



# MINUTES

## Planning Committee

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Wednesday, 11 January 2017, 6.00pm

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## **PLANNING COMMITTEE**

Minutes of the Planning Committee  
held in the Council Chambers, Fremantle City Council  
on **11 January 2017** at 6.00 pm.

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### **DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

The Presiding Member declared the meeting open at 6.02 pm.

### **NYOONGAR ACKNOWLEDGEMENT STATEMENT**

"We acknowledge this land that we meet on today is part of the traditional lands of the Nyoongar people and that we respect their spiritual relationship with their country. We also acknowledge the Nyoongar people as the custodians of the greater Fremantle/Walyalup area and that their cultural and heritage beliefs are still important to the living Nyoongar people today."

### **IN ATTENDANCE**

Cr Dave Coggin	Deputy Mayor
Cr Jon Strachan	Presiding Member / South Ward
Cr Doug Thompson	North Ward
Cr Simon Naber	City Ward
Cr Ingrid Waltham	Deputy Presiding Member / East Ward
Cr Jeff McDonald	Hilton Ward
Cr Hannah Fitzhardinge	Beaconsfield Ward
Cr Andrew Sullivan	Observing
Mr Paul Garbett	Acting Director Strategic Planning and Projects
Mr Graham Tattersall	Director Infrastructure and Project Delivery
Ms Chloe Johnston	Acting Coordinator Statutory Planning
Ms Sharn Bruere	Senior Strategic Planning Officer
Ms Tahnee Bunting	Strategic Planning Officer
Mrs Kayla Beall	Minute Secretary

*There were approximately 25 members of the public and 1 member of the press in attendance.*

### **APOLOGIES**

Mayor Brad Pettitt  
Cr Bryn Jones

## **LEAVE OF ABSENCE**

Nil

## **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

## **PUBLIC QUESTION TIME**

**The following member of the public spoke in favour of the Officer's Recommendation for item PC1701-1:**

Larjos Varga

**The following members of the public spoke in favour of the Officer's Recommendation for item PC1701-2:**

Ross McDonald  
Nick Nanni

**The following members of the public spoke against the Officer's Recommendation for item PC1701-2:**

Dr Alan Payne  
Chris Williams  
Peter McLeen  
Andrew Bailey  
John Dowson

**The following member of the public spoke against the Officer's Recommendation for item PC1701-4:**

Ralph Folie

**The following member of the public spoke in favour of the Officer's Recommendation for item PC1701-8:**

Coralie Ayres - Housing Authority

**The following member of the public spoke in favour of the Officer's Recommendation for item PC1701-9:**

Shane Greive

**The following member of the public spoke against the Officer's Recommendation for item PC1701-9:**

Andrew Luobikis

## **DEPUTATIONS / PRESENTATIONS**

Nil

## **DISCLOSURES OF INTEREST BY MEMBERS**

Nil

## **LATE ITEMS NOTED**

Nil

## **CONFIRMATION OF MINUTES**

**MOVED: Cr J Strachan**

**That the minutes of the Planning Committee dated 7 December 2016 as listed in the Council agenda dated 14 December 2016 be confirmed as a true and accurate record.**

**CARRIED: 7/0**

<b>For</b>	<b>Against</b>
Cr Dave Coggin Cr Jon Strachan Cr Simon Naber Cr Doug Thompson Cr Hannah Fitzhardinge Cr Ingrid Waltham Cr Jeff McDonald	

## **TABLED DOCUMENTS**

Nil

## **DEFERRED ITEMS (COMMITTEE DELEGATION)**

**The following items are subject to clause 1.1 and 2.1 of the City of Fremantle Delegated Authority Register**

Nil.

## REPORTS BY OFFICERS (COMMITTEE DELEGATION)

The following items are subject to clause 1.1 and 2.1 of the City of Fremantle Delegated Authority Register

### PC1701 -2 ADELAIDE STREET, NOS. 18-22 (LOTS 1 & 2), FREMANTLE - FIVE (5) STOREY TOURIST ACCOMMODATION AND SHOP BUILDING (NB DA0117/16)

<b>ECM Reference:</b>	059/002
<b>Disclosure of Interest:</b>	Nil
<b>Meeting Date:</b>	11 January 2017
<b>Responsible Officer:</b>	Acting Manager Development Approvals
<b>Actioning Officer:</b>	Planning Officer
<b>Decision Making Level:</b>	Planning Committee
<b>Previous Item Number/s:</b>	Nil
<b>Attachments:</b>	1: Development Plans 2: Applicant's Heritage Impact Statement 3: Schedule of Works 4: Indicative Streetscape 5: Transport Impact Statement 6: Internal Heritage Advice 7: SHO Advice 8: DAC Minutes – 11 April 2016 & 12 September 2016 9: Schedule of Submissions 10: Applicant's Response to Comments 11: Site Photos
<b>Date Received:</b>	14 March 2016
<b>Owner Name:</b>	Romano's Investment Holdings Pty Ltd
<b>Submitted by:</b>	Ross McDonald Architects Pty Ltd
<b>Scheme:</b>	City Centre Zone
<b>Heritage Listing:</b>	Adopted – Level 1B
<b>Existing Landuse:</b>	Restaurant, Shop
<b>Use Class:</b>	Tourist Accommodation Shop
<b>Use Permissibility:</b>	Tourist Accommodation - 'D' Shop – 'P'



## **EXECUTIVE SUMMARY**

**The application seeks planning approval for a five (5) storey Tourist Accommodation and ground floor Shop.**

**The proposal is referred to the Planning Committee (PC) due to discretions sought against the City's Local Planning Scheme No.4 (LPS4) and relevant Local Planning Policies (LPPs) in regards to the following:**

- **Discretionary wall height**
- **Car parking**
- **Land use**

**The above discretionary assessments are considered to be supportable and, as such, the application is recommended for conditional approval.**

## **BACKGROUND**

The subject site comprises two lots on the western side of Adelaide Street across from Kings Square. The rear of the site is accessed by a right-of-way (ROW) on the northern boundary that wraps around No. 22 Adelaide Street and terminates at the border of No. 18 Adelaide Street. This ROW also provides access to the rear of the adjoining northern lot, being No. 28 Adelaide Street. The lots are located outside of the West End Conservation Area and within Local Planning Area 1 – City Centre of Schedule 8 of LPS4 and within the area covered by Local Planning Policy 3.1.5.

The buildings fronting the street are Level 1B heritage listed while the later additions at the rear are not original. Additionally, a limestone wall stretching along most of the southern boundary of the site is considered to have some heritage value.

## **DETAIL**

The application proposes the following additions and alterations:

- Five (5) storey addition predominantly to the rear of the existing heritage building and including ground floor car parking
- Change of use to a 40 unit 'Tourist Accommodation' and ground floor 'Shop'
- Façade refurbishments
- Internal layout changes and alterations of the existing heritage buildings

A copy of the development plans is included as Attachment 1.

## **STATUTORY AND POLICY ASSESSMENT**

The proposal has been assessed against the relevant provisions of LPS4, and relevant local planning policies. Discretion is sought against LPS4 and relevant Council local planning policies as follows:

- Discretionary wall height
- Onsite car parking
- Land use (Tourist Accommodation)

The above matters are discussed in detail in the Planning Comment section below.

## **CONSULTATION**

### **Fremantle Port Authority (FPA)**

The application was referred to the FPA as it is located within the Fremantle Port buffer Area 2. The FPA was satisfied with the proposal subject to the standard conditions for FPA Area 2. Those conditions have been included as part of the recommendation for approval.

### **Design Advisory Committee (DAC)**

The application was required to be referred to the DAC under *LPP 1.9: Design Advisory Committee & Principles of Design* as it consists of a building greater than 11m or 3 stories in height in a zone other than a Residential or Industrial zone. The application was presented to the DAC on two occasions, being 11 April 2016 and 12 September 2016 with further comments provided on the amended plans on 1 October 2016.

The final DAC recommendation is as follows:

*The DAC deems the proposed changes to be acceptable, with the recommendation that the intention to use PVs on the roof be included as a note on the drawings and that the proponents confirm BCA compliance for the bedroom windows of units 10, 20, 30 & 40, in terms of area of provided light and ventilation.*

The applicant has since submitted amended plans indicating solar panels to be installed and modified the bedroom windows to increase the size of the openings and indicating the use of glass blocks.

The minutes of both meetings and the full additional comments are included as Attachment 8.

### **State Heritage Office (SHO)**

The application was referred to the SHO as it is across the street from a State Heritage Registered place (St John's Anglican Church). At the State Heritage Office Development Committee Meeting of 20 December, the following advice was provided:

The proposed development at 18-22 Adelaide Street, Fremantle will have no discernible impact on the cultural significance of the registered places, and there is no objection. Full comments are included as Attachment 7.

The applicant has provided a Heritage Impact Statement, which concludes with the following:

- *The existing building is currently heavily modified and has intrusive elements impacting negatively on the heritage values of the building and the streetscape; and*
- *The new development will provide a well-adapted and conserved heritage building which will add to the value of the heritage fabric of the city.*

The full report is included as Attachment 2 and a full Schedule of Works is included as Attachment 3.

The City has completed an internal heritage assessment (Attachment 6) that supports the proposal subject to the following condition:

*That the conservation works listed on the Heritage Impact Statement prepared by Palassis Architects and submitted as part of the development application are completed using traditional building materials and techniques to match the original.*

## **Community**

The application was deemed to be a significant application and was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, as discretions were sought against the provisions of LPS4. At the conclusion of the advertising period, being 7 November 2016, the City had received 17 submissions. The following issues were raised (summarised):

- The 5 storey height is not in keeping with the nearby buildings and will dominate the skyline
- The small rear setback will block light and views from the rear units of the Woodsons building
- The design does not fit with the heritage of the building, the locality or the streetscape and should be improved
- The design will negatively impact the heritage of the building and the historic Kings Square
- Existing lack of parking in the area will be exacerbated
- Balconies present overlooking to the rear units of the Woodsons building
- The location in a predominantly retail area is not suitable for Tourist Accommodation

A more detailed list of comments received is included in the Schedule of Submissions in Attachment 9.

In response to the above, the applicant submitted amended plans showing the following changes:

- Part of rear setback of the rear bedroom units (Units 10, 20, 30 and 40) increased from 0.75m to 1.2m, with the remainder set back at 3m
- Privacy screens added to the rear unit balconies to block views to the major openings of the Woodsons building

The applicant has also submitted a response to the above issues, which is contained as Attachment 10. A copy of the amended plans is included as Attachment 1.

## **PLANNING COMMENT**

### **Local Planning Scheme No. 4 (LPS4)**

#### Building Height

The subject site is located on the boundary of, but does not lie within, the West End Conservation Area. Therefore, the height requirements of Local Planning Area 1 – City Centre apply as indicated in the following table:

<b>Element</b>	<b>Scheme Requirement</b>	<b>Proposed</b>	<b>Discretion</b>
Maximum external wall height	14m and 4 storeys	17m and 5 storeys	+3m external wall height and +1 storey
Discretionary external wall height	17m and 5 storeys	17m and 5 storeys	Compliance with clauses 1.1 and 1.2

In order to grant the maximum discretionary height of 17m and 5 storeys, Council must be satisfied that the proposal complies with Schedule 8, Clause 1.1 of LPS4, which states:

- 1.1 Building height shall be limited to a minimum of two storeys and a maximum of four storeys (maximum external wall height of 14.0\* metres as measured from ground level).*

*Council may consent to an additional storey subject to —*

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

*\*Inclusive of parapet and spacing between floors*

*Test (a) ~ setback:* the “Visible from the street” line of sight was created to ensure that the additional discretionary height would not be visible from the street. The assumption was that the facade of the development at the street front boundary would reach the maximum permitted height and, therefore, the additional height would not be seen from the street. The intention was not to favour some development over others, but to present a uniform height and setback for upper floors when viewed from pedestrian level. For this reason, when calculating “visible from the street” measurement, officers consider it is appropriate to apply an interpretation which assumes a façade height of the maximum permissible 14m. Otherwise, the clause would have the effect of penalizing heritage buildings with a lower façade height, such as the one in the subject proposal.

This interpretation has been applied in the determination of several previous development applications where a similar situation existed, including 11 Queen Victoria Street and 7-15 Bannister Street.

Therefore to ensure a consistent approach to the assessment of comparable applications, officers consider it is appropriate to apply the 'visible from the street' assessment in this manner.

In this instance, the actual building height of the heritage Adelaide Street facade is lower than permitted, at approximately 10m high. The figure below illustrates the actual line of sight for the 10m high façade versus the line of sight if the existing façade was the maximum permitted height of 14m:

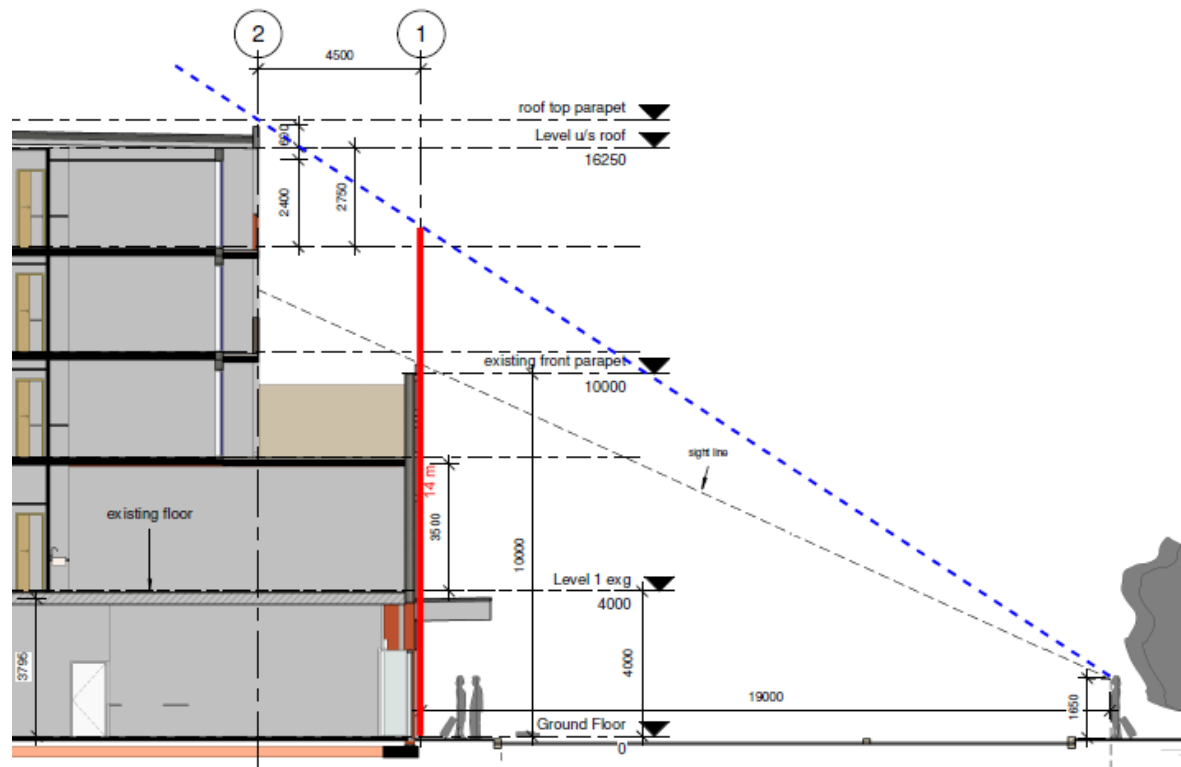


Figure 1: Line of sight - Black dashed line is the actual line of sight; blue dashed line is with maximum permitted facade height; red solid line is permitted 14m height. Based on the figure above, the proposal complies with the "Visible from the street" line of sight when measured against the permitted 14m façade height. The proposal therefore complies with Clause 1.1(a).

*Test (b) ~ external wall height:* the development proposes a maximum height of 17m and, therefore, complies.

*Test (c) ~ compliance with Clause 1.2 of Schedule 8 of LPS4:* This clause consists of four parts, each of which is discussed in turn below.

**1.2** *In granting consent to the maximum height prescribed, Council shall be satisfied in regard to all of the following —*

*(a) that the proposal is consistent with predominant height patterns of adjoining properties and the locality generally,*

The City's interpretation of *adjoining* is that the property must be directly abutting another property's boundary. The table below indicates the heights of the adjoining street front properties and the rear adjoining property:

<i>Height of Adjoining Lots</i>		
<b>Address</b>	<b>Wall Height</b>	<b>Roof Ridge Height</b>
28 Adelaide Street (Northern adjoining site)	10.4m (façade) 2 storeys	Roof hidden below facade
6 Adelaide Street (Southern Adjoining Site)	15.3m (façade) 2 storeys	Roof hidden below façade
13 Cantonment Street – Woodsons Building (Rear)	14.5m 4 storeys + loft	16.2m (southern ridge) 17.7m (middle ridge)

There is no set definition in LPS4 of the term '*consistent*', but it is considered that the term means '*compatible*' or '*in agreement*' with rather than 'identical to' the predominant height pattern. Further, as the height of an individual storey can vary and the intent is to provide a uniform height, greater weight has been given to the proposed height rather than the number of storeys. An indicative streetscape drawing has been provided as Attachment 4 showing how the proposed height fits in with the adjoining buildings.

Although the proposal includes 5 storeys, the 17m wall height could be considered consistent with the roof ridges (lofts) of the Woodsons building and compatible with the façade of the adjacent building at 6 Adelaide Street, particularly as the heritage streetscape façade of the subject site remains unchanged while the additional height is set back towards the rear of the site. The development is therefore considered consistent with the adjoining buildings.

LPS4 provides no definition of the 'locality generally', but has been previously taken by the City to mean within approximately 200m of the subject site. As the subject site is located directly across from Kings Square, it is reasonable to consider Kings Square the reference point and give greater weight to those buildings surrounding and facing onto Kings Square.

The map and table below depict the location of a number of tall buildings within the locality (approximately 200m) of the subject site, beginning with those buildings fronting Kings Square:



*Height of Buildings Within the Locality*

	Address	Building height	Relative direction	Distance from site
1.	36-38 Adelaide Street (cnr Adelaide St and Queen St)	15.8m 17.9m (lift overrun)	North	40m
2.	22 Queen Street	~18.1m	North-east	95m
3.	2 Newman Court (Myer)	~19.00m	East	132m
4.	10-14 William Street (Queensgate Building)	~22.2m	South-east	131m
5.	Town Hall Clock Tower	~16m ~31m	South-east	46m
6.	120 High Street	18.42m	South-west	40m
7.	Queensgate Carpark	~22.5m	South-east	200m
8.	23 Adelaide Street (Johnson Court)	26.748m	North	168m
9.	98 High Street (National Hotel)	17.3m (Balustrade) 19.8m (Lift overrun) ~20.5 (Cupola)	South-west	112m
10.	80 High Street (Backpackers)	16.8m	South-west	185m

Based on the table above, the proposed 17m height could be considered to be in keeping with developments within the wider locality. Notably, the proposed height is lower than three of the four tall buildings facing the reference point of Kings Square and is considered consistent with those heights.

The majority of the height of the subject site would be set back from the street and surrounded on all sides by buildings. The extra storey would therefore not be visible to pedestrians except from within Kings Square. Additionally, the subject lot is a predominantly east-west oriented rectangle so that the narrow end faces the street. This will further assist in hiding the bulk of the building from view. The existing façade height will also remain the same and retain consistency with the streetscape.

The middle loft of the Woodsons building and the top floor of 120 High Street, being both in close proximity to the subject site and exceeding the proposed height, will assist in making the upper floor read as consistent with nearby height patterns. The isolation of the top floor of 120 High Street is a large factor in what makes that particular building noticeably higher than surrounding buildings. In contrast, the subject proposal would fit in with the surrounding block of buildings, minimising the perceived additional height and bulk.

The proposal is therefore considered consistent with the predominant height patterns of adjoining lots and the locality generally.

*(b) the proposal would not be detrimental to the amenity of adjoining properties or the locality,*

The proposed height and rear boundary setback will have the greatest amenity impact on the Woodsons building (No. 13 Cantonment Street) located at the rear of the subject site.

The figure below shows the interaction between the rear of the proposed development and the rear of the Woodsons building. The two windows shown on the Woodsons building are to the lounge rooms of units 30 and 31 on the first floor, and units 12 and 13 on the second floor. The vent is to a tiled court on the first floor and a void on the second floor. The bottom two floors of the Woodsons building consist of blank walls with a ventilation opening to the car park abutting the ROW.

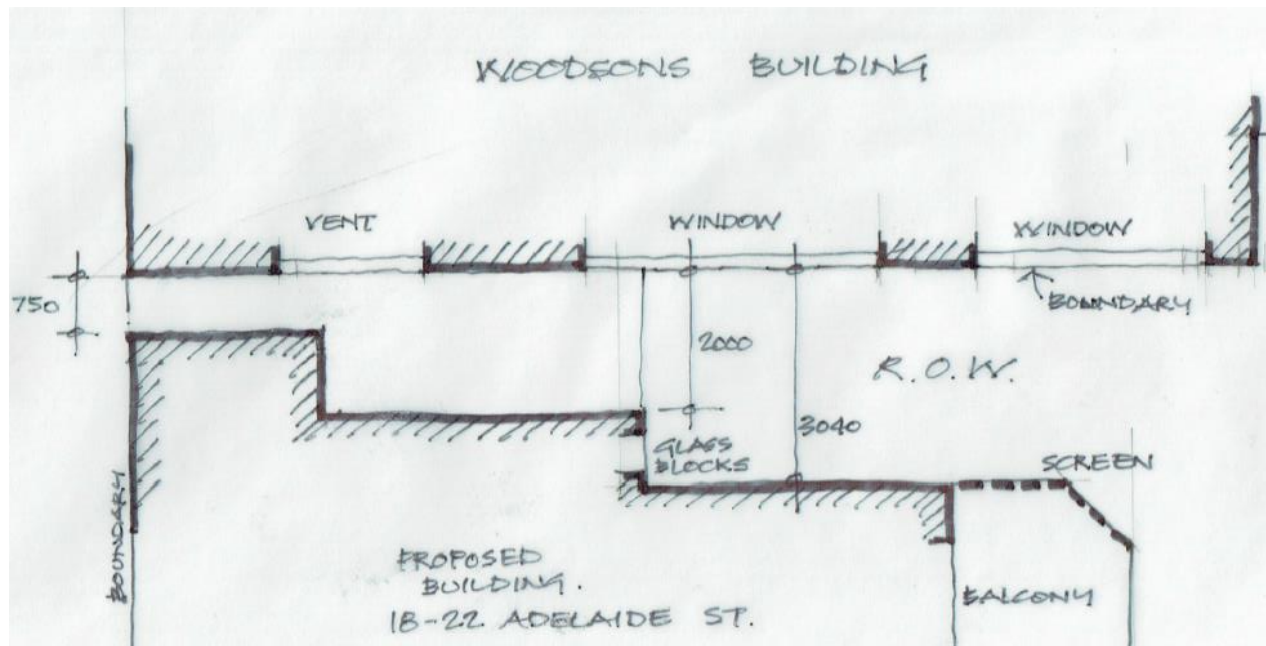


Figure 2: Interaction between rear of proposed development and Woodsons building.

It is acknowledged that the proposed development will have an impact on views, light and ventilation to the major openings of the lounge rooms of the Woodsons units on the south-eastern rear of each floor (Units 12 and 13 on the first floor and units 30 and 31 on the second floor) and the tiled light court and void. Units 13, 30 and 31 have additional openings for light that remain unaffected by this proposal while unit 30 will be the most impacted but still retain access to sunlight as it retains a tiled light court with a void above for additional light. See figures below.

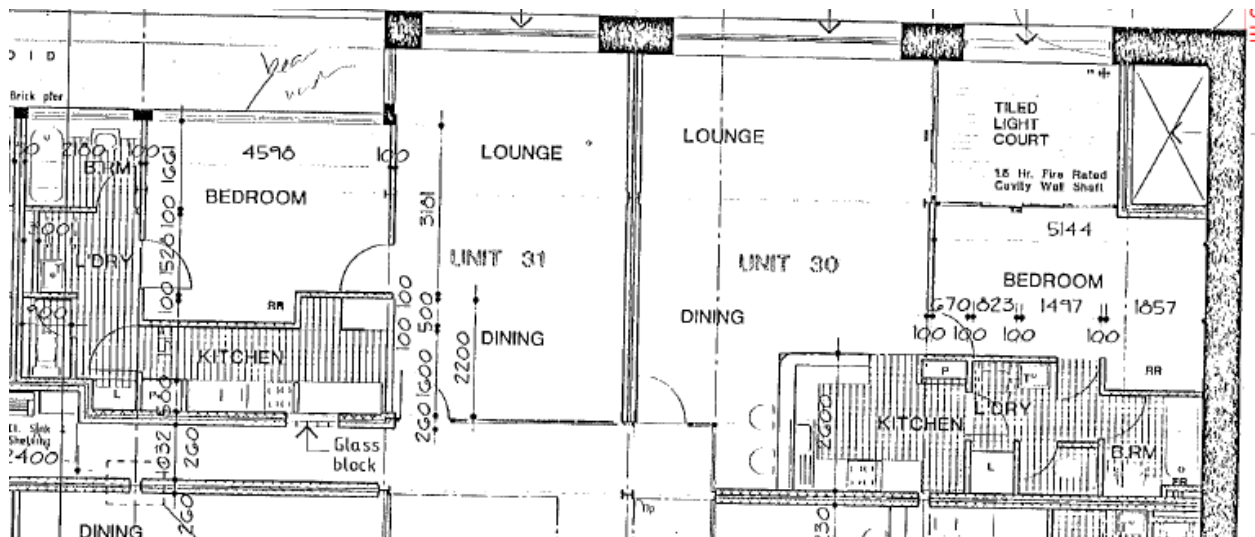


Figure 3: First floor - Unit 31 has a bedroom window largely unaffected by the subject proposal. Unit 30 has a tiled light court with void above.

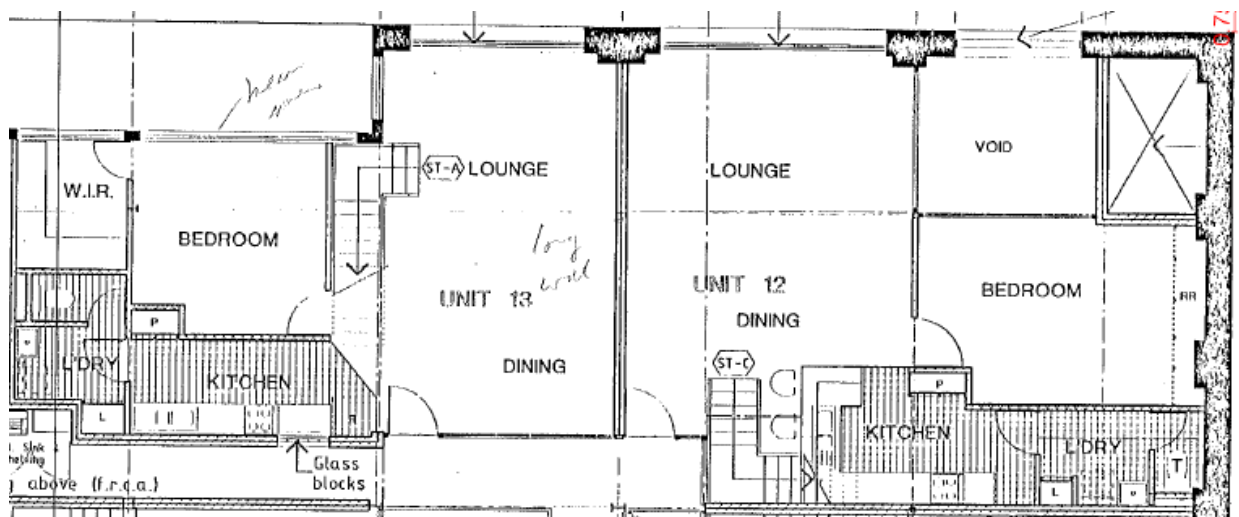


Figure 4: Second floor - Unit 13 has a bedroom window and loft largely unaffected by this proposal. Unit 12 has loft windows above.

