



Minutes

Planning Committee

Wednesday, 7 July 2021 6.00pm

Table of Contents

Contents	Page
1. Official opening, welcome and acknowledgement	1
2.1. Attendance	1
2.2. Apologies	1
2.3. Leave of absence	1
3. Disclosures of interests	1
4. Responses to previous questions taken on notice	1
5. Public question time	1
6. Petitions	2
7. Deputations	2
7.1 Special deputations	2
7.2 Presentations	2
8. Confirmation of minutes	2
9. Elected member communication	2
10. Reports and recommendations	3
10.1 Committee delegation	3
PC2107-1 QUEEN VICTORIA STREET NO.8 (LOT 310), FREMANTLE – SEVEN STOREY, 50 MULTIPLE DWELLING AND SHOP DEVELOPMENT - (JL DAP001/21)	3
PC2107-3 ATTFIELD STREET, NO. 126 (LOT 1), SOUTH FREMANTLE – TWO STOREY ADDITIONS AND ANCILLARY DWELLING TO EXISTING SINGLE HOUSE (TG DA0143/21)	29
PC2107-4 BRACKS STREET NO. 22 (LOT 302, 303, 331, 176, 357 AND 358), NORTH FREMANTLE- DEMOLITION OF EXISTING BUILDING AND INCIDENTAL STRUCTURES - (JL DA0178/21)	42
PC2107-2 STRANG STREET, NO. 22 (LOT 60), BEACONSFIELD – 25 GROUPED DWELLING DEVELOPMENT – (NB DAP002/21)	48
PC2107-5 INFORMATION REPORT – JULY 2021	62

10.2 Council decision	64
11. Motions of which previous notice has been given	64
12. Urgent business	64
13. Late items	64
14. Confidential business	64
15. Closure	64

PLANNING COMMITTEE

Minutes of the Planning Committee Meeting
held in the North Fremantle Community Hall
on **Wednesday, 7 July 2021** at 6.00 pm.

1. Official opening, welcome and acknowledgement

The Presiding Member declared the meeting open at 6.00 pm.

2.1. Attendance

Cr Bryn Jones	Presiding Member/North Ward
Cr Geoff Graham	Deputy Presiding Member/Beaconsfield Ward
Cr Andrew Sullivan	Deputy Mayor/South Ward
Cr Su Groome	East Ward
Cr Rachel Pemberton	City Ward
Cr Frank Mofflin	Hilton Ward

Mr Paul Garbett	Director Strategic Planning and Projects
Ms Julia Kingsbury	Manager Development Approvals
Ms Tracey Brown	Meeting Support Officer

There were approximately 12 members of the public in attendance.

2.2. Apologies

Cr Marija Vujcic

2.3. Leave of absence

Nil

3. Disclosures of interests

Nil

4. Responses to previous questions taken on notice

Nil

5. Public question time

The following members of the public spoke in favour of the Officer's Recommendation for item PC2107-1:

Simon Burnell

David Lorimer

Alan White

The following member of the public spoke in favour of the Officer's Recommendation for item PC2107-3:

David Tucker

The following member of the public spoke in favour of the Officer's Recommendation for item PC2107-4:

Tim Dawkins

6. Petitions

Nil

7. Deputations

7.1 Special deputations

Nil

7.2 Presentations

Nil

8. Confirmation of minutes

COMMITTEE DECISION
(Officer's recommendation)

Moved: Cr Bryn Jones

Seconded: Cr Geoff Graham

The Planning Committee confirm the minutes of the Planning Committee meeting dated 2 June 2021.

Carried: 6/0

**Cr Bryn Jones, Cr Geoff Graham, Cr Andrew Sullivan,
Cr Su Groome, Cr Rachel Pemberton, Cr Frank Mofflin**

9. Elected member communication

Nil

10. Reports and recommendations

10.1 Committee delegation

PC2107-1 QUEEN VICTORIA STREET NO.8 (LOT 310), FREMANTLE – SEVEN STOREY, 50 MULTIPLE DWELLING AND SHOP DEVELOPMENT - (JL DAP001/21)

Meeting Date: 7 July 2021
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Agenda attachments: 1. Amended Development Plans
Additional information: 1. Schedule of Submissions with applicant response
2. Site Photos
3. Traffic Impact Assessment
4. Waste Management Plan

SUMMARY

Approval is sought for the construction of a seven storey 50 unit Multiple dwelling and Shop development at No.8 Queen Victoria Street, Fremantle (the subject site). The application is to be determined by the Metro Inner South Joint Development Assessment Panel (JDAP) and is therefore presented to Planning Committee (PC) for comment prior to determination.

The land uses have been considered in accordance with Local Planning Scheme No. 4 (LPS4) and accordingly the Multiple dwellings must be assessed against the Residential Design Codes Volume 2 (R-Codes) as the subject site is coded R-AC3.

The applicant submitted amended plans and supporting documentation on 8 June 2021. The amended plans addressed Design Advisory Committee matters and officers' concerns associated with visitor carparking, a lightwell for the existing southern building and waste collection for the site.

The application is considered to address the relevant statutory provisions relating to the development of the site and is therefore recommended for approval, subject to conditions.

PROPOSAL

Detail

Approval is sought for a seven storey Multiple dwelling and Shop development on a currently vacant site known as No.8 Queen Victoria Street, Fremantle. The applicant has described the proposal as "over 55's development". The site is zoned Mixed Use under LPS4 and the street block is bound by Beach Street to the west, Parry Street to the south, Queen Victoria Street to the east and James Street to the north. The site is not on the City's Heritage List nor is it located within a prescribed Heritage Area under LPS4. However, there are a number of Heritage Listed properties in the immediate vicinity. The development is valued at \$16 million and accordingly the development is to be determined by the JDAP.

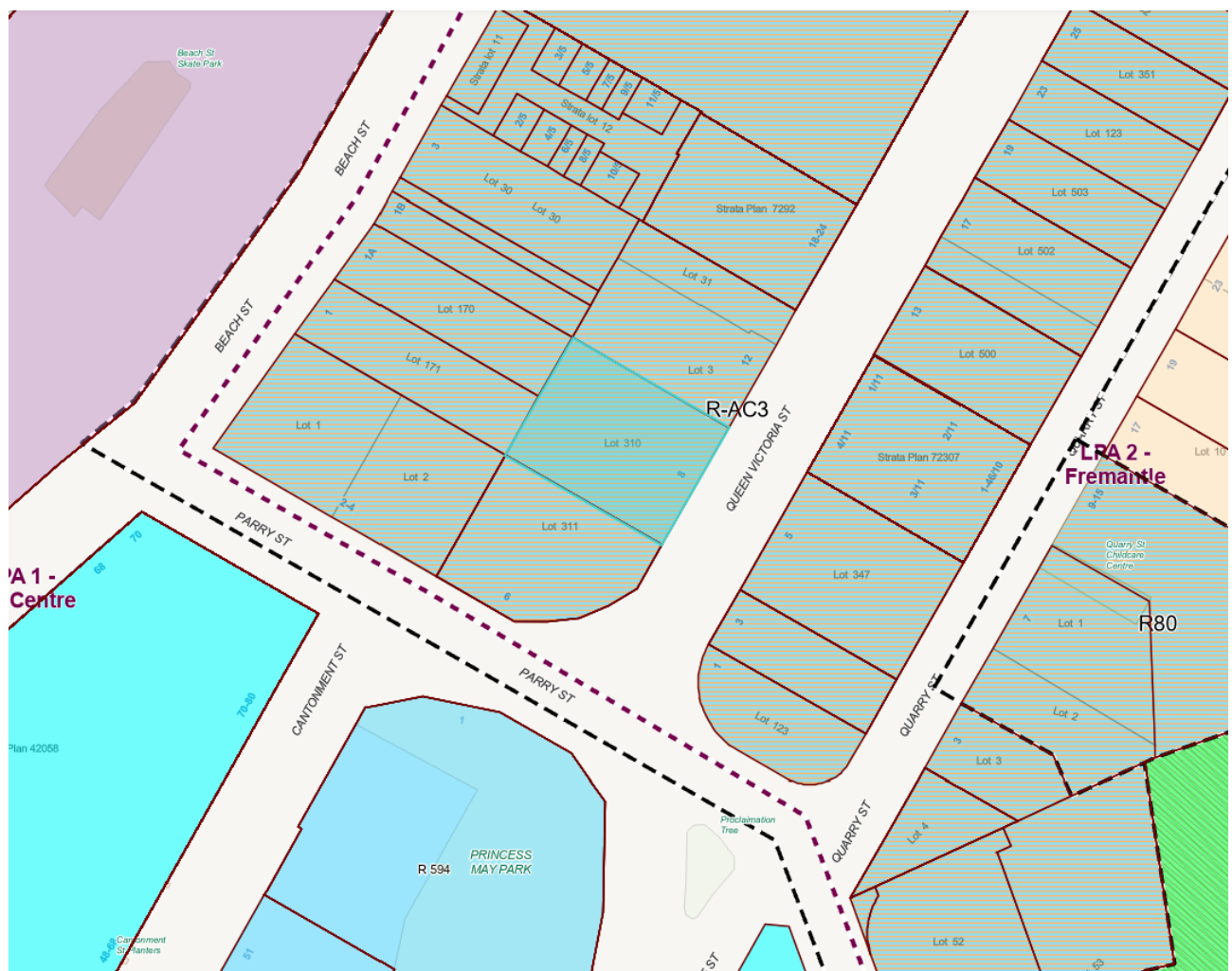
On 8 June 2021 the applicant submitted amended plans which included the following -

- **Basement**
 - 33 car bays;
 - 12x storerooms (ranging in size from 1.6sqm to 4sqm)
 - 5 x bicycle racks;
 - Water and Fire pump room,
 - Lift and stairwell
 - Transformer.
- **Ground floor**
 - 17 x car bays;
 - 25 Bike Racks (20 Residents and 5 visitors);
 - 9 x storerooms (ranging in size from 2.5sqm to 4sqm);
 - 2 x Bin store (25sqm Residents and 2.5sqm);
 - Entrance, Lounge and lobby (73sqm);
 - Commercial (140sqm), and
 - Treatment Room (20sqm).
- **Level 1**
 - 10 Multiple Dwellings (6 x 1 bedroom and 4 x 2 bedroom [50-80sqm]);
 - 5 storerooms
 - Private courtyards.
 - Two lift lobbies
- **Level 2**
 - 10 Multiple Dwellings (6 x 1 bedroom and 4 x 2 bedroom [50-80sqm]);
 - 5 storerooms
 - Two lift lobbies.
- **Level 3**
 - 10 Multiple Dwellings (6 x 1 bedroom and 4 x 2 bedroom [50-80sqm]);
 - 5 storerooms
 - Two lift lobbies.
- **Level 4**
 - 9 Multiple Dwellings (4 x 1 bedroom and 5 x 2 bedroom [50-80sqm]);
 - 6 storerooms
 - Two lift lobbies.
- **Level 5**
 - 7 Multiple Dwellings (2 bedroom [75- 80 sqm]);
 - 4 storerooms
 - Two lift lobbies.
- **Level 6**
 - 4 Multiple Dwellings (2 bedroom [77- 80 sqm]);
 - 3 storerooms
 - Two lift lobbies.
 - Rooftop Communal Terrace Area (240 sqm)

Amended development plans are included as attachment 1.

Site/application information

Date received:	22 March 2021
Owner name:	Fremantle Foundry & Engineering Co Pty Ltd
Submitted by:	CLE Town Planning and Design
Scheme:	Mixed Use
Heritage listing:	Not individually listed
Existing land use:	Vacant Land
Use class:	Multiple Dwelling and Shop
Use permissibility:	A, A



OFFICER'S RECOMMENDATION

Council:

SUPPORT the Officer's Recommendation to APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Seven Storey 50 Multiple Dwelling and Shop development at No.8 (Lot 310), Queen Victoria Street, Fremantle, subject to the conditions outlined in the responsible authority report.

Form 1 – Responsible Authority Report (Regulation 12)

DAP Name:	Metro Inner-South JDAP
Local Government Area:	City of Fremantle
Value of Development:	\$16 million <input checked="" type="checkbox"/> Mandatory (Regulation 5) <input type="checkbox"/> Opt In (Regulation 6)
Responsible Authority:	City of Fremantle
Authorising Officer:	Manager Development Approvals
LG Reference:	DAP001/21
DAP File No:	DAP/21/01965
Application Received Date:	22 March 2021
Report Due Date:	11 June 2021
Application Process Days:	90 Days
Attachment(s):	1: Development Plans and Elevations 2: Schedule of Submissions with applicant and City's response. 3: Applicant Reports 4: Site Photos

Officer Recommendation:

That the Metro Inner South JDAP resolves to:

Approve DAP Application reference DAP/21/01965 and accompanying plans DA01 -08 (Rev E), DA-09 (Rev C), DA10, DA11, DA13 (Rev B), DA11 (Rev B), DA14, DA15 (Rev D) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City Of Fremantle Local Planning Scheme No. 4, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme subject to the following conditions:

Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This approval relates only to the development as indicated on the approved plans dated 8 June 2021. It does not relate to any other development on this lot and must substantially commence within 4 years from the date of the decision letter.

3. Prior to for the issue of a building permit, storm water disposal plans, details and calculations must be submitted for approval by the City of Fremantle and thereafter implemented, constructed and maintained to the satisfaction of the City of Fremantle.
4. This approval does not relate to any works within the road reserve. Any such works will be the subject of a separate agreement between the applicant/ owner and the City of Fremantle.
5. The works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
6. Prior to the issue of a building permit for the development hereby approved, final details of the external materials, colours and finishes of the proposed development, including a physical sample board or materials is to be submitted and approved to the satisfaction of the City of Fremantle.
7. Prior to the issue of a Building Permit for the development hereby approved, an outdoor lighting plan must be submitted and approved by the City of Fremantle. The outdoor lighting is to be designed, baffled and located to prevent any increase in light spill onto the adjoining properties.
8. Prior to issue of a building permit of the development hereby approved, the owner is to submit a waste management plan for approval by the City, detailing at a minimum the following:
 - Estimated waste generation
 - Proposed storage of receptacles
 - Collection methodology for waste including collection times
 - Additional management requirements to be implemented and maintained for the life of the development.

