



Agenda

Ordinary Meeting of Council

Wednesday 13 November 2024 6:00 pm



Notice of an Ordinary Meeting of Council

Elected Members

An Ordinary Meeting of Council of the City of Fremantle will be held on **Wednesday 13 November 2024** in the Council Chamber (Bibbool Room) at the Walyalup Civic Centre, located at 151 High Street, Fremantle commencing at 6:00 pm.

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

Glen Dougall
Chief Executive Officer

6 November 2024



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Official opening, welcome and acknowledgement

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

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

Attendance, apologies and leave of absence

Apologies

There are no previously received apologies.

Leave of absence

There are no previously received leave of absence.

Applications for leave of absence

Elected members may request leave of absence.

Disclosures of interest by members

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

Responses to previous public questions taken on notice

There are no responses to public questions taken on notice at a previous meeting.

Public question time

Members of the public have the opportunity to ask a question or make a statement at council and committee meetings during public question time. Further guidance on public question time can be viewed [here](#), or upon entering the meeting.



Petitions

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

Deputations

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

Presentations

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

Confirmation of minutes

OFFICER'S RECOMMENDATION

Council confirm the minutes of the Ordinary Meeting of Council dated 23 October 2024.

Elected member communication

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



Reports and recommendations from officers

Planning reports

C2411-1 ESSEX STREET, NO. 19 (LOT 8), FREMANTLE - FOUR STOREY TOURIST DEVELOPMENT – (JD DAP002/24)

Meeting date:	13 November 2024
Responsible officer:	Manager Development Approvals
Voting requirements:	Simple Majority Required
Attachments:	<ol style="list-style-type: none">1. Amended Development Plans - Dated 22 October 20242. Amended Waste Management Plan - Dated 23 October 20243. Acoustic Report4. Applicant's Planning Report - Tourist Development5. Architectural Report6. Heritage Impact Statement7. City of Fremantle Heritage Assessment8. Heritage Council Response9. Transport Impact Statement10. DAC Meeting Minutes11. Schedule of Submissions and Applicant Response12. Sustainability Report13. Site Photos14. Additional applicant justification (October)15. Previous Development Plans
Additional Information <i>(Viewed electronically)</i>	

SUMMARY

Approval is sought for a four storey Tourist development at No. 19 (Lot 8) Essex Street, Fremantle.

As the estimated development value is \$8 million, the applicant has opted to have the application determined by the Metro Inner Development Assessment Panel (DAP).

At the Ordinary Council Meeting held on 11 September 2024 Council resolved as follows:



Council:

NOT SUPPORT the Officer's Recommendation to APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the four storey Tourist development at No. 19 (Lot 8) Essex Street, Fremantle, for the following reasons:

- **Impact of building height of the new addition on the amenity of the properties to the south, with specific concern in relation to impacts on privacy, access to winter sun and daylight.**
- **Impact on the heritage significance of the surrounding buildings facing Norfolk Street.**
- **Car parking shortfall and the impact on traffic and parking in the City Centre. The applicant is encouraged to consider an amended proposal that increases the setbacks of Level 3 from the south eastern boundary, to graduate the scale from the Norfolk Street properties.**

An amended Responsible Authority Recommendation is provided for the Development Assessment Panel's consideration.

That the Metro Inner DAP resolves to:

- 1. Refuse that the DAP Application reference DAP/24/02724 is appropriate for consideration as a Tourist Development land use and compatible with the objectives of the zoning table in accordance with the City of Fremantle Local Planning Scheme No. 4.**
- 2. Refuse DAP Application reference DAP/24/02724 and accompanying plans (DA00.00, DA00.01, DA01.01, DA01.02, DA01.03, DA01.04, DA01.05, DA01.06, DA01.07, DA02.01, DA02.02, DA02.03, DA02.04, DA02.05, DA02.06, DA03.01, DA03.02, DA03.03, DA03.04, DA04.01) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of the City of Fremantle Local Planning Scheme No. 4, for the following reasons:**

Reasons:

- 1. The proposal is inconsistent with clauses 67(a) of the Deemed Provisions as the building height does not meet the requirements of Schedule 7 clause 1.2b and c of Local Planning Scheme No. 4 due to the bulk and scale of the rear addition resulting in a detrimental impact to the amenity and heritage significance of neighbouring properties and the surrounding area.**



- 2. The proposal is inconsistent with clauses 67(m) and 67(n) of the Deemed Provisions as the proposal will result in a detrimental impact to the amenity of neighbouring properties by virtue of the height, scale and setbacks of the rear addition.**
- 3. The proposal is inconsistent with the requirements of Local Planning Scheme No. 4 and the Deemed Provisions, in relation to the lack of on site vehicle parking.**
- 4. The proposed collection of waste from the development on Norfolk Lane will result in an unreasonable impact on the amenity of the locality.**

At the Metro Inner DAP meeting held on 1 October 2024 the application was deferred by the panel to:

Enable the applicant to liaise further with the City to address potential height and visual impacts of the proposed addition on neighboring residences and management of the proposed waste disposal system.

The City's Addendum to Responsible Authority Report (RAR) which responds to the applicants revisions is referred to Council for comment.

With consideration to the changes to the proposal, the application remains recommended for approval.

PROPOSAL

Detail

Approval is sought for a four storey Tourist development at No. 19 (Lot 8) Essex Street, Fremantle (subject site). The proposed works include:

- Demolition of internal ground floor partitions within the south building (ground floor of the north building will be left as is).
- Demolition of internal upper floor partitions, stairwell and wet areas in both the north and south building.
- Removal of sections of roof sheeting to replace with translucent sheeting.
- Internal fit out of the ground floor of the existing south building for a small bar, guest communal dining, kitchen and laundry facilities.
- Internal fit out of the upper floors for bedrooms and bathrooms.
- Construction of a four storey addition at the rear of the existing buildings consisting of waste, laundry, parking, bathroom and bike store facilities on the ground floor and bedrooms on the first, second and third floors.
- Remediation works to heritage façade of the north building.



Subsequent to the deferral by the DAP, the applicant has amended the plans in response to the reasons for deferral as follows:

- Updated waste management strategy
- Reduction of the building height of proposed addition
- Further justification regarding privacy, neighbouring amenity car parking and scheme requirements

Amended development plans are included as Attachment 1.

Site/application information

Date received:	14 June 2024
Owner name:	Kvarken Pty Limited
Submitted by:	Developed Property
Scheme:	City Centre
Heritage listing:	Individually Listed Category 2 and Central Fremantle Heritage Area
Existing land use:	Small Bar, Restaurant
Use class:	Tourist Development
Use permissibility:	D





STRATEGIC IMPLICATIONS

This item is in keeping with the City of Fremantle's Strategic Community Plan 2024 – 2034:

Liveable City - Sustainable growth in city centre population

- Fremantle is recognised as a development-friendly city as a result of flexible and adaptable approaches to planning.

Liveable City - A unique built heritage and history that is preserved, protected and shared

- Our built heritage is central to our character and sense of place, and is retained and protected for future generations to enjoy.
- Adaptive re-use of heritage buildings is enabled through supporting private investment, renewal and innovation.

Thriving City - Attraction and retention of diversified investment and talent

- A diverse range of employment options across multiple sectors enable more people to work in Fremantle.
- Investment in quality property development enables more people to live and work in the city centre.
- Fremantle holds a reputation as a desirable place to work and visit which attracts investment from businesses and developers.

Thriving City - A resilient seven-day economy

- A City with a diverse range of unique, resilient and sought-after businesses and attractions.
- Visitor-focused amenity and infrastructure supports the delivery of an exceptional visitor experience.

Thriving City - Vibrant and active city centre

- The amenity and infrastructure that services our inner-city neighbourhoods reflect that of a modern and global city.
- A coexistence of residents, visitors and workers creates a desirable environment in which to live, work, and visit.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required



OFFICER'S RECOMMENDATION

Council:

SUPPORT the Officer's Recommendation to APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the four storey Tourist development at No. 19 (Lot 8) Essex Street, Fremantle, subject to the conditions outlined in the responsible authority report.



LOT 8 (NO. 19) ESSEX STREET FREMANTLE – FOUR STOREY TOURIST DEVELOPMENT

Form 1 – Responsible Authority Report
(Regulation 12)

ADDENDUM TO RAR

At its meeting on 1 October 2024, the Metro Inner Development Assessment Panel (DAP) resolved to defer the application. The application was deferred by the DAP for the following reasons:

To enable the applicant to liaise further with the City to address potential height and visual impacts of the proposed addition on neighbouring residences and management of the proposed waste disposal system.

The reasons provided were as follows:

Whilst the majority of panel members considered the application had merit, there was concern regarding the visual amenity impact of the proposed rear four storey addition on surrounding residences.

Deferral was proposed and supported so that the applicant can reconsider the height and visual impact of the proposed addition on adjoining single and two storey neighbouring residences to the south and east.

The proposed waste disposal system may have a detrimental impact on Norfolk Lane which has limited area for placement of bins for collection. Review of this element is therefore sought.

This Responsible Authority Report (RAR) addendum relates to the specific deferral reasons outlined by the DAP and the revised proposal subsequently submitted by the Applicant. The RAR that follows is as previously submitted as the proposal remains (in substance) the same, unless specifically mentioned in this addendum.

The applicant submitted amended plans to the City of Fremantle on 22 October 2024 (included as Attachment 1 to this RAR, with previous plans included in the additional information) which included the following changes:

- Reduced overall building height from 13.8m to 13.32m.
- Additional opening to east aspect of bin storage room.
- Allocation of a bin holding zone pending collection.
- Additional detail on lift overrun capping.
- Additional colour and material detail.



Additional justification was also provided in relation to privacy, neighbouring amenity car parking and scheme requirements. This report is included in the additional information.

Height and visual impacts

<i>Previous building height</i>	<i>Amended building height</i>
4 storeys	4 storeys
13.8m external wall height	13.32m external wall height

The City’s previous RAR details the provisions of Local Planning Scheme No. 4 (LPS4), and the reasons why, the previous scheme meets the detailed assessment criteria. In response to the reasons for deferral, the applicant has reduced the building height by 480mm, which further supports this position.

In addition to the reduction in building height, the lift overrun has also been shown on the plans. This component sits below 14m and is not considered to result in an unreasonable amenity impact.

No other changes have been made to setbacks to boundary or design of the new addition, however a further detailed design report has been provided by the applicant. This is included in the additional information.

Management of waste disposal

In addition to the above, a further amended Waste Management Plan (WMP) was submitted on 23 October 2024 which is included as Attachment 2. This plan provides additional detail and clarification on the waste collection process. Specifically, it is clearly identified that that waste collection vehicle will reverse into the right of way, with bins being ferried directly to and from the vehicle at the time of collection. There will be no presentation of bins to Norfolk Lane. The City is satisfied that this approach is capable of being delivered.

Condition 17 in the Officers Recommendation, has been updated to reflect the updated WMP date.

In summary, the proposed changes to the development proposal, while subtle, do reduce the height of the development. Further, the updates to the waste management strategy are a suitable solution to reduce the impact on the streetscape.

The Officers Recommendation remains as conditional approval.



DAP Name:	Metro Inner
Local Government Area:	City of Fremantle
Applicant:	Developed Property
Owner:	Kvarken Pty Limited
Value of Development:	\$8 million
Responsible Authority:	City of Fremantle
Authorising Officer:	Manager Development Approvals
LG Reference:	DAP002/24
DAP File No:	DAP/24/02724
Application Received Date:	14 June 2024
Report Due Date:	17 January 2025
Application Statutory Process Timeframe:	90 Days
Attachment(s):	<p>*Note: Where attachments have been updated to new versions from the previous report, they are marked in green. All other reports are as submitted.</p> <p>1. Amended Development Plans - Dated 22 October 2024 2. Amended Waste Management Plan - Dated 23 October 2024 3. Acoustic Report</p>

Officer Recommendation

That the Metro Inner DAP resolves to:

- 1. Accept** that the DAP Application reference DAP/24/02724 is appropriate for consideration as a Tourist Development land use and compatible with the objectives of the zoning table in accordance with the City of Fremantle Local Planning Scheme No. 4;
- 2. Approve** DAP Application reference DAP/24/02724 and accompanying plans (DA00.00, DA00.01, DA01.01, DA01.02, DA01.03, DA01.04, DA01.05, DA01.06, DA01.07, DA02.01, DA02.02, DA02.03, DA02.04, DA02.05, DA02.06, DA03.01, DA03.02, DA03.03, DA03.04, DA04.01 *dated 22 October 2024*) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Fremantle Local Planning Scheme No. 4, subject to the following conditions:



Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. All storm water discharge shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.
4. Prior to commencement of works, a program of monitoring any structural movement and potential vibration impacts on the Port Flour Mill, 26-28 Norfolk Street the limestone boundary wall is to be implemented to the satisfaction of the City of Fremantle, on advice from the Heritage Council. The Heritage Council is to be notified immediately if any impact occurs and advised on a recommended course of action by a suitably qualified structural engineer.
5. Prior to lodgement of a Building Permit application for the development hereby approved, a dilapidation survey of the Port Flour Mill, 26-28 Norfolk Street and the limestone boundary wall is to be prepared by a suitably qualified professional to the satisfaction of the City of Fremantle, on advice from the Heritage Council.
6. Prior to lodgement of a Building Permit application for the development hereby approved, a detailed Mortar Mix Methodology shall be submitted and approved to the satisfaction of the City of Fremantle. Only lime mortars and no cement or impervious materials are to be used. The works shall be undertaken using the approved mortar mix.
7. Prior to lodgement of a Building Permit application for the development hereby approved, final details of the external materials, colours and finishes of the proposed development, including a physical sample board or materials is to be submitted and approved to the satisfaction of the City of Fremantle, on the advice of the City's Design Advisory Committee.
8. Prior to lodgement of a Building Permit application for the development hereby approved, design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to



and approved by the City of Fremantle. All piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters, other plant and bin storage areas must be integrated into the design of the building and located to minimise any visual and/or noise impact on the occupants of nearby properties and screened from view from the street.

9. Prior to lodgement of a Building Permit or Demolition Permit application for the development hereby approved, a Construction/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.

10. Prior to lodgement of a Building Permit application for the development hereby approved, the applicant is to submit, and have approved to the satisfaction of the City of Fremantle, a detailed parking plan design which complies with the Australian Standard AS/NZS 2890 and AS/NZS 1428 including parking bay/s (comprising visitor bays, loading bays, disabled bays, motorcycle / scooter bays), aisle widths, circulation areas, driveway/s and points of ingress and egress, and demonstrates the safety of building users accessing the basement bike store and carparking.

11. Prior to lodgement of a Building Permit application for the development hereby approved, the design and materials of the development shall adhere to the requirements set out within City of Fremantle policy L.P.P2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall provide the following:
 - a) Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or "double glazed" utilising laminated or toughened safety glass of a minimum thickness of 3mm.



- b) Air conditioners shall provide internal centrally located 'shut down' points and associated procedures for emergency use.
- c) Roof insulation in accordance with the requirements of the Building Codes of Australia.

12. Prior to lodgement of a Building Permit application for the development hereby approved, details of how the recommendations contained in the Acoustic Report (Ref: 33221-1-24296), prepared by Herring Storer Acoustics, dated 21 August 2024 are to be implemented are to be submitted to the satisfaction of the City of Fremantle.
13. Prior to lodgement of a Building Permit application for the development hereby approved, a detailed drawing showing how the windows located on the east, south and west elevation of the four storey addition, are to be screened to address overlooking to the adjoining residential properties. 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.
14. Prior to the lodgement of a Building Permit application for the development hereby approved, the applicant is to submit, and have approved to the satisfaction of the City of Fremantle, an Operational Management Plan addressing the following:
 - Emergency contact details
 - Management and reporting of antisocial behaviour
 - Complaints management procedure
 - Security and access to rooms
 - Guest arrival / check in/out
 - Maximum length of stay
 - Deliveries and servicing
 - Maximum occupancy

The Operational Management Plan must be implemented at all times to the satisfaction of the City of Fremantle for the life of the development.

15. Prior to occupation of the development hereby approved, all car parking, bicycle parking, motorcycle/scooter parking and vehicle access and circulation areas shall be installed, maintained and available for car parking/loading, and vehicle access and circulation on an ongoing basis to the satisfaction of the City of Fremantle.



16. Prior to occupation of the development hereby approved, the owner shall contribute a monetary amount equal in value to one percent of the estimated development cost or otherwise approved by the City in accordance with the policy, as indicated on the Form of Application for Planning Approval, to the City of Fremantle for development of public art works and/or heritage works to enhance the public realm in accordance with LPP 2.19: Contributions for Public Art and/or Heritage Works and to the satisfaction of the City of Fremantle. Based on the estimated cost of the development being \$8 million the contribution to be made is \$80,000.
17. The waste management plan, prepared by Talis Consultants, dated 23 October 2024 (WMP24011) must be implemented at all times to the satisfaction of the City of Fremantle.
18. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
19. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building which is not subject to the development hereby approved. Any damage shall be rectified to the satisfaction of City of Fremantle.
20. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.

Advice Notes

1. 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.
2. In relation to the Heritage conditions above, should there be any further clarification regarding the requirements of these conditions please contact the City's Heritage Department on 9432 9999 or alternatively planning@fremantle.wa.gov.au, or where relevant the Heritage Council of Western Australia. In addition to this, there are a number of technical advice sheets for conservation of privately-owned heritage buildings on the City's website.



3. Any removal of asbestos is to comply with the following –

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

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

4. 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.

5. All noise from the proposed development must comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended), such as:

- a. mechanical service systems like air-conditioners, exhaust outlets, motors, compressors and pool filters;
- b. vehicles;
- c. amplified acoustic systems; and
- d. patron noise.

It is advised to seek the services of an acoustic consultant to assist the applicant to address the potential noise impacts on noise sensitive receivers.



6. Any works within the adjacent thoroughfare, i.e. road, kerbs, footpath, verge, crossover or right of way, requires a separate approval from the City of Fremantle's Infrastructure Business Services department who can be contacted via info@fremantle.wa.gov.au or 9432 9999.
7. The proponent must make application during the Building Permit application stage to Environmental Health Services via Schedule 3 – Application for registration of a lodging house as a requirement of the City of Fremantle's Health Local Laws 1997. For further information and a copy of the application form contact Environmental Health Services on 9432 9999 or via health@fremantle.wa.gov.au.
8. The premises must comply with the *Food Act 2008*, regulations and the Food Safety Standards incorporating AS 4674-2004 Design, construction and fit-out of food premises. Detailed architectural plans and elevations must be submitted to Environmental Health Services for approval prior to construction via an application to notify/register a food business. The food business is required to be registered under the *Food Act 2008*. For further information contact Environmental Health Services on 9432 9999 or via health@fremantle.wa.gov.au.
9. 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.

10. In relation to the condition relating to the public art contribution, the applicant is advised that Council may waive the requirement for the public art/heritage work contribution in accordance with clause 6 of LPP 2.19 where the development incorporates public art in the development to the same value as that specified in the relevant condition that is located in a position clearly visible to the general public on the site of the development. Should artwork be incorporated in the development a public art strategy for the site must be submitted to and approved prior to the issue of a Building Permit, to



the satisfaction of the City of Fremantle. Please contact the City's Public Arts Coordinator on 9432 9999 for further information on this process. Prior to occupation of the development, the approved artwork must be installed and thereafter maintained to the satisfaction of the City of Fremantle. In determining the appropriateness and artistic merit of the public art, council shall seek relevant professional advice.



Details: outline of development application

Region Scheme	Metropolitan Region Scheme (MRS)
Region Scheme - Zone	Central City
Local Planning Scheme	Local Planning Scheme No. 4 (LPS4)
Local Planning Scheme - Zone	City Centre
Use Class and permissibility:	Tourist Development - D
Lot Size:	1614m ²
Existing Land Use:	Office, Restaurant, Small Bar
State Heritage Register	No
Local Heritage	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Heritage List <input checked="" type="checkbox"/> Heritage Area
Design Review	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other
Bushfire Prone Area	No
Swan River Trust Area	No

Proposal:

The application seeks approval for a four storey Tourist development at No. 19 (Lot 8) Essex Street, Fremantle (subject site). The proposed development includes internal alterations to the existing building as well as the addition of a four storey building to the rear of the site. The proposed land use is for a short stay accommodation premises comprising 80 rooms with 247 beds and associated amenities (communal dining, kitchen, laundry and bathroom facilities etc.) and a small bar.

The key components of the proposed development can be seen at Attachment 1 and are summarised as follows:

Proposed Land Use	Tourist development
Proposed Net Lettable Area	2600m ²
Proposed No. Storeys	Two (2) - Four (4)
Proposed No. Dwellings	N/A



The works component of the development includes:

- Demolition of internal ground floor partitions within the south building (ground floor of the north building will be left as existing).
- Demolition of internal upper floor partitions, stairwell and wet areas in both the north and south building
- Removal of sections of roof sheeting to be replaced with translucent sheeting.
- Internal fit out of the ground floor of the existing south building for a small bar, guest communal dining, kitchen and laundry facilities.
- Internal fit out of the upper floor for bedrooms and bathrooms in both the north and south building
- Construction of a four storey addition at the rear of the site consisting of waste, laundry, parking, bathroom and bike store facilities on the ground floor and bedrooms on the first, second and third floors.
- Remediation works to heritage façade of the north building.