The above amenity impacts are likely largely unavoidable for any major development on the subject site, as the major openings of the Woodsons building are located on the boundary with a nil setback to the subject site and, thus, will be particularly impacted by any form of development.

The existing situation is somewhat rare, as major openings are commonly set back from the boundaries of their respective lots. Had the Woodsons building been proposed today in its current configuration, it would likely not be approved due to these openings on the boundary. The primary issue to consider, therefore, is whether the proposed setbacks are sufficient to minimise the impact of amenity to the adjoining lot, considering the unusual placement of the windows on the boundary.

The amenity assessment is further compounded by the fact that the current proposal is for non-residential development and there are no specific lot boundary setback requirements for non-residential buildings in this area. Further, both the R-Codes and the City's policy *LPP2.4: Boundary Walls in Residential Development* permit new boundary walls to be built up against existing boundary walls, the assumption being that boundary walls will not have major openings. A nil boundary setback would obviously severely

impact the amenity of the adjoining Woodsons building and, had this been proposed, the discretionary height would not be supported. However, the proposed building has been set back to varying degrees to provide light and ventilation to the Woodsons units.

Notwithstanding the permitted nil boundary setback, standard R-Code setbacks based on default R-AC3 zoning for this lot would otherwise require the proposed building be set back only 4m from the rear boundary. Considering there is currently proposed a mostly 3m setback to the boundary directly facing the existing windows, the 1m variation would have minimal impact on the amenity of the Woodsons units. Even a permitted 4 storey (14m) high building with the required 4m setback would restrict views and light, particularly to the lower units of the Woodsons building. In this respect, it is considered the proposal would not have much more of an impact than a fully compliant (in terms of setbacks) development.

The proposal having been through a number of amendments, officers consider that the proposed setbacks now strike a reasonable and acceptable balance between the amenity of the adjoining lot and the ability to suitably develop the subject site.

*(c) the proposal would be consistent, if applicable, with conservation objectives for the site and locality generally, and*

The proposal is considered to meet this requirement for the following reasons:

- The proposal is consistent with the heritage conservation objectives of the site through the adaptive re-use of the heritage building.
- The upper floor setback is designed to reflect and preserve the heritage nature of the retained building.
- The State Heritage Office provided comment that the proposal would have no impact on the nearby sites located on the state heritage register.
- The Schedule of Works provides evidence that the heritage building is appropriately repaired.
- The reduced upper floor setback is partly a result of lining up the floor levels to take advantage of the existing heritage openings as recommended by the DAC.

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

The proposal is considered consistent with LPP 3.1.5, which is further discussed below.

#### Minor Projections

<b>Element</b>	<b>Scheme Requirement</b>	<b>Proposed</b>	<b>Discretion</b>
Minor Projection – Lift Overrun	+4m above maximum height subject to area of projection being no more than 10% of roof area	+0.2m above maximum height, and area less than 10% of roof area	Complies

It is not uncommon for minor projections, such as lift overruns, to exceed the maximum allowable height in any local planning area. Clause 4.8.1.3 of LPS4 states:

*Excluding development within the Residential zone, Council may permit a minor projection above the highest part of a development, subject to the development satisfying both of the following criteria–*

- (a) The minor projection being no more than 4 metres above the highest part of the main building structure; and*
- (b) The cumulative area of the minor projection being no more than 10 per cent of the total roof area of the building.*

*For the purpose of this clause, ‘minor projection’ will be interpreted as including plant and equipment such as air conditioning units, lift overrun rooms, flagpoles, aerials and decorative architectural features, but not rooms or other facilities intended for regular human use such as rooftop decks or swimming pools.*

The lift overrun is less than 4 metres above the highest part of the main building and considerably less than 10% of the total roof area (approximately 2%). The minor projection is therefore supported.

### Visual Privacy

The proposal is for non-residential development and, as such, there are no requirements for visual privacy setbacks or screening. Nevertheless, in response to neighbour concerns for privacy and acknowledging that tourist accommodation may be occupied in a manner similar to residential development in terms of the use of balconies, the applicant has provided amended plans that include screening the rear balconies of all floors to block views into the Woodsons building units.

### Car Parking

Use	Required	Provided	Variation
Tourist Accommodation	1 bay: 1 unit (40 bays)	12 bays	28 bays
Shop	1:20 m <sup>2</sup> nla (130m <sup>2</sup> = 7 bays)	0 bays	7 bays
Total =	47 bays	12 bays	35 bays

The car parking shortfall is supported under clause 4.7.3.1 of LPS4 for the following reasons:

- The site is constrained by virtue of being a narrow, heritage listed site surrounded by other heritage listed buildings, leaving no room to provide additional on-site parking beyond the ground floor.
- The subject site is located within the City Centre less than 100m from multiple bus stops and less than 250m from the Fremantle train station.
- The subject site is located within the City Centre and close to a range of retail and restaurants able to be utilised without the need for a vehicle.
- According to the transport impact statement (Attachment 5), the majority of trips generated are likely to be associated with public transport, taxi, walking or cycling.

- Tourist accommodation in city centre locations is frequently occupied by visitors to have chosen to travel by means other than private car.

A condition has been imposed requiring a transport management plan showing how the applicant intends to manage car parking onsite and promote a reduction in car use.

### Land Use

A 'Shop' is a 'P' use in the City Centre Zone and does not require planning approval.

Tourist Accommodation is a 'D' use, which requires an assessment against the objectives of the zone. Clause 3.2.1(b) of LPS4 states, *inter alia*:

*Development within the city centre zone shall—*

- i. provide for a full range of shopping, office, administrative, social, recreation, entertainment and community services, consistent with the region-serving role of the centre and including residential uses, and*
- iii. conserve places of heritage significance the subject of or affected by development.*

The proposal complies with the objectives in the following ways:

- The development increases the potential for tourism activity to stimulate growth of recreation and entertainment services.
- Provision of tourist accommodation is consistent with the region-serving role of the centre.
- The proposal conserves and protects the heritage value of the existing buildings.

### **LPP 2.13: Sustainable Buildings Design Requirements**

The building is required to achieve a rating of not less than 4 Star Green Star as per the policy and a condition has been included in this regard.

### **LPP 2.19: Contributions for Public Art and/or Heritage Works**

The development is required to contribute to public art and/or heritage works as it involves a development with a gross lettable area in excess of 1000 m<sup>2</sup>. A condition has been included in this regard.

### **LPP 3.1.5: Precinct 5**

The proposed Tourist Accommodation is consistent with the precinct vision articulated in the policy, particularly with respect to providing a diverse mix of uses that generate activity throughout the week and into the evening.

In terms of character, the lot is located in the overlap between Area A (Gold rush mixed use influence) and Area C (Contemporary influence). The proposal has been designed in a way to retain the heritage openings of the ground floor shopfront and the simple tuck-pointed brick wall construction and nil side boundary setbacks consistent with Area A. The design thus reflects the desired traditional streetscape of Area A whilst remaining functional and working purpose rather than being over-refined or decorative in accordance with the desired character of Area C.

The design reinforces views across Kings Square from the upper levels and provides passive streetscape surveillance of the primary street and the primarily blank walls of the right-of-way.

The proposed development is therefore consistent with LPP 3.1.5.

## **STRATEGIC IMPLICATIONS**

The proposal is consistent with the City's following strategic documents:

Strategic Community Plan 2015-25

- Increase the number of visitors to Fremantle.

Economic Development Strategy 2015-2020

- Program Area 1 – Place Management, Activation and Urban Realm
- Program Area 4 – Attraction of Business, Industry and Investment

## **OFFICER'S RECOMMENDATION**

### **MOVED: Cr J Strachan**

That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Five (5) Storey Tourist Accommodation and Shop at Nos. 18-22 (Lots 1 & 2) Adelaide Street, Fremantle, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated 3 November 2016. 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 or otherwise approved by the Chief Executive Officer – City of Fremantle.
3. Prior to the issue of a Building Permit, a Construction Management Plan shall be submitted to the City to the satisfaction of the Chief Executive Officer, City of Fremantle addressing the following matters:
  - a) Use of City car parking bays for construction related activities;
  - b) Protection of infrastructure within the road reserve;
  - c) Protection of street trees;
  - d) Security fencing around construction sites;
  - e) Gantries;
  - f) Access to site by construction vehicles;

- g) Contact details;
- h) Site offices;
- i) Noise - Construction Work and Deliveries;
- j) Sand drift and dust management;
- k) Waste management;
- l) Dewatering;
- m) Traffic management; and
- n) Works affecting pedestrian areas.

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

4. Prior to the issue of a Building Permit, Nos. 18 and 22 (Lots 1 and 2) Adelaide Street, Fremantle, are to be legally amalgamated or alternatively the owner may enter into a legal agreement with the City of Fremantle, drafted by the City's solicitors at the expense of the owner and be executed by all parties concerned prior to the commencement of the works. The legal agreement will specify measures to allow the development approval to operate having regard to the subject site consisting of two separate lots, to the satisfaction of the Chief Executive Officer, City of Fremantle.
5. Prior to the issue of a Building Permit, the owner is to submit a waste management plan for approval detailing the storage and management of the waste generated by the development to be implemented to the satisfaction of the Chief Executive Officer, City of Fremantle.
6. Prior to the issue of a Building Permit, the owner shall contribute a monetary amount equal in value to one percent of the estimated development cost, as indicated on the Form of Application for Planning Approval, to the City of Fremantle for development of public art works and/or heritage works to enhance the public realm. Based on the estimated cost of the development being \$3.25 million the contribution to be made is \$32,500.
7. Prior to the issue of a Building Permit, the design and materials of the development shall adhere to the requirements set out within City of Fremantle policy L.P.P2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall provide the following:
  - a) Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or "double glazed" utilising laminated or toughened safety glass of a minimum thickness of 3mm.
  - b) Air conditioners shall provide internal centrally located 'shut down' points and associated procedures for emergency use.
  - c) Roof insulation in accordance with the requirements of the Building Codes of Australia.
8. Prior to occupation, a Transport Management Plan is to be submitted demonstrating how the development will manage onsite car parking and promote reduced car usage to the satisfaction of the Chief Executive Officer, City of Fremantle.

9. The design and construction of the development is to meet the 4 star green star standard as per Local Planning Policy 2.13 or alternatively to an equivalent standard as agreed upon by the Chief Executive Officer, City of Fremantle. Any costs associated with generating, reviewing or modifying the alternative equivalent standard is to be incurred by the owner of the development site. Twelve (12) months after practical completion of the development, the owner shall submit either of the following to the City to the satisfaction of the Chief Executive Officer – City of Fremantle
  - a) a copy of documentation from the Green Building Council of Australia certifying that the development achieves a Green Star Rating of at least 4 Stars, or
  - b) a copy of agreed equivalent documentation certifying that the development achieves a Green Star Rating of at least 4 Stars.
10. The conservation works listed on the Heritage Impact Statement prepared by Palassis Architects and submitted as part of the development application are completed using traditional building materials and techniques to match the original to the satisfaction of the Chief Executive Officer, City of Fremantle.
11. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building. Should the works subsequently be removed, any damage shall be rectified to the satisfaction of the Chief Executive Officer, City of Fremantle.

**Advice Notes:**

- i. In relation to condition 6 relating to the public art contribution, the applicant is advised that Council may waive the requirement for the public art/heritage work contribution in accordance with clause 6 of LPP 2.19 where the development incorporates public art in the development to the same value as that specified in Condition 7 that is located in a position clearly visible to the general public on the site of the development. In determining the appropriateness and artistic merit of the public art, council shall seek relevant professional advice.

**Cr J Strachan MOVED an amendment to the Officer's Recommendation to include the following wording condition 12:**

- 12. Prior to occupation of the development approved as part of DA0117/16 on plans dated 3 November 2016, the concrete flooring in No. 18 Adelaide Street, Fremantle, shall be removed and replaced with a traditionally constructed timber floor to the satisfaction of the Chief Executive Officer, City of Fremantle. The works shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building.**

**CARRIED: 7/0**

<b>For</b>	<b>Against</b>
Cr Dave Coggin	

Cr Jon Strachan Cr Simon Naber Cr Doug Thompson Cr Hannah Fitzhardinge Cr Ingrid Waltham Cr Jeff McDonald	
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**Cr J Strachan MOVED** an amendment to the Officer's Recommendation to include the following wording Advice note ii.:

- ii. The applicant is advised that this approval is for Tourist Accommodation only, and that a change of use to Multiple Dwelling for some or all of the rooms will require further Development Approval and assessment of car parking and land use.

**CARRIED: 7/0**

For	Against
Cr Dave Coggin Cr Jon Strachan Cr Simon Naber Cr Doug Thompson Cr Hannah Fitzhardinge Cr Ingrid Waltham Cr Jeff McDonald	

## COMMITTEE DECISION

**Cr J Strachan MOVED** to defer the item to the next appropriate Planning Committee meeting in order for the applicant to submit amended plans that make the development more consistent with the predominant height patterns of buildings adjoining the development in accordance with Clause 1.1a and 1.2 of Schedule 8 of Local Planning Scheme No. 4 and to allow for further review by the Design Advisory Committee, having regard to the amenity of adjoining properties and presentation of the development to the public realm. The applicant is advised that “visible from the street” is interpreted as setting back the upper level from the street so as not to be visible from the street based on the façade height of the existing heritage building.

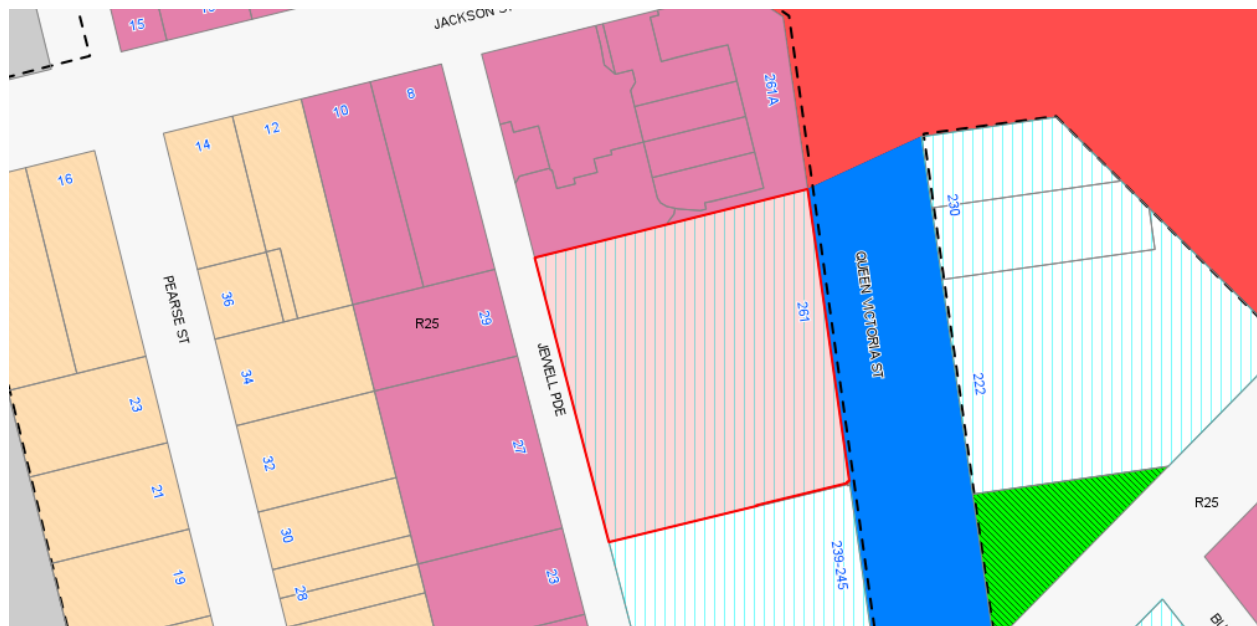
**CARRIED: 7/0**

For	Against
Cr Dave Coggin Cr Jon Strachan Cr Simon Naber Cr Doug Thompson Cr Hannah Fitzhardinge Cr Ingrid Waltham Cr Jeff McDonald	

Cr D Coggin left the meeting at 7.30 pm prior to consideration of the following item and did not return.

**PC1701 -1      QUEEN VICTORIA STREET, NO. 261 (LOT 4), NORTH FREMANTLE -  
PARTIAL CHANGE OF USE TO RESTAURANT - (CJ DA0473/16)**

**ECM Reference:** 059/002  
**Disclosure of Interest:** Nil  
**Meeting Date:** 11 January 2017  
**Responsible Officer:** Acting Manager Development Approvals  
**Actioning Officer:** Acting Coordinator Statutory Planning  
**Decision Making Level:** Planning Committee  
**Previous Item Number/s:** Nil  
**Attachment:** 1 – Development Plans  
**Date Received:** 19 September 2016  
**Owner Name:** Louise Hoffman  
**Submitted by:** Lajos Varga – Friends til Death  
**Scheme:** Local Centre  
**Heritage Listing:** Level 2  
**Existing Landuse:** Shop  
**Use Class:** Restaurant  
**Use Permissibility:** A



## **EXECUTIVE SUMMARY**

The City has received an application for the partial change of use to Restaurant of an existing Shop at No. 261 Queen Victoria Street, North Fremantle. The application has been assessed against the requirements of local planning policies and Local Planning Scheme No. 4 (LPS4), and has received objections to the proposal. It is considered that while discretion is sought against land use and car parking, the proposal is appropriate for its location and is supported subject to conditions of approval.

## **BACKGROUND**

No. 261 Queen Victoria Street is located on the western side of Queen Victoria Street in the North Fremantle Local Planning Area. The site is on the Heritage List and the MHI at level 2, as well as being within the North Fremantle Heritage Area. The site is occupied by a number of tenancies; however all share an on-site parking area.

## **DETAIL**

On 19 September 2016, the City received an application for a partial change of use to Restaurant and internal fit out works at No. 261 Queen Victoria Street. The proposal is to retain the front of the Shop for the same land use, and fit out the rear of the tenancy for a small Café, as well as works to the courtyard for outdoor dining and toilet facilities.

Revised plans were lodged for this application (dated 25 November 2016) in response to concerns from submitters, which reduce the number of seats proposed internally (and therefore the parking demand) and exclude the courtyard works from this proposal. As a result of these changes, the number of seats in the Restaurant has been reduced from 50 to 20.

Revised development plans are included as Attachment 1.

## **STATUTORY AND POLICY ASSESSMENT**

The proposal has been assessed against the relevant provisions of LPS4, and discretion is sought in relation to the following aspects of the proposal:

- Land use
- Onsite Car parking

The above matters are discussed in detail in the Planning Comment section below.

## **CONSULTATION**

### **Department of Planning (DoP)**

The application was referred to the DoP as the site is located on an Other Regional Road under the Metropolitan Region Scheme (MRS). DoP has advised they have no issues with the proposal from a regional traffic perspective.

## **Community**

The application was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, as the proposed land use is discretionary and the required number of car bays is not provided on site. The advertising period concluded on 19 October 2016, and two (2) submissions were received. The following issues were raised (summarised):

- *Patron and employee parking*
- *Parking discretion would disrupt residents*
- *Most will drive to venue*
- *Area overdeveloped as entertainment precinct*
- *Local residents currently experiencing inconvenience and loss of amenity from existing bars and restaurants*
- *Houses on adjoining streets do not have off street parking*
- *Developers and Council should be developing more public parking in area*

## **PLANNING COMMENT**

### **Land use**

The proposed land use of Restaurant for the rear portion of the existing tenancy is an 'A' use under LPS4. 'A' means:

*that the use is not permitted unless the Council has exercised its discretion and has granted planning approval after giving special notice (advertising) in accordance with clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015.*

The application has been advertised, with one submission being received specifically objecting to the proposal for another restaurant in the area.

The proposed Restaurant is supported against the objectives of the Local Centre zone as follows:

- (i) *Provide for weekly and convenience retailing including small-scale shops, showrooms, cafes, restaurants, consulting rooms, entertainment, residential (at upper levels), recreation, open spaces, local offices, cottage industry, health, welfare and community facilities which serve the local community, consistent with the local-serving role of the centre,*

The proposed use of Restaurant, and the size of the proposed business which is proposing twenty (20) seats only, is considered to be consistent with the desired local-serving role of the centre.

- (ii) *Encourage the provision of suitable and accessible services to residents of the locality,*

The proposed partial use of the tenancy as a Restaurant (Café) is considered to be a suitable land use that provides an additional day time option for food and beverages for local residents.

- (iii) *Ensure that development is not detrimental to the amenity of adjoining owners or residential properties, and*

Concerns have been raised in two (2) submissions regarding the impact the business will have on existing car parking issues. Parking is elaborated on further in this report below.

One of the submissions has also raised concerns with the compounding effect of a number of entertainment land uses in the vicinity. It is considered that there are number of existing compatible and complimentary uses in the Local Centre zone, that have hours of demand at different times of the day and different days of the week, and offering different services. The effect of this is that the Local Centre is activated to varying extents throughout the day and evening, and not overly concentrated during one particular time. Land uses that exist in the Local Centre zone are as follows:

- Shop x 6 (retail, beauty therapy etc.)
- Restaurants x 4
- Fast food outlet
- Post Office
- Liquor Store
- Bar/music venue x 2
- Reception Centre
- Motor vehicle repair

To the rear of the site is Jewell Parade, where the sites are within the Mixed Use zone. While there are some residences in this area, the proposal to run a small Café in an existing heritage building is not considered to be unduly detrimental to the amenity of adjoining owners with no impact on privacy and no greater impact on noise than the existing Shop use. It is noted that the proposal to expand the Café into the rear courtyard is no longer a consideration in this proposal, and having all proposed seating inside the building will assist in buffering any amenity impacts from nearby residential properties.

- (iv) *Conserve places of heritage significance the subject of or affected by the development.*

The proposed development site is on the heritage list. The works proposed have been assessed by the City's Heritage services and the works are considered to be minor as they are mostly internal and do not have a significant impact on the significance of the place or surrounding area.

## Car parking

Required	Provided	Design principle assessment
1: 5 seats (4)	Nil	4 bays

The proposed partial change of use requires four (4) car bays to be provided. As the car parking on site is shared between all uses, not individually allocated and currently available for public use, a discretionary assessment is considered to be sought against the parking requirements in Table 2 of LPS4.

The car parking arrangement is supported against 4.7.3.1 of LPS4 for the following reasons:

- (i) *The availability of car parking in the locality including street parking*

The proposed local centre does have public parking available in the street.

- (ii) *The availability of public transport in the locality*

The development site is located within 800m of the North Fremantle train station, and within 250m of a high frequency bus route (service at least every 15 minutes during peak periods).

- (iii) *Any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces,*

As the car park is shared between land uses (other Shops and Restaurants) on site, it is considered that the opportunity exists for visitors to visit multiple land uses while remaining in the one car bay.

- (vi) *The proposal involves the restoration of a heritage building or retention of a tree or trees worthy of preservation*

The application includes the retention and upgrade works to a Heritage Listed building, which limits the ability to demolish and provide additional on-site car parking.

- (viii) *Any other relevant considerations*

The subject site includes 28 marked car bays which are shared between the four tenancies in the building. There is no physical barrier restricting other visitors to the area from using this car park, which commonly occurs. In addition to these 28 marked bays there is a rear hardstand that could accommodate some ten or more cars, though this is not a formal car park. Based on the upstairs areas of the building being for storage and / or administration, the existing development requires 31 car bays. The area of the tenancy proposing a change requires three (3) car bays for the existing Shop use, which increases by one (1) to four bays for the proposed Restaurant use. The existing marked bays, coupled with the existing hardstand area, provides more than sufficient car parking to provide for the proposed change of use.

## Bicycle racks

Required	Provided	Design principle assessment
Class 1 or 2: 1 per 100sqm public area (1)	Nil	1
Class 3: 2	Nil	2

The requirement for Class 1 or 2 bicycle racks (fully enclosed individual locker or lockable compound fitted with rail or rack to which both the bicycle frame and wheels can be locked, with communal access using duplicated keys), can be waived where the proposal is considered to be a minor change of use. Given the proposal is the partial change of use of an existing heritage building, it is considered appropriate to waive the requirement.

In relation to the class 3 racks (rails or racks to which both the bicycle frame and wheels can be locked), it is considered that two racks could be provided in the rear courtyard and remain compatible with the existing building and proposed development. They are recommended to be provided on site through the imposition of a planning condition.

## STRATEGIC IMPLICATIONS

*The proposal is consistent with the City's following strategic documents:*

*Strategic Community Plan 2015-25*

- *Increase the number of people working in Fremantle.*
- *Increase the number of visitors to Fremantle.*

*Green Plan 2020*

1. *No trees are proposed to be removed as part of this application.*

## OFFICER'S RECOMMENDATION/COMMITTEE DECISION

**MOVED: Cr J Strachan**

**That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the partial change of use to Restaurant at No. 261 (Lot 4) Queen Victoria Street, North Fremantle, subject to the following condition(s):**

1. **This approval relates only to the development as indicated on the approved plans, dated 25 November 2016. 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 occupation of the Restaurant as approved on plans dated 25 November 2016, two (2) class 2 bicycle racks are to be provided on site to the satisfaction of the Chief Executive Officer, City of Fremantle.**

3. The signage hereby permitted shall not contain any flashing or moving light or radio; animation or movement in its design or structure; reflective, retro-reflective or fluorescent materials in its design structure.
4. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building. Should the works subsequently be removed, any damage shall be rectified to the satisfaction of the Chief Executive Officer, City of Fremantle.

**CARRIED: 6/0**

For	Against
Cr Jon Strachan Cr Simon Naber Cr Doug Thompson Cr Hannah Fitzhardinge Cr Ingrid Waltham Cr Jeff McDonald	

**PC1701 -3      MOUAT STREET, NO. 14 (LOT 42), FREMANTLE - ROOFTOP PATIO  
ADDITION TO EXISTING SINGLE HOUSE - (CJ DA0508/16)**

<b>ECM Reference:</b>	059/002
<b>Disclosure of Interest:</b>	Nil
<b>Meeting Date:</b>	11 January 2017
<b>Responsible Officer:</b>	Acting Manager Development Approvals
<b>Actioning Officer:</b>	Acting Coordinator Statutory Planning
<b>Decision Making Level:</b>	Planning Committee
<b>Previous Item Number/s:</b>	N/A
<b>Attachments:</b>	1: Development Plans 2: State Heritage Office comment
<b>Date Received:</b>	7 October 2016
<b>Owner Name:</b>	Rodger and Susan Philpott
<b>Submitted by:</b>	As above
<b>Scheme:</b>	City Centre
<b>Heritage Listing:</b>	West End, Fremantle State Registered heritage place, Level 2 + West End Conservation Area
<b>Existing Landuse:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Permissibility:</b>	D



## **EXECUTIVE SUMMARY**

The City has received an application for the addition of a Patio addition to an existing roof terrace at No. 14 Mouat Street, Fremantle. The application is referred to Planning Committee (PC) due to an objection being received which cannot be addressed via the imposition of planning conditions.

The development has been assessed against the Residential Design Codes (R-Codes), local planning policies and Local Planning Scheme No. 4 (LPS4), and is supported against relevant provisions. The application is therefore recommended for conditional planning approval.

