



MINUTES

Planning Services Committee

Wednesday, 20 October 2010, 6.00 pm

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PLANNING SERVICES COMMITTEE

Minutes of the Planning Services Committee
held in the Council Chambers, Fremantle City Council
on 20 October 2010 at 6.00 pm.

DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 6:04 pm.

NYOONGAR ACKNOWLEDGEMENT STATEMENT

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

IN ATTENDANCE

Brad Pettitt	Mayor
Cr Andrew Sullivan	South Ward
Cr Tim Grey-Smith	City Ward
Cr John Dowson	East Ward
Cr Bill Massie	Hilton Ward
Cr John Alberti	Beaconsfield Ward
Mr Philip St John	Acting/Chief Executive Officer
Mr Paul Garbett	Manager Planning Projects and Policy
Mr Steve Sullivan	Coordinator Planning Mediation
Ms Agnieszka Kiera	City Heritage Architect
Mrs Vanessa Collins	City Heritage Architect
Ms Tina Hume	Minute Secretary

There were approximately 25 members of the public and 2 member/s of the press in attendance.

APOLOGIES

Cr Robert Fittock	North Ward
Cr Josh Wilson	Beaconsfield Ward

LEAVE OF ABSENCE

Nil

RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

PUBLIC QUESTION TIME

Nil

DEPUTATIONS / PRESENTATIONS

**The following member/s of the public spoke in favour of item PSC1010-194:
Alan McGillvary**

**The following member/s of the public spoke against item PSC1010-195:
Michael Trees**

DISCLOSURES OF INTEREST BY MEMBERS

Cr Andrew Sullivan declared a financial interest in item number **PSC1010-200**. Cr Andrew Sullivan is a tenant for a part office space in the subject property.

LATE ITEMS NOTED

PSC1010-207 - SAT MEDIATION – REQUEST TO RECONSIDER THE SERVING OF NOTICES UNDER LOCAL GOVERNMENT ACT AND PROPOSED THREE DEVELOPMENT APPLICATIONS FOR PROPOSED WORKS – ELDERS WOOLSTORE BUILDING – 1 (LOT 201) GOLDSBROUGH STREET AND 48-68 (LOT 40) CANTONMENT STREET, FREMANTLE (SS DA0476/10, DA0477/10 AND DA0478/10)

This item was not considered due to the lateness of receiving this for discussion. This item will be on the Agenda for the Council Meeting schedule for Wednesday 27 October 2010.

CONFIRMATION OF MINUTES

MOVED: Cr A Sullivan

That the Minutes of the Planning Services Committee dated 6 October 2010 as listed in the Council Agenda dated 27 October 2010 be confirmed.

CARRIED: 6/0

For	Against
Mayor, Brad Pettitt Cr Andrew Sullivan Cr John Dowson Cr Tim Grey-Smith Cr Bill Massie Cr John Alberti	

TABLED DOCUMENTS

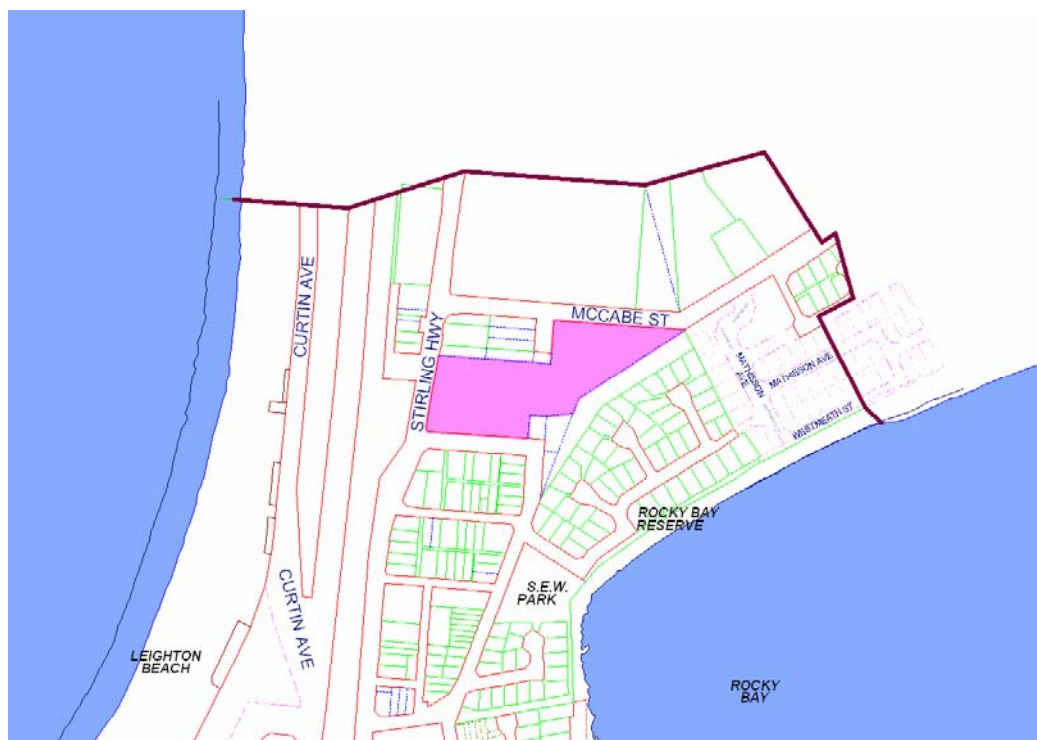
- Original Recommendation – 130 Stirling Highway, North Fremantle
- Amended Alternative Recommendation - 130 Stirling Highway, North Fremantle
- H.LM holdings Pty Ltd – Matilda bay Brewing Building – 130 Stirling Highway, North Fremantle – Consultants Report
- Nordic Homes – Vasse Accommodation & Chalet 1 bedroom, 1 Bathroom Single Dwelling

DEFERRED ITEMS (COMMITTEE DELEGATION)

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

PSC1010-194 STIRLING HIGHWAY NO.130 (LOT 220), NORTH FREMANTLE - DEFERRED ITEM - PARTIAL DEMOLITION OF EXISTING WAREHOUSE BUILDING (JL DA0725/09)

Meeting Date: PSC – 20 October 2010
Previous Meeting dates: PSC – 6 October 2010
PSC - 2 June 2010
DataWorks Reference: 059/002
Disclosure of Interest: Nil
Responsible Officer: Manager Development Services
Actioning Officer: Coordinator Statutory Planning
Decision Making Level: Planning Service Committee
Attachments 1: Applicants Justification Letter and Amended Development Plans dated 1 October 2010
Attachment 2: Site Photos
Attachment 3: Revised Traffic Consultants report (TRANSCORE)
Attachment 4: PSC1006-101 (Previous PSC Report)
Date Received: 22 December 2009
Owner Name: H.L.M Holdings
Submitted by: As Above
Scheme: Industrial
Heritage Listing: Heritage Listed – MHI Level 1B
Existing Landuse: Warehouse
Use Class: Warehouse
Use Permissibility: P



EXECUTIVE SUMMARY

At its meeting held 6 October 2010, the Planning Service Committee (the Committee) resolved to defer the matter to 20 October 2010 Committee meeting, as the applicant submitted a third set of amended plans on 1 October 2010.

As stated in the previous report (6 October 2010 meeting), the applicant has provided amended plans and the requested information as outlined in part B and C of the Committee's original resolution (dated 2 June 2010).

The City's key concern relates to the loss of '*considerable*' heritage significance as a result of the partial demolition of the 1929 'saw tooth' portion of building. The applicant is still proposing the demolition of this portion of building.

Accordingly, the application is recommended for approval subject to appropriate conditions including the retention of the 1929 'saw tooth' portion of the building.

BACKGROUND

For a complete detailed background and historic information regarding this application and subject site see the 'Attachment 4' for the copy of the previous report.

DETAILS

On 10 August 2010 the applicant submitted revised plans for DA0725/09. The proposed amended plans include the following changes from the previous development plans:

- Retention of the existing 1947 Coventry Parade Façade of the building (Grid P to W section 13 to 16,
- Deletion of the internal truck loading bay from northern elevation of site,
- A new proposed truck loading bay to enter and exit via Coventry Parade, including new roller door opening to the 1929 Building Coventry Parade facade,
- Reconfiguration of proposed hardstand car parking portion of building, and
- Reduced width of the Coventry Parade vehicle entry point for rear proposed hardstand employee parking area.

On 1 October 2010, the applicant submitted a third set of amended plans ('Attachment 1'). The proposed new alterations to the development plans dated 10 August 2010, include the following additional changes:

- New vehicle access point entering the site from McCabe Place off McCabe Street,
- New vehicle loading bay to the eastern elevation of the 1929 saw tooth roof portion of existing building,
- Modifying the previous proposed vehicle loading bay (1929 portion of building) of Coventry Parade to be a drive thru facility to McCabe Place, and
- Reduce on site car parking bays from 61 to 54 bays.

Also accompanying the newly amended plans, the applicant has submitted a number of site photos for indicative purposes, highlighting what the applicant believes to be existing problematic headway heights, truck manoeuvrability and existing topographical issues on site. See 'Attachment 2' below for a copy of the submitted site photos.

On 11 October 2010, the applicant submitted a revised traffic report (Transcore Report-Attachment 3).

Again for interpretive purposes a copy of the development site plan indicating the year of construction of the individual portions of the existing buildings on site included below in Figure 1.

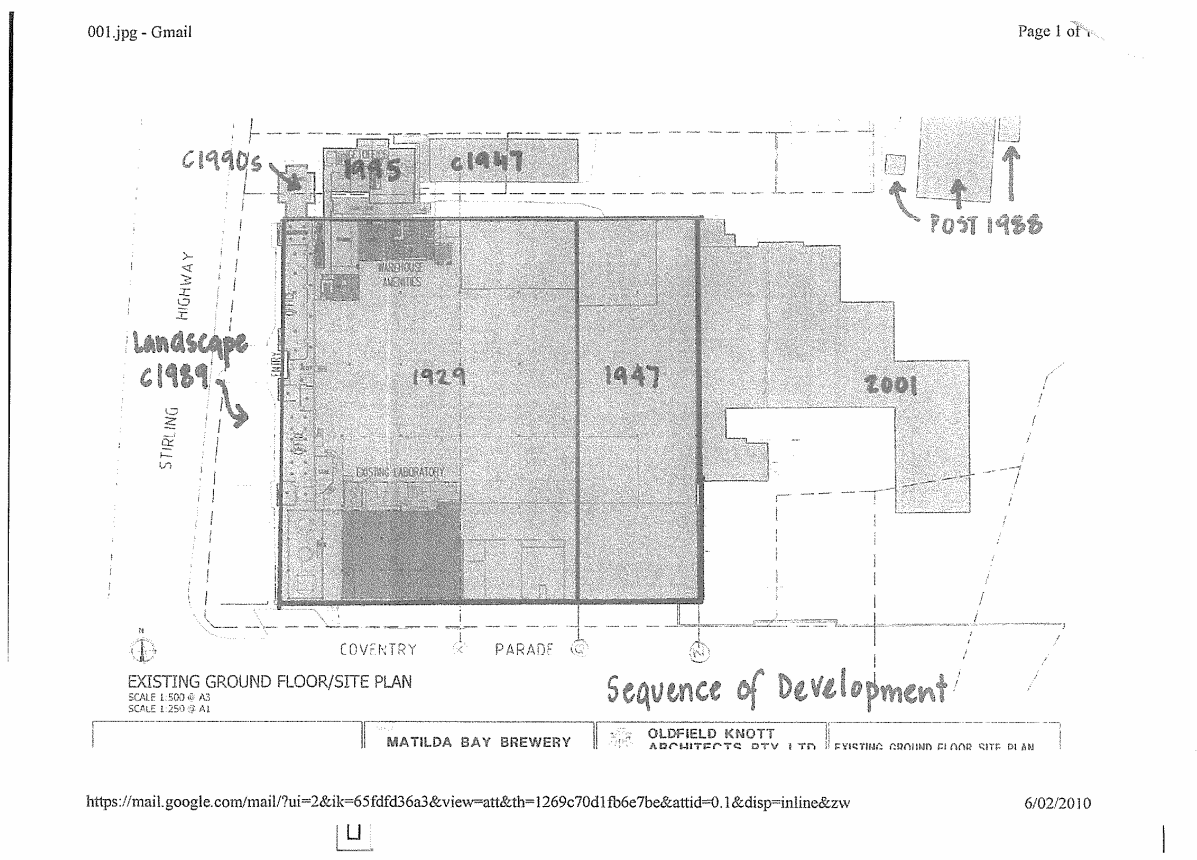


Figure 1

CONSULTATION

Community

The amended application was not required to be readvertised under the provisions of Council's *L.P.P1.3 Public Notification of Planning Proposals* policy.

Heritage Assessment

For a copy of Heritage Assessment undertaken for this site see previous PSC report PSC1006-101 (Attachment 4).

Heritage Council Western Australia (HCWA) Comments

For a copy of Heritage Council of Western Australia (HCWA) comments see previous PSC report PSC1006-101 (Attachment 4).

STATUTORY AND POLICY ASSESSMENT

For a copy of the relevant Statutory and Policy requirements see previous PSC report PSC1006-101(Attachment 4).

PLANNING COMMENT

In summary of the previous report presented before the Committee on 6 October 2010, the key issue relating to the current proposal was related to the partial demolition of the saw tooth roof portion of the 1929 building, between grid 'K' to 'Q' and sections 1 to 13.

The applicant argues the following points:

- 1) That the partial demolition of 1929 building is fundamental in not only retaining the existing tenant onsite (Fosters PTY LTD), but in providing a compliant work safe environment for future users should the current tenant wish to lease the premises, as the existing 1929 building does not comply with the current *Australian Standards for Parking Facilities* and *Off-street Commercial Vehicle Facilities* requirements, specifically for medium rigid truck headway heights (required 4.5m headway height).
- 2) Due to the newly proposed McCabe Place vehicle access point and the existing topography of site, further restrictions will be introduced for future truck operations and loading facilities as the existing headway heights will not allow for required gradient for the proposed ramped access way, and
- 3) If the portion of 1929 building is required to be retained by Council, then the existing internal columns of the 1929 building would severely and unmanageably impact future internal car and truck operations and manoeuvrability, whilst prohibiting all vehicle access to the proposed car parking area to and from McCabe Place/ McCabe Street.

In an attempt to simplify the assessment of the above concerns, each individual matter will be assessed separately below.

HEADWAY HEIGHTS/ VEHICLE ACCESSIBILITY

The existing 1929 building currently has a headway height of approximately 4.4m with small portions of the existing internal roof rafters dropping to approximately 4m headway height (Fire Emergency plumbing/ducting).

The existing internal headway heights of the 1929 building can be seen in Attachment 2 - 'Picture A'. The headway heights provided within the Coventry Parade Facade 1929 and 1947 portion of building are around 9m and raise no issue regarding vehicle access or manoeuvrability on-site. These particular loading bay provisions within these elements of the existing building adequately enable all sized rigid vehicles to be serviced in accordance with the *Australian Standards for Parking Facilities*.

The applicant has stated that the current tenant predominately requires medium rigid truck loading facilities for the site, which as per the *Australian Standards for Parking Facilities* involves a vehicle up to 8.8m long requiring a minimum headway clearance of 4.5m. The proposed loading facilities along Coventry Parade easily will allow for such vehicles to be serviced, however the existing 1929 saw tooth roofed building would not meet the minimum Australian Standards clearance requirements of 4.5m.

However, Council should also note that the applicant is intending to retain the western portion of the 1929 building, between grids C to K and sections 1 to 13, which also has the same existing internal headway heights as the 1929 portion of building proposed to be demolished. Furthermore, the newly proposed truck loading bay to the eastern elevation of the building will also need to operate within the existing headway heights of the 1929 portion of building (Photo A' in 'Attachment 2). Generally in accordance with the guidelines set out in the Australian Standards for *Off Street Commercial Vehicles*, if a tenant wished to operate in a work safe environment the proposed loading bay within the proposed retained element of the 1929 building could only be used by small rigid vehicles which require a minimum headway clearance of 3.5m, as per the *Australian Standards*.

Furthermore, it must be highlighted that the majority of heritage listed commercial/ industrial buildings throughout the Fremantle district, would also not comply with the current *Off-Street Commercial Vehicle Facilities* requirements as stipulated in the *Australian Standards for Parking Facilities*, however such sites proceed to adequately operate land uses similar to those being proposed.

With the array of different existing buildings, the site itself is considered to have the capabilities for dealing with small, medium and rigid truck loading facilities meeting the general needs of those required by commercial/ industrial land uses. However it is acknowledged that these facilities will need to be managed by the relevant tenant on site, and may limit internal operations and vehicle drive thru facilities for medium and large rigid vehicles from Coventry Parade to McCabe Place and vice versa. As the site is equipped with loading facilities which entertain all sized vehicles, the argument requiring the partial demolition of the 1929 building is again not supported, as its removal is not considered necessary for an appropriate Commercial/ Industrial land use or tenant to operate from site.

VEHICLE ACCESS FROM MCCABE PLACE/ MCCABE STREET

Additionally, Council needs to be aware that with the introduction of the McCabe Place vehicle entry point to site, a new issue relating to vehicle access and manoeuvrability has been introduced. The existing topography to the northern portion of site is approximately 1.8m higher than the existing ground floor level of the 1929 building (See Photo D & E).

In providing this ramped vehicle access facility, the required gradient for the vehicle access ramp may potentially cause further issues relating to vehicle headway heights and the 1929 building.

However, this new issue alone is not considered to necessarily require the entire removal of the 1929 portion of building (between grid P to Q section 1 to 13), but instead may require other building modifications to the north eastern corner of the 1929 building, in order to secure safe vehicle access to the site. It is acknowledged that an appropriate opening would need to be provided to the northern elevation of the 1929 building between grid P to Q and due to required gradient specification associated with the access ramp certain roof rafters may need to be removed/ modified between sections 1 to 3. Alternatively, the site could be excavated in this portion of the site to provide the required headway heights for the new vehicle access point.

Accordingly, a condition is recommended requiring the applicant to submit another development application, in accordance with Clause 10.8.1 of LPS4, relating to the required modifications to this portion of the building should the applicant wish to proceed with the current proposed vehicle access point from McCabe Place.

PROPOSED INTERNAL CAR PARKING AREA AND EXISTING 1929 BUILDING COLUMNS

The applicant argues that in retaining the entire 1929 building, the existing internal pillars of the building will need to remain in situ, which ultimately is considered to cause further internal vehicle manoeuvrability and car parking issues on site.

It is acknowledged that if Council wished to retain the entire 1929 portion of building, the current proposed internal car parking layout would need to be amended to take into account the existing internal column positioning. The City acknowledges that by retaining the existing internal columns to this portion of the building, future vehicle manoeuvrability inside the existing building would be slightly restricted. However, the removal of these columns is not considered vital, in providing either adequate loading facilities or on site car parking/ accessibility provisions for future tenants of the site.

If Council required this portion of the 1929 building and its columns to be retained, then it is not considered to be difficult to amend the current proposed car parking provisions as the applicant is proposing a 1.2m wide landscaping strip to the entire western elevation of the proposed car parking area, which could be removed/ modified to help alleviate any internal vehicle manoeuvring issues experienced by the retention of the internal columns. Furthermore if the entire 1929 building is required to be retained, this would allow the proposed eastern car bays to be relocated approximately another 5.6m to east. With such suggested modification both the proposed eastern and western internal car bays could adequately provide the required 6m manoeuvring space and 5.5m deep car bays provisions as per the Australian Standards.

However, again it must be noted that if Council requires the entire 1929 building to be retained, portions of the northern elevation of the building may need to be modified to accommodate the newly proposed ramped vehicle access point off McCabe Place.

Council could be of the opinion that, in order to retain the existing tenant on site and for the site to continue to be used as a commercial/ industry premises it is essential that this portion of the 1929 building is removed to provide an environment that offers adequate parking and vehicle manoeuvring space on site.

CONCLUSION

Fundamentally, in determining the appropriateness of the newly amended plans dated 1 October 2010, the Committee needs to be satisfied with the following key aspects:

- 1) The magnitude of the proposed conservation works outlined in the submitted Schedule of Conservation Works, dated 16 September 2010 (Attachment 4 – Previous report), will adequately compensate the conservation of the remaining heritage fabric in lieu of the proposed level of demolition,
- 2) The proposed level of demolition is essential in securing a viable use/ tenant for the remaining portion of the building onsite, and
- 3) The proposal does not detrimentally impact the immediate locality in terms of traffic generation.

The schedule of conservation works proposed have been reviewed and in principle have been supported by the City's Heritage Staff, however they are not considered to adequately compensate the conservation of the remaining considerable heritage significant fabric in lieu of the proposed level of demolition of the 1929 portion of building.

The City's previous report, stated that the City's Heritage Staff are of the opinion that the proposed, *'demolition of any portion of the 1929 building of **considerable** significance should not be supported regardless of a good conservation plan or outcome'*, as the resulting detrimental impact of demolition was not considered to be in accordance with the provisions of LPS4 or with the Burra Charter principles. This recommendation was also consistent with the HCWA advice to the City relating to the originally proposed partial demolition of the Matilda Bay Brewery Site.

The applicant has stated that, if the demolition of the 1929 portion of building is not supported the current tenant (Fosters PTY LTD), will vacate the premises and therefore its removal is essential.

City Officers are of the opinion that the entire 1929 portion of building could be adequately retained, with slight modifications to the north eastern corner of the existing 1929 building and by redesigning the proposed internal car parking and manoeuvrability area, ultimately enabling the current tenant to adequately operate from site. Furthermore, if the current tenant was to leave the subject premise the existing building on site is considered to be appropriately equipped, to lend itself to a number of other compatible industrial/ commercial uses.

Council may however be of the opinion that with the applicant retaining the entire Coventry Parade and Stirling Highway façades and the level of conservation works proposed are appropriate and will adequately compensate for the level of demolition proposed for the 1929 and 1947 building.

However, City Officers are not supportive of the 1929 portion of the proposed demolition, as its retention would not jeopardise future industrial related operational activity on site, nor is its removal a necessity to secure a viable use for the site. Ultimately, the complete retention of the original 1929 building would preserve the entire **considerable** heritage significant element of the place which is consistent with the provisions of Clause 5.15.1 of LPS4.

The revised traffic report (Attachment 3) reaffirms the previous traffic report's findings, which was also supported by the City's Technical Service Department.

The report states that with the introduction of the McCabe Place vehicle access point to site, the additional option for traffic to enter and exit the site (either McCabe Street or Coventry Parade) only enhances the accessibility and the operation of the development.

Upon reviewing the newly amended development plans and submitted additional information, apart from the proposed partial demolition of the 1929 building, the amended application is supported and recommended for approval subject to appropriate conditions.

OFFICER'S RECOMMENDATION

That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Partial Demolition and Conservation Works to existing building at No. 130 (Lot 220) Stirling Highway, North Fremantle, subject to the following condition(s):

1. This approval relates only to the partial demolition of the existing building as indicated on the approved plans dated 10 August 2010 and 1 October 2010 and Schedule of Conservation Works dated 16 September 2010 with the exception of the demolition of the portion of existing building located within grid 'K' to 'Q' and section 1 to 13 (1929 Building) which does not form part of this approval and shall be retained on site. It does not relate to any other development on this lot.
2. Within 60 days of the date of this decision, details of the modified composition and detailing of the northern and eastern elevation of the 1929 portion of building (Between grid K to Q and section 1 to 3) that serves as vehicle access point to McCabe Place shall be submitted to and approved by the City of Fremantle as a new planning application, in accordance with Clause 10.8.1 of the City's Local Planning Scheme No.4.
3. The owner shall enter into a legal agreement with the City of Fremantle, drafted by the City's solicitors at the expense of the owner and be executed by all parties concerned prior to the commencement of the works. The agreement shall require:
 - i. the applicant to submit a Conservation Plan in accordance with the '*Heritage Council Study Brief*' for approval and to the satisfaction of the Chief Executive Officer, City of Fremantle; and
 - ii. Within twenty four (24) months of this approval, those works set out in the approved schedule of conservation works dated 16 September 2010, shall be undertaken and maintained thereafter to the satisfaction of the Chief Executive Officer, City of Fremantle.
4. Within twelve (12) months of the Legal Agreement been executed by all parties, the applicant shall submit a Conservation Plan for approval and to the satisfaction of the Chief Executive Officer - City of Fremantle, outlining the Schedule of Conservation Works for the building, including principles and guidelines for appropriate adaptive re-use of the building in the future.
5. Prior to occupation, stormwater drainage works must be completed in accordance with the approved plans to the satisfaction of the Chief Executive Officer, City of Fremantle.
6. Prior to commencement a detailed archival record of the building is to be submitted to the satisfaction of the Chief Executive Officer, City of Fremantle in accordance with the Heritage Council of Western Australia's '*Guide to Preparing an Archival Record*' document.

7. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or rare fabric of the building. Should the works subsequently be removed, any damage shall be rectified to the satisfaction of the Chief Executive Officer, City of Fremantle.
8. Prior to occupation of the development, the car parking and loading area(s), and vehicle access and circulation areas shown on the approved site plan, shall be constructed, drained, and line marked and maintained thereafter to the satisfaction of the Chief Executive Officer, City of Fremantle.
9. Prior to occupation of the development, vehicle crossovers/ access shall be constructed in either paving block, concrete, or bitumen and thereafter maintained to the satisfaction of the Chief Executive Officer, City of Fremantle.

Advisory note(s):

- (i) This approval does not authorise the commencement of any demolition works. A demolition licence must be obtained prior to the commencement of construction works. Please contact Building Services on 9432 9778.
- (ii) Any building work involving the removal or alterations to asbestos products should be carried out with extreme caution. The disposal of asbestos products to be in accordance with the Health (Asbestos) Regulations 1992 and the Environmental Protection (Controlled Waste) Regulations 2001. Please contact Environmental Health Services on 9432 9856.

OFFICER'S RECOMMENDATION/COMMITTEE DECISION

Cr A Sullivan MOVED the following alternative recommendation:

That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Partial Demolition and Conservation Works to existing building at No. 130 (Lot 220) Stirling Highway, North Fremantle, :

1. This approval relates only to the partial demolition of the existing building as indicated on the approved plans dated 10 August 2010 and 1 October 2010 and Schedule of Conservation Works dated 16 September 2010 . It does not relate to any other development on this lot.
2. The owner shall enter into a legal agreement with the City of Fremantle, drafted by the City's solicitors at the expense of the owner and be executed by all parties concerned prior to the commencement of the works. The agreement shall require:
 - i. the applicant to submit a Conservation Plan in accordance with the '*Heritage Council Study Brief*' for approval and to the satisfaction of the Chief Executive Officer, City of Fremantle,

ii. Within twenty four (24) months of this approval, those works set out in the approved schedule of conservation works dated 16 September 2010, shall be undertaken and maintained thereafter to the satisfaction of the Chief Executive Officer, City of Fremantle; and

iii. The owner (HLM Holding Pty Ltd) enter an agreement to lease the site with Fosters Australia Limited and a copy of the agreement be provided to the City of Fremantle. In the event that an agreement to lease the site with Fosters Australia Limited is not agreed upon, this planning approval shall lapse.

