MINUTES
Planning Committee

Wednesday, 2 March 2016, 6.00pm
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COWER MEWS, NO. 2 (LOT 1), WHITE GUM VALLEY - FOUR STOREY MULTIPLE DWELLING DEVELOPMENT (24 DWELLINGS) ? (AD DA0598/15)

REPORTS BY OFFICERS (COUNCIL DECISION)

SCHEME AMENDMENT 68 INITIATION REPORT - SCHEME AMENDMENT NO 68 (MODIFICATION TO DEVELOPMENT CONTROLS TO THE MIXED USE ZONE ON HAMPTON ROAD AND BROCKMAN PLACE, SOUTH FREMANTLE)

FINAL ADOPTION - SCHEME AMENDMENT NO. 66 (CHANGES TO THE RESIDENTIAL DENSITY AND MODIFICATION TO THE ASSOCIATED DEVELOPMENT CONTROLS TO PART OF THE LOCAL CENTRE ZONE AND MIXED USE ZONE ON HAMPTON ROAD, SOUTH FREMANTLE)

REPORTS BY OFFICERS (COMMITTEE DELEGATION)

THOMPSON ROAD, NO.9 (LOT 6), NORTH FREMANTLE - TWO STOREY SINGLE HOUSE WITH BASEMENT CARPARK? (BP DA0530/15)

SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY - OFFICE 2007

CONFIDENTIAL MATTERS

CLOSURE OF MEETING

Summary Guide to Citizen Participation and Consultation

MINUTES ATTACHMENTS
PLANNING COMMITTEE

Minutes of the Planning Committee
held in the Council Chambers, Fremantle City Council
on 2 March 2016 at 6.00 pm.

DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Deputy 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

Dr Brad Pettitt  Mayor
Cr Andrew Sullivan  South Ward
Cr Bryn Jones  North Ward
Cr Simon Naber  City Ward
Cr Ingrid Waltham  Deputy Presiding Member / East Ward
Cr Jeff McDonald  Hilton Ward
Cr Josh Wilson  Beaconsfield Ward / Deputy Mayor

Mr Paul Trotman  Director Strategic Planning & Projects
Ms Natalie Martin Goode  Manager Development Approvals
Mr Paul Garbett  Manager Strategic Planning
Ms Tahnee Bunting  Strategic Planning Officer
Mrs Kayla Beall  Minute Secretary

There were approximately 26 members of the public in attendance.

APOLOGIES

Nil

LEAVE OF ABSENCE

Cr Jon Strachan  Presiding Member
RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

PUBLIC QUESTION TIME

Wendy Alpers addressed the committee to enquire if Scheme Amendment 65 could be delayed to allow for the Municipal Heritage List review to take place.

Mr Paul Garbett, Manager Strategic Planning responded stating that the consultation process for the scheme amendment is about to come to an end and the timeline would be to report to council in April. It would then be a decision for the Council after seeing all the submissions that have been received, which have already covered a wide range of issues, it will be up to the council to decide on how the deal with those submissions and if it thinks that there are is grounds to deferred a final decision on the amendment or not.

The following member/s of the public spoke in favour of the Officer's Recommendation for item PC1603-1:

John Damant
Walter Wilson
Frances Spence

The following member/s of the public spoke against the Officer's Recommendation for item PC1603-2:

Marian Kelly

The following member/s of the public spoke in favour of the Officer's Recommendation for item PC1603-3:

Mariann Stewart-Richardson

The following member/s of the public spoke against the Officer's Recommendation for item PC1603-4:

Brian Africh

The following member/s of the public spoke against the Officer's Recommendation for item PC1603-5:

Elizabeth Megroz
Claudia Green
Nicholas Gurr
Owen Hall
The following member/s of the public spoke in favour of the Officer's Recommendation for item PC1603-6:

Jonathan Harris

The following member/s of the public spoke in favour of the Officer's Recommendation for item PC1603-10:

Kevin Broughton

DEPUTATIONS / PRESENTATIONS

Nil

DISCLOSURES OF INTEREST BY MEMBERS

Cr I Waltham declared a financial interest in item number PC1603 - 2.

LATE ITEMS NOTED

Nil

CONFIRMATION OF MINUTES

MOVED: Cr I Waltham

That the minutes of the Planning Committee dated 3 February 2016 as listed in the Council agenda dated 24 February 2016 be confirmed as a true and accurate record.

CARRIED: 7/0

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<td>Mayor, Brad Pettitt</td>
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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

PC1603 - 1 DEFERRED ITEM - DOURO ROAD, NO. 31 (LOT 27), SOUTH FREMANTLE - TWO STOREY GROUPED DWELLING - (CJ DA0538/15)

ECM Reference: 059/002
Disclosure of Interest: Nil
Meeting Date: 2 March 2016
Responsible Officer: Acting Manager Development Approvals
Actioning Officer: Acting Coordinator Statutory Planning
Decision Making Level: Planning Committee (PC)
Previous Item Number/s: PC1609 – 13 January 2016
Attachments: Attachment 1 – Revised Plans (17 February 2016)
Attachment 2 – Previous PC Report (13 January 2016)
Date Received: 16 November 2015
Owner Name: Frances Spence & Walter Wilson-Ramirez
Submitted by: Arcologic Design
Scheme: Residential R25
Heritage Listing: Not listed
Existing Landuse: Single House
Use Class: Grouped dwelling
Use Permissibility: D
EXECUTIVE SUMMARY

The City is in receipt of an application for a two storey Grouped Dwelling at No. 31 Douro Road, South Fremantle. The application was previously presented to the Planning Committee (PC) on 13 January 2016, with a recommendation for on balance approval. The application was deferred for the applicant to make further changes to the upper floor setback and the level of overshadowing proposed.

The applicant has provided revised plans which increase the upper floor southern boundary setback to 1.8m, which still does not meet the Deemed to Comply requirement and has also reduced the level of shadow cast on the southern adjoining property, as well as making other minor amendments to reduce the overall footprint of the building.

The application has been assessed against all relevant statutory planning instruments, and is recommended for on balance approval.

BACKGROUND

The application for a two storey Grouped Dwelling, was presented to the Planning Committee (PC) on 13 January 2016 with the following on balance recommendation:

That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the two storey Grouped Dwelling at No. 31 (Lot 27) Douro Road, South Fremantle, subject to the following condition(s):

1. This approval relates only to the development as indicated on the approved plans, dated 17 December 2015. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.

2. All storm water discharge shall be contained and disposed of on site or otherwise approved by the Chief Executive Officer – City of Fremantle.

3. Prior to occupation, the boundary wall located on the southern boundary shall be of a clean finish in either;

   • coloured sand render;
   • face brick;
   • painted surface; or,
   • other approved finish

and be thereafter maintained to the satisfaction of the Chief Executive Officer - City of Fremantle.
4. Prior to occupation of the development approved as part of DA0538/15, on plans dated 17 December 2015 the balconies located on the north elevation shall be screened in accordance with Clause 5.4.1 C1.1 of the Residential Design Codes by either:

a. fixed obscured or translucent glass to a height of 1.60 metres above floor level, or

b. fixed with vertical screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the floor level, or

c. a minimum sill height of 1.60 metres as determined from the internal floor level, or

d. an alternative method of screening approved by the Chief Executive Officer, City of Fremantle.

The required screening shall be provided and maintained to the satisfaction of the Chief Executive Officer, City of Fremantle.

Advice note:

i. The applicant is advised, that while screening is shown in the correct position on the plans, as limited detail has been provided in terms of its compliance, a condition of approval has been recommended to ensure the screening installed meets R-Code requirements.

The following alternate recommendation was also provided –

That the application be REFUSED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the two storey Grouped Dwelling at No. 31 (Lot 27) Douro Road, South Fremantle, as detailed on plans dated 17 December 2015, for the following reasons:

1. The proposal is inconsistent with the requirements of the Residential Design Codes in respect to the upper floor southern lot boundary setback and solar access for adjoining sites.

Following consideration at the PC meeting, the application was deferred for the following reasons –

‘… to defer the item to the next appropriate Planning Committee meeting in order for the applicant to submit amended plans to increase the upper floor southern setback and decrease overshadowing’.

For more detailed background on the site and its planning history, please see the previous item (attachment 2).
DETAIL

On 16 November 2015, the City received an application for a two storey Grouped Dwelling. The applicant submitted a revised set of plans on 17 December 2015 to reduce the level of overshadowing and lot boundary setback design principle assessment required.

At a PC meeting in January, the application was deferred for the applicant to revise their plans. On 29 January 2016, the applicant lodged a set of revised plans that have amended the following–

- Boundary wall (southern boundary);
  - Increase in length from 3.6m to 5.46m;
  - Increase in height from 3.2m to 3.35m.
- Setbacks;
  - Increase in western lot boundary setback from 1.4m to 2m (ground and upper floors);
- FFL reduced from 6.4 to 6.2, resulting in reduction of overall building height by 200mm;
- Reduction in overall building footprint from 98.5sqm to 89.12sqm;
- Minor internal layout changes;
- Addition of rainwater tank;
- Creation of external storeroom (storage previously incorporated into laundry);
- Removal of balcony from Bedroom 2;
- Bedroom 1 balcony reduced in size;
- Alterations to openings;
  - Removal of window to WIR of bedroom 1, south elevation
  - Addition of highlight bedroom window to west elevation
  - Removal of low ensuite window (east)
  - Addition of highlight window to ensuite (east)
  - Removal of door to studio on south elevation
- Overshadowing reduced from 11.5% to 10.46%.

As well as noting the changes proposed, the applicant has also provided the following justification to accompany the changes –

- While still over the Deemed to Comply 8.29% calculated by Planning, the overall overshadowing of the effected Lot is still only approximately 15.6% in total. We do not believe our shadow impact is much different to the existing shadow cast by vegetation on our site, and will not negatively impact future development of Lot 26.
- As a further concession to neighbours the western balcony has been deleted.
- With the increased southern setback we are able to keep an existing mature Olive Tree which will further reduce the perceived visual impact of our proposal on Lot 26.
A further set of revised plans was lodged on 17 February 2016 that have amended the 29 January 2016 plans as follows:

- Upper and ground floor southern setback – changed from 2m to 1.8m (boundary wall remains as above);
- Overshadowing increased from 10.46% to 10.66% (additional 2.25sqm);
- Increase in size of balcony to bedroom 2.

Revised development plans are included as Attachment 2.

STATUTORY AND POLICY ASSESSMENT

The proposal has been assessed against the relevant provisions of LPS4, the R-Codes and planning policies.

Where a proposal does not meet the deemed to comply requirements of the R-Codes, an assessment is made against the relevant design principle of the R-Codes. Not meeting the deemed to comply requirements cannot be used as a reason for refusal. In this particular application the areas outlined below do not meet the deemed to comply or policy provisions and need to be assessed under the design principles:

- Lot boundary setbacks (southern boundary wall)
- Lot boundary setbacks (upper floor south);
- Visual privacy; and
- Solar access for adjoining sites.

The above matters will be discussed further in the ‘Planning Comment’ section of the report below.

CONSULTATION

Community

The application was previously advertised to affected neighbouring landowners (see previous item) and was not required to be readvertised due to a reduction in design principle assessments. However, the 29 January 2016 revised plans were provided to submitters, with one submission received reiterating their concerns in relation to shadow and the proposed wall on the boundary.

The plans subject of this report (17 February 2016), were provided to submitters for their information at the time of receipt.
PLANNING COMMENT

As requested by Planning Committee in their deferral motion, the applicant has provided amended plans to address concerns relating to lot boundary setbacks and overshadowing. A summary of these proposed changes are as follows –

<table>
<thead>
<tr>
<th>Previous design principle assessments</th>
<th>Amendments</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boundary walls (south)</td>
<td>Increase in height and length</td>
<td>Design principle assessment still required</td>
</tr>
<tr>
<td>Lot boundary setback (south – upper floor)</td>
<td>Increase to 1.8m on ground and upper floor</td>
<td>Design principle assessment still required</td>
</tr>
<tr>
<td>Visual privacy</td>
<td>Slight alterations, provided with screening that restricts view and increases setback</td>
<td>Meets deemed to comply, with condition for screening detail</td>
</tr>
<tr>
<td>Solar access for adjoining sites</td>
<td>Reduction in shadow by less than 1% (7.74sqm)</td>
<td>Design principle assessment still required</td>
</tr>
</tbody>
</table>

The above design elements are discussed further below.

Lot boundary setback (Boundary wall south)

<table>
<thead>
<tr>
<th>Deemed to Comply</th>
<th>Provided</th>
<th>Design Principle Assessment</th>
<th>Principle Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Previous - 1m</td>
<td>Nil</td>
<td>1m</td>
<td></td>
</tr>
<tr>
<td>Revised - 1m</td>
<td>Nil</td>
<td>1m</td>
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The proposed increase in height and length of the laundry boundary wall does not result in a change to the Deemed to Comply lot boundary setback. The additional size of the boundary wall is supported against the design principles as follows:

- The boundary wall does not contribute to additional shadow, given the two storey element behind it;
- The single storey boundary wall only occupies 9% (6% previously) of the 56m long northern boundary of the adjoining site;
- Given the laundry is a non-habitable room, the impact of privacy on the neighbouring landowner is considered to be minimal;
- The single storey boundary wall is not considered to create a significant loss of amenity for the adjoining landowner;
- Given the boundary wall is to the rear of the site, and will not be visible from the street, the impact on the streetscape is nil.

Lot boundary setback (upper floor south)

<table>
<thead>
<tr>
<th>Deemed to comply</th>
<th>Provided</th>
<th>Design Principle Assessment</th>
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<tbody>
<tr>
<td>Previous – 2m</td>
<td>1.4m</td>
<td>600mm</td>
</tr>
<tr>
<td>Revised – 2m</td>
<td>1.8m</td>
<td>200mm</td>
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The revised upper floor setback is supported for the following reasons:

- The southern sites (No. 53 Daly Street) primary outdoor living area is at the rear of the existing house, and does not about the development site. Major openings will not be impacted given the house does not abut the development site, allowing for the amount of sunlight and ventilation to these openings is not impacted by the reduced setback;
- Visual privacy is not impacted by the reduced setback.

Notwithstanding the above reasons, building bulk is increased by the reduced setback and while the rear of the adjoining lot is currently occupied by a vegetable garden it has the potential to be subdivided and developed in the future.

For the reasons listed above, the lot boundary setback is considered supportable on balance.

**Visual privacy**

The previous proposal included a balcony for both bedrooms that were shown to be screened on the plans, with a condition was included in the previous recommendation to ensure screening met the requirements of the R-Codes. The revised plans delete the balcony from bedroom 2, and provide screening on the altered balcony for bedroom 2. A condition of approval is recommended to ensure the screening is visually permeable as per the R-Codes to protect the privacy of the eastern neighbour.

**Solar access for adjoining sites**

<table>
<thead>
<tr>
<th>Deemed to Comply</th>
<th>Provided</th>
<th>Design Principle Assessment</th>
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<tbody>
<tr>
<td>Previous - R25 – 25% reduced proportionate to percentage of the affected properties northern boundary =8.29% (83.89sqm)</td>
<td>11.5% (116sqm)</td>
<td>3.21% (32sqm)</td>
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<tr>
<td>Revised - R25 – 25% reduced proportionate to percentage of the affected properties northern boundary =8.29% (83.89sqm)</td>
<td>10.66% (108.15sqm)</td>
<td>2.37% (24.26sqm)</td>
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It is acknowledged that through a number of changes including increasing the setback and reducing the height of the building, that the level of shadow has dropped by 10sqm.

The previous reasons for on balance approval and refusal still stand as per the previous item as follows –
It is considered that the level of solar access provided to the southern site can be supported for the following reasons on balance:

- The portion of the site overshadowed is currently occupied by a vegetable garden, and will not impact on an outdoor living area or major openings;
- The shadow will not be thrown on any roof mounted solar collectors;
- The other site to the north of the affected property is occupied by a Single House, setback over 5m from the boundary, significantly reducing the amount of shadow currently thrown on the existing Single House.

Notwithstanding the above, PC could form the view that the level of shadow thrown is not acceptable given that it will impact on the rear yard of No. 53 Daly Street and vegetable garden (which could be considered active open space) of the adjoining site.

It is acknowledged, that No. 53 Daly Street has the potential to be subdivided and developed in the future. It is anticipated that the northern portion of the site would be allocated for outdoor living areas, however at the time of writing this report, the City has not received plans or applications for the development of this portion of the site. It should be noted however, that the Design Principles of the R-Codes, do not refer to future developments on site, rather specifically refers to “existing” outdoor living areas, habitable rooms and solar collectors, none of which currently exist on this portion of the site.

STRATEGIC IMPLICATIONS

The proposal is consistent with the City’s following strategic documents:

Diverse and Affordable Housing Policy:
- Provision of housing which is diverse and affordable to meet the current and future needs of the City’s residents to increase the amount of affordable and diverse housing options.

Strategic Plan 2010 – 15:
- More affordable and diverse (mixed use) housing option for a changing and growing population.
- Provide for population and economic growth by planning and promoting development and renewal in designated precincts within the City.

CONCLUSION AND ALTERNATIVE OFFICERS RECOMMENDATION

City officers acknowledge the number of positive changes made to the plans over the course of the application. While the applicant has reduced the level of Design Principle assessment required, the recommendation for approval is still on balance.

The following alternate recommendation is provided for PC’s consideration:

That the application be REFUSED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the two storey Grouped Dwelling at No. 31 (Lot 27) Douro Road, South Fremantle for the following reasons:
1. The proposal is inconsistent with the requirement of the Residential Design Codes in respect to solar access for adjoining sites and the southern upper floor lot boundary setback.

OFFICER'S RECOMMENDATION/COMMITTEE DECISION

MOVED: Cr I Waltham

That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the two storey Grouped Dwelling at No. 31 (Lot 27) Douro Road, South Fremantle, subject to the following condition(s):

1. This approval relates only to the development as indicated on the approved plans, dated 17 February 2016. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.

2. All storm water discharge shall be contained and disposed of on site or otherwise approved by the Chief Executive Officer – City of Fremantle.

3. Prior to occupation, the boundary wall located on the southern boundary shall be of a clean finish in either;

   - coloured sand render;
   - face brick;
   - painted surface; or,
   - other approved finish

   and be thereafter maintained to the satisfaction of the Chief Executive Officer - City of Fremantle.

4. Prior to occupation of the development approved as part of DA0538/15, on plans dated 17 February 2016, the balcony for bedroom 1 on the first floor, located on the north elevation shall be screened in accordance with Clause 5.4.1 C1.1 of the Residential Design Codes by either:

   a) fixed obscured or translucent glass to a height of 1.60 metres above floor level, or
   b) fixed with vertical screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the floor level, or
   c) An alternative method of screening approved by the Chief Executive Officer, City of Fremantle.

   The required screening shall be provided and maintained to the satisfaction of the Chief Executive Officer, City of Fremantle.
CARRIED: 7/0

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<td>Cr Ingrid Waltham</td>
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<td>Cr Jeff McDonald</td>
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At 6.29 pm Cr I Waltham declared a financial interest in item number PC1603-2 and was absent during discussion and voting of this item.

Mr Paul Trotman, Director Strategic Planning and Projects called for nominations for a Temporary Chair.

A nomination was received for Mayor, Brad Pettitt. As only one nominations was received Mr Paul Trotman announced that Mayor, Brad Pettitt was elected as temporary chair.

Mayor, Brad Pettitt assumed the chair at 6.30pm

PC1603 - 2 DEFERRED ITEM ELLEN STREET, NO. 39 (LOT 31), FREMANTLE TWO STOREY SINGLE HOUSE (AD DA0436/15)

DataWorks Reference: 059/002
Disclosure of Interest: Nil
Meeting Date: 2 March 2013 (Deferred Item)

13 January 2016 (Previous Planning Committee meeting)

Responsible Officer: Acting Manager Development Approvals
Actioning Officer: Senior Planning Officer
Decision Making Level: Planning Committee
Previous Item Number/s: PC1608 (13 January 2016)

Attachments:
1 – Development Plans (as amended)
2 – Internal Heritage comment (as amended)
3 – State Heritage Office comments (as amended)
4 – Planning Committee report for PC1608

Date Received: 9 September 2015;
1 December 2015 (amended plans); 8 February 2016 (amended plans)

Owner Name: LJ Green & J Davies
Submitted by: Atrium Homes (WA) Pty Ltd
Scheme: Residential (R35)
Heritage Listing: Not heritage listed
Existing Landuse: Vacant
Use Class: Single House
Use Permissibility: ‘P’
EXECUTIVE SUMMARY

The application is presented before the Planning Committee (PC) as the applicant has provided amended plans in order to address Council’s reason for deferral of the application at the previous PC held 13 January 2016. PC resolved to:

“... defer the item to the next appropriate Planning Committee meeting in order for the applicant to submit amended plans that indicate a more sympathetic facade design having regard to the heritage streetscape.”

Since this PC meeting, the applicant met with Council and City Officers to discuss the specific reasons of deferral. Resulting from this meeting amended plans have been submitted which are considered to address some of the reason for the deferral as detailed above.

Accordingly, the application is recommended for conditional approval.

BACKGROUND

At its meeting held 13 January 2016, the PSC resolved to:

“... defer the item to the next appropriate Planning Committee meeting in order for the applicant to submit amended plans that indicate a more sympathetic facade design having regard to the heritage streetscape.”

Further background information is included in the report previously considered by PC on 13 January 2016 which is included in Attachment 4.

On 8 February 2016, the City received amended plans from the applicant (refer Attachment 1).
DETAIL

On 8 February 2016, the City received amended plans from the applicant (refer Attachment 1). The amended proposal is effectively a 'flip' of the layout and design as it is viewed from the street. This amended proposal results in the two storey boundary wall and the double garage, previously located on the western boundary, shifted to the eastern boundary which is a non-residential property (Christian Brothers College).

Refer to the previous PC report from the meeting held 13 January 2016 (PC1608) for further detail, which is contained as ‘Attachment 4’ of this report.

STATUTORY AND POLICY ASSESSMENT

Refer to the previous PC report from the meeting held 13 January 2016 (PC1608) for further detail, which is contained as ‘Attachment 4’ of this report. Policy discretions and assessment against the R Codes design principles sought by this application are discussed in the ‘Planning Comment’ section of this report.

CONSULTATION

Community

The amended plans were not required to be readvertised in accordance with Clause 9.4 of the LPS4. The City has informally offered the adjoining western neighbour, whom previously had concerns with the proposal, an opportunity to view the amended plans and provide comment during 9-15 February 2016.

The following comments relevant to planning were the same as provided for on the original submission, summarised as follows:

- The adjoining place at No. 37 Ellen Street is heritage listed (Level 1B) and the proposal prevents access to the boundary wall. This will impede maintenance of this important wall;
- The proposal will impact on air-vents to the side wall of No. 37 Ellen Street. These vents allow for airflow to the wall;
- Construction of the boundary wall will impede adequate access to ventilation to the adjoining site;

Heritage department (internal)

Despite the City previously supporting the previously considered proposal (PC1608), given that the reasons for PC’s deferral at its meeting of 13 January 2016 largely related to heritage, the amended proposal was reviewed by the City’s heritage department, whom provided the following comments:

“The viewpoints chosen for the series of photographs used in The Diagrammatic Ellen Street Elevation make it impossible to accurately judge the future correlation relationship between the new house and its neighbour. A montage that shows both buildings straight on, i.e. undistorted views of each would be most useful.”
The comments regarding siting, scale and form are interdependent and should not be considered in isolation. The fact that the current proposal only includes the outcome from one aspect of the discussion makes any judgment on its overall success difficult and limited.

The limitations of the design response made it very difficult to discuss possible further steps in design development. Discussions of design development options are always likely to be more fruitful if they based on drawings and not on words alone.

The gap between the front of the proposed new building and its neighbour undermines the idea of developing a cohesive whole. It is acknowledged that this may have been in response to concerns raised by the owner of the neighbouring property. However it is likely that alternative design solutions could achieve both aims.

The overall impression is that with greater commitment it would have been possible to achieve a façade design that is more in sympathy with the established character of the streetscape than the current proposal.”

The updated heritage comments in full, which included suggestions for the applicant to consider, are contained as Attachment 2 of this report.

State Heritage Office

The amended proposal was referred to the State Heritage Office (SHO) as the subject site adjoins places include on the State register of heritage places. On 12 February 2016, the SHO provided the following comments;

“Findings
- The proposal is a revision of a supported proposal from 2015. The revision mirrors the former plan.
- The proposal is for a two storey residence, to be constructed at 39 Ellen Street, Fremantle, adjacent to Christian Brothers College.
- The house will be face and rendered brick and tile, in a contemporary style.
- The house is adjacent to a modern portion of the school buildings, which separate it from the older, heritage listed portion.
- The house will not have a negative impact on the cultural significance of Christian Brothers College.

Advice
The proposed development does not significantly impact on the identified cultural significance of Christian Brothers College.”

