

City of Fremantle

MINUTES

Planning Services Committee

Wednesday, 4 March 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

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PLANNING SERVICES COMMITTEE

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

DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 6.00 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 (<i>left 6.41pm</i>)
Cr Robert Fittock	Deputy Presiding Member / North Ward
Cr Les Lauder	City Ward
Cr Jon Strachan	South Ward
Cr Bill Massie	Hilton Ward
Cr John Alberti	Beaconsfield Ward (<i>entered 6.07pm</i>)

Mr Philip St John	Director Planning and Development Services
Ms Kathy Bonus	Manager Development Services
Mr Paul Garbett	Manager Planning Projects and Policy
Mrs Tanya Toon-Poynton	Minute Secretary

There were approximately 4 members of the public and 1 member of the press in attendance.

APOLOGIES

Cr Brad Pettitt

LEAVE OF ABSENCE

Cr John Dowson

RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

PUBLIC QUESTION TIME

Nil

DEPUTATIONS / PRESENTATIONS

The following member of the public spoke in favour of item PSC0903-37:

Mario Sequeira

The following member/s of the public spoke against item PSC0903-38:

Terry Vaughan

Terry Gabriel

DISCLOSURES OF INTEREST BY MEMBERS

Cr L Lauder declared an interest in common in item number PSC0903-40. Cr Lauder owns property within the Knutsford Street East Structure Plan area. Cr Lauder did not vacate the chamber.

LATE ITEMS NOTED

Nil

CONFIRMATION OF MINUTES

MOVED: Mayor, Peter Tagliaferri

That the Minutes of the Planning Services Committee dated 18 February 2009 as listed in the Council Agenda dated 25 February 2009 be confirmed as a true and accurate record with the following change:

Condition 1 in PSC0902-31, should read

- 1 The development hereby permitted shall take place in accordance with the approved amended plans dated 8 January 2009.**

CARRIED: 5/0

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

TABLED DOCUMENTS

Nil

REPORTS BY OFFICERS (COMMITTEE DELEGATION)

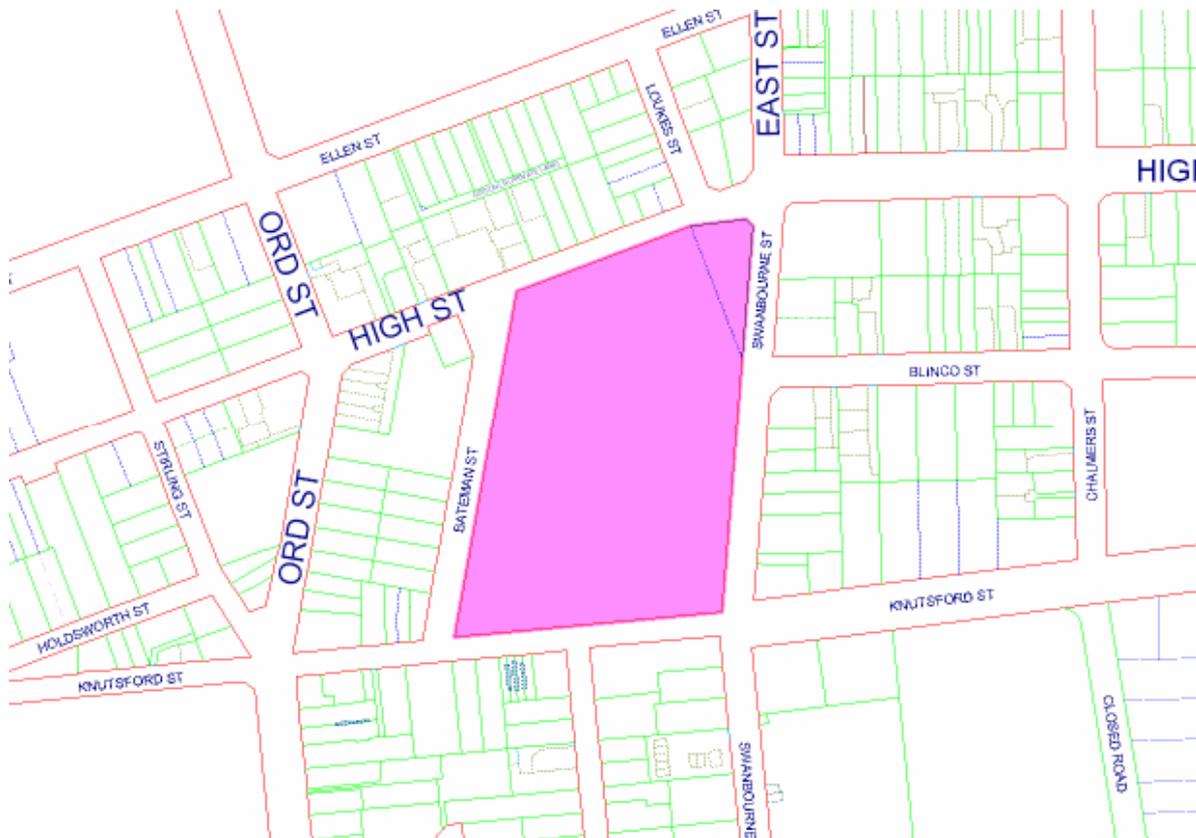
The following items are subject to clause 1.1 and 2.1 of the City of Fremantle Delegated Authority Register

PSC0903-36 SWANBOURNE STREET RESERVE 9335 (MONUMENT HILL), FREMANTLE - PROPOSED STATUE (SS DA632/08)

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:

1. Development plans dated 26 November 2008
2. Cover letter from Perth Legacy dated 30 October 2008
3. Comments from Heritage Council of Western Australia dated 5 December 2008
4. External Heritage Assessment from Kelsall Binet Architects dated January 2009

Date Received: 26 November 2008
Owner Name: City of Fremantle
Submitted by: Perth Legacy
Scheme: Open Space Local Reserve
Heritage Listing: State Register of Heritage Places, City's Heritage List, Management Category Level 1A on MHI, Memorial Reserve Heritage Precinct



EXECUTIVE SUMMARY

The application is presented to the Planning Services Committee because Monument Hill is included on the Heritage Council of Western Australia's Register of Heritage Places.

The applicant, Perth Legacy, proposes a bronze statue of "widow and children" on a plinth with an overall height of 1.9 metres to be located in the rose garden in the south west corner of Monument Hill.

The Heritage Council of Western Australia (HCWA), have not supported the size of the proposed statue as submitted as part of the development application before Council.

It is considered that the proposed statue, as submitted, will have a detrimental impact on the setting of the Fallen Sailors and Soldiers Memorial, the setting of the ancillary memorials, views within the reserve, the wider parkland setting in general and the Memorial Hill Heritage Precinct. Therefore, the application is recommended for refusal because of its height and location within the heritage listed site.

It is also recommended that the City and Perth Legacy meet to consider appropriate alternative sites within the City of Fremantle to accommodate the size of the proposed statue that forms part of the development application before Council.

BACKGROUND

The application site is the Swanbourne Street Reserve, which is also known as Monument Hill, bounded by High Street, Bateman Street, Knutsford Street and Swanbourne Street. The Fallen Sailors and Soldiers Memorial (constructed c. 1928) is located at the highest point of the reserve, with numerous later memorials around it. The remainder of the reserve is landscaped.

The reserve is zoned as an Open Space Local Reserve under the provisions of Local Planning Scheme No. 4 (LPS4) and is on the State Register of Heritage Places and the City's Heritage List. The reserve has a management category Level 1A on the City's Municipal Heritage Inventory and the area is designated as the Memorial Hill Heritage Precinct.

In addition to the Fallen Sailors and Soldiers Memorial, there are eight memorials and three memorial gateways sited within the reserve. Seven of the eight memorials are located around the Fallen Sailors and Soldiers Memorial concourse. The most recently approved was the 'RAN in Vietnam' memorial, which was approved on 26 November 2002 (refer DA632/02).

The eight ancillary memorials are:

- Royal Australian Navy Corvettes Memorial
- United States Navy Submariners Memorial (the 'torpedo')
- Royal Navy Memorial
- Merchant Navy Memorial
- Royal Australian Navy in Vietnam Memorial

- Royal Marines Memorial
- Royal Netherlands Navy Memorial
- Pericope Memorial (located outside of the concourse)

The three gateways are in memory of:

- Royal Australian Navy and Merchant Navy
- Women's Auxiliary Services
- Royal Australian Air Force and Australian Military Forces

DETAILS

Planning approval is sought to install a 0.965 metre tall bronze statue of "widow and children" located on a 0.95 metre high sandstone plinth. The base of the plinth will be a 1.0 metre sided square, with the remaining 0.8 metres of plinth being a 0.55 metre sided square.

The statue will be located in the centre of the rose garden towards the south west corner of the reserve.

The applicant is Perth Legacy and the proposed statue is intended to be the commemoration centrepiece of Legacy's 80th birthday. The statue will be designed to symbolise and celebrate the great sacrifice made by so many veterans and to acknowledge the service to Western Australia of Legacy and the service to the widows and children left behind.

STATUTORY AND POLICY ASSESSMENT

Local Planning Scheme No. 4

In accordance with clause 3.4.1 of LPS4, the objective of an Open Space Local Reserve is to provide for recreational, community, beautification and conservation activities.

Clause 3.4.2 of LPS4 confirms that a person must not commence or carry out development on a Local Reserve without first having obtained planning approval under part 9 of LPS4.

Clause 3.4.3 states:

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.*

Part 7 of LPS4 outlines:

The purpose and intent of the heritage provisions are-

- (a) to facilitate the conservation of places of heritage value; and*
- (b) to ensure as far as possible that development occurs with due regard to heritage values.*

Monument Hill Conservation Plan

The Monument Hill Conservation Plan (MHCP) was prepared by Palassis Architects on behalf of the City of Fremantle in February 2001. The plan was accepted by Council in 2001 and subsequently adopted by Council in 2002.

It should be noted that the City has commissioned Kelsall Binet Architects to prepare a Conservation Management Plan for Fremantle War Memorial & Monument Hill. This will involve a review and update of the MHCP and preparation of a management plan of the place. This review is not complete and therefore the MHCP adopted in 2002 is still of relevance.

The Statement of Significance for Monument Hill states:

Monument Hill, [comprising the prominent hill overlooking Fremantle, eleven memorial structures and landscaping and planting used both as parklands and as a place of remembrance] has cultural significance for the following reasons:

- *the place is one of the three most impressive monumental war memorials in Western Australia;*
- *since the 19th century, the place has been a popular lookout and beauty spot for both locals and visitors of Fremantle;*
- *the place is one of the most significant landmarks within Fremantle;*
- *the place is held sacred by many people, including members of various ex-service organisations associated with the place and since the erection of the first memorial in 1929 the place has been the chosen site both for various memorials commemorating other wars and for many commemorative ceremonies;*
- *the complete panorama (and the view of Fremantle and Gage Roads in particular) afforded from the place, its urban parkland containing mature trees and open spaces, and the open character and almost constant breeze at its summit (particularly in the warmer months) are all aesthetic characteristics of the place that continue to attract visitors and locals alike and contribute to the community's sense of place;*
- *the Fallen Sailors and Soldiers Memorial within the setting of the place is a cultural landscape valued for its aesthetic characteristics including the monumentality of the sandstone masonry pillar and podium, its siting on the summit of the hill, the symbolism of the structures and plantings and the aspects (sequential and static);*
- *the place has been the site of a main Fremantle land mark or trig from before 1874;*
- *the place has been the vantage point of a number of artistic works depicting the developing settlement of Fremantle; and,*
- *the place contains the first memorial to the personnel of the Royal Navy in Australia.*

The policies of the MHCP relevant to the current assessment state:

2. *The policies and supporting arguments presented in this document should be endorsed as a guide to future development by all bodies involved in the planning and approval processes for Monument Hill and its setting.*

7. *No proposals for major works or new developments, either at the place or in the vicinity of its setting, should be considered without also considering a heritage impact statement specific to the proposal.*

50. *Future development of structures on the site should be limited to small memorials (less than 1 metre high and 1 cubic metre in volume in general terms) and to subterranean structures that retain existing topographical features and levels and do not disturb the more significant views over central Fremantle, to Perth and to the coast and ocean.*

Council Policies

City of Fremantle *D.B.H13 Impact of Developments on Heritage Places Policy* is of relevance to this application.

CONSULTATION

Heritage Council of Western Australia

The HCWA was consulted on 28 November 2008. The full response of the HCWA (dated 5 December 2008) is attached (Attachment 3). HCWA advises that the proposed statue is supportable provided that the overall scale of the proposed statue and plinth does not exceed 1 metre in height and 1 cubic metre in volume as per Policy 50 of the *Monument Hill Conservation Plan (2001)*.

External Heritage Assessment

Kelsall Binet Architects has provided a Heritage Assessment of the proposal. The full report is attached (Attachment 4). The main findings of the report are:

- Policy 50 of the Monument Hill Conservation Plan states that *“Future development of structures on the site should be limited to small memorials (less than one metre high and one cubic metre in volume in general terms) and to subterranean structures that retain the existing topographical features and levels and do not disturb the more significant views over central Fremantle, to Perth and to the coast and ocean.”*

- It is reasonable to require the proposed statue to comply with Policy 50, particularly as it will be located part way along an important vista formed by the path that connects the south west corner of the Reserve to the Fallen Sailors and Soldiers Memorial.

- The combined height of the proposed statue and plinth will be around twice the permissible height under Policy 50 and therefore should not be supported.

- A review of the Monument Hill Conservation Plan is currently being prepared by Kelsall Binet Architects on behalf of the City of Fremantle. This will include policies to control the erection of new memorials in the Reserve and the recommendations are likely to be more stringent than the existing policy.

- The concourse surrounding the Fallen Sailors and Soldiers Memorial, which is at the highest point of the Reserve, is graded as a place of considerable significance; the significance of the other zones is generally defined by the contribution they make to providing an appropriate setting for both the Fallen Sailors and Soldiers Memorial and the ancillary memorials.

Community

The application was required to be advertised in accordance with *Local Planning Policy 1.3 Public Notification of Planning Proposals*. At the conclusion of the advertising period, being 28 January 2009, the City had received two submissions. The submissions are as follows:

- *“Having seen images of the proposed statue on Monument Hill as put forward by Legacy, I am really pleased that the impact of war on women, children, families and the whole community is being recognised.”*
- *“Fremantle Monument is a minimalist reserve. The monument itself and lawns and gardens make this a spectacular and singular reminder of those who served this country in war. However, while I respect Legacy, the RSL and other organisations, Council should not lose sight of the original monument design and purpose. Already, the monument is ‘cluttered’, i.e. torpedo, chains, etc. I would like to see something abstract and minimalist in keeping with the monument. Why are there so many statues in Fremantle? Please, something at least understated not more.”*

PLANNING COMMENT

HCWA Advice

The application was forwarded to the HCWA as required under the Heritage of Western Australia Act 1990. Although the HCWA stated that the proposed statue is supportable, the advice from the HCWA then went on to say the proposed statue was not supportable as the proposed statue did not meet the requirements of Policy 50. In effect, the HCWA does not supporting the development application as submitted. To meet the HCWA advice, the application would need to be re-designed to meet the design limitations (height and volume) of Policy 50 of the MHCP, which effectively becomes a recommendation of refusal of the proposed application.