3. Within twelve (12) months of the Legal Agreement been executed by all parties, the applicant shall submit a Conservation Plan for approval and to the satisfaction of the Chief Executive Officer - City of Fremantle, outlining the Schedule of Conservation Works for the building, including principles and guidelines for appropriate adaptive re-use of the building in the future.
4. Prior to occupation, stormwater drainage works must be completed in accordance with the approved plans to the satisfaction of the Chief Executive Officer, City of Fremantle.
5. Prior to commencement a detailed archival record of the building is to be submitted to the satisfaction of the Chief Executive Officer, City of Fremantle in accordance with the Heritage Council of Western Australia's '*Guide to Preparing an Archival Record*' document.
6. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or rare fabric of the building. Should the works subsequently be removed, any damage shall be rectified to the satisfaction of the Chief Executive Officer, City of Fremantle.
7. Prior to occupation of the development, the car parking and loading area(s), and vehicle access and circulation areas shown on the approved site plan, shall be constructed, drained, and line marked and maintained thereafter to the satisfaction of the Chief Executive Officer, City of Fremantle.
8. Prior to occupation of the development, vehicle crossovers/ access shall be constructed in either paving block, concrete, or bitumen and thereafter maintained to the satisfaction of the Chief Executive Officer, City of Fremantle.

Advisory note(s):

- (i) This approval does not authorise the commencement of any demolition works. A demolition licence must be obtained prior to the commencement of construction works. Please contact Building Services on 9432 9778.
- (ii) Any building work involving the removal or alterations to asbestos products should be carried out with extreme caution. The disposal of asbestos products to be in accordance with the Health (Asbestos) Regulations 1992 and the Environmental Protection (Controlled Waste) Regulations 2001. Please contact Environmental Health Services on 9432 9856.

CARRIED: 5/1

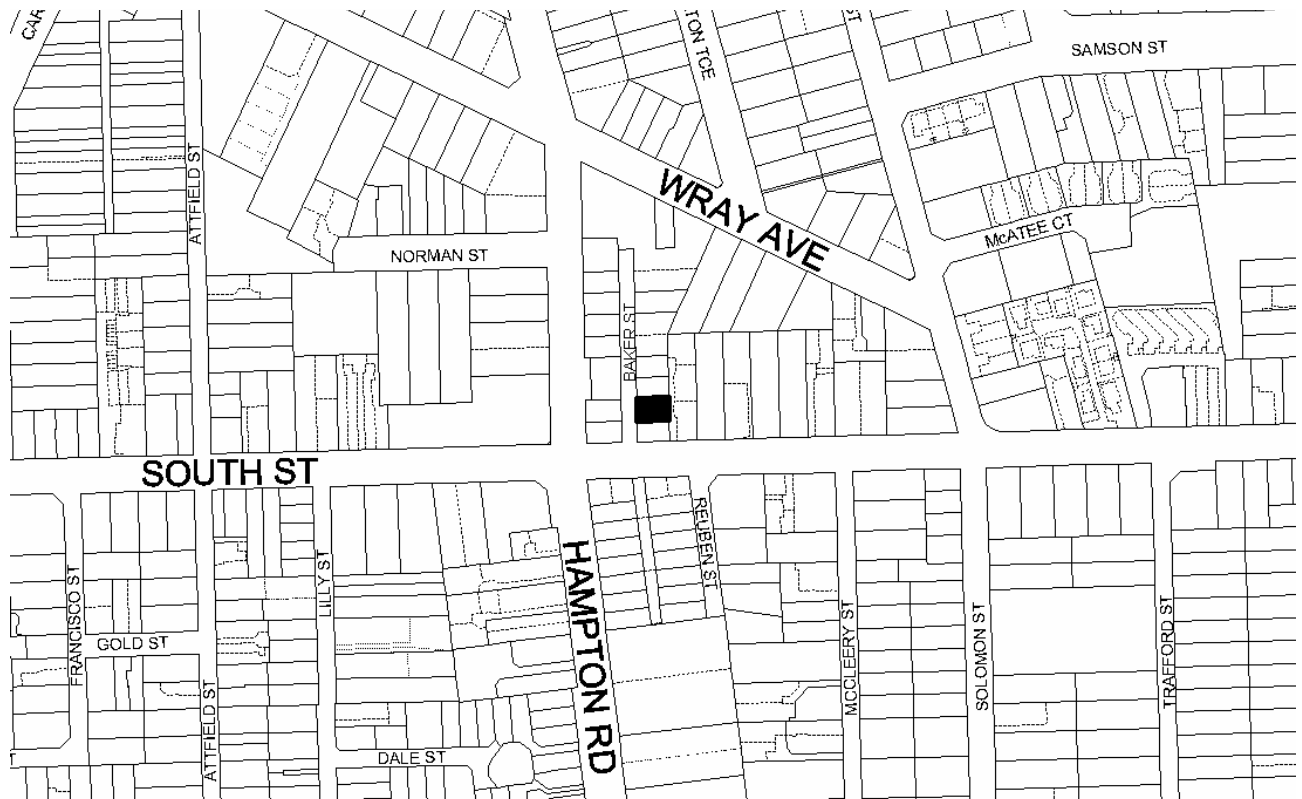
For	Against
Mayor, Brad Pettitt Cr Andrew Sullivan Cr Tim Grey-Smith Cr Bill Massie Cr John Alberti	Cr John Dowson

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

PSC1010-195 BAKER STREET, NO. 14 (LOT 14) BEACONSFIELD, PROPOSED TWO STOREY SINGLE HOUSE WITH BASEMENT (SS DA0245/10)

DataWorks Reference: 059/002
Disclosure of Interest: Nil
Meeting Date: 20 October 2010
Responsible Officer: Manager Development Services
Actioning Officer: Coordinator Planning Mediation
Decision Making Level: Planning Services Committee
Previous Item Number/s: N/A
Attachment 1: Supporting letter and revised plans (6 September and 6 October 2010)
Attachment 2 Response to submissions
Date Received: 14 May 2010
Owner Name: Michael Trees and Jamie Schrank
Submitted by: Michael Trees
Scheme: Residential R30
Heritage Listing: N/A
Existing Landuse: Vacant land (site contains an existing garage only)
Use Class: Single House
Use Permissibility: P



EXECUTIVE SUMMARY

The development application is referred to the Planning Services Committee (PSC) for determination as submissions have been received of which the concerns outlined cannot be resolved via conditions of approval.

The applicant is seeking to retain an existing garage on the site, excavate the site to form a basement, and then add a two storey, "U" shaped designed dwelling above the basement. The design of the development results in the need for variations to the following provisions of the Residential Design Codes (R-Codes) and Local Planning Policy 2.4 - Boundary Walls in Residential Development (LPP 2.4):

- front setback;
- boundary walls on both side boundaries;
- setback variations to the southern side boundary and eastern rear boundary;
- car parking; and
- overshadowing.

The consultation process resulted in objections to various aspects of the development including the extent of overshadowing and boundary walls, and proposed variations to the southern side and rear setback.

Whilst the applicant has amended the application in response to the issues raised during the consultation process, the proposed development still overshadows the adjoining property by approximately 55% at midday on the winter solstice, which is in excess of the 35% overshadowing permitted by the Acceptable Development standards of the R-Codes. The overshadowing from the proposed development will fall over the roof of the adjoining single house and the only courtyard for the development.

It is considered that the overshadowing, due to the design of the development, the extent of the proposed boundary wall and the southern side boundary setback variation will have an adverse impact on the amenity of the adjoining property to the south. The proposal will require further design changes to the development to address the issue of overshadowing, which cannot be addressed by conditions of approval. Therefore, the application is recommended for refusal.

A minor issue, which would normally be covered by a condition of Planning Approval, is the excessive height of the screening on top of the northern boundary wall, which has also been included as part of the refusal.

BACKGROUND

The development site is located on the eastern side of Baker Street, 1 lot to the north of the intersection of Baker Street and South Street (No. 80 South Street). The properties on the eastern side of Baker Street are zoned Residential with a density coding of R30. The development site is 220m² in area and has a frontage of 12.07m to Baker Street and a depth of 18.27m.

The site falls approximately 0.6m along the Baker Street elevation, from the northern boundary down to the southern boundary. The site rises from Baker Street up to the rear boundary by approximately 1.4m.

The site consists of a single storey garage that is located in the north-west corner of the site. That is, it abuts the Baker Street boundary and has a side wall along the common boundary with No. 12 Baker Street.

The properties on the western side of Baker Street have a dual frontage, with the primary street frontage being to Hampton Road. The sites are zoned Mixed Use. With the primary frontage to Hampton Road, the Baker Street frontage is effectively the rear of the development. Therefore, the streetscape of the western side of Baker Street consists of car parking areas, services areas, rear elevation of buildings and high walls. The properties on the eastern side of Baker Street have their primary frontage facing the rear of the Hampton Road properties. The streetscape consists of buildings on the street boundary or buildings that have minimal setbacks from the street boundary. Therefore, the dual frontage of the properties on the western side of Baker Street and the more traditional streetscape on the eastern side creates a contrasting streetscape.

Previous Applications

Prior to 2000, No. 80 South Street consisted of two lots on the one land title, with one lot fronting South Street (cnr Baker Street) and the second lot fronted Baker Street. The main dwelling had originally been designed and constructed to front South Street, but extended over the common lot boundary (those lots are now referred to as 80 South Street and 14 Baker Street). The side of the building had a street setback of 1.25m to Baker Street. Attached to the rear of the main dwelling was a patio, which was also connected to a garage structure that had been built on the Baker Street boundary.

Planning Approval was issued on the 15 February 2000 for:

- partial demolition and alterations to the existing dwelling on No. 80 South Street so that it was now totally contained on No. 80 South Street – this involved building a boundary wall (northern side) with the common boundary to 14 Baker Street; and
- the addition of a single storey dwelling with a second storey within the roof space of the proposed building on 14 Baker Street, which was to the rear (north) of No. 80 South Street.

At that time, the two properties were owned by the same person. The alterations to No 80 South Street proceeded including the construction of the northern boundary wall of No. 80 South Street. The proposed single storey dwelling with a further level within the roof space proposed for 14 Baker Street did not proceed. However, the structures located across the boundary were removed and the existing garage structure was retained.

Revised plans

Following the close of the submission period, during which three submissions were received from two properties, the applicant responded to the matters raised in those submissions.

Revised plans were subsequently received on the 6 September 2010. These revised plans amended the building design layout of the upper level to the rear of the site (increased setback from 1.05m to 1.5m) in order to reduce the impact of overshadowing from the proposed addition onto the rear courtyard of No. 80 South Street.

Further revised plans were submitted on the 6 October 2010 providing additional information.

DETAILS

The applicant is proposing to retain the western (front) façade and the northern side (abuts 12 Baker Street) wall of the existing garage and to demolish the rest of the structure. It is proposed to use these walls as part of the garage for the proposed dwelling as well as being part of the “U” shaped design for the proposed dwelling. The design of the development is described below:

Basement Level:

- Basement level is approximately 110m², in area and is located below natural ground level;
- Basement is proposed to be used for non-habitable purposes, including a water storage area, water treatment area, future battery store and wine cellar.

Ground floor level:

- The ground floor is a “U” shaped design with the front face of the building either being on the street boundary or setback 1.5m from the street boundary;
- the two sides of the building abut the sides of the adjoining sites;
- a central partly covered walkway/courtyard, 2.5m in width separates the two sides of the development;
- the proposed ground floor level is approximately 1.0 – 1.3m lower than the ground level of the adjoining rear (eastern) property at No. 82 South Street; and
- the proposed ground floor level is approximately 0.4m lower than the existing dwelling at No. 80 South Street.

Upper Level

- The “U” shaped configuration is repeated on the upper level;
- the pitched roof over the existing garage is to be replaced with a concrete roof, which is to be used as a roof garden;
- boundary walls are proposed for each side of the development;
- apart from the upper southern boundary wall, the walls of the upper level are setback between 1.05 and 1.5m from the southern side boundary; and
- 2.5m privacy screen on the northern boundary to the roof garden, which is to contain solar panels.

The applicant is seeking approval under the Performance Criteria of the R-Codes and LPS4 in the following areas:

- front setback;
- boundary walls;
- boundary setbacks;
- car parking; and
- overshadowing;

In support of the R-Code variations, the applicant submitted a detailed report addressing the R-codes, LPS4 and DBH1 (refer to Attachment 1). The applicant submitted revised plans to address the overshadowing of the courtyard of No. 80 South Street, which were received on the 6 September 2010. Further revised plans were received on the 6 October 2010 providing additional information.

STATUTORY AND POLICY ASSESSMENT

Residential Design Codes

The applicant is seeking approval for a performance based assessment of various design elements of the proposed development.

Council Policies

Local Planning Policy 2.4 – Boundary Walls in Residential Development is applicable in this instance for the proposed boundary walls.

CONSULTATION

Community

The application was required to be advertised in accordance with Clause 9.4 of the LPS4, as the applicant was seeking variations to the R-Codes and LPS4. At the conclusion of the advertising period, being 2 June 2010, the City had received three submissions from two properties. The following issues were raised:

- *Overshadowing of site, including courtyard and skylights;*
- *huge house on small lot*
- *Building Setbacks;*
- *Boundary Walls;*
- *Car parking;*
- *External Fixtures; and*
- *Streetscape.*

PLANNING COMMENT

Residential Design Codes

Design Element 6.2.1 – Setback of Buildings generally – Baker Street

Permitted	Proposed	Variation
4.0m setback, average of adjoining buildings or an average setback	Nil (Existing garage) to 1.5m (for proposed two storey portion of building)	4.0m – 0.625m

The applicant is proposing to retain the existing garage which has a nil setback to Baker Street and extend the wall on the street boundary with a masonry verandah a distance of approximately 3.0m from the existing garage towards South Street. The front façade of the proposed dwelling is to be set back 1.5m from Baker Street.

It is proposed to extend the existing garage wall height by the addition of a 0.3m increase in wall height and 0.5m open balustrading to the Baker Street façade (0.8m total). The overall height would be 4.3m to the Baker Street elevation.

To the north of the development site, there is an existing enclosed entry that abuts the street boundary on 12 Baker Street. The development to the south of the development site is the side of No 80 South Street, which has a setback of 1.25m to Baker Street. The topography of the land abutting Baker Street adjacent to No 80 South Street is such that the ground level is approximately 0.8m to 1.0m higher than the footpath level. Any upper storey addition to No 80 South Street could be set back a minimum of 1.5m from Baker Street. As explained in the background section, the streetscape on the western side of Baker Street consists of car parking areas to commercial land uses fronting Hampton Road, service areas, high walls and the rear of buildings.

The applicant has sought to design the development to address the varied streetscape through the retention of the existing garage and to follow the secondary street setback for No. 80 South Street. Whilst the setback of the proposed addition does not meet the Acceptable Standard options of the Codes, the development does respond to the contrasting streetscape. It is considered that the proposed development will:

- contribute to the streetscape;
- allow for adequate privacy within the development;
- have adequate open space;
- provides for surveillance of the street; and
- allow safety clearances for easement for essential corridors.

Therefore, it is recommended that the setback of the proposed development to Baker Street be supported.

Design Element 6.3.1 - Buildings Setback from the Boundary

Eastern (Rear) Setback

Wall Location	Required setback	Proposed Setback	Variation
Eastern boundary (Rear) – Upper level	1.1m	0.826 – 3.3m	0m - 0.274m

The applicant is proposing a rear setback of 0.826m in lieu of the required 1.1m setback for Bedroom 1. It is noted that the room is angled to the rear boundary and that it is 0.826m at its closest point, stepping back to 2.0m and 3.3m from the rear boundary. The total floor area intrusion into this setback area is approximately 0.45sq m.

To the rear of the development site is No 82 South Street. This is an existing three unit development that has its common driveway to serve the three units located along the common boundary with those properties fronting Baker Street. Further,

there is a row of trees, approximately 3.0m in height, between the common driveway and the boundary fence that is developing into a landscaping screen between the two properties.

The development is required to be assessed against the Performance Criteria of the R-Codes. The development will result in direct sunlight and ventilation to the building and courtyard areas. The setback relates to the eastern boundary and as there is a communal driveway (approximately 2.8m minimum width) abutting the area impacted by the variation, there will be direct sun and ventilation to the adjoining buildings and no loss of privacy. In relation to building bulk, the building is angled and whilst there is a minor variation for part of the building, the rest of the building is set back well in excess of the required setback. The difference in topography also helps to ameliorate the impact of building bulk.

It is considered that this set back variation can be supported having regard to the development satisfying the performance criteria of the R-Codes.

Design Element 6.3.2 - Buildings on the boundary – Local Planning Policy

The applicant is proposing to construct boundary walls on the northern and southern side boundaries. The provisions of Local Planning Policy 2.4 Boundary Wall in Residential Development (LPP 2.4) apply in this instance. The policy replaces the Acceptable Development Standards of the Codes with the following provisions:

A2: Walls built up to, or within 750 mm of, a boundary behind the front setback line within the following limits, subject to the overshadowing provisions of design element 6.9:

- a) where the construction of such walls is specifically permitted by the City's Local Planning Scheme No. 4 or another Local Planning Policy; or*
- b) where the wall is proposed to abut an existing or simultaneously constructed boundary wall of similar or greater dimensions; or*
- c) where the wall is proposed to abut a property that is not used for residential purposes; or*
- d) where the wall is proposed on a lot, not including a battleaxe lot, with a frontage (as defined by the Residential Design Codes) of less than 10 metres and complies with the following:*
 - i) In areas coded R20 and R25, walls not higher than 3m with an average of 2.7m up to 9m in length up to one side boundary; or*
 - ii) In areas coded R30 and higher, walls not higher than 3.5m with an average of 3m for two-thirds the length of the balance of the boundary behind the front setback, to one side boundary only.*

Southern Boundary

The applicant is seeking approval for single and two storey boundary walls, with upper level setback variations along the southern boundary. Details of the proposed boundary walls are set out below:

Southern Boundary Wall Location	Dimension	Comment
Lower level		
Proposed wall length	15.20m	The length of the boundary wall on No 80 South Street is 9.45m – the additional length of the proposed boundary wall occurs to the rear of the site, in the vicinity of the courtyard for No 80 South Street
Proposed wall height	3.4m	The top of the proposed boundary wall is approximately 0.6m lower than the top of the boundary wall for No. 80 South Street.
Upper level		
Proposed wall length	4.98m	The rear (easternmost) portion of this section of boundary wall aligns with the rear (easternmost) section of the boundary wall for No. 80 South Street
Proposed wall height	5.4m	The boundary wall height is proposed to be 1.4m higher than the existing boundary wall on No. 80 South Street

In addition to the proposed southern boundary wall, the applicant is seeking a southern side boundary setback variation as shown below:

Wall Location	Required setback	Proposed Setback	Variation
Southern boundary - Upper level – western most section	2.0m	1.1 – 1.5	0.9m to 0.5m

The combined effect of the design of the development, boundary walls and proposed setbacks result in the proposed development overshadowing the adjoining site by 55%. Under Design Element 6.9 – Design for Climate, the maximum permitted overshadowing of an adjoining site for land coded R30 is 35% of the site area. Whilst it is acknowledged that the size of the existing lots are equivalent to an R40 coded area rather than R30, the overshadowing requirements of the R-Codes is the same, whether the land is coded R30 or R40. The extent of the proposed overshadowing of No. 80 South Street is shown on Drawing No. 101 Rev 2 of Attachment 1.

During the consultation process, two submissions from the one property objected to the proposed development due to potential adverse impacts on access to sunlight to the existing private courtyard and skylights.

Three skylights were installed to provide light to a bathroom (westernmost skylight), laundry (central) and kitchen/family area (easternmost). The kitchen/family area has access to the only private courtyard of No. 80 South Street, which is located to the east of the main dwelling and aligns with the rear of No. 14 Baker Street. The existing courtyard level has been cut into the site having regard to the rising topography of the land.

The proposed development will overshadow No. 80 South Street, at midday on the winter solstice, to the following areas:

- the roof of the existing dwelling, including the skylights referred to above; and
- private courtyard.

It is noted that the:

- ground floor level of the proposed dwelling on No. 14 Baker Street will be approximately 0.4m lower than the floor level of the existing dwelling at No. 80 South Street;
- the rear private courtyard of No. 80 South Street is a sunken courtyard having regard to the higher surrounding ground levels;
- rear ground level near the common boundary with No. 80 South Street is to be excavated, except for the northern part of the rear courtyard area which is being kept to allow for the retention of the large existing tree on the site;
- the side of the proposed building (with its setback variation and skillion roof design), coupled with the upper level boundary wall will result in the overshadowing of the roof of the main dwelling, while the upper level boundary wall will overshadow the skylight to the kitchen/family area;
- store and Bedroom 1 of the proposed dwelling will cast the shadow over most of the private courtyard area of No. 80 South Street; and
- the design of the proposed development was guided in part by the need to provide sunlight to the lower level and north facing roofs for future solar panels.

The performance criteria for boundary setback variations and the design for climate provisions of the R-codes, and the Performance criteria of LPP 2.4, require Council, amongst other matters, to consider the impact of these variations on solar access to outdoor living areas and major openings to habitable rooms. The development proposal as presented (which has previously been amended to address overshadowing of the adjoining private courtyard) will adversely impact on the solar access to the skylight for the kitchen/family area and the adjoining private courtyard area of No. 80 South Street. The private courtyard is the only courtyard on the development site, which also has a northern orientation on the site.

To provide a higher level of exposure for solar access to the private courtyard and the skylight to the kitchen/family area to address the objective of the R-Codes and LPP in relation to boundary setbacks, boundary walls and design for climate, the design of the proposed development would be required to be modified significantly. It is considered that the design of the proposed development should not be supported and the application be refused as it is the City's view that there will be major changes required to the current design to address the issue of overshadowing.

Northern Boundary

Northern Boundary Wall Location	Dimensions	Comment
Lower level		
Proposed wall length	15.4m	This section consists of the existing garage wall of 7.9m with a proposed additional length of 7.5m. The site at No. 12 Baker

		Street is currently constructing a boundary wall from the rear boundary of the site towards Baker Street. The two walls will overlap each other by 4.7m. The boundary wall on No. 12 Baker Street is approximately 7.3m in length.
Proposed wall height	3.8m	Most of the wall height of this section is the height of the existing garage wall that is located on the common boundary. The proposed wall height of the boundary wall on 12 Baker Street is proposed to be 3.8m.
Upper level		
Proposed wall length	15.4m	The length of the upper section is the same as the lower section.
Proposed wall height	5.4m (from footpath level to the top of the privacy screening) to 5.7m (above the ground level of 12 Baker Street towards its eastern end)	The proposed upper level boundary wall consists of two parts. It is proposed to provide balustrading and solar panels along the first 8.4m section of this wall, above the existing boundary wall – this is to act as a privacy screen, which will be a total height of 2.5m above the upper level courtyard deck. The rear 7.0m section of the boundary wall will be of solid construction.

The owners of No. 12 Baker Street are currently building a boundary wall along the rear section of the common boundary, leaving a gap between the two boundary walls of 2.8m. The proposed development will remove that gap.

The applicant is proposing a combination of a privacy screen structure (2.5m above the deck level) on top of the existing/proposed boundary wall and a veranda/visual screen over the upper level deck courtyard to assist in screening the courtyard deck from the future tower that was approved to be constructed on No. 12 Baker Street. It is noted that there was no submission from the owners to the north of the development site.

Having regard to the Performance Criteria of LPP2.4, the proposed boundary wall will not adversely impact the development to the north through:

- overshadowing,
- loss of direct sunlight or ventilation to major openings to habitable rooms or outdoor living areas; or
- loss of views of significance.

If there is a potential impact, it will be the mass of the existing /proposed boundary wall on the northern boundary. The remaining Performance Criteria within this Policy requires Council to have regard to the:

- *sense of confinement due to accessible cumulative building bulk;*

The mass is ameliorated to a certain extent by the use of the balustrading and solar panels as a privacy screen. On balance, it is considered that the proposed height is excessive and the 2.5m high screening could be lowered to reduce its impact on 12 Baker Street and when viewed from the street. A condition of approval would normally be considered to address this issue, however, as this application is recommended for refusal, this issue has been added as a further reason for refusal.

Design Element 6.5.1 – Car parking

Required	Provided	Variation
2 car parking spaces	1 car parking space	1 car parking space

The development site is only 220sq m in area. It is proposed to provide 1 car parking space on the site, within the existing garage structure. The site is located in close proximity to public transport in Hampton Road which has a regular service. It is also possible to park in Baker Street in front of the development site without affecting traffic movement. Having regard to the above, it is considered that a car parking variation can be supported.

Design Element 6.9.1 – Solar access for adjoining sites

Maximum permitted overshadowing under Acceptable Standard	Proposed overshadowing	Variation
35% (77m ²)	55% (120m ²)	20% (42m ²)

A performance based assessment under Design Element 6.9.1P1 of the R-Codes is required. The objective of this design element is “To optimise comfortable living and facilitate sustainable development”. The Performance Criteria of the R-Codes requires development to be designed to protect solar access for neighbouring properties taking into account the potential to overshadow:

- outdoor living areas;
- major openings to habitable rooms;
- solar collectors; or
- balconies or verandahs.

The proposed development will result in overshadowing the only private north facing courtyard and a skylight window to the kitchen /family room. There are no solar collectors or balconies/verandahs impacted by the proposed development and as such, dot point 3 and 4 are not relevant in this instance.

Overshadowing can be caused by certain factors. In this instance, a combination of boundary walls on the southern boundary, side boundary setbacks and the design layout of the adjoining site have contributed to the adjoining site being overshadowed significantly by more the permitted levels under the R-Codes. The matter of boundary walls and setback variations for this development application has been discussed in a preceding section.

The proposed development does not meet the performance criteria of the R-Codes in that it does not protect solar access to the outdoor living area and a skylight which provides light to a kitchen/family area.

CONCLUSION

The applicants are seeking to construct a two storey development with boundary walls on both sides of the development. Whilst the R-codes and LPP 2.4 support boundary walls being built up against similar sized walls, this proposal involves boundary walls that are greater than the existing boundary wall on the southern boundary of the site. In addition to the boundary walls, the proposed southern boundary setback variation also contributes to the overshadowing of the only north facing private courtyard area of No. 80 South Street. It is considered that having regard to the adverse impact that the proposed development will have on the southern property, the application should be refused.

Whilst a minor issue compared to the overshadowing issue, and on balance, it has been recommended that the excessive height of the northern boundary wall be also included as a reason for refusal.

OFFICER'S RECOMMENDATION

That the application be REFUSED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the proposed Two Storey Single House with Basement at No. 14 (Lot 14) Baker Street, Beaconsfield, as detailed on the revised plans dated 6 September 2010 and 6 October 2010, for the following reasons:

- a) the proposed development will have an adverse and detrimental impact on the amenity of the No. 80 South Street as the proposal does not satisfy the Performance Criteria of:
 - i) the Residential Design Codes in relation to overshadowing and boundary setbacks; and
 - ii) Local Planning Policy 2.4 Boundary Wall in Residential Development.
- b) the overall height of the screening on top of the northern boundary wall is considered excessive.

COMMITTEE DECISION

Cr A Sullivan MOVED to defer the item to the next appropriate Planning Services Committee Meeting to allow officers to prepare an Alternative Recommendation for Approval.

