Agenda

Planning Committee

Wednesday, 7 April 2021, 6.00pm

City of Fremantle

CITY OF FREMANTLE

NOTICE OF A PLANNING COMMITTEE MEETING

Elected Members

A Planning Committee meeting of the City of Fremantle will be held on **Wednesday**, **7 April 2021** in the North Fremantle Community Hall, located at 2 Thompson Road, North Fremantle commencing at 6.00 pm.

Paul Garbett
Director Strategic Planning and Projects

1 April 2021

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CITY OF FREMANTLE

Planning Committee

Agenda

1. Official opening, welcome and acknowledgement

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

2. Attendance, apologies and leaves of absence

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

3. Disclosures of interests by members

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

4. Responses to previous questions taken on notice

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

5. Public question time

Members of the public have the opportunity to ask a question or make a statement at council and committee meetings during public question time.

Further guidance on public question time can be viewed here, or upon entering the meeting.

6. Petitions

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

7. Deputations

7.1 Special deputations

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

There are no special deputation requests.

7.2 Presentations

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

8. Confirmation of minutes

OFFICER'S RECOMMENDATION

The Planning Committee confirm the minutes of the Planning Committee meeting dated 3 March 2021.

9. Elected member communication

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

10. Reports and recommendations

10.1 Deferred items

Nil

10.2 Committee delegation

PC2104-1 HIGH STREET, NO.162 (LOT 464), FREMANTLE – FOUR STOREY EDUCATIONAL ESTABLISHMENT BUILDING – (CS DA0370/20)

Meeting Date:	7 April 2021
Responsible Officer:	Manager Development Approvals
Decision Making Authority:	Committee
Agenda attachments:	1. Amended Development Plans
Additional information:	1. Applicants Submission 2. Site Photos

SUMMARY

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

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

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

The proposal is not considered to effectively graduate the scale of buildings within the locality, thereby failing to satisfy all of the discretionary criteria relating to building height under LPS4 and as such is, on balance, recommended for refusal.

PROPOSAL

Detail

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

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

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

- Modified internal layout to ensure more activation of the front elevation and engagement with the street, including improved circulation space
- Reduced building height by lowering the basement level and reduced ceiling heights of other levels
- Changes to the design including:
    - Increased lot boundary setbacks (to the north and west)
    - Tree retention (northern side)
    - Changed materials
    - Increased the number/size of openings

- Introduced lightwells along the east and west boundaries to improve internal natural light
- Improved landscaping to front elevation
- Addition of ‘green wall’ to front elevation

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

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

Development plans are included as attachment 1.

Site/application information

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

CONSULTATION

External referrals

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

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

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

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

These matters can be dealt with as relevant conditions and advice notes.

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

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

Issue	Comment	Officer Comment
Streetscape	The proposed development does not fit with the current (predominantly two storey) streetscape	See further detail under Officer Assessment
Traffic Movement	Concern regarding driveway with poor sight lines on to busy street/footpaths	The proposal has been reviewed by the City's Infrastructure team and no issue has been raised in relation to the driveway or sight lines (noting a separate crossover application would be also be required)
Car Parking	The proposed development only provides for four car bays, which is insufficient for a building of this size, capable of holding >200 people	See further detail under Officer Assessment
Building Height	The proposed building will be much larger than any other building in the street	See further detail under Officer Assessment
Heritage	The proposed development will dwarf Dalkeith House The proposed development will cause damp issues / other damage to adjacent heritage property	See further detail under External Referrals
Overshadowing	The overshadowing will impact the properties across the road	Overshadowing falls only into the road reserve.

Noise	Concern about noise from potential evening/out of hours events that might be held by the school and/or external groups	Normal noise regulations would apply.

The remaining comments are addressed in the officer comment below.

OFFICER COMMENT

Statutory and policy assessment

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

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

City of Fremantle LPS4 Provisions:

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

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

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

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

- Building height
- Bicycle parking

The above matters are discussed below.

Background

The subject site is located on the northern side of High Street, Fremantle. The site has a land area of approximately 640m² and is currently a vacant site, with the previous commercial building being demolished in 2019. The site is zoned as Mixed Use.

The application site is separated from the main Christian Brothers College (CBC) campus by one lot currently occupied by a single storey commercial building currently occupied by a Physiotherapist.

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

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

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

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

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

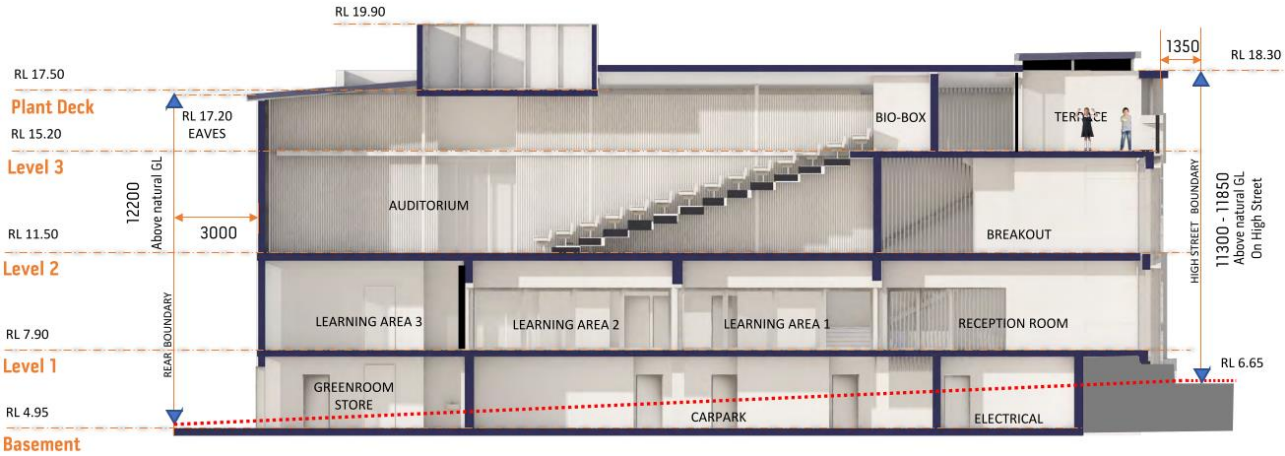


Image 3: Cross section of subject site (North to South)

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

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

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

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

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

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

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

- 160 High Street, Fremantle (known as Dalkeith House)
- 166 High Street, Fremantle being the CBC Gymnasium building
- 185 High Street, Fremantle.

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

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

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

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

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

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

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

Address	Building height	Wall height	Relative direction	Distance from site	Zoning
162 High Street (subject site)	11.3 -12.2m (excluding plant)	11.3 – 12.2m	n/a	n/a	Mixed Use
160 High Street (Dalkeith House)	~11.4m	~8.5m	West	Adjacent	Mixed Use
41-51 Ellen Street (sports hall)	~11.0m	~8.0m	East	25m	Community Facility – High School Reserve
41-51 Ellen Street (student services)	~11.5m	~11.5m	East	~150m	Community Facility – High School Reserve

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

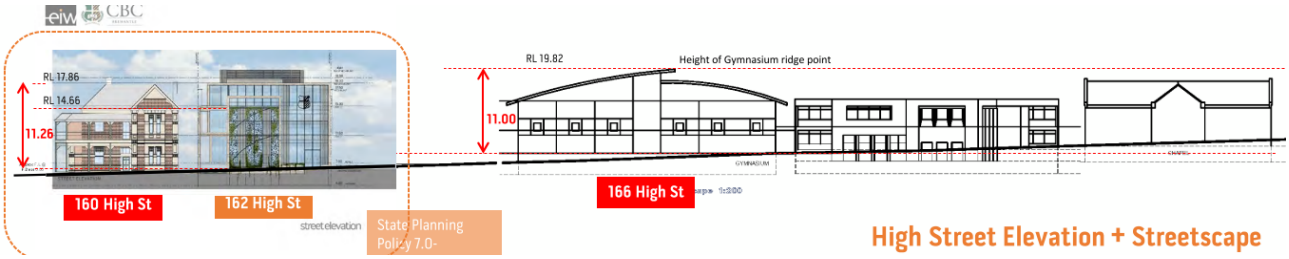


Image 4: High Street Streetscape (West to East)

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

Image 5: High Street Streetscape (West to East)

Although the above analysis of the existing streetscape is considered to have some merit, the proposed wall height of the development, being slightly above the roof height of Dalkeith House and all the other adjoining buildings on the northern side of High Street, is not considered to not effectively graduate the scale of buildings in the locality as the proposed development will be the tallest building in the locality. The proposed building is four storeys including an auditorium on levels 2 and 3. Because of this, the applicant has been unable to reduce the overall height or increase the setback of the side walls on upper floors which may have assisted in a more ‘graduated’ appearance. The building is box-like with boundary walls on both the east and west side boundaries, which results in a building which does not have a ‘graduated’ appearance, and creates a

wall height difference of 3.3m to the west (at the High Street frontage), but in excess of 6m to the east which is a single storey building. The proposal is not considered to effectively graduate the scale between buildings of varying heights within the locality. The proposal is therefore inconsistent with the intent of this provision to assist in graduating the scale of existing over height buildings in the locality back towards the desired future scale of buildings as prescribed under the Scheme.

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

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

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

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

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

Car and Bicycle Parking

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

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

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

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

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

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

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

Bicycle Parking

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

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

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

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

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

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

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

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

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

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

- *Consideration should be given to relocating the car parking spaces to a full underground level to release the opportunity for a less constrained ground floor design which can interact with, and be on the same level as, the streetscape.*
- *Subject to comments from City Officers, consideration could be given to relocating the cars off-site in a reciprocal arrangement with the main campus.*

- *Consider revising the layout and function of the ground floor level to create a larger, more generous and legible main entry that complements the auditorium space and the ability to interact with the streetscape.*
- *Consider relocating the WC's/amenities from the front facade to allow active spaces to interact with the street and provide passive surveillance.*
- *Reconsider the proposed elevational treatments to the east, west, and north to the same level as the considerations given to the design of the southern elevation, which takes cues from the immediate locality and adjoining state heritage building.*
- *Consider the opportunity for breakout spaces to support the adjacent learning spaces.*

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

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

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

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

- *The proposed amendments, specially the reduction in height of the ground floor level, results in an enhanced and improved ground floor streetscape condition.*
- *Enhanced visual permeability has been achieved through the relocation of the amenities from the front facade to an internalised and central location.*
- *Further planning refinements have resulted in a clearer and more legible sequence of spaces as well as the co-location of circulation and break-out spaces which have the capacity to better interact with learnings areas and the auditorium.*
- *The approach to facade proportion as a way of mediating the bulk and scale between the existing heritage building and the new build is supported, however the Panel acknowledge that the amended plans have been re-referred to the State Heritage Office.*
- *The driveway has been successfully set back and the built form over the driveway reads as a smaller volume with a successful glazed element adjacent to the heritage building.*

- *The driveway is also a single lane width which successfully minimises the impact of a vehicular cross-over on the public domain.*
- *The enhanced northern boundary set back is a positive improvement and has successfully resulted in tree retention.*
- *Modestly scaled light-wells have the capacity to add a sense of light and space to the deeper plan areas.*
- *Materiality, articulation and reveals in flank walls have the capacity to add texture scale, detail and modelling to the appearance of the facade.*
- *A top floor generous balcony and outdoor space is oriented towards the street and assists with creating a vibrant and engaged streetscape.*

<u>CABE DESIGN PRINCIPLES</u>

CHARACTER (A place with its own identity)

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

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

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

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

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

HOW CAN THE PROPOSAL BE IMPROVED

- *The applicant is strongly encouraged to reduce the basement level further to allow the ground floor to engage directly with the street. This modification will benefit the development to further enhance the streetscape and assist to solve the potential congestion associated with the entry lobby and narrow flight of stairs.*
- *Removing the planters directly adjacent to the building entry will assist with entry generosity and legibility and may provide the opportunity to consider seating.*
- *Refine the treatment and pallet of materials for the western side of the High Street elevation to reflect the control and well proportioned design of the rest of the façade.*
- *The applicant is encouraged to engage a landscape design professional to review green wall design and viability.*
- *The applicant is encouraged to engage an ESD professional to evaluate sustainability initiatives that could reduce life-cycle and operation costs as well as improved indoor environment quality. Initiative could include, but not be limited to, mixed-mode natural ventilation, PV's and current or future provision for battery location.*

RECOMMENDATION

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

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

In response to the final recommendation of the DAC, the applicant advised that the basement level was dropped by 250mm, with the building and floor levels of the other levels also reduced in height by reducing internal ceiling heights in response to the first DAC meetings comments, however due to the existing sewer easement constraint along the rear of the site, it was not possible to lower the basement (or overall height) any further.

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

CONCLUSION

It is acknowledged that the applicant has made substantial effort to improve the design of the development further to discussions at the DAC, and after advertising to adjoining properties. The increased rear setback helps to ameliorate the impact of the four storey building on the rear residential properties, and the additional light wells improves the amenity of the development itself. The front elevation is much improved in terms of providing better interaction with the street, with improved landscaping.

However, as the building height exceeds the height limit of the Mixed Use Zone and therefore instead requires assessment against all the requirements of cl 4.8.1.1 of LPS4, the proposed does not demonstrate compliance with all four sections, with the height not considered to meet the test of effectively graduating the scale between buildings of varying heights within the locality for the reasons discussed above.

Therefore, officers on balance recommend that the proposed development be refused for the above reason.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

Council:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Four Storey Educational Establishment Building at No. 162 (Lot 464) High Street, Fremantle, as detailed on plans dated 21 December 2020, for the following reasons:

1. **The proposal is inconsistent with the requirements of the City of Fremantle Local Planning Scheme No. 4 in respect to building height requirements of Local Planning Area 2 and does not satisfy the discretionary criteria of clause 4.8.1.1(b).**

PC2104-2 HAMPTON ROAD, NO. 45 (LOT 1), FREMANTLE – TWO STOREY GROUPED DWELLING – (NB DA0002/21)

Meeting Date:	7 April 2021
Responsible Officer:	Manager Development Approvals
Decision Making Authority:	Committee
Agenda attachments:	1. Amended Development Plans
Additional information:	1. Applicant's Justification 2. Site photos

SUMMARY

Approval is sought for a two storey Grouped dwelling at 45 Hampton Road, Fremantle.

The proposal is referred to the Planning Committee (PC) due to the nature of some discretions being sought. The application seeks discretionary assessments against the Local Planning Scheme No. 4 (LPS4), Residential Design Codes (R-Codes) and Local Planning Policies. These discretionary assessments include the following:

- **Primary street setback (ground and upper floor)**
- **Garage width**

The amended ground and upper floor primary street setbacks are not considered to be consistent with the setback of dwellings in the prevailing streetscape, therefore the application is recommended for refusal.

PROPOSAL

Detail

Approval is sought for a two storey Grouped dwelling to a currently vacant lot. No. 45 Hampton Road has been granted conditional approval for subdivision into four survey strata lots by the Western Australian Planning Commission (WAPC), however, the subdivision has yet to be cleared and therefore no street numbers or lot numbers have been assigned to the four future lots.

