



Agenda

Planning Committee

Wednesday 2 November 2022, 6pm



Notice of Planning Committee Meeting

Elected Members

A Planning Committee meeting of the City of Fremantle will be held on **Wednesday 2 November 2022** in the Council Chamber, Walyalup Civic Centre, located at 151 High Street, Fremantle commencing at 6.00 pm.

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

Russell Kingdom
Director Planning, Place and urban Development

28 October 2022



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1. Official opening, welcome and acknowledgement

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

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

2. Attendance, apologies and leaves of absence

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

3. Disclosures of interests by members

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

4. Responses to previous questions taken on notice

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

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

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.

8. Confirmation of minutes

OFFICER'S RECOMMENDATION

The Planning Committee confirm the minutes of the Planning Committee meeting dated 5 October 2022.

9. Elected member communication

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

10. Reports and recommendations

10.1 Deferred items

Nil



10.2 Committee delegation

PC2211-1 STIRLING HIGHWAY, NO. 130 (MULTIPLE LOTS), NORTH FREMANTLE - 20-STOREY MIXED-USE DEVELOPMENT, COMPRISING THREE (3) RESIDENTIAL APARTMENT TOWERS (198 MULTIPLE DWELLINGS) AND VARIOUS NON-RESIDENTIAL USES (RESTAURANT, SHOP, TAVERN, OFFICE, RECEPTION CENTRE AND INDUSTRY-LIGHT) (ED DAP003/22)

Meeting Date: 2 November 2022

Responsible Officer: Manager Development Approvals

Decision Making Authority: Committee

Agenda attachments: 1. Amended Development Plans

Additional information:

1. Site Photos
2. Town Planning Report
3. Amended Development Summary
4. Design Advisory Committee (DAC) Meeting Minutes Combined
5. Amended Landscape Architecture
6. Public Art Statement
7. Applicant's R-Codes Vol. 2 Assessment
8. Acoustic Report
9. 10 Design Principles Report
10. Applicants Heritage Impact Assessment
11. Pedestrian Wind Assessment
12. Sustainability Strategy
13. Amended Stage 1 Traffic Impact Assessment
14. Amended Parking Management Plan
15. Amended Stages 1 & 2 Traffic Impact Assessment
16. Waste Management Plan
17. Community Needs Assessment
18. Schedule of Public Submissions
19. Amended Overshadowing and View Analysis
20. City of Fremantle Heritage Impact Assessment
21. Town of Mosman Park Comment
22. Applicant Response to Town of Mosman Park Comment
23. Applicant Response to Public Submissions
24. City of Fremantle/Stantec McCabe Street Area Traffic Study



25. McCabe Street Height Study (Prepared by Scenic Spectrums on behalf of the City of Fremantle, dated May 2008)
26. Main Roads WA comment

SUMMARY

Approval is sought for development of the subject site to accommodate a 20-storey mixed-use development, comprising three (3) residential apartment towers (198 multiple dwellings) and various non-residential uses (restaurant, shop, tavern, office, reception centre and industry-light) at No. 130 (multiple lots) Stirling Highway, North Fremantle.

As the proposed development value exceeds \$10 million, the application is required to be determined by the Metro Inner-South Joint Development Assessment Panel (JDAP). The City's Responsible Authority Report (RAR) is referred to Planning Committee for endorsement of the recommendation.

The application is recommended for refusal.

PROPOSAL

Detail

The proposal involves a comprehensive redevelopment of the subject site to deliver a mixed-use development comprising additions, alterations and restoration of the former Matilda Bay Brewery buildings and the addition of three residential towers (20, 15 and 6 storeys in height respectively) comprising 198 Multiple Dwellings and Café/Restaurant, Shop, Office, Reception Centre and Industry-Light land uses. Landscaping, amenity areas, car parking and public realm additions are also proposed.

A summary of the development proposal is provided as follows:

- i. Additions, alterations and restoration of the former Matilda Bay Brewery buildings on the subject site including:



- Retention and alteration of the two major existing buildings.
 - Removal and replacement of the east elevation of the office building, with extensive demolition to accommodate the new uses.
 - The Workshop Wing building is proposed to be removed.
 - Partial demolition to the east end of the former Ford Factory building is to accommodate a new high-rise residential complex (described below).
 - An upper level alfresco pavilion addition (4.1m in height from the existing first floor level) is proposed to the existing office building.
 - A new internal level to the Factory Building, accessed via the alfresco pavilion addition to the office building.
 - An elevated platform extending west-east linking the upper level of the office building to the Upper Plaza Level (RL 22 00).
 - The following landuses:
 - 700m² of 'Restaurant' floorspace;
 - 1300m² of 'Tavern' floorspace;
 - 807m² of 'Shop' floorspace; and
 - 750m² of 'Reception Centre' (Function/Event) floorspace.
- ii. A two-level podium above a basement level that supports three residential tower buildings (20 (77m), 15 (54.8m), and 6 (30.4m) storeys (metres) in height respectively) to the east (rear) of the Matilda Bay Brewery buildings and comprising:
- A total of 198 Multiple Dwellings; with a dwelling mix as follows:
 - 22 x 1-bedroom apartments (11%)
 - 108 x 2-bedroom apartments (55%)
 - 60 x 3-bedroom apartments (30%)
 - 8 x 4-bedroom apartments (4%)
 - Residential amenities at upper plaza level or rooftop levels include:
 - Swimming Pool;
 - Working From Home Facilities;
 - Gym;
 - Pilates Studio;
 - Treatment Rooms;
 - Children's Play Area;
 - Outdoor Landscaped Decks; and
 - Rooftop deck.



- An 83m² and Co-working Space and 263m² Creative Studio (both 'Industry-Light' land uses) and 237m² Café/Restaurant at the ground floor / lower plaza level of the podium,
- iii. The proposal provides areas of landscaped areas between buildings at the ground floor and upper plaza levels which are described as the 'Arbor and Gallery', 'Alfresco Terrace' and 'Upper Plaza' areas which are advised by the applicant to be publicly accessible.
- iv. Car and bicycle parking provisions are as follows:
- 331 residential car parking bays within basement and podium levels;
 - 106 reciprocal car parking bays (shared between commercial / residential visitors) within podium;
 - 8 on-street visitor bays along Coventry Parade and 21 visitor bays east of the Coventry Parade/Thompson Road junction;
 - 4 rideshare drop-off/pick-up bays along Coventry Parade;
 - 104 residential bicycle parking bays;
 - 27 residential visitor bicycle parking bays;
 - 24 commercial visitor bicycle parking bays;
 - 50 motorcycle parking bays; and
 - 1 large servicing/loading bay within ground floor podium level.
- v. Vehicle access is provided from Coventry Street (entry only) on the southern side of the development or McCabe Place on the northern side of the subject site. The development provides a publicly accessible one-way internal link road connecting Coventry Parade/Thomson Road to the south and McCabe Street/McCabe Place to the north.
- Pedestrian access is provided from Stirling Highway through the former Matilda Bay Brewery buildings, from two pedestrian entry points along Coventry Street to the south or from McCabe Place to the north.
- vi. The proposed development does not cover the full structure plan area or subject site and this development represents Stage 1 of a 2-Stage development of the subject site. The applicant has advised once Stage 1 of the development has been completed, approval for Stage 2 to the east will be sought (anticipated to occur within 5 – 10 years).

Amended development plans and supporting materials were submitted to the City on 5 September 2022 and 9 September 2022 respectively in response to the City's *Further Information Request* issued to the applicant on 22 July 2022 (consisting of planning assessment items, public submissions and internal/external technical referral comments on the proposals). The amended plans and materials were updated in the following ways (summarised):

- Amended Development Plans (Attachment 1), incorporating the following key changes:
 - Increasing the Coventry Parade street setback of the podium levels of Tower 2 by 10m (from 5.4m to 15.4m) and reducing the height of the 5-storey (23.8m above ground level) portion of Tower 2 to 3-storeys (18.4m above ground level). The intent of the increased street setback and building height reduction was to mitigate overshadowing of residential properties south of Coventry Parade – refer amended Overshadowing and View Analysis at Additional Information 19.
 - A proposed roundabout at the intersection of Coventry Parade and Thompson Road, with additional temporary parking proposed within the potential future area of public open space (which may be removed prior to the construction of Stage 2 subject to City of Fremantle's design intention for the open space).
 - Increasing the eastern side setback of the now 3-storey portion of Tower 2 from 35m to 40m.
 - Reducing the height of Tower 3 from 10 storeys (40.6m above ground level) to 6 storeys plus roof amenities (30.4m above ground level).
 - Reduction in dwelling number from 207 dwellings to 198.
 - Provision of 27 car parking bays for exclusive use of residential visitors.
 - Increase in height of Tower 1 from 16 storeys (64.5m above ground level) to 20 storeys (77m above ground level).
 - Increase in height of 11-storey (49.3m above ground level) portion of Tower 2 to 15 storeys (54.8m above ground level).
 - Reduction in the overall height of the alfresco pavilion addition (7m to 4.1m; 2.9m reduction) above the first floor level and introduction of a lower profile, more lightweight roof structure.
- Amended Stage 1 Traffic Impact Assessment (TIA) (Additional Information 13).
- Amended Stage 1 and 2 Traffic Impact Assessment (TIA) (Additional Information 15)
- Amended Parking Management Plan (Additional Information 14).
- Amended Shadow Diagrams and View Study (Additional Information 19).



- Amended Landscape Architecture Plans and Report (Additional Information 5).
- Applicant responses to public submissions (Additional Information 23)
- A response to the comments received by the Town of Mosman Park (Additional Information 22)

An amended level-by-level development summary is provided at Additional Information 3 of this report and amended development plans and perspective images of the proposal are provided at Attachment 1 of this report.

Site/application information

Date received:	8 June 2022
Owner name:	3 Oceans Property Pty Ltd
Submitted by:	Rowe Group
Scheme:	Development Area 18
Heritage listing:	Level 1B; North Fremantle Precinct Heritage Area
Existing land use:	Industry / Office
Use class:	Multiple Dwelling, restaurant, shop, tavern, office, reception centre and industry-light
Use permissibility:	All discretionary with advertising ('A')



OFFICER'S RECOMMENDATION

Council

SUPPORT the Officer's Recommendation to **REFUSE**, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the six-storey hotel development (117 rooms) with restaurant, small bar and reception centre uses plus a basement level carpark, reasons outlined in the Responsible Authority Report (RAR).



STIRLING HIGHWAY, NO. 130 (MULTIPLE LOTS), NORTH FREMANTLE - 20-STOREY MIXED-USE DEVELOPMENT, COMPRISING THREE (3) RESIDENTIAL APARTMENT TOWERS (198 MULTIPLE DWELLINGS) AND VARIOUS NON-RESIDENTIAL USES (RESTAURANT, SHOP, TAVERN, OFFICE, RECEPTION CENTRE AND INDUSTRY-LIGHT)

Form 1 – Responsible Authority Report
(Regulation 12)

DAP Name:	Metro Inner-South JDAP
Local Government Area:	City of Fremantle
Applicant:	Rowe Group
Owner:	3 Oceans Property Pty Ltd
Value of Development:	\$185 million ☒ Mandatory (Regulation 5) ☐ Opt In (Regulation 6)
Responsible Authority:	City of Fremantle
Authorising Officer:	Chloe Johnston, Manager Development Approvals
LG Reference:	DAP003/22
DAP File No:	DAP/22/02252
Application Received Date:	8 June 2022
Report Due Date:	4 November 2022
Application Statutory Process Timeframe:	90 Days (+ 56 days for extension)



Attachment(s):	1. Town Planning Report (prepared by Rowe Group); 2. Amended Development Plans (dated 5 September 2022, prepared by COX); 3. Amended Development Summary (dated 5 September 2022, prepared by Parcel); 4. Design Advisory Committee (DAC) Meeting Minutes Combined; 5. Amended Landscape Architecture (dated 9 September 2022, prepared by See Design Studio); 6. Public Art Statement (prepared by Art \ Theory) ; 7. Applicant's R-Codes Vol. 2 Assessment; 8. Acoustic Report (prepared by Herring Storer); 9. 10 Design Principles Report (prepared by COX) 10. Heritage Impact Assessment (prepared by Stephen Carrick Architects) 11. Pedestrian Wind Assessment (prepared by RWDI) 12. Sustainability Strategy (prepared by Full Circle); 13. Amended Stage 1 Traffic Impact Assessment (dated 9 September 2022, prepared by Stantec); 14. Amended Parking Management Plan (dated 9 September 2022, prepared by Stantec); 15. Amended Stages 1 & 2 Traffic Impact Assessment (dated 12 September 2022, prepared by Stantec); 16. Waste Management Plan (prepared by Encycle); 17. Community Needs Assessment (prepared by Urbis); 18. Schedule of Public Submissions; 19. Amended Overshadowing and View Analysis (dated September 2022, prepared by COX).
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	20.City of Fremantle Heritage Impact Assessment; 21.Town of Mosman Park Comment (dated 18 August 2022); 22.Applicant Response to Town of Mosman Park Comment (dated 27 September 2022) 23.Applicant Response to Public Submissions (dated 23 September 2022) 24.City of Fremantle/Stantec McCabe Street Area Traffic Study (dated 19 September 2022) 25.McCabe Street Height Study (Prepared by Scenic Spectrums on behalf of the City of Fremantle, dated May 2008) 26.Main Roads WA comment	
Is the Responsible Authority Recommendation the same as the Officer Recommendation? <i>NB. To be confirmed post Planning Committee; only updated where/if different to the Officers Recommendation.</i>	☐ Yes	Complete Responsible Authority Recommendation section
	☐ N/A ☐ No	Complete Responsible Authority and Officer Recommendation sections

Responsible Authority Recommendation

That the Metro Inner South JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/22/02252 is appropriate for consideration as 'Multiple Dwelling', 'Restaurant', 'Shop', 'Tavern', 'Office', 'Reception Centre' and 'Industry-light' land use(s) and compatible with the objectives of the zoning table in City of Fremantle Local Planning Scheme No. 4; and



2. **Refuse** DAP Application reference DAP/21/02086 and accompanying plans (DA A1-01; DA A1-02; DA A1-03; DA A1-04; DA A2-01; DA A2-02; DA A2-03; DA A2-04; DA A2-05; DA A2-06; DA A2-07; DA A2-08; DA A2-09; DA A2-10; DA A2-11; DA A2-12; DA A2-13; DA A3-01; DA A3-02; DA A3-04; DA A4-01 and DA A4-02, dated 5 September 2022 (City of Fremantle received date)) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of City of Fremantle Local Planning Scheme 4, for the following reasons:

Reasons

1. The proposal is inconsistent with clauses 67(c), 67(g), 67(h), 67(m), 67(n) and 67(x) of the *Deemed Provisions* as it is contrary to the maximum heights set out within Local Planning Policy 3.11, would be detrimental to the amenity of the area by virtue of the excessive height and scale of the development and is incompatible with the scale of development immediately adjoining and within the locality generally.
2. The proposal is inconsistent with the Element Objectives of Sections 2.2 and 2.5 of the Residential Design Codes Volume 2 by virtue of the excessive scale of development which does not reflect the existing or desired future scale of development within the local area, nor respond to the changes in topography in relation to the whole of the development area.
3. The proposal is inconsistent with clause 67(t) of the *Deemed Provisions* as the proposal is deemed to have a significantly adverse impact upon the local road network in terms of traffic generation, flow, safety and street parking availability.
4. The proposal is inconsistent with clauses 67(a) and 67(s)(ii) of the *Deemed Provisions* as it does not provide sufficient vehicle parking and delivery bays for the non-residential component of the development as per Table 2 of the City's Local Planning Scheme No. 4.
5. The existing fabric has been found to be of greater than limited significance and therefore cannot be approved for demolition under Clause 4.14 of the City of Fremantle LPS4.
6. The proposal is inconsistent with clauses 67(k) and 67(l) of the *Deemed Provisions*, and Local Planning Policies 1.6 and 3.6 due to the extent of demolition posed to the heritage fabric of the buildings of cultural



significance on the subject site and the adverse impact upon the cultural heritage significance of the North Fremantle heritage area generally due to the height, scale and design of the development.

7. Pursuant to advice from the City's Design Advisory Committee, a distinctive architecture for the design and melding with the proposed adaptive re-use of the significant heritage buildings on the subject site has not been achieved. As such, the proposal is not yet seen to satisfy the objectives and design principles outlined in State Planning Policy 7: Design of the Built Environment, Clause 78B(6) of LPS4 and LPP1.9 Design Advisory Committee and Principles of Design.
8. The proposal is inconsistent with the design objectives and desired outcomes of the City's Former Matilda Bay Brewery Site Structure with particular regard to connectivity and traffic management, built form and heritage and character.
9. The proposal is inconsistent with clause 4.4.5 of the City Local Planning Scheme No. 4 in terms of multiple dwelling diversity in that only 3% of the proposed dwellings have a floor area less than 60 square metres in lieu of the required 25 per cent minimum.
10. The proposal is inconsistent with the Element Objectives of section 3.2 of the R-Codes Volume 2 by virtue of the scale, massing and orientation of the three proposed towers on the subject site which will adversely overshadow properties to the south of the subject site and the proposed communal spaces within the development.

Reasons for Responsible Authority Recommendation

NB. To be confirmed post Planning Committee; only updated where/if different to the Officers Recommendation.

Details: outline of development application

Region Scheme	Metropolitan Region Scheme
Region Scheme - Zone/Reserve	Urban



Local Planning Scheme	Local Planning Scheme No. 4
Local Planning Scheme - Zone/Reserve	Development Zone: Development Area 18
Structure Plan	DA18 – Former Matilda Bay Brewery Site Structure Plan Text and Map
Use Class and permissibility:	Multiple Dwellings (A), 'Restaurant' (A), 'Shop' (A), 'Tavern' (A), 'Office' (A), 'Reception Centre' (A) and 'Industry-light (A)
Lot Size:	1.36ha (13,600m ²)
Existing Land Use:	Office and Industry
State Heritage Register	The place (P3649 – <i>Matilda Bay Brewing Company</i>) is of interest to the Heritage Council and is on its Assessment Program with a draft assessment that identifies its cultural heritage significance. The place is also identified as being within/adjacent to an Aboriginal Heritage Area.
Local Heritage	☐ N/A ☒ Heritage List (Matilda Bay Brewing Co. (fmr) - Management Level 1B) ☒ Heritage Area (North Fremantle Heritage Area)
Design Review	☐ N/A ☒ Local Design Review Panel ☐ State Design Review Panel ☐ Other
Bushfire Prone Area	No



Swan River Trust Area	No
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Proposal:

The proposal involves a comprehensive redevelopment of the subject site to deliver a mixed-use development comprising additions, alterations and restoration of the former Matilda Bay Brewery buildings. The proposal includes the addition of three residential towers (20, 15 and 6 storeys in height respectively) comprising 198 Multiple Dwellings and Café/Restaurant, Shop, Office, Reception Centre and Industry-Light land uses as well as landscaping, amenity areas, car parking and public realm additions.

A summary of the development proposals is provided as follows:

- i. Additions, alterations and restoration of the former Matilda Bay Brewery buildings on the subject site, summarised as follows:
 - The two major existing buildings on site are to be retained with adaptation proposed to the interior and some alterations to the exterior of the existing buildings.
 - The east elevation of the office building is being altered to accommodate the new uses.
 - The Workshop Wing Building is proposed to be removed.
 - Partial demolition to the east end of the former Ford Factory building is proposed to accommodate a new high-rise residential complex (described below).
 - An upper-level alfresco pavilion addition (4.1m in height from the existing first floor level) is proposed to the existing office building.
 - A new internal level is also proposed to the Factory Building and can be accessed via the alfresco pavilion addition to the office building.
 - An elevated platform extending west-east linking the upper level of the office building to the Upper Plaza Level (RL 22 00).
 - The buildings will provide:
 - 700m² of 'Restaurant' floorspace;



- 1300m² of 'Tavern' floorspace;
 - 807m² of 'Shop' floorspace; and
 - 750m² of 'Reception Centre' (Function/Event) floorspace.
- ii. A two-level podium above a basement level that supports three residential tower buildings (20 (77m), 15 (54.8m), and 6 (30.4m) storeys (metres) in height respectively) to the east (rear) of the Matilda Bay Brewery buildings and comprising:
- A total of 198 Multiple Dwellings; dwelling mix as follows:
 - 22 x 1-bedroom apartments (11%)
 - 108 x 2-bedroom apartments (55%)
 - 60 x 3-bedroom apartments (30%)
 - 8 x 4-bedroom apartments (4%)
 - Residential amenities at upper plaza level or rooftop levels include:
 - Swimming pool;
 - Working From Home facilities;
 - Gym;
 - Pilates studio;
 - Treatment rooms;
 - Children's Play area;
 - Outdoor landscaped decks; and
 - Rooftop deck.
 - A 83m² and Co-working Space and 263m² Creative Studio (both 'Industry-Light' land uses) and 237m² Café/Restaurant at the ground floor / lower plaza level of the podium.
- iii. Areas of landscaped public realm between buildings at the ground floor and upper plaza levels which are described as the 'Arbor and Gallery', 'Alfresco Terrace' and 'Upper Plaza' areas which are to be publicly accessible.
- iv. Car and bicycle parking provisions are as follows:
- 331 residential car parking bays within basement and podium levels;
 - 106 reciprocal car parking bays (shared between commercial / residential visitors) within podium;
 - 8 on-street visitor bays along Coventry Parade and 21 visitor bays east of the Coventry Parade/Thompson Road junction;
 - 4 rideshare drop-off/pick-up bays along Coventry Parade;



- 104 residential bicycle parking bays;
 - 27 residential visitor bicycle parking bays;
 - 24 commercial visitor bicycle parking bays;
 - 50 motorcycle parking bays; and
 - 1 large servicing/loading bay within ground floor podium level.
- v. Vehicle access is provided from Coventry Street (entry only) on the southern side of the development or McCabe Place (entry and exit) on the northern side of the subject site. The development provides a publicly accessible one-way internal link road connecting Coventry Parade/Thomson Road to the south and McCabe Street/McCabe Place to the north.
- Pedestrian access is provided from Stirling Highway through the former Matilda Bay Brewery buildings, from two pedestrian entry points along Coventry Street to the south or from McCabe Place to the north.
- vi. The proposed development does not cover the full structure plan area or subject site and this development represents Stage 1 of a 2-stage development of the subject site. The applicant has advised that once Stage 1 of the development has been completed, approval for Stage 2 to the east will be sought (anticipated to occur within 5 – 10 years).

Amended development plans and supporting materials were submitted to the City on 5 September 2022 and 9 September 2022 respectively in response to the City's *Further Information Request* issued to the applicant on 22 July 2022 (consisting of planning assessment items, public submissions and internal/external technical referral comments on the proposals). The amended plans and materials were updated in the following ways (summarised):

- Amended Development Plans (**Attachment 2**), incorporating the following key changes:
 - Increasing the Coventry Parade street setback of the podium levels of Tower 2 to the north by 10m (from 5.4m to 15.4m) and reducing the height of the 5-storey (23.8m above ground level) portion of this tower to 3-storeys (18.4m above ground level). The intent of the increased street setback and building height reduction was to mitigate overshadowing of residential



properties south of Coventry Parade – refer amended Overshadowing and View Analysis at **Attachment 19**.

- The provision of a proposed roundabout at the intersection of Coventry Parade and Thompson Road to manage traffic movements, with additional parking proposed within the future area of public open space (which may be removed prior to the construction of Stage 2 subject to City of Fremantle's design intention for the open space).
- Increasing the eastern side setback of the now 3-storey portion of Tower 2 from 35m to 40m.
- Reducing the height of Tower 3 from 10 storeys (40.6m above ground level) to 6 storeys plus roof amenities (30.4m above ground level).
- Reduction in overall dwelling number from 207 dwellings to 198 dwellings.
- Provision of 27 car parking bays for exclusive use of residential visitors.
- Increase in height of Tower 1 from 16 storeys (64.5m above ground level) to 20 storeys (77m above ground level).
- Increase in height of 11-storey (49.3m above ground level) portion of Tower 2 to 15 storeys (54.8m above ground level).
- Reduction in the overall height of the alfresco pavilion addition (7m to 4.1m; 2.9m reduction) above the first-floor level and introduction of a lower profile, lightweight roof structure.
- Amended Stage 1 Traffic Impact Assessment (TIA) (**Attachment 13**).
- Amended Stage 1 and 2 Traffic Impact Assessment (TIA) (**Attachment 15**); and
- Amended Parking Management Plan (**Attachment 14**).
- Amended Shadow Diagrams and View Study (**Attachment 19**).
- Amended Landscape Architecture Plans and Report (**Attachment 5**).
- Applicant responses to public submissions (**Attachment 23**)
- A response to the comments received by the Town of Mosman Park (**Attachment 22**)

An amended level-by-level development summary is provided at **Attachment 3** of this report and amended development plans and perspective images of the proposal are provided at **Attachment 2** of this report.

Background:

The wider subject site comprises a collection of various individual lots adjacent to one another (Lot Nos. 5, 12, 219, 220, 221, 253 & 314) which have a total



land area of 2.87ha. The subject site is bound by and has its primary frontage to Stirling Highway, with secondary frontages to Coventry Parade to the south and McCabe Street to the north. The portion of the subject site that this application relates to, 'Stage 1', is predominately located at the westernmost portion of the larger Lot 220 and comprises an area of approximately 1.36ha. The 'Stage 1' subject site area is shown clearly on the *Site Plan* (page 6) of **Attachment 2**. The 'Stage 2' development of the subject site is indicative only and does not form part of this of this development application.

Existing development on the subject site comprises the former Ford Assembly Plant and Matilda Bay Brewery buildings which are made up three main parts, the Administration Wing (facing Stirling Highway), the Workshop Wing (behind Administration) and the Factory Wing (corner of Stirling Highway and Coventry Parade). These three building wings combine to create a significant complex which demonstrate the story from the initial construction of the Ford Assembly Plant in 1929 and were later occupied by the Matilda Bay Brewing Company from 1988 – 2007. The site, as it currently stands, contains a number of existing additions and alterations to the original buildings to accommodate and expand the historic uses as well as three detached ancillary warehouses towards the rear (eastern end) of the site and large areas of hardstand.

A chronological planning history of development, additions and alterations to the subject site buildings is outlined in pages 11 and 12 of the Heritage Impact Assessment, prepared by Stephen Carrick Architects (**Attachment 10**). A search of the City's records has also revealed the following recent planning history for the subject site:

- DA0535/18 - *Industry General (Maintenance and Repair Works to Existing Building)* - conditional approval granted 11 January 2019
- DA0028/17 - *Change of Use to Industry-Light* – conditional approval granted 18 April 2017
- DA0396/12 - *Partial Change of Use to Child Care Premises and Internal Alterations and Additions to Existing Building* - conditional approval granted 16 October 2012
- DA0432/10 – *Removal of In-Ground Tanks* - conditional approval granted 15 September 2010
- DA0725/09 - *Partial Demolition of Existing Factory* - conditional approval granted 25 Oct 2010



The subject site and place (P3649 – *Matilda Bay Brewing Company*) is not listed on the State Register of Heritage Places though the Heritage Council of Western Australia have advised the place is of interest and it has been placed on their 'Assessment Program' with a draft assessment that identifies its cultural heritage significance. The place is listed on the City of Fremantle Heritage List with a management category of 1B ('Exceptional Significance') and has the following statement of significance:

'The Former Ford Motor Company Factory, is a rendered brick large volume factory with single storey office area attached constructed in 1929. The place has aesthetic value for its contribution to the streetscape and strong landmark qualities. The place is a fine example of the Inter War Stripped Classical style of architecture. The place has historic and social significance as a long standing place of employment in the North Fremantle area. It was one of a number of standard factories developed throughout Australia and elsewhere in the 1920s as car ownership became more popular and affordable and was one of the very few if not the only car manufacturers in Western Australia.'

The subject site is also located within the North Fremantle Heritage Area and a review of the Department of Aboriginal Affairs' Aboriginal Heritage Enquiry System reveals that the site is located within the vicinity of the Rocky Bay Registered Site (Site ID: 3596).

In 2009, development application ref. DA0725/09 was received by the City for the partial demolition of the existing buildings on site. The original proposal was to demolish the rear half of the building complex including the 1947 additions and half of the 1929 original sections. This proposal was not acceptable to the City of Fremantle or the Heritage Council of Western Australia. An external heritage assessment of the place commissioned by the City of Fremantle identified the sequence of development of the place and graded the significance of the building fabric based upon the statement of significance. The original 1929 section of the building including the Administration Wing, the Factory Wing and the Crane Bay wing were all graded as being of Considerable Significance and the 1947 additions were graded as being of some significance. Post 1947 additions and buildings were grades as having Little Significance. Revised plans were submitted for DA0725/22 which retained all of the 1929 section of the Crane Bay wing and retained some of the 1947 additions section. Planning approval was subsequently granted in 2010 on the condition that the retained sections of the building were conserved including structural remediation of timber trusses in the retained two bays of the Factory wing. These works were subsequently undertaken in 2011 under a demolition licence (ref. DL11/0011) issued by the City.



The subject site is also contained within, and subject to, the provisions of the *Former Matilda Bay Brewery Site Structure Plan* which was approved by the Western Australian Planning Commission (WAPC) on 6 October 2020. Under the provisions of the City's LPS4, the Structure Plan Area is zoned "Development". The purpose of the "Development" Zone is to provide for future residential, industrial, commercial and other uses in accordance with a comprehensive structure plan or detailed area plan.

The Former Matilda Bay Brewery Structure Plan therefore provides subdivision and development controls to guide development across the subject site and these requirements are summarised in Part One, Section 5 (pages 13 – 14) of the Structure Plan document. An objective of the Structure Plan is to provide at least 500 dwellings within the subject site structure plan area.

The subject site structure plan area forms part of a wider LPS4 'Development' zone known as 'Development Area 18 - McCabe-Coventry Street, North Fremantle' ('DA18') which comprises a number of larger development sites to the north and south of McCabe Street in North Fremantle, as depicted in the following image (shown purple hatched):



Figure 1: LPS4 Scheme Map Extract (subject site located toward lower left-hand corner).

Structure Plans have also been prepared and adopted for the “One Steel Site” to the immediate north of the subject site and the “Taskers Site” located to the north-east of the Structure Plan Area (both on the northern side of McCabe Street). These sites form part of the wider DA18 area. Both local structures plans propose primarily residential land uses in the form of medium to high density residential apartments.

The surrounding area is characterised by a range of varied development and land uses including two-storey single houses to the south and east of the subject site (south of McCabe Street), 2-3 storey commercial/industrial development typologies and land uses to the south and north of the subject site (west of Thompson

Street) and some larger mixed-use developments (predominantly multiple dwellings) that have been approved or already constructed on the northern side of McCabe Street. These larger developments are within sites that also form part of Development Area 18, and include the constructed 'Taskers Living' development at 9-13 McCabe Street (7 storeys (24.75m)) and approved 'Serai' development at 19-21 McCabe Street (8 storeys (28.95m)).

Legislation and Policy:

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

1. Metropolitan Region Scheme (MRS);
2. *Planning and Development (Local Planning Schemes) Regulation 2015* (WA) (the Regulations);
3. City of Fremantle Local Planning Scheme No. 4 (LPS4); and
4. Former Matilda Bay Brewery Site Structure Plan (DA18).

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

- Schedule 2, Part 4 Clause 27 – Effect of structure plan
- Schedule 2, Part 8, Clause 64 – Advertising applications
- Schedule 2, Part 9, Clause 66 – Consultation with other authorities
- Schedule 2, Part 9, Clause 67 – Matters to be considered by local government
- Schedule 2, Part 9, Clause 68 – Determination of applications
- Schedule 2, Part 9, Clause 70 – Form and date of determination

City of Fremantle LPS4 Provisions

The development site is located within and subject to Development Area 18 (DA18) and the *Former Matilda Bay Brewery Site Structure Plan* development controls.

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

- Table 1 – Zoning

**Agenda – Planning Committee
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- Table 2 – Parking requirements
- Clause 4.7.3 – Relaxation of Parking requirements
- Clause 4.14 – Demolition of Buildings and Structures
- Clause 78B(6) – Design Advisory Committee.

State Government Planning Policies (SPPs)

- SPP 2.6: Coastal Planning Policy
- SPP3.5: Historic Heritage Conservation
- SPP 3.6: Infrastructure Contributions
- SPP 5.4: Road and Rail Noise
- SPP 7: Design of the Built Environment
- SPP 7.2: Precinct Design
- SPP 7.3: Residential Design Codes Volume 1 and 2

Local Planning Policies

The following local planning policies are relevant to assessment of the application;

- Local Planning Policy 1.3 – Public Notification of Planning Proposals (LPP 1.3)
- Local Planning Policy 1.6 – Preparing Heritage Assessment (LPP 1.6)
- Local Planning Policy 1.9 – Design Advisory Committee & Principles of Design (LPP 1.9)
- Local Planning Policy 2.13 – Sustainable Building Design Requirements (LPP 2.13)
- Local Planning Policy 3.6 – Heritage Areas (LPP 3.6)
- Local Planning policy 3.11 – McCabe Street Area North Fremantle - Height of New Buildings

Consultation:

Public Consultation

The application was advertised to the public from the 17 June 2022 until 20 July 2022 and was advertised by means of letters to adjoining properties within 200m of the site, signs on site frontages, the City's MySay webpage and notices in the press. A 'Talk to a Planner' session was also provided to the community on the 14 July 2022 at the City's library.

In response, the City received 112 submissions; 96 raised concerns/objections to the subject proposal and 16 were in support of the proposals. It is acknowledged some of the objecting submissions had multiple signatories and/or were from strata bodies representing resident groups. Full details and a schedule of the public submissions can be found at **Attachment 18** and the applicant's responses to these submissions can be found at **Attachment 23** of this report.

The matters raised in the submissions (summarised) are discussed below and/or elsewhere in this report as indicated in the following table:

Table 1. Summarised Public Submissions and Officer Responses

Issue Raised	Officer comments
Numerous comments related to the non-compliance of the proposals within the planning policy framework with particular regard to the Structure Plan, LPP3.11 and R-Code provisions.	Detailed discussion on the compliance/acceptability of the proposals within the planning policy framework is provided within the Planning Assessment sections of this report.
The building height and scale are excessive for the site and surrounding context of development, non-compliant with the structure plan and LPP3.11 provisions and will cause and will set a precedence for developments in the area that will erode the North Fremantle character.	Building height is one of the key matters discussed in detail within the Planning Assessment sections of this report.
The on-site parking provision is significantly inadequate and the proposal will cause adverse impacts upon the local road	Parking and traffic impacts of the proposal are discussed in detail within the Planning Assessment sections of this report.

network in terms of traffic, congestion, safety and street parking availability.	
The proposed buildings will cause adverse impacts upon the residential amenity of the existing residents within the local area, particularly in terms of overshadowing.	The residential amenity impacts of the proposal, including overshadowing are discussed in detail within the Planning Assessment sections of this report.
The proposals will erode the visual amenity within the local area and from the beach and other key public areas; the towers will dominate the townscape and block views from existing properties.	The proposals impact upon visual amenity of the area and views is discussed in detail within the Planning Assessment sections of this report.
The proposals do not provide enough greenspaces, landscaping and deep-soil areas throughout the development considering the size of the site and the development proposed.	Landscaping is discussed in detail within the Planning Assessment sections of this report.
The proposals do not include details of the 'Stage 2' part of the development which will have further adverse impacts upon the surrounding residents and local road network.	'Stage 2' of the development proposal is only indicative at this stage and do not form part of this application. It is acknowledged that when 'Stage 2' comes forward the impacts of this development will need to be evaluated accordingly and accumulatively with other development (including this 'Stage 1' if constructed) within the area. The applicant has advised the current



	timeframe for Stage 2 is 5-10 years from the completion of Stage 1.
The building should deliver the highest level of sustainable design, building and operational practices.	The sustainability strategy for the proposal (Attachment 12) states the buildings are designed and will be delivered to achieve a minimum five-star Green Star design and as-built outcome through various measures. This is required by policy and will be conditioned appropriately to ensure this is achieved, should the development be approved by JDAP. Further discussion on sustainability is provided within the Officer Assessment sections of this report.
The legibility and pedestrian wayfinding are poor and confusing throughout the development.	The legibility of the proposal is a key design consideration of SPP 7 and is discussed further in the DAC comments, CoF Urban Design comments and Planning Assessment sections of this report.
Comments were made on the quality of supporting technical reports and it was noted the recommendations of some of the supporting reports such as the Wind Assessment and Acoustic Report are not reflected in the plans of the proposal.	This is acknowledged by Officers who also picked up on this and have advised applicants to address. Appropriate conditions of approval will also be recommended to ensure the recommendations of these reports are adopted into the detail design of the proposals.
The proposal does not respect the existing heritage of the site and	The heritage impact of the proposals is discussed within the comments from the Heritage Council and the

will have adverse implications on the wider heritage area.	CoF Heritage Teams comments as well as the Planning Assessment sections of this report.
The overall design of the proposals is not considered high-quality and a much more considered design approach should be required within the local context.	The design quality of the proposals is discussed in detail within the DAC comments and Planning Assessment sections of this report.
The waste collection proposal with 200+ bins on the Coventry Street frontage will cause visual amenity issues and further traffic congestion/obstruction.	Discussion on the waste management proposals is provided in the following sections of this report.

Heritage Council – Department of Planning Lands and Heritage (DPLH)

The application was referred to the Heritage Council as while the subject site and heritage place (P3649 – Matilda Bay Brewing Company) is not formally listed on the State Register of Heritage Places it is stated to be of interest to the Heritage Council and is on its Assessment Program with a draft assessment that identifies its cultural heritage significance.

The Heritage Council advised the City of Fremantle that the proposal has been considered in the context of the draft identified cultural heritage significance of Matilda Bay Brewing Company and the following comments could be considered by the JDAP in its determination:

- 1. The place is a rare and intact example of a large-scale purpose-built Ford factory in the Inter War Functionalist style with simple geometric shapes, asymmetrical massing and steel framed windows.*



2. *The proposal is for redevelopment and adaptation of the site to create a mixed-use precinct with residential, community and commercial uses.*
3. *Adaptive reuse of this place can be achieved without the loss of significant fabric. As currently proposed, the extent of demolition across the buildings on the site, in particular the Workshop building and internal fabric of the Office building, is excessive, unnecessary, and detrimental to the cultural heritage significance of the place.*
4. *Limited demolition could be considered to support the adaptive reuse and activation of the place.*

As noted in the above comments, the extent of demolition proposed to the original buildings as part of the adaptive re-use of the Matilda Bay Brewery building is not supported by the Heritage Council.

These comments were provided to the Applicant as part of a broader *Further Information Request* prepared by Officers and issued on 22 July 2022. The applicant did not provide a direct response to these comments though has tried to address heritage comments further with the City's heritage team (who provided comments that echo and expand upon the above in more detail), as discussed further below.

City of Fremantle Heritage

Officers reviewed the initially submitted proposal, the amended development plans (**Attachment 2**) and also completed a thorough site inspection of the existing buildings on the subject site on 3 October 2022. Following this, a Heritage Impact Statement was prepared, full details of which can be found at **Attachment 20** of this report.

The City's Heritage Impact Statement concludes the following:

*Appropriate retention, conservation and interpretation of the historic Ford Motor Factory buildings will make a major contribution to the heritage value of the North Fremantle Precinct and its significant mixed residential and industrial character. As discussed above (refer full details of comments at **Attachment 20**) there are issues with the proposed works regarding the demolition of significant heritage fabric, the*

loss of authentic industrial character and unsympathetic additions to the roof of the building.

New development on this site should respect and respond to the built form character of the area and its significant streetscapes. The proposed infill development with a podium base supporting three towers with triangular and diamond shaped floor plans does not respect and compliment the established urban form of the area or the character of its surrounding streetscapes. The scale and form of the buildings, their dissociation from the established street grid and the use of contrasting materials and finishes does not respond sympathetically to the established historic context of the North Fremantle Heritage Area.

On the basis of the above, the City's Heritage Team do not support the proposal by virtue of the extent of demolition posed to the heritage fabric of the buildings of cultural significance on the subject site and the adverse impact upon the cultural heritage significance of the North Fremantle heritage area generally due to the height, scale and design of the development

Main Roads Western Australia (MRWA)

Main Roads provided the following initial comments regarding the proposed development:

The impacts of the proposed development on the efficiency and safety of Stirling Highway are uncertain based on the information presented in the TIA (Ref: CW1147800 / 304900169, Rev A dated 02 June 2022) prepared by Stantec (Cardno). A revised TIA is requested to address the following matters:

1. Traffic Impact Assessment (TIA)

- a) Future modelling at 2034 is based on Stirling Highway being upgraded to incorporate bus lanes and a southbound left turn slip lane, however there is currently no timeframe for this upgrade. Modelling should be undertaken based on a network that excludes this upgrade.*
- b) Section 6.4 of the TIA lists several factors used in determining the overall inbound and outbound trip distributions for the development traffic, however this information has not been provided. Development trip distributions suggests majority of vehicles are traversing McCabe*



Street east of the development which does not seem likely and should be justified.

- c) Further to the above, the trip distribution percentages provided in Section 6.4 does not correlate with the volumes provided in Section 6.5.*
- d) The rate of 1% per annum used in the TIA is too low and the report does not include a methodology as to how this value was achieved. The most appropriate growth rate to use would be growth between 2021 to 2026, with the 2026 road network excluding intersection upgrades. Various modelling runs suggest a compound annual growth rate of 2.6% should be used which accounts for growth in regional traffic and general development across the broader study area.*

2. Road Traffic Noise

Noise sensitive developments must comply with the requirements of State Planning Policy 5.4 – Road and Rail Noise (SPP 5.4). To achieve compliance, the SPP 5.4 Noise Assessment (Ref 29383-1-20298 dated 13 April 2022) prepared by Herring Storer Acoustics is to be revised to address the following:

- a) Up-to-date modelled traffic projections should be obtained from Main Roads, ensuring compliance with the 20-year forecasting required by SPP 5.4, and citing the contact name, reference number and date in the noise report.*
- b) The current and future road surfaces used in the noise model should be specified.*

These comments were provided to the Applicant as part of a broader *Further Information Request* prepared by Officers and issued on 22 July 2022. The applicant responded to the above by preparing updated Traffic Impact Assessments and Parking Management Plans (**Attachments 13 – 15**) which were subsequently shared with MRWA for further comment. Main Roads WA, have advised that while they have reviewed the information they are still unable to provide a recommendation at this point in time. Their comment (**Attachment 26**), identifies issues with the applicant's Traffic Impact Assessment but advises that they are not in a position to support the subject proposal until the information is received and reviewed. It is not clear if this means a recommendation will be favourable.