Policy 50 of the MHCP

It is considered that the aim of Policy 50 is to ensure that future development does not detract from the setting of the Fallen Sailors and Soldiers Memorial, the setting of the ancillary memorials and the wider parkland setting in general. With a height nearly double that permitted by Policy 50, the proposed memorial is considered to be an inappropriate addition to Monument Hill based on Policy 50 in terms of its scale and would detract from the setting of the Fallen Sailors and Soldiers Memorial, the setting of the ancillary memorials and the wider parkland setting in general.

External Heritage Advice

The heritage assessment carried out on behalf of the City by Kelsall Binet Architects supports the above assessment and also advises that the proposed location is part way along an important vista formed by the path that connects the south west corner of the reserve to the Fallen Sailors and Soldiers Memorial.

In addition, the heritage assessment outlines further reasons for the unacceptability of the proposed statue. The concourse surrounding the Fallen Sailors and Soldiers Memorial, which is at the highest point of the reserve, is graded as a place of considerable significance (under the MHCP); the significance of the other zones is generally defined by the contribution they make to providing an appropriate setting for both the Fallen Sailors and Soldiers Memorial.

Policy D.B.H13

With respect to Policy D.B.H13, for the reasons outlined above, it is considered that the proposed statue will have a detrimental impact on the setting of the Fallen Sailors and Soldiers Memorial, the setting of the ancillary memorials, views within the reserve, the wider parkland setting in general and the Memorial Hill Heritage Precinct.

As such, it is considered that the proposed statue does not meet the requirements of Policy D.B.H13.

Submissions

With respect to the contents of the two submissions received, it is recommended that they be noted as the application is required to be determined on the planning merits of the proposal. The matter of which body or organisation that can erect a statue or other structure on the Reserve is a Reserve Management issue, not a planning matter.

CONCLUSION

The proposed statue exceeds the height requirements of Policy 50 of the MHCP and will adversely affect a view acknowledged within the MHCP as being impressive.

The site is listed as a Category 1A site on the State Register of Heritage Places. The Heritage Council of Western Australia have advised that the height and location of the proposed statue is inappropriate for this location.

Therefore, having regard to the height and location of the proposed statue, it is considered that the proposed statue will have a detrimental impact on the setting of the Fallen Sailors and Soldiers Memorial, the setting of the ancillary memorials, views within the reserve, the wider parkland setting in general and the Memorial Hill Heritage Precinct. The proposed statue is therefore contrary to the requirements of the Monument Hill Conservation Plan, the Heritage Assessment for the proposed statue and City's Policy *D.B.H13 Impact of Developments on Heritage Places Policy*. Consequently it is recommended that the application be refused.

However, it is also recommended that the City be instructed to liaise with Perth Legacy to ascertain if there are any worthy sites within the City that could accommodate the statue as proposed.

OFFICER'S RECOMMENDATION

MOVED: Mayor, Peter Tagliaferri

1. That the application be REFUSED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Statue at Swanbourne Street Reserve 9335 (Monument Hill), Fremantle, for the following reason:
 - a) By virtue of its height and location, the proposed statue will have a detrimental impact on the setting of the Fallen Sailors and Soldiers Memorial, the setting of the ancillary memorials, views within the reserve, the wider parkland setting in general and the Memorial Hill Heritage Precinct. The proposed statue is therefore contrary to the requirements of the Monument Hill Conservation Plan, the Heritage Assessment for the proposed statue and City's Policy *D.B.H13 Impact of Developments on Heritage Places Policy*.
2. That the Chief Executive Officer be instructed to, in consultation with Perth Legacy, to consider other worthy sites within the City of Fremantle for the erection of the proposed statue.

LOST: 1/4

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

Cr J Alberti arrived at 6.07 pm prior to consideration of the following alternative recommendation.

Mayor, Peter Tagliaferri MOVED the following alternative recommendation:

COMMITTEE DECISION

A. Subject to the agreement of the Heritage Council of WA, the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme 4 for the statue at Swanbourne Street Reserve 9335 (Monument Hill) subject to the following condition:

1. The overall height of the statue and plinth shall not exceed 1.3 m from ground level.

B. In the event that the proposal is not supported by the Heritage Council of WA, the application be referred back to Planning Services Committee for further consideration.

CARRIED: 5/1

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

REASON/S FOR CHANGE TO OFFICER'S RECOMMENDATION

The Committee considered that the application was worthy of support provided that the overall height was lowered.

PSC0903-37 SOUTH STREET NO. 304 (LOTS 16 & 17) HILTON - CHANGE OF USE TO LIQUOR STORE - (BC DA12/09)

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
 Management Plan
Date Received: 16 January 2009
Owner Name: Blackwall Reach Pty Ltd
Submitted by: Keywinds Pty Ltd
Scheme: Development Zone (Proposed Scheme Amendment 13 – Neighbourhood Centre)
Heritage Listing: Not Listed
Existing Landuse: Vacant (previously Shop)
Use Class: Liquor Store and Shop
Use Permissibility: A and D (Neighbourhood Centre)



EXECUTIVE SUMMARY

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

The applicant is seeking the council's Planning Approval for a change of land use from "Shop" to "Liquor Store" at No. 304 (Lots 16 & 17) South Street, Hilton.

The subject site is currently zoned Development Zone under the City's Local Planning Scheme No. 4 (LPS4).

Clause 10.2.1 (b) requires Council to pay due regard to the requirements of orderly and proper planning including any relevant proposed new Local Planning Scheme amendment.

Proposed Scheme Amendment No. 13 (Amendment No. 13) was adopted by Council on 17 December 2008 and sent to the Western Australian Planning Commission (WAPC) for endorsement. The City is currently awaiting a response from the Commission. Amendment No. 13 proposes to rezone the subject site from "Development Zone" to "Neighbourhood Centre". Amendment No. 13 is currently at the advanced stages of implementation and is therefore considered to be a seriously entertained planning proposal.

The proposed Liquor Store satisfies the land use requirements of a Neighbourhood Centre under LPS4 and is thus consistent with the requirements of proposed Amendment No. 13.

Accordingly the application is recommended for approval.

BACKGROUND

General Site Description

The subject site is located within the Hilton Village Shopping Centre, located on the northern side of South Street, Hilton. The shopping centre is bordered by Ethelwyn Street to the east and Victor Street to the west. There are multiple land uses within the Hilton Village Shopping Centre, ranging from a grocery shop, butcher, hair dresser, café and other service and retail type shops.

There also exists a number of similar commercial land uses on the southern side of South Street, Hilton. Notably, a drive-through Liquor Store (Cellarbrations Liquor Stores) and a Tavern (South Street Ale House) operate on this side of South Street. Car parking for these commercial land uses is provided for at the rear of these sites.

A review of the City's records has established that the Hilton Village Shopping Centre has operated for at least 30 years. The City's records show that numerous shop and service uses have existed over the years as well as a number of applications for various additions and alterations.

LPS4 Zoning

The site is zoned Development Zone and is located within Development Area 11 – Hilton Area under LPS4. The site is also located within the Hilton Local Planning Area (Hilton LPA) under LPS4. The property is not on the City’s Heritage List or Municipal Heritage Inventory (MHI).

On 26 March 2008 Council resolved to initiate an amendment to LPS4 in order to rezone the South Street commercial strip in Hilton from “Development Zone – Development Plan 11” to “Neighbourhood Centre” and “Residential” and to introduce related development standard provisions into Schedule 12.

The proposed Scheme Amendment No. 13 (Amendment No. 13) was advertised for public comment and at the end of the consultation period, further consideration of the proposed amendment was undertaken, in light of the submissions received. Certain aspects of the amendment, not necessarily related to issues raised in submissions, were identified by the City as requiring modifications.

Consequently on 24 November 2008, Council considered a report detailing the submissions received and recommended proposed modifications to the proposed Scheme amendment. Council resolved to adopt Amendment No. 13 with these modifications and to readvertise the amendment.

On 17 December 2008, Council resolved to adopt Amendment 13 to LPS4. On 7 January 2009 the City wrote to the Western Australian Planning Commission (WAPC) advising the Commission of Council’s resolution. The City is currently awaiting the WAPC’s endorsement of the Scheme Amendment, following which it is anticipated that Amendment 13 will be referred to the Minister for Planning for final approval.

DETAILS

The applicant is seeking planning approval for a change of use to Liquor Store at Shop No. 14 at No. 304 South Street, Hilton.

The applicant proposes to utilise 72m² of the floor space for a Shop use (Australia Post tenancy). The Shop tenant proposes to trade within the trading hours consistent with an Australia Post tenancy. The trading hours are to be from 8.30am to 5pm, Monday to Friday and 8.30am to 12pm on Saturday.

The remaining 250.9m² of floor space is to be utilised for the proposed Liquor Store use (Liquor Barons). Each use will utilise existing doorway entrances that face South Street. The Liquor Store proposes to trade within the trading hours as per the Liquor Control Act 1988. The proposed hours for this Liquor Store will be Monday to Saturday from 9am to 9pm, and Sunday from 10am to 9pm. There will be two employees in the Liquor Store at most times.

The applicant has stated that signage and awnings will be installed at the front of the premises. However no details regarding these developments have been submitted as part of the application and therefore the current development application has been assessed for the change of use only. An advisory note is to be included advising the applicant that future signage and development will require the prior planning approval of Council.

STATUTORY AND POLICY ASSESSMENT

Local Planning Scheme No. 4

Matters to be considered by Council – Zoning and Land Use

The subject site is currently zoned “Development Zone”. Clause 6.2.3 of LPS4 states that the development of land within this zone is to generally be in accordance with an approved structure plan. Notwithstanding this, clause 6.2.4.2 of LPS4 provides Council with the discretion to approve a development application prior to the adoption of a structure plan providing that the development will not prejudice the specific purposes and requirements of the Development Zone. However, in this instance, Council has resolved to amend LPS4 to rezone the site from Development Zone to Neighbourhood Centre and Residential, rather than adopt a structure plan for the zone. As such there are no current specific purposes and requirements for the Development Zone. However, as Amendment No. 13 is at the advance stages of implementation, it is considered that the relevant provisions of the Amendment No. 13 can be used for the intended purpose of the Development Zone.

Nevertheless clause 10.2 of LPS4 outlines the matters that Council shall have due regard to in assessing a development application.

Clause 10.2.1 (b) states:

‘the requirements of orderly and proper planning including any relevant proposed new local planning Scheme or amendment, or region Scheme or amendment, which has been granted consent for public submissions to be sought’.

As previously mentioned, proposed Amendment No. 13 was adopted by Council on 17 December 2008 and is currently with the WAPC awaiting endorsement, prior to its referral for Final Approval by the Minister for Planning. Therefore, Council is required to have due regard to proposed Amendment No. 13, in accordance with clause 10.2.1 (b) as Amendment 13 is considered to be a seriously entertained planning proposal at its advanced stages of implementation.

Amendment No. 13 proposes the subject site to be re-zoned from Development Zone to Neighbourhood Centre.

Clause 4.2.1 (d) of LPS4 states that:

‘Development within the neighbourhood centre 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.’*

The proposed land uses of this application are consistent with that of "Liquor Store" and "Shop" under LPS4. The site is currently approved for a "Shop" use and as such the proposed Australia Post tenancy is consistent with the current approved land use. Therefore the proposed Australia Post Shop use does not require the planning approval of Council.

A Liquor Store use is classified as an 'A' use within a Neighbourhood Centre zone under LPS4, meaning that *'the use is not permitted unless the Council has exercised its discretion and has granted planning approval after giving special notice in accordance with clause 9.4.'*

The proposed change of use to Liquor Store was advertised formally in accordance with clause 9.4 of LPS4 and the City's *LPP1.3 Public Notification of Planning Proposals Policy*.

Car Parking

Clause 5.7.1 (a) requires land uses to provide vehicle parking in accordance with Table 3 of LPS4.

Clause 5.7.1 (c) states that *'where vehicle parking provisions are not prescribed for a particular use the requirement will be determined by Council.'* Table 3 prescribes vehicle parking provisions for a Shop use, but not for a Liquor Store use. However it is considered that the vehicle parking demands of a Liquor Store are similar to those of a Shop use. Council has previously adopted the Shop vehicle parking requirements for a Liquor Store at No. 39 Adelaide Street, Fremantle (DA01/08) therefore it is considered appropriate for the proposed Liquor Store to provide car parking consistent with that required for a Shop use.

Clause 5.7.2 (Table 3) of LPS4 requires a Shop use within a shopping centre to provide 1 car parking bay for every 16m² of net floor area. Additionally, Table 3 requires a Shop to provide 1 delivery bay per 1000m² of net floor area and 1 bicycle rack for every 200m² of net floor area.

The shopping centre currently provides 99 on-site car bays. The floor area within the shopping centre is approximately 2200m². Therefore, the presently provided on-site car parking is equivalent to 1 car bay for every 22m² of floor space whereas the car parking provision of LPS4 require 1 car bay for every 16m².

The net floor area for the Liquor Store is 221.08m². Accordingly, using the existing ratio of car bays to floor area discussed above, 10 on-site car parking bays are presently provided for the subject site (1 bay per 22m² of floor space). Under LPS4 provisions, the proposed Liquor Store is required to provide 14 car parking bays, representing a short fall of 4 on-site car parking bays. The proposed Liquor Store is also required to provide 1 delivery bay and 1 bicycle rack.

Council has the ability to reduce 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.*

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.

CONSULTATION

Community

The application was required to be advertised in accordance with Clause 9.4 of the LPS4 and the City's *LPP1.3 Public Notification of Planning Proposals* policy, as the proposed Liquor Store use is an 'A' use within a Neighbourhood Centre zone (Amendment No. 13). At the conclusion of the advertising period, being 9 February 2009, the City had received 10 submissions. The applicant also submitted a petition supporting the change of use to Liquor Store application containing the signatures and details of 510 interested persons.

Eight of the received submissions expressed support for the proposed Liquor Store citing the following reasons:

- the proposed Liquor Store would be conveniently located near existing shops,
- the Liquor Store would offer greater choice for surrounding residents,
- the Liquor Store will enhance the area and make the shopping centre more viable.

Two of the received submissions were not in support of the proposed Liquor Store citing the following reasons:

- the proposed Liquor Store will encourage and exacerbate antisocial behaviour in the area,

- the proposed use is incompatible with the existing land uses within the shopping centre in terms of:
 - o increased demand on car parking,
 - o lead to antisocial behaviour which will negatively impact on shopping experience,
- shopping centre acts as a social meeting point for a number of residents (provision of long parking periods and enclaves with public seating) – the availability of alcohol will interrupt the social dynamics of the centre potentially leading to customers looking to shop elsewhere.

PLANNING COMMENT

Neighbourhood Centre and Land Use – Liquor Store

The proposed Liquor Store is considered compatible with the encouraged land uses within a Neighbourhood Centre. Clause 4.2.1 (d) states that development within the Neighbourhood Centre zone shall provide for the daily and convenience retailing and shops which serve the local community and area, located within and compatible with residential areas. The Hilton Village Shopping Centre provides a range of retailing, grocery and service businesses that serve the local community and area. The proposed Liquor Store is considered consistent with these existing uses and would contribute to the overall service that the Hilton Village Shopping Centre provides for the local community.

The Hilton Village Shopping Centre primarily fronts South Street and is part of a strip of commercial activity that fronts both sides of South Street. The shopping centre is adjacent to other commercial land uses to the east and west of the site, however is adjacent to residential properties to the north. The subject shop site does not directly abut these residential properties, rather provides its shop entrance from South Street.