The proposed works include:

- Ground floor garage, entry, playroom, bathroom, kitchen/living/dining rooms
- Upper floor three bedrooms, two bathrooms and study nook
- Primary street setbacks of:
    - 2 m for the ground floor
    - 2.71 m for the upper floor

After City Officers raised concerns that the proposed setbacks were not consistent with the prevailing streetscape, amended plans were submitted on 10 March 2021 amending the plans to provide the following primary street setbacks:

- 3m for the ground floor
- 5.005m for the upper floor.

Amended Development plans are included as attachment 1.

Site/application information

Date received:	6 January 2021
Owner name:	Pia Colreavy and Ryan Clarke
Submitted by:	Pia Colreavy
Scheme:	Residential R30
Heritage listing:	None
Existing land use:	Vacant lot
Use class:	Grouped dwelling
Use permissibility:	D

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 discretion was sought against the R-Codes and local planning policies. The advertising period concluded on 15 February 2021, and one (1) submission was received raising the following issues (summarised):

- The new driveway will result in the loss of some street parking bays. The area already lacks sufficient street parking for visitors.

- Concerned about the loss of privacy to houses across the street from the upper floor.

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

- The subdivision has been conditionally approved by the WAPC with driveway access taken off Stevens Street for three of the four new lots. These new lots are required to have on-site parking and, therefore, the loss of parking bays is not something that can be addressed through this planning application process.
- The proposed upper floor windows in question are located across the street and approximately 18 metres from the rear yard of the house across Stevens Street. This distance is considered to be adequate separate to minimise visual privacy impacts.

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 (ground and upper floor)
- Garage width

The above matters are discussed below.

Background

The subject site is located on the southwest corner of Hampton Road and Stevens Street and is within the South Fremantle Local Planning Area. The parent lot has a land area of approximately 1219m² and is currently vacant. An application to subdivide the lot into four lots of roughly equal size has been conditionally approved by the WAPC but has yet to be carried out and approved. The site is zoned Residential and has a density coding of R30. The site is not individually heritage listed nor located within a Heritage Area.

The City is currently assessing proposals for new two storey houses on three of the four future lots, with all three applications proposing different primary street setbacks as shown in figure 1 below.

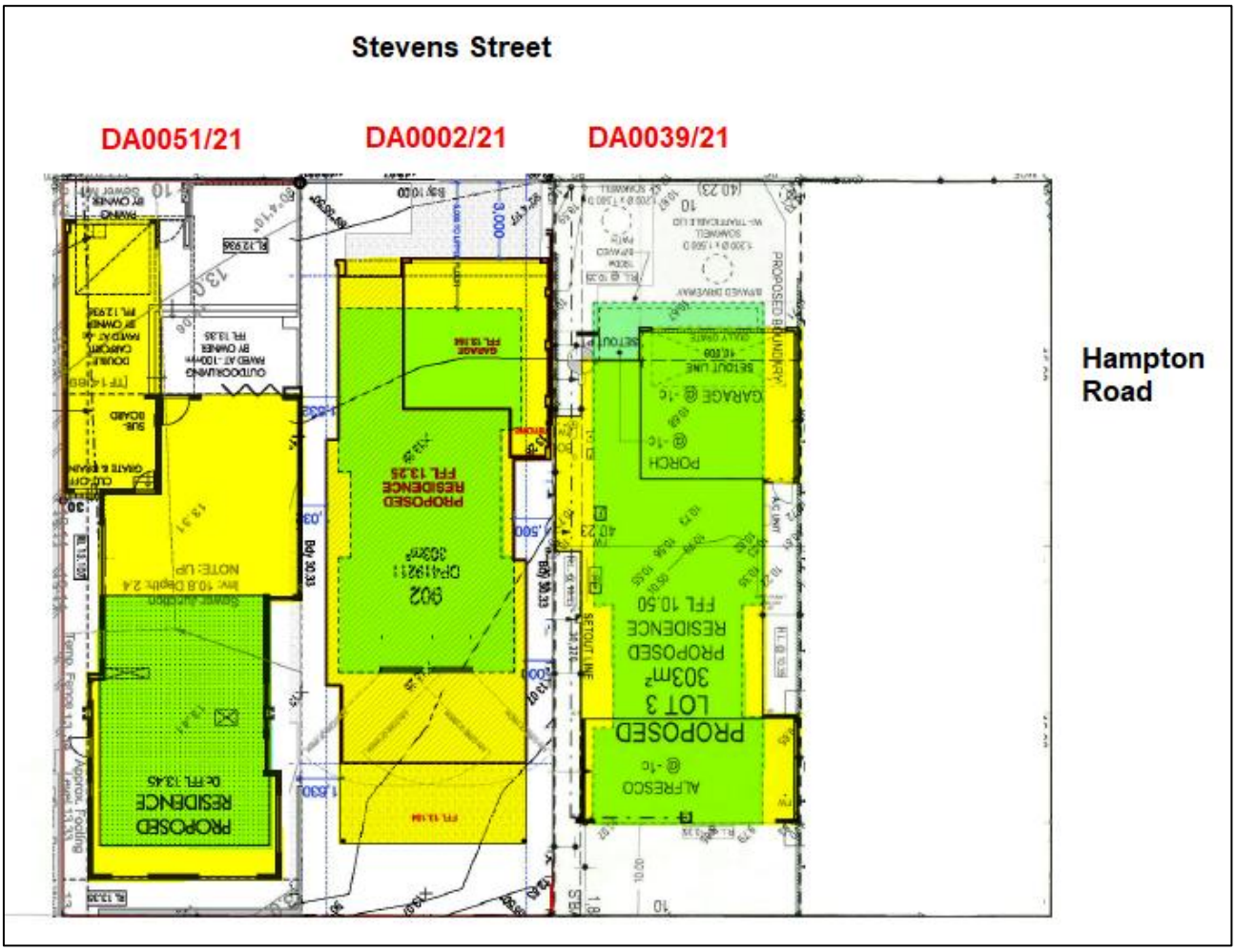


Figure 1: Current applications for 45 Hampton Road, with the proposal the subject of this report being the middle dwelling. Yellow is ground floor footprint, green is upper floor.

The primary street setbacks are further discussed below.

Land Use

A Grouped dwelling is a 'D' use in the Residential Zone, which means that the use is not permitted unless the Council has exercised its discretion by granting planning approval. In considering a 'D' use the Council will have regard to the matters to be considered in the Planning and Development (Local Planning Schemes) Regulations 2015. In this regard the following matters have been considered:

(a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area

(m) The compatibility of the development with its setting including the relationship of the development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development

(n) The amenity of the locality including the following:

(i) Environmental impacts of the development

(ii) The character of the locality

(iii) Social impacts of the development

(y) Any submissions received on the application.

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

- The land use is consistent with the uses and general appearance expected within a residential zone.
- Upon subdivision, each house will be on its own survey strata or green title lot, which will result in them being automatically converted into Single houses.

Primary Street Setback

Under clause 1.2 of policy *LPP 2.9: Residential Streetscape*, variations to the primary street setback can be supported subject to the proposed development meeting at least one of the following criteria:

i. The proposed setback of the building is consistent with the setback of buildings of comparable height within the prevailing streetscape; 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.

The only one of the criteria above that applies to this site is clause (i), consistency of the setbacks compared to buildings of similar height within the prevailing streetscape.

The primary street setback comparison with other approved houses within the 'prevailing streetscape' (defined in policy LPP 2.9 as the three houses on either side, fronting the same street and within the same block) is shown in the tables below:

Ground floor

Address	Setback Required	Setback Approved/Proposed	Extent of Variation
DA0039/21 (proposed)	7 m	*6 m*	*1 m*
Subject Application		*3 m*	*4 m*
DA0051/21 (Proposed)		*1.6 m**	*5.4 m**
15 Stevens Street		7.576 m	Complies
13A Stevens Street		7.6 m	Complies
1/13 Stevens Street		2 m	5 m
6/13 Stevens Street		2 m	5 m

*Setback is to the carport, currently with a boundary wall and which City is in discussions with applicant to make open on all sides, which would result in a setback of 8.7m to the main wall of the dwelling.

Upper floor

Address	Setback Required	Setback Approved/Proposed	Extent of Variation
DA0039/21 (proposed)	10 m	*5 m*	*5 m*
Subject Application		*5 m*	*5 m*
DA0051/21 (Proposed)		*17 m*	*Complies*
15 Stevens Street		n/a (loft)	n/a
13A Stevens Street		7.975 m	2.025 m
1/13 Stevens Street		2 m	8 m
6/13 Stevens Street		2 m	8 m

City Officers have reviewed the existing streetscape of Stevens Street in accordance with the policy definition of 'prevailing streetscape' and are of the opinion that Stevens Street currently has two different prevailing streetscapes: an eastern and a western as shown in figure 2 below:

Figure 2: Stevens Street streetscape. The red line shows the western streetscape with ground and first floor primary street setbacks at approximately 2-3m. The blue line shows the two existing houses in the eastern streetscape, with primary setbacks of approximately 7m for the ground floor. Only one of the houses has an upper floor and it is setback at almost 8m.

No. 45 Hampton Road has been cleared and is currently a vacant site with no easements identified on the survey plan, no retained trees on site and with the future subdivided lots rectangular in shape. There are therefore no apparent site constraints that would require a variation to the primary street setback in order to accommodate a dwelling.

It is noted that No. 15 Stevens Street contains a carport at the front of the dwelling which abuts a high (estimated at 2.4m high) masonry dividing fence on the western boundary and has a solid door, which makes it present as an enclosed garage setback 1.5m from the street. A review of the property files finds no records of the City approving the solid carport door, nor the solid roof in lieu of a pergola, nor any additional height of the boundary wall above 1.8m.

These apparently unauthorised alterations should therefore not prejudice the prevailing streetscape. Notwithstanding, City Officers would typically compare a carport door and dividing fence to the streetscape only when comparing primary street fencing, not building setbacks.

The applicant has provided additional justification for the reduced setback (see Additional Information 1) but have included the adjoining unauthorised garage enclosure discussed above, and considered the verandah of the adjoining house to constitute the prevailing streetscape rather than the main wall of the dwelling, contrary to the interpretation used in LPP 2.9.

Given the above, City Officers consider that the prevailing streetscape of the future houses within 45 Hampton Road should be setback consistent with the eastern streetscape and would recommend support for a setback of 7m for the ground floor and 8m for the upper floor. Should the existing setbacks of the subject site be approved as proposed, it would alter the prevailing streetscape and have flow on effects allowing the remaining future dwellings on 45 Hampton Road to match the 3m ground floor and 5m upper floor primary street setbacks. The two other proposed houses on the subject lot have completely different setbacks as a result of the lack of clarity over the 'prevailing streetscape', resulting in a proposed ad hoc setback throughout this portion of the street, as shown in the tables above. PC's decision on the street setback will inform City Officers' discretion with respect to the remaining three lots at 45 Hampton Road.

The application is recommended for refusal as it is inconsistent with the primary street setbacks of policy LPP 2.9 and the 'prevailing streetscape'.

Garage Width

Element	Requirement	Proposed	Extent of Variation
Width	Garage doors and supporting structures facing the street not to occupy more than 50% of the frontage. Can be increased up to 60% where an upper floor balcony extends for the full width of the garage	60% with no balcony	10%

Variations to the above can be supported where the development complies with the relevant Design principle, which states:

> *P2. Visual connectivity between the dwelling and the streetscape should be maintained and the effect of the garage door on the streetscape should be minimised whereby the streetscape is not dominated by garage doors.*

The garage door width is not considered to meet the Design principles of the R-Codes in the following ways:

- The upper floor is set back 2m behind the garage floor, and the garage is only set back 3m from the primary street (compared to the 4.5m requirement of the R-Codes, and the 7m requirement of the City's LPP 2.9). These two factors will have the result of making the new streetscape appear to be dominated by garage doors.
- The dominance of the garage doors reduces the actual and perceived surveillance between the street and the dwelling and results in a feeling of enclosure and less 'eyes on the street' that would provide passive surveillance of the streetscape.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

Council:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the two storey Grouped dwelling at No. 45 (Lot 1) Hampton Road, Fremantle, as detailed on plans dated 10 March 2021, for the following reasons:

1. **The proposed ground and first floor primary street setbacks are contrary to the City's *Local Planning Policy 2.9: Residential Streetscape* and clause 67(2)(g) and (m) of the *Deemed provisions* by virtue of being inconsistent with the setbacks within the prevailing streetscape, and incompatible with the desired current and future character of the area.**

2. **The proposed garage width is inconsistent with the Design principles of clause 5.2.2 of the *Residential Design Codes* and clause 67(2)(c) of the *Deemed provisions* by virtue of creating the appearance of a streetscape dominated by garage doors.**

PC2104-3 ETHELWYN STREET, NO.16 (LOT 81), HILTON – TWO STOREY SINGLE HOUSE – (CS DA0435/20)

Meeting Date:	7 April 2021
Responsible Officer:	Manager Development Approvals
Decision Making Authority:	Committee
Agenda attachments:	1. Development Plans
Additional information:	1. Applicant's Submission 2. Site Photos

SUMMARY

Approval is sought for the construction of a two storey Single house at No.16 Ethelwyn Street, 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:

- **Lot boundary setback (north)**
- **Boundary wall (north and south)**
- **Building height**

The application is recommended for conditional approval.