Furthermore, the City commissioned Stantec to undertake a traffic study of the McCabe Street area (**Attachment 24**) to investigate the existing and expected traffic conditions of the local area and how this significant development (and expected future applications) may impact the local road network in years to



come. The study also sought to identify some suggested road improvements (and a staging plan for these) within the local road network to mitigate the expected traffic impact of these developments. The study also suggested/identified improvements along Stirling Highway.

It should be noted that in discussions with the applicant, a willingness to contribute to identified traffic infrastructure improvements was expressed, however, the applicant advised the provision of any contribution would be on the basis that the monetary contribution amount requested is known prior to the application being considered by the City of Fremantle's Planning and Development Committee and the JDAP.

The City advised the applicant that at the time of writing this report, the City could not provide a monetary contribution amount for a number of reasons. Firstly, the costings and agreement would need to come from those undertaking the potential works (the City and/or MRWA) and at this time, the City did not have any formal agreement nor feedback from MRWA with respect to these infrastructure improvements, particularly for the key works along Stirling Highway and the City does not have capacity to undertake a costing given such uncertainty. Secondly, under the current economic conditions and the uncertainty surrounding construction costs any costing provided at this time is likely to shift in future and may become outdated by the time construction is commenced.

City of Fremantle Infrastructure Engineering

The City is not confident in the conclusions within initial Traffic Impact Assessments provided by the Applicant and raised a number of queries with regard to the inputs, rationale and modelling within these reports; requesting further information and revised assessment before a recommendation could be made. It was noted that the modelling presented shows that the current traffic conditions have flaws and the introduction of the development will exacerbate those deficiencies leading to an unacceptable impact upon the local road network.

These comments were provided to the Applicant as part of a broader *Further Information Request* issued on 22 July 2022. The applicant responded by preparing updated Traffic Impact Assessments and Parking Management Plans (**Attachments 13 – 15**) which were reviewed and the following comments provided:



The TIA demonstrates that the Stirling Highway & McCabe Street intersection is sensitive to increases in traffic volumes and will eventually fail in 2034 with unacceptable delays at 2024 on Stirling Highway. The delays on McCabe Street at the Stirling Highway signals will be compounded by introducing additional traffic with no practical alternative routes available to the community. Further to the above, safety will be compromised as the network becomes more congested and road users take more risks further reducing the efficiency of the network as further controls are put in place to combat the increased demand. An example would be the likely removal of the right turn filter movement for the Stirling Highway & McCabe Street intersection.

Given the proven deficiency of the surrounding arterial network, a greater integration of public transport into the development to encourage mode shift would be a supported initiative as would further development of treatment options for the surrounding network particularly the Stirling Highway and McCabe Street intersection.

The traffic management proposals on Coventry Parade and McCabe Street (roundabouts) would be supported initiatives with further discussion with the City on their scope and delivery.

Further discussion on the pedestrian and public parking network and proposals will need to occur to refine asset responsibilities such as the parking bays on Coventry parade.

Furthermore, the following comments on the City commissioned Stantec McCabe Street Area Traffic Study (**Attachment 24**) are provided:

1. General statement regarding transport issues/initiatives in the context of the proposed development.

As the extensive investigation and modelling has shown, the network is extremely sensitive to additional traffic and given the scale of the development, should be given considerable weight rather than relegating to other agencies to consider.

Position: The sensitivity of the road network should be further considered by the applicant and acknowledged through meaningful proposals to ensure future tenants and the surrounding community are not burdened with additional



delays and derivative safety issues that have been shown to be contributed to as a result of the proposed developments.

2. Timeline for network improvements.

The staging should be agreed between all parties with additional planning and stakeholder engagement (MRWA, PTA, CoF, Mosman Park) to ensure its success. The issue of the McCabe Street and Stirling Highway intersection such as delays and safety issues will be contentious until they are implemented. It would be prudent for all parties to seek to have this aspect of the network improvements detailed and funded well before 2026. Signal approvals can take up to 12 months to complete with this site having more complications than a typical intersection noting that SHACS is not currently funded or being adopted at state level.

3. Network improvements.

The proposed changes represent a complex series of modifications for the network with high-risk elements in terms of asset owner approval and required funding to complete the works.

Stage 1 & Stage 3 changes require significant changes to Stirling Hwy and impact properties to the west. It would be difficult to implement Stage 1 as shown without generating abortive works in the process. The Stage 3 proposal should be brought forward as much as practical to be delivered before Stage 2 works (McCabe Roundabout). In practical terms, the roundabout can be delivered relatively quickly with minimal reliance on the Stirling McCabe intersection upgrade.

4. Alternative Transport initiatives

Engagement with PTA should be done to consider the integration of the Stirling Hwy bus services such as relocating or adding a set of bus stops directly outside the developments on Stirling Hwy. Despite the close proximity of existing services, making the stops easily accessible and even incorporating them into the sites would provide added incentive to utilise these services.

The fact that this is only considered in the applicants TIA as a standard note on the proximity of public transport to the site does not show an



understanding of the impacts a development of this scale have on the local network. Moreover, a lack of appreciation of the current and future traffic conditions and not proposing sustainable initiatives represents a missed opportunity to provide exemplary facilities for such a high calibre development.

It should also be noted that at the time of writing this report, the City nor MRWA have not made any commitment or future plan for any traffic infrastructure improvements along the road networks surrounding the proposed development. As noted above, it remains the City's position that should road network improvements be needed as a result of proposed development, it should be responsibility of the developer to fund such works to mitigate the impact of their development.

Public Transport Authority (PTA)

The PTA provided the following comments on the proposals:

The Public Transport Authority supports the increased residential density along Stirling Highway which is a main line bus route corridor.

Any potential for bus priority is supported however needs to be worked through with Transperth and Portfolio partners.

The intersection of Stirling Highway/McCabe St and the surrounding footpath network may need to be upgraded to improve pedestrian safety and amenity and support access to bus stops.

Additionally, the PTA advised that as the proposed development is within 100 meters of the PTA Rail Reserve (in the PTA Protection Zone), the developer must seek PTA's approval for working in and around the operating railway. A condition of approval was recommended by the PTA and will be imposed should JDAP be of the mind to approve the application.

Town of Mosman Park (ToMP)



The ToMP were consulted on the proposals given the proximity to the Town and potential impact upon the local area which includes areas of Mosman Park.

The ToMP made detailed comments and objections to the proposals in a written response (dated 18 August 2022) which full details can be found at **Attachment 21** of this report.

In summary, the ToMP provided the following key comments on the proposed development:

- i. Bulk and Scale – the proposal represents a significant departure from primary development controls of the planning framework;
- ii. Context and Character – the proposal does not fit within the current streetscape and the development is more representative of a high-density urban centre. As a result, the proposal does not respond to the desired scale and character of the surrounding streets and local area, which have been designated within the City's structure plan as Residential R160;
- iii. Heritage Adaptation – The Town appreciates the proposed work by the applicant to adapt and retention of the former Matilda Bay Brewing Co. building and Ford Factory Building. The Town is supportive of the adaptive reuses of the two buildings which will assist in promoting the cultural heritage significance of the place.
- iv. Landscaping – The Town notes that it is unclear how much tree canopy (m2) is being proposed by the development. It is recommended that the landscape architect includes a matrix with a breakdown of deep soil area, tree provisions and canopy calculations.
- v. Car Parking – the significant non-residential parking bay shortfall may negatively impact on the amenity and streetscape of the local residential area and impact upon the existing road network in the area. In addition, the development does not provide or have demonstrated the provision of any ACROD bays.
- vi. Traffic Management – The Town is aware of the ongoing traffic concerns and issues along the western end of McCabe Street towards Stirling Highway that has been consistently raised by residents from the Town and City. The Town has engaged and undertaken a comprehensive peer review of the Traffic Impact Assessment (TIA) for Stage 1, TIA for Stage 1 and 2 and the Parking Management Plan (PMP) for Stage 1 by a qualified senior traffic and road safety engineer from i3 Consultants.

These reviews identified a high number of issues with the reports and provided recommendations that should be addressed by the applicant.



In summary, the TIAs and PMP prepared by Stantec fail to assess the traffic and parking impacts correctly and in detail, making it very difficult to identify appropriate measures to address the impacts (refer full details in **Attachment 21**).

The comment from ToMP was provide to the applicant in full on 18 August 2022 and the applicant responded to the ToMP comments as per **Attachment 22**.

At the time of writing this report, the ToMP had not provided any further comments upon the applicant's responses. Should such comment be provided ahead of the JDAP determination meeting, this shall be shared with relevant stakeholders and decision makers for consideration.

Department of Water and Environmental Regulation (DWER)

DWER reviewed the application and identified the site and its historic uses could mean contamination is present across the site. As such, a condition of approval has been recommended that requires an investigation for soil and/or groundwater contamination be conducted prior to the commencement of works to determine if mediation is required and this be done appropriately, if so.

The respective condition and advice note shall be recommended should JDAP be of the mind to approve the application.

Rivers Planning – Department of Biodiversity Conservation and Attractions (DBCA)

The DBCA reviewed the proposals and recommended a number of conditions and advice notes that will be recommended should JDAP be of the mind to approve the application.

Water Corporation

The Water Corporation provided general advice and requirements for the development should it be approved in a letter dated 29 June 2022. This advice was



provided in full to the applicant as part of a broader *Further Information Request* issued by Officers for the Applicant's information and action as necessary.

City of Fremantle Arts and Culture

Officers have advised that while the site falls without the mandated percent for art location in the City's policy, "... the City welcomes the Public Art statement (**Attachment 6**) from consultant Art Theory that "they intend to fulfil the requirements of the Percent for Public Art scheme, by way of on-site contribution. Public artworks will be original, site responsive and located within the site's extensive public open-space".

City of Fremantle Parks and Landscape

Officers reviewed the applicant's amended Landscape Concept Plan prepared by See Design Studio (refer **Attachment 5**) and are generally supportive of the concept proposals, subject to recommended conditions and advice, including detailed landscaping and irrigation plans being submitted for approval. Condition and advice notes would be required should JDAP be of the mind to approve the application.

City of Fremantle Waste

The Waste Management Plan (prepared by Encycle – **Attachment 16**) has been reviewed and following a response to a number of queries and clarifications within the document, is generally supported.

The method of waste collection was explored, particularly due to the City's requirement for verge collection of residential waste bins which was a concern raised in public submissions and by others generally. The following provides additional information on this:

- All residential waste collection is to be managed by the City and its contractors.



- If the proposals have space to allow a large HR waste vehicle to enter, exit and service all bins via side arm, it could be considered, however, it is not clear if internal roads are built to take the weight of a HR vehicle.
- If appropriate access onto the site was provided, the owner would have to indemnify the City and its contractors for nil damages before it could consider it or access private property.
- The key issue is the City's existing waste contractor only collects via side arm (FOGO, Recycling and residential red general waste bins) and the City can empty 600 and 1100L general waste bins, if they are presented by the property and returned by the property.
- It is not cost or time efficient to entry private property nor in the case of a side arm vehicle can the driver exit the vehicle at multiple stops.

City of Fremantle Environmental Health

No significant issues have been raised under Environmental Health requirements.

Strategic planning and planning framework development

Background regarding the development of the existing planning framework is provided below.

Height

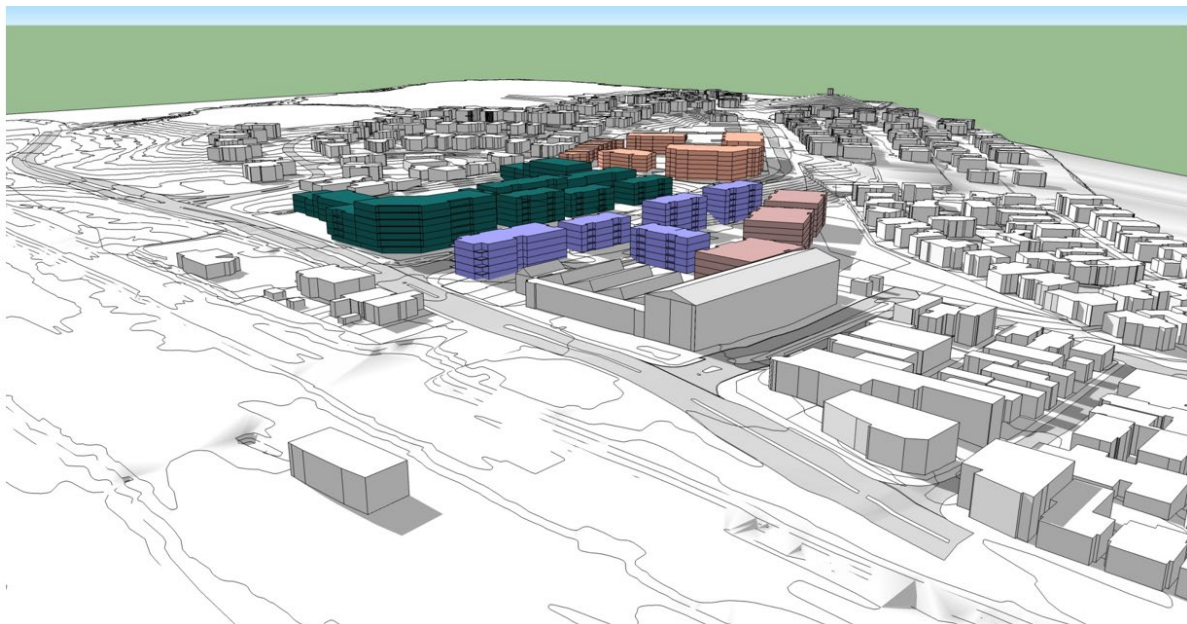
The purpose of LPP3.11 McCabe Street Area, North Fremantle is to identify limitations on the maximum height of new buildings that Council will apply in assessing structure plans and subsequent planning applications for the development of land in Development Area 18 in the McCabe Street, North Fremantle area. The policy is intended to help ensure that new buildings developed in the area do not adversely affect the visual amenity of the locality in general or the amenity of occupiers of nearby residential properties. In particular, the policy is intended to help safeguard important views from publicly accessible viewpoints towards and over the Indian Ocean and the Swan River and the setting of existing buildings and landscape features of cultural heritage significance.

The policy was originally adopted in 2008 after height modelling. A review of the policy was carried out from April 2013, which included further view corridor modelling and assessments of building bulk with modelling. The reviewed policy was adopted by Council in August 2015. The purpose of the review was to allow for additional building height on a limited portion of the former Matilda Bay

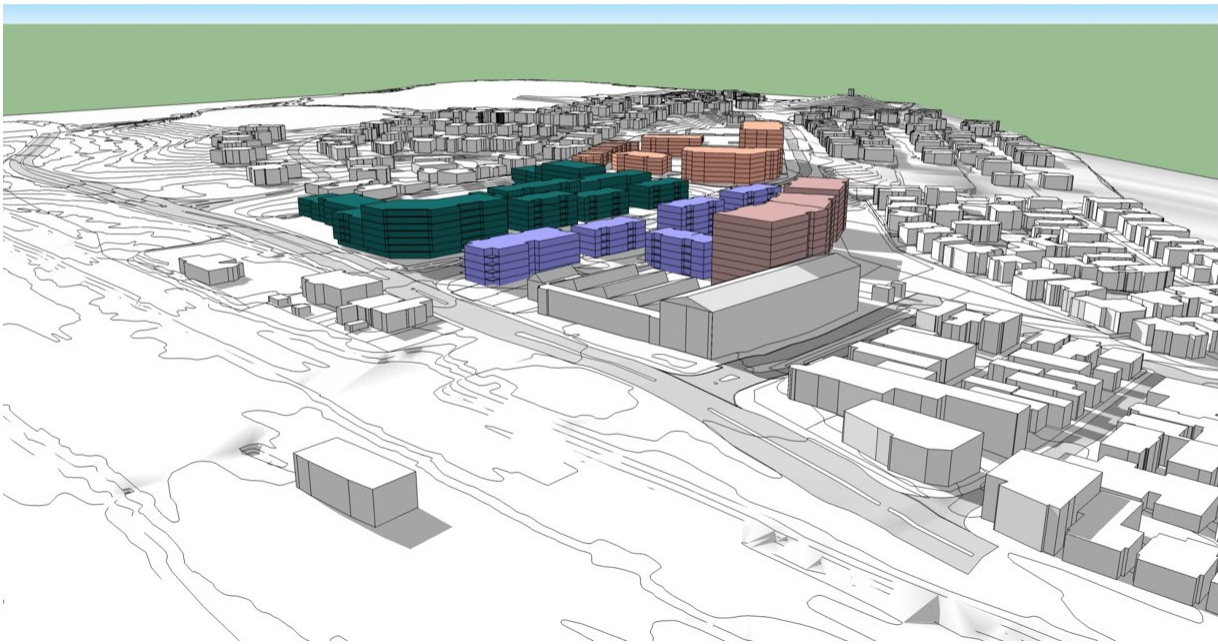
brewery site, on a discretionary basis, where view corridors were taken into account and development results in buildings that are well designed with environmentally sustainable design features. Specific to this site the height in zone H2 and H3 under the policy have additional discretionary heights that can be granted where further provisions are met.

As part of the above review and modelling, the following two images were presented that depicted indicative maximum massing and building heights across the site, in both the maximum baseline heights situation as well as with the newly introduced maximum discretionary building heights on zones H2 and H3:

Base Height of reviewed LPP3.11 - no proposed discretionary height shown



Reviewed LPP3.11 Discretionary Building Heights: 33m (Zone H2) & 25m (Zone H3)



Traffic

Traffic in the area on McCabe Street is currently an issue in peak times especially at the McCabe Street and Stirling Highway intersection. The low performance on McCabe Street, in its current configuration, will be heightened by additional traffic from future development and general traffic increases in the area. Upgrade of the intersection will be required as development on McCabe Street is realised.

It is acknowledged that traffic in the area, specifically on McCabe Street is currently an issue in peak times especially at the McCabe Street and Stirling Highway intersection. The low performance on McCabe Street, in its current configuration, will be heightened by additional traffic from future development and general traffic increases in the area. Upgrade of the intersection will be required as development on McCabe Street is realised.

Further work may be needed on the design and improvement of the intersection to manage the existing traffic volumes, safety and the cumulative impact and design implications of future development in the area. This work also requires input and agreement from Main Roads, Department of Transport (DoT), Public Transport Authority (PTA), Town of Mosman Park, adjoining landowners and other stakeholders. The resulting design will result in landowners of the large development sites adjoining McCabe Street needing to develop a funding



arrangement – potentially in agreement with Main Roads WA - for the upgrade of road infrastructure and associated works in the area to adequately mitigate the negative impacts their developments will add to a road network already under significant pressure and low service levels.

Internal Road

The structure plan proposes a one way (south to north) internal road through the site. How this is delivered is not of concern and it would likely be better that the road is retained by the developer (which it would need to be in this case as it goes through/is part of the building) and not ceded to the City for management.

Urban Design

In addition to review by the City's Design Advisory Committee, the following comments are provided in the context of SPP 7.

- Building Height

The overall height is well beyond the permitted height of LPP3.11. To justify this height, the applicant proposes a slender and taller tower form in return for a better public space. As a result of the tall towers, there is overshadowing of the properties at the southern/ eastern edge but also for the public plaza proposed within the site as well as the northern portion of the Tower 2 as per shadow analysis provided.

- Public Realm

A large portion of the site is proposed as public realm. There are also communal and private residential spaces with restricted access for the public. The public consists of Upper Plaza at the podium level – RL22.00 and the lower plaza at the street levels RL.16.0– Stirling Highway and Conventry Parade.

The public access to the site is from:

- Stirling Highway – Both Upper & lower plazas
- McCabe Street - to the upper plaza
- Conventry Parade – Both Upper & lower plazas



Access between the upper and lower plaza is provided through two set of stairs providing internal access. One other set of stairs from is provided through Conventry Parade to the upper plaza via external access. There is no ramp for inclusive access anywhere in the site to travel between plazas and there doesn't appear to be any lift for public access without having to enter the carparking areas or former brewery buildings to get between levels, resulting legibility and accessibility issues.

- Details of McCabe Place Entry to the Site

The Landscape Masterplan doesn't include the McCabe Place entry in its entirety to the site which is a key entry point. Considering this section is the only access way for pedestrians from the North to access the site, this section should form part of the landscaping plan and more details with regards to the streetscape should be provided as this entry will be shared between vehicles (residents & visitors) as well as pedestrians.

- Overall Movement in the Area

It is not clear how the proposed link road from Conventry Parade to the McCabe Place through the proposal podium will work and remain publicly accessible at all times.

It is recommended the pedestrian access to and through the site be improved, in particular, the entry/ access area from the upper plaza to McCabe Street

- Connection to Place

The proposal lacks a connection to place in terms of built form, orientation and architectural typologies. The proposal does not speak to the local context or to a gentle evolution of North Fremantle from industrial / worker-residential to something higher density and contemporary. The proposal represents a built form imposed on the finer grain of lots and streets that underpin the urban pattern and character of North Fremantle.

In relation to the amended plans, the following comments are provided:

- Noted Improvements



The reconfiguration of building mass of the Tower 2 podium height and increasing the setback from Coventry Parade provides an opportunity for the streetscape and the interface with the street and premises on the southern side of street.

- **Remaining Concerns/Recommended Improvements**

Considering the size of public space proposed by this development, providing an accessible ramp to access between lower & upper plazas is necessary. There is currently three sets of stairs proposed to access between plazas. At least one should be designed as an accessible ramp to provide universal access for broader community use.

Access from McCabe Street through to McCabe place to the site/ upper plaza shall be included or at least considered within this work to provide a proper, consistent and safe pedestrian access to the upper plaza.

The proposed temporary car park is not supported.

With regard to reconfiguring the building mass, by reducing two levels from the Tower 2 podium and increasing Towers 1 & 2 by three levels, there is still significant overshadowing especially in winter for the premises on the southern side of the development.

The above comments feed into and inform further discussion within the Planning Assessment sections of this report.

Design Advisory Committee

The applicant engaged with the City's Design Advisory Committee (DAC) a total of four (4) times, twice prior to lodgement of the application (in September 2021 and December 2021) and once following the initial submission of the application in June 2022 and a fourth time in October 2022 following the provision of amended development plans.

Full details of all four DAC meeting minutes can be found at **Attachment 4** to this report. The latest DAC meeting minutes (DR4 -10 October 2022) considered

the amended development plans submitted to the City of 5 September 2022 (**Attachment 2**) and provided the following comments and recommendations on the proposal against the design generally and against each of the 10 Principles of Design within LPP1.9 (Design Advisory Committee & Principles of Design) and State Planning Policy 7 (SPP7 - Design of the Built Environment):

Strengths of the Proposal:

- *As previously noted, the site is in a strategic location that has capacity to accommodate scale and density, however excessive overshadowing of neighbouring properties by the height and bulk of the development remains a concern to be addressed.*
- *Some visual permeability through the site afforded by the separate towers.*
- *A variety of commercial functions and associated publicly accessible space.*

Design Quality Evaluation Against Design Principles – DAC Meeting 3	
Principle 1 - Context and Character: <i>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</i>	DAC Comments: a. <i>The heritage buildings on the site should not be treated as hindrances. Instead, the structures should be regarded as presenting a great opportunity to do something special with them, and for the proposed entire development to engage with the history of the site.</i> b. <i>The design approach to the treatment of the heritage buildings is unsympathetic to the heritage and existing fabric, including:</i> • <i>demolition of the sawtooth roof and its resultant adverse impact on material authenticity.</i> • <i>the subsequent new addition of a roof top terrace on the westernmost building that lacks</i>

	<i>integrity with the existing building.</i> <i>• modifications to the western façade of the westernmost building, including new and disproportionately larger scale openings, and the attachment of a new undefined pedestrian bridge connection across Stirling Highway.</i> <i>• use of a faux replication of the westernmost heritage building facade to extend this existing building to the east.</i> <i>• filling in of the former car factory large assembly hall with a first-floor mezzanine.</i> <i>• consideration being given to retaining a larger section of the eastern original Ford Factory and the potential use of this large hall for community use that is, instead, proposed to be filled in with a mezzanine floor. Careful consideration should be given to the existing location of the internal partitions and ceilings, proportions and level changes of the main hall.</i> c. <i>A more respectful treatment of the heritage building may help to better determine the shape, nature and use of the publicly accessible open space to the east of the Heritage Brewery Building 04.</i> d. <i>The materiality of the heritage buildings should be expressed on the drawings.</i> DAC Recommendations: 1. <i>Review the tremendous opportunity presented by the existing heritage buildings on the</i>
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	<i>site for greater retention of the structures; appropriate uses within particularly for community enjoyment; and a more sensitive approach to adaptive re-use where the material authenticity and integrity of structures is maintained and can further assist with influencing the quality of the proposed adjacent open spaces.</i>
Principle 2 - Landscape Quality <i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</i>	DAC Comments: a. <i>The 15.4m setback on the southern side of Tower 2 with Coventry Parade provides a greater separation distance with the lower scale existing properties opposite the site, however the function of the newly created southern open space is unclear and how it will be activated as alfresco court (the building interface use is a 'creative studio').</i> b. <i>The eastern end of Coventry Parade terminates unattractively with a new roundabout and a carpark; furthermore, the realigned access stairs and path to the east of Tower 2 are connected directly to the roundabout. The design for this area is car dominated, a poor visual outcome, and does not include the desired pedestrian amenity of a connected and continuous footpath along Coventry Parade.</i> DAC Recommendations: 1. <i>Clarify the function of the 'alfresco forecourt' to the south of Tower 2 and its potential to be activated by adjacent land uses.</i> 2. <i>Review Coventry Parade and its eastern termination to provide an</i>

	<i>attractively landscaped pedestrian-oriented place with clearly defined footpaths and safe connections.</i>
Principle 3 - Built Form and Scale <i>Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.</i>	DAC Comments: No further comment in DR4
Principle 4 - Functionality and Build Quality <i>Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.</i>	DAC Comments: No further comment in DR4
Principle 5 – Sustainability <i>Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.</i>	DAC Comments: <i>a. A fully glazed tower is an unsuitable and unsustainable design approach, given the exposure of the tower to direct sunlight from the north and west.</i> <i>The design and materials of the towers should consider how to reduce the embodied and operational energy and carbon emissions in construction and ongoing operation. Suggest that the client considers a Life Cycle Assessment of the proposal.</i> <i>It was noted that the City of Fremantle declared a climate emergency in 2019 - and there is a clearly defined need to reduce emissions to meet the 1.5C target set by the Paris Agreement, therefore, a building of this scale should consider this important aspect in its design.</i>

	DAC Recommendations: 1. <i>Review the appropriateness of the glazed tower concept in this coastal context of high exposure to the heat and glare of the sun, and link the design clearly to both sustainability objectives and a Life Cycle Assessment for the proposal.</i>
Principle 6 -Amenity <i>Good design optimises internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy</i>	DAC Comments: a. <i>The proposal's overshadowing excessive (and beyond the compliant envelope); this is partially due to the latest redistribution of height, and the massing and orientation of the three towers.</i> b. <i>The planning of the apartments shows very little opportunity for cross ventilation. Also, there is no natural light or air to any of the bathrooms.</i> DAC Recommendations: 1. <i>Address the excessive overshadowing of neighbouring properties that is caused by the height and bulk of the development.</i> 2. <i>Review the apartment planning to improve cross ventilation, including natural amenity into bathrooms.</i>
Principle 7 – Legibility <i>Good design results in buildings and places that are legible, with clear connections and easily identifiable</i>	DAC Comments: No further comment in DR4

<i>elements to help people find their way around.</i>	
Principle 8 – Safety <i>Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.</i>	DAC Comments: No further comment in DR4
Principle 9 – Community <i>Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.</i>	DAC Comments: a. Consider a broader and more considered range of apartment types and sizes. A review may assist with more efficient built form and lower height towers. b. It is noted that there is no affordable housing proposed as required by the City's planning framework in exercising discretion for the height c. The true community benefit of the proposal remains unconvincing, with most spaces being commercial or privatized for residents of the towers. DAC Recommendations: 1. Improve the diversity of apartments, including the provision of affordable housing. 2. As per DR3, consider ways to demonstrate community benefit that does not rely on commercial offerings.
Principle 10 – Aesthetics <i>Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.</i>	DAC Comments: a. Materials and expression of the towers should be further considered and developed. For example, clarify how the louvres shown on the elevations relate to the plan as they are not shown the current drawing set.

	<i>DAC Recommendations:</i> 1. <i>Further develop the materials and expression of the towers, including details such as louvres, and fully illustrate in the drawing set.</i>
Concluding Remarks: <i>The Fremantle Design Advisory Committee has partially changed in composition with the recent appointment of three new members, one of whom is a heritage specialist, joining two existing design reviewers. Consequently, fresh perspectives and new comments are offered on several design issues, including the recommendations to:</i> • <i>retain a greater extent of the heritage buildings on the site and adopt a more sympathetic approach to the adaptive re-use of the existing buildings to maintain their character and integrity</i> • <i>review the car dominated design of Coventry Parade to provide a place that is attractively landscaped, pedestrian friendly and safe to use</i> • <i>consider the apartment planning to improve the access of natural amenity and provide a greater diversity of accommodation</i> • <i>clarify the function and activation opportunities of the new open space south of T2</i> • <i>review the appropriateness of the glazed tower concept in this coastal context and climate, and with sustainability measures clearly defined and expressed</i> • <i>address the significant additional bulk and height of the proposal to help manage the detrimental impact of excessive overshadowing on neighbouring properties</i> • <i>consider the community benefit contributed by the proposal other than the commercial offerings</i> • <i>further develop the materiality of the proposal and express clearly in the drawing set.</i> <i>As previously advised, the building heights exceed the planning framework and do not meet all the additional height criteria to gain discretionary height.</i> <i>Furthermore, and again as previously advised, a distinctive architecture for the design and melding with the proposed adaptive re-use of the significant heritage buildings has yet to be achieved.</i>	

On the basis of the above advice and commentary from the City’s Design Advisory Committee, a distinctive architecture for the design and melding with the proposed adaptive re-use of the significant heritage buildings on the subject site has



not been achieved. As such, the proposal is not yet seen to satisfy the objectives and design principles of SPP7: Design of the Building Environment and fails to achieve the required design quality outcomes for a proposal of this significance.

The above DAC comments also feed into and inform further discussion within the Planning Assessment sections of this report.

Planning Assessment:

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

- Building Heights;
- Traffic Impact;
- Heritage Impact; and
- Car/Bicycle Parking

These and all other relevant matters are discussed in following sections of the report below.

The primary planning policy document within the planning framework and guiding development of the subject site is the *Former Matilda Bay Brewery Site Structure Plan* which was adopted by resolution of the Western Australian Planning Commission on 6 October 2020. The structure plan provides for the comprehensive redevelopment of the land for medium and high-density residential uses and a limited range of complementary commercial and retail land uses, communal facilities and public open space.

Design guidelines were prepared for the structure plan area that identify design objectives and desired outcomes for the following elements: connectivity and traffic management, built form, heritage and character, housing and land use diversity, public realm, community engagement. The following design objectives were identified for each of these key elements:



- Connectivity and traffic management:
 - A high quality, well integrated and safe movement network.
 - A permeable, legible and walkable neighbourhood with connections optimised across and around the site including to the river and the sea.
 - Pedestrians and cyclist movement prioritised over vehicular movements.
- Built form:
 - Development that relates to the surrounds and contributes positively and celebrates the character of North Fremantle's including the river, the ocean, and the position as a gateway to North Fremantle.
 - A built form that provides a sense of arrival into North Fremantle by framing and not distracting from the Port and Indian Ocean vistas.
- Heritage:
 - Development that recognises and enriches the significance of the landmark heritage facade fronting Stirling Highway and the history of site.
 - Design and development that maintain and enhances the character of North Fremantle and the McCabe Street area.
- Housing and Land Use Diversity
 - A place that is predominantly residential with a mix of supporting commercial uses to provide for activity and a place the community can come together and meet.
- Public Realm
 - "Friendly" and attractive public open spaces and streets that are safe and accessible and provide for a variety of active and passive uses.

The proposal has been evaluated in terms of the above design guidelines and additional development controls within the structure plan where relevant in the following assessment sections of the report below.

Building Height

The Structure Plan provides that maximum building heights in the Structure Plan Area shall generally be in accordance with the City of Fremantle Local Planning Policy 3.11 - McCabe Street Area, North Fremantle - Height of New Buildings (LPP3.11). The policy was originally adopted by the Council of the City of Fremantle at its meeting on 22 April 2009 and amended 26 August 2015. It is noted that in



the adoption process of the Structure Plan in 2020, no increases in the building heights across the subject site were implemented.

The purpose of LPP3.11 is to identify limitations on the maximum height of new buildings that Council will apply in assessing structure plans and subsequent planning applications for the development of land in Development Area 18 in the McCabe Street, North Fremantle area. The policy is intended to help ensure that new buildings developed in the area do not adversely affect the visual amenity of the locality in general or the amenity of occupiers of nearby residential properties. In particular, the policy is intended to help safeguard important views from publicly accessible viewpoints towards and over the Indian Ocean and the Swan River and the setting of existing buildings and landscape features of cultural heritage significance.

The policy was developed pursuant to the 2008 McCabe Street Height Study (prepared by Scenic Spectrums Pty Ltd on behalf of the City – **Attachment 25**) which identified a number of important public view corridors that were intended to be protected when considering any future development in the area. The policy was originally adopted in 2009 after height modelling was developed following the study commissioned by the City. A review of the policy was carried out from April 2013, which included further view corridor modelling and assessments of building bulk within the modelling. The reviewed policy was adopted by Council in August 2015. The purpose of the review was to allow for additional building height on a limited portion of the former Matilda Bay brewery site, on a discretionary basis, where view corridors were taken into account and development results in buildings that are well designed with environmentally sustainable design features. Specific to the subject site, the height in zones H2 and H3 (within the LPP3.11 Heights of New Building figure, shown below) under the policy have additional discretionary heights that can be granted where additional criterion are met.

The following image is an extract from LPP3.11 showing the maximum height limits prescribed over the wider DA18 area with the subject site being toward the lower left-hand corner of the image:

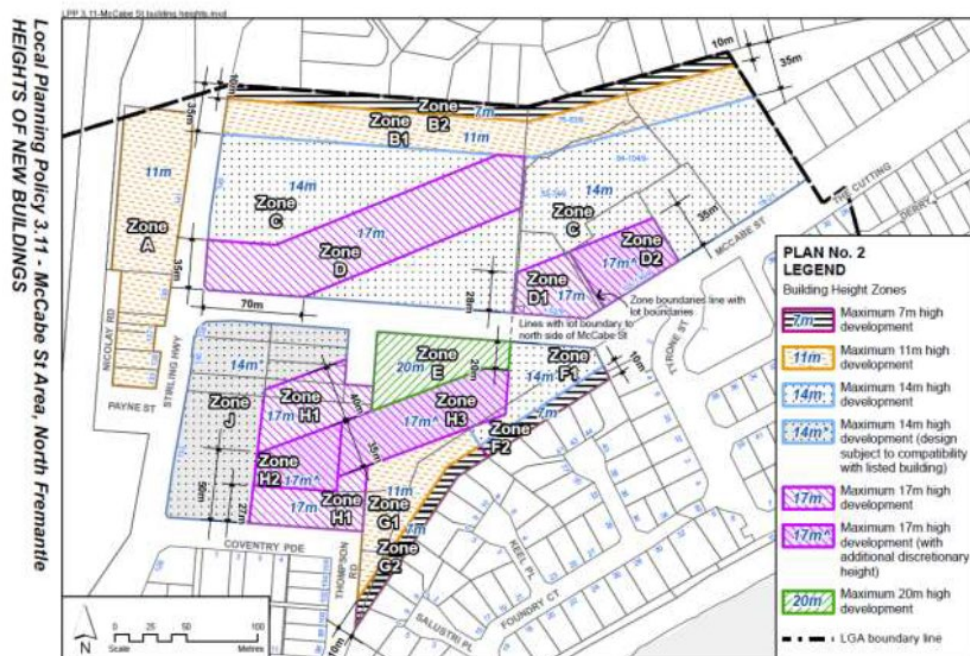


Figure 2: Maximum Heights of New Buildings Map Extract from LPP3.11

The following image has super-imposed with the location of the proposed three residential towers over the above height map to show what zones are relevant in the assessment of building height as per the policy:

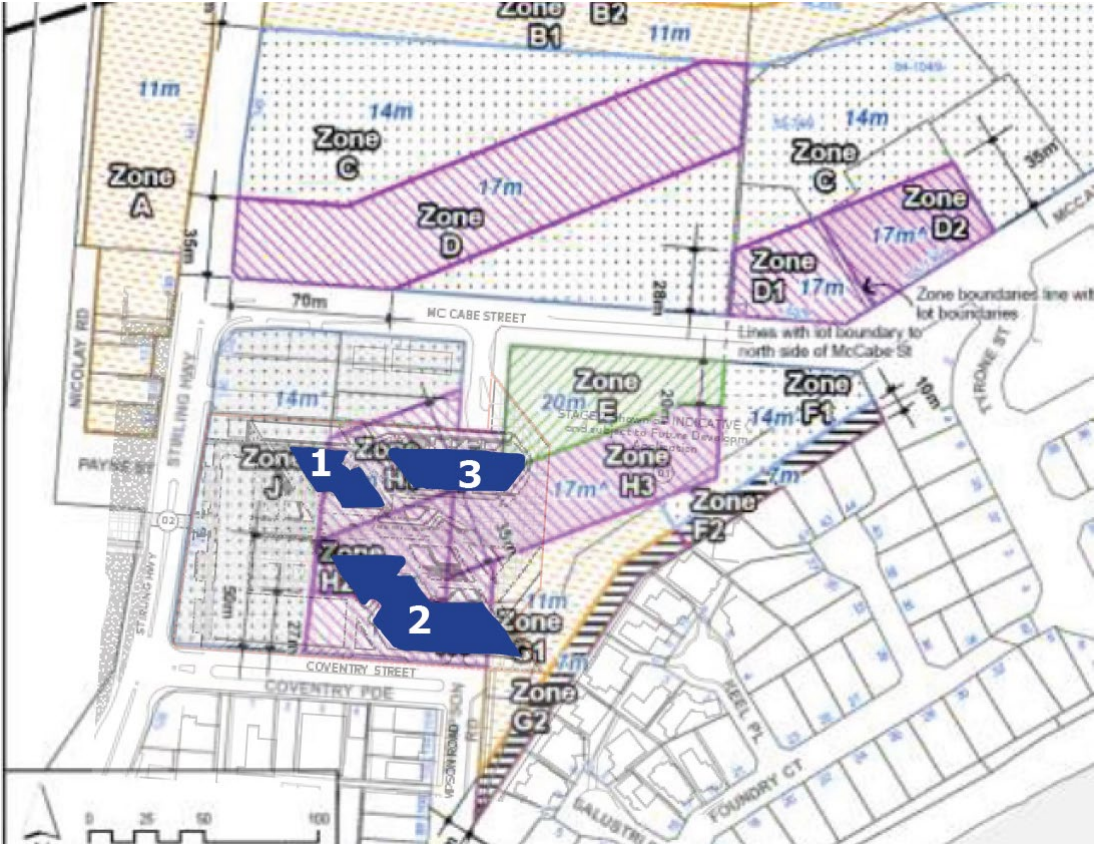


Figure 3: Location of proposed residential towers within the height zones of LPP3.11

The above image demonstrates that the proposed location of towers straddle across the height zones of the policy and the following table evaluates the compliance of the proposed tower heights within the respective zones, as follows:

Table 2. Building Height Assessment Against Policy Framework

Building	No. Storeys	Building Height Above Ground Level	Tower location within LPP3.11	Maximum Permitted Height Under LPP3.11 Zones	Proposed Variation



		(RL16.0)	Height Zones		
Tower 1	20	77m	Zone J / H1	Zone J - 14m Zone H1 - 17m	Zone J: +63m Zone H1: +60m
Tower 2	3-15	18.4-54.8m	Primarily zones H1 & H2 and small portion of G1	Zone H2 - 17m/33m* Zone H1 - 17m Zone G1 - 11m *Discretionary building height where criteria met	Zone H2: +37.8/21.8m* Zone H1: +1.4m Zone G1: +7.4m
Tower 3	6	30.4m	Primarily zone H1 and small portions of H3 / E	Zone H1 - 17m Zone H3 - 17m/25m* Zone E - 20m *Discretionary building height where criteria met	Zone H1: +13.4m Zone H3: +13.4/5.4m* Zone E: +10.4m

As demonstrated in the table above the proposed building heights for all three residential towers significantly exceed the maximum building heights prescribed across all height zones within LPP3.11, including being well above and beyond the discretionary building height limits that are provided in zones H2 and H3 only.

Notwithstanding the building heights proposed significantly exceed even the discretionary maximum building heights provided in zones H2 and H3, an evaluation of the proposals under the eight discretionary criteria ((a) – (h) of LPP3.11) is provided as follows:



- (a) *The development shall be designed and constructed in such a manner so as to achieve a rating of not less than 5 Star Green Star using the relevant Green Building Council of Australia Green Star rating tool or equivalent.*

MET - the Applicant's Sustainability Strategy provided by Full Circle (**Attachment 13**) demonstrates the proposal is capable of achieving a 5 Star Green Star rating (equivalent), subject to appropriate conditions of approval to ensure the sustainability strategy is adopted and implemented to achieve the required rating.

- (b) *The development must incorporate works to conserve the heritage significance of the heritage building.*

NOT MET - Refer to DPLH Heritage comments (dated 8 July 2022) & CoF Heritage comments (**Attachment 20**) that are discussed in the Heritage Assessment section below. The extent of demolition of the heritage buildings currently proposed is considered excessive due to the loss of original heritage fabric that will reduce the heritage significance and authenticity of the place. The additional towers have also been assessed to be to the detriment of the significance of the site.

- (c) *The development must be of distinctive architecture befitting its location and exceptional design, meeting at the highest possible standard the principles of good design listed under clause 11.8.6.3 of LPS4.*

NOT MET – refer the DAC meeting minutes above (DR3 – 27 June 2022) and above comments on the amended development plans; the design is not yet considered to be of distinctive architectural quality to satisfy this criterion, with the DAC concluding:

"The proposal continues to demonstrate many high-quality design principles, however given the height discretion proposed, significant scrutiny must be awarded the design and community benefits put forward by the applicant.

The development is not yet considered to be of distinctive architecture befitting its location, and the proponent is encouraged to consider addressing the points above (refer DAC section above). The significance of this site is not to be underestimated



and the development should meet the highest possible standard across the principles of good design.

