



# Minutes

## Ordinary Meeting of Council

Wednesday 11 September 2024 6:00 pm



## Table of Contents

Official opening, welcome and acknowledgement .....	4
Attendance, apologies and leave of absence.....	4
Attendance .....	4
Apologies .....	4
Leave of absence .....	4
Applications for leave of absence .....	5
Disclosures of interest by members .....	5
Responses to previous public questions taken on notice.....	6
Public question time .....	6
Petitions.....	7
Deputations.....	7
Presentations.....	8
Confirmation of minutes .....	8
Elected member communication .....	8
Reports and recommendations from officers.....	9
<b>Planning reports .....</b>	<b>9</b>
C2409-1 ESSEX STREET, NO. 19 (LOT 8), FREMANTLE - FOUR STOREY TOURIST DEVELOPMENT – (JD DAP002/24) .....	9
C2409-2 LOTS 25, 72 AND 100 (NO. 2-4) CLONTARF ROAD AND LOT 73 (NO. 1) NAYLOR STREET BEACONSFIELD – SEVENTY-TWO (72) MULTIPLE DWELLINGS .....	62
C2409-3 ATTFIELD, 102 (LOT 3) SOUTH FREMANTLE – ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE .....	88
C2409-4 NORFOLK STREET, NO. 5 (LOT 6), FREMANTLE - FOUR STOREY MIXED USE DEVELOPMENT COMPRISING SIX (6) MULTIPLE DWELLINGS AND FOUR (4) SERVICED APARTMENTS (ED DA0184/24).....	103
C2409-6 TRANSFER OF TREES FROM THE HERITAGE LIST TO THE SIGNIFICANT TREE REGISTER .....	153
C2409-5 SOUTH FREMANTLE HERITAGE AREA REVIEW – FINAL REPORT .....	178
C2409-7 PLANNING INFORMATION REPORT - SEPTEMBER 2024.....	188



<b>Strategic and general reports .....</b>	<b>190</b>
C2409-8 TENDER WFCC118/24 – FOAMED BITUMEN STABILISATION WORKS .....	190
C2409-9 COMMUNITY SPORTING RESERVE PLAN 2024-34 .....	196
Committee and working group reports .....	201
Statutory reports .....	201
Motion of which previous notice has been given .....	201
Urgent business.....	201
Late items .....	201
Confidential business.....	201
Closure.....	201



## Official opening, welcome and acknowledgement

The Presiding Member declared the meeting open at 6:02 pm and welcomed members of the public to the meeting.

The Presiding Member informed members of the public that the meeting was being recorded and streamed live on the internet. They further advised that while all care is taken to maintain privacy, visitors in the public gallery and members of the public submitting a question, may be captured in the recording.

## Attendance, apologies and leave of absence

### Attendance

Cr Jenny Archibald	Presiding Member/Deputy Mayor/Central Ward
Cr Geoff Graham	Central Ward
Cr Adin Lang	Coastal Ward ( <i>arrived at 6:14pm</i> )
Cr Andrew Sullivan	Coastal Ward
Cr Jemima Williamson-Wong	Coastal Ward
Cr Fedele Camarda	East Ward
Cr Ben Lawver	East Ward
Cr Doug Thompson	North Ward
Cr Ingrid van Dorssen	North Ward
Mr Matt Hammond	Director City Business
Mr Pete Stone	Director Creative Arts and Community
Mr Graham Tattersall	Director Infrastructure
Mr Russell Kingdom	Director Planning, Place and Urban Development
Ms Chloe Johnson	Manager Development Approvals
Ms Melody Foster	Manager Governance
Mr Patrick Ford	Manager Strategic Planning and City Design
Ms Emily Groves	Media and Community Relations Advisor
Ms Marie Vitanza	Meeting Support Officer

*There were approximately 45 members of the public and no members of the press in attendance.*

### Apologies

Glen Dougall	Chief Executive Officer
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### Leave of absence

Mayor Hannah Fitzhardinge	Mayor/Presiding Member
Cr Frank Mofflin	East Ward



## **Applications for leave of absence**

Nil.

## **Disclosures of interest by members**

Cr Andrew Sullivan declared a financial interest in item number C2409-5 as he owns a property that is proposed for inclusion on the heritage list and identified as 'contributory in the Heritage Area'. Cr Sullivan stated that he would not remain in the meeting for the discussion of the item.

Cr Geoff Graham declared a financial and proximity interest in item number C2409-5 as his property and a adjoining property is proposed for inclusion in the heritage list and identified as 'contributory in the Heritage Area'. Cr Graham requested to remain in the meeting and participate in the item.

Cr Jemima Williamson-Wong declared an impartiality interest in item number C2409-5 as the property she lives in which is owned by her family, is listed within the heritage list and identified as 'contributory in the Heritage Area', noting there are no recommended changes. Cr Williamson-Wong stated she was confident that she could maintain impartiality during consideration of this item and requested to remain in the meeting and participate in the item.

Cr Adin Lang declared an interest prior to the discussion of item number C2409-5 and stated he would not remain in the meeting for the discussion of the item.

Cr Ingrid van Dorssen declared a proximity interest in item number C2409-6 as she owns a property that adjoins 21 Harvest Road, North Fremantle. Cr van Dorssen stated that she would not remain in the meeting for the discussion of the item.

**At 6:06pm the following motion was moved:**

### **COUNCIL DECISION**

**Moved: Cr Andrew Sullivan**

**Seconded: Cr Jenny Archibald**

**Council approves to allow Cr Geoff Graham and Cr Jemima Williamson-Wong to be present during the discussion and decision making of item C2409-5, as their interest is considered trivial/insignificant and is common to a significant number of ratepayers, and is unlikely to influence the disclosing members' conduct in relation to the matter.**



**Carried: 8/0**

**For:**

**Cr Jenny Archibald, Cr Geoff Graham, Cr Andrew Sullivan,  
Cr Jemima Williamson-Wong, Cr Fedele Camarda, Cr Ben Lawver,  
Cr Doug Thompson and Cr Ingrid van Dorsen**

**Against:**

**Nil**

## **Responses to previous public questions taken on notice**

Responses to the questions taken on notice at the Ordinary Meeting of Council held on 28 August 2024 are presented in the Agenda of this meeting.

### **Public question time**

**The following member of the public spoke for the officer's recommendation for items C2409-1 and C2409-3:**

Michael Clare

**Cr Adin Lang arrived at 6:14pm.**

**The following members of the public spoke against the officer's recommendation for item C2409-1:**

Megan Tremaine

Frank van de Ven

Jacquie van de Ven

**The following member of the public spoke for the officer's recommendation for item C2409-2:**

Simon Burnell

**The following member of the public spoke for the officer's recommendation for item C2409-4:**

Georgina Willis

**The following member of the public spoke against the officer's recommendation for item C2409-5:**

Gerard O'Brien

**The following members of the public spoke against the officer's recommendation for item C2409-1:**

Philippa Porteus

Benedict McCarthy

Catrina Gregg



**The following members of the public spoke against the officer's recommendation for item C2409-3:**

Esther Dyer  
Alex Wood  
Priscilla Shorne

**The following members of the public spoke for the officer's recommendation for item C2409-3:**

Rob Tousett  
Steve Quill

**The following members of the public spoke against the officer's recommendation for item C2409-6:**

Pamela Cattalini  
Keryth Cattalini  
Stacey Cattalini

**Anthony Cattalini spoke in relation to item C2409-6 and asked the following questions:**

**Question 1:**

Is the Director Planning, Place and Urban development aware of the submission from the letter signed off by him in May 2024?

**Response by Director Planning, Place and Urban Development:**

The process was in response to doubt about the process used in 2018/19 around the consultation under the planning scheme. The City could not find evidence that the occupiers were consulted with, this is not to say that they weren't, but the City think there was sufficient doubt to run that process under the scheme.

The letter that went out more recently to rerun that process, the City has had legal viewing over correspondences that went out, in terms there were a lot of questions raised there and the City will need time to have a look at clause 4.1 and what reference there was or inferred.

The City's understanding was the letter went out to both the owners and occupiers and it was very clear what the statement of significance was that we were seeking comment back on.

## **Petitions**

Nil.

## **Deputations**

Nil.



## **Presentations**

Nil.

## **Confirmation of minutes**

### **COUNCIL DECISION**

**Moved: Cr Jenny Archibald**

**Seconded: Cr Jemima Williamson-Wong**

**Council confirm the minutes of the Ordinary Meeting of Council dated 28 August 2024.**

**Carried: 9/0**

**For:**

**Cr Jenny Archibald, Cr Geoff Graham,  
Cr Adin Lang, Cr Andrew Sullivan, Cr Jemima Williamson-Wong,  
Cr Fedele Camarda, Cr Ben Lawver,  
Cr Doug Thompson and Cr Ingrid van Dorssen**

**Against:**

**Nil**

## **Elected member communication**

Cr Doug Thompson made a statement and acknowledged the passing of former Councillor Rob Fittock.





## Reports and recommendations from officers

### Planning reports

#### **C2409-1 ESSEX STREET, NO. 19 (LOT 8), FREMANTLE - FOUR STOREY TOURIST DEVELOPMENT – (JD DAP002/24)**

<b>Meeting date:</b>	11 September 2024
<b>Responsible officer:</b>	Manager Development Approvals
<b>Voting requirements:</b>	Simple Majority Required
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. Amended Development Plans - 19 Essex Street FREMANTLE</li><li>2. Applicant's Planning Report - Tourist Development - 19 Essex Street FREMANTLE</li><li>3. Amended Architectural Report - 19 Essex Street FREMANTLE</li><li>4. Heritage Impact Statement - 19 Essex Street FREMANTLE</li><li>5. City of Fremantle Heritage Assessment - 19 Essex Street FREMANTLE</li><li>6. Heritage Council Response - 19 Essex Street FREMANTLE -</li><li>7. Amended Waste Management Plan - 19 Essex Street FREMANTLE</li><li>8. Transport Impact Statement - 19 Essex Street FREMANTLE</li><li>9. DAC Meeting Minutes - 19 Essex Street FREMANTLE</li><li>10. Schedule of Submissions and Applicant Response - 19 Essex Street FREMANTLE</li><li>11. Sustainability Report - 19 Essex Street FREMANTLE</li><li>12. Acoustic Report - 19 Essex Street FREMANTLE</li><li>13. Site Photos - 19 Essex Street FREMANTLE</li></ol>

### **SUMMARY**

**Approval is sought for a four storey Tourist development at No. 19 (Lot 8) Essex Street, Fremantle.**

**As the development value is \$8 million, the applicant has opted to have the application determined by the Metro Inner Development Assessment Panel (DAP). The City's Responsible Authority Report (RAR) is referred to Council for comment.**

**The application is recommended for approval.**



## **PROPOSAL**

### **Detail**

Approval is sought for a four storey Tourist development at No. 19 (Lot 8) Essex Street, Fremantle (subject site). The proposed works include:

- Demolition of internal ground floor partitions within the south building (ground floor of the north building will be left as is).
- Demolition of internal upper floor partitions, stairwell and wet areas in both the north and south building
- Removal of sections of roof sheeting to replace with translucent sheeting.
- Internal fit out of the ground floor of the existing south building for a small bar, guest communal dining, kitchen and laundry facilities.
- Internal fit out of the upper floors for bedrooms and bathrooms.
- Construction of a four storey addition at the rear of the existing buildings consisting of waste, laundry, parking, bathroom and bike store facilities on the ground floor and bedrooms on the first, second and third floors.
- Remediation works to heritage façade of the north building.

Development plans are included as Attachment 1.

### **Site/application information**

Date received:	14 June 2024
Owner name:	Kvarken Pty Limited
Submitted by:	Developed Property
Scheme:	City Centre
Heritage listing:	Individually Listed Category 2 and Central Fremantle Heritage Area
Existing land use:	Small Bar, Restaurant
Use class:	Tourist Development
Use permissibility:	D



## **STRATEGIC IMPLICATIONS**

This item is in keeping with the City of Fremantle’s Strategic Community Plan 2024 – 2034:

### **Liveable City - Sustainable growth in city centre population**

- Fremantle is recognised as a development-friendly city as a result of flexible and adaptable approaches to planning.

### **Liveable City - A unique built heritage and history that is preserved, protected and shared**

- Our built heritage is central to our character and sense of place, and is retained and protected for future generations to enjoy.
- Adaptive re-use of heritage buildings is enabled through supporting private investment, renewal and innovation.

### **Thriving City - Attraction and retention of diversified investment and talent**

- A diverse range of employment options across multiple sectors enable more people to work in Fremantle.
- Investment in quality property development enables more people to live and work in the city centre.
- Fremantle holds a reputation as a desirable place to work and visit which attracts investment from businesses and developers.



**Thriving City - A resilient seven-day economy**

- A City with a diverse range of unique, resilient and sought-after businesses and attractions.
- Visitor-focused amenity and infrastructure supports the delivery of an exceptional visitor experience.

**Thriving City - Vibrant and active city centre**

- The amenity and infrastructure that services our inner-city neighbourhoods reflect that of a modern and global city.
- A coexistence of residents, visitors and workers creates a desirable environment in which to live, work, and visit.

**VOTING AND OTHER REQUIREMENTS**

Simple Majority Required

**OFFICER'S RECOMMENDATION**

**Council:**

**SUPPORT the Officer's Recommendation to APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the four storey Tourist development at No. 19 (Lot 8) Essex Street, Fremantle, subject to the conditions outlined in the responsible authority report.**



In accordance with clause 9.7 of the [Meeting Procedures Policy](#), Cr Andrew Sullivan moved the following alternative motion, as provided in the additional documents:

#### ALTERNATIVE MOTION

Moved: Cr Andrew Sullivan

Seconded: Cr Fedele Camarda

**NOT SUPPORT** the Officer's Recommendation to APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the four storey Tourist development at No. 19 (Lot 8) Essex Street, Fremantle, ~~subject to the conditions outlined in the responsible authority report~~ for the following reasons:

- Impact of building height of the new addition on the amenity of the properties to the south, with specific concern in relation to impacts on privacy, access to winter sun and daylight.
- Impact on the heritage significance of the surrounding buildings facing Norfolk Street.
- Car parking shortfall and the impact on traffic and parking in the City Centre.

The applicant is encouraged to consider an amended proposal that increases the setbacks of Level 3 from the south eastern boundary, to graduate the scale from the Norfolk Street properties.

An amended Responsible Authority Recommendation is provided for the Development Assessment Panel's consideration.

*That the Metro Inner DAP resolves to:*

1. *Refuse that the DAP Application reference DAP/24/02724 is appropriate for consideration as a Tourist Development land use and compatible with the objectives of the zoning table in accordance with the City of Fremantle Local Planning Scheme No. 4.*
2. *Refuse DAP Application reference DAP/24/02724 and accompanying plans (DA00.00, DA00.01, DA01.01, DA01.02, DA01.03, DA01.04, DA01.05, DA01.06, DA01.07, DA02.01, DA02.02, DA02.03, DA02.04, DA02.05, DA02.06, DA03.01, DA03.02, DA03.03, DA03.04, DA04.01) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of the City of Fremantle Local Planning Scheme No. 4, for the following reasons:*



### **Reasons**

- 1. The proposal is inconsistent with clauses 67(a) of the Deemed Provisions as the building height does not meet the requirements of Schedule 7 clause 1.2b and c of Local Planning Scheme No. 4 due to the bulk and scale of the rear addition resulting in a detrimental impact to the amenity and heritage significance of neighbouring properties and the surrounding area.***
- 2. The proposal is inconsistent with clauses 67(m) and 67(n) of the Deemed Provisions as the proposal will result in a detrimental impact to the amenity of neighbouring properties by virtue of the height, scale and setbacks of the rear addition.***
- 3. The proposal is inconsistent with the requirements of Local Planning Scheme No. 4 and the Deemed Provisions, in relation to the lack of on site vehicle parking.***

### **Reason for alternative motion:**

The proposal is considered to have an unreasonable impact on heritage properties in the area due to the bulk and scale of the new addition at the rear.

**In accordance with clause 9.7 of the [Meeting Procedures Policy](#), Cr Ingrid van Dorssen moved the following amendment, as accepted by the Presiding Member:**

### **AMENDMENT**

**Moved: Cr Ingrid van Dorssen**

**Seconded: Cr Jenny Archibald**

To amend the officer's recommendation to include the following part 4 to the reasons in the recommendation:

- 4. The proposed collection of waste from the development on Norfolk Lane will result in an unreasonable impact on the amenity of the locality.***

**Amendment Carried: 8/1**

**For:**

**Cr Jenny Archibald, Cr Geoff Graham, Cr Adin Lang,  
Cr Andrew Sullivan, Cr Jemima Williamson-Wong,  
Cr Fedele Camarda, Cr Ben Lawver and Cr Ingrid van Dorssen**

**Against:**

**Cr Doug Thompson**



**Reason for amendment:**

An additional part was included to clarify the collection of waste will be an unreasonable impact on the residents nearby and contributes to the reasons to not support the development.

**COUNCIL DECISION ITEM C2409-1**  
**(Elected Member Alternative Motion)**

**Moved: Cr Andrew Sullivan**

**Seconded: Cr Fedele Camarda**

**Council:**

**NOT SUPPORT the Officer's Recommendation to APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the four storey Tourist development at No. 19 (Lot 8) Essex Street, Fremantle, for the following reasons:**

- **Impact of building height of the new addition on the amenity of the properties to the south, with specific concern in relation to impacts on privacy, access to winter sun and daylight.**
- **Impact on the heritage significance of the surrounding buildings facing Norfolk Street.**
- **Car parking shortfall and the impact on traffic and parking in the City Centre.**

**The applicant is encouraged to consider an amended proposal that increases the setbacks of Level 3 from the south eastern boundary, to graduate the scale from the Norfolk Street properties.**

**An amended Responsible Authority Recommendation is provided for the Development Assessment Panel's consideration.**

**That the Metro Inner DAP resolves to:**

- 1. Refuse that the DAP Application reference DAP/24/02724 is appropriate for consideration as a Tourist Development land use and compatible with the objectives of the zoning table in accordance with the City of Fremantle Local Planning Scheme No. 4.**
- 2. Refuse DAP Application reference DAP/24/02724 and accompanying plans (DA00.00, DA00.01, DA01.01, DA01.02, DA01.03, DA01.04, DA01.05, DA01.06, DA01.07, DA02.01, DA02.02, DA02.03, DA02.04, DA02.05, DA02.06, DA03.01, DA03.02, DA03.03, DA03.04, DA04.01) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of the City of Fremantle Local Planning Scheme No. 4, for the following reasons:**



## Reasons

- 1. The proposal is inconsistent with clauses 67(a) of the Deemed Provisions as the building height does not meet the requirements of Schedule 7 clause 1.2b and c of Local Planning Scheme No. 4 due to the bulk and scale of the rear addition resulting in a detrimental impact to the amenity and heritage significance of neighbouring properties and the surrounding area.**
- 2. The proposal is inconsistent with clauses 67(m) and 67(n) of the Deemed Provisions as the proposal will result in a detrimental impact to the amenity of neighbouring properties by virtue of the height, scale and setbacks of the rear addition.**
- 3. The proposal is inconsistent with the requirements of Local Planning Scheme No. 4 and the Deemed Provisions, in relation to the lack of on site vehicle parking.**
- 4. *The proposed collection of waste from the development on Norfolk Lane will result in an unreasonable impact on the amenity of the locality.***

**Carried: 9/0**

**For:**

**Cr Jenny Archibald, Cr Geoff Graham,  
Cr Adin Lang, Cr Andrew, Sullivan, Cr Jemima Williamson-Wong,  
Cr Fedele Camarda, Cr Ben Lawver,  
Cr Doug Thompson and Cr Ingrid van Dorssen**

**Against:**

**Nil**





**LOT 8 (NO. 19) ESSEX STREET FREMANTLE – FOUR STOREY TOURIST DEVELOPMENT**

**Form 1 – Responsible Authority Report**  
 (Regulation 12)

<b>DAP Name:</b>	Metro Inner
<b>Local Government Area:</b>	City of Fremantle
<b>Applicant:</b>	Developed Property
<b>Owner:</b>	Kvarken Pty Limited
<b>Value of Development:</b>	\$8 million
<b>Responsible Authority:</b>	City of Fremantle
<b>Authorising Officer:</b>	Manager Development Approvals
<b>LG Reference:</b>	DAP002/24
<b>DAP File No:</b>	DAP/24/02724
<b>Application Received Date:</b>	14 June 2024
<b>Report Due Date:</b>	10 September 2024
<b>Application Statutory Process Timeframe:</b>	90 Days
<b>Attachment(s):</b>	<ol style="list-style-type: none"> <li>1. Amended Development Plans</li> <li>2. Applicant’s Planning Report</li> <li>3. Amended Architectural Report</li> <li>4. Heritage Impact Statement</li> <li>5. City of Fremantle Heritage Assessment</li> <li>6. Heritage Council Response</li> <li>7. Amended Waste Management Plan</li> <li>8. Transport Impact Statement</li> <li>9. DAC Meeting Minutes</li> <li>10. Schedule of Submissions and Applicant Response</li> <li>11. Sustainability Report</li> <li>12. Acoustic Report</li> <li>13. Site Photos</li> </ol>

**Officer Recommendation**

That the Metro Inner DAP resolves to:

- 1. Accept** that the DAP Application reference DAP/24/02724 is appropriate for consideration as a Tourist Development land use and compatible with the objectives of the zoning table in accordance with the City of Fremantle Local Planning Scheme No. 4;



2. **Approve** DAP Application reference DAP/24/02724 and accompanying plans (DA00.00, DA00.01, DA01.01, DA01.02, DA01.03, DA01.04, DA01.05, DA01.06, DA01.07, DA02.01, DA02.02, DA02.03, DA02.04, DA02.05, DA02.06, DA03.01, DA03.02, DA03.03, DA03.04, DA04.01) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Fremantle Local Planning Scheme No. 4, subject to the following conditions:

### **Conditions**

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. All storm water discharge shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.
4. Prior to commencement of works, a program of monitoring any structural movement and potential vibration impacts on the Port Flour Mill, 26-28 Norfolk Street the limestone boundary wall is to be implemented to the satisfaction of the City of Fremantle, on advice from the Heritage Council. The Heritage Council is to be notified immediately if any impact occurs and advised on a recommended course of action by a suitably qualified structural engineer.
5. Prior to lodgement of a Building Permit application for the development hereby approved, a dilapidation survey of the Port Flour Mill, 26-28 Norfolk Street and the limestone boundary wall is to be prepared by a suitably qualified professional to the satisfaction of the City of Fremantle, on advice from the Heritage Council.
6. Prior to lodgement of a Building Permit application for the development hereby approved, a detailed Mortar Mix Methodology shall be submitted and approved to the satisfaction of the City of Fremantle. Only lime mortars and no cement or impervious materials are to be used. The works shall be undertaken using the approved mortar mix.



7. Prior to lodgement of a Building Permit application for the development hereby approved, final details of the external materials, colours and finishes of the proposed development, including a physical sample board or materials is to be submitted and approved to the satisfaction of the City of Fremantle, on the advice of the City's Design Advisory Committee.
8. Prior to lodgement of a Building Permit application for the development hereby approved, design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the City of Fremantle. All piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters, other plant and bin storage areas must be integrated into the design of the building and located to minimise any visual and/or noise impact on the occupants of nearby properties and screened from view from the street.
9. Prior to lodgement of a Building Permit or Demolition Permit application for the development hereby approved, a Construction/Demolition Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:
  - a) Use of City car parking bays for construction related activities;
  - b) Protection of infrastructure and street trees within the road reserve;
  - c) Security fencing around construction sites;
  - d) Gantries;
  - e) Access to site by construction vehicles;
  - f) Contact details;
  - g) Site offices;
  - h) Noise - Construction work and deliveries;
  - i) Sand drift and dust management;
  - j) Waste management;
  - k) Dewatering management plan;
  - l) Traffic management; and
  - m) Works affecting pedestrian areas.
10. Prior to lodgement of a Building Permit application for the development hereby approved, the applicant is to submit, and have approved to the satisfaction of the City of Fremantle, a detailed parking plan design which complies with the Australian Standard AS/NZS 2890 and AS/NZS 1428 including parking bay/s (comprising visitor bays, loading bays, disabled bays, motorcycle / scooter bays), aisle widths, circulation areas, driveway/s and points of ingress and egress, and demonstrates the safety of building users accessing the basement bike store and carparking.



11. Prior to lodgement of a Building Permit application for the development hereby approved, the design and materials of the development shall adhere to the requirements set out within City of Fremantle policy L.P.P2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall provide the following:
  - 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.
  
12. Prior to lodgement of a Building Permit application for the development hereby approved, details of how the recommendations contained in the Acoustic Report (Ref: 33221-1-24296), prepared by Herring Storer Acoustics, dated 21 August 2024 are to be implemented are to be submitted to the satisfaction of the City of Fremantle.
  
13. Prior to lodgement of a Building Permit application for the development hereby approved, a detailed drawing showing how the windows located on the east, south and west elevation of the four storey addition, are to be screened to address overlooking to the adjoining residential properties. Prior to occupation of the development hereby approved, the approved screening method shall be installed and maintained to the satisfaction of the City of Fremantle.
  
14. Prior to the lodgement of a Building Permit application for the development hereby approved, the applicant is to submit, and have approved to the satisfaction of the City of Fremantle, an Operational Management Plan addressing the following:
  - Emergency contact details
  - Management and reporting of antisocial behaviour
  - Complaints management procedure
  - Security and access to rooms
  - Guest arrival / check in/out
  - Maximum length of stay
  - Deliveries and servicing
  - Maximum occupancy



The Operational Management Plan must be implemented at all times to the satisfaction of the City of Fremantle for the life of the development.

15. Prior to occupation of the development hereby approved, all car parking, bicycle parking, motorcycle/scooter parking and vehicle access and circulation areas shall be installed, maintained and available for car parking/loading, and vehicle access and circulation on an ongoing basis to the satisfaction of the City of Fremantle.
16. Prior to occupation of the development hereby approved, the owner shall contribute a monetary amount equal in value to one percent of the estimated development cost or otherwise approved by the City in accordance with the policy, as indicated on the Form of Application for Planning Approval, to the City of Fremantle for development of public art works and/or heritage works to enhance the public realm in accordance with LPP 2.19: Contributions for Public Art and/or Heritage Works and to the satisfaction of the City of Fremantle. Based on the estimated cost of the development being \$8 million the contribution to be made is \$80,000.
17. The waste management plan, prepared by Talis Consultants, dated 13 August 2024 (WMP24011) must be implemented at all times to the satisfaction of the City of Fremantle.
18. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
19. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building which is not subject to the development hereby approved. Any damage shall be rectified to the satisfaction of City of Fremantle.
20. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.

### **Advice Notes**

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



2. In relation to the Heritage conditions above, should there be any further clarification regarding the requirements of these conditions please contact the City's Heritage Department on 9432 9999 or alternatively [planning@fremantle.wa.gov.au](mailto:planning@fremantle.wa.gov.au), or where relevant the Heritage Council of Western Australia. In addition to this, there are a number of technical advice sheets for conservation of privately-owned heritage buildings on the City's website.

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

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

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

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

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

5. All noise from the proposed development must comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended), such as:

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



- c. amplified acoustic systems; and
- d. patron noise.

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

6. Any works within the adjacent thoroughfare, i.e. road, kerbs, footpath, verge, crossover or right of way, requires a separate approval from the City of Fremantle's Infrastructure Business Services department who can be contacted via [info@fremantle.wa.gov.au](mailto:info@fremantle.wa.gov.au) or 9432 9999.
7. The proponent must make application during the Building Permit application stage to Environmental Health Services via Schedule 3 – Application for registration of a lodging house as a requirement of the City of Fremantle's Health Local Laws 1997. For further information and a copy of the application form contact Environmental Health Services on 9432 9999 or via [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au).
8. The premises must comply with the *Food Act 2008*, regulations and the Food Safety Standards incorporating AS 4674-2004 Design, construction and fit-out of food premises. Detailed architectural plans and elevations must be submitted to Environmental Health Services for approval prior to construction via an application to notify/register a food business. The food business is required to be registered under the *Food Act 2008*. For further information contact Environmental Health Services on 9432 9999 or via [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au).
9. In regard to the condition requiring a Construction Management Plan, Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>.

A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be accessed via:

<https://www.fremantle.wa.gov.au/sites/default/files/Construction%20and%20Demolition%20Management%20Plan%20Proforma.pdf>

The Infrastructure Business Services department can be contacted via [info@fremantle.wa.gov.au](mailto:info@fremantle.wa.gov.au) or 9432 9999.



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

**Details: outline of development application**

Region Scheme	Metropolitan Region Scheme (MRS)
Region Scheme - Zone	Central City
Local Planning Scheme	Local Planning Scheme No. 4 (LPS4)
Local Planning Scheme - Zone	City Centre
Use Class and permissibility:	Tourist Development - D
Lot Size:	1614m <sup>2</sup>
Existing Land Use:	Office, Restaurant, Small Bar
State Heritage Register	No
Local Heritage	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Heritage List <input checked="" type="checkbox"/> Heritage Area
Design Review	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other
Bushfire Prone Area	No
Swan River Trust Area	No





**Proposal:**

The application seeks approval for a four storey Tourist development at No. 19 (Lot 8) Essex Street, Fremantle (subject site). The proposed development includes internal alterations to the existing building as well as the addition of a four storey building to the rear of the site. The proposed land use is for a short stay accommodation premises comprising 80 rooms with 247 beds and associated amenities (communal dining, kitchen, laundry and bathroom facilities etc.) and a small bar.

The key components of the proposed development can be seen at Attachment 1 and are summarised as follows:

Proposed Land Use	Tourist development
Proposed Net Lettable Area	2600m <sup>2</sup>
Proposed No. Storeys	Two (2) - Four (4)
Proposed No. Dwellings	N/A

The works component of the development includes:

- Demolition of internal ground floor partitions within the south building (ground floor of the north building will be left as existing).
- Demolition of internal upper floor partitions, stairwell and wet areas in both the north and south building
- Removal of sections of roof sheeting to be replaced with translucent sheeting.
- Internal fit out of the ground floor of the existing south building for a small bar, guest communal dining, kitchen and laundry facilities.
- Internal fit out of the upper floor for bedrooms and bathrooms in both the north and south building
- Construction of a four storey addition at the rear of the site consisting of waste, laundry, parking, bathroom and bike store facilities on the ground floor and bedrooms on the first, second and third floors.
- Remediation works to heritage façade of the north building.

The applicant submitted amended plans on 23 August 2024 including the following changes:

- Addition of three (3) 'bike loops' on the Essex Street verge and the indication of an existing bike store containing 10 bicycle hoops at the rear of the building.
- Removal of the 'LyLo' signage on the exterior of the rear addition.
- Indication of air conditioner units on the roof of the existing buildings (to be contained within the valley of the north and south buildings of the subject site).



- Diagram illustrating the visibility of the four storey addition from Essex and Norfolk Street.

**Background:**

Site Context

The subject site has a total land area of 1614m<sup>2</sup> and is zoned City Centre under Local Planning Scheme No. 4 (LPS4). The site is located within the Central Fremantle Heritage Area and abuts a State heritage listed building to the west and City of Fremantle heritage listed buildings to the south and east (a right of way runs along a portion of the south rear boundary). The surrounding area features a mix of residential and commercial land uses.

The subject site contains two buildings joined by a party wall down the middle of the site. The existing north building was constructed circa 1907 and is part of the Former Mills and Co. Building. In 2012 the buildings located on the southern half of the site, constructed circa 1940, were demolished and a new building to match the retained north building was constructed. Various alterations and changes in use have occurred on the site throughout recent decades with the building currently being used for offices, an educational establishment, a small bar and a restaurant.

Refer to the figures below for additional site context.



**Figure 1 – Planning Context Map**



**Figure 2 – Site Aerial Image**



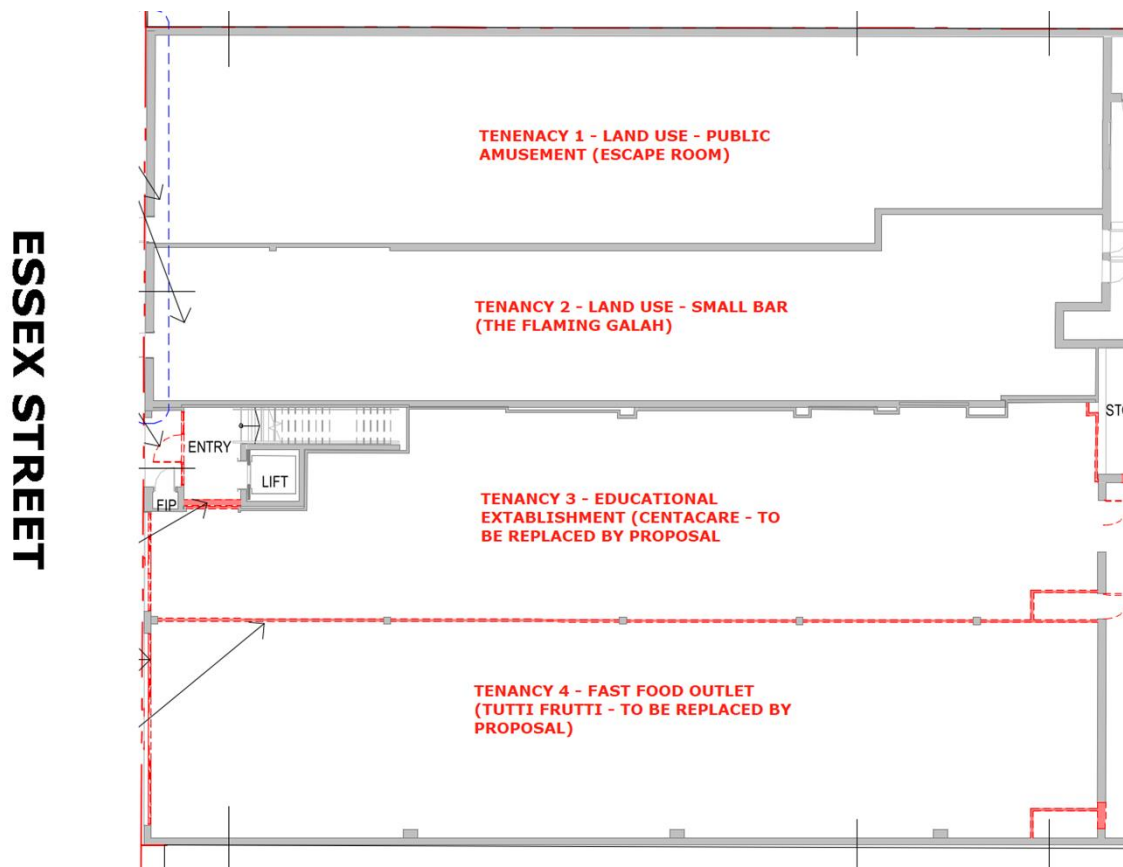
**Figure 3 – Existing Street View**



## Site History

The relevant development history evident under the property file is listed below:

- DA0065/23 – Internal alterations to existing building and change of use to public amusement (existing 'Escape Room' venue in tenancy 1)
- DA0120/22 – Signage and internal alterations to existing building (signage and fit-out for the exiting small bar 'The Flaming Galah' in tenancy 2 – note: Small bar land use is exempt under Local Planning Policy 1.7).
- DA0525/20 – Change of use from office to education establishment, signage and internal fit-out (existing 'Centacare' educational establishment in tenancy 3 – to be replaced by proposed land use)
- DA0322/19 – Four storey tourist accommodation building and additions and alterations to existing building (never acted on)
- DA0364/14 - Change of use to Fast Food Outlet and addition of signage (existing 'Tutti Frutti' fast food outlet in tenancy 3 – to be replaced by proposed land use)
- DA0472/10 - Partial demolition of existing buildings on the south of the site, partial change of use to office and signage additions



**Figure 4 – Existing Land Uses**



## **Legislation and Policy:**

### Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)*
- *Planning and Development (Development Assessment Panels) Regulations 2011*
- Metropolitan Region Scheme
- City of Fremantle Local Planning Scheme No. 4

### State Government Policies

- State Planning Policy 3.5 - Historic Heritage Conservation
- State Planning Policy 7.0 - Design of the Built Environment

### Local Policies

- Local Planning Policy 1.3 – Community Consultation on Planning Proposals
- Local Planning Policy 1.6 – Heritage Assessment and Protection
- Local Planning Policy 1.9 – Design Advisory Committee and Principles Of Design
- Local Planning Policy 1.10 – Construction Sites
- Local Planning Policy 2.3 – Fremantle Port Buffer Area Development Guidelines
- Local Planning Policy 2.13 – Sustainable Buildings Design Requirements
- Local Planning Policy 2.19 – Contributions for Public Art and/or Heritage Works
- Local Planning Policy 2.24 – Waste Management Plans for New Development
- Local Planning Policy 3.6 – Heritage Areas

The development assessment has been undertaken in accordance with the abovementioned legislation and policies.

## **Consultation:**

### Public Consultation

In accordance with LPP1.3 (Community Consultation on Planning Proposals), the application was advertised to the public from the 8 July 2024 until 6 August 2024 by means of letters to owners/occupiers of properties within a 200m radius of the site, a sign on site, notices in the press and inclusion on the City's MySay webpage.



In response, the City received a total of 25 submissions. 22 submissions were received that objected to the proposal and 3 submissions in support of the proposal. A schedule of the public submissions which includes the full details on each submission as well as the applicant’s response to these submissions are included as Attachment 10.

A summary of the key points raised in the submission in support of the proposal are detailed below:

- The development is an opportunity to draw more visitors into the city centre.
- More accommodation in the city centre will be a positive change.
- The development does not appear to significantly change the appearance of the streetscape.
- Fremantle is in need of higher density tourist accommodation.

