



MINUTES

Planning Services Committee

Wednesday, 6 July 2011, 6.00 pm

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CLOSURE OF MEETING

PLANNING SERVICES COMMITTEE

Minutes of the Planning Services Committee
held in the Council Chambers, Fremantle City Council
on 6 July 2011 at 6.01 pm.

DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 6.00 pm.

NYOONGAR ACKNOWLEDGEMENT STATEMENT

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

IN ATTENDANCE

Brad Pettitt
Cr Robert Fittock
Cr Tim Grey-Smith
Cr Andrew Sullivan
Cr John Dowson
Cr Bill Massie

Mayor
North Ward
City Ward
South Ward
East Ward
Hilton Ward

Mr Philip St John
Ms Natalie Martin Goode
Mr Steve Sullivan
Mrs Kayla Beall

Director Planning and Development Services
Manager Development Services
Coordinator Planning Mediation
Minute Secretary

There were approximately 26 members of the public and 2 member/s of the press in attendance.

APOLOGIES

Cr John Alberti

LEAVE OF ABSENCE

Cr Josh Wilson

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 PSC1107-119:

Darleen Huntley

Ray Killeen

Henry Miller

Jessie Pallett

Marisa Winfield

The following member/s of the public spoke against item PSC1107-119:

Bernard Seeber

The following member/s of the public spoke in favour of item PSC1107-120:

Jerko Zuvela

The following member/s of the public spoke against item PSC1107-120:

Mr Dashlooty

Carole Stabb

The following member/s of the public spoke in favour of item PSC1107-121:

Tim Monaghan

Kathryn Cluff

The following member/s of the public spoke against item PSC1107-121:

Steeg Banham

Glenda Omacini

Darren Spencer

The following member/s of the public spoke in favour of item PSC1107-122:

Wendy Konowalow

The following member/s of the public spoke against item PSC1107-123:

Gerrad McCann

The following member/s of the public spoke in favour of item PSC1107-124:

Geraldine Atkinson

DISCLOSURES OF INTEREST BY MEMBERS

Nil

LATE ITEMS NOTED

Nil

CONFIRMATION OF MINUTES

MOVED: Cr A Sullivan

That the Minutes of the Planning Services Committee dated 15 June 2011 as listed in the Council Agenda dated 22 June 2011 be confirmed as a true and accurate record.

CARRIED: 6/0

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

TABLED DOCUMENTS

Nil

DEFERRED ITEMS (COMMITTEE DELEGATION)

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

PSC1107-119 NO. 62 STOCKDALE ROAD (LOT 9), O CONNOR DEFERRED ITEM FOUR, TWO STOREY RESIDENTIAL BUILDING ADITIONS (JL DA 0630/10)

DataWorks Reference: 059/002
Disclosure of Interest: Nil
Meeting Date: 6 July 2011
Responsible Officer: Manager Development Services
Actioning Officer: Coordinator Statutory Planning
Decision Making Level: Planning Services Committee
Previous Item Number/s: PSC1104-77 (20 April 2011)
Attachment 1: Amended Development Plans
Attachment 2: Original PSC Report
Date Received: 6 December 2010
Owner Name: Jason Townes
Submitted by: Bernard Seeber Pty Ltd
Scheme: Residential R20
Heritage Listing: Not listed
Existing Landuse: Vacant Site
Use Class: Residential Building
Use Permissibility: A



EXECUTIVE SUMMARY

At its meeting held 20 April 2011, the Planning Service Committee (the Committee) resolved to defer the matter to the next appropriate Committee meeting, *'to allow the applicant to address the items listed in the officer's report'*.

The original application was not supported as the proposed development and 'Residential Building' use was not considered to adhere to the objectives (Residential Zone) of Clause 4.2 and several provisions of Clause 10.2 of the City's Local Planning Scheme No.4.

On 13 June 2011, the applicant submitted amended plans, which ultimately reconfigured the original two, two storey residential development into four smaller two storey building elements. Furthermore, the applicant has proposed a reduction from 24 bedrooms to 21 bedrooms, although the total maximum number of occupants for the development has not altered and remains at 24.

Additionally, on 20 and 22 June 2011 the applicant submitted additional information by way of signed letters and signed copies of amended development plans indicated 12 supporting submissions to the proposed development. Additionally, since the Committee deferred this item, one of the original three submitters raising concerns to the proposed development has formally withdrawn their submission.

The application is again referred to the Committee as the amended development requires discretionary decisions of Council in relation to the proposed '*Residential Building*' use and subsequent proposed relaxation for on-site car parking bays, and the City still has submissions which have raised several concerns which cannot be addressed via relevant planning conditions.

On balance the amended application is recommended for refusal as it's considered contrary to the Residential zone objectives of Clause 4.2.1 (a) as the level of density proposed for the 'Residential Building' use is considered too intense in comparison to the existing residential character of O'Connor.

BACKGROUND

For a copy of the detailed background information regarding this application and subject site see the 'Attachment 2' of for the copy of the previous report.

DETAILS

On 13 June 2011, the applicant submitted amended plans, which propose the following key amendments:

- Reconfigured building layout. The original two, two storey residential development has been designed into four smaller two storey building elements.
- The applicant is proposing a reduction from 24 bedrooms to 21 bedrooms (18 single bed bedrooms and 3 double bed bedrooms with associated en-suites), with the total maximum number of occupants for the development remaining the same at 24,

- Increased northern and southern boundary setbacks for the development from 1.5m to 3 and 4.5m respectively,
- Increasing the open space and landscaping provision on site,
- Reduction in overall building height up to 300mm, and
- Reconfiguration and reduction of onsite car bays from 16 bays to 14.

See 'Attachment 1' of this report for a copy of amended development plans.

CONSULTATION

Community

The amended application was not required to be re-advertised in accordance with Clause 9.4 of the LPS4. A summary of the original submissions can be viewed in 'Attachment 2' in the original Committee report.

As stated above, on 20 and 22 June 2011, the applicant submitted additional information by way of signed letters and signed copies of amended development plans indicating 12 supporting submissions to the proposed amended development.

- Four of the supporting submissions are from nearby residents to an existing Residential Building at Winterfold House).
- One submission is from Foundation Housing and another from Shelter WA.
- Three of the supporting submissions are from nearby residents to the subject site, and
- The remaining three submissions coming from other residents within the City of Fremantle.

Furthermore since the Committee last dealt with this application one of the original three objecting submitters to the original application has withdrawn their submission.

STATUTORY AND POLICY ASSESSMENT

The amended development plans have been assessed against the same statutory provisions as the original application and the applicant is seeking the same variation as originally proposal, which are:

- 'Residential Building' being a discretionary use ('A' use) under the LPS4, and
- Relaxation for on-site car parking provisions of 5.7.3 of LPS4.

Further discussion relating to these matters will be included in the 'Planning Comment' section of this report.

PLANNING COMMENT

As summarised in the original Committee report the key elements of the original proposal that required Council's consideration were relation to;

- Whether the proposed 'Residential Building' use and development is consistent with the objectives of Clause 4.2.1 (a) – Residential zone of LPS4, and
- Whether the proposed development and use satisfies the matters outlined in clause 10.2 – Matters to be considered by Council.

However, whilst it's noted that the same discretionary decisions are sought of Council in determining this amended proposal, the key issue that needs to be addressed is whether the proposed density for the 'Residential Building' use is too intense for this site and its immediate residential character.

As mentioned in the previous report, the subject site has an R20 density coding under LPS4, and although the R-Coding is not applicable for assessing 'Residential Building' design provisions, this R20 density provision will be used as guidance in terms of assessing the compatibility of proposed use's intensity and its compatibility with the surrounding density of the existing residential character of this area of O'Connor.

As part of the amended plans the applicant is proposing to reduce the number of bedrooms from 24 to 21 (including 3 Double bedrooms), however the total number of original occupants proposed to occupy the development still remains at 24. Whilst the proposed design amendments to the built form are considered significant improvements to the overall development, this key issue still remains unaddressed.

Again it is acknowledged that such uses as 'Residential Buildings' typically incorporate density's that are greater than that commonly associated with single residential dwellings. Furthermore it's also important to note that such Residential Building developments have for many years and still are operating within close proximity to existing residential uses throughout the Fremantle District (Stella Maris building, Ocean view Lodge and Winterfold House). Furthermore, with the required provision of an onsite manager, it's envisaged that any future issues which may arise would be dealt with immediately and efficiently.

Taking the above into account, Council may be of the opinion to support the proposed density of the 'Residential Building' as the level of intensity is manageable and fundamentally will result in no or limited detrimental impacts to the existing amenity of adjoining residential properties or the immediate area.

However, as the proposed level of density for the development is greater than that of adjoining residential sites, it's considered that the proposed development does have the potential to detrimentally impact the existing amenity of adjoining residential properties, therefore making the development contrary to the objectives of clause 4.2.1 (a) of LPS4.

Built Form & Streetscape

The proposed amended development has been assessed against and is compliant with all relevant L.P.P3.8 O'Connor Local Planning Area Policy development requirements, particularly regarding siting and building height requirements R-Code provisions, except for visual privacy.

Although the original design was also compliant with these development requirements it was not considered to be of traditional form or sympathetic with the existing single residential character of this immediate area of O'Connor due to:

- The buildings lacked visual interaction between the street and the development itself,
- Both buildings provided a minimal level of surveillance of Stockdale Road, and
- Overall, the original proposed development was not considered to address Stockdale Road in a traditional residential manner.

The applicant has redesigned the facades of the proposed development to now incorporate glazing on both the ground and upper floors of both facades of the Residential Buildings. Additionally the applicant has deleted two of the original hardstand car parking bays from the front southern side setback area and included additional significant landscaping which will help soften any streetscape impacts the development is envisaged to create.

Other changes which the applicant proposes which are considered positive amendments in helping alleviate building bulk impacts on adjoining properties include:

- Reducing the overall building heights of the development by 300mm,
- increased northern side setback from 1.5m to 3m for the majority of new front building and 1.5m to 4.5m for the entire northern side of the new rear building,
- increased setback for a major portion of the southern boundary setback for the new proposed front building from 1.5m to 3m,
- Redesigning the onsite car parking to be screened adequate from the street and adjoining properties by the new building layout,
- Increasing the landscaping provisions from 17% (200m²) to 27.5% (315m²), on site, and
- Increasing the shade trees provisions of site from 15 to 21.

Overall, the original skillion and two storey design remain the same and although the appearance of the development from the street is still considered simplistic, its presence would resemble a residential built form that is more compatible with the existing character of the area. Ultimately, these proposed alterations help improve the streetscape presence of the development, which adequately address the City's original concerns regarding streetscape impacts.

Submitter concerns

The original submitter concerns raised regarding loss of views, loss of daylight, noise, antisocial behaviour have all been addressed in the original planning report and have not been effected as a result of the amended plans. However, the following original concerns raised need to be revisited:

- Visual privacy,

Again, it's acknowledged that the amended development would allow for overlooking of the northern, eastern and western adjoining properties to occur from the upper floor bedroom windows, however if the development were to be supported, an appropriate screening condition could also be included to address this matter.

- Excessive building bulk and scale (visual pollution)

Again, the amended development has been assessed against and is compliant with the prescribed development requirements of L.P.P3.8 including building height, site coverage, setbacks and plot ratio. Furthermore, the redesign and reconfiguration of the development into four smaller buildings is considered to be a positive amendment as it a reasonable built form which is more compatible and comparable to the existing residential built form of the immediate locality in comparison to the original proposed two elongated buildings. The proposed alterations to the car parking layout and on site landscaping provisions are also considered appropriate amendments which would help soften the proposed development into its existing residential landscape.

Ultimately, these design amendments are considered to significantly help reduce any visual amenity impacts on adjoining residential properties in terms of excessive building bulk and scale and streetscape appearance.