This advice is given from a heritage perspective to assist the City of Fremantle in its determination of this proposed development. There has been no assessment on the merits or otherwise of the development, which is required to be determined by the decision-making authority.”

The updated SHO comments are contained as Attachment 3 of this report.

Infrastructure Projects and Delivery
Given the amended proposal ‘flips’ the location of the double garage from the western boundary to the eastern boundary, which would require a different crossover location, the proposal was referred to the City’s Infrastructure Projects and Delivery department for comment, whom provided the following comments:

“Loss of eastern most bay. All other comments [from initial referral, discussed in PC1608] still relevant.”

**PLANNING COMMENT**

5.1.3 Lot boundary setbacks (boundary wall)

The amended proposal, specifically in relation to the western boundary wall is now considered to satisfy the clause (ii) of with the replacement ‘deemed-to-comply’ provisions afforded by Council’s Local Planning Policy 2.4 – Boundary Walls in Residential Development Policy (LPP2.4).

It is noted that as the property to the west (Christian Brothers College), is not used for residential purposes, it is ‘deemed-to-comply’ in accordance with the replacement ‘deemed-to-comply’ clause (iii) of LPP2.4.

5.1.2 Lot boundary setbacks

<table>
<thead>
<tr>
<th>Deemed-to-comply</th>
<th>Provided</th>
<th>Design Principle assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Western boundary, ground floor - 1.50m</td>
<td>0.93m</td>
<td>0.57m</td>
</tr>
<tr>
<td>2 Western boundary, upper floor – 4.90m</td>
<td>0.96m</td>
<td>3.94m</td>
</tr>
<tr>
<td>3 Western boundary, upper floor - 1.20m</td>
<td>0.65m</td>
<td>0.55m</td>
</tr>
</tbody>
</table>

In relation to (1) above, the proposal is considered to meet the design principles of the R-Codes in the following ways:

- The majority of this wall faces onto either a double or single storey boundary wall of the property to the west, of which does not contain any major openings. In this regard, building bulk is not a significant issue.
- The proposal is compliant in terms of overshadowing;
- Being a ground floor element, the proposal is not subject to visual privacy requirements.

In relation to (2) and (3) above, the proposal is considered to meet the design principles of the R-Codes in the following ways:

- The majority of this wall faces onto either a double or single storey boundary wall of the property to the west, of which does not contain any major openings. In this regard, building bulk is not a significant issue.
- The proposal is compliant in terms of overshadowing;
- As is detailed later in this report, the proposal has been supported against the ‘design principles’ in relation to visual privacy.
5.2.2 Garage width

<table>
<thead>
<tr>
<th>Deemed-to-comply</th>
<th>Provided</th>
<th>Design Principle assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Where a garage is located in front of a dwelling, the door and supporting structures facing the primary street is not to occupy more than 60% (6.4m) of the frontage at the setback line as view from the street.</td>
<td>61% (6.5m)</td>
<td>1% (0.1m)</td>
</tr>
</tbody>
</table>

The proposal is considered to meet the design principles of the R-Codes in the following ways:
- The visual connectivity between the street and the dwelling is maintained. Views from major openings and the entry to the dwelling to the street are provided;
- The width of the garage structure is only marginally above the deemed-to-comply requirement to that it is considered indistinguishable to a proposal that otherwise meets the criteria.
- The additional 0.1m garage door width is virtually indistinguishable from a garage door that meets the deemed to comply requirements of the R Codes as viewed from the street,
- It is further considered that the amended proposal, which pushes the double garage to the eastern side of site (further away from residential dwellings) assists in ensuring that its impact upon the streetscape is mitigated.

5.4.1 Visual privacy

<table>
<thead>
<tr>
<th>Deemed-to-comply</th>
<th>Proposed</th>
<th>Design principle assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 4.5m setback to western boundary from upper floor study (southern elevation) within 45 degree cone of vision</td>
<td>~2.0m</td>
<td>2.5m</td>
</tr>
<tr>
<td>2 6.0m setback to western boundary from upper floor (family – northern-most opening to that room)</td>
<td>0.96m</td>
<td>5.04m</td>
</tr>
<tr>
<td>3 6.0m setback to western boundary from upper floor (family – southern-most opening to that room)</td>
<td>0.96m</td>
<td>5.04m</td>
</tr>
</tbody>
</table>

In relation to (1) above, the proposal is considered to satisfy the design principles for the following reasons:
- Overlooking is likely to affect the rear-most portion of the western adjoining property, being No. 37 Ellen Street, with overlooking occurring over an outbuilding roof, and rear vegetated area which does not appear to be the outdoor living area of that property (refer figure below).
- It is noted that no major openings nor sensitive exclusive outdoor living areas to the western adjoining property will be overlooked.
In relation to (2) and (3) above, the proposal is considered to satisfy the design principles for the following reasons:

- Overlooking is likely going to be limited to the two storey boundary wall on the western adjoining property, being No. 37 Ellen Street.

Easement

The subject site is burdened by an easement which specifies that eaves and gutters overhang the subject site by 0.39m. Based on the 0.3m setback and lower wall height proposed, the proposed development does not affect the gutters and eaves.

Public submission

The table below outlines the changes made by the applicant in relation to the proposed western boundary wall.

<table>
<thead>
<tr>
<th>Original proposal</th>
<th>Amended proposal</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Length – 13.36m</td>
<td>Length – 4.3m</td>
<td>-9.06m</td>
</tr>
<tr>
<td>Height – 6.4m</td>
<td>Height – 3.4m</td>
<td>-3.00m</td>
</tr>
<tr>
<td>Area – 85.504m2</td>
<td>Area – 14.62m2</td>
<td>-70.9m2</td>
</tr>
</tbody>
</table>

As detailed earlier in this report, the proposed changes to the western boundary wall is now considered to satisfy the clause (ii) of with the replacement ‘deemed-to-comply’ provisions afforded by Council’s Local Planning Policy 2.4 – Boundary Walls in Residential Development Policy (LPP2.4).
Notwithstanding this, it is clear that the applicant has given due consideration to the concerns of the property to the west, particularly in relation to concerns raised about their existing boundary wall. As is demonstrated in the table above, by flipping the layout of their dwelling the applicant has reduced the amount of ‘boundary wall to boundary wall’ by 70.9m². This is considered to represent a significant concession from the applicant in understanding the issues the original proposal may have had on the western adjoining properties boundary wall. It represents a marked improvement for the existing boundary walls’ ability to breathe as it increases the amount of that wall that shall remain open to ventilation as well as sunlight.

Heritage

Council is advised that as previously mentioned in PC1608, the City’s heritage department was supportive of the proposal after changes were made by the applicant subsequent to a meeting with the City’s officers in November 2015. The following excerpt is from PC1608, (underlined for emphasis):

“The applicant subsequently submitted amended plans on 1 December 2015 after meeting with the City’s heritage planners in light of the concerns raised. The amended plans have been reviewed by the City’s heritage planners whom provided the following comments:

“...I have viewed the amended plans that have noted that there is an improvement on the design of the front façade. There is a preference for the front to be symmetrical rather than angled, however overall the proposed residence showing a front balcony extending across the front is more appropriate to the streetscape and the proposal can be supported on heritage grounds.”

The amended proposal is therefore now supported on heritage grounds.”

Upon recent of the most recent set of amended plans the City’s Heritage Department again review the proposal and whilst the proposed amendments (flipping the design) was considered to be an improvement, it was still considered marginal. In summary the Heritage department stated that, ‘The overall impression is that with greater commitment it would have been possible to achieve a façade design that is more in sympathy with the established character of the streetscape than the current proposal.’

A copy of the City Heritage Department’s revised comments can be viewed in Attachment 2 of this report.

The table below outlines in broad terms the items for change suggested by the City’s heritage department during a meeting with the applicant, owner, and Council and City officers on 2 February 2016. It is noted that these were several key suggestions on how to improve the design in terms of its impact on the heritage streetscape only, and the applicant was under no obligation to make any or all of the suggested changes.
<table>
<thead>
<tr>
<th>Element</th>
<th>Suggested change(s)</th>
<th>Amended proposal</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Siting</td>
<td>• Flip location of garage</td>
<td>• Garage moved from western to eastern boundary</td>
<td>• Addressed</td>
</tr>
<tr>
<td></td>
<td>• Entry moved forward to align with western adjoining properties’ entry</td>
<td>• No change</td>
<td>• Not addressed</td>
</tr>
<tr>
<td>Scale and form</td>
<td>• Match floor and eaves levels to western adjoining property</td>
<td>• No change</td>
<td>• Not addressed</td>
</tr>
<tr>
<td>Materials</td>
<td>• Take cues for materials from western adjoining property</td>
<td>• Not fully resolved</td>
<td>• Not addressed</td>
</tr>
</tbody>
</table>

The City’s planners, whilst acknowledging that any number of things could be addressed in the design so as to improve how the development relates to, and within the heritage streetscape, considers that:

- The proposal was previously supported by the City’s heritage and planning departments;
- ‘Flipping’ of the design to remove the two storey boundary wall and the double garage from the western boundary to the east, is even more of an improvement on the originally supported design.

As such, it is still recommended that the proposal be supported as the amended proposal represents an improvement of what was previously considered by Council in PC1608.

Alternate Recommendation

In the event that Council is still not satisfied with the proposal on heritage grounds, even given that the proposal was recommended for conditional planning approval by the City when it was first considered, then it would be recommended that the following condition be added in addition to what is already recommended by the City:

> “Prior to issue of a building permit, the applicant is to submit amended plans which address a number of heritage matters pertaining to streetscape, including:
  i. Siting;
  ii. Scale and form;
  iii. Materials,

With the above changes to be based on advice from the City’s heritage department dated 15 February 2016, to the satisfaction of the Chief Executive Officer, City of Fremantle, upon advice from the City’s Heritage department.”

The above is not recommended by the City’s planners.

STRATEGIC IMPLICATIONS

The proposal is consistent with the City’s following strategic documents:

1. Economic Development Strategy 2011-15: the proposal potentially increases the number of residents in the area;
OFFICER'S RECOMMENDATION
That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Two storey Single House at No. 39 (Lot 31) Ellen Street, Fremantle, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans dated 8 February 2016. It does not relate to any other development on this lot and must substantially commence within 4 years from the date of the decision letter. If the subject development is not substantially commenced within a 4 year period, the approval shall lapse and be of no further effect.

2. The new/modified vehicle crossover shall be separated from any verge infrastructure by:
   (a) a minimum of 2.0 metres in the case of verge trees
   (b) a minimum of 1.2 metres (in the case of bus shelters, traffic management devices, parking embayment’s or street furniture), and
   (c) a minimum of 1.0 metre in the case of power poles, road name and directional signs.

3. Prior to occupation, the boundary wall located on the western and eastern boundaries shall be of a clean finish in either:
   - coloured sand render;
   - face brick;
   - painted surface; or,
   - other approved finish

   and be thereafter maintained to the satisfaction of the Chief Executive Officer - City of Fremantle.

4. All storm water discharge shall be contained and disposed of on site or otherwise approved by the Chief Executive Officer – City of Fremantle.

COMMITTEE DECISION

Mayor, Brad Pettitt Moved to defer the item to the next appropriate Planning Committee meeting to allow for the applicant to submit amended plans that address the matters raised in the attachment 2 of the agenda (amended heritage comment).

CARRIED: 6/0

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<td>Cr Jeff McDonald</td>
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Cr I Waltham returned to the meeting at 7.01 pm and resumed the chair.

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

PC1603 - 3 MCLAREN STREET, NO.19 (LOT 27), SOUTH FREMANTLE STATE ADMINISTRATIVE TRIBUNAL (SAT) S31 RECONSIDERATION - VARIATIONS TO PREVIOUS PLANNING APPROVAL DA0105/15 (TWO STOREY REAR ANCILLARY DWELLING ADDITION TO EXISTING SINGLE HOUSE) (BP VA0020/15)

ECM Reference: 059/002
Disclosure of Interest: Nil
Meeting Date: 2 March 2016
Responsible Officer: Acting Manager Development Approvals
Actioning Officer: Planning Officer
Decision Making Level: Planning Services Committee
Previous Item Number/s: PSC1509-4
   PSC1510-1
Attachments: Attachment 1: Revised Development Plans
   Attachment 2: Previous Planning Committee Report
   Attachment 3: Site Visit Photos
Date Received: 22 June 2015
Owner Name: M.A. & K. Stewart-Richardson
Submitted by: As above
Scheme: Residential Zone R30
Heritage Listing: Adopted – Level 3
Existing Landuse: Single House
Use Class: Residential
Use Permissibility: ‘P’
EXECUTIVE SUMMARY

The application is presented before the Planning Committee (PC) in the form of a reconsideration in accordance with section 31 (s.31) of the State Administrative Tribunal (SAT) Act 2004, as ordered by SAT.

At its meeting held on 14 October 2015, the Ordinary Council considered an application for variations to planning approval DA0105/15 (two storey rear Ancillary dwelling addition to the existing Single House):

That the application be REFUSED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Variations to Planning Approval for DA0105/15 (two storey rear Ancillary Dwelling addition to existing Single House) granted 21 April 2015 at No. 19 (Lot 27), McLaren Street, South Fremantle, for the following reasons:

1. The proposal would be detrimental to the residential amenity of the area under clause 10.2 of Local Planning Scheme No. 4 by virtue of the proposed building height and bulk, which would have an adverse impact on the southern adjoining properties in particular.

2. The proposal is inconsistent with the requirements of the Residential Design Codes in respect to building height, lot boundary setbacks and ancillary dwelling size (plot ratio area).

On 9 November 2015, the applicant made an application to the SAT for review of Council’s decision.

At the directions hearing at the SAT on 25 November 2015, it was ordered that an onsite mediation session would be held to allow parties to discuss their concerns with the proposal. The onsite mediation was held on 15 January 2016, where the applicant presented revised plans. The amended plans presented addressed the previous areas of concern to the effect that the application was no longer seeking discretion from the Residential Design Codes (R-Codes) or the City’s Local Planning Scheme No. 4 (LPS4).

Given that the application complies with deemed to comply provisions of the R-Codes, the proposal is recommended for conditional planning approval.

BACKGROUND

At its meeting held on 14 October 2015, the Ordinary Council refused to grant planning approval for proposed variations to planning approval DA105/15 (two storey rear ancillary dwelling addition to the existing Single House):
Council’s reasons for refusing the application at this item are as follows: by Council for the following reasons:

1. **The proposal would be detrimental to the residential amenity of the area under clause 10.2 of Local Planning Scheme No. 4 by virtue of the proposed building height and bulk, which would have an adverse impact on the southern adjoining properties in particular.**

2. **The proposal is inconsistent with the requirements of the Residential Design Codes in respect to building height, lot boundary setbacks and ancillary dwelling size (plot ratio area).**

On 9 November 2015, the applicant made an application to the SAT for review of Council’s decision.

At the directions hearing at the SAT on 25 November 2015, it was ordered that an onsite mediation session would be held to allow parties to discuss their concerns with the proposal. The onsite mediation was held on 15 January 2016, where the applicant presented revised plans. The amended plans presented addressed the previous areas of concern to the effect that the application was no longer seeking discretion from the Residential Design Codes (R-Codes) and the City’s Local Planning Scheme No. 4 (LPS4).

In particular, the previous Design Principle assessments of the R-Codes have been addressed with the submission of the amended plans. The amended proposal is now compliant with all the Deemed to comply provisions of the R-Codes, and in particular previous design principle assessments pertaining to:

- Plot ratio area reduced from 87.6m² – 69.4m²;
- Southern lot boundary setback increased from a minimum of 850mm to 2100mm; and
- Eastern lot boundary setback increased from 1100mm to 1250mm.

**DETAIL**

The application seeks planning approval for a variation to previous approval DA0105/15 and includes:

- One bedroom and bathroom;
- Kitchen, dining and living areas;
- Library/guest space;
- Office;
- Laundry;
- Sun deck;
- Outbuilding.

The variation to the previous planning approval is generally the same aside from shifting some of the internal floor space from the north-west to the south-east, which also includes the reorientation of the sun deck.

Refer to Attachment 1 for revised development plans.
STATUTORY AND POLICY ASSESSMENT

The proposal has been assessed against and complies with relevant provisions of LPS4, the R-Codes and Council’s local planning policies.

CONSULTATION

Community

The original application was not advertised in accordance with clause 9.4 of Local Planning Scheme No. 4 as an affected owner (who did not consent to the plans as part of the application) submitted an objection shortly after the lodgement of the proposed variation. The other affected adjoining properties provided written consent to the original development plans as part of the application. A summary of the submission received regarding the original planning application raised the following objection:

- The proposed changes would result in an adverse impact by way of overshadowing and building bulk;
- The proposed southern setback does not allow for sufficient access to sunlight and ventilation.

During the assessment of the original proposal, Revised plans were sent to the adjoining landowner and the following comments were raised after viewing the amended plans:

- The proposal still exceeds the required plot ratio area in the R-Codes.
- The ancillary dwelling would have an adverse impact on the lifestyle (amenity) of others through building bulk and loss of sunlight;
- The discretions being sought are grossly unfair and do not consider the impact towards neighbours sufficiently, particularly in relation to health and well-being.

These plans were the last set of revised plans Council refused to grant planning approval for. These are also the development plans which the applicant lodged an appeal with SAT.

The applicant, as part of the SAT mediation process, has opted to again submit further revised plans as a result of the onsite mediation held 15 January 2016.

The affected landowner attended the onsite mediation session on 15 January 2016 and it was considered at this meeting they accepted that, while the amended proposal is not entirely preferable, as the most recent submitted revised plans were compliant with the deemed to comply provisions of the R-Codes it would be difficult to argue against.
STRATEGIC IMPLICATIONS

The proposal is consistent with the City’s following strategic documents:

1. Diverse and Affordable Housing Policy:
   - Provision of housing which is diverse and affordable to meet the current and future needs of the City’s residents to increase the amount of affordable and diverse housing options

2. Strategic Plan 2010-2015:
   - Provide for population and economic growth by planning and promoting development and renewal in designated precincts within the City and
   - More affordable and diverse (mixed use) housing option for a changing and growing population

OFFICER'S RECOMMENDATION/COMMITTEE DECISION

MOVED: Cr I Waltham

That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Variations to Planning Approval for DA0105/15 (two storey rear Ancillary Dwelling addition to existing Single House) granted 21 April 2015 at No. 19 (Lot 27), McLaren Street, South Fremantle, subject to the same terms and conditions, except whereby modified by the following condition(s):

A Conditions 1 and 3 of the Planning Approval dated 21 April 2015, be deleted and replaced with the following conditions:

1. The development hereby permitted shall take place in accordance with the approved plans dated 8 February 2016. It does not relate to any other development on this lot and must substantially commence within four years from the date of the decision letter dated 21 April 2015.

3. Prior to use of the development approved as part of VA0020/15, on plans dated 8 February 2016, the balcony on the east and northern elevations shall be either:

   a) fixed obscured or translucent glass to a height of 1.60 metres above floor level, or
   b) fixed with vertical screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the floor level, or
   c) an alternative method of screening approved by the Chief Executive Officer, City of Fremantle.

Advice Note:
i) Instruct City Officers to advise the State Administrative Tribunal and applicant of Planning Committee resolution above.

CARRIED: 7/0

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<td>Cr Ingrid Waltham</td>
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<td>Cr Jeff McDonald</td>
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PC1603 - 4  PEARSE STREET, NO. 38 (LOT 4), NORTH FREMANTLE - CHANGE OF USE TO CONSULTING ROOMS AND HEALTH STUDIO (GYM) - (DA0594/15)

ECM Reference: 059/002
Disclosure of Interest: Nil
Meeting Date: 2 March 2016
Responsible Officer: Acting Manager Development Approvals
Actioning Officer: Acting Coordinator Statutory Planning
Decision Making Level: Planning Committee
Previous Item Number/s: N/A
Attachments:
- Attachment 1 – Development Plans
- Attachment 2 – Site Photographs
Date Received: 15 December 2016
Owner Name: Michael Patroni and Dimmity Walker
Submitted by: Dylan Kvas-Rothwell
Scheme: Mixed Use
Heritage Listing: Not listed
Existing Landuse: No Recorded Land use Approval
Use Class:
- Consulting Rooms
- Health Studio
Use Permissibility: P & D
EXECUTIVE SUMMARY

The City has received an application for the change of use to Consulting Rooms and Health Studio of an existing building at No. 38 Pearse Street, North Fremantle. As the proposed land uses are not provided with the required car bays as determined by Local Planning Scheme No. 4 (LPS 4), the application was advertised to neighbouring landowners, with two (2) objections received. The application is therefore referred to the Planning Committee (PC) for determination.

The application has been assessed against the requirements of LPS4, and is recommended for conditional planning approval.

BACKGROUND

No. 38 Pearse Street, North Fremantle is located on the eastern side of Pearse Street in the North Fremantle Local Planning Area. The street block is bound by Pearse Street to the west, Jackson Street to the south, Stirling Highway to the east and a railway reserve to the north. The site is not on the City’s Heritage List, however it is located within the North Fremantle Heritage Area. The site is located within the Mixed Use zone under LPS4 and is currently occupied by a single storey building.

A review of the property file has revealed no relevant planning history. Last recorded planning approvals for the surrounding sites are as follows –

<table>
<thead>
<tr>
<th>DA No.</th>
<th>Property address</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>DA0400/12</td>
<td>1/40 Pearse Street, North Fremantle</td>
<td>Partial change of use to Multiple Dwellings</td>
</tr>
<tr>
<td>DA203/88</td>
<td>40 Pearse Street, North Fremantle</td>
<td>Two storey Mixed Use (Office and Multiple Dwellings)</td>
</tr>
<tr>
<td>DA0467/12</td>
<td>15 Jackson (&amp;38a Pearse) Street, NF</td>
<td>Mixed Use development (Office and Multiple Dwelling)</td>
</tr>
<tr>
<td>DA268/93</td>
<td>11 Jackson St, North Fremantle</td>
<td>Alterations and additions to residence.</td>
</tr>
<tr>
<td>DA0408/10</td>
<td>7-9 Jackson St, North Fremantle</td>
<td>Mixed Use development – Residential and Cottage Industry</td>
</tr>
</tbody>
</table>

DETAIL

On 15 December 2015, the City received an application for the change of use of an existing building to Consulting Rooms and Health Studio, for the purposes of an exercise physiology clinic.

The proposed business is as follows –

- Gym and movement therapy centre;
  - Two (2) x consulting rooms, office, reception and exercise floor;
  - No more than two practitioners at any one time;
  - Staff encouraged to use public transport/cycle or park offsite;
  - Discount for members who walk or ride to premises;
  - Access to the gym available from 6am to 9pm;
Development plans and applicant justification are included as attachment 1, and general site photographs are included as attachment 2.

**STATUTORY AND POLICY ASSESSMENT**

The proposal has been assessed against the relevant provisions of LPS4 and local planning policies.

Where a proposal does not meet the requirements of the LPS4, an assessment is made against the relevant discretionary criteria of LPS4. In this particular application the areas outlined below do not meet LPS4 provisions and need to be assessed:

- Land use (Health Studio - Discretionary use);
- Car parking; and
- Bicycle racks.

Detailed assessment is provided in the ‘Planning Comment’ section of the report below.

**CONSULTATION**

**Environmental Health**

The application was referred to the City’s Environmental Health Officer with the following comments received:

- *Some gyms close to residential properties can cause a noise problem when weights are dropped etc. It is indicated in this proposal that special flooring is to be used in the facility taking into account this problem.*
- *Given this and the specialised nature of the proposal I have no further advice.*

The City’s Environmental Health Officer has confirmed they have no objection to the proposal.

**Community**

The application was required to be advertised in accordance with Clause 9.4 of the LPS4, due to the number of car bays proposed on site. At the conclusion of the advertising period, being 21 January 2016, the City had received two (2) submissions. The following issues were raised (summarised):

- Opposed to proposal for parking and noise issues;
- Private off street parking will be misused; and
- Early morning and evening hours will directly disrupt residential neighbours.
Land use

<table>
<thead>
<tr>
<th>Land use</th>
<th>Permissibility</th>
<th>Merit based assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consulting Rooms</td>
<td>P</td>
<td>Required (does not meet all requirements of LPS4 i.e. parking)</td>
</tr>
<tr>
<td>Health Studio</td>
<td>D</td>
<td>Required</td>
</tr>
</tbody>
</table>

The proposed land use of Consulting Rooms is supported against the objectives of the Mixed Use zone as follows:

   i) Provide for a mix of compatible land uses including light, services and cottage industry, wholesaling, trade and professional services, entertainment, recreation and retailing of goods and services in small scale premises, including showrooms, where the uses would not be detrimental to the viability of retail activity and other functions of the City Centre, Local Centre and Neighbourhood Centre zones;

The land use of Consulting Rooms adds to the existing mix of land uses in the immediate area. The land use of Consulting Rooms is considered to be compatible, as it will result in activity in the area during business hours in an area that is currently occupied by mostly residential properties.

   ii) Provide for residential at upper level, and also at ground level providing the residential component is designed to contribute positively to an active public domain;

No residential component is proposed as part of this development.

   iii) Ensure future development within each of the mixed used zones is sympathetic with the desired future character of each area;

The proposed Consulting Rooms is making use of an existing building, and is therefore not considered to restrict the potential for future redevelopment. As there are no external changes proposed to the building, it is not considered to significantly alter the character of the area.

   i. Ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality; and

The land use of Consulting Rooms is restricted under its definition in LPS4 as a premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care.

