



Minutes

Planning Committee

Wednesday, 6 October 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	2
10.1 Committee delegation	3
PC2110-1 JAMES STREET, NO. 8 (LOT 857), FREMANTLE - SECTION 31 RECONSIDERATION FOR DIGITAL PYLON SIGN (DA0026/21)	3
PC2110-2 LOUISA STREET, NO. 1 (LOT 2), SOUTH FREMANTLE – SECOND STOREY ADDITIONS AND ALTERATIONS TO EXISTING DWELLING (TG DA0299/21)	11
PC2110-3 WESTMEATH STREET, NO. 7 (LOT 23) NORTH FREMANTLE - THREE STOREY SINGLE HOUSE WITH BASEMENT (TG DA0316/21)	22
PC2110-4 BRACKS STREET NO.22, SHELL STATE BUSINESS CENTRE AND YARD EAST (LOT 290), NORTH FREMANTLE – DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES – (CS DA0347/21)	30

PC2110-5	INFORMATION REPORT - 6 OCTOBER 2021	38
10.2	Council decision	39
11.	Motions of which previous notice has been given	39
12.	Urgent business	39
13.	Late items	39
14.	Confidential business	39
15.	Closure	39

PLANNING COMMITTEE

Minutes of the Planning Committee Meeting
held in the North Fremantle Community Hall
on **Wednesday, 6 October 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
Mr Tom Geddes	Senior Planning Officer
Ms Tracey Brown	Meeting Support Officer

There were approximately 12 members of the public and 20 Curtin University students in attendance.

2.2. Apologies

Nil

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 member of the public spoke in favour of the Officer's Recommendation for item PC2110-1:

John Kirkness

The following member of the public spoke against the Officer's Recommendation for item PC2110-2:

Alison Batcheler

The following member of the public spoke in favour of the Officer's Recommendation for item PC2110-3:

John Lewis

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 Andrew Sullivan

The Planning Committee confirm the minutes of the Planning Committee meeting dated 1 September 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

PC2110-1 JAMES STREET, NO. 8 (LOT 857), FREMANTLE - SECTION 31 RECONSIDERATION FOR DIGITAL PYLON SIGN (DA0026/21)

Meeting Date:	1 September 2021
Responsible Officer:	Manager Development Approvals
Decision Making Authority:	Committee
Attachments:	Revised Development Plans
Additional Information	1: Justification Letter 2: Refused Development Plans 3: Site Photos

SUMMARY

Approval is sought for a digital pylon sign addition at No.8 (Lot 857) James Street, Fremantle.

On 27 April 2021, the City considered the application and resolved to:

A) REFUSE under the Metropolitan Region Scheme and Local Planning Scheme No. 4 the Digital Pylon Sign Addition at No.8 (Lot 857) James Street, Fremantle, for the following reasons:

1. *The proposal is inconsistent with the City of Fremantle's Local Planning Policy 2.14: Advertisements, having regard to character and amenity of the area, and the digital animated nature of the sign in accordance with Cl. 67(g) of the Deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.*

On 28 June 2021, the applicant appealed the decision to the State Administrative Tribunal (SAT). The parties were invited to participate in mediation, which included the participation of the owners of land and owners of the business associated with the proposed signage.

Following the mediation, the SAT issued a direction notice inviting the City to reconsider an amended proposal. This amended proposal is the subject of the current report.

The applicant has submitted amended plans that include the following amendments and additional information:

- Reduced sign size from 2.16m² (1.2m w x 1.8m h) to 1.69m² (0.94m x 1.80m),
- Illumination Level as 6000 cd / m²,
- Confirmation of dwell time for the sign being able to change once during the day, to better reflect its daytime vs night-time character.

PROPOSAL DETAIL

Approval is sought for a digital pylon sign to be erected on top of an existing pylon at the front of No.8 James Street, Fremantle.

The City refused to grant approval for the original signage as the proposal was considered to be inconsistent with the City of Fremantle's Local Planning Policy 2.14:

Advertisements, having regard to character and amenity of the area, and the digital animated nature of the sign.

The applicant opted to lodge an appeal of the decision with the State Administrative Tribunal (SAT). Following SAT Mediation, the applicant submitted amended plans on 11 August 2021.

The amended application seeks to provide a revamped illuminated pylon sign at the James Street frontage. The existing pylon sign will be modified to provide a new 0.94m x 1.80m (1.69 sq m) illuminated digital screen panel in place of the old 1.1m x 1.1m (1.21 sq m) illuminated sign. The sign would provide advertising for both tenancies (hairdresser / design studio and small bar) with the adaptable sign split between them. In addition to the sign's size being reduced, additional information has been provided explaining that while it is an LCD screen, the intention of the signage is not to act like an 'animated sign' as defined in LPP2.14- Advertisements policy. It is proposed to be essentially a static illuminated sign but using LCD screen technology. The applicant is seeking consent with appropriate planning conditions being imposed to prevent the sign from operating in the capacity of an animated changing sign.

Revised development plans and applicant's justification are included as attachment 1 and additional information 1.

Site/application information

Date received:	18 January 2021
Owner name:	Wapa Superannuation Pty Ltd
Submitted by:	Ravi Mehta
Scheme:	Mixed Use (R25)
Heritage listing:	Level 3 not in heritage area
Existing land use:	Small Bar/ Shop
Use class:	Small Bar / Shop
Use permissibility:	A, A



CONSULTATION

External referrals

The original and amended proposal was not required to be referred to any external agency.

