



Additional documents

Planning Committee

Wednesday 7 September 2022 6pm



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PC2209-1 HENDERSON STREET, NO. 10 (LOTS 374 & 375), FREMANTLE – SIX STOREY HOTEL DEVELOPMENT (117 ROOMS) WITH RESTAURANT, SMALL BAR AND RECEPTION CENTRE USES PLUS A BASEMENT LEVEL CARPARK (ED DAP004/21)

Proposed Alternative recommendation by Cr Su Groome

Council:

- 1. Is not prepared to support the proposed six-storey hotel development (117 rooms) with restaurant, small bar and reception centre uses plus a basement level carpark, proposed at No. 10 (Lots 374 & 375) Henderson Street, Fremantle on the grounds;**
 - a. the exceedance of the 14m facade heights along Henderson Street, as defined in Local Planning Scheme 4, would be significantly detrimental to the buffer zone of the World Heritage listed prison precinct and would compromise the winter-time utility of one of the City's most important pedestrianised spaces, and**
 - b. the proposed façade is an inappropriate response to the fine grain and scale of the existing, significant, heritage streetscape.**

- 2. Recommends that the JDAP defer the application and invite the applicant to modify the proposal to:**
 - a. Reduce the height of development on the Henderson Street frontage to the 14m specified in LPS 4**
 - b. Introduce fine grained façade elements that respond to the Warders Cottages and prevailing built form in scale, rhythm and fenestration.**

Reasons for change:

The Spicer Street site is a pivotal intersect between Fremantle's world heritage listed Convict Establishment and the reinvigorated Walyalup Koort precinct. Development of the site will define a critical transition - and create a bridge - between Fremantle's new and old built form.

Council is broadly supportive of the submitted proposal for the site in terms of land uses and particularly supports the way in which the proposal activates the streets and creates new linkages. However the façade treatments for the building are not an appropriate response to the context - the additional height



will dominate the narrow urban streets and the large round columns are better suited to a highway than a fine grained, pedestrian environment.

Of particular concern is the Henderson Street façade. The proposed height, mass and detailing of the façade will have a detrimental impact on this significant heritage and much-loved Fremantle streetscape.

Height: The proposal exceeds the 14m height requirement of Local Planning Scheme 4, which was deliberately established on a highly site specific basis to ensure an appropriate built form response to the Warders Cottages. All buildings on the western section of Henderson Street are 2 stories or less, with the maximum height being 11.8m façade to the Sail and Anchor. The 14m height requirement provided in the scheme is already a compromise to this streetscape in acknowledgement of contemporary development requirements. The proposed additional height will dominate and overshadow the existing environment without providing any additional benefit. The additional height, if required, should be accommodated within the site where it does not impact on streetscapes.

Façade: The proposed Henderson Street façade does not in any way pay tribute to the scale, rhythm and fine grain of the Warders Cottages, particularly the symmetry, arrangement and scaling of horizontal and vertical elements. Instead the design is a brutal response that replicates the height, massing and fenestration of the Queensgate Carpark (Artist impression provided by proponent, Page 4 of Additional documents) which has long been recognised as being over-bearing and detrimental to the World Heritage buffer zone precinct. Council is not willing to support a decision that will result in the repetition of a built form that is clearly a poor outcome, and arguably a mistake.



PC2209-2 QUEEN VICTORIA STREET, NO'S12-16, AND BEACH STREET, NO.3, FREMANTLE – SIX STOREY MULTIPLE DWELLING AND COMMUNITY PURPOSE FACILITY (CS DAP002/22)

Proposed Alternative recommendation by Cr Andrew Sullivan

Council:

- 1. Is not prepared to support the proposed six-storey multiple dwelling component of the proposed development at 12-16 Queen Victoria Street, Fremantle, on the grounds that;**
 - a. the proposal exceeds the permitted height for the site of 18.0m as specified in the general provisions for Area 8 in Sub Area 1 of Schedule 7 in the Local Planning Scheme No.4;**
 - b. the portion of building exceeding 18.0m does not satisfy the requirements of Local Planning Scheme No.4 Schedule 7 clause 2.3.1.2(f)(i) and (ii), and 2.3.1.3(j) because:**
 - i. the additional height is insufficiently setback from Queen Victoria Street and is demonstrably visible from the street;**
 - ii. the new built form is not well integrated with the existing heritage built form due to the crude configuration of the proposed cantilevered portion associated with units 16, 22 and 28 and the overbearing juxtaposition in relation to the existing heritage building;**
 - iii. the design of the proposed cantilevered portion of the building is not a sensitive response to the Stella Maris heritage building.**
 - c. the portion of building exceeding 22.0m does not satisfy the requirements of Local Planning Scheme No.4 Schedule 7 clause 2.3.1.2 (g) because the provisions that permit further additional height in Sub Area 1 do not apply to the subject site located in Area 8.**
 - d. the use of the general clause provisions of clause 4.8.1 in the Local Planning Scheme No.4 to override the specific height requirements contained in Schedule 7 would defeat the orderly and proper implementation of the a planning scheme that sought to define specific height limits for each Area and Sub-Area of critical redevelopment zones of the city, including in response to the existing built form and heritage character of each area; and**
 - e. notwithstanding part (d) above, the proposal does not satisfy the requirements of clause 4.8.1 of Local Planning Scheme No.4 because:**
 - i. there are no existing buildings adjacent to the site with building heights greater than 18.0m;**



- ii. **the proposal does not satisfy part (b) of clause 4.8.1.1 because it provides insufficient scale graduation away from the existing terrace houses on the adjacent site, and provides no scale graduation away from the existing Stella Maris building on site as it effectively sits over that structure in a manner that is clearly visible from the street;**
 - iii. **the proposal does not satisfy part (c) of clause 4.8.1.1 as the additional height is in close proximity to and over the top of the existing Stella Maris building is detrimental to the conservation of its cultural significance;**
2. **Recommends that the JDAP defer the application and invite the applicant to modify the proposal to:**
- a. **Remove the portion of the proposed development that cantilevers over the existing Stella Maris building;**
 - b. **Introduce a more sensitive facade and fenestration treatment any remaining portion of the proposal that will be visible from Queen Victoria Street, especially the Eastern Elevation.**

Reason for Change

Without the use of clause 4.8.1 of the scheme to relax the height limits set in Schedule 7 of LPS4, it is clear that a proposed building height above 22.0 is not permitted on the subject lot. While the scheme does allow for an additional 4.0 metres of height above the general height limit of 18.0m, it requires that the additional height not be visible from the street. The proposed building fails to comply on a massive scale.

On a vacant site, the development standards in Area 8 might typically result in a facade height of 18.0m with any additional height setback so as not to be seen from the other side of the street. In this instance, the existing heritage building establishes the streetscape height at level much lower than 18.0m. Even so, an 18.0m high building located behind the heritage building would be permissible even if visible from the street provided it didn't have a detrimental impact on the heritage fabric. It is important to note that the scheme provides the capacity to insist on lower maximum heights to protect heritage buildings and existing built forms. It would be within powers to require an 18.0m building to be arranged on site so as not to be visible from the street, or at least not to have a detrimental impact on the existing heritage buildings.

The scheme provisions in Schedule 7 require that any part of a proposed building between 18.0 and 22.0 metres in height is not be seen from the other side of the street.



Clearly, the proposed development is inconsistent with the requirements of Schedule 7 for Sub Area 1, and specifically the requirements for Area 8 within it.

Matters relating to Clause 4.8.1:

The RAR relies on clause 4.8.1 of LPS4 to approve heights above 22.0m. The reliance on this general clause to override the specific development standards established through a critical strategic planning process that effectively prescribed heights on a site by site, streetscape by streetscape basis, presents as an illogical denial of the very purpose behind the painstaking development of schedule 7 in the scheme.

