



Agenda

Ordinary Meeting of Council

Wednesday 6 December 2023 6pm



Notice of an Ordinary Meeting of Council

Elected Members

An Ordinary Meeting of Council of the City of Fremantle will be held on **Wednesday 6 December 2023** in the Council Chamber at the Walyalup Civic Centre, located at 151 High Street, Fremantle commencing at 6.00 pm.

A handwritten signature in black ink, appearing to read "Glen Dougall".

Glen Dougall
Chief Executive Officer

30 November 2023



Table of Contents

1.	Official opening, welcome and acknowledgement.....	3
2.	Attendance, apologies and leave of absence	3
3.	Applications for leave of absence	3
4.	Disclosures of interest by members	3
5.	Responses to previous public questions taken on notice.....	3
6.	Public question time	10
7.	Petitions	10
8.	Deputations.....	10
8.1	Special deputations	10
8.2	Presentations	10
9.	Confirmation of minutes	10
10.	Elected member communication	11
11.	Reports and recommendations from officers	12
11.1	Planning reports	12
C2312-1	WATKINS STREET, NO. 18 (LOT 1289), WHITE GUM VALLEY – SINGLE STOREY SINGLE HOUSE – (JD DA0249/23)	12
C2312-2	WESTMEATH STREET, NO. 4 (LOT 223), NORTH FREMANTLE – OUTBUILDING ADDITION – (JD DA0242/23)	20
C2312-3	CADD STREET, NO. 2 (LOT 511), BEACONSFIELD - ANCILLARY DWELLING ADDITION TO EXISTING SINGLE HOUSE – (JD DA0234/23).....	25
C2312-4	MARINE TERRACE, NO. 96 (LOT 123), FREMANTLE – ALTERATIONS TO EXISTING HERITAGE BUILDING AND A TWO STOREY SINGLE HOUSE – (ED DA0107/23)	32
C2312-5	REVIEW OF LOCAL PLANNING POLICY 2.4 – BOUNDARY WALLS IN RESIDENTIAL DEVELOPMENT.....	52
C2312-6	2023 UPDATE OF HERITAGE LIST AND LOCAL HERITAGE SURVEY	57
C2312-7	STRUCTURE PLAN – 11-15 GROSVENOR STREET, BEACONSFIELD (FORMER CHALLENGER TAFE).....	66
C2312-8	PLANNING INFORMATION REPORTS - DECEMBER 2023.....	88
11.2	Strategic and general reports	90
C2312-9	COUNCIL INFORMATION REPORT – DECEMBER 2023.....	90
C2312-10	SAFE SWIMMING AREAS INVESTIGATION.....	93
11.3	Committee and working group reports	99
11.4	Statutory reports	100
12.	Motions of which previous notice has been given	101
13.	Urgent business	101
14.	Late items.....	101
15.	Confidential business	101
16.	Closure.....	101



1. Official opening, welcome and acknowledgement

Ngala kaaditj Whadjuk moort keyen kaadak nidja Walyalup boodja wer djinang Whadjuk kaaditjin wer nyiting boola yeye.

We acknowledge the Whadjuk people as the traditional owners of the greater Fremantle/Walyalup area and we recognise that their cultural and heritage beliefs are still important today.

2. Attendance, apologies and leave of absence

Cr Geoff Graham - Leave of absence

3. Applications for leave of absence

Elected members may request leave of absence.

4. Disclosures of interest by members

Elected members must disclose any interests that may affect their decision-making. They may do this in a written notice given to the CEO; or at the meeting.

5. Responses to previous public questions taken on notice

The following questions were taken on notice at the Ordinary Meeting of Council held on 22 November 2023:

Ian Ker asked the following question in relation to an item not on the agenda:

Question 1:

Will the City of Fremantle work with Main Roads and the WA Maritime Museum to commission a comparable model of the current traffic bridge, with the intention that both models and the historical information from Main Roads form the basis of an interpretative exhibition at a suitable location?

Response:

This is a State Government Project and the City has no budget/resource allocation for this. The City will pass on this suggestion to the Alliance Team for their consideration as part of the various interpretive works that could be including in the Swan River Crossing project.



Heather Wright asked the following questions in relation to an item not on the agenda:

Question 1:

In relation to the [response provided to a question](#) asked at the Ordinary Meeting of Council on 25 October 2023, how is this not a breach of misconduct?

Response:

Clause 17 of the Code of Conduct requires individual elected members not to use resources of the Local Government in advocating for a referendum outcome. The exemptions to that clause are approval by the Chief Executive Officer, or approval by the Local Government. This Local Government made a decision to expend funds to promote notice of the referendum on the Voice. Under the Code of Conduct, the Local Government gave permission for the funds to be used.

Question 2:

What action will be taken to rectify this?

Response:

See response to Question 1 above.

Dominique Mimmagh asked the following question in relation to item C2311-21:

Question 1:

The acquisitions table states the annual budget \$25.79 m and the year to date actual at \$2.22 m representing a 9% spend. We're four months into the financial year, the spend should be at 33% or \$8.5 m. What are the reasons for the underspend?

Response:

For many of the capital projects the procurement strategy is to go out to tender early in the financial year and with action to occur later in the financial year. On that basis, budgets for capital projects are phased to increase spending progressively in the financial year.

Furthermore, delays in supplier sending invoices will also account for some of the underspend. Budget phasing is based on an estimated project timeline and due to the nature of projects timelines change occasionally due to availability of suppliers and trades. Budget phasing is adjusted as delays or changes in timelines are identified throughout the year.

Question 2:

The capital grant table states the annual budget of \$8.67 m and the year to date actual at \$0.46 m representing grants to the City of Fremantle at 5%. What are the reasons for the grant money being so low four months into the budget?

Agenda – Ordinary Meeting of Council
6 December 2023



Response:

Grant acquittals are linked to the progress on capital projects. As projects progress and milestones are met, capital grants received will increase.

Budget phasing is based on an estimated project timeline and due to the nature of projects timelines change occasionally due to availability of suppliers and trades. Budget phasing is adjusted as delays or changes in timelines are identified throughout the year. A change in the timeline of the delivery of a project is also likely to impact the timing in which grant income is received.

Question 3:

Who are the Government bodies that contribute the capital grants, and to what project?

Response:

Consolidate	YTD Actual - 31 Oct 2023	Comment
300110 - P-11823 Design and construct-Port Beach coastal adaptation	(284,743)	From Department of Transport
300218 - P-11992 Design & construct-South Beach-Changerooms	(107,185)	From Department of Communities
200132 - P-10300 Plan-Fremantle Oval Precinct	(45,000)	From South Fremantle Football Club, Fremantle Football Club and Western Australian Football Commission \$15k Each - Transferred to Operating grants in November
300316 - P-12127 Design and construct - Hilton Bowling Club - Green	(7,835)	Unspent grants - From Hilton Park Bowling & Recreation Club Incorporated
300313 - P-12129 Program - Prawn Bay - Ecological restoration	(6,800)	Department of Biodiversity Conservation and Attractions
300157 - P-11882 Design and construct Fremantle Golf Course Clubhouse	(6,628)	Unspent grants - Originally from Main Road Western Australia
300278 - P-12028 Program - Coastal Monitoring (South)	(4,650)	Unspent grants - From Department of Transport
300329 - P-12103 Resurface - R2R - Marchant Rd	(1,111)	Unspent grants - From Department of Infrastructure
	(463,952)	



Elisabeth Megroz asked the following question in relation to item C2311-11 and items not on the agenda:

Items not on the agenda:

Question 1:

Fremantle Biennale and artwork destruction, the second botched project by this group; in the first incident (Arcs d'Ellipses 2017) the ratepayers ended up funding the removal of the yellow foil stripes from the buildings in High street Fremantle (2018/19).

Who is accepting responsibility for the destruction of the Athena artwork at Arthur Head? The Fremantle Biennale or the City of Fremantle?

Response:

After the incident the Kalamaras family was contacted by the City of Fremantle 23, 24, 27 Oct and 13 Nov. The city apologised for the distress caused by the incident and offered to work with the family on a suitable relocation of the artwork. Fremantle Biennale has also offered to support the relocation of the work.

Question 2:

In relation to the above, will the artwork be restored?

Response:

The work will not be restored. The work does not appear to be a registered asset on the City's Public Art Collection, nor does any approval appear to have ever been issued for the work to be placed in the public realm. It is understood the work is incomplete. It is understood that the work has been previously moved to accommodate concerts held in the area on at least one occasion. The work was not secured to the ground, meaning there was no engineered footing. The work was sitting on a loose limestone path on a slight incline. Efforts were made to contact the artist prior to moving the structure. Preparations were made to relocate the rock to allow for public access and sight lines to the Fremantle Biennale program.

Question 3:

In relation to the above, what are the associated costs to the ratepayers?

Response:

No financial commitment has been made by the City of the Fremantle. We are waiting for the family to respond to our communications to understand their wishes on relocation.

Question 4:

A 'Modern' city seems to be the new buzz word following on from a 'liveable', 'loveable', 'activated', 'revitalised city'. Where can I find the definition of what a 'modern' city is in the context of Fremantle?



Response:

This question is taken more as a comment than a question as it would require more context to answer.

Question 5:

Is there parking set aside for Fremantle councillors?

Response:

There are no reserved or allocated bays for elected members however they are able to access parking permits.

Question 6:

Is there parking provision for Fremantle staff and admin?
If yes, how many parking bays does it amount to in total?

Response:

Staff can access public bays at the Beach Street car park adjacent to Captain Munchies. Staff who are required to work after hours in to the evening are also able to access car parking closer to the administration building.

Between 150 and 200 staff work out of the Civic Centre at any given time and utilisation of the car parking that is made available varies widely depending on how and when they choose to travel to work. There are 261 public bays in the Beach Street car park, all of which are publicly accessible. No bays are reserved for City Staff.

Question 7:

In relation to question 5 and 6, is this parking available at anytime?

Response:

This parking is available to City staff in line with their working or rostered hours.

Question 8:

In relations to the above, what is the total cost to the City?

Response:

There is no direct cost to the City.

Item C2311-11:

Question 9:

Given the existing parking stress in Fremantle, and the problem escalating by cramping in more residents into a building that provides not enough parking, is it then justified to ignore parking policy and accept the loss of on street parking to accommodate a developer's desire to extract as much profit as possible at the expensive of amenity?



Response:

The required number of car bays as assessed against the Residential Design Codes are provided for the residential apartments. The parking shortfall for the commercial tenancies has been assessed and supported against the Local Planning Scheme in the officer's report.

Question 10:

What evidence (data) is there of reduced car numbers and usage in Fremantle to support the rationale for ignoring parking policy and the loss of on street parking?

Response:

The applicant has provided a Transport Impact Statement to justify the shortfall, which has been assessed and supported by officers.

Question 11:

Will the lost parking from Point Street carpark be replaced?

Response:

This proposal is not proposing a public car park to replace the existing Point Street carpark.

Question 12:

The development proposes a height increase of 60%, from 5 to 8 storeys, and according to the developer (supported by a legal opinion) it is allowable because Johnson Court and Little Lanes nearby are equally as or taller. Where can I find the arguments that reason for compliance with the policy?

Response:

The officers report makes an independent assessment of the proposal against the requirements of the Local Planning Scheme and is informed by Design Advisory Committee advice and the position of the Heritage Council in regards to adjoining buildings.

Discussion regarding the height assessment commences on page 37 of the Council Agenda.

Question 13:

How many units (number of bedrooms) are set aside for social housing?

Response:

That has not been disclosed by the applicant.

The following members of the public spoke in favour of the recommendation for item C2311-11:

Matt McNeilly
Jeff Holloway



May-Ring Chen asked the following question in relation to item C2311-15:

Question 1:

What will happen when there is an outage again like we had with Optus recently? How did the City deal with it when the internet was down?

Response:

Our provider is not Optus, however, we will have measures in place. Almost all of the parking machines have mobile sims, which we monitor regularly. If the sims go down, we send someone out straight away to rectify the issue and get in touch with the telecommunication provider.

Question 2:

Can the cash payment option remain available, as not everyone has a mobile phone?

Response:

We are not abolishing cash. We are bringing in a range of machines which will allow payment by cash. We're assessing the utilisation of machines across the City to determine cash vs card usage. Where there is a high level of cash usage already, we will retain cash machines. Where there is a low usage of cash, we will introduce the card only or pay-by-phone machines.

Question 3:

What measures are in place to protect our data from being misused or profited from?

Response:

It is part of the general contract of engagement with the provider, and they are bound by the Australia legislation standards for how to manage and secure data. The data is the property of the City.

Question 4:

How much revenue has the City raised in the last financial year for parking and infringements?

Response:

Parking \$11.2M
And infringements \$2.1M

Question 5:

Are we one step closer to CBDC?

Response:

The term CBDC requires further context to be answered.



Question 6:

Can you explain the meaning of “the ability to offer dynamic pricing and response to trends and utilisation”?

Response:

The concept of dynamic pricing is that given we’re looking at implementing an integrated system, we will be able to monitor the utilisation and data captured through our system. At periods of low utilisation, we can drop prices to encourage people to come into Fremantle as an incentive. Its more about reducing prices rather than increasing, as there is no intent to increase prices.

6. Public question time

Members of the public have the opportunity to ask a question or make a statement at council and committee meetings during public question time.

Further guidance on public question time can be viewed [here](#), or upon entering the meeting.

7. Petitions

Petitions may be tabled at the meeting with agreement of the presiding member.

8. Deputations

8.1 Special deputations

A special deputation may be made to the meeting in accordance with the City of Fremantle Meeting Procedures Policy.

There are no special deputation requests.

8.2 Presentations

Elected members and members of the public may make presentations to the meeting in accordance with the City of Fremantle Meeting Procedures Policy.

9. Confirmation of minutes

OFFICER’S RECOMMENDATION

Council confirm the minutes of the Ordinary Meeting of Council dated 22 November 2023.



10. Elected member communication

Elected members may ask questions or make personal explanations on matters not included on the agenda.



11. Reports and recommendations from officers

11.1 Planning reports

C2312-1 WATKINS STREET, NO. 18 (LOT 1289), WHITE GUM VALLEY – SINGLE STOREY SINGLE HOUSE – (JD DA0249/23)

Meeting Date:	6 December 2023
Responsible Officer:	Manager Development Approvals
Decision Making Authority:	Council
Attachments:	1. Amended Development Plans 2. Additional Justification 3. Site Photos

SUMMARY

Approval is sought for single storey Single house at No. 18 Watkins Street, White Gum Valley.

The proposal is referred to Council due to the nature of some discretions being sought that cannot be addressed through conditions of approval. The application seeks discretionary assessments against the Residential Design Codes (R-Codes) and Local Planning Policies. These discretionary assessments include the following:

- **Primary street setback**
- **Lot boundary setback**
- **Setback of garages and carports**
- **Sight lines**
- **Vehicular access**
- **Site works requirements**
- **Visual privacy**

The application is recommended for refusal.

PROPOSAL

Detail

Approval is sought for a single storey Single house at No. 18 Watkins Street, White Gum Valley (subject site). The proposed works include:

- Construction of a 3 x bedroom, 2 x bathroom single storey dwelling with a garage (the applicant states on the development plans that the proposal is for a carport however, it does not satisfy the requirements to be considered a carport).
- Construction of retaining walls on the north, east and west lot boundaries.
- Construction of a new crossover.
- Construction of a front fence and sliding gate.

Agenda – Ordinary Meeting of Council
6 December 2023



Note: The applicant has included development plan which illustrate three (3) lots within the subject site. There has been no subdivision approval granted for the subject site nor has an application been referred to the City at the time of the application. The proposed development will be assessed within the context of the total site area.

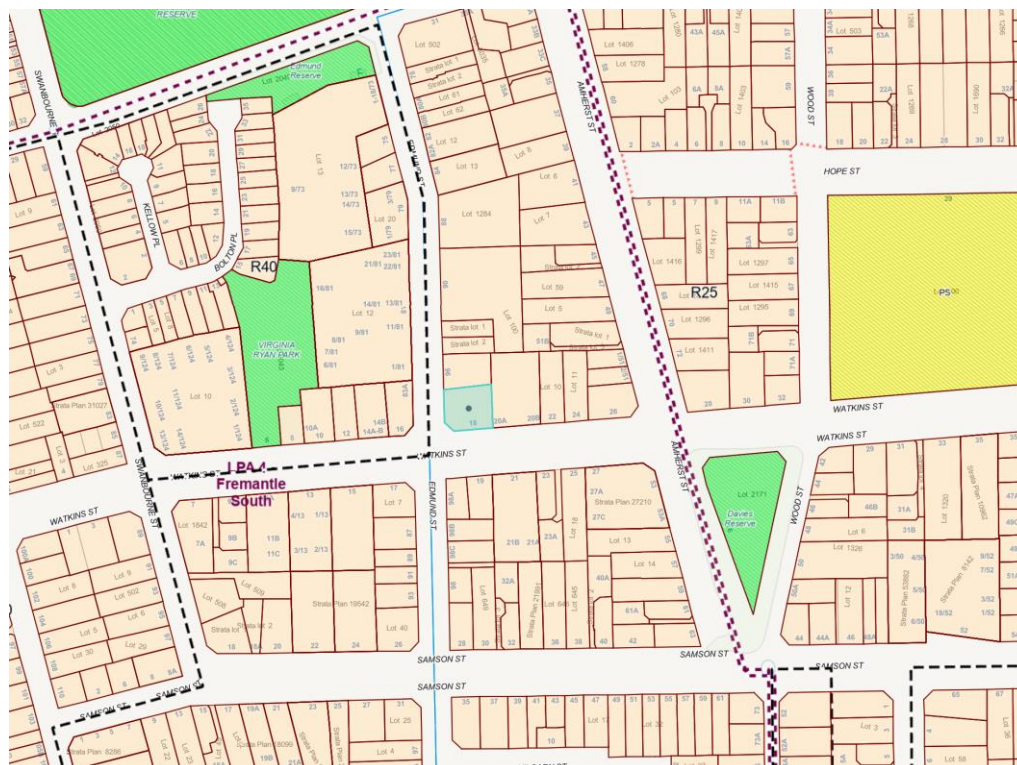
The applicant submitted amended plans on 9 November 2023 including the following:

- Increased street setback.
- Reduced wall height.
- Reduced height of retaining / amount of fill required within the site.
- Reconfiguration of the dwelling layout.
- Relocation of crossover.

Amended development plans are included as attachment 1.

Site/application information

Date received:	22 August 2023
Owner name:	Phoebe Stoneman & Adriano Truscott
Submitted by:	KTR Creations Pty Ltd
Scheme:	Residential R25
Heritage listing:	Not Listed
Existing land use:	Single House
Use class:	Single House
Use permissibility:	P





CONSULTATION

External referrals

Nil required.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the proposal sought merit-based assessments against the R-Codes and local planning policies. The advertising period concluded on 2 October 2023, and Nil submissions were received.

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of the R-Codes and relevant Council local 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 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 do not meet the Deemed-to-comply or policy provisions and need to be assessed under the Design principles:

- Primary street setback
- Lot boundary setback
- Setback of garages and carports
- Sight lines
- Vehicular access
- Site works requirements

The above matters are discussed below.

Background

The subject site is located fronting Watkins Street to the South and Edmund Street to the west. The site has a land area of approximately 850m² and currently features a Single house which is proposed to be demolished to facilitate the proposed development. The site is zoned Residential and has a density coding of R25. The site is not individually heritage listed nor located within a Heritage Area.

The subject site features an approximate decrease of 3m in natural ground level from the south east corner of the lot down to the north west corner.

A search of the property file did not reveal any development history for the site. The dwelling was constructed circa 1945 based on historical aerials.

Land Use

A Single House is a 'P' land use within the Residential zone which means that the use is permitted by the Scheme.

Primary street setback

Element	Requirement	Proposed	Extent of Variation
Primary street setback	7m (wall height 4m)	5.304m	-1.7m

Local Planning Policy 2.9 (LPP2.9) varies the primary street setback requirements of the R-Codes.

The proposed primary street setback is not supported under the performance criteria of LPP2.9 and the design principles of the R-Codes for the following reasons:

- As illustrated by Figure 1, the proposed setback of the dwelling is inconsistent with the setbacks of buildings within the prevailing streetscape.
- It is considered that the dwelling will result in a projecting element into the established streetscape.
- The subject site is a corner lot which will result in the dwelling visibility being greater when looking north along Watkins Street, thereby increasing the impact of the reduced setback on the streetscape.
- There is no mature, significant tree deemed worthy of retention that would justify the reduced setback.
- The proposal will result in a detrimental impact on the streetscape character and amenity of the area.
- It is not considered that the proposal will contribute to the established streetscape.



Figure 1 – Illustration of the setback of the prevailing streetscape of Watkins Street in relation to the subject site (18 Watkins Street).

Setback of garages and carports

Element	Requirement	Proposed	Extent of Variation
Garage	Garages are to be setback in line with or behind the front wall of the dwelling.	4.982m (dwelling setback 5.304m)	0.32m in front of dwelling

LPP2.9 varies the garages and carports setback requirements of the R-Codes. As the proposed garage is located in front of the dwelling, it is therefore assessed against clause 2.3 of LPP2.9.

The proposed garage setback is not supported under the performance criteria of LPP2.9 and the design principles of the R-Codes for the following reasons:

- The proposed garage includes a wall which does not abut a property boundary and will be immediately visible when looking north along Watkins Street as illustrated by Figure 2.
- The proposed garage will result in a projecting element into the established streetscape.
- The subject site is a corner lot which will result in the garage being immediately visible when looking north along Watkins Street; The impact of the reduced setback will be greater due to their being no other dwelling/buildings on the western aspect to screen or reduce the impact of building bulk on the streetscape.

