



MINUTES

Planning Services Committee

Wednesday, 17 April 2013, 6.00pm

TABLE OF CONTENTS

ITEM NO	SUBJECT	PAGE
	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	1
	NYOONGAR ACKNOWLEDGEMENT STATEMENT	1
	IN ATTENDANCE	1
	APOLOGIES	1
	LEAVE OF ABSENCE	1
	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	2
	PUBLIC QUESTION TIME	2
	DEPUTATIONS / PRESENTATIONS	2
	DISCLOSURES OF INTEREST BY MEMBERS	2
	LATE ITEMS NOTED	2
	CONFIRMATION OF MINUTES	3
	TABLED DOCUMENTS	3
	DEFERRED ITEMS (COMMITTEE DELEGATION)	4
	REPORTS BY OFFICERS (COMMITTEE DELEGATION)	4
PSC1304-52	FORREST STREET, NO. 19B (LOT 10), FREMANTLE - TWO STOREY SINGLE HOUSE - (CJ DA0073/13)	4
PSC1304-53	AINSLIE ROAD NO 17 (LOT 50) NORTH FREMANTLE - ALTERATIONS AND ADDITIONS TO EXISTING SINGLE HOUSE - (AA DA0058/13)	10
PSC1304-54	MARINE TERRACE NO. 130 (LOT 2) SOUTH FREMANTLE - TWO STOREY ADDITION AND ALTERATIONS TO EXISTING GROUPED DWELLING - (AA DA0101/13)	17
PSC1304-55	HOWELL VISTA, NO. 15 (LOT 116), BEACONSFIELD TWO STOREY SINGLE HOUSE (AD DA0087/13)	24
	REPORTS BY OFFICERS (COUNCIL DECISION)	32

PSC1304-58	CONSIDERATION OF REQUEST TO MODIFY LOCAL PLANNING POLICY 3.11 MCCABE STREET AREA, NORTH FREMANTLE HEIGHT OF NEW BUILDINGS	32
REPORTS BY OFFICERS (COMMITTEE DELEGATION)		39
PSC1304-56	SUMPTON STREET, NO 12 (LOT 1306), HILTON - TWO LOT SURVEY-STRATA SUBDIVISION - (AA/NMG WAPC245/13)	39
PSC1304-57	SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY (3.61.21)	46
REPORTS BY OFFICERS (COUNCIL DECISION)		47
PSC1304-59	NOTICE OF MOTION - MAYOR BRAD PETTITT - 'PARKLETS' POLICY	47
CONFIDENTIAL MATTERS		52
CLOSURE OF MEETING		52
Summary Guide to Citizen Participation and Consultation		53
MINUTES ATTACHMENTS		1

PLANNING SERVICES COMMITTEE

Minutes of the Planning Services Committee
held in the Council Chambers, Fremantle City Council
on **17 April 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 7.30 pm</i>)
Cr Robert Fittock	Deputy Presiding Member / North Ward
Cr Rachel Pemberton	City Ward
Cr Andrew Sullivan	Presiding Member / South Ward
Cr Ingrid Waltham	East Ward
Cr Bill Massie	Hilton Ward
Cr Josh Wilson	Beaconsfield Ward
Mr Philip St John	Director Planning and Development Services
Ms Natalie Martin Goode	Manager Statutory Planning
Mr Paul Garbett	Manager Planning Projects and Policy
Mrs Tanya Toon-Poynton	Minute Secretary

There were approximately 7 members of the public and 0 members of the press in attendance.

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

PUBLIC QUESTION TIME

Nil

DEPUTATIONS / PRESENTATIONS

The following member of the public spoke against the Officer's Recommendation for item PSC1304-52:

Geoff Paganoni

The following member of the public spoke in favour of the Officer's Recommendation for item PSC1304-53:

Richard Hammond

The following member of the public spoke in favour of the Officer's Recommendation for item PSC1304-54:

Val Newman

The following member of the public spoke in favour of the Officer's Recommendation for item PSC1304-55:

Dorinda Weston

The following member of the public spoke in favour of the Officer's Recommendation for item PSC1304-58:

Alan McGillvray

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 3 April 2013 as listed in the Council Agenda dated 24 April 2013 be confirmed as a true and accurate record.

CARRIED: 6/0

For	Against
Cr Ingrid Waltham Cr Robert Fittock Cr Josh Wilson Cr Rachel Pemberton 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

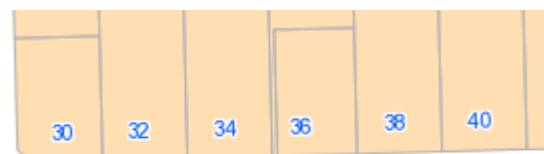
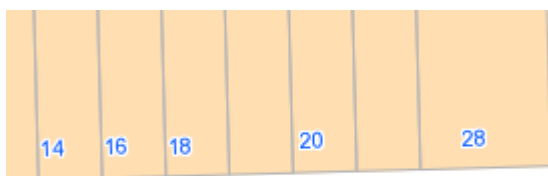
Nil.

REPORTS BY OFFICERS (COMMITTEE DELEGATION)

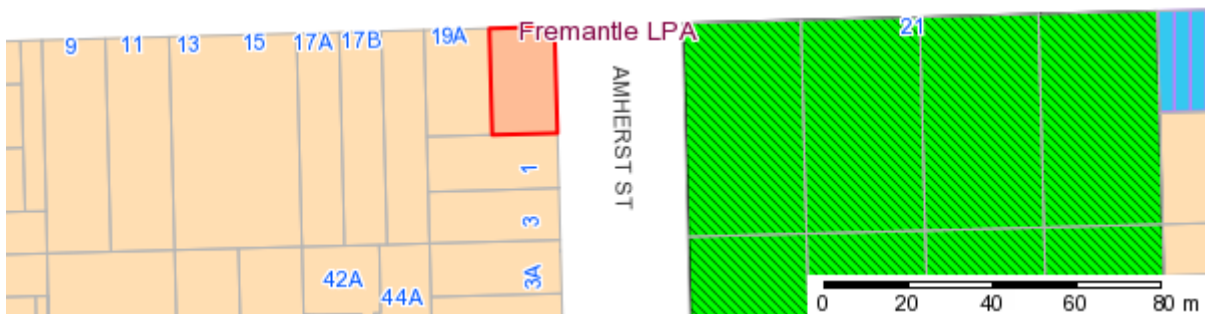
The following items are subject to clause 1.1 and 2.1 of the City of Fremantle Delegated Authority Register

PSC1304-52 FORREST STREET, NO. 19B (LOT 10), FREMANTLE - TWO STOREY SINGLE HOUSE - (CJ DA0073/13)

DataWorks Reference: 059/002
Disclosure of Interest: Nil
Meeting Date: 17 April 2013
Responsible Officer: Manager Statutory Planning
Actioning Officer: Planning Officer
Decision Making Level: Planning Services Committee
Previous Item Number/s: Nil
Attachments: Attachment 1- Development Plans
Attachment 2 – Site Photographs
Date Received: 20 February 2013
Owner Name: Geoffrey & Helen Paganoni
Submitted by: As above
Scheme: Residential (R25)
Heritage Listing: Not Listed
Existing Landuse: Vacant
Use Class: Single House
Use Permissibility: 'P'



FORREST ST



EXECUTIVE SUMMARY

The proposed development includes the construction of a two (2) storey Single House at No. 19b Forrest Street, Beaconsfield. The application seeks a number of variations to LPS 4, Local Planning Policy and Residential Design Codes requirements including the primary street setback, building on boundary, outdoor living area and building height.

The proposed development is not considered to meet all the discretionary criteria of each applicable provision of Local Planning Scheme No. 4 and Local Planning Policies and is therefore recommended for refusal.

BACKGROUND

The subject site is zoned 'Residential' with a density coding of R25 under the City's LPS No. 4. The site is not listed on the City's Heritage List or the Municipal Heritage Inventory, nor is it located within a Heritage Area.

The subject site has an area of 386m² and is located on the south western corner of Forrest Street and Amherst Street, Fremantle. 19a Forrest Street, Fremantle is a heritage listed property and is located on the western side of the subject site. Public open space is located directly to the east, and a two storey single house is located directly south of the subject site.

On 20 February, 2013 the City received the current application for the proposed two storey Single House on the currently vacant lot (refer to Attachment 1 for development plans).

DETAIL

The proposed development seeks planning approval for the development of a three bedroom two storey Single House. The application includes:

Ground Floor

- Porch and patio;
- Family room/guestroom;
- Dining room;
- Scullery and dry store;
- Kitchen;
- Living Room;
- Bathroom;
- Laundry;
- Cellar;
- Double garage.

First Floor

- Balcony;
- Master bedroom and ensuite;
- Study;

- 2 Bedrooms;
- Bathroom.

Fencing is not proposed as part of this application.

STATUTORY AND POLICY ASSESSMENT

The proposal has been assessed against the relevant provisions of LPS4, the R Codes and Council Local Planning Policies. The proposed development includes the following discretions to acceptable design requirements;

- Primary street setback;
- Buildings on boundary;
- Outdoor Living Area;
- Building Height

Detailed assessment of the above discretionary decisions are 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 a number of discretionary decisions were sought against the requirements of LPS4 and the R-Codes. At the conclusion of the advertising period, being 16 March 2013, the City had received one (1) submission. The following issues were raised:

- The proposal does not comply with building height restrictions;
- The proposal will restrict access to sunlight for neighbouring properties indoor and outdoor living areas;
- The proposal will impact on the amenity of an existing heritage listed property by way of building bulk.

PLANNING COMMENT

Primary Street Setback

The definition for 'Primary Street' in the Residential Design Codes is as follows:

"Unless otherwise designated by the local government, the sole or principal public road that provides access to the major entry (front door) to the dwelling".

While a "front porch" is indicated on the plans facing Forrest Street, it appears more likely that the "feature door" near the garage on the Amherst Street frontage will be the primary access point. The "french doors" on Forrest Street open into an outdoor living area. Also the elevations of Amherst Street compared to Forrest Street, show that Amherst Street is the primary street.

For this reason, Amherst Street has been assessed to be the Primary Street for this application.

Required	Provided	Discretion Sought
7.0m	1.8m-3.2m	5.2m-3.8m

Clause 1.2 (i) of LPP 2.9 allows Council to vary to the prescribed setback for a proposal where – *the proposed setback of the building is consistent with the setback of buildings of comparable height within the prevailing streetscape.*

The variation is not consistent with the “prevailing streetscape” as defined by LPP 2.9 for the following reasons:

- No. 1 Amherst Street has a setback of 3m;
- No. 3 Amherst Street has a setback of 4m however is not of comparable height;
- No. 3a Amherst Street has a setback of 4m however is not comparable height; and
- Public open space is directly to the east.

