



Agenda

Planning Committee

Wednesday 1 June 2022 6pm



Notice of Planning Committee Meeting

Elected Members

A Planning Committee meeting of the City of Fremantle will be held on **Wednesday 1 June 2022** in the Council Chamber, Walyalup Civic Centre, located at 151 High Street, Fremantle commencing at 6.00 pm.

A handwritten signature in blue ink, reading "Russell Kingdom".

Russell Kingdom
A/Director Strategic Planning and Projects

27 May 2022



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1. 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.

2. Attendance, apologies and leaves of absence

There are no previously received apologies or approved leave of absence.

3. Disclosures of interests 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.

4. Responses to previous questions taken on notice

The following questions were taken on notice at the Planning Committee Meeting held on 4 May 2022:

Deborah Friedmann asked the following question

Can the City advise when old street lighting columns on Stirling Highway in North Fremantle will be replaced?

Response

Main Roads WA in conjunction with Western Power is in charge of the project to upgrade lighting along Stirling Highway. It is the City's understanding that there are no current plans to upgrade lighting in North Fremantle north of Queen Victoria Street.

5. 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.



6. Petitions

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

7. Deputations

7.1 Special deputations

A special deputation may be made to the meeting in accordance with the City of Fremantle Meeting Procedures Policy 2018.

7.2 Presentations

Elected members and members of the public may make presentations to the meeting in accordance with the City of Fremantle Meeting Procedures Policy 2018.

8. Confirmation of minutes

OFFICER'S RECOMMENDATION

The Planning Committee confirm the minutes of the Planning Committee meeting dated 4 May 2022

9. Elected member communication

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



10. Reports and recommendations

10.1 Deferred items

**PC2206 - 1 REFERRED ITEM - SOLOMON STREET, NO. 45 (LOT 40)
FREMANTLE – ADDITIONS (THREE STOREY) AND
ALTERATIONS TO EXISTING SINGLE HOUSE (TG DA0553/21)**

Meeting Date:	1 June 2022
Responsible Officer:	Manager Development Approvals
Decision Making Authority:	Committee
Agenda attachments:	1. Amended Development Plans
Additional information:	1. Site Photos

SUMMARY

Approval is sought for the addition of a third storey and additions and alterations to the existing dwelling at 45 Solomon Street, Fremantle.

The proposal is referred to the Planning Committee (PC) 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:

- Building height (external wall)**

The subject application was considered at the PC meeting on 6 April 2022, where the PC deferred consideration of the application for the applicant to make amendments to the proposal plans in accordance with the following:

Refer the application to the Administration with the advice that the Council is not prepared to grant planning approval to the application for the over-height additions (third storey) and alterations to the existing Single house at No. 45 Solomon Street, Fremantle based on the current submitted plans, and invite the applicant, prior to the next appropriate Planning Committee meeting, to consider amendments to the bulk, height, location and/or detailing of the additions that improve visual privacy and overshadowing impacts for neighbouring properties.



On 9 May 2022, the applicant submitted amended plans with the following amendments and additional information:

- **Screening to the rear elevation upper level (horizontal louvres) to prevent downward views into the rear gardens of No. 36 and No. 38 Bellevue Terrace.**
- **Landscaping to the rear boundary to prevent views of the upper level addition when viewed from the adjoining properties to the rear.**
- **Plans showing a cross section of potential views from the upper floor addition towards the dwellings to the rear of the site following the inclusion of the window shroud and landscaping.**

The application remains recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for alterations and the addition of an upper floor to an existing Single house at 45 Solomon Street in Fremantle. The proposed works include:

- The addition of rear stairs and an open sided undercover area to the rear of the existing undercroft.
- Internal alterations to the existing dwelling.
- The addition of a rear terrace to the existing dwelling.
- The addition of a third storey above the existing dwelling comprising two bedrooms and two ensuite bathrooms, accessed via a stair and lift.

On 23 February 2022 the applicant provided additional plans demonstrating the extent of shade cast by the development on 21 March, 21 June, 21 September, and 21 December (equinoxes and solstices), providing shade analysis for each day at 9am, 12pm and 3pm.

Further to this information, the applicant submitted amended plans on 11 March 2022 including the following:

- Added privacy screening to the rear of the terrace to meet privacy deemed-to-comply requirements.
- Reduction to the height of the building by 100mm by reducing the height of the first floor frame. This amendment resulted in the roof height of the building now meeting the deemed-to-comply requirement of a maximum of 10m.
- Overshadowing analysis based on the amended plans for 21 March, 21 June, 21 September, and 21 December (equinoxes and solstices), providing shade analysis for each day at 9am, 12pm and 3pm.



The subject application was considered at the PC on 6 April 2022, where the PC deferred consideration of the application for the applicant to make amendments to the proposal plans in accordance with the following:

Refer the application to the Administration with the advice that the Council is not prepared to grant planning approval to the application for the over-height additions (third storey) and alterations to the existing Single house at No. 45 Solomon Street, Fremantle based on the current submitted plans, and invite the applicant, prior to the next appropriate Planning Committee meeting, to consider amendments to the bulk, height, location and/or detailing of the additions that improve visual privacy and overshadowing impacts for neighbouring properties.

On 9 May 2022, the applicant submitted amended plans with the following amendments & additional information:

- Screening to the rear elevation upper level (horizontal louvres) to prevent downward views into the rear gardens of No. 36 and No. 38 Bellevue Terrace.
- Landscaping to the rear boundary to prevent views of the upper level addition when viewed from the adjoining properties to the rear.
- Plans showing a cross section of potential views from the upper floor addition towards the dwellings to the rear of the site following the inclusion of the window shroud and landscaping.

Amended development plans are included as attachment 1.

Site/application information

Date received:	23 December 2021
Owner name:	C J Monastra, C S Sottile
Submitted by:	Summit Renovations
Scheme:	Residential R25
Heritage listing:	N/A
Existing land use:	Two storey dwelling
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 the proposal sought to vary the deemed-to-comply building height, and visual privacy requirements of the R-Codes. The advertising period concluded on 2 February 2022 and a total of three submissions have been received, one of which was received after the consultation period had ended on 14 February 2022. The following issues were raised (summarised):

- The submitters were concerned that the windows from the upper level would provide direct view into their rear yard.
- The submitters were concerned that due to the height of the additions, morning winter sun access in their rear yard would be affected and the development would result in a sense of enclosure.
- A submitter was concerned in relation to the building height, as the subject building already sits approximately 1.5m higher than their property. The addition is considered by the submitter to create an adverse impact upon their access to northern sunlight to their outdoor living area and windows and overall amenity as a result.



- The submitter was concerned that the rear balcony would overlook their rear yard and should be screened in accordance with the deemed-to-comply requirements of the R-Codes.
- The submitter noted that although the development satisfied the deemed-to-comply requirements of the R-Codes with respect to overshadowing, the submitter was opposed to the increase in shade cast over their property as this would directly affect their outdoor living area in winter.
- The submitters also raised concerns with respect to stormwater runoff from the property and the potential impact of the development on property values.

In response to the above, the applicant submitted updated plans to address the concerns raised by the neighbours by adding privacy screening and reducing the height of the building by 100mm and the following comments (summarised):

- With respect to overlooking towards the rear of the property, the windows to the proposed upper floor bedrooms comply fully with the deemed-to-comply requirements of the R-Codes.
- The proposal complies with the deemed-to-comply requirements of the Residential Design Codes with respect to overshadowing.
- The addition is sited behind the ridgeline of the existing building, thereby maintaining the single storey character of the streetscape, with the addition being subservient to the ground floor.
- The setting in of the upper floor reduces building bulk and the upper floor is generally of limited size and is considered by the applicant to not be unduly visually obtrusive when viewed from the street or neighbouring properties.
- The upper floor is consistent with the established pattern of development through the locality, comprising dwellings which have upper floor additions behind an original dwelling.
- The adjoining property to the south has a current development approval for additions and alterations to the rear of the existing dwelling. Based on the applicant's assessment the impact of the development upon these additions (if they are pursued) will not be significant with respect to shade cast by the development.
- The applicant notes that some overshadowing would be anticipated due to the east west orientation of the lots and the proposed extent of shade cast by the development is generally consistent with the outcome expected under the applicable zoning.

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

- The upper floor bedroom windows have been assessed and found to satisfy the relevant deemed-to-comply setback requirements of the R-Codes (4.5m), there is no additional requirement imposed for windows set at a higher level on a site.
- The introduction of a perpendicular screen to the side of the terrace will result in the development meeting the deemed-to-comply 7.5m cone of vision



setback from the southern boundary. The erection of this screen is recommended as a condition of approval to ensure that the screen is installed and maintained to the City's satisfaction.

- The shade cast by the development as assessed against the deemed-to-comply requirements of the R-Codes, at midday on midwinter where shade cast to the south is at its greatest extent due to the sun angle at this time and has been found to comply. A maximum of 23% overshadowing is cast over the neighbouring lot to the south. However as shown in the applicant's submitted overshadowing diagrams, the development will cast varying degrees of shade over the neighbouring property throughout the year.
- In accordance with the design principles of the R-Codes with respect to building height, consideration is given both to access to direct sun to buildings, appurtenant open space and adequate daylight to major openings into habitable rooms and the impact of the shade cast by the development will be considered in this context in the officers' comment section of this report below.
- The development has been assessed in the context of the existing neighbouring site prior to the approved additions being constructed. Consideration has also been given to the impact of this development on the proposed additions.
- In accordance with the recommended condition of approval, stormwater runoff from the site should be retained on the subject property. With respect to the concerns in relation to property values, due to the scope of matters which are taken into account in calculating the value of a property over time, this is not readily able to be considered as a part of the development assessment process.

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of Local Planning Scheme No. 4, 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:

- Building height (external wall)

The above matters are discussed below.



Background

The subject site is located on the western side of Solomon Street in Fremantle. The site has a land area of approximately 531m² and is currently occupied by a two storey Single house comprising a lower level partially set into the ground level of the property and a floor at street level. The site is zoned Residential and has a density coding of R25. The site is not individually heritage listed nor located within a heritage area.

The site slopes down approximately two metres from front to back and is accessed via a driveway to the southern side of the site. The proposal is seeking internal and external demolition works to the dwelling and some existing walls to the rear of the dwelling.