Car Parking

Clause 5.7.1 and 'Table 3 – Vehicle Parking'

LPS4 Requirement	Proposed	Variation
<i>Residential Building</i>		
<u>Car Parking Bays</u>		
1 car parking space per guest bedroom plus;		
1 car parking bay per caretaker/ onsite manager.		
<i>Total = Car Parking Bays – 21 car bays</i>	14 Car Bays 2 Motorcycle Bays	7 Car Parking Bay shortfall
<u>Delivery bay</u>		
1 service/ storage area		
<i>Total = 1 Delivery Bay</i>	Nil	1 Delivery Bay shortfall
<u>Bicycle Racks</u>		
1: 4 lodging rooms		
<i>Total = 6 Bicycle Racks</i>	0 Bicycle racks	6 Bicycle Racks

Again, if this application were being recommended for approval, this variation is considered supportable under the provisions of clause 5.7.3 of LPS4 with the imposition of a condition requiring 6 Bicycle racks to be provided on site, as the site is within close proximity to both arterial public transport routes (South Street) and essential shopping facilities (Hilton Shopping Precinct).

CONCLUSION

On balance the application is not supported as the proposed Residential Building use is not considered to satisfy the prescribed objectives for a Residential zone under Clause 4.2.1 (a), as the level of intensity proposed for the use is not considered compatible with the existing low residential density to adjoining sites.

Consequently the application is recommended for refusal.

Should it be considered however that the development is supportable, the following without prejudice approval conditions are recommended:

That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Construction of Four, Two Storey Residential Buildings at No. 62 (Lot 9) Stockdale Road, O'Connor, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans dated 13 June 2011. It does not relate to any other development on this lot.
2. All storm water discharge shall be contained and disposed of on-site.
3. Prior to the commencement of development, a detailed landscaping plan shall be submitted to and approved by the Chief Executive Officer, City of Fremantle, in accordance with Clause 10.8.1 of the City's Local Planning Scheme No.4. The plan shall include information relating to species selection, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces (i.e. mulch, lawn, synthetic grass etc).
4. Prior to occupation, landscaping as indicated on the approved plan shall be installed and maintained thereafter to the satisfaction of the Chief Executive Officer, City of Fremantle.
5. Prior to occupation, the upper floor window on the northern elevation of bedroom marked SOU12 on approved plans dated 13 June 2011, shall be fixed obscured or translucent glass to a height of 1.6m above the upper floor level of alternatively a minimum sill height of 1.6 metres as determined from the internal floor level.
6. Prior to occupation, the upper floor window on the eastern elevation of bedroom marked SOU15 on approved plans dated 13 June 2011, shall be fixed obscured or translucent glass to a height of 1.6m above the upper floor level of alternatively a minimum sill height of 1.6 metres as determined from the internal floor level.
7. Prior to occupation, the upper floor window on the southern elevation of bedroom marked SOU19 on approved plans dated 13 June 2011, shall be fixed obscured or translucent glass to a height of 1.6m above the upper floor level of alternatively a minimum sill height of 1.6 metres as determined from the internal floor level.
8. Prior to the occupation of the development, vehicle crossovers shall be constructed in either paving block, concrete or bitumen and thereafter maintained to the satisfaction of the Chief Executive Officer, City of Fremantle.
9. Prior to occupation any redundant crossovers and kerbs shall be removed and the verge reinstated to the satisfaction of the Chief Executive Officer, City of Fremantle and at the expense of the applicant.

OFFICER'S RECOMMENDATION

That the application be REFUSED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Construction of Four, Two Storey Residential Buildings at No. 62 (Lot 9) Stockdale Road, O'Connor, as detailed on plans dated 13 June 2011, for the following reasons:

1. The proposal is inappropriate having regard to the purposes for which the land is zoned and Clause 4.2.1 (a) of the City of Fremantle's Local Planning Scheme No.4, as the development does not;
 - a. Safeguard and enhance the amenity of the residential area of O'Connor by ensuring that the land use and development is sympathetic and compatible with the residential character of O'Connor.
2. The proposal would be detrimental to the residential amenity of the area under clause 10.2 of Local Planning Scheme No.4 by reasons of:
 - a. The proposal is not consistent with the residential zoning objectives of Clause 4.2 of the City of Fremantle's Local Planning Scheme No.4, and
 - b. The intensity of the proposed use is not sympathetic or compatible with the existing adjoining residential Single House's.

COMMITTEE RECOMMENDATION

MOVED: Cr A Sullivan

That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Construction of Four, Two Storey Residential Buildings at No. 62 (Lot 9) Stockdale Road, O'Connor, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans dated 13 June 2011. It does not relate to any other development on this lot.
2. All storm water discharge shall be contained and disposed of on-site.
3. Prior to the commencement of development, a detailed landscaping plan shall be submitted to and approved by the Chief Executive Officer, City of Fremantle, in accordance with Clause 10.8.1 of the City's Local Planning Scheme No.4. The plan shall include information relating to species selection, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces (i.e. mulch, lawn, synthetic grass etc).
4. Prior to occupation, landscaping as indicated on the approved plan shall be installed and maintained thereafter to the satisfaction of the Chief Executive Officer, City of Fremantle.
5. Prior to occupation, the upper floor window on the northern elevation of bedroom marked SOU12 on approved plans dated 13 June 2011, shall be fixed obscured or translucent glass to a height of 1.6m above the upper floor level of alternatively a minimum sill height of 1.6 metres as determined from the internal floor level.

6. Prior to occupation, the upper floor window on the eastern elevation of bedroom marked SOU15 on approved plans dated 13 June 2011, shall be fixed obscured or translucent glass to a height of 1.6m above the upper floor level of alternatively a minimum sill height of 1.6 metres as determined from the internal floor level.
7. Prior to occupation, the upper floor window on the southern elevation of bedroom marked SOU19 on approved plans dated 13 June 2011, shall be fixed obscured or translucent glass to a height of 1.6m above the upper floor level of alternatively a minimum sill height of 1.6 metres as determined from the internal floor level.
8. Prior to the occupation of the development, vehicle crossovers shall be constructed in either paving block, concrete or bitumen and thereafter maintained to the satisfaction of the Chief Executive Officer, City of Fremantle.

Cr A Sullivan MOVED an amendment to the Officer's Recommendation to include the following advice note:

The Applicant is advised that Council would support increasing the rear setback of the building in the north eastern corner to 4.5m and the subsequent loss of one car parking bay

CARRIED: 5/1

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

Cr J Dowson MOVED an amendment to the Officer's Recommendation to include the following advice note:

That the applicant be advised that Council encourages the retention of mature trees on site.

CARRIED: 6/0

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

COMMITTEE RECOMMENDATION

MOVED: Cr A Sullivan

That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Construction of Four, Two Storey Residential Buildings at No. 62 (Lot 9) Stockdale Road, O'Connor, subject to the following conditions:

- 1. This approval relates only to the development as indicated on the approved plans dated 13 June 2011. It does not relate to any other development on this lot.**
- 2. All storm water discharge shall be contained and disposed of on-site.**
- 3. Prior to the commencement of development, a detailed landscaping plan shall be submitted to and approved by the Chief Executive Officer, City of Fremantle, in accordance with Clause 10.8.1 of the City's Local Planning Scheme No.4. The plan shall include information relating to species selection, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces (i.e. mulch, lawn, synthetic grass etc).**
- 4. Prior to occupation, landscaping as indicated on the approved plan shall be installed and maintained thereafter to the satisfaction of the Chief Executive Officer, City of Fremantle.**
- 5. Prior to occupation, the upper floor window on the northern elevation of bedroom marked SOU12 on approved plans dated 13 June 2011, shall be fixed obscured or translucent glass to a height of 1.6m above the upper floor level of alternatively a minimum sill height of 1.6 metres as determined from the internal floor level.**

6. Prior to occupation, the upper floor window on the eastern elevation of bedroom marked SOU15 on approved plans dated 13 June 2011, shall be fixed obscured or translucent glass to a height of 1.6m above the upper floor level of alternatively a minimum sill height of 1.6 metres as determined from the internal floor level.
7. Prior to occupation, the upper floor window on the southern elevation of bedroom marked SOU19 on approved plans dated 13 June 2011, shall be fixed obscured or translucent glass to a height of 1.6m above the upper floor level of alternatively a minimum sill height of 1.6 metres as determined from the internal floor level.
8. Prior to the occupation of the development, vehicle crossovers shall be constructed in either paving block, concrete or bitumen and thereafter maintained to the satisfaction of the Chief Executive Officer, City of Fremantle.

Advice Note

- i. The Applicant is advised that Council would support increasing the rear setback of the building in the north eastern corner to 4.5m and the subsequent loss of one car parking bay*
- ii. That the applicant be advised that Council encourages the retention of mature trees on site.*

CARRIED: 4/2

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

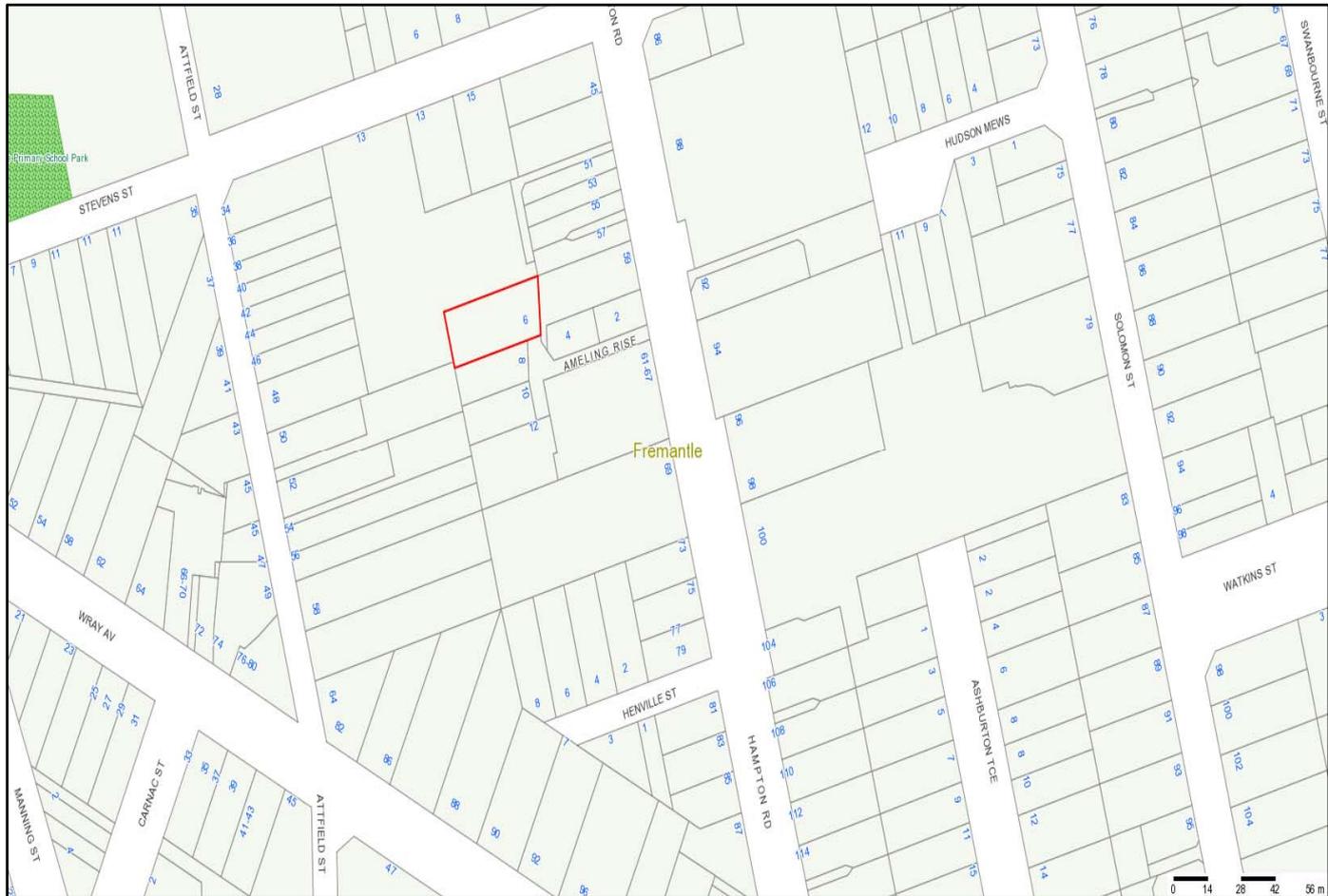
The above item is referred to the Ordinary Meeting of Council for determination in accordance with 1.1 or 2.1 of the City of Fremantle Delegated Authority Register which requires that at least 5 members of the committee vote in favour of the Committee Recommendation in order to exercise its delegation.