Community

The original application was not required to be advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015.

OFFICER COMMENT

Statutory and policy assessment

The amended proposal has been assessed against and is compliant with all relevant provisions of LPS4 and Council’s LPP2.14 – Advertisements policy, except for the animated technology capabilities of the sign.

Background

The site contains two distinct buildings: a heritage listed 19th Century former dwelling to the street front, partially tenanted by a hair-dressing and design studio, and a former

1960s industrial warehouse structure to the rear portion, now occupied and fitted out as a small bar facility known as the 'Funkee Monkee'. A large, bituminised carpark exists between the buildings and the adjacent commercial premises at Nos. 12-14 to the east, with this facility shared during business hours across the three premises.

An existing, previously approved illuminated pylon sign exists to the front of the site, with a small 1.1 x 1.1m signboard advertising the business within the front building. The 'Funkee Monkee' small bar also has a signboard applied to its rear building roof frontage, however it is set back approximately 25m from the street.

On 28 June 2021, the applicant appealed the City's decision to refuse the sign to the State Administrative Tribunal (SAT). The parties were invited to participate in SAT mediation, which included the participation of the owners of the land and owners of the 'Funkee Monkee' business.

Following mediation, the applicant submitted revised plans and a written justification on 11 August 2021 which are the subject of this report.

Additional Amendments

Following the SAT Mediation, the applicant submitted amended plans to address the concerns relating to the refused development and especially the concerns raised by City Officers regarding the size and animated potential of the sign. An assessment of the specific amendments is provided below.

Signage

An assessment against the provisions of LPP2.14 was required to be undertaken and is summarised above in the Statutory and policy assessment section of this report. The proposed signage is considered to comply with all relevant provisions of clause 1 of the policy, except arguably for the provision relating to 'animated' signs as follows:

LPP2.14 defines an 'Animated sign' as –

“includes but not limited to any sign or its contents that moves, and includes flashing or “chasing” lights, as well as video signs, plasma and LCD screen signs and signs which are “trivision”, “variable message”, “changing message” and “fibre optic” signs.”

LPP2.14 further states that,

“Advertisements in the form of an Animated signs will not be supported by Council.”

The applicant contends that the proposed sign does not meet any of the provided definitions of signage types within LPP2.14, in that whilst an LCD screen is being proposed, the intent of the sign is for it not to be moving, flickering or flashing and, therefore, it is not an 'Animated sign' as defined in the policy.

The applicant believes that the materiality of the sign (i.e. the fact that it is an LCD screen) should not automatically mean that the sign is classified as an 'Animated' sign.

Rather, the moving or animating nature of any signage is the key in determining if a sign is in fact an 'Animated sign' under the policy definition.

The amended proposal is for the new sign not to move or flash or have chasing lights, and its purpose is to act like an illuminated static sign in the form of an LCD screen rather than a traditional illuminated sign. The applicant is seeking Council discretion to approve the sign with the condition that it not be moving or animated, in accordance with the operative part of the Policy definition and to ensure the sign is not animated in nature.

A review of previous SAT decisions regarding similar animated sign development has found that SAT previously identified that refusal of such signage merely on its physical properties (such as an LCD screen, plasma screen, etc), is not a sufficient reason alone to refuse an application on planning grounds. The applicant states that,

“present technology makes such digital signage both practical and cost effective, with illumination able to be controlled in accordance with the approval and with the sign box itself also clearly able to be adapted to subsequent potential tenancies, obviously subject to amended approval.”

Fundamentally, the application needs to be considered against the provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015* (clause 67: Matters to be considered), LPS4 zone objectives and the discretionary criteria of *LPP2.14 – Advertisement policy*. Such consideration when assessing signage relates to traffic safety, heritage impacts and general amenity outcomes, including present and future expected amenity.

With regard to driver distraction/ traffic safety considerations, the City's Engineering Department reviewed the amended proposal and raised no specific concerns regarding illumination levels, size, positioning, style nor the sign's capabilities for driver distraction.

In terms of assessing heritage impacts, the amended application has been reviewed by the City's Heritage Officers who raised no concerns regarding the type, size, positioning of the sign, nor its potential to impact the heritage significance of the site. The City's Heritage Officers generally support the pylon sign style as it is freestanding, resulting in negligible impact to the heritage significance of the building onsite.

Notwithstanding the above and with regards to assessing general amenity impacts, given the sign is essentially replacing an existing pylon illuminated sign, the potential to significantly impact nearby residents and business owners by way of additional light spill is considered minimal. Though the sign is being increased in total area from 1.2m² to 1.7m², the slight increase is not considered excessive, nor is it considered to create any additional detrimental impacts to neighbouring properties beyond the existing sign.

On balance, officers consider there are grounds to treat the proposed amended sign differently from a true animated sign for the purposes of assessment against the provisions of LPP2.14, subject to conditions of approval which prohibit multiple or high frequency changes in the imagery displayed.

With regards to illumination levels, in order to ensure such signage doesn't become dangerous to passing drivers or impact the amenity of nearby neighbours, a condition limiting the illumination level to meet the relevant Australian Standards is recommended.

It is also recommended that a condition be included prohibiting third party signage so that the sign is not used as an electronic billboard, which would be contrary to the City's policies.