The subject application was considered at the PC meeting on 6 April 2022, where the PC deferred consideration of the application for the applicant to make amendments to the proposal plans in accordance with the following:

Refer the application to the Administration with the advice that the Council is not prepared to grant planning approval to the application for the over-height additions (third storey) and alterations to the existing Single house at No. 45 Solomon Street, Fremantle based on the current submitted plans, and invite the applicant, prior to the next appropriate Planning Committee meeting, to consider amendments to the bulk, height, location and/or detailing of the additions that improve visual privacy and overshadowing impacts for neighbouring properties.

On 9 May 2022, the applicant submitted amended plans with the following amendments & additional information:

- Screening to the rear elevation upper level (horizontal louvres) to prevent downward views into the rear gardens of No. 36 and No. 38 Bellevue Terrace.
- Landscaping to the rear boundary to prevent views of the upper level addition when viewed from the adjoining properties to the rear.
- Plans showing a cross section of potential overlooking from the upper floor addition towards the dwellings to the rear of the site following the inclusion of the window shroud.



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

Building height

Element	Requirement	Proposed	Extent of Variation
External Wall	7m 7.5m to lower side of property in accordance with Local Planning Scheme 4 cl. 5.8.1.2	8.5m (to low side – south)	1m

It is noted the below assessment remains as previous, noting the applicant has not amended the plans to specifically reduce building height.

In accordance with LPS 4 clause 5.8.1.2 an increase to the maximum external wall height requirement can be provided to a maximum of 0.5m in the event that the over height element is on the lower side of the development footprint. In this case, the lower side of the development footprint exceeds the deemed-to-comply building height by approximately 1.5m at maximum.

The proposed building height is considered to meet the Design principles of the R-Codes in the following ways:

- The addition will not unduly impact views of significance over the subject site. The opposite side of Solomon Street is set higher than the subject site, and the adjoining properties to the north and south generally seek views to the west rather than across the subject site.
- While the addition does increase the degree to which the adjoining property is overshadowed at midday the 21st of June, approximately half of this shade will fall over the neighbouring roof (12m²), with the remainder of the shade falling over the existing decking (15m²).
- It is noted that the neighbouring property to the south gained approval for additions and alterations to the rear of the property, and the applicant has provided overshadowing analysis taking into account these additions, should they be constructed. This analysis indicates that while morning sun to the rear yard on midwinter would be affected, this is already the case, with the new shade cast by the addition falling over the properties to the rear of the site.
- With respect to the midwinter shade as it affects the neighbours approved additions, the new shade cast by the additions will be predominantly over the neighbours roof, with the rear outdoor living area provided with midday, midwinter sunlight access.

- The applicant has provided analysis of the shade cast over the neighbouring property throughout the year, which notes the degree to which major openings and outdoor living areas on the neighbouring proposed additions will be overshadowed, noting that for the majority of the year little to no shade will be cast over these elements.
- In terms of the existing building, the shade cast by the addition does not affect any new major openings onto habitable rooms at midday on midwinter, with new shade falling over the neighbouring decking and roof area.
- Upper floor additions are common in the area and will therefore not result in a significant impact on the character of the streetscape.

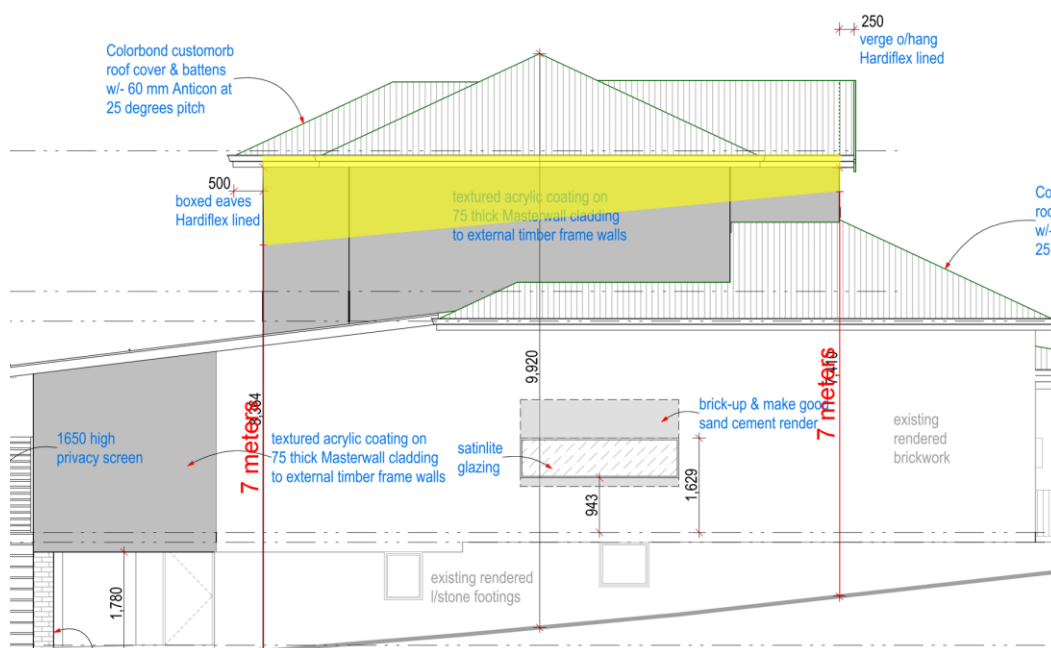


Image 1: diagram showing the over height portion of wall (south side)

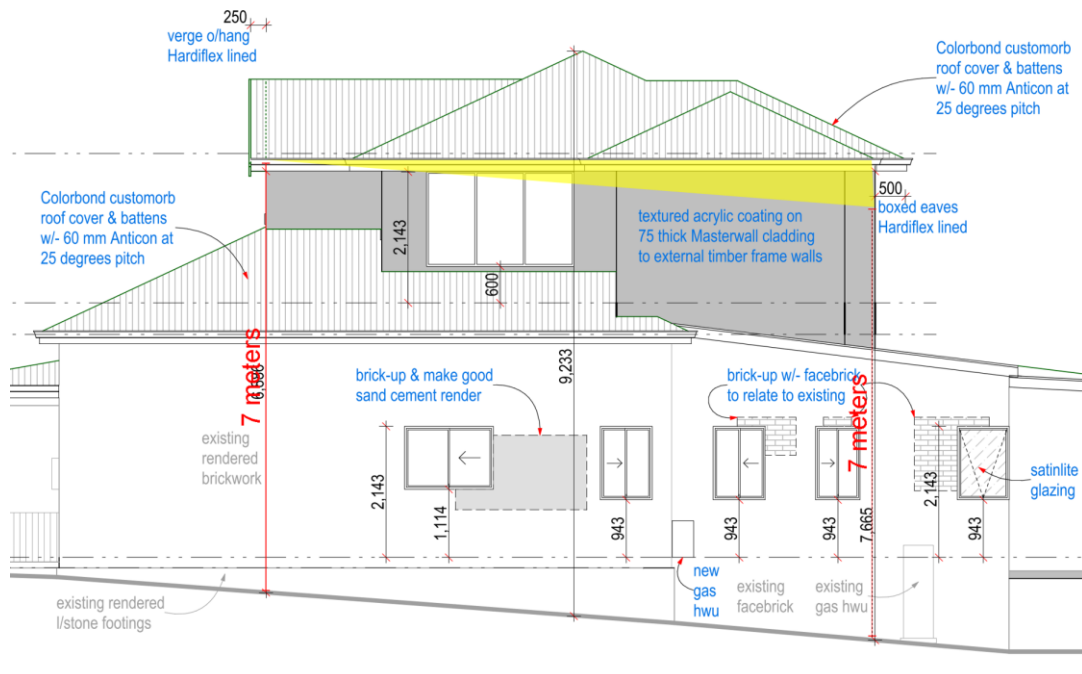


Image 2: diagram showing over height portion of wall (north side)

Visual Privacy

Study Window

The original assessment of the application included the computer nook for assessment with respect to visual privacy, noting that the window faced a blank boundary wall on the neighbouring property. In the amended set of plans, the applicant has confirmed that this opening will be <1m² in area and therefore does not comprise a major opening subject to visual privacy assessment under the R-Codes.

Rear terrace

The amended plans include a screen to the terrace to satisfy the deemed-to-comply requirements of the R-Codes.

Upper floor bedrooms

The applicant has provided louvred screening to the rear facing bedroom windows to the upper floor of the building to a height of 1.65m. These screens are not required to satisfy the deemed-to-comply cone of vision setback requirements of the R-Codes but have been provided to limit the impact of the development upon adjoining landowners in accordance with the Planning Committee decision on 6 April 2022. The applicant has also noted that the privacy screens would limit overlooking towards no. 47 Solomon Street as well.



The applicant has also proposed the installation of three magnolia teddy bear trees to the rear of the property to block views between the subject site and adjoining properties.

CONCLUSION

As discussed above, the proposed development generally satisfies the deemed-to-comply requirements of the Residential Design Codes and is considered to appropriately satisfy the design principles of the R-Codes with respect to the impact of the over height portion of wall to the upper floor.

On this basis, the application is recommended for approval, subject to conditions.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Additions and alterations (Three Storey) to existing Single House at No. 45 (Lot 40) Solomon Street, Fremantle, subject to the following condition(s):

- 1. This approval relates only to the development as indicated on the approved plans, dated 9 May 2022. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.**
- 2. All storm water discharge from the development hereby approved shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.**
- 3. Prior to the issue of a Building Permit for the development hereby approved, a detailed drawing showing how the terrace located on the west elevation, is to be screened in accordance with Clause 5.4.1C1.1 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. 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 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.**



10.2 Committee delegation

PC2206-2 ELLEN STREET, NO.53 (LOT 1), FREMANTLE – TWO STOREY ADDITION TO EXISTING RESIDENTIAL BUILDING – (CS DA0506/21)

Meeting Date:	1 June 2022
Responsible Officer:	Manager Development Approval
Decision Making Authority:	Committee
Agenda attachments:	1. Amended Plans
Additional information:	1. Site Photos
	2. Heritage Assessment
	3. DA Submission and Management Plan
	4. Applicant's Additional Submission

SUMMARY

Approval is sought for a two storey addition to existing Residential Building at No.53 Ellen Street, Fremantle. The proposal is to reopen a former facility on the site with substantial upgrades, and includes purpose built spaces and medium term, transitional accommodation for at-risk women over 55.

