



Minutes

Planning Committee

Wednesday, 1 September 2021, 6.00pm

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PLANNING COMMITTEE

Minutes of the Planning Committee Meeting
held in the North Fremantle Community Hall
on **Wednesday, 1 September 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
Cr Doug Thompson	North Ward (<i>observing</i>)
Mr Paul Garbett	Director Strategic Planning and Projects
Ms Julia Kingsbury	Manager Development Approvals
Ms Tracey Brown	Meeting Support Officer

There were approximately 5 members of the public 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 for the Officer's Recommendation for item PC2109-1:

Garnett Hall

The following member of the public spoke for the Officer's Recommendation for item PC2109-2:

Michael Patroni

The following member of the public spoke against the Officer's Recommendation for item PC2109-2:

Dr Mark Stieler

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 Frank Mofflin

The Planning Committee confirm the minutes of the Planning Committee meeting dated 4 August 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

PC2109-1 SOLOMON STREET, NO. 134 (LOT 800), BEACONSFIELD – ANCILLARY DWELLING ADDITION AND ALTERATIONS TO EXISTING SINGLE HOUSE – (NB DA0148/21)

Meeting Date: 1 September 2021
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Agenda attachments: 1. Amended Development Plans
Additional information: 1. Site photos
2. Heritage Council Advice
3. Applicant Justification

SUMMARY

Approval is sought for an Ancillary dwelling addition and alterations to an existing house at 134 Solomon Street, Beaconsfield.

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:

- Lot boundary setbacks
- Ancillary dwelling plot ratio
- Visual privacy

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for a Garage and Ancillary dwelling addition to an existing single house. The proposed works include:

- Four car garage on the ground floor
- Ancillary dwelling with balcony located above the garage
- Single storey alfresco to the rear of the site
- Pool, decking, turf and retaining walls

The applicant submitted amended plans on 8 June 2021 including the following:

- Increasing the southern ground floor setback of the garage and upper floor Ancillary dwelling from 400mm to 1m.
- Additional screening provided to Ancillary dwelling balcony and new trees to protect privacy.
- Increasing the southern setback of the rear alfresco from 400mm to 500mm.

Development plans are included as attachment 1.

- a. *An archival photographic record including measured drawings of the brick tank stand.*
- b. *A methodology for the removal of the brick tank stand with the lower-level portion retained under the new deck, and any required rectification works to the residence.*
- c. *Final architectural plans and a material and colour schedule for the new construction.*
- d. *Final landscape plan. The landscape plan shall demonstrate how the windmill and underground water tank, and part of the brick tank stand, will be retained and incorporated into the new deck without damage, and details of connections of decking and pool fence to the residence.*
- e. *Plans and a detailed scope of works and specification for the new shutters and cleaning, repair, and painting work to the residence.*

These matters can be dealt with as relevant conditions and advice notes.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, as discretion was sought against the R-Codes. The advertising period concluded on 7 May 2021, and three (3) submissions were received. The following issues were raised (summarised):

- The lot has previously been infilled to raise the ground levels and is now at chest height in relation to the southern properties. The proposal includes further fill which, combined with the height of the proposal, will block sunlight to the adjoining properties.
- The balcony overlooks the backyard and rear room of the adjoining dwelling and impacts privacy.
- The proposed trees will provide inadequate privacy screening. The palms will drop leaves and shade the olive tree on the southern site.
- Palm trees and large buildings would detract from the amenity of the adjoining southern site.
- With the size of the lot and the existing house there is no need to build another structure up against the southern boundary.
- Overlooking to properties occurs from the stairwell and bedroom 2.
- We have concerns about dust mitigation during construction.
- How will the current apparent 1.8m fence height be maintained with a new wall?
- The 400mm lot boundary setback will not allow space for cleaning of debris and is an inadequate setback.

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

- Increasing the southern ground floor setback of the garage and upper floor Ancillary dwelling from 400mm to 1m.
- Additional screening provided to Ancillary dwelling balcony
- Increasing the southern setback of the rear alfresco from 400mm to 500mm.

The applicant also provided the following additional justification (summarised below with full comment as Additional Information - Attachment 3):

- The house is State Heritage Registered and the heritage contract only permits building within certain areas of the lot, shown in green in the image below:



Figure 1: Aerial of the lot, with area permitted for development under the State Heritage Agreement shown in green.

- Heritage requirements also stipulate that any new buildings must be subservient to the existing house and as far away from the original house as possible.
- Visual privacy has been improved through the increased boundary setback and the provision of partial screening to the balcony to obscure a lot of the overlooking.
- Despite the apparent size of the house from the outside, functionally it is only a 3 bedroom, 2 bath house. The most appropriate way to add additional bedrooms is to incorporate them into an external structure.

Officers provide the following additional response to the submissions:

- There is no species identification for the new trees proposed for privacy. A landscaping condition can be added, however, any landscaping is likely contingent on approval from DPLH.
- The window to Bedroom 2 is obscure glazed up to a finished floor level of 1.6m, making it compliant with visual privacy requirements of the R-Codes.
- A stairwell is not considered a habitable room under the R-Codes, and therefore not subject to visual privacy requirements.
- A Construction Management Plan is recommended to be included as a condition of approval to mitigate dust.

The remaining comments are addressed in the officer comment below.

After amended plans were received, the City emailed the plans to the above submitters to see if there was further comment or amendments to any submissions. The City allowed 14 days for further comment from these submitters and one submission (1) was received raising the following issues:

- I remain unconvinced that that my rights to light in winter are not impinged upon by this proposal.
- The proposed minimal 1m setback will do little to address the deprivation of winter light, when the proposed roofline has not been adjusted.
- Proposed additional trees for privacy are counter-productive, as they add additional shadow, whilst the balcony size and location remains unchanged on the western face of the building, and will look directly in to the main living and entertaining area of the neighbouring property.
- This proposed additional dwelling is in effect a 'sub-division' by stealth for other types of occupation in the future, and the ocean views described on the plans would be afforded at the expense of the amenity, function and value of their adjoining neighbours' property.