Approval of the amended proposal is recommended subject to such conditions.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICERS RECOMMENDATION

Moved: Cr Bryn Jones

Seconded: Cr Andrew Sullivan

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, digital pylon sign at No. 8 (Lot 857) James Street, Fremantle, subject to the following conditions:

1. This approval relates only to the development as indicated on the plans dated 11 August 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. The approved development shall be wholly located within the cadastral boundaries of 8 James Street, Fremantle including any footing details of the development.
3. The imagery depicted by the signage hereby approved shall change only once per calendar day to the satisfaction of the City of Fremantle.
4. The illumination of the sign shall not exceed relevant Australian Standards (including AS 4282- 2019), to the satisfaction of the City of Fremantle. The maximum luminance levels of the sign hereby approved shall not exceed:
 - Daytime - 6000 cd/m²
 - Dawn/Dusk - 600 cd/m²
 - Night - 300 cd/m²

5. The signage hereby permitted shall not contain any flashing or moving light or radio; animation or movement in its design or structure; reflective, retro-reflective or fluorescent materials in its design structure.
6. No third-party signage is permitted to be displayed at any time.

AMENDMENT 1

Moved: Cr Su Groome

Seconded: Cr Geoff Graham

Add an additional condition 7 as follows:

Condition 7: Notwithstanding condition 1, the sign hereby approved is to be affixed to the existing signage pole.

Amendment carried: 6/0

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

Reason for change: To clarify the height and location of the approved plan.

COMMITTEE DECISION ITEM PC2110-1 **(Amended Officer's recommendation)**

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, digital pylon sign at No. 8 (Lot 857) James Street, Fremantle, subject to the following conditions:

1. This approval relates only to the development as indicated on the plans dated 11 August 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. The approved development shall be wholly located within the cadastral boundaries of 8 James Street, Fremantle including any footing details of the development.
3. The imagery depicted by the signage hereby approved shall change only once per calendar day to the satisfaction of the City of Fremantle.
4. The illumination of the sign shall not exceed relevant Australian Standards (including AS 4282- 2019), to the satisfaction of the City of Fremantle. The maximum luminance levels of the sign hereby approved shall not exceed:
 - **Daytime - 6000 cd/m2**

- Dawn/Dusk - 600 cd/m²
- Night - 300 cd/m²

5. The signage hereby permitted shall not contain any flashing or moving light or radio; animation or movement in its design or structure; reflective, retro-reflective or fluorescent materials in its design structure.
6. No third-party signage is permitted to be displayed at any time.
7. *Notwithstanding condition 1, the sign hereby approved is to be affixed to the existing signage pole.*

Carried: 6/0

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

PC2110-2 LOUISA STREET, NO. 1 (LOT 2), SOUTH FREMANTLE – SECOND STOREY ADDITIONS AND ALTERATIONS TO EXISTING DWELLING (TG DA0299/21)

Meeting Date: 6 October 2021
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Agenda attachments: 1. Amended Development plans
Additional information: 1. Site Photos
2. Heritage comment

SUMMARY

Approval is sought for a second storey addition and alterations to the existing building at No. 1 Louisa 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:

- **Visual Privacy (east)**
- **On site open space**
- **Lot boundary setback (east)**

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for the addition of an upper floor to an existing factory which has been converted to a dwelling at No. 1 Louisa Street, South Fremantle. The proposed works include:

- The removal of the roof from the front portion of the warehouse to create an open space courtyard area on site.
- The addition of an upper floor terrace, bedroom, sitting room, and office to the upper floor of the building.
- The creation of a garage space off the rear access laneway

The applicant provided amended plans on 10 August 2021, seeking to clarify the extent of the existing connections between the dwelling on the adjoining property at 3 Louisa Street and the subject site, as these are currently connected and used in conjunction with one another.

The applicant submitted additional details on 27 August 2021 clarifying the extent of shade cast over the property to the south of the subject site across the access lane.

The applicant submitted amended plans on 14 September 2021, which included screening to the southern elevation of the upper floor terrace.

The applicant submitted further amended plans on 23 September 2021 showing the connection between 1 and 3 Louisa Street, as this had been removed from later sets of plans but the connection exists onsite today.

Amended development plans are included as attachment 1.

Site/application information

Date received:	15 July 2021
Owner name:	J M Pearson and V A Preston
Submitted by:	Arklen Developments Pty Ltd
Scheme:	Mixed Use R30
Heritage listing:	South Fremantle Heritage Area
Existing land use:	Single house
Use class:	Single house
Use permissibility:	A



CONSULTATION

External referrals

Nil required.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, as the proposal sought discretion with respect to overlooking to the south from the upper floor terrace. The advertising period concluded on 27 August 2021, and one submission was received. The following issues were raised (summarised):

- The submitter raised concerns with respect to northern sunlight access to their property

- The submitter was also concerned that the proposed development would provide for a south facing unscreened deck which would impose upon the privacy of their internal areas and upstairs windows.
- The submitter was also concerned with respect to the disruption that the construction would cause to their property.

It is noted that the development seeks to vary some elements of the R-Codes with respect to the adjoining property to the east of the subject site, however this property is owned by the same landowners and the two properties operate in conjunction with one another.