A summary of the key points raised in objection to the proposal are included in Table 1 below:

**Table 1 – Summarised Objections and Officer Comments**

<b>Issue Raised</b>	<b>Officer comments</b>
<p>Parking/ Traffic</p> <ul style="list-style-type: none"> <li>• Insufficient car parking provided</li> <li>• Insufficient facilities for bicycle storage</li> <li>• Increased traffic from service vehicles, deliveries and guest arrivals causing traffic congestions.</li> <li>• No designated area for guests arriving via taxi/uber etc.</li> <li>• There is currently difficulty in finding parking on Essex Street.</li> </ul>	<p>Parking and bicycle facilities have been assessed in the following sections. A requirement for an Operational Management Plan to manage guest arrivals and service deliveries is included as a recommended condition.</p>
<p>Building height</p> <ul style="list-style-type: none"> <li>• Detrimental impact on the character of Norfolk/Essex Street due to the visibility of the rear addition.</li> <li>• The 11m maximum building height must not be exceeded.</li> </ul>	<p>Building height in excess of 11m (to a height of four storeys/ 14m) can be considered subject to satisfying the requirements of LPS4. The building height has been assessed in the following sections below.</p>



<p>Design of the rear building</p> <ul style="list-style-type: none"> <li>• The rear addition will not blend in with the surrounding area and is not aesthetically pleasing.</li> <li>• A four storey square shaped building does not fit with the character of buildings in the surrounding area.</li> <li>• The branding on the exterior of the building is excessive.</li> </ul>	<p>The proposal has been carefully considered against the context and character of the Central Fremantle Heritage Area. In addition, the proposal was referred to the Design Advisory Committee (DAC) and Heritage Council who were generally supportive of the proposal. The DAC and Heritage Council comments and built form assessment are included in the following sections below.</p>
<p>Overshadowing</p> <ul style="list-style-type: none"> <li>• The development exceeding 11m in height will result in significant overshadowing of outdoor living areas/major openings on adjacent properties.</li> <li>• Insufficient overshadowing plans/models provided.</li> </ul>	<p>The applicant provided shadow diagrams which detail the shadow cast throughout various times of the day. It is considered that the shadow diagrams are an accurate representation of how the shadow will move throughout the day. It is considered that the shadow will not be significantly concentrated on a single site for a substantial period of the day.</p>
<p>Visual privacy</p> <ul style="list-style-type: none"> <li>• There will be a loss of privacy to major openings and outdoor living areas on adjoining properties.</li> <li>• Direct overlooking from windows over adjoining properties.</li> </ul>	<p>The applicant has indicated screening to be installed on the upper floor windows of the rear addition to reduce the impact on neighbouring properties. A condition is recommended for a detailed drawing of this screening to be provided prior to the lodgement of building permit application.</p>
<p>Impact to adjacent heritage buildings</p> <ul style="list-style-type: none"> <li>• Detrimental impact to the level 2 heritage listed building on the subject site.</li> <li>• Detrimental impact to the adjacent heritage listed buildings during construction.</li> <li>• Impact to the small portion of limestone boundary wall adjoining a State Heritage Registered place.</li> </ul>	<p>The proposal was referred to the Heritage Council to consider heritage implications on adjacent heritage listed buildings (including the limestone boundary wall at the rear of the site). The Heritage Council was generally supportive of the proposal subject to conditions pertaining to a dilapidation survey of adjacent heritage listed buildings as well as a program of monitoring any structural movements of these buildings. The advice from the Heritage Council is included in the</p>



	following sections below. This advice will form recommended conditions.
<p>Visual impact to the streetscape/ character of the area / surrounding properties</p> <ul style="list-style-type: none"> <li>• There’s no representation of how the four-storey development at the rear will impact the Norfolk Street streetscape.</li> <li>• Visual impact of external plant and fixtures</li> </ul>	<p>The proposal has been carefully considered against the context and character of the surrounding streetscapes. The applicant provided 3D mapping data to allow input into the City’s mapping software. 3D Visual representations are included in the building height assessment below. A condition will be recommended to ensure external plant and fixtures are in a suitable location to minimise visual impact on the surrounding area.</p>
<p>Development density/ number of occupants/rooms</p> <ul style="list-style-type: none"> <li>• Excessive number of rooms/beds.</li> <li>• The density will result in excessive activity in an area where people reside.</li> </ul>	<p>The density of the development is considered appropriate for the region-serving role of the City Centre.</p>
<p>Noise</p> <ul style="list-style-type: none"> <li>• Excessive noise from plant and machinery (air con etc.)</li> <li>• Excessive noise from patrons of the small bar as well as guests staying at the accommodation.</li> <li>• Impact from the 24/7 operation of the accommodation.</li> </ul>	<p>The applicant has provided an acoustic report which is included as Attachment 12 It is considered that the plant and equipment for the development, as indicated in the acoustic report, features sufficient separation/screening to effectively reduce the impact of noise on surrounding noise sensitive premises. Regardless of this, any noise generated from the proposed development must comply with the <i>Environmental Protection (Noise) Regulations 1997</i>.</p>
<p>Waste management</p> <ul style="list-style-type: none"> <li>• Detrimental impact on the amenity of the area from odour and noise from disposing of waste.</li> <li>• Insufficient detail to illustrate how the amount of waste generate from 300 people will be managed.</li> </ul>	<p>A waste management plan (WMP) has been provided and reviewed by internal departments at the City. A contractor will be utilised to manage the waste output from the proposed development. The waste management of the development has been further addressed in the applicable section below.</p>





<ul style="list-style-type: none"> <li>• Placement of bins blocking right of ways and access along Norfolk Lane.</li> </ul>	
<p>Construction impacts</p> <ul style="list-style-type: none"> <li>• Impact on adjoining businesses (nearby bed and breakfast etc.) during construction.</li> </ul>	<p>A condition is recommended for a construction management plan to be provided prior to the lodgement of a building permit application to ensure impact to the surrounding area is mitigated during the construction phase.</p>
<p>Other</p> <ul style="list-style-type: none"> <li>• The accommodation is an unappealing place to stay.</li> <li>• Hotels are not full during winter time; Another hotel in the City Centre is not needed.</li> <li>• Backpackers are already catered for in the City Centre, more accommodation for them is not required.</li> <li>• There are other more appropriate locations for the proposed development.</li> <li>• Anti-social behaviour from guests</li> <li>• The proposal has little to offer the Fremantle City Centre and will not offer anything to the community.</li> <li>• There is a misrepresentation of how the rear addition will appear from the streetscape.</li> <li>• The proposed development submission fails to identify 15-17 as a residential property.</li> <li>• The type of clientele the Small Bar is targeting via the provision of cheaper alcohol will increase anti-social behaviour.</li> </ul>	<p>Assessment of the proposed land use and the impact on the amenity of the area is discussed in the report below. A requirement for an Operational Management Plan to mitigate any potential detrimental impact from anti-social behaviour is included as a recommended condition.</p>



Referrals/consultation with Government/Service Agencies

*Heritage Council*

As the subject site is adjacent to a State Heritage listed building and proposes significant additions and alterations, it was required to be referred to the Heritage Council.

Heritage Council have advised that the proposal will not affect the cultural heritage significance of the adjacent properties (Port Flour Mill and Fremantle Technical College Annexe) and minimal adverse impact on 26-28 Norfolk Street. This is subject to conditions as follows:

- 1. A dilapidation survey of the Port Flour Mill, 26-28 Norfolk Street and the limestone boundary wall is to be prepared by a suitably qualified professional prior to any works being undertaken.*
- 2. A program of monitoring any structural movement and potential vibration impacts on the Port Flour Mill, 26-28 Norfolk Street the limestone boundary wall is to be implemented at the commencement of works. The Heritage Council is to be notified immediately if any impact occurs and advised on a recommended course of action by a suitably qualified structural engineer.*

Conditions of approval have been recommended in accordance with the above. A copy of the Heritage Council advice is included as Attachment 6.

*City of Fremantle Heritage Comment*

19 Essex Street contains three elements of cultural heritage significance:

- 19B façade
- 19B interior of ground floor tenancies
- Limestone wall to rear boundary

19A Essex Street, the southern half of the building is a two-storey addition constructed in 2012 to replace an earlier building from 1941. This part of the building has no heritage significance but is sympathetic with the character of streetscape. The proposed changes will have no impact on the heritage significance of 19 Essex Street or the heritage character of Essex Street.



The works proposed in this application will have only a minor impact on the heritage significance of 19B Essex Street. The façade and the shopfronts will undergo some remediation and repainting which not adversely affect heritage fabric or heritage significance. The interior of the ground floor tenancies will undergo some minor changes but will retain original finishes and remain as two tenancies.

The proposed four storey accommodation block is located at the rear of the site and will not directly affect any significant heritage fabric at 19 Essex Street or adjoining heritage properties. It will have little visual impact on the presentation of 19 Essex Street and its contribution to the streetscape as it is a considerable distance from the street and will be largely concealed by the existing two storey building at the front of the site.

The limestone wall on the rear boundary of the site will not be affected by this proposal. However, the wall needs to be protected during construction as it will not have a modern structurally designed footing only a thickening of the wall. Any works to this wall must match the existing original stonework and lime pointing and cement mortars and sealers must not be used.

The works proposed in this application are acceptable as they will have only a minor impact on the heritage values of 26-28 Norfolk Street, 19 Essex Street and the Central Fremantle Heritage Area. However, precautions need to be undertaken during construction to ensure that the adjacent State Heritage listed buildings 26-28 Norfolk Street and Port Flour Mill are not adversely affected.

Recommended conditions:

1. Refer to HCWA advice dated 29 July 2024.
2. Methodology for stonework repair to be provided as part of the Building Licence documentation. Repairs to match original stone, stonework and pointing in stone type, coursing pattern and mortar composition and colour. Cement mortar or sealers are not to be used.

The full heritage assessment is included as Attachment 5.

*Fremantle Port Authority*

The Fremantle Port Authority requested that the relevant requirements of LPP2.3 (Fremantle Port Buffer Area Development Guidelines), be addressed. As the site sits in the 'Buffer Zone 2', these requirements will be secured by a recommended condition.



### *Other Advice*

The application was referred to the relevant internal departments at the City of Fremantle for formal comment as part of the assessment process. All departments were generally satisfied with the proposed development. Any comments received will be addressed via conditions and advice notes. The comments received related to ensuring standard requirements are followed, specifically:

1. Building permit required (advice notes)
2. Removal of asbestos (advice note)
3. Noise from construction works (advice note)
4. Stormwater management (condition)
5. Construction management plan (condition)
6. Waste management (condition)

### Design Review Panel Advice

The applicant engaged with the City's Design Advisory Committee (DAC) prior to lodgement of the application on 13<sup>th</sup> May 2024.

The DAC provided comment and recommendations on the proposal against the design generally as well as against each of the 10 Principles of Design within LPP1.9 (Design Advisory Committee & Principles of Design) and State Planning Policy 7 (Design of the Built Environment):

The DAC meeting minutes are provided as follows:

### ***Strengths of the Proposal***

- *A new tourism development proposal in the Fremantle City Centre for visitors who are seeking affordable hotel accommodation.*
- *The LyLo model appears to be successful, with hotels in some of the major cities of New Zealand and in Brisbane; the proposal for Fremantle is the first in WA.*
- *The Hotel model has the clear core values of "Authentic, Home and Local".*
- *The Hotel is an 'intense' development in terms of the high density of visitors accommodated (potentially 248 guests based on the room configurations). This new visitor population should contribute to the life and vibrancy of the city.*
- *A sustainable design approach through the adaptive re-use of the existing two buildings on the site (including a Local Heritage Listed building at 19B).*



- *New 4-storey addition is located at the eastern rear of the site with minimal negative visual and amenity impacts on the streetscape and surrounding existing properties.*
- *Provision of an extensive area of different types of communal facilities for guests.*
- *Activation opportunities of the building interface with Essex Street at both floor levels by way of al fresco dining areas.*
- *Inclusion of accessibility rooms for people with disabilities.*

**Principle 1 Context and character**

a) *The Proponent should ensure the early consideration of the integration of heritage with the new proposal. The Proponent should demonstrate an understanding of what is of heritage significance and what is not, and how much significant fabric is to be retained or demolished and its impact assessment on the heritage values of the place.*

b) *Provide a Heritage Impact Statement (HIS) prior to the submission of the Development Application. The impact assessment should address, avoid and propose a mitigation strategy for the demolition of significant fabric and aesthetical streetscape impact. In addition to the Local Heritage Listed structures, the HIS also should address the State Registered Properties near to and adjacent to the site.*

*The DAC suggested providing a streetscape perspective of the proposal looking north along Essex Street and to include the Fremantle Technical School.*

c) *19 Essex Street is essentially the amalgamation of two buildings on two lots (19A and 19B). The Proponent should maintain the character of Essex Street by respecting the existing fine grain and rhythm of the lot pattern and buildings.*

*The DAC recommends a review of the proposed new awning (19A) and its exact horizontal alignment with the existing awning of the Local Heritage Listed building (19B). The awning is proposed to extend across the entire width of the building frontage as a consistent horizontal line; unfortunately, in doing so, the impression is conveyed of one large building.*

*Consider the rich DNA of the Central Fremantle Heritage Area and how local character, culture and history (indigenous and post-colonial), rather than an 'international' approach, should be woven into the development.*

*Consider a multi-layered approach to 'storytelling' that can be educational and enjoyable for local and overseas visitors, such as the integration of public art, wayfinding, and signage throughout the publicly visible and accessible external and internal areas of the proposal.*



*Recommendations*

- 1. Demonstrate the integration of heritage with the new proposal.*
- 2. Provide a Heritage Impact Statement (HIS) prior to the submission of the Development Application.*
- 3. Maintain the character of Essex Street by respecting the existing fine grain and rhythm of the lot pattern and buildings; in particular, review the awning design.*
- 4. Consider the rich DNA of the Central Fremantle Heritage Area and how local character, culture and history should be woven into the development.*

**Principle 2 Landscape quality**

- a) Consider the opportunity to provide more landscape and natural amenity (daylight, ventilation) into the central communal "Main Street" on the first floor and the large communal areas at ground level.*

*Recommendations*

- 1. Consider opportunities to provide more landscape and natural amenity into the communal areas.*

**Principle 3 Built form and scale**

- a) The DAC supports the bulk, height and scale of the new 4-storey accommodation block.*

**Principle 4 Functionality and build quality**

- a) Consider the technical aspects of design at this early stage, including safety and escape for visitors in the event of a fire.*

*Recommendations*

- 1. Consider the technical aspects of design at this early stage.*

**Principle 5 Sustainability**

- a) The DAC strongly supports the adaptive re-use of the two buildings for this new proposed hotel, however, consider long term sustainability and the ability to modify the proposal for other different uses in the future (noting, however, comments in Principle 1 about impact of changes on the integrity of the heritage building).*



*Recommendations*

1. *Consider long term sustainability and the ability to modify the proposal for other different uses in the future.*

**Principle 6 Amenity**

- a) *The DAC supports the clustering of the hotel rooms into legible "Houses" accessed off the central "Main Street".*
- b) *In view of the number of visitors accommodated in the main part of the hotel, consider the adequacy of the communal restroom 'block' and if re-distribution of the block's showers and toilets into smaller clusters (co-located with the "Houses") could improve accessibility.*
- c) *Generally, consider improvements to the access of natural amenity into the rooms, particularly where between 3 to 8 visitors are accommodated together. Good levels of natural ventilation and daylight are critical for visitors to be comfortable and if staying in the hotel for longer than a few days.*
- d) *Consider improving the 4-storey block's rear staircase for the access of natural daylight and views out.*
- e) *Consider opportunities to improve the current narrow areas of external communal open space (at both levels) at the building's interface with the street.*
- f) *Consider improving the constrained front lobby area in view of the potential conflicts between visitors entering the front door, waiting outside lift 1, using stair 1, and squeezing through the narrow gap to the Bar.*
- g) *Consider relocating the bike store from the Back of House area to a more prominent and accessible part of the Hotel. Bike use is part of the Fremantle character and should be visible and celebrated.*

*Recommendations*

1. *Consider the adequacy of the communal restroom 'block' and possible co-location of facilities with the "Houses".*
2. *Consider improvements to the access of natural amenity into the rooms.*
3. *Consider improving the 4-storey block's rear staircase for the access of natural daylight and views out.*
4. *Consider opportunities to improve the current narrow areas of external communal open space at both levels.*
5. *Consider improving the constrained front lobby area.*
6. *Consider relocating the bike store from the Back of House area to a more prominent and accessible part of the Hotel.*



### **Principle 7 Legibility**

- a) *The layout of different spaces and circulation throughout the building is generally well considered and legible.*

### **Principle 8 Safety**

- a) *The proposal is for 24-hour use and includes passive surveillance opportunities from openings to help enhance the safety of Essex Street.*

### **Principle 9 Community**

- a) *The DAC supports the tourism use and potential for hotel guests to socialise with the community in the Fremantle City Centre.*

### **Principle 10 Aesthetics**

- a) *Provide further detail on the materiality of the new 4-storey addition.*

### **Concluding Remarks**

*While the DAC provides its initial support for this generally well-considered tourism development proposal in the Fremantle City Centre, the DAC did identify several areas for further consideration:*

- Heritage: Demonstrate an understanding of the integration of heritage with the proposal; provide a comprehensive Heritage Impact Statement with key street views; and review current design elements that are affecting the integrity of the Essex Street character.*
- Integrate local Fremantle character, culture and history into the development for a strong sense of place.*
- Provide more landscape and natural amenity into the communal areas.*
- Review the technical aspects of design at this early stage.*
- Consider long term sustainability and the ability to modify the proposal for other different uses in the future (noting the importance of maintaining the integrity of the heritage building).*
- Amenity: Suggested improvements to the provision and location of restroom facilities; more natural amenity into guest rooms and the rear staircase; design of the constrained external communal open spaces at both levels and the front lobby; and a more prominent and accessible location for the bike store.*
- Provide further detail on the materiality of the new 4-storey addition.*





As commented above, the DAC supports in principle the four storey addition to the subject site as well as the internal fit out of the existing heritage building. It is considered that the proposal is of a quality design and suitably addresses the design principles of SPP7.0 (Design of the Built Environment) subject to additional recommendations. These recommendations are addressed below.

- The applicant has provided a comprehensive Heritage Impact Statement which is included as Attachment 4.
- The proposed development will maintain the original heritage fabric of the original north building. The heritage facade of the north building will be retained and conserved with only minor 'make good' works proposed.
- The building will remain largely in its current form with the proposal involving the adaptive reuse of the envelope of both buildings on the site.
- The publicly accessible uses will continue on the ground floor of both buildings which will conserve the building's community associations, sense of place and social significance in the Fremantle context.
- Additional clarity on the materiality of the rear building has been included on the development plans. A condition is recommended that final details of the external materials, colours and finishes are to be submitted and approved by the City.
- Minor alterations and reconfiguration to the ground floor lobby/kitchen/dining areas have been made however, the proposed layout of the development remains largely unchanged. A condition of approval is recommended regarding the materiality of the development to be reviewed by DAC.

### **Planning Assessment:**

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

- Land use
- Parking
- Building height
- Heritage
- Built form



Land Use

**Table 2 – Land Use Permissibility**

<b>Provision</b>	<b>Proposal</b>	<b>Zone</b>	<b>Permissibility</b>
Local Planning Scheme 4 clause 3.3 - Zoning Table	Tourist Development	City Centre	D
As above	Small Bar	City Centre	Exempt A use (refer note 1)

Note 1: Local Planning Policy 1.7 exempts a Small Bar land use in the City Centre zone where the tenancy is not located on Market Street or High Street west of Walyalup Koort. The Small Bar is considered exempt and is not subject to further assessment.

A Tourist Development under Schedule 1 of LPS4 means –

- a building, or a group of buildings forming a complex, other than a bed or breakfast, a caravan park or short stay dwelling, used to provide –*
  - (a) short term accommodation for guests; and*
  - (b) onsite facilities for the use of guests; and*
  - (c) facilities for the management of the development;*

A Tourist Development is a 'D' use in the City Centre zone which means that the use is not permitted unless the Council has exercised its discretion by granting planning approval. In considering a 'D' land use, the Council will have regard to the matters set out in clause 67 of the Regulations, Schedule 2. In this regard the following matters have been considered:

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (c) any approved State planning policy*
- (g) any local planning policy for the Scheme area;*
- (k) the built heritage conservation of any place that is of cultural significance;*
- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
- (m) the compatibility of the development with its setting, including –*
  - (i) the compatibility of the development with the desired future character of its setting; and*
  - (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following –*
  - (i) environmental impacts of the development;*



- (ii) the character of the locality;*
- (iii) social impacts of the development;'*
- (s) the adequacy of —*
  - (i) the proposed means of access to and egress from the site; and*
  - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
  - (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
  - (w) the history of the site where the development is to be located;*
  - (y) any submissions received on the application;*

For the purpose of assessing matter (a) above, the objectives of the City Centre zone are as follows:

- 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*
  - (ii) comply with the objectives of local planning area 1 of schedule 7,*
  - (iii) conserve places of heritage significance the subject of or affected by development.*

The proposed development is considered to be consistent with the Regulations and zone objectives for the following reasons:

- The proposal is for a mixed use development which will maintain the existing small bar and public amusement land uses while incorporating a new short stay accommodation land use and additional small bar into the subject site.
- The built heritage of the site has been carefully considered throughout the assessment of the application which has been supported by the Heritage Council. The alterations to the heritage listed building will allow for it's continued use and vitality into the future.
- The rear addition satisfies the building height requirements of Local Planning Area 1 of Schedule 7. The rear addition is setback sufficiently from Essex street such that it will not be visible resulting in minimal impact to the character and amenity of the streetscape. The rear addition is setback behind existing residential and commercial tenancies located on Norfolk Street which will effectively minimise its visibility and appearance of bulk and/or scale.
- There is considered to be sufficient separation from adjoining residential and commercial tenancies to reduce any detrimental impact on the amenity of these properties.



- Any impact from traffic, waste disposal and service vehicles is considered to be suitably mitigated via the provided Traffic Impact Statement and Waste Management Plan.

Parking

The car parking ratio applied by LPS4 for the proposed Tourist development land use is as follows:

**Table 3 – Parking Requirement**

<b>Provision</b>	<b>Requirement</b>	<b>Proposal</b>	<b>Assessment</b>
Car parking	Tourist development 1: 4 units or* 1: 4 bedrooms  Required: 20 bays	1	19 bay shortfall
	Small bar	Nil	N/A – Refer Note 1
	Existing small bar	1	N/A – Refer Note 1
	Existing public amusement 1: 10 seats or 1: 10m <sup>2</sup> of floor area dedicated to amusement facilities whichever is the greater 131m <sup>2</sup> floor area  Required: 13 bays	1 (consistent with development approval DA0065/23)	12 bay shortfall –Refer Note 2
Delivery bays	2 bays (1 each for tourist development and public amusement land uses)	1 bay shared	1 bay shortfall
<b>Total</b>	35 bays	4 bays	32 bay shortfall



**Note 1:** A Small Bar land use is exempt from requiring development approval under Local Planning Policy 1.7 'Development Exempt from Approval Under Local Planning Scheme No. 4' and is therefore not required to comply with minimum on-site parking requirements.

**Note 2:** One (1) car bay has been provided for the public amusement land use which is consistent with the parking provided (one (1) bay) under development approval DA0065/23.

Clause 4.7.3.1 of LPS4 states that Council may –

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

- (i) the availability of car parking in the locality including street parking,*
- (ii) the availability of public transport in the locality,*
- (iii) any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of the efficiencies gained from the consolidation of shared car parking spaces,*
- (iv) any car parking deficiency or surplus associated with the existing use of the land,*
- (v) legal arrangements have been made in accordance with clause 4.7.5 for the parking or shared use of parking areas which are in the opinion of the Council satisfactory,*
- (vi) any credit which should be allowed for a car parking demand deemed to have been provided in associated with a use that existed before the change of parking requirement,*
- (vii) the proposal involves the restoration of a heritage building or retention of a tree or trees worthy of preservation,*
- (viii) any other relevant considerations.*

*Note: \*In some sub areas identified in Schedule 7 reduction of parking bays is not permitted. The requirements of Schedule 7 prevail over this clause.*

The reduction in on-site car parking is considered to meet the requirements of Clause 4.7.3.1 of the Local Planning Scheme No.4 for the following reasons:

- The subject site is located within a 250-metre buffer of a high frequency bus route (bus stops located within 100m of the site) and is within an 800-metre buffer of the Fremantle Train Station entrance.
- There are public car parking lots with unrestricted time limits located on Marine Terrace and at the Fishing Boat Harbour, within 250m and 400m respectively, of the subject site. Additionally, there are a number of private



car parking facilities that offer all day parking in the area, which may be suitable for a short term accommodation user if they have a vehicle.

- The City’s Integrated Transport Strategy identifies the future approach for parking within the City of Fremantle. The aim is to provide new parking facilities located on the periphery of the central city. This approach will minimise the impact of vehicles on the pedestrian priority city centre. The proposed development is consistent with this strategy as it will not encourage the use of vehicles to drive into the central city area.

The bicycle parking required by LPS4 for the proposed Tourist development land use is as follows:

**Table 4 – Bicycle parking requirement**

<b>Provision</b>	<b>Requirement</b>	<b>Proposal</b>	<b>Assessment</b>
Bicycle parking	Tourist development Class 2: 1 per 4 units  Required: 20	21 (plus 3 in Essex Street verge)	Complies

Building Height

Schedule 7 of LPS4 provides the building height requirements for the subject site within Local Planning Area 1, sub-area 1.3.1 which states as follows:

*Despite the general height requirements outlined in 1.1 above, building height shall be limited to a maximum height of three storeys (maximum external wall height of 11\* metres as measured from ground level with a maximum roof plain pitch of 33 degrees).*

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

- (a) Where a site meets any of the requirements of Clause 1A(a)-(e) of the deemed provisions, 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 14\* metres, and*
- (c) compliance with clause 1.2. above.*

*\*Inclusive of roof parapet and spacing between floors.*

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



(c) the proposal would be consistent, if applicable, with conservation objectives for the site and locality generally, and  
 (d) any other relevant matter outlined in Council's local planning policies.  
 Council may impose a lesser height in the event that the proposal does not satisfy any of the above requirements.

The proposed development features a maximum of four (4) storeys with a total building height of 13.8m as detailed in Table 4 below.

**Table 4 – Building Height**

<b>Provision</b>	<b>Permitted – General Height</b>	<b>Permitted - Additional Height</b>	<b>Proposal</b>	<b>Assessment</b>
Building height	3 storeys 11m external wall height	4 Storeys/ 14m external wall height/ upper level not visible from the street	4 storeys 13.8m external wall height Not visible from Essex Street	Compliant

The height of the proposed building on the subject site is considered acceptable and meets the permitted additional height provisions under Schedule 7 of LPS4, for the following reasons:

- The proposed rear addition is setback approximately 40m from the Essex Street lot boundary. The setback of this addition, behind the existing building, will minimise its visibility and effectively reduce any potential detrimental impact on the streetscape as illustrated by Figure 4 below.
- The rear addition will be separated from the residential dwellings of 24 and 26 Norfolk Street by a 3m right of way as illustrated by Figure 5 below. Regardless of this, the addition will oppose the parking area/carport of 24 Norfolk Street only and will not immediately oppose 26 Norfolk Street.
- 22 Norfolk Street is utilised for commercial purposes (restaurant). Regardless of this, the rear addition will not directly oppose any customer seating area or other areas considered important to providing customer amenity (there is a blank boundary wall abutting the rear boundary of the subject site)
- The rear addition will feature a 3m setback from the lot boundary of 15-17 Essex Street as illustrated by Figure 5 below. In addition, 15-17 Essex Street will not immediately oppose the rear addition (the adjoining lot is located mostly adjacent the existing building to be retained) and is not located immediately to the south the rear addition (the adjoining site will therefore not experience any significant overshadowing).
- As illustrated by figures 6-12 below, the rear addition is suitably located to minimise impact on the streetscapes of the surrounding area.

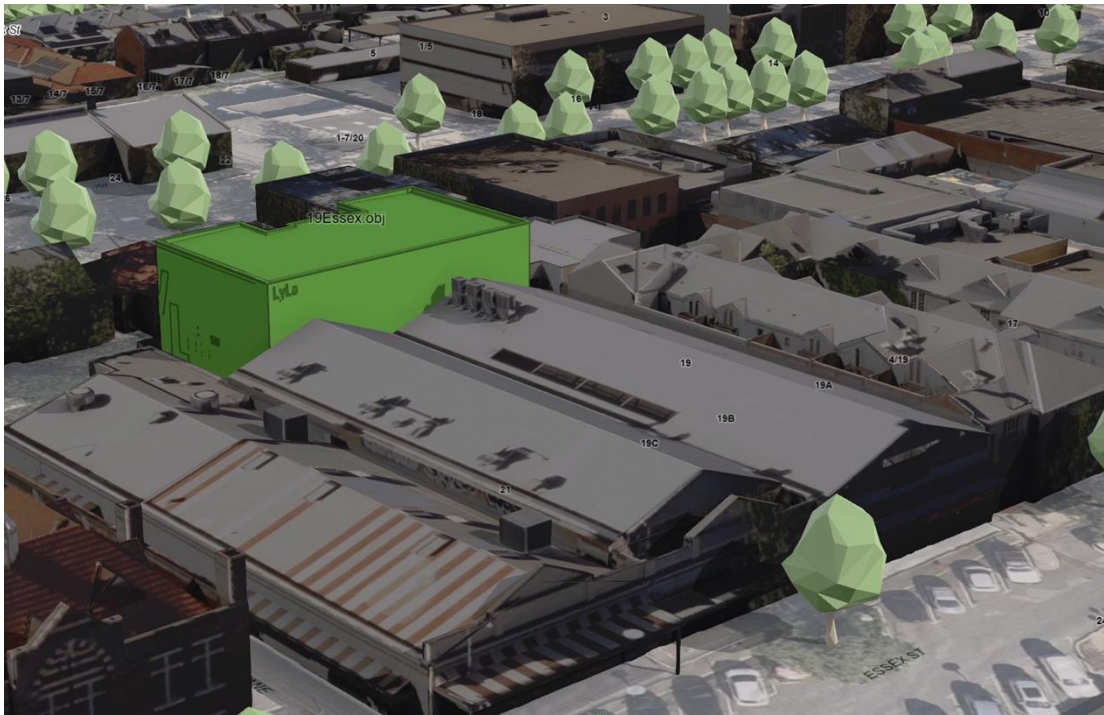


Figure 4 – Line of Sight diagram from Essex and Norfolk Street.



Figure 5 – Location of the four storey addition highlighted in yellow.

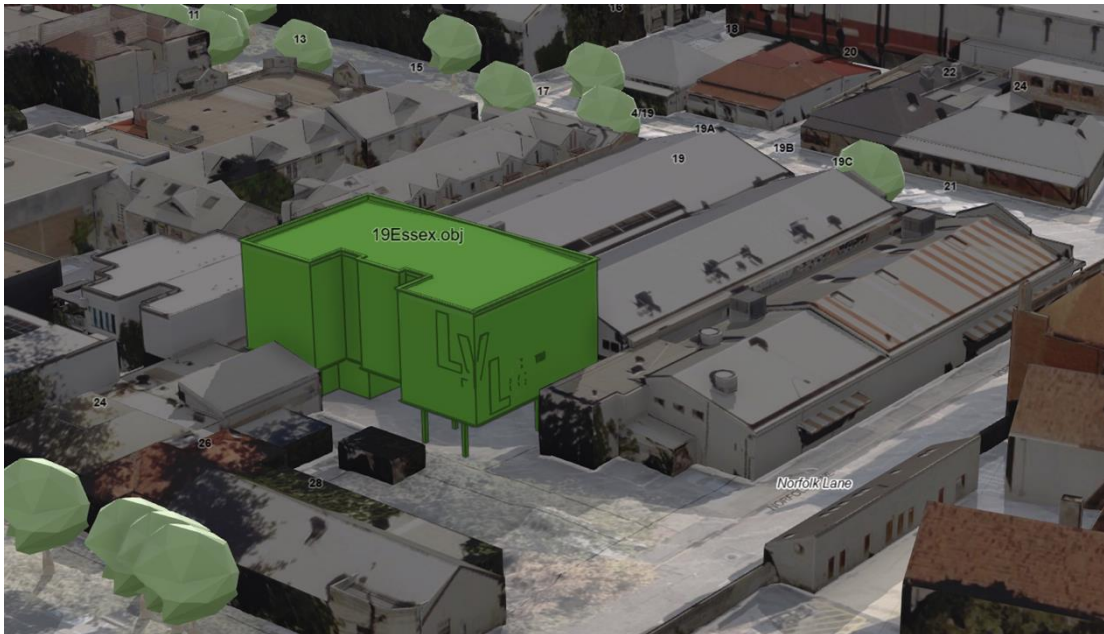




**Figure 6 – 3D representation of the four storey addition looking south.**



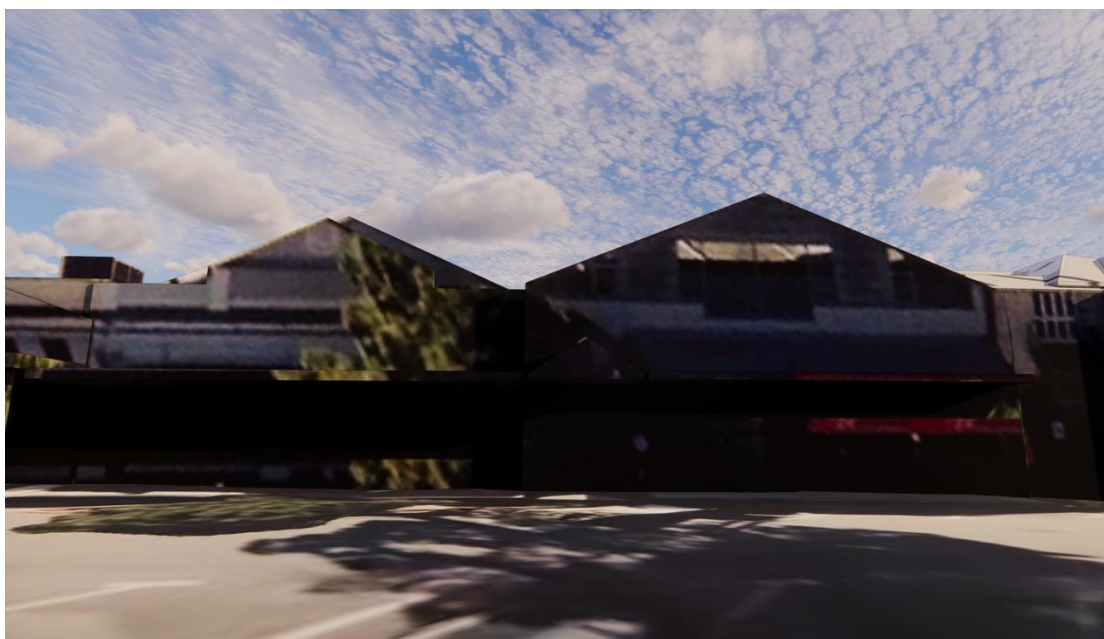
**Figure 7 – 3D representation of the four storey addition looking north.**



**Figure 8** – 3D representation of the four storey addition looking west.



**Figure 9** – 3D representation of the four storey addition looking east.



**Figure 10** – 3D representation of the street frontage of 19 Essex Street. Note that the four storey addition will not be visible from the streetscape.



**Figure 11** – 3D representation of the four storey addition situated behind the dwellings, restaurant and offices located on Norfolk Street.



**Figure 12** – 3D representation of the four storey addition situated behind the dwellings, restaurant and offices located on Norfolk Street.

Local Planning Policy

*Local Planning Policy 1.6 – Heritage Assessment and Protection*

LPP1.6 requires a Heritage Impact Statement to be prepared by a qualified heritage professional for any proposal that may impact any heritage place and/or area listed on the State heritage register or the City’s Municipal Heritage Inventory. The purpose of a Heritage Impact Statement is to consider the impact of a specific proposal (e.g. development) on the cultural heritage significance of a heritage place or area. Where a proposal is accompanied by a proponent-commissioned Heritage Assessment or Heritage Impact Assessment, the City will undertake its own assessment but may draw on information submitted.

In accordance with the above, the applicant has provided a Heritage Impact Statement which is included as Attachment 4. The City conducted its own assessment which has been summarised in the City of Fremantle Heritage Comment section above.

*Local Planning Policy 2.19 - Contributions For Public Art and/or Heritage Works*

As per LPP2.19, the subject site falls within the ‘City Centre and Surrounds’ contribution area which requires the contribution of a monetary amount equal in value to one per cent of the estimated total development cost, as indicated on the Form of Application for Planning Approval, for the development of public art works and/or heritage works to enhance the public realm. The proposed development is not exempt from the contribution requirement as it involves a development



greater than 1000m<sup>2</sup> of gross lettable area. The contribution requirement is recommended as a condition of approval.

*Local Planning Policy 3.6 – Heritage Areas*

The following table outlines the proposal against the relevant provisions of LPP 3.6 Heritage Areas.

<b>3.1 Conservation</b>	
<b>3.1.1 Intent</b>	<b>Officer Comment</b>
<p>Conservation is the process of managing change to a place in such a way that its cultural heritage significance is retained. This involves routine care and maintenance but may also require more significant adaptation at some stages of a building’s life. Conservation means all the processes of looking after a place to retain its cultural significance and can include maintenance, preservation, restoration, reconstruction and adaptation. It is recognised that adaptation of heritage buildings for appropriate new uses is an important way of ensuring their continued viability and safeguarding their long-term future. However, the need for change should always respect the underlying requirement to conserve heritage significance.</p>	<p>The north half of the existing building is part of Former Mills and Co Building which was constructed c. 1907. The proposed development has been designed to minimise impact to this original north building. Most of the works (internal fit out, removal of internal walls etc.) will occur to the more recently constructed south building.</p> <p>The adaptation of the building to facilitate the Tourist development will allow for the continued viability of the building and safeguard its long-term future.</p>
<b>3.1.2 Design Guidance</b>	<b>Officer Comment</b>
<p>i. Conservation of a place should identify and take into consideration all aspects of cultural and natural significance without unwarranted emphasis on any one value at the expense of others. Conservation work should ensure that the heritage fabric and other values are well maintained.</p> <p>ii. Traditional techniques and materials are preferred for the conservation of significant fabric. In some circumstances modern techniques and materials which offer substantial conservation benefits may be appropriate on the advice of the City.</p> <p>iii. Preservation is appropriate where the existing fabric or its condition constitutes evidence of cultural heritage significance, or where insufficient evidence or investigation has</p>	<p>The south building is a two-storey addition constructed in 2012 to replace an earlier building from 1941. This part of the building has no heritage significance but is sympathetic with the character of streetscape.</p> <p>The works proposed to the north building will have only a minor impact its heritage significance.</p> <p>The façade and the shopfronts of both buildings will undergo some remediation and repainting which will not adversely affect any significant heritage fabric.</p> <p>There is no proposed reconstruction of original heritage elements.</p>



been carried out to allow an informed approach to restoration and reconstruction.

iv. Restoration is appropriate only if there is sufficient evidence of an earlier state of the fabric.

v. Reconstruction is appropriate only where a place is incomplete through damage or alteration, and only where there is sufficient evidence to reproduce an earlier state of the fabric. It should be identifiable on close inspection or through additional interpretation.

vi. Whilst new work should be readily identifiable, it should also:

- Not adversely affect the setting of the place.
- Have minimal impact on the cultural significance of the place.
- Not distort or obscure the cultural significance of the place, or detract from its interpretation and appreciation.
- Respect and have minimal impact on the cultural significance of the place.

vii. Brick and limestone walls constructed prior to 1950 should not be painted with acrylic paints or rendered with a cement render because this can damage the fabric and contribute to rising damp.

viii. Building maintenance should seek to avoid the removal of, or damage to, the existing fabric of the building or the use of new materials.

ix. Repairs, including replacing missing or deteriorated fabric with 'like for like' fabric should not involve damage to the significant fabric of the building.

x. Replacement of utility services should use existing routes or voids that do not involve the removal of, or damage to, the fabric of the building.

xi. Excavation for the purpose of exposing, inspecting, maintaining or replacing utility services should not affect archaeological remains.

xii. Removal of significant landscaping should be avoided where feasible.