Furthermore, a number of issues have been raised with the overall design relating to height, accessibility, legibility and connection to place, all of which could be improved upon to deliver a better design for the proposal overall.

- (d) The development must not encroach upon view corridors as defined in the "McCabe Street Height Study" dated May 2008, prepared by Scenic Spectrums Pty Ltd on behalf of the City of Fremantle.*

NOT MET – with reference to the above table, the development proposes significant intrusions into view corridors identified in LPP3.11. This is discussed further below.

- (e) The aggregate footprint of the portions of the development in height in zones H2 and H3 must not occupy more than 60% of the total combined land area of zone H2 and H3, and any individual portion of the development over 17 metres in height must not have a footprint greater than 20% of the total land area of zone H2 and H3.*

MET – building footprints occupy less than 60% of the land areas of zones H2 and H3 and the proposal provides greater than 20% of the land area as publicly accessible areas.

- (f) The development is to include non-residential ground floor uses that contribute to the function of the locality with a minimum commercial floor area of 500 square metres to serve the existing and future residential population living within walking distance of the precinct.*

MET – the proposal is considered to provides a range of appropriate non-residential land uses in excess of 500m² that are considered complementary uses that will serve to the existing and future residential population on the site and within a walkable catchment of the precinct.



- (g) Notwithstanding any overall public open space requirements the development is to include no less than 15 percent of the zone H2 and H3 area to be public open space.*

PARTIALLY MET – While it is noted the proposal provides generous areas of publicly accessible landscaped ‘public realm’, these areas are primarily internally contained within the site and framed within the proposed surrounding buildings. These spaces appear more for the benefit of residents and/or patrons of the site rather than the wider public. These areas are not completely viewed as ‘public open space’ (POS) which the DLGSC describes as land set aside for the purpose of public enjoyment and protection of unique, environmental, social and cultural values for existing and future generations.

- (h) A minimum of 15% of the total floor space proposed for residential use in the development shall be provided for affordable housing as defined in the City of Fremantle Local Planning Scheme No. 4 (Schedule 1).*

NOT MET - No affordable housing has been proposed as part of the development.

As outlined above, the proposal is deemed to meet only 4 out of 8 of the discretionary criteria that are a prerequisite of the policy to allow for additional building height within the zones H2 and H3 only. As such, no discretionary height allowances are able to be supported within zones H2 and H3 and notwithstanding, the heights proposed within these zones greatly exceed even the discretionary height allowances.

The applicant has provided a view analysis within their Planning Report (**Attachment 1**, from page 59) with updated view study images (incorporating the amended proposals) provided as part of **Attachment 19**. The view study evaluates the extent and reasonableness of the impact the proposed buildings will have upon the key views from Buckland Hill, Leighton Battery and Mount Lyell Park that were identified in the McCabe Street Height Study and were sought to be protected. While the applicants study acknowledges the proposed development will result in the loss of some additional views, it concludes *the views of water which are obstructed are generally limited and would otherwise be obscured under a compliant development scheme.*



Officers do not agree with these conclusions as the proposal is seen to be a dominant feature when comparing views of the existing circumstance with those that plot the proposal, detracting from the visual amenity and obscuring views far more than would a scheme with building heights compliant with those prescribed by LPP3.11. LPP 3.11 has been developed specifically to safeguard views from these publicly accessible viewpoints by breaking the site up into very specific height zones. Furthermore, if 'Stage 2' of the development moved forward with a similar scale and building height (using 'Stage 1' as precedence) this would further exacerbate the impact and obstruction of these key views.

In terms of the scale of surrounding development in the existing and emerging local context, the tallest of the existing/constructed buildings within the DA18 area is the 'Taskers' development at 9-13 McCabe Street which comprises 5 buildings ranging from 3 to 7 storey with a maximum building height of 24.75m. The tallest of the approved (yet to be constructed) developments within the area, is the 'Serai' development at 19-21 McCabe Street which proposes two 8 storey buildings with a maximum height of 28.95m above the respective ground level. It is worth noting that the City officers and the City's Planning Committee strongly recommended the JDAP refuse the 'Serai' development, partly on the basis the proposed building heights contravened the LPP3.11 building heights by a maximum of 14.95m.

In the context of the largest constructed and emerging developments in the local area, the proposed development would, at a maximum (Tower 1, 77m above ground level), sit 48.05m above, and be more than double height of the tallest approved building in the area with the other proposed Tower 2 (54.8m above ground level) also sitting well above the 'Serai' building height. Furthermore, development to the south and east of the subject site is characterised by 2 storey single houses and commercial buildings. As such, the proposed building heights are considered entirely inappropriate within the existing and emerging context of development and contravenes the desired future scale of development within the locality as set out in the policy framework.

It is also noted that within the proposal, across the residential towers, the average strata area for each unit type is well above the compliant minimum dwelling sizes prescribed by the R-Codes Vol. 2, as follows:

Table 3. Proposed Average Dwelling Size Against R-Code Min. Requirements

Dwelling (No.)	Type	1-Bed (22)	2-Bed (108)	3-Bed (60)	4-Bed (8)
Proposed Average Strata Area (m ²)		92	126	178	312
R-Code Vol. Requirement (m ²)	2	47	67	90	90
Difference (m ²)		+45	+59	+88	+222

This indicates that the proposal could still achieve the same number of compliant sized dwellings with potential to reduce the overall plot ratio area and ultimately the building heights proposed to bring them to more complaint levels.

In summary, the proposal unacceptably varies the maximum building heights prescribed within the LPP3.11 policy provisions which significantly contravenes the pattern of development illustrated within the policy and the existing and desired future development context. The excessive building height and scale is therefore considered to adversely affect the visual amenity and character of the locality as well as unacceptably obstruct important views from the key publicly accessible viewpoints over the Indian Ocean. As a result, the proposal also directly contravenes the Structure Plan built form design objective which seeks development that relates to the surrounds and contributes positively and celebrates the character of North Fremantle's including the river, the ocean, and the position as a gateway to North Fremantle.

Officers consider there is no compelling planning reason or valid justification to contravene adopted policy provisions to such a significant extent. Further, should such height be approved, this would adversely impact the desired pattern of future development for the area and set a precedent for further erosion of the visual and general amenity of the locality.



As such, the excessive building heights proposed will form a recommended reason for refusal.

Community Benefits

The applicant has put forward a number of proposals they would like to be considered as 'community benefits' in support of the development and the building height discretions being sought pursuant to LPP3.11. As discussed above, there are some elements that could be classified as 'community benefits' outlined in LPP 3.11 to obtain the discretionary maximum height, which is exceeded. The proposal does not deliver all of these. The remainder of the City's local planning framework does not specify other avenues for providing any additional and/or discretionary building heights on the basis of delivering community benefits within a proposal.

The applicant is basing the provision of development incentives on section 2.8 of the R-Codes Vol. 2 that refers to development incentives for community benefit. Officers note that the section provides guidance for local government in developing their planning framework.. Examples of community benefits outlined in section 2.8 of the R-Codes Vol. 2 that could be included in a scheme or policy include:

- *Affordable housing;*
- *Dwelling diversity;*
- *Heritage;*
- *Retention of vegetation;*
- *Water conservation;*
- *Energy efficient design; and*
- *Public facilities such as:*
 - *public open space*
 - *public car parking*
 - *public pedestrian access ways and site linkages*
 - *provision of public facilities on private land, such as cultural facilities, public toilets, change rooms, end of trip facilities, meeting places, public pre-school or child-care facilities and associated open space.*

Planning guidance clause PG 2.8.2 of the R-Codes Vol. 2 provides that:

"When preparing planning provisions, local governments should give consideration to the weight that may be applied to individual elements and setting an 'upper cap' for allowable additional development. Weighting should be applied according



to the local governments' desired outcomes and the amount of community benefit provided in exchange for the additional development potential or flexibility."

In the context of the above, it is noted that the discretionary building height criteria provided in LPP3.11 provide development incentives where proposals are seeking discretionary building heights above the standard maximum building heights prescribed by the policy that align with some of the above community benefits outlined in section 2.8 of the R-Codes Vol. 2 as well as some additional criteria. Notwithstanding, the policy still provides an 'upper cap' or maximum discretionary building height which the proposals significantly exceed and therefore cannot be supported under the policy framework; as discussed in detail in the Building Height section of this report.

Nonetheless, the applicant has provided a Community Needs Assessment, prepared by Urbis (**Attachment 17**), that outlines, in the applicant's view, a number of community benefits the proposals will deliver to the local community to support development discretions being sought. The key community benefits of the development outlined in the Community Needs Assessment are summarised to be as follows:

Public Accessibility and Connectivity: development of the site will provide the ability for pedestrians to traverse through the site and unlock pedestrian movement in the area, particularly:

- *The development will enable more than 66% of the site to public open space.*
- *The development will enable much better pedestrian movement from the ocean to the river. This includes the potential for the creation of an at-grade pedestrian crossing on Stirling Highway directly connecting the site to the existing bridge.*
- *Movement from the ocean up to McCabe Street (through the future Stage 2).*
- *Movement from the north of the site down to the river.*
- *Significant percentage of the site is landscaped and new mature trees (14 large new trees, 12 medium, 36 small and 3 retained trees) and deep soil planting areas.*

Retention of Heritage: Through the building design, the history and heritage aspect of the building will be retained (3,600sqm of heritage building) to create a sense of belonging and revitalise the area. The heritage



building will be reused for vibrant commercial uses such as the food and beverage and provedore use, for the benefit of the community. The building will be accessible to the public and will have the Heritage Ford Factory and Matilda Bay Brewery story integrated throughout the building.

New Retail and Food and Beverage Offering for the Local Community: with the café, restaurant/wine bar, provedore, courtyard for events, creative studio and co-working space for hire, the desirability of this part of North Fremantle as a place to visit, work and spend is expected to increase. New facilities will include:

- *Across the development there is a total of 2,987 sqm of proposed restaurant, tavern, function rooms, cafe space.*
- *The development will also provide a new fresh food provedore (807 sq.m).*

Improved Population Retention, Attraction and Cultural Benefits: the open space and creative studio for public use will increase vibrancy and activate the area as well as create socialisation opportunities. This is likely to lead to improved physical and mental wellness and higher population growth and diversity. Spaces that are incorporated include:

- *There is a total of 289 sqm in the building dedicated to creative studio and co-working space.*
- *The development will include 200 sqm of public showers and end-of-trip facilities.*

Sustainable Urban Neighbourhood: the development will focus on effective and sustainable development methods and will use solar panels, renewable energy and have a waste management plan which will reduce the carbon footprint of the building. There is a commitment to 5-Star Greenstar rating (equivalent), including use of embedded network with PV cells, batteries, car chargers.

Improved Economic Opportunities: the co-working space, food and beverage and creative studio will be providing on-site employment opportunities and assist with employment self-sufficiency.



In considering whether the community benefits put forward are reasonable, section 2.8 of SPP 7.2 (Precinct Design Guidelines) provides guidance for proponents and local government on relevant consideration to establish development incentives that may be provided in exchange for community benefit in nominated areas.

The policy defines community benefit as the public good that a proposal delivers as indicated by (but not limited to) the following:

- *Productivity: does the proposal contribute to increasing and / or diversifying employment and the local economy and improving equal opportunity?*
- *Quality of life: does the proposal provide new or improve existing services such as education, healthcare and community facilities that could improve quality of life for community members?*
- *Environmental sustainability: does the proposal contribute to sustainable urban environment through improvements to air and water quality, reduced emissions or protecting/enhancing vegetation.*
- *Infrastructure development: does the proposal provide needed or improve existing infrastructure such as transport, utilities and recreation that benefits the local area?*
- *Equity and social inclusion: does the proposal help address issues of poverty, social isolation and contribute towards the creation of equitable communities through improved opportunities for minority and vulnerable groups?*

The policy goes onto provide that it is important to state *what* benefit will occur and how important the benefit will be, *who* in the community are expected to experience the benefit and *how* much benefit is expected. To this end, and in addressing the above outcomes, the Community Needs Assessment provides that the development has aimed to address the goals of the Precinct Design Guidelines in the following key ways:

- *Productivity: the development provides a commercial hub to link the coastal activity node of Cottesloe with Fremantle. The employment land uses on the site will add to employment self-sufficiency for the area. The creative studio as well as the co-working space will provide a space local North Fremantle creatives and entrepreneurs to share and test business ideas.*
- *Quality of Life: the revitalization of this site from being an industrial area to a vibrant destination for the community will improve the quality of life for community members. People will be able to meet at the event space and*



courtyard space, recreate, procure fresh local produce at the markets and providedore and collaborate via the co working spaces.

- *Environmental Sustainability: the development provides initiatives that mean that it addresses environmental sustainability.*
- *Infrastructure: improves local pedestrian connectivity between residential suburbs to the east and the coast. We could potentially also say that the Proponent seeks to improve pedestrian connectivity outside of the site along Stirling Highway.*
- *Equity and Social Inclusion: the development turns privatised space into public space at the ground floor plaza level and historical building. The development will add to housing diversity to an area of Perth that is predominantly single residential houses. This is particularly important given the aging population in the area.*

Officers acknowledge and consider that the proposed development could deliver some community benefits that align with the above policies, namely:

- Restoration and adaptive re-use of the heritage buildings on site (although the proposed extent of demolition and development of the existing heritage buildings is currently not supported);
- Provision of facilities available to the community including the creative studio, co-working space and public end-of-trip facilities (including beach showers);
- General improvements to public accessibility across the site and generous areas of landscaped public realm (notwithstanding, improvements to the public realm and accessibility are recommended by the City's Urban Design team); and
- Contribution to housing diversity in the North Fremantle local area.

Notwithstanding, some of the community benefits listed by the applicant are not considered to be true community benefits such the commercial food and beverage offerings. Additionally, the suggested community benefits such as environmental sustainability and improved pedestrian connectivity are inherent requirements of the Structure Plan and other planning policies that would be required to be delivered in any proposal for the site. Furthermore, the 'at-grade pedestrian crossing on Stirling Highway directly connecting the site to the existing bridge' does not form part of this application so there is no guarantee this will be developed and there has been no indication that this element has agreement with MRWA.

The City's DAC have also advised that the applicant should 'consider ways to demonstrate community benefits that do not rely on commercial offerings'.

Lastly, the discretionary building height limits that are provided by LPP3.11 are considered to be the 'upper cap' (noted in SPP 7.2 & 7.3) for 'for allowable additional development' and the proposal exceeds this significantly. As such, while there are some elements of the proposal that could be considered community benefits, the community benefits specifically set out in the height policy have not all been addressed., It is considered that what has been put forward by the applicant cannot justify the significant building height discretions being sought.

Car and Bicycle Parking

The following tables and discussion evaluate the proposals acceptability with respect to car/bicycle parking and end-of trip facilities for the residential and non-residential components of the development.

Table 4. Residential Car and Bicycle Parking Assessment

Residential Car Parking			
Item	Required	Provided	Shortfall
1-bedroom dwellings (No. 22)	0.75 bay per dwelling = 17 bays required	17	Complies
2+ bedroom dwellings (No. 176)	1 bay per dwelling = 176 bays required	314	Complies – 138 bay overprovision
Visitor Parking	1 bay per four dwellings up to 12 dwellings;	27	Complies

	1 bay per eight dwellings for the 13th dwelling and above. = (3 + 24) = 27 bays required		
Residential Bicycle Parking			
Item	Required	Provided	Shortfall
Resident	0.5 bays per dwelling = 99 bays	104	Complies
Residential Visitor	1 space per 10 dwellings = 20 bays	27	Complies – 7 bay overprovision
Motorcycle / Scooter Parking			
Item	Required	Provided	Shortfall
Resident	Developments exceeding 20 dwellings provide 1 motorcycle/scooter space for every 10 car bays. (34)	50	Complies – 16 bay overprovision

In accordance with the above table, the residential car and bicycle parking provisions for the proposed development are compliant with the Residential Design Codes Vol. 2 requirements, including an overprovision of residential occupier parking bays (331 in lieu of the 193 required).

Notwithstanding, it was initially proposed that the residential visitor bays will be shared/reciprocal with the commercial bays due to the reduced demand with a main factor stated in the Transport Impact Assessment (**Attachment 14**) being visitors to the site walking in from on-site and adjacent residences. Officers do not agree with this conclusion, particularly due to the significant commercial parking shortfall (see table below) and due to the large number of dwellings it is likely there will be conflicting demands for residential visitors and the commercial parking bays. It was therefore recommended that the required number of residential visitor parking bays (27) are specifically allocated for this purpose and not in a shared/reciprocal arrangement with commercial parking bays to avoid conflicting demand and having a compliant provision solely for residential visitors.

The amended development plans provide the required number of dedicated residential visitor bays (27) within the ground floor podium parking area and this element is therefore now considered acceptable.

Table 5. Non-Residential Car and Bicycle Assessment

Non-Residential Car Parking			
Item	Required	Provided	Shortfall
Shop (Provedore) (807m ² NLA)	1 bay per 20m ² NLA = 40 bays required	See below	See below
Restaurant/Café (392m ² dining area)	1 bay per 5m ² dining area OR 1bay/5 seats; whichever is greater = 79 bays required		

Tavern (351m² public bar area)	1 bay per 2.5m² public bar area = 140 bays required		
Reception Centre (420m² dining area)	1 bay per 5m² dining area = 84 bays required		
Industry – Light (Co-working/ Creative Studio) (346m² NLA)	1 bay per 50m² GLA = 7 bays required		
TOTAL NON-RESIDENTIAL REQUIREMENT	350 bays required	(79 Bays in podium) + (8 bays along Coventry Pde + (21 bays in future POS Coventry Pde) = 108 total bays*	242 Bay Shortfall* (*263 bay shortfall given parking in future POS



		(*Parking bays in future POS reserve not supported, refer below discussion)	not supported)
Service/Delivery Bay	1 service bay for Tavern, Shop, Industry-Light, Reception Centre and Restaurant uses = 5 bays required	1 Service/Delivery Bay provided near southern podium access point	4 Bay Shortfall
Ride share pick-up/drop-off bays	None Required	4 bays (located along Coventry Pde)	N/A
Non-Residential Bicycle Parking			
Item	Required	Provided	Shortfall
Shop (807m ²); Restaurant (392m ²)	class 1: 1 per 300 m ² gla = 2 bays class 3: 1 per 500 m ² gla = 1 bays class 1 or 2: 1 per 100 m ² public area = 1 bays class 3: 2 bays class 1 & 3: 1 per 25m ² bar floor area = 14 bays	24 bays total	Complies – 1 bay overprovision

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	Plus one locker for every class 1 or 2 bike rack.		
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As outlined above, there is a significant shortfall of commercial parking bays (242 bays) provided within the development and this is even greater (263 bays) as the parking bays in the future public open space area to the south of the site is not supported by the City. A relaxation of car parking requirements could be considered under clause 4.7.3 of the City's LPS4, which provides:

(a) Subject to the requirements of Schedule 7, Council may waive or reduce the standard parking requirement specified in Table 2 subject to the applicant satisfactorily justifying a reduction due to one or more of the following—

- i. the availability of car parking in the locality including street parking;*
- ii. the availability of public transport in the locality;*
- iii. any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces; any car parking deficiency or surplus associated with the existing use of the land;*
- iv. 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,*
- v. any credit which should be allowed for a car parking demand deemed to have been provided in association with a use that existed before the change of parking requirement,*
- vi. the proposal involves the restoration of a heritage building or retention of a tree or trees worthy of preservation,*
- vii. any other relevant considerations.*

It is acknowledged that the subject site is within an area of high public transport accessibility with high frequency bus services along Stirling Highway and being within a walkable catchment of the North Fremantle train station (site is 640m north of station, within 800m walkable catchment) which would provide for a part relaxation of parking requirements. Notwithstanding, the extent of the parking shortfall sought is not supported under the site-specific circumstances for the following reasons:



- The availability of street parking in the area is very limited and already stressed in the context of existing and emerging development in the area;
- The development includes a large oversupply of parking for the residents (138 additional bays) while proposing a significant commercial shortfall of bays.
- While it is noted the applicant has provided a parking demand analysis that notes parking demand will be reduced with a main factor being visitors to the site will be walking in from on-site and adjacent residences this is not supported by the City and it is considered there is a lack of evidence to support this claim.
- As noted above, 21 of the commercial parking bays provided in the parking area that is identified as an area of future public open space is not supported by the City meaning the shortfall increases to 263.
- As discussed in the following section of this report, the traffic impact of the proposed development is considered significant. The current traffic conditions in local area already have flaws and the introduction of this development will exacerbate those deficiencies. The significant lack of on-site parking for the proposed commercial uses is therefore expected to have cause additional impacts upon the local road network with respect to street parking availability, congestion and traffic/pedestrian safety.

The Town of Mosman Park also raised concerns with the non-residential parking shortfall advising: *'significant non-residential parking bay shortfall may negatively impact on the amenity and streetscape of the local residential area and impact upon the existing road network in the area. In addition, the development does not provide or have demonstrated the provision of any ACROD bays'*.

Further to the above, officers have concerns with the servicing of non-residential tenancies from the single, disconnected servicing bay in the ground floor level of the podium level. Access from this single, shared servicing bay to the brewery buildings (where most commercial uses are contained) is expected to be impractical and inefficient for deliveries and servicing of these tenancies. Additional and/or more direct servicing provisions are recommended to be provided for the commercial uses within the brewery buildings.

Traffic Impact and Necessary Improvements to the Local Road Network (McCabe Street Area)

Schedule 2, Part 9, Clause 67(2)(t) of the *Planning and Development Regulations 2015* provides that Local Government, in considering application for development approval, is to have due regard to the *'the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety'*.



The City's Infrastructure Engineering team have reviewed the applicant's proposal and revised Traffic Impact Assessment (**Attachment 13**) and concluded the following:

The TIA demonstrates that the Stirling Highway & McCabe Street intersection is sensitive to increases in traffic volumes and will eventually fail in 2034 with unacceptable delays at 2024 on Stirling Highway. The delays on McCabe Street at the Stirling Highway signals will be compounded by introducing additional traffic with no practical alternative routes available to the community. Further to the above, safety will be compromised as the network becomes more congested and road users take more risks further reducing the efficiency of the network as further controls are put in place to combat the increased demand. An example would be the likely removal of the right turn filter movement for the Stirling Highway & McCabe Street intersection.

Given the proven deficiency of the surrounding arterial network, a greater integration of public transport into the development to encourage mode shift would be a supported initiative as would further development of treatment options for the surrounding network particularly the Stirling Highway and McCabe Street intersection.

The traffic management proposals on Coventry Parade and McCabe Street (roundabouts) would be supported initiatives with further discussion with the City on their scope and delivery.

Further discussion on the pedestrian and public parking network and proposals will need to occur to refine asset responsibilities such as the parking bays on Coventry parade.

At the time of writing this report, MRWA had not yet provided a formal recommendation on the proposal or comments on the revised Traffic Impact Assessment (provided to MRWA on 12 September 2022) which was partly updated to address MRWAs initial comments. Should such comment and/or recommendations be provided ahead of the JDAP determination meeting, this shall be shared with relevant stakeholders and decision makers for consideration.



As noted above, the City also commissioned Stantec to undertake a traffic study of the McCabe Street area (**Attachment 24**) to investigate the existing and expected traffic conditions within the local area and how this significant development (and expected future applications) may impact the local road network in years to come. Specifically, this report aims to assess the impacts of demand growth along both Stirling Highway and McCabe Street in the context of traffic congestion and multi-modal provisions. The scenarios investigated include the full redevelopment potential for the Matilda Bay and OneSteel sites, in addition to the projected growth of Stirling Highway. The study also sought to identify some suggested road improvements (and a staging plan for these) within the local road network to mitigate the expected traffic impact of these developments.

The report concludes that although the intersection currently operates at an acceptable level of service, even without the addition of significant developments (including the subject proposal), the projected traffic growth along the Stirling Highway corridor causes significant queues and delays to occur at the intersection, with the designated 'failure' criteria reached by 2034. The report notes (cl. 7.5.2) 'urban infill will continue to create more travel demand along Stirling Highway. This corridor is highly constrained during peak periods and cannot accommodate a proportional increase in private vehicle traffic'.

With the introduction of these significant developments, including the subject proposal, The SIDRA and report results show that the Stirling Highway/McCabe Street intersection will operate well beyond practical capacity under an assumed 2% per year background growth plus development traffic scenario. All movements experience significant delays and queues as the current intersection arrangement does not have sufficient capacity to accommodate this amount of traffic.

The City's Infrastructure Engineering team has advised that as the extensive investigation and modelling shows, the network is extremely sensitive to additional traffic and given the scale of the proposed development, this should be given considerable weight in determining its acceptability. As such, the City's position is that the development, as currently proposed, cannot be supported due to its adverse impact upon the capacity of the road system in the locality and the probable effect on traffic flow and safety.

The report then goes on to examine several scenarios in which various, staged road infrastructure improvements along Stirling Highway, McCabe Street and Coventry Parade may mitigate the expected traffic impacts on the local road network from these significant developments. A summary of these improvements and the

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indicative necessary staging of these is provided across pages 42-44 of the report (**Attachment 24**) and the intersection and access upgrades phasing diagram is extracted below:

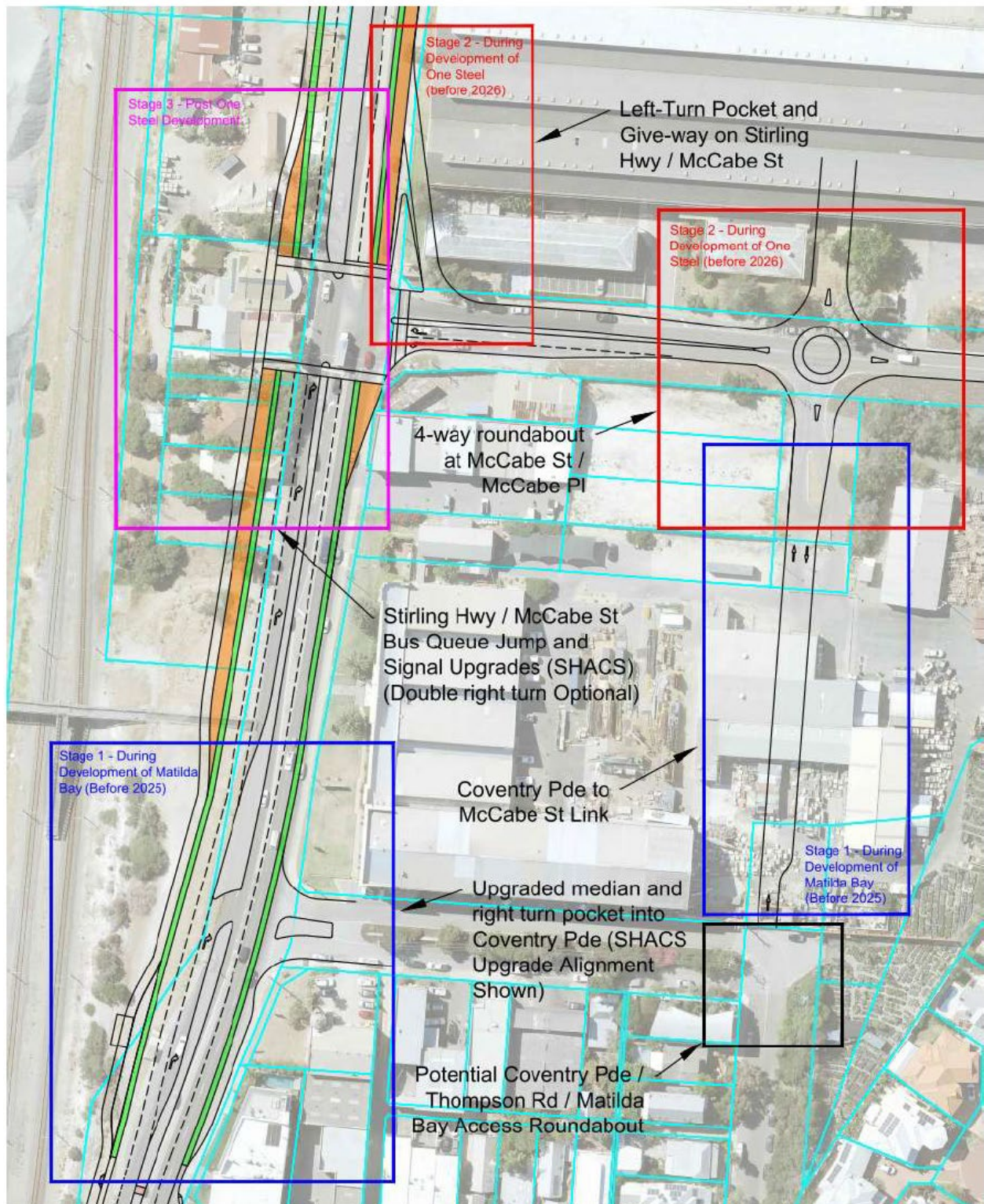




Figure 4. Recommended McCabe Street Area Road Improvements and Staging (CoF/Stantec McCabe Street Area Study)

It is noted that many of the suggested improvements, particularly those along Stirling Highway, will require extensive stakeholder engagement and agreement (between MRWA, PTA, City of Fremantle, Town of Mosman Park and residents) and the staging would also have to be agreed between all parties to ensure its success. The above study has been shared with MRWA for their information and comment but at the time of writing this report, no formal feedback had been received. To officers knowledge, no upgrades to this section of Stirling Highway have been funded by Main Roads and are not planned for the near future.

On the basis of the above, it is therefore the City's position that should JDAP be of the mind to approve the development despite the City's recommendation, the applicant/landowner should be required to contribute a reasonable and proportionate amount to deliver some of the traffic infrastructure upgrades identified in the traffic study, particularly the necessary 'stage 1' upgrades.

The City acknowledges that there is not currently any formal development contribution plan over the subject site though Clause 4.2 of the Structure Plan does provide the following:

Contribution/s to the upgrading of road and related infrastructure (including pedestrian, cycle and public transport facilities) may be required for each stage of future development under the Structure Plan as per funding arrangements specified by the City of Fremantle, in consultation with MRWA, the PTA, the Town of Mosman Park and the WAPC.

Furthermore, SPP 3.6 recognises new development creates the need for new infrastructure and that infrastructure contributions are one of a number of ways to meet the physical and social infrastructure needs and the provision of essential infrastructure influences the standard of living, mobility and lifestyle choices of a community.

SPP 3.6 also recognises that voluntary 'developer agreements' may be considered in limited circumstances – usually large-scale projects under single ownership – and pursuant to a request from the landowner or developer. As such, it is acknowledged there is scope for the developer to agree to provide



infrastructure improvement contributions to partly address and mitigate the adverse impact of the developer on the local road network the development is expected to have.

The above traffic study and a request to discuss and agree potential contributions from the developer to deliver a reasonable and proportionate amount of the suggested traffic upgrades was issued to the applicant.

The applicant responded and indicated a willingness to contribute to an extent though did advise the traffic study is lacking in detail with regard to the costs associated with the identified infrastructure upgrade works which are not well defined or clear. The applicant advised any contribution would be considered strictly on the basis that the contribution amount is known prior to the application being considered by the City of Fremantle's Planning and Development Committee and JDAP meeting.

The City subsequently advised the applicant that the traffic study did not have costings within its scope for a number of reasons being. The first being that the costings would need to come from those undertaking the potential works (the City and/or MRWA) and at this time, no formal agreement nor feedback from MRWA with respect to these infrastructure improvements had been received. Further, under the current economic conditions and the uncertainty surrounding construction costs, any costing provided at this time is likely to shift in the future when works actually commence.

Without such an agreement and the lack of endorsed budgets and plans from the City and Main Roads for upgrades in the area, the City's position strongly remains that the development, as currently proposed, fails to meet the traffic management objectives of the Structure Plan and cannot be supported due to its adverse impact upon the capacity of the road system in the locality and the probable effect on traffic flow and safety.

Heritage Impact Assessment

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



Clause 3.6 of LPP3.6 (Heritage Areas) provides that new buildings within a heritage area should respect and complement the heritage significance of the area. A respectful design approach gives special consideration to the siting, scale, architectural style and form, materials and finishes of the proposed development in relation to its neighbours, without copying historic detailing or decoration. New infill buildings should respond sympathetically to the heritage values of the heritage area as a whole, and also to that part of the heritage area in the vicinity of the proposed development.

Clause 3.4 of LPP3.6 (Heritage Areas) provides that in considering a proposal for demolition on any site in a Heritage Area, applications will be assessed against Clause 4.14 of the City's LPS4, with the following providing additional guidance:

- i. Demolition of a contributory place or removal of significant fabric within a heritage area is contrary to the objectives of this policy and will generally not be supported.
- ii. Demolition approval will not be considered on the grounds of economic or other perceived gain for the redevelopment of the land.
- iii. Condition of the place is not necessarily an acceptable reason for demolition.
- iv. When considering partial demolition, the original / early portion of the building should be retained and conserved: demolition of elements of cultural heritage significance will generally not be supported.

Demolition (or partial demolition) of any place of heritage value 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, the decision maker can only approve demolition if 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.*

Clause 4.14.2 of the LPS4 provides that in considering an application under clause 4.14.1, Council shall have regard to any heritage assessment required under the *Planning and Development (Local Planning Schemes) Regulations 2015* and LPP1.6 (Heritage Assessment and Protection).



The subject site and existing buildings are placed on the City's Heritage List with a management category level of '1B' which indicates the heritage place is considered to have 'exceptional significance' and its conservation is required. The City's Heritage Impact Statement (**Attachment 20**) provides that the heritage place (Ford Motor Co (Fmr)) is a highly significant piece of the industrial heritage of Western Australia and Fremantle and a major contributor to the heritage character of the North Fremantle Heritage Area. The place is part of a bigger historic story of the automotive industry in Australia and across the world. The place has high authenticity, rarity and representativeness values.

Furthermore, while the subject site and heritage place (P3649 – Matilda Bay Brewing Company) is not formally listed on the State Register of Heritage Places, the Heritage Council of Western Australia have advised the place is of interest to the Heritage Council and is on its 'Assessment Program' with a draft assessment that identifies its cultural heritage significance meaning there is potential that the place will be listed on the State Register of Heritage Places in the future.

On this basis, it is deemed the place has considerable heritage significance and makes a significant contribution to the broader heritage North Fremantle area so the partial demolition proposed to the existing place cannot be approved.

To elaborate further, the Heritage Council and the City's Heritage Team have reviewed the proposals and the applicant's Heritage Impact Statement (**Attachment 11**) and have concluded that, as currently proposed, the partial demolition of the heritage buildings is considered excessive due to the extent of the loss of original heritage fabric that will reduce the heritage significance and authenticity of the place (see full assessment and advice in the Consultation section of this report and **Attachment 20**).

Furthermore, with respect to the impact of the development in its entirety on the wider North Fremantle Heritage Area, the City's Heritage team concluded:

*Appropriate retention, conservation and interpretation of the historic Ford Motor Factory buildings will make a major contribution to the heritage value of the North Fremantle Precinct and its significant mixed residential and industrial character. As discussed above (refer full details of comment and assessment at **Attachment 20**) there are issues with the proposed works regarding the demolition of significant*



heritage fabric, the loss of authentic industrial character and unsympathetic additions to the roof of the building.

The proposed infill development with a podium base supporting three towers with triangular and diamond shaped floor plans does not respect and compliment the established urban form of the area or the character of its surrounding streetscapes. The scale and form of the buildings, their dissociation from the established street grid and the use of contrasting materials and finishes does not respond sympathetically to the established historic context of the North Fremantle Heritage Area.

On the basis of the above, the proposal is deemed unable to be approved under clause 4.14 of the City's LPS4. Additionally, the demolition and substantive works are not supported with regard to LPP1.6, LPP3.6 and the heritage design objectives of the Structure Plan by virtue of the extent of demolition currently posed to the heritage fabric of the buildings of cultural significance and the adverse impact upon the cultural heritage significance and character of the North Fremantle heritage area generally due to the height, scale and design of the development.

Overshadowing

The originally submitted and amended development plans were assessed in accordance with the R-Codes Vol. 2, Element 3.2 provisions with regard to orientation and overshadowing. The relevant element objectives are as follows:

- *Building layouts respond to the streetscape, topography and site attributes while optimising solar and daylight access within the development; and*
- *Building form and orientation minimises overshadowing of the habitable rooms, open space and solar collectors of neighbouring properties during mid-winter.*

The originally submitted development plans demonstrated a high level of non-compliance and significantly adverse overshadowing impact upon some residential properties to the south of the subject site. Of particular concern was the impact upon 4 Coventry Parade & 106 Thompson Road for which the modelling (shown on pages 66-68 of **Attachment 1**) showed that these properties would remain in almost perpetual shadow throughout day during mid-winter (June). Furthermore, the residential dwellings at 102 & 104 Thompson Road (zoned Mixed-Use, R25) were shown to have levels of overshadowing greatly exceeded the permitted 25% (at almost 100%) at midday, during mid-winter. It was also noted that other



properties along Coventry parade are non-residential so the impact is not considered to be adverse and overshadowing of residential dwellings at other times of the year (outside of winter) are generally considered acceptable and non-impactful.

Following officer assessment and in response to public submissions, amended development plans (**Attachment 2**) were prepared and the following changes to plans were made to mitigate the overshadowing impact upon these residential properties to the south of the subject site:

- Increasing the Coventry Parade street setback of the podium levels of Tower 2 to the north by 10m (from 5.4m to 15.4m);
- Reducing the height of the 5-storey (23.8m above ground level) portion of this tower to 3-storeys (18.4m above ground level); and
- Increasing the eastern side setback of the now 3-storey portion of Tower 2 from 35m to 40m.

The applicant also provided an amended overshadowing analysis (**Attachment 19**) based on the amended plans. This analysis demonstrates the abovementioned properties will still experience a non-compliant level of overshadowing at midday on 21 June, though the impact has been reduced and improved in that at other times during the day on 21 June (9am and 3pm) the properties will not be overshadowed by the development, which was not previously the case. It is also noted that these properties will not be overshadowed by the development at other times of the year (March and September).

Notwithstanding, the City's DAC and Urban Design Team still view the proposal's overshadowing excessive (and beyond the compliant envelope); this is partially due to the latest redistribution of height, and the massing and orientation of the three towers on the subject site which will still adversely overshadow properties to the south and the proposed communal spaces within the development.

On this basis, the proposal is not seen to satisfy element objectives of Element 3.2 of the R-Codes and therefore remains unacceptable in this regard.

It is noted that other properties along Coventry Parade are non-residential so the amenity impact is not considered to be adverse and the overshadowing of other surrounding properties is generally considered acceptable.



Plot Ratio

R-Codes Vol. 2 Element 2.5 prescribe a maximum plot ratio for the subject site of 2.0:1.0 (under the R160 density coding) which aligns with the desired plot ratio for the site outline in the Structure Plan. The proposed plot ratio area for the development is 34,118m² (with a site area of 15,554m²) meaning the proposed development exceeds the plot ratio area requirement by 3,010m² and resulting in plot ratio area of 2.19:1.0 in lieu of the 2.0:1.0 limit.

In relation to Element Objective 2.5.1, the height and scale of development significantly contravenes desired future character of area as specified in Structure Plan, LPP3.11 and the local existing and emerging development context (refer Building Height section above) and on this basis, the additional plot ratio area is not supported.

It is also noted that within the proposal, and across the residential towers, the average strata area for each unit type is well above the compliant minimum dwellings sizes prescribed by the R-Codes Vol. 2 (refer Table 3 above for comparison). This indicates that the proposal could still achieve the same number of compliant sized dwellings with potential to reduce the overall plot ratio area and ultimately the building heights proposed to address these areas of non-compliance.

Multiple Dwelling Diversity

Following the plot ratio discussion above, clause 4.4.5 of the City's LPS4 also provides:

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

The proposed development provides on 6 out of 198 (3%) dwellings with a floor less than or equal to 60m² and as noted above, the average strata area for each unit type is well above the compliant minimum dwelling sizes prescribed by the R-Codes Vol. 2 (refer Table 3 above for comparison). On the basis of the above,



the provision of smaller dwellings sizes throughout the development is minimal and thereby inconsistent with clause 4.4.5 of the LPS4.

Internal Link Road

The Structure Plan requires that the proposed development provide an 'internal link road' connecting McCabe Street and Coventry Parade that shall generally be located in accordance with Plan 1 of the Structure Plan. The Structure Plan provides that this link road should incorporate predominantly one-way (northbound) vehicle movements from Coventry Parade only to reduce traffic egress from the development onto Coventry Parade where it has the potential to cause adverse traffic impacts upon Coventry Parade / Thompson Road.

The development proposal incorporates an internal link road (through and under the building podium levels) connecting McCabe Street/McCabe Place in the north, to Coventry Parade / Thomson Road in the south and is entry only from Coventry Parade. Whilst the internal link road will not be ceded as a public road reserve, the proposal provides that access to the public at large will be facilitated by way of an easement in gross, ensuring accessibility at all times. This is to be secured by an appropriate condition of approval should JDAP be of the mind to approve the application.

SPP 2.6: Coastal Planning Policy

The site is within 300m of the horizontal shoreline datum of the Indian Ocean and therefore is subject to SPP2.6 provisions. SPP2.6 provides guidance with respect to the consideration of development that is in proximity to the coast, providing a framework for the management of coastal hazard risk.

While the subject site and Structure Plan area are positioned in a coastal location, it is situated several hundred metres from the foreshore in an elevated position behind major infrastructure works including railway lines and regional roads. In this respect, the provisions of SPP2.6 in relation to matters such as coastal processes, foreshore management, erosion and the like are not directly relevant to the Structure Plan area.



Clause 5.4 of SPP2.6 contains provisions in relation to building heights within 300m of the 'horizontal shoreline datum' ('HSD'). Part of the Structure Plan Area is located within 300m of the HSD. SPP5.4 recommends that maximum height limits should be specified as part of controls outlined in a local planning scheme and/or structure plan, in order to achieve outcomes which respond to the desired character, built form and amenity of the locality.

The building heights proposed significantly contravene LPP3.11 which was developed to determine the most appropriate height and bulk of new development within the Development Area (DA18) for potential redevelopment sites, having regard to matters such as topographical features, important public views, cultural heritage and amenity.

Notwithstanding, the new development proposed that exceeds the maximum building heights prescribed by LPP3.11 is outside of the 300m HSD area of SPP2.6 (refer the Site Plan in **Attachment 2**). As such, the proposals are generally considered acceptable pursuant to SPP2.6 despite the building heights not being supported under LPP3.11, as discussed in detail above.