This restricts the number of staff on site, and by association, the number of patrons undertaking activity on site. The proposed land use is not considered to result in undue amenity impacts, particularly given the Mixed Use zone.
The City’s Environmental Health Officer has also reviewed the proposal and is satisfied that the proposed use will not cause significant impacts on surrounding residential properties.

   ii. Conserve places of heritage significance the subject of or affected by the development.

The site is not on the City’s Heritage List and as no external works are proposed, will not impact any places of heritage significance in the vicinity.

The proposed land use of Health Studio is supported against the objectives of the Mixed Use zone as follows:

   i. Provide for a mix of compatible land uses including light, services and cottage industry, wholesaling, trade and professional services, entertainment, recreation and retailing of goods and services in small scale premises, including showrooms, where the uses would not be detrimental to the viability of retail activity and other functions of the City Centre, Local Centre and Neighbourhood Centre zones;

The land use of Health studio is considered to be an appropriate land use to contribute to the mix and variety of land uses in the North Fremantle town centre. It is considered that a Health Studio can support other land uses in the City Centre, and assist in bringing visitors in, as well as offering services to local residents in the immediate area.

   ii. Provide for residential at upper level, and also at ground level providing the residential component is designed to contribute positively to an active public domain;

No residential component is proposed as part of this development.

   iii. Ensure future development within each of the mixed used zones is sympathetic with the desired future character of each area;

The proposed Health Studio is making use of an existing building, and is therefore not considered to restrict the potential for future redevelopment. As there are no external changes proposed to the building, it is not considered to significantly alter the character of the area.

   iv. Ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality; and

The City’s Environmental Health Officer has reviewed the proposal and is satisfied the use is capable of meeting noise requirements. There are no external changes or additional openings that will affect visual privacy, or shadow of southern lots. Additionally, the uses of Consulting Rooms and Health Studio will run as one business.

   v. Conserve places of heritage significance the subject of or affected by the development.

The site is not on the City’s Heritage List and as no external works are proposed, will not impact any places of heritage significance in the vicinity.
In addition to the above, the amenity impact on surrounding landowners by the proposed Consulting Rooms/Health Studio is considered to be limited by the number of staff and patrons on site, with the applicant advising no more than ten (10) people will be on site at any one time.

**Parking**

<table>
<thead>
<tr>
<th>Required</th>
<th>Provided</th>
<th>Merit based assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consulting rooms (5:1 Consulting Room) = 10</td>
<td>7 total bays</td>
<td>13 bays + 1 delivery bay</td>
</tr>
<tr>
<td>Health Studio (1:5 people accommodated, 1 delivery bay) = 10 + 1</td>
<td>13 bays + 1 delivery bay</td>
<td></td>
</tr>
<tr>
<td>TOTAL = 20 (+ 1 delivery bay)</td>
<td>13 bays + 1 delivery bay</td>
<td></td>
</tr>
</tbody>
</table>

As per Clause 5.7.1c) –

*Where vehicle parking provisions are not prescribed for a particular use the requirement will be determined by the Council.*

It is considered that the land use of Health Studio, is most similar to Private Recreation under LPS4, and therefore, that requirement from Table 2 (Car parking table) of LPS4 has been used.

The number of bays on site is supported for the following reasons using Clause 5.7.3.1 as follows –

i) *The availability of car parking in the locality including street parking;*

The subject site is located within reasonable walking distance to Queen Victoria Street, the North Fremantle Bowling Club and the North Fremantle Train Station, all of which have public parking, as well as limited street parking in Pearse Street.

ii) *The availability of public transport in the locality;*

The area is well serviced by public transport along Stirling Highway and Queen Victoria Street.

iii) *Any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces.*

The occupiers of Consulting Rooms and Health Studio are one and the same (i.e. there will only be one business running in the building), and it is considered that two land uses can share onsite and available street bays when needed. The number required by LPS4 is 20 (+ delivery bay), or ten (10) bays per use. The parking demand could therefore reasonably be reduced to 10 (+ delivery bay) due to the sharing of car spaces by multiple uses.
iv) VIII) any other relevant considerations

Given the proposed business is proposing to have a maximum of ten (10) people (inclusive of staff members) on site at any one time, it is not unreasonable to assume there will be no more than 10 cars requiring parking at any one time. Given there is seven on site, this reduces the number of cars seeking offsite parking to three (3), which is not a significant number. Should PC wish to restrict the overflow of parking, a condition of approval could be applied to limit the number of people on site as follows –

**No more than ten (10) people (inclusive of staff) are permitted on site at any one time, to the satisfaction of the Chief Executive Officer, City of Fremantle.**

### Bicycle racks

<table>
<thead>
<tr>
<th>Required</th>
<th>Provided</th>
<th>Discretion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consulting Rooms (Class 2 : 1 per 8 practitioners, Class 3 1 per 4 practitioners) – 1 x Class 2, 1x Class 3</td>
<td>Nil</td>
<td>1 x Class 1 or 2</td>
</tr>
<tr>
<td>Health Studio (Class 1 or 2 : 1 per 4 employees, Class 3: 1 per 200sqm gla) – 1 x Class 1 or 2, 2 x Class 3</td>
<td></td>
<td>1 x Class 2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3 x Class 3</td>
</tr>
</tbody>
</table>

- Class 1 and 2

The proposed Class 1 and 2 bays, are able to be waived using Clause 5.7.3.3 of LPS4 -

*Council may waive the class 1 or 2 bicycle rack requirements of Table 2, where in the opinion of the Council, the development application is for a minor change of use.*

As the proposed Consulting Rooms and Health Studio are occupying an existing building with minimal alterations, the Change of Use is supported without Class 1 or 2 bicycle racks.

- Class 3

Class 3 bicycle racks are defined by Austroads as being low security rails or racks to which both the bicycle frame and wheels can be locked.

Given the size of the site and building, it is not considered onerous for three (3) racks to be provided on site. The addition of racks to the site will also assist in encouraging patrons to take alternative methods of transport, rather than driving. While it is acknowledged, that many of the customers attending the premises may have injuries and/or conditions that may prevent them cycling, the racks can be used by staff members.

A condition of approval is recommended to ensure these are installed prior to occupation of the premises.
STRATEGIC IMPLICATIONS

The proposal is consistent with the City’s following strategic documents:

Economic Development Strategy 2011 -15:
- More residents; more commercial office space; more retail floor space; particularly in the Fremantle CBD.
- New commercial businesses established in Fremantle providing employment opportunities.

Strategic Plan 2010 – 15:
- New commercial businesses established in Fremantle providing employment opportunities.
- Encourage redevelopment of North Fremantle Town Centre (Queen Victoria Street).

OFFICER’S RECOMMENDATION

MOVED: Cr I Waltham

That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the change of use to Health Studio and Consulting Rooms at No. 38 (Lot 4) Pearse Street, North Fremantle, subject to the following condition(s):

1. This approval relates only to the development as indicated on the approved plans, dated 15 December 2016. 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 of the development approved as part of DA0594/15, on plans dated 15 December 2016, three (3) Class 3 Bicycle Racks are to be provided on site to the satisfaction of the Chief Executive Officer, City of Fremantle.

3. The Health Studio and Consulting Rooms hereby permitted shall have hours of operation that do not exceed 6am to 9pm.

COMMITTEE DECISION

Cr J Wilson MOVED to defer the item to the next appropriate Planning meeting to allow for the applicant to provide additional details about the nature of the business operation.

CARRIED: 6/1

<table>
<thead>
<tr>
<th>For</th>
<th>Against</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayor, Brad Pettitt</td>
<td>Cr Simon Naber</td>
</tr>
<tr>
<td>Cr Andrew Sullivan</td>
<td></td>
</tr>
<tr>
<td>Cr Bryn Jones</td>
<td></td>
</tr>
<tr>
<td>Cr Josh Wilson</td>
<td></td>
</tr>
<tr>
<td>Cr Ingrid Waltham</td>
<td></td>
</tr>
<tr>
<td>Cr Jeff McDonald</td>
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</tbody>
</table>
PC1603-5 SOUTH TERRACE, NO. 284 (LOTS 30, 31 & 32), SOUTH FREMANTLE? DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF A THREE (3) STOREY MIXED USE BUILDING (20 MULTIPLE DWELLINGS AND SIX (6) COMMERCIAL [THREE (3) OFFICE, TWO (2) SHOP AND ONE (1) RESTAURANT] T

Form 1 - Responsible Authority Report
(Regulation 12)

<table>
<thead>
<tr>
<th>Property Location:</th>
<th>No. 284 (Lots 30, 31 &amp; 32) South Terrace, South Fremantle</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Details:</td>
<td>Demolition of existing buildings and construction of a three storey mixed use development (20 Multiple Dwellings and six commercial tenancies which include 3 Office, 2 Shop and 1 Restaurant Use)</td>
</tr>
<tr>
<td>DAP Name:</td>
<td>Metropolitan South-West Joint Development Assessment Panel</td>
</tr>
<tr>
<td>Applicant:</td>
<td>TPG</td>
</tr>
<tr>
<td>Owner:</td>
<td>South Terrace Management Pty Ltd</td>
</tr>
<tr>
<td>LG Reference:</td>
<td>DAP0013/15</td>
</tr>
<tr>
<td>Responsible Authority:</td>
<td>City of Fremantle</td>
</tr>
<tr>
<td>Authorising Officer:</td>
<td>Acting Manager Development Approvals</td>
</tr>
<tr>
<td>Department of Planning File No:</td>
<td>DAP/16/00972</td>
</tr>
<tr>
<td>Report Date:</td>
<td>4 March 2016</td>
</tr>
<tr>
<td>Application Receipt Date:</td>
<td>22 December 2015</td>
</tr>
<tr>
<td>Application Process Days:</td>
<td>80 days</td>
</tr>
<tr>
<td>Attachment 1:</td>
<td>Amended Development Plans (17 February 2016)</td>
</tr>
<tr>
<td>Attachment 2:</td>
<td>Site Visit Photos</td>
</tr>
<tr>
<td>Attachment 3</td>
<td>Internal Heritage Assessment</td>
</tr>
</tbody>
</table>

Recommendation:

That the South-West Joint Development Assessment Panel:

APPROVE DAP Application reference DAP/16/00972 (City of Fremantle reference DAP013/15), having been received by the City of Fremantle on the 17 February 2016, being DWG 0.03, 1.01-03, 2.03-07, 4.01-03 and 5.01, in accordance with the City of Fremantle Local Planning Scheme No. 4 and the Metropolitan Region Scheme, subject the following conditions:

1) This approval relates only to the development as indicated on the approved plans, dated 17 February 2016. 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, Lots 30, 31 & 32 (No. 284) South Terrace, South Fremantle, are to be legally amalgamated or alternatively the owner may enter into a legal agreement with the City of Fremantle, drafted by the City’s solicitors at the expense of the owner and be executed by all parties concerned prior to the commencement of the works. The legal agreement will specify measures to allow the development approval to operate having regard to the subject site consisting of three separate lots, to the satisfaction of the Chief Executive Officer, City of Fremantle.

3) All stormwater discharge shall be contained and disposed of on site, to the satisfaction of the Chief Executive Officer, City of Fremantle.

4) Prior to commencement, the tree located on the northern boundary, as marked in red on the plans dated 17 February 2016, is to be removed at the applicants expense to the satisfaction of the Chief Executive Officer, City of Fremantle.

5) Prior to occupation, the boundary walls located on the eastern and southern boundaries shall be of a clean finish in either;

- coloured sand render;
- face brick;
- painted surface; or,
- other approved finish

and be thereafter maintained to the satisfaction of the Chief Executive Officer - City of Fremantle.

6) The design and construction of the development is to meet the 4 star green star standard as per Local Planning Policy 2.13 or alternatively to an equivalent standard as agreed upon by the Chief Executive Officer, City of Fremantle. Any costs associated with generating, reviewing or modifying the alternative equivalent standard is to be incurred by the owner of the development site. Twelve (12) months after practical completion of the development, the owner shall submit either of the following to the City to the satisfaction of the Chief Executive Officer – City of Fremantle;

a) a copy of documentation from the Green Building Council of Australia certifying that the development achieves a Green Star Rating of at least 4 Stars, or

b) a copy of agreed equivalent documentation certifying that the development achieves a Green Star Rating of at least 4 Stars.

7) Prior to commencement of development (excluding demolition), the owner is to submit a waste management plan for approval detailing the storage and management of the waste generated by the development to be implemented to the satisfaction of the Chief Executive Officer, City of Fremantle.
8) Prior to occupation any redundant crossovers and kerbs shall be removed and the verge reinstated to the satisfaction of the Chief Executive Officer, City of Fremantle and at the expense of the applicant.

9) Prior to the occupation of the development approved as part of DAP013/15, on plans dated 17 February 2016, vehicle crossovers shall be constructed in either paving block, concrete, or bitumen and thereafter maintained to the satisfaction of the Chief Executive Officer, City of Fremantle.

10) Prior to occupation of the development approved as part of DAP013/15, the car parking and loading area(s), and vehicle access and circulation areas shown on the approved site plan, including the provision of disabled car parking, shall be constructed, drained, and line marked and provided in accordance with Clause 5.7.1(a) of the City of Fremantle Local Planning Scheme No.4, to the satisfaction of the Chief Executive Officer, City of Fremantle.

11) The new/modified vehicle crossover shall be separated from any verge infrastructure by;

   i. a minimum of 2.0 metres in the case of verge trees
   ii. a minimum of 1.2 metres (in the case of bus shelters, traffic management devices, parking embayment’s or street furniture), and
   iii. a minimum of 1.0 metre in the case of power poles, road name and directional signs.

12) Prior to the issue of a building permit, the applicant shall provide an amended southern elevation drawing which incorporates a higher level of glazing to the ground floor of commercial tenancy 6 for the front western 2.6m portion of wall, for the purpose of reducing the apparent building bulk and the impact on the southern adjoining property, to the satisfaction of the Chief Executive Officer, City of Fremantle.

Advice Note(s)

i. The applicant is advised that the subject site is located in close proximity to commercial developments and this development maybe subject to noise and activity not normally associated with purely a residential use. It is recommended that the developer install measures to acoustically attenuate the impact of noise from other commercial sources within the development and from those commercial developments already in the locality.

ii. The approval of the new / revised vehicle access has been granted based on the plans as submitted by the applicant to the City of Fremantle showing existing infrastructure and trees within the road verge and road. Should it transpire that this existing infrastructure was not accurately depicted on the plan it is the responsibility of the applicant to either;

   • submit amended plans to the City of Fremantle for consideration, or
   • submit a request to the City for removal or modification of the infrastructure.
This request will be considered independently of any Planning Approval granted, and this Planning Approval should not be taken as approval for removal or modification of any infrastructure within the road reserve.

iii. This approval relates to the subject site and does not authorise the removal or modification of verge infrastructure and/or verge trees within the verge area. Written approval is to be obtained for removal or modification of verge infrastructure and/or verge trees within the verge area from the relevant City of Fremantle department or relevant service authority, before construction commences. Please refer to the City’s Tree Planting and Vehicle Crossings Policies (SG28) and MD0015) for further information.

iv. In the event that such an approval is not forthcoming from the relevant City of Fremantle department or relevant service authority prior to the commencement of this development, this planning approval will be incapable of implementation.

v. In regards to condition No.4, the applicant is advised to contact the City's Parks and Gardens Department regarding the required permit / authority to remove the existing verge tree and negotiate future verge tree replacement details. The Parks and Gardens department can be contacted on 9432 9999.

Background:

<table>
<thead>
<tr>
<th>Property Address:</th>
<th>No. 284 (Lots 30, 31 &amp; 32) South Terrace, South Fremantle</th>
</tr>
</thead>
<tbody>
<tr>
<td>MRS:</td>
<td>Urban Zone</td>
</tr>
<tr>
<td>LPS:</td>
<td>Mixed Use Zone</td>
</tr>
<tr>
<td>Development Scheme:</td>
<td>City of Fremantle Local Planning Scheme No. 4</td>
</tr>
<tr>
<td>Lot Size:</td>
<td>Lots 30, 31 &amp; 32 – 1617m²</td>
</tr>
<tr>
<td>Existing Land Use:</td>
<td>Two storey commercial building</td>
</tr>
<tr>
<td>Value of Development:</td>
<td>$6,850,000</td>
</tr>
</tbody>
</table>

The subject site is located on the corner of Charles Street and South Terrace. The site currently contains a single storey building identified as the Seapower Australia building.

The subject site is zoned ‘Mixed Use’ and coded R30 under the provisions of the City’s Local Planning Scheme No. 4 (LPS4). The site is subject to the provisions of Schedule 12 (Sub Area 4.3.3) of LPS4 and is located in the South Fremantle Local Planning Area.

The subject site is not adopted under the City’s Municipal Heritage Inventory in accordance with clause 7.1 of LPS4, although it is located within the South Fremantle Heritage Area.

Details: Outline of development application
The proposed development consists of the;

1) Demolition of all the existing buildings on site;
2) Changes of use to Shops, Offices, Restaurant and Multiple dwellings, and
3) The construction of a three storey (20 Multiple Dwellings and 6 commercial tenancies) building with ground level car parking. The proposed 3 storey building includes the following:

- Ground floor
  - 31 vehicle bays of which 5 are visitor bays, 6 are dedicated for the 6 commercial tenancies and 20 dedicated to the Multiple Dwellings;
  - Bin storage, general storage, apartment lobby and letter box rooms;
  - Bicycle parking for 16 bicycles;
  - 6 commercial tenancies consisting of a Restaurant use (tenancy 1) and the remainder being Shop and Office uses (Tenancies 2-6);
- First Floor and Second Floor
  - 4 single bedroom (39-55m²) apartments,
  - 10 two bedroom (77-80m²) apartments (single level) and 6 two bedroom (67-79m²) apartments (split over two levels).

Amended plans were submitted on 17 February 2016, which resulted in the following changes:

an increase southern boundary setback on:

- ground floor from nil to 2.31m for 16.7m length of the wall,
- first floor from nil to 1.5 to 2.31m, and
- second floor remains unchanged at 4.2m.

- relocation of southern boundary fire escape staircase, and
- reduction of commercial tenancy from 71m² to 56m².

Essentially, the proposed amendments resulted from a meeting between the applicant and the southern landowner regarding issues of the proposed nil setback and the potential impacts in terms of access to sunlight and heritage building damage to the limestone wall of the southern neighbour dwelling.

The amended development plans are included in this report at Attachment 1. A series of sites photos and a location plan of the subject site are included in this report at Attachment 2.
Legislation & policy:

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

The following LPS4 provisions are considered relevant in the consideration of this planning application:

- Table 1 – Zoning;
- Table 2 – Vehicle Parking Requirements;
- Clause 4.2.1(e) - Mixed use zone objectives;
- Clause 5.2.5 – Residential Design Codes (increase to R60 density)
- Clause 5.7.3 – Relaxation of Parking Requirements;
- Clause 5.8.1 – Variation to building height;
- Clause 5.15 – Demolition of Buildings and Structures;
- Clause 10.2 – Matters to be considered by Council;
- Schedule 1 – Dictionary of Defined Words and Expressions and;

State Government Policies

- State Planning Policy 3.1 – Residential Design Codes.

Local Planning Policies

- Local Planning Policy 1.3 – Public notifications of planning proposals;
- Local Planning Policy 1.9 – Design Advisory Committee & Principles Of Design;
- Local Planning Policy 2.12 – Planning Applications Impacting On Verge Infrastructure and Verge Trees;
- Local Planning Policy 2.13 - Sustainable Buildings Design Requirements;
- Local Planning Policy D.G.S2 - South Terrace, South and Attfield Streets and Lefroy Road Local Area.

Consultation:

Public Consultation

The planning application was identified as a “Significant Application” as set out in Council’s LPP1.3. The application was advertised for a period of 28 days and included the following actions;

- A sign notice being placed on the development site;
- Letter to owners and occupiers within 100m of the site;
- Advertising of the application occurred on the City’s website;
- the Precinct Groups were informed of the proposal;
- Two notices relating to the proposal were placed in the Fremantle Gazette;
- A community information session held on 9 February 2016. This session was attended by approximately 10 people from the public, 4 elected members and two applicants.
At the time of writing, the City had received 1 submission with no objections raised. The advertising period concludes on the 26 February 2016, and due to the time frames through the holiday period, this was the latest date advertising could finish.

Design Advisory Committee (internal)

The application was presented to the City’s Design Advisory Committee (DAC) for comment. The application was presented before DAC on several occasions and at various stages of the proposal. The relevant DAC meeting and stage of the proposal is as follows:

10 August 2015 (Concept Plan Only)
9 November 2015 (Concept Plan Only)

At its meeting of 9 November 2015, the following comments were made:

GENERAL COMMENTS

While the committee does not have any issues with the proposed 3rd storey in terms of design quality it is understood that this is untested from a statutory planning perspective. However, if this top storey was to be converted to a dormer-type of roof in an attempt to meet planning requirements, it is likely that the design quality of the project will be diminished.

DESIGN ASSESSMENT

HOW CAN THE PROPOSAL BE IMPROVED

- The rear 4 apartments (apartments 11 – 14) can be improved by improving the southern outlook which is currently onto the metal deck roof below. This improvement could be achieved by a number of means, including providing access to these units from the northern courtyard only and allowing the outdoor living areas, to extend to the south, moving the units further south (having regarding to any overshadowing impact on the adjoining southern property), and removing the metal deck roof.
- The proposed 1500mm wide access corridors should be increased in width;
- Bedroom windows adjacent to the access corridors and planters should be screened (eg timber batten screens) to improve security and privacy;
- Consideration should be given to making the planter areas private and accessible spaces through the provision of secure screens (eg. timber batten screens).
- The location of the bin store is remote from the pick up location. Consideration should be given to moving it closer to the car park entry.
RECOMMENDATION

The design is supported subject to the above changes. Evidence of the requested changes can be emailed to the DAC chair for final comment rather than there being the need to attend another full DAC meeting.

The applicant has addressed the above comments from DAC in the following ways:

- **The rear apartments (11-14) have been revised to delete the southern access walkway, so that access is now surely provided from the northern side, via the courtyards. This has then allowed each of these apartments to have two outdoor living areas, one north facing and one south facing. As a result, these are now provided with an attractive southern outlook, rather than simply looking over the roof below.**

- **The access will be 1400mm as a minimum and is likely to increase during the design development phase as wall thicknesses have been loaded with some design tolerance, so an increase is possible. That said, we have compared the passage width to a number of multiple residential projects all of which are no greater than 1400mm. The maximum passage length is 11m with open ends providing light and spatial moments of relief at the southern end and courtyard reducing any sense of enclosure. Apartment doors are slightly inset so that frames are flush with the internal wall providing some additional relief.**

- **All bedroom windows adjacent the access corridors are provided with void/courtyard separation, and are now provided with screening.**

- **The bin store has been retained in its proposed location which presents the ideal location for the overall site planning, particularly with respect to achieving an efficient car park layout. The conveyance of bins between the store and the street for collection will be appropriately managed through the strata company.**

The chair of the DAC provided further comment on 26 November 2015 for the current version of the plans, noting that the changes provided are considered to be satisfactory. On this basis the proposal is considered to be consistent with the advice provided from the DAC.

Western Power

The application as referred to Western Power as it is adjacent to transmission lines along South Terrace. Western Power provided comment in relation to the proposal as follows:

> I refer to the above development application and based on the information and drawings that have been submitted to Western Power for comment we advise that as the development sits outside of the Western Power easement/restriction zone area for our South Fremantle to Edmund Street 66kV Transmission Line which is located on the opposite side of South Terrace to your development we have "no objections" to the proposed development.

**Infrastructure and Project Delivery (internal)**

The application was referred to the City’s Infrastructure and Project Delivery department for comment as the proposal involves a minor encroachment onto the road reserve, crossover installation and relocation of an existing tree. The following comments were made:
Parks and Gardens

It has been agreed that the tree can only be removed if the developer will compensate the City for the loss of amenity by paying for a reasonable sized tree including planting and some maintenance. Parks and Landscape will allow the tree removal on the condition that the developer transfers by electronic banking or cheque (method to be agreed) the sum of $4000.00 inc GST. The tree will be planted at the City’s discretion in a location and time to suit the City.

Further the relocation of the tree on the northern boundary further to the east may create sight line constraints for vehicles exiting the premises.

Accordingly, the street tree removal is included as a condition of approval reflecting the above advice is recommended in this report. Furthermore an appropriate advice note is included regarding the matter of reimbursement for the street trees removal which is to be negotiated with the Parks and Gardens Department of the City of Fremantle.