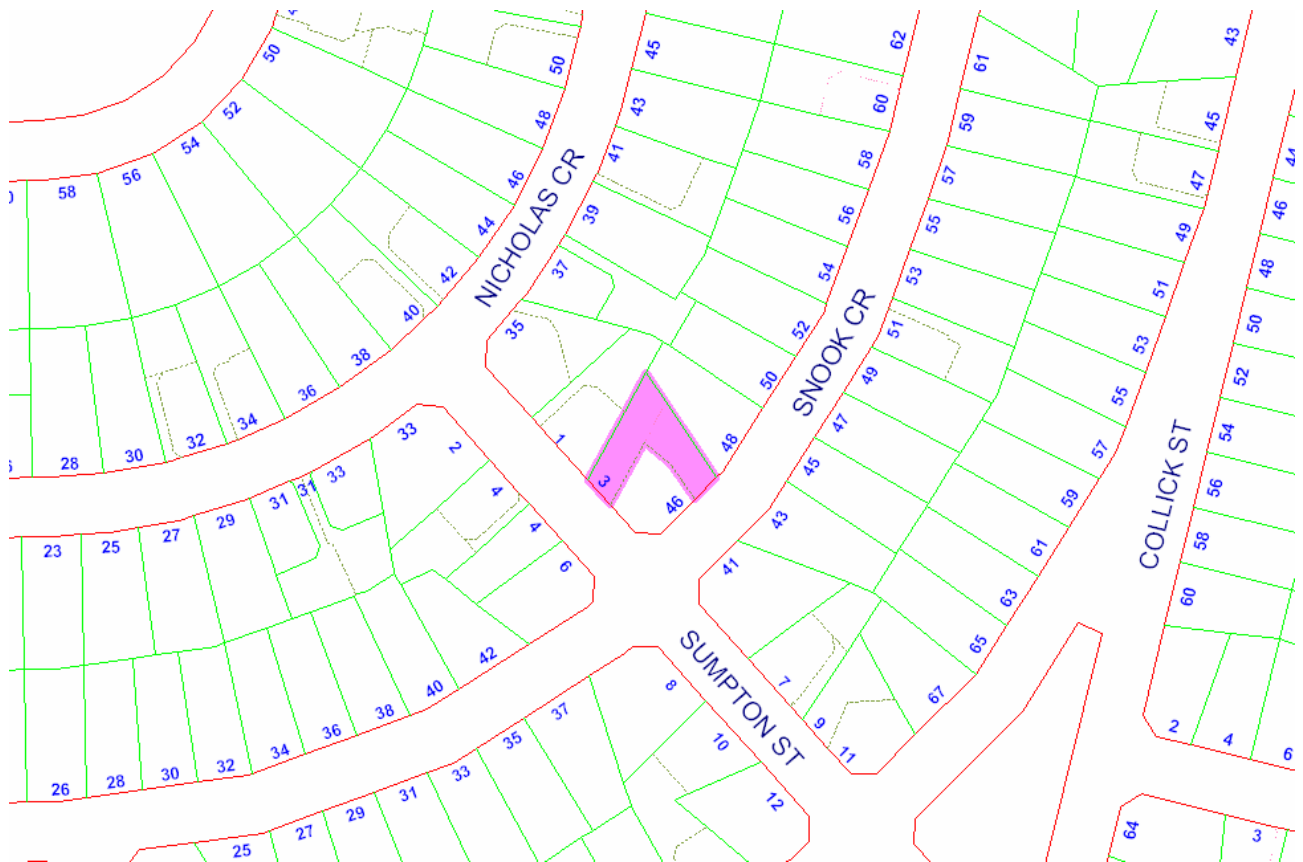
CARRIED: 6/0

For	Against
Mayor, Brad Pettitt Cr Andrew Sullivan Cr Tim Grey-Smith Cr Bill Massie Cr John Dowson Cr John Alberti	

Cr A Sullivan MOVED en bloc recommendations numbered PSC1010-196;PSC1010-197;PSC1010-198;PSC1010-199;PSC1010-202;PSC1010-203;PSC1010-204;PSC1010-205.

PSC1010-196 SUMPTON ROAD, NO. 3 & SNOOK CRESCENT, NO. 46A, HILTON - PROPOSED TWO SINGLE STOREY GROUPED DWELLINGS (AH DA0602/09)

DataWorks Reference: 059/002
Disclosure of Interest: Nil
Responsible Officer: Manager Development Services
Actioning Officer: Planning Officer
Decision Making Level: Planning Services Committee
Meeting Date: 20 October 2010
Previous Item Number/s: Nil
Attachments: 1. Revised Development plans (6 September 2010)
Date Received: 3 November 2009
Owner Name: A. & N Jardim
Submitted by: Ventura Homes Pty Ltd
Scheme: Residential – R20/R25
Heritage Listing: N/A
Use Class: Grouped Dwelling
Use Permissibility: D



EXECUTIVE SUMMARY

The application is presented before the Planning Services Committee as the applicant is seeking Planning Approval for the erection of two grouped dwellings on an existing green-title 'L' shaped lot which has resulted in variations being sought from the R-Codes, LPP 2.2 and D.G. H3.

Amended plans submitted 6 September 2010 have addressed the concerns raised by neighbours through the removal of all boundary walls and also brings the proposal close to compliance with the above statutory provisions.

The remaining variations to the R-Codes and Local Policies are considered minor and can be supported.

As such it is recommended that the application be Approved.

BACKGROUND

The site is known as No. 3 Sumpton Road & No. 46A Snook Crescent, Hilton and comprises a vacant lot created from the survey strata subdivision of the original parent lot of No. 46 (Lot 800) Snook Crescent, Hilton.

The site is zoned Residential R20/R25. The property is not on the City of Fremantle's heritage list or municipal heritage inventory.

The site is within the Hilton Local Planning Policy Area (D.G. H3) and also the Hilton Local Planning Area (LPS 7).

A subdivision was approved by the Western Australian Planning Commission (WAPC) on the 22 August 2005 for two freehold (green-title) lots. The original dwelling being retained and a second lot created along the western portion of the site. This subdivision approval was not acted upon.

On 8 February 2007 WAPC granted approval for a two lot freehold (green-title) subdivision with a modified design to that approved on 22 August 2005. The most recent subdivision approval creating a 517m² lot with the existing dwelling being retained and an 'L' shaped lot of 760m² being the remaining lot which 'wrapped around' the existing dwelling. This remaining lot is subject to this application for the two grouped dwellings and would further result in a lot facing Sumpton Road being 440m² and a lot facing Snook Crescent being 321.57m².

This subdivision approval has been acted upon and thus the site now consists of two freehold titles.

DETAIL

An application was received on the 3 November 2009 for two single storey grouped dwellings to be erected on larger 'L' shaped lot that 'wraps around' the existing dwelling. Following consultation and discussion with planning officer's the applicant has submitted revised plans, dated 6 September 2010 with the following alterations:

- Removal of all boundary walls (minimum 1.0m setback maintained to all sides);
- Reduction to single width garages (previously double garages);
- Increase of street setback to 7.0m to front façade (verandahs extend in parts to ~6.0m)

Unit 1 (western lot) would comprise:

- Four bedrooms, two bath with single garage, theatre room and open plan kitchen, meals and family rooms with attached alfresco area).
- Maximum wall height of 3.5m, majority of dwelling at 2.65m in height;
- 7.028m street setback with 5.68m setback of verandah.

Unit 2 (north-eastern lot) would comprise:

- Three bedrooms, two bath with single garage and open plan kitchen, meals and family rooms (with attached alfresco area).
- Maximum wall height of 3.5m, majority of dwelling at 2.65m in height;
- 7.45m street setback with 6.044m setback of verandah.

The dwellings require a performance based assessment due to a variations to the R-Codes, the provisions of Hilton Local Planning Area Policy (D.G. H3) and Local Planning Policy 2.2 – Split Density Codes and Energy Efficiency and Sustainability Schedule.

STATUTORY AND POLICY ASSESSMENT

Residential Design Codes (2008)

The development plans have been assessed against the Acceptable Development criteria set out within the R-Codes and it is considered that the proposed plans comply the Acceptable Development requirements of the R-Codes with exception to Design Element (DE) 6.3.1 – Setback of buildings from the boundary.

Council Policies

- Local Planning Policy 2.2 – Split Density Codes and Energy Efficiency and Sustainability Schedule (LPP 2.2); and
- D.G. H3 – Hilton Local Area Planning Policy (D.G. H3).

CONSULTATION

The application was required to be advertised in accordance with Clause 9.4 of the LPS 4 and LPP 1.3 – Public Notification of Planning Approvals. The application was advertised to the surrounding property owners and by the close of submissions, being the 27 January 2010, the City had received two submissions with the following concerns:

- Having recently purchased and installed new colour bond fencing (November 2009) to the west of my property (~ 50% of the fence between my house and the proposed unit) I seek clarification of intent regarding fencing between these two properties. I seek confirmation that the existing fencing will remain.
- I have concern that the proposed unit 2 is to be built up to the boundary of my property; and in particular that:

- A. The gap between my roofline and the proposed unit roof is only ~1 metre;
 - B. The gap between my bedroom 3 and the proposed unit bedroom one is only ~1.5 metres;
 - C. The proposed bedroom to the boundary will reduce light to my bedroom 3 (on both sides);
 - D. The view from my kitchen / main living area being 45cm higher than the ground and with a further internal step of an additional 10cm will result in a view directly into the proposed property; and,
 - E. The overall clustering of both proposed units and my existing property will create a “well” given both proposed properties are to be built so close to the boundary and my rear garden is not particularly large.
- In summary I always expected property to be built on the two vacant blocks adjoining our property however I had not anticipated that both proposed dwellings would be built up to the boundary wall. There is a real concern that by building both new properties so close to our existing home – you could walk from roof to roof – this will create a cluster of three houses that is not particularly in keeping with other developments in Hilton and might negatively impact our property value.
 - The most contentious aspect of the planning proposal is the boundary wall issue. The proposal to remove a section of the dividing fence and replace it with a 2.6m high, 7m long brick garage wall is also a very vexing and objectionable issue. Therefore we suggest that the garage wall be wholly located on the property of 3 Sumpton Street.
 - The proposed post and slab retaining walls running in parts along the fence line are not sufficiently explained in words or graphics on the proposed drawings. In keeping with our contention that the fence line stays intact our position on the retaining walls is as follows:
 - The retaining walls to be erected wholly on the property of 3 Sumpton Street;
 - No damage should occur to the dividing fence, trees or landscaping during the construction of the retaining walls and any damage that may occur should be rectified immediately at no expense to us;
 - The retaining walls on completion should not exceed the height of the dividing fence at any point along the whole length of the dividing fence.
 - In general we feel the proposal to build a single storey dwelling on the vacant land at 3 Sumpton Street is commensurate with the spirit of our Garden Suburb and will add value to the streetscape and the suburb as a whole. Sometimes it is quite un-nerving living next to a vacant block – especially one that has been vacant for a number of years.

PLANNING COMMENT

Local Planning Scheme No. 4

The application has been assessed against the provisions of LPS 4 and is considered to comply.

Local Planning Area 7 – Hilton (LPA 7)

The application has been assessed against the R-Codes and is considered to meet the Acceptable Development requirements of Design Element (DE) 6.7.1 – Building Height and as such complies with LPA 7.

Residential Design Codes of WA (2008)

Required Setback (Unit 2 – Southern Boundary)	Originally Proposed Setback	Amended Setback
1.5m	0.0m	1.0m

The application is considered to comply with the Acceptable Development requirements of the R-Codes with exception to DE 6.3.1 – Buildings setback from the boundary and as such requires assessment against the Performance Criteria which states:

Buildings setback from boundaries other than street boundaries so as to:

- *provide adequate direct sun and ventilation to the building;*
- *ensure adequate direct sun and ventilation being available to adjoining properties;*
- *provide adequate direct sun to the building and appurtenant open spaces;*
- *assist with protection of access to direct sun for adjoining properties*
- *assist in ameliorating the impacts of building bulk on adjoining properties; and*
- *assist in protecting privacy between adjoining properties.*

The setback variation is due to the location of a major opening, in the form of a bedroom window being located on the southern elevation.

In assessing the impact of the variation on the adjoining property it is considered that due to the building being single storey there will be adequate light and ventilation maintained to both the proposed dwelling and the adjoining property. The adjoining property has an outdoor living area located adjacent to a portion of the proposed wall subject to the setback variation, and as such adequate separation between the buildings will be maintained. Furthermore the subject wall extends to the front façade and the adjoining property at this point uses this area for car-parking and as such its impact to the southern property is considered acceptable. For these reasons, the setback variation of 0.5m is considered to meet the Performance Criteria and as such is supported.

Local Planning Policy

Local Planning Policy 2.2 – Split Density Codes and Energy Efficiency and Sustainability Schedule

LPP 2.2 sets out various design requirements to be met where properties have been subdivided at a higher density code and a restrictive covenant applied to the newly created lot. In this instance, the proposed grouped dwelling application can only proceed due to the higher density code being applied and as such the provisions of LPP 2.2 apply.

The dwellings have been assessed against the provisions of LPP 2.2 and the following elements are not met:

- Minimum 500mm eaves (No eaves to garages or southern elevations); and
- Setback of 4m from the northern boundary (Unit 2 provides 1.2m – 6.0m).

The proposed variations are however considered minor as eaves to southern elevations would not have any impact on the ability to protect the building from direct sunlight. The lack of eaves from the garages is not considered essential as the garages are internally separated from the remainder of the dwelling and furthermore contain no openings that would allow sunlight penetration. Therefore, the lack of eaves on these parts of the building, in this instance is considered acceptable.

The variation to the northern setback of 4m by Unit 2 is partially due to the lot shape and layout and as such the dwelling achieves a greater than 4.0m setback for part of the rear garden area and the setback reduces as the lot shapes towards the dwelling along the southern side. The portion of the building which achieves a setback greater than 4.0m is located at the north-western corner and adjoins the alfresco area and associated open plan kitchen, meals and family areas of the dwelling and as such is considered the most appropriate location for the majority of the setback area to comply. Furthermore, the applicant is proposing cavity insulation on top of the existing double brick wall along these northern facing walls and as such the setback variation is compensated for by this measure. For these reasons the variations to LPP 2.2 are considered acceptable and can be supported.

D.G. H3 - Hilton Local Planning Area Policy

The application has been assessed against the provisions of D.G. H3 which sets out various design guidance for differing types of development. D.G. H3 sets out specific design guidance for 'New Development.'

The proposal has been assessed against the criteria for 'New Development' and is considered to comply, except with regard to points 5.1.3 (e) & 5.1.5.

5.1.3 – Form / Proportion

5.1.3, part (e) states:

All front rooms to contain windows to the street with a horizontal emphasis

The application includes front windows as part of the main bedrooms facing the street, however they are in the vertical emphasis rather than horizontal. As the windows are both from the same room it is considered that this element could be modified to comply and as such a condition is recommended to require the front windows to have a horizontal emphasis.

5.1.5 – Positioning

5.1.5 states:

Ideally the floor level of all new dwellings on the street frontage shall be raised a minimum 500mm above the ground with the following provisions:

- a) *The area around new dwellings shall be maintained at the natural ground level, and*
- b) *Large infill and retaining walls will not be supported.*

The dwellings have not been raised by a minimum of 500mm as this would trigger privacy provisions of the R-Codes and would also render the building over-height in relation to the Hilton Policy. However, the front elevations of the buildings have been provided with increased wall heights to the main bedrooms which face the street and as such the effect of the building having an elevated presence to the street has been reflected with this design element. Therefore, as part of the building 'sits up in the street' it is considered that this requirement has been met in part and can be supported.

The variations to D.G. H3 are considered minor in their effect on the appearance of the dwellings and it is considered that the variations can be supported.

RESPONSE TO SUBMISSIONS

At the close of the advertising period the City received two submissions with common concern for the boundary walls and retaining affecting fencing. In response to the submissions:

- The builder has been contacted regarding the fencing and its possible removal and has stated that where appropriate fencing exists no new or replacement would be required. However, the issue of dividing fencing between neighbours is not governed by the City and instead is dealt with by the Dept. of Housing whose preference is for neighbours to consult regarding any new or replacement fencing.
- All boundary walls have since been removed from the application as set out in the amended plans dated, 6 September 2010. The application now complies with the required setbacks except for a portion of the southern boundary of Unit 2, therefore requiring a performance based assessment.

Retaining walls shown on the plans dated 6 September 2010 are less than 0.5m in height and therefore considered permitted development. All retaining is required to be built within their property boundary.

CONCLUSION

The applicant is seeking to erect two grouped dwellings on an existing green-title lot with an 'L' shape configuration.

The applicant is proposing a number of variations to the R-Codes, LPP 2.2 and D.G. H3 however given the constraints of the site, significant modifications made to the proposal and the proposal generally meeting the intent of the D.G. H3 policy, are considered appropriate and can be supported.

Therefore, it is considered that the application be Approved.

OFFICER'S RECOMMENDATION AND COMMITTEE DECISION

MOVED: Cr A Sullivan

That the application be **APPROVED** under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Proposed Single Storey Grouped Dwellings at No. 3 Sumpton Road and No. 46/A Snook Crescent (Lot 801), Hilton, with the following conditions:

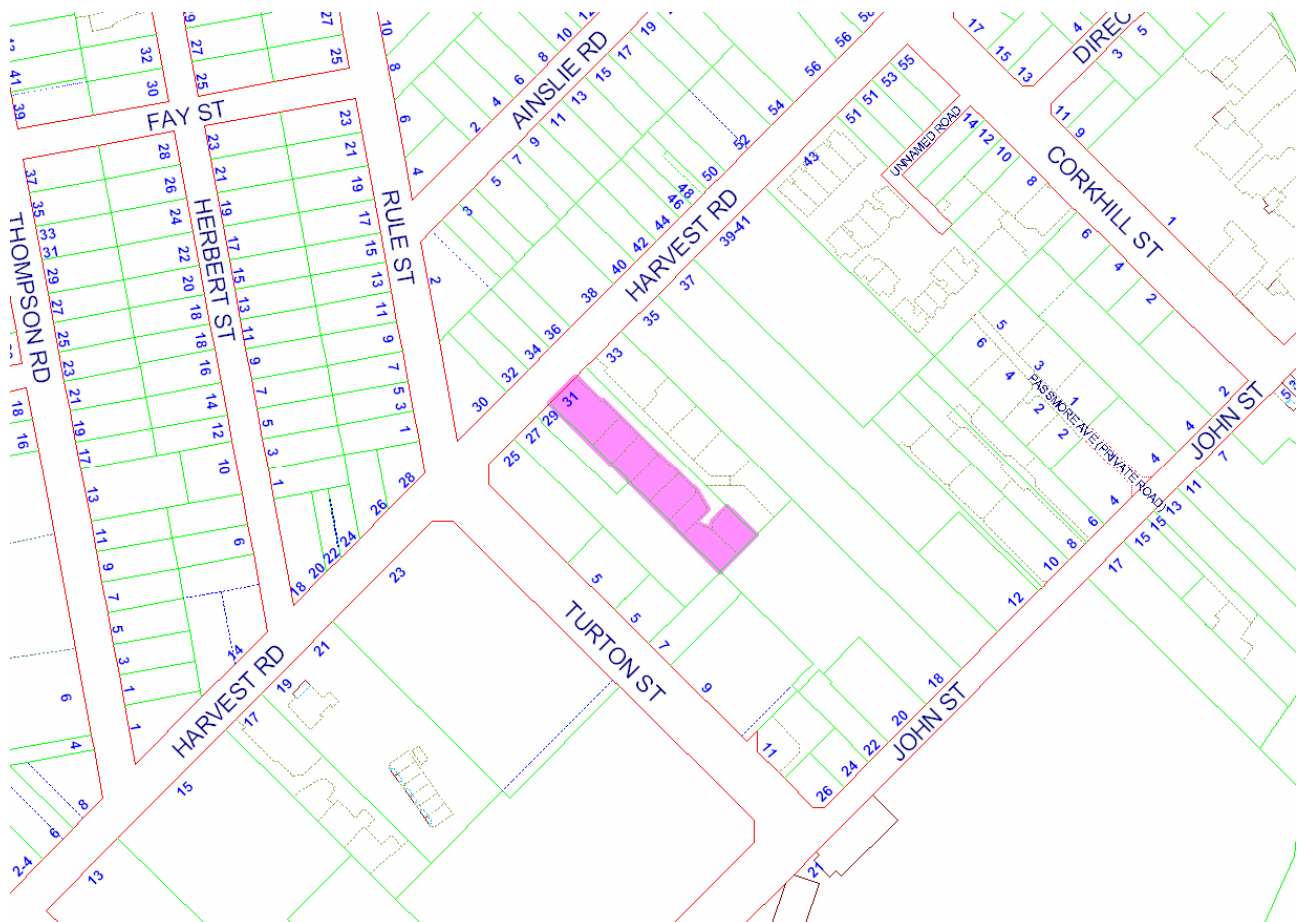
1. This approval relates only to the development as indicated on the approved plans, dated 6 September 2010. It does not relate to any other development on this lot.
2. All front rooms to contain windows to the street with a horizontal emphasis.
3. All storm water discharge shall be contained and disposed of on-site.
4. Prior to occupation, insulation (minimum R4 roof insulation and minimum R2.5 wall insulation) shall be installed and maintained thereafter.
5. Prior to occupation, a gas boosted solar hot water system shall be installed and maintained thereafter.
6. Prior to occupation, ventilators in the roof void (above the insulation layer) shall be installed and maintained thereafter. Ventilators shall be capable of being closed during winter conditions.
7. Prior to occupation, an approved grey-water reuse system that collects grey water from the laundry and bathroom and re-directs it for garden irrigation/ground water recharge shall be installed and maintained thereafter.
8. Prior to occupation the installation of water-efficient fixtures, including 3A-5A rated taps, toilets and showerheads shall be installed and maintained thereafter.

CARRIED: 6/0

For	Against
Mayor, Brad Pettitt Cr Andrew Sullivan Cr Tim Grey-Smith Cr Bill Massie Cr John Dowson Cr John Alberti	

**PSC1010-197 HARVEST ROAD, UNITS 1-8, NO. 31 (STRATA PLAN S040912)
NORTH FREMANTLE - AMENDMENT TO PREVIOUS PLANNING
APPROVAL DA859/02 (JWJ DA0301/10)**

DataWorks Reference: 059/002
Disclosure of Interest: Nil
Meeting Date: 20 October 2010
Responsible Officer: Manager Development Services
Actioning Officer: Planning Officer
Decision Making Level: Planning Services Committee
Previous Item Number/s: None
Attachment 1: Development Plans (June 2010)
Attachment 2: Arboricultural Report (September 2010)
Date Received: 18 June 2010
Owner Name: The Owners of 31 Harvest Road – Strata Plan 40912
Submitted by: John Dethridge Strata Services
LPS4: Residential R35
Heritage Listing: Management Category Level 3 – 14/10/2000
Existing Landuse: Grouped Dwellings
Use Class: Residential
Use Permissibility: 'D'



EXECUTIVE SUMMARY

The City of Fremantle is in receipt of an application which seeks amendment to previous Planning Approval DA859/02 for Units 1-8, No. 31 Harvest Road, North Fremantle by removing trees indicated on the approved landscaping plan to be retained.

The amendment is supported and recommended for approval.

BACKGROUND

The subject site is zoned Residential under the provisions of the City of Fremantle's (the City) Local Planning Scheme 4 (LPS4) and has a density coding of R35. The site is listed on the City's Heritage List and Municipal Heritage Inventory (MHI) as a Management Category Level 3, in relation to the dwelling at Unit 1. The site is located within the North Fremantle Heritage Precinct which is a designated Heritage Area in accordance with clause 7.2 of LPS4.

The site is located on the south eastern side of Harvest Road, North Fremantle and incorporates a north west – south east orientation. The total area of the site is approximately 1,508m² with 406.4m² of Common Property. The site improved by eight Grouped Dwellings with vehicle access provided by a Common Property driveway.

A review of the property file found the following relevant planning background:

- On 19 October 2000, the City granted Planning Approval for Alterations to the Existing Dwelling and Eight Grouped Dwellings – Bonus Density at No. 31 (Lot 1) Harvest Road, North Fremantle (DA39/99).
- On 9 November 2009, the Western Australian Planning Commission (WAPC) endorsed a survey strata plan for eight lots with Common Property at 31 Harvest Road, North Fremantle;
- On 6 August 2002 the City granted Planning Approval regarding Amended Plans to No. 31 (Lot 1) Harvest Road, North Fremantle (DA386/02) for minor amendments to layout design;
- On 12 March 2003 the City granted Planning Approval regarding Amended Plans to Units 4, 7 and 8, No. 31 Harvest Road, North Fremantle (DA859/02) for minor amendments to layout design;

DETAILS

On 18 June 2010, the City received a development application for the amendment to the landscaping plan associated with the previous planning approval at Units 1-8, No. 31 (Strata Plan S040912) Harvest Road, North Fremantle.

Previous planning approval DA859/02 contains a condition requiring:

7. A detailed landscape and reticulation plan shall be submitted prior to the issue of a building licence showing the following:

(a) Proposed trees, shrubs and lawns to be installed.

- (b) *Proposed trees, shrubs and lawn to be installed to the street verge.*
- (c) *Proposed vegetation along the front boundary.*
- (d) *Proposed trees, shrubs and lawns to be installed along the accessway of the property.*
- (e) *Existing trees and vegetation areas to be retained.*
The landscaping (including retention of identified existing trees) and reticulation shall be planted / installed to the satisfaction of The Director Urban Management prior to occupancy and maintained thereafter.

The applicant requests the previous planning approval be amended pertaining to the landscape plan and retention of trees in order to remove trees located on the boundary between No. 31 and 33 Harvest Road. All six trees are identified as West Australian Peppermints (*Agnolius flexuosa*). The following issues have been raised by the applicant regarding the required retention of the trees:

- Some slowly dying with no chance of recovery;
- Dying trees structurally unsound and could potentially cause damage to property during wild weather;
- Larger trees overgrowing from 31 Harvest Road across boundary to 33 Harvest Road;
- Trees impacting on structural integrity of boundary fence.

CONSULTATION

Community

The application was advertised in accordance with clause 9.4 of the LPS4. At the conclusion of the advertising period, being 9 July 2010, the City had received one submission, which:

- Raised no objection to the removal of unhealthy trees (ie the first tree on the driveway from Harvest Road);
- Raised objection to the healthy trees being removed, and proposed they be trimmed and treated, instead of complete removal, as they provide shade and contribute to the site's amenity.

Further discussion is contained in the Planning Comment section of this report.

Arboricultural Report

On 23 September 2009, the applicant submitted an arboricultural report at the City's request to further inform the City's decision regarding the proposed amendment to previous planning approval and subsequent removal of the trees. The report states:

- Four of the six trees are in poor health and not likely survive much longer;
- Efforts to improve health of these trees expected to be of little to no benefit given current poor state;
- Two remaining trees considered within realms of management at this stage and retention supported;

- Larger tree may start to decline in health due to presence of borer and if this should occur, future retention in this area will need to be reviewed.

City of Fremantle Parks and Landscapes

The application was referred to the City's Parks and Landscape Services regarding the proposed development and arboricultural report. Parks and Landscape Services requested an arboricultural report be undertaken by the applicant to provide further information in determining the application.

The submitted arboricultural report was referred to Parks and Landscapes on 29 September 2010, who supported the recommendations contained in the report.

