



Additional documents

Planning Committee

Wednesday 6 September 2023 6pm



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PC2309-1 SOUTH TERRACE, NO.94 (LOT 503), FREMANTLE – FOUR STOREY CIVIC USE (DISTRICT POLICE COMPLEX) – (JL DAP005/23)

Proposed Amendment by Cr Lang

That the City of Fremantle advise the Western Australian Planning Commission of its comments regarding the proposed 4 Storey Public Works (District Police Complex) development at 94 (Lot 503) South Terrace, Fremantle (plans dated 30 May 2023), as detailed in the Planning Committee agenda of 6 September 2023 and summarised below:

- 1. The development of a Civic Use (District Police Complex) in the City Centre is supported, noting the local and regional strategic importance of this function.**

- 2. However, the scale and form of development as proposed is not supported on this site for the following reasons:**
 - a. The bulk and scale has an adverse impact on the streetscape and the adjoining heritage elements including the convict-built wall and the state heritage-listed Synagogue and on properties and view sightlines within the world heritage-listed convict establishment.**
 - b. The materiality, proportions, massing and detailing of the built form are an inappropriate response to the context and will detract from the streetscape and heritage precinct.**
 - c. The building function will not contribute to the activation of this important public realm.**
 - d. The highly prominent facade presents as a public attraction, which it is not, and as such the design detracts from the legibility of the City.**

- 3. The City seeks to engage with WAPOL and WAPC to explore a more suitable built form response for this site in response to the matters summarised above and outlined in more detail below, or to identify a more suitable site for the proposed scale and built form elsewhere in the Fremantle CBD.**



- 4. The attention of the Western Australian Planning Commission (WAPC) and Joint Development Assessment Panel (JDAP) is drawn to the 244 submissions made in response to community consultation on the application. The WAPC and JDAP are requested to give full consideration to the issues raised in submissions in the preparation and consideration of the Responsible Authority Report on the application.**

- 5. The City expects the Heritage Council WA will undertake a state level assessment of the impact of this proposal on the world heritage listed Fremantle Prison, Fremantle Oval, the Synagogue and other properties within the convict establishment, and expects that any recommendations of the Heritage Council WA be implemented in full.**

- 6. Notwithstanding the point above, that WAPC have due regard to:**
 - a. have due regard to the City’s heritage comments;**
 - b. share the City’s advice with the Heritage Council WA; and**
 - c. require the proponent to prepare a detailed heritage interpretation strategy that informs the design, consideration of the treatment and protection of existing on-site heritage fabric, both during construction and in perpetuity and an improvement to the development’s interface with adjoining heritage developments and streetscapes.**

- 7. Any recommendations made by State Design Review Panel (SDRP) are to be incorporated into amended plans and or additional information. Should these recommendations be significant or amended documents be submitted, it is recommended the matter be deferred to allow all stakeholders the opportunity to review. Any comments and minutes from the SDRP, should be public documents that are published as part of the Responsible Authority Report to the Metro Inner-South Joint Development Assessment Panel (JDAP)**

- 8. The project establish a minimum target of 4 star Greenstar certification, noting the State Government’s position to reach Net Zero emissions by 2050. This would include consideration of the extensive areas of east and west facing glazing.**



9. Notwithstanding the matters outlined above, if the WAPC is inclined to support the design as lodged, then any approval should be subject to the following conditions:

- ***Prior to lodging an application for a building permit, storm water disposal plans, details and calculations must be submitted for approval by the City of Fremantle and thereafter implemented, constructed and maintained to the satisfaction of the Western Australian Planning Commission, on advice from the City of Fremantle.***

All storm water discharge shall be contained and disposed of on site.

- ***The development shall be wholly located within the cadastral boundaries of the subject site including any footing details of the development.***
- ***Prior to the lodgement of a Demolition Permit or Building Permit for the various stages of the development hereby approved the owner is to submit a waste management plan for approval by the City, detailing at a minimum the following:***
 - ***Estimated waste generation***
 - ***Proposed storage of receptacles***
 - ***Collection methodology for waste***
 - ***Additional management requirements to be implemented and maintained for the life of the development.***

The waste management plan should give consideration to the fact the City is required to manage residential waste. As a result, the waste management plan will need to align with the waste services available to residents. The Waste Management Plan must be implemented at all times to the satisfaction of the Western Australian Planning Commission on advice from the City of Fremantle.

