

City of Fremantle

MINUTES

Planning Services Committee

Wednesday, 4 February 2009
6.00 pm

COMMITTEE MEMBERS

Mayor Peter Tagliaferri

Cr Les Lauder
Cr Jon Strachan
Cr John Dowson
Cr Bill Massie
Cr John Alberti
Cr Robert Fittock

City Ward
South Ward
East Ward
Hilton Ward
Beaconsfield Ward
North Ward

TABLE OF CONTENTS

ITEM NO	SUBJECT	PAGE
	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	1
	NYOONGAR ACKNOWLEDGEMENT STATEMENT	1
	IN ATTENDANCE	1
	APOLOGIES	1
	LEAVE OF ABSENCE	1
	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	1
	PUBLIC QUESTION TIME	2
	DEPUTATIONS / PRESENTATIONS	2
	DISCLOSURES OF INTEREST BY MEMBERS	2
	LATE ITEMS NOTED	2
	CONFIRMATION OF MINUTES	2
	TABLED DOCUMENTS	3
	ITEMS DEFERRED FORM PREVIOUS MEETINGS (Committee Delegation)	4
PSC0901-349	KWONG ALLEY, NO. 20 (LOT 79) NORTH FREMANTLE - EXTENSION TO THE TERM OF APPROVAL TO DA526/06 FOR FOUR STOREY RESIDENTIAL AND COMMERCIAL DEVELOPMENT WITH UNDERCROFT PARKING (AT ET17/08)	4
	REPORTS BY OFFICERS (Committee Delegation)	12
PSC0902-18	DOURO ROAD, NO. 19 (LOT 1) SOUTH FREMANTLE - DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF A COMMERCIAL AND RESIDENTIAL DEVELOPMENT (AT DA504/08)	12

PSC0902-19	SWAN STREET NO.1 (LOT 104), NORTH FREMANTLE - THREE STOREY OFFICE DEVELOPMENT (JL DA507/08)	39
PSC0902-20	HOLDSWORTH STREET, NOS. 18 - 30 (LOTS 1, 2, 3, 4, 6, 13) FREMANTLE - ALTERATIONS TO EXISTING GROUPED DWELLINGS (AT DA672/08)	47
PSC0902-21	SOLOMON STREET, NO. 134 (LOT 9) BEACONSFIELD - TWO LOT SUBDIVISION (AT/MB DA139044)	51
PSC0902-22	BANNISTER STREET, NO. 4 (LOT 123 AND 101) FREMANTLE - VARIATION TO DA249/08 FOR THE DEMOLITION OF AN EXISTING COMMERCIAL BUILDING AND REPLACEMENT WITH A FOUR STOREY MIXED USE DEVELOPMENT (AT VA37/08)	60
PSC0902-23	OLDHAM CRESCENT NO.12/A (LOT 2), HILTON - TWO STOREY DWELLING (JL DA575/08)	67
PSC0902-25	BRUCE LEE RESERVE 26278 (LOT 1973) LEWINGTON STREET, BEACONSFIELD - INSTALLATION OF LIGHTING TOWERS - (BC DA662/08)	73
	REPORTS BY OFFICERS (Council Decision)	82
PSC0902-24	PROPOSED DEDICATION AS PUBLIC ROAD - PART WARDLE, CALDWELL AND WHOLE WARDLE PLACE AND DARROCH RD BEACONSFIELD - (KSW)	82
	CONFIDENTIAL MATTERS	87
	CLOSURE OF MEETING	87
	MINUTES ATTACHMENTS	93
	CLOSURE OF MEETING	

PLANNING SERVICES COMMITTEE

Minutes of the Planning Services Committee
held in the Council Chambers, Fremantle City Council
on 4 February 2009 at 6.00 pm.

DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 6.04 pm.

NYOONGAR ACKNOWLEDGEMENT STATEMENT

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

IN ATTENDANCE

Peter Tagliaferri	Mayor / Presiding Member
Cr Robert Fittock	Deputy Presiding Member / North Ward (<i>Entered 6:14pm</i>)
Cr Les Lauder	City Ward
Cr Jon Strachan	South Ward
Cr John Dowson	East Ward
Cr Bill Massie	Hilton Ward
Cr John Alberti	Beaconsfield Ward
Mr Philip St John	Director Planning and Development Services
Ms Kathy Bonus	Manager Planning Services
Mr Steven Sullivan	Coordinator Statutory Planning
Tina Hume	Minute Secretary

There were approximately 14 members of the public and 1 member/s of the press in attendance.

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

PUBLIC QUESTION TIME

Nil

DEPUTATIONS / PRESENTATIONS

**The following member/s of the public spoke in favour of item PSC0901-349:
John Geyer**

**The following member/s of the public spoke in favour of item PSC0902-18:
Ian Scott**

**The following member/s of the public spoke against item PSC0901-18:
Antonito Calaesina**

**The following member/s of the public spoke against item PSC0901-18:
Tanya Ferrier**

**The following member/s of the public spoke against item PSC0901-18:
Tim Darby**

**The following member/s of the public spoke in favour of item PSC0902-21:
Ken Dobinson**

**The following member/s of the public spoke in favour of item PSC0902-23:
Louise Bass**

DISCLOSURES OF INTEREST BY MEMBERS

Cr J Alberti declared a proximity interest in item number **PSC0902-24**.

LATE ITEMS NOTED

PSC0902-25 Bruce Lee Reserve 26278 (Lot 1973) Lewington Street, Beaconsfield -
Installation of Lighting Towers - (BC DA662/08)

CONFIRMATION OF MINUTES

MOVED: Mayor, Peter Tagliaferri

That the Minutes of the Planning Services Committee dated 21 January 2009 as listed in the Council Agenda dated 28 January 2009 be confirmed.

CARRIED: 6/0

For	Against
Mayor, Peter Tagliaferri Cr John Dowson Cr Bill Massie Cr Jon Strachan Cr John Alberti Cr Les Lauder	

TABLED DOCUMENTS

The following documents were tabled at the meeting and are attached to the Minutes:

1. **PSC0902-23** Support for Planning Application - 12/A Oldham Cres - DA575/08 – Ms Louise Bass and Mr Simon Pollitt.
2. **PSC0902-21** Conservation Works – Heritage Agreement Report (Ken Dobinson).

ITEMS DEFERRED FROM PREVIOUS MEETINGS (COMMITTEE DELEGATION)

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

PSC0901-349 KWONG ALLEY, NO. 20 (LOT 79) NORTH FREMANTLE - EXTENSION TO THE TERM OF APPROVAL TO DA526/06 FOR FOUR STOREY RESIDENTIAL AND COMMERCIAL DEVELOPMENT WITH UNDERCROFT PARKING (AT ET17/08)

DataWorks Reference: 059/002
Disclosure of Interest: Nil
Responsible Officer: Manager Development Services
Actioning Officer: Senior Planning Officer
Decision Making Level: Planning Services Committee
Previous Item Number/s: DA626/03 DA526/06
Attachments: Development plans
Date Received: 3 November 2008
Owner Name: D Geyer
Submitted by: SIA Architects Pty Ltd
Scheme: Commercial – R60
Heritage Listing: Not listed
Existing Land use: Vacant



EXECUTIVE SUMMARY

The application is referred to the Planning Services Committee for determination as the previous applications for Planning Approval on the subject site were determined by the Committee.

On 16 March 2004 the City granted approval under the provisions of Town Planning Scheme No. 3 (TPS3) for the construction of a Four Storey Residential and Commercial (Retail – Other) Development with Undercroft Parking at No. 20 Kwong Alley, North Fremantle (refer DA626/03). A 12 month extension of time to DA626/03 was approved by the City on 6 June 2006.

On 17 January 2007 the City approved an amendment to DA626/03 (refer DA526/06) under TPS3. This approval required the development be substantially commenced within two years from the date of the decision letter.

The applicant requests a one year extension to the term of Planning Approval issued by the City based upon the delays in arranging finance.

City of Fremantle policy *L.P.P1.1: Amendment to and Extension to the Term of Planning Approvals* requires an assessment of the subject application for the extension of time as to whether there have been any material changes to the scheme or relevant planning policy, whether a discretion was exercised in granting the approval and whether a material change to the site or surrounding locality has occurred.

The primary point of consideration for the assessment of the application is considered to be with regard to the changes to the applicable Scheme provisions since the time of approval. Upon the change from TPS3 to Local Planning Scheme No.4 in March 2007, the Multiple Dwelling land use became an 'X' use and the applicable height provisions for the site reduced. These are considered to be material changes to the Scheme provisions.

As a result, the application is recommended for refusal.

BACKGROUND

On 16 March 2004 the City granted approval under the provisions of Town Planning Scheme No. 3 (TPS3) for the construction of a Four Storey Residential and Commercial (Retail – Other) Development with Undercroft Parking at No. 20 Kwong Alley, North Fremantle (refer DA626/03). The commercial component was intended to be a windsurfing equipment showroom. This approval allowed the development to commence the use and/or construction within two years and to be completed within three years.

A 12 month extension of time to DA626/03 was approved by the City on 6 June 2006.

On 17 January 2007 the City approved an amendment to DA626/03 (refer DA526/06) under TPS3 which involved the following amendments to that previously approved:

- A reduction in retail ground floor space with the remaining area being converted into a single bedroom dwelling;

- The conversion of the first floor into a two bedroom apartment; and
- Reconfiguration of the on-site car bays.

This approval (DA526/06) required the development be substantially commenced within two years from the date of the decision letter. Consequently, works are required to commence on this approved development prior to 17 January 2009 unless an extension to the term of approval is approved by the City.

The City has received an application for building license for the previously approved development.

DETAILS

A request for the extension to the term of Planning Approval for the four storey mixed use commercial and residential development plus basement car parking area approved for No. 20 Kwong Alley, North Fremantle under DA526/06 has been received.

The applicant requests a one year extension to the term of Planning Approval issued by the City (DA526/06) based upon the delays in arranging finance. The applicant states that building licence drawings have been prepared and tenders called to date.

STATUTORY AND POLICY ASSESSMENT

Clause 10.5.2 of the LPS4 states that Council may approve an extension of the term of planning approval.

As the application for the extension of time was received prior to 17 January 2009, the City has the ability to grant approval under Clause 10.5.2 of LPS4 and the City's Local Planning Policy *L.P.P1.1: Amendment to and Extension to the Term of Planning Approvals* (LPP 1.1).

L.P.P1.1 outlines the manner in which the City will deal with requests for the extension to the term of planning approvals.

Clause 3.1 of the policy states that where an extension is granted, a period of up to a further two years can be granted.

Clause 3.2 outlines that for such a request, Council may have regard to the following:

- (a) *whether the scheme or a relevant planning policy has changed in a material way since the planning approval was granted;*
- (b) *whether in granting the planning approval, a discretion was exercised in relation to the Scheme or policy requirements; and*
- (c) *whether a material change has occurred to either the site to which the planning approval relates or the surrounding locality since the planning approval was granted.*

CONSULTATION

The application for the extension of time is not required to be advertised under the provisions of LPS4 or City of Fremantle policy *L.P.P1.3: Public Notification of Planning Proposals*.

PLANNING COMMENT

The request for an extension of time for a Planning Approval is required to be assessed against the criteria set out in Clause 3.2 of L.P.P1.1, as shown above. The assessment of the request against the criteria contained in Clause 3.2 of LPP1.1 is discussed below:

- (a) *whether the scheme or a relevant planning policy has changed in a material way since the planning approval was granted;*

Changes have occurred to the relevant Scheme, Residential Design Codes and Policy provisions since the date of Planning Approval. These will be addressed individually below.

Changes to the Scheme

Planning approval: DA523/06 was granted under the provisions of TPS3. On 8 March 2007, the City adopted Local Planning Scheme No. 4 (LPS4) which superseded TPS3.

The subject site was not zoned under TPS3. However as the site was located just outside the area bound by Development Plan 8 – Queen Victoria Street, Tydeman Road, Stirling Highway and the Swan River, the development application was assessed against the provisions of Development Plan 8. This approach had previously been adopted for the assessment of similar applications in the area.

The proposed development involved the construction of three multiple dwellings and a commercial tenancy (approved under Retail – Other). Retail – Other under TPS3 was defined as:

All retailing and related services other than the foregoing, including the sale of petrol and the sale and hire of motor vehicles, boats and equipment, building materials and equipment, household fittings and the like and capital goods for businesses.

Under TPS3, the multiple dwellings were approved under the land use: Residence – Private which was defined as:

The occupancy of a dwelling house or unit, or of a group or multiple dwelling designed primarily for one separate family although it may be occupied by others.

Both of these uses were 'AA' uses under the Development Area 8 zoning of TPS3 which meant that the use was not permitted unless consent approved by Council.

With respect to development control, the proposed development was assessed against the provisions of Development Area 8 and due to the removal of the proposed ground floor single bedroom dwelling via Condition 1 of the approval; no variations to the TPS3 provisions were required.

Upon the adoption of LPS4 on 8 March 2007, the subject site was zoned Commercial – R60.

The applicable land uses and their definitions changed between TPS3 and LPS4. Under LPS4, the proposed windsurfing showroom falls within the Showroom definition which states:

Means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature.

The Showroom land use within the Commercial zone under LPS4 is a 'D' use, meaning the use is not permitted unless the City has exercised its discretion by granting planning approval. This is comparable to the 'AA' use under TPS3.

Under TPS3, the multiple dwellings were assessed as Residence – Private. Under LPS4, Multiple Dwellings are a separate land use and within the Commercial zone are an 'X' use. This means that the Multiple Dwelling land use is not permitted under LPS4.

It is acknowledged that multiple dwellings as part of mixed use developments have been approved for a number of sites to the north of the subject site (6-10 Kwong Alley, No. 12 Kwong Alley and No. 16 & 18 Kwong Alley) which are all also now zoned Commercial under LPS4. In addition, the sites to the east of the subject site are all zoned Mixed Use under LPS4 however the majority of the developments that have been constructed are Single Houses or Grouped Dwellings.

As Multiple Dwellings are now an 'X' use under LPS4, it is considered that there has been a material change to the relevant Scheme provisions. Were the subject application to require re-assessment under LPS4, the approved multiple dwellings would not be able to be approved.

With respect to height, TPS3 stated the following:

The overall form of development should be consistent with the present form and scale of North Fremantle's built environment. In respect of residential use in particular, this implies low and medium rise, up to a maximum of five storeys, developments offering a range of dwelling types;

The proposed development is four storeys and therefore complied with this TPS3 provision.

Upon the gazettal of LPS4, the maximum external wall height restriction for the site is 7.5m. The wall height approved for the proposed development under TPS3 was 12.3m. Consequently, were the development application submitted for assessment under LPS4, it would need to satisfy Clause 5.8.1 of LPS4: *Variation to height requirements:*

Where sites contain or are adjacent to buildings that depict a height greater than that specified in the general or specific requirements in schedule 12, 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 first part of Clause 5.8.1 requires an assessment about whether the site contains or is adjacent to buildings that depict a height greater than that specified in Schedule 12. If this is not the case, this clause to vary the height provisions within Schedule 12 cannot apply.

The subject site is presently vacant. For the purpose of this report, the term 'adjacent' is considered to apply to those sites close to the subject site which include the properties across Kwong Alley to the east, the properties to the north of the site on Kwong Alley and No. 2 Doepel Street to the south.

No. 2 Doepel Street and Nos. 16 & 18 Kwong Alley share a property boundary with the site and are presently vacant of structures with the exception of a temporary viewing tower on No. 2 Doepel Street. Notwithstanding this, Planning Approval has been issued for both of these adjoining properties, including a five storey building at No.2 Doepel Street and a mixed use building with a 13.8m external wall height for Nos. 16 & 18 Kwong Alley. However as construction has not commenced to date for these approved developments they cannot be taken into consideration as the existing height of adjacent sites, only that approved for the adjacent sites.

Of the existing developments and developments under construction on the surrounding properties, it is noted that Nos. 12, 14 and 15 Kwong Alley all contain buildings which are of greater external wall height than that specified by LPS4. Consequently, the existing developments within sites on adjacent properties depict a height greater than that specified in Schedule 12. As a result, the first part of Clause 5.8.1 is likely to be considered satisfied and it is also considered likely that a variation to the height provisions of LPS4 could be supported based upon compliance with sub-clauses (a) – (d) of Clause 5.8.1.

Notwithstanding the above, the change in the height provisions from TPS3 to LPS4 is considered a material change to the Scheme. The maximum height restriction applicable for the site has significantly decreased from five storeys under TPS3 to approximately three storeys under LPS4 (7.5m external wall height generally allows up to three storey development).

Residential Design Codes

The approved development was assessed against the Mixed Use provisions of the Residential Design Codes 2002. A variation under these R-Codes was required for the proposed development as no outdoor living area for the ground floor single bedroom dwelling was proposed. However this variation was not supported and Condition 1 of the approval required the removal of the single bedroom dwelling.

An amendment to the Residential Design Codes was adopted in April 2008. None of the amendments were to the Mixed Use provisions contained within Part 7 of the Residential Design Codes.

Council Policies

The relevant local planning policies for the subject site are *D.G.N7: Northbank Development Guidelines* and *D.G.N6: North Fremantle Foreshore Plan*. These policies have not altered since the date of planning approval and still apply to the assessment of developments on the subject site. No other Council policies that are of relevance to the assessment of the approved development have been adopted since the time of approval.

(b) *whether in granting the planning approval, a discretion was exercised in relation to the Scheme or policy requirements; and*

In the granting of the Planning Approval, two primary variations were sought. One variation was for a reduction in the required number of commercial car bays from four to three which was supported.

The other proposed variation was to waive the requirement to provide an outdoor living area for the ground floor single bedroom dwelling. This variation was not supported and Condition 1 of the approval required the removal of the single bedroom dwelling.

Notwithstanding the above, in its current form the proposed development under LPS4 would require the discretion of Council to approve the height if the application was received today for Planning Approval. Additionally, as multiple dwellings within the Commercial zone are an 'X' activity, it is unlikely that Council would have a ability to approve these under LPS4.

(c) *whether a material change has occurred to either the site to which the planning approval relates or the surrounding locality since the planning approval was granted.*

No material change has occurred to the subject site since the granting of Planning Approval. In terms of development within the surrounding area, the land to the west is still in residential use and the land to the south is still vacant (although approval has been granted for this site No. 2 Doepel Street). Development has occurred to the north of the subject site however this is of similar scale and use to that approved for the subject site. Consequently, no significant material change has occurred to the subject site or surrounding locality since the time planning approval was granted.

CONCLUSION

City of Fremantle policy *L.P.P1.1: Amendment to and Extension to the Term of Planning Approvals* requires an assessment of the subject application for the extension of time as to whether there have been any material changes to the scheme or relevant planning policy, whether a discretion was exercised in granting the approval and whether a material change to the site or surrounding locality has occurred.

The primary point of consideration for the assessment of the application is considered to be with regard to the changes to the applicable Scheme provisions since the time of approval. Upon the change from TPS3 to LPS4 in March 2007, the Multiple Dwelling land use became an 'X' use and the applicable height provisions for the site reduced.

These are considered to be material changes to the Scheme provisions. As a result, the application is recommended for refusal.

OFFICER'S RECOMMENDATION

That the application be REFUSED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Extension to the Term of Planning Approval (DA526/06) for the Four Storey Residential / Commercial Development with Undercroft Parking at No 20 (Lot 79) Kwong Alley, North Fremantle, for the following reasons:

- 1 There has been a material change to the Scheme provisions relating to land use and height since the date the development was approved.

COMMITTEE DECISION

MOVED: Mayor, Peter Tagliaferri

That the application be GRANTED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for an extension to the term of approval for a period not exceeding two years, from the date of 17 January 2009, for the Four Storey Residential / Commercial Development with Undercroft Parking at No 20 (Lot 79) Kwong Alley, North Fremantle subject to the same terms and conditions as stated on the Approval to Commence Development notice, reference DA526/06, dated 17 January 2007.

CARRIED: 6/0

For	Against
Mayor, Peter Tagliaferri Cr John Dowson Cr Bill Massie Cr Jon Strachan Cr John Alberti Cr Les Lauder	

REASON/S FOR CHANGE TO OFFICER'S RECOMMENDATION

The Committee considers that, notwithstanding Council policy, the merits of this situation warrant the extension of the term of the approval to enable development to occur in a similar manner to that which has previously been approved in this locality.

REPORTS BY OFFICERS (COMMITTEE DELEGATION)

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

Cr R Fittock arrived at 6:14 pm prior to consideration of the following item.

PSC0902-18 DOURO ROAD, NO. 19 (LOT 1) SOUTH FREMANTLE - DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF A COMMERCIAL AND RESIDENTIAL DEVELOPMENT (AT DA504/08)

DataWorks Reference: 059/002
Disclosure of Interest: Nil
Responsible Officer: Manager Development Services
Actioning Officer: Senior Planning Officer
Decision Making Level: Planning Services Committee
Previous Item Number/s: Nil
Attachments: Development plans
 Applicant's justification of variations
 Parking report

Date Received: Revised plans received 1 December 2008
Owner Name: Squirrel Super Fund and Little Dragons Trust
Submitted by: Scott Penn Hall Architects
Scheme: Neighbourhood Centre – R25
Heritage Listing: Nil
Existing Landuse: Liquor Store (vacant)
Use Class: Shop and Multiple Dwellings
Use Permissibility: Shop – D, Multiple Dwellings - A



EXECUTIVE SUMMARY

The application is referred to the Planning Services Committee for determination as a number of submissions have been received that outline concerns that cannot be addressed via conditions of approval.

Planning Approval is sought to demolish the existing liquor store building and to construct a mixed use development comprising six commercial tenancies on the ground floor and seven multiple dwellings above.

The primary points of consideration for the assessment of the proposed development relate to height and carparking.

The proposed external wall height requires a variation under Clause 5.8.1 of Local Planning Scheme No.4. This proposed variation is not supported as it will be detrimental to the amenity of the locality and will not effectively graduate the scale between buildings of varying heights within the locality.

The proposed development involves a shortfall of 20 on-site parking bays (34 required). Some reduction in the number of on-site parking bays could be supported based upon the site's proximity to on-street parking, public transport and cycle links, in addition to the Neighbourhood Centre zone being intended to service the surrounding community who may walk or cycle to the site. However these justifications are not considered to account for the entire 20 bay shortfall.

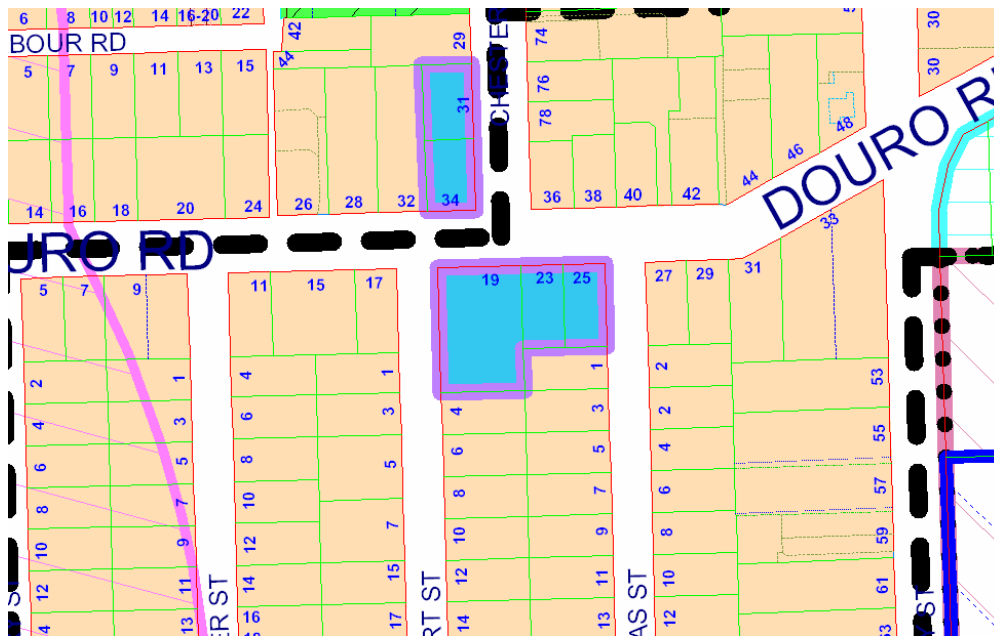
The proposed development is recommended for refusal based upon the on-site car parking shortfall not satisfying the variation criteria set out within Clause 5.7.3 and the height variation not satisfying Clause 5.8.1 of Local Planning Scheme No. 4.

