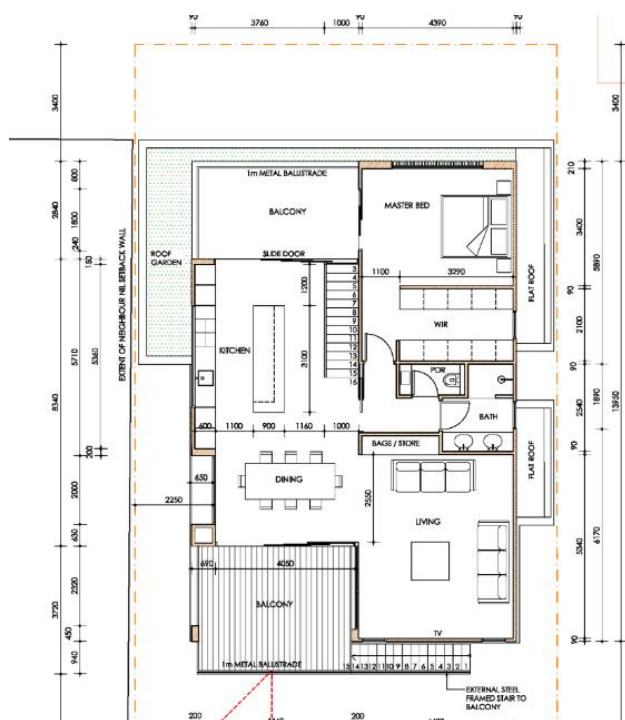
Approval is sought for the demolition of an existing Single house and the construction of a two storey Single house at No. 3 Letitia Road, North Fremantle (subject site). The proposed works include:

- Demolition of the existing Single house and all incidental outbuildings/ structures.
- Construction of a four (4) bedroom, two (2) bathroom, two storey Single house.
- Modification of the existing crossover and the construction of a new driveway.

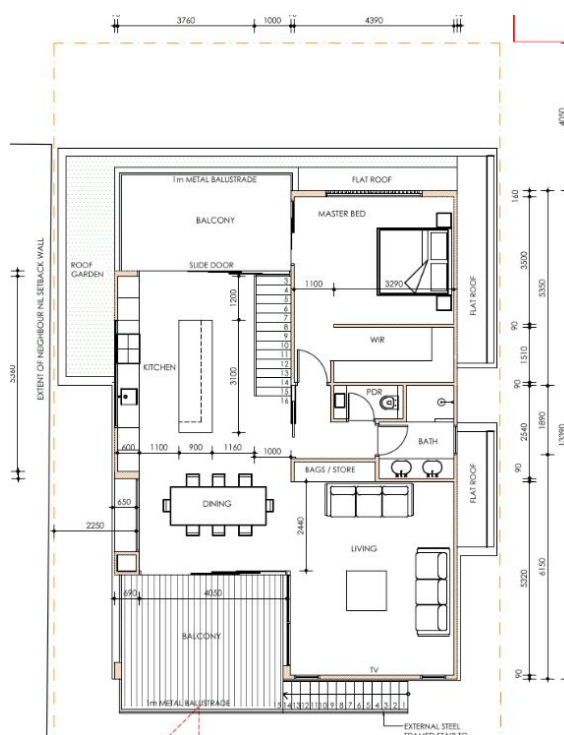
The applicant submitted amended plans on 19 March 2025 including the following:

- Increased upper floor Master bedroom primary Street setback from 3.4m to 4.05m, and
- Modify internal layout of upper floor master bedroom and walk-in-robe

Original Upper floor layout



Amended Upper Floor Layout



Amended development plans are included as Attachment 1 and original development plans can be see in Attachment 2

Site/application information

Date received:	16 December 2024
Owner name:	Timothy Macpherson & Angie Pritchard
Submitted by:	Rohan White
Scheme:	R25
Heritage listing:	North Fremantle Precinct Heritage Area
Existing land use:	Single house
Use class:	Single House
Use permissibility:	P

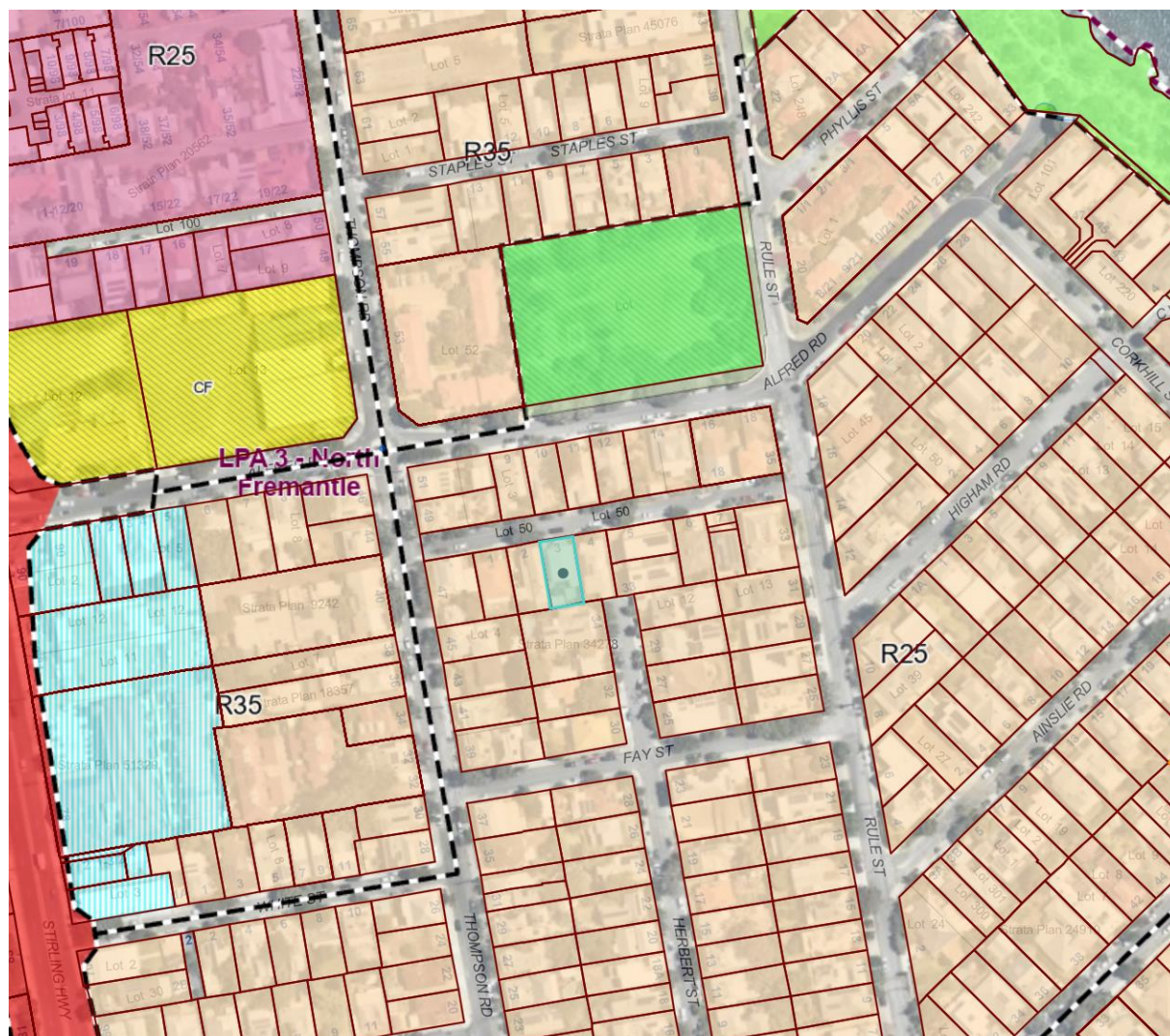


Figure 1 – Zoning and location map



CONSULTATION

External referrals

Nil required.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the proposal sought merit-based assessments against the Residential Design Codes (R-Codes) and local planning policies. The advertising period concluded on 17 January 2025, and one (1) submission was received, raising the following concerns (summarised);

- Concerns related to the proposed height of the development.
- Concerns with loss of views of significance - particularly the views to the west of Rottnest and the ocean.
- Impacts from overshadowing on neighboring property.
- Strongly oppose the non-compliant setbacks as it will affect the liveability of dwelling at No. 4 Letitia Road North Fremantle

In response to the above, the applicant provided the following response to the concerns raised:

1. *The submission indicates that the building height exceeds Local Planning Scheme 4 requirements. However, as per the local planning scheme **D.G.N13, 2.2.3 Flat Roof Construction**, council may allow an additional external wall height (from 5.5) of up to a maximum 1.5 metres (7m) to allow for parapet construction or a façade treatment. That would certainly be the case here, and as per the local planning scheme, the proposed heights would be compliant. This is particularly true along the eastern boundary, which is only very slightly over the 5.5m at its highest point, and much lower (5.26m) from the natural ground line of the neighbour.*

*With regards to street setback, I refer to **Clause 5.1.2, C2.1(ii)** of the R-Codes (as per my cover letter) which indicates that a building may be set back from the street in a manner 'corresponding to the average setback of the existing dwellings on each adjacent property'. As can be seen on the attached site plan, the street setbacks of the adjacent buildings are 2.724m and 2.664 respectively. Both of these setbacks are less than the 2.8m we are proposing, and our design is therefore compliant with this clause.*



2. *With regards to the reduced side setback to the east. It should be noted that the neighbour to the east has a significantly higher natural ground line, with the maximum height of the wall from their level being under 5.3m (see east elevation). This reduces the impact of the upper floor wall in compliance with **Clause 5.1.3, P3.1** of the R-Codes which promotes lot setbacks that "reduce impacts of building bulk on adjoining properties". However, we are happy to discuss the setback of this eastern wall in more detail with the council following their feedback.*
3. *With regards to the overlooking western facing windows being overshadowed, we would simply say that the overshadowing of the proposed design is compliant with the R-Codes*

Building height, primary street setbacks and lot boundary setbacks are assessed in detail in the Officers Comment below.

The overshadowing from the development meets the Deemed to Comply criteria of the R-Codes.

The amendments to the plans have not been readvertised as they do not introduce a new discretion, rather reduce a previously consulted one.

OFFICER COMMENT

Statutory and policy assessment

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

- Primary street setback
- Lot boundary setback
- Building height
- Visual privacy

The above matters are discussed below.



Background

The subject site is currently improved by a Single storey weatherboard cottage and is located on the southern side of Letitia Road. The site has a land area of approximately 309m² and 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 and two storey dwellings to the west and two- three storey dwellings to the east. The existing site has a steep slope lot from the eastern side of the property to the west, by approximately 1.3 - 1.5m.

At an Ordinary Council Meeting in March, Council considered the item and referred it back to the administration to allow the applicant to make changes to the plans. After considering this, they have opted to amend the proposal by increasing the upper floor primary Street setback from 3.4m to 4.05m.

Land Use

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

Demolition and Heritage

In determining an application for demolition, Council must be satisfied the criteria of clause 4.14.1 of LPS4 is achieved.

Clause 4.14.1 of LPS4 states:

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

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

As seen in attachment 4, No.3 Letitia Road has Little/ No Heritage Significance. It is also not a Contributory Place in the North Fremantle Precinct Heritage Area.

Therefore, the demolition of the existing house is supported under clause 4.14 of LPS4.



Primary street setback

Original Proposal

Element	Requirement	Proposed	Extent of Variation
Setback (wall height 4m or less)	5m	GF: 2.8m	2.2m
Setback (wall height >4m)	7m	FF: 3.4m	3.6m

Amended Proposal

Element	Requirement	Proposed	Extent of Variation
Setback (wall height 4m or less)	5m	GF: 2.8m	2.2m
Setback (wall height >4m)	7m	FF: 4.05m	2.95m

Local Planning Policy 2.9 (LPP2.9) varies the primary street setback deemed to comply requirements of the R-Codes. In accordance with LPP2.9 the applicant seeks Councils relaxation under cl1.2 (i) which reads as follows:

The proposed setback of the building is consistent with the setback of buildings of comparable height within the prevailing streetscape;

A review of the existing prevailing streetscape and the properties existing setbacks are as follows:

Element	Permitted	Proposed	Variation
1 Letitia	5m - ground floor 7m - Upper floor	4.1m ground floor No upper floor	0.8m
2 Letitia		2.8m ground floor No upper floor	2.2m
3 Letitia		Subject site	
4 Letitia		3m ground floor 3 - 4.8m upper floor	2m 2.2m - 4m
5A Letitia		0m Basement 5.2m ground floor 5.2m upper floor	5m Nil 1.8 m
6 Letitia		6.3m ground floor 6.3m upper floor	Nil 0.7 m
7 Letitia		6.3m ground floor 7m (estimated) upper floor	Nil Nil

Note: The upper floor setback as defined in LPP 2.9 refers to the main wall of the dwelling and excludes balconies and verandahs.



Figure 2 – Letitia Road setbacks

Under LPP 2.9: Residential Streetscape, variations may be considered where they meet one of the following criteria:

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

The applicant seeks discretion under sub clause (i). As seen in the table above, the existing prevailing street consists of several properties which have dwellings of comparable building height and also include reduced primary street setbacks for both the ground and upper floors of these respective dwellings. In respect to the two immediate properties either side of the subject site, the setback proposed is comparable and will not result in an anomaly of alignment in this section of Letitia Road.

In regard to (ii), there is also a consistent fall in ground level along the entirety of Letitia Road (from east to west). Retaining walls in front setbacks, the steep slope



and relatively narrow street provide an unusual streetscape setting, and reductions in setbacks contribute to its character.

In regard to (iv), there are houses on the eastern side of the subject property which also have an upper story that are not strictly consistent but do form part of the prevailing streetscape.

LPP 2.9 further states that greater weight may be given to the houses on either side. As shown in the table above, the ground and upper floor setbacks do vary significantly along this street but do so in a way which is consistent and gradually diminishes from east (7 Letitia Rd) to west (2 Letitia Rd). In the opinion of City officers, consistency with the streetscape will be maintained with the ground and upper floor setbacks as proposed.

The amended application has been assessed against the relevant Design principles of the R-Codes and the setbacks and are considered to comply for the following reasons;

- The amended increased setback of the building is again considered to be consistent with that contained within the *prevailing streetscape* as outlined above in the table and aerial image.
- The proposed amended setbacks are consistent with the pattern of development contained within the broader Letitia Road streetscape.
- The lesser setbacks will not set an undesirable precedent for lesser setbacks to upper floors as it exists in a streetscape that does not contain features of heritage, streetscape or cultural significance.

Lot boundary setback

Element	Requirement	Proposed	Extent of Variation
Eastern lot boundary setback	Upper floor wall (Master Bedroom WIR, Ensuite and Living Room): 1.7m setback (including no major opening)	1.2m	0.5m

The proposed reduced lot boundary setback variation 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 east with this elevation of the new dwelling being downhill from and excavated (0.3m to 1m)

into site below the existing natural ground level of the adjoining eastern property.



Figure 3 - Subject site and existing single storey dwelling (right white house) and neighbouring eastern property (left brick house)

- The proposed upper floor of the dwelling is setback 1.2m and limited to 4.8m - 5.2m in height as seen from the neighboring property helping reduce any potential bulk impacts on the adjoining property.
- As shown below, the upper floor setback of both respective dwellings allows for a 3m separation.

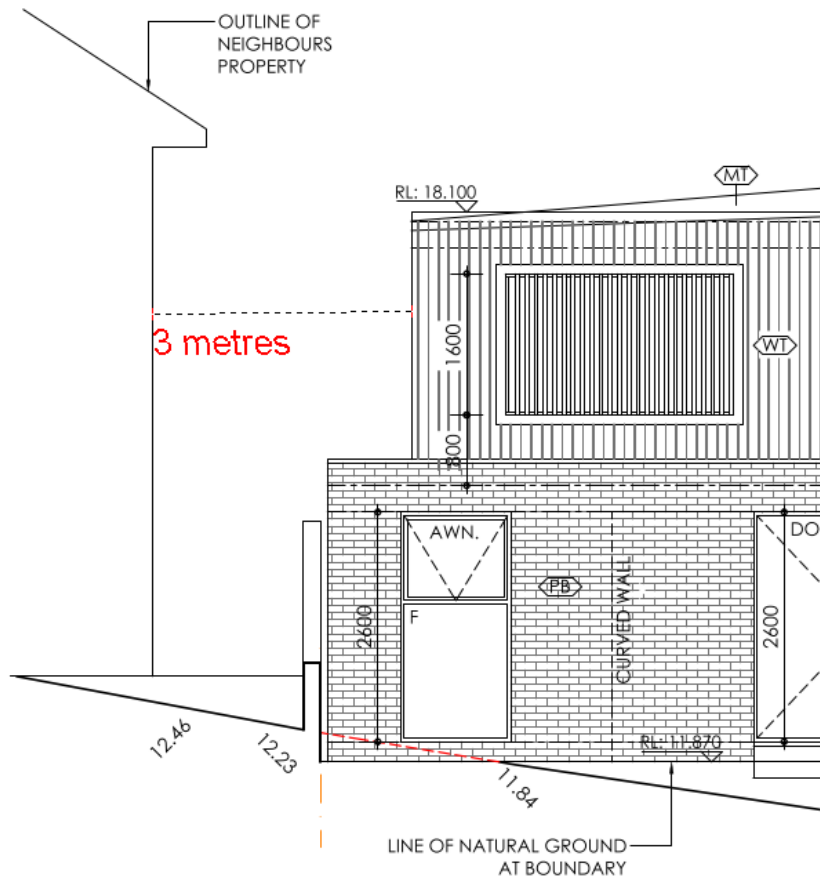


Figure 4 – Elevation of proposed and neighbouring dwellings

- The lesser setback does not result in any new merit-based decision relating to visual privacy.