REPORTS BY OFFICERS (COMMITTEE DELEGATION)

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

PSC1107-120 REQUEST FOR NEIGHBOUR MEDIATION - NO. 6 AMELING RISE, FREMANTLE

DataWorks Reference: 059/002
Meeting Date 6 July 2011
Disclosure of Interest: Nil
Responsible Officer: Manager Development Services
Actioning Officer: Coordinator Planning Mediation
Decision Making Level: PSC
Previous Item Number/s: PSC1103-46 (2 March 2011)
Attachment 1: Report to 2 March 2011 PSC on DA0612/09



EXECUTIVE SUMMARY

This matter is referred to the Planning Services Committee (PSC) as approval is sought to use refer the matter to professional mediation as a resolution between parties cannot be reached .

Council has been dealing with various development applications/compliance issues with the site at No. 6 Ameling Rise for some time. The unauthorised works undertaken at this site have resulted in conflict between the owners and the adjoining property owners.

A retrospective application for planning approval (DA0612/09) was submitted to the City to retain an existing unauthorised deck/retaining walls that had been constructed in the north-western corner of the site. Approval was granted by the PSC at its meeting held on the 2 March 2011 subject to certain conditions of approval. As part of that decision, the PSC was prepared to amend its decision if an agreed outcome was achieved between the applicant and the neighbour to the west of the site. This has not occurred.

At its 23 March 2011 meeting, Council agreed to refer consideration of legal action against the owners of No. 6 Ameling Rise for the unauthorised works to an appropriate meeting of the PSC.

Subsequent to the 2 March 2011 PSC decision, some works have been carried out in accordance with that approval and within the required timeframe. However, the owners have lodged an application (VA0018/11) to vary other parts of DA0612/09.

In addition to the lack of an agreed outcome with the western neighbour in relation to DA0612/09, there are issues that have arisen with the neighbours to the north of the site in relation to planning and building related matters, and other inter-related matters not necessarily under the control of the City's legislation.

The range of issues include:

- Loss of privacy through the construction of the unauthorised deck;
- Impact of the northern retaining wall;
- Finish of the northern retaining wall;
- materials used in the construction of the northern retaining wall;
- potential loss of privacy through access to the space between the retaining wall and the northern property boundary;
- removal of the northern boundary fence;
- potential safety issues with the retaining wall based on the condition of the ground beneath the northern retaining wall; and
- potential denial of access onto the northern property to address the preceding matter.

To try and achieve a resolution to the various issues that have arisen through the planning and building process, it is requested that Council agree to facilitate a mediation process between the neighbours, in accordance with Draft Local Planning Policy 1.8 Neighbour Mediation (LPP1.8). Draft LPP1.8 is to be

considered for final adoption at its meeting to be held on 27 July 2011 Council meeting and is listed as a separate item on this agenda.

It is requested that the owners of No. 6 Ameling Rise and the owners of 7/13 Stevens Street and 11/13 Stevens Street be invited to participate in this mediation process.

BACKGROUND

The subject site is zoned 'Residential' under the provisions of LPS4 and has a density coding of R30. The site is not listed on the City's Heritage List but is located within the South Fremantle Heritage Precinct. The site is also located within the South Fremantle Local Planning Area Sub Area 4.3.4 of LPS4. There is an existing two storey limestone dwelling located on the site. The subject site has a private road (Ameling Rise) entering from Hampton Road, Fremantle. The site is located on top of a limestone crop and the properties located to the north, west and east of the subject site are approximately 3 metres lower in topography than the existing dwelling on site. The adjoining southern site has a similar topography to the subject site.

17 January 2007 - Planning Approval granted for a two storey single house (refer DA566/06) to be constructed on the subject site. Forming part of this planning application several retaining wall additions and other site works were also approved in order to facilitate a level site for the development's footprint.

17 March 2008 - complaint received regarding retaining walls being constructed without planning approval. Subsequently the City's Officers conducted a site inspection to investigate the allegation. It was found that several unauthorised retaining walls and external staircase additions had been erected without planning approval. The owner was contacted regarding these matters and consequently a retrospective development application was submitted to the City on 28 March 2008 (DA141/08).

21 January 2009 - PSC grants planning approval to the unauthorised works and resolved as follows:

That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the retrospective Planning Approval for retaining walls and external staircase additions at No. 6 (Lot 1) Ameling Rise, Fremantle, as shown in the plans dated 4 November 2008, subject to the following condition(s):

- 1. Privacy screening to a height of 1.6m is required to be erected on top of the retaining wall on the northern boundary of the property. Details of the proposed screening shall be submitted for approval by the Chief Executive Officer, City of Fremantle.*

Mid-2009 - City received a complaint concerning unauthorised works that had occurred on No. 6 Ameling Rise. As a consequence of an investigation by the compliance section, it was established that a timber deck and retaining walls had been constructed without Council approval.

9 November 2009 - retrospective application for approval was lodged for the unauthorised deck and retaining walls - DA0612/09

2 March 2011 - PSC grants approval to DA0612/09 as follows:

- 1) *That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the retrospective Planning Approval for retaining walls and deck and proposed increase in height of the existing limestone screen wall near the western boundary at No. 6 (Lot 1) Ameling Rise, Fremantle, as shown in the plans dated 9 November 2009, subject to the following condition(s):*
 - a) *The existing wall to the northern side of the deck and the existing gate shall be increased in height to 1.6m above the floor of the existing deck. Details of the proposed screening shall be submitted for approval by the Chief Executive Officer, City of Fremantle.*
 - b) *The works required in condition a) shall be completed within two months from the date of the planning approval.*
 - c) *The eastern facing gate is to be removed and replaced with permanent screening to a height of 1.6m above the floor level of the existing deck in the same material as the existing 1.2m high deck surround within two months of the date of the planning approval to the satisfaction of the Chief Executive Officer – City of Fremantle*
 - d) *the western facing deck is to be screened to a minimum height of 1.6m where the ground level is greater than 0.5m above natural ground level within two months of the date of the approval to the satisfaction of the Chief Executive Officer.*

Advice Note:

i) the City will consider an alternative to condition d with the agreement of the applicant and the adjoining western neighbour.

Part 2) of the PSC resolution, as shown below, was referred to Council for determination:

- 2) *The City undertake legal action against the owners of the property for undertaking works without the necessary approval.*

22 March 2011- Planning Approval issued – certain works are required to be carried out within 2 months of the date of this approval.

23 March 2011 - Council considers Part 2) of the PSC resolution and resolved as follows:

Cr Andrew Sullivan moved that Part 2 of the Committee Recommendation be deferred to the next appropriate Planning Services Committee meeting.

23 March 2011 - City receives an application (VA0018/11) to vary the Planning Approval issued for DA0612/09

13 May 2011 – Meeting with owners of 6 Ameling Rise to view and discuss works relating to DA0612/09 and VA0018/11

18 May 2011 - Meeting held with owners of 7/13 and 11/13 Stevens Street.

Various correspondence received been from the adjoining property owners of No. 7/13 and 11/13 Stevens Street, raising various issues with the development that has occurred on 6 Ameling Rise. Correspondence has also been received from an Architect on behalf of the owners of 7/13 Stevens Street on these matters.

STATUTORY AND POLICY IMPLICATIONS

Local Planning Scheme No. 4 (LPS4)

Draft Local Planning Policy 1.8 Neighbour Mediation is proposed to be a Local Planning Policy under LPS4, with the purpose of assisting in resolution of neighbour disputes on planning matters.

COMMENT

Planning approval was issued for development to occur on No. 6 Ameling Rise. Some of the work that has been carried out, has not been in accordance with the approved plans and as such, there has been two separate applications for retrospective planning approval.

The PCS resolved to approve the DA0612/09 at its 2 March 2011 meeting, which was a retrospective application for planning approval for the unauthorised deck and retaining walls, subject to certain conditions of approval. Certain works have been carried which satisfy conditions 1 a) and b). The owners have increased the height of the limestone retaining wall on the western boundary in accordance with the DA0612/09. The owners have submitted a request to vary conditions 1c) and d) of DA0612/09 - this application is known as VA0018/11.

In accordance with the advice note of the 2 March 2011 decision, the City met with the property owner at No. 11/13 Stevens street. The owner was satisfied with the increase in the height of the existing limestone wall to 1.2m along the western (common) boundary that was part of DA0612/09. The owner of unit 11 was not satisfied with the aspect of the proposal to provide sufficient privacy to her eastern courtyard. This information was relayed to the owners of 6 Ameling Rise, with a view to further continuing the mediation process. However, the owners are not prepared to amend the proposal any further.

The City was asked by the owners of No. 6 Ameling Rise, to provide some advice and direction in relation to the removal of the common boundary fence between this site and the property to the north at 11/13 Stevens Street, which appears to have been removed without consultation or agreement with the owners of No. 6 Ameling Rise.

The owners of No. 7/13 Stevens Street have raised various issues with the development that has occurred on No. 6 Ameling Rise, including the following:

- The structural integrity of the retraining wall set back approximately 0.8m from their common boundary, having regard to the conditions of the soil/ground beneath this wall;
- The material used in the construction of the northern retaining wall;
- Difference in the colour of two sections of the retaining wall;
- poor finish of the retaining wall – the joints do not have a rolled finish;
- loss of privacy to their property with any person accessing the space between the northern retaining wall and the common boundary.

To address dot point 1, the City at its cost, engaged the services of a structural engineer to assess whether there was an issue with the soil below the northern retaining wall and any safety implications in relation to the wall. From the report, the independent structural engineer has advised that the limestone retaining wall is structurally sound in its current state. However, the report did point out the need for minor patching of certain loose portions of the limestone embankment below the retaining wall, to maintain the structural capacity of the limestone face. This information has been forwarded to the owners of No. 6 Ameling Rise.

The neighbours to the south have expressed concern in relation to non-compliance with condition 1(c) of the 2 March 2011 approval. Condition 1(c) is the subject of the variation request (VA0018/11) to be considered by Council. As a consequence of this variation application, the City has not undertaken any compliance action until Council has made a determination on the variation request.

DRAFT LPP1.8

Draft Local Planning Policy 1.8 is to be considered by the PSC at its meeting to be held on 6 July 2011. The draft policy has reached the stage where the consultation process has now closed and the report will address the two submissions received and provide a recommendation on the final adoption of the draft policy. If considered acceptable to the PCS, the matter will then be referred to Council for Final Adoption at its meeting to be held on the 27 July 2011.

The following assessment is made against the provisions of that draft policy.

In relation to this matter, the issues that have arisen are a consequence of the planning applications and associated compliance matters, which has caused a dispute between the neighbours. The unauthorised works are not considered significant works as set out in draft LPP, as the works relate to a timber deck and retaining walls, and issues relating to these works, such as access and privacy to the lower northern section of the property and privacy from the deck. The scope of issues, separately from the planning applications, include the matter of the stabilisation works that have been identified by the Structural Engineer that are needed to be undertaken in relation to certain locations of the soil/limestone beneath the existing northern retaining wall. As a consequence of those works, there may be a requirement to access the adjoining property to undertake those works. Apart from these issues, whilst not a matter for the City, the removal of the boundary fence may be drawn into the other issues.

If Council is satisfied that the matters relating to this issue are within the scope of draft LPP1.8, it is recommended that the matter of mediation be offered to owners of No. 6 Ameling Rise, Nos. 7/13 and 11/13 Stevens Street to assist if seeking a possible resolution to the matters identified in the report.

A similar offer to attend professional mediation was made to the owners of 76 and 74 Solomon Street by the Planning Services Committee in March 2011. The conflict between these two neighbours is long standing and involves multiple issues similar in scale to the issues relating to 6 Ameling Rise. These owners are currently involved in this mediation.