BACKGROUND

The subject site is located at No. 19 Douro Road, South Fremantle, and contains a single storey commercial building in the north-western corner with hardstand parking covering the remainder of the site. The site area of the lot is 1364m².

Under the provisions of Local Planning Scheme No. 4 (LPS4), the subject site is zoned Neighbourhood Centre – R25 and is within the South Fremantle Local Planning Area. The site is not listed on the City's Heritage List or Municipal Heritage Inventory, however South Fremantle is a Heritage Area.

The Neighbourhood Centre zoning of the subject site also covers four other properties in the locality as shown in the zoning map below (in darker shading):



The site has frontage to both Douro Road and Hulbert Street. Hulbert Street is a cul-de-sac road which is accessed only via Douro Road.

A number of properties in the surrounding locality are currently operating as commercial properties including two restaurants (Nos. 25 and 34 Douro Road), a bed and breakfast (No. 15 Douro Road) and an electrical business (No. 17 Douro Road). In addition to this, the subject site is located approximately 150m from the established South Fremantle shopping centre (indicated to the right of the map above).

The properties with common boundaries to the subject site, being No. 23 Douro Road, No. 1 Thomas Street and No. 4 Hulbert Street, are all presently utilised for residential purposes.

On 3 May 2005, the City granted approval for the demolition of the existing building on the site (DA161/05). This approval allowed demolition to commence within three years of 3 May 2005. The demolition of this building has not occurred on site, therefore this approval is considered to have lapsed.

The Western Australian Planning Commission (WAPC) conditionally approved a four lot subdivision of the site on 22 July 2005 (DA128456). This subdivision plan has not been endorsed by the WAPC to date.

In response to concerns outlined by Council officers and within the submissions received, the applicant provided amended development plans on 1 December 2008.

DETAILS

Planning Approval is sought to demolish the existing liquor store building and to construct a mixed use development comprising six commercial tenancies on the ground floor and seven multiple dwellings on the first floor.

The mixed use development is to be contained within two separate buildings, one facing Douro Road and the other facing Hulbert Street. The development plans state that the development is to be undertaken in two stages.

The applicant has stated that the future use of the six commercial tenancies is presently unknown and requests that the specific use be required to be submitted to Council for consideration prior to the commencement of the use on the site. The gross floor area of the six commercial tenancies is as follows:

Tenancy 1	71.8m ²
Tenancy 2	136.2m ²
Tenancy 3	67.3m ²
Tenancy 4	84m ²
Tenancy 5	82.4m ²
Tenancy 6	83.8m ²

The proposed multiple dwellings all contain two bedrooms with the exception of Unit 2, which is to contain three bedrooms. All of the multiple dwellings are to be located on the first floor level of the two buildings however proposed Unit 3 also has a second floor level.

Six uncovered car bays are proposed along with eight covered car bays. Six storage units are proposed along the eastern boundary.

STATUTORY AND POLICY ASSESSMENT

Local Planning Scheme No. 4

Objectives

The objectives of the Neighbourhood Centre zone are set out within Clause 4.2.1(d) of LPS4 which state:

Development within the neighbourhood centre zone shall –

- (i) provide for the daily and convenience retailing, shops, café, office, administration and residential uses (at upper levels) which serve the local community and are located within and compatible with residential areas,*
- (ii) ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality, and*
- (iii) conserve places of heritage significance the subject of or affected by the development.*

Use

Planning Approval is sought for a mixed use development encompassing commercial and residential uses. The applicant has requested that the final use of the commercial tenancies be required to be submitted as part of a separate development application prior to the commencement of the use.

As LPS4 does not include a 'Commercial' use class, this request makes the assessment of the proposed development difficult, particularly with respect to car parking requirements. Consequently as the 'Shop' use class has the greatest car parking requirement set out within LPS4 of any of the likely land uses to be operated from the proposed commercial tenancies, these tenancies are to be assessed as such.

Under the provisions of LPS4, 'Shop' is defined as follows:

A premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet.

Shops are a 'D' use within the Neighbourhood Centre zone which means that the use is not permitted unless the Council has exercised its discretion by granting planning approval.

The proposed residential units are included within the definition of 'Multiple Dwelling' contained within the Residential Design Codes which states:

A dwelling in a group of more than one dwelling on a lot where any part of a dwelling is vertically above part of a dwelling is vertically above part of any other but:

- *Does not include a grouped dwelling; and*
- *Includes any dwellings above the ground floor in a mixed use development.*

Within the Neighbourhood Centre zone, Multiple Dwellings are an 'A' use meaning that the use is not permitted unless the Council has exercised its discretion and has granted planning approval after giving special notice (advertising) in accordance with Clause 9.4. The application has been advertised.

Density

Clause 5.2.5 of LPS4 states the following:

Residential density in the Local Centre, Neighbourhood Centre and Mixed Use zones may be increased up to R60, contingent on the ground floor development being restricted to non-residential uses and the residential uses being restricted to the first floor and above.

Pursuant to this clause, the density of the proposed development may be increased to R60 as commercial land uses are proposed for the ground floor level and residential above.

Height

Schedule 12 of LPS4 prescribes a 7m maximum external wall height for development within the Neighbourhood Centre zone. The maximum external wall height of the proposed development is 8.9m.

Clause 4.2 of Schedule 12 sets out the matters to be considered in applying general and specific height requirements:

In granting consent to the maximum heights 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 the area,*
- (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 one or all of the above requirements.

The building heights prescribed within Schedule 12 can be varied contingent upon compliance with Clause 5.8.1: Variation to height requirements of LPS4. This clause states:

Where sites contain or are adjacent to buildings that depict a height greater than that specified in the general or specific requirements in schedule 12, 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.*

Car Parking

Within Table 3 of LPS4, the 'Shop' land use is broken down further into 'shop local' and 'shop with dwelling'. These both have the same car parking requirements being one car bay per 20m² nett floor area with a minimum requirement of two bays. Additionally one bike rack per 200m² nett floor area is required. As a result, the car parking requirement for the six Shop tenancies is 27 car parking bays and three bike racks.

The car parking requirements for the proposed Multiple Dwellings are prescribed for mixed use developments within Design Element 7.2 of the Residential Design Codes. The Acceptable Development criteria for mixed use developments specifies that the on-site parking requirements for Multiple Dwellings '*may be reduced to one per dwelling where on-site parking required for other users is available outside normal business hours*'. As a result, seven on-site parking bays are required to be allocated for the individual use of the Multiple Dwellings. The additional seven bays required for the Multiple Dwellings can be provided by the seven car parks allocated for the Shop tenancies outside of business hours.

Accordingly, under the applicable LPS4 and Residential Design Code provisions, 34 on-site car parking bays are required by the Multiple Dwellings and Shop land uses.

Fourteen on-site parking bays and five bike racks are provided. Consequently, the provided on-site parking complies with the requirements of the Residential Design Codes for Multiple Dwellings, but not for the Shop use under the provisions of LPS4.

Council has the ability to vary or waive parking requirements under Clause 5.7.3 of LPS4 which states:

Council may –

- (a) *Subject to the requirements of Schedule 12, waive or reduce the standard parking requirement specified in Table 3 subject to the applicant satisfactorily justifying a reduction due to one or more of the following –*
- (i) *the availability of car parking in the locality including street parking,*
 - (ii) *the availability of public transport in the locality,*
 - (iii) *any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces,*
 - (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 5.7.4 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 car parking demand deemed to have been provided in association with a use that existed before the change of parking requirement,*
 - (vii) *the proposal involves the restoration of a heritage building or retention of a tree or trees worthy of preservation,*
 - (viii) *any other relevant considerations.*
- (b) *Council may require an applicant to submit a report completed by a suitably qualified person or persons justifying any of the points cited above.*

Pursuant to Clause 5.7.3(b) the applicant was asked to submit a report on the proposed shortfall in on-site car parking. This report is referenced in the Consultation section of this report and is attached as Attachment 3.

Clause 5.7.4 of LPS4 allows the Council to require a cash payment in lieu of the provisions of paved car parking spaces. However as the subject site is outside of the area specified within City of Fremantle *D.B.M7: Cash in Lieu of Carparking* policy, this is not considered to be applicable.

Residential Design Codes

The proposed development has been assessed against the relevant Acceptable Development criteria set out within Design Element 7.2: Mixed Use development requirements of the Residential Design Codes. The Acceptable Development criteria relating to the LPS4 provisions, side boundary setbacks, boundary wall length and height are not considered to be met by the proposed development. Accordingly, the proposed development requires a performance based assessment against Design Element 7.2.

Design Element 7 of the Residential Design Codes sets out the assessment criteria for Mixed Use developments, however this element does not provide adequate criteria for the assessment of visual privacy, design for climate and incidental development. Accordingly, the development application has also been assessed against Part 6 of the Residential Design Codes for Design Elements 6.8 – Visual Privacy, 6.9 – Design for Climate and 6.10 – Incidental Development. The proposed development does not satisfy the Acceptable Development criteria with respect to these three elements and therefore requires a performance based assessment against these criteria.

Encroachment into airspace over roads

Section 400 of the *Local Government (Miscellaneous Provisions) Act 1960 (LGA 1960)* empowers local governments to approve encroachments over streets, ways or other public spaces. With respect to cantilever balconies, a minimum clearance of 2.75m above street level is required and a depth of up to 750mm may be approved without the need to obtain Ministerial approval.

Landgate (previously DOLA and DLI) has advised local governments through a Government Land Bulletin issued in July 2001 that approvals should not be given pursuant to the *LGA 1960* or the *Local Government Act 1995* to encroachments over Crown land without the developer being required to also seek consent from the Minister for Lands and appropriate tenure under the *Land Administration Act 1997*. When giving approval for building encroachments, local governments are required to advise applicants of the need to obtain Landgate's consent.

CONSULTATION

Community

The application was required to be advertised in accordance with Clause 9.4 of the LPS4 and City of Fremantle *L.P.P1.3: Public Notification of Planning Proposals* policy.

At the conclusion of the advertising period, being 10 November 2008, the City had received 21 submissions. Of these submissions, one was in the form of a petition, which included the signatures of ten residents from the general vicinity of the site all in opposition to the proposed development.

A petition addressed to the Planning Minister, Mr John Day, was also received by the City on 1 December 2008 (outside of the submission period) which requests the subject site be rezoned for residential use only and that the 146 undersigned residents of South Fremantle reject the proposed plans.

The majority of the submissions received outlined concerns with regards to insufficient parking being provided on the site, however all of the concerns outlined within the submissions are summarised below.

Amenity and Streetscape

- The proposed development would not be in keeping with the visual amenity, "village character" and neighbourhood context.
- Not in keeping with the existing streetscape design and the integrity of the immediate neighbourhood should be maintained.

Parking

- The development has insufficient parking.
- The area is already congested. Parking on Douro Road is not an option leaving the surrounding residential streets to accommodate parking. When the six commercial tenancies are operational there will be at least 6 staff occupying the premises. Customers will also require parking and will therefore have to use the surrounding street parking.

Traffic

- Increased traffic volumes.
- Impacts on ingress and egress from nearby properties and streets that are already difficult to access.
- Douro Road cannot cope with a multi-business/multi resident development on this corner.
- Concern about the location of the proposed crossover directly next door to a residential property.

Use

- No clear identification of the initial and ongoing uses of the commercial properties.
- Questions whether the commercial centre is required as the vacancy rate at the nearby South Fremantle Shopping Centre is high and they have ample parking.
- The residential character of the area needs to be preserved and enhanced.
- One submitter also questions the use of the stores.

Zoning

- The fact that the lot and several adjacent blocks are zoned 'commercial' is either a historical relic or planning error and this zoning should be removed.
- South Fremantle is already well serviced with commercial lots and shopping areas.

Overshadowing

- The overshadowing of the southern block by 31% is inconsiderate.
- No calculation of overshadowing to the eastern property.
- The development will create shading issues for neighbouring properties.

Visual Privacy

- Three of the dwellings facing the eastern boundary have balconies which will allow overlooking of neighbouring properties.

Design

- One submitter would prefer limestone as a building material as the building looks 'a little cheap and nasty'.
- The proposal is based upon the economic considerations of cramming as much as possible on to one site with no sensitivity to the adjacent residential property owners.
- A number of submitters would like the second levels to be accessed via internal stairs rather than the external stairs as proposed.
- Opposed to the 'scale, density and overall appearance of the proposed development'.

Height

- The development appears to be three storeys in the western corner. No dwelling on Hulbert Street is over 2-storeys.
- The scale is too big and will be out of proportion with the surrounding properties.
- The wall heights on the eastern and southern boundaries are detrimental to the adjoining properties and do nothing to enhance either the streetscape or neighbourhood.

Boundary Setbacks

- A number of the submitters express concern about the reduced boundary setbacks proposed.

Boundary wall

- The proposed boundary wall will run for almost the entire length of the submitter's property which will block light and enclose their courtyard and will therefore impact the amenity of the submitter's property. The submitter requests that should approval be granted for this wall that it be extended for the entire length for aesthetic and security reasons and the developer be required to liaise with the submitter in the selection of building materials.

Concurrent application

- An application for a restaurant at No. 25 Douro Road is presently being considered by Council. This application is based upon renting 10 bays on the subject site.

Staging of the development

- The submitter fears that the development will not be completed should it be undertaken in stages.

Reserve

- One submitter seeks that the site is developed as a reserve.

It should be noted that the submissions received are based upon the development plans dated 23 September 2008. As a result of the submissions received and Council officer's concerns, amended development plans were provided on 1 December 2008. These amended plans were not required to be re-advertised under the provisions of *L.P.P1.3: Public Notification of Planning Proposals* as the modifications were not considered to significantly impact upon the issues raised in the submissions or relate to matters which would otherwise be the subject of the giving of notice.

Traffic

As a substantial car parking variation is sought, the applicant was requested to submit a report from a suitably qualified and experienced professional. This report is attached as Attachment 3 to this report. The summary of this report states:

This report assesses the parking requirements associated with the proposed development of a new mixed use facility incorporating commercial business and residential units at 19 Douro Road, South Fremantle, Western Australia. This report was commissioned by the architects, Scott Penn Hall, and was prepared by Shawmac Pty Ltd.

The proposed development includes a two storey development consisting of six (6) commercial tenancies located on the ground level and seven (7) residential units located on the first floor. A total of fourteen (14) parking bays and five (5) bike racks will be provided onsite for use by staff, residents and visitors. The number of parking bays provided onsite is expected to adequately meet the needs of staff, residents and visitors to the site given the availability of additional off-site parking, public transport facilities, suitable pedestrian and cycle networks and reciprocal use arrangements.

PLANNING COMMENT

Only the elements of the application which require variations to the provisions contained within LPS4 or performance based assessments under the Residential Design Codes will be assessed within this section.

Demolition

The proposed demolition of the existing building on-site is supported as the building does not provide a significant contribution to the existing streetscape or surrounding area.

Use

The proposed development involves the construction of a mixed use development for commercial and residential purposes.

The residential units proposed are considered to be encompassed within the definition of 'Multiple Dwelling' contained within the Residential Design Codes. Multiple Dwellings are an 'A' use within the Neighbourhood Centre zone requiring the discretion of Council to approve after advertising.

The proposed Multiple Dwellings located on the first floor level are considered to be consistent with the objectives of the Neighbourhood Centre zone, which specify that residential uses at upper levels are intended. In addition, the proposed Multiple Dwellings are not anticipated to be detrimental to the amenity of the locality and no impact upon places of cultural heritage significance is anticipated. Overall the proposed Multiple Dwellings use is considered consistent with the objectives of the Neighbourhood Centre zone.

As outlined above, the applicant has not submitted a LPS4 land use class for each of the proposed commercial tenancies and instead requests that the future occupiers of these tenancies be required to submit a development application for the consideration of the Council prior to establishment. This approach is considered to be problematic given that LPS4 does not include a 'Commercial' use class, making the assessment of the proposed development difficult, particularly with respect to car parking requirements. As a result, the proposed six commercial tenancies are for the purpose of this report to be assessed under the 'Shop' use class within LPS4 as it has the greatest car parking requirement of the likely land uses to be located within the proposed commercial tenancies.

Shops are expressly identified within the list of encouraged uses within the objectives for the Neighbourhood Centre zone and are generally considered to be for the daily convenience of the local community.

The assessment of any Shop use upon the amenity of adjoining owners or residential properties is contingent upon factors such as pedestrian and traffic movement and proximity to residential properties, which are assessed below. The proposed shop fronts are to be orientated towards the street boundaries of the site with any openings located well away from the adjoining residential properties. In addition the activities are to be confined to inside the tenancies therefore limiting the potential noise impact. In general, a Shop use is considered to be consistent with the Neighbourhood Centre zoning of the site which is to provide goods and services for the surrounding residents and is not anticipated to result in any significant impact upon the amenity of the adjoining properties or surrounding area.

The proposed Shop use is not anticipated to have any impact upon the cultural heritage values of the subject site or surrounding area.

Overall, the proposed Shop use is considered to be consistent with the objectives set out for the Neighbourhood Centre zone.

Height

As outlined above, Schedule 12 of LPS4 specifies a 7m external wall height restriction for the Neighbourhood Centre zone. The application of this maximum external wall height however is reliant upon the satisfaction of the criteria contained within Clause 4.2 of Schedule 12.

In assessing this clause, it is considered necessary to specify the area surrounding the site which is to be assessed as part of the 'locality'. 'Locality' is not defined within LPS4, the Residential Design Codes or the relevant City of Fremantle policies therefore for the purpose of the assessment of the current application, the locality is considered to include those sites which can be viewed within the same streetscape view as the subject site by a person standing at ground level at any point on the adjoining streets. Consequently, these properties are considered to be situated along the southern side of Douro Road, a small number of the properties located on the northern side of Douro Road in the vicinity of the intersection with Chester Street, as well as properties close to the intersection of Douro Road and Hulbert Street.

With regard to the assessment of Clause 4.2(a) of Schedule 12, it is noted that the buildings located on all of the adjoining properties (those which share a common boundary) are all single storey. The majority of the existing buildings in the surrounding locality are also of single storey design however it is noted that there are two storey buildings situated at Nos. 76 and 78 Chester Street. Taking the above assessment into account, it is considered that the predominant height patterns exhibited within the adjoining properties and locality is that of single storey design.

Clause 4.2(b) requires an assessment of whether the proposal would be detrimental to the amenity of the area. 'Amenity' is defined within LPS4 as follows:

Means all those factors which combine to form the character of an area and include the present and likely future amenity.

The potential impact on the amenity of an area is considered to be a highly subjective assessment given that one person's appreciation of an area may be based upon different elements to another person's. Notwithstanding this, the amenity of the surrounding area

is considered to generally relate to the wider established residential neighbourhood in conjunction with the cluster of non-residential buildings surrounding the subject site. In terms of height, as outlined above, it is considered that the predominant established height of the buildings in the surrounding locality is that of single storey design. Consequently, this is considered to form part of the amenity of the area. As a result, it could be argued that the construction of the proposed development of three storied design in the north-western corner of the site and two storied over the remainder of the site could have a detrimental impact upon the amenity of the surrounding area.

Clause 4.2(c) involves the assessment of whether the proposal would be consistent with the conservation objectives for the site and locality if applicable. The existing building on the subject site is not considered by the City's heritage staff to be of cultural heritage value. South Fremantle is listed as a Heritage Area however the City has not adopted any local area policies or similar documents which outlined conservation objectives for the South Fremantle Heritage Area. As a result, there are no relevant conservation objectives against which to assess the application.

Clause 4.2(d) allows an assessment of any other relevant matters outlined within the Council's local planning policies with regard to height. The City has not adopted any specific local planning policies which cover the subject site however the height provisions contained within the Residential Design Codes for Category B Areas are applicable. Should a Single House or Grouped Dwelling development have been proposed for the subject site without containing any commercial land use, the development would be required to be assessed against the maximum wall and ridge heights specified within the Category B requirements of the Residential Design Codes. These maximum heights are generally a 6m external wall height and 9m ridge height. For clarity it should be noted that the Schedule 12 provisions do not specify a maximum roof ridge height only a maximum external wall height.

The maximum external wall height of the proposed development exceeds the maximum height requirements set out for Category B areas within the Residential Design Codes having a maximum external wall height of approximately 8.9m and a maximum ridge height of approximately 9.2m. Consequently, it is considered that the proposed development has a height greater than that allowed by the Acceptable Development criteria of the Residential Design Codes for residential development.

Taking the above assessment into account, Clause 4.2 of Schedule 12 states that '*Council may impose a lesser height in the event that the proposal does not satisfy any one or all of the above requirements*' (a) – (d). As outlined above, the proposed development is not considered to satisfy clauses (a) and (b) as the proposal is not consistent with the predominant height patterns of the adjoining properties and locality and the proposal is considered to have the potential to be detrimental to the amenity of the area. Consequently, it is considered that Council could impose a lesser height restriction for the subject site than the 7m maximum external wall height outlined for the Neighbourhood Centre zone in Schedule 12. Should the Council resolve that a lesser height requirement be required for the subject site, it is considered that the best way of assigning a maximum height requirement for the site be through the undertaking of a height study and a possible amendment to LPS4.

Notwithstanding the above, should Council not resolve to impose a lesser height restriction than that specified in Schedule 12, an assessment of the proposed

development against the provisions contained within Clause 5.8.1: Variation to Height Requirements of LPS4 are required.

The first paragraph of Clause 5.8.1: Variation to Height Requirements requires an assessment of whether *'sites contain or are adjacent to buildings that depict a height greater than that specified in the general or specific requirements in Schedule 12'*. This assessment is considered to rely upon the definition of 'adjacent' to identify which of the surrounding sites should be taken into account.

Current case law including decisions by the Privy Council in *Mayor, Councillors and Citizens of the City of Wellington v Mayor Councillors and Burgesses of the Borough of Lower Hutt* [1904] AC 773, the High Court of Australia in *Camberwell Corporation v Waldmann* [1945] 72 CLR 250 and the Supreme Court of Western Australia in *Geneff v Shire of Perth* [1967] WAR 124 has found that the word 'adjacent' should not be limited to immediately adjoining lots and includes places close by or near.

For the purpose of the assessment of the height of the existing buildings contained on adjacent properties, the applicant has referred to the height of No. 20 Douro Road and No. 30 Hulbert Street as both being *'full three storey dwellings which have a greater impact on the locality in terms of bulk and scale than this proposal'*. The applicant also states that *'there are also numerous examples of two storey dwellings set over semi-basement garages in the locality which are much greater in height than this proposal'*.

For the assessment of 'adjacent' properties, it is considered that No. 20 Douro Road, which is located approximately 86m from the subject site, qualifies as being close by or near to the subject site as this site can be viewed whilst standing on the subject site; however No. 30 Hulbert Street, which is located approximately 197m away from the site and at the other end of Hulbert Street, is not. As a result, of the examples put forward by the applicant, the height of only No. 20 Douro Road will be taken into account.

A review of the house plans contained within the City's Building department files for No. 20 Douro Road approved in 1983 has found that the dwelling has a maximum wall height of approximately 8.4m and a maximum ridge height of 9.7m (assuming the house has been built in accordance with the approved development plans). Consequently, No. 20 Douro Road does have a maximum wall height of more than 7m as prescribed in Schedule 12 of LPS4 for the Neighbourhood Centre zone. It should be noted however that No. 20 Douro Road is located outside of the Neighbourhood Centre zone and is instead zoned Residential under the provisions of LPS4. Notwithstanding this, Clause 5.8.1 of LPS4 does not require an assessment of buildings on adjacent properties limited to the same zoning as the application site.