Officers provide the following response:

- The building remains an Ancillary dwelling, not a subdivision. The layout of the dwelling relative to the driveway, the outdoor living area and the alfresco are not conducive to a subdivision layout and would, in any event, require approval from the Department of Planning Lands and Heritage. The house is a Single house and can, under the R-Codes, be permitted an Ancillary dwelling.

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:

- Lot boundary setbacks
- Ancillary dwelling plot ratio
- Visual privacy

The above matters are discussed below.

Background

The subject site is located on the eastern side of Solomon Street between South Street and Martha Street. The site has a land area of approximately 2,949 m² and is currently a Single house. The site is zoned Residential and has a density coding of R25. The site is State Heritage Registered and located within the South Fremantle Heritage Area.

The property is subject to a heritage agreement with the Heritage Council – Department of Planning, Lands and Heritage which sets controls for what alterations can be made to the property and how the land, including some of the vegetation, is to be managed. The existing house is set well back from the street, and the agreement states that no buildings can be constructed forward of the house. Furthermore, all additions to the side of the existing house are to be subservient to the house and to maintain as much a distance as possible from the house. The applicant has provided an indication of where development can be considered under the agreement (Figure 1 above).

Lot boundary setbacks

Element	Requirement	Proposed	Extent of Variation
Alfresco (east/rear)	1 m	Nil	1 m
Alfresco (south/side)	1 m	0.5 m	0.5 m
Garage (ground)	1.5 m	1 m	0.5 m
Ancillary dwelling (upper)	1.8 m	1 m	0.8 m

(NB: The R-Codes define any wall within 600mm of a side boundary as a boundary wall)

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

Alfresco

- The eastern/rear elevation of the alfresco is located up against an existing limestone dividing fence approximately 2m high. On the adjoining eastern lot is an enclosed alfresco less than 1m from the boundary. The reduced setback of the alfresco will have minimal impact on the adjoining eastern lot.
- The ground level of the south-eastern lot adjoining the western half of the alfresco is roughly 2.4m below the levels of the subject site, however, there are two existing outbuildings located against the boundary on the adjoining site at this section. This results in minimal impact to the outdoor living area at this location (see Photo 1 below).
- The neighbouring pool adjoining the remainder of the alfresco is raised such that the deck level is only slightly below that of the subject site (see Photo 1 below).
- The alfresco is single storey, and the proposal complies with the solar access requirements of the R-Codes.



Photo 1: Adjoining south-eastern site at the location of the propose alfresco looking southeast. Limestone dividing fence is in left foreground, adjoining shed roof in right foreground, pool and deck behind.

Garage and Ancillary dwelling

- The development meets the solar access deemed-to-comply requirements of the R-Codes, and the overshadowing in winter predominantly falls onto the garden area, not the outdoor deck.
- Building close to or on the boundary is consistent with retaining the context of the existing heritage house by providing a separation between old and new building forms.
- The built form is constrained by the heritage agreement, which requires all new buildings to remain as far as possible from the existing heritage house, and limits locations on the lot where development can be constructed.

Ancillary dwelling plot ratio

Element	Requirement	Proposed	Extent of Variation
Plot ratio	70 sqm	98 sqm	28 sqm

The Ancillary dwelling plot ratio is considered to meet the Design principles of the R-Codes in the following ways:

- Plot ratio is inclusive of the stairs and the ground floor entry. The actual living space of the Ancillary dwelling is approximately 92 sqm. The additional living space is not out of scale to the existing lot and heritage house.
- The Ancillary dwelling is subservient to the existing house and the size of the lot on which it sits.

Visual privacy

Element	Requirement	Proposed	Extent of Variation
Ancillary dwelling balcony (south)	7.5m	4.1 m	3.4 m

The visual privacy variation is considered to meet the Design principles of the R-Codes in the following ways:

- Overlooking is only from the balcony and is oblique, with direct views blocked by a screen running approximately 1.9m the length of the balcony.
- The visual privacy setback to the meals and living rooms is fully compliant with the R-Codes.
- Sufficient landscaping could assist in mitigating any remaining overlooking and it is recommended a landscaping plan be approved by the City.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

COMMITTEE DECISION ITEM PC2109-1 (Officer's recommendation)

Moved: Cr Bryn Jones

Seconded: Cr Rachel Pemberton

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Ancillary dwelling addition and alterations to an existing Single house at No. 134 (Lot 800) Solomon Street, Beaconsfield, subject to the following condition(s):

- 1. 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 four years from the date of this decision letter.**
- 2. All storm water discharge shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.**
- 3. Prior to the issue of a building permit, the following details shall be submitted to the satisfaction of the City of Fremantle on advice from the Director Heritage Development (Department of Planning, Lands and Heritage):**

- a) An archival photographic record including measured drawings of the brick tank stand.
 - b) A methodology for the removal of the brick tank stand with the lower-level portion retained under the new deck, and any required rectification works to the residence.
 - c) Final architectural plans and a material and colour schedule for the new construction.
 - d) Final landscape plan. The landscape plan shall demonstrate how the windmill and underground water tank, and part of the brick tank stand, will be retained and incorporated into the new deck without damage, and details of connections of decking and pool fence to the residence.
 - e) Plans and a detailed scope of works and specification for the new shutters and cleaning, repair, and painting work to the residence.
4. Prior to occupation/ use of the development hereby approved, the boundary walls located on the south and east elevations 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.
5. Prior to the issue of a Building Permit for the development hereby approved, a detailed drawing showing how the balcony located on the west elevation, and the Bedroom 2 window located on the east elevation are to be screened as shown on the approved plans 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.
6. 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.