Waste Management

- 20 apartments would be entitled to a minimum of ten 240 litre general waste bins and ten 240 litre recycle bins.
- There would therefore be a minimum of twenty 240 litre bins lined in the bin pick up zone every other week.
- Twenty bins require 18m (linear) to line bins up against (without obstacles on street verge e.g. trees, car parking, bike racks, etc.).
- 4.2m allowance on these drawings is inadequate for a development of twenty apartments (this does not take account of the six commercial bin collections).

A condition of approval requiring the applicant to devise a suitable waste management plan is recommended.

Environmental Health (internal)

The application was referred to the City’s Environmental Health department due to the nature of the proposal. The department responded recommending the following advice note:

**EH.DA.AN11 – Noise affecting residential amenity**

The applicant is advised that the subject site is located in close proximity to commercial developments and this development maybe subject to noise and activity not normally associated with purely a residential use. It is recommended that the developer install measures to acoustically attenuate the impact of noise from other commercial sources within the development and from those commercial developments already in the locality.

An appropriate advice note is replicated in the officer’s recommendation section of this report.

Planning Assessment:

Local Planning Scheme No. 4 (Schedule 12)
Building Height

<table>
<thead>
<tr>
<th>Element</th>
<th>Scheme requirement</th>
<th>Proposed</th>
<th>Discretion sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building height</td>
<td>Permitted: 7m</td>
<td>10.1m</td>
<td>Maximum of 3.1m</td>
</tr>
</tbody>
</table>

The proposed building height seeks discretion against the permitted external wall height of 7m in the Mixed Use zone as prescribed in Schedule 12 of LPS4 for South Fremantle LPA. Notwithstanding the above, clause 5.8.1 of LPS4 may allow a variation to the height requirements of Schedule 12, subject to meeting a range of criteria. Clause 5.8.1 is as follows:

Variation to height requirements

5.8.1.1 Where sites contain or are adjacent to buildings that depict a height greater than that specified in the general or specific requirements in schedule 12, Council may vary the maximum height requirements subject to being satisfied in relation to all of the following:

a) the variation would not be detrimental to the amenity of adjoining properties or the locality generally,

b) degree to which the proposed height of external walls effectively graduates the scale between buildings of varying heights within the locality,

c) conservation of the cultural heritage values of buildings on-site and adjoining, and

d) any other relevant matter outlined in Council's local planning policies.

In satisfying the above clause, the site is, as a precursor, required to either contain, or be adjacent to, a building that depicts a height greater than that specified in the general or specific requirements in Schedule 12. A building adjacent to the site, being 282 South Terrace ("The Local Hotel") has an external wall height of 9m. Further, the building at 201 South Terrace, which is situated at the corner of Rose Street and South Terrace, has an external wall height of 9.6m. Therefore, both of these aforementioned buildings have a height greater than what is stipulated in schedule 12 of LPS4, and are accordingly considered appropriate in the context of the above clause to allow the height variation to be entertained and assessed.

With regards to the assessment of the sub criteria of clause 5.8.1 above the following is provided:

a) In determining whether the variation to building height would have a detrimental impact on adjoining properties, or the locality generally, consideration is given towards the setbacks proposed to the first and second floors of the proposed development. In particular, to the southern boundary, a portion of the second floor is setback 6.5m, while the main component of the second floor (68.4% of the southern elevation) is setback 9.2 metres from the southern boundary. This is considered to help ameliorate the perception of building bulk on the southern adjoining property, in addition to reducing the extent of overshadowing cast to enable the degree of shadow to comply with the Residential Design Codes. In a similar manner, the setbacks proposed to the eastern adjoining property are considered to also reduce the dominance of the building through articulating and staggering the setbacks of the second floor, whilst taking into account the existing
The boundary wall on the eastern boundary is to be retained and utilised for the ground and first floor.

The second floor has been setback between 1.76m - 2.76m on the South Terrace elevation to limit the view of the second floor from the perspective of a pedestrian, in response to the general height patterns of South Terrace which are predominantly single to two storeys in height. By having regard to the existing built form patterns of the immediate area through staggering the upper floor, there is not considered to be a detrimental impact on the general amenity of the locality.

b) The degree to which the proposed external wall height graduates the scale between buildings of varying height is considered in the context of buildings within the immediate vicinity which depict a similar or greater height to this proposal. Having regard to the two comparable buildings being situated to the north and west of the site, the proposed external wall height graduates from the northern aspect of the site and steps down towards the southern boundary. As such the design is considered to respond the height pattern of the streetscape by lowering the external wall height to the south. Further, while the current eastern boundary wall is indicated to be retained, the external wall heights on the eastern elevation are also reduced, taking into account the height of the eastern adjoining property. Given the above, the external wall height is considered to effectively graduate the scale between buildings of varying heights in the locality.

c) The revised plans introduce an increased ground floor setback to the southern adjoining property. The City’s heritage department provided the following relevant comments in the heritage assessment:

*The revised plans depicting an increased setback to the southern adjoining property are considered to significantly reduce the perception of building bulk, as well as allowing for the conservation of cultural heritage values of the adjoining site.*

Given that the revised plans have augmented the setback to the southern adjoining property by removing the fire escape staircase, this is considered to allow for the conservation of the affected property in accordance with the above heritage comment, primarily due to the manner in which this southern elevation interfaces with the boundary. It is, however, noted that the heritage assessment includes two recommendations in conjunction with the above advice. One recommendation is to incorporate an appropriate form of glazing on the southern elevation of commercial tenancy 6 so as to reduce the apparent bulk of the building at ground floor level. This advice is replicated as a condition in the officer’s recommendation section of this report. The other recommendation in the heritage assessment relates to increasing the height of the ground floor of the development to be in alignment with the awnings of The Local Hotel at 282 South Terrace. This recommendation is not included as a condition, however, if Council is of the view that such a condition would be appropriate in responding to the heritage context of adjoining properties, it may elect to include this advice as a condition. It should be noted that increasing the height of the ground floor would obviously increase the discretion of the building height being sought, as well as the impact of building bulk resulting from increased boundary wall heights.

Refer to **Attachment 3** for a full copy of the heritage assessment.
d) As the subject site is located within the South Terrace, South and Attfield Streets and Lefroy Road Local Area, consideration must be given to the relevant matters set out in Local Planning Policy D.G.S2. This policy outlines objectives to protect the amenity of the South Terrace area. It is, however, noted that, due to the adoption date of the policy, many of the provisions refer to requirements set out in Town Planning Scheme No. 3, which is now rescinded and no longer has effect. Notwithstanding, the policy places a strong emphasis on ensuring that infill development is cognisant of the existing scale and bulk of buildings within the streetscape, and the manner in which new development appropriately responds to this existing mass of buildings. Similarly to b) above, the building is considered to respond to the scale of buildings within the streetscape, due to the orientation of greater building height towards Charles Street, and graduating this towards the southern and eastern boundaries in accordance with the height patterns of the area.

In addition to the above, clause 4.2 of Local Planning Area 4 – South Fremantle states as follows:

“In granting consent to the maximum height prescribed, Council shall be satisfied in regard to all of the following—

(a) that the proposal is consistent with predominant height patterns of adjoining properties and the locality generally,
(b) the proposal would not be detrimental to the amenity of adjoining properties or the locality,
(c) the proposal would be consistent, if applicable, with conservation objectives for the site and locality generally, and
(d) any other relevant matter outlined in Council’s local planning policies. Council may impose a lesser height in the event that the proposal does not satisfy any of the above requirements.”

In relation to (a), (b), (c) and (d) above these matters were all discussed in the preceding discussion points. On this basis, the height discretion is supported.

**Density Bonus**

The proposal is assessed under the development requirements of an R60 density coding on the basis of clause 5.2.5 in LPS4. Clause 5.2.5 is as follows:

*Notwithstanding the requirements of clause 5.2.3 residential density in the Local Centre, Neighbourhood Centre and Mixed Use zones may be increased up to R60, where residential development is part of a mixed use development, where, in the opinion of Council the proposal is not detrimental to the amenity of the area.*

The definition of Mixed Use development as defined in LPS4 is as follows:

*Means, when used in relation to a Planning Application, a combination of one or more of the residential use classes specified in Table 1 – Zoning and any other land use or uses, and where the residential use class and any other one use class each comprise a minimum of 25 per cent of the gross lettable area of the development.*
Based on the gross lettable area provided in the development that is dedicated for a non-residential use, being 25.9%, the proposal would meet the above LPS4 definition. As such Council may opt to allow the R60 density increase for the proposal and given the proposal is not considered to be detrimental to the amenity of the area, his discretion is supported.

Demolition

The proposal includes the demolition of all structures and buildings on the subject site and therefore an assessment against cl5.15.is required.

Clause 5.15.1 of LPS4 states that Council will only grant planning approval for the demolition of a building or structure where it is satisfied that the building or structure:

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

On the basis of advice provided by the City’s Heritage Coordinator, the existing buildings/structures onsite are considered to be of limited cultural heritage significance and do not make a significant contribution to the broader cultural heritage significance and character of the South Fremantle locality in which it is located. Therefore clause 5.15 of LPS4 is addressed and as such, the proposed demolition of the existing buildings is supported.

Vehicle parking

<table>
<thead>
<tr>
<th>Element</th>
<th>Deemed-to-comply</th>
<th>Proposed</th>
<th>Discretion sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multiple Dwelling</td>
<td>20</td>
<td>25</td>
<td>Nil</td>
</tr>
<tr>
<td>Visitor (Multiple Dwellings)</td>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restaurant (136m2 total area)</td>
<td>12 (1 per 5m² of dining area – 60m² of dining area proposed)</td>
<td>1</td>
<td>11</td>
</tr>
<tr>
<td>Shops (Local) – (Tenancy 2 and 4 = 153m2 total area)</td>
<td>11.45 (1/20m² NLA)</td>
<td>3</td>
<td>8.45</td>
</tr>
<tr>
<td>Offices – (Tenancies 3, 5 and 6 = 208m2 total area)</td>
<td>4.4 (1/30m² GLA)</td>
<td>2</td>
<td>2.4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>53 (52.95)</td>
<td>31</td>
<td>22 (21.95)</td>
</tr>
</tbody>
</table>

Bicycle Parking

<table>
<thead>
<tr>
<th>Element</th>
<th>Deemed-to-comply</th>
<th>Proposed</th>
<th>Discretion sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multiple Dwellings (20 dwellings)</td>
<td>9 (8.66)</td>
<td>15</td>
<td>Nil</td>
</tr>
<tr>
<td>Office</td>
<td>Nil</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Shop</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td>Nil</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>
Clause 5.7.3 of LPS4 provides Council with the ability to waive car parking requirements where certain criteria are considered to be fulfilled. This clause is as follows:

5.7.3.1 Council may:

a) Subject to the requirements of Schedule 12*, waive or reduce the standard parking requirement specified in Table 2 subject to the applicant satisfactorily justifying a reduction due to one or more of the following:

i. the availability of car parking in the locality including street parking,
ii. the availability of public transport in the locality,
iii. any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces,
iv. any car parking deficiency or surplus associated with the existing use of the land,
v. legal arrangements have been made in accordance with clause 5.7.5 for the parking or shared use of parking areas which are in the opinion of the Council satisfactory,
vi. any credit which should be allowed for a car parking demand deemed to have been provided in association with a use that existed before the change of parking requirement,
vii. the proposal involves the restoration of a heritage building or retention of a tree or trees worthy of preservation,
viii. any other relevant considerations.

The proposed car-parking allocation is considered to be supportable for the following reasons:

- There is a CAT bus service running along South Terrace which operates on a 10 minute frequency every day from 7:30am to 6:30pm;
- There is considered to be sufficient on street parking available within walking distance of the subject site, with on-street vehicle bays along South Terrace, Charles Street and Ada Street;
- The visitor parking bays have the capability to be used on a reciprocal basis in that those intending to visit the commercial tenancies are likely to utilise these bays during the day (9am-5pm), whereas it is considered that visitors to the residential units are not necessarily confined to such a time frame, and are likely to be spread out throughout the day.
- The visitor bays are considered to be capable of use by the commercial tenancies, which accounts for some of the shortfall in the number of vehicle bays for the various commercial uses.
Plot Ratio Area

<table>
<thead>
<tr>
<th>Element</th>
<th>Deemed-to-comply</th>
<th>Proposed</th>
<th>Discretion sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plot ratio area</td>
<td>0.7 (1131.9m²)</td>
<td>0.87 (1406.8m²)</td>
<td>0.17 (274.9m²)</td>
</tr>
</tbody>
</table>

The proposed plot ratio area is considered to be supportable for the following reasons:

- The bulk and scale of the proposed building is considered to be consistent with the planning framework, owing to the R60 density bonus afforded to the site by proposing mixed use development. Further, the height proposed is considered to be supportable under clause 5.8.1 of the scheme, which presents a graduating scale comparable to that of existing buildings within the immediate vicinity. In this regard, the planning framework is considered to allow for such bulk and scale, and is therefore deemed to meet the design principles of this clause.
- The zoning of the subject site anticipates dense development and the built form of the proposal is considered broadly sympathetic to what would be reasonably expected at the site, and otherwise of manageable impact on the adjoining streetscape;
- The above stated plot ratio could be reduced by reduction in the size of internal areas of dwellings proposed. This would have a limited impact on the intensity of the proposal and reduce the amenity of the dwellings proposed.

Street setback

<table>
<thead>
<tr>
<th>Element</th>
<th>Deemed-to-comply</th>
<th>Proposed</th>
<th>Discretion sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary</td>
<td>2m</td>
<td>0m</td>
<td>2m</td>
</tr>
<tr>
<td>Secondary</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The proposed primary and secondary street setbacks are considered to be supportable for the following reasons:

- The setbacks proposed allow for minor projections which are considered to add interest to the site and the developments façade with respective streetscapes;
- The setbacks facilitate the provision of weather protection in the form of eaves for respective Multiple Dwelling balconies;
- The design of the building provides for articulation of the building on the primary and secondary streets;
- The setbacks are considered to be appropriate to its location, having regard to the adjacent building to the north and west also having nil setbacks to the primary and secondary streets.
### Boundary Walls

<table>
<thead>
<tr>
<th>Element</th>
<th>Required</th>
<th>Proposed</th>
<th>Discretion sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>Southern (setback) Ground floor</td>
<td>1.5m</td>
<td>0 - 2.3m</td>
<td>Up to 1.5m</td>
</tr>
<tr>
<td>Eastern (setback) ground floor</td>
<td>1.5m</td>
<td>0</td>
<td>1.5m</td>
</tr>
</tbody>
</table>

The proposed boundary walls are considered to be supportable for the following reasons:

- The boundary walls are not considered to disrupt access to adequate daylight and ventilation to either Units 5 and 10, owing to the orientation of the outdoor living areas of the respective dwellings onsite.
- It is also noted that there is an existing brick wall to the east which is proposed to be retained through the development. This existing boundary wall is at a height of 6m, which is of a greater bulk than the additional eastern boundary wall proposed. In this regard, the visual impact on building bulk on the adjoining property is considered to be moderated.
- With regards to the proposed ground floor southern boundary wall (for the car parking area onsite), approximately 15-16m of the 25m long portion of boundary wall would directly about two existing boundary walls which are also of a similar height to that being proposed, which are currently in situ on southern adjoining site. Overall, the boundary walls are not considered to contribute to a sense of confinement or excessive building bulk as they either affect only a small portions of the both boundaries and the rest of the development is sufficiently setback from these boundaries;

### Open Space

<table>
<thead>
<tr>
<th>Element</th>
<th>Deemed-to-comply</th>
<th>Proposed</th>
<th>Discretion sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open space</td>
<td>45% (727.7m²)</td>
<td>9% (145.5m²)</td>
<td>36% (582.12m²)</td>
</tr>
</tbody>
</table>

The proposed open space provided is considered to be supportable for the following reasons:

- The open space is deemed to respect the existing character of the area due to many commercial properties along this segment of South Terrace having minimal open space afforded to their respective site areas.

### Dwelling Size

<table>
<thead>
<tr>
<th>Element</th>
<th>Deemed-to-comply</th>
<th>Proposed</th>
<th>Discretion sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plot ratio area of Multiple dwellings</td>
<td>Minimum of 40m²</td>
<td>2 apartments at 39m²</td>
<td>1m²</td>
</tr>
</tbody>
</table>
The proposed dwelling sizes are considered to be supportable for the following reasons:

- Each dwelling within the development is considered to be of a sufficient size to cater for the needs of residents, with the two multiple dwellings below 40m² still providing essential facilities (ie. kitchen, bathroom, laundry);
- Diversity in dwelling sizes is achieved, with 20% being one bedroom dwellings and the remainder being two bedroom dwellings, in accordance with the deemed-to-comply requirement for unit types.

Utilities and Facilities

<table>
<thead>
<tr>
<th>Element</th>
<th>Deemed-to-comply</th>
<th>Proposed</th>
<th>Discretion sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lockable storage area</td>
<td>Minimum dimension of 1.5m, with an internal of at least 4m² for each multiple dwelling, accessible from outside the dwelling</td>
<td>No external storage units provided</td>
<td></td>
</tr>
</tbody>
</table>

The proposed storage areas are considered to be supportable for the following reasons;

- It is considered that while there are no external lockable storage areas provided for the dwellings, there is sufficient space internally for storage that is convenience for residents, as well as being secured and screened from view.

In respect to bin storage, a condition of approval requiring the applicant to devise a suitable arrangement for rubbish bin collection (a waste management plan) is recommended to ensure this solution is satisfactory.

Discretionary land uses

Clause 4.2.1 of LPS4 outlines the objectives of the Mixed Use zone, which are as follows:

*Development within the mixed use zone shall:*

  i. provide for a mix of compatible land uses including light, service and cottage industry, wholesaling, trade and professional services, entertainment, recreation and retailing of goods and services in small scale premises, including showrooms, where the uses would not be detrimental to the viability of retail activity and other functions of the City Centre, Local Centre and Neighbourhood Centre zones;
  
  ii. provide for residential at upper level, and also at ground level providing the residential component is designed to contribute positively to an active public domain;
  
  iii. ensure future development within each of the mixed used zones is sympathetic with the desired future character of each area,
  
  iv. ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality, and
  
  v. conserve places of heritage significance the subject of or affected by the development.
The proposal for ‘Office’ is a ‘P’ use within the ‘Mixed Use’ zone, or a use that is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme.

Notwithstanding, the proposal for ‘Multiple Dwellings,’ a ‘Restaurant’ and ‘Shop’ are ‘A’ uses within the ‘Mixed Use’ zone, or a use that is not permitted unless Council has exercised discretion in granting approval after giving special notice (advertising) in accordance with clause 9.4 of LPS4.

In relation to (i) above, the discretionary uses are considered to be aligned with the mix of compatible uses for the zone, particularly by proposing uses that this clause outlines.

In regards to (ii), the development is considered to generally satisfy this objective by proposing residential dwellings on the first and second floors of the proposed development.

The land uses proposed are considered to be sympathetic to the desired future character of the area, thereby meeting (iii) above. The land uses proposed are deemed to respect the existing nature of land uses within the area, as well as allowing for the activation of the street.

In relation to (iv) above, the setbacks afforded to adjoining properties, as well as the reasonably low intensity of the land uses proposed are not considered to be detrimental to the amenity of adjoining owners of residential properties in the locality.

Based on advice provided by the City’s Heritage department, the development is not considered to unduly impact on adjoining heritage properties in accordance with (v) above.

Local Planning Policy D.G.S2 - South Terrace, South and Attfield Streets and Lefroy Road Local Area

The proposal has been assessed against the Local Planning Policy D.G.S2 and is considered to meet the provisions of the policy in the following ways:

- The development considers the height patterns of the surrounding properties by setting back the first and second floors from the eastern and southern boundaries in response the existing built form;
- The proposal is considered to provide for a variety of dwelling types, given that the majority of housing within the policy area are generally single houses;
- The application is deemed to enhance the architectural character of the streetscape, having regard to the advice provided by the City’s DAC.

It should be noted that this local planning policy was adopted in 1993 and refers to provisions of Town Planning Scheme No. 3, which is now rescinded and no longer in effect. Further, the policy generally refers to the development in the form of single houses rather than development of the scale proposed in this application.

Sustainable building design
The proposed development is required to achieve a rating of not less than 4 Star Green Star using the relevant Green Building Council of Australia (‘GCBA’) rating tool pursuant to LPP2.13; or an equivalent rating. A condition of approval reflecting this is recommended.

Conclusion:

The application seeks planning approval for the demolition of the existing buildings on site, change of use to Restaurant, Office, Shop and Multiple dwellings, and a three (3) storey mixed use building (20 Multiple dwellings and six commercial (Office, Shop and Restaurant) tenancies). The proposal is supported for the following reasons;

- The additional height sought under the provision of LPS4 is supported based on clause 5.8.1, as it is considered that the height proposed graduates the scale of surrounding buildings, as well as being sympathetic to adjoining properties;
- The proposal is considered satisfactory to the City’s Design Advisory Committee subject to conditions;
- Proposed exercise of discretion to the planning framework relating to vehicle parking and land use is considered acceptable;
- Conditions of approval requiring the proposal to satisfy concerns raised regarding waste management, site access, and construction management are recommended; and,
- As per the City’s policy, a condition of approval requiring the proposal to meet the sustainable building requirements of LPP2.13 is recommended.

The proposal is therefore recommended for conditional approval.

OFFICERS RECOMMENDATION/COMMITTEE DECISION

MOVED: Cr I Waltham

That the South-West Joint Development Assessment Panel:

APPROVE DAP Application reference DAP/16/00972 (City of Fremantle reference DAP013/15), having been received by the City of Fremantle on the 17 February 2016, being DWG 0.03, 1.01-03, 2.03-07, 4.01-03 and 5.01, in accordance with the City of Fremantle Local Planning Scheme No. 4 and the Metropolitan Region Scheme, subject the following conditions:

1) This approval relates only to the development as indicated on the approved plans, dated 17 February 2016. 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, Lots 30, 31 & 32 (No. 284) South Terrace, South Fremantle, are to be legally amalgamated or alternatively the owner may enter into a legal agreement with the City of Fremantle, drafted by the City’s solicitors at the expense of the owner and be executed by all parties concerned prior to the commencement of the works. The legal agreement will specify measures to allow the development approval to operate having regard
to the subject site consisting of three separate lots, to the satisfaction of the Chief Executive Officer, City of Fremantle.

3) All stormwater discharge shall be contained and disposed of on site, to the satisfaction of the Chief Executive Officer, City of Fremantle.

4) Prior to commencement, the tree located on the northern boundary, as marked in red on the plans dated 17 February 2016, is to be removed at the applicants expense to the satisfaction of the Chief Executive Officer, City of Fremantle.

5) Prior to occupation, the boundary walls located on the eastern and southern boundaries shall be of a clean finish in either;

- coloured sand render;
- face brick;
- painted surface; or,
- other approved finish

and be thereafter maintained to the satisfaction of the Chief Executive Officer - City of Fremantle.

6) The design and construction of the development is to meet the 4 star green star standard as per Local Planning Policy 2.13 or alternatively to an equivalent standard as agreed upon by the Chief Executive Officer, City of Fremantle. Any costs associated with generating, reviewing or modifying the alternative equivalent standard is to be incurred by the owner of the development site. Twelve (12) months after practical completion of the development, the owner shall submit either of the following to the City to the satisfaction of the Chief Executive Officer – City of Fremantle;

   a) a copy of documentation from the Green Building Council of Australia certifying that the development achieves a Green Star Rating of at least 4 Stars, or

   b) a copy of agreed equivalent documentation certifying that the development achieves a Green Star Rating of at least 4 Stars.

7) Prior to commencement of development (excluding demolition), the owner is to submit a waste management plan for approval detailing the storage and management of the waste generated by the development to be implemented to the satisfaction of the Chief Executive Officer, City of Fremantle.

8) Prior to occupation any redundant crossovers and kerbs shall be removed and the verge reinstated to the satisfaction of the Chief Executive Officer, City of Fremantle and at the expense of the applicant.

9) Prior to the occupation of the development approved as part of DAP013/15, on plans dated 17 February 2016, vehicle crossovers shall be constructed in either paving block, concrete, or bitumen and thereafter maintained to the satisfaction of the Chief Executive Officer, City of Fremantle.
10) Prior to occupation of the development approved as part of DAP013/15, the car parking and loading area(s), and vehicle access and circulation areas shown on the approved site plan, including the provision of disabled car parking, shall be constructed, drained, and line marked and provided in accordance with Clause 5.7.1(a) of the City of Fremantle Local Planning Scheme No.4, to the satisfaction of the Chief Executive Officer, City of Fremantle.

11) The new/modified vehicle crossover shall be separated from any verge infrastructure by;
   i. a minimum of 2.0 metres in the case of verge trees
   ii. a minimum of 1.2 metres (in the case of bus shelters, traffic management devices, parking embayments or street furniture), and
   iii. a minimum of 1.0 metre in the case of power poles, road name and directional signs.