A condition is recommended which requires methodology for stonework repair to be provided as part of the building permit application. Repairs will be required to match the original stonework, pointing, coursing pattern and mortar composition and colour. Cement mortar or sealers will not be permitted to be used.



<b>3.3 Change of Use</b>	
<b>3.3.1 Intent</b>	<b>Officer Comment</b>
<p>The use of a heritage place, or a group of places within a heritage area is often intrinsically linked to its historical evolution and heritage significance. Generally, the retention of original or long-associated uses is encouraged, however it is acknowledged that, as places evolve over time, the use of heritage places may also need to change. An empty, disused heritage place is more likely to deteriorate at a quicker rate, be subject to vandalism and lose its relevance to the local community. As such, one of the most effective ways to retain the heritage significance of a place or a heritage area is to ensure it has an ongoing, compatible and viable use. Introducing new building services as part of a use change can potentially disturb large portions of significant fabric and it is important that these are carefully considered when adapting places of heritage significance for new purposes.</p>	<p>The change of use to a Tourist development is considered appropriate to ensure the ongoing viability of the building and site. The alterations and additions required to facilitate this change of use have been appropriately designed to minimise the impact to original heritage fabric of the building. The investment into the building and the remediation and repair work will safeguard the buildings future and ensure its ongoing viability.</p>
<b>3.3.2 Design Guidance</b>	<b>Officer Comment</b>
<p>i. Where the use of the place is of cultural heritage significance (and consistent with the zoning of the land and other planning considerations), the continuation or reinstatement of this use is encouraged, and is the preferred form of conservation.</p> <p>ii. Where continuation of a culturally significant use is not feasible, a compatible use should be sought that minimises alteration to the place, setting and streetscape.</p> <p>iii. Interpretation of earlier significant uses may be required if those uses were significant to the heritage area.</p> <p>iv. Where a place has historically been accessible to the public, any change of use should consider the continuation of public accessibility in some form or publicly accessible interpretation.</p> <p>v. Should new services be required for a change of use for a contributory place, conceptual details of new services should be submitted at development application stage. New building</p>	<p>The reinstatement of the original use of the north building as a factory is not considered to be appropriate for the central city location. The proposed change of use is considered compatible with the city centre. The building was not historically open for public use and it is not considered that the various uses which have occurred on the site are significant to warrant ongoing interpretation.</p> <p>The alterations required to facilitate the change in use have been appropriately designed to minimise impact to the heritage listed buildings.</p>



<p>services should be designed and integrated to minimise any impact on the significant fabric.</p>	
<p><b>3.4 Demolition</b></p>	
<p><b>3.4.1 Intent</b></p>	<p><b>Officer Comments</b></p>
<p>Demolition is a permanent change that cannot be reversed: even removal of places with lower levels of individual heritage significance can cumulatively undermine the significance of a heritage area. Demolition of any building or structure on any site located in a Heritage Area requires development approval under the Local Planning Scheme. In considering a proposal for demolition on any site in a Heritage Area where the mapping of Contributory Places has not been completed and/or is incomplete, the Council shall determine whether any fabric located thereon qualifies as a Contributory Place and applications will be assessed against Clause 4.14 of Local Planning Scheme No. 4 with the following providing additional guidance.</p>	<p>The proposed development involves removal of internal building fabric of the buildings. These works have been largely contained to the recently constructed south building. The heritage significant north building will experience minor internal works required to facilitate the proposed accommodation.</p>
<p><b>3.6.2 Design Guidance</b></p>	<p><b>Officer Comments</b></p>
<p>i. Demolition of a contributory place or removal of significant fabric within a heritage area is contrary to the objectives of this policy, and will generally not be supported.</p> <ul style="list-style-type: none"> <li>• Demolition approval will not be considered on the grounds of economic or other perceived gain for the redevelopment of the land.</li> <li>• Condition of the place is not necessarily an acceptable reason for demolition.</li> </ul> <p>ii. When considering partial demolition, the original / early portion of the building should be retained and conserved: demolition of elements of cultural heritage significance will generally not be supported.</p> <p>iii. The removal and replacement of asbestos or other hazardous materials from a place located within a heritage area is supported if the removal involves the immediate replacement with a matching (but non-hazardous) material (e.g. flat asbestos wall sheeting with joint cover battens is replaced with flat fibre cement sheeting with joint cover battens in the same configuration – a replacement with timber</p>	<p>The proposed development does not involve any complete demolition of buildings on the site however, there will be internal removal of walls and partitions. The significant alterations have been confined to the recently constructed south building with only minimal impact to the heritage significant north building. The internal works will have no significant impact on the heritage significance of the Central Fremantle Heritage Area. Regardless, a condition is recommended that the works shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building which is not subject to the development hereby approved.</p>





<p>weatherboards or fibre cement weatherboards would generally not be supported).</p> <p>iv. Where demolition of a heritage protected place is approved, an archival record prepared in a format approved by the City may be required as a condition of planning approval.</p>	
<p><b>3.6 Infill development (new buildings)</b></p>	
<p><b>3.6.1 Intent</b></p>	<p><b>Officer Comments</b></p>
<p>New buildings within a heritage area should respect and complement the heritage significance of the area. A respectful design approach gives special consideration to the siting, scale, architectural style and form, materials and finishes of the proposed development in relation to its neighbours, without copying historic detailing or decoration. New infill buildings should respond sympathetically to the heritage values of the heritage area as a whole, and also to that part of the heritage area in the vicinity of the proposed development. Imaginative, well designed and harmonious construction is encouraged. Professional architectural services can be of great assistance in formulating appropriate designs.</p>	<p>The proposed four storey addition is located a significant distance (approximately 40m) from Essex Street. It's visibility from Essex Street will be minimal and will have no impact on the heritage significance of the area. The rear addition will be located approximately 25m from Norfolk Street and is set behind the existing buildings on the adjoining lots to the south east. The rear additions will have no impact on the pattern of development which defines the surrounding area. The proposed rear addition is not attempting to mimic or copy any historic detailing or decoration. A contemporary building located at the rear of a site behind existing buildings is therefore considered to be appropriate in the context of the area.</p>
<p><b>3.6.2 Design guidance</b></p>	<p><b>Officer Comments</b></p>
<p><i>Siting and Scale</i></p> <p>i. New infill development within a heritage area should:</p> <p>a) Maintain a setting that is consistent with the original streetscape, including front and side setback patterns.</p> <p>b) Have a consistent bulk and scale in relation to the original street pattern. E.g. If the original street pattern is single storey then the new infill development should also be (or present as)</p>	<p>The four storey rear addition is setback sufficiently from the streetscape such that it will have minimal impact on the setting of the street. The appearance of the front section of the lot will remain as per the existing buildings on the site. It is considered that the siting and scale of the rear addition is appropriate and will</p>



<p>single storey (at least to the front section of the lot).</p> <p>c) Have a plate height consistent with the original street pattern. New developments often propose a lower plate height than the earlier and original buildings. To ensure a consistency of scale the plate height is an important element to ensure it is consistent with the original street pattern.</p> <p>ii. New Infill development to secondary streets will be assessed on individual circumstances and merit. Issues to consider include:</p> <p>a) Prevailing streetscape and setbacks of the side street</p> <p>b) Avoiding a continuous wall and providing articulation of walls to a secondary street.</p> <p>c) Avoiding a two-storey height wall to the side street, unless the prevailing streetscape is predominantly two-storey.</p> <p>iii. Street setbacks deemed to comply with the above are specified in Schedule 1 for some areas.</p>	<p>have only a minimal impact on the prevailing streetscape.</p>
<p><i>Building Form</i></p> <p>The form of the building is its overall shape, size and the general arrangement of its main parts.</p> <p>i. New infill building within a heritage area should respect and harmonise with and be sympathetic to the predominant form of the prevailing streetscape without mimicking heritage detailing.</p> <p>ii. Where a building form is highly repetitive, significant departures in form will appear at variance to the streetscape and should not be introduced.</p> <p>iii. The treatment of new infill buildings in terms of the roof form, proportions, materials, number, size and orientation of openings, ratio of window to wall etc. should relate to that of its neighbours.</p> <p>iv. Symmetry or asymmetry of facades in the prevailing streetscape is an element of form to be kept consistent.</p> <p>v. Contemporary building designs should respond to, and interpret, the scale, articulation</p>	<p>The four storey rear addition is not considered to be attempting to mimic or recreate any original heritage detail. The rear addition is setback behind the existing heritage listed buildings such that there will be minimal impact on the building form of the heritage area. The appearance of the front section of the lot will remain as per the existing buildings on the site. The contemporary rear addition is consistent with the scale of existing nearby buildings.</p>



<p>and detail of the existing nearby buildings in a modern, innovative and sympathetic way.</p>	
<p><i>Materials, Colours and Detailing</i></p> <p>i. Materials and level of detailing should reflect / interpret the predominant materials and detailing of the original prevailing streetscape and not visually dominate the streetscape or adjacent heritage buildings.</p> <p>ii. Whilst the basic form, scale and structure of new development should be consistent with the character of the area, new buildings should not seek to emulate heritage detailing to any great extent: 'Faux' or 'mock' heritage detracts from an understanding and appreciation of the original building and will not be supported. New development should blend in with the streetscape but be discernible as new when looked at more closely.</p> <p>iii. Use of original or traditional colours is encouraged. Glossy materials or finishes should be avoided unless a historical precedent for their use can be demonstrated.</p>	<p>The four storey rear addition has been designed to blend in with the materiality and colour palettes of the surrounding area. The addition is not attempting to emulate surrounding heritage buildings rather, it is proposing a contemporary building that is clearly discernible from the original buildings on the site. It is considered that the rear addition is consistent in bulk and scale with various buildings in the surrounding area and blends in with the varying bulk and scale of character the Central Fremantle Heritage Area.</p>
<p><i>Other Elements</i></p> <p><i>Roofs</i></p> <p>i. Traditionally roof lines are a predominant element of the streetscape. All new infill development shall respond to and reinforce the existing characteristics of the prevailing streetscape regarding plate and wall heights, roof form, ridge lines, parapet lines, roof slopes and eaves overhangs.</p> <p>ii. Roof forms that interpret the predominant roof forms of the prevailing streetscape may be considered.</p> <p><i>Verandahs / Porches / Awnings</i></p> <p>i. Verandahs, porches and awnings were often an important element of streetscapes. Inclusion of verandahs, porches and awnings appropriate to the streetscape are encouraged without too precisely mimicking the style of the original character-building elements or heritage detailing.</p> <p><i>Doors and Windows</i></p> <p>i. All windows and door openings visible from the street should have a vertical emphasis,</p>	<p>The traditional roof lines of the heritage listed buildings at the front of the site will be maintained. The rear addition is setback sufficiently behind existing buildings such that it will have no significant impact on the roof form character of the area.</p> <p>The awnings of the heritage listed buildings will be maintained.</p> <p>The windows of the rear addition, while only minimally visible from the street, will have a vertical emphasis.</p>



<p>which means they should be taller and narrower in appearance unless there is a predominance in the prevailing streetscape of larger, interwar and later windows.</p> <p>ii. Front doors should generally address the street and should be centrally located in the front façade of the new infill building unless there is a different original pattern in the prevailing streetscape.</p>	
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State Planning Policy

*State Planning Policy 3.5 - Historic Heritage Conservation*

Clause 6.6 Development Control Principles of State Planning Policy 3.5 – Historic Heritage Conservation (SPP3.5) includes provisions for development within heritage areas. The proposed alterations of the existing building and the construction of a four storey rear addition is consistent with clause 6.6 of SPP3.5 for the following reasons:

- The internal alterations have been designed to minimise the impact to the original north building. Any significant removal of internal fabric will be confined to the south building which was constructed in 2012.
- The proposed rear addition is situated appropriately at the rear of the site such that it will not result in any significant detracting from the character and amenity of the established streetscape.
- There are no significant alterations to the external façade of the buildings. Restoration works will be conducted on the external façade of the original north building to ensure its ongoing vitality.
- The architectural design of the proposed rear addition is not attempting to mimic any historical heritage features of the surrounding area. It is considered to be a quality design and will not detract from the heritage character of the area.

*State Planning Policy 7.0 - Design of the Built Environment*

An assessment has been conducted against the design principles of SPP7.0 which are Context and character, Landscape quality, built form and scale, Functionality and build quality Sustainability, Amenity, Legibility, Safety, Community, and Aesthetics.

Refer comments below:

- The proposal has been carefully considered against the distinctive characteristics of the area. It is considered that the design is a quality architectural design and will not detract from the heritage significant or the character and amenity of the surrounding area.



- The proposed addition does not attempt to imitate the existing building, rather it offers a distinctive change between the heritage listed building and the new addition.
- It is considered that the existing heritage listed building will remain as the key feature on the subject site when viewed from street level, with the rear addition being subservient to this existing building.
- The subject site features limited opportunity for landscaping due to the existing building (to be retained) covering the majority of the site area.
- The addition will not be immediately visible and will maintain the views along the streetscape.
- The addition is suitably setback behind the existing building such that any impact from bulk and scale will be minimal.
- The mix of land uses on the site (short stay accommodation, small bar) are considered compatible and will assist in contributing to the vitality of the building and area.
- The proposed development will provide opportunity for additional people to stay in the city centre.
- The overall development is considered logical and appropriate and is of a quality architectural design.

**Conclusion:**

Approval is sought for a Tourist development at No. 19 (Lot 8) Essex Street, Fremantle which includes alterations to the existing building as well as a four storey addition of the existing buildings. The Mills & Co Building is a City of Fremantle heritage listed building and is adjacent State heritage listed sites. Conditions have been recommended to ensure that any potential impact to the adjoining listed sites are suitably addressed. The heritage aspect of this proposal has been a key consideration in the assessment of the application. After completing a comprehensive assessment on the various aspects of the proposal as well as receiving comments and advice from the Heritage Council and Design Advisory Committee, the proposal is recommended for conditional approval.



**C2409-2 LOTS 25, 72 AND 100 (NO. 2-4) CLONTARF ROAD AND LOT 73  
(NO. 1) NAYLOR STREET BEACONSFIELD – SEVENTY-TWO (72)  
MULTIPLE DWELLINGS**

<b>Meeting date:</b>	11 September 2024
<b>Responsible officer:</b>	Manager Development Approvals
<b>Voting requirements:</b>	Simple Majority Required
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. Development Plans</li><li>2. Planning Report</li><li>3. Landscape plans (emerge)</li><li>4. Approved Subdivision Plan - WAPC163666</li><li>5. Element Objectives of SPP 7.3 Vol 2 – Apartments</li><li>6. Bushfire Management Plan</li><li>7. Transport Impact Assessment</li><li>8. Schedule of submissions DAP003 24</li><li>9. R Code Assessment Element Objectives of SPP 7 3 Vol 2 Apartments</li><li>10. Site Photos DAP003 24</li></ol>

## **SUMMARY**

**Approval is sought for 72 Multiple dwellings across 24 individual groups of three Multiple dwellings on lots 25, 72 and 100 Clontarf Road and 73 Naylor Street, Beaconsfield (the subject site).**

**As the development value exceeds \$10 million, the application is to be determined by the Metro Inner Development Assessment Panel (DAP). The City’s Responsible Authority Report (RAR) is referred to Council for comment.**

**The application is recommended for conditional approval.**

## **PROPOSAL**

### **Detail**

Approval is sought for 72 Multiple dwellings across 24 individual groups of three on lots 25, 72 and 100 Clontarf Road and 73 Naylor Street, Beaconsfield (the subject site). The proposed works include:

- 2 Storey built form,
- 3 car garages off private laneways,
- 3 x Multiple dwelling over 24 lots approved as part of WAPC163666
  - 2 x 2 storey side by side dwelling with
  - 1 x Multiple dwelling above garage and laundry additions at rear



Development plans are included as attachment 1.

**Site/application information**

Date received: 11 September 2024  
Owner name: Klawn Pty Ltd and Stockland Developments Pty Ltd  
Submitted by: CLE Town Planning and Design  
Scheme: Residential (R25)  
Heritage listing: Archaeological/ Historic Site / Beaconsfield Heritage Area  
Existing land use: Vacant Land  
Use class: Multiple dwelling  
Use permissibility: D

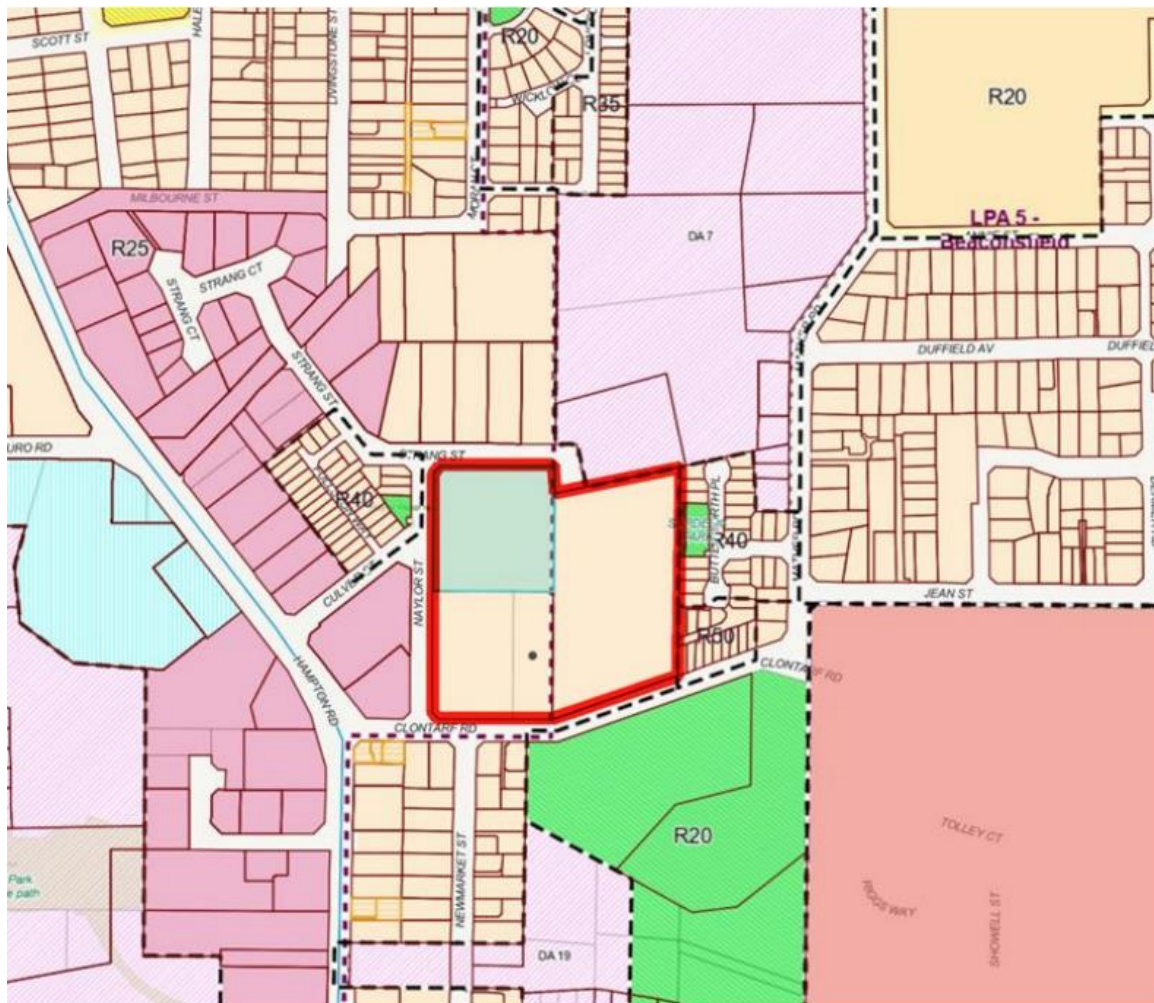


Figure 1. Site location



## **STRATEGIC IMPLICATIONS**

This item is in keeping with the City of Fremantle's Strategic Community Plan 2024 – 2034:

### **Liveable City – Liveable and socially connected neighbourhoods**

- Community participation is encouraged through spaces that enable social connection.
- Fremantle's diverse cultural heritage is reflected through a broad range of community celebrations and traditions.

### **Liveable City – Connected city**

- Multiple transport options offer diverse, equitable and affordable forms of mobility for all members of the community.
- Streets are well connected, and it is easy and safe for pedestrians and cyclists to move within neighbourhoods and between key destinations and precincts.

### **Liveable City – Sustainably designed and optimised urban and natural environments**

- Urban development and public realm enhancement is coordinated, designed, and sympathetic to surrounding natural environments.
- The community can access and enjoy natural areas and green spaces for passive and active recreation.
- An increasing tree canopy that enhances biodiversity and helps cool our urban environments.

**Inclusive City** – A safe and accessible community for all abilities - Public places and spaces are accessible for all. - Accessibility is prioritised in planning and design.

## **VOTING AND OTHER REQUIREMENTS**

Simple Majority Required





**COUNCIL DECISION ITEM C2405-2**  
**(Officer's recommendation)**

**Moved: Cr Jenny Archibald**

**Seconded: Cr Andrew Sullivan**

**Council:**

**SUPPORT the Officer's Recommendation to APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, 72 Multiple dwellings across 24 individual groups of three Multiple dwellings on Lots 25, 72 and 100 Clontarf Road and 73 Naylor Street, Beaconsfield, subject to the conditions outlined in the Responsible Authority Report.**

**Carried: 9/0**

**For:**

**Cr Jenny Archibald, Cr Geoff Graham,  
Cr Adin Lang, Cr Andrew Sullivan, Cr Jemima Williamson-Wong,  
Cr Fedele Camarda, Cr Ben Lawver,  
Cr Doug Thompson and Cr Ingrid van Dorssen**

**Against:**

**Nil**



**LOTS 25, 72 and 100 (NO. 2-4) CLONTARF ROAD AND LOT 73 (NO. 1) NAYLOR STREET BEACONSFIELD – SEVENTY-TWO (72) MULTIPLE DWELLINGS**

**Form 1 – Responsible Authority Report**  
 (Regulation 12)

<b>DAP Name:</b>	Metro Inner DAP	
<b>Local Government Area:</b>	City of Fremantle	
<b>Applicant:</b>	CLE Town Planning and Design	
<b>Owner:</b>	Klawn Pty Ltd and Stockland Developments Pty Ltd	
<b>Value of Development:</b>	\$29.952 million	
<b>Responsible Authority:</b>	City of Fremantle	
<b>Authorising Officer:</b>	Manager Development Approvals	
<b>LG Reference:</b>	DAP003/24	
<b>DAP File No:</b>	DAP/24/02735	
<b>Application Received Date:</b>	31 July 2024	
<b>Report Due Date:</b>	7 October 2024	
<b>Application Process Timeframe:</b>	<b>Statutory</b>	90 Days
<b>Attachment(s):</b>	<ol style="list-style-type: none"> <li>1. Development Plans</li> <li>2. Planning Report (without appendices)</li> <li>3. Landscaping Plan</li> <li>4. WAPC163666 Approved subdivision plan</li> <li>5. Element Objectives SPP7.3</li> <li>6. Bushfire Management Plan</li> <li>7. Transport Impact Statement</li> <li>8. Public submission schedule with applicant responses</li> <li>9. Multiple dwelling assessment table</li> <li>10. Site Photos</li> </ol>	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	<input type="checkbox"/> Yes	Complete Responsible Authority Recommendation section (To be completed post Council meeting)
	<input type="checkbox"/> N/A	
	<input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections



## **Responsible Authority Recommendation**

That the Metro Inner DAP resolves to:

1. **Accept** that the DAP Application reference DAP/24/02735 is appropriate for consideration as a "Multiple Dwelling" land use and compatible with the objectives of the zoning table in the City of Fremantle Local Planning Scheme No. 4.
2. **Approve** DAP Application reference DAP/24/02735 and accompanying plans dated 29 July 2024 ( DA-00-AR0050 Rev A, DA-01-AR0100, DA-01-AR0101, DA-01-AR0102, DA-01-AR0200, DA-01-AR0201, DA-01-AR0202, DA-02-AR0100, DA-02-AR0101, DA-02-AR0102, DA-02-AR0200, DA-02-AR0201, DA-02-AR0202, DA-02-AR0203, DA-04-AR0100, DA-04-AR0101, DA-04-AR0102, DA-04-AR0200, DA-04-AR0201, DA-04-AR0202, DA-05-AR0100, DA-05-AR0101, DA-05-AR0102, DA-05-AR0200, DA-05-AR0201, DA-05-AR0202, DA-06-AR0100, DA-06-AR0101, DA-06-AR0102, DA-06-AR0200, DA-06-AR0201, DA-06-AR0202, DA-07-AR0100, DA-07-AR0101, DA-07-AR0102, DA-07-AR0200, DA-07-AR0201, DA-07-AR0202, DA-07-AR0203, DA-08-AR0100, DA-08-AR0101, DA-08-AR0102, DA-08-AR0200, DA-08-AR0201, DA-08-AR0202, DA-09-AR0100, DA-09-AR0101, DA-09-AR0102, DA-09-AR0200, DA-09-AR0201, DA-09-AR0202, DA-09-AR0203, DA-13-AR0100, DA-13-AR0101, DA-13-AR0102, DA-13-AR0200, DA-13-AR0201, DA-13-AR0202, DA-13-AR0203, DA-17-AR0100, DA-17-AR0101, DA-17-AR0102, DA-17-AR0200, DA-17-AR0201 and DA-17-AR0202), in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Fremantle Local Planning Scheme No.4, subject to the following conditions:

### **Conditions**

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.



4. Any proposed works that may impact existing street trees within the adjacent road reserves and/or any proposal to remove or prune existing trees or provide new trees within the adjacent reserves will subject to separate applications and approval from the City of Fremantle.
5. All storm water discharge from the development hereby approved shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.
6. Prior to issue of a Building Permit for the development hereby approved, a detailed landscaping plan, including information relating to species selection, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces (i.e. mulch, lawn etc), shall be submitted to and approved by the City of Fremantle.
7. Prior to the occupation of the development, the approved landscaping plans shall be completed in accordance with the approved plans or any approved modifications thereto and be maintained for the life of the development, to the satisfaction of the City of Fremantle.
8. Prior to the occupation of the development hereby approved, vehicle crossovers shall be constructed to the City's specification and thereafter maintained to the satisfaction of the City of Fremantle for the life of the development.
9. Prior to occupation of the development hereby approved, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened so as not to be highly visible from beyond the boundaries of the development site to the satisfaction of the City of Fremantle.
10. Prior to issue of a building permit, the owner/developer is to submit a waste management plan for approval detailing the storage and management of the waste generated by the development. The approved waste management plan is to be implemented and maintained for the life of the development to the satisfaction of the City of Fremantle.
11. Prior to the issue of a building permit or Demolition Permit, a Construction and Demolition Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:



- a) Use of City car parking bays for construction related activities;
- b) Protection of infrastructure and street trees within the road reserve;
- c) Security fencing around construction sites;
- d) Gantries;
- e) Access to site by construction vehicles;
- f) Contact details;
- g) Site offices;
- h) Noise - Construction work and deliveries;
- i) Sand drift and dust management;
- j) Waste management;
- k) Dewatering management plan;
- h) Tree protection zone to be established for trees identified to be retained in the approved landscaping plan (including any verge trees) where applicable;
- l) Traffic management; and
- m) Works affecting pedestrian areas.

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

12. Prior to occupation of the development hereby approved, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that the subject site is located in close proximity to existing Industrial, Commercial, and Warehouse uses and may be subject to noise, odour and activity not normally associated with residential use. The notification is to be prepared by the City's solicitors at the expense of the owner and be executed by all parties prior to occupation.
13. Prior to the issue of a building permit, the development is to comply with the applicable construction requirements as prescribed in Australian Standard 3959 – Construction of Buildings in Bushfire Prone Areas, for proposed lots 10, 13, 16, 50, 44, 42 and 122 to the satisfaction of the City of Fremantle. Specifically, the requirements set out under Section 5 – Construction for Bushfire Attack Level BAL12.5 are to be met accordingly.

There is also a requirement to provide a Bushfire Attack Level (BAL) assessment by an appropriately accredited professional.



The BAL will determine the severity of a building's potential exposure to ember attack, radiant heat and direct flame contact, and is also the basis for determining the requirements for construction to improve protection of building elements from attack by bushfire.

14. Prior to occupation of the Multiple dwellings, the following shall be installed:
  - a. A minimum 3.5kW photovoltaic solar panel system to all one-bedroom dwellings;
  - b. A minimum 6.6kW photovoltaic solar panel system to all three-bedroom dwellings;
  - c. Each garage for each dwelling shall have an Electric Vehicle charging circuit, and
  - d. Each dwelling shall have either, solely solar, electric heat pump, or PV-connected electric storage water heaters and electric (non-gas) cooking appliances to be installed.

All of the above shall be maintained thereafter to the satisfaction of the City of Fremantle.

15. Prior to the issue of a building permit for the development hereby approved, final details of the external materials, colours and finishes of the proposed development, including a physical sample board or materials is to be submitted and approved to the satisfaction of the City of Fremantle.
16. Prior to the issue of a building permit, details are to be submitted that demonstrate that each dwelling will be individually metered for water use to the satisfaction of the City of Fremantle.
17. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.

### **Advice Notes**

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



2. More information on Planning in Bushfire Prone Areas and where to find an accredited assessor can be found on the Department of Planning's website - <http://www.planning.wa.gov.au>.
3. The applicant is advised that a crossover permit must be obtained from the City's Engineering Department. New/modified crossover(s) shall comply with the City's standard for crossovers, which are available on the City of Fremantle's web site.
4. The applicant is encouraged to maintain the adjacent verge in accordance with the City's Verge Garden Policy which can be found on the City website at: <https://www.fremantle.wa.gov.au/resident-perks>
5. Effective measures shall be taken to stabilize sand and ensure no sand escapes from the property by wind or water in accordance with the City's Prevention and Abatement of Sand Drift Local Law.
6. If construction works involve the emission of noise above the assigned levels in the *Environmental Protection (Noise) Regulations 1997*, they should only occur on Monday to Saturday between 7.00 am and 7.00 pm (excluding public holidays). In instances where such construction work needs to be performed outside these hours, an *Application for Approval of a Noise Management Plan* must be submitted to the City of Fremantle Environmental Health Services for approval at least 7 days before construction can commence.

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

7. All noise from the proposed development must comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended), such as:
  - mechanical service systems like air-conditioners, exhaust outlets, motors, compressors and pool filters;
  - vehicles;
  - amplified acoustic systems; and
  - patron noise.

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



8. The applicant is advised that where contamination is detected, the site is required to be reported to the Department of Water and Environmental Regulation and remediated in accordance with the requirements of that Department. For further information, please see the Department fact sheet on Identifying and Reporting Contaminated sites available online at [https://www.der.wa.gov.au/images/documents/your-environment/contaminated-sites/Fact\\_sheets\\_tech\\_advice/Fact\\_sheet\\_1.pdf](https://www.der.wa.gov.au/images/documents/your-environment/contaminated-sites/Fact_sheets_tech_advice/Fact_sheet_1.pdf)
  9. The applicant/owner is advised that a verge bond deposit fee must be paid prior to the issue of a demolition permit or building permit. Details in regard to the verge bond can be found on the City's website at: [https://www.fremantle.wa.gov.au/residents/trees-and-verges#Verge Bonds](https://www.fremantle.wa.gov.au/residents/trees-and-verges#Verge_Bonds)
  10. The applicant is advised that the proposed works indicated outside of the lot boundaries of the subject site do not form part of this approval. Should the applicant wish to undertake these works separate approval is required from the City. Queries relating to these works should be directed to the Parks and Landscape via [info@fremantle.wa.gov.au](mailto:info@fremantle.wa.gov.au) or 9432 9999.
  11. Any works within the adjacent thoroughfare, i.e. road, kerbs, footpath, verge, crossover or right of way, requires a separate approval from the City of Fremantle's Infrastructure Business Services department who can be contacted via [info@fremantle.wa.gov.au](mailto:info@fremantle.wa.gov.au) or 9432 9999.
  12. Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>. A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be accessed via: <https://www.fremantle.wa.gov.au/sites/default/files/Construction%20and%20Demolition%20Management%20Plan%20Proforma.pdf>
- The Infrastructure Engineering department can be contacted via [ibs@fremantle.wa.gov.au](mailto:ibs@fremantle.wa.gov.au) or 9432 9999.
13. It is recommended that the applicant obtains Structural Engineers / Dilapidation Report regarding the integrity of the existing adjoining and adjacent properties to No.2-4 Clontarf and 1 Naylor Street, Beaconsfield, so to ensure that any works alleviate any damage that may occur as part of the proposed development.





14. The existing tree(s) within the road reserve shown on the approved plans shall be protected through the implementation of a Tree Protection Zone for protection during construction.

Additional information regarding the tree protection zone requirements can be found here: <https://www.fremantle.wa.gov.au/residents/trees-and-verges>

**Details: outline of development application**

Region Scheme	Metropolitan Region Scheme
Region Scheme - Zone/Reserve	Urban
Local Planning Scheme	City of Fremantle Local Planning Scheme No.4
Local Planning Scheme - Zone/Reserve	Residential R25 (*With criteria to allow up to R160)
Structure Plan/Precinct Plan	N/A
Structure Plan/Precinct Plan - Land Use Designation	N/A
Use Class and permissibility:	Multiple dwelling - D
Lot Size:	Lot's range between 312m <sup>2</sup> to 460m <sup>2</sup>
Existing Land Use:	Vacant Land
State Heritage Register	No
Local Heritage	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Heritage List <input type="checkbox"/> Heritage Area
Design Review	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other
Bushfire Prone Area	Yes
Swan River Trust Area	No

**Proposal:**

Application is for a total of 72 Multiple dwellings across 24 individual groups of three Multiple dwellings on lots 25, 72 and 100 Clontarf Road and 73 Naylor Street, Beaconsfield (the subject site).



The proposed Multiple dwelling development is spread over the parent lots in groups of 3 dwellings, each consisting of two 3-bedroom dwellings (two interchangeable designs) and a singular 1-bedroom Fonzie style apartment above the rear facing garages. For clarification of the buildings proposed as part of this application, the front two dwellings are referred to as the 'townhouse building' and the rear dwelling above the garage is identified as the 'fonzie building'.

Proposed Land Use	Multiple Dwelling
Proposed Net Lettable Area	N/A
Proposed No. Storeys	2
Proposed No. Dwellings	72

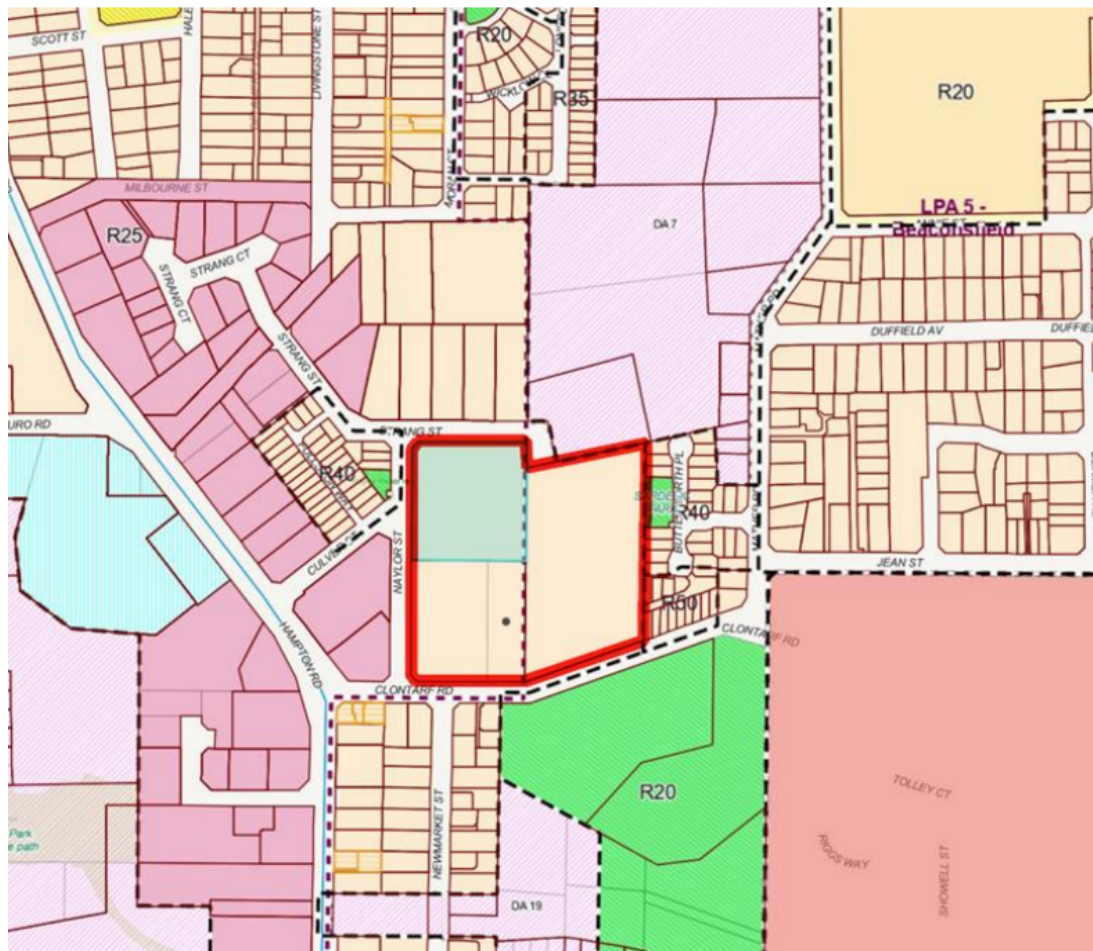
Development plans can be viewed at Attachment 1.

### **Background:**

#### Subject site

The subject site currently encompasses Lots 72, 73 and 100, 2-4 Clontarf Road and Lot 25, 1 Naylor Street, Beaconsfield, which equates to an area of 4.68 hectares (see Figure 1 below for its location in the context of the wider area). The site is relatively level, though it lies approximately two to three metres below Strang Street to the north and approximately two to three metres below Clontarf Road to the southeast. A strip of land, approximately 27 metres wide, lies a further three metres below the balance of the site along much of the eastern boundary.