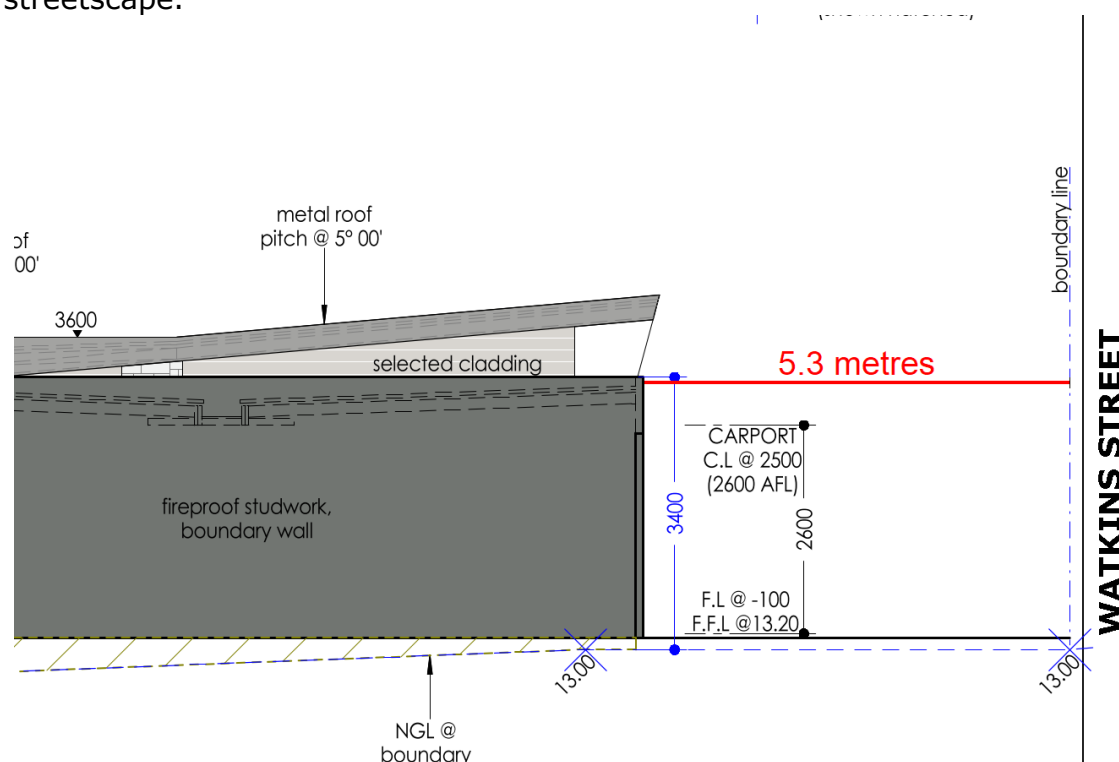


Figure 2 – The west elevation of the proposed garage.

Lot Boundary Setback



Element	Requirement	Proposed	Extent of Variation
North (rear)	1.9m	1.543m	-0.357m

The lot boundary setback is considered to meet the Design principles of the R-Codes in the following ways:

- The reduced setback is considered relatively minor, it is considered that any detrimental impact resulting from building bulk and scale will be effectively mitigated by the 1.543m setback.
- The aspect of building subject of the reduced setback is located to the south of the opposing lot and will therefore not result in any overshadowing nor will there be any significant impact on ventilation.
- The proposal includes a 1.8m high (above the finished ground level) dividing fence which will act as visual privacy screening to the opposing lot.

Sight lines

Element	Requirement	Proposed	Extent of Variation
Structures within 1.5m of a driveway	Reduced to 0.75m in height	1.8m high front gate	1.05m over height

The sight lines is considered to meet the Design principles of the R-Codes in the following ways:

- The proposed front gate provided for a level of visual permeability between the site and the street.
- There is no footpath located along this side of Watkins Street, therefore there is not considered to be any significant pedestrian traffic passed the vehicle access point.
- The width of the verge (10m) provides sufficient separation between the front gate and the street such that vehicles will be able to safely enter and exit Watkins Street with clear sightlines.

Vehicular Access

Element	Requirement	Proposed	Extent of Variation
Access to on site car parking	From secondary street (Edmund Street)	From primary street (Watkins Street)	-



The vehicular access is considered to meet the Design principles of the R-Codes in the following ways:

- The existing crossover is taken from Watkins Street. Although the crossover will be relocated towards the corner of Edmund and Watkins Street, there remains sufficient separation (6.7m from the corner truncation) from this street corner to allow for safe entering and exiting of the site.
- The proposal is for a single vehicular access point.
- There will be no impact on pedestrian safety (there is no footpath along this side of Watkins Street).
- The location of the crossover has taken into consideration the requirement to retain the existing verge trees.
- The proposed crossover will not result in any detrimental impact on the streetscape.

Site Works

Element	Requirement	Proposed	Extent of Variation
Retaining behind street setback line	0.9m of retaining - 1m setback from rear boundary	Nil	-0.1m
Fill behind street setback line, within 1m of a lot boundary	<0.5m	0.9m	0.4m

The site works is considered to meet the Design principles of the R-Codes in the following ways:

- The proposed fill has adequately considered and responded to the topography of the site by 0.8m. It is considered that this is sufficient to mitigate any excessive fill required on the lower, north west portion of the site.
- Any impact from visual privacy and building bulk and scale has been considered above.
- The extent of fill and retaining will not result in any impact on the streetscape due to it being contained to the rear of the site.
- The fill and retaining will allow for effective use of the site by residents while minimising any potential impact on adjoining properties.

CONCLUSION

The proposed setback of the dwelling and garage does not satisfy the performance criteria of LPP2.9 and/or the design principles of the R-Codes. It is considered that the proposal cannot therefore be supported and is referred to Council for determination with a recommendation for refusal.

STRATEGIC IMPLICATIONS



Green Plan 2020

1. One (1) tree is proposed to be removed.
2. There will remain multiple mature trees on the subject site.
3. No DA is required for the removal of trees on private land.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

OFFICER'S RECOMMENDATION

Council:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Single Storey Single House at No. 18 (Lot 1289) Watkins Street, White Gum Valley, as detailed on plans dated 9 November 2023, for the following reasons:

- 1. The proposal is inconsistent with the City of Fremantle's Local Planning Policy 2.9 Residential Streetscape Policy and the Residential Design Codes. The reduced setback of the dwelling and garage is inconsistent with the prevailing streetscape and will result in a detrimental impact to the character and amenity of the area.**



**C2312-2 WESTMEATH STREET, NO. 4 (LOT 223), NORTH FREMANTLE –
OUTBUILDING ADDITION – (JD DA0242/23)**

Meeting Date: 6 December 2023
Responsible Officer: Manager Development Approvals
Decision Making Authority: Council
Attachments: 1. Development Plans
2. Site Photos

SUMMARY

Approval is sought for an outbuilding addition at No. 4 Westmeath Street, North Fremantle.

The proposal is referred to the Planning Committee (PC) due to the nature of some discretions being sought and comments received during the notification period that cannot be addressed through conditions of approval. The application seeks discretionary assessments against the Residential Design Codes (R-Codes) and Local Planning Policies. These discretionary assessments include the following:

- **North lot boundary setback (boundary wall)**
- **West lot boundary setback**

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for an outbuilding addition to an existing Single house at No. 4 Westmeath Street, North Fremantle (subject site). The proposed works include:

- Construction of a 4.5m x 3.1m (13.95m²) outbuilding with a wall height of 2.4m and a gable ridge height of 2.816m in the north west rear corner of the subject site.

Development plans are included as attachment 1.

Site/application information

Date received: 14 August 2023
Owner name: Tracey Lee Minns
Submitted by: David Minns
Scheme: Residential R25
Heritage listing: North Fremantle Precinct Heritage Area
Existing land use: Single House
Use class: Single House
Use permissibility: P



CONSULTATION

External referrals

Nil required.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, as the proposal included a boundary wall (north) and a reduced lot boundary setback (west). The advertising period concluded on 6 October 2023, and one (1) submission was received. The following issues were raised (summarised):

- Reduced solar access to their lot.
- Impact on visual privacy.

The abovementioned comments have been addressed in the assessment below.

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of LPS4, the R-Codes and relevant Council local 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 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 do not meet the Deemed-to-comply or policy provisions and need to be assessed under the Design principles:



- North lot boundary setback (boundary wall)
- West lot boundary setback

The above matters are discussed below.

Background

The subject site is located north of Rocky Bay Reserve in North Fremantle. The site has a land area of approximately 533m² and is currently a Single house. The site is zoned Residential and has a density coding of R25. The site is not individually heritage listed but is located within the North Fremantle Precinct Heritage Area.

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

- Development approval – two storey dwelling - DA0125/21
- Subdivision approval (creation of subject site) – WAPC143351

Land Use

A Single House is a 'P' land use within the Residential zone which means that the use is permitted by the Scheme. The proposed outbuilding addition is incidental to the Single House land use.

Boundary wall

Element	Requirement	Proposed	Extent of Variation
North lot boundary setback (boundary wall)	1m	Nil	1m

The north lot boundary setback (boundary wall) is considered to meet the Design principles of the R-Codes in the following ways:

- The outbuilding is proposed to be located on the north side boundary abutting a 1.8m high limestone retaining wall with an additional portion of dividing fence constructed on top.
- This retaining wall and dividing fence will effectively screen the outbuilding from view.
- The location of the outbuilding will allow for improved use and functionality of the outdoor living area on the subject site by ensuring no unusable space is left between the outbuilding and retaining wall.
- The location of the outbuilding to the south of the adjoining lot, as well as being at a substantially lower elevation, means there will be no overshadowing occurring.
- The outbuilding is located in the north west rear corner of the site and is sufficiently setback from any areas of public open space.
- There will be no impact on the character or amenity of the area due to the location of the outbuilding in the rear corner of the site.
- Visual privacy implications are not applicable (there are no major openings/habitable rooms proposed)



- The outbuilding meets the deemed to comply of all other applicable R-Code requirements (with the exception of the setback variations identified in this report).

Lot boundary setback

Element	Requirement	Proposed	Extent of Variation
West lot boundary setback	1m	0.67m	0.33m

The west lot boundary setback is considered to meet the Design principles of the R-Codes in the following ways:

- The outbuilding is proposed to be located on the west rear lot boundary abutting a 1.9m high limestone wall. The limestone wall is located within the boundaries of the subject site.
- The outbuilding is located to the north east of the adjoining lot. It is considered that the additional height of the outbuilding over the height of the existing wall will not result in any significant additional overshadowing on the adjoining lot.
- The 4.5m length of outbuilding wall along the west lot boundary is considered acceptable and of a moderate length in relation the lot boundary length (outbuilding wall will be 22.5% of the boundary length).
- The proposed outbuilding is located in the rear corner of the lot and will not be immediately visible from the streetscape or any public realm.
- Visual privacy implications are not applicable (there are no major openings/habitable rooms proposed).
- The outbuilding meets the deemed to comply of all other applicable R-Code requirements (with the exception of the setback variations identified in this report).

CONCLUSION

The proposed outbuilding is considered to be of an appropriate size and scale for the residential context of the area. There will be no detrimental impact on the character or amenity of the area. Through the assessment undertaken above, it is considered that any impact on adjoining landowners will be minimal. The location of the outbuilding in the rear corner of the lot will allow occupants of the subject site improved use of the area external to the dwelling and will minimise any areas of unusable space.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.



LEGAL IMPLICATIONS

Nil.

OFFICER'S RECOMMENDATION

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Outbuilding Addition at No. 4 (Lot 223) Westmeath Street, North Fremantle, subject to the following conditions:

- 1. This approval relates only to the development as indicated on the approved plans, dated 14 August 2023. 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 from the development hereby approved shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.**
- 3. Prior to occupation/ use of the development hereby approved, the boundary wall located on the northern rear and eastern side lot boundaries shall be of a clean finish in any of the following materials:**

- coloured sand render,**
- face brick,**
- painted surface,**

and be thereafter maintained to the satisfaction of the City of Fremantle.

- 4. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.**

Advice note(s):

- i. A building permit is required to be obtained for the proposed building work. The building permit must be issued prior to commencing any works on site.**
- ii. Fire separation for the proposed building works must comply with Part 3.7 of the Building Code of Australia.**



C2312-3 CADD STREET, NO. 2 (LOT 511), BEACONSFIELD - ANCILLARY DWELLING ADDITION TO EXISTING SINGLE HOUSE – (JD DA0234/23)

Meeting Date: 6 December 2023
Responsible Officer: Manager Development Approvals
Decision Making Authority: Council
Attachments:
1. Amended Development Plans
2. Advertising Submission
3. Site Photos

SUMMARY

Approval is sought for an Ancillary dwelling addition to an existing Single house at No. 2 Cadd Street, Beaconsfield.

The proposal is referred to Council due to the nature of some discretions being sought and comments received during the notification period that cannot be addressed through conditions of approval. The application seeks discretionary assessments against the Local Planning Scheme No. 4 (LPS4), Residential Design Codes (R-Codes) and Local Planning Policies. These discretionary assessments include the following:

- **The shadow cast on adjoining site exceeds 25%**

The application is recommended for refusal.

PROPOSAL

Detail

Approval is sought for an ancillary dwelling addition to an existing Single house at No. 2 Cadd Street, Beaconsfield (subject site). The proposed works include:

- Construction of a 58m² ancillary dwelling with a loft bedroom at the rear of the subject site.
- Construction of a timber deck on the north and west aspect of the proposed ancillary dwelling.

The applicant submitted amended plans on 9 November 2023 including the following:

- Removal of the proposed decking on the south aspect of the proposed dwelling.
- Removal of the proposed visual privacy screening along the dividing fence between the subject site and the adjoining lot to the south.
- Addition of privacy screening on the south west corner of the proposed dwelling.
- An increase to the south side boundary setback.
- Removal of the proposed verge parking bays.

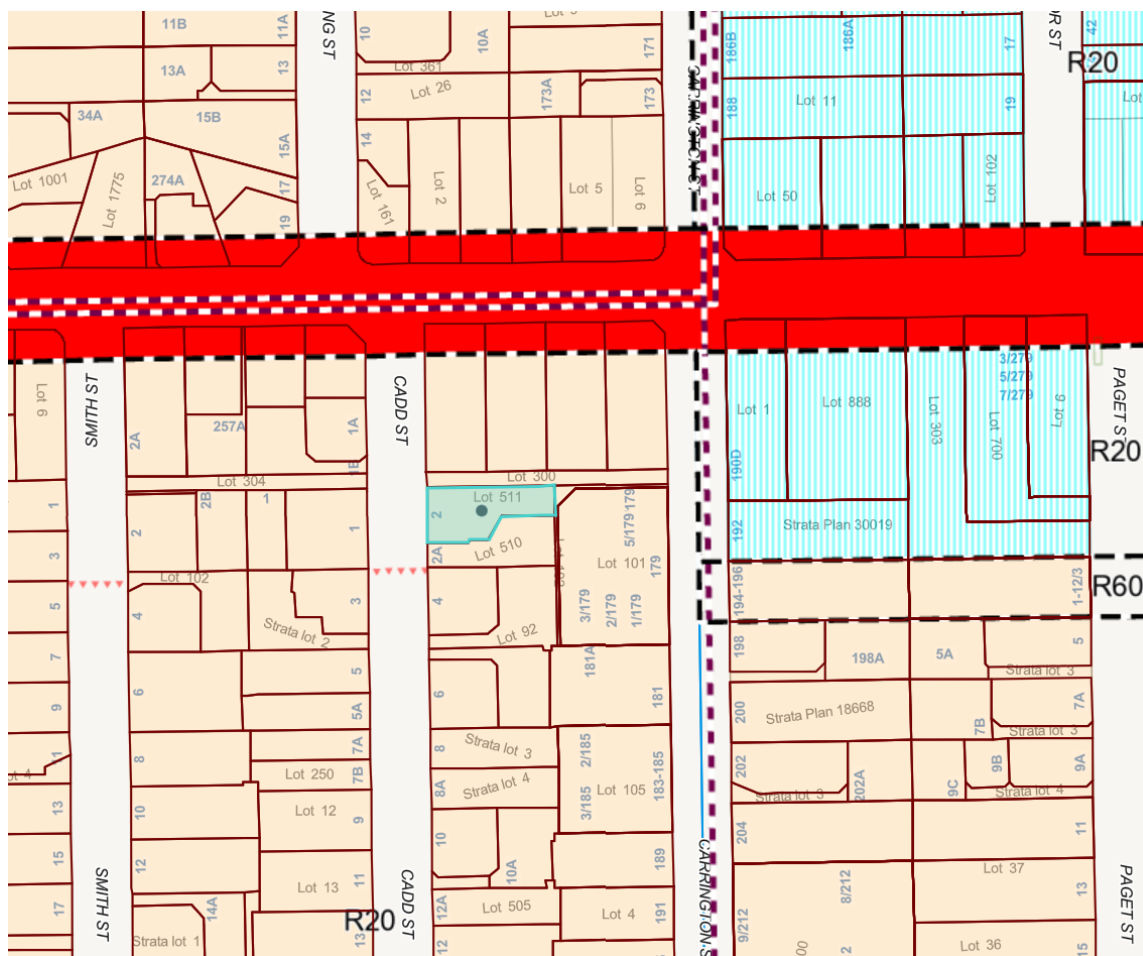
Amended development plans are included as attachment 1.

Site/application information

Agenda – Ordinary Meeting of Council
6 December 2023



Date received: 7 August 2023
 Owner name: Denise Groves
 Submitted by: OCKHM Ply Ltd
 Scheme: Residential R20
 Heritage listing: Not Listed
 Existing land use: Single House
 Use class: Single House
 Use permissibility: P





CONSULTATION

External referrals

Nil required.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the proposal sought to vary visual privacy and site works requirements. The advertising period concluded on 12 September 2023, and one (1) submission was received. The following issues were raised (summarised):

- Insufficient south lot boundary setback.
- Decreased solar access to major openings on the adjoining lot to the south.
- Overshadowing on the adjoining lot to the south exceeding the deemed to comply requirements of the R-Codes.
- Visual privacy impact on the adjoining lot to the south from the proposed decking.
- Setback of the decking to the south lot boundary.
- Building heights not clearly defined.
- Variations to the deemed to comply requirements for open space and outdoor living area.
- Obstructed sight lines from car parking at front of lot.

The verbatim advertising submission is included as attachment 3.

In response to the above, the applicant submitted revised plans to address the following:

- The setback from the southern lot boundary increased to a minimum of 1.6m.
- Removal of the walkway along the southern aspect.
- Removal of the privacy screening along the dividing fence.
- Installation of a privacy screen at the entrance to the proposed ancillary dwelling.
- Removal of the proposed verge parking. Note: No additional bay was required to be provided for the proposal due to the site's location within 250m of high frequency bus route.

In response to the above, the following comments are provided by officers:

- The amendments to the proposal have effectively addressed the objections received from the submitter with the exception of solar access.

The remaining comments are addressed in the officer comment below.



OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of LPS4, the R-Codes and relevant Council local 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 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 do not meet the Deemed-to-comply or policy provisions and need to be assessed under the Design principles:

- Overshadowing of adjoining site exceeds 25%.

The above matters are discussed below.

Background

The subject site is located on the east side of Cadd Street and abuts a Right of Way to the north, a Public Access Way to the east and a residential lot to the south. The site has a land area of approximately 610m² and is currently a Single house. The site is zoned Residential and has a density coding of R20. The site is not individually heritage listed or located within a heritage area.

The subject site slopes downwards in a south westerly direction from the rear corner of the lot to the front corner.

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

- Single house additions - Enclose veranda, outdoor kitchen and bathroom – DA0343/13
- Freehold subdivision – DA136223
- Rear two storey additions – DA424/03
- Balcony/veranda addition (front of lot) – DA74/97
- Dwelling, carport and workshop – BL7586/1993

Land Use

A Single House is a 'P' land use within the Residential zone which means that the use is permitted by the Scheme. The proposal is for an ancillary dwelling addition and is considered incidental to the Single house.

Solar access for adjoining sites

Element	Requirement	Proposed	Extent of Variation
Shadow cast on adjoining property	25% / 134m ² or lower	30.5% / 163.5m ²	5.5% / 29.5m ²

The shadow cast on the adjoining site to the south is not considered to meet the Design principles of the R-Codes in the following ways:

- As illustrated by Figure 1, the extent of overshadowing exceeds the deemed to comply requirement of 25%.
- Figure 2 illustrates the location of a major opening to the kitchen on the adjoining lot.
- It is considered that the extent of overshadowing will result in reduced solar access to this major opening.
- The overshadowing is likely to impact the solar collectors on the adjoining lot.

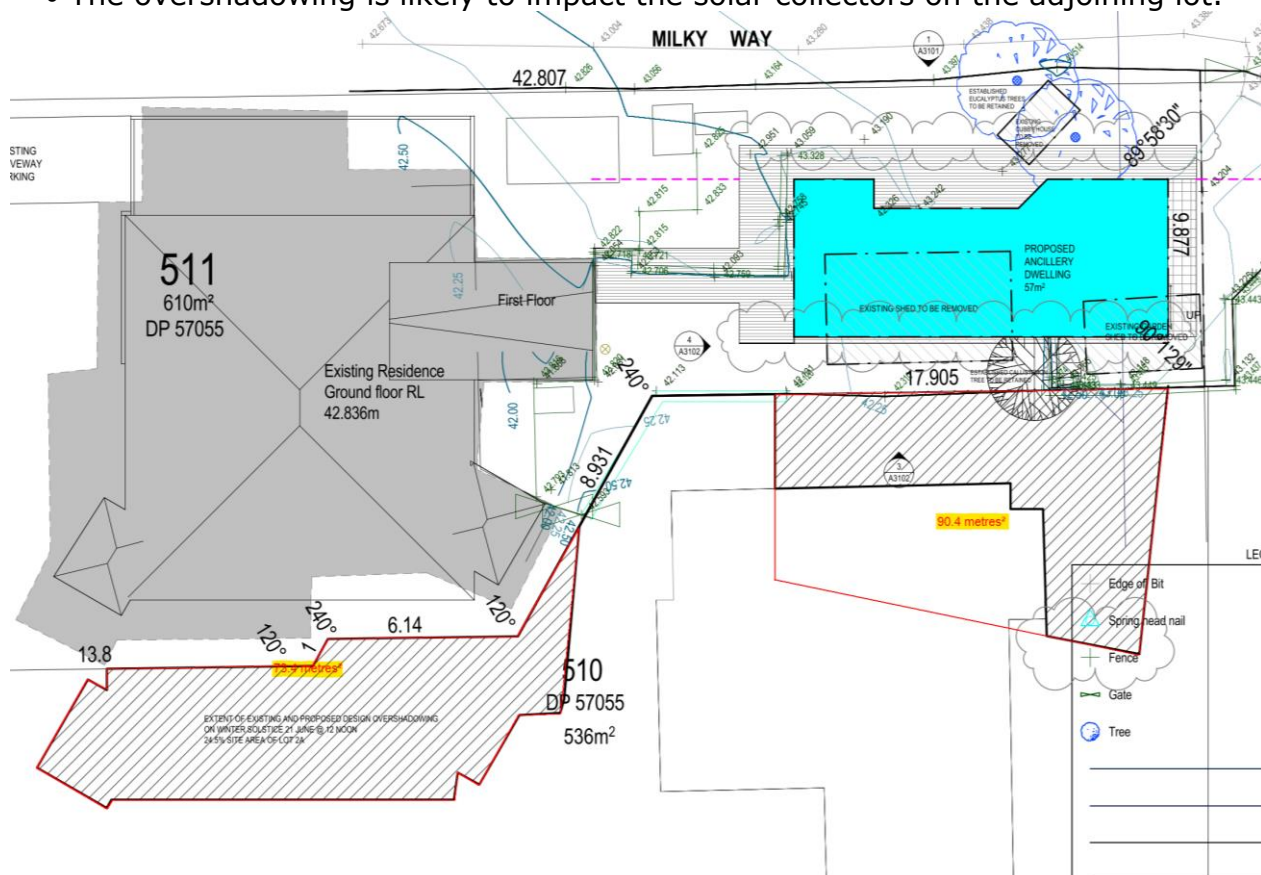


Figure 1 – Overshadowing on adjoining lot to the south.