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

- With respect to the shade cast by the development, in accordance with the R-Codes, the subject site can cast shade over up to 35% of an adjoining property to the south. The subject development casts shade over 51.8m² of the adjoining lot, or 19.6% and meets the relevant deemed-to-comply requirement.
- In relation to disruptions caused by construction to neighbouring properties, this can be controlled through a requirement to provide a construction management plan for the subject development to the City's satisfaction. This is not normally required in cases where single residential development is proposed, however considering the constrained nature of the subject site the Planning Committee may consider that one be required in this instance.
- The subject site and those adjoining the property along Marine Terrace all form part of a thin Local Planning Scheme 4 sub area which provides for much greater development potential than those properties along Louisa Street. The Scheme allows for development up to three stories (10m wall height with a 33 degree roof above). Due to this additional development potential permitted under the Scheme, the subject development generally complies with the relevant building envelope requirements for the site.
- As mentioned above the applicant has revised the plans to include visual privacy screening to the southern elevation of the upper floor terrace, bringing the development compliance with the R-Codes. With respect to the privacy of windows to the eastern elevation additional planning comments is included 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:

- Visual Privacy (east)
- On site open space
- Lot boundary setback (east)

The above matters are discussed below.

Background

The subject site is located on the corner of Louisa Street and Marine Terrace and is bounded to the rear by a private accessway which provides access to the rear of properties along Louisa and Rose streets. The site has a land area of approximately 264m² and is currently used as a dwelling. The site is zoned Mixed use and has a density coding of R30. The site is not individually heritage listed but is located within the South Fremantle Heritage Area.

The site is occupied by a former factory building which occupies the majority of the lot, building close to all property boundaries. The subject building is used as a residence, with access to the building provided from both a front door on Louisa Street, and an access point crossing the boundary with No. 3 Louisa Street.

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

DA0570/18 – This application sought to provide for an upper floor addition above the existing building but sought to build over the majority of the existing factory, with the upper floor being set close to the primary street boundary with Louisa Street. The application was referred to the Planning Committee for determination and approved. This application also provided for retrospective approval of additions to the existing dwelling at No. 3 Louisa Street to connect the two buildings.

- DA463/07 – This application sought to provide an upper floor addition over the existing building. While the works component of this application was not pursued by the applicant at the time, it is noted that approval to use the existing portion of the building as a residence was also issued at this time.

Amalgamation of lots

Works which have been completed on site in connecting the existing dwellings on Nos. 1 and 3 Louisa Street (via ground level doorway openings in the eastern boundary wall of No. 1) have resulted in potential non-compliance with the fire separation requirements of the Building Code of Australia. This is due to the opening having been created in an existing boundary wall. These requirements would need to be addressed through performance solutions under the Building Code or potentially by amalgamating the two properties into one lot.

If amalgamated, it is noted that the subject sites would remain compliant with the relevant minimum and average site area requirements and the requirements of the R-Codes relating to a Single house/Grouped Dwellings.

Land Use

The City was advised through a previous development application that the dwellings at No. 1 and 3 Louisa Street have been physically connected and currently operate as one large dwelling. The additions and alterations, the subject of this application, will not alter this situation under the current proposal.

Heritage Assessment

The subject building, although not heritage listed is located within the overall South

Fremantle Heritage Area. Accordingly, consideration needs to be given to the extent of demolition to the existing building on site. The City's Heritage Officers have accordingly undertaken a heritage impact assessment and found that the extent of demolition works is worthy of support on the basis that the proposed retention and adaptation of the building helps to interpret the mixed residential and industrial character that has developed along Marine Terrace.

The siting of the two storey addition at the rear of the building is considered to appropriately ameliorate the impact of additions upon the historic residential streetscape of Louisa Street.

The heritage assessment notes that careful detailing will be required to ensure that the retained roof trusses and cavity brick walls will not deteriorate after the roof is stripped away and these elements are exposed to marine conditions. A relevant condition of approval is recommended to ensure that this detail is addressed through the detailed design phase of the development.

Based on the attached heritage assessment, it is considered that the extent of demolition works to the subject building can be supported in accordance with Local Planning Scheme 4 cl. 4.14.

Open Space

Element	Requirement	Proposed	Extent of Variation
On site open space	45%	35% (increased from 0%) – This includes the upper floor open terrace.	10%

The provision of on-site open space is considered to meet the Design principles of the R-Codes in that the subject development seeks to increase the proportion of open space on the site from approximately 0% to ~35% through the creation of the front courtyard area and upper floor open terrace. The building was developed as a factory unit and open space requirements were not applied to this development, resulting in near total site coverage as existing.

Visual Privacy

Element	Requirement	Proposed	Extent of Variation
Upper floor terrace visual privacy - South	7.5m setback	elevation screened	Complies
Upper floor Sitting/ Office windows - east	6m	800mm	5.2m

The amended proposal includes an east facing translucent window overlooking the property at 3 Louisa Street. It is considered appropriate to require that these translucent windows satisfy the screening requirements of the R-Codes, however it is noted that due to the current ownership situation that full compliance with the visual privacy provisions of the R-Codes may not be required unless future individual sale of the properties was

considered. A condition of approval is recommended for these windows to be screened to ensure that any potential future visual privacy concerns can be addressed through development compliance.