The waste management plan should give consideration to the fact the City is required to manage residential waste. As a result, the waste management plan will need to align with the waste services available to residents. The Waste Management Plan must be implemented at all times to the satisfaction of the City of Fremantle.
9. Prior to the issue of a building permit for the proposed development on Lot 310 (No.8) Queen Victoria Street, Fremantle and more particularly being Lot 310 on Deposited Plan 222424 and being the whole of the land comprised in certificate of title Volume 1972 Folio 134 (Land), the owner of the land must enter into a deed with the City of Fremantle (City) whereby the owner of the land agrees with the City to arrange for collection of any waste from the Land by a private contractor (Deed). The Deed shall be prepared by the City's solicitors to the satisfaction of the City and shall enable the City to lodge an absolute caveat over the certificate of title to the Land to secure the owner's obligation to arrange for the collection of waste by a private contractor and to ensure that the owner does not sell, transfer, lease, assign, mortgage or otherwise dispose of any interest in the Land without first procuring the entry of any buyer, transferee, assignee, lessee or mortgagee into a deed with the City agreeing to be bound by the obligations under the Deed.

The owner shall be responsible to pay for all costs associated with the City's solicitor's cost of and incidental to the preparation of (including all drafts) of the Deed and the lodgement of the absolute caveat against the certificate of title to the Land.

10. Prior to the occupation of the development hereby approved, all car parking, and vehicle access and circulation areas shall be maintained and available for car parking/loading, and vehicle access and circulation on an ongoing basis to the satisfaction of the City of Fremantle.
11. Prior to the occupation of the development, vehicle crossovers shall be constructed in either paving block, concrete, or bitumen and thereafter maintained to the satisfaction of the City of Fremantle.
12. Prior to the occupation of the development, any redundant crossovers and kerbs shall be removed and the verge reinstated to the satisfaction of the City of Fremantle and at the expense of the applicant.
13. Prior to commencement of the development, the owner shall contribute a monetary amount equal in value to one percent of the estimated development cost, as indicated on the Form of Application for Planning Approval, to the City of Fremantle for development of public art works and/or heritage works to enhance the public realm. Based on the estimated cost of the development being \$16,000,000.00, the contribution to be made is \$160,000.00.
14. Prior to Building Permit, the design and materials shall adhere to the requirements set out within City of Fremantle policy L.P.P2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall provide the following:
 - a) Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or "double glazed" utilising laminated or toughened safety glass of a minimum thickness of 3mm.
 - b) Air conditioners shall provide internal centrally located 'shut down' points and associated procedures for emergency use.
 - c) Roof insulation in accordance with the requirements of the Building Codes of Australia.
15. Prior to occupation of the development Notifications pursuant to Section 70A of the Transfer of land Act 1893 shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that the subject site:
 - a) The site is located in close proximity to the Fremantle Port and may be subject to noise, odour and activity not normally associated with residential use. The notification is to be prepared by the City's solicitors at the expense of the owner and be executed by all parties prior to occupation. And;
 - b) Of the potential for future development on adjoining land to be constructed in accordance with the building height and setback requirements applicable to

Sub Area 1, which include zero minimum side and rear setbacks. The notification is to be prepared by the City's solicitors at the expense of the owner and be executed by all parties prior to occupation.

16. Prior to the occupation of the development hereby approved, the approved landscaping shall be completed in accordance with the approved plans or any approved modifications thereto to the satisfaction of the City of Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of the development, to the satisfaction of the City of Fremantle.
17. Prior to the issue of a Building Permit for the development hereby approved, all piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters and bin storage areas must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the City of Fremantle.
18. Prior to the issue of a Building Permit for the development hereby approved, a Construction Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:
 - a) Use of City car parking bays for construction related activities;
 - b) Protection of infrastructure and street trees within the road reserve;
 - c) Security fencing around construction sites;
 - d) Gantries;
 - e) Access to site by construction vehicles;
 - f) Contact details;
 - g) Site offices;
 - h) Noise - Construction work and deliveries;
 - i) Sand drift and dust management;
 - j) Waste management;
 - k) Dewatering management plan;
 - l) Traffic management; and
 - m) Works affecting pedestrian areas.

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

19. Prior to the issue of a Building Permit for the development hereby approved, the applicant shall provide a Transport Strategy that demonstrates left in left out access to the site. The strategy shall be prepared by a qualified Traffic Engineer and all recommendations shall be implemented to the satisfaction of the City of Fremantle.
20. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the

time limitation for compliance specified in that condition), continues whilst the approved development continues.

Advice Notes:

- i. Department of Water, Environmental regulations advise the Construction and Environmental Management Plan dated May 2017 should be implemented to address the risks associated with potential exposure of soil contamination during excavations for the basement level.

Due to soil and groundwater contamination present at the site, groundwater is not to be abstracted and soils are to remain below paving at the completion of construction.

- ii. A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.
- iii. In regard to the condition requiring a Construction Management Plan, Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>.
A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be accessed via:
<https://www.fremantle.wa.gov.au/sites/default/files/Construction%20and%20Demolition%20Management%20Plan%20Proforma.pdf>
The Infrastructure Business Services department can be contacted via info@fremantle.wa.gov.au or 9432 9999.
- iv. In relation to the condition relating to the public art contribution, the applicant is advised that Council may waive the requirement for the public art/heritage work contribution in accordance with clause 6 of LPP 2.19 where the development incorporates public art in the development to the same value as that specified in Condition 12 that is located in a position clearly visible to the general public on the site of the development. In determining the appropriateness and artistic merit of the public art, council shall seek relevant professional advice.
- v. Work on construction sites shall be limited to between 7am and 7pm on any day which is not a Sunday or Public Holiday. If work is to be done outside these hours a noise management plan must be submitted and approved by the Chief Executive Officer, City of Fremantle prior to work commencing.
- vi. Effective measures shall be taken to stabilize sand and ensure no sand escapes from the property by wind or water in accordance with the City's Prevention and Abatement of Sand Drift Local Law.
- vii. All mechanical service systems including air-conditioners and pool filters etc are to be designed and installed to prevent emitted noise levels from exceeding the

relevant decibel levels as set out in the Environmental Protection (Noise) Regulations 1997 (as amended).

Details: outline of development application

Region Scheme	Metropolitan Region Scheme
Region Scheme - Zone/Reserve	Central City
Local Planning Scheme	Local Planning Scheme No. 4
Local Planning Scheme - Zone/Reserve	Mixed Use
Structure Plan/Precinct Plan	None
Structure Plan/Precinct Plan - Land Use Designation	None
Use Class and permissibility:	Multiple Dwelling (A) and Shop (A)
Lot Size:	1216m ²
Existing Land Use:	Vacant Land
State Heritage Register	No
Local Heritage	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Heritage List <input type="checkbox"/> Heritage Area
Design Review	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other
Bushfire Prone Area	No
Swan River Trust Area	No

Proposal:

Approval is sought for a seven storey Multiple dwelling development with a 140m² Shop tenancy on a currently vacant site known as No.8 Queen Victoria Street, Fremantle. The applicant has described the proposal as “over 55’s development”. The site is zoned Mixed Use under LPS4 and the street block is bound by Beach Street to the west, Parry Street to the south, Queen Victoria Street to the east and James Street to the north. The site is not on the City’s Heritage List nor is it located within a prescribed Heritage Area under LPS4. However, there are a number of Heritage Listed properties in the immediate vicinity.

The development is valued at \$16 million and accordingly the development is to be determined by the JDAP. On 8 June 2021 the applicant lodged amended plans in response to Design Advisory Committee and City Officers concerns associated with the original proposal.

- **Basement**
 - 33 car bays;
 - 12x storerooms (ranging in size from 1.6sqm to 4sqm)
 - 5 x bicycle racks;
 - Water and Fire pump room,
 - Lift and stairwell
 - Transformer.
- **Ground floor**
 - 17 x car bays;
 - 25 Bike Racks (20 Residents and 5 visitors);
 - 9 x storerooms (ranging in size from 2.5sqm to 4sqm);
 - 2 x Bin store (25sqm Residents and 2.5sqm);
 - Entrance, Lounge and lobby (73sqm);
 - Commercial (140sqm), and
 - Treatment Room (20sqm).
- **Level 1**
 - 10 Multiple Dwellings (6 x 1 bedroom and 4 x 2 bedroom [50-80sqm]);
 - 5 storerooms
 - Private courtyards.
 - Two lift lobbies
- **Level 2**
 - 10 Multiple Dwellings (6 x 1 bedroom and 4 x 2 bedroom [50-80sqm]);
 - 5 storerooms
 - Two lift lobbies.
- **Level 3**
 - 10 Multiple Dwellings (6 x 1 bedroom and 4 x 2 bedroom [50-80sqm]);
 - 5 storerooms
 - Two lift lobbies.
- **Level 4**
 - 9 Multiple Dwellings (4 x 1 bedroom and 5 x 2 bedroom [50-80sqm]);
 - 6 storerooms
 - Two lift lobbies.
- **Level 5**
 - 7 Multiple Dwellings (2 bedroom [75- 80 sqm]);
 - 4 storerooms
 - Two lift lobbies.
- **Level 6**
 - 4 Multiple Dwellings (2 bedroom [77- 80 sqm]);
 - 3 storerooms
 - Two lift lobbies.
 - Rooftop Communal Terrace Area (240 sqm)

Amended development plans are included as attachment 1.

Background:

No. 8 Queen Victoria Street, Fremantle (the subject site), is located on the western side of Queen Victoria Street. To the north is the Stella Maris building, to the west is a vacant site, to the east - on the opposite side of Queen Victoria Street - is a six storey Mixed use building (Centre Link and apartments above) and to the south is a single storey commercial building (Toy world).

Planning history for the site is as follows:

- 13 June 2016 JDAP granted planning approval for DAP001/16 – Seven storey Mixed use development. The approved development included 42 Multiple Dwellings and a 120sqm Commercial tenancy (Office, Shop, Small Bar and Restaurant).

No work commenced on the above approval.

Legislation and Policy:

Legislation

- Planning and Development (Local Planning Scheme Regulations) 2015
- Local Planning Scheme No. 4

State Government Policies

- SPP 7: Design of the Built Environment
- SPP 7.3: Residential Design Codes Volume 2

Local Policies

- Local Planning Policy 1.3 - Public Notification of Planning Proposals;
- Local Planning Policy 1.9 - Design Advisory Committee and Principles of Design;
- Local Planning Policy 1.10 – Construction Sites;
- Local Planning Policy 2.3 - Fremantle Port Buffer Area Development Guidelines;
- Local Planning Policy 2.19 - Contribution for Public Art/and or Heritage Works; and
- Local Planning Policy 3.1.3 - Precinct 3.

Consultation:

Public Consultation

In accordance with LPP 1.3 Public Notification of Planning Proposals, a significant application is required to be advertised for a period of 28 days. Community consultation process included:

- 2 x newspaper notices;
- Sign on site;
- Notice to owners and occupiers in 200m radius;
- Notice on the City's website;
- Notice to precinct groups; and
- Community information session 20 May 2020 (attended by four members of the public and City planning staff).

The notification period closed on 28 May 2021 with 18 submissions being received of which seven supported the proposal. The key planning issues raised in the submissions received are detailed in the report below, with a table of submissions included in the attachments to this report.

Issue Raised	Officer's comments
Building Height Submitters were concerned with regards to overall height.	This matter is discussed further in the officer comment section of this report.
Traffic safety Submitters were concerned about the safety of traffic and service vehicles moving along Queen Victoria Street.	This matter is discussed further in the officer comment section of this report. The applicant has provided a Traffic Impact Assessment seen in Attachment – Additional Information 3.
Building Bulk / Design The development is out of keeping with the existing development in the immediate area.	This matter is discussed further in the officer comment section of this report.
Heritage impacts Concerns raised as the building sits between two heritage buildings towering over these existing significant buildings	The City's heritage department have reviewed and provided heritage comments which are discussed further in the officer comment section of this report.

Referrals/consultation with Government/Service Agencies

Fremantle Ports

The application was referred to Fremantle Ports (FP) for comment in accordance with Clause 5.5.3.2a) of LPS4, as the subject site is located within Area 2 of the Fremantle Ports Buffer Area. The following comment was received:

The subject site is located within Area 2 of the Fremantle Port Buffer. The requirements of the City's local planning policy LPP 2.3 Port Buffer Area Design Guidelines (LPP 2.3) for Area 2 will be applicable to the development; specifically in regard to the built form of the development and the registration of a notification or memorial on the title of the subject lot. It would be appreciated if these requirements could be included as conditions of approval.

As such, conditions of approval are included in the recommendation in regard to the built form requirements of LPP 2.3.

Department of Environment Regulation

As the site is listed as Contaminated- Restricted Use, the development plans were forwarded to the Department of Environment Regulation for comment. In summary, the following comments were received:

The Construction and Environmental Management Plan dated May 2017 should be implemented to address the risks associated with potential exposure of soil contamination during excavations for the basement level.

Due to soil and groundwater contamination present at the site, groundwater is not to be abstracted and soils are to remain below paving at the completion of construction.

In the instance appropriate advice notes have been included as requested by DWER.

Design Advisory Committee (DAC) Advice

The development was presented to the DAC on two separate occasions prior to the lodgement of the application, on 8 March 2021 and 12 April 2021. The Design Advisory Committee consider the following matters to be the strengths of the proposal:

The Committee identified the following design strengths of the amended proposal:

- Demonstration of the previous intent to provide access to light and natural ventilation to corridors.
- The design modification to 'Flip' the corner units to position the balconies to address the flank corners. This amendment has resulted in a more comfortable relationship with adjoining properties and a more sensitive outcome for the overall built form and scale of the proposal.
- A lighter and more transparent structure to the roof top floor pergola allows the top floor to visually recess.
- Active and engaged ground floor streetscape

- Quality landscape plan, albeit on structure.
- Functional and well-arranged apartments, including bedroom access to balconies.

