Agenda

Planning Committee

Wednesday, 2 June 2021, 6.00pm

City of Fremantle

CITY OF FREMANTLE

NOTICE OF A PLANNING COMMITTEE MEETING

Elected Members

A Planning Committee meeting of the City of Fremantle will be held on **Wednesday**, **2 June 2021** in the North Fremantle Community Hall, located at 2 Thompson Road, North Fremantle commencing at 6.00 pm.

Paul Garbett
Director Strategic Planning and Projects

28 May 2021

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CITY OF FREMANTLE

Planning Committee

Agenda

1. Official opening, welcome and acknowledgement

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

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

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

7. Deputations

7.1 Special deputations

There are no special deputation requests.

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 5 May 2021.

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

PC2106-1 HIGH STREET, NO.162 (LOT 464), FREMANTLE – FOUR STOREY EDUCATIONAL ESTABLISHMENT BUILDING – (CS DA0370/20)

Meeting Date:	2 June 2021
Responsible Officer:	Manager Development Approvals
Decision Making Authority:	Committee
Agenda attachments:	1. Amended Development Plans
Additional information:	1. Applicants Amended Submission 2. Superseded Development Plans 3. Site Photos

SUMMARY

Approval is sought for the construction of a four storey education building at 162 High Street, Fremantle.

The application was referred to Planning Committee on 7 April 2021, where the Committee resolved to defer the application and invite the applicant to submit amended plans that reduce the overall bulk and scale of the development and its impact on the High Street public realm and Dalkeith House. Amended Plans have been received to address the reasons for deferral from the April Planning Committee. An additional section to the report has been added at the end of this report to address these changes.

The original proposal was 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) and Local Planning Policies. These discretionary assessments include the following:

- **Building height**
- **Bicycle parking**

Officers recommended that the original proposal, on balance, be refused as the proposal is not considered to effectively graduate the scale of buildings within the locality, thereby failing to satisfy all of the discretionary criteria relating to building height under LPS4. Officers consider the proposed amendments adequately address the design elements and areas of concern as raised by the Committee in its reasons for deferral. However the amended plans do not address the issue of height, relevant to the LPS4 test to graduate the height of buildings in the immediate locality, therefore the Officer's recommendation remains unchanged for this reason alone. If the amended plans satisfy the Committee's concerns in relation to bulk and scale, an alternative recommendation for approval is provided in this report.

PROPOSAL

Detail

Approval is sought for the construction of a four storey educational building on an existing vacant site at 162 High Street, Fremantle.

The building includes a learning centre to be used alongside the existing facilities on campus at Christian Brothers College (CBC), with facilities including a number of adaptable learning spaces and breakout areas for smaller group work, an auditorium / performance space with stage and backstage areas, toilets and other facilities, and basement level car and bicycle parking.

The applicant submitted amended plans on 21 December 2020 including the following:

- Modified internal layout to ensure more activation of the front elevation and engagement with the street, including improved circulation space
- Reduced building height by lowering the basement level and reduced ceiling heights of other levels
- Changes to the design including:
    - Increased lot boundary setbacks (to the north and west)
    - Tree retention (northern side)
    - Changed materials
    - Increased the number/size of openings
    - Introduced lightwells along the east and west boundaries to improve internal natural light
    - Improved landscaping to front elevation
    - Addition of ‘green wall’ to front elevation

Image 1: Original Proposal (as viewed from High Street)

Image 2: Amended Proposal (as viewed from High Street)

On 7 May 2021, the applicant submitted amended plans including the following:

- Increased street setback from High Street from 1.35m to 3.4m – 4.0m
- Decreased rear setback from 3.0m to between 1.5m – 2.7m
- Increased western boundary setback for levels 2 and 3
- Increased landscaping on the High Street elevation/within street setback area
- Further articulation of the elevations by a range of increased setbacks, increased depth, use or materials and finishes.
- Internal layout reconfiguration

Amended development plans are included as attachment 1.

Site/application information

Date received:	7 September 2020
Owner name:	Trustees of Edmund Rice Education Australia T/As CBC Fremantle
Submitted by:	Roberts Day/Hatch
Scheme:	Mixed Use
Heritage listing:	Not Individually Listed but adjacent to State Heritage Listed Dalkeith House
Existing land use:	Vacant lot
Use class:	Education Establishment
Use permissibility:	P

CONSULTATION

External referrals

The amended plans did not trigger the need to re-refer the application to the Heritage Services team at DPLH or Fremantle Ports. As such, their advice on the original proposal as detailed below remains the same.

Heritage Service (DPLH)
The application was referred to Heritage Services twice (original and amended plans) as the subject site is adjacent to a State Heritage Listed place, Dalkeith House. The following comments were provided:

- The referral is for amended plans for a proposed four storey educational establishment adjacent to Dalkeith House.

- Dalkeith House is a two-storey brick and limestone building and is an excellent and substantially intact example of a mansion built in the Federation Queen Anne style, constructed in the centre of Fremantle during the gold boom. It is important for its landmark qualities.
- The amended design responds to the articulation and fenestration of Dalkeith House. The overall height of the new development has been reduced, and the projecting west roof has been deleted from the proposal.

Heritage Services have advised that they have no objection to the proposal subject to the following conditions:

- A dilapidation survey of Dalkeith House shall be prepared prior to any works being undertaken, by a suitably qualified professional.
- A program of monitoring any structural movement and potential vibration impacts on Dalkeith House shall be implemented at the commencement of works. The Heritage Council is to be notified immediately if any impact occurs and advised on a recommended course of action by a suitably qualified structural engineer.

Should the proposal be approved, these matters can be dealt with as relevant conditions and advice notes.

Fremantle Ports

The application was referred to Fremantle Ports 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. Should the proposal be approved, these matters can be dealt with as relevant conditions and advice notes.

Community

The original application was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, as discretion is sought on the building height and car parking provision. The advertising period concluded on 8 October 2020, and seven (7) submissions were received. The following issues were raised (summarised):

Issue	Comment	Officer Comment
Streetscape	The proposed development does not fit with the current (predominantly two storey) streetscape	See further detail under Officer Assessment
Traffic Movement	Concern regarding driveway with poor sight lines on to busy street/footpaths	The proposal has been reviewed by the City's Infrastructure team and no issue has been raised in relation to the driveway or sight lines (noting a separate crossover application would be also be required)
Car Parking	The proposed development only provides for four car bays, which is insufficient for a building of this size, capable of holding >200 people	See further detail under Officer Assessment

Building Height	The proposed building will be much larger than any other building in the street	See further detail under Officer Assessment
Heritage	The proposed development will dwarf Dalkeith House The proposed development will cause damp issues / other damage to adjacent heritage property	See further detail under External Referrals
Overshadowing	The overshadowing will impact the properties across the road	Overshadowing falls only into the road reserve.
Noise	Concern about noise from potential evening/out of hours events that might be held by the school and/or external groups	Normal noise regulations would apply.

The remaining comments are addressed in the officer comment below.

In accordance with LPP1.3, as the amended plans do not introduce any new LPS4 or Council Policy discretions the plans were not required to be re-advertised.

OFFICER COMMENT

Statutory and policy assessment

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

- Clause 67 – Matters to be considered by local government; and

City of Fremantle LPS4 Provisions:

The following Scheme provisions are considered the most relevant in the consideration of the planning application:

- Clause 3.2.1(e) - Objectives of the Mixed Use Zone;
- Table 2 – Vehicle parking requirements;
- Table 1 – Zoning;
- Schedule 7 – Local Planning Area 2 - Fremantle;
- Clause 4.8.1 – Variation to height requirements;
- Clause 4.8.2 - Variation to other requirements;
- Local Planning Policy 1.9 – Design Advisory Committee and Principles of Design
- Local Planning Policy 2.13 – Sustainable Buildings Design Requirements
- Local Planning Policy 2.19 – Contributions for Public Art and/or Heritage Works

Should the proposal be supported, relevant conditions to ensure compliance with the above-mentioned Council Policies should be imposed.

The proposal has been assessed against the relevant provisions of LPS4 and relevant Council local planning policies. In this particular application the areas outlined below do not meet policy or Scheme provisions and need to be assessed under the Discretionary criteria of the Scheme and policy:

- Building height
- Bicycle parking

The above matters are discussed below.

Background

The subject site is located on the northern side of High Street, Fremantle. The site has a land area of approximately 640m² and is currently a vacant site, with the previous commercial building being demolished in 2019. The site is zoned as Mixed Use.
The application site is separated from the main Christian Brothers College (CBC) campus by one lot currently occupied by a single storey commercial building currently occupied by a Physiotherapist.

The site is not individually heritage listed but is located directly adjacent to No.160 High Street, known as Dalkeith House, which is on the State Register of Heritage Places.

The site is higher at the southern boundary, with approximately 1.7m sloping down towards the rear (north) of the site.

Land Use

An Education Establishment is a 'P' use in the Mixed Use Zone. The use is permitted in this zone.

Building Height

The amended proposal which includes an increased street setback results in some very minor changes (approximately 100mm in parts) to the overall height of the building. The Officer's assessment below is still considered appropriate.

The site is located within Local Planning Area 2 – Fremantle under LPS4. The maximum permitted wall height within the Mixed Use Zone of this LPA is 7.5m.

Clause 4.8.1.2 allows the permitted maximum external wall height to be increased by 0.5m where there is a variation in ground level of more than one metre. The section below shows the southern end of the site (fronting High Street) is approximately 1.7m higher than the northern end of the site. There is a basis to allow a maximum 8.0m wall height using this clause.

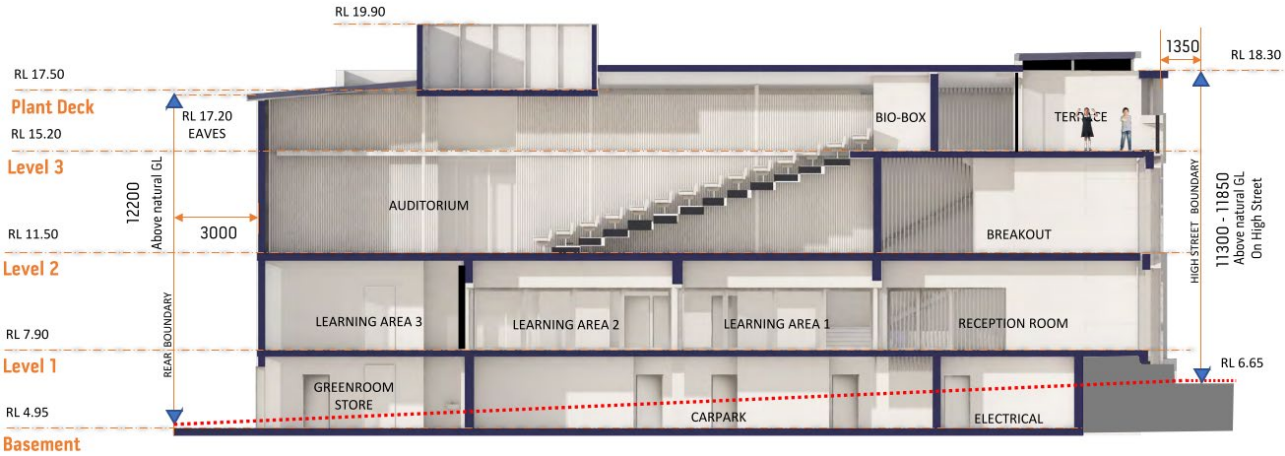


Image 3: Cross section of subject site (North to South)

A maximum wall height of 8.0m would therefore be supported as compliant with the heights of LPS4. The proposal seeks an additional 3.3 – 4.2m height (excluding minor projections for the plant equipment).

Element	Requirement	Proposed	Extent of Variation
Wall Height	8m	11.2m - 12.3m	3.2m – 4.3m

As the proposed development exceeds the maximum permitted wall height, the proposal is required to be assessed against clause 4.8.1.1 of LPS4 which states:

> *"Where sites contain or are adjacent to buildings that depict a height greater than that specified in the general or specific requirements in schedule 7, Council may vary the maximum height requirements subject to being satisfied in relation to all of the following—*
>
> *(a) the variation would not be detrimental to the amenity of adjoining properties or the locality generally,*
>
> *(b) degree to which the proposed height of external walls effectively graduates the scale between buildings of varying heights within the locality,*
>
> *(c) conservation of the cultural heritage values of buildings on-site and adjoining, and*
>
> *(d) any other relevant matter outlined in Council's local planning policies."*

For discretionary assessment under clause 4.8.1.1 to be 'triggered', one of the following must occur:

1) The subject site must contain a building that depicts a height greater than that specified in the general or specific requirements in schedule 7; or
2) The subject site must be adjacent to a building that depicts a height greater than that specified in the general or specific requirements in schedule 7

The applicant has submitted that the following buildings exceed the permitted wall height requirements of schedule 7 and therefore cl 4.8.1.1 can be triggered:

- 160 High Street, Fremantle (known as Dalkeith House)

- 166 High Street, Fremantle being the CBC Gymnasium building
- 185 High Street, Fremantle.