PROPOSAL

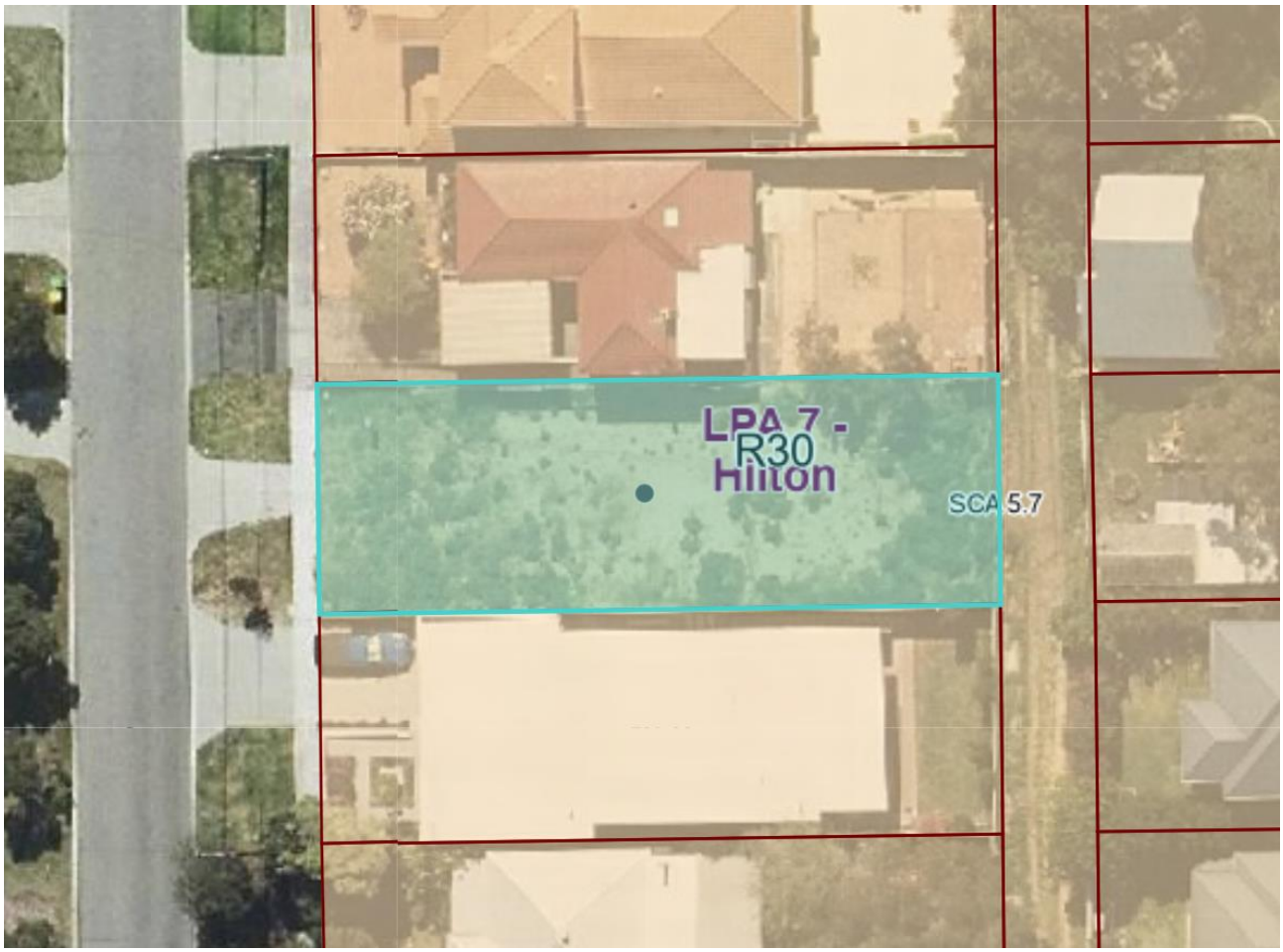
Detail

Approval is sought for the construction of a two storey Single house, facing west towards Ethelwyn Street. The proposal includes boundary walls on both the north and south lot boundaries.

Development plans are included as attachment 1.

Site/application information

Date received:	12 October 2020
Owner name:	A Thompson and J L Thompson
Submitted by:	Summit Homes Group
Scheme:	Residential R30
Heritage listing:	Not Listed
Existing land use:	Vacant site
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 discretion is sought for lot boundary setbacks, boundary walls and wall height. The advertising period concluded on 24 November 2020, and one (1) submission was received. The following issues were raised (summarised):

- Concern that the proposed southern boundary wall will overshadow and block sun to all of the living spaces to the adjoining property.
- Views out of the windows of the adjoining property will be on to a masonry wall.
- The southern facing upper floor window will overlook the primary living spaces of the adjacent dwelling, compromising their visual privacy

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

- Visual privacy is noted to be compliant with the requirements of the R-Codes, with the south facing upper floor window serving a stairwell which is not considered to be a habitable room triggering visual privacy requirements

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:

- Lot boundary setback (north)
- Boundary wall (north and south)
- Building height

The above matters are discussed below.

Background

The subject site is located on the eastern side of Ethelwyn Street in Hilton. The site has a land area of approximately 443m² and is currently a vacant site. The site is zoned Residential and has a density coding of R30. The site is not individually heritage listed nor located within the Hilton Heritage Area.

The site slopes up from the lowest point at the front (west) towards the rear (east), with approximately 2m between the front and the rear north eastern corner.

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

- DA0216/19 – Two storey single house – not constructed / building permit cancelled (different owner)

Lot Boundary Setback

Element	Requirement	Proposed	Extent of Variation
Ground (north)	1.5m	1.03m – 1.65m	Nil - 0.47m

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

- The staggered wall (height and setback) on the northern side results in some ground floor boundary setback variations (0.47m). The upper floor has compliant setbacks. It is considered that the design has taken account of the sloping site and reduced height and setback where possible, with only a small portion of wall at a reduced setback of 1.03m, which is supportable.
- No objection has been received in relation to these variations and it is considered that there would be no impact of the minor reduced setback of a portion of the building to the property to the north, as the garage is on the southern side with the main outdoor living areas to the rear (west).

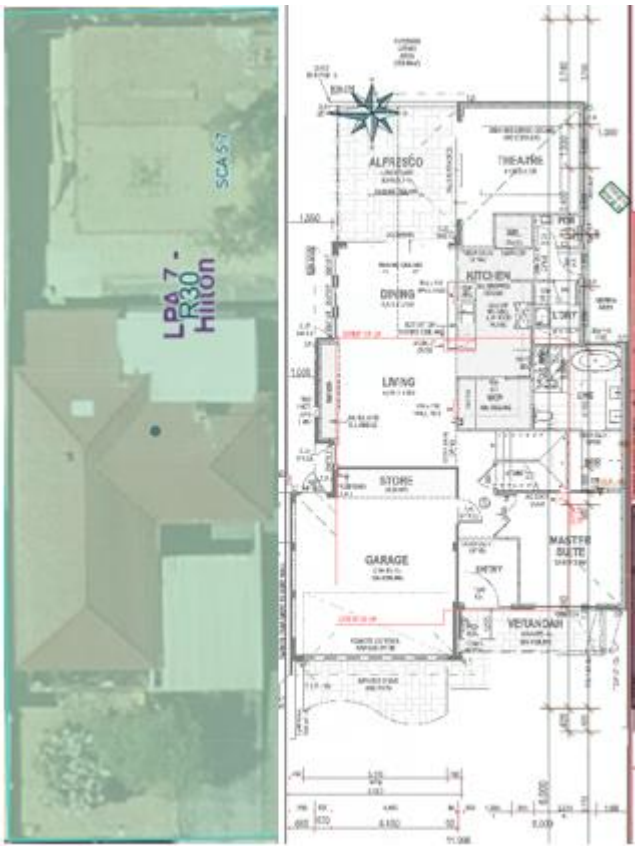


Figure 1: Site plan of adjacent property to the north

Lot Boundary Setback (Boundary Wall)

Element	Requirement	Proposed	Extent of Variation
Lot boundary setback (north and south)	1m	Nil	1m

The proposal seeks two portions of boundary wall, one on the northern boundary (garage) with a length of 6.4m, and one on the southern boundary (master bedroom and ensuite) with a length of 9.6m

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

- The proposed boundary wall located on the southern boundary partially matches an existing boundary wall (garage of adjacent property). The finished floor level of the adjoining house and the setback from the boundary is not considered to create an unacceptable loss of sunlight to these rooms.
- The proposed dwelling has compliant ground floor and upper floor street setbacks as per LPP2.9, with the proposed boundary wall(s) located behind the front setback area. The existing boundary wall at No. 16a is forward in the front setback area by approximately 3.5m. A wall that completely matches this existing wall would not be supported due to the resultant reduced street setback.

- The proposed boundary wall would be located 1.5m away from the laundry door of No.16A. The length of the wall does not extend beyond the secondary window of the family/dining area of No.16A, with the remainder of the proposed dwelling at No.16 being 1.5m away from the lot boundary (see Figure 2 below).
- The proposed boundary wall is considered to be acceptable in the general streetscape context as it makes best use of the space available and there are many examples of boundary walls in the street.

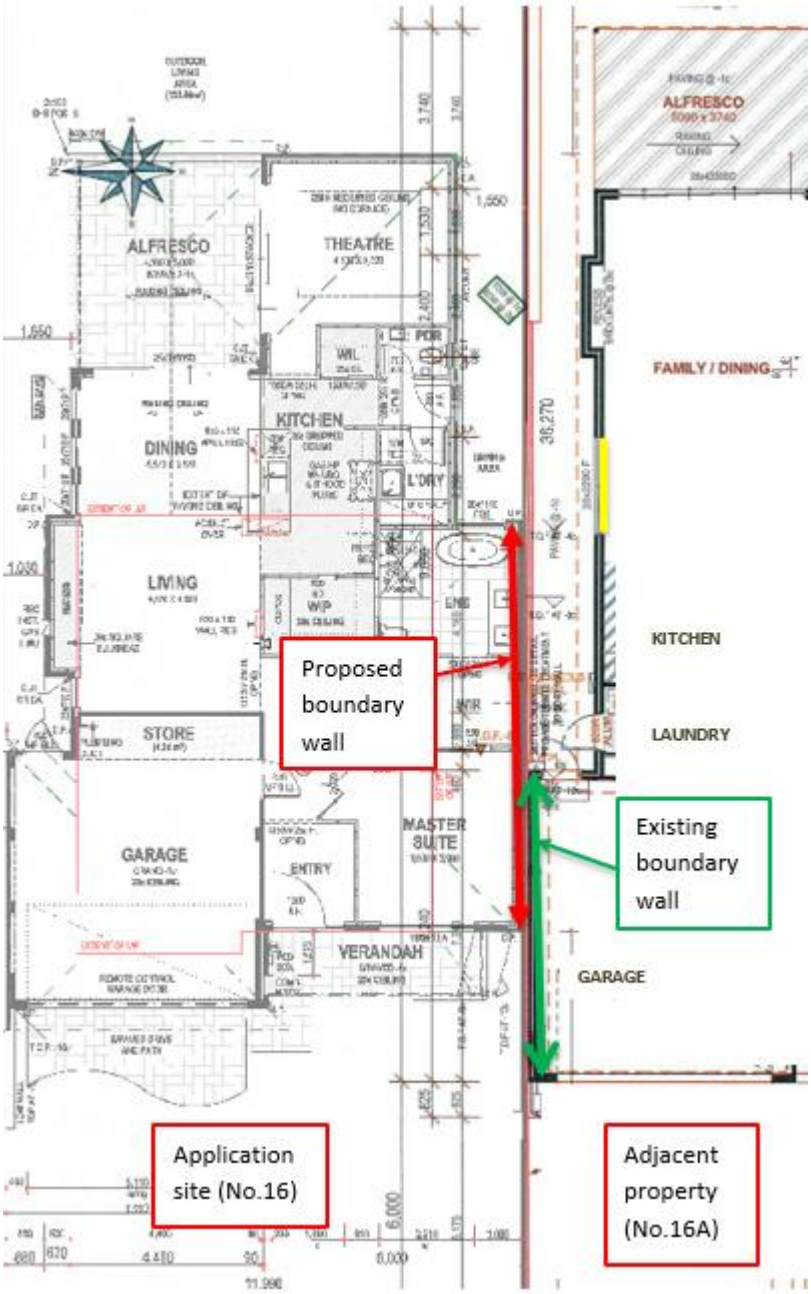


Figure 2: Ground floor plan of proposed dwelling and existing dwelling to the south

Building Height

Element	Requirement	Proposed	Extent of Variation
Wall height (north)	6m	6.2m	0.2m
Wall height (south)	6m	6.1m	0.1m

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

- The proposal seeks discretion for minor increases to wall height on both the north and south sides of the dwelling due to the sloping site. It should be noted that the overall height of the development remains compliant when measured to the NGL at various points across the site. The height variation is for a small section towards the front of the dwelling. The rear of the dwelling is compliant in heights.
- The adjoining property to the south is positioned 1.5m away from the lot boundary. It has one major north facing opening (family/dining) which is a secondary window to this living area.
- Overshadowing is compliant, with the overshadowing from the two storey element falling primarily over the roof of No.16A, with the eastern single storey section resulting in minimal overshadowing of the main family living area or outdoor living area (See Figure 3 below). It is noted that if the proposed building height was reduce to comply, the area of shadow that would be reduced is the portion that falls over the roof of the adjoining dwelling.
- Due to the east/west orientation of the lot, overshadowing of the north facing windows of the property to the south will always occur, however the main living areas and outdoor living area are not affected by the overshadowing, therefore it is considered that there would be minimal impact from the compliant overshadowing.

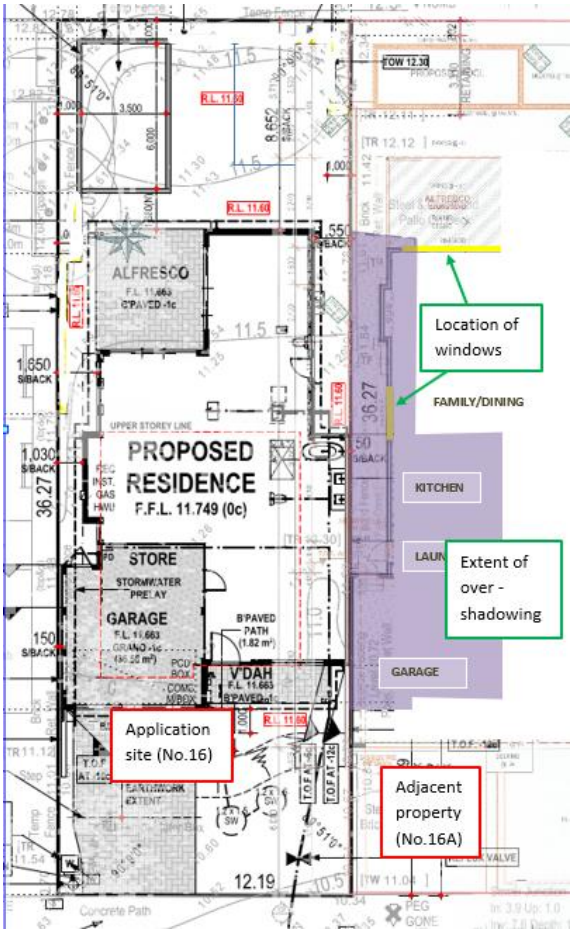


Figure 3: Ground floor plan of proposed dwelling and dwelling to the south.

CONCLUSION

The proposed dwelling seeks discretion in a number of areas, however, as detailed above, none are considered to be major variations. The impact on the adjoining properties has been considered in terms of access to light and overshadowing and are not considered to create an unacceptable outcome. As such, the application is recommended for 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 Two Storey Single House at No. 16 (Lot 81) Ethelwyn Street, Hilton, subject to the following conditions:

1. **This approval relates only to the development as indicated on the approved plans, dated 12 October 2020. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.**

2. **All storm water discharge shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.**

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

4. **Prior to the occupation of the development hereby approved, any redundant crossovers and kerbs shall be removed and the verge reinstated at the expense of the applicant and to the satisfaction of the City of Fremantle.**

5. **Prior to occupation of the development hereby approved, the boundary wall located on the northern and southern 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.

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

ADVICE NOTE(S):

i) A building permit is required to be obtained for the proposed building work. The building permit must be issued prior to commencing any works on site.

ii) Fire separation for the proposed building works must comply with Part 3.7.1 of the Building Code of Australia

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

iv) The applicant is advised that a maximum grade of the crossover permitted is 1:8 (12.5%).

PC2104-4 WATKINS STREET, NO 56 (LOT 38), WHITE GUM VALLEY - TWO STOREY SINGLE HOUSE - (JCL DA0512/20)

Meeting Date: 7 April 2021
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 two storey Single house at No. 56 (Lot 38) Watkins Street, White Gum Valley.