CONCLUSION

The development of the site at No. 6 Ameling Rise has resulted in a neighbour dispute involving two adjoining property owners. The issues relate to planning and building matters as well as issues beyond the scope of Planning and Building legislation, but interconnected through these approvals, such as the removal of a boundary fence and potential need for site access to address a structural engineering issue. The purpose of this request is to seek Council support to refer this matter to a professional mediator, in accordance with Draft LPP1.8, to help see if these planning/building related matters can be resolved through mediation.

OFFICERS RECOMMENDATION/COMMITTEE DECISION

MOVED: Cr A Sullivan

- 1. That Planning Services Committee invite the owners of 7/13 Stevens Street, 11/13 Stevens Street and 6 Ameling Rise to attend professional mediation in relation to the planning applications for No. 6 Ameling Rise and the building matter of the structural integrity of the soil/limestone wall below the northern retaining wall.**
- 2. The matter be referred back to the Planning Services Committee in 2 months to report on the outcome of any mediation process in conjunction with the report on the request to vary (VA0018/11) of planning approval DA0612/09.**

CARRIED: 6/0

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

PSC1107-121 NORFOLK STREET NO. 24 (LOT 2), FREMANTLE DEMOLITION OF HERITAGE BUILDING (LP DA0148/11)

DataWorks Reference: 059/002
Disclosure of Interest: Nil
Meeting Date: 6 July 2011
Responsible Officer: Manager Development Services
Actioning Officer: Planning Officer
Decision Making Level: Planning Services Committee
Previous Item Number/s: None
Attachment 1: Demolition Plans (30 March 2011)
Attachment 2: City's Commissioned Heritage Assessment (7 June 2011)
Attachment 3: Applicant's Heritage Assessment (23 May 2011)
Attachment 4: Submitter's Commissioned Heritage Assessment (13 May 2011)
Attachment 5: Heritage Council of Western Australia Comments (8 June 2011)
Attachment 6: Indicative Concept Plans of Potential Future Development (6 May 2011)
Attachment 7: Revised Indicative Concept Plans and Applicants response to submissions (28 June 2011)
Date Received: 30 March 2011
Owner Name: S.J. Bartlett
Submitted by: G. Omacini & S. Banham
Scheme: City Centre Zone
Heritage Listing: Municipal Heritage Inventory (Management Category Level 3) & City of Fremantle Heritage List
Heritage Area: West End Conservation Area
Existing Landuse: Commercial



EXECUTIVE SUMMARY

The application has been referred to the Planning Services Committee for determination as approval is sought for the demolition of the existing heritage building located at No. 24 (Lot 2) Norfolk Street, Fremantle (subject site). The application does not formally propose the redevelopment of the site however the applicant has also submitted an indicative concept plan (refer Attachment 6) of the potential future development of the site, subject to demolition approval being granted. Planning Approval is not sought for these works however the 'indicative concept plans' have nonetheless been referred to the City's heritage consultant for comment.

The single storey building at the subject site has been identified by the City of Fremantle's Municipal Heritage Inventory (Management Category Level 3) as a place of cultural heritage significance. The property is also adopted under the City's Heritage List and is located within the West End Conservation Area.

A heritage assessment of the proposed demolition was undertaken in accordance with *L.P.P. 1.6 Preparing Heritage Assessments* which determined that the place was found to have 'some' heritage significance due to its contribution to the streetscape.

An independent 'visual heritage assessment' commissioned by the applicant provides the conflicting opinion that the property has no 'significant aesthetic value' and is 'with no apparent historical or scientific significance'.

Fifteen submissions were received by the City during the public advertising process, all of which expressed objection to the proposed demolition. The City has also referred the application to the Heritage Council of Western Australia for comment as to determine whether the demolition works would impact upon the adjacent property at No. 22-26 Norfolk Street, Fremantle, which is adopted under the State Register of Heritage Places. The Heritage Council have no objections to the demolition.

Of the 15 submissions made, an additional heritage assessment was commissioned by an adjoining neighbour. This report, prepared by *Stephen Carrick Architects Pty Ltd* (refer Attachment 4), recommends that the subject property be retained for its contribution to the streetscape, the local area and the suburb of Fremantle.

Subject to clause 5.15.1 of LPS4, Council will only grant planning approval for the demolition of a building or structure where it is satisfied that the building or structure:

- (a) Has 'limited' or 'no' cultural heritage significance; and
- (b) Does not make a significant contribution to the broader cultural heritage significance and character of the locality in which it is located.

In this instance, the City's Heritage Assessment states that there is 'some' heritage significance and that the place has value for its contribution to the streetscape.

On this basis the application is recommended for refusal.

BACKGROUND

No. 24, Lot 2 Norfolk Street, Fremantle (subject site) is zoned 'City Centre' in accordance with the City of Fremantle's (the City's) Local Planning Scheme No. 4 (LPS4). The subject site has been identified by the City's Municipal Heritage Inventory (Management Category Level 3) as a place of cultural heritage significance and subsequently adopted under the City's Heritage List and is located within the West End Conservation Area which is a designated Heritage Area made pursuant to clause 7.2 of LPS4.

The subject site encompasses a total lot area of approximately 240m² and is of a north-west (rear) to south-east (front) orientation. The site is improved by an existing single storey building (circa 1940) of rendered masonry finish and with a tiled hipped roof extending over the now enclosed front verandah and a projecting hip to the streetfront. The enclosed verandah is mostly glazed and retains a solid brick pier at its eastern end.

Adjacent to the subject site (north east) is No. 26-28 Norfolk Street, Fremantle, which has been adopted under the Heritage Council of Western Australia's State Register of Heritage Places. Consequently, the application was referred to the Heritage Council for comment as to determine any impact the proposed works may have on this site. The Heritage Council's advice has been provided as Attachment 5 of this report.

Norfolk Street includes several places of cultural heritage significance included on the City's Heritage List. These properties include numbers 8, 12-14, 16, 22, 24 and 26-28 Norfolk Street, Fremantle. Further, the existing Norfolk Island Pine trees within the street verge and the limestone features at No. 38 Norfolk Street, Fremantle have also been adopted. The Heritage Listed properties at No. 22 & 26-28 Norfolk Street, Fremantle are located on either side of the subject site (located south-west and north-east respectively). All three properties, adopted under the City's Heritage List, represent Fremantle housing dated from 1865 to c1940.

DETAILS

On 30 March 2011, the City received a development application (DA0148/11) for the demolition of the existing single storey brick and masonry building and ancillary outbuilding structures to the rear of the property at No. 24 Norfolk Street, Fremantle. Although there is no formal proposal to be considered as part of the subject application (DA0148/11) for the redevelopment of the site, the applicant has submitted an indicative concept plan of likely future works should the Council resolve to grant its approval for demolition. Any decision made by the Planning Services Committee with respect to 'DA0148/11' is not to be construed as a decision of planning approval with respect to the 'indicative concept plan'. Notwithstanding, the indicative concept plan has been included as Attachment 6 of this report and was referred to the Heritage Council of Western Australia and the City's heritage consultant for their review (refer Attachment 5 & 2 respectively).

As illustrated by Attachment 6, the indicative concept plan illustrates the following:

- Three storey contemporary mixed use building with ground floor parking for 6 vehicles (3 x tandem parking bays) with vehicle access maintained from the rear (western) right-of-way;
- Ground floor café/restaurant with front and rear pedestrian access;
- First floor office with front and rear cantilevered decking;
- First/second floor, 3 bedroom residential dwelling with front and rear balcony.

On 28 June 2011 the applicant, in response to submissions, submitted a revised indicative concept plan that is 2 storeys in height and includes:

- 6 car parking bays (3 x tandem parking bays);
- Café on the ground floor; and
- Home office/townhouse on the upper floor.

As discussed in the body of the report below, a 'Statement of Significance' and a 'Statement of Heritage Impact' assessment was required to be undertaken as the subject site is adopted under the City's Heritage List and as a Category 3 under the Municipal Heritage Inventory. This has been completed in accordance with the requirements of *Council Policy L.P.P. 1.6 – Preparing Heritage Assessments*.

The City's heritage consultant, has prepared a report (refer Attachment 2) which has been considered in the assessment of the proposal. The proposal has also been assessed against the provisions of the City of Fremantle Local Planning Scheme No. 4 (LPS4) and the relevant planning policies of the City, including, but not limited to, the following:

- *L.P.P. 1.3 Public Notification of Planning Approvals;*
- *L.P.P. 1.6 – Preparing Heritage Assessments;*
- *D.G. F14 – Fremantle West End Conservation Area Policy.*

STATUTORY AND POLICY ASSESSMENT

Local Planning Scheme No. 4

City Centre Zone

The site is zoned 'City Centre' under Local Planning Scheme No. 4 (LPS 4). Clause 4.2.1(b) of LPS4 identifies the objectives of the 'City Centre' zone as follows:

“Development in the city centre zone shall –

- Provide for a full range of shopping, office, administrative, social, recreation, entertainment and community services, consistent with the region-serving role of the centre and including residential uses, and*
- Comply with the objectives of local planning area 1 of schedule 12,*

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

Clause 5.15 Demolition of Buildings and Structures

Clause 5.15 of LPS4 states:

5.15.1 *Council will only grant planning approval for the demolition of a building or structure where it is satisfied that the building or structure:*

- (a) has limited or no cultural heritage significance, and*
- (b) does not make a significant contribution to the broader cultural heritage significance and character of the locality in which it is located.*

5.15.2 *In considering an application under 5.15.1, Council shall have regard to any heritage assessment required under Clause 7.4.*

'Cultural Heritage Significance' is defined under Schedule 1 of LPS4 and has the same meaning as in the *Heritage of Western Australia Act 1995*:

"[M]eans, in relation to a place, the relative value which that place has in terms of its aesthetic, historic, scientific, or social significance, for the present community and future generations".

Council Policies

Local Planning Policy 1.6 – Preparing Heritage Assessments

Local Planning Policy 1.6 – Preparing Heritage Assessments (LPP 1.6) states that where a proposal includes the demolition of a primary structure that is adopted under the City's Heritage List and as a Category 3 under the Municipal Heritage Inventory, a Statement of Significance and a Statement of Heritage Impact assessment is required. Refer to 'Consultation – Heritage' and Attachment 2 of this report for the heritage assessment that was undertaken for this site.

The applicant has also submitted an independent 'visual heritage assessment' prepared by *Michael Broderick Architect*. It is acknowledged that the heritage assessment commissioned by the applicant generally follows the prescribed heritage assessment format of Council Policy L.P.P.1.6 but has nonetheless been provided as Attachment 3 of this report.

CONSULTATION

Community

The application (DA0148/11) dated 30 March 2011 was required to be advertised in accordance with Clause 9.4 of the City's LPS4 and the provisions of Council Policy *L.P.P 1.3 Public Notification of Planning Approvals* (L.P.P. 1.3). At the conclusion of the advertising period, being 13 May 2011, the City had received 15 submissions of objection in relation to the proposed works. The following matters (summarised) were raised:

- The existing building retains its original exterior form, bulk and many of its historic interior features;
- There are too few buildings from this era (c1940) remaining in central Fremantle;
- When considered in the context of its surroundings, the subject building has a significant heritage value;
- Norfolk Street is a unique and historic street and is nestled amongst several significant heritage listed buildings. This should be protected;
- Norfolk Street is a street of particular heritage, social and tourism significance due to its unique mix of heritage buildings from various historic periods;
- To allow the building at number 24 to be ripped out of the heritage strip of properties located from No. 22-28 Norfolk Street, would destroy the unique heritage vista of this heritage end of the street and denigrate the heritage values of the remaining buildings;
- The indicative concept plans illustrate a poor substitute for the existing heritage building;
- The heritage charm of Norfolk Street is unique and should not be destroyed by allowing demolition;
- Any new development would look ridiculous in the context of the two adjoining heritage buildings at No. 22 and 26-28 Norfolk Street, Fremantle;
- The scale of the indicative proposal is very imposing and not in keeping with the established heritage stock within the streetscape
- It would be unfortunate to encourage the demolition of our heritage buildings which make Fremantle such an interesting and unique city;
- The proposed works lack sensitivity towards one of the oldest areas in Fremantle and also the amenity of the long term Fremantle residents and business owners that have been attracted to this area; and
- Fremantle is slowly becoming Subiaco with places of heritage significance being replaced by 'McMansions'.