While there is one two storey property within the prevailing streetscape that also has a setback less than 7.0m, the garage is setback behind the front wall of the dwelling. On this basis it is not considered that this discretionary decision is consistent with the prevailing streetscape and is therefore not supported.

Buildings on Boundary

Required	Provided	Discretion Sought
(Garage – South) 750mm	nil	750mm

In accordance with LPP 2.4, Council is permitted to allow walls built to within 750mm of the boundary. A 6.49m boundary wall is proposed on the southern boundary of the lot and is not considered to impact on the amenity of the adjoining property for the following reasons:

- 3.8m of the boundary wall abuts a boundary wall of similar height;
- 2.6m of the boundary wall abuts and existing hardstand driveway.

The boundary wall is therefore not considered to impact on access to daylight or ventilation to major openings or outdoor living areas, does not create a sense of confinement to the south in regards to building bulk, does not affect existing trees or vegetation and does not interrupt access to views of significance.

Building Height

Max Height (Concealed Roof)	Max. Height Provided	Discretion Sought
7.0m	7.611m - 8.314m	0.611m - 1.314m

LPP 2.9 allows for variation to building height for the following reasons:

- The proposed building height is consistent with the predominant building height of development within the prevailing streetscape;*

It is not considered that the discretionary decision is consistent with the predominant building height as:

- The adjoining property to the south is two storey, single house with a minor wall height variation to allow for a slope to the south (roof pitch height complies);
 - The next two properties to the south (Amherst Street) of the subject site are single storey single houses;
 - Directly to the east is public open space; and
- ii. *A portion of the building is over height by virtue of a sloping site and the development is likely to otherwise comply with the requirements of clause 4.1 above if the site's natural ground level comprised of less slope;*

It is acknowledged that the site is lower than 19a Forrest Street and that the lot has a slight slope to the south. The natural ground level in the centre of the site is approximately 18.5 however the applicant has chosen 19.04 as the finished floor level. Also, the floor to ceiling height is significantly more than 2.4m which contributes to the height variation. It is not considered that the height variation, particularly on the Amherst Street frontage, is required in its entirety to provide an impression of natural ground level from the street.

- iii. *The development does not result in any significant adverse impact on adjoining properties in regards to building bulk, boundary setbacks, visual privacy, access to views of significance and overshadowing.*

Due to the concealed roof, the impact of increased height in terms of building bulk is significant. In addition, a boundary wall is proposed on the southern boundary.

The discretion sought is therefore not supported.

OFFICER'S RECOMMENDATION

MOVED: Cr A Sullivan

That the application be REFUSED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Two Storey Single House at No. 19b (Lot 10) Forrest Street, Fremantle, as detailed on plans dated 20 February, 2013, for the following reasons:

1. The proposal is inconsistent with the requirements of the Residential Design Codes in respect to Building Height.
2. The proposal is inconsistent with the City of Fremantle's Local Planning Policy LPP 2.9 Residential Streetscapes Policy in regards to the Primary Street setback (Ground Floor and Upper Floor).

COMMITTEE DECISION

MOVED: Cr R Fittock

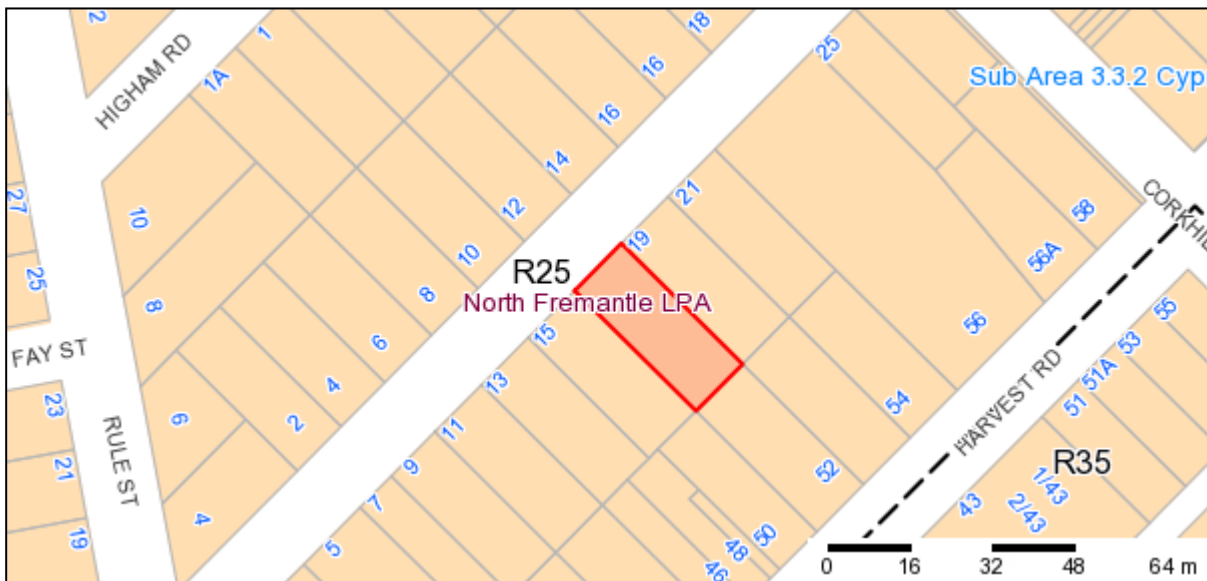
That the item be deferred to the next appropriate Planning Services Committee to enable the applicant to reduce the height of the walls and to increase the setback of the garage from Amherst Street.

CARRIED: 6/0

For	Against
Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Ingrid Waltham Cr Bill Massie Cr Andrew Sullivan	

**PSC1304-53 AINSLIE ROAD NO 17 (LOT 50) NORTH FREMANTLE -
ALTERATIONS AND ADDITIONS TO EXISTING SINGLE HOUSE -
(AA DA0058/13)**

DataWorks Reference: 059/002
Disclosure of Interest: Nil
Meeting Date: 17 April 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 (DA0058/13)
 2 – Site Photos (Taken 27 February 2013)
Date Received: 18 February 2013
Owner Name: J & P Cheffins
Submitted by: Richard Hammond Architects
Scheme: Residential R25
Heritage Listing: Heritage Listed – Level 3
Existing Landuse: Single Storey Single House with Undercroft
Use Class: Single House
Use Permissibility: 'P'



EXECUTIVE SUMMARY

The application seeks planning approval for Additions & Alterations to an Existing Single Storey Single House with Undercroft including a rear two storey (ground floor, plus undercroft) addition, new front fence, unenclosed front carport structure and various other minor works.

The application seeks variations to the planning framework relating to the setback of buildings, on-site parking, buildings on the boundary, visual privacy, retaining walls and excavation and filling of the subject site.

The discretionary decisions sought are supported having regard to the relevant planning framework. The application is therefore recommended for conditional approval.

BACKGROUND

The subject site is zoned Residential under the provisions of the City LPS4 with a density coding of R25. The site is located within the North Fremantle Local Planning Area. The site is listed on the City's Heritage List and is identified as a 'Level' 3' listed property under the City's Municipal Heritage Inventory. The subject site is also located within the North Fremantle Heritage Area.

The subject site is located on the south-eastern side of Ainslie Road, North Fremantle and has a site area of approximately 513m². The site contains an existing Single Storey Single House with Undercroft as well as associated outbuildings and is accessed solely from Ainslie Road. The land is bound by Harvest Road to the south, Rule Street to the west and Corkhill Street to the east.

DETAIL

The application seeks planning approval for the development of Alterations and Additions to an Existing Single Storey Single House with Undercroft including;

- A rear addition to the existing Single House including an extension to the existing under croft area to include;
 - i. A lower floor conservatory room, bathroom and store room; and,
 - ii. An upper (ground at street level) Dining/Living room, kitchen, bathroom and laundry areas as well as new staircase to the under croft level and entry to the ground floor area from the existing driveway.
- A new, unenclosed, lightweight, flat roofed carport in the front setback area with a primary street setback of 1.0 with a maximum wall height of 2.6m;
- A new storage shed near the south-western boundary replacing an existing fibro garage;
- Re-cladding of an existing shed to match the proposed rear addition;
- New primary street fence addition including a sliding gate portion to the existing driveway;
- Minor modifications to the internal layout of the existing dwelling to provide openings and access to the rear addition;

- Minor re-contouring of the land (though no new retaining) to provide for a new access ramp from the rear of the land up to the main driveway area covered under the proposed carport.

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:

- Setback of garages & carports;
- On-site parking provision;
- Buildings on the boundary;
- Visual privacy;
- Retaining walls; and,
- Excavation or fill.

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 21 March 2013, the City had received a submission, including an objection. The issues raised are summarised as follows;

- A sliding gate and carport with a shed behind must allow enough room to facilitate ease of use ensuring that the current and future users can manage easily and not be tempted to leave their car in the ever increasingly crowded street;
- A carport at a nearby property was not allow and a '*fenced, gated, carported frontage*' contributes little to the street and community; and,
- There is concern that the carport could be clad in the future.

Heritage Assessment

In accordance with 'Local Planning Policy 1.6 – Preparing Heritage Assessments' a Heritage Assessment was prepared by the City. The Heritage Assessment is summarised as follows;

- The place at the subject land was constructed under 1906;
- The place is considered to have some aesthetic cultural heritage significance as it is an example of Victorian Georgian style architecture;
- The place is considered to be of some historical cultural heritage significance as it is an example of a limestone and brick residence representing the expansion of Fremantle in the gold boom period. The place is representative of the typical workers houses;
- The place has some social cultural heritage significance in its contribution to the community's sense of place and to the Ainslie Road streetscape;

- The proposed works contained in the application are acceptable on heritage grounds and are considered commendable. The works should be subject to conditions ensuring the external tuck pointing and internal plaster repairs to the brickwork shall use methods and materials to match the original (i.e. only lime mortars).

PLANNING COMMENT

Setback of Garages & Carports

Permitted	Proposed	Discretion Sought
Behind the front wall of the dwelling (2.95m)	Forward of the wall of the dwelling (1.0m)	1.95m

A submission was received during the advertising of the application objecting to the precedent that may be set by the introduction of a carport into the front setback area. The proposed carport has been assessed against the variation provisions at clause 2.3 of LPP2.9. The discretionary decision is supported for the following reasons;

- The proposed carport is light weight in design. The carport consists of a post and flat roof design that sits at a height less than the front verandah line of the main dwelling. In addition to the light weight design and low profile, the carport will exist behind a moveable timber picket fence which will further reduce its visibility from the public street;
- The carport will be subservient to the form and proportion of the dwelling. The proposed carport is lightweight in design and therefore maintains a low degree of building mass. Moreover, the lesser height of the carport roof compared to the verandah line means the carport will be seen as a less significant structure against the large, mass and greater height of the main dwelling;
- The carport will not detract from the passive surveillance and visibility between the dwelling and the street. Views to the street from the southern bedroom window will be affected (as determined by the relevant cone-of-vision), however this visual restriction is considered minor. The lesser height, open sides and lightweight design of the carport also mean that there is minimal impact on the ability to view the entirety of the existing dwelling from the street; and,
- The heritage impact of the proposed carport has been assessed and is considered to have only a marginal impact on the heritage qualities of the place.