DAC supported the proposal subject to the proponent giving further consideration of the following recommendations:

1. The proponent must illustrate the location and quantity of on-structure planting and demonstrate that the proposed depth of the planters is adequate.
2. The proponent should consider the opportunity to extend the landscaping along the front of the entry lobby at ground level.
3. The proposal should consider the acoustic impacts between apartments.
4. Consideration should be given to engaging an ESD professional to exploring the ways in which the proposal can exceed the minimum sustainability requirements of the BCA.
5. An opportunity exists to explore the ways in which the roof terrace can be used all year round by residents including functional spaces, landscaped areas (edible gardens etc.).
6. Consider further operable roof lights or roof form that can facilitates cross ventilation to the remaining top floor apartment.

In response to DAC above comments the applicant lodged amended plans (8 June 2021) which included the following amendments:

- 1) An amended landscaping plan has been lodged showing all locations, and quantities of on structure planting with proposed depths being assessed and is considered compliant.
- 2) Modification to the driveway access has been incorporated to a single lane only, which has allowed for additional landscaping to be provided adjacent to the street.
- 3) All windows facing on to this central void will be operable allowing for individual occupants to have the flexibility to leave windows closed when required
- 4) The proposal achieves compliance with the R-Codes Volume 2 4.15 Energy Efficiency by incorporating a photovoltaic array on the roof. An ESD report is not required.
- 5) The roof terrace is to be a multi-functional roof space which is capable of use year-round. No further modifications have been proposed.
- 6) An operable roof light has been incorporated to the north eastern unit on the sixth floor.

The amended plans have been reviewed and are considered to address the recommendations of DAC.

Planning Assessment:

Local Planning Scheme

Planning Assessment:

The proposal has been assessed against all the relevant legislative requirements of the Scheme, and State and Local Planning Policies. The following matters have been identified as key considerations for determination of this application:

- Land use

- Building height
- R-Codes Volume 2:
 - Plot ratio
 - Building Depth
 - Visual Privacy
 - Bicycle Racks
 - Carparking

These matters are discussed below.

Land use

Land Use	Permissibility	Discretion
Multiple Dwelling	A	Required
Shop	A	Required

An 'A' use means that the use is not permitted unless the Council has exercised its discretion by granting planning approval after giving special notice (advertising) of LPS4.

The objectives for this zone are set out in Clause 3.2.1(e), which is reproduced below:

Development within the mixed use zone shall-

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

Given the proposed development is predominantly residential, it is not considered that as a whole the development will be detrimental to the viability of businesses in the City Centre. Rather, given the site is on the fringe of the City Centre zone, the increased residential population is expected to increase patronage to businesses in this area and support the City Centre as a strategic metropolitan centre. This approach is supported by the precinct vision outlined in LPP 3.1.3.

Additionally, as the proposed commercial tenancy is 140sqm, it is considered to be of a sufficient size to contribute to additional activity in the Mixed Use zone, and provide a service or entertainment use for local residents, while not drawing focus from the City Centre zone nearby.

The proposed commercial uses are also considered to be compatible and complimentary with the existing surrounding land uses which include the following –

- Shop;
- Office,
- Community Purpose,
- Multiple Dwellings;

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

Residential uses are proposed on upper levels only, with a commercial tenancy occupying majority of the ground floor. Additionally, residential land uses are not permitted on the ground floor in this sub area, in accordance with Schedule 7 sub area 2.3.1 a) i).

- (iii) *ensure future development within each of the mixed used zones is sympathetic with the desired future character of each area;*

LPP 3.1.3 Precinct 3 outlines a precinct vision for the area as follows –

The precinct will be rejuvenated as a vibrant, attractive and sustainable high-density residential neighbourhood within walkable distance of the Fremantle city centre. The predominantly residential precinct will be supported by a hub of local commercial and community services that complements but does not compete with the city centre's commercial focus.

It is considered that a Multiple Dwelling development, with a ground floor commercial tenancy, is appropriate for the location and consistent with the precinct vision and desired future land use character.

- (iv) *ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality, and*

The proposed development is considered to be an appropriate mix of land uses for the area and is not considered to have a significant impact on the amenity of adjoining owners or other residential properties in the locality.

The commercial tenancy is considered to be of an appropriate size, and as well as being provided with some on site car bays, will likely service the residents in the immediate area.

Other amenity issues associated with the building height of the proposed development will be discussed in a separate section of this report.

- (v) *conserve places of heritage significance the subject of or affected by the development.*

Specifically, in regard to the proposed land use, the proposal for Multiple Dwellings and Shop are not considered to negatively impact on surrounding land uses; rather the development will increase activity in the area.

Building height

Required	Provided	Discretion
Permitted Building Height - 18m	22.8m (excluding minor projections)	4.8m

Additional Building Height – 22m		0.8m
Minimum Façade Height – 10m	17.8m	Nil

As the proposal exceeds the maximum additional building height prescribed in LPS4, discretion is being sought under cl 4.8.1 to vary the proposed building height. Clause 4.8.1.1. states that:

Where sites contain or are adjacent to buildings that depict a height greater than that specified in the general or specific requirements in schedule 7, Council may vary the maximum height requirements subject to being satisfied in relation to all of the following -

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

As part of the previous determination for a similar development on this site (DAP001/16), JDAP have already considered that the pre trigger for this clause is met as existing developments located at the following addresses all include buildings which also exceed the applicable maximum building heights of LPS4.

- 70 Elder Place – 24.535m
- 68 Elder Place - 23.24m
- 47 Adelaide Street – 23m (to top of architectural feature)

As such for consistency purposes, the City will again undertake the assessment against the sub clause provisions of (a – d).

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

In regard to the building height criteria above, the officer's assessment of adjoining, adjacent and the locality generally, must occur. The building height patterns within the immediate area range from single storey commercial development to six storey Mixed use development of similar or even greater maximum heights exceeding 22m. With regards to the development's ability to detrimentally impact adjoining properties, it is noted that both adjoining sites are improved by smaller (single and two storey) local heritage significant buildings. To assess the amenity impact, the emphasis is on the heritage assessment given the Heritage Listed properties on either side of the development. The amended design of the façade and particularly its setting back of the northern and southern corners at these boundaries and the materials chosen, have been given careful consideration due to the site's immediate context.

In assessing the development's ability to detrimentally impact the amenity of the locality generally, the 800mm extra building height is not considered to have a significant

detrimental impact, the height is centred on site, set back from side boundaries and the primary street.

Furthermore, the DAC has reviewed the design of the building on three occasions and consider its design, bulk, form and scale to be appropriate for its greater setting.

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

To effectively graduate scale, a building should be sited in between a higher and lower building, invoking a step-down effect in the heights of buildings to protect smaller scale buildings from being overwhelmed by excessive bulk and scale. Upon assessing the building heights within the immediate locality, the below gives guidance to the existing height patterns of the locality:

- 70-80 Cantonment Street- 21.46m;
- 48-68 Cantonment (Elders Woolstores) – approximately 14m;
- 70 Elder Place- 24.535m;
- 68 Elder Place- 23.24m;
- 2-4 Parry Street (Australia Hotel) – three (3) stories and approximately 14-15m;
- 3 Beach Street – 6.3m;
- 5 Beach Street - approximately 10m;
- 47 Adelaide Street (St Patricks Basilica) – 23m (to top of tower/architectural feature);
- 39 Adelaide Street - approximately 12m; and
- 11 Queen Victoria Street – 22.15m,
- 36 Queen Victoria Street – 17m.
- 51 Queen Victoria Street – 22m

Upon considering the above existing heights the proposed development is considered to be generally consistent with the localities' building height pattern, and whilst significantly larger than the immediate adjoining sites, it does allow for an effective graduation of development within the greater locality with Fort Knox and Liv Apartments addressing the northern precinct of Queen Victoria Street, and the Woolstores, this site and 11 Queen Victoria Street proving consistent maximum heights for the southern Precinct of Queen Victoria Street.

c) Conservation of the cultural heritage values of buildings of varying heights within the locality

The City's Heritage staff have reviewed the proposal and consider that the development has responded to some degree to the key characteristics of the robust industrial character typified by the Federation warehouse style Dalgety's Woolstore as identified in the design guidance provided in the relevant local planning policy. The City's Heritage assessment provides recommendations for ways in which the response to the local character could be strengthened in making amendments to the development. These comments and recommendations are discussed further in the Heritage section below.

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

Having regard to LPP 3.1.3, there is an emphasis on views down Queen Victoria Street to Princess May Park. A building of this height and scale is not considered to be a dominant feature in this vista any over and above the impact of a 22m high compliant building.

In summary, officers support the building height proposed for the reasons outlined above.

Heritage

The application has been referred to the City's Heritage Department for comment, particularly having regard to the proposed development's impact on the heritage listed properties in the streetscape and the overall context of the site, which comprises a number of heritage protected places.

The heritage assessment considered that the development had responded to the key characteristics of the area in accordance with the relevant Local Planning Policy, which identifies that the development should have respect for and incorporate the character of the locality. In particular, design cues from the Federation Warehouse style Dalgety's Woolstore, but made the following recommendations around the ways in which this response could be enhanced through development of the texture and articulation of the facades:

- *using brick construction to enrich wall surfaces.*
- *using colour to reinforce the balance of horizontal and vertical façade elements so the rhythm and scale of the established grid can give the building a more human scale and anchor the larger scale abstract square arched forms in the composition.*
- *subtly recessing or projecting the horizontal and vertical structural elements to better modulate the façade, provide subtle shadowing and detailing to provide greater texture and articulation.*
- *Articulation of the building should not rely on the optical effects of colour only. Articulation should have a physical nature so that it will not be lost in future during repainting.*
- *The scale of the monolithic side walls of building needs to be further broken down by subtly expressing the building structure such as floor slabs. This is particularly important for the south-east corner of the building which addresses the Queen Victoria and Parry Streets intersection and the surrounding significant heritage buildings such as those on Princess May Reserve and St Patricks Basilica.*

These recommendations are noted, however in considering the application and the fact that the subject site is not individually heritage listed, nor located within a specified heritage area, greater weight has been given to the advice of the Design Advisory Committee in this instance.

The JDAP may consider requiring amendments to the proposal in accordance with the above advice through conditions of development approval.

R-Codes

The proposal has been assessed against Volume 2 of the Residential Design Codes. The Element Objectives, that in the view of officers the development does not satisfy, are discussed in greater detail below:

Plot Ratio

Acceptable Outcome	Provided	Extent of Variation
2.0 (2432 sqm)	2.67 (3,246.72sqm)	0.67 (814.72sqm)

The additional plot ratio is mainly a result of the City's primary controls which facilitates denser building envelopes in the immediate locality. Overall the proposed built form responds to the planning framework with respect to building height, street and side and rear setbacks requirements of Councils LPP's. As a result, the proposed development generally sits within the permitted building envelope and as such is considered consistent with the massing and scale of other recent buildings within the surrounding locality.

Building Depth

Acceptable Outcome	Provided	Extent of Variation
20m	21.18m	1.18m

The proposal is considered acceptable for the following reasons:

- The maximum depth of single aspect apartments is approximately 6.8m, with a widened corridor up to 1.85m (in lieu of 1.5m).
- Apartments are designed with protruding bedrooms and extended balcony spaces to respond to lot width constraints and seek to provide a high degree of amenity for residents, and the depth of the overall building does not compromise the design outcome.
- Solar access and ventilation are also considered to be design compliant. Natural ventilation and apartment dimensions are consistent with Acceptable Outcomes and provide suitably sized and the designed spaces.
- Apartments are oriented to take full advantage of contextual opportunities including the street, northern orientation and views for the coast/city centre.
- Ceiling heights are proposed at 2.75m and provide adequate opportunity for solar access and natural ventilation to all rooms and balconies.

Visual Privacy

Acceptable Outcome		Provided	Extent of Variation
To adjoining properties	Major Openings to habitable rooms other than bedrooms and studies - 4.5m	4.5	Complies

	Unenclosed private outdoor spaces- 6m	4.5m	1.5m (North and south properties)
--	---------------------------------------	------	-----------------------------------

The proposed reduced balcony setbacks are considered to be acceptable in the context of the following:

- Balconies overlook roof space at 12-16 Parry Street which is not sensitive.
- Balconies overlook non-residential development, roof space and parking areas to the south of the subject site which is non-sensitive.
- The development at 1 Beach Street has been approved with a six storey building with apartments facing the subject site setback at 6m from the boundary. A western balcony interface is not a suitable orientation preference for the site due to the approved DA to the rear on 1 Beach Street, which proposes east facing balconies facing the rear boundary of the subject site.
- The portions of west facing balconies at the rear are provided with privacy screening to restrict overlooking to adjoining rear apartments.
- Portions of balconies which have an indirect west view have indirect line of sight to the adjoining future development and do not directly impact apartment balconies and bedrooms at 1 Beach Street.
- Terraces include landscaping and minimum 1 m setback to screen views north and south.
- All units are provided with an extremal outlook from a major opening and balcony to maintain amenity.

Bicycle Parking

	Acceptable Outcome	Provided	Extent of Variation
Motorcycle / Scooter Parking	5.5	Nil	6 Bay short fall
Bicycle Parking	Residents - 25	25	Complies
	Visitor - 5	5	Complies

Whilst no onsite scooter bays are accommodated for, given 50 car bays and 30 bike racks facilities are provided, the development is considered acceptable and sufficient for a development of this density and nature. In the future existing parking bays may be modified to accommodate these vehicles if required by individual residents. The subject site is highly walkable to the City Centre and essential services and additionally it is in located within a well serviced public transport hub and cycle network.