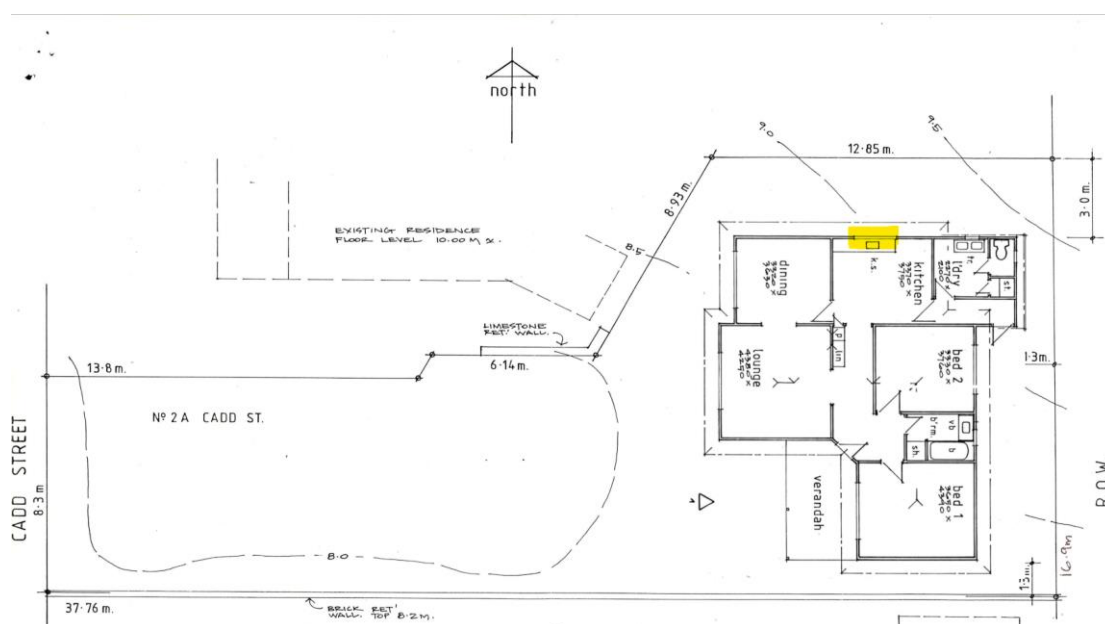


Figure 2 – Adjoining lot to the south subject of the overshadowing. Location of kitchen window which will experience reduced solar access highlighted.

CONCLUSION

The objection to the proposed overshadowing has not been suitably resolved and is a valid planning consideration. An assessment was conducted against the Design principles of the R-Codes of which the proposal has not demonstrated compliance with. The application is therefore referred to Council with a recommendation for refusal.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2015-25

- Increase the number of people living in Fremantle
- Provide for and seek to increase the number and diversity of residential dwellings in the City of Fremantle

Green Plan 2020

- The proposed ancillary dwelling has been designed to retain the mature trees located on the subject site. It is noted that no planning approval is required for the removal of trees on private land.



FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

OFFICER'S RECOMMENDATION

Council:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Ancillary Dwelling Addition to Existing Single House at No. 2 (Lot 511) Cadd Street, Beaconsfield, as detailed on plans dated 9 November 2023, for the following reasons:

- 1. The proposal exceeds the percentage of shadow permitted to be cast over the adjoining site under clause 5.4.2 of the Residential Design Codes and does not demonstrate compliance with the applicable Design principles.**



**C2312-4 MARINE TERRACE, NO. 96 (LOT 123), FREMANTLE –
ALTERATIONS TO EXISTING HERITAGE BUILDING AND A TWO
STOREY SINGLE HOUSE – (ED DA0107/23)**

Meeting Date:	6 December 2023
Responsible Officer:	Manager Development Approvals
Decision Making Authority:	Council
Attachments:	<ol style="list-style-type: none">1. Amended Development Plans (dated 15.11.2023)2. Amended Plans Covering Letter (dated 15.11.23)3. Previously Considered Plans (dated 30.10.23)4. Submission Table5. Additional Submission6. City's Heritage Impact Assessment7. Applicants Planning Report and Heritage Statement8. Site Photos

SUMMARY

Approval is sought for restoration of existing heritage building and a two-storey single house at No. 96 (Lot 123) Marine Terrace, Fremantle.

The proposal is referred to the Planning Committee (PC) due to the nature of some discretions being sought and comments received during the notification period that cannot be addressed through conditions of approval. The application seeks discretionary assessments against the Local Planning Scheme No. 4 (LPS4), Residential Design Codes (R-Codes) and Local Planning Policies. These discretionary assessments include the following:

- **Boundary wall (south)**
- **Overshadowing**
- **Primary Street Setback**
- **Fencing (primary)**
- **Car parking**

This application was originally referred to Council on 4 October 2023 with an officer recommendation for refusal by virtue of the expected adverse amenity impact upon the southern neighbour with regard to lot boundary setbacks and solar access variations. The Council resolved to refer the application to the administration as follows:



'Refer the application to the administration with the advice that the Council is not prepared to grant planning approval to the application for the alterations to existing heritage building and a two storey Single house at No. 96 Marine Terrace, Fremantle 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 address elements including overshadowing and setbacks to reduce the impact on adjoining residential properties.'

Subsequently, the applicant has prepared amended development plans (dated 15 November 2023) in an attempt to address the above reasons for referral that the applicant now wishes to be reconsidered by Council.

A summary of the key design changes in the amended plans are as follows:

- 1. Lightwell introduced to the ground floor on the southern side of the proposed dwelling to reduce bulk and increase setback of dwelling where adjacent the southern neighbours outdoor living area. Boundary wall height at this section of wall reduced in height from 5.5m to 2.2m.**
- 2. Setback of first floor terrace increased to 1m from southern boundary to accommodate new lightwell, providing increased setback at first floor where adjacent southern neighbours outdoor living area.**
- 3. Roof height over link at northern edge of terrace reduced by 300mm in height.**
- 4. Reduce eastern roofline height by 800mm**
- 5. Rear (eastern) setback increased from 1.5m to 2.5m;**
- 6. Northern setback of Master Bed – Ensuite Wall decreased from 2.625m to 1.975m**

While the above amendments are acknowledged, they are not seen, in the opinion of officers, to have adequately addressed the adverse overshadowing and building bulk impacts upon the adjoining southern neighbouring property. As such, the amended proposal is recommended for refusal.

Amended development plans can be found at Attachment 1 and were accompanied by a Covering Letter prepared by the applicant (Attachment 2) discussing the amendments to plans.

PROPOSAL

Detail

Approval is sought for the restoration of existing heritage building and a two-storey single house. The proposed works include:

Alterations to the existing heritage building (Office) including:

- Removing existing demountable
- Remove existing sea container
- Remove lean-to to the rear of the building
- Remove front verandah and reinstate bullnose verandah
- Remove roof and reinstate gable roof form



- Alterations to limestone front fence
- Construction of a new two-storey single house including:
 - Ground floor garage with an integrated ancillary dwelling including a kitchenette, bathroom and bedroom.
 - First floor consisting of three bedrooms, an office, living, dining and two balconies.

This application was originally referred to Council on 4 October 2023 with an officer recommendation for refusal by virtue of the expected adverse amenity impact upon the southern neighbour with regard to lot boundary setbacks and solar access variations. The Council resolved to refer the application to the administration as follows:

'Refer the application to the administration with the advice that the Council is not prepared to grant planning approval to the application for the alterations to existing heritage building and a two storey Single house at No. 96 Marine Terrace, Fremantle 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 address elements including overshadowing and setbacks to reduce the impact on adjoining residential properties.'

Subsequently, the applicant has prepared amended development plans (dated 15 November 2023) in an attempt to address the above reasons for referral that the applicant now wishes to be reconsidered by Council.

A summary of the key design changes in the amended plans are as follows:

1. Lightwell introduced to the ground floor on the southern side of the proposed dwelling to reduce bulk and increase setback of dwelling where adjacent the southern neighbours outdoor living area.
2. Setback of first floor terrace increased to 1m from southern boundary to accommodate new lightwell, providing increased setback at first floor where adjacent southern neighbours outdoor living area.
3. Roof height over link at northern edge of terrace reduced by 300mm in height.
4. Reduce eastern roofline height by 800mm.
5. Rear (eastern) setback increased from 1.5m to 2.5m;
6. Northern setback of Master Bed – Ensuite Wall decreased from 2.625m to 1.975m.

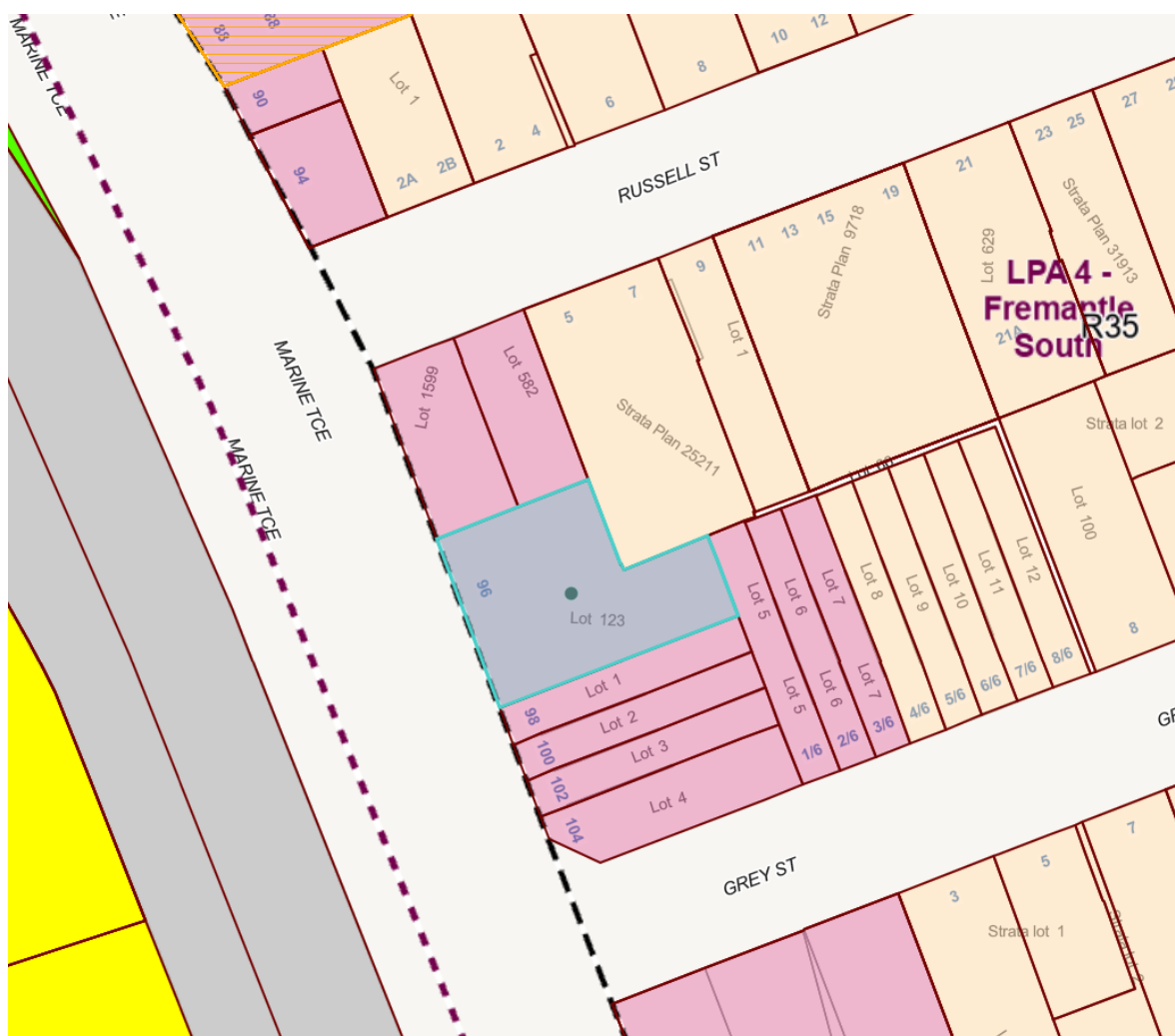
While the above amendments are acknowledged, they are not seen, in the opinion of officers, to have adequately addressed the adverse overshadowing and building bulk impacts upon the adjoining southern neighbouring property. As such, the amended proposal is recommended for refusal.

Amended development plans can be found at **Attachment 1** and were accompanied by a Covering Letter prepared by the applicant (**Attachment 2**) discussing the amendments to plans.



Site/application information

Date received: 13 April 2023
Owner name: Rhonda Bader
Submitted by: Urbanista Town Planning
Scheme: Mixed Use (R35)
Heritage listing: Individually Listed Category 3
Existing land use: Office
Use class: Single House
Use permissibility: A



CONSULTATION

Internal referrals

Heritage



The proposal can be supported from a heritage perspective for the following reasons:

- The proposed conservation works to the existing building will generally have a positive impact on the heritage values of the place and it will reinstate the original roof form, front verandah and front windows.
- Reinstatement of the original front fence with rendered masonry base and piers and permeable cast iron infill panels will positively contribute to the character and heritage values of the house.
- The proposed dwelling respects the scale and setbacks of the prevailing streetscape and will not significantly reduce views to the heritage house on the site or limit its contribution to the Marine Terrace Streetscape.
- The rectangular massing of the new building responds to commercial and industrial buildings in the surrounding streetscape.

The City's full Heritage Impact Assessment can be found at attachment 4.

External referrals

Nil required.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the proposal seeks variations to the R-Codes and the City's Local planning policies. The advertising period concluded on 5 May 2023, and 5 submissions were received. The following issues were raised (summarised):

- Clarification regarding neighbours that were consulted on the proposal.
- Concerns regarding the overshadowing caused by the proposed development as a result of the building height and boundary wall on the southern lot boundary
- Concerns regarding the bulk and scale of the proposed development.
- Concerns regarding overlooking from the living areas onto existing properties
- Concerns with regards to the height of the proposed development not fitting in with the area
- Concerns with regards to the rear (eastern) setback impacting on the amenity, privacy and views of neighbours to the rear.
- Potential noise nuisance from the balconies, and concerns regarding smells with cooking and bathroom locations.

A full copy of the submissions (verbatim) can be viewed at attachment 2 and 3.



In response to the above, the applicant submitted revised plans as noted above, which alleviates the following concerns:

- The rear setback now satisfies the deemed to comply requirements of the R-Codes.

In response to the above, the following comments are provided by officers:

- With regards to the consultation process, consultation was undertaken in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations) and the City of Fremantle Local Planning Policy 1.3 – Community Consultation on Planning Proposals (LPP1.3). The application is not deemed a complex application under the Regulations and LPP1.3 and was advertised to affected adjoining landowners and occupiers as specified in LPP1.3.
- With regards to the concerns raised about visual privacy, it is noted that the proposal satisfies the deemed-to-comply requirements for visual privacy.
- With regards to the concerns raised about noise nuisance and smells this is not a relevant consideration for a single house development.

The remaining comments are addressed in the officer comment below.

OFFICER COMMENT

Statutory and policy assessment

*NB. Subsequent to the deferral of the application by Council on 4 October 2023 and following receipt of amended plans from the applicant (**Attachment 1**), the below officer assessment section has only been updated where relevant to the amended plans, dated 15 November 2023. The amended plans have not significantly altered the overall building design and/or discretions sought so some of the assessment sections below remain the same. Where these elements have been altered this is clearly noted in each assessment section.*

The proposal has been assessed against the relevant provisions of LPS4, the R-Codes and relevant Council local 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 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 do not meet the Deemed-to-comply or policy provisions and need to be assessed under the Design principles:

- Primary Street Setback
- Boundary wall (south)
- Overshadowing
- Fencing (primary)
- Car parking

The above matters are discussed below.

Background

The subject site is located on the eastern side of Marine Terrace. The site has a land area of approximately 821m² and is currently utilised as an office land use with car parking, with approximately 430m² of the site being allocated to facilitate the single house. The site is zoned Mixed Use and has a density coding of R35. The site is individually heritage listed but is not located within a heritage area.

The site currently consists of a Heritage listed dwelling located on the northern portion of the site which currently operates as an Office land use. An Office is a permitted use within the Mixed Use zone under LPS4.

To the south of the heritage dwelling, the site is largely vacant but contains car parking for the Office use. This is where the Single house is proposed as part of this application.

It is noted that the site has a sewer easement which runs from the south-western corner of the site to the north-eastern corner of the site as shown in Figure 1 below. The applicant has advised that the living areas of the dwelling are mostly on the upper floor due to the requirement to ensure simple access to the sewer line.

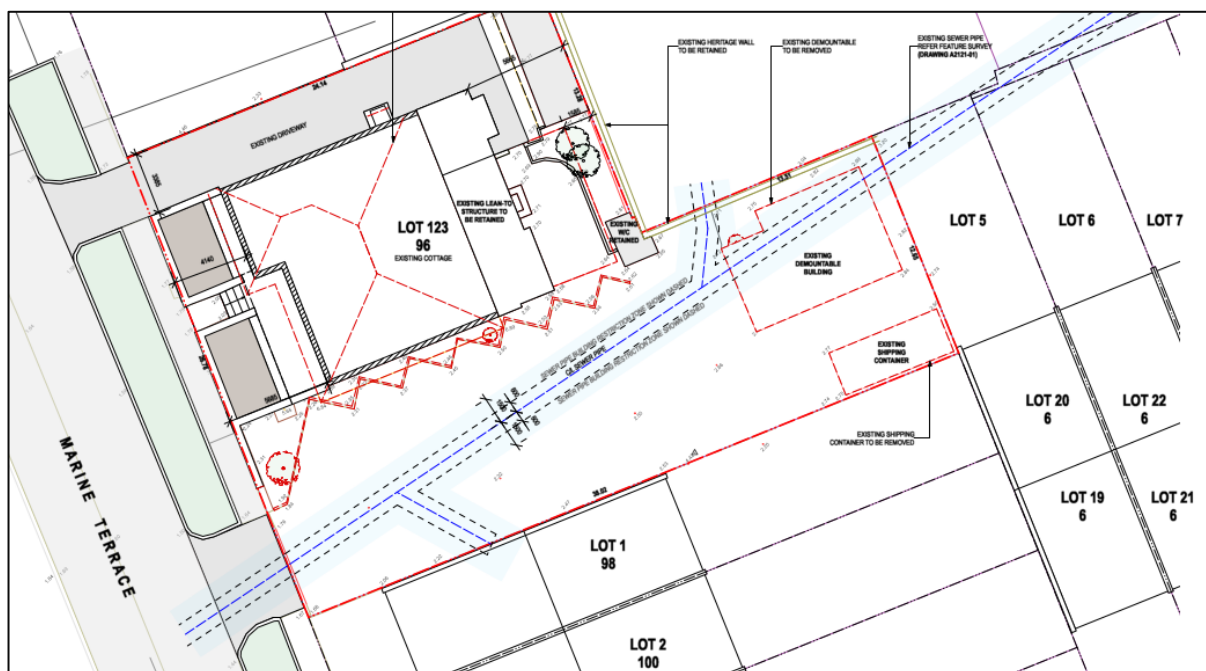


Figure 1 – Subject site showing existing heritage building and sewer easement location

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

- DA0244/20 – Shipping Container Additions
- DA0356/20 – Retrospective approval for unauthorized addition to existing office

Land Use



NB. The following officer recommendations have not been altered as a result of the amended development plans, dated 15 November 2023, as the proposal is still considered detrimental to the amenity of the adjoining southern dwelling with respect to overshadowing and boundary walls as discussed in greater detail in the following sections of this report.

A Single House is a 'A' use in the Mixed Use Zone, which means that the use is not permitted unless the Council has exercised its discretion by granting planning approval after giving special notice (advertising) in accordance with the Regulations. In considering a 'A' use the Council will have regard to the matters to be considered in the Planning and Development (Local Planning Schemes) Regulations 2015. In this regard the following matters have been considered:

- (a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area*
- (m) The compatibility of the development with its setting including the relationship of the development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development*
- (n) The amenity of the locality including the following:*
 - (i) Environmental impacts of the development*
 - (ii) The character of the locality*
 - (iii) Social impacts of the development*
- (y) Any submissions received on the application.*

The proposed development is **not** considered to address the above matters for the following reasons:

- The proposal is considered to be detrimental to the amenity of adjoining landowners and incompatible with the objectives of the Mixed Use Zone set out in Clause 3.2.1 (e) (iv) of the City of Fremantle Local Planning Scheme No.4 with respect to overshadowing and boundary walls onto the adjoining property to the south.

These matters are discussed in further detail below.

Boundary Wall (South)

NB. The amended development plans have reduced the height of the proposed southern boundary wall, where adjacent the adjoining property's outdoor living area, and the impact of these changes has been evaluated and discussed below.

Element	Requirement	Proposed	Extent of Variation
Boundary wall (south)	4.1m setback	Nil	4.1m

In the plans previously considered by Council on 4 October 2023 (**Attachment 3**) the applicant sought approval for a 32.1metre long boundary wall with a height

of 8.4m toward the front of the dwelling, before stepping down to 5m in height and then back up to 6.4m toward the rear of the dwelling. Figure 2 below shows the boundary wall on the southern elevation from the previous proposal, with the green sections indicating where it abuts a simultaneous boundary wall, the red section indicating where it abuts the adjoining property's outdoor living area, and the blue indicating where it abuts the adjoining sites common property and carport. Figure 3 shows an image of the existing boundary walls located at 98 Marine Terrace for context.