Officers agree that the adjoining building at 160 High Street (Dalkeith House) exceeds the permitted wall height of schedule 7 and thereby triggers an assessment under cl 4.8.1.1 of LPS4. It is however noted that the other two buildings identified by the applicant being No.185 High Street and the CBC Gymnasium are not considered to trigger the clause as the former is located approximately 200m away from the application site and therefore not considered 'adjacent', and the Gymnasium is not subject to specific height provisions under LPS4 (being a Community Facility Reserve for a High School) respectively.

Given the above, officers have assessed the proposal in accordance with cl. 4.8.1.1 (a) to (d) and can provide the following comments:

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

The amended design has increased the rear (northern) lot boundary setback to 3.0m, which assists in reducing the impact of the bulk and height of the building to the residents to the north/west of the site. The applicant also intends to retain and/or provide additional planting along the rear boundary to further improve this. The orientation of the site is also beneficial in that all overshadowing (at midday on 21 June) will fall within the High Street road reserve rather than onto residential properties.

The proposed building would be the tallest building in the immediate locality, with surrounding properties predominantly a maximum of two storeys. However, the increased rear setback, and improvements to the side and front elevations as per the recommendations of the DAC, minimises the potential impacts on the amenity of neighbouring properties.

(b) degree to which the proposed height of external walls effectively graduates the scale between buildings of varying heights within the locality,

To assist in considering the degree to which the proposal effectively graduates the scale of buildings in the locality the table below depicts overall height and wall heights of the proposed development as well as a number of buildings within the locality within approximately 200m of the subject site:

Address	Building height	Wall height	Relative direction	Distance from site	Zoning
162 High Street (subject site)	11.3 -12.2m (excluding plant)	11.3 – 12.2m	n/a	n/a	Mixed Use
160 High Street	~11.4m	~8.5m	West	Adjacent	Mixed Use

(Dalkeith House)					
41-51 Ellen Street (sports hall)	~11.0m	~8.0m	East	25m	Community Facility – High School Reserve
41-51 Ellen Street (student services)	~11.5m	~11.5m	East	~150m	Community Facility – High School Reserve

In support of the proposal the applicant has submitted the following streetscape views below (Image 4). The first streetscape view aims to demonstrate that the scale and height of the proposed development is not entirely out of scale with the existing buildings on the northern side of High Street, noting that the subject site sits at the lower end of High Street which slopes up from west to east. It is noted that a single storey building is located between the subject site and the existing CBC gymnasium (not shown in the image below).

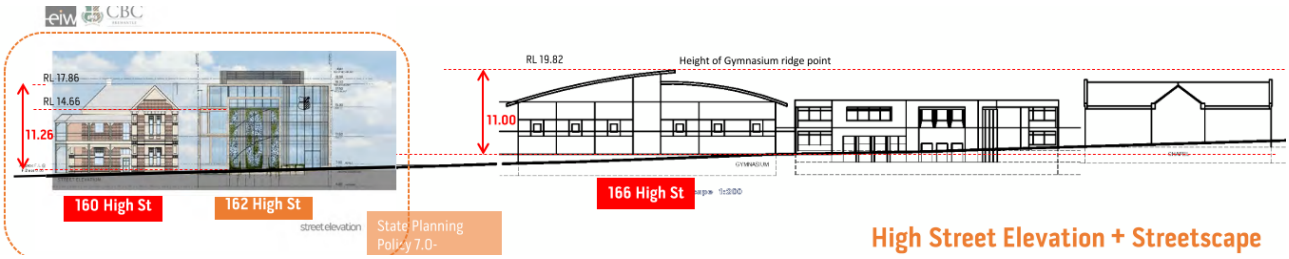


Image 4: High Street Streetscape (West to East) (Original Plans)

Similarly, the second streetscape view (Image 5) aims to demonstrate that the scale and height of the proposed development is not entirely out of scale in relation to the existing height of Dalkeith House immediately adjacent to the subject site. The amended design, including the High Street elevational treatment has been designed to respond to the horizonal emphasis and proportions of Dalkeith House including the ridge line of the existing roof.

Image 5: High Street Streetscape (West to East) (Original Plans)

Although the above analysis of the existing streetscape is considered to have some merit, the proposed wall height of the development, being slightly above the roof height of Dalkeith House and all the other adjoining buildings on the northern side of High Street, is not considered to not effectively graduate the scale of buildings in the locality as the proposed development will be the tallest building in the locality. The proposed building is four storeys including an auditorium on levels 2 and 3. Because of this, the applicant has been unable to reduce the overall height or increase the setback of the side walls on upper floors which may have assisted in a more 'graduated' appearance. The building is box-like with boundary walls on both the east and west side boundaries, which results in a building which does not have a 'graduated' appearance, and creates a wall height difference of 3.3m to the west (at the High Street frontage), but in excess of 6m to the east which is a single storey building. The proposal is not considered to effectively graduate the scale between buildings of varying heights within the locality. The proposal is therefore inconsistent with the intent of this provision to assist in graduating the scale of existing over height buildings in the locality back towards the desired future scale of buildings as prescribed under the Scheme.

(c) conservation of the cultural heritage values of buildings on-site and adjoining, and

The subject site is not individually heritage listed nor is located within a prescribed Heritage Area under LPS4. The site is however located adjacent to a State Registered heritage property being Dalkeith House and as such the potential impact on the heritage significance of this building must be considered. As noted by the Heritage Services Team at DPLH, the amended design, which reduced the overall height of the development and the extent to which the roof projected towards Dalkeith House, is considered to more appropriately respond to the articulation and fenestration of Dalkeith House and as such, is not considered to have an adverse impact on its heritage significance.

(d) any other relevant matter outlined in Council's local planning policies.

The proposed development is not subject to any specific Local Planning Policies.

In conclusion, the design has been significantly improved with increased rear lot boundary setbacks, changes to the articulation and materials of the elevations, and increased landscaping. However, in order for Council to vary the height considerations, all four of the above must be met. Despite the much improved design of the proposal, cl 4.8.1.1 (b) is not considered by officers to have been met for the reasons above.

Car and Bicycle Parking
As detailed in the applicant's submission, the proposed development is to operate in conjunction with the existing CBC School Campus located to the east of the subject site. The applicant also confirms that the application does not proposed to increase the number of student enrolments at the CBC Campus. The applicant has advised that 71 car parking bays and numerous bicycle racks are currently provided on the main campus site. The proposed development includes the provision of four (4) car parking bays and 16 bicycle bays in a basement level accessible from High Street.

The application has been considered against the car and bicycle parking requirements for an Education Establishment under LPS4. In accordance with LPS4, the car parking calculation is based on the number of classroom spaces provided and the number of year 12 students. As such, the proposal is determined to require a minimum of three car parking bays (for three classrooms) and therefore deemed to satisfy the minimum requirements of LPS4.

Although the car parking is deemed to satisfy the requirements of LPS4, it is noted that the development has the potential to attract a number of visitors to the building, other than students that already attend the CBC Campus, and a number of adjoining residents/occupants raised their concerns in regard to the lack of available parking in the immediate locality.

It is noted that current site and design constraints, including limited frontage/access from High Street, ramping requirements to access the basement and a water pipe easement across the rear of the site, restrict the ability to lower the basement and also provide any significant amount of on-site car parking.

It is acknowledged that on a normal school day, all-day car parking demands would generally be confined to the needs of staff/teachers and potentially some year 12 students. Therefore the only instances likely to result potential traffic and car parking issues are those where an event is held such as an assembly or theatre production where an audience other than current students is in attendance. In this instance, the school/applicant would be required to provide a detailed management plan to show where vehicles would be expected to park (for example the school has an agreement with the City of Fremantle for overflow parking onto Fremantle Park on certain occasions), and how the influx of patrons would not impact the amenity of residential properties across the road or to the rear, or result in increased traffic pressures on High Street. This requirement could be controlled via a condition of planning approval.

In summary, the development is considered to have an acceptable impact in relation to traffic and car parking for the following reasons:

- The proposed education establishment will be used as an extension of the existing school site. It will be an additional facility but will not result in increased student numbers.
- The main school site provides for significant staff parking, with an additional four bays provided in the basement of the new building.
- Students do not require car bays, and as the number of students will not increase, there is not expected to be an increased demand in car parking.
- Any events that are held in the auditorium that utilise external persons (non-students) will be required to provide a parking management plan to ensure neighbouring residents are not impacted. This process exists for other events on the main school site.
- The subject site is well served by public transport facilities, with bus services available on High Street.

Bicycle Parking
The original proposal included 16 bicycle parking bays in the basement. The amended proposal no longer illustrates these bays on the plan, however the area where the bays were located is still proposed therefore Officers have considered that there is the ability to provided these bays, therefore the Officer's assessment below is still considered appropriate.

Element	Requirement	Proposed	Extent of Variation
Bicycle Parking 1 class 2 per 5 students (200 students)	40	16	24

In addition to the 16 bays provided in the basement of the proposed development, the applicant has provided an assessment of the number of students utilising bicycle bays and a maximum of 40 bicycle bays are used in summer, and 10 in winter, primarily because of the good public transport options available to students.

The applicant advises that additional covered bike racks will be provided on the main campus, and that the new building is not intended to be the first destination for students. They will attend classrooms on the main campus with certain classes walked to the new building as required. Start and end of the day will usually be on the main site, where the existing (and new) bicycle bays are provided.

Given the above, the shortfall of bicycle bays is considered supportable in this instance.

Design Advisory Committee
The proposal was referred to the Design Advisory Committee (DAC) for comment as to the proposed development being 11m or three storeys in height (or greater) in any zone other than Residential or Industrial zones (Local Planning Policy 1.9 – Design Advisory Committee and Principles of Design).

The proposal was presented to the DAC on 12 October 2020 and 11 January 2021.

At its meeting held on 12 October 2020 the Panel made the following comment regarding to proposed development:

The proposal was considered to demonstrate the following strengths, which the panel encouraged the applicant to continue to carry through in any future amendments of the design:

- *The proposed car park is recessed and is largely screened from the public domain.*
- *The design and fenestration of the northern elevation respectfully takes its cues from the adjoining Dalkeith House.*
- *The proposed minor setbacks in the east and west elevations offer the opportunity to introduce light, ventilation and fenestration into the facades.*
- *The bulk and scale of the proposal is generally considered appropriate within its context by the Panel.*
- *The proposed education use auditorium space adds diversity to the location whilst complementing the main CBC Campus.*

The Panel encouraged the applicant to amend the proposal to improve the developments engagement with the immediate locality particularly High Street, enhance the external treatment of the building and investigate further opportunities to include greater student amenities. In particular the Panel encouraged the applicant to consider the following:

- *Consideration should be given to relocating the car parking spaces to a full underground level to release the opportunity for a less constrained ground floor design which can interact with, and be on the same level as, the streetscape.*
- *Subject to comments from City Officers, consideration could be given to relocating the cars off-site in a reciprocal arrangement with the main campus.*
- *Consider revising the layout and function of the ground floor level to create a larger, more generous and legible main entry that complements the auditorium space and the ability to interact with the streetscape.*
- *Consider relocating the WC's/amenities from the front facade to allow active spaces to interact with the street and provide passive surveillance.*
- *Reconsider the proposed elevational treatments to the east, west, and north to the same level as the considerations given to the design of the southern elevation, which takes cues from the immediate locality and adjoining state heritage building.*
- *Consider the opportunity for breakout spaces to support the adjacent learning spaces.*

In response to the DAC's comments, the applicant submitted amended plans on 21 December 2020 including the following:

- Modified internal layout to ensure more activation of the front elevation and engagement with the street, including improved circulation space
- Reduced building height by lowering the basement level and reduced ceiling heights of other levels
- Changes to the design including:

- Increased lot boundary setbacks (to the north and west)
- Tree retention (northern side)
- Changed materials
- Increased the number/size of openings
- Introduced lightwells along the east and west boundaries to improve internal natural light
- Improved landscaping to front elevation
- Addition of 'green wall' to front elevation

The amended plans were considered by the DAC at its meeting held on 11 January 2021, where the DAC provided the following comments (Minutes reproduced below):

WHAT ARE THE STRENGTHS
The amended proposal was considered to demonstrate the following strengths, which should continue to carry through in any future amendments of the design:

- *The proposed amendments, specially the reduction in height of the ground floor level, results in an enhanced and improved ground floor streetscape condition.*
- *Enhanced visual permeability has been achieved through the relocation of the amenities from the front facade to an internalised and central location.*
- *Further planning refinements have resulted in a clearer and more legible sequence of spaces as well as the co-location of circulation and break-out spaces which have the capacity to better interact with learnings areas and the auditorium.*
- *The approach to facade proportion as a way of mediating the bulk and scale between the existing heritage building and the new build is supported, however the Panel acknowledge that the amended plans have been re-referred to the State Heritage Office.*
- *The driveway has been successfully set back and the built form over the driveway reads as a smaller volume with a successful glazed element adjacent to the heritage building.*
- *The driveway is also a single lane width which successfully minimises the impact of a vehicular cross-over on the public domain.*
- *The enhanced northern boundary set back is a positive improvement and has successfully resulted in tree retention.*
- *Modestly scaled light-wells have the capacity to add a sense of light and space to the deeper plan areas.*
- *Materiality, articulation and reveals in flank walls have the capacity to add texture scale, detail and modelling to the appearance of the facade.*
- *A top floor generous balcony and outdoor space is oriented towards the street and assists with creating a vibrant and engaged streetscape.*

CABE DESIGN PRINCIPLES

CHARACTER (A place with its own identity)

- *Whilst the ground floor level has been further reduced there remains a concerning disconnect between the ground floor and the public domain creating congestion and inefficiency at the building entry and creating the sense of a detached building within its context.*
- *Whilst the green wall is supported there is some concern in relation to its viability given its southern orientation and the limited soil depth available.*
- *The majority of the High Street façade demonstrates a controlled and well-proportioned design. The western side of the façade could be refined further to achieve the same outcome.*

CONTINUITY AND ENCLOSURE (A place where public and private spaces are clearly distinguished)

- *Access to and security for the basement parking area remain unclear.*

EASE OF MOVEMENT (A place that is easy to get to and move through) and LEGIBILITY, ADAPTABILITY, DIVERSITY (A place that is easy to navigate, a place that can change, a place with variety and choice, is easy to navigate)

- *The proposed planters immediately adjacent to the entry serve to separate the entry from the streetscape and compromise legibility.*
- *The Main Street entry lobby remains ungenerous given the quantum of people expected to enter and egress under normal operations. The small flight of stairs resolving the street level with the ground floor level is of particular concern creating a circulation 'pinch point'.*
- *An ESD narrative remains absent. Given this building will be owned, occupied and operated by the client there remains a real potential to explore low energy and resource design strategies to mitigate operational and lifecycle cost.*
- *It is not clear how bicycles will access the bicycle bays in the basement safely and conveniently.*

HOW CAN THE PROPOSAL BE IMPROVED

- *The applicant is strongly encouraged to reduce the basement level further to allow the ground floor to engage directly with the street. This modification will benefit the development to further enhance the streetscape and assist to solve the potential congestion associated with the entry lobby and narrow flight of stairs.*
- *Removing the planters directly adjacent to the building entry will assist with entry generosity and legibility and may provide the opportunity to consider seating.*
- *Refine the treatment and pallet of materials for the western side of the High Street elevation to reflect the control and well proportioned design of the rest of the façade.*
- *The applicant is encouraged to engage a landscape design professional to review green wall design and viability.*
- *The applicant is encouraged to engage an ESD professional to evaluate sustainability initiatives that could reduce life-cycle and operation costs as well as improved indoor*

environment quality. Initiative could include, but not be limited to, mixed-mode natural ventilation, PV's and current or future provision for battery location.

RECOMMENDATION
The Design Advisory Committee, having considered the revised proposal for 162 High Street, Fremantle, supports the design improvements to the development and invites the applicant to consider further amending the proposal to:

1. *Further enhance the streetscape and the legibility and generosity of the ground floor level by reducing the basement level further and removing the planters directly adjacent to the building entry.*
2. *Refine the treatment and pallet of materials for the western side of the High Street elevation to reflect the control and well proportioned design of the rest of the façade.*

In response to the final recommendation of the DAC, the applicant advised that the basement level was dropped by 250mm, with the building and floor levels of the other levels also reduced in height by reducing internal ceiling heights in response to the first DAC meetings comments, however due to the existing sewer easement constraint along the rear of the site, it was not possible to lower the basement (or overall height) any further. In addition to this the amended proposal, dated 7 May is considered to improve both the street legibility and ground level generosity as well as improving the treatment of the street façade adjacent to Dalkeith House, to be more consistent with the treatment of the rest of the facade.

It is considered that the proposed development presents an acceptable design quality in accordance with SPP7.0 Design of the Built Environment and the CABE principles of good design, subject to the submission of final details of the proposed materials, finishes and landscaping details to ensure that the quality of the development is carried through to construction.

ADDITIONAL OFFICERS COMMENT

The application was referred to Planning Committee on 7 April 2021, where the Committee resolved to defer the application and invite the applicant to submit amended plans that:

- Minimise the impact of the street setback and boundary walls on the High Street streetscape and public realm
- Minimise the impact on the setting of Dalkeith House
- Reduce the overall bulk and scale of the development

Image 6: Plans presented to Planning Committee in April

Image 7: Amended Plans received in response to the Committee's deferral.

In response to the Committee's deferral, amended plans have been provided, with the applicant providing the following summary in support of the changes to address the above points.Design Element to be reviewed	Elevations have been modified to provide both the articulation and response to the comments made by the Planning Committee. The design features a 1.5m setback on the western side, which has been treated with more articulation.

	Both side elevations provide more articulation, recognising the visibility of side setbacks and their contributions to the streetscape. The front setback of the building has been setback substantially, picking up on cues from the school gym and Dalkeith House. The entrance level has been lowered to RL 7.27 from 7.90. This allows stepless entry and consequently reduced the impact of the front elevation on the streetscape, and also increases the opportunity to gather outside the building entrance without impacting the adjacent footpath, whilst increasing the provision of landscaping.
Minimising the impact on the setting of Dalkeith House	The building has been set back further, variously aligning with the front building setbacks of the school gym building (4.0m) and Dalkeith House (3.42m). Further detailed articulation and architectural resolution has been achieved with building elements on the western side of the front elevation, enhancing the relationship with Dalkeith House. The proposed building retains a distinctive contemporary architectural style, subtly repeating key elements of the architecture of Dalkeith House while being careful to avoid pastiche and mimicry.
Reduce the overall bulk and scale of the development	A number of design elements address the actual and perceived bulk and scale of the development, as mentioned above, including: • Increased front setback in keeping with the setbacks of Dalkeith House and the school gym. • Modifications to side elevations and setback treatments to provide articulation and break up massing. • Additional attention to the front elevation and its composition to reduce perceived bulk. • By changing the building disposition and increasing the building setback, the entrance to the building has been lowered, providing a more engaging opportunity for activation at a human scale, reducing perceived mass of the building, especially for pedestrians.

In summary, the changes comprise of the following:

- Increased street setback from High Street from 1.35m to 3.4m – 4.0m
- Decreased rear setback from 3.0m to between 1.5m – 2.7m
- Increased western boundary setback for levels 2 and 3
- Increased landscaping on the High Street elevation/within street setback area
- Further articulation of the elevations by a range of increased setbacks, increased depth, use or materials and finishes.
- Internal layout reconfiguration

The amended proposal is not considered to alter the discretionary assessment for land use, overall building height or car and bicycle provision as discussed in the report above.

Officers are of the view that the proposed amendments adequately address the design elements and areas of concern as raised by the Committee as detailed in the reason for deferral.

The increased street setback reduces the dominance of the building bulk on the High Street public realm, consistent with the setback of Dalkeith House and the existing CBC Gym. The setback also provides additional circulation and gathering space in front of the building which is also considered an improvement given the expected use of the building and the narrow High Street footpath. The setback is also considered to reduce any impact on Dalkeith House by setting it back in line with the existing building.

The additional setback to portions of the building from the western boundary and the design changes to add further articulation and interest to each of the facades is also considered to appropriately mitigate the bulk and scale of the development. Officers acknowledge that the Planning Committee did not explicitly refer to a reduction in building height as part of the amendments the applicant was requested to consider in the Committee's deferral resolution of 7 April. Because no amendment to building height was specifically requested by the Committee or has been made for any other reason, officers' assessment of height against the provisions of LPS4 has remained unchanged on grounds of consistency.

Notwithstanding the officers' assessment, if the Committee is of the view that the proposed height is comparable to the height of the adjacent property and is generally consistent with heights within the nearby school campus and the two-storey Victorian era dwellings to the rear on Ellen Street and the amended proposal address their concerns about bulk and scale, an alternative recommendation to approve the amended application (with relevant conditions) could be considered appropriate. Suggested wording is provided below:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Four Storey Education Establishment at No. 162 High Street (Lot 464), Fremantle, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans dated 7 May 2021. It does not relate to any other development on this lot and must substantially commence within 4 years from the date of the decision letter.

2. All storm water discharge 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, storm water disposal plans, details and calculations must be submitted for approval by the City of Fremantle and thereafter implemented, constructed and maintained to the satisfaction of the City of Fremantle.

4. The approved development shall be wholly located within the cadastral boundaries of the subject site including any footing details of the development, to the satisfaction of the City of Fremantle.

5. This development approval does not relate to any works within the road reserve.

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

7. Prior to the issue of a Building Permit for the development hereby approved, 16 Class 2 or Class 3, as defined in LPS4, bicycle racks shall be provided, to the satisfaction of the City of Fremantle. Prior to occupation of the development the approved bicycle racks must be installed and thereafter be maintained for the life of the development, to the satisfaction of the City of Fremantle.

8. Prior to the issue of a Building Permit for the development hereby approved, the applicant is to submit, and have approved to the satisfaction of the City of Fremantle, a detailed parking plan design which complies with the Australian Standard AS/NZS 2890 and AS/NZS 1428, including parking bays, aisle widths, circulation areas, driveway/s and points of ingress and egress.

9. Prior to the issue of a building permit a dilapidation survey of 160 High Street, Fremantle (Dalkeith House) shall be prepared and submitted to the satisfaction of the City of Fremantle, on the advice of the Heritage Services Team at Department of Planning, Lands and Heritage.

10. Prior to the commencement of works, the applicant/owner is to submit a report, outlining an approach to monitor any structural movement and vibration impacts at the adjoining property at 160 High Street, Fremantle (Dalkeith House) that may result from excavation of the subject site and construction of the subject development. The report is to also include a process to immediately notify the Heritage Services Team at Department of Planning, Lands and Heritage if any impact occurs and the steps to be taken to rectify any such impacts. The report is to be submitted to the satisfaction of the City of Fremantle, on the advice of the Heritage Services Team at Department of Planning, Lands and Heritage.

11. Prior to issue of a building permit of the development hereby approved, the owner is to submit a waste management plan for approval by the City, detailing at a minimum the following:
    - Estimated waste generation
    - Proposed storage of receptacles
    - Collection methodology for waste
    - Additional management requirements to be implemented and maintained for the life of the development.

    The waste management plan should give consideration to the fact the City is required to manage residential waste. As a result, the waste management plan will need to align with the waste services available to residents. The Waste Management Plan must be implemented at all times to the satisfaction of the City of Fremantle.

12. Prior to the occupation of the development hereby approved, vehicle crossovers shall be constructed to the City's specification and thereafter maintained to the satisfaction of the City of Fremantle.

13. Prior to the occupation of the development hereby approved, any redundant crossovers shall be removed and the verge and kerbing reinstated to the City's specifications, at the expense of the applicant and to the satisfaction of the City of Fremantle.

14. Prior to the issue of a building permit, a detailed landscaping plan, including information relating to species selection, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces (i.e. mulch, lawn, synthetic grass etc), shall be submitted to and approved by the City of Fremantle.

15. Prior to the issue of a building permit, the applicant/owner is to submit a copy of documentation from the Green Building Council of Australia or a suitably qualified professional stating how the development will achieve a Green Star rating of at least 4 Stars or equivalent, to the satisfaction of the City of Fremantle.

16. Prior to occupation, the applicant/owner is to submit a copy of documentation from the Green Building Council of Australia or a suitably qualified professional stating that the development as constructed achieves a Green Star rating of at least 4 Stars or equivalent, to the satisfaction of the City of Fremantle.

17. Prior to the occupation/ or issue of a building permit for the development hereby approved, the owner shall contribute a monetary amount equal in value to one percent of the estimated development cost, as indicated on the Form of Application for Planning Approval, to the City of Fremantle for development of public art works and/or heritage works to enhance the public realm in accordance with LPP 2.19: Contributions for Public Art and/or Heritage Works and to the satisfaction of the City of Fremantle. Based on the estimated cost of the development being $5,750,000 the contribution to be made is $57,500.