City of Fremantle Building Services

A site visit was undertaken on 2 September 2010 by officers from the City's Planning and Building Services departments. Building Services provided their comments, which stated:

- The trees are having a detrimental impact on the fencing and potentially adverse impact on the pavement on each side of the boundary (between 31 and 33 Harvest Road);
- Fencing issues could be managed as they have been to date, with periodic repairs to the fence to accommodate changes to trees and monitoring any disruption to pavement area and deal with it if issue arises;
- If trees are found to be unhealthy and beyond treatment, then it would be prudent to remove and protect adjacent properties and people should they fall;
- If trees can be saved by appropriate treatment and that there are no building control reasons to authorise removal of the trees, fencing issues should be able to be managed.

PLANNING COMMENT

As mentioned previously, the trees on site were required to be retained as part of the landscaping plan in accordance with the Planning Approval granted for DA859/02.

The applicant requests the amendment to previous Planning Approval DA859/02 for the retention of the trees due to the current failing health of the trees and potential impacts and damage to property should they be required to be retained. The applicant has indicated that the owners intend to replace the trees, with vegetation which will create a minimal impact upon the structural integrity of the dividing fence.

The proposed amendment to Planning Approval DA859/02 is supported in order to allow for the unhealthy trees to be removed.

Condition 7 will be amended to state:

7. *An amended landscaping plan be submitted prior to removal of the trees indicating areas of revegetation located on the eastern boundary of the Common Property of Strata Plan S040912, to replace the removed trees*

which are to be planted with appropriate species and maintained to the satisfaction of the Chief Executive Officer, City of Fremantle.

CONCLUSION

The proposed amendment to condition 7 of previous Planning Approval DA859/02 is supported and is recommended for approval.

OFFICER'S RECOMMENDATION/COMMITTEE DECISION

MOVED: Cr A Sullivan

That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Amendment to Previous Planning Approval DA859/02 at Units 1-8, No. 31 (Lots 1-8 on Strata Plan S040912) Harvest Road, North Fremantle, subject to the following condition(s):

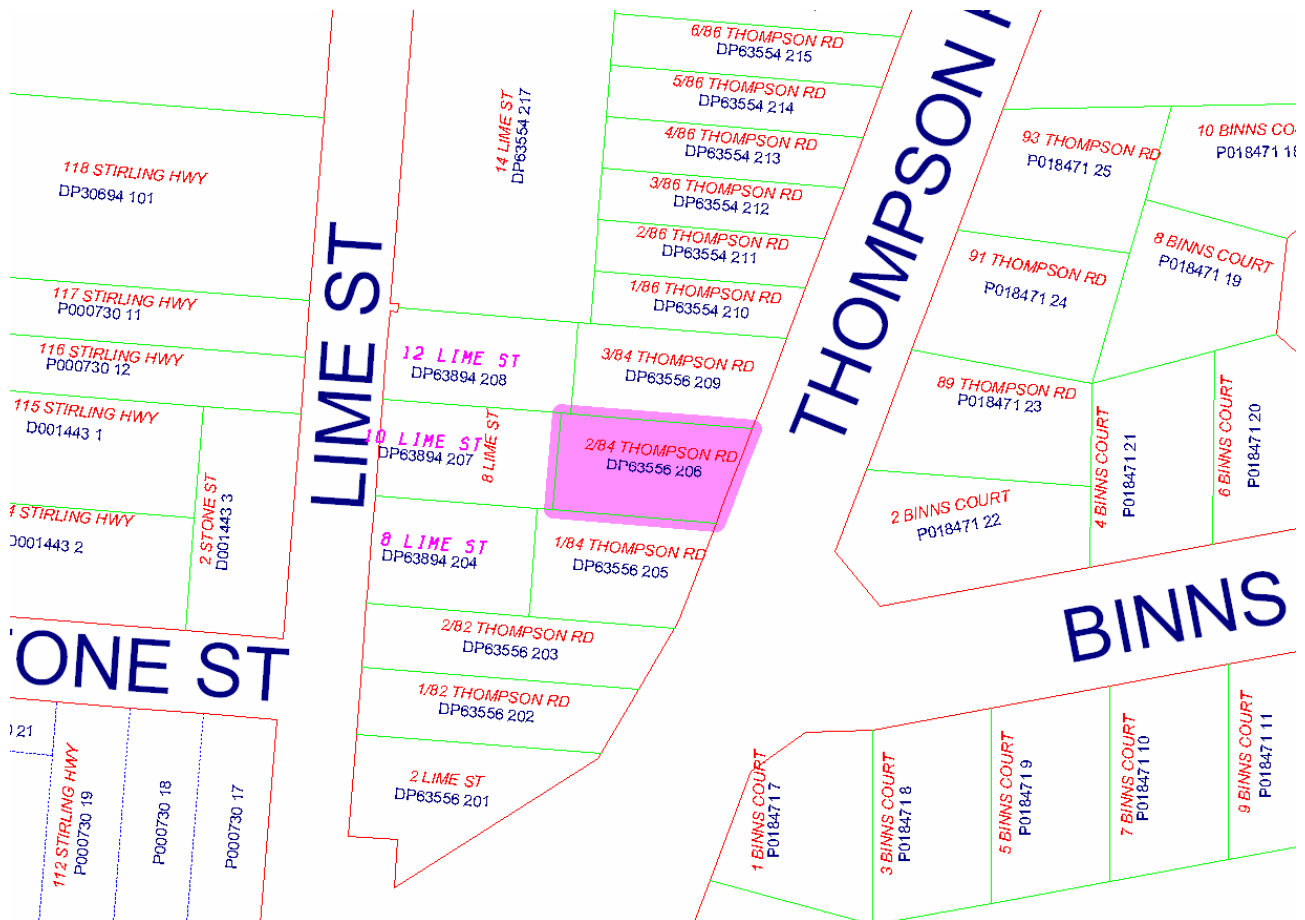
- 1. That Council amend condition 7 of the Planning Approval granted 12 March 2003, for No. 31 (Lots 1-8 on Strata Plan S040912) Harvest Road, North Fremantle (ref: DA859/02) to state:**
- 7. An amended landscaping plan be submitted prior to removal of the trees indicating areas of revegetation located on the eastern boundary of the Common Property of Strata Plan S040912, to replace the removed trees which are to be planted with appropriate species and maintained to the satisfaction of the Chief Executive Officer, City of Fremantle.**

CARRIED: 6/0

For	Against
Mayor, Brad Pettitt Cr Andrew Sullivan Cr Tim Grey-Smith Cr Bill Massie Cr John Dowson Cr John Alberti	

PSC1010-198 THOMPSON ROAD NO.2/84 (LOT 206), NORTH FREMANTLE - TWO STOREY SINGLE HOUSE (MS DA0354/10)

DataWorks Reference: 059/002
Disclosure of Interest: Nil
Meeting Date: 20 October 2010
Responsible Officer: Manager Development Services
Actioning Officer: Planning Officer
Decision Making Level: Planning Services Committee
Previous Item Number/s: Nil
Attachments: Development Plans
Date Received: 23 July 2010
Owner Name: N. Jessup and K. Mathers
Submitted by: Pure Base living
Scheme: Mixed Use (R25)
Heritage Listing: Nil
Existing Landuse: Single House
Use Class: Residential
Use Permissibility: 'A'



EXECUTIVE SUMMARY

The application is presented to the Planning Services Committee due to the discretionary decision sought by the applicant; furthermore the development is anticipated to establish a precedent within the southern end of the Barrymores site.

The applicant is seeking Planning Approval for a two storey Single House at No.2/84 Thompson Road, North Fremantle.

The application is recommended for refusal, as the proposal is considered to be inconsistent with the Performance Criteria of Design Element 6.3.1 Buildings setback from boundary and 6.9.1 Solar access for adjoining sites.

BACKGROUND

The site is zoned 'Mixed Use' under the City of Fremantle Local Planning Scheme 4 (LPS4), and is located in the city block bounded by Christina Parade, Lime Street, and Thompson Road. The site is not listed on the City's Heritage List but is located within the North Fremantle Heritage Precinct, a designated Heritage Area in accordance with clause 7.2 of LPS4.

The subject site is located on the western side of Thompson Road, North Fremantle with an east-west orientation. The topography on site is relatively flat as the site has been graded and levelled through subdivision. The subject site is currently vacant.

Planning approval was granted on 7 December 2004 (DA585/01) under former Town Planning Scheme 3 (TPS3), for the development of 24 residential units (grouped dwellings) on the parent site formerly addressed as No. 86 Thompson Road, North Fremantle. This approval included the demolition of existing warehouse buildings on site, and the subsequent development of 16 units, with the retention and conversion of another existing warehouse building into 8 additional residential units. There is an extensive planning history relating to this site, and for the purpose of clarity, this report does not elaborate on the full history, other than those events that are specifically relevant to the subject site.

The subject site forms part of the subdivision of No.86 Thompson Road, approved on the 12 May 2005. The applicant was awarded a density bonus for the removal of a non conforming use. As a result the subdivision of No.86 Thompson Road was approved with undersized lots inconsistent with R-Coding of the Site.

The subject site has an area of approximately 271m², which is 49m² less than the required 320m² minimum area requirements for a subdivision at an R25 density. Accordingly the subject site is more consistent with an R30 density.

DETAIL

On 23 July 2010, the City received a development application for a two storey Single House at No.2/84 Thompson Road, North Fremantle. The dwelling is to be of a two storey rendered brick construction with access provided from Thompson Road.

The subject site is burdened by a Western Power easement located in the front setback area. Accordingly the easement restricts development within this area to smaller scale structures.

The development plans are enclosed as an attachment to this report (attachment 1).

CONSULTATION

The application was required to be advertised in accordance with Clause 9.4 of LPS4 and the City's L.P.P1.3 *Public Notification of Planning Proposals* as the applicant is seeking discretionary decisions in relation to the R-Codes and Council Policy. Notice of the proposed development was served on adjacent and nearby owners and occupiers. At the conclusion of the advertising period, being 16 August 2010, the City had received no submissions.

STATUTORY AND POLICY ASSESSMENT

Residential Design Codes

The development has been assessed against and complies with the relevant 'Acceptable Development' criteria of the R-Codes with the exception of Design Element 6.3.1 Buildings setback from boundary, 6.3.2 Buildings on boundary and 6.9.1 Solar access for adjoining sites.

Council Policy

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

- L.P.P2.4 Boundary Walls in residential development;
- D.G.N3 Stirling Highway, Thompson Road, Coventry Parade and Craig Street Local Area;
- L.P.P3.10 Thompson Road.

The assessment against L.P.P2.4 *Boundary Walls in Residential Development* and L.P.P3.10 *Thompson Road* is discussed further in the 'Planning Comment' section below.

The application has been assessed against and is considered to comply with the relevant requirements of D.G.N3 *Stirling Highway, Thompson Road, Coventry Parade and Craig Street Local Area*.

PLANNING COMMENT

The applicant is seeking discretionary decisions in relation to Design Element 6.3.1 Buildings on Boundary and 6.9.1 Solar Access for Adjoining Sites. As a result, these components require an assessment against the respective Performance Criteria of the R-Codes.

The discretionary decisions sought are discussed further below:

Overshadowing

	Maximum Permitted	Provided	Variation
Shadow Cast (as per R25)	25% (67.75m ²)	35.6% (97.32m ²)	10.6% (29.57m ²)

The proposed dwelling located on the subject site will overshadow the southern adjoining property is in excess of the maximum requirements stipulated in Design Element 6.9.1 of the R-Codes. As a result, this component requires an assessment against the Performance Criteria of Design Element 6.9.1, which state:

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

- *outdoor living area;*
- *major opening to habitable rooms;*
- *solar collectors; or*
- *balconies or verandahs”.*

As previously mentioned, the subject site is of a site area less than that normally associated with a R25 density coding (i.e. less than the minimum lot size of 320sqm). The site area of the subject site and adjoining sites at 271m² are consistent with the prescribed site areas of a R30 density coding. The R-Codes permit overshadowing of adjoining properties with a density coding of R30 up to 35%. Therefore the level of overshadowing proposed would be a variation of 0.6% to the density coding consistent with the site area.

The City’s L.P.P3.10 has recognised this inconsistency between the site area and zoning thus provides more relaxed requirements in respect to the Acceptable Development requirements of the R-Codes. The requirements of L.P.P3.10 are more in line with the density of the subdivision as opposed to the applied coding, however the Council is unable to amend the overshadowing requirements of the R-Codes thus this element remains unchanged.

In addition to the reduced density requirements, the subject site also has a Western Power easement that burdens the front of the site. Accordingly the easements restrict the developable area of the subject site so development is concentrated closer to the rear of the site.

The site to the south has not yet been sold from the initial developer nor have plans been received for the development of the site, therefore it is difficult to comprehend the potential impacts the overshadowing may have on the southern adjoining property. The aforementioned constraints on the site can be attributed as much to the proposed overshadowing the proposed development itself.

Notwithstanding, it is anticipated that the shadow cast by the proposed development is likely to restrict the ability for the southern adjoining site to provide an adequate outdoor living area with northern aspect. Accordingly it is considered that on balance the development does not meet the Performance Criteria of this Design Element.

Boundary Setbacks

The applicant is proposing the following departures from the Acceptable Development Criteria of Design Element 6.3.1:

Required	Provided	Variation
<u>Western Elevation</u> Ground Floor – 1.5 metres	<u>Western Elevation</u> Ground Floor – 1 metre	<u>Western Elevation</u> Ground Floor – 0.5 metres
<u>Northern Elevation</u> Upper Floor – 2.1 metres	<u>Northern Elevation</u> Upper Floor – 1.2 metres	<u>Northern Elevation</u> Upper Floor – 0.9 metres
<u>Southern Elevation</u> Upper Floor – 1.6 metres	<u>Southern Elevation</u> Upper Floor – 1.4 metres	Upper Floor – 0.2 metres

The proposed reduced setbacks have been assessed against the Performance Criteria of Design Element 6.3.2.

The Performance Criteria of the R-Codes relating to boundary setbacks state:

“Buildings setback from boundaries other than street boundaries so as to:

- *provide adequate direct sun and ventilation to the building;*
- *ensure adequate direct sun and ventilation being available to adjoining properties;*
- *provide adequate direct sun to the building and appurtenant open spaces;*
- *assist with protection of access to direct sun for adjoining properties;*
- *assist in ameliorating the impacts of building bulk on adjoining properties; and*
- *assist in protecting privacy between adjoining properties.”*

Western Boundary Setbacks

The proposed boundary setbacks are considered to provide for direct sun and ventilation to the proposed dwelling as well any future dwelling located on the western adjoining site. As the component associated with the reduced setback is to be single storey, the proposal is not anticipated to significantly impact on the amenity of the adjoining property nor restrict the development potential of the adjoining lot. Furthermore, as the wall is aligned from north to south the proposed wall will not overshadow the western adjoining site.

Overall the proposed western boundary setback is considered to satisfy the Performance Criteria of the R-Codes.

Northern Boundary Setback

The proposed boundary setback is considered to provide for direct sun and ventilation to the proposed dwelling as well as the dwelling on the adjoining site.

The proposed departure from the required boundary setbacks is not anticipated to significantly impact on the amenity of the adjoining property nor restrict the development potential of the adjoining lot.

Overall the proposed western boundary setback is considered to satisfy the performance criteria of the R-Codes.

Southern Boundary Setback

The proposed setback is not anticipated to limit ventilation to the subject site nor the southern adjoining property.

Whilst the variation proposed is minor in nature, the issue of maintaining access to sunlight is difficult to address in this circumstance. It is acknowledged that the proposed setback variation will restrict access to sunlight for the southern adjoining property; however this cannot be considered without recognising the difficult constraints on the site. As discussed previously, the site is of an east-west orientation, of a lesser density coding than the relative site area and is burdened by a 6m easement at the front of the site.

The impact caused on the southern adjoining neighbour is difficult to anticipate as there is no development on this site, nor has any Planning Application been received to develop the site to date. The development was advertised to the southern adjoining owner who did not submit any comments. Notwithstanding, given that the site is vacant, there is capacity for the future development of the southern adjoining site to be designed so as to minimise the impact on the subject property.

Notwithstanding, it is considered that the proposal does not meet the Performance Criteria of the R-Codes as the wall may contribute to an impact on the amenity of the southern adjoining neighbour.

Buildings setback from boundary

The applicant is proposing a boundary walls to be located on the northern and southern boundaries of the subject site. The wall to be located on the northern boundary is to be 9.86m in length and 3.4m in height. Furthermore the wall proposed on the southern boundary is to be 7.99m in length and 3.4m in height located forward on the subject site.

The proposed boundary walls do not abut an existing constructed boundary wall of similar or greater dimension and are not specifically permitted under LPS4 or any other Council Policy, as a result requires a performance based assessment. Council's LPP 2.4 states:

"When considering an application under the performance criteria in clause 6.3.2P2 of the Residential Design Codes, the Council is required to consider a number of specified matters, including whether a boundary wall is desirable in order to not have any significant adverse effect on the amenity of the adjoining property".

The proposed boundary walls were advertised to the northern and southern adjoining neighbours, at the conclusion of the advertising period no submissions were received.

L.P.P2.4 outlines the following criteria for consideration when assessing the impact of a boundary wall on adjoining properties:

- access to daylight and ventilation to major openings;
- access to direct sunlight and ventilation to outdoor living areas;
- sense of confinement due to accessible cumulative building bulk;
- existing trees or vegetation;
- access to views of significance.

It is acknowledged that of the proposed boundary walls, the southern boundary wall is more likely to have an impact on the adjoining property in regard to the above criteria.

The boundary located on the northern side of the site is single storey and not anticipated to have any impact on the northern adjoining neighbour in regard to the above. Furthermore the proposed northern boundary wall will provide for increased development potential for the northern adjoining property on the basis boundary walls that abut another constructed boundary wall of similar size and scale comply with the replacement acceptable development criteria of L.P.P2.4.

Notwithstanding, the proposed boundary walls are required to be assessed against the Performance Criteria of Design Element 6.3.2. The Performance Criteria of this provision states as follows:

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

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

Given that boundary walls are not specifically permitted in this locality, consideration shall be afforded to any impact the southern boundary wall may cause on the southern adjoining neighbor.

If the wall was setback 1.5m to comply with the Codes, the overshadowing variation would still exist however the boundary wall still contributes to the greater issue of overshadowing. On this basis it is considered that the southern boundary wall does not satisfy the performance criteria of the R-Codes and Councils L.P.P2.4.

It should however be noted that as the southern adjoining site is vacant, there is the capacity for the future development to be maximized in accordance with the replacement acceptable development criteria of L.P.P2.4.

The proposed northern boundary wall is supported in accordance with the Performance Criteria of Design Element 6.3.2 for the following reasons:

- Due to aforementioned development constraints (Western Power Easement) the proposed boundary wall is considered to make effective use of space on the subject site;
- As the wall is single storey, it are not anticipated to have any significant impact on the adjoining neighbours in terms of building bulk, thus not impacting the amenity of adjoining neighbours;
- The northern boundary wall will not restrict direct sunlight to any outdoor living areas or major openings as the shadow from this wall falls onto the subject site;
- The northern boundary wall is not anticipated to restrict direct sunlight to any outdoor living areas or major openings due to the forward location of the wall on the site;

Overall, the proposed northern boundary wall is considered to satisfy the Performance Criteria of the R-Codes and Council's L.P.P2.4 Boundary Walls Policy.

CONCLUSION

The proposed development of a two storey single house at No.2/84 Thompson Road requires the Council to consider the discretionary decisions sought in light of the development constraints existing on the site.

This situation is further exacerbated by lot sizes that are less than the minimum prescribed by the density coding of the site. As a result the proposed development requires a number of performance based assessments for variations from the Acceptable Development provisions of the R-Codes.

Furthermore the Western Power easement that burdens the site will restrict the development potential of the lot toward the rear of the site. This in addition to the lot being east-west orientated makes the property prone to increased overshadowing as recognised by the R-Codes.

It is important to consider that these constraints will arise with all future development on the Thompson Road Side of the Barrymores subdivision.

Notwithstanding, for the reasons outlined in the Planning Comment section above, on balance the proposal is not considered to meet the Performance Criteria of Design Element 6.3.1 Buildings setback from boundary and 6.9.1 Solar access for adjoining sites, as a result the application is recommended for refusal.

OFFICER'S RECOMMENDATION/COMMITTEE DECISION

MOVED: Cr A Sullivan

That the application be REFUSED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the two storey Single House at No.2/84 Thompson Road, North Fremantle (Lot 206) Thompson Road, North Fremantle, for the following reasons:

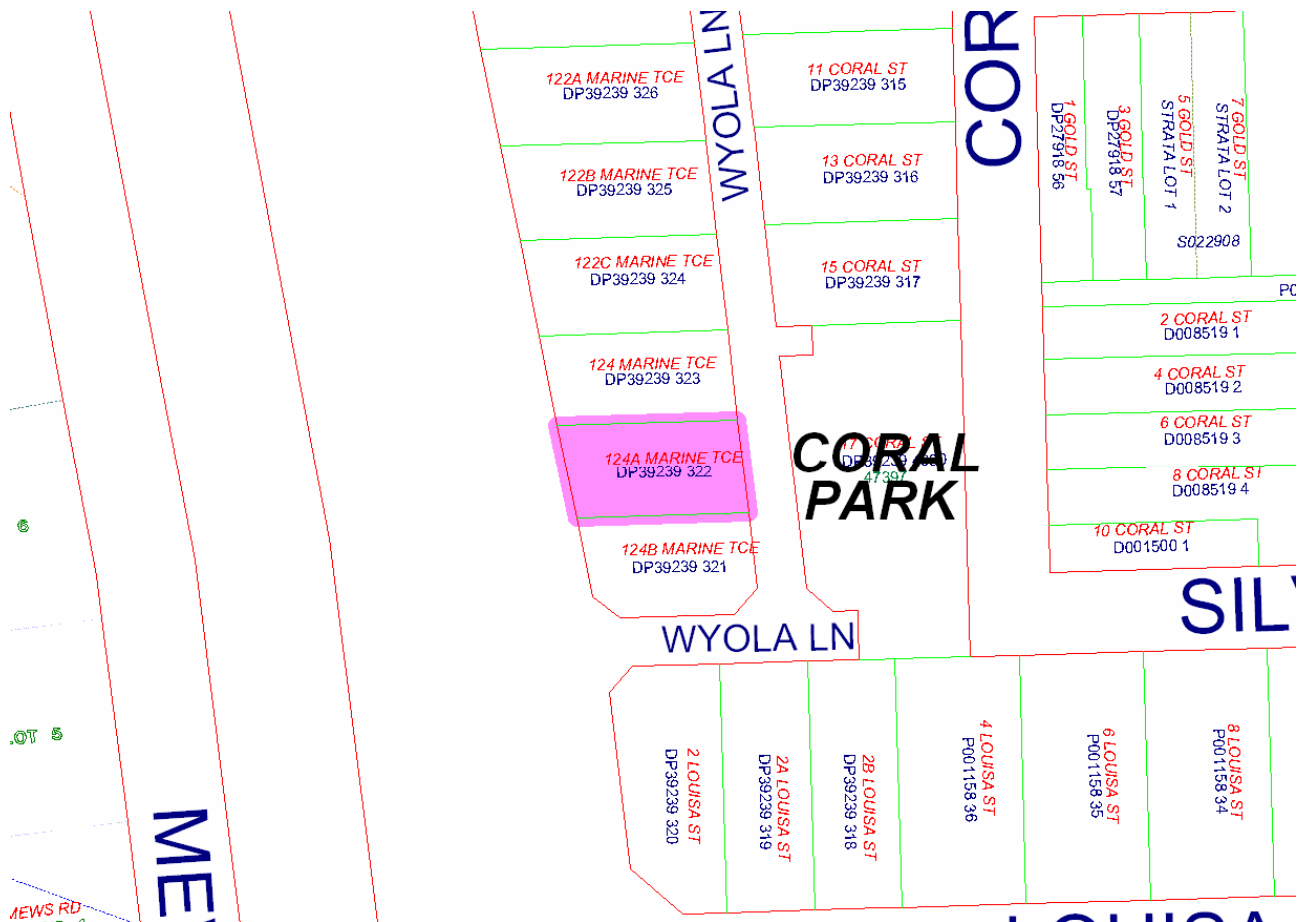
The development does not comply with the Performance Criteria of Design Element 6.3.1 Buildings setback from boundary and 6.9.1 Solar access for adjoining sites.

CARRIED: 6/0

For	Against
Mayor, Brad Pettitt Cr Andrew Sullivan Cr Tim Grey-Smith Cr Bill Massie Cr John Dowson Cr John Alberti	

PSC1010-199 MARINE TERRACE NO.124A (LOT 322), SOUTH FREMANTLE - UNAUTHORISED REMOVAL OF VISITOR PARKING BAY (MS DA0319/10)

DataWorks Reference: 059/002
Disclosure of Interest: Nil
Meeting Date: 20 October 2010
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: 1 July 2010
Owner Name: R & S Hoare
Submitted by: As Above
Scheme: Residential R35
Heritage Listing: Nil
Existing Landuse: Single House
Use Class: Residential
Use Permissibility: 'P'



EXECUTIVE SUMMARY

The application is presented to the Planning Services Committee due to the retrospective nature of the proposed development.

The applicant is seeking retrospective Planning Approval for the unauthorised removal of a Visitors Parking Bay at 124A Marine Terrace, South Fremantle. The proposed development has been assessed in accordance with the City's Local Planning Scheme No.4 (LSP4) the Residential Design Codes (R-Codes) and relevant Local Planning Policy.

The application is recommended for approval, subject to conditions.

BACKGROUND

The subject site is zoned Residential under the provisions of the City of Fremantle's (the City) Local Planning Scheme No.4 (LPS4). The site is not individually listed on the City's Heritage List or Municipal Heritage Inventory but is located within the South Fremantle Heritage Precinct which is designated as a Heritage Area under clause 7.2 of LPS4. The site is located within the South Fremantle Local Planning Area under the provisions of LPS4.

The subject site is located on the eastern side of Marine Terrace, South Fremantle and has a site area of approximately 250m². The site is improved by an existing three storey Single House, bound by Marine Terrace to the west and Wyola Lane to the east, vehicular access is provided from Wyola Lane to the rear of the site.

Policy D.G.S5 'Wills Transport Site - 122 Marine Terrace and 3 South Street, South Fremantle' has been adopted for the area bound by South Street to the north, Wyola Lane to the south, Coral Street to the east and Marine Terrace to the west. A review of this policy was initiated in July of 2004.

The policy review was initiated due to concerns about the effectiveness of the policy in dealing with increased parking demands created by the subdivision of the area. As a result the City engaged with lot owners, their designers and local residents to examine and explore alternative visitor car parking options for the subdivision site. The amendment was advertised proposing two options for car parking arrangements:

- Option 1: indicated provision for an additional car parking space within the rear yard of each lot;
- Option 2: indicated a parallel parking bay on the laneway adjacent to garages wherever possible.

At the conclusion of the advertising period 19 submissions were received with no clear preference of the above options. As a result, on the 20 September 2004, Council approved a recommendation to amend Local Planning Policy D.G.S5 in accordance with Option 1 (provision for an additional car parking space within the rear yard of each lot) as this was seen to best deal with the issues associated with parking in the policy area.

DETAIL

Retrospective Planning Approval is sought for the removal of the visitor parking bay located on the north east corner of 124A Marine Terrace, South Fremantle.

Approval was issued for a three storey Single House on 6 November 2006 which included plans indicating the provision of a visitor parking bay at the rear of the site (refer DA426/06). The applicant has since constructed a 1.8m masonry fence on the eastern boundary of the site enclosing the visitors parking bay, thus removing the capacity of this space to be utilised for parking as previously approved.