7. Prior to the issue of a Building Permit for the development hereby approved, a detailed landscaping plan, including information relating to species selection for the trees acting as a privacy screen, shall be submitted to and approved by the City of Fremantle. Prior to occupation of the development hereby approved, the approved landscaping shall be completed in accordance with the approved plans and maintained for the life of the development 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. Fire separation for the proposed building works must comply with Part 3.7.2 of the Building Code of Australia.
- 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. The swimming pool safety barrier must comply with all provisions of AS 1926 Parts 1 & 2 – 2012. The boundary fence (part that is being used as part of the barrier) must be a minimum 1.8m in height to be used as part of the barrier, in accordance with AS1926.1. A 900mm non-climbable zone quadrant on the inside only, in accordance with AS 1926.1 must be complied with.
- iv. 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.

Carried: 5/1

For:

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

Against:

Cr Geoff Graham

PC2109-2 KNUTSFORD STREET, NO.40 (LOT 134), FREMANTLE – SIX GROUPED DWELLINGS – DA0204/21

Meeting Date:	1 September 2021
Responsible Officer:	Manager Development Approvals
Decision Making Authority:	Committee
Agenda attachments:	1. Amended Development Plans
Additional information:	1. Site Photos 2. Applicants justification 3. Landscaping plan

SUMMARY

Approval is sought for the construction of six Grouped dwellings (three, two storey and three, three storey) at No.40 Knutsford Street, Fremantle.

The proposal is referred to the Planning Committee (PC) due to the nature of some discretions being sought. 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:

- Land Use
- Primary Street Setback
- Open Space
- Boundary Wall

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for the construction of six Grouped dwellings on an existing vacant block at No.40 Knutsford Street, Fremantle. The site faces Knutsford Street to the south, Chalmers Street to the west and Woylie Lane to the east.

Three, two storey dwellings are proposed, in an east-west orientation facing Chalmers Street. Vehicle access to these dwellings is provided at the rear of the dwellings via Woylie Lane. The dwellings feature two bedrooms and a bathroom on the ground floor, with a third bedroom and living areas on the upper floor.

Three, three storey dwellings are proposed, in a north-south orientation facing Knutsford Street with lot 'D' having secondary street frontage to Chalmers Street. Vehicle access to these dwellings is provided at the rear of the dwellings via Woylie Lane. The dwellings feature carparking and an entry on the ground floor, living areas and a terrace on the first floor and three bedrooms and two bathrooms on the second floor.

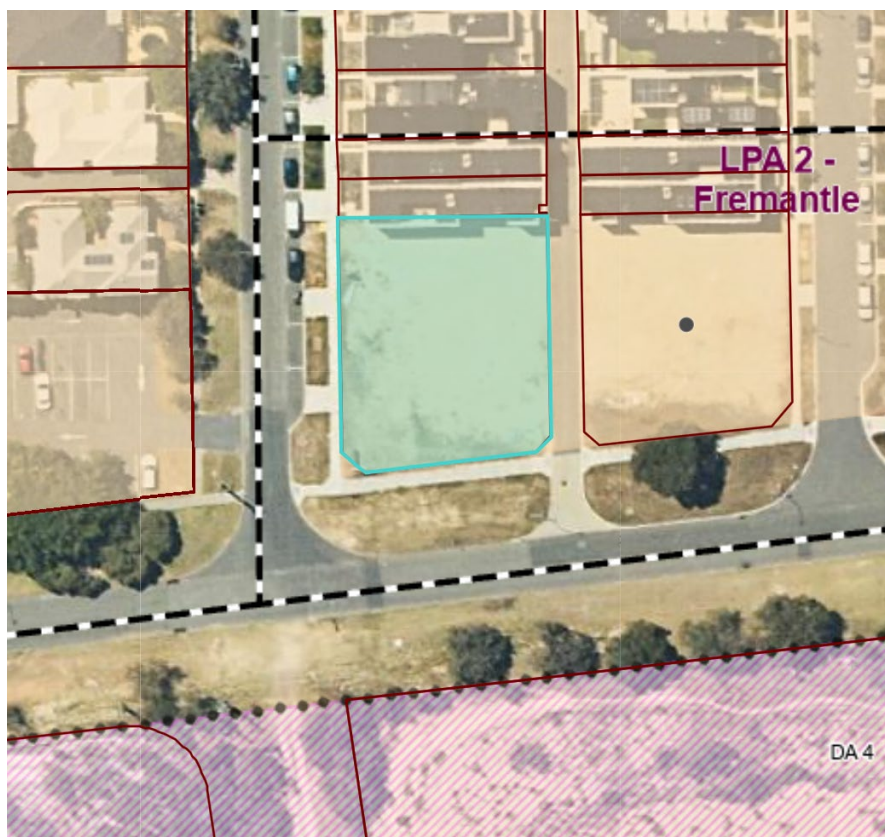
The proposed design and external finishes are consistent with the Knutsford Stage 1 and 2 developments, being two storey Grouped dwellings within the existing street block.

The applicant submitted additional design justification and a landscaping plan on 6 August 2021.

Amended development plans are included as attachment 1.

Site/application information

Date received:	7 May 2021
Owner name:	Knutsford Joint Venture
Submitted by:	SpaceAgency
Scheme:	R60
Heritage listing:	Not Listed
Existing land use:	Vacant Site
Use class:	Grouped dwelling
Use permissibility:	'D'



CONSULTATION

External referrals

The application was referred to the Department of Water and Environmental Regulation (DWER) as the site is identified as being adjacent to a contaminated site. No response was received from DWER. It is noted that the 2017 applications for the lots known as No's 12, 14 and 16 Rochfort Way, and No's 40, 42, 44 and 46 Chalmers Street, were referred to DWER and they advised that the site had been remediated and was suitable for the proposed residential land use (including single-unit residential basements or the construction of a large communal car park), provided that groundwater was not abstracted. DWER advised there was no objection to the proposed development for

residential land use and recommended that any approval granted should not include a contamination condition. Although no formal response has been received on the current application it is expected that the previous advice would still be relevant.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, as variations to the deemed to comply requirements of the R-Codes are sought. The advertising period concluded on 29 June 2021, and no submissions were received.