Building Height

Element	Requirement	Proposed	Extent of Variation
Local Planning Area 3 (LPA 3) – North Fremantle: Height standards	Section 3.1: Building height shall be limited to a maximum of two storeys (maximum external wall height of 5.5 metres as measured from ground level with a maximum roof plain pitch of 33 degrees).	Two storeys	Complies
		5.8m-7m wall height	0.3m – 1.5m
		Max roof pitch under 33 degrees	Complies



The development seeks a wall height variation under clause 4.8.1.1 of LPS4, which states:

Where sites contain or are adjacent to buildings that depict a height greater than that specified in the general or specific requirements in schedule 8, 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 eastern adjoining house (No. 4 Letitia Road) at a maximum of 5.9 m high, depicts a height greater than that depicted in the scheme, thus providing the trigger to assess the development under provisions (a) through (d) above.

Regarding (a), the development is not considered to be detrimental to the amenity of the adjoining properties in terms of building bulk, front setbacks, solar access, lot boundary setbacks, and visual privacy as discussed in turn in the following sections.

With regards to views of significance, the immediate eastern property on Letitia Road captures some ocean view/ glimpses towards the west and north of site like all other Letitia Road properties to the east of the site. Like other two storey developments along Letitia Road, the north south orientation of these allotments results in some impact to these existing views for the immediate eastern adjoining properties may be inevitable. However, the main significant ocean views captured to north and north west of site will be safeguarded and have been well considered in the design of the upper floor positioning of this development. As shown below in image 3, a compliant 5.5m wall height development would result in very similar built form building bulk when viewed from the eastern adjoining property, with the main wall height discretionary assessment being associated with the western side of the proposed development

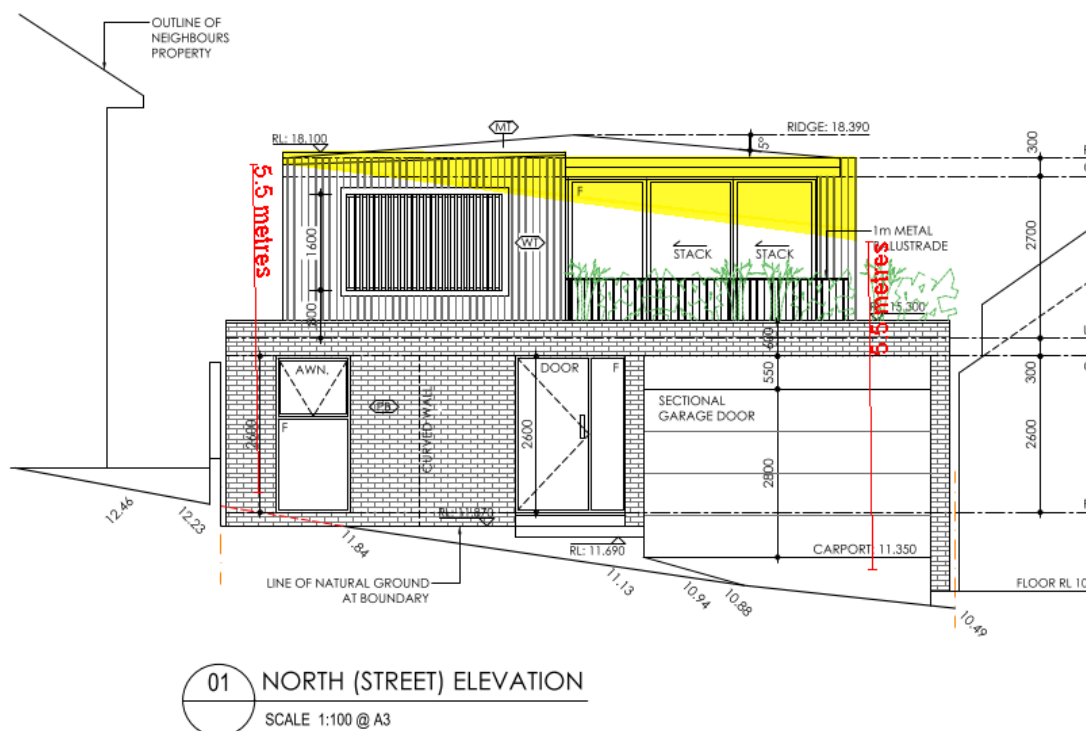


Figure 5 – External wall height discretion shown in yellow above.

Regarding (b), several houses in the immediate locality have been approved and constructed with a height greater than that proposed, notably No. 7,6,5a and 4 Letitia Road. On this basis, the development is not anticipated to set any undesirable precedent within the locality and is considered to graduate the scale between buildings of varying heights within the locality. In this regard, the proposal is considered to meet part (b).

In regard to part (c), none of the houses facing Letitia Road (Nos. 1-7) are heritage listed. However, the immediate southern adjoining site at No. 34 Herbert Street contains a dwelling recognised as being of significance for its contribution to the streetscape. On this basis, it is necessary that the Council is satisfied that the proposed addition will not detrimentally impact on the heritage significance of the adjoining property. As a means of guidance, the City's D.G.N13, which applies to the general locality of the subject site states that mock historical style housing, poorly proportioned, with excessive use of reproduction will not be supported. On this basis, it is considered that the modern appearance of the proposal is consistent with the objective of this requirement in that there will be a clear distinction between the heritage and contemporary components of the streetscape. Having regard for the above, the proposal is considered to meet part (c).



Under part (d), Council is required to consider any other relevant matter outlined in the local planning policies. Accordingly, the City's policy D.G.N13 outlines specific height guidelines for the area bound by Thompson Road, Alfred Road, Rule Street and Harvest Road.

The development is assessed against D.G.N13 as follows:

D.G.N13 Maximum Requirements	Provided	Variation
Wall Height: Two storey 5.7m + 1.5m for sloping sites = 7.2m	Two storey 6.6 m (Averaged in accordance with D.G.N13 11.63RL GL middle of site)	Complies
Roof ridge Height – 7.7m	6.9 m	Complies

In granting consent to the maximum heights prescribed, Council shall be satisfied in regard to all of the following:

- a) that the proposal is consistent with predominant height patterns of properties in the street block and the policy area generally,*
- b) the proposal would not be detrimental to the amenity of adjoining properties, and*
- c) the proposal would be consistent, if applicable, with conservation objectives for the site and any other relevant matter outlined in Council's Development and Land Use Policy manual.*

Council may impose a lesser height in the event that the proposal does not satisfy any of the above requirements. For the identical reason outline above sub clauses a and b above. With regards to (c) as outlined in Attachment 4 the heritage assessment has reviewed the proposed development confirms the development compatibility with the north Fremantle Heritage Area and this immediate built form character of North Fremantle.

The proposal therefore satisfies the requirements of DGN13 and based on the above, the proposal meets part (d) of LPS4.

Finally, the criteria in LPS4 and DGN13, serve only to replace the deemed to comply criteria, and the proposal must be assessed against the design principles. It is noted that the criteria, which also talk to access to sunlight and daylight and



access to views of significance, are considered above throughout the detailed assessment against LPS4 requirements and are considered to be met.