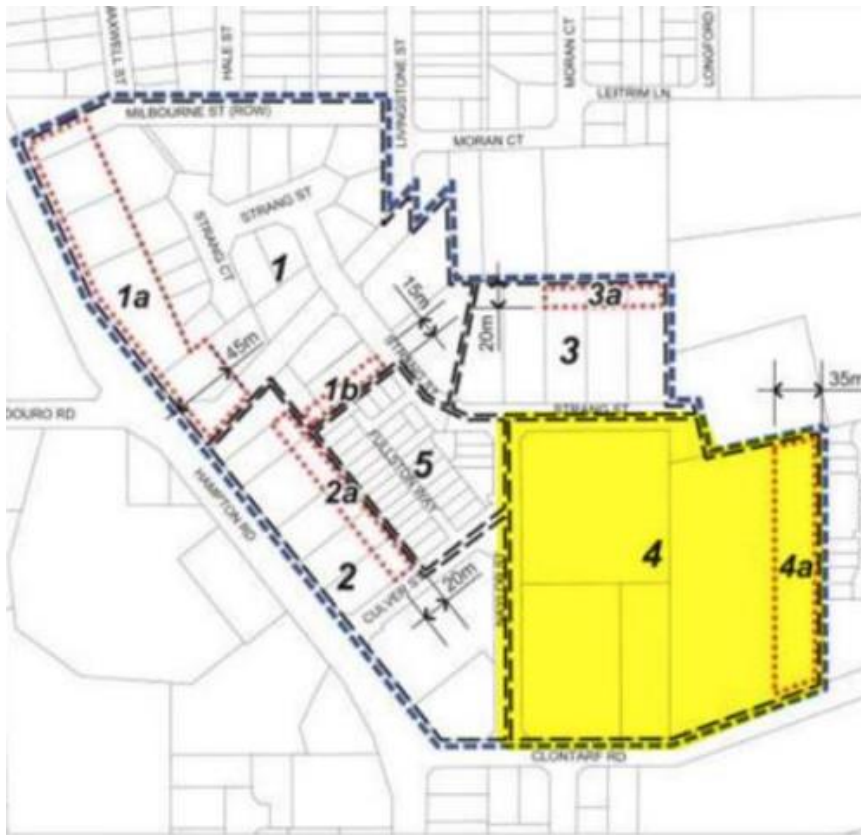
The site was formerly used as wool stores, MTA bus depot and boat and caravan storage.



**Figure 1. Site location**

**Figure 1 – LPS4 map of subject site**

Clause 6.7, Schedule 7 – Local Planning Areas (Development Requirements), Local Planning Area 4 – South Fremantle, Sub Area 4.3.5 also applies to the site. Figure 2 below shows an excerpt from LPS4, identifying the site with a yellow highlight. This sub area allows for development up to an R160 density subject to criteria.



**Figure 2 - Sub Area 4.3.5 map**

Subdivision application

On 31 May 2023 the applicant lodged an application (WAPC163666) with the Western Australian Planning Commission (WAPC) seeking to subdivide the land into 162 lots (ranging from 102m<sup>2</sup> to 409m<sup>2</sup>), with six road reserves, six laneways, four public access way lots and two open space reserves. WAPC has since conditionally approved WAPC163666 on 20 November 2023. In assessing the subdivision, the WAPC needed to apply the criteria in LPS4 that allows development up to R160.

Sub Area 4.3.5 provides additional development standards and divides the larger site into several development areas. Certain requirements are prescribed for each development area that must be met for additional development standards to apply. In the case of Area 4, more intensive residential development may be permitted, up to a maximum residential density of R160, subject to:

1. The development site comprises a minimum land parcel of 10,000m<sup>2</sup> within Area 4 (including Area 4a).



2. Non-residential land uses being restricted to the ground floor, unless it is demonstrated to the Council's satisfaction that the non-residential land use meets local needs for commercial services.
3. Development providing active frontages to public street(s) and public open space. Residential development with frontage to Clontarf Road including openings and pedestrian access directly to Clontarf Road.
4. The location and design of new road(s) and footpaths demonstrating 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 7.5 metres in width, being provided for the length of the lot adjacent to the common boundaries of Lot 72, 73 and 100, 2-4 Clontarf Road, Lot 25, 1 Naylor Street. This portion of land must be transferred at no cost to the City of Fremantle to provide a north-south linkage between Strang Street and Clontarf Road for the purpose of public open space and/or a landscape 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.

The subdivision included 24 larger lots which are the subject of this application. With the inclusion of lots as little as 102sqm, it is considered that the higher density has been approved, with the obligations to achieve this having been dealt with.

Demolition and Civil works have commenced and stage 1 titles for land adjacent to Naylor Road will be applied for in late 2024. This application is therefore lodged on behalf of the original four titles known as 2-4 Clontarf and 1 Naylor Street, Beaconsfield, which the proposed built form aligning with the approved subdivision lot layout forming part of WAPC163666.

#### Draft Local Development Plan

In conjunction with the above works and subdivision application, the applicant has also lodged a Local Development Plan for the remaining allotments with WAPC163666.

At its ordinary 14 August 2024 meeting, Council resolved the following:

1. *Note the submissions received, as provided in Attachment 1.*
2. *Support the revised Local Development Plan for Lots 72 and 25, 2-4 Clontarf Road and Lot 73, 1 Naylor Street, Beaconsfield, as contained in*



*Attachment 5, subject to modification to include a general provision requiring roofs to have a solar absorptance rating of no more than 0.4, and any further modifications being minor or administrative in nature only.*

3. *In accordance with Regulation 52 of the Deemed Provisions in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, recommend to the Western Australian Planning Commission that they approve the revised Local Development Plan for Lots 72 and 25, 2-4 Clontarf Road and Lot 73, 1 Naylor Street, Beaconsfield, as contained in Attachment 5, subject to modification to include a general provision requiring roofs to have a solar absorptance rating of no more than 0.4.*
4. *Advise the proponent that, pursuant to Condition 19 of WAPC163666, a revised public realm plan be submitted for the City's approval that gives consideration to the provision of right-angled parking bays to the Naylor Street and Strang Street road verges to accommodate existing and future parking needs in the area, together with any traffic calming devices that may assist in slowing traffic speeds and facilitating safe pedestrian crossings coinciding with Culver Street and Clontarf Road.*
5. *Request the Chief Executive Officer to:*
  - a. *Identify if any additional ongoing maintenance costs will be associated with the delivery of subdivision road landscapes, open space facilities/structures and the additional pathways/lighting required to serve residential properties fronting public open space, that exceed the standard usually delivered by the City.*
  - b. *Report to Council on the need for a special area rate or other funding mechanism to ensure the additional maintenance of such above standard works is funded by the future ratepayers within the LDP area who directly benefit from these higher quality works.*

It is acknowledged, that the draft LDP has been used for the Volume 2 R-Code assessment by the applicant as it is considered to be a seriously entertained statutory document for this estate. At the time of writing this report no decision had been made by WAPC on the lodged LDP. Therefore as the application includes Multiple dwellings and not Single houses, the provisions contained in supported LDP have been used for guidance purposes only.

The development plans can be found at **Attachment 1**.



## **Legislation and Policy:**

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

1. Metropolitan Region Scheme (MRS);
2. *Planning and Development Act 2005*

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

- Schedule 2, Part 8, Clause 3 (5) Local planning policies
- Schedule 2, Part 8, Clause 60. Requirement for development approval
- Schedule 2, Part 8, Clause 64 – Advertising applications
- Schedule 2, Part 9, Clause 66 – Consultation with other authorities
- Schedule 2, Part 9, Clause 67 – Matters to be considered by local government
- Schedule 2, Part 9, Clause 68 – Determination of applications
- Schedule 2, Part 9, Clause 70 – Form and date of determination

### State Government Policies

- State Planning Policy 3.7: Planning in Bushfire Prone Areas
- State Planning Policy 7.3: Residential Design Codes – Volume 2
- State Planning Policy 7.0 – Design of the Built Environment (SPP7.0)

### Local Planning Scheme No. 4:

- Table 1 – Zoning
- Schedule 1 – Dictionary of Defined Words and Expressions
- Schedule 7 – Planning areas

### Local Planning Policies

- Local Planning Policy 1.3: Public Notification of Planning Proposals (LPP 1.3)
- Local Planning Policy 1.9 – Design Advisory Committee & Principles of Design (LPP1.9)
- LPP 2.24 – Waste Management Plans for New Development
- Local Planning Policy 3.5: Beaconsfield Area policy
- LPP 3.6 – Heritage Areas
- Local Planning Policy 3.19: Clontarf Road Area policy



**Consultation:**

Public Consultation

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The application was advertised to the public from the 5 August 2024 until 26 August 2024 by means of letters to owners/occupiers of properties within a 200m radius of the site, several signs on the site frontages to Naylor Street and Clontarf Road, the City’s MySay webpage and notices in the press. The City received a total of 5 submissions and full details and a schedule of the public submissions can be found at **Attachment 8** that also includes the applicant’s responses to these comments.

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

<b>Issue Raised</b>	<b>Officer Comments</b>
Concerns were raised regarding dilapidation of nearby property	Dilapidation of property is a matter typically dealt with as civil matters between relevant parties. The City has included an appropriate advice note alerting the owners/ developer to these community concerns and it is advised that a dilapidation report be undertake for adjoining and adjacent properties to the development sites.
Concerns to onsite car parking and open space provisions for the dwellings	The application has been assessed against and is compliant with the Volume 2 R-Code requirements relating to both of these design elements.
Concerns were raised regarding pedestrian connectivity and general safety of movements over the greater Beaconsfield area	These concerns are not directly relevant to this proposal but related to the already approved subdivision WAPC163666 application and the broader Local Development Plan Council has already provided support for.





Referrals/consultation with Government/Service Agencies

- *Department of Water and Environmental Regulation (DWER)*

The proposal was externally referred to the Department of Water and Environmental Regulation (DWER) due to the historic use of the subject site for industrial purposes. DWER responded on 30 August 2024 stating they had no comments to the proposal.

Design Review Panel Advice

The proposed development has been presented to the City of Fremantle's Design Advisory Committee (DAC) on two separate occasions, one being subdivision stage and the other being LDP stage. The DAC reviewed the site planning and proposed amendments to the R-Codes for the entire development.

The most relevant comments to this proposal were made at the DAC on 11 March 2024. Key comments relating to the Multiple dwellings and how the applicant has addressed are as follows:

- *Consider the corner lots at street intersections, such as at Naylor and Clontarf, as opportunities for legible landmarks within the development. The Applicant advised that the large corner lots with Type G and Type H (Fonzie) would be developed as 3 dwellings/lot integrated housing with an internal strata boundary.*

The dwelling has been submitted with refinements as per the plans presented at the DAC and includes the description of the above.

- *Consider opportunities for additional landscape to screen the large expanse of the rear of the two-storey garage/Fonzie unit (Type G).*

A landscape plan has been prepared by Emerge Associates which includes a range of planting and trees in the rear courtyard which will provide a screening benefit between the rear of the front two homes and the rear home.

- *The Fonzie (Type G) includes a large 2-storey predominantly blank wall at the rear. Consider additional openings on the wall particularly for winter solar gain into the unit.*



A 1m<sup>2</sup> window has been included in the rear wall of the rear wall of all 'fonzie' dwellings to enable sunlight access for south facing dwellings and has been limited to 1m<sup>2</sup> to limit visual privacy implications between the two front and rear dwellings.

### **Planning Assessment:**

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

- Zone objectives and land use;
- Schedule 7: Local Planning Area 5 (Beaconsfield) Development Requirements;
- Local Planning Policy 2.9 – Residential Streetscape Policy (LPP2.9);
- Local Planning Policy 3.5 - Beaconsfield Area policy (LPP3.5);
- Local Planning Polic 3.6 - Heritage Area Policy (LPP3.6);
- Local Planning Policy 3.19 Clontarf Road Area policy, and
- R-Code Vol. 2 Elements;

### **Land use**

<b>Land use</b>	<b>Permissibility</b>	<b>Discretion</b>
Multiple Dwelling	D*	Required

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

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



The proposed land use is considered to satisfy the matters to be considered including the objectives of the Residential zone for the following reasons:

- The proposal will create a unique typology of dwelling mix that generally responds to the context and the climate.
- The development will introduce a range of alternative housing typologies to the existing Beaconsfield mix.
- The development is considered to provide a quality urban and built form outcome.

### **SPP7.0 – Design of the Built Environment**

The proposal has been considered against the principles of SPP 7.0 – Design of the Built Environment. These comments are supported by the assessment below which provides more detailed consideration of the specific provisions of SPP 7.3 and the applicant’s assessment against the relevant ‘Element Objectives’ of the R-Codes can be seen in Attachment 5.

Further discussion of the relevant Element Objectives of the R-Codes for building height, building separation, communal open space, visual privacy, public domain interface, car parking, circulation and common spaces is provided also in attachment 9.

In addition to the above, an assessment has been conducted against the design principles of SPP7.0 which also are reiterated in Council’s LPP3.19 – Clontarf Area Policy. These key principles are Context and character, Landscape quality, built form and scale, Functionality and build quality Sustainability, Amenity, Legibility, Safety, Community, and Aesthetics. Refer comments below:

- The proposal has been carefully considered against the existing characteristics of the area and has been considered by the City’s DAC to positively contribute to the surrounding area.
- The proposed landscaping is of good quality, however, a condition is recommended to require a detailed landscaping plan to identify detailed list and density of the species on site.
- The scale of the proposed development is considered acceptable and compliant with the planning framework applicable to the area.
- The development is considered to maintain a balance between social, economic and environmental considerations by ensuring the development is development to a high standard of sustainability, as outlined in Attachment 9 Volume 2 assessment table - Design Elements 4.15 – Energy Efficiency and 4.16 – Water Management and Conservation.



- The development considers lighting and sightlines to enhance passive surveillance over extensive rear laneways which promotes and benefits greater community safety.
- Improving the amenity of the locality by providing a range of suitable built form typologies designed to accommodate a diverse and coherent community.
- All dwellings are provided with access from either public roads or central POS corridors, except for the rear 'Fonzie' multiple dwellings which have single pedestrian access frontages onto respect internal laneways, which is visually minimised by the building design above.
- All 'townhouse buildings' are orientated parallel with the front boundary of the property with front doors and windows facing and clearly visible from the street or POS areas of the estate.
- The overall development contributes to the emerging identity for the greater Strang Street area through the proposed materiality reflecting the historical land uses of the area.
- While not covered by the proposed LDP, the proposed built form is consistent with the LDP desired built form outlined for the remaining Single house lots within the greater estate.

### **SPP7.3 - Volume 2 - R-Code - Apartment Design Principles**

Detailed assessment against the Apartment Design codes is included in Attachment 9. It is considered that the proposal meets the objectives of the Codes.

Key elements are discussed below -

- D.E. 4.9 - Universal Design has not been proposed to be addressed in this application. The applicant has advised that over the greater development it is proposed that 20% (41 dwellings) of the total yield dwellings (206 dwellings) will achieve Silver Level requirements as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia). It is noted however, that this is not reinforced in the current draft LDP nor Volume 1 of the R-Codes to ensure its delivery. While the proposed Fonzie flats are on an upper floor, they do provide a small form of housing that requires low maintenance, and will be at a more affordable price point to improve housing options.
- The applicant has indicated a number of measures to address energy efficiency in the development as per DE 4.12. Appropriate conditions have been recommended to ensure their installation and maintenance.
- DE4.12 - Landscaping Design - A landscaping plan proposes treatments over the 24 lots ranging from low shrubbery to grass and mature tree planting. The City has reviewed and considers the proposal to be generally



acceptable. It is also noted that some landscaping has been proposed for the rear ROW interfaces of the 24 sites which will help soften the public realm in the ROWs throughout put the estate. See 'Attachment 9' R-Code assessment table and Attachment 3 for the Landscaping Plan.

## **Local Planning Policy**

### LPP 3.19 Clontarf Road Area

In addition to meeting all the above criteria of sub area 4.3.5, LPP3.19 also requires assessment against Clause 3 – High Quality Design Outcomes. LPP3.19 generally aligns with State Planning Policy 7.0 principles. In assessing subdivision or development applications on land subject to this policy due regard is required to be given to how the proposed development demonstrates that it addresses the following seven design objectives:

1. Character
2. Continuity & Enclosure
3. Quality Public Realm
4. Ease of Movement
5. Legibility
6. Adaptability
7. Diversity

As part of the Council's assessment and recommendations made in relation to WAPC163666 and the recent Local Development Plan, all of the key Design Objectives have been used to guide the City's recommendations and support for both planning matters.

The proposed built form remains consistent with what has already been considered as part of the WAPC163666 and the supported LDP. Regarding elements 3,4 and 5 of LPP 3.19 discussion relating to these components have already been addressed with WAPC163666. Regarding the specific elements 1, 2, 6 and 7 above, the following assessment is provided.

#### *1. Character*

- The proposed built form and character is in keeping with the greater Beaconsfield area. A range of roof forms and architecturally built form is proposed and scattered over the 24 allotments which is appropriate.

#### *2. Continuity and enclosure*

- The rear 'Fonzie' dwellings will help improve public realm interaction particularly to the rear loaded ROW and side POS areas throughout the estate by providing a higher level for passive surveillance and general interaction between these spaces.



- The townhouse dwellings are consistent with the LDP provisions and are also considered acceptable.

6. *Adaptability*

- The fonzie flat additions also are considered to deliver a built form outcome and mix of housing typology which future-proofs the built forms appeal for occupancy and future users.
- The built form easily lends itself to both multi-generational / co existing housing opportunities for larger families or standard housing offerings 3 housing modules (2 x townhouse, 1 traditional apartment) which provide for young families, couples or single occupancy dwellings.

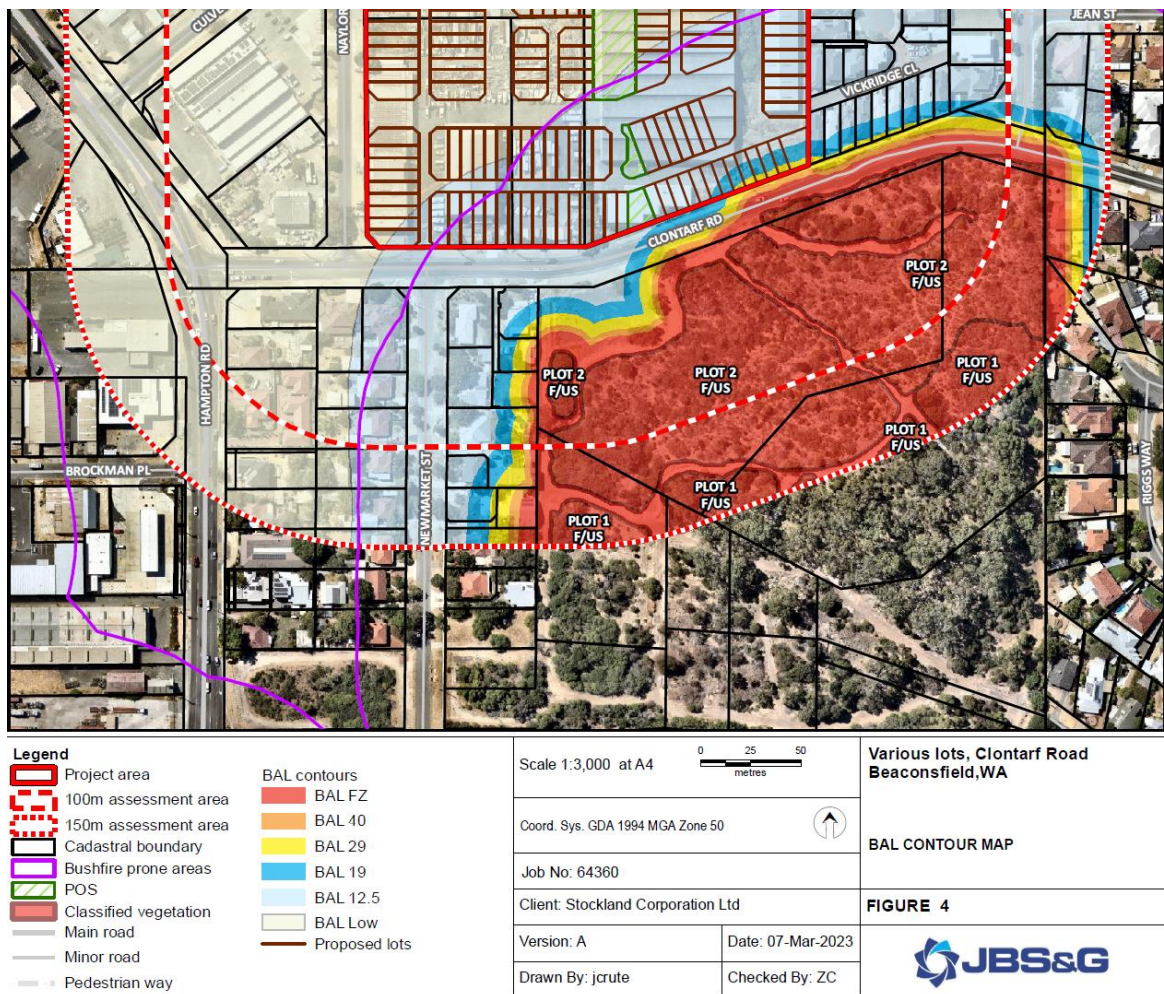
7. *Diversity*

- The development, as demonstrated by the approved subdivision and proposed LDP, includes a range of 1- and 3-bedroom dwellings, but all in a two storey configuration dwellings.
- The introduction of Multiple dwellings is a positive addition to the locality which would help improve the diversity of dwelling types on offer within Beaconsfield suburb.
- The diversity of housing options over the greater area is very limited, with lots within the suburb occupied typically by Single houses. This application for smaller dwellings provides an alternative housing type for the broader area.

**SPP3.7 – Planning in Bushfire-Prone Areas**

In accordance with *State Planning Policy 3.7 Planning in Bushfire-Prone Areas* in accordance with *Guidelines for Planning in Bushfire- Prone Areas Version 1.4* a Bushfire Management Plan (BMP) has been prepared to accompany the subdivision application as the subject site abuts Clontarf Hill which is a designated Bushfire Prone Area. The submitted Bushfire Attack Level assessment indicates that some of the lots fronting Clontarf Road to the southeastern portion of the site are impacted and have Bushfire Attack Level (BAL) ratings of BAL12.5 up to BAL 29. A complete copy of this BAL assessment is included in attachment 6 of the attachments. See image of BAL map below showing the impacted lots.

Regarding the relevant 24 allotments associated with this application, the BAL rating is indicated to be BAL12.5 for some of these allotments. Accordingly, an appropriate condition is to be included ensuring the relevant impacted lots and the built form meets the relevant BAL requirements under the Australian Standards.



**Figure 3** – Excerpt from BAL assessment

**Conclusion:**

Approval is sought to construct the proposed development comprising, 72 Multiple dwellings, over 24 future lots approved as part of WAPC163666.

The proposed development seeks limited discretion to key development controls of the R-Codes, LPS4 or Council LPP’s and is considered to address all applicable provisions. The proposal is consistent with the approved subdivision and supported LDP and contributes to improving the dwelling diversity of the area.

On the basis of the above, it is recommended that the application be approved, subject to appropriate conditions of approval.



**C2409-3 ATTFIELD, 102 (LOT 3) SOUTH FREMANTLE – ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE**

**Meeting date:** 11 September 2024  
**Responsible officer:** Manager Development Approvals  
**Voting requirements:** Simple Majority Required  
**Attachments:**

1. Development Plans - Additions and Alterations to Existing Single House at 102 Attfield Street,
2. Schedule of Submissions - D A 0170-24 - 102 Attfield St South Fremantle

**SUMMARY**

**Approval is sought for additions and alterations to an existing Single house at No. 102 (Lot 3) Attfield Street, South Fremantle.**

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

- **Lot Boundary Setback;**
- **Boundary Wall Length and Height; and**
- **Visual Privacy.**

**The application is recommended for conditional approval.**

**PROPOSAL**

Detail

Approval is sought for additions and alterations to an existing Single house at No. 102 (Lot 3) Attfield Street, South Fremantle. The property is individually listed on the City of Fremantle Heritage List (management category 3), and it is located within the South Fremantle Heritage Area. The proposed works include:

- Removal of timber screen to front verandah and modification of door and window;
- Internal alterations to existing dwelling; and
- Two storey rear additions





Due to the nature of the proposed variations and their potential impact onto the neighbouring properties, the applicant provided amended plans to address concerns. The amended plans include the following changes:

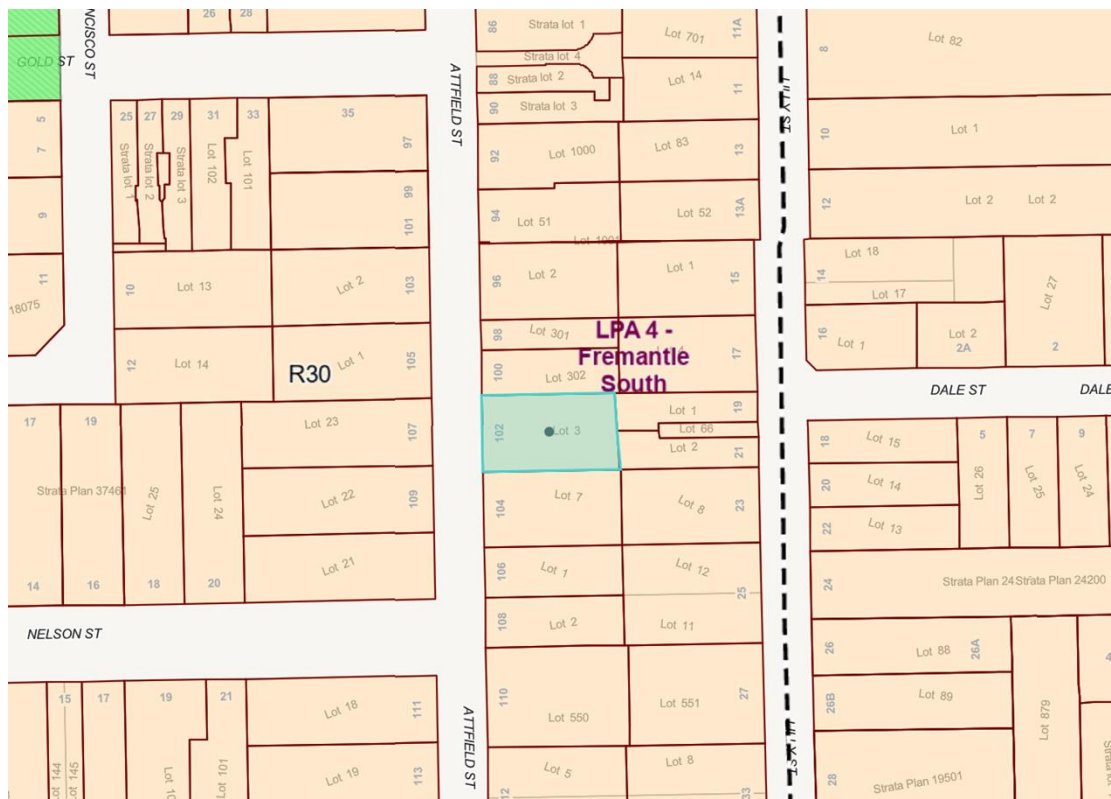
- Proposed wall height reduced from 6.5m to 5.9m.
- Deletion of second storey eastern boundary wall, now setback 1.2m from eastern (rear) lot boundary
- Reduced impact of overshadowing as a result of the reduction in building height.
- Provision of an updated site survey to confirm that the tree is located on the subject site. The City does not have a policy to restrict tree removal on private land.

The proposed height of the development and overshadowing is compliant with the R-Codes. The discretionary elements of the proposal is discussed in the comment section of this report.

Amended development plans are included as attachment 1.

### **Site/application information**

Date received:	6 June 2024
Owner name:	Nicole Loueza Quill
Submitted by:	Developed Planning Spatial Delivery
Scheme:	Residential Zone R30
Heritage listing:	Individually Listed Category 3 and South Fremantle Heritage Area
Existing land use:	Single House
Use class:	Single House
Use permissibility:	P



**CONSULTATION**

**External referrals**

Nil required.

**Community**

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the proposal sought merit-based assessments against the R-Codes. The advertising period concluded on 31 July 2024, and three (3) submissions were received in objection to the proposal. The following main issues were raised (summarised):

Submitter Comment	Officer Comment
Concerns the development will be afforded overlooking of adjoining southern site and compromise the privacy of these dwellings.	A relevant condition of approval is recommended to ensure adequate screening is installed to the upper floor major openings to restrict views within the cone of vision.



<p>Concerns over the impact of overshadowing and light reduction to adjoining properties.</p>	<p>Overshadowing has been assessed by officers in accordance with the R-Codes Volume 1 methodology and meets the Deemed-to-comply requirements. An overshadowing diagram to depict the percentage of shadow cast onto the adjoining lots to the south is also provided by the applicant.</p>
<p>Double storey boundary wall and potential bulk impact.</p>	<p>The proposed variation to height of the boundary wall is discussed in detail in the officer assessment section below.</p>

In response to the above, the applicant submitted revised plans on 19 August 2024 which included the following summary of amendments:

- Reduced the overall height of the development from 6.5m to 5.9m.
- Provided 1.2m lot boundary setback to the proposed upper floor on the eastern side of the subject site to avoid a double storey boundary wall;
- Reduced impact of overshadowing as a result of the reduction in building height.
- Provision of an updated site survey to confirm that the tree is located on the subject site.

A detailed copy of the submissions and the applicant’s response to these concerns is included as attachment 2.

**OFFICER COMMENT**

**Statutory and policy assessment**

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

- Lot Boundary Setback
- Boundary Wall Length and Height
- Visual Privacy

The above matters are discussed below.



**Background**

The subject site is located on the eastern side of Attfield Street. The site has a land area of approximately 412m<sup>2</sup> and is currently occupied by a Single house. The site is zoned Residential and has a density coding of R30. The site is located within the South Fremantle Precinct Heritage Area and individually listed (Level 3).

The surrounding development characterised by one and two storey single houses and grouped dwellings. There is no relevant planning history for the subject site.

**Land Use**

A Single house is a 'P' land use within the Residential zone which means that the use is permitted by the Scheme.

**Lot Boundary Setback**

<b>Element</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Extent of Variation</b>
Eastern(rear) lot boundary setback	Upper Floor: Bedroom 1 - Staircase - Bathroom: 1.5m (no major opening)	1.2m	0.3m

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

- The development allows for sufficient access to direct sunlight and ventilation to both the subject site and the adjoining dwellings to the east, as the remainder of the development is generally setback sufficiently from other common boundaries. The proposed boundary wall abuts the backyard of the adjoining neighbours' to the east of the subject site. Both neighbouring properties to the east have their main outdoor habitable space and major openings setback generously from the common boundary and therefore access to direct sunlight and ventilation is not considered to be impacted by the proposed boundary wall.
- It is noted that one of the neighbouring properties to the east, at 21 Lilly Street is impacted slightly more than the other neighbouring property at 19 Lilly Street as the upper floor addition is setback approximately 4m from the northern boundary of the subject site which allows for additional corridor of light and ventilation to the existing outdoor living space of the dwelling at 19 Lilly Street. Notwithstanding, the existing dwelling at 21 Lilly Street has an existing shed structure which abuts the common boundary already. As such, a



portion of the proposed boundary wall will not be visible to the neighbours at 21 Lily Street as it will be concealed from views by the existing shed.

- There is no potential overlooking as the eastern elevation does not contain any major openings to a habitable room.
- The neighbouring properties to the east are slightly higher in the natural ground level (being, RL 12.6) in comparison to the subject site (RL 12.1). This is considered to further reduce the impact on bulk from the proposed boundary wall.

<b>Element</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Extent of Variation</b>
Southern lot boundary setback	Upper Floor: Bedroom 2 - Hall - Bathroom: 1.5m (no major opening)	Ranging between min1.3m, 1.4m and max 3m	0.1m to 0.2m

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

- The reduced lot boundary setback does not result in a perception of adverse building bulk when viewed from the adjoining southern property as the upper floor wall is articulated by varying setbacks of a minimum of 1.3m and a maximum of 3m. In addition, the external wall and ridge roof are compliant in height which further reduces any adverse impact of bulk onto the southern boundary neighbour's existing outdoor living area and major openings.
- The major openings and outdoor living areas of the adjoining dwellings to the south are setback sufficiently from the existing common boundary which allows for sufficient access to ventilation and direct access to northern sunlight.
- The proposed reduced setback does not result in any new merit-based decision relating to overlooking or visual privacy given it does not contain any major openings.

**Boundary Wall Height and Length**

<b>Element</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Extent of Variation</b>
Boundary wall (ground floor east)	Height no greater than 3.5m	3.6m in height	0.1m
	Max length of 10.1m	15.2m boundary wall length	5.1m
Lot boundary setback	Where meets above criteria can be built to boundary	Nil setback	1.5m



	(otherwise a setback of 1.5m required)		
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The proposed boundary wall is considered to meet the Design principles of the R-Codes in the following ways:

- The proposed height does not result in a perception of adverse building bulk when viewed from the adjoining eastern property which slightly is greater in relative levels.
- The development allows for sufficient access to direct sunlight and ventilation to both the subject site and the adjoining dwellings to the east, as the remainder of the development is generally setback sufficiently from the common boundary. In addition, the adjoining dwellings to the east are setback sufficiently from the existing common boundary which allows for sufficient access to ventilation and direct access to northern sunlight.
- The height and length of the proposed boundary wall does not result in any new merit-based decision relating to visual privacy given it does not contain any major openings.
- The proposed length of the boundary wall does not result in a perception of adverse building bulk when viewed from the adjoining southern properties as the height of the wall is compliant.
- The boundary wall will allow for more effective use of the outdoor living area on the subject site.
- As the wall is on the eastern boundary, it will not affect the neighbouring property’s access to winter sun.

**Visual Privacy**

<b>Element</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Extent of Variation</b>
Cone of vision setback to Major openings to bedrooms and studies	Bedroom 4: 4.5m setback to northern boundary	4m	0.5m variation

The proposed bedroom 4 window on the upper floor northern elevation results in direct overlooking over the adjoining neighbour's existing outdoor living areas. As such, a condition is recommended to ensure the proposed windows are obscured or altered in accordance with clause 5.4.1 of the R-Codes for visual privacy.



It should be noted that all visual privacy assessments from other habitable spaces in the proposed additions greater than 500mm above natural ground level are fully compliant with the deemed-to-comply requirements of the R-Codes, either achieving the require cone-of-vision setback or have an appropriate design solution such as hi-lite windows or screening to ensure compliance.

**Local Planning Policy 2.9 - Residential Streetscape**

In accordance with section 5.1 of LPP 2.9, where the property is included on the City’s Heritage List and is not subject to specific provisions of Local Planning Scheme No. 4 or a local area planning policy:

- i. Second storey additions to an existing single storey dwelling are to be setback behind the main roof ridge of the existing dwelling a minimum distance of four (4.0) metres; and
- ii. Shall be designed and setback so as to retain the impression of a single storey house when viewed from the street.

**Additions and Extensions for heritage listed properties**

<b>Element</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Extent of Variation</b>
Second floor addition	Setback >4m behind roof ridgeline	2.2m	1.8m

In accordance with section 5.2 of LPP 2.9, variations to the requirements of clause 5.1 above may be considered, at Council’s discretion subject to an assessment of the proposed development’s compatibility with and impact on the heritage significance of the property. Due consideration will be given to the heritage assessment prepared under Local Planning Policy 1.6: Preparing heritage assessments and approval will only be granted where the development is considered compatible with the heritage significance of the property.

The second storey addition setback behind the roof ridgeline is supported under clause 5.2 above for the following reasons:

- The new upper floor addition at the rear of the house complies with the City’s Local Planning Policy 3.6 for Heritage Areas, as it is set back behind the original three-room house. The upper floor addition will have only a minimal impact on the streetscape of Attfield Street because it is largely concealed by the original house and the existing 1980s side addition.



- The existing topography of the site assists in concealing the additions from the street.
- The proposed changes to the house will have only a minor impact on original fabric and the contribution that the place makes to the South Fremantle Precinct Heritage Area.

**Local Planning Policy 3.6 – Heritage Areas**

<b>3.4 Demolition</b>	
<p>The proposed development does not result in demolition of the existing dwelling, only non-original additions are to be demolished or altered at the rear of the property. The proposed changes to the existing Single house will have only a minor impact on original fabric and the contribution that the place makes to the South Fremantle Precinct Heritage Area.</p> <ul style="list-style-type: none"> <li>• The lattice screen to the front verandah will be removed so the original limestone and brick quoined façade will be visible from the street and improve the contribution that the place makes to the surrounding streetscape</li> <li>• The projecting bay window to the original front door opening in the façade will be removed and replaced with a window that interprets the original door. This will also improve the presentation of the place</li> <li>• The demolition of the bedroom and store in the rear yard will have little impact on the place as it dates from the 1980s and has little heritage significance</li> </ul> <p>The development proposal including the demolition of non-original heritage fabric was assessed by the City’s heritage team and confirmed that the works proposed in this application are acceptable as they will have only a minor impact on the heritage values of 102 Attfield Street and the South Fremantle Precinct Heritage Area.</p>	
<b>3.5 Additions and Alterations (to existing buildings)</b>	
<b>3.5.1 Intent</b>	
<p>When altering or adding to a place with heritage protection, the goal is for an outcome that does not reduce the cultural heritage significance of the place (whether this significance is individual to the site, or part of the broader significance of the area) and ideally, enhances it. This generally involves changing as little as possible but as much as necessary in order to</p>	<p><b>Officer Comments</b></p> <p>The new upper floor addition at the rear of the house complies with LPP3.6 as it is set back behind the original house. The upper floor addition will have only a minimal impact on the streetscape of Attfield Street because it is largely concealed by the original house and the existing 1980s side addition. The existing</p>





<p>retain the cultural heritage significance of the place and maintain its utility. Because the significance of each place and its context is different, assessment of the suitability of proposals requires that each proposal should be assessed on its own merits</p>	<p>topography of the site assists in concealing the additions from the street.</p>
<p><b>3.5.2 Design guidance</b></p>	
<p><b>Siting and Scale</b></p> <p>v. Double storey additions to a contributory building may be considered where:</p> <ul style="list-style-type: none"> <li>• They are located to the rear of the original building;</li> <li>• They do not alter the original building roof line;</li> <li>• They are constructed so that the roof of the new addition is independent from the original building’s roof form;</li> <li>• The roof form of the addition is not visible from the street (a minor variation to this may be permitted based on a proposal’s impact on the streetscape); and</li> <li>• If the addition is attached to the original building, in order to allow the original building to retain its original form, then this is to: <ul style="list-style-type: none"> <li>• Be via a linked pavilion, or</li> <li>• Have side external walls of the extension set in from the side walls of the original building, or</li> <li>• Be supported by a material change at the junction of the old and new.</li> </ul> </li> </ul>	<p><b>Officer Comments</b></p> <p>The proposed addition is at the rear side of an existing single house. As such, it remains consistent with properties in the surrounding area.</p>
<p><b>Building Form</b></p> <p>The form of the building is its overall shape, size and the general arrangement of its main parts.</p> <p>i. Additions to places within a heritage area must respect and harmonise with and be sympathetic to the</p>	<p><b>Officer Comments</b></p> <p>The proposed addition is at the rear side of an existing single house. As such, the form of the building and its overall shape, size will not be overly visible from the street.</p>



predominant form of the prevailing streetscape and existing building, without falsely mimicking heritage detailing.

ii. Where a building form is highly repetitive, significant departures in form will appear at variance to the streetscape and should not be introduced.

iii. The treatment of additions in terms of the roof form, proportions, materials, number, size and orientation of openings, ratio of window to wall etc. of an addition should relate to the existing contributory building and to its neighbours.

iv. Symmetry or asymmetry of facades in the prevailing streetscape is an element of form to be kept consistent.

v. Contemporary addition designs should respond to, and interpret, the scale, articulation and detail of the existing and nearby buildings in a modern, innovative and sympathetic way.

vi. Whilst the basic form, scale and structure of new development should be consistent with the character of the area, new additions should not seek to emulate heritage detailing to any great extent: 'Faux' or 'mock' heritage detracts from an understanding and appreciation of the original building and will not be supported. New development should blend in with the streetscape but be discernible as new when looked at more closely.