The construction of the rear boundary fence is 'permitted development' that does not need the approval of Council under LPS4, however the removal of the visitor parking bay, that was specifically required for the Single House constitutes an alteration to the nature of the approved development, and thus requires the approval of Council.

A complaint was received by the City on the 6 April 2010 in relation to the construction of a fence to the rear of the dwelling, resulting in a departure from the previous approved plans (DA426/06). On the 17 June 2010, the City advised the applicant to remove the development or apply for retrospective Planning Approval within 28 days of the date of the letter. At the closure of the 28 day period, a retrospective planning application for the unauthorised development was received on the 1 July 2010.

CONSULTATION

The application was not required to be advertised in accordance with Clause 9.4 of LPS4 and the City's L.P.P1.3 *Public Notification of Planning Proposals*.

STATUTORY AND POLICY ASSESSMENT

Local Planning Scheme No.4

In accordance with provision 8.1 of LPS4 all development on land zoned and reserved under LPS4 requires the prior approval of the Council.

In accordance with LPS4, the construction of a fence constitutes development and therefore requires approval of Council; however Clause 8.2 of LPS4 provides criteria where development is permitted without requiring Planning Approval. Clause 8.2(I) states that Planning Approval is not required if the development is classified as 'Minor Development' as listed in Schedule 15 of LPS4. In respect to the fence developed, Schedule 15 states that fencing not located within the primary setback area, no more than 1.8m in height is classified as 'Minor Development'. Therefore in accordance with 8.2(I) of LPS4 the approval of Council is not required.

As discussed previously, the Masonry Fence that has been constructed is permitted in accordance with LPS4, however as it has resulted in altering the use of the portion of land provided for visitors parking. Given that the removal of the visitor parking bay, that was specifically required for the Single House constitutes an alteration to the approved development, approval of Council is required.

Provision 8.4 of LPS4 states that Council may grant approval to unauthorised development regardless of the date it was carried out, provided that the development is consistent with the objectives of the scheme.

Council Policy

D.G.S5 Wills Transport Site - 122 Marine Terrace and 3 South Street, South Fremantle

The City's D.G.S5 does not contain any specific requirements in relation to the provision of a rear fence, notwithstanding, as the applicant has fenced off the area that was approved for visitors parking. D.G.S5 states "Each lot shall make provision for an on-site visitor car parking bay, as indicated below in the Visitor Car Parking Plan, and the bay shall be maintained in perpetuity as a clear area for visitor parking". As a result the constructed fence makes the subject site incapable of meeting the specific requirements of D.G.S5 pertaining to the provision of a visitor's bay. The requirements of this policy are discussed further in the 'Planning Comment' section below.

L.P.P1.5 - Planning, Building and Environmental Health Compliance

Clause 4.6 of Council policy *L.P.P1.5 Planning, Building and Environmental Health Compliance* (L.P.P1.5) contains provisions that relate to where non-compliant development has been carried out and when the matter will be the subject of prosecution action.

The policy states that where the property has been brought into compliance within the specified time period, in most cases, the Council will not prosecute. However where, in the opinion of the Manager Development Services there is a broader public interest in undertaking legal action, a report will be prepared for the Council to consider further prosecution action. Accordingly, it is not considered to be in the broader public interest to undertake legal action regarding the unauthorised works given the minor nature of the unauthorised works, this being the first offence on this site and that the application is recommended for approval.

Notwithstanding, Clause 4.5 of L.P.P1.5 states that:

"In addition to the procedure set out in Part 4.2, an infringement notice under the provisions of the Planning and Development Regulations 2009 will be issued in the following circumstances:

- a) where an offence has occurred and the property has been brought into compliance within the specified period through the removal of the unauthorised development, or the cessation of the unauthorised use; or*
- b) where an offence has occurred, and a retrospective application for planning approval has been submitted within the required timeframe and subsequently approved.*

An infringement notice shall be issued as soon as possible after the offence has been committed, but in any event, must be given within 6 months after the alleged offence is believed to have been committed'.

The matter was brought to the City's attention on the 6 April 2010. As these unauthorised works have occurred over 6 months ago, Council can not issue an infringement notice in accordance with the City's L.P.P1.5 in this circumstance.

PLANNING COMMENT

The development of a fence itself, whilst not requiring Planning Approval, has in this particular circumstance effectively prevented the area to the north-east corner of the site to be utilised for visitor parking as approved. The area is currently being utilised as an outdoor living area which is inconsistent with the requirements of the City's D.G.S5.

In regard to the scope of local planning policy, Clause 5.3.1 of the R-Codes allows a council to vary or replace the Acceptable Development provisions of the Residential Design Codes for a number of specified provisions. Design Element 6.5 Access and parking requirements, is not one of the provision specified in clause 5.3.1(a) that a Council can vary. The City has imposed a greater parking requirement than provided in the Acceptable Development criteria of the R-Codes, as a result the policy is inconsistent with Clause 5.3.1 of the R-Codes.

Notwithstanding, clause 2.2 of LPS4 allows the council to adopt Local Planning Policies in respect of any matter related to the planning and development of the Scheme so as to apply generally or for a particular class or classes of matters. Therefore, whilst the policy is inconsistent with the R-Codes, it remains consistent with the requirements of LPS4 and should be considered in the assessment of this application.

Furthermore, clause 2.3.2 of LPS4 states that a local planning policy does not bind council in respect to determining an application, though council is to have regard to the provision of the policy and the objectives that the policy is designed to achieve. Thus if the Council considers the application to achieve the objectives of D.G.S5 the proposal may be supported.

Accordingly, the objective of the D.G.S5 is as follows:

"The policy is to be applied to achieve an attractive streetscape and a high level of amenity for the policy area and surrounding locality."

It is considered that the two parking bays located on site are sufficient for a Single House. In the case of providing parking for visitors within the locality, there is sufficient on street parking bays located on Marine and South Terrace that have the capacity to serve as visitor parking in any circumstance where the additional parking is needed. Furthermore, in the case of the subject site, it is considered that the provision of a functional ground level outdoor living area contributes to the high amenity of the locality and streetscape though greater interaction with, and increased passive surveillance of Coral Park. Overall the proposal is considered to meet the objective of D.G.S5.

CONCLUSION

Overall, the proposed development is not considered to be detrimental to the desired streetscape and built form within the locality.

The application has been assessed against and complies with the City’s Local Planning Scheme No.4 and Council Policy with the exception of the discretionary decision pertaining to a visitors parking bay in accordance with D.G.S5 *Wills Transport Site - 122 Marine Terrace and 3 South Street, South Fremantle.*

For the reasons outlined within the ‘Planning Comment’ section above, it is considered that the proposed variations sought should be supported since they are anticipated to have a positive impact on the amenity of the locality and are considered to satisfy the objectives of the City’s D.G.S5.

Accordingly, the applications are recommended for conditional approval.

OFFICER'S RECOMMENDATION/COMMITTEE DECISION

MOVED: Cr A Sullivan

That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the removal of visitor parking bay at No. 124A (Lot 322) Marine Terrace, South Fremantle, subject to the following condition(s):

- 1. This approval relates only to the development as indicated on the approved plans dated the 9 July 2010. It does not relate to any other development on this lot.**

CARRIED: 6/0

For	Against
Mayor, Brad Pettitt Cr Andrew Sullivan Cr Tim Grey-Smith Cr Bill Massie Cr John Dowson Cr John Alberti	

PSC1010-202 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 AND COMMITTEE DECISION

MOVED: Cr A Sullivan

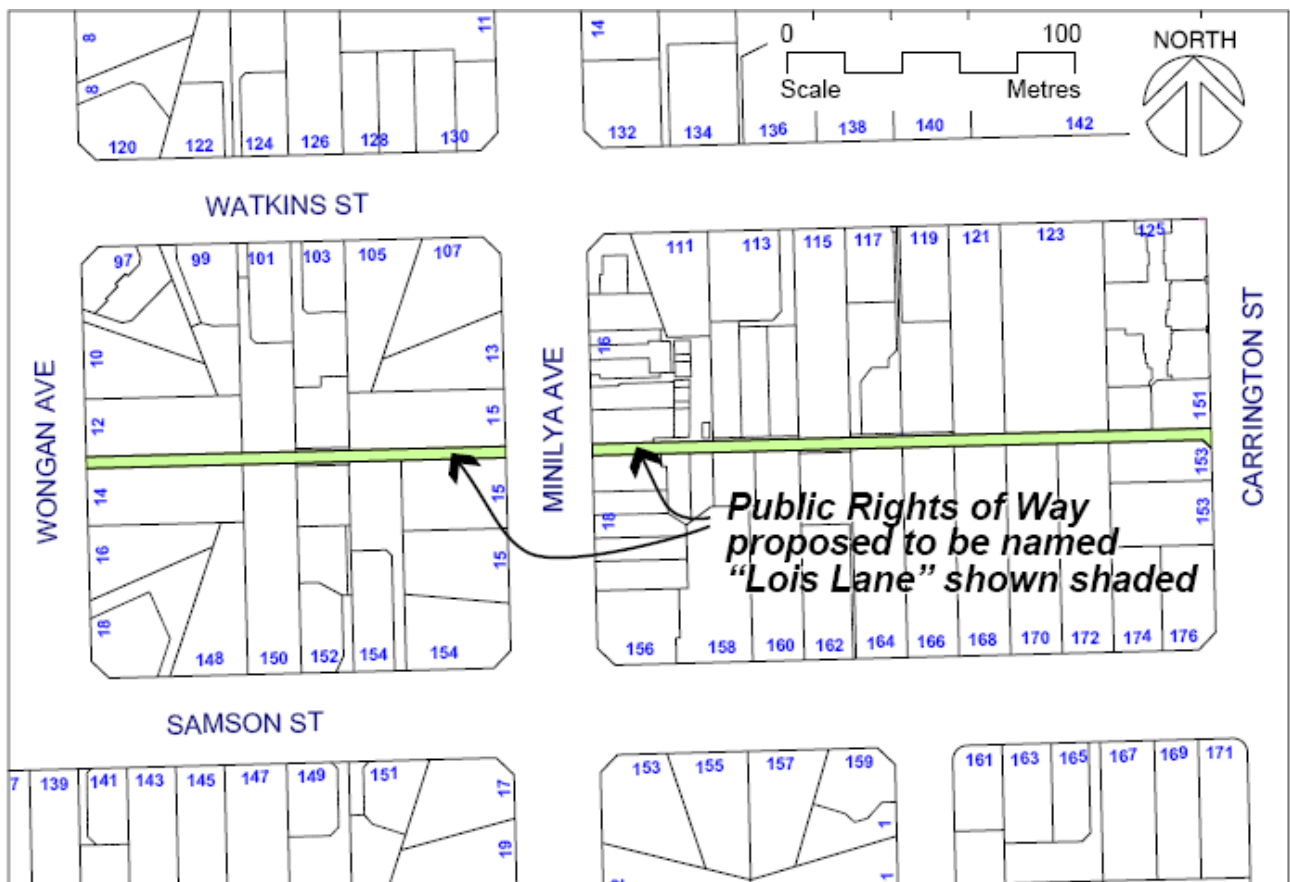
That the information is noted.

CARRIED: 6/0

For	Against
Mayor, Brad Pettitt Cr Andrew Sullivan Cr Tim Grey-Smith Cr Bill Massie Cr John Dowson Cr John Alberti	

PSC1010-203 PROPOSED PUBLIC RIGHT OF WAY NAME - LOIS LANE - LOCATED BETWEEN CARRINGTON STREET AND WONGAN AVENUE WHITE GUM VALLEY - RUNNING EAST TO WEST (KSW)

DataWorks Reference: 164/001
Disclosure of Interest: Nil
Meeting Date: 20 October 2010
Responsible Officer: Manager Development Services
Actioning Officer: Land Administrator
Decision Making Level: Council
Previous Item Number/s: Nil
Attachments: Nil



EXECUTIVE SUMMARY

The City is in receipt of an application to formalise the road name of "Lois Lane" with the Geographic Names Committee (GNC) for street addressing purposes. Currently, the public Right of Way ("ROW") between Carrington Street and Minilya Avenue, White Gum Valley is known by the unregistered road name of "Lois Lane". The applicant's property fronts the continuation of the ROW between Minilya Avenue and Wongan Avenue and has requested that the name "Lois Lane" be extended to include the western portion of the ROW as indicated in the map above.

The GNC has provided the City with conditional approval for the proposed ROW name with its extension over the two portions of public ROW's. An acceptable street numbering sequence is obtainable from the ROW's. The name "Lois" originates from a ship with the same name and therefore complies with the GNC Road Naming Guidelines.

It is recommended that Council approve the name "Lois Lane" as the new name to be applied to the ROW's between Carrington Street and Wongan Avenue White Gum Valley running east to west.

BACKGROUND

The applicant has identified problems guiding visitors and service vehicles to their strata titled property which fronts onto the western portion of the ROW. As a result the applicant has requested that Council consider formalising the name of "Lois Lane" for street addressing purposes.

COMMENT

The formalisation and extension of the proposed ROW name will allow property owners' fronting the ROW's to apply for new street addresses. This will alleviate the current issues locating the properties and provide a listing in the StreetSmart Directory.

The GNC have provided conditional approval for the proposed name of "Lois" - named after a wooden ship build in 1869. In normal circumstances the GNC would not approve a duplication of a road naming suffix; however as the subject ROW has been locally known for years and signposted as "Lois Lane" the GNC have accepted the proposed name in full.

The proposed name of "Lois Lane" has no connection to a character associated with the Superman comic/series.

Historical Information - The "Lois"

- The "Lois" was a three mast wooden ship built in 1869 by William Watson in Sunderland England. The ship was registered in Newcastle N.S.W. in 1883 to John Hayes.

- The Harbour Master at Fremantle records the "Lois" as the last ship taken to Careening Bay, Garden Island in May 1888 - noted with the following entry: "Lois, 394 tons, Capt. Young. Came in to *Careen*".
- On 17th July 1890 the "Lois" struck a reef near Roebuck Bay while on route from Newcastle to Broome. She was floated free, beached and abandoned.

Careening a sailing vessel means to beach it at high tide in order, usually, to expose one side or another of the ship's hull for maintenance below the water line when the tide goes out. Ref: en.wikipedia.org/wiki/Careening.

EXTERNAL SUBMISSIONS

Neighbour Notification: Nil. The selection of names for roads is at local government discretion subject to the approval of the GNC.

Consultation is only required by the GNC when naming Ovals, Pavilions, the naming or renaming of Parks and Reserves or the naming of Towns and Localities.

CONCLUSION

It is appropriate that Council consider naming the public ROW's between Carrington Street and Wongan Avenue, White Gum Valley "Lois Lane" for street addressing purposes.

OFFICER'S AND COMMITTEE RECOMMENDATION

MOVED: Cr A Sullivan

That Council:

1. **ADVISE** the Geographic Names Committee that it has selected "Lois Lane" as the new name to be applied to the public Rights of Way between Carrington Street and Wongan Avenue, White Gum Valley running east to west.

CARRIED:

For	Against
Mayor, Brad Pettitt Cr Andrew Sullivan Cr Tim Grey-Smith Cr Bill Massie Cr John Dowson Cr John Alberti	

**PSC1010-204 MUNICIPAL HERITAGE INVENTORY - COUNCIL DRAFT - LEVEL 1
AND 2 PLACES - VC**

DataWorks Reference:	215/006
Disclosure of Interest:	None
Responsible Officer:	Director Planning and Development
Actioning Officer:	Heritage Planner
Decision Making Authority:	Council
Agenda Attachments:	LPP 2.6 Procedure for Amending the Municipal Heritage Inventory (MHI) and Heritage List

EXECUTIVE SUMMARY

The purpose of this report is for Council to support the first stage of the Municipal Heritage Inventory (MHI) and Heritage List (HL) Review.

The current MHI was adopted by Council in 2000 and was compiled from previous heritage studies. The MHI within the City of Fremantle has undergone reviews in stages of each area between 2001 and 2009. A consolidated MHI review was undertaken in 2009 to update and integrate all other reviews into a combined set of recommendations regarding all places identified incrementally as being of cultural heritage significance.

The review has been carried out to be consistent with the provisions of the *Heritage of Western Australia Act, 1990* (Heritage Act) and the Local Planning Scheme 4 (LPS4).

The consultants commissioned for the project reviewed and consolidated the information and evaluation more than 3765 places. In July 2010 Council received the MHI Review report and endorsed its use as the guiding document for additions and amendments to the MHI and HL (refer Item PSC1007-141).

The recommendations within this report are for Level 1 and Level 2 listings on the MHI and the amendments and listing of places on the HL and are as follows;

- That the 186 places already listed on the MHI and the HL be considered for modification only to the MHI either by description or management category and that the consultation process will be carried out in accordance with Local Planning Scheme 4 (LPS4) and Local Planning Policy 2.6 Procedure for Amending the Municipal Heritage Inventory (MHI) and Heritage List.
- That 35 places be considered for inclusion as new heritage listings on the HL and the MHI as a Level 1A, Level 1B or a Level 2 and that the consultation process will be carried out in accordance with Local Planning Scheme 4 (LPS4) and Local Planning Policy 2.6 Procedure for Amending the Municipal Heritage Inventory (MHI) and Heritage List.

It is recommended that Council accept this report and initiates the review process, in accordance with the statutory requirements.

BACKGROUND

The *Heritage of Western Australia Act, 1990* obliges local governments to develop and maintain a municipal inventory and, once established, to update it annually and review it every 5 years.

The City of Fremantle Local Planning Scheme No. 4 (LPS4) obliges Council to establish and maintain a Heritage List to identify those places within the Scheme which are of cultural heritage significance and worthy of conservation under the provisions of the Scheme.

The City of Fremantle adopted the Municipal Heritage Inventory (MHI) for Fremantle in September 2000 subject to the MHI Management Strategy (the strategy).

There have been stages of specific area reviews of the MHI that have been completed. During 2009 these reviews were updated and consolidated to provide a clear and concise list of recommendations for the MHI in accordance with the Heritage Act and the Heritage List under provisions of LPS4 for Council's consideration.

In September 2009 the Council adopted Local Planning Policy 2.6 Procedure for Amending the Municipal Heritage Inventory (MHI) and Heritage List which provides the specific procedural and operational guidance for the process.

In July 2010 Council received and noted the MHI review report and endorsed its use as the guiding document for additions and amendments to the MHI and Heritage List. In addition, Council supported the consolidation of the review to be presented in two stages. This report forms the preliminary stage for places recommended for inclusion on the Heritage List that are also to be included as Level 1 and Level 2 listing on the MHI.

COMMENT

Heritage listing information is crucial for the effective understanding and management of heritage in Fremantle and as a community resource.

The MHI which is required under the Heritage Act does not have any statutory obligations and is an ongoing heritage survey which continually needs updating and adding to with relevant information.

Council has received the consolidation review outlining previous reviews and the subsequent consolidation review in 2009 of more than 3765 places. As stated in the previous summary report to Council the reviews were undertaken in stages as outlined below:

- West End 2001
- Beaconsfield 2002
- White Gum Valley 2003
- North Fremantle 2004 & 2005

- South Fremantle 2006 & 2007
- South of Fremantle 2008
- Fremantle MHI Consolidation Project 2009

The 2009 consolidation MHI review collectively considered 3765 places in the City of Fremantle. The review provides an update and greater consistency and clarity on the information held for the places which have been identified as being of cultural heritage significance.

The Heritage List established under the provisions of the LPS4 is a statutory list of places which are of cultural heritage significance and worthy of conservation under provisions of the scheme. The list comprises only of names and addresses and does not include any other data.

The recommendations within this report provides a list of places recommended for adoption of amendments and new places at Level 1A, Level 1B and Level 2 management categories recommended for inclusion on the MHI and the corresponding amendment of HL.

A place recommended as Level 1A or 1B has been identified as being of exceptional cultural heritage in its own right within the context of Fremantle. Level 1A comprise places which have been included on the Heritage Council of WA's Register of Heritage Places. Levels 1B are places recommended for consideration by the Heritage Council of Western Australia (HCWA) for inclusion on the Register of Heritage Places.

The attached report shows that the majority of places recommended to be included at a Level 1B are within the West End Conservation Area. The West End Conservation Area has been recognised as of exceptional heritage significance and worthy of consideration for state heritage listing. To facilitate state heritage listing of the West End it is recommended that especially the places constructed prior to, or in response to the gold boom period in the late nineteenth and early twentieth centuries be referred to HCWA for state listing.

A place recommended as Level 2 on the MHI means that the City of Fremantle has identified this place as being of considerable cultural heritage significance in its own right within the context of Fremantle. For example, this includes places which are within a highly intact streetscape such as the section of Wray Avenue, Little Howard Street and Carnac Street near South Terrace. Places within this level also include the Beacon Theatre as well as terraces which form a significant group of three or more. Places at Level 2 are at present considered to be below threshold for state heritage listing.

A place recommended as Level 3 on the MHI means that the City of Fremantle has identified this place as being of some cultural heritage significance for its contribution to the heritage of Fremantle in terms of its individual or collective aesthetic, historic, social or scientific significance, and / or its contribution to the streetscape, local area and Fremantle. For example, this includes the majority of significant residential places within the City of Fremantle. Places at Level 3 are at present considered to be below threshold for state heritage listing.

The community consultation process to be carried out in accordance with statutory requirements will provide the City with the opportunity to inform the community, seek feedback and provide an understanding of the MHI and the Heritage List, as well as promote available assistance to owners of heritage properties. Assistance that can be provided by the City includes the recently adopted heritage grants scheme, architectural technical advice and the heritage loan scheme.

CONCLUSION

The overarching goal for this project is to finalise the major review of the MHI for Fremantle as required in the Heritage Act and LPS4. Improved and updated and consolidated information on the MHI database will further assist with the understanding and management of Fremantle's heritage for the community, stakeholders and staff. The conservation of places identified as having heritage significance is well recognised in Fremantle.

It is recommended that Council accept the recommendations of this report and initiates the review process in accordance with the statutory requirements.

STRATEGIC AND POLICY IMPLICATIONS

The recommendations are based on compliance with the following, major documents:

- *Heritage of Western Australia Act, 1990.*
- The City of Fremantle's Local Planning Scheme No. 4 (Part 7 - Heritage and Conservation Protection) (2007).
- The City of Fremantle's Municipal Heritage Inventory (MHI) for Fremantle and the MHI Management Strategy (2000).
- Local Planning Policy 2.6 Procedure for amending the Municipal Heritage Inventory (MHI) and Heritage List (2009).

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Nil.

Environmental

The item deals with recognition and protection of heritage of Fremantle as the non-renewable resource.

Social

The item reflects the expressed high regard the community's and individual owners' have for the heritage of Fremantle. This includes the associated sense of identity and sense of place flowing from the awareness and appreciation of the heritage values of the listed places as established during the listing process.

BUDGET IMPLICATIONS

Nil.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Nil

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

OFFICER'S AND COMMITTEE RECOMMENDATION

MOVED: Cr A Sullivan

That Council:

- That the following 186 places be considered for modification to the Municipal Heritage Inventory (places already included on HL and MHI which are being changed – either by description or management category) and that the consultation process under LPP 2.6 Procedure for Amending the Municipal Heritage Inventory (MHI) and Heritage List be commenced**

PLACE NAME	Existing Management Level MHI	Already Adopted by Council	Recommendation Management Level MHI	Recommendation Heritage List
RIFLE HOUSE, 62 TUCKFIELD STREET Fremantle	Level 1A	Yes	Retain as a separate listing at level 1A	Include as separate listing on Heritage List
GUN HOUSE, 64 TUCKFIELD STREET Fremantle	Level 1A	Yes	Retain as a separate listing at Add at level 1A	Include as separate listing on Heritage List
NAVAL STORES, 141 QUEEN VICTORIA STREET Fremantle	1A	Yes	Retain as a separate listing at level 1A	Retain as a separate listing on Heritage List
FMR MARRIED QUARTERS, 2 BURT STREET Fremantle	1A	Yes	Retain as a separate listing at level 1A	Retain as a separate listing on Heritage List
FMR MARRIED QUARTERS, 105 - 121 QUEEN VICTORIA STREET Fremantle	1A	Yes	Retain as a separate listing at level 1A	Retain as a separate listing on Heritage List
HOUSE (FORMER BARNETT'S HOUSE), 13 BARNETT STREET, Fremantle	2	Yes	Change to level 1B	Retain on Heritage List
COMMERCIAL BUILDING, 32 Marine Terrace, Fremantle	2	Yes	Change to Level 1B	Retain on Heritage List
FORMER OCEANIC HOTEL, 8 Collie Street Fremantle	2	Yes	Change to Level 1B	Retain on Heritage List
WAREHOUSE, (FMR TIMOTHY'S TOYS), LOT 11, 1 CROKE LANE Fremantle	2	Yes	Change to Level 1B	Retain on Heritage List

PLACE NAME	Existing Management Level MHI	Already Adopted by Council	Recommendation Management Level MHI	Recommendation Heritage List
SOUTH MOLE LIGHTHOUSE, Fleet Street Fremantle	2	Yes	Change to Level 1B	Retain on Heritage List
CHURCH MANSE, 162 HAMPTON ROAD, Beaconsfield	2	Yes	Change to Level 1B	Retain on Heritage List
FORMER BATEMAN BUILDINGS, 47 Henry Street Fremantle	2	Yes	Change to Level 1B	Retain on Heritage List
QUARTERMAINE'S BUILDING, 3-5 HENRY STREET Fremantle	2	Yes	Change to Level 1B	Retain on Heritage List
MERCANTILE STEVEDORE'S WAREHOUSE, 25-29 Henry Street Fremantle	2	Yes	Change to Level 1B	Retain on Heritage List
FORMER SADLIER'S CUSTOMS AGENCY, 34-36 Henry Street Fremantle	2	Yes	Change to Level 1B	Retain on Heritage List
FORMER FREMANTLE MUNICIPAL TRAMWAYS CAR BARN FAÇADE, 1 High Street Fremantle	3	Yes	Change to Level 1B	Retain on Heritage List
COMMERCIAL BUILDING, 12 HIGH STREET Fremantle	2	Yes	Change to Level 1B	Retain on Heritage List
BANK OF NSW (FMR), 7 High Street Fremantle	2	Yes	Change to Level 1B	Retain on Heritage List
FORMER COMMONWEALTH BANK, 82 High Street Fremantle	2	Yes	Change to Level 1B	Retain on Heritage List
OWSTON'S BUILDINGS, 9-23 High Street Fremantle	2	Yes	Change to Level 1B	Retain on Heritage List
FOTHERGILL'S BUILDING, 32 HIGH STREET Fremantle Previously known as Adelec Buildings	2	Yes	Change to Level 1B	Retain on Heritage List
FORMER BANK OF ADELAIDE, 60-64 High Street Fremantle	2	Yes	Change to Level 1B	Retain on Heritage List
RSL CLUB, 81-83 High Street Fremantle	2	Yes	Change to Level 1B	Retain on Heritage List
COMMERCIAL BUILDING, 97-99 HIGH STREET Fremantle	2	Yes	Change to Level 1B	Retain on Heritage List
MARICH BUILDINGS, 36-44 High Street Fremantle	2	Yes	Change to Level 1B	Retain on Heritage List
COMMERCIAL BUILDING, 49-59 HIGH STREET Fremantle	2	Yes	Change to Level 1B	Retain on Heritage List
ATWELL BUILDINGS, 120 High Street Fremantle	2	Yes	Change to Level 1B	Retain on Heritage List
CORKHILL HOUSE, 12 John Street North Fremantle	2	Yes	Change to Level 1B	Retain on Heritage List
HOUSE, 37 JOHN STREET (BENNINGFIELD), 37 John Street North Fremantle	2	Yes	Change to Level 1B	Retain on Heritage List
FORMER GRESHAM HOTEL, 20 John Street North Fremantle	2	Yes	Change to Level 1B	Retain on Heritage List
HOUSE, 46 JOHN STREET (Holmdene) North Fremantle	2	Yes	Change to Level 1B	Retain on Heritage List
WAREHOUSE, 26 MOUAT STREET Fremantle, also known as site of Strelitz Brothers Warehouse		Yes	Change to Level 1B	Retain on Heritage List
GRIEVE AND PIPER	2	Yes	Change to Level 1B	Retain on Heritage List