Further, a submission has been prepared by *Stephen Carrick Architects* on behalf of an adjoining neighbour and is made available as Attachment 4. This submission raised the following comments (summarised):

- The subject site has been recognised as a place of cultural heritage significance through its inclusion on the City of Fremantle's Municipal Heritage Inventory (MHI), the City's Heritage List as attached to LPS4 and in the West End Conservation Area;
- The place has aesthetic value as a representative typical worker's house and contributes to the Norfolk Street streetscape and the surrounding area;
- The building retains external and internal details from the c1940 period;
- The three adjoining properties at numbers 22, 24 and 26-28 are included on the City's Heritage List and represent the development of housing in Fremantle from 1865 through to c1940;
- The subject site is located within zone 3 of the West End Conservation Area which is widely recognised as an area of high cultural heritage significance;
- The City of Fremantle MHI records the place as having heritage significance for its contribution to the streetscape; the local area and the suburb of Fremantle and should be conserved in accordance with the principles of the Burra Charter;
- Under the Conservation Principles of the Burra Charter, Article 8 states that conservation requires the maintenance of an appropriate visual setting; e.g., form, scale, colour, texture and materials. As such, no demolition which would adversely affect the setting should be allowed;

- The Heritage properties at No 22, 24 and 26-28 Norfolk Street, Fremantle have a similar scale that forms a cohesive group within the Norfolk Street streetscape. The proposed removal of number 24 would diminish the significance of this 'group' within the precinct.
- The adjoining property at No. 26-28 Norfolk Street, Fremantle has been included in the State Register of Heritage Places for its aesthetic, historic, scientific and social heritage values. Any proposed development adjacent to number 26-28 Norfolk Street needs to be evaluated for its potential impact on the aesthetic values. Development to a scale as illustrated on the indicative concept plan (Attachment 6) would have a high negative impact on the adjoining property at No. 26-28 Norfolk Street, Fremantle due to its scale, form and contemporary detailing; and
- Although the subject site is only 240m² in area it would appear that there is potential for the applicant to investigate the retention of the existing dwelling with a possible addition to the rear.

Heritage Assessment

A heritage assessment of the proposed development was required to be undertaken in accordance with *L.P.P. 1.6 Preparing Heritage Assessments* as the property is identified and adopted by the City's Heritage List and Municipal Heritage Inventory as a Management Category Level 3.

A heritage assessment was submitted to the City on 7 June 2011 (refer Attachment 2). This report concluded that:

"Demolition of the subject property will impact adversely on the streetscape of the locality because the subject property has heritage value for its contribution to the streetscape".

"The existing building on the subject lot makes a positive contribution to the streetscape due to its scale, materials and setback and, furthermore, allows views of the side elevation of the heritage-listed building at 26-28 Norfolk Street. Therefore if any new development were contemplated on the subject lot, it would need to be carefully designed to continue to allow views of the side elevation of 26-28 Norfolk Street and the respect the scale, form and materials of its neighbouring heritage buildings".

In terms of its significance, the dwelling was assessed as having 'Some' significance overall and 'Some' significance in its aesthetic heritage values for its contribution to the streetscape through its compatible scale, materials and setback and its simple bungalow form.

This scale range of significance as identified by Council Policy L.P.P.1.6 includes 'Exceptional', 'Considerable', 'Some' and 'Limited or none'. Therefore the property is considered to be towards the lower end of the scale in that it has 'Some' significance.

The applicant has provided an independent 'visual heritage assessment' prepared by *Michael Broderick Architect* (see Attachment 3 for full assessment) which makes the following statement on its significance:

"The place exhibits no significant aesthetic value internally or externally".

"I see no objection to the demolition of this place. Any future development should recognise and pay respect to the heritage bungalow on the right hand side of the place and the scale of this section of Norfolk St."

Further, the subject site is located adjacent to the property at No. 26-28 Norfolk Street, Fremantle which has been adopted by the Heritage Council of Western Australia's State Register of Heritage Places. Accordingly, the application was referred to the Heritage Council of Western Australia to determine whether the demolition works would negatively impact upon the significance of the property at No. 26-28 Norfolk Street, Fremantle. The Heritage Council of Western Australian provided the following comments:

"A Conservation Officer has assessed the development referral in the context of the identified heritage significance of 26-28 Norfolk Street, and advises the City of Fremantle that there is no objection to the demolition of 23 Norfolk Street."

"Please note that support for the demolition does not constitute support for any proposed new development for the site. Any proposals for the will need to be referred to our office for assessment of any potential impact on 26-28 Norfolk"

The Heritage Council of Western Australia's full submission is made available as Attachment 5 of this report.

PLANNING COMMENT

Local Planning Scheme No. 4

City Centre Zone

The property has been adopted by the City's Municipal Heritage Inventory (Category 3) and the City's Heritage List as a place of cultural heritage significance. The heritage assessment commissioned by the City has also concluded that the property at No. 24 Norfolk Street, Fremantle has 'Some' significance in its contribution to the streetscape and that its demolition would impact adversely on the streetscape of the locality.

It is considered that, on balance, the proposal would therefore fail to meet objective '(iii)' of the City Centre zone as prescribed under clause 4.2.1(b) of LPS4 as follows:

"Development within the city centre zone shall –

(iii) conserve places of heritage significance the subject of or affected by development"

Clause 5.15 – Demolition of Buildings and Structures

Clause 5.15 requires the Council to be satisfied that a building or structure has only 'limited' or 'no' cultural significance and does not make a significant contribution to the broader cultural heritage significance and character of the locality for demolition to be supported.

In this instance, the heritage assessment undertaken stated that the place has 'some' significance due to its contribution to a largely intact streetscape of houses of similar form, scale and setback.

Clause 5.15 also states that the City needs to be satisfied that the place does not make a significant contribution to the broader cultural significance and character of the locality in which it is located. On this point the heritage report has stated that:

"24 Norfolk Street has some aesthetic value for its contribution to the streetscape through its compatible scale, material and setback and its simple bungalow form".

"Demolition of the subject property will impact adversely on the streetscape of the locality because the subject property has heritage value for its contribution to the streetscape".

"The existing building on the subject lot makes a positive contribution to the streetscape due to its scale, materials and setback and, furthermore".

Although the place has been determined to be of 'Some' significance and not of 'Exceptional' or 'Considerable' significance, as categorised under Council Policy L.P.P1.6, its value as a heritage property is nonetheless based on its contribution to the streetscape and immediate locality because of its compatible scale, material and setback and form. In the context of its surroundings, the existing building compliments the heritage stock of the Norfolk Street streetscape, which includes the existing heritage properties at numbers 8, 12-14, 16, 22 and 26-28 Norfolk Street. It is considered that the Norfolk Street streetscape is characterised by its high degree of integrity and authenticity through its retention of complimentary heritage stock. These places collectively contribute to the streetscape and as such it is considered that the demolition of the property at No. 24 Norfolk Street, Fremantle would detract from the broader cultural significance and character of the locality.

For these reasons, the proposal is not considered to satisfy clause 5.15 of LPS4 therefore demolition cannot be supported.

CONCLUSION

The proposed demolition has been assessed against the provisions of LPS4 and relevant Council Local Planning Policies as discussed above. Further, the City's heritage assessment has confirmed that the subject site has 'Some' significance for its contribution to the streetscape through its compatible scale, material and setback and its simple bungalow form.

The proposal is not considered to meet clause 5.15 and objective '(iii)' of clause 4.2.1(b) of LPS4. Accordingly, it is recommended that the application be refused.

OFFICER'S RECOMMENDATION

That the application be REFUSED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the demolition of the existing building at No. 24 (Lot 2) Norfolk Street, Fremantle, for the following reason:

1. The place is considered to be of "some" cultural heritage significance and having regard to the provisions of clause 5.15.1 (a) of LPS4, demolition is not permitted.

Mayor, Brad Pettitt moved to defer the item to the next appropriate Planning Services Committee meeting to allow the opportunity to discuss with the applicant the possibility of revisions to the application to provide greater certainty regarding a replacement building and further neighbour consultation.

CARRIED: 5/1

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

PSC1107-122 COOKE STREET NO. 2 (LOT 98), HILTON, RETROSPECTIVE APPROVAL FOR FRONT FENCE TO SINGLE HOUSE (SM DA0216/11)

DataWorks Reference: 059/002
Disclosure of Interest: Nil
Meeting Date: 6 July 2011
Responsible Officer: Manager Development Services
Actioning Officer: Strategic Planner
Decision Making Level: Planning Services Committee
Previous Item Number/s: None
Attachments: 1. Retrospective Planning Application and variation justification report
Date Received: 3 May 2011
Owner Name: Cameron Maher and Wendy Konowalow
Submitted by: Cameron Maher and Wendy Konowalow
Scheme: Residential R20/25
Heritage Listing: "Hilton Garden Suburb Precinct" Heritage Area
Existing Landuse: Single House
Use Class: Single House
Use Permissibility: P



EXECUTIVE SUMMARY

The application is presented to Planning Services Committee for determination as it requires a discretionary decision under Council's Local Planning Policy 3.7 "Hilton Garden Suburb Precinct" Heritage Area (LPP3.7) and is a retrospective application.

Planning Approval is sought for a retrospective primary and secondary street fence addition to the existing Single House at No. 2 Cooke Street, Hilton (the subject site).

The application has been assessed against the requirements of the City's Local Planning Scheme No. 4 (LPS4), the Residential Design Codes 2010 (R-Codes) and Council's LPP3.7 "Hilton Garden Suburb Precinct" Heritage Area. The proposed development requires a discretionary decision under LPP3.7 with respect to:

- Street fences forward of the building line shall be a maximum height of 1.2 metres and visually permeable above 300 millimetres

Overall, the development is considered to satisfy the discretionary requirements set out within LPP3.7. Consequently, 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) LPS4 and has a split density coding of R20/R25. The site is not individually listed on the City's Heritage List though is located within the "Hilton Garden Suburb Precinct" Heritage Area as designated in accordance with LPS4.

The site is approximately 756m² and is located on the Corner of Cooke and Collick Street, Hilton. The site has a north-south orientation and is improved by an existing single storey Single House. Both the western and southern elevations have a gentle sloping topography downwards towards the corner truncation.

On 15 December 2010, the Western Australian Planning Commission endorsed a deposited plan to subdivide 2 Cooke Street, Hilton, (refer WAPC1140-10) into two survey strata lots. The house on the subject site, the front fence and the majority of the secondary street fence will be a part of proposed Lot 1. The front part of the house may be used for the purpose of proposed Lot 1's outdoor living area in the future. As yet the conditions of approval have not been cleared.

DETAILS

On 3 May 2011, after an unapproved fence was brought to the City's attention and the applicant was informed in writing, 23 February 2011, of the unapproved works, the City received a development application for a retrospective Primary and Secondary Street fence addition to the existing Single House at No. 2 Cooke Street, Hilton.

The primary street fence as existing facing Cooke Street is solid for 400mm to 900mm in height at the base and 1.9m to 2.2m to the top of the 1.5m spaced piers. The applicant

however, as part of the retrospective application, proposes removing the existing top limestone block from the piers, making the fence 1.2m to 1.8m in height to the top of the piers. This will reduce the height of the primary street fence to 1.25m in the lowest part to 1.8m at the highest. The applicant proposes bar infill panels which will give 89% visual permeability. Planter boxes are proposed to go inside the fence line to provide soft landscaping in the streetscape and privacy for future residents.

The secondary street fence facing Collick Street is solid colourbond on top of limestone brick for 18.58m in length and due to the slope varies in height from 1.8m to 2.2m.

The application has been assessed against and satisfies LPS4, the 'Acceptable Development' criteria of the R-Codes and all relevant Council Local Planning Policies, except in relation to:

- LPP3.7 "Hilton Garden Suburb Precinct" Heritage Area

Further assessment and discussion is contained in the 'Planning Section' of this report.