As the subject site satisfies the first paragraph of Clause 5.8.1, an assessment against Clauses (a) – (d) set out above can be made.

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

The LPS4 definition of 'Amenity' is outlined above. The majority of the proposed development is to be lower than the prescribed 7m maximum external wall height. The proposed variation to the 7m external wall height restriction relates to two elements of the building proposed to be constructed in Stage A. In support of the two areas which relate to the proposed variations, the applicant has provided the following justifications:

Area above Unit 2

The lower of the two forms part of the design over the vehicular entry off Douro Road. It has a wall head height of 7920 and a maximum roof height of 8280mm.

At 2.8% of the overall floor area, the extent of the variation is minor, it is not visible from the adjacent Neighbourhood Centre zoned property, the adjacent property is not visible from it and it does not overshadow any adjacent property. It is also immediately across from the Douro Road/Chester Street junction.

The raised area of wall is set back off the perimeter walls to run from the central ridge line back into the site. Whilst there is no applicable ridge height or roof pitch restriction it should be noted that the resultant roof height is 720mm lower than the 9 metre maximum ridge height permitted for a single dwelling in Category B Area.

The wall cladding will be the same material as the roof.

As a design element this raised area helps signal the vehicular entry point below, it helps break the Douro Road roof form and provides high level light to Unit 2.

Area associated with Unit 3

The higher of the two forms a loft bedroom over Unit 3 on the corner of Douro Road and Hulbert Street. It has a wall head height of 8990 and a ridge height of 9245mm.

The extent of the variation is minor, it is not visible from the adjoining property, the adjoining property is not visible from it, and does not overshadow the adjoining property.

The raised wall area is set back over 3m from the eaves line on both Douro Road and Hulbert Street. Whilst there is no applicable ridge height or roof pitch restriction it should be noted that the proposed ridge height is only 245mm higher than the 9 metre maximum ridge height permitted for a single dwelling in a Category B Area.

The wall cladding will be the same material as the roof.

As a design element this raised area celebrates the corner of Douro Road and Hulbert Street and provides a high point away from which the development graduates downwards towards the adjoining lower properties.

The applicant's justification against Clause (a) for both areas of height variation is concurred with. It is considered that the location of these elements away from the adjoining residential properties and adjacent to the Douro Road and Hulbert Street road reserves will mitigate the majority of the potential impact upon the amenity of the adjoining properties.

As outlined above, the amenity of the locality surrounding the site is considered to generally relate to the wider established residential neighbourhood in conjunction with the cluster of non-residential buildings surrounding the subject site. In terms of height, the predominant established height of the buildings in the surrounding locality is that of single storey design and this is therefore considered to form part of the amenity of the

area. As a result, it is considered that the proposed variation to the external wall height requirements will be detrimental to the amenity of the locality. The proposed building height is therefore not considered to satisfy Clause 5.8.1(a).

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

The existing buildings located on the adjoining properties are all single storey, however there are buildings in the surrounding locality that are of two storey design. Notwithstanding this, it is noted that the maximum external wall height of the proposed development is in excess of that exhibited on the other sites within the locality. Therefore the proposed development is not considered to have the ability to graduate the scale of buildings of varying heights within the locality being of greater height. Consequently, the proposed development is not considered to satisfy Clause 5.8.1(b).

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

The existing building on the subject site is not considered by the City's heritage staff to be of cultural heritage value. With respect to the assessment of the impact of the proposed increased wall height on the cultural heritage values of adjoining properties and the South Fremantle Heritage Area, it is noted that the areas with the increased wall height are located away from the adjoining properties and instead face Douro Road and Hulbert Street. This design is considered to mitigate any impact upon the cultural heritage values of adjoining buildings.

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

There is no relevant local area planning policies for the subject site. However the relevant Residential Design Code provisions relating to the maximum wall and ridge heights for Category B areas that would apply should the site be developed for residential use only have been outlined above. The proposed development exceeds the Acceptable Development height requirement, therefore the Residential Design Code requirements relating to height of residential developments are not considered provide any weight to the proposed height variation.

Overall, the proposed development is not considered to satisfy sub-clauses (a) and (b) of Clause 5.8.1 of LPS4 which allows for variations to the heights prescribed in Schedule 12. As a result, the proposed increased external wall height is not supported.

Carparking

As outlined above, under the requirements of LPS4, the car parking requirement for the six Shop tenancies is 27 car parking bays and three bike racks. In addition, the Acceptable Development criteria for Multiple Dwellings within the Residential Design Codes require seven on-site parking bays to be allocated for the individual use of the Multiple Dwellings. The additional seven bays required for the Multiple Dwellings can be provided by the seven car parks allocated for the Shop tenancies outside of business hours.

Fourteen on-site parking bays and five bike racks are provided. Consequently, the provided on-site parking complies with the requirements of the Residential Design Codes for Multiple Dwellings, but not for the Shop use under the provisions of LPS4.

Clause 5.7.3 allows the car parking requirements specified in Table 3 to be waived or reduced subject to the applicant satisfactorily justifying a reduction due to one or more of the criteria.

The applicant has provided justifications against sub-clauses (i), (ii), (iii) and (viii) for the reduction in the required on-site car parking in both a letter submitted from the applicant which is included in Attachment 2, and the Parking Assessment included as Attachment 3 to this report.

For the justification against sub-clause (i), the applicant notes that there are three on-street car parking spaces available within the length of the site's Hulbert Street boundary on the eastern side of Hulbert Street and an additional 15 Council provided car parks located on Chester Street adjacent to Parmelia Park. In addition to the applicant's justification, it is also noted that there are some timed public car parking bays located to the west of the site on Douro Road which may also be available to the subject site.

It should be noted that the car parks located on Hulbert Street could be available for the use of visitors to the subject site as the business operating from the adjoining property being No. 17 Douro Road which presently operates as a electrical business, is accessed off Douro Road and presents a blank wall to Hulbert Street. In addition, the timed parking bays along Douro Road may also be available during certain times of the day for visitors to the site.

With regard to the public car parking bays available on Chester Street, it is noted that these car parking bays are located across Douro Road and approximately 100m from the subject site. In general, it is considered that the busy nature of Douro Road and the distance between these car parks and the subject site will result in few visitors to the site utilising these parking bays and therefore should be excluded from any assessment.

With respect to sub-clause (ii) of Clause 5.7.3 it is noted that there are public bus stops located immediately adjacent to the site on Douro Road serving bus routes going both east and west. The applicant also notes that the Fremantle Cat Bus service turns around at the corner of Douro Road and South Terrace.

Sub-clause (iii) requires an assessment of any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation in car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces. This sub-clause is considered to be related to the car parking ratio prescribed for mixed use developments within the Residential Design Codes in which one car parking bay for the singular use of each unit is to be provided in addition to another car parking bay available outside of normal business hours.

It should also be noted that the application of the 'Shop' land use to the proposed commercial tenancies is to enable the assessment within this report. It is acknowledged that these 'Shop' tenancies should they be approved, may contain businesses such as delis or video hire stores which may also be open during evening hours and which could compete with the on-site parking required for the occupants of the multiple dwellings.

Sub-clause (viii) of Clause 5.7.3 allows the applicant to provide any other justification that may be relevant. With respect to this clause, the applicant has stated:

LPS4, Part 4.2.1(d)(i) states that a Neighbourhood Centre shall 'provide for the daily and convenience retailing, shops, café, office, administration and residential uses (at upper levels) which serve the local community'.

It is expected that a Neighbourhood Centre serves its local neighbourhood in which case it can be assumed that a much higher percentage of visitors to the centre will arrive on foot or bicycle than would be in the case of larger Local or District Centres.

The proposed development is located on a Council designated and signposted bike route. In response to this 5 bike racks have been placed on-site and discussions will be entered into with Council to provide more on the footpaths.

The Green Building Council of Australia Compliance Criteria awards points towards the Transport Category Score to developments which provide less than Councils' requirements. This development intends to pursue a GBCA 4 star rating.

The GBCA rating of the development is considered to be a positive element, however the requirement of providing less on-site car parking than Council regulations require should be balanced with the car parking availability in the surrounding area so as not to result in parking congestion in the surrounding area. In addition, should the proposed car parking variation be supported on this basis, the City could require compliance with the other relevant Green Building Council of Australia Compliance Criteria as a condition of approval. The potential implications of compliance and the impact these requirements would have upon the proposed development is not known at this time.

It is acknowledged that three on-street car parking bays are provided on Hulbert Street, public transport is available in the area and the site is likely to service residents in the surrounding area who will walk or cycle to the site. These are all considered to be valid justifications for a reduction in the number of on-site parking bays, however these measures are not considered to be sufficient to off-set the proposed 20 bay shortfall, which equates to a 59% reduction compared to the LPS4 requirement. As a result, the proposed development is not considered to satisfy Clause 5.7.3 of LPS4.

Residential Design Codes

As the residential component of the proposed development does not satisfy the Acceptable Development criteria contained within Design Element 7.2 of the Residential Design Codes relating to the LPS4 provisions, side boundary setbacks, boundary wall length and height are not considered to be met by the proposed development. Consequently, an assessment against the Performance Criteria is required. The Performance Criteria for mixed use development states:

Dwellings combined with non-residential uses on the same site that provide comparable standards of amenity to other multiple dwellings taking account of the need to:

- *Satisfy streetscape objectives;*
- *Provide open space in accordance with resident needs; and*
- *Provide car parking to satisfy reciprocal requirements of residents and other users.*

The applicant has provided a detailed justification of the proposed development against the Performance Criteria.

With respect to the assessment of the proposed development in terms of the streetscape objectives of the area it is noted that the Acceptable Development criteria for mixed use development allow a nil setback to the street and there are no applicable local area planning policies that set out any streetscape objectives for Douro Road or Hulbert Street. The proposed development includes nil boundary setbacks for the majority of the length of Douro Road and for an 8.5m length along Douro Road.

It should also be noted that along Douro Road, particularly on corner sites that contain non-residential uses, nil boundary setbacks to the street boundaries are common with Nos. 17, 25 and 34 Douro Road all exhibiting this characteristic. As a result, the proposed nil setbacks are considered to be consistent with the existing streetscape pattern for corner sites. In addition to this, the applicant has stated that *'the southern portion of the development in Hulbert Street has been setback six metres from the street boundary to assist with the transition from the nil setback of the denser northern portion of the Neighbourhood Centre development to its interface with the residential streetscape'*.

The impact of a building upon the streetscape values of the surrounding area is also considered to relate to height. As outlined above, the proposed height of the development is not considered to satisfy the LPS4 requirements relating to the potential impact upon the amenity of the surrounding locality and the degree to which the building does not effectively graduate the scale between buildings of varying heights within the locality. As a result, it is considered that the proposed height of the building will not be consistent with the existing streetscape values of the surrounding area.

With regards to open space, it is considered that substantial open space is provided on the site encompassed within the 6m setback to the building along Hulbert Street, the area between Tenancies 4 – 6 and the stores as well as the communal car parking area. In addition to this area, first floor balconies are proposed for each of the Multiple Dwellings.

The Performance Criteria also requires an assessment of the provision of sufficient car parking to satisfy the reciprocal requirements of residents and other users. The proposed development is considered to provide adequate car parking for the Multiple Dwellings however, as outlined above, inadequate on-site car parking is provided for the proposed commercial tenancies. As a result, the proposed development is not considered to provide adequate car parking bays to satisfy the requirements of the residents as well as the staff and visitors to the proposed commercial tenancies.

Overall, the proposed development is not considered to satisfy the Performance Criteria relating to mixed use developments.

Visual Privacy

The proposed balcony for Unit 1 does not satisfy the 7.5m cone of vision requirement specified by the Acceptable Development criteria contained within Design Element 6.8 of the Residential Design Codes. The 7.5m cone of vision from this balcony results in an approximate 2m² area of overlooking on to the driveway/carport area of No. 23 Douro Road.

The Performance Criteria for visual privacy states:

Direct overlooking of active habitable spaces and outdoor living areas of other dwellings is minimised by building layout, location and design of major openings and outdoor active habitable spaces, screening devices and landscape, or remoteness.

Effective location of major openings and outdoor active habitable spaces to avoid overlooking is preferred to the use of screening devices or obscured glass.

Where these are used, they should be integrated with the building design and have minimal impact on residents' or neighbours' amenity.

Where opposite windows are offset from the edge of one window to the edge of another, the distance of the offset should be sufficient to limit views into adjacent windows.

The applicant has indicated that a 1.8m high screen is proposed for the eastern side of the balcony which is also to have a return on it to screen an additional 1.5m length of the southern side of the balcony. Through the use of this screen the overlooking of the adjoining property has been minimised and the area within the 7.5m cone of vision from this balcony is not considered to fall upon an active habitable space or outdoor living area, being the neighbouring property's driveway and carport area. As a result, the proposed development is considered to satisfy the Performance Criteria for visual privacy.

Overshadowing

The adjoining property to the south (No. 4 Hulbert Street) has a density coding of R25. As a result, the Acceptable Development criteria of the Residential Design Codes allows development on the subject site to be designed so that its shadow only falls upon 25% of the site area of No. 4 Hulbert Street at midday 21 June. The proposed development results in 26.2% overshadowing of No. 4 Hulbert Street.

The Performance Criteria for overshadowing states:

Development designed to protect solar access for neighbouring properties taking account the potential to overshadow:

- *Outdoor living areas;*
- *Major openings to habitable rooms;*
- *Solar collectors; or*
- *Balconies or verandahs.*

The additional area of overshadowing on to the adjoining property above the 25% permitted by the Acceptable Development criteria is attributed to the reduced boundary setback distance to the southern boundary which does not satisfy the Acceptable Development criteria contained within Design Element 7.2 as outlined above. The additional area of 1.2% overshadowing on to the adjoining site to the south is however considered to be of such small area that it is unlikely that this area could easily be perceived on-site.

The proposed development will result in overshadowing of the northern elevation of the dwelling on the adjoining property which includes major openings and a verandah. It is

however noted that the existing verandah along this elevation already provides shade to the major openings along this elevation.

A small area of the adjacent site's outdoor living area situated to the rear of the existing dwelling is anticipated to be overshadowed by the proposed development, however given the size of the backyard, this small area adjacent to the existing driveway is not anticipated to significantly impact upon this property's solar access.

Overall, the proposed 1.2% additional overshadowing compared to the 25% allowed by the Acceptable Development criteria is considered to be minor and consistent with the Performance Criteria for overshadowing.

Incidental Development

Design Element 6.10.3 of the Residential Design Codes requires an enclosed, lockable storage area with a minimum dimension of 1.5m and an internal area of at least 4m² to be provided for each Multiple dwelling. Six stores are provided which comply with these dimensions, however the seventh store room proposed to be contained under the stairs for Unit 1 does not have a minimum area of 4m².

The Performance Criteria for essential facilities states:

Provision made for external storage, rubbish collection/storage areas, and clothes-drying areas that are:

- *Adequate for the needs of residents; and*
- *Without the detriment to the amenity of the locality.*

Adequate rubbish storage and clothes drying provisions have been made on the subject site to satisfy the relevant Acceptable Development criteria.

With regard to the store room proposed for under the stairs to Unit 1, it is considered that this area will be adequate to provide for the future needs of the residents of this unit and as it is located within the building, the store room will not result in any detriment to the amenity of the locality.

Overall, the proposed development is considered to satisfy the Performance Criteria relating to essential facilities.

Road Reserve Encroachment

The application includes an encroachment into both the Douro Road and Hulbert Street road reserves. The encroachments are in the form of cantilevered balconies on the first and second floors and a small area of awning along both the Douro Road and Hulbert Street elevations. The maximum extent of the encroachment into the road reserve is 1.4m and occurs for the entire length of the Douro Road elevation and an 18m length along the Hulbert Street elevation.

It is noted that the encroachment into the road reserves are in excess of the 750mm which under *LGA 1960* the City is able to issue approval. As a result, the proposed encroachments would require Ministerial approval in addition to the approval of the local government.

In assessing the compatibility of the proposed encroachments within the existing streetscapes of Douro Road and Hulbert Street, it is noted that the existing liquor store building currently has an awning over the Douro Road footpath and that the two existing restaurants in the area also have awnings encroaching into the Douro Road, road reserve. No encroachments into the Hulbert Street are evident in the vicinity of the site.

As a result of the above assessment, it is noted that the only existing encroachments within the Douro Road streetscape are awnings; no balconies are currently located over the road reserve within the vicinity of the subject site. Consequently, it is considered that the proposed encroachment of the balconies into the Douro Road, road reserve would be inconsistent with the existing streetscape appearance of Douro Road.

The proposed balconies and awning are also considered to be inconsistent with the existing streetscape appearance of Hulbert Street given that no similar encroachments are located within this streetscape.

Overall, the proposed balconies overhanging the Douro Road, road reserve and the proposed awning and balconies overhanging Hulbert Street are not supported. It should be noted that the removal of the proposed balconies from the application would also have an implication on the level of outdoor living space provided to each of the multiple dwellings.

Cumulative Impacts

It is noted that there are a number of variations to the LPS4 provisions and performance based assessments to the Residential Design Codes criteria being proposed by the applicant including substantial height and car parking variations as well as performance based assessments relating to the mixed use development, visual privacy, overshadowing and incidental criteria. In addition, the application proposes balconies intruding over the road reserve which are not considered compatible with the existing streetscape appearance of Douro Road or Hulbert Street. As outlined above, some of these proposed variations and performance based assessments may be supportable, however the number is considered to indicate a potential cumulative effect and overdevelopment of the subject site.

Submissions

The concerns outlined within the 21 submissions received will be addressed below where not dealt with above.

Amenity and Streetscape

The Acceptable Development criteria for mixed use developments allow nil boundary setbacks to the street boundaries. Nil boundary setbacks have been proposed for the Douro Road and an 8.5m length of the Hulbert Street boundary, which is consistent with the treatment of corner properties in the vicinity. The remainder of the development with frontage to Hulbert Street is set back 6m which is consistent with, if not greater than, the established streetscape pattern along Hulbert Street.

The impact of the proposed development upon the amenity of the area is considered to be a subjective assessment as one person's appreciation of an area may be based upon a different element of an area than another's. Overall, the proposed development is considered to be of contemporary design compared to the predominant design of the surrounding area, which is primarily single storey heritage cottage type development.

Parking

Parking has been addressed in detail above.

Traffic

A number of submitters have outlined concerns relating to increased traffic volumes and impacts on ingress and egress. The City has assessed the proposed development and has not outlined any concerns relating to the potential increased traffic volumes. In addition, conditions will be recommended relating to the provision of adequate crossovers should approval be granted.

Use

Concerns relating to the identification of the initial and ongoing uses of the commercial properties have been outlined. These have been addressed by the assignment of these commercial tenancies as 'Shops' for the purposes of the assessment of car parking requirements as a worst case scenario. Should approval be granted, it would be recommended that a condition be imposed requiring an application for each of the commercial tenancies to be made prior to establishment.

A number of submitters questioned whether the commercial centre or Neighbourhood Centre zoning of the subject site is required as the vacancy rate at the nearby South Fremantle Shopping Centre is high and they have ample parking. The Neighbourhood Centre zoning of the subject site allows a development such as that proposed to be constructed on the site. The City cannot base its decision upon business competition or vacancies in the surrounding area. Commercial viability of a project is a matter for the applicant and not the City to assess.

As outlined in a number of submissions received as well as the petitions, a number of people are concerned about the retention of the residential character of the area. It is considered that the proposed development has been orientated away from the adjoining residential properties and towards Hulbert Street and Douro Road to preserve the amenity of the adjoining residential properties.

One submitter has questioned the use of the stores. The stores are storerooms available for the storage of equipment such as bicycles, tools and other large items associated with the Multiple Dwellings.

Zoning

Many submissions and the petition received stated concerns relating to the Neighbourhood Centre zoning of the subject site. The subject site under the previous Town Planning Scheme No. 3 was zoned Residential however upon the gazettal of LPS4 in March 2007 the site was re-zoned Neighbourhood Centre. This zoning also covers an additional four sites in the surrounding area that presently contain two restaurants and two residential properties.

Overshadowing

This has been addressed above relating to the overshadowing of No. 4 Hulbert Street to the south.

With respect to the submission regarding overshadowing of the property to the east, the proposed development complies with the Acceptable Development criteria contained within the Residential Design Codes for overshadowing of the properties to the east (i.e. less than 25%).

Visual Privacy

This has been addressed above relating to the proposed balcony to Unit 1. The remainder of the development satisfies the Acceptable Development criteria for visual privacy.

Design

With regard to the overall design of the proposed development, a number of submitters have outlined concerns relating to the apparent cost of the development including use of materials and the access of the residential units via external staircases. These matters are not governed by the criteria contained within LPS4 or the Residential Design Codes.

Height

This matter is addressed in detail above.

Boundary Setbacks

A reduced boundary setback is proposed to the southern boundary; therefore the proposed development does not satisfy the Acceptable Development criteria relating to mixed use developments. The proposed development has subsequently been assessed against the Performance Criteria relating to mixed use developments above.

Boundary wall

The length of the boundary wall proposed for the eastern boundary does not satisfy the Acceptable Development criteria relating to mixed use developments. The proposed development has therefore been assessed against the Performance Criteria relating to mixed use developments above.

The applicant has liaised with one of the owners of the adjoining property to the east and has amended the development plans to include a boundary fence along the entire length of this boundary in addition to the proposed boundary wall to enhance the security of this adjoining property as requested.

Concurrent application

An application for amendments to the existing restaurant at No. 25 Douro Road (DA337/08) was being considered by the City during the submission period for the current application. On 26 November 2008 this application was refused by the City. Additional information on the operation of this site was considered at the Planning Services Committee meeting held on 21 January 2009.

Staging of the development

Neither LPS4 nor the Residential Design Codes provide any restriction upon the staging of developments. Under the provisions of LPS4, should approval be granted, the development will be required to be commenced within 2 years of the date of the decision letter unless an extension of time application is granted approval prior to this expiry date.

Reserve

One submitter seeks that the site is developed as a reserve. Public reserves are zoned under the Metropolitan Region Scheme or the City's LPS4. The subject site is zoned Neighbourhood Centre and therefore is not a reserve.

CONCLUSION

The primary points of consideration for the assessment of the proposed development relate to height and carparking.

The proposed external wall height requires a variation under Clause 5.8.1 of Local Planning Scheme No.4. This proposed variation is not supported as it will be detrimental to the amenity of the locality and will not effectively graduate the scale between buildings of varying heights within the locality.

The proposed development involves a shortfall of 20 on-site parking bays (34 required). Some reduction in the number of on-site parking bays could be supported based upon the site's proximity to on-street parking, public transport and cycle links, in addition to the Neighbourhood Centre zone being intended to service the surrounding community who may walk or cycle to the site. However these justifications are not considered to account for the entire 20 bay shortfall.

The proposed development is recommended for refusal based upon the on-site car parking shortfall not satisfying the variation criteria set out within Clause 5.7.3 and the height variation not satisfying Clause 5.8.1 of Local Planning Scheme No. 4.

OFFICER'S RECOMMENDATION

That the application be REFUSED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Demolition of Existing Building and Construction of a Commercial and Residential Development at No. 19 (Lot 1) Douro Road, South Fremantle, for the following reasons:

1. The proposal does not satisfy Clause 5.7.3 of the City's Local Planning Scheme No. 4 relating to car parking variations as a 20 bay on-site car parking shortfall is proposed, which is not able to be addressed through the availability of on-site parking in the locality, the provision of public transport and people walking to and from the site.
2. The proposal does not satisfy Clause 5.8.1 of the City's Local Planning Scheme No. 4 relating to variations to height requirements as the development will be detrimental to the amenity of the locality and does not effectively graduate the scale between buildings of varying heights in the locality.
3. The proposal is inconsistent with the requirements of Design Element 7.2 of the Residential Design Codes as the development is not considered to satisfy the streetscape objectives or car parking requirements for mixed use developments.