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:

- Land Use
- Primary Street Setback
- Open Space
- Boundary Wall

In accordance with the R-Codes (Vol 1), the application has been assessed as one development, being a six grouped dwelling development, on one lot, being the parent lot. As such the boundaries of the parent lot are treated as the site boundaries and most of the development standards are calculated in reference to these boundaries only. Where it considered appropriate, development standards have been calculated based on the individually proposed lots for comparison purposes.

Background

The subject site is located on the northern side of Knutsford Street, opposite vacant land parcels that form part of the Development Zone in the Knutsford Street East Structure Plan area. The site has a land area of approximately 929m² and is currently a vacant site. The site is zoned Residential and has a density coding of R60. The site is not individually heritage listed nor located within a Heritage Area. The site at No.40 Knutsford St, and the separate application at No.42 Knutsford St, are the last undeveloped lots in the Knutsford Residential Development as per the image below.



Image 1: Aerial image of the Knutsford Stage 1 and Stage 2 Developments completed by FJM Property and SpaceAgency.

The surrounding development was constructed in two stages, with the dwellings immediately to the north of the subject site approved under individual DA's in 2017. The immediately adjacent lots were constructed from the following previous planning applications:

- DA0469/17 – Planning Approval was granted on 6 November 2017 for one two storey grouped dwelling (now known as No.42 Chalmers Street)
- DA0464/17 – Planning Approval was granted on 15 November 2017 for one two storey grouped dwelling (now known as No.44 Chalmers Street)
- DA0468/17 – Planning Approval was granted on 13 November 2017 for two, two-storey Grouped Dwellings on the sites now known as 46 and 48 Chalmers Street (dwellings immediately to the north of No.40 Knutsford Street)

Land Use

A Grouped dwelling is a 'D' use in the Residential Zone, which means that the use is not permitted unless the Council has exercised its discretion by granting planning approval. In considering a 'D' use the Council will have regard to the matters to be considered in the Planning and Development (Local Planning Schemes) Regulations 2015. In this regard the following matters have been considered:

- (a) *The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area*
- (b) *The compatibility of the development with its setting including the relationship of the development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development*
- (c) *The amenity of the locality including the following:*
 - (i) *Environmental impacts of the development*

- (ii) *The character of the locality*
- (iii) *Social impacts of the development*
- (d) *Any submissions received on the application.*

The proposed development is considered to address the above matters for the following reasons:

- The objectives of the residential zone require development to provide for residential uses at a range of different densities, with a variety of housing forms to meet the needs of different household types. The proposed townhouse development provides for an alternative scale and type of development, which is also consistent with recent development in the immediate area.
- The proposal of grouped dwellings at the density of R60 is assessed against Volume 1 of the R-Codes. A maximum of six new lots (average lot size of 150sqm) can be created from this lot, therefore, although the development is not a multiple dwelling development, the lot is proposed to be developed at its maximum potential in terms of density
- The zoning allows for either grouped or multiple dwellings, and the proposed grouped dwelling development is considered to meet the density and design sought under the residential objectives of LPS4.

Primary Street Setback

The proposal is required to be assessed in accordance with Local Planning Policy 2.9 Residential Streetscape which prescribes a street setback of 5m (ground) and 7m (upper floor) for each of the dwellings.

As detailed in the table below, the dwellings on Lots A, B and C comply with the minimum requirements of the Policy, however variations are sought for the dwellings facing Knutsford Street (Lots D, E and F). The proposed development creates a unique situation with individual dwellings facing either Chalmers Street or Knutsford Street, thereby, in the view of Officers results in two primary street frontages, with the secondary street being the ROW to the rear (Woylie Lane).

Element	Requirement	Proposed	Extent of Variation
Ground Floor (Lots A, B and C)	5m	5.2m	Complies
Upper Floor (Lots A, B and C)	7m	7.1m	Complies
Ground Floor (Lots D, E and F)	5m	2m	3m
Upper Floors (Lots D, E and F)	7m	2m	5m

Under clause 1.2 of policy *LPP 2.9: Residential Streetscape*, variations to the primary street setback for Lots D, E and F, can be supported subject to the proposed development meeting at least one of the following criteria:

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

The subject vacant site, and the adjacent site at No.42 Knutsford are currently the only two lots, facing the same street in the same street block. As both sites are currently vacant, in accordance with LPP2.9 it is considered that there is no prevailing streetscape along the Knutsford Street. Therefore the proposed development is considered to satisfy iv. of the discretionary criteria above. In addition to this, the development is also considered to satisfy the general principles of the Policy in the following ways:

- While the vacant lots result in no existing prevailing streetscape, the proposal is consistent with existing development in the broader streetscape.
- The existing adjacent developments to the east at No.44 Knutsford Street have comparable street setbacks from Knutsford Street, at all floor levels, of 1.5 – 2.0m which are consistent with the proposed street setback on the southern street frontage for this proposal.
- The separate Development Application at No.42 Knutsford Street proposes street setbacks on the southern side of 1.5 – 2.0m that are also consistent with this proposal.



Image 2: Existing development at No.44 Knutsford Street (corner of Rochfort Way and Knutsford Street)

Open Space

In accordance with the R-Codes, open space has been calculated across the entire site and does not meet the minimum requirements of the R-Codes (albeit by a small amount). In addition to the overall calculation, Officers have also calculated the amount of open space on the proposed individual lots as detailed in the table below.