Visual Privacy

Element	Requirement	Proposed	Extent of Variation
Ground floor			
West - Rumpus Room	6m	1.5m	4.5m
West - Rear Verandah	7.5m	1.5m	6m
Upper floor			
West – Front balcony	7.5m	1.65m	5.85m
West – Kitchen window	6m	1.65m	4.35m
West -Dining room window	6m	2.25m	3.75m
West - Rear Balcony	7.5m	1.65m	5.85m
South - Rear Balcony	7.5m	6.8m	0.7m
East – Rear Balcony	7.5m	6.8m	0.7m

The proposed visual privacy variations which impact the eastern and southern adjoining properties at 4 Letitia Road and 34 Herbert Street are not considered to address the Design Principles of the R-Codes for the following reasons:

- The proposed upper floor balcony will result in direct overlooking over the adjoining neighbour's existing outdoor living areas and habitable room windows and therefore cannot be supported under the design principles. Appropriate screening devices are required to restrict views within the cone of vision.

With regards to all western elevation openings to the upper floor and the front and rear balconies, given the existing built form on the western adjoining site and the large sloping topography from east to west no major openings and our exiting outdoor living area of this property will be impacted. The ridge roof and large boundary wall will act as sufficient screening preventing any visual privacy issues.



Figure 6 - Showing subject site to the left and western adjoining property (No.2 Letitia Road) and its existing eastern elevation

CONCLUSION

As discussed above, the proposed variations address the relevant design principles of the LPS4, R-Codes (except for visual privacy east and south) and



policy provisions. 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

- Fremantle is recognised as a development-friendly city as a result of flexible and adaptable approaches to planning.

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, Demolition of existing Single house and Construction of two storey Single house at No. 3 (Lot 14) Letitia Road, North Fremantle, subject to the following condition(s):

- 1. This approval relates only to the development as indicated on the approved plans dated 19 March 2025. It does not relate to any other development on this lot and must substantially commence within 4 years from the date of the decision letter.**
- 2. The approved development shall be wholly located within the cadastral boundaries of their respective lots, being No.3 (Lot 14) Letitia Road, North Fremantle, including any footing details of the development.**



- 3. All storm water discharge shall be contained and disposed of on site or otherwise approved by the City of Fremantle.**
- 4. Prior to lodgment of a Building Permit for the development hereby approved, a detailed drawing showing how the rear balcony located on the eastern and south elevations, are to be screened in accordance with Clause 5.4.1 of the Residential Design Codes by either:**
 - a) fixed obscured or fixed translucent glass to a minimum height of 1.60 metres above internal floor level, or**
 - b) fixed screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the internal floor level, or**
 - c) a minimum sill height of 1.60 metres above the internal floor level,**

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

- 5. Prior to the issue of a Building Permit, the design and materials of the development shall adhere to the requirements set out within City of Fremantle policy L.P.P2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall provide the following:**
 - a) Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or "double glazed" utilising laminated or toughened safety glass of a minimum thickness of 3mm.**
 - b) Air conditioners shall provide internal centrally located 'shut down' points and associated procedures for emergency use.**
- 6. Prior to the issue of a Demolition or Building Permit for the development hereby approved, an archival record is to be made of the building to be demolished and submitted to the City of Fremantle for approval, and shall include:**
 - a) A site plan prepared at 1:200 scale, floor plan(s) of the building and four elevations prepared at 1:100 scale.**
 - b) Digital photographs taken of the building (once vacated) to include:**



- i. a general/overall photo of the building to be demolished;
- ii. photos of each of the four elevations;
- iii. internal photos of all rooms; and photos of any special architectural features.

7. Prior to the occupation of the development hereby approved, modified vehicle crossovers shall be constructed in either paving block, concrete, or bitumen and thereafter maintained to the satisfaction of the City of Fremantle.

8. Prior to occupation of the development hereby approved, the boundary wall located on the eastern boundary shall be of a clean finish in any of the following materials:

- coloured sand render,
- face brick,
- painted surface,

and be thereafter maintained to the satisfaction of the City of Fremantle.

9. 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. New/modified crossover(s) shall comply with the City's standard for standard crossovers, which are available on the City of Fremantle's web site. For the City's crossover specifications, FAQ's, permits etc refer to <https://www.fremantle.wa.gov.au/crossovers>
- ii. It is recommended that the applicant liaise with the adjoining property owner (s) regarding the possible retention or replacement of the existing dividing fence along the common lot boundary. Please refer to the Dividing Fences Act 1961 for the rights and responsibilities of land owners regarding dividing fences. Information is available at the following website:
http://buildingcommission.wa.gov.au/bid/Dividing_Fences.aspx



C2504-8 PLANNING INFORMATION REPORT - APRIL 2025

1. SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY

Meeting date:	9 April 2025
Responsible officer:	Manager Development Approvals
Voting requirements:	Simple Majority Required
Attachments:	1. Schedule of applications determined under delegated authority

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

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

Meeting date:	9 April 2025
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
DA0130/24
Site Address and Proposal
No. 90 Rennie Crescent, Hilton – Unauthorised additions to existing Single house
Council Consideration/Decision
At its meeting held on 10 July 2024, the Council resolved to refuse the application.
Current Status
- On 31 July 2024, an Application for Review by the State Administrative Tribunal was lodged by the owner. - A Directions Hearing was held on 5 September 2024. - Mediation was held on 10 October 2024. - Council reconsidered the amended proposal at its meeting on 11 December 2024, where it was approved.



- At a Directions Hearing to finalise the matter on 17 January 2025, the applicant applied for costs.
- On Thursday 13 March 2025, the application for costs was dismissed.

2. Application Reference
DAP004/24
Site Address and Proposal
234 -238 South Terrace, South Fremantle – Motor Vehicle Wash
Council Consideration/Decision
• Application for development was received on 5 December 2024. • A DAP meeting has not yet been scheduled for the item.

3. Application Reference
DAP005/24
Site Address and Proposal
1 Goldsborough and 46-68 Cantonment Street, Fremantle (Elders Woolstores) – Multiple Dwellings, Office, Restaurant/Café, Shop and Tavern
Council Consideration/Decision
• Application for development was accepted on 8 January 2025. • The application is included on this agenda for Councils review. • A DAP meeting has not yet been scheduled for the item.

4. Application Reference
DAP001/25
Site Address and Proposal
47 Pakenham Street, Fremantle- Mixed use residential development (13 Multiple Dwellings and Restaurant/Café)
Council Consideration/Decision
• Application for development was accepted on 14 January 2025. • The application is included on this agenda for Councils review. • A DAP meeting has not yet been scheduled for the item.

5. Application Reference
DAP002/25
Site Address and Proposal
33 South Terrace, Fremantle – Four storey Tourist Development
Council Consideration/Decision
• Application for development was accepted on 10 February 2025. • A DAP meeting has not yet been scheduled for the item.



VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council receive the following information reports for April 2025:

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



Strategic and general reports

C2504-9 FINAL APPROVAL OF LOCAL DEVELOPMENT PLAN - 123 WATKINS STREET, WHITE GUM VALLEY

Meeting date:	9 April 2025
Responsible officer:	Manager Strategic Planning and City Design
Voting requirements:	Simple Majority Required
Attachments:	1. Local Development Plan - 123 Watkins White Gum Valley 2. Approved Subdivision Plan - 123 Watkins Street White Gum Valley

SUMMARY

The City has received a Local Development Plan (Attachment 1) to guide future development of the rear of 123 Watkins Street, White Gum Valley as recommended by Council as part of a conditional subdivision approval (Attachment 2). The Local Development Plan (LDP) provides for four future townhouse grouped dwellings with a rear ancillary dwelling above each garage.

This report recommends that Council approve the proposed Local Development Plan.

BACKGROUND

The Western Australian Planning Commission (WAPC) granted subdivision approval for the site on 3 March 2022. Ultimately, the subdivision will create 4 residential lots 256m² in area serviced by a rear laneway with a right of pedestrian access to Watkins Street established via an easement over the remainder of the land.

The requirement for a Local Development Plan was recommended by Council and imposed by the WAPC as part of Condition 5 of the conditional subdivision approval, which states:

Local Development Plan being prepared and approved for lots shown on the plan dated 17 January 2022 (attached) that addresses:

- a. Sustainable development principles;*
- b. Two storey (minimum) building typology;*



- c. Access and parking;
- d. Waste management;
- e. Deep soil planting and landscaping; and
- f. Lot boundary and laneway setbacks.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

A local government may make a Local Development Plan under Schedule 2, Part 6, Clause 52 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Local Development Plans are in effect for 10 years unless otherwise revoked by the local government.

STRATEGIC IMPLICATIONS

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

Resilient City – A focus on planning for a stronger and more resilient future

- A contemporary planning framework considers the changing needs of our community amid challenging economic times while ensuring our built environment is resilient to changes in climate.

