



MINUTES

Planning Services Committee

Wednesday, 20 March 2013, 6.00pm

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PLANNING SERVICES COMMITTEE

Minutes of the Planning Services Committee
held in the Council Chambers, Fremantle City Council
on **20 March 2013** at 6.00 pm.

DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 6.00 pm.

NYOONGAR ACKNOWLEDGEMENT STATEMENT

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

IN ATTENDANCE

Brad Pettitt	Mayor (<i>entered 6.23 pm</i>)
Cr Robert Fittock	Deputy Presiding Member / North Ward
Cr Rachel Pemberton	City Ward (<i>entered 6.06 pm</i>)
Cr Andrew Sullivan	Presiding Member / South Ward
Cr Ingrid Waltham	East Ward
Cr Bill Massie	Hilton Ward
Cr David Hume	Beaconsfield Ward
Mr Philip St John	Director Planning and Development Services
Ms Natalie Martin Goode	Manager Statutory Planning
Mr Ian James	Strategic Urban Designer
Mrs Tanya Toon-Poynton	Minute Secretary

There were approximately 5 members of the public and 0 members of the press in attendance.

APOLOGIES

Cr Josh Wilson

LEAVE OF ABSENCE

Nil

RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

PUBLIC QUESTION TIME

Nil

DEPUTATIONS / PRESENTATIONS

The following member of the public spoke in favour of the Officer's Recommendation for item PSC1303-36:

Clint Bergsma

The following member/s of the public spoke against the Officer's Recommendation for item PSC1303-36:

Scott Bradley

The following member of the public spoke in favour of the Officer's Recommendation for item PSC1303-40:

Evan Reeves

Antonio Nono

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 06 March 2013 as listed in the Council Agenda dated 27 March 2013 be confirmed as a true and accurate record.

CARRIED: 5/0

For	Against
Cr Ingrid Waltham Cr Robert Fittock Cr David Hume 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

Nil.

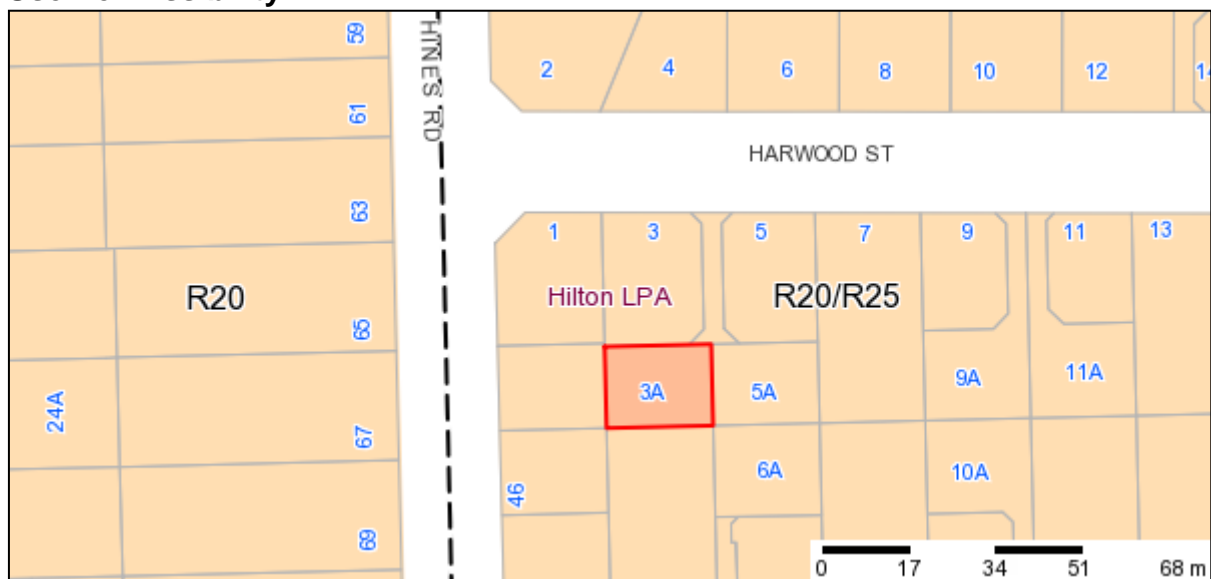
REPORTS BY OFFICERS (COMMITTEE DELEGATION)

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

Cr R Pemberton arrived at 6.06 pm prior to consideration of the following item.

PSC1303-36 HARWOOD STREET, NO. 3A (LOT 4), HILTON - VARIATION TO PREVIOUS APPROVAL DA0298/12 (SINGLE STOREY WITH LOFT AND UNDERCROFT GROUPED DWELLING) - (AA VA0002/13)

DataWorks Reference: 059/002
Disclosure of Interest: Nil
Meeting Date: 20 March 2013
Responsible Officer: Manager Statutory Planning
Actioning Officer: Planning Officer
Decision Making Level: Planning Services Committee
Previous Item Number/s: N/A
Attachments: 1 - Application Plans (VA0002/13)
 2 - Previous Approval (DA0298/12)
 3 - Site Photos (Taken 15 February 2013)
Date Received: 1 February 2013
Owner Name: C & M Bergmsa
Submitted by: Zenecon Registered Builders (c/o: Eric de Haan)
Scheme: Residential R20/25
Heritage Listing: Not Heritage Listed
Existing Landuse: Vacant (Land Cleared)
Use Class: Grouped Dwelling
Use Permissibility: 'D'



EXECUTIVE SUMMARY

The application seeks planning approval for a variation to previous planning approval DA0298/12 (Single Storey Single House with Loft and Undercroft Grouped Dwelling) previously approved by the City.

The application seeks variations to the planning framework relating to external wall height, ridge height, roof pitch and visual privacy.

The variation application is recommended for conditional approval subject to the addition of new conditions and advice notes.

BACKGROUND

The subject site is zoned Residential under the provisions of the City LPS4 with a density coding of R20/25. The site is located within the Hilton Local Planning Area under the provisions of LPS4. The site is not listed on the City's Heritage List and the Municipal Heritage Inventory, but is located within the Hilton Heritage Area.

The subject site is located on the southern side of Harwood Street, Hilton and has a site area of approximately 513m². The land is located at behind No. 3 Harwood Street and is accessed via a common property access lot (being Lot 5 on Plan 63163). The site is currently vacant of all improvements.

On 13 December 2012 the WAPC granted conditional approval for the four lot survey strata subdivision with a common property access leg at No. 3 & 5 Harwood Street, Hilton (refer WAPC819-10). The subject land and the common property access lot were created out of this subdivision.

On 9 August 2012, acting under delegation, the City approved an application for the development of a Single Storey (with loft and undercroft) Grouped Dwelling (DA0298/12).

DETAIL

The application seeks planning approval for the variation of a previous approval (DA0298/12) including the following changes to the approved plans;

- Increase in overall ridge height of 22mm;
- Increase in the ground floor finished floor level of 90mm;
- Increase in 78mm ceiling clearance for both the ground and loft levels;
- A reduction in the height of the void between the roof ridge and the loft ceiling to accommodate the greater floor clearances;
- Relocation of the 'Bathroom' window to the shower area of the room;
- Reconfiguration of the outdoor steps near the southern boundary;
- Increase the size of the upper floor windows to 'Bedroom 1', 'Bedroom 2' and 'Games' rooms;
- Increase in the size of ground floor 'Lounge' window;
- Modifications to the layout and size of the undercroft area;
- Addition of a ground floor limestone footing wall(s);
- Decrease in chimney height below ridge level; and,

- Ventilators required by the previous approval now being shown on the plans.

STATUTORY AND POLICY ASSESSMENT

The proposed development has been assessed against the relevant provisions contained within LPS4, the R-Codes and Council Local Planning Policies. The proposed development includes the following discretions to acceptable design requirements:

- External Wall & Ridge Height;
- Roof Pitch;
- Visual privacy; and,
- Buildings Setback from the Boundary (East).

Detailed assessment of the abovementioned discretions will be discussed further in the 'Planning Comment' section of this report.

CONSULTATION

Community

The application was required to be advertised in accordance with Clause 9.4 of the LPS4, as it sought a number of discretionary decisions. At the conclusion of the advertising period, being 19 February 2013, the City had received 2 submissions, including 2 objections. The issues raised are summarised as follows;

- The building mass will potentially dominate the house in front of the proposal as the wall height is greater than the 3.5m wall height maximum contained in the Hilton Policy;
- The deck area is up to 900mm above natural ground level and should be assessed in accordance with the visual privacy requirements. There is no mention of increased fence height or new screening to protect visual privacy;
- There appears to be no consideration of retaining walls that would be required to achieve the basement garage and store area as indicated, especially at the south eastern corner of No. 3 Harwood;
- It is difficult to ascertain the natural ground level. The internal level of the building is calculated to be about 1m above NGL. It should therefore be considered a first floor and be the subject of all privacy requirement;
- The 6.882m red brick wall which looks ugly and blocks views of established trees;
- The 2.490m under croft as earthworks will cause damage to adjoining properties;

PLANNING COMMENT

External Wall & Ridge Height

	Maximum Allowed	Height Provided	Discretion Sought
External Wall	3.5m	3.8m	0.3m (+0.30m from previous approval)
Ridge Height	6.5m	7.8m	1.3m (+0.22m from previous approval)

Clause 2.2(a) of Local Planning Policy 3.7 ('Hilton Garden Suburb Precinct' Heritage Area Local Planning Policy) ('LPP3.7') outlines that the maximum wall height allowed may be varied when;

- The development is on a rear lot and has 'minimal presentation' to the streetscape; and,
- Complies with the Acceptable Development provisions of Design Elements 6.3.1 (Buildings setback from the boundary), 6.4.1 (Open Space) and 6.9.1 (Design for Climate) the Residential Design Codes.

The discretionary decisions are supported for the following reasons;

- The proposed development while not highly visible from Harwood Street, will not exist out of character with the streetscape having regard to similarly sized dwellings nearby at No. 46 Hines Road (ridge height of 8.25m) and the approved dwelling at 5A Harwood Street (DA0299/12) (ridge height of 6.2m);
- The variation to external wall height is consistent with the original approval (DA0298/12);
- The variation to ridge height is considered minor in nature and will be indistinguishable from the height previously approved (pursuant to DA0298/12); and,
- The proposed development complies with the requirements of Design Elements 6.4.1 (Open Space) and 6.91 (Design for Climate). The proposed variation to building setbacks (pursuant to Design Element 6.3.1) is not considered in itself to be objectionable in terms of its contribution to building bulk, scale or amenity impact.

Roof Pitch

Maximum Required	Angle Provided	Discretion Sought
35°	45°	10°

The discretionary decision is supported for the following reasons;

- The proposed roof pitch is consistent with that previously approved at the land (subject to DA0298/12) and for the adjoining property at 5A Harwood (subject to DA0299/12);
- The proposed roof is simple in form and provides a minimum eave width of 450mm as required by clause 4.1 of LLP3.7; and,
- The variation to roof pitch, being for a rear battle-axe property will not be readily distinguishable from the streetscape.

Visual Privacy

	Setback Required	Setback Provided	Discretion Sought
Deck Area & Access Stairs (North Elevation)	7.5m	Nil-1m	6.5-7.5m
2 x Lounge/Kitchen Windows (East Elevation)	6.0m	1.0m	5.0m
2 x Lounge Windows (South Elevation)	6.0m	2.0m	4.0m

The discretionary decisions are not supported for the following reasons;

- The existing dwelling at No. 3 Harwood Street is approximately 4m from the affected boundary. This area is considered the main outdoor living area of the dwelling and therefore any overlooking of this area will result in a loss of privacy for the occupiers;
- The dwelling at No. 4 Joslin Street is remote from the affected boundary but the land is zoned R20/25. This coding contemplates density development of the site. In this event a dwelling and/or outdoor living area is likely to be located closer to the affected boundary; and,
- There is no significant vegetation or other natural feature restricting overlooking between the land and No. 4 Joslin Street.

A new condition of approval requiring screening of all of these windows, openings and outdoor areas is therefore recommended.

Buildings Setback from Boundary

	Setback Required	Setback Provided	Discretion Sought
Side Setback (East)	1.8m	1.0m	0.8m

The discretionary decisions are supported for the following reasons;

- The setback is consistent with the approved setback forming part of the previous approval (DA0298/12). There has been no material change to the planning framework relating to the setback of buildings since this time; and,
- The lesser setback, including the additional height does not unreasonably accentuate the building bulk and scale to the eastern elevation.

OFFICER'S RECOMMENDATION/COMMITTEE DECISION

MOVED: Cr A Sullivan

That the application be APPROVED under Local Planning Scheme No. 4 for Variation to Previous Approval DA0298/12 (Single Storey with Loft and Undercroft Grouped Dwelling) at No. 3A (Lot 4) Harwood Street, Hilton subject to the same terms and conditions, except whereby modified by the following condition(s):

A. Condition 1 of the Planning Approval dated 9 August 2012, be deleted and replaced with the following condition:

- 1. This approval relates only to the development as indicated on the approved plans, dated 1 February 2013. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.**

B. The following condition is hereby added to the Planning Approval dated 9 August 2012:

- 13. Prior to occupation, all windows/openings shown on the East Elevation, two (2) openings to the 'Lounge' area shown on the South Elevation and the extent of the Northern Elevation of the area shown as 'Deck' and section of stairs leading the Deck on the northern boundary shall be either:**

- a. fixed obscured or translucent glass to a height of 1.60 metres above floor level, or**
- b. fixed with vertical screening, with openings not wider than 5cm and with a maximum of 20% perforated surface area, to a minimum height of 1.60 metres above the floor level, or**
- c. made a minimum sill height of 1.60 metres as determined from the internal floor level, or**
- d. screened by an alternative method to the satisfaction of the Chief Executive Officer, City of Fremantle,**

in accordance with Clause 6.8.1 A1 of the Residential Design Codes and thereafter maintained to the satisfaction of Chief Executive Officer, City of Fremantle.