Element	Requirement	Proposed	Extent of Variation
Open Space 40%		Total = 38%	2% (18.58sqm)
		Lot A = 52sqm = 34%	6% (9sqm)
		Lot B = 52sqm = 34%	6% (9sqm)
		Lot C = 52sqm = 34%	6% (9sqm)
		Lot D = 114sqm = 53%	Complies
		Lot E = 44sqm = 32%	8% (10.9sqm)
		Lot F = 42sqm = 32%	8% (10.4sqm)

The proposed design, including the dwelling layout, is consistent with the design of the earlier stages of the Knutsford Residential development, which was approved by the City in 2012 and 2017. The approach for this project has been to create a coordinated design across the site, creating a coordinated appearance towards each of the street frontages. Immediately to the north of the subject site, two Grouped dwellings have been constructed in the Residential zone which includes a density of R60. These dwellings were approved with similar open space shortfalls to the ones detailed in the table above. The City has encouraged the applicant to review the open space calculation for the individually proposed dwellings to achieve greater compliance with the requirement. Especially, the City advised that there was an opportunity to create roof top terraces on Lots D, E and F, which would increase the area of open space and provide additional outdoor living areas. The applicant has chosen not to increase the amount of open space on each lot; therefore officers have considered the proposed variation against the design principles of the R-Codes.

The Open Space variation is considered to meet the Design principles of the R-Codes in the following ways:

- The proposed grouped dwelling development reflects the existing townhouse style development in this area.
- The design of the dwellings is 'upside down' to enable best sunlight access to the main living areas, with a large west or north facing balconies providing an outdoor living area (OLA) on the upper floor.
- The applicant has provided individual landscaping plans for each lot as per the R-Code requirements, and once this is implemented will ensure an attractive setting for the dwellings is provided, to benefit both the streetscape and the occupiers.
- The development site is centrally located with easy access to the south to Stevens Reserve, to the west Monument Hill, and to the east the Fremantle Golf Course and Booyeembara Park, all providing opportunities for residents for outdoor pursuits in and around the area.
- Provision for essential facilities and external fixtures have been designed into each lot already, therefore there shouldn't be further open space reductions later in the development process.

Given the above, although there may be an opportunity to increase the open space area of each proposed lot, the development as a whole and the individual variations are considered acceptable in this instance.

Boundary Wall

As the subject site is currently one lot, the boundary wall that is subject to an assessment under the R-Codes is the two-storey northern boundary wall of the proposed dwelling on Lot A which adjoins the southern boundary of the existing dwelling at 48 Chalmers Street. The internal walls between Lots B-C and D-F are considered deemed to comply as they are created as part of the same development.

Element	Requirement	Proposed	Extent of Variation
Lot A - North	1m	Nil	1m

The boundary wall is considered to meet the Design principles of the R-Codes and the discretionary criteria of Local Planning Policy 2.4 in the following ways:

- The design of the proposal is for east/west orientated dwellings, with dwellings having both north and south two storey boundary walls to make best use of the narrow lots.
- The existing townhouse development to the north has the same boundary to boundary designs, with this development having a similar style. Whilst the northern most boundary wall of Lot A does not exactly match the existing boundary wall at No.48 Chalmers Street, it is considered to be acceptable as assessed against the design principle assessment as making the most effective use of space for the new buildings, whilst protecting the privacy and amenity of both the new dwellings and the neighbouring occupants

Other Considerations

Development of the previous stages of the Knutsford Residential Development provided a generic waste management plan and verge landscaping plan, however the applicant will be required to provide suitable waste management arrangements and landscaping on site as well as within the verge to meet current requirements, and conditions are recommended to this effect.

The proposed development shows portions of fencing within the Chalmers Street and Knutsford Street setback areas. This is indicated to be solid to a height of between 1.2 – 1.6m. The maximum supportable height would be 1.2m for a solid wall, therefore a condition is considered appropriate to restrict the height of the solid portion to 1.2m maximum for all fencing sections along Chalmers Street and Knutsford Street.

CONCLUSION

The proposed development is considered acceptable for the reasons outlined above and is recommended for conditional approval.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

COMMITTEE DECISION ITEM PC2109-2 (Officer's recommendation)

Moved: Cr Bryn Jones

Seconded: Cr Su Groome

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Six Grouped dwellings at No. 40 (Lot 131) Knutsford Street, Fremantle, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated 6 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 the subject site including any footing details of the development.
3. Prior to the issue of a building permit for the development hereby approved, 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. Prior to the issue of a Building Permit for the development hereby approved, a detailed landscaping plan, including information relating to species selection, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces (i.e. mulch, lawn, synthetic grass etc), shall be submitted to and approved by the City of Fremantle.

Prior to occupation of the development hereby approved, the approved landscaping shall be completed in accordance with the approved plans and maintained for the life of the development to the satisfaction of the City of Fremantle.

5. Prior to occupation/ use of the development hereby approved, the boundary wall located on the north as well as the internal northern and southern walls of each individual dwelling 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.

6. Prior to the issue of a Building Permit for the development hereby approved, all fencing within the Primary Street setback area (Chalmers Street and Knutsford Street) 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 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
- 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.

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 Note(s)

- 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 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>
- iii. 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.
- iv. The City advises That the required landscaping plan should address the applicable provisions within Design Element 5.3.2 – Landscaping of the Residential Design Codes – Volume 1.

The City strongly encourages deep planting zones that should be uncovered, contain a retained or planted tree to Council's specification, have a minimum dimension of 3.0m and at least 50% is to be provided on the rear 50% of the site.

- v. This approval does not authorise the removal or modification of verge infrastructure and/or verge trees within the verge area. Written approval is to be obtained for removal or modification of verge infrastructure and/or verge trees within the verge area from the relevant City of Fremantle department or relevant service authority, before construction commences. Please refer to the City's Tree Planting and Vehicle Crossings Policies (SG28 and MD0015) for further information.
- vi. It is recommended that the applicant liaise with the adjoining property owner (s) regarding the possible retention or replacement of the existing dividing fence along the common lot boundary. Please refer to the Dividing Fences Act 1961 for the rights and responsibilities of land owners regarding dividing fences. Information is available at the following website:
http://buildingcommission.wa.gov.au/bid/Dividing_Fences.aspx.
- vii. If construction works involve the emission of noise above the assigned levels in the Environmental Protection (Noise) Regulations 1997, they should only occur on Monday to Saturday between 7.00 am and 7.00 pm (excluding public holidays). In instances where such construction work needs to be performed outside these hours, an Application for Approval of a Noise Management Plan must be submitted to the City of Fremantle Environmental Health Services for approval at least 7 days before construction can commence.
Note: Construction work includes, but is not limited to, Hammering, Bricklaying, Roofing, use of Power Tools and radios etc.