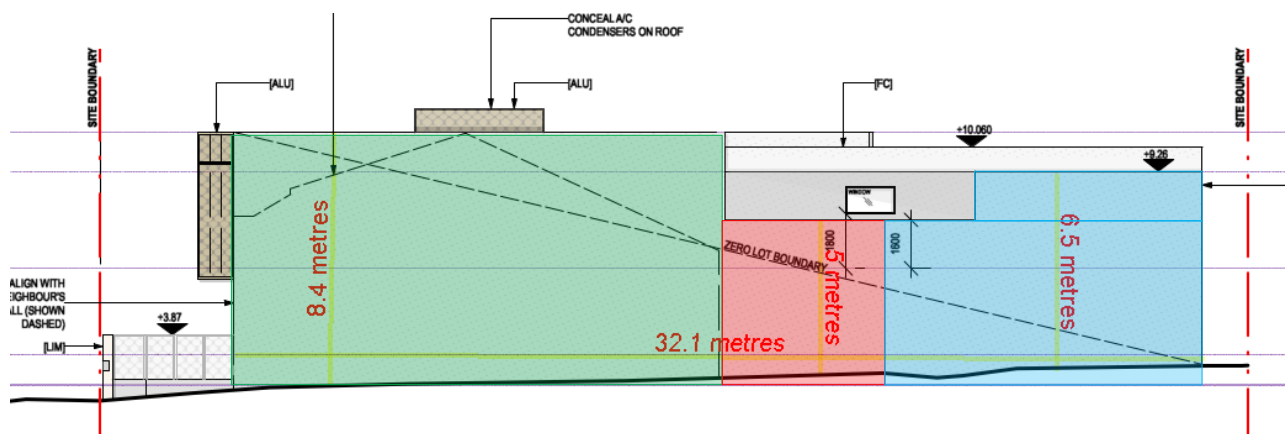


Figure 2 – Previously considered plans (dated 30 August 2023) southern elevation showing proposed boundary wall (green – abuts simultaneous boundary wall; red – abuts adjoining property's outdoor living area; blue abuts common property access way and carport)



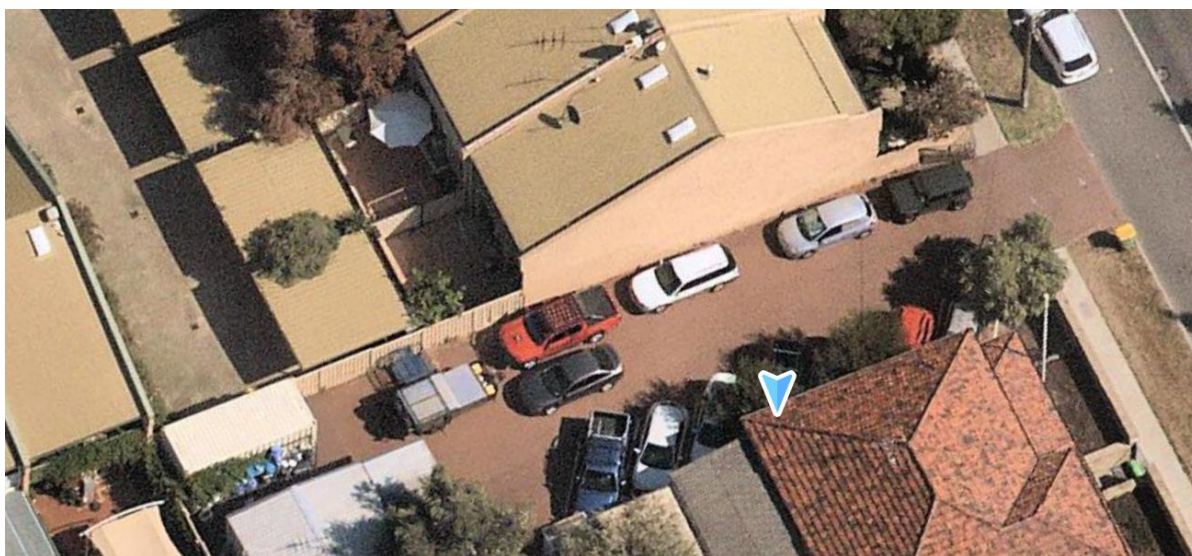


Figure 3 – Existing boundary wall located on the southern lot boundary

Following deferral of the application by Council on 4 October 2023, the applicant has amended plans and reduced the height of the southern boundary wall, where adjacent the outdoor living area of the adjoining southern property, from 5m to 2.2m.

Figure 4 below, for comparison with the previously considered plans, shows the amended boundary wall on the southern elevation from, with the green sections indicating where it abuts a simultaneous boundary wall, the red section indicating where it abuts the adjoining property's outdoor living area, and the blue indicating where it abuts the adjoining sites common property and carport.

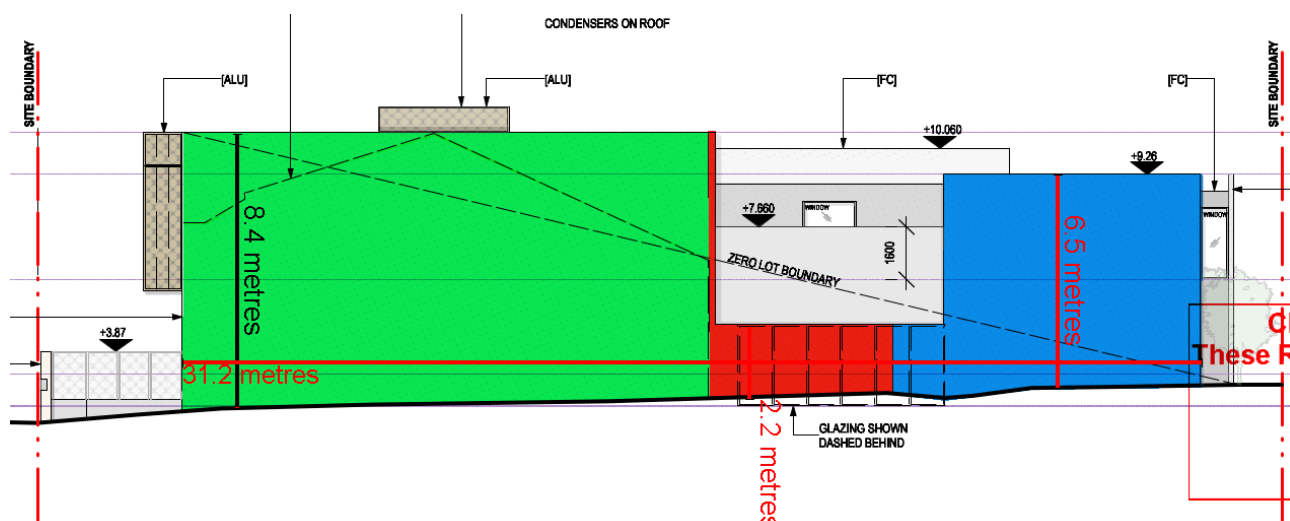


Figure 4 – Amended development plans (dated 15 November 2023) southern elevation showing proposed boundary wall (green – abuts simultaneous existing boundary wall; red – abuts adjoining property's outdoor living area; blue abuts common property access way and carport)



The southern lot boundary wall is not considered to meet the Design principles of the R-Codes in the following ways:

- Whilst it is acknowledged by officers that the amended plans have reduced the height of the proposed boundary wall where adjacent the adjoining dwelling's outdoor living area, the extent and height of the proposed boundary wall where beyond the portion of outdoor living area (portion of boundary wall coloured blue in Figure 4) is still expected to have an adverse impact upon this outdoor living space, imposing building bulk and a sense of enclosure where viewed from the southern dwelling. Similarly, while the boundary height has been reduced adjacent the outdoor living area, the higher portion of boundary wall beyond is still expected to impact ventilation between the sites.
- Furthermore, the overall height and extent of boundary walls are still contributing to an unacceptable extent of overshadowing of portions of the adjoining southern dwelling's outdoor living area as is discussed in the following section below.

Overshadowing (South)

NB. The following amendments have been made to the proposed plans in an attempt to address the overshadowing impact of the proposal upon the southern properties:

- 1. Lightwell introduced to the ground floor on the southern side of the proposed dwelling to reduce bulk and increase setback of dwelling where adjacent the southern neighbours outdoor living area.*
- 2. Setback of first floor terrace increased to 1m from southern boundary to accommodate new lightwell, providing increased setback at first floor where adjacent southern neighbours outdoor living area.*
- 3. Roof height over link at northern edge of terrace reduced by 300mm in height.*
- 4. Reduce eastern roofline height by 800mm*
- 5. Rear (eastern) setback increased from 1.5m to 2.5m;*

The following table evaluates the overshadowing extent of the two affected southern properties, 98 Marine Terrace and 100 Marine Terrace, between the previously proposed plans (**Attachment 3**) and the amended development plans (**Attachment 1**).

Element	Requirement	Previous Proposal (Plans dated 30 August 2023)	Amended Proposal (Plans dated 15 November 2023)	Extent of Variation
Overshadowing to 98 Marine Terrace	45%	87%	84%	42%
Overshadowing to 100 Marine Terrace	45%	57.4%	44.5%	Nil

The proposed overshadowing is not considered to meet the Design principles of the R-Codes in the following ways:

- It is acknowledged that the overshadowing impact upon 100 Marine Terrace has been reduced and brought into compliance with the deemed-to-comply requirements of the R-Codes and, in particular, has reduced the overshadowing of outdoor living area and rear habitable room windows of this dwelling.
- Notwithstanding, the proposal will still adversely overshadow the entire (100%) outdoor living area of the immediately adjoining southern property at 98 Marine Terrace. The extent of overshadowing of this immediately adjoining southern property has only been reduced toward the rear of the site which is the common property and carport area of the site which are not considered sensitive in any event. See comparison of previously proposed plans (dated 30 August 2023) and amended development plans (dated 15 November 2023) overshadowing diagrams below:

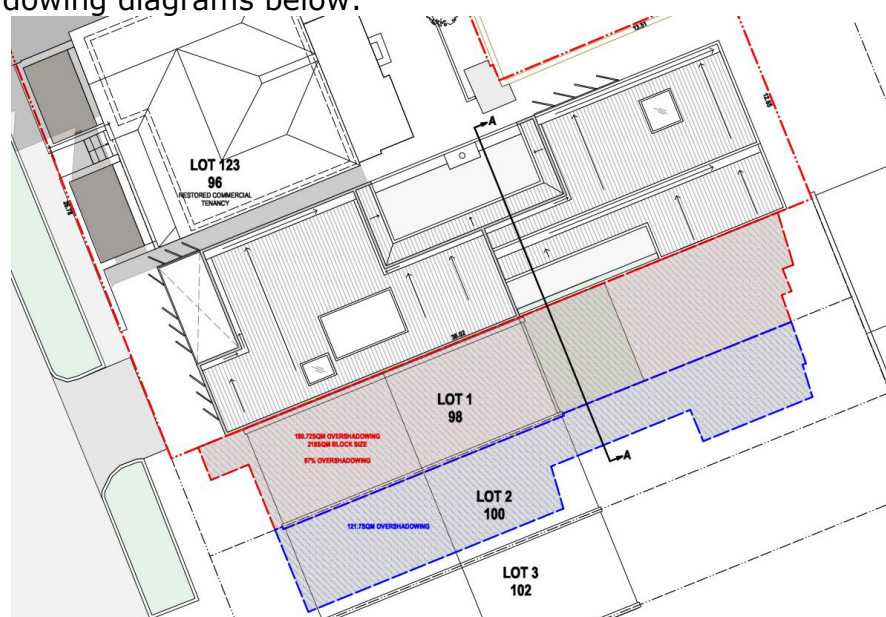


Figure 5. Overshadowing diagram, previously considered plans (dated 30 August 2023).

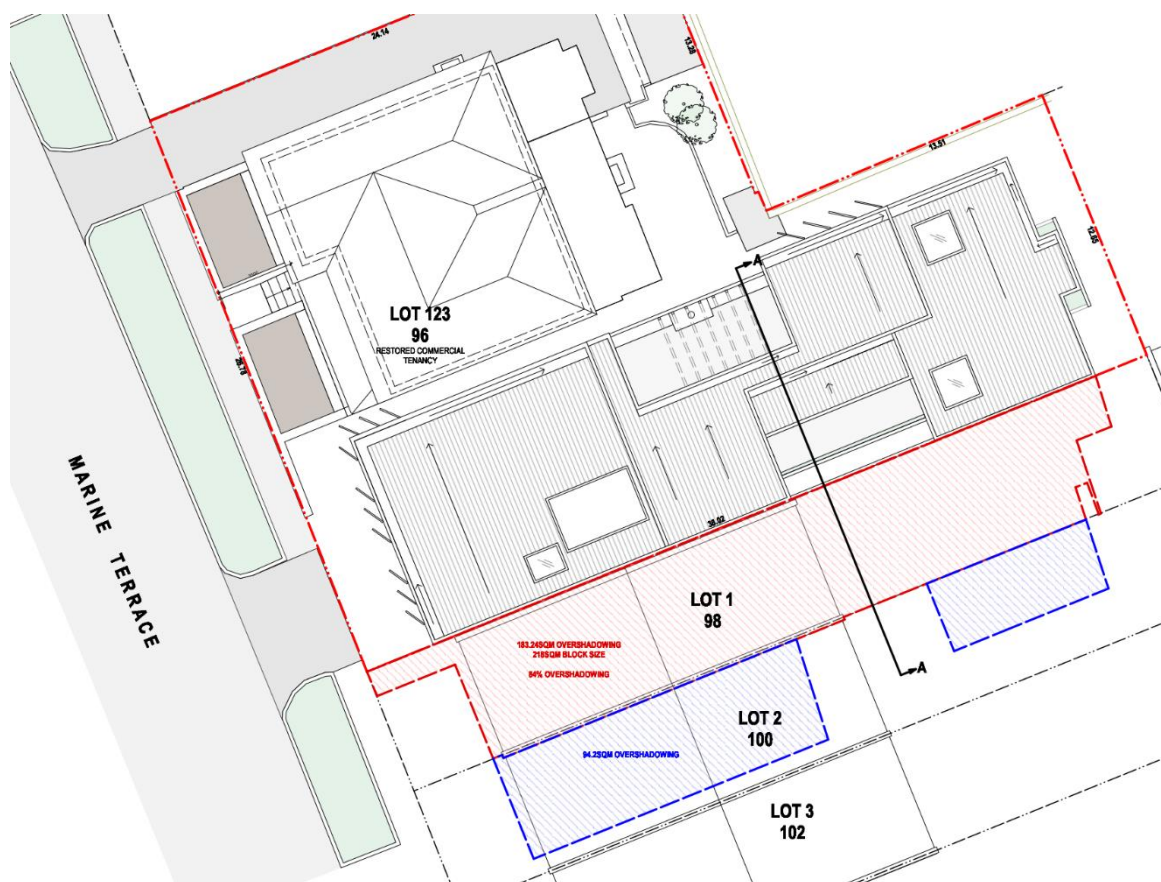
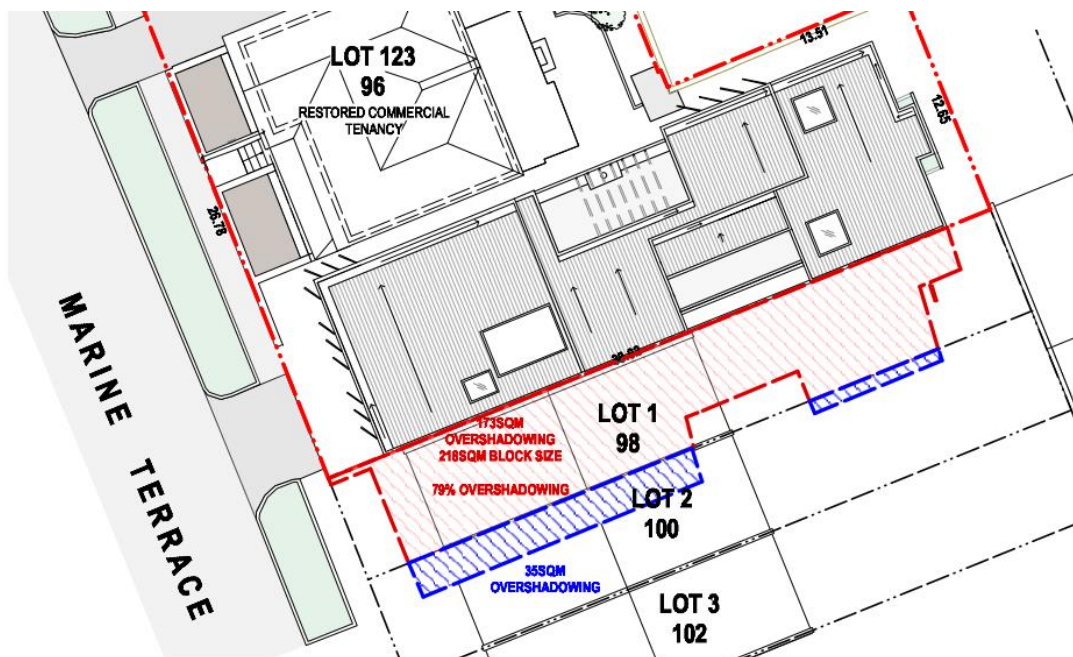


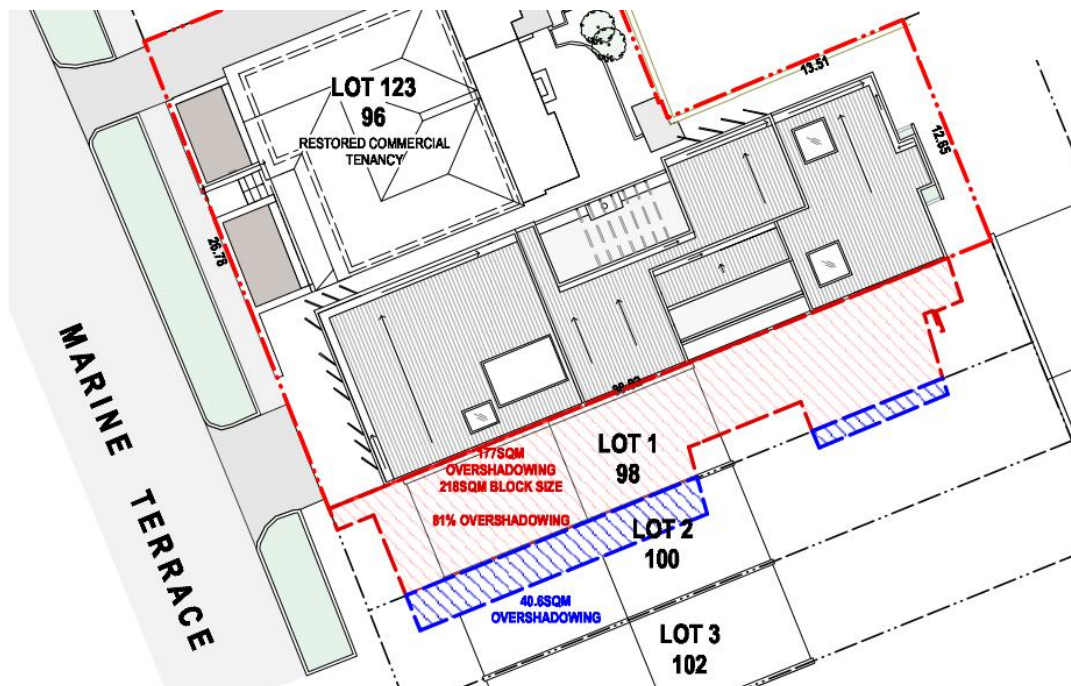
Figure 6. Overshadowing diagram, amended development plans (dated 15 November 2023).

- Furthermore, while outside of the general R-Code Vol. 1 shadow assessment timeframe (winter solstice, 12pm June), the applicant has provided overshadowing diagrams at different times of the year including August and April which also demonstrate the majority of the outdoor living area of the southern property (98 Marine Terrace) will be adversely overshadowed at these other times of the year, as shown below:



2

PROPOSED OVERSHADOWING - APRIL @12PM



3

PROPOSED OVERSHADOWING - AUGUST @12PM



To summarise the above assessments with respect to overshadowing, while it is acknowledged the overshadowing impact upon 100 Marine Terrace has been brought in compliance with the R-Codes, the overshadowing upon 98 Marine Terrace remains unacceptable to officers. By virtue of the extent of boundary walls, reduced lot boundary setbacks and building heights, particularly where adjacent and impacting the outdoor living area of the adjoining property (overshadowing it entirely), the amended development plans are still expected to adversely impact the amenity of this dwelling and the amendments to plans have not been substantial enough to address this element effectively, in the opinion of officers.

As such, the overshadowing is still not considered to comply with the design principles of the R-Codes and is not supported by City Officers.

Primary Street Setback

NB. The primary street setback has not been changed in the amended development plans and as such, the below section of the report remains unchanged.

Element	Requirement	Proposed	Extent of Variation
Primary Street Setback (ground floor)	5.0 metres (wall height <4.0 metres)	5.535m	Complies
Primary Street Setback (first floor)	7.0 metres (wall height >4.0 metres)	3.11 metres	3.89 metres

The proposal seeks a primary street setback variation to both the ground and upper floor as prescribed under LPP2.9.

Under LPP2.9, variations to the primary street setback may be considered subject to the proposed development meeting at least one of the following criteria:

- i. The proposed setback of the building is consistent with the setback of buildings of comparable height within the prevailing streetscape; or*
- ii. The proposed setback of the building does not result in a projecting element into an established streetscape vista by virtue of the road and/or lot layout in the locality or the topography of the land; or*
- iii. The proposed setback of the building will facilitate the retention of a mature, significant tree deemed by the Council to be worthy of retention (Refer also to LPP2.10 Landscaping of Development and Existing Vegetation on Development Sites); or*
- iv. Where there is no prevailing streetscape; or*
- v. Where the proposed development is on a lot directly adjoining a corner lot, Council will consider a reduced setback that considers the setback of the corner lot in addition to buildings in the prevailing streetscape.*

The primary street setback is considered to meet the above criteria and the design principles of the R-Codes in the following ways:

- The primary street setback is consistent with the setback of buildings of a comparable height within the prevailing streetscape, figure 6 below shows that the proposed setback (in red) is consistent with the properties to the south of the subject site which are also two storeys.
- The reduced primary street setback will not result in a projecting element into the established streetscape vista.
- The primary street setback is consistent with the alignment of the heritage building on the same lot and will not detract from the façade of the heritage building.