<b><i>Other Elements</i></b>	<b><i>Officer Comments</i></b>
<p>Roofs</p> <p>i. Traditionally roof lines are a predominant element of the streetscape. Additions should respond to and reinforce the existing characteristics of a streetscape or neighbourhood with regards to plate and wall heights, roof form, ridge lines, parapet lines, roof slopes and eaves overhangs. ii. Roof forms that are contemporary in style (i.e. flat / skillion) may be considered for rear and side additions.</p> <p>v. New materials, finishes and colours to non-contributory buildings and additions should enhance the character of the existing heritage fabric without visually dominating the streetscape or adjacent heritage buildings/ heritage fabric.</p>	<p>The proposed colours materials and finishes are considered to be complementary to the existing dwelling. As mentioned above, the proposed addition will not be visible from the street, therefore the non-traditional roof form does not impact on the existing streetscape.</p>

**CONCLUSION**

As discussed above, the proposed variations address the relevant design principles of the R-Codes and policy provisions with limited adverse impact upon the amenity of the adjoining neighbours. As such, the proposed development is recommended for conditional approval.

**STRATEGIC IMPLICATIONS**

**Liveable City - A unique built heritage and history that is preserved, protected and shared**

- Our built heritage is central to our character and sense of place, and is retained and protected for future generations to enjoy.

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

Nil



## **VOTING AND OTHER REQUIREMENTS**

Simple Majority Required

## **OFFICER'S RECOMMENDATION**

**Moved: Cr Geoff Graham**

**Seconded: Cr Fedele Camarda**

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the additions and alterations to an existing Single house at No. 102(Lot 3) Attfield Street, South Fremantle, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated 19 August 2024. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.
2. All storm water discharge from the development hereby approved shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.
3. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
4. Prior to occupation/ use of the development hereby approved, the boundary wall located on the eastern boundary shall be of a clean finish in any of the following materials:
  - a. Coloured sand render,
  - b. Face brick,
  - c. Painted surface,
  - d. Other approved finish

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

5. Prior to lodgment of a Building Permit for the development hereby approved, a detailed drawing showing how the (bedroom 4) located on the (northern) elevation, is to be screened in accordance with Clause 5.4.1/6.4.1 C1.1 of the Residential Design Codes by either:
  - a) Fixed obscured or fixed translucent glass to a minimum height of 1.60 metres above internal floor level, or



- b) Fixed screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the internal floor level, or
- c) A minimum sill height of 1.60 metres above the internal floor level,

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

- 6. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building. Any damage shall be rectified to the satisfaction of City of Fremantle.
- 7. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.

Advice note(s):

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

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

- iii. Effective measures shall be taken to stabilize sand and ensure no sand escapes from the property by wind or water in accordance with the City's Prevention and Abatement of Sand Drift Local Law.



In accordance with clause 9.7 of the [Meeting Procedures Policy](#), Cr Andrew Sullivan moved the following alternative motion, as provided in the additional documents:

**COUNCIL DECISION ITEM C2405-3**  
**(Elected Member alternative motion)**

**Moved: Cr Andrew Sullivan**

**Seconded: Cr Adin Lang**

**Refer the application to the administration with the advice that the Council is not prepared to grant development approval to the application for the Additions and Alterations to an Existing Single house at No. 102 (Lot 3) Attfield Street, South Fremantle based on the current submitted plans and invite the applicant, prior to the next appropriate Ordinary Council meeting to consider submitting an amended proposal to increase the southern upper floor setback to reduce the impact of overshadowing on the neighbours outdoor living and major openings and provide additional detail regarding neighbouring site levels and the overshadowing calculation.**

**Carried: 6/3**

**For:**

**Cr Jenny Archibald, Cr Adin Lang, Cr Andrew Sullivan,  
Cr Jemima Williamson-Wong, Cr Fedele Camarda  
and Cr Ben Lawver**

**Against:**

**Cr Geoff Graham, Cr Doug Thompson  
and Cr Ingrid van Dorsen**

**Reason for alternative motion:**

To reduce the impact of the two storey additions on the neighbouring property.



**C2409-4 NORFOLK STREET, NO. 5 (LOT 6), FREMANTLE - FOUR STOREY MIXED USE DEVELOPMENT COMPRISING SIX (6) MULTIPLE DWELLINGS AND FOUR (4) SERVICED APARTMENTS (ED DA0184/24)**

<b>Meeting date:</b>	11 September 2024
<b>Responsible officer:</b>	Manager Development Approvals
<b>Voting requirements:</b>	Simple Majority Required
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. Amended Development Plans (19 Aug) - 5 Norfolk - D A 0148-24</li><li>2. Development Application Report (without Appendices) - 5 Norfolk</li><li>3. Planning Compliance Report - 5 Norfolk</li><li>4. Design Principles Report - 5 Norfolk</li><li>5. Waste Management Plan - 5 Norfolk</li><li>6. Traffic Impact Assessment - 5 Norfolk</li><li>7. Parking Management Plan - 5 Norfolk</li><li>8. Updated Shadow Analysis - 5 Norfolk</li><li>9. Public Submission Schedule with Applicant Responses - D A 0148-24</li><li>10. DAC Minutes Combined ( D R 1 - D R 3 ) - 5 Norfolk</li><li>11. Applicant Written Responses to DAC Meeting No. 3 (D R 3)</li><li>12. Site Photos 5 Norfolk</li></ol>

**SUMMARY**

**Approval is sought for a four storey Mixed use development comprising six (6) Multiple dwellings and four (4) Serviced apartments at No. 5 (Lot 6) Norfolk Street, Fremantle.**

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

**These discretionary assessments include the following:**

- **Land Use**
- **Building Height**
- **Residential Design Codes Vol. 1 (Part C) elements:**
  - **Car Parking**
  - **Visual Privacy**



- **Site Cover**
- **Solar Access for Adjoining Sites**
- **Boundary Walls**

**The application is recommended for conditional approval.**

## **PROPOSAL**

### **Detail**

Approval is sought for four storey Mixed use development comprising six (6) Multiple dwellings and four (4) Serviced apartments at No. 5 (Lot 6) Norfolk Street, Fremantle. The proposed works include:

- Demolition of all existing buildings on site;
- Construction of a four-storey Mixed use development comprising 6 Multiple dwellings (1 x 1-bed, 3 x 2-bed, 1 x 3-bed, 1 x 4-bed) and 4 Serviced apartments (2 x 1-bed, 2 x 2-bed);
- Communal amenity area at first floor toward rear of site;
- 21 car parking bays, 3 x motorcycle/scooter bays across ground and first floor level parking areas located toward rear of site;
- 8 x bicycle parking facilities within secure store; and
- Enclosed waste bin store, external storage units for dwellings, landscaping and other associated infrastructure.

The applicant submitted amended plans on 19 July 2024 and a further, final set of amended plans on 19 August 2024, including the following summary of amendments:

- Increased eastern (rear) setback of first floor level 'Car Park 2' from 2.5m to 3.0m (setback additional 500mm);
- Reduction in height of ground level 'Car Park 1' roof along eastern (rear) boundary from 3.9m to 3.3m.
- Reduction in overall on-site car parking from 25 bays to 21 bays and removal of car parking bays from eastern (rear) and northern (side) areas of first floor level 'Car Park 2';
- Reduction in height and extent of boundary wall along southern boundary within 4m of the eastern (rear) boundary, boundary wall height reduced from 5.4m to 3.2m;





- Deletion of northern boundary wall and increased northern setback of first floor 'Car Park 2' to 2.4m (previously built up to boundary), providing additional on-site deep-soil areas (DSA) at ground level;
- Overall increase in areas of soft landscaping (includes 87m<sup>2</sup> of deep-soil areas at ground level and an additional 92m<sup>2</sup> of compliant 'on-structure' planting areas) to a total of 179m<sup>2</sup> (representing 15.2% of overall site area);
- Amended shadow analysis (resulting from above changes); and
- Introduction of ability for adaptability of ground floor serviced apartments to become other non-residential tenancies should demand arise in future (building technology options to be considered in detailed design).

Amended development plans are included as Attachment 1.

**Site/application information**

Date received:	22 May 2024
Owner name:	Roncio Nominees Pty Ltd
Submitted by:	Roncio Nominees Pty Ltd
Scheme:	Mixed Use (R)
Heritage listing:	Historical / Archaeological Site
Existing land use:	Office
Use class:	Multiple dwelling and Serviced apartments
Use permissibility:	'A' and 'A'



**Aerial Image of Subject Site and Zoning:**



**CONSULTATION**

Fremantle Port Authority (FPA)

The site is located within 'Area 3' of the Fremantle Port Buffer control areas.

Generally, the potential risk and amenity impacts from the Port are considerably less in Area 3 and there are no related development controls unless specifically identified, which has not been the case for the subject site.

City of Fremantle Heritage

Heritage Impact Summary:

*Demolition*

- There are no adverse heritage impacts from the proposed demolition of 5 Norfolk Street as this property was constructed c1960 and holds no heritage value.



- On this basis, the proposal satisfies cl. 4.14 of the City's LPS4 that only permits council to approve demolition where satisfied the existing building or structures has limited or no cultural heritage significance, as is the case for existing buildings on the subject site.

#### *Archaeology*

- There are no adverse archaeological impacts from the proposed demolition and new build for 5 Norfolk St as this site was extensively disturbed and rebuilt c1960. The extent of demolition and new build at that time would have left little to no archaeological elements in situ. As such, there are no archaeological requirement for this proposal pursuant to LPP 2.7 - Archaeological Investigation as a Condition of Planning Approval.

#### *Proposed New 4 Storey Building*

- This side and section of Norfolk Street is not an intact heritage streetscape. There are examples of newer buildings with greater bulk and scale than the original built form of this street. As such the proposed 4 storey development will not have a significant impact on Norfolk Street from a heritage perspective and therefore can be supported.

The works proposed in this application are acceptable as they will have only a minor impact on the heritage values of Norfolk Street and no impact on the site itself; generally, this proposal is supported on heritage grounds.

#### *City of Fremantle Design Advisory Committee (DAC)*

In accordance with clause 78B(6)(b) of Local Planning Scheme No. 4, Council shall not determine a development application that proposes a building with a building height of 11 metres or greater in any zone other than the Residential or Industrial zones without first referring the application to the Design Advisory Committee for advice in regard to the quality of the design of the proposal. The DAC's advice is not a decision of Council, however Council must have regard to the DAC's advice in making its decision.

The applicant engaged with the City's Design Advisory Committee (DAC) a total of three times, once prior to lodgement of the application and twice following its submission (at the DAC meetings in September 2023, June 2024 and August 2024 respectively).

Full details of all the DAC meeting minutes (DR1 – DR3) can be found at Attachment 10 of this report.



The latest DAC meeting minutes (DR3 – 12 August 2024) considered amended development plans that were prepared in response to the previous DAC meeting comments and recommendations (DR2). These latest meeting minutes provided the following comments, final recommendations and concluding remarks on the proposal against the design generally and against each of the 10 Principles of Design within LPP1.9 (Design Advisory Committee & Principles of Design) and SPP7- Design of the Built Environment:

<b>Design Quality Evaluation Against Design Principles – DAC Meeting 3</b>	
<b>Strengths of the Proposal:</b>	
<p><i>The strengths of the proposal identified in DR1 and DR2 have been retained and further improvements presented and noted, including:</i></p> <ul style="list-style-type: none"> <li>• <i>Reduction in carparking provisions and increase in landscaped areas</i></li> <li>• <i>Provision of serviced apartments on ground floor with consideration to convert these to commercial use in future;</i></li> <li>• <i>Increased setback of upper level carparking on south eastern (rear) boundary and provision of terraced landscaping; and</i></li> <li>• <i>Additional sustainability measures.</i></li> </ul>	
<p><b>Principle 1 - Context and Character:</b></p> <p><i>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</i></p>	<p>DAC Comments:</p> <ol style="list-style-type: none"> <li><i>a. The proponent presented a revised proposal for the ground floor with the introduction of serviced apartments and the consideration for converting these to alternate commercial use in future.</i></li> <li><i>b. The panel noted that, despite the proposed disconnection of ground floor slabs from other structural elements, there may be more effective ways to provide for future adaptation of the ground floor to commercial use.</i></li> </ol> <p>DAC Recommendations:</p> <ol style="list-style-type: none"> <li><i>1. Further consider how the possible future adaptation of the ground floor may be achieved with minimal demolition and reconstruction.</i></li> </ol>
<p><b>Principle 2 - Landscape Quality</b></p> <p><i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</i></p>	<p>DAC Comments:</p> <ol style="list-style-type: none"> <li><i>a. The panel notes that the reduction in carparking has improved the potential for additional landscaping on the site.</i></li> </ol>



	<p>b. <i>The panel noted that the proposed solution has significantly improved the interface with the neighbouring properties on the south-eastern boundary.</i></p> <p>c. <i>The panel noted that, although the assigned landscape area has increased, the 'on-structure' planting still hinders the planting of larger trees and adds considerable complexity to the scheme.</i></p> <p>d. <i>The panel commented on the location and size of the communal area, suggesting that this may be small for the number of apartments provided.</i></p> <p>DAC Recommendations:</p> <ol style="list-style-type: none"> <li>1. <i>Consider reducing the number of car parking bays on the lower level and relocating them on the upper level to free up space on grade to plant larger trees in allocated deep-soil zones. This would also reduce the need for extensive 'on-structure' planting, provide additional light and ventilation on the ground level in the carpark and potential for larger canopies and shade.</i></li> <li>2. <i>Consider how the community space(s) can be located and sized to provide a stronger connection to the landscape and adequate sizing for the number of occupants.</i></li> </ol>
<p><b>Principle 3 - Built Form and Scale</b></p> <p><i>Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.</i></p>	<p>DAC Comments:</p> <p>a. <i>The panel noted that the proposed solution has significantly improved the interface with the neighbouring properties on the south-eastern boundary.</i></p> <p>DAC Recommendations:</p> <p>No further recommendations made by panel.</p>
<p><b>Principle 4 - Functionality and Build Quality</b></p> <p><i>Good design meets the needs of users efficiently and effectively, balancing</i></p>	<p>DAC Comments:</p> <p>a. <i>The panel noted that provision has been made for storage and collection of waste but questioned whether the</i></p>



<p><i>functional requirements to perform well and deliver optimum benefit over the full life-cycle.</i></p>	<p><i>location of these on the site and verge is ideal, given that the bins would have to be wheeled up and down the ramp, along the footpath, to the other end of the site and back again, on bin collection days.</i></p> <p><i>b. The panel noted that, if an area is to be set aside on the verge for the placement of bins on collection days, it would be better if this were permeable rather than solid paved.</i></p> <p>DAC Recommendations:</p> <ol style="list-style-type: none"> <li>1. Consider whether the waste management can be improved and work with the City to refine how the collection will be carried out.</li> </ol>
<p><b>Principle 5 – Sustainability</b></p> <p><i>Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.</i></p>	<p>DAC Comments:</p> <ol style="list-style-type: none"> <li>a. <i>The panel noted that sustainability strategies will be assessed using the NATHERS method, but asked for clarification on the rating that the proponent is aiming for.</i></li> </ol> <p>DAC Recommendations:</p> <ol style="list-style-type: none"> <li>1. <i>Further develop and define the sustainability strategies for the proposal and establish what NATHERS rating the project is ultimately aiming for.</i></li> <li>2. <i>Consider aiming higher than just reaching compliance.</i></li> </ol>
<p><b>Principle 6 - Amenity</b></p> <p><i>Good design optimises internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy</i></p>	<p>DAC Comments:</p> <ol style="list-style-type: none"> <li>a. <i>Refer to Principles 2 and 4 above.</i></li> </ol> <p>DAC Recommendations:</p> <ol style="list-style-type: none"> <li>1. <i>Refer to Principles 2 and 4 above.</i></li> </ol>
<p><b>Principle 7 – Legibility</b></p> <p><i>Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.</i></p>	<p>DAC Comments:</p> <p>No additional comments made by panel</p> <p>DAC Recommendations:</p> <p>No additional recommendations made by panel.</p>
<p><b>Principle 8 – Safety</b></p>	<p>DAC Comments:</p>



<p><i>Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.</i></p>	<p>No additional comments made by panel</p> <p>DAC Recommendations:</p> <p>No additional recommendations made by panel.</p>
<p><b>Principle 9 – Community</b></p> <p><i>Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.</i></p>	<p>DAC Comments:</p> <p>a. Refer principle 2 above</p> <p>DAC Recommendations:</p> <p>1. Refer principle 2 above</p>
<p><b>Principle 10 – Aesthetics</b></p> <p><i>Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.</i></p>	<p>DAC Comments:</p> <p>a. The panel is supportive of the proposed architectural expression and material selection for the building</p> <p>DAC Recommendations:</p> <p>1. Continue to develop the relationship between built form and landscape.</p>
<p><b>Concluding Remarks:</b></p> <p><i>The panel is supportive of the proposed revised scheme.</i></p> <p><i>The panel recommends the proponent further explore the arrangement of carparking and landscaping and provision of deep soil zones on grade.</i></p> <p><i>The panel encourages the proponent to address the comments and recommendations made above.</i></p>	

The applicant considered the above DR3 comment and recommendations and provided further amended plans, dated 19 August 2024 (Attachment 1) and written responses to the DAC comments to accompany these plans (refer Attachment 11). The following key amendment to the final set of amended development plans included:

- Deletion of northern boundary wall and increased northern setback of first floor 'Car Park 2' to 2.4m (previously built up to boundary), providing an additional 46m<sup>2</sup> of deep-soil areas (DSA) at ground level.

While the final set of amended plans has not been reviewed by the DAC panel, the above amendment is considered to further improve on key recommendations and the concluding remarks from the DR3 meeting minutes which sought additional deep-soil areas and improved treatments of built form along the eastern (rear) boundary.



It is noted that the DAC panel was already generally supportive of the proposal, prior to submission of the final amended plans which are considered to further improve the design of the proposal pursuant to final recommendations of the panel.

The design of the proposal is therefore considered to have appropriately addressed the 10 Principles of Design within LPP1.9 (Design Advisory Committee & Principles of Design) and SPP7- Design of the Built Environment.

### **Community**

The application was advertised to the public from the 4 June 2024 until 28 June 2024 by means of letters to adjoining properties within 100m of the site, a sign on the site frontage and via the City’s MySay webpage.

In response, the City received a total of seven (7) submissions over the course of the consultation period in objection to the proposal.

Full details of the public submissions, including the applicant’s responses to these comments, can be found at Attachment 9 of this report.

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

<b>Key Issue/Comment Raised</b>	<b>Officer comments</b>
The proposed building height and general scale of the development is excessive for the site and in the character/context of the local surroundings and building heights.	Building height is discussed in the report below.
The multi-level car park at the rear of the development will adversely impact the adjacent residential properties due to it’s visual dominance and overshadowing the courtyards of these rear units, adversely impacting the enjoyment and amenity of these areas.	In accordance with the amended development plans, Attachment 1, the building bulk and overshadowing of adjoining properties has been reduced and mitigated through the following changes: <ul style="list-style-type: none"> <li>Increasing the rear setback of first floor level ‘Car Park 2’ from 2.5m to 3.0m (setback additional 500mm);</li> </ul>





	<ul style="list-style-type: none"> <li>• Reduction in height of ground level 'Car Park 1' roof along south-eastern (rear) boundary from 3.9m to 3.3m.</li> <li>• Reduction in height and extent of boundary wall along southern boundary within 4m of the eastern (rear) boundary, boundary wall height reduced from 5.4m to 3.2m;</li> <li>• Deletion of northern boundary wall and increased northern setback of first floor 'Car Park 2' to 2.4m (previously built up to boundary), providing additional on-site deep-soil areas (DSA) at ground level;</li> </ul> <p>Overshadowing of adjoining properties is deemed-to-comply under the requirements of the R-Codes Vol. 1 (Part C) for the R35 zoning of adjoining sites.</p> <p>Refer also, amended shadow analysis at Attachment 8 and the Site Plan (page 1) of Attachment 1.</p>
<p>Increased noise impacts from increased vehicle movements across the parking levels and headlights causing light to be shone into rear dwellings.</p>	<p>As per the amended plans, parking bays have been removed from the eastern end of the upper 'Car Park 2' and the additional soft landscaping provided at this level is expected to reduce car noise, the existing rear wall at ground level and screen wall on eastern end of 'Car Park 2' should prevent headlights of cars from being shone into adjacent dwellings.</p>
<p>The proposal will result in a loss of privacy for adjacent residential dwellings.</p>	<p>All habitable rooms windows and/or private outdoor living areas (balconies) that face adjoining residential properties are setback in excess or compliance with the deemed-to-comply requirements of</p>



	the R-Codes or are appropriately screened (screening details to form a condition of approval). Refer additional discussion on visual privacy in officer comment section of this report below.
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Further discussion on the above comments can be found in the following sections of this report as outlined in the table above.

The applicant has also responded to the public submissions and these responses can be found within Attachment 9 of this report.

## **OFFICER COMMENT**

### **Statutory and Policy Assessment**

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

- Land Use
- Building Height
- Residential Design Codes Vol. 1 (Part C) Elements:
  - Car Parking
  - Visual Privacy
  - Site Cover
  - Solar Access for Adjoining Sites
  - Boundary Walls

These matters and any others considered relevant to decision making on the application are discussed in detail below.

### **Background**

The subject site is located on the south-eastern side of Norfolk Street. The site has a land area of approximately 1176m<sup>2</sup> and currently comprises an existing two



storey office building (c1961) which is proposed to be demolished as part of this application.

The site is zoned Mixed Use with a residential density coding of R35, and is located between the City Centre zone and Residential zone.

The site has a Historical / Archaeological Site heritage listing, but is not site is not located within a heritage area.

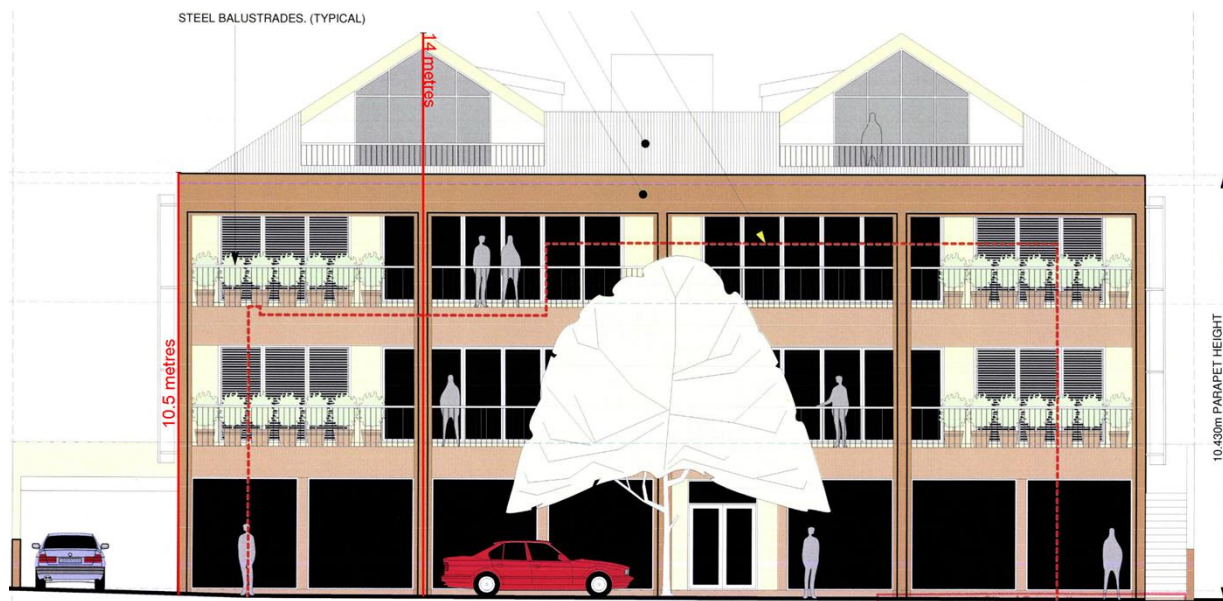
Norfolk Street and the adjoining properties to the subject site are characterised by varied building typologies and uses. To the south-east (rear) of the site, the abutting land is zoned Residential with a density coding of R35. The land is used for residential purposes and comprises a mix of 1-2 storey single houses and grouped dwellings.

Properties to the south south-west of the subject site, on the same side of Norfolk Street, comprise a range 3-4 storey office and mixed use. The property to the immediate south-west (adjoining the subject site) comprises a three-storey office building that has its vehicular access abutting the common boundary.

To the north-east of the development site, there is a terrace of 18 two storey residential dwellings that front that are orientated to Norfolk Street. Vehicular access to the rear car parking areas for this development is also located against the common boundary with the development site.

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

- DA0218/10 - On 30 August 2010, Council resolved to grant development approval for a *Four Storey Mixed Use Development* which comprised 2 Office tenancies and 7 Multiple Dwellings – see approved street elevation below in Figure 1.
- DA0223/18 - Change of use to Educational establishment and Consulting rooms
- DA0278/17 - Internal fit-out and signage for Office



**Figure 1.** Approved Street Elevation of Proposal Under Application Ref. DA218/10 (Four Storey Mixed Use Development).

It is noted the approval for the *Four Storey Mixed Use Development* under DA0218/10 was never acted upon and this approval has since lapsed; however, it is an example of an approved development at the subject site that was subject to same building height controls under the City's planning scheme at the time (formerly contained in Schedule 12 of the LPS4, now schedule 7 in the current version of the scheme).

## Land Use

Multiple dwelling and Serviced apartment land uses are both discretionary ('A') uses in the Mixed Use zone, which means that the uses are not permitted unless the Council has exercised its discretion by granting planning approval. In considering an 'A' use the Council will have regard to the matters to be considered in *the Planning and Development (Local Planning Schemes) Regulations 2015*. In this regard the following matters have been considered:

- (a) *The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area*
- (m) *The compatibility of the development with its setting including the relationship of the development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development*



- (n) *The amenity of the locality including the following:*
- (i) *Environmental impacts of the development*
  - (ii) *The character of the locality*
  - (iii) *Social impacts of the development*
- (y) *Any submissions received on the application.*

The objectives of the Mixed Use zone under Local Planning Scheme 4 cl 3.2.1 (e) are as follows:

*Development within the Mixed Use zone shall –*

- i) provide for a mix of compatible land uses including light, services and cottage industry, wholesaling, trade and professional services, entertainment, recreation and retailing of goods and services in small scale premises, including showrooms, where the uses would not be detrimental to the viability of retail activity and other functions of the City Centre, Local Centre and Neighbourhood Centre zones;*
- ii) provide for residential at upper level, and also at ground level providing the residential component is designed to contribute positively to an active public domain;*
- iii) ensure future development within each of the mixed used zones is sympathetic with the desired future character of each area;*
- iv) ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality, and*
- v) conserve places of heritage significance the subject of or affected by the development.*

The proposed uses are considered acceptable and appropriate at the subject site for the following reasons:

- The subject site sits on the eastern edge of the Fremantle City Centre and the proposal would contribute to an increase of the residential population within the City Centre which is a key strategic goal under the City's Strategic Community Plan.
- The Serviced Apartments are a complimentary land uses which are consistent with, and appropriate within, the region-serving role and tourist destination that is the Fremantle City Centre, providing accommodation for guests.



- The residents and visitors would be expected to support the variety of surrounding non-residential, city centre and tourist orientated uses (Fremantle Markets, Fremantle Prison, shops, café/restaurants, etc.) as well as provide for greater activation and passive surveillance of Norfolk Street into the night.
- The residential and serviced apartment (accommodation) uses are considered compatible with adjacent residential dwellings provide a buffer between the residential dwellings to the north and east of the subject site and the non-residential and city centre uses to the north-west of the subject site.
- The amended development plans also provide some additional flexibility for the ground floor serviced apartments to become more 'traditional' commercial land uses (shop, office etc.) into the future by introducing independent footings to the units and non-load bearing walls internally so they could be adapted in the future should demand arise.
- The general height and scale of the proposed development is considered acceptable within the context of the locality and streetscape and as per the amended development plans, the amenity impact upon all residential neighbours is considered acceptable – see more detailed discussion in following section.
- The works proposed in this application are acceptable on heritage grounds as they will have only a minor impact on the heritage values of Norfolk Street and no impact on the site itself – refer heritage comment above.

Notwithstanding the above, a Serviced Apartment Management Plan is recommended to be secured by appropriate conditions of approval to demonstrate how access, parking and the operation of service apartments will be managed to mitigate any conflict with the permanent residential units.

**Building Height**

<b>Element</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Variation</b>
Building height – Local Planning Scheme 4, Schedule 7 – LPA 4 - South Fremantle	Mixed Use:  Maximum External Wall Height – 7m	Max. External Wall Height: 14.8m	+7.8m



The site is located within Local Planning Area 4 – South Fremantle. Schedule 7 of LPS4 prescribes a general maximum wall height of 7.0 metres for development within the Mixed Use zone, with no prescribed limit on the maximum height of roof ridges nor number of storeys specifically.

Any proposed variations to the building height controls within Schedule 7 of the LPS4 are required to be considered pursuant to clause 4.8.1 of the City's LPS4, which states as follows:

*'Where sites contain or are adjacent to buildings that depict a height greater than that specified in the general or specific requirements in schedule 7, Council may vary the maximum height requirements subject to being satisfied in relation to all of the following;*

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

The initial trigger of the above clause is whether the subject site contains or is adjacent to a building that depicts a building height greater than specified in schedule 7 of the scheme. It is noted that it is not necessary that there be multiple buildings exceeding the height requirements, and it has been previously established at SAT that the term adjacent has a wider meaning than immediately adjoining sites and can include buildings nearby or close to the property.

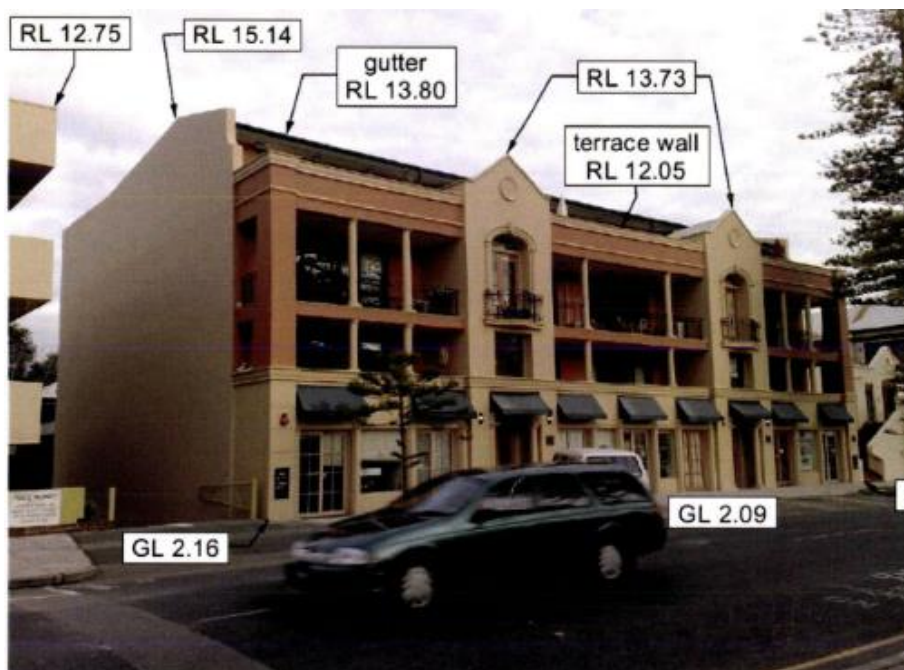
In relation to this initial trigger for clause 4.8.1, the existing building on the development site has an external wall height of 8.73m, a height of 1.73m higher than the current height controls. Similarly, the following properties, on the same side of Norfolk Street, also have a wall heights greater than 7.0m based on height surveys the City has on record:



- 3 Norfolk Street (adjoins subject site to west) – 10.6m external wall height;



- 1 Norfolk Street (west of subject site) - 11.6m street façade wall height, 13m external wall height to 4<sup>th</sup> storey (setback from street);



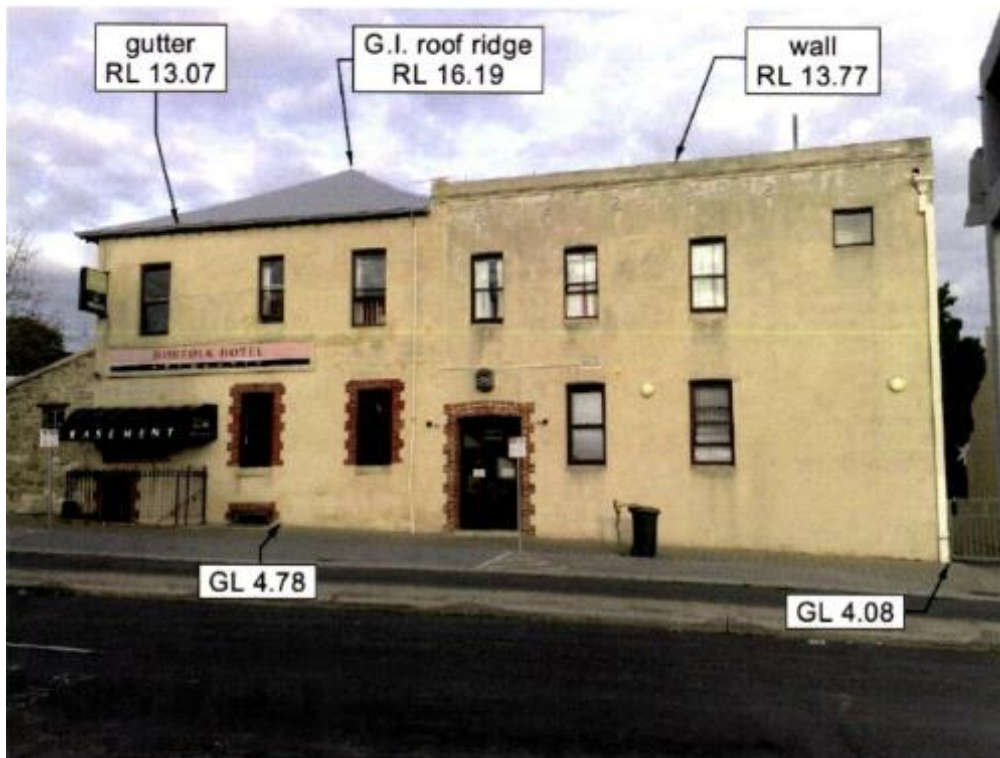




- 60 Marine Terrace (west of subject site) – 9.6m external wall height; and



- 47 South Terrace (east of subject site) – 9.7m external wall height.





On this basis, variations to height can be considered under the criterion of clause 4.8.1 of the LPS4 and the proposed building height is considered acceptable, for the following reasons:

- The City's DAC found the proposed building height and scale to be generally acceptable and appropriate within the context of surrounding development and the Norfolk Street streetscape, particularly as it was demonstrated to the panel that the additional building height did not adversely impact the amenity of neighbours.
- Images below in Figures 2 & 3 show a 3D model of the proposed building in the Norfolk Street streetscape using the City's 3D city model software. It is noted that the Norfolk streetscape, on both the southern and northern sides of the street, is comprised of a varied mix of building typologies, building heights and street setbacks; as such, there is no established, prevailing streetscape character that the proposed building would unbalance if constructed as proposed.
- The open-sided balconies to the street and side elevations at the front of the building assist in breaking up the height and bulk of the development as well as its presentation to Norfolk Street (refer Figures 2 & 3 below).
- The primary building bulk and 4 storey element of the building is setback over 14m from the rear boundary and the residential dwellings to the rear of the site. However, the main concern was the treatment of the parking levels that are built up to the rear boundary and how these may impact, in particular, the 3 grouped dwellings that back onto the site with outdoor living areas abutting the subject site.

Changes to the upper parking level setbacks, roof height and boundary wall designs toward the rear boundary have improved overshadowing that is fully compliant with the R-Codes. It is therefore considered the additional building height does not contribute to any adverse amenity impact upon any adjoining residential dwellings in relation to building bulk or overshadowing.

This does mean that the bulk of the building height discretion is on the street front, so as to reduce the impact on the amenity of the rear Residential zone.

- The construction of the new four storey development will not have an adverse heritage impact upon the heritage values of the site itself nor the streetscape or locality, noting the site is not within a heritage area and the adjoining buildings are not heritage listed.



- The proposed height of the building is generally consistent with adjacent buildings to the south-east of the subject site, including the immediately adjacent office building (3 Norfolk Street) with an external wall height 10.6m (within 4.2m of the proposed maximum external wall height of 14.8m). The proposal being effectively a single storey taller than this adjoining building which will assist in graduating building height to the proposed development from the west. Additionally, the building at 1 Norfolk Street, further south-east of the subject site has a 11.6m street façade wall height and a 13m external wall height to the 4th storey (setback from street), refer images of building above).

Similarly, the old Fremantle Technical College (41 South Terrace), located approximately 100m north-east of the subject site, has an external wall height of 11.4m, with some façade/parapet elements projecting to 14.5m across the street elevation, which is broadly consistent with the proposed building height, albeit that it is located within a different zone.

- It should also be noted that on the northern side of Norfolk Street, the land is zoned City Centre and height controls for this area, sub-area 1.3.1 under schedule 7 of LPS4, allows development, to three storeys, 11m external wall heights and a maximum roof plane of 33 degrees. Council has the ability to permit a further storey and an external wall height of 14m where setback so as to not be visible from the street. As such, it is anticipated that the height and bulk of development on the northern side of Norfolk Street could be greater than that on the southern side of Norfolk Street if developed into the future and as of right under the current controls.