The applicant submitted amended plans on 23 August 2024 including the following changes:

- Addition of three (3) 'bike loops' on the Essex Street verge and the indication of an existing bike store containing 10 bicycle hoops at the rear of the building.
- Removal of the 'LyLo' signage on the exterior of the rear addition.
- Indication of air conditioner units on the roof of the existing buildings (to be contained within the valley of the north and south buildings of the subject site).
- Diagram illustrating the visibility of the four storey addition from Essex and Norfolk Street.

Background:

Site Context

The subject site has a total land area of 1614m² and is zoned City Centre under Local Planning Scheme No. 4 (LPS4). The site is located within the Central Fremantle Heritage Area and abuts a State heritage listed building to the west and City of Fremantle heritage listed buildings to the south and east (a right of way runs along a portion of the south rear boundary). The surrounding area features a mix of residential and commercial land uses.

The subject site contains two buildings joined by a party wall down the middle of the site. The existing north building was constructed circa 1907 and is part of the Former Mills and Co. Building. In 2012 the buildings located on the southern half



of the site, constructed circa 1940, were demolished and a new building to match the retained north building was constructed. Various alterations and changes in use have occurred on the site throughout recent decades with the building currently being used for offices, an educational establishment, a small bar and a restaurant.

Refer to the figures below for additional site context.



Figure 1 – Planning Context Map



Figure 2 – Site Aerial Image



Figure 3 – Existing Street View



Site History

The relevant development history evident under the property file is listed below:

- DA0065/23 – Internal alterations to existing building and change of use to public amusement (existing 'Escape Room' venue in tenancy 1)
- DA0120/22 – Signage and internal alterations to existing building (signage and fit-out for the exiting small bar 'The Flaming Galah' in tenancy 2 – note: Small bar land use is exempt under Local Planning Policy 1.7).
- DA0525/20 – Change of use from office to education establishment, signage and internal fit-out (existing 'Centacare' educational establishment in tenancy 3 – to be replaced by proposed land use)
- DA0322/19 – Four storey tourist accommodation building and additions and alterations to existing building (never acted on)
- DA0364/14 - Change of use to Fast Food Outlet and addition of signage (existing 'Tutti Frutti' fast food outlet in tenancy 3 – to be replaced by proposed land use)
- DA0472/10 - Partial demolition of existing buildings on the south of the site, partial change of use to office and signage additions

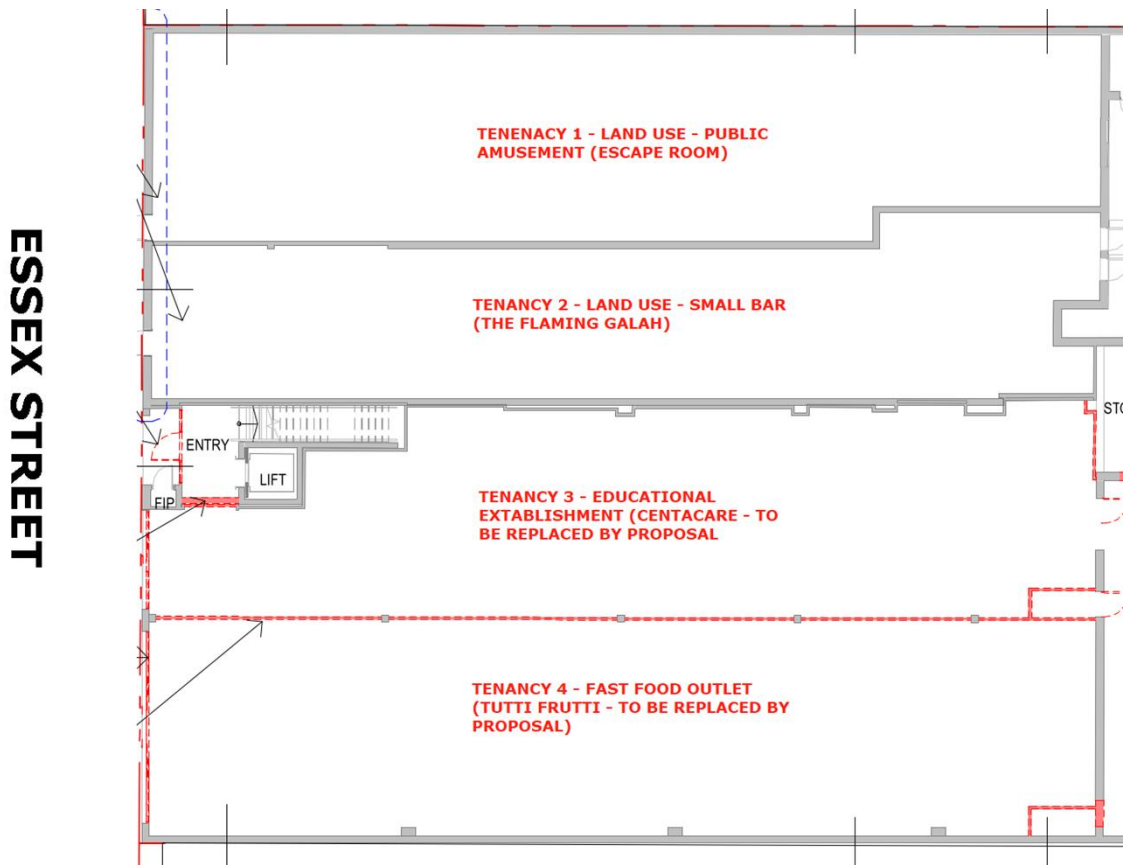


Figure 4 – Existing Land Uses



Legislation and Policy:

Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)*
- *Planning and Development (Development Assessment Panels) Regulations 2011*
- Metropolitan Region Scheme
- City of Fremantle Local Planning Scheme No. 4

State Government Policies

- State Planning Policy 3.5 - Historic Heritage Conservation
- State Planning Policy 7.0 - Design of the Built Environment

Local Policies

- Local Planning Policy 1.3 – Community Consultation on Planning Proposals
- Local Planning Policy 1.6 – Heritage Assessment and Protection
- Local Planning Policy 1.9 – Design Advisory Committee and Principles of Design
- Local Planning Policy 1.10 – Construction Sites
- Local Planning Policy 2.3 – Fremantle Port Buffer Area Development Guidelines
- Local Planning Policy 2.13 – Sustainable Buildings Design Requirements
- Local Planning Policy 2.19 – Contributions for Public Art and/or Heritage Works
- Local Planning Policy 2.24 – Waste Management Plans for New Development
- Local Planning Policy 3.6 – Heritage Areas

The development assessment has been undertaken in accordance with the abovementioned legislation and policies.

Consultation:

Public Consultation

In accordance with LPP1.3 (Community Consultation on Planning Proposals), the application was advertised to the public from the 8 July 2024 until 6 August 2024 by means of letters to owners/occupiers of properties within a 200m radius of the site, a sign on site, notices in the press and inclusion on the City's MySay webpage.



In response, the City received a total of 25 submissions. 22 submissions were received that objected to the proposal and 3 submissions in support of the proposal. A schedule of the public submissions which includes the full details on each submission as well as the applicant’s response to these submissions are included in the additional information.

A summary of the key points raised in the submission in support of the proposal are detailed below:

- The development is an opportunity to draw more visitors into the city centre.
- More accommodation in the city centre will be a positive change.
- The development does not appear to significantly change the appearance of the streetscape.
- Fremantle is in need of higher density tourist accommodation.

A summary of the key points raised in objection to the proposal are included in Table 1 below:

Table 1 – Summarised Objections and Officer Comments

Issue Raised	Officer comments
Parking/ Traffic <ul style="list-style-type: none"> • Insufficient car parking provided • Insufficient facilities for bicycle storage • Increased traffic from service vehicles, deliveries and guest arrivals causing traffic congestions. • No designated area for guests arriving via taxi/uber etc. • There is currently difficulty in finding parking on Essex Street. 	Parking and bicycle facilities have been assessed in the following sections. A requirement for an Operational Management Plan to manage guest arrivals and service deliveries is included as a recommended condition.
Building height <ul style="list-style-type: none"> • Detrimental impact on the character of Norfolk/Essex Street due to the visibility of the rear addition. • The 11m maximum building height must not be exceeded. 	Building height in excess of 11m (to a height of four storeys/ 14m) can be considered subject to satisfying the requirements of LPS4. The building height has been assessed in the following sections below.



<p>Design of the rear building</p> <ul style="list-style-type: none"> • The rear addition will not blend in with the surrounding area and is not aesthetically pleasing. • A four storey square shaped building does not fit with the character of buildings in the surrounding area. • The branding on the exterior of the building is excessive. 	<p>The proposal has been carefully considered against the context and character of the Central Fremantle Heritage Area. In addition, the proposal was referred to the Design Advisory Committee (DAC) and Heritage Council who were generally supportive of the proposal. The DAC and Heritage Council comments and built form assessment are included in the following sections below.</p>
<p>Overshadowing</p> <ul style="list-style-type: none"> • The development exceeding 11m in height will result in significant overshadowing of outdoor living areas/major openings on adjacent properties. • Insufficient overshadowing plans/models provided. 	<p>The applicant provided shadow diagrams which detail the shadow cast throughout various times of the day. It is considered that the shadow diagrams are an accurate representation of how the shadow will move throughout the day. It is considered that the shadow will not be significantly concentrated on a single site for a substantial period of the day.</p>
<p>Visual privacy</p> <ul style="list-style-type: none"> • There will be a loss of privacy to major openings and outdoor living areas on adjoining properties. • Direct overlooking from windows over adjoining properties. 	<p>The applicant has indicated screening to be installed on the upper floor windows of the rear addition to reduce the impact on neighbouring properties. A condition is recommended for a detailed drawing of this screening to be provided prior to the lodgement of building permit application.</p>
<p>Impact to adjacent heritage buildings</p> <ul style="list-style-type: none"> • Detrimental impact to the level 2 heritage listed building on the subject site. • Detrimental impact to the adjacent heritage listed buildings during construction. 	<p>The proposal was referred to the Heritage Council to consider heritage implications on adjacent heritage listed buildings (including the limestone boundary wall at the rear of the site). The Heritage Council was generally supportive of the proposal subject to conditions pertaining to a dilapidation survey</p>



<ul style="list-style-type: none"> • Impact to the small portion of limestone boundary wall adjoining a State Heritage Registered place. 	<p>of adjacent heritage listed buildings as well as a program of monitoring any structural movements of these buildings. The advice from the Heritage Council is included in the following sections below. This advice will form recommended conditions.</p>
<p>Visual impact to the streetscape/ character of the area / surrounding properties</p> <ul style="list-style-type: none"> • There's no representation of how the four-storey development at the rear will impact the Norfolk Street streetscape. • Visual impact of external plant and fixtures 	<p>The proposal has been carefully considered against the context and character of the surrounding streetscapes. The applicant provided 3D mapping data to allow input into the City's mapping software. 3D Visual representations are included in the building height assessment below. A condition will be recommended to ensure external plant and fixtures are in a suitable location to minimise visual impact on the surrounding area.</p>
<p>Development density/ number of occupants/rooms</p> <ul style="list-style-type: none"> • Excessive number of rooms/beds. • The density will result in excessive activity in an area where people reside. 	<p>The density of the development is considered appropriate for the region-serving role of the City Centre.</p>
<p>Noise</p> <ul style="list-style-type: none"> • Excessive noise from plant and machinery (air con etc.) • Excessive noise from patrons of the small bar as well as guests staying at the accommodation. • Impact from the 24/7 operation of the accommodation. 	<p>The applicant has provided an acoustic report which is included as Attachment 3. It is considered that the plant and equipment for the development, as indicated in the acoustic report, features sufficient separation/screening to effectively reduce the impact of noise on surrounding noise sensitive premises. Regardless of this, any noise generated from the proposed development must comply with the <i>Environmental</i></p>



	<i>Protection (Noise) Regulations 1997.</i>
<p>Waste management</p> <ul style="list-style-type: none"> • Detrimental impact on the amenity of the area from odour and noise from disposing of waste. • Insufficient detail to illustrate how the amount of waste generate from 300 people will be managed. • Placement of bins blocking right of ways and access along Norfolk Lane. 	<p>A waste management plan (WMP) has been provided and reviewed by internal departments at the City. A contractor will be utilised to manage the waste output from the proposed development. The waste management of the development has been further addressed in the applicable section below.</p>
<p>Construction impacts</p> <ul style="list-style-type: none"> • Impact on adjoining businesses (nearby bed and breakfast etc.) during construction. 	<p>A condition is recommended for a construction management plan to be provided prior to the lodgement of a building permit application to ensure impact to the surrounding area is mitigated during the construction phase.</p>
<p>Other</p> <ul style="list-style-type: none"> • The accommodation is an unappealing place to stay. • Hotels are not full during winter time; Another hotel in the City Centre is not needed. • Backpackers are already catered for in the City Centre, more accommodation for them is not required. • There are other more appropriate locations for the proposed development. • Anti-social behaviour from guests • The proposal has little to offer the Fremantle City Centre and will not offer anything to the community. 	<p>Assessment of the proposed land use and the impact on the amenity of the area is discussed in the report below.</p> <p>A requirement for an Operational Management Plan to mitigate any potential detrimental impact from anti-social behaviour is included as a recommended condition.</p>



<ul style="list-style-type: none">• There is a misrepresentation of how the rear addition will appear from the streetscape.• The proposed development submission fails to identify 15-17 as a residential property.• The type of client the Small Bar is targeting via the provision of cheaper alcohol will increase anti-social behavior.	
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Referrals/consultation with Government/Service Agencies

Heritage Council

As the subject site is adjacent to a State Heritage listed building and proposes significant additions and alterations, it was required to be referred to the Heritage Council.

Heritage Council have advised that the proposal will not affect the cultural heritage significance of the adjacent properties (Port Flour Mill and Fremantle Technical College Annexe) and minimal adverse impact on 26-28 Norfolk Street. This is subject to conditions as follows:

- 1. A dilapidation survey of the Port Flour Mill, 26-28 Norfolk Street and the limestone boundary wall is to be prepared by a suitably qualified professional prior to any works being undertaken.*
- 2. A program of monitoring any structural movement and potential vibration impacts on the Port Flour Mill, 26-28 Norfolk Street the limestone boundary wall is to be implemented at the commencement of works. The Heritage Council is to be notified immediately if any impact occurs and advised on a recommended course of action by a suitably qualified structural engineer.*

Conditions of approval have been recommended in accordance with the above. A copy of the Heritage Council advice is included in the additional information.

City of Fremantle Heritage Comment

19 Essex Street contains three elements of cultural heritage significance:



- 19B façade
- 19B interior of ground floor tenancies
- Limestone wall to rear boundary

19A Essex Street, the southern half of the building is a two-storey addition constructed in 2012 to replace an earlier building from 1941. This part of the building has no heritage significance but is sympathetic with the character of streetscape. The proposed changes will have no impact on the heritage significance of 19 Essex Street or the heritage character of Essex Street.

The works proposed in this application will have only a minor impact on the heritage significance of 19B Essex Street. The façade and the shopfronts will undergo some remediation and repainting which not adversely affect heritage fabric or heritage significance. The interior of the ground floor tenancies will undergo some minor changes but will retain original finishes and remain as two tenancies.

The proposed four storey accommodation block is located at the rear of the site and will not directly affect any significant heritage fabric at 19 Essex Street or adjoining heritage properties. It will have little visual impact on the presentation of 19 Essex Street and its contribution to the streetscape as it is a considerable distance from the street and will be largely concealed by the existing two storey building at the front of the site.

The limestone wall on the rear boundary of the site will not be affected by this proposal. However, the wall needs to be protected during construction as it will not have a modern structurally designed footing only a thickening of the wall. Any works to this wall must match the existing original stonework and lime pointing and cement mortars and sealers must not be used.

The works proposed in this application are acceptable as they will have only a minor impact on the heritage values of 26-28 Norfolk Street, 19 Essex Street and the Central Fremantle Heritage Area. However, precautions need to be undertaken during construction to ensure that the adjacent State Heritage listed buildings 26-28 Norfolk Street and Port Flour Mill are not adversely affected.

Recommended conditions:

1. Refer to HCWA advice dated 29 July 2024.
2. Methodology for stonework repair to be provided as part of the Building Licence documentation. Repairs to match original stone, stonework and pointing in stone type, coursing pattern and mortar composition and colour. Cement mortar or sealers are not to be used.



The full heritage assessment is included in the additional information.

Fremantle Port Authority

The Fremantle Port Authority requested that the relevant requirements of LPP2.3 (Fremantle Port Buffer Area Development Guidelines), be addressed. As the site sits in the 'Buffer Zone 2', these requirements will be secured by a recommended condition.

Other Advice

The application was referred to the relevant internal departments at the City of Fremantle for formal comment as part of the assessment process. All departments were generally satisfied with the proposed development. Any comments received will be addressed via conditions and advice notes. The comments received related to ensuring standard requirements are followed, specifically:

1. Building permit required (advice notes)
2. Removal of asbestos (advice note)
3. Noise from construction works (advice note)
4. Stormwater management (condition)
5. Construction management plan (condition)
6. Waste management (condition)

Design Review Panel Advice

The applicant engaged with the City's Design Advisory Committee (DAC) prior to lodgement of the application on 13th May 2024.

The DAC provided comment and recommendations on the proposal against the design generally as well as against each of the 10 Principles of Design within LPP1.9 (Design Advisory Committee & Principles of Design) and State Planning Policy 7 (Design of the Built Environment):

The DAC meeting minutes are provided as follows:

Strengths of the Proposal

- *A new tourism development proposal in the Fremantle City Centre for visitors who are seeking affordable hotel accommodation.*



- *The LyLo model appears to be successful, with hotels in some of the major cities of New Zealand and in Brisbane; the proposal for Fremantle is the first in WA.*
- *The Hotel model has the clear core values of "Authentic, Home and Local".*
- *The Hotel is an 'intense' development in terms of the high density of visitors accommodated (potentially 248 guests based on the room configurations). This new visitor population should contribute to the life and vibrancy of the city.*
- *A sustainable design approach through the adaptive re-use of the existing two buildings on the site (including a Local Heritage Listed building at 19B).*
- *New 4-storey addition is located at the eastern rear of the site with minimal negative visual and amenity impacts on the streetscape and surrounding existing properties.*
- *Provision of an extensive area of different types of communal facilities for guests.*
- *Activation opportunities of the building interface with Essex Street at both floor levels by way of al fresco dining areas.*
- *Inclusion of accessibility rooms for people with disabilities.*

Principle 1 Context and character

- a) The Proponent should ensure the early consideration of the integration of heritage with the new proposal. The Proponent should demonstrate an understanding of what is of heritage significance and what is not, and how much significant fabric is to be retained or demolished and its impact assessment on the heritage values of the place.*
- b) Provide a Heritage Impact Statement (HIS) prior to the submission of the Development Application. The impact assessment should address, avoid and propose a mitigation strategy for the demolition of significant fabric and aesthetical streetscape impact. In addition to the Local Heritage Listed structures, the HIS also should address the State Registered Properties near to and adjacent to the site.
*The DAC suggested providing a streetscape perspective of the proposal looking north along Essex Street and to include the Fremantle Technical School.**
- c) 19 Essex Street is essentially the amalgamation of two buildings on two lots (19A and 19B). The Proponent should maintain the character of Essex Street by respecting the existing fine grain and rhythm of the lot pattern and buildings.
*The DAC recommends a review of the proposed new awning (19A) and its exact horizontal alignment with the existing awning of the Local Heritage**



Listed building (19B). The awning is proposed to extend across the entire width of the building frontage as a consistent horizontal line; unfortunately, in doing so, the impression is conveyed of one large building. Consider the rich DNA of the Central Fremantle Heritage Area and how local character, culture and history (indigenous and post-colonial), rather than an 'international' approach, should be woven into the development. Consider a multi-layered approach to 'storytelling' that can be educational and enjoyable for local and overseas visitors, such as the integration of public art, wayfinding, and signage throughout the publicly visible and accessible external and internal areas of the proposal.