Carried: 6/0

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

**PC2109-3 KNUTSFORD STREET, NO.42 (LOT 131), FREMANTLE – FIVE
GROUPED DWELLINGS – DA0205/21**

Meeting Date: 1 September 2021
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Agenda attachments: 1. Amended Development Plans
Additional information: 1. Site Photos
2. Applicants justification
3. Landscaping plan

SUMMARY

Approval is sought for the construction of five Grouped Dwellings (five, two storey) at No.42 Knutsford Street, Fremantle.

The proposal is referred to the Planning Committee (PC) due to the nature of some discretions being sought. 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:

- Land Use
- Primary Street Setback
- Open Space
- Boundary Wall

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for the construction of five two storey grouped dwellings on an existing vacant block at No.42 Knutsford Street, Fremantle. The site faces Knutsford Street to the south, Woylie Lane to the west and Rochfort Way to the east.

Five two storey dwellings are proposed, in an east-west orientation facing Rochfort Way. Vehicle access to these dwellings is provided at the rear of the dwellings on via Woylie Lane. The dwellings feature two bedrooms and a bathroom on the ground floor, with a third bedroom and living areas on the upper floor.

The proposed design and external finishes are consistent with the Knutsford Stage 1 and 2 developments, being two storey grouped dwellings within the existing street block.

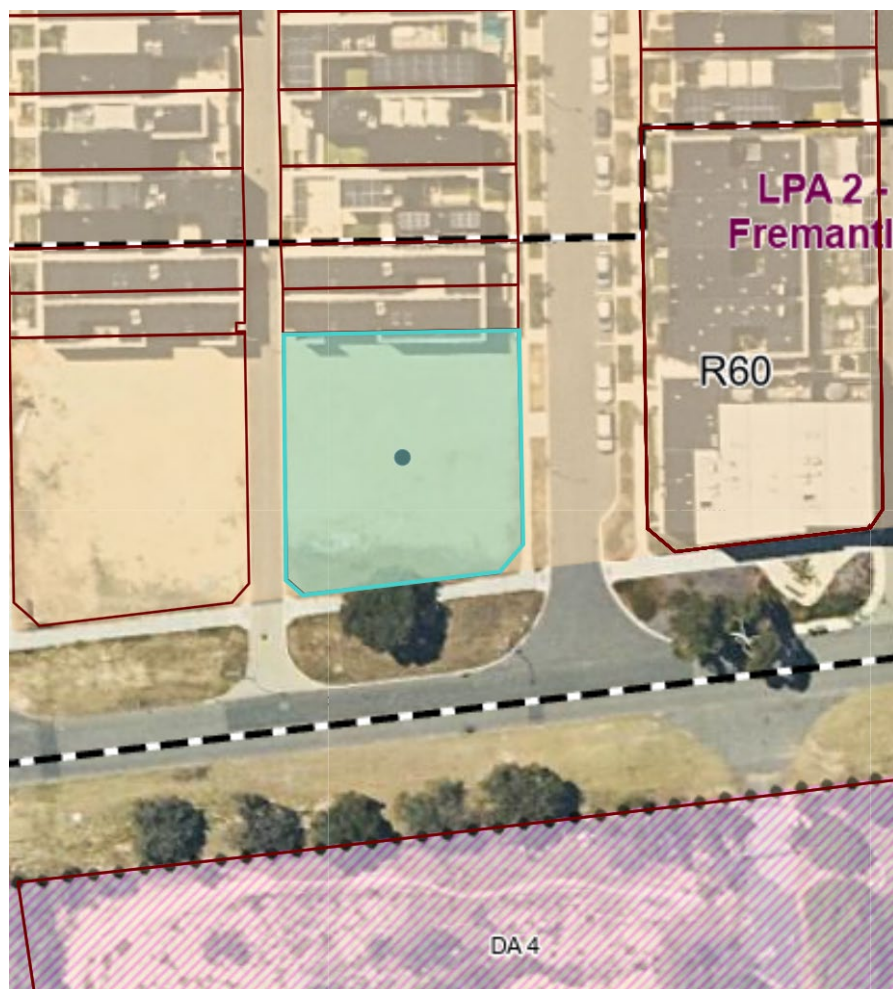
The applicant submitted additional design justification and landscaping plans on 6 August 2021.

Amended development plans are included as attachment 1.

Site/application information

Date received: 7 May 2021

Owner name:	Knutsford Joint Venture
Submitted by:	SpaceAgency
Scheme:	R60
Heritage listing:	Not Listed
Existing land use:	Vacant Site
Use class:	Grouped Dwelling
Use permissibility:	'D'



CONSULTATION

External referrals

The application was referred to the Department of Water and Environmental Regulation (DWER) as the site is identified as being adjacent to a contaminated site. No response was received from DWER. It is noted that the 2017 applications for the lots known as No's 12, 14 and 16 Rochfort Way, and No's 40, 42, 44 and 46 Chalmers Street, were referred to DWER and they advised that the site had been remediated and was suitable for the proposed residential land use (including single-unit residential basements or the construction of a large communal car park), provided that groundwater was not abstracted. DWER advised there was no objection to the proposed development for residential land use and recommended that any approval granted should not include a contamination condition. Although no formal response has been received on the current application it is expected that the previous advice would still be relevant.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, as variations to the deemed to comply requirements of the R-Codes are sought. The advertising period concluded on 29 June 2021, and two submissions were received. The following issues were raised (summarised):

- A submitter requested that the developers take various steps to ensure minimal disruption to existing residents, and to ensure existing dwellings are protected during construction works.