It is acknowledged that the proposed Liquor Store land use is an intensification of land use compared to the previous shoe shop in terms of opening hours and patronage. Liquor Stores generally attract more customers than shoe shops as the opening hours are longer and the product is more frequently purchased than those products sold in a shoe shop. Furthermore liquor is generally delivered in medium sized trucks which may impact more on the shopping centre than the smaller deliveries of a shoe shop.

However, there exists sufficient car parking on the site and adjacent streets as well as frequent public bus transport along South Street to provide for the demands of the Liquor Store. The existing delivery bay located at the rear of the shop is considered sufficient for the expected two deliveries per week. The Management Plan specifies that deliveries are only to occur during 7am and 7pm to prevent disturbance to the amenity of the area (see Attachment 2). This delivery bay is approximately 25 metres from the nearest residential lot boundary which is considered a sufficient distance to alleviate any amenity impacts caused by the deliveries. Whilst the proposed opening hours are longer than those of the existing commercial uses in the shopping centre, the proposed hours of operation are consistent with those trading hours imposed on licensees under the Liquor Control Act 1988 and therefore considered appropriate for the Liquor Store.

Overall the anticipated increased level of activity is not considered beyond the capabilities of the Hilton Village Shopping Centre or beyond the expectations of a shopping centre of similar size and location. The impact of the proposed Liquor Store on the adjoining residential properties is not considered significantly greater than the impact of the existing shopping centre and commercial uses.

Car Parking

There are 99 on-site car parking bays provided in association with the Hilton Village Shopping Centre. As previously mentioned, the shopping centre has been used for various shop-type uses over the past thirty-plus years all sharing the on-site car parking arrangements.

There exists a delivery bay at the rear of the Liquor Store and Shop sites which will suffice for the expected frequency and type of deliveries.

There exist numerous bicycle racks within and around the shopping centre which are considered sufficient for the demands of the proposed land uses.

The proposed Liquor Store land use is required to provide 14 on-site car bays, 1 delivery bay and 2 bicycle racks. As previously discussed, 10 car parking bays are currently allocated to the development site based on previous decisions of Council. As such, there is proposed to be a shortfall of 4 car parking spaces.

Council is capable of waiving or reducing the car parking requirements of LPS4 subject to the applicant justifying the reduction in accordance with the criteria listed in clause 5.7.3 of LPS4.

Street parking is available along the streets adjacent to the shopping centre (Ethelwyn Street and Victor Street). Furthermore South Street is frequented by numerous public bus routes, with a bus stop located approximately 100 metres from the subject site.

Overall the proposed Liquor Store is not anticipated to significantly impact on the availability of vehicle parking within the Hilton Shopping Village. It is recommended that Council reduce the car parking requirements of Table 3 of LPS4 from 14 on-site bays to 10 on-site bays in accordance with clause 5.7.3 of LPS4 for the reasons outlined above.

Submissions

Antisocial Behaviour

The Liquor Store is to provide for the sale of pre-packaged liquor to be consumed off the premises. It is anticipated that the majority of liquor sales will be taken home and consumed in a safe and sensible manner.

It is impossible to discard the possibility that persons may purchase liquor from the proposed Liquor Store, consume the liquor and then partake in antisocial behaviour. Land use planning seeks to minimise the potential amenity impacts that may arise between commercial and residential land uses.

However land use planning alone is unable to pre-empt and plan for every potential situation that may be associated with a land use. The proposed Liquor Store has provided the City with a detailed Management Plan that outlines actions and procedures to provide for the safe and responsible sale of alcohol. The Liquor Store's Management Plan states that training will be provided to all staff in responsible sale practices. The Management Plan also states that juveniles or intoxicated persons will not be served alcohol – consistent with the responsibilities under the Liquor Control Act regarding harm minimisation.

Overall the proposed Liquor Store is not considered to encourage alcohol consumption within the immediate area and is not anticipated to lead to antisocial behaviour within the locality.

Proposed Use is Incompatible with Existing Land Uses

As previously mentioned the Hilton Village Shopping Centre has provided retail and service type land uses to surrounding residents for the past thirty years. At least one Liquor Store has existed within the shopping centre during that time. The proposed Liquor Store will provide pre-package liquor for consumption off the premises. It is anticipated that the majority of customers of the premises will be those that are in the area visiting other businesses such as the supermarket. The retailing of alcohol is considered an acceptable and expected land use within a shopping centre complex such as the Hilton Village Shopping Centre.

The vehicle parking requirements for a Liquor Store are considered equivalent to those required for a Shop use under Table 3 of LPS4. As previously discussed, the required car parking is consistent with the previous land uses of the premises and is therefore not anticipated to place undue demands on the existing parking facilities within the Hilton Village complex and surrounding streets.

The submission also states that the public are already serviced adequately through the existing liquor stores in the vicinity. This matter is not considered to be a planning concern as market competition cannot be taken into account and generally, it is considered that market forces will determine when an area is adequately serviced.

Proposed Liquor Store will Impact the Functioning of the Shopping Centre as a Social Meeting Place

The proposed Liquor Store is not considered to promote alcohol consumption on the shopping centre premises and is not anticipated to lead to antisocial behaviour within the area. The Liquor Store is therefore not anticipated to interrupt the shopping centre's ability to function as a social meeting point for residents.

Conclusion

Clause 10.2.1 (b) of LPS4 requires Council to have due regard to the requirements of orderly and proper planning, including any relevant proposed new Local Planning Scheme amendment.

Amendment No. 13 is currently at the advanced stages of implementation and is therefore considered to be a seriously entertained planning proposal. The Amendment proposes to rezone the subject site from “Development Zone” to “Neighbourhood Centre” and as such, will provide the future planning framework and guidelines for the development of the centre.

The proposed Liquor Store land use is considered consistent with the intended uses within a Neighbourhood Centre zone. The proposed land use is regarded as compatible and complimentary to the existing uses within the Hilton Village Shopping Centre. Furthermore the proposed Liquor Store is not considered to be detrimental to the amenity of the adjoining owners or residential properties in the locality.

It is therefore recommended that Council approve the application as the proposed land use is consistent with the requirements of the proposed Amendment No. 13.

OFFICER'S RECOMMENDATION

MOVED: Mayor, Peter Tagliaferri

That the application be APPROVED under the Metropolitan Regional Scheme and Local Planning Scheme No. 4 for the Change of Use to Liquor Store and Shop at No. 304 (Lots 16 & 17) South Street, Hilton, subject to the following condition(s):

1. The uses hereby permitted shall take place in accordance with the approved plans dated 16 January 2009.

Advisory Notes:

- (i) Unless otherwise exempted, all signage associated with the development, including signs painted on the building are to be approved by the City of Fremantle prior to the erection or painting.

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

2. the City advise the submitters to the application that:
 - a) the Department of Racing, Gaming and Liquor may require a Public Interest Assessment as part of the Liquor Licencing process; and
 - b) if they have concerns in relation to the issue of a liquor licence for the site, then they should contact the Department of Racing, Gaming and Liquor to further express those concerns.

CARRIED: 4/2

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

COMMITTEE RECOMMENDATION

MOVED: Mayor, Peter Tagliaferri

That:

1. the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Change of Use to Liquor Store and Shop at No. 304 (Lots 16 & 17) South Street, Hilton, subject to the following condition:
 - a) The use hereby permitted shall take place in accordance with the approved plans dated 16 January 2009.

Advisory Notes:

- (i) Unless otherwise exempted, all signage associated with the development, including signs painted on the building are to be approved by the City of Fremantle prior to the erection or painting.
2. the City advise the submitters to the application that:
 - a) the Department of Racing, Gaming and Liquor may require a Public Interest Assessment as part of the Liquor Licencing process; and
 - b) if they have concerns in relation to the issue of a liquor licence for the site, then they should contact the Department of Racing, Gaming and Liquor to further express those concerns.

LOST: 3/3

Mayor, Peter Tagliaferri used his casting vote AGAINST the recommendation resulting in it being LOST.

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

REASON/S FOR CHANGE TO OFFICER'S RECOMMENDATION

No other motion was moved in respect of this item.

PSC0903-38 HARWOOD STREET, NO. 9 (LOT 1141) HILTON - DEMOLITION OF EXISTING SINGLE HOUSE (AT DA02/09)

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: PW04/08 DA137910
Attachments: Demolition plan
Photo's of the dwelling
Palassis Heritage Advice

Date Received: 6 January 2009
Owner Name: GVC Hydraulic & Gas
Submitted by: T Vaughan
Scheme: Residential – R20/R25
Heritage Listing: Hilton Heritage Area
Existing Landuse: Single House
Use Class: Single House
Use Permissibility: P



EXECUTIVE SUMMARY

The application if referred to the Planning Services Committee for determination as the application involves the demolition of an existing house within the Hilton Heritage Area.

The applicant seeks Planning Approval to demolish the existing dwelling as it is constructed of hazardous materials and vandals have caused damage.

The demolition of the existing dwelling is not supported as it is considered that the dwelling contributes to the cultural heritage values of the Harwood Street streetscape and the wider Hilton Heritage Area. In addition, the existing dwelling is not considered to have any significant structural problems that would preclude the restoration of the dwelling and the subject site is capable of future development whilst retaining the existing dwelling given the space behind the dwelling and the ability to provide a vehicle access leg down either side of the dwelling.

The proposed demolition is recommended for refusal based upon the application not satisfying the objectives of the Residential zone as outlined within LPS4 and the objectives of *D.G.H3: Hilton Local Area* policy.

BACKGROUND

The subject site is located at No. 9 Harwood Street, Hilton. Under the provisions of Local Planning Scheme No. 4 (LPS4) the subject site is zoned Residential – R20/R25 and is located within the Hilton Local Planning Area.

The site is 855m² in area and currently contains a single storey Single House.

An application was made by the Department of Housing and Works in April 2008 for the demolition of the existing house and the construction of two Grouped Dwellings (PW04/08). This application was withdrawn April 2008 and the property subsequently sold.

On 2 September 2008 the Western Australian Planning Commission (WAPC) conditionally approved a two lot green title subdivision of the subject site. To date this subdivision plan has not been endorsed by the WAPC. Condition 1 of this approval requires the demolition of all existing buildings and outbuildings.

On 18 December 2008 a Scheme Amendment to LPS4 was gazetted amending Clauses 7.1.7 and 7.2.9 of LPS4 to clarify the inclusion of places on the Heritage List and precincts as Heritage Areas. The Hilton Garden Precinct is now no longer listed on the City's Heritage List and is instead within the 'Hilton Heritage Area'.

DETAILS

Planning Approval is sought to demolish the existing Single House at No. 9 Harwood Street, Hilton as the building is constructed of hazardous materials and the building has been damaged by vandals. Photos of the dwelling are attached as Attachment 2 to this report.

The applicant states that they intend to construct a new energy efficient dwelling on the site. No replacement plans have been submitted with the application.

STATUTORY AND POLICY ASSESSMENT

Local Planning Scheme No. 4

Clause 1.6.1(f) of LPS4 states that one of the aims of LPS4 is to protect and conserve Fremantle's unique cultural heritage.

The subject site is zoned Residential. The objectives for this zone as outlined within Clause 4.2.1 are as follows:

Development within the residential zone shall –

- (i) provide for residential uses at a range of densities with a variety of housing forms to meet the needs of different household types, while recognising the limitations on development necessary to protect local character,*
- (ii) safeguard and enhance the amenity of residential areas and ensure that development, including alterations and additions, are sympathetic with the character of the area,*
- (iii) encourage high standards of innovative housing design which recognise the need for privacy, energy efficient design and bulk and scale compatible with adjoining sites,*
- (iv) recognise the importance of traditional streetscape elements to existing and new development,*
- (v) conserve and enhance places of heritage significance the subject of or affected by the development, and*
- (vi) safeguard and enhance the amenity of residential areas by ensuring that land use is compatible with the character of the area.*

Council Policies

The City's *D.G.H3: Hilton Local Area* and *D.B.H13: Impact of Developments of Heritage Places* policies are of relevance to the current application. Of particular relevance are the objectives of D.G.H3 which state:

The objectives of this policy are to:

- Encourage the conservation, interpretation and enhancement of the garden suburb features of the precinct as identified in the above statement of significance;*
- Ensure all new residential development is compatible with the character and scale of the built environment, streetscapes, traditional garden settings and urban spaces;*
- Retain mature trees, gardens and areas of indigenous vegetation;*
- Encourage the retention and restoration of the traditional buildings; and*
- Ensure the garden suburb character is enhanced with additional tree planting.*

Section 6 of D.G.H3 is also of relevance to the application and states:

Generally the City seeks to encourage the conservation (maintenance/ restoration/ reconstruction/ adaptation) of original dwellings within the policy area. Nevertheless, the City may consider demolition subject to the following:

- a) *Submission of a development application for demolition, and*
- b) *Plans for a replacement house in accordance with the requirements contained within this policy.*

CONSULTATION

The application was referred to Palassis Architects to undertake a heritage impact assessment of the proposed demolition. This report is attached to this report as Attachment 3 however the analysis and recommendation sections of this report state the following:

9 Harwood Street is a structurally intact but damaged example of a timber-framed residence dating from the middle of the twentieth century constructed in the Hilton Garden Suburb Precinct. It has cultural heritage significance as one of the original buildings constructed as part of the development of the Hilton Garden Suburb. Its material, scale, form and proportion make a contribution to the streetscape in spite of the fact that it has fallen into some disrepair, and its demolition would adversely affect the heritage values of the place, the surrounding streetscape and the precinct, which is listed on the City of Fremantle's Heritage List.

As the Scheme aims to "protect and conserve Fremantle's unique cultural heritage" and the Hilton Local Area Planning Policy encourages "the retention and restoration of the traditional buildings" the current development application cannot be supported. There are a number of houses in the street that are examples of successful retention of original buildings, and 9 Harwood Street is capable of being restored to a similar standard.

Section 6 Demolition of the Hilton Local Area Policy reiterates "Generally the City seeks to encourage the conservation (maintenance/restoration/reconstruction/adaptation of original dwellings". It also states that demolition will only be considered if the development application includes plans for a replacement house designed in accordance with the requirements contained within the policy. This requirement has not been met.

PLANNING COMMENT

LPS4, through its aims and the Residential zone objectives, seek to conserve and enhance places of heritage significance. It is noted that the subject site is not individually listed on the City's Heritage List however it does form part of the Hilton Heritage Area.

An area is designated as a Heritage Area if the City resolves that special planning control is required to conserve and enhance the cultural heritage significance and character of an area. Hilton is considered to be of cultural heritage significance as it is an example of a substantially intact 'Garden Suburb' dating from post World War II and as an example of affordable housing developed by the State Housing Commission.

Harwood Street is still considered to be largely intact as an example of these characteristics comprising original timber-framed post-war cottages of similar style and setback from the street. The heritage report notes that most of the existing houses in Harwood Street are original however some have been modified via extensions or re-cladding. Notwithstanding this, it should be noted that there is a non-original brick house situated at No. 13 Harwood Street albeit of similar scale to the original dwellings evident along the street.

Taking the above into account, it is considered that the existing dwelling contributes to the cultural heritage values of Harwood Street and Hilton given its built form, orientation and setback from Harwood Street. Consequently, the demolition of the dwelling would be contrary to the objectives of LPS4 as well as the provisions of the *D.G.H3: Hilton Local Area* policy which encourage the conservation, retention and restoration of buildings of traditional form and character.