SPP 5.4: Road and Rail Noise

SPP 5.4 applies where a noise sensitive land uses are proposed within proximity to major transport and freight corridors and therefore, this policy applies to the proposed development as it abuts Stirling Highway and the railway line.

The applicant has provided an Acoustic Report, prepared by Herring Storer (**Attachment 9**) to support the proposed development and address the requirements of SPP 5.4. MRWA have reviewed this acoustic report and requested the report be updated to include:

- a) Up-to-date modelled traffic projections should be obtained from Main Roads, ensuring compliance with the 20-year forecasting required by SPP 5.4, and citing the contact name, reference number and date in the noise report.*
- b) The current and future road surfaces used in the noise model should be specified.*

This updated report request was provided to the Applicant as part of a broader Further Information Request prepared by Officers and issued on 22 July 2022.

At the time of writing this report, the applicant had not provided an updated acoustic report to address the above so should JDAP be of the mind to approve the application an appropriate condition of approval would be recommended to secure a revised report for approval.

Sustainable Building Design

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

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

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

Notwithstanding, as the applicant is seeking discretionary building heights under LPP3.11; criterion (a) requires:

'The development shall be designed and constructed in such a manner so as to achieve a rating of not less than 5 Star Green Star using the relevant Green Building Council of Australia Green Star rating tool or equivalent.'

The Applicant's Sustainability Strategy, prepared by Full Circle (**Attachment 13**), demonstrates the proposal is capable of achieving a 5 Star Green Star rating (equivalent). This is therefore acceptable subject to appropriate conditions of approval to ensure the sustainability strategy is adopted and implemented to achieve the required rating, should JDAP be of the mind to approve the application.

Landscaping

Landscaping (R-Codes Vol. 2 – Table 3.3A)			
Element	Required	Provided	Shortfall
Deep Soil Areas (DSA)	10% of Site (1,361.8m ²)	975m ² true DSA areas provided; plus 1,415m ² of planting 'on structure' (with minimum 1000mm depth)	Complies

		Total DSA: 2,300m ²	
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The applicant's amended Landscape Architecture Report, prepared by SeeDesign Studio (**Attachment 6**), demonstrates the landscaping proposals will achieve the required deep soil areas prescribed in the R-Codes Vol. 2. This is achieved through the R-Code clause A3.3.7 that allows that any proposed shortfall in true deep soils areas (386.8m²) be made up with planting 'on structure' as long as this area is equivalent to two times the shortfall in true deep soil areas. This is the case for the proposal area of on planting 'on structure' (1,415m²) is equivalent to 3.66 times the true DSA shortfall. The amended plans and landscaping proposals also increase the overall true DSA provision within the increased Coventry Parade street setback area of Tower 2 which is seen as positive.

The City's Parks and Landscape Team also reviewed the applicant's amended Landscape Concept Plan and are generally supportive of the landscaping proposals, subject to detailed landscaping plans being submitted for approval ahead of the commencement of development, should the application be approved by JDAP.

The applicant is also strongly encouraged to address the DAC comments related to landscaping above as part of their final, detailed landscaping proposals.

Additional R-Code Vol. 2 Considerations

It is noted, with the exception of the abovementioned elements, the proposal has been assessed and found to be generally compliant with other R-Code Vol 2 requirements and considerations across the following key elements:

- Street, side and rear setbacks;
- Building depth;
- Building separation;
- Communal open space;
- Visual privacy;
- Internal dwelling solar and daylight access;
- Natural ventilation;
- Minimum size and layout of dwellings as well as storage provisions; and
- Private open space/balconies.



These elements were generally found to be compliant or acceptable otherwise and therefore are not discussed further within this report. All other elements have been discussed elsewhere in the above assessment section of this report where relevant.

Land Uses

The Structure Plan provides for the comprehensive redevelopment of the land for medium and high-density residential uses (prescribing a density coding of R160) and for a limited range of complementary commercial and retail land uses, communal facilities and public open space. The Structure Plan also provides that when determining subdivision and/or development applications within the Structure Plan area, a decision maker is to give due regard to the land-use permissibility and development standards applicable to the Residential and Mixed-Use zones under the City's LPS4.

The land uses proposed throughout the development are as follows:

- 'Multiple Dwellings';
- 'Restaurant'
- 'Shop'
- 'Tavern'
- 'Office'
- 'Reception Centre'; and
- 'Industry-light,

The land uses are all discretionary land uses within the Mixed-Use zone that partly covers the subject site and are considered complementary to the primary use proposed in the development, residential Multiple Dwellings. As such, the land uses proposed are considered acceptable in principle, subject to other policy and assessment considerations, discussed above.

Conclusion:

Ultimately, the proposed development does not meet the recently developed planning framework objectives for the site by being significantly greater in scale than contemplated. In summary:



- The proposed building heights significantly exceed the maximum heights set out within Local Planning Policy 3.11, having adverse impacts upon existing view corridors and being detrimental to the amenity of the area by virtue of the excessive height and scale of the development, and incompatibility with the scale of development immediately adjoining and within the locality generally.
- The height and scale of proposal is inconsistent with, and does not reflect the existing or desired future scale of development within the local area set out by the local planning framework.
- The proposal is deemed to have a significantly adverse impact upon the local road network in terms of traffic generation, flow, safety and street parking availability.
- The proposal is considered not to provide sufficient vehicle parking and delivery/servicing bays for the non-residential component of the development.
- The proposal is not supported on heritage grounds due to the currently proposed extent of demolition posed to the heritage fabric of the existing buildings of cultural significance on the subject site and is seen to have an the adverse impact upon the cultural heritage significance of the North Fremantle heritage area generally due to the height and scale of development.

It is for the above key reasons, as discussed in more detail throughout this report, the development is recommended for refusal.



PC2211-2 DEFERRED JDAP ITEM- AMHERST STREET, NOS. 34-38 (LOTS 1823, 1209, 1212, AND 1217) AND STACK STREET, NOS. 2-4 (LOTS 1223 AND 1222), FREMANTLE – 56 GROUPED DWELLINGS) (JCL DAP001/22)

Meeting Date:	2 November 2022
Responsible Officer:	Manager Development Approvals
Decision Making Authority:	Committee
Agenda attachments:	1. Development Plans (amended 6 October 2022)
Additional information:	1. Site photos 2. Schedule of submissions 3. Landscaping plan (revised) 4. Traffic report 5. Waste Management Plan 6. Indicative retaining plan 7. Indicative staging plan 8. Planning Report prepared by applicant (Urbis) 9. Applicant letter addressing reasons for deferral 10. Department of Water and Environmental Regulation comments.

SUMMARY

Approval is sought for the demolition of existing buildings and construction of 56 Grouped dwellings at Nos. 34-38 Amherst Street and Nos. 2-4 Stack Street, Fremantle.

At the Planning Committee meeting held on 7 September 2022, the Council resolved as follows:

"Does not support the proposed demolition of existing buildings and construction of 56 Grouped dwellings at Nos. 34-38 Amherst Street and Nos. 2-4 Stack Street, Fremantle as it is not consistent with the vision, objectives and principles of the Knutsford East Local Structure Plan. Council therefore recommends refusal under the Metropolitan Region Scheme and Local Planning Scheme No. 4"



Following the above consideration by the Planning Committee, the JDAP, at its meeting held on 19 September 2022 made the following procedural motion:

"That the consideration of DAP Application DAP/22/0224 be deferred for up to 12 weeks, in accordance with section 5.10.1a of the DAP Standing Orders 2020, for the following reasons:

- 1. Demonstrate how the internal laneways and spaces can accommodate increased functional areas of soft landscaping,***
- 2. Consider the reduction of on-site private parking and the inclusion of some of the required on-site visitors parking, parking for share vehicles, and suitably located EV charging facilities,***
- 3. Increased functional area of the outdoor living areas to units Type A and Type C (units 51-55),***
- 4. Reconsider the size and impact of the vehicle crossovers to Amherst Street including the potential mitigation through mature tree planting,***
- 5. Consider the reduction of the verge visitor parking on Amherst street to be offset by on-site visitor parking,***
- 6. Demonstrate how universal access will be provided to dwelling Type D and D1,***
- 7. Improve the solar passive design to ensure that the majority of dwellings have adequate access to the northern winter sun in living areas***
- 8. Demonstrating how non-residential activities can be accommodated on site"***

The reason given for the above procedural motion by the JDAP is as follows:

"The panel considered that the proposal did not reflect the vision and objectives of the structure plan and did not suitably address some of the requirements of the structure plan, noting it is a document of due regard. Given that the subdivision has been approved the panel were mindful



that there may be limited opportunities to alter the development layout and considered that a deferral of the item would allow the applicants to demonstrate to the panel how the matters listed above which relate to Design Principles of the R-Codes, SPP 7.0 and the objectives of the structure plan have been satisfied."

Amended plans were provided to the City on 6 October 2022. These plans were amended with the intent to address the reasons for deferral outlined in the JDAP procedural motion passed at the meeting held on 19 September 2022. The Responsible Authority Report (RAR) revisits the areas of discretion, and makes note of where these changes have altered the assessment. In summary, the majority of the changes are minor and do not significantly change the outcomes.

As the development value exceeds \$10 million, the application is to be determined by the Metro Inner-South Joint Development Assessment Panel (JDAP). The City's updated RAR is referred to Planning Committee for comment prior to the second JDAP meeting.

The application in its amended form remains recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for the demolition of existing buildings and construction of 56 Grouped dwellings at Nos. 34-38 Amherst Street and Nos. 2-4 Stack Street, Fremantle. The proposed works include:

- Demolition of existing buildings spanning the subject sites;
- Site works;
- Construction of 56 Grouped dwellings, with eight housing typologies, including 40, three bedroom dwellings (two storeys) and 16, four bedroom dwellings (two to three storeys).
- Internal private roads; and,
- Provision of common property and verge landscaping.

The applicant submitted amended plans on 5 August 2022 during the original assessment period with minor changes.



Following the JDAP meeting on 19 September 2022, additional amended plans were provided on 6 October 2022. The amended plans comprised the following changes:

- Increased the amount of landscaping internal to site, in addition to the indicative landscaping in the verge area;
- Rationalisation of visitor parking, including redistribution and reduction of visitor parking on the verge, and the inclusion of three bays on site;
- Provision of EV charging capabilities for a visitor bay located on the Stack Street reserve;
- Modest improvements to the outdoor living areas and configurations of certain lots;
- Modification of crossovers to reduce their impact to Amherst Street;
- Improvements to universal access for some dwellings;
- Improvements to solar access for some dwellings; and,
- Provision of additional capacity for non-residential land use to occur as part of the development through the provision of the new 'type G' dwellings.

The primary issues presented and discussed in this assessment, with consideration to the amended plans comprise:

- Knutsford Street East Local Structure Plan (specifically relating to the developments interface, residential density, provision of non-residential land use, adaptability, public open space contributions);
- Primary street setbacks (to Amherst and Stack Street facing Grouped dwellings);
- Vehicle sightlines;
- Garage width;
- Visitor parking;
- Landscaping; and
- Outdoor living areas.

It is noted that the RAR discusses in detail the reasons for deferral put forward by JDAP, the applicants response and officers comment.

Development plans are included as attachment 1.

Site/application information

Date received:	26 May 2022
Owner name:	The Trustee for Latenza 3 Unit Trust Pty Ltd
Submitted by:	Urbis Pty Ltd
Scheme:	Development Zone
Heritage listing:	Not Listed

**Agenda – Planning Committee
2 November 2022**



Existing land use: Various industrial and warehouse uses
Use class: Grouped dwellings
Use permissibility: P

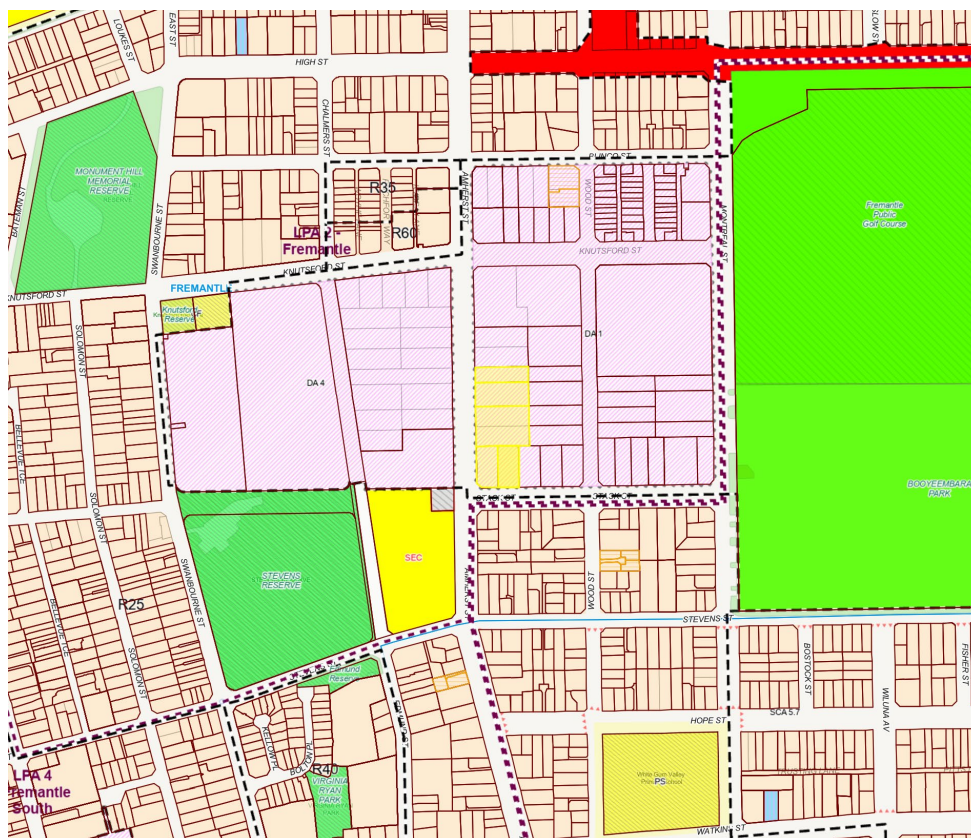
Alternate Recommendation

At Planning Committee in September, the following resolution was made by PC –

That Council:

Does not support the proposed demolition of existing buildings and construction of 56 Grouped dwellings at Nos. 34-38 Amherst Street and Nos. 2-4 Stack Street, Fremantle as it is not consistent with the vision, objectives and principles of the Knutsford East Local Structure Plan. Council therefore recommends refusal under the Metropolitan Region Scheme and Local Planning Scheme No. 4.

Should Planning Committee not consider the reasons for their previous recommendation sufficiently addressed, they may seek to move this recommendation again.





OFFICER'S RECOMMENDATION

Council

SUPPORT the Officer's Recommendation to APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, demolition of existing buildings and construction of 56 Grouped dwellings at Nos. 34-38 Amherst Street and Nos. 2-4 Stack Street, Fremantle, subject to the conditions outlined in the responsible authority report.



Form 1: Responsible Authority Report

(Regulation 12)

DEFERRED ITEM - AMHERST STREET, NOS. 34-38 (LOTS 1823, 1209, 1212, AND 1217) AND STACK STREET, NOS. 2-4 (LOTS 1223 AND 1222), FREMANTLE – 56 GROUPED DWELLINGS (JCL DAP001/22)

Form 1 – Responsible Authority Report

(Regulation 12)

DAP Name:	Metro Inner-South JDAP
Local Government Area:	City of Fremantle
Applicant:	Urbis Pty Ltd
Owner:	The Trustee for Latenza 3 Unit Trust Pty Ltd
Value of Development:	\$21.5 million ☒ Mandatory (Regulation 5) ☐ Opt In (Regulation 6)
Responsible Authority:	City of Fremantle
Authorising Officer:	Ms Chloe Johnston, Manager Development Approvals
LG Reference:	DAP001/22
DAP File No:	DAP/22/02244
Application Received Date:	26 May 2022



Report Due Date:	9 September 2022 (*Revised due date of 10 November 2022)	
Application Statutory Process Timeframe:	90 Days	
Attachment(s):	1. Development plans (revised version) 2. Site Photos 3. Schedule of submissions 4. Landscaping plan (revised version) 5. Traffic report 6. Waste Management Plan 7. Indicative retaining plan 8. Indicative staging plan 9. Planning Report prepared by applicant (Urbis) 10. Applicant letter addressing reasons for deferral (submitted with revised plans) 11. Department of Water and Environmental Regulation comments.	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	☐ Yes	Complete Responsible Authority Recommendation section
	☒ No	Complete Responsible Authority and Officer Recommendation sections

Updated Responsible Authority Recommendation

To be updated post Planning Committee

Details: outline of development application

Region Scheme	Metropolitan Region Scheme
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Agenda – Planning Committee
2 November 2022



Region Scheme - Zone/Reserve	Urban
Local Planning Scheme	City of Fremantle Local Planning Scheme No.4
Local Planning Scheme - Zone/Reserve	Development Zone
Structure Plan/Precinct Plan	Knutsford Street East Structure Plan (Precinct 5)
Structure Plan/Precinct Plan - Land Use Designation	Mixed Use/Residential
Use Class and permissibility:	Permitted
Lot Size:	10,301m ²
Existing Land Use:	Warehouses
State Heritage Register	No
Local Heritage	☒ N/A ☐ Heritage List ☐ Heritage Area
Design Review	☒ N/A ☐ Local Design Review Panel ☐ State Design Review Panel ☐ Other
Bushfire Prone Area	No
Swan River Trust Area	No

Proposal:

Approval is sought for the demolition of existing buildings and construction of 56 Grouped dwellings at Nos. 34-38 Amherst Street and Nos. 2-4 Stack Street, Fremantle.

Proposed Land Use			Grouped dwellings
Proposed Area	Net	Lettable	N/A
Proposed No. Storeys			46 two storey Grouped dwellings; and, 10 three storey Grouped dwellings.
Proposed No. Dwellings			56

A breakdown of the further relevant details pertaining to each of the dwelling types proposed in the October plans are listed below. It is noted that two 'Type F' dwellings are removed, and replaced with two 'Type G' dwellings in the updated plans. The remaining dwelling type composition is per the previous RAR:

Townhouse Type	Number of dwellings of this type	Number of Levels	Number of Bedrooms	Number of Carparks
A	11	2	3	2 (double)
B	6	2	3	2 (double)
B1	7	2	3	2 (double)
C	9	2	3	2 (double)
D	8	3	4	2 (double)
D1	2	3	4	2 (double)
E	7	2	3	2 (tandem)
F	4	2	4	2 (double)

G (New dwelling type)	2	2	2	2 (double)
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Additionally, there are four internal private roads (Roads A-D), three internal private laneways (Laneways A-C) and a green strip (walkway), all of which are intended to be common property. Within the area allocated for these roads, lanes and walkways are some areas for landscaping, in addition to several access gates. It is noted that there is a 2.6m high retaining wall is located between Laneways A and B due to the topography of the site.

Amended plans were submitted on 5 August 2022 that included minor amendments which are outlined in the previous RAR.

At the City's Planning Committee in September, Council resolved that it–

Does not support the proposed demolition of existing buildings and construction of 56 Grouped dwellings at Nos. 34-38 Amherst Street and Nos. 2-4 Stack Street, Fremantle as it is not consistent with the vision, objectives and principles of the Knutsford East Local Structure Plan. Council therefore recommends refusal under the Metropolitan Region Scheme and Local Planning Scheme No. 4.

At a JDAP meeting on 19 September 2022, the JDAP resolved –

That the consideration of DAP Application DAP/22/0224 be deferred for up to 12 weeks, in accordance with section 5.10.1a of the DAP Standing Orders 2020, for the following reasons:

- 1. Demonstrate how the internal laneways and spaces can accommodate increased functional areas of soft landscaping,*
- 2. Consider the reduction of on-site private parking and the inclusion of some of the required on-site visitors parking, parking for share vehicles, and suitably located EV charging facilities,*
- 3. Increased functional area of the outdoor living areas to units Type A and Type C (units 51-55),*
- 4. Reconsider the size and impact of the vehicle crossovers to Amherst Street including the potential mitigation through mature tree planting,*
- 5. Consider the reduction of the verge visitor parking on Amherst street to be offset by on-site visitor parking,*

6. *Demonstrate how universal access will be provided to dwelling Type D and D1,*
7. *Improve the solar passive design to ensure that the majority of dwellings have adequate access to the northern winter sun in living areas*
8. *Demonstrating how non-residential activities can be accommodated on site.*

The following is the reasoning provided by JDAP for the deferral procedural motion:

The panel considered that the proposal did not reflect the vision and objectives

of the structure plan and did not suitably address some of the requirements of the structure plan, noting it is a document of due regard. Given that the subdivision has been approved the panel were mindful that there may be limited opportunities to alter the development layout and considered that a deferral of the item would allow the applicants to demonstrate to the panel how the matters listed above which relate to Design Principles of the R-Codes, SPP 7.0 and the objectives of the structure plan have been satisfied

The applicant submitted revised plans on 6 October 2022 in an effort to address the reasons for referral. Table 1 below highlights the changes from the applicant.

Table 1. Original proposal vs. amended proposal

Element	Applicant response
Landscaping <i>Demonstrate how the internal laneways and spaces can accommodate increased functional areas of soft landscaping.</i>	Increased areas of soft landscaping (86m ² net increase), comprising the following additions: • Frontage of 'Type A' dwellings; • Along eastern edge of Road C; • Between eastern boundary of 'Type A' dwellings; • Strip along western frontage of 'Type E' dwellings; • Along eastern edge of Laneways A and B.
Car parking	• Retention of compliant on-site parking (two bays per dwelling);

<i>Consider the reduction of on-site private parking and the inclusion of some of the required on-site visitors parking, parking for share vehicles, and suitably located EV charging facilities.</i>	• Reduction of width of crossovers to prevent their use for private parking; • Provision of three additional visitor bays on site in front of gate; • Visitor bays along Amherst Street are reduced from 8 to 5, with a new ACROD bay; • Visitor bays along Stack Street moved further east and reduced to 6 (balance of visitor bays moved on-site); • One of the visitor bays is allocated as a vehicle charging bay to be operated by a third party. This bay is proposed to be located in the verge; and, • Shared vehicle bays.
Outdoor living areas <i>Increased functional area of the outdoor living areas to units Type A and Type C (units 51-55).</i>	• Lots 51-55 (dwelling types A and C) have increased outdoor living areas; • The 'Type A' dwellings of the lots mentioned above have an increase of 8.7m² OLA, to a total of 24m²; • The 'Type A' dwellings of the lots mentioned above have an increased width of 1.3m at the clothesline area to improve functionality; and, • The 'Type C' dwellings of the lots mentioned above have an increase of 4.3m² OLA, to a total of 18.2m²;
Crossovers <i>Reconsider the size and impact of the vehicle crossovers to Amherst Street including the potential mitigation through mature tree planting.</i>	• Reduction in width of crossovers along Amherst Street through tapering; • Movement of footpaths to individual dwellings to within the subject sites, decreasing paving on the road reserve; • Provision of additional area between the crossovers to allow for landscaping and tree planting between the crossovers; and, • Retention of street trees where possible (noting that street tree originally marked for removal near intersection of Amherst and Stack Streets is to be retained).
Visitor Parking	See car parking comments above.

<i>Consider the reduction of the verge visitor parking on Amherst street to be offset by on-site visitor parking</i>	
Universal access <i>Demonstrate how universal access will be provided to dwelling Type D and D1.</i>	• Modification of Type D and D1 dwellings to allow for future installation of lifts if required; • Lots 1 and 17 have been amended to provide a ramp to link them with Amherst Street; and, • Provision of ramps for new 'Type G' dwellings facing Stack Street.
Solar access <i>Improve the solar passive design to ensure that the majority of dwellings have adequate access to the northern winter sun in living areas</i>	• Lots 33 and 36 ('Type F') have been reoriented to allow their outdoor living areas to face north to gain additional sunlight access; and, • Lots 33-45 and 51-55 have increased outdoor living areas (increased in area from 4-8m²) to improve solar access.
Provision of non-residential land uses <i>Demonstrating how non-residential activities can be accommodated on site.</i>	• Two 'Type G' dwellings are added along Stack Street, replacing two 'Type F' dwellings (previous lots 44 and 45) in the same location; • The 'Type G' dwellings comprise the following primary characteristics: • A larger and more open ground floor, which is capable of adaptation into a commercial premises; • Direct universal access to Stack Street; with dual accessibility to aid in multiple uses occurring at the dwellings; • The Stack Street frontage comprises an open decked area, capable of use as a shopfront or alfresco area; and, • Provision of a 3.2m floor to ceiling height for the ground floor component.

Background:

The subject sites currently comprise light industrial and warehouse buildings on No. 38 Amherst Street, and Nos. 2-4 Stack Street, Fremantle. It is noted

that Nos. 34-36 Amherst Street are currently vacant and are occupied by hardstand and retaining walls which are proposed to be demolished to make way for the development. This demolition is exempt from the requirement to obtain planning approval and is not under consideration in this application.

The topography of the development site is complex, with an approximately 8m difference in height from the north to the south portion of the development site, including numerous undulations, tall and expansive retaining walls, areas of hardstand, and dirt mounds, in addition to the existing buildings (see Figures 1 and 2). It is noted that high retaining walls exist to the south and western boundaries of the subject site.



Figure 1: View towards the south along Amherst Street



Figure 2: View towards existing retaining walls at subject site, highlighting the topography changes throughout the site.

The site and surrounding area is currently under transition, having historically comprised industrial and warehouse uses. To the west is a vacant site in the Swanbourne Street Structure plan area (see Figure 3), which is to be zoned Residential R60-R100, and a Western Power depot (see Figure 4), from which span powerlines crossing the Stack Street frontage of the sites. To the south exist predominantly single storey Single houses and Grouped dwellings (Figure 5).



Figure 3: View towards the west towards currently vacant site



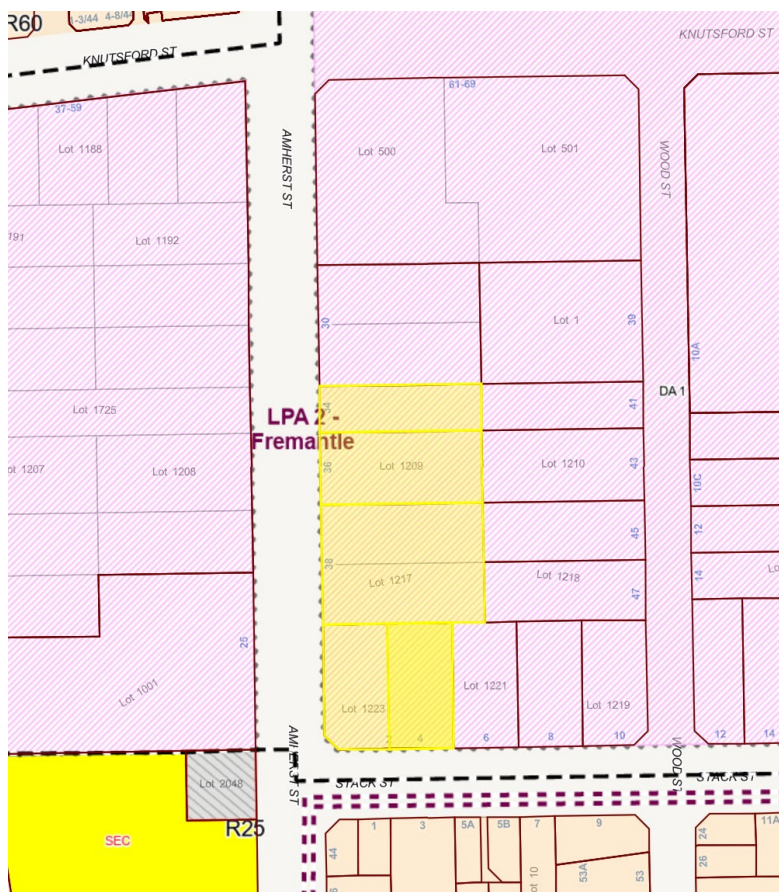
Figure 4: View towards the south-west towards Western Power Depot.



Figure 5: View towards neighbouring dwellings to the south.

This section of Amherst and Stack Streets is characterised by wide verges, which contain a number of street trees and verge infrastructure, including the aforementioned powerlines, in addition to drainage and hardstand parking areas.

The location map of the subject site is provided below.



At the Planning Committee meeting held on 7 September 2022, the Planning Committee resolved not to support the proposal. The reasons were as follows -

In 2017, following extensive community and stakeholder consultation, Council adopted the Knutsford Street East Local Structure Plan (KELSP) to guide the transition of this aging, underused industrial area into an exemplary residential and mixed use area supported by local shops and integrated with the existing surrounding community. Development WA and private sector developers are currently delivering innovative developments that exemplify the intended outcomes for the area in terms of diversity, identity, innovation, sustainability, urban design and amenity, as does the adjacent Development WA Knutsford precinct.



Nos 34-38 Amherst Street and Nos. 2-4 Stack Street equates to approximately one-quarter of Precinct 5 within the Structure Plan approximately 8% of the entire structure plan area. Therefore it is reasonable to expect that development of this site would contribute to the overall objectives and principles of the KELSP to the extent possible, and build on existing precedents to ensure the vision for the precinct is achieved. The development as proposed does not contribute to the outcomes of the structure plan; failure to apply the provisions of the KELSP in assessing the proposal makes a mockery of the structure planning process and erodes community confidence in the planning system.

The proposed development does not meet the following of objectives of the KELSP, which a development of this size could reasonably be expected to address.

Diversity: *Promote a mix of land uses and a range of housing types to meet the housing needs of a wide range of the community.*

- The proposal does not provide diversity of housing types (all houses are 3 and 4 bedroom houses) or diversity of uses and includes very little provision for accessible, adaptable or affordable housing.*
- The development is under-development of the site with unrealised potential to include 1 and 2 bedroom dwellings, units, micro-lots and additional height.*

Identity: *Instill a 'Fremantle identity' with some relationship to the site's history and its industrial character.*

- Design of the site is a generic built form and subdivision and does not capture, interpret or instill a Fremantle identity.*

Economic Development: *Provide opportunities for existing and new local commerce, shops, light industry and home based employment which expand upon the existing employment opportunities in the area.*

- The proposal displaces existing commercial and light industrial activities but does not include any new economic activity spaces beyond home based business.*

Amenity: *Create an urban environment which satisfies the lifestyle, aesthetic and security aspirations of its residents and workers.*

- No common areas are included in the proposed development to support community activity and there is very limited provision of deep planting areas that would support large trees and enhance amenity.*
- The design of crossovers on Amherst Street, loss of street trees and displacement of pedestrians to the edge of the street will reduce amenity and safety and is inconsistent with the Part 2.6 of the KELSP 'vegetation retention'.*

Innovation: *Promote flexible land use solutions for residential, mixed use and home based employment opportunities.*

- The proposal is a generic urban subdivision that does not include any innovative elements, particularly not in regards to built form, housing typology, affordable housing, infrastructure design or subdivision layout*



Urban Design: *Adopt appropriate urban design principles, including from the WAPC's Liveable Neighbourhoods approach, and the Design WA suite of documents which strive to achieve a built form that promotes the preceding principles.*

- *The proposal does not satisfy many of the design elements and outcomes foreshadowed in the Medium Density Design Code.*

Sustainability: *Achieve a balance between social, economic and environmental considerations and lead by example in the adoption of environmental best practice with a focus on sustainability in built form and land use and services*

- *The proposal does not demonstrate environmental best practice beyond minimum requirements, for example there is no provision for beneficial stormwater harvesting, a community garden or other communal infrastructure such as a community battery.*
- *The orientation and configuration of house lots provides very little opportunity for solar passive design with the majority of homes having little or no opportunity for access to beneficial northern winter sun in living areas*
- *All homes have two car parking on site which does not support transport mode shift and the development does not include onsite parking bays suited to shared vehicles or electric car charging*

A meeting of the JDAP was subsequently held, where the application was deferred with a request for consideration of design changes. This report reconsiders the application in the context of the changes submitted by the applicant in October.

Legislation and Policy:

Legislation

- *Planning and Development (Local Planning Schemes) Regulations 2015*
 - Schedule 2, Part 8, Clause 64 – Advertising applications;
 - Schedule 2, Part 9, Clause 66 – Consultation with other authorities;
 - Schedule 2, Part 9, Clause 67 – Matters to be considered by local government;
 - Schedule 2, Part 9, Clause 68 – Determination of applications; and,
 - Schedule 2, Part 9, Clause 70 – Form and date of determination
- City of Fremantle Local Planning Scheme No. 4
 - Cl. 3.2.1(h) Objectives of the Development Zone
 - Cl. 5.2 Development Areas
 - Schedule 7 – Development Areas



- DA1 – Knutsford Street East Structure Plan (Precinct 5)

State Government Policies

- Residential Design Codes Volume. 1

Structure Plans/Activity Centre Plans

- Knutsford Street East Structure Plan (Precinct 5)

Local Policies

- LPP 1.3: Community Consultation on Planning Proposals
- LPP 1.10: Construction sites
- LPP 2.9: Residential Streetscape Policy

Consultation:

Public Consultation

The application was originally advertised in accordance with the methodology in LPP1.3: Community Consultation on Planning Proposals. Advertising consisted of:

- Signs on site (one facing Amherst Street; one facing Stack Street);
- MySay website;
- Letters to owners/residents of properties within 200m radius of subject site;
- Advertisement in the Fremantle Herald newspaper;
- Precinct group notification; and,
- 'Talk to a Planner' session, held on 7 July 2022.

The application was advertised from 9 June until 13 July 2022, with 6 email submissions being received, and 25 submissions received via the City's MySay portal. All submissions received object to the proposal. It is noted that the amended plans provided on 6 October 2022 were not re-advertised, noting that there were no significant new variations posed warranting re-advertising.

The key issues and/or comments raised in the submissions (generally summarised) are discussed below in the following table. A full summarised

schedule of submissions, including the applicant and officer comments are provided in the Schedule of Submissions attachment.

Issue Raised	Officer comments
Generic design, architecture, and materials, proposed are inconsistent with the intent for, and context and character of, the locality per the vision and objectives of the Knutsford East Local Structure Plan.	There is limited provision in the structure plan or planning framework regarding the design of the dwellings. Some of the dwellings do look to reflect the semi-industrial context with the inclusion of flat or skillion roof design, however this influence is limited.
Proposal is underwhelming and sets a poor precedent and is a setback in the development of the precinct. Other nearby developments better reflect the design standards suitable to the locality and better reflect the character of the area. The development doesn't meet the potential for the site (e.g., development up to four storeys in height).	The density proposed is generally consistent with the permitted R80 provisions which is under the maximum or bonus density for the site.
Poor public realm and street interaction which doesn't enhance the surrounding urban environment.	Noted. See comments in the body of the report relating to public domain interface.
Poor adaptive re-use due to lack of sufficient floor-to-ceiling heights to provide meaningful adaptive-reuse in future.	The Structure Plan refers to 4.2m floor to ceiling heights to be provided to allow for adaptation to commercial uses in future. It is noted that the floor to ceiling heights proposed are compliant with the requirements of the National Construction Code in being able to cater for smaller commercial offerings, and will allow for a satisfactory degree of adaptability.

	It is further noted that the amended plans provided on 6 October 2022 introduce the 'Type G' dwelling, which comprises a 3.2m high floor to ceiling height on the ground floor, with a front decking area which addresses Stack Street, which is considered to provide additional potential land uses to occur in the area. See body of report for further discussion.
Lack of quality landscaping and community green space and deep planting zones. Lack of space for medium-large trees. Lack of space in internal streets for vegetation. No proposed communal area of open space, which could include shared amenities and facilities.	It is considered that the existing amount of mature vegetation present is minimal, however it is considered that the overall landscaping provision in the common property has capacity for improvement in this regard. It is noted that minor improvements in the provision of landscaping to the internal streets has been provided in the revised plans.
Addition of numerous crossovers and removal of the mature street tree is not a good outcome. Too much land is dedicated to parking, which could be used for additional landscaping – potential for consolidated communal parking areas could be explored.	The City's preference is for a reduction in the number of crossovers and parking bays present along Amherst and Stack Streets to reduce the amount of hard stand in this area. The amended plans provided on 6 October 2022 provide amended crossovers to Amherst Street, including tapering their width towards the street and providing additional space for street trees, in addition to the retention

	of the existing street tree near the Amherst/Stack Street intersection. It is noted that any works in the City's road reservations are subject to separate approvals and advice is provided to advise the applicant of the City's expectations in this space.
Traffic and visitor parking issues (insufficient visitor parking provided). Traffic intensified since High Street upgrades, and traffic is greater than that discussed by the proposal. Amherst Street is significantly busier. Proposal is too car-oriented and doesn't sufficiently promote alternative modes of transportation. It is noted there is nearby public transportation available.	It is considered that the overall amount of traffic likely to be posed by the proposal is supportable, given the Structure Plan envisages dwelling densities in excess of that proposed. It is noted that the City's Infrastructure Department concurs with the Traffic Report provided by the applicant. It is noted that the development provides parking as required by the R-Codes, with the exception of visitor parking which is discussed in the content of the report.
Lack of cycling and pedestrian amenity.	Grouped dwellings are not required to provide bicycle parking, notwithstanding that the dwellings will have sufficient space for residents. While the verge works do not form part of this approval, the applicant has indicatively shown a pedestrian path around the site, noting this area is not currently well serviced for pedestrians and this could be an improvement.
Issues relating to site works and drainage and the relation of these	It is noted that site works are necessary given the topography of the



to neighbouring properties and the locality.	site. It is noted that any works must not encroach into neighbouring properties. See conditions relating to drainage.
Potential visual privacy issues may be posed to the proposal by future developments.	The City may impose appropriate conditions relating to visual privacy for any future development applications and adjoining properties, if appropriate.
Lack of land use diversity. It is noted that existing businesses have closed down. No retail or food businesses are proposed. The locality needs such land uses within a walkable distance. Other uses of cultural benefit should be included, such as art galleries.	It is noted that whilst there are no specific land use ratios, the provision of a mixture of land uses is an objective of the Structure Plan. In this regard, it is considered that acceptable provisions have been proposed to accommodate non-residential land uses in future. It is also recognised, that this portion of the site may not have been intended to be occupied by a significant proportion of commercial land uses. Please see the body of the report for additional comments relating to land use diversity and adaptability.
Insufficient dwelling diversity (e.g., no one/two bedroom dwellings, affordable housing, or Multiple dwellings proposed).	It is noted that whilst there are no specific dwelling typology ratios, the provision of a variety of housing typologies is an objective of the Structure Plan. Please see the body of the report for additional comments relating to land use diversity and adaptability.
Solar access issues. The majority of private courtyards will be significantly overshadowed and outdoor living areas are too small.	Discussion regarding outdoor living areas is included in the report below.

Universal access issues and lack of adaptability to allow for ageing in place.	See body of report for discussion relating to universal access. It is noted that there are no specific provisions applicable requiring accommodations be made to allow for ageing in place.
Safety (CPTED issues) and a lack of passive surveillance (e.g., lack of activation and passive surveillance of Road C, in addition to the broader internal street configuration, causing CPTED issues).	It is considered that the proposal has a satisfactory provision of passive surveillance over the public realm, in addition to the internal private roads. It is noted that the amended plans have provided several vehicle and pedestrian gates, allowing for a degree of security internal to the development area.
Sustainability concerns (lack of sustainability report, provision of PV cells, shared energy on-site, electric car charging, and bike parking, etc).	It is noted that design elements have been included to improve the environmental sustainability of the proposal, including the use of permeable paving, use of some lightweight low-carbon materials, etc. It is considered that capacity exists for installation of Solar panels on the roofs of a number of dwellings as required. It is noted that an electric car charging bay has been proposed in the visitor parking area along Stack Street. This is discussed further in the body of the report.
Poor internal design (poor outlooks for residents, kitchens insufficient in size relative to the number of bedrooms per dwelling, etc).	Noted.
Contributes to the urban heat island effect.	It is noted that the provision of landscaping and permeable paving aids in the mitigation of the urban heat

	island effect. It is noted, however that due to the configuration of the lots, the urban heat island effect will exist.
Poor orientation of dwellings (minimal lots with north-south orientation) to ensure light, ventilation and a green outlook.	See discussion in body of the report.
Proposed density cannot be supported by current public amenities (footpaths, street lighting, bike paths, etc).	The applicant is proposing improvements to the local footpath network. Other utilities are subject to other approvals issued by other internal and external departments.

Referrals/consultation with Government/Service Agencies

- Department of Water and Environmental Regulation (DWER);
- Water Corporation;
- Western Power; and,
- Public Transport Authority

Department of Water and Environmental Regulation (DWER)

It is noted that due to the nature of the changes proposed, the October plans were not re-referred to DWER and the below comments remain as per the previous RAR.

Due to the subject sites location in proximity to a potentially contaminated site, the application was required to be referred to DWER for comment. DWER provided the following summarised comments (the original referral letter is included as an attachment):

- Nos. 30, 32, and 36 Amherst Street previously comprised an Abattoir, initially being classified as potentially contaminated – investigation required under the Contaminated Sites Act 2003 (CS Act) in 2008;
- Between 2016 and 2017, investigations occurred in the above lots, in addition to No 34 Amherst St, finding the lots had also been used for various industrial activities between 1960 and 2007. These investigations found some metal and hydrocarbon impact in soil at isolated locations at



- concentrations not considered to pose an unacceptable risk, and no impacts were identified to ground water;
- Remediation of asbestos-containing materials from beneath a concrete slab and subsequent validation found that it had been successfully remediated. The auditor undertaking the investigation and risk assessment recommended that the land was suitable for residential land use, and the site was classified as 'decontaminated' as of the CS Act in March 2017 (noting that the classification was based off information available at the time, not taking into account subsequent potential contamination from ongoing commercial/industrial land uses);
 - It is noted that Nos. 34 and 36 Amherst St, whilst classified as 'decontaminated', have been used to store unknown materials since 2021;
 - Nos. 38 and 40 Amherst Street have not been reported as known or suspected contaminated sites, therefore DWER holds no records of the sites, though they have been used for industrial purposes since the 1960s, as have Nos. 2-4 Stack Street;
 - A preliminary site investigation (PSI) dated March 2022 was undertaken to accompany this development application, finding hydrocarbon impacts in the soil around laydown areas, and that potentially contaminating activities have occurred at the subject sites for over 70 years, with uncontrolled fill to the lots. Further, elevated hydrocarbons and metals have been identified in the area. As such, the PSI recommended intrusive investigations to determine the nature and extent of potential contamination; and,
 - Given the proposed change to a more sensitive use (Grouped dwellings), DWER cannot comment on the suitability of the proposal. Therefore, DWER recommends the imposition of an appropriate subdivision contamination condition and advice notes by the WAPC.