The proposal is referred to the Planning Committee (PC) 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:

- **Partial demolition of a heritage listed property**
- **Boundary walls (east)**
- **Visual privacy (east)**
- **On site car and bicycle parking**

The application is recommended for refusal due to the nature of the impacts on the heritage significance of the place.

PROPOSAL

Detail

Approval is sought for two storey additions to an existing Residential Building (Wyn Carr House) at No.53 Ellen Street, Fremantle.



Wyn Carr House previously operated as a Women's Refuge until 2019, closing the service due to changes in service delivery and unsuitability of the building. The current proposal is to re-open the facility, with upgrades to the existing heritage building and an addition with new rooms to the rear. The applicant has detailed the project as follows –

Uniting WA and Housing All Australians are working together to deliver a transformational change to this historic residential building, recognising the increasing need to provide medium term, transitional accommodation to women who are homeless, or at risk of homelessness. The fastest growing cohort of women at risk are women over the age of 55. With this in mind, Uniting WA is committed to the redevelopment of Wyn Carr House in a way that honours the heritage of the building and residential services that have operated from the site historically.

With Uniting WA's expertise in service delivery, the transformation of Wyn Carr House will create an exceptional and dignified space for at-risk women over 55 to access the support they need. This important project aligns best practice in design to deliver purpose built accommodation, with a deep respect and appreciation for the history of Wyn Carr House and its surrounds.

The existing Residential Building use is expanding, via the proposed works as follows:

- Demolition of the existing buildings (garages and outbuildings) at the rear of the site.
- Upgrades and alterations to the existing Wyn Carr House heritage building, with this portion of the building proposed to be used for administration/ office purposes and provision of support care services for future residents.
- Construction of a new two storey addition comprising 12 single bedrooms for temporary accommodation, at the rear of the existing building, with associated amenities.
- Car parking for staff.
- Landscaping.

In relation to the operation of the facility, it is noted that two support staff will be on site Monday-Friday between 8.30am-4pm, with staff also on call during other hours. Access to the property will be limited to staff and support organisations.

The applicant submitted amended plans on 6 May including the following:

- Increased street setback (Stirling Street) to 2.5 – 2.7m
- Reduction in height by 0.4m

Development plans are included as attachment 1.

Site/application information

Date received:	29 November 2021
Owner name:	Uniting Care West
Submitted by:	Planning Solutions
Scheme:	Residential R35
Heritage listing:	Individually Listed Category 2
Existing land use:	Residential Building
Use class:	Residential Building
Use permissibility:	'A'



CONSULTATION

External referrals

Heritage Service (DPLH)

The application was referred to Heritage Services as the subject site is adjacent to a property on the State Register of Heritage Places (Christian Brothers College, Fremantle). Heritage Services have provided the following advice:

- *Christian Brothers College, Fremantle is significant as a complex of buildings forming an aesthetically rich site that is a distinctive landmark.*
- *The proposal will not impact the cultural heritage significance of Christian Brothers College, Fremantle.*
- *This advice is based on an assessment of the proposal's impact on Christian Brothers College, Fremantle and is given from a heritage perspective to assist the City of Fremantle's determination.*



Fremantle Ports (FA)

The application was referred to FP as the subject site is located within Fremantle Port Buffer Area 2. The FP have advised that they have no objection to the proposal subject to compliance with the standard built form requirements for Area 2. These matters can be dealt with as relevant conditions and advice notes should the application be approved.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as discretionary assessments against LPS4 and Local Planning Policies are sought. The advertising period concluded on 17 February 2022, and one submission was received. The following issues were raised:

SUPPORT/ OBJECT	COMMENTS	OFFICER COMMENT
Object / Comment	In principle we do not object to the use of the building. However we do strongly object to the bulk and scale of the proposal, particularly on the southern boundary. The application states that the overshadowing only affects 16% of the property area, it actually affects the natural light to 100% of the living areas of the adjacent property, and therefore the amenity of the property. The report states that No.2 Stirling St does not have any habitable spaces on the northern side, but this is incorrect as all of the living areas are on the northern side of the dwelling. There is insufficient car parking on site to cater for the number of residents. It is judgemental and incorrect to assume that residents (or guests) will not own cars. When the refuge operated previously, there were constantly car parking issues. This is exacerbated by the nearby CBC school and limited timeframes	The use is an existing approved use See assessment below Overshadowing is noted to meet the deemed to comply requirements of the R-Codes. See assessment below



	for onstreet car parking. It is noted that these car bays are mostly paid parking, which may not be an option for residents. The boundary setback on the southern boundary looks to be closer than what was shown to residents in September 2021. The 'recession' is minor and doesn't assist in reducing the impact on the amenity of the neighbouring occupiers. The 3D images do not show an accurate perspectives of the proposed addition in relation to the existing house at No.2 Stirling St. The angle of the perspective provided is misrepresentative of what is on site. The previous facility had 24 hour care on site, with a Manager/Social Work always in attendance and contactable in the event of any issues. We were assured by the Uniting Church that this would again be the case, but the submission says only certain hours. It is also noted that the submission refers to the adjoining property as No.4 Stirling St, it is actually No.2 Stirling St.	Noted. However the City can only assess the plans submitted for consideration. Additional plans/perspectives have been provided by the applicant. Refer to Agenda Attachment 1. Noted. However the City can only assess the proposal based on the information submitted for consideration. The City confirms that the adjacent property is No.2.
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In response to the above, the applicant submitted revised plans to address the following:

- Increased street setback (Stirling Street) to 2.5 – 2.7m
- Reduction in height by 0.4m

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:

- Partial demolition of a heritage listed property
- Boundary walls (east)
- Visual privacy (east)
- On site car and bicycle parking

The above matters are discussed below.

Background

The subject site is located on the corner of Ellen Street and Stirling Street. The site has a land area of approximately 842m² and is currently a Residential Building (vacant). Wyn Carr House as the site is known, was constructed originally as a Ministers residence for the Fremantle Wesley Mission. In 1978, the Fremantle Methodist Mission Welfare Committee repurposed the property to support the growing need for a women's refuge in Fremantle. Uniting WA took over the running of Wyn Carr House in 2006 and continued to operate as a women's refuge until 2019, temporarily closing the service due to changes to service delivery and the building becoming unsuitable for housing vulnerable women. The current proposal intends to create an updated 12 bedroom facility for at-risk women over 55 to access services and support.

The site is zoned Residential and has a density coding of R35. The existing building on site is individually heritage listed (Level 2). The proposal is for the extension of an existing, approved land use of Residential Building.

The proposed additions are located to the rear of the existing building. Stirling Street slopes up to the south, resulting in the heritage dwellings at No's 2 and 4 Stirling Street sitting considerably higher than the dwelling at No.53 Ellen Street.

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

- DA128/86 – Additions to existing Residential Building - approved
- 1985 to 2019 – Various lodging house registrations with the City's Health section.

Demolition

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.*

The heritage assessment of the sections of the house and outbuildings proposed to be demolished has found that they are later additions and have no heritage significance. The proposed demolition is therefore supported against CI 4.14.1.



Figure 1 – Rear addition and outbuildings proposed to be demolished

Heritage

In accordance with the LPS4 objectives of the Residential Zone, development within the residential zone should safeguard and enhance the amenity of residential areas and ensure that development, including alterations and additions are sympathetic with the character of the area, as well as conserving and enhancing places of heritage significance the subject of or affected by new development.

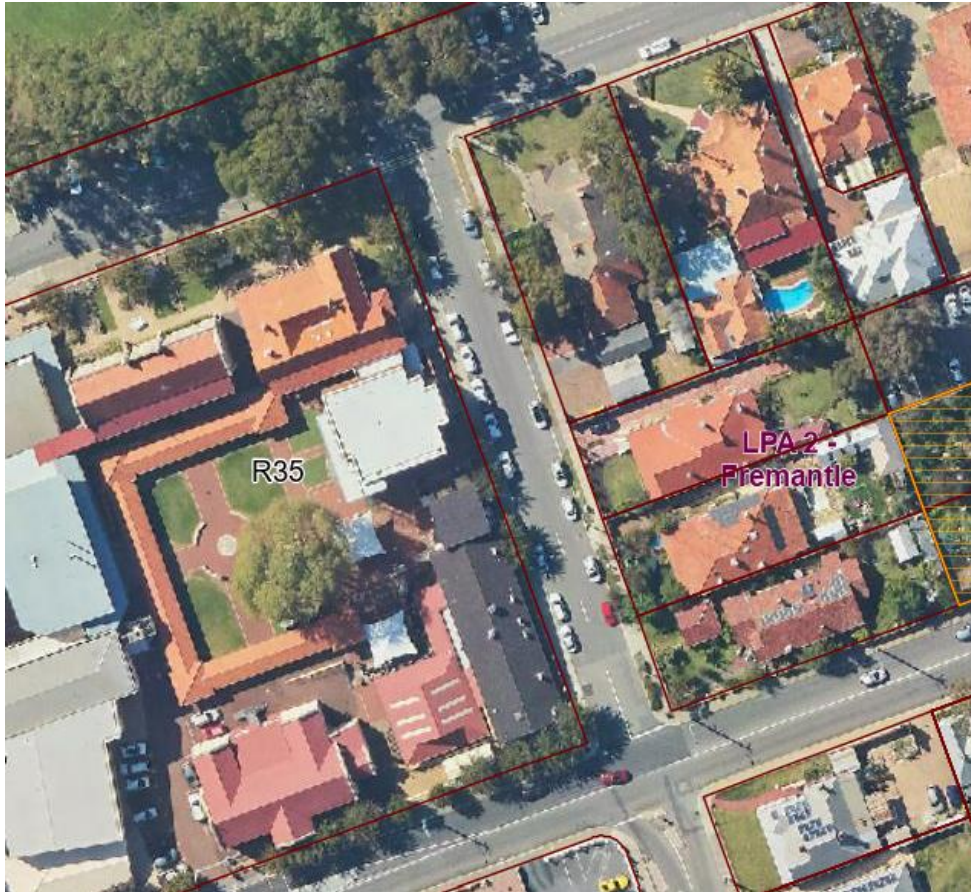


The subject site, No.53 Ellen Street is a substantial single storey brick and tile house designed in the Federation Bungalow Style with some later Interwar Californian Bungalow details. A detailed physical description is included in the heritage assessment (additional information 2). The house is set well back on the site and aligns with the established street setbacks of other heritage listed homes in both Ellen and Stirling Streets. The large front garden is enclosed with a low face brick wall and the rear with high corrugated asbestos sheet fences and brick walls. There are several garages to the rear of the site facing Stirling Street which are proposed to be demolished to make way for the new development.