CONSULTATION

The application was required to be advertised in accordance with Clause 9.4 of the LPS4, as the application is for a retrospective front fence. At the conclusion of the advertising period, being 6 June 2011, the City had received no submissions.

PLANNING COMMENT

The application has been assessed against and satisfies the requirements of the City's LPS4 and the R-Codes. The development requires a discretionary decision under LPP3.7 with respect to:

- Street fences forward of the building line shall be a maximum height of 1.2 metres and visually permeable above 300 millimetres

Primary Street fence

<i>Required</i>	<i>Provided</i>
1.5.1 Maximum height of 1.2m and visually permeable above 300 millimetres.	Primary Street 400mm to 900mm limestone base, visually permeable above this with limestone piers every 1.5m from 1.25m to 1.8m in height

Under the City's LPP3.7 Council may, at its discretion, vary the requirements of clause 1.5.1 where it is satisfied that the proposed street wall and/or fence is consistent with the street walls and/or fencing within the *prevailing streetscape* (the adjoining three properties facing Cooke Street shall be considered. Greater weight is given to the immediately adjoining property) and the proposed fence maintains clear surveillance between the street and the dwelling.

The fences in Cooke Street are generally of low and open construction. There is one fence on the opposite side of the street to the subject site that is of solid construction above 1.2m in height. The immediately adjoining property's front fence at 4 Cooke Street

has a fence with 1.2m high pillars stepping down the slope and visually permeable above approximately 500mm to 600mm with wooden picket infill. Number 6 Cooke Street does not have a fence and No. 8 Cooke Street has a low solid fence to approximately 800mm.

The fence subject to this application (with the top limestone blocks removed), while it does not step down the slope, is in keeping with the immediately adjoining property's fence. The fence will be the same height (1.2m high) where it adjoins the neighbouring property's fence and, due to the sloping site, will be 1.8m high at the highest point on the corner of Cooke and Collick Street. The bottom solid part of the fence, where it adjoins the neighbouring fence will be lower (approximately 400mm) than the adjoining fence and gradually get higher as the natural ground level slopes down (900mm).

The inclusion of the steel bars on the fence ensures clear surveillance between the street and the dwelling is maintained.

Accordingly, the primary street fence is recommended for approval.

Secondary Street fence

Under Schedule 15 of LPS4 fences in the Secondary Street setback area are permitted without planning approval up to 1.8m. The existing limestone brick with colourbond on top secondary street fence is 1.8m to 2.2m in height. The variation is a slight 400mm over a distance of 18.58m and necessary due to the topography of the site. Accordingly, the secondary street fence is recommended for approval.

Local Planning Policy 1.5 Planning, Building and Environmental Health Compliance

Notwithstanding the assessment above these retrospective works are not considered 'trivial' or 'insignificant' and the unauthorised works, confirmed 23 February 2011, are considered committed within policy's timeframe (6 month period). Therefore, even though the works are recommended for conditional approval, it is recommended that Council issue an infringement notice in accordance with clause 4.5(b) of the City's Local Planning Policy 1.5 - Planning, Building and Environmental Health Compliance.

CONCLUSION

The proposed development has been assessed against the provisions of LPS4, the R-Codes and relevant Council Local Planning Policies. The application has been assessed against the discretionary requirements and proposes a height variation to LPP3.7.

Due to the existing fences in the area being of similar height to the proposed fence it is considered there is precedence in the prevailing streetscape for a variation to LPP3.7's fence heights. It is also considered that the fence, being of a visually permeable nature, provides surveillance between the dwelling and the street.

It is therefore recommended that the application be approved with conditions.

OFFICER'S RECOMMENDATION/COMMITTEE DECISION

MOVED: Cr A Sullivan

A. That the application be APPROVED under the Metropolitan Regional Scheme and Local Planning Scheme No. 4 for the Retrospective Front Fence to an Existing Single House at No. 2 (Lot 38) Cooke Street, Hilton, subject to the following condition(s):

1. This approval relates only to the Primary and Secondary Street Fence addition as indicated on the approved plans dated 3 May 2011. It does not relate to any other development on this lot.

CARRIED: 6/0

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

COMMITTEE RECOMMENDATION

MOVED: Cr A Sullivan

B. The Chief Executive Officer, City of Fremantle is to issue an infringement notice to the alleged offender in accordance with the City of Fremantle's LPP 1.5 - Planning, Building and Environmental Health Compliance.

CARRIED: 4/3

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

Cr A Sullivan used his casting vote FOR the recommendation resulting in it being CARRIED.

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.

PSC1107-123 SOUTH STREET NO. 1 (LOT 304), SOUTH FREMANTLE ADDITIONS TO EXISTING THREE STOREY SHORT STAY DWELLING' (LP DA0130/11)

DataWorks Reference: 059/002
Disclosure of Interest: Nil
Meeting Date: 6 July 2011
Responsible Officer: Manager Development Services
Actioning Officer: Planning Officer
Decision Making Level: Planning Services Committee
Previous Item Number/s: None
Attachment 1: Development Plans (22 March 2011)
Attachment 2: Site Photos
Attachment 3: Applicant's submission of justification (30 May 2011)
Date Received: 22 March 2011
Owner Name: V.L. Viney & P. Quartermaine (Joint Tennants)
Submitted by: As above
Scheme: Residential R35
Heritage Listing: Nil
Heritage Area: South Fremantle Heritage Area
Existing Landuse: Residential
Use Class: Short Stay Dwelling
Use Permissibility: 'A'



EXECUTIVE SUMMARY

The application has been referred to the Planning Services Committee for consideration as the nature of the proposed works present variations that cannot be resolved by means of planning conditions.

Specifically, Planning Approval is sought for the construction of residential additions to the third floor of the existing three storey 'Short Stay Dwelling' at No. 1 South Street, South Fremantle. These additions would comprise of a new studio, ensuite and walk-in-robe built to the rear of the existing roof top garden and within the 'corbel' frame of the three storey dwelling.

The applicant seeks approval for the following variation to the provisions of Council Policy *D.G.S.5 – Wills Transport Site 122 Marine Terrace & 3 South Street, South Fremantle (D.G.S.5)*:

- **Building Height**

The application was advertised for public comment in accordance with clause 9.4 of the City's LPS4 and the provisions of Council Policy *L.P.P 1.3 Public Notification of Planning Approvals (L.P.P. 1.3)*. At the conclusion of the advertising period, being 15 April 2011, the City had received no submissions.

Council Policy D.G.S.5 does not prescribe circumstances where Council may exercise its discretion to vary the provisions of the policy. Further, it is considered that the proposed additions would result in the overdevelopment of the site.

Accordingly, it is recommended that on balance the application be refused.

BACKGROUND

The property at No. 1 (Lot 304) South Street, South Fremantle (subject site) is zoned 'Residential' in accordance with the City of Fremantle's (the City's) Local Planning Scheme No. 4 (LPS4) and has a density coding of R35. The subject site is not identified by the City's Heritage List or Municipal Heritage Inventory (MHI) however the property is located within the South Fremantle Heritage Area, which is a designated Heritage Area adopted in accordance with clause 7.2 of LPS4.

The subject site encompasses a total lot area of approximately 329m² and is located on the corner of South Street (primary street) and Marine Terrace (secondary street). The site also abuts Yuna Lane to the rear (south), where the site maintains vehicular access. The site is improved by an existing three store dwelling with loft, roof top garden and open framed 'corbel' which has a maximum external wall height of approximately 10m (refer Attachment 2). On 7 November 2007 the Council resolved to issue planning approval for the construction of the existing three storey dwelling with roof top garden and open framed 'corbel'. On 20 July 2010 the City also issued approval for the site to be used for the purposes of 'short term accommodation' (i.e. accommodation for less than 3 months) for not more than 6 occupants.

The site is located within sub area 4.3.3 of Local Planning Area 4 – South Fremantle. The site is also subject to the design guidelines of Council Policy D.G.S.5 - *Wills Transport Site 122 Marine Terrace & 3 South Street, South Fremantle* (D.G.S.5), which limits the heights of development to 6m (including roof heights) within 12m of the rear of the property. Notwithstanding, the existing open-framed ‘corbel’ located over the rear of the roof top garden has been approved to a height of 10m and within 12m from the rear boundary. At its meeting of 7 November 2007 the Planning Services the height variation of this ‘corbel’ structure in the opinion that:

“[T]he corbel creates an open visually permeable area, which will not significantly restrict any views, but still creates a well proportionate building..”

It is now proposed to fill in the corbel structure with a third storey to the rear of the Short Stay Dwelling (within 12 from the rear boundary) and to be occupied as a ‘studio’. The details of which are discussed in the body of the report below.

DETAILS

On 22 March 2011, the City received a development application for the construction of a studio addition to the existing three storey ‘Short Stay Dwelling’ at No. 1 South Street, South Fremantle. Specifically, the proposed works comprise of the following elements:

- The construction of a studio addition above the existing roof top garden space and within the frame of the existing 10m high ‘corbel’ structure to the rear of the site. The proposed studio would occupy approximately 44m² total floor area and be connected to the dwelling’s third storey via the proposed 5m x 1.2m passageway, also to be developed to a maximum wall height of 10m;

The development plans dated 22 March 2011 (refer Attachment 1) were assessed against and satisfy the ‘Acceptable Development’ provisions of the Residential Design Codes (the R-Codes), the provisions of the City of Fremantle Local Planning Scheme No. 4 (LPS4) and the relevant planning policies of the City, with the exception of the following:

- Building Height (Local Council Policy D.G.S.5)

CONSULTATION

Community

The original development plans dated 11 March 2011 were required to be advertised in accordance with Clause 9.4 of the City’s LPS4 and the provisions of Council Policy *L.P.P 1.3 Public Notification of Planning Approvals* (L.P.P. 1.3). At the conclusion of the advertising period, being 15 April 2011, the City had received no submissions.

STATUTORY AND POLICY ASSESSMENT

Building Height

City of Fremantle Local Planning Scheme No. 4 (LPS4)

The subject site is located within sub area 4.3.3 of Local Planning Area 4 – South Fremantle. Pursuant to the height restrictions of schedule 12 of LPS4, for development located within sub area 4.3.3, buildings located along Marine Terrace between South Street and Scott Street are to be developed as follows:

“Building height shall be limited to a maximum of three storeys (maximum external wall height of 10 metres as measures from ground level with a maximum roof plain pitch of 33 degrees)”.

Local Council Policy D.G.S.5 – Wills Transport Site – 122 Marine Terrace and 3 South Street, South Fremantle

The relevant development standards for lots within the D.G.S.5 policy area and along South Street are detailed below.

Building

- *Lot 1 to be 3 storey development to the street (South Street). Height limit in accordance with Area C standards of the Residential Design Codes.*
- *Height limit 6m (including height of roofs) within 12m of rear boundary.*

As stated, the subject lot, identified as ‘lot 1’ under D.G.S.5, is capable of development to a maximum height of 3 storeys fronting South Street in accordance with ‘Area C’ standards of the Residential Design Codes (i.e. 10m wall height (concealed roof) and 12m roof height). This is consistent with the height limitations prescribed under Schedule 12 of LPS4 for development located within sub area 4.3.4. Notwithstanding, Council Policy D.G.S.5 further limits development heights of properties fronting South Street to 6m within 12m of the rear boundary.

Local Council Policy D.G.F.16 – Marine Terrace Policy

The relevant clauses of this policy state:

- 1.1. The general character of the area should be distinctly inner urban.*
- 1.2 Marine Terrace should act as a seafront boulevard and a formal gateway entrance to the city.*
- 1.3 Development should be 'hard edged' relating directly to the street, both on the horizontal and vertical planes. Development should be of a scale appropriate to its setting and serve to close off the ends of the streetblocks abutting Marine Terrace. Incongruous isolated developments, and the overdevelopment of individual sites, will not be supported.”*

The above development objective is discussed with reference to the subject application in the ‘planning comment’ section below.