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, Residential Design Codes (R-Codes) and Local Planning Policies. These discretionary assessments include the following:

- **Primary street setbacks (ground and upper floor);**
- **Lot boundary setbacks (east and west);**
- **Boundary walls (east and west);**
- **Building height;**
- **Vehicle access;**
- **Excavation; and,**
- **Visual privacy (west).**

The application is recommended for approval.

PROPOSAL

Detail

Approval is sought for a two storey Single house at No. 56 (Lot 38) Watkins Street, White Gum Valley. The proposed works include:

- Demolition of existing Single house;
- Construction of two storey Single house;
- Construction of new limestone retaining walls at rear of Single house to create sunken courtyard; and,
- Construction of new driveway and associated crossover to eastern portion of site.

The applicant submitted amended plans on 15 March 2021 including the following:

- Revised ground and upper floor setbacks;
- Amended building height;
- Reconfigured internal layout; and,
- Altered side and rear setbacks.

Development plans are included as attachment 1.

Site/application information

Date received:	23 November 2020
Owner name:	Travis Jackson McQueen and Sarah Vanessa McQueen
Submitted by:	Solar Dwellings
Scheme:	Residential R20/25
Heritage listing:	Not Listed
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 discretion was sought against the R-Codes and local planning policies. The advertising period concluded on 8 January 2021, and one (1) submission was received. The following issues were raised (summarised):

- We believe that roof pitch, the second storey, and the boundary wall will block morning sunlight into one of our bedrooms and the passageway;
- Concerned about the height and finish of the boundary wall;
- Concerned about damage from construction to side pathway
- Concerned about the security of our property during construction; and,
- Concerned about asbestos dust entering our property during demolition.

In response to the above, the applicant submitted revised plans to primarily address the following, amongst other minor elements:

- Primary street setback;
- Building height;
- Boundary wall locations and length; and,
- Side setbacks.

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

- The finish of the boundary wall will be conditioned to be finished in an appropriate manner;
- Issues such as asbestos disturbance are addressed through the Demolition Permit application process.
- Issues regarding dividing fences are governed by the *Dividing Fences Act 1961*, and are Civil Law matters to be dealt with between neighbours.
- The concerns raised with respect to issues posed during construction are not within the scope of this report and will be subject to further processes at the building permit stage.

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 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 setbacks (ground and upper floor);
- Lot boundary setbacks (east and west);
- Boundary walls (east and west);
- Building height;
- Vehicle access;
- Excavation; and,
- Visual privacy (west).

The above matters are discussed below.

Background

The subject site is located on the northern side of Watkins Street in the middle of the block between Montreal Street in the west, and Wiluna Avenue in the east. The site has a land area of approximately 592m² and is currently occupied by a Single house with outbuildings. The site is zoned Residential and has a density coding of R20/25. The site is not individually heritage listed, nor is it located within a Heritage Area.

The site slopes from north to south approximately 4.15m and is moderately vegetated.

Demolition of existing Single house
The subject site is not individually Heritage Listed nor is it located in a Heritage Area. In accordance with the Deemed Provisions of the Planning and Development Regulations 2015, the demolition of the existing dwelling is exempt from the need to obtain planning approval from the City. An application for a demolition permit was issued by the City on 11 March 2021 and works to demolish the property have commenced on site.

Primary Street Setback

Element	Requirement	Proposed	Extent of Variation
Ground floor setback	7m	6.5 – 7m	Nil - 0.5m
Upper floor setback	10m	8.9m – 10m	Nil - 1.1m

In relation to the ground and upper floor 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 ground floor setback is considered to meet (i) above, in the following way:

- As detailed in Image 1 below, the proposed setback is considered to be consistent with the ground floor portions of the properties within the prevailing streetscape. The blue line denotes the approximate ground floor extent of neighbours, whereas the red line indicates the approximate average setback, demonstrating the proposed ground floor is consistent with the prevailing ground floor setback.

Image 1: Ground floor prevailing setback

The upper floor setback is considered to meet (i) above in the following ways;

- As detailed in Image 2 below, the proposed setback is considered to be consistent with the upper floor portions of the two storey properties within the prevailing streetscape. The majority of the proposed upper floor is consistent with the upper floor setbacks of the western neighbours with the eastern portion of the upper floor being setback to comply with the minimum requirements. In image 2 below, the blue line denotes the upper floor setbacks of the western neighbours, and the yellow line indicates the approximate average setback, including the proposed setback, showing it tapering towards compliance towards the east.

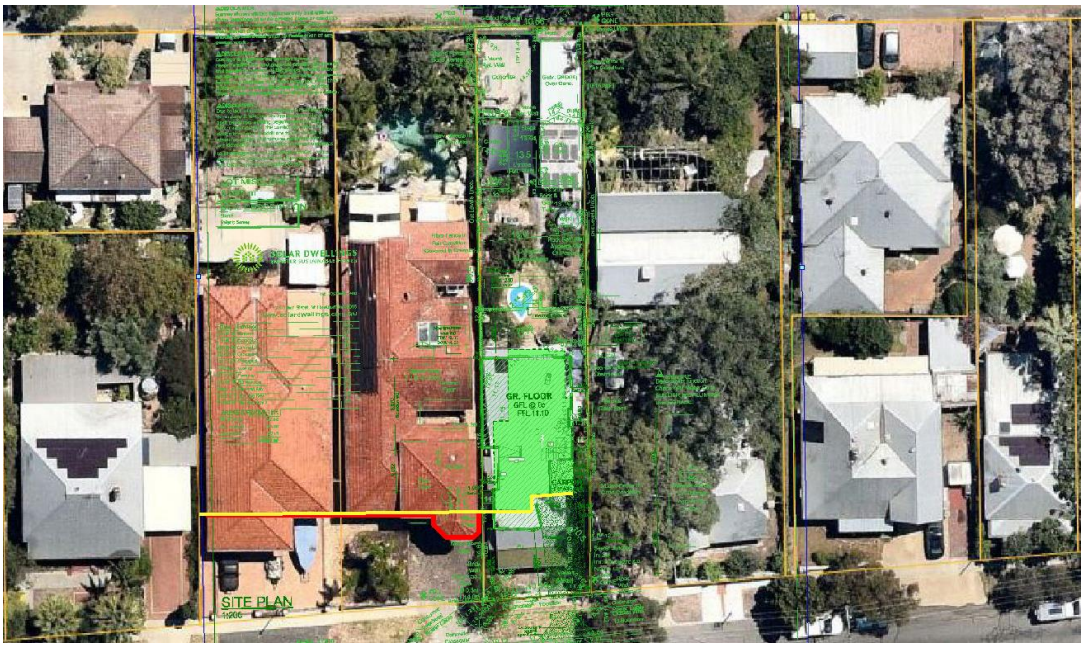


Image 2: Upper floor prevailing setback

Lot boundary setback

Element	Requirement	Proposed	Extent of Variation
Upper floor (East)	1.9m	1.5m – 2.2m	Nil - 0.3m
Upper floor (west)	2m	1.2m – 2.7m	Nil - 0.8m

The eastern setback proposed 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 due to the sloping site, it is abutting a large area of open space at the eastern neighbour's property, and containing a staggered setback of 1.5m through to 2.2m, with the majority of the neighbours outdoor living area unaffected;
- 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.

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

- The lesser setback does not result in an unacceptable perception of adverse building bulk when viewed from the adjoining property due to:
  - The subject development having a portion of it below the natural ground level when viewed from the western neighbour's property;
  - The staggered setback of the upper floor, with setbacks ranging from 1.2m through to 2.7m. The portion with a 2.7m setback primarily abuts the western neighbour's courtyard and bedroom adjacent to a service corridor, with an overall setback from the neighbours walls ranging from 2.6m to 3.7m, (see below) thereby posing an acceptable bulk impact on those spaces;

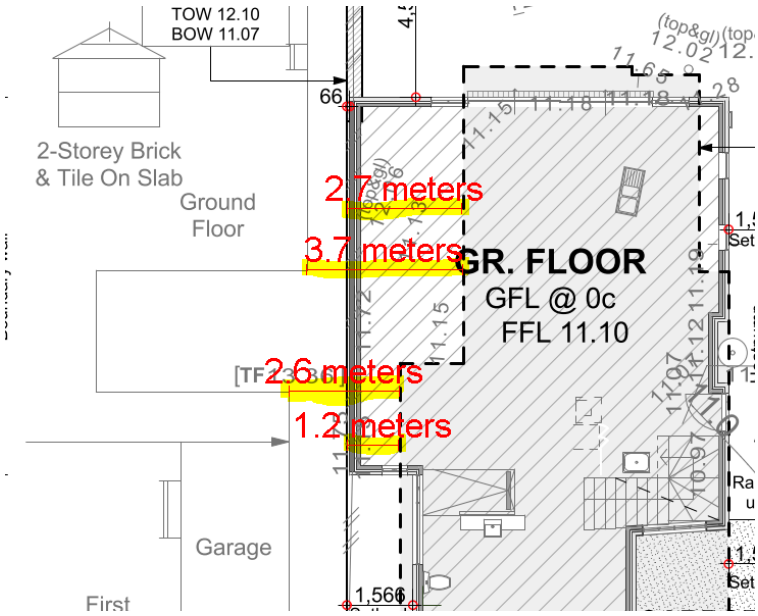


Image 3: Proposed Upper floor setbacks in relation to western adjoining property

- 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.

Boundary walls

Element	Requirement	Proposed	Extent of Variation
West – Living/Dining room	1m	Nil	1m
East - Carport	1.5m	0.5m	1m

The proposed western living/dining room 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 a loss of access to daylight or direct sunlight owing to its location of the western boundary and its adjoining a service corridor for the western neighbour, which has a higher ground level than the subject site;
- This section of boundary wall is not considered to contribute to a sense of confinement or building bulk as it affects only a small portion of the boundary and the rest of the development is sufficiently setback from this boundary;
- The boundary wall does not impact on any views of significance or existing significant vegetation.

The proposed eastern carport 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 a loss of access to daylight or direct sunlight owing to its location of the eastern boundary and its adjoining a significant area of open space;
- The boundary wall is not considered to contribute to a sense of confinement or building bulk at it affects only a small portion of the boundary, the rest of the development is sufficiently setback from this boundary, and the carport is an open framed structure; and,
- The boundary wall does not impact on any views of significance or existing significant vegetation.

Building height

Element	Requirement	Proposed	Extent of Variation
Wall height	6m	6.2m – 6.8m	0.2m – 0.8m

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

- The application proposes a skillion roof, with the higher portion of the wall facing towards the east, as opposed to the west as originally proposed. The proposed roof form, while above the external wall limit, is significantly below the height of a deemed-to-comply pitched roof (9m) and is considered to be of significantly less bulk and scale;
- The north-south orientation of the land, in addition to the reconfigured roof and lower external wall height than the original proposal means the proposed wall height has limited impact on access to light to major openings and outdoor living areas of adjoining properties;
- There are no views of significance apparent in the locality; and,

Vehicle access

Requirement	Proposed	Extent of Variation
Where available, access provided from a right-of-way, or from a secondary street when no right-of-way exists, or from the primary street when no secondary street exists.	Access via Watkins rather than Trusting Lane	See comments

The proposed vehicle access is considered to meet the design principles of the R-Codes relating to vehicle assess in the following ways:

- The proposal allows for safe vehicle movements to and from the site which allows for pedestrian safety;
- Only one crossover is proposed, thereby minimising the impact of entry points on the streetscape and supporting legibility; and,
- Capacity exits for high quality landscaping features to be provided within the subject site's primary street setback area.

Site works

Element	Requirement	Proposed	Extent of Variation
Excavation - west	Excavation or filling between the street and building shall not exceed 0.5m except where necessary to provide pedestrian or vehicle access, drainage works or natural light for a dwelling.	Up to 1.6m	1.1m
Excavation - east	See above.	Up to 1.2m	0.7m

The proposal is considered to meet the design principles of the R-Codes relating to site works (excavation) in the following ways:

- The site works proposed are considered to be of a reasonable scale in the context of the sloping site and are located at the rear area of the site. Further, the excavation 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.

Visual privacy

Element	Requirement	Proposed	Extent of Variation
Activity (west)	6m	2.4m	3.6m

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 or major openings contained of the adjoining site, as any view towards them is on an oblique angle; and,
- The predominant outlook from the opening is towards the neighbour's eastern gable end wall, which doesn't contain any major openings (opening is to a WC). This view is illustrated by Image 3 below.

CONCLUSION

Based on the above Design Principle and Local Planning Policy assessments, it is considered on balance that the variations posed by the proposal are supportable. Therefore, it is recommended that the application be approved 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, two storey Single house at No. 56 (Lot 38) Watkins Street, White Gum Valley, subject to the following conditions:

1. **This approval relates only to the development as indicated on the approved plans, dated 15 March 2021. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.**

2. **All storm water discharge shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.**

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

4. **Prior to occupation/use of the development hereby approved, the boundary wall located on the east and west lot 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. **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.**

6. **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.**

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.**

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

PC2104-5 REES STREET, NO. 4/10 (LOT 4), O'CONNOR - CHANGE OF USE FROM INDUSTRY – GENERAL TO HEALTH STUDIO – (JCL DA0431/20)

Meeting Date: 7 April 2021
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Agenda attachments: 1. Development Plans
Additional information: 1. Site photos

SUMMARY

Approval is sought to change the use of the existing Industry General unit at No. 4/10 Rees Street, O'Connor to a Health Studio (Personal Training and Physiotherapy).

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) comprising the following:

- **Car parking**
- **Land use (Health Studio)**

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought to change the use of an existing unit at No. 4/10 Rees Street, O'Connor from an Industry – General to a Health Studio. Details of the proposed use include:

- Small group (maximum six clients) and individual personal training;
- Group sessions have a duration of 45 minutes and are proposed at 6am and 6pm, Monday to Friday and at 8am on a Saturday (these sessions will initially occur up to three times per week, with the intention of increasing to daily);
- Individual exercise sessions are proposed between 5:30am and 8:30am and 5:15pm-7:15pm daily, with sessions operating between 30 minutes to 1 hour;
- Individual physiotherapy sessions including massage, acupuncture, clinical Pilates, and exercise rehabilitation between the hours of 9.00am and 5.00pm, daily;
- A maximum of two staff members will remain on-site outside the above hours to tend to administrative and reception duties; and,
- It is proposed to have a 15 minute gap between group and individual sessions as well as physiotherapy appointments to avoid an overlap of the maximum client numbers.