No.53 Ellen Street is included on the Heritage List and has a management category of Level 2 as it of Considerable Significance within the context of the City of Fremantle. It is part of a significant group of five adjacent Level 2 places that form significant streetscapes on Ellen and Stirling Streets and part of a block of 10 largely intact heritage listed houses of similar architectural style, set in generous front gardens which were all constructed within two decades in the Inter-War period. 53 Ellen Street, together with 55, 57 and 59 Ellen Street and 2 Stirling Street are an important part of the backdrop to the south-east side of Fremantle Park and contribute to the character of this important urban space.

The primary concern with this proposal is the size and bulk of the two storey extension at the rear of the house and the way it projects considerably forward from the established street setback on Stirling Street. The large projecting extension will also be clearly visible from the Ellen / Stirling corner and will break the continuity of the largely homogenous heritage streetscape in Ellen Street. While trees currently conceal some of the heritage houses when looking up Ellen Street, they should not be considered a permanent screen to new development as trees are dynamic elements that change, grow and die.

On the opposite side of Stirling Street, CBC Fremantle has a newer addition of a similar architectural style that is set quite close to the street. The architectural design of structure shows how something modern can be placed in a heritage context. However, the difference between the two sides of the street, is that the school has all of its buildings, including older heritage buildings, with minimal setbacks to Stirling. The dwellings on the opposite side all have a consistent setback, creating large open frontages for landscaping and the ability to view the heritage homes further along the street.



The heritage advice provided on the original scheme submitted for this application recommended that the proposal should not be supported because of the negative impact of the large two storey additions on the heritage streetscape in Stirling Street and to a lesser degree in Ellen Street. It raised three main issues:

1. The proposed addition is set forward of the prevailing setback in Stirling Street.
2. The bulk and scale of the addition will have a negative impact on the Stirling Street streetscape.
3. The lack of articulation to the largely blank Stirling Street façade.

It is noted that as an addition to the rear of an existing building, fronting a secondary street, a setback of 1.5m would meet the deemed to comply criteria of the R-Codes in a situation where there was no heritage implication. In this instance however, the requirements of the R-Codes has to be balanced against the potential impact on important heritage buildings and streetscapes.



The applicant has not provided a full heritage assessment by a heritage architect, but the planning consultant has provided the following response in relation to City Officer's original heritage comments:

- *While the original proposal is compliant with the applicable secondary street setback requirements of the R-Codes, the client and architect have considered the City's comments, reviewed the development plans and design brief, and sought to address the issues raised by the City as much as possible.*
- *On review it was found the internal rooms could be reduced in size slightly to achieve a reduced building footprint and increased street setback, without compromising the therapeutic design principles that are at the heart of the proposal.*
- *In addition, the building height has been reduced by 400mm and the secondary street setback increased to by 1 – 1.2m to 2.5 to 2.7m*
- *The design changes will make the building more compatible with the prevailing street setbacks and reduce the impacts of bulk and scale on the Stirling Street streetscape than the original proposal, whilst maintaining the fundamental design principles that have been used to inform the design of the development.*
- *The proposed development has been specifically designed to respond to its context, including its heritage context, and retain the heritage values associated with the subject site and area, including retaining and restoring the existing heritage building on-site, retaining the existing mature trees where possible and incorporating various design features which will reduce the impact of bulk and scale on the Stirling Street streetscape, including the design of the boundary fence and planter, the undercroft car parking designed to minimise the impact on the adjoining streetscape.*
- *It is critical that the development provides for a therapeutic environment that supports future residents respite and wellbeing and any further reductions to the size of the new building or rooms, or number of bedrooms, will undermine the proposed operations and best practice therapeutic design and service model and make the project unviable.*
- *It is noted that the proposed development is situated on a corner block, and whilst the existing heritage building on site has a secondary street setback that is consistent with the adjoining property's primary street setback to Stirling Street, it is not considered fair or reasonable to apply a primary street setback requirement along both frontages.*

Revised drawings were received on 6/5/2022, providing the following changes.

- Increased street setback (Stirling Street) to 2.5 – 2.7m
- Reduction in height by 0.4m



Original plans



Amended Plans

The modifications made to the scheme are minor and have not adequately addressed the issues raised. The key element required to be addressed to assist the proposal in being compatible with its setting is to have it setback in line with the adjoining homes.

The proposal is not supported on heritage grounds.

Boundary Wall

Element	Requirement	Proposed	Extent of Variation
Lot boundary setback (east and south)	1m	Nil	1m
Wall height	Maximum 3.5m Average 3.0m	6.1m 5.7m	2.6m 2.7m

The proposed boundary wall(s) is considered to meet the Design principles of the R-Codes and the additional criteria of LPP2.4 in the following ways:

- The proposed boundary wall is located on the eastern boundary of the subject site, therefore does not impact the amenity of the adjoining property at No.55 in terms of overshadowing.
- As the existing structures at No.55 are identified as an existing single storey studio addition and carport, they are not affected significantly by a reduction in direct sun and ventilation.

Visual Privacy

Element	Requirement	Proposed	Extent of Variation
Bedroom	4.5m	1.3m	3.2m

The proposed window of the eastern most bedroom creates some oblique overlooking of the property to the east. It is not considered to be able to meet the design principles of the R-Codes as follows:

- The addition of screening devices and/or providing higher or opaque and fixed windows which would create maximum visual privacy to the adjoining occupiers.

A condition of approval would be appropriate should this be approved

Car Parking

Element	Requirement	Proposed	Extent of Variation
Residential Building	1 space per guest bedroom = 12 plus 1 space for caretaker/onsite manager = 1	3 car bays	9 car bays

Clause 4.7.3.1 of LPS4 states:

Council may (relax Parking Requirements)

- a) Subject to the requirements of Schedule 7 waive or reduce the standard parking requirements specified in Table 2 subject to the applicant satisfactorily justifying a reduction due to one or more of the following –*
- viii. Any other relevant considerations*

The applicant has provided the following justification:

- It is not anticipated that future residents will require car parking bays, and the proposed development has been designed to accommodate the required number of car bays for Wyn Carr House staff and visitors
- Access to the property will be limited to UnitingWA staff and visiting support providers. Three car bays is considered sufficient to accommodate the maximum two staff on-site at any one time, plus one visiting support provider.
- The subject site is located in close proximity to public transport services, including bus services along High Street (within 200m walking distance) and Fremantle train station is within 1km of the site.
- There is a public car parking area along Ellen Street, and on-street parking bays on Stirling Street and Ellen Street which can accommodate any visitor parking if required, noting that peak visitor periods are unlikely to conflict with peak CBC pick up and drop off times.

On balance, given the central location of the site, and the specific nature and operation of the use, the variation to the car parking provision is considered supportable.



Bicycle Parking

Element	Requirement	Proposed	Extent of Variation
Bicycle parking	Class 1: 1 per 4 rooms = 3	Nil	3
	Class 3: 1 per 16 rooms = 1	Nil	1

The proposal has been considered against the bicycle parking requirements for a Residential Building under LPS4. Clause 4.7.3.4 allows Council to waive the provision of class 3 bicycle racks in three scenarios: where providing bicycle racks would be incompatible with the overall design of the development; where the required number of bicycle racks can be provided on public land in the immediate vicinity; or a cash contribution equivalent to the cost of installation is negotiated and provided to the City of Fremantle for the City to provide bicycle racks in the immediate vicinity. There is no provision to waive class 1 bicycle racks in LPS4.

No bicycle parking has been shown on the plans currently and Officer's would be reluctant to accept no bicycle parking provision or provision of bicycle racks off-site given the on-site car parking shortfall, but the applicant has advised that there is sufficient area on site to provide bike racks which would not impact the overall design of the development, and would therefore accept a condition of approval for this should the proposal be approved.

CONCLUSION

The existing Residential Building (Wyn Carr House) is an important service for the Fremantle Area. The re-opening and expansion of the facility is a significant endeavour that will positively impact on the community.

However, the existing building sits amongst a significant heritage streetscape, that will be impacted by the proposed addition at the rear. Work to redesign the structure is strongly recommended, noting there are opportunities to increase bulk in certain locations to reduce the impact on the heritage significance of the place and adjoining homes. While the use is admirable, the building is far more permanent than a land use, and should the current owners sell the site or change the operation, the building would remain.



The assessment above has outlined how many elements of the proposal could be supported, including a large reduction to carparking, and it is acknowledged that the applicant has made some minor amendments in an attempt to reduce the impact of the building after receiving feedback from officers. Regardless of these changes, it is considered that the proposed development will unduly impact the heritage significance of the adjacent dwelling(s), as well as the Stirling Street streetscape which these heritage dwellings form part of.

For these reasons, the application is recommended for refusal.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

Council:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Two Storey Addition to Existing Residential Building at No.53 (Lot 1) Ellen Street, Fremantle, as detailed on plans dated 6 May 2022, for the following reasons:

- a) **The proposal is detrimental to the amenity of the area and incompatible with the objectives of the Residential Zone set out in clause 3.2.1 (a) of the Local Planning Scheme No.4 as per clauses 67 (a) ensuring that the aims and provisions of the Scheme have been met, (k) the built heritage conservation of any place that is of cultural significance and (m) the compatibility of the development within its setting, of the Deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
- b) **The proposal is inconsistent with the City of Fremantle's LPS4 Residential Zone objectives as the proposed dwelling will have an adverse impact upon the presentation of the streetscape and the adjacent Heritage Listed properties at No.53 Ellen Street and No.2 Stirling Street and the wider streetscape.**



- c) The proposal is inconsistent with the requirements of the Residential Design Codes in respect to visual privacy, and the requirements of the City of Fremantle Local Planning Scheme No.4 in respect to bicycle parking provision.**



**PC2206-3 HULBERT STREET, NO. 22 (LOT 116), SOUTH FREMANTLE -
SECOND STOREY ADDITIONS AND ALTERATIONS TO
EXISTING SINGLE HOUSE - (ED DA0038/22)**

Meeting Date:	1 June 2022
Responsible Officer:	Manager Development Approvals
Decision Making Authority:	Committee
Agenda attachments:	1. Amended Development Plans
Additional information:	1. Site Photos 2. CoF Heritage Assessment 3. Applicant's responses to Further Information/Revised Plan Request

SUMMARY

Approval is sought for second storey additions and alterations to the existing single house at No. 22 (Lot 116) Hulbert Street, South Fremantle.