## **BACKGROUND**

The subject site is located within the City Centre zone, specifically the West End sub area. The site is located on the eastern side of Mouat Street and is within the State Registered West End Conservation Area (WECA). The street block is bound by Phillimore Street to the north, Henry Street to the east, High Street to the south and Mouat Street to the west. No. 14 Mouat Street, Fremantle is currently occupied by a Single House.

The redevelopment of the building, that includes the rooftop deck proposed to be covered, was approved by the State Administrative Tribunal (SAT) as part of DA69/07 in 2007.

## **DETAIL**

On 7 October 2016, the City received an application for the addition of a solid roof over part of an existing deck on the rooftop of a Single House at No. 14 Mouat Street, Fremantle. The roof is proposed over an existing area of roof garden, and does not propose a greater height than other structures that already exist on site.

Development plans are included as attachment 1.

## **STATUTORY AND POLICY ASSESSMENT**

The proposal has been assessed against the relevant provisions of LPS4, the R-Codes and relevant local planning policies.

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

- Boundary walls

The above matters are discussed in detail in the 'Planning Comment' section below.

## **CONSULTATION**

### **State Heritage Office (SHO)**

As the site is located within the West End precinct which is now on the State Register and as it is immediately adjoining an existing State Registered building, the application was referred to the SHO for comment.

The plans have been reviewed and are supported without conditions by SHO.

### **Community**

The application was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, as a boundary wall was proposed. The advertising period concluded on 3 November 2016, and one (1) submission objecting to the proposal was received. The following issues were raised (summarised):

- *Loss of amenity*
- *Deck would create noise nuisance to existing living and bedrooms*
- *Detrimental to heritage values of building and area*

## **PLANNING COMMENT**

### **Boundary walls (north)**

<b>Deemed to comply</b>	<b>Provided</b>	<b>Design principle assessment</b>
2m	0m	2m

The proposed northern boundary wall is supported for the following reasons:

- Provides further covered space for the use of a rooftop deck exposed to the elements
- Does not contribute to further visual privacy issues as the deck currently exists
- The proposed roof structure will not contribute to significant building bulk to the adjoining property, particularly as the skillion roof is lower on the side of the affected neighbour
- The structure is proposed to be open on the northern side to ensure access to northern sunlight for the subject site
- There is a small garden and openings on the ground floor, however the height discrepancy (the roof area is a fourth storey), the patio pillars are unlikely to impact significantly
- As the boundary wall is for an open sided patio, and therefore is effectively small pillars on the boundary only, the boundary wall is considered to have a limited impact on the streetscape and prevailing development context

## STRATEGIC IMPLICATIONS

*Nil*

## OFFICER'S RECOMMENDATION/COMMITTEE DECISION

**MOVED: Cr J Strachan**

**That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the rooftop Patio addition to existing Single House at No. 14 (Lot 42) Mouat Street, Fremantle, subject to the following condition(s):**

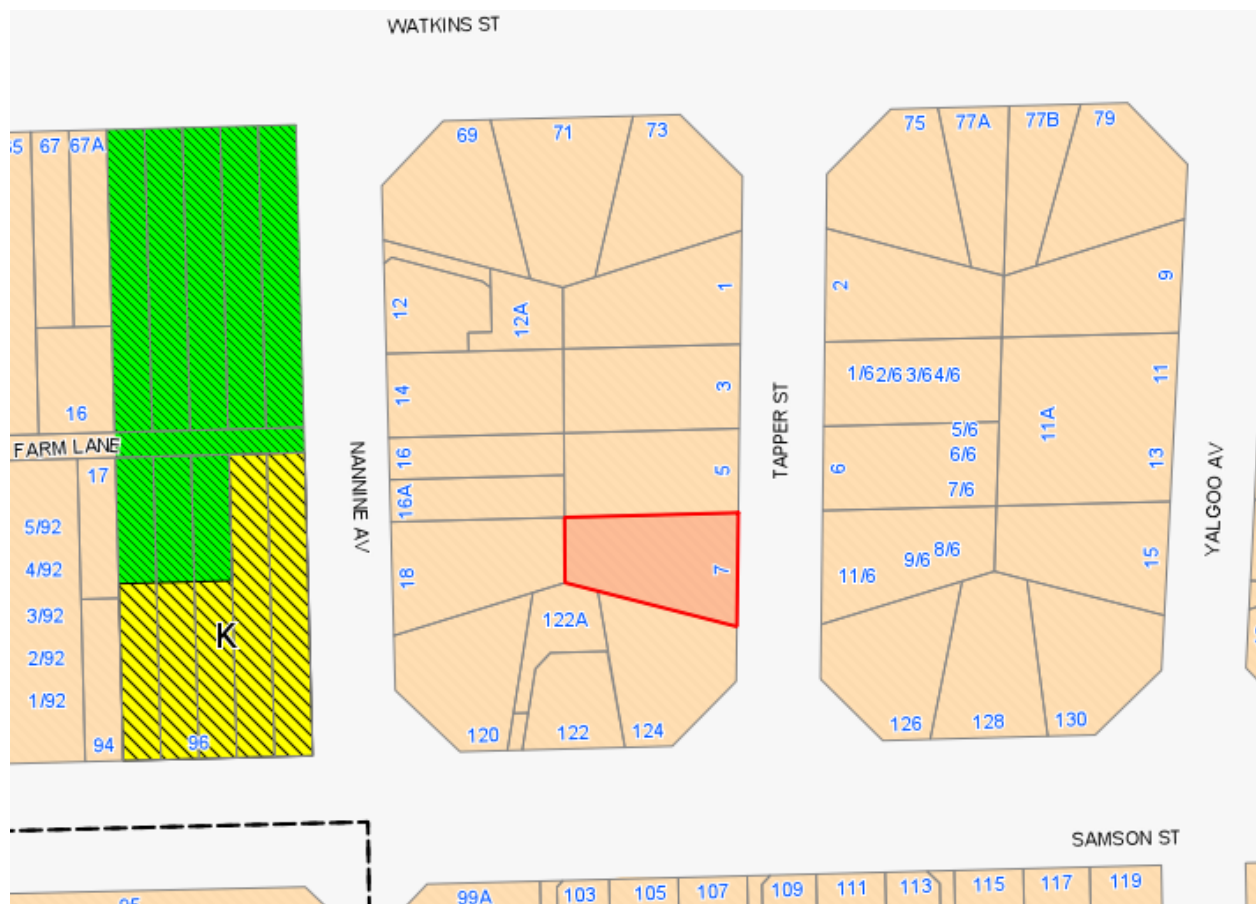
- 1. This approval relates only to the development as indicated on the approved plans, dated 7 October 2016. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.**
- 2. All storm water discharge shall be contained and disposed of on site or otherwise approved by the Chief Executive Officer, City of Fremantle.**

**CARRIED: 6/0**

<b>For</b>	<b>Against</b>
Cr Jon Strachan Cr Simon Naber Cr Doug Thompson Cr Hannah Fitzhardinge Cr Ingrid Waltham Cr Jeff McDonald	

**PC1701 -4 TAPPER STREET, NO. 7 (LOT 1793), WHITE GUM VALLEY -  
CARPORT ADDITION TO EXISTING SINGLE HOUSE - (SP  
DA0562/16)**

**ECM Reference:** 059/002  
**Disclosure of Interest:** Nil  
**Meeting Date:** 11 January 2017  
**Responsible Officer:** Acting Manager Development Approvals  
**Actioning Officer:** Statutory Planning Officer  
**Decision Making Level:** Planning Committee  
**Previous Item Number/s:** Nil  
**Attachments:** 1: Development Plans  
 2: Site Photos  
**Date Received:** 7 November 2016  
**Owner Name:** Ralph Leslie Folie  
**Submitted by:** Kalmar Pty Ltd  
**Scheme:** MRS: Urban  
 LPS4: Residential  
**Heritage Listing:** N/A  
**Existing Landuse:** Single house  
**Use Class:** Single house  
**Use Permissibility:** 'P'



## **EXECUTIVE SUMMARY**

The City has received a development application proposing a carport addition to an existing Single house at No. 7 (Lot 1793) Tapper Street, White Gum Valley.

This application is referred to the Planning Committee (PC) due to the discretion sought against Local Planning Policy 2.9, which cannot be addressed via the imposition of relevant planning considerations.

The proposal has been assessed against the provisions of the Local Planning Scheme No. 4 (LPS4), Residential Design Codes (R-Codes) and the City's relevant Residential Streetscape Local Planning Policy (LPP2.9) and seeks discretionary decisions in relation to the primary street setback of the carport.

The application is recommended for refusal.

## **BACKGROUND**

The subject site is zoned 'Residential' under the provisions of LPS4 and has a density coding of R20. The subject site is not individually Heritage Listed, nor located within a prescribed Heritage Area. The site is 883sqm and is currently occupied by a single storey Single House and detached garage.

## **DETAIL**

On 7 November 2016, the City received plans for the development of an open carport located forward of the front wall of the dwelling on site. The carport consists of a skillion roof design and the following dimensions:

- Width (when viewed from Tapper Street) is 11.7m
- Length is 4.3m
- Height ranging from 2.95m to 2.75m above natural ground level

The design is to allow for two tandem car bays to park parallel to Tapper Street.

See 'Attachment 1' for the development plans.

## **STATUTORY AND POLICY ASSESSMENT**

The proposal is assessed against the relevant provisions of LPS4, R-Codes and Council's Local Planning Policies. Policy discretions sought by this application are discussed in the 'Planning Comment' section of this report.

Where a proposal does not meet the Deemed-to-comply requirements of the R-Codes or policies that replace the Deemed-to-comply requirements, 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 and local planning policy provisions and need to be assessed under the Design principles:

- Design Element 5.2.1 – Setback of garages and carports, and

- LPP2.9 – Residential Streetscapes (Prescribed Primary Street Setback)

The above matters are to be discussed in detail in the 'Planning Comment' section below.

## **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 applicant is seeking assessment and discretion to Council's Local Planning Policies. At the conclusion of the advertising period, being 12 December 2016, the City had received 2 submissions, both stating support for the proposal.

## **PLANNING COMMENT**

### **Local Planning Policies (LPP2.9 – Streetscape Policy)**

Clause 2.1 ~ *setback in line with or behind front wall of the dwelling* & Clause 2.2 ~ *design and dimensions*

<b>Required</b>	<b>Proposed</b>	<b>Discretion</b>
The carport to be open on all sides with no door	Open on all sides	Nil
The carport is constructed from timber or steel vertical supports no greater than 150mm in width in any direction	Steel posts less than 150mm in width	Nil
The carport does not exceed an average of 2.8 metres in height above natural ground level	Average of 2.85 metres	Does not comply by 0.05m
The carport is located so as to maintain visibility of the dwelling from the street and surveillance from the dwelling to the street	The structure is open in nature and not considered obstructive in view	Nil
The maximum width of the carport is to be 6 metres on a property with a frontage of 12 metres or greater	Frontage of 11.7 metres	Does not comply as proposed width exceeds 6m test by 5.7m
The carport is setback one metre or greater from any side boundary	Setback more than 1m from all lot boundaries	Nil

The existing prevailing streetscape for the subject site consists of the following setbacks:

<b>Address</b>	<b>Structure Type</b>	<b>Primary Street Setback</b>
No. 124 Samson St	Single house	7.3 m
No. 5 Tapper St	Single house (Outbuilding in front of Dwelling)	6.5 m (Dwelling) 1.5 m (Outbuilding)
No. 3 Tapper St	Single house	10
No. 1 Tapper St	Single house	7 m

The Deemed-to-comply criteria of Design Element 5.2.1 of the R-Codes is replaced by Council policy LPP2.9, specifically clause 2. In the event that a proposal does not satisfy Council policy provisions, an assessment will then need to be conducted against the Design principles of that particular R-Code Design Element.

The carport is not supported in accordance with Clauses 2.1 or 2.2 of LPP2.9 for the following reasons:

- i. The carport is not located in line with nor behind the existing front wall of the dwelling onsite, and
- ii. The carport doesn't satisfy the average height provision of 2.8m (2.85m average proposed) nor the maximum width provision of 6m of LPP2.9 clause 2.2 (width of 11.7m proposed).

Council does have the ability to vary the requirements of cl2.1 and 2.2 of LPP2.9, when one of the following criteria is satisfied:

Cl2.3 reads as follows:

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

With regards to i, ii and iii above, the proposal is not considered to satisfy these criterion for the following reasons:

- the proposal is not consistent with the character of buildings in the prevailing streetscape as the predominant setback of this prevailing streetscape is 6.5m - 7m

- Ultimately, the proposed carport would result in a projecting element into the established streetscape pattern of dwelling alignment of Tapper Street. It is acknowledged that the northern adjoining property includes a structure within the Primary Street setback of this property, but this is not considered to form part of the predominant built form pattern, furthermore a review of City's records indicate this is potentially an unauthorised structure and therefore shouldn't be taken into consideration for this assessment.
- The proposed location has a negligible impact on existing mature vegetation onsite.

With regards to (iv) criteria of cl2.3 , whilst the carport could be considered to be of lightweight construction and open in design, the proposed 11.7m width of the carport (when viewed from the street) is not considered to be a subservient structure as it extends across the entire frontage of the existing dwelling on site.

## **Residential Design Codes (R-Codes)**

### **Design Element 5.2.1 – Setback of garages and carports**

*P1 – The setting back of carports and garages to maintain clear sight lines along the street and do not detract from the streetscape or appearance of dwellings; or obstruct views of dwellings from the street and vice versa.*

Whilst the open nature of the structure may maintain some level of interaction of the dwelling with the street, the carport is considered to dominate and therefore negatively impact the streetscape. Therefore, the proposal is not considered to satisfy the above Design principle criteria of the R-Codes and is not supported.

## **STRATEGIC IMPLICATIONS**

*Nil*

## **OFFICER'S RECOMMENDATION**

### **MOVED: Cr J Strachan**

That the application be REFUSED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Carport Addition to an Existing Single House at No. 7 (Lot 1793) Tapper Street, White Gum Valley, as detailed on plans dated 7 November 2016, for the following reasons:

1. The proposal is inconsistent with the Design principle criteria of Design Element 5.2.1 – Setback of garages and carports of the Residential Design Codes, as the Carport is considered to detract from the streetscape.

**Lost: 2/4**

<b>For</b>	<b>Against</b>
Cr Jon Strachan Cr Doug Thompson.	Cr Ingrid Waltham Cr Hannah Fitzhardinge Cr Simon Naber Cr Jeff McDonald

## **COMMITTEE DECISION**

**Cr I Waltham MOVED the following alternative recommendation:**

**That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Carport addition to existing Single House at No. 7 (Lot 1793) Tapper Street, White Gum Valley subject to the following conditions:**

- 1. This approval relates only to the development as indicated on the approved plans, dated 7 November 2016. 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 or otherwise approved by the Chief Executive Officer, City of Fremantle.**

### **Advice Note**

- i. The applicant is encouraged to retain the vegetation on site to assist in screening the carport and is also advised that removal of any vegetation in the road reserve would require the approval of the City of Fremantle.**

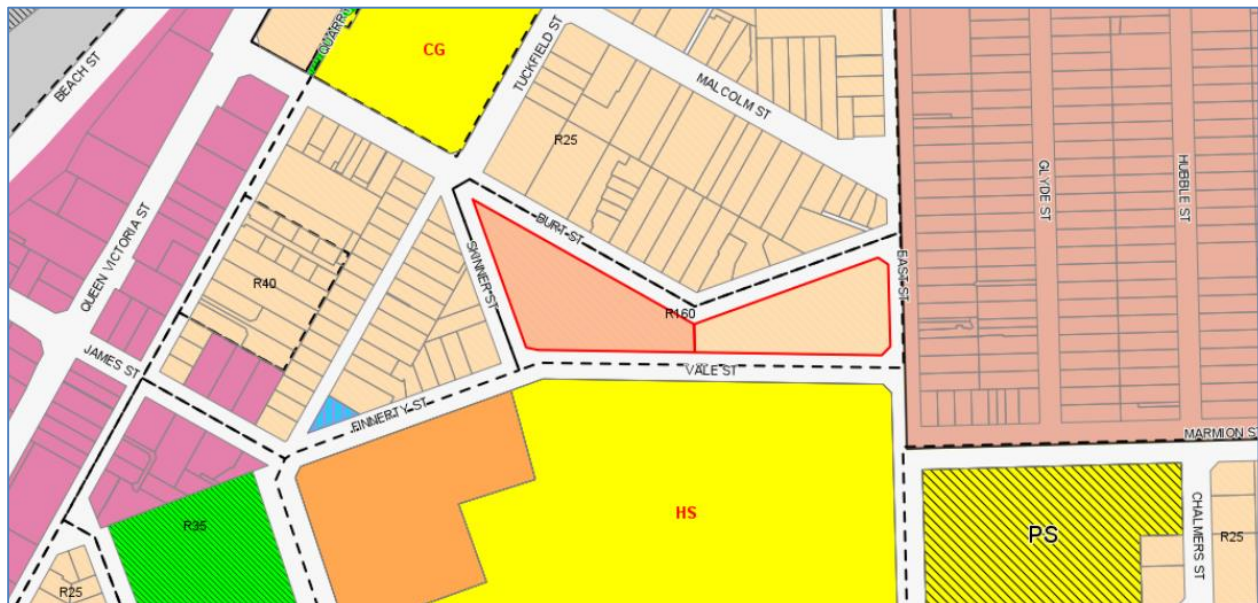
**CARRIED: 6/0**

<b>For</b>	<b>Against</b>
Cr Jon Strachan Cr Ingrid Waltham Cr Doug Thompson Cr Hannah Fitzhardinge Cr Simon Naber Cr Jeff McDonald	

## REPORTS BY OFFICERS (COUNCIL DECISION)

### PC1701 -8 DRAFT LOCAL PLANNING POLICY LPP3.16 - BURT STREET LOCAL PLANNING POLICY

ECM Reference: 059/002  
Disclosure of Interest: Nil  
Meeting Date: 11 January 2016 and 25 January 2016  
Responsible Officer: Manager Strategic Planning  
Actioning Officer: Strategic Planning Officer  
Decision Making Level: Council  
Previous Item Number/s: PSC1501-9  
Attachments: PSC1501-9



## EXECUTIVE SUMMARY

The purpose of this report is to present for Council's consideration a draft local planning policy for 19-21 and 23-25 Burt Street, Fremantle which outlines specific development guidance for new development on this site.

As part of the approval by Council of scheme amendment 57, in January 2015, a resolution to direct officers to draft a local planning policy was made. The intent of the resolution was to develop a policy that would provide additional design guidance on built form, layout and landscaping aspects of future development on the site.

The purpose of the proposed LPP is to support residential development that is highly responsive to the site context and promotes quality design outcomes.

In summary the LPP proposes to set specific design approaches surrounding open space and landscaping, dwelling presentation to the street, building breaks, vehicle parking and access. The policy promotes high quality outdoor living areas with guaranteed solar access, communal open space, a strong street presence and a cohesive urban interface. The policy takes into consideration the existing neighbourhood's character and natural features of the site.

It is recommended that Council approve the draft local planning policy for the purposes of public consultation. Following the consultation period a further report will be presented to Council for consideration of any submissions received and a decision on final adoption of the policy.

## BACKGROUND

The proposed Local Planning Policy 3.16 Burt Street Local Planning Policy applies to 19-21 Burt Street and 23-25 Burt Street. The area is bound by four roads; Burt Street to the north, East Street to the east, Vale Street to the South and Skinner to the west.

The policy area is approximately 1.4ha in area. The site is located approximately 1km north east of the Fremantle City Centre, and positioned directly north the Fremantle Art Centre and John Curtin College. The site currently has an existing apartment building on site that has previously attained planning approval for demolition. The area is located in close proximity to a variety of Fremantle based attractions including the Fremantle Port, Queen Victoria Street East End precinct, the Fremantle Station (refer to figure 1).



Figure 1- Site Context

The site has previously undergone a scheme amendment which increased the residential density coding from R60 to R160 and set specific heights over the site, responsive to the significant changes in topography. The site is entirely owned by the Housing Authority.

The amendment received a high level of submissions when it was advertised. A total of 69 submissions were received and 47 of these submissions raised concern to the amendment, mostly in relation to the following themes:

- Density
- Building height
- Setbacks
- Open space and tree retention
- Traffic and parking
- Design (including streetscape and heritage considerations)

As a response to these submissions Council resolved at its meeting of 28 January 2015 that a local planning policy be developed that would guide built form, layout and landscaping aspects of future development of the site. For further background information on the scheme amendment refer to item PSC11501-9 in Attachment 1.

In addition to the previous submissions, attention has also been given to the Draft Apartment Design Policy, recently published by the WAPC for public comment, which is intended to replace part 6 of the Residential Design Codes (R-Codes). A large focus of the Draft AD policy is attention to the design of multiple dwellings, which follows similarly to the intent of the policy and therefore has been considered in the drafting of policy provisions.

Where appropriate, specific site requirements have been included within the policy to ensure consistency and cohesion between the policy and any future changes made to the R-Codes. The policy includes several design elements contained within the AD policy that contextually assist with the intent of the policy.

## **STATUTORY AND POLICY ASSESSMENT**

Clause 4.2.2 of Local Planning Scheme No. 4 states that unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes (R-codes) is to conform to the provisions of the R-codes.

Those deemed-to-comply provisions of the Residential Design Codes that are varied or replaced by this policy are as follows:

5.1.2 Street Setback

5.1.3 Lot boundary setback

5.1.6 Building Height

The intent of variation to these design elements is outlined in the planning comments section of this report along with the additional provisions recommended by officers.

## **PLANNING COMMENT**

The proposed policy encourages residential development that is highly responsive to the site and promotes liveability through quality design approaches. The purpose of the Local Planning policy is to guide the built form of high density residential development on the site, prior to the preparation and lodgement of a development application.

The policy outlines overarching design elements that must be demonstrated in development proposals. Specific criteria and guidance is given in achieving each design element.

On 8 August 2016 and 14 November 2016 the draft Burt Street policy was presented to the City's Design Advisory Committee (DAC) for preliminary comments on the proposed provisions. The following summarised comments were provided by the DAC and considered in the final draft policy (see officer recommendation for full wording of policy).

<b>Design Advisory Comments – 14 November 2016</b>
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| <ul style="list-style-type: none"> <li>• Analysis of existing site features and geography and how they may restrict the enforcement of policy provisions.</li> <li>• Consider pulling back on prescriptive clauses and requiring early design review through DAC.</li> <li>• Policy is too prescriptive in some instances but too vague in others.</li> <li>• Recommend engagement of an architect.</li> <li>• Definitions need to be clearer.</li> <li>• Consider open space provision and how it is going to be delivered– i.e. should some specifically be set aside for public/communal active space or roof terraces rather than the potential of it all being taken up by setbacks.</li> <li>• Look at good quality built examples at R160 and establish design criteria.</li> <li>• Check existing trees and potential vehicle access conflicts.</li> <li>• Emphasise the protection and retention of existing vegetation onsite as being very important.</li> <li>• Investigation on deep planting zones is needed.</li> <li>• A requirement to retain and recognise existing natural features is rare but would be a welcome inclusion in a planning policy document.</li> <li>• Overall the Objectives are sound, well-structured and worthy.</li> </ul> |
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<b>Design Advisory Comments – 8 August 2016</b>
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<b>Areas requiring further consideration</b>
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| <ul style="list-style-type: none"> <li>• Define what is significant about the site and areas that should not be built on.</li> <li>• Introduce a requirement for visual permeability into the policy to ensure that monolithic buildings are not built and define areas not to be built on.</li> <li>• Consider introducing trade-offs.</li> <li>• Look at good quality built examples at R160.</li> <li>• Introduce a small park.</li> <li>• Consider undertaking testing or running a design competition and review previous proposals for the site as a test.</li> <li>• A balance needs to be found between very specific policy requirements that may hinder innovation.</li> </ul> |
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The proposed policy provisions and suggested wording can be found in the officer's recommendation of this report. The rationale for the proposed provisions of the policy is outlined in the table below and has been guided by the comments made by the DAC.

<b>Proposed Design Elements</b>	<b>Rationale for proposed provisions</b>
Development context	<p>Development context emphasises the importance of the existing surrounding residential dwellings, John Curtin College, the Arts Centre and the existing site features.</p> <p>Visual permeability of the site is essential due to the significant slope of the site and the size of the site. The overall bulk and scale of buildings should be minimised by having clear distinction in buildings and breaks to ensure visual connections through various parts of the site can be made.</p>
Site planning	<p>The importance of orientation of buildings to the integration with existing residential dwellings within the area is important for the site. This provision also ensures that passive and active surveillance of the street are achieved with new development.</p> <p>The challenging slope of the site means that innovative and site appropriate design solutions must be encouraged. Level changes in building design are encouraged as an alternative to cutting and filling of the site and will create a site appropriate response to the topography of the site.</p>
Architectural expression and articulation and dwelling design	<p>Specific breaks and lengths of buildings are considered to be essential in ensuring visual permeability through the site and allowing for visual connections can be made. The lengths of the breaks are also considered to be a functional width to enable usable areas for residents and visitors to navigate the site with ease.</p> <p>The building length along Vale Street eliminates the risk of a single monolithic building design to be proposed.</p> <p>The maximum length on buildings along Vale Street are consider to be responsive to the larger lot frontages seen within the area, specifically along the western section of Burt Street as well as developments further removed along Queen Victoria Street.</p> <p>Additionally the aesthetic interest of buildings can also be made through the use and choice of materials, which has been incorporated as a design consideration to ensure interest is achieved in the building.</p>

<b>Proposed Design Elements</b>	<b>Rationale for proposed provisions</b>
Corner buildings	Due to the site being surrounded by roads each of the edges of buildings facing these roads are considered to have an important role in their contribution to each streetscape. Within the area various streetscapes are seen on each of the four adjoining roads. It is considered appropriate that buildings should present interest where being viewed from the street. This can be achieved in a variety of methods however solid blank walls are not considered appropriate to any of the street frontages within the area and should be avoided.
Roof forms	Roof forms can assist in providing interest and character to a building. Integration with the overall building and those buildings within the area are important considerations for creating cohesion within the streetscape. It is acknowledged that this may be done in a variety of design approaches but should consider the importance to the surrounding context.
Car parking and vehicle access	To reduce the impact of the appearance of onsite car parking, specific requirements for screening, location and the integration of parking with buildings have been set. This is also achieved for sloping sites by minimising the split of levels.  Additionally specific building services have been required to be located within basement parking to ensure that they are not visible.
Building services	The intent of the provisions for building services is to ensure they are located out of view. Minor projections have also been included within the provisions to ensure that equipment required to be located on the roof of buildings is also located out of view to minimise the visual impact.
Building facades	The intent of the building façade provisions is to ensure the visual appearance of buildings creates interest when viewed from the street while also being functional for residents.
Existing tree retention	The site contains several trees identified with large tree canopies, located throughout the site, particularly along the southern and western part of the site. Where possible, trees should be retained and incorporated into an area of open space. Due to the changing nature of living vegetation it is considered acceptable for the owner or applicant to have arboricultural advice provided which can help inform the trees appropriate for retention. The provision also includes offsets to ensure that vegetation is provided throughout the site.