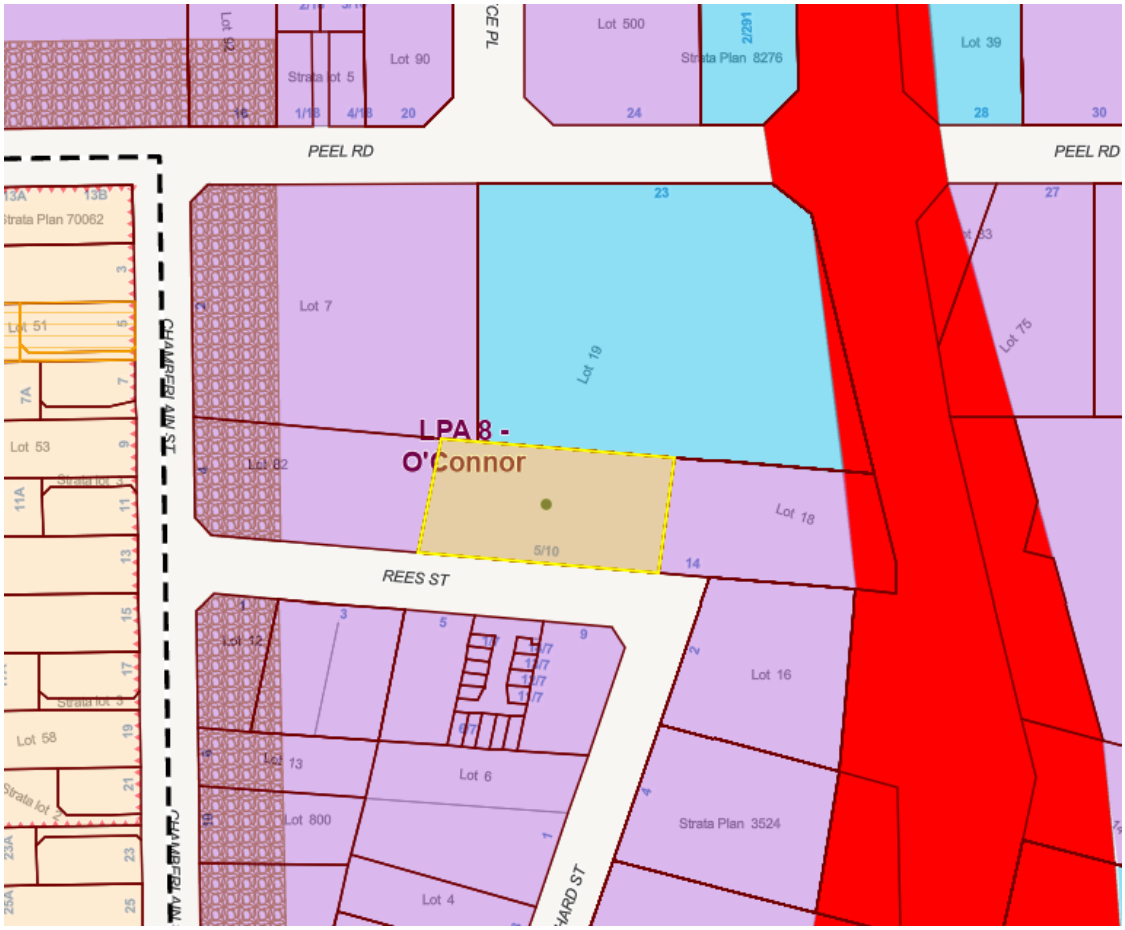
Proposed physical works include the following:

- Installation of various gym/Pilates and associated equipment internally; and,
- Erection of a 2.3m by 0.6m building identification sign displaying the words 'Fit Society'. As per Part 5 of Local Planning Policy 2.14, the signage is exempt from the need to obtain development approval.

Development plans are included as attachment 1.

Site/application information

Date received:	12 October 2020
Owner name:	Mr Sebastiano Rafala
Submitted by:	Addison Axe
Scheme:	Industrial
Heritage listing:	Not Listed
Existing land use:	Industry - General
Use class:	Health Studio
Use permissibility:	D



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 onsite car parking shortfall and the discretionary land use. The advertising period concluded on 12 November 2020, and three (3) submissions were received.

One (1) submission was provided in support of the proposal with the following comments (summarised):

- Sufficient car parking is available on-site held in common property;
- Reference to dangerous interactions between cars is speculation, as previous accidents were caused by a third party, who are no longer in the locality;
- The proponent has my permission to use my car bays if they are ever required as I only require parking for one vehicle;
- Most other tenancies have indicated they have no objection to the proposal; and,
- The proposal will benefit the locality and will have a positive impact on the area.

Two (2) submissions did not support the proposal and raised the following concerns (summarised):

- Unit and neighbours rely on septic system not designed for high numbers of people, which might occur as part of the proposed use. It was designed for a storage facility/light industrial workshop; and,
- Parking provision for 2 bays per unit. Street parking is problematic due to potential conflict with vehicles from nearby businesses, which may cause accidents and traffic issues in the local area.
- Applicant relies on strata scheme not allocating bays to cater for shortfall, posing future parking issues. Since the original submission, the submitter advised that the Council of Owners doesn't currently support an allocated bay system.
- The way in which business is conducted may result in more parking being required in future;
- Street parking is not allowed in locality; and,
- It is unclear how the City would enforce any breaches of non-compliance given this application is heavily reliant on strata car parking.

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

- The impact of the development on the septic system is not considered a relevant planning consideration with respect to this application. Nonetheless, it is considered that the use will have less of an impact on utility services at the site than an Industry – General use; and,
- It is considered that vehicle safety is not adversely impacted by this current application as there are no changes to vehicle entry/exit points or parking configuration;
- Street parking on Rees Street is not permitted, however street parking is permitted within walking distance (within approximately 35m) near the site along a significant portion of Pritchard Street; and,
- Any non-compliance with Strata by-laws relating to parking matters is an issue for the Strata body to process. Any non-compliance regarding street parking will be appropriately actioned by the City where required.

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, which are discussed below.

Background

The subject site is located on the northern side of Rees Street adjacent to the bend where it becomes Pritchard Street. The site has a land area of approximately 3,344m² and the parent lot is currently a strata complex containing several uses, with the use of the subject tenancy currently being considered 'Industry – General'. The site is zoned Industrial and is not individually heritage listed nor located within a Heritage Area.

The parent lot contains ten units, with a common parking area at the front, which is tiered due to the topography of the site (see site photos for additional context).

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

- **DA329/85** – Construction of 10 tenement units – approval granted on 16 September 1985;
- **DA329/85(B)** - Sign manufacturing and engraving (use considered 'Factory Units') – approval granted on 3 September. 1987; and,
- **DA329/85(C)** - Recording, sales and hire of musical equipment – deferred at Council meeting on 21 March 1988 (no record of determination available on City's records).

Land Use

A Health Studio is a 'D' use in the Industrial Zone, which means that the use is not permitted unless the Council has exercised its discretion by granting planning approval. In considering a 'D' use the Council will have regard to the matters to be considered in the Planning and Development (Local Planning Schemes) Regulations 2015. In this regard the following matters have been considered:

(b) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area

(m) The compatibility of the development with its setting including the relationship of the development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development

(n) The amenity of the locality including the following:

(iv) Environmental impacts of the development

(v) The character of the locality

(vi) Social impacts of the development

(y) Any submissions received on the application.

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

- The proposed land use is considered to be consistent with the aims of the 'Industrial Zone' as the use is considered to not have any adverse amenity impacts on nearby residential properties and is compatible with other land uses in the locality.

- No external built form is proposed as part of this application, with only small-scale signage proposed; and,
- The current amenity of the locality comprises manufacturing, storage, and other industrial-type uses, in addition to associated office and retail spaces.
- There will be no significant environmental impacts posed by the development by way of emissions or significant noise levels near or above that expected in an industrial area; and,
- The development is considered to have a negligible adverse impact on the social fabric or amenity of the locality due to the small-scale nature of the classes, in addition to the time periods in which activities will occur; and,

Car parking
As LPS4 does not include a specific car parking requirement for a Health Studio, in accordance with clause 4.7 (c) of LPS4, officers have assessed the minimum car parking demand against the requirements for a 'private recreation' use.

Element	Requirement	Proposed	Extent of Variation
1: 5 people Accommodated (classes of 6 or 1:1 session plus two staff)	2	Nil (parking held in common property)	2

The car parking shortfall is considered to meet Clause 4.7.3.1 of LPS4 in the following ways:

- Although the application unit has no exclusively allocated parking spaces, it is entitled to shared use of the off-street parking area created under the strata scheme applying to this complex;
- On-street parking is available in the locality within walking distance of the site along Pritchard Street (approximately 35m from the parent lot);
- Public bus services the immediate locality via routes along South Street and Stock Road;
- Due to the nature of the activities occur on site occurring largely outside of normal business hours, and the apparent lack of demand for parking spaces during peak periods, it is considered that the sharing of parking spaces will be of negligible adverse impact to other tenancies in the complex;
- Class 3 bicycle racks are proposed in excess of what is required;
- Given the varied numbers of clients visiting the site, and the staff generally utilising alternative means of attending the site, it is considered that overall parking demand is relatively low;
- Given the land use is considered to currently constitute 'Factory Units' (considered 'Industry – General'), applying the 'Industry – General' requirements (1 bay per 50m^2 of gross lettable area), two on-site car bays are required by this proposal, which is one less than what is required for the 'Industry – General' use; and,
- Observations from inspections to the site suggests that overall carparking demand at the subject site is generally low during the day

Delivery bay

Element	Requirement	Proposed	Extent of Variation
Delivery bay	1	Nil	1

The delivery bay shortfall is considered acceptable due to the following:

- The complex currently contains enough space available for deliveries to occur, with roller doors allowing for delivery vehicles to enter the tenancy.
- It is considered likely that for a health studio use significant deliveries will occur on an infrequent basis, thereby not necessitating a dedicated bay allocated specifically to the subject tenancy.

Bike Parking

Element	Requirement	Proposed	Extent of Variation
Class 1 or 2: 1 per 4 employees	1	Nil	1
Class 3: 1 per 200 m2 gla	1	6	Nil

The proposal is not considered to be a minor change of use and the site is capable of accommodating a Class 1 or 2 bicycle rack in addition to the Class 3 racks proposed. As such, a condition will be imposed requiring the provision of 1 Class 1 or 2 bicycle bay.

CONCLUSION

Based on the above, it is considered that the proposal is supportable, and is thereby recommended for approval subject to the conditions contained in the Officer recommendation below.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2015-25

- Increase the number of people working in Fremantle

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Change of Use from Industry – General to Health Studio at No. 4/10 (Lot 4) Rees Street, O'Connor, subject to the following conditions:

1. **This approval relates only to the development as indicated on the approved plans, dated 12 October 2020. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.**

2. **Prior to the issue of a Building Permit for the development hereby approved, One (1) Class 1 or Class 2 and six (6) Class 3, as defined in LPS4, bicycle racks shall be provided, to the satisfaction of the City of Fremantle. Prior to occupation of the development the approved bicycle racks must be installed and thereafter be maintained for the life of the development, to the satisfaction of the City of Fremantle.**

3. **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. **An application for occupancy permit (under s.49 Building Act 2011) must be applied for where the change of use/classification does not involve building work. A Certificate of Building Compliance (BA18) must be submitted with the application and signed and completed by a Registered Building Surveyor Contractor (private sector). A list of Registered Building Surveyors can be obtained from the Western Australian Building Commission website - https://www.commerce.wa.gov.au/building-commission**

PC2104-6 MONTGOMERY STREET, NO. 5 (LOT 10), BEACONSFIELD - LANDSCAPING VARIATION TO PREVIOUS PLANNING APPROVAL (DA0406/19 - FOUR, TWO STOREY GROUPED DWELLINGS) – (NB VA0003/21)

Meeting Date:	7 April 2021
Responsible Officer:	Manager Development Approvals
Decision Making Authority:	Committee
Agenda attachments:	1. Amended Development Plans
Additional information:	1. Applicant's Justification 2. Site photos

SUMMARY

Approval is sought to vary the approved landscaping for the four, two storey Grouped dwelling development at 5 Montgomery Street, Beaconsfield approved under the *Special control area provisions for small infill development* ('Freo Alternative') of the Local Planning Scheme No. 4 (LPS4). The revised landscaping plan includes a selection of new trees to compensate for the mature trees onsite that were removed in error, and the retention of which formed part of an original condition of approval.

The application is referred to the Planning Committee (PC) due to the proposal to vary or delete a condition of approval approved by previous Council resolution in relation to the existing trees and proposed landscaping plan.

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought to revise the landscaping plan and amend condition 5 of the original approval that required retention of two existing trees on site, including a Jacaranda. Condition 5 states:

> 5. *Within 60 days of this planning approval, the recommendations of the arboricultural report from Paperbark Technologies are to be fully implemented, with the Jacaranda and Erythina trees retained, managed and inspected to the satisfaction of the City of Fremantle.*

A revised landscaping plan has been submitted for approval in accordance with condition 6 of the original approval.

The proposed works include:

- Retention of the existing Erythina Sykesii in the middle of the site (as required by the previous planning approval)
- Two new trees at the rear of the site as required by the previous condition of approval.
- A selection of new trees throughout the site.

Development plans are included as attachment 1.

Site/application information

Date received:	7 March 2021
Owner name:	The Green Swing Pty Ltd
Submitted by:	The Green Swing Pty Ltd
Scheme:	SCA 5.7
Heritage listing:	Not Listed
Existing land use:	Vacant lot
Use class:	Grouped dwellings
Use permissibility:	A

CONSULTATION

External referrals
Nil required.

Community
The application was not required to be advertised under policy *LPP 1.3: Public Notification of Planning Proposals* as no new discretion was sought under the provisions of LPS4 or the Residential Design Codes (R-Codes).

OFFICER COMMENT

Statutory and policy assessment
The proposal has been assessed against the relevant provisions of LPS4, the R-Codes, relevant Council local planning policies, and the previous resolution of Council in regard to the Grouped dwelling application.

The above matters are discussed below.

Background
The subject site is located on the southern side of Montgomery Street between Shepherd Street and Smith Street. The site has a land area of approximately 1012 m² and is currently a vacant lot. The site is zoned Residential and has a density coding of R20. It also sits within Special Control Area 5.7 ('Freo Alternative'). The site is not individually heritage listed nor located within a Heritage Area.

The original proposal was referred to the 5 February 2020 Planning Committee (PC) meeting with a recommendation for refusal predominantly in regard to the proposed boundary walls. The item was subsequently referred to the 26 February 2020 Ordinary Council Meeting (OCM) as it did not meet the threshold of at least 5 members of the PC voting in favour of the recommendation so as to exercise delegation. The OCM subsequently resolved to defer the decision to the next available PC meeting for the following reasons:

a) *To allow the Administration to obtain a report, prepared by a suitably qualified person, on the condition of the Jacaranda and Erythina trees and their suitability for retention as part of the proposed development.*

b) *To allow the applicant to submit their intended revised plans for consideration by Officers.*

In response to the deferral, the applicant confirmed the submission of their revised plans, and Officers obtained an arborist's report. The final landscaping plan included the retention of the mature Jacaranda and Erythina trees within the site. The revised plans were approved at the 21 April 2020 Ordinary Council Meeting with the following conditions (inter alia):

1. *Within 60 days of this planning approval, the recommendations of the arboricultural report from Paperbark Technologies are to be fully implemented, with the Jacaranda and Erythina trees retained, managed and inspected to the satisfaction of the City of Fremantle.*

2. *Prior to the issue of a Building Permit, a revised landscaping plan, including labelling of the deep planting zone(s), addition of two additional trees at the rear of the site, information relating to species selection, reticulation, details of existing vegetation to be retained including the Jacaranda and Erythina, and treatment of landscaped surfaces (i.e. mulch, lawn, etc), shall be submitted to and approved by the City of Fremantle.*

3. *Prior to the occupation of the development hereby approved, the landscaping shall be completed in accordance with the 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.*

Amended plans were later submitted and approved through officer delegation on 3 November 2020 (ref VA0035/20). These amended plans included minor layout changes not requiring additional discretion.