12) Prior to the issue of a building permit, the applicant shall provide an amended southern elevation drawing which incorporates a higher level of glazing to the ground floor of commercial tenancy 6 for the front western 2.6m portion of wall, for the purpose of reducing the apparent building bulk and the impact on the southern adjoining property, to the satisfaction of the Chief Executive Officer, City of Fremantle.

Advice Note(s)

i. The applicant is advised that the subject site is located in close proximity to commercial developments and this development maybe subject to noise and activity not normally associated with purely a residential use. It is recommended that the developer install measures to acoustically attenuate the impact of noise from other commercial sources within the development and from those commercial developments already in the locality.

ii. The approval of the new / revised vehicle access has been granted based on the plans as submitted by the applicant to the City of Fremantle showing existing infrastructure and trees within the road verge and road. Should it transpire that this existing infrastructure was not accurately depicted on the plan it is the responsibility of the applicant to either;

- submit amended plans to the City of Fremantle for consideration, or
- submit a request to the City for removal or modification of the infrastructure.

This request will be considered independently of any Planning Approval granted, and this Planning Approval should not be taken as approval for removal or modification of any infrastructure within the road reserve.

iii. This approval relates to the subject site and does not authorise the removal or modification of verge infrastructure and/or verge trees within the verge area. Written approval is to be obtained for removal or modification of verge infrastructure and/or verge trees within the verge area from the relevant City...
of Fremantle department or relevant service authority, before construction commences. Please refer to the City's Tree Planting and Vehicle Crossings Policies (SG28) and MD0015) for further information.

iv. In the event that such an approval is not forthcoming from the relevant City of Fremantle department or relevant service authority prior to the commencement of this development, this planning approval will be incapable of implementation.

v. In regards to condition No.4, the applicant is advised to contact the City's Parks and Gardens Department regarding the required permit / authority to remove the existing verge tree and negotiate future verge tree replacement details. The Parks and Gardens department can be contacted on 9432 9999.

CARRIED: 4/3

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<thead>
<tr>
<th>For</th>
<th>Against</th>
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<tbody>
<tr>
<td>Mayor, Brad Pettitt</td>
<td>Cr Jeff McDonald</td>
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<tr>
<td>Cr Andrew Sullivan</td>
<td>Cr Josh Wilson</td>
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<tr>
<td>Cr Simon Naber</td>
<td>Cr Bryn Jones</td>
</tr>
<tr>
<td>Cr Ingrid Waltham</td>
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</tbody>
</table>
Cr A Sullivan left the meeting at 8.11 pm.
Cr A Sullivan returned to the meeting at 8.12 pm.
Cr S Naber vacated the chamber at 8.15 pm and was absent during discussion and voting of this item.

PC1603 - 6 COWER MEWS, NO. 2 (LOT 1), WHITE GUM VALLEY - FOUR STOREY MULTIPLE DWELLING DEVELOPMENT (24 DWELLINGS) ?
(AD DA0598/15)

ECM Reference: 059/002
Disclosure of Interest: Nil
Meeting Date: 2 March 2016
Responsible Officer: Acting Manager Development Approvals
Actioning Officer: Senior Planning Officer
Decision Making Level: Planning Committee
Previous Item Number/s: Nil
Attachments: Development Plans
Date Received: 17 December 2015
Owner Name: Western Australian Land Authority
Submitted by: Yolk Property Group
Scheme: Development Zone;
Development Area 12
Heritage Listing: Not listed;
Not within heritage area
Existing Landuse: Nil (vacant)
Use Class: Multiple Dwelling
Use Permissibility: ‘A’ – Development zone
D’ – Residential zone (as per adopted structure plan)
EXECUTIVE SUMMARY

The application seeks planning approval for a four storey Multiple Dwelling development (24 dwellings) at No. 2 (Lot 1) Cower Mews, White Gum Valley. The application is presented to the Planning Committee (PC) due to discretions sought.

The application seeks discretionary assessment against local planning policy LPP3.15 Former Kim Beazley School Site Policy provisions in relation to communal open space and building priority zones. The proposal is considered to satisfy the relevant planning criteria in relation communal open space, and in part in relation to building priority zones. Notwithstanding, it is recommended that a condition of approval be imposed requiring the building priority zone in the south-eastern corner of the site be addressed prior to issue of a building permit.

The proposal is also seeking Residential Design Code (R-Code) Design Principle assessment in relation to:

- Building size (plot ratio);
- Building height (External Wall height);
- Onsite car parking and bicycle racks; and
- LPP3.15 policy requirements relating to communal open space and building priority zones

The proposal is considered supportable in relation to all of these, except in relation to bicycle parking where it is recommended that a condition of approval be imposed bringing the development into compliance.

The application is recommended for conditional approval.

BACKGROUND

The site is zoned ‘Development Zone’ and ‘Development Area’ (DA 12 – Kim Beazley school) under the provisions of the City’s Local Planning Scheme No. 4 (LPS4). A structure plan has been adopted for this Development Area, with the subject site zoned Residential with an applicable density coding of R80 as per the provisions of LPP3.15.

The subject site is located within the White Gum Valley Local Planning Area 6 – (LPA 6) as prescribed in Schedule 12 of LPS4.

The site is located in the street block bounded by Stevens Street to the north, Beazley Way to the east and Cower Mews to the south. The site is not individually listed on the City’s Heritage List; nor is it located within a prescribed Heritage Area.

The subject site is approximately 2,227m², has a predominantly north-south orientation and is currently vacant. In terms of its topography, the subject site slopes by approximately 3.75m from its north-western corner (Stevens Street) down to its south-eastern corner (corner Beazley Way and Cower Mews).
A review of property file revealed the following information relevant to planning and/or to this application:

- The subject site is located within Development Area 12 – Kim Beazley school. The structure plan for this DA 12 was adopted by Council at its Ordinary Council Meeting (OCM) on 18 December 2013. The Western Australian Planning Commission (WAPC) endorsed the structure plan on the 12 August 2014 with modifications. These modifications were made and we received notification it was ‘officially’ endorsed on the 14 October 2014. The WAPC endorsed the structure plan on 12 August 2014;
- On 1 September 2014, the WAPC granted conditional approval for a twenty-eight (28) freehold (green title) subdivision of No. 101-133 (Lot 2089) Stevens Street, White Gum Valley (WAPC149982). This subdivision was generally consistent with the structure plan adopted for Development Area 12 and created the subject site;
- On 2 December 2015, the WAPC endorsed the deposited plan for the subdivision of WAPC149982.

**DETAIL**

The application seeks planning approval for a four storey Multiple Dwelling development (24 dwellings) at No. 2 (Lot 1) Cower Mews, White Gum Valley. The development is split over two, four storey buildings orientated east-west, with one located on the northern side of the site fronting Stevens, and the other on the southern side fronting Cower Mews.

The proposal includes the following mixture of housing types:

<table>
<thead>
<tr>
<th>No. bedrooms</th>
<th>No. dwellings</th>
<th>% proportion of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>12</td>
<td>50</td>
</tr>
<tr>
<td>2</td>
<td>8</td>
<td>33.33</td>
</tr>
<tr>
<td>3</td>
<td>4</td>
<td>16.67</td>
</tr>
<tr>
<td>Total</td>
<td>24</td>
<td>100%</td>
</tr>
</tbody>
</table>

Development plans are included in this report at Attachment 1.

**STATUTORY AND POLICY ASSESSMENT**

The proposal has been assessed in accordance with the relevant provisions of LPS4, the R-Codes and LPP3.15.

Where a proposal does not meet the relevant deemed-to-comply requirements of the R Codes, an assessment is made against the relevant design principles of the R Codes. Not meeting the deemed-to-comply requirements cannot be used as a reason for refusal.

In this particular application the areas outlined below either do not meet the ‘deemed to comply’ provisions of the R-Codes or seek policy discretions:

- Building size (plot ratio),
- Building height,
- Onsite Car parking,
- Bicycle racks, and
- Clauses 10 and 12 of LPP3.15 pertaining to communal open space and building priority zones.

A more detailed discussion of the above is provided 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 and Council’s Local Planning Policy 1.3 - Notification of Planning Proposals (LPP 1.3), as the applicant is seeking assessment against the relevant R Codes design principles and seeks various policy discretions. At the conclusion of the advertising period, being 1 February 2016, the City did not receive any submissions pertaining to the proposal.

Infrastructure and Project Delivery

The proposal was referred to the City’s Infrastructure and Project Delivery Directorate on 7 January 2016. No comment was received from them in relation to the proposal.

Design Advisory Committee (DAC)

The proposal was not required to be referred to the DAC prior to determination as the subdivision has been acted upon in a manner consistent with the structure plan, of which nominates a ‘residential’ zoning for this site. Properties zoned residential are not required to be referred to DAC prior to determination.

Notwithstanding the above, the Council may elect to put the proposal to DAC prior to determining the application should it consider it necessary. Should this be the case, it would be recommended that Council defer the application until such time that the proposal has been considered by DAC. Council is advised that this is likely to add significant processing time to the application and lead to substantial delays.

PLANNING COMMENT

Residential Design Codes

Building size (plot ratio)

<table>
<thead>
<tr>
<th>Deemed-to-comply</th>
<th>Proposed</th>
<th>Design principle assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.70 (1,560.30m²)</td>
<td>0.80 (1,796m²)</td>
<td>0.10 (235.7m²)</td>
</tr>
</tbody>
</table>

The proposal is considered to satisfy the ‘design principles’ for the following reasons:

- As will be discussed later in this report, LPP3.15 prescribes ‘building priority zone’ (BPZ’s) for which informs how development is to occur on this site. It effectively encourages development ‘hard edged’ to both Stevens Street and Cower Mews. Full compliance with this BPZ requirement would likely result in areas used for
open space and car parking in the middle of the site, with the north and the south
dedicated for built form, which is what can be generally seen by this proposal.

- As will be detailed later in this report, the proposed building height design principle
assessment has been supported, largely because the portions of building above
the ‘deemed-to-comply’ standards do not extend for the full length or widths of the
building footprints of either of the two apartment blocks;
- The proposal either complies with, or exceeds the minimum prescribed street and
lot boundary setbacks;

Building height

<table>
<thead>
<tr>
<th>Deemed-to-comply</th>
<th>Proposed</th>
<th>Design principle assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Top of external wall – 9m</td>
<td>11.80m</td>
<td>2.80m</td>
</tr>
<tr>
<td>Top of pitched roof – 12m</td>
<td>12.30m</td>
<td>0.30m</td>
</tr>
</tbody>
</table>

The proposal is, considered to satisfy the ‘design principles’ for the following reasons:

- As discussed in the ‘background’ section of this report, it is noted that the site
does slope significantly which can exacerbate both external wall and roof ridge
heights;
- The proposal is considered to provide adequate sunlight to the development and
to major openings to habitable rooms;
- The proposal is not considered to impact on any views of significance, given that
the bulk is not too dissimilar from what would be expected by a pitched or hipped
gable roof;
- The proposal meets the ‘deemed-to-comply’ requirements pertaining to solar
access (overshadowing); and visual privacy.
- The building façade utilise various setbacks (articulations), elements, openings
and finish and materials to reduce the perception of bulk and height;

Car parking

<table>
<thead>
<tr>
<th>Deemed-to-comply</th>
<th>Proposed</th>
<th>Design principle assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total – 37 (dwellings – 31; visitors 6)</td>
<td>Total – 26 (dwellings – 22; visitors – 4)</td>
<td>11 (dwellings – 9; visitors – 2)</td>
</tr>
</tbody>
</table>

The proposal is, considered to satisfy the ‘design principles’ for the following reasons:

- There is provision of on-street parking in the locality (4 x bays on Stevens Street
immediately in front of the site; 7 x bays within Beazley Way). Whilst these bays
are not exclusive to the development, they are formally designed and constructed
car parking embayment’s which are likely to be used by residents and visitors of
the larger Kim Beazley site. There are also numerous bays provided elsewhere in
the locality, including along Nannine Avenue to the west (refer figure below);
- The subject site is in reasonable proximity to public transport, being within 200m
of the 502 Transperth bus route (Watkins Street); 600m of the 160, 998 and 999
Transperth bus routes (South Street) and 800m of the 881 Transperth bus route
(Carrington Street);
- The applicant is also proposing two (2) motorcycle bays for which there is no requirement under the R-Codes for. This is considered an effective solution as it is acknowledged that not everyone has a need for, nor drives a car. The provision of these two bays is considered to further add to supportability of the proposal against the design principles;

![Figure 1 - IntraMaps aerial photo depicting on-street parking bays](image)

Council is also advised that further discussion later in the report recommends removal of one of the visitors car bays, and the implication of potentially losing another bay would leave to the provision of a total of 25 bays on-site (22 for dwellings; 3 for visitors).

Council is also advised that the City has previously exercised discretion in relation to on-site car parking to the property to the south (No. 3 Cower Mews) which had a shortfall of 5 on-site bays (comprised of 3 for the dwellings; and 2 for visitors). That development was for 12 Multiple Dwellings, half as many as proposed by the development. The ratio of the shortfall between number of dwellings and total number of car bays between the two developments is generally consistent.

**Bicycle racks**

<table>
<thead>
<tr>
<th>Deemed-to-comply</th>
<th>Proposed</th>
<th>Design principle assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total – 11 (dwellings – 8; visitors 3)</td>
<td>Total – 10 (dwellings – 0; visitors – 10)</td>
<td>1 (dwellings – 1; visitors – 0)</td>
</tr>
</tbody>
</table>

The proposal is not considered to satisfy the ‘design principles’ for the following reasons:

- The development plans depict provision of only ten (10) bicycle racks for visitors.
- It is noted in their submission, the applicant states that eight (8) bicycle racks “can be contained within the bike service area”, with overall provision equating to eighteen (18) bicycle racks (8 for the dwellings; 10 for visitors);
- Given the proposed shortfall of on-site car parking, and the applicants’ willingness to provide on-site bicycle racks well beyond the amount satisfy the ‘deemed-to-comply’ standards, it is considered this offset to some degree, the loss of on-site car parking.

- In light of the above, it is recommended that a total of eighteen (18) bicycle racks (8 for the dwellings; 10 for visitors) be imposed as a condition of approval.

Local Planning Policies

LPP3.15 – Former Kim Beazley School Site – White Gum Valley

Communal open space -

<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed</th>
<th>Discretion</th>
</tr>
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<tbody>
<tr>
<td>20% of the site set aside for communal open space purposes (445.5m²)</td>
<td>15% (334.05m²)</td>
<td>5% (111.45m²)</td>
</tr>
</tbody>
</table>

As the proposal does not meet the requirements of clause 10.1, the proposal is required to be assessed against the provisions of clause 10.2, which state:

“Variations to the requirements of clause 10.1 above may be considered, at Council’s discretion, subject to the proposed development meeting the following criterion:

i. The requirement for communal open space may be reduced by up to 5% if recreational facilities (i.e. fixed BBQ, seating and shade structures, hard and soft landscaping) are provided within the designated communal open space.”

The proposal seeks the reduction of 5% on the basis that provision is made within the allocated communal open space area for recreational facilities such as fixed BBQ, seating and shade structures, hard and soft landscaping. In this regard, as the proposal incorporates these elements, this discretionary decision should be supported.

Building priority zones (BPZ)-

<table>
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<tr>
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<th>Proposed</th>
<th>Discretion</th>
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<tbody>
<tr>
<td>Developments shall provide a contiguous and activated built form frontage to the boundaries identified as ‘Building Priority Zones’ (BPZ) on Figures 2 (refer figure below)</td>
<td>North-western corner of development (northern apartment block) no development within BPZ</td>
<td>Refer comments below</td>
</tr>
<tr>
<td></td>
<td>South-western corner of development (southern apartment block) no development within BPZ</td>
<td>Refer comments below</td>
</tr>
<tr>
<td></td>
<td>South-eastern corner of development (southern apartment block) no development within BPZ</td>
<td>Refer comments below</td>
</tr>
</tbody>
</table>
The BPZ is dimensioned to extend 6.0m south from the Stevens Street frontage (behind 2m street setback line), and 6.0m north of the Cower Mews frontage (depicted as ‘Road 1 (Lane Way)’ in the figure above.

As the proposal does not meet the requirements of clause 12.1, the proposal is required to be assessed against the provisions of clauses 12.2 and 12.3, which state:

“12.2 Design responses may include but are not limited to, the orientation of dwellings to the street, habitable rooms adjacent and overlooking the public realm and location of primary vehicle and pedestrian entrances for the streets.

12.3 No open car parking (carports or open at-grade car parking) is permitted within this zone.”

In relation to the lack of development within the north-western-most portion of the development zone (northern apartment block), this is primarily attributed to the location of a vehicle access way for the development which is considered an appropriate design response in accordance with clause 12.2 above and as such is supported.

In relation to the lack of development within the south-western-most portion of the development zone (southern apartment block), this 6.0m area is proposed to used primarily for high quality landscaping, pathway and rainwater storage tanks. The
development is setback 2.70m from the side (western) boundary. The pathway provides a pedestrian entrance to Cower Mews which is considered an appropriate design response in accordance with clause 12.2 and as such is supported.

In relation to the lack of development within the south-eastern-most portion of the development zone (southern apartment block), this 6.0m area is proposed to used primarily for high quality landscaping and ‘visitor bay 4 with car charging’ bay.

This is considered to be consistent with the discretionary criteria afforded by clause 12.2, as three dwellings within the southern apartment block (refer ‘east elevation (Beazley Way)’) include openings and balconies which overlook the public realm towards Beazley Way.

Notwithstanding the above, this is not considered to be consistent with the discretionary criteria afforded by clause 12.3 and as such is not supported. It is recommended that a condition of planning approval be imposed requiring ‘visitor bay 4 with car charging’ be removed and replaced with more high quality landscaping, and that the loss of the ‘car charging’ be offset by upgrading one of the other visitors bays with this capability.

“Prior to issue of a Building Permit, the applicant is to submit amended plans which replaces ‘visitor bay 4 with car charging’ as detailed on plans dated 17 December 2015, with high quality landscaping, and incorporate ‘car charging’ into another of the provided visitors bays, to the satisfaction of the Chief Executive Officer, City of Fremantle.”

Council may consider that satisfying discretionary clause 12.2, and not strictly meeting discretionary clause 12.3 is enough to provide a satisfactory outcome and therefore may not seek to impose the above condition of planning approval. Should this be the case, it would be recommended that this condition be deleted from the officer’s recommendation.

LPP2.13 – Sustainable Building Design Requirements

The applicant has advised that in relation to sustainable building design:

“LPP2.13 requires that the subject development is designed and constructed to achieve a rating of no less than 4 Star Green Star using the Green Building Council of Australia Green Star rating tool. It is noted that this development meets this requirement, and this can be enforced via a condition of planning approval in accordance with clause 3.1. It is requested that this approach be adopted.”

On this basis it is recommended that a condition of Planning Approval be imposed requiring the development to adhere to the requirements of Clause 3.1 of Council’s LPP2.13.

STRATEGIC IMPLICATIONS

The proposal is consistent with the City’s Economic Development Strategy 2011-15; the proposed potentially increases the number of residents in the area.
CONCLUSION

The application seeks planning approval for a four storey Multiple Dwelling development (24 dwellings) at No. 2 (Lot 1) Cower Mews, White Gum Valley. The application is presented to the Planning Committee (PC) due to discretions sought.

The application seeks discretionary assessment against and local planning policies in relation to communal open space and building priority zones. The proposal is considered to satisfy the relevant planning criteria in relation communal open space, and in part in relation to building priority zones. Notwithstanding, it will be recommending that a condition of approval be imposed requiring the building priority zone in the south-eastern corner of the site be addressed prior to issue of a building permit.

The proposal is also seeking design principle assessment in relation to Building size (plot ratio); building height; car parking and bicycle racks under the R-Codes. The proposal is considered supportable in relation to all of these, except in relation to bicycle parking where it is recommended that a condition of approval be imposed bringing the development into compliance.

The application is recommended for conditional approval.

OFFICER'S RECOMMENDATION

MOVED: Cr I Waltham

That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Four storey Multiple Dwelling development (24 dwellings) at No. 2 (Lot 1) Cower Mews, White Gum Valley, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans dated 17 December 2015. It does not relate to any other development on this lot and must substantially commence within 4 years from the date of the decision letter. If the subject development is not substantially commenced within a 4 year period, the approval shall lapse and be of no further effect.

2. The design and construction of the development is to meet the 4 star green star standard as per Local Planning Policy 2.13 or alternatively to an equivalent standard as agreed upon by the Chief Executive Officer, City of Fremantle. Any costs associated with generating, reviewing or modifying the alternative equivalent standard is to be incurred by the owner of the development site. Twelve (12) months after practical completion of the development, the owner shall submit either of the following to the City to the satisfaction of the Chief Executive Officer – City of Fremantle:

   a) a copy of documentation from the Green Building Council of Australia certifying that the development achieves a Green Star Rating of at least 4 Stars, or

   b) a copy of agreed equivalent documentation certifying that the development achieves a Green Star Rating of at least 4 Stars.
3. Prior to issue of a Building Permit, the applicant is to submit amended plans which replaces ‘visitor bay 4 with car charging’ as detailed on plans dated 17 December 2015, with high quality landscaping and incorporates ‘car charging’ into another of the visitors bays, to the satisfaction of the Chief Executive Officer, City of Fremantle.

4. Prior to occupation, a minimum of eighteen (18) bicycle racks be provided for on-site, comprised of at least:

   a) Eight (8) bicycle racks for the dwellings; and
   b) Ten (10) bicycle racks for visitors,

to the satisfaction of the Chief Executive Officer, City of Fremantle.

5. All storm water discharge shall be contained and disposed of on site or otherwise approved by the Chief Executive Officer – City of Fremantle.

6. Prior to the occupation of the development approved as part of DA0598/15, on plans dated 17 December 2015, landscaping shall be completed in accordance with the approved plans or any approved modifications thereto to the satisfaction of the Chief Executive Officer, City of Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of the development on the site to the satisfaction of the Chief Executive Officer, City of Fremantle.

7. Prior to occupation, the boundary wall located on the western common boundary for the bin storage structure shall be of a clean finish in either;
   - coloured sand render;
   - face brick;
   - painted surface; or,
   - other approved finish

and be thereafter maintained to the satisfaction of the Chief Executive Officer - City of Fremantle.

8. Prior to commencement, the owner is to submit a waste management plan for approval detailing the storage and management of the waste generated by the development to be implemented to the satisfaction of the Chief Executive Officer, City of Fremantle

9. Prior to the occupation of the development approved as part of DA0598/15 on plans dated 17 December 2015, vehicle crossovers shall be constructed in either paving block, concrete, or bitumen and thereafter maintained to the satisfaction of the Chief Executive Officer, City of Fremantle.

10. Prior to occupation of the development approved as part of DA0598/15, on plans dated 17 December 2015, any new or modified crossover and/or tree removal associated with the hereby approved development must receive separate approval from the City of Fremantle’s Infrastructure and Parks Department.
11. All car parking, and vehicle access and circulation areas shall be maintained and available for car parking/loading, and vehicle access and circulation on an ongoing basis to the satisfaction of the Chief Executive Officer, City of Fremantle.

Advice note:

i. It is recommended that the applicant and/or owner submit a construction management plan to the city to the satisfaction of the chief executive officer – City of Fremantle addressing the following matters:

a) Use of City car parking bays for construction related activities;
b) Protection of infrastructure and street trees within the road reserve;
c) Security fencing around construction sites;
d) Gantries;
e) Access to site by construction vehicles;
f) Contact details;
g) Site offices;
h) Noise - Construction work and deliveries;
i) Sand drift and dust management;
j) Waste management;
k) Dewatering;
l) Traffic management; and
m) Works affecting pedestrian areas.

The Demolition and Construction Management Plan shall be adhered to throughout the demolition of the existing building on site and construction of the new development. It is advised that Local Planning Policy 1.10 is reviewed in formulating the Demolition and Construction Management Plan.

Cr I Waltham MOVED an amendment to the Officer’s Recommendation to include the following advice note ii:

ii. The applicant be advised that further consideration should be given to improving the relationship between the open space area on site and the adjoining public open space to the west that includes the location of the bin stores and western car parking area.

CARRIED: 6/0

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<tr>
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<td></td>
</tr>
<tr>
<td>Cr Jeff McDonald</td>
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</tr>
</tbody>
</table>

COMMITTEE DECISION
MOVED: Cr I Waltham

That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Four storey Multiple Dwelling development (24 dwellings) at No. 2 (Lot 1) Cower Mews, White Gum Valley, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans dated 17 December 2015. It does not relate to any other development on this lot and must substantially commence within 4 years from the date of the decision letter. If the subject development is not substantially commenced within a 4 year period, the approval shall lapse and be of no further effect.