Recommendations

- 1. Demonstrate the integration of heritage with the new proposal.*
- 2. Provide a Heritage Impact Statement (HIS) prior to the submission of the Development Application.*
- 3. Maintain the character of Essex Street by respecting the existing fine grain and rhythm of the lot pattern and buildings; in particular, review the awning design.*
- 4. Consider the rich DNA of the Central Fremantle Heritage Area and how local character, culture and history should be woven into the development.*

Principle 2 Landscape quality

- a) Consider the opportunity to provide more landscape and natural amenity (daylight, ventilation) into the central communal "Main Street" on the first floor and the large communal areas at ground level.*

Recommendations

- 1. Consider opportunities to provide more landscape and natural amenity into the communal areas.*

Principle 3 Built form and scale

- a) The DAC supports the bulk, height and scale of the new 4-storey accommodation block.*

Principle 4 Functionality and build quality

- a) Consider the technical aspects of design at this early stage, including safety and escape for visitors in the event of a fire.*



Recommendations

1. *Consider the technical aspects of design at this early stage.*

Principle 5 Sustainability

- a) *The DAC strongly supports the adaptive re-use of the two buildings for this new proposed hotel, however, consider long term sustainability and the ability to modify the proposal for other different uses in the future (noting, however, comments in Principle 1 about impact of changes on the integrity of the heritage building).*

Recommendations

1. *Consider long term sustainability and the ability to modify the proposal for other different uses in the future.*

Principle 6 Amenity

- a) *The DAC supports the clustering of the hotel rooms into legible "Houses" accessed off the central "Main Street".*
- b) *In view of the number of visitors accommodated in the main part of the hotel, consider the adequacy of the communal restroom 'block' and if re-distribution of the block's showers and toilets into smaller clusters (co-located with the "Houses") could improve accessibility.*
- c) *Generally, consider improvements to the access of natural amenity into the rooms, particularly where between 3 to 8 visitors are accommodated together. Good levels of natural ventilation and daylight are critical for visitors to be comfortable and if staying in the hotel for longer than a few days.*
- d) *Consider improving the 4-storey block's rear staircase for the access of natural daylight and views out.*
- e) *Consider opportunities to improve the current narrow areas of external communal open space (at both levels) at the building's interface with the street.*
- f) *Consider improving the constrained front lobby area in view of the potential conflicts between visitors entering the front door, waiting outside lift 1, using stair 1, and squeezing through the narrow gap to the Bar.*
- g) *Consider relocating the bike store from the Back of House area to a more prominent and accessible part of the Hotel. Bike use is part of the Fremantle character and should be visible and celebrated.*

Recommendations

1. *Consider the adequacy of the communal restroom 'block' and possible co-location of facilities with the "Houses".*



2. *Consider improvements to the access of natural amenity into the rooms.*
3. *Consider improving the 4-storey block's rear staircase for the access of natural daylight and views out.*
4. *Consider opportunities to improve the current narrow areas of external communal open space at both levels.*
5. *Consider improving the constrained front lobby area.*
6. *Consider relocating the bike store from the Back of House area to a more prominent and accessible part of the Hotel.*

Principle 7 Legibility

- a) *The layout of different spaces and circulation throughout the building is generally well considered and legible.*

Principle 8 Safety

- a) *The proposal is for 24-hour use and includes passive surveillance opportunities from openings to help enhance the safety of Essex Street.*

Principle 9 Community

- a) *The DAC supports the tourism use and potential for hotel guests to socialise with the community in the Fremantle City Centre.*

Principle 10 Aesthetics

- a) *Provide further detail on the materiality of the new 4-storey addition.*

Concluding Remarks

While the DAC provides its initial support for this generally well-considered tourism development proposal in the Fremantle City Centre, the DAC did identify several areas for further consideration:

- *Heritage: Demonstrate an understanding of the integration of heritage with the proposal; provide a comprehensive Heritage Impact Statement with key street views; and review current design elements that are affecting the integrity of the Essex Street character.*
- *Integrate local Fremantle character, culture and history into the development for a strong sense of place.*
- *Provide more landscape and natural amenity into the communal areas.*
- *Review the technical aspects of design at this early stage.*
- *Consider long term sustainability and the ability to modify the proposal for other different uses in the future (noting the importance of maintaining the integrity of the heritage building).*



- *Amenity: Suggested improvements to the provision and location of restroom facilities; more natural amenity into guest rooms and the rear staircase; design of the constrained external communal open spaces at both levels and the front lobby; and a more prominent and accessible location for the bike store.*
- *Provide further detail on the materiality of the new 4-storey addition.*

As commented above, the DAC supports in principle the four storey addition to the subject site as well as the internal fit out of the existing heritage building. It is considered that the proposal is of a quality design and suitably addresses the design principles of SPP7.0 (Design of the Built Environment) subject to additional recommendations. These recommendations are addressed below.

- The applicant has provided a comprehensive Heritage Impact Statement which is included in the additional information.
- The proposed development will maintain the original heritage fabric of the original north building. The heritage facade of the north building will be retained and conserved with only minor 'make good' works proposed.
- The building will remain largely in its current form with the proposal involving the adaptive reuse of the envelope of both buildings on the site.
- The publicly accessible uses will continue on the ground floor of both buildings which will conserve the building's community associations, sense of place and social significance in the Fremantle context.
- Additional clarity on the materiality of the rear building has been included on the development plans. A condition is recommended that final details of the external materials, colours and finishes are to be submitted and approved by the City.
- Minor alterations and reconfiguration to the ground floor lobby/kitchen/dining areas have been made however, the proposed layout of the development remains largely unchanged. A condition of approval is recommended regarding the materiality of the development to be reviewed by DAC.

Planning Assessment:

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

- Land use
- Parking
- Building height



- Heritage
- Built form

Land Use

Table 2 – Land Use Permissibility

Provision	Proposal	Zone	Permissibility
Local Planning Scheme 4 clause 3.3 - Zoning Table	Tourist Development	City Centre	D
As above	Small Bar	City Centre	Exempt A use (refer note 1)

Note 1: Local Planning Policy 1.7 exempts a Small Bar land use in the City Centre zone where the tenancy is not located on Market Street or High Street west of Walyalup Koort. The Small Bar is considered exempt and is not subject to further assessment.

A Tourist Development under Schedule 1 of LPS4 means –

- a building, or a group of buildings forming a complex, other than a bed or breakfast, a caravan park or short stay dwelling, used to provide –*
- (a) short term accommodation for guests; and*
 - (b) onsite facilities for the use of guests; and*
 - (c) facilities for the management of the development;*

A Tourist Development is a 'D' use in the City Centre zone which means that the use is not permitted unless the Council has exercised its discretion by granting planning approval. In considering a 'D' land use, the Council will have regard to the matters set out in clause 67 of the Regulations, Schedule 2. 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;*
- (c) any approved State planning policy*
- (g) any local planning policy for the Scheme area;*
- (k) the built heritage conservation of any place that is of cultural significance;*
- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
- (m) the compatibility of the development with its setting, including –*
 - (i) the compatibility of the development with the desired future character of its setting; and*



- (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following —*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;'*
 - (s) the adequacy of —*
 - (i) the proposed means of access to and egress from the site; and*
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
 - (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
 - (w) the history of the site where the development is to be located;*
 - (y) any submissions received on the application;*

For the purpose of assessing matter (a) above, the objectives of the City Centre zone are as follows:

Development within the city centre zone shall —

- (i) provide for a full range of shopping, office, administrative, social, recreation, entertainment and community services, consistent with the region-serving role of the centre and including residential uses, and*
- (ii) comply with the objectives of local planning area 1 of schedule 7,*
- (iii) conserve places of heritage significance the subject of or affected by development.*

The proposed development is considered to be consistent with the Regulations and zone objectives for the following reasons:

- The proposal is for a mixed use development which will maintain the existing small bar and public amusement land uses while incorporating a new short stay accommodation land use and additional small bar into the subject site.
- The built heritage of the site has been carefully considered throughout the assessment of the application which has been supported by the Heritage Council. The alterations to the heritage listed building will allow for its continued use and vitality into the future.
- The rear addition satisfies the building height requirements of Local Planning Area 1 of Schedule 7. The rear addition is setback sufficiently from Essex street such that it will not be visible resulting in minimal impact to the character and amenity of the streetscape. The rear addition is setback behind existing residential and commercial tenancies located on Norfolk



Street which will effectively minimise its visibility and appearance of bulk and/or scale.

- There is considered to be sufficient separation from adjoining residential and commercial tenancies to reduce any detrimental impact on the amenity of these properties.
- Any impact from traffic, waste disposal and service vehicles is considered to be suitably mitigated via the provided Traffic Impact Statement and Waste Management Plan.

Parking

The car parking ratio applied by LPS4 for the proposed Tourist development land use is as follows:

Table 3 – Parking Requirement

Provision	Requirement	Proposal	Assessment
Car parking	Tourist development 1: 4 units or* 1: 4 bedrooms Required: 20 bays	1	19 bay shortfall
	Small bar	Nil	N/A – Refer Note 1
	Existing small bar	1	N/A – Refer Note 1
	Existing public amusement 1: 10 seats or 1: 10m ² of floor area dedicated to amusement facilities whichever is the greater 131m ² floor area Required: 13 bays	1 (consistent with development approval DA0065/23)	12 bay shortfall –Refer Note 2
Delivery bays	2 bays (1 each for tourist development)	1 bay shared	1 bay shortfall



	and public amusement land uses)		
Total	35 bays	4 bays	32 bay shortfall

Note 1: A Small Bar land use is exempt from requiring development approval under Local Planning Policy 1.7 'Development Exempt from Approval Under Local Planning Scheme No. 4' and is therefore not required to comply with minimum on-site parking requirements.

Note 2: One (1) car bay has been provided for the public amusement land use which is consistent with the parking provided (one (1) bay) under development approval DA0065/23.

Clause 4.7.3.1 of LPS4 states that Council may –

- (a) *Subject to the requirements of Schedule 7*, waive or reduce the standard parking requirement specified in Table 2 subject to the applicant satisfactorily justifying a reduction due to one or more of the following –*
 - (i) *the availability of car parking in the locality including street parking,*
 - (ii) *the availability of public transport in the locality,*
 - (iii) *any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of the efficiencies gained from the consolidation of shared car parking spaces,*
 - (iv) *any car parking deficiency or surplus associated with the existing use of the land,*
 - (v) *legal arrangements have been made in accordance with clause 4.7.5 for the parking or shared use of parking areas which are in the opinion of the Council satisfactory,*
 - (vi) *any credit which should be allowed for a car parking demand deemed to have been provided in associated with a use that existed before the change of parking requirement,*
 - (vii) *the proposal involves the restoration of a heritage building or retention of a tree or trees worthy of preservation,*
 - (viii) *any other relevant considerations.*

*Note: *In some sub areas identified in Schedule 7 reduction of parking bays is not permitted. The requirements of Schedule 7 prevail over this clause.*

The reduction in on-site car parking is considered to meet the requirements of Clause 4.7.3.1 of the Local Planning Scheme No.4 for the following reasons:



- The subject site is located within a 250-metre buffer of a high frequency bus route (bus stops located within 100m of the site) and is within an 800-metre buffer of the Fremantle Train Station entrance.
- There are public car parking lots with unrestricted time limits located on Marine Terrace and at the Fishing Boat Harbour, within 250m and 400m respectively, of the subject site. Additionally, there are a number of private car parking facilities that offer all day parking in the area, which may be suitable for a short term accommodation user if they have a vehicle.
- The City’s Integrated Transport Strategy identifies the future approach for parking within the City of Fremantle. The aim is to provide new parking facilities located on the periphery of the central city. This approach will minimise the impact of vehicles on the pedestrian priority city centre. The proposed development is consistent with this strategy as it will not encourage the use of vehicles to drive into the central city area.

The bicycle parking required by LPS4 for the proposed Tourist development land use is as follows:

Table 4 – Bicycle parking requirement

Provision	Requirement	Proposal	Assessment
Bicycle parking	Tourist development Class 2: 1 per 4 units Required: 20	21 (plus 3 in Essex Street verge)	Complies

Building Height

Schedule 7 of LPS4 provides the building height requirements for the subject site within Local Planning Area 1, sub-area 1.3.1 which states as follows:

Despite the general height requirements outlined in 1.1 above, building height shall be limited to a maximum height of three storeys (maximum external wall height of 11 metres as measured from ground level with a maximum roof plain pitch of 33 degrees).*

Council may consent to an additional storey subject to —

- (a) Where a site meets any of the requirements of Clause 1A(a)-(e) of the deemed provisions, the upper level being sufficiently setback from the street so as to not be visible from the street(s) adjoining the subject site.*
- (b) maximum external wall height of 14* metres, and*
- (c) compliance with clause 1.2. above.*

**Inclusive of roof parapet and spacing between floors.*



In granting consent to the maximum height prescribed, Council shall be satisfied in regard to all of the following—

- (a) that the proposal is consistent with predominant, height patterns of adjoining properties and the locality generally,*
- (b) the proposal would not be detrimental to the amenity of adjoining properties or the locality,*
- (c) the proposal would be consistent, if applicable, with conservation objectives for the site and locality generally, and*
- (d) any other relevant matter outlined in Council’s local planning policies.*

Council may impose a lesser height in the event that the proposal does not satisfy any of the above requirements.

The proposed development features a maximum of four (4) storeys with a total building height of 13.8m as detailed in Table 4 below.

Table 4 – Building Height

Provision	Permitted – General Height	Permitted - Additional Height	Proposal	Assessment
Building height	3 storeys 11m external wall height	4 storeys/ 14m external wall height/ upper level not visible from the street	4 storeys 13.8m external wall height Not visible from Essex Street	Compliant

The height of the proposed building on the subject site is considered acceptable and meets the permitted additional height provisions under Schedule 7 of LPS4, for the following reasons:

- The proposed rear addition is setback approximately 40m from the Essex Street lot boundary. The setback of this addition, behind the existing building, will minimise its visibility and effectively reduce any potential detrimental impact on the streetscape as illustrated by Figure 4 below.
- The rear addition will be separated from the residential dwellings of 24 and 26 Norfolk Street by a 3m right of way as illustrated by Figure 5 below. Regardless of this, the addition will oppose the parking area/carport of 24 Norfolk Street only and will not immediately oppose 26 Norfolk Street.
- 22 Norfolk Street is utilised for commercial purposes (restaurant). Regardless of this, the rear addition will not directly oppose any customer seating area or other areas considered important to providing customer amenity (there is a blank boundary wall abutting the rear boundary of the subject site)
- The rear addition will feature a 3m setback from the lot boundary of 15-17 Essex Street as illustrated by Figure 5 below. In addition, 15-17 Essex



Street will not immediately oppose the rear addition (the adjoining lot is located mostly adjacent the existing building to be retained) and is not located immediately to the south the rear addition (the adjoining site will therefore not experience any significant overshadowing).

- As illustrated by figures 6-12 below, the rear addition is suitably located to minimise impact on the streetscapes of the surrounding area.

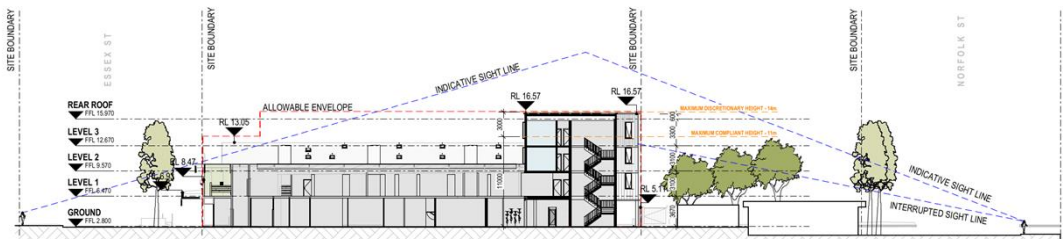


Figure 4 – Line of Sight diagram from Essex and Norfolk Street.



Figure 5 – Location of the four storey addition highlighted in yellow.

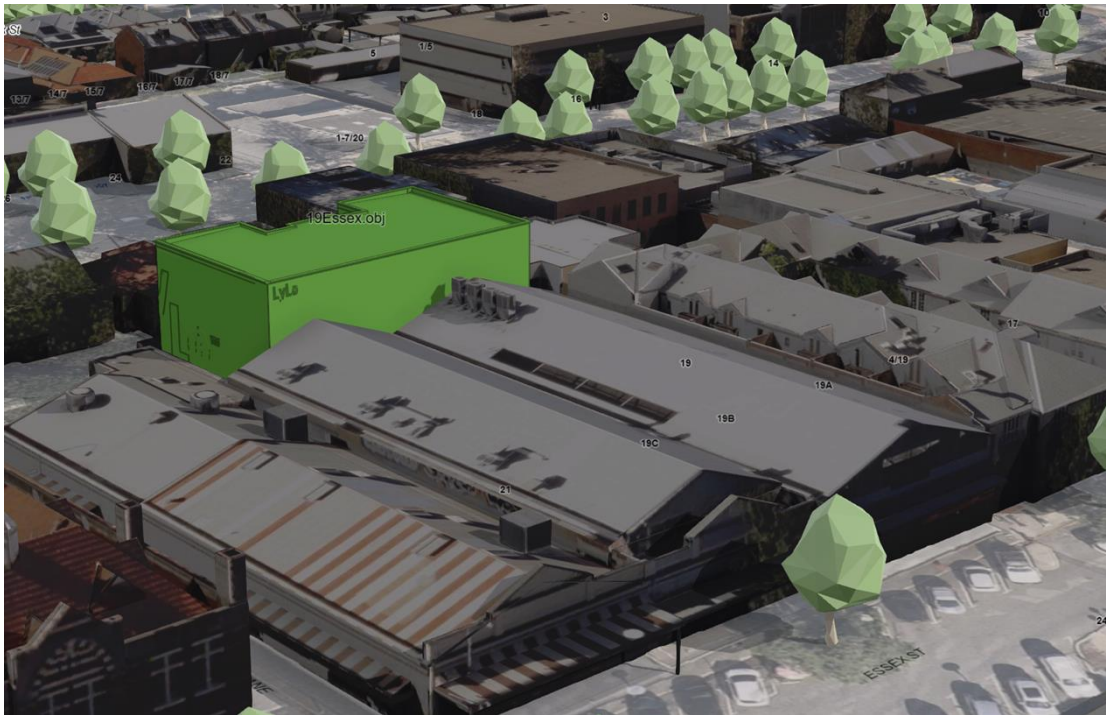


Figure 6 – 3D representation of the four storey addition looking south.



Figure 7 – 3D representation of the four storey addition looking north.

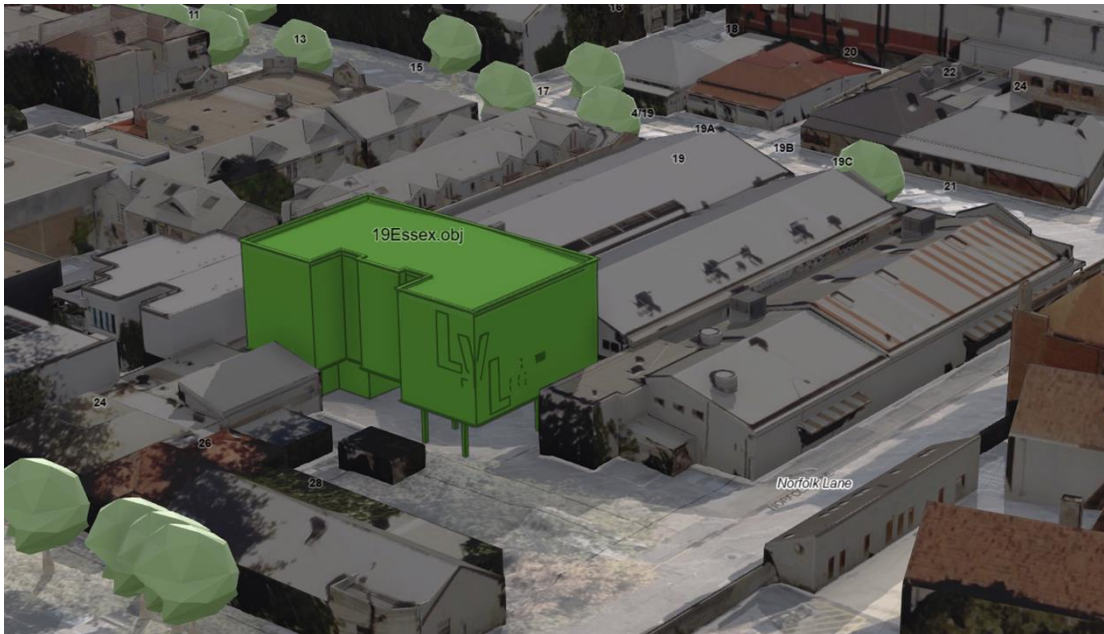


Figure 8 – 3D representation of the four storey addition looking west.



Figure 9 – 3D representation of the four storey addition looking east.



Figure 10 – 3D representation of the street frontage of 19 Essex Street. Note that the four storey addition will not be visible from the streetscape.



Figure 11 – 3D representation of the four storey addition situated behind the dwellings, restaurant and offices located on Norfolk Street.



Figure 12 – 3D representation of the four storey addition situated behind the dwellings, restaurant and offices located on Norfolk Street.

Local Planning Policy

Local Planning Policy 1.6 – Heritage Assessment and Protection

LPP1.6 requires a Heritage Impact Statement to be prepared by a qualified heritage professional for any proposal that may impact any heritage place and/or area listed on the State heritage register or the City’s Municipal Heritage Inventory. The purpose of a Heritage Impact Statement is to consider the impact of a specific proposal (e.g. development) on the cultural heritage significance of a heritage place or area. Where a proposal is accompanied by a proponent-commissioned Heritage Assessment or Heritage Impact Assessment, the City will undertake its own assessment but may draw on information submitted.

In accordance with the above, the applicant has provided a Heritage Impact Statement which is included in the additional information. The City conducted its own assessment which has been summarised in the City of Fremantle Heritage Comment section above.

Local Planning Policy 2.19 - Contributions For Public Art and/or Heritage Works

As per LPP2.19, the subject site falls within the ‘City Centre and Surrounds’ contribution area which requires the contribution of a monetary amount equal in value to one per cent of the estimated total development cost, as indicated on the Form of Application for Planning Approval, for the development of public art works and/or heritage works to enhance the public realm. The proposed development is not exempt from the contribution requirement as it involves a development



greater than 1000m² of gross lettable area. The contribution requirement is recommended as a condition of approval.

Local Planning Policy 3.6 – Heritage Areas

The following table outlines the proposal against the relevant provisions of LPP 3.6 Heritage Areas.