18. Prior to the issue of a Building Permit for the development hereby approved, the design and materials of the development shall adhere to the requirements set out within City of Fremantle policy L.P.P2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall provide the following:
    i) Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or “double glazed” utilising laminated or toughened safety glass of a minimum thickness of 3mm.
    ii) Air conditioners shall provide internal centrally located ‘shut down’ points and associated procedures for emergency use.
    iii) Roof insulation in accordance with the requirements of the Building Codes of Australia.

19. Prior to the issue of a Building Permit for the development hereby approved , all piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters and bin storage areas must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the City of Fremantle.

20. Prior to the issue of a Building Permit for the development hereby approved, a Construction Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:
    a) Use of City car parking bays for construction related activities;
    b) Protection of infrastructure and street trees within the road reserve;
    c) Security fencing around construction sites;
    d) Gantries;
    e) Access to site by construction vehicles;
    f) Contact details;
    g) Site offices;
    h) Noise – construction work and deliveries;
    i) Sand drift and dust management;
    j) Waste management;
    k) Dewatering management plan;
    l) Traffic management; and
    m) Works affecting pedestrian areas

    The approved Construction Management Plan shall be adhered to throughout the construction of the new development.

ADVICE NOTE(S):

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

ii. Prior to commencement of development, an arborcultural report shall be undertaken of the existing tree within the site, as shown on the approved plans, to determine its health and viability to retain due to construction constraints, and shall then be protected through the implementation of a Tree Protection Zone for protection during construction. Additional information with regard to the tree protection zone requirements can be found here: https://www.fremantle.wa.gov.au/residents/trees-and-verges.

iii. The proponent must make application to Environmental Health Services via Form 1 - *Application to construct, alter or extend a public building* as a requirement of the Health (Public Buildings) Regulations 1992. Once construction has been completed, make application to Environmental Health Services via Form 2 - *Application for a public building certificate*. For further information and a copy of the application form contact Environmental Health Services on 9432 9856 or via health@fremantle.wa.gov.au.

iv. If construction works involve the emission of noise above the assigned levels in the Environmental Protection (Noise) Regulations 1997, they should only occur on Monday to Saturday between 7.00 am and 7.00 pm (excluding public holidays). In instances where such construction work needs to be performed outside these hours, an Application for Approval of a Noise Management Plan must be submitted to the City of Fremantle Environmental Health Services for approval at least 7 days before construction can commence.

v. In relation to the condition relating to the public art contribution, the applicant is advised that Council may waive the requirement for the public art/heritage work contribution in accordance with clause 6 of LPP 2.19 where the development incorporates public art in the development to the same value as that specified in Condition 17 that is located in a position clearly visible to the general public on the site of the development. Should artwork be incorporated in the development a public art strategy for the site must be submitted to and approved prior to the issue of a Building Permit, to the satisfaction of the City of Fremantle. Please contact the City's Public Arts Coordinator on 9432 9999 for further information on this process. Prior to occupation of the development, the approved artwork must be installed and thereafter maintained to the satisfaction of the City of Fremantle. In determining the appropriateness and artistic merit of the public art, council shall seek relevant professional advice.

vi. The applicant is advised that a crossover permit must be obtained from the City's Engineering Department. New/modified crossover(s) shall comply with the City's standard for crossovers, which are available on the City of Fremantle's web site.

vii. This approval does not authorise the removal or modification of verge infrastructure and/or verge trees within the verge area. Written approval is to be obtained for removal or modification of verge infrastructure and/or verge trees within the verge area from the relevant City of Fremantle department or relevant service authority, before construction commences. Please refer to the City's Tree

Planting and Vehicle Crossings Policies (SG28 and MD0015) for further information.

viii. The applicant is advised that any signage may be subject to a separate application for planning approval.

CONCLUSION

It is acknowledged that the applicant has made substantial effort to improve the design of the development further to discussions at the DAC, and after advertising to adjoining properties and in response to the Committee's deferral. The increased front setback helps to ameliorate the impact of the four storey building on the High Street public realm and adjoining properties.

As the amended proposal does not specifically address the Officer's assessment against the building height provisions of LPS4, the proposal is still not considered to satisfy the test of effectively graduating the scale between buildings of varying heights within the locality for the reasons discussed in the original assessment above. As such, the application is still recommended, on balance, for refusal. Should the Committee be satisfied that the amended development design addresses their previous concerns, an alternative approval recommendation is provided as discussed above.

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 Four Storey Educational Establishment Building at No. 162 (Lot 464) High Street, Fremantle, as detailed on plans dated 7 May 2021, for the following reasons:

1. **The proposal is inconsistent with the requirements of the City of Fremantle Local Planning Scheme No. 4 in respect to building height requirements of**

Local Planning Area 2 and does not satisfy the discretionary criteria of clause 4.8.1.1(b).

10.2 Committee delegation

PC2106-2 TYDEMAN ROAD, NO. 26 (LOT 24) NORTH FREMANTLE – PARTIAL CHANGE OF USE TO LUNCH BAR (TG DA0157/21)

Meeting Date:	2 June 2021
Responsible Officer:	Manager Development Approvals
Decision Making Authority:	Committee
Agenda attachments:	1. Development Plans
Additional information:	1. Applicant Report 2. Delivery Schedule 3. Site Photos

SUMMARY

Approval is sought for a partial change of use to Lunch Bar for the northern building at 26 Tydeman Road, North 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) including the following:

- **Land Use (Lunch Bar)**
- **Car parking**

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for a change of use for the northern building on the subject site (second hand furniture showroom) to a Lunch Bar. The proposal includes:

- The sale of bread and other food items, coffee, and basic cooking provisions. The applicant notes that the sale of cooking provisions will form a minor incidental component of the proposed lunch bar.
- Internal building works to effect the proposed use such as internal painting, installation of a coffee station, preparation/wash station and new flooring.

The business is to be accessed by customers via Jewell Parade with customers directly accessing the internal service area. The courtyard between the two buildings on site is not to be used by customers, nor is the southern building on site. The courtyard will be used for staff access, deliveries and waste disposal.

The business details are as follows:
Staffing levels

- Up to 6 employees.

Trading hours
- 6am to 6pm Monday to Sunday
  It is noted that these hours were a requirement of the 2019 approval.

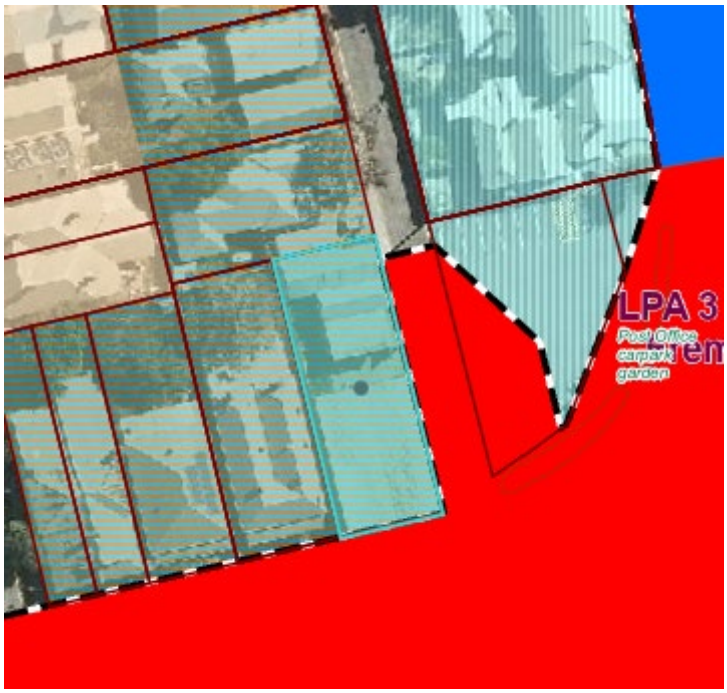
Deliveries per the submitted delivery schedule and waste to be collected twice weekly by a private contractor.

The change of use does not include the use of the southern panel beater building.

Development plans are included as attachment 1.

Site/application information

Date received:	8 April 2021
Owner name:	JD and the Estate of JE Vitali
Submitted by:	Altus Planning
Scheme:	Residential R25
Heritage listing:	North Fremantle Heritage Area
Existing land use:	Showroom and Motor Vehicle Repair
Use class:	Lunch Bar
Use permissibility:	A



CONSULTATION

External referrals

Fremantle Ports (FP)

The application was referred to FP as the subject site is located within Fremantle Port Buffer Area 1. The FP's response does not recommend any conditions be imposed as part of any approval.

Main Roads Western Australia (MRWA)
The application was referred to MRWA for comment as the site is affected by a Primary Regional Road reservation. MRWA have advised that they have no objection to the proposal.

Community
The application was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, as the proposal included a land use which requires consultation under Local Planning Scheme No. 4. The advertising period concluded on 10 May 2021, and two (2) submissions were received. The following issues were raised (summarised):

- A submitter requested that the boundary wall and courtyard enclosure be included in this development application, the submitter noted that they were aware that the courtyard would not be used by customers under this proposal but remained concerned about staff noise. The submitters were also concerned about smells from the lunch bar crossing the boundary and the privacy impact of staff using the central courtyard upon their property.
- The submitters queried what the southern building formerly used by the panel beater would be used for, and whether staff would be using this building for storage etc.
- Both submitters were concerned that insufficient parking was provided to support the business, noting that as paid parking has been introduced at the carpark adjacent to the antiques store that staff parking for local businesses has taken over the public car park adjacent to the subject site. Submitters were concerned that the 'pop in' nature of the business would encourage customers to park illegally in Jewell Parade blocking driveways and causing safety issues. Submitters were especially concerned about how people working at 26 Tydeman Road have repeatedly parked on the footpath outside the business, blocking pedestrian access.
- Submitters requested that deliveries be accommodated on site and that existing toilet facilities be upgraded.
- Submitters also requested confirmation of the following:
    - The inclusion of any sound proofing for the business;
    - Fire proofing;
    - Type and location of plant and equipment and how noise from these would be managed;
    - Details relating to asbestos removal practices.

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

- The service yard forms part of the proposal only for staff access to the building and bin store. The applicant noted that these areas are located towards the Tydeman Road portion of the service yard as opposed to directly adjacent to the neighbouring property. The applicant considered that the existing brick wall will provide sufficient privacy and assist in attenuating noise impacts.
- The southern panel beater building does not form part of this application and is to remain vacant.

- The current proposal is a significantly scaled-down version of the 2019 application, which was supported. The 15 minute parking bays in the Glass Car Park will assist in the fast processing of customer orders. No formal seating/eating areas are proposed so there will be ample turnover of bays for customers.
- It is anticipated that a large portion of patrons will live locally and are likely to walk to the store, and staff are encourage to visit the site via alternative sustainable modes of transport such as walking, public transport and cycling (there is sufficient space on site to accommodate bicycle parking).
- Deliveries will be made on an 'as required' basis, depending on stock levels and are staggered to avoid traffic conflicts. The delivery schedule is similar to that put forward for the 2019 application but the frequency of deliveries will be lower for the scaled back proposal. Deliveries are to be via a small van or truck which can be accommodated in the existing loading zone on Jewell Parade to ensure deliveries and unloading do not occur close to neighbouring residences.
- Toilet upgrades are not a matter requiring consideration for the current proposal and can be addressed separately through the building permit process.
- Matters such as fire separation and asbestos removal are not matters readily considered through a development application, any building/environmental health requirements can be addressed as part of applications under the relevant legislation as required.

In response to the above, the following comments are provided by officers:
- The development does not include the central courtyard or panel beater building for use by patrons of the business and has provided the following details about staff activities in the area.
- As a part of the recommended conditions of approval, site deliveries, staffing and parking are to be appropriately addressed and controlled as a condition of development approval.
- Generally the enforcement of parking restrictions can be controlled by the City's parking officers.
- It is a recommended condition of approval that all plant and equipment be appropriately screened from view and these facilities will be subject to compliance with Environmental Health legislation.
- With respect to asbestos removal, this is required to be undertaken in accordance with relevant legislation, the applicant is advised of this requirement.

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 Local Planning Scheme No. 4 and relevant Council local planning policies. In this particular application the areas outlined below require consideration as a part of this application:
- Land use (Lunch Bar)
- Car parking

The above matters are discussed below.

Background
The subject site is located on the northern side of Tydeman Road at the corner with Jewell Parade. The site has a land area of approximately 481m² and is currently improved by two buildings being used as a panel beater and antiques showroom. The site is zoned Mixed Use and has a density coding of R25. The site is not individually heritage listed but is located within the North Fremantle Heritage Area. The site is located directly across Jewell Parade from the City's public car park at 209 Queen Victoria Street.

The site is generally flat and currently contains two buildings which are built up to site boundaries and intended to be retained.