2. The design and construction of the development is to meet the 4 star green star standard as per Local Planning Policy 2.13 or alternatively to an equivalent standard as agreed upon by the Chief Executive Officer, City of Fremantle. Any costs associated with generating, reviewing or modifying the alternative equivalent standard is to be incurred by the owner of the development site. Twelve (12) months after practical completion of the development, the owner shall submit either of the following to the City to the satisfaction of the Chief Executive Officer – City of Fremantle:

   a) a copy of documentation from the Green Building Council of Australia certifying that the development achieves a Green Star Rating of at least 4 Stars, or
   b) a copy of agreed equivalent documentation certifying that the development achieves a Green Star Rating of at least 4 Stars.

3. Prior to issue of a Building Permit, the applicant is to submit amended plans which replaces ‘visitor bay 4 with car charging’ as detailed on plans dated 17 December 2015, with high quality landscaping and incorporates ‘car charging’ into another of the visitors bays, to the satisfaction of the Chief Executive Officer, City of Fremantle.

4. Prior to occupation, a minimum of eighteen (18) bicycle racks be provided for on-site, comprised of at least:

   a) Eight (8) bicycle racks for the dwellings; and
   b) Ten (10) bicycle racks for visitors,

   to the satisfaction of the Chief Executive Officer, City of Fremantle.

5. All storm water discharge shall be contained and disposed of on site or otherwise approved by the Chief Executive Officer – City of Fremantle.

6. Prior to the occupation of the development approved as part of DA0598/15, on plans dated 17 December 2015, landscaping shall be completed in accordance with the approved plans or any approved modifications thereto to the satisfaction of the Chief Executive Officer, City of Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of...
the development on the site to the satisfaction of the Chief Executive Officer, City of Fremantle.

7. Prior to occupation, the boundary wall located on the western common boundary for the bin storage structure shall be of a clean finish in either:

- coloured sand render;
- face brick;
- painted surface; or,
- other approved finish

and be thereafter maintained to the satisfaction of the Chief Executive Officer - City of Fremantle.

8. Prior to commencement, the owner is to submit a waste management plan for approval detailing the storage and management of the waste generated by the development to be implemented to the satisfaction of the Chief Executive Officer, City of Fremantle.

9. Prior to the occupation of the development approved as part of DA0598/15 on plans dated 17 December 2015, vehicle crossovers shall be constructed in either paving block, concrete, or bitumen and thereafter maintained to the satisfaction of the Chief Executive Officer, City of Fremantle.

10. Prior to occupation of the development approved as part of DA0598/15, on plans dated 17 December 2015, any new or modified crossover and/or tree removal associated with the hereby approved development must receive separate approval from the City of Fremantle's Infrastructure and Parks Department.

11. All car parking, and vehicle access and circulation areas shall be maintained and available for car parking/loading, and vehicle access and circulation on an ongoing basis to the satisfaction of the Chief Executive Officer, City of Fremantle.

Advice note:

i. It is recommended that the applicant and/or owner submit a construction management plan to the city to the satisfaction of the chief executive officer – City of Fremantle addressing the following matters:

   a) Use of City car parking bays for construction related activities;
   b) Protection of infrastructure and street trees within the road reserve;
   c) Security fencing around construction sites;
   d) Gantries;
   e) Access to site by construction vehicles;
   f) Contact details;
   g) Site offices;
   h) Noise - Construction work and deliveries;
   i) Sand drift and dust management;
   j) Waste management;
k) Dewatering;
l) Traffic management; and
m) Works affecting pedestrian areas.

The Demolition and Construction Management Plan shall be adhered to throughout the demolition of the existing building on site and construction of the new development. It is advised that Local Planning Policy 1.10 is reviewed in formulating the Demolition and Construction Management Plan.

\textit{ii. The applicant be advised that further consideration should be given to improving the relationship between the open space area on site and the adjoining public open space to the west that includes the location of the bin stores and western car parking area.}

CARRIED: 6/0

<table>
<thead>
<tr>
<th>For</th>
<th>Against</th>
</tr>
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<tbody>
<tr>
<td>Mayor, Brad Pettitt</td>
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<tr>
<td>Cr Andrew Sullivan</td>
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<tr>
<td>Cr Bryn Jones</td>
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<td>Cr Josh Wilson</td>
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<td>Cr Ingrid Waltham</td>
<td></td>
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<tr>
<td>Cr Jeff McDonald</td>
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</tbody>
</table>
Cr S Naber returned to the meeting at 8.22 pm.
Cr B Jones left the meeting at 8.24 pm.
Cr B Jones returned to the meeting at 8.27 pm.
Cr J McDonald left the meeting at 8.27 pm.
Cr J McDonald returned to the meeting at 8.29 pm.

REPORTS BY OFFICERS (COUNCIL DECISION)

PC1603 - 9  SCHEME AMENDMENT 68 INITIATION REPORT - SCHEME AMENDMENT NO 68 (MODIFICATION TO DEVELOPMENT CONTROLS TO THE MIXED USE ZONE ON HAMPTON ROAD AND BROCKMAN PLACE, SOUTH FREMANTLE

ECM Reference: 218/073
Disclosure of Interest: Nil
Meeting Date: 2 March 2016
Responsible Officer: Manager Strategic Planning
Actioning Officer: Strategic Planning Officer
Decision Making Level: Council
Previous Item Number/s: N/A
Attachments:
EXECUTIVE SUMMARY

The purpose of this report is to recommend that Council resolves to initiate an amendment to Local Planning Scheme No.4 (LPS4) to modify and introduce new provisions to Schedule 12.

The Schedule 12 provisions will introduce a new sub-area (4.3.7) and cover the Mixed Use zoned sites on the western side of Hampton Road between Douro Road and Cockburn Road; broadly the lots adjoining Brockman Place.

The proposed Scheme amendment reflects a similar approach which was taken for the Strang Street area as part of Scheme amendment 43 which provides direction for the revitalisation and redevelopment of the Strang Street locality. Scheme amendment 43 relates to land which is on the opposite side of Hampton Road from the land subject to the proposed scheme amendment 68.

It is proposed the provisions maintain the existing base density coding of R25 for the Mixed Use sites while providing additional development standards that can achieve increases to density and height. These additional development standards will relate to access, ground floor activation and land uses.

Subject to additional development controls, the permissible height of development in the amendment area is proposed to be increased to 17.5m and up to 24.5m for larger development sites. Similarly the density of sites is proposed to be increased to R160 and up to R-AC3 for larger sites to compliment the additional development height.

Further development controls are intended to restrict any additional vehicle access to Hampton Road, provide incentives to redevelop larger sites and provide opportunities for active ground floor non-residential uses.

It is recommended that the proposed scheme amendment be advertised for public comment.

BACKGROUND

Site Context

The Brockman Place area is considered to be an area capable of supporting more intensive development, in line with the adjoining development capabilities of the Strang Street area and the future use of Hampton Road as a possible Bus Rapid Transit (BRT) corridor.

The Brockman Place area has prominent frontage to Hampton Road, is within close proximity to general amenities such as the public open space of Clontarf Hill, future open space within the Lefroy Road Quarry Structure Plan as well as South Beach and the shopping facilities offered by the South Fremantle Marketplace. In addition to the immediate surroundings of the site, Brockman Place is also well located at approximately 2.5km from the Fremantle City Centre and is well serviced by the existing road network and public transport. It is therefore envisioned that this area could support a mix of land uses, including a relatively dense residential population.
The Brockman Place area is currently zoned Mixed Use under the City's Local Planning Scheme No. 4 (LPS4) which has resulted in a mix of land uses including; manufacturing, distribution and commercial uses. The lots within the area are generally greater than 1000m² and amalgamation is considered possible due to several of the lots being in single ownership by the same landowners.

Several of the lots are currently accessed via Brockman Place, the cul-de-sac which adjoins the majority of the lots within the amendment area. Notwithstanding the existing utilisation of Brockman Place, several of the lots are accessed via Hampton Road. Access via Brockman Place is considered achievable for many of these sites due to the land ownership and potential amalgamation opportunities.

Landowners within the Brockman Place area approached the City of Fremantle in 2014 and expressed interest in possible revitalisation opportunities for the area. Initial discussions occurred with several landowners within Brockman Place, west of Hampton Road as well as some interested land owners to the east of Hampton Road. Due to the large interest expressed by those in the Brockman Place area, west of Hampton Road, the boundary identified will account for the existing Mixed Used zoned lots.

*Figure 1 – Site Context to Fremantle CBD*
Relationship to Strang Street

The site characteristics identified with the Strang Street area were not dissimilar to those highlighted for Brockman Place. Brockman Place has therefore been approached similarly to Scheme amendment 43, which was finalised and gazetted in 2015. Essentially the development controls proposed for the amendment area have been informed and based upon similar standards used within the Strang Street area as part of Scheme amendment 43.

Historically, Strang Street was identified to require service upgrades as a result of the provisions introduced with Scheme amendment 43. Similarly the Brockman Place area has been identified to also need service upgrades with increase to residential development occurring in the area. Additionally, during preliminary discussions with landowners, the potential of land contamination was considered possible within the area due to previous land uses and the close proximity to the former South Fremantle Tip site. Due to the adjoining site’s contamination, potential investigations and remediation may need to be investigated in greater detail for specific sites and their level of contamination.

Relationship to Cockburn

The subject site is located close to the municipal boundary between the Cities of Fremantle and Cockburn. At the southernmost boundary of the subject site Hampton Road deviates to turn into Cockburn Road and Rockingham Road in the City of Cockburn local government boundary.

The existing planning framework in place, within the City of Cockburn, for the area south of the subject site is guided by the City of Cockburn’s Newmarket Precinct Design Guidelines. The intent of the area to the south of the subject site has been identified in the Design Guidelines as a precinct that will “encourage a residential and mixed use focus, with ground floor office and commercial opportunities along Cockburn Road and Rockingham Road”.

The proposed scheme amendment works with similar principles to that of the Newmarket Precinct Design Guidelines, specifically in relation to ground floor retail and commercial uses, active frontages and multiple dwellings on upper levels. Additionally the heights prescribed for the Newmarket Precinct locality will not exceed 21m in height and relate similarly to those proposed as part of the Scheme amendment.

Hampton Road Corridor

The Brockman Place area is considered to be an area capable of supporting more intensive development, in line with the City of Fremantle Integrated Transport Strategy (ITS) prepared in February 2015. The strategy identifies the Hampton Road corridor as a significant transport connection between Fremantle and Cockburn Coast as well as a number of other activity centres in the south-west metropolitan area. The ITS notes a likely reduced function of Hampton Road as a freight route under proposals to improve freight access to Fremantle.
Subsequently, the reduction in the frequency of freight along Hampton Road and the identified opportunity this corridor provides for a Fremantle/Cockburn connection has encouraged a greater focus on the use of Bus Rapid Transit (BRT) as a short to medium term solution for transportation along this corridor. The ITS highlights the City’s support for the proposed BRT to be introduced along Hampton Road and Cockburn Road as this will provide a short to medium term solution to the connection between Fremantle, Cockburn Coast, Cockburn Central and Rockingham. This route is highlighted as a Secondary Transit Corridor for Fremantle as highlighted in Figure 1.

The City has, in the ITS, identified the need for further consideration of the future Light Rail (LR) routes however, the current BRT option provides for immediate opportunities to utilise Hampton Road as a corridor to both the Fremantle and Cockburn areas.
PLANNING COMMENT

Existing Planning Framework

Sites contained within the amendment area are currently zoned Mixed Use and coded R25 pursuant to LPS4. The sites are zoned Urban under the Metropolitan Region Scheme (MRS) and are not affected by any reservations. The current Mixed Use zoning allows for development to potentially occur at R60 pursuant to Clause 5.2.5 of the Scheme. While this Clause of the Scheme allows for possible development up to R60 to occur, this has not provided enough of an incentive for redevelopment within this area.

The redevelopment envisaged for the Brockman Place locality is considered to compliment the surrounding development potential of Strang Street, adjacent to the subject site and the Newmarket Precinct, located within the City of Cockburn municipality to the south.

As noted earlier in the report, the Scheme amendment for the Strang Street area has recently been endorsed by the Minister for Planning and allows for properties adjacent to Brockman Place to be developed up to R-AC3 and up to 24.5m in height where specific development standards are achieved.

The sites in the Strang Street locality maintain the base density code of R25 while allow for significantly higher development to occur when criteria set out in the additional development standards are met. Scheme Amendment 68 will in principle follow a similar framework with a base density and additional development criteria to be met in order to develop at a higher density. This will provide the area with a similar level of medium to high density ability with coordinated development standards.

Sites to the north of Brockman Place are zoned Local Centre and while it is acknowledged that these lots have similar development potential to that of Brockman Place, it is considered that the South Fremantle Local Centre site would require further research and consideration of its future function and desired urban form prior to any amendment of current scheme provisions. The South Fremantle Local Centre has therefore not been included within the subject area for this amendment.

In addition to the existing development potential surrounding the subject site, the freight functions currently utilising Hampton Road are anticipated to be reduced over time. It is considered that the reduced freight function of Hampton Road makes redevelopment of existing sites along the corridor more appropriate; particularly for higher density residential development given the relative proximity of sites to services, employment, recreational locations and the Fremantle City Centre.

The scheme amendment proposes changes to the density coding and associated development controls contained in Schedule 12 of LPS4 to facilitate redevelopment of sites on the western side of Hampton Road comprising the existing ‘Mixed Use’ zone around Brockman Place, South Fremantle.
The proposed amendment encompasses the following sites:

<table>
<thead>
<tr>
<th>Road</th>
<th>Street Number (Lot)</th>
<th>Site Area (m²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hampton Road</td>
<td>223 (304, 47, 48 &amp; 49)</td>
<td>12208</td>
</tr>
<tr>
<td></td>
<td>227 (550)</td>
<td>2248</td>
</tr>
<tr>
<td></td>
<td>229 (40)</td>
<td>3864</td>
</tr>
<tr>
<td></td>
<td>229A (43)</td>
<td>1500</td>
</tr>
<tr>
<td></td>
<td>229B (100)</td>
<td>9160</td>
</tr>
<tr>
<td></td>
<td>231 (101)</td>
<td>6205</td>
</tr>
<tr>
<td></td>
<td>231A (4)</td>
<td>1482</td>
</tr>
<tr>
<td></td>
<td>233-235 (5)</td>
<td>4856</td>
</tr>
<tr>
<td>Brockman Place</td>
<td>3 (Lot 44)</td>
<td>1473</td>
</tr>
<tr>
<td></td>
<td>5 (50)</td>
<td>972</td>
</tr>
<tr>
<td></td>
<td>6 (1, 2 &amp; 3)</td>
<td>2166</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>46,134m²</strong></td>
</tr>
</tbody>
</table>

Brockman Place has been identified as an ideal location to focus more intensive mixed use redevelopment with an emphasis on the delivery of population growth along a future bus rapid transit route: a core principle of providing for Perth’s future population. This objective is consistent with the City’s Strategic Plan 2010-2015 which aims to ‘innovate and renew the city and suburban areas’. The current Local Planning Scheme (LPS4) constrains opportunities for more intensive development to occur around Brockman Place and therefore the following provisions will enable redevelopment at a more appropriate level.

**Proposed Scheme Amendment No.68**

**Inclusion of Sub Area 4.3.7 South Fremantle LPA and Zoning**

It is proposed that Brockman Place be designated as a ‘sub area’ within the South Fremantle LPA and provide specific development controls relating to the area within Schedule 12. The area is currently zoned Mixed Use and no changes to the current zoning are proposed as part of the amendment. ‘Mixed Use’ zoning for the area will remain with a ‘base’ residential density coding of R25 – consistent with the current density coding of the area.

The existing zoning under LPS4 provides for a wide range of land uses subject to Council’s discretion and compliance with other requirements of LPS4. In particular all the residential use classes, most commercial and entertainment use classes, and light/service industries are permissible.

**Specific Development Controls**

The following development provisions, proposed to be included in Schedule 12 of LPS4, are intended to provide an ‘incentive’ based approach for development within the area, critically without the need for Council to coordinate the provisions of infrastructure upgrades through a DCP.

**Development density**
The Scheme amendment intentionally excludes Clause 5.2.5 of the Scheme which relates specifically to Mixed Use zoned areas within the City of Fremantle. The Clause allows for an increase in residential density of up to R60, where residential development is part of a mixed use development. The exclusion of this Clause has previously been used in similar development standards (refer to sub area 4.3.5 and 7.3.1) in order to provide incentive to utilise the development provisions at the higher densities.

The R25 density coding currently limits the residential redevelopment in this location; the proposed development controls will allow for an increase from the current residential density coding to be achieved where certain development standards are met. A bonus residential density can be achieved up to R160 and R-AC3 which modifies the permitted development standards for the area in accordance with the Residential Design Codes. Therefore, new development controls have been proposed for the area in Schedule 12: of LSP4.

These specific development standards relate to; building height and setbacks, vehicle access, ground floor land uses and activated frontages as well as achieving minimum lot sizes.

The bonus residential densities facilitate greater dwelling yields whilst not compromising the commercial mix of land uses in the area. This is achieved through the requirement for residential uses to be located on upper levels, ensuring activation of the ground floor with commercial uses and residential development located above. The increase in residential density also allows for a change in development standards allowing greater flexibility in terms of the built form outcomes. The proposed development controls would allow for development generally consistent with the development achievable within Strang Street.

**Development height**

<table>
<thead>
<tr>
<th>Current scheme height</th>
<th>Proposed</th>
<th>Additional development standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.0m external wall height</td>
<td>17.5m building height</td>
<td>24.5m building height</td>
</tr>
</tbody>
</table>

**Potential development outcome**

| 2-3 storey development | 5-6 storey development | 7-8 storey development |

The proposal includes an increase to the prescribed building height for all sites within the scheme amendment area to be permitted when additional development controls are met.

Additional criteria for development sites greater than 4,000m² applies up to a maximum height of 24.5m is proposed. The current lot arrangement (size, position, ownership etc.) means that the additional height criteria are likely to affect only those sites capable of frontage to Hampton Road. Notwithstanding the existing lots over 4,000m², the lot size requirement for the additional development standards will also encourage potential amalgamation of existing lots to allow for more comprehensive redevelopment of the area.
Estimated Dwelling Yield

By using the provisions proposed for the scheme amendment as assumptions, a dwelling yield calculation was estimated for the Scheme amendment area. The assumptions take into account a scenario whereby all sites meet the requirements to develop at R-AC3 and develop to a maximum of 24.5m (this would require the smaller lots to be amalgamated for this scenario to be accurate). Should amalgamation of lots not occur the overall dwelling estimate would be less than that stated below.

<table>
<thead>
<tr>
<th>Total Site Areas</th>
<th>Net residential floor area (70% of total plot ratio)</th>
<th>Number of residential units (av 90sqm/unit)</th>
</tr>
</thead>
<tbody>
<tr>
<td>46071</td>
<td>32250</td>
<td>717 Dwellings</td>
</tr>
</tbody>
</table>

The provision of additional housing within the South Fremantle area works to respond to the necessary housing supply for population growth. The provision of additional dwellings is consistent with the City’s Strategic Plan 2010-2015 which aims to ‘innovate and renew the city and suburban areas’. Additionally these objectives also reflect the strategic direction of state planning documents such as Directions 2031 and Perth and Peel @3.5 Million. High density residential development, particularly along high-frequency public transport routes is a key objective for future land use development within the greater Perth region.

It should also be noted that the estimated dwelling yield is unlikely to meet these numbers immediately and is more likely to progress over a period of time.

Primary Street setback

For properties fronting Hampton Road, buildings shall be setback a minimum of 15m to provide a coordinated and consistent building line. The setback provision is considered to respond to the potential bulk of development by including a setback distance for buildings viewed from Hampton Road. A similar distance was also introduced under amendment no. 43 in relation to the setbacks and provisions to sites on the opposite side of Hampton Road.

The setback provision is considered to also reflect the future interaction with the high frequency bus route. Preliminary discussions with Department of Transport officers has assisted in understanding the potential design likely to guide any long term upgrades. As outlined earlier within the report, Hampton Road will act as an important transport corridor and future upgrades are currently being planned to assist in enhancing the capacity for Bus Rapid Transit services along this route, particularly in association with the LandCorp-led Cockburn Coast project.

To date, the Department of Transport have been developing preliminary concept designs which will inform the Bus Rapid Transit upgrades along Hampton Road and Cockburn Road, however exact timeframes for this work have not been made. It has been identified through these conceptual designs that some road widening would need to occur in order to support the extension of dedicated bus lanes along Hampton Road. It is considered the recommended scheme amendment provisions provide enough flexibility
for any future redevelopment to be compatible with any upgrades to Hampton Road which the Department of Transport may ultimately implement.

Provision of a Public Access Way to Open Spaces

While the landfill site is not identified as providing open space, it provides a key link for pedestrians and cyclists a high-frequented dual use access path to South Beach. It has therefore been identified that the potential to provide easy access for future Brockman Place residents would assist with achieving the objectives of the Green Plan and reduces the distance and time taken to access South Beach for those residing, working and visiting Brockman Place.

Ground floor activation and land use

Hampton Road is noted as an important transport corridor connecting Fremantle and Cockburn Coast. It is important that the corridor provide opportunities for mixed use developments including a mix of local convenience retail and employment opportunities.

Provisions requiring ground floor areas to buildings fronting Hampton Road are proposed to all sites, dealing with the following matters;

- Ground floor non-residential uses to accommodate retail and employment opportunities;
- Ground floor activation to Hampton Road frontages to encourage interest and activity to the street;
- A 4.0m first floor plate level and limited ground floor elevation (not more than 600mm above natural ground level) to provide a high quality pedestrian environment at footpath level; and,
- To ensure limited breaks in building frontage, a limit of 8m between buildings fronting Hampton Road.

Access to development sites

Access to development sites shall be limited to Brockman Place where frontage to Brockman Place can be obtained. Access to Hampton Road shall be limited to where no other frontage and/or access arrangement can be provided. Potential for amalgamation is considered achievable for several lots which will allow for access to be obtained easily from Brockman Place for the majority, if not all, of the lots. By reducing the number of crossovers along Hampton Road the future BRT corridor can be safeguarded from any competing access.

Heritage Listed Site

The scheme amendment area contains a property registered on the City’s Heritage List, as shown on the figure below; at no. 229B Hampton Road, South Fremantle. Advice from the City’s Heritage Planner is that the heritage listing is unlikely to inhibit future redevelopment within the scheme amendment area.
The heritage site listed is the former Atkinson Jockey’s Quarter and Stable which is listed as a level 2 heritage building on the City of Fremantle’s Municipal Heritage Inventory. The buildings associated with this former use have been identified to have cultural heritage significance and will therefore be required to be retained as part of any future development.

The following excerpt was taken from an assessment of the history of the site

“Hampton Road was originally called Prison Road. It derives its name from John Stephen Hampton (1810-1869), the Governor of WA from 1862-68. He was previously Comptroller of Convicts in Tasmania. His son, G. E. Hampton, was Acting Comptroller-General of the Fremantle Convict Establishment. Atkinson’s House was on the site now occupied by a petrol station facing Hampton Road. (No 229B) The 'weatherboard' jockeys' quarters remain, along with a portion of the limestone stables.”

The Former Atkinson's Jockey Quarters and Stables have cultural heritage significance for the following reasons:

- The Quarters contributes to the South Fremantle Heritage Precinct as an early twentieth century structure with Federation period detailing;
- the limestone north wall of the former stables contributes to the South Fremantle Heritage Precinct as an early limestone wall;
- the former Quarters and stables contribute to the story of development of the horse racing industry in South Fremantle; and,
- the former Quarters and stables are valued by the horse racing community as demonstrated through inclusion in the City of Fremantle Municipal Inventory, and their inclusion in the South Fremantle Heritage Study (1993).

Figure 3 – Heritage Places within Brockman Place
Site Contamination

The close proximity to the South Fremantle Land Fill site and the history of manufacturing type land uses within the Brockman Place pose a potential land contamination concern. The potential of contamination is considered to be of importance for landowners and City officers considers it necessary for investigations to be carried out at development application stage to ensure contamination levels are acceptable to the Department of Environmental Regulation and any remediation be carried out by individual land owners.

It is also noted that some of the land owners are already in the process of investigating contamination of individual sites within the area.

Services and Infrastructure

The servicing of Brockman Place, similar to the Strang Street area, has historically had land uses such as manufacturing, light industry, storage and showrooms which, have to date not required the upgrade of servicing that would normally be required for residential land uses. As discussed earlier within the report, Amendment 43 for Strang Street has recently been gazetted. The initial approach to having a Developer Contribution Plan (DCP) implemented across the area was considered to be highly complex due to the fragmentation of land owners. A similar approach to Strang Street has therefore been taken for Brockman Place and a DCP has not been proposed as part of the scheme amendment.

The servicing of lots within Brockman Place will essentially be the responsibility of each individual land owner at the time of development. This option takes into consideration the likelihood of amalgamation of lots to occur and for lots to be serviced as part of larger scale comprehensive redevelopment within the area.