CONSULTATION

Community engagement on the proposed LDP took place between 13 February 2025 and 27 February 2025 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, and Local Planning Policy 1.3 – Community Consultation on Planning Protocols.

The City received three comments, two advising of their support and a third raising concerns about the impact of construction activity on traffic and dust. The applicant has been made aware of these concerns and further requirements may be imposed to manage any adverse impacts upon receipt of a development application for the future dwellings.



OFFICER COMMENT

Following the advertising period, the City requested the applicant to further modify the LDP to reduce potential impact of the future dwellings on their surroundings and prevent conflicts relating to waste management and traffic. These requested changes were:

- 1) Rewording the LDP to reinforce that ancillary accommodation is permitted but not required above the garages;
- 2) Rewording the LDP to require a habitable room window to face Lois Lane;
- 3) Depicting side boundary setbacks in metreage for the upper floors;
- 4) Removing a statement that advises the City will collect waste from Lois Lane;
- 5) Site coverage (open space) requirements be outlined in the LDP to avoid forcing future landowners to seek City discretion to consider variations to the Deemed to Comply requirements of the Residential Design Codes;
- 6) The recessing of the garages further into the lots to facilitate bin collection from Lois Lane and allow for 3000L rainwater tanks to be accommodated;
- 7) Suggestion to relocate the deep soil area to avoid conflict with the easement;
- 8) That the LDP complies with the City's Local Planning Policy 2.2 in respect to rainwater tanks as originally recommended by the City at the subdivision stage;
- 9) Requesting that a third car parking bay be provided should the room above the garages continue to be proposed as Ancillary Dwellings.

The applicant provided a revised Local Development Plan on 20 March 2025 which accommodated all requested changes, excluding the third car parking bay, site coverage, and relocating the deep soil area.

It is noted that car parking is not mandated for ancillary dwellings under Volume 1 Part B of the Residential Design Codes where they fall within a "Location A" area, being within 250m of a high frequency transit route or "has multiple transit routes, that when combined stop every 15 minutes during weekday peak periods (7am – 9am and 5pm – 7pm)". The 112 and 502 bus services operate from Watkins Street and Carrington Street, within 250m of this site at a rate of approximately every 15 minutes during peak hour.

The concern relating to site coverage and the deep soil area will be further considered upon receipt of a development application with specific details for the dwellings.

It is considered that the LDP now satisfactorily addresses the above and is therefore recommended for approval.



VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

- 1. Approves the Local Development Plan for 123 Watkins Street, White Gum Valley, as provided in Attachment 1 in accordance with Schedule 2, Part 6, Regulation 52(1)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and**
- 2. Authorises the Chief Executive Officer to sign the approved Local Development Plan and publish the Local Development Plan in accordance with Schedule 2, Part 6, Regulation 55 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**



**C2504-10 KNUTSFORD STREET EAST, 9-15 MCCABE STREET, SEALANES,
AND FORMER LEFROY ROAD QUARRY STRUCTURE PLAN
REVIEWS**

Meeting date:	9 April 2025
Responsible officer:	Manager Strategic Planning and City Design
Voting requirements:	Simple Majority Required
Attachments:	1. Knutsford Street East Structure Plan 2. 9-15 McCabe Street Structure Plan

SUMMARY

The purpose of this report is to provide background information and seek an extension of the approval period for the Knutsford Street East Structure Plan and the 9-15 McCabe Street Structure Plan for a further five and three years respectively. The report also notes the intent to allow the Sealanes Structure Plan and the Former Lefroy Road Quarry Structure Plan to expire.

This report recommends that Council apply to the Western Australian Planning Commission (WAPC) for an extension of time for the Knutsford Street East and 9-15 McCabe Street Structure Plans and advise the WAPC of support for the expiration of the Sealanes and the Former Lefroy Road Quarry Structure Plans.

BACKGROUND

Structure plans are valid for a period of 10 years after which they expire. In accordance with Clause 28(4), Schedule 2 of the *Planning and Development Planning Regulations 2015*, a Structure Plan that was approved before the 19 October 2015 is taken to have been approved on that day. Thus, the four Structure Plans that are the subject of this report expire on the 19 October 2025. If there are no changes to the terms of a Structure Plan the local government can apply to the WAPC to extend the period of approval. Should the period of approval not be extended it will cease to have effect. There is no provision to extend a structure plan once it has lapsed.

Knutsford Street East Structure Plan (KSESP)

The original KSESP was adopted by Council in February 2008. Amendments to the Structure Plan were approved by the WAPC 10 April 2018, but no extension of time was sought (Attachment 1). The Structure Plan area is bound by Blinco

Street to the north, Montreal Street to the east, Stack Street to the south and Amherst Street to the west as shown in Figure 1 below.

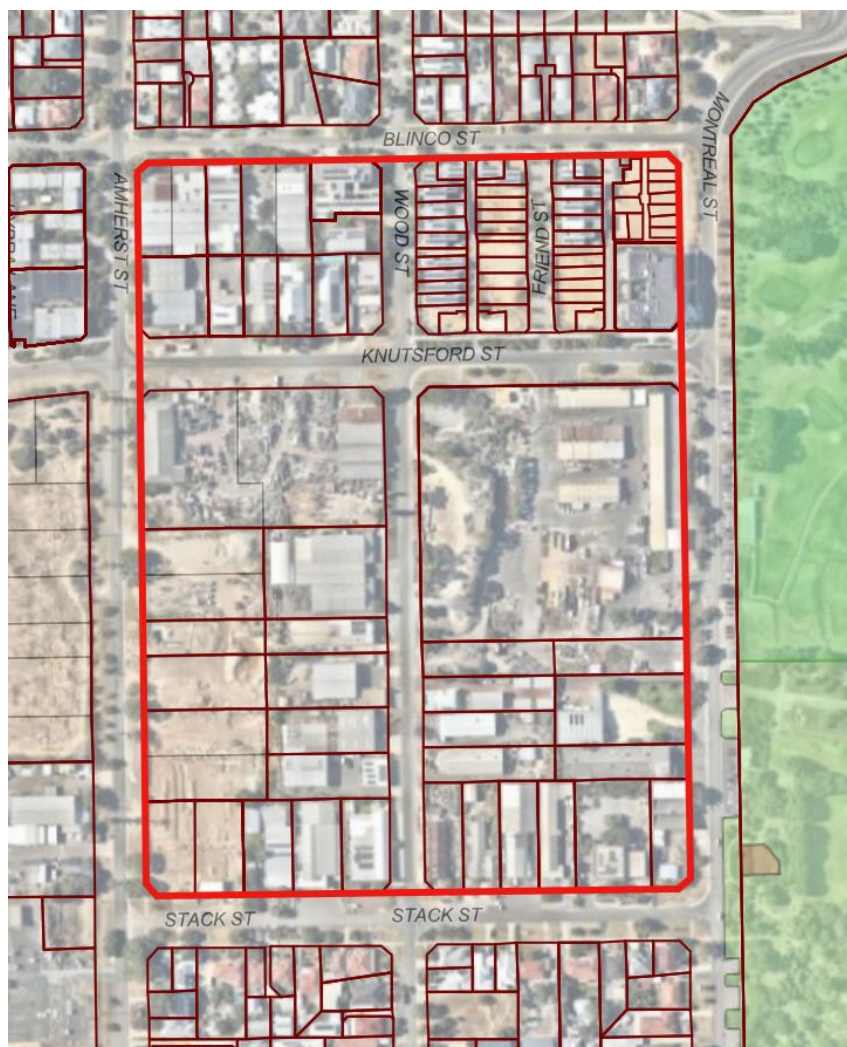


Figure 1: KSESP area

The land is zoned Development Area pursuant to the City's Local Planning Scheme No. 4 (the Scheme). The Scheme includes the following provisions for the area (DA1):

- 1. A structure plan is to be prepared and adopted for this development area before any future subdivision or development is undertaken.*
- 2. Investigations of potential site contamination to the satisfaction of the DEC.*

The Structure Plan establishes the preferred land uses, density of development, form and standard of development, required infrastructure to accommodate residential and commercial development and discusses implementation of the Structure Plan.

9-15 McCabe Street Structure Plan

The 9-15 McCabe Street Structure Plan (Attachment 2) was approved by the State Administrative Tribunal on the 3 March 2009. The Structure Plan area is located to the north of McCabe Street, North Fremantle, as illustrated in figure 2 below.