Section 6 of the *D.G.H3: Hilton Local Area* policy seeks to encourage the conservation of the original dwellings within Hilton through maintenance, restoration, reconstruction or adaptation. It is clear from the condition of the dwelling that the necessary maintenance works have not occurred in recent times and a significant level of maintenance and restorative works are required for the dwelling to be brought back up to the standard of the surrounding dwellings.

With regards to the condition of the dwelling, the heritage assessment completed by Palassis Architects states:

The house is showing signs of lack of maintenance, with an untended front and back yard, and full gutters. The external cladding to the house had been damaged on all sides of the house, in some cases penetrating through the internal wall lining, and the house has been vandalised with graffiti. However, from external inspection the building appears to be sound with no evidence of failure of roof framing and no evidence of subsidence of the sub-floor stumps.

As a result of this assessment, it is considered that no significant structural works will be required to restore the existing dwelling to a presentable level and the works are primarily cosmetic. In addition to the above, no information has been submitted with the application in evidence of any structural problems.

Further to the above, there is a general community expectation that property owners undertake a reasonable level of maintenance of a property in order to help maintain or improve the amenity of a locality. The lack of expenditure on the maintenance or protection of a building should not be seen as appropriate or acceptable course of action to follow in order to undermine or overcome stated planning objectives.

Section 6 of D.G.H3 also states that the City may consider demolition subject to the submission of a development application for demolition and the submission of plans for a replacement house. This policy requirement was included within D.G.H3 as under the former Town Planning Scheme No. 3 (TPS3) replacement plans were required to be submitted with every application for demolition. TPS3 has now been rescinded and was replaced by LPS4 in March 2007. LPS4 removed the requirement to submit replacement plans as there was no ability for the City to require the construction of the replacement dwelling once the demolition occurred. As a result, it is considered that this policy provision is no longer relevant to the assessment of applications for demolition.

The existing approved green title subdivision requires the demolition of the existing dwelling via a condition of approval. However should the demolition of the existing dwelling not be supported, it is noted that the subject site is likely to be able to be subdivided via survey strata with a second dwelling situated to the rear given the available lot size and the ability to provide a vehicle access leg to either side of the dwelling.

CONCLUSION

Overall, the demolition of the existing dwelling is not supported as it is considered that the dwelling contributes to the cultural heritage values of the Harwood Street streetscape and the wider Hilton Heritage Area. In addition, the existing dwelling is not considered to have any significant structural problems that would preclude the restoration of the dwelling and the subject site is capable of future development whilst retaining the existing dwelling given the space behind the dwelling and the ability to provide a vehicle access leg down either side of the dwelling. Consequently the proposed demolition is recommended for refusal based upon the application not satisfying the objectives of the Residential zone as outlined within LPS4 and the objectives of *D.G.H3: Hilton Local Area* policy.

OFFICER'S RECOMMENDATION

MOVED: Mayor, Peter Tagliaferri

That the application be REFUSED under the Metropolitan Regional Scheme and Local Planning Scheme No. 4 for the Demolition of Existing Single House at No. 9 (Lot 1141) Harwood Street, Hilton for the following reasons:

1. The proposal does not satisfy the objectives of the Residential zone as outlined within Local Planning Scheme No. 4 which aim to conserve and enhance places of heritage significance.
2. The proposal is inconsistent with the objectives of the City of Fremantle's D.G.H3: Hilton Local Area policy as the retention and restoration of the traditional buildings in Hilton are encouraged.

LOST: 2/4

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

COMMITTEE RECOMMENDATION

MOVED: Cr B Massie

That the application be APPROVED under the Metropolitan Regional Scheme and Local Planning Scheme No. 4 for the Demolition of Existing Single House at No. 9 (Lot 1141) Harwood Street, Hilton subject to the following condition:

- 1. The demolition hereby permitted shall take place in accordance with the approved plans 6 January 2009.**

CARRIED: 4/2

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

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

Committee was of the view the dwelling is too dilapidated for the applicant to restore at a reasonable cost.

Mayor, Peter Tagliaferri moved en bloc recommendations numbered PSC0903-39, PSC0903-40, PSC0903-41, PSC0903-43 and PSC0903-44

PSC0903-39 PHILLIMORE STREET, NO. 18 (OLD FIRESTATION BACKPACKERS), FREMANTLE - TWO TEMPORARY TRANSPORTABLES TO BE USED FOR TEMPORARY ACCOMMODATION (KJ DA628/08)

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: 24 November 2008
Owner Name: City of Fremantle
Submitted by: B Luck
Scheme: City Centre
Heritage Listing: Level 1A and State Register
Existing Landuse: Backpackers
Use Class: Tourist Accommodation
Use Permissibility: D



EXECUTIVE SUMMARY

The application for Planning Approval is presented to the Planning Services Committee because No. 18 Phillimore Street is included on the Heritage Council of Western Australia's Register of Heritage Places.

The application proposes two transportable units to be used for temporary accommodation in association with the existing short stay accommodation on the site.

The Committee should consider whether or not the proposed units would have an acceptable impact on the character and appearance of the West End Conservation Area and the setting of the Level 1A Heritage Listed building.

The application is recommended for refusal because of the size, appearance and location of the proposed units. It is considered that the proposed units will have a detrimental impact on the character and appearance of the Fremantle West End Conservation Area, particularly when viewed from the railway line, and will compromise the open nature of the rear courtyard of the site resulting in a negative impact on the rear elevation of the Level 1A Heritage Listed building.

BACKGROUND

The application site is located on the northern side of Phillimore Street within the City Centre zone under the provisions of the City of Fremantle's (the City) Local Planning Scheme No. 4 (LPS4). The site lies within sub area 1 (West End) of the City Centre Local Planning Area in accordance with Schedule 12 of LPS4.

The site is included on the Heritage Council of Western Australia's Register of Heritage Places, is listed on the City of Fremantle's Heritage List and has a management category Level 1A on the Municipal Heritage Inventory. The site is also included within the West End Conservation Area. The place is considered by the City to be of exceptional significance to the City and its conservation is required.

The State's Register of Heritage Place states that the former Fremantle Fire Station has cultural heritage significance for the following reasons:

- *the place has historic significance related to the important role of civic services and the Fire Brigade in particular, in the development of Fremantle, and Western Australia;*
- *the building is part of a suite of buildings that contributes to the urban and historic character of the Phillimore Street precinct, the loss of which would be detrimental to the scale and character of the precinct;*
- *the building is a representative example of the architectural design of Cavanagh and Cavanagh, and*
- *it is one of the few fire stations of the gold boom period extant in metropolitan Perth.*

The application site comprises the Old Firestation Backpackers, which is a backpackers hostel with 86 beds, and a restaurant. To the rear of the building is a courtyard which has two detached buildings (comprising bedrooms 14 to 19, a bathroom and a store) located within. The site takes vehicular access off Phillimore Street, with space for three vehicles to park in tandem and has the use of three spaces to the rear of the site, which is accessed through the Customs House car park.

DETAILS

The applicant is seeking planning consent for two transportable units to be used for sleeping accommodation. The units, which will be a 4-bed dorm and a 6-bed dorm, will measure 2.4 metres by 4.5 metres and 2.4 metres by 6.0 metres respectively and have a maximum height of 2.8 metres. The units will be located in the northern corner of the rear courtyard in an 'L' shaped configuration with a nil setback to the north-eastern boundary.

STATUTORY AND POLICY ASSESSMENT

Local Planning Scheme No. 4

The site is located within sub area 1 (West End) of the City Centre Local Planning Area as designated by Schedule 12 of LPS4 and therefore has a height restriction for development of three storeys (an 11 metre high external wall height and a 33 degree roof pitch).

Clause 10.6.1 of LPS4 states:

Despite any other provision of the Scheme to the contrary, if the Council considers that any use should be permitted on any land temporarily, it may give Planning Approval strictly limited in time as a temporary use.

Clause 10.6.2 of LPS4 states:

The Council may approve a temporary use in respect of any use class, but it shall only give such approval in respect of a use which would not ordinarily be permissible in the relevant zone where-

- (a) no building would be placed on the land unless it could be readily adapted for use for a purpose permitted in the zone, or which might preclude or inhibit the ultimate use of the land for a permitted purpose;*
- (b) the use would be compatible with the use of adjoining properties or the predominant use of land in the immediate locality; and*
- (c) the use would not be prejudicial to the amenity of the locality.*

Clause 10.6.4 of LPS4 states:

The Council shall not approve a temporary use for more than two years.

Clause 10.2.1 sets out the matters to be considered by Council when considering an application for planning approval. Subclause (h) states:

The conservation of any place that has been entered in the Register within the meaning of the Heritage of Western Australia Act 1990, or which is included in the Heritage of Western Australia Act 1990, and the effect of the proposal on the character or appearance of the heritage area,

Council Policies

City of Fremantle policies *D.B.H13 Impact of Developments on Heritage Places Policy* and *D.G.F14 Fremantle West End Conservation Area Policy* are of relevance to the subject application.

CONSULTATION

Heritage Council of Western Australia

The Heritage Council of Western Australia (HCWA) was consulted on 24 November 2008 and responded on 15 December 2008 as follows:

“The proposed works are not supported for the following reasons:

- 1. The Fremantle Fire Station is part of the Fremantle West End Conservation Area. The proposed transportable units would have a negative impact on the townscape and amenity of the area when viewed from the railway line. As stated in the Fremantle West End Conservation Area Policy, development controls aim to promote development consistent with what already exists, and to prevent the over-development of single sites.*
- 2. The addition of two transportable accommodation units at the rear of the Fremantle Fire Station would compromise the open nature of the rear courtyard and have a negative impact on the rear elevation.*

Community

Local Planning Policy 1.3 Public Notification of Planning Proposals states that any planning proposal may be refused by the Council without the giving of public notice.

PLANNING COMMENT

A decision-maker is required to be consistent with the advice offered by the HCWA pursuant to the provisions of the Heritage of Western Australia Act 1990. Having regard to the advice provided by the HCWA, it is considered that the siting and appearance of the proposed units would be detrimental to the character and appearance of the Fremantle West End Conservation Area, particularly when viewed from the adjacent railway line. Furthermore, the proposed units would compromise the open nature of the rear courtyard of the site and have a negative impact on the rear elevation of this Level 1A Heritage Listed building. As such, it is considered that the proposal is contrary to clause 10.2.1(h) of LPS4, *D.B.H13 Impact of Developments on Heritage Places Policy* and *D.G.F14 Fremantle West End Conservation Area Policy*.

It is acknowledged that the proposed units of accommodation are a temporary measure. The only justification submitted in this respect is that the licence for the backpackers allows for 102 beds but there is currently space for only 86 of these beds.

This is considered insufficient justification to outweigh the heritage concerns relating to the proposed temporary units.

Conclusions

The proposed units of temporary accommodation are recommended for refusal on heritage grounds as it is considered that the proposed development would be contrary to requirements of clause 10.2.1(h) of Local Planning Scheme No. 4, *D.B.H13 Impact of Developments on Heritage Places Policy* and *D.G.F14 Fremantle West End Conservation Area Policy*.

OFFICER'S RECOMMENDATION/COMMITTEE DECISION

MOVED: Mayor, Peter Tagliaferri

That the application be REFUSED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Two Temporary Transportables to be used for Temporary Accommodation at No. 18 Phillimore Street (Old Firestation Backpackers) , Fremantle, for the following reasons:

- 1. By virtue of their size, appearance and location, the proposed units will have a detrimental impact on the character and appearance of the Fremantle West End Conservation Area, particularly when viewed from the railway line, and will compromise the open nature of the rear courtyard of the site resulting in a negative impact on the rear elevation of the Level 1A Heritage Listed building.**

CARRIED: 6/0

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

The following item number PSC0903-40 was moved and carried en bloc.

PSC0903-40 KNUTSFORD STREET, NO. 30 (LOT 6) FREMANTLE - CHANGE OF USE TO WAREHOUSE AND PRIVATE RECREATION AND ADDITIONS AND ALTERATIONS TO EXISTING BUILDING (AT DA10/09)

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
Date Received: 12 January 2009
Owner Name: Professional Innovators Pty Ltd
Submitted by: TPG Town Planning and Urban Design
Scheme: Development Zone – Development Area 1
Heritage Listing: Nil
Existing Landuse: Light Industry
Use Class: Warehouse and Private Recreation
Use Permissibility: P & P



EXECUTIVE SUMMARY

The application is referred to the Planning Services Committee for determination as the subject site is within the Knutsford Street East Structure Plan Area.

Planning Approval is sought for a change of use from Light Industry to Warehouse and Private Recreation. Planning Approval is also sought to undertake additions and alterations to the building including the construction of an above-ground pool and rear deck.

The proposed development is considered to satisfy all of the relevant requirements of Local Planning Scheme No.4 and the City's policies. In addition the proposed development is not considered to prejudice the specific purposes and requirements of the Structure Plan area.

The application is recommended for approval.

BACKGROUND

The subject site is located at No. 30 Knutsford Street, Fremantle. The site has an area of approximately 933m² and gently slopes down from front to rear. The current improvements on the site include a large industrial building of single storey design.

Under the provisions of Local Planning Scheme No. 4 (LPS4) the subject site is zoned Development Zone – Development Area 1: Knutsford Street Industrial Area (East of Amherst Street). LPS4 requires that a Structure Plan be adopted for this Development Plan Area to guide subdivision, land use and development prior to approval of development applications.

On 27 February 2008, Council resolved to adopt the Knutsford Street East Structure Plan as a *"guiding document to facilitate redevelopment within the designated area"* (refer PSC0802-52). The subject site is located within Precinct 1 of the Structure Plan. The Structure Plan notes that all of the properties within this precinct are currently privately owned and used for industrial or commercial purposes, including warehousing, storage, plumbing and gas services, furniture manufacturing, crayfish pot building and automotive repair.

DETAILS

Planning Approval is sought for a change of use from Light Industry to Warehouse and Private Recreation.

The warehouse activity is to be contained within a 252m² area within the southern end of the ground floor of the existing building.

The proposed gymnasium is to have a floor area of 172m² and is to be situated in the northern area of the building on the ground floor. The application states that a maximum of five persons will utilise the gym facilities at any one time.

Planning Approval is also sought for additions and alterations to the building including:

- A 90m² above-ground pool is to be located between the rear elevation of the existing building and the northern boundary.

- Construction of a deck addition to the first floor level of the northern elevation accessed via an internal staircase.
- Demolition of an existing toilet, tea preparation area, one structural bay of the building and outbuildings is required to facilitate the proposed works.
- The replacement of the existing asbestos walls and roof with zincalume and for the construction of a brick retaining wall on the western side.
- The provision of new toilet and shower facilities midway between the ground and upper levels to service both the Warehouse and Private Recreation uses.
- Construction of a new rendered brick boundary fence along the eastern boundary up to 2.5m in height.
- Replacement of the existing front fence along the southern boundary on top of the existing retaining walls.

STATUTORY AND POLICY ASSESSMENT

Local Planning Scheme No. 4

Zoning

As outlined above, the subject site is contained within Development Area 1. Clause 6.2.1 of LPS4 prescribes the purpose of a Development Area as an area requiring comprehensive planning, with subdivision and development being coordinated by a Structure Plan. In this case, a Structure Plan was adopted by the Council on 27 February 2008 and thus, pursuant to clause 6.2.3 of the scheme, this document is that in which the assessment of this application should be based.