The North Fremantle Local Centre (Queen Victoria Street, between Jackson Street and Tydeman Road) is typically characterised by commercial properties being of retail, dining and/or entertainment purposes. The Local Centre has developed over the years with the addition of numerous hospitality premises. Only a few premises on Queen Victoria Street have exclusive on-site car parking, with a number of the premises relying on the available street parking for staff and customers.

On 6 November 2019, the Planning Committee considered and conditionally approved a change of use for both buildings on the subject site to Industry Service (Bakery) use and associated works including the enclosure of the central courtyard to contain noise from the premises. This application considered a 10 parking bay shortfall to support the subject premises, noting that the existing uses on site resulted in a 9 parking bay shortfall. To date this approval has not been acted upon.

Land Use
In accordance with LPS4, a Lunch Bar is defined as a premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas.

A Lunch Bar is an 'A' use in the Mixed Use Zone, which means that the use is not permitted unless the Council has exercised its discretion by granting planning approval and undertaken consultation with surrounding landowners. In considering an 'A' use the Council will have regard to the matters to be considered in the Planning and Development (Local Planning Schemes) Regulations 2015. In this regard the following matters have been considered:

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

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

- The small scale service of food items will contribute to the mix of services available in the North Fremantle town centre as well as contribute to surrounding residential properties in providing for incidental sale of cooking ingredients.
- The proposal would make a positive contribution to the local centre, providing a service for residents not otherwise offered in the immediate locality.
- It is considered that the proposed use would not be significantly detrimental to the amenity of adjacent residential properties as:
  - The premises does not accommodate on site patron visits, with only a small waiting area provided for customers.
  - the applicant has detailed management practices which encourage rapid turnover of clientele and otherwise how the operation of the business is proposed to be managed to limit its impact.
- It is acknowledged that the proposal may increase traffic in the locality and the demand for on-street and public parking however the increase is not considered to be significantly greater than the existing situation in North Fremantle. Further discussion of this matter is included below.
- With regards to generally amenity, social impacts and noise matters, separate legislation must be adhered to for the development ensuring compliance and the additional information provided by the applicant demonstrates that any potential impacts can be appropriately managed.

The use of the site beyond the northern building on site is not supported under this application due to the potential impact of patron noise on surrounding properties and a condition of planning approval is recommended to enforce this requirement.

Car and Bicycle Parking

Element	Requirement	Proposed	Extent of Variation
Existing uses (approx. 225m² GLA) Showroom (antiques sales) Industry general (panel beater)	 4 5	 Nil Nil	 There is an existing 9 bay variation
Proposed use Lunch Bar (approx.110m^2 NLA)	6	Nil	6 **It is noted that the overall site shortfall is 11 bays
	Bicycle parking Class 1: 1 Class 3: 1	 Nil Nil	 1 1

The existing Industry General (Panel Beater) use is not proposed to change as a result of this application. This results in an overall on site car parking requirement of 11 bays under Local Planning Scheme No. 4, an increase of 2 bays over the existing on site requirement.

It is noted that the public submissions received in relation to the subject application raised concerns with respect to the lack of car parking available on the site and within the locality. Car parking was also a key consideration of Council's determination of the previous Service Industry (Bakery) application.

At the time of the previous application, officers carried out of survey of the available parking bays in the immediate locality. The results were identified as follows:

- A total of 64 off-street public car parking bays are available in the North Fremantle Local Centre as detailed in the table below.

Location of car parking	Distance from site	No. car bays
Corner of Tydeman Road and Queen Victoria Street	75m south	19
North Fremantle Bowling Club Car Park / Gordon Dedman Reserve	200m north east	45
		Total of 64 bays

Table 1: Table indicating the number of public car parking bays available in the North Fremantle Local Centre, including their approximate distance from the subject site.

- In addition to these off street public car parking facilities, there are a total of approximately 38 on-street (kerb side) car parking bays in Queen Victoria Street (between Jackson Street and Tydeman Road) and Harvest Road available for the North Fremantle Local Centre. Approximately six parking bays are also provided in Jewell Parade.

In accordance with Clause 4.7.3.1 – Relaxation of Car Parking Requirements Assessment, Council may reduce or waive the standard parking requirements specified in table 2 subject to the applicant satisfactorily justifying a reduction due to one or more of the following reasons:

(i) the availability of car parking in the locality including street parking
(ii) the availability of public transport in the locality
(iii) any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces,
(iv) any car parking deficiency or surplus associated with the existing use of the land,
(v) legal arrangements have been made in accordance with clause 4.7.5 for the parking or shared use of parking areas which are in the opinion of the Council satisfactory,

(vi) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use that existed before the change of parking requirement,

(vii) the proposal involves the restoration of a heritage building or retention of a tree or trees worthy of preservation,

The proposed change of use is considered appropriate for the following reasons:

- The proposed use has no seating for patrons and the applicant has detailed business management arrangements which are intended to limit the time spent by customers on site, resulting in a higher turnover of patrons.
- There is a public car park of 19 parking bays immediately to the east across Jewell Parade and this car park includes 15 minute restricted parking bays which are considered to support the proposed business which incorporates measures to encourage high turnover of patrons.
- Approximately 38 on-street parking bays are provided in the immediate area of the subject site.
- It is still considered that even at the busiest time, there is some availability of the existing on street car parking bays in the immediate locality. Although it is acknowledged that the proposed use may increase the demand on these bays during the peak periods of Friday to Sunday, it is not considered to result in a parking and traffic impact that is significantly greater than the current demand for on street parking.
- The subject site is in close proximity to train and bus public transport routes.
- It is noted that the panel beater building has been vacated and is not currently used for this purpose, resulting in no additional car parking demand. Future use of this building for a purpose other than the approved Industry Service use may be subject to approval and consideration in this regard.
- The applicants comment that the majority of customers are local and will not drive to the site is considered appropriate considering the scale of the business.
- The time of maximum interest in the business is likely to be in the morning, at a time when the remainder of businesses in the north Fremantle centre in the immediate area of the site are not at peak capacity.
- It is considered appropriate to waive the requirement to provide one class 3 bicycle bay on the basis that the rear courtyard is not to be accessible to customers. The provision of 1 class one bicycle bay is considered to be consistent with the original approval and to provide appropriately for staff parking.
- It is noted that there is no delivery bay requirement for Lunch Bars. The applicant has submitted delivery management details which are considered to appropriately accommodate site deliveries.

In accordance with the above considerations, the minor increase in the parking shortfall associated with this change of use is not considered to be unduly detrimental to adjoining businesses or adjacent residential properties. It is noted that illegal parking by customers of the business is not able to be directly controlled under this application.

Other matters

Noise Management
It is noted that for the earlier Industry Service (Bakery) change of use application, the proposal was supported by a noise management plan that detailed measures required in order to satisfy the Environmental Protection (Noise) Regulations. Due to the scaled back nature of the subject Lunch Bar proposal, which does not make use of the courtyard for patrons nor the southern building on site it is considered that this level of detail is not required to support the application. The operation of the business will still be subject to the requirements of the relevant noise regulations. Any future application to use the courtyard and southern building for purposes other than the earlier approval would require further consideration of the noise impact of the business and similar noise attenuation alterations would be considered.

The potential implementation of the original bakery application in the future would require works to implement the recommendations of the relevant noise management plan.

Waste Management
The waste management procedures put forward by the applicant in their supporting report have been reviewed by the City's Waste department and it has been confirmed that this will meet the City's requirements with respect to waste collection. A condition of development approval is recommended to ensure that waste collection is carried out in accordance with the applicant's submission.

Future implementation of 2019 approval
The 2019 approval for the use of the property as a bakery has yet to be acted upon by the proponents. A number of conditions of this development approval are outstanding and would need to be addressed prior to the implementation of this approval. Approval for this application was issued with a validity of four years, extensions issued by the State Government in response to delays resulting from the COVID pandemic have resulted in the approval remaining valid for six years (until 2025).

Although this proposal could be considered to be a 'scaled back' version of the original application for the use of the property, it is noted that the subject application is wholly separate and will not contribute to any 'substantial commencement' of the 2019 approval.

CONCLUSION

The proposal is considered to meet the applicable requirements of Local Planning Scheme No. 4 and Council's relevant local planning policies. Potential impacts from the operation of the venue are considered to be acceptable and can be appropriately managed on an ongoing basis through conditions of approval. The proposal is considered to contribute to the activation of the North Fremantle Local Centre Area and to provide services for surrounding residences. As such, the application is recommended for approval, subject to the conditions included in the officer's recommendation below.

It is noted that the subject application could be considered to comprise a 'scaled back' version of the previous 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, Partial Change of Use to Lunch Bar at No. 26 (Lot 24) Tydeman Road, North Fremantle, subject to the following condition(s):

1. **This approval relates only to the development as indicated on the approved plans, dated 12 April 2021. 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. **Prior to the issue of a Building Permit, One, Class 1 bicycle rack as defined in LPS4 shall be provided, to the satisfaction of the City of Fremantle. Prior to occupation of the development the approved bicycle racks must be installed and thereafter be maintained for the life of the development, to the satisfaction of the City of Fremantle**

3. **The approved development shall be wholly located within the cadastral boundaries of the subject site (26 Tydeman Road), including and footing details of the development.**

4. **As detailed on the approved plans, the 'service yard' is not to be accessible to customers of the Lunch Bar, to the satisfaction of the City of Fremantle. Any customer use of the 'service yard' is subject to a separate application for approval**

5. **The 'panel beaters' building (B1) as shown on the approved plans does not form part of this application and is not to be used for any purpose associated with the Lunch Bar, to the satisfaction of the City of Fremantle. Any future use of the 'panel beaters' is subject to a separate application for approval.**

6. **Prior to the issue of a building permit, a Business Management Plan is to be submitted and approved to the satisfaction of the City of Fremantle, including the following:**
   - **Hours of operation for the business;**
   - **The maximum number of employees for the business; and**

- **Delivery Management Plan:**
- **Parking arrangements for customers and staff.**

The business shall operate in accordance with the approved business management plan thereafter. Any amendments to the management plan shall be submitted to, and approved by the City of Fremantle, prior to implementing the amended management plan.

7. The approved waste management details contained in the Applicant's Report dated April 2021 are to implemented at all times to the satisfaction of the City of Fremantle.

8. Prior to the issue of a Building Permit for the development hereby approved , all piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters and bin storage areas must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the City of Fremantle.

9. The pedestrian access and / or vehicle gate, as indicated on the approved plans, shall swing into the subject site only when open or closed and shall not impede the adjoining road reservation of the subject site.

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

ii. The applicant is advised that additional information in relation to the City's waste management requirements can be found here: https://www.fremantle.wa.gov.au/residents/waste-and-recycling

iii. With regards to condition (4), Bicycle parking facilities are to be provided in accordance with the following standards:

a. Class 1 – High security level – Fully enclosed individual locker;

For more information refer to 'Austroads Cycling Aspects to Austroads Guides'

iv. **The proponent must make application during the Building Permit application stage to Environmental Health Services via Form 1 - *Application to construct, alter or extend a public building* as a requirement of the Health (Public Buildings) Regulations 1992. For further information and a copy of the application form contact Environmental Health Services on 9432 9856 or via health@fremantle.wa.gov.au.**

v. **The premises must comply with the Food Act 2008, regulations and the Food Safety Standards incorporating AS 4674-2004 *Design, construction and fit-out of food premises*. Detailed architectural plans and elevations must be submitted to Environmental Health Services for approval prior to construction. The food business is required to be registered under the Food Act 2008. For further information contact Environmental Health Services on 9432 9856 or via health@fremantle.wa.gov.au.**

vi. **The Industrial Waste department at the Water Corporation must be consulted for provision of grease traps (passive grease arrestors). Most food premises where food preparation occurs will require a grease trap to be installed.**

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

PC2106-3 ELLEN STREET, NO. 11 (LOT 3), FREMANTLE – RETROSPECTIVE APPROVAL FOR THREE SEA CONTAINERS AND CARPORT ALTERATIONS TO EXISTING INDUSTRY SERVICE (BAKERY) – DA0240/20

Meeting Date: 2 June 2021
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Agenda attachments: 1. Development Plans
Additional information: 1. Site Photo

SUMMARY

Retrospective approval is sought for three stacked sea containers and modifications to an existing side carport at No. 11 Ellen Street, Fremantle.

The proposal is referred to the Planning Committee (PC) due to the nature of some discretions being sought and comments received that cannot be addressed through conditions of approval.

The application is recommended for conditional approval, with a 5 year time limit on the retention of the sea containers.

PROPOSAL

Detail
Retrospective approval is sought for three sea containers and carport modifications to an existing bakery at 11 Ellen Street, Fremantle. The proposed works include:

- Three stacked sea containers to the rear of the bakery building, accessible from inside the bakery.
- The partial enclosure of an approved carport to the western site boundary.