Buildings on boundary

Permitted	Proposed	Discretion Sought
Boundary Walls in accordance with A.2 of LPP2.4 – Boundary Walls in Residential Development	North-East (5.1m long new wall section adjoining existing 9.8m boundary wall totalling 14.9m long, 4.0m-5.5m high) & South-West (Carport & Storage) (9.1m, 2.3-3.3m high)	See comments

The proposed discretionary decisions are supported for the following reasons;

- The boundary wall to the north-eastern boundary is at the same setback as an existing wall which is proposed to be extended by 5.1m. The proposed extension does not result in any additional restriction on access to light, direct light or ventilation on the adjoining dwelling at No. 19 Ainslie Road;
- The boundary to the south-western boundary comprises a storage room that replaces an existing garage in the same position and therefore results in no further impact; and,
- The boundary wall to the carport, being constructed as a light weight, low, open profile structure will not impact on access to light, ventilation or contribute to unreasonable building bulk when viewed from No. 15 Ainslie Road, North Fremantle.

Setback of retaining walls

Setback Required	Setback Proposed	Discretion Sought
1.00m	Nil	1.00m

A new retaining wall measuring up to approximately 0.55m above natural ground level is proposed to the south-western boundary. The retaining wall assists in providing a level floor area for the proposed shed/garage replacement. The discretionary decision is supported for the following reasons;

- The proposed retaining wall will not result in any adverse impact on the adjoining property at No. 15 Ainslie Street having regard to the low development height of the retaining wall; and,
- The wall will support a boundary wall to the proposed replacement Shed/Garage that is otherwise deemed to meet the relevant performance criteria.

On-site parking provision

Bays Required	Proposed	Discretion Sought
2 bays	1 bay	1 bay

The existing dwelling contains an area of hardstand car parking for one vehicle on the south-western boundary. Further to this, a 2.0m wide 'garage' is provided near the same boundary. The garage previously constituted a second vehicle bay for the land but is likely to have been constructed some time ago. The garage is not of sufficient dimensions to form an existing second vehicle bay in accordance with AS2890.1.

Sufficient area to accommodate vehicle parking is located at the rear of the land; however this area is inaccessible given the presence of the existing garage and also the fall of the land from south-west to north-east. Providing a sufficient driveway to this area would be difficult and would require significant retaining and re-contouring.

The discretionary decision is therefore supported for the following reasons;

- The land is (in effect) currently only provided with a single car bay. A variation to the required number of bays is therefore supported under clause 5.7.3.1(vi) of LPS4;
- Off-site parking is available on Ainslie Street for the additional required bay; and,
- The Applicant has detailed in a submission attached to the application that the current and future parking needs of the residents will be met by one on-site parking bay only.

Excavation or fill

Maximum Permitted	Proposed	Discretion Sought
Up to 0.50m where behind street setback and within 1m of a common boundary	0.55m	0.05m

Minor filling (above 0.5m) is proposed to facilitate a floor level for the replacement shed/garage. This filling is supported as it will be wholly contained behind a retaining wall(s) (of the same height assessed elsewhere in this report) facing the western and southern boundaries and otherwise have no impact on adjoining properties.

Visual privacy

Elevation	Setback Required	Setback Provided	Discretion Sought
Upper floor, south facing Dining/Living room openings affecting the eastern boundary	6.00m	4.50m	1.50m
Upper floor, south facing Kitchen affecting the western boundary	6.00m	4.50m	1.50m

The discretionary decisions are supported for the following reasons;

- Views to the property to the north-east are obscured by significant vegetation located on No. 19 Ainslie Road, North Fremantle;
- Views to the south-western boundary affect only areas of remote backyard and are largely obscured by the existing built form on the affected property (being No. 15 Ainslie Road, North Fremantle);

The predominate outlook of both opening(s) is southward, rather than south or north meaning direct overlooking of sensitive areas is less likely.

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 Additions and Alterations to Existing Single House at No. 17 (Lot 17) Ainslie Road, North Fremantle, subject to the following conditions;

1. This approval relates only to the development as indicated on the approved plans, dated 12 March 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, all fencing within the Primary Street setback area shall be visually permeable above 1.0 metres above natural ground level as per clause 1.1 of Local Planning Policy 2.8 – Fences Policy to the satisfaction of the Chief Executive Officer, City of Fremantle.
3. All storm water discharge shall be contained and disposed of on-site.
4. Prior to occupation, the boundary wall located on the north-eastern and south-western (side) boundaries shall be of a clean finish in sand render or face brick, to the satisfaction of the Chief Executive Officer, City of Fremantle.
5. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building. Should the works subsequently be removed, any damage shall be rectified to the satisfaction of the Chief Executive Officer, City of Fremantle.

Advice Note(s)

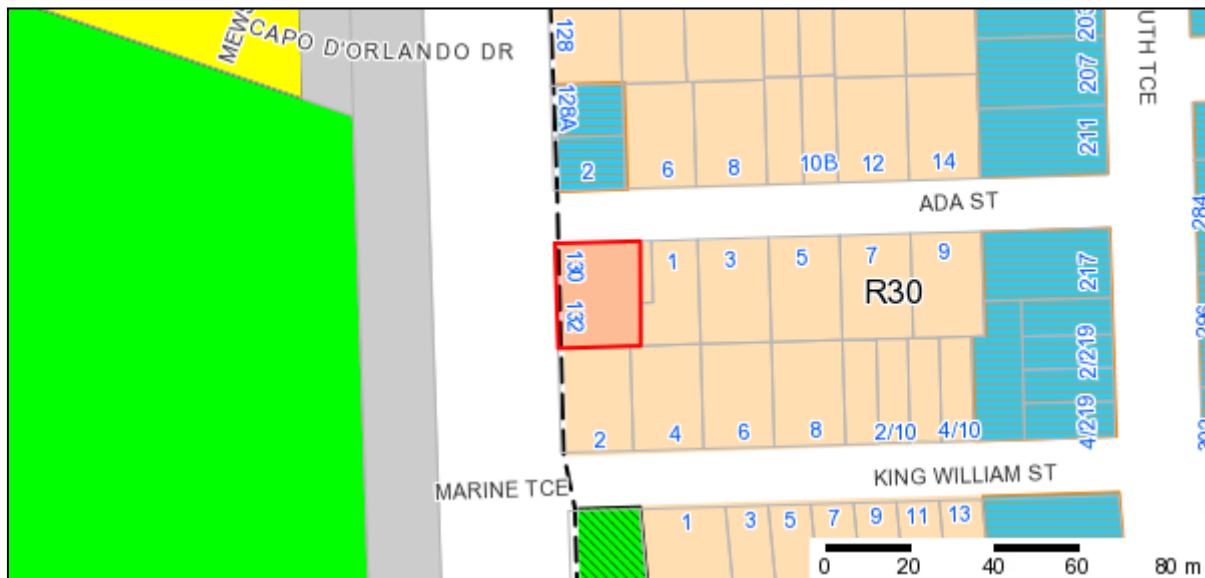
- i. The external tuck point and internal plaster repairs to the brickwork shall use methods and materials to match the original (e.g. only lime mortars).

CARRIED: 6/0

For	Against
Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Ingrid Waltham Cr Bill Massie Cr Andrew Sullivan	

PSC1304-54 MARINE TERRACE NO. 130 (LOT 2) SOUTH FREMANTLE - TWO STOREY ADDITION AND ALTERATIONS TO EXISTING GROUPED DWELLING - (AA DA0101/13)

DataWorks Reference: 059/002
Disclosure of Interest: Nil
Meeting Date: 17 April 2013
Responsible Officer: Manager Statutory Planning
Actioning Officer: Planning Officer
Decision Making Level: Planning Services Committee
Previous Item Number/s: N/A
Attachments: 1 – Development Plans (dated 10 April 2013)
 2 – Site Photos
Date Received: 6 March 2013
Owner Name: VA & PJ Newman
Submitted by: VA & PJ Newman
Scheme: Residential (R30)
Heritage Listing: Adopted – Level 3
Existing Land use: Grouped Dwelling
Use Class: Grouped Dwelling
Use Permissibility: 'D'



EXECUTIVE SUMMARY

The proposed development seeks planning approval for Two Storey Additions and Alterations to an Existing Grouped Dwelling at No. 130 Marine Terrace, Fremantle. The additions include a new enclosed garage area, as well as an upper floor landing, bedroom and storeroom. The application seeks variation to the planning framework relating to setbacks of buildings, vehicle sight lines, open space, on-site parking, visual privacy and solar access to adjoining sites.

The proposed development is considered to meet all the discretionary criteria of each applicable provision of Local Planning Scheme No. 4 and Local Planning Policies and is therefore recommended for approval.

BACKGROUND

The subject site is zoned 'Residential' under the provisions of the City LPS4 with a density coding of R30. The site is located within the Fremantle South Local Planning Area. The site is listed on the City's Heritage List and is identified as a Level 3 property under the Municipal Heritage Inventory. The subject site is located within the South Fremantle Heritage Area and is within the street block bound by Marine Terrace to the west, King William Street to the south, South Terrace to the east and Ada Street to the north.

The subject site is located on the south-east corner of Marine Terrace and Ada Street, South Fremantle and has a site area of approximately 250m².

On 19 March 2002, the City approved an application for 'Minor Addition to Rear of Existing Single Storey Dwelling' (DA0130/01). This application added a small 4m x 1.3m extension to the rear of the existing dwelling. On 6 March 2013 the City received the current application for Two Storey Additions and Alterations to Existing Grouped Dwelling (DA0101/13). On 9 April 2013 the City received amended plans increasing the setback of the proposed development to Ada Street (see Attachment 1).

DETAIL

The proposed development seeks planning approval for the addition to a two storey Single House, including;

- A two storey rear Addition with a maximum external wall height of 6.3m and maximum roof ridge height of 7.9m;
- The addition being located on the eastern boundary;
- The addition containing a ground floor garage and storage area and an upper floor Bedroom, storage and landing area;
- Five double-hung windows on the upper floor facing Ada Street and four double-hung windows facing the rear of the land;
- The proposed addition being clad in weatherboard cladding and where boundary walls are proposed, rendered to a clean finish;
- An area of retaining up to 450mm below natural ground level to accommodate two outward swinging doors on the southern elevation of the proposed addition;
- The addition containing a white polycarbonate roller door consisting of approximately 24.5% of the Ada Street frontage; and,

- A Colourbond roof and capping being visible from the adjoining property at No. 1 Ada Street as well as partially visible from the Marine Terrace frontage.