The Structure Plan broadly proposes that Precinct 1 be zoned for mixed use/residential, with a residential density coding of R60/R100. The Structure Plan also has a requirement that Detailed Area Plans (DAP) be developed for each of the precincts to outline more specific development controls and provisions for each of these precincts. No DAP has been submitted for Precinct 1 to date. Notwithstanding this, the adopted Structure Plan still provides a clear basis for determination of the broad planning intent of the Council.

Clause 6.2.4.1 of LPS4 provides for the interim development of land within a development area in cases where a neither a Structure Plan or DAP has been adopted, although in this case as a Structure Plan is in existence, the default position of LPS4 is that development should be consistent with this document and with the intent of the zone.

Use

Within the adopted Structure Plan, the Warehouse land use is included within the 'Discretionary Land Uses' category. A note is included which denotes that the Discretionary Land Uses are to be dealt with in accordance with the 'D' use provisions of LPS4 which means that they require the discretion of Council to approve.

The proposed 'Private Recreation' use is not specified within either the 'Permitted Land Uses' or 'Discretionary Land Uses' for Precinct 1.

As the Structure Plan indicates the area is to be zoned for mixed use purposes and for lack of other assessment criteria relating to the use, the objectives of the Mixed Use zone within LPS4 are outlined below:

Development within the mixed use zone shall –

- (i) provide for a limited range of light, service and cottage industry, wholesaling, trade and professional services, small scale retailing of goods and services (i.e. showrooms, cafe, restaurants, consulting rooms), small scale offices and administration, entertainment, residential at upper levels and recreation,*
- (ii) ensure future development within each of the mixed use zones is sympathetic with the desired future character of each area,*
- (iii) ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality, and*
- (iv) conserve places of heritage significance the subject of or affected by the development.*

Car Parking

The car parking requirements for the proposed Warehouse use under LPS4 are 1 bay per 100m² gross floor area and 1 delivery bay per unit. Therefore the car parking requirements for the proposed Warehouse use are 3 bays and 1 delivery bay.

The car parking requirements for the proposed Private Recreation use under LPS4 are 1 parking bay per 5 seats or 5 people accommodated and 1 delivery bay per service/storage area. One car parking bay is therefore required for the proposed Private Recreation use and as no service or storage area is proposed no delivery bay is required.

As a result, a total of four on-site parking bays and one delivery bay are required. Six on-site parking bays are provided therefore the proposed development satisfies the car parking requirements set out within LPS4.

Council Policies

The City's *L.P.P2.8: Fences Policy* states that Chain link or mesh fences in non residential areas greater than 1.8m high shall be permitted where in the opinion of Council, it is necessary to provide security to a commercial property, and are consistent with the established pattern of fences within the streetscape.

For side and rear boundary fences, this policy specifies a maximum height of 1.8m and allows an additional 0.5m screening material above the 1.8m height. Variations to these height requirements are not supported unless the following criteria are satisfied:

- *The proposed fence/screening will not have any significant impact on adjoining properties by way of overshadowing, solar access, or loss of views, and*
- *Affected neighbours are consulted in accordance with Clause 9.4 of the Scheme*

In addition, Council is to have *'particular regard to comments made by neighbouring owners / occupiers of adjoining properties, and will only consider the criteria in 4.1(a) to be met where it is satisfied that no adverse impacts on the amenity of the neighbouring property will occur'*.

CONSULTATION

The application was required pursuant to Clause 4.1 of *L.P.P2.8: Fences Policy* in accordance with Clause 9.4 of LPS4 to be advertised to the surrounding landowners/occupiers as an increased boundary fence height if proposed to the northern, eastern and western boundaries. At the conclusion of the advertising period being 2 February 2009, no submissions had been received.

PLANNING COMMENT

Structure Plan

The key principle in determining whether to exercise discretion in respect of this proposal is the extent the development being proposed will prejudice or compromise the eventual implementation of the Structure Plan. Factors to consider in this assessment would therefore include issues such as:

- The long term aspirations of the landowner in terms of participation in the Development Contributions Plan eventually adopted by the Council,
- The degree of permanence of and level of investment being proposed in the development,
- The extent of new buildings or earthworks,
- Any fragmentation of the land.

The long term aspirations of the landowner in terms of participation in a future Development Contributions Plan are not at this stage known. However as this plan has yet to be adopted and implemented, there would be reasonable planning grounds to consider that certain forms of interim development may be acceptable within the Structure Plan area whilst this planning process is proceeding.

The proposed development involves only small scale alterations and additions to the existing development on the subject site and consequently there is no substantial new development or earthworks. As a result, the level of investment being proposed is not considered to be significant in comparison with the scale of the redevelopment of the overall Structure Plan area. In addition, it is considered that the proposed works could easily be removed in the future should the site be redeveloped.

The change of use to Warehouse and Private Recreation will result in the fragmentation of the use of the building however this is not permanent or formalised as in the subdivision of the building or site.

Overall, it is considered that the proposed development will not compromise the implementation or application of the approved Structure Plan.

Use

As outlined above, under the Structure Plan, the Warehouse land use is included within the 'Discretionary Land Uses' category. A note is included which denotes that the Discretionary Land Uses are to be dealt with in accordance with the 'D' use provisions of LPS4 which means that they require the discretion of Council to approve.

The proposed 'Private Recreation' use is not specified within either the 'Permitted Land Uses' or 'Discretionary Land Uses' for Precinct 1.

As the Structure Plan indicates the area is to be zoned for mixed use purposes and for lack of other assessment criteria relating to the use, the proposed change of use is assessed against the objectives of the Mixed Use zone within LPS4.

The Warehouse activity is considered similar in impact to Light Industry or Wholesaling activities which are expressly mentioned within the objectives for the Mixed Use zone. In addition, the Private Recreation use is considered to be a form of Entertainment or Recreation activity.

The existing building is not of cultural heritage significance and is not required to be significantly modified to facilitate the proposed change of use. This building is also considered to be of similar scale and character to that existing on the surrounding properties.

With the exception of the above-ground pool, the proposed activities are to be contained indoors. The maximum number of people that are to utilise the Private Recreation area of the site is five. Consequently, the proposed change of use is not anticipated to be detrimental to the amenity of the surrounding area. Overall, the proposed Warehouse and Private Recreation uses are considered to be consistent with the objectives set out within LPS4 for the Mixed Use zone.

Demolition

The existing toilet, tea preparation area, office and outbuildings which are proposed to be demolished are all located to the side and rear of the existing building. The subject site is not listed on the City's Heritage List, Municipal Heritage Inventory or within a Heritage Area. In addition, the proposed demolitions are not anticipated to significantly impact the appearance of the building upon the amenity or character of the streetscape.

Additions and Alterations

Clause 2.7 of the Structure Plan states that design and sustainability guidelines will form part of the DAP stage; however guidelines are provided relating to building height. For Precinct 1, the Structure Plan specifies a minimum height of two storeys and maximum height of four storeys for the subject site. The proposed addition does not increase the overall height of the existing building. In addition to this, the proposed deck addition and above ground swimming pool comply with the requirements outlined within Schedule 12 of LPS4 for the Mixed Use zone including the 7.5m external wall height restriction.

Both the adopted Structure Plan and LPS4 do not prescribe any additional design requirements for the assessment of the proposed development. It is therefore noted that the majority of the proposed additions and alterations to the existing building are minor including the re-cladding of the building and the upgrade of the bathroom facilities within the building. The rear pool and deck addition however is considered to have the potential to impact upon the amenity of the adjoining property to the north (No. 31 Wood Street).

It is noted that No. 31 Wood Street obtained approval from the City in 2007 to undertake alterations to the existing building and for a change of use to 'Light Industry'. This building is located approximately 1.9m from the shared boundary.

The proposed pool is to be located up to the shared boundary and is to have a height of approximately 4m above the existing retaining. This pool structure is considered to have less impact upon the amenity of the adjoining property compared to that of a building, which within the Mixed Use zone can be constructed up to the shared boundary line with a wall height of 7.5m.

Overall, the proposed additions and alterations to the existing building are considered to be consistent with the existing character and amenity of the surrounding area and are therefore supported.

Fences

The proposed front fence and gate along the Knutsford Street boundary of the site is to be constructed of chain link and is to be located on top of the existing retaining walls. This fence is to replace the existing chain link fence along this boundary and is to have a maximum height of 2.2m.

The City's *L.P.P2.8: Fences Policy* states that chain link fences in non residential areas greater than 1.8m high shall be permitted where it is necessary to provide security to a commercial property and are consistent with the established pattern of fences within the streetscape.

The proposed front fence is considered to be necessary for security purposes as the surrounding area is still predominantly of industrial or commercial uses which mostly operate during normal business hours. Consequently little surveillance of the site or surrounding area is available during the evening hours and additional security measures are warranted.

With respect to the established streetscape, it is noted that the two sites either side of the subject site (Nos. 28 & 32 Knutsford Street) have existing fences along the street boundary. No. 28 Knutsford Street having a solid limestone wall and No. 32 Knutsford Street having a chain link fence. In addition No. 61-69 Knutsford Street located across the road from the subject site also has a chain mesh fence for a length of the Knutsford Street boundary. As a result, the proposed replacement front fence will be consistent with the established streetscape. The proposed front fence is therefore supported.

For side and rear boundary fences, *L.P.P2.8: Fences Policy* specifies a maximum height of 1.8m and allows an additional 0.5m screening material above the 1.8m height. Variations to these height requirements are not supported unless the following criteria are satisfied:

- *The proposed fence/screening will not have any significant impact on adjoining properties by way of overshadowing, solar access, or loss of views, and*
- *Affected neighbours are consulted in accordance with Clause 9.4 of the Scheme*

In addition, Council is to have *'particular regard to comments made by neighbouring owners / occupiers of adjoining properties, and will only consider the criteria in 4.1(a) to be met where it is satisfied that no adverse impacts on the amenity of the neighbouring property will occur'*.

As outlined above, the development application was advertised to the adjoining properties regarding the increased fence heights and at the conclusion of the advertising period no submissions were received.

The proposed solid fence along the eastern elevation, due to the site’s orientation is not anticipated to have any significant impact upon the adjoining properties’ solar access or access to views. The fence will be adjacent to a driveway on the adjoining property which is presently utilised as an office and for storage. Overall, the proposed increased fence height along the eastern boundary is supported.

CONCLUSION

The proposed development is considered to satisfy all of the relevant requirements of LPS4 and the City’s policies. In addition the proposed development is not considered to prejudice the specific purposes and requirements of the Structure Plan area. The application is therefore recommended for approval.

OFFICER’S RECOMMENDATION/COMMITTEE DECISION

MOVED: Mayor, Peter Tagliaferri

That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Change of Use to Warehouse and Private Recreation and Additions and Alterations to the Existing Building at No. 30 (Lot 6) Knutsford Street, Fremantle, subject to the following condition(s):

- 1. The development hereby permitted shall take place in accordance with the approved plans dated 12 January 2009.**
- 2. All storm water discharge shall be contained and disposed of on-site.**
- 3. A maximum of 5 persons may utilise the Private Recreation facility at any one time.**
- 4. The boundary fence along the eastern boundary shall be finished in two coat sand render or face brick and/or alternatively to the satisfaction of the City of Fremantle.**

CARRIED: 6/0

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

The following item number PSC0903-41 was moved and carried en bloc.

PSC0903-41 SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY

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

OFFICER'S RECOMMENDATION/COMMITTEE DECISION

MOVED: Mayor, Peter Tagliaferri

That the information is noted.

CARRIED: 6/0

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

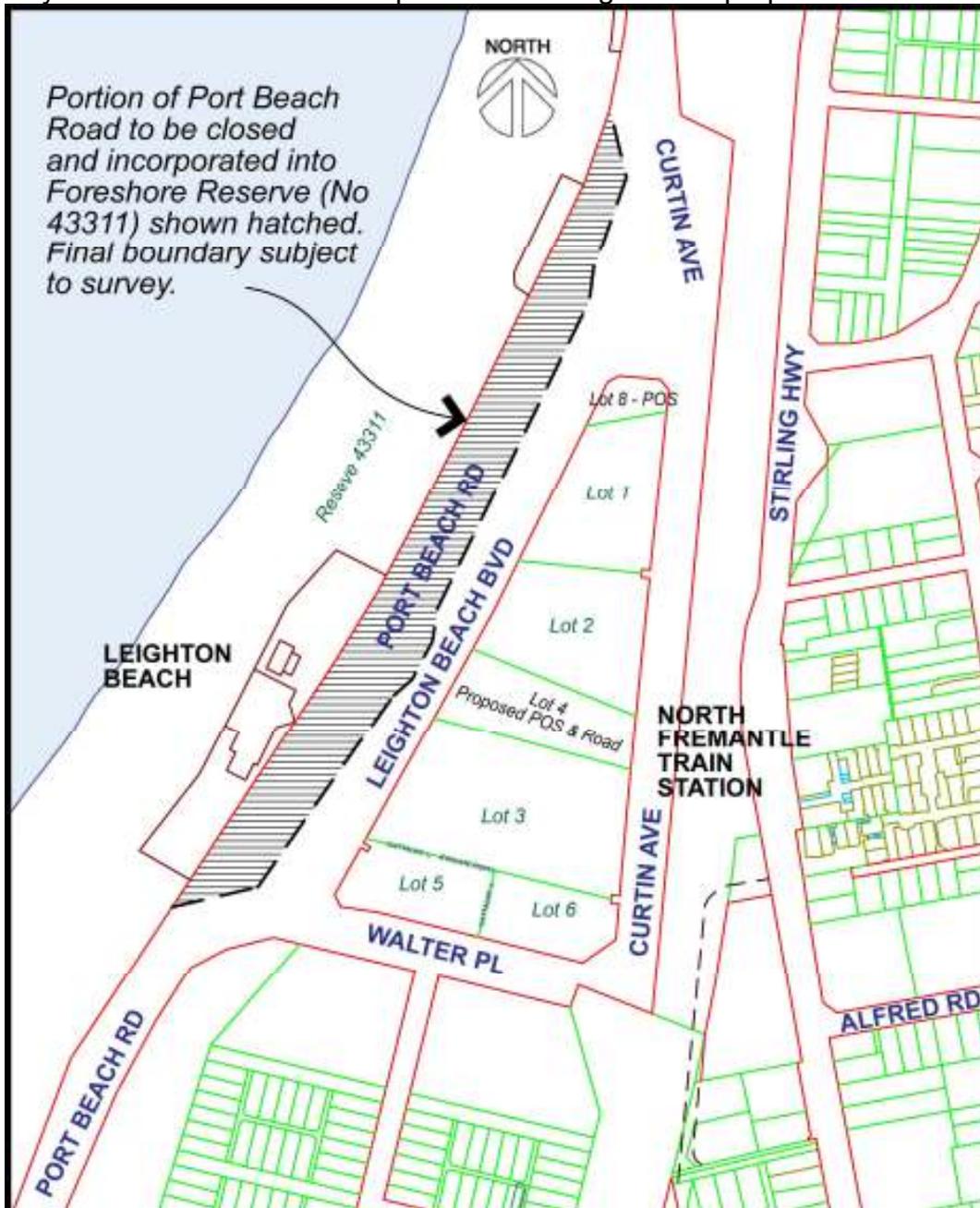
REPORTS BY OFFICERS (COUNCIL DECISION)

The following item number PSC0903-43 was moved and carried en bloc.