On 16 February 2021, the building permit application was submitted to the City. When the City contacted the applicant for confirmation that the above conditions had been complied with, it was discovered that the majority of the vegetation, including the Jacaranda, had been removed from the site. As the retention of the tree was a significant factor in Council's resolution to approve the development, City Officers determined that a revised landscaping plan should be submitted and referred to Planning Committee for a decision.

The application includes visual evidence that the arboricultural report had been carried out by way of removing the vines that were choking the Jacaranda (Additional Information 1). Further, the applicant has provided a written statement that they identified and marked the trees to be retained for the demolition contractor when the house onsite was demolished, but that the contractor nevertheless removed some of the trees marked for retention. The only remaining tree onsite that was conditioned to remain is the Erythina at the centre of the site.

Landscaping
The amended landscaping plan includes the addition of 11 mature trees, but provides no definition of a height or size for a mature tree. Further, 8 of the 11 trees have not been identified as a specific species, but a species list is included in the landscaping proposal. The list includes trees ranging in height from 4m to 12m.
The City's Parks and Landscaping team has provided advice regarding the species selection and the overall proposal. Generally, the species listed are in keeping with the area, and include a good mix of growth heights and widths, but with no indication of tree sizes at planting. A native tree from the list can only be a maximum of 35 or 45L before it becomes unsuitable for transplantation, so the proposed trees will be small for several years.

The applicant's species list did not include Jacarandas as a possibility, however, given that the tree removed was a Jacaranda with a large height and wide canopy, it is recommended that another mature Jacaranda of 1800L be transplanted to take its place. Jacarandas, unlike native trees, are able to be successfully transplanted at larger sizes.

A brief review of local nurseries indicates that such a Jacaranda would be available around June or July of this year but should be reserved at the earliest opportunity. Otherwise, in-ground Jacarandas will be available in August but will carry more cost. Ultimately, it will depend on the building schedule, but the applicant indicates they have applied for the COVID-19 development grants, which requires building to be completed by the end of this year.

It is recommended a condition be included for the above referenced Jacaranda to be planted and maintained. It is also recognized that this recommendation will require removal or relocation of some or all of the four proposed trees around the compost bin (see Figure 1 below).

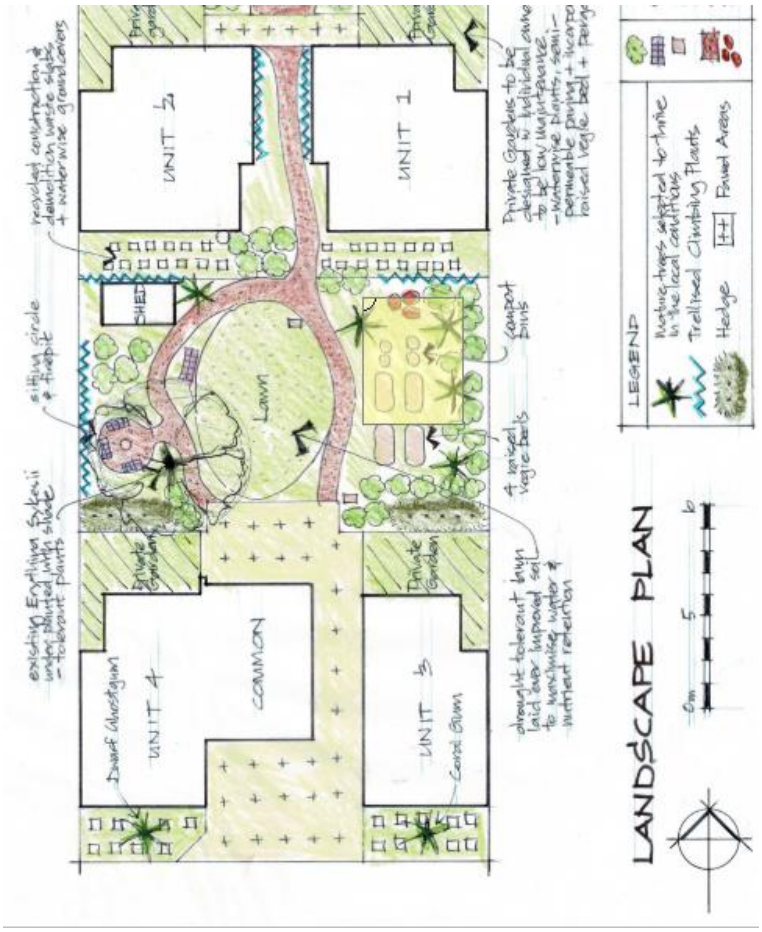


Figure 1: Yellow square indicates approximate location of Jacaranda.

Upper Floor Layout

The applicant previously submitted building permit plans that included a “Hot & Cold Supply & Waste for Future Kitchenette” located on each upper floor of all four Grouped dwellings. This capability, combined with the fact that each house entrance opens onto a landing with doors that allow each floor to be used separately and independently, is contrary to the density of the site and could potentially double the number of occupants/families. Additionally, the existence of the laundry within the Common Room would provide facilities for all these separate dwellings to have sufficient onsite capability for day to day living.

On 19 March 2021, the applicant submitted amended plans changing the notation to “Hot & Cold Supply & Waste For Future Tea Making Facilities”, which is fundamentally the same thing. A condition of approval is therefore included making it clear that there is to be no such kitchenette facilities or similar on the upper floors, and these floors are not to be used as Ancillary accommodation or similar.

Condition 14
Condition 14 of the approval stated:

> *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.*

In order to capture the additional condition recommended, it is necessary to modify the above condition by deleting the word ‘preceding’. This is a technical change only resulting in no changes to the proposal.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2015-25

- Increase the number of people living in Fremantle
- Protect current tree canopy cover in Fremantle
- Provide for and seek to increase the number and diversity of residential dwellings in the City of Fremantle

Green Plan 2020
Encourage the retention of vegetation on private land.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

Council:

APPROVE under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Variations to Planning Approval for DA0406/19 Four, Two Storey Grouped Dwellings granted 15 April 2020 at No. 5 (Lot 10) Montgomery Street, Beaconsfield, subject to the same terms and conditions, except whereby modified by the following condition(s):

A. Conditions 1, 5, 6 and 14 of the Planning Approval dated 15 April 2020, be deleted and replaced with the following condition(s):

1. This approval relates only to the development as indicated on the plans dated 19 March 2021. It does not relate to any other development on this lot and must substantially commence within 4 years from the date of the original decision letter, being 15 April 2020. If the subject development is not substantially commenced within a 4 year period of the original decision letter, the approval shall lapse and be of no further effect.

5. Within 60 days of this planning approval, the recommendations of the arboricultural report from Paperbark Technologies are to be fully implemented, with the Erythina tree retained, managed and inspected to the satisfaction of the City of Fremantle.

6. Prior to the issue of a Building Permit, a revised landscaping plan including the location of a mature Jacaranda of minimum 1800L to be planted near the middle of the site, shall be submitted to and approved by the City of Fremantle.

14. Where any of the 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.

B. Condition 15 be added as follows:

15. Notwithstanding condition 1 above, and prior to the issue of a building permit, provisions for hot and cold water and waste supply for any future kitchenette, tea prep, or similar that would potentially allow each floor of every unit to be self-contained, do not form part of this approval and are hereby deleted.

C. Advice note vii and viii be added as follows:

vii. The applicant/owner is advised that no dwelling is to be occupied by more than 6 persons that do not form a family, as per the definition

of 'dwelling' within the Residential Design Codes.

viii. The tree and vegetation species lists provided in the landscaping plan are considered acceptable and appropriate for the site. All tree and other vegetation species not specifically identified on the landscaping plan are to be selected from the provided species lists. It is noted that one or more of the three proposed trees shown on the plans where the previous Jacaranda was located may have to be deleted to make room for the new Jacaranda. A brief review of local nurseries indicates that such a Jacaranda would be available around June or July of this year but should be reserved at the earliest opportunity. Otherwise, in-ground Jacarandas will be available in August but will carry more cost. Please speak to the City's Parks and Landscapes at 9432 9999 with any questions about sourcing.

PC2104-7 PAGET STREET, NO. 91 (LOT 1179), HILTON – DEMOLITION OF SINGLE HOUSE, RETAINING AND SITE WORKS (TG DA0046/21)

Meeting Date:	7 April 2021
Responsible Officer:	Manager Development Approvals
Decision Making Authority:	Committee
Agenda attachments:	1. Development Plans
Additional information:	1. Heritage Assessment 2. Applicant Photos 3. Site Photos 4. Applicant comments on demolition

SUMMARY

Approval is sought for the demolition of an existing Single house at 91 Paget Street, Hilton. The proposal also includes works to level and retain the site in accordance with a subdivision application which is concurrently being considered by the City.

The proposal is referred to Planning Committee (PC) as it proposes the demolition of a building within the Hilton Heritage Area. The application seeks discretionary assessments against Local Planning Scheme No.4 (LPS4) for demolition of a dwelling in a heritage area.

The existing dwelling is considered to be of cultural heritage significance, being an original dwelling from the first construction phase of Hilton and it makes a contribution to the cultural heritage significance of the Heritage Area, especially noting its location at the entry point to the suburb. As such, the application to demolish the dwelling is recommended for refusal.

PROPOSAL

Detail

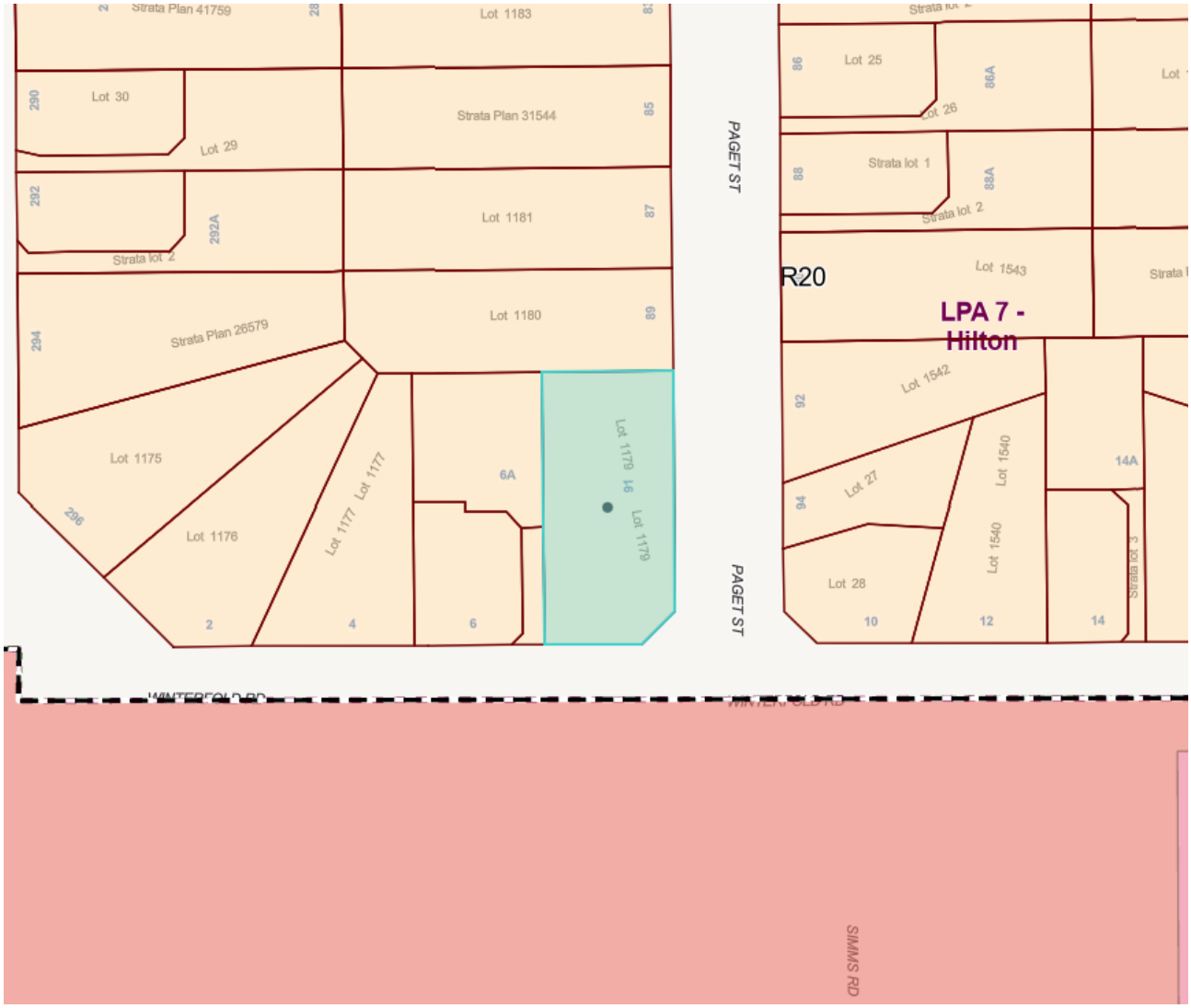
Approval is sought for the demolition of the existing Single house, and for retaining and fill to the subject site associated with a subdivision application that is being considered concurrently with this application for planning approval.

The applicant submitted photos and comments in support of the application to demolish the dwelling.

Development plans are included as attachment 1.

Site/application information

Date received:	2 February 2021
Owner name:	MCMC Pty Ltd
Submitted by:	Narrow Lot Homes
Scheme:	Residential R20
Heritage listing:	Hilton Heritage Area
Existing land use:	Single house
Use permissibility:	P



CONSULTATION

Community

The application was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, as the development comprised the demolition of a dwelling in a heritage area. The advertising period concluded on 5 March 2021, and two (2) submissions were received. The following issues were raised (summarised):

- Both submitters supported the demolition of the existing dwelling on site stating that the dwelling has been compromised by additions over time and is now considered to be of derelict condition.

- The submitters were concerned in relation to the removal of existing trees and vegetation on the subject site.

Submitters also provided comment on the potential future development of the proposed new lots. These comments are noted however as no development plans have been received for these new lots beyond the proposed retaining walls these matters would need to be considered through any subsequent development approval applications.
It is noted that no development approval is required for the removal of trees and vegetation on private property, however, the removal of any street trees would be subject to the City's approval. Other comments are discussed in the officer comment section of the report 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. In this particular application the following matters require detailed assessment:

- Demolition of dwelling in heritage area.
- Retaining and fill.

The above matters are discussed below.

Background

The subject site is located on the eastern corner of Winterfold Road and Paget Street. The site has a land area of approximately 1196m² and is currently occupied by a Single house, comprising an original dwelling and two storey addition to the north of the original dwelling. The site is zoned Residential and has a density coding of R20. The site is located within the Hilton Heritage Area

The natural ground level of the site falls approximately 3 metres from the north west corner to the south west corner.

An application is currently being considered by the WAPC for the subdivision of the parent lot into three lots as reflected on the submitted development plans.