<b>Proposed Design Elements</b>	<b>Rationale for proposed provisions</b>
Open space, communal open space and deep soil areas	<p>Minimum open space requirements have been set for the site, which are considered to respond to the need to integrate functional areas that are not built upon.</p> <p>The open space calculation specifically includes communal open space and deep soil areas, which can be reduced where high quality outcomes are achieved. are considered appropriate for the site to ensure</p> <p>A preliminary calculation of the open space required for only the setback area equates to approximately 12% of the overall site area and therefore the set requirements for open space are considered to be appropriately achievable.</p> <p>As the site has the ability to support several multiple dwellings on site, high quality communal open space is considered essential for the cohesion of the site's public and private realms.</p> <p>Provision of deep soil areas, particularly those areas that can retain existing vegetation, assist in providing visual softening of building bulk and scale at both the site and neighbourhood level.</p> <p>The proposed open space provisions additional requirements to communal open space and deep soil areas, are not considered to diverge greatly from the draft AD policy however these are not currently captured in the R-Codes.</p>
Public domain interface	<p>Activation at street level and the developments contribution to the streetscape are considered important elements in design guidance for the site. Ensuring connections are made with the street at various levels will assist in creating a safe and interactive street for residents of the development, surrounding residents and visitors to the area. The interface of the development should encourage mediation between private residential space and the public realm.</p>

### Draft Apartment Design Policy

The Draft Apartment Design Policy (AD Policy) is part of the *Draft State Planning Policy 7: Design of the Built Environment* suite of policies, proposed by the Western Australia Planning Commission, to improve built form approaches to new developments throughout Western Australia. Apartment building design is currently governed by the Residential Design Codes (R-Codes) however the introduction of the AD Policy will mean additional processes, such as design review by experts and site and design considerations will need to be demonstrated in each application. A greater emphasis on quality design outcomes has been the primary focus of this planning reform, which was considered to resonate closely with the intention for the Burt Street Local Planning Policy. Many of the provisions within the Draft AD policy go beyond the provisions currently contained within the R-Codes. The Draft AD policy is the subject of a separate report on this agenda.

Design controls outlined within the Burt Street Local Planning Policy develop on some of the current R-Code requirements as well as introduce additional controls. Direct reference to several design elements proposed within the Draft AD Policy have been included within the Burt Street policy. These provisions are considered relevant and appropriate for the site and the intent of the local planning policy. These provisions are not considered to be captured by the current R-Codes, nor do they contradict the intent of provisions currently contained within the R-Codes. The inclusion will also provide future consistency with the intended planning reform changes.

The policy is not considered to be inconsistent with the existing R-Codes or any other state planning policies and therefore is not required to be sent to the Western Australia Planning Commission.

### **CONSULTATION**

Subject to approval by Council as a draft for consultation purposes, community consultation on the content of the local planning policy which is the subject of this report will be carried out in accordance with the requirements of clause 4 of the Deemed Provisions of the Regulations and the City's Local Planning Policy 1.3 *Public Notification of Planning Proposals*, which provides for a minimum 21 day period within which to make submissions.

In this case, given the subject matter of the policy, it is recommended that consultation should include residents surrounding the site who may have an interest in the matter. Consultation with Precinct Groups would occur in any event under the requirements of LPP 1.3 in addition to general advertising via the local press and the City's community engagement webpage.

### **CONCLUSION**

The draft policy set out design guidance for the Burt Street site to ensure that quality built form outcomes can be achieved. The purpose of the policy is to provide suitable guidance on the design elements for both applicants and decision makers on site appropriate design outcomes that should be achieved. The policy is intended to encourage site specific approaches to a physically challenging site.

Council is recommended to approve the draft policy for public consultation in accordance with the relevant statutory procedures and Council's own policy on public consultation on planning proposals. Following the consultation period a further report will be presented to Council for consideration of any submissions received and a decision on final adoption of the policy.

## **COMMITTEE AND OFFICER'S RECOMMENDATION**

**MOVED: Cr J Strachan**

**That Council adopt the following draft Local Planning Policy for the purpose of public advertising in accordance with the procedures set out in clause 4 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City of Fremantle Local Planning Policy 1.3 *Public Notification of Planning Proposals*:**

# **CITY OF FREMANTLE**

## **DRAFT LOCAL PLANNING POLICY 3.16**

**(BURT STREET, FREMANTLE)**

**ADOPTION DATE: ??/??/20??**

**AUTHORITY: LOCAL PLANNING SCHEME NO.4**

## **STATUTORY BACKGROUND**

Under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), the Deemed Provisions contained in Schedule 2 of the Regulations are applicable to all local planning schemes, whether or not they are incorporated into the local planning scheme text. Accordingly these provisions are applicable to the City of Fremantle Local Planning Scheme No. 4 (the Scheme).

Clause 5.2.2 of the City's Local Planning Scheme No. 4 states that unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform to the provisions of the R Codes.

Part 7 of the Residential Design Codes 2013 states that a Local Planning Policy may contain provisions that amend or replace specific deemed-to-comply provisions. Those deemed-to-comply provisions of the Residential Design Codes that are varied or replaced by this policy are clauses:

- 5.1.2 Street Setback
- 5.1.3 Lot boundary setback
- 5.1.6 Building Height

Variations to this policy may be approved where the City is satisfied that the development application meets the design intent of this policy and the Design Principles of the R-Codes.

Clause 67 of the *Deemed Provisions* of the *Regulations* requires the Local Government to consider a broad range of matters when determining an application.

## **APPLICATION**

This policy applies to the land bound by Skinner Street, Burt Street, East Street and Vale Street as shown below. Provisions relating to the development standards for this site are contained in Scheme under Sub Area 2.3.4 of Schedule 8.

In the event that there is a conflict between this policy, and a provision contained within a Local Area Planning Policy, the most specific policy provision shall prevail.

## **DEFINITIONS**

**Deep soil area:** Soft landscape area on lot with no impeding building structure or feature above or below, which supports growth of medium to large canopy trees and meets a stated minimum dimension. Deep soil areas exclude basement car parks, services, swimming pools, tennis courts and impervious surfaces including car parks, driveways and roof areas.

**Building Envelope:** The volume of space that can be occupied by a building, defined by its setbacks and maximum height permitted. It is not an indication of the final building form, mass or scale, but merely the outer limits for construction.

**Communal open space:** Outdoor areas within the lot and either at ground level or on structure that is accessible to and shared by residents for common recreational use and in some instances accessible to the public. It must promote gathering and social interaction. It does not include primary external circulation areas for vehicles or pedestrians however a seating niche or small gathering space within a circulation area is included. A minimum dimension is applicable for the main (largest) component.

All other definitions are as defined in the R-Codes and the City's Local Planning Scheme No.4.

## **PURPOSE**

This policy provides controls that will ensure that developments enhance the character of the area, preserve established development interfaces, and provide high levels of public realm engagement. The objectives and controls in this policy are intended to assist proponents in preparing their designs and applications.

## **CONSIDERATION BY THE DESIGN ADVISORY COMMITTEE**

Notwithstanding the zoning of the site, development applications for the site require referral to the Design Advisory Committee for consideration.

## **POLICY**

For specific policy provisions refer to the following:

## SCHEDULE 8 PROVISIONS – SUB AREA 2.3.4

### SUMMARY OF SCHEDULE 8 PROVISIONS

(contained within Local Planning Scheme No.4)

Clause 2.1 'height controls' and clause 2.2 'Matters to be considered in applying general and specific height controls' of the Local Planning Area 2 do not apply



### BUILDING HEIGHT [specified in Australian Height Datum(AHD) metres]

Area A	Maximum building height of 37.0m AHD
Area B	Maximum building height of 40.0m AHD
Area C	Maximum building height of 42.0m AHD

### AREA A BUILDING HEIGHT BUFFER

Development proposed within Area A shall comply with the following building height envelope:

- 1) Height plane is measured at an angle of 22.5 degrees above horizontal at a height of 28.0m AHD along the property boundary on the east side of Skinner Street.
- 2) Limit all building elements to height plane/building envelope.

### BUILDING SETBACKS

East Street frontage	5.0m minimum
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### CAR PARKING AND VEHICLE ACCESS

Primary vehicle access	Shall be located from Vale Street
Traffic Impact Assessment shall be submitted to support any planning application <sup>1</sup> .	

### OTHER DEVELOPMENT REQUIREMENTS

Retain and/or interpret any features of cultural heritage or landscape significance
Maximise opportunities to retain existing trees and provide significant areas of new planting
Provide street verge landscaping and vehicle parking for public use
Integrate with surrounding public areas
Provide visual permeability through the site and mitigate the impact of building bulk on streetscape

<sup>1</sup> The Traffic Impact Assessment (required as specified in Schedule 8 Provisions) is to be undertaken by a suitably qualified engineer and shall be submitted in support of application for planning approval.



Figure 1 – Existing Tree Canopy

## **SITE CHARACTER AND CONTEXT ANALYSIS**

### **ESTABLISHED TREES WITHIN THE AREA**

The site and immediate surrounding area has several existing established trees, shown above by height. The existing vegetation in the area assists in breaking up any continuous built form.



### **HEIGHT DIFFERENCES AND NATURAL GRADIENT**

The site has a significant gradient that falls from Burt Street to Vale Street as well as also falling to the West along Burt Street. These height changes have resulted in differing heights of surrounding developments.

The sloping natural topography should be used to enhance the visual interest to new developments through retention of some of these site features.



### **UNIQUE SITE FEATURES**

The limestone rock formation to the north eastern corner Burt Street and East Street is a unique natural feature and landmark to the site. This location of the limestone rock is of a similar size and shape to an existing pocket of green space to the north of the site and would respond well to the local context.



#### **Development response to existing natural features:**

Development should improve, acknowledge and be responsive to the unique natural features of the site and the surrounding area.

## SITE CHARACTER AND CONTEXT ANALYSIS

### SURROUNDING BUILT FORM AND ARCHITECTURAL CHARACTERISTICS



### BURT STREET FRONTAGES

Adjoining dwellings located on Burt Street vary in size and height however typically these dwellings are of two to three storeys in height. The buildings along Burt Street vary significantly in age and character which makes for an eclectic mixing of building frontages. Larger side setbacks and varying front setbacks mean that there is building articulation along the streetscape.



### EAST STREET FRONTAGES

The building heights and architectural styles along East Street are similar to those along Burt Street. A higher proportion of sites are of single storey along East Street however, several dwellings range between three and four storeys.



### SKINNER STREET FRONTAGES



The dwellings along Skinner Street are of a similar era and architectural style, found typically in Fremantle. The dwellings are predominantly single storey and have minimal side and front setbacks. This results in limited articulation of buildings however the high degree of landscaping means existing vegetation softens the appearance of continuous buildings.

#### VALE STREET FRONTAGES



The adjoining sites along Vale Street are predominantly undeveloped due to the location of John Curtin College and the heritage significant Fremantle Art Center.

Both of these adjoining sites provide expansive green space for the area which is available for active and passive use by the community. Importantly these sites also incorporate significant established native vegetation and planting.

The limited development on the adjoining properties means that important green corridors and view corridors are maintained.

#### Development response to the surrounding built form character:

Buildings will be visually interesting and responsive to the surrounding dwelling character with well considered use of materials and textures, colour and the articulation of building form and mass.

The sites development will contribute to establishing interesting, attractive and safe streets for residents and visitors.

## **LOCAL PLANNING POLICY DESIGN ELEMENT**

*Site Specific Development controls (in addition to Schedule 8 Provisions above)*

### **DEVELOPMENT CONTEXT**

#### **Objectives:**

Development should improve, acknowledge and be responsive to surrounding development, with appropriate consideration of adjacent site view lines where applicable.

#### **Design Criteria:**

- Site design must be responsive to neighbouring sites, the existing context and neighbouring public realm resulting in a positive contribution to the neighbourhood.
- Development shall retain and/or interpret any features of cultural heritage or landscape significance.
- Development shall achieve visual permeability through the site, incorporating view lines achievable from the public realm (measured at height of standard person).

### **SITE PLANNING**

#### **Objectives:**

Consideration should be given to the unique topography of the land and thoughtful design approaches should be used when incorporating the varying gradients of the sites.

Development should improve, acknowledge and be responsive to surrounding development and contribute to the urban and natural context.

#### **Design Criteria:**

- Building orientation must consider the site, the street and neighbouring buildings to maximise residential amenity, including urban form to the street, solar access and visual privacy.
- Where possible, orientation of buildings should also consider any internal roads proposed as part of the redevelopment.
- Where level changes occur on sites, ensure floor levels and entrances to buildings appropriately interface with the ground plane.
- Design methods that work with the unique topography of the site should be encouraged in order to minimise the cutting and filling of the site.

## **LOCAL PLANNING POLICY DESIGN ELEMENT**

*Site Specific Development controls (in addition to Schedule 8 Provisions above)*

### **ARCHITECTURAL EXPRESSION, ARTICULATION AND DWELLING DESIGN**

#### **Objectives:**

Proposed development positively responds to the surrounding context and demonstrates consideration to the local urban environment and the site's interaction with the natural landscape.

Building breaks and articulation shall be used to create visual connections and interest across the site that assist with the positive interaction between the public realm and the development.

New development should encourage innovative and imaginative development that provides variety, articulation and high quality building outcome that will enhance the visual amenity of the area.

#### **Design Criteria:**

- The length of buildings fronting Vale Street must be no greater than 40m in length and incorporate breaks between buildings of a minimum of 6m.
- Continuous horizontal and vertical building elements shall be broken into smaller components through architectural features, materials textures and/or building breaks.
- Internalised habitable rooms, including bedrooms, will not be permitted.
- At least 60% of apartments are naturally cross ventilated.

### **CORNERS (BUILDINGS)**

#### **Objectives:**

To address and activate key street corners and where appropriate create landmarks that assist in defining local character.

#### **Development Criteria:**

- Buildings on corners shall address both frontages to the street.
- Blank walls to corner frontages will not be permitted.

### **ROOF FORMS**

#### **Objectives:**

To ensure that the appearance of the roof area does not negatively impact on the view from adjacent dwellings and from afar as part of the skyline.

#### **Design Criteria:**

- The design of the roof shall be integrated into the overall building composition and development context.
- The building roof form shall be entirely located within the building height calculation.
- The provision of open space and landscaping on rooftops is encouraged, subject to acceptable visual privacy, comfort levels, safety and security considerations.
- Roof design relates to the street. Design solutions may include:
  - (i) special roof features and strong corners;
  - (ii) use of skillion or very low pitch hipped roofs;
  - (iii) breaking down the massing of the roof by using smaller elements to avoid bulk;
  - (iv) using materials or a pitched form complementary to adjacent buildings;
  - (v) concealed roofs.

### **CAR PARKING AND VEHICLE ACCESS**

#### **Objectives:**

Ensure that on-site vehicle parking and access are appropriately located to minimise adverse visual impact on the streetscape.

#### **Design Criteria:**

- Car park access should be integrated with the building's overall facade. Design solutions may include:
  - select materials and colours to minimise visibility from the street;
  - security doors or gates at entries that minimise voids in the facade;
  - where doors are not provided, the visible interior reflects the facade design and the building services, pipes and ducts are concealed.
- The visual prominence of underground car park vents should be minimised and located at a low level where possible.
- Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view.
- Garbage storage areas should be permitted not in basement car parking areas only where it is clearly demonstrated to be more efficient and effective for collection. These storage areas must be appropriately screened.
- Ramping for accessibility should be minimised by building entry location and setting ground floor levels in relation to footpath levels.
- On sloping sites protrusion of car parking above ground level should be minimised by using split levels to step underground car parking.

### **BUILDING SERVICES**

#### **Objectives:**

To ensure services are well integrated and have minimal visual impact from the public realm and adjacent buildings.

To provide efficient and effective building servicing while minimising visual and acoustic impact.

#### **Design Criteria:**

- Waste management and storage should be located in basement car parks or out of view to minimise the impact on adjoining residences.
- Building mechanical services including plant and service equipment shall be integrated into the roof design and/or not be visible above the roof line of the building facade from the public realm.
- Lift overrun minor projections may be considered above the building height plane subject to design merit.

## **BUILDING FACADES**

### **Objectives:**

Building facades provide visual interest along each of the street interfaces while respecting the character of the local area.

Buildings will be visually interesting and responsive to the surrounding dwelling character with well considered use of materials and textures, colour and the articulation of building form and mass.

### **Design Criteria:**

- Design solutions for front building facades may include:
  - (i) a composition of varied building elements
  - (ii) a defined base, middle and top of buildings
  - (iii) revealing and concealing certain elements
  - (iv) changes in texture, material, detail and colour to modify the prominence of elements.
- Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. Design solutions may include:
  - (i) well-composed horizontal and vertical elements;
  - (ii) variation in floor heights to enhance the human scale;
  - (iii) elements that are proportional and arranged in patterns;
  - (iv) public artwork or treatments to exterior blank walls;
  - (v) grouping of floors or elements such as balconies and windows on taller buildings.

**OPEN SPACE, COMMUNAL OPEN SPACE AND DEEP SOIL AREAS**
**Objectives:**

To create an attractive landscape environment that is complimentary to the wider neighbourhood.  
 To ensure that the development integrates with the surrounding urban context, streets, parks and neighbouring properties.

**Design Criteria:**

- A minimum of 30% open space must be provided across the site. In calculating this percentage deep soil areas and communal open space are included in the calculation. These areas must be identified in site layout and meet the following minimum requirements:

OPEN SPACE AREAS	MINIMUM DIMENSION	MINIMUM AREA (% OF SITE AREA)
Open Space (entire site)	1m	30%
Communal open space	-	20%
Deep soil area	6m	10%

- In addition to the open space requirement above, no more than 10% of the culminated setback areas on the site are to be included in the open space calculation.
- Communal open space should be consolidated into a well-designed, easily identified and usable area. If this is not possible, smaller spaces can offer the balance of area required, provided they are well-integrated and offer complementary uses.
- The requirement for communal open space may be reduced by up to 5% if recreational facilities (i.e. fixed BBQ, seating and shade structures, hard and soft landscaping) are provided within the designated communal open space.
- Development shall maximise the opportunities to retain existing trees and incorporate them into communal open space areas or deep soil areas for their protection.
- If existing tree(s) are retained and incorporated into the development, deep soil area requirement can be reduced to 8% of site area. See *Existing Tree Retention* Design Criteria.

- Deep soil areas provide a minimum number of trees (with shade producing canopies) as follows:

- (i) Minimum 1 small tree for every 16sqm; or
- (ii) Minimum 1 medium tree for every 36sqm; or
- (iii) Minimum 1 large tree for every 64sqm; or
- (iv) A combination of the above.



- Where landscaped building setbacks are included in the open space calculation, the form and design of these setbacks shall incorporate the adjacent public realm and provide a consolidated experience and sense of character.

## EXISTING TREE RETENTION

### Objectives:

Development should improve, acknowledge and be responsive to the unique natural features of the site and the surrounding area.

### Design Criteria:

- Existing trees identified for retention shall be:
  - (i) Retained; with appropriate landscape design measures to support trees' on going health and viability within proposed development; or
  - (ii) Replaced; by equivalent planting as part of the deep soil area requirement. Refer to *Open Space, Communal Open Space and Deep Soil Areas*; or
  - (iii) Replacement Offset; where an alternative solution for replacement planting in the road reserve can be agreed upon by the City of Fremantle.
- Existing trees are considered appropriate for retention if they are:
  - (i) healthy specimens with on going viability; and
  - (ii) species not included on an applicable weed register; and
  - (iii) are 3m or more high; and/or
  - (iv) have a trunk with a diameter of 100mm or more, 1m from the ground; and/or
  - (v) have two or more trunks and the sum of their individual diameter at 1m above ground is 200mm or more; and/or
  - (vi) have a canopy 3m or more wide; and/or
  - (vii) are recognised for individual importance/significance.
- If trees are identified for retention seek specialist arboricultural advice on tree protection specifically to provide direction on 'tree and root protection areas' and management during construction and during establishment following completion of the development.

***Advice Note Subject to an arborists report, retention of healthy mature trees along the perimeter of the site should be prioritised where possible, see general location of tree canopies across the site in Figure 1.***

## **PUBLIC DOMAIN INTERFACE**

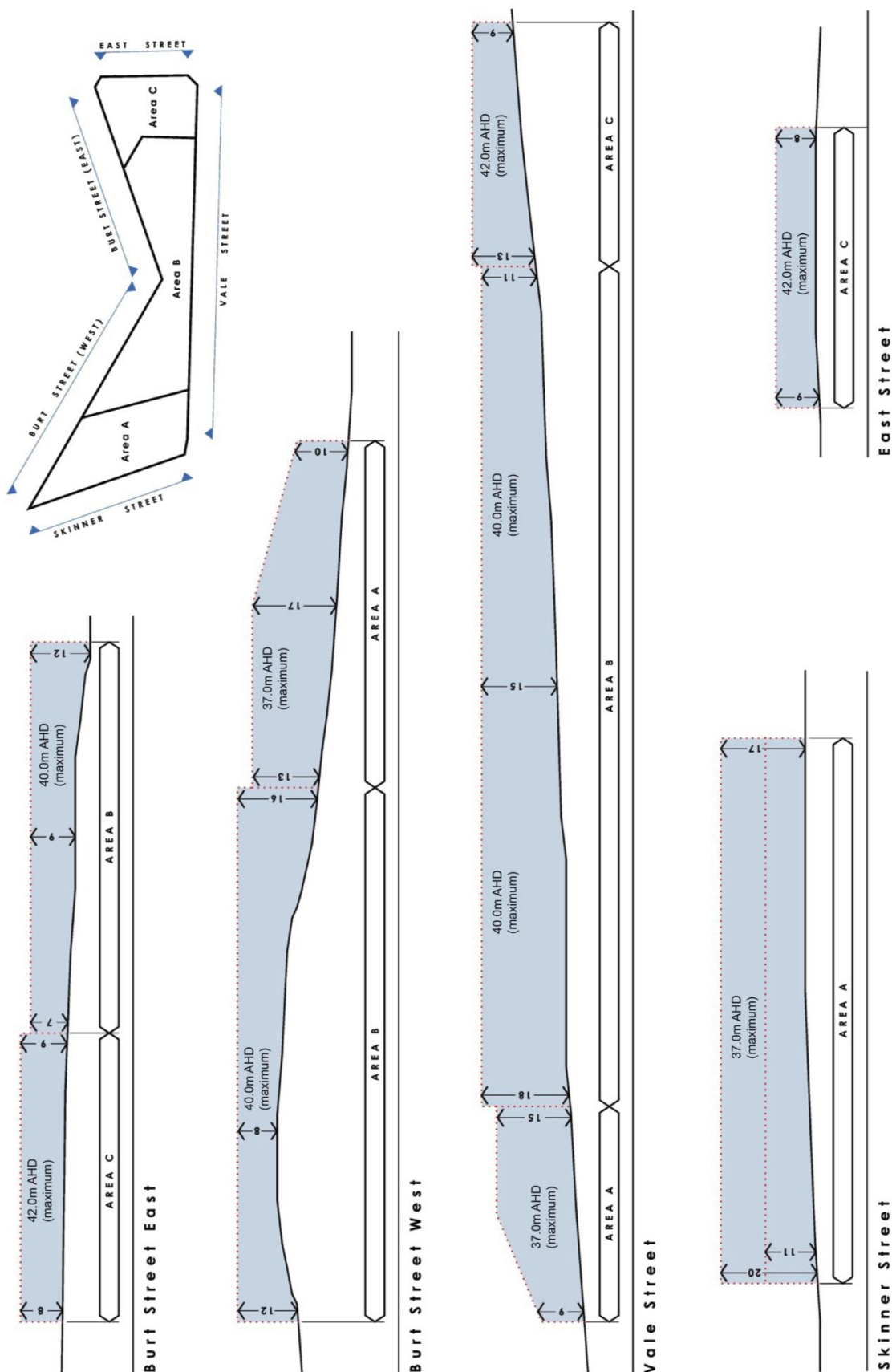
### **Objectives:**

Buildings and their landscaped interfaces shall enhance the adjacent streetscapes and public spaces that give expression and character to this location.

The sites development will contribute to establishing interesting, attractive and safe streets for residents and visitors.

### **Design Criteria:**

- Direct street entry to terraces, balconies and courtyard apartments is desirable where it can be achieved.
- Upper level balconies and windows should overlook the public domain and/or communal open space areas to provide preserved and real passive surveillance.
- Length of solid walls should be limited along street frontages and ensure visibility is maintained to the street.
- Opportunities should be provided for casual interaction between residents and the public domain. Design solutions may include seating at building entries, near letterboxes and in private courtyards adjacent to streets.
- The provision of street verge landscaping and vehicle parking for public use shall be provided by the owner and or applicant. Additional approval by the City of Fremantle Parks and Landscaping department will need to be obtained.
- Verge landscaping shall be integrated, where possible, with the provision of onsite open space.



STREET VIEWS ILLUSTRATING PERMISSIBLE BUILDING HEIGHT PLANES AND APPROXIMATE BUILDING HEIGHTS ABOVE NATURAL GROUND LEVEL

(Note: maximum heights at AHD requirement)

**SITE SPECIFIC BUILDING REQUIREMENTS KEY**

All development to be in accordance with R160 Residential Design Code provisions, except where otherwise specified in this policy.

**BUILDING HEIGHT (maximum)**

<b>Area A - Skinner Street interface zone<sup>*1</sup></b>	28.0m-37.0m AHD	<b>A</b>
<b>Area A</b>	37.0m AHD	<b>B</b>
<b>Area B</b>	40.0m AHD	<b>C</b>
<b>Area C</b>	42.0m AHD	<b>D</b>

**BUILDING SETBACKS (minimum distance from property boundary)**

	<b>Location</b>	<b>Requirement</b>	
<b>Basement</b>	All boundaries	Nil	<b>E</b>
<b>Ground Floor</b> (measured from lot boundary)	East Street	5.0m	<b>F</b>
	Burt Street and Skinner Street	2.0m	<b>G</b>
	Vale Street	2.0m	<b>I</b>

**OPEN SPACE (Minimum)**






<b>Minimum Open Space requirement</b>	30%
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**Notes:**




<sup>\*1</sup> No part of any building may project above a height plane measured at an angle of 22.5 degrees above horizontal at a height of 28.0m AHD along the property boundary on the east side of Skinner Street.