C. The following advice note is hereby added to the Planning Approval dated 9 August 2012:

- i. Development, including excavation, levelling, retaining and re-contouring of the adjoining property at No. 5A (Lot 2) Harwood Street and the common-property lot, being Lot 5 of Survey Plan 63163 are not included in this approval and are not to be carried out. The owner(s) of these properties is to seek further planning approval from the City (where required) for any works, such as those listed above.**
- ii. The Applicant is advised of structural concern relating to the existing boundary fence between the subject land and No. 4 Joslin Street, Hilton. Any works carried out subsequent to this planning approval shall be done so in a manner that maintains the sufficiency of the fence.**

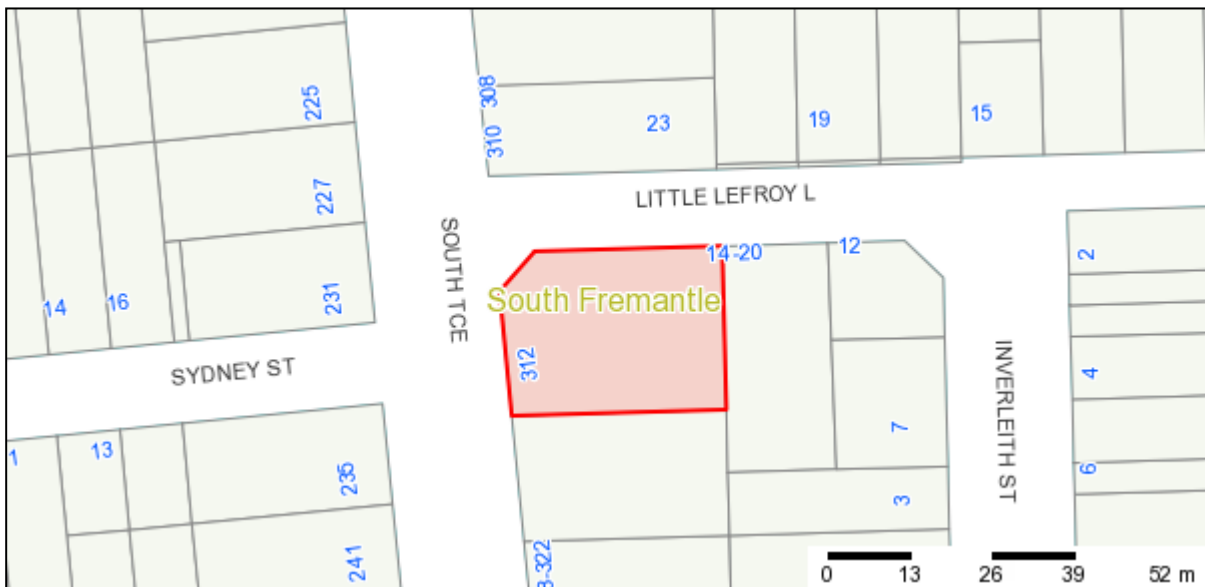
CARRIED: 6/0

For	Against
Cr Rachel Pemberton Cr Robert Fittock Cr Ingrid Waltham Cr Bill Massie Cr Andrew Sullivan Cr David Hume	

Mayor, Brad Pettitt arrived at 6.23 pm prior to consideration of the following item.

**PSC1303-40 SOUTH TERRACE NO. 312 (LOT 344) SOUTH FREMANTLE
PARTIAL CHANGE OF USE TO RESTAURANT WITH INCIDENTAL
LIGHT INDUSTRY (COFFEE ROASTING) USE JS DA0623/12**

DataWorks Reference: 059/002
Disclosure of Interest: Nil
Meeting Date: 20 March 2013
Responsible Officer: Manager Statutory Planning
Actioning Officer: Planning Officer
Decision Making Level: Planning Services Committee
Previous Item Number/s: Nil
Attachment 1: Amended Development Plans Dated 26 February 2013
Attachment 2: Site Photographs
Date Received: 7 January 2013
Owner Name: A & C Noto Pty Ltd
Submitted by: Evan Reeves (Geyer)
Scheme: Mixed Use Zone
Heritage Listing: No
Use Class: Restaurant
Use Permissibility: 'A'



EXECUTIVE SUMMARY

The application has been referred to the Planning Services Committee (PSC) for determination due to the incidental coffee roasting portion of the proposal. No submissions were received during the advertising period however, the incidental use (Coffee Roasting) associated with the site could potentially have a detrimental impact on the amenity of the neighbourhood by way of odour if not managed appropriately on site.

A similar but more intensive application at No. 258 South Terrace resulted in a significant number of objections during the consultation period about the pungent odour created by Coffee Roasting. PSC refused the application in November 2011.

The current applicant is proposing:

- **Partial Change of Use to Restaurant;**
- **Approximately 100m² of alfresco dining;**
- **Internal Additions and Alterations;**
- **External Additions and Alterations; and**
- **A 14m² area to be used for Light Industry (Coffee Roasting);**

Furthermore, there is an on-site car parking bay shortage.

The application is considered to generally satisfy the objectives of the Mixed Use zone, and is therefore recommended for approval subject to appropriate conditions.

BACKGROUND

The subject site is zoned Mixed Use in accordance with the provisions of the City's Local Planning Scheme No. 4 (LPS4) with a density coding of R30. The site is located within Sub Area 4.3.3 of the South Fremantle Local Planning Area in accordance with Schedule 12 of LPS4. The site is not listed on the City's Heritage List nor is it listed on the Municipal Heritage Inventory. The site is, however, located within the South Fremantle Heritage Precinct which is a designated Heritage Area in accordance with clause 7.2 of LPS4.

The site is improved by an existing single storey commercial building which is dilapidated (see attachment 2). Previously the site was occupied by the 'Fremantle Chocolate Factory' and before that a Service (Petrol) Station was operational. Vehicle access is provided from both South Terrace and Little Lefroy Lane and there are approximately 10 car bays on site.

DETAIL

The applicant is proposing the following developments as part of this application:

- Partial Change of Use to Restaurant;
- Approximately 100m² of alfresco dining;
- Internal Additions and Alterations;
- External Additions and Alterations; and

- A 14m² area to be used for Light Industry (Coffee Roasting) for retail only (not wholesale).

The business is anticipated to provide seating for 50-70 patrons and the proposed hours of operation are Monday – Sunday 7am – 10pm (kitchen to close 9pm).

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

CONSULTATION

Community

The application was required to be advertised in accordance with Clause 9.4 of the LPS4, and LPP 1.3 Public Notification of Planning Proposals. At the conclusion of the advertising period, being 13 February 2013, the City had received no submissions.

City's Environmental Health Services

An internal referral to the City's Environmental Health provided the following response (summarised):

No objection to the change of use however the coffee roasting will likely result in complaints from the neighbours due to the pungent odour. The following measures are to be taken:

- *The coffee roasting equipment is to be fitted with an after burner designed to control emissions;*
- *The applicant will need to submit detailed plans of the kitchen fit out including the mechanical ventilation and location of plumbing fixtures;*
- *The applicant will need to liaise with the water corporation regarding the requirement for the property to have a grease trap; and*
- *The applicant will need to make application for the appropriate licence to operate a food business in the City of Fremantle.*

STATUTORY AND POLICY ASSESSMENT

The proposal has been assessed against the requirements of LPS4 and any relevant planning policies. Any discretions sought to the City's planning requirements are discussed in the "Planning Comment" section of the report below.

PLANNING COMMENT

Incidental Use (Coffee Roasting)

The applicant is proposing a partial change of use to 'Restaurant' with an incidental use of Coffee Roasting. As previously discussed, the subject site is located within the 'Mixed Use' zone of which a 'Restaurant' use is an 'A' use. An 'A' use means that:

"the use is not permitted unless the Council has exercised its discretion and has granted planning approval after giving special notice (advertising) in accordance with clause 9.4."

In exercising its discretion, Council should be satisfied that the proposal is consistent with the objectives of the Mixed Use zone (Clause 4.2.1(e)), which are as follows:

Development within the mixed use zone shall—

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

Whilst acknowledging that no submissions were received relating to the Incidental Use, a previous application at No. 258 South Terrace for Coffee Roasting has resulted in a number of objections by neighbours during the consultation period. These objections were mainly regarding the pungent odour that could be created by the roasting. Coffee roasting was proposed Monday to Wednesday between 10am and 5pm for the purpose of wholesale supply. This application was refused by Council in November 2011 as the proposal was considered to be inconsistent with the objectives of the Mixed Use zone outlined in clause 4.2.1 (e) of LPS4.

The important difference between the subject application and that of 258 South Tce is that 258 South Tce was a significantly more intensive proposal. The applicant for 312 South Tce has advised that coffee roasted on the premises is for consumption on site or retail sales and not wholesale. While this is a subtle difference it is important in terms of defining the difference in intensity between the two proposals. On this basis is it considered that the coffee roasting element for 312 South Tce is not a separate use class of 'light industrial' but an incidental use to predominant use of restaurant. A condition of approval is recommended limiting coffee roasting on the premises for either consumption on site or retail sale (and not wholesale).

As discussed previously, the City's Environmental Health Department have reviewed the proposal, and have indicated that with the addition of an afterburner, that the proposal is compliant with the relevant environmental health standards.

Whilst the Mixed Use zone does provide for the capacity to entertain light industry, coffee roasting that is more intensive than that proposed in the current application may be more suited to an industrial area where it is less likely to negatively impact on the amenity of the adjoining residents. However, as the Restaurant is the site's primary use, the mixed use zone is considered suitable for this particular proposal.

Parking

Required	Proposed	Shortfall
30 bays	7 bays	23 bays

The above discretion is supported for the following reasons:

- The proposal is located within close proximity to stop 13 & 14 of the Fremantle CAT service and Transperth operate high frequency bus routes along South Terrace, South Street and Lefroy Road.
- There are a number of street bays available in the immediate vicinity including Little Lefroy Road, South Terrace, Inverleith Street, Jenkin Street and Sydney Street.
- It would be reasonable to expect that some of the patrons of the restaurant may live locally and may not drive to the venue.

CONCLUSION

In assessing this application, it is fundamental that the Council is satisfied that the proposal is consistent with the objectives of the Mixed Use zone and that the proposal is not likely to have a significant detrimental impact on the amenity of the area.

Whilst it is acknowledged that Coffee Roasting may create an odour, it is noted that such uses are common in the operation of a premises of this nature, such premises are considered to be synonymous with a Mixed Use zone and odour issues can be addressed by appropriate management, operation and installation of additional odour limiting equipment. Accordingly the proposal in its current form, and would not be incongruous within this context. Furthermore, the objectives of the Mixed Use zone provide for Light Industry be present in these zones.

Accordingly the proposal is recommended for approval, subject to conditions.

OFFICER'S RECOMMENDATION

MOVED: Cr A Sullivan

That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Partial Change of Use to Restaurant with Incidental Light Industry (Coffee Roasting) Use at No. 312 (Lot 344) South Terrace, South Fremantle, as detailed on plans dated 26 February 2013, subject to the following condition(s):

1. This approval relates only to the development as indicated on the approved plans, dated 26 February 2013. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.
2. Coffee roasted on the premises is limited to either consumption on site or retail sale (not wholesale).
3. Prior to commencement, the Coffee Roasting equipment is to be fitted with an after burner designed to control emissions, to the satisfaction of the Chief Executive Officer, City of Fremantle.
4. Prior to commencement, detailed plans of the kitchen fit out including the mechanical ventilation and location of plumbing fixtures will need to be submitted to the City's Environmental Health Department.

Cr A Sullivan MOVED an amendment to Condition 2 of the Officer's Recommendation to include the following wording:

2. Coffee roasted on the premises is limited to either consumption on site or retail sale *from the site* (not wholesale or internet sales).

CARRIED: 6/1

For	Against
Mayor, Brad Pettitt Cr Rachel Pemberton Cr Robert Fittock Cr Ingrid Waltham Cr David Hume Cr Andrew Sullivan	Cr Bill Massie

COMMITTEE DECISION

MOVED: Cr A Sullivan

That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Partial Change of Use to Restaurant with Incidental Light Industry (Coffee Roasting) Use at No. 312 (Lot 344) South Terrace, South Fremantle, as detailed on plans dated 26 February 2013, subject to the following condition(s):

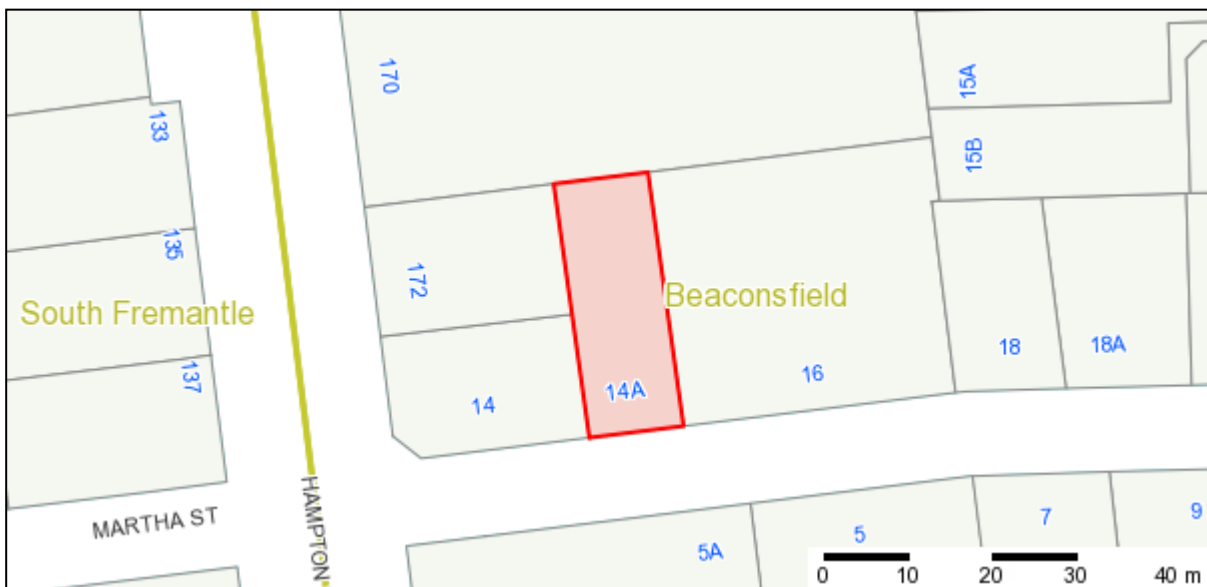
- 1. This approval relates only to the development as indicated on the approved plans, dated 26 February 2013. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.**
- 2. Coffee roasted on the premises is limited to either consumption on site or retail sale *from the site* (not wholesale or internet sales).**
- 3. Prior to commencement, the Coffee Roasting equipment is to be fitted with an after burner designed to control emissions, to the satisfaction of the Chief Executive Officer, City of Fremantle.**
- 4. Prior to commencement, detailed plans of the kitchen fit out including the mechanical ventilation and location of plumbing fixtures will need to be submitted to the City's Environmental Health Department.**

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Rachel Pemberton Cr Robert Fittock Cr Ingrid Waltham Cr Bill Massie Cr Andrew Sullivan Cr David Hume	

PSC1303-37 MARTHA STREET NO. 14A (LOT 3) BEACONSFIELD - TWO STOREY SINGLE HOUSE (JS DA0027/13)

DataWorks Reference: 059/002
Disclosure of Interest: Nil
Meeting Date: 20 March 2013
Responsible Officer: Manager Statutory Planning
Actioning Officer: Planning Officer
Decision Making Level: Planning Services Committee
Previous Item Number/s: Nil
Attachment 1: Development Plans (amended dated 27 February 2013)
Attachment 2: Site photographs
Date Received: Amended Plans 27 February 2013
Owner Name: Christopher & Jo-Anne Milner
Submitted by: APG
Scheme: Residential R25
Heritage Listing: No
Existing Landuse: N/A – Vacant site
Use Class: Single House
Use Permissibility: 'P'



EXECUTIVE SUMMARY

The application is presented to the Planning Services Committee (PSC) for determination due to proposal only partially meeting the requirements of Local Planning Policy 2.9 – Residential Streetscape Policy.