COMMITTEE RECOMMENDATION

MOVED: Cr J Strachan

That the application be DEFFERED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Demolition of Existing Building and Construction of a Commercial and Residential Development at No. 19 (Lot 1) Douro Road, South Fremantle, to the next appropriate Planning Services Committee meeting to allow the applicant to address parking and other issues raised in the report.

CARRIED: 4/3

For	Against
Cr Robert Fittock Cr Bill Massie Cr Jon Strachan Cr John Alberti	Mayor, Peter Tagliaferri Cr John Dowson Cr Les Lauder

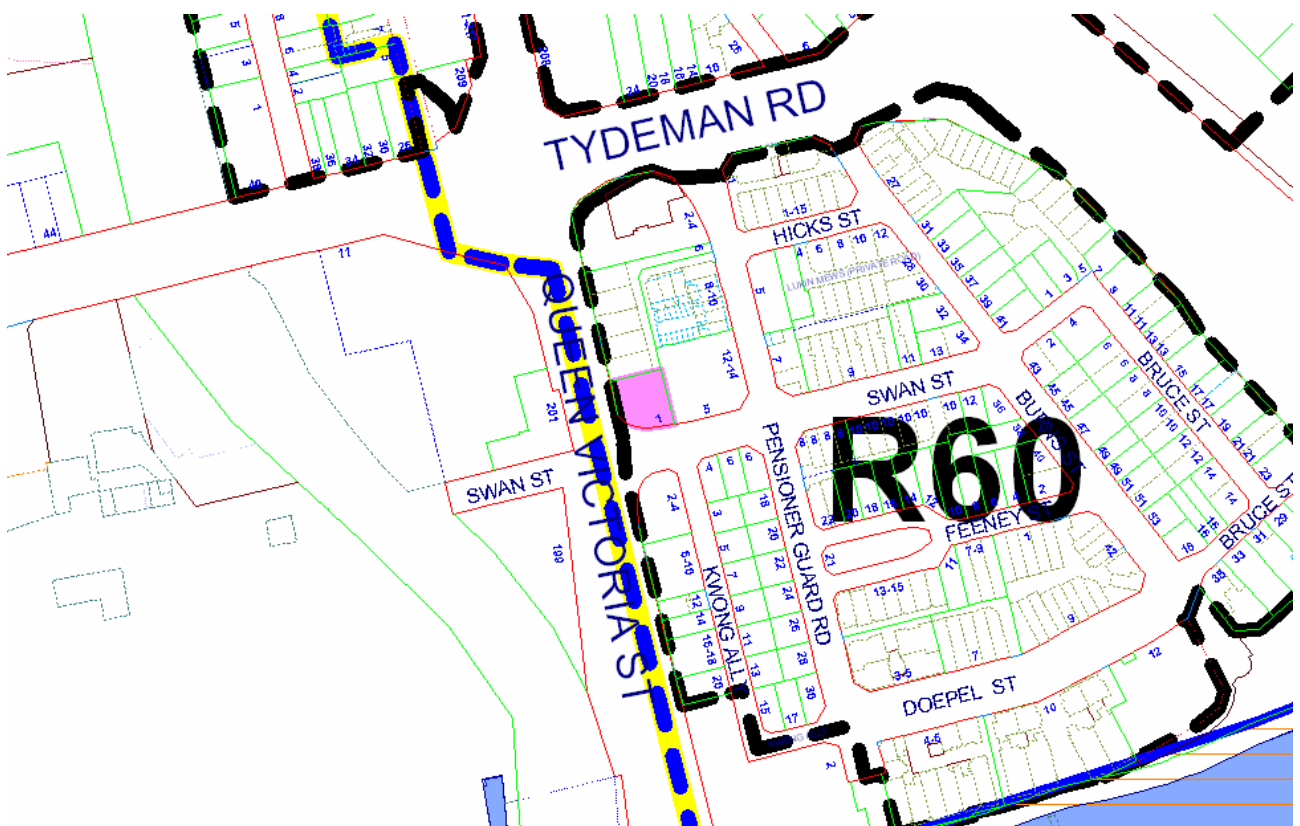
The above item is referred to the Ordinary Meeting of Council for determination in accordance with 1.1 or 2.1 of the City of Fremantle Delegated Authority Register which requires that at least 5 members of the committee vote in favour of the Committee Recommendation in order to exercise its delegation.

REASON/S FOR CHANGE TO OFFICER'S RECOMMENDATION

To allow the applicant the opportunity to address parking and other issues raised in the assessment.

PSC0902-19 SWAN STREET NO.1 (LOT 104), NORTH FREMANTLE - THREE STOREY OFFICE DEVELOPMENT (JL DA507/08)

DataWorks Reference: 059/002
Disclosure of Interest: Nil
Responsible Officer: Manager Development Services
Actioning Officer: Planning Officer
Decision Making Level: Planning Services Committee
Previous Item Number/s: Nil
Attachments: Development Plans
Date Received: 23 September 2008
Owner Name: Eileen Day Trustee for Kent Mercantile Trust
Submitted by: Roger Gregson Architects
Scheme: Commercial R60
Heritage Listing: Not Listed
Existing Landuse: Vacant Site
Use Class: Office
Use Permissibility: P



EXECUTIVE SUMMARY

The application is referred to the Planning Services Committee as the development requires discretionary decisions of Council in relation to on site car parking and building height.

The City of Fremantle ('the City') is in receipt of a development application seeking its planning approval for the construction of a three storey Office development at No.1 Swan Street, North Fremantle ('the site').

Overall, the development is considered to satisfy all of the requirements set out within Local Planning Scheme No.4 (LPS4) and Council's Local Planning Policies.

Consequently, the application is recommended for conditional approval.

BACKGROUND

The subject site is zoned 'Commercial' under the provisions of LPS4 and has a residential density coding of R60. The site is located at No.1 Swan Street, North Fremantle within the street block bounded by Queen Victoria Street, Swan Street, Tydeman Road and Pensioner Guard Road. The site is located on the corner of Queen Victoria and Swan Street, North Fremantle with Pensioner Guard Road forming the rear boundary. The site is not listed on the City's Heritage List, but it is located within the North Fremantle Heritage Precinct which is included as a Heritage Area under the provisions of LPS4. The site is approximately 564m² and is currently vacant. There is also a vehicle access easement running parallel with the eastern rear boundary of the site.

The northern adjoining and southern adjacent lots of the site are also zoned 'Commercial'. The northern adjoining site is occupied by a two storey Mixed use development, which is occupied for office and residential use. The southern adjacent site is occupied by a three storey office building (currently utilised by the Maritime Union of Australia). The eastern adjacent lots are zoned 'Residential' under the provisions of LPS4 and are occupied by two storey Grouped Dwellings. The western adjacent site is zoned 'Industrial' under LPS4 and is currently occupied by a two storey Hotel building (The Swan Hotel).

On 23 September 2008 the City received a development application seeking its Planning Approval for the construction of a three storey Office development.

On 8 December 2008 the City requested amended plans, as the original development plans indicated an awning addition on the south west corner of the site overhanging the Swan Street and Stirling highway road reserve. On 8 January 2009 the applicant provided amended plans.

DETAILS

The proposed development consists of a three storey Office complex comprising of a total 540m² gross lettable floor area and an external wall height of 11.3 metres. The proposed development also incorporates nil setbacks to the north, east and west boundaries and a setback that ranges from 2.5 metres to nil for the southern boundary. The proposal also includes a vehicle access point via Pensioner Guard Road. The

proposed development includes 19 on site car bays. The applicant is proposing awning additions for the first and second floor window openings along the eastern rear elevation of the development that will encroach into the existing vehicle access easement.

STATUTORY AND POLICY ASSESSMENT

The proposed development has been assessed against the provisions of the City's LPS4 and Council's Local Planning Policies.

Local Planning Scheme No.4

In addition to being zoned 'Commercial, the site falls within the 'Local Planning Area 3 – North Fremantle - Sub Area 3.3.3 – Northbank' of LPS4.

Building Height

Schedule 12 of LPS4 prescribes the building height requirements for sub area 3.3.3, which is shown below:

Sub Area 3.3.3 states that:

'despite the general height requirements for the North Fremantle Area, the following height restrictions apply to development within the Northbank sub-area:

Lot 27 Swan Street – Maximum storeys 3 – 10.5 metre Maximum height (external wall height).

Council may exercise its discretion to vary height requirements, in accordance with clause 5.8.1 of LPS4, which reads:

Where sites contain or are adjacent to buildings that depict a height greater than that specified in the general or specific requirements in schedule 12, 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.*

Use

The objectives outlined within LPS4 for the 'Commercial' zone state:

Development within the Commercial zone shall-

- (i) provide for the development of offices and associated commercial and large scale uses, including showrooms, and warehouses and uses requiring outdoor displays,*
- (ii) ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality, and*
- (iii) conserve places of heritage significance the subject of or affected by the development.*

The proposed use of the site for Offices is a permitted use of land under LPS4.

Car Parking

Clause 5.7.1 and 'Table 3 – Vehicle Parking' of LPS4 outline the required on-site car parking for the proposed development. Under LPS4, the car parking requirement for the proposed 'Office' use is 1 car parking space per 30m² of gross lettable floor area with a minimum of 3 spaces and 1 delivery car parking space per 500m².

Clause 5.7.3 – Relaxation of Parking Requirements – states that Council may waive or reduce the standard parking requirements specified in table 3 subject to the applicant satisfactorily justifying a reduction due to one or more of the following reasons:

- (i) the availability of car parking in the locality including street parking,*
- (ii) the availability of public transport in the locality,*
- (iii) any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces,*
- (iv) any car parking deficiency or surplus associated with the existing use of the land,*
- (v) legal arrangements have been made in accordance with clause 5.7.4 for the carparking or shared use of parking areas which are in the opinion of the Council satisfactory,*
- (vi) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use that existed before the change of parking requirement,*
- (vii) the proposal involves the restoration of a heritage building or retention of a tree worthy of preservation,*
- (viii) any other relevant consideration.*

Clause 5.7.4 of LPS4 allows the City to request cash payment in lieu of any car parking shortfall. However the provisions within the City's *D.B.M7 – Cash in Lieu of Car parking for the City of Fremantle* policy restricts the requirements of this policy to apply only to the City Centre of Fremantle.

Council's Local Planning Policies

The following Local Planning Policies are of relevance to the assessment of this application:

- *D.GN6 – North Bank Development Guidelines,*
- *D.G.N7 – North Fremantle Foreshore Plan,*
- *D.B.M7 – Cash in Lieu of Car parking for the City of Fremantle, and*
- *L.P.P2.3 - Fremantle Port Buffer Area Development Guidelines.*

CONSULTATION

Community

The application was required to be advertised in accordance with City's *L.P.P1.3: Public Notification of Planning Approvals* policy, as the proposed development requires several performance based assessments. Notice of the proposed development was served on adjacent and nearby owners and occupiers of the site. The advertising period commenced 1 October 2008 and at the conclusion of the advertising period, being 17 October 2008, the City received no submissions.

Fremantle Port Authority (FPA)

The site is located within the Fremantle Ports Referral Area 2. The City's *L.P.P2.3: Fremantle Port Buffer Area Development Guidelines* policy states that the potential risk and amenity impacts from the Port in Area 2 are not as great as in Area 1, however all applications for developments having the potential to accommodate 20 or more persons on a full or part-time basis shall be referred to the FPA for comment.

The development has the potential to accommodate more than 20 people and therefore the application was referred to FPA for comment. The FPA responded on 8 December 2008 stating that they did not have any objection to the proposed development; however conditions relating to the built form requirements for Area 2 of the City's Fremantle Port Buffer policy were recommended.

Main Roads Western Australia (MRWA)

On 11 November 2008 the original development application plans were referred to MRWA for comment as the subject site abuts a Category 2 Main Road (Stirling Highway). MRWA responded to this referral stating that the '*current development application in its current format is unacceptable to Main Roads as a section of the proposed structure overhangs outside of the applicant's boundary*'. The applicant was contacted and informed of MRWA concerns, subsequently the applicant submitted amended plans which proposed the removal of the awning addition which was located on the south western corner of the proposed building. MRWA reconsidered the amended plans and responded by stating that the proposed development was acceptable subject to the following conditions:

- 1.No earthworks shall encroach onto the Queen Victoria Street reserve.
- 2.No stormwater drainage shall be discharged onto the Queen Victoria Street reserve.
- 3.No vehicle access shall be permitted onto the Queen Victoria Street reserve.
- 4.The applicant shall make good any damage to the existing verge vegetation within the Queen Victoria Street reserve.

These recommended conditions are included in the 'Officer Recommendation' section below in this report.

PLANNING COMMENT

In determining this application Council should take the following key matters into consideration:

Building Height

The issue of building height is considered the primary discretionary decision required from Council.

The provisions of LPS4 Schedule 12 prescribe specific building heights for Lot 27 within Sub Area 3.3.3 (North bank). The subject site is actually Lot 104. Original Lot 27 was subdivided into several smaller lots and one of the created lots of land, is the subject Lot 104. Therefore the provisions stated within Schedule 12 – Sub Area 3.3.3 for Lot 27 will be utilised to assess the proposed building height for this development.

Schedule 12 states that development on this site should be a maximum of 3 storeys and have a maximum height (external wall height) of 10.5 metres. The proposed development is a maximum of 3 storeys, although the development incorporates two fin wall elements located on the south western corner of the development that have a maximum external wall height of 11.3 metres.

Clause 5.8.1 of LPS4 allows Council to vary the maximum height requirements of a site, where it is considered that the site contains or is adjacent to buildings that depict a height greater than that specified in the general or specific requirements in Schedule 12 of LPS4, subject to being satisfied with specific criteria.

The two closest southern adjacent 'Commercial' zoned sites are also occupied by a three storey buildings which also have external wall heights (11m - 12.8m) that exceed the provisions of LPS4 Schedule 12 Sub area 3.3.3.

It has been calculated that the majority of shadow created from the proposed development will fall within the Swan Street road reserve. Furthermore, the impacts created from building bulk are considered to be minimal as the applicant is proposing several architectural features (balconies, awnings and coloured fin walls) with numerous building materials (rendered masonry walls, glazing treatments, aluminium louvers) which will assist in effectively integrating the proposed development with the existing built form of the area.

The proposed two coloured fin walls which require the external wall height variation are supported as they will help provide appropriate articulation for the development to address the corner of Stirling Highway and Swan Street which is considered to be the main gateway to the North Bank Development. The proposed design of the development is also considered to help the building appropriately graduate with the existing adjoining and adjacent buildings within the locality.

Additionally, it must be acknowledged that although the development is proposing a wall height variation, the proposed building will still have a lower building height than the two southern adjacent buildings. It is noted that the fin walls step down in the centre of development and remaining roof line of the development is 10.5 metres above natural ground level, which complies with the height requirements prescribed in Schedule 12 of LPS4.

Overall, the external wall height variation is supported as it is not anticipated to be detrimental to the amenity of the adjoining and adjacent properties or the immediate locality of the Northbank development area.

Use

As previously stated the proposed 'Office' use is classified as a permitted use within a Commercial zone under the provisions of LSP4. However Council may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land. Given the nearby land uses, it is considered that the likely impacts resulting from the proposed 'Office' use will not significantly impact the amenity of the adjoining or adjacent occupiers and therefore no conditions are considered necessary.

Car parking

The gross floor area of the proposed 'Office' tenancy has been calculated to be 540m², consequently under LPS4, 18 on site car parking bays are required for this proposed use with an additional 2 delivery bays. The applicant is proposing a total of 19 on site car bays, of which 12 are to be stacked car bays. Therefore the proposed development requires a discretionary decision of Council in relation to the reduction of one delivery car bay on site.

The proposed delivery car parking bay variation is supported as the ground floor car parking area of the development not only provides sufficient hardstand space which could be utilised as an extra delivery bay when required, but the provided on site car parking spaces could also be shared and utilised for delivery bays when needed.

Therefore it is recommended that Council waive the one delivery bay car parking requirement altogether as the site is considered to provide sufficient car parking facilities for the proposed 'Office' use.

As mentioned previously, Council has the option to request cash in lieu of car parking under Clause 5.7.4 of LPS4. However, the City's *D.B.M7 - Cash in Lieu of Car Parking Policy* only provides provisions for assessing cash in lieu of car parking for development located within the 'Central City' zone and therefore as this site is zoned 'Commercial' it is considered inappropriate to request cash in lieu for this development.

CONCLUSION

Overall, the proposed development is considered to satisfy the relevant provisions within LPS4 and Council's Local Planning Policy.

Furthermore, the proposed development is considered to provide an appropriate modern architectural Office complex which will positively contribute to the existing built form of the North Bank Development area.

For the reasons outlined above, the application is recommended for approval, subject to appropriate conditions.

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Mayor, Peter Tagliaferri

That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for a three storey Office Development at No. 1 (Lot 104) Swan Street, North Fremantle, subject to the following condition(s):

- 1. The use and development hereby permitted shall take place in accordance with the approved plans dated 8 January 2009.**
- 2. All storm water discharge shall be contained and disposed of on-site.**
- 3. Prior to occupation, the design and materials of the development shall adhere to the requirements set out within City of Fremantle policy *D.B.M10: 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 if provided, shall incorporate internal centrally located ‘shut down’ points and associated procedures for emergency use.**
 - c. Roof insulation shall be provided in accordance with the Building Code of Australia.**
- 4. No earthworks shall encroach onto the Queen Victoria Street reserve.**

Advisory Note(s):

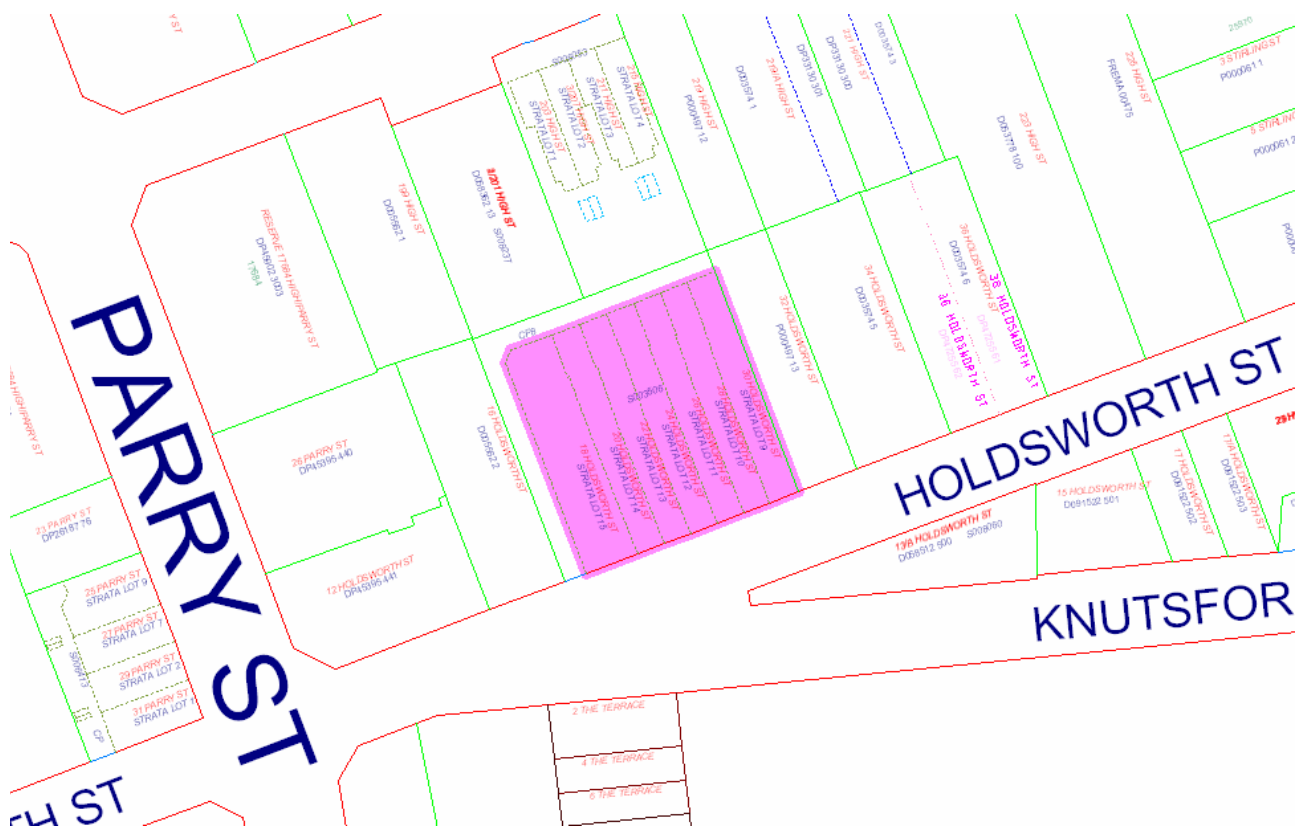
The applicant shall make good any damage to the existing verge vegetation within the Queen Victoria Street reserve.

CARRIED: 7/0

For	Against
Mayor, Peter Tagliaferri Cr Robert Fittock Cr John Dowson Cr Bill Massie Cr Jon Strachan Cr John Alberti Cr Les Lauder	

**PSC0902-20 HOLDSWORTH STREET, NOS. 18 - 30 (LOTS 1, 2, 3, 4, 6, 13)
FREMANTLE - ALTERATIONS TO EXISTING GROUPED
DWELLINGS (AT DA672/08)**

DataWorks Reference: 059/002
Disclosure of Interest: Nil
Responsible Officer: Manager Development Services
Actioning Officer: Senior Planning Officer
Decision Making Level: Planning Services Committee
Previous Item Number/s: Nil
Attachments: Development plans
 Applicant's letter
Date Received: 17 December 2008
Owner Name: Holdsworth Street Strata Company
Submitted by: Gerard McCann Architect
Scheme: Mixed Use – R35
Heritage Listing: State Heritage Register, Heritage List, Level 1A on MHI
Existing Landuse: Grouped dwellings



EXECUTIVE SUMMARY

The application is referred to the Planning Services Committee for determination as works are proposed to a place listed on the State Heritage Register.

Planning Approval is sought to undertake alterations to the seven terrace dwellings located at No. 18 – 30 Holdsworth Street, Fremantle. The alterations involve the removal of the concrete and tiled verandah floors and reinstatement of the timber floors which existed prior. In addition, due to rising damp problems, it is also proposed to repair sections of the wall.

The proposed works will enhance the appearance of the terrace houses as well as their cultural heritage values. Furthermore, the proposed works will protect the materials and structural integrity of the building into the future.

The proposed development is considered to satisfy the objectives of the City's *D.B.H13: Impact of Developments on Heritage Places* and *D.G.F14: Fremantle West End Conservation Area* and is therefore recommended for approval.

BACKGROUND

The subject site is located at Nos. 18 – 30 Holdsworth Street, Fremantle and is improved by seven terrace houses of single storey design.

Under the provisions of Local Planning Scheme No. 4 (LPS4) the subject site is zoned Mixed Use – R35 and is within the Fremantle West End Conservation Area.

The site is listed on the State Heritage Register, the City's Heritage List and Municipal Heritage Inventory (MHI) as having a management category Level 1A.

DETAILS

Planning Approval is sought to undertake alterations to the seven terrace dwellings. These works involve the removal of the existing concrete and tile verandah floors and the reconstruction of timber floors. Removal of the cement plinth and repair of some sections of wall are also proposed due to rising damp problems.

The Applicant has provided further information regarding the proposed works in the letter attached as Attachment 2 to this report.