3.1 Conservation	
3.1.1 Intent	Officer Comment
<p>Conservation is the process of managing change to a place in such a way that its cultural heritage significance is retained. This involves routine care and maintenance but may also require more significant adaptation at some stages of a building’s life. Conservation means all the processes of looking after a place to retain its cultural significance and can include maintenance, preservation, restoration, reconstruction and adaptation. It is recognised that adaptation of heritage buildings for appropriate new uses is an important way of ensuring their continued viability and safeguarding their long-term future. However, the need for change should always respect the underlying requirement to conserve heritage significance.</p>	<p>The north half of the existing building is part of Former Mills and Co Building which was constructed c. 1907. The proposed development has been designed to minimise impact to this original north building. Most of the works (internal fit out, removal of internal walls etc.) will occur to the more recently constructed south building.</p> <p>The adaptation of the building to facilitate the Tourist development will allow for the continued viability of the building and safeguard its long-term future.</p>
3.1.2 Design Guidance	Officer Comment
<p>i. Conservation of a place should identify and take into consideration all aspects of cultural and natural significance without unwarranted emphasis on any one value at the expense of others. Conservation work should ensure that the heritage fabric and other values are well maintained.</p> <p>ii. Traditional techniques and materials are preferred for the conservation of significant fabric. In some circumstances modern techniques and materials which offer substantial conservation benefits may be appropriate on the advice of the City.</p> <p>iii. Preservation is appropriate where the existing fabric or its condition constitutes evidence of cultural heritage significance, or where insufficient evidence or investigation has</p>	<p>The south building is a two-storey addition constructed in 2012 to replace an earlier building from 1941. This part of the building has no heritage significance but is sympathetic with the character of streetscape.</p> <p>The works proposed to the north building will have only a minor impact its heritage significance.</p> <p>The façade and the shopfronts of both buildings will undergo some remediation and repainting which will not adversely affect any significant heritage fabric.</p> <p>There is no proposed reconstruction of original heritage elements.</p>



been carried out to allow an informed approach to restoration and reconstruction.

iv. Restoration is appropriate only if there is sufficient evidence of an earlier state of the fabric.

v. Reconstruction is appropriate only where a place is incomplete through damage or alteration, and only where there is sufficient evidence to reproduce an earlier state of the fabric. It should be identifiable on close inspection or through additional interpretation.

vi. Whilst new work should be readily identifiable, it should also:

- Not adversely affect the setting of the place.
- Have minimal impact on the cultural significance of the place.
- Not distort or obscure the cultural significance of the place, or detract from its interpretation and appreciation.
- Respect and have minimal impact on the cultural significance of the place.

vii. Brick and limestone walls constructed prior to 1950 should not be painted with acrylic paints or rendered with a cement render because this can damage the fabric and contribute to rising damp.

viii. Building maintenance should seek to avoid the removal of, or damage to, the existing fabric of the building or the use of new materials.

ix. Repairs, including replacing missing or deteriorated fabric with 'like for like' fabric should not involve damage to the significant fabric of the building.

x. Replacement of utility services should use existing routes or voids that do not involve the removal of, or damage to, the fabric of the building.

xi. Excavation for the purpose of exposing, inspecting, maintaining or replacing utility services should not affect archaeological remains.

xii. Removal of significant landscaping should be avoided where feasible.

A condition is recommended which requires methodology for stonework repair to be provided as part of the building permit application. Repairs will be required to match the original stonework, pointing, coursing pattern and mortar composition and colour. Cement mortar or sealers will not be permitted to be used.



3.3 Change of Use	
3.3.1 Intent	Officer Comment
<p>The use of a heritage place, or a group of places within a heritage area is often intrinsically linked to its historical evolution and heritage significance. Generally, the retention of original or long-associated uses is encouraged, however it is acknowledged that, as places evolve over time, the use of heritage places may also need to change. An empty, disused heritage place is more likely to deteriorate at a quicker rate, be subject to vandalism and lose its relevance to the local community. As such, one of the most effective ways to retain the heritage significance of a place or a heritage area is to ensure it has an ongoing, compatible and viable use. Introducing new building services as part of a use change can potentially disturb large portions of significant fabric and it is important that these are carefully considered when adapting places of heritage significance for new purposes.</p>	<p>The change of use to a Tourist development is considered appropriate to ensure the ongoing viability of the building and site. The alterations and additions required to facilitate this change of use have been appropriately designed to minimise the impact to original heritage fabric of the building. The investment into the building and the remediation and repair work will safeguard the buildings future and ensure its ongoing viability.</p>
3.3.2 Design Guidance	Officer Comment
<p>i. Where the use of the place is of cultural heritage significance (and consistent with the zoning of the land and other planning considerations), the continuation or reinstatement of this use is encouraged, and is the preferred form of conservation.</p> <p>ii. Where continuation of a culturally significant use is not feasible, a compatible use should be sought that minimises alteration to the place, setting and streetscape.</p> <p>iii. Interpretation of earlier significant uses may be required if those uses were significant to the heritage area.</p> <p>iv. Where a place has historically been accessible to the public, any change of use should consider the continuation of public accessibility in some form or publicly accessible interpretation.</p> <p>v. Should new services be required for a change of use for a contributory place, conceptual details of new services should be submitted at development application stage. New building</p>	<p>The reinstatement of the original use of the north building as a factory is not considered to be appropriate for the central city location. The proposed change of use is considered compatible with the city centre. The building was not historically open for public use and it is not considered that the various uses which have occurred on the site are significant to warrant ongoing interpretation.</p> <p>The alterations required to facilitate the change in use have been appropriately designed to minimise impact to the heritage listed buildings.</p>



<p>services should be designed and integrated to minimise any impact on the significant fabric.</p>	
<p>3.4 Demolition</p>	
<p>3.4.1 Intent</p>	<p>Officer Comments</p>
<p>Demolition is a permanent change that cannot be reversed: even removal of places with lower levels of individual heritage significance can cumulatively undermine the significance of a heritage area. Demolition of any building or structure on any site located in a Heritage Area requires development approval under the Local Planning Scheme. In considering a proposal for demolition on any site in a Heritage Area where the mapping of Contributory Places has not been completed and/or is incomplete, the Council shall determine whether any fabric located thereon qualifies as a Contributory Place and applications will be assessed against Clause 4.14 of Local Planning Scheme No. 4 with the following providing additional guidance.</p>	<p>The proposed development involves removal of internal building fabric of the buildings. These works have been largely contained to the recently constructed south building. The heritage significant north building will experience minor internal works required to facilitate the proposed accommodation.</p>
<p>3.6.2 Design Guidance</p>	<p>Officer Comments</p>
<p>i. Demolition of a contributory place or removal of significant fabric within a heritage area is contrary to the objectives of this policy, and will generally not be supported.</p> <ul style="list-style-type: none"> • Demolition approval will not be considered on the grounds of economic or other perceived gain for the redevelopment of the land. • Condition of the place is not necessarily an acceptable reason for demolition. <p>ii. When considering partial demolition, the original / early portion of the building should be retained and conserved: demolition of elements of cultural heritage significance will generally not be supported.</p> <p>iii. The removal and replacement of asbestos or other hazardous materials from a place located within a heritage area is supported if the removal involves the immediate replacement with a matching (but non-hazardous) material (e.g. flat asbestos wall sheeting with joint cover battens is replaced with flat fibre cement sheeting with joint cover battens in the same configuration – a replacement with timber</p>	<p>The proposed development does not involve any complete demolition of buildings on the site however, there will be internal removal of walls and partitions. The significant alterations have been confined to the recently constructed south building with only minimal impact to the heritage significant north building. The internal works will have no significant impact on the heritage significance of the Central Fremantle Heritage Area. Regardless, a condition is recommended that the works shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building which is not subject to the development hereby approved.</p>



<p>weatherboards or fibre cement weatherboards would generally not be supported).</p> <p>iv. Where demolition of a heritage protected place is approved, an archival record prepared in a format approved by the City may be required as a condition of planning approval.</p>	
<p>3.6 Infill development (new buildings)</p>	
<p>3.6.1 Intent</p>	<p>Officer Comments</p>
<p>New buildings within a heritage area should respect and complement the heritage significance of the area. A respectful design approach gives special consideration to the siting, scale, architectural style and form, materials and finishes of the proposed development in relation to its neighbours, without copying historic detailing or decoration. New infill buildings should respond sympathetically to the heritage values of the heritage area as a whole, and also to that part of the heritage area in the vicinity of the proposed development. Imaginative, well designed and harmonious construction is encouraged. Professional architectural services can be of great assistance in formulating appropriate designs.</p>	<p>The proposed four storey addition is located a significant distance (approximately 40m) from Essex Street. It's visibility from Essex Street will be minimal and will have no impact on the heritage significance of the area. The rear addition will be located approximately 25m from Norfolk Street and is set behind the existing buildings on the adjoining lots to the south east. The rear additions will have no impact on the pattern of development which defines the surrounding area. The proposed rear addition is not attempting to mimic or copy any historic detailing or decoration. A contemporary building located at the rear of a site behind existing buildings is therefore considered to be appropriate in the context of the area.</p>
<p>3.6.2 Design guidance</p>	<p>Officer Comments</p>
<p><i>Siting and Scale</i></p> <p>i. New infill development within a heritage area should:</p> <p>a) Maintain a setting that is consistent with the original streetscape, including front and side setback patterns.</p> <p>b) Have a consistent bulk and scale in relation to the original street pattern. E.g. If the original street pattern is single storey then the new infill development should also be (or present as)</p>	<p>The four storey rear addition is setback sufficiently from the streetscape such that it will have minimal impact on the setting of the street. The appearance of the front section of the lot will remain as per the existing buildings on the site. It is considered that the siting and scale of the rear addition is appropriate and will</p>



<p>single storey (at least to the front section of the lot).</p> <p>c) Have a plate height consistent with the original street pattern. New developments often propose a lower plate height than the earlier and original buildings. To ensure a consistency of scale the plate height is an important element to ensure it is consistent with the original street pattern.</p> <p>ii. New Infill development to secondary streets will be assessed on individual circumstances and merit. Issues to consider include:</p> <p>a) Prevailing streetscape and setbacks of the side street</p> <p>b) Avoiding a continuous wall and providing articulation of walls to a secondary street.</p> <p>c) Avoiding a two-storey height wall to the side street, unless the prevailing streetscape is predominantly two-storey.</p> <p>iii. Street setbacks deemed to comply with the above are specified in Schedule 1 for some areas.</p>	<p>have only a minimal impact on the prevailing streetscape.</p>
<p><i>Building Form</i></p> <p>The form of the building is its overall shape, size and the general arrangement of its main parts.</p> <p>i. New infill building within a heritage area should respect and harmonise with and be sympathetic to the predominant form of the prevailing streetscape without mimicking heritage detailing.</p> <p>ii. Where a building form is highly repetitive, significant departures in form will appear at variance to the streetscape and should not be introduced.</p> <p>iii. The treatment of new infill buildings in terms of the roof form, proportions, materials, number, size and orientation of openings, ratio of window to wall etc. should relate to that of its neighbours.</p> <p>iv. Symmetry or asymmetry of facades in the prevailing streetscape is an element of form to be kept consistent.</p> <p>v. Contemporary building designs should respond to, and interpret, the scale, articulation</p>	<p>The four storey rear addition is not considered to be attempting to mimic or recreate any original heritage detail. The rear addition is setback behind the existing heritage listed buildings such that there will be minimal impact on the building form of the heritage area. The appearance of the front section of the lot will remain as per the existing buildings on the site. The contemporary rear addition is consistent with the scale of existing nearby buildings.</p>



<p>and detail of the existing nearby buildings in a modern, innovative and sympathetic way.</p>	
<p><i>Materials, Colours and Detailing</i></p> <p>i. Materials and level of detailing should reflect / interpret the predominant materials and detailing of the original prevailing streetscape and not visually dominate the streetscape or adjacent heritage buildings.</p> <p>ii. Whilst the basic form, scale and structure of new development should be consistent with the character of the area, new buildings should not seek to emulate heritage detailing to any great extent: 'Faux' or 'mock' heritage detracts from an understanding and appreciation of the original building and will not be supported. New development should blend in with the streetscape but be discernible as new when looked at more closely.</p> <p>iii. Use of original or traditional colours is encouraged. Glossy materials or finishes should be avoided unless a historical precedent for their use can be demonstrated.</p>	<p>The four storey rear addition has been designed to blend in with the materiality and colour palettes of the surrounding area. The addition is not attempting to emulate surrounding heritage buildings rather, it is proposing a contemporary building that is clearly discernible from the original buildings on the site. It is considered that the rear addition is consistent in bulk and scale with various buildings in the surrounding area and blends in with the varying bulk and scale of character the Central Fremantle Heritage Area.</p>
<p><i>Other Elements</i></p> <p><i>Roofs</i></p> <p>i. Traditionally roof lines are a predominant element of the streetscape. All new infill development shall respond to and reinforce the existing characteristics of the prevailing streetscape regarding plate and wall heights, roof form, ridge lines, parapet lines, roof slopes and eaves overhangs.</p> <p>ii. Roof forms that interpret the predominant roof forms of the prevailing streetscape may be considered.</p> <p><i>Verandahs / Porches / Awnings</i></p> <p>i. Verandahs, porches and awnings were often an important element of streetscapes. Inclusion of verandahs, porches and awnings appropriate to the streetscape are encouraged without too precisely mimicking the style of the original character-building elements or heritage detailing.</p> <p><i>Doors and Windows</i></p> <p>i. All windows and door openings visible from the street should have a vertical emphasis,</p>	<p>The traditional roof lines of the heritage listed buildings at the front of the site will be maintained. The rear addition is setback sufficiently behind existing buildings such that it will have no significant impact on the roof form character of the area.</p> <p>The awnings of the heritage listed buildings will be maintained.</p> <p>The windows of the rear addition, while only minimally visible from the street, will have a vertical emphasis.</p>



<p>which means they should be taller and narrower in appearance unless there is a predominance in the prevailing streetscape of larger, interwar and later windows.</p> <p>ii. Front doors should generally address the street and should be centrally located in the front façade of the new infill building unless there is a different original pattern in the prevailing streetscape.</p>	
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State Planning Policy

State Planning Policy 3.5 - Historic Heritage Conservation

Clause 6.6 Development Control Principles of State Planning Policy 3.5 – Historic Heritage Conservation (SPP3.5) includes provisions for development within heritage areas. The proposed alterations of the existing building and the construction of a four storey rear addition is consistent with clause 6.6 of SPP3.5 for the following reasons:

- The internal alterations have been designed to minimise the impact to the original north building. Any significant removal of internal fabric will be confined to the south building which was constructed in 2012.
- The proposed rear addition is situated appropriately at the rear of the site such that it will not result in any significant detracting from the character and amenity of the established streetscape.
- There are no significant alterations to the external façade of the buildings. Restoration works will be conducted on the external façade of the original north building to ensure its ongoing vitality.
- The architectural design of the proposed rear addition is not attempting to mimic any historical heritage features of the surrounding area. It is considered to be a quality design and will not detract from the heritage character of the area.

State Planning Policy 7.0 - Design of the Built Environment

An assessment has been conducted against the design principles of SPP7.0 which are Context and character, Landscape quality, built form and scale, Functionality and build quality Sustainability, Amenity, Legibility, Safety, Community, and Aesthetics.

Refer comments below:

- The proposal has been carefully considered against the distinctive characteristics of the area. It is considered that the design is a quality architectural design and will not detract from the heritage significant or the character and amenity of the surrounding area.



- The proposed addition does not attempt to imitate the existing building, rather it offers a distinctive change between the heritage listed building and the new addition.
- It is considered that the existing heritage listed building will remain as the key feature on the subject site when viewed from street level, with the rear addition being subservient to this existing building.
- The subject site features limited opportunity for landscaping due to the existing building (to be retained) covering the majority of the site area.
- The addition will not be immediately visible and will maintain the views along the streetscape.
- The addition is suitably setback behind the existing building such that any impact from bulk and scale will be minimal.
- The mix of land uses on the site (short stay accommodation, small bar) are considered compatible and will assist in contributing to the vitality of the building and area.
- The proposed development will provide opportunity for additional people to stay in the city centre.
- The overall development is considered logical and appropriate and is of a quality architectural design.

Conclusion:

Approval is sought for a Tourist development at No. 19 (Lot 8) Essex Street, Fremantle which includes alterations to the existing building as well as a four storey addition of the existing buildings. The Mills & Co Building is a City of Fremantle heritage listed building and is adjacent State heritage listed sites. Conditions have been recommended to ensure that any potential impact to the adjoining listed sites are suitably addressed. The heritage aspect of this proposal has been a key consideration in the assessment of the application. After completing a comprehensive assessment on the various aspects of the proposal as well as receiving comments and advice from the Heritage Council and Design Advisory Committee, the proposal is recommended for conditional approval.



**C2411-2 SCOTT STREET, NO. 28 (LOT 16), SOUTH FREMANTLE –
UNAUTHORISED FRONT FENCE (ED DA0166/24)**

Meeting date:	13 November 2024
Responsible officer:	Manager Development Approvals
Voting requirements:	Simple Majority Required
Attachments:	<ol style="list-style-type: none">1. Development Plans - Unauthorised Fence2. Retrospective Planning Application letter3. Site Photos

SUMMARY

Approval is sought for an unauthorised Front Fence addition to existing Single House at No. 28 (Lot 16) Scott Street, South Fremantle.

The proposal is referred to Council due to the nature of some discretions being sought, requiring assessment against the Residential Design Codes (R-Codes) and Local Planning Policies. These discretionary assessments include the following:

- **Front Fence Height and Visual Permeability**
- **Sight Lines**

The application is recommended for refusal.

PROPOSAL

Detail

Approval is sought for an unauthorised Front Fence addition to existing Single House at No. 28 (Lot 16) Scott Street, South Fremantle.

A compliance investigation commenced in May 2024, regarding an unauthorised front fence. The unauthorised fence, as constructed, comprises:

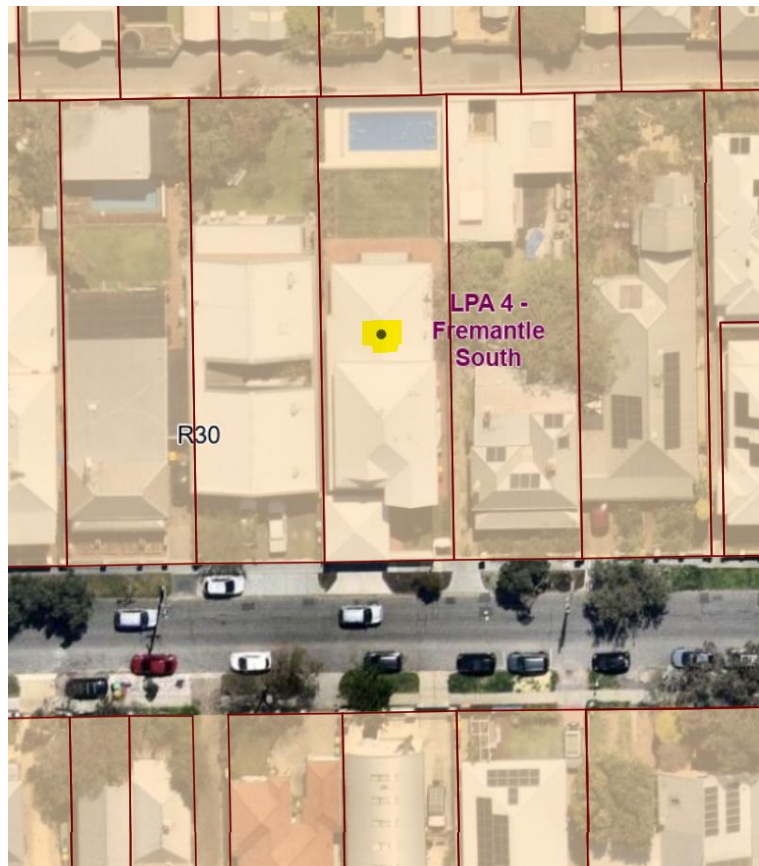
- 1.7m high painted (white) metal panel fence, sliding vehicular gate and pedestrian gate, across the street frontage (12.86m) of the property.
- Metal panel fence has 65mm wide vertical slats with 10mm spacing (13.3% visually permeable).

Development plans are included as attachment 1. See also, applicant covering letter at attachment 2 and photos of the unauthorised fence at attachment 3 and below.



Site/application information

Date received: 6 June 2024
Owner name: Mr Justin Lewis Edwards & Ms Prudence Allison Schneider
Submitted by: Katrine Investments Pty Ltd
Scheme: Residential (R20)
Heritage listing: South Fremantle Heritage Area
Existing land use: Single House
Use class: Single House
Use permissibility: P



CONSULTATION

External referrals

Nil required.

Internal referrals

CoF Heritage

The City's heritage officers note that front or street fencing is a key physical element at the interface between the public and private realms.

Traditional fencing types and/or modern interpretations of such fences can contribute greatly to a heritage area's residential streetscape and are strongly encouraged. Generally speaking, the higher the fence, the greater level of visual permeability should be provided. High, predominantly solid fences with minimal visual permeability, such as the existing unauthorised fence at the subject site, limit social and visual interaction between the dwelling and street and is considered a bulky, visually intrusive element that unacceptably projects into the streetscape.



The existing unauthorised fence is excessive in height, has a low level of visual permeability and is not of a traditional fence type that would be found in most residential heritage areas.