Lot boundary setback/Boundary Wall (East)

Element	Requirement	Proposed	Extent of Variation
Upper floor boundary wall to 3 Louisa Street	2.1m	Nil (window inset provided)	2.1m

The upper floor lot boundary setback is considered to meet the Design principles of the LPP 2.4 (Residential Boundary Walls) in the following ways:

- The upper floor is well set back from the Louisa Street streetscape, resulting in limited impact on the historic street appearance.
- Placing the upper floor against this boundary allows for the efficient use of space on the subject site without
- The shade cast by the wall at midday on midwinter will fall over the laneway and properties to the south rather than the adjoining property.
- Visual privacy between the properties will be provided for through the use of translucent glazing to the upper floor windows facing the boundary.
- It is noted that historically, development on this boundary has been supported, with DA0570/18 being supported by the Planning Committee with an upper floor boundary wall of a similar length which did not include the proposed window inset to reduce its overall building bulk.

It is a recommended condition of approval that No. 1 and 3 Louisa Street be amalgamated to ensure that the development can comply with the fire separation requirements of the BCA and if this were undertaken the wall would not be a boundary wall subject to assessment under the R-Codes (it would become an internal wall within the building on one large lot). This recommended condition is identical to one imposed on the previous approval granted in 2018, referred to above.

On the basis the properties may be separated and individually sold in the future, it is considered that the building up to the property boundary will remain consistent with the design principles of the R-Codes as they stand today and is worthy of support in this context.

CONCLUSION

The development is considered to appropriately address the relevant statutory requirements that apply to the subject site in providing for usable residential additions to the subject building. The development is also considered to appropriately address the Local Planning Scheme 4 intent to provide for the intensification of development along properties facing Marine Terrace. The amended plans have addressed overlooking impacts on the neighbour to the south through the introduction of screening.

The application is recommended for approval, subject to conditions.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICERS RECOMMENDATION

Moved: Cr Bryn Jones

Seconded: Cr Su Groome

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Second Storey additions and alterations to existing Single house at No. 1 (Lot 2) Louisa Street, South Fremantle, subject to the following condition(s):

1. This approval relates only to the development as indicated on the approved plans, dated 23 September 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 Building Permit, No. 1 and 3 (Lots 2 and 3) Louisa Street are to be legally amalgamated or alternatively the owner may enter into a legal agreement with the City of Fremantle, drafted by the City's solicitors at the expense of the owner and be executed by all parties concerned prior to the commencement of the works. The legal agreement will specify measures to allow the development approval to operate having regard to the subject site consisting of two separate lots, to the satisfaction of the City of Fremantle.
3. Prior to the issue of a building permit for the development hereby approved, the applicant is to provide details of how the retained roof trusses and cavity brick walls are to be finished to as to protect these elements from the marine conditions of the locality to the satisfaction of the City of Fremantle.
4. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
5. All storm water discharge from the development hereby approved shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.
6. Prior to the issue of a Building Permit for the development hereby approved, a detailed drawing showing how the **Sitting/Office window** located on 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,

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.

- 7. Prior to occupation/ use of the development hereby approved, the boundary wall located on the eastern 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
- 8. 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 in relation to condition 6, 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.
- ii) 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.
- iii) Fire separation for the proposed building works must comply with Part 3.7.2 of the Building Code of Australia.
- iv) Fire safety for the proposed works and existing building must comply with Part 3.7 of the National Construction Code of Australia. The separation between the buildings must be addressed and comply with each applicable building standard.

AMENDMENT

Moved: Cr Bryn Jones

Seconded: Cr Andrew Sullivan

Amend condition 6 to read as follows:

Prior to the issue of a Building Permit for the development hereby approved, a detailed drawing showing how the **Sitting/Office window** located on eastern elevation, *and screening to the deck on southern 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,

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.

Amendment carried: 6/0

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

Reason for change: To require details of the screening to the southern elevation.

COMMITTEE DECISION ITEM PC2110-2
(Amended Officer's recommendation)

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Second Storey additions and alterations to existing Single house at No. 1 (Lot 2) Louisa Street, South Fremantle, subject to the following condition(s):

- 1. This approval relates only to the development as indicated on the approved plans, dated 23 September 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 Building Permit, No. 1 and 3 (Lots 2 and 3) Louisa Street are to be legally amalgamated or alternatively the owner may enter into a legal agreement with the City of Fremantle, drafted by the City's solicitors at the expense of the owner and be executed by all parties concerned prior to the commencement of the works. The legal agreement will specify measures to allow the development approval to operate having regard to the subject site consisting of two separate lots, to the satisfaction of the City of Fremantle.**
- 3. Prior to the issue of a building permit for the development hereby approved, the applicant is to provide details of how the retained roof trusses and cavity**

brick walls are to be finished to as to protect these elements from the marine conditions of the locality to the satisfaction of the City of Fremantle.

4. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
5. All storm water discharge from the development hereby approved shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.
6. Prior to the issue of a Building Permit for the development hereby approved, a detailed drawing showing how the **Sitting/Office window** located on eastern elevation, *and screening to the deck on southern 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,

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.

7. Prior to occupation/ use of the development hereby approved, the boundary wall located on the eastern 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

8. 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:

- v) The applicant is advised in relation to condition 6, 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.
- vi) 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.

- vii) Fire separation for the proposed building works must comply with Part 3.7.2 of the Building Code of Australia.**
- viii) Fire safety for the proposed works and existing building must comply with Part 3.7 of the National Construction Code of Australia. The separation between the buildings must be addressed and comply with each applicable building standard.**

Carried: 6/0

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

PC2110-3 WESTMEATH STREET, NO. 7 (LOT 23) NORTH FREMANTLE - THREE STOREY SINGLE HOUSE WITH BASEMENT (TG DA0316/21)

Meeting Date: 6 October 2021
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Agenda attachments: 1. Development Plans
Additional information: 1. Site Photo

SUMMARY

Approval is sought for a three storey Single house with basement at No. 7 Westmeath Street, North Fremantle.