Carparking

	Required	Provided	Extent of Variation
Shop	7 Bays (140sqm)	5	2 Bays
1 Bedroom	16.5 car bays	42 Bays	3 Bays

2 Bedroom	28 car bays		
Visitor Car parking	7.75 bays	3	5 Bays

In summary a total shortfall of 10 bays is sought. In addition to there being a shortfall, all bays provided, are in fact behind a security barrier.

Overall, it is considered the shortfall could be supported for the following reasons:

- there are sufficient bays available within surrounding streets to accommodate for short term commercial visitors, and for longer term visitors, residents can grant access internally.
- The local area has several local public parking including the City's Beach Street Car Park (12a and 12b), which provide 296 parking bays within 200m of the site.
- The site is also located less than 800m from the Fremantle Train Station, and several PTA bus services run along Queen Victoria Street. The development is therefore highly accessible by public transport. The provision of bicycle lanes along Beach Street also allows for attractive connection to the site via cycling modes. It can be concluded that visitors are more likely to utilise non-car modes to access this location, particularly during daytime periods.

Traffic

The proposed development has been supported by a traffic impact assessment which notes the proximity of the site to public transport, cycling infrastructure and major transport routes which may be expanded in the future.

It is noted that a left in and left out limitation is proposed and supported by the City's engineering department, as the subject site is positioned in close proximity to the traffic lights and intersection of Parry and Queen Victoria Street.

The report concludes that the traffic generated by the development is expected to have a negligible impact on both the local and regional road network. The report has been reviewed by the City's Infrastructure department and its conclusions have been generally supported.

Waste Management

The City raised serious concerns regarding waste collection and the original design and proposed waste collection method for the site. The City had concerns associated with the original verge collection and number of bins needing service. The City's current waste infrastructure is limited to 240 Litre bins and side arm collection for FOGO bins system which would need to be provided for this development.

The applicant has since amended the proposal and waste management plan, proposing the site to be serviced by private contractor due to these limitations and the inability to modify the plans to accommodate basement onsite collection. Essentially, the existing street bay located at the front of site is proposed to be modified (increased in length and limited to loading bay only) to accommodate sufficient space for verge collection and private arrangement for rear loading facilities by private contractor. The City has reviewed the verge bays modification and in principle supports the car bay alteration.

The proposed development will use the waste collection service provided by a private contractor (such as Suez) for the collection of general waste twice a week and collection of FOGO and recycling waste on a weekly basis. Waste collection is proposed to occur on-street at the proposed service bay. General, recycle and FOGO waste collections are to be arranged to occur during off-peak hours to minimise disruption to traffic operations as well as minimise any impacts to residents and tenants within the proposed development and in the surrounding areas.

Accordingly, a waste management plan is to be conditioned and a legal agreement to be executed and this agreement be supplemented by a short deed supported by an absolute caveat imposed on the certificate of title.

Conclusion:

Overall, the proposed development seeks discretion with respect to a number of statutory requirements that apply to the site, specifically building height, plot ratio, building depth, visual privacy and car parking for the development. The proposal is considered to satisfy the relevant planning criteria in relation to all of the above matters for the reasons outlined above in the 'Officers Comment' section.

Overall the proposed development is supported as it will contribute to the contemporary mix of medium density urban development for the City centre. Increasing city centre and fringe of city centre residential population is a key strategic objective of the Council. Accordingly, the application is recommended for conditional approval.

OFFICER'S RECOMMENDATION

Moved: Cr Bryn Jones Seconded: Cr Rachel Pemberton Council:

SUPPORT the Officer's Recommendation to APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Seven Storey 50 Multiple Dwelling and Shop development at No.8 (Lot 310), Queen Victoria Street, Fremantle, subject to the conditions outlined in the responsible authority report.

Lost: 3/3

For:

Cr Geoff Graham, Cr Rachel Pemberton, Cr Frank Mofflin

Against:

Cr Bryn Jones, Cr Su Groome Cr Andrew Sullivan,

Cr Bryn Jones used his casting vote AGAINST the recommendation resulting in it being LOST.

COMMITTEE DECISION ITEM PC2107-1
(Alternative recommendation)

Moved: Cr Su Groome

Seconded: Cr Andrew Sullivan

Council:

DOES NOT SUPPORT the Officer's Recommendation to APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Seven Storey 50 Multiple Dwelling and Shop development at No.8 (Lot 310), Queen Victoria Street, Fremantle for the following reasons:

- 1. The proposal does not satisfy the requirements listed for Area 8 at 2.3.1.1. and 4.8.1.1 of LPS4 in relation to height of the façade to Queen Victoria Street, and particularly adjacent to the Stella Maris building. In fact, the LPS envisages that decision makers would apply building heights less than 18m for these critical portions of the site to retain the existing streetscape character. The LPS also provides that additional height above 18m, where permitted, must be set back from the street frontage.**
- 2. The design is not of a height, scale, massing or materiality that complements the existing streetscape character as required by:**
 - SPP 7.0, Principles 1 and 3**
 - SPP 7.3, Part 4.10**
 - LPP 3.1.3**
- 3. The proposal exceeds by 30% the allowable plot ratio listed in SPP 7.3, an additional 800 sqm which is a significant overdevelopment of the site. This excessive bulk detracts from the streetscape because there is no articulation or stepping of the building envelope across the 7 storey height.**
- 4. The side setbacks do not meet the requirements of Table 2.1 and Part 2.7 of the SPP 7.3. The Acceptable Outcomes for floors 5-8 under Part 2.7 of the SPP 7.3 is 9m, whereas 4.5m is proposed. This reduced setback adds to building bulk and will compromise the amenity of future development on adjoining sites.**

Carried: 6/0

**Cr Bryn Jones, Cr Geoff Graham, Cr Andrew Sullivan,
Cr Su Groome, Cr Rachel Pemberton, Cr Frank Mofflin**

REASONS FOR ALTERNATIVE

The proposed use of the site is strongly supported and the height in itself is not considered grounds for refusal. However, the combination of over-development of the site and the streetscape treatments are not an appropriate response for this site and cannot be supported by Council.

It is noted that a 7 storey development has previously been approved on the site however that development pre-dates the SPP 7.3 (R-Codes Vol 2) and had 42 units rather than 50, so represents less development of the site.

Council seeks a solution that:

- Has a reduction in plot ratio closer to 2.0 (or even a redistribution of the plot ratio areas) sufficient to address concerns relating to amenity impacts, building graduation and impacts on the immediately adjoining heritage buildings.
- May be taller than 18m (or even 22m) in defined areas but where the additional height actively and more respectfully responds to the adjacent heritage buildings and surrounding heritage precinct.
- Incorporates setbacks and articulation in the elevation at the fourth level ("3rd floor") and above for all of the units facing Queen Victoria Street so as to:
 - not present overbearing parapet walls to the detriment of the immediately abutting properties where no such height can ever be achieved;
 - satisfactorily graduates the bulk down either physically (using stepped setbacks) or visually (using fenestration) to articulate the built form in a manner that responds to the existing built form of the three adjacent buildings along Queen Victoria Street,
- Provides a respectful built form and materiality that does not compromise the cultural heritage values of the heritage listed properties at 6 Parry Street and 12 and 18-24 Queen Victoria Street.

Refusal on the grounds of over-development of the site is supported by Table 2.1 Primary Controls and Parts 2.5 and 2.7 of the R Codes Part 3.

By way of comparison the previous approval for a 7-storey development (2016) comprised 42 units whereas this proposal includes 50 unit, an additional 20%.

Whilst the planning framework provides that the City may approve additional height or plot ratio, it is intended that such dispensations are granted in exchange for community benefit, design excellence or best practice in environmentally sustainable design (ESD). This proposal does not meet the criteria for such dispensations.

Refusal of the proposal on the basis of streetscape character is supported by the following planning documents.

SPP 7.0 Design of the Built Environment

1. Context and character: Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.
3. Built form and scale: Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.

The proposed development does not respond to the distinctive characteristics of the local area and the massing and height is not appropriate to its setting and does not negotiate between existing built form and the future character.

SPP 7.3 R-Codes Volume 2 – Apartment Design

4.10 Façade Design:

- Objective O4.10.1
- Acceptable Outcome A4.10.1
- Acceptable Outcome A4.10.3

The proposed development does not incorporate proportions, scaling, articulation, materials and design elements that reference the character of the local area.

City of Fremantle LPS 4

Schedule 7, Development Requirements

The development is within Area 8 of Sub Area 1 of Local Planning Area 2.

Clause 2.3.1.2 provides that in granting consent to the maximum 18 metre height, Council must consider the predominant height patterns of adjoining properties, and provides that Council may impose a lesser height.

Part F provides that Council may permit additional height to a maximum of 4 metres subject to the additional height being sufficiently set back from the street facade so as to not be visible from the street(s) adjoining the subject site.

The proposal does not set back the additional height from the street or moderate the overall height to complement adjoining properties.

LPP 3.1.3 Precinct 3

Desired Character (Area B) requires:

- that new development should be sympathetic to the area's retained heritage buildings and places and reflect the area's robust, industrial character,
- Queen Victoria Street should be reinforced with continuous developed edges of consistent scale and massing that create a strong sense of urban enclosure.

The proposed development is not sympathetic to the retained heritage buildings and does not create consistent scale and massing for the streetscape.

PC2107-3 ATTFIELD STREET, NO. 126 (LOT 1), SOUTH FREMANTLE – TWO STOREY ADDITIONS AND ANCILLARY DWELLING TO EXISTING SINGLE HOUSE (TG DA0143/21)

Meeting Date: 7 July 2021
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Agenda attachments: 1. Amended Development Plans
Additional information: 1. Heritage Assessment
2. Site Photos

SUMMARY

Approval is sought for two storey additions and alterations to the existing dwelling at the subject site and the addition of a two storey ancillary dwelling to the southern portion of the property at 126 Attfield Street, South 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:

- Street setbacks (setback of upper floor from heritage building)
- Demolition of additions
- Lot boundary setbacks (north)
- Boundary walls (north and south)
- Outdoor living area dimension
- Open space provision
- Visual privacy (north, south)
- Overshadowing cast by the proposed dwelling additions
- Ancillary dwelling site area

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for two storey additions to the existing dwelling at 126 Attfield Street and the addition of a two storey ancillary dwelling to the southern portion of the same site. The site was created through the historical subdivision of a constructed heritage listed duplex (now 126 and 128 Attfield Street) and this subdivision created the existing unusual U-shaped lot which surrounds 128 Attfield Street, with the proposed ancillary dwelling being to the south of No. 128 Attfield Street, between Nos. 128 and 130 Attfield Street.

The proposed works include:

- Dwelling
 - Ground floor addition comprising a kitchen, lounge, and laundry.
 - Upper floor comprising two bedrooms and an ensuite.

- Ancillary dwelling
 - Tandem carport in front of the ancillary dwelling utilising the existing access point off Attfield Street.
 - Small store in front of dwelling.
 - Ground floor kitchen and sitting room.
 - Upper floor loft and balcony.

The applicant submitted amended plans dated 20 May 2021 which reduced the extent of the upper floor and reduced upper floor heights, including removing a proposed room over the heritage cottage. These amended plans for the addition are the subject of this report.

Amended development plans are included as attachment 1.

Site/application information

Date received:	30 March 2021
Owner name:	D Tucker
Submitted by:	A Moffatt
Scheme:	Residential R30
Heritage listing:	Individually Listed Category 3; South Fremantle Heritage Area
Existing land use:	Single House
Use class:	Single House
Use permissibility:	P



CONSULTATION

External referrals

Nil required.

Community

The application was lodged for consideration with letters of support from surrounding landowners.

Despite the letters of support lodged with the application, it was required to be advertised as these letters did not satisfy the requirements of the City's Consultation Policy, in that they were not signed by all property landowners. The application was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, as the application sought to vary relevant R-Code or Council Policy Requirements. The advertising period concluded on 1 May 2021, and one (1) submission was received. The submission raised concern with respect to the proximity of the additions to the rear yard of the neighbouring property and their potential building bulk impact.

In response to this concern and other matters raised by Officers, the applicant submitted revised plans which reduced the scale of the rear of the addition, resulting in the development satisfying the deemed-to-comply setback requirements of the R-Codes in respect to the rear property boundary.

During the Officer assessment, the City was contacted by a landowner of one of the neighbouring properties, located to the south of the proposed Ancillary dwelling, who took ownership of this property after the consultation period had concluded on 1 May 2021. This neighbour raised concerns with respect to the shade cast by the development as a late submission on 17 June 2021. This submission is noted and in this regard, the development is considered to satisfy the relevant deemed-to-comply criteria of the R-Codes with respect to the shade cast over the property at No. 130 Attfield Street (the overshadowing assessment considered in the officers comment section of this report relates to the shade cast over No. 128 Attfield Street), and it is considered to satisfy the relevant design principles with respect to the shade cast by the building. It is further noted, that the currently valid 2014 approval for a larger ancillary dwelling casts shade over the same area of the neighbouring property to a similar extent (refer to below plan extract).