As such, the unauthorised fence design is considered wholly inconsistent with the front fence design guidance of the Council's Local Planning Policy 3.6 (Heritage Areas) and is considered a bulky, visually intrusive built form element that has an adverse impact upon the streetscape. The unauthorised fence design is therefore not supported on heritage grounds.

Community

Based on the nature of the proposal, the application was not required to be advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

However, it is noted that the matter was brought to the attention of the City via a complaint from a member of the community.

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:

- Front Fence Height and Visual Permeability
- Sight Lines

The above matters are discussed below.

Background

The subject site is located on the northern side of Scott Street in South Fremantle. The site has a land area of approximately 594m² and is currently a Single House. The site is zoned Residential and has a density coding of R20. The



site is not individually heritage listed though is located within the South Fremantle Heritage Area.

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

- DA0266/20 - Demolition of existing Single house and construction of two storey Single house

With respect to the above application, the new two storey single house has since been constructed on the subject site and did not include any details or approval for the front fence that is the subject of this application.

Front Fence Height and Design

Local Planning Policy 3.6 (Heritage Areas) provides that front or street fencing is a key physical element at the interface between the public and private realms. Traditional fencing types can contribute greatly to a heritage area’s residential streetscape and so are encouraged.

The following table evaluates the unauthorised fence against the design guidance for front fencing under clause 3.9.2 of LPP3.6.

Required	Proposed
<p>i. Traditional fencing types and heights are strongly encouraged in residential parts of heritage areas. Traditional fencing types depend on their location but can include:</p> <ul style="list-style-type: none"> • Low-scale vertical picket fence • Low-scale limestone wall • Traditional post-and-wire fence • Low-scale horizontal slats • Traditional post-and-wire and picket fence • Low-scale vertical picket fence • Low-scale limestone wall with piers • Hybrid picket and masonry front fence 	<p>The unauthorised fence is of a non-traditional type in terms of design and materiality being 1.7m in height and comprised of white painted metal panels that are 65mm wide with 10mm spacing between each panel (13.3% visually permeable).</p> <p>Inconsistent with Guidance</p>
<p>ii. The following fencing types are acceptable:</p> <ul style="list-style-type: none"> • Solid fencing up to 0.9m in height. • Traditional open style (picket, post and wire or slat) up to 1.2m in height. 	<p>The unauthorised fence is inconsistent with the acceptable fencing types being 1.7m in height and comprised of white painted metal panels that are 65mm wide with 10mm spacing between each panel (13.3% visually permeable).</p>



<ul style="list-style-type: none"> • Hybrid with a solid portion up to 0.5m and open style of 0.7m above the solid • portion, to a total of 1.2m in height. • Piers up to 1.5m in height. <p>NB. While LPP3.6 does not provide a definition of 'open style', LPP2.8 (Fences) defines visually permeable fencing as:</p> <p><i>A fence, wall or gate that has vertical surface with continuous vertical or horizontal gaps of at least 50 mm width occupying not less than one half (50%) of its face in aggregate of the entire surface or where narrower than 50mm, occupying at least two thirds of the face in aggregate, as viewed directly from the street; or</i></p> <p><i>A surface offering equal or lesser obstruction to view.</i></p>	<p>Inconsistent with Guidance</p>
<p>iii. Contemporary interpretations and variations may be considered on a case-by-case basis where consistent with the prevailing streetscape.</p>	<p>The unauthorised fence is quite different to traditional picket fencing and the spacing between panels ('openness') is minimal, only 10mm between panels, resulting in only a 13.3% visually permeable vertical surface across the fence which does not allow adequate views to and from the dwelling through the existing fence, as constructed.</p> <p>While it is noted there is no established prevailing character of front fencing throughout the streetscape, almost every existing front fence within the street is of a differing design, materiality, height and openness, there are no other similar examples of the unauthorised fencing style so that it could be considered consistent with fencing styles in the streetscape.</p> <p>Inconsistent with Guidance</p>

On the basis of the above, the unauthorised fence is not supported pursuant to the relevant provisions of LPP3.6 and LPP2.8 as the fence exceeds the prescribed



acceptable fence height(s), is of a non-traditional fencing type and design and has an insufficient level of visual permeability (openness), therefore, it is cumulatively seen to have an adverse visual impact upon the streetscape as a bulky addition that also obscures views between the street and dwelling.

While it is noted that there are other front fences within the Scott Street streetscape to other dwellings that would also be deemed inconsistent with the relevant front fencing design guidelines, these are all of differing types and designs of front fencing and therefore do not establish a prevailing streetscape that would warrant support of this unauthorised fence, which is of a differing design and type of fencing in any regard.

The unauthorised fence was also considered under the R-Code design principles for street walls and fences (section 5.2.5), which are outlined as follows:

Front fences are low or restricted in height to permit passive surveillance (as per clause 5.2.3) and enhance streetscape (as per clause 5.1.2), with appropriate consideration to the need:

- *for attenuation of traffic impacts where the street is designated as a primary or district distributor or integrator arterial; and*
- *for necessary privacy or noise screening for outdoor living areas where the street is designated as a primary or district distributor or integrator arterial.*

The unauthorised fence is not considered to meet the design principles of the R-Codes as the existing fence is not considered 'low or restricted in height' and does not provide an adequate level of visual permeability that would assist to provide greater passive surveillance, nor enhance the streetscape, as discussed in greater detail above. Similarly, the proposal does not meet the other points for consideration that may warrant variation to front fencing designs in circumstances to attenuate traffic noise or provide privacy for outdoor living areas, which is not the case for the subject site as the site is located on a local, suburban road and the outdoor living areas is located to the rear of the dwelling.

Sight Lines

Required	Proposed
<p>R-Codes Section 5.2.5 – Sightlines</p> <p>Deemed-to-comply:</p> <p><i>Walls, fences and other structures truncated or reduced to no higher than</i></p>	<p>The unauthorised fence has fencing 1.7m in height (13.3% visually permeable) and an 890mm high letterbox located within 1.5m of where the fence adjoins the driveway on both</p>



<i>0.75m within 1.5m of where walls, fences, or other structures adjoin a driveway that intersects a street, right-of-way or communal street</i>	the eastern and western edges of the driveway. Does Not Comply
--	--

The unauthorised front fence is not considered to meet the design principles of the R-Codes in relation to sight lines as the existing fence includes significant visual obstructions for vehicles exiting the subject site on both sides of the driveway, particularly as the driveway abuts the pedestrian footpath on the northern side of Scott Street which is a concern for pedestrian safety and visibility at the vehicle access point of the subject site.

CONCLUSION

The unauthorised fence is not supported by officers as it is inconsistent with the prescribed fencing types and design guidelines of LPP3.6 and LPP2.8, has insufficient visual permeability and has the potential to impact pedestrian safety with unacceptable visual obstructions to sightlines from the vehicle access point of the subject site due to the fencing design where adjacent the driveway and abutting pedestrian footpath.

STRATEGIC IMPLICATIONS

This item is not in keeping with the City of Fremantle’s Strategic Community Plan 2024 – 2034:

Liveable City - A unique built heritage and history that is preserved, protected and shared

- Our built heritage is central to our character and sense of place and is retained and protected for future generations to enjoy.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

VOTING AND OTHER REQUIREMENTS

Simple Majority Required



OFFICER'S RECOMMENDATION

Council:

1. **REFUSE**, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Unauthorised Front Fence at No. 28 (Lot 16) Scott Street, South Fremantle, as detailed on plans dated 5 June 2024, for the following reasons:
 1. **By virtue of the excessive height, non-traditional design/type and insufficient visual permeability of the unauthorised fence, the fence is inconsistent with clauses 67(l) and 67(m) of the *Deemed Provisions* as well as the design guidance and requirements of Local Planning Policies 3.6 (Heritage Areas) and 2.8 (Fences) and section 5.2.4 (Street Walls and Fences) of the R-Codes. It is therefore also considered to have an adverse visual impact upon the Scott Street streetscape and wider South Fremantle Heritage Area.**
 2. **By virtue of the excessive level of visual obstruction to vehicle sight lines where the fence adjoins the driveway that intersects the street and abutting pedestrian footpath, the fence is considered to present a risk to pedestrian safety and visibility at vehicle access points and therefore, is inconsistent with section 5.25 (Sight Lines) of the R-Codes and clauses 67(r) of the *Deemed Provisions*.**



**C2411-3 CHESTER STREET, NO. 48 (LOT 182), SOUTH FREMANTLE –
DEMOLITION OF ALL EXISTING BUILDINGS AND STRUCTURES
(ED DA0246/24)**

Meeting date: 13 November 2024
Responsible officer: Manager Development Approvals
Voting requirements: Simple Majority Required
Attachments:
1. Development Plans
2. Applicant Covering Letter

SUMMARY

Approval is sought for demolition of all existing buildings and structures at No. 48 (Lot 182) Chester Street, South Fremantle.

The proposal is referred to Council due to the nature of some discretions being sought and comments received during the notification period the application seeks discretionary assessments against the Local Planning Scheme No. 4 (LPS4), and Local Planning Policies. These discretionary assessments include the following:

- **Demolition of existing building(s) within a heritage area**

The application is recommended for approval.

PROPOSAL

Detail

Approval is sought for demolition of all existing buildings and structures at No. 48 (Lot 182) Chester Street, South Fremantle.

The proposed works comprise:

- Demolition of all existing buildings and structures on the subject site.

Development plans are included as attachment 1 and the applicant's covering letter as attachment 2.



Site/application information

Date received: 23 August 2024
Owner name: Kevin Richard Parker
Submitted by: MORQ Pty Ltd
Scheme: Residential
Heritage listing: Historic - HOUSE (DEMOLISHED), 48 CHESTER STREET; and South Fremantle Heritage Area
Existing land use: Single House
Use class: Vacant
Use permissibility: N/A





CONSULTATION

External referrals

Nil required.

Internal Referrals - City of Fremantle

City of Fremantle Heritage

The following comments (summarised) were provided in relation to the heritage impact of the demolition of the existing buildings and structures on the subject site:

Officers have assessed the application for demolition of all structures at 48 Chester Street and can advise that there are no concerns from a heritage perspective.

All structures on the site have been assessed in recent times and determined not to have any heritage value.

The application is also considered acceptable from a historic recording point of view so no further archival recording is required.

It is also noted that the existing dwelling was also recently reviewed as part of the wider South Fremantle Heritage Area review and was deemed a 'non-contributory' dwelling to the heritage area, largely due to the relatively recent construction of the existing dwelling in the 1990s (refer additional history in the background section of the report below).

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the application involves discretionary assessments against the LPS4 and Local Planning Policies.

The advertising period concluded on 25 September 2024, and one (1) submission was received. The following issues were raised (summarised):

- Concerns about how any vibration or soil disturbance from the demolition may damage surrounding properties, particularly older, heritage dwellings.
- Concerns where existing structures, that are built up to the boundary, are removed, will leave properties and openings exposed in terms of privacy and may incur necessary works on other properties.



While the above comments are acknowledged, these comments and concerns better relate to responsibilities of the builder/contractor undertaking the works, as such, they are not material planning considerations for the purpose of the demolition proposal. An advice note is recommended to encourage the applicant to take care when undertaking works and encourages dilapidation surveys to be undertaken prior to any demolition works. It is noted no objections are raised to the demolition of existing buildings on site in general.

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of LPS4 and relevant Council local planning policies. In this particular application the areas outlined below require discretionary assessment:

- Demolition of existing building(s) within a heritage area

The above matters are discussed below.

Background

The subject site is located on the eastern side of Chester Street in South Fremantle. The site has a land area of approximately 822m² and is currently a single house with two detached outbuildings. The site is zoned Residential and has a density coding of R20.

The site is individually heritage listed, however, the listing is 'historic' only as the original 1900s cottage (previously considered by the Fremantle Society in 1979/80 as being of cultural heritage significance) was demolished sometime between the late 1970s and early 1990s where a new house was built on the site to replace the old cottage. With the demolition of the historic cottage, the heritage significance of the place was lost.

The subject site is also located within the South Fremantle Heritage Area.

The subject site and surrounding development is characterised by one and two storey single houses and grouped dwellings.

A search of the property file has revealed no recent or relevant planning history for the site.



Demolition of Buildings and Structures

Local Planning Policy 3.6 (Heritage Areas) acknowledges that demolition is a permanent change that cannot be reversed: even removal of places with lower levels of individual heritage significance can cumulatively undermine the significance of a heritage area.

Demolition of any building or structure on any site located in a Heritage Area requires development approval under the Local Planning Scheme.

In considering a proposal for demolition on any site in a Heritage Area where the mapping of Contributory Places has not been completed and/or is incomplete, the Council shall determine whether any fabric located thereon qualifies as a Contributory Place and applications will be assessed against Clause 4.14 of the LPS4 with the following providing additional guidance.

Clause 4.14 (Demolition of Buildings and Structures) of the LPS4 provides:

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

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

The City's Heritage team advised the following:

- Officers have assessed the application for demolition of all structures at 48 Chester Street and can advise that there are no issues from a heritage perspective.*
- All structures on the site have been assessed in recent times and determined not to have any heritage value.*

On the basis of the above, as existing structures on the subject site are considered to hold no heritage value, the demolition of all existing buildings and structures can be supported pursuant to Cl. 4.14 of the LPS4 and the provisions of LPP3.6.



CONCLUSION

In conclusion, as all existing buildings and structures on the subject site are considered to hold no heritage value, the demolition proposal can be supported pursuant to Cl. 4.14 of the LPS4 and relevant consideration of LPP3.6.

STRATEGIC IMPLICATIONS

This item is in keeping with the City of Fremantle's Strategic Community Plan 2024 – 2034:

Liveable City - A unique built heritage and history that is preserved, protected and shared

- The matters contained in this report align to the intent of this theme's outcome.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

VOTING AND OTHER REQUIREMENTS

Simple Majority Required



OFFICER'S RECOMMENDATION

Council:

- 1. APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Demolition of All Existing Buildings and Structures at No. 48 (Lot 182) Chester Street, South Fremantle, subject to the following conditional(s):**

- 1. This approval relates only to the development as indicated on the approved plans, dated 19 August 2024. 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.**

Advice Notes:

- i. 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.**

It is recommended that the applicant obtains a Structural Engineers / Dilapidation Report regarding the integrity of the existing adjoining and adjacent developments, so as to ensure that any demolition works avoid or mitigate any potential damage that may occur as part of the proposed development



C2411-4 MCCABE STREET, NOS. 19-21 (LOT 19), NORTH FREMANTLE – VARIATION TO DAP004/20 (EIGHT STOREY MIXED USE DEVELOPMENT COMPRISING 11 GROUPED DWELLINGS, 97 MULTIPLE DWELLINGS, RESTAURANT, SHOP) (ED DAPV004/24)

Meeting date:	13 November 2024
Responsible officer:	Manager Development Approvals
Voting requirements:	Simple Majority Required
Attachments:	<ol style="list-style-type: none">1. Approved Development Plans vs. Amended Development Plans Comparison with Imagery
Additional Information <i>(Viewed electronically)</i>	<ol style="list-style-type: none">2. Applicant Covering Letter - DAP Form 23. DAC Minutes July 2023 - Materials DA Condition4. DAC Minutes October 2023 - Materials Condition5. DAC Minutes - October 2024 (Materials Amendments)6. SERAI External Finishes Schedule - July 20237. Additional Supporting Report from Applicant - Serai - October 2024

SUMMARY

Approval is sought for amendments to the development previously approved by the Metro Inner-South Joint Development Assessment Panel (JDAP) on 4 November 2020 (City ref. DAP004/20) which is an *Eight Storey Mixed Use Development Comprising 13 Grouped Dwellings, 97 Multiple Dwellings, Restaurant and Shop* Nos. 19-21 McCabe Street, North Fremantle.

The amendments relate to the design and form of the 'feature fascia banding' across all levels of the development that was previously approved by the City of Fremantle, on the advice of the City's Design Advisory Committee (DAC). in the clearance of development approval (DAP ref. DAP/20/01821) condition No. 10

Minor changes to the design and/or feature materials can be reconsidered under this condition of approval though the key matter for consideration of this application is whether the proposed amendments to the design and form of the feature fascia banding are acceptable from a design perspective, on the advice of the City's DAC.



The applicant has opted to have the application determined by the Metro Inner Development Assessment Panel (DAP). The City's Responsible Authority Report (RAR) is referred to Council for comment as the Responsible Authority providing recommendations to the DAP.

The application is recommended for refusal.

PROPOSAL

Detail

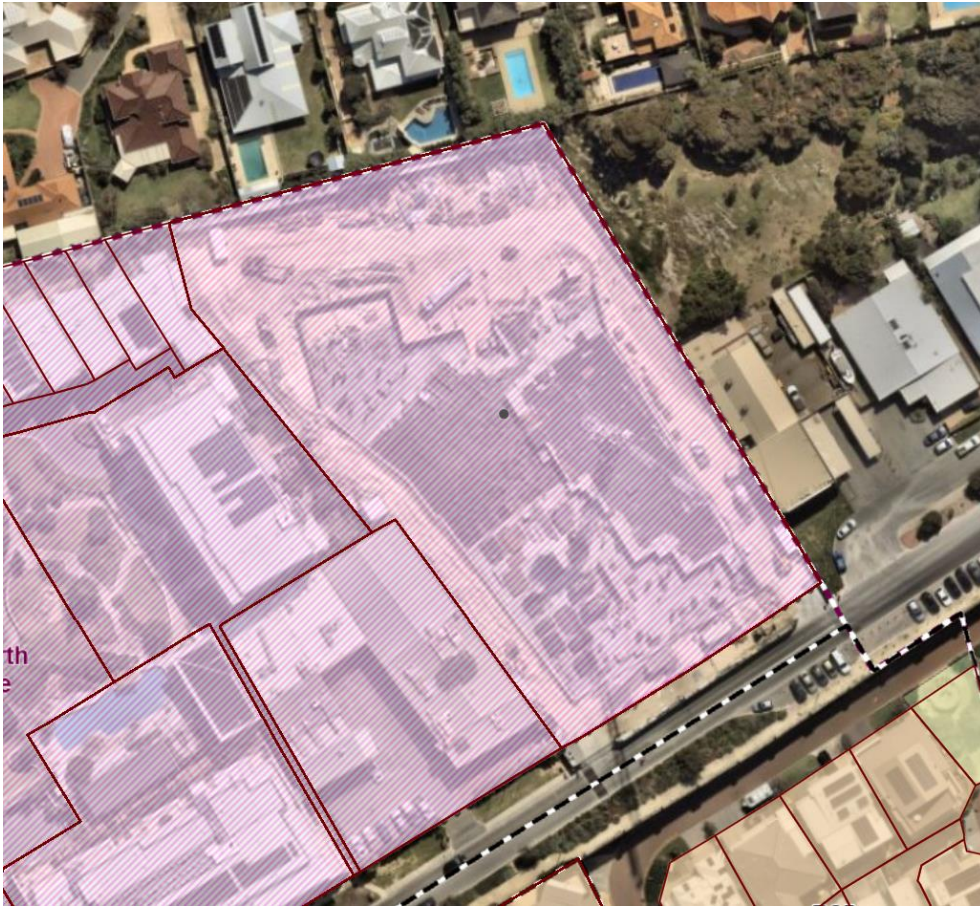
The proposal involves amendments to the elevation plans of the development specifically, amendments to the previously approved feature banding material design and form including loss of the 'wave' design feature across the banding, a reduction in the banding depth and a more acutely angled form.

Attachment 1 of this report provides greater detail and more imagery of the previously approved elevations and banding design compared with the amended proposals.

The applicant also provided a covering letter justifying the proposed amended banding design changes at attachment 2 and a further detailed report in support of the amendments, can be found at attachment 7 of this report that was only recently submitted by the applicant on 24 October 2024

Site/application information

Date received:	27 September 2024
Owner name:	Megara Twenty Six Pty Ltd.
Submitted by:	Method Planning
Scheme:	Development Area 18 (DA18)
Heritage listing:	Not Listed, North Fremantle Heritage Area
Existing land use:	Under Construction
Use class:	Mixed Use – under construction
Use permissibility:	Multiple Dwellings (A), Grouped Dwellings (A), Shop (A), Restaurant (A)



OFFICER'S RECOMMENDATION

Council:

SUPPORT the Officer's Recommendation to REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Amendment to DAP004/20 (Eight Storey Mixed Use Development Comprising 11 Grouped Dwellings, 97 Multiple Dwellings, Restaurant, Shop) at Nos. 19-21 (Lot 19) McCabe Street, North Fremantle for the reasons outlined in the responsible authority report.