The proposal is comprised of a two storey Single House, to be constructed on a newly created lot at No. 14A (Lot 3) Martha Street, Beaconsfield (previously known as 172 Hampton Road).

The applicant is pursuing discretions in relation to:

- **Primary Street Setback;**
- **Boundary Walls; and**
- **Garage Door Width.**

Accordingly, it is recommended that the proposal be supported on balance, subject to conditions.

BACKGROUND

Of note is that when this application was originally submitted, the subject site was better known as 172 Hampton Road and was approximately 1020m². Since this time, the 3 lot survey strata subdivision of number 172 Hampton Road has been approved by the Western Australian Planning Commission resulting in the following:

- 172 Hampton Road (Heritage Listed);
- 14 Martha Street; and
- 14A Martha Street (Subject Site)

The subject site is zoned Residential with a density coding of R25 under the provisions of the City of Fremantle's (the City's) Local Planning Scheme No. 4 (LPS4). The site is not individually listed on the City's Heritage List, however, it is located within the South Fremantle Heritage Area.

The site is approximately 338m² and is located on the northern side of Martha Street in Beaconsfield. The site is currently vacant and surrounded by numerous single and double storey dwellings in the immediate vicinity. The subject site is located within the street block bounded by Hampton Road to the west, Martha Street to the south, McCleery Street to the east and South Street to the north.

STATUTORY AND POLICY ASSESSMENT

The proposed development has been assessed against the relevant provisions contained within LPS4, the R-Codes and Council Local Planning Policies and includes the following discretion to acceptable design requirements:

- Primary Street Setback;
- Boundary Walls; and
- Garage Door Width.

Detailed assessment of the abovementioned discretion will be discussed further in the 'Planning Comment' section of this report.

CONSULTATION

Community

The application was required to be advertised in accordance with Council policy *LPP 1.3 Public Notification of Planning Proposals*. At the conclusion of the advertising period, the City had received no submissions.

PLANNING COMMENT

Key Discretion

Local Planning Policy 2.9 – Residential Streetscape Policy (LPP2.9)

Primary Street Setback

	Required	Provided	Discretion Sought
Ground Level	7.0 m	4.5 m	2.5 m
Upper Level	12.0 m	4.5 m	7.5 m

Clause 1.2 of LPP 2.9 outlines criteria of which variations to the requirements of table 1 may be considered by Council. The proposal needs to meet one of the following criteria:

- i. The proposed setback of the building is consistent with the setback of buildings of comparable height within the prevailing streetscape; or*
- ii. The proposed setback of the building does not result in a projecting element into an established streetscape vista by virtue of the road and/or lot layout in the locality or the topography of the land; or*
- iii. The proposed setback of the building will facilitate the retention of a mature, significant tree deemed by the Council to be worthy of retention (Refer also to LPP2.10 Landscaping of Development and Existing Vegetation on Development Sites).*

The proposal is considered to partially meet part i and part ii of the above due to the following reasons:

- The streetscape mostly consists of dwellings with reduced setbacks with the exception of No. 16 Martha;

	Streetscape (West)	Streetscape (East)		
Setback	14 Martha	16 Martha	18 Martha	18A Martha
Ground	Vacant Site	8.5 m	1.5 m – 2.0 m	2.0 m
Upper	Vacant Site	N/A	N/A	2.0 m

- The only dwelling of comparable height within the prevailing streetscape is setback 2.0 m (18A Martha);
- The setback of No. 16 Martha (8.5 m) is considered an anomaly to the existing streetscape;
- Having a proposed setback of 4.5 m is not considered to result in a projecting element into an established streetscape vista;
- The 4.5m setback proposed for the subject site attempts to provide an average between the 8.5m setback of No. 16 Martha and the lesser setbacks (1.5 m – 2.0 m) of no's 18 and 18A Martha Street
- Whilst not considered within the prevailing streetscape there are a number of dwellings of comparable height located across Martha Street that have a considerably reduced primary street setback (3.0 m – 4.5 m).

Furthermore, the subject site is relatively small in size and being only 30.18 metres in depth, requiring a setback of 12 m would result in a loss of 40% of site to the primary street setback area.

Secondary Discretions

Residential Design Codes

6.2.8 Garage Doors

Required Provision	Proposed	Discretion Sought
Less than 50% of frontage	54.5%	4.5%

Whilst it is acknowledged that the dominance of the garage does not result in the desired streetscape, this discretion is recommended to be supported for the following reasons:

- The discretion is considered minor and will not significantly impact on the amenity of the existing streetscape given there are other dominant garages in the street (18A Martha);
- As per clause 6.2.8 (A8) of the R-Codes, the discretion would not exist if the balcony was extended approximately 1.5 m in width over the garage which may not result in a more favourable built form outcome;
- The two storey element assists in ameliorating dominance of the garage; and
- With the lot being only 11.2m in width, the discretion is supported to ensure the car bays meet the minimum internal dimensions (width) required being 5.4 metres (Australian Standards). The amenity of the occupants of the dwelling would be significantly affected if the City required the applicant to redesign the garage to meet the garage width, as this would result in non-compliant car parking bays.

6.3.2 – Buildings on Boundary (West)

	Required	Proposed	Discretion Sought
Garage (West)	1.5 m	0.03 m	1.47 m

This discretion is supported for the following reason(s):

- The discretion is for a wall that is 6.10 m in length and 2.60 m in height and is therefore not considered excessive;
- Given the location and height of the boundary wall, the proposal will not significantly contribute to restricting direct sun and ventilation to the subject site or adjoining properties;
- The proposed boundary wall does not detract from the privacy of any surrounding residences and does not have any significant adverse effect on the amenity of the adjoining property;
- The proposed parapet walls make effective use of space on a 338m² lot; and
- The boundary wall will allow for the vacant site to the west to be developed with a similar boundary wall to maximise the potential of the lot.
- The boundary wall does not significantly hinder any daylight and ventilation to any adjoining properties and does not create a significant sense of confinement due to building bulk; and
- The boundary wall does not have any effect on existing trees or vegetation and will not restrict any access to views of significance.

Internal Referral (Comment) - Heritage Department

The site plan shows a new brick paved cross-over leading to a new garage. The drawing also notes the need to remove the existing rock wall to allow the construction of the cross-over. This note is not correct in that the limestone edging the footpath is not the remnant of a limestone retaining wall but is instead the exposed edge of a limestone (capstone) outcrop.

For this reason the exposed limestone is considered not to be a limestone feature as described in the heritage report on *19th Century limestone walls and steps in Fremantle* prepared by Silvana Grassadonia, for the City of Fremantle in 1986. The proposed removal of the exposed limestone to form a new cross-over is therefore considered to be acceptable in heritage terms.

CONCLUSION

The proposed development is considered to comply with LPP 2.4 – *Boundary Walls in Residential Development* and the relevant performance criteria of the R-Codes where the acceptable development standards are not met.

Furthermore, on balance, the proposal is considered to comply with LPP 2.9 – *Residential Streetscape Policy* as the Primary Street Setback is considered to meet clause 1.2 which relates to the variation criteria for the primary street setback distance of table 1 not being met.

Consequently, the application is presented to PSC with an on balance recommendation for conditional approval.

OFFICER'S RECOMMENDATION

MOVED: Cr A Sullivan

That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the two storey Single House at No. 14A (Lot 3) Martha Street, Beaconsfield, as detailed on plans dated 27 February 2013, subject to the following condition(s):

1. This approval relates only to the development as indicated on the approved plans, dated 27 February 2013. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.
2. All storm water discharge is to be contained and disposed of on site.
3. Prior to occupation, the boundary wall located on the western boundary shall be of a clean finish in sand render or face brick, to the satisfaction of the Chief Executive Officer, City of Fremantle.
4. Prior to occupation, the western facing ground level windows and marked in red on the plans shall be either:
 - a) fixed obscured or translucent glass to a height of 1.60 metres above floor level, or
 - b) fixed with vertical screening, with openings not wider than 5cm and with a maximum of 20% perforated surface area, to a minimum height of 1.60 metres above the floor level, or
 - c) a minimum sill height of 1.60 metres as determined from the internal floor level, or
 - d) screened by an alternative method to the satisfaction of the Chief Executive Officer, City of Fremantle,

in accordance with Clause 6.8.1 A1 of the Residential Design Codes and thereafter maintained to the satisfaction of Chief Executive Officer, City of Fremantle.

5. Prior to occupation, any new or modified crossover associated with the hereby approved development must receive separate approval from the City of Fremantle's Technical Services department.

COMMITTEE DECISION

Cr A Sullivan MOVED the following deferral:

That the application be deferred to the next appropriate Planning Services Committee meeting and that the applicant be advised that the PSC are not prepared to exercise discretion to approve the reduced front setback under the streetscape policy until the following issues are addressed to its satisfaction;

- **The width and articulation of the garage door;**
- **Greater passive surveillance and interaction with the street;**
- **Reduce the extent of paving in the front setback.**

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Rachel Pemberton Cr Robert Fittock Cr Ingrid Waltham Cr Bill Massie Cr Andrew Sullivan Cr David Hume	

PSC1303-38 FULLSTON WAY, NO. 4 (LOT 87), BEACONSFIELD TWO STOREY SINGLE HOUSE (AD DA0034/13)

DataWorks Reference: 059/002
Disclosure of Interest: Nil
Meeting Date: 20 March 2013
Responsible Officer: Manager Statutory Planning
Actioning Officer: Senior Planning Officer
Decision Making Level: Planning Services Committee
Previous Item Number/s: Nil
Attachments: Development Plans
Date Received: 24 January 2013
Owner Name: Louise & Mitchell Herriman
Submitted by: Residential Building WA
Scheme: Development Zone, Development Area (DA 14 – Strang Court Area Beaconsfield – to be assessed under provisions of Mixed Use zone)
Heritage Listing: Not listed;
 Not within heritage area
Existing Landuse: Vacant
Use Class: Single House
Use Permissibility: A



EXECUTIVE SUMMARY

The application is presented to the Planning Services Committee (PSC) due to the nature of the proposed variations regarding the proposed development.

The applicant is seeking Planning Approval for a two storey Single House at No. 4 (Lot 87) Fullston Way, Beaconsfield. The application is considered to comply with the relevant requirements of the City's Local Planning Scheme No. 4 (LPS4), the Residential Design Codes (R-Codes) and Council's Local Planning Policies, with the exception of the following:

- Garage doors;
- Buildings setback from the boundary;
- Buildings on boundary
- Driveway width; and
- Primary street setback

Notwithstanding the above, it is considered that all of the discretionary decisions being sought by the applicant should be supported.

Accordingly, the application is recommended for conditional approval.

BACKGROUND

The site is zoned 'Development Zone', 'Development Area 14' (DA14) under the City's Local Planning Scheme No. 4 (LPS4) and is located within the South Fremantle Local Planning Area 4 (LPA 4) as prescribed in Schedule 12 of LPS4.

On 26 September 2012, Council adopted Amendment No. 43 to LPS4 which comprised of, amongst other things, the rezoning of the Strang Court Area, Beaconsfield, from Development Zone - Development Area 14 (DA14) to a combination of 'Mixed Use' zone and 'Residential' zone. Fullston Way is included in the area proposed to be rezoned to Residential R40.

On 19 June 2008, the WAPC endorsed a 33 lot subdivision at No. 37 (Lot 56) Strang Street, South Fremantle. The approved lot sizes are consistent with a Residential R40 density zoning, which is consistent with the provisions of Amendment 43. At the time of writing this report, the City is still waiting for the Minister for Planning to grant final consent to Amendment No. 43 of LPS4.

The site is located in the street block bound by Culver Street to the south-east, Fullston Way to the south-west, Kildare Link to the north-west, Naylor Street to the east and Strang Street to the north. The site is not listed on the City's Heritage List; however it is located within the South Fremantle Heritage Area which is a prescribed Heritage Area under Clause 7.2 of LPS4.

The subject site is 265m² and is located on the north-eastern side of Fullston Way, Beaconsfield. The site has a north-east to south-west orientation and is currently vacant and is relatively flat in terms of its topography.

A review of the property file revealed the following information relevant to planning and to this application:

- On 14 September 2011, the City granted conditional Planning Approval for a two storey Single House at No. 4 (Lot 87) Fullston Way, Beaconsfield (DA0394/11).

DETAIL

On 13 February 2013 the City received an application seeking Planning Approval for a two storey Single House at No. 4 (Lot 87) Fullston Way, Beaconsfield (refer DA0054/13).

The proposed development plans are contained as 'Attachment 1' of this report.

CONSULTATION

Community

The application was required to be advertised in accordance with Clause 9.4 of the LPS4 and Council's *Local Planning Policy 1.3 - Notification of Planning Proposals* (LPP 1.3), as the applicant is proposing a number of variations from the 'Acceptable Development' standards of the R-Codes and Council's Local Planning Policies. At the conclusion of the advertising period, being 19 February 2013, the City did not receive any submissions pertaining to the proposal.