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:

- Setbacks of buildings;
- Sight lines at vehicle access points;
- Open space;
- On-site parking;
- Visual privacy; and,
- Solar access to adjoining sites.

Detailed assessments of the above discretionary decisions are discussed further in the 'Planning Comment' section of this report.

CONSULTATION

Community

The application was advertised in accordance with Clause 9.4 of LPS4, as a number of discretionary decisions to the requirements of LPS4 and the R-Codes were sought. At the close of the submission period one (1) submission was received, including one (1) objection, which raised the following issues;

- The addition has the potential to cast a shadow over an outdoor area;
- The upper floor windows should be frosted glass; and,
- There is going to be a 3 storey house built nearby to this addition, so the protection of privacy is important.

Heritage Comment

The application was referred to the City's heritage planner for comment. The comments provided are summarised as follows;

- The proposal is considered sympathetic to the existing house at the subject site in terms of sitting, bulk, form, scale and character;
- The choice of timber cladding for the rear extension is consistent with materials commonly used for the construction of the rear parts, including enclosures and extensions; and,
- It is considered that the proposed addition provides a reasonable transition in scale from that of Marine Terrace to the generally lower scale of Ada Street.

PLANNING COMMENT

Setbacks

Elevation	Required	Provided	Discretion
Secondary Street Setback (Ground & Upper Floor)	1.5m	0.4m	1.1m

Clause 1 of Local Planning Policy D.G.F16 – Marine Terrace Policy (Including South Fremantle) ('DGF16') states (where relevant) that;

'1. The following elements shall be encouraged in order to satisfy the objection;

1.1 The generally character of the area should be distinctly inner urban;

1.2. Marine Terrace should act as a seafront boulevard and a formal gateway entrance to the city;

1.3 Development should be “hard edged” relating directly to the street, both on the horizontal and vertical planes. Development should be of a scale appropriate to its setting and serve to close off the ends of the street blocks abutting Marine Terrace. Incongruous isolated development and the overdevelopment of individual sites will not be supported.' [Emphasis added].

The discretionary decision is supported for the following reason;

- The lesser setback provides a 'hard edge' on the vertical plane of the development and notwithstanding being setback significantly from Marine Terrace, adds to the 'hard edge' appearance when viewed from Marine Terrace;
- The lesser setback, at the same building line as the existing dwellings on the southern side of Ada Street, seeks to 'close off' the western end of Ada Street, thereby removing the street from the busier boulevard of Marine Terrace; and,
- Notwithstanding the proposal seeking discretion to the relevant open space requirement, the level of open space in itself is considered acceptable and therefore the proposal is not considered to be an 'over development' of the site.

Sight lines at vehicle access points and street corners

Acceptable Development	Provided	Discretion
Walls reduced to no higher than 0.75m within 1.5m of where walls adjoining vehicle access points where a driveway meets a public street.	Two Storey wall proposed within 0.4m of vehicle access point where a driveway meets a public street.	See comments.

The discretionary decision is supported for the following reason;

- The lesser sight lines are created as a direct result of a need to provide a small setback to the secondary street in accordance with the recommendations of D.G.F16; and,
- The lesser sight line provided does not result in a dangerous interface between pedestrians and vehicles reversing from the land by reason that the vehicle access point will be highly visible from the existing footpath. This is on the basis of the setback of the building, the clear delineation of the garage door and separation of the footpath from the building.

Open space provision

Required	Provided	Discretion
45% (112.5m ²)	34.4%(86m ²)	10.6%(26.5%)

The discretionary decision is supported for the following reason;

- The lesser open space is caused by the new addition seeking to address the objectives of the Local Planning Policy by providing a ‘hard edge’ that makes an effective use of space that would otherwise be utilised for vehicle driveway;
- The proposed level of open space makes effective use of space by providing a single large outdoor living area at the rear of the new addition; and,
- The lesser open space does not unreasonably reduce the availability of an accessible, useable outdoor living area with access to direct sun.

On-site parking provision

Bays Required	Bays Provided	Discretion Sought
2 bays	1 bay	1 bay

The proposed development includes a new garage under the roof of the new addition that attempts to provide two vehicle bays at the land. However, the proposed internal layout and size of the garage does not provide sufficient width, or unobstructed length so as to achieve the necessary dimensions for two vehicle bays in accordance with AS2890.1. Therefore, only a single bay is proposed within the garage.

Notwithstanding the above, the discretionary decision is supported for the following reasons;

- Clause 5.7.3.1(iv) provides for the variation as the land is currently only provided with a single vehicle bay;
- The land is otherwise located in close proximity to public transport on Hampton Road; and,
- There is a sufficient amount of opportunities for on-street parking on both Ada Street and Marine Terrace.

Visual privacy

Elevation	Setback Required	Setback Provided	Discretion Sought
Upper Floor Bedroom – East Boundary	4.5m	1.3m	3.2m

The discretionary decision is supported for the following reasons;

- The overlooking caused by the upper floor, south facing bedroom window affecting the eastern boundary overlooks a side area of the adjoining dwelling at No. 1 Ada Street which is used for vehicle access; and,
- The cone-of-vision affecting the outdoor living area of the adjoining dwelling at No. 1 Ada Street is approximately 9.5m from the opening and is largely obscured by existing vegetation, boundary fences and buildings.

Solar access for adjoining sites

Maximum overshadowing permitted	Maximum Provided	Discretion Sought
35% of the site area of the adjoining property (87.5m ²)	~57.7% (144.25m ²)	~22.7% (56.75m ²)

The discretionary decision is supported for the following reasons;

- The shadow currently cast by the existing main dwelling on the land is equivalent to approximately 50.6% of the adjoining site at No. 132 Marine Terrace. This shadow is cast almost entirely over an area occupied by the existing dwelling at this property;
- A new area of overshadowing equivalent to approximately 15.1m² will be cast over the rear portion of No. 132 Marine Terrace. The area shadowed is already shadowed by an existing limestone fence between the two properties. The additional shadow taking account of the fence is equal to approximately 1.5m²; and,
- The additional shadowing does not prevent access to direct light to major openings, solar collectors or an unreasonably large portion of the outdoor living area at No. 132 Marine Terrace.

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 Addition to Existing Grouped Dwelling at No. 130 (Lot 2) Marine Terrace, Fremantle, as detailed on plans dated 10 April 2013, subject to the following conditions:

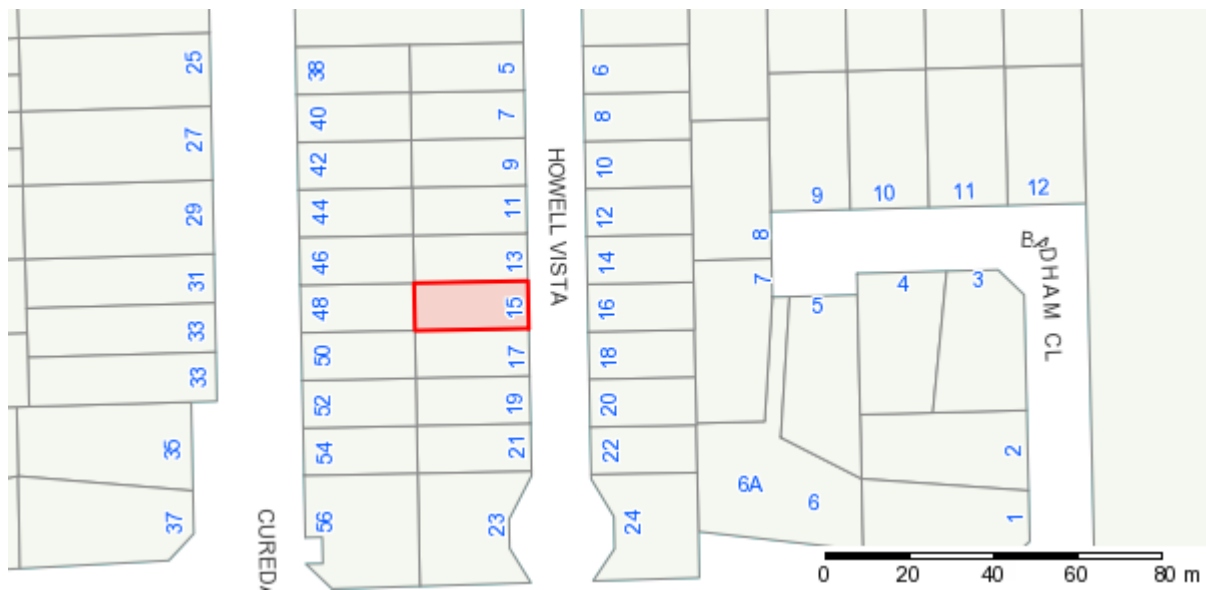
1. This approval relates only to the development as indicated on the approved plans, dated 10 April 2013. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.
2. Prior to occupation, the boundary wall located on the Eastern elevation 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.
4. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building. Should the works subsequently be removed, any damage shall be rectified to the satisfaction of the Chief Executive Officer, City of Fremantle.

CARRIED: 5/1

For	Against
Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Ingrid Waltham Cr Bill Massie	Cr Andrew Sullivan

PSC1304-55 HOWELL VISTA, NO. 15 (LOT 116), BEACONSFIELD TWO STOREY SINGLE HOUSE (AD DA0087/13)

DataWorks Reference: 059/002
Disclosure of Interest: Nil
Meeting Date: 17 April 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: 25 February 2013
Owner Name: Dorinda Weston
Submitted by: Ben Trager Homes
Scheme: Residential (R30)
Heritage Listing: Not listed,
South Fremantle Heritage Area
Existing Landuse: Vacant
Use Class: Single House
Use Permissibility: P



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. 15 (Lot 116) Howell Vista, 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 on boundary;
- Open space;
- Outdoor living area;
- Driveway width;
- Visual privacy; 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 'Residential' with an applicable density coding of R30 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.

The site is located in the street block bound by Grosvenor Street to the north, Curedale Street to the west, Lefroy Road to the south and Howell Vista to the east. 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 300m² and is located on the western side of Howell Vista, Beaconsfield. The site has an east-west orientation and is currently vacant and is relatively flat in terms of its topography.

A review of the property file did not reveal any information relevant to planning and/or to this application.

DETAIL

On 25 February 2013 the City received an application seeking Planning Approval for a two storey Single House at No. 15 (Lot 116) Howell Vista, Beaconsfield (refer DA0087/13).

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 22 March 2013, the City received one (1) submission pertaining to the proposal, of which raised no-objection.

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	Proposed	Discretion
Garage door and its supporting structures to occupy not more than 50% of the frontage (ie 5.60m)	54.46% (6.10m)	4.46% (0.50m)

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; and
- There are other similar approved but not yet constructed developments in the area.