Figure 7 – Prevailing Marine Terrace Streetscape

In accordance with the above assessment, the primary street setback is considered to meet criteria i and iii of Clause 1.2 in LPP2.9 and is therefore supported.

Fencing (Primary)

NB. The primary street fencing has not been changed in the amended development plans and as such, the below section of the report remains unchanged.

Element	Requirement	Proposed	Extent of Variation
Fencing primary	<ul style="list-style-type: none"> 0.9m solid 	<ul style="list-style-type: none"> 1.0m solid 	<ul style="list-style-type: none"> 0.1m solid

	<ul style="list-style-type: none"> Traditional open style up to 1.2m Piers 1.5m height 	<ul style="list-style-type: none"> 2m traditional open style Piers 2.2m height 	<ul style="list-style-type: none"> 0.8m traditional open style Piers 0.7m height
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The proposal seeks to replace the existing solid fencing in front of the heritage dwelling with a new fence which varieties the deemed to comply requirements as set out in LPP2.8 – Fences. A portion of the existing fence (as shown in figure 8 below) is proposed to be retained in front of the proposed new dwelling.



Figure 8 – Existing primary street fencing (left) and proposed (right)

The proposed front fence is considered to meet the Design principles of the R-Codes in the following ways:

- The front fence maintains surveillance between the street and the building behind it. It is also noted that the site is retained in the front portion so the fencing allows for this space to be utilised appropriately.
- The fence is considered to enhance the streetscape and is consistent with other fences in the street.

Car Parking – Office

NB. The car parking has not been changed in the amended development plans and as such, the below section of the report remains unchanged.

Element	Requirement	Proposed	Extent of Variation
Car Parking	1:30 m2 gla Minimum 3 spaces = 5 bays	2 bays	3 bays
Delivery bays	1:500m2 = 1 bay	1 bays	Complies



The existing use of the heritage dwelling as an Office requires the provision of 5 car parking bays under LPS4. The construction of the Single house on the lot will remove the existing car parking for the site and the plans indicate that 2 tandem bays with a delivery bay will be provided to the north of the subject site solely for the use of the office, noting that the proposed dwelling will have its own provision of car parking.

Clause 4.7.3.1 of LPS4 states when Council may waive or reduce the standard parking requirement specified in Table 2 subject to meeting one or more of the following criteria:

- (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 4.7.5 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 subject site is considered to meet criteria (i), (ii) and (iii) of Clause 4.7.3.1 of LPS4. Firstly, it is noted that there is sufficient on street car parking located directly outside the subject site and across the road along Marine Terrace. The site is also located within a Transperth High Frequency bus route and located within 250m of bus stops servicing Fremantle and surrounds.

In addition to the above, the proposal involved the restoration of a heritage building as the application seeks to restore the existing heritage dwelling located on the site.

Based on the above assessment, the car parking shortfall is supported under Clause 4.7.3.1 of LPS4.

Heritage

NB. The amended development plans have not altered the assessment of the proposal from a heritage perspective and as such, the below section of the report remains unchanged.

The site is Level 3 Heritage Listed. The proposed works are considered to be acceptable from a heritage perspective as they will have only a minor



impact on the heritage values of the house. The City's full heritage impact assessment is available at attachment 3.

Under the Regulations, Clause 12 (1) of the Deemed Provisions states that the local government may vary any site or development requirement specified in this Scheme to –

- a) facilitate the built heritage conservation of a place entered into the register of Places under the Heritage of Western Australia Act 1990 or entered into the heritage list; or*
- b) enhance or preserve heritage values in a heritage area.*

Clause 12 (3) of the Deemed provisions also states that:

If the local government is of the opinion that the variation of site or development requirements is likely to affect any owners or occupiers in the general locality of the place or the heritage area the local government must –

- a) consult the affected parties by following one or more of the provisions for advertising uses under clause 64; and*
- b) have regard to any views expressed prior to making its determination to vary the site or development requirements under this clause.*

Based on the above assessment in this report, the proposal is considered to affect the owners and occupiers in the general locality of the area, particularly the adjoining lot to the south at No. 98 Marine Terrace, Fremantle. For this reason, the variations sought in respect to boundary walls (south) and overshadowing cannot be justified on the grounds of the existing heritage building on site being retained.

CONCLUSION

In accordance with the above assessment, it is considered that the proposed development will have an adverse impact on the amenity of the adjoining landowners in relation to overshadowing and the bulk and scale of the boundary wall further exacerbating the overshadowing onto the adjoining properties open space and outdoor living area. For this reason, the application is recommended for refusal.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.



OFFICER'S RECOMMENDATION

Council:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Alterations to Existing Heritage Building and Two-storey Single House at No. 96 (Lot 123) Marine Terrace, Fremantle, as detailed on plans dated 15 November 2023 for the following reason:

- 1. The proposal is detrimental to the amenity of adjoining landowners and incompatible with the objectives of the Mixed Use Zone set out in Clause 3.2.1 (e) (iv) of the City of Fremantle Local Planning Scheme No.4 and as per the following clauses of the Deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.**
 - 67(2)(m)(ii) The relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.**
- 2. The proposal is inconsistent with the requirements of the Residential Design Codes in respect to Clauses 5.1.3 – Lot Boundary Setbacks and 5.4.2 – Solar Access for Adjoining Sites.**



C2312-5 REVIEW OF LOCAL PLANNING POLICY 2.4 – BOUNDARY WALLS IN RESIDENTIAL DEVELOPMENT

Meeting date:	6 December 2023
Responsible officer:	Manager Strategic Planning and City Design
Decision making authority:	Council
Attachments:	<ol style="list-style-type: none">1. Local Planning Policy 2.4 – Boundary Walls in Residential Development2. Excerpt from State Planning Policy 7.3 – Residential Design Codes Volume 1

SUMMARY

As part of the ongoing review of the City’s local planning policy manual, officers have reviewed Local Planning Policy 2.4 – Boundary Walls in Residential Development (LPP 2.4).

This policy relates to management of development proposals that seek to construct buildings up to common boundaries between lots. However, this policy has not been reviewed since its adoption in April 2014 and the Residential Design Codes (R-Codes) have since been updated. LPP 2.4 is now inconsistent with the provisions of the R-Codes. Consequently, many developments, often minor in nature, require development approval to be obtained from the City, which has a negative impact upon staff resources and application processing times.

The current version of the R-Codes permits buildings up to two site boundaries, rather than the one permitted by LPP 2.4, without the need for development approval, provided that the walls meet conditions around height, length, and location. Notwithstanding the provisions of the R-Codes, development on heritage listed places would still require approval to be obtained from the City, subject to the controls set out in Local Planning Scheme No. 4 (LPS4) and other local planning policies, including Local Planning Policy 3.6 – Heritage Areas.

This report recommends that Council revoke LPP 2.4 in favour of the R-Codes.

BACKGROUND

LPP 2.4 was implemented in April 2014 to vary Part 5.1.3 – Lot Boundary Setback, deemed-to-comply criteria C3.2 of the R-Codes and supplement design principles P3.2 in guiding the construction of buildings up to common boundaries between lots.



The original intent of the 2014 LPP 2.4 was: *"to provide clear direction to City officers, applicants and the broader community on Council's stance on boundary walls as part of residential development, through the replacement of the acceptable development provision of the Residential Design Codes."*

At the time, boundary walls could be problematic where new development abutted existing housing and the policy was to provide a clear statement of the circumstances where they would be considered acceptable. In doing so, the policy aimed to remove any ambiguity or difference of interpretation of the R-Code provisions to ensure consistent planning approvals. Essentially, where a design principles assessment of a proposed boundary wall is necessary, Council must be satisfied that there is no *significant* adverse impact on the amenity of the adjoining property.

In 2014, R-Codes deemed-to-comply criteria C3.2 stated:

- "C3.2 *Walls may be built up to a lot boundary behind the street setback (specified in Table 1 and in accordance with clauses 5.1.2, 5.2.1 and 5.2.2), within the following limits and subject to the overshadowing provisions of clause 5.4.2 and Figure Series 11:*
- i. where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension;*
 - ii. in areas coded R20 and R25, walls not higher than 3.5m with an average of 3m or less, up to a maximum length of the greater of 9m or one-third the length of the balance of the lot boundary behind the front setback, to one side boundary only;*
 - iii. in areas coded R30 and higher, walls not higher than 3.5m with an average of 3m or less, for two-thirds the length of the balance of the lot boundary behind the front setback, to one side boundary only; or*
 - iv. where both the subject site and the affected adjoining site are created in a plan of subdivision submitted concurrently with the development application."*

LPP 2.4 introduced additional deemed-to-comply criteria as follows:

"Where the construction of a boundary wall/s is specifically permitted by the City's Local Planning Scheme No. 4 or another Local Planning Policy...

...Where the wall is proposed to abut a property that is not used for residential purposes..."



It also replaced deemed-to-comply criteria C3.2ii and C3.2iii with the following:

"Where the wall is proposed on a lot, not including a battleaxe lot, with a frontage (as defined by the Residential Design Codes) of less than 10 metres and complies with the following:

- i. In areas coded R20 and R25, walls not higher than 3.5m with an average of 3.0m or less, up to a maximum length of the greater of 9m or one-third the length of the balance of the lot boundary behind the front setback, to one side boundary only; or*
- ii. In areas coded R30 and higher, walls not higher than 3.5m with an average of 3m for two-thirds the length of the balance of the lot boundary behind the front setback, to one side boundary only."*

While the additional deemed-to-comply criterion relating to building up to the boundaries of lots used for non-residential purposes allowed development in a broader range of circumstances than the R-Codes alone would have allowed, the replacement of deemed-to-comply criteria C3.2ii and C3.2iii effectively removed the provision that allowed construction of a building up to a boundary on any lot wider than 10 metres. Consequently, all developments of this nature have since required development approval to be obtained from the City.

In July 2021, the R-Codes were updated and deemed-to-comply criteria C3.2 was replaced with the following:

"C3.2 Boundary walls may be built behind the street setback (specified in Table 1 and in accordance with clauses 5.1.2 and 5.2.1), within the following limits and subject to the overshadowing provisions of clause 5.4.2 and Figure Series 11 –

- i. where the wall abuts an existing or simultaneously constructed boundary wall of equal or greater dimension; or*
- ii. in areas coded R20 and R25, walls not higher than 3.5m, up to a maximum length of the greater of 9m or one-third the length of the balance of the site boundary behind the front setback, to up to two site boundaries; or*
- iii. in areas coded R30 and higher, walls not higher than 3.5m for two-thirds the length of the balance of the site boundary behind the front setback, to up to two site boundaries; or*
- iv. where both the subject site and the affected adjoining site are created in a plan of subdivision submitted concurrently for the proposed development, and the boundary walls are interfacing and of equal dimension. (Refer Figure Series 5)*

Note –

- Pillars and posts with a horizontal dimension of 450mm by 450mm, or less, do not constitute a boundary wall.*
- Retaining walls do not constitute boundary walls for the purpose of this clause. Setbacks for retaining walls are to be calculated in accordance with clause 5.3.7."*



Following the gazettal of these changes to the R-Codes, LPP 2.4 is now further at variance, as it restricts the height of walls in R20 and R25 coded areas to an average of three metres in height and only permits a wall to **one side boundary**, rather than **two site boundaries** (side or rear) behind the street setback.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

CONSULTATION

Consultation is not required prior to revoking a local planning policy; however, publication of a notice on the City's website is required, with the option to publish a notice in a local newspaper if the local government considers it appropriate. Given the age and limited application and impact of the policy, publication of a notice on the City's website is considered sufficient in this case.

OFFICER COMMENT

As outlined above, LPP 2.4 is at significant variance to the R-Codes. While the additional criterion relating to building up to the boundaries of lots used for non-residential purposes could, in theory, allow construction up to three boundaries on a residential lot encircled by non-residential lots, this is an unlikely scenario and would, in the absence of the policy, only require development approval if built up to the third boundary.

More significantly, under LPP 2.4, the construction of a building up to a boundary on any lot wider than 10 metres requires development approval to be obtained from the City. This is inconsistent with the R-Codes, which permit buildings up to two site boundaries (side or rear), in limited circumstances, irrespective of lot dimensions. Furthermore, the policy still restricts the height of walls built on the boundaries of R20 or R25 coded lots to an average height of three metres, rather than the 3.5 metres permitted by the R-Codes.

The result of these restrictions is an increased number of developments requiring approval from the City, placing pressure on staff resources, lengthening application processing times due to the increased workload, and requiring reporting to Planning Committee for decision by Elected Members. It is considered that the original intent of the policy has been nullified by more recent changes to the R-Codes that further clarify the provisions. Officers consider that the work created by retaining the policy is an inefficient use of officers' and Elected Members' time and that the deemed-to-comply provisions of the R-Codes are sufficient to guide development in most circumstances. LPS4 and other local planning policies contain provisions for



the appropriate control of development in the remaining circumstances, including development on heritage listed places, which requires approval to be obtained from the City under Schedule 2, Part 7, cl. 61 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

It is therefore recommended that Local Planning Policy 2.4 – Boundary Walls in Residential Development be revoked.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.

OFFICER'S RECOMMENDATION

Council, in accordance with Schedule 2, Part 2, Clause 6 of the Planning & Development (Local Planning Schemes) Regulations 2015, revokes Local Planning Policy 2.4 – Boundary Walls in Residential Development.



C2312-6 2023 UPDATE OF HERITAGE LIST AND LOCAL HERITAGE SURVEY

Meeting date:	6 December 2023
Responsible officer:	Manager Strategic Planning and City Design
Decision making authority:	Council
Attachments:	1. Assessment of places 2. Heritage Assessment, Stewart & Lloyds (fmr.), 140 Stirling Highway, North Fremantle, Hocking Heritage and Architecture

SUMMARY

The purpose of this report is to consider modifications to the Heritage List and Local Heritage Survey as part of the periodic update of the Local Heritage Survey (LHS) required under the *Heritage Act 2018* and Council's Local Planning Policy 1.6 – Heritage Assessment and Protection.

The report recommends a number of changes to the Local Heritage Survey and Heritage List, subject to and following owner consultation on these changes.

BACKGROUND

The *Heritage Act 2018* requires that local governments prepare and maintain a Local Heritage Survey (LHS) of places that in its opinion are, or may become, of cultural heritage significance. The survey is required to be periodically updated and reviewed. Places on the LHS are recognised but do not automatically receive statutory protection.

The *Planning and Development (Local Planning Schemes) Regulations 2015* ('the Regulations') Schedule 2 'Deemed Provisions for local planning schemes' part 3 make provision for the establishment and maintenance of a Heritage List and Heritage Areas which have been identified as of significance and worthy of built heritage conservation. Places on the Heritage List, and in Heritage Areas, have statutory protection under the planning scheme.

Council adopted its initial LHS (then called a Municipal Heritage Inventory) in September 2000 and subsequently adopted a Heritage List based on the Inventory through the provisions of Local Planning Scheme No. 4 (gazetted in 2007). These lists are periodically reviewed and adjusted over time.

The City's *Local Planning Policy 1.6 'Heritage Assessment and Protection'* (LPP 1.6) outlines the process for modification to the LHS and Heritage List and stipulates that:
'Any person or organization may nominate a place to be added, removed or amended on the Local Heritage Survey, Heritage List and/or as a contributory place to a heritage area, at any time. This shall be in the form of a written request to the City. The basis for inclusion/removal/amendments of places on the Local



Heritage Survey, Heritage List and/or as a contributory place to a heritage area shall be based on cultural heritage significance, determined through a heritage assessment. Requests will be considered through an annual update. The City itself can also identify places for inclusion, removal or amendment as required.'

The process to add or remove a place from the Heritage List (HL), as stipulated in the Regulations and includes the following three steps:

- 1.** Notify each owner and occupier of the place and provide them with a description of the place and the reason for its proposed entry or removal.
- 2.** Invite the owner and occupier of the place to make a submission for a period of not less than 21 days.
- 3.** Following consultation the City is to consider the submissions made on each proposal and resolve if a place is to be added or removed from the heritage list

Annual review

Between January 2022 and October 2023 the City received eight submissions from landowners to alter the heritage protection of several places.

In addition to landowner requests officer keep a running list of places that are identified by officers in the due course of work, as requiring review. These generally include:

- Places that have been legally demolished.
- Places that have been subdivided and/ or renumbered and do not contain heritage fabric.
- Places identified through officer's work and planning enquiries.

Note: places in the South Fremantle Heritage Area have not been reviewed as part of this update, unless an owner has specifically requested a review, as the entire area is currently under review as part of a separate project.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

The *Heritage Act 2018* requires periodic update and review of the LHS. The requirement is met by this report.



CONSULTATION

The *Heritage Act 2018* and the *Planning and Development (Local Planning Schemes) 2015 Regulations* specify consultation requirements with the landowners of all affected properties prior to modification to the Local Heritage List and Heritage List, respectively.

OFFICER COMMENT

From the requests and officer identified places this review consists of 19 actions. These actions include the proposal of adding two places and removing 15 records of places from the Heritage List.

The full assessment of places is provided in Attachment 1. A summary of each of the 19 actions is provided below.

Add to Heritage List

Two places are proposed to be added to the Heritage List with LHS Management Category - Level 2.

Address and request	Officer comment	Proposed statement of significance	Recommendation
1. Blinco Cottage, 8 Swanbourne Street, Fremantle (owner request)	Considering the place's background, history, physical description, and high authenticity and integrity this place is of considerable heritage significance to Fremantle	The place has heritage significance as a good example of a large single storey limestone house dating from around 1901. The place has aesthetic value as a good example of a Victorian Georgian style house with encircling verandahs and for its contribution to the streetscape of the surrounding area and the setting of Monument Hill. The place has a close association with Henry Blinco, original owner of the property and Principal Warder of Fremantle Gaol. The place is a good example of the more substantial houses that were built on larger blocks on the higher ground around Fremantle in the Gold Rush Era.	Add to Heritage List LHS Management Category - Level 2. Contributory Place in Heritage Area



<p>2. 140 Stirling Highway, North Fremantle (officer identified)</p>	<p>Considering the place's background, history, physical description, high authenticity (low integrity) this place is of considerable heritage significance to Fremantle and should be included on the Heritage List</p>	<p>Proposed: (from 2019 Heritage Assessment) Stewarts & Lloyds (fmr), built in 1956/57 in the Post War International style has cultural heritage significance for the following reasons:</p> <ul style="list-style-type: none"> • The place is a fine intact example of the Post War International architectural style with its distinctive cubiform shape and regular rhythm of fenestration along its key elevations; • The place has historic value for its association with prominent architect Geoffrey Summerhayes, one of the early proponents of the principles of the Bauhaus school in Western Australia; • The place is closely associated with steel tube manufacturing firm Stewarts and Lloyds established in Fremantle since early 20th century. The functions of this place continued until the end of the 20th century under different company names; • Due to its distinctive architectural form and its elevated position, the place demonstrates local landmark values along this section of Stirling Highway; and, • The place has historic value for its association with the development of industry in North Fremantle in the period following World War Two. 	<p>Add to Heritage List - as Stewart & Lloyds Administration Offices LHS Management Category - Level 2. Contributory Place in Heritage Area</p>
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Retain on Heritage List and modify LHS Management Category

One place is proposed to be retained on the Heritage list and the LHS Management Category be increased from Level 3 to Level 2.

Address and request	Officer comment	Proposed statement of significance	Recommendation
3. House, 100 Attfield Street, South Fremantle (owner request)	The house has undergone extensive conservation works since original listing to reveal and reinstate unusual and highly decorative features. This work has elevated the significance of this place.	House, 100 Attfield Street, is a finely detailed, single storey limestone with brick quoin and iron house dating from c. 1900. The place has aesthetic value for its unusual decorative brick, render and timber features as an individual example in Fremantle and for its contribution to the streetscape and surrounding area. It is an unusual example of the modest inner suburban houses in the Fremantle area. The place is a modest but good example of the Federation Bungalow style of architecture.	Retain on Heritage List LHS Management Category – Change from Level 3 to Level 2. Contributory Place in Heritage Area

Remove from Heritage List

The following 15 actions propose removal of places from the heritage list and to (mostly) historic record only on the LHS.

Address and request	Officer comment	Proposed statement of significance	Recommendation
4. House, 7 Douglas Street, Fremantle - owner request	Considerably altered, difficult to see original form, difficult to recover original form, does not meet threshold for Heritage List. Is not part of an identified heritage area.	A single storey rendered masonry and clay tile house with little cultural heritage due to the extent of alteration in the late Twentieth Century.	Remove from Heritage List Change LHS Management Category from Level 3 to Historic Record Only.
5. House 20 Hickory Street, South Fremantle (owner request)	Considerably altered, difficult to recover original form, does not meet threshold for Heritage List but contributes to the character of the area.	A single storey, fibrous cement sheet clad timber framed house with a corrugate steel roof which has little heritage significance due to the extent of alteration.	Remove from Heritage List Change LHS Management Category from Level 3 to Historic Record Only.



6. 24 Norfolk Street, Fremantle - owner request – demolition approval granted	This place does not meet the threshold for inclusion on the Heritage List however, the place has been identified as having archaeological value	A typical rendered masonry and tile single storey house dating from c1940s. The place has limited aesthetic value for its contribution to the streetscape and the surrounding area.	Remove from Heritage List Change LHS Management Category from Level 3 to Historic Record Only.
7. House, 9 Barnett Street, Fremantle - owner request	Originally part of the site of Dr Barnett's Residence. Existing house dates from 1990s. No fabric associated with Barnett Residence remains on site. Highly unlikely to have any archaeological potential due to extent of ground disturbance.	9 Barnett Street has historical interest as part of the original site of Dr Barnett's Residence, 13 Barnett Street. The place has little culture heritage significance.	Remove from Heritage List Change the LHS Management Category from Historic Site to Historic Record Only
8. 26 Marine Terrace, West End, Fremantle owner request following subdivision	There is no significant heritage building fabric located on the new 26 Marine Terrace	26 Marine Terrace is of historical interest for its association with the Navy Club between 1957 and 1990s. The existing building fabric has little cultural heritage significance.	Retain 24 Marine Terrace on Heritage List & update address. Remove 26 Marine Terrace from the Heritage List and change the LHS Management Category from L2 to Historic Record Only
9. 2/85 and 3/85 Wray Avenue, Fremantle - owner request following subdivision	2/85 and 3/85 Wray do not contain any heritage fabric and should be removed from the Heritage List.	This place is of historical interest as the original backyard of 85 Wray Avenue. The existing building fabric has little cultural heritage significance. The site has low archaeological potential due to the extent of recent ground disturbance	Retain 1/85 Wray Ave on Heritage List & LHS & modify address. Remove 2/85 and 3/85 Wray from Heritage List and retain on LHS - update the history and change the LHS Management Category to Historic Record Only
10. Limestone features, 11 Howard Street, Fremantle -	There is no number 11 Howard Street. Previously the property was numbered 9-11 Howard, and this may be the origin of the incorrect address.	9 Howard Street, is a group of three rendered capstone limestone boundary walls from late nineteenth to early	Change address of place on Heritage List from 11 to 9 Howard Street and update record.