The proposal is referred to the Planning Committee (PC) 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:

- **Primary Street Setback (Upper Floor)**
- **Visual Privacy**
- **Northern Boundary Wall (Carport)**

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for second storey additions and alterations to an existing single house at No. 22 (Lot 116) Hulbert Street, South Fremantle. The proposed works include:

- Demolition of rear portion of existing single storey dwelling;
- Second storey addition over existing ground floor providing new living and dining area and two additional bedrooms;
- Carport addition along northern boundary; and
- Detached alfresco structure in rear garden

The applicant submitted amended plans on 13 April 2022 including the following changes:

- Reduced bulk and scale of upper floor façade and balcony by removing the roof element over the balcony, replacing solid fascia above the balcony with open steel frame and replacing solid wooden balcony balustrading and openable screens with slatted timber panels (now semi-permeable);
- Reduction in overall building and parapet heights as well introduction of sloped roof form toward rear of dwelling to improve overshadowing impact on adjoining southern property; and
- Addressed north and south visual privacy variations.

Amended development plans are included as attachment 1.

Site/application information

Date received:	8 February 2022
Owner name:	Mrs Lisa Ann Moore & Mr Andrew James Moore
Submitted by:	Philip Stejskal
Scheme:	Residential R25
Heritage listing:	Not individually listed, South Fremantle Heritage Area
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 variations to the deemed-to-comply requirements of the R-Codes and Local Planning Policies were proposed. The advertising period concluded on 9 March 2022, and 1 submission was received. The following issues were raised (summarised):

Submitter Comment	Applicant Response
The excessive building height and southern lot boundary setback are contributing to excessive overshadowing of the northern side of the adjoining dwelling (24 Hulbert) and the openings along this elevation, impacting amenity.	An updated overshadowing diagram demonstrates full compliance with the R-Codes based on an amended roof form. We have worked together with the owners of No. 24 Hulbert to determine a reasonable compromise for both our clients and these owners, in respect to a solar window located on their northern elevation. These owners provided us with dimensions, setbacks, and floor levels that have allowed us to model the impacts of our proposal on this part of their home. The amended drawings achieve a significant improvement to the solar access at noon on the winter solstice, amendments to the first-floor roofline include: - The parapet has been lowered by 100mm across the entire floor. - The parapet has been angled down to the to the eastern elevation, by a vertical drop of 700mm (in addition to the 100mm drop.

Visual privacy is being compromised from the first-floor terrace that is not screened on the southern end	Additional screening has been added to the southern elevation of the first-floor terrace (leaving access to the stairs) to minimise overlooking of the front garden of the adjoining property.
The upper floor street setback (9.175m) does not achieve the required minimum street setback prescribed by LPP 2.9 (10m)	We have endeavoured to reduce the perception of bulk / scale of the first floor mass in the following ways: • We have lowered the first floor parapet by 100mm. • We have removed the roof over the first floor balcony. • We have introduced visually permeable balustrading, shutters and replaced the solid fascia with open steel frame in an effort to 'lighten' the visual appearance of the first floor element. • We have reduced the ground floor balustrade by 50mm.

Full details of the applicant's written responses to the City's request for further information/revised plans to address officer's comments and the public submission can be found in Additional Information 2.

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

- With respect to overshadowing, the amended development plans addressed this by reducing the overall building and parapet heights and providing a roof design that now slopes downward toward the rear of the dwelling, reducing the overshadowing impact on the southern neighbour. As a result, the overshadowing is now fully compliant with the deemed-to-comply requirements of the R-Codes (reduced from 123sqm (27%) to 103.8sqm (22.8%) in lieu of the maximum 25% permissible).
Furthermore, the proposed southern lot boundary setback of the dwelling exceeds the deemed-to-comply requirement of the R-Codes for lot boundary setbacks by 500mm (a 2.2m setback is provided in lieu of the required minimum of 1.7m).



It is also important to note that on east-west orientated lots such as those on Hulbert Street, with lot widths of 15m or less, some overshadowing is generally inevitable for two-storey dwellings. Further, the adjoining site (24 Hulbert) sits on higher ground levels due to steep downward slope (south to north) of Hulbert Street which results in a reduced overall overshadowing impact upon this property as its ground levels, floor levels and openings sit generally higher than those of the subject site, see site photos at Additional Attachment 1.

- Detailed comments on the primary street setback and visual privacy are provide in the officer 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:

- Primary Street Setback (Upper Floor)
- Visual Privacy
- Northern Boundary Wall (Carport)

The above matters are discussed below.

Background

The subject site is located on the eastern side of Hulbert Street in South Fremantle. The site has a land area of approximately 455m² and is currently a single house. The site is zoned residential and has a density coding of R25. The site is not individually heritage listed though is located within the South Fremantle Heritage Area.

The City's Heritage Coordinator has identified that the existing dwelling does not contribute to the heritage value of the South Fremantle Heritage Area.

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

LPP 3.6 – Heritage Areas

An assessment of the proposal against LPP 3.6 has been completed to ensure the development is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance. The City's Heritage Coordinator has deemed the existing dwelling as 'non-contributory' to the heritage value of the South Fremantle Heritage Area and the proposed additions and alterations, as per the amended development plans, are supported pursuant to the objectives and controls of LPP 3.6.

Street Setback (Upper Floor)

Element	Requirement	Proposed	Extent of Variation
Street Setback – LPP2.9: South Fremantle (>4.0m wall height)	10.0m	9.175m	0.825m

It should be noted that in the plans originally submitted with the application, the upper floor street setback measurement was taken from the façade of the upper floor balcony (balconies are usually excluded from the street setback measurement as per the definitions of LPP2.9) as the balustrading, timber shutters, roof and parapet over the balcony were initially proposed as solid materials and dominant features which created unacceptable bulk and scale at the façade of the upper floor balcony, contravening the provisions and intent of LPP2.9 (Residential Streetscape Policy) at a setback of only 6.9m. Following comment and advice from city officers, the applicant produced amended development plans to address this issue and reduced the bulk and scale of the upper floor and its expected adverse impact upon the streetscape through the following amendments:

- Removing the solid roof over the first-floor balcony and replaced with lightweight, visually permeable trellis over the balcony;
- Introduced visually permeable balustrading and operable shutters as well as replacing the solid fascia above the balcony with an open steel frame to 'lighten' the visual appearance of these upper floor elements;
- Reduced the balustrading height by 50mm; and
- Lowering the first-floor parapet height (behind the balcony) by 100mm.

These amendments were considered successful in reducing the bulk and scale of the upper floor elements of the building and reducing its imposition upon the Hulbert Street streetscape. The City's Heritage Team commented:



'The impact of the second storey addition to 22 Hulbert Street on the streetscape is reduced by being set back on the 1960s building line behind the setback of the 1930s and late nineteenth century development in this street. The modification of the front balcony has reduced the impact of these additions on the streetscape character.'

The upper floor street setback was then taken to be from the Living Room building line (9.175m) and the proposed 825mm variation to the upper floor street setback requirement is therefore considered acceptable as the variation is minor in the context of the streetscape character of Hulbert Street which is quite varied with no real established uniformity in terms of the street setback.

The City's Heritage Team also noted:

'While the historic streetscape character of Hulbert Street is mostly single storey on the western side of the street, on the eastern side near where the subject site is located there are some two storey houses, including the house immediately to the south of the subject site, and a number of places that are elevated above street level on an under-croft garage. The mix of building heights on this side of the street is also enhanced by the natural topography of the land, sloping steeply upwards southward.'

On the basis of the above and as per the amended development plans, the upper floor street setback is considered acceptable in this instance as the variation is not considered to have any discernible impact upon the Hulbert Street streetscape.

Visual Privacy

As per the amended development plans, the visual privacy variations originally proposed to the north and south facing upper floor openings (main bedroom, living, study/dining and bedroom) were made compliant with the deemed-to-comply requirements of the R-Codes by increasing sill heights to 1650mm above floor level or making the window openings no more than 1m² (in aggregate, in any such wall) so that they are deemed to be minor openings and therefore not subject to cone-of-vision visual privacy assessment. The overlooking diagram in Figure 1 below details the remaining overlooking seeking discretion which is discussed further.