MCCABE STREET, NOS. 19-21 (LOT 19), NORTH FREMANTLE - VARIATION TO DAP004/20 (EIGHT STOREY MIXED USE DEVELOPMENT COMPRISING 11 GROUPED DWELLINGS, 97 MULTIPLE DWELLINGS, RESTAURANT, SHOP) (ED DAPV004/24)

Form 2 – Responsible Authority Report
 (Regulation 17)

DAP Name:	Metro Inner DAP
Local Government Area:	City of Fremantle
Proposed Amendments:	<ul style="list-style-type: none"> ▪ Amendment to feature external material previously approved by the City of Fremantle, on the advice of the City’s Design Advisory Committee, in the clearance of development approval (ref. DAP/20/01821 condition No. 10: <i>‘Prior to the issue of a Building Permit for the development hereby approved, final details of the external materials, colours and finishes of the proposed development, including a physical sample board or materials is to be submitted and approved to the satisfaction of the City of Fremantle, on the advice of the City’s Design Advisory Committee.’</i>
Applicant:	Method Planning
Owner:	Megara Twenty Six Pty Ltd.
Value of Amendment:	N/A
Responsible Authority:	City of Fremantle
Authorising Officer:	Manager Development Approvals
LG Reference:	DAPV004/24
DAP File No:	DAP/20/01821
Date of Original DAP decision:	4 November 2020
Application Received Date:	27 September 2024
Application Statutory Process Timeframe:	60 Days



Attachment(s):	1. Approved & Amended Development Plans (Elevation Plans) and Rendered Imagery; 2. Applicant Covering Letter; 3. DAC Minutes July 2023; 4. DAC Minutes October 2023; 5. DAC Minutes October 2024; 6. Material Schedule July 2023; and 7. Applicant Additional Report in Support of Design Changes.	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	<input type="checkbox"/> Yes <input type="checkbox"/> N/A	Complete Responsible Authority Recommendation section <i>TBC – Officer recommendation to be considered by Council on 13 November 2024 – minutes to follow.</i>
	<input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections

Officer Recommendation

That the Metro Inner Development Assessment Panel resolves to:

- Accept** that the DAP Application reference DAP/20/01821 as detailed on the DAP Form 2 dated 30 September 2024 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
- Refuse** DAP Application reference DAP/20/01821 and accompanying development plans (refs. A03-001 Rev K; A03-002 Rev K; A03-010 Rev K; A03-011 Rev K; A03-012 Rev K; A03-013 Rev K; A03-014 Rev K; A03-020 Rev K; A03-021 Rev L; A03-022 Rev K; A03-023 Rev K) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 4 of the City of Fremantle’s Local Planning Scheme No. 4 Scheme No. for the proposed minor amendment to the approved mixed use development 8 Storey Mixed Use Development (Multiple Dwellings, Grouped Dwellings, Shop, Restaurant) at No. 19-21 McCabe Street, North Fremantle for the following reasons:



Reason(s)

1. By virtue of the proposed amendments to plans, specifically to the feature fascia banding material design and form, which results in the loss of what is considered a very prominent architectural element of the building design by the City’s Design Advisory Committee (DAC), the proposal is considered inconsistent with the objectives and principles of SPP7.0 - Design of the Built Environment.

Reasons for Responsible Authority Recommendation

TBC – *Officer recommendation to be considered by Council on 13 November 2024 – minutes to follow.*

Details: outline of development application

Region Scheme	Metropolitan Region Scheme
Region Scheme Zone/Reserve	Industry
Local Planning Scheme	Development Zone
Local Planning Scheme Zone/Reserve	Development Area DA18
Structure Plan/Precinct Plan	None
Structure Plan/Precinct Plan Land Use Designation	None
Use Class (proposed) and permissibility:	Multiple Dwellings (A), Grouped Dwellings (A), Shop (A), Restaurant (A)
Lot Size:	8058m ²
Number of Dwellings:	106
Existing Land Use:	Under Construction
State Heritage Register	No
Local Heritage	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Heritage List <input type="checkbox"/> Heritage Area
Design Review	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other
Bushfire Prone Area	No
Swan River Trust Area	No



Proposal:

The proposal involves amendments to the elevation plans of the development specifically, amendments to the previously approved feature banding material design and form, including the loss of the distinctive 'wave' design feature across the banding profile, a reduction in the banding depth (the banding depth previously extended 600mm from the face of balconies and the revised banding extends only 400mm) and the amended banding is of a more simple, bulkier form than the previous design

The below images show extracts of the approved and amended street elevation plans and comparative rendered imagery (refer greater detail in attachment 1):

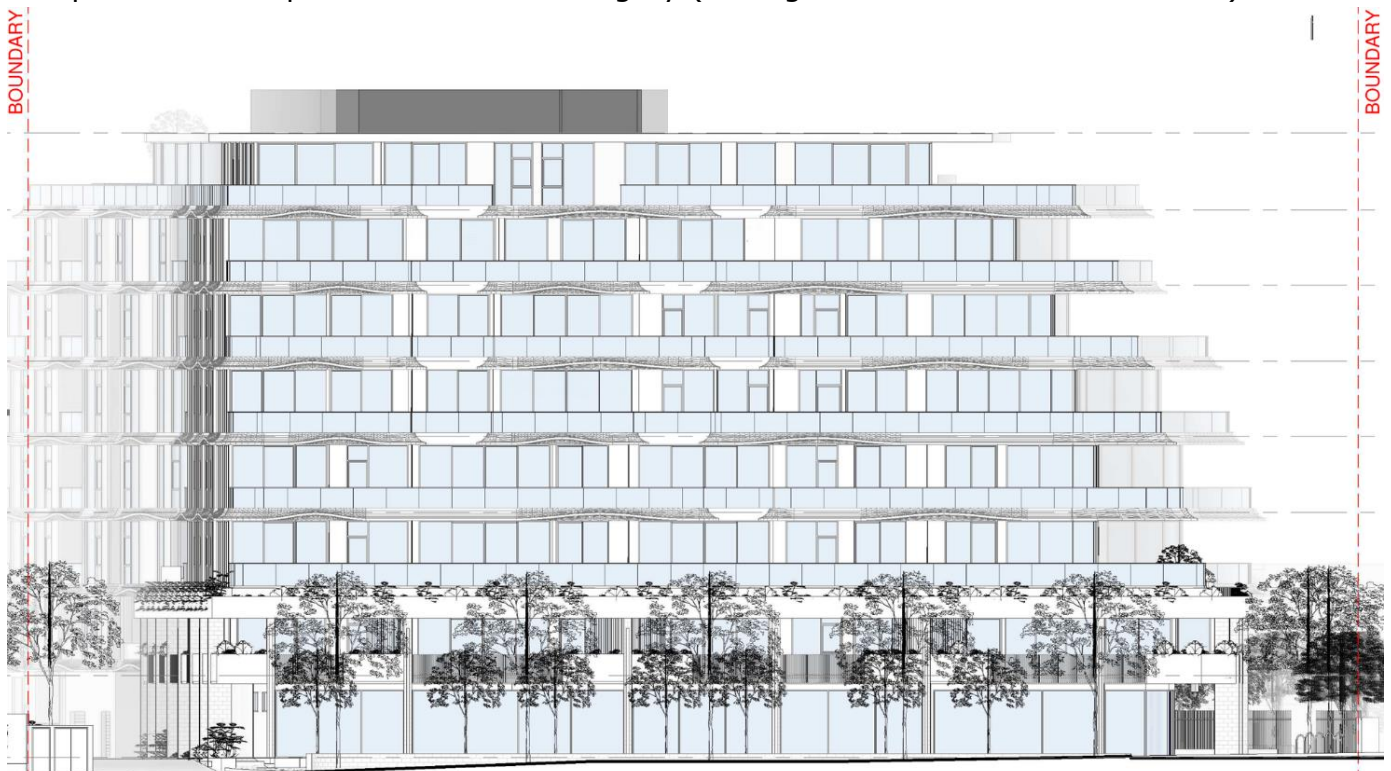


Figure 1 – Approved Street Elevation and Feature Banding Design and Form



Figure 2 – Amended Street Elevation and Feature Banding Design and Form



Figure 3 – Rendered Image of Approved Feature Banding Design and Form



Figure 4 – Rendered Image of Amended Feature Banding Design and Form

Attachment 1 of this report provides greater detail and more imagery of the previously approved elevations and banding design compared with the amended proposals. The applicant has also provided a covering letter justifying the proposed amended banding design changes at attachment 2 and a further detailed report in support of the design changes, submitted to the City on 24 October 2024, can found at attachment 7 of this report

Background:

On 4 November 2020, the Metro Inner-South JDAP resolved to approve an *'Eight Storey Mixed Use Development (11 Group Dwellings, 98 Multiple Dwellings, Restaurant, Shop)'* at 19-21 McCabe Street, North Fremantle (DAP ref. DAP/20/01821, City Ref. DAP004/20).

It should be noted that the City had strongly opposed the building height discretions proposed in the original development application that was ultimately approved by JDAP as they contravened the maximum building height limits set not only by Local Planning Policy (LPP) 3.11 (McCabe Street Area – Height of New Buildings) but also the height limits that would generally be prescribed by the R-Codes Vol. 2 (Table



2.1). The heights of the multiple dwelling tower elements of the original proposal exceeded the maximum prescribed building heights of LPP 3.11 by up to 14m and exceeded the maximum heights prescribed by Table 2.1 of the R-Codes Vol. 2 by 2 full storeys. Further, the building height was to sit 4.2m above the tallest building within the surrounding area (9-13 McCabe Street) and the site sits on higher natural ground level, east along the ridgeline from this site.

The City considered that the proposed building heights of the development were significantly inconsistent with the specific policy provisions and the pattern of development illustrated within policy LPP 3.11. As such, the City recommended the proposal be refused in the Responsible Authority Report (RAR) issued to DAP, primarily due to the excessive building height discretions being sought that were seen as incompatible with the scale of development immediately adjoining or surrounding the site and did not reflect the existing or desired future scale of development for the local area.

The DAP ultimately approved the development and the building heights discretions sought, in part, due to the high quality of the building design that had been acknowledged by the City's DAC at the time and some of the 'community benefits' that had been proposed including the publicly accessible art walk, cinema screen and raised lawn area.

This approved development has since progressed through to building permit and is currently under construction. However, the original approval has been subject to a number of variation applications to amend the original proposal, with the planning history summarised as follows:

- VA0011/23 – Amendments to DAP004/20 (amendments to basement levels, apartment amalgamations and floor plan layout adjustments, revised apartment mix: 9 x 1-bed, 28 x 2-bed, 60 x 3-bed (97 total) – approved by City on 14 August 2023.
- VA0019/22 - Amendments to DAP04/20 (variation of wording to of condition 6) – approved by City 25 August 2022; and
- DAPV001/21 – Amendments to DAP004/20 (Increased building height (0.65m); revised description: 'Eight Storey Mixed Use Development Comprising 11 Grouped Dwellings, 95 Multiple Dwellings, Restaurant and Shop'; increased non-residential floor areas; increased landscaping) – Approved by JDAP 12 April 2022;

Further to the above, the development approval (including the amended proposals) is subject to a condition of approval, No. 10, which reads as follows:



'Prior to the issue of a Building Permit for the development hereby approved, final details of the external materials, colours and finishes of the proposed development, including a physical sample board or materials is to be submitted and approved to the satisfaction of the City of Fremantle, on the advice of the City's Design Advisory Committee.'

In 2023, the applicant sought clearance of the above condition and presented their material schedule (attachment 6) to the City's DAC, initially in July 2023 (refer DAC minutes at attachment 3) where additional detail was requested and re-presented to the City's DAC in October 2023 (refer DAC minutes at attachment 4).

In both of the above reviews, the DAC identified the following as the key external materials/features of the building design:

- The 'feature fascia banding' with 'distinctive' curved 'eyebrow' or 'wave' shape for the fascia banding to all apartment balconies at all levels;
- The curved glass balustrades to balconies;
- The feature architectural columns to the street elevation; and
- Timber privacy screens to north elevations of town houses.

City officers ultimately accepted changes to the timber privacy screens to the north elevations of the town houses to a powder coated aluminium material as the elevations were not street facing. Similarly, a change of the feature architectural columns materiality from a 'brown face brick' to a 'lime wash painted finish brick' was also accepted as the feature columns and materiality were retained, albeit in a different finish. The impact on the broader locality was also limited.

Furthermore, while a change in the feature banding materiality from the previously proposed pre-cast concrete to a powder coated, profiled aluminium was supported by the DAC as a more lightweight, more eco-friendly material, this was supported on the basis the feature banding retained the same design and form with the distinctive 'wave' design and depth which was proposed to be upheld at the time, yet constructed in the new material. Similarly, the DAC noted and supported the continued use of the frameless curved glass on balcony balustrades.

On the basis of the above, the development approval condition 10 (refer above) was cleared by City officers and once all other relevant conditions were cleared, a building permit application was submitted and granted by the City on 20 June 2024 (ref. BP0185/24).

Subsequently, the applicant has now submitted amended plans and an application to amend the approved feature banding design and form, as is the subject of this report and variation application.



Legislation and Policy:

Legislation

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

State Government Policies

SPP 7: Design of the Built Environment

Local Policies

LPP 1.9: Design Advisory Committee and Principles of Design

Consultation:

Public Consultation

Based on the nature of the proposed amendments to materiality only, the proposal did not warrant public advertising in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015 and LPP 1.3 (Community Consultation on Planning Proposals).

Referrals/consultation with Government/Service Agencies

Not applicable for this variation application.

City of Fremantle Design Advisory Committee

The City's DAC reviewed the proposed amendments to the approved feature banding design and form, including the accompanying justification letter and plans/imagery provided by the applicant (attachments 1 & 2) as well as a physical sample of the amended banding at a meeting at the City's offices on 14 October 2024.

Please find full details of the DAC minutes at attachment 5, as well as further discussion in the background and officer assessment sections of this report. Refer also, the background section of this report for more history on the DAC review of materials pursuant to the clearance of the condition.



Planning Assessment:

The amended proposal has been assessed against all the relevant legislative requirements of the Scheme, and State and Local Planning Policies. In the case of proposed amendment subject of this application, assessment only relates to whether the proposed amendments to the approved materials, specifically the feature banding design and form, pursuant to condition 10 of the development approval (ref. DAP004/20), is supported by the City, on the advice of the City's DAC.

Proposed Amendment to Approved Material - Fascia Banding Design and Form

As outlined in the above proposal and background sections of the report above, the applicant seeks to amend a previously approved material, pursuant to development approval ref. DAP004/20 condition 10, specifically the feature fascia banding proposed to apartment balconies at all levels.

The City's DAC reviewed the proposed amendments to the feature fascia banding at the DAC meeting on 14 October 2024, with the minutes (attachment 5) noting:

The panel raises concerns with the appearance of the banding elements compared with the earlier version, stating that they are more bulky, less elegant and not as deep as before, also reducing the shading capacity of the elements.

The DAC's concluding remarks were as follows:

The panel considers the banding to be a very prominent architectural element that is visible from all side of the development and does not support the proposed change, as presented.

The panel would like to see the proposal further developed to achieve an outcome more aligned in appearance to the original proposal.

On the above advice from the DAC, City officers do not support the proposed amendments to the approved feature fascia banding design and form, the loss of the distinctive 'wave' profile to the banding and reduced depth, is considered to detract from the overall design and visual appearance of the building as a feature material that runs across all levels of the building as a prominent architectural element.

The applicant has submitted justifications for the proposed amendments to the feature fascia banding design and form with regard to difficulties in finding a



supplier to deliver the feature banding, details constructability and viability issues as well as providing support for the architectural merit of the amended banding design and profile (see full details at attachment 2).

While the above information was reviewed and considered by the City's DAC and City officers, on the merits of design, the amended banding is considered to detract from the overall design and visual appearance of the building and the form of the banding elements should be further developed to produce a profile with greater visual interest, similar to that of the approved banding design and form.

Further to the above and subsequent to the City's DAC review, an additional supporting report, which expands on the covering letter and provides greater detail on supplier issues, constructability/feasibility and further design rationale for the amended banding, was prepared by the applicant and submitted to officers on 24 October 2024 (found at attachment 7). At the time of writing this report and in the interest of upholding statutory timeframes, this additional information has not been reviewed by the City's DAC but is provided for further consideration by the DAP in their decision making.

Conclusion:

The proposed amendments to the previously approved feature fascia banding material design and form, including the loss of the 'wave' feature and reduced depth, are not supported as the amended banding design is considered to detract from the overall design and visual appearance of the building given the banding is a prominent architectural element that is visible from all sides of the development. Further, it is noted that the wave banding was a distinctive part of the original high quality design endorsed by the City's Design Advisory Committee, and they do not support the proposed change which is considered to be to the detriment of the development. Noting that the compromised outcome will impact on the design quality of the development, the application to vary the proposal is recommended for refusal.



C2411-5 PLANNING INFORMATION REPORT – NOVEMBER 2024

1. SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY

Meeting date: 13 November 2024
Responsible officer: Manager Development Approvals
Voting requirements: Simple Majority Required
Attachments: 1. Items determined under delegation

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 DAP DETERMINATIONS AND RELEVANT STATE ADMINISTRATIVE TRIBUNAL APPLICATIONS FOR REVIEW

Meeting date: 13 November 2024
Responsible officer: Manager Development Approvals
Voting requirements: Simple Majority Required
Attachments: Nil

Applications that have been determined by the Metro Inner Development Assessment Panel and/or are DAP/Council determinations that are subject to an application for review at the State Administrative Tribunal are included below.

1. Application Reference
DA0130/24
Site Address and Proposal
No. 90 Rennie Crescent, Hilton – Unauthorised additions to existing Single house
Council Consideration/Decision
<ul style="list-style-type: none"> At its meeting held on 10 July 2024, the Council resolved to refuse the application.
Current Status
<ul style="list-style-type: none"> On 31 July 2024 an Application for Review by the State Administrative Tribunal was lodged by the owner. A Directions Hearing was held on 5 September 2024. Mediation was held on 10 October 2024. SAT has directed that the applicant provide additional information, with Council to reconsider the matter by 23 December.



2. Application Reference
DAP002/24
Site Address and Proposal
19 Essex Street, Fremantle – Four storey Tourist development
Council Consideration/Decision
<ul style="list-style-type: none"> • Application for development was received on 14 June 2024. • At its meeting on 11 September 2024, Council resolved to not support the Officers Recommendation for approval. • A Development Assessment Panel meeting was held on 1 October 2024, where the matter was deferred for a period of 120 days to allow the applicant to consider addressing waste management and building bulk and scale. • A report in relation to this item is included in this agenda.

3. Application Reference
DAP003/24
Site Address and Proposal
1 Naylor and 2-4 Clontarf Road, Beaconsfield- Multiple dwellings
Council Consideration/Decision
<ul style="list-style-type: none"> • Application for development was received on 22 July 2024. • At its meeting on 11 September 2024, Council resolved to support the Officers Recommendation for approval. • A Development Assessment Panel meeting was held 17 October 2024, where the item was approved.

4. Application Reference
DAPV004/24
Site Address and Proposal
19-21 McCabe Street– Proposed variation to approval (Eight storey mixed use development comprising 11 Grouped Dwellings, 97 Multiple Dwellings, Restaurant, Shop)
Council Consideration/Decision
<ul style="list-style-type: none"> • An application to vary the approved plans for the above development was received on 20 September 2024. • A report regarding this matter is included in this agenda.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required



OFFICER'S RECOMMENDATION

Council receive the following information reports for November 2024:

- 1. SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY**
- 2. UPDATE ON METRO INNER DAP DETERMINATIONS AND RELEVANT STATE ADMINISTRATIVE TRIBUNAL APPLICATIONS FOR REVIEW.**



**C2411-6 METROPOLITAN REGION SCHEME AMENDMENT REQUEST –
LOTS 1931 AND 2039, 65 MARINE TERRACE, AND TWO
PORTIONS OF LOT 2038, CARPARKS 21 AND 21A, MARINE
TERRACE, FREMANTLE**

Meeting date:	13 November 2024
Responsible officer:	Manager Strategic Planning and City Design
Voting requirements:	Simple Majority Required
Attachments:	<ol style="list-style-type: none">1. Minute of Finance, Legislation, and Policy Committee item FPOL2304-8, 12 April 20232. Community engagement information pack3. Community Engagement Report4. MRS request justification report

SUMMARY

The purpose of this report is to present an update on the City’s previous resolution FPOL2304-8 on 12 April 2023 (Attachment 1). The resolution requested that City officers prepare a justification report and engage with stakeholders regarding the potential of a Metropolitan Region Scheme (MRS) amendment over Lots 1931 and 2039, 65 Marine Terrace, two portions of Lot 2038, Carparks 21 and 21A, Marine Terrace, and 542m² of Mews Road, Fremantle to transfer the land from the Parks and Recreation reserve to the Central City Area zone, and the subsequent redevelopment of these lots.

The proposal was advertised during July and August 2024 and was linked to other initiatives, including the extension of Norfolk Street, extension of Esplanade Reserve, and redevelopment of the Italian Club Fremantle’s premises.

The Community Engagement Report (Attachment 3) indicates that there is broad in-principle support for the proposal through the ‘supportive’ and ‘somewhat supportive’ response categories to the survey questions asked of the public.

Following community feedback, the City is now able to proceed with a formal request to the Western Australian Planning Commission (WAPC) to initiate an MRS Amendment by submitting a justification report (Attachment 4).



The justification report, which outlines the intent for the site under the proposed zoning, is required to facilitate the initiation of an MRS amendment, which would be overseen by the Western Australian Planning Commission. The justification report emphasises the context of the proposal in relation to the recently endorsed Fremantle Harbours Masterplan (September 2023), which identifies the extension of Norfolk Street as part of the 'Central Gateway' precinct to the waterfront, and highlights the community's support and priorities gathered during the public engagement period.

BACKGROUND

For many years, the City has sought to extend Norfolk Street to Mews Road and Fishing Boat Harbour and capitalise on the associated opportunities to revitalise an underutilised area close to the waterfront. These initiatives appeared in the Freo 2029: Transformational Moves document published in 2014 and in the Esplanade Reserve Masterplan of 2015. In 2023, the Department of Transport (Maritime) released the Fremantle Harbours Masterplan, which highlights the extension of Norfolk Street over the railway line to Mews Road as an important link between the city centre and the waterfront.