Identified by Heritage Officer	The original house at 9-11 Howard St has been demolished or heavily altered and does not meet the threshold for inclusion on the Heritage list. The limestone features in the listing for 11 Howard are existing at 9 Howard St & should be retained on the Heritage List.	twentieth century. These walls have aesthetic and historic significance to Fremantle because they contribute to the heritage character of the landscape and urban form of the city.	
11. House (demolished), 100 Marine Terrace - Identified by Heritage Officer	Part of a block of 1980s terrace houses, original house demolished. Given the extent of ground disturbance for the construction of the existing terrace houses it is unlikely that the place has archaeological potential.	This place has historic interest as the site of a stone house (c. 1940 – 1980) but the existing building fabric on site has little heritage significance.	Remove from Heritage List Change the LHS Management Category from Level 3 to Historic Record Only
12. House (demolished), 6 Grey Street - Identified by Heritage Officer	No fabric survives from the original stone duplex and given the extent of ground disturbance for the new terrace houses the site has low archaeological potential.	This site has historic interest as the site of two earlier stone houses which were demolished in the middle of the Twentieth Century. The existing building fabric on site has little heritage significance.	Remove from Heritage List Change the LHS Management Category from Historic / Archaeological Site to Historic Record Only
13. Limestone Feature(s), 85 Solomon Street- Identified by Heritage Officer	The limestone features are extant but they are of recent construction and like the house on site they have little heritage significance. This place should be removed from the Heritage List and the LHS management category should be changed to Historic Record Only.	85 Solomon Street, a single storey brick and tile Post-War era house with an undercroft garage and limestone garden walls has little heritage significance.	Remove from Heritage List Change the LHS Management Category from Limestone feature(s) to Historic Record Only
14. Limestone Feature(s), 90 Christina Parade - Identified by Heritage Officer as	There is no place with the address 90 Christina Parade. It is likely that the address was incorrectly entered in the original MHI. It should likely be 90 Thompson Road instead.	-	Remove from Heritage List Retain the heritage listing for 90 Thompson Road and update.



place demolished	90 Thompson Road is separately included on the HL & LHS as House and Limestone Features and contains a weatherboard cottage (c. 1905) with a high limestone retaining wall on Christina Place and Thompson Road boundaries. Inherit Number 22509		
15. Duplex 90 Stirling Hwy, North Fremantle - Identified by Heritage Officer as place demolished	No evidence of original shop and house on site.	Late nineteenth century building with little to no heritage significance. The site is unlikely to contain undisturbed archaeological material.	Remove from Heritage List
16. Duplex 90A Stirling Hwy, North Fremantle - Identified by Heritage Officer	No evidence of original shop and house on site.	Late nineteenth century building with little to no heritage significance. The site is unlikely to contain undisturbed archaeological material.	Remove from Heritage List
17. 285 High Street, Fremantle - Identified by Heritage Officer	Removal from the HL recognises the council decision to allow demolition.	Post-War era fibrous cement sheet clad timber framed house with a hipped tile roof and limestone retaining walls has historic interest only.	Remove from Heritage List Change LHS Management Category from Limestone Features to Historic Record Only.
18. Fremantle TAFE, 11-15 Grosvenor St, Beaconsfield - Identified by Heritage Officer	Removal from the HL recognises the council decision to allow demolition.	The site of the Post War International style Fremantle TAFE, has historic interest but little heritage significance as all buildings and structures have been demolished.	Remove from Heritage List Change LHS Management Category from Level 3 to Historic Record Only.

Correct Address on Heritage List

Correct the address on the Heritage list for the following place:

19. St Anne's Croatian Roman Catholic Church & Croatian Community Centre
VOTING AND OTHER SPECIAL REQUIREMENTS



Simple majority required.

OFFICER'S RECOMMENDATION

Council invite comment from affected landowners on the following proposed modifications to the Local Heritage Survey (LHS) and Heritage List:

- 1. Add to Heritage List and update LHS accordingly:**
 - a. Blinco Cottage, 8 Swanbourne Street, Fremantle – Management Category 2**
 - b. 140 Stirling Highway, North Fremantle – Management Category 2**
- 2. Retain on Heritage List but modify LHS Management Category**
 - c. House, 100 Attfield Street, South Fremantle**
- 3. Remove from Heritage List and update LHS accordingly:**
 - d. House, 7 Douglas Street, Fremantle**
 - e. House 20 Hickory Street, South Fremantle**
 - f. 24 Norfolk Street, Fremantle**
 - g. House, 9 Barnett Street, Fremantle**
 - h. 26 Marine Terrace, West End, Fremantle**
 - i. 2/85 and 3/85 Wray Avenue, Fremantle**
 - j. Limestone features, 11 Howard Street, Fremantle**
 - k. House (demolished), 100 Marine Terrace**
 - l. House (demolished), 6 Grey Street**
 - m. Limestone Feature(s), 85 Solomon Street**
 - n. Limestone Feature(S), 90 Christina Parade**
 - o. Duplex, 90 Stirling Highway, North Fremantle**
 - p. Duplex, 90A Stirling Highway, North Fremantle**
 - q. 285 High Street, Fremantle**
 - r. Fremantle Technical College, Beaconsfield**
- 4. Correct Address for St Anne's Croatian Roman Catholic Church & Croatian Community Centre on the Heritage List**
- 5. In the event of landowners making no objection to modifications recommended to the Local Heritage Survey and Heritage List, that these changes be adopted, documented and communicated to the Heritage Council of Western Australia, and the City's records updated accordingly. Where objection is received, the recommendation be referred back to Council.**



**C2312-7 STRUCTURE PLAN – 11-15 GROSVENOR STREET,
BEACONSFIELD (FORMER CHALLENGER TAFE)**

Meeting date: 6 December 2023
Responsible officer: Manager Strategic Planning and City Design
Decision making authority: Council
Attachments:
1. Schedule of Submissions
2. [Structure Plan report](#)
(due to the size of this attachment, please see the link)
3. State and Local Planning Context Review

SUMMARY

The purpose of this report is to present for Council's consideration the proposed Structure Plan for 11-15 Grosvenor Street, Beaconsfield (The former Beaconsfield Challenger TAFE site), including submissions received during the community engagement process.

The proposed Structure Plan was advertised from 25 August 2023 to 6 October 2023 (44 days) for public comment. The public consultation period included community information sessions held at the Freo Farmers Market and Fremantle College.

At the close of the community engagement period, the City had received 56 submissions on the proposed Structure Plan. Of these submissions, 37 raised objection or concern relating to one or more aspects of the proposal, including provision of social housing, traffic, building height, the proposed density of development, and aspects of the public open space.

The provision of affordable *and* social housing at 20% of the development yield would be consistent with the requirements set for all government residential developments by the WA Housing Strategy 2020-2030. Since the close of the community engagement period, the applicant has provided a revised Traffic Impact Assessment, which, supported by advice from City infrastructure officers, satisfactorily addresses the concerns raised in the submissions. The applicant has also advised that they are prepared to reduce the overall building height provision for the R160-coded area indicated on the proposed Structure Plan. With regard to the remaining matters, City officers consider that the proposed densities and public open space design are appropriate in the context of the Heart of Beaconsfield Masterplan and State Planning Policies 7.0 – Design of the Built Environment and 7.2 – Precinct Design.

Therefore, it is recommended the proposed Structure Plan be forwarded to the Western Australian Planning Commission (WAPC), with the recommendation that it be approved, subject to modifications.



BACKGROUND

Site description

Eleven to 15 Grosvenor Street (the Site), Beaconsfield is a largely flat, 3.8-hectare site and often referred to as the 'Fremantle Technical College', 'Challenger TAFE', or simply 'TAFE' site in recognition of its former land use. It had been developed with a complex of educational buildings dating from the 1960s through the 1980s, though these had been disused since 2018, fallen into dereliction, and were ultimately demolished in 2022. The Site is elevated above Lefroy Road, with a steep bank, approximately four to five metres high, along most of the southern boundary. The south-western quarter of the site is lower, approximately level with Lefroy Road, with a shallower bank running down from Badham Close on the western boundary. There are also two drainage basins of approximately three metres deep at the south-eastern corner of the Site and near the south-western corner. A significant number of mature trees have been retained on-site, predominately at the south-eastern and south-western corners, along the northern and southern boundaries, and in a rough band across the western half of the Site.

The Site was previously reserved for 'Public Purposes (Technical School)' under the Metropolitan Region Scheme (MRS). However, the site was recently the subject of an MRS amendment, gazetted on the 10 November 2023, to rezone the site to 'Urban'. Under section 126(3) of the *Planning and Development Act 2005*, this amendment concurrently placed a zoning of 'Development' over the site under the City of Fremantle's Local Planning Scheme 4 (LPS4). A Structure Plan is required over land zoned 'Development' prior to comprehensive redevelopment of the site, per the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

Local context

The northern edge of the Site is bounded by Grosvenor Street and Bruce Lee Reserve to the north-north-east, between Caesar and Lewington Streets. Bruce Lee Reserve is reserved for 'Parks and Recreation' in LPS4 and is developed with a car park and sports oval ringed by mature trees. The area to the west of Lewington Street (north-north-west of the Site) is zoned 'Residential' in LPS4, with the R20 residential density code, and is predominately developed with single houses standing on lots of approximately 580-1100m². These houses mostly date from the late-1950s to early-1960s, though there has been some more recent infill development.

The eastern edge of the Site is bounded by Caesar Street with the Davis Park estate beyond. This collection of lots (bounded by Caesar Street and South Streets, Fifth Avenue, and Lefroy Road) is zoned 'Development' and is subject to the approved Davis Park Structure Plan (May 2021). The area is predominately occupied by ageing social housing, mostly dating from the 1970s and 1980s. It is gradually being vacated and cleared in anticipation of redevelopment.



To the south, on the opposite side of Lefroy Road lies Fremantle College, which is reserved for 'Public Purposes (High School)' under the MRS, while the southern half of the lot is also zoned 'Residential' under LPS4, with the R20 residential density code. The northern half of the lot is developed with a high school campus and childcare centre composed of numerous individual buildings. The southern half of the lot is largely occupied by sports fields and courts and a swimming complex.

The southern half of the western site boundary abuts Badham Close, which then turns 90° to the west. The remainder of the western boundary directly abuts two separate lots between Badham Close and Grosvenor Street. These lots and those around Badham Close are zoned 'Residential' under LPS4, with the R20 residential density code, and are each approximately 600m² in area and developed with a single house. The houses date from the late 1960s or early 1970s and are typical of the era, being built in elevated positions on sloping lots with undercroft garages.

Planning history

As noted above, the Site was first developed with Fremantle Technical College in 1968. The facility was expanded in 1986 but closed in 2018 with the consolidation of TAFE facilities at South Metropolitan TAFE campus in Murdoch. Following its closure, the facility fell into dereliction due to vandalism and was eventually identified for redevelopment for housing in April 2022 and subsequently demolished.

Structure Plan proposal

The proposed Structure Plan (Figure 2 below) proposes a range of dwellings, from one or two-storey single houses (R40-coded areas), through two or three-storey terraced townhouses (R60-coded areas), to four (R100-coded area) and five-storey (R160-coded area) multiple dwellings (apartments). It is estimated that the Structure Plan will deliver 84 lots, including two for grouped / multiple dwellings, yielding approximately 155 dwellings in total.

The Structure Plan also contains provision for the preparation of a Local Development Plan (LDP) for lots coded R100 and R160, which may address the following matters:

- Interface with Lefroy Road and surrounding development context (including adjoining public open space and community facilities).
- Access and servicing considerations.
- Built form controls including, building height, setbacks, finished floor levels flush with adjacent public realm and any other building design feature considered relevant.
- Approach to waste management including bin placement, vehicle access and management.



The provision for adoption of an LDP also includes the ability to vary the maximum height limit set out in State Planning Policy 7.3, Volume 2 – Apartments up to the maximum identified in The Heart of Beaconsfield Masterplan, being five storeys for the R100-coded area and eight storeys for the R160-coded area.

Approval of an LDP by the City of Fremantle would be required prior to the lodgement of a Development Application for any building to these height limits. Should an LDP propose to vary the maximum height limit, it shall be required to demonstrate the provision of appropriate community benefits, commensurate with the discretion sought, to the satisfaction of the City of Fremantle. Community benefits would include:

- Provision of 30% social or affordable housing, delivered in perpetuity
- Provision of additional deep soil area and trees which exceed the requirements of the R-Codes
- Achievement of a certified 5-Star Green Star Rating
- Other community benefit agreed with the City of Fremantle.

In addition to the development sites, 6,140m² would be set aside for public open space (POS), incorporating stormwater drainage functions. This would be split between a 4,830m² band of POS running from the end of Lewington Street in the north, through the Site to Lefroy Road and Badham Close in the south, and a 1,320m² area of POS at the south-east corner of the Site by the intersection of Caesar Street and Lefroy Road. The larger area of POS would incorporate the remnants of the former TAFE courtyard, which features a number of mature trees, while the drainage sumps at the south-western and south-eastern corners of the Site would be partially filled with underground drainage cells and covered in lawn to improve their usability, though they would remain as shallow basins to perform a limited drainage function in one in 100-year storm events. Pedestrian paths and ramps would permeate both areas of POS, while a nature-based play space would be provided in the larger area, to the south of the internal access road.

The public open spaces would be complemented by wide verges along the main access roads, which would incorporate drainage swales and provide adequate space for verge gardens. It is proposed that the public open space and all access roads on-site would be ceded to the City.



Figure 1. Proposed Structure Plan

State and Local Planning context

A review of the state and local planning context has been provided in the attachments, which covers:

- Perth and Peel@3.5million
- State Planning Policy 3.6 – Infrastructure Contributions
- State Planning Policy 7.0 – Design of the Built Environment
- State Planning Policy 7.2 – Precinct Design
- State Planning Policy 7.2 – Precinct Design Guidelines
- State Planning Policy 7.3 – Residential Design Codes of Western Australia – Volume 1 and Volume 2 – Apartments
- Fremantle Planning Strategy (2001)
- Draft Fremantle Local Planning Strategy (2022)
- City of Fremantle Local Planning Scheme No. 4



FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

The procedure for preparing, assessing and determining a Structure Plan is provided for under Schedule 2, Part 4, of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Part 4, cl. 20 states that:

- (1) The local government must prepare a report on the proposed Structure Plan and provide it to the Commission no later than 60 days after the day that is the latest of –*
 - (a) the last day of the period for making submissions on the proposed Structure Plan that applies under clause 18(3A); or*
 - (b) the last day for making submissions after a proposed modification of the Structure Plan is advertised under clause 19(2); or*
 - (c) a day agreed by the Commission.*
- (2) The report on the proposed Structure Plan must include the following –*
 - (a) a list of the submissions considered by the local government, including, if relevant, any submissions received on a proposed modification to the Structure Plan advertised under clause 19(2);*
 - (b) any comments by the local government in respect of those submissions;*
 - (c) a schedule of any proposed modifications to address issues raised in the submissions;*
 - (d) the local government's assessment of the proposal based on appropriate planning principles;*
 - (e) a recommendation by the local government on whether the proposed Structure Plan should be approved by the Commission, including a recommendation on any proposed modifications.*

CONSULTATION

Engagement on the proposed Structure Plan was undertaken in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2, Part 4, cl. 18(2) and Council's Local Planning Policy 1.3 – Community Consultation on Planning Proposals, for a period of 44 days from 25 August 2023 to 6 October 2023.

Engagement included public notification by means of:

Agenda – Ordinary Meeting of Council
6 December 2023



- Letters to the owners and occupiers of properties within 400m of the site and along Lefroy Road between Hampton Road and Carrington Street
- Signs placed on the Site facing Grosvenor Street and Lefroy Road
- Publication of a notice and information on the City's MySay Freo website
- Publication of a notice in the Fremantle Herald.

Letters were sent to various utility and government agencies, seeking their comment, and community drop-in information sessions were also held at Freo Farmers Market at Bruce Lee Oval on 17 September 2023 and Fremantle College on 19 September 2023. Both sessions were attended by City officers and officers from DevelopmentWA (the proponent), while DevelopmentWA's planning consultant also attended the session at Freo Farmers Market. It is estimated that 160 people engaged with officers at the Freo Farmers Market, while 10 attended the session at Fremantle College.

At the close of the engagement period, 56 submissions had been received. Of the submissions, four were broadly in support of the proposal, while 37 raised objection or concern. A further 12 responses offered comment without clearly taking a position, while three submissions were made in reference to facilities at Bruce Lee Oval, which is outside the scope of the proposed Structure Plan.

The submissions received in support of the proposed Structure Plan highlighted its design, the retention of trees, provision of public open space, and the need for higher density housing options in established suburbs such as Beaconsfield as positive aspects. However, as noted, the majority of submissions objected to one or more aspects of the proposal or raised significant concerns. The themes raised in these submissions are summarised in Table 1 below.

Key element	Selection of comments (summarised)
Affordable / social housing	<ul style="list-style-type: none">• Will the development incorporate affordable housing?• There is too much social housing proposed.
Roads and traffic	<ul style="list-style-type: none">• The Traffic Impact Assessment is uncertain and cannot be relied upon.• The development would lead to a significant increase in traffic, leading to road safety issues on surrounding streets.• The development would result in longer wait times at intersections with South Street, particularly with people waiting to turn right.• The proposal to take an access point into the Site from Badham Close would present a safety hazard, as Badham Close is too close to the crest on Lefroy Road at Curedale Street, leaving an insufficient line of sight.



Key element	Selection of comments (summarised)
Building height	<ul style="list-style-type: none"> Tall buildings would have a significant, negative impact on the character and visual amenity of the area. Height limits ranging from three storeys are suggested. Buildings would overshadow properties on Badham Close Buildings would overlook adjoining properties, including Fremantle College.
Density	<ul style="list-style-type: none"> The proposed R100 and R160 densities are too great.
Public open space	<ul style="list-style-type: none"> There is insufficient public open space being provided. Too many trees are being removed / too few mature trees are being retained. Too much of the public open space is being used for drainage. There aren't enough facilities for young people.
Land use	<ul style="list-style-type: none"> No commercial tenancies have been proposed, which is inconsistent with the Heart of Beaconsfield Masterplan.
Parking	<ul style="list-style-type: none"> Insufficient parking will be provided for the number of dwellings. On-street parking should not be permitted.
Liveability	<ul style="list-style-type: none"> Apartments, particularly high-rise apartments, are not as 'liveable' as other types of dwellings, leading to social issues and harming general wellbeing.
Schools	<ul style="list-style-type: none"> Local schools would not be able to cope with the additional population that would result from the development.
Environment / wildlife	<ul style="list-style-type: none"> Development of the site would result in the loss of mature trees and wildlife habitat. Bore water should not be used.
Sustainability measures	<ul style="list-style-type: none"> More sustainability measures should be incorporated into the development.

Table 1. Summary of submission themes

Each matter raised in the submissions is examined below, in the context of the state and local planning framework. Details of each submission and a specific response can be found in Attachment 1.



OFFICER COMMENT

In assessing the Structure Plan the City must consider the feedback received during the statutory community engagement period, including advice from state government agencies and City officers, along with the state and local planning context, which includes Perth and Peel@3.5million, applicable State Planning Policies, Fremantle Planning Strategy (2001), draft Fremantle Local Planning Strategy (2022), and objectives of the City's Local Planning Scheme No. 4.

In summary, the proposed Structure Plan:

- Is broadly consistent with Perth and Peel@3.5million
- Is consistent with the draft Fremantle Local Planning Strategy (2022)
- Is generally consistent with the design principles contained in State Planning Policy 7.0 – Design of the Built Environment
- Is broadly consistent with the key objectives of State Planning Policy 7.2 – Precinct Design, in that it:
 - Responds to and enhances of the distinctive characteristics of the local area
 - Integrates landscape design that enhances sustainability outcomes.
 - The built form height and massing is responsive to existing built form, topography, key views and landmarks, and the intended future character of the area
 - Delivers a sustainable built environment through passive environmental design measures and promotion of active and public transport modes.
 - Provides comfortable public spaces that encourage physical activity and enable a range of uses
 - Provides a place that is easy to navigate with clear connections and good lines of sight.

Strategic context

The Site is identified as a public purposes reserve in the Central Sub-regional Planning Framework (see Attachment 3), which was its previous Metropolitan Region Scheme (MRS) and Local Planning Scheme No. 4 (LPS4) designation; however, as of 10 November 2023, the site has been zoned 'Urban' under the MRS and 'Development' under LPS4, which would permit its development for other purposes.

The framework also identifies urban corridors in the Central Sub-region alongside high-frequency public transit routes that should be the focus for investigating increased residential densities, with potential for mixed land uses where appropriate.

The presence of existing or planned high-frequency public transit is an important consideration in determining whether a corridor is suitable for a more compact and



diverse urban form. A high-frequency public transit service is where one or more modes of travel (for example, bus, rail) are used in combination to:

- provide high levels of service frequency at all times of the week and generally higher frequency in peak periods
- provide access to a reasonable variety of destinations including through multi-modal links (the movement of people by more than one method of transport)
- operate with a high level of priority over private vehicles wherever possible.

In this instance, the Site lies beyond the identified corridor along South Street, which is served by high-frequency bus services. However, it is well within the 800-metre walkable catchment from bus stops 10476 and 10556 on South Street, which are respectively served by the 998 and 999 high-frequency services linking Fremantle Station, Murdoch University, Fiona Stanley Hospital, South Metropolitan TAFE Murdoch Campus and Murdoch Station, Oats Steet Station, Belmont Forum, Ascot Racecourse, Bayswater Station, Morley Bus Station, Dianella Plaza, Stirling Station, Churchlands, Shenton Park Station, QEII Medical Centre and Perth Children's Hospital, University of Western Australia, and Claremont Station. High-frequency rail services operate from the nearest train stations at Fremantle and Murdoch, providing access to other locations on the Fremantle-Midland and Joondalup-Mandurah train lines. Therefore, the Site presents a good opportunity for residential infill served by high-frequency public transit, even though it is slightly outside of an identified urban corridor.