In relation to the subject site preliminary discussions with Water Corporation indicated the need for duplications to the existing water mains located along Hampton Road would be necessary with any substantial redevelopment due to the width of Hampton Road limiting the ability to link mains. The mains will need to be extended from at least the intersection of Clontarf Road to Lloyd Street in order for individual development sites to be directly serviced.

In relation to the existing sewer mains, the subject sites are presently not sewered and therefore would require extensions from the existing sewer on the eastern side of Hampton Road. Servicing investigations are considered to be the responsibility of the respective landowners, similarly to the investigation of contamination of sites, as outlined above.

Additionally, the previous study carried out by Opus for the Strang Street area identifies the servicing of power which relates to the existing Hampton Road infrastructure. Currently Hampton Road has substations available with high voltage underground infrastructure. It was identified within the Opus report for Slang Street that potential upgrades would be required. This report indicates upgrades that can reasonably anticipated however due to the report being carried out in 2009 there is still a need for additional discussions with government agencies. This can occur when the amendment is advertised for comment.
Public Access and Linkages to existing Open Space

Brockman Place has been identified to have close links to Public Open Space areas within Fremantle which is considered to provide opportunity to increase the accessibility to these key destinations sites with future redevelopment. Linkages have been identified as a key objective of the City’s recently adopted Green Plan 2020. Specifically, Brockman Place is located close to various open space and recreational sites, as shown figure 1 which details the specific area surrounding Brockman Place.

![Diagram of Public Open Space Classification]

**Figure 4 – Existing forms of open space surrounding Brockman Place**

The location of Brockman Place is approximately 500m away from South Beach to the west of the subject site. Currently access to South Beach for pedestrians and cyclists can only be achieved via Hampton Road which meets an existing public access way at the southern boundary of no. 233-235 Hampton Road and runs through the Former South Fremantle Landfill site. The subject site does not have existing public access from Brockman Place which limits direct access and extends the overall distance to South Beach and other forms of open space within the area.

The existing dual access path to the south west of the site is considered to provide the best opportunity for linkages with the sites due to the close proximity to western lot boundaries. This location for a Public Access Way (PAW) would link the existing dual use path and could be easily achieved from Brockman Place.

The existing dual use path is located approximately 75m from the western boundaries of No. 229B Hampton Road and No. 1/6 Brockman Place. The path is approximately 4m wide and provides linkage to the popular South Beach for pedestrians and cyclists. The amendment proposes to include a ceding of land to the benefit of the City of Fremantle at no cost to the City in order to dedicate land for the use as a Pedestrian Access Way (PAW). This will ensure that access to existing open spaces can be reduced from the existing route that would need to be taken.
In addition to the above linkages to the western public open space opportunities, open space opportunities also exist to the eastern side of Hampton Road with the provisions of Strang Street and future planned development of Development Area 7 (Mather Road). The linkages through to both the western and eastern areas surrounding the subject site have been identified as key Green Plan linkages in the City’s Green Plan strategy as shown in Figure 5 below.

![Figure 5](image-url)  
**Figure 5 – Existing Open Space and Green Plan Linkages**

**CONSULTATION**

**Landowner Consultation**

Recent correspondence dated 10 February 2016, was made with the landowners of the sites identified for the scheme amendment in the form of a preliminary update on the proposed amendment. This informal correspondence was intended to provide preliminary information prior to the item being presented to Council.

Initial discussions and an informal meeting were held for landowners in Brockman Place on 10 September 2014 in order to gauge the level of landowner interest within the area. The meeting was attended by approximately 9 landowners, two City Planning Officers and three Councillors.

Overall, officers, councillors and landowners concluded that there was a sufficient level of support for the City to investigate preliminary options for changes to the land use and development framework of the area.
Public Consultation

Should Council resolve to initiate Amendment 68 to the Scheme, it will be referred to the Environmental Protection Authority (EPA) for assessment.

Assuming the EPA does not require an environmental assessment the amendment will be publicly advertised for not less than 42 days in accordance with the Planning and Development Act 2005 (the Act), the Planning and Development (Local Planning Scheme) Regulations 2015 (the Regulations) and the City’s Local Planning Policy 1.3 - Public Notification of Planning Approvals.

CONCLUSION

The purpose of this report is to recommend that Council resolves to initiate an amendment to LPS4 to modify and introduce new provisions to Schedule 12. The provisions will introduce new height, density and development provisions to Schedule 12 that allow for redevelopment of sites on the western side of Hampton Road around Brockman Place.

It is recommended that the proposed scheme amendment be initiated for public comment.

COMMITTEE AND OFFICER’S RECOMMENDATION

MOVED: Cr I Waltham

1. Resolve pursuant to Section 50(3) of the Planning and Development (Local Planning Schemes) Regulations 2015, to adopt the following amendment to the City of Fremantle Local Planning Scheme No. 4;

   a) Amend Clause 12.12 Schedule 12 Local Planning Areas (Development Requirements) Local Planning Area 4 – South Fremantle by inserting the following:

   LOCAL PLANNING AREA 4 – SOUTH FREMANTLE

   4.3 SPECIFIC DEVELOPMENT CONTROLS FOR SUB AREAS
(a) Within sub area 4.3.7, clause 5.2.5 does not apply; and

(b) Investigation of potential site contamination to the satisfaction of the DEC.

(c) Notwithstanding the provisions of Table 1 – Zoning, residential land use will not be permitted in new buildings at the ground floor level fronting Hampton Road.

(d) In the part of all new buildings with frontage to Hampton Road, the ground floor level must be no more than 600mm above the level of the adjacent footpath and the first floor level must be at least 4 metres above the level of the footpath adjacent to the site.

(e) Buildings shall incorporate active ground level frontages to Hampton Road, South Fremantle.

Setbacks

(f) Building setbacks shall be in accordance with the requirements set out in the table below:

<table>
<thead>
<tr>
<th>Site</th>
<th>Frontage to:</th>
<th>Minimum Street Setback (metres)</th>
<th>Minimum side and rear setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>No.</td>
<td>Hampton Road</td>
<td>Hampton Road</td>
<td>15</td>
</tr>
<tr>
<td>-------</td>
<td>--------------</td>
<td>--------------</td>
<td>----</td>
</tr>
<tr>
<td>No. 223 Hampton Road</td>
<td>Hampton Road</td>
<td>15</td>
<td>Nil</td>
</tr>
<tr>
<td>No. 227 Hampton Road</td>
<td>Hampton Road</td>
<td>15</td>
<td>Nil</td>
</tr>
<tr>
<td>No. 229 Hampton Road</td>
<td>Hampton Road</td>
<td>15</td>
<td>Nil</td>
</tr>
<tr>
<td>No. 229A Hampton Road</td>
<td>Hampton Road</td>
<td>15</td>
<td>Nil</td>
</tr>
<tr>
<td>No. 229A Hampton Road</td>
<td>Brockman Place</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>No. 229B Hampton Road</td>
<td>Hampton Road</td>
<td>15</td>
<td>Nil</td>
</tr>
<tr>
<td>No. 229B Hampton Road</td>
<td>Brockman Place</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>No. 231 Hampton Road</td>
<td>Hampton Road</td>
<td>15</td>
<td>Nil</td>
</tr>
<tr>
<td>No. 233-235 Hampton Road</td>
<td>Hampton Road</td>
<td>15</td>
<td>Nil</td>
</tr>
</tbody>
</table>

(g) A minimum street setback of nil metres to developments fronting Brockman Place, South Fremantle.

(h) To prevent excessive breaks in building frontages to Hampton Road, the maximum aggregate width of spaces between or to the side of the building(s) on the lot at ground floor level on the frontage to Hampton Road is no more than 8 metres.

(i) Vehicle parking shall not be provided for in the street setback area of any Lot.

Additional development standards

(j) In applying (k) Additional Development Standards within Sub Area 4.3.7:

(i) Clause 4.2 ‘Matters to be considered in applying general and specific height requirements’ does not apply;

(ii) A portion of lot area of 229B Hampton Road, not less than 6m in width, to be provided for the length of the lot only where the common boundary of 1/6 Brockman Place is shared. This portion of the land shall be transferred at no cost to the City of Fremantle to provide an east west linkage between Brockman Place and the Former South Fremantle Landfill site for the purpose of a landscaped dual use path; and

(iii) Additional development standards shall be in accordance with the criteria and standards set out in the table below:
<table>
<thead>
<tr>
<th>Locations where additional development standards apply</th>
<th>Criteria to be met in order for additional development standards to apply</th>
<th>Additional Development standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 4 and Lot 5 (231A Hampton Road and 233-235)</td>
<td>a) Where vehicle access of the development site can only be obtained directly from Hampton Road.</td>
<td>Residential density of R100</td>
</tr>
<tr>
<td></td>
<td>b) Road, vehicle parking shall be provided below ground level or at the rear of the development for development fronting Hampton</td>
<td>Permitted building height of 15 metres</td>
</tr>
<tr>
<td>Locations where additional development standards apply</td>
<td>Criteria to be met in order for additional development standards to apply</td>
<td>Additional development standards</td>
</tr>
<tr>
<td>All locations within Sub Area 4.3.7 (excluding Lot 4 and Lot 5)</td>
<td>a) Where vehicle access of the development site can be obtained directly from a public road other than Hampton Road.</td>
<td>Residential density of R160</td>
</tr>
<tr>
<td></td>
<td>b) For development fronting Hampton Road, vehicle parking shall be provided below ground level or at the rear of the development.</td>
<td>Permitted building height of 17.5 metres</td>
</tr>
<tr>
<td>Locations where additional development standards apply</td>
<td>Criteria to be met in order for additional development standards to apply</td>
<td>Additional development standards</td>
</tr>
</tbody>
</table>
All locations within Sub Area 4.3.7

| a) The development site comprises of a minimum land area of 4,000 square metres. |
| b) Where vehicle access of the development site can be obtained directly from a public road other than Hampton Road |
| c) For development fronting Hampton Road, vehicle parking shall be provided below ground level or at the rear of the development. |

Residential density of R-AC3.

Permitted building height of 24.5 metres.

On development sites fronting Hampton Road and notwithstanding the provisions of clause 5.7.3, parking requirements for non-residential development may be reduced by 50%.

Note: Where the above criteria are not met, the height requirements in 4.1 above apply.

2. That the Mayor and Chief Executive Officer be authorised to execute the relevant Scheme Amendment documentation.

3. That the Local Planning Scheme Amendment be submitted to the Environmental Protection Authority requesting assessment prior to commencing public consultation.

4. That the amendment be advertised for a period of not less than 42 days commencing on the day on which the notice is published in a newspaper circulating in the scheme area.

5. That the Local Planning Scheme Amendment be submitted to the Western Australian Planning Commission for information.

CARRIED: 6/1

<table>
<thead>
<tr>
<th>For</th>
<th>Against</th>
</tr>
</thead>
</table>
| Mayor, Brad Pettit  
Cr Simon Naber  
Cr Bryn Jones  
Cr Josh Wilson  
Cr Ingrid Waltham  
Cr Jeff McDonald | Cr Andrew Sullivan |
PC1603 - 10 FINAL ADOPTION - SCHEME AMENDMENT NO. 66 (CHANGES TO THE RESIDENTIAL DENSITY AND MODIFICATION TO THE ASSOCIATED DEVELOPMENT CONTROLS TO PART OF THE LOCAL CENTRE ZONE AND MIXED USE ZONE ON HAMPTON ROAD, SOUTH FREMANTLE

DataWorks Reference: 218/073
Disclosure of Interest: Nil
Meeting Date: 2 March 2016
Responsible Officer: Manager Strategic Planning
Actioning Officer: Strategic Planning Officer
Decision Making Level: Council
Previous Item Number/s: SPC1511-1 (25 November 2015)
SPC1505-2 (27 May 2015)
SPC1505-2 (13 May 2015)
SPC1403-47 (26 March 2015)
SPC1409-03 (24 September 2014)
PSC 1403-47 (26 March 2014)

Attachments:
2 – Schedule of Submissions of proposed modifications (12 December 2015 – 18 January 2016)
EXECUTIVE SUMMARY

The purpose of this report is to recommend that Council resolves to adopt amendment no. 66 to the Local Planning Scheme No. 4 to include new provisions into Schedule 12: Local Planning Area 4 – South Fremantle relating to residential density, building height and vehicle access and design.

Scheme amendment 66 was initiated by Council for public consultation in May 2015. After the consultation period during late August to October 2015, Council resolved at the Ordinary Meeting of Council on 25 November 2015, to significantly modify the proposed amendment as a result of submissions received during this time. The previous report presented to Council on 25 November 2015 is contained within this report as Attachment 1.

Pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015 which came into effect on 19 October 2015, the modifications made to the amendment were required to be re-advertised.

The purpose of this item is to report on the submissions received during the consultation period for the modifications made to Scheme amendment 66, and to recommend that Council adopt the amendment without further modification.

The modifications made include additional sites to the amendment area, comprising of no. 61, 63, 65 and 69 South Street. Supplementary provisions to the proposed development height were also modified to reduce some of the maximum permissible heights of buildings adjoining existing residential dwellings.

The City received a number of submissions during the public consultation period. Concerns raised in the submissions were similar to the previous concerns raised regarding the scheme amendment such as building height and density, vehicle traffic and parking.

It is recommended that the Council adopts the amendment with the modifications as advertised.

BACKGROUND

On 25 November 2015 Scheme Amendment No. 66 was considered by Council for final adoption; however Council resolved to include modification to the amendment which were considered by City officers to be significant modification and were therefore required to be re-advertised.

As a result of submissions received additional sites were included to the amendment area as well as changes to the overall maximum permitted building height. At its meeting of 25 November 2015 (see Attachment 1), the Council resolved to modify scheme amendment 66. The amendment area discussed within this report relates to the originally proposed amendment area as well as sites including in Council’s resolution being no. 61, 63, 65 and 69 South Street, South Fremantle, as referred to in the map above.

DETAIL
Scheme amendment 66 proposed to amend a number of existing built form controls to Local Centre and Mixed Use zoned sites on the western side of Hampton Road, these included:

- A maximum building height of 15.0m above natural ground level – increased from a current limit of 7.0m (wall height);
- A minimum building height of 7.0m with activated facades and uses to the ground and first floor;
- A street setback of between a zero setback and 2.0m;
- Vehicle access being restricted to a maximum of 4.0m wide;
- Access to certain lots fronting Hampton Road being limited and restricted to certain locations;
- The need for buildings to incorporate active ground floor frontages to Hampton Road and South Street; and,
- Criteria specifying a minimum ground floor plate height (4.0m) and floor level (not more than 600mm above the adjacent footpath) to ensure pedestrian amenity and scale at footpath level and to ensure suitability for active non-residential ground floor uses.

At the Ordinary Meeting of Council on 25 November 2015, further adjustments were proposed to the above provisions which modified the proposed maximum building height provisions. The following reductions to specific lots were considered necessary to include as part of the scheme amendment as a response to concerns raised in relation to the existing residential buildings adjoining the amendment area:

<table>
<thead>
<tr>
<th>Property address</th>
<th>Maximum building height</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. 101 (Lot 22) Hampton Road</td>
<td>7 metres on the part of the lot within 5 metres of the western lot boundary adjoining No. 70 South Street; 10 metres on the part of the lot within 15 metres but more than 5 metres from the western lot boundary adjoining No. 70 South Street; and 15 metres on all parts of the lot other than the parts referred to in (i) and (ii) above.</td>
</tr>
<tr>
<td>No. 61 (Lot 6) South Street</td>
<td>7 metres on the part of the lot within 5 metres of the western lot boundary adjoining No. 59 South Street; 10 metres on the part of the lot within 15 metres but more than 5 metres from the western lot boundary adjoining No. 59 South Street; and 15 metres on all parts of the lot other than the parts referred to in (i) and (ii) above.</td>
</tr>
</tbody>
</table>
No. 63-65 (Lots 1 and 2) South Street  
15 metres on all parts of both lots.

No. 69 South Street/146-148 Hampton Road (Lots 16, 17 and 18)  
7 metres on the part of the lot within 5 metres of the southern lot boundary adjoining No. 150 Hampton Road;  
12 metres on all parts of the lot other than the parts referred to in (i) above.

The proposed changes to building heights for the amendment area were considered necessary to reduce the impact of building bulk for the existing residential dwellings.

These provisions are proposed to the new amendment area as depicted above.

CONSULTATION

Community consultation was initially undertaken from 24 August 2015 to 12 October 2015 – 45 days in total for amendment 66, however due to modifications made after this time, further consultation was also undertaken.

The readvertising of amendment 66 was carried out from 12 December 2015 – 18 January 2016. Advertising consisted of:

- Public advertising notices in the Fremantle Gazette local newspaper – 12 December 2015;
- Preparation of an ‘information sheet’ made available with the public inspection of the amendment documents;
- Notice being placed on the City of Fremantle website for the duration of consultation period;
- Notification of the amendment in the public area of City of Fremantle administration building;
- Letters of notification and inviting comment on the proposal to various service agencies and government organisations; and,
- Letters of notification and inviting comment to all precinct groups and to all landowners and tenants within 100m of the sites affected by the amendment.

A total of 18 submissions were received at the close of the consultation period. 8 of the submissions were supportive, raised no objection or expressed conditional support to the proposed amendment, while 10 submissions provided clear objections. The comments raised by the objectors are summarised as follows:

- The proposed height limit will result in buildings up to 5 storeys in height. This is inconsistent with local character;
- The amendment will allow for higher density development that will increase traffic and result in more congestion;

The objections received did not object to the modifications specifically and generally objections were made in relation to the entirety of the amendment.
Attachment 2 (Schedule of Submissions) provides a full list of the submissions with officer comments in response.

PLANNING COMMENT

Inclusion of additional sites to amendment area

The City reviewed the South Street area during 2014 which identified the opportunity for higher density mixed use and residential development along South Street, one of the City’s public transport routes. The proposed sites to be included along Hampton Road and South Street were initially advertised as shown in Figure 1 (map on left). The additional sites also shown in Figure 1 (map on right) detail the changes to site included in modifications made to the amendment boundary.

Figure 1 – Modification to sites included in the amendment area

One submission was received which made specific reference to the additional residential zoned sites. The submission specifically related to the potential overlooking of these developments. The specific detail on future development and potential overlooking is considered to be addressed at the time of a development application and is therefore out of the scope of this amendment.

Generally, submissions were received that related to the amendment in its entirety and concern over height, traffic and parking were highlighted, however no clear objections or submissions of support were received in relation to the impact of including the residential zoned properties no. 61, 63 and 65 South Street.

In relation to the inclusion of no. 69 South Street, South Fremantle, it is noted that Council resolved to include this site at the Ordinary Meeting of Council on 25 November 2015. The recommendation made by City officers in relation to the inclusion of this site can be found in Attachment 1.
Development height

A number of submissions received by the City noted the potential impact on local amenity arising from the proposed height of buildings. These concerns were also raised as part of the previous consultation period. Submission received did not raise specific concerns over the modification that reduced in part some of the maximum building heights, with the exception of a submission received on behalf of the owner at no. 69 South Street, South Fremantle. The submission received on behalf of owners at no. 69 South Street related to the limitation of the proposed maximum building height for this property.

The submissions received in relation to building height related to the amendment in its entirety and did not exclusively comment on the modifications to those sites that had modifications made to the building height. The height modifications as detailed above reduce the permitted maximum residential heights specifically for properties adjoining existing residential developments. The proposed 15.0m maximum building height for the amendment area and the additional modifications to building heights are considered to accord with the City's original intent to allow for higher density development at a scale complimentary to the existing smaller scale, mostly residential development nearby to the scheme amendment area.

In addition to the above discussion on maximum heights, the submission received on behalf of no. 69 South Street conditionally supported the modifications to the amendment with the exception of the proposed maximum building height. The submission discussed the proposed 7m height limit to the 5 metre portion of the site to the southern boundary.

City officers agree with the comments made in relation to the ability for the design to respond to overshadowing of adjoining sites however, the intention of limiting the maximum building height to the southern boundary also relates to the overall impact of building bulk to the adjoining neighbour. The submission assists in demonstrating how overshadowing can be addressed through the design of the development however, it is considered that these design requirements relating to overshadowing will also be captured during the development application stage of a proposal for the site. The R-Codes specifically provide guidance for the assessment of overshadowing which are required to be met in addition to the permissible building heights.

The maximum building heights proposed for this site are considered to respond to the existing heritage building on site as well as the adjoining heritage buildings to the south of the site. Building heights were also considered specifically in relation to building bulk and the impact on adjoining neighbours.

The ‘staggering’ of maximum permitted building heights proposed are considered to respond appropriately to the existing heritage buildings and assists in reducing the impact of bulk of future development. City officers therefore do not propose changes to these building heights specifically for no. 69 South Street. Therefore no recommendations have been made by City officers to further modify the proposed heights for no. 69 South Street, South Fremantle.
Vehicle parking

A number of submissions received by the City raised concern about the potential impact on the availability of vehicle parking in the area. This was also a theme highlighted as part of the submissions previously received for amendment 66.

As outlined in the previous report to Council (Attachment 1), the provision of vehicle parking is a matter of assessment at the point of a development application; and the particular circumstances of the precinct are to be assessed at such a time, having regard to changes over time.

It is anticipated that the scheme amendment will result in the creation of substantially more on-site vehicle parking within the precinct, albeit as a result of a coincidental intensification of activity.

Increase in vehicle traffic along Hampton Road

Increased traffic was raised during the submission period and related to similar concerns as highlighted with the previous consultation period. The proposed modifications to the amendment in the context of current conditions are considered to represent a minor increase in vehicle trips on Hampton Road and South Street. Accordingly no further modifications to the current vehicle crossover and access provisions have been proposed.

Amendment process

On 19 October 2015 the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) came into effect, replacing certain process provisions under the City’s LPS4. This includes provisions relating to scheme amendments.

The Regulations apply a tiered approach to scheme amendments; basic, standard and complex amendments. This scheme amendment is considered to be a ‘standard’ amendment, because it matches key characteristics described in the definition of a standard amendment in the new Regulations as follows:

- Amendment provisions are consistent with the objectives in the scheme for the zoning applying to the area subject to the amendment;
- Minimal impact on land outside the area the subject of the amendment;
- Amendment does not have any significant environmental, social, economic or governance impacts.

In relation to significant modifications made to standard scheme amendment additional consolation is required to be undertaken pursuant to the Regulations. The consultation period is required to be no more than 21 days unless otherwise approved by the Commission.
As the advertising period was within the Christmas Holiday period City officers requested an extension of time to the Commission in order to allow for additional time for submission to be received. This extension was approved to allow for submission to be received until 18 January 2016.

The City has followed a process to date that reflects the process now applicable to a standard amendment (including advertising and consultation requirements).

CONCLUSION

The purpose of this report is to report on submissions received as part of the consultation period for the significant modifications made to Scheme amendment no. 66.

It is recommended that Scheme amendment 66 be adopted with the modifications made at the Ordinary Meeting of Council on 25 November 2015 and no further modification.

OFFICER’S RECOMMENDATION

That Council –

1. Note the submissions received as detailed in the Officer’s report and Attachment 2;

2. Resolve pursuant to regulation 50(3) of the Planning and Development (Local Planning Schemes) Regulations 2015 to adopt the following amendment to the City of Fremantle Local Planning Scheme No. 4:

   a) As shown on the map below, amend the Scheme map to apply a residential density coding of R80 to 95 (Lot 14), 97 (Lot 15), 99 (Lots 16 and 17) and 101 (Lot 22), 103 (Lot 400), 109A (Lot 1) and 109B (Lot 2) Hampton Road, and 61 (Lot 6), 63-65 (Lots 1 and 2) South Street and 69 South Street/146-148 Hampton Road (Lots 16, 17 and 18), South Fremantle;
b) Insert title ‘4.3 Specific Development Controls for Sub Areas’ within Schedule 12: Local Planning Area 4 – South Fremantle.

c) Insert an amended map of Sub Area 4.3.3 as shown below into Schedule 12: Local Planning Area 4 – South Fremantle as a result of the removal of properties at 95, 97, 99, 101, 103 and 105B Hampton Road and 61 (Lot 6), and 63-65 (Lots 1 and 2) South Street from Sub Area 4.3.3 and their inclusion in a new Sub Area 4.3.6.

d) Insert new Sub Area 4.3.6 below, into Schedule 12: Local Planning Area 4 South Fremantle.
1. Within Sub area 4.3.6 provisions of clause 5.2.5 do not apply.

Building Height and Setbacks -

2. Clause 4.2 ‘Matters to be considered in applying general and specific height controls’ does not apply to Sub Area 4.3.6.