PLACE NAME	Existing Management Level MHI	Already Adopted by Council	Recommendation Management Level MHI	Recommendation Heritage List
BUILDINGS, 28 Mouat Street Fremantle				
FORMER BATEMAN'S WAREHOUSE, 34 MOUAT STREET also known as 47 Henry Street Fremantle	2	Yes	Change to Level 1B	Retain on Heritage List
COMMERCIAL BUILDING, 14 MOUAT STREET Fremantle	2	Yes	Change to Level 1B	Retain on Heritage List
EUREKA MILL & WAREHOUSE, 6 Nairn Street Fremantle	2	Yes	Change to Level 1B	Retain on Heritage List
SEPPELTS BUILDING FAÇADE, 5 Pakenham Street also known as 2 Henry Street Fremantle	3	Yes	Change to Level 1B	Retain on Heritage List
SEPPELTS WAREHOUSE FAÇADE, 7 Pakenham Street also known as 2 Henry Street Fremantle	3	Yes	Change to Level 1B	Retain on Heritage List
MARINE HOUSE FAÇADE, 9 also known as 2 Henry Street Fremantle	3	Yes	Change to Level 1B	Retain on Heritage List
JOHN CHURCH BULK STORES, 21-23 Pakenham Street Fremantle	2	Yes	Change to Level 1B	Retain on Heritage List
MUSIC SCHOOL, 21 Parry Street Fremantle	2	Yes	Change to Level 1B	Retain on Heritage List
HUDSON BUILDING, 14 PHILLIMORE STREET, Fremantle	2	Yes	Change to Level 1B	Retain on Heritage List
HORSE TROUGH, PHILLIMORE STREET Fremantle		Yes	Change to Level 1B	Retain on Heritage List
INNER HARBOUR, Port of Fremantle		Yes	Change to Level 1B	Retain on Heritage List
NORTH MOLE LIGHTHOUSE, Rous Head Road North Fremantle	2	Yes	Change to Level 1B	Retain on Heritage List
COMMERCIAL BUILDING, 1 SHORT STREET, Fremantle	2	Yes	Change to Level 1B	Retain on Heritage List
COMMERCIAL BUILDING, 14 SOUTH TERRACE, Fremantle	2	Yes	Change to level 1B	Retain on Heritage List
DUPLEX, 89 SOUTH TERRACE, Fremantle	2	Yes	Change to level 1B	Retain on Heritage List
DUPLEX, 91 SOUTH TERRACE, Fremantle	2	Yes	Change to level 1B	Retain on Heritage List
HOUSE AND FORMER STABLES, 111 SOUTH TERRACE, Fremantle	2	Yes	Change to level 1B	Retain on Heritage List
SEAVIEW HOTEL, 282 South Terrace South Fremantle	2	Yes	Change to Level 1B	Retain on Heritage List
WORKERS TERRACE, 448 SOUTH TERRACE, South Fremantle	3	Yes	Change to Level 1B	Retain on Heritage List
WORKERS TERRACE, 450 SOUTH TERRACE South Fremantle	3	Yes	Change to Level 1B	Retain on Heritage List
WORKERS TERRACE, 452 SOUTH TERRACE South Fremantle	3	Yes	Change to Level 1B	Retain on Heritage List
WORKERS TERRACE, 454 SOUTH TERRACE South Fremantle	3	Yes	Change to Level 1B	Retain on Heritage List
WORKERS TERRACE, 456	3	Yes	Change to Level 1B	Retain on Heritage List

PLACE NAME	Existing Management Level MHI	Already Adopted by Council	Recommendation Management Level MHI	Recommendation Heritage List
SOUTH TERRACE South Fremantle				
WORKERS TERRACE, 458 SOUTH TERRACE South Fremantle	3	Yes	Change to Level 1B	Retain on Heritage List
COMMERCIAL BUILDING, 4-12 SOUTH TERRACE, Fremantle	2	Yes	Change to Level 1B	Retain on Heritage List
COMMERCIAL BUILDING, 17-25 SOUTH TERRACE, Fremantle	2	Yes	Change to Level 1B	Retain on Heritage List
FORMER DALKEITH OPERA HOUSE, 52-62 South Terrace Fremantle	2	Yes	Change to level 1B	Retain on Heritage List
SHOP & TERRACES, 79-85 SOUTH TERRACE, Fremantle	2	Yes	Change to Level 1B	Retain on Heritage List
HOUSE, 32 ARUNDEL STREET, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
DUPLEX, 54 ATTFIELD STREET, Fremantle	3	Yes	Change to level 2	Retain on Heritage List
DUPLEX, 56 ATTFIELD STREET, Fremantle	3	Yes	Change to level 2	Retain on Heritage List
CHURCH (FMR), 12 BAKER STREET, Fremantle	3	Yes	Change to level 2	Retain on Heritage List
FREMANTLE CLUB, 7-15 BANNISTER STREET, Fremantle	3	Yes	Change to level 2	Retain on Heritage List
HOUSE, 18 BARNETT STREET, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
HOUSE, 20 BARNETT STREET, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
FORMER ATKINSON JOCKEYS QUARTERS & STABLES, Brockman Place also known as 229 Hampton Road, South Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
HOUSE, 11 CANTONMENT STREET, Fremantle	1B	Yes	Change to Level 2	Retain on Heritage List
ELDERS WOOLSTORES, 38 CANTONMENT STREET	1A Entry does not reflect 1947 section which is not included in state registered curtilage	Yes	1A – (c.1929 section) 1B – (c.1947)	Retain on Heritage List
DUPLEX , 14 CARNAC STREET, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
DUPLEX , 16 CARNAC STREET, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
DUPLEX , 18 CARNAC STREET, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
DUPLEX, 20 CARNAC STREET, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
HOUSE, 29 CARNAC STREET, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
HOUSE, 33 CARNAC STREET, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List

PLACE NAME	Existing Management Level MHI	Already Adopted by Council	Recommendation Management Level MHI	Recommendation Heritage List
DUPLEX , 35 CARNAC STREET, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
DUPLEX , 37 CARNAC STREET, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
DUPLEX , 39 CARNAC STREET, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
DUPLEX , 41 CARNAC STREET, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
HOUSE, 16 COLLIE STREET, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
HOUSE, 18 COLLIE STREET, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
HOUSE, 6 CORAL STREET, South Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
TERRACE, 23 ELLEN STREET, Fremantle	1B	Yes	Change to Level 2	Retain on Heritage List
TERRACE, 25 ELLEN STREET, Fremantle	1B	Yes	Change to Level 2	Retain on Heritage List
TERRACE, 27 ELLEN STREET, Fremantle	1B	Yes	Change to Level 2	Retain on Heritage List
HOUSE, 37 ELLEN STREET, Fremantle	1B	Yes	Change to Level 2	Retain on Heritage List
MILLS & CO BUILDING, 19-21 Essex Street Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
HOUSE, 18 FINNERTY STREET, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
HOUSE, 20 FINNERTY STREET, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
HOUSE, 22 FINNERTY STREET, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
HOUSE, 25 FOTHERGILL STREET, Fremantle	1B	Yes	Change to Level 2	Retain on Heritage List
HOUSE, 1 GOLD STREET, South Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
DUPLEX , 2 GOLD STREET, South Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
HOUSE, 3 GOLD STREET, South Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
DUPLEX , 4 GOLD STREET, South Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
TERRACE, 25 GOLD STREET, South Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
TERRACE, 27 GOLD STREET	3	Yes	Change to Level 2	Retain on Heritage List
TERRACE, 29 GOLD STREET, South Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
HOUSE, 15 GREY STREET, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
DUPLEX , 17 GREY STREET, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
DUPLEX , 19 GREY STREET, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
DUPLEX, 21 GREY STREET, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
DUPLEX, 23 GREY STREET, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
DUPLEX, 4 HAMPTON ROAD	3	Yes	Change to Level 2	Retain on Heritage

PLACE NAME	Existing Management Level MHI	Already Adopted by Council	Recommendation Management Level MHI	Recommendation Heritage List
(4-6), Fremantle				List
DUPLEX, 6 HAMPTON ROAD (4-6), Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
HOUSE, 1/94 HAMPTON ROAD, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
SKYE HOSPITAL (FMR), 13 /13 Stevens Street Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
FORMER BEACON THEATRE, 91 Hampton Road Fremantle	1B	Yes	Change to Level 2	Retain on Heritage List
COMMERCIAL BUILDING, 54 HENRY STREET, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
FREMANTLE CHURCH OF CHRIST, 219 HIGH STREET, Fremantle	3	Yes	Change to level 2	Retain on Heritage List
SHOP & HOUSE, 42 HOLDSWORTH STREET, Fremantle	1B	Yes	Change to level 2	Retain on Heritage List
HOUSE, 3 HOWARD STREET, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
TERRACE, 2 JENKIN STREET, South Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
TERRACE , 4 JENKIN STREET, South Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
TERRACE , 6 JENKIN STREET, South Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
TERRACE, 8 JENKIN STREET, South Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
TERRACE , 10 JENKIN STREET, South Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
TERRACE, 1 LITTLE HOWARD, STREET, Fremantle	3	Yes	Change to level 2	Retain on Heritage List
TERRACE, 3 LITTLE HOWARD STREET, Fremantle	3	Yes	Change to level 2	Retain on Heritage List
TERRACE, 5 LITTLE HOWARD STREET, Fremantle	3	Yes	Change to level 2	Retain on Heritage List
TERRACE, 7 LITTLE HOWARD STREET, Fremantle	3	Yes	Change to level 2	Retain on Heritage List
HOUSE & SHEDS, 9 LITTLE HOWARD STREET, Fremantle	3	Yes	Change to level 2	Retain on Heritage List
BAKEHOUSE, 11 LITTLE HOWARD STREET, Fremantle	3	Yes	Change to level 2	Retain on Heritage List
DUPLEX , 13 LITTLE HOWARD STREET, Fremantle	3	Yes	Change to level 2	Retain on Heritage List
DUPLEX , 15 LITTLE HOWARD STREET, Fremantle	3	Yes	Change to level 2	Retain on Heritage List
DUPLEX , 26 LITTLE HOWARD STREET, Fremantle	3	Yes	Change to level 2	Retain on Heritage List
DUPLEX , 28 LITTLE HOWARD STREET, Fremantle	3	Yes	Change to level 2	Retain on Heritage List
DUPLEX , 30 LITTLE HOWARD STREET, Fremantle	3	Yes	Change to level 2	Retain on Heritage List
HOUSE, 5 MALCOLM STREET, Fremantle	3	Yes	Change to level 2	Retain on Heritage List
HOUSE, 28 MALCOLM	3	Yes	Change to level 2	Retain on Heritage

PLACE NAME	Existing Management Level MHI	Already Adopted by Council	Recommendation Management Level MHI	Recommendation Heritage List
STREET, Fremantle				List
HOUSE, 2 MANNING STREET, Fremantle	3	Yes	Change to level 2	Retain on Heritage List
HOUSE, 4 MANNING STREET, Fremantle	3	Yes	Change to level 2	Retain on Heritage List
HOUSE, 82 MARINE TERRACE, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
COMMERCIAL BUILDING, 34-36 MARKET STREET, Fremantle	3	Yes	Change to Level 2 - Note other address as 110 High St	Retain on Heritage List Note other address as 110 High St
COMMERCIAL BUILDING, 3 PAKENHAM STREET, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
COMMERCIAL BUILDING, 6 PARRY STREET, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
COMMERCIAL BUILDING, 237 QUEEN VICTORIA STREET, North Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
COMMERCIAL BUILDING, 239 QUEEN VICTORIA STREET, North Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
COMMERCIAL BUILDING, 241 QUEEN VICTORIA STREET, North Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
COMMERCIAL BUILDING, 243 QUEEN VICTORIA STREET, North Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
COMMERCIAL BUILDING, 245 QUEEN VICTORIA STREET, North Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
COMMERCIAL BUILDING, 255 QUEEN VICTORIA STREET, North Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
COMMERCIAL BUILDING, 219-221 QUEEN VICTORIA STREET, North Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
COMMERCIAL BUILDING, 257-261 QUEEN VICTORIA STREET, North Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
TERRACE , 5 ROSE STREET, South Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
TERRACE , 7 ROSE STREET, South Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
TERRACE , 9 ROSE STREET, South Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
HOUSE, 1 SHUFFREY STREET, Fremantle	3	Yes	Change to level 2	Retain on Heritage List
HOUSE, 3 SHUFFREY STREET, Fremantle	3	Yes	Change to level 2	Retain on Heritage List
HOUSE, 21 SOUTH STREET, South Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
TERRACE , 27 SOUTH STREET, South Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
TERRACE, 29 SOUTH STREET, South Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
TERRACE, 31 SOUTH	3	Yes	Change to Level 2	Retain on Heritage

PLACE NAME	Existing Management Level MHI	Already Adopted by Council	Recommendation Management Level MHI	Recommendation Heritage List
STREET, South Fremantle				List
TERRACE , 33 SOUTH STREET, South Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
TERRACE, 131 SOUTH TERRACE, Fremantle	3	Yes	Change to level 2	Retain on Heritage List
TERRACE, 133 SOUTH TERRACE, Fremantle	3	Yes	Change to level 2	Retain on Heritage List
TERRACE, 135 SOUTH TERRACE, Fremantle	3	Yes	Change to level 2	Retain on Heritage List
SHOP & HOUSE, 138 SOUTH TERRACE, Fremantle	3	Yes	Change to level 2	Retain on Heritage List
COMMERCIAL BUILDING, 20-26 SOUTH TERRACE, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
DUPLEX, 1 SUFFOLK STREET, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
DUPLEX, 3 SUFFOLK STREET, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
DUPLEX , 5 SUFFOLK STREET, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
DUPLEX , 7 SUFFOLK STREET, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
HOUSE, 13 SUFFOLK STREET	3	Yes	Change to Level 2	Retain on Heritage List
COMMERCIAL BUILDING, 11 SUFFOLK STREET	3	Yes	Change to Level 2	Retain on Heritage List
HOUSE, 24 SWANBOURNE STREET, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
HOUSE, 69 TUCKFIELD STREET, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
HOUSE, 71 TUCKFIELD STREET, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
HOUSE, 21 WRAY AVENUE, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
DUPLEX , 25 WRAY AVENUE, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
DUPLEX , 27 WRAY AVENUE, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
DUPLEX, 29 WRAY AVENUE, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
DUPLEX , 31 WRAY AVENUE, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
DUPLEX , 33 WRAY AVENUE, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
DUPLEX , 35 WRAY AVENUE, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
DUPLEX , 38 WRAY AVENUE, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
DUPLEX , 40 WRAY AVENUE, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
HOUSE, 42 WRAY AVENUE, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
HOUSE , 44 WRAY AVENUE, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
HOUSE, 46 WRAY AVENUE, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List

PLACE NAME	Existing Management Level MHI	Already Adopted by Council	Recommendation Management Level MHI	Recommendation Heritage List
DUPLEX , 48 WRAY AVENUE, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
DUPLEX , 50 WRAY AVENUE, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
BEACONSFIELD HOTEL, 69 - 73 Wray Ave Fremantle	3	Yes	Change to Level 2	Retain on Heritage List
HOUSE, 92 WRAY AVENUE, Fremantle	3	Yes	Change to Level 2	Retain on Heritage List

2. That the following 35 places be considered for inclusion as new heritage listings on the Heritage List and the Municipal Heritage Inventory and that the consultation process under LPS4 and LPP 2.6 Procedure for Amending the Municipal Heritage Inventory (MHI) and Heritage List be commenced (new listings)

PLACE NAME	Already Adopted by Council	Recommendation MHI	Recommendation Heritage List
COMMERCIAL BUILDING, 34 ADELAIDE STREET, Fremantle	No	Add at level 1B	Add to Heritage List
COMMERCIAL BUILDING 18-22 ADELAIDE STREET, Fremantle	No	Add at Level 1B	Add to Heritage List
COMMERCIAL BUILDING 28 ADELAIDE STREET, Fremantle	No	Add at Level 1B	Add to Heritage List
COMMERCIAL BUILDING 30-32 ADELAIDE STREET, Fremantle	No	Add at Level 1B	Add to Heritage List
COMMERCIAL BUILDING, 3 CANTONMENT STREET, Fremantle	No	Add at Level 1B	Add to Heritage List
COMMERCIAL BUILDING, 6-8 CLIFF STREET, Fremantle	No	Add at Level 1B	Add to Heritage List
FORMER PUMPING STATION, 1 ELDER PLACE, Fremantle	No	Add at Level 1B	Add on Heritage List
COMMERCIAL BUILDING, 48 HIGH STREET, Fremantle	No	Add at Level 1B	Add to Heritage List
COMMERCIAL BUILDING, (WATSON'S FMR), 71 HIGH STREET, Fremantle	No	Add building at Level 1B Limestone Feature already adopted.	Retain on Heritage List amend name
WAREHOUSE, 2 LEAKE STREET, Fremantle	No	Add at Level 1B	Add to Heritage List
COMMERCIAL BUILDING, 85 MARKET STREET, Fremantle	No	Add at Level 1B	Add to Heritage List
WAREHOUSE, 8 PAKENHAM STREET, Fremantle	No	Add at Level 1B	Add to Heritage List
FORMER VICTORIA COFFEE PALACE, 11 Pakenham Street Fremantle	No	Add at Level 1B	Add to Heritage List
WILLSHIRE AND FEELY BUILDING, 15 Pakenham Street Fremantle	No	Add at Level 1B	Add to Heritage List
FORMER TERMINUS HOTEL, 18 Pakenham Street Fremantle	No	Add at Level 1B	Add to Heritage List
D & J FOWLER BAG STORE (fmr), 33 Pakenham Street Fremantle	No	Add at Level 1B	Add to Heritage List
FLAG AND WHISTLE HOTEL, 2 - 4 PARRY STREET, Fremantle	No	Add at Level 1B	Add to Heritage List
DOCK BUILDINGS, 13-15 PHILLIMORE STREET, Fremantle	No	Add at Level 1B	Add to Heritage List

PLACE NAME	Already Adopted by Council	Recommendation MHI	Recommendation Heritage List
COMMERCIAL BUILDING, 1-7 SOUTH TERRACE, Fremantle	No	Add at Level 1B	Add to Heritage List
HOUSE, 7D AMHERST STREET, Fremantle	No	Add at Level 2	Add to Heritage List
BEACH STREET PUMPING STATION, Beach Street Fremantle	No	Add at Level 2	Add to Heritage List
FORMER WESLEY MANSE AND FREMANTLE GAS & COKE, 8 CANTONMENT STREET, Fremantle need to ADD buildings and move to not listed places	Adopted as Limestone Feature. Add buildings to entry	Add buildings at Level 2	Retain on Heritage List amend name to include buildings
WOODSONS, 13 CANTONMENT STREET, Fremantle	Adopted as Limestone Feature. Add buildings to entry	Add buildings at Level 2	Retain on Heritage List amend name to include buildings
COMMERCIAL BUILDING, 8 ELDER PLACE, Fremantle	No	Add as Level 2	Add to Heritage List
FREMANTLE PARK, Fremantle bordered by Ellen, Ord & Parry Streets	No	Add at Level 2	Add to Heritage List
COMMERCIAL BUILDING, 110 HIGH STREET, Fremantle	No	Add at level 2	Add to Heritage List
FREMANTLE BUFFALO CLUB, 54 High Street Fremantle	No	Add at level 2	Add to Heritage List
COMMERCIAL BUILDING, 189 HIGH STREET, Fremantle	No	Add at level 2	Add to Heritage List
COMMERCIAL BUILDING, 75 HIGH STREET, Fremantle	No	Add at level 2	Add to Heritage List
HOUSE, 15 HOLDSWORTH STREET, Fremantle	No	Add at Level 2	Add to Heritage List
COMMERCIAL BUILDING, 31 PAKENHAM STREET, Fremantle	No	Add at Level 2	Add to Heritage List
WAREHOUSE, 26 PAKENHAM STREET, Fremantle	No	Add at Level 2	Add to Heritage List
WAREHOUSE, 43 PAKENHAM STREET, Fremantle	No	Add at Level 2	Add to Heritage List
WAREHOUSE, 56 PAKENHAM STREET, Fremantle	No	Add at Level 2	Add to Heritage List
JAYLU FLATS, 34 Queen Street Fremantle	No	Add at Level 2	Add to Heritage List

CARRIED: 6/0

For	Against
Mayor, Brad Pettitt Cr Andrew Sullivan Cr John Dowson Cr Tim Grey-Smith Cr Bill Massie Cr John Alberti	

PSC1010-205 MONUMENT HILL MEMORIAL RESERVE - SUMMARY OF PUBLIC SUBMISSION - COUNCIL

DataWorks Reference: 214/009
Disclosure of Interest: Nil
Meeting Date: 20 October 2010
Previous Item: PSC1006-121
Responsible Officer: Phil St John, Director Planning Services
Actioning Officer: Agnieszka Kiera, City Heritage Architect
Decision Making Authority: Committee
Agenda Attachments: Nil

EXECUTIVE SUMMARY

A draft Conservation Plan has been prepared for the Monument Hill Memorial Reserve. The current Monument Hill Conservation Plan was prepared and adopted by Council in 2001. The draft plan, involving primarily a review of the current plan has been prepared by the consultants and released for public comment seeking input from the broader community.

15 comments in total were received at the conclusion of the consultation period. The officers assessed the comments received and prepared recommendations to Council how the community input should be reflected in finalisation of the draft plan. This report provides the summary of the community comments and seeks Council's endorsement of the recommendations for the review and amendment of the draft plan before it is finally submitted to Council for adoption.

BACKGROUND

The Monument Hill Memorial Reserve is an A Class Reserve vested in the City of Fremantle for the purpose of Contemplation of Memorials, Look-out, Landscape and the Community.

Following receipt of grand funding, Kelsall Binet Architects were commissioned to undertake a review of the current Conservation Plan for the Monument Hill Memorial Reserve, the previous Conservation Plan having been prepared and adopted by Council in 2001.

At its 23 June 2010 meeting (item PSC 1006-121 refers) Council resolved to release the draft conservation plan for community consultation for a 35 day period and requested that a report on any submissions received be prepared for further Council consideration. The Council further noted that all recommendations contained within the draft plan will have to be further considered in the context of policy/local law development, and/or the standard budgetary and prioritisation process of the Council.

The advertising period closed on 16th August 2010 and 15 submissions were received at its conclusion.

COMMENT

The table below provides the summary of submissions and the officers' recommendation how these should be reflected in the final conservation plan.