STATUTORY AND POLICY ASSESSMENT

The proposal was assessed against the relevant provisions of LPS4, R-Codes and Council's Local Planning Policies. Variations to the prescribed standards sought by this application are discussed in the 'Planning Comment' section of this report.

PLANNING COMMENT

Garage doors

Required provision	Proposed	Discretion
Garage door and its supporting structures to occupy not more than 50% of the frontage (ie 4.87m)	60.14% (5.86m)	10.14% (0.99m)

On balance this discretion is supported for the following reasons:

- It is considered that the extent of the frontage and building facade occupied by the proposed double garage should be supported as the dominance of the garage on the ground floor is ameliorated by the extent of the upper floor which reduces the overall impact of the garage door itself on the streetscape.
- The discretion would be removed if the upper floor was widened by 1.5m to extend over the full width of the garage.

Buildings setback from the boundary

Required	Proposed	Discretion
South-eastern (side) boundary Ground floor = 1.50m	1.01m	0.49m
South-eastern (side) boundary Upper floor ('bed 4', 'activity') = 1.50m	1.01m	0.49m

These discretionary decisions are supported for the following reasons:

- The proposed south-eastern boundary setback variations are supported as it is considered that it will provide adequate and direct sun and ventilation to the proposed Single House;
- Additionally, it is not considered to present any significant impacts on the south-eastern adjoining property (No. 2 (Lot 88) Fullston Way, Beaconsfield) by way of building bulk as it is considered that the openings provided for in both the ground and upper level walls act to break up the bulk;
- The development as a whole, complies with the 'Acceptable Development' standards pertaining to overshadowing; and
- Furthermore, the proposal complies with the 'Acceptable Development' standards pertaining visual privacy requirements of the R-Codes in relation to the northern adjoining property.

Buildings on boundary (LPP2.4 – Boundary Walls in Residential Development)

Required	Proposed	Discretion
North-western (side) Boundary (ground floor 'garage') -1.00m	Nil	1.00m

This discretionary decision is supported for the following reasons:

- It is considered that it makes effective use of the available space on site given the relatively small size of the lot (265m²);
- In relation to additional criteria of Council's LPP2.4, the wall is not considered to significantly add to any sense of confinement in terms of accumulative building bulk;
- Overall the proposed north-western boundary wall is not considered to have a significant adverse impact on the north-western adjoining property, in terms of restricted solar access (as a direct cause), building bulk or loss of visual amenity);
- No objection was received by the owners of the adjoining north-western property pertaining to the proposed north-western boundary wall;
- Based on the approved development plans for the north-western adjoining property (construction has not yet commenced), being No. 6 (Lot 86) Fullston Way, the proposed north-western boundary wall abuts the entrance/hallway of that dwelling which is not considered a habitable room and does not contain any openings;
- Therefore these proposed variations are supported as it is considered to address the relevant 'Performance Criteria' of Design Element 6.3.2 of the R-Codes and the additional criteria stipulated in Council's LPP2.4 policy.

Driveway width

Permitted	Proposed	Discretion
Driveways not more than 40% (3.89m) of lot width	Driveway width of 50.3% (4.70m)	10.3% (0.81m)

This discretion is supported for the following reasons:

- It is considered that the proposed driveway effectively minimises the number of crossovers, in that it is the only crossover to the site, and that it is safe in use and does not detract from the streetscape;
- Further, there are no existing street trees so in this regard the proposed crossover will not have any detrimental impact upon street trees in that context;
- It is also consistent with the other crossovers in the area, and specifically Fullston Way which have either been constructed or approved and have not yet been constructed.

Local Planning Policy 2.9 – Residential Streetscapes Policy

Permitted	Proposed	Discretion
Minimum street setback for development with a 4.00m or less external wall height (ie ground floor) = 7.00m	4.50m	2.50m
Minimum street setback for development with an external wall height greater than 4.00m (ie upper floor) = 12.00m	4.40m	7.60m

Clause 1.2 of Council's LPP2.9 – Residential Streetscapes Policy states that when the above setbacks cannot be met, the proposal is to be assessed against the following discretionary criteria:

- “1.2 Variations to the requirements of clause 1.1 above may be considered, at Council’s discretion subject to the proposed development meeting at least one of the following criteria:*
- i. The proposed setback of the building is consistent with the setback of buildings of comparable height within the prevailing streetscape; or*
 - ii. The proposed setback of the building does not result in a projecting element into an established streetscape vista by virtue of the road and/or lot layout in the locality or the topography of the land; or*
 - iii. The proposed setback of the building will facilitate the retention of a mature, significant tree deemed by the Council to be worthy of retention (Refer also to LPP2.10 Landscaping of Development and Existing Vegetation on Development Sites).”*

In requiring to satisfy only one of the above discretionary criteria, it is considered that the proposal should be supported under Clause 1.2(i) above. The table below details the characteristics of the development within the prevailing streetscape, as defined by Council's LPP2.9 – Residential Streetscapes Policy:

Prevailing Streetscape		Property Address	Primary Street Setback Details
Northern side	1 of 3	No. 6 (Lot 86) Fullston Way	<ul style="list-style-type: none"> • Site description: Vacant • Ground floor setback: N/A • Upper floor setback: N/A
	2 of 3	No. 8 (Lot 85) Fullston Way	<ul style="list-style-type: none"> • Site description: Vacant • Ground floor setback: N/A • Upper floor setback: N/A
	3 of 3	No. 10 (Lot 84) Fullston Way	<ul style="list-style-type: none"> • Site description: Two storey Single House • Ground floor setback: 4.21m • Upper floor setback: 5.65m
Southern side	1 of 1	No. 2 (Lot 88) Fullston Way	<ul style="list-style-type: none"> • Site description: Two storey Single House (under construction) • Ground floor setback: 4.20m • Upper floor setback: 3.60m

As detailed in the table above, only four properties can be considered as part of the prevailing streetscape, as prescribed by this Policy, in lieu of the nominal six properties that could be considered. Of the four properties within the prevailing streetscape in the context of this application, only two of them have either completed construction or are nearing completion, with the remaining two lots currently vacant. Given that both the ground and upper floor setback of the property to the south, being No. 2 (Lot 88) Fullston Way, Beaconsfield is less than what is being proposed it is considered that the proposed primary street setback variation should be supported in this instance.

Further, the other property within the prevailing streetscape which has been completed has a lesser ground floor setback than that proposed by only 0.29m, although the upper floor is setback further than what is proposed in this instance. Notwithstanding, it is considered that the proposed setbacks to the street are consistent with those contained within the wider streetscape of Fullston Way as a whole and as such should be supported in this instance.

The two other lots within the prevailing streetscape in the context of this application are No's. 6 & 8 (Lots 86 & 88) Fullston Way. Conditional Planning Approval has been issued for a two storey Single House at No. 6 (Lot 86) Fullston Way (refer DA0396/11). Whilst construction associated with this development has yet to commence, the dwelling was setback of the ground floor from the street was 4.00m and the upper floor at 3.09m. No such approval has been granted or applied for No. 8 (Lot 88) Fullston Way.

CONCLUSION

The proposed two storey Single House at No. 66 (Lot 4) Chester Street, South Fremantle has been assessed against and is considered to meet the 'Performance Criteria' provisions of the R-Codes specifically in relation to garage doors, buildings setback from the boundary, buildings on boundary (Local Planning Policy 2.4 – Boundary Walls in Residential Development) and driveway width.

Furthermore, it is considered that the proposal satisfies the discretionary criteria prescribed by Clause 1.2 of Council's Local Planning Policy 2.9 – Residential Streetscapes Policy which relates to primary street setback.

Accordingly, the application is recommended for approval.

OFFICER'S RECOMMENDATION/COMMITTEE DECISION

MOVED: Cr A Sullivan

That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the two storey Single House at No. 4 (Lot 87) Fullston Way, Beaconsfield, subject to the following conditions:

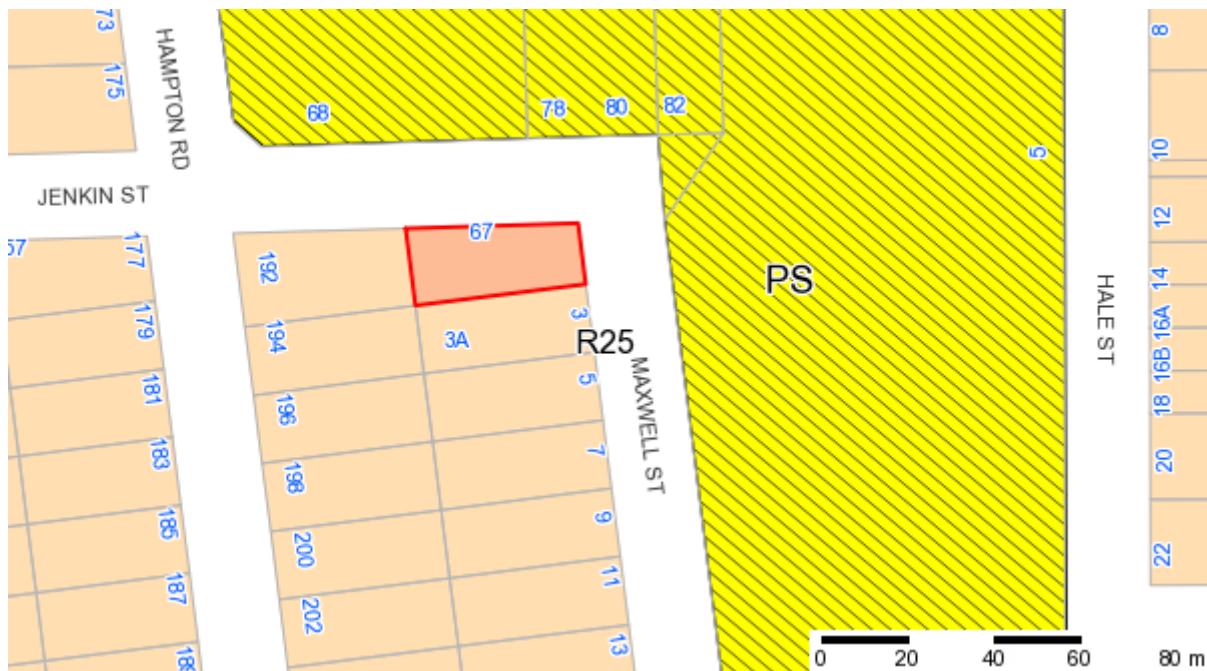
- 1. This approval relates only to the development as indicated on the approved plans, dated 24 January 2013. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.**
- 2. Prior to occupation, the boundary wall located on the north-western boundary shall be of a clean finish in sand render or face brick, to the satisfaction of the Chief Executive Officer, City of Fremantle.**
- 3. All storm water discharge shall be contained and disposed of on-site.**

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Rachel Pemberton Cr Robert Fittock Cr Ingrid Waltham Cr Bill Massie Cr Andrew Sullivan Cr David Hume	

PSC1303-39 JENKIN STREET NO.67, BEACONSFIELD - RETROSPECTIVE APPROVAL FOR EXTERNAL FIXTURE ADDITION TO EXISTING SINGLE HOUSE (JL DA0036-13)

DataWorks Reference: 059/002
Disclosure of Interest: Nil
Meeting Date: 20 March 2013 - PSC
Responsible Officer: Manager Statutory Planning
Actioning Officer: Coordinator Statutory Planning
Decision Making Level: Planning Services Committee
Previous Item Number/s: Nil
Attachments: Development Plans and Site Photos
Date Received: 25 January 2013
Owner Name: Tony and Beverley Martinovich
Submitted by: As Above
Scheme: Residential R25
Heritage Listing: Not listed
Existing Landuse: Single House
Use Class: Single House
Use Permissibility: P



EXECUTIVE SUMMARY

The applicant is seeking retrospective planning approval for unauthorised external (Pizza Oven) addition to the existing Single House at No. 67 (Lot 164) Jenkin Street, Beaconsfield.

The unauthorised addition been assessed against, and is considered to comply with the relevant 'Acceptable Development' standards of the R-Codes except for Design Element (DE) 6.3.1 – Buildings setback from the boundary. The development has been assessed against the relevant performance criteria of DE6.3.1 of the R-Codes and is considered comply.

Accordingly, it is recommended that the application be approved subject to appropriate conditions.

BACKGROUND

The development is located at No. 67 Jenkin Street, Beaconsfield (the site). The site is approximately 656m² in area and is located on the southern side of Jenkin Street and the western side of Maxwell Street.

The subject site is zoned 'Residential' under the City of Fremantle's (the City) Local Planning Scheme No. 4 (LPS4) and has a density coding of R25 and is also located within the South Fremantle Local Planning Area 4 (LPA 4). The property is not individually listed on the City's Heritage List; however it is contained within the South Fremantle Heritage Precinct which is a prescribed Heritage Area under Clause 7.2 of LPS4.

An investigation into the property file found the following relevant planning background:

- 22 June 2007, Planning Approval was granted by Council for 'Two Storey Additions to Existing Single Dwelling' on the subject site (refer DA214/07);
- 27 May 2008, Planning Approval was granted by Council for 'Two Storey Additions and Alterations' on the subject site (refer PSC0805-121 and DA81/08); and
- 11 December 2009, the City received a written complaint regarding the possible non-compliance of the development on the subject site.
- 23 September 2010 the City granted retrospective approval for alteration to the existing Single house onsite (refer DA0073/10)
- 13 July 2012 the City received a written complaint regarding the further possible non-compliance of the development on the subject site.

A site inspection was conducted by the City's Compliance Department in July 2013 and found that the development was not in accordance with the approved plans dated 9 July 2012 (DA0073/10). Subsequently, on 24 July 2012 the City issued an infringement notice to the land owner along with a letter advising them to make planning application for the unauthorised works onsite or alternatively remove the unauthorised works form site.

Subsequently, on 30 January 2013 the owners of the premises opted to submit a development application for retrospective Approval for the unauthorised development.

DETAIL

The applicant seeks retrospective Planning Approval for the unauthorised external (Pizza oven and clad addition to the existing two storey Single House with undercroft (basement) garage.