**Figure 2.** Image taken from the City’s 3D city model software with 3D model of proposed development within the Norfolk Street streetscape from western side of subject site. Please note the 3D model does not contain material, colour or texture details, it simply provides a visualisation of the proposed building height, scale and form.



**Figure 3.** Image taken from the City’s 3D city model software with 3D model of proposed development within the Norfolk Street streetscape from western side of subject site. Please note the 3D model does not contain material, colour or texture details, it simply provides a visualisation of the proposed building height, scale and form.



**Residential Design Codes Vol. 1 (Part C) - Relevant Elements**

Site Cover

<b>Element</b>	<b>Deemed-to-Comply Requirement</b>	<b>Proposed</b>	<b>Extent of Variation</b>
Site Cover: R-Codes Vol. 1 Part C Table 3.1a.	R60 – Max. 70% (823sqm of 1176sqm)	80.4% (946sqm of 1176sqm)	+10.4% (123sqm)

Amended development plans increased areas of soft landscaping (which includes 87m<sup>2</sup> of deep-soil areas at ground level and an additional 92m<sup>2</sup> of compliant 'on-structure' planting areas) to a total of 179m<sup>2</sup> (representing 15.2% of overall site area and meeting the deemed-to-comply R-Code requirements). With these amendments and other improvements to the treatment of parking levels that abut the rear boundary and adjoining residential development, the site cover is considered to meet the design principles of the R-Codes for the following reasons:

- The bulk of the development which is largely contained in the four-storey main building element of the proposal has a footprint of only 557sqm (47% of site). The remaining site cover comprises the parking areas of the development, 106sqm of which 'Car Park 2' includes some compliant, on-structure planting areas to reduce the impact of the built form.
- In accordance with amended plans, site cover has been reduced and soft landscaping of the proposal meets deemed-to-comply requirements of the R-Codes.
- As per the amended plans, the proposal is seen to provide adequate levels of solar access and ventilation internally to proposed dwellings and a reduced impact upon the neighbouring dwellings; site cover is no longer considered contributing factor to amenity impact.
- Adequate private outdoor living areas are provided for each dwelling and a communal amenity area within the planting areas is provided for outdoor use and the benefit of residents.



Solar Access for Adjoining Sites

<b>Element</b>	<b>Deemed-to-Comply Requirement</b>	<b>Proposed</b>	<b>Extent of Variation</b>
No. 14 Suffolk  (Single House south-east of subject site) – R35	R35: up to 35% of site area  (0.35 x 615 = 215sqm)	15.1sqm (2.4%)	Nil – Complies
No. 1/10 Suffolk  (Grouped Dwelling south-east of subject site)	R35: up to 35% of site area  (0.35 x 107sqm = 37.5sqm)	11.17sqm (10.3%)	Nil – Complies
No. 2/10 Suffolk  (Grouped Dwelling south-east of subject site)	R35: up to 35% of site area  (0.35 x 107sqm = 37.5sqm)	19.5sqm (18.22%)	Nil – Complies
No. 3/10 Suffolk  (Grouped Dwelling south-east of subject site)	R35: up to 35% of site area  (0.35 x 107sqm = 37.5sqm)	30.3sqm (28.3%)	Nil – Complies

As demonstrated in the table above, the extent of any overshadowing of adjoining southern residential properties, in accordance with the R-Code assessment methodology, is within the deemed-to-comply requirements of the R-Codes and therefore compliant with this element.

A detailed shadow analysis is provided at Attachment 8 of this report, however, it is noted this analysis does not account for the further improvement to overshadowing as a result of deletion of the northern boundary wall and increased northern setback of first floor 'Car Park 2' to 2.4m which has further reduced overshadowing of rear neighbours - refer the Site Plan (page 1) of Attachment 1 for the latest shadow impact diagram pursuant to the final amended plans.



Boundary Walls

<b>Element</b>	<b>Deemed-to-Comply Requirement</b>	<b>Proposed</b>	<b>Extent of Variation</b>
Boundary Walls – R-Codes Vol. 1 (Part C) - C3.4.4	<p>(NB. subject site and adjoining all coded R35)</p> <p>Max. boundary wall height: 3.5m</p> <p>Max. boundary wall length: two-thirds of boundary measured from behind street setback line;</p> <p>Applicable up to two lot boundaries.</p>	<p>i. <i>southern boundary wall:</i></p> <p>height: between 3.2m and 5.4m</p> <p>length: 34m (&gt;3/4 length of boundary)</p> <p>Boundary walls built up to two lot boundaries</p> <p><i>NB. previously proposed northern boundary wall deleted in final amended plans, dated 19 August 2024.</i></p>	<p>i. height: up to 1.9m variation</p> <p>length: exceeds 2/3 length of lot boundary</p> <p>Boundary walls built up to one lot boundary - complies</p>
<p>NB. development on the eastern (rear) boundary consists only of the existing limestone wall (to be retained) which is to be open above and between the 'Car Park 1' roof which extends up to rear boundary but is also open above and therefore, does not constitute a boundary 'wall' as per R-Code definitions.</p>			

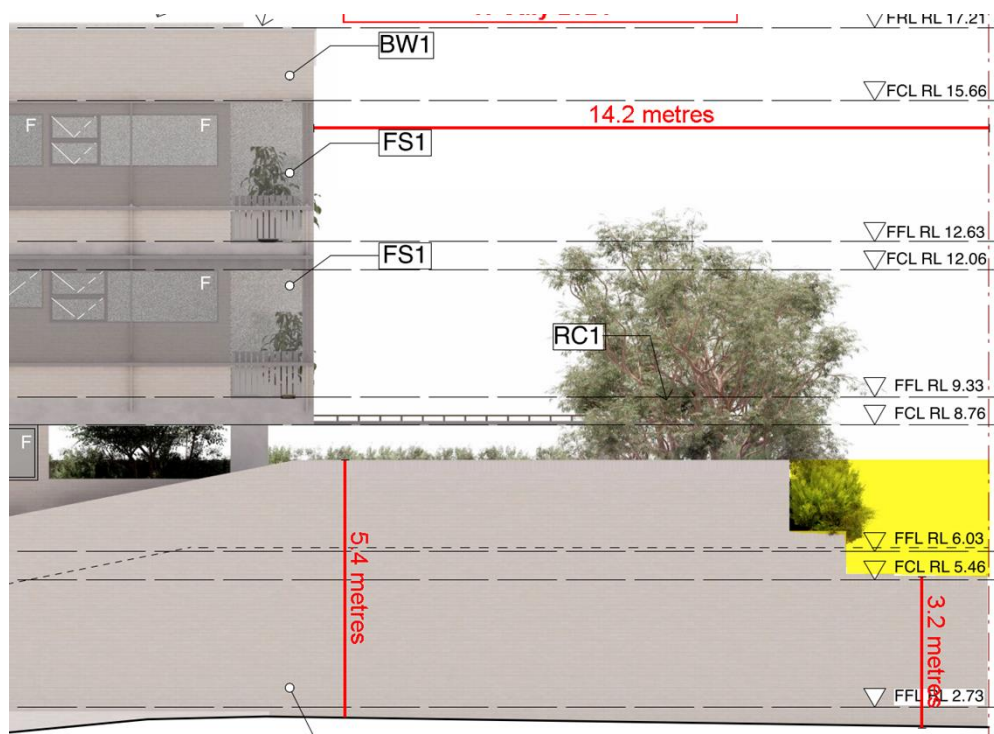
The southern boundary wall is considered to meet the design principles of the R-Codes for the following reasons:

- The adjoining development to the south-west of the subject site (3 Norfolk Street) is non-residential in nature (office) and therefore there is no residential amenity impact upon this property.
- The southern boundary wall was amended and reduced in height and extent toward the eastern (rear) boundary where officers previously had concerns the boundary walls were causing additional overshadowing of the residential dwellings to the rear of the subject site.



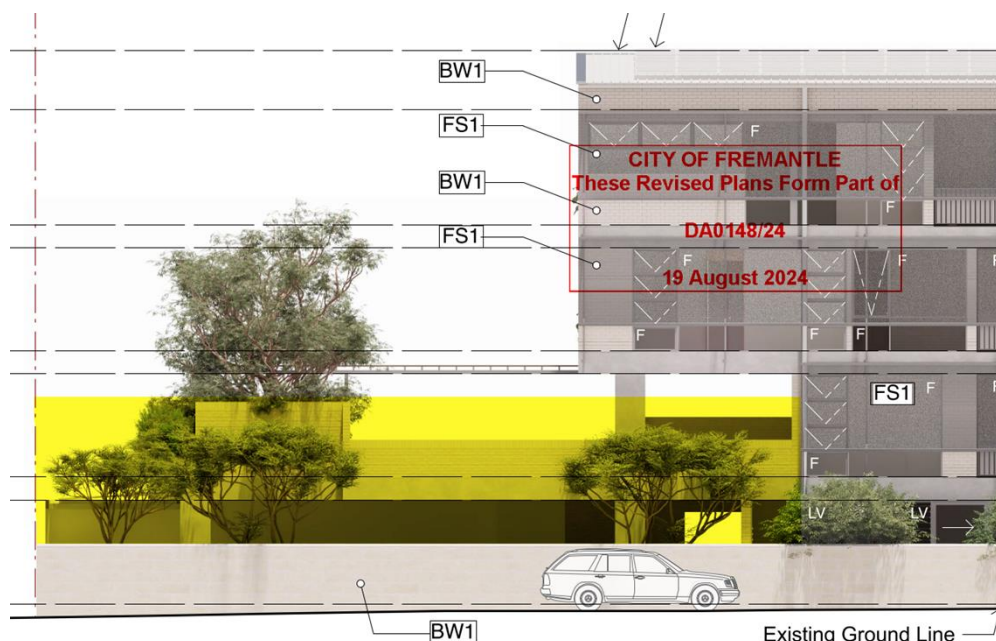
It should also be noted that, as per the amended development plans, the northern boundary wall was deleted and northern setback of first floor 'Car Park 2' was increased to 2.4m (previously built up to boundary), providing additional on-site deep-soil areas (DSA) at ground level.

Figures 4 and 5 below show extracts of the amended plans and show how the boundary walls have been deleted (northern) or reduced in extent (southern) toward the rear boundary from the previous development plans (previous extent of boundary walls highlighted yellow). As outlined in the above section, overshadowing of the rear properties meets the deemed-to-comply requirements of the R-Codes as per the amended development plans.



**Figure 4.** Extract from amended southern elevation plan toward eastern (rear) boundary of subject site, yellow highlighted area depicts previous extent of proposed southern boundary wall.





**Figure 5.** Extract from amended northern elevation plans toward the eastern (rear) boundary of subject site, boundary wall now deleted and yellow highlighted area depicts previous extent of proposed boundary wall.

Car Parking

<b>Residential (Multiple Dwelling) Car Parking – R-Codes Vol. 1 (Location A)</b>			
<b>Item</b>	<b>Required</b>	<b>Provided</b>	<b>Variation</b>
1-bedroom dwellings (1)	<i>Minimum</i> 0 bays per dwelling = 0  <i>Maximum</i> 1 bay per dwelling = 1	1	N/A - Complies
2 bedroom dwellings (3)	<i>Minimum</i> 0 bays per dwelling = 0  <i>Maximum</i> 2 bays per dwelling = 6	6	N/A - Complies
3+ bedroom dwellings (2)	<i>Minimum</i> 1 bays per dwelling = 2  <i>Maximum</i> 2 bays per dwelling = 4	7	Additional 3 bays - Parking bay provision for multiple dwellings exceeds maximum prescribed by Table 2.3a of R-Codes.
Visitor Parking	0-4 dwelling – no visitor bays required 5-8 dwellings – 1 visitor bay required	3	N/A – 3 visitor bays provided in lieu of 1 being required.



	9-12 dwellings - 2 visitor bays required 6 dwellings proposed, 1 visitor bay required		
<b>Residential Bicycle Parking</b>			
<b>Item</b>	<b>Required</b>	<b>Provided</b>	<b>Variation</b>
Resident	0.5 bays per dwelling (6 dwellings proposed) = 3 required	8	N/A - 5 bay overprovision
Residential Visitor	0 - 9 dwellings, no visitor bicycle parking required = Nil (0) required	Nil*	N/A - Complies
Residential Motorcycle/ Scooter Parking	0-19 dwellings, no motorcycle parking required -= Nil (0) motorcycle/ scooter parking bays required	3	N/A - 3 bays provided despite no requirement
*NB. 3 public bicycle racks exist in road reserve in front of development; applicant intends to relocate and re-provide but any works within road reserve will be subject to separate approval.			
<b>Non-Residential (Serviced Apartment) Car Parking – Table 2 of LPS4</b>			
<b>Item</b>	<b>Required</b>	<b>Provided</b>	<b>Variation</b>
Service Apartments (4)	1: 1 unit or 1: bedroom = 4	4	N/A - Complies
<b>Non-Residential (Service Apartment) Bicycle Parking</b>			
<b>Item</b>	<b>Required</b>	<b>Provided</b>	<b>Variation</b>
Serviced Apartments (4)	Not Applicable as per Table 2 of LPS4	0	N/A

As demonstrated in the above table, car and bicycle parking for the proposal meets and/or exceeds all minimum requirements of the R-Codes and Table 2 of the City’s LPS4.

Notwithstanding, Table 2.3a of the R-Codes Vol. 1 also prescribe a *maximum* number of bays to be provided for dwellings, and the development provides 3 bays in excess of this prescribed maximum. This variation is supported under the design principles of the R-Codes for the following reasons:



- The amended development plans reduced the overall on-site car parking from 25 bays to 21 bays and removed car parking bays from south-eastern (rear) portion of first floor level 'Car Park 2' in place of soft landscaping as a 'buffer' between residential properties to the rear.
- Similarly, the increased rear setback of first floor level 'Car Park 2' from 2.5m to 3.0m (setback additional 500mm), reduction in height of ground level 'Car Park 1' roof along south-eastern (rear) boundary from 3.9m to 3.3m and an increase in areas of soft landscaping have served to reduce the amenity impact that the overprovision of car parking was cumulatively contributing to.
- The car parking areas are located at the rear of the development and therefore will no adverse visual impact upon the Norfolk Street streetscape as they will not be visible from the public realm.
- The parking provisions across the site include on-site visitor parking bays (3), motorcycle/scooter bays (3) and an ACROD accessible parking bays, all of which are not necessarily required by policy but provide for variety, flexibility and adaptability for the parking needs of occupants and visitors.

Visual Privacy

<b>Element</b>	<b>Deemed-to-Comply Requirement</b>	<b>Proposed</b>	<b>Extent of Variation</b>
All balconies, bedrooms and/or living areas (view south-east, to rear).	Balcony cone-of-vision require min. 7.5 setback from boundaries with adjacent residential dwellings.	14.2m	Nil  Deemed-to-Comply
Units 6, 9 and 10 – view north-east all balconies, bedrooms and/or living areas.	Balcony Min. 7.5m Bedroom/Study Min. 4.5m Living Room Min. 6m	3.2m	Up to 4.3m*  *Screening proposed – see further discussion below.
NB. Please note the property to the immediate south-east of the subject site is entirely non-residential in nature (office) and therefore the visual privacy requirements of the R-Codes are not applicable.			

With respect to visual privacy, the only element of concern for officers was with the proposed north-east facing openings to Units 6, 9 and 10 that may overlook the existing south-west facing openings and/or outdoor living areas of the adjoining southernmost terraced group dwellings at 18 Norfolk Street. The applicant advised that an external fabric screen 'Solits Grade 86' is proposed on plans that would address visual privacy as well as allow for solar access to these units; however, officers recommend additional detail for this screening be provided, secured by a



condition of approval, to ensure the proposed screening adequately prevents overlooking of any sensitive areas of the adjoining dwellings, in accordance with the R-Code requirements.

Solar Access for Adjoining Sites

<b>Element</b>	<b>Deemed-to-Comply Requirement</b>	<b>Proposed</b>	<b>Extent of Variation</b>
No. 14 Suffolk  (Single House south-east of subject site) – R35	R35: up to 35% of site area  (0.35 x 615 = 215sqm)	15.1sqm (2.4%)	Nil – Complies
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No. 2/10 Suffolk  (Grouped Dwelling south-east of subject site)	R35: up to 35% of site area  (0.35 x 107sqm = 37.5sqm)	19.5sqm (18.22%)	Nil – Complies
No. 3/10 Suffolk  (Grouped Dwelling south-east of subject site)	R35: up to 35% of site area  (0.35 x 107sqm = 37.5sqm)	30.3sqm (28.3%)	Nil – Complies

As demonstrated in the table above, the extent of any overshadowing of adjoining southern residential properties, in accordance with the R-Code assessment methodology, is within the deemed-to-comply requirements of the R-Codes and therefore compliant with this element.

A detailed shadow analysis is provided at Attachment 8 of this report, however, it is noted this analysis does not account for the further improvement to overshadowing as a result of deletion of the northern boundary wall and increased northern setback of first floor 'Car Park 2' to 2.4m which has further reduced overshadowing of rear neighbours - refer the Site Plan (page 1) of Attachment 1 for the latest shadow impact diagram pursuant to the final amended plans.



Other R-Code Elements

It is noted that the proposal satisfies the deemed-to-comply requirements of the following elements of the R-Codes Vol.1 (Part C):

- 1.1 – Private Open Space (all dwellings achieve required minimums)
- 1.2 – Trees and Landscaping (amended plans achieve required minimums)
- 1.3 – Communal Open Space (communal amenity area provided, no requirement given less than 10 dwellings)
- 1.4 – Water Management (stormwater management to be conditioned)
- 2.1 – Size and Layout of Dwellings (all dwellings achieve requirements)
- 2.2 – Solar Access and Natural Ventilation (all dwellings achieve requirements)
- 2.4 Waste Management (the Waste Management Plan is supported by the City officers)
- 2.7 – Universal Design (proposal designed for universal accessibility)
- 3.3 - Street Setback (street setback complies with LPP2.9)
- 3.5 – Site works and Retaining Walls (no ground levels altered or retaining needed in excess of 500mm)
- 3.6 – Streetscape (proposal achieves relevant requirements)
- 3.7 – Access (proposal achieves relevant requirements)

**Density**

The subject site has a density coding of R35, however, in accordance with LPS4 cl. 4.2.5, the residential density of a property in the Mixed Use zone can be increased to R60 where residential development is part of a 'mixed use development', provided the development is not considered to be detrimental to the amenity of the area.

As per the LPS4 definition, 'mixed use development' means, when used in relation to a Planning Application, a combination of one or more of the residential use classes specified in Table 1 - Zoning and any other land use or uses, and where the residential use class and any other one use class each comprise a minimum of 25 per cent of the gross lettable area of the development.

The subject proposal is a mixed-use development as defined in LPS4, as the proposal includes more than 25% of its gross lettable area (GLA) as a non-residential use class; in this instance, the Service Apartment units which are not considered residential dwellings. The proportion of non-residential use GLA throughout the development is currently provided as 401sqm (25%) non-residential, and 1,220sqm (75%) residential satisfying the cl. 4.2.5 requirement.



The amended development plans also provide some additional flexibility for the ground floor serviced apartments to become more 'traditional' commercial land uses (shop, office etc.) into the future by introducing independent footings to the units and non-load bearing walls internally so they could be adapted in the future should demand arise.

It is noted that any future change of use of the serviced apartments would need to be evaluated by the City against the relevant policy framework.

In considering whether a development is deemed to have an acceptable impact upon the amenity of an area, the City is to consider the requirements of LPS4, as well as the requirements of the R-Codes and/or relevant local policies. Relevant matters are discussed further in the remainder of the officer comment section of the report, however, it should be noted, the proposal is generally considered to have an acceptable amenity impact upon the locality, streetscape and adjoining properties, as outlined below.

### **Landscaping, Trees and Works within Road Reserve**

It is noted that the proposal achieves the required provision of soft landscaping areas (15% of site area – includes on-structure planting that meets minimum depth and dimension requirements) and the required tree provision (3 medium, 7 small trees provided in lieu of 2 medium trees required) in accordance with the R-Codes.

Notwithstanding the above, the amended development plans were not accompanied by detailed landscaping plans and thus, conditions of approval are recommended to secure updated landscaping plans to the satisfaction of the City.

With respect to the indicative proposed works within the road reserve in front of the development, such works are not to be considered or approved as part of this application. Any such works would be subject to separate agreement and approvals from the City of Fremantle as outlined in recommended conditions of approval.

### **Waste Management**

In accordance with Local Planning Policy LPP2.4 (Waste Management Plans for New Development), the applicant provided a Waste Management Plan to support the proposal, found at Attachment 5.



The waste management plan was found to be generally acceptable to the City's waste management team once clarification on the bin presentation area was provided. Some additional advice on bin sizes and options for the City's verge valet service was also offered as advice to the applicant.

The DAC queried whether the location of the proposed verge presentation area for the bins was ideal, given that the bins would have to be wheeled up and down the ramp, along the footpath, to the other end of the site and back again, on bin collection days and, if an area is to be set aside on the verge for the placement of bins on collection days, it would be better if this were permeable rather than solid paved.

These comments were taken on notice as any alterations or works within the City's verge will require separate approval from the city in any event and can be further resolved in this detailed design.

### **LPP 2.19 - Public Art**

A public art contribution is required to be provided in accordance with LPP 2.19 - Contributions for Public Art and/or Heritage Works policy as the subject site falls within the specified contribution area and meets the threshold of development to which the policy applies.

No public art proposal has been put forward by the applicant at this stage and therefore the requirements of LPP 2.19 are to be secured by appropriate conditions of approval.

### **CONCLUSION**

The final amended development plans, dated 19 August 2024, are considered to have appropriately addressed previous concerns of City officers, in particular, by mitigating and reducing the potential amenity impact upon rear residential neighbours to acceptable levels through design changes to proposed built form toward the eastern (rear) boundary. The amended proposal is now generally compliant with all relevant development controls applicable to the subject site and where discretions are sought, they are not considered significant, and are assessed as being worthy of support as outlined above.

In conclusion and in accordance with the above assessment, the subject development is recommended for approval, subject to appropriate conditions of approval.



## **STRATEGIC IMPLICATIONS**

This item is in keeping with the City of Fremantle’s Strategic Community Plan 2024 – 2034:

### **Liveable City - Sustainable growth in city center population**

- A higher density City with a diverse range of housing options being available in the city center that cater to multiple demographics.
- Residential developments enable residents to minimise their environmental footprint.
- Fremantle is recognised as a development-friendly city as a result of flexible and adaptable approaches to planning.

### Green Plan 2020

Encourage the retention of vegetation on private land.

- The existing site contains no trees or vegetation, the proposal will provide trees and soft landscaping to improve tree canopy and soft landscaping across the development site.

## **FINANCIAL IMPLICATIONS**

Nil

## **LEGAL IMPLICATIONS**

Nil

## **VOTING AND OTHER REQUIREMENTS**

Simple Majority Required





## **OFFICER'S RECOMMENDATION**

**Moved: Cr Jenny Archibald**

**Seconded: Cr Adin Lang**

**Council:**

**APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Four Storey Mixed Use Development Comprising Six (6) Multiple Dwellings and Four (4) Serviced Apartments at No. 5 (Lot 6) Norfolk Street, Fremantle, subject to the following condition(s):**

- 1. This approval relates only to the development as indicated on the approved plans, dated 19 August 2024. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.**
- 2. The approved development shall be wholly located within the cadastral boundaries of the subject site including any footing details of the development.**
- 3. This development approval does not relate to any works within the road reserve of Norfolk Street. Any proposed works within the road reserve will be subject to further approval from the City of Fremantle.**
- 4. Prior to the lodgement of a Building Permit for the development hereby approved, a Demolition and Construction Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:**
  - a) Use of City car parking bays for construction related activities;**
  - b) Protection of infrastructure and street trees within the road reserve;**
  - c) Security fencing around construction sites;**
  - d) Gantries;**
  - e) Access to site by construction vehicles;**
  - f) Contact details;**
  - g) Site offices;**
  - h) Noise - Construction work and deliveries;**
  - i) Sand drift and dust management;**
  - j) Waste management;**
  - k) Dewatering management plan;**
  - l) Traffic management; and**
  - m) Works affecting pedestrian areas.**



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

- 5. Prior to the lodgement of a Building Permit for the development hereby approved, detailed drawings showing how major openings located on the northern elevation are to be screened in accordance with the Residential Design Codes by either:**
- a) Fixed obscured or fixed translucent glass to a minimum height of 1.60 metres above internal floor level, or**
  - b) Fixed screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the internal floor level, or**
  - c) A minimum sill height of 1.60 metres above the internal floor level, or**
  - d) Screening devices or solutions that are otherwise approved by the City of Fremantle.**

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

- 6. Prior to lodgement of a Building Permit for the development hereby approved, storm water disposal plans, details and calculations must be submitted for approval by the City of Fremantle and thereafter implemented, constructed and maintained to the satisfaction of the City of Fremantle.**
- 7. Prior to lodgement of a building permit of the development hereby approved, the owner is to submit a revised waste management plan for approval by the City.**  
**Once approved, the Waste Management Plan must be implemented at all times to the satisfaction of the City of Fremantle, unless otherwise approved.**
- 8. Prior to lodgement of a Building Permit for the development hereby approved, final details of the external materials, colours and finishes of the proposed development are to be submitted to, and approved to the satisfaction of the City of Fremantle, on the advice of the City's Design Advisory Committee.**



- 9. Prior to the lodgement of a building permit for the development hereby approved, a revised, detailed landscaping plan, including information relating to species selection, reticulation, details of existing vegetation to be retained, on-structure planting and treatment of landscaped surfaces (i.e. mulch, lawn etc), shall be submitted to and approved by the City of Fremantle.**
  
- 10. Prior to the occupation of the development hereby approved, the approved landscaping shall be completed in accordance with the approved plans to the satisfaction of the City of Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of the development, to the satisfaction of the City of Fremantle.**
  
- 11. Prior to the occupation of the development, the proposed on-site tree planting (including the provision of 3 medium and 7 small trees) shall be completed in accordance with the approved plans or any approved modifications thereto, to the satisfaction of the City of Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of the development, to the satisfaction of the City of Fremantle.**
  
- 12. Prior to the occupation of the development hereby approved, the owner shall:**
  - a) Contribute a monetary amount equal in value to one percent of the estimated development cost or otherwise approved by the City in accordance with the policy, as indicated on the Form of Application for Planning Approval, to the City of Fremantle for development of public art works and/or heritage works to enhance the public realm in accordance with LPP 2.19: *Contributions for Public Art and/or Heritage Works* and to the satisfaction of the City of Fremantle. Based on the estimated cost of the development being \$5 million dollars the contribution to be made is \$50,000.00;**
  
  - OR,**
  
  - b) Alternatively, the Council may waive the requirement for the public art/heritage work(s) monetary contribution in cases where the approved development incorporates public art work(s) to the same value specified above and the public art work(s) is located in a position clearly visible to the general**



**public, either on the site of the development or within a crown reserve adjoining or near to the development site. Any such public artwork proposal is to be developed in accordance with the City's Public Art Policy 2010 - 2015 and the City's Percent for Art Guidelines, and approved by the City of Fremantle.**

**Prior to occupation of the development, the public art proposal shall be implemented, and thereafter maintained for the life of the development, to the satisfaction of the City of Fremantle.**

- 13. Prior to the issue of a Building Permit for the development hereby approved, the applicant is to submit, and have approved to the satisfaction of the City of Fremantle, a detailed parking plan design which complies with the Australian Standard AS/NZS 2890 and AS/NZS 1428 for parking bays, visitor bays, disabled bays, motorcycle / scooter bays, aisle widths, circulation areas, driveway/s and points of ingress and egress.**
- 14. Prior to occupation of the development hereby approved, all bicycle parking/racks shown on the approved plans shall be provided to the satisfaction of the City of Fremantle and must be installed and thereafter be maintained for the life of the development, to the satisfaction of the City of Fremantle**
- 15. Prior to occupation of the development, the car parking and loading area(s), and vehicle access and circulation areas shown on the approved site plan, including the provision of disabled car parking, shall be constructed, drained, and line marked and provided in accordance with Clause 4.7.1(a) of the City of Fremantle Local Planning Scheme No.4, to the satisfaction of the City of Fremantle.**
- 16. Prior to the occupation of the development, vehicle crossovers shall be constructed to the City's specifications and thereafter maintained to the satisfaction of the City of Fremantle.**
- 17. Prior to the occupation of the development hereby approved, any redundant crossovers shall be removed and the verge and kerbing reinstated to the City's specifications, at the expense of the applicant and to the satisfaction of the City of Fremantle.**



**18. Prior to occupation of the development hereby approved, the boundary wall located on the southern boundary shall be of a clean finish in any of the following materials:**

- coloured sand render,
- face brick,
- painted surface,

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

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

**20. Prior to the occupation of the development hereby approved, a Service Apartment Management Plan shall be submitted to, and approved by the City of Fremantle.**

**The Serviced Apartment Management Plan must be implemented at all times to the satisfaction of the City of Fremantle**

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

**Advice Notes:**

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



- ii. **The applicant is advised that any future change of use to the Service Apartments units will require approval from the City of Fremantle, and should the percentage of non-residential gross lettable area be reduced below 25% this change of use may not be supported as the development would need to remain consistent with the definition of 'Mixed Use' listed in the City of Fremantle Local Planning Scheme No. 4.**
- iii. **The applicant is advised that the proposed works indicated outside of the lot boundaries of the subject site do not form part of this approval. Should the applicant wish to undertake these works separate approval is required from the City. Queries relating to these works should be directed to the City's Technical Officer, Parks and Landscape via [info@fremantle.wa.gov.au](mailto:info@fremantle.wa.gov.au) or 9432 9999.**
- iv. **The owner is advised that an obstruction permit may be required from the City for any future obstruction of the Norfolk Street road reserve. An application for obstruction permit can be found via [www.fremantle.wa.gov.au](http://www.fremantle.wa.gov.au).**
- v. **The applicant is advised that a crossover permit must be obtained from the City's Engineering Department. New/modified crossover(s) shall comply with the City's standard for crossovers, which are available on the City of Fremantle's web site.**
- vi. **The applicant is advised that the use of the development hereby approved for short stay accommodation may be subject to further approval in accordance with the City of Fremantle *Short Stay Accommodation Local Law 2008*.**
- vii. **In regard to the condition requiring a Construction Management Plan, Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>. A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be accessed via: <https://www.fremantle.wa.gov.au/sites/default/files/Construction%20and%20Demolition%20Management%20Plan%20Proforma.pdf> The Infrastructure Business Services department can be contacted via [info@fremantle.wa.gov.au](mailto:info@fremantle.wa.gov.au) or 9432 9999.**



- viii. The owner is advised that an obstruction permit may be required from the City for any future obstruction of the Parry Street road reserve. An application for obstruction permit can be found via [www.fremantle.wa.gov.au](http://www.fremantle.wa.gov.au).
- ix. All noise from the proposed development must comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended), such as:
1. Mechanical service systems like air-conditioners, exhaust outlets, motors, compressors and pool filters;
  2. Vehicles;
  3. Amplified acoustic systems; and
  4. Patron noise.

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

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

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

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

Under ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the Health (Asbestos) Regulations 1992 and the Environmental Protection (Controlled Waste) Regulations 2001. Over 10 square metres must be removed by a Class B asbestos removal licence holder for. All asbestos removal is to be carried out in accordance with the Work Health and Safety Act 2020 and accompanying regulations and the requirements of the Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)];



**Note: Removal of any amount of friable asbestos must be done by a Class A asbestos removal licence holder and an application submitted to WorkSafe, Department of Commerce.**

**<https://www.commerce.wa.gov.au/worksafe/>.**

- xii. **Effective measures shall be taken to stabilize sand and ensure no sand escapes from the property by wind or water in accordance with the City's Prevention and Abatement of Sand Drift Local Law.**

**In accordance with clause 9.7 of the [Meeting Procedures Policy](#), Cr Andrew Sullivan moved the following amendment, as provided in the additional documents:**

**AMENDMENT**

**Moved: Cr Andrew Sullivan**

**Seconded: Cr Geoff Graham**

Amend Condition 12 of the officer's recommendation to read as follows:

**Condition 12:**

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

***The detailed parking plan design shall also demonstrate how potential issues of light spill from vehicle headlights and noise from vehicles will be mitigated and managed through materials or design so as to reduce the impact on adjoining residential dwellings, to the satisfaction of the City of Fremantle.***

**Amendment Carried: 9/0**

**For:**

**Cr Jenny Archibald, Cr Geoff Graham,  
Cr Adin Lang, Cr Andrew Sullivan, Cr Jemima Williamson-Wong,  
Cr Fedele Camarda, Cr Ben Lawver,  
Cr Doug Thompson and Cr Ingrid van Dorssen**

**Against:**

**Nil**

**Reason for amendment:**

To reduce the impact of the car park on the neighbouring properties.





**COUNCIL DECISION ITEM C2409-4**  
**(Amended officer's recommendation)**

**Moved: Cr Jenny Archibald**

**Seconded: Cr Adin Lang**

**Council:**

**APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Four Storey Mixed Use Development Comprising Six (6) Multiple Dwellings and Four (4) Serviced Apartments at No. 5 (Lot 6) Norfolk Street, Fremantle, subject to the following condition(s):**

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- 2. The approved development shall be wholly located within the cadastral boundaries of the subject site including any footing details of the development.**
- 3. This development approval does not relate to any works within the road reserve of Norfolk Street. Any proposed works within the road reserve will be subject to further approval from the City of Fremantle.**
- 4. Prior to the lodgement of a Building Permit for the development hereby approved, a Demolition and Construction Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:**
  - a) Use of City car parking bays for construction related activities;**
  - b) Protection of infrastructure and street trees within the road reserve;**
  - c) Security fencing around construction sites;**
  - d) Gantries;**
  - e) Access to site by construction vehicles;**
  - f) Contact details;**
  - g) Site offices;**
  - h) Noise - Construction work and deliveries;**
  - i) Sand drift and dust management;**
  - j) Waste management;**
  - k) Dewatering management plan;**



- l) Traffic management; and**
- m) Works affecting pedestrian areas.**

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

- 5. Prior to the lodgement of a Building Permit for the development hereby approved, detailed drawings showing how major openings located on the northern elevation are to be screened in accordance with the Residential Design Codes by either:**

- a) Fixed obscured or fixed translucent glass to a minimum height of 1.60 metres above internal floor level, or**
- b) Fixed screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the internal floor level, or**
- c) A minimum sill height of 1.60 metres above the internal floor level, or**
- d) Screening devices or solutions that are otherwise approved by the City of Fremantle.**

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

- 5. Prior to lodgement of a Building Permit for the development hereby approved, storm water disposal plans, details and calculations must be submitted for approval by the City of Fremantle and thereafter implemented, constructed and maintained to the satisfaction of the City of Fremantle.**

- 6. Prior to lodgement of a building permit of the development hereby approved, the owner is to submit a revised waste management plan for approval by the City.**

**Once approved, the Waste Management Plan must be implemented at all times to the satisfaction of the City of Fremantle, unless otherwise approved.**

- 7. Prior to lodgement of a Building Permit for the development hereby approved, final details of the external materials, colours and**



**finishes of the proposed development are to be submitted to, and approved to the satisfaction of the City of Fremantle, on the advice of the City's Design Advisory Committee.**

- 8. Prior to the lodgement of a building permit for the development hereby approved, a revised, detailed landscaping plan, including information relating to species selection, reticulation, details of existing vegetation to be retained, on-structure planting and treatment of landscaped surfaces (i.e. mulch, lawn etc), shall be submitted to and approved by the City of Fremantle.**
- 9. Prior to the occupation of the development hereby approved, the approved landscaping shall be completed in accordance with the approved plans to the satisfaction of the City of Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of the development, to the satisfaction of the City of Fremantle.**
- 10. Prior to the occupation of the development, the proposed on-site tree planting (including the provision of 3 medium and 7 small trees) shall be completed in accordance with the approved plans or any approved modifications thereto, to the satisfaction of the City of Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of the development, to the satisfaction of the City of Fremantle.**
- 11. Prior to the occupation of the development hereby approved, the owner shall:
  - a) Contribute a monetary amount equal in value to one percent of the estimated development cost or otherwise approved by the City in accordance with the policy, as indicated on the Form of Application for Planning Approval, to the City of Fremantle for development of public art works and/or heritage works to enhance the public realm in accordance with LPP 2.19: *Contributions for Public Art and/or Heritage Works* and to the satisfaction of the City of Fremantle. Based on the estimated cost of the development being \$5 million dollars the contribution to be made is \$50,000.00;****

**OR,**



**b) Alternatively, the Council may waive the requirement for the public art/heritage work(s) monetary contribution in cases where the approved development incorporates public art work(s) to the same value specified above and the public art work(s) is located in a position clearly visible to the general public, either on the site of the development or within a crown reserve adjoining or near to the development site. Any such public artwork proposal is to be developed in accordance with the City's Public Art Policy 2010 - 2015 and the City's Percent for Art Guidelines, and approved by the City of Fremantle.**

**Prior to occupation of the development, the public art proposal shall be implemented, and thereafter maintained for the life of the development, to the satisfaction of the City of Fremantle.**

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

**13. Prior to occupation of the development hereby approved, all bicycle parking/racks shown on the approved plans shall be provided to the satisfaction of the City of Fremantle and must be installed and thereafter be maintained for the life of the development, to the satisfaction of the City of Fremantle.**

***The detailed parking plan design shall also demonstrate how potential issues of light spill from vehicle headlights and noise from vehicles will be mitigated and managed through materials or design so as to reduce the impact on adjoining residential dwellings, to the satisfaction of the City of Fremantle.***

**14. Prior to occupation of the development, the car parking and loading area(s), and vehicle access and circulation areas shown on the approved site plan, including the provision of disabled car parking, shall be constructed, drained, and line marked and provided in accordance with Clause 4.7.1(a) of the City of Fremantle Local Planning Scheme No.4, to the satisfaction of the City of Fremantle.**



**15. Prior to the occupation of the development, vehicle crossovers shall be constructed to the City's specifications and thereafter maintained to the satisfaction of the City of Fremantle.**

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

**17. Prior to occupation of the development hereby approved, the boundary wall located on the southern boundary shall be of a clean finish in any of the following materials:**

- coloured sand render,**
- face brick,**
- painted surface,**

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

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

**19. Prior to the occupation of the development hereby approved, a Service Apartment Management Plan shall be submitted to, and approved by the City of Fremantle.**

**The Serviced Apartment Management Plan must be implemented at all times to the satisfaction of the City of Fremantle**

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



**Advice Notes:**

- i. A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.**
- ii. The applicant is advised that any future change of use to the Service Apartments units will require approval from the City of Fremantle, and should the percentage of non-residential gross lettable area be reduced below 25% this change of use may not be supported as the development would need to remain consistent with the definition of 'Mixed Use' listed in the City of Fremantle Local Planning Scheme No. 4.**
- iii. The applicant is advised that the proposed works indicated outside of the lot boundaries of the subject site do not form part of this approval. Should the applicant wish to undertake these works separate approval is required from the City. Queries relating to these works should be directed to the City's Technical Officer, Parks and Landscape via [info@fremantle.wa.gov.au](mailto:info@fremantle.wa.gov.au) or 9432 9999.**
- iv. The owner is advised that an obstruction permit may be required from the City for any future obstruction of the Norfolk Street road reserve. An application for obstruction permit can be found via [www.fremantle.wa.gov.au](http://www.fremantle.wa.gov.au).**
- v. The applicant is advised that a crossover permit must be obtained from the City's Engineering Department. New/modified crossover(s) shall comply with the City's standard for crossovers, which are available on the City of Fremantle's web site.**
- vi. The applicant is advised that the use of the development hereby approved for short stay accommodation may be subject to further approval in accordance with the City of Fremantle *Short Stay Accommodation Local Law 2008*.**
- vii. In regard to the condition requiring a Construction Management Plan, Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>.**



A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be accessed via:

<https://www.fremantle.wa.gov.au/sites/default/files/Construction%20and%20Demolition%20Management%20Plan%20Proforma.pdf>

The Infrastructure Business Services department can be contacted via [info@fremantle.wa.gov.au](mailto:info@fremantle.wa.gov.au) or 9432 9999.

viii. The owner is advised that an obstruction permit may be required from the City for any future obstruction of the Parry Street road reserve. An application for obstruction permit can be found via [www.fremantle.wa.gov.au](http://www.fremantle.wa.gov.au).

ix. All noise from the proposed development must comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended), such as:

1. Mechanical service systems like air-conditioners, exhaust outlets, motors, compressors and pool filters;
2. Vehicles;
3. Amplified acoustic systems; and
4. Patron noise.