## LEGEND

### Building Zones

-  Building Envelopes
-  Maximum Building Height (measured to the highest part of any building)
-  Skinner Street building height restriction zone (refer LPP detail for specifics)
-  Preferred (priority) building location and orientation
-  Specific corner building design requirements

### Movement

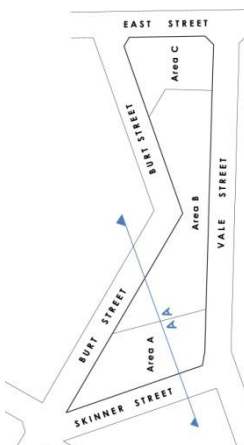
-  No vehicle access permitted
-  Primary vehicle access frontage
-  Secondary (supplementary) vehicle access permitted only

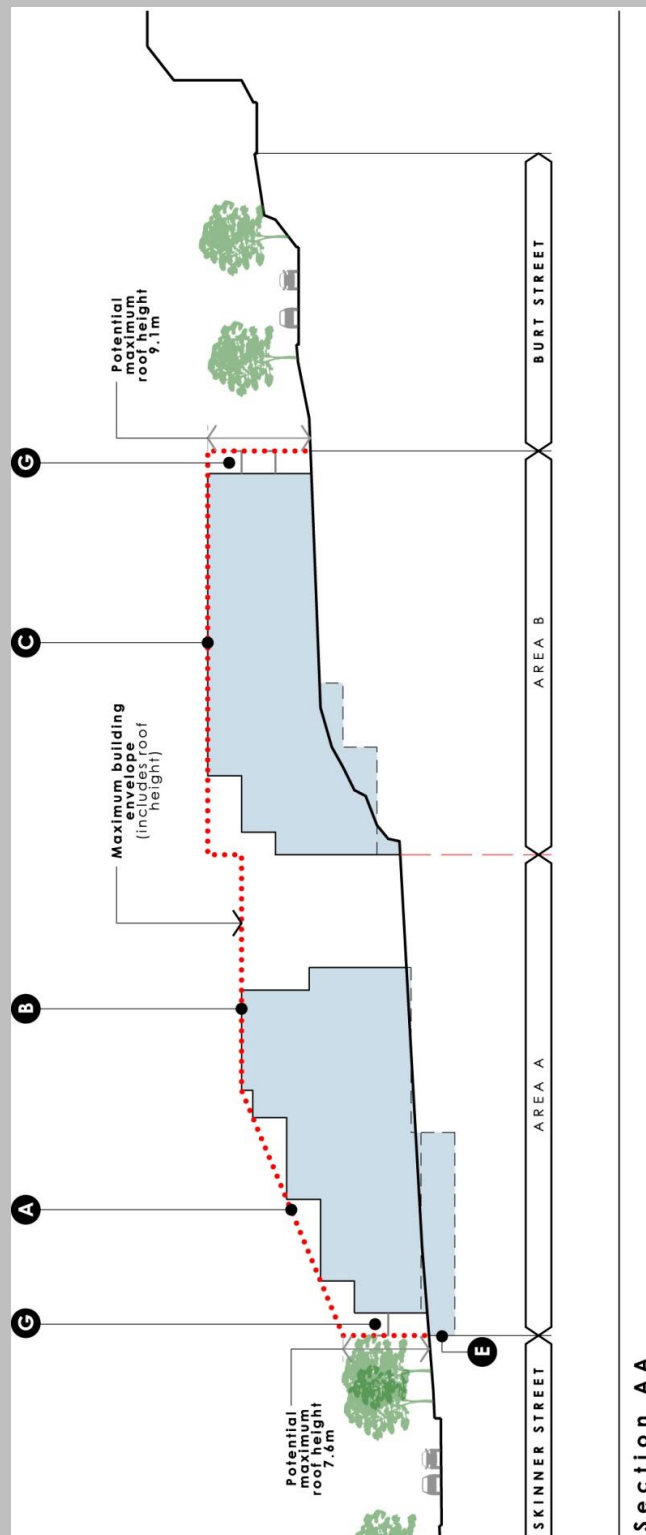
-  Possible future Vale Street parking lane to be considered in building designs

**Legends regarding Site Specific Building Requirements (Diagram overleaf)**

Site Specific  
Building  
Requirement  
Diagram

Location Key





Illustrative cross section – view north-west describing one possible building massing outcome

**CARRIED: 6/0**

<b>For</b>	<b>Against</b>
Cr Jon Strachan Cr Simon Naber Cr Doug Thompson Cr Hannah Fitzhardinge Cr Ingrid Waltham Cr Jeff McDonald	

## PC1701 -9 FREO ALTERNATIVE - REPORT ON COMMUNITY ENGAGEMENT

<b>ECM Reference:</b>	218/069
<b>Disclosure of Interest:</b>	Nil
<b>Meeting Date:</b>	11 January 2017
<b>Previous Item:</b>	24 September 2014 –SPC1409-01 23 September 2015 –SPC1509-4 24 February 2016 –SPD1502-2 23 March 2016 –SPD1603-1 25 May 2016 –SPD1605-2
<b>Responsible Officer:</b>	Manager Strategic Planning
<b>Actioning Officer:</b>	Senior Strategic Planner
<b>Decision Making Authority:</b>	Council
<b>Agenda Attachments:</b>	1. Summary of community engagement events 2. The Fremantle Alternative Engagement Report - Creating Communities Australia

### EXECUTIVE SUMMARY

The purpose of *The Freo alternative – Big thinking about small housing*, was to generate a shared community vision on the future of housing in Fremantle. The Freo Alternative engaged with the community on the issue of how more diverse housing options could be provided in Fremantle's suburban areas by first establishing what attributes the community values about their suburban areas and the challenges and benefits of small housing types.

Community engagement on the Freo Alternative ran from August to November 2016 and consisted of three main events and several surveys. Similar questions were asked at all of the engagement events and qualitative data was compiled from the feedback received. The major themes that emerged out of discussions with the community were: sense of community, trees, car parking, walkability/quality transport options, open space, character and design, sustainability and affordability.

The purpose of this report is to present to Council the engagement that was undertaken on the Freo Alternative initiative and the key themes that emerged. A further report will be presented at the next appropriate Planning Committee to consider how the key themes from the community engagement should be addressed in the draft planning provisions for smaller housing types previously considered by Council in September 2015 and March 2016.

### PROJECT BACKGROUND

Prior to *the Freo alternative* Council had considered principles of the diverse housing project on several occasions. Deliberation on the diverse housing principles got to a point where the community's input, outside of a statutory planning process, was essential to progress the project. Accordingly, at the 23 March 2016 (Report SPD1603-1) Ordinary Meeting Council confirmed the principles on which community engagement should be based and resolved to undertake community engagement prior to any formal statutory planning process.

In May 2016, officers presented a community engagement plan to Council for the 'diverse housing project'. As the project was not constrained by statutory engagement requirements or timeframes, the 'diverse housing project' [later branded *the Freo Alternative*] was an opportunity to more widely engage the community in an alternative way to standard strategic planning engagement processes. Accordingly, the engagement plan proposed three key events including two road shows and a community open day/workshop event. The details of the events were to be further refined by the project team.

The engagement plan established the central engagement messages and areas of focus for the project. A key message of the project was that the engagement was an open discussion on opportunities for, and the community's view of, diverse housing in established areas. Council wanted it to be made clear that while work had been done to establish the principles of 'diverse housing' these were by no means the completed project. On the contrary, the project was based on the principle that current town planning, as everyone understands it, is subject to change as the community considers the issues through the engagement process.

The focus areas of the community engagement were to be:

1. Reasons to consider the need for diverse housing; and
2. Principles upon which to consider an approach to providing for diverse housing.

### 1. Need for diverse housing

A major part of the project was to explore the community's views on what they think the needs and choices of housing in Fremantle are currently and what these needs and housing choices should be into the future. The project was to explore the dichotomy between the need for smaller housing types vs. the need to retain the character of existing areas and the challenges and benefits of smaller housing types vs 'big' housing types.

Key points for the engagement process established in May 2016 were:

- Focus on the purpose/reasons for the project from a local perspective as opposed to a metropolitan or state perspective.
- What the community values and would like to see in the outcomes of the project.
- What the project is/is not about.
- The capacity of the current planning framework (e.g. R-codes) to achieve the purpose of the project.
- Opportunities for an alternative approach to the current planning framework.
- Benefits of the project to the community.

### 2. Principles of the diverse housing project

Council had previously considered and confirmed the principles on which community engagement was to be based on several occasions. However, the principles had become quite specific and there was a need to pare these back to their main intent to allow for effective engagement on the issue. Preliminary examples provided to Council in May 2016 are replicated below in table 1.

**Table 1. Preliminary engagement principle examples**

<b>Development principle</b>	<b>Engagement approach*</b>
Permitting the development of a Grouped Dwelling(s) and/or Multiple Dwelling(s) that does not meet the minimum site area and/or minimum average site area specified in the Residential Design Codes, where the development complies specific requirements and is in one of the specified areas identified on the map.	A planning approach that would permit the development of smaller housing types in specific 'test' areas regardless of site area size.
Any new dwelling shall have a maximum floor area of 120sqm	What smaller housing types (e.g. up to 120 sqm) would be supported by the community in existing Fremantle suburbs.
A minimum 25% of the development site area shall be provided as a Deep Planting Zone. This area shall be uncovered and have a minimum dimension of 4.5 metres. It can be included as part of the open space for the development and 50% of the deep planting zone must be provided on the rear portion of the site.	A new idea, not currently required in planning, of a compulsory 'deep planting zone' to achieve small housing and what this means – no building on the area, always providing a large tree etc.
<p>A maximum of 1 car bay shall be provided for each new dwelling, unless the dwelling is existing when a maximum of two car bays would be allowed; and</p> <p>A maximum of one dwelling in a development, where that dwelling is no larger than one bedroom/studio size (up to 60 sqm), can be car free.</p>	<p>Explore the idea of reduced car parking requirements for smaller housing types.</p> <p>How this could work and why.</p>

*\*These were further refined prior to the engagement.*

## **COMMUNITY ENGAGEMENT PROCESS**

Given the significance of the project and the complexity of some of the concepts involved, the City commissioned Creating Communities Australia (CCA) as an external engagement facilitator to run the engagement events. The City also contracted the Australian Urban Design Research Centre (AUDRC) to deliver background research, graphic design for the engagement communication materials and a physical model of a suburb and smaller housing types.

The project was branded '*The Freo Alternative – Big thinking about small housing*' and a clear graphics style, consistent message and 'non-planner' language were used in the project's engagement material. Key to the Freo Alternative branding was the idea that, while the project was about housing, the diversity of people and their lifestyle requirements were central to the discussion.

Community engagement started in August 2016 and ran until November 2016. The first communication with the community was a survey to gather housing stories to see what people thought about and were looking for in smaller housing. *The Freo Alternative – big thinking about small housing*, was officially launched at the dialogue café in September 2016. Following the dialogue café the project delved deeper with a series of seven focus groups in October 2016. The final major engagement event was the "Game of Freo LIFE"

open days in November 2016. The timeline and individual activities within the engagement process are illustrated in figure 1 below. Detail on the engagement events is provided in **attachment 1**, including dates and attendance numbers.



Figure 1. Freo Alternative Timeline

Similar questions were asked at all of the engagement events and qualitative data was compiled from the feedback received. Feedback received and main themes that came out of the engagement are discussed in the Planning Comment section of this report. CCA have produced an engagement report detailing the key events and a summary of key themes and feedback from the dialogue café and focus groups. This report is provided in **attachment 2**.

## PLANNING COMMENT

The purpose of the Freo Alternative was to explore with the community the idea of smaller housing and how more diverse housing options could be provided in our suburban areas. The ideas and themes that came out of the community engagement will be reviewed against the development principles for diverse housing previously considered by Council and used to inform the final statutory planning framework.

CCA have compiled the responses from the dialogue café and focus groups in the engagement report provided in **attachment 2**. The major topics and key themes that came up during the engagement are discussed below.

### Feedback from engagement events

The major topics explored during the Fremantle Alternative community engagement were:

- The future of your community.
- Benefits, opportunities, challenges and priorities.
- Guiding values for the project.

### The future of your community

The purpose of this topic was to help participants think about future generations and their housing needs, not just the housing needs of the participant at that time. The analogy of thinking back to the year 1996 was used to show how dynamically the world had changed in 20 years and how the future would be different also. Participants were not given cues and answers were free-form.

The overview of findings from the engagement in CCAs report (**attachment 2**) shows that people are thinking the following about the future of living in the City of Fremantle:

- *A rapidly ageing population*
- *Future opportunities for communal and shared housing models*
- *Fragmentation and lack of connection*
- *Smaller, disconnected families with fewer children*

In considering these future scenarios, participants expressed a desire to see:

- *Shared and/or connected community spaces. A distinction between public open space and private communal space was made. The feedback showed both of these space types were equally desired.*
- *Modular houses with movable internal walls. To allow for a home to adapt form and size as lifestyle, needs, ownership or family structures change.*
- *Tiny/mobile houses. Added flexibility around providing for and allowing these housing types in the City.*
- *Long-term (e.g. 20 year) leases. To give the tenant/renter more certainty and stability in their housing choice.*
- *A sharing economy. As well as the housing itself, shared cars and facilities could form an integral part of future lifestyle and housing including cooperative housing approaches. Participants noted the success of sharing models was apparent in recent technology and social shifts towards services such as Uber and sharing groups on social media.*
- *Businesses in suburban areas. To create better and more localised access to services, as well as greater opportunities for local economic development and social engagement in local areas*

### Benefits, Opportunities, Challenges and Priorities

The purpose of this topic was to explore the (sometimes conflicting) benefits, challenges, opportunities and priorities for diverse housing options with the community. The general points made at the focus groups are provided in the CCA report in **attachment 2**.

### Benefits and opportunities

The dialogue café provided more qualitative feedback on this topic. Overall, CCA's report shows participants supported the provision of a diversity of housing options, including smaller houses. Some of the recurring benefits and opportunities identified included:

- *Community.* Participants recognise that although planning rules cannot plan a community, the provision of alternative housing provides more opportunities for a diverse, connected and happy community.
- *Affordability.* Smaller housing options may also provide more affordable choices.
- *Innovative design and architecture.* By encouraging developers to move away from the traditional four bedroom, two bathroom home, new and different types of designs can be explored.
- *Community housing projects.* Different tenure options may create more opportunities for houses to be built and owned by the community.
- *Incentives for sustainable/innovative projects.* Support, either in the form of subsidies, or information on best practice in sustainable and innovative design.

### Challenges

The challenges commonly recognised as an obstacle to the provision of diverse housing were:

- *Changes to behaviour of building industry and developers.* It could be difficult to encourage developers to build smaller homes if they this means reduced profits. It was suggested incentives would be required to encourage landowners to develop smaller housing.
- *Ingrained expectations.* Many people have an expectation or desire that they will own a four bedroom, two-bathroom house with a large backyard. However, others recognised that there is a market for smaller homes.
- *Complexity of planning laws.* Changing planning laws is complex. It was recognised that the City of Fremantle has a history of making innovative changes to the planning system at a local and state level.
- *Maintaining green space and trees.* When encouraging development, even with smaller homes, maintaining green space and trees will be a complex issue.

The summary of responses from the Dialogue café on the benefits, opportunities and challenges of the project are included in the figure 2 word cloud below.

What might be the key benefits, opportunities and challenges in providing diverse housing?



Themes in size order based on the frequency of answer.

**Figure 2. Benefits, opportunities and challenges feedback from the dialogue café word cloud.**

### Priorities

Participants at the focus groups specifically made comment on what they considered the priorities for the Freo Alternative project should be. Participants at the dialogue café were additionally asked to rank the priorities (refer to figure 3 below). The combined list of priorities for the Freo Alternative from the dialogue café, focus groups and surveys were

- Enhance sustainability
- Support the provision of cooperative housing
- A diversity of open spaces (public and private)
- Provide for community and social interaction
- Businesses in the suburbs and more suburban centres
- City of Fremantle to communicate directly with the community
- Affordable housing which is affordable to live in as well as to purchase
- Consider alternatives to the personal car
- Retention and provision of trees and vegetation
- The "Freo" Identity
- Provide smaller houses
- Good communication and engagement from the City with the community



Figure 3. Priorities for the project established at the dialogue café word cloud

### Guiding values for the project

The purpose of this topic was to establish what the community values about the areas they live in. There was a general agreement that the more human-related values (such as those suggested by dialogue café participants in figure 4 below) complement the physical or built values.

The combined list of values as provided by CCA and as discussed with participants across all engagement were -

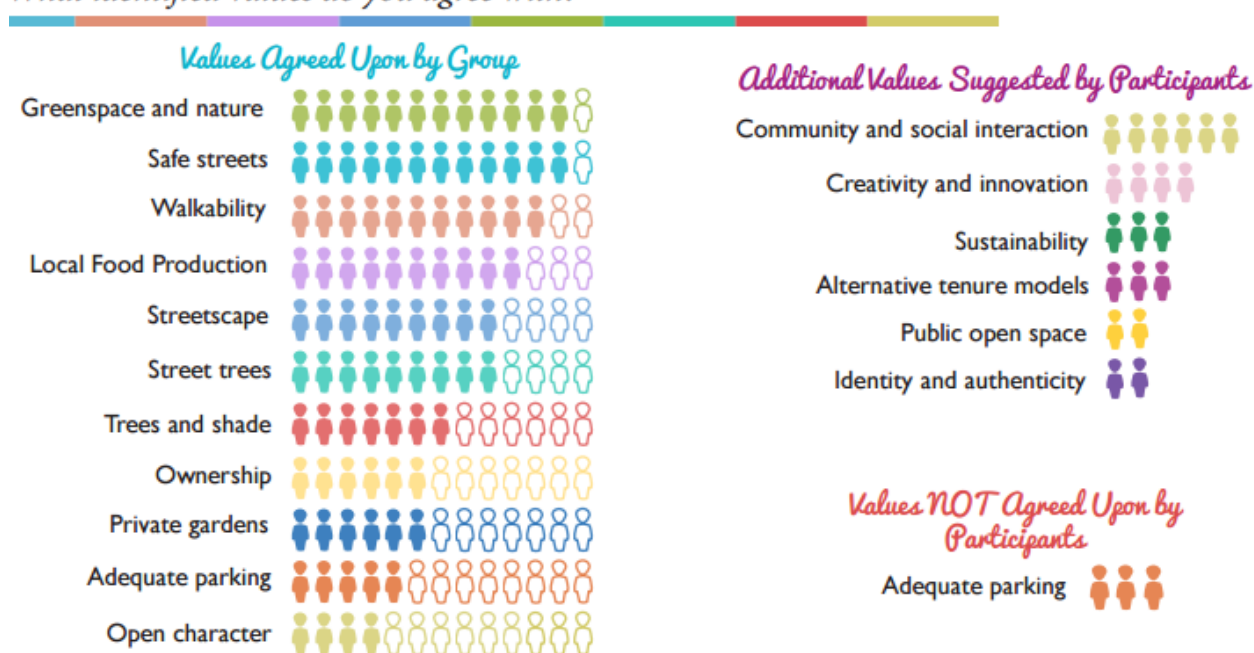
- *Trees.* There was unanimous agreement in all discussions that trees were essential and should not be lost during development. Many participants supported the idea of having a minimum required number of large trees per unit area of development.
- *A connection to nature and green spaces.* As with trees, many participants supported the idea of having a minimum required amount of open space and/or natural space per unit area of development.
- *Community and social interaction.* Most community members expressed a desire to see more vibrant neighbourhoods, more people talking to each other and a greater sense of community.
- *Safe streets.* Safety, including lighting and the concept of “eyes on the street,” was considered valuable, especially by Dialogue Café participants.
- *Different tenure models.* Ownership was considered important, but other types of tenure including renting were also considered valuable. More rights for renters and other tenants was deemed necessary.
- *Walkability, “cycleability” and public transport.* Participants were commonly divided on whether car parking and use of cars should be encouraged. However, those on both sides of this argument tended to agree that increased options including more

walkable and “cycleable” streets and more frequent and reliable public transport, were desirable and would reduce the need for cars and parking.

- *Sustainability*. This was a commonly used “catch all” term used for describing a key value – but needs to be clearly defined as it can relate to environmental, economic, social or other forms of sustainability. All of these are important but must be clearly delineated.

Summary of responses to the question on identified values at the Dialogue café are included in the figure 4 word cloud below.

#### *What identified values do you agree with?*



Dialogue Café participants were asked to vote within their groups on values they agreed with. The results from each of the values are shown above.

**Figure 4. Values agreed upon at the dialogue café word cloud.**

At the game of Freo LIFE (pop-in open days) participants were asked about the values above in terms of what they considered important when fitting small housing onto their game board. The top five answers were:

#### **Top responses from game of Freo LIFE**

**In deciding how to best fit the small house(s) on to your game board, how important were the following things in your decision-making?**

1. Keep existing trees; and Include sustainable features (first equal)
2. Encourage social interaction
3. Add new trees
4. Maintain open space on the lot
5. Create privacy

**What other things do you think are important for people who live in a small house that couldn't be captured on your game board?**

1. Diverse population
2. Safe communities
3. Location to amenities
4. Close to parks and green space
5. Strong community network

#### **Key themes**

Over the engagement period several themes consistently came up at each of the events and in the feedback officers received on the project. The focus of the engagement events was to establish and test the values and themes upon which planning responses could be based, not on detailed design solutions for diverse housing.

Some of these key themes can be more easily related to physical planning and design considerations than others. This section of the report aims to summarise the main feedback on each theme, and then provide officer comment (in bold text) distinguishing between specific points to address in the final refinement of draft planning scheme/policy provisions to facilitate more diverse housing forms (which will be the subject of a further report to Council in the near future) and aspects of the feedback which relate to broader matters which, although important, are outside the direct scope of statutory planning mechanisms.

### Theme 1 - Community

Community-centred development on a private and public scale came through strongly in all engagement events. Bringing a sense of community back into the way housing is provided was discussed at the dialogue café and all of the focus groups, and was physically included in several of the game of Freo LIFE participants' design of their own Fremantle suburb.

At the Dialogue café community and social interaction was identified as a guiding value. Sharing spaces, resources and facilities was also one of the top five priorities all tables collectively established for the project.

Participants at the focus groups discussed community in terms of being able to talk to their neighbour and knowing people in their street. Some participants asked what the City can do to help interactions between neighbours to make their streets 'friendlier'. There was also a willingness put forward by participants to share more resources within the community. On these points the focus groups suggested:

- Designing dwellings with open frontages i.e. verandahs, doors facing the street, less walls etc to help people meet and greet their neighbours.
- Community resource libraries for tools, machinery etc
- Co-housing models. One of the priorities from the focus groups was, *"To support the provision of co-operative housing which could house a mix of multiple groups including older residents, students, those requiring crisis accommodation and those with disabilities."*

In the game of Freo LIFE, one of the additional tiles participants could choose to include on their model was a blue tile with handshake graphic that represented communal space. This tile was used in many interesting ways including:

- Communal development i.e. fences removed and housing located around centrally located communal tiles.
- Communal street development i.e. the communal tile was also used to the front of the housing models sometimes on the street verge.
- Between existing and new development on one lot.

Other participants used the 'make my own' tile to denote a community recreation area on their site or some other communal shared facility.

In the feedback survey on the game of Freo LIFE participants noted social interaction was the second most important decision when deciding how to best fit the small house(s) on to their game board.

A related issue was private space and privacy. Private areas came up in discussions at the focus groups and in the game boards completed for the game of Freo LIFE. The open question feedback in the survey indicated the provision of private space for dwellings to be equally, if not more, important than communal space.

**Officer comment:**

**Participants at the engagement events highly valued spaces and building design that would enhance social interactions with their neighbours. The Freo Alternative initiative would likely not provide more public open space due to the small suburban scale of residential development it is intended to facilitate. However options can be explored in the planning provisions on development outcomes that would help foster social interactions between new smaller dwellings and adjoining development and the street. These may include design features or communal space between private dwellings requirements. The provision of adequate private outdoor space appears to be considered equally important.**

**Issues for consideration in next report on Freo Alternative planning provisions:**

- **Design provisions to promote communal interaction between neighbours.**
- **Quantity and form of private open space for each new dwelling.**

Theme 2 - Trees

Valuing existing and adding new trees in Fremantle suburban areas in both public and private spaces was a theme generally agreed across all engagement events. In the discussions on what participants valued in existing areas, established trees and their contribution to the amenity of areas and streetscapes came up time and time again. The other benefits of trees, such as increasing an area's ecological network, environmental qualities, etc. was also mentioned.

At the dialogue café green space and nature was the top agreed value. Street trees, and trees and shade were also high ranking values (refer to figure 4).

At the focus groups the retention and provision of trees and vegetation in both public and private spaces came up as a priority. Some participants advocated more verge planting and canopy policies while others saw that flexibility in retaining/planting trees when it came to allowing new development may also be required. Generally participants were interested in more information on the City's tree canopy and management of trees on public land. One group specifically discussed the benefits of legislating deep planting zones on private land.

Existing trees were provided on the game of Freo LIFE game boards. In the completed models it is evident that keeping existing trees was a priority for many when considering their game board. In the feedback survey on the game of Freo LIFE, participants voted existing trees to be the most important consideration [first equal with sustainability] when deciding how to best fit the small house(s) on to their game board.

Additional 'new' trees and green 'garden tiles' were also provided for participants to add on to their game of Freo LIFE game boards. From the photographs of the game boards it

is evident that most participants added a new tree (even if existing trees were removed), and the green 'garden' tile was well used when providing for new development.

In the open question feedback in the survey, participants stated:

- View of trees and green space is important to me.
- Reducing the site (footprint) of housing allows for more green space and trees.
- Provide incentives for retention of trees, native gardens.

At the development industry meeting, the building representatives were cautious of any rule that banned tree removal. They acknowledged that the community values trees, but it is not always economic or viable to retain a tree on a site where development is to happen. There was a preference towards providing for new trees in more appropriate places.

**Officer comment:**

**The feedback from the engagement events showed trees located on public and private land are highly valued. The planning response to the Freo Alternative will provide provisions for development on private land, not public land. Accordingly, the City could consider planning provisions that prescribe space on a lot to retain or plant trees. Past experience on this topic however has shown that tree retention/planting requirements are not straightforward, especially where development is also a desired outcome. A statutory planning response to this theme therefore needs to be carefully considered.**

**Independent of the Freo Alternative initiative, with regard to trees on public land the City has a number of objectives and measures of success under the Environmental Responsibility strategic focus area of the *Strategic Community Plan 2015-25* including:**

- **Maintain and upscale 1 000 new trees per year program.**
- **A 10% increase year on year of native verge gardens.**
- **Increase tree canopy cover by 20% by 2020 to address urban heat island effect in Fremantle.**
- **Preparation of an Urban Forest Plan (anticipated to be presented to Council and subsequently communicated to the public in 2017).**

**Issues for consideration in next report on Freo Alternative planning provisions:**

- **Design provisions to safeguard existing trees and/or require new tree planting on development sites, proportionate to achieving viable development of smaller housing typologies.**

**Theme 3 - Car parking**

Car parking was a polarising topic for participants at the dialogue café and focus groups. There was an even split between participants that considered providing car parking on site to be essential for development and those that did not.

The value of 'adequate parking' was one of the lower ranked values at the dialogue café. Parking and its relationship with other transport modes was cited as an issue to address when providing for diverse housing.

At the focus groups the notion that 20 years into the future cars may not be required as much as they are now was widely considered. Some participants were of the view that

reductions in providing on-site car parking could start to happen now as the younger generation use cars less and the sharing economy becomes popular. Others reflected that reductions could only be considered where street parking, wider verges for verge parking or public transport in the area was adequate. Some participants advocated that cars are needed now and should be provided when considering new development.

A priority to come out of the focus groups was: *“To consider alternatives to the personal car including more walkable and ‘cycleable’ neighbourhoods, better access to public transport and consideration of future technologies including communal electric cars.”*

In the industry meeting builders of smaller housing generally supported providing for cars on site. The representatives called garages ‘car bedrooms’, and while they anticipate their clients would still like to provide for cars on site they suggested new development could build garages that are adaptable to changes in use into the future.

The car related issue the industry group saw as more important was the turning circle for rear lots. Currently rear lots require a large proportion of driveway dedicated to providing for a turning space so that cars entering the property can reverse on site and re-enter the street in a forward gear. The industry group considered review of these requirements to allow for a smaller turning circle or allowing cars to reverse into the street would be a better alternative.

As part of the model on the game of Freo LIFE open days, cars for existing houses and cars for new housing were provided on the participant’s game board. Some participants did not provide any car parking and others provided grouped car parking. In the open question feedback in the survey on their model two participants noted they provided car parking on the verge and one showed car sharing facilities. Overall the survey showed car parking to be the lowest priority when participants designed their model.