The applicant submitted amended plans on 28 April 2021 including the following:

- Confirmation of the proposed painted finish of the sea containers proposed to be retained.
- Confirmation of an amendment to the existing side of the carport built up to the eastern site boundary, replacing the existing cladding with a gyprock fire wall.

Development plans are included as attachment 1.

Site/application information

Date received:	6 July 2020
Owner name:	Stylemode Pty Ltd
Submitted by:	Formscape
Scheme:	City Centre
Heritage listing:	Not Listed
Existing land use:	Industry Service (Bakery)
Use class:	As above
Use permissibility:	D

CONSULTATION

External referrals
Nil required.

Community
The unauthorised works were brought to the attention of the City by an adjoining neighbour, and they also provided the following written comments about their concerns (summarised):

Submission	Officer comment
Objection to the carport building on the property boundary.	The carport structure was built up to the western site boundary with appropriate approvals in 1994.
The carport structure causes loss of light to the adjoining dwelling.	As above, the carport was approved to be located up to the western boundary in 1994.
Guttering has been placed on top of the boundary fence, with some guttering crossing the property boundary. Storm water is directed over the concrete drive.	It is a standard requirement that all stormwater be contained appropriately on the subject site.
The rear sea containers are an eyesore as they are unscreened and stacked so as to be visible from neighbouring properties.	The applicant has put forward plans to improve the appearance of the sea containers. It is a recommended condition that the sea containers be maintained as a

	clean finish. It is recommended that the sea containers only be permitted to be retained for 5 more years, during which time it is expected that the applicant should consider more permanent additions to the building to accommodate the bakery if the existing building remains insufficient.
The sea containers are rusty and appear unsafe to be used as a part of the building. Liquid is observed oozing from the containers.	The applicant has advised that they are seeking to address the rust and confirmed that the liquid is water from rain. In addition to this as stated above, the applicant has put forward plans to improve the appearance of the sea containers. It is a recommended condition that the sea containers be maintained as a clean finish.
Electrical wiring does not appear compliant.	This not able to be addressed through the planning assessment process but may be able to be addressed through retrospective building permit approval. The applicant has advised that they are seeking to rectify this matter.
An excessively noisy air compressor is attached to the sea container which runs intermittently day and night. The noise from the compressor affects the ability to use the rear courtyard of the neighbouring property. The compressor noise levels	The noise from this compressor can be investigated by the City's Environmental Health department, it is a requirement that all activities on site remain compliant with the Environmental Health Noise Regulations and it is recommended that the applicant be reminded of this.

The submitter also raised concerns with respect to health and safety matters on site which are understood to be under investigation by the City's Environmental Health team.

In response to the above, the applicant submitted revised plans to address some of the matters raised and the following response (summarised):

- The carport is an existing structure, and the requirements of the R-Codes are not directly relevant as the subject site is zoned 'City Centre' and used for non residential purposes.
- The carport structure was approved in the 1990s and an extension was approved in the early 2000s, the cladding of the side wall of the structure does not result in an increase to the height of the structure.
- The bakery land use is existing and approved and has not ceased since its original approval.

As the amended plans are considered to partially address some of the submitters concerns, a copy of these plans were provided to the submitter. The submitter has provided the following additional comments (summarised):

- The changes to the building on the western boundary will restrict light and ventilation to the adjoining property. The neighbouring building is an existing duplex with its windows on the eastern side of the house. The submitter requested that a greater setback be established between the properties.
- The increase to the footprint of the bakery will impact the amenity of residents at the adjoining property for the following reasons:
    - There will be an increase in noise due to the use of the area under the carport.
    - Storm/waste water runoff issues.
    - Rubbish from the property blowing into the adjoining lot.
- Painting the rear sea containers is not considered to sufficiently improve their aesthetic appearance.
- The updated plans do not address the noise from the air compressor attached to the sea containers.
- The works to establish the fire wall would potentially impact the neighbouring garden area.
- The submitter put forward the idea of relocating the sea containers so they are not stacked but retaining the existing setback to the neighbouring property, installation of a more substantial wash bay to the southern end of the building, and the installation of a sound proof enclosure to the existing compressor.

OFFICER COMMENT

Statutory and policy assessment

The proposal has been considered against the relevant provisions of LPS4 and relevant Council local planning policies. The proposal does not present any technical non-compliances however the location, appearance and operation of the sea containers and carport have been considered below.

Background

The subject site is located on the southern side of Ellen Street, Fremantle. The site has a land area of approximately 683m² and is currently occupied by a Bakery. The site is zoned City Centre. The site is not individually heritage listed nor located within a Heritage Area.

The property is occupied by an existing two storey building, which was constructed in the 1970s. Aerial imagery indicates that sea containers have been placed behind the main building on site for many years, with the stacked three sea containers being visible in aerial photography from 2011. A front door appears to have been added to the carport following its original approval.

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

- DA194/86.02 – Carport addition to existing building – this application involved a 9m long carport to the western side of what was noted on the plans as a ‘Bakery’.

- DA425/03 – Additions to existing carport – this application a 5.4m extension to the 8.7m long carport approved under the 1994 development application above. The proposal originally included a front extension but this was removed by condition. This approval does not appear to have been pursued to its fullest extent, with only a 1m extension to the existing carport being shown on the submitted plans.

Land Use
The City has records of the property being used as a bakery since at least the early 1960s, with various alterations and additions to the building approved by the City between the 1960s and early 2000s.

Sea container appearance
The sea containers have been painted with graffiti artwork without the approval of the landowner and are not considered to have been maintained to be of an appropriate appearance. While it is noted that the containers are not readily visible from Ellen Street, they are visible from nearby properties utilised for residential purposes and clearly visible from the north west corner of Queens Square (the park bisected by Parry/High Streets). Accordingly it is considered that the sea containers should at a minimum be painted to be of a clean finish or painted with artwork and maintained so as to be free of other graffiti.

Considering the appearance of the sea containers and the generally ad-hoc nature of these additions to the site, it is considered that the containers are not appropriate as a permanent addition to the building. It is considered that that the applicant should consider more permanent additions in the longer term to service the needs of the building. For this reason it is considered appropriate to approve the retention of the sea containers for five years only once they are painted and appropriately finished. This is considered to be sufficient time for the business to consider more permanent arrangements to accommodate the bakery without impeding the visual amenity of adjoining property and the City's park.

Carport enclosure
The parking/loading carport structure to the western side of the subject site was originally constructed following planning approval for a 9m long carport in 1994. In 2003 application was made to make two 5.4m extensions to the front and rear of the carport. The City saw fit to approve only the rear extension to the carport, however this construction appears to have only been partially pursued in the form of a 1m "skylight roof" extension to the carport.

Following these approvals, the applicant has acted to provide garage doors to either end of the carport for security and enclosed the sides of the carport. The applicant has advised that this enclosure is to limit noise from the premises. Per the below plan extract, it is noted that the 2003 plans indicate custom orb sheeting to the sides of the carport.

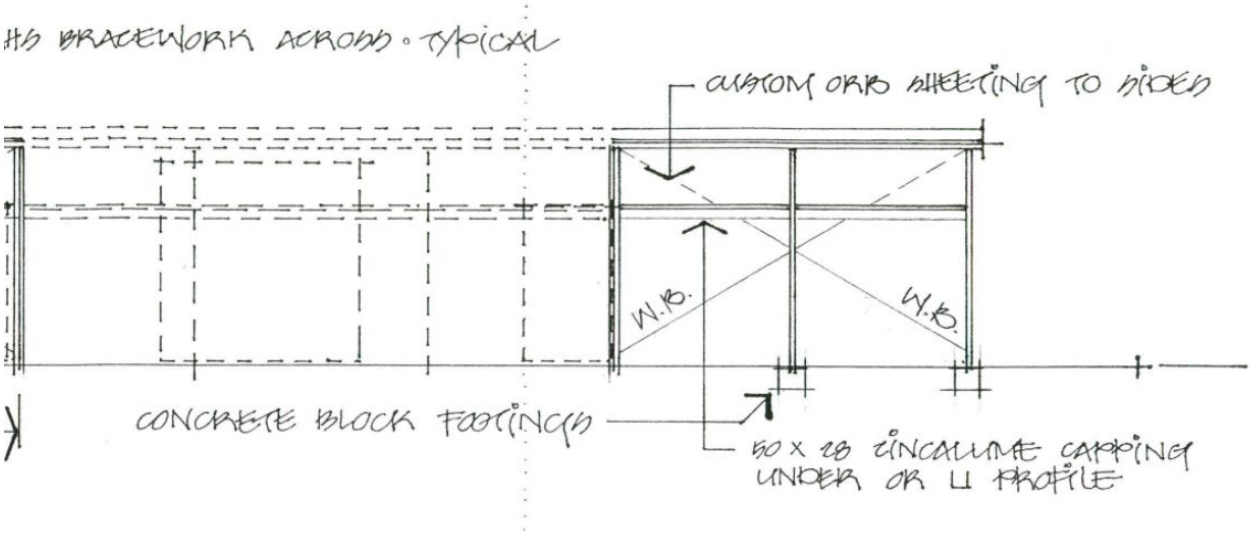


Image 1: Extract of 2003 approval showing cladding to side of carport structure.

In order to appropriately address the fire separation requirements of the BCA for the existing carport, the applicant proposes to replace the side wall of the carport with a fire rated boundary wall which is proposed to extend 3m out from the sides of the carport as shown on the plans dated 28 April 2021.

It is noted that City Centre properties are not subject to side setback requirements, however it is noted that the adjoining property is used for residential purposes, with the use of the neighbouring property changing in the time between the 2003 approval and the further additions to the building. Accordingly, some commentary is made with respect to the enclosure of the carport, and boundary wall extensions and garage doors with respect to the design principles of the City's Residential Boundary wall policy:

- The wall is well set back from the street so as to not impose on the existing streetscape.
- Boundary walls of a similar height are common in the immediate locality of the subject site.
- The 3m extensions to the boundary wall are set so as to avoid major openings on the adjoining property. While the existing boundary wall lines up with major openings at the neighbouring property, the 3m extensions are set so as to adjoin blank portions of wall and highlight windows.
- The shade cast by the carport is generally contained within that cast by the larger building.
- With respect to privacy, general privacy screening is provided by standard dividing fencing, however it is noted that the enclosure of the sides and end of the carport contributes to acoustic privacy for the adjoining property.

In accordance with the above matters, the alterations to the carport are considered to be worthy of support. Matters such as the finishing of the wall to ensure appropriate fire separation are to be addressed through any subsequent building approval certificate for the buildings.

CONCLUSION

As discussed in the officer comment section above, it is considered appropriate to retrospectively approve the application for the reasons stated. It is a recommended condition that the sea containers be painted as proposed by the applicant within 90 days of the determination of this application. Considering the visibility of the sea containers from Queens Square, it is considered that permanent approval for the sea containers is not appropriate. Accordingly, an overall five year term of approval is recommended for the sea container addition, during which time it is recommended that the proponent consider more permanent additions to the building which can accommodate the operation of the business.

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, Retrospective Approval for three sea containers and carport alterations to existing Industry Service (Bakery) at No. 11 (Lot 3) Ellen Street, Fremantle, subject to the following condition(s):

1. **This approval relates only to the development as indicated on the approved plans, dated 28 April 2021. 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. **Notwithstanding condition 1, the sea containers hereby approved are to be removed from the site within five (5) years from the date of this approval.**

3. **Within 90 days of the date of approval, the rear sea containers hereby permitted shall be modified to be of a clean painted finish, to the satisfaction of the City of Fremantle**

4. **The western side of the carport shall be of a clean painted finish and be thereafter maintained to the satisfaction of the City of Fremantle.**

5. **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 BA9 – Occupancy Permit application form is required to be submitted for the unauthorised building works. A Certificate of Building Compliance (BA18) must be submitted with the application and signed and completed by a Registered Building Surveyor Contractor (private sector). A list of Registered Building Surveyors can be obtained from the Western Australian Building Commission website - https://www.commerce.wa.gov.au/building-commission.

ii. Fire separation for the proposed building works must comply with Part 3.7.2 of the Building Code of Australia.

iii. The applicant/owner is advised that the premises must comply with the Environmental Protection (Noise) Regulations 1997.

PC2106-4 DALY STREET, NO. 3 (LOT 108), SOUTH FREMANTLE – DEMOLITION OF EXISTING SINGLE HOUSE AND OUTBUILDINGS (NB DA0089/21)

Meeting Date:	2 June 2021
Responsible Officer:	Manager Development Approvals
Decision Making Authority:	Committee
Agenda attachments:	1. Development Plans
Additional information:	1. City's Heritage Assessment 2. Site photos

SUMMARY

Approval is sought for demolition of the existing Single house and outbuildings at No. 3 (Lot 108) Daly Street, South Fremantle.