In parallel, the Italian Club Fremantle has indicated a desire to develop new facilities that cater for the changing needs of their community, including potential commercial and mixed-use premises.

On 12 April 2023, Council's Finance, Policy, Operations and Legislation (FPOL) Committee considered extensive background on the site and resolved that Council:

1. *Provides in-principle support to prepare a request to amend the MRS of the subject site for consideration by the WAPC.*
2. *Provides in-principle support to prepare a Local Planning Scheme Amendment in parallel with the MRS Amendment process.*
3. *Request officers:*
 - (a) *gather background information, reports and investigations to prepare a justification report.*
 - (b) *engage with stakeholders including landowners, surrounding residents, service agencies, DPLH, WAPC etc regarding the potential of an MRS amendment and future development of this area.*
4. *Notes a further report will be provided giving an update of project progress.*



5. *Notes that should this process result in a viable project, a further process will be initiated seeking development.*

The FPOL minutes and additional information pertaining to the item can be found in Attachment 1 to this report.

The site (see Figure 1 below) is currently reserved for Parks and Recreation under the Metropolitan Region Scheme (MRS) and is subject to a Management Order under the *Land Administration Act 1997*, placing the land under the care and control of the City of Fremantle, which in turn leases Lots 1931 and 2039 to the Italian Club Fremantle.



Figure 1. Subject site (outlined in red)

As the site is reserved for Parks and Recreation in the MRS, the City cannot zone the land appropriately for mixed-use, commercial or residential purposes under the City's Local Planning Scheme No. 4 (LPS4). Transferring the site from the Parks and Recreation reserve to the Central City Area zone under the MRS will allow the City to amend LPS4 to transfer the land from the Parks and Recreation reserve to the City Centre or Mixed Use zone, aligning the two schemes; however, further planning work would be necessary to determine the most appropriate zoning. Notwithstanding, a change in zoning would provide more flexibility in terms of land use mix and built form to complement the proposed public realm enhancements and extension of Esplanade Reserve.



For the purposes of the community engagement exercise that was undertaken, it was assumed that the City Centre zone would be applied. The City Centre zone would apply a minimum height requirement of two storeys for new development and a five-storey height limit, provided that the fifth storey is sufficiently setback that it cannot be seen from adjacent streets.

Although no specific development is proposed for the site at this time, it is anticipated that its transfer from the Parks and Recreation reserve to the Central City Area zone, along with an associated amendment to the LPS zoning, could permit commercial and residential development, while allowing the Italian Club Fremantle to remain in a reimaged premises.

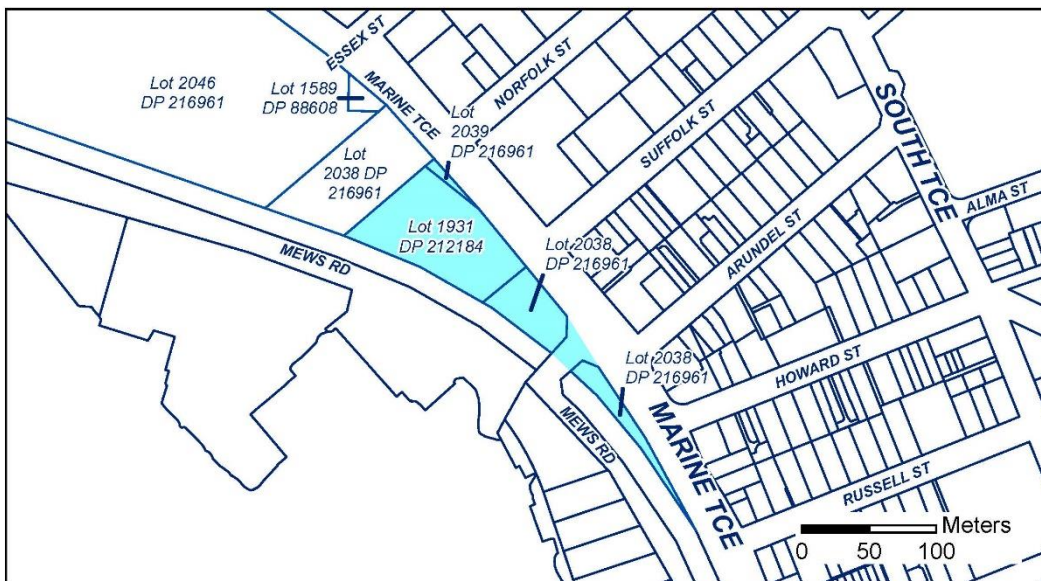
An amendment to LPS4 would not be progressed until an amendment to the MRS is completed, noting that an MRS amendment can take up to 24 months to complete. Only the WAPC can initiate an amendment to the MRS. Therefore, it is proposed that the City lodge a request with the WAPC that it initiate an amendment to the MRS to transfer Lot 1931 on Deposited Plan 212184 and Lot 2039 on Deposited Plan 216961, 65 Marine Terrace, Fremantle, two portions of Lot 2038 on Deposited Plan 216961, Carparks 21 and 21A Marine Terrace, and 542m² of Mews Road, Fremantle from the Parks and Recreation reserve to the Central City Area zone (see Figure 2 below).



EXISTING ZONING



PROPOSED ZONING



Legend

- | | |
|------------------------------------|---|
| Parks and Recreation Reserve | Public Purposes Reserve (Special Use) |
| Railway Reserve | Central City Zone |
| Civic and Cultural Reserve | Urban Zone |
| Public Purposes Reserve (Car Park) | Lots subject to the MRS amendment request |
| Public Purposes Reserve (Hospital) | |

N

Vallyalup Civic Centre
 151 High Street,
 Fremantle WA 6160
 T 1300 MY FREO
 (1300 693 736)
 TTY 98 9422 9777
 E info@fremantle.wa.gov.au
 W www.fremantle.wa.gov.au

Figure 2. Proposed transfer from the Parks and Recreation reserve to the Central City Area zone (subject site outlined in red).



FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

This item is in keeping with the City of Fremantle's Strategic Community Plan 2024 – 2034:

Liveable City – Sustainable growth in city centre population

- The matters contained in this report align to the intent of this theme's outcome.

Liveable City – Liveable and socially connected neighbourhoods

- The matters contained in this report align to the intent of this theme's outcome.

Liveable City – Connected city

- Multiple transport options offer diverse, equitable and affordable forms of mobility for all members of the community.
- Streets are well connected, and it is easy and safe for pedestrians and cyclists to move within neighbourhoods and between key destinations and precincts.
- Transport networks that reduce the need for cars in our city centre.

Thriving City – Attraction and retention of diversified investment and talent

- The matters contained in this report align to the intent of this theme's outcome.

Thriving City – A resilient seven-day economy

- The matters contained in this report align to the intent of this theme's outcome.

Thriving City – Vibrant and active city centre

- The matters contained in this report align to the intent of this theme's outcome.



Resilient City – A focus on planning for a stronger and more resilient future

- The matters contained in this report align to the intent of this theme's outcome.

Resilient City – Availability of services and support for the most vulnerable members of the community

- The matters contained in this report align to the intent of this theme's outcome.

Inclusive City – A safe and accessible community for all abilities

- The matters contained in this report align to the intent of this theme's outcome.

Inclusive City – A welcoming and inclusive City for all members of community

- The matters contained in this report align to the intent of this theme's outcome.

Inclusive City – Genuine and productive partnerships with members of the community

- The matters contained in this report align to the intent of this theme's outcome.

CONSULTATION

The Norfolk Street Extension (MRS Amendment Request) proposal was advertised from 15 July 2024 to 30 August 2024 (46 days) for public comment. Engagement included public notification by means of:

- Letters to the owners and occupiers of properties generally within 200m of the site, but extending further to the north-west and east to encompass the street blocks bounded by Collie Street, South Terrace, Price Street, and Marine Terrace
- Email notification of the proposal to the Department of Transport's Marine division and the Public Transport Authority
- Publication of a notice and information (Attachment 2) on the City's MySay Freo website.



A community drop-in information session was also held at Walyalup Civic Centre on 7 August 2024, which 18 members of the public attended and were encouraged to discuss the planning concepts and process with planning officers and fill out hard copy or online surveys. One-to-one discussions with members of the public were also provided when requested.

At the close of the community engagement period, the City had received 82 submissions on the proposal via the MySay portal, 49% of which were from Fremantle Central and 17% of which were from South Fremantle.

The community engagement survey took the opportunity to explore a number of the proposal's elements to understand which had the greatest level of community support. As a result, the survey has provided a rich and detailed source of information on different aspects of the broader proposal, ranging from built form preferences, desirable land uses, and public realm outcomes, to preferred transport modes and provision of car parking. These are explored in detail in the attached Community Engagement Report.

For the purposes of this summary, the first survey question is given focus below. This survey question explicitly asked about the potential transfer of the site from the Parks and Recreation reserve to the Central City Area zone under the MRS. The question presented in the survey is as follows:

'How supportive are you of the proposed rezoning of the subject site from the Parks and Recreation reserve to Central City zone and the vision for its redevelopment?'

Respondents could choose one of the following answers:

- 'Supportive'
- 'Somewhat supportive'
- 'I am not supportive'
- 'I am unsure'

Of the responses given, 41% indicated that they are supportive, while 25% indicated that they are somewhat supportive. A further 26% responded that they are not supportive, while 8% indicated that they were unsure.

Of these submissions, the 'somewhat supportive' category provides cautious support for the transfer of the site to the Central City Area zone, on the basis that certain issues and concerns are resolved at a more detailed level of planning, including:



- Parking
- Multi-storey carparks
- Traffic congestion
- Existing Mews Road crossing
- Pedestrian and cycling connections
- Character
- Building height
- Land use
- Development intent of the Italian Club
- Water views
- Property values
- Public open space
- Redevelopment history
- Clarification of plans.

These matters are discussed in detail in the officer comment section below.

In addition to the public submissions, a response was received from the Public Transport Authority, which is also discussed below.

OFFICER COMMENT

As noted in the consultation section above, several matters were raised in public submissions in response to the proposal, which must be considered by City officers and Council in determining whether to proceed. Most of these matters will be considered in the future as part of a more detailed planning stage. These matters include:

Parking

Respondents are concerned about the potential loss of parking supply in a convenient location and the associated negative impacts on visitors, businesses, and their employees; however, the Department of Transport's Fremantle Harbours Context and Access Analysis contains recent parking supply data for the vicinity and notes that of 1,213 public parking bays, 816 are off-street, while there are 27 ACROD bays. The highest occupancy occurs at 1 p.m., reaching 59% occupancy on weekdays and only 79% occupancy on weekends. These figures indicate that there is a significant amount of parking currently provided in the vicinity.



Should some parking be lost to development in future, it is unlikely that there would be a parking shortfall.

Multi-storey carparks

Respondents are concerned that multi-storey car parks are unsightly and that the subject site is too valuable to prioritise parking, which is better suited to the periphery of the city centre.

Although any future redevelopment of the site is not yet known in detail, City officers consider that if multi-storey parking is deemed suitable on the subject site, it could be sleeved behind other land uses or screened with well-designed built form and good quality materials. Positioning the widest edge of a parking structure perpendicular to the water, rather than parallel, could also minimise visual impact for adjacent residents. These matters would be explored at a more detailed stage in the planning process, such as the structure planning or development assessment phase.

Traffic congestion

Some submissions, particularly those from adjacent residents, suggest that heavy traffic congestion would result from any new attractions and increased parking supply, which would bring vehicles into the Norfolk Street / Marine Terrace intersection and the proposed Mews Road / Norfolk Street intersection.

City officers acknowledge that future development could generate an increase in traffic. Modelling must be conducted at a time when the density and type of land uses are known with some accuracy. This would likely be at the structure planning or development assessment phase.

Existing Mews Road crossing

Some submissions raised concern over closure of the existing crossing, as it would reduce options for traffic management. There are also safety concerns over the existing Mews Road crossing, particularly for cyclists and pedestrians. However, the Public Transport Authority's submission clearly states that it will not support any *additional* crossings; new crossings can only replace those already in existence. Therefore, any new Norfolk Street crossing would be expected to replace the existing Mews Road crossing. As the Public Transport Authority oversees the safety, use, and maintenance of the freight rail line, it will provide advice on the location and configuration of any future railway crossing.



As part of the Fremantle Harbours Masterplan, the Department of Transport (Maritime) have consultants providing options for the Norfolk Street rail crossing and intersection with Mews Road that can be worked through with stakeholders, including the Public Transport Authority, in future planning phases.

Pedestrian and cycling connections

Several submissions emphasised that the City prioritise the quality of the pedestrian and cycling infrastructure on Norfolk Street if it is to be extended, and that it cannot become a vehicle-dominated space.

The Fremantle Harbours Masterplan indicates an intent to provide greater priority for pedestrians in the public spaces of Fishing Boat Harbour and its surrounds. The City supports this intent and would look to carry this approach over into Norfolk Street from Mews Road, toward Fremantle Oval, to ensure that generous space is allocated to cycling and pedestrian infrastructure.

Character

Numerous submissions stated that the open-air maritime feeling will be lost, and the area hemmed in or privatised by overscale buildings and / or a multi-storey car park.

City officers note the community's concerns as a consideration for the design of built form at a more detailed level of planning. The City understands that human scale and thoughtful design is an important value held by the community and would ensure that they are involved in any further detailed planning and design exercises that the City has control over. The City's Design Advisory Committee or potentially State Design Review Panel would also review any future structure plan and / or development plans.

Building height

Some submissions suggest that building heights of up to five storeys could become a barrier to the waterfront and restrict ocean breezes.

City officers consider that the City Centre or Mixed Use zone, which would provide for two to five-storey development, is appropriate human-scale development for this area, while also providing development feasibility, suitable density, and diverse opportunities for increased vitality.



Land use

Several submissions express concern over empty shops and venues elsewhere in Fremantle and that any future development of the subject site could make the situation worse; however, the City does monitor commercial vacancy rates and is aware of the complex factors involved, such as ownership structures, and market conditions.

The community engagement survey sought views on what would be appropriate land uses for the site, which drew diverse responses. The top five land uses chosen, in descending order, were:

1. Public Open Space
2. Recreation
3. Community purpose
4. Exhibition Centre / Gallery
5. Restaurant / Café.

There were differing views from the community on whether residential uses would be appropriate on the subject site, or if it should be used for hospitality venues, which would compete with those already operating in the city centre.

It is important that the land uses ultimately deemed suitable for the site reflect the full breadth of city functions, with due regard for its setting between Esplanade Reserve and the working waterfront. This is important to accommodate a flexible, yet robust land-use mix that can respond effectively to changing market conditions and community needs over time and can incentivise investment and development.

Italian Club Fremantle

Some submissions questioned how redevelopment will benefit the community and asserted that more detail of plans and the scale of the new venue is needed.

At this stage, the exact nature of any redevelopment of the Italian Club Fremantle's premises is unknown. Ultimately, this would be a matter to be determined between the City, the Italian Club, and the State Government. What is known is that the Italian Club recognises that it has an aging membership base and has expressed a desire to provide appropriate facilities and services for those members, while also reinvigorating itself and strengthening its connection to the broader community.



Water views

Several submissions from adjacent residents raised objections, stating that personal and public access to views of the harbour and access to cooling breezes would be lost.

Although City officers acknowledge that views from private properties are important to their occupants, these are not protected under the planning system and are not considered a reason to prevent the development of land that can provide improved public amenity. One of the key roles of the public realm through streets and public open space is to preserve amenity for everyone. In this case, it is envisaged that the public realm could be significantly improved by transforming Carpark 11 into an extension of the Esplanade Reserve and by providing a generous road reserve incorporating landscaping and pedestrian infrastructure as an extension of Norfolk Street. The Suffolk Street alignment could also form a break in any future built form on the subject site, permitting views to the waterfront and defining the edges of a feasible street block for development.

The development scenarios that were provided with the community engagement material were designed to stimulate discussion and generate responses from the public; however, they are only hypothetical at this time. Nevertheless, public opinion favoured Development Scenario Option 2 for its permeability around individual buildings, while City officers are of the view that Development Scenario Option 1 would be most consistent with Fremantle's character (e.g. the West End) by building out a street block with provision for inner courtyards and light wells. Notwithstanding, any built form that may eventuate will be a product of a local planning scheme amendment and, potentially, a structure plan that would be reviewed by the Design Advisory Committee. Both documents would also be advertised for public comment. Any development proposals thereafter would also be reviewed by the Design Advisory Committee, or potentially the State Design Review Panel, and likely be advertised for public comment.

Property values

Submissions from surrounding residents also raised concerns that any future development would have negative impacts on property values if views are replaced by multi-storey car parks or other forms of development.

City officers acknowledge that water views may be lost by private residences opposite the subject site, which would result in a loss of individual amenity; however, whether this translates into a loss of property value is difficult to quantify, as there may be other amenity improvements gained by the presence of new local facilities and attractions.



Public open space

Numerous submissions highlighted that an upgrade and further greening of the Esplanade Reserve are seen as vital to community health and wellbeing.

The extension of Esplanade Reserve was included in the Freo 2029: Transformational Moves document and would expand a well-loved open space, which would provide for additional greening, biodiversity planting, and recreational activity. The adopted Esplanade Reserve Masterplan (2015) also proposes a 4400m² extension of the Esplanade Reserve for a mix of passive and active recreation, including a full-sized basketball court.

Redevelopment history

Some submissions indicate a lack of confidence in the City to manage any future development on the site due to previous development approvals that have been granted and the perception that some developers are favoured.

City officers highlight the fact that most significant developments in Fremantle in recent years have been determined by the State Government's Development Assessment Panel and have not always been aligned with officer recommendations, or those of the Council. Should the MRS be amended, further layers of planning work will take place, including a local planning scheme amendment, potentially a structure plan, and individual development approvals. These proposals would all be advertised for comment, ensuring an appropriate level of scrutiny and the opportunity for the public to air their views.

Clarification of plans

Some submissions stated that more detailed plans, clearly illustrating the key benefits and issues of the concept plan, are needed for the community to respond to, as the proposal is too vague to understand what will happen.

Amendment of the MRS is a high-level process and concerns a metropolitan-wide planning instrument that sets out broad classes of land use for equitable distribution of services and amenity across the metropolitan area. The justification report to rezone the subject site in the MRS is based on strategic objectives contained in the Esplanade Reserve Masterplan (2015) and the Fremantle Harbours Masterplan (2023), along with the Italian Club Fremantle's desire to redevelop their leasehold into a facility that will service community needs. However, until there is certainty around whether the MRS will be amended, it would be premature to develop detailed spatial plans for the site. Should the MRS be amended successfully, more detailed planning and further community engagement can commence.



Although these matters must be addressed through future, more detailed stages in the planning process, City officers consider that the results of the community engagement exercise have provided sufficient support to proceed with submitting the justification report to the WAPC, requesting initiation of an MRS amendment to transfer the subject site from the Parks and Recreation reserve to the Central City Area zone.

A request to initiate an MRS amendment represents the beginning of a lengthy process, likely to take up to 24 months. Should the MRS be amended, the City would then be able to commence a local planning scheme amendment consistent with the Central City Area zone in the MRS. Indicatively, the City would seek to rezone the land to the City Centre or Mixed Use zone to reflect the desired scale and diversity of the built environment.

While the MRS amendment process is ongoing, background work can continue, including planning for the improvement of Norfolk Street between Fremantle Oval and Mews Road, preparation of landscaping plans and concepts for the extension of Esplanade Reserve, and support and advocacy for the Italian Club Fremantle redevelopment. The City will also continue to collaborate with the Department of Transport (Maritime) regarding the implementation of the Fremantle Harbours Masterplan, subsequent multi-modal transport infrastructure, and car parking supply and management.

Beyond eventually setting the zoning and built form controls for the subject site through the local planning scheme and potentially a structure plan, it is not clear what role the City will have in the redevelopment of the subject lots. The State Government, as landowner, may choose to rescind the management order over the site and take control of the land to lead redevelopment, either through DevelopmentWA as the State's land development agency, or through partnership with, or sale of the land to a private developer. Nevertheless, the City would be responsible for assessing any future applications for individual developments.