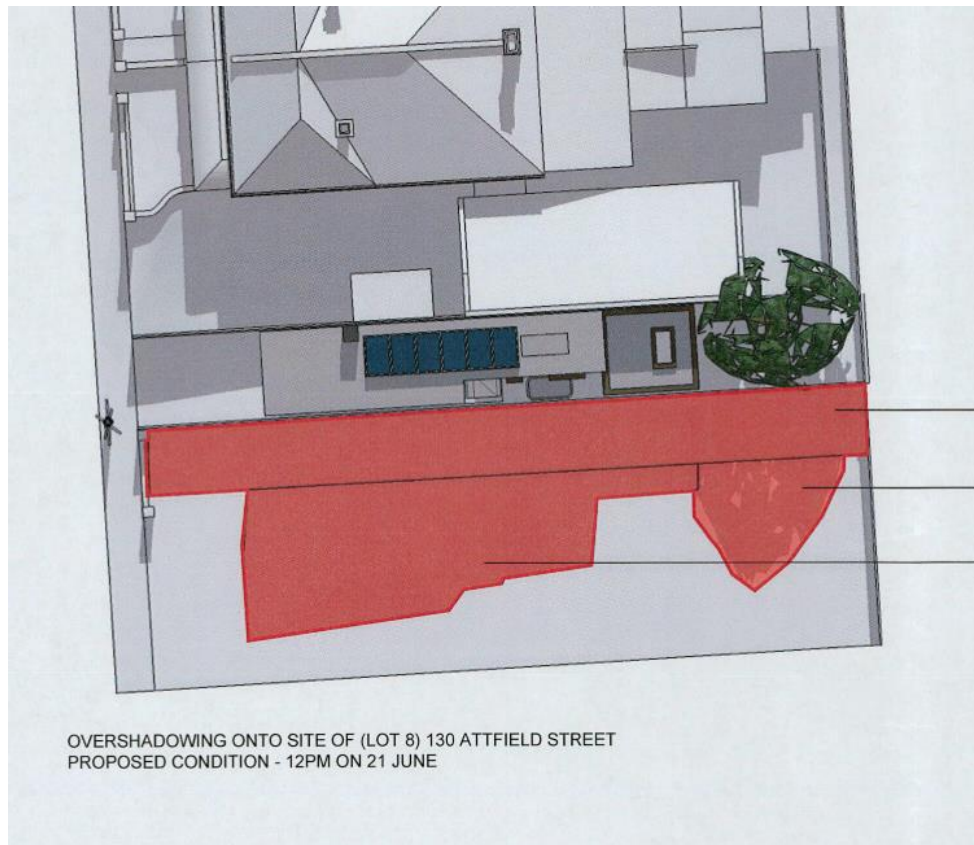


Image 1: Overshadowing diagram from 2014 approval depicting the shade cast over 130 Attfield Street.

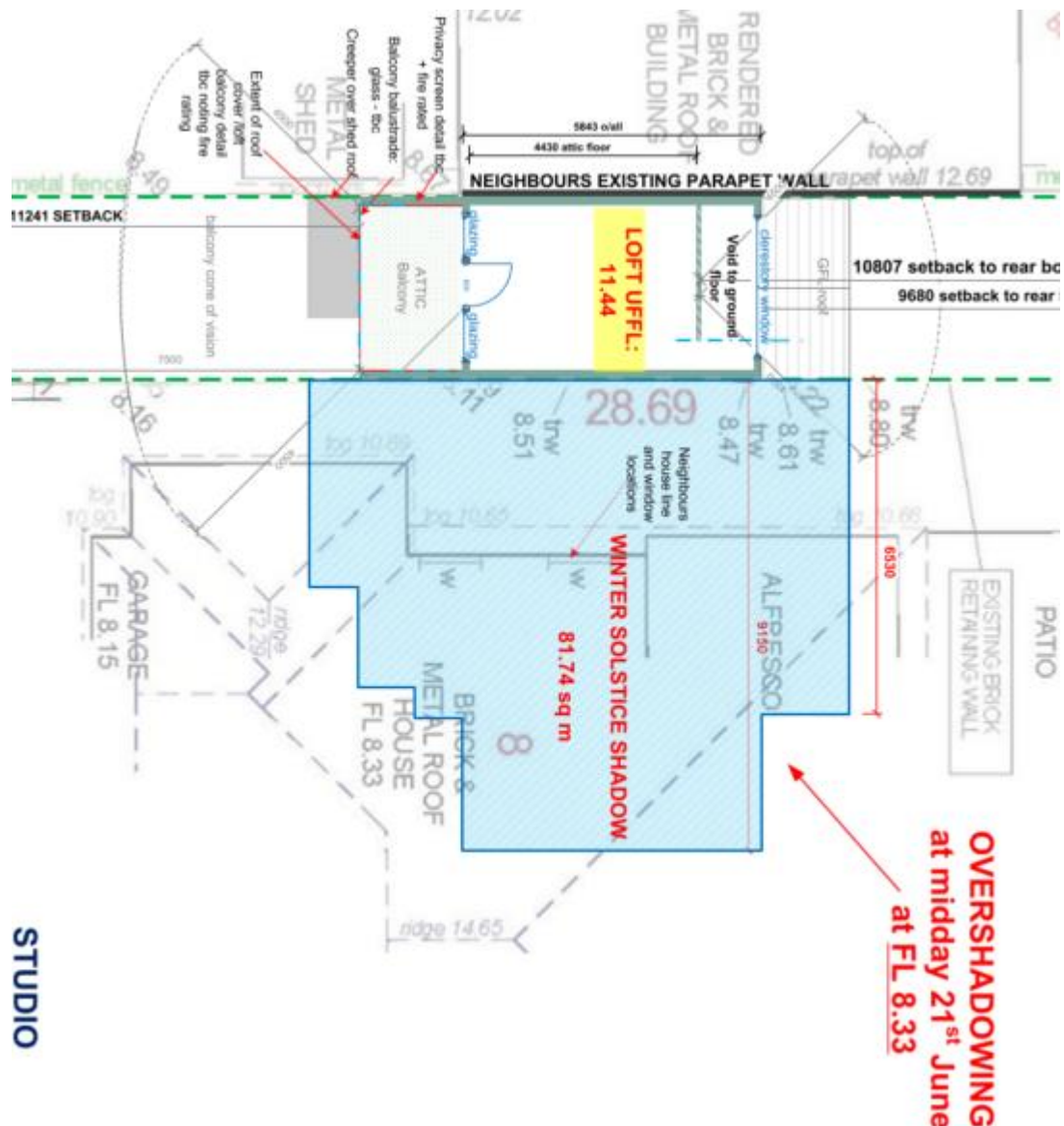


Image 2: Extract of overshadowing diagram for subject ancillary dwelling development as it casts shade over 130 Attfield Street.

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:

- Street setbacks (setback of upper floor from heritage building)
- Demolition of additions

- Lot boundary setbacks (north)
- Boundary walls (north and south)
- Outdoor living area dimension
- Open space provision
- Visual privacy (north, south)
- Overshadowing cast by the proposed additions
- Ancillary dwelling site area

The above matters are discussed below.

Background

The subject site is located on the eastern side of Attfield Street in South Fremantle at the intersection with King William Street. The site has a land area of approximately 287m² and is currently occupied by an existing Single House. The site is zoned Residential and has a density coding of R30. The site is individually heritage listed (Level 3) and located within the South Fremantle Heritage Area.

The site was created through the historical subdivision of a constructed heritage listed duplex (now 126 and 128 Attfield Street) and this subdivision created the existing unusual U-shaped lot which surrounds 128 Attfield Street.

In 2014 an application was made to construct a two storey Ancillary dwelling to the southern portion of the subject site, currently used for access and vehicle parking (DA0671/14 refers). This development comprised a two storey Ancillary dwelling built up to both north and south boundaries. The application was supported by the Planning Committee on 4 March 2015 and approved. This approval had a 4 year period of validity, and would have expired in 2019 but the approval was extended for a further two years in 2019 (until March 2021). This approval would have then lapsed further, but has been affected by extensions to valid planning approvals issued by the State Government as a part of their pandemic response. This approval now has validity and could be acted upon until March 2023 unless further extended through application.

Land Use

The proposed development comprises the addition of a two storey extension to the main Single house and the addition of a new ancillary dwelling and carport to the southern section of site.

The development on site comprises a Single House land use as the property comprises a single dwelling on its own survey strata lot, with no common property. It is noted that the party wall is included as an easement on the title rather than common property.

The proposal plans noted 'lot a' and 'lot b' for the two sections of additions, this is for simplicity of considering the two sets of plans only, rather than any preliminary subdivision of the subject site which is not large enough to subdivide at the current density coding.

Heritage assessment and demolition – Local Planning Scheme No. 4 Cl. 4.14

The proposed development comprises alterations to an individually heritage listed property and also includes some demolition works which require the City to be satisfied that cl. 4.14 of Local Planning Scheme No. 4 has been satisfied. This Scheme

requirement seeks to restrict the demolition of buildings and works which are of heritage significance. In this regard, the City's Heritage Officers have completed an assessment of the amended plans.

The heritage assessment concludes that the demolition of 1970s additions and outbuildings to the rear of the site will have little effect on the heritage value of the place. The addition is constructed behind the significant section of the heritage house and views of the two storey rear extension have been minimised through the setback of the addition. The addition is set well back from the streetscape and is considered to have minimal impact.

The Ancillary dwelling addition and carport is likewise supported as this will have minimal impact upon both the heritage dwellings at 126 and 28 Attfield Street, and the South Fremantle Heritage Area. The studio is well set back behind the front wall of the duplex and its form and massing are considered to be sympathetic with the character of the locality. The carport is considered lightweight and of low profile, with both structures being found to be acceptable on heritage grounds.

It is noted that the original submission of the application included a larger upper floor extension behind the existing house, which extended over more of the original dwelling. This aspect of the proposal was not supported by the City's Heritage Officers and in response to these concerns and those raised by a neighbour, the applicant reduced the extent of the upper floor of the addition to two main rooms and reduced the overall height of the rear additions.

The full heritage report is provided as attachment 1 to this report.

Setback of addition from heritage roof

Element	Requirement	Proposed	Extent of Variation
CI 5.1 – Setback from main roof ridge	4m from main roof ridge	3.7m from secondary roof ridge	300mm

The amended plan for the rear addition has been redesigned to retain the form of the existing single storey house when viewed from the street due to the increased setback of the addition. Per the above heritage comments the addition is supported.

Lot boundary setback

Element	Requirement	Proposed	Extent of Variation
Ground (north)	1.5m	0.8m	700mm
Upper Floor (north)	1.2m	0.8m	400mm

The proposed lot boundary setback variations are considered to satisfy the design principles of the R-Codes for the following reasons:

- The upper floor does not include major openings facing the northern boundary so as to reduce the privacy impact of the development and adjoining property.
- There is limited overshadowing impact from this element as shade cast by the addition will not fall over the adjoining property to the north at midwinter.
- The ground floor of the development is single storey and generally follows the line of the existing setback on site, resulting in a consistent built form.
- It is noted that the site is very constrained due to its narrow width resulting in some reduced setbacks.

- The upper floor is well articulated with varied setbacks generally greater than deemed-to-comply requirement and openings to reduce overall building bulk.

It is noted that consultation included reduced setbacks to the eastern boundary, however in response to neighbour concerns the development was amended to comply with respect to this boundary through a reduction in overall height, and the scale of the upper floor.

Boundary walls (north, south)

Element	Requirement	Proposed	Extent of Variation
Boundary wall for ancillary dwelling to 128 Attfield Street (N)	1.5m	Nil	1.5m
Boundary wall for ancillary dwelling to 130 Attfield Street (S)	1.5m	Nil	1.5m
Boundary wall for additions to 126 Attfield Street (S)	1.5m	Nil	1.5m
Outbuilding lot boundary setback (N – 128 Attfield)	1m	Nil	1m
Carport setback (N & S)	1m	Nil	1m

Ancillary dwelling boundary walls

The ancillary dwelling boundary walls are considered to satisfy the design principles of the Residential Design Codes and Local Planning Policy 2.4 for the following reasons:

- The subject wall to the northern boundary adjoins existing boundary development. The southern wall adjoins an accessway for the adjoining dwelling, with the dwelling well set back from this boundary.
- The walls are of limited dimension, providing for a small ancillary dwelling structure to the constrained southern portion of the lot.
- Boundary walls of a similar nature are common in the immediate locality for garages.
- It is noted that a much larger structure in this location has been considered and supported for the site, with the proposed development comparably minimising this impact.

South

The boundary wall of the additions are considered to satisfy the design principles of the Residential Design Codes and Local Planning Policy 2.4 for the following reasons:

- The wall abuts existing boundary development on the neighbouring site, resulting in limited direct impact upon existing outdoor living area and habitable rooms with respect to building bulk.
- The development locates the majority of the upper floor away from the northern boundary, permitting sunlight access to the proposed upper floor and pushing the

development away from the northern boundary towards the existing boundary development on the neighbouring site to the south.

- Sunlight impacts are discussed in the overshadowing section below.
- Privacy is maintained through the lack of windows to this wall.

Outbuilding

The outbuilding boundary wall is considered appropriate in accordance with the relevant design principles due to its limited height and dimension in addition to the reasons listed above with respect to the boundary wall.

Carport

The proposed carport boundary walls are considered appropriate in accordance with the following comments:

- The carport adjoins front yard areas on both sites which is not considered to be a sensitive space.
- The proposal allows for covered car parking area on a considerably constrained lot.
- Translucent roof sheeting provides for appropriate sunlight access and reduces building bulk impact.
- The non habitable carport imposes little to no privacy impact.
- Similar lightweight structures such as front verandahs are provided in the streetscape to similar front setbacks.

Outdoor living area

Element	Requirement	Proposed	Extent of Variation
Outdoor living area dimension	4m	3.8m	0.2m

Outdoor living area provision for the development is considered to be appropriate in accordance with relevant design principles for the following reasons:

- The development provides sufficient outdoor living area across the site with an additional outdoor living area provided to the rear of the proposed Ancillary dwelling.
- The development provides outdoor living area greater in area than the deemed-to-comply requirement.
- The outdoor living areas are readily accessed from both the main and Ancillary dwellings and the site provides for sufficient outdoor living area with a northern aspect.

Open space

Element	Requirement	Proposed	Extent of Variation
On site open space	45%	40.8%	4.2%

Open space provision for the development is considered worthy of support in accordance with the relevant design principles for the following reasons:

- Sufficient open space area is provided to the rear of each dwelling on site.
- Access to light and ventilation is provided across the site through the provided setbacks, ventilation is provided as cross ventilation to the ancillary dwelling.
- The open space area on site is provided with a northern aspect and allows for appropriate landscaped area.

- The site is not a traditionally shaped lot and it is considered difficult to develop the site in compliance with the development requirements of the Residential Design Codes which generally relate to rectangular lots.
- The translucent sheeting to the proposed carport provides for appropriate sunlight access.