Demolition of Dwelling in Heritage Area

In approving an application for demolition, Council is to be satisfied of the following in accordance with clause 4.14.1 of LPS4:

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

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

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

The applicant has not provided a heritage assessment supporting the proposed demolition, but has provided the following comments to support their proposal (Summarised):

- The only original feature from the dwelling is the chimney.
- One wall of the original dwelling was removed to make way for the staircase for the 1970s extensions (see photo below provided by applicant)

- A central section of the early home remains but has been clad with brick veneer.
- The kitchen and bathroom fittings throughout are 1971 additions.
- The applicant contends that no original features of the property remain, the property is not of heritage significance, and that any original heritage significance of the property was 'lost' when the property was renovated in 1971.

Figure 1: Interior of dwelling showing removed side wall.

The applicant also supported their application with photos of the current state of the property, which are provided as additional information. A full copy of the applicant's letter supporting the application is also provided as additional information.

As detailed in Local Planning Policy 3.7 'Hilton Garden Suburb Precinct' Heritage Area the area is of cultural heritage significance within the City of Fremantle as an example of a substantially intact 'Garden Suburb' dating from the immediate post World War 2 period and characterised by its curvilinear road layout, parks, large and irregular shaped lots.

It has historical value as an area developed by the State Housing Commission to provide affordable housing at a time of increased housing demand in Australia, particularly to house new arrivals: returned servicemen and immigrants. It also has historical significance for its association with the importation of prefabricated homes from Austria and for the timber homes designed by prominent architect Marshall Clifton, many of which remain extant in the area. House design was influenced by the modernist movement in architecture which prevailed widely in the post-war period. The designs were functional without being decorative.

Hilton was developed in two phases resulting in the distinctive areas of houses west of Collick Street (built mainly in the 1940's and 1950's) and east of Collick Street (built mainly in the 1960's). When Hilton was developed in the 1940's and 1950's the State Housing Commission constructed mostly timber framed houses and it was not until the 1960's that they started to construct brick homes.

The original dwelling is noted to be in situ in the City's earliest aerial photography (1953) of the locality (shown below)

Figure 2: 1953 Aerial of property showing development in situ.

Hilton has aesthetic value for its parks, streetscapes, mature trees, areas of indigenous vegetation and birdlife. Its stock of relatively intact modest housing, including both timber and brick cottages, set on large lots, many with mature trees and gardens, contribute to the ambiance of the area and create a distinct and cohesive streetscape character. It has social value to the people who live there for the range of community facilities provided and the diversity of the local community including private owners, Department of Housing tenants, elderly people and families.

The subject building forms part of the earliest development of the Hilton Area, and the demolition of the dwelling would have an impact on the character of the streetscape through the loss of both the dwelling and the surrounding trees and gardens. The dwelling is further significant due to its location at the southern boundary of the Heritage Area. Although it is noted that the building has been modified, it is considered that the retained portion of the original dwelling is of heritage significance and worthy of retention.

With respect to the extent of demolition on site, it is noted that later additions and less important portions of the building could potentially be removed, with the City's heritage officer providing the below plan delineating the extent of the building which could be supported for demolition. It is considered that the retention of the subject dwelling would not necessarily preclude potential subdivision of the subject site, due to the location of the portions of the building recommended to be retained being in the centre of the lot. The applicant has chosen to seek determination of the application for full demolition of the subject site.

Figure 3: Aerial plan showing the areas of the dwelling which could be supported for demolition

In accordance with the attached heritage assessment, the demolition of the existing dwelling will reduce the significance of the Hilton heritage Area and the application is recommended for refusal.

Retaining and Site works

The proposed retaining and site works across the site has been designed in compliance with the deemed-to-comply requirements of the R-Codes in providing for no fill in excess of 0.5m close to property boundaries and by setting retaining works back from the front property boundary by 3 or more metres. The site levels have been designed so as to follow the fall of the property while permitting the establishment of level sites.

Considered in isolation, it is considered that the proposed retaining and fill to the site could be considered in accordance with the relevant R-Codes design principles, however these works would necessitate the demolition of the existing dwelling on site, which is not able to be supported.

Future development of the lots
The application does not address the future development of the three proposed lots shown on the development plans beyond the retaining walls and site works discussed above. Should the demolition of the dwelling and subdivision application be supported, it is anticipated that further development applications will be received for the development of the subject lots.

Generally it is noted that the development of the property would be subject to compliance with the Hilton Heritage Area Local Planning Policy (LPP 3.7) which provides for large street setbacks and single storey dwellings on properties directly fronting the street. Any development on these lots, if created, would be considered against the requirements of this policy.

CONCLUSION

In accordance with the above assessment and the attached heritage assessment, the existing dwelling is considered to make a significant contribution to the cultural heritage significance of the Hilton Heritage Area and its retention is recommended. As such, the application is recommended for refusal.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

Council:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Demolition of existing Single house, retaining and fill at No. 91 (Lot 1176) Paget Street, Hilton, as detailed on plans dated 2 February 2021, for the following reasons:

1. **The proposed demolition of the existing dwelling on site is not supported in accordance with clause 4.14.1 of Local Planning Scheme No.4 (LPS4) as the existing dwelling is considered to have cultural heritage significance and makes a contribution to the broader cultural heritage significance and character of the Hilton locality which is a prescribed heritage area under LPS4.**

2. **The proposal is detrimental to the amenity of the area, detrimental to the cultural heritage significance of the area, and incompatible with the objectives of the Residential Zone set out in clause 3.2.1 (a) of the Local Planning Scheme No.4, as per clauses 67(a), (l) and (n) of the Deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.**

Advice note

i) The applicant/owner is advised that the City may support the demolition of the later additions on the subject site, where a proposal includes the retention of the original dwelling. The applicant/owner is encouraged to contact the City's Heritage Team to discuss this option.

PC2104-8 INFORMATION REPORT – APRIL 2021

1. SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY

Responsible Officer: Manager Development Approvals
Agenda attachments: 1: Schedule of applications determined under delegated authority

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

2. UPDATE ON METRO INNER-SOUTH JDAP DETERMINATIONS AND RELEVANT STATE ADMINISTRATIVE TRIBUNAL APPLICATIONS FOR REVIEW

Responsible Officer: Manager Development Approvals
Agenda attachments: Nil

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

1. Application Reference
DA0166/20
Site Address and Proposal
4 Keel Place, North Fremantle – Proposed 3 Storey Single house
Planning Committee Consideration/Decision
• At its meeting held on 4 November 2020, the Council resolved to refuse the application.
Current Status
• On 19 November 2020 an Application for Review by the State Administrative Tribunal was lodged by the owner. • Mediation between the relevant parties was held on 21 January 2021. • The applicant submitted amended plans on 10 February 2021. • At its meeting on 3 March 2021, the Planning Committee reconsidered its decision based on the amended plans and resolved to approve the amended proposal subject to relevant conditions. • On the 25 March 2021, the applicant withdrew the Application for Review.

2. Application Reference
DAP004/20
Site Address and Proposal
19-21 McCabe Street, North Fremantle – Proposed 8 Storey mixed use development

Planning Committee Consideration/Decision
• At its meeting held on 4 November 2020, the Metro Inner-South Development Assessment Panel resolved to Approve the application.
Current Status
• On 15 December 2020 an Application for Review by the State Administrative Tribunal was lodged by the owner. The application requests the deletion of Conditions 27 and 28, which required the addition of deep soil areas. • As the JDAP was the decision maker the Department of Planning Lands and Heritage is the respondent in this instance. • Mediation between the relevant parties was held on 10 February 2021. • The applicant submitted amended plans on 23 February 2021. • On 19 March 2021, the JDAP reconsidered its decision, based on the amended plans and resolved to delete conditions 27 and 28.

3. Application Reference
DA0166/20
Site Address and Proposal
6 Commercial Street, South Fremantle – Proposed Demolition of existing Single house and construction of a single storey Single house.
Planning Committee Consideration/Decision
• At its meeting held on 25 November 2020, the Council resolved to refuse the application.
Current Status
• On 22 December 2020 an Application for Review by the State Administrative Tribunal was lodged by the owner. • A Directions Hearing has been scheduled for 22 January 2021. • Mediation between the parties was held on 22 February 2021. • A second mediation between the parties was held on 29 March 2021.

4. Application Reference
DAP008/20
Site Address and Proposal
11 Freeman Loop, North Fremantle – Proposed Six Storey Mixed Use Development
Planning Committee Consideration/Decision
• At its meeting held on 19 February 2021, the Metro Inner-South JDAP resolved to defer the application to allow the applicant to consider amending the proposal to increase the south-west (rear) setback of the development to provide greater building separation from the residential development to the south to improve access to light and ventilation and maintain the outlook from the adjoining dwellings. • In response to the Metro Inner-South JDAP's deferral, the applicant submitted

amended plans on 3 March 2021.

- At its meeting held on 29 March 2021, the Metro Inner-South JDAP resolved to approve the amended proposal subject to relevant conditions.

OFFICER'S RECOMMENDATION

Council receive the following information reports for April 2021:

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

10.3 Council decision

PC2104-9 THE HEART OF BEACONSFIELD MASTERPLAN – OUTCOMES OF ADVERTISING AND FINAL ADOPTION

Meeting date:	7 April 2021
Responsible officer:	Manager Strategic Planning
Decision making authority:	Council
Attachments:	1. Engagement Report 2. Final Masterplan Concept (including Context Map and Ideas Pages)
Additional information:	1. Draft Masterplan Concept (Advertised)

SUMMARY

The Heart of Beaconsfield (THOB) project was initiated in 2016 and seeks to reenvisage the area and coordinate a number of potential redevelopments being planned within the suburb. The project involved extensive engagement with the community and key stakeholders, with a draft masterplan concept adopted by Council in November 2020 for the purposes of inviting public comment.

Consultation on the draft masterplan was undertaken between January and February 2021. A total of 82 submissions were received. General support for the plan was expressed in a number of submissions, and in particular the green links, north-south pedestrian connections and improved/expanded open spaces received praise. Significant concern was expressed in a number of submissions regarding the density and building heights shown throughout the masterplan area, particularly on the Lefroy Road Quarry site. A number of comments were also received in relation to the provision of other recreation facilities, sustainability principles, vehicular transport and congestion concerns, and other matters.

This report considers the feedback received during the advertising period, changes proposed to the plan in response, and recommends that Council formally adopt the Heart of Beaconsfield Masterplan concept as a non-statutory City document.

BACKGROUND

The City of Fremantle began the Heart of Beaconsfield (THOB) master-planning project in partnership with the then Department of Housing and others, in 2016. The project was initiated in large part due to the planned redevelopment of a number of State-owned landholdings within the suburb, including the Davis Park precinct and Lefroy Road TAFE site. It sought to respond to the various changes occurring, and to establish a joint vision and guiding framework to inform them.

The process and engagement undertaken to prepare the draft Heart of Beaconsfield Masterplan was outlined in a report to Council in November 2020 (SPT2011-2), in response to which Council resolved to:

1. *Note the engagement undertaken in the development of the Heart of Beaconsfield master planning project to date.*

2. *Endorse the draft Heart of Beaconsfield Masterplan provided in Attachment 1 for the purposes of community consultation, noting the following features of the plan:*
    a. *Location of strategic green link connecting South Street to Lefroy Road and Clontarf Road to the south as per Greening Fremantle strategy;*
    b. *Development of surplus reserve to the south of Bruce Lee Oval for medium density residential purposes;*
    c. *New full-size sports oval, additional open space and reconfigured residential development footprint on the Lefroy Road Quarry site;*
    d. *Opportunities for further traffic calming and to assist with Fremantle College pick-up/drop-off through road treatments and realignment of car parking;*
    e. *Retention of Bruce Lee Oval and Davis Park park;*
    f. *Retention of community facilities including Fremantle College, child care centres, ACTIV and opportunities to expand on these through a new social node on Lefroy Road;*
    g. *Diversification of housing typologies throughout the precinct, but maintaining transition interface to established residential areas.*
3. *Undertake community consultation on the draft masterplan for a period of not less than 28 days, commencing in early-mid January 2021.*
4. *Thank members of the Heart of Beaconsfield Working Group for their ongoing support and input into the project to-date.*

The purpose of this report is to consider the outcomes of the consultation referenced in Resolution 2 and 3.

The project contributes to many of the Council's strategic outcomes and objectives relating to places for people / housing and urban design, health and wellbeing / recreation, sustainability and movement, and is also considered to align with State-level planning direction for the central metropolitan sub-region, and state planning policy.

CONSULTATION

Consultation on the draft masterplan (Additional Information 1) was undertaken between 19 January and 15 February 2021.

Awareness and promotion was undertaken via:

- Direct email to previous participants (over 200 people) and local precinct group.
- Letters to all owners and occupiers within and adjoining the masterplan area.
- Dedicated page on My Say Freo and inclusion in the monthly e-newsletter.
- Posters distributed to local businesses within the project area (e.g. newsagencies, bakery and food store).
- Promotion through City's social media channels and Freo Weekly newsletter.
- A 'Talk to a Planner' session held at the Freo Farmers Market (located within the project site) on Sunday 31 January 2021, attended by approximately 150-200 people.

At the conclusion of this consultation, a total of 82 submissions were received expressing a variety of views on the project. Many of these submissions (62) were made through My Say Freo, however some were also received via hard copy, email and through the Farmers Market session. A summary of the common comments is provided below.

Further detail on the outcomes of this consultation can be obtained via the Engagement Report provided at Attachment 1.

Positive Themes

- General support expressed for preparation of the plan and its key objectives.
- Strong support for the north-south 'green link' and the idea of connecting existing and proposed areas of open space.
- Strong support for improvements to public transport and other alternative transport opportunities within the area.
- Support for redevelopment of the disused Quarry site and in particular the opportunity to 'green' and beautify the site (notwithstanding building height objections – see below). Support was also expressed for redevelopment of the disused TAFE site and the Davis Park social housing precinct.
- Support for retention of Bruce Lee Oval, however some reservations expressed regarding redevelopment of southern car park.
- Support for the concept of diverse housing generally and the prospect of improving housing affordability within the area.
- Support for the idea of retaining important community facilities and expansion upon these as part of a 'social hub' (although some suggested the size of this hub wasn't adequate).
- Some support for increased density to enrich the community and help local business.
- Some support for provision of a new sporting oval on the quarry site and integration into the green link and open space network.

Negative Themes

- Strong objection to building heights in certain areas of the masterplan, in particular within the Quarry site where buildings exceeding 8 storeys are shown adjacent to the properties on Longford Road in the Salentina Ridge subdivision. Other building height concerns included the South Street mixed use zone and the old TAFE site. Some comments suggested that buildings between 3 – 5 storeys would be more appropriate as maximum heights.
- Concerns regarding the scale of redevelopment proposed and the impact this could have on traffic and car parking within the immediate area, and the wider suburb more broadly. The ambiguity of the '8 storeys or greater' height limit for housing type 'A' was also queried.
- Concerns regarding the design of new development, in particular taller buildings exceeding 5 storeys, especially if these were to be social housing 'towers'.
- Objection to the provision of a sporting oval, particularly given the existence of other ovals within the area and the lack of other non-sporting recreational facilities/venues.
- Concern that the masterplan does not explicitly acknowledge or provide for the ongoing operation of the Fremantle Farmers Markets, including car parking provision.
- Concern the plan focusses too much on apartment development and should cater more for family homes in keeping with the established character of the suburb.