The Local Planning Scheme was developed in a way that has resulted in quite detailed assessment process to define built forms and scales suitable to a plethora of development sites and areas in and around the heritage city centre. The process of defining limits for development was conducted in full cognisance of the scale of all existing buildings. Within any given Sub Area, a diverse range of maximum heights, additional heights and other built form measures was established as considered appropriate to the built form context of Fremantle's inner areas. Where possible, the heights were made quite generous consistent with the Council's progressive strategies in delivering much need infill development consistent with the Strategic Community Plan. However, considerable care was taken not to negatively impact on the much loved character and cultural significance of each precinct. The existence of nearby buildings of a larger scale, bulk or height was given full consideration in the setting of these development requirements, as was the existence of much smaller but equally important buildings. It is that diversity of scale that often defines the character of an area.

The use of a general relaxation clause to override more detailed provisions is not in the interest of proper or orderly planning. The presence up the road of an existing large basilica and some woolstores was already factored into the height limit provisions for the subject site. Notwithstanding these nearby monumental buildings, the height limits for the subject site were specifically set to avoid buildings of a monumental scale. There was a very clear intent to avoid having bigger buildings in close proximity to the important heritage buildings in Area 8 which are of a much smaller scale. There was a clear intent to require new buildings to be respectful in scale relative to the Stella Maris building and the adjacent Victorian terrace houses. It is not a logical use of the scheme to allow a general provision to override this clear intent to protect the character of this area.

It is also not logical to use the general provisions of the scheme to allow each new development, once built, to completely reset all the development standards for all nearby sites. The overall built form of the area that is



suitable is already well defined by the area specific development standards contained in Schedule 7 of LPS4. A new building that may be compliant in one area should not be used as a reason to override development standards that were specifically set to require lower scales in the adjoining area.

In any case, even if it is deemed legally permissible to use clause 4.8.1 of the scheme to override the specific height limits in Schedule 7, there are still threshold tests to be met and caveats that limit the extent of any relaxation.

In the first instance, it is quite doubtful that older tall buildings some way down the road or in the next street block should be considered to be 'adjacent' to the development site. Likewise, the building over the road was built within the heights set by the scheme but is physically separated from the developable area of the subject site by the very heritage building that needs built form protection.

In relation to the extent of any height relaxation, the use of clause 4.8.1 requires that any additional height is not out of character with the existing built environment and that the built form of the proposal is designed to stagger new buildings away from existing buildings of a smaller scale. That is exactly the approach that was used to define appropriate heights as established in Schedule 7 and the principles used to determine those remain relevant. That is, if 4.8.1 were to be applied, it still requires a development on this site to provide sufficient scale graduation, which in this instance would mean setting any parts of the building higher than 18.0m adequately back from the Stella Maris building and the adjacent terrace houses. The Council is firmly of the view that a building 21.4m high set cantilevered over the top of the Stella Maris building, as currently proposed, fundamentally fails this test.

Support for a deferral:

Council is broadly supportive of the submitted proposal for the site and particularly supports the proposed land uses and the conservation and re-use of the heritage buildings. Council is not opposed to the height of the development at the rear where it is set a respectful distance behind the Stella Maris building. Should JDAP determine the use of clause 4.8.1 to be both legally acceptable and desirable from a planning outcome, Council requests JDAP to defer the application and require the proponent to modify the proposal so as to remove the cantilevered unit no's 16, 22 and 28. The remaining portion of building also needs to have a more respectful built form relationship with the Stella Maris building which might be best delivered by improvements to the eastern elevation in line with recommendations made by the Design Advisory Committee. Council would favourably consider additional residential units being constructed to the height of the existing parapet wall on southern boundary.



PC2209-3 AMHERST STREET, NOS. 34-38 (LOTS 1823, 1209, 1212, AND 1217) AND STACK STREET, NOS. 2-4 (LOTS 1223 AND 1222), FREMANTLE – 56 GROUPED DWELLINGS) (JCL DAP001/22)

Proposed Alternative recommendation by Cr Su Groome

Council:

Does not support the proposed demolition of existing buildings and construction of 56 Grouped dwellings at Nos. 34-38 Amherst Street and Nos. 2-4 Stack Street, Fremantle as it is not consistent with the vision, objectives and principles of the Knutsford East Local Structure Plan. Council therefore recommends refusal under the Metropolitan Region Scheme and Local Planning Scheme No. 4.