At a local level, the Fremantle Planning Strategy (2001) (FPS) echoes the Central Sub-regional Planning Framework; however, the draft Local Planning Strategy (2022) identifies the site for 'future urban intensification', as the former Beaconsfield TAFE had been closed for a number of years prior to the drafting of the Strategy and it was recognised that redevelopment would inevitably follow. Notwithstanding the site being identified as a 'Public Purposes' reserve in the FPS, the proposal is consistent with the overall strategic objectives of both documents regarding the provision of a range of housing types to cater to a diverse population.

Affordable / social housing

A small number of submissions raised the question of whether the proposed development would include affordable housing and if so, how much? From these comments, it seems that affordable housing is a desirable feature of such a development. The WA Housing Strategy 2020-2030 currently requires all new government residential developments to incorporate 20 per cent affordable and social housing, though the split would be determined on a case-by-case basis.

Of greater concern to the local community is the proportion of social housing that would be provided as part of the development. It appears from the comments that in recent times antisocial behaviour has been a facet of the Davis Park precinct to the north-east of the Site. This aging social housing development is gradually being emptied of tenants and demolished with a view to redevelopment in accordance with



the adopted Davis Park Precinct Structure Plan. Unfortunately, it seems that these experiences have soured many people's perception of social housing.

In light of the comments, it must be emphasised that modern practice is to offer the same types of homes to social housing providers as the private market, making them indistinguishable, while they are also dispersed throughout a development, rather than clustered in one area or building.

The proposed Structure Plan also contains provision for the development of a Local Development Plan (LDP) to permit five storeys on the R100-coded area and eight storeys on the R160-coded area, subject to delivering community benefits, which could include an increase in the provision of affordable and social housing to 30% of the dwelling yield. The height aspect of the proposal is discussed in further detail below.

Roads and traffic

Along with building height, most submissions against the proposed Structure Plan raised roads and traffic issues as a key concern.

Although the proposed Structure Plan is accompanied by a Traffic Impact Assessment (TIA), Main Roads WA advised that the TIA is uncertain and cannot be relied upon. Main Roads subsequently recommended a number of modifications to the TIA, which the applicant has since delivered.

The revised TIA has been referred to Main Roads WA for their comment; however, at the time of writing, no response has been received. Community submissions expressed significant concern about the volume of traffic that the proposed development would generate and particularly its impact on surrounding streets, intersections with South Street and school traffic on Lefroy Road. Several residents also expressed concerns about the safety of the intersection of Badham Close and Lefroy Road, particularly as the proposal seeks to connect the internal road to Badham Close.

The TIA states that although no traffic counts are available for the time the Site was used by the TAFE, based on the approximate 17,500m² floor area of the buildings on the site and generation rates for a university (ITE Land Use Code 550), the Site was likely to have been generating approximately 1,750 vehicle trips per day prior to its closure.

The predicted vehicle trips to be generated by the proposed Structure Plan have been determined based on the rates outlined in Table 2 below, using the Western Australian Planning Commission (WAPC) Guidelines as a baseline. The generation rate for each unit type of dwelling in the multiple dwelling sites is less than the rate applied to the single residential dwelling sites; this is due to the smaller size of these dwellings and the limited parking likely to be proposed for these dwellings (likely one



vehicle versus the two to three with the single residential dwelling, allowing for some on-street parking). The generation rates adopted for the single residential dwelling sites is the standard WAPC rate of 0.8 trips in the A.M. and P.M. peak. The TIA notes that the single dwelling sites may have single garages, so the actual generation rate may be below this adopted rate.

The lower rate for the unit type development is supported by the amount of parking to be provided within the site, which is expected to be in the order of 286 spaces for vehicles, allowing for double garages to be allocated to the single dwelling sites. The number of trips will be largely dictated by the number of vehicles parked on the site. The publication Trip Generation (ITE), indicates that for a Residential Condominium / Townhouse (Land Use 230) the number of trips expected per vehicle is in the order of:

- Daily 3.34 trips per parked car
- A.M. Peak 0.25 trips per parked car
- P.M. Peak 0.31 trips per parked car.

Using the P.M. peak rate and based on the number of parked cars, the number of trips in the P.M. is expected to be approximately 89 trips. Based on the 155 dwellings across the site, this equates to a trip rate of approximately 0.57 trips per dwelling in the peak hour. Over a full day this works out to be approximately 6.2 trips per dwelling for approximately 955 trips per day. The average rate proposed below for the entire site is approximately 0.6 trips per dwelling in the P.M. peak and 6 trips per dwelling for the entire day. Thus, the rates adopted below are appropriate.

Land Use	Unit	AM peak hour trip rate			PM peak hour trip rate		
		In	Out	Total	In	Out	Total
Single Residential	Dwellings	0.2	0.6	0.8	0.5	0.3	0.8
Units	Dwellings	0.1	0.3	0.4	0.25	0.15	0.4

Table 2. Typical Land Use Vehicle Trip Rates (adopted of WAPC Guidelines Volume 2 and adjusted)

There are 82 single residential dwellings plus up to another 73 unit-type dwellings on the two multiple dwelling lots in total proposed in the proposed Structure Plan.

From the vehicle trip rates in Table 2, the A.M. peak hour vehicle trips predicted to be generated by the proposed development are 23 inbound and 71 outbound respectively and the P.M. peak hour vehicle trips in and out are 59 and 36 respectively. This equates to 95 two-way vehicle movements in each peak. This equates to approximately 950 trips per day, which is considerably less than the estimated traffic generation of the previous TAFE use of approximately 1,750 trips per day.



Given the scale of the proposed Structure Plan and that it is only residential, it is expected that these vehicle trips would be externally distributed onto the adjacent street network.

	AM peak hour trips			PM peak hour trips		
	In	Out	Total	In	Out	Total
Single Residential	16	49	65	41	25	66
Units	7	22	29	18	11	29
Total	23	71	94	59	36	95

Table 3. Trip Generation Summary

For the purposes of estimating vehicle movements, the directional distributions shown in Table 2 have been assumed for the proposed Structure Plan. The proportions have been taken from the 2021 Census (as requested by Main Roads WA) for the City of Fremantle for Residents' Place of Work (<https://www.forecast.id.com.au/fremantle>) and rounded to nearest integer.

External Route to/from	Percentage Distribution
Fremantle	8%
Perth and Eastern Destinations	48%
Cockburn	14%
Rockingham and Southern Destinations	22%
Northern Destinations	8%
Internal	0%

Table 4. Trip Distribution (derived from Heart of Beaconsfield Masterplan / Davis Park Precinct Structure Plan)

Applying these distribution proportions with the trip generation in Table 3 results in the anticipated traffic flows onto the surrounding external roads shown in Table 5 below. These are also shown diagrammatically in Figures 2 and 3 below.

External Roads	AM peak hour trips		PM peak hour trips	
	In	Out	In	Out
South Street (West)	2	8	7	5
South Street (East)	6	18	14	8
Lefroy Road (East)	12	36	30	18
Lefroy Road (West)	3	10	8	5

Table 5. Resulting Trips Distributed

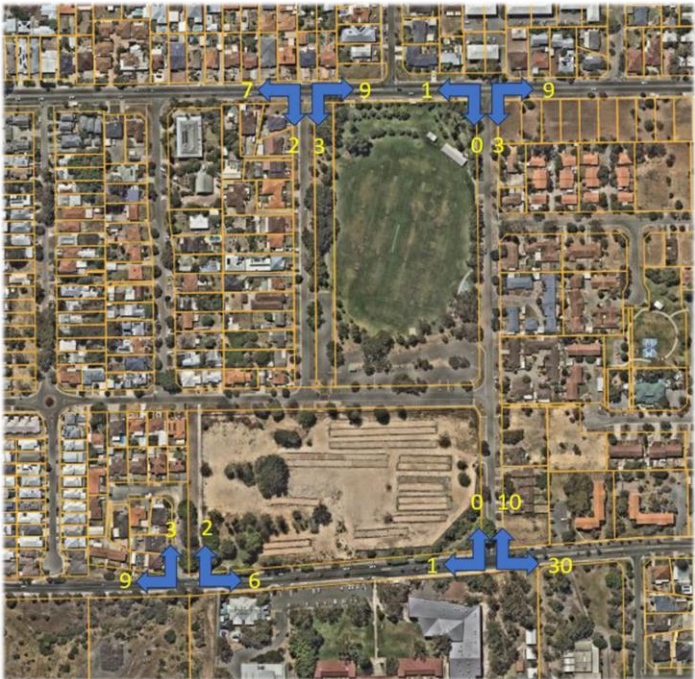


Figure 2. A.M. Peak LSP Traffic Flow Distribution

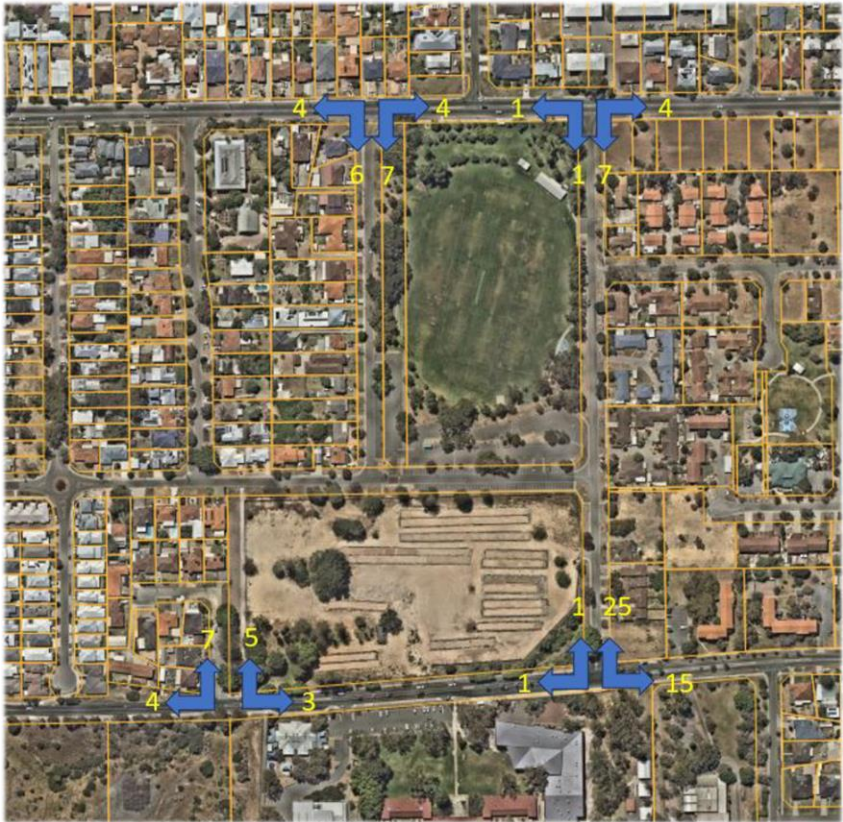


Figure 3. P.M. Peak LSP Traffic Flow Distribution



It is anticipated that through traffic within the Site would be limited, as the Site is not located on any through routes and does not provide a route between any key destinations.

Direct access from Lefroy Road would be provided to the R160-coded area, which would reduce the number of vehicle movements through the Site and via surrounding streets.

City infrastructure officers have confirmed that a sight distance of approximately 120 meters can be achieved at the Badham Close / Lefroy Road intersection. This is very close to the minimum requirement for safe sight distance; however, it must be noted that the absolute minimum requirement, a Stopping Sight Distance (SSD) of 111 meters, can also be easily achieved at this intersection.

There is no crash history associated with the intersection of Badham Close and Lefroy Road. The absence of prior incidents demonstrates the intersection's safety record and should provide further confidence in the current design and traffic management measures in place.

City officers consider that the existing road infrastructure can comfortably accommodate the expected traffic volume without causing any significant disruptions to the local road network. However, a final assessment would be undertaken once the City receives the finalised plans for the development at any future subdivision stage. This assessment would ensure that the City continues to adhere to all relevant road safety standards. If necessary, the City will consider appropriate safety measures, such as roundabouts, signage, or other techniques in line with relevant guidelines.

Building height

As outlined above, the proposed Structure Plan contains provision for the development of a Local Development Plan (LDP) to permit five storeys on the R100-coded area and eight storeys on the R160-coded area, subject to delivering community benefits.

SPP 7.0 enables assessment of developments utilising the design principle of 'Context and Character':

Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.

At the Structure Plan level, key considerations include: how the plan responds to existing patterns of development, the relationship between built form and open space, and the site's cultural and historic context (e.g. heritage).

The residential densities across the site and, by extension, the building height limits have been chosen based on the housing typologies and building heights that they would accommodate, with the higher density areas for apartments placed



on the lower-lying parts of the Site to minimise their impact on the suburban landscape and transition from adjoining single houses. There is also some historic precedent, with the taller buildings of the former TAFE having occupied these areas. The higher, flatter parts of the Site have been selected for two to three-storey townhouse typology (R60) as this would be less prominent on the landscape, would reduce the potential for overlooking of adjoining homes and would transition density from public open space and adjacent single storey dwellings. It is considered that this is broadly consistent with the design principle outlined above.

Despite this approach, it is still considered that eight storeys would be contextually inappropriate in an area where the tallest existing buildings are three storeys. However, the applicant has indicated that they are amenable to modification of the Structure Plan that would limit building height on the R160-coded area to five storeys, subject to the preparation of an LDP, rather than as a right per the Residential Design Codes of WA, Volume 2 – Apartments.

It is therefore recommended that the proposed Structure Plan be modified to replace the reference to “eight storeys” with ‘five storeys’.

In addition to general comments about building height, a number of submissions raised concerns about the relationship between the proposed four-storey (potentially five-storey) apartments proposed for the R100-coded area adjacent to Badham Close.

Firstly, it must be noted that the proposed Structure Plan only makes provision for five-storey development subject to an LDP containing built form controls including an additional setback for the upper storey, the development being of high-quality design, and the delivery of additional community benefits.

Although this seems significantly taller than the houses on the western side of Badham Close, the natural ground level under the R100-coded area is approximately two metres lower, while each of the houses has an undercroft, placing the main living areas approximately three metres above natural ground level on their lots. Effectively, this is a total difference of five metres or around 1.5 storeys. Figure 4 below gives some indication of the relationship, though contour data suggests that the existing houses may in fact be higher.

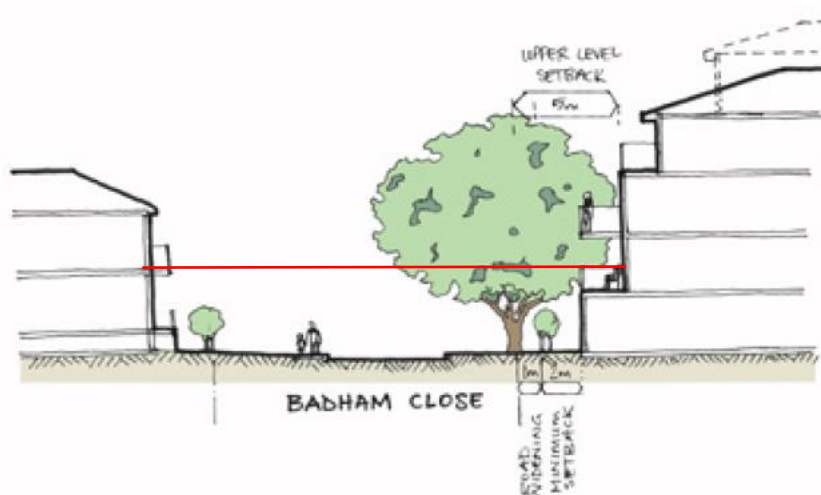


Figure 4. Relationship between houses on Badham Close and proposed R100 apartments

Overlooking

Several submissions raised concerns about overlooking into adjoining properties on Badham Close and over Fremantle College. However, there would be a separation of at least 17 metres between any future apartments and existing properties on Badham Close, which significantly exceeds the nine-metre separation distance required by the R-Codes between the habitable rooms / balconies of buildings of five to eight storeys and adjoining property boundaries. The band of mature trees on the road verge would also remain, affording a degree of screening.

Apartments adjacent to and overlooking schools are not uncommon and this is not a valid planning consideration.

Overshadowing

Similarly, some submissions expressed concern that new apartments would overshadow their homes on Badham Close. However, under the provisions of the R-Codes, overshadowing is assessed at noon on the winter solstice (June 21), at which point any future apartments would not be overshadowing properties on Badham Close. Notwithstanding, it is estimated that there would be no significant overshadowing by approximately 8 a.m. on June 21, especially if the upper storeys of any future apartments were subject to additional setbacks.

Density

Several submissions consider the density of development that would be facilitated by the proposed Structure Plan to be too great.

It must be acknowledged that the proposed Structure Plan, while broadly consistent with the Heart of Beaconsfield Masterplan, does incorporate two areas identified for higher density apartment developments. However, the Heart of Beaconsfield is a non-



statutory document designed as a vision for how the area may be redeveloped, but it is non-binding, meaning that proposals brought forward may be at variance.

Notwithstanding, one of the key components of the proposed Structure Plan is to *"deliver a range of residential densities promoting a variety of housing typologies."* Therefore, the residential densities have been chosen based on the housing typologies and building heights that they would accommodate. The higher density areas for apartments have been placed on the lower-lying parts of the Site to minimise their impact on the suburban landscape and transition from adjoining single houses. The higher, flatter parts of the Site have been selected for two to three-storey townhouse typology (R60) as this would be less prominent on the landscape, would reduce the potential for overlooking of adjoining homes and would transition density from public open space and adjacent single storey dwellings.

Public open space

Some submissions are critical of the public open space (POS) provision on the site, stating that it is insufficient, or inconsistent with the Heart of Beaconsfield Masterplan's vision for a 'green link' due to the removal of trees, or that it is compromised by the inclusion of drainage functions.

The proposed Structure Plan allocates 16% of the Site as POS, which exceeds the standard 10% POS contribution required by State Planning Policy 3.6 – Infrastructure Contributions, and is designed predominately for passive recreation, with the landscape report (Appendix B of the Structure Plan report) indicating that it would include a plaza, grassed areas, seating, a nature-based play space and would retain a significant number of mature trees for shade. The Site is also adjacent to Bruce Lee Oval, less than one kilometre from Hilton Park, and approximately 1.1 kilometres from Booyeembara Park, which provide a wider range of recreation options to residents.

It is also intended to retain the majority of existing trees through the POS, including the mature ficus trees (labelled "exotic" species, as they are not endemic to Western Australia) that were historically planted in the TAFE courtyard. The retention of these mature trees will ensure that the 'green link' identified in the Heart of Beaconsfield Masterplan is realised.

In terms of drainage function, both the western and eastern POS would accommodate infiltration areas, which would be grass-surfaced. These would occupy the same locations as the existing drainage basins, which would be filled with underground infiltration cells. In the case of the western POS, a shallow basin of approximately 486m² would remain to hold excess runoff for short periods in 1% annual exceedance probability (AEP) events.

The POS would provide a high level of amenity to surrounding residents, supplemented by "green streets" incorporating wide verges and significant planting.



The proposed modification to include 'café / restaurant' and 'community purpose' as additional uses on the adjacent R160-coded area also presents an opportunity to activate the POS and create a focal point for the community (more on land use below).

Overall, it is considered that the design of the POS and these additional measures are consistent with the design principles of 'Landscape Quality' and 'Amenity', as set out in SPP 7.0:

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.

Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.

The pedestrian connection through the POS from Lefroy Road to Grosvenor Street is designed to be intuitive and legible, as there are clear sightlines and surface treatments are proposed to create an obvious connection. The proposed Structure Plan is therefore considered to also be consistent with the principle of 'Legibility' set out in SPP 7.0:

Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.

Land use

A number of submissions highlight the lack of provision for any commercial or community uses on the Site, which is inconsistent with the Heart of Beaconsfield Masterplan.

The Heart of Beaconsfield Masterplan does indicate mixed use or community uses at the south-western corner of the proposed R160-coded area, adjacent the public open space (POS). This has driven community expectation that such use(s) would be provided for as part of the Structure Plan, as evidenced by the submissions.

It is considered that making provision for additional uses would facilitate the development of at least a small tenancy to provide a community focal point and activate the adjacent POS. The applicant has indicated that they would be amenable to designating 'café / restaurant' and 'community purpose' as additional uses over part of the site for these reasons.

It is therefore recommended that the proposed Structure Plan be modified to designate 'café / restaurant' and 'community purpose' as additional uses over part of the R160-coded area adjacent the POS.



Parking

Several submissions have raised concerns that not enough parking would be provided on-site to accommodate the number of cars that would accompany the development. However, all development would be required to comply with the parking requirements of State Planning Policy 7.3 – Residential Design Codes of Western Australia (R-Codes), which includes visitor parking for apartments. The Structure Plan report also indicates that the two primary streets through the Site would incorporate embayed parking for visitors.

Some submissions also expressed concern that the perpendicular parking on Grosvenor Street and the car park at Bruce Lee Oval would be removed as a part of the development. However, both are outside of the Site boundaries and would remain for the foreseeable future.

Liveability

A number of submissions highlighted concerns around the liveability of high-density apartments, citing negative impacts upon social cohesion and general wellbeing. The R-Codes Vol. 2 contains extensive design provisions to ensure the best possible liveability in such developments, while research undertaken by the World Happiness Report in 2020, which ranked global cities by current life evaluation – an evaluative measure of subjective wellbeing¹ – placed Perth 15th, while each of the top ten cities has a significantly higher population density.

Notwithstanding, questions over the social effects of apartment living are not valid planning considerations and cannot be taken into account in assessment of the proposal.

Schools

A small number of submissions raised the question of whether local schools could cope with the additional population that the proposed Structure Plan would facilitate. However, the Department of Education's asset planning division provided comment on the proposed Structure Plan indicating that there is currently sufficient capacity and that they are monitoring the situation to determine if or when new facilities will be required.

Environment / wildlife

Three submissions make reference to wildlife and / or birds specifically, expressing concern that they will be impacted by the removal of mature trees.