Figure 2: 9-15 McCabe Street Structure Plan area

The land is zoned Development Area under the Scheme which includes the following provisions for the area (DA18):

- 1. A structure plan is to be prepared and adopted for this development area before any further subdivision or development is undertaken.*
- 2. Investigations of potential site contamination to the satisfaction of the DEC.*
- 3. No development shall be permitted within the proposed road widening on Stirling Highway and McCabe Street as indicated in the proposed Metropolitan Region Scheme (MRS) Amendment 1210/41 or as in a finalised MRS Amendment.*
- 4. Any structure plan for the land of No. 130 Stirling Highway (including Lot 5, 12, 218, 219, 220, 220, 221, 314 and 253) and No. 2 McCabe Street/McCabe Place to Coventry Parade/Thompson Road.*

5. *Development applications received prior to adoption of a structure plan, shall be assessed via Mixed Use provisions of the Scheme. Applications for any form of residential development and subdivision should be deferred until the structure plan is adopted in order that servicing, open space provision, environmental remediation and other issues are resolved.*

Sealanes Structure Plan

The Sealanes Structure Plan for the site at 174 Marine Terrace, South Fremantle was adopted by Council in October 2007. The site is bound by Marine Terrace to the west and South Terrace to the east as shown in figure 3 below.

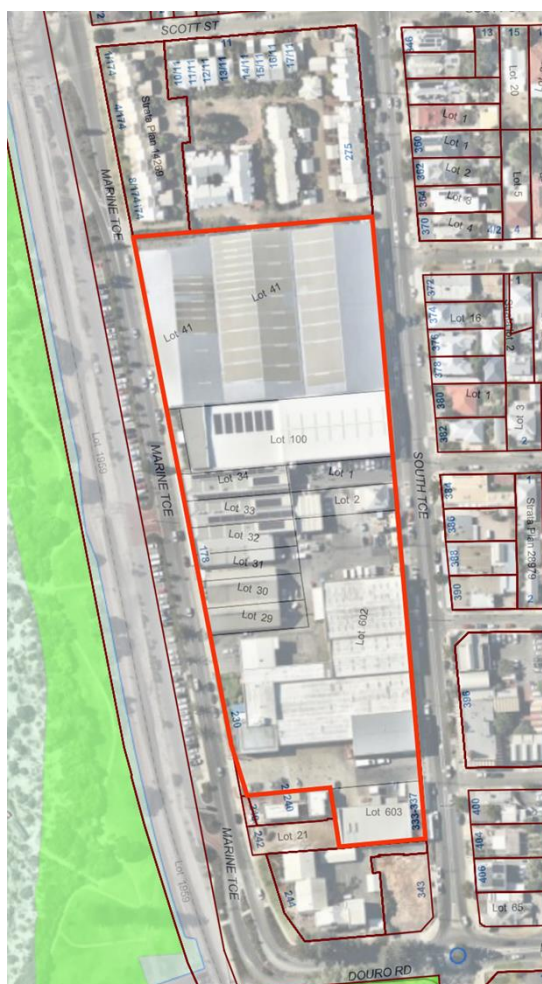


Figure 3: Sealanes Structure Plan area

The land is zoned Development Area under the Scheme. The Scheme includes the following provisions for the area (DA6):

1. *A structure plan is to be prepared and adopted for this development area before any further subdivision or development is undertaken.*

2. Investigations of potential site contamination to the satisfaction of the DEC.

The Structure Plan proposed a mix of free hold lots and multiple dwellings. It established density, building heights, plot ratios, site coverage, setbacks vehicle access and pedestrian movement and requirements for public open space. Also included in the Structure Plan are design guidelines which specify 13 designs permitted on the green title lots.

Former Lefroy Road Quarry Structure Plan

The original Former Lefroy Road Quarry Structure Plan was adopted in October 2011, with amendments to include Lot 5 Strang Street, Beaconsfield (WA Portuguese Club Inc) into the Structure Plan area, approved by the WAPC in February 2019, but with no extension of time sought. The Structure Plan area consists of large land parcels bound by Lefroy Road to the north, Mather Road to the east and Longford Road to the west, as shown in figure 4 below.

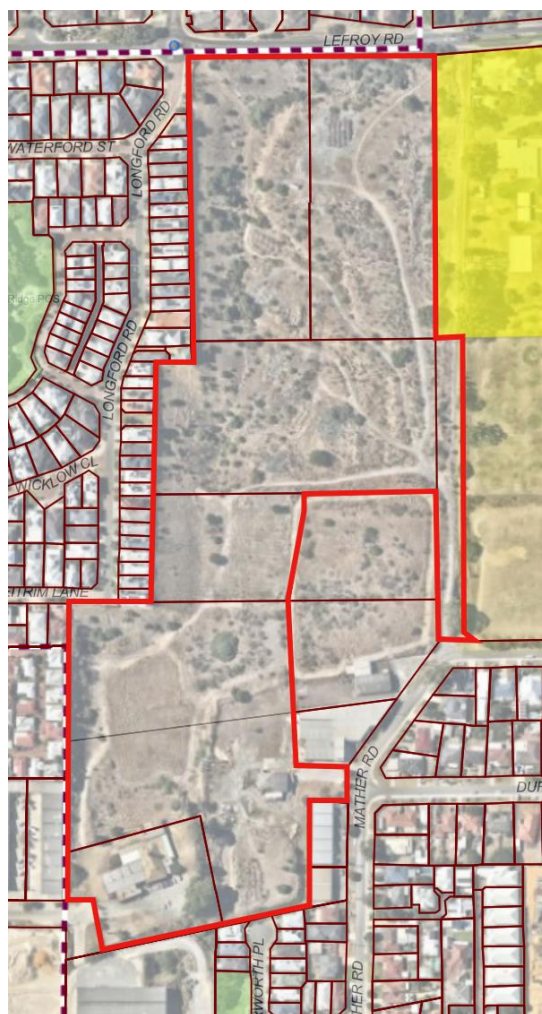


Figure 4: Lefroy Road Quarry Structure Plan area



The sites within the Structure Plan area are zoned Development Area pursuant to LPS 4. The Scheme includes the following provisions for the area (DA7):

- 1. A structure plan is to be prepared and adopted for this development area before any future subdivision or development is undertaken.*
- 2. Investigation of potential site contamination to the satisfaction of the DEC*
- 3. Development and subdivision shall be in accordance with the Lefroy Road Quarry Structure Plan.*

The Structure Plan established the land use, zones and reserves, densities for residential development and development standards.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Should the existing Knutsford Street East and 9-15 McCabe Street Structure Plans expire, a new Structure Plan will need to be prepared for each area and endorsed by the WAPC prior to subdivision or development occurring.

A request for an extension of time will be determined by the WAPC upon lodgement of a form 5D – Application to extend the approval for a Structure Plan. The WAPC will consider the matters discussed below in determining a period of approval.

Allowing the Sealanes and Lefroy Road Quarry Structure Plans to expire will provide an opportunity for a more contemporary Structure Plan to be prepared for these areas consistent with the current planning framework.

STRATEGIC IMPLICATIONS

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

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.



Resilient City – A focus on planning for a stronger and more resilient future

- A contemporary planning framework considers the changing needs of our community amid challenging economic times while ensuring our built environment is resilient to changes in climate.

CONSULTATION

Landowners of lots yet to be developed in the Structure Plan areas have been notified of the intention to apply for an extension to the approval period or allow the Structure Plan to lapse. These landowners have been given an opportunity to provide comment on the proposal. Officers have also engaged in preliminary consultation with the Department of Planning, Lands and Heritage (DPLH).

OFFICER COMMENT

Officers recommend the City apply to the WAPC to extend the approval period of the KSESP and 9-15 McCabe Street Structure Plan for an additional five and three years, respectively, to provide time for portions of the Structure Plan areas which have been subdivided and developed to be normalised into the Scheme. This extension aims to align with the scheme review in light of the draft Local Planning Strategy. Should the structure plans lapse there would be minimal development guidance, which may result in new development being hindered, or proposals submitted that are not in keeping with the area.

In preliminary consultation with DPLH they have indicated that an additional approval period of 2-3 years would be appropriate for both Structure Plans. As discussed below subdivision and development is completed within the 9-15 McCabe Street Structure Plan area and as such a request for an additional three-year approval period would allow for rationalisation into the scheme. This would align with the City's upcoming scheme review. Officers are recommending requesting an additional approval period of five-years for the KSESP as there are large parcels of land (in particular the City's Works Depot Site) which require additional time to explore opportunities within the approved Structure Plan.