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

- The above concerns have been forwarded on to the applicant for their information. A building permit is required for the construction of the dwellings, which will address the construction methodology and potential impacts.

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:

- Land Use
- Primary Street Setback
- Open Space
- Boundary Wall

In accordance with the R-Codes (Vol 1), the application has been assessed as one development, being a five grouped dwelling development, on one lot, being the parent lot. As such the boundaries of the parent lot are treated as the site boundaries and most of the development standards are calculated in reference to these boundaries only. Where it is considered appropriate, development standards have been calculated based on the individually proposed lots for comparison purposes.

Background

The subject site is located on the northern side of Knutsford Street, facing towards vacant land parcels that form part of the Development Zone in the Knutsford Street East Structure Plan area. The site has a land area of approximately 837m² and is currently a vacant site. The site is zoned Residential and has a density coding of R60. The site is not individually heritage listed nor located within a Heritage Area. The site at No.42 Knutsford St, and the separate application at No.40 Knutsford St, are the last undeveloped lots in the Knutsford Residential Development as per the image below.



Image 1: Aerial image of the Knutsford Stage 1 and Stage 2 Developments completed by FJM Property and SpaceAgency.

The surrounding development was constructed in two stages, with the dwellings immediately to the north of the subject site approved under individual DA's in 2017. The immediately adjacent lots were constructed from the following previous planning applications:

- DA0465/17 – Planning approval was granted on 10 November 2017 for one two storey single house (now known as No.12 Rochfort Way)
- DA0466/17 – Planning approval was granted on 21 November 2017 for one two storey single house (now known as No.14 Rochfort Way)
- DA0467/17– Two two-storey Grouped Dwellings – approved 13/11/17 (dwellings immediately to the north of No.42 Knutsford Street)

Land Use

A Grouped dwelling is a 'D' use in the Residential Zone, which means that the use is not permitted unless the Council has exercised its discretion by granting planning approval. In considering a 'D' use the Council will have regard to the matters to be considered in the Planning and Development (Local Planning Schemes) Regulations 2015. In this regard the following matters have been considered:

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

- (iii) *Social impacts of the development*
- (d) *Any submissions received on the application.*

The proposed development is considered to address the above matters for the following reasons:

- The objectives of the residential zone require development to provide for residential uses at a range of different densities, with a variety of housing forms to meet the needs of different household types. The proposed townhouse development provides for an alternative scale and type of development, which is also consistent with recent development in the immediate area.
- The proposal of grouped dwellings at the density of R60 is assessed against Volume 1 of the R-Codes. A maximum of five new lots (average lot size of 150sqm) can be created from this lot, therefore, although the development is not a multiple development, the lot is proposed to be developed at its maximum potential in terms of density.
- The zoning allows for either grouped or multiple dwellings, and the proposed grouped dwelling development is considered to meet the density and design sought under the residential objectives of LPS4.

Primary Street Setback

The proposal is required to be assessed in accordance with Local Planning Policy 2.9 Residential Streetscape which prescribes a street setback of 5m (ground) and 7m (upper floor) for each of the dwellings.

As detailed below, the dwellings on Lots A, B, and C comply with the minimum requirements of the Policy, however variations are sought for the dwellings on Lot D and E.

Element	Requirement	Proposed	Extent of Variation
Ground Floor (Lots A, B, C and E)	5m	5.2m	Complies
Ground Floor (Lot D)	5m	4m	1m
Upper Floor (Lots A, B and C)	7m	7m	Complies
Upper Floor (Lots D and E)	7m	4m	3m

Under clause 1.2 of policy *LPP 2.9: Residential Streetscape*, variations to the primary street setback for Lots D and E, can be supported subject to the proposed development meeting at least one of the following criteria:

- i. The proposed setback of the building is consistent with the setback of buildings of comparable height within the prevailing streetscape; or*
- ii. The proposed setback of the building does not result in a projecting element into an established streetscape vista by virtue of the road and/or lot layout in the locality or the topography of the land; or*

- iii. The proposed setback of the building will facilitate the retention of a mature, significant tree deemed by the Council to be worthy of retention (Refer also to LPP2.10 Landscaping of Development and Existing Vegetation on Development Sites); or
- iv. Where there is no prevailing streetscape; or
- v. Where the proposed development is on a lot directly adjoining a corner lot, Council will consider a reduced setback that considers the setback of the corner lot in addition to buildings in the prevailing streetscape.

The proposed Primary Street Setbacks of Lots D and E are considered to meet i. of the discretionary criteria above in the following ways:

- The existing adjacent developments to the north also have comparable ground and upper floor street setbacks of between 4 - 7m which are consistent with the proposed setback of Lots D and E



Image 2: Existing Rochfort Way Streetscape (looking north)

Open Space

Element	Requirement	Proposed	Extent of Variation
Open Space 40%		Total = 38%	2% (16.74sqm)
		Lot A = 52sqm = 34%	6% (9sqm)
		Lot B = 52sqm = 34%	6% (9sqm)
		Lot C = 52sqm = 34%	6% (9sqm)
		Lot D = 50sqm = 33%	7% (10.5sqm)
		Lot E = 119sqm = 50%	Complies

The proposed design, including the dwelling layout, is consistent with the design of the earlier stages of the Knutsford Residential development, which was approved by the City in 2012 and 2017. The approach for this project has been to create a coordinated design across the site, creating a coordinated appearance towards each of the street frontages. Immediately to the north of the subject site, two Grouped dwellings have been constructed in the Residential zone which includes a density of R60. These dwellings were approved with similar variations to the ones sought as part of this application, including open space. The City has encouraged the applicant to review the open space

calculation for the proposed dwellings to achieve greater compliance with the requirement. The applicant has chosen not to increase the amount of open space on each lot; therefore officers have considered the proposed variation against the design principles of the R-Codes.