3. Building height shall be limited to a minimum of 7 metres with two levels of active building use and a maximum of 15 metres as measured from ground level, except for No. 101 (Lot 22) Hampton Road, 61 (Lot 6), 63-65 (Lots 1 and 2) South Street and 69 South Street/146-148 Hampton Road (Lots 16, 17 and 18), where the maximum building height permitted shall be as specified in the table below:

<table>
<thead>
<tr>
<th>Property address</th>
<th>Maximum building height</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. 101 (Lot 22) Hampton Road</td>
<td>i. 7 metres on the part of the lot within 5 metres of the western lot boundary adjoining No. 70 South Street;</td>
</tr>
<tr>
<td></td>
<td>ii. 10 metres on the part of the</td>
</tr>
<tr>
<td>Lot Number and Address</td>
<td>Proposed Setback Requirements</td>
</tr>
<tr>
<td>------------------------</td>
<td>-------------------------------</td>
</tr>
</tbody>
</table>
| No. 61 (Lot 6) South Street | i. 7 metres on the part of the lot within 5 metres of the western lot boundary adjoining No. 59 South Street and/or within 5 metres of the southern lot boundary adjoining No. 2 Lilly Street;  
ii. 10 metres on the part of the lot within 15 metres but more than 5 metres from the western lot boundary adjoining No. 59 South Street and/or within 5 metres of the southern lot boundary adjoining No. 2 Lilly Street; and  
iii. 15 metres on all parts of the lot other than the parts referred to in (i) and (ii) above. |
| No. 63-65 (Lots 1 and 2) South Street | i. 7 metres on the part of the lot within 5 metres of the western lot boundary adjoining No. 111 and 111A Hampton Road;  
ii. 10 metres on the part of the lot within 15 metres but more than 5 metres from the southern lot boundary adjoining No. 111 and 111A Hampton Road; and  
iii. 15 metres on all parts of the lots other than the parts referred to in (i) and (ii) above. |
| No. 69 South Street/146-148 Hampton Road (Lots 16, 17 and 18) | i. 7 metres on the part of the lot within 5 metres of the southern lot boundary adjoining No. 150 Hampton Road;  
ii. 12 metres on all parts of the lot other than the parts referred to in (i) above. |
4. A minimum street setback of 2 metres and a maximum street setback of 3 metres to Hampton Road and South Street, South Fremantle, in all locations except for the following:
   i. No. 61 (Lot 6) South Street where the minimum street setback shall be 2 metres and the minimum average street setback shall be 5 metres; and
   ii. The part of No. 101 (Lot 22) Hampton Road at the junction of the lot boundaries to Hampton Road and South Street where the street setback shall be a 10 meter x 10 metre truncation. In all locations the applicable setback shall apply to all parts of any development including basements and external balconies.

5. Buildings setback from boundaries or adjacent buildings may be reduced to 1 metre except where the building adjoins No 59 (Lot 5) South Street, and No 111 and 111A (Lots 1 and 2) Hampton Road, South Fremantle. Development adjoining these properties must be in accordance with the Residential Design Codes.

Vehicle Access -

6. Vehicle parking shall only be provided at the rear of buildings and / or below ground level.

7. Vehicular access points must be no more than 4 metres in width.

8. Vehicular access shall be coordinated for No 99 (Lots 16 and 17) Hampton Road in order to limit the number of crossovers to one along Hampton Road.

9. No 97 (Lot 15) South Street is required to locate its vehicular access point on the southern boundary.

Other Development Standards -

10. Buildings shall incorporate active ground level frontages to Hampton Road and South Street.

11. Open space can be reduced up to 30% where development respects the existing or preferred neighbourhood character.

12. In the part of all development with frontage to Hampton Road and/or South Street the ground floor level must be no greater than 600mm above the level of the adjacent footpath, and the first floor level must be at least 4 metres above the level of the footpath adjacent to the site.

13. Notwithstanding the Deemed-to-comply provisions of Parts 5.4.2 and 6.4.2 (Solar access for adjoining sites) of the Residential Design...
Codes, the local government shall assess whether a development complies with the Design Principles of those parts of the Residential Design Codes on the same basis, irrespective of whether any dwelling on an adjoining property is defined in the Scheme and/or Residential Design Codes as a Single House or a Grouped Dwelling.

3. Authorise the Mayor and the Chief Executive Officer to execute the relevant documentation and affix the common seal of the City of Fremantle on the documentation.

4. Request the Minister for planning to grant final consent to Scheme Amendment No. 66 as referred to in (2) above.

5. Advise the Western Australian Planning Commission that pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, the amendment hereby submitted is considered to be a 'standard amendment' for the purpose of the Regulations.

Mayor Brad Pettitt moved an amendment to the maximum building height table in part 2d) of the officer’s recommendation to amend the section referring to No. 69 South St as follows:

| No. 69 South Street/146 Hampton Road (Lots 16, 17 and 18) | i. 7 metres on the part of the lot within 5 metres of the southern lot boundary adjoining No. 150 (Lot 15) Hampton Road; |
| | ii. 12 metres on the part of the lot other than parts referred to in (i) above; and |
| | iii. The maximum building height referred to in (i) above may be increased to 15 metres where: |
| | - It can be demonstrated the design of the building will result in lesser overshadowing and/or sunlight penetration to the outdoor living areas of Lot 150 Hampton Road, to the satisfaction of the Council; and |
| | - The height of the Hampton Road elevation is graduated adjacent to the southern lot boundary to protect the scale and bulk of the heritage |
buildings on Lot 150 Hampton road.

CARRIED: 7/0

<table>
<thead>
<tr>
<th>For</th>
<th>Against</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayor, Brad Pettitt</td>
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<tr>
<td>Cr Andrew Sullivan</td>
<td></td>
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<tr>
<td>Cr Simon Naber</td>
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<tr>
<td>Cr Bryn Jones</td>
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<td>Cr Josh Wilson</td>
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<tr>
<td>Cr Ingrid Waltham</td>
<td></td>
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<tr>
<td>Cr Jeff McDonald</td>
<td></td>
</tr>
</tbody>
</table>

REASON FOR CHANGE TO OFFICER’S RECOMMENDATION

To provide discretion for Council to approve a building up to 15 metres if an acceptable overshadowing impact and design relationship is achieved with the neighbouring property to the south.

The Committee then resolved to refer the item to Council at the March OCM to provide an opportunity for officers to prepare additional wording for the section of the recommendation relating to no. 69 South Street, to more appropriately address discretionary provisions relating to building height, design, and relationship to the heritage building on the site.

CARRIED: 7/0

<table>
<thead>
<tr>
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<th>Against</th>
</tr>
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<tbody>
<tr>
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<tr>
<td>Cr Ingrid Waltham</td>
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<tr>
<td>Cr Jeff McDonald</td>
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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

PC1603 - 7  THOMPSON ROAD, NO.9 (LOT 6), NORTH FREMANTLE ? TWO STOREY SINGLE HOUSE WITH BASEMENT CARPARK? (BP DA0530/15)

ECM Reference: 059/002
Disclosure of Interest: Nil
Meeting Date: 2 March 2016
Responsible Officer: Acting Manager Development Approvals
Actioning Officer: Planning Officer
Decision Making Level: Planning Committee
Previous Item Number/s: N/A
Attachments: Attachment 1: Revised Development Plans (9 February 2016)
Attachment 2: Parks and Gardens Comments
Attachment 3: Heritage Assessment
Attachment 4: Western Power Comments
Attachment 5: Site Visit Photos
Date Received: 11 November 2015
Owner Name: T. & P. Cunningham
Submitted by: As above
Scheme: Residential R20
Heritage Listing: Listed (demolished)
Existing Landuse: Vacant Site
Use Class: Single House
Use Permissibility: ‘P’
EXECUTIVE SUMMARY

The application seeks planning approval for the construction of a two storey Single House with basement carpark.

The proposal is referred to the Planning Committee (PC) due to a submission that is unable to be addressed through the imposition of relevant planning conditions.

The applicant seeks discretionary assessments against the Local Planning Scheme No. 4 (LPS4), Design Principle assessments against requirements of the Residential Design Codes (R-Codes) and discretionary assessments against relevant Local Planning Policies (LPPs). These discretionary and Design Principle assessments include the following:

- Building height (external wall);
- Lot Boundary setbacks (Southern Boundary wall)
- Lot boundary setback (north); and
- Visual Privacy (North)

The above design principle and discretionary assessments are considered to be supportable. Accordingly, the application is recommended for on-balance approval.

BACKGROUND

The subject site is located north of Harvest Road, west of Herbert Street, south of Hevron Street and east of Thompson Road. The site is approximately 372m² and is currently vacant.

The site is zoned Residential under the provisions of LPS4 and has a density coding of R25. The subject site is adopted under the City’s Heritage List (as Level 3) and is located within the North Fremantle Heritage Area.

A search of the property file revealed the following relevant planning history for the site:

- On 7 December 1998, the City deferred an application to demolish the single storey cottage dwelling at 9 Thompson Road, North Fremantle, pending further development plans that are sympathetic to the existing streetscape of Thompson Road (ref. DA610/98).
- On 22 October 2002, the City granted planning approval for a two storey Single House at 9 Thompson Road, which permitted the demolition of the cottage dwelling (ref. DA570/02).
The application seeks planning approval for a two storey Single House with basement car parking. The proposed dwelling includes:

- Four bedrooms;
- Two bathrooms;
- Activity room;
- Kitchen, dining and lounge rooms;
- Laundry;
- Courtyard;
- Alfresco area; and
- Garage basement car park.

On 9 February 2016, amended plans were provided with the following changes made:

1. The level of fill has been reduced in the front set back area to be between 0-500mm.
2. The finished floor level of the garage has been reduced by 130mm by increasing the slope of the driveway.
3. The level of all other floors has been reduced by 300mm, taking into account the concern raised during the advertising period, which reduces the overall building height from 7.2m to 6.7m.

Refer to Attachment 1 for the amended development plans.

STATUTORY AND POLICY ASSESSMENT

The proposal has been assessed against the relevant provisions of LPS4, the R-Codes and relevant local planning policies.

As the proposal is seeking a variation from Schedule 12 of LPS4, the variation to building height (external wall) is assessed against clause 5.8.1 of LPS4. It is also noted that the subject site is located within the Thompson, Alfred, Rule and Harvest Local Area (D.G.N13) policy.

Where a proposal does not meet the deemed-to-comply requirements of the R-Codes, an assessment is made against the relevant Design Principle of the R-Codes. Not meeting the deemed-to-comply requirements cannot be used as a reason for refusal. In this particular application the areas outlined below do not meet the deemed-to-comply or policy provisions and must be assessed under the relevant Design Principles criteria of the R-Codes:

- Boundary wall (south);
- Lot boundary setback (north), and
- Visual privacy

The above matters will be discussed further in the ‘Planning Comment’ section of the report below.
CONSULTATION

Community

The application was required to be advertised in accordance with Council's LPP1.3 – Public notification of planning proposals as design principle assessments and policy discretions are sought. At the conclusion of the advertising period, being 10 December 2015, the City had received 1 submission. A summary of the following planning issues were raised:

- The level of excavation proposed is a significant deviation from the natural topography of the site. The resultant building height, through the change to natural ground level, represents an unnecessary discretion to building height, given the site itself does not present circumstances which would require such an alteration to ground level.

The applicant has since amended the plans in response to the above concern raised by reducing the level of fill to not exceed the permitted 500mm R-Code provision and the floor levels, as mentioned in the ‘Detail’ section above.

The plans were sent to the original submitter for review and the following comments were made in respect to the revised plans:

- As per the last sentence of my original correspondence this is not a difficult lot to build on etc. I can see that the height problem comes about as a result of trying to limit the FFL and driveway slope of the garage, in this regard I have some sympathy for the applicants, parking on Thompson road can be difficult, off road parking is necessary. As the original over height was 950mm, for me I would have thought a suitable compromise would have been a lowering of about 475mm but only the applicants and their Architect would know if this is possible, perhaps the 300mm suggested is all that can be done. Of course this assumes council is amenable to over heights of this magnitude as well.

The above concerns are discussed further in the ‘Planning Comment’ section of this report.

HERITAGE DEPARTMENT

The proposal was referred to the City’s internal heritage department, given that the property is on the City’s Heritage List, even though the former dwelling has been demolished. The following comments were made in respect to the proposal:

Heritage comment:

9 Thompson Road is included on the City of Fremantle’s Municipal Heritage Inventory (MHI) at Heritage Management Category Level 3, which generally means the place is identified as being of cultural heritage significance for its contribution to the streetscape, local area and Fremantle as a collective whole. However in this case, the house has been demolished and it has been retained on MHI database for historical information purposes only. It is considered that the proposed new house will not diminish the significance of the demolished house in terms of the historical information it provides.
It is also considered that the proposed new house will not adversely affect the streetscape of this part of Thomson Road.

Recommendation:

That the proposed development be supported.

Refer to Attachment 2 for a full copy of the internal heritage assessment.

Infrastructure and Project Delivery (Parks and Gardens) Department

The proposal was referred to the City’s Infrastructure and Project Delivery department and the following comments were made:

- McCabe Park is not to be used for access, storage of materials, parking or any other associated use for the full extent of construction works;
- Liaison with the City of Fremantle Parks and Gardens department is required for any works associated with McCabe Park boundary fences or walls.

Refer to Attachment 3 for a full copy of the Parks and Gardens comments.

Western Power

The proposal was referred to Western Power as the subject site abuts transmission lines.

The following comments from Western Power were made in respect to the application:

Western Power have no objection to this development as our overhead transmission line is on the opposite side of the street, hence maintaining a sufficient clearance.

Refer to Attachment 4 for a full copy of the comments from Western Power.

Fremantle Port Authority

The subject site is located within Area 2 of the Fremantle Port Buffer. Proposals for Single houses are not required to be referred to the Fremantle Ports in Area 2, however the requirements of the City’s Local Planning Policy 2.3 – Port Buffer Area Design Guidelines (LPP 2.3) for Area 2 will be applicable to the development; specifically in regard to the built form of the development.

PLANNING COMMENT

Building Height

<table>
<thead>
<tr>
<th>Element</th>
<th>Permitted</th>
<th>Proposed</th>
<th>Discretion</th>
</tr>
</thead>
<tbody>
<tr>
<td>External wall height</td>
<td>5.5m</td>
<td>2.9m - 6.7m</td>
<td>Up to 1.2m</td>
</tr>
</tbody>
</table>

Clause 5.8.1.1 of the City’s LPS4 states the following in relation to a variation to height prescribed in schedule 12:
Where sites contain or are adjacent to buildings that depict a height greater than that specified in the general or specific requirements in schedule 12, Council may vary the maximum height requirements subject to being satisfied in relation to all of the following —

   a) the variation would not be detrimental to the amenity of adjoining properties or the locality generally,
   b) degree to which the proposed height of external walls effectively graduates the scale between buildings of varying heights within the locality,
   c) conservation of the cultural heritage values of buildings on-site and adjoining, and
   d) any other relevant matter outlined in Council’s local planning policies.

A property to the north, being No. 1A Thompson Road is constructed at two storeys in height (6m external wall height), and is situated a higher ground level than that of 9 Thompson Road. This particular building has a height greater than what is stipulated in Schedule 12 of LPS4, and as such is used as a basis for the 5.8.1.1 assessment below.

The proposed building height is considered to satisfy clause 5.8.1.1 of LPS4 for the following reasons:

- The variation to height is not considered to be significantly detrimental to the amenity of adjoining properties, owing to the orientation of the site, and considering that the southern adjoining property is reserved for open space;
- The proposed external walls are considered to effectively graduate the scale between buildings of varying heights within the locality of North Fremantle. In particular, a property situated to the north, being No.13 Thompson Road, has a second storey of a comparable height to the proposed development.
- It is considered that the building height of this building to the north would enable the effective graduation of building scales, given that this particular property has a higher site level than that of 9 Thompson Road.
- On the basis of advice provided by the City’s Heritage Coordinator, the proposal is not considered to detract from the cultural heritage values of the subject site nor this portion of the existing Thompson streetscape, as well as adjoining buildings, having regard to the open space reserve to the south, and the limited heritage value of the property directly to the north.
- Only a very small portion of the upper floor (approximately 10m) that is located 11.5m from the front boundary facing the southern open space is over height in terms of additional shadow;
- In relation to relevant local planning policies, the proposal is also considered to be supportable against Local Planning Policy D.G.N13 – Thompson, Alfred, Rule and Harvest Local Area for the following reasons:

   o Clause 2.2.3 of D.G.N13 allows for an additional height for flat roof construction. This clause is as follows:

     *In the case of flat roof construction, Council may allow an additional external wall height of up to a maximum 1.5 metres to allow for parapet construction or a façade treatment.*
The design of the dwelling is considered to satisfy the above DGN13 clause, due to the slight (5 degree) roof pitch of the roof element that exceeds the permitted external wall height, thereby representing a generally flat roof design. On this basis, the proposed maximum external wall height being 6.7m is less than the allowable 7.2m (5.7m+1.5m), and is therefore also considered to be supportable in accordance with Clause 5.8.1 (d).

### Lot Boundary Setback (North)

<table>
<thead>
<tr>
<th>Element</th>
<th>Deemed-to-comply</th>
<th>Proposed</th>
<th>Design Principle Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Setback Ground floor (Alfresco Area)</td>
<td>1.5m</td>
<td>0.8m</td>
<td>0.7m</td>
</tr>
<tr>
<td>Setback Ground Floor (Dining, Activity, 2 x bedroom)</td>
<td>1.5m</td>
<td>1.5m</td>
<td>Complies</td>
</tr>
<tr>
<td>Setback Upper Floor</td>
<td>1.5m</td>
<td>1.5m</td>
<td>Complies</td>
</tr>
</tbody>
</table>

The proposed lot boundary setback is considered to meet the design principles of the R-Codes for the following reasons:

- Due to the orientation of the site, there would not be an overshadowing impact on the northern adjoining property.
- The height of the external wall for this particular section of the proposed development would have a limited building bulk impact on the northern adjoining property as this portion of wall consists mainly of retaining wall, a planter box and an open designed patio.
- There is considered to be a sufficient setback provided to allow for necessary ventilation and sunlight to the northern adjoining property as well as the subject dwelling itself.

### Visual Privacy

<table>
<thead>
<tr>
<th>Element</th>
<th>Deemed-to-comply</th>
<th>Proposed</th>
<th>Design Principle Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alfresco Area (north)</td>
<td>7.5m</td>
<td>0.8m</td>
<td>0.7m</td>
</tr>
<tr>
<td>Dining Room (north)</td>
<td>6m</td>
<td>1.5m</td>
<td>4.5m</td>
</tr>
<tr>
<td>Activity Room (north)</td>
<td>6m</td>
<td>1.5m</td>
<td>4.5m</td>
</tr>
<tr>
<td>Master Bedroom (north)</td>
<td>4.5m</td>
<td>4.4m</td>
<td>0.1m</td>
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</table>

The overlooking to the northern adjoining property is not supported due to the sensitive areas (outdoor living area and window) that would be affected. As such a planning condition is recommended so as to negate this direct overlooking through a form of appropriate screening treatments.
Boundary Walls Setback

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<tr>
<th>Element</th>
<th>Deemed-to-comply</th>
<th>Proposed</th>
<th>Discretion</th>
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</thead>
<tbody>
<tr>
<td>Southern boundary wall</td>
<td>1m</td>
<td>0m</td>
<td>1m</td>
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The proposed southern boundary wall is considered to meet the design principles of the R-Codes and additional criteria of Council LPP 2.4 – residential Boundary Walls policy (LPP2.4) for the following reasons:

- The property to the south is a Local Reserve – open space which is used for community recreation purposes, and as such the impact of overshadowing is not considered to be detrimental to the overall amenity of this particular element of the reserve; and
- The length and height of the boundary wall, being 8.6m and 3.9m respectively, is not considered to have a significant adverse building bulk impact on future park users

**Local Planning Policy D.G.N13 – Thompson, Alfred, Rule and Harvest Local Area**

In addition to the above the proposal has been assessed against the requirements of Council’s D.G.N13 policy, with particular regard to the following clause:

**2.2.4 – Basement Car Parking**

The proposed basement car parking meets the above clause by having a minimum of 50% of the volume of the basement space below natural ground level, and by complying with the height requirements of DGN13. In addition, the basement is design for the exclusive use of a maximum of two motor vehicles.

**STRATEGIC IMPLICATIONS**

*The proposal is consistent with the City’s following strategic documents:*

**Strategic Plan 2010 – 15:**
- Provide for population and economic growth by planning and promoting development and renewal in designated precincts within the City.

**CONCLUSION**

The application seeks planning approval for a two storey Single House with basement car parking to the existing vacant site. The proposal has been assessed against the provisions of LPS4, the R-Codes and Local Planning Policies and is considered to be supportable subject to the imposition of planning conditions.
MOVED: Cr I Waltham

That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the two storey Single House with basement, at No. 9 (Lot 6), Thompson Road, North Fremantle, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated 9 February 2016. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.

2. All stormwater discharge shall be contained and disposed of on site, or otherwise approved to the satisfaction of the Chief Executive Officer, City of Fremantle.

3. Prior to the occupation of the development approved as part of DA0530/15, on plans dated 9 February 2016, a vehicle crossover shall be constructed in either paving block, concrete, or bitumen and thereafter maintained to the satisfaction of the Chief Executive Officer, City of Fremantle.

4. Prior to the issue of a Building Permit, the design and materials of the development shall adhere to the requirements set out within City of Fremantle policy L.P.P2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall provide the following:
   
a) Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or “double glazed” utilising laminated or toughened safety glass of a minimum thickness of 3mm.

b) Air conditioners shall provide internal centrally located ‘shut down’ points and associated procedures for emergency use.

c) Roof insulation in accordance with the requirements of the Building Codes of Australia.

5. Prior to occupation, the boundary wall located on the southern boundary shall be of a clean finish in either;
   
   - coloured sand render;
   - face brick;
   - painted surface; or,
   - other approved finish

   and be thereafter maintained to the satisfaction of the Chief Executive Officer - City of Fremantle.
6. Prior to occupation of the development approved as part of DA0530/15, on plans dated 9 February 2016, the major openings to the alfresco area, dining room and activity room on the northern elevation ground floor, as well as the master bedroom on the eastern elevation upper floor, shall be screened in accordance with Clause 5.4.1 C1.1 of the Residential Design Codes by either:

   a) fixed obscured or translucent glass to a height of 1.60 metres above floor level, or

   b) fixed with vertical screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the floor level, or

   c) a minimum sill height of 1.60 metres as determined from the internal floor level, or

   d) an alternative method of screening approved by the Chief Executive Officer, City of Fremantle.

The required screening shall be provided and maintained to the satisfaction of the Chief Executive Officer, City of Fremantle.

Advisory Notes

(i) This approval relates to the subject site and does not authorise the removal or modification of verge infrastructure and/or verge trees within the verge area. Written approval is to be obtained for removal or modification of verge infrastructure and/or verge trees within the verge area from the relevant City of Fremantle department or relevant service authority, before construction commences. Please refer to the City’s Tree Planting and Vehicle Crossings Policies (SG28 and MD0015) for further information.

(ii) It is recommended that the applicant liaises with the City’s Parks and Gardens department in respect of the proposed boundary fences abutting the reserve the south and east. The Parks and Gardens department can be contacted on 9432 9999.

(iii) The City’s Project Services and Delivery department advises that the power pole in the road reserve is to be relocated at the applicant’s expense.

CARRIED: 7/0

<table>
<thead>
<tr>
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<th>Against</th>
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<td>Mayor, Brad Pettitt</td>
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PC1603 - 8 SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY - OFFICE 2007

Acting under authority delegated by the Council the Manager Development Approvals 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 I Waltham

That the information is noted.

CARRIED: 7/0

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CONFIDENTIAL MATTERS

Nil.

CLOSURE OF MEETING

THE PRESIDING MEMBER DECLARED THE MEETING CLOSED AT 9.10 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.

<table>
<thead>
<tr>
<th>How consultative processes work at the City of Fremantle</th>
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<tbody>
<tr>
<td><strong>The City’s decision makers</strong></td>
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<tr>
<td><strong>Various participation opportunities</strong></td>
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<tr>
<td><strong>Objective processes also used</strong></td>
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<tr>
<td><strong>All decisions are made by Council or the CEO</strong></td>
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<tr>
<td><strong>Precinct focus is primarily local, but also city-wide</strong></td>
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<td><strong>All input is of equal value</strong></td>
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<td><strong>Decisions will not necessarily reflect the majority view received</strong></td>
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<tr>
<td>Decisions made for the overall good of Fremantle</td>
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<tr>
<td>Diversity of view on most issues</td>
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<tr>
<td>City officers must be impartial</td>
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<tr>
<td>City officers must follow policy and procedures</td>
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<tr>
<td>Community engagement processes have cut-off dates that will be adhered to.</td>
</tr>
<tr>
<td>How consultative processes work at the City of Fremantle</td>
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<tr>
<td>--------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Citizens need to check for any changes to decision making arrangements made</strong></td>
</tr>
<tr>
<td><strong>Citizens are entitled to know how their input has been assessed</strong></td>
</tr>
<tr>
<td><strong>Reasons for decisions must be transparent</strong></td>
</tr>
<tr>
<td><strong>Decisions posted on the City’s website</strong></td>
</tr>
</tbody>
</table>
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 Committee

Wednesday, 2 March 2016, 6.00 pm