STATUTORY AND POLICY ASSESSMENT

Local Planning Scheme No. 4

Clause 8.2 of LPS4 requires Planning Approval to be obtained for the maintenance and repair of any building listed on the State Heritage Register or City's Heritage List.

Council Policies

D.B.H13: Impact of Developments on Heritage Places

This City of Fremantle policy is of relevance to the current application as the subject site is heritage listed. This policy however relates to the information that is required to be contained within a heritage impact assessment or conservation plan. The City's Heritage staff has not required the submission of either of these types of plan for the current application. However the objectives of this policy are still considered to be of relevance to the assessment of the current application.

D.G.F14: Fremantle West End Conservation Area

The subject site is located within Zone 4 – Convict Establishment of the West End Conservation Area.

CONSULTATION

Community

The application was required to be advertised pursuant to the provisions contained within City of Fremantle policy *L.P.P1.3: Public Notification of Planning Proposals*. At the conclusion of the advertising period being 19 January 2009, the City had received one submission. This submission states that the submitter has no objection to the works proposed.

Heritage Council of WA

The application was referred to the Heritage Council of WA which provided the following recommendation:

A Conservation Officer, with delegated authority from the Heritage Council, has assessed the development referral in the context of the identified heritage significance of the place. We confirm that the proposed works are supported.

PLANNING COMMENT

The proposed works are to remove the concrete and tiled verandah floors which were laid in the 1960s and to reinstate the timber floors which existed prior to this date. In addition, due to rising damp problems that have occurred in the past and are currently occurring, it is also proposed to repair sections of the verandah walls. These works are considered to enhance the appearance of the terrace houses as well as their cultural heritage values and are therefore considered positive. In addition, the proposed works are anticipated to protect the materials and structural integrity of the building into the future. Consequently, the proposed development is considered to satisfy the objectives of the City's *D.B.H13: Impact of Developments on Heritage Places* and *D.G.F14: Fremantle West End Conservation Area*. Approval is therefore recommended.

COMMITTEE AND OFFICER'S RECOMMENDATION**MOVED: Mayor, Peter Tagliaferri**

That the application be **APPROVED** under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Alterations to the Existing Grouped Dwellings at Nos. 18 - 30 (Lot 1, 2, 3, 4, 6, 13) Holdsworth Street, Fremantle, subject to the following condition(s):

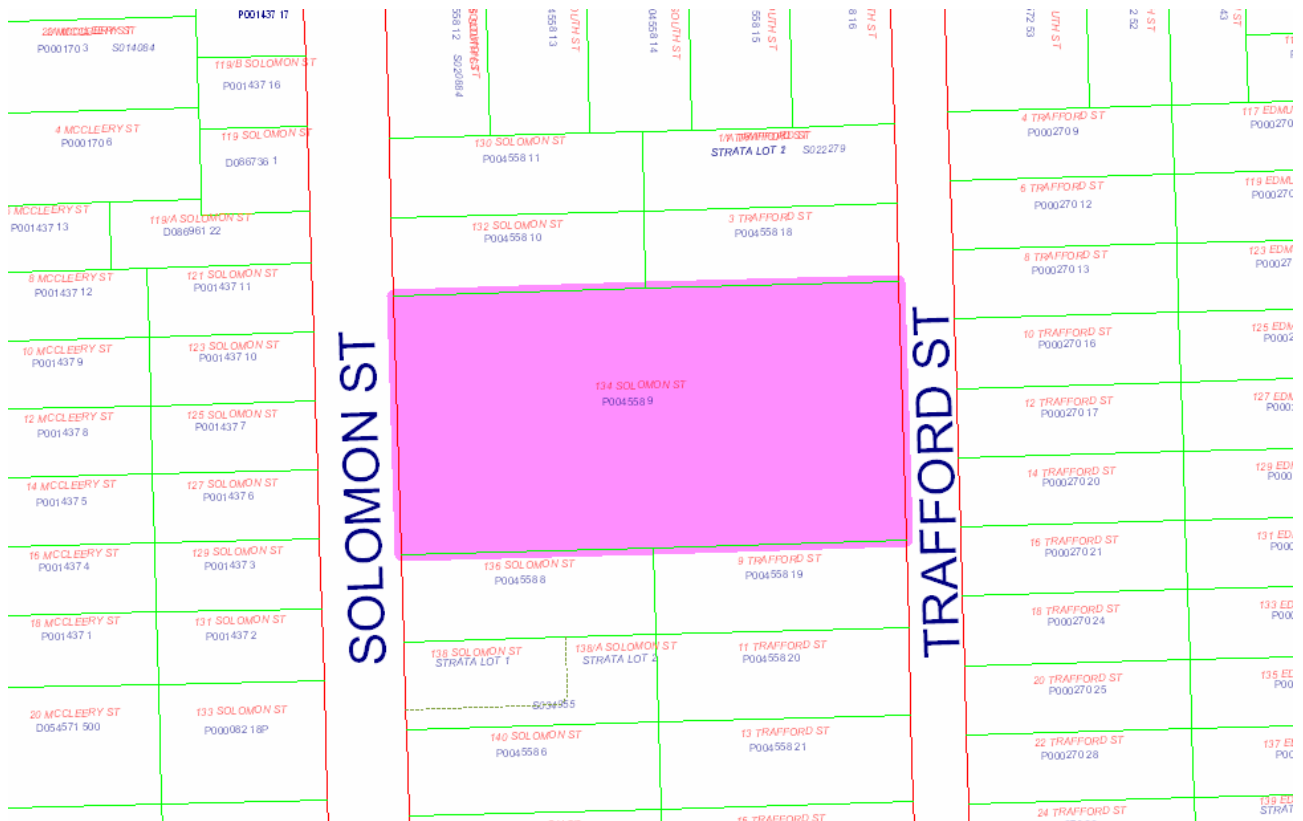
1. The development hereby permitted shall take place in accordance with the approved plans dated 17 December 2008.
2. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or rare fabric of the building. Should the works subsequently be removed, any damage shall be rectified to the satisfaction of the City of Fremantle.

CARRIED: 7/0

For	Against
Mayor, Peter Tagliaferri Cr Robert Fittock Cr John Dowson Cr Bill Massie Cr Jon Strachan Cr John Alberti Cr Les Lauder	

PSC0902-21 SOLOMON STREET, NO. 134 (LOT 9) BEACONSFIELD - TWO LOT SUBDIVISION (AT/MB DA139044)

DataWorks Reference: 059/002
Disclosure of Interest: Nil
Responsible Officer: Manager Development Services
Actioning Officer: Senior Planning Officer / Trainee Planner
Decision Making Level: Planning Services Committee
Previous Item Number/s: DA118/06
Attachments: Subdivision plan
Date Received: 15 December 2008
Owner Name: K Dobinson
Submitted by: JBA Surveys
Scheme: Residential – R25
Heritage Listing: Heritage List, State Heritage Register, Level 1A on MHI
Existing Landuse: Seven grouped dwellings



EXECUTIVE SUMMARY

The application is referred to the Planning Services Committee for determination as the subdivision of a property listed on the State Heritage Register is proposed.

The City has received a referral for a two lot freehold subdivision of No. 134 Solomon Street, Beaconsfield from the Western Australian Planning Commission. This subdivision proposes to create:

- Lot 800 of 2948m² in area, containing the heritage listed Ocean View dwelling, and
- Lot 801 of 1526m² in area, containing the six grouped dwellings approved under DA118/06.

The proposed subdivision is not considered to satisfy the Performance Criteria set out within the Residential Design Codes or the requirements of the City's *D.B.M10: Residential Subdivision* policy relating to housing density and open space of the proposed Lot 801 given that this site is to contain six grouped dwellings.

The proposed subdivision referral is recommended for refusal.

BACKGROUND

The subject site is located at No. 134 Solomon Street, Beaconsfield. The site is currently of large size (approximately 4472m²) and has frontage to both Solomon Street and Trafford Street.

Under the provisions of Local Planning Scheme No. 4 (LPS4) the subject site is zoned Residential – R25 and is within the South Fremantle Local Planning Area. The site is listed on the City's Heritage List and Municipal Heritage Inventory (MHI) as having a management category Level 1A and is also on the State Heritage Register.

The current improvements on the site include a large single storey Victorian Regency style dwelling known as 'Ocean View' which has frontage to Solomon Street and six grouped dwellings fronting Trafford Street which are presently under construction.

The six grouped dwellings currently under construction were approved by the City on 22 August 2006 (DA118/06).

Ocean View, according to the State Heritage Register was utilised for service as a military hospital during World War I and then as a maternity hospital during the inter-war years. The dwelling is presently used for residential purposes.

DETAILS

The City received a referral for a two lot freehold subdivision of No. 134 Solomon Street, Beaconsfield on 15 December 2008 from the Western Australian Planning Commission (WAPC).

This subdivision proposes to create Lot 800 of 2948m² in area, containing the Ocean View dwelling and having frontage to Solomon Street.

The proposed Lot 801 is to be 1526m², contain the six grouped dwellings currently under construction and have frontage to Trafford Street.

STATUTORY AND POLICY ASSESSMENT

Residential Design Codes

The proposed subdivision has been assessed against the relevant Acceptable Development criteria set out within the Residential Design Codes. The application satisfies the relevant Acceptable Criteria with the exception of Design Elements: 6.1 – Housing Density, Element 6.3 – Boundary Walls and 6.4 – Open Space.

Council Policies

City of Fremantle policy *D.B.M10: Residential Subdivision* is of relevance to the current application.

The City's *L.P.P2.4: Boundary Walls* policy sets out the Acceptable Development criteria for the assessment of boundary walls on residential properties which are to replace the Acceptable Development criteria contained within Design Element 6.3 of the Residential Design Codes.

The proposed subdivision is to result in the western elevations of three of the six approved grouped dwellings on the proposed Lot 801 becoming boundary walls. The proposed Lot 801 does not satisfy the Acceptable Development criteria contained within policy L.P.P2.4 as the lot frontage is greater than 10m.

CONSULTATION

Community

The subdivision referral was not required to be advertised under Clause 9.4 of the City's LPS4 or *L.P.P1.3: Public Notification of Planning Proposals*.

Heritage Council of WA

As the subject site is listed on the State Heritage Register, the subdivision application would have been referred by the WAPC to the Heritage Council of WA (HCWA). A copy of the HCWA advice to the WAPC has been forwarded to the City. This advice recommends as follows:

A Conservation Officer, with delegated authority from the Heritage Council, has assessed the development referral in the context of the identified heritage significance of the place. We confirm that the subdivision application is deferred until documentary evidence is submitted to confirm that the works have been completed.

Acceptable evidence could be in the form of written reports from Heritage Consultant Laura Gray, with photographs, demonstrating that the various work items have in fact been completed.

PLANNING COMMENT

Residential Design Codes

Density

The Acceptable Development criteria for R25 properties require a minimum site area of 320m² and an average site area of 350m² under Design Element 6.1.1.

Whilst the subdivision of the subject site into the two proposed allotments (Lots 800 and 801) satisfies the R25 requirements; the resultant density of the proposed Lot 801 containing the six grouped dwellings will not satisfy the minimum or average allotment size.

The Performance Criteria 6.1.1 states:

Development of the type and density indicated by the R-Codes designated in the scheme.

As outlined above, the density proposed for Lot 801 does not satisfy the R25 density designated within LPS4.

Design Element 6.1.3 allows for a variation to the minimum and average site area requirements. None of the Acceptable Development criteria contained within this Design Element are considered applicable to the current application.

The Performance Criteria for 6.1.3 states:

The WAPC may approve the creation of a lot, survey strata lot or strata lot of a lesser minimum and/or average site area than that specified in table 1, and the WAPC or a council may approve the creation of a survey strata lot or strata lot for a single house or a grouped dwelling of a lesser minimum site area than that specified in table 1 provided that the proposed variation would meet the following criteria:

- *Be no more than five per cent less in area than that specified in table 1; and*
- *Facilitate the protection of an environmental or heritage feature; or*
- *Facilitate the retention of a significant element that contributes toward an existing streetscape worthy of retention; or*
- *Facilitate the development of lots with separate and sufficient frontage to more than one public street; or*
- *Overcome a special or unusual limitation on the development of the land imposed by its size, shape or other feature; or*
- *Allow land to be developed with housing of the same type and form as land in the vicinity and which would not otherwise be able to be developed; or*
- *Achieve specific objectives of the local government's scheme and, where applicable, the local planning strategy.*

Compliance with this Performance Criteria requires the variation to the minimum or average site area requirements to be no more than 5%. The proposed variation to the average site requirement for the six grouped dwellings within Lot 801 is well outside 5% of the 350m² average site area requirements. Consequently, the proposed subdivision is not considered to satisfy the Performance Criteria relating to housing density.

Boundary Setbacks

As outlined above, the proposed subdivision will result in the western elevation of three of the six grouped dwellings (Units 2 – 4) on the proposed Lot 801 not satisfying the Acceptable Development criteria contained within the City's *L.P.P2.4: Boundary Walls* given that the site's frontage is to be greater than 10m. As a result, the Performance Criteria set out within the Residential Design Codes is required to be assessed in conjunction with any submissions received from the adjoining landowners/occupiers.

The Performance Criteria for the assessment of boundary walls states:

Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to:

- *Make effective use of space; or*
- *Enhance privacy; or*
- *Otherwise enhance the amenity of the development;*
- *Not have any significant adverse effect on the amenity of the adjoining property; and*
- *Ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.*

The location of the six grouped dwellings was approved by the City on 22 August 2006. The proposed subdivision will not result in any amendment to the location of these grouped dwellings however it does introduce a new boundary line immediately to the west of three of the grouped dwellings (Units 2 – 4).

The introduction of a new boundary line is not anticipated to have any additional impacts upon the amenity or solar access to any of the adjoining properties compared to that which has already been approved under DA118/06. Additionally, the boundary walls will make effective use of the available space on the proposed Lot 801. The application was not required to be advertised therefore no submissions have been received. As a result, the proposed subdivision is considered to satisfy the Performance Criteria relating to boundary walls.

Open Space

The Acceptable Development criteria require R25 properties to contain 50% open space. The proposed Lot 800 satisfies this requirement however the proposed Lot 801 does not.

The Performance Criteria for the provision of open space states:

Sufficient open space around buildings

- *To complement the building;*
- *To allow attractive streetscapes;*
- *To suit the future needs of residents, having regard to the type and density of the dwelling.*

The open space assessment for the six grouped dwellings approved under DA118/06 took into account the entire site area of 134 Solomon Street and consequently was assessed as satisfying the Acceptable Development criteria for open space.

The proposed subdivision will result in approximately 20% open space being provided on Lot 801 in conjunction with the six grouped dwellings. This level of open space is not considered to result in sufficient open space around the buildings on proposed Lot 801, in particular to the western side of the buildings. In addition, the open space around the six grouped dwellings is not considered to be adequate to suit the future needs of residents. Overall, the proposed subdivision is not considered to satisfy the Performance Criteria relating to open space.

Council Policies

City of Fremantle policy *D.B.M10: Residential Subdivision* is the guiding document for the assessment of the subdivision of residential properties.

This policy states that the Council should take the following matters of relevance into consideration when assessing an application for subdivision:

- b) *applicable R Code density for minimum and average lot sizes, as indicated on the Scheme Map Clause 57(b) of the Scheme),*
- c) *whether the lot(s) reflect and reinforce the predominant subdivision pattern of the immediate locality in terms of layout and orientation,*
- i) *whether building(s) of cultural heritage significance are adequately preserved in their traditional setting,*
- v) *whether the lot(s) allow adequate setbacks and curtilage to existing buildings. The curtilage to existing dwelling should be preserved in order to ensure the following:*
 - *the retention of the form and setting of the dwelling within the lot and streetscape,*
 - *retain adequate car-parking and garden space at the side of the dwelling,*
 - *the provision of adequate rear private open space and clothes drying areas. Setbacks between new boundaries (including new dividing fences) and the rear of the existing dwelling should generally be a minimum of 6 metres, and*
 - *original openings are preserved so the dwelling can continue to function in its natural and traditional setting,*

The proposed subdivision does not satisfy Clause b) above as the R25 density has not been taken into account for the proposed Lot 801 which is to contain six grouped dwellings.

With regard to Clause c), the proposed lot layout and orientation are considered to be consistent with the predominant subdivision pattern of the area, however it should be noted that the existing parent lot and proposed two lots are still of substantially larger size than the predominant subdivision pattern in the area.

As outlined above, the proposed subdivision will retain the existing Ocean View dwelling on the proposed Lot 800. The design of the proposed subdivision is considered to allow a suitable curtilage around the house including the retention of a large front and side garden which is considered to be part of its traditional setting.

Notwithstanding the above, it is noted that the size of the proposed Lot 800 does allow for further development potential in terms of allowing additional dwellings to be constructed within the Acceptable Development provisions of the Residential Design Codes. The construction of any additional dwellings on the proposed Lot 800 is anticipated to have a significant impact upon the cultural heritage values of the Ocean

View dwelling and its curtilage. As a result, should the proposed subdivision be recommended to the WAPC for approval, it is recommended that a restrictive covenant be placed on the Certificate of Title for Lot 800 to preclude future development of additional dwellings on this lot.

The proposed subdivision complies with Clause v) above requiring the rear setback of new boundaries to be a minimum of 6m and the retention of on-site parking on both sites. However adequate garden space and open space is not provided on the proposed Lot 801 given the approved development current under construction.

The provisions of D.B.M10 outline the conflict between the retention of the cultural heritage values of an existing heritage listed dwelling and the provision of a density which adheres to the R25 requirements as well as the provision of adequate open space for Lot 801. A subdivision of the subject site to provide the required minimum and average allotment size for the six grouped dwellings in conjunction with the retention of the Ocean View dwelling and its traditional curtilage is considered to be problematic given the location of the existing Ocean View dwelling in the approximate centre of the site.

Heritage

There are no specific objections to the proposed subdivision on heritage grounds, however it is noted that the City's MHI and Heritage List records will have to be amended to include Lot 801 should the subdivision application be approved, with regard to the existing limestone wall along the Trafford Street boundary which is of heritage significance.

CONCLUSION

The proposed subdivision is not considered to satisfy the Performance Criteria set out within the Residential Design Codes relating to housing density and open space. In addition, the application is not considered to satisfy the requirements of the City's *D.B.M10: Residential Subdivision* policy which requires the application to provide the density required by the applicable density coding. Consequently, the proposed subdivision referral is recommended for refusal by the WAPC.

Should the Council resolve to recommend approval of the proposed subdivision to the WAPC, it is recommended that a condition requiring a restrictive covenant be registered on the Certificate of Title for the proposed Lot 800 precluding any future development of additional dwellings on the allotment to enable the preservation of the traditional setting of the Ocean View dwelling.

OFFICER'S RECOMMENDATION

That the application be REFERRED to the Western Australian Planning Commission with a recommendation for REFUSAL under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Two Lot Subdivision at Solomon Street, No. 134 (Lot 9), Beaconsfield, subject to the following conditions:

1. The proposal is inconsistent with the requirements of Design Element 6.1 of the Residential Design Codes and the City of Fremantle's Planning Policy *D.B.M10: Residential Subdivision* in respect to the housing density of proposed Lot 801 as the required minimum and average allotment sizes are not satisfied.
2. The proposal is inconsistent with the requirements of Design Element 6.4 of the Residential Design Codes in respect to the provision of open space for the proposed Lot 801.

Mayor, Peter Tagliaferri MOVED the following alternative recommendation:

That the application be REFERRED to the Western Australian Planning Commission with a recommendation for APPROVAL under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Two Lot Subdivision at Solomon Street, No. 134 (Lot 9), Beaconsfield, subject to the following conditions:

1. The subdivision being in accordance with the approved plan, date stamped by the WAPC on 5 December 2008, including any amendments placed thereon, other than any modifications that may be required by the conditions that follow.
2. All buildings and effluent disposal systems, having the necessary clearances from the new boundaries as required under the relevant legislation.
3. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision.
4. Suitable legal arrangements being made, at the applicant's expense, for the preparation of documentation and registration on the Certificate of Title to prohibit the future subdivision of the proposed Lot 800 and advise the owners and successors in title accordingly. Further subdivision will not be permitted so as to maintain the area indicated as Registered Curtilage on the conservation plan.

Cr J Dowson MOVED to defer the item with the alternative recommendation to the Planning Services Committee Meeting to be held on 18 February 2009, to allow officers to obtain further information to ensure that an appropriate condition for a restrictive covenant in perpetuity could be recommended to the WAPC.

CARRIED: 6/1

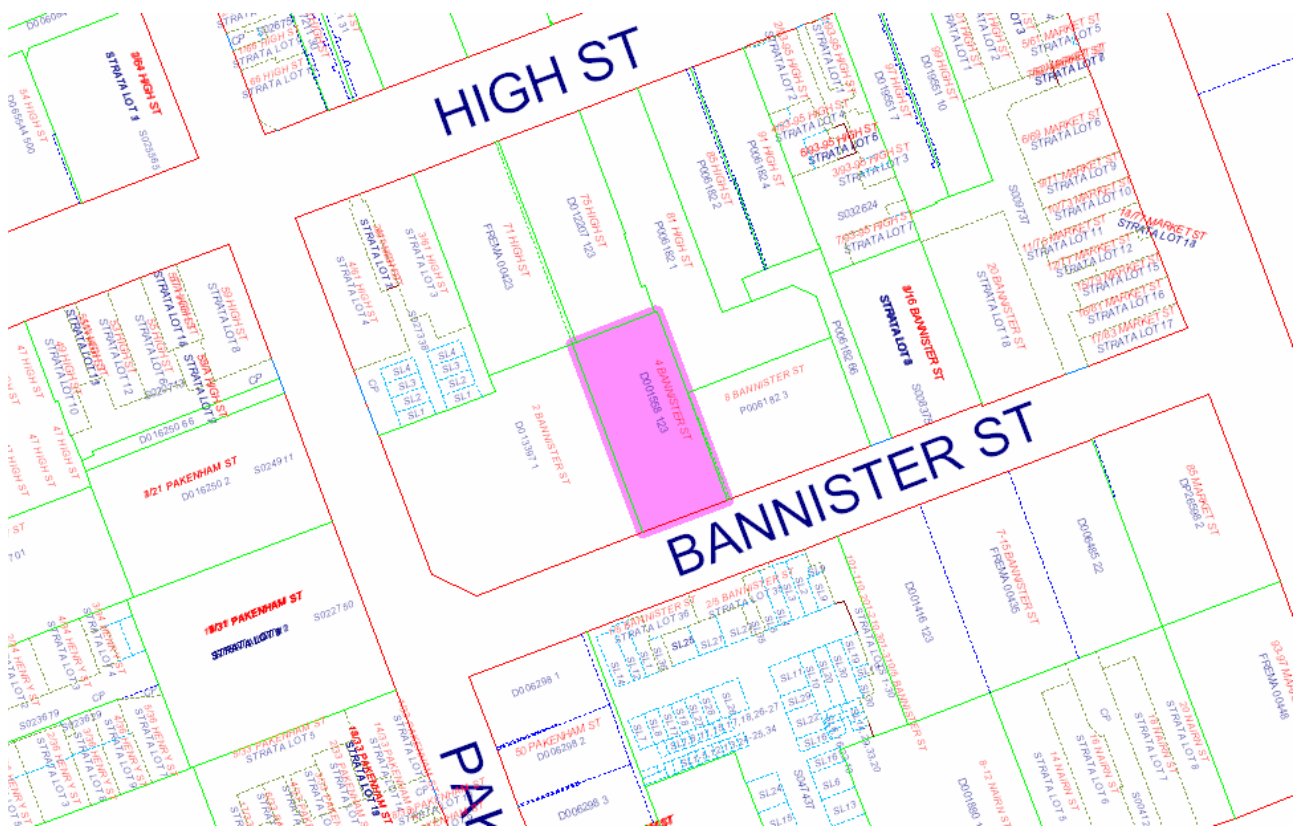
For	Against
Mayor, Peter Tagliaferri Cr Robert Fittock Cr John Dowson Cr Bill Massie Cr John Alberti Cr Les Lauder	Cr Jon Strachan

REASON/S FOR CHANGE TO OFFICER'S RECOMMENDATION

The Committee considers that the recommendation of approval for this subdivision application will not result in any further visual changes to the streetscape in Trafford Street as development has already been approved on the portion of land fronting Trafford Street.