Visual privacy (North, south)

Element	Requirement	Proposed	Variation
Ancillary dwelling loft (north and south)	4.5m	2.4m	2.1m
Ancillary dwelling balcony (north and south)	7.5m	0.5m	7m
Bedroom 3	4.5m	3.2m	1.3m

The variations to the balcony of the Ancillary dwelling and Bedroom 3 opening of the addition to the main dwelling are considered to satisfy the design principles of the R-Codes as these openings are partially screened and overlook non sensitive spaces of the adjoining properties including the primary street setback areas and areas of roof and are accordingly considered worthy of support with the current screening extent.

The variation to the loft opening of the Ancillary dwelling is not considered to satisfy the design principles of the R-Codes as these openings result in direct overlooking to neighbouring rear yards or other sensitive spaces. Accordingly a condition of approval is recommended to ensure that these openings are appropriately screened.

Conditions of approval are also recommended to those windows marked as being screened for privacy. The overlooking plan submitted is noted as showing cones of vision to windows that are not subject to assessment such as highlight windows.

Overshadowing

Element	Requirement	Proposed	Extent of Variation
Shade to strata lot 2 (128 Attfield Street)	35%	67%	32% (92m ²)
Shade to lot 8 (130 Attfield)	35% of site area	24.3%	Nil

The shade cast over No. 128 Attfield Street by the upper floor additions to the existing dwelling at No. 126 is considered appropriate in accordance with the relevant design principles for the following reasons:

- The existing solar panels are set up from the shade cast by the building and will be protected from shade due to their location to the southern part of the subject site.
- The existing outdoor living area on site is already cast in shade by their own development on site; a portion of the outdoor living area remains with northern aspect and sunlight access per the submitted plans.
- The shade proportion is in part led by the east west oriented narrow lot which result in variations to deemed-to-comply requirements that are difficult to avoid. The development is considered to have been designed so as to minimise its impact in this regard.

- Per the submitted shade analysis plans submitted by the applicant, the additional shade cast by the development over and above that cast by the existing development will fall over the extended rear yard of the adjoining lot to the south, rather than the primary outdoor living area.
- Of the total shade cast over 128 Attfield Street, approximately 140m² (48% is cast by the existing development at 126 Attfield Street, with 55m² of additional shade cast over the neighbouring property.
- The shade cast by the addition has been significantly reduced through the amendments made to reduce the extent of the upper floor.

Ancillary dwelling

Element	Requirement	Proposed	Extent of Variation
Site area	450m ²	287m ²	163m ²

The proposed ancillary dwelling is considered to be appropriate on the subject lot for the following reasons:

- The proposed 37m² ancillary dwelling is considered to be of a size similar to the reduced deemed-to-comply site area – the site is approximately half of the normal area, and the proposal is likewise.
- The site has a current approval for a much larger Ancillary dwelling structure which is considered to have a greater amenity impact than the proposed building.
- The proposed ancillary dwelling addition provides for a small development on a portion of the lot that is disconnected from the remainder of the property and is considered to provide for better use of the land.

CONCLUSION

In accordance with the above assessment the development is considered to appropriately address relevant planning requirements for the site. It is considered that the variations above are considered to predominantly result from the constrained and unusually shaped lot.

It is also considered that the new design of the Ancillary dwelling comprises a more restrained development than the 2014 approval which will better align with the existing streetscape due to its more limited size and significant setback from the street.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

COMMITTEE DECISION ITEM PC2107-3 **(Officer's recommendation)**

Moved: Cr Bryn Jones

Seconded: Cr Andrew Sullivan

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Two Storey Additions to existing Single House and Ancillary Dwelling and Carport addition at No. 126 (Strata Lot 1) Attfield Street, South Fremantle, subject to the following condition(s):

- 1. This approval relates only to the development as indicated on the approved plans, dated 20 May 2021. 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 works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.**
- 3. All storm water discharge shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.**
- 4. Prior to the occupation of the development hereby approved, vehicle crossovers shall be constructed to the City's specification and thereafter maintained to the satisfaction of the City of Fremantle.**
- 5. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building. Any damage shall be rectified to the satisfaction of City of Fremantle.**
- 6. Prior to the issue of a Building Permit for the development hereby approved, a detailed drawing showing how the Ancillary dwelling loft located on the eastern elevation, is to be screened in accordance with Clause 5.4.1C1.1 of the Residential Design Codes by either:**
 - a) fixed obscured or fixed translucent glass to a minimum height of 1.60 metres above internal floor level, or**
 - b) fixed screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the internal floor level, or**
 - c) a minimum sill height of 1.60 metres above the internal floor level,**
- 7. Prior to the issue of a Building Permit, a detailed drawing showing how the screening to the windows marked with 'privacy screen to window' is to be screening in accordance with Clause 5.4.1 C1.1 of the Residential Design Codes is to be submitted and approved to the satisfaction of the City of Fremantle.**
- 8. Prior to occupation of the development hereby approved, the approved screening methods shall be installed and maintained to the satisfaction of the City of Fremantle.**

9. Prior to occupation/ use of the development hereby approved, the boundary walls located on the northern and southern 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.
- 10 Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.

Advice notes:

- i) The applicant is advised that a crossover permit must be obtained from the City's Engineering Department. New/modified crossover(s) shall comply with the City's standard for crossovers, which are available on the City of Fremantle's web site.
- ii) The applicant is advised in relation to condition 7, the application of film to a window can be considered provided the film is translucent or obscured to a minimum of 75% obscure in order to meet the objectives of Clause 5.4.1. C1.1 of the Residential Design Codes and is maintained for the life of the development.
- iii) 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.
- iv) Fire separation for the proposed building works must comply with Part 3.7.2 of the Building Code of Australia.

Carried: 6/0

Cr Bryn Jones, Cr Geoff Graham, Cr Andrew Sullivan,
Cr Su Groome, Cr Rachel Pemberton, Cr Frank Mofflin,

PC2107-4 BRACKS STREET NO. 22 (LOT 302, 303, 331, 176, 357 AND 358), NORTH FREMANTLE- DEMOLITION OF EXISTING BUILDING AND INCIDENTAL STRUCTURES - (JL DA0178/21)

Meeting Date: 7 July 2021
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Agenda attachments: 1. Development Plans
Additional information: 1. Site photos

SUMMARY

Approval is sought for the demolition of all existing buildings and incidental structures on site.

The proposal is referred to the Planning Committee (PC) as it proposes the demolition of buildings within the North Fremantle Heritage Area.

The existing buildings and incidental structures are of no cultural significance, nor do they make a positive contribution to the character of the area therefore the application is recommended for approval.

PROPOSAL

Detail

Approval is sought for the complete demolition of all existing buildings and incidental structures on site. Multiple buildings and incidental structures are proposed to be demolished over the large site. See aerial image below:



Development plans are included as attachment 1.

Site/application information

Date received:	20 April 2021
Owner name:	VE Property Pty Ltd
Submitted by:	Urbis Pty Ltd
Scheme:	Industrial
Heritage listing:	North Fremantle Heritage Area
Existing land use:	Vacant and Former Transport Depot
Use class:	n/a
Use permissibility:	n/a



CONSULTATION

External referrals

Fremantle Port Authority

The site is located within the FPA Referral Area 1. FPA provided an email with 'no comment' on the proposed demolition.

Department of Planning, Lands and Heritage

The site is adjacent to a Planning Control Area however DPLH have advised that only development within the PCA requires their approval and that their comment is not required in this instance.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, as the complete demolition of all buildings within a heritage area is proposed. The advertising period concluded on 20 May 2021, and no submissions were received.

OFFICER COMMENT

Statutory and policy assessment

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

Background

The subject site includes land located on both the eastern and western sides of Bracks Street, an area that is located between the railway line to the east and Port Beach Road to the west in North Fremantle. The subject site is broken into two main parcels to the west and east of Bracks Street. The combined land area is approximately 152,000m² and consists of 180 separate lots. The site is currently developed with a range of industrial buildings and incidental structures associated with the previous Transport Depot/Oil Terminal use of the site. The site is zoned Industrial. The site is not individually heritage listed but is located within the North Fremantle Heritage Area.

Demolition

Clause 4.14.1 of LPS4 states:

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

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

The proposed demolition consists of a number of buildings that formed the Late Twentieth Century former Shell Oil Terminal at 22 Bracks Street, mainly the eastern side of Bracks Street, including:

- Gatehouse
- Administration building (former)
- Laboratory
- Fire pumps and tanks (located on the western side of Bracks Street)
- Packed products store (former)
- Packed flammables store (former)
- Training building (former)
- Sundries (former)
- Fuel gantry (former)

An assessment of these buildings and structures have found they present little of the heritage values of the North Fremantle Heritage Area. While the site has been associated with Royal Dutch Shell (Shell) for over one hundred years, the place has been extensively redeveloped on several occasions and all surviving buildings are of little heritage significance and do not contribute to a significant streetscape. The Training Centre shows some influence of the Late Twentieth Century Brutalist style but is not a good example of the style.

While the recently demolished oil tanks may have had some local landmark status on Port Beach Road, the remaining buildings now proposed to be demolished have been tucked away in an isolated cul-de-sac and are not considered to have landmark status.

Overall, the proposal has been reviewed and the building and incidental structures have been determined to be of limited cultural heritage significance and do not make a significant contribution to the broader cultural heritage significance and character of the locality in accordance with the above clause. However, it has been recommended that an archival record of the place be prepared in accordance with the requirements of the City of Fremantle policy. Demolition is therefore supported subject to appropriate conditions.

STRATEGIC IMPLICATIONS

The demolition is associated with the long term urban redevelopment aspirations of the owners for the site. However these are in a very early stage of formulation – a preliminary request for a rezoning of the land to Urban in the Metropolitan Region Scheme has been submitted to the Western Australian Planning Commission, but the Commission has not yet formally decided whether to commence an MRS Amendment process, which will be a lengthy process involving significant community and stakeholder consultation.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

COMMITTEE DECISION ITEM PC2107-4 **(Officer's recommendation)**

Moved: Cr Bryn Jones

Seconded: Cr Andrew Sullivan

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the demolition of the existing building and Incidental Structures at No. 22 (Lots 302, 303, 331, 176, 357 and 358) Bracks Street, North Fremantle, subject to the following condition(s):

- 1. This approval relates only to the development as indicated on the approved plans, dated 20 April 2021. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.**
- 2. Prior to the issue of a Demolition Permit for the development hereby approved the existing building shall be fully documented in the form of a professionally prepared study of the physical, documentary and other evidence associated with the site before any physical or material disturbance. This documentation shall consist of the following:**
 - a) A professionally prepared architectural report including the address, names, use and description of the building and accurate measured drawings at a scale not less than 1:100. All documents shall be of A4 size or folded into A4 size.**
 - b) A photographic report which includes the following:**
 - (i) A site plan showing the position, direction and number of each photograph.**
 - (ii) The history of the original building and subsequent stages of development.**
 - (iii) Old photographs relating to this site and building.**
 - (iv) Any other relevant historical information.**

One set of such records including photographs shall be submitted to the City of Fremantle in electronic format prior to the commencement of development.
- 3. Prior to the issue of a Demolition Permit for the development hereby approved, a Demolition Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:**
 - a) Use of City car parking bays for construction related activities;**
 - b) Protection of infrastructure and street trees within the road reserve;**
 - c) Security fencing around construction sites;**
 - d) Gantries;**
 - e) Access to site by construction vehicles;**
 - f) Contact details;**
 - g) Site offices;**
 - h) Noise - Construction work and deliveries;**
 - i) Sand drift and dust management;**
 - j) Waste management;**
 - k) Dewatering management plan;**
 - l) Traffic management; and**
 - m) Works affecting pedestrian areas.**

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

ADVICE NOTE:

- i. In regard to the condition requiring a Demolition Management Plan, Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>.

A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be accessed via:
<https://www.fremantle.wa.gov.au/sites/default/files/Construction%20and%20Demolition%20Management%20Plan%20Proforma.pdf>

The Infrastructure Business Services department can be contacted via info@fremantle.wa.gov.au or 9432 9999.
- ii. A demolition permit is required to be obtained for the proposed demolition work. The demolition permit must be issued prior to the removal of any structures on site.
- iii. This area is currently subject to quarantine regulations to limit the spread of Red Imported Fire Ants. A permit is required if you are moving any potential host material (including soils and building waste) outside the quarantine area. For more information and permit requirements visit agric.wa.gov/rifa.
- iv. Effective measures shall be taken to stabilize sand and ensure no sand escapes from the property by wind or water in accordance with the City's Prevention and Abatement of Sand Drift Local Law.
- v. Any removal of asbestos is to comply with the following –

Under ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2001*. Over 10 square metres must be removed by a licensed person or business for asbestos removal. All asbestos removal is to be carried out in accordance with the *Occupational Safety and Health Act 1984* and accompanying regulations and the requirements of the *Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)]*;

Note: Removal of any amount of friable asbestos must be done by a licensed person or business and an application submitted to WorkSafe, Department of Commerce. <http://www.docep.wa.gov.au>

Carried: 6/0

Cr Bryn Jones, Cr Geoff Graham, Cr Andrew Sullivan,
Cr Su Groome, Cr Rachel Pemberton, Cr Frank Mofflin

**PC2107-2 STRANG STREET, NO. 22 (LOT 60), BEACONSFIELD – 25
GROUPED DWELLING DEVELOPMENT – (NB DAP002/21)**

Meeting Date: 7 July 2021
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Agenda attachments: 1. Development Plans
Additional information: 1. Site photos

SUMMARY

Approval is sought for the demolition of an existing warehouse, and the construction of 25 Grouped dwellings, including four single bedroom dwellings.

As the development value exceeds \$2 million, the applicant has opted to have the application determined by the Joint Development Assessment Panel (JDAP). The City's Responsible Authority Report (RAR) is referred to Planning Committee for comment.

The application is recommended for conditional approval.