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

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

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



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

**Under ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the Health (Asbestos) Regulations 1992 and the Environmental Protection (Controlled Waste) Regulations 2001. Over 10 square metres must be removed by a Class B asbestos removal licence holder for. All asbestos removal is to be carried out in accordance with the Work Health and Safety Act 2020 and accompanying regulations and the requirements of the Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)];**

**Note: Removal of any amount of friable asbestos must be done by a Class A asbestos removal licence holder and an application submitted to WorkSafe, Department of Commerce.**

**<https://www.commerce.wa.gov.au/worksafe/>.**

**xii. Effective measures shall be taken to stabilize sand and ensure no sand escapes from the property by wind or water in accordance with the City's Prevention and Abatement of Sand Drift Local Law.**

**Carried: 9/0**

**For:**

**Cr Jenny Archibald, Cr Geoff Graham,  
Cr Adin Lang, Cr Andrew Sullivan, Cr Jemima Williamson-Wong,  
Cr Fedele Camarda, Cr Ben Lawver,  
Cr Doug Thompson and Cr Ingrid van Dorssen**

**Against:**

**Nil**





**The Presiding Member, Cr Jenny Archibald brought forward the following item.**

**Cr Ingrid van Dorssen declared an interest earlier in the meeting, left the meeting at 8:19pm and was absent during the discussion and voting of this item.**

**C2409-6 TRANSFER OF TREES FROM THE HERITAGE LIST TO THE SIGNIFICANT TREE REGISTER**

<b>Meeting date:</b>	11 September 2024
<b>Responsible officer:</b>	Manager Strategic Planning and City Design
<b>Voting requirements:</b>	Simple Majority Required
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. Schedule of Submissions</li><li>2. Assessment of Significant Trees Derived From the City's Heritage</li><li>3. Register of Significant Trees and Vegetation Areas 2024</li></ol>

**SUMMARY**

**In 2018-19 the City undertook a process to transfer a number of trees provided under the City's Heritage List under the Local Planning Scheme LPS4 (clause 13A), to a Significant Tree Register.**

**After an investigation of the previous process undertaken in 2018-19, and legal advice, it was concluded that the City may not have undertaken all steps required of the process. Therefore, the process has been undertaken afresh as per Council's resolution of 20 April 2024 (Item C2404-7), in accordance with the requirements of Local Planning Scheme No. 4 (LPS4) and giving due regard to the requirements of Local Planning Policy 2.23 – Register of Significant Trees and Vegetation Areas (LPP 2.23).**

**This current process aligns with the original intent of Council to transfer the trees from the Heritage List to the Register.**

**This report recommends that Council:**

- **Does not retain the following trees in the Register:**
  - **Canary Island Date Palms formerly on 15 Harvest Road, North Fremantle**
  - **Grove of Black Paperbark and Tuart trees on 21 Harvest Road, North Fremantle.**



• **Retains the following trees in the Register:**

- **Norfolk Island Pine trees on 11 and 15 Harvest Road, North Fremantle**
- **Western Australian Weeping Peppermint trees and Guava tree on 45 Henderson Street, Fremantle**
- **Moreton Bay Fig tree on 195 High Street, Fremantle.**

**BACKGROUND**

As an early adopter of protection mechanisms within the planning framework for heritage places on private property, the City of Fremantle clearly identified several trees as having cultural significance, as far back as 1995.

Protection of heritage buildings was, and remains, clear under heritage listing provisions in LPS4. However, protection for significant trees and vegetation was less clear and it is for this reason that the City looked towards developing a Register of Significant Trees and Vegetation Areas under LPS4, to give Council the clarity and authority to protect significant trees and vegetation areas. This would also align the City with other local authorities as they started to identify significant trees and bring these onto Registers under similar scheme provisions. Once included in the Register, a development approval would be required to undertake any activities that may have an impact on the wellbeing and longevity of the tree.

Under LPS4, Schedule A – Supplementary provisions to the deemed provisions, clause 13A – Conservation of Significant Trees or Vegetation Areas states that:

- (1) *The Council may establish and maintain a register of significant trees to identify those trees or vegetation areas within the Scheme area considered worthy of conservation under the provisions of the Scheme, together with a description of each tree or vegetation area and the reasons for its entry.*
- (2) *In considering a proposal to include a place on the register of significant trees, the Council shall –*
  - (a) *Notify in writing the owner and occupier of the place where the tree is located and provide them with a copy of the description referred to in clause 4.1 and the reasons for the proposed entry.*
  - (b) *Invite submissions on the proposal from the owner and occupier of the place within 21 days of the date specified in the notice,*
  - (c) *Carry out such other consultations as it thinks fit, and*



- (d) *Consider any submissions made and resolve to enter the place on the register of significant trees with or without modification or reject the proposal after consideration of the submissions.*

A summary of key decisions associated with the adoption of the Register, and transfer of trees from the Heritage List to the Register, is provided below: On 26 September 2018, Council approved a draft Local Planning Policy 2.23 for the purpose of public consultation. This policy included detailed guidelines around new tree nominations for consideration for entry in the Register. At the same meeting, Council resolved to undertake specific consultation with landowners over transferring five already heritage listed trees to the new Register.

On 27 February 2019, Council reconsidered the matters discussed in September 2018 and, in summary, resolved to:

- Note the submissions received (in response to consultation).
- Authorise the transfer of the following heritage listed trees from the Heritage List to the Register:
  - Tree, 11 Harvest Road, North Fremantle
  - Trees, 15 Harvest Road, North Fremantle
  - Tree Grove, 21 Harvest Road, North Fremantle
  - Trees, 45 Henderson Street, Fremantle
  - Moreton Bay Fig, 195 High Street, Fremantle.
- Adopt Local Planning Policy 2.23 and call for additional nominations for new trees to be considered for the Register.

On 14 February 2024, Council considered two nominations pertaining to the Register of Significant Trees and Vegetation Areas (the Register). This included a request by the landowners for removal of a Moreton Bay Fig tree at 195 High Street and inclusion of a Lemon Scented Gum, 6 Douglas Street, Fremantle. At this meeting Council resolved to accept the landowners requests, contrary to officer recommendations.

On 28 February 2024, Council considered a motion to rescind part 3 a. and b. of the resolution of 14 February 2024, and resolved to:

1. *Approve to retain the Moreton Bay Fig located at 195 High Street, Fremantle on the Significant Trees and Vegetation Areas Register, and;*



2. *Advise the owner of 195 High Street, Fremantle that while the City will continue to encourage the retention of the Moreton Bay Fig, Council will revisit its position on the tree's inclusion on the Significant Trees and Vegetation Areas Register upon receipt of a formal redevelopment application for the site, provided that any proposal demonstrates other positive heritage outcomes and/or community benefit.*
3. *Reconfirm the City's agreement with the owner (dated 1996) to assist with general maintenance associated with the Moreton Bay Fig at 195 High Street Fremantle, including, in consultation with the owner, tree trimming, blowing and clearing of carpark during fruit drop, and a financial contribution to cleaning; and request officers work with the owner to prepare an appropriate tree maintenance plan for the Moreton Bay Fig, setting out future maintenance requirements, that would include any contributions or support to be provided by the City.*

Following this resolution, the City received inquiries into the administrative process that was undertaken in 2018-19 to transfer trees from the Heritage List to the Register. Specifically, questions were raised as to whether the City consulted with all occupiers of the subject sites (in addition to owners) as required under LPS4. City officers have since investigated the matter, reviewing the process that was undertaken, and concluded that the City may not have undertaken all steps in the process in this instance. A report to this effect was presented to Council at its Ordinary Meeting on 24 April 2024, where it was resolved that

*Council:*

1. *Notes that the following trees that were formerly included in the Heritage List are considered to have significance as contained in the Register of Significant Trees and Vegetation Areas provided in Appendix B of LPP2.23:*
  - a. *Tree, 11 Harvest Road, North Fremantle*
  - b. *Trees, 15 Harvest Road, North Fremantle*
  - c. *Tree Grove, 21 Harvest Road, North Fremantle*
  - d. *Trees, 45 Henderson Street, Fremantle*
  - e. *Moreton Bay Fig, 195 High Street, Fremantle*
2. *Agrees to undertake the process under Local Planning Scheme No.4 with respect to including the trees listed in Part 1 on the Register of Significant Trees and give due regard to LPP2.23, to allow*



*consideration to be given to whether the trees should remain on the Register.*

Following this resolution, the process has been undertaken afresh in strict adherence to the requirements set out in LPS4, to avoid any doubt as to the Council's original intent in 2018 and the administrative processes undertaken.

For further clarity, it is noted that while due regard should be given to LPP 2.23 in assessing whether the trees should be included on the Register, the legal process for including a tree on the Significant Tree Register is set by LPS4. While LPP 2.23 says that the City will not accept an application for a significant tree or vegetation area to be included on the Register without the landowner's consent, this is not a requirement of LPS4 and therefore the provision of LPP2.23 is not binding. As the trees the subject of this report were previously heritage listed and the original decision to include them in the Significant Tree Register was made before the implementation of LPP 2.23 it is recommended that the landowner's position on registration, while relevant, may not necessarily be a determinative factor in this instance.

#### **FINANCIAL IMPLICATIONS**

Nil.

#### **LEGAL IMPLICATIONS**

Nil.

#### **STRATEGIC IMPLICATIONS**

This item is in keeping with the City of Fremantle's Strategic Community Plan 2024 – 2034:

#### **Liveable City – Sustainably designed and optimised urban and natural environments**

- An increasing tree canopy that enhances biodiversity and helps cool our urban environments.



## **CONSULTATION**

Engagement was undertaken in accordance with LPS4, Schedule A, Clause 13A, Sub-clause 2, by writing to the owners and occupiers of the affected places, including a description of the tree(s) and the reason(s) for their entry in the Register, and allowing 21 days to lodge a submission.

At the close of the engagement period, six submissions had been received and these are addressed in the attached schedule of submissions (Attachment 1) and discussed below.

## **OFFICER COMMENT**

The original intent of Council in 2018 was to transfer trees that were already on the City's Heritage List to the Register of Significant Trees and Vegetation Areas (the Register), in addition to considering a new Local Planning Policy to guide the assessment of newly nominated trees. By transferring existing trees of known heritage significance onto the Register, any request for their removal would have to be considered under the provisions of LPS4 and LPP 2.23, providing a more certain level of protection.

However, due to the doubt raised as to whether the original registration process was correct in all aspects, this administrative process has been undertaken again for the following trees:

- Norfolk Island Pine (*Araucaria heterophylla*) – 11 Harvest Road, North Fremantle
- Norfolk Island Pine (*Araucaria heterophylla*) and Canary Island palm (*Phoenix canariensis*) – 15 Harvest Road, North Fremantle
- Grove of Black Paperbark (*melaleuca lanceolata*) and Tuart (*eucalyptus gomphocephala*) trees – 21 Harvest Road, North Fremantle
- Various trees, 45 Henderson Street, Fremantle
- Moreton Bay Fig, 195 High Street, Fremantle

Repeating this administrative process will remove any doubt about its correctness but also means that Council is required to reconsider whether all of these trees are worthy of registration.

In May 2024, City officers reviewed the trees detailed above and prepared a report on the significance of each (Attachment 2). In summary:



## **Norfolk Island Pine (*Araucaria heterophylla*) – 11 Harvest Road, North Fremantle**

The property now known as 11 Harvest Road was originally two blocks, 11 and 13 Harvest Road, which were amalgamated when the site was redeveloped in 1986. This land was originally part of a large land grant allocated to the Pensioner Guard Lieutenant Colonel John Bruce in 1852 and 1857, but it was not developed until after his death in 1890. The grant, a triangle of land on the slopes of Cypress Hill bounded by Harvest Road, Bruce Street (now Stirling Highway), and the Swan River was subdivided into 80 blocks. It was considered a desirable place to live and became known locally as "Bruce Town".

Historic maps and aerial photographs show that the tree stood directly in front of a large brick house surrounded by verandahs. This house was set a considerable distance back from Harvest Road which indicates that it was constructed early in the development of Bruce Town before the more closely spaced suburban development of the Gold Boom Era.

The exact age of the Norfolk Island Pine tree is not known; however, an historic aerial photograph from 1947 shows that the tree is already well developed, suggesting that it was planted in the early Twentieth Century to Inter-War Era.

In 1980, the Fremantle Society photographed the garden at 13 Harvest Road and recommended that the place be preserved and included on a City of Fremantle Heritage Register, then, in 1985, planning consent was granted for twelve one-bedroom aged persons' units contained in a three-storey building and eight two-storey residential units. The house and factory that formerly stood on the site were demolished, and the Norfolk Island Pine tree was retained and incorporated into the new residential development, which was required as a condition of development approval.

In 2000, Tree, 11 Harvest Road (Inherit Place Number 22493) was added to the City of Fremantle Municipal Heritage Inventory. In 2008, it was included in the Heritage List under LPS4. The tree was then transferred to the Register in 2019.

A site inspection was conducted by the City's Senior Urban Forest Officer on 2 May 2024. It was evident that the crown of the tree shows signs of thinning, as it lacks fullness and has noticeable gaps. Norfolk Island Pines typically exhibit delayed signs of stress, requiring careful observation over time. Due to limited access to the trunk and surrounding site conditions, a definitive assessment of the factors affecting the tree's health has not been possible, though an aerial photograph of the site reveals that the tree is encroached on by the 1980s development. The proximity to buildings and other disruptions at ground level, i.e. footpath / paving



and gardens, suggests potential constraints on the tree's growth and vitality at the ground / root level. It is considered that this tree would benefit from a servicing and a maintenance plan.

Notwithstanding its condition, the tree is considered to have cultural heritage significance, as it is a remnant of the early residential development of Bruce Town and representative of early garden design in Fremantle. It is also considered to have aesthetic and landmark value for its distinctive appearance and presence in the area for over 100 years. Finally, its inclusion in the Fremantle Society's photographic survey and subsequent protection by condition of development approval and heritage listing demonstrates its social value.

During the community engagement phase of this re-registration process, one submission was received in relation to the Norfolk Island Pine tree. The submission was lodged on behalf of the occupier whose backyard the tree stands in. The submission objects to the registration of the tree, as it has been causing damage to paving, plumbing, and a dividing fence. The occupier is also concerned that the tree could fall on the house in a storm and advises that the ground conditions below the tree make it unfeasible to grow other plants.

The significant impact that the tree has on the amenity of the occupier's home is acknowledged. However, inclusion of the tree in the Register highlights the tree's cultural heritage and landmark significance for the broader community.

In view of the above, it is recommended that the tree is retained in the Register, noting its cultural heritage significance and condition, with a recommendation that the landowner prepare a servicing and maintenance plan.

**Norfolk Island Pine (*Araucaria heterophylla*) and Canary Island palm (*Phoenix canariensis*) – 15 Harvest Road, North Fremantle**

This address was originally developed as part of the "Bruce Town" subdivision, along with 11 Harvest Road. In 1903, a large house was constructed at the address and in 1910 it was converted into the Hopetown Maternity Hospital by the Salvation Army. Like 11 Harvest Road, the house was set back a considerable distance from the road.

The maternity home moved to nearby Hillcrest in 1921 and was subsequently used as a migrants' hostel. A large timber building was constructed in front of the 1903 house and across the adjacent block, remaining in place until demolition in the 1970s; however, some mature trees at the front of the site were retained. The existing brick residential unit development was constructed in the 1980s and incorporated these retained trees.





The exact age of the trees is not known; however, an historic aerial photograph from 1947 shows that the trees were already well developed, suggesting that they were planted in the Inter-War Era.

In 1980, the Fremantle Society photographed both the Norfolk Island Pine and the Canary Island Date Palms at 15 Harvest Road and recommended that the trees be preserved and included on a City of Fremantle Heritage Register.

In 2000, House and Trees, 15 Harvest Road (Inherit Place Number 20830) was added to the City's Municipal Heritage Inventory. In 2008, it was included in the Heritage List under LPS4. The trees were then transferred to the Register in 2019. However, historic aerial photography reveals that the Canary Island Date Palms had been removed in 2011 and only the Norfolk Island Pine remained.

A site visit conducted by the City's Senior Urban Forest Officer on 2 May 2024, confirmed that the Canary Island Date Palms have been removed and only the Norfolk Island Pine remains. From the inspection, it is apparent that the tree is displaying signs of stress, a concern compounded by the characteristic delayed response of Norfolk Island Pines to stressors, necessitating vigilant long-term monitoring. The stress is likely attributable to the restrictive site conditions imposed by the development activities of the 1980s, including buildings and laying of paving and concrete, which have encroached closely upon the root system, potentially compromising the tree's health. It is therefore considered that this tree would benefit from a servicing and a maintenance plan.

Notwithstanding its condition, the tree is considered to have cultural heritage significance, as it is a remnant of the early residential development of Bruce Town and is associated with the Salvation Army's long involvement with North Fremantle. It is representative of early garden design in Fremantle and is considered to have aesthetic and landmark value as a dominant element in the local landscape. It also serves as a physical link to the early development of the area and contributes to the community's sense of place by providing continuity within a changing landscape.

In view of the above, it is recommended that the tree is retained in the Register, noting its cultural heritage significance and condition with a recommendation that the landowner prepare a servicing and maintenance plan.

**Grove of Black Paperbark (*melaleuca lanceolata*) and Tuart (*eucalyptus gomphocephala*) trees – 21 Harvest Road, North Fremantle**

Nineteen and 21 Harvest Road were not built in the first stage of development of the "Bruce Town" subdivision and their size and positioning on the block has more



in common with residential development in other parts of North Fremantle. The Federation Bungalow at 19 Harvest Road was constructed in 1910 and historic aerial photographs show that they had simple gardens with lawns edged by garden beds and a limited number of trees.

In the late 1960s, 21 Harvest Road was demolished, and the Harvest Heights apartment building was constructed across the rear of 19 and 21 Harvest Road. The house at 19 Harvest Road was retained. Historic aerial photographs show that most of the trees on the Harvest Heights site were removed during construction.

In 1980 the Fremantle Society photographed some Black Paperbarks (*melaleuca lanceolata*) at the front of 21 Harvest Road but did not recommend inclusion on a City of Fremantle Heritage Register as the place made "little or no contribution to the unique character of Fremantle". Aerial photos from the 1980s show that the site by then had many mature trees.

In 2000, House, Limestone Features and Tree Grove, 19-21 Harvest Road (Inherit Place Number 20832) was added to the City's Municipal Heritage Inventory and in 2008 it was included in the Heritage List under LPS4. The trees were then transferred to the Register 2019.

The statement of significance for the House, Limestone Features and Tree Grove only describes the house and provides no heritage values for the trees. The trees are described in the physical description as "a mature grove of trees of *Melaleuca lanceolata* and *Eucalyptus gomphocephala*" which were "probably planted after the Second World War".

Aerial photographs indicate that many trees were removed from site around 2000 and new trees planted, which are now reaching maturity.

A site inspection was conducted by the City's Senior Urban Forest Officer on 2 May 2024. An assessment of the site was undertaken from the street and it was observed that there appears to be a dead Tuart tree to the rear of 21 Harvest Road, near the Harvest Heights building. While there is a Tuart tree present at 19 Harvest Road, it was noted that this is not the specific address recorded for the Tree Grove. Further attempts to sight other Tuarts and Black Paperbarks in a grove from the street were unsuccessful.

A review of historic aerial photographs revealed the likely presence of small trees planted on the site from 1945 in various locations. However, conclusive identification of the grove and its current health and status could not be determined.



As there is insufficient information provided in the heritage listing, it is recommended that the trees on this lot are not included in the Register.

### **Various trees – 45 Henderson Street, Fremantle**

The following summary is taken from Fremantle Justice Precinct Conservation Plan, prepared by Heritage and Conservation Professionals in 1998:

The land where 45 Henderson Street is located today was first allocated to the Imperial British Government in 1851 for the development of the Convict Establishment. The first building on site was Warders Cottages W2, which was constructed on the corner of William and Henderson Street in 1852. This was followed quickly by the Sappers' and Miners' Barracks in 1856/7 which consisted of quarters for officers, single and married men and were arranged around a square on the corner of Henderson and Queen Streets.

In 1886, the Convict Establishment closed, and the lands and buildings were handed back to the Colonial Government. The buildings were quickly repurposed, with the Warders Cottages W2 becoming accommodation for warders at the Fremantle Prison, which was established in the convict goal. The back gardens to these quarters were dominated by large freestanding outbuildings and these were not removed until around 1910, when the buildings were refurbished. By 1947, when the first aerial photograph of the site was taken there are a number of small trees growing in the back garden, including in the area where a mature Guava tree now stands.

For a few years, the Sappers and Miners Barracks were used for Immigration Depot to house newly arrived immigrants before they were transferred to the former Pensioner Guards Barracks in South Terrace. After 1888 the site was redeveloped for Police and Court uses, an association that continued for the next 125 years. At first the Police Station was located in the Officers' Quarters, Police Constables and their families lived in the Married Men's Quarters and the cells were housed in the Single Men's Quarters. Redevelopment of the site began in 1897 with the construction of the seven, two-storey terraced houses for Police Constables on the Parry Street side of the site (Block D). This was followed in 1903 by the second set of terrace houses which were built on the site of the Married Men's Quarters (Block E), and the Court House on Henderson Street.

The open square on the corner of Henderson and Queen Streets reached its current form in the 1920s following the demolition of the original Officers Quarters following the construction of a new brick Police Station adjacent to the Court House and Cell Block in 1916. It is not known when the square was planted with trees, but an aerial photograph from 1947 shows a row of small trees defining the



Queen Street side, most likely the Coral trees, and also smaller paired plantings on the other sides of the square. By the time the 1953 aerial photograph was taken, the Coral trees were forming a distinctive lineal planting and there were clusters of Peppermint Trees established in the centre and southern and northern ends of the square.

45 Henderson Street was redeveloped in 1980 with the construction of the new four-storey Police Station at the centre of the site. Also, at this time the Police Quarters were substantially modified when they were adaptively reused as offices. Aerial photographs from this time show that the Peppermint and Coral trees are mature and there is a small tree in the south-east corner of the court where the Norfolk Island Pine tree now stands.

The heritage potential of the site was recognised early with the National Trust Classification of the Warders' Cottages in the 1960s and the Court House and Police Station in 1974. All buildings were added to the Register of the National Estate in 1978, and the site was placed on the Heritage Council's Register of Heritage Places in 1992. The Warders' Cottages were included on the National Heritage List and then when Fremantle Prison was added to the World Heritage list in 2010, the site was identified as part of the Buffer Zone that protects its setting.

Since 1989, the conservation and management of 45 Henderson Street has been guided by Fremantle Justice Precinct Conservation Plan. This report identified several significant trees:

- Peppermint and Coral trees at the corner of Henderson and Queen Streets
- Guava tree at the rear of 33-35 Henderson Street (Warders' Cottages).

In 2012-13, the lineal planting of Coral Trees was removed from the Henderson Street side of the court, due to their declining condition. Since then, some Peppermint trees in the open court area have deteriorated and have been removed.

A condition of planning approval (DAP007/17 – 23 March 2018) for the former police station required an arboricultural report including survey and recommendations for managing existing mature trees that were being retained. A plan was submitted in response to this condition, which detailed the retention of the Peppermint trees and the Guava tree.



A site inspection was conducted by the City's Senior Urban Forest Officer on 2 May 2024. It was noted that there are seven Western Australian Weeping Peppermints (*Agonis flexuosa*) and one Norfolk Island Pine on the south-western corner of the open area bounded by Holdsworth and Henderson Streets. Several stumps from tree removal in recent years were also noted. The Guava tree is located to the rear of the Warder's Cottage at the corner of Henderson and William Streets and can be seen from William Street.

The Peppermint trees display varying conditions, with many exhibiting a splayed, multi-stemmed form, sparse canopy and epicormic regrowth. This growth pattern is attributed to previous poor pruning practices and stress from site constraints, including ground disturbance from recent development activities. The installation of amenities such as seating around the trees and paving / concrete around the trees further exacerbates these constraints.

Evidence of borer damage, indicated by exit holes, was observed within the trunk and major limb sections of the majority, if not all, of the Peppermint trees. This indicates a potential threat to the structural integrity and overall health of the trees.

These observations highlight the need for careful management and remediation efforts to address the impacts of past pruning practices, site disturbances, and insect infestations. Implementing appropriate pruning techniques, mitigating further ground disturbance, and monitoring pest activity are crucial steps in ensuring the continued health and vitality of these urban trees.

The Guava tree appears to be in good health.

Now over 80 years old, these trees are remnants of the earlier residential use of the site for Warders from the Convict Gaol and Fremantle Prison and the institutional use of the site for the Police Station and Court House. The Peppermint trees have aesthetic and landmark value as an important element in the local landscape. They serve as a physical link to the early development of the area and contribute to the community's sense of place by providing continuity within the changing landscape.

It is considered that these trees would collectively benefit from servicing and a maintenance plan and consideration should be given to succession planting, to ensure that a healthy grove of Peppermint Trees remain on site into the future.

During the community engagement phase of this re-registration process, one submission was received in relation to the trees at 45 Henderson Street from the landowner, who objected to the inclusion of the trees in the Register, stating that:



*"...the Peppermint trees are very old and unfortunately dying and dropping limbs so we have a duty of care to ensure public safety and thus must prune dead limbs when required.*

*We will tend the trees with care and use guidance from an arborist. I acknowledge the trees cannot be put on the Register without the landowner agreement, which unfortunately cannot be given."*

While it is acknowledged that LPP 2.23 requires the consent of the landowner for a tree to be nominated for inclusion in the Register, the landowner's consent is not a legal precondition to registration under LPS4. The Peppermint Trees were already included on the City's Heritage List prior to the creation of the Register in 2019 and were transferred to the Register prior to the implementation of LPP 2.23. Council has agreed to undertake this process again, in accordance with the requirements of LPS4, while paying due regard to LPP 2.23. On this basis, it is considered that the consent of the landowner may not necessarily be determinative of Council's decision on whether to include the Peppermint trees and the Guava tree in the Register.

It is therefore recommended that the trees be included in the Register, noting their cultural heritage significance and condition, with a recommendation that the landowner prepare a servicing and maintenance plan and a succession plan for the Peppermint trees.

### **Moreton Bay Fig Tree (*Ficus macrophylla*) – 195 High Street, Fremantle**

The fig tree was planted by Fremantle nurseryman Phillip Webster in the garden of his house (Cranworth Villa, 1886) sometime in the late 1880s, making it approximately 140 years old. It boasts a main stem diameter surpassing three metres and an expansive crown of approximately 630m<sup>2</sup>, which spreads over High Street and is visible from Queens Square and Walyalup Koort. The tree stands in a raised garden bed next to Cranworth Villa, and the commercial buildings (1979) and kiosk (1985) that also stand on the lot.

Phillip Webster was the owner of the Esplanade Hotel in the 1860s and '70s, an auditor of the Fremantle Municipal Council and, due to his love plants and flowers, became a nurseryman in the 1880s, importing seeds and raising plants and trees, which he supplied across the Fremantle area and beyond until his sudden death in 1893. Although it is acknowledged that there is no firm evidence, the fig tree at 195 High Street is purported to be the progenitor of many of the significant Moreton Bay Fig trees in Fremantle, including the Proclamation Tree (1890), which is documented as having been supplied by Mr. Webster, and the trees surrounding St John's Church in Walyalup Koort (1890s).



The cultural heritage significance of the house and tree at 195 High Street has been recognised since the 1970s by their inclusion on numerous heritage lists:

- National Trust of Australia (1974)
- Australian Heritage Commission – Register of the National Estate (1978)
- Tree Society of Western Australia – Register of Significant Trees (1978)
- City of Fremantle – Municipal Heritage Inventory (2000)
- City of Fremantle – Heritage List (2009)
- City of Fremantle – Register of Significant Trees and Vegetation Areas (2019)

In recognition of the heritage significance of the tree and its contribution to the character of central Fremantle, the Council entered into an agreement with the owners of 195 High Street in 1995 for the joint maintenance of tree; an agreement which is still in place.

In 2023, the owners applied to have the tree removed from the Register and multiple assessments have been undertaken since to determine its significance. These assessments include a significant tree assessment, a heritage assessment, and an independent arborist's report.

The significant tree assessment found that the tree would meet sufficient criteria to qualify for inclusion in the Register, in accordance with LPP 2.23, while the heritage assessment found that the tree has cultural heritage significance for the following reasons:

- Visual / aesthetic / landmark value for its distinctive appearance and dominant presence in the area for over 100 years.
- Historic heritage value for its links to Phillip Webster, as outlined above.
- Historic heritage value as a significant feature of the former garden of Cranworth Villa, which is representative of early residential development in Fremantle, when larger houses were set back from the street in spacious gardens.
- Historic heritage value as a representative example of early garden design in Fremantle that made use of a limited palette of trees and plants favoured for their aesthetic qualities, as well as their tolerance for the local conditions.
- Social heritage value as demonstrated by its inclusion on numerous heritage and significant tree lists / registers since 1974, including those



compiled by the National Trust, the Australian Heritage Commission, the Tree Society of Western Australia, and the City of Fremantle.

The arborist's report found that the tree is not exhibiting any discernible signs of decline, and that active wound wood development indicates ongoing resilience. It also notes that while historical removal of sizable stems for building clearance has occurred, resulting in localised decay, the tree maintains a significant below-ground root system, which has impacted surrounding infrastructure, causing observable damage to the surrounding retaining walls. In short, the tree is in good health, despite its constrained urban setting.

During the community engagement phase of this re-running of the administrative process, four submissions were received in relation to the Moreton Bay Fig tree; two from occupiers and two from the landowner (one as an occupier). These submissions and responses to the matters raised in the submissions are provided in the schedule of submissions in Attachment 1.

While it is acknowledged that LPP 2.23 requires the consent of the landowner for a tree to be nominated for inclusion in the Register, the landowner's consent is not a legal precondition to registration under clause 13A of LPS4. The tree was already included on the City's Heritage List prior to the creation of the Register in 2019 and were transferred to the Register prior to the implementation of LPP 2.23. Council has agreed to undertake this process again, in accordance with the requirements of LPS4, while paying due regard to LPP 2.23. Whilst the owner's objection is a relevant factor, the landowners consent may not necessarily be determinative of Council's decision on whether to include the tree on the Register.

In view of the above, it is recommended that the tree is retained in the Register, noting its cultural heritage significance and condition, with a recommendation that the landowner prepare a servicing and maintenance plan.

It is further recommended that Council adopt an amendment to LPP 2.23 to update Appendix B (the Register) to reflect the other changes recommended in this report.

## **VOTING AND OTHER REQUIREMENTS**

Simple Majority Required





## OFFICER'S RECOMMENDATION

Moved: Cr Adin Lang

Seconded: Cr Ben Lawver

Council:

1. Notes the submissions received from relevant landowners and occupiers, as provided in Attachment 1.
2. Approve the following trees to be included in the Register of Significant Trees and Vegetation Areas, as provided in Attachment 3:

Tree ID	Address	Common and botanical name
19-01	11-13 Harvest Road, North Fremantle	Norfolk Island Pine ( <i>Araucaria heterophylla</i> )
19-02	15 Harvest Road, North Fremantle	Norfolk Island Pine ( <i>Araucaria heterophylla</i> )
19-04	195 High Street, Fremantle	Moreton Bay Fig ( <i>Ficus macrophylla</i> )
19-05	45 Henderson Street, Fremantle	Western Australian Weeping Peppermints ( <i>Agonis flexuosa</i> ) Guava ( <i>Psidium guajava</i> )

3. Support to not retain the following trees in the Register:
  - Canary Island Date Palms, formerly on 15 Harvest Road, North Fremantle
  - Grove of Black Paperbark and Tuart trees on 21 Harvest Road, North Fremantle.
4. Notes that this resolution has no effect on other trees that may have been added to or removed from the Register since the original Council resolution to adopt the Register on 27 February 2019.
5. Adopts an amendment to Local Planning Policy 2.23 – Register of Significant Trees and Vegetation Areas, to replace Appendix B with the amended Register of Significant Trees and Vegetation Areas, as shown in Attachment 3.



In accordance with clause 9.7 of the [Meeting Procedures Policy](#), Cr Andrew Sullivan moved the following amendment, as provided in the additional documents:

Moved: Cr Andrew Sullivan                      Seconded: Cr Ben Lawver

Council:

1. Notes the submissions received from relevant landowners and occupiers, as provided in Attachment 1.
2. Approve the following trees to be included in the Register of Significant Trees and Vegetation Areas, as provided in Attachment 3, *noting due regard has been given to LPP2.23:*

Tree ID	Address	Common and botanical name	<i>Reason to retain on the Register</i>
19-01	11-13 Harvest Road, North Fremantle	Norfolk Island Pine ( <i>Araucaria heterophylla</i> )	<i>Cultural heritage significance and condition</i>
19-02	15 Harvest Road, North Fremantle	Norfolk Island Pine ( <i>Araucaria heterophylla</i> )	<i>Cultural heritage significance and condition</i>
19-04	195 High Street, Fremantle	Moreton Bay Fig ( <i>Ficus macrophylla</i> )	<i>Cultural heritage significance and condition</i>
19-05	45 Henderson Street, Fremantle	Western Australian Weeping Peppermints ( <i>Agonis flexuosa</i> ) Guava ( <i>Psidium guajava</i> )	<i>Cultural heritage significance and condition</i>

3. Support to not retain the following trees in the Register:
  - Canary Island Date Palms, formerly on 15 Harvest Road, North Fremantle
  - Grove of Black Paperbark and Tuart trees on 21 Harvest Road, North Fremantle.
4. Notes that this resolution has no effect on other trees that may have been added to or removed from the Register since the original Council resolution to adopt the Register on 27 February 2019.



5. **Adopts an amendment to Local Planning Policy 2.23 – Register of Significant Trees and Vegetation Areas, to replace Appendix B with the amended Register of Significant Trees and Vegetation Areas, as shown in Attachment 3.**

**Amendment Carried: 7/1**

**For:**

Cr Jenny Archibald, , Cr Adin Lang,  
Cr Andrew Sullivan, Cr Jemima Williamson-Wong,  
Cr Fedele Camarda, Cr Ben Lawver and Cr Doug Thompson

**Against:**

Cr Geoff Graham

In accordance with clause 9.4 of the [Meeting Procedures Policy](#), Cr Jenny Archibald moved the officer's recommendation in parts, as follows:

**COUNCIL DECISION ITEM C2409-6**  
**(Part 1 - Officer's Recommendation)**

**Moved: Cr Adin Lang**

**Seconded: Cr Ben Lawver**

**Council:**

1. **Notes the submissions received from relevant landowners and occupiers, as provided in Attachment 1.**

**Carried: 8/0**

**For:**

Cr Jenny Archibald, Cr Geoff Graham, Cr Adin Lang,  
Cr Andrew Sullivan, Cr Jemima Williamson-Wong,  
Cr Fedele Camarda, Cr Ben Lawver and Cr Doug Thompson

**Against:**

Nil



**COUNCIL DECISION ITEM C2409-6**  
**(Part 2A - Officer's Recommendation as amended)**

**Moved: Cr Adin Lang**

**Seconded: Cr Ben Lawver**

**2. Approve the following trees to be included in the Register of Significant Trees and Vegetation Areas, as provided in Attachment 3, noting due regard has been given to LPP2.23:**

**A.**

<b>Tree ID</b>	<b>Address</b>	<b>Common and botanical name</b>	<b>Reason to retain on the Register</b>
19-01	11-13 Harvest Road, North Fremantle	Norfolk Island Pine ( <i>Araucaria heterophylla</i> )	<i>Cultural heritage significance and condition</i>

**Carried: 7/1**

**For:**

**Cr Jenny Archibald, Cr Geoff Graham,  
Cr Adin Lang, Cr Jemima Williamson-Wong,  
Cr Fedele Camarda, Cr Ben Lawver and Cr Doug Thompson**

**Against:**

**Cr Andrew Sullivan**

**COUNCIL DECISION ITEM C2409-6**  
**(Part 2B - Officer's Recommendation as amended)**

**Moved: Cr Adin Lang**

**Seconded: Cr Ben Lawver**

**2. Approve the following trees to be included in the Register of Significant Trees and Vegetation Areas, as provided in Attachment 3, noting due regard has been given to LPP2.23:**

**B.**

<b>Tree ID</b>	<b>Address</b>	<b>Common and botanical name</b>	<b>Reason to retain on the Register</b>
19-02	15 Harvest Road, North Fremantle	Norfolk Island Pine ( <i>Araucaria heterophylla</i> )	<i>Cultural heritage significance and condition</i>

**Carried: 7/1**

**For:**

**Cr Jenny Archibald, Cr Geoff Graham, Cr Adin Lang,  
Cr Jemima Williamson-Wong, Cr Fedele Camarda,  
Cr Ben Lawver and Cr Doug Thompson**

**Against:**

**Cr Andrew Sullivan**



**COUNCIL DECISION ITEM C2409-6**  
**(Part 2C - Officer’s Recommendation as amended)**

**Moved: Cr Adin Lang**

**Seconded: Cr Ben Lawver**

2. Approve the following trees to be included in the Register of Significant Trees and Vegetation Areas, as provided in Attachment 3, *noting due regard has been given to LPP2.23:*

C.