PSC0902-22 BANNISTER STREET, NO. 4 (LOT 123 AND 101) FREMANTLE - VARIATION TO DA249/08 FOR THE DEMOLITION OF AN EXISTING COMMERCIAL BUILDING AND REPLACEMENT WITH A FOUR STOREY MIXED USE DEVELOPMENT (AT VA37/08)

DataWorks Reference: 059/002
Disclosure of Interest: Nil
Responsible Officer: Manager Development Services
Actioning Officer: Senior Planning Officer
Decision Making Level: Planning Services Committee
Previous Item Number/s: DA249/08
Attachments: Variation plans
 Application letter
Date Received: 15 December 2008
Owner Name: Brisau Holdings Pty Ltd; P & J Capozzi; Ruby Lane Pty Ltd and B.A Cleaver
Submitted by: Cronerobinson Architecture Studio
Scheme: City Centre
Heritage Listing: West End Conservation Area
Existing Landuse: Commercial
Use Class: Mixed Use – Multiple Dwellings and Shop
Use Permissibility: Multiple Dwellings – D, Shop - P



EXECUTIVE SUMMARY

The application for variation to DA249/08 is referred to the Planning Services Committee meeting as the application proposed to be varied was determined by the Planning Services Committee.

Planning Approval is sought for a variation to the Planning Approval DA249/08 granted 8 July 2008 for No. 4 Bannister Street, Fremantle. The variations sought are as follows:

- Partial removal of the basement level and therefore reduced excavation;
- Increased height of the ground floor level, minor amendments to the façade openings and internal alterations;
- Decreased floor to ceiling heights for the first, second and third floors;
- Raised height of the parapet balustrade to the third level to 11m;
- Installation of a weather awning projecting over the footpath by 1.2m.

The proposed variations do not result in an overall increase in height or a reduction in car parking spaces. In addition, the proposed amendments are considered to not impact upon the overall design of the building or have an adverse impact upon the cultural heritage values of the surrounding sites or Fremantle's West End Conservation Area.

The variation application is recommended for approval subject to an additional condition.

BACKGROUND

Under the provisions of Local Planning Scheme No. 4 (LPS4), the subject site is located within the City Centre zone and is also within the West End Conservation Area. The subject site is however not individually listed on the City's Heritage List or Municipal Heritage Inventory (MHI).

The site presently contains a single storey brick and iron building located towards the rear of the site with car parking to the front. A review of the property file has shown that the City previously granted approval for the demolition of this building on 18 April 2000. This approval expired on 18 April 2002.

The subject site is adjoined by the Bannister Craftworks building to the north (No. 8 Bannister Street) which is included on the City's MHI with a management category Level 1B. This site also adjoins an existing four storey mixed use development on the lot opposite to the proposed development (No. 5 Bannister Street) and a commercial building on the adjoining lot to the west (No. 2 Bannister Street). These two buildings are not included on the City's MHI.

Planning Approval (DA544/07) was refused on 28 April 2008 for the construction of a five storey mixed use development on the subject site for the following reasons:

1. *The height of the proposed development does not comply with the height requirements contained within Schedule 12 of the City of Fremantle Local Planning Scheme No. 4.*

2. *The proposed development does not satisfy all of the criteria listed under Clause 5.8.1 of City of Fremantle Local Planning Scheme No. 4.*

Planning Approval was granted by the City on 8 July 2008 for the demolition of the existing commercial building and replacement with a four storey mixed use development containing one ground floor shop and 11 multiple dwellings (DA249/08). The building approved under DA249/08 is four storeys with a maximum external wall height of 13.6m. A shortfall of 11 car parking bays was also approved which resulted in the proposed development containing 15 bays.

DETAILS

Planning Approval is sought for a variation to Planning Approval DA249/08 granted 8 July 2008 for No. 4 Bannister Street, Fremantle. The variations sought are as follows:

- Removal of the basement level and therefore reduced excavation;
- Increased height of the ground floor level, minor amendments to the façade openings and internal alterations;
- Decreased floor to ceiling heights for the first, second and third floors;
- Raised height of the parapet balustrade to the third level to 11m;
- Installation of a weather awning projecting over the footpath by 1.2m.

These variations are further explained within the applicant's letter submitted with the application and attached to this report as Attachment 2.

It should be noted that the proposed variations do not result in an increase in the overall building height or a reduction in the number of car parking bays on-site.

Following consultation with the City's officers, the applicant's provided amended development plans dated 22 January 2009 which amended the window treatment of the ground floor openings and the visual permeability of the door on the vehicle access point.

STATUTORY AND POLICY ASSESSMENT

Local Planning Scheme No. 4

Clause 8.3 of the City's LPS4 states that Council may approve an amendment to a previously approved development application providing the development which is the subject of the approval has not commenced on site. No works approved under DA249/08 have commenced on site to date.

Council Policies

LPP1.1: Amendment to and Extension to the Term of Planning Approvals

This City of Fremantle policy outlines the manner in which the City is to deal with requests for variations to planning approvals. This policy states:

In determining whether to allow the amendment of a planning approval, Council will consider whether the nature and extent of the proposal amendment is such that the use or development the subject of the planning approval:

(a) remains, in substance, the same; or

(b) is changed so a new and different use or development is proposed.

D.G.F14: Fremantle West End Conservation Area

The subject site is located within the Fremantle West End Conservation Area. This policy prescribes assessment guidelines for developments within this area.

Miscellaneous Provisions

An awning is proposed to project 1.2m over the Bannister Street road reserve. Section 400 of the *Local Government (Miscellaneous Provisions) Act 1960 (LGA 1960)* empowers local governments to regulate to allow buildings to encroach over streets, ways or other public spaces.

Landgate (previously DOLA and DLI) has advised local governments through a Government Land Bulletin issued in July 2001 that approvals should not be given pursuant to the LGA 1960 or the *Local Government Act 1995* to encroachments over Crown land without the developer being required to also seek consent from the Minister for Lands and appropriate tenure under the *Land Administration Act 1997*. When giving approval for building encroachments, local governments are required to advise applicants of the need to obtain Landgate's consent.

CONSULTATION

Community

The variation application is not required to be advertised under the City's *L.P.P1.3: Public Notification of Planning Proposals* or under Clause 9.4 of LPS4. It should be noted that the previous development application was advertised and no submissions were received.

Fremantle Ports

The subject site is located within Area 2 of the Fremantle Port Buffer. The previous application was referred to the Fremantle Ports Authority who recommended that the requirements of policy *L.P.P2.3: Fremantle Port Buffer Area Development Guidelines* be applied to the approval. As a result, conditions to satisfy the applicable policy requirements were imposed.

The proposed amendments to the previous planning approval are not anticipated to increase the development's susceptibility to Fremantle Port activities and it is considered that the existing conditions of approval which will also apply to the variation are adequate.

PLANNING COMMENT

Variations

The City's *L.P.P1.1: Amendment to and Extension to the Term of Planning Approvals* states that where amendments to an approval are proposed, these amendments shall result in the development remaining in substance the same as that previously approved. The proposed amendments are considered minor and will not significantly alter the development as approved on 8 July 2008, as it will still remain a four storey mixed use development of similar design and appearance. Consequently, it is considered that the proposed works can be considered a variation.

Height

As outlined above, the City granted approval for a four storey building with a maximum external wall height of 13.6m under Clause 1.3 of Schedule 12 of LPS4. The proposed variations do not result in an increase in the number of storeys or the maximum wall height proposed.

It is noted that the parapet height of the third floor level is increased by 1.2m to 11m however this is within the 14m maximum wall height requirement set out in Clause 1.3 of Schedule 12 of LPS4. This increase in parapet height along the street elevation further aids the concealment of the fourth floor level from Bannister Street as required by this Clause.

Car Parking

The Planning Approval granted 8 July 2008 required 15 on-site parking bays to be provided in the basement level. For reasons including the stability of a neighbouring site and cost of excavation, the applicant is seeking a variation to this previous approval to remove the majority of the basement level and provide the 15 required car parking bays on the ground floor level, 14 of which are to be provided in car stackers and 1 on hardstand. The City has reviewed the model of car stacker proposed and support the application providing a condition is imposed requiring the installation and ongoing operation of the car stacker and an advice note advising the applicant that the basement level may be near the groundwater level.

Awning

Section 400 of the *LGA 1960* empowers local governments to control building encroachments over streets, ways or other public spaces. Clause (2) of this Section states that a person with the permission of the local government may install an awning or verandah at least 2.75m above the footpath in a street unless prohibited from doing so by any local laws. The proposed awning is located approximately 3.5m above the footpath level. Consequently, the City has the ability to approve the awning. Notwithstanding this an advice note is recommended stating that the applicant may require Landgate's consent for the proposed awning.

Heritage

The proposed variations do not significantly alter the design of the previously approved building which was considered to satisfy the objectives of City of Fremantle policy *D.G.F14: Fremantle West End Conservation Area*. The City has reviewed the proposed amendments and the application is supported on heritage grounds.

CONCLUSION

The proposed amendments to Planning Approval DA249/08 are considered to be minor and will not result in a significant amendment to that previously approved. Therefore the proposed amendments are able to be considered as a variation under *L.P.P1.1: Amendment to and Extension to the Term of Planning Approvals*.

The variations to the previous Planning Approval will not result in an increase in the maximum external wall height or a reduction in on-site parking as previously approved. In addition, the proposed variations are not considered to significantly alter the design of the approved development.

The proposed variations are recommended for approval subject to one additional condition and two advisory notes.

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Mayor, Peter Tagliaferri

That the variation to planning approval (DA249/08) be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Demolition of an Existing Commercial Building and Replacement with a Four Storey Mixed Use Development at No. 4 (Lots 123 and 101) Bannister Street, Fremantle, subject to the development plans dated 22 January 2009, the same conditions as those included within planning approval DA249/08 and including the following additional condition:

Conditions

- 11. The 14 bay car stacker to be contained within the ground floor level of the building shall be installed prior to occupation and thereafter maintained and kept operational to the satisfaction of the Chief Executive Officer of the City of Fremantle.**

Advisory Notes

- (iii) The basement level for the car stacker may be close to the groundwater table.**

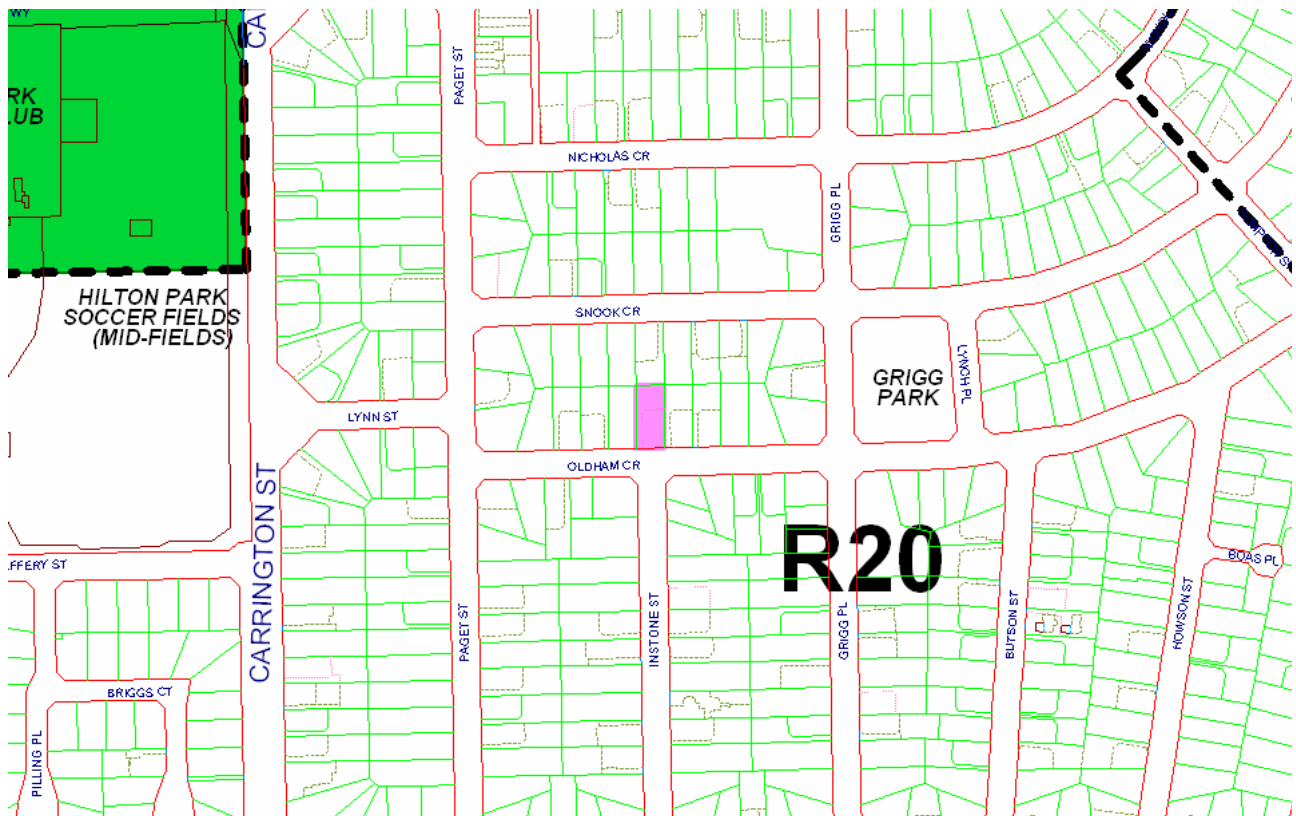
- (iv) In accordance with Section 400 of the *Local Government (Miscellaneous Provisions) Act 1960*, approval may be required from the relevant Minister for certain structures erected on or over the road reserve.**

CARRIED: 7/0

For	Against
Mayor, Peter Tagliaferri Cr Robert Fittock Cr John Dowson Cr Bill Massie Cr Jon Strachan Cr John Alberti Cr Les Lauder	

PSC0902-23 OLDHAM CRESCENT NO.12/A (LOT 2), HILTON - TWO STOREY DWELLING (JL DA575/08)

DataWorks Reference: 059/002
Disclosure of Interest: Nil
Responsible Officer: Manager Development Services
Actioning Officer: Planning Officer
Decision Making Level: Planning Services Committee
Previous Item Number/s: Nil
Attachment 1: Development Plans
Attachment 2: Photos supplied by the applicant
Date Received: 27 October 2008
Owner Name: L. Bass & Simon Pollitt
Submitted by: Daly and Shaw Buildings Pty Ltd
Scheme: Residential – R20
Heritage Listing: Hilton Garden Heritage Precinct
Existing Landuse: Grouped dwelling
Use Class: Grouped dwelling
Use Permissibility: D



EXECUTIVE SUMMARY

The application has been referred to the Planning Services Committee for determination as the development proposes a two storey dwelling within Hilton.

The applicant is seeking Planning Approval for the construction of a two storey Grouped Dwelling at No. 12/A Oldham Crescent, Hilton (the 'subject site').

The proposed development satisfies the relevant criteria set out within the Residential Design Codes 2008 (R-Codes) and the applicable City of Fremantle policy *L.P.P2.4 – Boundary Walls in Residential Development*. The proposed development however is not considered to satisfy the relevant provisions of the City of Fremantle's *D.G.H3: Hilton Local Area Planning Policy* in terms of building height as the desired height of buildings specified in the Hilton Local Area Planning Policy and the predominant streetscape pattern in the area is of single storey development.

Therefore the application is recommended for refusal.

BACKGROUND

The subject site is zoned Residential under the provisions of the City's Local Planning Scheme No.4 (LPS4) and has a density coding of R20. The site is approximately 371m² and is a rear survey strata lot which has a common property vehicle access leg located along the western common boundary. The subject site is located on the northern side of Oldham Crescent, Hilton. This site is not individually listed on the City's Heritage List but is located within the Hilton Garden Precinct which is registered as a Heritage Area under the provisions of the LPS4.

On 27 October 2008 the City received a Development Application (refer DA575/08) seeking the City's Planning Approval for the construction of a two storey Grouped Dwelling at the subject site.

On 10 November 2008 the applicant was contacted regarding several concerns relating to boundary setbacks, visual privacy and the proposed building height of the development. Consequently on 18 November 2008 the applicant submitted additional information including photographic evidence of existing two storey dwelling's within the Hilton suburb. Additionally on 8 December 2008 the applicant submitted amended plans and several copies of development plans which had been signed by all of the adjoining landowners. The submitted amended plans addressed some of the concerns raised by the city's officers in relation to boundary setbacks and visual privacy.

DETAILS

Planning Approval is sought to construct a two storey Grouped Dwelling on the subject site. The proposed development requires several performance based assessments in relation to the proposed western boundary wall and the building height of the development.

The proposed two storey grouped dwelling consists of a 5.8 metres high external wall height and a 7.1 metres roof ridge height.

The applicant is also proposing a western boundary wall which will be 6 metres long and has a maximum and average height of 3 metres.

STATUTORY AND POLICY ASSESSMENT

Residential Design Codes 2008 (R-Codes)

The application has been assessed against the relevant 'Acceptable Development' criteria set out within the R-Codes for R20 coded property. The proposed development satisfies all of the relevant 'Acceptable Development' criteria with the exception of Design Element 6.3 – Boundary Setbacks and Element 6.7 – Building Height. Accordingly performance based assessments are required for these elements. This will be assessed below.

6.3.2 – Buildings on boundary

With regards to the performance based assessment relating to the proposed western boundary wall, please see the 'Council Policies' section below. The City's *Boundary Walls in Residential Development Policy* replaces the 'Acceptable Development' provisions of the R-Codes with alternative provisions.

6.7.1 - Building Height

The 'Acceptable Development' criteria specify that buildings shall comply with the height restrictions specified in Table 3 except where otherwise stated in a Local Planning Policy. The *Hilton Local Area Planning Policy* (D.G.H3) is relevant to this site and this policy prescribes specific height restrictions for the area. These specific height provisions will be mentioned and discussed below in the 'Council Policies' and 'Planning Comment' section of this report.

Council Policies

D.G.H3: Hilton Local Area Planning Policy

Clause 5.4.1 of this policy states that infill development within the Hilton Local Area should have a maximum external wall height of 3.5m and a maximum ridge height of 6.5m. This policy further states it is acceptable for development to be the equivalent of a single storey with loft dwelling, as long as the loft additions for the new dwelling are designed to be located at the rear of the building in order to maintain a single storey front façade appearance.

L.P.P 2.4 – Boundary Walls in Residential Development

The City's *Boundary Walls in Residential Development Policy* provides alternative 'Acceptable Development' standards to those contained within design element 6.3.2 of the R-Codes. The proposed western boundary wall does not meet these standards as the wall exceeds the 2.7 metre average height requirement.

In applying the 'Performance Criteria' of the R-Codes regarding buildings on boundaries, the City's Policy states:

'In considering any application under the performance criteria in clause 6.3.2 P2 of the Residential Design Codes, the Council will have particular regard to comments made by neighbouring owners / occupiers of adjoining properties, and will only consider these criteria to be met where it is satisfied that no adverse impacts on the amenity of the neighbouring property will occur.'

The 'Performance Criteria' of design element 6.3.2 of the R-Codes states:

'Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to:

- make effective use of space; or*
- enhance privacy; or*
- otherwise enhance the amenity of the development;*
- not have any significant adverse effect on the amenity of the adjoining property; and*
- ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.'*

As mentioned previously the applicant has provided the City with a copy of the development plans which have been signed by the adjoining western neighbour supporting the development.

CONSULTATION

Community

The application was required to be advertised in accordance with the provisions of the City's *L.P.P1.3: Public Notification of Planning Approvals* policy, as the proposed development requires several performance based assessments. At the conclusion of the advertising period, being 13 November 2008, the City had received one submission. The applicant has since consulted with the affected party and has addressed the submitters concerns related to the development. This is evident as on 8 December 2008 the applicant submitted seven copies of the development plans which had been endorsed by all the adjoining landowners including the original submitter, supporting this application.

PLANNING COMMENT

In considering this application, there are two key issues that must be addressed. These issues are in relation to the proposed western boundary wall and the building height of the development.

These variations should be considered against the relevant 'Performance Criteria', as outlined in the 'Statutory and Policy Assessment' section of this report.

Boundary Wall

The proposed western boundary wall is located approximately 8-10 metres away from the adjoining western dwelling and its private outdoor living area. This boundary wall is 6 metres long and 3 metres high.

This wall is not considered to be excessive in height or length. It is acknowledged that this wall will abut the existing rear backyard area of the adjoining western site, however the proposed location of this wall is acceptable as it is sufficiently setback from the adjoining western dwelling and its private outdoor living area. Additionally as the boundary wall is to be located on the western boundary the overshadowing impacts created from the development will be minimal. Overall this boundary wall is not considered to have an adverse impact on the adjoining western neighbour, in terms of restricted solar access, building bulk and loss of visual amenity. Therefore this proposed variation is supported as it addresses the relevant 'Performance Criteria' of design element 6.3.2 of the R-Codes.

Building height

As mentioned previously the proposed grouped dwelling incorporates a maximum external wall height of 5.8 metres and a maximum roof ridge height of 7.1 metres. Accordingly, a performance based assessment is required.

The Performance Criteria relating to building height states:

Building height consistent with the desired height of buildings in the locality, and to recognise the need to protect the amenities of adjoining properties, including, where appropriate:

- *Adequate direct sun to buildings and appurtenant open spaces;*
- *Adequate daylight to major openings to habitable rooms; and*
- *Access to views of significance.*

As outlined within the Hilton Local Area Policy, the desired height of buildings in Hilton is single storey and where possible a loft contained within the roof space of the single storey dwelling.

The applicant has submitted a number of photos which depict houses in Hilton which resemble a two storey design in support of their application; however it should be noted that the two closest photographed sites (3/A Lee Avenue and 6 Tonkin Road) are located approximately 1.2km away from the subject site.

A site visit was undertaken to the subject site and it was noted that the Oldham Crescent block bounded by Paget Street, Snook Crescent and Grigg Place, which contains the subject site, contain a single storey dwelling on the front portion of the sites with some additional single storey with loft dwellings located at the rear. The adjoining rear property to this subject site is occupied by a single storey dwelling with a loft addition. Upon a review of the surrounding streets including Doust Street, Bromley Road and Tonkin Road, it is noted that some two storey developments are scattered throughout the area, however this type of development is not considered to be the predominant streetscape pattern in the area with the majority of the existing housing stock being of single storey.

With regards to the protection of the adjoining properties amenity in terms of access to sunlight and day light, the proposed development is well setback from the southern boundary and is not anticipated to have any significant impact on solar access to any of the adjoining properties. The proposed development is also not considered to impact upon any views of significance.

Overall, the proposed height is not considered to be consistent with the desired height of buildings in the locality as specified in the Hilton Local Area Planning Policy and as shown in the predominant streetscape pattern of single storey dwellings in the surrounding area.

CONCLUSION

The proposed development has been assessed against the provisions of the R-Codes and Council's *D.G.H3: Hilton Local Area Planning Policy* and *L.P.P 2.4 – Boundary Walls in Residential Development Policy*.

With the exception of the proposed building height which is assessed in detail above, the proposed development satisfies all of the applicable policy requirements with regard to infill development within Hilton including boundary setbacks, materials, roof pitch and eave width. However the proposed development is not considered to satisfy the relevant performance criteria or City of Fremantle's *D.G.H3: Hilton Local Area Planning Policy* relating to building height as the desired height of buildings specified in the Hilton Local Area Planning Policy and the predominant streetscape pattern in the area is of single storey development. As a result, the application is recommended for refusal.