It is acknowledged that the existing trees on-site provide a habitat for native bird species and the proposed Structure Plan does seek to retain as many mature trees as possible. Should the Plan be approved, any future development would incorporate

¹ <https://worldhappiness.report/ed/2020/cities-and-happiness-a-global-ranking-and-analysis/>



significant tree planting and landscaping which would improve local biodiversity by supporting insect species and providing resting and foraging places for birds.

Sustainability measures

A small number of submissions raise questions around the types of sustainability measures that would be employed in any future development under the proposed Structure Plan and whether e-charging infrastructure would be provided. Although details of sustainability measures are generally not required at the Structure Plan stage, DevelopmentWA has a proven track record of delivering high-quality, well-designed homes that incorporate sustainability measures, such as higher than standard levels of energy efficiency, solar photovoltaic cells, rainwater collection and reuse etc. Previously, DevelopmentWA was the developer responsible for delivering the examples shown from WGV in White Gum Valley. Additionally, any new development of three storeys or more must also be reviewed by the City's Design Advisory Committee to ensure a high standard of design.

Conclusion

In conclusion, City officers consider that the proposed Structure Plan is:

- broadly consistent with Perth and Peel@3.5million
- consistent with the draft Fremantle Local Planning Strategy (2022)
- generally consistent with the design principles contained in State Planning Policy 7.0 – Design of the Built Environment
- broadly consistent with the key objectives of State Planning Policy 7.2 – Precinct Design.

City officers also consider that the built form and urban layout proposed in the Structure Plan are legible and would positively contribute to local character, creating a sense of place that is consistent with the vision set out in the Heart of Beaconsfield Masterplan.

For these reasons, it is recommended that Council submit this report and attachments to the WAPC with a recommendation that the WAPC approve the proposal, subject to modifications.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.



OFFICER'S RECOMMENDATION

Council:

- 1. Note the submissions received as detailed in the Officer's report and Attachment 1**
- 2. Pursuant to Regulation 20 of the Deemed Provisions in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, submit this report and attachments to the Western Australian Planning Commission with a recommendation that the Commission approve the proposed Precinct Structure Plan, subject to the following modifications:**
 - (i) Designation of 'café / restaurant' and 'community purpose' as additional uses over part of the R160-coded area adjacent the POS.**
 - (ii) Inclusion of a detailed purpose statement in Part 1.2 of the proposed Structure Plan report.**
 - (iii) Replacement of "eight storeys" in Part 1.4.2.4 of the Structure Plan report with 'five storeys'.**



C2312-8 PLANNING INFORMATION REPORTS - DECEMBER 2023

1. SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY

Responsible Officer: Manager Development Approvals

Attachments: 1. Schedule of applications determined under delegated authority

Under delegation, development approvals officers determined, in some cases subject to conditions, each of the applications relating to the place and proposals as listed in the attachments.

2. UPDATE ON METRO INNER-SOUTH JDAP DETERMINATIONS AND RELEVANT STATE ADMINISTRATIVE TRIBUNAL APPLICATIONS FOR REVIEW

Responsible Officer: Manager Development Approvals

Attachments: Nil

Applications that have been determined by the Metro Inner-South JDAP and/or are JDAP/Planning Committee determinations that are subject to an application for review at the State Administrative Tribunal are included below.

1. Application Reference
DAP003/23
Site Address and Proposal
87-93 Queen Victoria Street, Fremantle – Service station alterations
Current Status
<ul style="list-style-type: none">At its meeting on 14 June 2023, the Joint Development Assessment Panel (JDAP) resolved to approve a development for alterations to the existing Service Station, subject to an additional condition to restrict the sale of non-petroleum products to between 6am and 10pm.The applicant has submitted an application for review of the condition in the State Administrative Tribunal.A mediation session between JDAP and the applicant was held in October.The JDAP has been invited to reconsider its decision by 22 December 2023.



2. Application Reference
DA0127/23
Site Address and Proposal
21 Herbert Street, North Fremantle – Demolition of existing Single house and incidental structures
Planning Committee Consideration/Decision
<ul style="list-style-type: none"> At its meeting held August 2023, the Council resolved to refuse the application in accordance with the officer recommendation.
Current Status
<ul style="list-style-type: none"> An Application for Review by the State Administrative Tribunal has been lodged by the owner. A Directions Hearing is scheduled for 8 December 2023.

1. Application Reference
DAP006/23
Site Address and Proposal
8 Point Street, Fremantle – Eight storey mixed use development comprising 215 multiple dwellings and Restaurant/Café and Office uses
Planning Committee Consideration/Decision
<ul style="list-style-type: none"> At its meeting held on 22 November 2023, the Council resolved to provide a comment to the JDAP that it supported the Officers recommendation to approve the development. At the time of writing this report, a meeting had not been held to determine the application.

OFFICER'S RECOMMENDATION

Council receive the following planning information reports for December 2023:

- Schedule of applications determined under delegated authority.**
- Update on Metro Inner-South JDAP determinations and relevant State Administrative Tribunal applications for review.**



11.2 Strategic and general reports

C2312-9 COUNCIL INFORMATION REPORT – DECEMBER 2023

1. ROAD NAMING UPDATE - FUSARI WAY CHANGED TO FUSARI LANE

Responsible officer: Land Administration Officer

Attachments: 1. Ministers Approval

Council at its meeting held on 8 November 2023, adopted the following resolution:

Council:

1. *Endorse the name "Fusari Way" to be applied to the private right of way (ROW 70) at 30F Smith Street, Beaconsfield as described on Certificate of Title Volume 2907 Folio 97 being Lot 500 on Deposited Plan 405756.*
2. *Request that Officers apply to the Landgate Geographic Names Team for the Minister's delegated approval of the private road name as described in item 1 of the recommendation.*

Following the Council meeting, officers submitted an application to the Geographic Names Team (GNT) in accordance with the resolution above. The City has now been advised that the road type of 'Way' is noncompliant with the Landgate Geographic Policies and Standards, and the correct road type is considered to be 'Lane' based on the location and width of the laneway at 30F Smith Street, Beaconsfield. As 'Lane' was consider the City's second preferred road type, this change was supported by the City and the GNT updated the name accordingly. The City has now received the Ministers Approval for the name of Fusari Lane as shown in Attachment 1.

2. NANNINE COMMONS CONCEPT PLAN

Responsible officer: Manager Parks and Landscape

Attachments: 2. Nannine Common Schematic Design, 2023.
3. Nannine Common Draft Master Plan Community Engagement Report, August, 2023.

The City has partnered with landscape architecture consultant Josh Byrne & Associates (JBA) to create a master plan framework for Nannine Common, centred on community engagement. With a budget of \$35,000, the project focuses on two key objectives: implementing quick-win initiatives and defining clear priorities to determine future funding requirements.

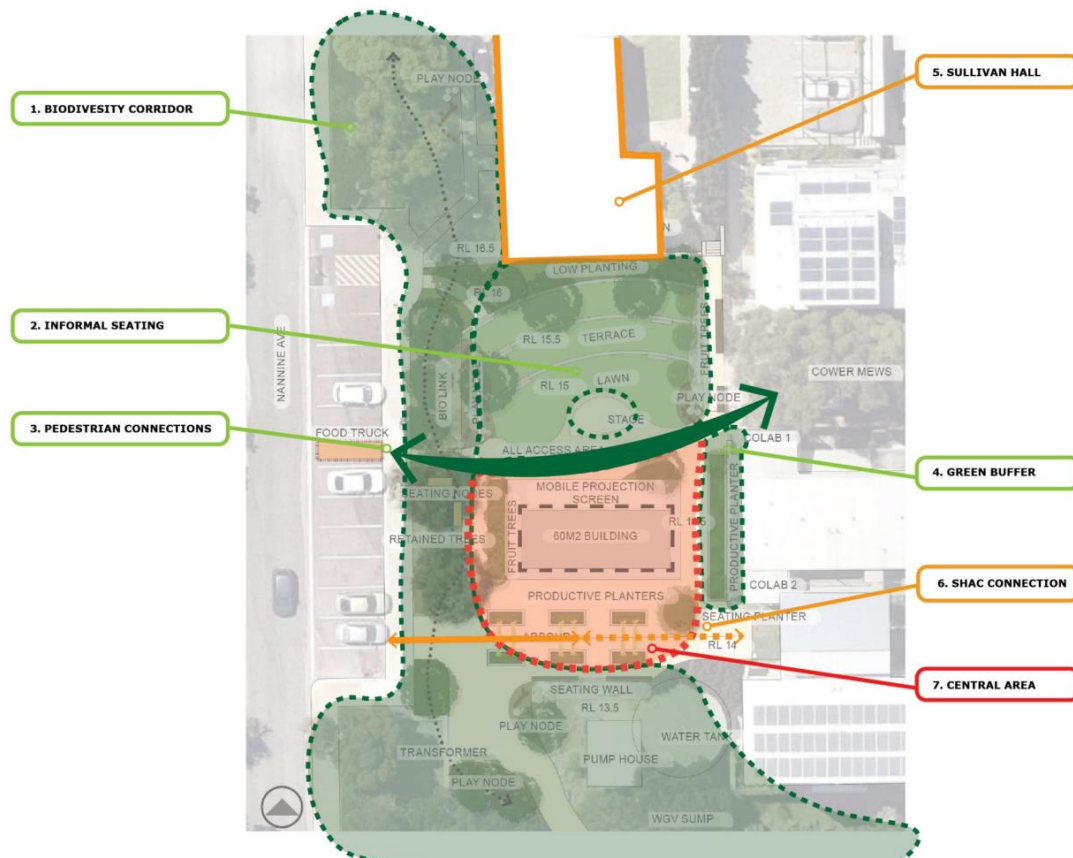
The Nannine Common Draft Master Plan Community Engagement Process was designed to engage our residents and stakeholders to shape Nannine Common into a local public park amenity that reflects the desires and priorities of the community. This process unfolded in two key stages:

Agenda – Ordinary Meeting of Council
6 December 2023



- Stage 01: Community Drop-in Session (December 2022)
- Stage 02: Draft Concept Masterplan Session (May 2023)

Over the course of the 6-month engagement process, the feedback from the community regarding Nannine Common is summarised in the diagram below:



These key points of agreement include:

1. Biodiversity Corridor: There is unanimous support for extending the Booyeembara Park and connecting it to the Hope Street swale to enhance biodiversity.
2. Informal Seating: The concept of creating an area with seating for everyday use, as well as occasional events and gatherings, along with a small stage, has been warmly received. The design will make use of existing levels to minimise retention and associated costs.
3. Pedestrian Connectivity: Increasing walkability and enhancing connections within the area is endorsed by all participants.
4. Green Buffer: The concept of a green buffer is positively received by participants.



Several elements remain open for further discussion:

1. Sullivan Hall: Further investigation is required to determine how Sullivan Hall can integrate and function with Nannine Common. Exploring upgrades and potential openings to the park was suggested.
2. SHAC Connection: Design development is needed to ensure a proper connection while maintaining the shared nature of Nannine Common.
3. Central Area: The purpose of the central area is unresolved. Some advocate for a new building, while others favour improving Sullivan Hall. Preferences vary from community gardens to lower-key productive gardens and local parks.

The concept masterplan for Nannine Common highlights areas of agreement, yet the unresolved central space holds particular importance. To address this, a further workshop where the community can share their ideas, concerns, and hopes is proposed to create a solution that aligns with a shared vision, considering both current and future amenities.

Concurrently, the City is actively engaged in the search for qualified golf course operators who possess the necessary skills, experience, and financial stability to effectively manage and maintain the golf course through a lease arrangement and associated management agreements. At the 22 November 2023 Ordinary Meeting of Council, approval was given to advertise the Business Case for the preferred proponent for the Golf Course. The proposal does not incorporate a bookable community facility and this will need to be provided elsewhere within the area. Should the proposal proceed, the City will seek to engage the community on the most suitable location for the construction of a standalone community facility given it is no longer required to be incorporated in to the golf facility.

When the outcomes of the Fremantle Public Golf Course are known, a further report will be provided to Council to consider the next steps for Nannine Common.

OFFICER'S RECOMMENDATION

Council receive the following information reports for December 2023:

- 1. ROAD NAMING UPDATE - FUSARI WAY CHANGED TO FUSARI LANE**
- 2. NANNINE COMMONS CONCEPT PLAN**



C2312-10 SAFE SWIMMING AREAS INVESTIGATION

Meeting date: 6 December 2023
Responsible officer: Manager Parks and Landscape
Decision making authority: Council
Attachments: 1. Shark Bite Mitigation and Safe Swimming Areas Investigation: Final Report

SUMMARY

The City of Fremantle has a number of favoured swimming locations along the coastline and the Swan River foreshore. Two recent shark attacks have raised conversation and consideration of whether shark bite mitigation measures and/or shark protected swimming areas are required. To investigate this, a consultant team was engaged to provide an investigation, assessment and summary report on the options available inclusive of costs and funding availability.

This report recommends Council endorse the Shark Bite Mitigation and Safe Swimming Areas Investigation Final Report (Attachment 1) preferred location as Bathers Beach and to progress funding investigations and community engagement.

BACKGROUND

The City of Fremantle (CoF) and Town of East Fremantle (ToEF) have a number of favoured swimming locations along the coastline and the Swan River foreshore. Two recent shark attacks have raised conversation and consideration of whether shark bite mitigation measures and/or shark protected swimming areas are required. This has been further supported with the State Government offer to fund protection barriers under a state funding program. Whilst instances of swimmers' interactions with sharks are rare, the recent incidents have understandably increased public awareness, and heightened public concern in respect to the risk of shark attacks whilst swimming.

Current Shark Mitigation Measures

Currently, coastal beaches are actively monitored during summer and busy periods and have provisions for shark warnings using the Apple Smart shark App, the Port Beach autonomous surveillance system shark Tower alarm, and the Leighton beach shark alarm. Ocean beaches can be closed temporarily on alert, which is monitored by the Community Safety Team.

The CoF CCTV operators monitor the Port beach shark warning tower which provides a warning when any tagged shark passes the beacon within an 800 metre radius and from Sandtrax surf break (Port Beach) and to the north across Port Beach. The Shark



tower has an alarm and a camera which can be operated by the CCTV operators who activate the shark alarm when notified of a tagged shark within the vicinity.

The CoF is responsible for closing beaches when a shark sighting is confirmed and is undertaken by The Community Safety Team. Sightings are reported to Water Police immediately.

FINANCIAL IMPLICATIONS

An estimate of costs was determined by seeking a 'Request for Information' from two commercially available shark barrier suppliers in Perth. This information was used to develop site specific costs for the three City of Fremantle sites that were shortlisted for the detailed site investigation. The estimated costs are as follows:

Site	Estimated Capital Cost Range	Estimated Annual Operation Costs
South Beach (net length ~400m)	\$657,760 - \$800,000	\$194,000 - \$201,360 (annual removal and reinstallation for the winter period)
Leighton Beach (net length ~480m)	\$754,720 - \$960,000	\$201,360 - \$232,800 (annual removal and reinstallation for the winter period)
Bathers Beach (net length ~340m)	\$585,040 - \$680,000	\$68,000 (no seasonal removal) \$121,000 (annual removal and reinstallation for the winter period)

The Western Australian Government has funding available for the capital expenditure associated with installing shark barriers / enclosures. Five such barrier systems installed in WA have received entire or partial funding through this program. This funding does not extend to the operational costs for ongoing maintenance and this would be the City's responsibility.

There may also be opportunities for private contribution's towards the capital or operating expenses for the shark net. The City has received one such expression of interest.

LEGAL IMPLICATIONS

Nil.



CONSULTATION

During the development of the shark bite mitigation assessment, the Fremantle Surf Life Saving Club were consulted to understand benefits and impacts on club activities and operations. Through the consultation, FSLSC indicated general support for a shark barrier and noted its location would need further discussion to align with club operations.

Community engagement is recommended in accordance with the City's Community Engagement Policy to inform a Council decision on progressing with a shark barrier.

OFFICER COMMENT

The City of Fremantle and Town of East Fremantle partnered together to investigate shark bite mitigation measures and/or shark protected swimming areas along their respectively managed coastline or river areas. A consultant team was engaged to provide an investigation, assessment and summary report on the options available inclusive of costs and funding availability.

Methodology

A summary of the methodology is as follows:

Stage 1 - Shark mitigation measures and/or shark protected swimming areas options:

- Investigate and summarise the range of effective mitigation measures by way of a review of the scientific and grey literature.
- Conduct a preliminary analysis of the suitability of the measures in the context of their proven efficacy and their cost, both capital and operational.

Stage 2 - Site Suitability Assessment:

- Assess the feasibility of installing barriers at the 11 sites identified by CoF and ToEF.
- Develop a shortlist of sites for final assessment under Stage 3 of the project, using an unweighted-multi-criteria analysis.

The City of Fremantle locations assessed were:

- Port and Leighton Beaches (City of Mosman Boundary to Fremantle Port)
- Bathers Beach (South Mole to Challenger Harbour)
- South Beach (Success Harbour to City of Cockburn Boundary)
- Southern Swan River foreshore (adjacent Beach Street Reserve)
- Northern Swan River Foreshore (Fremantle Traffic Bridge to the Mosman Park Boundary).

Stage 3 - Detailed Site Assessment:

- Gather additional information on the make, construction and cost of the barriers.
- Summarise the funding options available to the CoF and ToEF.



- Provide a final shortlist of sites based on a weighted multi-criteria analysis (wMCA), incorporating estimates of CAPEX and OPEX.

Stage 4 - Final Report

Prepare a final report for the Shark Mitigation and Safe Swimming Areas Investigation in summarising stages 1, 2 and 3.

Summary of Findings

The stage 1 assessed the following shark mitigation measures and/or shark protected swimming areas for suitability:

- Shark barrier
- Shark barrier net
- Bionic barrier and aquarius barrier nets
- Shark spotters program
- Acoustic / satellite tagging
- Cleverbuoy
- Unmanned aerial vehicles (drones)
- Manned aerial vehicles
- SMART drumlines.

The stage 2 site assessment identified Leighton Beach, Bathers Beach and South Beach as the most suitable locations for shark mitigation. Key commonalities amongst the top three ranked sites were:

- Consistent positive or neutral results against all criteria, with no instances of negative results
- Suitable space and depth requirements with typically gentle sloping bathymetries to maximum depths of 3–4 m
- Available parking with a high probability of use.

The key attributes of poorly ranking sites were:

- Consistent negative results against two or more criteria
- Limited social amenities, with limited parking options
- Potential for conflict with existing recreation pastimes, including fishing and boating
- Limited space and/or an unsuitable bathymetry (typically an unsuitably steep bathymetry, posing installation and safety challenges).

Following the stage 1 and stage 2 assessments, the shark barrier was considered the most suitable mitigation measure and was used as the basis for the detailed assessment at Leighton Beach, Bathers Beach and South Beach. To assess the suitability of the shark barrier at the selected locations, three weighted multi criteria analysis models were used.



Weighted MCA 1:

In this scenario, operating cost was weighted twice as highly as capital cost, existing access, and amenities. This scenario placed a stronger emphasis on operating cost given the expectation capital cost will be entirely or partly covered by the State Government. It also assumed Bathers Beach could be maintained as a permanent structure, thus significantly reducing its annual operating cost by ~\$53,000.

Rank	Site	% Suitability
1	Bathers Beach	67.07
2	South Beach	53.66
3	Leighton Beach	34.76

Weighted MCA 2:

Operating cost was weighted twice as highly as capital cost and existing access and amenities. However, it differed to scenario 1 in using a higher operating cost estimate for Bathers Beach assuming the barrier needed annual removal and reinstallation.

Rank	Site	% Suitability
1	Bathers Beach	57.93
2	South Beach	53.66
3	Leighton Beach	34.76

Weighted MCA 3:

Equal weightings were applied to operating cost, existing access and amenities. These in turn were weighted twice as highly as capital cost. In this scenario, access to amenities was weighted higher than in any other scenario (wMCA1 and 2). It also assumed Bathers Beach could be maintained as a permanent structure, thus significantly reducing its annual operating cost by ~\$53,000.

Rank	Site	% Suitability
1	South Beach	70.66
2	Bathers Beach	55.02
3	Leighton Beach	46.14

Summary

The report states that *"While the probability of an unprovoked shark bite remains low, the vivid and shocking nature of a shark bite ensures a high degree of media reporting and public concern (Neff, 2012; McPhee, 2014). This is reflected in the psychology of the public, who are more concerned about unprovoked shark bite than drowning at a beach which is a statistically greater risk"*. The psychological



safety as well as physical protection a shark net provides the public with encourages greater use of the ocean for swimming and recreation. However, this benefit needs to be considered against how the funding is achieved for the high initial capital and ongoing operational costs of maintaining a shark barrier and other Council priorities.

Should Council endorse the Shark Bite Mitigation and Safe Swimming Areas Investigation: Final Report, officers will use the findings to continue seeking potential funding sources for shark bite mitigation capital and operating costs. The highest ranked location in two assessment scenarios is Bathers Beach. However, potential funding sources may also have an influence over which site is the preferred location. Community engagement has not yet been undertaken and is recommended once potential funding sources are identified and secured in principle and prior to making a decision on whether the Council supports installing and maintaining a shark barrier and its preferred location.

VOTING AND OTHER REQUIREMENTS

Simple majority required.

OFFICER'S RECOMMENDATION

Council:

- 1. Receive the Shark Bite Mitigation and Safe Swimming Areas Investigation Final Report, provided in attachment 1.**
- 2. Endorse the preferred location of a potential safe swimming area to be Bathers Beach, Fremantle, as detailed in the Final Report.**
- 3. Request that officers explore potential funding sources with State Government, agencies, and other parties to inform a project proposal for the purpose of a community consultation exercise.**
- 4. Subject to the outcome of potential funding opportunities and community engagement (item 3), develop a project proposal for Council consideration as part of the 2024/25 budget process.**



11.3 Committee and working group reports

Nil.



11.4 Statutory reports

Nil.



12. Motions of which previous notice has been given

A member may raise at a meeting such business of the City as they consider appropriate, in the form of a motion of which notice has been given to the CEO.

Nil.

13. Urgent business

In cases of extreme urgency or other special circumstances, matters may, on a motion that is carried by the meeting, be raised without notice and decided by the meeting.

14. Late items

In cases where information is received after the finalisation of an agenda, matters may be raised and decided by the meeting. A written report will be provided for late items.

15. Confidential business

Members of the public may be asked to leave the meeting while confidential business is addressed.

Nil.

16. Closure