#### **Officer comment:**

**The engagement feedback on the issue of providing car parking for new development was divided. Some participants highly valued the provision of parking on site while others did not. The City’s *Integrated Transport Strategy* acknowledges that not every household requires or wants a car space and suggests maximum car parking standards. As the Freo Alternative proposes smaller houses, officers suggest a reduction in car parking and/or maximum car parking provisions could be considered. In considering a reduction in car parking, factors such as proximity to amenities and public transport would also need to be considered.**

#### **Issues for consideration in next report on Freo Alternative planning provisions:**

- **Whether draft planning standards providing reduced parking requirements for new smaller housing types, as previously discussed by Council, are the most appropriate approach to deal with parking demand and travel behaviour.**
- **Whether current planning requirements for on-site vehicle manoeuvring space could be relaxed for new types of smaller residential development.**

#### **Theme 4 - Walkability/Public transport**

Related to the theme of car parking, ‘walkability’ and quality active/public transport options to support smaller housing types was a quality participants valued about their

neighbourhoods and rated as a priority for the project. Participants agreed that more walkable and 'cycleable' streets, and more frequent and reliable public transport, were desirable and would reduce the need for cars and parking.

In discussions participants shared their public transport stories – when/why they use/don't use public transport. Both regular and infrequent public transport users agreed accessibility and convenience, (e.g. location, routes and timing) are key to public transport use. Related to the car parking theme above, some participants noted they would not use their car if quality public transport was available. Some groups showed support for locating more housing near public transport routes.

Alternatives to personal car use came up in engagement conversations. There appeared to be support for car-sharing with the experiences in using the ridesharing service Uber cited several times as a positive example. The notion of car-sharing was also shown on some game of Freo LIFE game boards.

In terms of location to amenities, there was support in the focus groups for more businesses in suburban areas. There was recognition that business and customers now work on a global, internet-based market and running a business, whether it be goods or services, from home was becoming increasingly popular. Discussion within these groups suggested more flexibility in the work from home planning requirements or additional local centres or 'hubs' for these business types.

In the game of Freo LIFE, participants identified proximity to amenities and nearness to parks and green space as the third and fourth most important non-design related attributes for people living in a small house.

**Officer comment:**

**Participants showed a preference for locating new housing near public transport and amenities. There was also support for improving active and public transport facilities in the City of Fremantle. Most of these transport issues are beyond the direct scope of the Freo Alternative project, however the City's *Strategic Community Plan 2015-25* and *Integrated Transport Strategy* already identify priority objectives relating to active and public transport, to guide action by the City and other transport agencies to improve the quality of these modes and increase their level of use.**

**Within the scope of the Freo Alternative project, further consideration can be given to the distribution of areas where smaller housing types may be promoted relative to access to public transport and local amenities.**

**Issues for consideration in next report on Freo Alternative planning provisions:**

- **The level of access to public transport and local amenities required in order for an area to be considered a suitable, or preferred, location for the development of additional smaller housing typologies.**

Theme 5 - Open space

Discussions on open space were varied in that the provision of parks, such as sports fields or beach reserves, and open outdoor space on a private lot were talked about under the same theme. The discussions also crossed over into other themes such as trees, character and amenity of an area, and community. Overall, the value of open

space and connection to nature and green spaces, both on private land and on public land, was rated highly by the community when thinking about their suburban areas.

One of the major priorities identified through the engagement events was: *To create – or allow for the creation of – a diversity of open spaces*. Feedback from the focus groups was that new development in suburban areas provides little open space as new houses maximise the building on the lot. Participants viewed this development outcome negatively. Officers got the impression that some participants would prefer the traditional rhythm and configuration of buildings and garden space in suburban areas to be retained.

The game of Freo LIFE did not include a specific 'open space tile'. Instead it included a 'garden', 'private' and 'communal' space tiles. The models completed for the game of Freo LIFE showed participants used all three of these tiles well; the completed game boards appeared to provide ample open space with each new small dwelling. In the feedback survey on the game of Freo LIFE participants voted maintaining open space the fourth most important decision when deciding how to best fit the small house(s) on to their game board.

**Officer comment:**

**It was apparent through the engagement that participants valued the open feel of traditional suburban development on private lots and public open spaces. The concern presented was that current new infill development provides little usable open space and reduces the amount of garden space and trees. This then alters the rhythm and 'feel' of suburban areas. Maintaining the traditional open feel of private lots in suburban areas, whilst at the same time allowing for viable development of smaller housing typologies, is one of the major challenges in determining the planning provisions that should be adopted at the next stage of this project. Previously considered draft provisions dealing with maximum dwelling size, open space/landscaping requirements and setbacks can be reviewed in a further report to Council.**

Providing additional public open space through the Freo Alternative is not within the scope of the project. The City is, however, exploring this topic through other avenues. For example, the City's *Greening Fremantle Strategy (Green Plan)* includes an objective of providing the community with access to functional public open space within a 400m walkable catchment. The first projects to be considered under this initiative are new pocket parks in Hilton and O'Connor. These parks have undergone community consultation and their designs are currently being considered.

**Issues for consideration in next report on Freo Alternative planning provisions:**

- **Review of draft planning standards for open space, outdoor living area and landscaping requirements, as previously discussed by Council, in the light of the community engagement feedback.**

Theme 6 - Character and design

The responses on this topic were diverse and included:

- Identity
- Tiny housing
- Innovative and good design.

The idea of the 'Freo identity' was frequently mentioned at the engagement events. Many participants stated they want to 'keep what it means to be Freo'. To some this concept is related to character and heritage of the area and to others it relates to a sense of spirit, vibrancy and interest on the streets. While the concept means different things to different participants, CCA note that whatever the 'Freo identify' is for community the underlying idea is that Fremantle is loved by the people who live there, as a place like no other.

Tiny houses came up in all of the engagement events and surveys. Tiny houses are homes predominantly on wheels and moveable by vehicle. Currently planning and building rules do not recognise tiny houses as 'dwellings'. Ultimately advocates of the tiny house movement would like to see more flexibility in the planning rules when providing for tiny houses.

Across the engagement events there was broad support for innovative and good design in any planning outcome on diverse housing. While the engagement events were not solution/design focused some statements did come through on innovative (comments also related to sustainability theme below) and good design. A selection of comments received on the theme is provided below:

- Consider house entrances via gardens rather than carports and 'friendlier' frontages such as verandas, doors facing the street, less walls etc. (Refer to community theme above).
- Ensure efficient and functional design
- Provide for good solar access/passively designed homes.
- Human-centred design.
- Break our love of bricks.
- Mandate two-storey on small blocks.
- Ensure good architectural design with regard to its location.
- Provide a mix of grouped and standalone layouts.
- Do not allow 'donga' development.
- Attract interesting architecture e.g. design charrette
- Better "Freo styles" of architecture but not Council telling us how to build a house.
- Allow good pre-fab design.
- Allow imaginative design.
- Design of whole blocks, rather than individual properties.
- Allow washing machines in kitchens.
- Lighting and the concept of "eyes on the street" for safe streets and safety.

#### **Officer comment:**

**It is clear from the engagement that while there is support for smaller housing types the unknown 'end product' or design of smaller housing is a concern for the community. Many participants discussed good quality outcomes and opposed badly designed houses or 'transportables'. Specific comments provided on how to achieve good design ranged from the City mandating a set of design concepts for development, to allowing a free range on design so as to conserve the 'Freo identity'. How innovative and good design can be fostered and achieved through planning requirements needs to be carefully considered. Further discussion on the options for design will be presented for Council's consideration in a subsequent report to Council on the Freo Alternative.**

An underlying premise of the Freo Alternative is to allow for smaller housing types on existing suburban lots to be developed, subdivided and the land and house owned in separate title. Officers anticipate the resulting development would be small-scale developments in the 'backyard' in separate ownership to the main house, or permanent 'micro village' development. Tiny house development could be considered as part of these development types where they meet the requirements, however in discussions with tiny house advocates and considering the nature of many tiny houses – movable, and often meeting the legal definition of a caravan rather than a building under WA legislation - it appears the priority for this development type is not necessarily land ownership or planning provisions as the Freo Alternative would provide, but more certainty around legally occupying land. The requirements for caravans occupying land are specified under the *Caravan Parks and Camping Grounds Act 1995* and *Caravan Parks and Camping Ground Regulations 1997*. The City's duties as a local government under this legislation are primarily administered through the Environmental Health team. As a complementary action to finalising planning provisions under the Freo Alternative initiative, the City could consider providing general guidance information to the community on living accommodation that is regulated under the above legislation. Officers will provide more detail on this option as part of the next report to Council on the Freo Alternative project.

**Issues for consideration in next report on Freo Alternative planning provisions:**

- **The extent and form of provisions to ensure good quality design outcomes (including design that is responsive to local character and context).**

#### Theme 7 - Sustainability

The theme of sustainability came up in many forms including specific elements in the design of buildings (e.g. solar panels and rainwater tanks) and the broader concept of houses that are more sustainable to occupy and run (discussed in Theme 8 – Affordability below). The enhancement of sustainability came out as a priority in all engagement events, and there appeared to be across the board support for more sustainability elements in the design and construction of new housing.

Sustainability as a key concern came up at the dialogue café. Specific feedback on sustainability issues at dialogue café event included:

- Renewable energy use
- Off-grid housing
- Sustainable intelligent communities and buildings
- Ecological corridors
- Incentives for sustainable/innovative projects
- Embed sustainability into the planning strategy.

The game of Freo LIFE included a specific grey 'sustainability' tile with solar panel graphic. The majority of participants used the sustainability tile on their completed game board. In the feedback survey on the game of Freo LIFE participants voted sustainability to be the most important decision [first equal with existing trees] when deciding how to best fit the small house(s) on to their game board.

**Officer comment:**

The requirements for sustainability can be interpreted several different ways and mean something different to everyone. In the context of the City's One Planet Strategy, a number of high level sustainability principles such as land use and wildlife, culture and heritage, and health and happiness link closely to themes of community interaction, trees and open space and character which have already been discussed above. At a more specific level, smaller housing types which the Freo Alternative initiative is intended to promote should be inherently more sustainable to build and run than larger houses as they involve less embedded energy in construction through being physically smaller and should consume less energy to light, heat and cool.

In the context of statutory planning provisions which will be a specific output from the Freo Alternative project, consideration can be given to the extent to which to mandate or incentivise design and construction elements which can contribute to more sustainable built development. One example of where the City has already implemented this into the planning framework is the City's *Local Planning Policy 2.2 - Split Density Codes and Energy Efficiency and Sustainability Schedule*. Under this policy development must attain a minimum seven star energy rating and additionally provide solar panels and water tanks. Similar requirements could be considered for development under the Freo Alternative provisions.

Issues for consideration in next report on Freo Alternative planning provisions:

- The extent and form of provisions to encourage or mandate higher than 'business as usual' sustainability standards in building design and construction.

#### Theme 8 - Affordability

Affordability of housing came up in the discussions in many forms including:

1. Housing affordable to buy/rent.
2. Housing affordable to run (related to sustainability theme above).
3. The provision of different tenure models to allow for owners (including co-ownership) and renters.

In the question on the future of housing in Fremantle participants shared a concern that in the future housing in Fremantle will not be affordable to buy or rent, and the market will continue to offer large houses despite households in suburban areas becoming smaller. Participants considered one of the benefits of smaller housing options may be that they provide more affordable choices in Fremantle for home owners and renters alike.

Affordability of living in a house was also a matter that was raised consistently. Smaller housing in general should be more cost effective to run than larger housing. As already referred to under Design and Sustainability themes above, participants suggested efficient and solar passive design could be considered as part of developing smaller housing ideas.

There was a lot of curiosity in the focus groups about co-ownership models as the focus groups took place the week the City launched its expressions of interest process for a 'Baugruppen' model development at No. 7 Quarry Street. Many of the focus groups discussed co-ownership in a positive sense as a more affordable and community

focused way for people to enter the housing market, and in general this housing type was supported.

**Officer comment:**

**Through the engagement events it was evident that there is interest in the community around different housing models that would provide for more affordable options to rent or buy a home. These options include financial mechanisms for providing affordable housing e.g. for key workers or low income households and co-ownership housing models. While the Freo Alternative will not directly provide these options it would not prevent such financial models being applied to development built under the Freo Alternative planning framework. The primary purpose of the project is to allow for smaller houses to be built in suburban areas, and by increasing the diversity of housing size and type in these areas contribute to the supply of comparatively affordable alternatives to housing currently delivered by the market. Outside of the Freo Alternative project, there are a number of current initiatives that address housing affordability through other mechanisms, including the City's Baugruppen EOI and a similar proposal at LandCorp's WGV development.**

**Officer do not consider there are any specific issues arising from this theme of the engagement process which require further examination in the next report on Freo Alternative planning provisions.**

**Next steps**

Officers propose that the next step for the project will be to draw on the information in this report, and specifically the 'Issues for consideration' dot points in the officer comment sections above, to review the draft planning provisions for diverse housing previously agreed by Council in its resolutions of September 2015 and March 2016. This review will be reported to the next appropriate Planning Committee and Council meetings, with a recommendation on how to proceed with the commencement of formal planning processes to introduce statutory provisions that would facilitate development of housing types envisaged through the Freo Alternative/diverse housing project.

**CONCLUSION**

The purpose of *The Freo alternative – Big thinking about small housing*, engagement process was to generate a shared community discussion and vision on the future of housing in Fremantle. This report outlines the consultation undertaken discusses the key themes that came out of the community engagement events and surveys.

The main high level conclusion that may be drawn from the findings of all the engagement events is that the City's proposal to introduce an innovative approach to provide for diverse housing forms has been positively perceived, and is garnering interest in the community. Beyond this high level message of broad support from community members who participated in one or more elements of the engagement process, eight key themes (some of which overlap with one another to some extent) emerged as matters which participants regard as the most important to address in developing specific planning provisions to facilitate the development of more diverse housing in suburban parts of the City of Fremantle. These themes have been discussed

in the Planning Comment section of this report, and will provide a focus for further work on the project that will be presented to a future meeting of the Planning Committee, as outlined under 'Next steps' above.

## **COMMITTEE AND OFFICER'S RECOMMENDATION**

**MOVED: Cr J Strachan**

- 1. That Council receive the information on the *Freo alternative – Big thinking about small housing* community engagement process and outcomes as presented in this report and in the report produced by Creating Communities Australia provided in attachment 2 of the Planning Committee agenda 11 January 2017.**
- 2. That officers prepare a report to the next appropriate Planning Committee meeting on:**
  - a. A review of the draft development provisions considered by Council in September 2015 and March 2016 in the context of the eight key themes identified during the Freo Alternative community engagement process. These themes are: community, trees, car parking, walkability/quality transport options, open space, character and design, sustainability and affordability. The review of draft development provisions should specifically address the following matters:**
    - Design provisions to promote communal interaction between neighbours.
    - Quantity and form of private open space for each new dwelling.
    - Design provisions to safeguard existing trees and/or require new tree planting on development sites, proportionate to achieving viable development of smaller housing typologies.
    - Whether draft planning standards providing reduced parking requirements for new smaller housing types, as previously discussed by Council, are the most appropriate approach to deal with parking demand and travel behaviour.
    - Whether current planning requirements for on-site vehicle manoeuvring space could be relaxed for new types of smaller residential development.
    - The level of access to public transport and local amenities required in order for an area to be considered a suitable, or preferred, location for the development of additional smaller housing typologies.
    - Draft planning standards for open space, outdoor living area and landscaping requirements.
    - The extent and form of provisions to ensure good quality design outcomes (including design that is responsive to local character and context).
    - The extent and form of provisions to encourage or mandate higher than 'business as usual' sustainability standards in building design and construction.

- b. Recommendations on how to proceed with the commencement of formal planning processes to introduce statutory provisions to facilitate development of smaller, more diverse housing types having regard to the review of matters referred to in recommendation 2a. above.**

**CARRIED: 6/0**

<b>For</b>	<b>Against</b>
Cr Jon Strachan Cr Simon Naber Cr Doug Thompson Cr Hannah Fitzhardinge Cr Ingrid Waltham Cr Jeff McDonald	

## REPORTS BY OFFICERS (COMMITTEE DELEGATION)

The following items are subject to clause 1.1 and 2.1 of the City of Fremantle Delegated Authority Register

Cr J Strachan MOVED en bloc recommendations numbered PC1701-5 and PC1701-6.

**CARRIED: 6/0**

For	Against
Cr Jon Strachan Cr Simon Naber Cr Doug Thompson Cr Hannah Fitzhardinge Cr Ingrid Waltham Cr Jeff McDonald	

The following item number PC1701-5 was MOVED and carried en bloc.

### **PC1701 -5      JOINT DEVELOPMENT ASSESSMENT PANEL DECISIONS UPDATE - INFORMATION REPORT**

ECM Reference: 059/002  
Disclosure of Interest: Nil  
Meeting Date: 11 January 2016  
Responsible Officer: Acting Manager Development Approvals  
Attachments: Nil

## EXECUTIVE SUMMARY

The following application was recently reconsidered by the Metropolitan South-West Joint Development Assessment Panel:

1. 52 Adelaide Street, Fremantle: Demolition of existing building and construction of an eight (8) storey (plus basement) mixed use development (72 x Multiple Dwellings, 7 x commercial tenancies).

The following application was recently determined by the Metropolitan South-West Joint Development Assessment Panel:

2. No.3 and 3a Paget Street, Hilton: Demolition of two single storey Grouped Dwellings and construction of a two (2) storey (12) Multiple Dwelling development.

The purpose of this report is to report on these recent Joint Development Assessment Panel (JDAP) decisions.

## **BACKGROUND**

### No. 3 and 3a Paget Street

The proposed demolition of two Grouped Dwellings and construction of a two storey Multiple Dwelling (12 Dwelling) development at No. 3 and 3a Paget Street, Hilton was considered by Planning Committee on 7 December 2016. The application was presented with an on balance recommendation for approval with conditions; however, Planning Committee (PC) resolved to support a recommendation for refusal as follows:

*That the application be REFUSED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the demolition of two Grouped Dwellings and construction of a two storey Multiple Dwelling (12 Dwelling) development at No. 3 (Lot 1) and No. 3a (Lot 2) Paget Street, Hilton, as detailed on plans dated 3 November 2016, for the following reason:*

- 1. The proposal is inconsistent with the requirements of the Residential Design Codes in respect to Building Size, Lot Boundary Setbacks, Open Space and Landscaping.*

*Advice note:*

- i. That the JDAP be advised that the Planning Committee considers, notwithstanding the recommendation for refusal, that the design has merit and the City are willing to work with the applicant to address the issues of concern.*

Subsequent to the Planning Committee meeting, the application was discussed at a JDAP meeting on the 15 December 2016, with the following resolved by JDAP:

*That the Metro-South West Joint Development Assessment Panel resolves to:*

***Defer*** the application reference DAP/16/01103 for demolition of two grouped dwellings and construction of a two storey residential development, to allow the applicant to give further consideration to reducing the impact of unit 12 on the Southern neighbour and further review of the landscaping plan to ensure the minimisation of hard paved areas and protection of privacy of the neighbouring properties, to be considered no later than February 2017.

At the time of writing this report, no amended plans had been received from the applicant.

### No. 52 Adelaide Street, Fremantle

The proposed demolition of existing building and construction of an eight (8) storey (plus basement) Mixed Use development was refused by the Metro South West JDAP at its meeting on the 7 November 2016 for the following reasons:

- 1. The proposal is inappropriate having regard Clause 1.3.2(e) of Schedule 12 of the City of Fremantle Local Planning Scheme 4 which relates to building height.*

2. *The proposal would be detrimental to the amenity of the area under clause 67(a), (b), (m), (n), (x) and (y) of the Planning and Development (Local Planning Schemes) Regulations 2015.*

The applicant chose to appeal the above decision through the State Administrative Tribunal (SAT). SAT invited JDAP to reconsider their previous decision upon lodgement of revised plans. PC was provided the opportunity to review the revised proposal at their meeting on 7 December 2016, resolving to support the revised plans subject to conditions as per the Officer's Recommendation.

At their meeting on 15 December 2016, the Metro South West JDAP resolved to reconsider their previous decision, and approve the revised plans in accordance with the Officer's Recommendation which PC also supported. The applicant may choose to accept the revised decision or continue with the appeal process through SAT.

## **OFFICER'S RECOMMENDATION/COMMITTEE DECISION**

**MOVED: Cr J Strachan**

**That the update information report on Joint Development Assessment Panel decisions for December 2016 be noted.**

**CARRIED: 6/0**

<b>For</b>	<b>Against</b>
Cr Jon Strachan Cr Simon Naber Cr Doug Thompson Cr Hannah Fitzhardinge Cr Ingrid Waltham Cr Jeff McDonald	

The following item number PC1701-6 was MOVED and carried en bloc.

**PC1701 -6      SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY**

Acting under authority delegated by the Council the Manager Development Approvals determined, in some cases subject to conditions, each of the applications listed in the Attachments and relating to the places and proposal listed.

**OFFICER'S RECOMMENDATION/COMMITTEE DECISION**

**MOVED: Cr J Strachan**

**That the information is noted.**

**CARRIED: 6/0**

<b>For</b>	<b>Against</b>
Cr Jon Strachan Cr Simon Naber Cr Doug Thompson Cr Hannah Fitzhardinge Cr Ingrid Waltham Cr Jeff McDonald	

## REPORTS BY OFFICERS (COUNCIL DECISION)

Cr H Fitzhardinge left the meeting at 8.11 pm.

Cr H Fitzhardinge returned to the meeting at 8.13 pm.

### PC1701 -7 SUBMISSION TO WAPC- DRAFT DESIGN WA DOCUMENTS

ECM Reference:	102/009
Disclosure of Interest:	Nil
Meeting Date:	11 January 2017
Responsible Officer:	Acting Director Strategic Planning and Projects
Actioning Officer:	Manager Strategic Planning, A/Manager Development Approvals, Manager City Design and Projects
Decision Making Level:	Council
Previous Item Number/s:	Nil
Attachments:	1. Design WA Brochure

## EXECUTIVE SUMMARY

The Western Australian Government has released *State Planning Policy 7 - Design of the Built Environment* (SPP7) and three accompanying documents for public comment. In total, a suite of five accompanying design documents and one discussion document are proposed under SPP7. These documents relate to the promotion of good design in new development.

The three draft policy documents, along with the SSP7 on Design of the Built Environment, currently released for public comment are:

- Apartment design - a replacement for the section of the current Residential Design Codes dealing with multiple dwelling developments;
- Design Review Guide - a guide for local governments on setting up and operating design review processes; and
- Design Skills discussion paper - a discussion paper on required design skills for designers of complex developments.

This report summarises the key content and issues raised in the draft documents, and recommends to Council a submission to be made by the City of Fremantle. The closing date for submissions on all the documents is 16 January 2017. Due to this deadline a submission will be lodged with the Western Australian Planning Commission (WAPC) immediately following the Planning Committee's consideration of this item on 11 January, and officers will advise the WAPC that the City may wish to submit supplementary comments following Council's consideration of the item on 23 January as the Planning Committee does not have delegated authority to make a final resolution on this matter on behalf of the Council.

## BACKGROUND

Design WA is a broad initiative by the WA Government to ensure that good design is at the core of all development through all stages of the design, planning and development process. *State Planning Policy 7 Design of the Built Environment* (SPP7) is planned to be the overarching state planning policy for the promotion of good design in new development. Under this policy the WA Government plans five policy documents and a paper for discussion (refer to figure 1).

As a first stage of this initiative the government is seeking to improve the consistency of apartment design policy across WA. The vehicle for achieving this is a suite of four documents, including SPP7. These documents have recently been published in draft for public comment. The Design WA Brochure can be found in **attachment 1**. The full suite of documents currently out for public comment can be accessed online - [planning.wa.gov.au/DesignWA](http://planning.wa.gov.au/DesignWA). The WA government is requesting submissions on the draft documents by 16 January 2017.



Figure 1. Suite of SPP7 documents

## SUMMARY OF DRAFT DOCUMENTS

The documents currently released for public comment are:

- State Planning Policy 7 - Design of the Built Environment (SPP7) – Overarching state planning policy on design and built environment;
- Apartment design - a replacement for the section of the current Residential Design Codes dealing with multiple dwelling developments;
- Design Review Guide - a guide for local governments on setting up and operating design review processes; and
- Design Skills discussion paper - a discussion paper on required design skills for designers of complex developments.

The WA government has also indicated that three further documents will be published in due course:

- House design - a replacement for the part of the current Residential Design Codes (R-Codes) dealing with single house and grouped dwelling developments.
- Neighbourhood design – It is anticipated the Liveable Neighbourhoods publication currently under review will become this document.
- Precinct design - No details provided.

The documents currently out for public comment are outlined below.

### ***State Planning Policy 7 – Design of the Built Environment (SPP7)***

State Planning Policy 7 (SPP7) is the lead policy document of Design WA that applies to the whole built environment across all planning and development types. Under this policy (refer to figure 1) a suite of six accompanying design documents relating to the promotion of good design in new development are planned with three of these currently released for public comment.

SPP7 is intended to be applied at several levels of the planning system – structure planning, subdivision, development applications and major public works. The policy sets up the requirement for expert design review as a part of the evaluation process, skilled design expertise as part of development design and includes the following 10 underlying design principles to provide a consistent framework to guide ‘good’ design:

<ul style="list-style-type: none"> <li>• Context and character</li> <li>• Landscape quality</li> <li>• Sustainability</li> <li>• Functionality and quality</li> <li>• Amenity</li> </ul>	<ul style="list-style-type: none"> <li>• Legibility</li> <li>• Built form and scale</li> <li>• Safety</li> <li>• Aesthetics</li> </ul>
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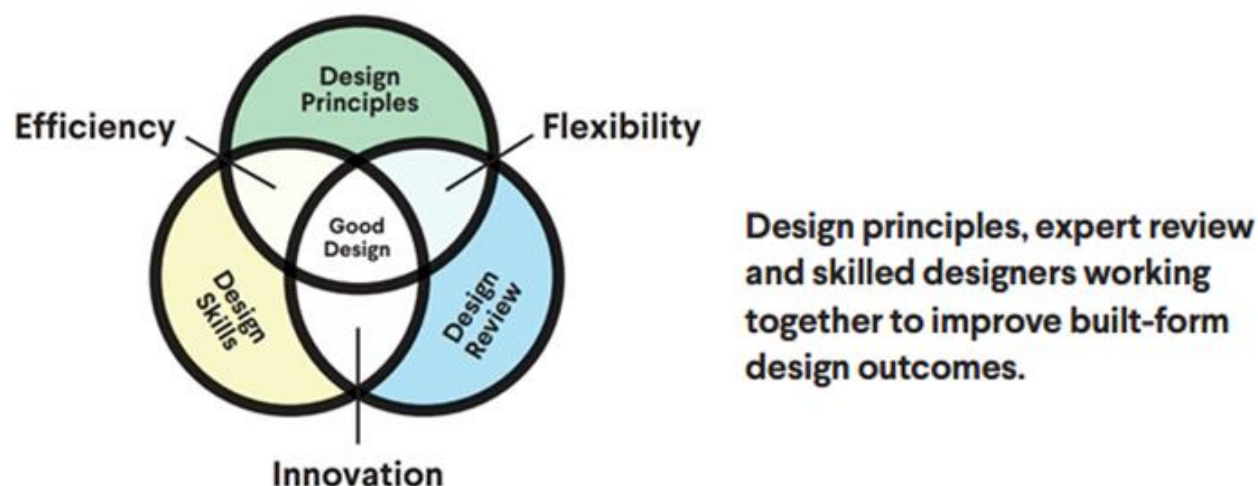


Figure 2. The coordination of design mechanisms proposed under SPP7

### ***Apartment Design***

Apartment design is one of two volumes, which will together comprise State Planning Policy 7.3 – Residential Design Codes. The other volume will cover house design. Apartment Design will replace the parts of the current Residential Design Codes that apply to multiple dwellings.

Apartment Design improves guidance for siting and orienting buildings into existing and emerging neighbourhoods. The document veers away from the current prescriptive control approach and instead offers a wider and more comprehensive range of performance based controls. The purpose of this is to support design practitioners and decision makers who propose alternative and better design solutions.