#	Name	Issue	Officer's Comments
1	Jon Tomkins – Director, Fremantle Tram Tours	The commenter put forward the following: <ul style="list-style-type: none"> • It is unclear whether the recommendations will have any impact upon the Fremantle Trams Business and thus requests that consideration be given to its high value to all tour operators (tram service and various coaches etc.) visiting Fremantle. • Explains that the location gives a chance to tell the story of Monument Hill and best opportunity to explain many of the geographic and historic connections of Fremantle, as well as offering views 'second to none' across the city, port and ocean. • It is essential that vehicle access for coaches is maintained on Monument Hill 	The Fremantle Trams' and coaches' use of the reserve is supported on the basis that the look-out and community uses of the reserve are part of its vesting order and the reserve's social significance. The consultants to review the draft plan's recommendations in order to ensure that the ongoing use of the reserve by Fremantle Trams and coaches is reflected in the relevant conservation policies of the plan.
2	Ian James – Local property owner and retired long serving member of RAN (not the officer of Council)	The commenter put forward the following: <ul style="list-style-type: none"> • Strongly endorses the thrust of the report and the emphasis placed on the importance and significance of Monument Hill Memorial Reserve. • The social significance of the Reserve to various organizations is detailed in page viii of the Executive Summary and at pages 120, 121 and 126 of the body of the report. In the same context it would seem to be appropriate to record the abiding significance of the Reserve itself and the Memorials therein to past and present members of Australia's Armed Forces, their families and their descendants. No specific organizations are mentioned in relation to HMAS SYDNEY (lost off the WA coast) or the Korean War or the Royal Australian Navy in Vietnam Memorials and Plaques. While such organizations do exist perhaps the omission could be covered by mention of the Memorials themselves on page viii of the Summary. • Clause 8.3 Graded Elements on pages 136/137 does not include mention of the RAN and Merchant Navy Gate. • The mention of Commodore David Orr RAN on page 41 includes the post nominal RTO. This is incorrect. It should be Rtd or Retd for retired or perhaps the 	Noted Supported in principle. The consultant to review these suggestions and recommend / amend as appropriate. The consultant to review and recommend / amend as appropriate. The consultant to review and recommend / amend as appropriate.

		letters might be omitted.	
3	<p>W. Grisewood</p> <p>Local Resident and Dep. Warden of Fremantle War Memorial</p>	<p>The commenter put forward the following:</p> <ul style="list-style-type: none"> • Generally supports the conservation plan. • Requests Council consider a 'Reserve Infrastructure Fund' to be budgeted for annually to enable dollar for dollar funding from grants for future Conservation works. Works or repairs etc. can't be funded from an already overburdened Parks and Gardens budget. • Supports the notion of a 'Management Plan i.e. Quality Assurance for all departments of Council concerned with the Memorial Reserve. At present there is confusion and misinformation as to who is responsible for what, which results in the public enquiries being incorrectly advised. This would also assist the departments carrying out the recommendations of this conservation plan. • Supports the recommendation and concept of a 'Strategic Architectural Strategy' to be funded by Council with the help of a grant. It is an urgent requirement for any future development due to present conflicts around the world involving Australian troops. This will prevent the present ad hoc memorial designs and materials etc. • As mentioned in the last Conservation Plan (Palassis Architects), bollards are required across the west and eastern sides of the War Memorial to prevent damage occurring from cars and heavy buses reversing into what is intended to be a pedestrian area (health and safety issue). 	<p>Noted</p> <p>Outside the scope of this project. Any future funding for the recommended capital and maintenance works on the reserve need to be considered in light of the standard budgetary process and Council's priorities for capital conservation works.</p> <p>Neither the recommended management plan nor strategic architectural strategy for the reserve has been identified to be Council's priorities in the current strategic plans. The conservation plan should review the recommended preparation of further plans and strategies for the Monument Hill in accordance with the HCWA's brief for conservation plans as "Constraints and Opportunities Arising from the Requirements, Resources and Expectations of the Client". These include consideration of Council's current resources and priorities in regard to all other significant reserves (e.g. Arthur Head, Princess May Park or Cantonment Hill).</p> <p>The Consultant to amend the draft plan accordingly and any recommendations for additional expenditure and resources should be shown as being conditional on the Council's standard budgetary and prioritisation processes.</p>
4	<p>Christopher Thomas</p> <p>Local resident of 40 years to current address (65 years in Fremantle)</p>	<p>The commenter put forward the following:</p> <ul style="list-style-type: none"> • Fully supports the conservation plan • There is an apparent lack of recognition for those men and boys from Fremantle who gave their lives and have no honour board to give future generations a sense of pride. • 'According to the plan the memorial was built in recognition for soldiers of the 1st world War and subsequently a place of remembrance for those of the 2nd war (and all conflicts since then). Item 2.2 page 2 from line 9 onwards, I would respectfully submit that the names of these fallen soldiers from 	<p>Noted</p> <p>Noted</p> <p>Consultants to review and recommend / amend as appropriate.</p>

		Fremantle are included in the final draft'.	
5	Frank Walsh On behalf of the Royal Marines Assoc.	The commenter put forward the following: <ul style="list-style-type: none"> • Full support of the Conservation Plan by The Royal Marines Association. 	Noted
6	Jack Shephard, On behalf of the Royal Australian Navy Corvettes Assoc.	The commenter put forward the following: <ul style="list-style-type: none"> • Supports the draft conservation plan and notes it to have been very professionally prepared. • As part of the memorial is built against the kerb surrounding the bitumen in front of the main memorial, the stone steps are regularly damaged (presumably by vehicles on paved area). Due to age of members and financial situation, association, continual repair of the damage has become a burden. We are much in favour of the installation of bollards on the east/west sides of the bitumen area to prevent vehicular access. This would also promote the safety of pedestrian use of the area. • Association see merit in the proposed Management Plan which is long over due. • Suggestion of the establishment of an infrastructure fund, budgeted for annually, for maintenance of the monuments. 	Noted The consultant to review and recommend reconciliation of views and needs in light of the comments above that Fremantle Heritage Trams and coaches should be able to drive through the reserve for the purpose of look-out and community. The conservation plan should review the recommended preparation of further plans, budgets and works in accordance with the HCWA's brief for conservation plans as "Constraints and Opportunities Arising from the Requirements, Resources and Expectations of the Client". These include Council's current resources and priorities in regard to all other significant reserves (e.g. Arthur Head, Princess May Park or Cantonment Hill). The consultant to amend the draft plan accordingly and any recommendations for additional expenditure and resources should be shown as being conditional on the Council's standard budgetary and prioritisation processes.
7	Victor Humphries WW2 Veteran - Royal Navy and Sub Warden of Fremantle War Memorial	The commenter put forward the following: <ul style="list-style-type: none"> • Full support of the draft plan. • Page. 149 - Access to the Concourse area for pedestrians only. Bollards have been successful at both entrances to Monument Hill and also on the concourse, but damage is still being caused by vehicles using the concourse for parking. The bollards should now be brought to the edge of the roadway and one way of the road at 10KPH, and also bigger road humps as he has witnessed cars at speed driving over the hill. • 10.2.2. P179 - Nominated Responsible Person he hopes to ensure that the local reserve laws are enforce and 	Noted Consultants to review and recommend reconciliation of the views and needs in light of the comments above that Fremantle Heritage Trams and coaches should be able to drive through the reserve for the purpose of look-out and community. The recommended law enforcement and policing of ordinary community activities on the reserve are beyond the scope of this project. These comments need to be

		<p>policed. The commenter have witnessed law breaking activities taking place on the Hill but as an 85 year old all he can do is phone the ranger or police if he has his mobile phone and wait!!!</p> <ul style="list-style-type: none"> • 2004/2005 restoration work photos of work in progress, which is now on CD in the Fremantle History Library Archive for future war memorial guardians. 	<p>reconciled under the section "Constraints and Opportunities Arising from the Requirements, Resources and Expectations of the Client (Fremantle City Council)" already expressed in the Council's resolution that all recommendations contained within the draft plan will have to be further considered in the context of policy/local law development, and/or the standard budgetary and prioritisation process of the Council.</p>
8	<p>Baden Pratt Local Resident</p>	<p>The commenter put forward the following:</p> <ul style="list-style-type: none"> • 'Following a conversation with Chris Grisewood, I wish to add my support to the recommendation for the future of Monument Hill Memorial Reserve. I am a private resident near the monument and value its heritage place in the City of Fremantle, WA and Australia'. 	<p>Noted</p>
9	<p>HCWA Represented by Adelyn Siew, Manager Development Referrals</p>	<p>The commenter put forward the following:</p> <ul style="list-style-type: none"> • Overall the document is concise, very detailed and meets the standards set out in HCWA's Conservation Plan brief. • The document notes that, should a change of use ever be proposed for the Reserve, it must be enacted by State Parliament due to it being an 'A' Class Reserve (Section 9.6.1.1). Although it is highly unlikely that a change of use would ever be proposed, the document does not include possible future uses of place or uses that would be deemed culturally compatible or acceptable to such a significance place. • Under Section 9.6.1.1 'Constraints and Opportunities Arising from the Requirements, Resources and Expectations of the Client.' It may be beneficial to discuss what possible community attitudes and expectations exist regarding the place. This could also include social, religious or other cultural constraints which may impact the place. • No appendices accompanied the document. It may be of use to attach the following documents for the readers' information: Title deeds; guidelines to the Burra Charter; HCWA Register Entry documentation; Inspection Schedules. 	<p>Noted</p> <p>HCWA raises important point – the reserve is currently designated for "the purpose of Contemplation of Memorials, Look-out, Landscape and the Community. The consultant should amend the draft plan to reflect HCWA's recommendation.</p> <p>It is also an important because the draft plan doesn't appear to adequately account for the requirements, resources and expectations of the Fremantle Council as a client. HCWA broadens the definition of a client to include the community. The just completed public consultation may not have canvassed full range of community attitudes and expectations regarding the reserve.</p> <p>The consultant to appropriately reflect these comments in the final plan and recommend that any future change of the designation, policy or use of the reserve should further actively seek community attitudes and expectations before any of these are considered for implementation. The consultant to include the recommended appendices in the final report.</p>
10	<p>Fremantle History Society</p>	<p>The commenter put forward the following:</p>	

	<p>Represented by Anne Brake, (President)</p>	<ul style="list-style-type: none"> • Fremantle History Society strongly recommends that the attached Roll of Honour of Fremantle soldiers, sailors and airmen who died in World War 1 be included in the Revised Conservation Plan • Andrew Pittaway, the CoF archivist, has collected these names after extensive research in the National Archives of Australia, the Australian War Memorial, the Army Museum of WA, Commonwealth War Graves and other sources. It would be a sad loss if this valuable information were not preserved. • 'Ideally these names should be engraved on plaques and placed on the Memorial itself, and the Society hopes that eventually this could be done. In the meantime their inclusion in the Conservation Plan would at least ensure that they are recorded in an official document.' (Refer, Submitted 8 page list). 	<p>Noted. Consultant to consider and recommend as appropriate.</p> <p>It is unclear if it would be necessary to actually incorporate all archival information, which is available elsewhere in the conservation plan.</p> <p>The recommended production and installation of the additional plaques on the memorial need to be reconciled with the authenticity aspect of its significance. The recommendation should also be evaluated under the section "Constraints and Opportunities Arising from the Requirements, Resources and Expectations of the Client (Fremantle City Council)" in light of the already expressed in the Council's resolution that all recommendations contained within the draft plan will have to be further considered in the context of policy/local law development, and/or the standard budgetary and prioritisation process of the Council.</p>
<p>11</p>	<p>Eric and Christina Swann – Local Residents</p>	<p>The commenter put forward the following:</p> <ul style="list-style-type: none"> • The Council is no doubt aware that the western retaining wall which runs along Bateman Street is generally in poor condition and as the report states, this does require prompt attention. When this wall is left too long without maintenance there is a great deal of run off soil and dust making the small footpath and road quite unkempt and dirty. • The 2 corner road reserves on the western side of the monument at both ends of Bateman Street do require some attention/thought by the Council. The Bateman/Knutsford corner where the water pump block stands is at present well blended with the existing shrubbery and trees. This affords shading and attracts birds. A simple tidying up and more concentrated base cover is all that may be needed. A bench for people to rest at, on their way up the hill, could be a nice touch and the existing shade further utilised as there is a lot of pedestrian traffic along Knutsford Street particularly tourists and families visiting Fremantle. We do not believe there would be any need for the removal of the bush and tree garden 	<p>Consultants to review and recommend / amend as appropriate.</p> <p>These comments have merit. While they relate to the area outside the actual reserve, the point is made on the Council's installed, unsightly water pump block and the draft plan's recommendation to remove the trees may reveal the infrastructure, with the resulting impact on the perception of the reserve as a significant place.</p> <p>The consultant to review in light of the potential impact and amend the draft plan's recommendations as appropriate.</p>

		that exists at present.	
12	John and Helen Kennedy – Local Residents	<p>The commenter put forward the following:</p> <ul style="list-style-type: none"> • In regards to section 1.7.2, ‘Street verges at end of Bateman Street’, the two road reserves are not part of the original Monument Hill Reserve and as such are outside of the scope of the report (see Figure A: Site Plan of Study Area). • Residents of Bateman St have (and to a certain extent with the support of The Fremantle Council) worked to beautify the street by removing bitumen, directly in front of their homes and planting bush gardens, along with the road reserve on Bateman/Knutsford corner. • Annexing the road reserves to be included in the Plan so as to be able to nominate the removal of the mature trees is <i>not appropriate</i> for the following reasons: <ul style="list-style-type: none"> i. The view to and from the top of the monument is NOT compromised. ii. The trees offer, on a hot summers day, a cool and shady place for pedestrians to stop and sit on their way up to the monument or to their homes. iii. The reserve provides a sanctuary for a considerable variety of bird species. iv. The trees have aesthetic value as they hide a large water pump. 	<p>These comments have merit. While they relate to the area outside the actual reserve, the point is made to the Council’s installed, unsightly water pump block and the draft plan’s recommendation to remove the trees may reveal the infrastructure with the resulting impact on the perception of the reserve as a significant place.</p> <p>The consultant to review in light of the potential impact and amend the draft plan’s recommendations as appropriate.</p>
13	Royal Navy Submariners Association, Australia Branch Represented by Alan Jameson (President).	<p>The commenter put forward the following:</p> <ul style="list-style-type: none"> • In reference to Structural Engineers report (p77) and section 4.3, paving around periscope is a health and safety issue and should be rectified. • The obsolete title, <i>Submariners Old Comrade Association</i>, needs to be amended throughout Plan. Current title of the association, <i>Royal Navy Submariners Association</i>. 	<p>The consultants to review and recommend / amend as appropriate.</p>
14	Michael Patroni- Local property owner.	<p>The commenter put forward the following:</p> <ul style="list-style-type: none"> • Other than the initial monument, memorials on the site have not been well planned- “proliferation of eclectic and uncoordinated constructions sprawling around the podium”. Plan does not effectively address the incorporation of future 	<p>These comments have merit. While the draft plan recommends preparation of a number of additional further studies and policies addressing the issue, it would be simpler and more efficient for this conservation plan to recommend</p>

		<p>commemorations. Council to consider plan to better coordinate existing commemorations and to ensure future installations are in keeping with original design and significance.</p> <ul style="list-style-type: none"> • Many of the original trees have died have not been readily replaced. • In regards to section 1.7.2, 'Street verges at end of Bateman Street', opposes lawn as a replacement for existing vegetation. Landscape/design of garden bed should contribute to legibility of site. Choice of vegetation should integrate with the landscaping that exists on the rest of reserve. 	<p>appropriate design principles for integration of the memorials and a coordination process by which Council can ensure compatibility of any future memorials.</p> <p>Noted, supported</p> <p>The consultant to review the comments and provide the design principles and/or process for better integration of the memorials and landscaping with the significance of the reserve taking into consideration Council's budgetary and prioritisation processes.</p>
15	Jane Ratten- Local resident	<p>The commenter put forward the following:</p> <ul style="list-style-type: none"> • Specific interest in the maintenance and/or landscaping of Bateman St footpath and section of park opposite owner's residence. Has trialled and recommended use of wetting agent on lawn to improve quality and to address sand run-off on to path/street. • In regards to section 1.7.2, 'Street verges at end of Bateman Street', opposes removal of bush/trees at Bateman/ Knutsford corner. Gardens were created to narrow entry and exit points of the street and therefore should be excluded as part of the park design/plan and considered in their own right. Argues that garden does not obscure view of the Monument as suggested in the Plan. Garden offers amenity in the form of shade and a place to rest for pedestrians walking up the hill. • Council to consider pumping station, located in the mentioned garden. 	<p>Noted</p> <p>These comments have merit. While they relate to the area outside the actual reserve, the point is made on the Council's installed, unsightly water pump block and the draft plan's recommendation to remove the trees may reveal the infrastructure, with the resulting impact on the perception of the reserve as a significant place.</p> <p>The consultant to review in light of the potential impact and amend the draft plan's recommendations as appropriate.</p>

It is recommended that the officers' recommendations as expressed in the right column of the summary table be endorsed by Council and the consultant be requested to review and amend the final plan in light of the recommendations prior to submitting the final plan for Council's consideration and adoption.

RISK AND OTHER IMPLICATIONS

Financial

There are no direct budget implications associated with this item. However, many of the recommendations in the draft plan will require budget or additional staff resource allocation.

The consultant has been requested to review these recommendations in light of the Council's current resources and priorities and recommend that any further reports, studies and works be subject of the standard budgetary and prioritisation process of the Council.

Legal

NIL

Operational

There are no immediate implications associated with this item. However, many of the recommendations in the draft plan will require substantial increase of maintenance and staff resource allocation. The consultant has been requested to review these items in light of the Council's current resources and priorities and ensure that any recommendation for further works, policing and allocation of additional resources be subject to the current laws and standard budgetary and prioritisation process of the Council.

Organisational

There are no immediate implications associated with this item. However, many of the recommendations in the draft plan will require substantial increase in the organisational and staff resource allocation to Monument Hill. The consultant has been requested to review these items in light of the Council's current resources and priorities and make sure in the final report that any recommendation for additional resources be subject of the standard budgetary and prioritisation processes of Council.

CONCLUSION

15 comments have been received on the draft Conservation Plan for the Monument Hill Memorial Reserve. Most comments raise valid points and make constructive suggestions how to improve the draft plan.

The officers have reviewed the comments received and made recommendations for amendment of the draft plan before it is finalised by the consultant. It is recommended that the officers' evaluation of the comments and recommendations expressed in the right column of the summary table be endorsed by Council and the consultant be requested to review and amend the final plan in light of the recommendations prior to submitting the final plan for Council's consideration and adoption.

STRATEGIC AND POLICY IMPLICATIONS

The draft plan represents the review of the current conservation plan for the reserve adopted by Council in 2001. When the final plan is adopted by Council it will replace the 2001 conservation plan for the Monument Hill Memorial Reserve.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

The draft conservation plan has undergone 35 days period of community consultation and 15 comments were received during this period.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority

OFFICER'S/COMMITTEE RECOMMENDATION

MOVED: Cr A Sullivan

That Council

1. Receive and note public comments on the draft Conservation Plan for the Monument Hill Memorial Reserve 2010, and;
2. Endorses recommendations flowing from the evaluation of public comments and request that the final plan be amended in accordance with the officers' recommendations prior to being submitted to Council for adoption.

CARRIED: 6/0

For	Against
Mayor, Brad Pettitt Cr Andrew Sullivan Cr John Dowson Cr Tim Grey-Smith Cr Bill Massie Cr John Alberti	

Mayor, Brad Pettitt vacated the chamber at 7:15 pm during the following item and returned at 7:16 pm prior to determination.

Cr T Grey-Smith vacated the chamber at 7:30 pm during the following item and returned at 7:32 pm prior to determination.

Cr J Alberti left the meeting at 7:44 pm prior to consideration of the following item and did not return.

Cr B Massie vacated the chamber at 8:04 pm during the following item and returned at 8:05 pm prior to determination.

PSC1010-201 POSSIBLE AMENDMENT TO LOCAL PLANNING SCHEME NO. 4 TO FACILITATE DEVELOPMENT OF SMALL SECONDARY DWELLINGS

DataWorks Reference: 218/003
Disclosure of Interest: Nil
Responsible Officer: Director Planning and Development
Actioning Officer: Planning Officer
Decision Making Level: Planning Services Committee
Previous Item Number/s: Nil
Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to enable the Planning Services Committee to consider the principles of a possible amendment to Local Planning Scheme No. 4 to facilitate the development of small secondary dwellings on existing residential lots of 400 sq m and larger.

It is considered that dwellings of this type could make a significant contribution towards the supply of more diverse and affordable housing stock in Fremantle in line with strategic objectives of the State Government and the Council.

A key element of the approach to the Scheme Amendment recommended in this report is to exempt these dwellings from requiring planning approval subject to strict limits on maximum floor area and building height being complied with, and all Acceptable Development provisions of the Residential Design Codes being met with the exception of those relating to open space, outdoor living area and car parking & access.

BACKGROUND

The provision of more affordable and diverse housing to meet the needs of a changing and growing population is one of the key Urban Renewal and Integration outcomes in the City's 2010 - 2015 Strategic Plan. The State Government's recently adopted Directions 2031 strategic planning framework for metropolitan Perth identifies the need for more urban infill to help meet housing requirements associated with future population growth. Directions 2031 identifies a target of 47% of the total number of required new dwellings being delivered as infill development within existing developed areas.

The planning system has an important role to play in promoting greater diversity in housing supply to respond to demographic and economic trends. It is well documented that household sizes are becoming smaller and housing affordability in the metropolitan area has declined significantly in recent years. A research report commissioned by the Australian Housing and Urban Research Institute titled 'Housing implications of economic, social and spatial change' published in September 2010 identified a continued growth in single person households as a proportion of all households in Australia from 15% in 1976 to 23% by 2006. The same report identified that the median house price to income ratio, which is widely used as a key indicator of housing affordability, currently exceeds 6 in most Australian cities and is 6.8 in metropolitan Perth, compared to a generally accepted 'safe' affordability limit of 3.

Medium to high density housing as part of mixed use development within identified centres, and redevelopment of 'brownfield' sites are key parts of the planning policy response to these issues identified in Directions 2031, however further consideration also needs to be given to the extensive areas of existing single residential housing lots within the metro area which in population density terms are significantly underutilised although largely well serviced with infrastructure.

Permissible density coding in these established areas has tended to be increased in recent years through changes to Local Planning Schemes in many local government areas to facilitate infill through small scale subdivision. However, it is questionable whether greater housing diversity and affordability is achieved by this form of infill since mainly conventional, larger-type family homes tend to be built. Some success at promoting urban consolidation has been achieved, but in many cases there is significant community resistance to such development particularly in instances where designs of proposed dwellings rely on variations to the acceptable development requirements of the Residential Design Codes in terms of site coverage, boundary setbacks, privacy, etc.

Consequently there is a clear opportunity to consider how the planning system might more effectively promote the provision of smaller and more affordable housing types within established urban areas.

STATUTORY AND POLICY ASSESSMENT – CURRENT PLANNING REGIME

Residential density is currently controlled by the density coding of zoned land specified on the Local Planning Scheme Map, which relates to minimum lot areas and other development standards specified in the Residential Design Codes for various density codes. The City of Fremantle, and probably most other inner metropolitan local governments, are unlikely to promote wide scale 'blanket' up coding within established areas to facilitate further infill because of the potential impacts on urban streetscape, character and amenity. As stated above, the current housing market tends to demand and deliver dwellings that are as large as possible, which tends to reinforce community concerns regarding amenity considerations and other issues associated with smaller land parcels.

Directions 2031 and the currently draft Central Metropolitan Perth Sub-Regional Strategy (which is intended to sit below Directions 2031 in the Government's new planning framework for the metro area)

Clearly state that blanket upcoding of whole neighbourhoods is not considered an appropriate method of meeting the infill development targets due to the potential impact upon neighbourhood character and cultural heritage.

The current planning system permits Ancillary Accommodation (colloquially known as 'granny flats') on existing single residential lots. The Residential Design Codes defines Ancillary Accommodation as 'Self-contained living accommodation on the same lot as a single house that may be attached or detached from the single house occupied by members of the same family as the occupiers of the main dwelling'. The acceptable development provisions in the R Codes for such development are:

- The sole occupant or occupants are members of the family occupying the main dwelling;
- The lot is not less than 450 sq m in area;
- The open space requirements of the R Codes are met;
- The ancillary accommodation has a maximum floor area of 60 sq m; and
- One additional car parking space is provided.

As with other forms of residential development assessed under the R Codes, an applicant may seek a performance criteria-based assessment rather than relying on compliance with the acceptable development provisions. This might result in the approval of Ancillary Accommodation which varies from the above development standards; however occupancy would still be restricted to a member of the family occupying the main dwelling due to the definition of Ancillary Accommodation in the R Codes.

The draft Central Metropolitan Perth Sub-Regional Strategy identifies an opportunity to increase the supply of smaller, more affordable rental accommodation by modifying the ancillary accommodation provisions of the R Codes. It suggests that the current 'family member only' occupancy restrictions could be removed to enable single dwelling owners to provide small self-contained unit accommodation 'as of right' which could be occupied by anyone, however the accommodation could not be separately titled (green title or strata).

PLANNING COMMENT

Housing affordability and diversity is a complex policy issue involving many socio-demographic, cultural, economic and regulatory factors. Few people would dispute that there is no 'one size fits all' response that can be applied to all situations, or that the planning system causes, or can solve, current difficulties.

Nevertheless there could be opportunities for the planning system to assist particularly with the provision of smaller and more affordable housing types within established urban areas. As stated above the State Government has recently acknowledged this through the reference in the draft Central Metropolitan Perth Sub-Regional Strategy to relaxing current planning controls over the occupancy of ancillary dwelling units. There is also evidence of increasing support for the provision of these types of housing units in other planning jurisdictions in Australia, notably in greater Sydney, and overseas (particularly in Canada and the USA, where they are generally referred to as Accessory Dwelling Units or Secondary Dwellings).

Research studies in 2006 by Landcom (the NSW Government’s development agency) and in 2009 by the Southern Research Centre – Australian Housing and Urban Research Institute (for the Government of SA) identified a number of potential benefits associated with the provision of small ancillary or secondary dwellings on an existing single house lot including the following:

- Increased overall supply of affordable market rental housing;
- Source of supplementary income to lower income home owners to assist with mortgage repayments and costs of housing maintenance;
- Encourages efficient use of existing housing stock and the preservation of family homes while creating dwellings suitable for smaller households;
- Integrates relatively easily into the built form within established neighbourhoods;
- Cost of construction is less than for conventional housing, so small secondary dwellings rent for less than average market rent levels.

Small dwelling units of this type can take various physical forms, but in a WA context the most common type (and the one which already benefits from a degree of general community acceptance) is the detached single storey ‘studio’ style building, commonly involving a degree of prefabricated construction. This type of building form offers the benefits of relatively simple and low cost purchase and construction costs.

Initial research into possible options and designs suitable for this type of dwelling has revealed that the housing industry provides a wide range of suitable dwellings ranging in quality and cost. A sample is stated in the table below.

Floor Area	Basic Layout
31 square metres	Studio (1 bathroom and open plan bedroom, living, kitchen and dining area)
54 square metres	1 bedroom, 1 bathroom, laundry, living/dining and kitchen
57 square metres	1 bedroom, 1 bathroom, living/dining, kitchen and laundry
60 square metres	1 bedroom, 1 bathroom/laundry, living/dining and kitchen.
63 square metres	2 bedrooms, 1 bathroom, living/dining, kitchen and laundry
64 square metres	2 bedrooms, 1 bathroom, living/dining, kitchen, laundry.
88 square metres	2 bedrooms, 1 bathroom/laundry, living/dining and kitchen.

The costs of such dwellings range between approximately \$70,000 and \$115,000.

The preliminary view of officers is that whilst the potential change to the R Codes to remove the ‘family member only’ occupancy restriction on Ancillary Accommodation suggested by the Western Australian Planning Commission would provide some encouragement for greater provision of this type of accommodation,

the requirement to obtain planning approval and comply with other requirements of the R Codes such as open space and additional car parking provision would still significantly constrain the take-up of development opportunities.

Overcoming this constraint would require a more significant shift in statutory planning thinking. It is contended that to make smaller housing more attractive and affordable to build and occupy, complexities in its regulation must as far as possible be removed. A bolder approach than that suggested by the WAPC which may achieve this would be to introduce provisions into the City's Local Planning Scheme which would exempt ancillary or secondary dwellings which comply with certain non-variable criteria from requiring planning approval altogether.

The basic principles that might govern such a Scheme provision could be as follows:

- Definition of what constitutes a small ancillary (or secondary) dwelling, clearly stating that the occupant(s) do not have to be related to occupants of the main dwelling;
- No capability to create a separate title or strata title;
- Maximum floor area which cannot be varied;
- Maximum building height equivalent to single storey only which cannot be varied;
- Minimum lot area requirement which cannot be varied;
- Minimum setback requirements to ensure such development is sited to the side or rear of the existing house on the lot;
- Suspension of application of specified R Codes Design Element requirements;
- Exemption from requirement to obtain planning approval for small dwellings complying with the above.

It is recognised that the approach outlined above raises a number of issues that are likely to be of concern from both technical planning and wider community viewpoints. These are discussed further below.

KEY ISSUES

Site Cover & Lot Area

Within the City of Fremantle there are a significant number of single residential lots, particularly in older parts of the City, which may not be able to take advantage of the current ancillary accommodation provisions in the R codes (even if the current occupancy restriction was lifted) because of the requirements in the acceptable development provisions for a minimum 450 sq m lot area and open space of not less than 45% or 50% of the total lot area (depending on the density coding for that lot). Variations to these requirements might be sought through an application relying on a performance-criteria based assessment, but approval of such an application would be uncertain as it would rely on a discretionary decision by Council following consultation with neighbours. This uncertainty might deter property owners from committing to the effort and expense of proceeding with development proposals of this nature.

The more radical approach outlined above might address these issues by including within the Scheme amendment provisions for development exempt from planning approval: (a) a smaller minimum lot area requirement (officers consider a minimum of 400 sq m may be appropriate in the context of the character and pattern of built form and lot sizes in Fremantle); and (b) suspending application of the minimum open space requirements of the R Codes.

It is acknowledged that these proposals, particularly the relaxation of open space requirements, may be contentious and raise concerns about over-development of lots, loss of privacy and potential loss of existing vegetation within garden areas of existing properties where a second small dwelling may be built.

It is considered that the combination of a minimum lot area and a maximum floor area for the small second dwelling, both of which would be incapable of being varied under the Scheme provisions, could address these concerns by ensuring that the floor area of the existing main dwelling plus a small second dwelling of say 60 sq m maximum floor area would still leave a reasonable amount of private open space on a lot of 400 sq m or larger.

On lots larger than say 600 sq m it might be reasonable to permit a slightly larger second dwelling – perhaps up to 75sq m which could accommodate 2 bedrooms. With regards to privacy between the main dwelling and the second dwelling, on the basis that no separate titling of the second small dwelling would be permitted it would be reasonable to leave determination of privacy levels to the owner of the lot as the party most affected. These would enable privacy arrangements to be adapted to suit the circumstances of occupants of the two dwellings.