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

- Building height (Three Storeys)
- Boundary walls (east)
- Garage width

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for a three storey Single house with a basement to an existing vacant site at No. 7 Westmeath Street in North Fremantle. The proposed works include:

- Basement
 - Home theatre, cellar, gym, steam room, guest bedroom and sunken courtyard.
- Ground floor
 - Garage, kitchen, living, dining, garage, and alfresco.
- Upper floor
 - Three bedrooms, study and balcony.
- Top floor/roof deck
 - Activity room and balcony.

Development plans are included as attachment 1.

Site/application information

Date received: 27 July 2021
Owner name: K S Williams and K E Prosser
Submitted by: John Lewis Architect
Scheme: Residential R25
Heritage listing: North Fremantle Heritage Area
Existing land use: Vacant site
Use class: Single house
Use permissibility: P



CONSULTATION

External referrals

Nil required.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, as the proposal sought to vary several development requirements which applied to the site. The advertising period concluded on 27 August 2021, and one submission was received. The following issues were raised (summarised):

- The proposed three storey dwelling will not be appropriate for the front line of properties facing the river. The submitter considers that all other properties in the immediate locality are two storey and that it is important to maintain a consistent skyline along the river foreshore.

The applicant provided the following additional comments in support of the proposed building height (summarised).

- The height of the upper loft is the same as a 'Deemed to Comply' 2 storey development. However the upper floor activity room is loft style (built within the roof space) and a much smaller area of the site that a second story of the site would require. The vast majority of the site is significantly under the allowed height limits.
- Precedent has been established with loft style upper floor developments in the immediate proximity that have been previously approved and constructed. 38 Mathieson and 45 Mathieson being the most obvious examples.
- The upper loft activity room and roof terrace are setback considerably more than the 3m front setback required, thus minimising bulk and scale to the street. The roof balcony balustrade is setback 6.5m and the roof over is 8m setback. The walls of the loft activity room are 10.5m setback.
- The loft room and terrace is compliant with all 'Deemed to Comply' visual privacy, setback and overshadowing requirements.

A full assessment of the proposed height of the subject building is provided in the officer comment section 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:

- Building height (Three Storeys)
- Boundary walls (east)
- Garage width

The above matters are discussed below.

Background

The subject site is located at the bend of Westmeath Street and faces the river foreshore. The site has a land area of approximately 425m² and is currently a vacant site, created through the subdivision of the original industrial complex which occupied the land in the post-world war two era. The site is zoned Residential and has a density coding of R25. The site is not individually heritage listed but is located within the North Fremantle Heritage Area.

The site is generally flat due to its creation through a recent subdivision process and is supported by existing retaining walls to the rear of the site and bounded along the western boundary by an existing subdivision fence.

A search of the property file has revealed no relevant history for the subject site.

Building height

Element	Requirement	Proposed	Extent of Variation
Number of storeys	Two storeys	Three storeys	One storey
Wall height	7m	10m (top of gable)	3m

The subject site is located within Local Planning Scheme 4 sub area 3.3.1 which imposes a two storey height limitation on the subject site, with a maximum 7 metre external wall height and 10 metre roof height.

It is noted that the proposed gable end to the top floor/roof deck level of the building would have previously not been assessed as forming a part of the wall height of the building, however recent changes to the wall height assessment requirements in the R-Codes have necessitated requiring that gable ends be considered a part of the external wall height of a building. Due to this historical anomaly, it is noted that a number of buildings in the immediate locality of the site were supported with a similar development outcome, with the top floor being provided as a loft or upper floor with a gable end up to the maximum allowable roof height, specific examples are provided below.

As the proposal seeks to vary a Local Planning Scheme 4 height requirement, assessment is to be undertaken in accordance with the discretionary criteria of Local Planning Scheme 4 cl. 4.8.1 which specifies the following requirements:

4.8.1.1 Where sites contain or are adjacent to buildings that depict a height greater than that specified in the general or specific requirements in schedule 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.*

In response to the above discretionary criteria, the following is noted:

- a) Due to the recent change in the interpretation of wall height for walls with gable ends under the R-Codes, there are a number of buildings in the immediate area which have provided for a similar building outcome, specifically properties such as:
 - 38 Mathieson Street, located at the corner of Mathieson Avenue and Westmeath Street, which provides for a 10m overall building height accommodating a large gable form.
 - 45 Mathieson Street, located to the rear and east of the subject site, which also provides a 10m overall building height with a gable.
- b) Due to the nature of the subdivision layout, with each street established on different tier levels as the topography of the area falls away towards the river, there will be a natural graduation in height from the buildings noted above and it is considered that the building has been designed so as to reflect the established permitted built form in the locality.
- c) Although the subject site is located within the North Fremantle Heritage Area, the subject site forms a part of a newer redevelopment area which has been constructed predominantly over the last ten years. Accordingly, the development is not considered to unduly impact the cultural heritage values of the immediate area.
- d) While a two storey height limit is generally expected in accordance with the local area policy, allowance has previously been granted for loft rooms which sit within the overall roof height as with this proposal.



Photo 1: Subject site shown from Westmeath Street showing surrounding similar development at 38, 43 and 45 Mathieson Street.