It is therefore recommended that Council endorse the justification report contained in Attachment 3 and request that the Chief Executive Officer lodge a formal request with the Western Australian Planning Commission to initiate an amendment to the Metropolitan Region Scheme.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required



OFFICER'S RECOMMENDATION

Council:

- 1. Receives the public and agency submissions regarding the potential of a Metropolitan Region Scheme (MRS) amendment over Lots 1931 and 2039, 65 Marine Terrace, two portions of Lot 2038, Carparks 21 and 21A, Marine Terrace, and 542m² of Mews Road, Fremantle to transfer the land from the Parks and Recreation reserve to the Central City Area zone , as detailed in the officers' report and the Community Engagement Report contained in Attachment 3.**
- 2. Endorse the publication of the Community Engagement Report contained in Attachment 3 on the MySay Fremantle website.**
- 3. Endorse the justification report contained in Attachment 4 and authorise staff to make minor and administrative amendments to the report if requested by WAPC.**
- 4. Request that the Chief Executive Officer lodge a formal request with the Western Australian Planning Commission to initiate an amendment to the Metropolitan Region Scheme to transfer Lot 1931 on Deposited Plan 212184 and Lot 2039 on Deposited Plan 216961, 65 Marine Terrace, two portions of Lot 2038 on Deposited Plan 216961, Carparks 21 and 21A, Marine Terrace, and 542m² of Mews Road, Fremantle from the Parks and Recreation Reserve to the Central City Area zone.**
- 5. Request that City officers engage with the Italian Club Fremantle and State Government to assist with advocacy regarding the Club's redevelopment plans.**
- 6. Note the ongoing communication between City officers and State Government stakeholder agencies regarding the implementation of the Fremantle Harbours Masterplan.**



C2411-7 FINAL APPROVAL OF LOCAL DEVELOPMENT PLAN – LOTS 72 AND 25, 2-4 CLONTARF ROAD, AND LOT 73, 1 NAYLOR STREET, BEACONSFIELD

Meeting date:	13 November 2024
Responsible officer:	Manager Strategic Planning and City Design
Voting requirements:	Simple Majority Required
Attachments:	<ol style="list-style-type: none">1. Minute of Ordinary Meeting of Council item C2408-1, 14 August 20242. Local Development Plan - WAPC approval

SUMMARY

At its Ordinary Meeting on 14 August 2024, Council resolved to support, subject to a minor modification, a Local Development Plan (LDP) over Lots 72 and 25, 2-4 Clontarf Road and Lot 73, 1 Naylor Street, Beaconsfield, which seeks to amend and replace deemed-to-comply provisions of the Residential Design Codes (R-Codes) for the lots that will result from an approved sub-division.

As the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) do not permit a local government to approve an LDP that amends or replaces a deemed-to-comply provision of the R-Codes, and under the R-Codes the Western Australian Planning Commission (WAPC)'s approval is required for that amendment or replacement, Council also resolved to recommend to the WAPC that it approve the LDP, subject to that same minor modification.

On 19 September 2024, the City was advised by the WAPC that it has approved amendments to the deemed-to-comply clauses proposed for the LDP, pursuant to Clause 7.3.2 of the R-Codes and subject to a minor modification as follows:

- ***Amend LDP storage provisions for size and layout of dwellings so it applies specifically to Lots Type B and Type G, as per Attachment A.***

However, the WAPC has not approved the LDP in whole, meaning that Council must now determine whether to grant final approval. It is recommended that Council approve the LDP, as it is identical to the LDP supported by Council at the 14 August 2024 meeting except for the minor modification imposed by the WAPC and modifications to the LDP sought by Council in its previous resolution.



BACKGROUND

The Western Australian Planning Commission (WAPC) granted subdivision approval for the site on 20 November 2023. Ultimately, the subdivision will create 184 residential lots of between 102m² and 369m², with a network of new roads and laneways, and six open space reserves. A condition of subdivision is:

22. *Local Development Plan(s) being prepared and approved for all lots shown on the plan dated 19 October 2022 (attached) that address the following:*
 - a) *setbacks*
 - b) *streetscape*
 - c) *building design*
 - d) *pedestrian and vehicle access*
 - e) *waste management and collection.*

The proposed Local Development Plan (LDP) was submitted to the City in March 2024 by CLE Town Planning + Design, on behalf of Stockland Development Pty Ltd. The plan will guide the future redevelopment of the subject site in accordance with local strategic planning objectives. The LDP provides alternative site-specific development control measures to those set out in LPS4, Schedule 7, Sub Area 4.3.5 and the Residential Design Codes of Western Australia (R-Codes) Volume 1, Part C. It also streamlines the development approval process, with compliant development only requiring a building permit, rather than an individual development approval prior to the issue of a building permit. This would mean that approximately 180 dwellings would not require development approval if they meet the requirements of the LDP.

At its Ordinary Meeting on 14 August 2024, Council passed the following resolution:

1. *Note the submissions received, as provided in Attachment 1.*
2. *Support the revised Local Development Plan for Lots 72 and 25, 2-4 Clontarf Road and Lot 73, 1 Naylor Street, Beaconsfield, as contained in Attachment 5, subject to modification to include a general provision requiring roofs to have a solar absorptance rating of no more than 0.4, and any further modifications being minor or administrative in nature only.*
3. *In accordance with Regulation 52 of the Deemed Provisions in Schedule 2 of the Planning and Development (Local Planning*



Schemes) Regulations 2015, recommend to the Western Australian Planning Commission that they approve the revised Local Development Plan for Lots 72 and 25, 2-4 Clontarf Road and Lot 73, 1 Naylor Street, Beaconsfield, as contained in Attachment 5, subject to modification to include a general provision requiring roofs to have a solar absorptance rating of no more than 0.4.

4. *Advise the proponent that, pursuant to Condition 19 of WAPC163666, a revised public realm plan be submitted for the City's approval that gives consideration to the provision of right-angled parking bays to the Naylor Street and Strang Street road verges to accommodate existing and future parking needs in the area, together with any traffic calming devices that may assist in slowing traffic speeds and facilitating safe pedestrian crossings coinciding with Culver Street and Clontarf Road.*
5. *Request the Chief Executive Officer to:*
 - a) *Identify if any additional ongoing maintenance costs will be associated with the delivery of subdivision road landscapes, open space facilities/structures and the additional pathways/lighting required to serve residential properties fronting public open space, that exceed the standard usually delivered by the City.*
 - b) *Report to Council on the need for a special area rate or other funding mechanism to ensure the additional maintenance of such above standard works is funded by the future ratepayers within the LDP area who directly benefit from these higher quality works.*

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

This item is in keeping with the City of Fremantle's Strategic Community Plan 2024 – 2034:



Liveable City – Liveable and socially connected neighbourhoods

- Community participation is encouraged through spaces that enable social connection.
- Fremantle's diverse cultural heritage is reflected through a broad range of community celebrations and traditions.

Liveable City – Connected city

- Multiple transport options offer diverse, equitable and affordable forms of mobility for all members of the community.
- Streets are well connected, and it is easy and safe for pedestrians and cyclists to move within neighbourhoods and between key destinations and precincts.

Liveable City – Sustainably designed and optimised urban and natural environments

- Urban development and public realm enhancement is coordinated, design-led, and sympathetic to surrounding natural environments.
- The community can access and enjoy natural areas and green spaces for passive and active recreation.
- An increasing tree canopy that enhances biodiversity and helps cool our urban environments.

Inclusive City – A safe and accessible community for all abilities

- Public places and spaces are accessible for all.
- Accessibility is prioritised in planning and design.

CONSULTATION

Community engagement on the proposed LDP took place between 4 April and 2 May 2024 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, and Local Planning Policy 1.3 – Community Consultation on Planning Proposals.

At its Ordinary Meeting on 14 August 2024, Council considered the submissions that were received in response to the community engagement exercise.

OFFICER COMMENT

Council's resolution to support the LDP and recommend to the WAPC that it approve the LDP, subject to a minor modification, was due to the *Planning and Development (Local Planning Schemes) Regulations 2015* (The Regulations).



Regulation 52(1) states that a local government cannot approve an LDP that will amend or replace a deemed-to-comply provision of the R-Codes requiring the WAPC's approval under clause 3.2.4b of the R-Codes:

- (1A) *The local government must not approve a local development plan under subclause (1) if –*
- (a) *the local development plan amends or replaces a deemed-to-comply provision of the R-Codes; and*
 - (b) *under the R-Codes, the Commission's approval is required for the local development plan; and*
 - (c) *the Commission has not approved the local development plan.*

On 19 September 2024, the City was advised by the WAPC that it has approved amendments to the deemed-to-comply clauses proposed for the LDP, subject to a minor modification as follows:

- *Amend LDP storage provisions for size and layout of dwellings so to it applies specifically to Lots Type B and Type G, as per Attachment A.*

This modification restricts the use of suspended storage racking in garages to only Type B and G houses, rather than all house types, as the applicant has advised that this will only be necessary in-lieu of a traditional 4m² ground level storage space in these two house types. City officers are supportive of this modification.

Following this approval from WAPC, officers recommend that Council now approve the LDP without further modification to complete the process, emphasising that any further modification may require the approval of the WAPC and could also trigger a requirement to readvertise the LDP for public comment. It is noted that the LDP is identical to that previously supported by Council except for the storage provision modification imposed by the WAPC and modifications to general provisions (regarding solar absorption of roofing) sought by Council in its resolution.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required



OFFICER'S RECOMMENDATION

Council:

- 1. Notes the Western Australian Planning Commission advice it has approved the relevant amendments to the deemed-to-comply provisions of the Residential Design Codes (R-Codes) to enable approval of the overall proposal (19 September 2024), and has requested that Council now make a final determination of the Local Development Plan;**
- 2. Approves the Local Development Plan for Lots 72 and 25, 2-4 Clontarf Road and Lot 73, 1 Naylor Street, Beaconsfield, as contained in Attachment 2 in accordance with Schedule 2, Part 6, Regulation 52(1)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and**
- 3. Authorises the Chief Executive Officer to sign the approved Local Development Plan and publish the Local Development Plan in accordance with Schedule 2, Part 6, Regulation 55 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**



Strategic and general reports

C2411-8 TENDER AWARD - FCC643/23 CLEANING OF CITY OPERATED FACILITIES, CLUBROOMS AND COMMUNITY HALLS

Meeting date: 13 November 2024
Responsible officer: Manager Building, Facilities and Sustainable Services
Voting requirements: Simple Majority Required
Attachments: 1. CONFIDENTIAL – Pricing Matrix

SUMMARY

The purpose of this report is to consider tender number FCC6453/23 for Cleaning of City Operated Facilities, Clubrooms and Community Halls at the following locations;

- **Fremantle Art Centre & Ceramics Studio**
- **70 Parry Street**
- **Bruce Lee Clubroom**
- **Brad Hardie Clubroom**
- **Fremantle Park Clubroom**
- **City of Fremantle Legal Centre**
- **Data Centre**
- **12 Mrs Trivett Place**
- **14 Parry Street**
- **Fremantle Leisure Centre**
- **Moore's Apartment**
- **Moore's Precinct Windows**
- **North Fremantle Community Hall**
- **Sullivan Community Hall**
- **Samson Recreation Centre**
- **Toy Library**

This report recommends that Council accepts the tender submitted by Uniting Global in accordance with the tender evaluation undertaken as per the selection criteria included in the tender document.

BACKGROUND

The City of Fremantle's Facilities Management provides scheduled cleaning services to the City's facilities with the capacity to undertake reactive cleaning activities as required, these services are delivered through a tendered supplier.



The scope of this contract is inclusive of cleaning to the City’s community halls, clubrooms, and key recreational facilities.

FINANCIAL IMPLICATIONS

The table below summarises the available budget, current expenditures, recommended tender price by **Uniting Global** for the Cleaning of City Operated Facilities, Clubrooms and Community Halls, and associated expenses:

Description	Expenditure	Budget
Budget		
Allocated budget for 2024/2025 (Total sum of operating accounts for all sites)		\$1,273,516
Expenditure		
<i>Expenditure incurred to date:</i>	\$300,258	
Contract value per annum at commencement of contract (Tender number FCC643.23 at Multiple City Facilities)	\$291,150	
Estimated reactive activities	\$41,750	
Total expenditure (Per annum, inclusive of lump sum contract and with the addition of estimated reactive activities)	\$332,900	
Balance		\$640,358

Officers are satisfied that the tender submission aligns with pre-tender estimates of anticipated spend. Sufficient funding provision has been allocated in the **2024/2025** budget to deliver the service within budget.

This service spans multiple years therefore a commitment to suitable operational budget provision for future years must be considered as part of the annual budget process.

LEGAL IMPLICATIONS

Tenders were invited in accordance with section 3.57 of the *Local Government Act 1995* and the tendering procedures and evaluation complied with part 4 of the *Local Government (Functions and General) Regulations 1996*.



STRATEGIC IMPLICATIONS

This item is in keeping with the City of Fremantle’s Strategic Community Plan 2024 – 2034:

Resilient City – A future-proofed asset base that remains functional and accessible to the community

- The matters contained in this report align to the intent of this theme's outcome.

CONSULTATION

City Officers reviewed the previous contract scope of works and engaged with operational facility Officers to reassess and confirm their operational needs. The cleaning frequency and accessible hours were reviewed and adjusted to reflect the individual needs of each facility.

Following award of this tender Facilities Management Officers will engage with the successful tenderer and operational facility Officers to support the transition of the new Contract to mitigate disruption to services.

OFFICER COMMENT

Detail

Tender FCC643.23 for Cleaning of City Operated Facilities, Clubrooms and Community Halls at multiple locations was advertised on 25th July 2024 and closed on 12th September 2024. The tender was open to respondents for a total of forty-nine days.

Essential details of the contract are outlined below:

Contract type	General Conditions of Contract for the Supply of Goods and Services
Contract duration	The Contract is for a five (5) year period, with two (2) one year extension options.
Commencement date	2 December 2024
Completion date	2 December 2031

Tender evaluation

Thirteen tender submissions were received from the following contractors and evaluated by the tender evaluation panel:

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- Brigade Facilities Management Pty Ltd – ABN 34152158855
- Brightmark Group Pty Ltd– ABN 38616832341
- Briteshine Cleaning & Maintenance Services – ABN 45607606 968
- Cleanpro Workplace Services – ABN 93151449544
- HT Services – ABN 31137424947
- Iconic Property Services – ABN 95609625265
- Intelife Group Limited – ABN 79872326186
- JMD FM Pty Ltd – ABN 86677865397
- OCE Corporate – ABN 54082965964
- OCS Limited - GST Number 13-291-268
- DMC Cleaning – ABN 98457300194
- Pickwick Cleaning Services Unit Trust – ABN 74089708818
- Uniting Global Pty Ltd – ABN 86625464780

The tender evaluation panel establishes whether the tender submissions conform to the conditions for tendering and selects a suitably qualified and experienced contractor.

The tender evaluation panel comprised:

- Manager Building, Facilities and Sustainability Services
- Building maintenance Team Leader
- Building Technical Officer
- Engineering Team Leader – Development and Compliance

Tenderers were required to disclose information that might be relevant to an actual or potential conflict of interest and disclose if they had any relationship with City of Fremantle employees involved in the tender process. Members of the tender evaluation panel are required to disclose any actual or perceived interest with any of the tenderers.

No disclosures were made.

To obtain the broadest possible comparison base, each of the tenders was evaluated against the following tender selection criteria and was in turn graded in the tender evaluation matrix.

Item No	Description	Weighting
1	Price for services offered	30%
2	Relevant Experience	15%
3	Key Personnel, Skills and Resources	15%
4	Demonstrated Understanding	30%
5	Sustainability	10%



Eleven (11) tender submissions received were conforming, and two tender submissions received were non-conforming.

Non-conforming submissions were not evaluated as the respondents did not comply with the qualifying criteria.

The tender submitted by Uniting Global scored the highest rating with 82.66 points, followed by Brightmark Group with 72.17 points. The remaining tender submissions received lower scores.

The results of the tender evaluation for delivery of tender number FCC643.23 at multiple City sites are shown in the table below.

Overall Weighted Score Including Pricing	Relevant Experience of Delivering Similar Services	Key Personnel Skills & Resources	Demonstrated Understanding	Sustainability and Local Economic Benefit	Price	Total Score	Rank
Tenderer	16.00	16.00	30.00	10.00	30.00	100	#
Uniting Global	12.92	12.08	24.17	7.22	26.27	82.66	1
Brightmark Group	12.92	12.08	13.33	7.22	26.61	72.17	2
Brigade Facilities Management	10.00	10.42	16.67	5.83	27.28	70.20	3
DMC Cleaning	8.33	10.00	14.17	5.83	30.00	68.33	4
OCE Corporate	10.83	10.00	12.50	6.11	27.20	66.65	5
Briteshine Cleaning & Maintenance Services	10.83	10.42	15.00	6.67	20.79	63.70	6
Iconic Property Services	12.08	10.83	13.33	6.11	16.48	58.84	7
Intelfe Group Limited	11.25	10.00	14.17	4.44	12.02	51.88	8
Cleanpro Workplace Services	9.17	8.75	13.33	5.28	15.03	51.55	9
JMD FM	7.50	6.25	15.00	3.89	16.34	48.98	10
HT Services	8.75	9.17	10.83	7.50	10.76	47.01	11

Uniting Global, the recommended tenderer, was assessed as having the relevant experience, key personnel, skills and resources, demonstrated understanding and sustainability practices to undertake the works and deliver the level of service described in the specification and scope of works, in accordance with the terms of the tender document.

Environmental considerations

The scope of this contract does not include the provision of cleaning chemicals, these are provided by the City of Fremantle for use by the Contractor.

Uniting Global is certified has been certified by ISO as compliant with ISO 14001:2015 Environmental Management Systems. Uniting Global demonstrated a commitment to the reduction of waste and responsible disposal of harmful through the reuse of applicable products and materials and the recovery of energy through composting and energy recovery. Additionally, Uniting Global has committed to a number of local suppliers within the City of Fremantle.



City of Fremantle Officers will continue to work with Uniting Global to improve the sustainability outcomes of this contract through a commitment to continuous improvement.

Risk consideration

An assessment undertaken by Dun and Bradstreet indicates that Uniting Global have the financial capacity to undertake the contract.

There are no strategic or corporate risks within the City's existing risk registers which relate to the issues contained in this report.

References

The City has received references in respect to the recommended tenderer, as follows:

Reference 1 – Local Government Reference

- Uniting Global has undertaken the general building, toilet and barbecue scheduled cleaning contract.
- The Referee described the majority of work as “excellent” and noted that any feedback was very quickly resolved.
- Feedback regarding contract administration and communication was very positive and the referee would highly recommend this contractor.

Reference 2 – Local Government Reference

- Uniting Global previously held a cleaning contract at another Local Government of similar scope and specification.
- Referee provided positive feedback on contract administration, communication and capacity.
- The Referee stated that cleaning was consistently conducted at a quality standard.

Comment

The evaluation panel are confident that Uniting Global has the capacity and understanding of the City of Fremantle and its’ requirements.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required



OFFICER'S RECOMMENDATION

Council:

- 1. Accept the tender from Uniting Global Pty Ltd for Cleaning of City Operated Facilities, Clubrooms and Community Halls (FCC6453/23) at the rates tendered for a period of five years.**
- 2. Delegate to the Chief Executive Officer to approve the option to extend the contract for a further two years (one year plus one year), subject to Uniting Global performing satisfactorily in accordance with the terms of the contract.**



C2411-9 PROCLAMATION OF HIGH STREET ROTARY & REALIGNMENT AT LEACH & STIRLING HIGHWAY - MAIN ROADS

Meeting date:	13 November 2024
Responsible officer:	Manager Infrastructure Engineering
Voting requirements:	Absolute Majority Required
Attachments:	1. Proclamation of High St rotary & realignment of Leach & Stirling Hwy - Main Roads

SUMMARY

This report recommends that Council endorse the proclamation drawings provided by Main Roads Western Australia, formalising the completed modifications of the High Street rotary and realignment at Leach Highway and Stirling Highway.

BACKGROUND

Following the completion of the High Street rotary and associated realignments at Leach Highway and Stirling Highway in February 2022, Main Roads is now required to proclaim the rotary and road.

In accordance with Section 13 of the Main Roads Act, the Commissioner of Main Roads intends to make a recommendation to the Hon. Minister of Transport to proclaim the roads as shown on drawings; 202421-000000-00, 202421-000001-00 and 202421-000002-00 (attachment 1).

Before making the recommendation to the Minister, the Commissioner requires endorsement by Council of these proclamation drawings.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

In accordance with Section 13A of the Main Roads Act 1930, requires the agreement of Council prior to the Commissioner making a recommendation to the Minister for formal proclamation.



STRATEGIC IMPLICATIONS

This item is in keeping with the City of Fremantle's Strategic Community Plan 2024 – 2034:

Corporate - Lead and empower the organisation to deliver the vision of 'strong reputation, stronger future'

- The matters contained in this report align to the intent of this theme's outcome.

CONSULTATION

Nil.

OFFICER COMMENT

The requested proclamation is the mechanism for Main Roads to formalise State records to reflect the new alignment, and classify and/or reclassify the modified sections of road and associated infrastructure as either:

- (a) a highway
- (b) a main road
- (c) a main roads controlled path
- (d) other path

In accordance with Mainroads Guidelines, Council is required to endorse and sign the proclamation plans because, as outlined in the guidelines, the transfer of road administration between Main Roads and local governments necessitates formal endorsement. This endorsement ensures that all parties agree on the specific changes, particularly regarding administrative responsibilities, as well as any delegated authority.

According to the guidelines, this formal signing process enables Main Roads to proceed with legal formalities, including approval by the Department of Treasury and Finance, and ensures compliance with Section 13 of the Main Roads Act. The signed plans serve as documentation of the City's agreement with the proclaimed boundaries and delegated responsibilities, such as road maintenance and jurisdiction over features like footpaths or shared paths.

The drawings are consistent with what was agreed during design and construction.



VOTING AND OTHER REQUIREMENTS

Absolute Majority Required

OFFICER'S RECOMMENDATION

Council endorse the proclamation drawings provided by Main Roads Western Australia, shown in Attachment 1, formalising the completed modifications of the High Street rotary and realignment at Leach Highway and Stirling Highway.



Committee and working group reports

Nil.

Statutory reports

Nil.

Motion of which previous notice has been given

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

Nil.

Urgent business

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

Late items

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

Confidential business

Nil.

Closure