The unauthorised external addition consists of an outdoor masonry Pizza Oven fully enclosed by a colorbond clad walls on top of the concealed garage roof area on the southern elevation of site. The addition is 1.7m above the existing ground floor roof height, is setback 2.1m from the rear common boundary and is used in conjunction with the dwellings existing first floor alfresco area located on the western portion of site

The developments plans the subject of this application are contained within 'Attachment 1'.

STATUTORY AND POLICY ASSESSMENT

The proposal has been assessed against the requirements of LPS4, the R Codes and relevant planning policies. Any discretions sought to these requirements are discussed in the "Planning Comment" section below.

CONSULTATION

Community

The application was required to be advertised in accordance with Clause 9.4 of the LPS4 and the City's *LPP1.3 Public Notification of Planning Proposals* (LPP1.3) policy. At the conclusion of the advertising period, being 13 March 2013, the City had received no submissions regarding the proposal.

PLANNING COMMENT

Residential Design Codes 2010 (R-Codes)

Design Element 6.3.1 – Building setback from the boundary

Required provision	Existing Setback	Discretion
South (Rear) Upper floor setback 2.2m	1m upper floor setback	1.2m
Western upper floor setback 1.5m	5.9m upper floor setback	Complies

The discretionary matter relating to the reduced rear boundary setback for this addition is supported for the following reason(s):

- The reduced setback is not anticipated to significantly impact on the provision of direct sun and ventilation to the adjoining site and respective dwelling nor will it impact the subject property and its existing dwelling.

- The area of the southern adjoining property that is directly impacted by the development consists of ground floor boundary wall and associated roof space of the property's garage area.
- With respect to the addition preventing or restricting direct sun access to the adjoining dwelling or its associated open space area, the addition has minimal impact,
- The boundary setback is also not anticipated to significantly impact on the amenity of the adjoining southern property in terms of excessive building bulk as the portion of projecting wall is only 900mm wide.

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

CONCLUSION

The application for retrospective Approval for external fixture addition (Pizza Oven) to the existing Single House at No. 67 (Lot 164) Jenkin Street, Beaconsfield has been assessed against relevant provisions of the R-Codes and LPS4.

For the reasons outlined within the 'Planning Comment' section above, it is considered that the existing variations should be supported as the development is considered to meet the relevant 'Performance Criteria' of the R-Codes.

Consequently, the application is recommended for approval, subject to appropriate conditions.

OFFICER'S RECOMMENDATION/COMMITTEE DECISION

MOVED: Cr A Sullivan

That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Retrospective Approval for External Addition (Pizza Oven) to the existing Single House at No. 67 (Lot 164) Jenkin Street, Beaconsfield, subject to the following condition(s):

- 1. This approval relates only to the development as indicated on the approved plans, dated 25 January 2013. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.**

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Rachel Pemberton Cr Robert Fittock Cr Ingrid Waltham Cr Bill Massie Cr Andrew Sullivan Cr David Hume	

PSC1303-41 SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY (3.61.21)

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

OFFICER'S RECOMMENDATION/COMMITTEE DECISION

MOVED: Cr A Sullivan

That the information is noted.

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Rachel Pemberton Cr Robert Fittock Cr Ingrid Waltham Cr Bill Massie Cr Andrew Sullivan Cr David Hume	

REPORTS BY OFFICERS (COUNCIL DECISION)

Cr R Fittock vacated the chamber at 7.09 pm.
Cr R Fittock returned to the meeting at 7.10 pm.

PSC1303-42 KINGS SQUARE PROJECT - PUBLIC REALM DESIGN

DataWorks Reference: 053/004, 203/023
Disclosure of Interest: nil
Meeting Date: Planning Services Committee 20 March 2013
Previous Item: PSC1302-27
Responsible Officer: Manager Planning Projects
Actioning Officer: Strategic Urban Designer
Decision Making Authority: Council
Agenda Attachments: Nil

EXECUTIVE SUMMARY

This report recommends that a suitable consultant team be engaged in 2013/14 to prepare design concepts and cost estimates for the upgrading of Newman Court, the areas of Adelaide Street, Queen Street and William Street encircling Kings Square, and the environs of St Johns Church based on the adopted Kings Square Urban Design Strategy.

This timing would enable the streetscape designs to be prepared in conjunction with the preparation of architectural designs for the various building components of the Kings Square project.

Funding of \$90,000 would be required for consulting fees and costs during 2013/14.

Preparation of the concept designs will also enable more accurate costs and opportunities for staging of implementation to be identified for further consideration by Council.

BACKGROUND

At a Special Council meeting on 11 February 2013 the Kings Square Redevelopment Business Plan was adopted. The Council also resolved to:

Request officers prepare a report for consideration by council on the processes for developing the detailed design for the public realm spaces in the precinct.

At its meeting on 27 February 2013 the Council resolved to conduct an architectural design competition for the selection of a design concept approach and consultant team for development of the City's Core Facilities in Kings Square, comprising library, civic chamber, administrative and surplus offices, council services, urban room, café and specialty retail in accordance with the adopted Kings Square Project Business Plan, together with all of the public realm area of High Street within Kings Square (Reserve 41176).

This report addresses the process to prepare detailed designs for the remaining public realm spaces in the precinct. These spaces comprise Newman Court, the areas of Adelaide Street, Queen Street and William Street encircling Kings Square, and the environs of St Johns Church.

COMMENT

The Kings Square Urban Design Strategy, which was adopted by Council in June 2012, provides the basis for any future upgrading of the public domain of Kings Square and Queen Street. In particular the strategy recommended:

- Restore the historical street pattern as a key part of the heritage of the place.
- Provide a variety of public spaces in size and character, with the total area being similar to current.
- Spaces to be able to accommodate occasional major civic events or gatherings, smaller more regular and organised events (with appropriate shelter, amenity and infrastructure), markets and commercial events, busy shopping spaces and quiet contemplative spaces.
- Key public spaces must demonstrate how they can be combined and adapted to create larger spaces for rare but significant events without loss to every day, informal, small-scale spaces.
- Create places along the edges for people to occupy – provide enhanced footpaths along Adelaide Street and Newman Court.
- Emphasise the civic importance of the square through ordered tree planting along the edges.
- All streets (except Queen Street) to be 'shared spaces' for shared pedestrian, cyclist, vehicle use.
- Re-open Newman Court to vehicle traffic within a space designed to be shared with pedestrians and cyclists.
- Restore traffic circulation around the square.
- Ensure vehicle access ways can be used as one-way or two-way without major modification.

- Retain and reinforce pedestrian connections to/from the square via existing street networks as the highest priority, although additional/improved off-street secondary connections to be pursued where possible. Include improving pedestrian (and possible vehicle) connection to South Terrace strip from Newman Court.
- Retain on-street parking, generally a similar number as current, however street parking to be re-arranged to reduce visual and physical impact on the square by locating on one side of the street only (preferably the inside edge of the square) and/or grouping bays.

With regard to the environs of St Johns Church the strategy recommended:

- Articulate outdoor spaces for church events.
- Create consolidated green space that offers an increase in the quality of passive recreational amenity.
- Retain healthy Moreton Bay figs.
- Retain palms in front of church and plant more to Queen Street frontage to define the church outdoor activity area.

The design of these spaces also needs to be integrated with the proposed redevelopment of the City's civic and administration facilities, the former Myer building, and the Queensgate and Spicer sites with regard to pedestrian, cycle and vehicle access to these sites, ground level uses (e.g. opportunities for al fresco dining), shelter, landscaping, viewlines, etc.

It would therefore be appropriate that streetscape concepts be prepared at the same time as the design development stage for the adjacent buildings – anticipated to be 2013/14.

A consultant team would need to be engaged that comprises skills in urban design, landscape architecture and civil engineering. The team would be required to work closely with the design teams for the various buildings of the Kings Square project. It is estimated that funding of \$90,000 would be required for consulting fees and costs during 2013/14.

RISK AND OTHER IMPLICATIONS

Financial

Based on the recent upgrading, total reconstruction and conversion of Bayview Terrace Claremont to a shared space, costs for design and construction of shared spaces around Kings Square could be up to \$1500 per square metre. The area of the three road reserves around the square totals approximately 6500 sqm; therefore total costs may be in the order of up to \$9m. This does not include the High Street reserve and the grounds of St Johns Church.

Legal

Nil

Operational

Nil

Organisational

Nil

CONCLUSION

Preparation of concept designs during 2013/14 will enable the streetscape designs to be coordinated with the design development stage of the various building components of the Kings Square project. Preparation of the concept designs will also enable more accurate costs and opportunities for staging of implementation to be identified for further consideration by Council.

STRATEGIC AND POLICY IMPLICATIONS

The recommendation would commence the implementation of the Council's adopted Kings Square Urban Design Strategy with regard to the upgrading of the public realm in and around the square.

COMMUNITY ENGAGEMENT

There was an intensive community engagement process in the preparation of the Kings Square Urban Design Strategy prior to its adoption by Council. It is anticipated that there would be further community input as the detailed designs for the public spaces are developed.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

That

1. A suitable consultant team be engaged in 2013/14 to prepare design concepts and cost estimates for the upgrading of Newman Court, the areas of Adelaide Street, Queen Street and William Street encircling Kings Square, and the environs of St Johns Church based on the adopted Kings Square Urban Design Strategy. The streetscape designs to be prepared in conjunction with the preparation of architectural designs for the various building components of the Kings Square project.
2. Funding of \$90,000 for consultancy fees to prepare the streetscape concept designs be placed for consideration in the 2013/14 draft budget process.
3. Staging and future funding requirements for implementation of the streetscape improvements be determined following consideration of the concept designs by Council.

Cr R Pemberton MOVED an amendment to the Officer's Recommendation to include the following wording in 1:

The brief for the design concept should also include a suitable play area for young children if one has not been incorporated into the selected design for the City's Core Facilities and adjacent public realm resulting from the design competition.

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Rachel Pemberton Cr Robert Fittock Cr Ingrid Waltham Cr Bill Massie Cr Andrew Sullivan Cr David Hume	

COMMITTEE RECOMMENDATION

MOVED: Cr A Sullivan

That

- 1. A suitable consultant team be engaged in 2013/14 to prepare design concepts and cost estimates for the upgrading of Newman Court, the areas of Adelaide Street, Queen Street and William Street encircling Kings Square, and the environs of St Johns Church based on the adopted Kings Square Urban Design Strategy. The streetscape designs to be prepared in conjunction with the preparation of architectural designs for the various building components of the Kings Square project. *The brief for the design concept should also include a suitable play area for young children if one has not been incorporated into the selected design for the City's Core Facilities and adjacent public realm resulting from the design competition.***
- 2. Funding of \$90,000 for consultancy fees to prepare the streetscape concept designs be placed for consideration in the 2013/14 draft budget process.**
- 3. Staging and future funding requirements for implementation of the streetscape improvements be determined following consideration of the concept designs by Council.**

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Rachel Pemberton Cr Robert Fittock Cr Ingrid Waltham Cr Bill Massie Cr Andrew Sullivan Cr David Hume	

PSC1303-43 WESTGATE MALL - RESERVE NO. 38030 PEDESTRIAN ACCESS WAY - PROPOSED (TEMPORARY) PARTIAL CLOSURE OF LOT 2130 PROVIDING OPTIONS TO LEASE AND SECURE ACCESS - (KW)

Disclosure of Interest: Nil
Meeting Date: 20 March 2013
Responsible Officer: Manager Statutory Planning
Actioning Officer: Land Administrator
Decision Making Level: Council
Previous Item Number/s: SGS0903-2 and SGS0905-10
Attachment 1: Reserve No.38030 enquiry details.
Attachment 2: WAPC Procedure for the closure of PAW's.

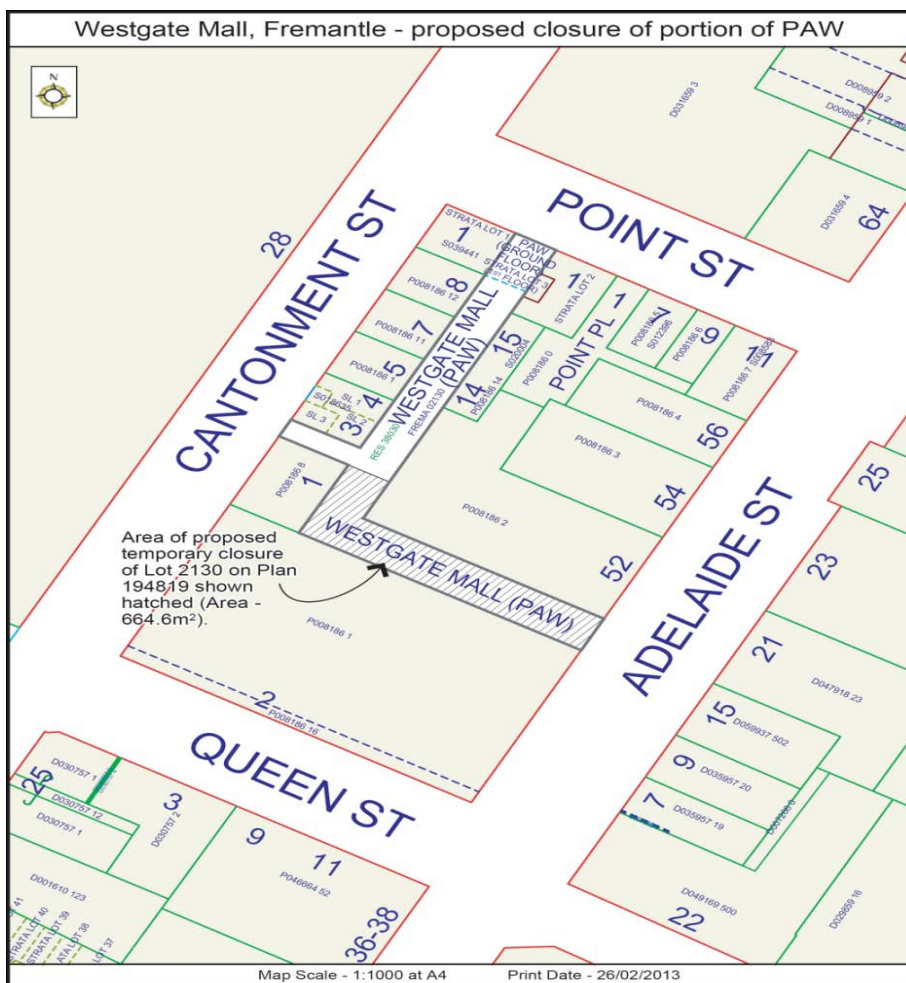


Figure 1 - not shown to scale above.