Other Comments/Miscellaneous Suggestions

- The plan should prioritise maintaining and increasing urban tree canopy, including tree retention on private and public land, particularly to support native fauna habitat.
- There should be a greater emphasis on sustainability and housing affordability in the plan.
- Queries regarding dwelling yields and anticipated private/public housing mix.
- Numerous suggestions for improvements to recreation facilities within the area which do not entail a new sporting oval e.g. walking trails, swimming pools, playgrounds, yoga/gym studios, amphitheatres and performing arts venues.
- Queries about management of the Quarry development, including remediation, soil stability, ground levels and associated health risks from contamination.
- Existing partial Pedestrian Access Way (PAW) within Salentina Ridge subdivision should connect to the Quarry site.

A submission was also received from Main Roads objecting to the masterplan due to its illustration of traffic signals on South Street : given the WAPC's recent decision on the Davis Park Structure Plan to remove the signals there proposed, it is recommended that the draft Masterplan be updated to show these as 'possible future traffic signals - subject to the approval of Main Roads WA' to recognise the uncertainty of securing Main Roads support for the signals but maintain Council's desire for them. Some extra detail is proposed for the informing 'Movement/Connectivity' Ideas Page.

OFFICER COMMENT

Officers have reviewed all submissions and provide the following further detail and brief comment in response. Modifications suggested to the plan in response to public feedback are included in Attachment 2.

Residential Design, Density and Height

A significant number of submissions (approximately half) raised building height and residential density as a primary concern. This was most prevalent in relation to the quarry and old TAFE sites, where responses suggested that buildings any higher than 3-5 storeys would result in significant amenity and visual impacts, particularly in relation to overshadowing, overlooking and inconsistency with character for a 'low density' suburb.

At least 11 submissions were from residents on Longford Road, immediately to the west of the quarry site where the advertised draft master plan showed potential for a building potentially in excess of 8 storeys adjoining single residential dwellings on top of the escarpment. These submitters also raised concern regarding the 2-3 storey town house typology shown along the western embankment of the quarry, citing soil contamination and stability concerns and querying the general appropriateness for this style of development to occur in such a location.

Some submissions made mention of social housing and queried whether this will feature heavily within new dwelling stock, with a number expressing concerns about concentrations of public housing. Others expressed concern about the loss of home for tenants.

Some submissions requested greater reference to more sustainable and innovative built form.

Response:
The introduction of different housing forms and densities sought to address the objective to provide greater diversity of housing, given the relative homogeneity of housing type in the area and ideas expressed in earlier consultation. Concentration of density in well serviced locations (particularly those located on good public transport routes) also reflects a key planning policy of both the state and Council. The extent of height and density is, however, a judgement to be made.

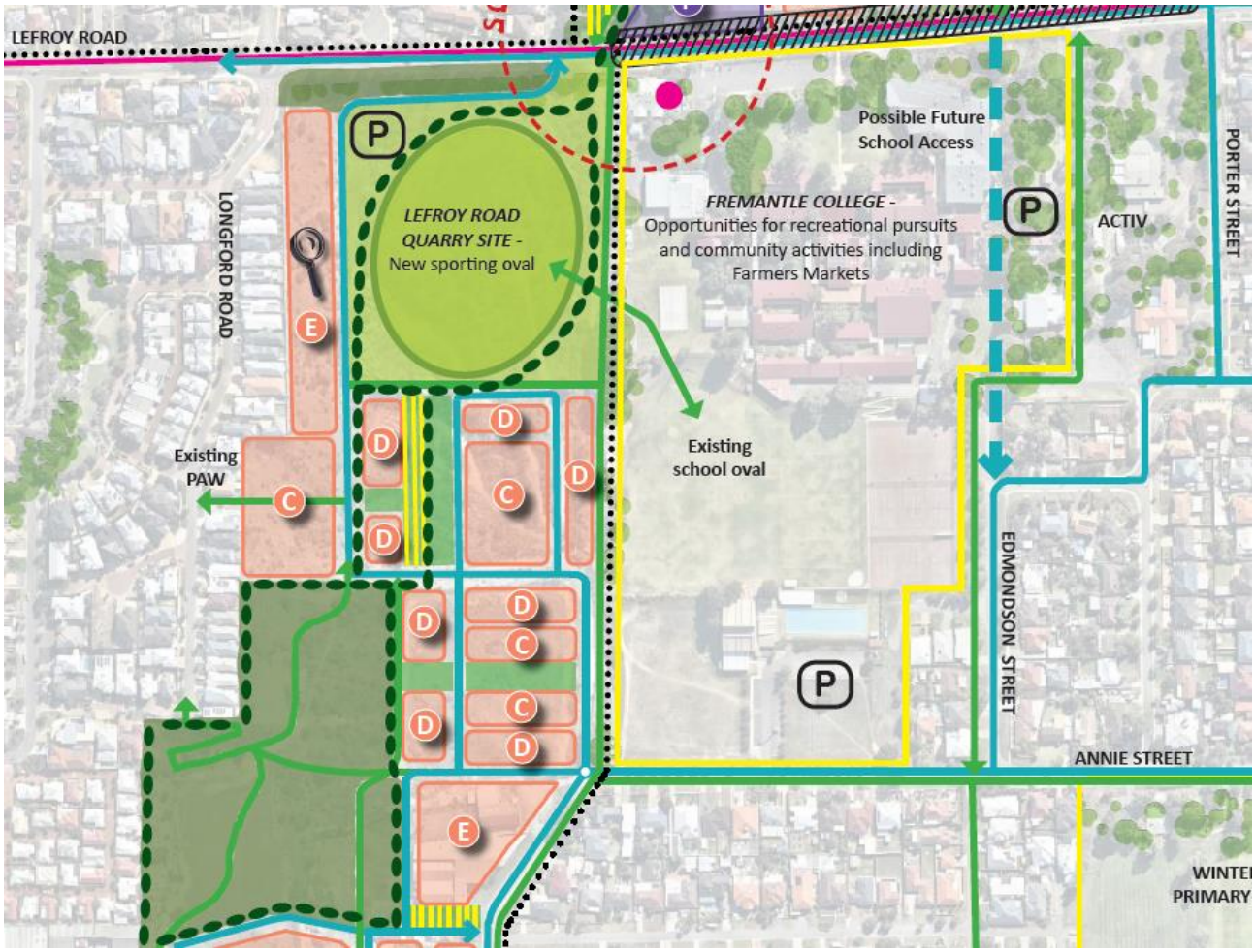
The advertised draft plan provided a relatively high proportion of density. Maintenance of this along the South Street transit corridor remains an important planning principle but is less critical (whilst still have some merit) further away. It is also recognised that market demand for density in this location has not been strong and the commercial feasibility of this remains very uncertain. In response to concerns expressed, some reduction to both building heights and density is proposed, to a more moderate / balanced level, as follows:

- Reclassify cells within the quarry site from 'A' ('8 storeys or above') to 'C' (3-5 stories) or 'D' (2-3 stories). These heights (if pursued) are considered appropriate given the 11-15 metre height of the western escarpment.
- Downgrade cells within the old TAFE site previously shown as 'B' (6-8 storeys) to 'C' typology.
- South Street mixed use zone identified as 'B' housing typology to provide clarity and reflect Davis Park Structure Plan.
- Change the housing typology along the western escarpment of the quarry site from 'D' to 'E' (single family homes), to reflect the classification of this land under the existing Lefroy Road Quarry local structure plan. A note is also proposed to indicate residential development in this location is subject to further site investigations (recognising both the geotechnical and feasibility challenges this area presents).
- Change the description of the 'A' housing typology to specify buildings 'up to 8-12 storeys in height', as opposed to '8+ storeys' to remove ambiguity and provide more certainty with regard to maximum building heights anticipated.

Ownership of dwellings (and proportions of public housing) is not something the plan can control however it is understood that the Department of Communities continue to avoid concentrations of public housing, generally pursuing a maximum ratio of one in nine dwellings. Council's 'Diverse and Affordable Housing' Policy outlines Council's desire for *diverse and affordable housing development that meets the needs of current and future residents* and includes reference to the potential for some community housing in the Lefroy Road Quarry. Council has recently separately resolved to engage with the state government on housing diversity and social housing provision in Fremantle (refer FPOL2103-11).

Capacity for alternative forms of housing has also been built into the 'innovation sub-area' of the Davis Park Precinct structure plan and this element has been reflected on the ideas plans as part of revisions to the draft. To reflect community feedback, the structure plan also includes provision for greater energy efficiency performance of lower density development, and the City will seek to include similar provisions in future precinct structure plans within the masterplan area. A note has been included on the masterplan ideas pages to more explicitly reflect desired building sustainability principles.

These changes respond to the majority of concerns raised to a reasonable degree. It should be noted that the masterplan is non-statutory and therefore further exploration of opportunities (as well as the more detailed aspects) will occur through subsequent statutory planning processes for the major landholdings, as and when landowners wish to pursue development. These processes will be subject to further consultation (a query raised in some submissions).



Revised masterplan concept excerpt showing refinements to housing typologies on quarry site, and pedestrian connection to existing PAW.

Community and Recreation Facilities

Many submissions made some reference to sporting, recreation and community facilities within the masterplan area. There is strong community support for retention of and improvement to existing amenities such as Bruce Lee Oval, as well as development of new facilities to support a growing population and diverse community.

Comments on this element were wide-ranging. Whilst there was some support for the proposed sporting oval on the quarry site, others suggested that recreation needs of the local community could be accommodated in other ways such as yoga studios, rock climbing, amphitheatres, walking trails and swimming pools. Development of an opera house has also been suggested. Broadly speaking, the plan seeks to provide for both active and passive recreation pursuits; this is achieved through provision of the green link as well as retention and expansion of existing areas of open/green space. The social hub within the centre of the plan provides opportunity for some of the suggested land uses into the future. A new tract of natural (i.e. passive) open space is also provided for on the quarry site, and improved connections to this space have been shown on the revised plan attached. A connection between the existing school oval and proposed new sporting oval has also been shown on the revised plan, to better emphasise the intended link between these sites. Provision of facilities to support the new oval is likely however the extent of these has yet to be defined.

Response:
Whilst the masterplan provides the (potential) opportunity for many of the suggested facilities, it is not a document which can commit to the level of detail raised in a number of submissions. Some suggestions (such as the more regional-level facilities suggested for the quarry precinct) are considered unsuitable given the restricted accessibility of this site to the broader (regional) catchment. Some modifications have been proposed to make clearer reference to the *potential* for more diverse facilities (beyond simply the oval), with all recreation-related comments then also referred to the Community Sport and Recreation Facilities Plan 2021-2031 (CSRFP) project to allow their further consideration in a more holistic context.

Some comment was also raised concern about the future and location of the Fremantle Farmers Markets, which currently operate out of Fremantle College on Sundays, because this was not explicitly noted on the Masterplan (though it was referenced on the 'ideas page'). Officers support the operation of community-based events like the markets in the locality, recognising their alignment with community aspirations for a strongly social identity and 'heart' for area. Additional notes have been included on the revised plan to reflect this.

Transport and Connectivity

The idea of improving connections between key sites and areas of open space within the masterplan area was supported in many submissions. Concerns were, however, raised in relation to traffic and parking issues which may arise from densification of the various redevelopment sites within the masterplan.

Response:
Increased traffic is a common consequence of population growth and consolidation which can only really be fully resolved as our urban structure and infrastructure evolves to a more balanced modal split and changing lifestyles. The reduction of density on the plan is likely to reduce traffic impacts and so provides some mitigation to this concern. The following additional changes are also proposed:

- Greater emphasis on east-west pedestrian and vehicle links noted in various locations.
- Retention of traffic signals on South Street with 'possible future traffic signals– subject to the approval of Main Roads WA', reflecting recent decision from WAPC in respect to Davis Park Structure Plan.
- Opportunities for additional parking more clearly identified throughout masterplan including adjacent to both sporting ovals and within the Fremantle College site.
- Inclusion of east-west pedestrian connection from quarry to Longford Road via the existing pedestrian access way in the Salentina Ridge subdivision, reflective of the current approved structure plan.

More detailed assessment of traffic impacts of major proposals will occur during the statutory assessment processes. However, the level of intensification proposed is not considered beyond the capacity of the existing road network which is a primary consideration for the masterplan.

<u>Next Steps</u>
Following adoption of the masterplan, implementation of major developments/land uses illustrated will primarily be the responsibility of the relevant landowners (which, in relation to the Lefroy Road Quarry, includes the City). Timing of both statutory planning processes necessary to facilitate development (e.g. rezoning, preparation of local structure plans) and development itself is likely to be contingent upon several factors including funding arrangements, housing land supply and take-up rates in the Fremantle region generally and other aspects of market conditions.

The cost of the proposed development of the additional oval on the Lefroy Road Quarry has been estimated to be largely offset by the value generated from development illustrated on the balance of the City's quarry landholding and the parking area south of Bruce Lee Oval if these development opportunities are packaged together. This estimate and the cost implications of the plan will be subject to further assessment, requiring discussion between the City and State agencies which currently control some of the relevant land parcels. The process for advancing this assessment will be the subject of a further report to Council following finalisation of the Community, Sport and Recreation Plan (which should confirm future recreational need projections and recommendations).

FINANCIAL IMPLICATIONS

Implementation of developments illustrated will primarily be the responsibility of the relevant landowners (which, in relation to the Lefroy Road Quarry, includes the City).

The cost of the proposed development of the additional oval on the Lefroy Road Quarry has been estimated to be largely offset by the development illustrated on the balance of the City's quarry landholding and parking area south of Bruce Lee Oval.

LEGAL IMPLICATIONS

The masterplan is proposed to be non-binding/statutory, with its use primarily to inform future strategic and statutory proposals within the area.

Any redevelopment and disposal of government land would be subject to various requirements including the provisions of the *Local Government Act 1995*, *Planning and Development Act 2005* and *Land Administration Act 1997*, as well as associated regulations.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATION

Council:

1. **Note the comments received during consultation on the draft masterplan in January and February 2021 as detailed in Attachment 1 and thank all submitters for their comments and contributions on the project since 2017.**

2. **Adopt the revised Heart of Beaconsfield Masterplan Concept as a non-statutory plan, along with the informing Ideas Pages and Context Plans, as detailed in Attachment 2.**

3. **Inform submitters that comments concerning sporting and recreation matters will be further considered as part of the current Community Sport and Recreation Facilities Plan 2021-2031 engagement.**

4. **Subject to confirmation of need through the Community, Sport and Recreation Facilities Plan, request that the Chief Executive Officer engages with the state government and prepares a further report regarding the business case and process for disposal of surplus reserve abutting Bruce Lee Oval and land within the Lefroy Road Quarry site to support the (long term) development of the new recreation facility accommodated on the masterplan.**

11. Motions of which previous notice has been given

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

12. Urgent business

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

13. Late items

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

14. Confidential business

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

15. Closure