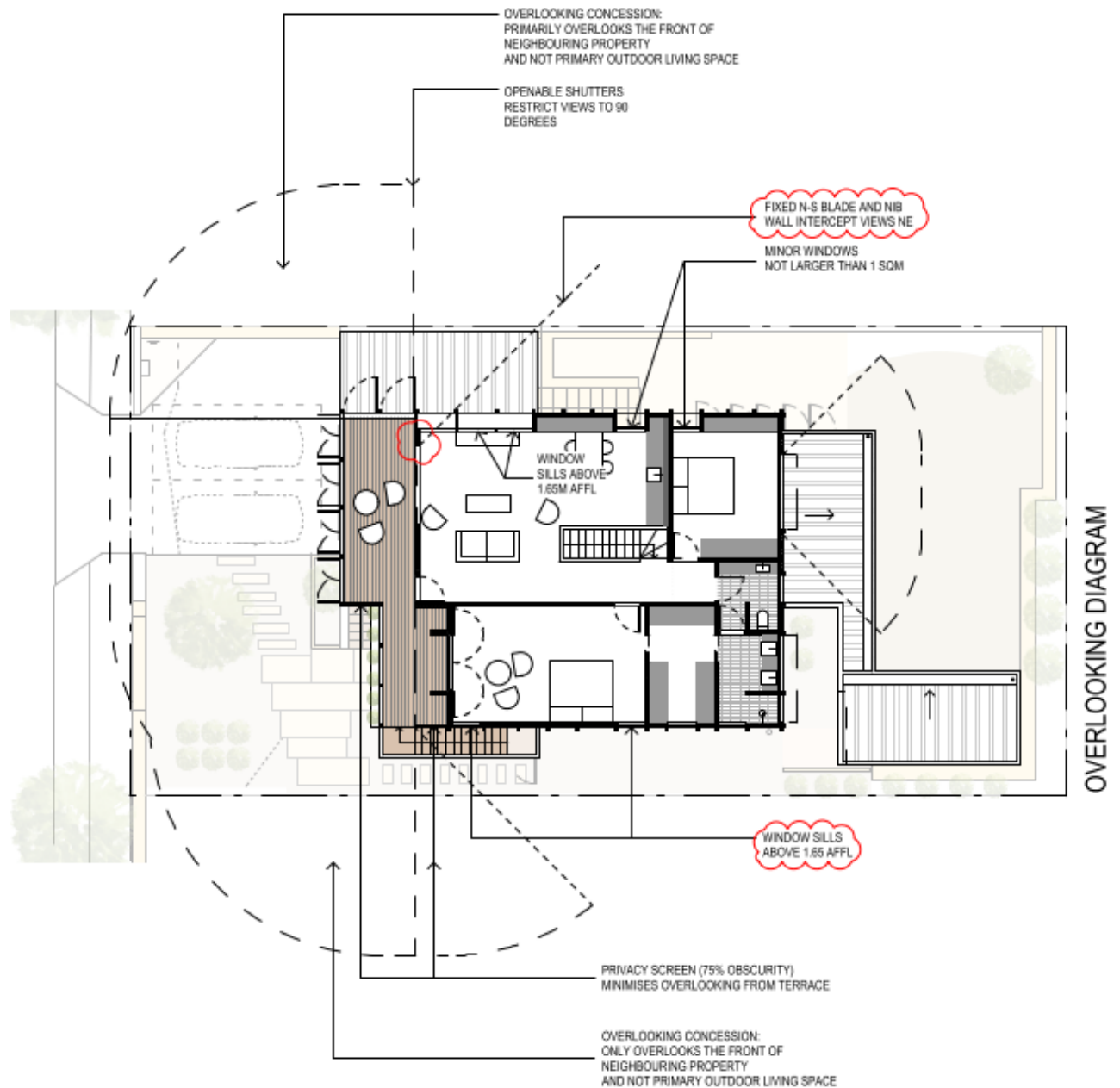


Figure 1. Overlooking Diagram:

First Floor Terrace – View South

The view south from the southern end of the terrace is found to satisfy the Design Principles of the R-Codes in the following ways:

- The amended development plans have provided screening extending along the southern end of the terrace from the main bedroom wall to the stair landing which has minimised and restricted the overlooking and the cone-of-vision encroachment onto any sensitive, habitable areas of the adjoining southern property (24 Hulbert); and
- Due to the large front setback of the 24 Hulbert Street of 12.35m (see overlooking diagram overlayed with aerial image and site photos), the cone-of-vision from the terrace will only encroach over the front setback area of this adjoining property, viewing areas already visible from the public street and will not overlook any major openings or primary outdoor living areas behind the street setback of the dwelling.

On the basis of the above, the proposed visual privacy variation from the First Floor Terrace is considered acceptable in this instance under the Design Principles of the R-Codes.

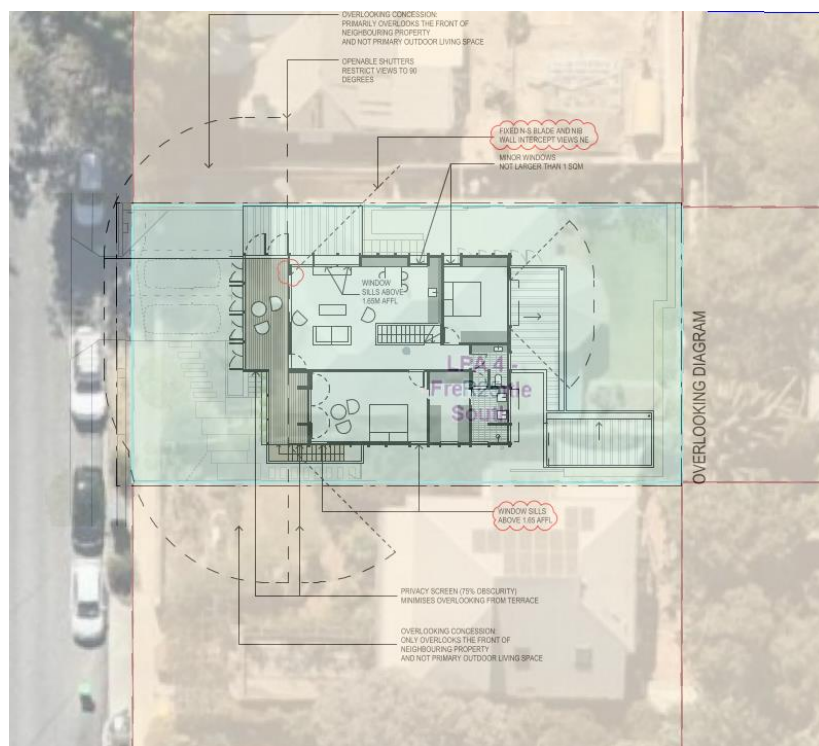


Figure 2. Overlooking Diagram with Aerial Image Overlay of Adjoining Properties



First Floor Living (westernmost window) – View North

Most north facing windows of the First Floor Living room were made into minor openings in the Amended Development Plans by providing 1650mm sill heights to these openings. However, the westernmost and final north facing window before the balcony was provided other treatments to restrict the view from this opening through the use of fixed north-south blades that extend 700mm from the face of the window and restrict any direct north-eastern views from the opening. Furthermore, a nib wall was extended south from the balcony opening to ensure the window cannot be looked out of from the terrace either.

As such, the window provides only a limited and restricted view over the roof of the adjoining northern property (20 Hulbert) which sits at a lower level than the subject site and is only single storey (refer Figure 2 above). As such, no sensitive outdoor living area or major opening to a habitable room are to be directly overlooked from this living room window.

On the basis of the above, the proposed visual privacy variation from the westernmost First Floor Living room window is considered acceptable under the Design Principles of the R-Codes.

Northern Boundary Wall (Carport)

The proposed northern carport boundary wall is considered to meet the Design Principles of the R-Codes in the following ways:

- The carport is open-sided, visually permeable, flat-roofed and 'lightweight' in overall design. Further, due to the carport being at the lower ground level, the roof of the carport will sit at the same level of the existing dividing fence between the adjoining northern property (20 Hulbert Street) and therefore not be visible to from this property nor cause any adverse building bulk impacts;
- The carport is located on the northern lot of subject site and thus due to the orientation of the lot and height of the carport will only overshadow the subject site itself; and
- The carport façade and boundary wall is to be setback from the street in line with the building line and façade of the lower ground level of the existing dwelling (6.9m) and therefore will have no discernible impact upon the Hulbert Street streetscape character.

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

OFFICER'S RECOMMENDATION

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Second Storey Additions and Alterations to Existing Single House at No. 22 (Lot 116) Hulbert Street, South Fremantle, subject to the following conditions:

- 1. This approval relates only to the development as indicated on the approved plans, dated 13 April 2022. 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 approved development shall be wholly located within the cadastral boundaries of the subject site including any footing details of the development.**
- 3. All storm water discharge shall be contained and disposed of on-site unless otherwise approved by the City.**
- 4. 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 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 3.7.1 of the Building Code of Australia.**



- iii. The landowner/applicant is advised and encouraged to take measures further to the retention and protection of any established, mature trees on the site during the demolition and construction phase of the development with regard to the Australian Standard, Protection of Trees on Development Sites (AS4970/2009).**



PC2206-4 BARNETT STREET, NO.4 (LOT 19), FREMANTLE – ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE – (CS DA0025/22)

Meeting Date:	1 June 2022
Responsible Officer:	Manager Development Approvals
Decision Making Authority:	Committee
Agenda attachments:	1. Amended Development Plans
Additional information:	1. Site Photos 2. Heritage Assessment

SUMMARY

Approval is sought for additions and alterations to an existing Single House at No.4 Barnett Street, Fremantle.

The proposal is referred to the Planning Committee (PC) 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:

- **Boundary wall**
- **Street setback (Carport)**
- **Open space**

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for additions and alterations to the existing Single house at No.4 Barnett Street, Fremantle. The proposed works include:

- Partial demolition of outbuildings and structures to the rear of the dwelling
- Minor internal modifications to reconfigure the internal room layout
- Single storey rear and side addition
- Carport at the front of the property

The applicant submitted amended plans on 2 May 2022 including the following:

- Reduction in height of the boundary wall on the western boundary

Amended development plans are included as attachment 1.

Site/application information

Date received:	28 January 2022
Owner name:	B Miller
Submitted by:	Matthew Crawford Architects
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 discretionary assessments against LPS4 and Local Planning Policies are sought. The advertising period concluded on 14 March, and one submission was received. The following issues were raised (summarised):

Boundary wall

- The proposed boundary wall on the western side will be 4.28m high and located only 2.1m away from the neighbouring property.
- Concern about the impact on the garden area that may be damaged or destroyed during construction.
- Concern that there will be reduced sunlight to the eastern side of the house where the living room, bathroom, garden and clothesline are located.
- Object to any overshadowing of No.2.

Carport

- The support posts of the proposed carport are on the boundary between No.2 and No.4 Barnett Street which will obstruct the door opening of a car parked at No.2. The parking arrangement has existed since the 1970's.
- The neighbour at No.2 intends to lodge an adverse possession claim for this piece of land.

Access

- Request that detail of any construction methodology is provided to the neighbour prior to any consent being given to access neighbouring property.

In response to the above, the applicant submitted revised plans and additional information as follows:

- Reduction in height of the boundary wall on the western boundary by 570mm
- The architect has advised the following:
 - *The wall is located behind the front street setback and meets the overshadowing provisions of the R-Codes.*
 - *The material of the wall is of premium quality, being rammed limestone to improve the amenity of the neighbouring property.*
 - *The reduced height portion of wall will be set back 600mm and then set up again to form the roof.*
 - *As the floor level of the new addition matches the historic part of the house, the height of the external wall cannot be lowered any further.*



The following comments are provided by officers:

- An adverse possession claim is a civil matter between parties.
- In relation to the access to neighbour's land and construction methodology, these are matters to be dealt with under building legislation. It is also noted that any works to existing heritage fabric are to be undertaken in a way that shall not result in irreparable damage, with a condition recommended to address this.

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 wall
- Open Space
- Street Setback

The above matters are discussed below.

Background

The subject site is located on the northern side of Barnett Street. The site has a land area of approximately 361m² and is currently a Single House. The site is zoned Residential and has a density coding of R25. The site is individually heritage listed (Level 3).