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

Required	Proposed	Discretion
Southern boundary (garage) – 1.00m	0.18m (18mm)	0.82m (820mm)

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 (300m²);
- 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 southern boundary wall is not considered to have a significant adverse impact on the southern 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 southern property pertaining to the proposed southern boundary wall;
- Therefore this proposed variation is 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.

Open space

Required	Proposed	Discretion
45% of the site area (i.e. 135m ²)	41.65% (124.95m ²)	3.35% (10.05m ²)

This discretion is supported for the following reasons:

- It is considered that there is sufficient open space around the proposed dwelling so as to complement the building;
- That it allows for an attractive streetscape; and
- Is considered to suit the future needs of residents.

Outdoor living areas

Required	Proposed	Discretion
OLA is to have at least two-thirds (66.66%) of the required area without permanent roof cover (ie at least 16m ² uncovered)	9.45m ² (47.50%) of required OLA without permanent roof cover	6.55m ² (19.16%)

This discretion is supported for the following reasons:

- The outdoor living area is capable of use in conjunction with a habitable room of the dwelling, being the 'family' and 'dining' rooms, and is open to winter sun; and
- The outdoor living area takes best advantage of the northern aspect of the site as it located in the north-western most corner of the site.

Driveway width

Required	Proposed	Discretion
Driveways not more than 40% of lot width (ie not more than (4.48m)	44.19% (4.95m)	4.19% (0.51m)

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 streets 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 Howell Vista which have either been constructed or approved and have not yet been constructed.

Visual privacy

Required	Proposed	Discretion
6.00m setback for upper floor 'retreat' to northern adjoining property	4.00m (within 45 degree cone of vision)	2.00m

This discretion is supported for the following reasons:

- The extent of overlooking of the northern adjoining property from the upper floor 'retreat' is limited to a boundary wall on the ground floor, and a wall with no major openings of the upper floor of dwelling on that property; and

- As such, no overlooking of major openings to habitable rooms or the outdoor living area of the dwelling as contained within the northern adjoining property.

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	4.00m	3.00m
Minimum street setback for development with an external wall height greater than 4.00m (ie upper floor) = 12.00m	6.80m	5.20m

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 only satisfying 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. 9 (Lot 119)	<ul style="list-style-type: none"> • Site description: Single storey Single House • Ground floor setback: 4.60m • Upper floor setback: N/A
	2 of 3 No. 11 (Lot 118)	<ul style="list-style-type: none"> • Site description: Two storey Single House (<u>under construction</u>) • Ground floor setback: 4.00m • Upper floor setback: 4.95m
	3 of 3 No. 13 (Lot 117)	<ul style="list-style-type: none"> • Site description: Two storey Single House (<u>under construction</u>) • Ground floor setback: 4.50m • Upper floor setback: 5.00m
Southern side	1 of 3 No. 17 (Lot 115)	<ul style="list-style-type: none"> • Site description: Two storey Single House (<u>construction yet to commence</u>) • Ground floor setback: 3.70m • Upper floor setback: 3.29m
	2 of 3 No. 19 (Lot 114)	<ul style="list-style-type: none"> • Site description: Vacant • Ground floor setback: N/A • Upper floor setback: N/A
	3 of 3 No. 21 (Lot 113)	<ul style="list-style-type: none"> • Site description: Single storey Single House • Ground floor setback: 2.96m • Upper floor setback: N/A

Of the six properties within the prevailing streetscape in the context of this application:

- Two (2) of them have completed construction;
- Two (2) are nearing completion;
- Two (2) are vacant, with only of those having applied for and obtained a Planning Approval.

Based on both the ground and upper floor setbacks within the prevailing streetscape in the context of this application, and as detailed in the table above, it is not considered that there is any clearly definable existing pattern for either ground or upper floor setbacks from the primary street. Of the two properties within the prevailing streetscape that have already completed construction, one of them has a ground floor setback of 2.96m to the primary street, while the other is 4.60m. The proposal seeks a ground floor setback of 4.00m and an upper floor setback of 6.80m to the primary street, which is consistent with the two, two storey Single Houses currently under construction. The proposed upper floor setback of 6.80m is setback 1.80m further than the other two, two storey Single Houses and therefore its impact upon the streetscape will be far less than the other two. As such, it is considered that the proposed primary street setback variation should be supported.

CONCLUSION

The proposed two storey Single House at No. 15 (Lot 116) Howell Vista, Beaconsfield has been assessed against and is considered to meet the ‘Performance Criteria’ provisions of the R-Codes specifically in relation to garage doors, buildings on boundary (Local Planning Policy 2.4 – Boundary Walls in Residential Development), open space, outdoor living area, driveway width and visual privacy.

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

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. 15 (Lot 116) Howell Vista, Beaconsfield, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated 25 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. Prior to occupation, the boundary wall located on the southern 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.

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

The garage is to be reduced in width by 0.5m and the southern wall to the garage and store is to be setback an additional 0.5m from the southern boundary.

Lost: 1/5

For	Against
Cr Rachel Pemberton	Cr Robert Fittock Cr Josh Wilson Cr Ingrid Waltham Cr Bill Massie Cr Andrew Sullivan

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. 15 (Lot 116) Howell Vista, Beaconsfield, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated 25 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. Prior to occupation, the boundary wall located on the southern 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.

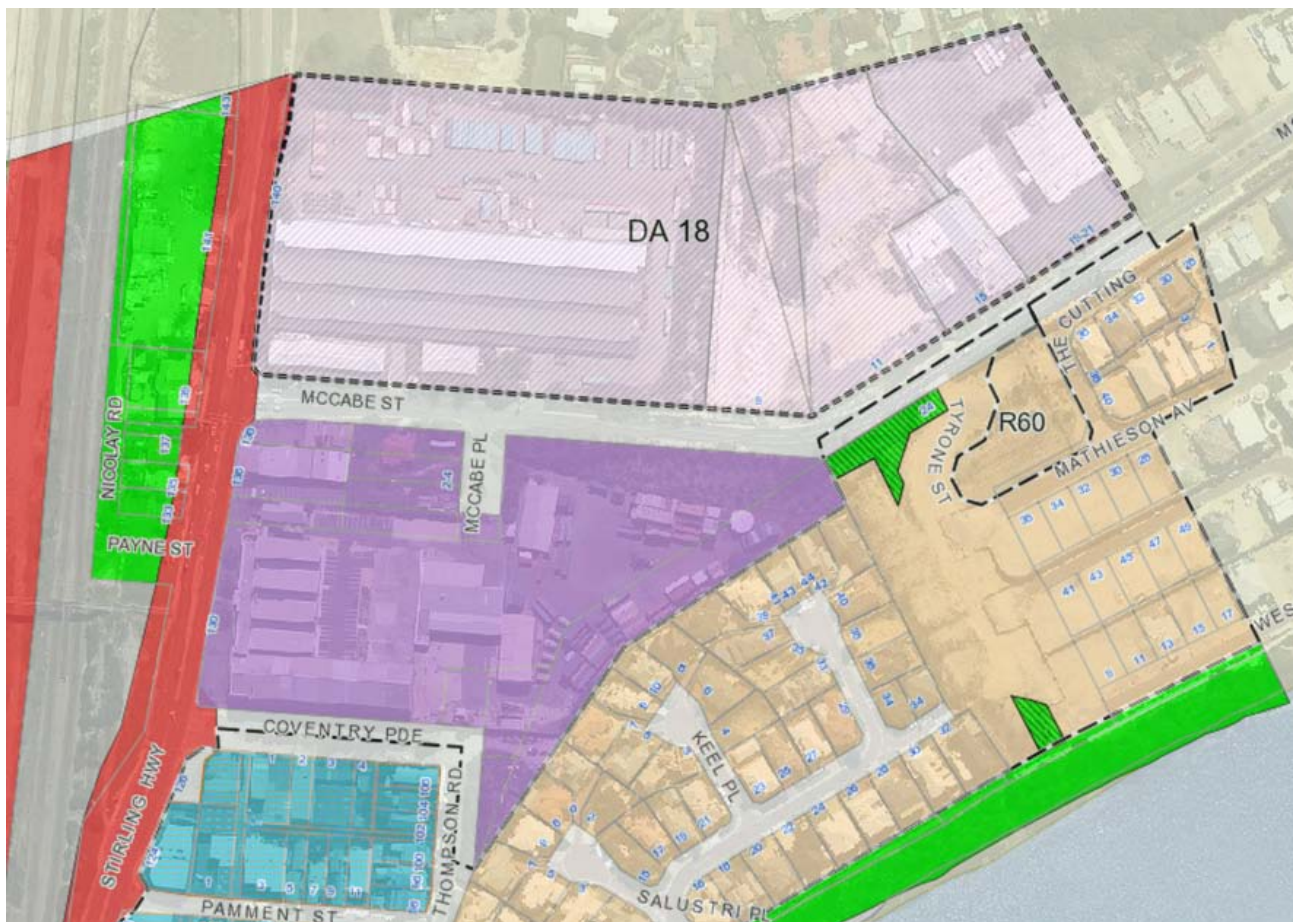
CARRIED: 6/0

For	Against
Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Ingrid Waltham Cr Bill Massie Cr Andrew Sullivan	

REPORTS BY OFFICERS (COUNCIL DECISION)

PSC1304-58 CONSIDERATION OF REQUEST TO MODIFY LOCAL PLANNING POLICY 3.11 MCCABE STREET AREA, NORTH FREMANTLE HEIGHT OF NEW BUILDINGS

DataWorks Reference: 117/034
Disclosure of Interest: Nil
Meeting Date: 17 April 2013
Responsible Officer: Manager Planning Projects
Actioning Officer: Strategic Planning Officer
Decision Making Level: Council
Previous Item Number/s: PSC0807-195: 23 July 2008
PSC0904-72: 22 April 2009
Attachments:
1. Applicant's Request to amend LPP3.11
2. 140 Stirling Highway Structure Plan
3. 9-11 McCabe Street Structure Plan



EXECUTIVE SUMMARY

The City has been requested by Greg Rowe and Associates along with Mackay Urbandesign and Oldfield Knott Architects acting on behalf of H.L.M Holdings, the owner of the former Matilda Bay Brewery Site – 130 Stirling Highway, North Fremantle, to consider amending the City’s Local Planning Policy 3.11 – McCabe Street Area, North Fremantle. The request proposes increasing the building height permissible under the policy in relation to part of the site of 130 Stirling Highway, North Fremantle.