Tree ID	Address	Common and botanical name	Reason to retain on the Register
19-04	195 High Street, Fremantle	Moreton Bay Fig ( <i>Ficus macrophylla</i> )	Cultural heritage significance and condition

**Lost: 3/5**

**For:**

**Cr Adin Lang, Cr Ben Lawver and Cr Doug Thompson**

**Against:**

**Cr Jenny Archibald, Cr Geoff Graham, Cr Andrew Sullivan,  
 Cr Jemima Williamson-Wong and Cr Fedele Camarda**

**COUNCIL DECISION ITEM C2409-6**  
**(Part 2D - Officer’s Recommendation as amended)**

**Moved: Cr Adin Lang**

**Seconded: Cr Ben Lawver**

2. Approve the following trees to be included in the Register of Significant Trees and Vegetation Areas, as provided in Attachment 3, *noting due regard has been given to LPP2.23:*

D.

Tree ID	Address	Common and botanical name	Reason to retain on the Register
19-05	45 Henderson Street, Fremantle	Western Australian Weeping Peppermints ( <i>Agonis flexuosa</i> ) Guava ( <i>Psidium guajava</i> )	Cultural heritage significance and condition



**Lost: 4/4**

**For:**

Cr Adin Lang, Cr Jemima Williamson-Wong,  
Cr Ben Lawver and Cr Doug Thompson

**Against:**

Cr Jenny Archibald, Cr Geoff Graham,  
Cr Andrew Sullivan and Cr Fedele Camarda

Cr Jenny Archibald used her casting vote **AGAINST** the motion Part 2 (D) resulting in it being **LOST**.

In accordance with clause 9.7 of the [Meeting Procedures Policy](#), Cr Jenny Archibald moved the following minor amendment.

**AMENDMENT**

**Moved: Cr Jenny Archibald**

**Seconded: Cr Andrew Sullivan**

**3. Support to not retain the following trees in the Register:**

- **Canary Island Date Palms, formerly on 15 Harvest Road, North Fremantle**
- **Grove of Black Paperbark and Tuart trees on 21 Harvest Road, North Fremantle**
- **Moreton Bay Fig (*Ficus macrophylla*) on 195 High Street, Fremantle**
- **Western Australian Weeping Peppermints (*Agonis flexuosa*) Guava (*Psidium guajava*) on 45 Henderson Street, Fremantle**

**Amendment Carried: 5/3**

**For:**

Cr Jenny Archibald, Cr Geoff Graham,  
Cr Andrew Sullivan, Cr Jemima Williamson-Wong  
and Cr Fedele Camarda

**Against:**

Cr Adin Lang, Cr Ben Lawver and Cr Doug Thompson

**Reason for amendment:**

As a result of Part 2C and Part 2D being lost, a minor amendment was moved to clarify that these trees are not to be retained in the register.



**COUNCIL DECISION ITEM C2409-6**  
**(Part 3 - Officer's Recommendation as amended)**

**Moved: Cr Jenny Archibald**

**Seconded: Cr Andrew Sullivan**

**3. Support to not retain the following trees in the Register:**

- **Canary Island Date Palms, formerly on 15 Harvest Road, North Fremantle**
- **Grove of Black Paperbark and Tuart trees on 21 Harvest Road, North Fremantle.**
- ***Moreton Bay Fig (Ficus macrophylla) on 195 High Street, Fremantle***
- ***Western Australian Weeping Peppermints (Agonis flexuosa)***
- ***Guava (Psidium guajava) on 45 Henderson Street, Fremantle***

**Carried: 5/3**

**For:**

**Cr Jenny Archibald, Cr Geoff Graham,  
Cr Andrew Sullivan, Cr Jemima Williamson-Wong  
and Cr Fedele Camarda**

**Against:**

**Cr Adin Lang, Cr Ben Lawver and Cr Doug Thompson**

**COUNCIL DECISION ITEM C2409-6**  
**(Part 4 - Officer's Recommendation)**

**Moved: Cr Adin Lang**

**Seconded: Cr Ben Lawver**

**4. Notes that this resolution has no effect on other trees that may have been added to or removed from the Register since the original Council resolution to adopt the Register on 27 February 2019.**

**Carried: 7/1**

**For:**

**Cr Jenny Archibald, Cr Geoff Graham, Cr Adin Lang,  
Cr Jemima Williamson-Wong, Cr Fedele Camarda,  
Cr Ben Lawver and Cr Doug Thompson**

**Against:**

**Cr Andrew Sullivan**



In accordance with clause 9.7 of the [Meeting Procedures Policy](#), Cr Jenny Archibald moved the following minor amendment:

**COUNCIL DECISION ITEM C2409-6**  
**(Part 5 - Officer's Recommendation as amended)**

**Moved: Cr Jenny Archibald                      Seconded: Cr Jemima Williamson-Wong**

**5. Adopts an amendment to Local Planning Policy 2.23 – Register of Significant Trees and Vegetation Areas, to replace Appendix B with the amended Register of Significant Trees and Vegetation Areas, as shown in Attachment 3, *as amended in part 3 of this resolution.***

**Amendment Carried: 4/4**

**For:**

**Cr Jenny Archibald, Cr Jemima Williamson-Wong,  
Cr Fedele Camarda, Cr Geoff Graham,**

**Against:**

**Cr Adin Lang, Cr Andrew Sullivan,  
Cr Ben Lawver and Cr Doug Thompson**

**Cr Jenny Archibald used their casting vote FOR the motion Part 5 resulting in it being CARRIED.**

**Reason for amendment:**

As a result of Part 2C and Part 2D being lost, a minor amendment was made to clarify that the register will be amended as per the changes made in Part 3 of this resolution.





**COUNCIL DECISION ITEM C2409-6**

**Council:**

- 1. Notes the submissions received from relevant landowners and occupiers, as provided in Attachment 1.**
- 2. Approve the following trees to be included in the Register of Significant Trees and Vegetation Areas, as provided in Attachment 3, noting due regard has been given to LPP2.23:**

<b>Tree ID</b>	<b>Address</b>	<b>Common and botanical name</b>	<b>Reason to retain on the Register</b>
<b>19-01</b>	<b>11-13 Harvest Road, North Fremantle</b>	<b>Norfolk Island Pine (<i>Araucaria heterophylla</i>)</b>	<b><i>Cultural heritage significance and condition</i></b>
<b>19-02</b>	<b>15 Harvest Road, North Fremantle</b>	<b>Norfolk Island Pine (<i>Araucaria heterophylla</i>)</b>	<b><i>Cultural heritage significance and condition</i></b>

- 3. Support to not retain the following trees in the Register:**
  - **Canary Island Date Palms, formerly on 15 Harvest Road, North Fremantle**
  - **Grove of Black Paperbark and Tuart trees on 21 Harvest Road, North Fremantle.**
  - **Moreton Bay Fig (*Ficus macrophylla*) on 195 High Street, Fremantle**
  - **Western Australian Weeping Peppermints (*Agonis flexuosa*)**
  - **Guava (*Psidium guajava*) on 45 Henderson Street, Fremantle**
- 4. Notes that this resolution has no effect on other trees that may have been added to or removed from the Register since the original Council resolution to adopt the Register on 27 February 2019.**
- 5. Adopts an amendment to Local Planning Policy 2.23 – Register of Significant Trees and Vegetation Areas, to replace Appendix B with the amended Register of Significant Trees and Vegetation Areas, as shown in Attachment 3, as amended in part 3.**



**Cr Ingrid van Dorssen returned to the meeting at 8:58pm.**

**Cr Geoff Graham disclosed an interest at the start of the meeting and left the meeting at 9:00pm and was absent during the discussion and voting of this item.**

**Cr Andrew Sullivan disclosed an interest at the start of the meeting and left the meeting at 9:02pm and was absent during the discussion and voting of this item.**

**Cr Adin Lang disclosed an interest and left the meeting at 9:03pm. Cr Lang was absent during the discussion and voting of this item.**

## **C2409-5 SOUTH FREMANTLE HERITAGE AREA REVIEW – FINAL REPORT**

<b>Meeting date:</b>	11 September 2024
<b>Responsible officer:</b>	Manager Strategic Planning and City Design
<b>Voting requirements:</b>	Simple Majority Required
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. South Fremantle - Consultation Stage 2</li><li>2. South Fremantle Heritage Area List for Council Report</li><li>3. South Fremantle Heritage Area Review List Summary</li></ol>

### **SUMMARY**

**The purpose of this report is to present the outcomes of consultation regarding proposed modifications to the Local Heritage Survey (LHS) and Heritage List and the defining of contributory and non-contributory places within the South Fremantle Heritage Area.**

**This report recommends that Council adopts a number of changes to the Local Heritage Survey and Heritage List and seeks Council's endorsement of these modifications.**

### **BACKGROUND**

South Fremantle is the first Heritage Area to be reviewed under new best practice principles and changes in legislation. As well as an assessment of the South Fremantle Heritage Area and the individual heritage listings contained within, this review will establish the process for future heritage areas being re-surveyed, consistent with current legislative requirements of the Planning Regulations and the *Heritage Act 2018*.



Historical research, as well as a street by street, place by place survey, has been carried out in the South Fremantle Heritage Area (from the streetscape only – no internal inspections).

On 10 May 2023 the Engagement Plan – Heritage Review - South Fremantle Heritage Area was presented to the FPOL Committee and then subsequently to Council on 24 May 2023 for adoption. The plan proposed engagement be undertaken in two key stages to allow for discussion and input from the community:

**Stage 1: Community Input (Non-statutory process)**

**Purpose:**

- Ask the community and gain understanding of what they like/value about their heritage area
- Invite the community to contribute information to their place record - history and heritage
- Inform community of current heritage listings

At the close of the community engagement period, the City sent 3777 letters in a mail out to owners and occupiers, launched a My Say Freo page, invited one-to-one meetings with a heritage officer and attended one Precinct meeting. The City had 422 My Say Freo visitors, 61 My Say Freo interactions and received 12 My Say Freo Survey submissions. Further to this online response, the City received 31 handwritten surveys, conducted eight booked face-to-face meetings and had two phone calls.

Of these 53 submissions, three raised concerns relating to one or more aspects of the South Fremantle Heritage Area, one submission was for noting a change of address and 49 submissions were positive in nature in regard to the South Fremantle Heritage Area.

This stage has been completed and was reported to Council on 20 December 2023.

**Stage 2: Community consultation (Statutory process)**

**Purpose:**

- To update the Local Heritage Survey, Heritage List and establish contributory and non-contributory places for the South Fremantle Heritage Area based in the knowledge of what the community value about their heritage area.



This stage is now complete and results are included in this report. Letters were sent to all property owners and occupiers, as well as being available on MySay Freo and bookable face-to-face meetings.

The City had 284 My Say Freo visitors. Further to this online engagement the City received 78 emailed submissions and conducted 21 booked face-to-face meetings.

Of these 99 submissions/ interactions, one submission raised concern relating to one or more aspects of the South Fremantle Heritage Area, one submission was regarding an incorrect address and ownership and the remaining 97 submissions/interactions were positive in nature (generally requesting specific information for their place) in regard to the South Fremantle Heritage Area.

### **FINANCIAL IMPLICATIONS**

Nil

### **LEGAL IMPLICATIONS**

The Planning and Development (Local Planning Schemes) Regulations 2015 specify the requirement and process for the establishment and maintenance of a heritage list under the local planning scheme, and for the designation, amendment or revocation of heritage areas as well as the procedures for advertising and adopting a local planning policy.

The *Heritage Act 2018* requires periodic update and review of the LHS.

### **STRATEGIC IMPLICATIONS**

This item is in keeping with the City of Fremantle's Strategic Community Plan 2024 – 2034:

#### **Liveable City - A unique built heritage and history that is preserved, protected and shared**

- Our built heritage is central to our character and sense of place, and is retained and protected for future generations to enjoy.
- The matters contained in this report align to the intent of this theme's outcome.



## **CONSULTATION**

As part of Stage 2 of the South Fremantle Heritage Area engagement process, letters were sent to all property owners and occupiers, as well as being available on MySay Freo and bookable face-to-face meetings.

The City had 284 My Say Freo visitors. Further to this online engagement, the City received 78 emailed submissions and conducted 21 booked face-to-face meetings. Of these 99 submissions/interactions, one submission raised concern relating to one or more aspects of the South Fremantle Heritage Area, one submission was regarding an incorrect address and ownership and the remaining 97 submissions/interactions were positive in nature (generally requesting specific information for their place), in regard to the South Fremantle Heritage Area.

## **OFFICER COMMENT**

Since gazettal of the City's Local Planning Scheme No. 4 (LPS4) which set out the provisions for maintaining the City's Heritage List and adopting Heritage Areas, the City has undertaken an annual review and a rolling review of Heritage Places by suburb and/or request. In recent times, the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) took over the requirements from LPS4 for maintaining a local government's Heritage List and Heritage Area registers.

These provisions differ slightly to the previous requirements. There have also been other changes in heritage legislation and guidelines. For these reasons, and the age of the City's heritage information in the LHS (some dating back to before 2000), a more comprehensive review of suburbs/heritage areas is required to update, refine and add information, especially in regard to contributory places, which has not previously been captured.

South Fremantle is the first Heritage Area to be reviewed under the new best practice principles. As well as an assessment of the South Fremantle Heritage Area, this review will establish the process for future heritage areas being resurveyed, consistent with current legislative requirements of the Regulations and the *Heritage Act 2018* including:

- An appropriate methodology
- An appropriate collection and storage of information
- Templates for future area reviews
- Management Category review and a test of their application in the field
- Review of Heritage Area boundaries (if required).



A record of all assessments for the places in the South Fremantle Heritage Area is included in Attachment 2, including the actions recommended for each place. In regard to Attachment 2, those places requiring action to update the Heritage List, Local Heritage Survey or InHerit information that will have an effect on a listing have been highlighted in green. A summary of the number and types of changes recommended as a result of the review is provided in Attachment 3. The recommendations include:

- 957 places to be identified as 'Contributory in the Heritage Area'
- 282 places be added to the Heritage List
- 55 places to be removed from the Heritage List
- 72 places to have their management category changed.

Recommendations include changes to the heritage listing of properties. The implications for owners regarding the proposed changes to heritage listing of their property are as follows:

Property owners with no individual heritage listing and no 'Contributory in the Heritage Area' status are able to follow the normal demolition and Development Application procedures.

Property owners with no individual heritage listing and a 'Contributory in the Heritage Area' status will need to submit a DA for any demolition or part demolition (noting that generally demolition is unlikely to be supported) and also submit a Development Application for most proposed changes to the place. These places are considered significant within the context of the Heritage Area and any Development Application will be assessed with regard to the impact on the streetscape and Heritage Area as a whole. Internal modifications are not assessed from a heritage perspective.

Property owners with individual heritage listings and a 'Contributory in the Heritage Area' status will need to submit a Development Application for any demolition or part demolition (noting that generally demolition is unlikely to be supported) and also submit a Development Application for most proposed changes to the place. These places are considered significant in their own right. Any Development Application will be assessed regarding the impact on the streetscape and Heritage Area as a whole; and, any proposed internal and external modifications are to be assessed for their impact on the Cultural Heritage Significance of the place.



The following describes the various levels assigned to places as individual heritage listings:

**Management category - Level 1a – Exceptional Significance – State Listed**

The City of Fremantle has identified this place as being of exceptional cultural heritage significance in its own right within the context of Fremantle. This place is entered onto the State Heritage Office of Western Australia's Register of Heritage Places. All development applications must be referred to the State Heritage Office for approval.

**Management category - Level 1b – Exceptional Significance – Not State Listed**

The City of Fremantle has identified this place as being of exceptional cultural heritage significance in its own right within the context of Fremantle and its conservation is required. It is recommended that this place be considered for entry in the Heritage Council of Western Australia's Register of Heritage Places.

**Management category - Level 2 – Considerable Significance**

The City of Fremantle has identified this place as being of considerable cultural heritage significance in its own right within the context of Fremantle and its conservation is a priority.

**Management category - Level 3 – Some Significance**

The City of Fremantle has identified this place as being of some cultural heritage significance for its contribution to the heritage of Fremantle in terms of its individual or collective aesthetic, historic, social or scientific significance, and/or its contribution to the streetscape, local area and Fremantle. Its contribution to the urban context should be maintained and enhanced.

**Management category – Level 4 – Historic Record Only**

The City of Fremantle has identified places on this place as being of interest for historical reasons and/or for structures that no longer exist. These places are part of Fremantle's rich cultural heritage but are not included on the Heritage List.

## **VOTING AND OTHER REQUIREMENTS**

Simple Majority Required



## OFFICER'S RECOMMENDATION

Moved: Cr Jenny Archibald

Seconded: Cr Doug Thompson

Council:

- 1. Note the submissions received in relation to the Local Heritage Survey and Heritage List, and the assigning of a 'Level of Contribution' to places within the South Fremantle Heritage Area Engagement Stage 2 as outlined in Attachment 1.**
- 2. Modify the Local Heritage Survey and Heritage List and assign a 'Level of Contribution' to places within the South Fremantle Heritage Area as outlined in Attachment 2.**

In accordance with clause 9.7 of the [Meeting Procedures Policy](#), Cr Jenny Archibald moved the following amendment:

## AMENDMENT

Moved: Cr Jenny Archibald

Seconded: Cr Doug Thompson

Council:

- 1. Note the submissions received in relation to the Local Heritage Survey and Heritage List, and the assigning of a 'Level of Contribution' to places within the South Fremantle Heritage Area Engagement Stage 2, as outlined in Attachment 1.**
- 2. Modify the Local Heritage Survey and Heritage List and assign a 'Level of Contribution' to places within the South Fremantle Heritage Area as outlined in Attachment 2.**
- 3. *Request officers write to owners and occupiers of places nominated for addition to, removal from, or re-categorisation within the Heritage List, to advise of the proposed changes approved by Council in part 2, and provide a period of 21 days for submissions to be received in response to the changes approved.***
- 4. *Note that any objections received during the consultation period, will be brought back to Council for further consideration.***





**Amendment Carried: 6/0**

**For:**

**Cr Jenny Archibald, Cr Adin Lang,  
Cr Jemima Williamson-Wong, Cr Fedele Camarda,  
Cr Ben Lawver and Cr Doug Thompson**

**Against:**

**Nil**

**Reason for amendment:**

An additional part 3 and 4 was recommended by officers for inclusion, to clarify that notice will be given to affected properties of the changes made and any objections will be brought back to council for further consideration.

**COUNCIL DECISION ITEM C2409-5  
(Amended officer's recommendation)**

**Moved: Cr Jenny Archibald**

**Seconded: Cr Doug Thompson**

**Council:**

- 1. Note the submissions received in relation to the Local Heritage Survey and Heritage List, and the assigning of a 'Level of Contribution' to places within the South Fremantle Heritage Area Engagement Stage 2 as outlined in Attachment 1.**
- 2. Modify the Local Heritage Survey and Heritage List and assign a 'Level of Contribution' to places within the South Fremantle Heritage Area as outlined in Attachment 2.**
- 3. *Request officers write to owners and occupiers of places nominated for addition to, removal from, or re-categorisation within the Heritage List, to advise of the proposed changes approved by Council in part 2, and provide a period of 21 days for submissions to be received in response to the changes approved.***
- 4. *Note that any objections received during the consultation period, will be brought back to Council for further consideration.***

**City of Fremantle  
Ordinary Meeting of Council - Minutes  
11 September 2024**



**Carried: 6/0**

**For:**

**Cr Jenny Archibald, Cr Adin Lang,  
Cr Jemima Williamson-Wong, Cr Fedele Camarda,  
Cr Ben Lawver and Cr Doug Thompson**

**Against:**

**Nil**



**Cr Geoff Graham returned to the meeting at 9:07pm.**

**Cr Andrew Sullivan returned to the meeting at 9:07pm.**

**Cr Adin Lang returned to the meeting at 9:07pm**

## **Items approved en bloc**

### **ITEMS APPROVED "EN BLOC"**

**The following items were adopted unopposed and without discussion "en bloc" as recommended.**

### **COUNCIL DECISION**

**Moved: Cr Jenny Archibald**

**Seconded: Cr Adin Lang**

**The following items be adopted en bloc as recommended:**

**C2409-7 PLANNING INFORMATION REPORT - SEPTEMBER 2024**

**C2409-8 TENDER WFCC118/24 – FOAMED BITUMEN STABILISATION  
WORKS**

**Carried: 9/0**

**For:**

**Cr Jenny Archibald, Cr Geoff Graham,  
Cr Adin Lang, Cr Andrew Sullivan, Cr Jemima Williamson-Wong,  
Cr Fedele Camarda, Cr Ben Lawver,  
Cr Doug Thompson and Cr Ingrid van Dorssen**

**Against:**

**Nil**



**C2409-7 PLANNING INFORMATION REPORT - SEPTEMBER 2024**

**1. SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY**

**Meeting date:** 11 September 2024  
**Responsible officer:** Manager Development Approvals  
**Voting requirements:** Simple Majority Required  
**Attachments:** 1. Schedule of applications determined under delegated authority

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

**2. UPDATE ON METRO SOUTH DAP DETERMINATIONS AND RELEVANT STATE ADMINISTRATIVE TRIBUNAL APPLICATIONS FOR REVIEW**

**Meeting date:** 11 September 2024  
**Responsible officer:** Manager Development Approvals  
**Voting requirements:** Simple Majority Required  
**Attachments:** Nil

Applications that have been determined by the Metro South DAP and/or are DAP/Council determinations that are subject to an application for review at the State Administrative Tribunal are included below.

1. Application Reference
DA0130/24
Site Address and Proposal
No. 90 Rennie Crescent, Hilton – Unauthorised additions to existing Single house
Council Consideration/Decision
<ul style="list-style-type: none"> <li>At its meeting held on 10 July 2024, the Council resolved to refuse the application.</li> </ul>
Current Status
<ul style="list-style-type: none"> <li>On 31 July 2024 an Application for Review by the State Administrative Tribunal was lodged by the owner.</li> <li>A Directions Hearing was held on 5 September 2024.</li> <li>At the time of writing this report, no further update was available.</li> </ul>



2. Application Reference
DAP002/24
Site Address and Proposal
19 Essex Street, Fremantle – Four storey Tourist Development
Council Consideration/Decision
<ul style="list-style-type: none"><li>• Application for development was received on 14 June 2024.</li><li>• A report for this application is included in this agenda.</li></ul>

3. Application Reference
DAP003/24
Site Address and Proposal
1 Naylor and 2-4 Clontarf Road, Beaconsfield – Multiple dwellings
Council Consideration/Decision
<ul style="list-style-type: none"><li>• Application for development was received on 22 July 2024.</li><li>• A report for this application is included in this agenda.</li></ul>

## **VOTING AND OTHER REQUIREMENTS**

Simple Majority Required

### **COUNCIL DECISION ITEM C2409-7** **(Officer's recommendation)**

**Moved: Cr Jenny Archibald**

**Seconded: Cr Adin Lang**

**Council receive the following information reports for September 2024:**

- 1. SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY**
- 2. UPDATE ON METRO SOUTH DAP DETERMINATIONS AND RELEVANT STATE ADMINISTRATIVE TRIBUNAL APPLICATIONS FOR REVIEW.**

**Carried en bloc: 9/0**

**For:**

**Cr Jenny Archibald, Cr Geoff Graham,  
Cr Adin Lang, Cr Andrew Sullivan, Cr Jemima Williamson-Wong,  
Cr Fedele Camarda, Cr Ben Lawver,  
Cr Doug Thompson and Cr Ingrid van Dorssen**

**Against:**

**Nil**



## Strategic and general reports

### **C2409-8 TENDER WFCC118/24 – FOAMED BITUMEN STABILISATION WORKS**

**Meeting date:** 11 September 2024  
**Responsible officer:** Manager Infrastructure Engineering  
**Voting requirements:** Simple Majority Required  
**Attachments:** 1. CONFIDENTIAL - Pricing Matrix

#### **SUMMARY**

**The purpose of this report is to consider tender number WFCC118/24 – Foamed Bitumen Stabilisation Works.**

**This report recommends that Council accepts the tender submitted by Downer EDI Works Pty Ltd. In accordance with the tender evaluation undertaken as per selection criteria included in the tender document.**

#### **BACKGROUND**

Each year, the City's Infrastructure Department is responsible for implementing an annual capital Works and Maintenance program which includes the construction, maintenance and renewal of various infrastructure projects. To assist the City in the delivery of these works, the City issued a tender seeking to engage a suitably qualified, experienced, and safety and environmentally conscious Contractor that can provide the City's Foam Bitumen Stabilisation requirements in accordance with the City's Technical Specification and the relevant Code of Practice and Australian Standards.

The City's Strategic Community Plan 2015-25 has identified several key focus areas which have the capability of improving the quality of life for residents and visitors to the City.

This Tender aligns with the City's strategic objectives set out in the focus areas of Environmental Responsibility; Transport and Connectivity; Character, Culture and Heritage; Places for People; Health and Happiness; and Capability by delivering the required infrastructure and community events and festivals.



## **FINANCIAL IMPLICATIONS**

The Metropolitan Regional Road Group (MRRG) manages and administers State allocated funding for Road Projects and Black Spot Programs on the local road network of the Metropolitan Region. Road Project Grants provided on a cost sharing basis of LGs contributing \$1 for every \$2 from the Road Project Grant funds. The city has applied and adopted the budget for Road Rehabilitation program. Foam bitumen stabilisation was the road rehabilitation treatment for this financial year.

<b>Budget Account</b>	<b>Account Description</b>	<b>Amount</b>
300414	MRRG Program - High street	\$591,523
300415	MRRG Program - South St	\$252,523
300416	MRRG Program - Other works	\$489,832
<b>Total per annum</b>		<b>\$1,333,878</b>

## **LEGAL IMPLICATIONS**

Tenders were invited in accordance with section 3.57 of the *Local Government Act 1995* and the tendering procedures and evaluation complied with part 4 of the *Local Government (Functions and General) Regulations 1996*.

## **STRATEGIC IMPLICATIONS**

This item is in keeping with the City of Fremantle's Strategic Community Plan 2024 – 2034:

### **Liveable City - Sustainable growth in city center population**

- Infrastructure, services and facilities meet the needs of a growing residential population, and contribute to making the city center a safe and desirable place to live.

## **CONSULTATION**

The tender was made available to WALGA registered vendors via standard tender processes.



## **OFFICER COMMENT**

### **Detail**

Tender WFCC118/24 for Foam Bitumen Stabilisation Works was advertised on 19/06/2024 and closed on 19/07/2024

Essential details of the contract are outlined below:

Contract type	Schedule of rates
Contract duration	The contract is for a three (3) years period, with two (2) of one (1) year extension option available, exercisable at the sole discretion of the City.
Commencement date	On 13/09/24

### **Tender evaluation**

Tender submissions were received from the following contractors and evaluated by the tender evaluation panel:

- Downer EDI Works Pty Ltd
- Hiway WA Pty Ltd

The tender evaluation panel establishes whether the tender submissions conform to the conditions for tendering and selects a suitably qualified and experienced contractor.

The tender evaluation panel comprised:

- Manager Infrastructure Engineering
- Principal Construction and Maintenance Engineer
- Project Engineer
- Resource Recovery Team Leader
- Procurement Team Leader (non-voting).

Tenderers were required to disclose information that might be relevant to an actual or potential conflict of interest and disclose if they had any relationship with City of Fremantle employees involved in the tender process. Members of the tender evaluation panel are required to disclose any actual or perceived interest with any of the tenderers. No disclosures were made.

To obtain the broadest possible comparison base, each of the tenders was evaluated against the following tender selection criteria and was in turn graded in the tender evaluation matrix.





<b>Item No</b>	<b>Description</b>	<b>Weighting</b>
1	Relevant Experience	20%
2	Key Personnel, Skills and Resources	20%
3	Demonstrated Understanding	20%
4	Sustainability and Local Economic Benefit	10%

The 2 tender submissions received were conforming. The results of the tender evaluation are shown in the table below.

<b>Overall Weighted Score Including Pricing</b>	<b>Relevant Experience of Delivering Similar Services</b>	<b>Key Personnel Skills &amp; Resources</b>	<b>Demonstrated Understanding</b>	<b>Sustainability and Local Economic Benefit</b>	<b>Price</b>	<b>Total Score</b>
<b>Tenderer</b>	20.00	20.00	20.00	0.00	30.00	<b>100</b>
<b>Downer EDI Works Pty Ltd</b>	18.33	16.11	17.22	7.22	<b>30.00</b>	<b>88.89</b>
<b><u>Hiway WA Pty Ltd</u></b>	18.33	18.89	18.89	7.78	<b>23.87</b>	<b>87.76</b>

Downer EDI Works Pty Ltd demonstrated the necessary capability, capacity, and understanding of the Council's requirements in their submissions.

The evaluation process determined that Downer EDI Works Pty Ltd would provide better value for money compared to the submitted prices. Ranking as the top submission based on overall qualitative and price criteria, the panel concurred that Downer EDI Works Pty Ltd is the preferred contractor to fulfill the city's request.

### **Environmental considerations**

In line with the Purchasing Policy, respondents to the tender were required to provide evidence of the use of sustainable business practices and how engaging with the supplier would benefit the local economy.

Downer EDI Works Pty Ltd has an Environmental Management System that details their sustainable and environmental measures including recycle waste and reuse recycled material and track all carbon emissions.

### **Risk consideration**

Work Health and Safety confirmed is no issue from a WHS perspective with Downer EDI Works Pty Ltd. The company is certified to ISO 45001 which provides a higher level of assurance.



Downer EDI Works Pty Ltd is a multinational company with extensive experience, strong financial capacity, and the necessary fleet and equipment to provide the required services. Third-party test reports are required as part of the contract, which minimise the risk of low-quality work.

Reference checks with City of Belmont, City of Canning and City of Kwinana indicate that Downer EDI Works Pty Ltd have provided satisfactory service delivery to their customers on similar projects and will be a suitable supplier to the City of Fremantle.

### **Comment**

Downer EDI Works Pty Ltd has a proven track record with the City, consistently fulfilling contractual obligations and maintaining high standards of work. Their proposal highlights their resources to meet the scope's demands, and their methodology demonstrates a clear ability to execute tasks efficiently.

Downer EDI Works Pty Ltd provided a substantially lower bid, leading to considerable cost savings. The differences in the qualitative assessment do not outweigh the substantial savings, making Downer EDI Works Pty Ltd the better value for money.

Additionally, since Downer EDI is also our asphalt supplier, there are further benefits in terms of reduced management requirements by having a single contractor for related projects.

### **VOTING AND OTHER REQUIREMENTS**

Simple Majority Required



**COUNCIL DECISION ITEM C2409-8**  
**(Officer's recommendation)**

**Moved: Cr Jenny Archibald**

**Seconded: Cr Adin Lang**

**Council accept the tender for WFCC118/24 – Foamed Bitumen Stabilisation Works from Downer EDI Works Pty Ltd for a period of 3 years, with two further one-year extensions available to be exercised at the discretion of the Chief Executive Officer, subject to satisfactory performance.**

**Carried en bloc: 9/0**

**For:**

**Cr Jenny Archibald, Cr Geoff Graham,  
Cr Adin Lang, Cr Andrew Sullivan, Cr Jemima Williamson-Wong,  
Cr Fedele Camarda, Cr Ben Lawver,  
Cr Doug Thompson and Cr Ingrid van Dorssen**

**Against:**

**Nil**



## **C2409-9 COMMUNITY SPORTING RESERVE PLAN 2024-34**

**Meeting date:** 11 September 2024  
**Responsible officer:** Manager Community Development  
**Voting requirements:** Simple Majority Required  
**Attachments:** 1. Community Sporting Reserves Plan 2024

### **SUMMARY**

**The City of Fremantle Community Sporting Reserve Plan (CSRP) aims to identify and prioritise current and future facility needs, ensuring equitable and consistent facility development. It focuses on providing efficient, effective, and flexible facilities that meet community standards and adapt to evolving needs.**

**The report recommends that the Council adopt the Community Sporting Reserve Plan 2024–2034**

### **BACKGROUND**

In November 2020, Council endorsed the draft Community, Sport, and Recreation Facilities Plan (CSRFP) - 2020 -2030 (FPOL2011-6) for advertising, which identified key public open space and set out an equitable and consistent approach for the development and management of sport and recreation facilities over a 10-year period. This draft Plan was not finalised after the consultation period as further review was requested from Council.

As part of this further review, the need to develop a Public Open Space (POS) Strategy to sit above the CSRFP was identified to establish the base for diverse community needs and to achieve the balance for provision of sport, recreation, and nature functions across the POS network.

In February 2024, the City endorsed the Public Open Space Strategy which highlights four key priorities.

1. Acquisition of public open space through partnerships and agreements
2. Sound management practices
3. Flexible functionality
4. Long-term resilience through advanced practice and technologies.



Since the February endorsement, the City has developed the CSRP which aligns Fremantle's sports facilities with the evolving needs of the community. It complements the Public Open Space Strategy, which balances sport, nature, and recreational spaces, by focusing specifically on optimising existing sports facilities within the City's green public open spaces.

## **FINANCIAL IMPLICATIONS**

The preparation and adoption of the draft CSRP align with the City's 2023/2024 operating budget. As a guiding document, the CSRP will outline financial implications, which will be detailed in separate asset renewal, capital, and operational budgets referenced within the plan.

## **LEGAL IMPLICATIONS**

The City operates under several different planning policies to determine how much public space is provided, where it's located and how its designed, namely:

- Development control policy 2.3
- Public Open Space State planning policy 3.6
- Infrastructure Contributions Liveable Neighbourhoods January 2009 State planning policy 7.0
- Design of the Built Environment. State planning policy 7.2
- Precinct Design Precinct Design Guidelines State Planning Policy 2.8
- Bushland policy for the Perth Metropolitan Region. The City also holds several Crown land reserves.

Under section 41 of the Land Administration Act 1997 (LAA) the Minister may set aside Crown land as reserve for a particular purpose in the public interest. Every such reservation has a land description and designated purpose registered on a Crown Land Title (CLT) or a conditional Freehold Title encumbered by a Crown Grant in trust and are graphically depicted on a plan or diagram held by Landgate.

## **STRATEGIC IMPLICATIONS**

This item is in keeping with the City of Fremantle's Strategic Community Plan 2024 – 2034:

### **Liveable City - Functional and inclusive recreational facilities**

- Recreational facilities are contemporary, functional and can be accessed by all members of the community.
- Sporting clubs have access to facilities and greenspace that meet the needs of a broad range of sporting codes and skill levels.



- The community can participate in a diverse and affordable range of sporting and recreational pursuits.
- The matters contained in this report align to the intent of this theme's outcome.

## **CONSULTATION**

The CSRP has been informed by the SCP engagement report and aligns with the Strategic Community Plan, which sets Fremantle's long-term vision as:

- **Liveable:** Vibrant, socially connected, and desirable.
- **Thriving:** Prosperous and innovative economy.
- **Creative:** Inspiring, diverse, and unique.
- **Resilient:** Future-focused and proactive.
- **Inclusive:** Welcoming to all people, cultures, and abilities.

The CSRP priorities and recommendations are based on extensive engagement with sporting clubs and organizations, initially conducted during the development of the interim Community Sport and Recreation Plan and further refined through the City's Sporting Club Engagement Plan.

### **Clubs and organisation highlights from 2020 consultation for the interim Community Sport and Recreation Community Plan:**

- **Diverse Facilities:** Demand for multiuse spaces and leisure options.
- **Upgrades:** Need for facility improvements and a new community center in Beaconsfield.
- **Management:** Improved efficiency and consolidation of sporting codes and leases.
- **Planning:** Better integration of facilities, access, and lighting at Fremantle Park.
- **Accessibility:** Focus on non-competitive sports, female participation, and accessibility audits.
- **Future Planning:** Robust asset renewal plans, shared use agreements with schools, and data-driven decisions.
- **Community Feedback:** Satisfaction among younger and renting residents; concerns from families with older children, Samson residents, and the disabled community.

Additionally, the CSRP was developed through extensive internal consultation to ensure its relevance across the City's delivery systems.



## **OFFICER COMMENT**

The Community Sporting Reserve Plan (CSRP) was developed through a systematic approach, consisting of the following stages:

1. Strategic Document and Context Review
2. Benchmarking
3. Demographic and Community Profile Analysis
4. Partnership Opportunities
5. Community Infrastructure Requirements (Suburb Focus)
6. Prioritisation
7. Recommendations

The CSRP focuses on delivering facilities that meet community needs effectively and flexibly, adhering to standards. The plan is designed to adapt over time to continue to accommodate evolving requirements and ensure that current provisions support formal, structured sporting activities effectively.

It aligns with current strategic directions and emphasises its role in influencing key City departments. Developed with input from various teams;

- Parks and Landscape,
- Places and Projects,
- Asset Renewal,
- Project Delivery,
- Commercial Leasing, and
- Strategic Planning

The CSRP ensures recommendations are relevant and operationally coherent.

The plan incorporates current and projected population profiles to assess community participation in sporting reserves and adapts to different project drivers like grant funding, major events, and external strategies. It aims to improve project viability and outcomes for the community.

Prioritisation of the recommendations has been undertaken for key Sport and Recreation Spaces:

1. Fremantle Park
2. Hilton Reserve
3. Stevens Reserve
4. Bruce Lee Reserve
5. Gilbert Fraser Reserve
6. Frank Gibson Reserve



These priorities are based on the need for facility upgrades and replacements to meet both current and future capacity demands.

The CSRP includes key policy recommendations aimed at improving facility management and processes including transition from traditional leases to licenses or seasonal/casual hire for sporting spaces, improve interactions and processes with sporting groups.

### **VOTING AND OTHER REQUIREMENTS**

Simple Majority Required

### **OFFICER'S RECOMMENDATION**

**Moved: Cr Jenny Archibald**

**Seconded: Cr Adin Lang**

Council adopts the Community Sporting Reserve Plan 2024-2034, as provided in Attachment 1.

### **PROCEDURAL MOTION**

**At 9:13pm the following procedural motion was moved:**

### **COUNCIL DECISION ITEM C2409-9**

**Moved: Cr Ben Lawver**

**Seconded: Cr Adin Lang**

**That the item be deferred to the next appropriate Council meeting, to enable officers to amend the plan, to clarify the city's intention to continue working collaboratively with clubs and leaseholders; and ensure consistent language and intent through the document.**

**Carried: 9/0**

**For:**

**Cr Jenny Archibald, Cr Geoff Graham,  
Cr Adin Lang, Cr Andrew Sullivan, Cr Jemima Williamson-Wong,  
Cr Fedele Camarda, Cr Ben Lawver,  
Cr Doug Thompson and Cr Ingrid van Dorssen**

**Against:**

**Nil**





## **Committee and working group reports**

Nil.

## **Statutory reports**

Nil.

## **Motion of which previous notice has been given**

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

Nil.

## **Urgent business**

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

## **Late items**

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

## **Confidential business**

Nil.

## **Closure**

**The Presiding Member declared the meeting closed at 9:13 pm.**