PSC0903-43 ADVERTISE THE PROPOSED PARTIAL ROAD CLOSURE OF PORT BEACH ROAD NORTH FREMANTLE AND AMALGAMATION WITH FORESHORE RESERVE NO. 43311 - (KSW)

DataWorks Reference: 163/001, 115/053
Disclosure of Interest: Nil
Responsible Officer: Manager Development Services
Actioning Officer: Land Administrator
Decision Making Level: Council
Previous Item Number/s: SP0504-15, SGS0811-11
Attachments: Nil

City of Fremantle Latitude Map below showing area of proposed closure



EXECUTIVE SUMMARY

This report deals with the requirement for advertising of the proposed closure of a portion of Port Beach Road Reserve North Fremantle as detailed in the map above (old Port Beach Road). The purpose of the proposed closure is to allow the amalgamation of the subject portion of Port Beach Road into the Foreshore Reserve number 43311.

The future development of the Fremantle Surf Life Saving Club and Leighton Ocean Side Parklands Development is dependent upon the re-vesting of the old Port Beach Road from Road Reserve to Foreshore Recreation Reserve.

BACKGROUND

The Department of Planning and Infrastructure State Land Services (DPI) require that the subject portion of Port Beach Road be closed pursuant of Section 58 of the Land Administration Act 1997 ('the Act') prior to Council requesting the amalgamation (re-vesting) of the road reserve into the Foreshore Reserve number 43311.

The Main Roads WA proclamation to 'de-proclaim' the 'old alignment' of Port Beach Road was published in the Government Gazette on 30 January 2009. The de-proclamation effectively transferred the care, control and management of the subject section of Port Beach Road (being the old alignment) to the City of Fremantle providing the City with the authority to request the closure of the old alignment of Port Beach Road under 'the Act'.

STATUTORY REQUIREMENTS

The proposed closure of the old alignment of Port Beach Road as shown in the map above is pursuant of Section 58 of the Land Administration Act 1997 ('the Act').

The Act requires that an advertising period of 35 must precede any application to the DPI.

COMMENT

The closure of the portion of Port Beach Road as shown on the map above was pending the legal transfer of the care, control and management of the portion of road to the City of Fremantle from Main Roads WA. This required Main Roads WA to de-proclaim the old alignment of Port Beach Road and proclaim the new road alignment known as Curtin Avenue. The proclamation of Port Beach road realignment was supported by Council at its meeting on 28 May 2008 item SGS0805-14 and Main Roads WA were advised accordingly. Main Roads WA advised the City on 4 February 2009 (see dataworks reference 1116827) of the Government Gazette Notice published on 30 January 2009 providing the proclamation of the roads discussed above.

The de-proclamation of the old alignment of Port Beach Road provides the City of Fremantle with the legislative authority to close this section of Port Beach Road pursuant of Section 58 of the Land Administration Act 1997.

The Council has endorsed the concept designs for the Fremantle Surf Life Saving Club (FSLSC) and kiosk and toilet/change room development, subject to normal planning processes, at its meeting on 26 November 2008 (SGS0811-11). The FSLSC development is situated in the area designated as Stage One of the Leighton Oceanside Parklands Master Plan. Both developments are pending the closure of the subject portion of Port Beach Road as a statutory requirement under 'the Act' for the purpose of amalgamation with the Foreshore Reserve number 43311.

The proposed road closure application to DPI will include a formal survey plan as a requirement under the "Act". The City has engaged Whelans Surveyors to prepare a plan.

CONCLUSION

Both the Fremantle Surf Life Saving Club Development and Stage One of the Leighton Oceanside Parklands Master Plan are pending the closure of the subject portion of Port Beach Road. It is therefore recommended that Council approve the advertising of the proposed road closure in accordance with the "Act" for the purpose of amalgamating the land with Foreshore Reserve No. 43311.

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Mayor, Peter Tagliaferri

That Council:

- 1. Undertake a public consultation and advertising process including a 35 day public comment period in regard to the proposed closure of the portion of Port Beach Road (shown as the hatched area in the map above) pursuant of Section 58 of the Land Administration Act 1997.**
- 2. Following the completion of the advertising period, consider the submissions received during the advertising and public consultation in a report to Council for a final decision prior to an application being made to State Land Services - to close and amalgamate the subject portion of Port Beach Road with Foreshore Reserve Number 43311.**

CARRIED: 6/0

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

The following item number PSC0903-44 was moved and carried en bloc.

PSC0903-44 PROPOSED SCHEME AMENDMENT 20 TO LOCAL PLANNING SCHEME NO. 4 - VARIOUS PROPERTY REZONING - INITIATION OF AMENDMENT

DataWorks Reference: 218/024
Disclosure of Interest: Nil
Responsible Officer: Manager Planning Projects
Actioning Officer: Strategic Planning Officer
Decision Making Level: Council
Previous Item Number/s: PSC0809-289
Attachments: 1. Scheme amendment map – 103, 109A & 109B Hampton Road
'Table 2 – Zoning' of LPS4 & 'Table 1 – Land Use' of TPS3

EXECUTIVE SUMMARY

The purpose of this report is to rectify disparities between the intent of the Local Planning Scheme amendment as set out in the relevant Council report to initiate Amendment 20 and the subsequent resolution.

Amendment 20 was an initiative of Council officers seeking to rezone five properties in various locations within the City of Fremantle. The five properties have been identified as warranting rezoning as they have experienced some level of unintentional limitation placed upon them, through the gazettal of the City's Local Planning Scheme No. 4 in March 2007.

Background

At its Ordinary Meeting on 22 October 2008 Council resolved to initiate Amendment 20 to Local Planning Scheme No. 4 – 'Various Property Rezoning' (refer to PSC0809-289 minutes for detail).

Amendment 20 proposes the rezoning of five properties within the City of Fremantle's Local Planning Scheme No. 4. Each of the identified properties appear to have been inadvertently restricted in their land use by the current provisions of LPS 4, be it through the land zoning or permissibility via the land use table. It is considered that the land use restrictions imposed upon these five properties was never the intent of Council and are simply the result of unforeseen provisions through the introduction of LPS 4. Amendment 20 is intended to rectify this situation.

However it has been discovered that the intended rezoning of two of the properties as outlined in the Council report of 22 October 2008, which proposed rezoning from 'residential' to 'mixed use', were inadvertently referred to in the officers recommendation and subsequent resolution of Council as rezoning to 'neighbourhood centre'.

The properties affected by this oversight are No. 103 Hampton Road and No. 109A and 109B Hampton Road. Information relating to the justification to rezone these properties from 'residential' to 'mixed use' is provided in detail in PSC0809-289 minutes. However a summary has been provided as follows:

103 Hampton Road, South Fremantle

The property was zoned 'Inner Urban' under the City's former TPS3 and has had a history of commercial land uses and development taking place upon the property (refer to PSC0809-289 for full details on land use history).

The property was zoned 'Residential' as a consequence of the gazettal of LPS 4. To the north of the property on the opposite side of South Street and Hampton Road there are a number of commercial premises zoned 'Mixed Use' and 'Local Centre.'

As previously stated the property has a history of commercial land uses and the site is dominated by a bituminised hard stand area, with two small commercial buildings present and a covered work bay area. Currently an auto electrician is operating from one of the buildings, with a vehicle rental operating from the second, both through non conforming use rights.

The previous report to Council on 22 October 2008 stated that the most appropriate zoning of this property is 'Mixed Use' as it allows smaller scaled commercial land uses to operate from the site whilst prohibiting larger more intensive commercial uses which may adversely impact upon the adjoining residential properties. However, in the recommendation and subsequent Council resolution the proposed zoning was erroneously referred to as 'Neighbourhood Centre'.

The existing and proposed scheme maps can be found in Attachment 1 of this report.

109/A and 109/B Hampton Road

As in the case of No. 103 Hampton Road, this property also has had a history of small scale commercial land uses, with the front building being purposely constructed for such uses (refer to PSC0809-289 for full details on land use history). It is currently zoned 'Residential' under LPS 4 which makes such uses not permitted, and the intent of Amendment 20 as detailed in the 22 October 2008 report to Council was to rezone the property to 'Mixed Use'. However in the formal resolution the proposed zoning was incorrectly referred to as 'Local Centre'.

The existing and proposed scheme maps can be found in Attachment 1 of this report.

CONSULTATION

The scheme amendment was placed out for comment on 31 January until the 16 March 2009. However in light of the inconsistencies between the intent of the Amendment and the wording of the formal Council resolution to initiate the amendment as outlined above it is recommended that the public comment period be re-commenced for the full 42 days period accordance with regulation 25(2)(j) of the *Town Planning Regulations 1967*.

PLANNING COMMENT

It is recommended that Council's previous resolution in relation to initiation of amendment 20 be modified to propose rezoning of No. 103 Hampton Road, No. 109A and 109B Hampton Road, Fremantle to 'Mixed Use', to reflect the correct intent of the amendment as outlined in the main text of the previous report to Council.

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Mayor, Peter Tagliaferri

- 1. That Council resolve, pursuant to Section 75 of the Planning and Development Act 2005, to amend Local Planning Scheme No. 4 by:

 - i) Amending the Scheme map for Number 232 (Lot 1341) South Terrace, South Fremantle from a zoning of Residential to Neighbourhood Centre;**
 - ii) Amending the Scheme map for Number 63 (Lot 1) Wray Avenue, Beaconsfield from a zoning of Residential to Local Centre;**
 - iii) Amending the Scheme map for Number 229 (Lot 31) Jarvis Street, O'Connor from a zoning of Residential to Commercial;**
 - iv) Amending the Scheme map for Number 103 (Lot 400) Hampton Road, South Fremantle from a zoning of Residential to Mixed Use; and**
 - v) Amending the Scheme map for Numbers 109A and 109B (Lot 401) Hampton Road, South Fremantle from a zoning of Residential to Mixed Use.****
- 2. That the Mayor and Chief Executive officer be authorised to execute the relevant Scheme Amendment documentation.**
- 3. That the Local Planning Scheme Amendment be submitted to the Western Australian Planning Commission for information.**
- 4. That the amendment be advertised for a period of not less than 42 days in the "West Australian" and a local newspaper.**

CARRIED: 6/0

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

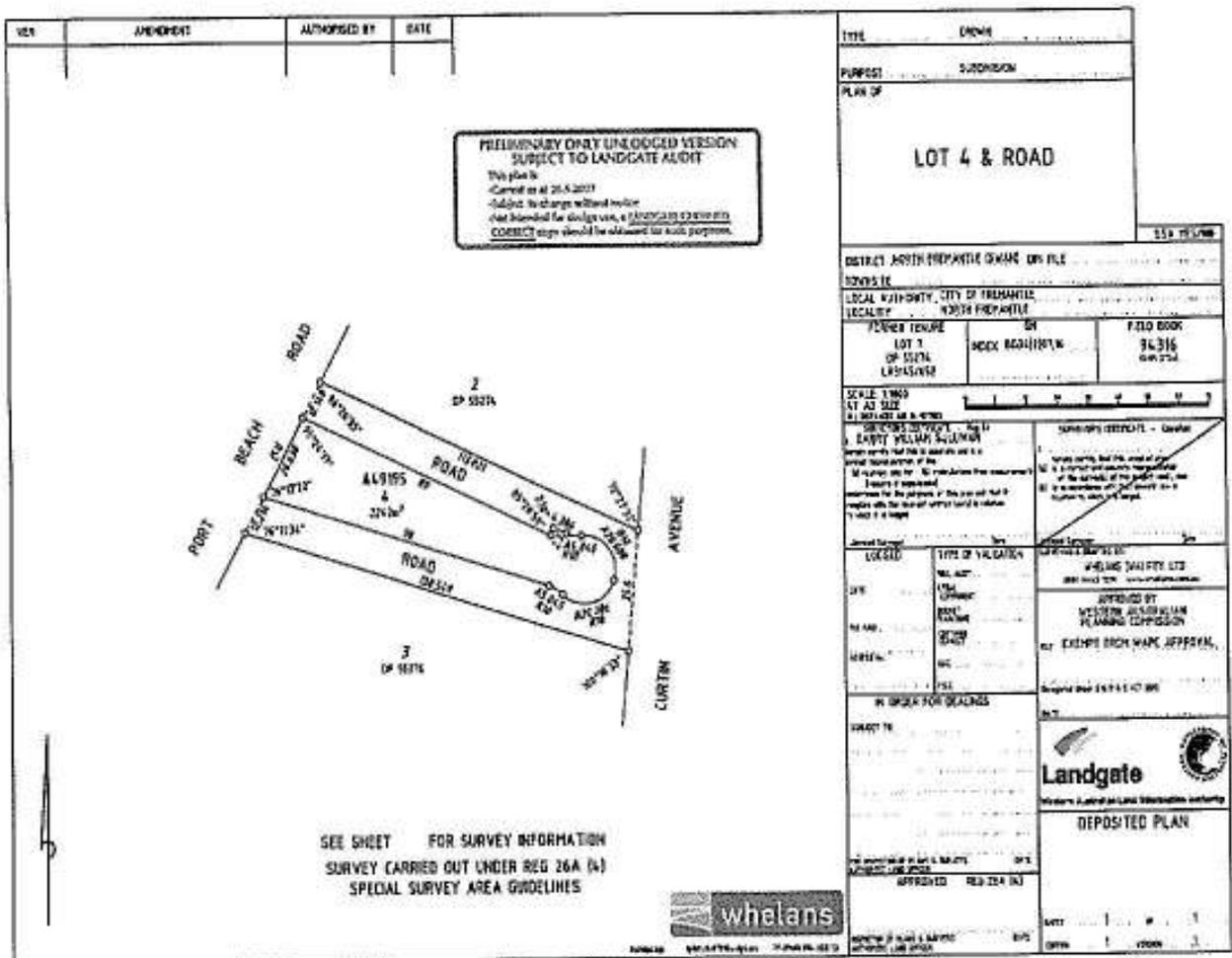
Mayor, Peter Tagliaferri left the meeting at 6.41 pm prior to consideration of the following items and did not return.

At 6.41 pm the Deputy Presiding Member assumed the chair.

PSC0903-42 PROPOSED ROAD NAME - NEW ACCESS ROAD ENCIRCLING PUBLIC OPEN SPACE - LEIGHTON DEVELOPMENT - (KSW)

DataWorks Reference: 164/001, 059/002
Disclosure of Interest: Nil
Responsible Officer: Manager Development Services
Actioning Officer: Land Administrator
Decision Making Level: Council
Previous Item Number/s: PSC0708-210
Attachments:

The Survey Plan below shows the new road lodged with Landgate being the subject of road naming.



EXECUTIVE SUMMARY

The survey plan shown above has been lodged with Landgate for the creation of a new road. The Geographic Names Committee (GNC) has requested that the City of Fremantle apply a name to the new road. The survey cannot be forwarded to the Western Australian Planning Commission (WAPC) for approval until the road name is approved by the City and the GNC.

The road name selected will be linked to the future park name shown as proposed lot 4 on the survey plan above (Public Open Space). The approval of the survey plan by the WAPC is required prior to naming the Public Open Space.

The Council is asked to select one of the proposed road names combined with the available suffixes as listed below;

- **FREEMAN** ---- *Loop, Vista, View, Circle, Court, Frontage*
- **HAYWOOD** ---- *Loop, Vista, View, Circle, Court, Frontage or Way*

BACKGROUND

The Fremantle Surf Life Saving Board submitted a selection of road names for use at the Leighton Development. The proposed names were subsequently approved by Council at its meeting on 28 December 2007 (PSC0711-332). The Geographic Names Committee (GNC) approved the following road names for future use in North Fremantle on the 20 December 2007.