Restricting small secondary dwellings to single storey in height (possibly with the option of providing limited accommodation in the roof space, subject to any such accommodation being counted as part of the maximum total floor area limit) and requiring compliance with the acceptable development provisions of the R Codes in relation to boundary setbacks and privacy could ensure that no overlooking of neighbouring properties could occur due to the screening effect of existing boundary fences or structures.

The concept of an 'as of right' entitlement to build such development without planning approval relies on rigorous compliance with the lot size, floor area and height requirements referred to above. To prevent pressure on the Council to accept developments which do not fully comply with these requirements (even if only by a small amount), it is suggested that a provision could be included as part of the Scheme amendment to prohibit the development of small secondary dwellings in Fremantle which do not comply with these requirements – i.e. Council's existing discretionary power under the Scheme to vary development standards and requirements as part of consideration of an application for planning approval would not apply to such development.

Car Parking & Access

The Residential Design Codes 2008 require a minimum of two car parking bays for a Single House or Grouped Dwelling development and one additional parking bay for an Ancillary Accommodation dwelling.

In terms of access, the Department of Planning's Development Control Policy 2.3 requires new lots to have constructed vehicle access from the lot to a gazetted public road, and battle axe lots should have a minimum battleaxe leg of 4 metres in width. Rear lot developments in the City of Fremantle are traditionally via an area of common property or battle axe leg and a pedestrian access way, in accordance with the Department of Planning's requirements.

The proposed Scheme amendment could deal with parking associated with a second small dwelling in one of two ways:

- Option 1 – Apply the current R Code requirements, i.e. one additional parking bay would be required for the second dwelling, over and above the parking provision for the existing main dwelling.
- Option 2 – Leave parking arrangements to the discretion of the individual landowner and not make it a requirement under the Scheme for designated existing or additional on-site parking space to be provided for the second dwelling (i.e. suspend the access and parking requirements of the R Codes).

The choice between these options involves balancing the considerations of ensuring that occupants of the existing dwelling on site and adjoining sites are not disadvantaged or inconvenienced by car parking demand on the site or on the adjoining street, and on the other hand ensuring landowners are not deterred from developing small second dwellings by excessive or unachievable car parking requirements.

As in the case of the proposed approach to open space requirements, the option of leaving parking arrangements to the discretion of the individual landowner may cause concern over the potential impact on local streetscape and neighbours' amenity resulting from possible additional on-street parking. However, on the basis that the purpose of the Scheme amendment is to facilitate the supply of low cost small housing suitable for rental by small households (most likely single or two person households) there is a reasonable prospect that occupants of such dwellings may not possess a car, particularly as most parts of Fremantle are well served by public transport and many locations are within walking or cycling distance of city centre employment destinations and other services.

On balance, officers consider that the overall impact of this form of development on parking demand is likely to be modest, and therefore it would be reasonable to not make additional parking provision mandatory as part of the proposed Scheme provisions.

Tenure

Traditional infill development generally ensures a parent property can be subdivided to formalize the division of land and its ownership. This requires subdivision to be in accordance with the Residential Design Codes and Department of Planning's Development Control Policies pertaining to the subdivision of land.

In the case of the proposed approach to Ancillary Accommodation dwellings, it is recommended that there should be no capability for existing land parcels or buildings on them to be formally subdivided or strata titled.

This is considered to be a fundamental requirement to ensure that the recommended approach of relaxing conventional development standards in the R Codes controlling matters such as open space and parking and leaving the management of such matters to the property owner will work effectively. The most suitable tenure for small secondary or ancillary dwellings would therefore be rental, with individual landowners having responsibility for the management and maintenance matters associated with both the main dwelling and the secondary or ancillary small dwelling on the lot.

Ensuring that the existing main dwelling and ancillary dwelling remain on one lot with one title would also afford greater flexibility to landowners, for example if due to a future change of circumstances an owner wishes to remove the ancillary dwelling or convert it to part of the main dwelling accommodation.

Other Possible Community Concerns

Other community concerns anticipated to arise as a result of the proposed Scheme Amendment include the perception of low quality housing and related amenity concerns, and the issue of 'infill by stealth' impacting upon local character.

Possible local amenity issues

It is acknowledged that the introduction of this housing form, in combination with the proposed exemption from the requirement to obtain Planning Approval under the Scheme, does create the potential that a substandard development may eventuate, or that properties which have been developed under these provisions could become run down or left to fall into disrepair. Whilst this is not considered likely to be a common scenario, it is possible, and as such it would be prudent to incorporate a provision in to the Local Planning Scheme (over and above the base requirements of the Building Code of Australia) to deal with this eventuality, should it occur.

A scheme provision is therefore recommended which would create a statutory authority for the Council to serve a notice on a property containing an Ancillary Dwelling requiring its repair, repainting, removal of materials, etc in the event that, in the opinion of the Council, it is constructed or maintained in such a manner as to be out of keeping with the general standard of amenity within the locality.

Impact of infill development on local character

The proposed Scheme Amendment would be a significant departure from traditional planning principles and policies and it is recognised there may be community resistance to the proposal for a range of reasons. In fulfilling infill targets and meeting the bigger picture objectives of improving housing affordability and diversity set out in Directions 2031 and the City's 2010-2015 Strategic Plan, a more innovative approach is considered necessary in order to ensure the City is best positioned to respond to future population growth and the housing demands associated with changing demographic trends, particularly the growing proportion of one and two person households.

It should be borne in mind that the proposed Scheme provisions would only apply to very small 'back garden' dwellings which due to their intrinsic scale and nature can reasonably be expected to have a much lower level of impact on the residential amenities of neighbours and local neighbourhood character. Conventional approaches to development control exercised through the requirement for planning approval under the Scheme and assessment against design standards in the R Codes would continue to apply to all other types of dwellings.

NEED FOR A TRIAL

With approximately 5400 existing single residential lots in the City of Fremantle, this initiative could make a significant contribution towards achieving a more diverse and affordable local housing stock and achieving or exceeding the infill targets in Directions 2031.

However, it is acknowledged that this is a very different approach from current planning controls and uncertainties exist as to the extent of community acceptance and the economic viability and level of take-up of development opportunities to provide small secondary dwellings. Consequently it is suggested that such a scheme amendment should include a 'sunset clause' to make the provisions cease after a specified period (say 5 years). This would enable the impact and operation of the provisions to be assessed and modified or revoked if necessary.

Since this model of development could be applicable in all Local Governments in Western Australia and has implications for the operation of the R Codes, it is recommended that if Council support the principle of this approach City officers should liaise with the Department of Planning in the preparation of the Scheme amendment and discuss its potential as a trial project for potential wider application in the future.

CONCLUSION

This suggested amendment represents a different approach to planning and bold step in the provision of more diverse housing within Fremantle. It seeks to remove as many as possible of the constraints to the development of Ancillary Dwellings, and, in doing so, offers the maximum possible opportunity for housing diversity within established areas within reasonable levels of maintenance of local character and amenity.

This approach naturally raises a number of issues, some of which are not fully resolvable. Clearly the removal of open space controls will raise concerns about the potential loss of urban green space, and the absence of parking provision may create concerns about street parking. It is hoped that these concerns will be, to some extent at least, ameliorated by the strict size restrictions on the dwellings, although ultimately these considerations will have to be weighed up against the need to provide far greater potential opportunities for housing infill, increased local population and housing diversity and affordability.

A number of more detailed issues that are not directly planning considerations but are relevant to this form of development, for example property identification/numbering, and provision of mail boxes and refuse bins, would need to be considered in due course if Council is supportive of the general approach recommended in this report.

Should Council agree to the principles of a scheme amendment as recommended below, draft text will be prepared in consultation with Department of Planning representatives, and this will be further presented to the Council for formal initiation.

OFFICER'S RECOMMENDATION

1. That a draft amendment to Local Planning Scheme No 4 be prepared based on the following principles:
 - a) Introducing a definition of a form of dwelling to be known as a 'Small Secondary Dwelling' based on the following elements:
 - Self contained, but not separately titled, living accommodation;
 - Located on the same lot as an existing single house; and
 - Able to be occupied by any person(s) irrespective of whether or not they are members of the same family as the occupiers of the main dwelling.
 - b) Permitting the development of a Small Secondary Dwelling without requiring planning approval on all Residential zoned lots of 400 square metres or larger in area, where the following criteria are complied with:
 - Acceptable Development provisions of the Residential Design Codes are met, with the exception of those relating to open space, outdoor living area, car parking & access; and street setbacks as varied below.
 - Buildings setback from any street boundary of the lot (primary and/or secondary street) by a minimum of 6m.
 - c) Mandatory maximum total floor area of a Small Secondary Dwelling shall be 60 square metres on lots with an area of between 400 and 600 square metres, and 75 square metres on lots larger than 600 square metres, and these areas are incapable of being varied;
 - d) Mandatory maximum external wall height of 2.7 metres and overall height of 5.0 metres, which cannot be varied;
 - e) Mandatory requirement for a single dwelling (as defined in the R Codes) to already exist on the lot prior to development of a Small Secondary Dwelling;
 - f) Prohibition of the development of Small Secondary Dwellings which do not comply with the mandatory requirements in (c), (d) and (e) above by excluding such development from consideration under existing provisions of the Scheme which enable Council to vary site and development standards and other Scheme requirements;
 - g) Inclusion of a clear prohibition of the subdivision or strata tilting of such development;
 - h) Inclusion of a provision to authorise Council to serve a notice requiring repair and/or improvement and/or removal of materials in relation to a dwelling considered to be of substandard condition or appearance and detrimental to the amenity of the area;
 - i) Inclusion of a 'sunset' clause rendering the Scheme Amendment provisions inoperable after a period of five years.
2. That officers be authorised to consult with representatives of the Department of Planning regarding the preparation of a draft amendment to LPS4 based on the principles in (1) above, prior to presenting a further report on the matter to Council for further consideration and possible initiation of a Scheme amendment.

COMMITTEE DECISION

Cr Andrew Sullivan MOVED to defer the item to the next appropriate Planning Services Committee meeting.

CARRIED: 5/0

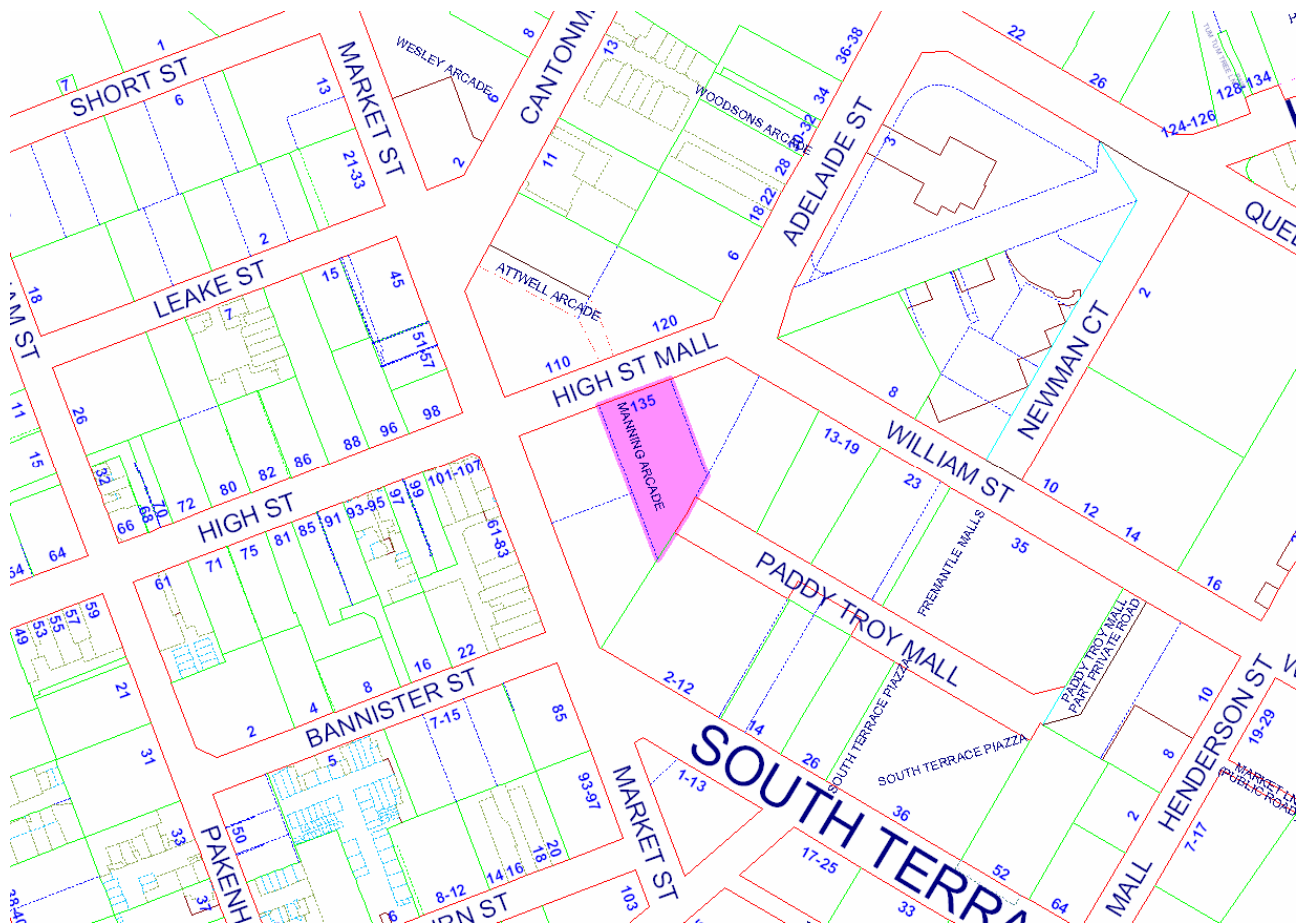
For	Against
Mayor, Brad Pettitt Cr Andrew Sullivan Cr Tim Grey-Smith Cr Bill Massie Cr John Dowson	

At 8:41 pm Cr A Sullivan declared a financial interest in item number PSC1010-200 and was absent during discussion and voting of this item.

At 8:41 pm the Mayor, Brad Pettitt assumed the chair.

PSC1010-200 135 HIGH STREET FREMANTLE - EXTERNAL PAINTING OF FACADE - DA0338/10 (LH)

DataWorks Reference: 059/002
Disclosure of Interest: Nil
Meeting Date: 20 October 2010
Responsible Officer: Manager Development Services
Actioning Officer: Planning Officer
Decision Making Level: Planning Services Committee
Previous Item Number/s: None
Attachment 1: Development Plans (July 2010)
Attachment 2: Heritage Assessment (October 2010)
Date Received: 14 July 2010
Owner Name: L.W, L.A.T and R Manning
Submitted by: Programmed Property Services
LPS4: City Centre
Heritage Listing: MHI Level 1B
Existing Landuse: Shop
Use Class: Retail and Commercial
Use Permissibility: 'P'



EXECUTIVE SUMMARY

This report relates to an application for external painting (repair and maintenance) to parts of the façade and internal painting of No. 135 High Street Fremantle.

The proposal seeks to use colours which are not supported by LPS 4 or the Heritage Assessment, however regard must be had to the fact that the development is for repair and maintenance not total repainting of the whole building.

The development is recommended for approval as the maintenance of the building is considered to be important in line with the objectives of LPS4 and LPP 2.5 External Treatment of buildings and DGF14 Fremantle West End Conservation Area.

BACKGROUND

The subject site is located at No. 135 High Street Fremantle (the site) known as Manning Buildings. The site is approximately 1406m² in area and is located on the southern side of High Street Mall.

The subject site is zoned Commercial under the provisions of the City of Fremantle's (the City) Local Planning Scheme No 4 (LPS4). The site is listed on the City's Heritage List and the Municipal Heritage Inventory (MHI) as a Management Category Level 1B and is situated within the West End Conservation Area.

A review of the property file found the following relevant planning background: The City granted planning approval on 17 March 1993 to repair and repaint the subject property using the colour scheme approved which has been acted upon.

DETAILS

On 14 July 2010 the City received a development application seeking Planning Approval for the washing and external painting of parts of the façade of the building and some internal painting. With regards to the proposed washing of the building, such works do not require planning approval under the provisions of LPS4.

STATUTORY AND POLICY ASSESSMENT

Local Planning Scheme No 4

Planning approval required

The current proposal has been submitted in accordance with Clause 8.2(h)(iii) of LPS4 which requires the submission of a development application for the maintenance and repair of any buildings included on the Heritage List. The proposed development relates to the repair and maintenance of specific areas where the paintwork has become damaged, it does not relate to the total repainting of the building.

Aims of the Scheme

The aims of the scheme are set out in Clause 1.6.1 and sub clause(g) states that the aim of the scheme is to “*ensure all development complements and contributes to the community’s desired identity and character for Fremantle*”.

City Centre Zone

Clause 4.2(b) of LPS 4 sets out the objectives for the City Centre zone and subsection (iii) requires the conservation of places of heritage significance affected by development.

Council Local Planning Policies

LPP 2.5 External Treatment of buildings

The purpose of this policy is to provide guidance for the assessment of planning applications for the treatment of Heritage Listed buildings. It requires that a painting methodology is submitted to verify that the proposed colours are in keeping with the history of the building and appropriate to use. Where the historical colours cannot be established, the policy details the principles which should be adopted in choosing an appropriate colour, which are that:

- the colours should be consistent with the colour of the natural material underneath and
- decorative elements should be highlighted with muted tones in a lighter colour than the main body of the wall.

DGF14 Fremantle West End Conservation Area

The main objectives of this policy set out to create an awareness of the West End heritage, to preserve and enhance the historic built environment and to encourage sympathetic re-development and discourage that which is detrimental to the recognised qualities of the environment. The subject property falls within zone 5 the Central Core and clause 4.5.2 specifically states that the Council will ensure that the significant buildings within it will be conserved, in particular the Manning Buildings (amongst others).

CONSULTATION

Community

The application was required to be advertised in accordance with LPP 1.3 *Public Notification of Planning Proposals* and at the end of the consultation period no submissions had been received.

Heritage

According to the City’s records, no heritage assessment was provided in determining the original planning application for external painting of the building which was approved 17 March 1993.

However a heritage assessment was sought in accordance with the requirements of Clause 7.4 of LPS 4 and LPP 1.6 *Preparing Heritage Assessments*, (Attachment 2).

PLANNING COMMENT

The proposed development relates to the painting of specific parts of the building as part of a maintenance programme. A painting methodology has not been submitted as the proposed colours are in accordance with the colour scheme which was approved in March 1993 (DA9/87.08). However the colours are not in accordance with the guidance set out in

LPP 2.5 both in terms of the colours which are proposed and the way in which they are to be applied, in particular the detailing around the windows and the decorative elements of the façade.

The Heritage Assessment has considered the proposal on the basis of a total repainting of the building and not as the repair and maintenance of specific parts. It has concluded that the internal painting is acceptable and the painting of the rear of the building does not have any heritage impact. The report identifies the heritage significance of the building as being of considerable significance and does not support the proposed colour scheme for the façade of the building. However it has not had regard to the fact that the proposal is for the repair and maintenance of certain elements, not the repainting of the entire building.

The aims of LPS4 and DGF14 seek to ensure that the historic built environment should be enhanced and preserved and the proposed development is seeking to achieve the same objective. Whilst it is unlikely the proposed colour scheme could be supported for the total repainting of the building, what is actually being proposed is the repair and maintenance of the building using a previously approved colour scheme.

It is possible that Council could refuse the current application and seek a new application for repainting of the building in an appropriate colour scheme in accordance with the requirements of LPS4. However, given the proposal only relates to the repair and maintenance this is not considered to be a reasonable approach.

For future clarity a condition has been recommended stating that any such proposed future repair painting works can only be undertaken in accordance with the previous approved colour schedule described on the submitted development plans dated 14 July 2010. The City sought legal advice regarding this condition which stated that:

'To validly impose a condition, it must:

- (1) serve a planning purpose;*
- (2) fairly and reasonably relate to the development approved; and*
- (3) not be so unreasonable that no reasonable planning authority would impose it.*

Western Australian Planning Commission v Temwood Holdings Pty Ltd (2004) 221 CLR 30.

the proposed condition satisfies each of these requirements. It serves a planning purpose as it defines the scope of approved painting repairs by reference to the permissible colours that can be used and by providing for painting repairs in the future. The condition fairly and reasonable relates to the development to be approved (ie painting repairs) and could not be said to be unreasonable in any relevant sense.'

CONCLUSION

The key issues for consideration in this proposal relate to the repair and maintenance of the building and the choice of colours to be used. It is accepted that the colours are not in accordance with current policy but on balance it is considered that maintaining the building is of great importance and the proposal should be supported subject to conditions.

OFFICER'S RECOMMENDATION

That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the External Painting (Repair and Maintenance) to parts of the façade and internal painting at No. 135 (Lot 382-285) High Street, Fremantle, subject to the following condition(s):

1. This approval relates only to the development as indicated on the approved plans. It does not relate to any other development on this lot.
2. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or rare fabric of the building. Should the works subsequently be removed, any damage shall be rectified to the satisfaction of the City of Fremantle.
3. The external painting repairs must be undertaken in accordance with the colours described in the development application dated 14 July 2010 and as shown the plans dated 14 July 2010. Further external painting repairs may be undertaken in the future using these colours.

Cr John Dowson **MOVED** to defer the item to the next appropriate Planning Services Committee Meeting to enable further discussion with the applicant.

LOST: 3/2

Mayor, Brad Pettitt used his casting vote AGAINST the recommendation decision resulting in it being LOST.

For	Against
Cr John Dowson Cr Bill Massie	Mayor, Brad Pettitt Cr Tim Grey-Smith

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Mayor, Brad Pettitt

That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the External Painting (Repair and Maintenance) to parts of the façade and internal painting at No. 135 (Lot 382-285) High Street, Fremantle, subject to the following condition(s):

- 1. This approval relates only to the development as indicated on the approved plans. It does not relate to any other development on this lot.**
- 2. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or rare fabric of the building. Should the works subsequently be removed, any damage shall be rectified to the satisfaction of the City of Fremantle.**
- 3. The external painting repairs must be undertaken in accordance with the colours described in the development application dated 14 July 2010 and as shown the plans dated 14 July 2010. Further external painting repairs may be undertaken in the future using these colours.**

CARRIED: 3/1

For	Against
Mayor, Brad Pettitt Cr Tim Grey-Smith Cr Bill Massie	Cr John Dowson

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.

REPORTS BY OFFICERS (COUNCIL DECISION)

At 8:48 pm the Cr Andrew Sullivan reassumed the chair.

PSC1010-206 FREMANTLE HERITAGE CONSERVATION GRANTS POLICY - ADOPTION, COUNCIL

DataWorks Reference:	069/001
Disclosure of Interest:	Nil
Meeting Date:	20 October 2010
Previous Item:	n/a
Responsible Officer:	Director Planning Services
Actioning Officer:	City Heritage Architect
Decision Making Authority:	Council
Agenda Attachments:	Fremantle Heritage Conservation Grants Policy Pro-forma grant application template

EXECUTIVE SUMMARY

The City of Fremantle Council has allocated \$100,000 in its 2010/11 budget for cash heritage conservation grants.

The purpose of the Fremantle Heritage Conservation Grants Policy is to clarify who is eligible and for what works the grants are available; to prescribe the procedures for application and for grants' allocation.

It is proposed that grants will be available to all private owners of heritage listed residential properties located in Fremantle and for works, which are in public view and can: reveal the significance of the place; increase awareness and appreciation of Fremantle heritage, and; promote high standard of conservation works.

It is proposed that the first round of applications be undertaken by advertising availability of the grants in the period of 15 to 26 November 2010.

BACKGROUND

The City of Fremantle Council has allocated \$100,000 in its 2010/11 budget for cash heritage conservation grants.

COMMENT

The purpose of the Fremantle Heritage Conservation Grants Policy is to clarify who is eligible and for what works the grants are available; to prescribe the procedure for application, and to prescribe the procedure for grants' allocation.

It is proposed that grants will be available to all private owners of heritage listed residential properties located in Fremantle and for the works, which are in public view and can reveal significance of the place, increase awareness and appreciation of Fremantle heritage, and promote high standard of conservation works.

While encouraging all owners of heritage properties to invest in conservation of their property the policy emphasise support for small, the maintenance-type projects, which are not normally eligible for heritage grants from any other funding sources. In addition the policy aims at simplifying the grants' approval and acquittal process, to make them readily available for the works, which have already undergone and received planning approval. The owners will be expected to complete the works at their cost to Council satisfaction as certified by the City of Fremantle's appointed technical advisor from the existing pool of technical advisors already available to provide a one off, free technical conservation advice under the separate recurrent budget allocation of \$10,000.

RISK AND OTHER IMPLICATIONS

Financial

There are no additional financial implications associated with this item. It is however anticipated that demand for grants is likely to exceed the allocated budget. Therefore the policy includes an option of the random draw by the Mayor in cases where, after application of the policy preferences, the quantity of grant applications still exceeds the budget allocation.

Legal

There are no legal implications resulting from this policy. The Elected Members and employees of the City of Fremantle and their relatives are excluded from those eligible, to avoid any issues associated with the potential conflict of interest.

Operational

The administration of the grants in accordance with the policy will add to the workload of the on staff heritage officers of the City of Fremantle.

Organisational

There are no organisational issues associated with application of this policy.

CONCLUSION

The proposed Fremantle Conservation Grants Policy clarifies who is eligible and for what works the grants are available; prescribes the procedure of application; and prescribes the procedure for grants' allocation.

It is proposed that grants will be available to all private owners of heritage listed residential properties located in Fremantle and for the works, which are in public view and therefore can reveal significance of the place, increase awareness and appreciation of Fremantle heritage and promote high standard of conservation works.

It is envisaged that the cash grants will act as a positive and constructive incentives to private owners of heritage properties in Fremantle encouraging them to invest in the ongoing maintenance and conservation works on the publicly visible parts of the privately owned heritage buildings, which are usually neglected.

STRATEGIC AND POLICY IMPLICATIONS

The policy relates to the strategic imperative of “Character” i.e. sustaining and growing of arts and culture and preservation of the importance of our social capital, built heritage and history.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

It is a procedural policy for which public consultation is not required.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER’S AND COMMITTEE RECOMMENDATION

MOVED: Cr A Sullivan

That Council

- 1. Adopt the Fremantle Heritage Conservation Grants Policy, and;**
- 2. Initiate the first round of grants in accordance with the policy, by opening the grant applications period on the 15th and closing on the 26th November 2010.**

CARRIED: 5/0

For	Against
Mayor, Brad Pettitt Cr Andrew Sullivan Cr Tim Grey-Smith Cr Bill Massie Cr John Dowson	

CONFIDENTIAL MATTERS

Nil.

CLOSURE OF MEETING

THE PRESIDING MEMBER DECLARED THE MEETING CLOSED AT 8:51 PM.

SUMMARY GUIDE TO CITIZEN PARTICIPATION & 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

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

How consultative processes work at the City of Fremantle

	<p>personal representations to individual Elected Members and via presentations to Committee and Council Meetings.</p>
<p>Citizens need to check for any changes to decision making arrangements made</p>	<p>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.</p>
<p>Citizens are entitled to know how their input has been assessed</p>	<p>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.</p>
<p>Reasons for decisions must be transparent</p>	<p>15. Decision-makers must provide the reasons for their decisions.</p>
<p>Decisions posted on www.freofocus.com/projects/html/default.cfm</p>	<p>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.</p>

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.