PLANNING COMMENT

Building Height

As discussed above, the applicant seeks Planning Approval for the below variation:

Building Height (Local Council Policy D.G.S.5)

Required	Proposed	Variation
Maximum height (including roof height) to 6m within 12m from the rear boundary	Third storey addition with maximum external wall height of 10m within 12m from the rear boundary	4m external wall height

The subject site is located within sub area 4.3.3 of Local Planning Area 4 – South Fremantle. Irrespective of the abovementioned height limitations prescribed within Local Council Policy D.G.S.5 (i.e. 6m maximum height within 12m from rear boundary), Schedule 12 of LPS4 permits building heights within sub are 4.3.3 to a maximum of three storeys and with no reference to height limitations within 12m from the rear boundary. As stated:

“Building height shall be limited to a maximum of three storeys (maximum external wall height of 10 metres as measures from ground level with a maximum roof plain pitch of 33 degrees)”.

In this case, it is recognised that Council has previously exercised its discretion in allowing three storeys fronting South Street and with a loft addition contained wholly within this roof space. The previous approval cited the following reasons to vary the height requirements of DGS5:

1. to allow for a distinguishable landmark feature, in the essence of an entry statement, at the corner of Marine Terrace and South Street.
2. the ‘corbel’ creates an open and visually permeable space that adds to a well proportioned building. That is, the corbel adds substance and integrates the southern part of the development which would otherwise appear disproportionate to the northern element fronting South Street.

Although the proposal generally meets the objectives of DGF 16 as the development is consistent with other 3 storey buildings in the area and serves to close off the ends of the street block abutting Marine Terrace, the variation on balance should not be supported for the following reason:

- Although it is acknowledged that there are some 3 storey developments in the area, the majority of properties in this street block adhere to the 6.0m height limit within 12.0m of the rear boundary.

CONCLUSION

Although it is acknowledged that there are other 3 storey developments in the area and the proposal generally meets the scheme and DGF 16 requirements, the proposal is contrary to the building height and design requirements prescribed by Council Policy D.G.S.5.

Accordingly, it is recommended that on balance, the application be refused.

OFFICER'S RECOMMENDATION

That the application be REFUSED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the construction of studio additions to the existing three storey 'Short Stay Dwelling' at No. 1 (Lot 304) South Street, South Fremantle, for the following reason:

1. The proposal is inconsistent with the City of Fremantle Council Policy D.G.S.5 with respect to building height and the objectives of the City of Fremantle Council Policy D.G.F.16.

COMMITTEE RECOMMENDATION

MOVED: Cr A Sullivan

That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the construction of studio additions to the existing three storey 'Short Stay Dwelling' at No. 1 (Lot 304) South Street, South Fremantle, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans dated 22 March 2011. It does not relate to any other development on this lot.
2. All storm water discharge shall be contained and disposed of on-site.

CARRIED: 5/1

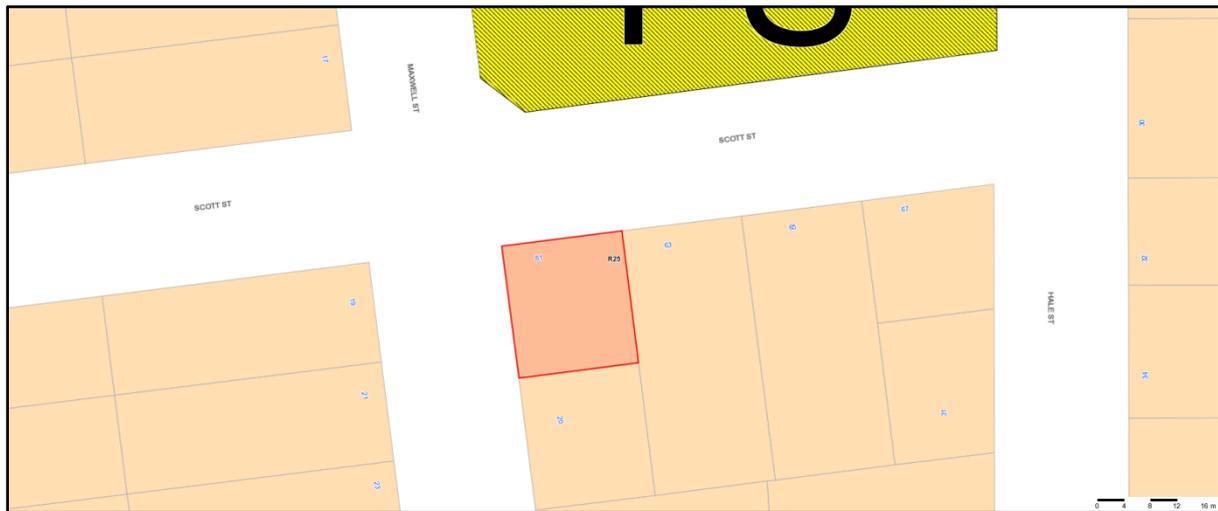
For	Against
Mayor, Brad Pettitt Cr Robert Fittock Cr Tim Grey-Smith Cr Bill Massie Cr Andrew Sullivan	Cr John Dowson

Cr A Sullivan requested the item be referred to the Ordinary Meeting of Council. Seconded by Mayor, Brad Pettitt.

PSC1107-124 SCOTT STREET NO. 61 (LOT 177), BEACONSFIELD - TWO STOREY SINGLE HOUSE (SM DA0011/11)

DataWorks Reference: 059/002
Disclosure of Interest: Nil
Meeting Date: 6 July 2011
Responsible Officer: Manager Development Services
Actioning Officer: Strategic Planner
Decision Making Level: Planning Services Committee
Previous Item Number/s: None
Attachments:
1. Development Plans 13 January 2011
2. Development Plans 23 May 2011
3. Applicant's justification

Date Received: 13 January and 23 May 2011
Owner Name: James Woodcock
Submitted by: APG Homes
Scheme: Residential R25
Heritage Listing: None
Existing Landuse: Vacant



EXECUTIVE SUMMARY

The application is presented to Planning Services Committee for determination as concerns were raised by submitters during the advertising process that cannot be resolved via conditions of Planning Approval.

Planning Approval is sought for the construction of a two storey Single House at No. 61 Scott Street, Beaconsfield.

The application has been assessed against the requirements of the City's Local Planning Scheme No. 4 (LPS4), the Residential Design Codes 2008 (R-Codes) and relevant Council Local Planning Policies and requires discretionary decisions with respect to:

- Retaining wall and Fence height;
- Location of Outdoor Living Area;
- Excavation and Fill;
- Building Height; and
- Solar Access.

The development is considered not to satisfy the requirements and performance criteria set out within the R-Codes. Consequently, the application is recommended for refusal.

BACKGROUND

The subject site is zoned Residential under the provisions of the LPS4 and has a density coding of R25. The site is not individually listed on the City's Heritage List nor located within a designated Heritage Area.

The site is vacant, approximately 364m² in area and is located on the corner of Scott and Maxwell Street, Beaconsfield. The topography of the site is a gentle to moderate slope downwards of approximately 1.5m from the eastern boundary to the western boundary.

Council refused a Planning application for a three storey residence on the site 19 February 1995 (Refer DA257/95).

DETAIL

An application for a two storey Single House at 61 Scott Street, Beaconsfield was received 13 January 2011. The plans include a wrap around balcony to the first floor fronting both Scott and Maxwell Street, a double garage to Maxwell Street and the outdoor living to the front of the house in the street setback areas.

These plans were advertised to the adjoining neighbours (Refer to consultation).

On the 23 May 2011 the City received revised plans and justification against the Performance Criteria of the R-Codes (see attachment 2 and 3 respectively). The revised plans modified the southern elevation first floor bathroom window to be 1.6 metres from floor level and of obscure glazing. The rest of the plans are the same as the original.

CONSULTATION

Community

The application was required to be advertised in accordance with Clause 9.4 of the LPS4.

At the conclusion of the advertising period, being 4 February 2011, the City had received 2 submissions. One stated no objection and the other raised the following issues:

- Solar Access – overshadowing of the submitter’s property, specifically the submitter’s organic vegetable and flower garden, outdoor living area and verandah. Submitter would accept the R-Code “Acceptable Development” requirement, but does not accept the proposed variation to this. Submitter suggests lowering the height of the proposed development.
- Potential overlooking from the first floor bathroom window.
- The Street setback – submitter is concerned that the House will sit in front of houses in Maxwell Street.
- Retaining walls and cut and fill on site – the proposal requires cutting on the subject site’s southern boundary and submitter expects it is the responsibility of the builder to retain this boundary, a retaining wall to support the soil should be kept at a minimum height and no higher.

PLANNING COMMENT

The application has been assessed against the requirements of the City’s LPS4, the R-Codes and relevant Council Local Planning Policies and requires a discretionary decision with respect to:

- Retaining wall and Fence height;
- Location of the Outdoor Living Area;
- Excavation and Fill;
- Building Height; and
- Solar Access.

Street walls and fences

Required provision	Proposed	Variation
Primary street fence: Visually permeable above 1.2m to a maximum height of 1.8m, with piers not higher than 2.0m.	Northern elevation; 1.8m to 2.5m above ngl	700mm No visual permeability proposed
Secondary street fence: 1.8m Solid	Western elevation; 2.4m to 2.9m above ngl	600mm to 1100mm No visual permeability proposed

There is provision in the Local Planning Policy 2.8 – Fences (LPP2.8) for Council to permit solid fencing for a portion of the total length of the boundary where:

- *surveillance between a habitable room window of the dwelling, the street and the dwelling's approach is available; and*
- *to provide privacy screening where there is no alternative outdoor living area to the front setback; or*
- *where consistent with the established streetscape.*

While the fence is for the purpose of screening the dwelling's outdoor living area in the front setback and there would be adequate surveillance between the proposed House and street due to the first floor balcony areas, it is not supported for the following reasons:

- There is no established pattern of >1.2 metre fences in the primary streetscape. The over 1.8 metre height of the Primary and Secondary Street fence from natural ground level will dominate in the existing street. This would further be highlighted by the verge sloping down to the street.
- The height of the fence is due to the sloping topography of the site which, in order to develop, does require some cut and fill (see Performance assessment below on excavation and fill). However it is considered that the levels could be better managed so as to provide for more appropriate fencing on site and so as to mitigate the adverse effect of the over height fences in the street setback.

Location of the Outdoor Living Area

Required provision	Proposed
DE6.4.2 An outdoor living area provided behind the street setback area.	Outdoor living area in the street setback area.

As per the above the proposed development does not meet the Acceptable Development requirements for Outdoor Living Areas and requires assessment under the Performance Criteria of Design Element 6.4.2 Outdoor Living Areas of the R-codes. This states that new development should meet the following criteria:

P2.1 An outdoor living area capable of use in conjunction with a habitable room of the dwelling, and if possible, open to the winter sun.

P2.2 An outdoor area that takes the best advantage of the northern aspect of the site.

This variation is supported for the following reasons:

- The outdoor living area will be used in conjunction with two habitable rooms (activity room and Study) and, by being north facing, is open to the winter sun.
- As the development is currently proposed, the outdoor living area is considered to take the best advantage of the northern aspect of the site.

Excavation and Fill

Required provision	Proposed	Variation
DE6.6.1 Excavation and Fill Not over 500mm behind the street setback area	Finished floor level of 9.772 Natural ground level varies from 8.4 to 10.1	Up to approximately 1 metre of fill required in some areas in the secondary street setback area.

As per the above the proposed development does not meet the Acceptable Development requirements for excavation and fill and requires assessment under the Performance Criteria of Design Element 6.6.1 Excavation and Fill of the R-codes. This states that new development should meet the following criteria:

P1 Development that retains the visual impression of the natural level of a site, as seen from the street or other public place, or from an adjoining property.

The site slopes from 10.0AHD in the east to 8.5AHD in the west of the property. A balanced level of cut and fill is generally considered reasonable on sloping sites. However the proposal builds the level up more than it cuts in. The finished floor levels of the house are 9.772AHD, however the levels though the middle of the site are 9AHD to 9.5AHD. Accordingly the proposed development presents as oversized and bulky in the streetscape thereby not retaining the visual impression of the natural level of the site as viewed from the street.