- Butler
- Freeman
- Haywood
- Dedman

Of the 4 names listed above only 2 names, "Freeman" and "Haywood" remain compliant with the GNC Guidelines.

The name Dedman could not be included as Gordon Dedman Park already exists in North Fremantle and cannot be used as a road name linking with a Park name. The name Butler is considered '*over-used*' by the GNC. The 2009 Street Smart Directory lists Butler 7 times and the GNC Guidelines restrict the use of a name to no more than 5 times.

COMMENT

Landgate is responsible for the naming of parks and reserves, guided by the Geographic Names Committee (GNC). The GNC provide guidelines with respect to road, park, reserve and locality name selection. The GNC Guidelines specify that a road name may not be duplicated more than 5 times within the metropolitan region and that no suffixes should be duplicated with a particular road name already listed. Further a road name should not be duplicated within a 10 km radius of the original name.

For ease of identification the GNC support a road name which has links to the future park name, for example; Haywood Park situated on Haywood Loop, Circle or View or Freeman Park on Freeman Loop, Circle or View.

LandCorp have indicated their preference for the road name "Freeman" with the suffixes "Vista" or "View" linking to "Freeman Park". Council may consider other suffixes such as "Circle" or "Loop" which flow smoothly with the road name "Freeman". See list of available suffixes below:

- Loop
- Vista
- View
- Circle
- Court
- Frontage

The GNC definition of road suffixes' suitable for the naming of the new access road shown in the survey plan above is;

- Loop - *A roadway that diverges from and rejoins the main thoroughfare.*
- Vista - *A road with a view or outlook.*
- View - *A roadway commanding a wide panoramic view across surrounding areas.*
- Circle - *A roadway, which forms a circle or part of a circle.*
- Court - *A short enclosed roadway*
- Frontage - *A roadway passing a point of interest or significance with lots fronting only one side e.g. public open space, coastline, etc.*
- Way - *An accessway between two streets.*

It should be noted that the suffixes which are currently applied to the name Freeman may not be duplicated. The suffixes not available with the name Freeman are; Drive, Road, Street and Way.

CONCLUSION

The Council is requested to consider the application of a road name for the new access road encircling proposed Lot 4 as detailed on the survey plan shown above. The approved name will be linked to the future park naming for ease of identification.

The Council is therefore asked to select one of the proposed road names combined with the available suffixes from the list below. Please note that the suffix of "Way" is not available in combination with the name "Freeman".

- **FREEMAN ---- Loop, Vista, View, Circle, Court, Frontage**
- **HAYWOOD ---- Loop, Vista, View, Circle, Court, Frontage or Way**

OFFICER'S RECOMMENDATION

MOVED: Cr R Fittock

That Council

ADVISE the Geographic Names Committee that it has selected insert name as the name for the new access road encircling Lot 7 (proposed Lot 4) being the southern portion of Reserve 49195 located within the Leighton Development Area North Fremantle.

COMMITTEE RECOMMENDATION

MOVED: Cr R Fittock

ADVISE the Geographic Names Committee that it has selected Freeman Loop as the name for the new access road encircling Lot 7 (proposed Lot 4) being the southern portion of Reserve 49195 located within the Leighton Development Area North Fremantle.

CARRIED: 5/0

For	Against
Cr John Alberti Cr Robert Fittock Cr Les Lauder Cr Bill Massie Cr Jon Strachan	

PSC0903-45 PROPOSED SUBMISSION ON WAPC'S DRAFT PERTH COASTAL PLANNING STRATEGY

DataWorks Reference: 059/002
Disclosure of Interest: Nil
Responsible Officer: Manager Planning Projects
Actioning Officer: Strategic Planning Officer
Decision Making Level: Planning Services Committee
Previous Item Number/s: N/A
Attachments: Nil

EXECUTIVE SUMMARY

The Western Australian Planning Commission (WAPC) has released the Draft Perth Coastal Planning Strategy for public comment. This report outlines:

- The key aspects of the Draft Perth Coastal Planning Strategy,
- The recommendations out of the strategy relevant to the City of Fremantle and the City's role in implementation of the strategy's recommendations,
- The City's recommended submission to the WAPC on the strategy.

BACKGROUND

The purpose of the Draft Perth Coastal Planning Strategy is to *provide guidance and support to decision-making on the future land use, development and conservation of Perth metropolitan coast.*

The Draft Perth Coastal Planning Strategy is a priority recommendation to come out of the Ministerial Taskforce Review of the structural arrangements for coastal planning and management in WA (2002), committed to by Cabinet in its endorsement of the Western Australian Government's Response to the Coastal Taskforce Report (WA Government 2003). The Taskforce acknowledged and reiterated the recommendations within the Coastal Planning Program annual audits, which were to 'coordinate and promote integrated coastal zone management in the metropolitan area'. The Perth Coastal Planning Strategy is a priority action in the work plan for the Coastal Planning and Coordination Council.

The Western Australian Planning Commission (WAPC) asks for comments by the 31 March 2009.

STUDY AREA

The strategy covers the coastal area within the Metropolitan Region Scheme, extending from Two Rocks in the north to Singleton in the south, a distance of over 120 km. The east-west boundary sits 500 metres offshore (to allow for a consideration of the near shore marine users and their requirements) and to the first main road inland.

The strategy establishes 56 broadly defined coastal precincts, which reflect the local characteristics and/or land use. Four of the precincts fall within the City of Fremantle's jurisdiction: Precinct 32 Leighton, Precinct 33 Port Beach, Precinct 34 Fremantle and Precinct 35 South Beach.

Precinct 32 Leighton

This Precinct is recognised as having development that is medium intensity mixed use. A large proportion of the precinct will proceed to be developed in accordance with the approved Leighton Village policies and structure and management plans. There is also a surf club, a swimming and dog beach and the presence of an aboriginal heritage site in the area.

There are significant accretion and erosion trends in the precinct. Dredging may be required and coastal engineering structures may be needed to stabilise the beach.

The recommended coastal processes setback is Medium (65-120m) and encroaches on land zoned industrial and urban, and reserved port installation and primary regional road.

Precinct 33 Port Beach

This precinct is an industrial precinct with a port facility under the management of the Fremantle Port Authority. The southern part of Port Beach (Sandtracks) is eroding significantly (in the vicinity of two metres annually).

The physical coastal processes setback does not apply to the port facility.

Precinct 34 Fremantle

Fremantle Boat Harbour is a highly modified mixed use precinct with a high level of access. It consists of residential, commercial and retail activity in the coastal area.

The coastal processes setback is Medium (65-120m) and applies to Bathers Beach, land reserved railways, special use – public purpose and central city area. The harbour is exempt from physical processes setback.

Precinct 35 South Beach

The precinct is a high-intensity mixed use precinct with high access. The area consists of high-density residential, mixed use and open space areas offering facilities such as cafes, change rooms, shade, BBQs, dual-use pathways and grass that encourages high intensity recreation. Part of this precinct is under the City of Cockburn's jurisdiction.

Extensive work has been done in this area to stabilise the shoreline and improve the amenity of the beach. This and the existing groynes in the precinct will require ongoing monitoring and maintenance.

The identified coastal processes setback is Medium (65-120m) and encroaches slightly into land reserved railway and a small area of urban zoned land.

STUDY RECOMMENDATIONS

The Strategy is to be implemented with reference to a number of other plans and policies including Network City, Draft Coastal Zone Management Policy, State Coastal Planning Policy No. 2.6, Coasts WA: Better integration and Perth Recreational Boating Facilities Study.

There are 20 recommendations in the strategy relevant to the City of Fremantle. These recommendations will need to be implemented by the City within the timeframes noted in the strategy. For the full table, including what the City is currently doing in the area and what the City would need to do to address the strategy's recommendations when the strategy is finalised see appendix 1. A summary of the table is below.

Summary of relevant recommendations for the City from the Perth Coastal Planning Strategy

<p>Short term (6-12 months)</p> <ul style="list-style-type: none"> • Develop (and implement) Foreshore and Coastal Management Plans for Fremantle. • Help develop signage, monitoring and public safety awareness programs for beaches where necessary. • Undertake active coastal management to protect existing infrastructure where development occurs west of the coastal processes setback line
<p>Short term (6-12 months) to Medium Term (1-3 years)</p> <ul style="list-style-type: none"> • Update local planning scheme to be consistent with the Perth Coastal Planning Strategy • Be consistent and take into account the Perth Recreational Boating, Recreational Boating Facilities and Boating Facilities Studies, when locating boating facilities.
<p>Medium term (1-3 years)</p> <ul style="list-style-type: none"> • Investigate the suitability of preparing (or reviewing in some cases) a local planning strategy, which adopts the recommendations outlined in the Perth Coastal Planning Strategy. • Develop and implement visual landscape assessment guidelines.
<p>Medium term (1-3 years) to Long term (3 – 5 years)</p> <ul style="list-style-type: none"> • Protect valued characteristics of coastal viewsheds in policies and LPS4
<p>On Going</p> <ul style="list-style-type: none"> • Investigate what development is located in the coastal processes line and what management is required i.e. local planning strategies/plans. • Incorporate modelling techniques to assist with assessment of visual impact of building height

PLANNING COMMENT

Whilst it is considered that the City should be supportive of a strategy for coastal planning in the Perth Metropolitan Coastal Area, officers believe more work needs to be done on the Draft Perth Coastal Planning Strategy before the City can fully support the strategy.

The draft strategy is broad in what it wants to achieve, however lacks the detail for local government to adequately fulfill the recommendations. The strategy does not adequately cover all the issues local government deals with in the coastal environment and the guiding principles are incomplete. More studies need to be incorporated into the strategy by WAPC to make the document more robust. Funding and resources available to local government also needs to be identified in the strategy to help Councils implement the strategy's recommendations.

Principles and Background Information

The coast brings together many different land and recreational uses in a dynamic environment. The strategy recognises this to a degree, however falls short of fully incorporating some key issues. These are:

Climate Change

Planning for climate change, especially in coastal environments, is a big issue policy makers all over the world are grappling to deal with and the strategy does not explicitly address climate change. It is touched on, but clearer direction including effective planning for climate change in the broad guiding principles and a stronger emphasis on climate change overall and what it means for Perth is needed in the strategy.

Recreational uses

There are many recreational uses in the coastal environment that are potentially conflicting. One of the Strategy's guiding principles is *balance competing needs*, however only recreational boating and associated facilities are focused on and the other uses are given little recognition. Other uses, for example swimming, walking, wind surfing, kite surfing, surfing, dog beaches etc, are a big part of managing the coastal environment and are something all local governments are increasingly dealing with the management of.

Peak Oil

Recognising and planning for peak oil is an issue that will increasingly need to be dealt with by policy makers. If Oil peaks in the next few years, as many analysts predict, then fossil fuel prices will dramatically increase affecting all sectors of the community. One effect could be that recreational boating will become less popular for example or ocean going freight and rail may become the preferred choice for transporting goods.

Timeframes, Budget and Resources

While all the recommendations can be generally supported, the City does not currently budget or provide for many of the recommendations the City is expected to implement out of the final strategy. This makes many of the recommendations and timeframes unreasonable especially where the resource inputs from WAPC are limited or non-existent. It is considered that WAPC would need to provide further information, resources, funding and direction to undertake many of the recommendations in a coordinated and consistent manner in the Perth Metropolitan coastal area.

Statutory framework

The Draft Strategy document does not provide a clear statement regarding the intended status of the final strategy or how it will relate to statutory planning instruments, particularly the Metropolitan Region Scheme, or State Coastal Planning Policy SPP2.6.

The City supports the proposal in the draft Strategy for creation of a steering committee charged with overseeing the implementation of the strategy on behalf of the WAPC and through regular reporting to the Coastal Planning and Coordination Council. However the strategy needs to provide more information on what the Perth Coastal Planning Strategy Steering Committee can provide in terms of guidance, assistance and funding to local government in relation to the recommendations of the Strategy which local governments are expected to undertake.

Further Studies

To make the strategy a robust document, further studies by WAPC are needed to give local governments direction in planning for the coastal environment. These studies include:

Coastal Setbacks

The strategy draws upon a coastal setback study as part of the background information for the strategy. However it is questionable whether this is robust enough to base the metropolitan area's coastal planning on, given that the data used is now some years old. The study is a crucial document as it underpins how local government is to go about planning for sea level rise and the impacts of storm events in the metropolitan coastal area and it needs to be robust and based on good up to date scientific methodology and data to be credible.

Visual Landscape Assessment

The City is supportive of landscape assessment guidelines, however does not currently have any. The City also recognises that WAPC have released a manual on *Visual Landscape Planning in Western Australia*. The City considers a co-ordinated approach to landscape assessment needs to be undertaken by WAPC for the Perth coastal environment to ensure a holistic assessment of local and regional significance landscapes is made.

Foreshore and Coastal Management Plans

The City supports the development of foreshore and coastal plans for the coast, but feels this should be done as a co-ordinated and consistent effort for the whole Perth Metropolitan coast and driven by WAPC. At the least it is considered WAPC could provide a framework for the development of coastal plans including model coastal plans and provide information, expert advice and funding to the different councils to formulate coastal management plans.

Managing development west of the coastal setback line

The strategy recommends prevention of further development in the coastal setback area, subject to further investigation. Such a process would involve a large research component and community input planning exercise. The timeframe is unreasonable and more information on the different management options (i.e. removable development, hard and soft engineering to protect properties) would need to be provided by WAPC for Local Government to undertake this work.

Recreational Uses

As alluded to above, the strategy is too focused on recreational boating and needs to give greater recognition to the other recreational uses in the coastal environment. Recreational uses in coastal areas are increasingly becoming management issues for local Councils where a conflict between uses occurs. The City would support WAPC taking a coordinated regional approach to deal with the different uses in the coastal area. This would provide the wider Perth community with certainty and limit ad hoc allocation of areas by the different Councils.

CONCLUSION

Whilst the Perth Coastal Planning Strategy can be supported in general terms, it is considered that more information is needed in terms of background studies and direction within the strategy to make the strategy more robust and to give guidance to local government for planning in the coastal area. Funding and other resources will also need to be made available to local government before many of the recommendations can be carried out. Accordingly it is recommended that the WAPC be advised that these matters need to be addressed further before the City can fully support the strategy.

OFFICER'S RECOMMENDATION

MOVED: Cr R Fittock

That the Western Australian Planning Commission be advised that although the City of Fremantle is supportive of such a Planning Strategy for the Perth Metropolitan Coast, the City of Fremantle cannot support the Draft Perth Coastal Planning Strategy until it is amended to include more information and more robust background studies on which to base the strategy and to help Local Government implement the recommendations, including more information on what funding and resources will be available to local governments to effectively plan in the coastal area. Further to this, the City has the following points to make in relation to the strategy.

1. The City would like the following three issues to be given greater recognition in the Strategy:
 - a) Climate change: Planning for climate change, especially in coastal environments, is a big issue policy makers all over the world are grappling to deal with. The strategy does not explicitly address climate change. It is touched on, but clearer direction including effective planning for climate change in the broad guiding principles and a stronger emphasis on climate change overall and what it means for Perth is needed in the strategy.
 - b) Recreational uses: Local Government is increasingly dealing with managing the conflict between the different recreational uses in the coastal environment. The Strategy focuses on recreational boating and facilities but gives little recognition to all other uses. The City asks that this is addressed and a co-ordinated regional approach is taken by WAPC to deal with the different uses. This would provide the wider Perth community with certainty and limit ad hoc allocation of areas by the different Councils. All recreational uses could also be incorporated into the principles of the strategy.
 - c) Peak Oil: Recognising and planning for peak oil is an issue that will increasingly need to be dealt with by policy makers. The effects of peak oil including various scenarios that take into account the effect on the different land uses, the port area and recreational uses need to be recognised and provided for in the strategy.