The document is based on the ten design principles and is separated in four parts with accompanying appendices:

1. *Introduction* – statutory text confirming the purpose and application of the policy
2. *Primary controls* – default controls relating to the density coding including building height, plot ratio, setbacks etc.
3. *Siting the building* – addresses the concept design of apartment buildings including site context, interfaces etc.
4. *Design the building* – informs the design development including building form, layout, functionality, environmental performance, residential amenity etc.
- Appendices - includes checklists for information required at different stages for design practitioners, reviewers and decision makers.

### ***Design Review Guide***

The Design Review Guide is a guide to assist local governments to establish and operate design review panels, and improve the consistency of design review processes already in operation across the State.

This is an advisory document setting out a best-practice model that could be adopted by local governments in setting up and operating design review bodies. It is based on design review methodology developed by the former UK Commission for Architecture and the Built Environment (CABE) which is widely considered to represent international best practice.

The ten design principles established in SPP7 are used in this guide to define design quality and form the basis for design review. The guide contains information on when a design review is recommended and supports early design discussions with local government. The WA Government's rationale for suggesting the implementation of design review for large development applications is to reduce time and costs at the development application and building licence stages.

### ***Design Skills discussion paper***

The design skills discussion paper seeks comment on whether the State should apply requirements for skilled design practitioners to design complex developments.

The paper outlines why skilled design practitioners are important to achieving good design outcomes, particularly for complex developments such as apartments. It also details the role of formal qualifications, regulation and industry associations.

The paper suggests three options

*Option 1* – Threshold based regulation: Development above a certain threshold would have to be designed by a certified registered architect.

*Option 2* – Competency standards: Similar to option 1 however allows for building designers, other than architects, to also design larger developments.

This would require a recognised industry body to introduce accreditation of design skills for this purpose or separate accreditation process.

*Option 3 – No additional regulation.*

## **COMMENT**

Officers consider the following matters to be the most significant aspects of the draft documents. Officers recommend that the officer comment on these should form the basis of a submission by the City of Fremantle, subject to any additional comments Council may wish to make.

### ***State Planning Policy 7 – Design of the Built Environment***

The introduction of a new overarching state planning policy to address design quality of the built environment is supported. However, the draft policy in its current form is essentially a statement of principles of good design and processes intended to promote design quality. There is no clear statement regarding the status of the document in the context of statutory decision-making (i.e. it is a matter that must be given due regard in decisions made under local planning schemes). The 10 design principles set out in a schedule to the policy are similar to the seven principles for design quality the City's Design Advisory Committee use to assess large developments. Officers support these principles, however it is considered the policy would be of greater value if it contained an explicit statement that due regard should be given to the extent to which a proposed development addresses these principles in the determination of development applications by local governments and Development Assessment Panels.

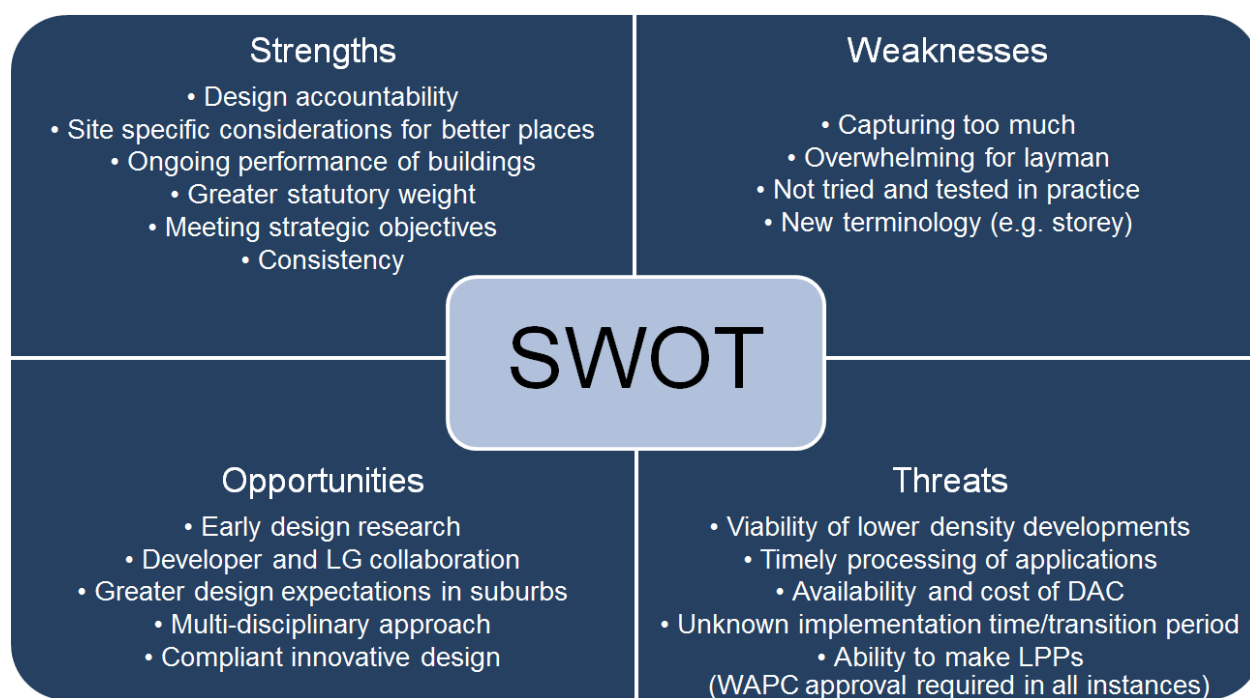
The draft policy also contains limited information on the function and status of the other design documents that are to be adopted under the overall Design WA framework. Officers consider greater clarity regarding the relationship between the various documents should be provided within SPP7.

#### **Recommended submission comment:**

**The introduction of a new overarching state planning policy for the purpose of improving design of the built environment, and the 10 design principles included within the policy, are supported by the City of Fremantle. However the City suggests the policy would be of greater value if it contained an explicit statement that due regard should be given to the extent to which a proposed development addresses these principles in the determination of development applications. Additionally greater clarity regarding the function and status of other documents forming part of the overall Design WA policy framework should be provided in SPP7.**

### ***Apartment Design***

Officers have undertaken a Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis of the proposed apartment design document. A summary of the SWOT analysis is provided in figure 3 below and discussed below.



**Figure 3. SWOT analysis of Design WA's Apartment Design document**

### *Strengths and Opportunities*

In addition to the standard planning requirements (i.e. height, plot ratio, setbacks) of the current R-codes the apartment design document covers siting and design of development and buildings. Overall, officers support the performance based approach to apartment design as it provides:

- greater accountability for creating good design outcomes
- improved internal and external amenity of new buildings
- liveability of apartments

Officers looked at the apartment design document in the context of design-related issues that in a Fremantle context are considered important and have been raised on a regular basis as a desired outcome or a source of concern by elected members, the local community and/or the Design Advisory Committee. These issues are listed in figure 4 below. The apartment design codes appear to address all these issues to at least some extent, and overcome 'gaps' in the existing statutory planning framework (principally the local planning scheme and the current R-Codes). Officers consider the initiative to address these issues within a more comprehensive replacement for the current R-Code provisions relating to multiple dwelling developments should be commended.

Local issues	LPS4 and LPPs	R-Codes (current)	A-Codes (Proposed)
Retention of existing vegetation	X	X	✓
Deep planting zones	X	X	✓
Adaptive reuse (heritage)	X	X	✓
Internal amenity of apartments	X	X	✓
Incentive based provisions	Sometimes	X	✓
Poor design outcomes	Sometimes	X	✓
Local context and character	Sometimes	X	✓

Figure 4. Analysis of local issues covered by current and proposed planning documents

The approach proposed in the apartment design document will be multi-disciplinary i.e. planners, building surveyors and building designers working together. The document provides the opportunity for design research at early stages and collaboration between the applicant and local government. This approach should result in better apartment design.

#### Recommended submission comment:

Overall, the City supports the performance based approach to apartment design as it will:

- Facilitate a multi-disciplinary approach
- Enable design research and collaboration between the applicant and local government at early stages
- Provide greater accountability for creating good design outcomes
- Improve internal and external amenity of new buildings
- Create liveable apartments

The City commends the state government on specifically including the following issues within the apartment design document and thereby enabling them to be given due regard in the assessment of development applications for new apartment buildings:

- Retention of existing vegetation
- Deep planting zones
- Adaptive reuse (heritage)
- Internal amenity of apartments
- Incentive based provisions
- Poor design outcomes
- Local context and character

### *Weaknesses and Threats*

While officers consider the City should support the overall policy approach adopted in apartment design document, and many of its specific provisions, officers are concerned about the size and breadth of content of the document compared to the existing R-codes. Part 6 of the current Residential Design Codes, which provides for the assessment of multiple dwellings, is 13 pages long. The proposed apartment design document consists of four parts ranging from primary controls to designing and siting the building. The draft document is 163 pages long.

The size of the document is a concern for officers as it will be cumbersome for both applicants and decision-makers to use. The R-codes is already an overwhelming document for some applicants and for the general public. The draft apartment design document would require applicants to consider the siting of the building and all external and internal aspects of a new building. While this will result in a better design outcome it may affect the viability of smaller developments and some flexibility in the requirements for these developments types may be necessary. Officers are additionally concerned about the implementation and transition period towards using the apartment design document to assess developments. Being a large and comprehensive document adequate time will be required to enable applicants and planning officers to comprehend and understand the intricacies of an assessment under the apartment design document.

The draft document provides new terminology of 'design criteria', 'design guidance' and 'planning guidance', which is inconsistent with other planning documents. The current 2015 R-codes uses the terms 'deemed to comply' and 'design principles'. Prior to the latest R-codes the terminology was 'acceptable development' and 'performance criteria'. Planning officers and applicants are familiar with the current terminology and changing the words again is not considered necessary. It is also not clear what the difference is between design criteria, design guidance and planning guidance. Officers suggest clear and consist terminology is used across all documents.

The current R-codes allows local government to make a local planning policy or local development plan to amend or replace some provisions in part 5 and 6 of the R-codes, including building height and setbacks, without requiring WAPC approval. The draft apartment design document appears to take this power away from local government and requires all amendments or replacements to the planning requirements of the apartment design document to be approved by WAPC. Officers question the WAPC's ability to deal with an increased number of local planning policy assessments in a timely manner and the need to control of local planning policies that provide for height and setbacks in a locality. Allowing for local governments to adopt a local planning policy or local development plan as per the *Planning and Development (Local Planning Schemes) Regulations 2015* for planning matters such as setbacks and height should be retained.

### **Recommended submission comment:**

**While the City supports the overall policy approach adopted in apartment design document, and many of its specific provisions, it is concerned about the size and breadth of content of the document compared to the existing R-codes. The City also suggests adequate transition time between the current Residential Design Codes and State Planning Policy 7 – Design of the Built Environment (SPP7) documents would be required to prepare for the use of the documents when assessing developments.**

The City suggests clear and consistent terminology is used across all planning documents. The current terminology of the Residential Development Codes e.g. 'deemed to comply' and 'design principles' is considered clear and adequate to use when outlining the planning requirements. The City suggests consideration be given to using these terms in the apartment design document. If no changes are made, the City suggests that the meanings and differences between the terms 'design criteria', 'design guidance' and 'planning guidance' currently used in the draft document need be explained more clearly.

The current R-codes allows local government to make a local planning policy or local development plan to amend or replace some provisions in part 5 and 6 of the R-codes, including building height and setbacks, without requiring WAPC approval. The draft apartment design document appears to take this power away from local government and requires all amendments or replacements to the planning requirements of the apartment design document to be approved by WAPC. The City questions the WAPC's capacity to deal with an increased number of local planning policy assessments in a timely manner and the need to control of local planning policies that provide for height and setbacks in a locality. Allowing for local governments to adopt local planning policy or local development plan as per the *Planning and Development (Local Planning Schemes) Regulations 2015* for planning matters such as setbacks and height without the need to gain WAPC approval should be retained.

#### *Other comments*

Additional specific comments on other detailed aspects of the apartment design document are provided in the officer's recommendation. These suggest amendments and further clarity on such provisions as streetscape character types (attached and detached), plot ratio, visual privacy etc.

#### ***Design Review Guide***

The design review guide is comprehensive and would be helpful for any local government establishing and running a Design Review Panel. The guide advocates an approach very similar to the one already used by the City in the establishment and ongoing operation of its own Design Advisory Committee (DAC). For these reasons the guide is supported.

Officers further note that Design Review Panels can be costly for local governments (especially smaller ones) to administer and maintain. Also, not all local governments in WA would require a fully functioning design review panel at all times. The guide outlines various options for local governments across the state to implement a design review panel including individual design review panel member, a full design review panel or a specifically appointed City architect. There is also provision for the state design review panel to help with large projects in the interim prior to local governments establishing a design review panel. Officers suggest flexibility is provided to local government on the need to establish a design review panel especially where few large development applications are received.

#### **Recommended submission comment:**

**The design review guide is comprehensive and would be helpful for any local government establishing and running a Design Review Panel. The City supports**

**the use of Design Review Panels in the consideration of larger development proposals. The City however notes that review panels can be costly to administer and maintain. Therefore flexibility around the requirement for design review panels, and their composition, should be allowed for smaller local governments or local governments where few large development applications are received.**

***Design Skills discussion paper***

The design skills discussion paper discusses the three options for requiring a qualified designer to design new large developments. The options are:

- Option one – threshold-based regulation [registered architect design new development].
- Option two – competency standards [registered architect or similar design new development].
- Option three – no regulation.

The approach of requiring a registered architect to design new large development is similar to New South Wales' (NSW) State Environment Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65), which has been in effect since 2002 and demonstrated to improve the quality and amenity of such buildings in NSW. It is also similar to the approach proposed in the City's Scheme Amendment No. 42.

In 2013 the City initiated Scheme Amendment No. 42 to require a registered architect to design "large developments". The purpose of the amendment was to further strengthen the City's approach and commitment to quality design and improve the level of building design provided in development applications viewed by the Design Advisory Committee.

Scheme amendment No. 42 was advertised to the public and at the final adoption stage, contrary to the officer's recommendation, Council did not endorse the Scheme amendment for final adoption. Part of the reason for this decision was that only a low number of applications for large buildings received by the City were designed by building designers who were not registered architects. Council considered it acceptable for a small number of large developments applications to be designed by non-registered architects, where the building designer has the relevant experience and skill.

Officers support the initiative to require design skills in large development design. In light of Council's 2014 decision to not proceed with Scheme amendment No. 42, officers suggest Council support option two presented in the discussion paper. This option would allow for any building designer, registered architect or not, to design large developments as long as they have sought alternative design accreditation. The benefit of this approach is it would achieve the purpose of Scheme amendment No. 42 to improve quality design without excluding building designers from being able to design large developments where these designers have sought the alternative design accreditation.

Option 2 would be less straightforward compared to option 1 (requiring registered architects to design new developments) due to the need for a yet to be determined alternative design accreditation. This accreditation could take the form of a separate accreditation like the accreditation of bushfire practitioners by the Fire Protection Association of Australia or accreditation under the Architects Institute of Australia.

**Recommended submission comment:**

**If viable to establish and administer, the City supports option two (competency standards - registered architect or similar design new development) presented in the discussion paper.**

**CONCLUSION**

The WA Government's commitment to ensure that good design is at the core of all development through all stages of the design, planning and development process should be supported as it reflects a goal the City has itself been seeking to achieve at a local level.

It is recommended that the City's submission on the documents should cover the issues and suggested responses detailed in the Planning Comment section above. The closing date for submissions on all the documents is 16 January 2017. Due to this deadline a submission will be lodged with the Western Australian Planning Commission (WAPC) immediately following the Planning Committee's consideration of this item on 11 January, and officers will advise the WAPC that the City may wish to submit supplementary comments following Council's consideration of the item on 23 January as the Planning Committee does not have delegated authority to make a final resolution on this matter on behalf of the Council.

**COMMITTEE AND OFFICER'S RECOMMENDATION**

**MOVED: Cr J Strachan**

**That Council authorises the Chief Executive Officer to make a submission on behalf of the City of Fremantle to the Western Australian Planning Commission on the draft Design WA suite of documents based on the content of the 'Planning Comment' section of this report, covering the key issues summarised as follows:**

**STATE PLANNING POLICY 7 – DESIGN OF THE BUILT ENVIRONMENT**

**The introduction of a new overarching state planning policy for the purpose of improving design of the built environment, and the 10 design principles included within the policy, are supported by the City of Fremantle. However the City suggests the policy would be of greater value if it contained an explicit statement that due regard should be given to the extent to which a proposed development addresses these principles in the determination of development applications. Additionally greater *clarity* regarding the function and status of other documents forming part of the overall Design WA policy framework should be provided in SPP7.**

**DESIGN REVIEW GUIDE**

**The design review guide is comprehensive and would be helpful for any local government establishing and running a Design Review Panel. The City supports the use of Design Review Panels in the consideration of larger development proposals. The City however notes that review panels can be costly to administer and maintain. Therefore flexibility around the requirement for design review panels, and their composition, should be allowed for smaller local governments or local governments where few large development applications are received.**

## **DESIGN SKILLS DISCUSSION PAPER**

If viable to establish and administer, the City supports option two (competency standards - registered architect or similar design new development) presented in the discussion paper.

## **APARTMENT DESIGN**

Overall, the City support the performance-based approach to apartment design as it will:

- Facilitate a multi-disciplinary approach
- Enable design research and collaboration between the applicant and local government at early stages
- Provide greater accountability for creating good design outcomes
- Improve internal and external amenity of new buildings
- Create generally more 'liveable' apartments

The City commends the state government on including the following specific issues in the apartment design document to enable their consideration as part of the assessment of development proposals for new apartment buildings:

- Retention of existing vegetation
- Deep planting zones
- Adaptive reuse (heritage)
- Internal amenity of apartments, particularly standards for natural light and ventilation.
- Presumption against poor design outcomes
- Local context and character

While the City supports the overall policy approach adopted in apartment design document, and many of its specific provisions, it is concerned about the size and breadth of content of the document compared to the existing R-codes. The City also suggests adequate transition time between the current Residential Design Codes and State Planning Policy 7 – Design of the Built Environment (SPP7) documents would be required to prepare for the use of the documents when assessing developments.

The City suggests clear and consistent terminology is used across all planning documents. The current terminology of the Residential Development Codes e.g. 'deemed to comply' and 'design principles' is considered clear and adequate to use when outlining the planning requirements. The City suggests consideration be given to using these terms in the apartment design document. If no changes are made, the City suggests that the meanings and differences between the terms 'design criteria', 'design guidance' and 'planning guidance' currently used in the draft document need be explained more clearly.

The current R-codes allows local government to make a local planning policy or local development plan to amend or replace some provisions in part 5 and 6 of the R-codes, including building height and setbacks, without requiring WAPC approval. The draft apartment design document appears to take this power away from local government and requires all amendments or replacements to the planning requirements of the apartment design document to be approved by

**WAPC.** The City questions the WAPC's capacity to deal with an increased number of local planning policy assessments in a timely manner and the need to control of local planning policies that provide for height and setbacks in a locality. Allowing for local governments to adopt local planning policy or local development plan as per the *Planning and Development (Local Planning Schemes) Regulations 2015* for planning matters such as setbacks and height without the need to gain WAPC approval should be retained.

The City has the following comments and suggestions to make in respect of specific detailed provisions within the apartment design document:

## Section 2

- Page 26 - The primary controls for streetscape character types require clearer explanation of how they are intended to function in conjunction with zonings and residential density coding under local planning schemes, and with the Primary Controls Table (Table 1) on page 23. Parts of the City of Fremantle have a diverse mixture of streetscape and built form typologies within small areas, sometimes even within the same street, and the streetscape character types in the apartment design document may be too generic to provide an appropriate form of development control for such areas, although it is acknowledged that the document allows for modifications to these controls to suit local contexts.
- Page 32 - Consider deletion of the plot ratio requirements. Plot ratio is ineffective where other measures such as height, setbacks, site coverage, open space etc. control the footprint and bulk of the building. The combination of planning requirements other than plot ratio is considered to be an adequate and often more effective tool in achieving good design.
- Pages 32 and 34 mention that local governments may refine parameters such as plot ratio and height in equivalent tables in local planning schemes. The document should also note that local planning policies may be used to modify such controls in certain circumstances.
- Page 43 - the planning objective 'retain or create a rhythm or pattern of spaces....' appears twice and the duplication should be removed.  
Page 45 - the City prefers the use of the word 'conserve' not 'preserve' when in relation to heritage buildings – 'preserve' implies that no change will be permitted.

## Section 3

- Page 56 - the discussion in this part is about 'mature' or 'existing' trees, and it is recommended that these terms should be used rather than 'significant' trees. 'Significant tree' has a particular meaning in the context of significant tree register provisions which appear in some, but not all, local government local planning schemes. As not all WA local governments administer and maintain a significant tree register, but all relatively mature trees contribute to the local environment, it is recommended that this should be reflected in the apartment design text.
- Page 65 - Delete the term 'public open space' as this section of the document addresses communal open space [privately owned land] within apartment developments, and therefore using the term Public Open Space in the heading is confusing.

- Page 69 - the visual privacy requirements are more prescriptive than the existing R-codes. Visual privacy criteria should only apply to adjoining residential properties (as currently applies in the R-codes). Internal overlooking/visual privacy between dwelling units in the same development is capable of being addressed in a more flexible, design-led manner. Similarly, visual privacy impacts from new development upon existing neighbouring commercial properties is considered less sensitive as the use of commercial space is usually contained to business hours.
- Overshadowing of adjoining sites by new apartment developments is not specifically addressed in the primary controls within the apartment design document – it is only indirectly dealt with through building height provisions. This is considered to be an omission which needs to be rectified as overshadowing impacts, particularly where new apartment developments are proposed in areas containing existing smaller scale residential properties.

#### Appendices

- Pages 150 and 151 – in the development application checklist the ‘floor plans’ row appears twice and the duplication should be removed.

**CARRIED: 6/0**

For	Against
Cr Jon Strachan Cr Simon Naber Cr Doug Thompson Cr Hannah Fitzhardinge Cr Ingrid Waltham Cr Jeff McDonald	

**PC1701 -10 DRAFT LOCAL PLANNING POLICY - CLONTARF ROAD POLICY AREA - ADOPT FOR ADVERTISING**

**ECM Reference:** 059/006  
**Disclosure of Interest:** Nil  
**Meeting Date:** 11 January 2017  
**Responsible Officer:** Manager Strategic Planning  
**Actioning Officer:** Senior Strategic Planning Officer  
**Decision Making Level:** Council  
**Previous Item Number/s:** Item PC1610-11 (26 October 2016)  
**Attachments:** 1. Previous item PC1610-11



Figure 1. Map showing subject sites of masterplan/draft Local Planning Policy area

## EXECUTIVE SUMMARY

On 26 October 2016 Council considered the Clontarf Road masterplan for the four properties at No. 2 (lots 72 and 100) and 4 (lot 25) Clontarf Road and 1 (lot 73) Naylor Street, Beaconsfield as shown in Figure 1 above (item PC1610-11). Council resolved to support the masterplan as a non-statutory document, and also authorised officers to prepare a draft local planning policy to provide guidance in considering applications for subdivision or development approval in the area subject to the masterplan.

The purpose of the draft policy for the masterplan area is to:

- Provide guidance on the assessment of the additional development standards under Schedule 8 – Sub Area 4.3.5 area 4 and 4a of Local Planning Scheme No. 4.
- Provide guidance on the exercise of discretion to vary Local Planning Scheme No. 4 development standards, especially those in Schedule 8.

- Promote high quality design outcomes in terms of integration with the surrounding urban area and landscape features.

This report presents the full text of the draft policy in the Officer's Recommendation. It is recommended that Council approve the draft local planning policy for the purposes of public consultation. Following the consultation period a further report will be presented to Council for consideration of any submissions received and a decision on final adoption of the policy.

## BACKGROUND

CLE town planning and design on behalf of Saracen Properties (the land owner) presented a non-statutory masterplan to the City to provide context and intent for the future coordinated design, subdivision and development over four large lots within the Strang Street area. The land involved included No. 2 (lots 72 and 100) and 4 (lot 25) Clontarf Road and 1 (lot 73) Naylor Street, Beaconsfield as shown in figure 1 above. These lots have a combined land area of 4.7ha.

On 26 October 2016 at its Ordinary meeting, Council considered the non-statutory masterplan and resolved (item PC1610-11):

*That Council -*

- 1. Supports the preparation of the 'Clontarf Road Masterplan' dated June 2016 on behalf of Saracen Properties as a non-statutory document that provides context and intent to guide the future coordinated design, subdivision and development of the properties at No. 2 (lots 72 and 100) and No. 4 (lot 25) Clontarf Road and No. 1 (lot 72) Naylor Street, Beaconsfield.*
- 2. Advises Saracen Properties that the City of Fremantle supports in general terms the masterplan objectives and principles contained in section 4 of the 'Clontarf Road Masterplan' document. However, the indication within the document of potential building heights in part of the Masterplan area exceeding maximum heights currently specified in Local Planning Scheme No. 4 is a matter that would require further consideration through a scheme amendment process in order for the City to decide whether it would support any increase in maximum permissible building heights.*
- 3. Authorise officers to prepare a draft local planning policy, for consideration at the next appropriate Planning Committee meeting, to provide guidance in considering applications for subdivision or development approval relating to land currently forming any part of No. 2 (lots 72 and 100) and No. 4 (lot 25) Clontarf Road and No. 1 (lot 72) Naylor Street, Beaconsfield which is the subject of the 'Clontarf Road Masterplan'. The draft local planning policy should address issues including but not limited to:*
  - a) Circumstances in which the requirement in Schedule 12 of the Local Planning Scheme for the development site to comprise of a minimum land parcel of 10,000 sq m within Area 4 in order for development standards of R160 density and a permitted building height of 24.5 metres to apply may be varied through the exercise of Council's discretion under clause 5.8.2 of the Scheme.*

- b) Provisions to promote high quality design outcomes in terms of integration with the surrounding urban area and landscape features, activated streetscapes, quality public realm and open space, ease of movement, legibility, adaptability and diversity of land use and built form.

## Statutory Background

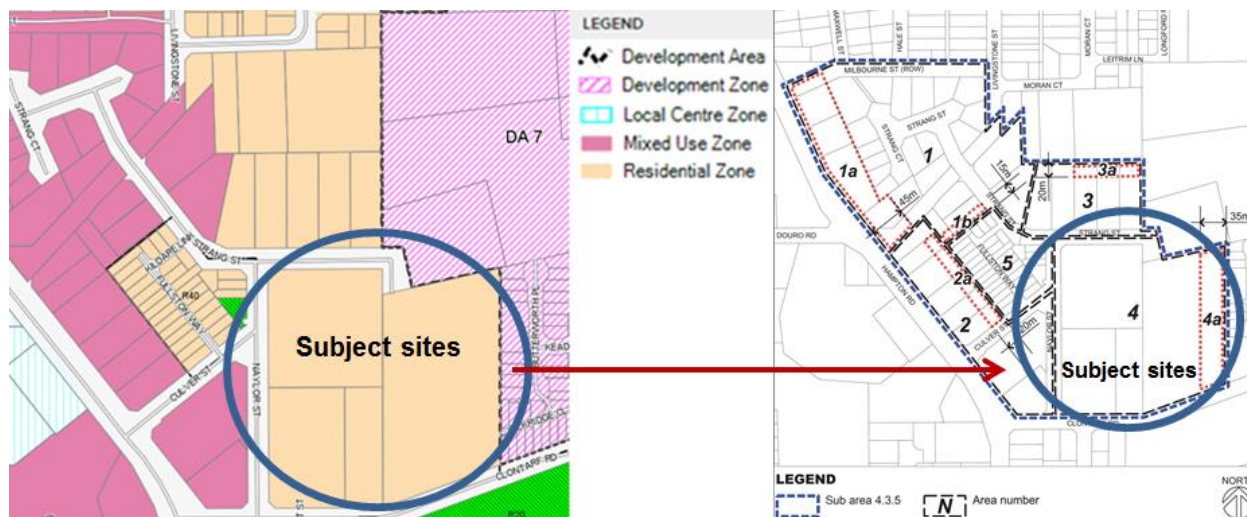


Figure 2. Zoning of area and LPS4 local planning area 4 – South Fremantle Sub area 4.3.5 map

The four lots subject to the draft local planning policy proposed in this report, are zoned Residential with a base density of R25. Under Schedule 8 of Local Planning Scheme No. 4 (LPS4) the four lots are located in Area 4 and 4a of the LPS4 sub area 4.3.5 (refer to Figure 2). Additional development standards of R160 density and up to 24m in building height, are applicable in area 4 and 4a where specific criteria are met (refer to Table 1 below).