The proposal is referred to the Planning Committee (PC) as the proposal includes the demolition of a dwelling in a heritage area.

The application is recommended for conditional approval.

PROPOSAL

Detail

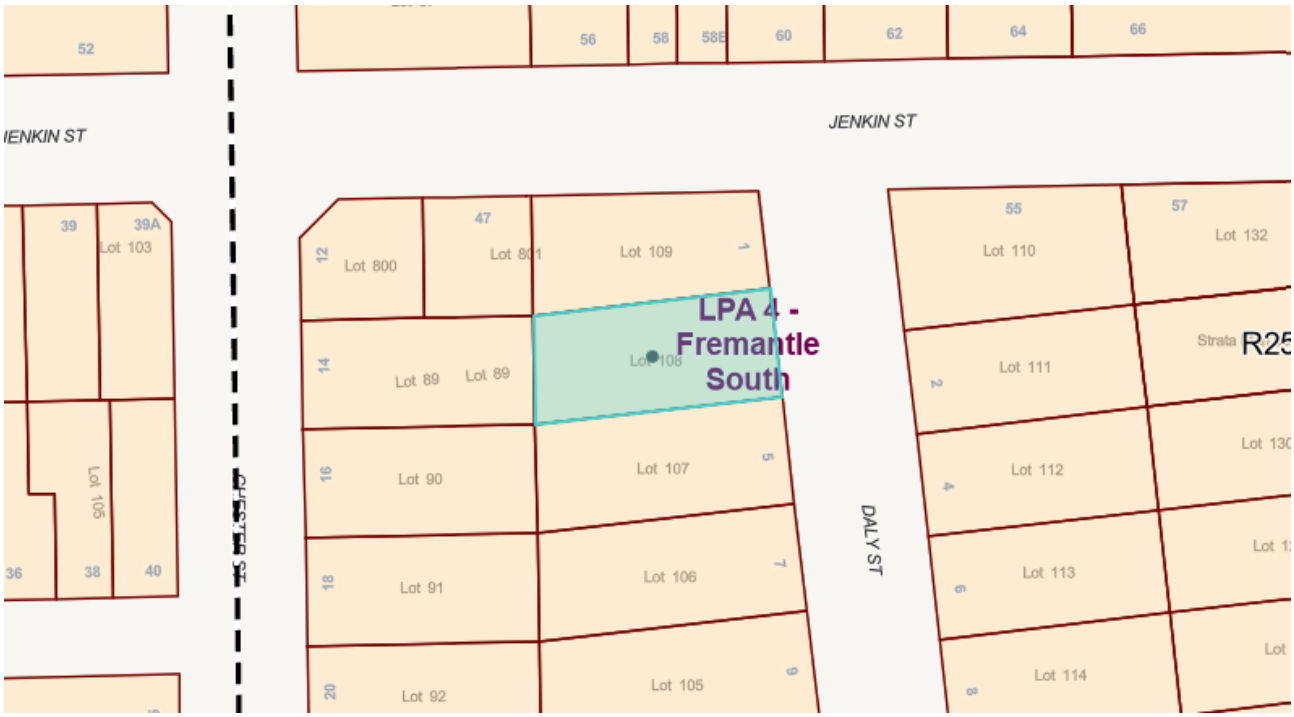
Approval is sought for demolition of the Single house, outbuildings, and all other structures on the subject lot.

A separate application has been submitted for a new two storey Single house and is currently being assessed by City Officers.

Development plans are included as attachment 1.

Site/application information

Date received:	4 March 2021
Owner name:	Luca Gavranich and David Cooper
Submitted by:	Luca Gavranich
Scheme:	Residential R25
Heritage listing:	South Fremantle Heritage Area
Existing land use:	Single house
Use class:	n/a
Use permissibility:	n/a



CONSULTATION

External referrals
Nil required.

Community
The application was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, as the proposal included the demolition of a dwelling in a Heritage Area. The advertising period concluded on 1 May 2021, and no submissions were received.

OFFICER COMMENT

Statutory and policy assessment
The proposal has been assessed against the relevant provisions of LPS4 in regard to the heritage significance of the place as it relates to the South Fremantle Heritage Area.

Background
The subject site is located on the west side of Daly Street just south of Jenkin Street. The site has a land area of approximately 640 m² and is currently a single storey Single house. The site is zoned Residential and has a density coding of R25. The site is not individually heritage listed but is located within the South Fremantle Heritage Area.

The certificate for 3 Daly Street records that the lot was formed in 1930. In 1953 plans for a modest two-bedroom timber house were drawn up with a building permit granted the following year. Original plans and specification are held in the City of Fremantle archives.

3 Daly Street is a modest Post-War timber framed house with asbestos cement sheet wall cladding and a cement tiled gabled roof. The building has a simple rectangular form which runs across the block parallel with the street. The gabled roof follows the long axis of the house and there is a narrow, recessed porch in the centre of the façade. The eaves are lined but not boxed and there is a red brick chimney in the centre of the north side elevation. The horizontal format timber windows have casement sashes. There is a lean-to bathroom and laundry attached to the rear of the building and a lean-to sleepout which was formerly a verandah next to the terrace.

The floor plan of the house is typical of the Post-War era with the long axis and main corridor running parallel with the street, an asymmetrical design and modern features such as a gallery corridor and French doors from the lounge room opening onto a terrace in the back garden. The interior of the house is simply finished. The walls are lined with asbestos cement sheeting with a low rectangular skirting board and the fibrous plaster ceilings have a simple cove cornice. The floors are of timber tongue and groove board floors and there is a face brick fireplace in the lounge room. The terrace to the rear of the lounge has been enclosed to form a small sleepout and it is lined internally with asbestos sheeting.

In 2003 a development application was made to demolish 3 Daly Street South Fremantle. As the place was located within a heritage area a heritage assessment of the place was commissioned by the City of Fremantle to determine if it contributed to the heritage values of the heritage area. The assessment was carried out by Bernard Seber and Claire Molyneux in 2004 and they concluded that the place was not of heritage significance and could be demolished. The application to demolish the house was approved at that time but the owner did not act on the approval.

Heritage and Demolition

Demolition of any place requires careful consideration because it potentially removes all its heritage significance except for intangible historical and social values that are not dependant on physical fabric. In considering this application, in accordance with clause 4.14 of LPS4, Council must be 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.

3 Daly Street is a modest, asbestos sheet clad timber framed house with a tiled gabled roof which was constructed in 1954 and shows the influence of residential styles popular in the immediate Post-War era. The house at 3 Daly Street does not meet the threshold for inclusion on the Heritage List as it has limited aesthetic, historic and social value.

Unlike much of South Fremantle which was developed in the Gold Rush and Inter-War eras, the section of Daly Street between Jenkin and Lloyd Streets in which 3 Daly Street is located was developed after the Second World War. This section of street does not have a uniform character as it contains houses from all decades of development since the Second World War and exhibits a mix of architectural styles, building materials and form. The character of the street is also affected by the steeply sloping topography.

Given the above, 3 Daly Street is not considered to contribute to the character of a significant streetscape in the South Fremantle Heritage Area or meet the threshold for individual listing therefore its demolition in accordance with clause 4.14 is supported. It is recommended that an archival record of the place be required as a condition of approval for the City's records.

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, the demolition of the existing single house and outbuildings at No. 3 (Lot 108) Daly Street, South Fremantle, subject to the following condition(s):

1. **This approval relates only to the development as indicated on the approved plans, dated 4 March 2021. 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. **Prior to the issue of a demolition permit or a building permit, a "Detailed" archival record, as defined in the Heritage Council of WA's Guide to preparing an Archival Record, is to be submitted and approved by the City of Fremantle.**

ADVICE NOTES:

i. **A demolition permit is required to be obtained for the proposed demolition work. The demolition permit must be issued prior to the removal of any structures on site.**

ii. **In regards to the Archival Record Brief, the documentation required for the "detailed" archival record can be found here: https://www.dplh.wa.gov.au/getmedia/8ffcb91d-93cf-4478-ba68-1b96de5efc6a/HER-Guide-to-Preparing-an-Archival-Record-2019**

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

Under ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2001*. Over 10 square metres must be removed by a licensed person or business for asbestos removal. All asbestos removal is to be carried out in accordance with the *Occupational Safety and Health Act 1984* and accompanying regulations and the requirements of the *Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)]*;

***Note*: Removal of any amount of friable asbestos must be done by a licensed person or business and an application submitted to WorkSafe, Department of Commerce. http://www.docep.wa.gov.au**

iv. It is recommended that the applicant liaise with the adjoining property owner(s) regarding the possible retention or replacement of the existing dividing fence, and the probable removal of the tree 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.

PC2106-5 FIELD STREET, NO. 12 AND 14 AND LEWINGTON STREET, NO. 17 AND 19 (LOTS 6, 7, 51 AND 52) BEACONSFIELD – DEMOLITION OF FOUR SINGLE HOUSES (TG DA0530/20, DA0531/20, DA0532/20 AND DA0533/20)

Meeting Date:	2 June 2021
Responsible Officer:	Manager Development Approvals
Decision Making Authority:	Committee
Agenda attachments:	1. Demolition Plan
Additional information:	1. City's Heritage Assessments 2. Site photos

SUMMARY

Approval is sought for the demolition of the existing Single houses and associated outbuildings at 12 and 14 Field Street, and 17 and 19 Lewington Street, Beaconsfield (Lots 6, 7, 51, and 52). Separate development applications have been submitted for demolition of each of these four properties, and each has been individually assessed. However, as all four properties directly adjoin one another and are in the same ownership, all four applications are considered in this report. A separate recommendation is provided for each application.

The proposal is referred to the Planning Committee (PC) as the proposal includes the demolition of a dwelling in a heritage area.

The applications are recommended for conditional approval.

PROPOSAL

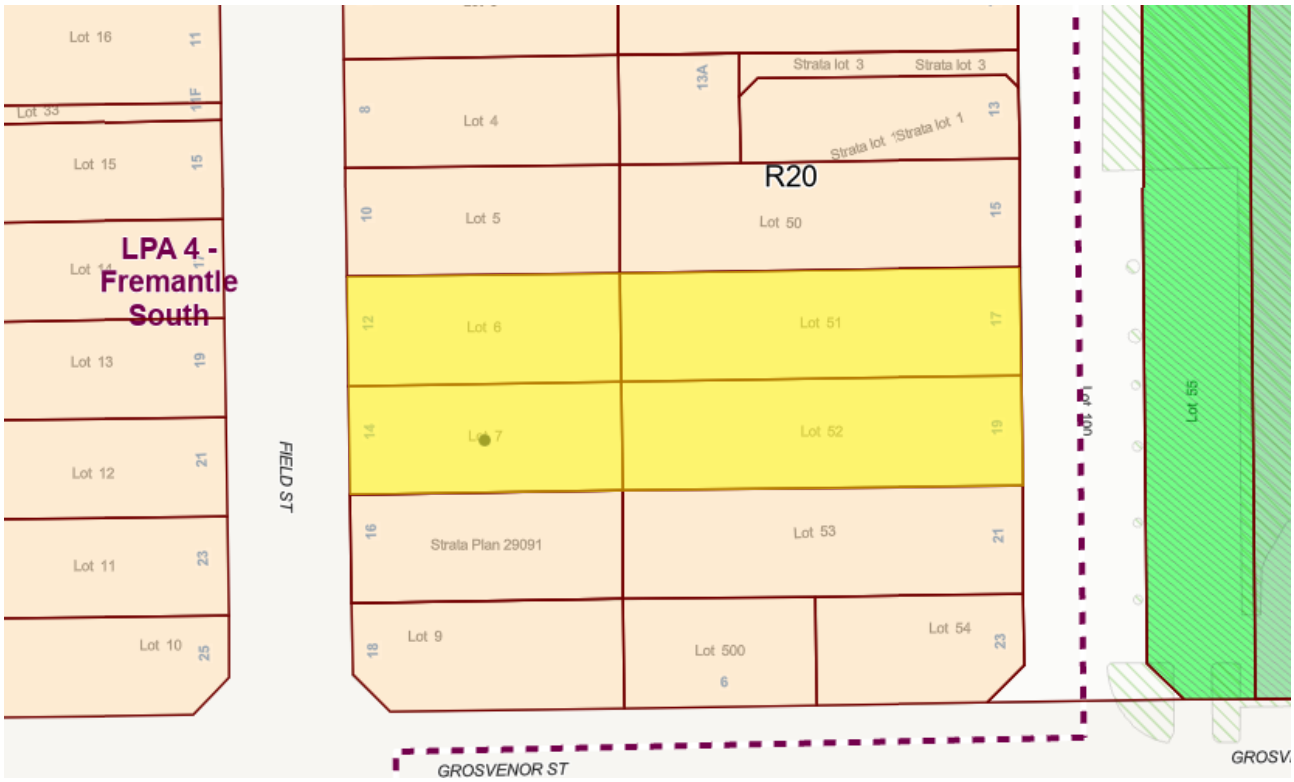
Detail

Approval is sought for demolition of the Single houses, outbuildings, and all structures on the subject lots. No future development plans for the sites have been received to date.