2. While the City generally supports the recommendations, the City does not currently budget or provide for many of the recommendations the City is expected to implement out of the final strategy. This makes many of the recommendations and timeframes unreasonable especially where there is limited to no resource inputs from WAPC. It is considered that WAPC would need to provide information, resources, funding, direction and extended time frames for local government to undertake many of the recommendations. All potential funding and resources need to be outlined for each recommendation in the strategy. More specifically on this point:
- a) The timeframe (short term 6- 12 months) for an investigation into what development is currently west of the coastal setback line and identify management options to prevent development in the coastal setback area is considered to be unreasonable within current work streams and resources. (Coastal Vulnerability and Setbacks - p123 Table 8.1)
 - b) The City does not currently budget for active management of infrastructure in the coastal area. The coast is seen as a regional asset and accordingly the City feels funding should be made available from WAPC for active management in the coastal area. (Coastal Vulnerability and Setbacks - p123 Table 8.1)
 - c) The strategy and SPP2.6 provide no specific explanation as to why there is no coastal setback line for the Port Beach Precinct 33 and harbour area in the Fremantle Precinct 34. The City asks why are industrial and commercial development that are dependant on the foreshore location exempt from coastal setbacks? (Precinct 33 - P43; Coastal Vulnerability and Setbacks - p123 Table 8.1; SPP2.6 Schedule 1g(c))
3. The Draft Strategy document does not provide any clear statement regarding the intended status of the final strategy or how it will relate to statutory planning instruments, particularly the MRS, State Coastal Planning Policy SPP2.6 or the City's Local Planning Scheme No.4. The City asks that this is clarified.
4. The City supports the creation of a steering committee charged with overseeing the implementation of the strategy on behalf of the WAPC and through regular reporting to the Coastal Planning and Coordination Council. However the strategy needs to provide more information on what the Perth Coastal Planning Strategy Steering Committee will provide in terms of guidance and assistance to local government for each recommendation local government is to undertake once the strategy is finalised. (Section 8.6 – p122)

The City would support the Perth Coastal Planning Strategy Steering Committee co-ordinating and managing strategic aspects of coastal management in the Perth Coastal Management Area, including initiating, managing, directing and implementing coastal studies and plans and providing information and funding resources to local authorities for projects that are consistent with the body's management outcomes for the coastal area. This approach would provide a more effective and efficient use of local government resources.

5. The City would like further studies undertaken by WAPC on the following to make the strategy a robust document in which local government can plan with:

- a) Coastal Setback Area: The coastal setback area study is a crucial document as it underpins how local government is to go about planning for sea level rise in the metropolitan coastal area. Therefore the City asks that an in-depth study be done by WAPC, based on good scientific methodology and data, and the results made available to local government. The study should forecast a series of projected setback lines low, medium and high probability, based on current sea level rise and erosion and accretion data including current erosion/accretion. This could give potential 50, 75 and a 100 year lines showing potential sea level rise effects. This will give local governments and the community more certainty when planning for future sea level rise. (Coastal Vulnerability and Setbacks - p123 Table 8.1)
- b) Visual Landscape Assessment for the Perth Coastal Area: The City is supportive of landscape assessment guidelines, however does not currently have any and also recognises that WAPC have released a manual on *Visual Landscape Planning in Western Australia*. The City requests the WAPC to consider undertaking an assessment of the landscape in the whole Perth Coastal Metropolitan area that will feed into local government planning for landscapes. This would ensure a co-ordinated and holistic approach is taken to landscape assessment and ensure landscapes of local and regional significance area are identified.
- c) Foreshore and Coastal Management Plans: The City supports the development of foreshore and coastal plans for the coast, but feels this should be done as a co-ordinated and consistent effort for the whole Perth Metropolitan coast, undertaken and driven by WAPC. Information out of the Draft Coastal Planning Strategy could be used as the basis for a metropolitan coastal management plan. Such a plan would limit overlapping and doubling up of each local authority going about developing their own very similar plans.
At the least the City considers that WAPC could provide a framework for the development of coastal plans including model coastal plans and provide information, expert advice and funding to the different councils to formulate coastal management plans. (Coastal Vulnerability and Setbacks - p123 Table 8.1)
- d) Limit development west of the coastal setback line: The strategy is unclear on what the role of the WAPC and the City would be in relation to this issue. The City considers that more information and direction on effective control of development (i.e. removable development, alternative development, hard and soft engineering of the coastal environment) needs to be provided to ensure a consistent approach in the Perth metropolitan coastal area. Information on resources and funding from the WAPC also needs to be outlined in the Strategy. (Coastal Vulnerability and Setbacks - p123 Table 8.1)
- e) Recreational Uses: The City asks that WAPC take a coordinated regional approach to deal with the different uses in the coastal area. The City sees the outcome of this approach to be a study and recommendations evolved from community and local government consultation and including an inventory of the different uses, in the different areas. This would provide the wider Perth community with certainty about recreational uses in different coastal areas.

6. Other general comments:

- a) The City supports sustainable design principles for all buildings (not just coastal) and has policies and is developing a scheme amendment which contains such principles. (Urban Development - p123 Table 8.1)
- b) The City is supportive of a co-ordinated traffic, parking and bicycle management plan for the metropolitan coast and is willing to be an active participant in the consultative process. (Public Transport and Access – p124 Table 8.1)
- c) The City is supportive of signage, monitoring and programmes for safety awareness. One issue of safety is the different uses that are carried out in the coastal areas. The City suggests a co-ordinated approach between the different local councils, directed by WAPC. (Public Transport and Access – p124 Table 8.1)
- d) The City is supportive of incorporating cultural heritage into the coastal management plans. (Cultural Heritage – p124 Table 8.1)

7. The City asks that WAPC accept *TABLE 1: Recommendations for Local government out of the relevant Precincts and Table 8.1 Summary of the Perth Planning Strategy Implementation Recommendations* as a submission point on what the City considers it is currently doing and what the City would need to do to satisfy the strategy’s recommendations.

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

- 2. c) The strategy and SPP 2.6 provide no specific explanation as to why there is no coastal setback line for the Port Beach Precinct 33 and harbour area in the Fremantle Precinct 34. The City recognises that some industrial and commercial uses and infrastructure that are dependant on a foreshore location need to be exempt from normal coastal physical processes setback requirements for operational reasons. However, the Strategy should differentiate more clearly between these ‘exception’ cases and other industrial/commercial development in coastal locations where coastal setbacks to reduce the risk of damage from coastal processes may be appropriate and would not compromise operational requirements. (Precinct 33 – 43; Coastal Vulnerability and Setbacks-p123 Table 8.1; SPP2.6 Schedule 1g(c)) etc).

CARRIED: 5/0

For	Against
Cr John Alberti Cr Robert Fittock Cr Les Lauder Cr Bill Massie Cr Jon Strachan	

COMMITTEE RECOMMENDATION

That the Western Australian Planning Commission be advised that although the City of Fremantle is supportive of such a Planning Strategy for the Perth Metropolitan Coast, the City of Fremantle cannot support the Draft Perth Coastal Planning Strategy until it is amended to include more information and more robust background studies on which to base the strategy and to help Local Government implement the recommendations, including more information on what funding and resources will be available to local governments to effectively plan in the coastal area. Further to this, the City has the following points to make in relation to the strategy.

- 1. The City would like the following three issues to be given greater recognition in the Strategy:**
 - a) Climate change: Planning for climate change, especially in coastal environments, is a big issue policy makers all over the world are grappling to deal with. The strategy does not explicitly address climate change. It is touched on, but clearer direction including effective planning for climate change in the broad guiding principles and a stronger emphasis on climate change overall and what it means for Perth is needed in the strategy.**
 - b) Recreational uses: Local Government is increasingly dealing with managing the conflict between the different recreational uses in the coastal environment. The Strategy focuses on recreational boating and facilities but gives little recognition to all other uses. The City asks that this is addressed and a co-ordinated regional approach is taken by WAPC to deal with the different uses. This would provide the wider Perth community with certainty and limit ad hoc allocation of areas by the different Councils. All recreational uses could also be incorporated into the principles of the strategy.**
 - c) Peak Oil: Recognising and planning for peak oil is an issue that will increasingly need to be dealt with by policy makers. The effects of peak oil including various scenarios that take into account the effect on the different land uses, the port area and recreational uses need to be recognised and provided for in the strategy.**
- 2. While the City generally supports the recommendations, the City does not currently budget or provide for many of the recommendations the City is expected to implement out of the final strategy. This makes many of the recommendations and timeframes unreasonable especially where there is limited to no resource inputs from WAPC. It is considered that WAPC would need to provide information, resources, funding, direction and extended time frames for local government to undertake many of the recommendations. All potential funding and resources need to be outlined for each recommendation in the strategy. More specifically on this point:**
 - a) The timeframe (short term 6- 12 months) for an investigation into what development is currently west of the coastal setback line and identify management options to prevent development in the coastal setback area is considered to be unreasonable within current work streams and resources. (Coastal Vulnerability and Setbacks - p123 Table 8.1)**

- b) The City does not currently budget for active management of infrastructure in the coastal area. The coast is seen as a regional asset and accordingly the City feels funding should be made available from WAPC for active management in the coastal area. (Coastal Vulnerability and Setbacks - p123 Table 8.1)
- c) The strategy and SPP 2.6 provide no specific explanation as to why there is no coastal setback line for the Port Beach Precinct 33 and harbour area in the Fremantle Precinct 34. *The City recognises that some industrial and commercial uses and infrastructure that are dependant on a foreshore location need to be exempt from normal coastal physical processes setback requirements for operational reasons. However, the Strategy should differentiate more clearly between these 'exception' cases and other industrial/commercial development in coastal locations where coastal setbacks to reduce the risk of damage from coastal processes may be appropriate and would not compromise operational requirements.* (Precinct 33 – 43; Coastal Vulnerability and Setbacks-p123 Table 8.1; SPP2.6 Schedule 1g(c)) etc).

3. The Draft Strategy document does not provide any clear statement regarding the intended status of the final strategy or how it will relate to statutory planning instruments, particularly the MRS, State Coastal Planning Policy SPP2.6 or the City's Local Planning Scheme No.4. The City asks that this is clarified.
4. The City supports the creation of a steering committee charged with overseeing the implementation of the strategy on behalf of the WAPC and through regular reporting to the Coastal Planning and Coordination Council. However the strategy needs to provide more information on what the Perth Coastal Planning Strategy Steering Committee will provide in terms of guidance and assistance to local government for each recommendation local government is to undertake once the strategy is finalised. (Section 8.6 – p122)

The City would support the Perth Coastal Planning Strategy Steering Committee co-ordinating and managing strategic aspects of coastal management in the Perth Coastal Management Area, including initiating, managing, directing and implementing coastal studies and plans and providing information and funding resources to local authorities for projects that are consistent with the body's management outcomes for the coastal area. This approach would provide a more effective and efficient use of local government resources.

5. The City would like further studies undertaken by WAPC on the following to make the strategy a robust document in which local government can plan with:

- a) **Coastal Setback Area:** The coastal setback area study is a crucial document as it underpins how local government is to go about planning for sea level rise in the metropolitan coastal area. Therefore the City asks that an in-depth study be done by WAPC, based on good scientific methodology and data, and the results made available to local government. The study should forecast a series of projected setback lines low, medium and high probability, based on current sea level rise and erosion and accretion data including current erosion/accretion. This could give potential 50, 75 and a 100 year lines showing potential sea level rise effects. This will give local governments and the community more certainty when planning for future sea level rise. (Coastal Vulnerability and Setbacks - p123 Table 8.1)
- b) **Visual Landscape Assessment for the Perth Coastal Area:** The City is supportive of landscape assessment guidelines, however does not currently have any and also recognises that WAPC have released a manual on *Visual Landscape Planning in Western Australia*. The City requests the WAPC to consider undertaking an assessment of the landscape in the whole Perth Coastal Metropolitan area that will feed into local government planning for landscapes. This would ensure a co-ordinated and holistic approach is taken to landscape assessment and ensure landscapes of local and regional significance area are identified.
- c) **Foreshore and Coastal Management Plans:** The City supports the development of foreshore and coastal plans for the coast, but feels this should be done as a co-ordinated and consistent effort for the whole Perth Metropolitan coast, undertaken and driven by WAPC. Information out of the Draft Coastal Planning Strategy could be used as the basis for a metropolitan coastal management plan. Such a plan would limit overlapping and doubling up of each local authority going about developing their own very similar plans.
At the least the City considers that WAPC could provide a framework for the development of coastal plans including model coastal plans and provide information, expert advice and funding to the different councils to formulate coastal management plans. (Coastal Vulnerability and Setbacks - p123 Table 8.1)
- d) **Limit development west of the coastal setback line:** The strategy is unclear on what the role of the WAPC and the City would be in relation to this issue. The City considers that more information and direction on effective control of development (i.e. removable development, alternative development, hard and soft engineering of the coastal environment) needs to be provided to ensure a consistent approach in the Perth metropolitan coastal area. Information on resources and funding from the WAPC also needs to be outlined in the Strategy. (Coastal Vulnerability and Setbacks - p123 Table 8.1)

- e) **Recreational Uses:** The City asks that WAPC take a coordinated regional approach to deal with the different uses in the coastal area. The City sees the outcome of this approach to be a study and recommendations evolved from community and local government consultation and including an inventory of the different uses, in the different areas. This would provide the wider Perth community with certainty about recreational uses in different coastal areas.

6. Other general comments:

- a) The City supports sustainable design principles for all buildings (not just coastal) and has policies and is developing a scheme amendment which contains such principles. (Urban Development - p123 Table 8.1)
- b) The City is supportive of a co-ordinated traffic, parking and bicycle management plan for the metropolitan coast and is willing to be an active participant in the consultative process. (Public Transport and Access – p124 Table 8.1)
- c) The City is supportive of signage, monitoring and programmes for safety awareness. One issue of safety is the different uses that are carried out in the coastal areas. The City suggests a co-ordinated approach between the different local councils, directed by WAPC. (Public Transport and Access – p124 Table 8.1)
- d) The City is supportive of incorporating cultural heritage into the coastal management plans. (Cultural Heritage – p124 Table 8.1)

7. The City asks that WAPC accept *TABLE 1: Recommendations for Local government out of the relevant Precincts and Table 8.1 Summary of the Perth Planning Strategy Implementation Recommendations* as a submission point on what the City considers it is currently doing and what the City would need to do to satisfy the strategy’s recommendations.

CARRIED: 5/0

For	Against
Cr John Alberti Cr Robert Fittock Cr Les Lauder Cr Bill Massie Cr Jon Strachan	

REASON/S FOR CHANGE TO OFFICER'S RECOMMENDATION

The amended wording clarified the intent of 2(c)

CONFIDENTIAL MATTERS

Nil.

CLOSURE OF MEETING

THE DEPUTY PRESIDING MEMBER DECLARED THE MEETING CLOSED AT 6.50 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 consultations will clearly outline from the outset

How consultative processes work at the City of Fremantle	
	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.