Table 1. Local planning area 4 – South Fremantle 4.3.5 Area 4 and 4a

Criteria to be met in order for additional development standards to apply (all criteria to be met)	Additional development standards
1. The development site comprises of a minimum land parcel of 10,000 sqm within Area 4 (including Area 4a);	Permitted building height within Area 4 is 24.5 metres.
2. Non-residential land uses are restricted to the ground floor unless it is demonstrated to Council's satisfaction that the non-residential land use meets the local needs for commercial services.	
3. Development provides active frontages to public street(s) and public open space. Residential development with frontage to Clontarf Road is to include openings and pedestrian access directly to Clontarf Road.	Permitted building height within Area 4a is 7.5 metres.
4. The location and design of new road(s) and footpaths shall demonstrate a high standard of vehicular and pedestrian connectivity with the existing road and footpath network.	
5. A portion of the lot area, not less than 7.5m in width, to be provided for the length of the lot adjacent to the common boundaries of 1 Naylor St, 2 Clontarf Rd (Lot 72) and 4 Clontarf Rd. This portion of land shall be transferred at no cost to the City of Fremantle to provide a north-south linkage between Strang St and Clontarf Rd for the purpose of public open space and/or a landscaped dual use pathway, to integrate with the	Residential density of R160.

existing areas of public open space at Clontarf Hill and future public open space within Development Area 7 – Lefroy Road Quarry.	
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For further background on the site or Masterplan please refer to Ordinary meeting of Council minutes 26 October 2016 item PC1610-11 in attachment 1.

## **CONSULTATION**

Subject to approval by Council as a draft for consultation purposes, community consultation on the content of the local planning policy, which is the subject of this report, will be carried out in accordance with the requirements of clause 4 of Schedule 2 Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the City's Local Planning Policy 1.3 *Public Notification of Planning Proposals*.

## **PLANNING COMMENT**

The overall purpose of the draft local planning policy to ensure coordinated design of subdivision and development of the four large lots at No. 2 (lots 72 and 100) and 4 (lot 25) Clontarf Road and 1 (lot 73) Naylor Street, Beaconsfield (subject area) as shown in figure 1 above.

The full wording of the draft local planning policy is set out in the Officer's Recommendation below. The policy is based on the intent and quality design principles of the Clontarf Road Masterplan submitted by the applicants and endorsed by Council on 26 October 2016.

The draft local planning policy for the subject area is made up of three parts:

1. Guidance on the assessment of the additional development standards under Schedule 8 – Sub Area 4.3.5 area 4 and 4a of the Local Planning Scheme No. 4;
2. Guidance on the exercise of discretion to vary Local Planning Scheme No. 4 development standards; and
3. Principles and objectives to promote high quality design outcomes in terms of integration with the surrounding urban area and landscape features.

### **1. Guidance on the assessment of the additional development standards under Schedule 8 – Sub Area 4.3.5 area 4 and 4a of Local Planning Scheme No. 4**

Part one of the policy provides guidance on the assessment of the additional development standards under Schedule 8 – Sub Area 4.3.5 area 4 and 4a of LPS4. As provided in table 1 statutory background above, under LPS4 additional development standards (i.e. R160 density and up to 24.5m building height) are applicable in the policy area where five criteria are met. These criteria were included into LPS4 through Scheme Amendment No. 43.

Scheme amendment No. 43 was initiated in September 2012 and gazetted in August 2015. During this time the amendment was considered by the public during the engagement period and minor amendments were made by Council and the Western Australian Planning Committee (WAPC). Since gazettal of the amendment, through administration of the Scheme it is evident that the underlying intent of the amendment 43 provisions for the policy area could be stated more clearly.

Accordingly, to help clarify the intent of the Scheme provisions for the policy area the policy proposes, in addition to the LPS4 requirements, two additional provisions are used to assess development or subdivision applications in the policy area. These provisions would require applications to demonstrate:

1. A coordinated approach to development.  
This would include submission of an indicative plan showing development of adjoining sites and the relationship of proposed development to the overall policy area layout and built form. Similar to the intent of the masterplan, the purpose of this provision is to ensure individual sites in the area are developed in coordination with, and with reference to, the adjoining sites, so as to avoid disjointed development.
2. The proposal meets the purpose (intent) of each of the LPS4 criteria.  
The criteria and purpose of each criterion are provided in table 2 below. The purpose of this, including an example, is provided in the part 2 discussion of the policy below.

Table 2. Additional Development Standard Assessment Criteria and Purpose

<b>ADDITIONAL DEVELOPMENT STANDARD ASSESSMENT CRITERIA AND PURPOSE</b>	
<b>Criteria to be met in order for additional development standards to apply (all criteria to be met)</b>	
1. The development site comprises of a minimum land parcel of 10,000 sqm within Area 4 (including Area 4a).	
<i>Purpose – To incentivise a coordinated approach to development across the policy area to avoid piecemeal redevelopment of individual lots in separate ownership.</i>	
2. Non-residential land uses are restricted to the ground floor unless it is demonstrated to Council's satisfaction that the non-residential land use meets the local needs for commercial services.	
<i>Purpose – To ensure the policy area is developed for the purposes of residential development unless there is a local need for non-residential services.</i>	
3. Development provides active frontages to public street(s) and public open space. Residential development with frontage to Clontarf Road is to include openings and pedestrian access directly to Clontarf Road.	
<i>Purpose – To ensure development is responsive to and addresses the surrounding area.</i>	
4. The location and design of new road(s) and footpaths shall demonstrate a high standard of vehicular and pedestrian connectivity with the existing road and footpath network.	
<i>Purpose – To ensure a well-integrated movement network.</i>	
5. A portion of the lot area, not less than 7.5m in width, to be provided for the length of the lot adjacent to the common boundaries of 1 Naylor St, 2 Clontarf Rd (Lot 72) and 4 Clontarf Rd. This portion of land shall be transferred at no cost to the City of Fremantle to provide a north-south linkage between Strang St and Clontarf Rd for the purpose of	

public open space and/or a landscaped dual use pathway, to integrate with the existing areas of public open space at Clontarf Hill and future public open space within Development Area 7 – Lefroy Road Quarry.

*Purpose – To ensure a north to south public open space and/or a landscaped dual use pathway linkage between Strang St and Clontarf Rd, to link existing and future public open space in the area.*

## **2. Guidance on the exercise of discretion to vary Local Planning Scheme No. 4 development standards**

Part two of the draft policy contains the same provisions as part one i.e. the application demonstrating a coordinated approach to development and the proposal meeting the purpose of each of the LPS4 criteria (set out above). Part two, however, is for the purpose of considering variations to Schedule 8 – Sub Area 4.3.5 area 4 and 4a (refer to table 1) under clause 4.8.2.1 (c) of LPS4.

Under the variation clauses of LPS4, Council can provide a local planning policy to outline relevant matters to vary requirements of the Scheme. Specifically clause 4.8.2.1 states (relevant part underlined for emphasis):

*4.8.2.1 The Council may vary other requirements of the Scheme subject to being satisfied in relation to all of the following:*

- (a) the variation will not be detrimental to the amenity of adjoining properties or with the locality generally;*
- (b) conservation of the cultural heritage values of buildings on-site and adjoining; and*
- (c) any other relevant matter outlined in Council's local planning policies.*

For example, one of the key criteria that would likely require Council to consider a variation under clause 4.8.2.1 is:

- 1. The development site comprises of a minimum land parcel of 10,000 sqm within Area 4 (including Area 4a).*

This development site requirement was included as part of scheme amendment No. 43 to encourage and incentivise a coordinated approach to development across area 4 as a whole, and avoid ad hoc redevelopment of individual lots in separate ownership. At the time it was not anticipated that one owner would control all of the lots in Area 4.

Future redevelopment of the land in the policy area is likely to be on a staged basis. The four large lots will likely be subdivided to create the supporting road, pedestrian network and a series of development plots suitable for staged implementation over time. This could result in the site area of a particular development being less than 10,000 sq. m. at the time that a development application is submitted. There is concern that this could result in an interpretation of the current scheme provisions that would prevent the higher R160 density coding and 24.5m maximum building height being applied to the assessment of an application at a future date. Such an interpretation was not the City's intent when scheme amendment no. 43 was introduced – the intent was to encourage what the applicant has already done i.e. assemble large land parcels and adopt a comprehensive planning approach to coordinated redevelopment of the area.

Accordingly, officers consider that where a development proposal on land within the policy area meets the purpose of the additional development standards in LPS4 and can demonstrate consistency with the overall layout and built form of development in the policy area, it would be reasonable for Council to consider exercising its discretionary power to vary the minimum land parcel requirement, or other relevant requirement, under clause 4.8.2.1 of LPS4. Consequently provisions to this effect have been included in the draft policy.

### **3. Promote high quality design outcomes in terms of integration with the surrounding urban area and landscape features.**

The purpose of part 3 of the policy is to promote high quality design outcomes in new development in the policy area in terms of integration with the surrounding urban area and landscape features.

To achieve this, the principles and objectives included in the Clontarf Road masterplan, considered and endorsed by Council in October 2016, were used as the basis of the design objectives and principles in the planning policy. Under the draft policy subdivision or development applications will have to demonstrate they address the design outcomes of the following aspects -

- Character
- Continuity and enclosure
- Quality public realm
- Ease of movement
- Legibility
- Adaptability
- Diversity

For the full objectives and principles please refer part 3 of the policy in the officer's recommendation.

## **CONCLUSION**

In accordance with Council's previous resolution of 26 October 2016, a local planning policy has been drafted for the area of land comprising the four properties at No. 2 (lots 72 and 100) and 4 (lot 25) Clontarf Road and 1 (lot 73) Naylor Street, Beaconsfield. The purpose of the policy is to provide guidance in considering applications for subdivision or development approval in the policy area.

The policy includes assessment of the additional development standards in Schedule 8 – Sub Area 4.3.5 area 4 and 4a of LPS 4; guidance on the exercise of discretion to vary Local Planning Scheme No. 4 development standards; and principles and objectives to promote high quality design outcomes.

It is recommended that Council approve the draft local planning policy for the purposes of public consultation. Following the consultation period a further report will be presented to Council for consideration of any submissions received and a decision on final adoption of the policy.

## COMMITTEE AND OFFICER'S RECOMMENDATION

**MOVED: Cr J Strachan**

**That Council approve the following draft *Local Planning Policy 3.19 – Clontarf Road Area* for the purposes of advertising in accordance with the procedures set out in clause 4 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City of Fremantle Local Planning Policy 1.3 *Public Notification of Planning Proposals*:**

### **CITY OF FREMANTLE**

**Local Planning Policy 3.19 - Clontarf Road Area**

**ADOPTION DATE: ??/??/2017**

**AUTHORITY: LOCAL PLANNING SCHEME NO. 4**

### **STATUTORY BACKGROUND**

#### **Planning and Development (Local Planning Schemes) Regulations 2015**

Under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), the Deemed Provisions contained in Schedule 2 of the Regulations are applicable to all local planning schemes, whether or not they are incorporated into the local planning scheme text. Accordingly these provisions are applicable to the City of Fremantle Local Planning Scheme No. 4 (the Scheme).

Clause 67 of the Deemed Provisions of the Regulations requires the Local Government to consider a broad range of matters when determining an application.

#### **Local Planning Scheme No. 4 (LPS4)**

Clause 3.2.2 of the City's Local Planning Scheme No. 4 (LPS4) states that unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform to the provisions of the R Codes.

Clause 4.8.2.1 allows Council to vary site and development standards and requirements of the Scheme, other than height requirements, subject to being satisfied in relation to all of the following:

- (a) the variation will not be detrimental to the amenity of adjoining properties or with the locality generally;
- (b) conservation of the cultural heritage values of buildings on-site and adjoining; and
- (c) any other relevant matter outlined in Council's local planning policies.

### **APPLICATION**

This policy area applies to 2 (lots 72 and 100) and 4 (lot 25) Clontarf Road and 1 (lot 73) Naylor Street, Beaconsfield as shown on the map (refer to figure 1). Provisions relating to the development standards for this site are contained in LPS4 under Sub Area 4.3.5 area number 4 and 4a of Schedule 12.

In the event that there is a conflict between this policy, and a provision contained within another Local Area Planning Policy, the most specific policy provision shall prevail.

## PURPOSE

The purpose of this policy is to ensure coordinated design of subdivision and development within the subject area.

The local planning policy is made up of three parts:

- Assessment of the additional development standards under Schedule 8 – Sub Area 4.3.5 area 4 and 4a of the Local Planning Scheme No. 4
- Guidance on the exercise of discretion to vary Local Planning Scheme No. 4 development standards
- Promotion of high quality design outcomes in terms of integration with the surrounding urban area and landscape features.

## CONSIDERATION BY THE DESIGN ADVISORY COMMITTEE

Notwithstanding the zoning of the site, development applications for the site require referral to the Design Advisory Committee for consideration.

### Policy Area



Figure 1. Policy area

## POLICY

1. Assessment of the additional development standards under Schedule 8 – Sub Area 4.3.5 area 4 and 4a of the Local Planning Scheme No. 4.

**1.1 To achieve the additional development standards as set out in Schedule 8 – Sub Area 4.3.5 area 4 and 4a of LPS4 for the policy area the development application must meet all five criteria provided in LPS4 and reproduced in table 1 of this policy.**

**1.2 When assessing whether a development proposal satisfies the criteria to be met for additional development standards to apply in the policy area Council shall have regard to:**

**a. The purpose of each criterion (provided in table 1).**

**b. The development application demonstrating a coordinated approach to development of the policy area. This shall include the submission of an indicative plan showing development of adjoining sites and the relationship of proposed development to the overall policy area layout and built form.**

**2. Exercise of discretion to vary Local Planning Scheme No. 4 development standards.**

**2.1 In accordance with clause 4.8.2.1 (c) of LPS4, when considering a variation to one or more of the additional development standards of Schedule 8 – Sub Area 4.3.5 area 4 and 4a of LPS4 Council shall have due regard to:**

**a. The purpose of each criterion (provided in table 1) and the extent to which a development proposal meets this purpose.**

**b. The development application demonstrating a coordinated approach to development of the policy area. This shall include the submission of an indicative plan showing development of adjoining sites and the relationship of proposed development to the overall policy area layout and built form.**

**Table 1. Additional Development Standard Assessment Criteria and Purpose**

<b>ADDITIONAL DEVELOPMENT STANDARD ASSESSMENT CRITERIA AND PURPOSE</b>
<b>Criteria to be met in order for additional development standards to apply (all criteria to be met)</b>
<b>1. The development site comprises of a minimum land parcel of 10,000 sqm within Area 4 (including Area 4a).</b>
<b>Purpose – To incentivise a coordinated approach to development across the policy area to avoid piecemeal redevelopment of individual lots in separate ownership.</b>
<b>2. Non-residential land uses are restricted to the ground floor unless it is demonstrated to Council's satisfaction that the non-residential land use meets the local needs for commercial services.</b>
<b>Purpose – To ensure the policy area is developed for the purposes of residential development unless there is a local need for non-residential services.</b>
<b>3. Development provides active frontages to public street(s) and public open space. Residential development with frontage to Clontarf Road is to include openings and pedestrian access directly to Clontarf Road.</b>

**Purpose – To ensure development is responsive to and addresses the surrounding area.**

**4. The location and design of new road(s) and footpaths shall demonstrate a high standard of vehicular and pedestrian connectivity with the existing road and footpath network.**

**Purpose – To ensure a well-integrated movement network.**

**5. A portion of the lot area, not less than 7.5m in width, to be provided for the length of the lot adjacent to the common boundaries of 1 Naylor St, 2 Clontarf Rd (Lot 72) and 4 Clontarf Rd. This portion of land shall be transferred at no cost to the City of Fremantle to provide a north-south linkage between Strang St and Clontarf Rd for the purpose of public open space and/or a landscaped dual use pathway, to integrate with the existing areas of public open space at Clontarf Hill and future public open space within Development Area 7 – Lefroy Road Quarry.**

**Purpose – To ensure a north to south public open space and/or a landscaped dual use pathway linkage between Strang St and Clontarf Rd, to link existing and future public open space in the area.**

### **3. High quality design outcomes**

**3.1 In assessing subdivision or development applications on land subject to this policy due regard will be given to how the proposed development demonstrates that it addresses the following design objectives:**

#### **1. Character**

**“Successful places are distinctive and memorable...”**

##### **Objectives:**

- **Integrate with the surrounding urban framework including a sensitive interface to existing dwellings.**
- **Create a connected and legible street network which provides positive way finding elements through a logical hierarchy whilst limiting through-traffic from the semi industrial areas to the north in the short term.**
- **Respond to the natural landforms both within the site and external to the site, in particular Clontarf Hill and the valley to the east.**
- **Reflect and respond to existing building forms on site either in the built form or landscape design within open space.**
- **Respond to the existing adjacent dwellings in a respectful manner, whilst also considering an increase in building height and scale centrally within the policy area, reflecting the infill nature of the site as well as the surrounding topography and views.**
- **Use a variety of building materials and forms which create a distinct local character.**
- **Respond to and embrace Clontarf Hill and the Portuguese Club.**

#### **2. Continuity and Enclosure**

**"A place where public and private spaces are clearly distinguished, and buildings define the open spaces..."**

**Objectives:**

- Create animated streetscapes through the connections to the surrounding public transport stops on Hampton Road and Clontarf Road.
- Create articulated and activated building frontages to public streets and open space areas which are appropriate to the particular street in the hierarchy of the overall network with the potential for non-residential / home based business uses where appropriate.
- Locate buildings to provide enclosure and surveillance of the adjoining open space.

**3. Quality Public Realm**

**"A place with well-designed, high quality public spaces..."**

**Objectives:**

- Create a functioning network of public open spaces and pedestrian routes that enhance the user's experience through the delivery of high quality, active and safe public realm.
- Provide a series of open spaces that reflect both the past and the future of the site through the potential reuse of portions of the existing buildings and a mixture of hardscape and softscape outcomes.
- Deliver a public realm, which integrates seamlessly with the buildings surrounding it and reflects their use.

**4. Ease of movement**

**"A place that is easy to get to and move through..."**

**Objectives:**

- Create a place that is well connected to the surrounding network of streets and footpaths.
- Provide a variety of options for moving through the policy area whilst providing a range of options for pedestrian to access the surrounding transit stops on Clontarf Road and Hampton Road.
- Prioritise pedestrian access through the provision of a connected footpath network whilst limiting, in places, vehicle access.
- Provide a clear hierarchy of streets which reflect the access points into the site whilst also acknowledging the limited street connections to the north and the east as a result of previous development patterns and topographical constraints.
- Provide a variety of street block options in order to deliver a diverse range of dwellings which will inform a more diverse community. Larger street blocks will provide safe and connected pedestrian connections in order to maintain finer grain outcomes.

**4. Legibility**

**"A place that is easy to navigate..."**

**Objectives:**

- Create a network of streets which are legible to all users and enhance the current street network.
- Use access point from Naylor Street and Clontarf Road as landmarks to assist in way-finding with built form outcomes which respond to these important cues.
- Deliver the iconic / recognisable architectural outcomes on significant corners visible from access points into the site as well as beyond the site (i.e. from Hampton Road / Culver Street).

**6. Adaptability**

**"A place that can change..."**

**Objectives:**

- Deliver built form outcomes which have the capacity to change over time through adaptable floor plate heights and construction methodologies.
- Deliver an outcome that is both future-proofed for resilience to climatic conditions and future users.

**7. Diversity**

**"A place with variety and choice..."**

**Objectives:**

- Deliver a place that has a wide variety of dwelling types in order to create a diverse and holistic community.
- Create a place that has the potential for a range of uses over time.
- Create a place that has a variety of architectural expression through the delivery of various elements of the policy area by using a range of local and international architects and designers.
- Deliver a place that is accessible both financially and physically to a wide range of the community through built form design.
- Deliver a place that is well connected to the wider community and can ultimately deliver housing, employment and local retail needs over time.

**CARRIED: 6/0**

For	Against
Cr Jon Strachan Cr Simon Naber Cr Doug Thompson Cr Hannah Fitzhardinge Cr Ingrid Waltham Cr Jeff McDonald	

**CONFIDENTIAL MATTERS**

Nil.

**CLOSURE OF MEETING**

**THE PRESIDING MEMBER DECLARED THE MEETING CLOSED AT 8.16 PM.**

## **SUMMARY GUIDE TO CITIZEN PARTICIPATION AND CONSULTATION**

The City values community engagement and recognises the benefits that can flow to the quality of decision-making and the level of community satisfaction.

Effective community engagement requires total clarity so that Elected Members, Council officers and citizens fully understand their respective rights and responsibilities as well as the limits of their involvement in relation to any decision to be made by the City.

<b>How consultative processes work at the City of Fremantle</b>	
<b>The City's decision makers</b>	1. The Council, comprised of Elected Members, makes policy, budgetary and key strategic decisions while the CEO, sometimes via on-delegation to other City officers, makes operational decisions.
<b>Various participation opportunities</b>	2. The City provides opportunities for participation in the decision-making process by citizens via its council appointed working groups, its community precinct system, and targeted community engagement processes in relation to specific issues or decisions.
<b>Objective processes also used</b>	3. The City also seeks to understand the needs and views of the community via scientific and objective processes such as its bi-ennial community survey.
<b>All decisions are made by Council or the CEO</b>	4. These opportunities afforded to citizens to participate in the decision-making process do not include the capacity to make the decision. Decisions are ultimately always made by Council or the CEO (or his/her delegated nominee).
<b>Precinct focus is primarily local, but also city-wide</b>	5. The community precinct system establishes units of geographic community of interest, but provides for input in relation to individual geographic areas as well as on city-wide issues.
<b>All input is of equal value</b>	6. No source of advice or input is more valuable or given more weight by the decision-makers than any other. The relevance and rationality of the advice counts in influencing the views of decision-makers.
<b>Decisions will not necessarily reflect the majority view received</b>	7. Local Government in WA is a representative democracy. Elected Members and the CEO are charged under the Local Government Act with the responsibility to make decisions based on fact and the merits of the issue without fear or favour and are accountable for their actions and decisions under law. Elected Members are accountable to the people via periodic elections. As it is a representative democracy, decisions may not be made in favour of the majority view expressed via consultative processes. Decisions must also be made in accordance with any statute that applies or within the parameters of budgetary considerations. All consultations will clearly outline from the outset any constraints or limitations associated with the issue.

<b>How consultative processes work at the City of Fremantle</b>	
<b>Decisions made for the overall good of Fremantle</b>	8. The Local Government Act requires decision-makers to make decisions in the interests of “the good government of the district”. This means that decision-makers must exercise their judgment about the best interests of Fremantle as a whole as well as about the interests of the immediately affected neighbourhood. This responsibility from time to time puts decision-makers at odds with the expressed views of citizens from the local neighbourhood who may understandably take a narrower view of considerations at hand.
<b>Diversity of view on most issues</b>	9. The City is wary of claiming to speak for the ‘community’ and wary of those who claim to do so. The City recognises how difficult it is to understand what such a diverse community with such a variety of stakeholders thinks about an issue. The City recognises that, on most significant issues, diverse views exist that need to be respected and taken into account by the decision-makers.
<b>City officers must be impartial</b>	10. City officers are charged with the responsibility of being objective, non-political and unbiased. It is the responsibility of the management of the City to ensure that this is the case. It is also recognised that City officers can find themselves unfairly accused of bias or incompetence by protagonists on certain issues and in these cases it is the responsibility of the City’s management to defend those City officers.
<b>City officers must follow policy and procedures</b>	11. The City’s community engagement policy identifies nine principles that apply to all community engagement processes, including a commitment to be clear, transparent, responsive, inclusive, accountable and timely. City officers are responsible for ensuring that the policy and any other relevant procedure is fully complied with so that citizens are not deprived of their rights to be heard.
<b>Community engagement processes have cut-off dates that will be adhered to.</b>	12. As City officers have the responsibility to provide objective, professional advice to decision-makers, they are entitled to an appropriate period of time and resource base to undertake the analysis required and to prepare reports. As a consequence, community engagement processes need to have defined and rigorously observed cut-off dates, after which date officers will not include ‘late’ input in their analysis. In such circumstances, the existence of ‘late’ input will be made known to decision-makers. In most cases where community input is involved, the Council is the decision-maker and this affords community members the opportunity to make input after the cut-off date via personal representations to individual Elected Members and via presentations to Committee and Council Meetings.

<b>How consultative processes work at the City of Fremantle</b>	
<b>Citizens need to check for any changes to decision making arrangements made</b>	13. The City will take initial responsibility for making citizens aware of expected time-frames and decision making processes, including dates of Standing Committee and Council Meetings if relevant. However, as these details can change, it is the citizens responsibility to check for any changes by visiting the City's website, checking the Fremantle News in the Fremantle Gazette or inquiring at the Customer Service Centre by phone, email or in-person.
<b>Citizens are entitled to know how their input has been assessed</b>	14. In reporting to decision-makers, City officers will in all cases produce a community engagement outcomes report that summarises comment and recommends whether it should be taken on board, with reasons.
<b>Reasons for decisions must be transparent</b>	15. Decision-makers must provide the reasons for their decisions.
<b>Decisions posted on the City's website</b>	16. Decisions of the City need to be transparent and easily accessed. For reasons of cost, citizens making input on an issue will not be individually notified of the outcome, but can access the decision at the City's website under 'community engagement' or at the City Library or Service and Information Centre.

### **Issues that Council May Treat as Confidential**

Section 5.23 of the new Local Government Act 1995, Meetings generally open to the public, states:

1. Subject to subsection (2), the following are to be open to members of the public -
  - a) all council meetings; and
  - b) all meetings of any committee to which a local government power or duty has been delegated.
2. If a meeting is being held by a council or by a committee referred to in subsection (1) (b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:
  - a) a matter affecting an employee or employees;
  - b) the personal affairs of any person;
  - c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
  - d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
  - e) a matter that if disclosed, would reveal –
    - i) a trade secret;
    - ii) information that has a commercial value to a person; or
    - iii) information about the business, professional, commercial or financial affairs of a person.Where the trade secret or information is held by, or is about, a person other than the local government.
  - f) a matter that if disclosed, could be reasonably expected to -
    - i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
    - ii) endanger the security of the local government's property; or
    - iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety.
  - g) information which is the subject of a direction given under section 23 (1a) of the Parliamentary Commissioner Act 1971; and
  - h) such other matters as may be prescribed.
3. A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.



# MINUTES ATTACHMENTS

## Planning Committee

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Wednesday, 11 January 2017, 6.00 pm