Reasons

In 2017, following extensive community and stakeholder consultation, Council adopted the Knutsford Street East Local Structure Plan (KELSP) to guide the transition of this aging, underused industrial area into an exemplary residential and mixed use area supported by local shops and integrated with the existing surrounding community. Development WA and private sector developers are currently delivering innovative developments that exemplify the intended outcomes for the area in terms of diversity, identity, innovation, sustainability, urban design and amenity, as does the adjacent Development WA Knutsford precinct.

Nos 34-38 Amherst Street and Nos. 2-4 Stack Street equates to approximately one-quarter of Precinct 5 within the Structure Plan approximately 8% of the entire structure plan area. Therefore it is reasonable to expect that development of this site would contribute to the overall objectives and principles of the KELSP to the extent possible, and build on existing precedents to ensure the vision for the precinct is achieved. The development as proposed does not contribute to the outcomes of the structure plan; failure to apply the provisions of the KELSP in assessing the proposal makes a mockery of the structure planning process and erodes community confidence in the planning system.

The proposed development does not meet the following of objectives of the KELSP, which a development of this size could reasonably be expected to address.



Diversity: *Promote a mix of land uses and a range of housing types to meet the housing needs of a wide range of the community.*

- The proposal does not provide diversity of housing types (all houses are 3 and 4 bedroom houses) or diversity of uses and includes very little provision for accessible, adaptable or affordable housing.
- The development is under-development of the site with unrealised potential to include 1 and 2 bedroom dwellings, units, micro-lots and additional height.

Identity: *Instill a 'Fremantle identity' with some relationship to the site's history and its industrial character.*

- Design of the site is a generic built form and subdivision and does not capture, interpret or instill a Fremantle identity

Economic Development: *Provide opportunities for existing and new local commerce, shops, light industry and home based employment which expand upon the existing employment opportunities in the area.*

- The proposal displaces existing commercial and light industrial activities but does not include any new economic activity spaces beyond home based business.

Amenity: *Create an urban environment which satisfies the lifestyle, aesthetic and security aspirations of its residents and workers.*

- No common areas are included in the proposed development to support community activity and there is very limited provision of deep planting areas that would support large trees and enhance amenity.
- The design of crossovers on Amherst Street, loss of street trees and displacement of pedestrians to the edge of the street will reduce amenity and safety and is inconsistent with the Part 2.6 of the KELSP 'vegetation retention'.

Innovation: *Promote flexible land use solutions for residential, mixed use and home based employment opportunities.*

- The proposal is a generic urban subdivision that does not include any innovative elements, particularly not in regards to built form, housing typology, affordable housing, infrastructure design or subdivision layout

Urban Design: *Adopt appropriate urban design principles, including from the WAPC's Liveable Neighbourhoods approach, and the Design WA suite of documents which strive to achieve a built form that promotes the preceding principles.*

- The proposal does not satisfy many of the design elements and outcomes foreshadowed in the Medium Density Design Code



Sustainability: *Achieve a balance between social, economic and environmental considerations and lead by example in the adoption of environmental best practice with a focus on sustainability in built form and land use and services*

- The proposal does not demonstrate environmental best practice beyond minimum requirements, for example there is no provision for beneficial stormwater harvesting, a community garden or other communal infrastructure such as a community battery.
- The orientation and configuration of house lots provides very little opportunity for solar passive design with the majority of homes having little or no opportunity for access to beneficial northern winter sun in living areas
- All homes have two car parking on site which does not support transport mode shift and the development does not include onsite parking bays suited to shared vehicles or electric car charging



PC2209-5 DRAFT LOCAL PLANNING STRATEGY

Proposed Amendment by Cr Ben Lawver

Council adopt the draft Local Planning Strategy provided in Attachment 1 and 2 for the purposes of public advertising and, in accordance with Regulations 12 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, refer it to the Western Australian Planning Commission for pre-advertising certification **subject to the following amendment:**

- 1. That Part 1 and Part 2 of the LPS is consistent around the economic (employment figures) associated with the current Port, being up to 8,000 jobs (at least 2,000 directly employed, and up to 6,000 indirect jobs.)**

Reason for change:

To clarify the current economic significance, including employment focus, of the Fremantle Port to the City of Fremantle's economy.