EXECUTIVE SUMMARY

The Pedestrian Access Way (PAW) Reserve No. 38030 being Lots 2130 and 55 and known as Westgate Mall, is the subject of a number of discussions with Council and the Department Of Regional Development and Lands (RDL) in order to improve security and increase vitality in the area. This proposal involves the temporary closure of a portion of Lot 2130 shown as the hatched area in the map above ("the land").

Subject to the Minister for Lands approval, the proposed partial PAW closure will transfer the land back to the status of Unallocated Crown Land (UCL). As UCL the Minister may grant a Lease directly to the City in accordance with Section 79 of the Land Administration Act 1997. The lease term could be 10 years or may coincide with Councils receipt of a major development application whereby the re-location of the Adelaide Street Westgate Mall access leg to mid block could be achieved (in accordance with Local Planning Policy 3.1.5 major off-street pedestrian routes).

In order to achieve these outcomes the City is required by RDL to;

1. Provide a Business Case (for a Commercial Venture) detailing the financial aspects of the proposed leasing arrangement. The Crown is likely to charge rent at 25% of unimproved market rental. The Business Case will outline the City's requirement to allow the access leg from Adelaide Street, Fremantle to be closed off at any time.
2. Initiate a formal PAW closure in relation to the Land.
3. Excise the subject Land from Reserve No. 38030 including the creation of a Deposited Plan. All survey costs are paid by the City.

In order to facilitate commercial activity and restrict public access through the Adelaide Street access leg of the PAW, it is recommended that Council;

1. Approve the proposed temporary closure of a portion of Lot 2130 located within the Pedestrian Access Way Reserve No. 38030 (Westgate Mall) for the purposes of returning the land to the Crown as Unallocated Crown Land (UCL) - in order for the City of Fremantle to lease the UCL directly from the Crown.
2. Approve the proposed Lease of the UCL land described in Item 1 above between RDL and the City of Fremantle whereby the City may sub-lease to commercial tenants and restrict public access from the Adelaide Street, Fremantle leg - subject to the Ministers approval of both item 1 and 2.

BACKGROUND

At its Ordinary Meeting held on 25th March 2009 (SGS0903-2) the Council resolved to:

1. *"Agree to not proceed at this time with the closure of the Adelaide St leg of the Westgate Mall Pedestrian Access Way as it is considered that the closure would not properly resolve the current problems with the mall, particularly in the current economic and property development market.*
2. *Investigate the possibility of using the mall for an ongoing low cost markets. Give consideration to the allocation in the draft 2009/10 budget to undertake upgrading of the current mall including the installation of security CCTV, improved landscaping and street furniture and installation and management of a gate system.*
3. *Officers bring back a report on the feasibility of part two and possible sources of contribution of these items by May 2009".*

At its Ordinary Meeting held on 27th May 2009 (SGS0905-10) the Council resolved to:

1. *"Receive this report outlining the feasibility of security CCTV, entry gates, markets and landscape improvements to the Westgate mall Public Access Way.*
2. *Give consideration to the allocation of \$75,000 in the draft 2009/10 budget to install security CCTV, and to improve planting and street furniture in the PAW.*
3. *Give consideration to the allocation of \$25,000 in the 2009/10 budget to undertake a feasibility study of markets in the mall, including opportunities for ongoing funding of the markets.*
4. *Council immediately advertise for expressions of interest from suitably qualified people to be involved in the management of or running of stalls in Westgate Mall either as managers or stall owners or both. The expressions of interest should include but not be confined to details of usage of available space including type of stalls and approximate rentals.*
5. *A summary of recent university student ideas put forward for refurbishment of Westgate mall as part of the Fremantle on the Edge Curtin University project be brought to Council in June in order that Council can decide if it wishes to explore any ideas further. The Green Living Wall proposal in particular attracted significant interest and was a highlight of the student presentations.*
6. *Talks be held with the Fremantle Growers Markets who are due to leave their current location at the end of October 2009 to see if they have any interest in being relocated to Westgate Mall.*
7. *All shop owners in the vicinity be written to alerting them to Council's interest in improving the Westgate Mall in terms of improved usage, security, and planting and street furniture. Shop owners in the mall should be encouraged to improve the condition of their awnings, which are not the responsibility of Council."*

On 03 November 2011 a meeting was held with the Team Leader of RDL and the City of Fremantle Property Co-ordinator. At this meeting the City was provided with a course of action to transfer the subject Land from a PAW to a Mall or Plaza Reserve that included the installation of gates to the PAW access points.

On 09 November 2011 the Land Administrator clarified the process from the earlier meeting with the Team Leader of RDL. The process to install gates to the access points required the creation of a local law to allow the Mall to be closed off at night. Additional Local Laws were required for any parking requirements to allow retail owners/suppliers to drop off goods for example.

During April and May of 2012 the City discussed other options with the senior staff at RDL in order to find a way to close off and provide improved security for tenants and the public alike. RDL staff suggested presenting the City's requirements in a Business Case together with an application to close a portion of the PAW being the subject Land. The proposal would allow the Land to be returned to the Crown allowing the RDL to lease directly to the City providing the power to sublease to tenants. With the PAW status removed the blocking off of the Adelaide Street access leg could be achieved subject to the Minister's approval. The proposal and process was further examined with RDL on 25 February 2013 as the proposal for this report.

STATUTORY REQUIREMENTS

PAW closure process

The City is required to follow the "Procedure for the Closure of Pedestrian Access Ways" as set out in the October 2009 WAPC Planning Guidelines ("Guidelines") included as Attachment 2 of this report. The new closure procedure is based on the concept of a pedestrian and cycle access plan. Option B of the Guidelines is selected as the appropriate procedure to close a PAW within the City of Fremantle as the City does not have a WAPC endorsed pedestrian and cycle access plan. In addition to the PAW closure report noted in Step 1 of the Guidelines, RDL have requested that the City submit a Business Case in relation to the commercial aspect of the proposal.

The Guidelines are framed around a PAW closure and amalgamation with the adjoining properties in accordance with Section 87 of the Land Administration Act 1997. In relation to the subject Land (shown in figure 1), the proposal will involve a temporary PAW closure with the reinstatement of the PAW at a later date. The relevant information from the Guidelines for a temporary PAW closure are summarised below;

Temporary pedestrian access way closure

"The temporary closure of a pedestrian access way may be considered as an alternative to permanent closure where:

- *Other methods of dealing with safety, crime and anti-social behaviour have proven to be unsuccessful; and*
- *Permanent closure is not desirable due to the possible need for future access.*

The Guidelines for Option B is summarised below;

Step 1	The City prepares a PAW closure report.
Step 2	The City refers the closure report to all relevant infrastructure providers and any other agencies for comment.
Step 3	The City consults the community likely to be affected by the proposed closure (including all abutting landowners) and seeks their comments in writing.
Step 4	The City assesses any comments and advice received from infrastructure providers, agencies and the community and determines whether to close the PAW or retain it and keep it open.
Step 5	If the City resolves to close the PAW it advises all abutting landowners of its decision and seeks support for the closure.
Step 6	The City submits a written request to close the PAW to the WAPC with relevant supporting information.
Step 7	The WAPC assesses the proposal and communicates its decision to the local government.
Step 8	On receipt of the WAPC's endorsement, the local government proceeds with the closure, and refers the request to RDL for processing.

A more detailed explanation of the process is included in attachment 2.

COMMENTS

The earlier proposal to transfer the subject Land from a PAW to a Mall Reserve provided the City with the ability to close off the access points at night with gates. However the proposal was discarded as the Land Administration Act (Section 59) is quite clear that a Mall Reserve must provide vehicular and pedestrian access without any mention of restrictions to that access. Therefore the security issues were not resolved with this option.

The current proposal to close the Adelaide Street leg of the PAW (as shown in figure 1) will allow the land to be leased directly to the City from RDL. The City is required by State RDL to include a Business Case as part of the PAW closure process. Therefore the City's requirements to close access from the Adelaide Street leg with a temporary building or gate may be included within the Business Case initially and then to form part of the Head Lease agreement. Subject to the Ministers approval, the negotiated Head Lease between the RDL and the City of Fremantle should include a clause to allow the restriction of the Adelaide Street access leg with either a gate or temporary building. The Lease period could be 10 years or perhaps the Lease might end upon the City's receipt of a major development application whereby the future plans to re-align the Adelaide Street access leg could be achieved.

EXTERNAL SUBMISSIONS

Community

Public advertising for a minimum of 35 days is a requirement of a formal PAW closure.

CONCLUSION

In order for the City to improve the vitality, security and safety of Westgate Mall it is necessary to restrict access from the Adelaide Street PAW with either a temporary building or gates. The City also wishes to lease parts of the subject Land (as shown in figure 1). In order to achieve these objectives the City has been advised by senior officers at RDL to follow the process discussed above and summarised below;

1. Provide a Business Case (for a Commercial Venture) detailing the financial aspects of the proposed leasing arrangement. The Crown is likely to charge rent at 25% of unimproved market rental. The Business Case will outline the City's requirement to allow the access leg from Adelaide Street, Fremantle to be closed off at any time.
2. Initiate a formal PAW closure in relation to the Land.
3. Excise the subject Land from Reserve No. 38030 including the creation of a Deposited Plan. All survey costs are paid by the City.

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr A Sullivan

That Council;

1. **APPROVE** the proposed temporary closure of a portion of Lot 2130 located within the Pedestrian Access Way Reserve No. 38030 - Westgate Mall, Fremantle (as detailed in the City's map dated 26 February 2013 - Figure 1) for the purposes of returning the land to the Crown as Unallocated Crown Land (UCL) - in order for the City of Fremantle to lease the UCL directly from the Crown.
2. Undertake a public consultation and advertising process including a 35 day public comment period in regard to the proposed temporary closure of a portion of the Pedestrian Access Way as described in item 1.
3. Following the completion of the advertising period, consider the submissions received during the advertising and public consultation in a report to Council for a final decision prior to an application being made to the Western Australian Planning Commission (WAPC) and the department of Regional Development and Lands (RDL) requesting the temporary closure of the Pedestrian Access Way described in item 1.

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Rachel Pemberton Cr Robert Fittock Cr Ingrid Waltham Cr Bill Massie Cr Andrew Sullivan Cr David Hume	

PSC1303-44 MODIFICATION TO LOCAL PLANNING POLICY 1.6 - PREPARING HERITAGE ASSESSMENTS (LPP 1.6) - FINAL ADOPTION

DataWorks Reference: 117/035
Disclosure of Interest: Nil
Meeting Date: 20 March 2013
Responsible Officer: Manager Statutory Planning
Actioning Officer: Strategic Planner
Decision Making Level: Council
Previous Item Number/s: PSC1211-175 (28 November 2012)
Attachments:
1. PSC1211-175 LPP 1.6 Adoption for Advertising
2. Modifications to LPP 1.6 with track changes

EXECUTIVE SUMMARY

The purpose of this report is to recommend to Council final adoption of the modifications to *Local Planning Policy 1.6 – Preparing Heritage Assessments* (LPP1.6).

LPP1.6, originally adopted on 25 February 2009, provides the framework for when a Heritage Assessment is required and outlines the format for a Heritage Assessment. The proposed modifications to the policy will overall update the wording of the policy and refine the Heritage Assessment format. Specifically the main changes to the policy are:

1. Deleting the requirement for a Statement of Conservation;
2. Increasing the applicability of a Heritage Assessment from two years to five years;
3. Refining the Statement of Heritage Impact assessment criteria;
4. Adding fences to minor development and renaming the clause;
5. Including a new clause that gives senior staff discretion on when to require or exempt a proposed development from requiring heritage assessment.

The draft local planning policy was placed out for public comment for not less than 42 days in accordance the requirements of Local Planning Scheme No. 4 and Local Planning Policy 1.3, with no submissions received. However, officers recommend that some minor adjustments are made to ensure the consistent and correct application of the policy.

It is therefore recommended that Council adopt the modified Local Planning Policy 1.6 in accordance with clause 2.4 of Local Planning Scheme No. 4, with minor modification.

BACKGROUND

At its Ordinary Meeting of 28 November 2012, Council resolved to adopt modified *Local Planning Policy 1.6 – Preparing Heritage Assessments* for the purpose of public advertising (please see the full report at Attachment 1).

The proposed modifications will overall update the wording of the policy, as originally adopted on 25 February 2009, to refine the Heritage Assessment format, include an additional development that does not always require a Heritage Assessment, rename the 'minor development' clause, delete the requirement for a Statement of Conservation and introduce a new clause which allows for more discretion on when a Heritage Assessment is required or exempt. The purpose and intent of the policy remains unchanged.

STATUTORY AND POLICY ASSESSMENT

The draft local planning policy has been prepared under the provisions of Part 2 – Local Planning Policy Framework of Local Planning Scheme No. 4 (LPS4).

CONSULTATION

The draft local planning policy was advertised in accordance with clause 2.4 of LPS4 and *Local Planning Policy 1.3 - Public Notification of Planning Proposals*. The draft local planning policy was subsequently advertised for comment from 11 December 2012 to 25 January 2013, with advertisements being placed in the Fremantle Gazette for two consecutive weeks. The City's precinct groups were also specifically notified and copies of the policy were made available for viewing at the Service and Information Counter at the Town Hall Centre and on the City's website.

No submissions were received during the consultation period.

PLANNING COMMENT

Recommended Minor Modifications

On further review of the policy during the advertising period, officers recommend that some minor adjustments are made to improve the overall clarity and functionality of the policy and to ensure the consistent and correct application of the policy. This includes general formatting (i.e. renumbering, consistent wording, legislation reference updates and capitalisation). The proposed modifications are not considered to change the intent or purpose of the advertised policy and therefore it is not considered that re-advertising of the policy is required.

Each modification has been detailed below (excluding general formatting) and a full copy of the policy with all changes clearly tracked can be found at Attachment 2 of this report.