The WA Planning Manual: Guidance for Structure Plans (August 2023) outlines that applicants should address a number of considerations when determining an extension to the approval period. These considerations and officer responses for the KSESP and 9-15 McCabe Street Structure Plan are as follows:



Knutsford Street East Structure Plan (KSESP)

- *The extent of subdivision and/or development uptake in the structure plan area, and whether the plan has been largely implemented;*

Officer Response: Significant progress has been made to implement the Structure Plan to date. As illustrated in figure 5 below the following subdivision and developments have been approved or completed:

29 Wood St (Nightingale Fremantle) – Three storey mixed use development (with 15 apartments and 227m² commercial space.

76 Knutsford (Montreal Commons) – Five storey mixed use development comprising of 39 apartments and 68m² of commercial space.

36 lot subdivision (East Village at Knutsford) in the northeast portion of the area which are partially developed

59 Blinco – 12 Grouped Dwellings received approval in 2024 and are yet to be constructed.

30, 34, 36, 38 Amherst Street and 2 and 4 Stack Street – Conditional subdivision approval was granted in 2024. 58 residential lots, one commercial lot and public open space is proposed.



Figure 5 – Approved/completed subdivision or development

No development has occurred on the City of Fremantle City Works Depot Site at 81 Knutsford Street.

An extension of time will provide the City with certainty and an opportunity to further explore redevelopment of the area while normalising the developed sites into the scheme at a density and land use appropriate for the constructed development. For this reason Officers are recommending that an additional approval period of five-years for the KSESP.



- *The plan's delivery progress based on its set purpose, vision, and objectives, and whether implementation of the plan is aligning with its set targets;*

Officer Response: The delivered and proposed development within the Structure Plan area aligns with the vision for the area to provide a mix of commercial and residential development in an aging industrial area with sustainable planning principles. With carbon neutral developments (Montreal Commons), multiple dwelling developments with an average NatHERS star rating of 9.5 (Nightingale Fremantle), Waterwise Development of the Year 2024 (East Village at Knutsford). Development within the Structure Plan area comprises of multiple dwellings, grouped dwellings, single house and commercial spaces.

- *Government priorities, any applicable planning strategy and policy framework, and whether significant changes to these have occurred since the plan was approved;*

Officer Response: The approved Structure Plan remains consistent with the state planning framework and the City's Scheme and no significant changes have occurred which warrant amendments to the Structure Plan. The implementation and intent of the Structure Plan aligns with the State Government's infill target and aims to provide diversity in housing supply.

- *If consultation with the community and key stakeholders should be undertaken to confirm and adjust the direction and next stages of the plan;*

Officer Response: No changes are proposed to be made to the Structure Plan. Community consultation and consultation with key stakeholders was undertaken in the preparation of the Structure Plan. Opportunities for further consultation will arise with implementation of any new Structure Plan. Key stakeholders of the Structure Plan have been advised of the City's intention to apply for an extension to the approval period and given an opportunity to provide feedback.

- *Whether important infrastructure has or will become available, and whether adjustments will need to be made to the plan as a result.*

Officer Response: No changes to infrastructure have occurred or are proposed that would affect the implementation of the Structure Plan.

9-15 McCabe Street Structure Plan

- *The extent of subdivision and/or development uptake in the structure plan area, and whether the plan has been largely implemented;*



Officer Response: Significant progress has been made to implement the Structure Plan to date. All lots within the Structure Plan area have either been subdivided and developed or have approval for development as outlined below:

9 McCabe Street – Mixed Use development 53 Apartments and Café
11 McCabe Street – 54 Apartments
15 McCabe Street – 42 Apartments
2 Tasker Place – 21 Apartments
6 Tasker Place – 27 Apartments, Eight Townhouses

However, the Structure Plan sets out a density of R80 associated with a height and plot ratio that is not consistent with contemporary R-Codes and which appears to be lower than that which was approved. This means that a basic scheme amendment would be inappropriate, hence the request for an extension to the Structure Plan. When the lots are normalised into the Scheme, Officers will attempt to match the on-site development to the closest appropriate density coding and land use.

- *The plan's delivery progress based on its set purpose, vision, and objectives, and whether implementation of the plan is aligning with its set targets;*

Officer Response: All lots within the Structure Plan area have been developed in accordance with the Structure Plan and its vision.

- *Government priorities, any applicable planning strategy and policy framework, and whether significant changes to these have occurred since the plan was approved;*

Officer Response: As the Structure Plan has been fully realised, changes are not a relevant consideration.

- *If consultation with the community and key stakeholders should be undertaken to confirm and adjust the direction and next stages of the plan;*

Officer Response: Community consultation and consultation with key stakeholders was undertaken in the preparation of the Structure Plan. As all lots within the Structure Plan area have been developed, and the purpose for the extension of time request is to rationalise the lots into the scheme, landowners have not been consulted at this stage. The extension will allow for rationalisation as part of the upcoming scheme review work. Community consultation will be undertaken with the review and development of the new scheme.



- *Whether important infrastructure has or will become available, and whether adjustments will need to be made to the plan as a result.*

Officer Response: As the Structure Plan is fully realised any changes in infrastructure are not relevant.

Sealanes Structure Plan

City officers recommend the approval period for the Sealanes Structure Plan lapse. No progress has been made to implement the Structure Plan, though the major landowner has recently met with the City and agree that the structure plan is outdated and a new one is required, but they have no short to medium term plans for substantial redevelopment. They were satisfied that there is still provision to allow for development consideration even in the absence of a structure plan.

Since adoption of the Structure Plan, contemporary planning legislation has come into effect, namely the Residential Design Codes (2024) and a review of the City's Local Planning Strategy. Officers are of the opinion that these legislative changes provide for more appropriate provisions and guidance than those contained in the current Structure Plan. Should the Structure Plan be allowed to expire, a new Structure Plan would need to be prepared and submitted in due course to facilitate more appropriate development.

Former Lefroy Road Quarry Structure Plan

As noted in the Former Lefroy Road Quarry Structure Plan, preliminary geotechnical and environmental investigations identified areas of deep waste, the presence of landfill gas and contaminants such as asbestos and leaching into the groundwater supply. It was noted that remediation works would be required to consider the subject site suitable for residential development. No subdivision or development has been implemented within the Structure Plan area. Officers recommend the approval period for the Structure Plan lapse as the cost of remediation work is prohibitive to development at this time. DevelopmentWA has advised that this will not impact their work in Beaconsfield. Additionally, the existing structure plan does not align with the Heart of Beaconsfield Master Plan and a new structure plan will need to be prepared.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required



OFFICER'S RECOMMENDATION

Council:

- 1. Recommends to the Western Australian Planning Commission (WAPC) that the period of approval of the Knutsford Street East Structure Plan (Attachment 1) be extended for a duration of a further 5 years, being 19 October 2030, in accordance with Schedule 2, *Regulation 28(2) of the Planning and Development (Local Planning Schemes) Regulations 2015*.**
- 2. Recommends to the Western Australian Planning Commission (WAPC) that the period of approval of the 9-15 McCabe Street Structure Plan (Attachment 2) be extended for a duration of a further 3 years, being 19 October 2028, in accordance with Schedule 2, *Regulation 28(2) of the Planning and Development (Local Planning Schemes) Regulations 2015*.**
- 3. Supports that the approval period of the Sealanes Structure Plan and the Former Lefroy Road Quarry Structure Plan will lapse on 19 October 2025.**

C2504-11 EXTENSION OF TIME FOR SWANBOURNE STREET STRUCTURE PLAN

Meeting date: 9 April 2025
Responsible officer: Manager Strategic Planning and City Design
Voting requirements: Simple Majority Required
Attachments: 1. Swanbourne Street Structure Plan - 2025 Amendments

SUMMARY

The purpose of this report is to discuss and seek an extension of the approval period of the Swanbourne Street Structure Plan for a further 10 years as requested by the applicant.

This report recommends that Council advise the Western Australian Planning Commission (WAPC) of their support for the extension of time.

BACKGROUND

The land consists of the large land parcels bound by Swanbourne Street to the west, Knutsford Street to the north, Amherst Street to the east, and the Stevens Street Reserve to the south as shown in figure 1 below.