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

- DA0511/01 – Internal alterations to existing house



Heritage impact

The proposal was reviewed by the city's heritage officers, with the following comments provided:

- The carport sits forward of the building line, however in this instance the carport can be supported from a heritage perspective as it is very lightweight in structure and there is little other opportunity for a covered car space.
- The works to the side and rear of the property are also supported on heritage grounds.

Boundary wall

Element	Requirement	Proposed	Extent of Variation
Lot boundary setback (north and west)	1m	Nil	1m
Wall height	Maximum 3.5m Average 3.0m	3.7m 3.65m	0.2m 0.65m

The proposed boundary wall is considered to meet the design principles of the R-Codes and the additional criteria of LPP2.4 in the following ways:

- The proposed boundary walls do not result in a loss of access to daylight or direct sunlight owing to their location on the northern and western boundaries, and its setback to the existing dwelling(s) on adjoining sites.
- The reduced height of the amended proposals results in a boundary wall on the western side that is not considered to contribute to a sense of confinement or building bulk as it only affects a small portion of the boundary.
- The boundary walls do not impact on any views of significance or existing significant vegetation.

Open Space

Element	Requirement	Proposed	Extent of Variation
Open Space	50%	41%	9%

The proposal is considered to meet the design principles of the R-Codes in the following ways:

- The provision of an outdoor living area greater than that specified by the deemed to comply criteria, located on the northern side of the dwelling ensures suitable, useable outdoor space is available to residents of the dwellings.
- The proposed carport has been designed with an operable louvre roof which allows for a more lightweight structure which can also be opened or closed depending on the weather.
- The locality surrounding the subject site consists of older style dwellings which have a character of development of smaller lots with minimal open space.
- The front setback area is being retained as front garden, with the reduced open space occurring to the rear of the property. The scale of development is consistent with other dwellings in the streetscape.

Street setback

Element	Requirement	Proposed	Extent of Variation
Carport in front of house	Open on all sides with no door	Open on all sides except where attached to the house (north and east)	Does not comply
	Constructed from timber or steel vertical supports no greater than 150mm in width	Steel supports (<150mm)	Complies
	Does not exceed an average of 2.8m in height above natural ground level	Height between 3.3m - 3.8m	0.5 – 1.0m
	The carport is located so as to maintain visibility of the dwelling from the street and surveillance from the dwelling to the street	Maintains surveillance both ways	Complies
	The maximum width of the carport is to be 6 metres	3.8m	Complies
	The carport is setback 1m or greater from any side boundary	Nil setback from west side boundary	1m

The proposed carport is considered to meet the requirements of clause 2.3 (variations) of the LPP2.9 in the following ways:

- The variation sought to the height (0.5 – 1.0m) is considered appropriate given the existing sloped driveway. The design of the carport remains simple in design and is visually subservient to the form and proportion of the existing dwelling.



- The existing dwelling has an existing uncovered car parking in this location. The reduced street setback of the dwelling does not allow for a carport that is fully detached from the dwelling, however the lightweight structure proposed does not impact the character of the heritage dwelling or detract from the open street setback requirement.
- The existing dwelling is a heritage dwelling which is raised up higher than street level, therefore a slightly higher carport is considered appropriate to accommodate height clearance for vehicles and the lightweight structure is supported on heritage grounds.
- The proposed carport remains open on all sides and maintains clear visibility of the dwelling from the street and allows residents inside the dwelling to see the street.
- The dwelling at No.4 Barnett Street is Individually Listed (Level 3) and the lightweight nature of the proposed carport is considered compatible with the heritage significance of the dwelling.

CONCLUSION

The proposed additions are considered supportable as outlined above, subject to conditions of approval.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Additions and alterations to existing Single house at No.4 (Lot 19) Barnett Street, Fremantle, subject to the following conditions:

1. **This approval relates only to the development as indicated on the approved plans, dated 2 May 2022. 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 shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.**
- 3. 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.**
- 4. Prior to occupation/ use of the development hereby approved, the boundary wall located on the north and west boundaries shall be of a clean finish in any of the following materials:**
 - coloured sand render,
 - face brick,
 - painted surface,
 - rammed limestone,**and be thereafter maintained to the satisfaction of the City of Fremantle.**
- 5. The approved development shall be wholly located within the cadastral boundaries of the subject site including any footing details of the development.**
- 6. Prior to the occupation of the development hereby approved, the fencing within the primary street setback area shall be truncated or reduced to 0.75m height within 1.5m of vehicle access points and street corners in order to provide adequate sight lines or otherwise comply with Clause 5.2.5 C5 of the Residential Design Codes and 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 3.7.2 of the Building Code of Australia.**
- iii) **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.**



PC2206-5 LILLY STREET, NO.2A (LOT 2), SOUTH FREMANTLE – TWO STOREY SINGLE HOUSE – (CS DA0455/21)

Meeting Date:	1 June 2022
Responsible Officer:	Manager Development Approval
Decision Making Authority:	Committee
Agenda attachments:	1. Amended Plans
Additional information:	1. Site Photos 2. Heritage Assessment

SUMMARY

Approval is sought for a two storey Single house at No.2A Lilly Street, South Fremantle.

The proposal is referred to the Planning Committee (PC) due to the nature of some discretions being sought. 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:

- **Boundary wall**
- **Street setback**
- **Open Space**
- **Heritage area matters**

The application is recommended for refusal.

PROPOSAL

Detail

Approval is sought for a two storey Single house at No.2A Lilly Street, South Fremantle. The proposed works include:

- Two storey 'L' shaped dwelling.
- The dwelling has been designed around the retention of a large Poinsettia tree on site.

The applicant submitted amended plans on 15 February 2022 including the following:

- Reduction in height of the northern boundary wall to 6.95m (reduced from 7.2m)
- Articulation to street elevation added

Development plans are included as attachment 1.

Site/application information

Date received:	27 October 2021
Owner name:	M and P Kennedy
Submitted by:	Alexander Planning Consultants
Scheme:	Residential R25
Heritage listing:	Individually Listed Category 3 and South Fremantle Heritage Area
Existing land use:	Vacant
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 discretionary assessments against LPS4 and Local Planning Policies are sought. The advertising period concluded on 29 November 2021, and no submissions were received.

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 wall
- Street setback
- Open space

The above matters are discussed below.

Background

The subject site is located on the western side of Lilly Street, South Fremantle. The site has a land area of approximately 364m² and is currently a vacant site. The site was created in late 2020 as a result of the subdivision of No.57 South Street. The site is zoned Residential and has a density coding of R25. The site is individually heritage listed (No.57 South Street) and located within the South Fremantle Heritage Area.

The vacant site slopes from north to south from 10.5 to 11.5. The site has been cleared, with the Poinsetia tree retained. The houses at No's 2 and 4 are raised above street level by approximately 1.1m (11.1) with No 6 at approximately 1.3m above street level (11.3). Street level is 10 to 10.5.

A search of the property file has revealed the following history for the site (history in relation to No.57 South Street prior to subdivision):

- WAPC954-17 – Two lot survey strata subdivision – approved
- DA0092/18 – Partial demolition, additions and alterations to existing single house – approved (included garage addition)



Heritage

In accordance with LPP3.6, new buildings should respect and complement the heritage significance of the area. A respectful design approach gives special consideration to the siting, scale, architectural style and form, materials and finishes of the proposed development in relation to its neighbours. New infill buildings should respond sympathetically to the heritage values of the heritage area as a whole, also to the part of the heritage area in the vicinity of the proposed development.

The subject site is located in the South Fremantle Heritage Area, a precinct bounded by South Street (northern boundary), the Indian Ocean shoreline (western boundary), the shoreline across to Healy Road (southern most boundary), north along Mather Street, east along Annie Street, and York Street (eastern boundary).

The subject site is also located adjacent to two Individually Heritage Listed property's, No.57 South Street to the north and No's 2 and 4 Lilly Street to the south.

No.57 South Street is a single storey, brick, rendered masonry and tile house with an asymmetrical façade designed as an example of the Inter War Bungalow style of architecture. The walls are face brick and rendered masonry. The roof is hipped and gabled and clad with tiles. The front entrance is recessed under a side verandah with a continuous hipped and tiled roof and is supported by timber posts resting on brick pillars. There is another small verandah on the other side with timber balustrade and modern aluminium awning. The gable end features timber elements. Under the gable end is a double casement window with lead lighting features and a tiled awning. There is a brick wall to the front boundary line.

No's 2 and 4 Lilly Street are a single storey, limestone, brick and iron duplex pair built circa 1902 with a symmetrical façade designed as a late example of the Victorian Georgian style of architecture. The walls are limestone with brick quoins. The walls to No.2 have been rendered. The roof is hipped and clad with corrugated iron. The verandah has a separate corrugated iron roof and is supported by cement pillars on brick half columns. The front doors have fanlights and the window visible on No.4 is a double hung sash window. The property is elevated from the street level with stairs leading up to the verandah. There is a rendered masonry wall to the front boundary line.

A heritage assessment has been undertaken and is included as Attachment 2. The following sections of LPP 3.6 apply to this proposal, noting that the site is not considered to be 'contributory' as defined by the policy:

- 3.6 Infill development
 - Siting and scale
 - The proposed dwelling is inconsistent with the prevailing streetscape and setbacks of Lilly Street;



- The garage and two storey section above the garage does not have appropriate articulation;
 - The prevailing streetscape (eastern side of Lilly Street) is not two storey
- Building form
 - The proposed dwelling provides for an inconsistent building form in the streetscape;
 - The roof form, proportions, materials, number, size and orientation of openings and ratio of window to wall do not respond to neighbouring properties;
 - The asymmetry of the façade is inconsistent with the prevailing streetscape
 - The contemporary building design does not respond to or interpret the scale, articulation and detail of the existing nearby buildings
- Materials, colours and detailing
 - The materials and level of detailing of the proposed dwelling does not reflect the predominant materials of the prevailing streetscape
- Roofs
 - The proposed dwelling does not reflect plate and wall heights, roof form, ridge lines, parapet lines, roof slopes and eaves overhangs (of the prevailing streetscape)
- Verandahs/Porches/Awnings
 - The proposed dwelling does not have a verandah, porch or awning to the street elevation
- Doors and Windows
 - The proposed dwelling does not provide vertical window elements
 - The front door of the proposed dwelling does not address the street as it is not centrally located on the front façade of the building
- 3.7 Garages and carports
 - The proposed garage is positioned as the most forward section of the dwelling, not to the rear or side/behind the front of the dwelling as is traditional in heritage streetscapes. The garage cannot be considered to be 'visually unobtrusive' when viewed from the street;
 - The proposed garage is under the main roof the development but is not set back in line with or behind the front building line of the new house.
 - The proposed dwelling and garage location has not been designed to minimise the visual and physical impact of the car parking on the heritage character of the streetscape

The applicant was invited to explore options to address the above concerns, however they elected to retain the proposed dwelling with only minor amendments to the height of the boundary wall and the additions of some feature screening to the windows on the upper floor facing Lilly Street.