Modification to the Title

The title of the policy as advertised is *Local Planning Policy 1.6 – Preparing Heritage Assessments*. This policy applies to both the application and preparation of a heritage assessment. Therefore officers recommend the title be modified as follows for consistency with the purpose and application of the policy:

Local Planning Policy 1.6 – Heritage Assessment

Modification to Statutory Background

To maintain consistency with existing and recently adopted local planning policies and to provide transparency as to the planning provisions under which this policy revision was made, it is recommended the following statement be included in the Statutory Background of the modified LPP 1.6:

This Local Planning Policy is prepared under the provisions of Part 2 of the City of Fremantle's Local Planning Scheme No. 4 ('LPS4' or 'the Scheme').

Inclusion of an Application section

As advertised, the Statutory Background of the policy states the following:

In order to meet its obligations to assess various statutory planning proposals the Council will from time to time include specific expert advice on heritage matters as part of the planning assessment. In this policy, the term 'proposals' includes planning applications, Structure Plans, Detailed Area Plans and Town Planning Scheme amendment proposals.

To maintain consistency with the format of other recently adopted local planning policies, and to clarify the application of the policy, it is recommended the section of the Statutory Background as highlighted in grey above be removed and placed under the separate heading of 'Application' with minor re-wording.

Additionally, it is recommended the following provision of clause 2.3 be relocated for inclusion in the 'Application' section of the policy, where it considered more relevant.

- 2.1 *Unless previously obtained on another similar or relevant proposal for the same property within five calendar years of the date of application, the Council will undertake heritage assessment in accordance with Table 4 below.*

The Application section for inclusion into the policy is recommended to read as follows:

Application

This policy applies to planning applications, Structure Plans, Detailed Area Plans and Local Planning Scheme amendments ('proposal').

A Heritage Assessment will not be required whereby a Heritage Assessment has been previously obtained on another similar or relevant proposal for the same property and within five calendar years of the date of application of that proposal.

Modification to the format

In addition to general formatting (i.e. renumbering, consistent wording, legislation reference updates and capitalisation) it is recommended that *clause 1 – Content of Heritage Assessment* and *clause 2 – Circumstances where a Heritage Assessment will be undertaken* are reversed so that the circumstances of when a heritage assessment is required immediately proceeds the ‘Application’ of the policy. A modification to the title of proposed clause 1 is also recommended:

- Clause 1 – Circumstances where a Heritage Assessment will be undertaken
 - When a Heritage Assessment is required
- Clause 2 – Content of a Heritage Assessment

This modification maintains consistency with the format of existing and recently adopted local planning policies and improves the overall functionality of the policy.

Modification to clause 2 - Circumstances where a Heritage Assessment will be undertaken

Clause 2 of the policy was advertised as follows:

2. *Circumstances where a Heritage Assessment will be undertaken*

2.1 *Unless previously obtained on another similar or relevant proposal for the same property within five calendar years of the date of application, the Council will undertake heritage assessment in accordance with Table 4 below.*

Where a proposal falls within two columns under this table the higher level of assessment shall be undertaken.

Table 4 – When a Heritage Assessment is required

	<i>State Register of Heritage Places or Heritage List or Category 1 on MHI</i>	<i>Heritage List (Category 2 and 3 on MHI)</i>	<i>Within or adjacent to West End Conservation Area</i>	<i>Where not on Heritage List</i>
<i>Heritage assessment</i>	<i>Required unless existing</i>	<i>Always required unless specified in clause 2.3</i>	<i>Always required unless specified in clause 2.3</i>	<i>Demolition of a primary structure only</i>

2.2 *Notwithstanding the requirements of Table 4 above, and at the discretion of the Manager Statutory Planning and Coordinator Statutory Planning and on the advice of the Coordinator of Heritage, a Heritage Assessment:*

- (i) *may not be required; or*
- (ii) *can be provided in a modified format; or*
- (iii) *may be required.*

2.3 *For the purposes of this policy, the following development would not always require a heritage assessment as per Table 4:*

- (i) *Small scale new structures on the subject site which are not attached to the building (such as sheds or outbuildings) which are located out of the front setback area.*

- (ii) *Ancillary lightweight structures added to buildings (such as timber patios, sails, carports, pergolas) which are located out of the front setback area.*
- (iii) *Fixtures to buildings (such as antennae, aerials, air conditioning units, solar panels, signs), which do not face the street and do not involve any significant structural alteration to the building.*
- (iv) *Non structural internal changes.*
- (v) *Fences where they are in accordance with the City's Local Planning Policy 2.8 – Fences Policy.*

To improve the overall clarity and functionality of the policy officers recommend the following modifications to clause 2 and as shown in italics below:

- Relocate the provision of clause 2.1 to the Application section of the policy;
- Convert Table 4 into a list format;
- Clause 2.2 – modify to specify the circumstances in which discretion may be given to allow/exempt a heritage assessment under clause 2.1 and 2.3; and
- Renumber to clause 1 as discussed under 'Modification to the format' above.

1. *When a Heritage Assessment is required*

1. *A Heritage Assessment will be required in accordance with clause 2 for one or more of the following development proposals:*

- (i) *Demolition of the primary structure/building.*
- (ii) *Demolition of any other structure of masonry or timber construction*
- (iii) *All development on State Register of Heritage Places and/or Heritage Listed properties with a Municipal Heritage Inventory Management Category Level 1, 2 and 3.*
- (iv) *All development on property located within the West End Conservation Area (as set out in DGF14 Fremantle West End Conservation Area Policy).*

- 1.2 *Notwithstanding clause 1.1, the following development proposals do not require a Heritage Assessment for Heritage Listed properties with a Municipal Heritage Inventory Management Category Level 2 and 3:*

- (i) *Small scale new structures on the subject site which are not attached to the primary structure/building (such as outbuildings) and which are located out of the front setback area.*
- (ii) *Ancillary lightweight structures added to buildings (such as timber patios, sails, pergolas) which are located out of the front setback area.*
- (iii) *Fixtures to buildings (such as antennae, aerials, air conditioning units, solar panels, signs), which do not face the street and the installation would not involve any significant structural alteration to the building.*
- (iv) *Non structural internal changes.*
- (v) *Fences whereby they are in accordance with the City's Local Planning Policy 2.8 – Fences Policy.*

- 1.3 *Notwithstanding the requirements of clauses 1.1 and 1.2 above, the Manager Statutory Planning, with due regard to the advice of the Heritage Coordinator, may determine that:*

- (i) *A Heritage Assessment is required for any development proposal that is considered to impact on the heritage significance of the place or locality; or*

- (ii) *A Heritage Assessment is not required for any development proposal that presents minimal to no impact on the heritage significance of the place or locality.*

Modification to clause 2.1 – Statement of Heritage Significance

Modification to this clause is recommended to remove repetition of information and provide clarity as to the content and preparation of the Statement of Heritage Significance as follows:

2.1 Statement of Heritage Significance

A Statement of Heritage Significance should define the heritage values embodied in the place itself, its fabric, setting, use, and related places. Each place has its own combination of values, which together provide its heritage significance.

~~*A Statement of Heritage Significance should be prepared through a process, of investigating the place and the records associated with it and include an assessment of the aesthetic, historic, scientific and social/spiritual values for past, present and future generations.*~~

~~*As a minimum requirement, the heritage assessor (as defined in part 3 of this policy) shall undertake the following process of collecting and analysing information in the preparation of the Statement of Heritage Significance:*~~

- ~~• *Research of historical documents (such as rates books, archives etc)*~~
- ~~• *An inspection of the place*~~

~~*Additional research may be required at the discretion City of Fremantle heritage staff.*~~

A Statement of Heritage Significance should be presented in accordance with clause 2.1.1 and prepared through the following process:

- *An inspection of the place*
- *Collection and analysis of historical documents (such as rates books, archives etc)*
- *An assessment of the aesthetic, historic, scientific and social/spiritual values for past, present and future generations.*

Removal of clause 3 – Heritage Assessor

Clause 3 sets out who may undertake a heritage assessment. Upon original adoption of this policy, the City did not have the capacity to complete all required heritage assessments 'in house' and the services of external independent heritage architect(s) were regularly engaged to undertake the assessment. The City now has full capacity to complete required heritage assessments by qualified staff internally. Therefore it is considered this clause of the policy to now be redundant and removal is recommended.

CONCLUSION

The modifications to *Local Planning Policy 1.6 – Preparing Heritage Assessments* (LPP1.6) will overall update the wording of the policy, refine the Heritage Assessment format, include an additional development that does not always require a Heritage Assessment, rename the ‘minor development’ clause, delete the requirement for a statement of conservation and introduce a new clause which allows for more discretion as to when a Heritage Assessment is required.

The modified Local Planning Policy 1.6 was advertised in accordance with part 2 of LPS4, with no submissions received. However, officers have recommended minor adjustment to the modified policy to ensure the consistent and correct application of the policy and of which include modification to the following:

- Policy title;
- Inclusion of an Application section;
- Conversion of Table 4 into a list format;
- Modification to clause 2.2 to specify when discretion may be given to the exemption or requirement of a heritage assessment; and
- Removal of clause 3 – Heritage Assessor

These modifications are not considered to alter the intent or purpose of the policy and therefore it is considered that re-advertising of the modified policy is not required.

It is therefore recommended that Council adopt the local planning policy in accordance with clause 2.4 of LPS4 with minor modification.

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr A Sullivan

Adopt the local planning policy, Local Planning Policy 1.6 – Heritage Assessment, in accordance with the procedures set out in clause 2.4 of the City of Fremantle Local Planning Scheme No. 4, as shown below:

CITY OF FREMANTLE

LOCAL PLANNING POLICY 1.6

HERITAGE ASSESSMENT

ADOPTION DATE: 25 February 2009
AMENDED: ###/###/2013
AUTHORITY: LOCAL PLANNING SCHEME NO.4

STATUTORY BACKGROUND

This Local Planning Policy is prepared under the provisions of Part 2 of the City of Fremantle's Local Planning Scheme No. 4 ('LPS4' or 'the Scheme').

Clause 10.2.1 of the Scheme prescribes the matters to which the Council is required to afford due regard in considering a proposal. Included amongst these matters are any potential impacts that a proposal may have on the heritage values of an existing place and its context including the streetscape and/or heritage area.

Clause 7.4 of the Scheme prescribes that the Council may require a Heritage Assessment to be carried out prior to the approval of any development proposed in a heritage area or in respect of a heritage place listed on the Heritage List.

In order to meet its obligations to assess various statutory planning proposals the Council will from time to time include specific expert advice on heritage matters as part of the planning assessment.

PURPOSE

The purpose of this policy is to provide a format for Heritage Assessments and outline when a Heritage Assessment is required.

Any Heritage Assessment provided or obtained in accordance with this policy will be considered a public document for the purpose of the assessment of a proposal.

All terms and definitions related to heritage used in this policy are based on the terms used in "*The Burra Charter 1999 – the Australia ICOMOS Charter for Places of Cultural Significance*". Council adopted the principles of the Burra Charter as good practice for heritage listed places in June 2000.

APPLICATION

This policy applies to planning applications, Structure Plans, Detailed Area Plans and Local Planning Scheme amendments ('proposal').

A Heritage Assessment will not be required whereby a Heritage Assessment has been previously obtained on another similar or relevant proposal for the same property and within five calendar years of the date of application of that proposal.

POLICY

1. When a Heritage Assessment is required

1.1 A Heritage Assessment will be required in accordance with clause 2 for one or more of the following development proposals:

- (i) Demolition of the primary structure/building.**
- (ii) Demolition of any other structure of masonry or timber construction.**
- (iii) All development on State Register of Heritage Places and/or Heritage Listed properties with a Municipal Heritage Inventory Management Category Level 1, 2 and 3.**
- (iv) All development on property located within the West End Conservation Area (as set out in Local Planning Policy DGF14 Fremantle West End Conservation Area Policy).**

1.2 Notwithstanding clause 1.1, the following development proposals do not require a Heritage Assessment for Heritage Listed properties with a Municipal Heritage Inventory Management Category Level 2 and 3:

- (i) Small scale new structures on the subject site which are not attached to the primary structure/building (such as outbuildings) and which are located out of the front setback area.**
- (ii) Ancillary lightweight structures added to buildings (such as timber patios, sails, carports, pergolas) which are located out of the front setback area.**
- (iii) Fixtures to buildings (such as antennae, aerials, air conditioning units, solar panels, signs), which do not face the street and do the installation would not involve any significant structural alteration to the building.**
- (iv) Non structural internal changes.**
- (v) Fences whereby they are in accordance with the City's Local Planning Policy 2.8 – Fences Policy.**

1.3 Notwithstanding the requirements of clauses 1.1 and 1.2 above, the Manager Statutory Planning, with due regard to the advice of the Heritage Coordinator, may determine that:

- (i) A Heritage Assessment is required for any development proposal that is considered to impact on the heritage significance of the place or locality; or**
- (ii) A Heritage Assessment is not required for any development proposal that presents minimal to no impact on the heritage significance of the place or locality.**

2. Content of Heritage Assessment

A Heritage Assessment shall consist of the following components:

- (i) Statement of Heritage Significance
- (ii) Statement of Heritage Impact

2.1 Statement of Heritage Significance

A Statement of Heritage Significance should define the heritage values embodied in the place itself, its fabric, setting, use, and related places. Each place has its own combination of values, which together provide its heritage significance.

A Statement of Heritage Significance should be presented in accordance with clause 2.1.1 and prepared through the following process:

- An inspection of the place
- Collection and analysis of historical documents (such as rates books, archives etc)
- An assessment of the aesthetic, historic, scientific and social/spiritual values for past, present and future generations.

2.1.1 REPORT FORMAT FOR STATEMENT OF HERITAGE SIGNIFICANCE:

- Description of the Place
 - (i) Historical notes
 - (ii) Physical descriptions
- Heritage Values

Nature of significance	
Aesthetic value	
Historic value	
Scientific value	
Social/spiritual value	
Degree of significance	
Rarity	
Representativeness	
Integrity	
Authenticity	

- Statement of Heritage Significance

Significance			
Exceptional	Considerable	Some	Limited or none
Comments: <i>The Heritage Significance assessment shall identify the overall significance of the place using the above categories, and identify zones of significance within the place itself, and within a local context.</i>			

2.2 Statement of Heritage Impact

The Statement of Heritage Impact examines the impact of the proposal on the heritage significance of the place, and includes a professional judgment concerning the impact of the proposal on the identified heritage values of the place, as identified in clause 2.1.