The site exhibits a 7m wall height to the sides of the building with an overall 10m roof height above, falling within the permissible heights available within the locality. The gable ends to the building provide additional building bulk than a hipped roof form, however this element is oriented on a north/south axis and accordingly minimises the profile of the building when perceived from properties to the north of the subject site, providing for views towards the river which are considered consistent with a 10m hipped roof in the same location.

For the reasons listed above, the height of the development is considered to be consistent with the height of other buildings in the immediate locality and to satisfy the discretionary height criteria of Local Planning Scheme 4. Accordingly, this element of the development is supported.

Boundary wall (East)

Element	Requirement	Proposed	Extent of Variation
Store/Bin room boundary wall	1m setback	0m setback	1m

The proposed boundary wall is considered to meet the Design principles of the City’s Residential Boundary Wall policy (LPP 2.4) in the following ways:

- Although no development proposal applications have yet been made for the adjoining property at 9 Westmeath Street, it is considered that it is likely that a future building may place a similar garage boundary wall against the proposed wall, resulting in minimal building bulk impact to this property. It is considered that designs on this site would be unlikely to pursue sensitive areas of a dwelling adjacent to this wall.
- The proposed boundary wall element provides for an effective use of space to provide storage and bin screening for the subject site.
- This element of the development is not considered to impact the privacy, nor the access to direct sunlight of the neighbouring property due to lot orientation and the lack of habitable rooms adjacent to the wall.
- Boundary walls for garages and storerooms are common in the immediate locality, with multiple homes seeking to construct up to the property boundary.

Garage width

Element	Requirement	Proposed	Extent of Variation
Width of garage and supporting structures.	50%	65% *8.4m of 12.9m wide frontage at the 3m setback line)	15%

The width of the proposed garage is considered to satisfy the relevant design principles of the R-Codes for the following reasons:

- The proposed design is considered to appropriately ameliorate the impact of the garage door presenting onto the streetscape due to the addition of a roof garden over the garage as well as two storeys with balconies which are considered to address the need for visual interaction between the dwelling and the street.
- The development proposal provides for a variety of different building materials which would provide for a varied appearance which will break up the overall building bulk facing the street.

CONCLUSION

The proposed development is considered to appropriately address the relevant design requirements that apply to the subject property for the reasons stated above. For this reason, the development application is recommended for approval, subject to conditions.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

COMMITTEE DECISION ITEM PC2110-3

(Officer's recommendation)

**Moved: Cr Bryn Jones
Council:**

Seconded: Cr Geoff Graham

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Three storey Single house with basement at No. 7 (Lot 23) Westmeath St, North Fremantle, subject to the following condition(s):

- 1. This approval relates only to the development as indicated on the approved plans, dated 28 July 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 from the development hereby approved 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. Prior to the issue of a building permit for the development hereby approved, the property driveway is to taper from garage to the street at a maximum rate of 1:5, and be a maximum width of 4.5 metres at the front property boundary, and thereafter maintained to the satisfaction of the City of Fremantle.**
- 6. Prior to the issue of a Building Permit for the development hereby approved, all fencing within the Primary Street setback area shall be visually permeable above 1.2 metres above natural ground level as per clause 5.2.4 C3 of the Residential Design Codes 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 roof deck balcony located on the eastern 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/ use of the development hereby approved, the boundary wall located on the eastern boundary 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.

9. 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. 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.
- 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.

The applicant is advised that the new vehicle crossover shall be separated from any verge infrastructure by a minimum of 2.0 metres in the case of verge trees.

Carried: 6/0

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

PC2110-4 BRACKS STREET NO.22, SHELL STATE BUSINESS CENTRE AND YARD EAST (LOT 290), NORTH FREMANTLE – DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES – (CS DA0347/21)

Meeting Date: 6 October 2021
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Agenda attachments: 1. Demolition Plan
Additional information: Nil

SUMMARY

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

The proposal is referred to the Planning Committee (PC) as it proposes demolition of buildings and incidental structures 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 conditional approval.

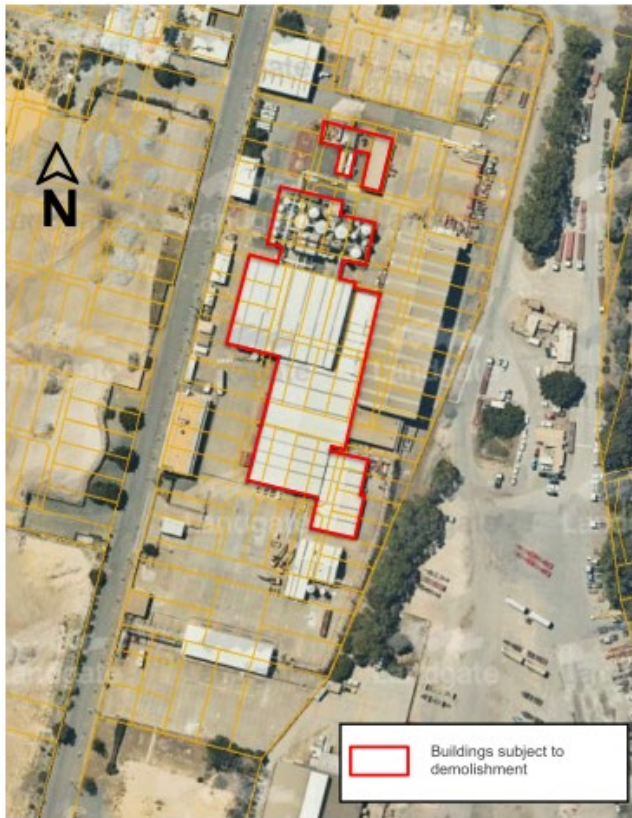
PROPOSAL

Detail

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

The demolition of these buildings and structures is in addition to demolition of other buildings on the site proposed in a previous application (DA0178/21) which was approved by Planning Committee on 7 July 2021.