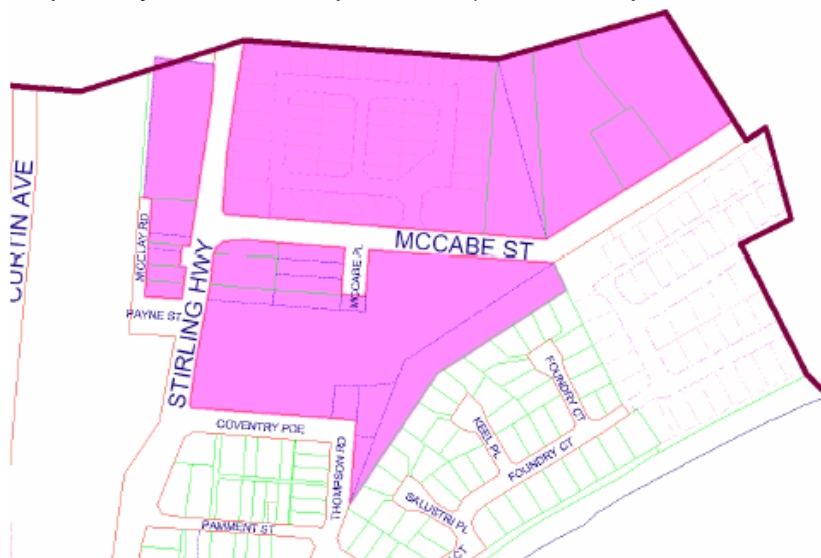
The purpose of this report is to inform Council of the request, but also to recommend that rather than determining the request as submitted, in the first instance all landowners in the policy area should be contacted to establish their interest in participating in a coordinated planning review of the policy as a whole. Officers consider this would be a more appropriate approach to assessing the planning and urban design basis for any potential increase in the height requirements prescribed in the policy, rather than amending the policy on an ad hoc basis.

It is recommended that Council note the request received and support the alternative approach outlined in this report.

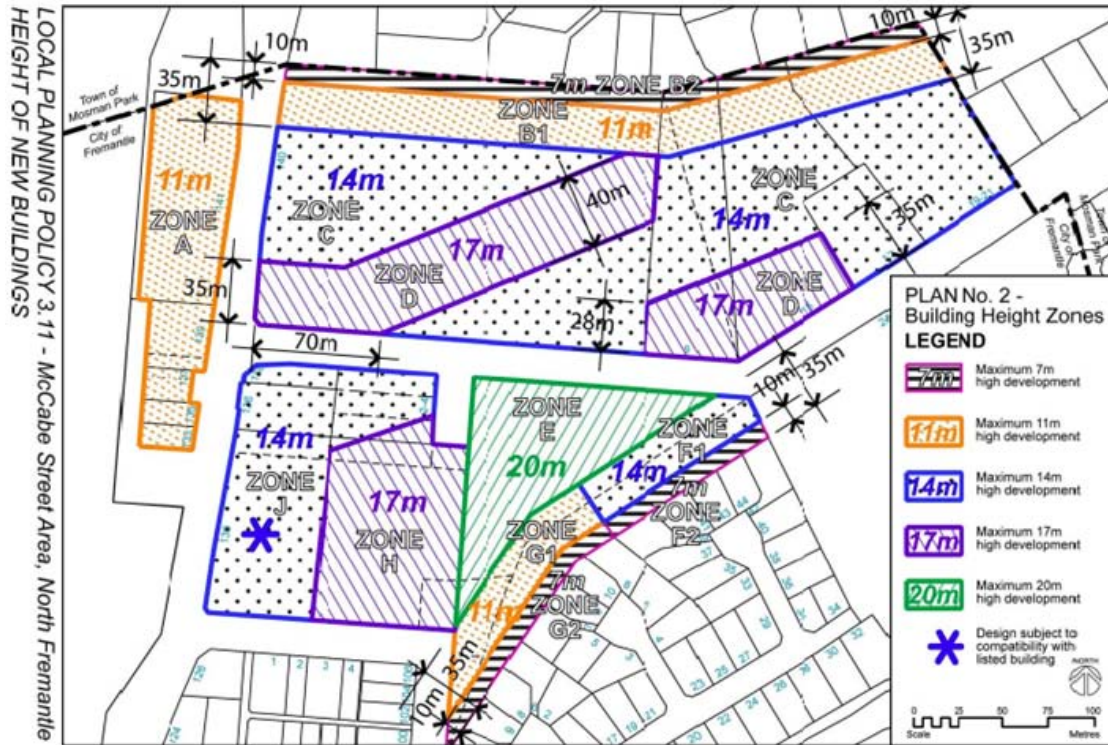
BACKGROUND

Local Planning Policy 3.11, McCabe Street Area – Height of New Buildings

In November 2007 Council commissioned a height study to identify potential maximum heights of new buildings on land in the area adjacent to McCabe Street, North Fremantle as defined by the shaded area on the map below. This area included a number of significant potential redevelopment sites such as the former One Steel site at 140 Stirling Highway, 9-11 McCabe Street and the Matilda Bay Brewery site (Refer to 23 July 2008 Council minutes PSC0807-195). Using this study the Local Planning Policy 3.11 – McCabe Street Area – Height of New Buildings (LPP3.11), was drafted. LPP3.11 was adopted by Council in April 2009 (Refer 22 April 2009 Council minutes PSC0904-72).



The heights prescribed by the zone policy, for the area, are as depicted map below:



Background to the area

The LPP3.11 area is made up of four main property groupings that are zoned under the City of Fremantle's Local Planning Scheme No. 4 (LPS4). Note 133-141 Stirling highway, North Fremantle, (zone A) is a Parks and Recreation reserve under the Metropolitan Region Scheme (MRS) and not zoned under LPS4. Each of the property groupings is at a different stage of planning. Accordingly, the background for each group is individually discussed below:

140 Stirling Highway

140 Stirling Highway, North Fremantle is the former 'One Steel' storage and distribution premises. The lot is 3.1ha and zoned Development Zone (Development area 18). An approved structure plan is applicable to the site (Refer to attachment 2). The structure plan provides indicative density, plot ratio and height requirements for future development of the property. The City has not received a development application to progress the structure plan further.

9-11 McCabe Street

9-11 McCabe Street, North Fremantle consists of three lots (Lot 315, 326 and 18, McCabe Street, North Fremantle). The area is zoned Development Zone (Development area 18) and is subject to a structure plan that was approved by the State Administrative Tribunal 3 March 2009 (Refer to attachment 3). The structure plan provides indicative building envelopes and AHD height limits.

Various planning approvals and survey strata and subdivision applications have been approved over the site in recent years. The three most recent and applicable planning applications are as follows:

- The City granted planning approval for a 51 apartment Multiple Dwelling development that consists of two basements and six storeys, on the south western portion of the three lots 315, 326 and 18 that comprise 9 McCabe Street, North Fremantle, on 25 October 2012, (DA0417/12). The City has not yet received a Building Permit application for this development.
- WAPC approved a subdivision application that proposes the three lots to be subdivided into four lots along the boundaries of the originally approved multiple dwelling application (refer to DA0087/10 and VA0009/11) on 27 November 2012 (WAPC146664).
- The City granted temporary planning approval for a viewing tower associated with the residential development approved on-site at 9 McCabe Street, North Fremantle, on 27 November 2012.

15 and 19 and 21 McCabe Street

15 (Lot 16) and 19 and 21 (Lot 19) McCabe Street, North Fremantle both have separate owners. Each lot consists of established industrial/commercial type buildings and associated offices. There is no structure plan for either property. There are no recent development applications applied for or approved over the Lots.

McCabe – Coventry Street, North Fremantle area

This area includes No. 130 (Lot 5, 12, 218, 219, 220, 221, 314 & 253), No. 136 (Lot 100) and No. 138 (Lot 8) Stirling Highway and No. 2-4 (Lot 9, 10 & 11) McCabe Street, North Fremantle. The area is zoned Industrial under the City's LPS4. However a proposed amendment (No. 12) to the City's LPS4 to rezone the area from Industrial to Development Zone (Development Area 18) is currently before the Minister for Planning for final determination.

130 Stirling Highway, North Fremantle is on the City's Heritage List and a level 1B on the City's Municipal Heritage Inventory. 136 and 138 Stirling Highway and 2-4 McCabe Street, North Fremantle are not on the City's Heritage List.

Metropolitan Region Scheme Amendment – Road Reservation

The WAPC is currently proposing an amendment to the Metropolitan Region Scheme (MRS Amendment 1210/41 – Rationalisation of Stirling Highway Reservation), which affects some lots in the area, predominantly 140 Stirling Highway and 138 McCabe Street, North Fremantle. The purpose of the amendment is to ensure adequate space is allocated for a consistent and safer highway design into the future including widening of Stirling Highway in the North Fremantle area.

PLANNING COMMENT

The City has been requested by Greg Rowe and Associates along with Mackay Urbandesign and Oldfield Knott Architects (the applicant) acting on behalf of H.L.M Holdings, the owner of the former Matilda Bay Brewery Site – 130 Stirling Highway, North Fremantle, to consider amending the City's Local Planning Policy 3.11 – McCabe Street Area, North Fremantle. The request proposes increasing the height requirements under the policy for part of the site of 130 Stirling Highway to a maximum height of 40m from natural ground level and not exceeding 55m AHD in height, compared to the current policy provision allowing a maximum height of 17m from natural ground level on the part of the site in question.

The applicant has provided justification for the proposed increased height and accompanying 3D models to help illustrate the proposal (see attachment 1 for the applicant's request). The request is based on the differing topography and lower levels of 130 Stirling Highway, North Fremantle comparative to other properties in the area, and the limited impact on access to views development of the site would have due to its lower topography and location.

Clause 2.4 of LPS4 sets out the procedure to be followed if Council resolves to amend a local planning policy. The procedure requires advertising of the proposed amendment, consideration of any submissions and then a final decision by Council to either adopt the amendment to the policy (with or without further modifications) or to not proceed with the amendment. The current request to amend LPP3.11 would need to follow this procedure if Council was minded to initially support the proposed amendment as submitted.

However, officers consider this request to amend the maximum permitted building height for one part of one property subject to a policy that applies to several other significant landholdings represents a somewhat ad hoc approach to the review of the height provisions in the policy. There is also a reasonable likelihood that if advertised in its current form, the proposed amendment to the policy would attract submissions from owners of other properties subject to the policy requesting that the maximum height prescribed in the policy for their property also be increased.

Furthermore, LPP3.11 in its current form was adopted in April 2009, prior to the adoption of key strategic documents such as the WAPC's *Directions 2031 and Beyond* and the City's *Strategic Plan 2010-15*. It could be considered therefore that the strategic policy context into which this more detailed local area planning policy fits has changed, particularly with regard to issues of urban intensification and renewal, sustainable building design and housing diversity.

Consequently officers see merit in a more comprehensive approach to any review of height and design controls applying to development in the McCabe Street LPP3.11 area. The area comprises a small number of relatively large landholdings which are appropriately zoned and offer the potential for significant redevelopment. Appropriate new development could potentially deliver greater density in a location highly accessible to the coast, river, amenities and public transport. It may also be a more appropriate urban design approach to express maximum height requirements as AHD levels, instead of maximum heights from natural ground level as in the current policy, given the undulating topography through the area and the benefits of encouraging coordinated design and scale of future development in the area.