2.2.1 REPORT FORMAT FOR STATEMENT OF HERITAGE IMPACT:

- Statement of Heritage Impact

The level of positive and negative impact that the proposal will have on the heritage significance of the place with regard to the following criteria:	
The extent of loss of significant fabric.	
The extent of conservation work to significant fabric.	
The permanent impact that the proposal is likely to have on the values that contribute to the heritage significance of the place.	
The impact a proposal will have on a heritage building in terms of its use siting, bulk, form, scale, character, colour, texture and materials.	
The impact the proposal will have on the visual setting and the other relationships that contribute to the heritage significance of the place.	
The impact the proposal will have on the streetscape and townscape characteristics of the area in which it stands.	
The impact the proposal will have on important public views and spaces, vistas, landmarks and landscape features.	
Conclusion and recommendation(s)	
<ul style="list-style-type: none"> • The degree of positive and negative impact on the place in terms of its heritage significance is: • With consideration of this, the following conditions are recommended: 	

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Rachel Pemberton Cr Robert Fittock Cr Ingrid Waltham Cr Bill Massie Cr Andrew Sullivan Cr David Hume	

PSC1303-45 PROPOSED SUBMISSION ON THE DRAFT STATE PLANNING STRATEGY

DataWorks Reference: 102/009
Disclosure of Interest: Nil
Meeting Date: 20 March 2013
Responsible Officer: Manager Planning Projects
Actioning Officer: Strategic Planning Officer
Decision Making Level: Council
Previous Item Number/s: None
Attachments: None

EXECUTIVE SUMMARY

On 19 December 2012, the Minister for Planning launched the Western Australia draft State Planning Strategy (the strategy) for public consultation. The public consultation period for the strategy closes on 29 March 2013.

The purpose and function of the strategy is to provide a sound basis for the integration and coordination of strategic planning across state, regional and local jurisdictions. The strategy presents a vision for Western Australia to 2050 and beyond, based on a framework of planning principles, strategic goals and state-wide strategic directions.

It is recommended that the Council makes a submission on the draft strategy, supporting its objectives but also expressing concern about the approach to implementation, monitoring and review of the strategy.

BACKGROUND

On 19 December 2012 the Minister for Planning launched the draft State Planning Strategy (the strategy) for public consultation. The purpose and function of the strategy is to provide a sound basis for the integration and coordination of strategic planning across Western Australia's state, regional and local jurisdictions. The strategy presents a vision for Western Australia to 2050 and beyond based on a framework of planning principles, strategic goals and state strategic directions (refer to figure 1 below). The strategy is intended to inform community, economic, environmental, infrastructure, development and governance decisions throughout the State and build upon the strategic planning capacity and capability of Western Australia to better predict, adapt to and manage change in future years to 2050 and beyond. The public consultation period for the strategy closes 29 March 2013.

The State Planning Strategy was first published in 1997. The 1997 strategy contained a strictly land use planning perspective with a regional focus. Many of its priority actions were implemented through a series of annual audits up to the year 2000. The revised strategy, reaches beyond simply land use planning to place priority on managing future communities, environment and economic growth with a threefold, local, regional and state, focus.

The strategy is structured into four parts (refer to figure 1 below), Vision, Principles, Strategic goals and strategic directions, and is the lead strategic planning document within Government (refer to figure 2 below).

Figure - 1. The State Planning Strategy structure



Figure - 2. The State Planning Strategy positioning



The strategy's vision is as follows:

A diverse state: offering the diversity of ecosystems, landscapes, enterprises, people and cultures.

A liveable State: the place of choice for the brightest and best.

A connected State: as connected to the rest of the world as any other place.

A collaborative State: enabling alignments that progress the State's sustained prosperity.

Planning for sustained prosperity

In the strategy five interrelated strategic goals have been identified with the view to realising a vision of sustained prosperity for Western Australia:

- Global competitiveness will be enhanced through economic diversification
- Economic expansion and inter-regional collaboration will build strong and resilient regions
- Investment in infrastructure and social capital will build sustainable communities
- Infrastructure planning and coordination will achieve efficiencies and promote economic growth
- Sustainable development and efficient use of resources will enhance environmental conservation

The strategy then outlines the challenges and opportunities for the state under the ten strategic directions of key importance to Western Australia's sustained growth:

1. Economic development
2. Education, training and knowledge transfer
3. Tourism
4. Environment
5. Agriculture and food
6. Physical infrastructure
 - 6.1. Movement of people, resources and information
 - 6.2. Water
 - 6.3. Energy
 - 6.4. Waste
 - 6.5. Telecommunications
7. Social infrastructure
 - 7.1. Spaces and places
 - 7.2. Affordable living
 - 7.3. Health and wellbeing
8. Land availability
9. Remote settlements
10. Security.

PLANNING COMMENT

The draft strategy is comprehensive in scope and attempts to consider a broad range of issues and strategic directions on a state-wide scale. The strategy is an improvement on the previous State Planning Strategy (1997), which had a relatively narrow, primarily land use planning, focus. Once finalised the strategy should be a wide ranging, strategic planning document that aims to ensure the State has the capacity to adapt and respond to change, whilst still delivering equitable and sustainable growth to 2050 and beyond.

As the strategy is of State significance and will potentially guide planning and development (and other factors) in Western Australia for the next forty years, it is considered important for the City of Fremantle to make a submission on the document.

It is considered the City should express its general support for the strategy as a high level state wide document, to guide development and economic growth in WA to 2050 and beyond. The holistic approach to the State Planning Strategy is commended as it is a marked improvement on the previous State Planning Strategy (1997). The comprehensive background material and analysis of issues gives the draft document a good foundation on which to base strategic decisions and direction for the State.

The key to the success of any strategy of this nature, however, is to have a strong core of implementation, monitoring and review. While the strategy is comprehensive in its survey and analysis it is vague on the details of implementation and monitoring and review.

Implementation

There is no implementation section in the strategy to provide the framework to guide the future growth and development of the State. The strategy also does not allocate resources, timeframes or responsible authorities to each goal or strategic direction. This gives key stakeholders little guidance on how implementation will be achieved in practice and what their role is in implementation of the strategy.

The vision and strategic goals for Western Australia expressed in the strategy are supported by the City of Fremantle as they focus on a strong and connected economy, sustainable urban and regional communities, coordinated and planned hard (e.g. road and rail) and social (e.g. education and health) infrastructure and the efficient use of resources to enhance environmental conservation. However there is no clear sense of how these goals link to the strategic directions of the document and no overall summary of how they will be achieved. Additionally there is no discussion or direction on how the vision and goals should be reflected in other State, regional or local strategies and policies, whether already adopted or under preparation. The City considers other strategies and policies are the key implementation mechanisms for the goals in the strategy however the linkage between the State Planning Strategy and such other documents is not clear.

The strategy lacks any indication of the relative priority of different Strategic Directions to one another, or how potential conflicts between different Strategic Directions will be resolved. For example, land availability for industrial uses (especially in the mining and energy sectors) to meet the objective of the Economic Development strategic direction may be in conflict with objectives linked to retention of good quality agricultural land (Agriculture and Food) and/or nature conservation (Environment), but the strategy gives no indication of how such conflicts might be resolved or managed. Instead, the strategy tends to treat each of the 10 'Strategic Directions' in a standalone manner with little integration between them.

The Implementation of actions to deliver this strategy would clearly require a 'whole of Government' approach as many of the issues are the responsibility of Government agencies other than Western Australian Planning Commission or Department of Planning. Although the preface to the strategy makes reference to a collaborative approach to planning for infrastructure and economic development, there is no clear sense from the document that there is commitment across all State agencies to supporting implementation of the state wide strategy, or how it will be used to guide decision-making about investment or policy direction by other State agencies.

Monitoring and review

The draft strategy lacks a programme for periodic monitoring and review of the strategic goals and directions to measure the State's social, environmental and economic performance up to 2050 and beyond. This omission should be addressed in the final version of the document.

Further comments

It is also considered that the strategy should include the following additional outcomes under the relevant strategic directions headings:

- 4. Environment – Increased levels of sustainable building design.
- 4. Environment - recognition on the State's built heritage and the importance to conserve and maintain places of significance.
- 6.1 Movement of people, resources – A well connected and enhanced rail network in the state, including light rail in urban areas.

CONCLUSION

The purpose and function of the strategy is to provide a sound basis for the integration and coordination of strategic planning across state, regional and local jurisdictions. The strategy presents a vision for Western Australia to 2050 and beyond based on a framework of planning principles, strategic goals and state-wide strategic directions.

It is recommended that the Council makes a submission on the State Planning Strategy as outlined in the Planning Comment section above.

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr A Sullivan

That Council authorise the Chief Executive Officer to submit the following comments to the Minister of Planning as the City of Fremantle's submission on the Draft State Planning Strategy:

The City of Fremantle is generally supportive of the strategy as a high level state wide document, to guide development and economic growth in Western Australia to 2050 and beyond. The holistic approach to the State Planning Strategy is commended as it is a marked improvement on the previous State Planning Strategy (1997). The comprehensive background material and analysis of issues gives the draft document a good foundation on which to base strategic decisions and direction for the State.

The key to the success of any strategy of this nature, however, is to have a strong core of implementation, monitoring and review. While the strategy is comprehensive in its survey and analysis it is vague on the details of implementation and monitoring and review. Specific comments are provided below:

Implementation

There is no implementation section in the strategy to provide the framework to guide the future growth and development of the state. The strategy also does not allocate resources, timeframes or responsible authorities to each goal or strategic direction. This gives key stakeholders little guidance on how implementation will be achieved in practice and what their role is in implementation of the strategy.

The vision and strategic goals for Western Australia expressed in the strategy are supported by the City of Fremantle as they focus on a strong and connected economy, sustainable urban and regional communities, coordinated and planned hard (e.g. road and rail) and social (e.g. education and health) infrastructure and the efficient use of resources to enhance environmental conservation. However there is no clear sense of how these goals link to the strategic directions of the document and no overall summary of how they will be achieved. Additionally there is no discussion or direction on how the vision and goals should be reflected in other State, regional or local strategies and policies, whether already adopted or under preparation. The City considers other strategies and policies are the key implementation mechanisms for the goals in the strategy however the linkage between the State Planning Strategy and such other documents is not clear.

The strategy lacks any indication of the relative priority of different Strategic Directions to one another, or how potential conflicts between different Strategic Directions will be resolved. For example, land availability for industrial uses (especially in the mining and energy sectors) to meet the objective of the Economic Development strategic direction may be in conflict with objectives linked to retention of good quality agricultural land (Agriculture and Food) and/or nature conservation (Environment), but the strategy gives no indication of how such conflicts might be resolved or managed. Instead, the strategy tends to treat each of the 10 ‘Strategic Directions’ in a standalone manner with little integration between them.

The Implementation of actions to deliver this strategy would clearly require a ‘whole of Government’ approach as many of the issues are the responsibility of Government agencies other than Western Australian Planning Commission or Department of Planning. Although the preface to the strategy makes reference to a collaborative approach to planning for infrastructure and economic development, there is no clear sense from the document that there is commitment across all State agencies to supporting implementation of the state wide strategy, or how it will be used to guide decision-making about investment or policy direction by other State agencies.

Monitoring and review

The draft strategy lacks a programme for periodic monitoring and review of the strategic goals and directions to measure the State’s social, environmental and economic performance up to 2050 and beyond. This omission should be addressed in the final version of the document.

Further comments

It is also considered that the strategy should include the following additional outcomes under the relevant strategic directions headings:

- 4. Environment – Increased levels of sustainable building design.
- 4. Environment – Recognition of the State’s built heritage and the importance to conserve and maintain places of cultural heritage significance.
- 6.1 Movement of people, resources – A well connected and enhanced rail network in the state, including light rail in urban areas.

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Rachel Pemberton Cr Robert Fittock Cr Ingrid Waltham Cr Bill Massie Cr Andrew Sullivan Cr David Hume	

CONFIDENTIAL MATTERS

Nil.

CLOSURE OF MEETING

THE PRESIDING MEMBER DECLARED THE MEETING CLOSED AT 7.25 PM.

SUMMARY GUIDE TO CITIZEN PARTICIPATION AND CONSULTATION

The Council adopted a Community Engagement Policy in December 2010 to give effect to its commitment to involving citizens in its decision-making processes.

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

Effective community engagement 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 council appointed working groups, its community precinct system, and targeted community engagement 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 bi-ennial 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 policy and procedures	11 The City’s community engagement policy identifies nine principles that apply to all community engagement processes, including a commitment to be clear, transparent, responsive, inclusive, accountable and timely. City officers are responsible for ensuring that the policy and any other relevant procedure is fully complied with so that citizens are not deprived of their rights to be heard.

How consultative processes work at the City of Fremantle	
Community engagement processes have cut-off dates that will be adhered to.	<p>1 As City officers have the responsibility to provide</p> <p>2 objective, professional advice to decision-makers,</p> <p>.</p> <p>they are entitled to an appropriate period of time and resource base to undertake the analysis required and to prepare reports. As a consequence, community engagement 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 community input is involved, the Council is the decision-maker and this affords community members the opportunity to make input after the cut-off date via personal representations to individual Elected Members and via presentations to Committee and Council Meetings.</p>
Citizens need to check for any changes to decision making arrangements made	<p>1 The City will take initial responsibility for making</p> <p>3 citizens aware of expected time-frames and</p> <p>.</p> <p>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 the City's website, checking the Fremantle News in the Fremantle Gazette or inquiring at the Customer Service Centre by phone, email or in-person.</p>
Citizens are entitled to know how their input has been assessed	<p>1 In reporting to decision-makers, City officers will in</p> <p>4 all cases produce a community engagement</p> <p>.</p> <p>outcomes report that summarises comment and recommends whether it should be taken on board, with reasons.</p>
Reasons for decisions must be transparent	<p>1 Decision-makers must provide the reasons for</p> <p>5 their decisions.</p> <p>.</p>
Decisions posted on the City's website	<p>1 Decisions of the City need to be transparent and</p> <p>6 easily accessed. For reasons of cost, citizens</p> <p>.</p> <p>making input on an issue will not be individually notified of the outcome, but can access the decision at the City's website under 'community engagement' or at the City Library or Service and Information Centre.</p>

Issues that Council May Treat as Confidential

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

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



MINUTES ATTACHMENTS

Planning Services Committee

Wednesday, 20 March 2013, 6.00 pm