OFFICER'S RECOMMENDATION

That the application be REFUSED under the Metropolitan Regional Scheme and Local Planning Scheme No. 4 for the Two Storey Grouped dwelling at No. 12/A (Lot 2) Oldham Crescent, Hilton as the proposal is inconsistent with the objectives of the City of Fremantle's Planning Policy D.G.H3: Hilton Local Area Planning Policy and the pattern of development within the locality.

LOST: 2/5

For	Against
Cr John Dowson Cr Les Lauder	Mayor, Peter Tagliaferri Cr Bill Massie Cr John Alberti Cr Jon Strachan Cr Robert Fittock

COMMITTEE RECOMMENDATION

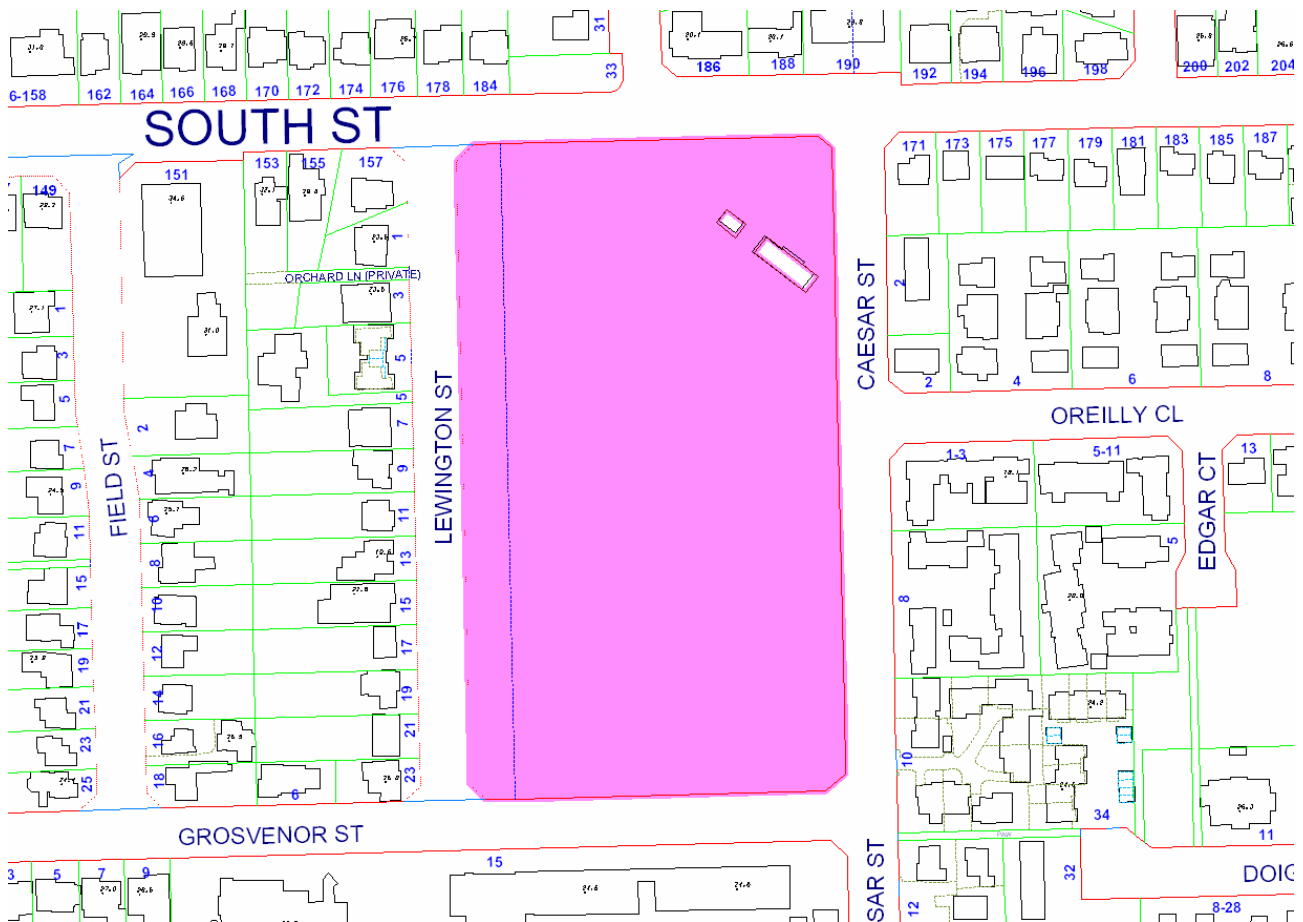
Cr J Strachan MOVED to defer the item to the next Planning Services Committee Meeting to be held on the 18 February 2009, to allow officers to prepare a recommendation for approval with appropriate conditions.

CARRIED: 4/3

For	Against
Cr Robert Fittock Cr John Dowson Cr Jon Strachan Cr Les Lauder	Mayor, Peter Tagliaferri Cr Bill Massie Cr John Alberti

PSC0902-25 BRUCE LEE RESERVE 26278 (LOT 1973) LEWINGTON STREET, BEACONSFIELD - INSTALLATION OF LIGHTING TOWERS - (BC DA662/08)

DataWorks Reference: 059/002
Disclosure of Interest: Nil
Responsible Officer: Manager Development Services
Actioning Officer: Planning Officer
Decision Making Level: Planning Services Committee
Previous Item Number/s: SGS0811-10
Attachments: Development Plans
 Light Spill Diagram
Date Received: 15 December 2008
Owner Name: City of Fremantle
Submitted by: City of Fremantle
Scheme: Open Space
Heritage Listing: Not Listed
Existing Landuse: Parks and Recreation
Use Class: Parks and Recreation
Use Permissibility: A



EXECUTIVE SUMMARY

The application is presented before the Planning Services Committee as the City received a submission during the consultation period concerning various aspects of the development which cannot be resolved via conditions of planning approval.

The application is for the installation of four lighting towers at Bruce Lee Reserve (Reserve 26278), Beaconsfield.

The proposed development is considered to satisfy the relevant considerations of the City's Local Planning Scheme No. 4 (LPS4).

Accordingly the application is recommended for conditional approval.

BACKGROUND

Bruce Lee Reserve (the Reserve) is located on the southern side of South Street, bounded by Lewington Street to the west, Grosvenor Street to the south and Caesar Street to the east.

The Reserve is an "Open Space" reserve under LPS4. The site is located within the Beaconsfield Local Planning Area and also within the South Fremantle Heritage Area.

The Reserve is a community reserve and a multi sport facility. The City currently manages the Reserve and is responsible for the maintenance and safe operation of the Reserve. There is currently 1 lighting tower located at the northern end of the Reserve. This tower provides lighting for the area in front of the clubhouse, however, it is insufficient to provide lighting to an acceptable standard for the entire Reserve for use by any sporting bodies using the reserve during the evening.

The Reserve provides primarily for two soccer pitches located in the middle of the Reserve. Overall, the ground level of the soccer pitches is lower than the ground level of the surrounding streets with the edges of the Reserve banking upwards to the level of the streets. There are numerous large and mature trees (approximately 15 to 20 metres high) along the eastern and western banked edges of the Reserve.

On 26 November 2008 Council, at its Ordinary Meeting, resolved to:

1. *That Council approve a self supporting loan for the East Fremantle Tricolore Soccer Club under the SG23 Loans to Clubs and Associations Policy for the amount of \$30,000 for the installation of sports lighting at Bruce Lee Reserve in 2008/09 financial year, on the basis that 3 guarantors have not been provided in accordance with part (a) of the policy.*
2. *The self supporting loan for the East Fremantle Tricolore Soccer Club be advertised in accordance with the Local Government Act 1995.*

DETAILS

The application is for the installation of four lighting towers at Bruce Lee Reserve.

Each lighting tower will be 32 metres high above ground level. Each tower will accommodate four "Silvannia A2 Maxi 2kW" flat glass floodlights, directed towards the centre of the Reserve.

The proposed north eastern lighting tower will be located 3.5 metres within the Reserve boundary, and approximately 21 metres from the nearest residential lot on Caesar Street. The ground level of the Reserve at this proposed lighting tower location is approximately 2 metres lower than the ground level of Caesar Street.

The proposed south eastern lighting tower will be located 6 metres within the Reserve boundary, and approximately 25 metres from the nearest residential lot on Caesar Street. The ground level of the Reserve at this proposed lighting tower location is approximately 2.5 metres lower than the ground level of Caesar Street.

The proposed south western lighting tower will be located 11 metres within the Reserve boundary, and approximately 30 metres from the nearest residential lot on Lewington Street. The ground level of the Reserve at this proposed lighting tower location is approximately 3.5 metres lower than the ground level of Lewington Street.

The proposed north western lighting tower will be located 14 metres within the Reserve boundary, and approximately 33 metres from the nearest residential lot on Lewington Street. The ground level of the Reserve at this proposed lighting tower location is approximately 4 metres lower than the ground level of Lewington Street.

The applicant has stated that the Reserve:

- is a training reserve;
- is intended to be lit for a minimum of three nights per week between the hours of 6pm and 9pm from April to August; and
- will have a low use on weekends where there may be informal/social games held at the Reserve on an infrequent basis.

STATUTORY AND POLICY ASSESSMENT

Local Planning Scheme No. 4

The Bruce Lee Reserve is reserved as "Open Space" under LPS4. The objectives of an Open Space reserve, as described in clause 3.4.1 of the Scheme, are to *'provide for recreational, community, beautification and conservation activities.'*

Clause 3.4.2 states that:

'A person must not –

- use a Local Reserve, or*
- commence or carry out development on a Local Reserve without first having obtained planning approval under part 9 of the Scheme.'*

Part 9 of the Scheme details the requirements relating to applying for planning approval. The application has been lodged with the City in accordance with Part 9 of the Scheme.

Clause 3.4.3 states that:

'In determining an application for planning approval the Council shall have due regard to –

- (a) the matters set out in clause 10.2, and*
- (b) the ultimate purpose intended for the Reserve.'*

Clause 10.2 provides the matters to be considered by Council when determining an application for planning approval.

CONSULTATION

Community

The application was required to be advertised in accordance with Clause 9.4 of the LPS4 and *LPP1.3 Public Notification of Planning Proposals*, as the development was considered to potentially impact on nearby residential areas and neighbours. At the conclusion of the advertising period, being 19 January 2009, the City had received two submissions stating no objection to the development and one submission opposing the development. The following issues were raised:

- The submitter is of the view that the different land uses surrounding the Reserve are incompatible with each other and with the Beaconsfield area in general. The submitter feels that the installation of the lighting towers will exacerbate the incompatibility of land uses.
- The submitter states the Reserve would better serve the community as a park.
- The submitter is concerned that the lighting towers will create light pollution and cause sleeping problems for nearby residents.

PLANNING COMMENT

Local Planning Scheme No. 4

Clause 10.2 of LPS4 prescribes matters to be considered by the Council when determining an application for planning approval. For the purpose of this report, the intent of the matters listed have been generalised and addressed as follows:

Purpose of Reserve

The proposed lighting towers will enable the Reserve to be better utilised by the community and sporting bodies during the winter months, thus enhancing the Reserve's ability to provide for recreational uses. The lighting of the Reserve will enable safe participation in sporting activities during the darker hours and will encourage other clubs and members of the community to utilise the Reserve.

Impact on Amenity of Non-residential Locality

The Reserve is bounded by South Street to the north and Fremantle Challenger TAFE and associated carparks to the south. The proposed lighting towers are to be located approximately 60 metres from South Street and are not anticipated to impact on the functioning of South Street as a Primary Road. Furthermore the lighting diagram supplied by the applicant indicates a negligible amount of light spill onto South Street from the proposed lighting towers. The lighting towers are considered compatible with the Fremantle Challenger TAFE educational facility. The provided lighting diagram indicates no light spill into the educational facility. The existing car parking facilities that are shared by the TAFE and Reserve users are considered satisfactory to provide for any increased use caused by the installation of the lighting towers. Furthermore the City received a submission from the Manager of Campus Services at the TAFE stating no objection to the proposal.

The Reserve enables recreational and community based activity for the residents within the locality, such as the residential properties located on Caesar and Lewington Streets. The proposed lighting of the Reserve will increase the hours in which the Reserve will be available for use, particularly during the winter months. This is considered beneficial to the residents within the locality and for the community as a whole.

Impact on Amenity of Residential Locality

As previously mentioned, the Reserve is bounded by two Residential streets, Caesar Street to the east and Lewington to the west. The proposed lighting towers will be located 21 metres and 25 metres from the residential properties along Caesar Street, and 30 metres and 33 metres from the residential properties along Lewington Street.

The light spillage diagram submitted by the applicant indicates some light spillage onto these surrounding residential properties from the proposed lighting towers. The large and mature trees along the eastern and western banked edges of the Reserve are expected to alleviate, to a large extent, any glare or light spillage from the proposed lighting towers that may be experienced by the surrounding residential properties. The lower ground level of the Reserve relative to the ground level of Caesar Street and Lewington Street is also considered to assist in reducing these potential impacts.

The proposed lighting would need to comply with Australian Standard 4282-1997 "Control of the Obtrusive Effects of Outdoor Lighting". The applicant has provided the City with a consultant report detailing the type of floodlights available for the location of the towers, with regards to the surrounding residential occupancies. However whether the proposed light satisfies the relevant Australian Standards is unable to be definitely determined until installation has occurred. As such it is recommended that a condition of approval be included requiring the applicant to provide the Chief Executive Officer with the type of lighting to be installed prior to the issuing of a Building Licence. A further condition should be imposed requiring the lighting to be tested and modified if required to ensure the installed lighting meets the relevant Australian Standard.

It is acknowledged that the proposed lighting towers will visually impact on the amenity of the Reserve and surrounding locality.

The total height of the lighting towers will exceed the height of the existing trees on the Reserve by up to 10 metres. Furthermore, once lit, the lighting towers and Reserve will be visible from some distance away. However the visual impact of the lighting towers is not regarded as overtly obtrusive or incongruous with the Reserve or surrounding area.

The applicant has stated that the grounds are intended to be lit for a minimum of three nights per week between the hours of 6pm and 9pm. A lighting curfew is used at other local sporting grounds to reduce disturbance to local residents, which is set at 10:00pm. As such, it is recommended that the 10:00pm curfew be included as a restriction on the hours of use for this application as a condition of planning approval to ensure that the night time use of the Reserve does not adversely impact on the surrounding locality.

Submissions

Reserve is incompatible with surrounding land uses

The Bruce Lee Reserve is considered compatible with the surrounding residential and educational land uses. As previously discussed the objective of an Open Space Reserve, as described in LPS4, is to provide for recreational and community activities. The proposed lighting towers are considered complementary to the activities of the Reserve and are therefore considered acceptable.

Reserve will better serve the community as a park

The submitter states that the community would be better served if the Reserve was a park instead of a sporting ground. Whilst this view may be relevant to the overall strategic vision of the Reserve, it is not considered relevant to the current application for lighting towers. The Reserve is currently used for recreational and community activities which are consistent with the intended activities of the Reserve.

Impacts on amenity for nearby streets

The proposed lighting towers are not anticipated to significantly impact on the amenity of the surrounding residential properties as previously discussed. The distance from the residential properties to the lighting towers is considered appropriate to sufficiently reduce the potential impact the lights may have on the surrounding properties. The existing trees will also provide some screening for these properties. The proposed hours of operation are considered appropriate and compatible with a residential neighbourhood. Furthermore the lighting towers will be required to comply with the relevant Australian Standard for outdoor lighting. In particular, the standards that relate to "Residential areas, dark surrounds" set out in the Australian Standard.

Conclusion

The proposed installation of lighting towers at Bruce Lee Reserve, Beaconsfield, is considered consistent with and complementary to the intended and specified objectives of the Reserve regarding recreational and community activities. The lighting towers are not anticipated to significantly impact on the amenity of the surrounding land uses, in particular the residential properties along Caesar Street and Lewington Street. The proposed development is considered to satisfy the relevant requirements of LPS4 and is therefore recommended for conditional approval.

Conditions of Planning Approval are proposed requiring a relevant qualified consultant to certify that the lighting has been installed and complies with Australian Standard 4282-1997 "Control of the obtrusive effects of outdoor lighting".

OFFICER'S RECOMMENDATION

That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Installation of Lighting Towers at Bruce Lee Reserve 26278 (Lot 1973) Lewington Street, Beaconsfield, subject to the following condition(s):

1. The development hereby permitted shall take place in accordance with the approved plans dated 15 December 2008.
2. The lighting towers hereby permitted shall only be used between the hours of 6am and 10pm each day.
3. Prior to the issue of a Building Licence, details of the light heads shall be submitted for approval by the Chief Executive Officer, City of Fremantle.
4. Certification from a relevant qualified consultant shall be submitted to the Chief Executive Officer City of Fremantle stating that the installed lights were tested, and modified where necessary, to ensure that the installed lighting complies with the Australian Standard 4282-1997 "Control of the obtrusive effects of outdoor lighting".
5. The installed lighting shall be maintained to ensure compliance Australian Standard 4282-1997 "Control of the obtrusive effects of outdoor lighting".

Advisory Notes:

- (i) This approval does not authorise the commencement of any building/demolition works. A building/demolition licence must be obtained prior to the commencement of construction works. Please contact Building Services on 9432 9778.
- (ii) For the purposes of complying with Condition 4, the lighting towers are required to meet the "Residential areas, dark surrounds" of the Australian Standard 4282-1997 "Control of the Obtrusive Effects of Outdoor Living".

Cr J Strachan MOVED to amend the officer's recommendation to alter condition (2) the hours of use of the lighting towers to 9:00am to 9:00pm.

LOST: 1/6

For	Against
Cr Jon Strachan	Mayor, Peter Tagliaferri Cr Robert Fittock Cr John Dowson Cr Bill Massie Cr John Alberti Cr Les Lauder

Cr B Massie MOVED to defer the item to the next appropriate PSC Meeting.

LOST: 3/4

For	Against
Cr John Dowson Cr Bill Massie Cr Les Lauder	Cr Jon Strachan Mayor, Peter Tagliaferri Cr Robert Fittock Cr John Alberti

OFFICERS RECOMMENDATION/COMMITTEE DECISION

MOVED: Mayor, Peter Tagliaferri

OFFICER'S RECOMMENDATION

That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Installation of Lighting Towers at Bruce Lee Reserve 26278 (Lot 1973) Lewington Street, Beaconsfield, subject to the following condition(s):

- 1. The development hereby permitted shall take place in accordance with the approved plans dated 15 December 2008.**
- 2. The lighting towers hereby permitted shall only be used between the hours of 6am and 10pm each day.**
- 3. Prior to the issue of a Building Licence, details of the light heads shall be submitted for approval by the Chief Executive Officer, City of Fremantle.**
- 4. Certification from a relevant qualified consultant shall be submitted to the Chief Executive Officer City of Fremantle stating that the installed lights were tested, and modified where necessary, to ensure that the installed lighting complies with the Australian Standard 4282-1997 "Control of the obtrusive effects of outdoor lighting".**
- 5. The installed lighting shall be maintained to ensure compliance Australian Standard 4282-1997 "Control of the obtrusive effects of outdoor lighting".**

Advisory Notes:

- (ii) This approval does not authorise the commencement of any building/demolition works. A building/demolition licence must be obtained prior to the commencement of construction works. Please contact Building Services on 9432 9778.**
- (ii) For the purposes of complying with Condition 4, the lighting towers are required to meet the "Residential areas, dark surrounds" of the Australian Standard 4282-1997 "Control of the Obtrusive Effects of Outdoor Living".**

CARRIED: 6/1

For	Against
Mayor, Peter Tagliaferri Cr Robert Fittock Cr John Dowson Cr Jon Strachan Cr John Alberti Cr Les Lauder	Cr Bill Massie

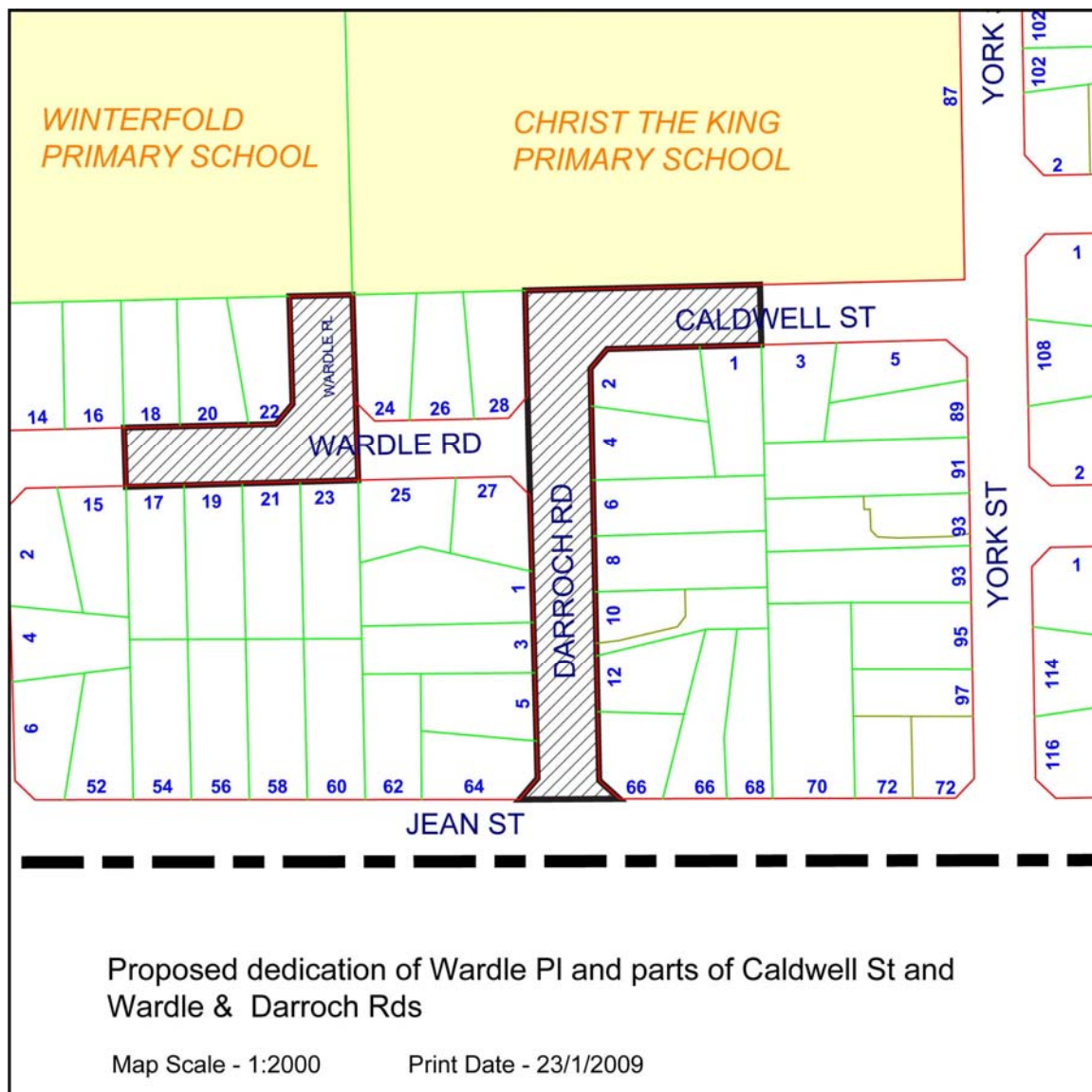
REPORTS BY OFFICERS (COUNCIL DECISION)

At 7:25 pm Cr J Alberti declared a proximity interest in item number PSC0902-24 and was absent during discussion and voting of this item.