PROPOSAL

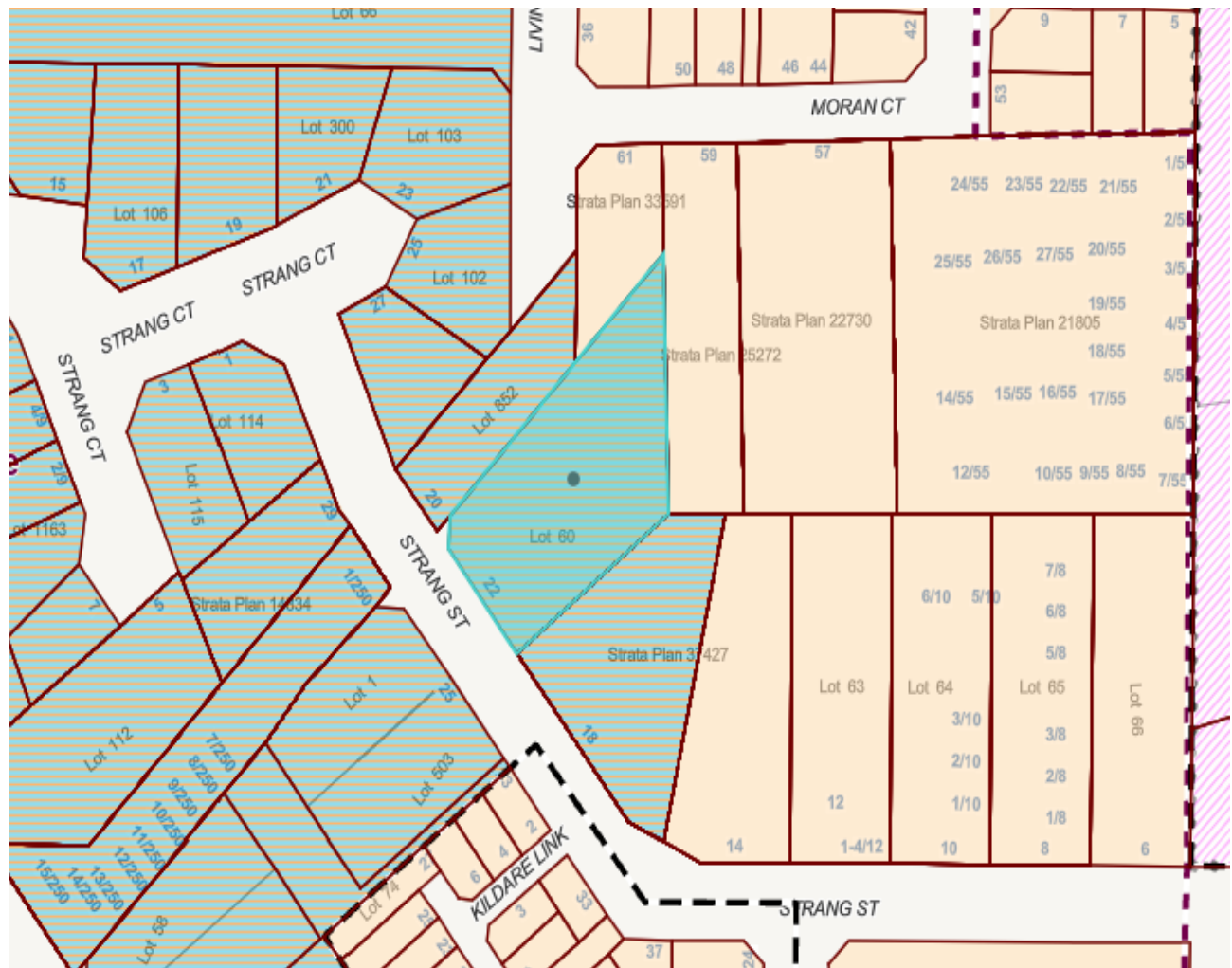
Detail

Approval is sought for the following:

- Demolition of the existing Warehouse
- Construction of 25 Grouped dwellings, inclusive of four Single-bedroom dwellings and 21 x 3-bedroom dwellings
- Associated landscaping

Site/application information

Date received: 29 March 2021
Owner name: Novelle Development Pty Ltd
Submitted by: Neo Design and Develop
Scheme: Mixed Use RAC3
Heritage listing: South Fremantle Heritage Area
Existing land use: Industrial
Use class: Grouped Dwelling
Use permissibility: A



OFFICERS RECOMMENDATION

Council:

SUPPORT the Officer's Recommendation to **APPROVE**, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, 25 Grouped Dwelling Development at 22 (Lot 60) Strang Street, Beaconsfield, subject to the conditions outlined in the responsible authority report.

Form 1 – Responsible Authority Report (Regulation 12)

DAP Name:	Metro Inner-South JDAP	
Local Government Area:	City of Fremantle	
Applicant:	Neo Design and Develop	
Owner:	Novelle Development Pty Ltd	
Value of Development:	\$6 million <input type="checkbox"/> Mandatory (Regulation 5) <input checked="" type="checkbox"/> Opt In (Regulation 6)	
Responsible Authority:	City of Fremantle	
Authorising Officer:	Manager Development Approvals	
LG Reference:	DAP002/21	
DAP File No:	DAP/21/01969	
Application Received Date:	29 March 2021	
Report Due Date:	21 June 2021	
Application Statutory Process Timeframe:	90 Days	
Attachment(s):	1. Development Plans and Elevations 2. Applicant's Assessment 3. Waste Management Plan 4. Schedule of Submissions	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	<input checked="" type="checkbox"/> Yes	Complete Responsible Authority Recommendation section
	<input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections

Responsible Authority Recommendation

That the Metro Inner-South JDAP resolves to:

Approve DAP Application reference DAP/21/01969 and accompanying plans SK01, SK03, SK04, SK06-SK15, SK17, SK19, SK21, SK23 dated 16 June 2021, SK05 dated 22 June 2021, and SK02 dated 29 June 2021 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Fremantle Local Planning Scheme No. 4, subject to the following conditions:

Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This approval relates only to the development as indicated on the approved plans SK01, SK03, SK04, SK06-SK15, SK17, SK19, SK21, SK23 dated 16 June 2021, SK05 dated 22 June 2021, and SK02 dated 29 June 2021. It does not relate to any

other development on this lot and must substantially commence within 4 years from the date of this decision letter.

3. The approved development shall be wholly located within the cadastral boundaries of the subject site including any footing details of the development.
4. All storm water discharge shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.
5. The development is to comply with the approved Waste Management Plan, including any amendments approved by the City, for the life of the development to the satisfaction of the City of Fremantle.
6. Prior to the occupation of the development hereby approved, redundant vehicle crossovers are to be removed and new/upgraded vehicle crossovers shall be constructed to the City's specification and thereafter maintained to the satisfaction of the City of Fremantle.
7. Prior to the issue of a Building Permit for the development hereby approved, a detailed drawing showing how the bedroom 2 window of Unit 18 located on the north elevation, is to be screened in accordance with Clause 5.4.1 (C1.1) of the Residential Design Codes by either:
 - a) fixed obscured or fixed translucent glass to a minimum height of 1.60 metres above internal floor level, or
 - b) fixed screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the internal floor level, or
 - c) a minimum sill height of 1.60 metres above the internal floor level,

Prior to occupation of the development hereby approved, the approved screening method shall be installed and maintained to the satisfaction of the City of Fremantle.

8. Prior to occupation of the development hereby approved, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* shall be registered against the Certificate of Title(s) to the land the subject of the proposed development, advising the owners and subsequent owners of the land of restrictions that apply to the use of the relevant dwellings (Units 3,4,7 and 8) as Single Bedroom Dwellings. The notification is to be prepared by the City's solicitors at the expense of the owner and be executed by all parties.
9. Prior to the issue of a Building Permit or Demolition Permit for the development hereby approved, a Demolition and Construction Management Plan(s) shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:
 - a) Use of City car parking bays for construction related activities;
 - b) Protection of infrastructure and street trees within the road reserve;
 - c) Security fencing around construction sites;
 - d) Gantries;
 - e) Access to site by construction vehicles;

- f) Contact details;
- g) Site offices;
- h) Noise - Construction work and deliveries;
- i) Sand drift and dust management;
- j) Waste management;
- k) Dewatering management plan;
- l) Traffic management; and
- m) Works affecting pedestrian areas.

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

10. Prior to occupation/ use of the development hereby approved, the boundary walls located on the north and south 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.
11. Prior to the occupation of the development hereby approved, the approved landscaping shall be completed in accordance with the approved plans or any approved modifications thereto to the satisfaction of the City of Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of the development, to the satisfaction of the City of Fremantle.
12. Prior to the issue of a demolition permit or building permit, a Notification pursuant to Section 70A of the Transfer of Land Act 1893 shall be registered against the Certificate of Title to the land the subject of the proposed development prior to occupation advising the owners and subsequent owners of the land that the subject site is located in close proximity to existing industrial uses and may be subject to noise, odour and activity not normally associated with typical residential zoned land. The notification is to be prepared by the City's solicitors at the expense of the owner and be executed by all parties prior to occupation.
13. Prior to the issue of a Building Permit for the development hereby approved, Units 5-9 shall be amended to provide adequate sight lines to the pedestrian walkway in accordance with clause 5.2.5 and 5.3.6 of the R-Codes or otherwise comply with the Australian and New Zealand Standards to the satisfaction of the City of Fremantle.
14. Prior to the issue of a building permit, the plans to be amended to include the recommendations within the "Parking Layout Technical Note" to the satisfaction of the City of Fremantle. Prior to occupation, the recommendations are to be implemented and maintained for the life of the development to the satisfaction of the City of Fremantle.
15. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the

obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.

Advice Notes

- i. The applicant is advised that the waste storage area may need to be modified to hold a sufficient number of appropriately sized bins. Additional information in relation to the City's waste management requirements can be found here: <https://www.fremantle.wa.gov.au/residents/waste-and-recycling>
- ii. The applicant is advised that a crossover permit must be obtained from the City's Engineering Department. New/modified crossover(s) shall comply with the City's standard for crossovers, which are available on the City of Fremantle's web site.
- iii. In regard to the condition requiring a Construction Management Plan, Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>. A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be accessed via: <https://www.fremantle.wa.gov.au/sites/default/files/Construction%20and%20Demolition%20Management%20Plan%20Proforma.pdf> The Infrastructure Business Services department can be contacted via info@fremantle.wa.gov.au or 9432 9999.
- iv. The applicant is advised that the proposed works indicated outside of the lot boundaries of the subject site do not form part of this approval. Should the applicant wish to undertake these works separate approval is required from the City. Queries relating to these works should be directed to the City's Technical Officer, Parks and Landscape via info@fremantle.wa.gov.au or 9432 9999.
- v. The applicant is advised to contact Western Power to discuss the proposal in relation to the overhead transmission lines in the vicinity of the development, as there may be restrictions and costs required with the proposed works.

Details: outline of development application

Region Scheme	MRS
Region Scheme - Zone/Reserve	Urban
Local Planning Scheme	Local Planning Scheme No. 4 (LPS4)
Local Planning Scheme - Zone/Reserve	Mixed use
Structure Plan/Precinct Plan	n/a

Structure Plan/Precinct Plan - Land Use Designation	n/a
Use Class and permissibility:	Grouped dwellings (A)
Lot Size:	3536 sqm
Existing Land Use:	Warehouse
State Heritage Register	No
Local Heritage	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Heritage List <input checked="" type="checkbox"/> Heritage Area
Design Review	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other
Bushfire Prone Area	No
Swan River Trust Area	No

Proposal:

Approval is sought for the following:

- Demolition of the existing Warehouse
- Construction of 25 Grouped dwellings, inclusive of four Single-bedroom dwellings and 21 x 3-bedroom dwellings. Five of the dwellings are three storey, with the rest being two storey.
- Associated landscaping

On 16 June 2021, amended plans were submitted that increased the dimensions of the outdoor living areas.

On 22 June 2021, further amended plans for drawings SK02 and SK05 were submitted in response to the applicant's traffic impact assessment in order to facilitate vehicle access.

On 29 June 2021, an amended site plan was submitted in response to comments from the City's Waste Management services to provide a bin presentation area on the street in lieu of two parking bays, and adding an additional visitor bay within the site.

Proposed Land Use	Grouped dwellings
Proposed Net Lettable Area	n/a
Proposed No. Storeys	2 to 3
Proposed No. Dwellings	25

Background:

The site comprises one lot within a larger scheme sub-area that includes the lots bounded by Hampton Road to the west, Clontarf Road to the south, Milbourne Street

ROW and the residential lots off of Moran Court to the north, and Development Area 7 to the east (see Figure 1 below).