The City notes that subdivision conditions cannot be imposed at the development application stage. It is noted that the condition recommended by DWER in their letter are modifications of the standard subdivision condition EN9 to allow its imposition as part of a DA approval, noting that Advice Note ENa2 is unmodified. The recommended condition and advice note are provided below:

"...Condition X

- a) Prior to commencement of development works, investigation for soil and groundwater contamination is to be carried out to determine if remediation is required.*
- b) If required, remediation, including validation of remediation, of any contamination identified shall be completed prior to the commencement of construction works to the satisfaction of the City of Fremantle on advice from the Department of Water and Environmental Regulation, to ensure that the site is suitable for the proposed use.*



Investigations and remediation are to be carried out in compliance with the Contaminated Sites Act 2003 and current Department of Water and Environmental Regulation contaminated sites guidelines. (Department of Water and Environmental Regulation)

Advice

In relation to Condition [X] and in accordance with regulation 31(1)(c) of the Contaminated Sites Regulations 2006, a Mandatory Auditor's Report, prepared by an accredited contaminated sites auditor, will need to be submitted to the Department of Water and Environmental Regulation as evidence of compliance with Condition [X]. A current list of accredited auditors is available from www.dwer.wa.gov.au...

In addition, DWER noted the following:

"...The site is not located within an area that is mapped as having a risk of encountering acid sulfate soils. The department therefore advises that no specific comment is required in relation to acid sulfate soil management during development..."

The applicant has noted that a Detailed Site Investigation has commenced, and has requested that the recommended DWER condition be removed, given the applicant will be complying with the requirements of the Contaminated Sites Act, and as such the condition is unnecessary. In the event that the condition is imposed, the applicant requested that the condition be amended to be '*prior to commencement of construction works*', rather than '*prior to commencement of development works*'. It is noted that the recommended condition was provided by the expert Authority, and as such, the City defers to its wording of the condition, noting that '*development*' is a broader term than '*construction*', which may include site works. Given the potential for contamination to be present on site, it is prudent to ensure that investigation for contamination is undertaken prior to commencement of site works.

Water Corporation

It is noted that due to the nature of the changes proposed, the October plans were not re-referred to the Water Corporation and the below comments remain as per the previous RAR.



Due to the scale of the proposal, in addition to it proposing Grouped dwellings which will increase demand for water usage in the locality, the City referred the application to Water Corporation for comment. The below (summarised) comments were provided:

- Reticulated waste and wastewater are available close to the subject area. If required, all water main extensions must be appropriately laid within road reserves.
- Upgrading of the current system may be required to prevent existing customers being impacted, given the proposed density;
- The upgrades and extensions would be built at the developers cost. Further infrastructure contributions may be required; and,
- The developer is expected to provide all water and sewerage reticulation, if required. A contribution for water sewerage and drainage headworks may be required from the developer, in addition to funding new works or upgrading existing works, and protection of all works, with the potential for water corporation also requiring land be provided for works.

The City notes that the City's Engineering Department has provided comments regarding sewerage, advising that the standard stormwater conditions be imposed, with stormwater retention to occur onsite as per City of Fremantle Technical Guidelines. This is to ensure that stormwater management meets the City's expectations and does not impact the road drainage network or neighbouring properties. Additionally, the internal road drainage network is to operate independently of any City infrastructure (retained onsite) and stormwater runoff from dwellings to be retained on site.

Western Power

It is noted that due to the nature of the changes proposed, the October plans were not re-referred to Western Power and the below comments remain as per the previous RAR.

The City referred the application to Western Power for comment due to overhead transmission lines running across the Stack Street verge abutting Nos. 2-4 Stack Street at the southern border of the development site.

Western Power advised that the overhead transmission line runs across Stack Street, as noted above, and a distribution line connects into Nos. 2-4 Stack Street. Western Power additionally advised that an underground HV



distribution line runs down the eastern side of Amherst Street abutting the western boundary of the development site.

Public Transport Authority

It is noted that due to the nature of the changes proposed, the October plans were not re-referred to the Public Transport Authority and the below comments remain as per the previous RAR.

The City referred the application to the Public Transport Authority (PTA), however did not receive a response to date. Notwithstanding, it is not considered that PTA comment is critical to this application given any additional demand on bus networks caused by this development will be considered by the PTA at the appropriate time.

Planning Assessment:

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

- Knutsford Street East Local Structure Plan;
- Primary street setbacks (to Amherst and Stack Street facing Grouped dwellings);
- Vehicle sightlines;
- Garage width;
- Visitor parking;
- Landscaping; and,
- Outdoor living area.

These matters are outlined and discussed below, with reference to the updated plans.

Knutsford Street East Local Structure Plan

Interface with surrounding development



In providing amended plans, the applicant has added the 'Type G' dwellings to the proposal. The 'Type G' dwellings have front decks, which allow for passive and active surveillance to occur to Stack Street and its intersection with Amherst Street. All other comments remain as per the previous RAR.

The Structure Plan specifies that careful consideration be given to the interface of the Structure Plan area and existing and proposed development on adjoining land. The subject sites have an interface with vacant land to the west, which is likely to contain future residential (with a density of R60-R100) and public open space developments, as detailed in the Swanbourne Street Structure Plan, in addition to land used for utilities at the Western Power site located to the south west of the subject site. More importantly, to the south there are a number of established lower density Single houses and Grouped dwellings. Finally, to the north and east, the predominant development comprises non-residential warehouse, commercial, and industrial uses, however the sites form part of the same Structure Plan so any future development will be subject to the same development provisions but may remain in a state of transition for some time.

Given the above, the most sensitive interface is to the southern residences. The assessment contained in the Local Planning Policy 2.9 – *Residential Streetscape Policy* section of this report provides further discussion relating to the southern interface.

Notwithstanding the above, it is considered that the development is generally compatible with, the other interfaces towards the western, northern, and eastern neighbouring properties. This is due to the following:

- The western neighbouring sites are currently vacant. The distance between the lot boundaries of the subject sites and the western neighbours is approximately 30m due to the wide road reservation. Due to future setbacks, it is likely that the predominant future built form will be separated by an even greater distance. Therefore, there will be no sense of enclosure between the future built form;
- The adaptable frontages, meaning the dwellings with rooms which may be capable of low scale commercial offerings, face towards Amherst and Stack Street, and given their small scale, are considered compatible with future development towards the western neighbours;
- The dwellings on Amherst Street have balconies which provide passive surveillance to the public realm.
- While it is subject to further design development and approval from the City, the intent of the applicant to create high quality in the verges will assist creating an attractive interface. Officers do note however, that revisions to the size of the crossovers proposed have been proposed,



as has the design to the visitor parking proposed in the verge, with three bays along Stack Street being re-located inside the subject site. It is a strong objective of the City to have green spaces and reduce the hard stand on public land;

- The Structure Plan envisages increased density towards the mid portions of the Structure Plan area, towards the northern portion of the development site. Though the density isn't increased substantially towards the northern portion of the site, the scale of the three-storey built form in the northern portion of the subject site is substantially greater than the minimum requirement, thereby satisfactorily addressing the requirements of the Structure Plan. Therefore, the interface towards the northern neighbour is considered appropriate;
- The interface with the eastern neighbouring properties is considered compatible with the current and possible future built form of the neighbours. The dwellings located on the southern third of the site are limited to two storeys in height, and have their private outdoor living areas abutting the eastern neighbours. Additionally, Road C runs north-south along the eastern boundary, which reduces the impact of built form to the eastern neighbours, in addition to allowing for future road connections to occur with future developments to the eastern neighbours; and,
- Though the subject site is bound on the east and north sides by non-residential uses, comprising industrial and commercial tenancies, which may pose amenity issues in the short term, this area is not occupied by heavy industry that is likely to cause significant issues for new residents and operate in close proximity to established dwellings at present. As the area is developed, these uses may move on. Mitigating factors include the presence of Road C and area of landscaping at the eastern portion of the site, providing some separation between the dwellings and industrial/commercial uses to the east. Additionally, these non-residential uses are located approximately 5m higher topographically than the subject sites (see figure 6 below). This may reduce the impact of noise through reducing the area directly exposed to noise. Notwithstanding this, it is considered appropriate to impose a condition requiring the provision of a notification on the Certificates of Title advising residents of the existing land uses in the area which may produce noise and other relevant amenity issues.

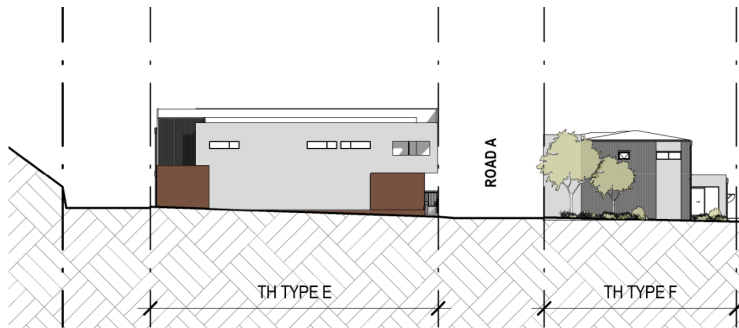


Figure 6: cross section showing topographical difference between eastern neighbours (left) to subject site (right).

Residential density

It is noted that there are no substantial changes made to the density of the proposal, and the below comments remain as per the previous RAR.

The Structure Plan aims to achieve housing diversity through providing a variety of housing types across the site and proposing density bonuses in certain scenarios, however does not set a minimum density or restrict the sites to certain percentages of different housing types in each development. Precinct 5 is allocated a density of R60/100, with development hitting the R80 density across the site through Grouped dwellings only.

With much of the structure plan area undeveloped, there is an opportunity for other housing types to be proposed in other areas. In the broader area, in addition to Single houses in the established areas, there are newer Multiple dwelling developments constructed.

While the development provides only 3-4 bedroom Grouped dwellings, given the planning framework does not set minimum requirements in the types of housing or size of housing provided, the lack of housing diversity is not considered sufficient reason to recommend refusal. Therefore, the proposed dwelling diversity proposed as part of this application is supported on-balance.

Non-residential land use

It is noted that the amended proposal provides additional land use diversity through providing a new 'Type G' dwelling type. As discussed in the body of the report, the 'Type E' dwellings are no longer considered adaptable dwellings.

It is noted that whilst land use diversity is an objective of the Structure Plan, there are no specific requirements for non-residential developments to occur as part of individual development applications. Rather non-residential land uses are encouraged through the development provisions of the Structure Plan via the mixed use designation and Grouped dwellings being listed as Permitted land uses.

The Structure Plan doesn't envisage any large-scale non-residential uses to occur within its borders due to its proximity to the Fremantle CBD. It is noted that capacity exists for the provision of convenience retail in the Structure Plan area, which may be achieved through the adaptability of dwellings for such uses (see discussion below).

The intended community and commercial focal point in the Structure Plan area is towards the eastern portion of Knutsford Street bordering the Golf Course, with the subject area being located at the south-western periphery of the Structure Plan area. Therefore, it is considered that provision of non-residential uses is made through the provision of adaptable dwellings which could allow for small or home based businesses, as discussed below.

Adaptability

It is noted that the amended proposal adds the additional dwelling 'Type G', and modifies the retained 'Type E' dwellings to no longer be considered adaptable dwellings. Further, improved universal accessibility has been provided to the 'Type D' and D1 dwellings, in addition to the 'Type G' dwellings.

Original proposal

Provision	Requirement	Proposal	Assessment
Adaptable mixed use – 'Type D'	Floor-to-ceiling height minimum 4.2m with commercial standard 'front door' access for all ground floors	- Front Bed 4/Adaptable room provided; - Front double sliding door to designated room (no footpath from street connecting directly to sliding	Does not comply

		- door, in addition to fence barrier); - Path to front door accessed via stairs, inhibiting universal access; and, - 2.67m floor to ceiling height in lieu of 4.2m floor to ceiling height.	
Adaptable mixed use – 'Type D1'	Floor-to-ceiling height minimum 4.2m with commercial standard 'front door' access for all ground floors	- Front Bed 4/Adaptable room provided; - Front double sliding door to designated room (no footpath from street connecting directly to sliding door, in addition to fence barrier); - Path to front door accessed via stairs, inhibiting universal access; and, - 2.67m floor to ceiling height in lieu of 4.2m floor to ceiling height.	Does not comply
Adaptable mixed use – 'Type E'	Floor-to-ceiling height minimum 4.2m with commercial standard 'front door' access for all ground floors	- No designated room specified on plan, however Bedroom 1 located in most logical area for use; - Front double sliding door to Bedroom 1 with at-grade hardstand connecting directly to it, allowing for acceptable universal access; and, - 2.67m floor to ceiling height in	Does not comply

		lieu of 4.2m floor to ceiling height.	
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Amended proposal

Provision	Requirement	Proposal	Assessment
Adaptable mixed use – ‘Type D’	Floor-to-ceiling height minimum 4.2m with commercial standard ‘front door’ access for all ground floors	- Front Bed 4/Adaptable room provided; - Front double sliding door to designated room (no footpath from street connecting directly to sliding door, in addition to fence barrier); - Path to front door accessed via stairs, inhibiting universal access (potential for future installation of wheelchair lift); and, - 2.67m floor to ceiling height in lieu of 4.2m floor to ceiling height..	Does not comply
Adaptable mixed use – ‘Type D1’	Floor-to-ceiling height minimum 4.2m with commercial standard ‘front door’ access for all ground floors	- Front Bed 4/Adaptable room provided; - Front double sliding door to designated room (no footpath from street connecting directly to sliding door, in addition to fence barrier); - Path to front door accessed via stairs, inhibiting universal access (potential for future installation of wheelchair lift); and, - 2.67m floor to ceiling height in lieu of 4.2m floor to ceiling height.	Does not comply

Figure 7 below shows the location of the adaptable housing types (Types D, D1 and G) throughout the development site.



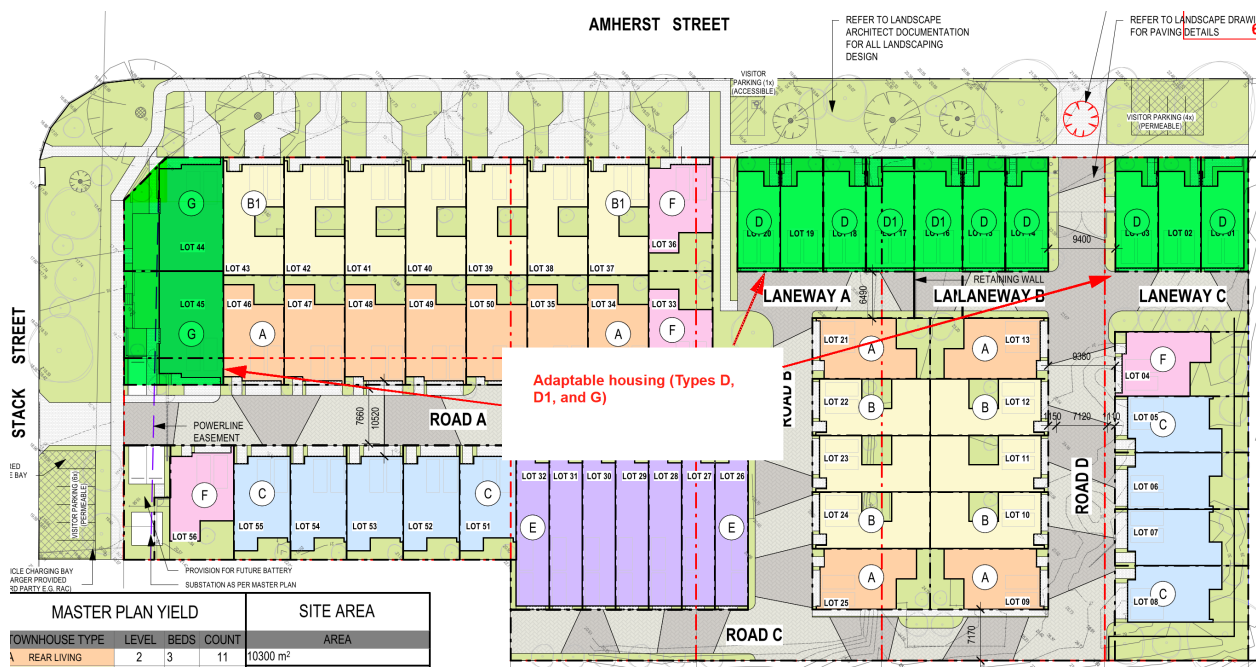


Figure 7: Location of proposed adaptable housing typologies (original August plans (top) and amended October plans (bottom) configurations)

Regarding the above, the applicant provided the following updated justification for the October plans:

"...As identified within the Knutsford Street East Local Structure Plan (KSELSP), adaptability in dwelling design to facilitate opportunities for future commercial use of dwellings is promoted. The amended plans (attached) have sought to expand on the previous provision of adaptable spaces by introducing a ninth dwelling type, shown as Type G on plan. These dwellings replace two Type F dwellings previously proposed (Lots 44 and 45). This dwelling type is located along the Stack Street frontage to support increased engagement to the Stack Street streetscape and introduce a larger and more open ground floor which can be adapted into a commercial offering in the future.

The Stack Street frontage has been selected as opposed to Amherst Street due to the existing commercial offering along Stack Street. The neighbouring site's host Stackwood, which includes retail and café tenancies as well as an event space, and a commercial office and manufacturing site at No.

8 and No. 6 Stack Street.

Drawing DA4.F.01 shows the Type G floor plan with a ground floor which has direct, universal access from the Stack Street frontage and is separated from the alternative access via the internal road. This dual access demonstrates a future ability to utilise the dwelling for two purposes, being a commercial/retail/office use on the ground floor and residential at the rear and on the second floor. Access fronting Stack Street includes a decked area which can be utilised as a shopfront/alfresco area. This increases the activation between the built form and the street scape and establishes a

dynamic and mixed-use environment as depicted in the KSESLP, whilst also allowing for the potential for a revitalised road verge through the proposed landscaping. This dwelling type has been designed to include an internal dual key access between adaptable space and residential exclusive space.

It is noted that the provision in the KSESLP regarding adaptability is the provision of a 4.2m ceilings for the ground floor. The recommended 4.2m ceiling height is an unnecessary planning provision that does not increase the ability to achieve adaptability or a permanent commercial land use. This is

evident throughout the City of Fremantle where successful shop housing has been either historically utilised or recently developed in key mixed-use areas.

Accordingly, a lower ceiling height does not preclude commercial activity or a home business suited to this location, nor does it increase the categories of small-scale commercial land uses a residential site can attend. This has been further ratified in the Officer's Recommendation and considered that the

proposed dwellings provide sufficient floor to ceiling height dimensions to allow for a variety of non-residential uses to occur. It was further noted in the Officer's Report that per the National Construction Code, the minimum floor to ceiling height for commercial premises is 2.4m. Accordingly, a 3.2m floor to ceiling height is considered suitable in this instance, and allows for meaningful flexibility to be provided. The proposed floor to ceiling heights of the revised Type G dwellings do not depart from this

assessment. Refer to Figure 4 which demonstrates adaptability of the dwelling. ..."

Regarding the above, noting the applicants comments, it is considered that the proposed dwellings provide sufficient floor to ceiling height dimensions to allow for a variety of non-residential uses to occur. It is further considered that the amended proposal provides improved universal access arrangements, as envisaged by the Knutsford Street East Structure Plan. The reasons for this are listed below:

- The floor to ceiling heights are 1m to 1.53m lower than the 4.2m specified in the Structure Plan. This reduces the capacity of the ceiling cavity to provide services which support non-residential functions. Notwithstanding, it is noted that per the National Construction Code (NCC), the minimum floor to ceiling height for commercial premises is 2.4m. As such, it is considered that a 2.67m to 3.2m floor to ceiling height is adequate, as it allows for meaningful flexibility to be provided in compliance with the NCC;
- As discussed above, other examples exist with lesser floor to ceiling heights, though these are in different localities. It is noted that in the north-eastern corner (Precinct 2) of the Knutsford Street Structure Plan area, DAP004/18 approved a significant number of Grouped dwellings, with several dwellings containing similar floor to ceiling heights to those proposed with this application. Therefore, the proposed floor to ceiling heights are consistent with the existing recently approved development in the Structure Plan area; and,
- The amended plans provided on 6 October 2022 provide wheelchair ramps to lots 1 and 17 (Type D and D1 dwellings respectively) and to lots 44 and 45 ('Type G' dwellings). Further, capacity has been provided for the remaining Type D and D1 dwellings for future installation of lifts from the public realm to the ground floors, if required in future. Therefore, the amendments have resulted in satisfactory universal access.

Regarding the above, whilst there is capacity for improvement to occur, it is considered that the proposed housing typologies, density, and capacity for different land uses are on-balance sufficient to satisfy the broader strategic aims of the Knutsford Street East Structure Plan.

Public Open Space contributions.

It is noted that the amended proposal doesn't provide any amendments relevant to Public Open Space contributions, and the below discussion is unchanged from the previous RAR.

Part 2.4 of the Knutsford Street East Structure Plan relates to public open space contributions. It notes that the provision of land for public open space may not be suitable in all instances, as it may be too small for practical use, and/or sufficient public open space exists or is planned in the locality. As such, the WAPC allows for public open space contributions to be provided through financial contributions (cash-in-lieu).

The Knutsford Street East Structure Plan considers the payment of cash-in-lieu within the structure plan area suitable given the immediate locality comprises significant passive and active public open spaces, such as Booyeembarra Park, Stevens Reserve, and Monument Hill. Moreover (see Figure 8 below), additional open space is allocated and planned in the Swanbourne Street Structure Plan area.



Figure 8: location of areas of public open space within close proximity to subject site (as the crow flies).

Therefore, the City considers that sufficient land is provided in the locality for public open space, and provides for contributions to be met principally through the provision of cash-in-lieu, which will contribute to the maintenance to, and improvements of, local areas of public open space.

It is noted that the clearance of this requirement is to occur as part of the subdivision application process, separate, though closely related to, this application. To this end, the City has recommended the imposition of a condition on the subdivision application requiring the provision of POS contributions via cash in lieu.

Local Planning Policy 2.9 – Residential Streetscape Policy

It is noted that the amended proposal doesn't provide any amendments relevant to Local Planning Policy 2.9, and the below discussion is unchanged from the previous RAR, with the exception of the discussion relating to the 'Type G' dwellings. It is noted that Lot 36 ('Type F') proposes the same level of discretion as the previous proposal, however is amended in its design to mirror the original proposal, noting that its Design Principle assessment is unchanged from the original proposal.

Primary street setback – Ground floor – lots 37-43 – 'Type B1'	5m	0.5m	4.5m
Primary street setback – Ground floor – Lots 1-3 and 14, 15, 18-20 – 'Type D'	5m	2m	3m
Primary street setback – Ground floor – Lots 16, 17 – 'Type D1'	5m	2m	3m
Primary street setback – Ground floor – Lots 36, 'Type F'	5m	Nil	5m
Primary street setback – Ground floor – Lot 44, 'Type G' *New dwelling type	5m	Nil	5m
Primary street setback – Upper	7m	0.5m	6.5m

floor – lots 37-43 – 'Type B1'			
Primary street setback – Upper floor – Lots 1-3 and 14, 15, 18-20 – 'Type D'	7m	2m	5m
Primary street setback – Upper floor – Lots 16, 17 – 'Type D1'	7m	2m	5m
Primary street setback – Upper floor – Lots 36, 'Type F'	7m	Nil	7m
Primary street setback – Upper floor – Lot 44, 'Type G' *New dwelling type	7m	1.7m	5.3m

It is noted that the amended plans provided on 6 October 2022 introduced the new 'Type G' dwelling type. Lot 44 has Amherst Street as its primary street, and is therefore included in the assessment. Lot 45 has internal road access, and isn't therefore included in this assessment.

In relation to the ground and upper floor primary street setbacks, Table 1 of LPP2.9 establishes the prescribed setbacks for buildings within each local planning area. Clause 1.2(i) & (ii) states that the City has discretion to vary these criteria when;

- '(i) *The proposed setback of the building is consistent with the setback of buildings of comparable height within the prevailing streetscape; or*
- (ii) *The proposed setback of the building does not result in a projecting element into an established streetscape vista by virtue of the road and/or lot layout in the locality or the topography of the land; or;*
- (iii) *The proposed setback of the building will facilitate the retention of a mature, significant tree deemed by the Council to be worthy of retention; or*
- (iv) *Where there is no prevailing streetscape; or,*



- (v) *Where the proposed development is on a lot directly adjoining a corner lot, Council will consider a reduced setback that considers the setback of the corner lot in addition to buildings in the prevailing streetscape.'*

The setbacks to the ground and upper floors of the subject dwelling types listed in the Table above are considered to meet the merit based criteria in the following ways;

- Given there is no prevailing residential streetscape per the Policy, there is no existing residential precedent for this block. Therefore, in considering the primary street setback variations, the Design Principles of the RCodes are relevant, discussed below:

It is considered that the primary street setbacks of the proposed development meets the Design Principles of Part 5.1.2 of the RCodes in the following ways:

- The development is generally compatible and consistent with the setbacks of nearby development due to the following reasons:
 - The development for the southern portion of the subject site is two storey, which transitions the scale down towards the lower density residential development to the south of Stack Street;
 - The dwellings at the southernmost portion of the site ('Type F'), are setback 5m from the southern lot boundary due to the presence of the powerlines. As such, the built form is setback approximately 17m from the southern kerb facing Stack Street. Moreover, there is an approximate 36m distance between the built form of the subject site and that of No. 44 Amherst Street to the south. Therefore, it is considered that a significant distance exists between the development and the southern neighbouring dwellings to ensure that the proposed setbacks have an acceptable impact on the broader streetscape; and,
 - The built form to the northern neighbouring sites are either vacant, or constitutes a building with a nil setback to Amherst Street. Further, the northern neighbouring site has a ground level up to approximately 3m higher than the subject site at the western side.

In addition to the above, the primary street setbacks of neighbouring developments along Stack Street are approximately 3.6m-7.2m. Therefore, the proposal is setback approximately in line with the average setback of development along Stack Street;

- It is considered that the reduced primary street setbacks don't result in any adverse visual privacy impacts on adjoining dwellings;
- Whilst open space is non-compliant for the dwellings, it is considered that the wide verges help mitigate any adverse impacts;
- The reduced setbacks allow for sufficient parking to be provided on-site, in addition to relevant utilities;
- Whilst the provision of landscaping is not optimal in the private realm due to the reduced primary street setbacks, in addition to the overshadowed rear outdoor living areas, it is considered that the presence of landscaping in the relatively wide verge areas of Amherst and Stack Streets provides an attractive landscaping setting for the public realm. Additionally, minor portions of landscaping in the front setback areas of the dwellings are provided, which makes a minor aesthetic contribution; and,
- The reduced setbacks allow for safe clearance from any easements. It is noted that the dwellings along Stack Street are sufficiently setback from the powerlines.

Residential Design Codes - Volume 1.

Vehicle sightlines

It is noted that the amended proposal removes the proposed letter boxes to the dwellings facing Amherst Street and is thereby removed from the assessment. It is noted that the new 'Type G' dwellings comprise vehicle sightline issues due to built form within the truncation area, in addition to the re-configured Lot 36 ('Type F'). The remaining dwellings are unchanged in their assessment, and it is per the previous RAR.

Provision	Requirement	Proposal	Assessment
Vehicle sightlines (Types B, B1, F and G)	Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences, or other structures adjoin: i. a driveway that intersects a street, right-of-way or communal street;	Built form (portions of building) with a height above 0.75m within the vehicle sightlines area.	See below.



The proposal is considered to satisfy the design principles of the R-Codes in the following ways;

- The built form within the sightlines area present due to the reduced primary street setbacks for Type B, B1, F and G dwellings, is considered to have an acceptable impact on safety, given the overall distance from the garage door to the footpath along Amherst Street is 10m which allows for safe exiting of vehicles from garages.

Whilst not part of the Design Principle assessment, given the proposed element is in the City's Road reserve, as discussed, the City's Infrastructure department recommends the visitor bays located along the Amherst Street road reserve be removed in order to provide unobstructed sightlines, in addition to other reasons. It is noted that in the amended development plans dated 5 August 2022, the visitor bays have been moved 6m away from the vehicle crossovers. It is noted, however, that the Infrastructure Department retains concerns relating to sightlines, noting:

"...The principal concern, as stated early on, is the number of vehicle access points, including the visitors parking, along Amherst St. The visitors bays are undefined and do not guarantee through their presentation that the driver will allow sufficient distance from the rear of the car to the kerb line offering nearby crossover egress ease of vision to the nearside lane on Amherst St. This will be particularly true for the individual crossovers as the drivers will most likely be reversing.

While the position of the visitor bays is reasonable from the context of convenience for visitors to access the internal walkways of the lot, they ignore best practice for the long term safe operation of access and egress for residents and visitors of the site. Parking should be located downstream of access points, not up stream where potential conflicts can occur due to poor vision..."

Regarding the above comments, it is noted that the visitor bays and crossovers are not approved as part of this application. As such, the above comments don't prohibit the proposal from meeting the Design Principles as they relate to development on the subject sites impacting on sightlines and any proposed design of landscaping or other verge works will be required to consider sightlines at all access points.

It is noted that the amended plans dated 6 October 2022 propose the relocation and reconfiguration of the visitor parking areas along Stack and Amherst Streets, with three bays

being moved to within the subject site. **This is further discussed in the body of the report.**

Garage width

It is noted that there are no substantial changes made to the garage widths of the proposal, and the below comments remain as per the previous RAR, with the exception of replacing Lot 44 with the new 'Type G' dwelling from the original 'Type F' dwelling. The additional discussion at the end of this section relating to crossovers has been amended to include discussion regarding the amended crossovers and street tree retention.

Provision	Requirement	Proposal	Assessment
Garage width – Lot 36 ('Type F')	60% of 9m frontage (5.4m)	5.9m (65% of frontage)	0.5m (5% of frontage)
Garage width – Lots 37-43 ('Type B1')	60% of 8.5m frontage (5.1m)	5.8m (68% of frontage)	0.7m (8% of frontage)
Garage width – Lot 44 ('Type G')	60% of 7.9m frontage (4.7m)	5.9m (74% of frontage)	1.2m (15% of frontage)

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

- The visual connectivity between the street and the dwelling is maintained. Views from major openings to the street remain unaffected;
- Whilst the widths of the garage doors range in their departures from the Deemed-to-Comply provisions, it is considered that the design of the dwellings incorporates architectural features which result in the main focal point of the dwellings being elements other than the garage doors. These design elements include:
 - Upper floor balconies to 'Type B1' dwellings with a 0.5m setback to Amherst Street, occupying 54% of the width of the façade;
 - Upper floor balcony to Lot 36 ('Type F' dwelling) with a nil setback to Amherst Street, occupying 86% of the width of the façade;
 - Upper floor balcony to Lot 44 ('Type G' dwelling) with a nil setback to Amherst Street, occupying 98% of the width of the façade; and,
 - Design elements to the facades of the dwellings incorporating articulation, massing, and differing (yet complimentary) materials to create multiple points of interest in the façade (see Figure 9 below demonstrating the view of the subject dwellings from Amherst Street). It is noted that the colouring of the materials ensures

that the garage door doesn't significantly contrast with the appearance of the facades. As such, the appearance of the garage door 'blends in' with the overall façade; and,



Figure 9: view of dwellings with garages facing Amherst Street

- Water-sensitive urban design landscaping occurring in the Amherst Street road reserve could aid in softening the presentation of the garages to the streetscape. It is noted that the plans were amended on 5 August 2022 to move the public footpath 10.2m from the garage doors, thereby further reducing their presence to, and impact onto, the public realm, given any views towards the garage will occur from at least 10m away through verge vegetation (see Figure 10 below):

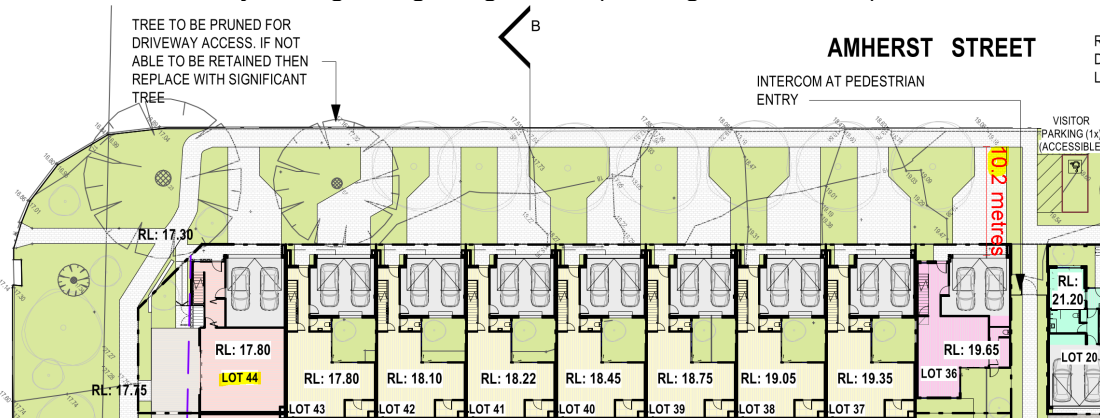


Figure 10: Amended distance of footpath from garage doors with landscaping in the verge.

It is noted that the City's Infrastructure and Parks and Landscaping Departments raised concerns relating to the proposed crossovers for the corner grouped dwellings (types B1 and G). These concerns primarily related to the cumulative impact of the number of crossovers, location of the crossovers close to the corner truncation area between Stack and Amherst Street (specifically relating to Lot 44), noting that a setback of 6m is required; in addition to the removal of mature street trees. It is noted that this proposed lot layout requires minor modifications to the subdivision approved by the WAPC and vehicle access to lots must be provided.

The amended plans have revised the crossovers in such a way as to potentially retain the street tree near the intersection of Stack and Amherst Streets, which was initially proposed to be removed. It is noted, however that the proposed design of the crossover to Lot 43

does not appear to have sufficient separation from the tree and the condition regarding a replacement tree remains as part of the officers recommendation. The applicant may liaise with the City's Parks and Landscaping Department should they wish to try and retain the street tree, noting that it will likely be incompatible with the proposed crossover configuration as shown.

It is acknowledged that significant improvements can be made in reducing the size and impact of the crossovers. This may be achieved through the use of innovative material and design solutions (e.g., reducing the width of the crossovers, using water permeable materials, in addition to the introduction of mature vegetation to the verge space between each crossover due to the proposed street tree removal). Further, capacity may exist to consolidate vehicle access of Lots 43 and 44 from one crossover, away from the corner of Amherst Street. As noted, the crossovers have been amended, however concerns still remain relating to their practical ability to facilitate vehicle movements, design (given the crossover to Lot 43 is partially located in front of Lot 42), and to retain mature vegetation (2.5m clearance from street tree to crossover required), in addition to the aforementioned concerns.

Furthermore, the City undertook a Halliwell report relating to street trees removal which is required by the applicant for vehicle access, which has equated to a total of \$35,813.61 amenity value.

Local Planning Policy 1.10 – *Construction sites* states that:

"...Where trees are authorised for removal as part of a development application, the land owner shall fund the full cost of the tree removal and pay for the cost of two replacement trees on the verge of the property the following planting season..."

Accordingly, it is warranted that a condition is recommended to be imposed ensuring the replacement of the removed verge trees to the City's satisfaction to ensure the level of streetscape amenity is reinstated to the immediate area and particularly Amherst Street. Notwithstanding, the cost of additional verge works and plantings may be required to be borne by the proponent as appropriate.

Visitor Car Parking

The proposed visitor car parking configuration has been amended from the original proposal to include three bays located on-site, with the remaining bays to be located on the road reserve in an amended configuration, as discussed further in this section. Further to the above, one visitor bay located in the Stack Street road reserve will be an electric vehicle charging bay.

Provision	Requirement	Proposal	Assessment
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Visitor parking	<table><tr><th>Dwellings</th><th>Visitor bays</th></tr><tr><td>0 - 3</td><td>nil</td></tr><tr><td>4</td><td>1</td></tr><tr><td>5 - 8</td><td>2</td></tr><tr><td>9 - 12</td><td>3</td></tr><tr><td>13 - 16</td><td>4</td></tr><tr><td>17 +</td><td>1 additional bay for every 4 dwellings or part thereof</td></tr></table>	Dwellings	Visitor bays	0 - 3	nil	4	1	5 - 8	2	9 - 12	3	13 - 16	4	17 +	1 additional bay for every 4 dwellings or part thereof	3 proposed on site.	See below
	Dwellings	Visitor bays															
	0 - 3	nil															
	4	1															
	5 - 8	2															
	9 - 12	3															
	13 - 16	4															
	17 +	1 additional bay for every 4 dwellings or part thereof															
	11 proposed in road reserve.																
	Net reduction of 2 bays from original proposal, but increase of viable on site parking																
56 Grouped dwellings proposed. Therefore, 14 visitor bays required.																	

The reduced vehicle parking provided on-site is supported for the following reasons against the design principles of the R-Codes, noting that an additional three bays have been relocated from the verge to within the subject site;

- Each dwelling on site is provided with two car bays.
- There is sufficient available off-site parking available nearby to the subject site, with residential visitors less likely to conflict with customers or staff of businesses which typically operate during business hours. It is noted that some degree of visitor parking may also occur in the crossovers for the dwellings in the southern portion of the site facing Amherst Street; and,
- The subject site is located adjacent to public transport and potential future cycling infrastructure along Amherst Street.

It is noted that the City's Infrastructure Department recommends the removal of the visitor bays to the Amherst Street road reserve to reduce overall hardstand impact on the streetscape, in addition to improving vehicle sightlines for the abutting vehicle crossover (noting that the visitor bays on Stack Street are



supported). It is noted that the amended plans provided on 6 October 2022 have proposed the following changes to the visitor parking configuration:

- Removal of three visitor bays along Amherst Street (retention of four bays at northern portion of Amherst street frontage, and provision of universal access bay toward mid-portion of Amherst Street frontage;
- Removal of two bays, and re-location of remaining six visitor bays along Stack Street to the easternmost point of the Stack Street frontage; and,
- Provision of three visitor bays internal to site, gaining access from Stack Street.

In this regard, as discussed above, the City's retains concerns relating to the impact of the visitor bays on sightlines of reversing cars from the adjacent crossovers along Amherst Street. Notwithstanding, this increased setback is considered to pose a degree of improvement the potential adverse interaction between cars from the visitor bays and the crossovers, but does not fully resolve the scenario. Visitor parking bays may be easier to accommodate on the Stack Street road reserve.

Ultimately, the decision maker will need to consider whether approving the site with limited visitor parking is appropriate, noting that any visitor bays being proposed by the applicant are in the road verge and will be subject to further discussion with the City.

In addition to the above, it is noted that one electric charging Visitor bay has been provided in the Stack Street road reserve. It is noted that the City's Engineering Department has advised that the electric charging station can only be supported if it is located on site, servicing on-site electric vehicle charging bays. The City is not able to accommodate the extension of this type of infrastructure into the City's road reserve. Therefore, the applicant is encouraged to re-locate the electric vehicle charging bay accordingly. It is noted that provision has been made for a future battery within the subject site along Stack Street adjacent to a visitor parking bay located on site, which may be an appropriate location for an electric visitor vehicle charging bay.

Additionally to the above, it is noted that the proponent will need to liaise separately with Western Power regarding the proposed sub station located within the development site along Stack Street underneath the powerline.

Landscaping (internal to development)

The amended proposal has provided additional landscaping area within the overall development site, which is further discussed in the section below.

The R-Codes for Grouped dwellings are limited in their requirements for on site landscaping, with most provisions requiring the provision of hard infrastructure rather than planting in common property areas.

The proposed landscaping of the common property and communal open spaces doesn't meet the Deemed-to-Comply provisions of Part 5.3.2 C2.1 the R Codes for the following reason:

- No lighting strategy has been provided (this will be conditioned to be provided).

It is noted that the amended plans have provided improved universal access for dwellings facing Amherst and Stack Streets, in addition to internal facing lots.

While not public streets, it is also noted that the Grouped dwellings that front the internal roads contain minimal landscaping. The portions of landscaping outside of most of these dwellings is generally insufficient to contain any significant planting. It is noted that some small portions of land abutting the internal roads exist with the capability to be used as deep soil planting areas, however given the quantity of lots proposed, this is considered insufficient in the context of the overall development.

Regarding the communal streets, the applicant notes that the widths of the communal street is less than the 12m minimum width required by Part 5.3.5, C5.7 of the R-Codes. Whilst this is correct, it is noted that the minimum required width of the paved area is 5.5m, which also needs to include pedestrian paths, which require a width of 1.2m. Therefore, a minimum total paved width of 7.9m is required (assuming pedestrian paths either side), which is generally exceeded. Therefore, it is considered that capacity exists for additional landscaping to be provided in portions of the development site.

Noting the above points, it is noted that additional landscaping area has been provided for the overall development, including within the internal road areas, as part of the amended plans dated 6 October 2022. It is noted that the amount of area capable of use as deep soil area isn't significantly increased, nor have any new locations of deep-soil area been proposed.

In addition to the above, the below assessment details the provision of deep-soil planting area and provision of trees for each of the proposed dwelling typologies pursuant to Part 5.3.2 C2.2 of the R-Codes:

Provision	Requirement	Original proposal	Amended proposal	Assessment
'Type E'	1 tree; 2m x 2m deep soil tree planting area	- 1.4m x 0.5m (lots 26-31).	- 1.4m x 0.5m (lots 26-31).	Non-compliant

		- 6.9m x 0.7m (lot 32). - No trees.	- 7.1m x 1m (lot 32). - No trees.	
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The dwellings not listed in the table above meet the subject Deemed-to-Comply requirements.

Based on the above, the provision of landscaping is generally compliant for all proposed housing types (with tree provision capable of being conditioned for dwellings with no indicative tree shown). The only non-compliant house type is 'Type E', which contains minimal soft open space capable of use for landscaping, and shows no tree provision or capability for tree provision.

In this instance, in accordance with the below Design Principle assessment, whilst not the preferred outcome, the landscaping provision is supportable on balance for the following reasons:

- The 'Type E' dwellings are small lots, and the provision of a sufficient on-site landscaping area is considered impractical in this context. Additionally, the number of lots with non-compliant landscaping is very small, given these sites comprise 12% of the total proposed lots; and,
- The 'Type E' dwellings have a modest portion of soft landscaping area located at the front of lots (31m x 1.3m), and a strip of soft landscaping area to the side of lot 26 (22m x 1.1m). These areas are referred to as 'internal streetscapes' on the Landscaping Plan, which will include a diverse planting mix of hardy native and shade tolerant plant species, which are waterwise and easily maintained.