PSC0902-24 PROPOSED DEDICATION AS PUBLIC ROAD - PART WARDLE, CALDWELL AND WHOLE WARDLE PLACE AND DARROCH RD BEACONSFIELD - (KSW)

DataWorks Reference: 049/001
Disclosure of Interest: Nil
Responsible Officer: Manager Development Services
Actioning Officer: Land Administrator
Decision Making Level: Council
Previous Item Number/s: Nil
Attachments: Nil

The subject portions of private road are shown as the hashed areas in the map below.



EXECUTIVE SUMMARY

The Department for Planning and Infrastructure State Land Services, has written to the City (see dataworks reference No. 1086561)) requesting Council's agreement to the proposed dedication (as public road) of the three private roads as shown on the map above ('the subject land').

The subject land is currently held in freehold ownership with both the City of Fremantle and the Crown (State of Western Australia) and described as Rights of Way (ROW's) on the associated Certificates of Title and Diagrams. Under this ownership the City has the care, control and management of all three (3) private ROW's. The proposed dedication will correctly formalise the land as public road and ensure that appropriate traffic legislation can be enforced.

Therefore it is recommended that Council advise State Land Services of its agreement to the proposed dedication of the subject land held in Certificates of Title Volume 1269 Folio 158, Volume 1186 Folio 471 and Volume 1244 Folio 721 as Public Roads.

BACKGROUND

State Land Services propose to dedicate the subject portions of private ROW's pursuant of Section 56 (1) (c) of the Land Administration Act 1997 requiring the public to have had uninterrupted use of the subject land for a period of not less than ten (10) years.

PRIVATE ROAD LAND DETAILS

State Land Services have asked for Council's agreement to dedicate three parcels of land owned by the City of Fremantle and the Crown. The subject land is described as follows:

- A portion of Wardle Road (east) and the whole of Wardle Place Beaconsfield - Certificate of Title Volume 1269 Folio 158 being Lot 66 on Diagram 26290 held in the freehold ownership of Her Majesty Queen Elizabeth the Second (the Crown).
- The western side of Darroch Street including the western end of Caldwell Street Beaconsfield - Certificate of Title Volume 1186 Folio 471 being Lot 66 on Diagram 32629 held in the freehold ownership of the State of Western Australia (the Crown).
- The eastern side of Darroch Street including the western end of Caldwell Street Beaconsfield - Certificate of Title Volume 1244 Folio 721 being Lot 66 on Diagram 25015 held in the freehold ownership of the City of Fremantle.

Private ROW's are defined as private roads under the Land Administration Act 1997 Section 3 titled "Interpretation" - private roads as follows;

"private road" means alley, court, lane, road, street, thoroughfare or yard on alienated land, or a right of way created under section 167A(1) of the TLA, which -

- a) is not dedicated, whether under a written law or at common law, to use as such by the public; and*
- b) is shown on a plan or diagram deposited or in an instrument lodged with the Registrar, and which -*
- c) forms a common access to land, or premises, separately occupied;*

- d) *once formed or was part of a common access to land, or premises, separately occupied, but no longer does so;*
- e) *is accessible from an alley, court, lane, road, street, thoroughfare, yard or public place that is dedicated, whether under a written law or at common law, to use as such by the public; or*
- f) *once was, but is no longer, accessible from an alley, court, lane, road, street, thoroughfare, yard or public place that was dedicated, whether under a written law or at common law, to use as such by the public.*

STATUTORY REQUIREMENTS

The proposed dedication of the land is pursuant of Section 56 (1) (c) of the Land Administration Act 1997 ('the Act') which states that:

"Land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years".

Section 3.53 (2) of the Local Government Act 1995 - Control of certain unvested facilities, states that:

"A Local Government is responsible for controlling and managing every otherwise unvested facility within its district unless subsection (5) states that this section does not apply."

The two portions of private ROW's, currently held in Crown ownership are considered to be an "unvested facility" and, as such, the City has the care, control and management of the land.

COMMENTS

The subject land is currently in the freehold ownership of both the City of Fremantle and the Crown (State of Western Australia). Under this tenure the City has the care, control and management of the private ROW's including the land owned by the Crown pursuant of Section 3.53 (2) of the Local Government Act 1995. The proposed dedication of the land will not change the City's current management responsibilities.

The subject land is utilised as a through road linking the public roadway sections of Wardle Road, York Street and Jean Street Beaconsfield providing access to the adjoining properties.

In accordance with the Act, the City is required to provide written confirmation to State Land Services (SLS) that the public has had uninterrupted use of the private roads for a period of not less than 10 years. An investigation into the City's archived property files indicated that the public has had uninterrupted use of the private ROW's for at least 30 years. The land adjoining the three private ROW's received approvals for subdivisions, plans, sewer tanks and building licences all showing street addresses linked to Darroch Road, Caldwell Street or Wardle Road in Beaconsfield from 1967 onwards. The street addresses investigated were as follows; numbers 1 to 12 Darroch Road Beaconsfield, Numbers 1 and 3 Caldwell Street Beaconsfield and numbers 17 to 23 Wardle Road Beaconsfield.

The City of Fremantle's Technical Services have inspected the private ROW's and provided the following comments:

- The subject sections of private road appear consistent with other public roads within the City in terms of the layout design. There are no plans to undertake any modification or reconstruction works at these locations.
- Evidence of consistence maintenance dating back to 2003. Further historical information may be obtained from a previous asset database if required.
- There are no current works requests and no maintenance issues evident in current records.

As there are no apparent design shortcomings or maintenance needs observed, as per formality, Technical Services will approve the dedication of these sections of roads as they are.

CONCLUSION

- The City's Technical Service has reported that the subject private ROWs are currently maintained by the City and are considered being in an acceptable order to approve the proposed dedication as public road.
- As a requirement under the "Act" the public have received over 10 years uninterrupted use of the private road.
- The proposed dedication will correctly formalise the land as public road and ensure that appropriate traffic legislation can be enforced.
- The subject ROWs are currently maintained by the City of Fremantle - therefore to formalise the private roads as public roadway will not result in increased costs for the City to budget.

It is therefore recommended that Council support the proposed dedication of the subject portions of private ROW's.

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Mayor, Peter Tagliaferri

That Council:

- 1. SUPPORTS State Land Services proposed Dedication of two (2) parcels of Crown owned private road as described on Certificate of Title Volume 1269 Folio 158 and Certificate of Title Volume 1186 Folio 471, as public roads.**
- 2. APPROVE the proposed Dedication of a parcel of the City of Fremantle owned private road as described on Certificate of Title Volume 1244 Folio 721, as a public road.**
- 3. ADVISE State Land Services in writing of Council's resolution pursuant to Section 56 (1) (c) of the Land Administration Act 1997.**

CARRIED: 6/0

For	Against
Mayor, Peter Tagliaferri Cr Robert Fittock Cr John Dowson Cr Bill Massie Cr Jon Strachan Cr Les Lauder	

CONFIDENTIAL MATTERS

Nil.

CLOSURE OF MEETING

THE PRESIDING MEMBER DECLARED THE MEETING CLOSED AT 7:25 PM.

SUMMARY GUIDE TO CITIZEN PARTICIPATION AND CONSULTATION

The Council adopted a Participation Policy in August 2001 to give effect to its commitment to involving citizens in its decision-making processes.

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

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

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

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

How consultative processes work at the City of Fremantle	
	presentations to Committee and Council Meetings.
Citizens need to check for any changes to decision making arrangements made	13. The City will take initial responsibility, via 'Consultation Process notifications', for making citizens aware of expected time-frames and decision making processes, including dates of Standing Committee and Council Meetings if relevant. However, as these details can change, it is the citizens responsibility to check for any changes by visiting www.freofocus.com/projects/html/default.cfm , checking the Port City Column in the Fremantle Herald or inquiring at the Service and Information Desk by phone or in-person.
Citizens are entitled to know how their input has been assessed	14. In reporting to decision-makers, City officers will in all cases produce a Schedule of Input received that summarises comment and recommends whether it should be taken on board, with reasons.
Reasons for decisions must be transparent	15. Decision-makers must provide the reasons for their decisions.
Decisions posted on www.freofocus.com/projects/html/default.cfm	16. Decisions of the City need to be transparent and easily accessed. For reasons of cost, citizens making input on an issue will not be individually notified of the outcome, but can access the decision at www.freofocus.com/projects/html/default.cfm or at the City Library or Service and Information counter.

ISSUES THAT COUNCIL MAY TREAT AS CONFIDENTIAL

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

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

City of Fremantle

MINUTES ATTACHMENTS

Planning Services Committee

Wednesday, 4 February 2009



ATTACHMENT 1 - SUPPORT FOR PLANNING APPLICATION - 12/A OLDHAM CRESCENT - DA575/08 – MS LOUISE BASS AND MR SIMON POLLITT

S & I
28 JAN 2009
CENTRE

28th January 2009

Dear City of Fremantle Planning Committee Members

We would like to submit this short document in support of our planning application reference DA575/07.

My husband and I will be attending the Planning Committee meeting on the 4th February 2009, and will be happy to answer any questions you may have regarding our application. We wish to build a home just outside of the Hilton By-laws but feel our design makes the most of our land and the suburb without being offensive to the established housing culture.

1. The natural slope of the land being down and away from the road verge in the north eastern corner, helps to minimise any overbearing of our home on our neighbours. I would like to refer to the streetscape architectural drawing provided on the final page of the plans.
2. Obscuring of the rear neighbours house wall and plumbing, please see the last photo provided: 11A Snook Cres Hilton.
3. A precedence within the suburb of Hilton has already been established of two-storey dwellings both of front and in-fill dwellings, please see attached photos and addresses.
4. Positioning of the upstairs windows allows us to take advantage of prevailing easterlies and sea breezes to maximise natural cooling of the house. This will greatly reduce our need for artificial cooling.
5. Elevation in the upstairs enables us to enjoy the treetop view of the valley to the north-east without infringing on our neighbours privacy given the upstairs windows are high.

Thank you for your time and consideration. If you have any questions prior to the meeting, feel free to contact us at the below address.

Louise Bass and Simon Pollitt
4/554 William Street
Mt Lawley 6050
Western Australia
Ph: 0417 814821
Email: l.bass@murdoch.edu.au

CITY OF FREMANTLE	
Date Rec	28 JAN 2009
Class	
Subject	059/002
DA/Legal	DA 575/07
Property	109/A HAMPTON Rd
Related No	
Send to	DTG-S. SULLIVAN
PTN	5A

2 Doust St Hilton
Direct: 1.1km
By Road: 1.2km



3A Lee Ave Hilton
Direct: 900m
By Road: 1.2km



This is a reprint of a scanned image

46 Hines Rd Hilton
Direct: 700m
By Road: 1.2km



6 Tonkin St Hilton
Direct: 1.0km
By Road: 1.2km



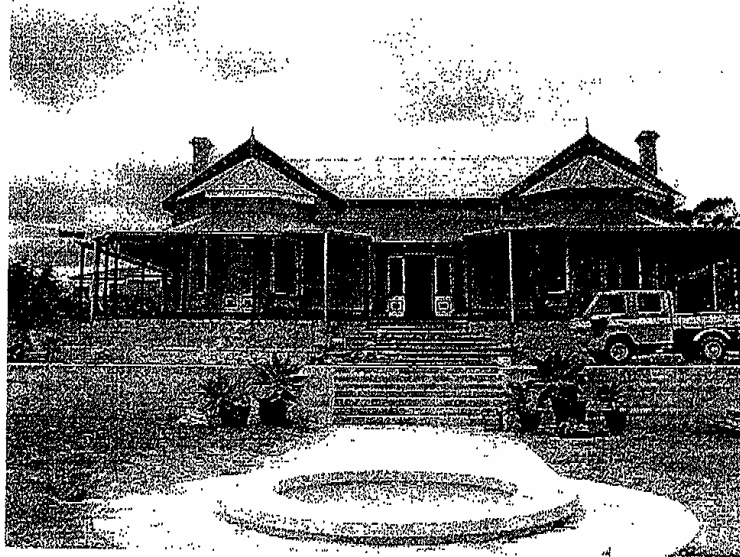
49 Bromley Rd Hilton
Direct: 800m
By Road: 1.1km



11A Snook Cres Hilton
Direct: 0.0m
By Road: 280m



**ATTACHEMENT 2 - PSC0902-21 Conservation Works – Heritage Agreement Report
(Ken Dobinson).**



OCEAN VIEW
134 Solomon Street
BEACONSFIELD

**Conservation works
HERITAGE AGREEMENT REPORT**

Owner: Ken Dobinson
In agreement with
Heritage Council of Western Australia

Report prepared by
Laura Gray
Heritage and Conservation Consultant

December 2008

FROM : LAURA GRAY

PHONE NO. : 08 9561 6674

Feb. 02 2009 10:25AM P1

OCEAN VIEW**INTRODUCTION**

Ocean View is situated at 134 Solomon Street South Fremantle, south of South Street between South and Martha Streets.

The owner, Ken Dobinson, entered into a Heritage Agreement with the Heritage Council of Western Australia in 2004. The agreement comprises an extensive schedule of conservation works as detailed in Section 14.0 of the Conservation Management Plan that was prepared in 2001. The Heritage Agreement was an element of the approval to subdivide the property and develop 8 double storey units behind the residence, with a Trafford Street access.

Ocean View was constructed in c.1884 by Elias Solomon, for the occupation of his family, and with provision for a place of prayer. At that time, Ocean View was situated on a 2.16 hectares site and included a coach-house and stables and various other outbuildings, and a well with windmill. Minimal changes have taken place and it demonstrates a high degree of integrity and authenticity.

Ocean View, a single storey limestone structure with corrugated iron roof, showing influences of characteristics of Victorian Regency style c.1840-c.1890 architectural style, entry gate and pillars, vernacular limestone outbuildings, limestone wall, water tank stand, windmill and water tank, are of considerable cultural heritage significance to the community of Beaconsfield, the City of Fremantle and the state of Western Australia for the following reasons;

It is a fine representative example of a substantial dwelling built during the second half of the nineteenth century, in the Victorian Regency style, with some original outbuildings still extant, demonstrating the self sustaining nature of the settlement;

It is a substantial residence representative of a way of life for a socially prominent family in the late 1890s;

It has close associations with a number of Fremantle pioneers, and most particularly, a close association with Elias Solomon, who had the residence constructed, and who was a figure of influence in public, political, business life in Fremantle and the Western Australian Jewish community in the 1880s, 1890s and 1900s, and after whom Solomon Street is named;

It is spiritually significant for its use as a place of prayer before the Jewish community had a synagogue in 1908;

It is significant for its service as an Auxiliary Military hospital in the later period of World War One, and then a Maternity Hospital during the 1920s and 1930s;

FROM : LAURIE GRAY

PHONE NO. : 08 9561 6674

Feb. 02 2009 10:25AM P2

OCEAN VIEW

it has close associations with Nurse Sheedy (later Clune) who ran the Maternity Hospital during the 1920s and 1930s;

Situated in a prominent position, it makes an important contribution to the Solomon Street streetscape, townscape and character of the suburb of Beaconsfield and the broader City of Fremantle; and,

It demonstrates the development of the Beaconsfield area by means of the various subdivisions of the land on which the residence is located, including the 2001 proposal that is representative of the development pressures on the area.

EXTRACT from CONSERVATION PLAN per Annexure B of Heritage Agreement**14.0 CONSERVATION PROCEDURES**

The following list of physical action needs to be undertaken to ensure the stability of the fabric is maintained and its significance conserved. This list is prioritised as a guide to breaking the works into a logical sequence, as it is envisaged that these works will need to be phased over a period of time. It is reasonable to expect that, during the course of carrying out the works, further conservation works will be found to be necessary.

The following definitions from the Burra Charter have been used to describe the required work.

- Maintenance:** means the continuous protective repair of the fabric, contents and setting of the place, and is to be distinguished from repair. Repair involves restoration and reconstruction and it should be treated accordingly.
- Preservation:** means maintaining the fabric of a place in its existing state and retarding deterioration.
- Restoration:** means returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material.
- Reconstruction:** means returning a place as nearly as possible to a known earlier state and is distinguished by the introduction of materials (new or old) into the fabric. This is not to be confused with either recreation or conjectural reconstruction.

FROM : LAURA GRAY
2009-02-02 10:26:41 AM

PHONE NO. : 08 9561 6674

Feb. 02 2009 10:26AM P3

OCEAN VIEW

14.1 Immediate action

- Reclad the entire roof of the residence and surrounding concave verandah roof with short sheets of galvabond galvanised sheeting. (NOT zincalume sheeting as indicated on the Development drawings in Appendix 4 or the City of Fremantle development approval in Appendix 5) Ensure that box gutters and flashings are also reconstructed with compatible galvanised materials. The works should be undertaken by an appropriately skilled contractor.
- Restore and reconstruct as required, the detailed timber bargeboards and finials on the four gables.
- Restore the chimneys, with particular attention to the reconstruction of the kitchen chimney.
- Install ogee profile galvanised gutters and round downpipes.
- Install perimeter drainage system around the residence and ensure that correct gradients are in place and the water is discharged away from the perimeter of the building. Pay particular attention to the rear of the building. (east side)
- Consolidate the entire roof drainage systems into a site run-off and water disposal system from around the perimeter of the building.
- The entire timber sub structure; stumps, floor sub structure, floor, and all other timber framework should be thoroughly investigated and fully treated for termite control.
- Undertake any works deemed necessary in response to recommendations or findings arising from the thorough termite investigation.
- Upgrade existing services to the building.
- Continue a program of paint scrapes to determine original interior and exterior colour schemes and stencilled dado line patterns. Fully document and record the findings.
- Restore and repoint the limestone foundations with particular attention to the front (west). Reconstruct where necessary.
- Restore and repoint the Trafford Street limestone wall with particular attention to the removal of inappropriate grey cement 'repairs' and the removal of plant matter. Reconstruct where necessary.

FROM : LAURA GRAY

PHONE NO. : 08 9561 6674

Feb. 02 2009 10:27AM P1

OCEAN VIEW

- Investigate immediate action on recommendations pertinent to the long-term viability of the place.
- Ensure that general maintenance is undertaken to a comprehensive schedule on a regular basis.

14.2 Medium term action

- Restore external weathered timber details.
- Restore timber verandahs and balustrades. Reconstruct with timbers similar to original when replacing materials.
- Restore external stone face brick walls.
- Restore remaining lathe and plaster ceilings.
- Remove plaster ceiling squares and restore the insitu original tongue and groove Oregon ceilings.
- Continue a program of paint scrapes to determine original interior and exterior colour schemes and stencilled dado line patterns. Fully document and record the findings. Retain and reveal as appropriate.

14.3 Long term action

- Restore mantelpieces and tile fires throughout.
- Restore floors throughout.
- Reuse elements on site, and reconstruct as necessary, the front shutters to the windows and French doors.
- Reconstruct original verandah balustrade and frieze elements, consistent with evidence of the originals.
- Paint the interior of the building in line with approved paint scheme, after paint scrapes and consultation with conservation consultant.

CONSERVATION & RESTORATION WORKS REPORT

- The roof of the residence and surrounding concave verandah roof has been reclad with short sheets of galvabond galvanised sheeting, with the exception of the rear verandah. New galvanised box gutters flashings and trims have also been installed as well as ogee profile galvanised gutters and round galvanised downpipes.
- The detailed timber bargeboards and finials on the four gables have been reconstructed for the mostpart with a small section restored.

FROM : LAURA GRAY

PHONE NO. : 08 9561 6674

Feb. 02 2009 10:28AM P2

OCEAN VIEW

- The chimneys have been restored.
- Sub soil drainage has been installed to downpipe outlets around the perimeter of the residence (except the rear).
- Gradients ensure that discharge is away from the perimeter of the building.
- The entire timber sub structure; stumps, floor sub structure, floor, and all other timber framework have been thoroughly investigated and termite treated.
- An extensive program of paint scrapes has revealed the original interior colour schemes and stencilled dado line patterns. Those findings have been recorded and in some areas interpreted. Interior colour schemes respond to the original colours with a specialist colour consultant providing advice and recommendations regarding appropriate responses. Interior ceilings and walls have been painted to original colour evidence.
- No exterior paint works have been necessary, although minor maintenance issues have responded to the existing colour scheme.
- The limestone foundations have been restored and repointed where necessary. The front entry staircase has also been restored.
- The Trafford Street limestone wall has been extensively restored including the removal of plant material. Conservation works also included the removal of inappropriate grey cement 'repairs'.
- With the exception of the rear verandah enclosures the external timber details have been restored as required.
- The non-original crisscross timber balustrades have been removed.
- The verandah posts have been restored and reconstructed in several locations. The verandah structure to the sides and front have been restumped with reconstructed jarrah stumps to suit original specifications. The timber subframe is also reconstructed jarrah.
- Both sides and front verandah floor has been reconstructed with spaced 135 cm jarrah boards to suit evidence of original boards.

OCEAN VIEW

- The external stonework of the walls of the residence have been protected by the perimeter verandah and required minimal restoration work. After investigating the opportunity to remove paint over the face limestone, it was deemed appropriate to retain the walls as extant, with the painted finish. There are sections on the north wall that evidence the original face stone.
- The lathe and plaster ceilings and have been restored throughout and ceiling roses have been reconstructed.
- The plaster ceiling squares have been retained in one room.
- The original lime-washed tongue and groove Oregon ceilings have been retained and restored.
- The mantel pieces fireplaces and tile fires have been retained and restored throughout. Most fireplace elements are original including surround and hearth tiles in some rooms. Where possible timber elements have been stripped of paint and restored to original. However some mantelpieces have been restored with the paint finish.
- The kitchen stove was removed and fully restored off site before being reinstated in the kitchen.
- The floors throughout are the original tongue and groove Oregon boards. Damaged boards have been replaced with same specification boards. The floors have been sanded where necessary and finished with oil.
- It was deemed not necessary to reuse or reconstruct any front shutters or French doors as they were in good condition.

WORKS OUTSTANDING (per Heritage Agreement) at 3 December 2008

- Rear verandah restoration: restore floor, enclosures and reroof.
- Restore verandah: balustrade panels and frieze to suit the original designs are being fabricated for installation to the sides and front verandahs.

CONSERVATION WORKS BEYOND THE SCOPE

- The owner worked tirelessly to remove paint from all the Oregon skirtings and architraves, as well as doors throughout, removing intrusive paint to reveal the timber. Similarly walls were stripped of layers of paint to reveal their original colours and dado decorative elements.
- The intrusive enclosures (predominantly asbestos cladding) along the north verandah were removed, except for the northeast corner. The southeast corner enclosure was also retained.
- The significant front fence with decorative palisade infills between the limestone dado and pillars has been fully restored, and reconstructed as required. The entry pillars with lighting and decorative gate have similarly been restored.
- Extensive landscaping, and the construction of perimeter limestone walls have also been completed.

SUMMARY

Extensive conservation works have been completed in compliance with the requirements of the Heritage Agreement.

Although the rear verandah restoration and verandah balustrade works remain incomplete at this time, the works are underway and are being undertaken in a more comprehensive manner than required by the agreement. The rear verandah works that are underway include the removal of the concrete verandah and replacement with timber as was original, but not required as part of the Heritage Agreement. Although the verandah structure, roof and restoration of the verandah enclosures on the northeast and southeast corners, are part of the Heritage Agreement, the floor works are required to be undertaken as the first part of the rear verandah restoration, is a further response to the holistic nature of the conservation of Ocean View.

The side and front verandah balustrades have not been restored as listed in the Heritage Agreement. The non-original balustrade has been removed and panels are being fabricated to respond to the original element that has been researched.

FROM : LAURA GRAY

PHONE NO. : 08 9561 6674

Feb. 02 2009 10:29AM P5

OCEAN VIEW

The conservation works finalise the restoration of many elements throughout Ocean View. The rear verandah works are underway and the verandah balustrade friezes are being fabricated.

The owner has demonstrated a significant commitment to the place with the conservation works that have been undertaken in response and compliant with the Heritage Agreement.