The revised proposal is not supported with the key issues being:

- Setback of garage
- Setback of upper storey
- Articulation of the garage and two storey section to the streetscape
- Bulk, scale and form of two storey/garage wing
- Northern and front boundary wall
- Roof form, proportions, materials, number, size and orientation of openings, ratio of window to wall do not respond to its neighbours
- Does not reflect plate and wall heights, roof form, ridge lines, parapet lines, roof slopes and eaves overhangs
- Does not reflect the predominant materials of the prevailing streetscape

For the reasons and issues outlined above, the proposed dwelling is considered to result in an undue impact on the heritage significance of the adjacent dwellings at No.57 South Street and No's 2 – 4 Lilly Street, and the South Fremantle Heritage Area, and is therefore not supported on heritage grounds.

Boundary Wall

Element	Requirement	Proposed	Extent of Variation
Lot boundary setback (north and west)	1m	Nil	1m
Wall height	Maximum 3.5m Average 3.0m	North 4.575 – 6.95m West 5.65m	1.075 - 3.45m (max) 2.15m (max)

It is noted that there is an existing boundary wall to the existing garage at No.57, this is single storey in height, with a maximum height of 4.3m, reducing to 2.6m in height. The proposed boundary wall exceeds this height measuring two storey, from 4.5m up to 6.9m high on the northern boundary, and 4.7m on the eastern boundary. The proposed boundary wall does not meet the deemed to comply criteria and must be assessed against the design principles

The proposed boundary walls are not considered to meet the design principles of the R-Codes and the additional criteria of LPP2.4 in the following ways:



- The proposed boundary wall and resultant two storey dwelling creates a dominant and detrimental feature in the Lilly Street streetscape with an adverse impact on the heritage character and the wider South Fremantle Heritage Area

Street Setback

The setbacks of the proposed dwelling range from 1.5m on the ground floor to 1.5-3m on the upper floor. As the site is located in a Heritage Area, LPP 3.6 applies when considering the suitability of the design.

The street setback of the proposed dwelling is not considered to meet the design guidance of clause 3.6.2 of LPP3.6 as follows:

- The proposed dwelling does not maintain the front or side setback pattern of the original streetscape;
- The proposed dwelling does not create a consistent scale in relation to the original street pattern as the existing dwellings on this side of Lilly Street are single storey and the proposed dwelling has a two storey section as the most forward part of the dwelling;
The plate height of the proposed dwelling is inconsistent with the original street pattern

Further, the street setback of the proposed dwelling is not considered to meet the requirements of clause 1.2 (variations) of LPP2.9 in the following ways:

- The proposed dwelling is inconsistent with the setback of buildings of comparable height within the prevailing streetscape as there are no two storey dwellings in the prevailing streetscape on this side of Lilly Street
- The existing dwellings either side of the subject site are character dwellings, with the properties to the south (No's 2, 4 and 6 Lilly Street) being single storey but with a floor level set higher than street level (1.1 – 1.5m), therefore whilst they view as single storey, their eaves height is more than 4m high.
- The proposed dwelling creates a projecting element into the established streetscape of Lilly Street.
- It is noted that the proposal has been designed to accommodate the retention of a tree, which the City supports, and if the development were to be approved, a condition of approval would be to require the tree to be maintained as part of the development and not be removed without further approval from the City.
- It is noted that the development is on a lot directly adjoining a corner lot, therefore a reduced setback could be considered by taking into account the secondary setback of the corner lot in addition to buildings in the prevailing streetscape. However, the diagram below shows that whilst the ground floor of the proposal considers the setback of the garage at No.57, the upper floor also projects well forward of the deemed to comply requirements of LPP2.9

Finally, after considering the policy provisions for street setbacks, the proposal must be tested against the Design Principles of the R-Codes which cannot be replaced by the local policy framework. The setback of the proposed dwelling is not considered to meet the design principles of the R-Codes as follows:

- The proposed dwelling seeks a ground floor and upper floor setback that is inconsistent with the existing Lilly Street streetscape.
- The portion of the dwelling most visible from the street is a double width garage door, with an upper floor with a reduced street setback which creates a building mass that detracts from the existing character of the streetscape.

Open Space

Element	Requirement	Proposed	Extent of Variation
Open Space	50% 182sqm	47% 172.5sqm	3% (9.5sqm)

The Open Space is considered to meet the design principles of the R-Codes in the following ways:

- The amount of open space is offset by the provision of an outdoor living area greater than that specified by the deemed-to-comply criteria. This ensures suitable, useable outdoor space is available to residents of the dwelling.
- The locality surrounding the subject site consists of older style character development with a characteristic of reduced open space.
- The reduced open space provided will not be apparent from the primary street as the majority of the open space is to the front of the property.
- The exercise of discretion is considered minor and indistinguishable to a proposal that otherwise meets the deemed-to-comply criteria.

CONCLUSION

In accordance with the above assessment, it is considered that the proposed development will unduly impact the heritage significance of the adjacent dwelling(s), as well as the Lilly Street streetscape, and its wider streetscape contribution to the South Fremantle Heritage Area. For these reasons, the application is recommended for refusal.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil



LEGAL IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

Council:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Two Storey Single House at No. 2A (Lot 2) Lilly Street, South Fremantle, as detailed on plans dated 15 February 2022, for the following reasons:

- a) the proposal is detrimental to the amenity of the area and incompatible with the objectives of the Residential Zone set out in clause 3.2.1 (a) of the Local Planning Scheme No.4 as per clauses 67 (a) ensuring that the aims and provisions of the Scheme have been met, (k) the built heritage conservation of any place that is of cultural significance and (m) the compatibility of the development within its setting, of the Deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
- b) The proposal is inconsistent with the City of Fremantle's Planning Policy *Local Planning Policy 3.6 – Heritage Areas* as the proposed dwelling will have an adverse impact upon the presentation of the streetscape and its contribution to the South Fremantle Heritage Area.**
- c) The proposal is inconsistent with the City of Fremantle's Planning Policy *Local Planning Policy 2.9 – Residential Streetscapes* and *Local Planning Policy 2.4 – Boundary Walls in Residential Development* due to the reduced street setback and over height prominent boundary wall having an adverse impact on the Lilly Street streetscape.**



PC2206-6 INFORMATION REPORT - JUNE 2022

1. SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY

Responsible Officer: Manager Development Approvals
Agenda 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-SOUTH JDAP DETERMINATIONS AND RELEVANT STATE ADMINISTRATIVE TRIBUNAL APPLICATIONS FOR REVIEW

Responsible Officer: Manager Development Approvals
Agenda attachments: Nil

Applications that have been determined by the Metro Inner-South JDAP and/or are JDAP/Planning Committee determinations that are subject to an application for review at the State Administrative Tribunal are included below.

1. Application Reference
DA0352/21
Site Address and Proposal
No 271a South Terrace, South Fremantle- Proposed change of use to small bar and alterations and additions to existing building
Planning Committee Consideration/Decision
At its meeting held on 1 December 2021, the Council resolved to refuse the application.
Current Status
- On 5 January 2022 an Application for Review by the State Administrative Tribunal was lodged by the owner. - A Mediation session between the parties was held on 4 February 2022. - The applicant submitted further information for discussion in mediation held on 22 March 2022. - The applicant is invited to submitted amended plans and the City is invited to reconsider its decision on or before 13 July 2022. - A report dealing with the Amended Plans will be presented to the July Planning Committee for reconsideration.

2. Application Reference



DA0405/21
Site Address and Proposal
No 2/284 South Terrace, South Fremantle- Proposed change of use Shop (Massage Parlour)
Planning Committee Consideration/Decision
At its meeting held on 1 December 2021, the Council resolved to refuse the application.
Current Status
- On 3 January 2022 an Application for Review by the State Administrative Tribunal was lodged by the owner. - A Mediation session between the parties was held on 3 February 2022. - The applicant submitted further information for discussion in mediation held on 17 March 2022. - The applicant is invited to submit an amended proposal, and the City is invited to reconsider its decision before 7 June 2022. - A recommendation to approve the application was supported by Planning Committee in May, however the application was referred to an Ordinary Council Meeting for the final decision. On 25 May OCM reconsidered the application and approved it subject to conditions.

3. Application Reference
DA0294/21
Site Address and Proposal
No 207 High Street, Fremantle – Internal alterations to existing Grouped dwelling
Planning Committee Consideration/Decision
Nil
Current Status
- On 24 March 2022 an Application for Review by the State Administrative Tribunal was lodged by the owner. - A Directions Hearing was held on 14 April 2022. - A Mediation session between the parties was held on 27 April 2022. - A further Directions Hearing is scheduled for 24 June 2022.

4. Application Reference
DA0440/21
Site Address and Proposal
No 90 Bracks Street, North Fremantle – Demolition of existing buildings and structures



Planning Committee Consideration/Decision
At its meeting held on 2 March 2022, the Council resolved to approve the application subject to conditions not recommended by officers.
Current Status
- On 30 March 2022 an Application for Review by the State Administrative Tribunal was lodged by the owner. - A Directions Hearing was vacated with orders issued instructing Council to reconsider its decision by the end of May. The applicant has been provided the opportunity to provide any additional materials to aid this reconsideration. - A report reconsidering the application was presented to the May Ordinary Council Meeting with a recommendation for approval without the additional conditions requiring retention of fabric. - OCM reconsidered the application on 25 May 2022 and reaffirmed its original decision. - A full hearing is scheduled for July.

OFFICER'S RECOMMENDATION

Council receive the following information reports for June 2022:

- 1. Schedule of applications determined under delegated authority**
- 2. Update on Metro Inner-South JDAP determinations and relevant State Administrative Tribunal applications for review.**



10.3 Council decision

Nil

11. Motions 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.

12. 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.

13. 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.

14. Confidential business

Members of the public may be asked to leave the meeting while confidential business is addressed.

15. Closure