Outdoor living area (OLA)

It is noted that the amended plans provided on 6 October 2022 have provided minor increases in the OLA of the 'Type A' dwellings, thereby making them compliant with the OLA requirements of the R-Codes. Additionally, minor changes have been made to improve the dimensions and OLA for the 'Type C' (Lots 51-55) dwellings, and have introduced the new 'Type G' dwellings, which require an OLA discretionary assessment. The remaining assessment is per the previous RAR.

Original proposal

Provision	Requirement	Proposal	Assessment
'Type A'	4m x 4m dimension	4.2m x 3.6m	0.4m
	Area: 16m ²	15m ²	1m ²

'Type C' (lots 51-55)	4m x 4m dimension	2.8m x 4.3m	1.2m
	Area: 16m ²	12m ²	4m ²
'Type D'	4m x 4m dimension	Nil (nil outside primary street setback area)	See assessment
	Area: 16m ²	Nil (nil outside primary street setback area)	See assessment
'Type D1'	4m x 4m dimension	Nil (nil outside primary street setback area)	See assessment
	Area: 16m ²	Nil (nil outside primary street setback area)	See assessment
'Type E'	4m x 4m dimension	Nil (nil outside primary street setback area)	See assessment
	Area: 16m ²	Nil (nil outside primary street setback area)	See assessment

Amended proposal

Provision	Requirement	Proposal	Assessment
'Type C' (lots 51-55)	4m x 4m dimension	3m x 4.3m	1m
	Area: 16m ²	12.9m ²	3.1m ²
'Type D'	4m x 4m dimension	Nil (nil outside primary street setback area)	See assessment

	Area: 16m ²	Nil (nil outside primary street setback area)	See assessment
'Type D1'	4m x 4m dimension	Nil (nil outside primary street setback area)	See assessment
	Area: 16m ²	Nil (nil outside primary street setback area)	See assessment
'Type E'	4m x 4m dimension	Nil (nil outside primary street setback area)	See assessment
	Area: 16m ²	Nil (nil outside primary street setback area)	See assessment
'Type G'	4m x 4m dimension	Nil (nil outside primary street setback area)	See assessment
	Area: 16m ²	Nil (nil outside primary street setback area)	See assessment

The dwellings not listed in the table above meet the subject Deemed-to-Comply requirements.

The Design Principle assessments for the above Outdoor living area variations for each of the dwelling types are provided below.

'Type C' (lots 51-55)

In considering the below Design Principle assessment, it is noted that in the amended plans provided on 6 October 2022, the depth of the OLA for lots 51 to 55 have been increased by 0.2m, and the area has been increased by an additional 0.9m, representing a modest improvement.

It is noted that lots 51-55 of 'Type C' are subject of this Design Principle assessment. It is noted that each of the dwellings comprises a 12m² upper floor balcony. In considering the Design Principle assessment, the below is relevant regarding the balconies:

- Despite their 2.3m depth, it is considered that they have sufficient area to allow for a degree of functionality, with space available for outdoor furniture to be provided;

- The balconies are capable of use in conjunction with primary living spaces of the dwellings, namely the Living, Dining, and Kitchen rooms;
- It is considered that the aforementioned balconies allow for adequate sunlight and ventilation to be provided to residents, despite them having no area uncovered by roof;
- As noted, the 1.6m depth allows for some flexibility regarding the use of the space, with capacity for appropriate planting to occur, noting that no trees are able to be planted on the balcony. Notwithstanding, the rear ground level outdoor living area will be planted with shade tolerant plants, including trees;
- Whilst not optimising the northern aspect of the site, the balconies have access to the afternoon sun given they face west;
- The balconies provide passive surveillance of the street from the dwelling; and,
- No visually impermeable fencing is proposed in association with the balconies.

Therefore, it is considered on-balance that the aforementioned 'Type C' dwellings generally meet the relevant Design Principles.

'Type D'

Regarding 'Type D' dwellings, it is noted that each lot comprises a 20m² balcony. In considering the Design Principle assessment, the below is relevant regarding the balconies:

- The balconies have 4m x 5m dimensions. This is considered to allow sufficient space for the enjoyment of residents;
- The balconies are capable of use in conjunction with primary living spaces of the dwellings, namely the Living, Dining, and Kitchen rooms;
- The balconies comprise 10m² of uncovered area, which allows for adequate sunlight and ventilation to occur;
- The dimensions allow for the provision of landscaping to occur, noting that trees cannot be provided on the balcony. Nonetheless, the ground floor front yard area has sufficient dimensions to allow for the planting of trees;
- Whilst not optimising the northern aspect of the site, the balconies have access to the afternoon sun given they face west;
- The balconies provide passive surveillance of the street from the dwelling; and,
- No visually impermeable fencing is proposed in association with the balconies. It is noted that screening is proposed to the northern elevation of the balconies for lots 2, 15, 18, and 19.

Therefore, it is considered on-balance that the 'Type D' dwellings generally meet the relevant Design Principles.

'Type D1'

Regarding 'Type D1' dwellings, it is noted that each lot comprises a 22m² balcony. In considering the Design Principle assessment, the below is relevant regarding the balconies:

- The balconies have 4m x 5.5m dimensions. This is considered to allow sufficient space for the enjoyment of residents;
- The balconies are capable of use in conjunction with primary living spaces of the dwellings, namely the Living, Dining, and Kitchen rooms;

- The balconies comprise 10m² of uncovered area, which allows for adequate sunlight and ventilation to occur;
- The dimensions allow for the provision of landscaping to occur, noting that trees cannot be provided on the balcony. Nonetheless, the ground floor front yard area has sufficient dimensions to allow for the planting of trees;
- Whilst not optimising the northern aspect of the site, the balconies have access to the afternoon sun given they face west;
- The balconies provide passive surveillance of the street from the dwelling; and,
- No visually impermeable fencing is proposed in association with the balconies. It is noted that screening is proposed to the northern elevation of the balconies for lots 16 and 17.

Therefore, it is considered on-balance that the 'Type D1' dwellings generally meet the relevant Design Principles.

'Type E'

Regarding 'Type E' dwellings, it is noted that each lot comprises an 18m² balcony. In considering the Design Principle assessment, the below is relevant regarding the balconies:

- The balconies have 2.8-4.5m x 3.1-4.3m dimensions. This is considered to allow sufficient space for the enjoyment of residents;
- The balconies are capable of use in conjunction with primary living spaces of the dwellings, namely the Living, Dining, and Kitchen rooms;
- The balconies don't have any roof cover, however they do contain full height walls enclosing them to the sides. It is considered that this allows for solar access during the afternoon, in addition to adequate ventilation;
- The dimensions allow for the provision of landscaping to occur, noting that trees cannot be provided on the balcony. It is noted that no tree planting can occur at the subject sites, given the insufficient uncovered ground area;
- Whilst not optimising the northern aspect of the site, the balconies have access to the afternoon sun given they face west and have no roof cover;
- The balconies provide passive surveillance of the street from the dwelling; and,
- No visually impermeable fencing is proposed in association with the balconies facing west, however they do comprise solid side walls, which is necessary to provide a degree of privacy between neighbouring properties.

Therefore, it is considered on-balance that the 'Type D1' dwellings generally meet the relevant Design Principles.

Regarding 'Type G' dwellings, it is noted that each lot comprises a 17m² balcony, in addition to an outdoor deck space facing Stack Street. In considering the Design Principle assessment, the below is relevant regarding the balconies:

- The balconies have 2.5m x 6.9m dimensions. This is considered to allow sufficient space for the enjoyment of residents;
- The balconies are capable of use in conjunction with primary living spaces of the dwellings, namely the Living, Dining, and Kitchen rooms;
- It is considered that the balconies have adequate solar access during the afternoon and morning for lots 44 and 45 respectively, in addition to adequate ventilation;

- The dimensions allow for the provision of landscaping to occur, noting that trees cannot be provided on the balcony. It is noted that tree planting may occur on site at the Stack Street interface, noting that it may be limited by the overhead powerlines;
- Whilst not optimising the northern aspect of the site, the balconies have access to adequate sunlight;
- The balconies provide passive surveillance of the street from the dwelling; and,
- No visually impermeable fencing is proposed in association with the balconies facing west, however they do comprise solid side walls, which is necessary to provide a degree of privacy between neighbouring properties.

In addition to the above, the 'Type G' dwellings also comprise a decking area along the Stack Street interface. Whilst the intention is to allow for these areas to be unused in conjunction with non-residential uses, it is capable of being used as a secondary outdoor living area.

Therefore, it is considered on-balance that the 'Type G' dwellings generally meet the relevant Design Principles.

Reasons for deferral

When considering the reasons for deferral outlined by the JDAP, Officer comment on the applicant's updated proposal is provided in the table below –

Reason for JDAP deferral	Officer comment
<i>Demonstrate how the internal laneways and spaces can accommodate increased functional areas of soft landscaping,</i>	The plan has been updated to show landscaping areas within the existing lot layout. For there to be substantial change, the lot layout would need to be redesigned, and while any increase in soft landscaping is welcomed, the updated plans do not show significant change from that previously put to JDAP.
<i>Consider the reduction of on-site private parking and the inclusion of some of the required on-site visitors parking, parking for share vehicles, and suitably located EV charging facilities,</i>	Three visitor bays have been provided on-site, which is a minor improvement from the zero onsite bays provided previously. An EV charging facility has been indicated for one bay on Stack Street within the road reserve. Officers do not support the location of the EV facility in the road reserve due to impracticalities of maintenance and suggest that this should be onsite.

<i>Increased functional area of the outdoor living areas to units Type A and Type C (units 51-55),</i>	The 'Type A' dwellings now meet the Deemed-to-Comply provisions of the R-Codes, and minor improvements have been made to the 'Type C' dwellings.
<i>Reconsider the size and impact of the vehicle crossovers to Amherst Street including the potential mitigation through mature tree planting,</i>	The number of access points to Amherst Street has not been altered, and while the redesigned width results in less hardstand on the verge, there are some instances that are not suitable. As with onsite deep soil landscaping, the biggest design change that would make a difference to this aspect would be a lot redesign to ensure a consolidated access point.
<i>Consider the reduction of the verge visitor parking on Amherst Street to be offset by on-site visitor parking,</i>	Some onsite visitor parking has been added, and verge parking reduced.
<i>Demonstrate how universal access will be provided to dwelling Type D and D1.</i>	Improvements have been made to universal access, namely relating to the 'Type D' and 'Type D1' dwellings located along Amherst Street. The more significant change is the introduction of the to the new 'Type G' dwellings, which include street front accessible spaces that are also potentially useful for small businesses.
<i>Improve the solar passive design to ensure that the majority of dwellings have adequate access to the northern winter sun in living areas</i>	Two dwellings have been flipped to include a minor increase to northern orientation and some outdoor living areas have been increased in size, but overall the plan remains as is in terms of layout. No alterations have been proposed to the orientation or location of lots that could increase northern winter sun access.



<i>Demonstrating how non-residential activities can be accommodated on site</i>	The introduction of the new 'Type G' dwellings that faces Stack Street, has created two spaces that could realistically be used for a small business that is easily found by a customer.
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In relation to Planning Committee's original reasons for refusal, the reasons listed by JDAP reflect these somewhat and seek to bring the development closer to the vision outlined in the Structure Plan by setting higher expectations in the built form. While an attempt has been made to make alterations to the plans to address the reasons for deferral, these are considered to be limited in their influence of the final outcomes.

Conclusion:

In assessing this development, the primary elements of discretion posed by this application relate to the diversity of land uses and dwelling typologies, primary street setbacks, and landscaping. The revised plans include minor improvements to the proposal, which remains supported against the statutory requirements of Residential Design Codes and the Knutsford Street East Structure Plan.

Therefore, the application remains recommended for approval, subject to the recommended conditions.

Officer recommendation

That the Metro Inner-South JDAP resolves to:

Accept that the DAP Application reference DAP/22/02244

1. Is appropriate for consideration as a "Grouped dwelling" land use and compatible with the objectives of the zoning table in the City of Fremantle Local Planning Scheme No. 4.
2. **Approve** DAP Application reference DAP/22/02244 and accompanying plans UDS2.02-RevJ, DA01.00-RevK, DA01.01-RevK, DA01.02-RevK, DA01.03-RevK, DA01.04-RevK, DA01.05-RevK, DA01.06-RevK, DA02.01-RevK, DA02.02-RevK, DA02.03-RevK, DA03.01-RevJ, DA04.01-RevK, DA4.A.01-RevE, DA4.A.02-RevE, DA4.A.03-RevE, DA4.A.04-RevE, DA4.A.05-RevE, DA4.A.06-RevE, DA4.B.01-RevE, DA4.B.02-RevE, DA4.B.03-RevE, DA4.B.04-RevE, DA4.B.05-RevE, DA4.B1.01-RevE, DA4.B1.02-RevE, DA4.B1.03-RevE, DA4.B1.04-RevE, DA4.B1.05-RevE, DA4.C.01-RevE, DA4.C.02-RevE, DA4.C.03-RevE, DA4.C.04-RevE, DA4.C.05-RevE, DA4.D.01-RevF, DA4.D.02-RevG, DA4.D.03-RevG, DA4.D.04-RevG, DA4.D.05-RevG,



DA4.D1.01-RevF, DA4.D1.02-RevG, DA4.D1.03-RevG, DA4.D1.04-RevG, DA4.D1.05-RevG, DA4.E.01-RevG, DA4.E.02-RevG, DA4.E.03-RevG, DA4.E.04-RevG, DA4.E.05-RevG, DA4.E.06-RevG, DA4.E.07-RevG, DA4.F.01-RevF, DA4.F.02-RevF, DA4.F.03-RevF, DA4.F.04-RevF, DA4.F.05-RevF, DA05.01-RevJ, and DA06.01-RevJ (dated 5 August) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of City of Fremantle Local Planning Scheme No. 4, subject to the following conditions:

Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. This development approval does not relate to any works within the Amherst Street and Stack Street road reserves, including (though not limited to) the indicative visitor car bays, crossovers, removal of street trees, and provision of landscaping treatments. Any works within this area will require the approval of the City of Fremantle.
4. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
5. The pedestrian access and vehicle gates, 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.
6. The development hereby permitted shall be finished and maintained generally in accordance with the approved colour/building finishes schedule dated 6 October 2022 to the satisfaction of the City of Fremantle. Any modification to the approved schedule is to be approved by the City of Fremantle.



7. Prior to commencement of development works, investigation for soil and groundwater contamination is to be carried out to determine if remediation is required.

If required, remediation, including validation of remediation, of any contamination identified shall be completed prior to the commencement of construction works to the satisfaction of the City of Fremantle on advice from the Department of Water and Environmental Regulation, to ensure that the site is suitable for the proposed use.

Investigations and remediation are to be carried out in compliance with the *Contaminated Sites Act 2003* and current Department of Water and Environmental Regulation contaminated sites guidelines. (Department of Water and Environmental Regulation).

8. 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.
9. Prior to the issue of a building permit, a detailed landscaping plan that addresses onsite landscaping in common property, 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.
10. Prior to issue of a building permit, 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
 - Details of waivers to be provided to indemnify the City from damages that may occur in relation to waste collection
 - 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.

11. Prior to the issue of a building permit for the development hereby approved, an outdoor lighting plan must be submitted and approved by the City of Fremantle. The outdoor lighting is to be designed, baffled and located to prevent any increase in light spill onto the adjoining properties.
12. Prior to the issue of a building permit or Demolition Permit a Construction and Demolition Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:
 - a) Use of City car parking bays for construction related activities;
 - b) Protection of infrastructure and street trees within the road reserve;
 - c) Security fencing around construction sites;
 - d) Gantries;
 - e) Access to site by construction vehicles;
 - f) Contact details;
 - g) Site offices;
 - h) Noise - Construction work and deliveries;
 - i) Sand drift and dust management;
 - j) Waste management;
 - k) Dewatering management plan;
 - l) Traffic management; and
 - m) Works affecting pedestrian areas.

Dewatering application must include:

- Written approval from department of Water and Department of Park and Wildlife
- Dewatering impact report
- Demonstrated compliance with Swan Trust Policy SRT/DE6



- Before discharge in to the City's storm water system, they need to have a sediment control and weekly monitoring plan.

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

13. 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.
14. Prior to the occupation of the development, the approved on site landscaping shall be completed in accordance with the approved plans or any approved modifications thereto to the satisfaction of the City of Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of the development, to the satisfaction of the City of Fremantle.
15. Prior to the occupation of the development hereby approved, all on site car parking, and vehicle access and circulation areas shall be maintained and available for car parking/loading, and vehicle access and circulation on an ongoing basis to the satisfaction of the City of Fremantle.
16. Prior to occupation of the development hereby approved, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that the subject site is located in close proximity to existing Industrial, Commercial, and Warehouse uses and may be subject to noise, odour and activity not normally associated with residential use. The notification is to be prepared by the City's solicitors at the expense of the owner and be executed by all parties prior to occupation.
17. 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.



18. 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.
19. Prior to occupation of the development, the cost of any street trees approved for removal in order to accommodate vehicle access to the site must be paid to the City, in addition with the cost of two replacement trees on the verge in accordance with LPP 1.10 Construction Sites, to the satisfaction of the City of Fremantle.
20. 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

1. The City advises that the required landscaping plan should address the applicable provisions within Design Element 5.3.2 – Landscaping of the Residential Design Codes – Volume 1. The City strongly encourages deep planting zones that should be uncovered, contain a retained or planted tree to Council's specification, have a minimum dimension of 3.0m and at least 50% is to be provided on the rear 50% of the site.
2. As part of future crossover permits and other approval processes for verge works/ treatment to the subject site on Amherst and Stack Street, the City strongly recommends that further information and detail/ methodologies will need to be explored and implemented to reduce the impacts of the proposed number of crossovers and visitor parking bays onto the City's Road reserve. Any ways to reduce hardstand and install high quality landscaping is strongly encouraged to ensure support is provided at detailed design and approval stage for the verge works. These elements of improvement include (though are not limited to) the following:
 - Consideration of the Lot 44 crossover, away from the intersection of Stack and Amherst Streets or alternative arrangement otherwise approved by the City;
 - Reduction of crossover width to a maximum of 3.5m;
 - Consolidate vehicle access point where possible;
 - Provision of water permeable surface for new crossovers to reduce hardstand surface;
 - Introduction of mature verge tree planting for every crossover proposed,
 - Revisit the number of proposed verge bays to Stack Street and removal of those bays on Amherst Street,



- Consideration of verge planting that restricts informal parking on the verge,
 - Introduction of mature verge shade trees to the proposed visitor bays on Stack Street, and,
 - Other relevant verge beatification works/ modifications to improve verge amenity.
3. A building permit is required to be obtained for the proposed building work. The building permit must be issued prior to commencing any works on site.
 4. 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.
 5. The applicant is advised that the proposed works indicated outside of the lot boundaries of the subject site do not form part of this approval. Should the applicant wish to undertake these works separate approval is required from the City. Queries relating to these works should be directed to the City's Technical Officer, Parks and Landscape via info@fremantle.wa.gov.au or 9432 9999.
 6. Prior to commencement of development the existing tree within the road reserve, shown on the approved plans shall be protected through the implementation of a Tree Protection Zone for protection during construction (the Tree Protection Zone is to comprise 2.8m x 2.8m fencing enclosures for each verge tree). Additional information with regard to the tree protection zone requirements can be found here:
<https://www.fremantle.wa.gov.au/residents/trees-and-verges>.
 7. The applicant is advised that a crossover permit must be obtained from the City's Engineering Department. New crossovers shall comply with the City's standard for crossovers, which are available on the City of Fremantle's web site.
 8. The applicant is encouraged to maintain the adjacent verge in accordance with the City's Verge Garden Policy which can be found on the City website at:
<https://www.fremantle.wa.gov.au/resident-perks>
 9. 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. The City's crossover specifications can be found via the following link:
<https://www.fremantle.wa.gov.au/crossovers>.



10. 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. The City's crossover specifications can be found via the following link: <https://www.fremantle.wa.gov.au/crossovers>.
11. The applicant is advised that the new vehicle crossovers shall be separated from any verge infrastructure by:
 - a minimum of 2.0 metres in the case of verge trees
 - a minimum of 1.2 metres (in the case of bus shelters, traffic management devices, parking embayment's or street furniture), and
 - a minimum of 1.0 metre in the case of power poles, road name and directional signs.
12. The owner is advised that an obstruction permit may be required from the City for any future obstruction of the **Amherst / Stack** road reserve. An application for obstruction permit can be found via www.fremantle.wa.gov.au.
13. Any works within the adjacent thoroughfare, i.e. road, kerbs, footpath, verge, crossover or right of way, requires a separate approval from the City of Fremantle's Infrastructure Business Services department who can be contacted via info@fremantle.wa.gov.au or 9432 9999.
14. In regard to the condition requiring a Construction Management Plan, Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>.

A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be accessed via:
<https://www.fremantle.wa.gov.au/sites/default/files/Construction%20and%20Demolition%20Management%20Plan%20Proforma.pdf>

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

15. 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>

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

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

17. The applicant is advised to liaise with Western Power with respect to the proposed sub station within the development site along Stack Street;
18. Effective measures shall be taken to stabilize sand and ensure no sand escapes from the property by wind or water in accordance with the City's Prevention and Abatement of Sand Drift Local Law.
19. The applicant is advised that where contamination is detected, the site is required to be reported to the Department of Water and Environmental Regulation and remediated in accordance with the requirements of that Department. For further information, please see the Department fact sheet on Identifying and Reporting Contaminated sites available online at [https://www.der.wa.gov.au/images/documents/your-environment/contaminated-sites/Fact sheets tech advice/Fact sheet 1.pdf](https://www.der.wa.gov.au/images/documents/your-environment/contaminated-sites/Fact%20sheets%20tech%20advice/Fact%20sheet%201.pdf)
20. All noise from the proposed development must comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended), such as:



- a. mechanical service systems like air-conditioners, exhaust outlets, motors, compressors and pool filters;
- b. vehicles; and,
- c. amplified acoustic systems

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

21. To protect surrounding land uses from the likelihood of dust impacts during development, the procedures details in the Department of Water the Environmental Regulation's "[A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities](#)" 2011 should be used, integrating the below conditions:

- a) The demolition works area, that will be disturbed by machinery, must be pre-watered to reduce dust being emitted during works;
- b) Dust must be monitored during demolition works and managed, using sufficient watering down, wind barriers or other dust control methods;
- c) Works must not be commenced, or must cease, if adverse weather conditions, such as high winds, exist that would cause sand/dust to be blown off the property;
- d) Following demolition, the property must be kept fenced to prevent unauthorised vehicle movement on the land causing dust to be emitted;
- e) Following demolition, the vacant land must be hydro-mulched or chemically stabilised to prevent windblown dust. If the land is to be left vacant for an extended period, hydromulch with grass seed and fertiliser should be included in the spray. Organic stabiliser can also be added to the mix to provide amore stable base for the germination of seeds.

All apparatus for the treatment of sewage and liquid waste (septic systems/wash down bays) must be decommissioned, removed and disposed of at a licenced facility in accordance with the *Health (Miscellaneous Provisions) Act 1911*, the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*, the *Environmental Protection Act 1986* and the *Environmental Protection (Controlled Waste) Regulations 2004*.



22. In accordance with regulation 31(1)(c) of the Contaminated Sites Regulations 2006, a Mandatory Auditor's Report, prepared by an accredited contaminated sites auditor, will need to be submitted to the Department of Water and Environmental Regulation as evidence of compliance with Condition 17 A current list of accredited auditors is available from www.dwer.wa.gov.au.
23. The applicant is advised that the new vehicle crossovers shall be separated from any verge infrastructure by:
 - a minimum of 2.0 metres in the case of verge trees
 - a minimum of 1.2 metres (in the case of bus shelters, traffic management devices, parking embayment's or street furniture), and
 - a minimum of 1.0 metre in the case of power poles, road name and directional signs.



**PC2211-3 GOLD STREET, NO. 25 (LOT 1), SOUTH FREMANTLE –
DETACHED STUDIO ADDITION WITH LOFT LEVEL TO
EXISTING DWELLING (ED DA0069/22)**

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

SUMMARY

Approval is sought for Two Storey Rear Additions to Existing Dwelling at No. 25 (Lot 1) Gold Street, South Fremantle.

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

- Boundary Wall;**
- Secondary Street Setback; and**
- Open Space.**

The application is recommended for conditional approval.



PROPOSAL

Detail

Approval is sought for two-storey rear additions to an existing dwelling at No. 25 (Lot 1) Gold Street, Fremantle. The proposed works include:

- Demolition of the existing, detached, laundry and toilet toward at the rear of the subject site lot; and
- Construction of a detached studio addition with loft level at the rear of the subject site comprising a new bedroom, living space, bathroom and laundry.

The applicant submitted amended plans on 30 June 2022 including the following:

- Deletion of the kitchenette initially proposed in the loft level of the studio addition to avoid ancillary dwelling definition which is not possible for grouped dwellings sites.

Development plans are included as attachment 1.

Site/application information

Date received:	3 March 2022
Owner name:	Jennifer Margaret Pope
Submitted by:	Gerard McCann Architect
Scheme:	Residential (R30)
Heritage listing:	Individually Listed Category 2 and South Fremantle Heritage Precinct Area
Existing land use:	Grouped Dwelling
Use class:	Grouped Dwelling
Use permissibility:	D (As Existing)





CONSULTATION

External referrals

Nil required.

Internal referrals

Heritage

25 Gold Street is part of a terrace of three houses which sit on the corner of Gold and Francisco Streets in South Fremantle. The proposed studio will not be visible from Gold Street, the primary street frontage, because it will be concealed by the roofs of the terrace houses.

The studio will be visible from Francisco Street. However, the impact of this building on the heritage streetscape will be minimal because:

- The additions are modest in scale with the upper floor being tucked into the roof
- The building responds to the character of the surrounding streetscape by using traditional forms and materials but in a modern fashion.

The studio is separate from the main house so will have no impact on original fabric of the three terrace houses. It can also be removed or changed in future with no impact on original fabric.

This proposal is supported from a heritage perspective because it will have minimal impact on the heritage values or fabric of 25 Gold Street, the terrace of three houses 25, 27 & 29 Gold Street or the South Fremantle Heritage Area.

See the City's full Heritage Impact Assessment at Additional Information 2.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the application proposes variations to policy provisions. The advertising period concluded on 29 July 2022, and four (4) submissions were received. The following issues were raised (summarised) in the table below and the applicant's response to these comments is provided in the right-hand column of the table:



- The architect is known to us, and we are happy that his design is in keeping with the area he knows well. Our only concern is that the plan looks like a separate dwelling and could be used as short-term holiday rental or air bnb. With increased occupancy in the area, the problems we face are parking, as street parking is all some of us have, noise, parties and rubbish collection.
- Concerns the proposal exacerbate existing street parking issues and availability.
- The proposed development of 25 Gold Street will significantly overshadow our property, particularly the front rooms, verandah and garden. This two-storey development would loom over us and block out natural light to the majority of our front house and garden, particularly taking away from us the much-cherished northern winter sun, leaving the area in near full shade through winter and impacting the amenity and enjoyment of our property.
- Concerns with visual privacy over the adjoining lots.
- The design is of significant bulk and scale with nil setback, looming nearly 6m high directly over the Francisco St footpath. Such a development would set a very poor precedent for the small and unique Francisco Street as well as the broader area.
- The access to the rear of the property is historical and of significant value to community and residence. Additionally, encroaching on this space as proposed impedes on the open visibility and nature of the space.
- The potential access circumstances (common property access arrangements) are of significant concern to us and were not evident at the time the common land was re-distributed. On reflection it was an oversight on our part and we therefore do not support the building application for 25 Gold Street.

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

- With respect to the additional/ancillary dwelling comments, officers advised the applicant that any ancillary dwelling on the subject site cannot not be supported as in accordance the R-Code definitions, ancillary dwellings cannot be



added to grouped dwelling sites. As such, amended development plans were prepared that removed the kitchenette from the plans so the studio would no longer be considered 'self-contained' or able to operate as an independent dwelling. Furthermore, a condition of approval is recommended to ensure that the additions do not function or operate as an additional/ancillary dwelling (or short-term accommodation) at any time.

As per the City's LPS4 definition a *short stay dwelling* 'means an existing single house, ancillary dwelling, grouped dwelling or multiple dwelling but does not include hosted accommodation that is used for the purpose of providing short term accommodation nor a bed and breakfast'. If part of a dwelling were to be used for short stay, it would need to be classified as a Bed and Breakfast under the scheme which is a discretionary land use (with advertising) in the residential zone and therefore not exempt from needing further approval. Notwithstanding, as the officers are recommending a condition that will prevent the studio from being a self-contained dwelling or used as such, approval for use as a short-term dwelling cannot, and will not be granted by the City.

- With respect to the parking comments, as the ancillary dwelling element has been removed from the proposal (refer above), the R-Codes do not require the provision of any additional parking.
- With regard to overshadowing comments, the shadow from the proposed additions will fall across the existing, blank, northern wall of the southern dwelling (10 Francisco Street) and a small portion of the front garden and porch area. The porch area and western facing front windows are already overshadowed by the existing porch roofing in the existing circumstance (refer site photos). As such, the proposed additions are not seen to unduly increase any mid winter overshadowing of any sensitive outdoor living areas or habitable room windows of this adjoining southern property that also has extensive additions and outdoor living areas toward the rear of the property that will remain unaffected by the proposal.

It should also be noted that the overshadowing of this southern property proposed by the additions is only 33sqm (or 6.79% of the adjoining site area) and remains well under the deemed-to-comply requirements of the R-Codes for R30 sites (which allows up to 35% of the site to be overshadowed).

- With respect to visual privacy, the applicant advised officers the southern facing windows are to be obscure glazed (to be secured by condition) and with



respect to the four (4) northern facing windows to the loft room, it is recommended that the two easternmost windows are also provided privacy treatments to avoid any encroachment of the cone-of-vision from these windows over the adjoining eastern property (27 Gold Street), also to be secured by condition.

- With respect to comments on bulk and scale, the impact of this building on the heritage streetscape will be minimal because the additions are modest in scale with the upper floor being tucked into the roof. Additionally, the building responds to the character of the surrounding streetscape by using traditional forms and materials but in a modern fashion. Full heritage assessment can be found in the additional documents to this report.

The proposal also complies with the relevant building height requirements for the local area.

- With respect to the comments on the encroachment into common property; the deposited survey-strata plan (refer first page of development plans) and subsequent proposed plans shows that the additions will be built up to, but not encroach onto the common property area. All the proposed development is wholly contained within Lot 1 (subject site) and the common property will remain free of development and continue to be accessible to Lots 2 and 3. Furthermore, a condition of approval is recommended to ensure all development will be contained within the cadastral boundaries of the subject site.

Any remaining comments are addressed in the officer comment below.

OFFICER COMMENT

Statutory and policy assessment

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

- Boundary Wall;

- Secondary Street Setback; and
- Open Space.

The above matters are discussed below.

Background

The subject site is located on the southern side of Gold Street at the corner junction with Francisco Street (which forms the secondary street and western boundary of the subject site). The site has a land area of approximately 152m² and is currently a Grouped Dwelling. The site is zoned Residential and has a density coding of R30. The site is individually heritage listed (Category 2) and is located within the South Fremantle Precinct Heritage Area.

The surrounding area is predominantly residential and characterised by 1-2 storey single houses and grouped dwellings.

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

Boundary Wall

Element	Requirement	Proposed	Extent of Variation
Eastern Lot Boundary Setback (Studio Addition)	1.1m	0m	1.1m

The eastern boundary wall of the studio addition is considered to meet the Design principles of the R-Codes in the following ways:

- With reference to the eastern elevation plan (Strata Lot 2 View) in the amended development plans and the aerial image below, it shows the highest parts of the boundary wall will directly abut the existing non-habitable, non-sensitive shed/outbuilding of the adjoining property (No. 27 Gold Street) and this area of the adjoining property is already densely vegetated which is expected to assist in visually screening the proposed wall.



As such, the proposed boundary wall is not expected to have a significant adverse impact in terms of building bulk upon any habitable room window or outdoor living area of this adjoining property.

- Due to the orientation of the lot, the shadow cast by the proposed wall (measured in accordance with the R-Codes at midday June 21) will not fall onto the adjoining eastern property but rather to the rear (south) of the subject site. As such, the proposed eastern boundary wall will not cause any unacceptable overshadowing of the affected property (27 Gold Street).

Secondary Street Setback

Element	Requirement	Proposed	Extent of Variation
Western secondary street (Francisco Street) setback	1.5m	0m	1.5m

The secondary street setback is considered to meet the Design principles of the R-Codes in the following ways:

- The existing dwelling and 2.7m high solid wall to the rear of the dwelling along the Francisco Street boundary of the subject site already have a nil setback to the secondary street (refer existing west elevation and image below) and establish a precedence to support the nil setback of the additions to Francisco Street.





- As noted above, while the studio will be visible from Francisco Street, the impact of this building on the heritage streetscape is considered to be minimal because:
 - The additions are modest in scale with the upper floor being tucked into the roof; and
 - The building responds to the character of the surrounding streetscape by using traditional forms and materials but in a modern fashion.

Open Space

Element	Requirement	Existing	Proposed	Extent Variation	of
R-Codes Table 1 (R30)	45% Open Space	37.8% (57.5m ²)	28.3% (43m ²)	16.7% (25.38m ²)	



The open space provision is considered to meet the Design principles of the R-Codes in the following ways:

- The subject site is limited in its scope to build above the existing dwelling due to the heritage listing and building above the existing dwelling would have a greater impact upon the heritage significance, fabric and character of the heritage place and the three house terrace the subject site forms a part of. As such, the detached, rear addition is preferred and supported from a heritage perspective though does lead to additional site cover.
- Existing development on subject site already varies the typically required open space of the R-Codes (with 37.8% open space in the existing circumstance) and this variation is common across all 3 of the existing strata terrace houses (Nos. 25-29 Gold Street) which are heritage listed and have constrained lot widths of only approximately 5 – 5.5m.
- The open space provision is comparable with the adjacent strata lots within the terrace group with Strata Lot 2 (27 Gold Street) having an open space provision of 30.2% (42.1m²) and Strata Lot 3 (29 Gold Street) having an open space provision of 27.7% (44.7m²). As such, the proposed open space is consistent with the open space provision across the terrace group and therefore considered acceptable.
- The area of open space retained, maintains a functional, well designed outdoor living area that connects the existing home and proposed extension.

LPP 3.6 – Heritage Areas

An assessment of the proposal against LPP 3.6 has been completed to ensure the development is undertaken in a manner that reflects the significance of the Heritage Area. As noted above, the proposed studio will not be visible from Gold Street (the primary street frontage), because it will be concealed by the roofs of the terrace houses. The studio will be visible from Francisco Street. However, the impact of this building on the heritage streetscape will be minimal because:

- The additions are modest in scale with the upper floor being tucked into the roof
- The building responds to the character of the surrounding streetscape by using traditional forms and materials but in a modern fashion.

Further assessment under relevant elements of LPP3.6 are provided as follows:



Element	Officer comment
General	
i. Alterations and additions in heritage areas should respond sympathetically to the heritage values of the area as a whole and that part of the heritage area in the vicinity of the proposed development, with changes designed and sited in a manner that retains, conserves, respects and complements the heritage significance of the place and area.	The proposed additions and alterations are considered acceptable and appropriate in form and seen to have minimal impact on the heritage values or fabric of 25 Gold Street, the terrace of three houses 25, 27 & 29 Gold Street or the South Fremantle Heritage Area.
ii. Alterations and additions to contributory places should seek to change as little as reasonably possible.	The additions are detached from the heritage dwelling and located in the rearmost area of the lot.
iii. Retention of the contributory places, conservation, rear additions and internal adaptations are the preferred form of developing places within a heritage area. This approach allows for the retention of the significant elements of a place and assists in retaining the heritage streetscape, whilst allowing change to meet modern living standards and expectations.	The additions are detached and have no impact upon the existing heritage dwelling and are seen to preserve the heritage streetscape.
Siting and scale	
ii. Generally single storey additions that are less in height to the	The additions are detached from the existing dwelling, located to the rear of



original building, located to the rear of the original building and constructed so that the roof of the new addition is independent from the original building's roof form can be supported from a heritage perspective.	the subject site, are independent in roof form.
v. Double storey additions to a contributory building may be considered where: • they are located to the rear of the original building; • they do not alter the original building roof line; • they are constructed so that the roof of the new addition is independent from the original building's roof form; • the roof form of the addition is not visible from the street (a minor variation to this may be permitted based on a proposal's impact on the streetscape); AND • if the addition is attached to the original building, in order to allow the original building to retain its original form, then this is to: - o Be via a linked pavilion, or - o Have side external walls of the extension set in from the side walls of the original building, or - o Be supported by a material change at the junction of the old and new.	The addition has only an additional loft level and as noted above is detached and independent from the existing dwelling and considered of an appropriate height and scale within the existing streetscape.

On the basis of the above assessment, the proposal is considered acceptable under LPP3.6.



CONCLUSION

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

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Studio Addition with Loft Level to Existing Dwelling at No. 25 (Lot 1) Gold Street, South Fremantle, subject to the following condition(s):

- 1. This approval relates only to the development as indicated on the approved plans, dated 30 June 2022. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.**
- 2. The studio addition hereby approved shall not be used nor function as an ancillary dwelling or short term accommodation separate to the existing dwelling at any time, for the life of the development by the City of Fremantle.**



- 3. Prior to the issue of a Building Permit for the development hereby approved, a detailed drawing showing how the windows located on the southern elevation and the two easternmost windows of the loft room northern elevation, are to be screened in accordance with Clause 5.4.1/6.4.1 C1.1 of the Residential Design Codes by either:**
- i. fixed obscured or fixed translucent glass to a minimum height of 1.60 metres above internal floor level, or**
 - ii. fixed screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the internal floor level, or**
 - iii. a minimum sill height of 1.60 metres above the internal floor level,**

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

- 4. Prior to occupation of the development hereby approved, the boundary wall(s) located on the southern, western and eastern boundaries shall be of a clean finish in any of the following materials:**
- coloured sand render,**
 - face brick,**
 - painted surface,**

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

- 5. The approved development shall be wholly located within the cadastral boundaries of the subject site including any footing details of the development.**
- 6. All storm water discharge shall be contained and disposed of on-site unless otherwise approved by the City.**



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

Advice Notes:

- i. A building permit is required to be obtained for the proposed building work. The building permit must be issued prior to commencing any works on site.**
- ii. Fire separation for the proposed building works must comply with Part 3.7.1 of the Building Code of Australia.**

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



PC2211-4 AINSLIE ROAD, NO. 4 (LOT 28), NORTH FREMANTLE - SECOND STOREY ADDITION AND ALTERATIONS TO EXISTING SINGLE HOUSE (JCL DA0255/22)

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

SUMMARY

Approval is sought for additions and alterations and garage addition to an existing Single house at No. 4 Ainslie 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), Residential Design Codes (R-Codes) and Local Planning Policies. These discretionary assessments include the following:

- **Primary street setback (garage)**
- **Boundary wall (south)**
- **Side setbacks (north / south)**
- **Building height (external wall and roof)**
- **Visual privacy (north)**
- **Open space**
- **Site works**
- **Overshadowing**

The application is recommended for conditional approval.



PROPOSAL

Detail

Approval is sought for additions and alterations and garage addition to an existing Single house at No. 4 Ainslie Road, North Fremantle. The proposed works include:

- Demolition of rear portion of the existing Single house, including the rear decking, portion of southern dividing fence, non-compliant stairs, carport concrete slab, existing store, and portion of existing primary street fence along southern boundary;
- Construction of a two-storey addition to the rear of the existing Single house;
- Conversion of carport into a garage with permeable roller door due to the addition of a semi-permeable brick wall to partially enclose it; and,
- Provision of a first-floor balcony contained within the roof space of the existing portion of the dwelling.

The applicant submitted amended plans on 28 September 2022 including the following:

- Reduction in height of rear extension by 0.3m; and,
- Modification of front balcony to be contained within existing roof space.

Development plans are included as attachment 1.

Site/application information

Date received:	26 July 2022
Owner name:	Benjamin John Laird & Honor Lara Dowling
Submitted by:	Robeson Architects
Scheme:	Residential R25
Heritage listing:	Individually Listed Category 3 and North Fremantle Heritage Area
Existing land use:	Single house
Use class:	Single house
Use permissibility:	P



CONSULTATION

External referrals

Nil required.

Community

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

- Boundary wall (south)
- Side setbacks (north / south)
- Building height (external wall and roof)
- Visual privacy (north / south)
- Open space
- Site works
- Overshadowing.



The advertising period concluded on 26 August 2022, and three submissions were received, two providing objections to the proposal, with one submission objecting to the proposal containing two separate documents with separate authors. A third submission was received, posing no objection, though requested a traffic/parking management plan be provided to allow for parking to be available. The following issues were raised (summarised):

- Visual privacy variations posed by balcony;
- Concern relating to overshadowing;
- Concern relating to scale and bulk of development;
- Proposal should be more sympathetic to heritage fabric of existing dwelling;
- Proposal will adversely impact property values;
- Concerns relating to stability of stone wall and its foundations on our property. This needs to be protected during construction and excavation of sewer line between our properties; and,
- No access for construction workers is permitted on our land.

In response to the above, the applicant submitted revised plans to address the above concerns:

- Building height;
- Overshadowing;
- Building bulk and scale;
- Heritage impact; and,
- Visual privacy.