- ***Prior to practical completion of the development hereby approved, an outdoor lighting plan must be submitted and approved by the Western Australian Planning Commission. The outdoor lighting is to be designed, baffled and located to prevent any increase in light spill onto the adjoining properties.***
- ***Prior to the issue of a Demolition Permit or Building Permit for the various stages of the development hereby approved, all***



piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters and bin storage areas must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the Western Australian Planning Commission.

- ***Prior to the lodgement of a Demolition Permit or Building Permit for the various stages of the development hereby approved, a Construction/Demolition Management Plan shall be submitted and approved, to the satisfaction of the Western Australian Planning Commission addressing, but not limited to, 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 management plan;***
 - l) ***Traffic management; and***
 - m) ***Works affecting pedestrian areas.***

Dewatering application must include:-

- ***Written approval from department of Water and Department of Park and Wildlife***
- ***Dewatering impact report***
- ***Before discharge in to the City's storm water system, they need to have a sediment control and weekly monitoring plan.***

The approved Demolition and Construction Management Plan shall be adhered to throughout the demolition of the existing building on site and construction of the new development.



- ***Prior to the lodgement of a building permit, the following information is to be provided to the Western Australian Planning Commission, on advice from the City of Fremantle:***
 - ***Archaeological Management Plan to provide for the appropriate documentation, excavation and monitoring of potential archaeological evidence across the site.***
- ***Prior to the lodgement of a building permit, a detailed Interpretation Plan should be submitted to detail the works, treatment and finish of the Convict Wall both during construction and its ongoing protection and maintenance to the satisfaction of the Western Australian Planning Commission.***
- ***Prior to the lodgement of a building permit, a copy of documentation from the Green Building Council of Australia or a suitably qualified professional stating how the development will achieve a Green Star rating of at least 4 Stars shall be submitted to the satisfaction of the Western Australian Planning Commission.***
- ***Prior to occupation, a copy of documentation from the Green Building Council of Australia or a suitably qualified professional stating that the development as constructed will be able to achieve a Green Star rating of at least 4 Stars to the satisfaction of the Western Australian Planning Commission.***
- ***Prior to the lodgement of a building permit details regarding the location and strategy for the public art shall be submitted. Prior to occupation of the development, the art shall be installed on site to the satisfaction of the Western Australian Planning Commission.***
- ***Prior to practical completion of the building hereby approved, vehicle crossovers shall be constructed to the City's specification and thereafter maintained to the satisfaction of the Western Australian Planning Commission.***
- ***Prior to practical completion of the building hereby approved, any redundant crossovers shall be removed and the verge and kerbing reinstated to the City's specifications, at the expense of the applicant and to the satisfaction of the Western Australian Planning Commission.***
- ***Prior to the issue of a Building Permit for the development hereby approved, a detailed on site landscaping plan, including information relating to species selection, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces***



(i.e. mulch, lawn etc), shall be submitted to and approved by the Western Australian Planning Commission on advice from the City of Fremantle.

- ***Prior to the commencement of development details regarding the removal and replacement of street trees shall be submitted to and approved by the Western Australian Planning Commission on advice from the City of Fremantle.***
- ***Prior to the occupation of the development hereby approved, the approved landscaping shall be completed in accordance with the approved plans or any approved modifications thereto to the satisfaction of the City of Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of the development, to the satisfaction of the Western Australian Planning Commission on advice from the City of Fremantle.***
- ***Prior to lodgement of a building permit, the applicant is to submit, and have approved to the satisfaction of the Western Australian Planning Commission, a detailed parking plan design which complies with the Australian Standard AS/NZS 2890 and AS/NZS 1428.***
- ***Prior to the issue of a Building Permit for the development hereby approved, end of trip facilities shall be provided, to the satisfaction of the City of Fremantle. Prior to occupation of the development the approved end of trip facilities must be installed and thereafter be maintained for the life of the development, to the satisfaction of the Western Australian Planning Commission on advice from the City of Fremantle.***
- ***Prior to the issue of a Building Permit for the development hereby approved, lockers shall be provided, to the satisfaction of the City of Fremantle. The facilities must thereafter be retained for the life of the development to the satisfaction of the Western Australian Planning Commission on advice from the City of Fremantle.***
- ***Makes all 224 MySay submissions available to the public.***

1. Any approval should be subject to the following advice notes:

- **Levels as per existing footpath and/or ROW**
 - **Levels at the property boundary including any driveways and pedestrian access points shall match existing footpath and/or right of way levels;**