Accordingly, officers recommend that instead of amending the policy as requested, the City should initiate a process to engage all the landowners in the area in undertaking a coordinated review of LPP3.11 as a whole. The first step would be for the City to contact all landowners in the area and establish whether they are willing to participate in, and potentially co-fund, a broader review of LPP3.11. The responses to this approach would then be reported back to Council in order to determine appropriate further action. It is recommended that the current request to partially amend the policy should be held in abeyance pending the response to this approach to all landowners in the LPP3.11 area.

CONCLUSION

The City has been requested to consider amending the City's Local Planning Policy 3.11 – McCabe Street Area, North Fremantle to increase the height requirements under the policy in relation to part of the site of 130 Stirling Highway, North Fremantle.

For the reasons outlined in the Planning Comment section of this report, it is recommended that rather than proceeding to deal with the policy amendment request as submitted, in the first instance all landowners in the area should be contacted by the City and offered the opportunity to participate in a more comprehensive and coordinated planning review of the policy.

It is recommended that Council note the request received and support the alternative approach outlined in this report.

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr A Sullivan

1. That the request to increase the height requirements under Local Planning Policy 3.11, McCabe Street Area – Height of New Buildings in relation to part of the site of No. 130 Stirling Highway, North Fremantle, submitted on behalf of H.L.M. Holdings, be noted.
2. That Council instructs officers to contact all landowners in the area subject to Local Planning Policy 3.11, McCabe Street Area – Height of New Buildings to establish whether they are willing to participate in a coordinated approach to reviewing this policy, and that the request to amend the policy referred to in (1) above be held in abeyance pending the receipt of responses from landowners.

CARRIED: 6/0

For	Against
Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Ingrid Waltham Cr Bill Massie Cr Andrew Sullivan	

REPORTS BY OFFICERS (COMMITTEE DELEGATION)

The following item is subject to clause 1.1 and 2.1 of the City of Fremantle Delegated Authority Register

PSC1304-56 SUMPTON STREET, NO 12 (LOT 1306), HILTON - TWO LOT SURVEY-STRATA SUBDIVISION - (AA/NMG WAPC245/13)

DataWorks Reference: 059/002
Disclosure of Interest: Nil
Meeting Date: 17 April 2013
Responsible Officer: Manager Statutory Planning
Actioning Officer: Planning Officer
Decision Making Level: Planning Services Committee
Previous Item Number/s: Nil
Attachments: 1 – Plan of Subdivision
Date Received: 20 March 2013
Owner Name: LK McLennan
Submitted by: Carlton Surveys
Scheme: R20
Heritage Listing: Hilton Heritage Area
Existing Landuse: Single House
Use Permissibility: 'P'



EXECUTIVE SUMMARY

A referral from the WAPC has been received that proposes a 2 lot subdivision that retains the existing house on a corner lot and proposes a rear lot with a 10m wide frontage to the secondary street.

The proposal does not meet the requirements of Local Planning Policy 3.7 – Hilton Garden Suburb Precinct Heritage Area Local Planning Policy (LPP3.7) however there are difficulties associated with the implementation of this portion of the policy relating to subdivision when it comes to corner lots.

It is considered that the main built form objectives of the subdivision portion of the policy are achieved, namely to retain original housing stock, maintain traditional large street frontages and facilitate new dwellings that meets the relevant requirements of LPP 3.7.

On this basis it is considered that on balance the proposed subdivision should be supported.

BACKGROUND

The property file reveals the following relevant background information:

- On 20 February 1995, the City granted conditional approval to an ‘Additional Grouped Dwelling’ at the land (DA0282/94);
- On 17 November 2000, the WAPC granted conditional subdivision approval to the subdivision of the land into two (2) survey-strata lots in the same configuration as the current proposal (WAPC575/00);
- On 18 June 2001, the City granted conditional approval to a ‘Front Fence’ at the land, imposing a condition the fence be limited in height to not more than 0.9m (DAU01-0525);
- On 23 July 2001, the City granted conditional approval to a ‘Front Fence’ at the land, this time imposing a condition that the fence be limited in height to not more than 1.2m (DA01-0627);
- On 25 May 2003, the City granted condition approval to a ‘Patio and Deck to Dwelling’ addition (DA0108/03)

DETAIL

The application seeks conditional approval from the Western Australian Planning Commission (WAPC) for a two (2) lot subdivision including;

- A minimum lot size of 436m² and a minimum average lot size of 477m²;
- The retention of an existing Single House on proposed Lot 1;
- The demolition of an existing Metal Garage; and,
- A 'high fence' addition proposed along the property boundary between the two lots.

The proposed plan of subdivision is included in this report at Attachment 1.

STATUTORY AND POLICY ASSESSMENT

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

CONSULTATION

There is no requirement to advertise subdivision referrals.

PLANNING COMMENT

Residential Design Codes

Site area requirements

Clause 6.1.3(P3.1) of the R-Codes states that;

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

- *Be not more than five per cent less in area than specified in table 1; and,*
- *Facilitate the development of lots with separate and sufficient frontage to more than one public street; or...'*

The proposed subdivision does not meet the relevant minimum and minimum average lot size requirements specified in Table 1. The proposed subdivision facilitates the development of land to two street frontages being Sumpton Street and Oldham Crescent.

The lesser minimum lot size of 436m² in lieu of a requirement of 440m² meets the maximum 5% variation provided under clause 6.1.3(P3). The lesser minimum average lot size of 477m² in lieu of a requirement of 500m² meets the maximum 5% variation provided under clause 6.1.3(P3).

Local Planning Policy 3.7 – Hilton Garden Suburb Precinct Heritage Area Local Planning Policy

Frontage & Lot Configuration

Clause 8.0 of LPP 3.7 relating to subdivision states:

'8.1 The historic pattern of subdivision within the Hilton Garden Suburb Precinct is characterised by wide lot frontages which contribute significantly to the streetscape character and amenity of Hilton. In order to preserve the traditional streetscape character and amenity of Hilton, applications referred to the City of Fremantle for comment for the subdivision of land within Hilton shall only be supported where the following criteria are met:

8.1.1 The subdivision is in the form of battleaxe or survey strata (with or without common property) with one lot behind the other.

8.1.2 The proposed front lot shall have a minimum frontage of 16 metres. In the case of corner lots, the minimum frontage of 16 metres shall apply to the primary street.

8.1.3 Access legs for battleaxe or survey strata subdivision shall provide reciprocal access to both the front and rear lots. Where such an arrangement is proposed, Council shall recommend the following condition of subdivision to be applied:

"The applicant is to make suitable arrangements to ensure reciprocal rights of access exist over adjoining battleaxe access legs.

Council may, at its discretion, vary the subdivision requirements above where it is satisfied that the proposed subdivision will be consistent with the form of subdivision within the prevailing streetscape.'

The purpose of these policy provisions is to generally achieve infill subdivision of one lot behind the other in order to retain original housing stock, minimise additional crossovers and maintain traditional build form character typical to the Hilton area.

A discussion of how the proposal meets the above requirement is included in the table below:

Element	Comment
Lot Configuration	<p>The proposed subdivision includes two (2) lots with no common property with one lot positioned (broadly) behind another. The proposed subdivision is not considered to be a 'battle-axe' subdivision by reason that a 10m wide frontage is provided to the rear lot to Sumpton Street. A 'battleaxe lot' is defined in Appendix 1 of the R-Codes as;</p> <p style="text-align: center;"><i>'A single house lot that has a frontage to a public road only through a pedestrian or vehicle access way that is part of the lot. The term excludes a site that has vehicle access from a private or communal street, or right-of-way connected to a public road.'</i></p> <p>The 10m wide frontage to Sumpton Street is considered sufficient to accommodate a Single House development (inclusive of an appropriate primary street setback) facing Sumpton Street. This area between the main balance area of proposed Lot 2 and Sumpton Street is not considered to be a 'vehicle access way' as it is of sufficient size to accommodate a building.</p> <p>For the above reasons, the proposed subdivision is not considered to be a 'battleaxe' subdivision, but the proposal is considered to meet the requirement under 8.1.1 of LPP3.7 relating to new lots being 'one behind the other'.</p>
Minimum Frontage	<p>Lot 1 under the proposed subdivision plan maintains a 23.2m frontage to Sumpton Street and 19.3m to Oldham Crescent. Lot 2 under the proposed subdivision plan maintains a frontage of 10.0m to Sumpton Street. While this is below the 16.0m required by clause 8.1.2 of LPP3.7, proposed Lot 2 is not considered to be the 'front lot' under the subdivision.</p>
Vehicle Access	<p>Reciprocal access is not provided as a separate crossover for proposed Lot 2 to Sumpton Street would be required. The existing crossover on Oldham Crescent is proposed to be utilised by the front lot.</p>

While the proposal does not meet some of the requirements of LPP 3.7, there are difficulties associated with the implementation of the portion of the policy relating to subdivision when it comes to corner lots. Should the subdivision be redesigned to meet the policy requirements, the existing crossover on Oldham Crescent would have to be utilised for reciprocal vehicle access and there would be no new crossover to Sumpton Street (see below for potential new configuration).

A reconfiguration of the proposed lots may result in the proposed minimum and minimum average lot sizes being lesser than that provided for by the 5% variation as discussed above.



The main built form outcome objectives of the subdivision portion of LPP 3.7 are to:

1. Retain original housing stock;
2. Maintain traditional large street frontages; and
3. Facilitate new dwellings that meet the standards of LPP 3.7 (e.g. 7.0m front setback, 3.2m minimum wall height, minimising boundary walls, simple roof form etc).

The proposed subdivision meets these objectives with the exception of the 10m wide frontage to Sumpton Street. It is acknowledged however that the 2 frontages for proposed Lot 1 meet the requirements of the policy. The built form outcome of the proposed subdivision design and an alternative design that would comply with the subdivision standards of LPP 3.7 is generally similar.

There are also 2 similar subdivisions that exist in the immediate area including at No. 9 Sumpton (directly across the road) and at No. 3 Sumpton (100m north).

Based on the above it is considered that on balance the proposed subdivision configuration should be supported.

Should the Committee not want to support the proposal, the following recommendation would apply:

'That the application be REFERRED to the Western Australian Planning Commission with a recommendation for REFUSAL under the under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the proposed Two (2) Lot Survey-Strata Subdivision at No. 12 (Lot 1306) Sumpton Street, Hilton, for the following reason:

The proposed subdivision design does not meet the requirements of Local Planning Policy 3.7 – Hilton Garden Suburb Precinct Heritage Area Local Planning Policy.'

CONCLUSION

It is considered that on balance, the proposed subdivision design meets the built form outcome objectives of the subdivision section of LPP 3.7 and therefore the proposal should be supported.