The applicant has provided the following responses (summarised) to the above objections:

- *Please see revised design addressing the Heritage officers' concerns. The roof deck size has been revised to be contained within the footprint of the existing roof;*
- *There are no overlooking variations proposed to the backyard of 6 Ainslie Road. There is only 0.650m² of overlooking into the front garden of 6 Ainslie Road behind the street setback. Given this minor variation of less than 1m² we are council to show their discretion when assessing this variation. This minor variation is due to the narrow width of the lot, and screening devices and planting have been utilized to reduce this variation;*
- *The selected builder will undertake dilapidation reports prior to the commencement of construction;*
- *There are no proposed changes to the existing fencing, therefore the contractor should not require access to either adjoining properties during construction, except for providing the dilapidation report;*

- *As per the R-codes, there is no overlooking from the proposed ensuite as it is not a habitable room.*
- *The overall height of the revised proposal has been reduced to help mitigate the impact on the adjoining property. The Northwest wall height has been reduced to RL 30.80 (6.8m above NGL) and the north east wall height has been reduced to RL 30.591 (ranging height from 6.5m – 7m above NGL).*
- *The owners of 4 Ainslie Road should not be penalized for the neighbouring block not being developed. When the block is to be developed in future, the bulk of the proposed design will be largely concealed by the future development when viewed from approach.*
- *Below are two perspectives highlighting the difference between the empty block and if the block were to be developed to the front setback requirement;*



- *The revised proposal has reduced the overshadowing to 104m². We ask for councils' discretion when assessing this variation as it is minor in nature and only 4m² over the deemed to comply. Due to the lay of the land the upper floor is built over the higher natural ground level which is setback to the rear of the site. To reduce the overshadowing impact on adjacent properties the store floor level was sunken into the ground to reduce the wall height along the southwestern boundary. The current existing pitched roof overshadows the property more than the proposed store.*



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

- See body of report for relevant Design Principle and LPS4 discretionary assessment of the proposed variations;
- Per Heritage advice provide in the body of the report, the amended proposal is acceptable from a heritage perspective;
- Potential impact of development on property values is not a relevant planning consideration;
- The impact of development on the structural integrity of structures is not a planning consideration, noting that it is subject to separate legislation;
- Works impacting sewer lines are subject to approval from Water Corporation, and are not a planning consideration; and
- Access to adjoining sites for the purposes of construction is not a valid planning consideration and is subject of separate legislation.

The City further notes the comments provided by the applicant in response to the objections received and summarised above.

The remaining comments are addressed in the officer comment below.

OFFICER COMMENT

Statutory and policy assessment

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

- Primary street setback (garage)
- Boundary wall (south)
- Side setbacks (north / south)
- Building height (external wall and roof)
- Visual privacy (north)
- Open space
- Site works
- Overshadowing



The above matters are discussed below.

Background

The subject site is located on the northern side of Ainslie Road, approximately 42m from the Rule Street intersection. The site has a land area of approximately 400m² and is currently a Single house. The site is zoned Residential and has a density coding of R25. The site is individually heritage listed and is located within the North Fremantle Heritage Area.

The site currently comprises a Single house with a carport with rear pool and deck. The site has a significant slope of up to approximately 3.4m.

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

- DA0487/14 - *Carport and outbuilding addition to existing Single House* – approved on 16 January 2015.

Land Use

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

Heritage assessment

As the proposed development is located within the North Fremantle Heritage Area, it is subject to assessment against LPP 3.6 – Heritage Areas Local Planning Policy. Additionally, the site is on the City's Heritage List.

Per LPP 3.6, the intent of additions and alterations to existing dwellings is per the below:

When altering or adding to a place with heritage protection, the goal is for an outcome that does not reduce the cultural heritage significance of the place (whether this significance is individual to the site, or part of the broader significance of the area) and ideally, enhances it. This generally involves changing as little as possible but as much as necessary in order to



retain the cultural heritage significance of the place and maintain its utility. Because the significance of each place and its context is different, assessment of the suitability of proposals requires that each proposal should be assessed on its own merits.

The amended proposal was assessed by the City's Heritage Officers, and it was considered that the proposal can be supported in its amended form, noting the following comments:

"...Heritage Impact Comments

The drawings for the proposed works were modified in September 2022 following negative feedback on the adverse heritage impact of the original upper level deck design on the heritage house and the streetscape of Ainslie Road.

The most significant part of 4 Ainslie Street is the front four roomed section of the original house including its roof form, chimneys and front verandah. While the rear of the roof has undergone some change in the 1990s the side roof planes are still visible from the street.

The construction of an upper level roof deck over the rear of the main section of the house is acceptable from a heritage perspective because the deck is concealed by parts of the roof of the heritage house and because the section of roof that is being modified to accommodate the deck is not original. The new deck will require some screening to provide visual privacy to adjoining neighbours, but this will be concealed from the street on the north east side by the adjacent house. The other screen will be visible on the south-west side of the house because the adjacent block is currently vacant, but it is likely to be concealed from the street when this property is developed in future. For these reasons the proposed upper-level deck will have only minor impact upon 4 Ainslie Road and its contribution to the heritage streetscape and the heritage character of the North Fremantle Heritage Area.

NOTE: All other proposed works are acceptable from a heritage perspective because they will have minimal impact on the significant part of the heritage house and its contribution to the streetscape of Ainslie Road.



The proposed works are acceptable from a heritage perspective because they will have minimal effect on the heritage values of 4 Ainslie Road and the North Fremantle Heritage Area.

In accordance with LPP 3.6, new development in heritage areas needs to satisfy the following criteria (assessment against relevant criteria provided):

Element	Officer Comment
General	
Alterations and additions in heritage areas should respond sympathetically to the heritage values of the area as a whole and that part of the heritage area in the vicinity of the proposed development, with changes designed and sited in a manner that retains, conserves, respects and complements the heritage significance of the place and area.	Per the Heritage assessment above, in addition to the below assessment, it is considered that this requirement is met by the proposal.
Alterations and additions to contributory places should seek to change as little as reasonably possible.	The majority of demolition works occurs to the rear portion of the dwelling, which has limited heritage significance. The majority of the demolition to the dwelling is internal, with the retention of the entire length of the northern boundary wall and existing laundry and bathroom. Demolition of existing rear decking and portions of southern fence, stairs, and carport floor is also proposed, which is supportable from a heritage perspective. It is noted that a portion of the existing roof will be demolished, which is supported from a heritage perspective.
Retention of the contributory places, conservation, rear additions and internal adaptations are the preferred	Rear additions proposed, with acceptable impact to the existing front portion of the dwelling, which has the greatest level of heritage significance.



form of developing places within a heritage area. This approach allows for the retention of the significant elements of a place and assists in retaining the heritage streetscape, whilst allowing change to meet modern living standards and expectations.	
Where it can be demonstrated that original fabric of contributory places has been previously removed or unsympathetically altered, restoration / reconstruction of the street front facades to their original form and detailing is strongly encouraged. This should be based on evidence such as remaining traces of earlier fabric and old plans and photographs.	Proposal is acceptable without requiring restoration works.
Siting and scale	
Additions in front of contributory buildings or within the established building setback in the prevailing streetscape will generally not be supported unless restoring an original feature in the original architectural style (e.g. a verandah) spas (also see 'Garages and Carports' 'Ancillary Structures' and 'Street Fencing' sections below)	No new significant additions to the front of the existing dwelling. It is noted that minor works to the existing carport (to be converted to a garage) is proposed, though is supportable. The below shows the originally approved carport (approved in 2015):



	The below shows the proposed Garage (converted from above Carport). It is noted that the carport has been constructed per the below external form, with timber infill to the south-west side elevation (to be replaced per the below infill), with no garage door currently in place, though will be provided:
Double storey additions to a contributory building may be considered where:	The double storey additions are location to the rear of the existing dwelling.



• they are located to the rear of the original building; • they do not alter the original building roof line; • they are constructed so that the roof of the new addition is independent from the original building's roof form; • the roof form of the addition is not visible from the street (a minor variation to this may be permitted based on a proposal's impact on the streetscape); AND • if the addition is attached to the original building, in order to allow the original building to retain its original form, then this is to: • Be via a linked pavilion, or • Have side external walls of the extension set in from the side walls of the original building, or • Be supported by a material change at the junction of the old and new.	Whilst the additions alter the existing roof form, it is supported from a heritage perspective, noting that the existing roof form is not the original roof form. The proposed roof form, whilst visible from Ainslie Road, is considered to have an acceptable impact on the heritage significance of the site and locality. Additionally, the new addition is differentiated from the existing dwelling by way of a material change.
Second storey additions over the main roof line of the original building (excluding later rear wings or skillion additions), or to the side of the main part of the house, will generally not be supported.	The proposal is supported per the Heritage comments.



Form	
Additions to places within a heritage area must respect and harmonise with and be sympathetic to the predominant form of the prevailing streetscape and existing building, without falsely mimicking heritage detailing.	It is considered that due to the significant primary street setback and design of the additions, their impact on the streetscape is acceptable and sympathetic to the heritage significance of the site and the locality.
Where a building form is highly repetitive, significant departures in form will appear at variance to the streetscape and should not be introduced.	The subject site is located towards the end of the street, adjoining a vacant site and a dwelling which is significantly different to the general heritage aesthetic of the streetscape. Additionally, as noted, there is an acceptable impact on the streetscape by the proposed additions. Therefore, there is no significant adverse impact of the proposal onto the consistency of the heritage streetscape.
The treatment of additions in terms of the roof form, proportions, materials, number, size and orientation of openings, ratio of window to wall etc. of an addition should relate to the existing contributory building and to its neighbours.	It is considered that these elements are acceptable from a heritage perspective. Moreover, they will have a minimal presentation to the streetscape.
Symmetry or asymmetry of facades in the prevailing streetscape is an element of form to be kept consistent.	No adverse impact on the symmetry or asymmetry of facades in the streetscape posed by the proposal.
Contemporary addition designs should respond to, and interpret, the scale, articulation and detail of the existing and nearby buildings in a modern, innovative and sympathetic way.	It is considered that this is achieved by the proposal.
Whilst the basic form, scale and structure of new development should be consistent with the character of the area, new	The proposed additions are considered generally complimentary to, yet distinct from, the existing



additions should not seek to emulate heritage detailing to any great extent: 'Faux' or 'mock' heritage detracts from an understanding and appreciation of the original building and will not be supported. New development should blend in with the streetscape but be discernible as new when looked at more closely.	dwelling contained on site, without having a 'faux' heritage impact.
Roofs	
Traditionally roof lines are a predominant element of the streetscape. Additions should respond to and reinforce the existing characteristics of a streetscape or neighbourhood with regards to plate and wall heights, roof form, ridge lines, parapet lines, roof slopes and eaves overhangs.	It is considered that the proposed additions have an acceptable impact on these elements.
Roof forms that are contemporary in style (i.e. flat / skillion) may be considered for rear and side additions.	The proposed roof form is flat, which is supported.
Materials, Colours and Detailing	
Significant original or early materials, and detailing to contributory places should be retained and conserved. Where it can be demonstrated that original fabric has been previously removed or unsympathetically altered, restoration/reconstruction of the street front facades to their original form and detailing is strongly encouraged. This should be based on documentary	The front portion of the dwelling, comprising the highest degree of heritage significance, is retained with no amendments. The proposed additions have an acceptable material palette.



and/or physical evidence such as remaining traces of earlier fabric and old plans and photographs.	
Intrusive finishes to heritage buildings should be removed. Intrusive finishes could be aesthetically intrusive or physically intrusive such as cement render or acrylic paints.	See comment above.
It is recommended that paint finishes or rendered finishes to previously unpainted or un-rendered surfaces on heritage buildings be avoided. Further, glossy materials or finishes on heritage buildings should be avoided unless there is a historical precedent for their use.	See comment above.
Use of original colours (based on physical inspection or paint scrapes) or traditional colours is encouraged. Where a contemporary paint colour scheme is being considered for a contributory building in a heritage area, consideration should be given to the traditional tonal contrasts and façade detailing. Monochromatic schemes are not appropriate on heritage buildings and should be avoided.	See comment above.

Primary street setback

Element	Requirement	Proposed	Extent of Variation
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Garage – south-east	In line with, or behind front wall of the dwelling.	Nil	See below.
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Clause 2.3 of LPP 2.9 states that:

Variations to the requirements of clause 2.1 or 2.2 above may be considered, at Council's discretion subject to the proposed development meeting at least one of the following criteria:

- i. *The proposed building is consistent with the character of buildings in the prevailing streetscape; or*
- ii. *The proposed setback of the building does not result in a projecting element into an established streetscape vista by virtue of the road and/or lot layout in the locality or the topography of the land; or*
- iii. *The proposed setback of the building will facilitate the retention of a mature, significant tree deemed by the Council to be worthy of retention (Refer also to LPP2.10 Landscaping of Development and Existing Vegetation on Development Sites); or*
- iv. *The carport is lightweight in construction, appears simple in design and is visually subservient to the form and proportion of the dwelling. Additionally, the front setback area is designed in such a way so as to maintain visibility of the dwelling from the street and surveillance from the dwelling to the street.*

Further to the above, Clause 2.4 of LPP 2.9 states that:

Additional to clause 2.3 above, where the property is on the Heritage List the proposed development's compatibility with and impact on the heritage significance of the property will be considered. Due consideration will be given to the heritage assessment prepared under Local Planning Policy 1.6 Preparing heritage assessments and approval will only be granted where the development is considered compatible with the heritage significance of the property.

It is considered that the proposal satisfies the above provisions of LPP 2.9 in the following ways:

- The structure, including the permeable roller door, is existing, and was previously approved at the site in its current location. The prominent

development visible from the public realm is the provision of a semi-permeable masonry wall to the southern elevation of the garage. The other side of the carport facing into the subject site will comprise an aluminium flat bar enclosure, which is highly visually permeable, and poses no adverse impact; and,

- It is considered that the proposed semi-permeable wall has less of an impact than other structures that are visible from the street, noting that No. 8 Ainslie Road comprises a full height solid masonry wall.

Additionally, the City's Heritage department considers that the proposal has an acceptable impact. As such, it is considered that the proposed garage can be supported against Clause 2.4 above.

Boundary wall

Element	Requirement	Proposed	Extent of Variation
South	1m	Nil	1m

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

- The proposed boundary wall does not result in an unacceptable loss of access to daylight or direct sunlight despite its location on the southern boundary due to the following:
 - Large portions of the boundary wall are existing, with a portion of it comprising an enclosure to the carport within the existing dimensions (now considered a garage, see Figure 2 below);
 - The wall is located in the front portion of the site abutting a vacant site, which is unlikely to abut any future primary outdoor living areas (see Figure 1 below); and,
 - Given the significant slope of the site, the wall varies in height from 1.5m to the northern portion, to 3.1m to the southern portion at the primary street boundary (noting that the garage enclosure is within the existing dimensions, see Figure 2 below).
- The boundary wall is not considered to contribute to a sense of confinement or building bulk as it affects a relatively minor portion of the boundary, is relatively low in height, and the rest of the development is sufficiently setback from this boundary; and,
- The boundary wall does not impact on any views of significance or existing significant vegetation.



Figure 1: Location of southern boundary wall (highlighted in green)

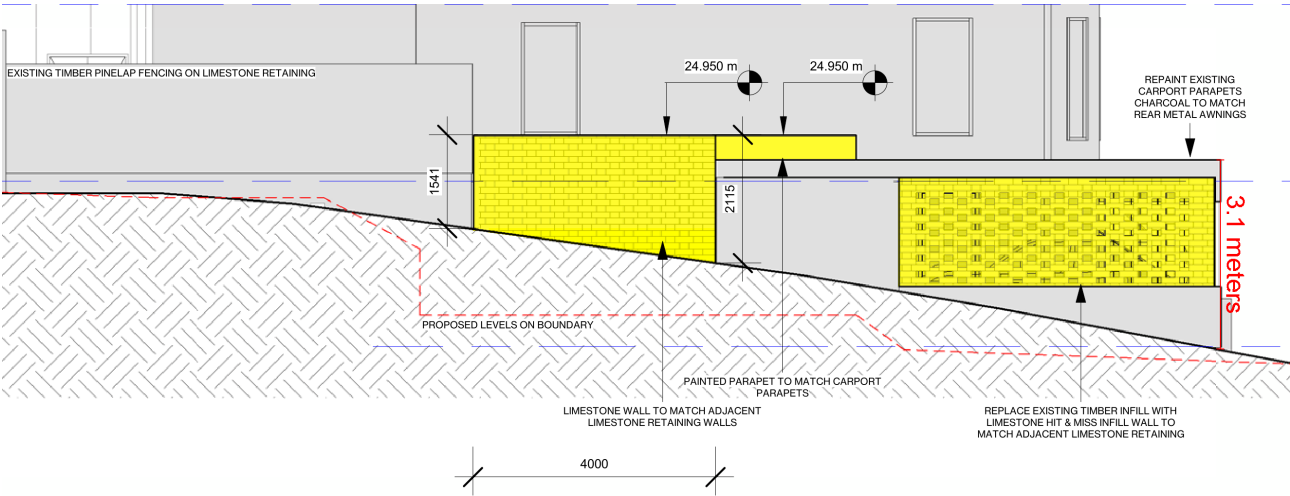


Figure 2: View of boundary wall (new built form highlighted in yellow)

Lot boundary setbacks

Element	Requirement	Proposed	Extent of Variation
North (upper floor)	2.3m	1.9m	0.4m
South (upper floor)	1.5m	1.2m	0.3m

The north upper floor setback variation is considered to meet the Design principles of the R-Codes in the following ways:

- The lesser setback does not result in a perception of adverse building bulk when viewed from the adjoining property, given it directly faces towards the northern neighbours roof (see Figure 3), and is not considered to have any unacceptably direct adverse impact to the neighbours outdoor living area;
- The lesser setback does not contribute adversely to a loss of direct sun, light generally or ventilation to major openings; and,
- The lesser setback does not result in any new merit based decision relating to visual privacy.



Figure 3: upper floor faces northern neighbours roof.

The south upper floor setback variation is considered to meet the Design principles of the R-Codes in the following ways:

- The lesser setback does not result in a perception of adverse building bulk when viewed from the adjoining property given the setback proposed, in addition to the staggered setbacks (see Figure 4) of 1.2m to 2.5m, thereby moderating the prominence of built form.
- The lesser setback does not contribute an unacceptable amount of sunlight loss (see discussion in body of the report), light generally or ventilation to major openings; and,
- The lesser setback does not result in any new merit-based decision relating to visual privacy.



Figure 4: setbacks of upper floor to southern neighbour

Building height

Element	Requirement	Proposed	Extent of Variation
External wall and roof	5.5m	Up to 8.4m	2.9m

Clause 4.8.1 of LPS4 allows the City to consider variations to the building height provisions listed in LPS4. Clause 4.8.1.1 states the following:

Where sites contain or are adjacent to buildings that depict a height greater than that specified in the general or specific requirements in



schedule 7, Council may vary the maximum height requirements subject to being satisfied in relation to all of the following —

- a) the variation would not be detrimental to the amenity of adjoining properties or the locality generally,*
- b) degree to which the proposed height of external walls effectively graduates the scale between buildings of varying heights within the locality,*
- c) conservation of the cultural heritage values of buildings on-site and adjoining, and*
- d) any other relevant matter outlined in Council's local planning policies*

The proposed building height variation is considered to meet the provisions of Clause 4.8.1.1 of LPS4 (above) in the following ways:

- The subject site is located adjacent to properties with a building height greater than the 5.5m allowed by LPS4. These sites comprise Nos. 4, 6, and 8 Rule Street;
- It is considered that the building height variation has an acceptable amenity impact, given the elements discussed in the body of the report against the Heritage Area policy and design principles of the R-Codes;
- The primary streetscape to which the additions will be visible is to Ainslie Street. Therefore, the height of No. 4 Rule Street is most relevant (Note: side elevation to Ainslie). It is considered that the graduation in heights as apparent to Ainslie Road is achieved given the predominant building bulk of 4 Rule Street is located close to Ainslie Road, whilst that of the subject site is set back 12.4m to the eaves, and 13.2m to the front wall of the extension (with rooftop balcony in front), thereby reducing the visual impact of the addition and transitioning it to an acceptable scale and visual impact (see Figure 5); and,
- Per the City's Heritage advice discussed in the body of the report, the proposed building height has an acceptable impact on the heritage values and aesthetic of the building and locality.

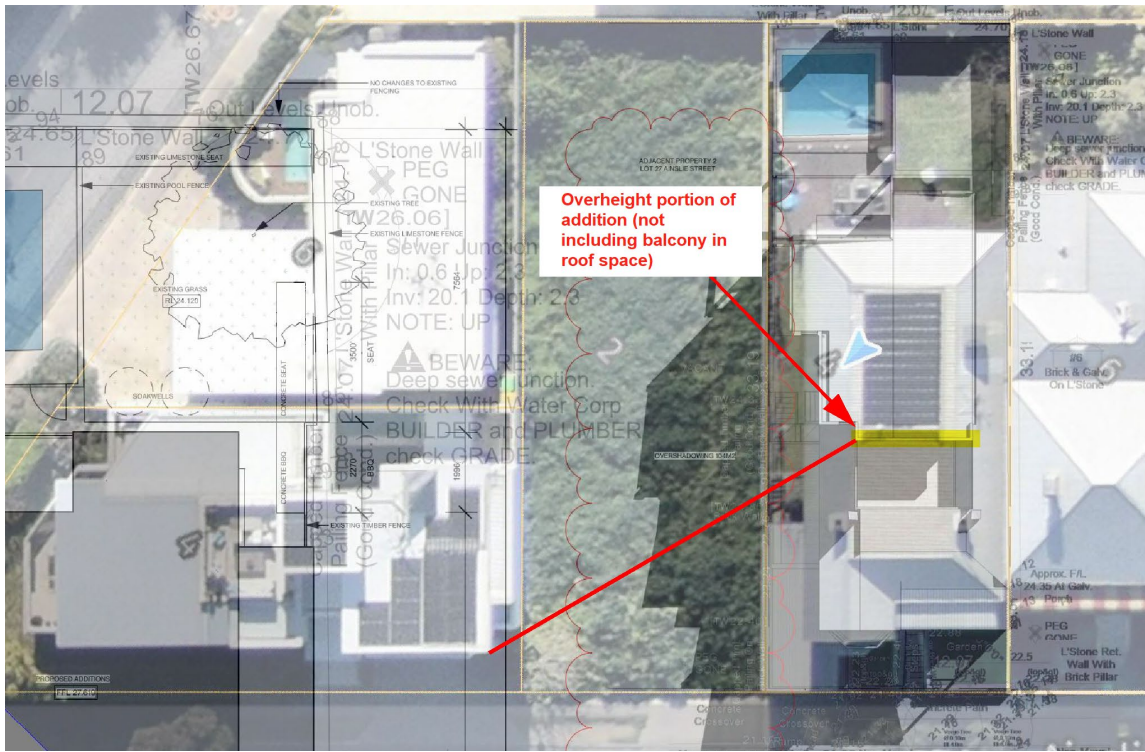


Figure 5: Transition from 4 Rule Street (left part of image) to subject site, noting predominant bulk impact of the former is located substantially closer to the street than that of the latter.

Visual privacy

Element	Requirement	Proposed	Extent of Variation
Balcony - north	7.5m	4m	3.5m

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

- The cone-of-vision does not impact on any primary outdoor living areas of the adjoining site, with the views only being afforded are to the neighbours roof; and,
- The cone-of-vision does not unreasonably impact on the privacy to major openings on the adjoining site.

Open space

Element	Requirement	Proposed	Extent of Variation
Open space	50% (200m ²)	45% (180m ²)	5% (20m ²)

The open space variation is considered to meet the Design principles of the R-Codes in the following ways:

- The amount of open space is offset by the provision of an outdoor living area of 102m², which is greater than that specified by the deemed-to-comply criteria. This ensures suitable, useable outdoor space is available to residents of the dwelling;
- The locality surrounding the subject site consists of a number of dwelling with minimal open space provision;
- The extent of the discretion sought is relatively minor, and,
- The open space provided will not be apparent from the primary street. The scale of development is generally consistent with other dwellings in the streetscape when viewed from Ainslie Road.

Site works

Element	Requirement	Proposed	Extent of Variation
Excavation - south	0.5m	Up to 1.7m	Up to 1.2m

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

- The non-compliant excavation is targeted to specific portions of the southern boundary insofar as they are required to enable reasonable development to occur given the slope of the site;
- The site works proposed are located in the side area of the site behind existing development, and will not alter the impression of natural ground level when viewed from the public street; and,
- The change to site levels do not otherwise result in other design principle assessments to relevant criteria such as building height or visual privacy that are not dealt with by appropriate conditions.

Overshadowing

Element	Requirement	Proposed	Extent of Variation
Overshadowing	73.3m² (18.3% of site) (note that this is proportionate share of overshadowing allowance for subject site)	104m ² (26% of subject site)	30.7m ² (7.6% of subject site)

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

- The affected site is currently vacant and experiences a significant slope, similar to that of the subject site. It is considered that the majority of the overshadowing proposed will be cast to the front half of the affected site (see Figure 6). Therefore, any new design on the block can accommodate a future outdoor living area unaffected by shadow from this dwelling.



CONCLUSION

On the basis of the above assessment and report, it is considered that the proposal can be supported. Therefore, the proposal is recommended for approval, subject to the conditions contained in the officer recommendation below.



STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Second storey addition and alterations to existing Single house at No. 4 (Lot 28) Ainslie Road, North Fremantle, subject to the following conditions:

- 1. This approval relates only to the development as indicated on the approved plans, dated 28 September 2022. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.**
- 2. All storm water discharge from the development hereby approved shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.**
- 3. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building. Any damage shall be rectified to the satisfaction of City of Fremantle.**
- 4. Prior to the issue of a Building Permit for the development hereby approved, a detailed drawing showing how the balcony located on the north elevation, is to be screened in accordance with Clause 5.4.1/6.4.1 C1.1 of the Residential Design Codes by either:**



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

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

5. Prior to occupation/use of the development hereby approved, the boundary wall located on the south shall be of a clean finish in any of the following materials:
- coloured sand render,
 - face brick,
 - painted surface,

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

6. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
7. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.

ADVICE NOTES

- i. A building permit is required to be obtained for the proposed building work. The building permit must be issued prior to commencing any works on site.



**PC2211-5 EDMUND STREET, NO. 142 (LOT 32), BEACONSFIELD,
ALTERATIONS AND ADDITIONS TO EXISTING SINGLE HOUSE
(JCL DA0284/22)**

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

SUMMARY

Approval is sought for additions to an existing Single house at No. 142 (Lot 32) Edmund Street, Beaconsfield.

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

- **Side setback (north)**
- **Visual privacy (north)**
- **Primary street setback**
- **Over height dividing fence**
- **Open space**

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for additions to an existing Single house at No. 142 (Lot 32) Edmund Street, Beaconsfield. The proposed works include:

- Partial demolition of existing Single house, including removal of front steps and paving;



- Construction of a two storey addition with roof deck to the northern side of the dwelling;
- Construction of below ground swimming pool with associated pool fencing;
- Construction of new primary street fence spanning portion of primary street boundary; and,
- Construction of 2m high masonry dividing fence along northern and eastern boundaries (noting that the eastern fence is contained within the parent lot of the site). Existing timber picket dividing fence to southern neighbour to be repaired.

Development plans are included as attachment 1.

Site/application information

Date received:	17 August 2022
Owner name:	Corinne Kusel & Matthew Auberon John Kusel
Submitted by:	Space Agency Architects
Scheme:	Residential R25
Heritage listing:	Individually Listed Category 3 and South Fremantle Heritage Area
Existing land use:	Single house
Use class:	Single house
Use permissibility:	P



CONSULTATION

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

- Boundary walls (east)
- Side and rear setbacks (north / east)
- Visual privacy (north / east)
- Front setback
- On site car parking

Following the advertising period and a detailed assessment, it was ascertained that the eastern lot boundary setbacks and the eastern boundary wall is compliant, and the lack of car parking on-site is existing, and doesn't seek any discretion. It was noted that open space and the over height northern dividing fence are additional variations, and its assessment is provided in the body of the report. It is considered that re-advertising isn't required in this instance, given the variations aren't considered to pose significant adverse amenity issues.

The advertising period concluded on 21 September 2022, and two submissions were received. The following issues were raised (summarised):



- Northern lot boundary setbacks of 1.2m are insufficient. The City has approved 1.9m setbacks for the rear property, which is of equal height;
- Reduced setback will affect visual privacy of our kitchen window, facing south;
- How will drainage be contained on site when there is reduced open ground available?;
- Concerns relating to smoke from solid fuel heating;
- No feature survey is provided;
- Concerns relating to visual privacy caused by bathroom and kitchen windows;
- Eastern boundary wall should have a type of masonry that is fitting and complimentary to the subject site and the eastern neighbour;
- The eastern boundary area will have restricted sunlight;
- The roof deck is close to the eastern neighbour; and,
- No asbestos management plan is provided.

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

- See northern lot boundary setback assessment in the body of the report;
- See visual privacy assessment in the body of the report;
- Condition is recommended to requiring stormwater be retained on site as per the R-Codes;
- Smoke emissions are not a planning consideration in this instance;
- Sufficient detail is provided to allow the City to complete its assessment, noting that a feature survey is provided with the development plans;
- Bathroom windows are not a major opening, and are thereby not subject to the visual privacy provisions of the RCodes. Further, the kitchen finished floor level is not more than 0.5m above the natural ground level of the site, thereby not posing any visual privacy variations;
- Given the eastern boundary wall is not considered a boundary wall for the intents and purposes of the RCodes and LPP 2.4, it doesn't require a discretionary assessment relating to sunlight access, and the City cannot condition its finish;
- The roof deck is screened in its view towards the eastern neighbour; and,
- Any asbestos removal occurring as part of future demolition works is subject to the provisions of separate legislation.

The remaining comments are addressed in the officer comment below.

External referrals

Nil required.



OFFICER COMMENT

Statutory and policy assessment

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

- Side setback (north)
- Visual privacy (north)
- Primary street setback
- Over height dividing fence
- Open space

The above matters are discussed below.

Background

The subject site is located on the eastern side of Edmund Street, between the intersections with Martha and Agnes Streets. The subject site (142 Edmund Street) comprises two lots (lots 31 and 32), with Lot 32 comprising the existing dwelling subject of this application, and Lot 31 to the rear being vacant facing Mardie Street.

The site has a land area of approximately 245m² and is currently a Single house. The site is zoned Residential and has a density coding of R25. The site is individually heritage listed and is located within the South Fremantle Heritage Area.

The subject site is located higher topographically than the street, which is a common feature in the immediate locality. The height difference ranges up to 1.8m above the footpath along Edmund Street.

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

- **DA0133/22** – *Two Storey Single House*, approved by the City on 6 July 2022. This application proposed the construction of a two storey Single house on the adjoining lot of this site facing Mardie Street.

Heritage impact



As the proposed development is located within the South Fremantle Heritage Area and is individually listed, it is subject to heritage assessment in accordance with LPP 3.6 – *Heritage Areas* Local Planning Policy.

Per LPP 3.6, the intent of additions and alterations to existing dwellings is per the below:

When altering or adding to a place with heritage protection, the goal is for an outcome that does not reduce the cultural heritage significance of the place (whether this significance is individual to the site, or part of the broader significance of the area) and ideally, enhances it. This generally involves changing as little as possible but as much as necessary in order to retain the cultural heritage significance of the place and maintain its utility. Because the significance of each place and its context is different, assessment of the suitability of proposals requires that each proposal should be assessed on its own merits.

The City's Heritage department has reviewed the proposal, providing the below comments:

"...the proposal is acceptable from a heritage perspective. We note the following:

The place is a Level 3 and included in the Heritage List.

The place is included in the South Fremantle Heritage Area.

The proposal retains the original house (front portion and rear skillion portion).

The proposal is attached to the rear side part of the house.

The proposal is modern in its design and form (including roof form) but is set well back from the street.

This side and section of Edmund Street is not an intact heritage streetscape.



Overall, despite the contemporary roof form and design of the new addition, it is considered that the compromised streetscape, setback of the addition, retention of the original house form and the siting of the addition create a proposal that will have a minimal impact on the heritage place and on the streetscape and is therefore supportable...”

In accordance with LPP 3.6, new development in heritage areas needs to satisfy the following criteria (assessment against relevant criteria provided):

Element	Officer Comment
General	
Alterations and additions in heritage areas should respond sympathetically to the heritage values of the area as a whole and that part of the heritage area in the vicinity of the proposed development, with changes designed and sited in a manner that retains, conserves, respects and complements the heritage significance of the place and area.	As noted above, the locality doesn't comprise an intact heritage streetscape. Further, it is considered that the proposal has an acceptable impact on the heritage values of the place and the locality more generally.
Alterations and additions to contributory places should seek to change as little as reasonably possible.	There is minimal adverse impact on original heritage fabric which is evident from the streetscape.
Retention of the contributory places, conservation, rear additions and internal adaptations are the preferred form of developing places within a heritage area. This approach allows for the retention of the significant elements of a place and assists in retaining the heritage streetscape, whilst allowing change to meet modern living standards and expectations.	Noted, see above assessment. The proposal allows for modern living whilst retaining the heritage elements of the subject site.
Siting and scale	
Additions in front of contributory buildings or within the established building setback in the prevailing streetscape will generally not be supported unless restoring an original feature in the original architectural style (e.g. a verandah) spaces (also see 'Garages and	The additions are proposed to the side and rear of the existing dwelling, with very little alteration to the front.



Carports' 'Ancillary Structures' and 'Street Fencing' sections below)	
Double storey additions to a contributory building may be considered where: • they are located to the rear of the original building; • they do not alter the original building roof line; • they are constructed so that the roof of the new addition is independent from the original building's roof form; • the roof form of the addition is not visible from the street (a minor variation to this may be permitted based on a proposal's impact on the streetscape); AND • if the addition is attached to the original building, in order to allow the original building to retain its original form, then this is to: • Be via a linked pavilion, or • Have side external walls of the extension set in from the side walls of the original building, or • Be supported by a material change at the junction of the old and new.	It is considered that the proposal meets these provisions in the following ways: • The addition is located towards the rear portion of the dwelling, given it is located behind the roof ridge; • No impact to the original roof line is proposed; • The roof form of the addition is wholly independent of the existing buildings roof, as viewed from Edmund Street; • The roof form is generally flat, and is not a prominent feature of the addition; and, • The connection between the addition and the original dwelling comprises walls significantly set in from the street, giving the appearance of two separate, yet acceptable built forms.
Second storey additions over the main roof line of the original building (excluding later rear wings or skillion additions), or to the side of the main part of the house, will generally not be supported.	Proposal complies with these requirements, as the main roof forms of the existing dwelling are unaffected.
Form	
Additions to places within a heritage area must respect and harmonise with and be sympathetic to the predominant form of the prevailing streetscape and	As noted above, the streetscape is not consistent in its heritage value. Notwithstanding, the proposal



existing building, without falsely mimicking heritage detailing.	has an acceptable heritage outcome, thereby meeting this provision.
The treatment of additions in terms of the roof form, proportions, materials, number, size and orientation of openings, ratio of window to wall etc. of an addition should relate to the existing contributory building and to its neighbours.	The proposal has an acceptable impact in this regard, as noted in the body of the report above.
Symmetry or asymmetry of facades in the prevailing streetscape is an element of form to be kept consistent.	Noted. The proposal has no adverse impact in this regard.
Contemporary addition designs should respond to, and interpret, the scale, articulation and detail of the existing and nearby buildings in a modern, innovative and sympathetic way.	Noted. The proposal has an acceptable impact in this regard.
Whilst the basic form, scale and structure of new development should be consistent with the character of the area, new additions should not seek to emulate heritage detailing to any great extent: 'Faux' or 'mock' heritage detracts from an understanding and appreciation of the original building and will not be supported. New development should blend in with the streetscape but be discernible as new when looked at more closely.	Noted. The proposal has an acceptable impact in this regard as the materiality and design is distinct from, though sympathetic to, that of the existing dwelling and locality.
Roofs	
Traditionally roof lines are a predominant element of the streetscape. Additions should respond to and reinforce the existing characteristics of a streetscape or neighbourhood with regards to plate and wall heights, roof form, ridge lines, parapet lines, roof slopes and eaves overhangs.	It is considered that the proposal has an acceptable impact in this regard. The design is such that it allows for clear interpretation of the original dwelling and doesn't introduce a conflicting roof form.
Roof forms that are contemporary in style (i.e. flat / skillion) may be considered for rear and side additions.	The proposal meets this requirement, given it proposes a flat roof.
Materials, Colours and Detailing	

Significant original or early materials and detailing to contributory places should be retained and conserved. Where it can be demonstrated that original fabric has been previously removed or unsympathetically altered, restoration/reconstruction of the street front facades to their original form and detailing is strongly encouraged. This should be based on documentary and/or physical evidence such as remaining traces of earlier fabric and old plans and photographs.	There is no significant removal of original building fabric from the existing dwelling.
Use of original colours (based on physical inspection or paint scrapes) or traditional colours is encouraged. Where a contemporary paint colour scheme is being considered for a contributory building in a heritage area, consideration should be given to the traditional tonal contrasts and façade detailing. Monochromatic schemes are not appropriate on heritage buildings and should be avoided.	No colour scheme for the proposed additions is provided. It is noted that the upper floor additions will be comprised of timber cladding, with the stairs at the rear being comprised of masonry.

Land Use

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

Lot boundary setback

Element	Requirement	Proposed	Extent of Variation
North (Bed 1)	3m	1.2m	1.8m
North (roof deck)	4.3m	1.2m	3.1m

The Bed 1 northern lot boundary setback variation is considered to meet the Design principles of the R-Codes in the following ways:

- The lesser setback does not result in a perception of adverse building bulk when viewed from the adjoining property for the following reasons:
 - The ground floor portion of the extension is open framed, meaning that any building bulk is confined to the upper floor,

- thereby reducing the impact on the northern neighbour; and
 - The addition is setback 1.2m from the lot boundary, and approximately 2.8m from the northern neighbours built form.
- The lesser setback does not contribute adversely to a loss of direct sun (due to its location to the south of the northern neighbour), light generally or ventilation to major openings; and,
- The lesser setback does not result in any new merit based decision relating to visual privacy that cannot be supported against a Design Principle and/or addressed through the imposition of appropriate conditions.

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

- The lesser setback does not result in a perception of adverse building bulk when viewed from the adjoining property given it comprises a roof deck and is above line of sight from the adjoining neighbour;
- The lesser setback does not contribute adversely to a loss of direct sun (due to its location to the south of the northern neighbour), light generally or ventilation to major openings; and,
- The lesser setback does not result in any new merit based decision relating to visual privacy that cannot be supported against a Design Principle and/or addressed through the imposition of appropriate conditions.

Visual privacy

Element	Requirement	Proposed	Extent of Variation
North (roof deck)	7.5m	2.2m	5.3m

The roof deck visual privacy variation is considered to meet the Design principles of the R-Codes in the following ways:

- The deck is setback from the northern edge of the extension by a 1m staircase and balustrade, and is located above the eave-line of the neighbouring property. Additionally, the easternmost 1.2m portion of the deck facing north is screened by a 1.6-1.9m high screening device. Further,

the northern neighbouring property has wide eaves, as demonstrated by the Figure 1 below.



Figure 1: view of northern neighbouring property (left of frame) from Edmund Street.

Cumulatively, these factors result in an acceptable visual privacy impact on the northern neighbour by effectively obscuring the neighbours southern window, and enduring that the predominant view permitted is cast over the front yard and roof; and,

- It is noted that views eastward are cast to the northern neighbours backyard, however it is considered that the neighbours backyard is a sufficient distance from the roof deck to result in an acceptable visual privacy impact, with the setback to the nearest uncovered area in the back yard being approximately 15m from the roof deck (see Figure 2 below).



Figure 2: Impact of roof deck to northern neighbours back yard.

Primary street setback

Element	Requirement	Proposed	Extent of Variation
Ground floor	7m	6m	1m
Upper floor	10m	6m	4m

Clause 1.2 of LPP 2.9 states that the City can consider reduced primary street setbacks if at least one of the below is met:

- i. The proposed setback of the building is consistent with the setback of buildings of comparable height within the prevailing streetscape; or
- ii. The proposed setback of the building does not result in a projecting element into an established streetscape vista by virtue of the road and/or lot layout in the locality or the topography of the land; or



- iii. The proposed setback of the building will facilitate the retention of a mature, significant tree deemed by the Council to be worthy of retention (Refer also to LPP2.10 Landscaping of Development and Existing Vegetation on Development Sites); or*
- iv. Where there is no prevailing streetscape; or*
- v. Where the proposed development is on a lot directly adjoining a corner lot, Council will consider a reduced setback that considers the setback of the corner lot in addition to buildings in the prevailing streetscape.*

It is considered that the ground floor primary street setback variation meets criterion (i) above in the following ways:

- The ground floor setback has a generally equivalent ground floor setback to the majority of the prevailing streetscape; and,
- The ground floor setback discretion is relatively minor in its extent (due to the 1m shortfall) and its scale, given it has a width of 4.4m and is an open framed structure.

It is considered that the upper floor setback is unable to be supported against the provisions of Clause 1.2 of LPP 2.9 above. However, it is considered that it can be supported against the Design Principles of the RCodes, in the following ways:

- There is no overall established streetscape for upper floors in the prevailing streetscape. It is noted, however that Nos. 136, 136a, and 138 Edmund Street each have upper floor components, with balconies projecting into the primary street setback area. Whilst these balconies are able to project into the primary street setback area as-of-right per LPP 2.9, it is considered that they pose a degree of building bulk and scale to the streetscape. In comparison, the subject proposal has less of a building bulk and visual impact into the streetscape, and is therefore considered to have an acceptable impact and contribution to the streetscape;
- The reduced upper floor setback doesn't result in any visual privacy issues that aren't supportable against the Design Principles, or cannot be appropriately dealt with by conditions;
- It is considered that the proposal retains sufficient space for landscaping and utilities; noting that the proposal doesn't remove or adversely effect any existing car parking areas, given none currently exist on-site; and,
- The setback doesn't pose any safety or access issues for essential service corridors.
- Appropriate design features are employed to reduce the size and scale of the building, namely the open frame of the ground floor, its 6m setback (behind the roof ridge of the existing house), its 4.4m façade width as viewed from the street (noting its use of contrasting material types), and its setback from the existing house;

- It minimises the extent of its façade occupied by building services, parking, blank walls, etc; and,
- It is considered that the proposal is generally consistent with the envisaged future development context of the locality, given the existing dwellings to the north discussed above; and,
- Given the dual street frontage the lots on the east of Edmund Street have with Mardie Street, it is likely that these lots will continue to have additional dwellings constructed on them facing Mardie Street, with future additional built form facing Edmund Street, which may have similar setbacks and scales to that proposed by this development. It is noted that Clause 4.4.6 of LPS4 allows for the construction of additional dwellings on sites with dual frontages, which aren't corner lots, irrespective of the RCodes site area requirements (noting that it applies to Grouped dwelling developments, and not to vacant sites).

Over height dividing fence

Element	Requirement	Proposed	Extent of Variation
Dividing fence - north	1.8m	Up to 2m	Up to 0.2m

Clause 5.1 of LPP 2.8 states that:

Council will not approve side and/or rear boundary fences greater than 1.8m in height, or screening material that projects more than 500mm above the top of an approved fence unless the proposed fence/screening will not have any significant impact on adjoining properties by way of overshadowing, solar access, or loss of views.

Further, clause 5.2 of LPP 2.8 states that:

Council will have particular regard to comments made by neighbouring owners / occupiers of adjoining properties where consultation is carried out, and will only consider the criteria in 5.1 to be met where it is satisfied that no significant adverse impacts on the amenity of the neighbouring property will occur.