- **Any adjustment in levels is to be achieved within the property boundaries;**
- **Details of all existing and proposed levels to be shown in the submitted working drawings for a building permit, to show that existing footpath levels are maintained.**
- **Minimum floor level to be road reduced level plus kerb height (150 mm) plus 2% slope towards the property boundary. All levels are to be in AHD.**
- **The floor level of any new structure capable of being occupied is to be a minimum of above 150 mm plus 2% slope towards the property boundary. Basement car parks and similar areas may be permitted below this level if the structure and any access to the structure is tanked to a level of above. Please contact the Infrastructure Business Services department via info@fremantle.wa.gov.au or 9432 9999.**

- **In regard to the condition requiring a Construction Management Plan, Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>. A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be accessed via: <https://www.fremantle.wa.gov.au/sites/default/files/Construction%20and%20Demolition%20Management%20Plan%20Proforma.pdf> The Infrastructure Business Services department can be contacted via info@fremantle.wa.gov.au or 9432 9999.**

- **Prior to any removal of trees from the road reserve, or works that may affect these trees, the applicant should liaise with the City of Fremantle to ensure the appropriate selection and location of trees. Existing trees within the road reserve, shown on the approved plans shall be protected through the implementation of a Tree Protection Zone for protection during construction. Additional information with regard to the tree protection zone requirements can be found here: <https://www.fremantle.wa.gov.au/residents/trees-and-verges>.**

- **The applicant is advised to liaise with adjacent land owners with regards to the potential to undertake dilapidation reports prior to commencing site works due to the concerns raised during the community consultation of this application.**



- **If construction works involve the emission of noise above the assigned levels in the Environmental Protection (Noise) Regulations 1997, they should only occur on Monday to Saturday between 7.00 am and 7.00 pm (excluding public holidays). In instances where such construction work needs to be performed outside these hours, an Application for Approval of a Noise Management Plan must be submitted to the City of Fremantle Environmental Health Services for approval at least 7 days before construction can commence. Note: Construction work includes, but is not limited to, Hammering, Bricklaying, Roofing, use of Power Tools and radios etc.**
- **Effective measures shall be taken to stabilize sand and ensure no sand escapes from the property by wind or water in accordance with the City's Prevention and Abatement of Sand Drift Local Law.**
- **The applicant is advised that the existing verge tree is to be protected during the construction process with a minimum 2.8x2.8m fencing enclosure.**
- **The applicant is advised that a crossover permit must be obtained from the City's Engineering Department. New/modified crossover(s) shall comply with the City's standard for crossovers, which are available on the City of Fremantle's web site. The applicant is advised that the new vehicle crossover shall be separated from any verge infrastructure by:**
 - **a minimum of 1.5 metres in the case of verge trees**

Reason for change:

The proposed building is fundamentally the wrong building for the site due to its bulk and scale which cause severe negative impacts on heritage, streetscape, amenity.



PC2309-1 SOUTH TERRACE, NO.94 (LOT 503), FREMANTLE – FOUR STOREY CIVIC USE (DISTRICT POLICE COMPLEX) – (JL DAP005/23)

Proposed Amendment by Cr Sullivan

That in relation to the public areas surrounding the proposed WAPOL development, Council endorse the following strategic direction:

Bulldog Lane

The City will further explore the urban design of Bulldog Lane taking into account the following design objectives:

- ***the lane is to be configured to accommodate future connection through the oval redevelopment along the western wing of the oval, most likely at basement level;***
- ***the lane is to be configured to accommodate potential connectivity around the southern edge of the oval in liaison with Fremantle Hospital (South Metropolitan Areas Health Services);***
- ***the gradient of the proposed laneway will ideally deliver a consistently gentle slope from South Terrace up to the eastern end where it will provide access to both the oval and the former administration building;***
- ***potential impacts of the new road on the convict wall are to be investigated and mitigated;***
- ***consideration to be given to restoring the convict wall to its original height to improve CPTED and safety (in liaison with SMAHS) and to alternative interpretations for the replacement sections of wall at the eastern end that may improve the public realm;***
- ***the most appropriate urban design to facilitate pedestrian and emergency connectivity to the oval, including the footpath location/width and landscaping;***
- ***deliver safe and efficient intersection designs along South Terrace; and,***
- ***the final urban design for Bulldog Lane to be submitted for Council consideration and approval.***



South Terrace

The City will explore potential design changes to South Terrace between Parry Street and Alma Street to accommodate the proposed WAPOL development, Bulldog Lane, other proposed developments in the precinct and the potential expansion of bus stops and drop offs in the area, including:

- ***retaining the two plane trees closest to the Synagogue with any future crossover to the WAPOL public car park to be designed to accommodate the retention of these mature trees;***
- ***the plane trees that were located near the bus stop are to be replaced and where possible the avenue of trees extended southwards;***
- ***opportunities to widen footpaths and to improve pedestrian safety to be included; and***
- ***in the event the WAPOL development leaves a long section of South Terrace unactivated, that other opportunities to activate the pedestrian realm and improve safety through CPTED measures be investigated, including activating the hospital frontage to the south.***

Oval interface

The WAPOL developers be advised that the oval redevelopment will see a significant increase in usage, will most likely include basement parking and an extension of Bulldog Lane abutting the shared boundary at about the same level as their proposed basement and that the following opportunities to coordinate and accommodate future development should be considered:

- ***WAPOL to consider extending their basement to the oval boundary or introducing other such structural measures to minimise future disruptions to their operational areas when the oval is redeveloped;***
- ***An opportunity for WAPOL to gain a basement level connection to the proposed extension of Bulldog Lane through to Parry Street to provide greater flexibility for their operations;***



- ***That events in and around Fremantle Oval are likely to attract large crowds requiring traffic management and/or street closures and that such scenarios should form part of WAPOL's operation brief for the development; and,***
- ***Explore opportunities to provide alternative access through to Hampton Road via an eastwards extension of Bulldog Lane.***

Reasons for change

The development plans indicate designs for and modifications to public areas that fall outside of the WAPOL site and which require separate approval from the authority to implement. The amendment seeks to provide further strategic direction on matters that Council considers are important in delivering a safe and activated public realm. The amendment is also intended to be included as an advice note to any planning decision made by the JDAP.



PC2309-2 NO. 37 (LOT 502) SOUTH TERRACE, FREMANTLE – THREE STOREY TAVERN – (CM DAP004/23)

Proposed Amendment by Cr Groome

Council

SUPPORT the Officer's Recommendation to **APPROVE**, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the three storey Tavern subject to conditions, for the reasons outlined in the Responsible Authority Report (RAR), **with the exception of an amendment to Condition 5 as follows:**

- 5. Prior to lodging an application for a building permit for the development hereby approved, amended plans are to be submitted with an alternative awning design/configuration to ensure removing the rooftop awning on the second level (rooftop) as indicated on the approved plans has a lightweight appearance and remains visually permeable from the street, to the satisfaction of the City of Fremantle.**

Reason for change:

The need for climate control to the roof terrace is recognised however the proposed adjustable louvres will need to be in a closed position to provide effective shading and as such will have a closed in appearance and add to the apparent height of the building. Given that this structure is additional to the height limit for the area a more visually permeable solution that will have less visual impact is sought.



PC2309-2 NO. 37 (LOT 502) SOUTH TERRACE, FREMANTLE – THREE STOREY TAVERN – (CM DAP004/23)

Proposed Amendment by Cr Sullivan

Council

SUPPORT the Officer's Recommendation to **APPROVE**, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the three storey Tavern subject to conditions, for the reasons outlined in the Responsible Authority Report (RAR), **with the exception of an amendment to Condition 5 as follows:**

- Prior to lodging an application for a building permit for the development hereby approved, amended plans are to be submitted with an alternative awning design/configuration, materiality and colour to ensure removing the rooftop awning on the second level (rooftop) as indicated on the approved plans has a lightweight appearance and remains visually permeable from the street, to the satisfaction of the City of Fremantle on advice from the Design Advisory Committee.***

Reason for change:

The need for climate control to the roof terrace is recognised however the proposed adjustable louvres will need to be in a closed position to provide effective shading and as such will have a closed in appearance and add to the apparent height of the building. Given that this structure is additional to the height limit for the area a more visually permeable solution that will have less visual impact is sought.



PC2309-8 NICHOLAS CRESCENT, NO. 1B (LOT 2), HILTON - SINGLE STOREY SINGLE HOUSE - (JL DA0142/23)

Alternative Recommendation by Cr Groome

Refer the application to the administration with the advice that the Council is not prepared to grant planning approval to the application for the single storey Single house at No. 1b Nicholas Crescent, Hilton based on the current submitted plans and invite the applicant, prior to the next appropriate Planning Committee meeting to consider submitting an amended proposal to on the following basis:

Owner to reconfigure the design to increase setbacks to the western boundaries because:

- **the extent of variation requested causes an unacceptable and unwarranted impact on the daylight access and amenity of the neighbouring property, and**
- **the proposed design will result in poor daylight access, ventilation and amenity for the new dwelling.**