Demolition plans are included as attachment 1.

Site/application information

Date received:	4 December 2020
Owner name:	Antonino and Rosalina Lenzo
Submitted by:	MarketPlace Consulting
Scheme:	Residential R20
Heritage listing:	South Fremantle Heritage Area
Existing land use:	Single house
Use class:	n/a
Use permissibility:	n/a



*The four lots, the subject of this report are shown above in yellow.

CONSULTATION

External referrals

Nil required.

Community

The applications were advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, as the proposals included the demolition of a dwelling in a Heritage Area. The advertising period concluded on 20 January 2021, and no submissions were received.

OFFICER COMMENT

Statutory and policy assessment

The proposals have been assessed against the relevant provisions of LPS4 in regard to the heritage significance of each place individually and as it relates to the South Fremantle Heritage Area.

Background

The subject sites are located on the block between Field Street and Lewington Street and back onto one another. The Lewington Street sites are located opposite Bruce Lee Reserve. The sites have the following areas:

- 12 Field Street – 792m^2
- 14 Field Street – 789m^2
- 17 Lewington Street – 1158m^2
- 19 Lewington Street – 1158m^2

The four sites are zoned Residential and have a density coding of R20. The sites are not individually identified on the City's heritage list but are located within the South Fremantle Heritage Area.

The sites were developed with Single houses and associated outbuildings and additions constructed over the mid to late twentieth century. The City does not have a record of recent development applications associated with any of the subject properties, however the following is noted from what records do exist and/or an analysis of aerial photography in the area:

Site	Development history
12 Field Street	A concrete veneer residence was constructed on the site between 1956 and 1960. In 1963 a sewing room and verandah were constructed at the rear of the site.
14 Field Street	A two bedroom, one bathroom timber framed residence was constructed on the site by 1953/54.
17 Lewington Street	The City does not have records of the construction of the original dwelling, with aerial photos indicating the building was constructed between 1953 and 1965, however in 1977 a license was issued for an asbestos clad games room, toilet and laundry to the rear of the site which can be seen at the rear of the house.
19 Lewington Street	The City does not have records of the construction of the original dwelling, however in 1964 a license was issued for a carport addition to the southern side of the house. As with No. 17, aerial photography shows that the dwelling was constructed between 1953 and 1965.

Heritage and Demolition

Demolition of any place requires careful consideration because it potentially removes all its heritage significance except for intangible historical and social values that are not dependant on physical fabric. In considering these applications, in accordance with clause 4.14 of LPS4, Council must be 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 subject properties are located in the far north-eastern corner of the South Fremantle Heritage Area and have a different character to the majority of the Heritage Area which was largely developed between 1890 and 1930.

In regard to Officers' assessment of the significance of each individual place, the following comments are provided:

12 Field Street
12 Field Street is a modest, concrete veneer house with a tiled gabled roof which was constructed in 1956 and shows the influence of residential styles popular in the immediate Post-War era. The unusual concrete veneer construction is interesting as it demonstrates the way new building materials and techniques were explored at this time but as the building looks like any other standard rendered masonry house of the era its ability to demonstrate this historic value is limited. Concrete veneer construction never became popular in Perth, so this building is not an early example or a benchmark of a building type. The house at 12 Field Street does not meet the threshold for inclusion on the Heritage List as it has limited aesthetic, historic and social value.

14 Field Street
14 Field Street is a modest, asbestos sheet clad timber framed house with a tiled hipped roof which was constructed in 1952 and shows the influence of residential styles popular in the immediate Post-War era. The plan, style and materials have much in common with houses built at this time for the State Housing Commission in the neighbouring suburb of Hilton, however, 14 Field Street is not part of a planned garden suburb or a government programme to address social inequality and housing shortages. The house at 14 Field Street does not meet the threshold for inclusion on the Heritage List as it has limited aesthetic, historic and social value.

17 Lewington Street
17 Lewington Street is a modest, face brick house with a tiled gabled roof which was constructed in 1958 and shows the influence of residential styles popular in the immediate Post-War era. The house at 17 Lewington Street does not meet the threshold for inclusion on the Heritage List as it has limited aesthetic, historic and social value.

19 Lewington Street
19 Lewington Street is a modest, brick house with an asbestos cement sheet gabled roof which was constructed in 1962/63 and shows the influence of the International Style of architecture with its low-pitched unbroken gable roofs and planar treatment of walls with contrasting areas of face brick and rendered brick. The house at 19 Lewington Street is close to meeting the threshold for inclusion on the Heritage List for its aesthetic value but it has limited historic and social value. Therefore overall 19 Lewington Street does not meet the threshold for individual listing.

In regard to Officers' assessment of the contribution of the four dwellings to the broader cultural heritage significance and character of the locality, the following comments are provided:

Unlike much of South Fremantle which was developed in the Gold Rush and Inter-War eras, Field and Lewington Streets were developed in the Post War era and have a different built character. The statement of significance for the South Fremantle Precinct Heritage Area was taken from the 1993 study which informed the original Municipal Heritage Inventory, and which focussed (as most work of the time did) on the Pre-War period and does not explicitly recognise Post-War development as one of the significant elements. So, while the demolition of the four dwellings may be considered to have an impact upon the reasonably intact Post-War residential streetscape of Field Street, its

impact on the identified significance of the South Fremantle Precinct Heritage Area is limited.

Given the above, the four dwellings are not considered to contribute to the character of an identified significant streetscape in the South Fremantle Heritage Area or meet the threshold for individual listing, therefore their demolition is considered acceptable in the context of the 'test' set out in clause 4.14 of LPS4. It is recommended that an archival record of each place be required as a condition of approval for the City's records.

Future development of the sites
Although the applicant has not confirmed the future intended development outcome for the sites, based on an overall site area of 3897m^2 and a residential density coding of R20, approximately eight new dwellings could be developed across the subject properties. Any future development, will be subject to a separate application for approval.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

Council:

A. APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the demolition of the existing single house and outbuildings at No. 12 (Lot 6) Field Street, Beaconsfield, subject to the following condition(s):

1. **This approval relates only to the development as indicated on the approved plans, dated 4 December 2020. 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. **Prior to the issue of a demolition permit or a building permit, a "Detailed" archival record, as defined in the Heritage Council of WA's Guide to preparing an Archival Record, is to be submitted and approved by the City of Fremantle.**

ADVICE NOTES:

i. **A demolition permit is required to be obtained for the proposed demolition work. The demolition permit must be issued prior to the removal of any structures on site.**

ii. **In regards to the Archival Record Brief, the documentation required for the "detailed" archival record can be found here: https://www.dplh.wa.gov.au/getmedia/8ffcb91d-93cf-4478-ba68-1b96de5efc6a/HER-Guide-to-Preparing-an-Archival-Record-2019**

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

Under ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2001*. Over 10 square metres must be removed by a licensed person or business for asbestos removal. All asbestos removal is to be carried out in accordance with the *Occupational Safety and Health Act 1984* and accompanying regulations and the requirements of the *Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)]*;

***Note*: Removal of any amount of friable asbestos must be done by a licensed person or business and an application submitted to WorkSafe, Department of Commerce. http://www.docep.wa.gov.au**

iv. **It is recommended that the applicant liaise with the adjoining property owner(s) regarding the possible retention or replacement of the existing dividing fence, and the probable removal of the tree 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.**

B. APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the demolition of the existing single house and outbuildings at No. 14 (Lot 7) Field Street, Beaconsfield, subject to the following condition(s):

1. **This approval relates only to the development as indicated on the approved plans, dated 4 December 2020. 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. **Prior to the issue of a demolition permit or a building permit, a "Detailed" archival record, as defined in the Heritage Council of WA's Guide to preparing an Archival Record, is to be submitted and approved by the City of Fremantle.**

ADVICE NOTES:

i. **A demolition permit is required to be obtained for the proposed demolition work. The demolition permit must be issued prior to the removal of any structures on site.**

ii. **In regards to the Archival Record Brief, the documentation required for the "detailed" archival record can be found here: https://www.dplh.wa.gov.au/getmedia/8ffcb91d-93cf-4478-ba68-1b96de5efc6a/HER-Guide-to-Preparing-an-Archival-Record-2019**

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

Under ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2001*. Over 10 square metres must be removed by a licensed person or business for asbestos removal. All asbestos removal is to be carried out in accordance with the *Occupational Safety and Health Act 1984* and accompanying regulations and the requirements of the *Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)]*;

***Note*: Removal of any amount of friable asbestos must be done by a licensed person or business and an application submitted to WorkSafe, Department of Commerce. http://www.docep.wa.gov.au**

iv. **It is recommended that the applicant liaise with the adjoining property owner(s) regarding the possible retention or replacement of the existing dividing fence, and the probable removal of the tree 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.**

C. **APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the demolition of the existing single house and outbuildings at No. 17 (Lot 51) Lewington Street, Beaconsfield, subject to the following condition(s):**

1. **This approval relates only to the development as indicated on the approved plans, dated 4 December 2020. 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. **Prior to the issue of a demolition permit or a building permit, a "Detailed" archival record, as defined in the Heritage Council of WA's Guide to preparing an Archival Record, is to be submitted and approved by the City of Fremantle.**

ADVICE NOTES:

i. **A demolition permit is required to be obtained for the proposed demolition work. The demolition permit must be issued prior to the removal of any structures on site.**

ii. **In regards to the Archival Record Brief, the documentation required for the "detailed" archival record can be found here: https://www.dplh.wa.gov.au/getmedia/8ffcb91d-93cf-4478-ba68-1b96de5efc6a/HER-Guide-to-Preparing-an-Archival-Record-2019**

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

Under ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2001*. Over 10 square metres must be removed by a licensed person or business for asbestos removal. All asbestos removal is to be carried out in accordance with the *Occupational Safety and Health Act 1984* and accompanying regulations and the requirements of the *Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)]*;

***Note*: Removal of any amount of friable asbestos must be done by a licensed person or business and an application submitted to WorkSafe, Department of Commerce. http://www.docep.wa.gov.au**

iv. **It is recommended that the applicant liaise with the adjoining property owner(s) regarding the possible retention or replacement of the existing dividing fence, and the probable removal of the tree 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.**

D. **APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the demolition of the existing single house and outbuildings at No. 19 (Lot 52) Lewington Street, Beaconsfield, subject to the following condition(s):**

1. **This approval relates only to the development as indicated on the approved plans, dated 4 December 2020. 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. **Prior to the issue of a demolition permit or a building permit, a "Detailed" archival record, as defined in the Heritage Council of WA's Guide to preparing an Archival Record, is to be submitted and approved by the City of Fremantle.**

ADVICE NOTES:

i. A demolition permit is required to be obtained for the proposed demolition work. The demolition permit must be issued prior to the removal of any structures on site.

ii. In regards to the Archival Record Brief, the documentation required for the "detailed" archival record can be found here: https://www.dplh.wa.gov.au/getmedia/8ffcb91d-93cf-4478-ba68-1b96de5efc6a/HER-Guide-to-Preparing-an-Archival-Record-2019

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

Under ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2001*. Over 10 square metres must be removed by a licensed person or business for asbestos removal. All asbestos removal is to be carried out in accordance with the *Occupational Safety and Health Act 1984* and accompanying regulations and the requirements of the *Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)]*;

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iv. It is recommended that the applicant liaise with the adjoining property owner(s) regarding the possible retention or replacement of the existing dividing fence, and the probable removal of the tree 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.

PC2106-6 INFORMATION REPORT – JUNE 2021

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
DA0166/20
Site Address and Proposal
6 Commercial Street, South Fremantle – Proposed Demolition of existing Single house and construction of a single storey Single house.
Planning Committee Consideration/Decision
• At its meeting held on 25 November 2020, the Council resolved to refuse the application.
Current Status
• On 22 December 2020 an Application for Review by the State Administrative Tribunal was lodged by the owner. • A Directions Hearing has been scheduled for 22 January 2021. • Mediation between the parties was held on 22 February 2021. • A second mediation between the parties was held on 29 March 2021. • On 13 April, the applicant submitted amended plans and the City is invited to reconsider its decision on or before 26 May 2021. • At its meeting held on 5 May 2021, the Planning Committee granted conditional approval for the amended plans dated 13 April 2021. The applicant subsequently withdrew their application for appeal with the SAT.

OFFICER'S RECOMMENDATION

Council receive the following information reports for June 2021:

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