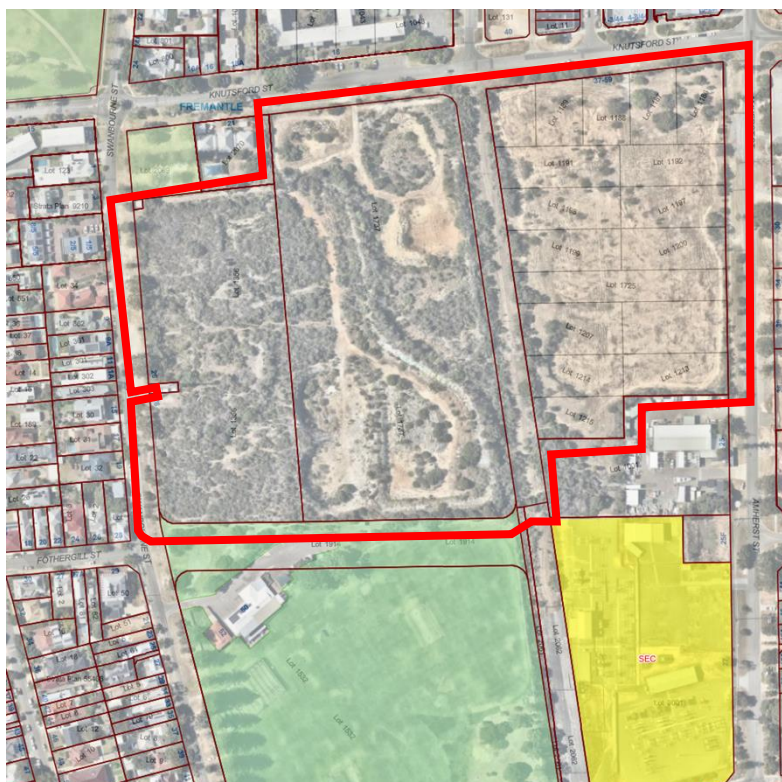


Figure 1: Development Area 4



The land is zoned Development Area under the City's Local Planning Scheme No. 4 (the Scheme). The Scheme includes the following provisions for the area (DA4):

1. *A structure plan is to be prepared and adopted for this development area before any future subdivision or development is undertake*
2. *Investigations of potential site contamination to the satisfaction of the DEC.*

The Swanbourne Street Structure Plan is currently in force and was endorsed by the WAPC on 8 September 2015. It provides requirements for land use designation, residential densities, public open space (POS) allocation, local movement network configuration, local development plans, servicing, traffic noise impacts, encumbrances and notifications on certificates of title. The Structure Plan includes a residential dwelling yield target of 323 dwellings.

By default, Structure Plans have a 10-year expiry date, and this plan will therefore expire on 8 September 2025 unless approved otherwise by the WAPC. Unlike with development applications, there is no provision to extend a Structure Plan once it has expired. Should this plan expire, a new Structure Plan will need to be submitted and will have to go through the entire process set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), which involves additional fees, community consultation and referral to the WAPC.

The WAPC has provided guidance on the assessment of durations of approval for Structure Plans as part of the WA Planning Manual: Guidance for Structure Plans.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Under Schedule 2, Part , reg. 29 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, a structure plan can be amended. Where the changes are considered minor, no advertising is required.

Should the existing Structure Plan expire, a new Structure Plan will have to be endorsed by the WAPC prior to subdivision or development occurring.

STRATEGIC IMPLICATIONS

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



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.

Resilient City – A focus on planning for a stronger and more resilient future

- A contemporary planning framework considers the changing needs of our community amid challenging economic times while ensuring our built environment is resilient to changes in climate.

CONSULTATION

Schedule 2, Part 7, Regulation 29 of the Regulations allows the local government to decide not to advertise an amendment to a Structure Plan if the amendment is of a minor nature. As the amendment consists of administrative changes and an extension of time to an existing Structure Plan, no advertising is required.

OFFICER COMMENT

The Swanbourne Street Structure Plan (Attachment 1) has been assessed against the relevant matters in the WA Planning Manual set out below.

Relevant matters	Proponent response	Officer response
<i>the extent of subdivision and/or development uptake in the structure plan area, and whether the plan has been largely implemented.</i>	DevelopmentWA has gone to extensive lengths to purchase the subject sites and implement the structure plan. The process of site acquisition with PEET has been on-going since 1992. The PEET Site was leased to BP as a fuel depot until 2005 – after their lease BP were required to remediate the Site to a 'residential standard'. In 2005, PEET confirmed their intention to sell the PEET Site to DevelopmentWA. The Public Education Endowment Repeal 2023 is proposed to be presented to Parliament in 2025, after which time transactions affecting the land will be managed by DPLH.	Officers are of the opinion that the applicants' efforts in the acquisition of subject sites demonstrates a commitment to the progression of land assembly associated with the Structure Plan.



	It is anticipated that DevelopmentWA will be able to acquire the site formally from DPLH after the state election, likely in or after July 2025. The background to this Structure Plan indicates DevelopmentWA's long term investment in residential development at this site, and commitment to the vision of the Structure Plan. The development is located in a key urban infill area, and will provide for the development of 323 additional dwellings for the Fremantle area with a variety of densities and dwelling types. Development within the Structure Plan area has not yet commenced. It should also be noted that development within the adjacent Structure Plan areas (Knutsford Street East Local Structure Plan, also managed and developed by DevelopmentWA) is substantially commenced, with significant residential development having occurred. This neighbouring development indicates DevelopmentWA's commitment to increasing residential housing within their approved Structure Plan areas in the City of Fremantle.	
<i>the plan's delivery progress based on its set purpose, vision, and objectives, and whether implementation of the plan is aligning with its set targets.</i>	The Structure Plan is capable of being fully delivered and implemented. The location is within a well-established urban environment with access to necessary infrastructure. Proposed patterns of subdivision and development remain consistent with the purpose, vision and objectives of the Structure Plan, including providing smaller dwellings (higher density) adjacent to public open space, maintaining	As the Structure Plan has yet to be delivered on-ground, Officers can provide no further comment in respect to implementation of the plan or its alignment to set targets.



	a high level of pedestrian connectivity, and providing for housing diversity.	
<i>government priorities, any applicable planning strategy and policy framework, and whether significant changes to these have occurred since the plan was approved.</i>	The Swanbourne Street Structure Plan is consistent with the State planning framework and the City of Fremantle's Local Planning Scheme No. 4 (LPS4). No significant changes have occurred that warrant modifications to the Structure Plan at this stage. Implementation of subdivision approvals in accordance with the Structure Plan aligns with the state government's initiative to unlocking housing supply in the state and alleviate pressure within the housing market. The extension is considered to be appropriate due to no significant changes to the planning framework since the Structure Plan was approved, and the direct alignment with the State's initiatives for delivering housing.	Though minor amendments in relation to legislative references are recommended, Officers are of the opinion that the Structure Plan as approved aligns with government priorities, and the City's current and draft planning framework. Progression of the Structure Plan is consistent in achieving vital housing in proximity to activity centres and community infrastructure.
<i>if consultation with the community and key stakeholders should be undertaken to confirm and adjust the direction and next stages of the plan.</i>	No changes are required to be made to the Structure Plan. Consultation with the community and key stakeholders has previously been undertaken as part of preparing the Structure Plan. As the Structure Plan's intent, objectives and ultimate development outcomes remain unchanged, further consultation is not required. Implementation of the Structure Plan will be undertaken in a staged manner that provides ongoing opportunities for consultation when necessary.	Schedule 2 Regulation 29 of the Regulations allows the local government to decide not to advertise an amendment to a Structure Plan if the amendment is of a minor nature. As the Structure Plan amendment consists of administrative changes and an extension of time, Officers are of the opinion that advertising of the Structure Plan is not required.
<i>whether important infrastructure has or will become available, and</i>	No changes are proposed with regard to the delivery of key infrastructure within the Structure Plan area.	There are no proposed changes to infrastructure within the Structure Plan area that would



<i>whether adjustments will need to be made to the plan as a result.</i>		otherwise impact implementation.
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Amendments

The Swanbourne Street Structure Plan remains consistent with the original intent and the City's current and draft Local Planning Strategy. However, as regulations have changed since the Structure Plan was adopted, the City has been provided with an amended version of the Structure Plan by the applicant which makes relevant changes for contemporary legislative references.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

- 1. Recommends to the Western Australian Planning Commission (WAPC) that the approval period for the amended Swanbourne Street Structure Plan, as provided in Attachment 1, be extended for a duration of a further 10 years, being 8 September 2035, in accordance with Schedule 2, Regulation 59 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
- 2. Decides not to advertise the amendments as they are considered to be minor in accordance with Schedule 2, Regulation 29 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
- 3. Authorises the Mayor and Chief Executive Officer to sign and affix the City's seal to any documentation necessary to implement part 1.**



Statutory reports

Nil.

Committee 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