It is considered that the proposed dividing fence, whilst exceeding 1.8m, is acceptable based on the above requirements for the following reasons:

- The dividing fence is approximately 1.5m from the neighbours dwelling;
- It is considered that the dividing fence will have no adverse solar access or overshadowing issues, given the abovementioned setback, in addition to it being located to the south of the affected neighbour; and,
- No loss of views of significance is posed by the proposal.

Open space

Element	Requirement	Proposed	Extent of Variation
Open space	50% of site (122.5m ²)	41% of site (102m ²)	9% of site (20.5m ²)

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

- The amount of open space is offset by the provision of outdoor living areas with a cumulative area greater than that specified by the deemed-to-comply criteria. This ensures suitable, useable outdoor spaces are available to residents of the dwelling;
- The locality surrounding the subject site consists of development with a similar open space provision;
- As discussed in the body of the report, the likely future character of the locality will comprise similar amounts of open space at the sites;
- Open space is readily available for residents of the subject site;
- As discussed in the body of the report, building bulk and the overall scale of the proposal, is acceptable;
- An attractive setting is available for the provision of landscape, and sufficient space is available for utilities, if required in future.

CONCLUSION

Per the RCodes, Local Planning Policy, and Heritage assessments provided in the body of the report, it is considered that the application is supportable. Therefore, the proposal is recommended for approval, subject to the conditions contained in the officer recommendation below.

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, Alterations and additions to existing Single house at No. 142 (Lot 32) Edmund Street, Beaconsfield, subject to the following conditions:

- 1. This approval relates only to the development as indicated on the approved plans, dated 17 August 2022. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.**
- 2. All storm water discharge from the development hereby approved shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.**
- 3. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building. Any damage shall be rectified to the satisfaction of City of Fremantle.**
- 4. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.**
- 5. The external bin store 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.**



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

ADVICE NOTE:

- i. A building permit is required to be obtained for the proposed building work. The building permit must be issued prior to commencing any works on site.**



**PC2211-6 BELLEVUE TERRACE, NO. 10 (LOT 65), FREMANTLE –
ADDITIONS AND ALTERATIONS TO EXISTING SINGLE
HOUSE (ED DA0122/22)**

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

SUMMARY

Approval is sought for additions and alterations to an existing Single house at No. 10 (Lot 65) Bellevue Terrace, Fremantle.

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

- **Primary Street Setback; and**
- **Overshadowing.**

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for additions and alterations to an existing Single house at No. 10 (Lot 65) Bellevue Terrace, Fremantle. The proposed works include:



- Replacement of existing double carport with the addition of a double garage to the existing house, within the front setback area; and
- Addition of a roof garden and additional bedroom with ensuite above and toward the rear of the proposed garage.

The applicant submitted amended plans on 8 September 2022 including the following:

- Increased street setback of the bedroom with ensuite above the garage from 4.6m to 6m;
- Reduction in the overall maximum height of the garage, measured from natural ground level at the street boundary, from 3.65m to 3.03m (620mm reduction); and
- Reduction in overall maximum height of the bedroom with ensuite, measured from natural ground level along the southern side boundary, from 4.39m to 4.09m (300mm reduction); and
- Level of overshadowing reduced to only 2m² above what the existing Carport throws (existing: 183m²; proposed: 185m²).

Amended development plans are included as attachment 1.

Site/application information

Date received:	7 April 2022
Owner name:	Mrs Leith Susan Handley & Mr Stephen Ronald Handley
Submitted by:	MDC Architects
Scheme:	Residential (R25)
Heritage listing:	Not Listed, Not Within Heritage Area
Existing land use:	Single House
Use class:	Single House
Use permissibility:	Permitted



CONSULTATION

External referrals

Nil required.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as variations to policy provisions are proposed. The advertising period concluded on 2 June 2022, and one (1) submission was received. The following issues were raised (summarised):



- The garage (even without the rooftop garden or upper bedroom addition above) is not consistent with the current streetscape where garages are set back in line with the main dwelling with the only carport being the existing car port at No. 10.
- The garage wall on the southern side is substantially higher than the existing boundary fence and being so close to the shared boundary, creates and imposes additional bulk and scale as well as overshadowing over the neighbouring southern property.
- The existing dwelling at No.10 already casts a shadow of 34% (151sqm) (excluding the existing carport) which is considerably more than the 25% permitted by the R-Codes. The existing situation shadows the upper-level windows and solar collectors for hot water during the winter.
- Strongly express concern and objection to the rooftop garden over the proposed garage. It is suggested that this area would not be accessed apart for maintenance but how would this be enforced? If this area were to be used as an outdoor living area it would overlook the primary OLA and bedrooms of the southern property.

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

- Increased street setback of the bedroom with ensuite above the garage from 4.6m to 6m;
- Reduction in the overall maximum height of the garage, measured from natural ground level at the street boundary, from 3.65m to 3.03m (620mm reduction);
- Reduction in overall maximum height of the bedroom with ensuite, measured from natural ground level along the southern side boundary, from 4.39m to 4.09m (300mm reduction); and
- Level of overshadowing reduced to only 2m² above the existing scenario (existing: 183m²; proposed: 185m²).

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

- The matters of streetscape and amenity impact are discussed in detail within the officer comment section below but on the matter of the usability of the rooftop (beyond access for maintenance), a condition of approval is recommended to ensure this rooftop garden remains non-habitable and non-accessible at all times



(with the exception of occasional maintenance). It is noted that there are no doors accessing the garden directly also.

The remaining comments are addressed in the officer comment below.

OFFICER COMMENT

Statutory and policy assessment

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

- Primary Street Setback; and
- Overshadowing.

The above matters are discussed below.

Background

The subject site is located on the eastern side of Bellevue Terrace in Fremantle. The site has a land area of approximately 582m² and is currently a single house. The site is zoned Residential and has a density coding of R25. The site is not individually heritage listed nor located within a Heritage Area.

Bellevue Terrace is characterised by varied housing designs and typologies from contemporary dwellings to more traditional designs and includes one and two storey single houses and grouped dwellings that result in an inconsistent streetscape character. The street slopes upwards from south to north meaning houses sit on increasing topography as you move northward up the street.

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

- Single Dwelling (2006); and
- Outbuilding Addition (2006).

Primary Street Setback

Element	Requirement	Proposed	Extent of Variation
Garage (<4.0m external wall height)	LPP2.9 - Minimum prescribed street setback for buildings with an external wall height of 4 metre or less: 5m	0.4m	4.6m
Bedroom/Ensuite (>4.0m external wall height)	LPP 2.9 - Minimum prescribed street setback for buildings with an external wall height of greater than 4 metres: 7m	6.0m	1.0m

While the proposed primary street setback of the garage does seek a significant departure from the deemed to comply and will be a different structure in the streetscape than the existing carport, the variation is supported against the discretionary elements of the policy and the design principles of the R-Codes for the following reasons:

- Bellevue Terrace is characterised by varied housing designs and typologies from contemporary dwellings to more traditional designs and with greatly varying street setbacks from almost nil to more than 19m (refer aerial image below). There is also a mix of solid, visually permeable and no front fencing across the property frontages which further varies the streetscape character. As such, there is no real established or prevailing streetscape character within Bellevue Terrace that the garage would be detrimental to or contravening.
- The garage is replacing an existing, large, open skillion-roofed carport that is currently greater in height and extent than the proposed garage and that, arguably, has a more distinctive presence in the streetscape in the existing scenario than would the proposed garage.
- As per the amended development plans, the applicant has taken steps to reduce the overall height of the garage within the streetscape (as measured

from natural ground level at the street boundary) by 620mm from 3.65m to 3.03m which assists to reduce its impact upon the streetscape.

- The front component of the garage is proposed to be a mesh material at 70% permeability.

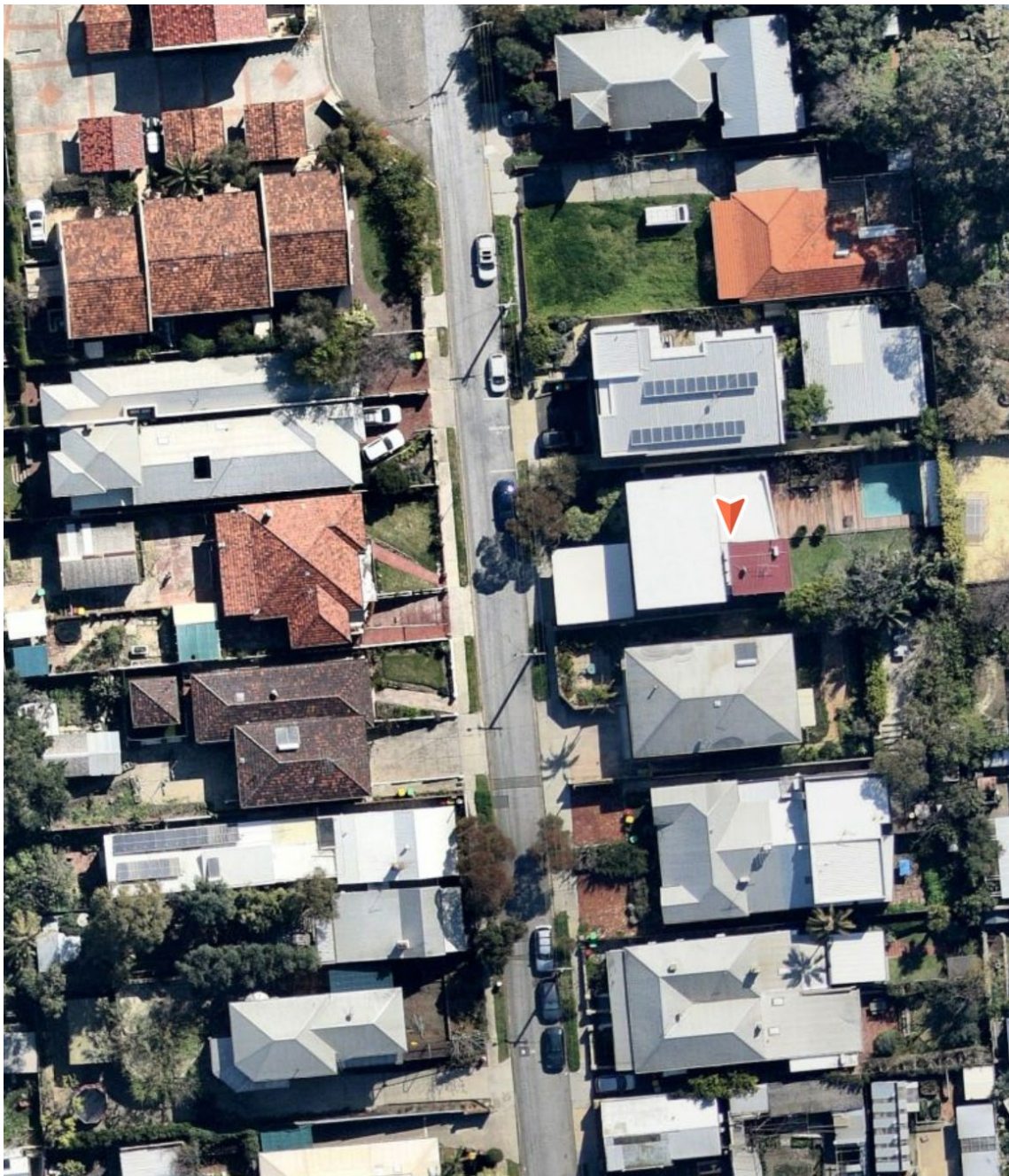


Image 1. Aerial Photo Showing Street Setbacks of Dwellings along Bellevue Terrace





Images 2 & 3. Images of Existing Carport at Subject Site

With respect to the proposed primary street setback of the bedroom/ensuite, the variation is supported for the following reasons:

- As per the amended development plans, the street setback of the proposed bedroom/ensuite has been increased to a minimum 6.0m which now also aligns with the adjoining southern property (No. 12) porch roof and front wall of the garage. As such, the variation does not result in any adverse impact upon the streetscape as it closely aligns with the adjoining dwelling.
- As noted above, there is no consistent streetscape character within Bellevue Terrace that the bedroom/ensuite would be detrimental to or contravening.
- As per the amended development plans, the overall maximum height of the bedroom/ensuite wall has been reduced by 300mm to 4.09m making it only marginally above the '*external wall height of 4m or greater*' setback

requirement of LPP2.9 (7m) which would otherwise only be 5m if the wall height was reduced a further 90mm.

- When viewed in the context of the large house behind and next door, the scale of the structure is of a reasonable scale.

Overshadowing

Element	Requirement	Proposed	Extent of Variation
R-Codes section 5.4.2 (R25)	Maximum 25% (112.5m ²) overshadowing of adjoining southern site.	41% (185m ²)	16% (72.5m ²)

The overshadowing variation is considered to meet the Design Principles of the R-Codes in the following ways:

- It is important to note that the proposed overshadowing is only 2m² (<1%) greater than the overshadowing of the existing scenario (Carport) which combined with the existing house is currently 183m² (or 41%) of the adjoining southern property (No. 12). This is due to the fact the proposal seeks to remove the existing skillion-roofed carport and replace it with a lower in height garage structure. This will serve to reduce the extent of overshadowing over the more sensitive outdoor living area located in the front setback area of the adjoining property when compared to the existing scenario (refer amended site plan).
- The amended development plans have increased the street setback of the bedroom/ensuite to align with the covered porch of the adjoining southern property. This has also served to reduce the shadow impact upon the outdoor living area located in front setback area of this dwelling and moved the shadow impact of this wall over to the blank side wall and already roof covered porch of the adjoining dwelling thereby reducing the impact upon sensitive areas of this dwelling.
- It is also important to note that the outdoor living area in the front setback of the adjoining southern dwelling (No. 12) appears to be a secondary outdoor living area to the primary outdoor living area located at the rear of this property in the larger rear yard. The primary outdoor living area of this adjoining property is not impacted by this proposal and is currently (and will



remain) not overshadowed by the development of the subject site as the rear building lines of the dwellings align.

On balance and in consideration of the amended development plans, the marginal increase in the shadow extent beyond the existing scenario is considered negligible and it is considered the shadow impact over the more sensitive outdoor living area in front setback of the adjoining property is improved due to the removal of the existing carport which has a greater height than the proposed garage.

It should be noted that all other relevant planning assessment considerations, including lot boundary setbacks, visual privacy and vehicle sight lines have been assessed and found to be compliant with the deemed-to-comply requirements of the R-Codes and/or able to be made compliant through the recommended conditions of approval. As such, it is considered these elements require no further discussion.

CONCLUSION

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

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Additions and Alterations to Existing Single



House at No. 10 (Lot 65) Bellevue Terrace, Fremantle, subject to the following condition(s):

- 1. This approval relates only to the development as indicated on the approved plans, dated 8 September 2022. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.**
- 2. The 'Rooftop Garden' space shown on the plans hereby approved shall remain non-habitable at all times, for the life of the development. Access to this space shall be occasional and limited to, and for, maintenance purposes only, as required.**
- 3. Prior to the issue of a Building Permit for the development hereby approved, the screening used on the garage within the 1.5m x 1.5m truncation areas at vehicle access points shall provide adequate sight lines and/or otherwise comply with Clause 5.2.5 C5 of the Residential Design Codes, and thereafter be maintained to the satisfaction of the City of Fremantle.**
- 4. All storm water discharge shall be contained and disposed of on-site unless otherwise approved by the City.**
- 5. The applicant is advised that this approved development shall be wholly located within the cadastral boundaries of the subject site including any footing details of the development.**
- 6. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.**

Advice Notes:



- i. A building permit is required to be obtained for the proposed building work. The building permit must be issued prior to commencing any works on site.**
- ii. Fire separation for the proposed building works must comply with Part 3.7.1 of the Building Code of Australia.**



PC2211-7 BROMLEY ROAD, NO. 28 (LOT 181) HILTON – ANCILLARY DWELLING AND ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE (JL DA0235/22)

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

SUMMARY

Approval is sought for a single storey Ancillary dwelling addition and additions and alterations to the existing Single House at 28 Bromley Road, Hilton.

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

- **Boundary wall (south)**

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for single storey Ancillary dwelling and additions and alterations to an existing Single house at 28 Bromley Road, Hilton. The proposed works include:

- Outdoor courtyard and alfresco area.

**Agenda – Planning Committee
2 November 2022**

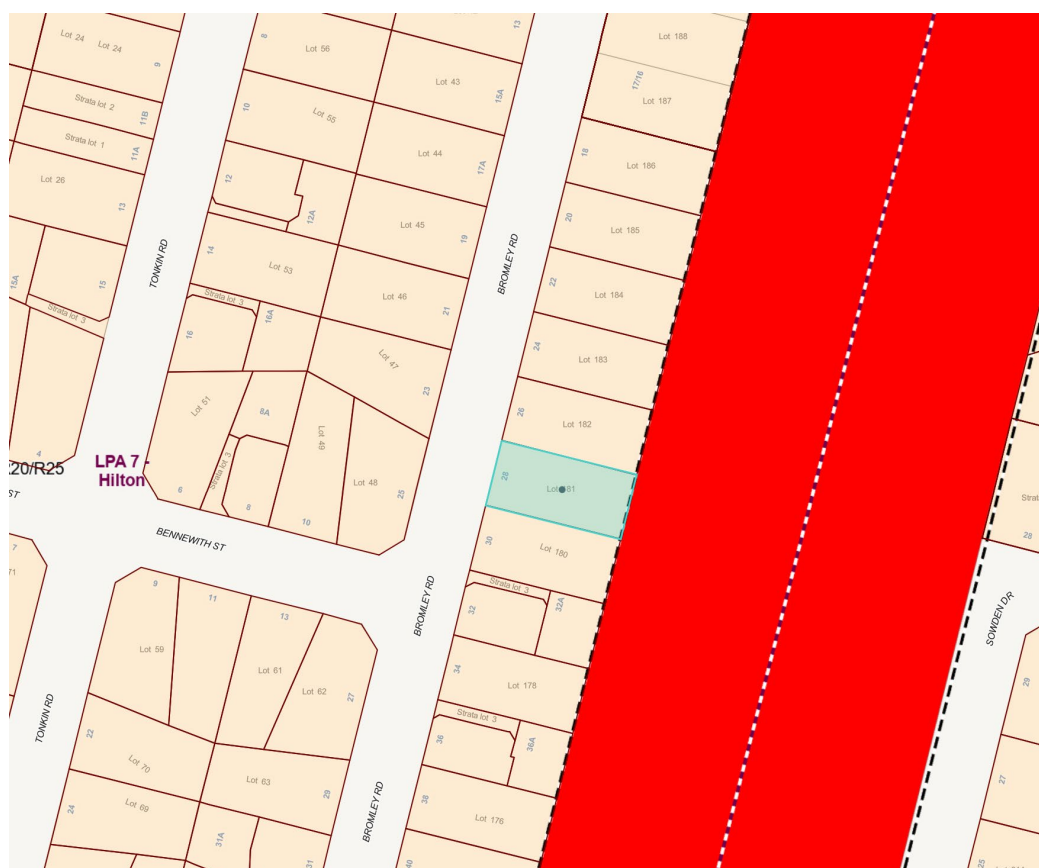


- Kitchen,
- Living and dining room
- Below ground pool
- Detached 36m² Ancillary dwelling

Amended development plans are included as attachment 1.

Site/application information

Date received: 4 July 2022
Owner name: S Lockyer
Submitted by: John Chisolm Designs
Scheme: Residential R20/25
Heritage listing: Hilton Garden Heritage Area
Existing land use: Single house
Use class: Single house
Use permissibility: P





CONSULTATION

External referrals

Nil required.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the proposal sought discretion against the R-Codes deemed-to-comply requirements and Council Policy. The advertising period concluded on 4 August 2022, and one submission was received. The following issues were raised (summarised):

- The submitter raised concerns with respect to the proposed boundary wall for the Ancillary dwelling addition, especially with respect to the impact it might have on sunlight access to the adjoining dwelling and the existing solar panel additions and their efficiency.

In response to the above, the applicant submitted amended plans which proposed the following:

- The floor level of the proposed Ancillary Dwelling has been reduced by 150mm
- The wall heights to the proposed Ancillary Dwelling have been reduced by 200mm

Comments are addressed in the officer comment below.

OFFICER COMMENT

Statutory and policy assessment

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

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

- Boundary wall (south)

The above matters are discussed below.

Background

The subject site is located on the eastern side of Bromley Road, Hilton. The site has a land area of approximately 751m² and is currently occupied by a Single house and associated outbuilding. The site is zoned Residential and has a split density coding of R20/25. The site is not individually heritage listed but is located within the Hilton Garden Heritage Area.

Local Planning Policy 3.7 – Hilton Heritage Area

5. Conservation of existing dwellings not listed on the heritage listed – including upgrading, extensions and additions

5.1 Upgrading of existing dwelling	5.1.1 External alterations shall conserve the overall architectural style and the original external form of the dwelling as viewed from the street but may include modern and/or contrasting materials.	The proposed additions are single storey and located to the side of dwelling towards the rear of the property, and will not be highly visible from the street.
	5.1.2 The original size and position of openings (doors and windows) visible from the street shall be conserved. Non-traditional materials may be used in the replacement of the doors or windows, subject to the appearance of the replacement doors or windows reflecting the styles of original Hilton dwellings.	No change to the front of the dwelling

	5.1.3 The original size and position of verandahs and porches visible from the street shall be conserved.	No change to the front of the dwelling
	5.1.4 Front verandahs and porches are not to be enclosed.	No change to the front of the dwelling
	5.1.5 The original form of the roof of the dwelling shall be retained as viewed from the street.	No change to roof pitch or form
5.2 Extensions and additions	5.2.1 New extensions shall be located at the rear or side of the original dwelling	The new additions are located to the rear of the dwelling
	5.2.2 Upward extensions shall be designed to comply with Part 2 – Building Height of this policy	n/a
	5.2.3 The external form of the front of the dwelling is to be retained	No change to the front of the dwelling

The proposed rear addition is considered to meet the below requirements of LPP3.7 as outlined above and is supported.

Boundary walls (south)

Element	Requirement	Proposed	Extent of Variation
Ancillary dwelling(south)	1m setback	0m	1m

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

- The shade cast by the wall will predominantly fall over a side access area, especially at midday on midwinter due to the orientation of the subject lot. As shown in the applicant's overshadowing plan (below), due to the scale of the ancillary dwelling, shadow will not impact the adjoining properties existing skylight or solar collector device located on the roof.

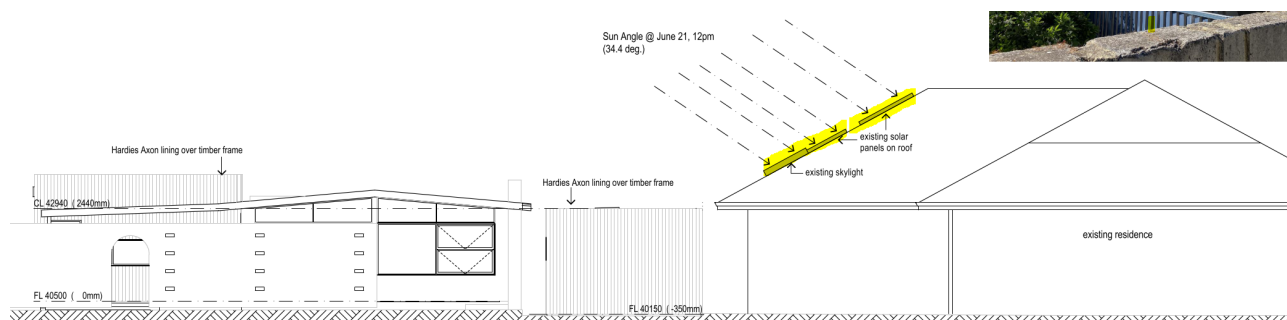


Figure 1 – Subject site (left dwelling) and No.30 Bromley Road (right)

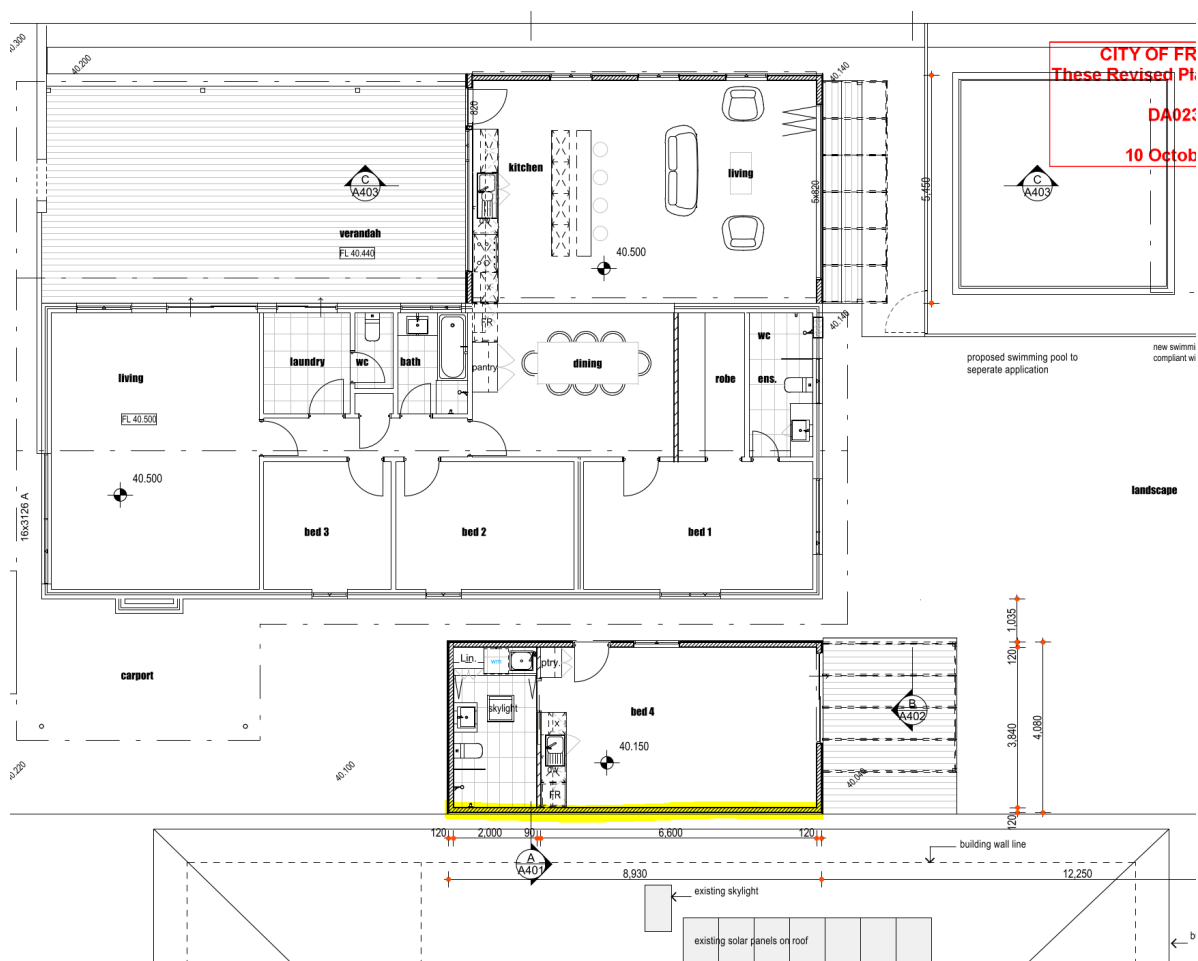


Figure 2 – Floor plan showing location of proposed southern boundary wall in relation to southern adjoining property and existing dwelling



Image 1 - No.30 Bromley Road Sky light and Solar device

- With regards to loss of solar access impacts to the existing highlight windows of the neighbours dwelling, the proposed boundary wall will not have a significant impact given these openings are already under the eaves of the dwelling onsite which casts shadow over these existing minor openings (See photo above).
- In terms of building bulk impacts, given its central location and what it abuts on the neighbouring property, such amenity impacts are also envisaged to be marginal. The proposed boundary wall is 2.7m in height and 8.9m long which directly abuts northern side setback area of this property.
- The wall will not be readily visible from the street.

CONCLUSION

In accordance with the above considerations, the subject development application is considered to be worthy of support, subject to conditions.



STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Ancillary dwelling and additions and alterations to existing Single house at No.28 (Lot 181) Bromley Road, Hilton, subject to the following condition(s):

- 1. This approval relates only to the development as indicated on the approved plans, dated 10 October 2022. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.**
- 2. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.**
- 3. All storm water discharge from the development hereby approved shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.**
- 4. Prior to occupation/ use of the development hereby approved, the boundary wall located on the southern boundary shall be of a clean finish in any of the following materials:**



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

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

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

Advice notes

- i) A building permit is required to be obtained for the proposed building work. The building permit must be issued prior to commencing any works on site.**
- ii) Fire separation for the proposed building works must comply with Part 3.7.2 of the Building Code of Australia.**



10.3 Council decision

PC2211-8 REVIEW OF LOCAL PLANNING POLICY D.B.M9 – TELECOMMUNICATIONS

Meeting date:	2 November 2022
Responsible officer:	A/Manager Strategic Planning and City Design
Decision making authority:	Council
Attachments:	1. Draft revised D.B.M9 – Telecommunications
Additional information:	1. D.B.M9 – Telecommunications 2. <i>Telecommunications (Low-impact Facilities) Determination 2018</i>

SUMMARY

As part of the ongoing review of the City’s local planning policy manual, officers have reviewed Telecommunications Policy (D.B.M9).

The policy relates to the management of non-‘low-impact’ telecommunications facilities. These are the significant pieces of mobile telecommunications infrastructure that are not exempted from requiring development approval under the under the Commonwealth *Telecommunications Act 1997* (Telecommunications Act) and *Telecommunications (Low-impact Facilities) Determination 2018*.

D.B.M9, as it exists, is significantly outdated. Since adoption, the Commonwealth legislative, and State Planning Policy and local planning frameworks having been updated, particularly in relation to public health considerations.

The policy has been updated to reflect these changes and to strengthen provisions that relate to the protection of heritage and environmental interests.



This report recommends that Council resolve to advertise the draft revised policy for public comment.

BACKGROUND

On 26 February 2020, Council considered a report on the status of the City's Local Planning Scheme. This identified (amongst other things) that several of the City's local planning policies, covering numerous matters relating to planning and development of land within Fremantle, are dated. The scheme review report concluded that the City's planning scheme is satisfactory in its existing form but should be maintained based on an agreed program of projects including periodic, recurrent and ongoing policy review for the purpose of rationalising the policy framework (SPT2002-4).

Maintenance of the local planning framework additionally supports the capability objectives of the City's Strategic Community Plan 2015-25 relating to governance. Revocation of superfluous policies reduces unnecessary administrative burden and strengthens the City's efficiency, effectiveness and credibility in review (i.e. on appeal).

The existing policy was adopted in July 2001 and has not been reviewed since that time.

The development of telecommunications infrastructure across Australia is controlled by the commonwealth *Telecommunications Act 1997*. Supplementing the Act is the *Telecommunications (Low-impact Facilities) Determination 2018* that defines the classes of telecommunications infrastructure and location of the facility to determine if it is a low-impact facility. Telecommunications facilities that meet the requirements of the *Telecommunications (Low-impact Facilities) Determination 2018* are exempt from the requirement to obtain development approval under City of Fremantle Local Planning Scheme No. 4 and the Metropolitan Region Scheme.

This policy will only provide requirements for (primarily mobile) non-low-impact telecommunications infrastructure that are not exempted from requiring local government development approval by the *Telecommunications (Low-impact Facilities) Determination 2018*.



Examples of exempted telecommunication items included in the *Telecommunications (Low-impact Facilities) Determination 2018* are radio facilities (e.g. certain sizes of dish, antenna, panels) and under and above ground housings and facilities (e.g. conduits, cables, pedestals, cabinets and pillars) where they meet specific size (e.g. height, length, area) and location (e.g. certain types of facility are only considered low-impact in industrial or commercial areas) requirements. New telecommunication towers not attached to a building are not defined as 'low-impact'.

For more information on what types of facilities are considered low-impact and exempt from planning approval see additional information 1. *Telecommunications (Low-impact Facilities) Determination 2018*.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

The procedure for amending a local planning policy is provided for under Schedule 2, Part 2, Clause 5 of the Planning and Development (Local Planning Schemes) Regulations 2015.

CONSULTATION

Should Council resolve to advertise the draft revised policy for public comment, a notice must be published on the City's website, and a copy of the document made available for public inspection at the Walyalup Civic Centre during normal business hours, for a period of not less than 21 days.

OFFICER COMMENT

The purpose of the policy is to balance the need for effective telecommunication services and effective roll-out of networks, with the community interest in



protecting conservation and heritage values and the visual character of local areas.

Under the policy, development approvals received by the City for the erection and/or installation of a non-low-impact telecommunication facility would need to consider site selection, co-location, preferred sites, heritage, visual amenity and facility design, vegetation and natural aspects, public health and safety.

A number of changes to the previous policy (D.B.M9) are proposed as part of the review. The most significant changes pertain to the public health and safety, site selection and co-location, and heritage provisions.

Public health and safety

The existing policy states: *"Council recognises the need for a telecommunications network within the locality and equally recognises the community's concern over the potential health impacts from telecommunication facilities. The Council adopts a precautionary approach to the installation and operation of telecommunication facilities and considers it important to protect sensitive uses. This is based on inconclusive scientific evidence regarding the long term health impacts."*

However, *State Planning Policy 5.2 – Telecommunications Infrastructure* (SPP 5.2), adopted in September 2015, notes that telecommunications carriers **must** comply with the Australian Communications and Media Authority (ACMA) *Radiocommunications Licence Conditions (Apparatus Licence) Determination 2003*. These licence conditions make mandatory the set limits for human exposure to radiofrequency electromagnetic fields from all sources, including telecommunications infrastructure in the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) Radiofrequency (RF) Standard.

ARPANSA is the primary Commonwealth agency responsible for protecting the health and safety of people and the environment from the harmful effects of radiation. Measurement surveys undertaken by ARPANSA demonstrate that environmental radiofrequency levels near base stations for the mobile telephone network are extremely low, i.e. typically well below one per cent of the Standard's public exposure limits. It concluded: *"given the very low levels recorded and the relatively low power of these types of transmitters, it is unlikely that the*



radiofrequency radiation from base stations would cause any adverse health effects, based on current medical research.”

As the standards set by ARPANSA incorporate substantial safety margins to address human health and safety matters, SPP 5.2 states that it is not within its scope to address health and safety matters. Accordingly based on ARPANSA’s findings, setback distances for telecommunications infrastructure are not to be included in local planning schemes or local planning policies to address health or safety standards for human exposure to electromagnetic emissions. Therefore, the references to Council’s “precautionary approach” to the siting of telecommunications facilities in relation to “sensitive uses” (any dwelling, childcare facility, kindergarten, preschool, school, aged care facility or hospital), and the subsequent development controls have been deleted from the draft revised local planning policy, bringing it into alignment with SPP 5.2.

Site selection and co-location

Similarly, provisions relating to site selection and co-location have been amended to remove references to public health, EME and sensitive uses.

In the provisions relating to preferred sites for telecommunications facilities, the language has been softened slightly to refer to Council’s preference for co-location where possible, rather than stating that facilities “should be” co-located. However, an additional provision has been introduced, requiring carriers to submit evidence that they have investigated co-location in the first instance.

Heritage

The provisions around heritage have been updated to refer to heritage “places” as is the current terminology, rather than “properties”. This has the added benefit of clarifying that the provisions pertain to all heritage places, whether private or public, including all built, natural and archaeological sites. The list of heritage places the policy includes has also been broadened to capture UNESCO World Heritage Sites (Fremantle Prison), along with places on the City of Fremantle Heritage List, within City of Fremantle Heritage Areas and all Aboriginal heritage sites. The description of places has also been expanded to include structures as well as buildings, and “architectural integrity” has been substituted with “identified heritage values and fabric”, to better capture both tangible and intangible



cultural heritage considerations. Further clarification around the need to avoid adverse impacts on integrity or visual amenity of natural heritage sites, conservation areas and remnant vegetation areas has also been added to the draft revised policy.

Several other, more general changes have also been incorporated into the draft revised policy. These include:

- Updated references to associated legislation.
- Insertion of an 'Introduction and Purpose' section, consistent with the City's current policy format. This uses text from the current policy and supplements it with an explanation of the *Mobile Phone Base Station Deployment Industry Code (C564:2020)* and a brief outline of why the policy is required.
- Refinement of the objectives to reflect other changes to the policy.
- Updated terminology (e.g. "development approval" rather than "planning approval") and updated references to other local planning policies.
- Relocation of the 'Vegetation and Natural Aspects' provisions and improvement to the arrangement of the provisions.

The draft revised policy represents a contemporary approach to planning for non-low-impact telecommunications facilities, consistent with SPP 5.2. It is recommended that Council resolve to advertise the policy for public comment.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required



OFFICER'S RECOMMENDATION

Council adopt draft revised Local Planning Policy D.B.M9 – Telecommunications, provided in Attachment 1, for the purposes of public engagement in accordance with Schedule 2, Part 2, Clause 5 of the Planning and Development (Local Planning Schemes) Regulations 2015 and Local Planning Policy 1.3.



PC2211-9 FREMANTLE OVAL DRAFT CONSERVATION MANAGEMENT PLAN

Meeting date:	2 November 2022
Responsible officer:	Acting Manager Strategic Planning and City Design
Decision making authority:	Planning Committee
Attachments:	1. Draft Fremantle Oval Conservation Management Plan, Griffiths Architects, 2022
Additional information:	N/A

SUMMARY

The purpose of this report is to provide Council with a copy of the draft Conservation Management Plan for Fremantle Oval and request Council endorse the draft plan for the purpose of community comment. Following community consultation, the final plan will be presented back to Council for adoption.

BACKGROUND

Fremantle Oval is a significant heritage place with a long association with recreation and public events as well as important links to the World Heritage listed Fremantle Prison. Part of the Convict Grant, the oval served as a parade ground for the Pensioner' Guards at the adjacent barracks building in the 1850s. The site was then used for football matches in the 1880s. following the transfer of the land to the Colonial Government after closure of the Convict Establishment in 1893, local sporting groups successfully lobbied for the land to be vested in the City of Fremantle for use as a sporting ground.

For almost 130 years Fremantle Oval has been the venue for football, sports and community and civic events. Victoria Pavilion within the site, is a rare and fine example of a Federation era grandstand as well as a significant local landmark.

In 1993 Fremantle Oval was included in the State Register of Heritage Places (RHP) as Victoria Pavilion (Fremantle Oval Grandstand) (Heritage Place no 00874). The curtilage includes the whole of Reserve 8704 which is Fremantle Oval.



In 1996 the first conservation management plan (CMP) for the place was prepared by Heritage Conservation Professionals.

In January 2022 Griffiths Architects were appointed to update and expand the CMP.

FINANCIAL IMPLICATIONS

The consultant fees for the preparation of the CMP for the Fremantle Oval is \$25,605 excluding GST. The contract was awarded in early 2022 and the project is due for completion this year.

LEGAL IMPLICATIONS

There are no legal implications to this report.

CONSULTATION

In February and March of this year the City of Fremantle carried out preliminary public engagement to better understand the social and historic significance of Fremantle Oval. The community was invited to comment on their connection to Fremantle Oval and to share stories, maps, photographs, newspaper clippings etc. The public responses were then compiled and presented to the heritage consultant for use in this CMP.

Following adoption of the draft CMP for community engagement, the City will further engage with the community and key stakeholders on the draft CMP and its recommendations.

OFFICER COMMENT

After 26 years, the original 1996 CMP for Fremantle Oval was in need of update to record recent changes and provide guidance to manage future conservation, maintenance and development of the site.

Updates to records include recognition of the:



- Whadjuk Nyoongar connections to the place and migrant history and archaeology
- Fremantle Dockers and their link to the oval
- Fremantle Prison's World Heritage Listing and identification of Fremantle Oval in the buffer zone for this place
- conservation and refurbishment work undertaken since 1998.

Additionally, as Fremantle Oval was an early inclusion on the State Register of Heritage Places the statement of significance required reconsideration and update to assist with how the whole of the place and its setting is to be regarded and conserved.

Accordingly, Griffiths Architects have updated the CMP to include:

- new records
- a revised statement of significance
- policies discussing how future change and development can be managed to retain the heritage values of the place
- a costed and prioritised list of works to allow for future asset management maintenance planning for the buildings, structures and landscape elements.

The revised CMP for Fremantle Oval will help the City of Fremantle to understand the place and its cultural heritage significance and will provide policies to enable this significance to be retained in its future use, interpretation, and development. It also includes a prioritised programme of staged conservation works to care for significant buildings, structures and landscape elements and provides a framework to consider future changes and development to accommodate modern requirements and ensure its ongoing use as a sporting facility and place for community events.

Consultation with the community and key stakeholders is an important part of the process of preparing a conservation plan. Preliminary consultation was undertaken at the beginning of this process to understand the importance of the place to the community. Now that the draft report has been completed further consultation on the report and its recommendations is required.

Following completion of community engagement, the feedback will be reviewed by the project team and the final CMP will be presented back to Council.



VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council endorses the draft Fremantle Oval Conservation Management Plan, 2022, prepared by Griffiths Architects, for the purposes of community consultation.



10.2 Committee delegation

PC2211-10 Information Report - November 2022

1. SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY

Responsible Officer:	Manager Development Approvals
Agenda attachments:	1: Schedule of applications determined under delegated authority

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

2. UPDATE ON METRO INNER-SOUTH JDAP DETERMINATIONS AND RELEVANT STATE ADMINISTRATIVE TRIBUNAL APPLICATIONS FOR REVIEW

Responsible Officer:	Manager Development Approvals
Agenda attachments:	Nil

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

1. Application Reference
DAP001/22
Site Address and Proposal
34-38 Amherst Street and 2-4 Stack Street, Fremantle – 56 Grouped Dwellings
Planning Committee Consideration/Decision
- At its meeting held on 23 September 2022, the Planning Committee resolved to provide a comment to the JDAP that it did not support the Officers recommendation to approve the development. - At its meeting on 19th September 2022, the Joint Development Assessment Panel (JDAP) resolved to defer the application for a period of 12 weeks and requested the applicant consider refining the proposal to address concerns. - The applicant has since provided amended plans which are the subject of this report. At the time of writing this report, a meeting had not yet been scheduled.



OFFICER'S RECOMMENDATION

Council receive the following information reports for November 2022:

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



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.

Nil

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.

Nil

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.

Nil

14. Confidential business

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

Nil

15. Closure