See aerial image below for the location of the buildings proposed for demolition under this application.



Demolition plans are included as attachment 1.

Site/application information

Date received:	16 August 2021
Owner name:	VE Property Pty Ltd
Submitted by:	Urbis
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 Ports (FPA)

The application was referred to FPA as the subject site is located within the Fremantle Port Buffer Area (part in Area 1, part in Area 2). The FPA have advised that they have ascertained that the scope of works will have no direct impact on the port operations, and they do not require any further information and have no further comments to provide.

Department of Planning, Lands and Heritage (DPLH)

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.

Department of Water and Environmental Regulation (DWER)

The application was referred to DWER as the site has previously been identified as 'possibly contaminated – investigation required'. The Department has advised that an accredited contaminated sites auditor has been engaged to review the current and previous investigations and are expected to provide a mandatory auditors report in 2021. The Department has advised that based on available information, and considering the application is not proposing to change to a more sensitive land use, the Department has no objection to the proposed demolition of infrastructure as shown in the diagram provided. The Department recommends (given the risks associated with potential disturbance of impacted soils), that an advice note is applied to any approval granted by the City of Fremantle.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, as complete demolition of all buildings within a heritage area is proposed. The advertising period concluded on 16 September 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 both on 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 of land, one to the east (known as No.22 Bracks Street), and one to the west (known as the Shell Business Centre and Yard). The combined land area is approximately 152,000m². The site is currently developed with a range of industrial buildings and structures associated with the previous Transport Depot/Oil Terminal use of the site. The site is zoned as 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.*

A heritage assessment of the site has identified that the western side of the industrial complex, including the storage tanks, has almost completely been cleared, with the Fire pump tank and equipment having approval to be demolished. The eastern side of the site is largely intact with the structures dating from post 1970 and associated with the manufacture and distribution of petroleum products. The Training Centre, Laboratory, Gatehouse and Automotive Repairs Workshop already have approval to be demolished. The entire site is bitumen paved and surrounded by high cyclone mesh fencing topped with barbed wire.

The buildings proposed to be demolished under this application are all located on the eastern side of Bracks Street and are identified as:

- Lube Oil store,
- Loading area,
- Drum shed,
- A collection of small tanks directly to the north of the Lube Oil store.

These buildings are steel framed, gable roofed industrial sheds clad in corrugated metal sheeting on concrete slabs.



Photo 1 – Industrial tanks and sheds proposed for demolition on western side of Bracks Street,

The proposed demolition of the Late Twentieth Century oil terminal buildings at No.22 Bracks Street (Shell State Business Centre and Yard East) will have little impact upon the significant fabric or heritage values of the North Fremantle Heritage Area. Whilst 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.

While the recently demolished oil tanks on the western side may have had some local landmark status on Port Beach Road, the remaining buildings have been tucked away in an isolated cul de sac street and do not have landmark status in the area.

The historic and social values of this place can be captured by recording the information collected as part of this assessment in Inherit as a Historic Record Only listing.

The proposed demolition is supported on heritage grounds as it does not contribute to the identified significance of the North Fremantle Heritage Area or meet the threshold for individual listing.

CONCLUSION

The proposed demolition of various buildings on site is considered supportable for the reasons discussed above and is recommended for conditional approval.

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 and will likely be linked to the recently announced WAPC Future of Fremantle Planning Committee project.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

COMMITTEE DECISION ITEM PC2110-4 **(Officer's recommendation)**

Moved: Cr Bryn Jones
Council:

Seconded: Cr Su Groome

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Demolition of existing Buildings at Shell State Business Centre and Yard East (Lot 290), Bracks Street, North Fremantle, subject to the following conditions:

- 1. This approval relates only to the development as indicated on the approved plans, dated 16 August 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(s):

- 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 website 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 requirement 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>

vi. The applicant is advised that an appropriate management plan should be prepared to manage any environmental or health risks from potential exposure of contaminated soils during demolition works.

Any material (soil and hardstand) proposed for off-site disposal should be adequately assessed in accordance with the *Landfill Waste Classification and Waste Definitions 1996 (as amended 2019)* and the *PFAS National Environmental Management Plan (Heads of EPA's Australia and New Zealand, January 202)*.

Carried: 6/0

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

PC2110-5 INFORMATION REPORT - 6 OCTOBER 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 was held on 8 July 2021. A second Mediation session between the parties was held on 12 August 2021. The applicant provided additional information to the City on 10 September 2021. Additional information being a new development application which includes the retention of the existing dwelling and two additional Grouped dwellings (one being a single bedroom dwelling). A third mediation session is scheduled for the 5 October 2021.

COMMITTEE DECISION ITEM PC2110-5
(Officer's recommendation)

Moved: Cr Bryn Jones

Seconded: Cr Frank Mofflin

Council receive the following information reports for 6 October 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 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 7.02 pm.