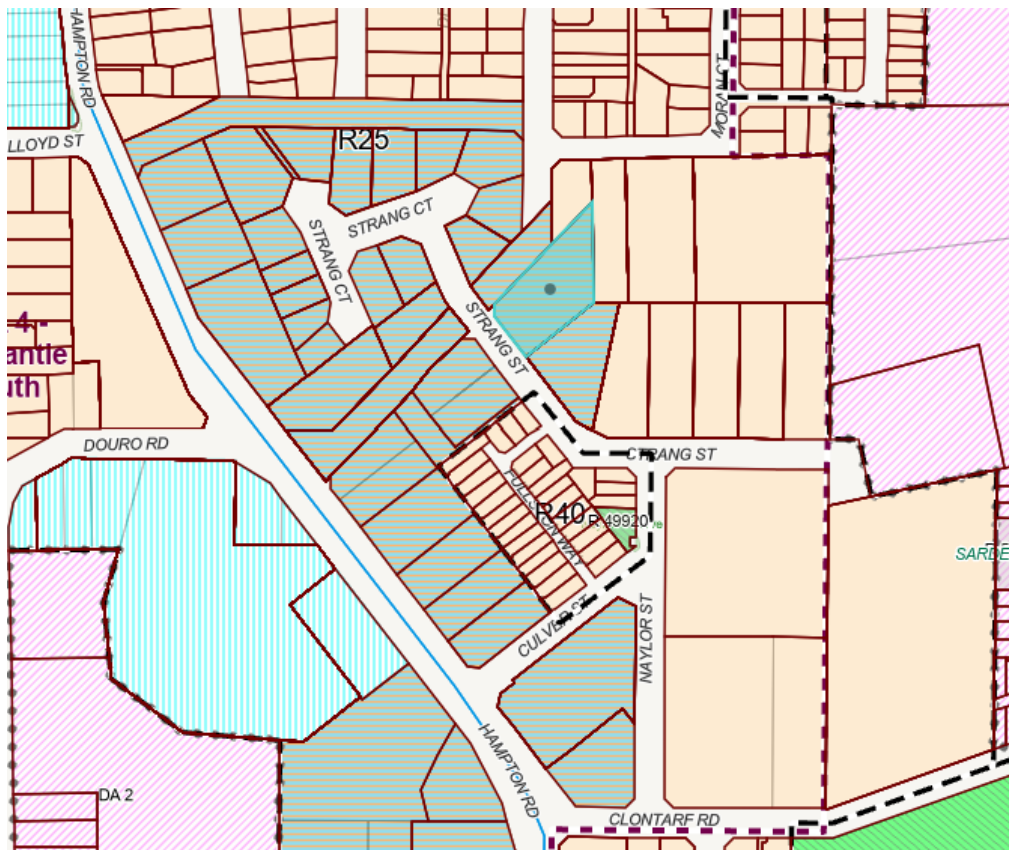


Figure 1: Sub-area 4.3.5

The land was formerly a Development Zone comprising a variety of low-scale industrial and commercial developments. As part of scheme amendment 43, the land was converted to a sub area (4.3.5) comprising Mixed use and Residential zoning of a high density with the intention of encouraging residential development and converting the then predominantly industrial land into mixed use residential development. The scheme sub-area allows a density up to R-AC3 subject to meeting certain criterion relating to the Hampton Road presentation and/or non-residential development above two storeys. As the subject site does not front Hampton Road nor contain non-residential development, the wording of the sub-area criterion is such that the current proposal therefore complies with all conditions and is eligible for the R-AC3 density.

The subject site comprises approximately 3536 sqm and abuts two Grouped dwelling developments to the east. The two-thirds of the site area between the Strang Street boundary and the rear boundary is relatively flat, but after that is a sharp cliff rising 9 to 10 metres high and continuing this elevated ground level towards the rear of the site. The ground levels shown on the contour survey demonstrate a ground level difference between the subject site and the northern site of up to 5 metres along the boundary that seems to indicate the subject site was significantly excavated at some point prior to construction of the existing Warehouse.

At the 4 February 2015 Planning Committee meeting, approval was granted for a 14m high Multiple dwelling development comprising 37 units on the subject lot. The approval was not acted upon and has since lapsed.

Legislation and Policy:

Legislation

Planning and Development (Local Planning Schemes) Regulations 2015

- *Deemed provisions*

City of Fremantle Local Planning Scheme No. 4

- Clause 4.8.1: Variation to height requirements
- Clause 4.14: Demolition of Building and Structures
- Sub area 4.3.5 - 1

State Government Policies

SPP 4.1: Industrial Interface

SPP 7.3: Residential Design Codes – Volume 1

Local Policies

LPP 1.3: Community Consultation on Planning Proposals

LPP 1.10: Construction Sites

LPP 2.4: Boundary Walls in Residential Development

LPP 2.9: Residential Streetscape

Consultation:

Public Consultation

In accordance with policy LPP 1.3, the application was determined to be a significant application and was advertised for 28 days, from 19 April to 13 May, in accordance with the requirements of the *Deemed provisions* and in the following ways:

- Letter to owners and occupiers within 200 metres of the site
- Notice in the paper
- Sign on site
- Application posted on the City's MySay website
- In-person 'Talk to a Planner' session

At the conclusion of advertising, four (4) comments were received. One (1) was fully in support, one (1) raised no objections but suggested each dwelling should have a tree, and the remaining two (2) raised the following issues:

Issue Raised	Officer comments
The development is inappropriate by virtue of density, lack of compliance with outdoor living areas, tree removal, lack of car parking, and setbacks.	<ul style="list-style-type: none"> • The development complies with the required density of the sub area of LPS4. • Amended plans have been submitted giving the minimum required dimensions to all outdoor living areas. • No approval is required to remove vegetation, and the application proposes a number of new trees.

	<ul style="list-style-type: none"> • Car parking and setback variations are supported and addressed in the report below.
--	---

A schedule of submissions is included as Attachment 4.

Referrals/consultation with Government/Service Agencies

Western Power

This current application was not referred to Western Power, however, the previous application was, as the development falls within a Western Power exclusion zone. As there have been no significant changes to the area, and the exclusion zone is still in place near the power poles along the northern boundary of the site, it is considered that the following advice is still relevant (summarised):

- *An overhead transmission line affects the subject property.*
- *Western Power does not have an easement on the lot, however, in the absence of a formal easement a restriction zone will apply.*
- *Costs may be payable by the applicant if the development encroaches.*
- *If the clearance does not comply with requirements, the proponent must then choose between changing the development plans to achieve the required clearance and/or altering the transmission line, if this option is available.*
- *The applicant should refer to the Worksafe WA Occupational Safety and Health Regulation 3.64 'danger' zone associated with lines of this voltage.*

The applicant is aware of these transmission lines, and an advice note is provided in the Officer's Recommendation to remind the applicant to contact Western Power directly to discuss their requirements in regard to the overhead transmission line.

Infrastructure Services

The City's Infrastructure Services team has reviewed the plans, including the Waste Management Plan, Traffic Management Plan and the Parking Layout Technical Note. The parking layout is acceptable provided the recommendations of the Technical Note are implemented and a condition is included to this effect.

In order to enable waste to be collected by the City, it was necessary to create a dedicated bin presentation area on the street capable of presenting all three bin systems. To ensure this space would remain viable, two visitor parking bays within the verge had to be converted to a bin presentation area. The exact layout of the verge area will be the subject of a separate verge works application in the future.

Planning Assessment:

The proposal has been assessed against all the relevant legislative requirements of the Scheme, and State and Local Planning Policies outlined in the Legislation and Policy section of this report. The following matters have been identified as key considerations for the determination of this application:

- Building height
- Outdoor living areas
- Car parking
- Visual privacy
- Demolition

General comments on R-Codes

The individual lots meet the minimum and average site area requirements for RAC3 development (R80 standards of Table 1 of the R-Codes), inclusive of the four single bedroom dwellings, which meet the minimum reduction permissible (to 66 sqm). The single bedroom dwellings are supported as they add much needed diversity of housing typology to the City.

The boundary walls along the south are to a parking lot, and along the north are to the vehicle access way of the adjoining industrial site or abutting existing boundary walls.

Units 5-9 have vehicle accesses that immediately abut the pedestrian walkway. A condition of approval is recommended requiring that this be addressed prior to the issue of a building permit to improve sightlines for the pedestrians. This may be done by clear screening, moving the solid walls of the buildings in towards the lot, etc.

Provision	Requirement	Proposal	Assessment
LPS4 – Schedule 7 - Sub Area 4.3.5	14m maximum building height	14.5 m maximum	Compliant - under clause 4.8.1.2 of LPS4
R-Codes: Outdoor living areas	16 sqm min. size 4m x 4m min. dimensions	16 sqm min. Lots 3,4,7,8 9, 18, 19, 20-23, 24	Supported under R- Codes
R-Codes: Car parking	46 bays (inclusive of single bedroom dwellings) Plus 6 visitor bays	38 bays plus 2 visitor bay onsite	Supported under R- Codes
R-Codes: Visual Privacy	3m setback to bedrooms	Less than 3m setback to bedrooms: South: Units 1,2,5,6 North: Units 12-17, 19 East: Units 24,25	Screening required for Unit 18 (Bed 2) Remainder supported under R- Codes as discussed below

Building height

Clause 4.8.1.2 of LPS4 permits variations to the maximum heights within Schedule 7 of the scheme as follows:

4.8.1.2 Where there is a variation in ground level over a development footprint of greater than one metre, Council may increase the specific height requirements of Schedule 7 subject to—

- (a) no portion of external wall of the building exceeding the maximum external wall height requirement of Schedule 7 by greater than 0.5 metres, and*
- (b) no portion of external wall of the building that exceeds the maximum external height requirement of Schedule 7 being situated on the higher side of the development footprint as measured from natural ground level.*

There is a significant limestone cliff that stretches across the entirety of the back third of the site. The development is proposed to be situated on this cliff, with a portion of the building overhanging the cliff, and a further portion of the parking area being excavated out of the cliff. The wall height variation is only to the portion of building overhanging this cliff, predominantly a part of the easternmost bedrooms and the balconies of units 20-24.

The additional height is situated within the centre of the site and above the cliff, where the ground level change vastly exceeds 1 metre. The remaining portion of those units to the rear of the site have a maximum height of 7.5m above the natural ground level as viewed from the adjoining Grouped dwelling sites. This height is therefore consistent with the existing developments situated on top of the cliff on the adjacent lots and will present to those adjacent dwellings as two storey units.

Car parking

The car parking shortfall is supported under clause 5.3.3 of the R-Codes for the following reasons:

- The site is situated approximately 200 metres from a local centre zone containing a variety of shops, including food outlets.
- There is a bus stop less than 200 metres away which serves five different bus routes.
- All units have been provided with at least one car bay. The units that are lacking an additional car bay have been provided with space for a scooter or motorcycle.
- Two visitor bays are provided within the site, with three more proposed within the road reserve. Bays in the reserve will form part of a separate application for verge works. Parking within the verges is consistent with the existing forms of development along the street. It is noted that the verge bays will not be for the exclusive use of the development but will be for general use.

Visual privacy

Overlooking to the south is supported, as it is to the car parking area of the adjoining Mixed use building.

Overlooking to the east is supported as the cone of vision is only to the existing vehicle access way of the Grouped dwellings.

Bedroom 2 of Unit 18 directly overlooks what appears to be an outdoor living area of the existing adjoining development. This window is to be conditioned to be screened.

Visual privacy within the development is obstructed through the use of privacy screens and vegetation. Any overlooking is minimal and oblique.

Outdoor living areas

All units now meet the minimum required outdoor living area square meterage, however, many of them do not meet the minimum dimensions. Most only miss out on the minimum 4m by 4m dimension by 500mm to 1m in one dimension but compensate for it by increasing the other dimension.

The Type 2 Units (Lots 11-17) that do not meet the dimensions by up to 1m in width make up for that by exceeding 6m in length, with the overall effect being minimal impact to amenity. Further, for all units where minimum dimensions are not met, such units have been provided with additional outdoor living area exceeding the minimum requirements and, in some cases, multiple outdoor living areas.

Amenity

As the development is located within an area currently comprised of Industrial uses, it is recommended that a notification be put on the title of the created lots notifying owners of potential noise not normally associated with an Industrial area.

Demolition

Clause 4.1.4 of LPS4 states:

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

- (a) has limited or no cultural heritage significance, and*
- (b) does not make a significant contribution to the broader cultural heritage significance and character of the locality in which it is located.*

The warehouse at 22 Strang Street has been assessed by the City's Heritage Coordinator and determined to not meet the threshold for inclusion on the Heritage List as it has limited aesthetic, historic and social value. The building is an example of post-War development, which is not recognized as a significant element within the South Fremantle Precinct Heritage Area and can therefore be demolished with little or no impact on the heritage significance of the place.

Conclusion:

With the rezoning of the area to accommodate density up to RAC3, Council anticipated development in the form of Multiple dwellings and Mixed use developments including a range of land uses. Though this development does not take full advantage of the density anticipated, it is the first major development to take advantage of the rezoning for any

increased density in a meaningful capacity. Currently the immediate locality is dominated by warehouses or industrial uses. Approval and construction of this development could pave the way for future residential development consistent with the strategic vision for the area and be the first step in converting the area away from the historical industrial uses.

COMMITTEE DECISION ITEM PC2107-3
(Officer's recommendation)

Moved: Cr Bryn Jones

Seconded: Cr Frank Mofflin

Council:

SUPPORT the Officer's Recommendation to APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, 25 Grouped Dwelling Development at 22 (Lot 60) Strang Street, Beaconsfield, subject to the conditions outlined in the responsible authority report.

Carried: 5/1

For:

**Cr Bryn Jones, Cr Andrew Sullivan,
Cr Su Groome, Cr Rachel Pemberton, Cr Frank Mofflin**

Against:

Cr Geoff Graham

PC2107-5 INFORMATION REPORT – JULY 2021

1. SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY

Responsible Officer: Manager Development Approvals
Agenda 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
Agenda 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
DA0046/21
Site Address and Proposal
91 Paget Street, Hilton – Proposed Demolition of Existing Single House and construction of Retaining walls and site works
Planning Committee Consideration/Decision
<ul style="list-style-type: none"> At its meeting held on 28 April 2021, the Council resolved to refuse the application.
Current Status
<ul style="list-style-type: none"> On 26 May 2021 an Application for Review by the State Administrative Tribunal was lodged by the owner. A Directions Hearing was held on 11 June 2021. A Mediation session between the parties has been scheduled for 8 July 2021.

COMMITTEE DECISION ITEM PC2107-5
(Officer's recommendation)

Moved: Cr Bryn Jones

Seconded: Cr Andrew Sullivan

Council receive the following information reports for June 2021:

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

Carried: 6/0

**Cr Bryn Jones, Cr Geoff Graham, Cr Andrew Sullivan,
Cr Su Groome, Cr Rachel Pemberton, Cr Frank Mofflin**

10.2 Council decision

Nil

11. Motions of which previous notice has been given

Nil

12. Urgent business

Nil

13. Late items

Nil

14. Confidential business

Nil

15. Closure

The Presiding Member declared the meeting closed at 7.01pm.