Building Height

Required provision	Proposed	Variation
DE6.7.1 Building Height 6m external wall height	6.3m and 6.5m garage on western elevation 6.4m in North west corner	500mm

Due to the fill on site the development is over height in several places and therefore does not meet the Acceptable Development requirements for height and requires assessment under the Performance Criteria of Design Element 6.7.1 Building Height of the R-codes. This states that new development should meet the following criteria:

P1 Building height consistent with the desired height of buildings in the locality, and to recognise the need to protect the amenities of adjoining properties, including, where appropriate:

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

This variation is not supported for the following reasons:

- The building does affect direct sun to the adjoining southern property.
- The overshadowing affects adequate daylight to major openings to habitable rooms.
- Access to significant views are not affected.

Solar Access

Required provision	Proposed	Variation
25% Overshadowing	29.6% overshadowing	4.6%

The proposed dwelling creates a shadow that exceeds 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 states that new development should meet the following criteria:

P1 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”.*

The variation is not supported for the following reasons:

- The overshadowing affects the adjoining property’s (20 Maxwell Street) northern elevation, boundary setback area and the northern portion of the outdoor living area. While the entire eastern side of 20 Maxwell Street could potentially be used for outdoor living the northern portion is adjacent to the living and kitchen area and is considered the main outdoor living area for 20 Maxwell Street.
- The shadow affects major openings to the living and kitchen area on the northern elevation of 20 Maxwell Street.

CONCLUSION

The proposed development of a two storey Single House at No. 61 Scott Street requires Council to consider the discretionary decisions sought in light of the topography of the site.

For the reasons outlined in the Planning Comment section above, the proposal is not considered to meet the Performance Criteria of Design Element 6.2.5 Walls and Fences, 6.6.1 Excavation and fill, 6.7.1 Building Height and 6.9.1 Solar access for adjoining sites of the R-codes and does not meet Local Planning Policy 2.8 Fences. As a result the application is recommended for refusal.

OFFICER'S RECOMMENDATION

MOVED: Cr A Sullivan

That the application be REFUSED under the Metropolitan Regional Scheme and Local Planning Scheme No. 4 for the Two storey Single House at No. 61 (Lot 177) Scott Street, Beaconsfield, as detailed on plans dated 13 January 2011 and 23 May 2011, for the following reasons:

The development does not comply with the Performance Criteria of Design Elements 6.2.5 Walls and Fences, 6.6.1 Excavation and fill, 6.7.1 Building Height and 6.9.1 Solar access for adjoining sites of the Residential Design Codes 2010 and Local Planning Policy 2.8 Fences.

Cr A Sullivan moved to defer the item to the next appropriate Planning Services Committee meeting to allow the applicant to address the issues raised in the officers report.

CARRIED: 6/0

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

PSC1107-125 SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY

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

OFFICER'S RECOMMENDATION/COMMITTEE DECISION

That the information is noted.

MOVED: Cr A Sullivan

CARRIED: 6/0

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

REPORTS BY OFFICERS (COUNCIL DECISION)**PSC1107-126 FINAL ADOPTION OF PROPOSED LOCAL PLANNING POLICY 1.8
NIEGHBOUR MEDIATION**

DataWorks Reference:	117/045
Meeting Date	6 July 2011
Disclosure of Interest:	Nil
Responsible Officer:	Manager Development Services
Actioning Officer:	Manager Development Services
Decision Making Level:	Council
Previous Item Number/s:	PSC 20 April 2011 and Council 27 April 2011
Attachment 1:	Report to PSC 20 April 2011 and Council 27 April 2011

EXECUTIVE SUMMARY

The proposed modification of LPP 1.8 *Neighbour Mediation* was advertised in accordance with clause 2.4 of Local Planning Scheme No. 4. Two submissions were received during the consultation period. One submission was from a government department stating no comment. The other was from the Beaconsfield Precinct Group who primarily made comments in relation to the public consultation requirements relating to development applications. The proposed policy does not relate to the public advertising of development applications but dispute resolution between neighbours.

It is therefore recommended that Council adopt the local planning policy in accordance with clause 2.4.2 (b) of Local Planning Scheme No. 4.

BACKGROUND

At its Ordinary Meeting of Council on 27 April 2011 Council resolved to adopt draft LPP 1.8 *Neighbour Mediation* for the purpose of advertising.

In summary the purpose of the policy is to clarify circumstances where it may be appropriate for Council to defer the consideration of a minor planning related matter for neighbours to attend mediation paid for by the City.

The report considered at the April 2011 meeting is attached for background information.

STATUTORY AND POLICY IMPLICATIONS**Local Planning Scheme No. 4 (LPS4)**

Clause 2.4 of LPS4 allows Council to formulate a local planning policy and outlines the procedure that by which this must occur.

CONSULTATION

The draft local planning policy was advertised in accordance with clauses 2.4 of LPS4 and local planning policy, *LPP1.3 Public Notification of Planning Proposals* via:

1. Advertisement in a local newspaper for 2 consecutive weeks detailing where the policy can be inspected, the subject and nature of the draft policy and closing date of the 28 day advertising period;
2. Listing on the City’s web site;
3. Referral to precinct groups; and
4. Referral to various government departments including the State Administrative Tribunal, Western Australian Local Government Association, Department of Local Government, Western Australian Planning Commission and the State Ombudsman.

Clause 2.4.2 of LPS4 requires the Council to consider any submissions received during its determination of the local planning policy.

During the consultation period two submissions were received. One submission was from the Department of Local Government stating no comment. The other was from the Beaconsfield Precinct Group who primarily made comments in relation to the public consultation requirements relating to development applications rather than the proposed Neighbour Mediation policy that relates to dispute resolution. The following specific issues (summarised) were raised by the precinct group:

	ISSUE	OFFICER COMMENT
1.	Not enough consultation occurs beyond ‘adjacent properties’.	This is not relevant to the proposed Neighbour Mediation policy.
2.	The owners should not be responsible for communicating development proposal to neighbours.	As above.
3.	A sign on site and letters to all nearby residences should be required.	As above.
4.	Council can lead mediation sessions to resolve issues and if a stalemate occurs then take the issue to Planning Services Committee and/or full Council.	The purpose of this policy is to outline circumstances where it may be appropriate for Council to defer the consideration of a minor planning related matter and invite neighbours to attend mediation conducted by a qualified professional mediator at the cost of the City. The planning application process is not designed nor is the appropriate mechanism to resolve neighbour disputes.

Based on the above comments it is considered that no changes are required to draft planning policy.

CONCLUSION

The proposed policy was advertised in accordance with LPS4.

Two submissions were received during the consultation period. One submission was from a government department stating no comment. The other was from the Beaconsfield Precinct Group who primarily made comments in relation to the public consultation requirements relating to development applications. The proposed policy does not relate to the public advertising of development applications but dispute resolution between neighbours.

No changes are proposed to the advertised policy.

It is therefore recommended that Council adopt the local planning policy in accordance with clause 2.4.2 (b) of LPS4.

COMMITTEE/OFFICERS RECOMMENDATION

MOVED: Cr A Sullivan

That Council resolve to adopt the draft local planning policy, LPP1.8 Neighbour Mediation, as detailed below in accordance with the procedures set out in clause 2.4 of the City of Fremantle Local Planning Scheme No. 4.

CITY OF FREMANTLE LOCAL PLANNING POLICY LPP 1.8

NEIGHBOUR MEDIATION

ADOPTION DATE: 27 July 2011

AUTHORITY: LOCAL PLANNING SCHEME NO. 4

BACKGROUND

- 1. The Council encourages neighbours to resolve issues of dispute between themselves in a constructive and neighbourly way. Council also wishes to ensure that the planning and building approvals and compliance regime is not used in such a manner as to aggravate tension between neighbours.**
- 2 The Council has a statutory obligation to uphold the requirements of the Local Planning Scheme, and to deal with applications and compliance matters effectively and efficiently. These obligations need to be balanced against the fact that statutory decision making is not always the most appropriate way to resolve issues between neighbours, and in many cases it is preferable that neighbours develop their own solutions to local issues as opposed to one imposed by a planning authority.**
- 3. The purpose of this policy is to outline circumstances where it may be appropriate for Council to defer the consideration of a minor planning related matter and invite neighbours to attend mediation conducted by a qualified professional mediator at the cost of the City.**

POLICY

1. The Council may determine in a particular case that a planning issue that has arisen, either as a result of a planning application or a compliance issue, is causing a dispute between neighbours, the planning application and/or compliance action may be deferred for a period of a maximum of up to 2 months to enable the parties to attend mediation.
2. Council will meet the costs of up to 3 mediation sessions conducted by a professional mediator appointed by the City during the deferral period where these sessions are agreed to and attended by all parties.
3. The Council will not meet the costs of mediation where the matter falls outside of the statutory jurisdiction of the City.
4. This policy is intended for smaller scale proposals such as (but not limited to):
 - a) privacy screens;
 - b) fences;
 - c) ancillary lightweight structures (e.g. patios and pergolas);
 - d) external fixtures (e.g. antennae, aerials, air conditioning units, solar panels, water tanks, flag poles);
 - e) minor encroachments and extensions;
 - f) outbuildings;
 - g) trees and vegetation;
 - h) home business; and
 - i) amenity issues
 where no more than 2 adjoining neighbours (in addition to the applicant) are involved.
5. In determining whether mediation is necessary the Council shall take into consideration the (personal – non planning) nature of the issues raised by neighbours and any history of planning applications or compliance issues on the respective sites, and whether there are reasonable planning arguments on both sides (i.e. where the planning merits of the case for either approval or refusal could both reasonably be argued).
6. The Council will not defer for mediation any application which;
 - a) Involves significant development on a particular lot. Significant development refers to development which is not small scale as generally defined in 4 above (e.g. a new single house or substantial building alterations/additions are considered to be significant development); or
 - b) Involves planning issues which impact on the broader community;
7. Council cannot compel neighbours to participate in mediation. If after Council has formally invited neighbours to attend mediation and one or more neighbours do not wish to attend, the matter will be referred back to the next appropriate Council/Committee meeting for determination based on planning merits.
8. Where mediation has occurred, the matter will be referred back to Council for determination in accordance with normal planning requirements. The Council report will summarise the outcome of the mediation sessions.
9. Where mediation has occurred, this does not affect the ability of an infringement to be issued or other legal action to occur in accordance with *LPP 1.5 Planning, Building and Environmental Health Compliance*. Where

mediation is proposed, regard is to be given to the statutory time frames associated with infringements and legal action.

10 Where mediation has previously occurred, unless the current matter is significantly different to the previously mediated matter, further mediation will not be offered.

CARRIED: 6/0

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

CONFIDENTIAL MATTERS

Nil.

CLOSURE OF MEETING

THE PRESIDING MEMBER DECLARED THE MEETING CLOSED AT 8.30 PM.

SUMMARY GUIDE TO CITIZEN PARTICIPATION AND CONSULTATION

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

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

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

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

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	
	personal representations to individual Elected Members and via presentations to Committee and Council Meetings.
Citizens need to check for any changes to decision making arrangements made	1 The City will take initial responsibility, via 3 'Consultation Process notifications', for making . citizens aware of expected time-frames and decision making processes, including dates of Standing Committee and Council Meetings if relevant. However, as these details can change, it is the citizens responsibility to check for any changes by visiting www.freofocus.com/projects/html/default.cfm , checking the Port City Column in the Fremantle Herald or inquiring at the Service and Information Desk by phone or in-person.
Citizens are entitled to know how their input has been assessed	1 In reporting to decision-makers, City officers will in 4 all cases produce a Schedule of Input received . that summarises comment and recommends whether it should be taken on board, with reasons.
Reasons for decisions must be transparent	1 Decision-makers must provide the reasons for 5 their decisions. .
Decisions posted on www.freofocus.com/projects/html/default.cfm	1 Decisions of the City need to be transparent and 6 easily accessed. For reasons of cost, citizens . making input on an issue will not be individually notified of the outcome, but can access the decision at www.freofocus.com/projects/html/default.cfm or at the City Library or Service and Information counter.

Issues that Council May Treat as Confidential

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

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



MINUTES ATTACHMENTS

Planning Services Committee

Wednesday, 6 July 2011, 6.00 pm