OFFICER'S RECOMMENDATION/COMMITTEE DECISION

MOVED: Cr A Sullivan

That the application be REFERRED to the Western Australian Planning Commission with a recommendation for APPROVAL under the under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the proposed Two (2) Lot Survey-Strata Subdivision at No. 12 (Lot 1306) Sumpton Street, Hilton, subject to the following conditions:

- 1. Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on lot(s) at the time of subdivision approval being demolished and materials removed from the lot(s).**
- 2. The existing dwelling being retained is to comply with the requirements of the Residential Design Codes.**

CARRIED: 6/0

For	Against
Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Ingrid Waltham Cr Bill Massie Cr Andrew Sullivan	

Officer's advised that they will include an advisory note on the recommendation to advise the WAPC that the City would support the proposed rear Lot 2 being less than the minimum site area prescribed by the R Codes in order for the front Lot 1 to incorporate a larger and more usable side and/or rear outdoor living area. Specifically, the City would support incorporating the land where the current freestanding garage is located into the front lot.

PSC1304-57 SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY

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: 6/0

For	Against
Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Ingrid Waltham Cr Bill Massie Cr Andrew Sullivan	

REPORTS BY OFFICERS (COUNCIL DECISION)

Mayor, Brad Pettitt arrived at 7.30 pm prior to consideration of the following item.

PSC1304-59 NOTICE OF MOTION - MAYOR BRAD PETTITT - 'PARKLETS' POLICY

DataWorks Reference: 117/051
Disclosure of Interest: Nil
Meeting Date: 24 April 2013
Previous Item: Nil
Responsible Officer: Nil
Actioning Officer: Manager Planning Projects
Decision Making Authority: Council
Agenda Attachments: Nil

ELECTED MEMBER SUMMARY

The 'Parklet' originated from a model in San Francisco in which road or parking space is re-imagined as small parks or seating/alfresco areas, sometimes for outdoor dining, but also sometimes as a mini park or to park bikes. Under the San Francisco parklet program ('Pavements to Parks'), businesses are provided with a permit to install a parklet. This is normally on a temporary basis. An example of a parklet is illustrated below:



It is proposed that businesses in Fremantle CBD should be able to apply for approval to turn up to two parking bays directly in front of their business into a temporary or semi-permanent parklet, to be used for any of the following:

- Alfresco dining
- Bicycle parking
- Public green space and seating

Parklets should be designed as temporary or semi-permanent structures, and be permitted to remain in place for an initial temporary period of up to two years, with possible renewals. Applicants will be responsible for funding all aspects of a parklet's design, installation and maintenance.

Parklets should demonstrate:

1. An improvement in public space: parklets should be public places that are accessible to people at all times, improving the street experience by (for example) providing seating and plantings or bike parking, or improving street safety.
2. That they are in the right location: parklet locations should be in existing parking bays in appropriate and safe locations, not on major intersections or in busy streets.
3. That the parklet is temporary and can be removed without damaging the existing road, curb or other public infrastructure

It is proposed that officers should be requested to prepare a draft policy on the installation of parklets, based on the above principles, for further consideration by Council.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

NOTICE OF MOTION

1. That Council requests officers to prepare a draft policy on the location and installation of parklets for further consideration and adoption by Council. The policy should be based on the following principles:
 - Streets which function as primary public transport routes or other key linkages between major activity nodes (for example Market Street/South Terrace) are not suitable locations for parklets.
 - In all other streets in the CBD, parklets will be permitted subject to their location and design providing a demonstrable improvement in the quality of public space and maintaining or improving public safety in the street.
 - A parklet must be constructed in a manner that does not interfere with the functioning of infrastructure such as underground services and drainage, and makes it capable of easy removal at a later date without causing damage to existing public infrastructure including the kerb and road surface.

- All costs associated with the construction, maintenance and removal of a parklet must be borne by its proponent, and proponents must lodge a bond with the City to cover the cost of any removal/reinstatement works which the City may have to carry out due to default on the part of the proponent.
 - Applicants for parklets must hold appropriate current public indemnity insurance.
 - No fee will be charged by the City for installation of a parklet if it is to be available for unrestricted public use; however a normal outdoor eating area licence fee will apply if a parklet is to be used exclusively for alfresco dining by customers of the business responsible for the parklet.
 - No public consultation will be undertaken by the City on proposed parklet installations, except in cases where a parklet extends across any part of the frontage of an adjoining property, in which case the owner and occupier of the ground floor part of the property will be invited to comment prior to the City determining the application for approval of the parklet.
 - Approval processes will allow for an initial installation period of 2 years, with a clear indication that the City retains absolute discretion in determining whether to approve any subsequent renewal application.
2. That officers be requested to investigate the legal issues and approval requirements associated with shade structures that might be proposed as part of a parklet design, and include information addressing these issues in the draft policy referred in Part 1 of this motion.

OFFICER COMMENT

Parklets for alfresco dining or other street activities in widened sections of footpaths can provide additional interest, activation and surveillance on city centre streets. They might generally be regarded as acceptable where:

- The existing footpath is too narrow to accommodate vibrant street activities as well as pedestrian movements.
- The existing kerbside lane is used for general street parking as opposed to requirements for public transport, taxis and service vehicles, and designated parking for people with disabilities, which should take priority over parklets.
- Public street infrastructure and safety requirements are satisfied.

The significance and function of a street within the overall street hierarchy of Fremantle city centre should be a consideration in determining whether a temporary parklet is appropriate in any particular location. In 'primary' streets that function as key pedestrian spaces and as routes linking transport nodes and major activity nodes it might be considered that any widening of footpaths should be of a permanent construction in accordance with Council's relevant streetscape specifications in order to reinforce the significance and image of these streets.

Preparation of a policy in accordance with the principles proposed in this Notice of Motion will involve consideration of a range of other issues including relevant provisions of existing State or local laws; particular legal and approval requirements relating to shade structures that might be proposed as part of a parklet design; the amount of insurance and/or bond requirements; and details of relevant safety and access standards.

COMMITTEE RECOMMENDATION

MOVED: Cr A Sullivan

That Council requests officers to prepare a draft policy on the location and installation of parklets for further consideration and adoption by Council. The policy should be based on the following principles:

- **Streets which function as primary public transport routes or other key linkages between major activity nodes (for example Market Street/South Terrace) are not suitable locations for parklets.**
- **In all other streets, parklets will be permitted subject to their location and design providing a demonstrable improvement in the quality of public space and maintaining or improving public safety in the street.**
- **A parklet must be constructed in a manner that does not interfere with the functioning of infrastructure such as underground services and drainage, and makes it capable of easy removal at a later date without causing damage to existing public infrastructure including the kerb and road surface.**
- **All costs associated with the construction, maintenance and removal of a parklet must be borne by its proponent, and proponents must lodge a bond with the City to cover the cost of any removal/reinstatement works which the City may have to carry out due to default on the part of the proponent.**
- **Applicants for parklets must hold appropriate current public indemnity insurance.**
- **There will be no fee associated with applying for construction of a parklet.**
- **Any parklet must be available for public use regardless of whether or not they are customers of the business responsible for the parklet**
- **Normal outdoor eating area licences will apply where applicable**
- **Following public notification to adjoining businesses and residents that a parklet proposal is to be considered by council/committee, it will be determined based on criteria relating to the following matters;**
 - **Amenity**
 - **Contribution to Urban Design**
 - **Diversity of use within the precinct**
 - **Specific localised detrimental effect on parking**
- **Approval processes will allow for an initial installation period of 2 years, with a clear indication that the City retains absolute discretion in determining whether to approve any subsequent renewal application.**
- **Criteria for approval for parklets will include;**
 - **The existing footpath is too narrow to accommodate vibrant street activities as well as pedestrian movements.**
 - **The existing kerbside lane is used for general street parking as opposed to requirements for public transport, taxis and service vehicles, and designated parking for people with disabilities, which should take priority over parklets.**
 - **Public street infrastructure and safety requirements are satisfied.**

- A parklet will only be permitted on a street with a maximum speed limit of 40kph or lower
- Any loss of parking is not significantly detrimental to the parking requirement of the immediate area
- There will be a presumption against covered structures being erected as part of parklets

2. That officers be requested to investigate the legal issues and approval requirements associated with shade structures that might be proposed as part of a parklet design, and include information addressing these issues in the draft policy referred in Part 1 of this motion.

CARRIED: 6/1

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

CONFIDENTIAL MATTERS

Nil.

CLOSURE OF MEETING

THE PRESIDING MEMBER DECLARED THE MEETING CLOSED AT 8.31 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

How consultative processes work at the City of Fremantle	
	with any statute that applies or within the parameters of budgetary considerations. All consultations will clearly outline from the outset any constraints or limitations associated with the issue.
Decisions made for the overall good of Fremantle	8. The Local Government Act requires decision-makers to make decisions in the interests of “the good government of the district”. This means that decision-makers must exercise their judgment about the best interests of Fremantle as a whole as well as about the interests of the immediately affected neighbourhood. This responsibility from time to time puts decision-makers at odds with the expressed views of citizens from the local neighbourhood who may understandably take a narrower view of considerations at hand.
Diversity of view on most issues	9. The City is wary of claiming to speak for the ‘community’ and wary of those who claim to do so. The City recognises how difficult it is to understand what such a diverse community with such a variety of stakeholders thinks about an issue. The City recognises that, on most significant issues, diverse views exist that need to be respected and taken into account by the decision-makers.
City officers must be impartial	10. City officers are charged with the responsibility of being objective, non-political and unbiased. It is the responsibility of the management of the City to ensure that this is the case. It is also recognised that City officers can find themselves unfairly accused of bias or incompetence by protagonists on certain issues and in these cases it is the responsibility of the City’s management to defend those City officers.
City officers must follow 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

<p>Community engagement processes have cut-off dates that will be adhered to.</p>	<p>12. As City officers have the responsibility to provide objective, professional advice to decision-makers, they are entitled to an appropriate period of time and resource base to undertake the analysis required and to prepare reports. As a consequence, 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>
<p>Citizens need to check for any changes to decision making arrangements made</p>	<p>13. The City will take initial responsibility for making citizens aware of expected time-frames and decision making processes, including dates of Standing Committee and Council Meetings if relevant. However, as these details can change, it is the citizens responsibility to check for any changes by visiting 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>
<p>Citizens are entitled to know how their input has been assessed</p>	<p>14. In reporting to decision-makers, City officers will in all cases produce a community engagement outcomes report that summarises comment and recommends whether it should be taken on board, with reasons.</p>
<p>Reasons for decisions must be transparent</p>	<p>15. Decision-makers must provide the reasons for their decisions.</p>
<p>Decisions posted on the City's website</p>	<p>16. Decisions of the City need to be transparent and easily accessed. For reasons of cost, citizens making input on an issue will not be individually notified of the outcome, but can access the decision at 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, 17 April 2013, 6.00 pm