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

- The proposed grouped dwelling development reflects the existing townhouse style development in this area.
- The design of the dwellings is 'upside down' to enable best sunlight access to the main living areas, with a large east facing balcony providing an outdoor living area (OLA) on the upper floor.
- The applicant has provided individual landscaping plans for each lot as per the R-Code requirements, and once this is implemented will ensure an attractive setting for the dwellings is provided, to benefit both the streetscape and the occupiers.
- The development site is centrally located with easy access to the south to Stevens Reserve, to the west Monument Hill, and to the east the Fremantle Golf Course and Booyeembara Park, all providing opportunities for residents for outdoor pursuits in and around the area.
- Provision for essential facilities and external fixtures have been designed into each lot already, therefore there shouldn't be further open space reductions later in the development process.

Given the above, although there may be an opportunity to increase the open space of each proposed lot, the variation is considered acceptable in this instance.

Boundary Wall

As the subject site is currently one lot, the boundary wall that is subject to an assessment under the R-Codes is the two-storey northern boundary wall of the proposed dwelling on Lot A which adjoins the southern boundary of the existing dwelling at No.18 Rochfort Way. The internal walls between Lots B-E are considered deemed to comply as they are created as part of the same development.

Element	Requirement	Proposed	Extent of Variation
Lot A - North	1m	Nil	1m

The boundary wall is considered to meet the Design principles of the R-Codes and the discretionary criteria of Local Planning Policy 2.4 in the following ways:

- The design of the proposal is for east/west orientated dwellings, with dwellings having both north and south two storey boundary walls to make best use of the narrow lots.
- The existing townhouse development to the north has the same boundary to boundary designs, with this development having a similar style. The northern most boundary wall of Lot A does not fully match the existing boundary wall at No.18 Rochfort Way, but is considered to be acceptable as assessed against the design principle assessment as making the most effective use of space for the new buildings, whilst protecting the privacy and amenity of both the new dwellings and the neighbouring occupants

Other Considerations

Development of the previous stages of the Knutsford area provided a generic waste management plan and verge landscaping plan, however the applicant will be required to provide suitable waste management arrangements and landscaping on site as well as within the verge to meet current requirements, and conditions are recommended to this effect.

The proposed development shows portions of fencing within the primary street setback area (Rochfort Way). This is indicated to be solid to a maximum height of 1.2m which is compliant with Local Planning Policy 2.8. Fencing along Knutsford Street (the secondary street) can be to a maximum height of 1.8m behind the front setback area. A condition relating to fencing is considered appropriate.

CONCLUSION

The proposed development is considered acceptable for the reasons outlined above and is recommended for conditional approval.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

COMMITTEE DECISION ITEM PC2109-3 **(Officer's recommendation)**

Moved: Cr Bryn Jones

Seconded: Cr Geoff Graham

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Five two storey Grouped dwellings at No. 42 (Lot 134) Knutsford Street, Fremantle, subject to the following conditions:

- 1. This approval relates only to the development as indicated on the approved plans, dated 6 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 the subject site including any footing details of the development.**

3. Prior to the issue of a building permit for the development hereby approved, 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. Prior to the issue of a Building Permit for the development hereby approved, a detailed landscaping plan, including information relating to species selection, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces (i.e. mulch, lawn, synthetic grass etc), shall be submitted to and approved by the City of Fremantle.

Prior to occupation of the development hereby approved, the approved landscaping shall be completed in accordance with the approved plans and maintained for the life of the development to the satisfaction of the City of Fremantle.

5. Prior to occupation/ use of the development hereby approved, the boundary wall located on the north as well as the internal northern and southern walls of each individual dwelling 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.

6. Prior to the issue of a Building Permit for the development hereby approved, all fencing within the Primary Street setback area (Rochfort Way) 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 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
 - 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.

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 Note(s)

- 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 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>
- iii. 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.
- iv. The City advises That the required landscaping plan should address the applicable provisions within Design Element 5.3.2 – Landscaping of the Residential Design Codes – Volume 1.

The City strongly encourages deep planting zones that should be uncovered, contain a retained or planted tree to Council's specification, have a minimum dimension of 3.0m and at least 50% is to be provided on the rear 50% of the site.

- v. This approval does not authorise the removal or modification of verge infrastructure and/or verge trees within the verge area. Written approval is to be obtained for removal or modification of verge infrastructure and/or verge trees within the verge area from the relevant City of Fremantle department or relevant service authority, before construction commences. Please refer to the City's Tree Planting and Vehicle Crossings Policies (SG28 and MD0015) for further information.
- vi. It is recommended that the applicant liaise with the adjoining property owner (s) regarding the possible retention or replacement of the existing dividing fence along the common lot boundary. Please refer to the Dividing Fences Act 1961 for the rights and responsibilities of land owners regarding dividing fences. Information is available at the following website:
http://buildingcommission.wa.gov.au/bid/Dividing_Fences.aspx.
- vii. If construction works involve the emission of noise above the assigned levels in the Environmental Protection (Noise) Regulations 1997, they

should only occur on Monday to Saturday between 7.00 am and 7.00 pm (excluding public holidays). In instances where such construction work needs to be performed outside these hours, an Application for Approval of a Noise Management Plan must be submitted to the City of Fremantle Environmental Health Services for approval at least 7 days before construction can commence.

Note: Construction work includes, but is not limited to, Hammering, Bricklaying, Roofing, use of Power Tools and radios etc.

Carried: 6/0

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

PC2109-4 INFORMATION REPORT – SEPTEMBER 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 is required to provide additional information to the City prior to third mediation session which is scheduled for the 5 October 2021.

COMMITTEE DECISION ITEM PC2109-4
(Officer’s recommendation)

Moved: Cr Bryn Jones

Seconded: Cr Frank Mofflin

Council receive the following information reports for September 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 6.33pm.